

CHAPTER 3

Zoning Districts

- 12-3-1 Districts Established
- 12-3-2 Zoning Maps
- 12-3-3 District Boundaries
- 12-3-4 Lots of Record
- 12-3-5 Exception for Established Front Yards
- 12-3-6 Uses Permitted in All Districts
- 12-3-7 Residential Districts
- 12-3-8 Commercial Districts
- 12-3-9 Light Industrial Districts
- 12-3-10 Urban Transitional Districts
- 12-3-11 Special Regulations for Mobile Home Parks
- 12-3-12 Special Regulations for Mobile Home Subdivisions

SEC. 12-3-1 DISTRICTS ESTABLISHED.

For the purpose and administration of this Ordinance, the City of Thorp, Wisconsin, is hereby organized into the following districts:

- (a) Residential Districts: R1 = One-Family Residential District
R3 = Multiple-Family Residential District
- (b) Commercial Districts: C1 = Central Business District
C2 = Highway Commercial District
- (c) Industrial Districts: IL = Light Industrial
IG = General Industrial
- (d) Urban Transitional District: UT

SEC. 12-3-2 ZONING MAPS.

The following maps are hereby adopted and made part of this Ordinance and are on file in the office of the Zoning Administrator:

- (a) "Zoning Map City of Thorp", dated June 26, 2012.
- (b) Floodplain Zoning Map titled "Flood Insurance Rate Map, Clark County Wisconsin and Incorporated Areas", dated July 6, 2010.
- (c) United States Geological Survey Maps, most current revision.

SEC. 12-3-3 DISTRICT BOUNDARIES.

When uncertainty exists with respect to the boundaries of the districts as shown on the Zoning Maps, the following rules shall apply:

- (a) District boundary lines are either the centerlines of railroads, highways, streets, alleys or easements or the boundary lines of sections, quarter sections, divisions of sections, tracts or lots of such lines extended unless otherwise indicated.
- (b) In areas not subdivided into lots and blocks, wherever a district is indicated as a strip adjacent to and paralleling a street or highway, the depth of such strips shall be in accordance with the dimensions shown on the maps measured at right angles from the centerline of the street or highway and the length of frontage shall be in accordance with dimensions shown on the map from section, quarter, section, or division lines, or centerlines of streets, highways or railroad rights-of-way unless otherwise indicated.
- (c) Where a lot having one owner of record on the effective date of this ordinance is divided by a district boundary line, the entire lot shall be construed to be within the less restricted district, provided that this construction shall not apply if it increases the less restricted frontage of the lot by more than twenty-five (25) feet.

SEC. 12-3-4 LOTS OF RECORD.

A lot of record at the time of adoption of this Ordinance which does not meet the minimum lot area and width requirements of this Ordinance shall be considered a buildable lot provided front, rear and side setbacks are met.

SEC. 12-3-5 EXCEPTION FOR ESTABLISHED FRONT YARDS.

Where forty (40) percent or more of the frontage on the same side of a street between two (2) intersecting streets is developed with buildings which have a front yard greater or lesser in depth than otherwise required by this Ordinance, new buildings shall be erected no closer than the average front yard so established by the existing buildings, but may be erected using the front yard so established.

SEC. 12-3-6 USES PERMITTED IN ALL DISTRICTS.

The following uses shall be treated as permitted uses in all zoning districts:

- (a) Temporary buildings for construction purposes for a period not to exceed the completion date of such construction.
- (b) Uses which are customarily attendant or incidental to any permitted or conditional use in a particular district, provided that such uses do not endanger or diminish the health, comfort and welfare of the neighborhood, do not generate more traffic and do not constitute public or private nuisances.
- (c) Accessory uses, including off-street parking and loading as provided by this Ordinance.
- (d) Signs. However, the types of signs permitted in particular districts shall be regulated by Sections 12-8-5 and 12-7-6 of this Ordinance.
- (e) Certain municipal facilities excluded from particular districts may be permitted in those districts under appropriate conditions by the Zoning Board of Appeals in accordance with Section 12-6-4(e) (4) of this Ordinance.

SEC. 12-3-7 RESIDENTIAL DISTRICTS.

- (a) General Purpose.
 - (1) To provide sufficient space in appropriate locations to meet the provable future need for single family and multiple family dwellings at a reasonable range of densities.
 - (2) To protect the value of land and improvements and so enhance the economic base of the City of Thorp.
 - (3) To protect residential areas against fire, explosion, heat, glare, noxious fumes, smoke, dust, odors, noise and vibrations.
 - (4) To minimize traffic congestion and avoid overloading utilities by regulating the bulk of buildings and hence the density of population.
 - (5) To promote public health, comfort and welfare by providing for adequate light, air, privacy and open space for each dwelling.
- (b) R1 Districts:
 - (1) Purpose. The R1 District is intended to provide a quiet spacious living neighborhood in which residents are protected from hazards such as fires, nuisances (such as noise, odors, vibration, congestion and environmental and aesthetic degradation) and other uses which are incompatible with the provisions of this Ordinance for this district.

- (2) Permitted Uses: The following uses are permitted in the R1 District:
- a. One-family detached dwellings.
 - b. Attached private garages not exceeding the greater of 675 square feet or the Ground Floor Area.
 - c. Home occupations.
 - d. Parks, forest preserves, recreational areas when publicly owned and operated, and community buildings.
 - e. Churches, schools (elementary, junior and senior high) and libraries.
 - f. Detached accessory buildings in side or the rear yard except that a detached private garage may have the same front yard setback as the principal building and may be located in the side yard.
 - g. Two accessory uses or structures
 - h. Municipal buildings except when the use may cause public or private nuisances including, but not limited to the following uses: sewage treatment plants, garbage incinerators, warehouses, public garages, public shops, or storage yards, penal or correctional institutions and asylums.
 - i. Adult family home as defined in Section 50.01(1)(a) of the Wisconsin Statutes.
 - j. Adult family home as defined in Section 50.01(1)(b) of the Wisconsin Statutes, provided the proposed adult family home is not located within two thousand five hundred feet of another such facility or any community living arrangement.
 - k. Community living arrangements for not more than eight persons provided:
 1. That the applicant disclose in writing the capacity of the community living arrangement;
 2. That no other community living arrangement is within two thousand five hundred feet of the site of the proposed facility;
 3. That the total capacity of all community living arrangements in an aldermanic district has not and will not by the inclusion of a new community living arrangement exceed twenty-five persons or one percent of the population, whichever is greater, of such district; and
 4. That the local capacity of all community living arrangements in the city does not exceed one percent of the city's population as determined in the last decennial census by the U.S. Bureau of the Census.
 - l. Municipal buildings except when the use may cause public or private nuisances including, but not limited to the following uses: sewage treatment

plants, garbage incinerators, warehouses, public garages, public shops, or storage yards, penal or correctional institutions and asylums.

- (3) Conditional Uses. The following uses may be allowed by Conditional Use Permit in accordance with Section 12-6-5 of this ordinance.
- a. Golf courses and swimming pools.
 - b. Child-care facilities.
 - c. Boarding schools.
 - d. Educational institutions.
 - e. Churches, rectories, seminaries, convents, monasteries, including other incidental uses.
 - f. Charitable and nonprofit institutions.
 - g. Funeral homes.
 - h. Cemeteries, crematoriums and mausoleums.
 - i. Temporary real estate offices.
 - j. Private and publicly regulated utilities such as phone exchanges or electric substations.
 - k. Railroad rights-of-way and trackage, but not including classification yards, terminal facilities and maintenance facilities.
 - l. Historical and cultural features and structures.
 - m. Government offices, post offices and libraries.
 - n. Two-family dwellings.
 - o. Adult family home as defined in Section 50.01(1)(b) of the Wisconsin Statutes, except those which are permitted under Section 12-3-7(b)(2)(h) and (i). Any permit issued pursuant to this paragraph shall not be transferable to another location or another holder.
 - p. Community living arrangement, except those which are permitted under section 23.14.010 (d), provided:
 1. That the loss of any state license or permit by a community living arrangement be an automatic revocation of that facility's use permit;
 2. That any use permit issued pursuant to this paragraph shall not be transferable to another location or another holder; and
 3. That the applicant disclose in writing the capacity of the community living arrangement.
 - q. If the principal use of a lot adjoining Stanley Street has historically been commercial, commercial uses (even if the commercial use has been discontinued under 12-2-6(a)(3) of the Ordinances) provided that only those commercial uses which by their nature could be carried out safely in a residential dwelling, without creating any nuisance or hazard are allowed. The commercial use shall

produce no odors, noises, vibrations, radio or electrical interference, glare or heat which affect adjacent property or the public. No commercial use involving the use or storage of explosive or inflammable materials is permitted if the quantity of such materials exceeds that which would ordinarily be found in a residential dwelling.

(4) Dimensional Requirements:

- a. Minimum lot area: 10,000 square feet.
- b. Minimum lot width: 100 feet.
- c. Front yard setback: 30 feet.
- d. Side yard setback for principal building: 8 feet.
- e. Side yard setback for accessory building: 3 feet.
- f. Rear yard setback for principal building: 25 feet.
- g. Rear yard setback for accessory building: 5 feet.
- h. Maximum building height: 35 feet.

(5) Dwelling Requirements: Dwellings shall meet the following requirements:

- a. Shall be permanently affixed to a permanent foundation meeting the requirements of the state uniform dwelling code (Comm. 21.15-21.18 Wis. Adm. Code).
- b. Shall have a minimum of 1000 square feet of living space and a minimum average width of 20 feet.
- c. Shall have a minimum roof pitch of 4:12 over at least 60% of total combined area of the roof.
- d. Shall have roof eaves extending at least 1 foot from the outside walls of the dwelling.

(d) R3 District:

(1) Purpose: The R3 District is intended to provide a living environment similar in all respects to the R1 District, although with a higher population density and greater diversity of housing types.

(2) Permitted Uses: The following uses are permitted in the R3 District:

- a. Any uses permitted in an R1 District.
- b. Multi-family dwellings and apartments.
- c. Rest homes and nursing homes.
- d. Adult family home as defined in Section 50.01(1)(a) of the Wisconsin Statutes.
- e. Adult family home as defined in Section 50.01(1)(b) of the Wisconsin Statutes, provided the proposed adult family home is not located within two thousand five hundred feet of another such facility or any community living arrangement.
- f. Community living arrangements for not more than eight persons provided:
 - 1. That the applicant disclose in writing the capacity of the community living arrangement;

2. That no other community living arrangement is within two thousand five hundred feet of the site of the proposed facility;
3. That the total capacity of all community living arrangements in an aldermanic district has not and will not by the inclusion of a new community living arrangement exceed twenty-five persons or one percent of the population, whichever is greater, of such district; and
4. That the local capacity of all community living arrangements in the city does not exceed one percent of the city's population as determined in the last decennial census by the U.S. Bureau of the Census.

g. Private non-profit clubs and lodges

(3) Conditional Uses: The following uses may be allowed by Conditional Use Permit in accordance with Section 12-6-5 of this ordinance.

- a. All uses permitted conditionally in an R1 District, except those which appear as permitted uses in Section 12-3-7(d) (2) above.
- b. Mobile home parks designed according to the provisions of Section 12-3-11.
- c. Hospitals and clinics.
- d. Adult family home as defined in Section 50.01(1)(b) of the Wisconsin Statutes, except those which are permitted under Section 12-3-7(d) (2) (d) and (e). Any permit issued pursuant to this paragraph shall not be transferable to another location or another holder.
- e. Community living arrangement, except those which are permitted under section 23.14.010 (d), provided:
 1. That the loss of any state license or permit by a community living arrangement be an automatic revocation of that facility's use permit;
 2. That any use permit issued pursuant to this paragraph shall not be transferable to another location or another holder; and
 3. That the applicant disclose in writing the capacity of the community living arrangement.

(4) Dimensional Requirements:

- a. Minimum lot area: 10,000 square feet (minimum lot area per dwelling unit shall be 2,200 square feet).
- b. Minimum lot width: 100 feet.
- c. Front yard setback: 30 feet.
- d. Side yard setback for principal building: 8 feet.
- e. Side yard setback for accessory building: 3 feet.

- f. Rear yard setback: 5 feet.
- g. Maximum building height: 45 feet.

SEC. 12-3-8 COMMERCIAL DISTRICTS.

(a) C1 District:

- (1) Purpose: The C1 District is established to accommodate the general business and commercial needs of the city including all retail sales and services.
- (2) Permitted Uses: The following uses are permitted in the C1 District:
 - a. Retail sales establishments.
 - b. Financial institutions.
 - c. Personal and business service establishments.
 - d. Commercial and professional offices.
 - e. Restaurants, taverns and bars.
 - f. Theaters, arcades, pool halls, bowling centers and other similar places of amusement.
 - g. Hotels and motels.
 - h. Government offices, post offices and libraries.
 - i. Private and public clubs and lodges.
 - j. Bus depots and railroad terminals.
 - k. Clinics.
- (3) Conditional Uses: The following uses may be allowed by Conditional Use Permit in accordance with Section 12-6-5 of this ordinance.
 - a. Wholesale establishments.
 - b. Warehouses for local wholesale and retail establishments or for personal property, but not including industrial warehouses and distribution centers.
 - c. Rest homes and nursing homes.
 - d. Penal or correctional institutions.
 - e. Veterinary hospitals and clinics.
 - f. Commercial boarding and breeding kennels.
 - g. Telephone exchanges, electric substations and booster stations and similar installations of publicly regulated utilities.
 - h. One-family and multiple-family dwellings plus customary accessory buildings.
 - i. Automotive and equipment service establishments, including gasoline service stations.
 - j. Restaurants, drive-ins.
 - m. Automobile and other vehicle sales.
 - n. Railroad rights-of-way, and trackage but not including classification yards and maintenance facilities.
 - o. Awnings.
 - p. Beer Gardens

- (4) Prohibited Uses: The following uses are prohibited in the C1 District:
 - a. Storage and sales of livestock.
 - b. Bulk sale and storage of grain, fertilizer and petroleum products.
 - c. Sale and outside storage of metals, minerals, stone, scrap and waste materials, except in small quantities as part of the stock of a permitted conditional use.
 - d. Industrial uses specified in the Sections 12-3-9 and 12-3-10 of this Ordinance.
 - (5) Dimensional Requirements:
 - a. Minimum lot area: in cases where the building occupies two adjacent lots in a row, the building may not occupy more than ninety-six (96%) percent of total lot area.
 - b. Minimum lot width: None.
 - c. Setbacks: None required except that when the lot abuts a residential or urban transitional district in which case the side and rear yard setbacks shall be 20 feet.
 - d. Maximum building height: 45 feet.
 - (6) Screening: All outdoor storage facilities shall be screened by a site obscuring fence or vegetation when the storage area is adjacent to a residential district.
- (b) C2 District:
- (1) Purpose: The C2 District is established to enhance and facilitate the orderly groupings of these commercial establishments which by their nature and locational requirements are attached to highway locations.
 - (2) Permitted Uses: The following uses are permitted in the C2 District:
 - a. Any uses permitted in an R1, R3 and C1 Districts.
 - b. Restaurants, drive-ins.
 - c. Automotive and equipment service establishments, including gasoline service stations.
 - d. Veterinary hospitals and clinics.
 - e. Wholesale establishments.
 - f. Warehouses for local wholesale and retail establishments or for personal property, but not including industrial warehouses and distribution centers.
 - (3) Conditional Uses: The following uses may be allowed by Conditional Use Permit in accordance with Section 12-6-5 of this ordinance.
 - a. Rest homes and nursing homes.
 - b. Hospitals.
 - c. Penal or correctional institutions.
 - d. Commercial boarding or breeding kennels.

- e. Telephone exchanges, electric substations and booster stations and similar installations of publicly regulated utilities.
 - f. Private outdoor recreation areas, including golf courses, miniature golf courses, swimming pools and campgrounds.
 - g. Bulk sale and storage of grain, fertilizer and petroleum products.
 - h. Beer gardens
- (4) Prohibited Uses: The following uses are prohibited in the C2 District:
- a. Sale and storage of livestock.
 - b. Sale and outside storage of metals, minerals, stone, scrap and waste materials, except in small quantities as part of the stock of a permitted or conditional use.
 - c. Industrial uses specified in the Sections 12-3-9 and 12-3-10 of this Ordinance.
- (5) Dimensional Requirements:
- a. Minimum lot area: 10,000 square feet.
 - b. Minimum lot width: 100 feet.
 - c. Front yard setback: 25 feet.
 - d. Side yard setback for principal building: 8 feet.
(no setback is required when abutting commercial or industrial properties)
 - e. Rear yard setback: 20 feet.
(no setback is required when abutting commercial or industrial properties)
 - f. Maximum building height: 35 feet.

SEC. 12-3-9 LIGHT INDUSTRIAL DISTRICT.

(a) IL - Light Industrial District:

- (1) Purpose: The Light Industrial District (IL) is intended to accommodate light industrial, wholesale and research establishments. The IL District may be located in various areas through the community and may or may not be in close proximity to the residential districts. Any industrial use may be permitted, except those that would present danger to residents of the community or generate noise, smoke, traffic, or air and water pollution, that would create a public or private nuisance. Emphasis is placed on providing land for warehousing and light assembly industries. Outdoor storage of raw materials and finished products is allowed.
- (2) Permitted Uses: Besides the general uses described in the preceding section, the following uses may be allowed by Conditional Use Permit in accordance with Section 12-6-5 of this ordinance.
- a. Wholesaling and warehousing.

- b. Production, processing, servicing, testing, repair or storage of materials, equipment and goods.
 - c. Public and community services.
 - d. Agricultural activities, limited to horticulture, nurseries and forestry.
 - e. Single-family residential uses.
 - f. Any use permitted in the C1 or C2 District is also permitted in the Light Industrial District.
- (3) Dimensional Requirements: The following dimensional requirements shall apply to all occupants of the IL District, except as specified in Section 12-3-9(a)(4).
- a. Minimum lot area: 10,000 square feet.
 - b. Minimum lot width: 100 feet.
 - c. Front yard setback: 20 feet.
 - d. Side yard setback for principal building: 15 feet.
 - e. Rear yard setback: 15 feet.
 - f. Maximum building height: 35 feet.
- (4) Special Dimensional and Screening Requirements: When an occupant of the IL District adjoins or abuts a residential district, the dimensional requirements described in Section 12-3-9(1)(3) are modified by the following dimensional requirements. In addition, planting screens shall be required to act as a buffer between the industrial and the residential uses.
- a. Side/rear yard setback: 50 feet.
 - b. A planting screen that is a minimum of 10 feet wide and 6 feet high shall be maintained.
- (b) General Industrial District:
- (1) Purpose: The General Industrial District (IG) is intended to accommodate those industrial uses which are not permitted in the IL District. Such industrial undertakings need not be enclosed where the type of undertaking requires that the activities be carried on outside. All production, processing, servicing, testing, repair or storage of materials or goods may take place in enclosed buildings. All outdoor storage shall be screened by a site-obscuring fence or shrubs when the zoning lot is fronting a street or highway and/or is adjacent to residential districts.
- (2) Permitted Uses: Any use permitted in the IL District is also permitted in the General Industrial District except residential and commercial uses.
- (3) Conditional Uses: The following uses may be allowed by Conditional Use Permit, subject to the provisions of Section 12-6-5 of this Ordinance.
- a. Stone and gravel pits.
 - b. Railroad round houses, maintenance buildings, and switching yards.

- c. Agricultural activities, including animal husbandry.
- (4) Dimensional Requirements: The following dimensional requirements shall apply to all occupants of the IG District, except as specified in Section 12-3-9(b)(5).
 - a. Minimum lot area: Not less than one (1) acre.
 - b. Minimum lot width at the established building line: 125 feet.
 - c. Front yard setback: 25 feet.
 - d. Side yard setback for principal building: 12 feet.
 - e. Rear yard setback: 25 feet.
- (5) Special Dimensional and Screening Requirements: When an occupant of the IG District adjoins or abuts a residential district, the dimensional requirements described in Section 12-3-9(b)(4) are modified by the following dimensional and screening requirements, to provide an additional buffer between the industrial and residential uses.
 - a. side/rear yard setback: 50 feet.
 - b. A planting screen that is a minimum of 10 feet wide and 6 feet high shall be maintained along the boundary of the IG zoning lot and any residential district.
 - c. All outdoor storage shall be screened by a site-obscuring fence or a planting screen as described above in Section 12-3-9(b)(5)b when such storage area is adjacent to residential districts and/or is fronting a street or highway.

SEC. 12-3-10 URBAN TRANSITIONAL DISTRICT.

- (a) Purpose: The Urban Transitional District is intended to prevent premature development at urban densities on otherwise suitable land which is not served by streets, utilities and community facilities at the time of designation. The District also permits limited agricultural activity on land within the city limits.
- (b) Permitted Uses: The following uses are permitted in the Urban Transitional District:
 - (1) Horticulture, animal husbandry and forestry activities.
 - (2) Home occupations. These are permitted both in existing dwellings and in dwellings constructed as conditional uses hereafter.
 - (3) Parks, forest preserves and recreational areas when publicly owned and operated.
- (c) Conditional Uses: The following uses are permitted conditionally in the Urban Transitional District, subject to the provisions of Section 12-6-5.

- (1) One-family detached dwellings.
 - (2) Schools - elementary, secondary and post-secondary.
 - (3) Churches and places of public worship.
 - (4) Sheltered care housing for elderly persons.
 - (5) Rest homes and nursing homes.
 - (6) Hospitals, sanatoriums and clinics.
 - (7) Funeral homes and crematoriums.
 - (8) Cemeteries and mausoleums.
 - (9) Golf courses.
 - (10) Private nonprofit clubs and lodges.
 - (11) Wholesale nursery operations.
 - (12) Sale of goods produced on the premises, provided that only roadstands and existing buildings are used for selling.
 - (13) Public service uses, including filtration plants, pumping stations, water reservoirs, sewage treatment plants, garbage incinerators, sanitary landfills, garages and shops, storage yards, and police and fire stations.
 - (14) Publicly regulated utility installations, including telephone exchanges, telephone service garages and shops, and electric substations and booster stations.
 - (15) Mobile home parks.
- (d) Dimensional Requirements:
- (1) Minimum lot area: 5 acres.
 - (2) Minimum lot width: 300 feet.
 - (3) Front yard setback: 60 feet.
 - (4) Side yard setback for principal building: 25 feet.
 - (5) Side yard setback for accessory building: 9 feet.
 - (6) Rear yard setback: 25 feet.
 - (7) Maximum building height: 35 feet.
- (e) Septic System Seepage Beds: All uses located in the UT District utilizing septic systems for sewage disposal must meet all applicable state and county regulations governing placement of such systems.

SEC. 12-3-11 SPECIAL REGULATIONS FOR MOBILE HOME PARKS.

- (a) Intent and Purposes: It is the intent and purpose of this Section to regulate the placing of mobile homes of all types and varieties in the City of Thorp with regard to providing adequate standards to protect the public health, safety, morals, convenience and general welfare.
- (b) Occupancy: No mobile home as defined in this Ordinance shall be occupied or used for living or sleeping purposes unless it is located in an area that has been granted an appropriate permit by the Zoning Administrator. Temporary mobile homes or travel trailers used on construction projects or in conjunction with carnivals and circuses or

like events may be permitted when approved by the Zoning Administrator.

(c) Special Regulations for Mobile Home Parks: The following regulations shall apply to mobile home parks:

(1) Purpose: The mobile home park, as defined in Chapter 1, is established:

- a. To provide regulations and standards for the development of a safe, healthy and well-designed community for permanent mobile home living.
- b. To provide, in appropriately located areas within specific zoning districts, sites for mobile home living developed at a reasonable density consistent with sound standards of public health and safety.
- c. To comply as much as possible with the objectives and purposes of each zoning district in which mobile home parks are located.
- d. To insure adequate light, air, access and open space for each mobile living unit.
- e. To regulate the mobile home park such that it will complement the land use policy of the zoning district.

(2) Placement: Mobile home parks may be permitted in the R3, C2 and UT Districts in accordance with the provisions of the Chapter.

(3) Administration:

a. Application Conference: Prior to applying for a Conditional Use Permit, the applicant is required to confer with the Planning Commission. A conference shall be scheduled by the Planning Commission within thirty (30) days after receipt of the following basic information and data, accurately displayed on maps:

- 1) the boundaries of the property;
- 2) existing easements and covenants affecting the property;
- 3) land characteristics, such as natural drainage, swamp areas and wood areas;
- 4) development characteristics, such as surrounding streets, existing buildings, available community sewer, water and other utilities;
- 5) an overall land use development plan delineating the street system, individual mobile home sites, parking areas, concrete pads, recreational areas, public and private utility installations and any additional on-site improvements. Accompanying the land use development plan shall be a phasing plan for the development of the projects.

b. Planning Commission Review and Recommendation:

The Planning Commission shall review the proposed Conditional Use permit to determine its conformity with land development trends in the community; standards of the Official Land Use Plan; and recognized principles of design, land use planning and landscape architecture. After review, the Planning Commission shall convey in writing to the applicant one of the following:

- 1) approval;
- 2) approval with conditions;
- 3) approval with modifications;
- 4) rejection of the proposal.

This communication must be made within sixty (60) days of receipt of the Planning Commission Review.

c. Conditional Use Permit Filing Procedure: After

receipt of a written report from the Planning Commission, the applicant may file for a Conditional Use Permit in accordance with the provisions of Section 12-6-5.

1) Findings of Facts: Within thirty (30) days after the close of the public hearing on the proposed Conditional Use Permit, the City Council shall make a written findings of facts. For the Council to make an affirmative recommendations, it must find in each of the following instances that:

- a) the establishment of a proposed mobile home park will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare;
- b) the proposed mobile home park will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted nor substantially diminish and impair property values within the neighborhood;
- c) the proposed mobile home park will not impede the normal or orderly development of the surrounding property for uses permitted in the district;
- d) adequate utilities, access roads, drainage, and/or other necessary facilities have been, are being, or will be provided;
- e) adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

- 2) Effect of Denial: No application for a Conditional Use Permit which has been denied wholly or in part by the City Council shall be resubmitted for a period of one (1) year from the date of said denial, except on the grounds of new evidence or proof of changed conditions found to be valid by the Planning Commission.
- (4) Required Conditions:
 - a. A mobile home park may be permitted by a Conditional Use Permit in the R3, C2 and UT Districts.
 - b. Mobile home parks may be permitted on parcels or lots of record of not less than 200,000 square feet of area.
 - c. In addition to regulations a and b above, all mobile home parks shall be developed in accordance with design standards set forth in Section 12-3-11(c) (5).
 - (5) Design and Performance Standards:
 - a. There shall be a maximum of six (6) mobile homes per gross acre.
 - b. There shall be a minimum of 5,000 square feet of site area per mobile home. In no case may a mobile home occupy more than twenty-five percent (25%) of any lot.
 - c. A mobile home park shall provide indoor and outdoor community use facilities and recreation open spaces of which not less than 5,000 square feet in area for each ten (10) acres or portion thereof shall be developed for use by children. The aggregate community use facilities and open spaces shall not be less than two hundred (200) square feet for each mobile home space.
 - d. Not more than one conventional dwelling unit shall be located in any facility granted a Conditional Use Permit under this Section.
 - e. No mobile home or dwelling unit shall be located in a required front yard or less than twenty-five (25) feet from the property line of the mobile home park boundary.
 - f. Individual mobile home sites within the mobile home park shall be designated and staked or otherwise marked so as to be readily identified. Only one mobile home may be located on a mobile home site as designated and subject to the following limitations:
 - 1) Front yard and rear yard shall be a minimum of ten (10) feet.

- 2) Side yard shall be a minimum of five (5) feet.
- 3) Minimum distance of twenty (20) feet between mobile homes and/or other principal permitted structures.
- g. The only accessory structure permitted on individual mobile home sites shall be temporary sun or wind shelter, and/or storage building with a maximum size of ten (10) feet by ten (10) feet, and garages for the storage of motor vehicles.
- h. All streets for automobile circulation shall be:
 - 2-way street: if parking on both sides: 32 feet.
 - if parking on one side: 25 feet.
 - if no parking: 18 feet.
 - 1-way street: if no parking: 14 feet.
- i. A minimum of two improved parking spaces shall be provided for each mobile home, one of which shall be on the mobile home site.
- j. All utilities including television service shall be underground.
- k. Fencing and landscaping;
 - 1) adequate landscaping shall be provided including trees and shrubs around the perimeter of the mobile home park.
 - 2) additional fencing and landscaping including perimeter fencing along interior, side and rear lot lines may be recommended by the Planning Commission and required by the City Council as part of the Conditional Use Permit for the mobile home park.
- l. A designated camp and travel trailer and boat storage area shall be provided with an aggregate area of fifty (50) square feet per mobile home space.

SEC. 12-3-14 SPECIAL REGULATIONS FOR ADULT BOOKSTORES AND CABARETS.

- (a) Findings and Purpose. The Council finds that, due to their nature, the existence of adult bookstores and adults cabarets in the city has serious objectionable operational characteristics, such as in effect upon property values, local commerce and crime. Due to the deleterious combined effect on adjacent areas when such uses are concentrated, they should not be permitted to be located in close proximity to each

other. Special regulation of these uses is necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. Such regulations are contained in the standards. These standards are designed to protect the city's retail trade, maintain property values, prevent crime, and, in general, protect and preserve the quality of the city's neighborhoods, commercial districts and the quality of urban life.

(b) Standards. An adult bookstore or adult cabaret is permitted in a GI district, provided that:

- (1) Such use shall not be located within 1000 feet of any residential district as designated within this title with an R designation.
- (2) Such use shall not be located within 1000 feet of a public or private school.
- (3) Such use shall not be located within 1000 feet of another adult bookstore or adult cabaret.
- (4) The distances provided in this subsection shall be measured by following a straight line, without regard to intervening buildings, from the nearest point of the lot upon which the proposed use is to be located, to the nearest point of the zoning district boundary line or the lot from which the proposed use is to be separated.
- (5) Violation of these provisions is declared to be a public nuisance per se.
- (6) Nothing in this subsection is intended to authorize, legalize or permit the establishment, operation or maintenance of any business, building or use which violates any city ordinance or statute of the state of Wisconsin regarding public nuisances, sexual conduct, lewdness or obscene or harmful matter or the exhibition or public display thereof.