

**TOWN
OF
FOREST**

ZONING ORDINANCE

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TOWN OF FOREST
FOND DU LAC COUNTY, WISCONSIN**

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TOWN OF FOREST
FOND DU LAC COUNTY
ZONING ORDINANCE

An Ordinance under the provisions of Section 62.23 and 60.61 Wis. Stats. to promote the health, safety, morals and general welfare; to regulate and restrict the height, number of stories, size of buildings and other structures, the size of yards, the location and use of buildings, structures and land for trade, industry, agriculture, residence, recreation, mobile homes and mobile home parks, and other purposes and for said purposes to divide the Town of Forest, Fond du Lac County, Wisconsin, into districts of such number, shape, and area as are deemed best suited to carry out the said purposes; and to provide a method for the carrying out of the terms hereof and the enforcement of the ordinance, and to provide penalties for its violation.

The Town Board of the Town of Forest, Fond du Lac County, Wisconsin, having been granted village powers pursuant to Section 60.62 does ordain as follows:

SECTION 1: INTERPRETATION AND PURPOSES

- 1.1 The provisions of this ordinance shall be held to be minimum requirements adopted to promote the health, safety, morals, comfort, prosperity and general welfare of the Town of Forest, Fond du Lac County, Wisconsin. Among other purposes, such provisions are intended to provide for adequate light, air, convenience of access, and safety from fire and other dangers; to promote the safety and efficiency of the public streets and highways, to aid in conserving and stabilizing the economic and aesthetic values of the community; to guide the proper distribution and location of population and of the various land uses; and otherwise provide for the healthy and prosperous growth of the community.

- 1.2 It is not intended by this ordinance to repeal, abrogate, annul, impair or interfere with any existing easement, covenants, or agreements between parties, or with any rules, regulations, or permits previously adopted or issued pursuant to laws; provided, however, that where this ordinance imposes a greater restriction upon the use of buildings or premises, or upon the height of a building or requires larger open spaces than are required by other rules, regulations or permits or by easements, covenants or agreements, the provisions of this ordinance shall govern.

SECTION 2: DISTRICTS

A. ESTABLISHMENT OF DISTRICTS

- 1. For the purposes of this ordinance, the Town of Forest, Fond du Lac County, Wisconsin is hereby divided into zoning districts as hereinafter designated.

2. Designation: these districts shall be designed as follows:
 1. Residence District
 2. Farmland Preservation District
 3. General Agricultural District
 4. Business District
 5. Industrial District

B. ZONING MAP

1. District Mapped: The boundaries of said districts are shown upon a map designated as the Zoning Map of the Town of Forest and made part of this ordinance, and all the notations, references and other information shown thereon shall be as much a part of this ordinance as if the matters and information set forth by said map were all fully described herein. Said map shall be kept on file in the offices of said town.
2. Determination of Boundaries: In determining the exact boundaries of the various districts as shown on the zoning map, the following rules shall apply:
 - (a) Unless otherwise specifically indicated on the map, the district boundaries are lot lines, section, quarter section or sixteenth section lines; the center lines of streets, highways, railways; and the districts designated on the map are bounded approximately by such lines, and they shall be construed to be the boundary of such district.
 - (b) In all other cases not covered by the foregoing, the boundaries shall be determined by use of the scale on said zoning map.

SECTION 3: DEFINITIONS

For the purposes of this ordinance, certain words and terms are defined as follows:

1. Words used in the present tense include the future; the singular number includes the plural number and the plural number includes the singular number; the word “building” includes the word “structure;” the word “shall” is mandatory and not directory. Any words not herein defined shall be construed as defined in the state building code.
2. Airport, Public – Any airport which complies with the definition contained in Section 114.013(3), Wisconsin Statutes, or any airport which serves or offers to serve common carriers engaged in air transport.
3. Alley – A public street or thoroughfare less than 21 feet wide and affording only secondary access to abutting property.

4. Automobile Wrecking Yard – Any premises on which three or more automotive vehicles, not in operating condition, are stored in the open.
5. Basement – A story partly underground which, if occupied, as living quarters, shall be counted as a story for purposes of height measurements.
6. Boarding House – A building other than a hotel where meals, or lodging and meals, are furnished for compensation for five (5) or more persons not members of a family.
7. Building – Any structure used, designed or intended for the protection, shelter, enclosure, or support of persons, animals or property. When a building is divided into separate parts by unpierced walls extending from the ground up, each part shall be deemed a separate building.
8. Building, Accessory – A building or portion of a building subordinate to the main building and used for a purpose customarily incidental to the permitted use of the main building or the use of the premises.
9. Building, Height of – The vertical distance from the average level in front of the lot or the finished grade at the building line, whichever is higher, to the highest point of the coping of a flat roof, to the deck line of a mansard roof, or to the average height of the highest gable of a gambrel, hip or pitch roof.
10. Building, Main – A building constituting the principal use of a lot.
11. Center Line – A line equal-distant from the sides of a highway, from which setback lines shall be measured.
12. DATCP – The Wisconsin Department of Agriculture, Trade & Consumer Protection.
13. Dwelling, One Family – A detached building designed for, or occupied exclusively by one family.
14. Dwelling, Two Family – A detached or semidetached building designed for or occupied exclusively by two families.
15. Dwelling, Multiple – A building or portion thereof designed for and occupied by more than two families including tenement houses, row houses, apartment houses and apartment hotels.
16. Family – Any number of individuals customarily living together as a single household unit or complete domestic establishment.

17. Farm – All land under common ownership that is primarily devoted to agricultural use.
18. Frontage – All the property abutting on one side of a road or street between two (2) intersecting roads or streets or all of the property abutting on one side of a road or street and the dead end of a road or street.
19. Garage, Private – An accessory building or space for the storage only of not more than two (2) motor-driven vehicles, provided that a private garage on a farm may be used for the storage and repair of more than two (2) motor-driven vehicles.
20. Garage, Public – Any building or premises, other than a private, or a storage garage, where motor-driven vehicles are equipped, repair, serviced, hired, sold or stored.
21. Garage, Storage – Any building or premises used for the storage only of motor-driven vehicles or motor-driven machinery, pursuant to the previous arrangements and not to transients, and where no equipment, parts, fuel, grease or oil is sold.
22. Home Occupation – A gainful occupation conducted by members of the family only, within their place of residence; provided that no article is sold or offered for sale on the premises except such as is produced by such occupation, that no stock in trade is kept or sold, that no mechanical equipment is used other than such as is permissible for purely domestic purposes, that no sign other than one unlighted name plate no more than 2 feet square is installed, and that no person other than a member of the immediate family living on the premises is employed.
23. Hotel – A building in which lodging, with or without meals, is offered to transient guests for compensation and in which there are more than 5 sleeping rooms with no cooking facilities in any individual room or apartment.
24. Junk Yard – Any premises on which an accumulation of scrap metals, glass, paper, rags or other materials commonly accumulated for salvage purposes is stored in the open, or used for second-hand motor vehicles, wreckers of motor vehicles, or the conduct of motor vehicle junking and farm equipment.
25. Livestock – Bovine animals, equine animals, goats, poultry, sheep, swine, farm-raised deer, farm-raised game birds, camelids, ratites, and farm-raised fish.
26. Lodging House – A building other than a hotel where lodging only is provided for compensation for five (5) or more persons not members of the family.
27. Lot – A parcel of land having a width and depth sufficient to provide the space necessary for one main building and its accessory building, together with the open spaces required by this ordinance which requires at least one acre in lot area, exclusive of the area in a highway right-of-way.

28. Lot, Corner – A lot abutting on two or more roads or streets at their intersection, provided that the interior angle of such intersection is less than 135 degrees.
29. Lot, Depth – The mean horizontal distance between the front and rear lot lines.
30. Lot, Interior – A lot other than a corner lot.
31. Lot, Through – An interior lot having frontage on non-intersecting streets.
32. Lot Lines – The lines bounding a lot as defined herein.
33. Mobile Home – That which is, or was as originally constructed, designed to be towed or transported by any motor vehicle upon a public highway, and designed, equipped and used primarily for sleeping, eating and living quarters, or is intended to be so used; including any additions, attachments, annexes, foundations and appurtenances. In the purpose of this ordinance, a mobile home shall remain classified as a mobile home regardless of whether its wheels or other rolling devices have been removed or not, and even though assessable value of additions, attachments, annexes, foundations and appurtenances or other added investments to the mobile home equal or exceed fifty percent (50%) of the assessable value of the mobile home.
34. Mobile Home Park – Any plot or tract of ground upon which two or more mobile homes, occupied for dwelling or sleeping purposes are located, regardless of whether or not a charge is made for such accommodations.
35. Motel – A building or group of buildings containing rooms that are offered for compensation for the temporary accommodations of transients.
36. Nonconforming Use – A building or premises lawfully used or occupied at the time of the passage of this ordinance or amendments thereto, which use or occupancy does not conform to the regulations of this ordinance or amendments thereto.
37. Professional Office – The office of a doctor, practitioner, dentist, minister, architect, landscape architect, professional engineer, lawyer, author, musician, beauty parlor or barbershop or other recognized profession. When established in the R-Residence District, a professional office shall be incidental to the residential occupancy, not more than twenty-five (25) percent of the floor area of only 1 story of a dwelling unit shall be occupied by such office, and only one (1) unlighted name plate, not exceeding two (2) square feet in area, containing the name and profession of the occupant of the premises shall be exhibited.
38. Roadside Stand – A structure not permanently fixed to the ground that is readily removable in its entirety covered or uncovered and not wholly enclosed, and used solely for the sale of farm products produced on the premises. No such roadside

stand shall be more than two hundred (200) square feet in ground area and there shall not be more than one (1) roadside stand on any one premise.

39. Setback Lines – Lines established along highways at specified distances from the center line, which permitted buildings or structures shall be set back of, or outside of, and within which they may not be placed except as hereinafter provided. “Within the setback lines” means between the setback line and the highway.
40. Special Exception. Use of a special nature as to make impractical their predetermination as a permitted use in a district. These uses are granted upon application and establishment of conditions necessary for continuation of the use. Special exceptions are also known as “special uses.”
41. Street – All property dedicated for public street purposes or subject to public easements therefore and twenty-one (21) feet or more in width.
42. Street Line – A dividing line between a lot, tract or parcel of land and a contiguous street.
43. Structure – Anything constructed or erected, the use of which requires a more or less permanent location on the ground or attached to something having a permanent location on the ground. In the purposes of this ordinance, a mobile home shall be considered a structure.
44. Structural Alteration – Any change in the supporting members of a building or any substantial change in the roof structure or in the exterior walls.
45. Temporary Structure – A movable structure not designed for human occupancy nor for the protection of goods or chattels and not forming an enclosure.
46. Tourist Camp – A tract or parcel of land on which one (1) or more buildings or cabins are located, with or without individual rooms or apartments or where temporary accommodations for two (2) or more automobile trailers or RV’s and open to the public free or for a fee.
47. Traffic Lane – A strip of roadway intended to accommodate a single line of moving vehicles.
48. Vision Clearance – An open unoccupied space on the street or highway corners of corner lots between the street or highway lines and the setback lines established at the points in the street or highway line by measurements from the intersection of the street or highway lines.
49. Yard – An open space on the same lot with a building, unoccupied and unobstructed from the ground upward except as otherwise provided herein.

50. Yard, Front – A yard extending the full width of a lot between the front lot line and the nearest part of the main building, excluding uncovered steps.
51. Yard, Rear – A yard extending the full width of a lot between the rear lot line and the rear of the building or any projection thereof, excluding steps and unoccupied except by accessory buildings as hereinafter permitted.
52. Yard, Side – A yard between the building and the side lot line extending from the street line to the rear yard.
53. Yard, Height of – the vertical distance from the ground level of such yard to the highest point of any bounding wall.

SECTION 4: GENERAL PROVISIONS

A. COMPLIANCE

1. Except as may be otherwise specifically provided, the use, size, height and location of buildings now existing or hereafter erected, converted, enlarged or structurally altered, the provisions of open spaces, and the use of any land shall be in compliance with the regulations established herein for the district in which such land or building is located.
2. No lot area shall be so reduced that the yards and open spaces shall be smaller than is required by this ordinance, nor shall the density of population be increased in any manner except in conformity with the area regulations hereby established for the district in which a building or premises is located. No part of a yard or other open space provided about any building for the purpose of complying with the provisions of this ordinance shall be included as a part of a yard or other open space required for another building.
3. Every building hereafter erected, converted, enlarged or structurally altered shall be located on a lot and in no case shall there be more than one main building on one lot.

B. BUILDING PERMIT

1. Required. No building or accessory building in excess of a value of \$1,000 shall be erected, or moved from one location to another in said town unless a building permit shall first be obtained from the town Permit Issuer, certifying that such building complies with the provisions of this ordinance. Repair or replacement of siding, roofing and windows does not require a building permit, but other remodeling or alteration in excess of a cost of \$2,000 does require a building permit unless outside structures are changed.

- (a) Each lot must have frontage on a public road and each lot will be served by its own individual driveway that connects directly to the same public road through the required frontage.
 - (b) On one lot, no matter what depth or square feet the lot contains, not more than one dwelling may be erected thereon nor structurally altered for occupancy thereon; no building shall be erected on a lot in violation of Section 236, Wisconsin Statutes.
 - (c) Sewage holding tanks are not permitted for new construction, except by special permission of the Board of Appeals.
 - (d) Fire number signs. Original fire number sign furnished at owner's expense. For new or replacement fire number signs the cost will reflect fees consistent with the Town's Fee Schedule.
2. Application For. An application for a building permit shall be made in conformity with the requirements of the Wisconsin Uniform Dwelling Code (SPS Chapters 320-325) and shall include for the purpose of proper enforcement of the regulations of this ordinance, the following data:
- (a) An accurate plat or survey of the lot drawn to a reasonable scale and properly dimensioned showing:
 - 1. The boundaries of the lot.
 - 2. The location of any existing structures on the lot.
 - 3. The location of the proposed building or buildings on the lot.
 - 4. The location of the centerline and the existing and/or established grade of the abutting street or streets.
 - 5. The proposed floor elevation of the building or buildings to be erected.
 - 6. The high water line of any stream or lake on which said lot abuts.
 - (b) A plan of the proposed sewerage disposal system, which is not connected to an approved municipal sewerage system, shall require the certification that the satisfactory sewerage disposal is possible for the proposed use of said lot.
 - (c) Satisfactory evidence that a safe and adequate supply of water is to be provided and the location on the property of any well for that purpose.
3. Fee for Building Permit. The fee for a building permit shall be paid to the Permit Issuer. The fee shall be consistent with the Town's Fee Schedule.
4. Razing Permit Required The demolition of buildings over \$1000 in value requires a Razing Permit. The fee for the Razing Permit shall be consistent with

the Town's Fee Schedule. The owner has 6 (six) months to complete the demolition. The site must be restored to a dust free and erosion free safe condition per State Statutes 66.0413

C. SITE REGULATIONS

1. Building Must Be On A Lot. Every building hereafter erected, structurally altered or moved from one location to another for non-farm purposes shall be located on a lot, and in no case shall there be more than one principal building on a lot.
2. Mobile Homes shall be placed only in mobile home parks, except that individual mobile homes may be placed on individual lots, providing that the remainder of this ordinance is complied with.
3. Where a housing project consisting of a group of 2 or more buildings containing 4 or more dwelling units is to be constructed on a site not subdivided into customary lots and streets, or where an existing lot and street layout make it impractical to apply the requirements of this ordinance to the individual building units, the Board of Appeals may approve a development plan provided it complies with the regulations of this ordinance as applied to the whole plat, including standards for the construction of town roads.
4. Every part of a required yard shall be open to the sky unobstructed, except the accessory buildings in a rear yard, and the ordinary projections of sills, belt courses, cornices, and ornamental features projecting not more than twenty-four (24) inches.

D. DRAINAGE REGULATIONS

1. Adequate Drainage Required. No principal building shall be erected, structurally altered, or placed on land which is not adequately drained at all times nor which is subject to periodic flooding.
2. Obstruction to Drainage Prohibited. The damming, filling, relocating or otherwise interfering with the natural flow of surface water along any surface water drainage channel or natural watercourse shall not be permitted except with the written approval of the Board of Appeals.
3. Building Restricted Adjacent to Drainage Channels or Watercourses. No building other than a bridge, dam, boathouse or retaining wall subject to the aforesaid approval, shall be erected, structurally altered or placed within twenty (20) feet of the ordinary high water line of such surface water drainage channel or natural watercourse.
4. Culvert Permit Required. No culvert shall be constructed on a Town of Forest right-of-way without application for permission in writing to the Permit Issuer and a permit

issued as to location and size to conform to the requirements of the terrain, and all at the expense of the applicant. Culverts must be at least 18 inches in diameter and 22 feet long. For a culvert permit, the fee shall be consistent with the Town's fee schedule.

E. SANITATION AND WATER SUPPLY

1. Sewerage Disposal. No principal building shall be erected, structurally altered, or placed on a lot unless it has been certified by the Permit Issuer that it conforms to all town ordinances and other governmental laws or regulations there applicable to sewerage disposal systems.
2. Approved Septic System. No principal building shall be erected, structurally altered or placed on a lot unless a sewer is installed running to a septic tank designed and located in accordance with the Town Ordinance, Fond du Lac County Code of Ordinances - Chapter 58, and other governmental laws or regulations there applicable to sewerage disposal systems. Sewage holding tanks are not permitted for new construction, except by special permission of the Board of Appeals
3. Water Supply Required. No occupancy permit shall be issued for a building used for residence purposes unless provision is made for a safe and adequate supply of water.

F. USE REGULATIONS

1. Uses Restricted. In any district, no building or land shall be used and no building shall be hereafter erected or structurally altered except for one or more of the uses as hereinafter stated for that district and in compliance with the regulations hereinafter established for that district.
2. Accessory Uses. In any district, accessory buildings and uses customarily incident to the permitted uses in that district shall be permitted subject to such requirements as may be hereinafter designated for that district in which they are located.
3. Unclassified Uses. Any use not specifically listed, as a permitted use shall be considered to be prohibited except as may be otherwise specifically provided hereinafter. In case of question as to the classification of a use, the question shall be submitted to the Board of Appeals for determination.
4. Public and Private Building and Uses. Churches, convents, schools, including private academic schools and colleges, college dormitories and nursery schools, and other public buildings may be permitted in any district, provided that such use shall conform to the height, double the setback, and four times the offset requirements of the district, and provided the location and general site plan shall

have been submitted to and approved by the Board of Appeals. Such public buildings and uses may be erected to a maximum height of ninety (90) feet, provided that the minimum required setbacks and offsets shall be increased two feet for every additional foot of height in excess of the permitted maximum of that district. In the Farmland Preservation District, these public and private buildings and uses are special exceptions and must also meet the requirements of Wis. Stat. § 91.46(5).

5. Additional Requirements. Any use, in any district, which becomes hazardous, harmful, noxious, offensive or a nuisance to the surrounding neighborhood may be required to correct or improve such condition by such measures as are directed by the Town Board consistent with reasonable technological and economical practicality.
6. Non-conforming Uses.
 - (a) Non-conforming uses permitted. The existing lawful use of a building or premises at the time of the enactment or amendment of this ordinance may be continued although such use does not conform to the regulations for the district in which it is located, but such nonconforming use shall not be extended. Nonconforming mobile homes shall not be moved, relocated or placed unless in conformity with this ordinance.
 - (b) Changes in Non-Conforming Uses. If no structural alterations are made, a non-conforming use of a building may be changed to another non-conforming use of the same or a more restricted classification. Whenever a non-conforming use has been changed to a more restricted non-conforming use or a conforming use, such use shall not thereafter be changed to a less restricted use. Ordinary repairs are not considered structural repairs. Some examples of ordinary repairs include painting, caulking, decorating, paneling, and other nonstructural components; and the repair or replacement of doors, windows, utilities, and sewage treatment and water supply systems.
 - (c) Discontinuance of Non-Conforming Use. If a non-conforming use of a building or premises is discontinued for a period of twelve months, any future use of the building or premises shall conform to the regulations for the district in which it is located.
 1. The non-conforming use of any temporary structure shall be discontinued after two (2) years from the date of non-conformance.
 - (d) Required Removal or Destruction of Non-Conforming Buildings. When a non-conforming use is damaged by violent wind, vandalism, fire, flood, ice, snow, mold, infestation, or other calamity to the extent of more than

fifty (50) percent of its assessed value, it shall not be restored except so as to comply with the use provisions of this Ordinance.

- (e) Total Lifetime Structural Repairs. The total structural repairs or alterations in any non-conforming use shall not, during its life exceed fifty (50) percent of the assessed value of the building at the time of its use becomes non-conforming, unless it is permanently changed to a conforming use in accordance with the use provisions of this Ordinance. In cases of extreme hardship or unusual circumstances, the Board of Appeals may, upon application therefore, after due hearing, authorize deviation there from.
- (f) Nothing herein contained shall require any change in the plans, construction, size or designated use of any building or part thereof the construction of which shall have been started prior to the effective date of this ordinance.

G. BUILDING LOCATION

1. Setbacks:

- (a) Highway Setback Lines: Highway setback lines are specified in Section 10 of this Ordinance.
- (b) Communication and power transmission lines may be constructed within the established setback areas and additions to and replacements of existing structure may be made, subject to approval of the Board of Appeals.
- (c) In all cases where any of the highways for which setbacks are established by this ordinance are located on municipal boundaries, such establishment shall apply only within the town limits.
- (d) Vision Triangle Lines. Vision Triangle Lines are specified in Section 10 of this Ordinance.

2. Offsets:

- (a) No principal building or its accessory buildings shall be hereafter erected or altered so that any roofed or enclosed portion thereof is closer to any lot line than the offset distance hereinafter specified by the regulations for the district in which such building is located, with the following exceptions:
 - (1) In the case of any lot of record of which has been platted in an unrecorded subdivision approved by the town, which has a minimum average width less than that required by the district in which it is located, the offset from a side lot line may be reduced proportionately to the ratio between the actual minimum average

width and the required minimum average width provided, however, that no offset shall be in any case less than ten (10) feet.

- (b) Where a lot abuts a district boundary line, the offset from such line to the district of less restricted use shall be not less than that required for the district of more restrictive use.
- 3. Maintenance and Use of Setback and Offset Area: Any such required setback or offset area shall be landscaped and kept clean and free from the accumulation of debris or refuse and shall not be used for the storage or display of equipment, products, vehicles or any other material.
- 4. Any side yard, rear yard or court abutting a district boundary line shall have a minimum width and depth in the less restricted district equal to the average of the required minimum widths and depths for such yards and courts in the two districts which abut the district boundary line.

H. HEIGHT REGULATIONS

- 1. Maximum Height Restricted: In any district, no building shall be hereafter erected or structurally altered to a height in excess of that hereinafter specified by the regulations for that district.
- 2. Exceptions: The following shall be exceptions from the height regulations of all districts:
 - (a) Chimneys and flues.
 - (b) Cooling towers, elevator bulkheads, fire towers, monuments, stacks, scenery lofts, tanks, water towers, ornamental towers, spires, wireless or broadcasting towers, masts, aerials and necessary mechanical appurtenances.
- 3. Increase Permitted: The maximum height of any structure may be increased by not more than ten (10) feet, providing all required offset and setbacks are increased by one (1) foot for each foot which such building exceeds the height limit of the district in which it is located.

I. FENCES

- 1. In all districts the following fence regulations apply:
 - (a) Two and a half feet maximum height within any vision-corner clearance triangle.

- (b) Four feet maximum height for fences located within front yards. A corner lot is deemed to have two front yards.
- (c) Six feet maximum height in all other locations.
- (d) Unlimited height for school fences.
- (e) Barbed wire fencing may not be used in residential districts, except between residential and agriculture properties.
- (f) Electric fences may only be used between agricultural and residential properties when agreeable to both parties.
- (g) Fences shall be maintained in good repair as to structure and appearance. Fences shall be set back two feet from property lines. Fences between any use and an agriculture use may be placed on the property line.
- (h) The party initiating construction of a fence must place the finished side toward neighboring properties.
- (i) Fences that are constructed to totally enclose a property shall have at least one entry gate to allow access to the property for emergency personnel.

J. OUTDOOR FURNACE/WOOD BURNERS

For regulations on Outdoor Furnace/Wood Burners see the requirements specified in the Town's Outdoor Furnace/Wood Burner Ordinance.

K. SIGNAGE & BILLBOARDS

1. Professional or announcement signs not over four (4) square feet in area, except that public or religious institutions may have, for their own use, an announcement sign or bulletin board not over sixteen (16) square feet in area; signs not over six (6) square feet in area pertaining to the lease, hire or sale of building or premises, provided that no advertising sign of any other character shall be permitted in all Districts; and provided further that all permitted signs shall be located within the lot lines.
2. Billboards. Highway signs, including Billboards and Digital Billboards, must be permitted only in the Industrial District.
 - a. Such signs must not exceed 50 square feet per face, nor must the face exceed a length of 10 feet or a height, excluding foundation and supports, of 5 feet.
 - b. Minimum spacing between such signs must be as follows in the below table:

Type of Highway	Minimum Space from Interchange (in feet)	Minimum space between signs on same side of highway (in feet)
Interstate Hwy	2500 feet	2500 feet
County Highway	2500 feet	2500 feet
Other Roads	2500 feet	2500 feet

L. OTHER PROVISIONS

1. In the Business District, wherever a lot abuts upon a public or private alley, sufficient space for the loading or unloading of vehicles shall be provided on the lot in connection with any commercial use so that the alley shall at all times be free and unobstructed to the passage of traffic.
2. All theaters, arenas, auditoriums, churches or other places of public gathering hereafter erected shall provide an accessible parking space of sufficient size to accommodate at least one car for every five (5) seats provided.

SECTION 5: RESIDENCE DISTRICT

A. USE.

In the Residence District, no building or premises shall be used and no building shall hereafter be erected or structurally altered, unless otherwise provided in this ordinance, except for one or more of the following uses:

1. Single-family dwellings; two-family dwellings.
2. Churches, convents, public and private schools and other public educational institutions, colleges and college dormitories, subject to the limitations of Section 4, General Provisions.
3. Municipal buildings (except sewage disposal plants, garbage incinerators, public warehouses, public garages, public shops and storage yards, and penal or correction institutions and asylums); public recreational and community center buildings and grounds; subject to the limitations of Section 4, General Provisions.
4. Telephone building, exchanges and lines of transformer stations, provided there be no service garage or storage yard.

5. General farming and truck gardening provided that no farm animals shall be kept or pastured in a residential district.
6. Accessory buildings or 2 private garages, when located not less than sixty (60) feet from the front lot lines.
7. Not over three (3) boarders or lodgers not members of the family.
8. Uses customarily incident to any of the above uses when located on the same lot, including home occupations.
9. Professional offices.
10. The use of college or academy buildings or sections of buildings as living quarters for faculty members or maintenance crew members shall not be limited or restricted, provided that such buildings conform to state regulations.
11. The number of religious persons occupying or living in a convent building in a Residence District shall not be limited or restricted, provided that such convent building conforms to state regulations.

B. HEIGHT, YARD AND AREA

In the Residence District, the height of buildings and the minimum dimensions of yards and the minimum lot area per family shall be as follows:

Heights: Building hereafter erected or structurally altered shall not exceed thirty-six (36) feet nor two and one-half (2-1/2) stories high.

Side Yard: There shall be a side yard on each side of a building. The sum of the widths of the required side yards shall be not less than thirty (30) feet and no single side yard shall be less than twelve (12) feet in width.

Provided, however, that on a single lot having a width of less than sixty (60) feet and of record at the time of the passage of this ordinance, the sum of the widths of the required side yards shall be not less than the equivalent of five (5) inches per foot of lot width and no single side yard shall be less than forty (40) percent of the total required side yard width; provided further that the buildable width of any such lot in no case shall be reduced to less than one hundred (100) feet.

Area: Every building hereafter erected or structurally altered shall require a lot area of not less than one acre, exclusive of the area in a highway right-of-way.

Rear Yard: The rear yard shall be a minimum of 25 feet.

Minimum Road Frontage: 100 feet.

Minimum Lot Width: 100 feet.

SECTION 6: FARMLAND PRESERVATION DISTRICT (FP)

A. PURPOSE

The purpose of this District is to maintain highly productive agricultural lands in food and fiber production by effectively limiting encroachment of non-agricultural development, minimizing land use conflicts among incompatible uses, and minimizing public service and facility costs normally associated with non-agricultural development. This District is intended to comply with the standards contained in Chapter 91 of the Wisconsin Statutes to permit eligible landowners to receive tax credits and includes lands identified for agricultural preservation in the Fond du Lac County Farmland Preservation Plan.

B. PERMITTED USES

1. Agricultural Uses: Any of the following activities conducted for the purpose of producing an income or livelihood:

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

2. Accessory Uses:

- (a) A building, structure, or improvement that is an integral part of, or is incidental to, an agricultural use, including, but not limited to:

- a. A facility used to store or process raw agricultural commodities, all of which are produced on the farm.
 - b. A facility used to keep livestock on the farm.
 - c. A facility used to keep or service vehicles or equipment primarily employed in agricultural uses on the farm.
 - d. A facility used to store or process inputs primarily for agricultural uses on the farm.
 - e. A manure digester, bio-fuel facility, or other facility that produces energy primarily from materials grown or produced on the farm, primarily for use on the farm.
 - f. A waste storage or processing facility used to store or process animal waste produced solely from livestock kept on the farm
- (b) An activity or business operation that is an integral part of, or is incidental to, an agricultural use.
- (c) A business, activity, or enterprise, whether or not associated with an agricultural use, that is conducted by the owner or operator of the farm, that requires no buildings structures or improvements other than those described in subsection (a), that has no employees other than the owner or operator of the farm, and that does not impair or limit the current or future agricultural use of the farm or of other protected farmland.
3. Undeveloped natural resource and open space areas.
 4. A transportation, utility, communication, or other use that is required under state or federal law to be located in a specific place or that is authorized to be located in a specific place under a state or federal law that preempts the requirement of a special use permit for that use.
 5. A facility for storing or processing agricultural products that is used exclusively by the owner of the property on which it is located.
 6. A facility for processing agricultural products that is used exclusively by the owner of the property on which it is located.
 7. Residences described in Wisconsin Administrative Code Section ATCP 49.22(1) as amended.
 8. Other uses identified by DATCP rule.

C. SPECIAL EXCEPTIONS

1. Agricultural-Related Uses:
 - a. An agricultural equipment dealership.
 - b. A facility providing agricultural supplies.
 - c. A facility for storing or processing agricultural products other than one described in Section VI.B.5
 - d. A facility for process agricultural products other than one described in Section VI.B.6.
 - e. A facility for processing agricultural wastes.
2. A business, activity, or enterprise, whether or not associated with an agricultural use, that is conducted by the owner or operator of the farm, that requires no buildings structures or improvements other than those described in subsection VI.B.2(a), that has 1 – 4 employees, and that does not impair or limit the current or future agricultural use of the farm or of other protected farmland.
3. Transportation, communication, pipeline, electric transmission, utility, or drainage uses, if all of the following apply:
 - a. The use and its location in the farmland preservation zoning district are consistent with the purposes of the farmland preservation zoning district.
 - b. The use and its location in the farmland preservation zoning district are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.
 - c. The uses reasonably designed to minimize conversion of land at and around the site of the use, from agricultural use or open space use.
 - d. The use does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.
 - e. Construction damage to land remaining an agricultural use is minimized and repaired, to the extent feasible.
4. Governmental, institutional, religious, or non-profit community uses, if all of the following apply:

- a. The use and its location are consistent with the purposes of the farmland preservation zoning district.
 - b. The use and its location are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.
 - c. The use is reasonably designed to minimize the conversion of land at and around the site of the use, from agricultural use or open space use.
 - d. The use does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.
 - e. Construction damage to land remaining in agricultural use is minimized and repaired, to the extent feasible.
5. Non-metallic mineral extraction, if all of the following apply:
- a. The operation complies with subchapter I of Chapter 295, Wisconsin Statutes, and rules promulgated under that subchapter, with applicable provisions of all Town of Fond du Lac ordinances, and with any applicable requirements of the Department of Transportation concerning the restoration of non-metallic mining sites.
 - b. The operation and its location are consistent with the purposes of the farmland preservation zoning district.
 - c. The operation and its location are reasonable and appropriate, considering alternative locations outside the farmland preservation zoning district, or are specifically approved under state or federal law.
 - d. The operation is reasonably designed to minimize the conversion of land around the extraction site from agricultural use or open space use.
 - e. The operation does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.
 - f. The owner agrees to restore the land to agricultural use, consistent with any required locally approved reclamation plan, when extraction is completed.

D. MINIMUM LOT, HEIGHT, AND YARD REQUIREMENTS

- 1. Minimum Lot Size: None.

2. Yards: The minimum side and rear yards for all structures shall be 50 feet from the nearest lot lines.
3. Minimum Road Frontage: 300 feet.
4. Minimum Lot Width. 300 feet.

E. STANDARDS FOR REZONING

1. The Town may rezone land out of the Farmland Preservation District if the Town finds all of the following, after a public hearing:
 - a. The land is better suited for a use not allowed in the farmland preservation district.
 - b. The rezoning is consistent with any applicable comprehensive plan.
 - c. The rezoning is substantially consistent with the Fond du Lac County Farmland Preservation Plan.
 - d. The rezoning will not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.
2. Unless waived by the Town, as a condition of rezoning land out of the Farmland Preservation District the owner shall record a deed restriction prohibiting further division of the land rezoned out of the Farmland Preservation District.
3. By March 1 of each year, the Town will provide DATCP a report of the number of acres that the Town rezoned out of the farmland preservation district during the previous year along with a map that clearly shows the location of those acres. The Town will also submit a copy of the report and map to Fond du Lac County by March 1 of each year.

SECTION 7: GENERAL AGRICULTURAL DISTRICT (G-A)

A. PURPOSE

The General Agricultural District (G-A) is intended to maintain open land areas predominantly devoted to farming and agricultural related uses. It is anticipated that while certain areas within this district will eventually be used for non-agricultural uses; the intensity of development will remain significantly limited due to a lack of urban facilities and services. It is also intended that this district provide for small-scale, family-oriented businesses on a case-by-case basis

B. PERMITTED USES

Same as Section 6.B. Farmland Preservation District (FP).

C. SPECIAL EXCEPTIONS

Same as Section 6.C. Farmland Preservation District (FP).

D. MINIMUM LOT, HEIGHT, AND YARD REQUIREMENTS

Same as Section 6. D. Farmland Preservation District (FP).

E. STANDARDS FOR REZONING

Same as Section 6.E. Farmland Preservation District (FP).

SECTION 8: BUSINESS DISTRICT

A. USE

The Business District, no building or premises shall be used and no building shall hereafter be erected or structurally altered unless otherwise provided in this ordinance, except for one or more of the following uses:

1. Any use permitted in R-Residence District.
2. Boarding houses and lodging houses.
3. Any of the following specified uses:
 - (a) Animal hospital and pet shop.
 - (b) Art shop.
 - (c) Automobile sales and service establishment; public garage.
 - (d) Bakery (retail).
 - (e) Bank and financial institutions; brokerage and pawnbroker.
 - (f) Barber shop, beauty parlor.
 - (g) Book and stationery store.

- (h) Bowling alley, pool and billiard room, gymnasium, dancing school, dance hall, skating rink, theater except drive-in theater.
- (i) Business and professional office; telephone office.
- (j) Business establishments engaged in retail trade or service establishments dealing directly with customers, in which any assembly or production shall be clearly incidental to the basic use; except the following: blacksmith shop, machine shop, welding shop, sheet metal shop.
- (k) Candy store, confectionery store.
- (l) Clinic.
- (m) Convention and exhibition hall.
- (n) Cleaning and dyeing establishment; laundry.
- (o) Clothing, dress, dry goods, hosiery, notion and shoe store; department store; tailor shop.
- (p) Drug store; pharmacy.
- (q) Gas station.
- (r) Florist shop.
- (s) Gift shop.
- (t) Greenhouse nursery.
- (u) Grocery store (retail), including shopping centers and supermarkets, delicatessen, meat and fish market, fruit and vegetable market, tea and coffee store.
- (v) Hardware and paint store.
- (w) Household appliance store, furniture store, plumbing, heating and electrical shops, crockery store.
- (x) Hotel, motel.
- (y) Ice cream store.
- (z) Jewelry store.

- (aa) Microwave radio relay structures.
- (bb) Mobile home sales and service; however, no temporarily or permanently occupied mobile home shall be permitted as part of such operation.
- (cc) Music, radio and television store.
- (dd) Optical store.
- (ee) Parking lots.
- (ff) Photograph studio, photographers' supplies.
- (gg) Radio broadcast studio; television studio.
- (hh) Railroad or bus depot.
- (ii) Restaurant, cafeteria, lunchroom, refreshment stand, caterer, tavern.
- (jj) Temporary structures.
- (kk) Tobacco and pipe store.
- (ll) Undertaking establishment.
- (mm) Any other uses similar in character to or customarily established in connection with the foregoing, and the processing or treatment of products clearly incidental to the conduct of a retail or wholesale business on the premises.

B. HEIGHT, YARD AND AREA

In the Business District, the height of buildings, the minimum dimensions of yards and the minimum lot area per family shall be as follows:

Height: Buildings hereafter erected or structurally altered shall not exceed sixty (60) feet in height.

Side Yard. For buildings or parts of buildings hereafter erected or structurally altered for residential use, the side yard regulations for the Residence District shall apply.

Rear Yard. There shall be a rear yard of at least 25 feet.

Lot Area per Family. The minimum lot area is one acre.

Minimum Road Frontage: 100 feet.

Minimum Lot Width: 100 feet.

SECTION 9: INDUSTRIAL DISTRICT

A. USE

In the Industrial District, no building or premises shall be used and no building shall hereafter be erected or structurally altered unless otherwise provided in this ordinance, except for one or more of the following uses:

1. Any use permitted in the Business District, except residential uses.
2. General farming.
3. Knitting mills and the manufacture of products from finished fabrics.
4. Laboratories.
5. Manufacturing of products not otherwise prohibited.
6. Mining and quarrying provided that the requirements for location, operation and reclamation set out in the Fond du Lac County Non-Metallic Mining Ordinance are complied with.
7. Printing and publishing.
8. Processing, packing and manufacture of food, except meat and meat products, fish and fish products, sauerkraut and cabbage by-products or the vining of peas.
9. Repair, service and assembly of motor-propelled or non-motor-propelled vehicles, including the repair and storage of automobile accessories, the wrecking of motor-propelled vehicles; blacksmithing, tin-smithing and welding shop.
10. Storage and warehousing of fuel and materials, except the storage of wrecked and dismantled vehicles, junk, explosives or inflammable gasses or liquids, which shall be permitted only if approved by the Board of Appeals under Section 11.
11. Wholesale business.

B. SPECIAL USES

The following special uses may be permitted per Section 11 of this ordinance:

1. Other uses specified in Section 11 of this ordinance as special uses allowed in the Industrial District.

C. HEIGHT YARD AND AREA

In the Industrial District, the height of buildings, the minimum dimensions of yards and the minimum lot area shall be as follows:

Height: Buildings hereafter erected or structurally altered shall not exceed 60 feet in height.

Side Yard: Minimum side yard – 25 feet.

Rear Yard: There shall be a rear yard having a minimum depth of 25 feet.

Minimum Lot Area: One acre.

Minimum Road Frontage: 100 feet.

Minimum Lot Width: 100 feet.

Auto Parking: Every building hereafter erected or structurally altered shall provide motor vehicle parking space off the public road or street in the ratio of two hundred (200) square feet of area for each two (2) persons employed on the premises, together with provisions for ingress from and egress to the public road, street or alley.

D. APARTMENTS: PART OF BUSINESS

When an apartment or residence is a part of the business structure, then there shall be additional square footage sufficient to qualify the same under the requirements for residences in the Residence Section and subject to the alternative provisions and the test provisions therein contained. This same provision shall apply to boarding houses and lodging houses.

SECTION 10: HIGHWAY SETBACK LINES

A. SETBACK LINES ESTABLISHED

1. In order to promote and enhance the public safety, general welfare and conveyance, it is necessary that highway setback lines be and they are hereby established in the Town of Forest, Fond du Lac County, Wisconsin, outside the limits of incorporated cities and villages; along all public highways; at the intersections of highways with highways and highways with railways as hereafter provided. Where a highway is located on a village boundary, this section is not intended to be effective on the side within the village, nor on the side within another town where the highway is located on a town boundary. Service streets shall not be considered in determining the base setback line. Such setback lines shall be parallel to and measured at right angles to the centerline of the street or highway

B. CLASSES OF HIGHWAYS AND CENTER LINES

1. Class 1 Highways:

- a. Town roads not otherwise classified that have not been improved in accordance with engineering surveys and plans accepted by the county or town board. The centerline is the midway point between fences or other markers indicating the boundaries of the highway on opposite sides thereof.
- b. Town roads not otherwise classified that have been improved in accordance with engineering surveys and plans accepted by the county or town board. The centerline is at the center of the surfacing or pavement, or, if there be none, the center of the graded roadbed.
- c. Roads and streets in platted subdivisions not otherwise classified. The centerline is at the midpoint between the right-of-way lines or as shown on the recorded plat. On all streets in platted subdivisions the setback shall be (50) feet from the edge of the street as platted.
- d. Private roads. The setback requirements for Private Roads are specified in Section 10 5. d.

2. Class 2 Highways:

- a. County trunk highways that have not been improved according to engineering surveys or lands accepted by the county board or their agent, the County Highway Committee. The centerline is at the midway point between fences or other markers indicating the boundary on opposite sides thereof.

- b. County trunk highways that have been improved according to engineering surveys and plans accepted by the county board, or their agent, the County Highway Committee. The centerline is the center of the surfacing or pavement, or if there be none, the center of the graded roadbed.
3. Class 3 Highways:
- a. State trunk highways, except as hereinafter provided that have been improved according to surveys and plans of the state highway commission or plans accepted by the county board. The center line is the center of the pavement or surfacing, or if there be none, the center of the graded roadbed, or center of the directional separator if the highway is to be paved as a double divided road.

C. STRUCTURES PROHIBITED WITHIN SETBACK LINES

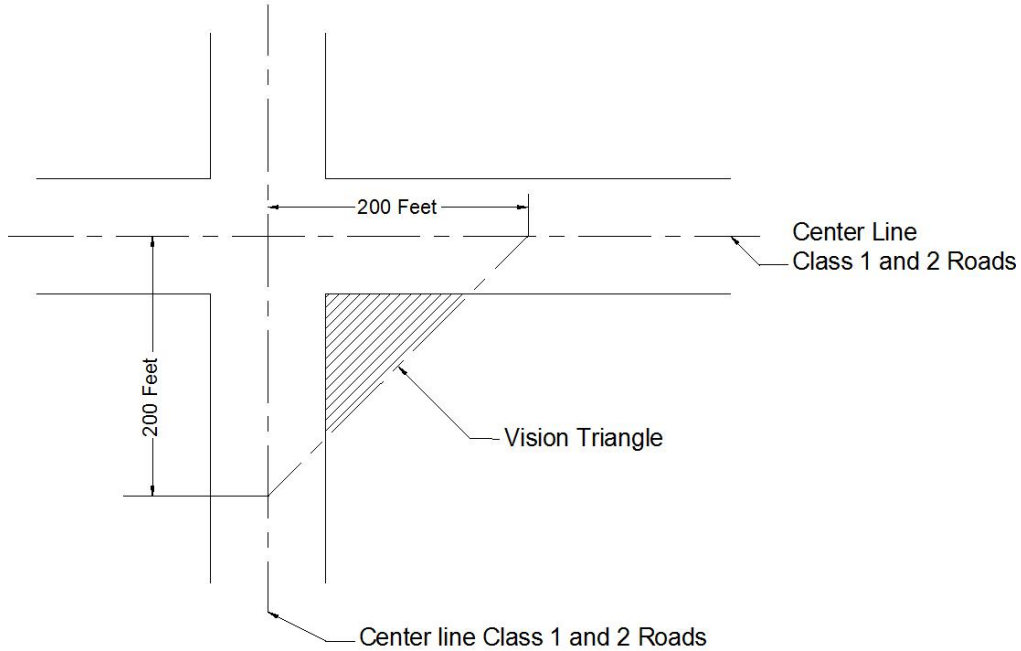
- 1. No new building, mobile home, new sign or other structure or part thereof shall be placed between the setback lines established by this ordinance and the highway, except as provided by this ordinance, and no building, mobile home, sign or structure or part thereof existing within such setback lines on the effective date of this ordinance shall be altered, enlarged or added to in any way that increases or prolongs the permanency thereof, or be reconstructed in its original existing location after having been destroyed by fire, storm or other catastrophe to the extent of 50 percent or more of its current value as determined by the local assessor.

D. STRUCTURES PERMITTED WITHIN SETBACK LINES

- 1. The following kind of structures may be placed between the setback line and the highway:
 - a. Open fences.
 - b. Underground structures not capable of being used as foundations for future prohibited over ground structures.
 - c. Access or service highways constructed according to plans as approved by the Board of Appeals. In giving such approval, the Board of Appeals shall give due consideration to highway safety and maximum sight distances.
- 2. This subsection shall not be interpreted as to prohibit the planting and harvesting of field crops, shrubbery or trees; provided, however, that no building or structure, trees or shrubbery shall be so located, maintained or permitted to grow so that the view across the sectors at the intersections, as provided by subsection 5. Paragraph E. shall be obstructed.

E. SETBACK DISTANCES

1. Except as otherwise provided, the distance from the center line to the setback line applicable to the various classifications of highways as defined in subsection (2) of this section, shall be as provided by the following paragraphs of this subsection, respectively.
2. Whenever a highway is improved to a classification requiring a greater setback distance than that required by this ordinance prior to such improvement, the setback distance shall be that applicable to the latter classification.
3. In cases where the provisions of this section may be interpreted to provide for different setback distances the greater setback distances shall prevail.
4. Along highways generally. The setback distances from the centerline, at any point, for the respective classes of highways shall be as follows:
 - a. Class 1 Highways, 100 feet or 65 feet from the right-of-way line, whichever is greater, except in platted subdivisions where the setback distance shall be 50 feet from the right-of-way lines as shown on the recorded plat.
 - b. Class 2 and 3 Highways, 100 feet or 65 feet from the right-of-way line, whichever is greater, except that where buildings, structures, or uses are to be erected, or established between buildings existing at the time of the adoption of this ordinance, which buildings are located not more than 150 feet apart and have setback lines less than are established by this section, the setback line for each proposed building, structure or use shall be the average of the setback lines of the nearest existing buildings on both sides of the proposed building, structure or use. The Board of Appeals may further vary this regulation in appropriate cases, provided that the Board of Appeals shall establish such condition as will save the town harmless from additional improvement damages which might accrue when and if the highway is improved, and provided further that no such variation shall permit a setback less than the average setback of the adjacent buildings.
5. Vision Triangle at Ordinary Highway Intersections. In Each quadrant of every public road right-of-way intersection or public road easement intersection there shall be a vision triangle per the following standards. Within the vision triangle no object over 2.5 feet in height above the road beds shall be allowed, except for transparent fences; telecommunication and power poles, lines, and portable equipment; field crops; and deciduous trees with mature canopies beginning greater than eight feet from the ground. (See the diagram below).



6. At Highway Intersections with Transitional Widening. At intersections provided with transitional widening of pavement or surfacing, such transitional widening shall be considered, as additional width, and the setback line on the side that is widened shall be increased by an amount equal to the width of the additional pavement.

7. At Highway Intersection with Curve Connections. At intersections where the intersecting highways are connected with pavement or surfacing constructed on a curve, the pavement or surfacing on the curve shall be classified as provided by subsection (2) of this section, and the setback distance along the curve shall be measured from the center of the curved section determine accordingly.

8. At Railroad Grade Crossings. At railroad grade crossings there shall be vision clearance triangles in each sector of such intersection. Each such vision clearance triangle shall be established by a supplementary setback line which shall be a straight line connecting points on the railway right-of-way line and the highway setback line and 75 feet back from the intersection of such highway setback lines and such railway right-of-way line.

SECTION 11: BOARD OF APPEALS

A. Establishment of Board of Appeals

1. A Board of Appeals is hereby established. The Board of Appeals shall consist of five (5) members, appointed by the Town Chairman, subject to confirmation by the Town Board, for three (3) years, except that of those first appointed one (1) shall serve for one (1) year, two (2) years, and two (2) for three (3) years. The

members shall reside within the Town of Forest. The Town Chairman shall designate one of the members as chairman. Vacancies shall be filled for the unexpired terms of members whose terms become vacant. The Board of Appeals shall appoint one of its members as the Secretary of the Board, unless the Town Board shall authorize the employment of a secretary or other employees.

2. The Board of Appeals shall adopt rules for its government and procedure. Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board of Appeals may determine. The Chairman, or in his absence the Acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public.
3. The Board of Appeals shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the Office of the Board and shall be a public record.
4. Appeals to the Board of Appeals may be taken by a person aggrieved or by any officer, department, board or bureau of the Town of Forest affected by any decision or the Permit Issuer. Such appeal shall be taken within a reasonable time, as provided by the rules of the Board, by filing with the Permit Issuer and with the Board of Appeals a notice of appeal specifying the grounds thereof. The Permit Issuer shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken. The Board of Appeals shall fix a reasonable time for the hearing of appeals and give public notice thereof as well as due notice to the parties in interest, and shall decide the same within a reasonable time.

B. POWERS OF THE BOARD OF APPEALS

The Board of Appeals shall have the following powers:

1. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Permit Issuer.
2. To hear and decide special exceptions to the terms of this ordinance upon which the Board of Appeals is required to pass.
3. To authorize, upon appeal in specific cases, such variance from the terms of this ordinance as will not be contrary to the public interest, where, owing to special conditions peculiar to a specific lot or tract of land, a literal enforcement 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. In every case where a variance from these regulations has been granted by the Board of Appeals

the minutes of the Board shall affirmatively show that a “practical difficulty” or “unnecessary hardship” exists and the records of the Board shall clearly show in what particular and specific respects a “practical difficulty” or an “unnecessary hardship” is created.

4. Permit the erection and use of a building or premises in any location, subject to appropriate conditions and safeguards in harmony with the general purposes of this ordinance, for such public utility purposes as are reasonably necessary for public convenience and welfare.
5. Except as specifically provided, no action of the Board of Appeals shall have the effect of permitting in any district uses prohibited in such district.
6. In exercising the powers listed in this section, the Board of Appeals may in appropriate cases establish suitable conditions and safeguards in harmony with the general purposes and intent of this ordinance.
7. In addition to the foregoing, the Board of Appeals may by special exception permit, after publishing Class 2 notice under Wis. Stat. ch. 985 and public hearing, (and after finding that said special exception is consistent with the spirit, purpose and intent of this ordinance, will not substantially and permanently injure the appropriate use of neighboring property and will serve the public convenience and welfare) authorize the location of any of the following special exceptions for buildings or uses in the specified districts, provided that such building or use shall comply with all other regulations in the district in which it is proposed to be located:
 - a. In Residential or Business districts, special exceptions include:
 1. Multiple family residences.
 - b. In the Industrial District, special exceptions include:
 1. Automobile wrecking yard, junkyard.
 2. Sanitary landfill or sewage disposal plant.
 3. Canneries, cheese factories, condenseries, creameries, and such other establishments or the processing, packing or manufacture of the agricultural products of Fond du Lac County as may have a nuisance factor not separable there from, such as the emission or effluence of noxious or odorous wastes or by-products.

4. Manufacturing of acid, distillation of bones or fat, manufacture of cement, lime and similar substances, asphalt making, fertilizer manufacture, other dangerous or potentially obnoxious industrial uses.
 5. Storage or manufacture of inflammable gases or liquids.
 6. Manufacture or tanning of leather and hides.
- c. In the Industrial District only, a mineral extraction operation, including washing, crushing, quarrying, borrow pits, or other processing or removal of mineral resources, the erection of building and the installation of necessary machinery used in the said extraction and processing, and the preparation of hot blacktop mix or ready-mix concrete, and the operation of lime kilns, provided that:
1. An application for a permit shall be submitted by the owner and shall include an adequate description of the operation; a plan of the site showing proposed and existing roads and drives, the sources, quantity and disposition of water to be used, if any; estimated dates for the completion of the extraction and commencement and completion dates for the reclamation; a reclamation plan, and such other information as may be necessary to determine the nature of the operation and the effect on the surrounding area.
 2. The reclamation plan shall contain adequate provision that all final slopes around the area be flatter than a 3 to 1 horizontal slope in a sand and gravel or borrow pit operation, or in a safe angle of repose in a quarrying operation; excavations below the grade of the nearest abutting public street or highway shall be set back from said street or highway a distance not less than that required for buildings and structures under this ordinance; excavation made to a water-producing depth shall be not less than three (3) feet measured from the low water mark; all final slopes shall be covered with topsoil from the original site and seeded to prevent future erosion; the plan shall require that after completion of the anticipated operation the area shall be cleared of all debris and be left in a workmanlike condition; subject to the approval of the Town Board or its agent. The reclamation plan shall indicate the proposed future use or uses of the site; however, the proposed re-use of the site for a dumping ground shall have the concurrence of the Town Board.
 3. Application for a permit for mineral extraction operations proposed to be located within 600 feet of a residence district, a residential subdivision or a city or village limits line, or within 300 feet of any building occupied for residence purposes; or for a hot blacktop mix or a ready-mix concrete plant, shall not be granted except on approval of the Town Board given after the public hearing has been held.

4. The permit shall be for a period of time as stated in the application or as modified by the Board of Appeals (and where Town Board approval is required, approved by the Town Board). Modification of the application or reclamation plan may be permitted or additional conditions may be required. The Board of Appeals and the Town Board, where such approval is required, shall consider the effect of the proposed operation and the proposed reclamation upon existing and future conditions, including streets, neighboring land development, land use drainage, water supply, water pollution, air pollution, soil erosion, natural beauty and land value of the locality. The application and/or reclamation plan may be approved, approved conditionally, or rejected.
5. No permit shall be granted for a period of time exceeding four (4) years, unless approved by the Town Board. A renewal may be granted upon application provided that the applicant has fully complied with the terms of this ordinance and the permit issued hereunder. The Board of Appeals may require a public hearing prior to such renewal.
6. A filing fee consistent with the Town's Fee Schedule shall be required for each initial application and a filing fee consistent with the Town's Fee Schedule for each renewal application if the renewal application must come before the zoning board.
7. All existing mineral extraction operations lawfully operated and existing shall be considered nonconforming uses and may be continued provided that they have been worked prior to the date of the adoption of this provision of this ordinance, and that they be registered with the Permit Issuer within one (1) year of the date of this provision of the ordinance.

d. In the Business District, special exceptions include:

1. Boat liveries and marinas
2. Public and private beaches
3. Bathhouses
4. Recreation camps
5. Resorts or clubs
6. Public and private parks
7. Golf grounds

8. Cabins
 9. Picnic areas
 10. Swimming pools
 11. Other recreational uses similar in character to our customarily established in connection with the foregoing.
- e. Mobile home parks in the Residential District only, subject to the following provisions:
1. Application: No mobile home park may be developed or expanded without a building permit issued by the Permit Issuer in accordance with this ordinance. The Permit Issuer shall not issue a permit for a mobile home park or expansion of a mobile home park until:
 - aa. A petition to establish and develop a mobile home park has been submitted with a fee that is consistent with the Town's Fee Schedule to the Permit Issuer. The petitioners shall submit four (4) complete copies of all plans and specifications containing information as required herein. The Permit Issuer shall send one (1) copy to the Town Chairman, who shall convene with the Town Board as a town planning committee for recommendations and review to the Permit Issuer within thirty (30) days; one (1) copy to the Town Clerk who shall call the hearing and shall notify the following: the applicant, the Town Board, the Permit Issuer, and the County Planning Department. The Permit Issuer shall also forward one (1) copy of the plans and specifications to the County Planning Department for review and comment.
 - bb. A public hearing has been held in accordance with this section and the town planning committee has submitted a report recommending approval of the mobile home park, and the Board of Appeals has approved the plans.
 - cc. The application and plans for a mobile home park equal or exceed the requirement noted herein. The plans submitted and approved by the Board of Appeals and plan committee shall be made a condition for granting the special permit.
 2. Plans and specifications to be submitted: Complete final site plans for mobile home parks shall be submitted at a scale of no less than fifty (50) feet to the inch and shall show the area and dimensions of the proposed mobile home park, the street and lot layout, the location of water, natural gas and sewer lines, a drainage plan for the mobile home park prepared by a registered

engineer, location and dimensions of all buffers, office structures, utility buildings, recreation areas, etc., and electric and telephone distribution lines.

3. Development requirements and standards: The park shall be designed and constructed in accordance with the following requirements:
 - a. Site preparation. The mobile home shall be fitted to the terrain with a minimum disturbance of the land. Existing trees, rock formations and other natural site features shall be preserved to the extent practical. The developer shall provide the mobile home park with public sewer system or approved private sewerage collection and treatment system (septic tanks and soil absorption systems shall be permitted only on express approval of the Town Board) and an approved public or private water utility system.
 - b. Size and density. The minimum area allowable for a park shall be 10 acres and the maximum density of mobile homes within the park shall be five (5) mobile homes per gross acre. (Gross acreage includes all area within the approved mobile home park boundaries.)
 - c. Mobile home space. Each mobile home space shall be clearly defined and shall abut on a driveway of not less than fifty (50) feet in width, of which not less than twenty-two (22) feet shall be paved, with unobstructed access to a public street, and each mobile home space shall contain no more than one mobile home and accessory structures; the mobile home and accessory structures shall not occupy more than 30% of the site area.
 - aa. Each mobile home space shall contain a minimum of 5,000 square feet, and shall be at least forty (40) feet wide at the building site.
 - bb. Minimum yards required between mobile homes or any enclosed appurtenances and lot lines shall be: Front yard, ten (10) feet; side yard, twenty (20) feet between units or appurtenances; rear yard, fifteen (15) feet.
 - d. Mobile home skirting. All mobile homes shall have around their entire perimeters a continuous skirting material of wood, metal or masonry of not more than 25% open fact extending from the bottom of the mobile home to the finished grade of the mobile home stand. Said skirting shall be broken only to provide for such necessary appurtenances as porches or trailer hitches where skirting would prevent the provision of same.

- e. Mobile home tie downs. Mobile homes shall be tied down with anchors or tie downs such as cast in place concrete “dead men.” Eyelets embedded in concrete screw augers or arrow head anchors shall be placed at least at each corner of the mobile home stand and each device shall be able to sustain a minimum load of 4800 pounds.
 - f. Street and driveway improvements. All streets and driveways shall be paved according to the standards and specifications used for bituminous road construction by the Town of Forest.
 - g. Street lighting. All street or driveways within the park shall be lighted at night with electric lights providing a minimum average illumination of 0.2-foot candles.
 - h. Required recreation area. A minimum of eight percent (8%) of the gross site area shall be devoted to recreational facilities.
 - i. Required buffers. Mobile home parks shall be surrounded by buffer strips at least fifteen (15) feet in depth on the sides and rear and sixty-five (65) feet in depth along the front; provided, however, that no side or rear buffers are required between adjacent mobile home developments. Buffers shall be attractively landscaped and maintained, and shall otherwise be unoccupied except for permitted utility facilities, approved signs or entrance ornamentations. The inside thirty-five (35) feet of a sixty-five (65) foot front buffer may be used for street or driveway right-of-way, or recreational facilities.
 - j. Parking. There shall be a minimum of two (2) paved parking spaces provided for each mobile home lot plus an additional car space for each four (4) lots, to provide for guest parking. All parking spaces shall be paved. No parking shall be allowed on any mobile home access driveway.
 - k. Utility lines. All utility lines shall be underground, except where soil conditions do not permit.
4. Criteria for approval. In the exercise of approval of mobile home parks, site plans shall be based on the development requirements set forth in this ordinance, and the Board of Appeals shall be guided by the following standards and shall consider the following factors, and shall show on its record that each factor was considered. Before final site plan approval is granted, the plan committee shall also find in the case of these factors and other significant factors that the purposes and requirements of this ordinance have been met by the applicant in respect to:

- a. Ingress and egress to the property and proposed structures thereon, with particular reference to automotive and pedestrian safety traffic flow and control, and access in case of fire or a catastrophe.
 - b. Off-street loading and parking areas, with particular attention to the items in 3.a. above and the economic, noise, glare, or effects of the location of such areas on adjoining properties and properties generally in the district.
 - c. Refuse and service areas, with particular references to the items in 3.a. and 3.b. above.
 - d. Manner of drainage of the property, with particular reference to the effect of provisions for drainage on adjacent properties and the consequence of such drainage on overall town drainage capacities.
 - e. Screening and buffering, with reference to the type, dimensions and character, to preserve and improve compatibility and harmony between the proposed use and the uses and structures of adjacent and nearby properties and properties generally in the district.
 - f. Signs and proposed exterior lighting with reference to glare, traffic safety, economic effects of the same on properties in the district, and compatibility and harmony with nearby properties.
 - g. General amenities and conveniences, with reference to insuring that exterior appearance of the proposed mobile home park will be as compatible and harmonious with properties in the general area as may be and will not be so at variance with other uses in the general area as to cause a substantial depreciation of property value.
5. Additional requirements. In addition to the foregoing requirements and standards, the approving authorities may:
- a. Require pre-approved designs and standards for accessory buildings, the placement thereof on the site or in the general area.
 - b. Require park and play areas and equipping thereof, recreation areas and service structures, and general parking area and the location thereof within the park in approved areas.
 - c. Permit the erection of a permanent residence for the resident manager, including a park office in connection therewith.

- f. In the Business District only, campgrounds designed and used for the purposes of temporary occupancy by tourists and campers for vacation camping by the use of recreational vehicles, tents or shelter cottages, subject to the following provisions:
1. No camping shall be permitted within three hundred (300) feet of the boundary of any Residence District.
 2. The minimum size of a campground shall be five (5) acres.
 3. The maximum number of camping units shall be fifteen (15) per gross acre.
 4. Minimum dimensions of a campsite shall be twenty-five (25) feet wide by forty (40) feet long.
 5. Each unit shall be separated from other units by a yard not less than ten (10) feet wide.
 6. There shall be 1-1/2 automobile parking spaces for each site.
 7. In addition to the side yard and setback requirements of this ordinance, there shall be a minimum setback of forty (40) feet from all other exterior lot lines.
 8. It shall conform to the requirements of Chapter H 78, Wisconsin Administrative Code for “Developed Campgrounds.”
 9. Unless adequately screened by existing vegetation cover, the campground may require screening to buffer the grounds, as determined upon by the site plan of such park.
 10. The campground site does not possess any of the physical limitations enumerated for land subdivisions and for the Sanitary Ordinance of Fond du Lac County.
 11. Definitions:
 - (a) “Recreational Vehicle” means any of the following:
 1. Travel Trailer. A vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational and vacation uses and permanently identified as a travel trailer by the manufacturer of the trailer.

2. Pick-up Coach. A structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation and vacation.
 - (b) “Temporary Occupancy” means the occupying of a site by a recreation vehicle for a cumulative period not to exceed eight (8) months in any twelve (12) months, or where the occupants of the site are non-resident tourists or vacationers and the recreation vehicle shall be accompanied by an automobile bearing license plates issued by any other state, for an accumulated period not to exceed eight (8) months in any twelve (12) months. The site shall be considered occupied if the camp is open, service facilities are maintained and there is access to the recreation vehicle either by motor vehicle or in any other way or the same is in fact used at any time.
 - (c) “Developed Campgrounds and Camping Resorts” means any privately or municipally owned parcel or tract of land accessible by automobile or other engine driven vehicle designed, maintained, intended or used for the purpose of supplying accommodations for overnight use by recreational vehicle, open to the public and designated as a developed camp area and set aside for free or paying camping purposes.
- g. In any District other than Farmland Preservation, the following special exception is permitted: Penal and correctional institutions, and public hospitals, when such hospital building shall be located not less than 500 feet from any lot in a Residence District not used for the same purposes.

SECTION 12: CHANGES AND AMENDMENTS

A. AUTHORITY

The Town Board of the Town of Forest may, as provided in the statutes, from time to time amend, supplement or change the boundaries of districts or the provisions of this ordinance.

B. PROCEDURE

1. Filing of Petitions: All petitions for any change in the text or map of the Zoning Ordinance submitted by any person or agency other than the Town Board shall be prepared on a form provided for the purpose by the Permit Issuer. Such petition shall be filed with the Permit Issuer along with either the original or the duplicate of a receipt of the Permit Issuer, showing the payment that is consistent with the fee in the Town’s Fee Schedule to defray the cost of advertising, investigation and

possible changes in the text or map of the Zoning Ordinance. The Permit Issuer shall transmit copies of such petition to the Secretary of the Town Planning Commission for investigation and report to the Town Board.

2. Upon receipt of the petition, the Town Planning Commission shall hold a public hearing thereon and shall give notice of the public hearing by use of a Class 2 legal notice in the *Fond du Lac Reporter* on such amendment, specifying the time and place of the hearing. Such notice may be given by publication at least two (2) times during the preceding days in the official newspaper or in a newspaper of general circulation in the county, and by posting in at least three (3) public places in the Town.

SECTION 13: ENFORCEMENT

- A. It shall be the duty of the Permit Issuer to enforce the provisions of this ordinance.
- B. The Permit Issuer shall prepare a record of all buildings, structures and mobile homes situated within the setback lines as established by this ordinance, or any amendment thereto, which shall include the distances of such buildings, mobile homes or structures from the center line of the adjacent highway, their size, type of construction and use, the quarter section in which they are situated, the names and addresses of the owner and occupant of the premises and the date on which the record is made. Such record shall be kept current and shall show any such buildings, structures or mobile homes that may be removed or damaged to the extent that their reconstruction will be contrary to this ordinance.
- C.
 1. No building, structure or mobile home shall hereafter be created, moved or structurally altered, except as hereinafter provided, until a permit therefore shall have been applied for and issued. No permit shall be issued until the Permit Issuer has satisfactory proof that the premises are in full compliance with the Fond du Lac County Subdivision Ordinance, the Fond du Lac County Shore land Zoning Ordinance, and the Fond du Lac County Floodplain Zoning Ordinance, and that a Fond du Lac County Sanitary Permit for the installation of a private sewage system to serve the premises has been issued.
 2. No building permit shall be required for farm buildings and structures having a ground area of less than three hundred (300) square feet, not permanently fixed to the ground and readily removable in their entirety, but this exemption shall not apply to roadside stands used for the sale of farm productions or other goods or services.

D.

1. All applications for a building permit shall be accompanied by plans in duplicate, drawn to scale, showing the location, actual shape and dimensions of the lot to be built upon, the exact size and location on the lot of the proposed or existing building and accessory building, the lines within which the building shall be erected, altered or moved, the existing and/or intended use of each building or part of a building, the number of families the building is intended to accommodate, and such other information with regard to the lot and neighboring lots or buildings as may be necessary to determine and provide for the enforcement of this ordinance.
2. The above requirements as to plans shall not apply to roadside stands, nor to farm buildings having a ground area of less than three hundred (300) square feet and not intended for human habitation. It shall be sufficient for the owner or his agent, in applying for a land use permit for such buildings, to furnish the Permit Issuer with such information as is necessary to show compliance with the health, sanitary and safety provisions of state and county codes and with the requirements of this ordinance.

E. All dimensions shown relating to the location and size of the lot shall be based upon an actual survey. The lot and the location of the building thereon shall be staked out on the ground before construction is started.

1. Under such rules and regulations as may be established by the Town Board, the Permit Issuer may issue a temporary Certificate of Compliance for part of a building.
2. Upon written request from the owner, the Permit Issuer shall issue a Certificate of Compliance for any building or premises existing at the time of the adoption of this ordinance, certifying after inspection, the extent and kind of use made of the building or premises and whether or not such use conforms to the provisions of the ordinance.

F. Penalties.

1. Any building, structure or mobile home hereafter erected, enlarged, altered, repaired or moved or any use hereafter established in violation of any of the provisions of this ordinance shall be deemed an unlawful building, structure, mobile home or use. The Permit Issuer shall promptly report all such violations to the Town Board, which shall instruct the attorney for the Town to bring an action to enjoin the erection, enlargement, alteration, repair or moving of such building, structure or mobile home or the establishment of such use, or to cause such building, structure, mobile home or use to be removed.

2. At the discretion of the court, such person, firm or corporation may also be required, upon conviction, to forfeit not less than Ten Dollars (\$10.00) nor more than Two Hundred Dollars (\$200.00) for each offense, together with the costs of prosecution, and in default of payment of such forfeiture and costs of prosecution, shall be imprisoned in the county jail of Fond du Lac County until said forfeiture and costs are paid, but not to exceed thirty (30) days for each violation. Each day that a violation continues to exist shall constitute a separate offense.

SECTION 14: FEES

- A. A fee consistent with the Town's Fee Schedule and cost of publishing is hereby required to be paid by the applicant for each application or appeal to the Board of Appeals, which fee shall be paid to the permit issuer and receipt therefore filed with the application. This fee shall not be required of any township officer acting in his official capacity.
- B. A fee consistent with the Town's Fee Schedule and cost of publishing is required for any petition for the amendment of this Zoning Ordinance, which fee shall be paid to the permit issuer and receipt therefore filed with the amendment petition. In addition, thereto, a petition shall be charged with the cost of the official newspaper publication of the notice of hearing. This provision shall not apply to amendments initiated by the Town zoning committee.

SECTION 15: TOWN PLANNING COMMISSION

The Town Planning Commission shall be composed of the Board of Appeals acting as and for a Town Planning Committee.

A. RULES OF PROCEDURE

The Board of Appeals, acting as and for a Town Planning Commission, may adopt rules for the transaction of business and shall keep a record of its resolutions, transactions, findings and determinations, which shall be a public record.

B. MATTERS REFERRED TO TOWN PLANNING COMMISSION

Petitions from interested parties or the Town Board for the formulation of amendments of the Zoning Ordinance shall be referred to the Board of Appeals acting as and for a Town Planning Commission.

All plats of land in the Town or within the territory over which the Town is given platting jurisdiction by Chapter 236 of the Wisconsin Statutes, and the amendment or repeal of any ordinance adopted pursuant to this section. Unless such report is made within thirty

(30) days, or such longer period as may be stipulated by the Town Board, the Town Board may take final action without it.

SECTION 16: CONFLICTING PROVISIONS

All ordinances or part of ordinances in conflict with any of the provisions of this ordinance are hereby repealed.

SECTION 17: VALIDITY

- A. Declaration of Severability. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Town Board hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, clauses or phrases be declared invalid.
- B. Effective Date. This ordinance shall be in force from and after its passage by the Town Board of the Town of Forest and publication according to law.

Passed and adopted by the Town Board of the Town of Forest, Fond du Lac County, Wisconsin, this 7th day of November, 1984.

Amended: July 7, 1987

Amended and Revised: June 6, 1995

Amended and Revised: August 5, 1997

Amended and Revised: December 13, 2004

Certified by DATCP: December 11, 2014

Amended and Revised: February 11, 2019