

ARTICLE 1 INTRODUCTION

SECTION 1 TITLE

The title of this ordinance is the "Town of Forest Zoning Ordinance," herein referred to as "this Ordinance."

SECTION 2 AUTHORITY

The Town Board of the Town of Forest has the specific authority, powers and duties, pursuant to Wis. Stats. §60.61, §60.62, §61.35 and §62.23, pursuant to the specific statutory sections noted in this Ordinance and by the adoption of village powers under Wis. Stats. §60.10, and by the granting of powers to zone under the above statutory provisions by the electors of the Town of Forest at a legally called and noticed Special Town Meeting on October 21, 2011 to zone certain areas in the Town of Forest and to regulate, prohibit, and restrict construction, alteration, erection and enlargement of certain structures and buildings in the Town of Forest and to regulate and control certain uses, activities, businesses and operations in the Town of Forest.

SECTION 3 PURPOSE

The purpose of this Ordinance is to protect and promote the health, safety and general welfare of the Town of Forest, St. Croix County, Wisconsin and its residents through the establishment of minimum regulations governing use and development and providing penalties for the violation of its provisions. This Ordinance shall divide the Town into districts and establish regulations in regard to location, erection, construction, reconstruction, alteration and use of structures and land.

SECTION 4 INTENT

It is the general intent of this Ordinance to:

- A. Aid in implementing the adopted Town Comprehensive Plan;
- B. Provide for compatibility of different land uses;
- C. Promote orderly development and redevelopment;
- D. Regulate land use, location and use of buildings, lot coverage, the size of yards and other open spaces, and the density of population;
- E. Provide adequate light, air, drainage and convenience of access to property;
- F. Facilitate the adequate provision of public facilities and utilities;
- G. Stabilize and protect property values;
- H. Preserve and promote the conservation of natural resources;
- I. Provide for the administration and enforcement of this Ordinance;
- J. Provide penalties for the violation of this Ordinance.

SECTION 5 INTERPRETATION

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

SECTION 6 ABROGATION AND GREATER RESTRICTIONS

It is not intended by this Ordinance to repeal, abrogate, annul, impair or interfere with any existing easements, covenants, deed restrictions, ordinances, rules, regulations, or permits previously adopted or issued pursuant to law. However, where this Ordinance imposes greater restrictions, the provisions of this Ordinance shall govern.

SECTION 7 SEVERABILITY and NONLIABILITY.

(a) If any section, provision, sentence, or any part of this Ordinance is adjudged to be unconstitutional, unlawful, or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereafter.

(b) 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.

(c) The Town of Forest does not guarantee, warrant or represent that only those areas designated as floodlands will be subject to periodic inundation and hereby asserts that there is no liability on the part of the Town Board, its agencies or employees for any flood damages, or structural damages that may occur as a result of reliance upon and conformance with this Ordinance.

SECTION 8 EFFECTIVE DATE

This Ordinance shall take effect after a public hearing, adoption by the Town Board, approval of the St. Croix County Board of Supervisors and publication or posting as required by law.

SECTION 9 DEFINITIONS

- A. For the purpose of administering and enforcing this ordinance, the terms or words used herein shall be interpreted as follows:
1. Words used in the present tense include the future: in the singular include the plural and in the plural include the singular.
 2. The word "shall" is mandatory, not permissive.
 3. All distances, unless otherwise specified shall be measured horizontally.
 4. All definitions that refer to Wisconsin Statutes shall incorporate any revisions or amendments to statutory language.

B. For purposes of this Ordinance, the following terms are defined as indicated below:

1. Accessory Building. A subordinate building or portion of the principal building, the use of which is incidental to the permitted use of the principal building, and located on the same lot.
2. Accessory Use. A use subordinate to and serving the principal use on the same lot and customarily incidental thereto. It must also be subordinate in area, extent and purpose to the principal building or use served. Accessory uses include, but are not limited to, family day care, home occupations, and seasonal roadside stands.
3. Agricultural Business. A commercial operation solely providing goods and/or services to local agriculture operations, such as sale of feed, seed, pesticides, fertilizer, or fuel; and sale and repair of agricultural equipment.
4. Animal Feeding Operation. A lot or facility, other than a pasture or grazing area, where animals have been, are or will be stabled or confined, and will be fed or maintained for a total of forty-five (45) days or more in any twelve (12) month period, as defined in Wisconsin Department of Natural Resources NR 243.
5. Animal Housing Structure. A temporary or permanent building or other structure used to house, feed, or milk one (1) or more animal units.
6. Animal Unit. A unit of measure, as defined in Wisconsin Department of Natural Resources NR 243, used to determine the total number of single animal types, or combination of animal types, that are at an animal feeding operation.
7. Animal Waste Storage Facility. One or more animal waste storage structures used for temporary storage of animal waste or other organic waste, including stationary equipment and piping used to load and unload an animal waste storage structure if the equipment is specifically designed for that purpose and is an integral part of the facility. It does not include equipment used to apply animal waste to land or animal waste that is confined within an animal housing structure.
8. Animal Waste Storage Structure. A waste storage impoundment made by constructing embankments, excavating a pit or dugout, or fabricating a structure. It does not include equipment used to apply waste to land. For purposes of ATCP §51.12(2) and 51.14, does not include any of the following:

- 138 a. A structure used to collect and store animal waste under a livestock
139 structure.
- 140 b. A waste digester consisting of a sealed structure in which animal
141 waste is subjected to managed biological decomposition.
- 142
- 143 9. Antenna Any device or equipment used for the transmission or
144 reception of electromagnetic waves, which may include an omni-
145 directional antenna (rod), a directional antenna (panel) or a parabolic
146 antenna (disc).
- 147
- 148 10. Basement. A story partly or wholly underground which, if occupied for
149 living purposes, shall be counted as a story.
- 150
- 151 11. Bed and Breakfast. A place of lodging that meets the definition and
152 standards of Wis. Stats. §254.61.
- 153
- 154 12. Best Management Practices (BMPs). Practices and industry standards
155 designed to minimize environmental damage.
- 156
- 157 13. Board of Appeals. A five (5) member board, and two (2) alternates,
158 serving three-year terms, appointed by the Town Chairman, and approved
159 by the Town Board of the Town of Forest, St. Croix County, Wisconsin,
160 pursuant to Wis. Stat. 62.23 (7)(e) 2 having the powers and duties
161 specified in Article 2, Section 6 of this Ordinance.
- 162
- 163 14. Boarding House. A building other than a hotel where meals or lodging
164 and meals are furnished for compensation for three (3) or more persons
165 not members of a family not open to transients in contradistinction to
166 hotels and restaurants.
- 167
- 168 15. Buffer. The use of land, topography, space, fences or landscape plantings
169 to screen or partially screen a property in order to reduce undesirable
170 influences, such as: sight, noise, dust, and other external effects which a
171 land use may have upon other adjacent or nearby land uses.
- 172
- 173 16. Building. A structure used, designed or intended for the protection,
174 shelter, enclosure or support of person, animals or property. When a
175 building is divided into separate parts by a division wall without openings,
176 extending from the ground up, each part shall be deemed a separate
177 building.
- 178
- 179 17. Building, Height of. The vertical distance from the base point of elevation
180 as defined in this Ordinance to the highest point of a flat roof; to the
181 decline of a mansard roof or to the average height of the highest gable of
182 a gambrel, hip or pitch roof.
- 183

- 184 18. Campground. Any parcel of land which is designated, maintained,
185 intended or used for the purpose of providing sites for non-permanent
186 overnight use by four (4) or more camping units, or which is advertised or
187 represented as a camping area.
188
- 189 19. Cellar. The unfinished portion of a structure located mostly below grade
190 without sufficient exits or natural lighting and ventilation to be considered
191 as livable space.
192
- 193 20. Certified Survey Map. A map showing division of land prepared in
194 accordance with Wis. Stats. §236.64, the St. Croix County Land Division
195 Ordinance, and the Town Subdivision Ordinance.
196
- 197 21. Church. A building, together with its accessory buildings and uses, where
198 persons regularly assemble for religious worship and which building,
199 together with its accessory buildings and uses, is maintained and
200 controlled by a religious body organized to sustain public worship.
201
- 202 22. Club. An association of persons for some common purpose, but not
203 including any groups organized primarily to render a service, which is
204 customarily carried on as a business.
205
- 206 23. Comprehensive Plan. A plan for guiding and shaping the growth or
207 development of a community or area which has been adopted by a
208 governmental unit and whose preparation is authorized by Wis. Stats.
209 §62.23, or §236.46.
210
- 211 24. Conditional Use. A use that would not be appropriate generally or without
212 restriction throughout the zoning district but would not be detrimental to the
213 public health, safety, or general welfare if appropriate conditions are
214 imposed on the use.
215
- 216 25. Connecting Streets. Streets of cities, townships and villages that connect
217 state trunk highways as defined in Wis. Stats. §84.92(11).
218
- 219 26. Contractor's Storage Yard. The outdoor portion of a lot or parcel, where a
220 construction or service contractor maintains a permanent business office,
221 that is used to store and maintain construction or service equipment and
222 other materials customarily used by the construction or service contractor.
223 If permitted to be used in this manner, the entire lot or parcel would then be
224 classified as a contractor's storage yard and will be required to conform to
225 all applicable zoning district standards and regulations.
226
- 227 27. Development. Any artificial change to improved or unimproved real
228 estate, including but not limited to, the construction of buildings,
229 structures, or accessory buildings; the construction of additions or

alterations to buildings, structures, or accessory uses; the repair of any damaged structure or the improvement or renovation of any structure; the placement of buildings or structures; subdivision layout and site preparation; mining, dredging, filling, grading, paving, excavation or drilling operations; the storage, deposition, or extraction of materials or equipment; and the installation, repair or removal of public or private sewage disposal systems or water supply facilities.

28. District. Parcels, areas, or sections of the Town of Forest, Wisconsin, for which the regulations governing the use of land and buildings are uniform.
29. Drainage System. One or more artificial ditches, tile drains or similar devices which collect surface runoff or groundwater and convey it to a point of discharge.
30. Dust Free. (As applied to driveways or parking spaces.) Construction of washed and packed gravel or trap rock, concrete, macadam or asphalt, so that travel on the surface does not create dust.
31. Dwelling. Any building or part thereof which is designed or used exclusively for residential purposes by one or more human beings either permanently or transiently, not including hotels, motels, lodging houses.
32. Dwelling, Multiple-family. A building or portions thereof designed for and used by more than two (2) families. Classification of a residential structure shall be determined by its present or projected occupancy and design and not by the characteristics of ownership and tenancy such as condominium arrangements.
33. Dwelling, Single-family. A detached building designed for or occupied exclusively by one (1) family.
34. Dwelling, Two-family. A detached or semi-detached building designed for and occupied exclusively by two (2) families living independently of each other.
35. Emergency Shelters. Public or private enclosures designed to protect people from aerial, radiological, biological, or chemical warfare; fire; flood; windstorm; riots; or invasions.
36. Family. A group of persons who live together in one (1) dwelling unit as a single housekeeping entity.
37. Family Child Care Home. As defined in Wis. Stats. §66.1017, a dwelling licensed as a child care center by the Wisconsin Department of Children

and Families under Wis. Stats. §48.65 where care is provided for not more than eight (8) children.

38. Fence. A barrier constructed of materials other than evergreen shrubbery erected for the purpose of protection, confinement, enclosure, or privacy.
39. Finished Room. A room created by covering the walls and ceiling with plaster, dry wall, paneling or other similar building material, so as to block from view the structural members of the wall and ceiling; trimming the doors, windows and built-in cabinets with molding; and preserving the walls and trim with paint, varnish or other similar material.
40. Floor Area. The area within the exterior wall lines of a building, provided that the floor area of a dwelling shall not include space not usable for living quarters, such as attics, basements or utility rooms, garages, breezeways, unenclosed porches or terraces.
41. Frontage. All property abutting on one (1) side of a street or road measured along the street or road.
42. Frontage, Reversed. When the rear lot line of a corner lot coincides with part or all of the side lot line of another lot in the same block, reverse frontage exists.
43. Game Management or Fur Farm. A commercial operation raising and harvesting wild game and fur producing animals for meat and/or fur.
44. Garage, Private. An accessory building or space used for storage only of not more than three (3) private motor-driven vehicles.
45. Garden Center. A place of business where retail and wholesale products and produce are sold. These centers, which may include a nursery and/or greenhouses, import most of the items sold, and may include plants, nursery products and stock, power equipment and machinery, and gardening tools.
46. Grade. The elevation or level of the street closest to the sign to which reference is made, measured at the street's centerline.
47. Home Occupation. Any business or profession which is clearly secondary to the principal use of the premises as a dwelling and is conducted only by members of a family residing in the dwelling.
48. Home Occupation, Major. A home occupation authorized in Article 5, Section 6(D) of this Ordinance as a conditional use by the Town Board.
49. Home Occupation, Minor. A home occupation authorized in Article 5, Section 6(E) of this Ordinance.

- 321
322 50. Household Pets. Animals commonly found in residence as pets, such as
323 dogs, cats, birds and other small animals, provided that they are not raised or
324 reared for commercial resale.
- 325 51. Hotel or Motel. A building or group of buildings containing rooms which are
326 offered for compensation for the temporary accommodations of transients and
327 where there is no permanent occupancy of any unit except by the owner, his
328 agent, or employees.
- 329
330 52. Indoor Recreational Facility. A building used for used for indoor recreation,
331 including but not limited to, tennis, racquet ball, driving ranges, curling, dance
332 schools, ice arenas, shooting ranges, pool hall, and health club.
- 333
334 53. Industrial Uses. These include light industrial and heavy industrial uses.
335 Light industrial uses involve wholesale activities, warehouses, and other
336 industrial uses that have little impact on the surrounding area, minimal impact
337 on traffic and are conducted wholly indoors and without significant noise,
338 odor, dust, and glare, and do not negatively impact land, water, and air.
339 Heavy industrial uses include uses such as manufacturing, assembling,
340 fabrication, processing, bulk handling, storage, trucking, mining, and other
341 uses which, because of their physical and operational characteristics, are
342 likely to have a higher negative impact on the surrounding area due to traffic,
343 noise, pollution, vibration, light, dust, fumes, odors, pesticides, herbicides or
344 other hazardous materials, fire or explosion hazards, physical appearance,
345 negative visual and/or aesthetic impact, or other undesirable conditions or
346 characteristics relating to such uses.
- 347
348 54. Institutional. A use including but not limited to government building, library,
349 and public, private, or charter schools.
- 350
351 55. Junkyard/Salvage Yard. An open area where waste or scrap materials are
352 bought, sold, exchanged, stored, baled, disassembled or handled for
353 commercial or non-commercial purposes including, but not limited to, scrap
354 iron and other metals, paper, rags, rubber tires and bottles.
- 355
356 56. Kennel, Commercial. An establishment, structure, or premises where five (5)
357 or more adult dogs or cats, six (6) months of age or older, are bred and raised
358 for sale, boarded, groomed and/or trained as a service.
- 359
360 57. Licensing Authority. The Town of Forest.
- 361
362 58. Livestock. Bovine animals, equine animals, goats, sheep, swine, farm-raised
363 deer, farm-raised game birds, camelids, ratites, and farm-raised fish.
- 364
365

59. Livestock Facility. A feedlot, dairy farm or other operation where livestock are or will be fed, confined, maintained or stabled for a total of forty-five (45) days or more in any twelve-month (12) period. It includes all of the tax parcels of land on which the facility is located, but does not include a pasture or winter grazing area. Related livestock facilities are collectively treated as a single livestock facility for purposes of this Ordinance, except that an operator may elect to treat a separate species facility as a separate livestock facility.
60. Livestock Structure. A building or other structure used to house or feed livestock for milking, to confine livestock for feeding or grazing, to store livestock feed, or to collect or store waste generated at the livestock facility. Livestock structures include a barn, milking parlor, feed storage facility, feeding facility, animal lot or animal waste storage structure. Livestock structure does not include a pasture or winter grazing area, a livestock watering or feeding facility in a pasture or winter grazing area, or a machine shed or like facility this is not used for livestock.
61. Living Space. That portion of a dwelling occupied by the residence for normal daily living functions, to include, but not limited to, all space on the main level of a dwelling, any upper level rooms that have been finished for daily use, and any lower level rooms that have been finished for daily use, but not including any room used for a furnace, water heater or similar mechanical device, unless they occupy a minor portion of such room and the remainder of the room has been finished for daily use.
62. Lodging House. A building other than a hotel or motel where lodging only is provided for compensation.
63. Lot. A parcel of land occupied or designed to provide space necessary for one main building and its accessory buildings or uses, including the open spaces required by this Ordinance and abutting on a public street or other official approved means of access. A lot may be a parcel designated in a plat or certified survey map or described in a conveyance recorded in the office on the Register of Deeds, or any part of a large parcel when such part complies with the requirements of this Ordinance as to width the area for the district in which it is located. No land included in any street, highway, access easement or railroad right-of-way shall be included in computing lot area.
64. Lot, Corner. A lot located at the intersection of two (2) streets, any two (2) corners of which have an angle of one hundred twenty (120°) degrees or less. If bounded by a curved street in which case the chord within the limits of the lot line forms and angle of one hundred twenty (120°) degrees or less.

- 412 65. Lot, Interior. A lot other than a corner lot.
413
- 414 66. Lot, Residential. A lot containing, or with the ability of containing, a single-
415 family or two-family residence in compliance with the maximum residential
416 density requirements contained in Article 4, Section 10 of this Ordinance
417 in the Agricultural and Agricultural-Residential Districts.
418
- 419 67. Lot, Sewered. A lot served by a public or shared septic system.
420
- 421 68. Lot, Unsewered. A lot served by a private on-site septic system.
422
- 423 69. Lot Line. The line bounding a lot as herein described.
424
- 425 70. Lot Width. The horizontal distance between the side lot lines of a lot
426 measured within the lot boundary and at the minimum required front
427 setback line.
428
- 429 71. Manufactured Home. As defined in Wis. Stats. §101.91(2), a structure
430 that is designed to be used as a dwelling with or without a permanent
431 foundation and that is certified by the federal department of housing and
432 urban development as complying with the standards established under 42
433 USC 5401 to 5425. .
434
- 435 72. Manufactured or Mobile Home Park. An area or premises on which is
436 provided the required space for the accommodation of mobile homes,
437 together with necessary accessory buildings, driveways, walks, screening
438 and other required adjuncts.
439
- 440 73. Mobile Home. As defined in Wis. Stats. §101.91(10), a vehicle
441 manufactured or assembled before June 15, 1976, designed to be towed
442 as a single unit or in sections upon a highway by a motor vehicle and
443 equipped and used, or intended to be used, primarily for human
444 habitation, with walls of rigid uncollapsible construction, which has an
445 overall length in excess of forty-five (45) feet. "Mobile home" includes the
446 mobile home structure, its plumbing, heating, air conditioning and
447 electrical systems, and all appliances and all other equipment carrying a
448 manufacturer's warranty.
449
- 450 74. Mobile Recreational Vehicle or Travel Trailer. A vehicle which is built on a
451 single chassis, four hundred (400) square feet or less when measured at
452 the largest horizontal projection, designed to be self-propelled, carried or
453 permanently towable by a licensed, light-duty vehicle, is licensed for
454 highway use if registration is required and is designed primarily not for use
455 a permanent dwelling, but as temporary living quarters for recreational,
456 camping, travel or seasonal use. Manufactured or mobile homes that are
457 towed or carried onto a parcel of land, but do not remain capable of being

towed or carried and are temporarily placed, including park mobile homes, do not fall under this definition.

75. Nonconforming Lot. A lot that existed lawfully before this Ordinance was enacted or amended, but that does not contain sufficient area and/or width to meet the requirements in this Ordinance.

76. Nonconforming Structure. A dwelling or building that existed lawfully before this Ordinance was enacted or amended, but that does not comply with one (1) or more of the dimensional regulations in this Ordinance, including setback, height, lot coverage, side yard, and other similar type regulations.

77. Nonconforming Use. A use of land, a dwelling, or a building that existed lawfully before this Ordinance was adopted or amended, but that does not comply with the use regulations of this Ordinance.

78. Non-residential Child Care Center. A non-residential, non-dwelling facility licensed as a child care center by the State Department of Health and Social Services under Wis. Stats. §48.65 where a person or persons provide group day care for nine (9) or more children.

79. Nursery, Wholesale. The onsite propagation and growing of plants, shrubs, trees, or vines. Products raised onsite may be sold onsite. Retail sales of any other products are not allowed. Garden Centers are not included.

80. Ordinary High Water Mark: The point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation or other easily recognized characteristic.

81. Outdoor Recreational Facility. A use including but not limited to athletic fields, golf courses, club house, miniature golf, batting cages, driving range, paintball, and go-kart tracks.

82. Outlot. A lot remnant or parcel of land with a plat remaining after platting, which is intended for open space use, for which no development is intended other than that which is accessory to the open space use. An outlot may not be developed for any use or structure that requires a private, on-site wastewater treatment system.

83. Parcel. Contiguous land under single-entity ownership and having a parcel identification number registered with St. Croix County.

84. Parking Lot. A lot where automobiles are parked or stored temporarily but not including the wrecking of automobiles or other vehicles or storage for the purpose of repair or wrecking.
85. Permitted Use. A use which may be lawfully established in a particular district or districts, provided it complies with all requirements, regulations and performance standards, if any, of such districts.
86. Person. An individual, or group of individuals, corporation, partnership, association, municipality, or state agency.
87. Plan Commission. The Town of Forest Plan Commission.
88. Principal Structure. The main building or other structure on a lot that is utilized for the property's principal use. Principle structure includes attached garages and porches.
89. Principal Use. The primary purpose for which a lot or parcel is used.
90. Professional Office. The office of a doctor of medicine or dentistry, practitioner, minister, architect, landscape architect, professional engineer, lawyer, author, musician or other recognized profession.
91. Property Boundary Line. The line between parcels of land that touch each other or parcels of land that are separated only by a river, stream or transportation or utility right-of-way.
92. Public Utilities. Those utilities using underground or overhead transmission lines such as electric, telephone and telegraph, and distribution and collection systems such as water, sanitary and storm sewer.
93. Recycling Center. A facility where recyclable materials are collected, stored, flattened, crushed or bundled prior to shipment to others who will use those materials to manufacture new products. The recyclable materials will be separated at the source and shall be clean and nuisance free. Hazardous waste shall not be received.
94. Quarrying. The removal of mineral aggregates, topsoil or other natural materials from the earth by excavating, stripping or any other mining process.
95. Retail Sales and Services. The provision of goods and/or services such as cards or gifts, clothing, video games, lumber or building supplies, hardware, sports equipment, etc.

- 549 96. Roadside Stand. A structure having a ground area of not more than three
550 hundred (300) square feet, not permanently fixed to the ground, readily
551 movable in its entirety, not fully enclosed and to be used solely for the sale
552 for farm products produced on the premises or adjoining premises.
553
- 554 97. Screening. Screening is a solid fence, six (6) feet high or a planting belt
555 not less than fifteen (15) feet wide and not less than six (6) feet high.
556
- 557 98. Service Station. Any building, structure or premises or other place used
558 for the dispensing, sale or offering for sale of any motor fuel or oils, having
559 fuel pumps and storage tanks; also where battery, tire and similar services
560 are provided.
561
- 562 99. Setback. The minimum horizontal distance between a structure and the
563 street or lot line.
564
- 565 100. Setback Lines. Lines established adjacent to highways, lot lines, lakes,
566 and streams or other places for the purpose of defining limits within
567 which any or certain buildings, structures or uses may not be
568 constructed, maintained or carried on, except as shown herein. "Within
569 a setback line" means between the setback line and the highway, lot
570 line, lake or stream to which the setback line is adjacent.
571
- 572 101. Sign. A display, illustration, structure, or device that directs attention to
573 an idea, object, product, place, activity, person, institution, organization,
574 or business.
575
- 576 102. Sign, Banner. Any sign of lightweight fabric or similar material that is
577 permanently mounted to a pole or a building at one or more edges.
578
- 579 103. Sign, Building. Any single-faced sign painted on, attached to or erected
580 against the wall of a building, structure, marquee, canopy or awning.
581 Also including any sign placed on the interior of a window or painted on
582 a window such that it can be read from the outside of the building.
583
- 584 104. Sign, Double-faced. A sign with two (2) faces back-to-back or with an
585 interior angle of less than one hundred eighty (180) degrees (also known
586 as V-signs).
587
- 588 105. Sign, Freestanding. A sign principally supported by one or more
589 columns, poles, or braces placed in or upon the ground.
590
- 591 106. Sign, Monument. A freestanding sign where the base of the sign
592 structure is on the ground.
593

- 594 107. Sign, Off-premise. A sign whose message content does not bear any
595 relationship to the activities conducted on the premises on which it is
596 located.
597
- 598 108. Sign, On-premise. A sign whose message content bears a direct
599 relationship to the activities conducted on the premises on which it is
600 located.
601
- 602 109. Sign, Pornographic: Any sign that, is determined to be, in whole or in
603 part, obscene or pornographic under Miller v. California, 413 U.S. 15,
604 93 S.Ct. 2607 (1973), and subsequent court decisions, construing the
605 definition of "pornographic," that apply in Wisconsin.
606
- 607 110. Sign, Portable. Any sign not permanently attached to the ground or
608 other permanent structure, or a sign designed to be transported,
609 including, but not limited to, signs designed to be transported by means
610 of wheels; signs converted to A- or T-frame; balloons used as signs;
611 umbrellas used for advertising; and signs attached to or painted on
612 vehicles parked and visible from the public right-of-way, unless said
613 vehicle is used for transportation in the normal day-to-day operations of
614 the business.
615
- 616 111. Sign, Projecting. Any sign affixed to a building or wall in such a manner
617 that its leading edge extends more than six (6) inches beyond the
618 surface of such building or wall.
619
- 620 112. Sign, Roof. Any sign erected and constructed wholly on and over the
621 roof of a building, supported by the roof structure and extending
622 vertically above the highest portion of the roof.
623
- 624 113. Sign, Temporary. A sign intended to display either commercial or non-
625 commercial messages of a transitory or temporary nature.
626
- 627 114. Sign Structure. Any structure designed for the support of a sign.
628
- 629 115. Solid Waste Processing or Transfer. A facility for the collection,
630 processing, or temporary storage of solid waste prior to offsite disposal,
631 not to exceed one (1) year.
632
- 633 116. Space. A plot of ground within a mobile home park, designed for the
634 accommodation of one mobile home unit.
635
- 636 117. Sport Shooting Range. An outdoor area, public or private, designed and
637 operated for the practice of weapons used in hunting, skeet shooting,
638 and similar sport shooting.
639

- 640 118. Story. The vertical distance between the surface of any floor and the
641 floor next above it, or if there be no floor above it, the space between
642 such floor and the ceiling next above it.
643
- 644 119. Story, Half. A story under any roof except a flat roof, the wall plats of
645 which on a least two (2) opposite exterior walls are not more than two (2)
646 feet above the floor of such story.
647
- 648 120. Street. A public or private thoroughfare which affords a primary means
649 of access to abutting property.
650
- 651 121. Street Line. A dividing line between a street and the abutting lot.
652
- 653 122. Structure. Any man-made object with form, shape and utility, that is
654 constructed or otherwise erected, attached to or permanently or
655 temporarily placed, either upon the ground, a river bed, stream bed, lake
656 bed, or upon another structure. Structure includes swimming pools, hot
657 tubs, patios, decks, and retaining walls, but does not include landscaping
658 or earthwork such as graded areas, filled areas, ditches, berms, or
659 earthen terraces. Structure does not include small objects that are
660 easily movable by hand, such as lawn chairs, portable grills, portable
661 picnic tables, bird feeders, birdhouses, and birdbaths. Structure does
662 not include a property line fence(s).
663
- 664 123. Structural Alteration. Any change in the supporting members of a
665 structure, such as bearing walls, columns, purlins, rafters, beams or
666 girders, footing and piles.
667
- 668 124. Subdivision. A subdivision is a division of a lot, parcel or tract of land by
669 the owner thereof or their agents for the purpose of transfer of ownership
670 or building development where the act of division creates one or more
671 new lots, parcels or tracts, if the lots, parcels or tracts are twenty (20)
672 acres or smaller in area.
673
- 674 125. Temporary Structure. A moveable structure not designed for human
675 occupancy which may be used for the storage or housing of goods or
676 chattels.
677
- 678 126. Town. The Town of Forest, St. Croix County, Wisconsin.
679
- 680 127. Town Board. The Town Board of the Town of Forest, St. Croix County,
681 Wisconsin.
682
- 683 128. Transmission Services. Electric power lines, telephone lines,
684 communication towers, cables, sewage lift stations, sewer and water
685 pipes, and other pipes, conduits and accessory buildings that are used

to transport power, convey information or transport material between two (2) points, other than wireless communication service facilities.

129. Unnecessary Hardship. Where special conditions affecting a particular property, which were not self-created, have made strict conformity with restrictions governing areas, setbacks, frontage, height or density unnecessarily burdensome or unreasonable in light of the purposes of this Ordinance.
130. Use. The purpose for which land or premises or a building thereon is designated, arranged or intended, or which it is or may be occupied or maintained.
131. Variance. Authorization by the Board of Appeals for the construction, modification, or maintenance of a building or structure in a manner that deviates from dimensional standards contained in this Ordinance.
132. Wetland. An area where water is at, near, or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which has soils indicative of wet conditions.
133. Wis. Stats. Wisconsin Statutes, including successor provisions of cited statutes.
134. Yard. An open space on the same lot with a building, unoccupied and unobstructed from the ground upward, except as otherwise provided herein. The front and rear yards extend the full width of the lot.
135. Yard, Front. A yard extending the full width of the lot between the front lot line and the nearest part of the principal building, excluding uncovered steps.
136. Yard, Rear. An open space, unoccupied except for accessory buildings extending from the rear lot line to the rear line of the principal building for the entire width of the lot line, excluding such projections as are permitted herein.
137. Yard, Side. A yard or open space on each side of the principal building extending from the side wall of the building to the side lot line and from the front yard to the rear yard. When an accessory building is constructed as part of the principal building or constructed on one side of the principal building, the side yard requirements shall be the same for the accessory building as required for the principal building.

ARTICLE 2 ADMINISTRATION AND ENFORCEMENT

SECTION 1 ZONING ADMINISTRATOR

- A. There is hereby created the office of Town Zoning Administrator, herein referred to as "Zoning Administrator." Appointment of this office shall be made by the Town Board.
- B. The duty of the Zoning Administrator shall be to interpret, administer, and enforce this Ordinance and shall further:
 1. Advise applicants for permits as to the provisions of this Ordinance and assist them in preparing applications.
 2. Issue permits as provided in this Ordinance.
 3. Keep records of all permits issued, inspections made, work approved, legal nonconforming uses, conditional uses and/or variances granted by the Town Board or Board of Appeals and other official actions.
 4. Determine questions of the exact location of district boundaries.
 - a. Wherever there is a dispute over the exact boundary of a district, the Zoning Administrator shall decide the matter.
 - b. The person contesting the matter shall be given reasonable opportunity to present his/her case to the Zoning Administrator and to submit his/her own technical evidence, if he/she so desires.
 - c. The Board of Appeals may review decisions of the Zoning Administrator as an appeal.
 5. Make on-site investigations related to the enforcement of this Ordinance and other Town Ordinances.
 6. Have access to any structure or premises for the purpose of performing his/her duties in reviewing permit applications or relating to enforcement of this Ordinance. This power shall be exercised at a reasonable hour and after a twenty-four (24) hour notice.
 7. Make a recommendation to the Town Board regarding approval or denial of a land use permit, as provided in Section 3 of this Article.

SECTION 2 DATE APPLICATION(S) CONSIDERED FILED WITH THE TOWN

For purposes of computing deadlines under this ordinance, an application for any Plan Commission or Town Board action under this chapter (Land Use Permit, Conditional use Permit, Variance) shall be deemed to have been validly filed with the Town when a written application, signed by the applicant and property owner or an authorized representative and accompanied by the applicable Town application and all required materials and fees, have been personally delivered to the Town Clerk, and the application has been acknowledged by the Plan Commission or Town Board, whichever is applicable, at its regular monthly meeting following the delivery of materials to the designated Town personnel. At the time an application is delivered to the Clerk, the applicant shall also provide all information and written materials required to allow the Town Clerk to notify all landowners as required in this Ordinance of what Conditional use Permit activity is being proposed.

SECTION 3 LAND USE PERMIT

- A. No construction, reconstruction, alteration or addition to any structure or change or new use of land shall commence before a land use permit, building permit or any other permit, which may be required by this or any other ordinance, has been issued.
- B. The following activities do not require a land use permit, provided they comply with the existing standards for the applicable zoning district and do not increase the square footage or height of the structure:
1. Exterior maintenance and renovation, including asphalt/concrete paving, roofing, siding, and windows.
 2. Interior maintenance and renovation.
 3. Reconstruction of an existing deck.
- C. Applications for land use permits shall be submitted to the Town Clerk and forwarded to the Zoning Administrator for further review.
- D. The Zoning Administrator shall review the application to determine:
1. That the parcel was created in compliance with Town and County ordinances;
 2. That the proposed land use is a "permitted use" or that a conditional use permit has been approved;
 3. Compliance with all applicable setback and highway access regulations, or an attached variance, granted by the Board of Appeals;
 4. If a copy of a St. Croix County Sanitary Permit is attached;
 5. If a copy of a St. Croix County Land Use Permit (required whenever the parcel in question is subject to any other applicable County Ordinance) is attached;
 6. Inclusion of a rural address/fire number;
 7. Inclusion of applicable fee(s).
 8. If all applicable requirements are deemed to be satisfied, the Zoning Administrator may recommend that the Town Board approve the land use permit. .
- E. All applications shall contain the following information:
1. Name, address, phone numbers and email addresses s of the applicant and the owner of the property.
 2. Legal description of the property, volume and page of the records of the St. Croix County Register of Deeds at which is located the recorded legal description of the parcel in the form of a plat or survey map, deed or similar instrument and type of proposed use. Where the Zoning Administrator has any doubt as to the location of the project in relation to any boundary, he/she may require the applicant to provide a certified survey map (CSM).
 3. A sketch of the dimensions of the lot and location of any buildings from the lot lines, centerline of abutting watercourse and water marks at the day of the sketch.

4. Where a private water or sewage system is to be installed, the approved St. Croix County Sanitary Permit application shall be submitted.
 5. When the application concerns land subject to floodplain zoning, the plans shall include detailed information on the elevation of the lot and the location of existing or proposed fill or storage materials. This shall be in addition to that required above.
 6. Applications which are found to involve slopes in excess of twelve (12%) percent, by the Zoning Administrator on the basis of slope indications on the application, sketch or observations made in the course of field inspection, shall be approved only if the proposed construction is in compliance with erosion control conditions set in the course of subdivision review under the Town Subdivision Ordinance or in the case of properties not subject to such conditions, if the project is deemed not to threaten serious erosion or sedimentation problems. The Zoning Administrator may recommend reasonable erosion prevention conditions to be attached to a land use permit approved for issuance. Any such conditions must be consistent with applicable state construction site erosion control standards.
 7. Land use or conditional use permits issued on the basis of approved plans and applications authorize only the use, arrangement and construction set forth in such approved plans and applications and no other use, arrangement or construction. Use arrangement or construction at variance with that authorized shall be deemed a violation of this Ordinance.
- F. Expiration of Permits.
1. Land use permits and amendments shall expire twenty-four (24) months from the date of issuance, where no action has been taken to accomplish such changes or commence building activity.
 2. The Town Board may extend such permit for a period of ninety (90) days for justifiable cause, if application is made to the Town at least thirty (30) days before the expiration of said permit..
- G. Land use and building permits issued without compliance with this Ordinance shall have no legal effect.
- H. Procedures in case of violations.
1. In the case of a violation of this Ordinance, the Zoning Administrator shall notify the person responsible for such violation, including the nature of the violation and ordering the action necessary to correct it.
 2. The Zoning Administrator shall also report all violations to the Plan Commission and Town Board.
- I. Fees. Whenever an applicant files an application for any permit, the applicant shall pay a fee in accordance with a schedule that shall be adopted and amended from time to time, as necessary by the Town Board.

SECTION 4 PLAN COMMISSION

Refer to Town Plan Commission Ordinance 01-02, as amended.

SECTION 5 CONDITIONAL USES

Certain uses and situations which, because of their unique characteristics, cannot be properly classified as unrestricted permitted uses in any particular district(s), without consideration, in each case, of the impact of those uses upon neighboring land or public facilities, and of the public need for the particular use of a particular location. Such uses may be necessary or desirable to be allowed in a particular district provided that due consideration is given to location, development and operation of such uses. These uses are classified as conditional uses.

A. Authority and Requirements.

1. The Town Board hereby authorizes the Zoning Administrator to issue a conditional use permit after review, public hearing, and approval from the Town Board provided that such conditional uses and involved structure(s) are found to be in accordance with the purpose and intent of this Ordinance and are further found not to be hazardous, harmful, offensive or otherwise adverse to the environment, the neighborhood, or the community.
2. Town Board action, and the resulting conditional use permit, shall specify the period of time for which the permit is effective, if specified, the name of permittee, the location and legal description of the affected premises.
3. Prior to the granting of a conditional use permit, the Town Board and Plan Commission shall make findings based upon the evidence presented that the standards herein prescribed are being complied with.
4. Conditions such as landscaping, architectural design, type of construction, construction commencement and completion dates, sureties, lighting, fencing, planting screens, operation control, hours of operation, improved traffic circulation, deed restrictions, highway access restrictions, increased yards or parking requirements may be required by the Town Board upon its finding that these are necessary to fulfill the purpose and intent of this Ordinance.
5. Compliance with all other provisions of this Ordinance, such as lot width and area, yards, height, parking, loading, traffic, highway access and performance standards shall be required of all conditional uses.
6. Compliance with any applicable Federal, State, and County regulations shall be required.

B. General Procedure. In addition to the provisions of this Ordinance, applications for a conditional use permits shall be processed in this manner:

1. Applications. Application for any use listed in this Ordinance as requiring a conditional use permit may be allowed only upon application to the Town Board on forms furnished by the Zoning Administrator or Town Clerk. Conditional use permit applications can include single parcels of land or groupings of contiguous parcels.
 - a. The Town Board may require such additional information that may be necessary to determine and provide for an enforcement of this Ordinance, including a plan showing contours and soil types;

Ordinary High Water Mark and groundwater conditions; bedrock, vegetative cover, specifications for areas of proposed filling, grading, and lagooning; location of buildings, parking areas, traffic access, driveways, walkways, open spaces and landscaping; plans of buildings, sewage disposal facilities, water supply systems and arrangements of operations.

- b. The applicant for a conditional use permit shall be responsible for any professional review fees, including without limitation engineering and legal fees, the Town incurs in its consideration and action on the application.
 - i. These fees shall be payable whether or not the application for conditional use is approved.
 - ii. The Town Board may require the applicant to submit funds at the time of submission of such application of an escrow account to cover any anticipated fees.
 - iii. The amount of such required escrow shall be determined at the sole discretion of the Town Board, based on a good faith estimate of fees and costs likely to be incurred.
 - iv. If at any time monies in the escrow account are insufficient to pay expenses incurred by the Town for professional fees, the applicant shall deposit any required additional amounts within fifteen (15) days of written demand by the Town Clerk or the consideration and/or approval of the application for conditional use permit may be delayed and/or denied.
 - v. Any funds remaining in the escrow account will be returned to the applicant when construction is complete and the site is stabilized.

2. Referral to Plan Commission, Notice and Hearing.

- a. The Conditional Use Permit application shall be referred to the Plan Commission for its review and recommendation.
- b. Before making a recommendation to the Town Board on an application for conditional use permit, the Plan Commission shall hold a public hearing with Class 2 Notice provided.
- c. At least ten (10) days prior to the public hearing, a notice of time, place and purpose of such public hearing shall also be sent to the applicant, the members of the Town Board, and the owners of record of property in whole or part situated within one (1) mile of the boundaries of the applicant's properties. One mile shall be measured in every direction. All costs associated with providing the required notice are to be paid for by the applicant.
- d. The Plan Commission shall report its recommended action to the Town Board within sixty (60) days after a matter has been referred to it, after which the Town Board shall take formal action.

3. Determination. The conditions of approval or reasons for denial shall be stated in writing by the Town Board and made a permanent part of the minutes.

- 961 4. Recording. When a conditional use permit is approved, an appropriate
962 record shall be made of the land use and structures permitted and such
963 approval shall apply solely to the structures, use and property so
964 described. The Town Board may require this document to be recorded
965 against the property with the Register of Deeds for St. Croix County
966 5. Termination. Where a conditional use does not comply with the conditions
967 of the original approval, the conditional use permit may be terminated by
968 action of the Town Board preceded by a public hearing and notice to
969 affected parties.
970 6. Town Board Action.
971 a. The Town Board shall act on an application in the manner
972 described above within sixty (60) days of receiving the
973 recommendation from the Plan Commission, except that where
974 additional information is required by the Town Board in (B)(1)(a)
975 above.
976 b. The Board shall render a written decision within ten (10) days of its
977 decision stating a reason or reasons for the action and provide it to
978 the applicant.
979 C. General Standards. Approval of a conditional use permit by the Town Board
980 shall only be granted subject to the following provisions:
981 1. No conditional use shall violate the spirit or general intent of this
982 Ordinance.
983 2. No conditional use shall violate the spirit or general intent of the most
984 recently adopted Town Comprehensive Plan.
985 3. No conditional use shall be allowed which would constitute a fire hazard or
986 be contrary to the public health, safety, morals, comfort or general welfare.
987 4. No conditional use shall be allowed which would impair or diminish the
988 uses, value and/or enjoyment of adjoining property or other property in the
989 district.
990 5. No conditional use shall be allowed that would constitute a nuisance by
991 reason of noise, dust, smoke, odor, or other similar factors.
992 6. No conditional use shall impede the normal and orderly development and
993 improvement of the surrounding property for uses permitted in the district.
994 7. No conditional use shall be allowed unless adequate utilities, access
995 roads, drainage and other necessary site improvements have been or are
996 being provided.
997 8. No conditional use shall be allowed unless adequate measures have been
998 or will be taken to ingress and egress so designed as to minimize traffic
999 congestion on public streets.
1000 9. No conditional use shall violate floodplain regulations governing the site.
1001 10. No conditional use shall be allowed unless adequate measures have been
1002 or will be taken to prevent and control water pollution, including
1003 sedimentation, erosion and runoff.
1004 11. The Town Board shall also apply standards set forth in other Articles of
1005 this Ordinance, which apply to particular classes of conditional uses.

- 1006 D. Application of Standards. When applying the above standards to any new
1007 construction of a building or an addition to an existing building, the Town Board
1008 and Plan Commission shall bear in mind the statement of purpose for the zoning
1009 district such that the proposed building or addition at its location does not defeat
1010 the purposes and objectives of the zoning district.
- 1011 E. Conditions. The Town Board may make the granting of a request for a
1012 conditional use contingent upon such express conditions as it considers
1013 necessary to fulfill the purpose and intent of this Ordinance. In all cases in which
1014 conditional uses are granted, the Town shall require such evidence and
1015 guarantees as it may deem necessary as proof that the conditions stipulated in
1016 connection therewith are being and will be complied with. These conditions may
1017 include, but are not limited to, specifications of:
- 1018 1. Period of time in which all or part of the use may be permitted.
 - 1019 2. Increased setbacks and yard dimensions.
 - 1020 3. Specified sewage disposal and water supply facilities.
 - 1021 4. Landscaping and planting screens.
 - 1022 5. Operation control.
 - 1023 6. Sureties.
 - 1024 7. Deed restrictions.
 - 1025 8. Location of other structures or signs.
 - 1026 9. Location and amount of parking facilities.
 - 1027 10. Type of construction.
 - 1028 11. Construction commencement and completion dates.
 - 1029 12. Lighting.
 - 1030 13. Fencing.
 - 1031 14. Hours of operation.
 - 1032 15. Traffic circulation.
 - 1033 16. Access restrictions.
 - 1034 17. Suitability of slopes and soils.
 - 1035 18. Any other requirements necessary to fulfill the purpose and intent of this
1036 Ordinance.
- 1037 F. Alteration of Conditional use. No alteration or expansion of a use permitted by
1038 conditional use permit shall be permitted unless a new conditional use permit is
1039 approved by the Town Board, upon recommendation of the Plan Commission,
1040 pursuant to the procedures required in this Section.
- 1041 G. Expiration of a Conditional use Permit.
- 1042 1. Where a conditional use application has been approved or conditionally
1043 approved, such approval shall become null and void twenty-four (24)
1044 months after the date of the approval unless the use is commenced,
1045 construction is underway or the current owner possesses a valid building
1046 permit under which construction is commenced within six (6) months of
1047 the date of issuance and which shall not be renewed unless construction
1048 has commenced.
 - 1049 2. Approximately forty-five (45) days prior to the expiration of such permit,
1050 the Zoning Administrator or Town Clerk shall make best efforts to notify
1051 the holder by certified mail of such revocation. Failure to provide such

notice shall not preclude the Town from enforcing the expiration date provided in this Ordinance.

3. The Town Board may extend such permit for a period of ninety (90) days for justifiable cause, if application is made to the Town at least thirty (30) days before the expiration of said permit.

SECTION 6 BOARD OF APPEALS

A. Authorization and Composition.

1. The Town Chair exercising village powers under Wis. Stats. §60.10(2)(c), shall appoint under authority of Wis. Stats. §61.35 and §62.23, a Board of Appeals consisting of five (5) regular members and two (2) alternates, who shall vote only in the absence of regular members or when a member refuses to vote because of a conflict of interest. Members shall serve for terms of three years, except those first appointed shall serve staggered terms as follows: one member for one year, two members for two years and two members for three years.
2. All appointments shall be subject to confirmation by the Town Board.
3. The Town Chair shall designate one member as Chairperson.

B. Procedural Rules.

1. The Board of Appeals shall select its own vice chair and meet at the call of the chair, vice chair or at such other times as the Board of Appeals may determine, at a fixed time and place.
2. All meetings of the Board of Appeals shall be open to the public, except as otherwise provided by Wisconsin law.
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 Zoning Administrator and the Town Clerk as a public record.
4. In the case of all appeals, the Board of Appeals shall solicit and weigh information and comments from the Town Board, Plan Commission and Zoning Administrator.
5. If a quorum is present, the Board of Appeals may take action by a majority vote of the members present.

C. Powers. In addition to the powers enumerated in this Ordinance, the Board of Appeals shall have the following powers:

1. Adopt such rules as it considers desirable for the conduct of business, subject to the provisions of this Section and relevant State Statutes.
2. Hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the Zoning Administrator, Town Board or other Town administrative official(s) in the enforcement or administration of this Ordinance.
 - a. Town Board decision regarding a Land Use Permit shall be considered an administrative decision and appealable to the Board of Appeals.

- 1098 b. Town Board decision on a Conditional Use Permit application shall
1099 be considered legislative and not appealable to the Board of
1100 Appeals, but directly appealable to St. Croix County Circuit Court.
1101 c. All appeals to the Board of Appeals shall be governed by Article 2,
1102 Section 6(D) of this Ordinance.
- 1103 3. Grant variances subject to Article 2, Section 7.
- 1104 4. If, after hearing the evidence, the Board of Appeals makes a finding that
1105 there was an error, the Board of Appeals may order the error corrected.
- 1106 D. Procedures.
- 1107 1. Appeals from Actions of Administrative Officials.
- 1108 a. Appeals to the Board of Appeals may be taken by any person
1109 aggrieved or by the officer, department, board, commission or
1110 committee of the Town affected by the decision of the Zoning
1111 Administrator or the Town Board, with respect to its decision on a
1112 Land Use Permit application.
- 1113 b. Such appeal shall be taken within thirty (30) days, as provided by
1114 the rules of the Board of Appeals, by filing with the officer from
1115 whom the appeal is taken and with the Board of Appeals a notice of
1116 appeal specifying the grounds thereof.
- 1117 c. The officer from whom the appeal is taken shall immediately
1118 transmit to the Board of Appeals all the papers constituting the
1119 record upon which the action appealed from was taken.
- 1120 2. Stay Appeals from Administrative Actions.
- 1121 a. An appeal shall stay all legal proceedings in furtherance of the
1122 action appealed from, unless the officer from whom the appeal is
1123 taken certifies to the Board of Appeals, after notice of appeal shall
1124 have been filed with him/her, that by reason of facts stated in the
1125 certificate a stay would in his/her opinion, cause imminent peril to
1126 life and property.
- 1127 b. In such cases, proceedings shall not be stayed otherwise than by a
1128 restraining order from the Board of Appeals or a court of law.
- 1129 3. Hearing.
- 1130 a. Upon the filing with the Board of Appeals of an appeal from a
1131 decision of the Zoning Administrator or Town Board, an appeal
1132 from a determination on an application for a land use permit, or
1133 other matters within its powers as set forth above, the Board of
1134 Appeals shall hold a public hearing.
- 1135 b. The Board of Appeals shall fix a reasonable time for the hearing
1136 and publish a Class 2 notice under Wis. Stats. §985, as well as
1137 providing notice by mail to all the parties in interest, including
1138 adjacent landowners.
- 1139 c. When the matter concerns shoreland or floodplain regulations, the
1140 Board of Appeals shall submit to the St. Croix County Zoning
1141 Administrator, a copy of the notice and application for the proposed
1142 variance sufficiently in advance so that the County will receive at
1143 least ten (10) days notice of the hearing.

- d. At the hearing, any party may appear in person or by agent or attorney and present written and oral evidence for the record.

4. Decision.

- a. The Board of Appeals shall make a decision based on such appeal within sixty (60) days following the public hearing on the matter.
- b. In passing upon an appeal the Board of Appeals may, so long as such action is in conformity with the provisions of this Ordinance, reverse or affirm, wholly or in part, or modify the order, requirement, decision or determination appealed from and it shall make its decision in writing setting forth the findings of fact and the reasons for its decision.
- c. A copy of all decisions granting variances affecting any provision of the shoreland or floodplain regulations shall be forwarded to St. Croix County within ten (10) days of such action.

SECTION 7 VARIANCES

A. Authority. The Board of Appeals has the authority to grant variances from the strict terms of this Ordinance, where owing to special conditions, a literal enforcement of this 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.

B. The granting of a variance shall not:

1. Permit, extend or increase any use prohibited in the zoning district.
2. Be contrary to the public interest.
3. Be granted for hardship based solely on an economic gain or loss.
4. Be granted for a hardship which is self-created.
5. Damage the rights or property values of other persons in the area.
6. Allow actions without the appropriate amendments to this Ordinance or its associated map(s).
7. Allow any alteration of a historic structure, including its use, which would preclude its continued designation as an historic structure. An historic structure is a structure listed on the national register of historic places in Wisconsin or the state register of historic places.
8. Permit a lower degree of flood protection than the flood protection elevation (a point two (2) feet above the regional flood level) for the area or permit standards lower than those required by State law or St. Croix County ordinances.

C. Conditions.

1. In granting a variance, the Board of Appeals may prescribe appropriate conditions and safeguards which are in uniformity with the purposes of this Ordinance.
2. Violations of such conditions and safeguards, when made part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance.

- 1189 3. Variances granted shall expire twenty-four (24) months from the date of
1190 issuance, where no such activity has been taken to accomplish
1191 construction.

- 1192 D. Notice. At least ten (10) days prior to the public hearing, a notice of time, place
1193 and purpose of such public hearing shall also be sent to the applicant, the
1194 members of the Board of Appeals, and the owners of record of property in whole
1195 or part situated within one (1) mile measured in all directions of the boundaries of
1196 the applicant's properties . All costs associated with providing the required notice
1197 are to be paid for by the applicant(s).

1198 1199 SECTION 8 IMPACT STUDIES AND REPORTS

1200
1201 In the administration of this Ordinance, the various boards and commissions which are
1202 assigned decision-making responsibilities hereunder may need additional, possibly
1203 expert, information regarding the impact of the proposed use, rezoning, variance, etc.
1204 The Town may retain professional consultants to review the application materials
1205 submitted by an applicant, including but not limited to engineers, planners, attorneys,
1206 environmental specialists, and other consultants with skills relevant to the application.
1207 The applicant shall be responsible for all costs incurred by the Town in reviewing the
1208 application.

1209 1210 SECTION 9 AMENDMENTS

- 1211
1212 A. Whenever the public necessity, convenience, general welfare or good zoning
1213 practice requires, the Town may, by ordinance, change the district boundaries
1214 established by this Chapter and the Zoning Map incorporated herein, or amend,
1215 change or supplement the text of the regulations established by this Chapter or
1216 amendments thereto. Such change or amendment shall be subject to the review
1217 and approval of the Town Board.
- 1218 B. Initiation and Petitions for Amendments to the Zoning Ordinance.
- 1219 1. An amendment to the text of this Ordinance or to the zoning district
1220 boundaries and map(s) may be initiated by the Town Board or by a
1221 petition of one (1) or more owners of property within the area proposed to
1222 be changed.
- 1223 2. Petitions for any change to the district boundaries and map(s) or
1224 amendments to the text of this Ordinance shall be submitted on forms
1225 supplied by the Zoning Administrator, addressed to the Plan Commission
1226 and Town Board, and shall:
- 1227 a. Include a full description of the lot(s) or parcel (s) to be rezoned or
1228 the portions of the text of regulations to be amended;
1229 b. Specify the proposed use or change;
1230 c. List the reasons justifying the proposed amendment;
1231 d. List the names and mailing addresses of all owners or occupants of
1232 land within one (1) mile, measured in all directions, of any land
1233 whose district or use will be changed, if the petition for amendment
1234 were approved; and

- e. Be accompanied by a fee to cover the cost of the hearing, and cost of reviewing the application.
3. The Plan Commission shall hold a public hearing, after Class 2 public notice as required in Wis. Stat. §62.23(7)(d), and review all proposed amendments and shall recommend, in writing to the Town Board, that the petition be approved as requested, modified or denied.
4. At least ten (10) days prior to the public hearing for petitions for change to the district boundaries and map, the Town shall send a notice of time, place and purpose of such public hearing to all owners of record property within one mile of applicant's property in all directions. All costs associated with providing the required notice are to be paid for by the applicant.
5. The Town Board shall then review the recommendation of the Plan Commission and make its determination.
6. Any amendment shall be consistent with the Town's Comprehensive Plan, or any amendment thereto as provided in Wis. Stat. Section 66.1001.
7. Any amendment to the Town Zoning Ordinance shall be subject to County Board approval, as provided by Wisconsin Statutes.

C. Protest.

1. In the event of a protest against amendment to the zoning ordinance pursuant to Wis. Stat. 62.23(7)(d)(2m), duly signed and acknowledged by the owners of twenty percent (20%) or more, either of the areas of the land included in such proposed change, or by the owners of twenty percent (20%) or more of the land immediately adjacent extending one hundred (100) feet therefrom, or by owners of twenty percent (20%) or more of the land directly opposite thereto extending one hundred (100) feet from the street frontage of such opposite land, such changes or amendments shall not become effective except by the favorable vote of three-fourths (3/4) of the Town Board members voting on the matter.

SECTION 10 VIOLATIONS AND PENALTIES

- A. Violations. No person shall fail to comply with any standard of this Ordinance or with any condition or qualification placed upon the issuance of a permit, approval or variance granted in due course of this Ordinance.
- B. Remedial Action.
 1. The Zoning Administrator is responsible for inspecting and investigating compliance of land use activities in compliance with this Ordinance.
 2. If upon such inspection or investigation the Zoning Administrator becomes aware of a condition, which he/she concludes is or is likely to become a violation, the parties in violation shall be notified and informed in writing of the appropriate action required to comply with this Ordinance and the time frame, not to exceed 30 days, within which to comply.
 3. Whenever an order of the Zoning Administrator has not been complied with the Town Board may institute appropriate legal action or proceedings to enforce the ordinance, including imposition of fines, injunctive or other

equitable relief, and all remedies available to the Town under Wisconsin law.

C. Penalties.

1. Where a conditional use or a variance has been approved subject to specified conditions and where such conditions are not complied with, the Town Board, Plan Commission or the Board of Appeals, as applicable, shall conduct a hearing similar to those followed in considering the granting of a conditional use or variance.
2. Finding of non-compliance with the conditions originally imposed shall be grounds for revocation of the conditional use permit.
3. The Town Board may, upon the recommendation of the Plan Commission or Board of Appeals, order an assessor's plat pursuant to Wis. Stats. §70.27, whenever the conditions specified in that Ordinance are found to be present.
4. The Zoning Administrator, Plan Commission, Town Board, or Board of Appeals may require creation and recording of correction instruments correcting errors in distances, angles, directions, bearings, chords, block or lot numbers, street names or other details of a recorded map or plat at the expense of the subdivider or affected property owners.
5. No provision of this Ordinance shall be construed to bar action to enjoin or abate the use or occupancy of any land or structure as a nuisance under the laws of Wisconsin.
6. The owner of any building, structure, lot or parcel of property, or any portion thereof, where any condition in violation of this ordinance exists or shall be created, and who has failed to bring the property into compliance with the ordinance, shall be subject to forfeitures for each violation of the ordinance in the amount no less than \$50.00 and no more than \$1,500.00. Each day each violation exists shall be considered a separate offence and shall be subject to the forfeiture provided herein.

ARTICLE 3 ZONING DISTRICTS

SECTION 1 INTRODUCTION

- A. This Article contains the general zoning provisions and indicates what uses may be made of property, the permissible lot size, height of buildings and dimensions of required yards and open space.
- B. The Town is divided into six (6) zoning districts; each with its own set of regulations.
- C. The locations of the zoning districts are shown on the official Town of Forest Zoning Map available at the Town Hall.
- D. Within most districts there are established "permitted uses" and "conditional uses."
 1. Permitted uses are those which are allowed in that district provided that the property owner obtains a land use permit by showing that the

proposed use is listed as a permitted use and complies with all applicable regulations.

2. Conditional uses are those that are allowed only after the Plan Commission reviews the proposed use and holds a public hearing and the Town Board decides whether to approve, based on certain conditions being met and compliance with the regulations contained in this Ordinance.

- E. The fact that a use is shown as a permitted use does not always mean that project may proceed. The St. Croix County Animal Waste Management, Shoreland, Sanitary, Floodplain, Riverway, Subdivision Ordinances, and other Articles of this Ordinance may result in a permitted use not being allowed to proceed, depending on the manner in which those provisions apply to the property in question.

SECTION 2 ZONING DISTRICTS

For the purposes of this Ordinance, the Town of Forest is hereby divided into the following six (6) zoning districts:

- A. Residential
- B. Agricultural
- C. Agricultural-Residential
- D. Commercial
- E. Conservancy
- F. Mineral Extraction

SECTION 3 DISTRICT BOUNDARIES

- A. The district boundaries contained in Article 3, Section 2 are shown on the official Town of Forest Zoning Map available for review at the Town Hall.
- B. Whenever possible, the boundaries shall be construed to follow U.S. Public Land Survey lines; lot or property lines; or centerlines of streets, highways, easements, and railroad right-of-way.
- C. No building shall be erected or premises used for any purpose unless in compliance with the provisions established for the district in which the building or premises are located.

SECTION 4 RESIDENTIAL DISTRICT

The Residential District is created to establish and protect the essential characteristics of areas within which predominantly residential and small-scale agricultural use should occur, along with certain community and recreational uses to serve the residents of the district.

- A. Permitted Uses. The following uses of land are permitted in the Residential District:

1. Accessory buildings, in compliance with Article 5, Section 2.
2. Cemeteries.

- 1372 3. Churches.
- 1373 4. Gardening and nurseries for propagation of plants and trees only.
- 1374 5. Minor home occupations, in compliance with Article 5, Section 7.
- 1375 6. Public parks and playgrounds, including swimming pools, golf courses,
- 1376 tennis courts and picnic grounds. Such uses shall contain sufficient yard
- 1377 area to provide a buffer space and adequate parking facilities according to
- 1378 the following guidelines:
- 1379 a. No yard shall be less than twenty-five (25) feet, except that no yard
- 1380 need be provided adjacent to the fairways and greens of golf
- 1381 courses.
- 1382 b. Each yard shall be increased for the following:
- 1383 i. Swimming pools larger than forty (40) feet by sixty (60) feet,
- 1384 one (1) foot additional yard for each two (2) feet of width or
- 1385 length of the pool in the direction of the additional width or
- 1386 length.
- 1387 ii. Picnic grounds having seating arrangements for more than
- 1388 forty (40) persons, ten (10) feet of additional width on every
- 1389 yard for each additional ten (10) persons or fraction thereof
- 1390 which such picnic ground is designated for or equipped to
- 1391 accommodate.
- 1392 c. Any such yard which abuts on a public street or highway may be
- 1393 reduced by half (.5) the width of such a street or highway, but in no
- 1394 case to less than fifteen (15) feet.
- 1395 d. Each yard shall be left in its natural condition and the natural
- 1396 vegetation of the area, including grasses, flowers, shrubs and trees,
- 1397 except no noxious plants, trees, or weeds shall be allowed to grow
- 1398 and develop, or other vegetation of equivalent density shall be
- 1399 planted therein, so as to provide a natural screen between the park
- 1400 or playground and the neighboring residential areas, and so that
- 1401 such yards be, so far as possible, unused and unusable for the
- 1402 general purposes of such parks and playgrounds.
- 1403 e. The above regulations shall be mandatory as applied to any park or
- 1404 playground established by the Town of Forest.
- 1405 7. Public and private schools.
- 1406 8. Single-family dwellings.
- 1407 9. Swimming pools, above or below ground, with proper fencing.
- 1408 10. Telephone and power distribution poles, lines and necessary
- 1409 appurtenance equipment and structures, such as transformers, unit
- 1410 substations and related equipment housing, but no service garage or
- 1411 storage yards.
- 1412 11. Trails, motorized and non-motorized.
- 1413 B. Conditional uses. The following uses may be allowed as a conditional use in the
- 1414 Residential District pursuant to the procedures and standards in Article 2, Section
- 1415 5 and other applicable standards in this Ordinance.
- 1416 1. Bed and breakfast or boarding house.
- 1417 2. Major home occupations, in compliance with Article 5, Section 7.

- 1418 3. Microwave relay structures, electric power transformers.
- 1419 4. Multiple-family dwellings of two (2) or more units, provided that:
- 1420 a. They are located adjacent to, and are connected to the existing or
- 1421 improved Forest Public Sewer System.
- 1422 b. An additional three thousand (3,000) square feet of minimum lot
- 1423 area shall be required for each dwelling unit in excess of two (2).
- 1424 c. Conditions listed in Article 3, Section (B)(2)(a),(b) and (c).
- 1425 d. Adequate utilities, access roads, drainage and other necessary site
- 1426 improvements have been provided.
- 1427 e. The Town Board may require a bond or other security to assure
- 1428 completion of agreed improvements.
- 1429 5. Two-family dwellings.
- 1430 6. Wells, water storage tanks and water distribution systems for central water
- 1431 systems, and central septic servicing more than one (1) property.
- 1432 C. Lot Area. Buildings or other parts of buildings hereafter erected or structurally
- 1433 altered for single or two-family dwelling purposes shall provide the following lot
- 1434 area:
- 1435 1. Forest Sanitary District:
- 1436 a. Minimum thirty thousand (30,000) square feet.
- 1437 b. Maximum one (1) acre.
- 1438 2. Unsewered Lots: Minimum one (1) acre.
- 1439 3. The proportion of depth in relation to width shall comply with the Town of
- 1440 Forest Subdivision Ordinance.
- 1441 D. Height.
- 1442 1. No building shall be more than two and one-half (2.5) stories or thirty-five
- 1443 (35) feet in height, whichever is greater, with height measurements
- 1444 commencing at the grade level of the highest existing topography.
- 1445 2. Residential buildings may be increased in height by not more than ten (10)
- 1446 feet or one (1) story when all yards and other required open spaces are
- 1447 increased by one (1) foot for each foot in height by which such building
- 1448 exceeds the normal height limit of the district.
- 1449 E. Yards.
- 1450 1. Front yard/Highway setback. The provisions of Article 4, Section 6 shall
- 1451 apply, including corner lots.
- 1452 2. Side Yard.
- 1453 a. There shall be a side yard on each side of the building.
- 1454 b. The aggregate width of the side yards for the principal building shall
- 1455 not be less than twenty-five (25) feet and no single side yard shall
- 1456 be less than ten (10) feet wide.
- 1457 c. The minimum permitted side yard for an accessory building in a
- 1458 residence district shall be five (5) feet, provided it is detached from
- 1459 the principal building. When an accessory building is attached or
- 1460 connected to the principal building they shall be considered to be
- 1461 as one and the conditions in (a) above shall apply.
- 1462 d. For lots less than eighty (80) feet wide and of record as such at the
- 1463 date of the passage of this Chapter, the aggregate width of the side

yards shall be equivalent to three (3) inches for each foot of the lot width and no single side yard shall be less than forty (40%) percent of the aggregate width. The buildable width of any lot shall not be reduced to less than twenty-four (24) feet.

3. Rear Yard.

a. There shall be a rear yard of the principal building not less than twenty-five (25) feet in depth.

b. Accessory buildings shall be provided with minimum rear yard of not less than five (5) feet.

SECTION 5 AGRICULTURAL DISTRICT

The Agricultural District is created to establish and protect areas within which agricultural uses may exist and prosper free from future intrusion from future high density residential development and other urban land uses. It is intended to avoid the operational conflicts which occur when farm and non-farm residential uses become interspersed and to reduce the adverse pressures upon farm livelihood.

A. Permitted Uses. The following uses are permitted in the Agricultural District:

1. Accessory buildings, including, but not limited to, grain bins/dryers, silos, and barns in compliance with Article 5, Section 2.
2. Agricultural uses including beekeeping; egg production; floriculture; fish or fur farming; forest management; grazing; orchards; poultry raising; raising of grain, grass, mint and seed crops; raising of trees, fruits, nuts and berries; sod farming; placing land in federal programs in return for payments in kind or money; vegetable raising; and wholesale plant greenhouses and nurseries.
3. Dairying and livestock facilities with fewer than five hundred (500) animal units, together with associated livestock structures, in compliance with the following standards:
 - a. Article 5, Section 4 of this Ordinance.
 - b. Wisconsin Administrative Code Chapter ATCP 51, Livestock Facility Siting.
 - c. Wisconsin Administrative Code Chapter NR 243, Animal Feeding Operations.
 - d. Wisconsin Administrative Code Chapter NR 151, Runoff Management.
 - e. Natural Resources Conservation Service (NRCS) Conservation Practice Standard Code 590, Nutrient Management.
 - f. St. Croix County Code of Ordinances Chapter 11, Animal Waste Storage Facilities.
4. Minor home occupations, in compliance with Article 5, Section 7.
5. Single-family dwellings.
6. Operations where horses, bison, farm-raised deer, or camelids are owned, boarded, bred or offered for sale on at least five (5) acres, where no more than one animals unit may be kept for each acre available for grazing, feed production and waste disposal up to two hundred (200) animals and

provided that any building used to house, feed, confine or show animals, store feed, or collect or store waste generated shall not be located within one hundred (100) feet of any property boundary line of a residential lot other than that of the owner or lessee of such building containing such animals.

7. Roadside stands, selling only produce grown on the parcel and operated by the family only with signs advertising only products produced on the farm.

8. Swimming pools, above or below ground, with proper fencing.

9. Telephone and power distribution poles, lines and necessary appurtenance equipment and structures, such as transformers, unit substations and related equipment storage buildings, but not outdoor storage yards.

B. Conditional Uses. The following uses may be allowed as a conditional use in the Agricultural District pursuant to the procedures and standards in Article 2, Section 5 and other applicable standards in this Ordinance.

1. Agricultural supply businesses and warehouses such as farm machinery dealers and seed, fertilizer and chemical dealers, and industries which process agricultural products largely produced on nearby farms, provided that no buildings shall be located within one hundred (100) feet of any property boundary line of a residential lot other than that of the owner or lessee of such building containing such uses.

2. Cemeteries.

3. Churches.

4. Commercial kennels, in compliance with Article 5, Section 5.

5. Communication, or similar towers, shall be in compliance with applicable state laws and town and county ordinances.

6. Dairying and livestock facilities with greater than five hundred (500) animal units, together with associated livestock structures, in compliance with the following standards:

a. Article 5, Section 4 of this Ordinance.

b. Wisconsin Administrative Code Chapter ATCP 51, Livestock Facility Siting.

c. Wisconsin Administrative Code Chapter NR 243, Animal Feeding Operations.

d. Wisconsin Administrative Code Chapter NR 151, Runoff Management.

e. Natural Resources Conservation Service (NRCS) Conservation Practice Standard Code 590, Nutrient Management.

f. St. Croix County Code of Ordinances Chapter 11, Animal Waste Storage Facilities.

7. Electrical generating facilities designed for nominal operation at capacity of less than 750 kilowatts, telephone, power transmission lines, poles and lines, including transformers, substations, relay stations, equipment housings and other similar necessary appurtenant facilities; natural gas substations; radio and television stations and transmission towers and

microwave radio relay towers; methane digesters, provided that such facilities are found to be necessary and to be located so as to avoid unreasonable interference with other uses permitted or existing in the district, and in compliance with all applicable Town ordinances and other conditions placed on the conditional use permit.

8. Governmental uses, such as police and fire stations, town halls, libraries, highway storage garages, solid waste disposal and sewage treatment plants, schools, public parks and campgrounds, public recreational use, airports and landing strips.
9. Hot mix plants and non-metallic mineral extraction operations, under one (1) acre, engaged in public highway-related projects provided that such operations are of a temporary nature not exceeding one hundred twenty (120) days of operation.
10. Junkyard/salvage yard, contractor's storage yard, recycling center, in compliance with Article 5, Section 8.
11. Licensed game management farms, as set forth in Wis. Stats. §29.
12. Limited commercial recreational activities which are found to be subordinate to the primary agricultural use of the property, which are compatible with the agricultural use on that and surrounding properties, and which are not likely to attract other related uses.
13. Major home occupations, in compliance with Article 5, Section 7.
14. Public stables, including offering horses for hire to the general public for the purposes of riding, driving and/or hay or sleigh ride either with or without guides or supervision.
15. Private stables, including private training, boarding, breeding and/or equitation farms, stables and tack shops operated in conjunction with private stables.
16. Sawmills, provided that no buildings shall be located within five hundred (500) feet of any property boundary line of a residential lot other than that of the owner or lessee of such building containing such uses.
17. Slaughterhouses, provided that no buildings shall be located within two hundred (200) feet of any boundary of a residential lot other than that of the owner or lessee of such building containing such uses.
18. Sport shooting ranges, in compliance with Wis. Stats. §895.527, provided that firearm discharge areas and accessory buildings shall not be located within one thousand (1,000) feet of any boundary of a parcel used for residential purposes other than that of the owner or lessee or such building or use.

C. Lot Area.

1. Minimum two and a half acres (2.5) acres.
2. Maximum five (5) acres for a residential lot, as defined in Article 1, Section 9(B)(67) of this Ordinance, created in compliance with the Town of Forest Subdivision Ordinance. There is no maximum for non-residential lots.
3. The proportion of depth to width for such a lot shall comply with the Town of Forest Subdivision Ordinance.

- 1601 D. Maximum Residential Density: Four (4) dwelling units per forty (40) acres, in
1602 compliance with Article 4, Section 10 of this Ordinance.
- 1603 E. Height. The provisions of Article 3, Section 4(D) of this Ordinance shall apply to
1604 all buildings for human habitation.
- 1605 F. Yards.
- 1606 1. Front yard/Highway setbacks. The provisions of Article 4, Section 6 of this
1607 Ordinance shall apply, including corner lots.
 - 1608 2. Side Yard. There shall be a side yard on each side of any building,
1609 structure or improvement not less than twenty-five (25) feet.
 - 1610 3. Rear Yard. There shall be a rear yard of not less than twenty-five (25) feet
1611 in depth from any building, structure or improvement.
 - 1612 4. Animal housing structures and animal waste storage structures must
1613 comply with the provisions of Article 5, Section 4 of this Ordinance.

1614 SECTION 6 AGRICULTURAL-RESIDENTIAL DISTRICT

1615 The Agricultural-Residential District is created to establish areas in which agricultural
1616 uses, limited commercial, institutional, and residential uses may be located. This district
1617 is intended to include areas in which exclusivity of agriculture use on an area-wide basis
1618 is not warranted because of such factors as the existence of mixed uses prior to the
1619 date this district was established and located, demonstrated or expected ability of farm
1620 and selected non-farm uses to exist in close proximity without undue conflict or a
1621 determination that the area is in a state of transition to urban-residential character.

- 1622 A. Permitted Uses. The following uses are permitted in the Agricultural-Residential
1623 District: Any permitted use in the Agricultural District.
- 1624 B. Conditional Uses. The following uses may be allowed as a conditional use in the
1625 Agricultural-Residential District pursuant to the procedures and standards in
1626 Article 2, Section 5 and other applicable standards in this Ordinance.
- 1627 1. Agricultural supply businesses and warehouses, as in Article 3, Section
1628 5(B)(1).
 - 1629 2. Bed and breakfast or boarding house.
 - 1630 3. Cemeteries.
 - 1631 4. Churches.
 - 1632 5. Commercial kennels, in compliance with Article 5, Section 5.
 - 1633 6. Governmental uses, as in Article 3, Section 5 (B)(8).
 - 1634 7. Hot mix plants, as in Article 3, Section 5(B)(9).
 - 1635 8. Junkyard/salvage yard, contractor's storage yard, recycling center, in
1636 compliance with Article 5, Section 8.
 - 1637 9. Licensed game management, as in Article 3, Section 5(B)(11).
 - 1638 10. Limited commercial recreational activities, as in Article 3, Section 5(B)(12).
 - 1639 11. Major home occupations, in compliance with Article 5, Section 7.
 - 1640 12. Mobile home parks, in compliance with Article 5, Section 10.
 - 1641 13. Public parks and playgrounds, including swimming pools, golf courses,
1642 tennis courts and picnic grounds, as in Article 3, Section 4(A)(6).
 - 1643 14. Public and private schools.
 - 1644 15. Public stables, as in Article 3, Section 5(B)(15).

16. Private stables, as in Article 3, Section 5(B)(16).

17. Two-family dwellings.

18. Wells, water storage tanks and water distribution systems for central water systems, and central septic systems servicing more than one property.

C. Lot Area.

1. Minimum five (5) acres.

2. The proportion of depth to width for such a lot shall be in compliance with the Town of Forest Subdivision Ordinance.

D. Maximum Residential Density: Eight (8) dwelling units per (forty) 40 acres, in compliance with Article 4, Section 10 of this Ordinance.

E. Height. The provisions of Article 3, Section 4(D) of this Ordinance shall apply to all buildings for human habitation.

F. Yards.

1. Front yard/Highway setbacks. The provisions of Article 4, Section 6 shall apply.

2. Side Yard. The provisions of Article 3, Section 5(F)(2) shall apply.

3. Rear Yard. The provision of Article 3, Section 5(F)(3) shall apply.

4. Animal housing structures and animal waste storage structures must comply with the provisions of Article 5, Section 4.

SECTION 7 COMMERCIAL DISTRICT

The Commercial District is created to establish and protect locations in which a variety of compatible commercial uses can be located. Within this district, residential and industrial development are not permitted in the interest of furthering the livelihood of the permitted commercial uses and protecting uses from the effects of incompatibility. In creating this commercial zoning classification, it is the intent that the Hamlet of Forest or the area along State Highway 64, as shown on the Future Land Use Map in the Town's Comprehensive Plan dated December 2009, are the appropriate areas for locating future higher intensity commercial uses in the Town, subject to completion of rezoning or other required procedures.

A. Permitted Uses. The following uses are permitted in the Commercial District:

1. Agricultural supply businesses, including service.

2. Automotive and recreational vehicle sales and accessory stores, including service, tires, and automotive parts.

3. Bakeries.

4. Banks and financial institutions.

5. Barber, hair salon or beauty shops.

6. Business and professional offices and clinics.

7. Cabinet/fixture assembly shop with retail showroom.

8. Clothing and dry good stores.

9. Drug stores and pharmacies.

10. Electrical, household appliance, radio, television and computer sales and service.

11. Equipment rental.

12. Gift, variety stores and antique shops.

- 1693 13. Greenhouse, when primary use is the direct selling of retail goods and
1694 items to the public.
- 1695 14. Grocery stores, supermarkets, and other food product stores.
- 1696 15. Hardware, home improvement, and paint stores.
- 1697 16. Health and athletic clubs.
- 1698 17. Liquor stores, off-sale only.
- 1699 18. Mini-storage/self-storage facilities in compliance with Article 5, Section 9.
- 1700 19. Mortuaries and funeral homes.
- 1701 20. Non-residential childcare facility.
- 1702 21. Office equipment and office supply stores.
- 1703 22. Private clubs and fraternities.
- 1704 23. Restaurants, including drive-in food service, and drinking establishments.
- 1705 24. Service stations.
- 1706 25. Sporting goods and athletic shops.
- 1707 26. Storage in connection with any of the permitted uses, when clearly
1708 incidental to the conduct of the retail business on the premises.
- 1709 27. Telephone and power distribution poles, lines and necessary
1710 appurtenance equipment and structures, such as transformers, unit
1711 substations and related equipment storage buildings, but not outdoor
1712 storage yards.
- 1713 28. Veterinary clinics.
- 1714 B. Conditional Uses. The following uses may be allowed as a conditional use in the
1715 Commercial District pursuant to the procedures and standards in Article 2,
1716 Section 5 and other applicable standards in this Ordinance.
- 1717 1. Accessory buildings, in compliance with Article 5, Section 2.
- 1718 2. Permitted uses with aggregate structure area over fifteen thousand
1719 (15,000) square feet.
- 1720 3. Uses not listed. Any other commercial use in the Commercial District not
1721 listed as a permitted use.
- 1722 a. A use not specifically identified as a permitted use or a conditional
1723 use may still be permitted as a conditional use if sufficiently similar
1724 in nature and impact to a permitted use or a conditional use.
- 1725 b. An applicant shall submit all proofs or verification they he/she
1726 believes shows that the proposed use is similar to another
1727 permitted use or conditional use and could be allowed.
- 1728 c. The Zoning Administrator shall initially determine if the proposed
1729 use is similar to another permitted use or conditional use in the
1730 Commercial District and could be allowed. The Plan Commission
1731 will review the request and recommend action to the Town Board.
- 1732 d. If the Town Board determines that the proposed use could be
1733 allowed, an application for a conditional use permit shall be
1734 submitted by the applicant to the Plan Commission for review and
1735 recommendation.
- 1736 e. If the Town Board determines that the proposed use should not be
1737 allowed, then the proposed use shall be denied and the applicant
1738 notified in writing.

- 1739 f. Uses regulated by the State of Wisconsin and exempt from local
1740 control, are permitted subject to state regulations.
- 1741 C. General Standards. The following standards shall apply to all permitted and
1742 conditional uses in the Commercial District:
- 1743 1. Minimum road right-of-way shall be sixty-six (66) feet unless the right-of-
1744 way pre-exists adoption of this Chapter. In this case, the Town Board, in
1745 its discretion, may authorize a reduced minimum right-of-way based on
1746 the criteria listed in (12) below.
 - 1747 2. Minimum pavement width shall be twenty-four (24) feet.
 - 1748 3. Minimum turn radiuses shall be sufficient to handle the size of vehicles
1749 likely to use the site.
 - 1750 4. All utilities, including electric, cable television, telephone, gas, water and
1751 storm and sanitary sewers, except electrical power lines exceeding 1,200
1752 volts, shall be underground.
 - 1753 5. Waterfront setback lines shall be governed by the provisions of the St.
1754 Croix County Shoreland Zoning Ordinance.
 - 1755 6. Sanitary restrictions shall be regulated pursuant to the St. Croix County
1756 Sanitary Ordinance.
 - 1757 7. Specification of plantings and landscape area.
 - 1758 a. Every effort should be made to protect and retain existing trees,
1759 shrubbery and grasses not located in rights-of-ways, drainage
1760 ways, vision triangles, and the like.
 - 1761 b. Plantings shall be required in road setback areas and will be
1762 reviewed by the Town and County or State, depending on the
1763 roadway jurisdiction, to insure appropriate visibility.
 - 1764 c. A minimum of at least fifteen (15%) percent of the area within the
1765 property lines of each lot shall be devoted to landscape purposes.
 - 1766 8. Any commercial lot that abuts or is across from a residential area shall
1767 have perimeter landscape screening that will substantially screen parking
1768 areas and headlights from vehicles.
 - 1769 9. All lighting must be the minimal amount needed for safety and security
1770 and downward directed and shielded away from neighboring properties to
1771 prevent glare.
 - 1772 10. The Town Board may require cross easements where commercial lots are
1773 adjacent to allow linking of parking areas.
 - 1774 11. Road standards for commercial development may be increased by the
1775 Town Board. An increase of these standards will be based on relevant
1776 information such as Town plans, driveway widths, speed limit, number and
1777 types of vehicles using the road, parking availability, sound engineering
1778 judgment, and any other pertinent information.
 - 1779 12. Wastewater and water systems shall be sufficient to service the proposed
1780 uses.
 - 1781 13. Site plans and facility plans shall be submitted to the Zoning Administrator.
- 1782 D. Lot Area. Minimum one (1) acre.
- 1783 E. Lot Frontage. Minimum one hundred and fifty (150) feet.

F. Height. No building shall be more than two and one-half (2.5) stories or thirty-five (35) feet in height, whichever is greater, with height measurements commencing at the grade level of the highest existing topography.

G. Yards.

1. Front yard/Highway setback. The provisions of Article 4, Section 6 shall apply.

2. Side yard.

a. Minimum of twenty (25) feet.

b. The side yard setback for a main building on a commercial lot that abuts a residential property shall be fifty (50) feet.

c. The minimum permitted side yard for an accessory building shall be ten (10) feet, provided it is detached from the main building.

d. The side yard for an accessory building on a commercial lot that abuts a residential property shall be twenty (20) feet.

e. When an accessory building is attached or connected to the main building, they shall be considered to be as one and the conditions in par. (a) above shall apply.

f. A detached accessory building shall be separated from other buildings by a minimum of ten (10) feet, measured from the edge of roof overhang.

3. Rear yard.

a. Minimum of twenty (25) feet.

b. The rear yard for a main building on a commercial lot that abuts a residential property shall be fifty (50) feet.

c. The minimum permitted rear yard for an accessory building shall be ten (10) feet, provided it is detached from the main building.

d. The side yard for an accessory building on a commercial lot that abuts a residential property shall be twenty (20) feet.

e. When an accessory building is attached or connected to the main building, they shall be considered as one and the conditions in 3(a) above shall apply.

f. A detached accessory building shall be separated from other buildings by a minimum of ten (10) feet, measured from the edge of roof overhang.

SECTION 8 CONSERVANCY DISTRICT

The Conservancy District is created to protect and preserve the natural state of certain areas such as low land swamps, marshes, wetlands, stream beds, slopes, bluffs, wooded areas, water areas and other areas of aesthetic value for the benefit of this and future generations. The regulations are intended not only to preserve and protect open space and water areas consistent with the intent and purpose of this Ordinance, but also to protect the Town from costs and consequences which may be incurred when unsuitable development occurs in such areas. In this district, no building shall hereafter be erected, moved or structurally altered except to be used in conjunction with permitted uses.

- 1830 A. Permitted Uses. The following uses are permitted in the Conservancy District.
- 1831 1. Forest management.
- 1832 2. Forest reserves, wilderness and wildlife preservation areas.
- 1833 3. Grazing.
- 1834 4. Harvesting of any wild crops such as marsh hay, ferns, wild rice, berries,
- 1835 tree fruits and tree seeds.
- 1836 5. Hiking trails or bridal paths.
- 1837 6. Hunting, fishing, and trapping.
- 1838 7. Public and private parks, picnic areas and similar uses, as in Section
- 1839 4(A)(7) of this Article.
- 1840 8. Soil and water conservation practices and stream bank protection,
- 1841 provided that such uses do not involve structures, fill, soil or peat removal,
- 1842 or disruption of the natural flow of any water course or altering the natural
- 1843 topography.
- 1844 B. Conditional uses. The following uses may be allowed as a conditional use in the
- 1845 Conservancy District pursuant to the procedures and standards in Article 2,
- 1846 Section 5 and any other applicable standards in this Ordinance.
- 1847 1. Accessory uses, such as non-habitable park and recreation shelters,
- 1848 buildings used solely in conjunction with the raising of waterfowl, minnows
- 1849 and other similar animals, fowl or fish, and structures used by public or
- 1850 semi-public agencies or groups for research in or the rehabilitation of
- 1851 natural resources.
- 1852 2. Fish hatcheries, raising of minnows, waterfowl and other similar animals,
- 1853 fowl or fish.
- 1854 3. Licensed game management, as set forth in Wis. Stats. Ch. 29.
- 1855 4. Piers, docks, boathouses.
- 1856 5. Ponds.
- 1857 6. Public and private campgrounds and accessory buildings.
- 1858 7. Removal of top soil or peat.
- 1859 8. Sport shooting ranges, in compliance with Wis. Stats. §895.527, as in
- 1860 Section 5(B)(19) of this Article.
- 1861 9. Structures and fill accessory to permitted principal uses.
- 1862 10. Telephone and power transmission lines.
- 1863 C. Lot area. Minimum one (1) acre.
- 1864 D. Height. No building shall be more than two and one-half (2.5) stories or thirty-five
- 1865 (35) feet in height, whichever is greater, with height measurements commencing
- 1866 at the grade level of the highest existing topography.
- 1867 E. Yards. Any use involving a structure shall provide front and rear yards of at least
- 1868 fifty (50) feet in depth and side yards of at least fifty (50) feet in width each.
- 1869 F. Other requirements.
- 1870 1. Highway setback lines shall be in conformance with Article 4, Section 6.
- 1871 2. Waterfront setback lines shall be governed by the provisions of the St.
- 1872 Croix County Shoreland Zoning Ordinance.
- 1873 3. Sanitary restrictions shall be regulated pursuant to the St. Croix County
- 1874 Sanitary Ordinance.
- 1875

SECTION 9 MINERAL EXTRACTION DISTRICT

The Mineral Extraction District is created to provide for orderly, economic and safe removal and processing of mineral aggregates, to protect mineral extraction operations against problems caused by intrusion of incompatible land uses, and to allow for protection of mineral deposits.

A. Permitted uses. The following uses are permitted in the Mineral Extraction District:

1. Limited, short-term mineral extractions which:
 - a. Will be commenced and completed within a one (1) year period from the date of land use and non-metallic mineral extraction permits being issued.
 - b. Disturb less than one (1) acre on a parcel over the life of the operation.
 - c. Does not include any blasting or drilling.
2. Non-structural agricultural uses to include, but not limited to, forestry, grazing and crop production.
3. Pre-existing mineral extraction operations involving the excavation, removal and/or processing of minerals which were in active use and having a reclamation plan on file prior to the effective date of this Ordinance.
4. Telephone and power distribution poles, lines and necessary appurtenance equipment and structures, such as transformers, unit substations and related equipment storage buildings.

B. Conditional uses. The following uses may be allowed as a conditional use in the Mineral Extraction District pursuant to the procedures and standards in Article 2, Section 5 and other applicable standards in this Ordinance and other applicable Town or County ordinances.

1. Non-metallic mineral extraction operations, not otherwise exempted in (C) below.
2. Metallic mineral extraction operation.

C. Exempt Activities. The following activities are exempt from the permits required by this Ordinance; provisions of the St. Croix County Shoreland Zoning Ordinance may apply.

1. Excavations or grading by a person solely for domestic use at his/her residence or farm where no sale of the excavated material takes place.
2. Excavation or grading conducted for highway construction purposes within the highway or railroad right-of-way, excavation or grading done within the boundary of an airport or other transportation or other transportation facility or for highway safety in or adjacent to the visions clearance triangle.
3. Non-metallic mineral extraction operation for Town, County or State highway construction with limited purpose and duration.
 - a. The duration of the exemption shall be specific to the length of the construction project.

- 1921 b. Such sites may also provide material for non-transportation projects
1922 during the construction project.
1923 c. The site is fully reclaimed.
- 1924 4. Preparing a construction site for a project which has been issued a
1925 building and land use permit and/or is consistent with applicable zoning
1926 ordinances.
1927 5. Restoring land following a flood or natural disaster.
1928 6. Excavations for building purposes for a project which has been issued a
1929 building and land use permit and/or is consistent with applicable zoning
1930 ordinances.
1931 7. Any activities conducted at a solid or hazardous waste disposal site
1932 required to prepare, operate or close a solid waste disposal facility under
1933 Wis. Stats. §289 or §291. This Section applies to activities related to solid
1934 or hazardous waste disposal which are conducted at a non-metallic
1935 mineral extraction operation separate from the solid or hazardous waste
1936 disposal facility, such as activities to obtain non-metallic materials to be
1937 used for lining, capping, covering, or constructing berms, dikes, or roads.
- 1938 D. Lot Area.
1939 1. Non-structural agricultural uses. The lot area shall conform to the
1940 standards set forth in Article 3, Section 5(C)(2).
1941 2. Mineral extraction operations. No minimum lot area.
- 1942 E. Height. No building shall be more than one hundred (100) feet in height, with
1943 height measurements commencing at the grade level of the highest existing
1944 topography.
- 1945 F. Yards.
1946 1. Extractive operations shall be set back a minimum of one hundred (100)
1947 feet from the public right-of-way and all property lines.
1948 2. Accessory uses such as offices, parking areas and stockpiles shall be
1949 setback a minimum of fifty (50) feet for the public right-of-way and all
1950 property lines.

1951 **ARTICLE 4 GENERAL PROVISIONS**

1952 **SECTION 1 JURISDICTION AND COMPLIANCE**

- 1953
1954 A. Jurisdiction. The jurisdiction of this Ordinance shall include all lands within the
1955 Town of Forest, St. Croix County, Wisconsin.
1956 B. Compliance. No structure or land shall hereafter be used and no structure or
1957 part thereof shall hereafter be located, erected, moved, reconstructed, extended,
1958 enlarged, converted, structurally altered without full compliance with the
1959 provisions of this Ordinance and all other applicable Town, county and state
1960 regulations.
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SECTION 2 DISTRICT REGULATIONS

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

SECTION 3 HEIGHT AND AREA

- A. No part of a yard or other open space provided about any buildings for the purpose of complying with the provisions of this Ordinance shall be included as a part of a yard or other open space required for another building.
- B. Every single family dwelling hereafter erected in the Town of Forest shall provide no less than six hundred (600) square feet of floor area, except that this provision shall not apply to summer cottages, hunting or fishing cabins that are used seasonally and not as permanent residences. The basement can be included if it has an entrance directly accessible to the outside, or at least one (1) window that is not over four (4) feet above the basement floor.
- C. The regulations contained throughout this Ordinance relating to building or structure height and the size of yards and other open spaces shall be subject to the following exceptions:
 - 1. Church, schools and other public or quasi-public may be erected to a height not exceeding sixty (60) feet or five (5) stories, provided the front, side and rear yards required in the district in which such a building or structure is to be located are each increased at least one (1) foot for each additional foot of height above the height limit otherwise established in the district.
 - 2. Chimneys, cooling towers, church steeples or spires, tanks, water towers, masts or aerials, farm silos, grain storage structures, barns or other farm structures and necessary mechanical accessories are hereby exempted from the height regulations in this Chapter and may be erected in accordance with other regulations or ordinances of the Town of Forest, St. Croix County or of other jurisdictions, such as the Federal Aviation Administration.
 - 3. Facilities subject to (1) and (2) above require a land use permit to be issued by the Zoning Administrator after the approval of the Town Board. Before issuing the permit, the Zoning Administrator or Town Board shall investigate and determine whether any such facility, which is to exceed thirty-five (35) feet in height above ground level, will create or may create any fire protection problems.
 - a. In considering a request for a permit, the Town Board may invite appropriate officials of fire or other public safety officials to appear and offer recommendations.
 - b. The Town Board may attach such conditions as it deems reasonable and necessary, based upon advice of fire and public safety officials, to the granting of the permit.

SECTION 4 USE REGULATIONS

The following use regulations and restrictions shall apply:

- A. Permitted Uses. Only those permitted uses specified for a district, their essential services and the following shall be permitted in that district.
- B. Unclassified or Unspecified Uses. Unclassified or unspecified uses may be permitted as conditional uses by the Town Board provided that such uses are similar in character to the permitted uses permitted in the district.
- C. Conditional uses. Provisions applicable to conditional uses generally:
 1. Conditional uses and their accessory uses are considered as conditional uses requiring for their authorization, Plan Commission review and recommendation to the Town Board, public hearing, and approval by the Town Board in accordance with Article 2, Section 5 of this Ordinance except those existent at time of adoption of this Ordinance.
 2. Those existing uses which are classified as "conditional uses" for the district(s) in which they are located at the time of adoption of this Ordinance require no action by the Town Board to continue as valid conditional uses.
 3. Proposed change of a permitted use in a district to a conditional use shall require application, Plan Commission review and recommendation, public hearing and approval of the Town Board in accordance with Article 2, Section 5 of this Ordinance.
 4. Conditional use uses, when replaced by permitted use(s), shall terminate. In such cases(s), the reestablishment of any previous conditional use, or establishment of new conditional use shall require application, Plan Commission review and recommendation, public hearing and approval of the Town Board in accordance with Article 2, Section 5 of this Ordinance.
 5. Conditional use uses authorized by the Town Board shall not be subject to substitution with other conditional use uses, either regular or limited, whether similar in type or not, without application, Plan Commission review and recommendation, public hearing, and Town Board approval in accordance with Article 2, Section 5 of this Ordinance.

SECTION 5 SITE REGULATIONS

- A. Site Suitability.
 1. No land shall be used or structure erected where the land is held unsuitable for such use or structure by the Town Board by reason for any of the following:
 - a. Flooding, as noted on official FEMA floodplain maps.
 - b. Concentrated runoff.
 - c. Inadequate drainage.
 - d. Adverse soil or rock formation.

- 2057 e. Unfavorable topography, generally defined as slopes over twenty-
2058 five percent (25%), but may be less depending on the
2059 characteristics of the particular property.
2060 f. Inadequate water supply or sewage disposal capabilities.
2061 g. Inadequate ingress or egress.
2062 h. Low percolation rate or bearing strength.
2063 i. Erosion susceptibility.
2064 j. Any other feature likely to be harmful to the health, safety,
2065 prosperity, aesthetics and general welfare of the Town.
- 2066 2. In applying the provisions of this Section, the Town Board shall in writing
2067 recite the particular facts upon which it bases its conclusions that the land
2068 is not suitable for certain uses. The applicant shall have the opportunity to
2069 present evidence contesting such unsuitability if he/she so desires.
2070 Thereafter, the Town Board may affirm, modify, or withdraw its
2071 determination of unsuitability.
- 2072 B. Principal Structures.
- 2073 1. Only one (1) principal structure shall be located, erected, or moved onto a
2074 lot.
- 2075 2. The Town Board may permit, as a conditional use, more than one (1)
2076 principal structure in any district where such structure is permitted as a
2077 conditional use in that district and more than one (1) such structure is
2078 needed for the orderly development of the parcel.
- 2079 3. Where additional structures are permitted, the Town Board may impose
2080 additional yard requirements, landscaping requirements or parking
2081 requirements, or require a minimum separation distance between principal
2082 structures.
- 2083 C. Decks. For the purposes of this Section, decks, whether attached to the building
2084 or not, shall be considered a part of the building or structure. A deck that is not
2085 directly accessible from the principal structure shall be considered an accessory
2086 structure.
- 2087 D. Pre-existing Lots. Where a lot has an area less than the minimum number of
2088 finished square feet per family required for the district in which it is located and
2089 was of record as such at the time of the passage of this Ordinance, such a lot
2090 may be occupied by one (1) family subject to setback, rear yard and side yard
2091 setbacks for the district.
- 2092 E. Open Yards. Every part of the required yard shall be open to the sky
2093 unobstructed, except for accessory buildings in a rear yard and the ordinary
2094 projection of sills, belt courses, cornices and ornamental features projecting not
2095 more than twenty (20) inches.
- 2096 F. Erosion Control and Storm water Management.
- 2097 1. All erosion control and storm water management must be in compliance
2098 and meet all permitting requirements of the following as applicable:
2099 a. St. Croix County Shoreland Zoning Ordinance.
2100 b. Chapter NR 151, Wisconsin Department of Natural Resources.
2101 c. Chapter NR 216, Wisconsin Department of Natural Resources.

d. Wisconsin Construction Site Erosion and Sediment Control Standards.

2. Copies of the above permit applications and supporting documentation submitted per the requirements of this Section shall be provided to the Town Clerk.
3. No land disturbance shall occur until proof of compliance with the requirements of this Section is submitted to the Town Clerk. Acceptable proof shall be an approved letter or permit provided by the regulatory agency.

SECTION 6 HIGHWAY AND ROAD SETBACKS

A. Purpose. The purpose of this Section is to promote the public safety, welfare and convenience on public roads by establishing setbacks from road rights-of-way.

B. Jurisdiction.

1. The jurisdiction of this Section shall include lands abutting all arterials, major collectors, minor collectors, and local roads.
2. The functional/jurisdictional classification of existing roads is shown on the Functional Classification map available for review at the Town Hall.
3. Where a road is located on a town boundary, this Section does not apply on the portion of the road located outside of the Town of Forest.
4. The Zoning Administrator will require approval from the Wisconsin Department of Transportation for setbacks, roads connection and driveway access to state and federal highways and on land that is adjoining state and federal highways. The Wisconsin Department of Transportation may require additional standards not identified in this Section.
5. The Zoning Administrator will require approval from the St. Croix County Highway Department for setbacks, roadway connection and driveway access to county highways and on land that is adjoining county highways. The County Highway Commissioner may require additional standards not identified in this Section.

C. Compliance.

1. No structure or part thereof shall be located between the setback lines established by this Section and the road right-of-way, except as provided in (D) below.
2. No structure or part thereof shall be located in the vision clearance triangle, as in Section F of this Article.
3. The provisions of Article 4, Section 7 shall apply.
4. Structures and signs that may be permitted adjacent to state and federal highways also require permits from the Wisconsin Department of Transportation.
5. All distances unless otherwise indicated shall be measured horizontally.
6. No building, structure, sign, or part thereof, except those complying with the above regulations, which exists within the setback lines on the

effective date of this Ordinance or any amendment thereto shall be altered or enlarged. When such a building, structure, sign, or thereof, is damaged by violent wind, vandalism, fire, flood, ice, snow, mold, or infestation, it may be restored or rebuilt in the same location within such setback lines, but cannot be enlarged or expanded unless it complies with the provisions of this Ordinance, or unless enlarging the structure is necessary to comply with applicable state or federal requirements.

D. Structures Permitted Within Setback Lines. If the Zoning Administrator, in conjunction with the Town Board and St. Croix County Highway Department, determines that the road's line of sight is not impaired, then structures and signs may be placed between the setback line and the right-of-way on all highways and roads as follows:

1. Frontage or service roads constructed according to plans as approved by the jurisdiction having authority over the road or highway.
2. Landscaping, retaining walls and utility structures that do not obstruct the line of sight.
3. Non-permanent structures less than thirty-five (35) square feet.
4. Open fences.
5. Parking lots located a minimum of twenty (20) feet from the established highway or road right-of-way.
6. Signs, in compliance with Article 4, Section 9.
7. Telecommunication and power transmission poles and lines and microwave radio relay structures, together with all appurtenances thereto that are readily removable as a unit, including public utility equipment housing or structures.
8. Wells and septic tanks and other similar structures.

E. Setback Requirements. Road setbacks shall meet the following requirements:

Road Classification	Setback from Edge of Right-of-Way
Principal/Minor Arterial	50 feet
Major Collector	50 feet
Minor Collector	50 feet
Local Road	50 feet

F. Vision Clearance Triangles.

1. In each quadrant of every uncontrolled or yield-controlled public highway or road intersection there shall be a vision clearance triangle bounded by the highway or road edge of roadway and a line connecting points on the highway edge of roadway.
2. No building, fence, structure, vegetation or any other object preventing a line of sight may be placed within a vision clearance triangle.
3. The vision clearance triangle for an intersection may be expanded by the Town Board to fit site conditions with the approval of the Wisconsin Department of Transportation or the St. Croix County Highway Department.

Vision clearance triangles shall meet the following standards:

	60 MPH or greater	55 MPH	50 or 45 MPH	40 MPH or less
Major Intersecting Highway/Road*	600 feet	500 feet	400 feet	300 feet
Minor Intersecting Highway/Road**	175 feet	160 feet	150 feet	120 feet

*Through traffic, which does not stop at the intersection.

**Controlled traffic, which stops at the intersection.

SECTION 7 ACCESS AND FRONTAGE

A. Access.

1. All accesses serving three (3) or more lots or parcels shall be dedicated public roads.
2. Any private road existing prior to the effective date of this Ordinance that had served two or more lots or parcels shall be dedicated in its entirety if any additional lots or parcels will take access from the private road.
3. Spacing.
 - a. There shall be a minimum of two hundred (200) feet between the centerlines of driveways and/or between the driveway and an intersecting road.
 - b. Spacing distance may be altered by the Town Board for an individual driveway on a previously platted lot or to fit site conditions and engineering standards, with approval from the Wisconsin Department of Transportation or the St. Croix County Highway Department if located on a road under their jurisdiction.
 - c. Agricultural field driveways are exempt from the spacing requirements, but must be compliant with the Town's driveway ordinance.

B. Frontage. All lots or parcels shall have a minimum of sixty-six (66) feet of road frontage, except a lot or parcel on a cul-de-sac shall have a minimum of thirty-three (33) feet of road frontage.

C. Driveways. All driveway accesses installed, altered, changed, replaced or extended after the effective date of this Chapter shall meet the requirements of the Town of Forest Driveway Ordinance and the following requirements:

1. Driveway access to all roads under state or federal jurisdiction must be approved by the Wisconsin Department of Transportation
2. Driveway access to all roads under county jurisdiction must be approved by the St. Croix County Highway Department.

SECTION 8 OFF-STREET PARKING

A. General Standards.

1. In the Commercial District, whenever a lot abuts upon a public or private alley, sufficient loading space shall be provided on the lot or adjacent thereto in connection with any business use so that the alley shall at all times be free and unobstructed to the passage of traffic.
2. One (1) off-street parking space shall be twenty feet by ten feet (20' x 10') in area, exclusive of adequate ingress and egress driveways to connect with a public thoroughfare. A single stall in any garage may replace any single required parking space.
3. No building for which off-street parking space is required may be added to, structurally altered or converted in use so as to encroach upon or reduce the parking space below the required minimum.
4. All parking spaces shall be graded and drained so as to prevent the accumulation of surface water.
5. Parking lots containing five (5) or more parking spaces which are located in the Residential or Agricultural-Residential Districts or adjacent to residential lots, shall be screened along the side of such lots that abut the lots lines of residential lots by a solid wall, fence or evergreen planting of equivalent opacity, or other equally effective means, built or maintained at a minimum height of four (4) feet. If parking lots so located are lighted, the lights shall be shielded as to prevent undesirable glare or illumination of adjoining residential property.

- B. Number of Spaces Required. The following minimum number of off-street parking spaces shall be provided and maintained by ownership, easement and/or lease for and during the life of the respective uses hereinafter set forth:

Use	Minimum Spaces Required
Bowling alleys	Five (5) spaces for each alley
Buildings combining business and residential use	One (1) space for each three hundred (300) square feet of area devoted to business use + one (1) per family, which accommodations are provided on the premises
Dwelling, single family	Two (2) spaces per dwelling
Dwelling, multi-family	Two (2) spaces per family for which accommodations are provided in the building + one (1) more space per building
Establishments offering curb service to customers who remain in their vehicles	Five (5) spaces for each person employed to serve such customers
Funeral homes and mortuaries	One (1) space for each fifty (50) feet of space devoted to parlors
Mini-storage/self-storage facilities	One (1) space for each one hundred (100) storage units and two (2) spaces

	for the live-in manager or office worker
Motels, lodging houses and dormitories	One (1) space for each guestroom
Public and private parks and playgrounds	One (1) space for each four (4) persons designed to be accommodated
Restaurants, taverns and similar places for eating and for refreshments, except curb service establishments	One (1) space for each fifty (50) feet of floor space devoted to the use of the patrons
Retail or local business places, banks, offices and professional offices and personal service shops	One (1) space for each two hundred (200) square feet ground floor area + one (1) additional space for each five hundred (500) square feet of upper floor area
Roadside stands	Five (5) spaces at the place of business off the right-of-way of the highway
Service stations	Shall provide parking for all vehicles used directly in the conduct of the business + two (2) spaces for each gas pump + three (3) spaces for each grease rack
Theaters, churches, auditoriums, lodges or fraternity halls and similar places of public assemblage	One (1) space for each seven (7) seats

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- C. Uses Not Named. Any use not specifically named shall be assigned to the most appropriate classification by the Zoning Administrator subject to review by the Plan Commission and Town Board or appeal to the Board of Appeals.
- D. Handicapped Parking Requirements. In addition to any other requirements relating to parking spaces contained in this Section, the provisions contained in §101.13, §346.503 and §346.56, Wis. Stats., and any Wisconsin Administrative Code sections adopted pursuant thereto are hereby adopted by reference and made applicable to all parking facilities whenever constructed.

2266 SECTION 9 SIGNS

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- A. Purpose. The purpose of this Section is to establish minimum standards to regulate, administer and enforce signage standards in the Town to protect the safety and welfare of the public and the natural scenic beauty of roadsides, promote aesthetics, and maintain property values.
- B. Applicability. This Section applies to all signs in all zoning districts, including permanent, temporary, on-premise and off-premise signs, unless otherwise provided in this Section.
- C. Sign Permit.
1. No sign shall be erected, constructed, altered, enlarged, rebuilt or relocated without a sign permit, except as otherwise provided in this Section.

- 2279 2. The sign shall meet all other requirements of other applicable codes and
2280 ordinances of the Town of Forest.
- 2281 3. A completed sign permit application form must be submitted to the Town
2282 Clerk, with the appropriate fee as included in the Town Fee Schedule.
- 2283 4. The Zoning Administrator shall deny, approve with conditions, or approve
2284 without conditions within thirty (30) days of receiving a completed
2285 application.
- 2286 5. In the case of a denial or approval with conditions, the Zoning
2287 Administrator shall prepare a written decision stating the findings and
2288 reasons for the action.
- 2289 6. An appeal from the denial or approval with conditions of a sign permit can
2290 be brought before the Board of Appeals.
- 2291 D. Sign Permit Exemptions. The following types of signs do not require a permit,
2292 but must comply with all other provisions of this section, including size,
2293 placement, installation, maintenance, etc.
- 2294 1. Government signs erected by or on behalf of a government body for the
2295 purpose of carrying out an official duty or responsibility, including but not
2296 limited to posting legal notices, identifying public property and indicating
2297 public use.
- 2298 2. Signs that are traffic control devices and are permitted or allowed by the
2299 Wisconsin Manual on Uniform Traffic Control Devices published by the
2300 Wisconsin Department of Transportation.
- 2301 3. Interior signs located completely within a building and not visible from
2302 outside the building.
- 2303 4. Temporary free standing signs three (3) square feet or less.
- 2304 5. Memorial signs, tablets, names of buildings and date of erection when cut
2305 into masonry surface.
- 2306 6. Signs designating entrances, exits, service areas, parking areas,
2307 restrooms and other such signs relating to functional operation of the
2308 building or premises.
- 2309 7. Signs not exceeding ten (10) square feet in area and containing only
2310 property numbers, post box numbers or names of occupants of premises.
- 2311 8. Flags or insignia of any government, except when displayed in connection
2312 with commercial promotion.
- 2313 9. Political message signs during an election campaign, as defined in Wis.
2314 Stats. §12.04(1, and subject to the Town's authority to regulate size,
2315 shape and placement for the public safety.
- 2316 10. Window signs.
- 2317 11. Posters and banners, provided that they shall not be posted or displayed
2318 for longer than thirty (30) days.
- 2319 12. Real estate signs not to exceed ten (10) square feet in area which
2320 advertise the sale, rental, or lease of the premises upon which the sign is
2321 located, provided they be removed within thirty (30) days of the sale,
2322 rental, or lease of the property.
- 2323 13. No trespassing or no dumping signs.

E. Prohibited Signs. The following signs shall be prohibited within the Town of Forest:

1. Signs that fail to satisfy the requirements of this Section.
 2. Signs that emit any odor, noise or visible matter other than light.
 3. Moving or flashing signs, except those giving public service information such as time, date, temperature, weather or similar information.
 4. Abandoned signs in disrepair with no permit on file with the Town and no contact information on the sign, as determined by the Town Board.
 5. Signs within the public right-of-way, except for traffic control, parking and directional signs.
 6. Signs painted directly on a building, fence, tree, stone or similar object, except those on windows.
 7. Off-premise signs, except in the Commercial District.
 8. Pornographic signs.
 9. Signs on utility poles.
 10. A vehicle used as a sign or as the base for a sign where the primary purpose of the vehicle in that location is its use as a sign.
- F. Placement and Dimensional Standards.
1. Signs shall not be placed on any property without the property owner's written consent.
 2. All signs shall be mounted in one (1) of the following manners:
 - a. Flat against a building or wall.
 - b. Back to back in pairs so that the back of the sign will be screened from public view.
 - c. In clusters in an arrangement which will screen the back of the signs from public view.
 3. Signs shall be setback the following minimum distances:
 - a. Ten (10) feet from any right-of-way
 - b. Twenty (20) feet from all side and rear yard lot lines.
 - c. Seventy-five (75) feet from any Residential District, unless the sign is completely screened from the residential property.
 - d. Signs over one hundred (100) square feet: five hundred (500) feet from any pre-existing residence or Residential District.
 4. Freestanding signs shall be separated from other structures by a minimum of ten (10) feet, measured from edge of roof overhang to the sign.
 5. The maximum height of any freestanding sign shall be twenty (20) feet above the average elevation at the site of the sign.
- G. Construction and Maintenance.
1. All signs, supports and accessories and construction shall meet applicable State of Wisconsin building codes and the Uniform Sign Code and the Uniform Building Code as published by the International Conference of Building Officials.
 2. All signs, including supports and attachments, shall be properly maintained and have an appearance that is neat and clean and kept free of rubbish and weeds.

3. All ground sign structures shall be self-supporting structures and permanently attached to sufficient foundations.
4. All signs using electric power shall have a cut-off switch on the outside of the sign and electrical service to ground signs shall be concealed wherever possible.
5. Illuminated signs shall be diffused or indirect so as not to direct rays of lighting onto any public road.
6. Signs not meeting the standards of this Section may be removed by the Town.

H. Portable Signs.

1. A sign permit is required for a portable sign.
2. Permits shall be issued for a period not to exceed thirty (30) days in any calendar year.
3. Any sign remaining on the premises for more than thirty (30) days in any calendar year shall be deemed to be a permanent sign and shall meet all the requirements for a permanent sign.
4. No portable sign shall exceed thirty-two (32) square feet and no portable sign shall be over seven (7) feet in height from grade level.
5. All portable signs shall have a minimum setback from the property line of fifteen (15) feet or an additional setback as deemed necessary.

I. Nonconforming Signs.

1. Any sign located within the Town of Forest prior to the date of adoption of this Ordinance hereafter which does not conform to the provisions of this Section is considered a nonconforming sign and is permitted.
2. A sign loses its nonconforming status if one (1) of the following occurs:
 - a. The sign is relocated.
 - b. The sign fails to comply with the Town requirements regarding maintenance and repair.
 - c. The sign is abandoned.
 - d. On the date of occurrence of any of the above, the sign shall be immediately brought into compliance with this Section and new permit secured therefore or the sign shall be removed.
3. Nothing in this Section shall relieve the owner or user of a legal nonconforming sign or the owner of the property on which the sign is located from the provisions of this Section regarding safety, maintenance and repair of signs.

J. Violations.

1. Any person, firm or corporation who begins, erects or completes construction of any sign controlled by this Section prior to receiving a sign permit shall pay a penalty of double the amount of the sign permit fee.
2. Written notice will be provided to the sign owner and property owner for any sign found to be in violation of the provisions of this Section.
3. The Town may remove any non-compliant signs at the expense of the sign owner after proper notice and inaction by the sign owner or property owner to bring the sign into compliance.

SECTION 10 MAXIMUM RESIDENTIAL DENSITY

A. Purpose. Maximum residential densities are established in order to allow greater flexibility to create additional residential lots in certain districts while preserving productive agricultural land and open space in the Town.

B. Applicability.

1. The standards in this Section shall apply to the creation of residential lots in the Agricultural and Agricultural-Residential Districts.
2. No lot or building site shall be created which does not meet the appropriate zoning district's minimum lot area requirements of this Ordinance.
3. No parcel shall be created which does not allow at least one (1) residential lot under the maximum density calculation unless such parcel is permanently deed restricted to a non-residential use. Any such use must comply with this Zoning Ordinance.
4. Parcels of land existing on the effective date of this Ordinance shall not be subdivided into residential lots which exceed the allowable number of lots per forty (40) acres or portions thereof for the Agricultural and Agricultural-Residential Districts.

C. Calculation.

1. The allowable number of residential lots shall be calculated by multiplying the acreage of the parcel by the maximum residential density per forty (40) acres.
2. Any fractional lot resulting from the calculation in (1) above of this Section which is at least .75 or higher shall be rounded up to the next whole number.
3. Any existing residence on a parcel to be subdivided shall count against the maximum residential density allowed, except for those allowed in Article 3, Section 5(B)(16) of this Ordinance.

D. Official Density Map.

1. Allowable residential density will be recorded on a map kept on file in the Forest Town Hall.
2. The number of residential lots created and the available number of lots remaining under the corresponding zoning district shall be noted on the map.

SECTION 11 NONCONFORMING USES, STRUCTURES AND LOTS

A. Applicability.

1. Within the Town of Forest, there may be existing uses of land and structures that lawfully existed prior to the enactment, or amendments thereto, of this Ordinance which do not conform to the regulations herein.
2. Such nonconforming conditions may continue subject to the regulations contained in this Section.

B. Nonconforming Uses.

1. Continuance.

- 2461 a. Any nonconforming use lawfully existing upon the effective date of
2462 this Ordinance, or any amendment thereof, may be continued at the
2463 size and in a manner of operation existing upon such date, except
2464 as specified in this Section.
- 2465 b. Only that portion of the land in actual use may be so continued.
- 2466 c. Uses or adjuncts thereof which are or become nuisances shall not
2467 be entitled to continue as nonconforming uses.
- 2468 2. Modification and Maintenance.
- 2469 a. No nonconforming use shall be expanded, enlarged or extended in
2470 any way which increases its nonconformity, unless the use is
2471 changed to a permitted use in the district in which it is located.
- 2472 b. No nonconforming use shall be changed into another
2473 nonconforming use.
- 2474 c. The total structural repairs or alterations to a nonconforming use's
2475 building, premises, structure or fixture shall not during its life
2476 exceed fifty (50%) percent of the assessed value of the building,
2477 premises, structure or fixture unless permanently changed to a
2478 conforming use.
- 2479 3. Discontinuance. When any nonconforming use is discontinued for a
2480 period of twelve (12) consecutive months, or is changed into a conforming
2481 use, any future use of the building, premises, structure, or fixture shall
2482 conform to the provisions of this Ordinance.
- 2483 C. Nonconforming Structures.
- 2484 1. Continuance. Any nonconforming structure lawfully existing upon the
2485 effective date of this Ordinance, and amendments thereof, may be
2486 continued at the size and in a manner of operation existing upon such
2487 date, except as specified in this Section.
- 2488 2. Modification.
- 2489 a. Any nonconforming structure lawfully existing upon the effective
2490 date of this Ordinance, and amendments thereof, may be extended,
2491 enlarged, reconstructed, moved, or structurally altered provided
2492 that said extension, enlargement, reconstruction, movement, or
2493 alteration complies with the zoning and building requirements of the
2494 specific zoning district.
- 2495 b. The nonconforming feature of a lawful nonconforming structure
2496 shall not be allowed to increase its nonconformity by being
2497 extended, enlarged, reconstructed, moved, or structurally altered
2498 except under one (1) or more of the following conditions:
- 2499 i. When required to do so by law.
- 2500 ii. When required to comply with state or federal requirements.
- 2501 iii. To comply with provisions of this Ordinance.
- 2502 iv. With approval of a variance by the Board of Appeals.
- 2503 c. When any lawful nonconforming structure in any district is modified
2504 so as to be in conformance with provisions of this Ordinance, any
2505 future modifications of that structure shall be in conformance with
2506 the provisions of this Ordinance.

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3. Maintenance.
 - a. Ordinary maintenance repairs, including repairs reasonably necessary to prevent the deterioration of a structure, and remodeling of a nonconforming structure are permitted, as well as necessary nonstructural repairs and alterations which do not extend, enlarge, or intensify the nonconforming structure.
 - b. Ordinary maintenance repairs and remodeling include the following:
 - i. Internal and external painting.
 - ii. Decorating.
 - iii. Paneling.
 - iv. Installation of heating, electricity, plumbing (including fixtures) or insulation.
 - v. Replacement of doors, windows, and other non-structural components.
 4. Restoration of Damaged Structures.
 - a. A damaged or destroyed nonconforming structure may be restored to the size, location, and use that it had immediately before the damage or destruction occurred, without any limits on the costs of repair, reconstruction, or improvement if all the following apply:
 - i. The nonconforming structure was damaged or destroyed on or after March 2, 2006.
 - ii. The damage or destruction was caused by violent wind, vandalism, fire, flood, ice, snow, mold, or infestation.
 - b. Any nonconforming structure to be restored, for which (4)(a) above applies, shall allow for the size of the structure to be larger than the size it was immediately before the damage or destruction if necessary for the structure to comply with applicable state or federal requirements.
 5. Unsafe Structures. Nothing in this Ordinance shall preclude the Building Inspector or any other Town official from initiating remedial or enforcement actions when a lawful nonconforming structure is declared unsafe or presents a danger to the public health, safety, or welfare or is violation of any applicable Town ordinances.
- D. Nonconforming Lots.
1. Contiguous nonconforming lots under common ownership shall be combined prior to the issuance of any zoning permit contained in this Ordinance.
 2. A nonconforming lot may be used for any use permitted in the zoning district in which the lot is located but shall not be a building site, unless a variance is granted by the Board of Appeals.

ARTICLE 5 PERFORMANCE STANDARDS

SECTION 1 PURPOSE AND INTENT

The purpose of this section establishing performance standards is to encourage a high standard of development. The standards are intended to prevent and eliminate those conditions that cause blight and potential hazardous and nuisance-like effects and to assure that neighboring land uses are compatible. All development after the effective date of this Ordinance shall be required to meet these standards and may apply to existing development where so stated.

SECTION 2 ACCESSORY BUILDINGS

- A. Required Permits. A land use permit and building permit are required for all accessory buildings.
- B. Performance Standards. Accessory buildings must comply with the following standards in all districts.
 - 1. No accessory building shall be used as a separate dwelling unit.
 - 2. All accessory buildings are to be used for personal or agricultural use only. No commercial use or commercially-related use is allowed in these structures except by conditional use permit.
 - 3. An accessory building shall not exceed thirty-five (35) feet in height, as measured from the finished grade to the roof peak.
 - 4. The permitted size of accessory buildings are as follows:

Lot Area	Total square footage of accessory buildings	Number of allowed accessory buildings
Less than 1 acre	1,200	1
1 acre – 5 acres	2,500	2
5 acres – 10 acres	5,000	3
10 acres – 20 acres	10,000	4
Greater than 20 acres	Unlimited*	Unlimited*

*provided they are agricultural buildings, if not the standards for 10-20 acre lot area is applied

SECTION 3 ADULT ESTABLISHMENTS

- A. Purpose. To create an overlay zoning district whereby adult establishments are sufficiently separated from each other and from conflicting uses so as to minimize the negative secondary effects of adult uses on other properties in the Town.
- B. Definitions.
 - 1. Adult Bookstore. An establishment which, as its substantial course of conduct, presents adult entertainment for observation by patrons therein, or which, as part of its substantial course of conduct, offers for sale, rent,

trade, lease, inspection or viewing books, films, videocassettes, magazines or other such media, which are distinguished or characterized by their emphasis on matters depicting, describing or relating to specific anatomical areas or specified sexual activities.

2. Adult Cabaret. A nightclub, dance hall, bar, restaurant or similar commercial establishment that regularly features:
 - a. Persons who appear in a state of nudity or semi-nudity; or
 - b. Live performances that are characterized by specified sexual activities; or
 - c. Films, motion pictures, videocassettes, slides or other photographic reproductions that are characterized by the depiction or description of specified sexual activities or nudity.
3. Adult Entertainment. Any exhibition of any motion picture, live performance, display or dance of any type which has as a significant or substantial portion of such performance, or is distinguished or characterized by an emphasis on any actual or simulated performance of specified sexual activities or exhibition and viewing of specified anatomical areas.
4. Adult Establishment. Includes adult bookstores, adult motion-picture theaters, adult novelty stores, and further means any premises to which public patrons or members are invited or admitted that is substantially devoted to the purveyance, demonstration or display of specified sexual activities or specified anatomical areas.
5. Adult Motion-Picture Theater. Any establishment for the presentation of motion pictures that as its dominant theme, or distinguished or characterized by an emphasis on, matters depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons therein.
6. Adult Novelty Store. Any establishment which as its substantial course of conduct offers for sale, rent, trade, lease, inspection or viewing any adult novelty items, sex toys, sexual gratification appliances, or other similar products, excluding contraceptives or similar products of medical value, that are distinguished or characterized by their emphasis on matters depicting, describing or relating to specified sexual activities or specified anatomical areas.
7. Sexually-Oriented Business. An adult bookstore, adult establishment, adult motion-picture theater, adult novelty store, adult cabaret, a business featuring adult entertainment or other business classified as an adult establishment.
8. Specified Anatomical Areas:
 - a. Less than completely and opaquely covered human genitals or pubic region.
 - b. Human male genitals in a discernibly turgid state, even if opaquely covered.
 - c. Less than completely and opaquely covered nipples or areolas of the human female breast.

2637 9. Specified Sexual Activities. Simulate or actual:

- 2638 a. Showing of human genitals in a state of sexual stimulation or
2639 arousal; or
2640 b. Acts of masturbation, sexual intercourse, sodomy, bestiality,
2641 necrophilia, sadomasochistic abuse, fellatio or cunnilingus; or
2642 c. Fondling or erotic touching of human genitals, pubic region,
2643 buttocks or female breasts.

2644 10. Substantial. Forty (40%) percent or more of a business stock-in-trade,
2645 display space, floor space or retail sales in any one month. Upon
2646 reasonable belief that an entity is in excess of the forty-percent threshold,
2647 that entity shall provide all necessary records, receipts and documentation
2648 to the Town upon request. Failure to do so shall result in a presumption
2649 that the entity is operating in excess of the threshold.

2650 11. The above definitions are not intended to imply that the described
2651 activities are lawful under state or federal law. Any adult establishment
2652 and/or any sexually oriented business must comply with all applicable
2653 county, state and federal laws or regulations, in addition to the
2654 requirements of this ordinance.

2655 C. Location.

2656 1. No adult establishment shall be located:

- 2657 a. Within any zoning district other than the Commercial District.
2658 b. Within 1,320 feet of an existing adult establishment.
2659 c. Within 1,320 feet of any lot with a residential dwelling.
2660 d. Within 2,640 feet of any preexisting school, daycare, church, or
2661 public recreational facility.
2662 e. Within 1,320 feet of any preexisting establishment licensed to sell
2663 or dispense fermented malt beverages of intoxicating liquor.

2664 2. For purposes of this section, distances are to be measured in straight line,
2665 without regard to intervening structures or objects, from the property line
2666 of the adult establishment, to the nearest property line of another adult
2667 establishment, dwelling, school, church, daycare or establishment selling
2668 or dispensing fermented malt beverages of intoxicating liquor.

2669 D. Hours of Operation.

- 2670 1. No adult establishment shall be open between the hours of 2:00 a.m. and
2671 8:00 a.m., Monday through Friday, between the hours of 2:00 a.m. and
2672 12:00 noon on Saturdays, or on Sundays.
2673 2. All adult establishments shall be open to inspection at all reasonable times
2674 by the St. Croix County's Sheriff's Department and the code enforcement
2675 officer.

2676 E. Regulation of Sexually-Oriented Business.

- 2677 1. The sale, use or consumption of alcoholic beverages on the premises of a
2678 sexually-oriented business is prohibited.
2679 2. It shall be unlawful to allow a person who is younger than eighteen (18)
2680 years of age to enter or be on the premises of a sexually-oriented
2681 business at any time the sexually-oriented business is open for business.

- 2682 3. It shall be the duty of the operator of each sexually-oriented business to
2683 ensure that an attendant is stationed at each public entrance to the
2684 sexually-oriented business at all times during such sexually-oriented
2685 businesses' regular business hours. It shall be the duty of the attendant to
2686 prohibit any person under the age of eighteen (18) years from entering the
2687 sexually-oriented business. It shall be presumed that an attendant knew a
2688 person was under the age of eighteen (18) unless such attendant asked
2689 for and was furnished:
2690 a. A valid operator's, commercial operator's or chauffer's driver's
2691 license; or
2692 b. Personal identification card issued by a state agency reflecting that
2693 such person is eighteen (18) years of age or older.
2694 4. No person shall cause another to commit a violation of this Section, not
2695 shall any person permit such violation to occur on any premises under
2696 his/her control, tenancy, management or ownership.
2697 F. Violations and Penalties.
2698 1. Violation of the use provisions of this Section is declared to be a public
2699 nuisance, and shall be subject to abatement procedures.
2700 2. Any person, partnership or corporation who violates any of the provisions
2701 of this Section shall be subject to a forfeiture of not less than \$200 and not
2702 more than \$500 per violation. A separate offense and violation shall be
2703 deemed committed on each day which a violation occurs or continues.
2704

2705 SECTION 4 ANIMAL HOUSING AND ANIMAL WASTE STORAGE STRUCTURES

2706

- 2707 A. The following structure setbacks apply to animal housing structures containing
2708 one (1) or more animal units and animal waste storage structures located in any
2709 zoning district.
2710 1. Animal Housing Structures.
2711 a. Less than five hundred (500) animal units: Minimum one hundred
2712 (100) feet from any property line or public right-of-way.
2713 b. Greater than five hundred (500) animal units: Minimum two
2714 hundred (200) feet from any property line or public right-of-way.
2715 2. Animal Waste Storage Structures.
2716 a. Less than five hundred (500) animal units: Minimum one hundred
2717 (100) feet from any property line or public right-of-way.
2718 b. Greater than five hundred (500) animal units: Minimum three
2719 hundred and fifty (350) feet from any property line or public right-of-
2720 way.
2721 c. Exceptions:
2722 i. Equipment and piping used to transport animal waste from
2723 an animal housing structure to an animal waste storage
2724 structure.
2725 ii. The animal storage structure existed prior to the adoption of
2726 this Ordinance.

- 2727 iii. The animal waste storage structure is a single new structure
2728 constructed no closer to the relevant property line or public
2729 right-of-way than an existing animal waste storage structure
2730 that existed on the same parcel prior to the adoption of this
2731 Ordinance, provided that the new structure is no larger than
2732 the existing structure and is located within fifty (50) feet of
2733 the existing structure and is cannot be located closer to the
2734 property line.

2735
2736 SECTION 5 COMMERCIAL KENNELS
2737

- 2738 A. Required License and Permit. A conditional use permit is required for
2739 commercial kennels in the Agricultural and Agricultural-Residential Districts and
2740 must comply with all rules and regulations of Federal, State, County and local
2741 agencies.
- 2742 B. Performance Standards. Commercial kennels must comply with the following
2743 standards in all districts.
- 2744 1. Any outdoor structures used for the confinement, care or breeding of
2745 animals shall be setback a minimum of three hundred (300) feet from any
2746 property line.
 - 2747 2. Kennel structures shall provide soundproofing so that animal noise cannot
2748 be heard beyond the owner's lot lines.
 - 2749 3. Kennel structures shall be located at least fifty (50) feet from any potable
2750 water supply well.
 - 2751 4. Animals shall be housed indoors from 9:00 p.m. to 6:00 a.m.
 - 2752 5. Parking areas, outside pens and runs, and kennel structures shall be
2753 screened by landscaping or other suitable means when visible from
2754 adjoining properties.
 - 2755 6. Wastewater and water systems shall be sufficient to service the proposed
2756 use.
 - 2757 7. The Town Board may place additional conditions on commercial kennels
2758 in order to eliminate any perceived or reported issues regarding noise and
2759 animal waste odors from the operation.

2760
2761 SECTION 6 FENCES
2762

- 2763 A. Required Permits. A building permit is required for non-agricultural fences in all
2764 zoning districts and must comply with all rules and regulations of Federal, State,
2765 County and local agencies.
- 2766 B. Performance Standards. Fences on non-agricultural properties must comply with
2767 the following regulations:
- 2768 1. The finished side of the fence, not showing the structural supports, shall
2769 face the abutting property.
 - 2770 2. No fence shall be constructed on public rights-of-way.

3. Fences shall not impede the vision of the roadway from a driveway providing access to the road, and shall be in compliance with Article 4, Section 6(F)(e) of this Ordinance.
4. Fences shall not exceed six (6) feet in height.
5. Fences may be constructed along the lot line.
 - a. The property owner constructing the fence is solely responsible for ensuring that the fence is located on their property.
 - b. The Town may request additional information in order to determine if the proposed location of the fence is in compliance.
6. All fences shall be maintained and kept safe and in a state of good repair.
7. Barbed wire fences are not allowed in the Residential District, except may be allowed along property lines bordering the Residential, Agricultural, and Agricultural-Residential zoning districts.

SECTION 7 HOME OCCUPATIONS

A. Purpose. The purpose of this Section is to:

1. Protect residential and agricultural areas from adverse impacts of activities associated with home occupations;
2. Permit residents of the Town of Forest an opportunity to conduct a business at their place of residence;
3. Establish criteria and develop standards for home occupations conducted in dwelling units and accessory buildings in the following districts: Residential, Agricultural, and Agricultural-Residential.

B. Intent. The intent of this Section is to provide for certain types of restricted occupational uses within the Residential, Agricultural, and Agricultural-Residential districts which:

1. Are incidental to the use of the premises as a residence or farm;
2. Are compatible with residential and agricultural uses;
3. Are limited in extent; and
4. Do not detract from the residential or agricultural character of the neighborhood.

C. General Standards. The following standards shall apply to all home occupations:

1. The person principally responsible for the home occupation must reside at the location of the proposed home occupation.
2. All home occupations shall be clearly incidental and secondary to the use of a dwelling or accessory building for residential or agricultural purposes, and the appearance of the structure shall not be altered or the occupation within the dwelling or accessory building be conducted in such a manner which would cause the premises to differ from its residential or agricultural character by either the use of colors, materials, construction, lighting, signs, or the emission of sounds, noises, odors or vibrations.
3. In no case shall any home occupation be open to the public at times earlier than 7:00 a.m. nor later than 10:00 p.m.
4. A home occupation shall have adequate off-street parking spaces available to compensate for additional parking needs generated.

- 2817 5. There shall be no exterior storage of business equipment, materials,
2818 merchandise, inventory, vehicles or heavy equipment.
- 2819 6. Home occupations shall not produce noise or objectionable odors,
2820 vibrations, glare, fumes or electrical interference detectable beyond the lot
2821 line of the parcel on which the home occupation is located.
- 2822 7. Home occupations shall not illegally discharge any materials, fluids or
2823 gases into the sewer system or into an on-site waste disposal system nor
2824 discharge such items in violation of any applicable government code.
- 2825 8. Garage sales, craft sales or other similar sales are permitted without a
2826 permit provided that they meet the following standards:
- 2827 a. Sales last no longer than three (3) days.
- 2828 b. Sales are held no more than four yearly.
- 2829 c. Sales are conducted on the owner's property. Multiple family sales
2830 are permitted if they are held on the property of one of the
2831 participants.
- 2832 d. No goods purchased for resale are offered for sale.
- 2833 e. No consignment goods may be offered for sale.
- 2834 f. Directional signs may not be placed in the right-of-way.
- 2835 g. All directional and advertising signs shall be freestanding and
2836 removed upon completion of the sale.
- 2837 h. All directional and advertising signs placed on private property shall
2838 have the owner's permission.
- 2839 i. No directional or advertising signs may be larger than four (4) feet
2840 square.
- 2841 9. Signs must be in compliance with Article 4, Section 9 of this Ordinance.
- 2842 10. Adequate sanitary systems must be in place in compliance with the St.
2843 Croix County Sanitary Ordinance.
- 2844 D. Minor Home Occupations. A minor home occupation is a home occupation
2845 authorized by this Section with an approved land use permit in compliance with
2846 this Section.
- 2847 1. General Standards.
- 2848 a. Minor home occupations shall not be conducted in any building on
2849 the premises other than the principal dwelling.
- 2850 b. Not more than one (1) person other than a resident of the principal
2851 dwelling may be engaged or employed in a minor home occupation.
- 2852 c. The area set aside for the home occupation shall not exceed twenty
2853 percent (20%) of the total floor area of such residence.
- 2854 d. There shall not be conducted on the premises the selling of stocks
2855 of merchandise, supplies or products, provided that orders
2856 previously made by telephone or at a sales party may be filled on
2857 the premises. That is, the direct sale of products off display
2858 shelves or racks is not allowed, but a person may pick up an order
2859 placed earlier as described above.
- 2860 e. Parties for the purpose of selling merchandise or taking orders shall
2861 be not be held more than four (4) times each month.

- 2862 2. Permitted Minor Home Occupations. Permitted minor home occupations
2863 include, but are not limited to, the following:
2864 a. Accounting and bookkeeping services.
2865 b. Computer programming, data entry or other data processing
2866 services.
2867 c. Dressmaking, sewing and tailoring.
2868 d. Home cooking and preserving for sale off-site.
2869 e. Home crafts for sale off-site.
2870 f. Painting, sculpturing or writing.
2871 g. Real estate services.
2872 h. Secretarial services.
2873 i. Telephone answering or marketing.
2874 j. Tutoring.
- 2875 E. Major Home Occupations. A major home occupation is any proposed or existing
2876 home occupation that does not meet the standards for a minor home occupation
2877 and may only be allowed in the Residential, Agricultural, and Agricultural-
2878 Residential districts.
- 2879 1. General Standards.
- 2880 a. A major home occupation may only be authorized as a Conditional
2881 use by the Town Board following the provisions of Article 2, Section
2882 5 of this Ordinance.
- 2883 b. Conditional use permits for major home occupations shall not be
2884 granted when it appears to the Town Board that the proposed
2885 home occupation will constitute a fire hazard to neighboring
2886 property owners, will adversely affect neighboring property values,
2887 or will constitute a nuisance or otherwise be detrimental to the
2888 neighbors because of excessive traffic, noise, odors or other
2889 circumstances.
- 2890 c. In order to guarantee that a major home occupation, once
2891 authorized, will not become a nuisance to the neighbors or
2892 otherwise violate these guidelines, the Town Board may impose
2893 reasonable conditions necessary to protect the public health, safety
2894 and welfare.
- 2895 d. Conditional use permits for major home occupations granted by this
2896 Section shall be temporary in nature and shall be granted to a
2897 designated person who resides at the location of the home
2898 occupation. They are not transferable from person to person or
2899 from address to address.
- 2900 2. In addition to the specific conditions imposed by the Town Board, all major
2901 home occupations shall also meet the following standards:
- 2902 a. Major home occupations must be conducted within the principal
2903 dwelling or permitted accessory building.
- 2904 b. Major home occupations may not be located within twenty-five (25)
2905 feet from any property line, the Plan Commission or Town Board
2906 may impose greater setbacks as a condition of the conditional use
2907 permit.

- c. Interior or exterior business signs shall be limited to one (1) sign not to exceed six (6) square feet that conforms to all other sign regulations otherwise provided in this Ordinance.
- d. No more than two (2) persons other than a resident of the principal dwelling may be employed or engaged in a major home occupation.
- e. The area set aside for the major home occupation shall not exceed twenty (20%) percent of the total floor area of the principal dwelling. Where an accessory building is used, the total floor area dedicated to the home occupation, including any area used in the dwelling, shall be limited to one thousand (1,000) square feet. The Town Board shall determine an appropriate maximum square footage for the specific proposed home occupation as part of its review.
- f. Only merchandise directly incidental to a service provided may be displayed or sold within the dwelling or structure used for a major home occupation.

F. General Provisions.

1. Applications. Applications for major and minor home occupations shall be filed with the Zoning Administrator with an application fee provided in the Town of Forest Fee Schedule.
 - a. Minor home occupations require a land use permit.
 - b. Major home occupations require a conditional use permit, in compliance with the procedures contained in Article 2, Section 5.
2. Inspections.
 - a. There may be one (1) annual inspection each year of any authorized home occupation by the Zoning Administrator or his/her designee.
 - b. In addition, the Zoning Administrator or his/her designee shall have the right at any time, upon reasonable request, to enter and inspect the premises for safety and compliance purposes.
3. Transfers. Should a home occupation permit holder (conditional use permit holder) die or move to a new location, the existing permit shall be automatically terminated, except that, in the case of death, should a surviving spouse or child residing at the same residence desire to continue the home occupation, the Town Board may authorize continuation of that permit upon written request without further hearing.
4. Revocation. Conditional use permits for a major home occupation, once granted, may be revoked by the Town Board, for cause, after hearing before the Town Board. All such revocations shall be administered in accordance with Article 2, Section 5(B)(5).
5. Abatement. Any nonconforming home occupation shall be discontinued or comply with all applicable provisions of this Section within one (1) year after the home occupation first became nonconforming.
6. Penalties. Penalties for failure to apply for an applicable permit or failure to comply with the provisions of this Section or the conditions of such permit shall be as prescribed in the Town's Citation Ordinance.

SECTION 8 JUNKYARDS/SALVAGE YARDS, CONTRACTOR'S STORAGE YARD, RECYCLING CENTER

- A. Required Permits. A conditional use permit is required for all junkyards/salvage yards, contractor's storage yards, or recycling centers in the Agricultural, Agricultural-Residential, and Commercial Districts.
- B. Performance Standards. Junkyards/salvage yards, contractor's storage yard, and recycling centers must comply with the following standards in all districts.
1. Any such use must comply with all rules and regulations of Federal, State, County and local agencies, including the Town Junkyard Ordinance.
 2. Landscaping shall be installed to buffer the use from adjacent residential land uses and to provide screening from public roads. A landscape plan shall be submitted to the Zoning Administrator at the time of application for a conditional use permit.
 3. Any processing equipment shall be enclosed within a structure.
 4. Exterior storage must be screened from view of all adjacent properties.

SECTION 9 MINI-STORAGE/SELF-STORAGE FACILITIES

- A. Required Permits. A land use permit is required for all mini-storage/self-storage facilities in the Commercial District.
- B. Performance Standards. Mini-storage/self-storage facilities must comply with the following standards.
1. Units are not to be used for retailing, auto repair, human habitation, or any commercial activity.
 2. Storage of any flammable or hazardous material is prohibited.
 3. No outside storage is allowed.
 4. On-site management is allowed provided adequate wastewater and water systems are provided.
 5. The facility shall be secured by either the walls of the structure and/or fencing.
 6. All doors on the units shall face inward and away from the street and property lines.
 7. Only one (1) exit and entrance are allowed except for an additional emergency exit.
 8. Interior drives must be wide enough to accommodate a parked car and traffic that must pass.

SECTION 10 MOBILE HOMES

- A. All mobile homes located in the Town of Forest shall be subject to the Town of Forest Mobile Home Ordinance, to the extent applicable, and the following requirements:

1. Shall be a minimum of twelve (12) feet wide and be a minimum of six hundred (600) square feet and shall be no more than fifteen years old.
 2. Shall be approved by a HUD certification under Standards 101.94 (as authorized in 42 US 5401) as a manufactured home.
 3. Shall have its hitch and all wheels and axles removed and be mounted on and anchored to, a permanent foundation that meets all requirements of the Uniform Dwelling Code.
 4. The area beneath the mobile home, if not a continuous foundation, must be completely enclosed with a skirting material.
 5. Other than in designated areas such as campgrounds, or as provided elsewhere in this Chapter, a travel trailer will not be allowed on any lot for more than fourteen (14) days within any sixty (60) consecutive days. Travel trailers may be stored by owner on his/her lot if the lot has a principal structure and if the travel trailer is not used for permanent sleeping purposes.
 6. All mobile homes which are abandoned, burned or otherwise destroyed or substantially damaged must be removed from the lot or site on which they are located within six (6) months after abandonment, burning, destruction or substantial damage occurred.
 7. All mobile homes which are equipped with internal water supplies and plumbing must have a sanitary system which is approved in accordance with Wisconsin Administrative Code SPS 383.
- B. Pre-built, pre-fabricated or modular homes, which shall be mounted on a continuous permanent foundation, are not considered "mobile homes" and are permitted in any district that would permit on-site construction of a home, subject to all provisions and restrictions applicable to such a home, as if it were constructed on-site.
- C. Temporary Occupancy Permits. Any other provisions to the contrary notwithstanding, no person shall place, occupy or use a mobile dwelling unit for residential purposes, temporary or permanent, on any parcel not having a legal and occupied principal structure other than in areas specifically zoned and approved for such occupancy. However, the owner of a parcel who holds a valid zoning and sanitary permit for construction of a principal structure may apply for and obtain approval for temporary placement and occupancy of a mobile dwelling unit during construction on condition of connecting such unit to and use of a legal sanitary system. All Town-approved applications will be contingent upon filing by the applicant of a deed restriction by which the property owner agrees to abide by all Town and County conditions and to obey time deadlines for removal of the unit unless the deadlines are extended by the Zoning Administrator. All residential occupancy of the mobile dwelling unit shall cease, and, except as provided in this Section, the mobile dwelling unit shall be removed from the property when the principal structure is capable of occupancy

This Ordinance was duly adopted by the Town Board at a properly noticed Town

Board meeting held on _____, 2013, by a vote of _____ in favor, _____
opposed and _____ not voting.

TOWN OF FOREST

By: _____
Jaime Junker, Town Chair

Attest:

By: _____
Marilyn Benson, Town Clerk

Approved: _____

Published: _____

Posted: _____