

CHAPTER XIII

ZONING ORDINANCE
CITY OF CORNELL, WISCONSIN**13.01 GENERAL PROVISIONS.**

(1). AUTHORITY. These regulations are adopted under the authority granted by Sec. 62.23(7), (8), and (9), Wis. Stats. Therefore, the Common Council of the City of Cornell, Wisconsin, do ordain as follows:

(2). PURPOSE. The purpose of this Ordinance is to promote the health, safety, morals, property, aesthetics, and general welfare of this community.

(3). INTENT. It is the general intent of this Ordinance to regulate and restrict the use of all structures, lands, and waters; regulate and restrict lot coverage, population distribution and density, and the size and location of all structures so as to: lessen congestion in and promote the safety and efficiency of the streets and highways; secure safety from fire, flooding, panic, and other dangers; provide adequate light, air, sanitation, and drainage; prevent overcrowding; avoid undue population concentration; facilitate the adequate provision of public facilities and utilities; stabilize and protect property values; further appropriate use of land and conservation of natural resources; preserve and promote the beauty of the community; and implement the community's comprehensive plan or plan components. It is further intended to provide for the administration and enforcement of this Ordinance and to provide penalties for its violation.

(4). ABROGATION AND GREATER RESTRICTIONS. It is not intended by this Ordinance to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, ordinances, rules, regulations, or permits previously adopted or issued pursuant to laws. However, wherever this Ordinance imposes greater restrictions, the provisions of this Ordinance shall govern.

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

(6). SEVERABILITY. If any section, clause, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a Court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

(7). REPEAL. All other Ordinances or parts of Ordinances of the City inconsistent or conflicting with this Ordinance, to the extent of the inconsistency only, are hereby repealed.

(8). TITLE. This Ordinance shall be known as, referred to, or cited as the "ZONING ORDINANCE, CITY OF CORNELL, WISCONSIN".

13.02 RESTRICTIONS.

(1). SITE RESTRICTIONS. No land shall be used or structure erected where the land is held unsuitable for such use or structure by the City Planning Commission by reason of flooding, concentrated runoff, inadequate drainage, adverse soil or rock formation, unfavorable topography, low percolation rate or bearing strength, erosion susceptibility, or any other feature likely to be harmful to the health, safety, prosperity, aesthetics, and general welfare of this community. The City

Planning Commission, in applying for the provisions of this section, shall, in writing, recite the particular facts upon which it bases its conclusions that the land is not suitable for certain uses. The applicant shall have an opportunity to present evidence contesting such unsuitability if he so desires. Thereafter, the City Planning Commission may affirm, modify, or withdraw its determination of unsuitability.

(2). LOT PROVISIONS.

(a). A lot or lot of record shall be deemed a buildable lot provided it has 20 feet of frontage on a public right-of-way and the space requirements for the district in which it is located, or adjusted to conform to paragraph (b) below, provided, however, that a lot having the space requirements of the district in which it is located may be utilized as a buildable lot, if it has an exclusive or unobstructive easement or right-of-way at least 15 feet wide to a public road.

(b). A lot shown in a plat recorded in the office of the Register of Deeds of Chippewa County which is in a "R" district and which does not meet the requirements of this Ordinance as to area or width may be utilized for a single family detached dwelling or a duplex, provided the width is at least 40 feet at the building line and has an area of at least 5,000 square feet.

(c). There shall be no more than 1 principal building on one lot, in all "R" districts, except within a Planned Community Development.

(d). All Principal Structures shall be located on a lot; and only one principal structure shall be located, erected or moved onto a lot.

(e). Private Sewer and Water. In any district where public sewer service is not available, the width and area of all lots shall be sufficient to permit the use of an on-site sewage disposal system designed in accordance with Section H65 of the Wis. Adm. Code. In any district where a public water service or public sewer service is not available, the lot width and area shall be determined in accordance with Sec. H65, Wis. Adm. Code, but for one-family dwellings shall be no less than 100 feet and no less than 20,000 feet respectively.

(3). USE RESTRICTIONS. The following use restrictions and regulations, shall apply:

(a). Principal Uses. Only those principal uses specified for a district, their essential services and the following uses shall be permitted in that district.

(b). Accessory Uses and structures are permitted in any district but not until their principal structure is present or under construction. Residential accessory uses shall not involve the conduct of any business, trade, or industry. Accessory uses include incidental repairs; storage; parking facilities; gardening; servant's, owner's, itinerate agricultural labor's and watchman's quarters not for rent; private swimming pools; and private emergency shelters.

(c). Unclassified or Unspecified Uses may be permitted by the City Planning Commission provided that such uses are similar in character to the principal uses permitted in the district.

(d). Temporary Uses, such as real estate sales field offices or shelter for materials and equipment being used in the construction of a permanent structure may be permitted by the Planning Commission.

(4). REDUCTION OR JOINT USE. No lots, yard, parking area, building area, or other space shall be reduced in area or dimension so as not to meet the provisions of this Ordinance. No part of any lot, yard, parking area, or other space required for a structure or use shall be used for any other structure or use.

(5). VIOLATIONS. It shall be unlawful to construct or use any structure, land or water in violation of any of the provisions of this Ordinance. In case of any violation, the Common Council, the Building Inspector, the City Planning Commission, or any property owner who would be specifically damaged by such violation may institute appropriate action or proceeding to enjoin a violation of this Ordinance.

(6). PENALTIES. Any person, firm or corporation who fails to comply with the provisions of this Ordinance shall upon conviction thereof, forfeit not less than \$10 nor more than \$200 and costs of prosecution for each violation and in default of payment of such forfeiture and costs shall be imprisoned in the County Jail until payment thereof, but not exceeding 30 days. Each day a violation exists or continues shall constitute a separate offense.

13.03 ZONING DISTRICTS.

(1). ESTABLISHMENT. For the purpose of this Ordinance, the City of Cornell is hereby divided into the following Zoning Districts:

- R-1 Single-Family Residential District
- R-2 Single-Family Residential District
- R-2-M Single-Family Residential District Mobile
- R-3 Multi-Family Residential District
- B-1 Business District
- M-1 Industrial District
- A-1 Agricultural District
- C-1 Conservancy District

(a). Boundaries of these Districts are hereby established as shown on a map entitled "Zoning Map, City of Cornell, Wisconsin," dated 1978, which accompanies and is part of this Ordinance. Such boundaries shall be construed to follow: corporate limits; U.S. Public Land Survey lines; lot or property lines; centerlines of streets, highways, alleys, easements, and railroad rights-of-way or such lines extended; unless otherwise noted on the Zoning Map.

(b). Vacation of public streets and alleys shall cause the land vacated to be automatically placed in the same district as the abutting side to which the vacated land reverts.

(c). Annexations to or consolidations with the City subsequent to the effective date of this Ordinance shall be placed in the A-1, Agricultural District, unless the annexation ordinance temporarily placed the land in another district. Within 1 year the City Planning Commission shall evaluate and recommend a permanent district classification to the Common Council.

(2). ZONING MAP. A certified copy of the Zoning Map shall be adopted and approved with the text as part of this Ordinance and shall bear upon its face the attestation of the City Mayor and City Clerk and shall be available to the public in the office of the City Clerk. Changes thereafter to the districts shall not be effective until entered and attested on this certified copy.

(3). RESIDENTIAL DISTRICTS.

(a). R-1 Single-Family Residential District.

Principal Use: One-Family dwellings.

Conditional Uses: See Section 13.04(4) and (5).

Lot: Width: Minimum 70 feet
Area: Minimum 7000 feet

Building: Area: Minimum 900 feet

Building: Width: Minimum 24 feet

Yards: Street: Minimum 25 feet
Rear: Minimum 25 feet
Side: Minimum 12 feet

(b). R-2 Single-Family Residential District.

Principal Use: Use permitted in the R-1 District and duplexes

Conditional Uses: See Secs. 13.04(4) and (5)

Lot: Width: Minimum 70 feet
Area: Minimum 10,000 feet

Building: Area: Minimum 1,200 feet

Building: Width: Minimum 24 feet

Yards: Street: Minimum 25 feet
Rear: Minimum 25 feet
Sides: Minimum 12 feet

(c). R-2-M Single-Family Residential District Mobile.

Principal Use: Mobile Home Parks, as defined in Sec. 6.05 of Cornell Municipal Code are permitted principal uses.

Conditional Uses: Accessory businesses and uses connected with principal use as a Mobile Home Park.

Requirements per Mobile Home Space:

Lot: Width: Minimum 34 feet
 Area: Minimum 3000 square feet

Yards: (Per Mobile Home Space) Side: Minimum 10 feet
 Rear: Minimum 10 feet
 Front: (not fronting on Street) 10 feet

Provision I In addition to the above, the distance between any mobile home and any street shall be a minimum of 25 feet.

Provision II In addition to the above requirements, all mobile home parks must meet the requirements of Sec. 6.05, Cornell Municipal code and Sec. 66.0435, Wis. Stats."

(d). R-3 Multi-Family Residential District.

Principal Use: Uses permitted in the R-1, R-2 Districts and Multi-Family Dwellings.

Conditional Uses: See Secs. 13.04(4) and 13.04(5).

Lot: Width: Minimum 120 feet
 Area: Minimum 15,000 sq. ft. with no less than 2000 sq. ft., per efficiency; 2500 sq. ft. per 1-bedroom unit; 3000 sq. ft. per 2-bedroom unit.

Building: Area: Minimum 400 sq. ft. per family

Yards: Street: Minimum 35 feet
 Rear: Minimum 50 feet
 Side: Minimum 20 feet

13.03 (3 (bm) ZERO-LOT LINE DUPLEXES

(1) **Minimum requirements.** Zero-lot-line duplexes shall be subject to the following minimum requirements:

- i. Minimum lot size: 10,000 square feet for duplex (i.e., two dwelling units): 5,000 square feet per single-family dwelling unit.
- ii. Minimum lot width: 90 feet (45 feet per lot on which one dwelling unit is located).
- iii. Minimum lot depth: 100 feet.
- iv. Minimum front/street yard setback: 25 feet.
- v. Minimum rear yard setback: 25 feet.
- vi. Minimum side yard setback: 12 feet, except no setback requirement where the building is connected to the building on the adjoining lot.
- vii. Minimum living area: 900 square feet.
- viii. Minimum building width: 24 feet.
- ix. Attached garage. Each unit shall have an attached garage for at least one vehicle.

(2) Additional lot size requirement. Notwithstanding any other provision of this section to the contrary, neither unit of a zero-lot-line duplex, after division of the lot, may be conveyed unless each unit is located on a portion of the lot which is at least 5,000 square feet in surface area.

(3) Additional limitations. Zero-lot-line duplexes shall be subject to the following maximum limitations:

- i. Maximum number of dwelling units per lot: one.
- ii. Maximum number of accessory buildings per lot: one, which shall be located in the rear yard and a minimum of 10 feet from the rear and side lot line.
- iii. Maximum building height: 35 feet.

(4) Division of lots. Each lot on which is located a zero-lot-line duplex, prior to the conveyance into separate ownership, must be described by a plat or certified survey map showing lots that comply with the above requirements and that is recorded in the office of the Register of Deeds for the county in which the property is located.

(5) Utilities. Each lot shall have separate water laterals and shutoff valves, separate water meters, and separate electrical meters.

(6) Fire wall. The common wall between the two units of each zero-lot-line duplex shall be constructed as a fire wall to the specifications of the State Building Code in effect at the time of commencement of construction of the structure.

(7) Joint maintenance agreement. Adjoining property owners shall enter into a written joint maintenance agreement executed by each of the property owners which must require, at a minimum:

- i. Common siding roof, and driveway materials;
- ii. Maintenance obligations related to these shared items (including the allocation of costs and method for determining if repairs or replacement is needed);
- iii. A reciprocal maintenance easement along the common property line; and
- iv. A dispute resolution system.

Prior to the issuance of the building permit for the construction of a zero-lot-line duplex, and prior to the issuance of a certificate of occupancy or completion if the building permit was issued prior to the effective date of this Section, the property owner or owners shall cause the fully executed agreement to be recorded in the office of the Register of Deeds for the county in which the property is located, so that the terms and conditions of the agreement will be a covenant running with each of the lots and binding upon all owners of each of the lots on which the zero-lot-line duplex is located. A copy of the recorded agreement, showing the recording information, shall be filed with the City Clerk for the City's records no later than 10 business days after the issuance of the building permit for the zero-lot-line duplex. A copy of the building permit shall also be submitted to the City Clerk for the City's records within 10 days of the property owner's receipt of the same.

(8) Interpretation. In the event of conflict between this Section 13.03(3) (bm) and any other provision of Section 13.03(3) this Section 13.03(3) (bm) shall control.

(9) Section II SEVERABILITY. The provisions of this ordinance shall be deemed severable and it is expressly declared that the City of Cornell would have passed the other provisions of this ordinance irrespective of whether or not one or more provisions may be declared invalid. If any provision of this ordinance or the application to any person or circumstances is held invalid, the remainder of the ordinance and the application of such provisions to the other person's circumstances shall not be deemed affected.

(10) Section III - Publication, Posting and Effective Date. This ordinance shall be effective upon publication as required by Wis. Stat. §62.11 (4).

(4). BUSINESS DISTRICT. B-1

- Principal Uses: Uses permitted in R-1, R-2, and R-3 Districts and the following:
1. Apartments - Hotels
 2. Appliance Stores
 3. Bakeries
 4. Barbershops
 5. Bars
 6. Beauty Shops
 7. Business Offices
 8. Churches
 9. Clinics
 10. Clothing Stores
 11. Department Stores
 12. Drive-In Establishments
 13. Drug Stores
 14. Electrical Supply
 15. Financial Institutions
 16. Florists
 17. Food Lockers
 18. Funeral Homes
 19. Furniture Stores
 20. Gift Stores
 21. Grocery Stores
 22. Hardware Stores
 23. Hobby Shops
 24. Laundry and Dry Cleaning
 25. Liquor Stores
 26. Meat Markets
 27. Miscellaneous Stores
 28. Newspaper Offices
 29. Night Clubs
 30. Office Supplies
 31. Optical Stores
 32. Parking Lots
 33. Pet Shops
 34. Plumbing and Heating Supply
 35. Private Clubs and Organizations
 36. Professional Offices
 37. Radio Broadcasting
 38. Restaurants
 39. Rest Homes
 40. Soda Fountains
 41. Sporting Goods
 42. Supermarkets
 43. Trade and Contractor's Offices
 44. Variety Stores
 45. Vehicle Sales and Service
- Conditional Uses: Parking Lots and Garages associated with other permitted uses in the B-1 Business District may be permitted as Conditional Uses by the Board of Zoning Appeals. Also See Secs. 13.04(4) and 13.04(7).
- Yards: Business fronting on Main Street:
- | | |
|---------|-----------------|
| Street: | Minimum 0 feet |
| Rear: | Minimum 10 feet |
| Side: | Minimum 0 feet |
- Other businesses:
- | | |
|---------|-----------------|
| Street: | Minimum 0 feet |
| Rear: | Minimum 10 feet |
| Side: | Minimum 0 feet |

(5). INDUSTRIAL DISTRICTS.
M-1 Industrial District.

Principal Uses: Uses permitted in R-1, R-2, R-2-M, R-3 and B-1 Districts and the following: Commercial bakeries, commercial greenhouse distributors; farm machinery; food locker plants; laboratories; machine shops; manufacture and bottling of non-alcoholic beverages; painting; printing; publishing; storage and sale of machinery and equipment; trade and contractor's offices; warehousing; and wholesaling. Manufacture, fabrication, packing, packaging, and assembling of products from furs, glass, leather, metals, paper, plaster, plastics, textiles, and wood. Manufacturers, fabrication, processing, packaging and packing of confections; cosmetics; electrical pharmaceuticals; tobacco; and toiletries.

Conditional Uses: Non-metallic Mining and Adult-oriented Establishments as defined in 10.05(2)(K); See Secs. 13.04(4) and 13.04(6)

(a.) Non-metallic mining.

(1) An application for a conditional use permit for non-metallic mining, including washing, crushing and other processing shall include:

(i) A detailed narrative and diagrammatic description of the proposed operation; a list of all equipment, machinery, structures, and supplies to be used; a detailed narrative and diagrammatic description of the source, quantity, and disposition of water to be used; a topographic map of the site showing existing contours with minimum vertical contour interval of five feet, existing vegetation, and existing structures and access roads; a topographic map of the site showing proposed access roads, proposed structures; and the depth of proposed excavations; and a restoration plan, in addition to other information which may be required in 13.04(1) and 13.04(2).

(ii) The restoration plan shall contain proposed contours after filling, **proposed water features if any**, depth of restored topsoil, type of fill, plantings or reforestation, and restoration commencement and completion dates.

(2) The Board of Zoning Appeals shall consider the following criteria, but shall not be limited thereto:

(i) The effects of the proposed operation upon existing streets, neighboring property, proposed land use, drainage, water supply, soil erosion and condition, natural beauty, character, and land value of the locality, **reclamation related financial assurances**, and shall also consider the practicality, **components, and requirements** of the proposed restoration plan for the site.

(ii) Such other criteria as specified in 13.04(1) and 13.04(2) shall also apply.

(3) Any conditional use permit granted for non-metallic mining shall be in effect for a period not to exceed two years and may be renewed upon application for additional two-year periods. Modifications or additional conditions may be imposed upon application for renewal.

Yards: Street: Minimum 25 feet
 Rear: Minimum 30 feet
 Side: Minimum 20 feet

(6) AGRICULTURAL DISTRICT.

A-1 Agricultural District

Principal Uses: Uses permitted in R-1, R-2, and Agricultural, dairying, floriculture, forestry, general farming, grazing, greenhouses, hatcheries, horticulture, livestock raising, nurseries, orchards, paddocks, pasturage, poultry raising, stables, truck farming, and viticulture.

Conditional Uses: See Secs. 13.04(4) and 13.04(5), (6).
 B-1 District uses may be permitted on a conditional use basis only.

Lot: Frontage: Minimum 70 feet
 Area: Minimum 7000 feet

Structure: Area: Minimum 800 feet

Yards: Street: Minimum 25 feet
 Rear: Minimum 25 feet
 Side: Minimum 12 feet

(7) CONSERVANCY DISTRICT.

C-1 Conservancy District.

Principal Uses: Fishing, preservation of scenic, historic, and scientific area, public fish hatcheries, soil and water conservation, sustained yield forestry, stream bank and lakeshore protection, water retention, and wildlife preserves.

Conditional Uses: Drainage, water measurement and water control facilities, grazing; accessory structures, such as hunting or fishing lodges; orchards; truck farming, utilities and wild crop harvesting. The above uses shall not involve the dumping, filling, cultivation, mineral, soil or peat removal or any other use that would disturb the natural fauna, flora, watercourses, water regimen, or topography

Structures: None permitted except accessory to the principal or conditional uses.

13.04 CONDITIONAL USES.

(1). CONDITIONAL USE PERMITS. A conditional use permit shall be required for the establishment of each use permit as a conditional use. Expansion of a use permitted as a conditional use shall also require a conditional use permit, except that a minor expansion of a structure housing a use permitted as a conditional use which would not increase the scale or intensity of that use shall only require a building permit.

(a) Application Information. An application for a conditional use permit shall be submitted to the Building Inspector upon forms furnished by the Building Inspector. The application shall contain the following information:

- (1) Name and address of the applicant;
- (2) Name and address of the property owner;
- (3) Name and address of the architect, engineer, and contractor;
- (4) Name and address of all opposite and abutting property owners of record;
- (5) Legal description, tax parcel identification number, and address of subject property;
- (6) Type of existing/proposed structure(s);
- (7) Proposed operation or use of the structure or property;
- (8) Availability of adequate supply of water and approved sewage disposal facilities;
- (9) Zoning of the subject property; and
- (10) An accurate plot plan, drawn to a scale which produces a clearly legible drawing, showing the following:

- (i) Boundaries, dimensions, and area of the subject property;
 - (ii) The spatial relationship of the subject property to abutting public highways and rights-of-way, private roads, easements, and navigable waters;
 - (iii) The location and dimensions of any existing or proposed structures or additions and their relationship to abutting public roads and rights-of-way, private roads, property lines,

existing and proposed wells and sanitary waste disposal systems, and the ordinary high-water mark of navigable waters; and
 - (iv) Location of proposed or existing road access points, parking and loading areas, and driveways.
- (b) Additional Information. Upon request, the applicant shall provide such additional information as may be required by the Board of Zoning Appeals, Building Inspector, City Engineer, or City Inspectors so that the Board of Zoning Appeals can determine whether or not the proposed use at the proposed location will not be contrary to the public interest and will not be detrimental or injurious to public health, public safety, or the character of the surrounding area.
- (c) Fee. All conditional use permit applications shall be accompanied by a fee established by the City of Cornell Common Council.
- (d) Complete Application. No application shall be accepted by the Building Inspector until complete as judged by the Building Inspector and until all fees have been paid in full.
- (2). REVIEW AND DECISION. A public hearing shall be held by the Board of Zoning Appeals after a public notice has been given. At the public hearing, any party may appear in person or be represented by an agent.
- (a) Determination. Following review, investigation, and public hearing, the Board of Zoning Appeals shall render a decision in writing.
 - (b) Approval. If the application is approved, such decision shall include an accurate and complete description of the use as permitted, including all the conditions attached thereto.
 - (c) Denial. If the application is denied, the reasons for denial shall be stated.
 - (d) Basis of Approval. The Board of Zoning Appeals shall review each conditional use permit application for compliance with all

requirements applicable to that specific use and to all other relevant provisions of this Chapter. In approving conditional uses, the Board of Zoning Appeals shall also determine that the proposed use at the proposed location will not be contrary to the public interest and will not be detrimental or injurious to the public health, public safety, or character of the surrounding area.

(e) Criteria. To aid in the review of a proposed project against the above criteria, the Board of Zoning Appeals may evaluate the following specific criteria but shall not be limited thereto:

- (1) Whether the proposed use is similar to other uses in the area.
- (2) Whether the proposed project is consistent with any officially adopted City of Cornell plan.
- (3) Whether the proposed project will adversely affect other property in the area.
- (4) Whether the proposed use creates noise, odor, or dust.
- (5) Whether an adequate supply of water and approved sewage disposal facilities are available.
- (6) Whether the proposed project provides safe vehicular and pedestrian access.
- (7) Whether the proposed project adversely impacts neighborhood traffic flow and congestion.
- (8) Whether adequate emergency services exist and their ability to service the site.
- (9) Whether the proposed project provides for proper surface water drainage.
- (10) Whether the proposed structures contribute to visual harmony with existing structures in the neighborhood, particularly as related to scale and design.
- (11) Whether the proposed project creates excessive exterior lighting glare or spillover onto neighboring properties.
- (12) Whether the proposed project leads to a change in the natural character of the area through the removal of natural vegetation or altering of the topography.
- (13) Whether the proposed project would adversely affect the natural beauty of the area.
- (14) Whether the proposed project creates a safety or health concern.

(15) Whether the proposed project would adversely affect any historic or archaeological sites.

(f) Burden. The applicant's failure to satisfy the criteria listed above or any other applicable requirement in this Chapter may be deemed grounds to deny the conditional use permit. At all times the burden of proof to demonstrate satisfaction of these criteria remains with the applicant.

(g) Conditions and Restrictions. The Board of Zoning Appeals may, in approving an application for a conditional use permit, impose such restrictions and conditions that it determines necessary to prevent or minimize adverse effects from the proposed use or development on other properties in the neighborhood and on the general health, safety, and welfare of the City. Such conditions may include financial sureties. The Board of Zoning Appeals may limit the use of land to one specific use permitted in the zoning district for which the conditional use permit is sought.

(3). REVIEW AND APPROVAL. The Board of Zoning Appeals shall review the site, existing and proposed structures, architectural plans, neighboring uses, parking areas, driveway locations, highway access, traffic generation and circulation, drainage, sewerage and water systems, and the proposed operation.

(a). Conditions, such as landscaping, architectural design, type of construction, construction commencement and completion dates, sureties, lighting, fencing, planting screens, operational control, hours of operation, improved traffic circulation, deed restrictions, highway access restrictions, increased yards, or parking requirements, may be required by the Board of Zoning Appeals upon its finding that these are necessary to fulfill the purpose and intent of this Ordinance.

(b). Compliance, with all other provisions of this Ordinance, such as lot width and area, yards, height, parking, loading, traffic, highway access, and performance standards, shall be required of all conditional uses. Variances shall only be granted as provided in Sec. 13.11(4) and 13.10(7).

(4). PUBLIC AND SEMI-PUBLIC USES. The following public and semi-public uses shall be conditional uses and may be permitted as specified;

(a). Airports, airstrips, and landing fields in the Agricultural District provided the site area is not less than 10 acres.

(b). Governmental and Cultural Uses: such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds, and museums in all Districts.

(c). Utilities in all Districts provided all principal structures and uses are not less than 50 feet from any residential district lot line.

(d). Public, Parochial and Private Elementary and secondary schools and churches in the R-2 and R-3 Districts and Agricultural District provided the lot area is not less than 2 acres and all principal structures and uses are not less than 50 feet from any lot line.

(e). Colleges, Universities, Hospitals, Sanitariums, religious, charitable, penal and correctional institutions, cemeteries and crematories in the A-1 Agricultural District provided all principal structures and uses are not less than 50 feet from any lot line.

(f). New Replacement Mobile Homes meeting the requirements of 6.05(3)(c).

(5). RESIDENTIAL USES. The following residential and quasi-residential uses shall be conditional uses and may be permitted as specified.

(a). Planned Residential Developments such as cluster developments in the R-2 Residential District and garden apartments, row housing and group housing, in the R-3 Residential District. The District regulations may be varied provided that adequate open space shall be provided so that the average intensity and density of land use shall be no greater than that permitted for the District in which it is located. The proper preservation, care, and maintenance by the original and all subsequent owners of the exterior design, all common structures, facilities, utilities, access and open spaces shall be assured by deed restrictions enforceable by the City. The following provisions shall be complied with:

| | |
|--------------|--|
| Development: | Minimum 5 acres |
| Lot: | Area: Minimum of 2/3 of the minimum lot area for the District in which located; minimum of 3,000 sq. ft. for row houses. |
| | Width: Minimum of 2/3 of the minimum lot; width for the District in which located; minimum of 20 feet for row houses. |
| Building: | Area: Minimum building area for the district in which located. |

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| Building | Rooms: All living rooms shall have windows opening into a yard. |
| Yards | Street: Minimum 20 feet Rear: Minimum 50 feet Side: Minimum 20 feet from street rights-of-way, exterior property lines of the development, and other buildings. |

(b). Clubs, fraternities, lodges, and meeting places of a non-commercial nature in any Residential District provided all principal structures and uses are not less than 25 feet from any lot line.

(c). Rest Homes, nursing homes, homes for the aged, clinic and children's nurseries in the R-2 or R-3 Residential Districts provided all principal structures and uses are not less than 50 feet from any lot line.

(d). Home Occupations and professional offices in the Residential Districts.

(e). New Replacement Mobile Homes meeting the requirements of 6.05(3)(c).

(6). INDUSTRIAL AND AGRICULTURAL USES. The following industrial and agricultural uses can be conditional uses and may be permitted as specified:

(a). Dumps, Disposal Area, Incinerators, and sewage disposal plants in the A-1 Agricultural and the M-1 Industrial Districts. Municipal earth and sanitary landfill operations may be permitted in any district.

(b). Commercial Raising, propagation, boarding, or butchering of animals, such as dogs, mink, rabbits, foxes, and pigs; the commercial production of eggs; and the hatching, raising, fattening, or butchering of fowl in the A-1 Agricultural District. Pea Vineries, creameries, and condensaries in the A-1 Agricultural or M-1 Industrial Districts.

(d). Manufacture and Processing of abrasives, acetylene, acids, alkalies, ammonia, asbestos, asphalt, batteries, bedding, bleach, bond, cabbage, candle, carpeting, celluloid, cement, cereals, charcoal, chemicals, dye, excelsior, felt, fish, fuel, furs, gelatin, glucose, gypsum, hair products, ice, ink insecticide, lampblack, lime products, linoleum, matches, meat, oil cloth, paint, paper, peas, perfume, pickle, plaster or paris, plastics, poison, polish, potash, pulp, pyroslyin, radium, rope, rubber, sausage, shoddy, shoe and lampblackening, size, starch, polish, textiles, and varnish. Manufacturing, processing, and storage of building materials, explosives, dry ice, fat, fertilizer, flammables, gasoline, glue, grains, grease, lard, plastics, radioactive materials, shellac, soap, turpentine, vinegar, and yeast. Manufacture and bottling of alcoholic beverages. Bag cleaning, bleacheries, canneries, cold storage warehouses; electric and steam generating plants; electroplating, enameling, forges; foundries, garbage; incinerators, lacquering, lithographing; offal, rubbish, or animal reduction; oil, coal and bone distillation; refineries; road test facilities; slaughterhouses; smelting; stockhards; tanneries; and weaving in the M-1 Industrial District and shall be at least 600 feet from residential and public and semi-public districts.

(e). Outside Storage and Manufacturing Areas in all districts. Wrecking, junk, demolition and scrap yards shall be surrounded by a solid fence or evergreen planting screen completely preventing a view from any other property or public right-of-way.

(f). New Replacement Mobile Homes meeting the requirements of 6.05(3)(c)

(g). Planned Industrial Development District.

(1) Findings. Pursuant to the enabling provisions of Wis. Stats. §62.23(7)(b), the City of Cornell Common Council finds and determines that creation of Planned Development District for industrial uses is in the public interest and regulations and procedures are needed to implement such Planned Development Districts for industrial uses.

The Common Council also finds that the private airport industry, including maintenance, public safety, and public security would be best promoted by allowing mixed compatible use and recognizes the need for public security in the industry and the advisability of allowing residential occupancy on airport storage site to facilitate security.

(2) Interpretation. This Ordinance shall be interpreted and broadly construed to promote the goals set forth herein and the enabling legislation Wis. Stats. §62.23(7)(b) and the "Purposes in view" set forth in Wis. Stats. §62.23(7)(c).

(3) Planned Industrial Developments, such as private airport cluster developments with associated hangar and residential occupancy may be permitted in the M-1 Industrial District. District regulation for each such Planned Industrial Development District may be varied provided that adequate open space shall be provided so that the average intensity and density of land use shall be no greater than that permitted for the District in which it is located.

The following provisions shall be complied with:

| | |
|----------------|--|
| Development: | Minimum 5 acres. |
| Lot Area: | Minimum of 5,000 square feet for new structures, which may include hangar and associated dwelling occupancy. |
| Width: | Minimum of 50 feet. |
| Building Area: | Minimum building area for the District in which located. |
| Yards: | Street or private drive frontage minimum 10 feet. |

Rear Yard: Minimum 50 feet (may include setback areas).

Side Yard: Minimum 12 feet from a Private District right-of-way, easement, street right-of-way, exterior property lines of Development District, and other buildings (12 feet per yard - 11 feet between buildings).

(4) Development Agreements. No Industrial Development District shall be created by the Common Council without the agreement of the owners of the property in the District and without agreement of the Developer, expressed in the form of a Development Agreement, which Agreement and Development Proposal shall first be submitted to the Planning Commission for review and recommendation pursuant to Wis. Stats. §62.23(5), before Common Council adoption of the District.

Such Development Agreement may vary regulations of the underlying District and specifically may contain provisions varying yard requirements, allowing more than one principal structure on a lot, provisions allowing condominiums or common ownership, rules and restrictions for public areas and driveways.

In determining the advisability and terms of such Agreement, the Common Council and Planning Commission shall consider the purposes and concerns set forth in Wis. Stats. §62.23(7)(b), and the interest of the public in private aircraft security.

(5) In addition to the foregoing requirement, the owner of land and/or Developer shall be required to obtain a Conditional Use Permit from the Board of Zoning Appeals pursuant to Section 13.04.

The Board of Zoning Appeals may require additional conditions. Application for the Conditional Use Permit may be made prior to signature of the Development Agreement and the Board of Zoning Appeals' approval made contingent on signature of a Development Agreement implementing its conditions.

(6) The District shall be created as an Overlay District by Common Council action, after review and recommendation of the Planning Commission.

(7) An initial Planned Industrial Development District is hereby established as shown on a map entitled "Airport Industrial Development District", which accompanies and is part of this Ordinance.

(7). RECREATIONAL USES. The following public recreational facilities shall be conditional uses and may be permitted as specified:

(a). Archery ranges, bathhouses, beaches, boating, camps, conservatories, driving ranges, firearm ranges, golf courses, gymnasiums, ice boating, marinas, music halls, pools, riding academies, skating rinks, sport fields, stadiums, swimming pools, and zoological and botanical gardens in any District provided that the lot area is not less than 1 acre and all structures are not less than 50 feet from any District boundary.

(b). Commercial Recreation Facilities, such as arcades, bowling alleys, clubs, dance halls, driving ranges, gymnasiums, lodges, miniature golf, physical culture, pool and billiard halls, racetracks, rifle ranges, skating rinks, and theaters are conditional uses and may be permitted in R-2 and A-1 Districts.

13.05 TRAFFIC PARKING AND ACCESS.

(1). TRAFFIC VISIBILITY. No obstructions, such as structures, parking, or vegetation, shall be permitted in any district between the heights of 2 1/2 and 10 feet above the place through the mean curb-grades within the triangular space formed by any 2 existing or proposed intersecting street and alley right-of-way lines and a line joining points on such lines located a minimum of 15 feet from their intersection, In the case of arterial streets intersection with other arterial streets or railways, the corner cutoff distances establishing the triangular vision clearance space shall be increased to 50 feet.

(2). LOADING REQUIREMENTS. In all districts adequate loading areas shall be provided so that all vehicles loading, maneuvering, or unloading are completely off the public ways and so that all vehicles need to back onto any public way.

(3). PARKING REQUIREMENTS. In all districts and in connection with every use, there shall be provided at the time any use or building is erected, enlarged, extended, or increased off-street parking stalls for all vehicles.

(4). DRIVEWAYS. All driveways installed, altered, changed, replaced or extended after the effective date of this Ordinance shall meet the following requirements:

(a). Islands between driveway openings shall be provided with a minimum of 12 feet between all driveways and 6 feet at all lot lines.

(b). Openings for vehicular ingress and egress shall not exceed 24 feet at the street line and 30 feet at the roadway.

(c). Vehicular Entrances and Exits to drive-in theaters, banks, and restaurants; motels; funeral homes; vehicular sales; service, washing, and repair stations; garages; or public parking lots shall not be less than 200 feet from any pedestrian entrance or exist to a school, college, university, church, hospital, park, playground, library, public emergency shelter, or other place of public assembly.

13.06 MODIFICATIONS.

(1) YARDS. The yard requirements stipulated elsewhere in this Ordinance may be modified as follows:

(a). Uncovered Stairs, landing and fire escape may project into any yard, but not to exceed 6 feet and not closer than 3 feet to any lot line.

(b). Architectural Projections, such as chimney, flues, sills, eaves, belt courses, and ornaments may project into any required yard, but such projection shall not exceed 2 feet.

(c). Residential Fences are permitted on the property lines in residential districts, but shall not in any case exceed a height of 6 feet; shall not exceed a height of 4 feet in the street yard and shall not be closer than 2 feet to any public right-of-way or to a utility easement boundary.

Fences erected on property containing an elementary school that is part of a school district established under Wis. Stat. ch 120 and is located in a residential district, shall not exceed 8 feet. For any such fence, the first 6 feet may be of solid or open construction. Any part over 6 feet in height must be of open construction.

(d). Security Fences are permitted on property lines in all districts except residential districts, but shall not exceed 10 feet in height and shall be of an open type similar to woven wire or wrought iron fencing.

(e). Accessory Uses and detached accessory structures are permitted in the rear yard only; they shall not be closer than 10 feet to the principal structure, shall not occupy more than 20% of the rear yard area, and shall not be closer than 3 feet to any lot line nor 5 feet to an alley line.

(f). Off-Street Parking is permitted in all yards of the B-1 Business Districts, but shall not be closer than 25 feet to any public right-of-way, unless permitted by the City Planning Commission.

(g). Essential Services, utilities, electric power and communication transmission lines are exempt from the yard and distance requirements of this Ordinance.

(h). Landscaping and vegetation are exempt from the yard requirements of this Ordinance.

(2). ADDITIONS. Additions in the street yard of existing structures shall not project beyond the average of the existing street yards on the abutting lots or parcels.

(3). AVERAGE STREET YARDS. The required street yards may be decreased in any residential or business districts to the average of the existing street yards of the abutting structures on each side, but in no case less than 15 feet in any residential district and 5 feet in any business district, where a street yard is required.

13.07 SIGNS

(1). PERMIT REQUIRED. No sign shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered without a permit except those signs excepted in Sec. 13.07(2) and without being in conformity with the provisions of this Ordinance. The sign shall also meet any structural requirements of the Building Code.

(2). SIGNS EXCEPTED. All signs are prohibited in all Residential, Agricultural, Conservancy, Flood, Public and Semi-Public Districts except the following:

(a). Signs over Show Windows or Doors of nonconforming business establishment announcing without display or elaboration only the name and occupation of the proprietor and not to exceed 4 feet in height and 10 feet in length.

(b). Real Estate Signs not to exceed 8 square feet in area, which advertise the sale, rental or lease of the premises upon which said signs are temporarily located.

(c). Name, Occupation, and Warning Signs not to exceed 2 square feet in area located on the premises.

(d). Bulletin Boards for public charitable, or religious institutions not to exceed 8 square feet in area located on the premises.

(e). Memorial Signs, tablets, names of buildings, and date of erection, when cut into any masonry surface or when constructed of metal and affixed flat against a structure.

(f). Official Signs, such as traffic control, parking restrictions, information and notices, and business location signs erected by the municipality.

(g). Temporary Signs, or banners when authorized by the Planning Commission.

(3). SIGNS PERMITTED. Signs are permitted in all Business and Industrial Districts subject to the following restrictions.

(a). Wall Signs placed against the exterior walls of buildings shall not extend more than 6 inches outside of a building's wall surface, shall not exceed 500 square feet in area for any one premises, and shall, not exceed 20 feet in height above the mean centerline street grade.

(b). Projecting Signs, fastened to, suspended to, suspended from, or supported by structures shall not exceed 100 square feet in area for any one premises; shall not extend more than 6 feet into any required yard; shall not extend more than 3 feet into any public right-of-way; shall not be less than 10 feet from all side lot lines; shall not exceed a height of 20 feet above the mean centerline street grade; and shall not be less than 10 feet above the sidewalk nor 15 feet above a driveway or an alley.

(c). Ground Signs shall not exceed 20 feet in height above the mean centerline street grade, shall meet all yard requirements for the district in which it is located, shall not exceed 100 square feet on one side nor 200 square feet on all sides for any one premises.

(d). Roof Signs shall not exceed 10 feet in height above the roof, shall meet all the yard and height requirements for the district, in which it is located, and shall not exceed 300 square feet on all sides for any one premises.

(e). Window Signs shall be placed only on the inside of commercial buildings and shall not exceed 25% of the glass area of the pane upon which the sign is displayed.

(f). Combinations of any of the above signs shall meet all requirements for the individual signs.

(4). TRAFFIC. Signs shall not resemble, imitate or approximate the shape, size, form, or color of railroad or traffic signs, signals, or devices. Signs shall not obstruct or interfere with the effectiveness of railroad or traffic signs, signals, or devices. No sign shall be erected, relocated or maintained so as to

prevent free ingress to or egress from any door, window, or fire escape; and no sign shall be attached to a standpipe or fire escape. No sign shall be placed so as to obstruct or interfere with traffic visibility.

(5). EXISTING SIGNS. Signs lawfully existing at the time of the adoption or amendment of this Ordinance may be continued although the use, size, or location does not conform with the provisions of this Ordinance. However, it shall be deemed a nonconforming use or structure and the provisions of 13.08 shall apply.

13.08 NONCONFORMING USES, STRUCTURES AND LOTS.

(1). EXISTING NONCONFORMING USES. The lawful nonconforming use of a structure, land, or water existing at the time of the adoption or amendment of this Ordinance may be continued although the use does not conform with the provisions of this Ordinance; however:

(a). Only That Portion of the land or water in actual use may be so continued and the structure may not be extended, enlarged, reconstructed, substituted, moved, or structurally altered except when required to do so by law or order or so as to comply with the provisions of this Ordinance.

(b). Total Lifetime Structural Repairs or alterations shall not exceed 50% of the City's equalized assessed value of the structure at the time of its becoming a nonconforming use unless it is permanently changed to conform to the use provision of this Ordinance.

(c). Substitution of New Equipment may be permitted by the Board of Zoning Appeals if such equipment will reduce the incompatibility of the nonconforming use with the neighboring uses.

(2). ABOLISHMENT OR REPLACEMENT. If such nonconforming use is discontinued or terminated for a period of 12 months, any future use of the structure, land, or water shall conform to the provisions of this Ordinance. When a nonconforming use or structure is damaged by fire, explosion, flood, the public enemy, or other calamity, to the extent of more than 50% of its current assessed value, it shall not be restored except so as to comply with the use provisions of this Ordinance.

(3). EXISTING NONCONFORMING STRUCTURES. The lawful nonconforming structure existing at the time of the adoption or amendment of this ordinance may be continued although its size or location does not conform with the lot width, lot area, yard, height, parking and loading and access provisions of this ordinance, however, it shall not be extended, enlarged, reconstructed, moved, or structurally altered except when required to do so by law or order or so as to comply with the provisions of this ordinance.

(4). CHANGES AND SUBSTITUTIONS. Once a nonconforming use or structure has been changed to conform it shall not revert back to a nonconforming use or structure. Once the Board of Zoning Appeals has permitted the substitution of a more restrictive nonconforming use for an existing nonconforming use, the substituted use shall lose its status as a legal nonconforming use and become subject to all the conditions required by the Board of Zoning Appeals.

(5). SUBSTANDARD LOTS. In any residential district, a one-family detached dwelling and its accessory structure may be erected on any legal lot or parcel of record in the County Register of Deeds office before the effective date or amendment of this Ordinance.

Such lot or parcel shall be in separate ownership from abutting lands. If abutting lands and the substandard lot are owned by the same owner, the substandard lot shall not be sold or used without full compliance with the provisions of this Ordinance. If in separate ownership, all the district requirements shall be complied with insofar as practical but shall not be less than the following:

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|-----------|--|
| Lot: | Width: Minimum 30 feet |
| | Area: Minimum 4000 sq. ft. |
| Building: | Area: Minimum 600 sq. ft. |
| Yards: | Street: Minimum 25 ft; the second street yard on corner lots shall not be less than 10 feet. |
| | Rear: Minimum 25 feet. |
| | Side: Minimum 16% of the frontage, but not less than 5 feet. |

13.09 PLANNING COMMISSION.

(1). COMPOSITION. The City Planning Commission shall consist of the Mayor, who shall be its presiding officer, an alderman elected by 2/3 vote of the Common Council in April of each year, and 5 citizens appointed by the Mayor, subject confirmation by the Common Council. Three citizen members shall be appointed for 3-year terms and 2 for 1-year terms. Citizen members shall be persons of recognized experience and qualifications.

(2). ORGANIZATION. Annually at its first meeting after May 1, the Planning Commission shall organize by the election of a vice-chairman, secretary, and such other officers as shall be deemed necessary.

(3). COMPENSATION. All members of the Planning Commission shall serve without compensation, except the Common Council may fix compensation for the secretary.

(4). MATTERS REFERRED TO PLANNING COMMISSION. The Common Council may refer to the Planning Commission for its consideration and report before final action is taken by the Common Council, the following matters:

- (a). The location and architectural design of any public building;
- (b). The location of any statue or memorial;
- (c). The location, extension, alteration, ornamentation or parking of any street, park, playground or other memorial or public grounds.
- (d). The location and character of lands and buildings for relieving congestion, for garden suburbs or for vacation camps for children within or without the City.

(e). All plats of land within the City or within 1½ miles of the corporate limits.

(f). To review and make recommendations to the Common Council concerning all proposed zoning ordinances or other matters submitted to it.

(g). Review and make recommendations to the Common Council concerning the boundaries and regulations of the zoning districts.

(h). Such other functions and powers as authorized in Sec. 62.23(2), (3), (4), (5), Wis. Stats.

(5). OBTAINING ASSISTANCE. The Planning Commission may employ expert advice upon the authority of the Common Council if an appropriation be made by the Common Council therefore, and may have made maps showing proposed additions to or changes in the plan of the City. The Commission may request assistance from any municipal department, commission or agency.

(6). RECORDS. The Planning Commission shall keep written records of its proceedings, which shall be open to inspection at all times.

13.10 BOARD OF ZONING APPEALS.

(1). ESTABLISHMENT. There is hereby established a Board of Zoning Appeals for the City of Cornell for the purpose of hearing appeals and applications, and granting variances and exceptions to the provisions of this Zoning Ordinance in harmony with the purpose and intent of the zoning ordinance.

(2). MEMBERSHIP. The Board of Zoning Appeals shall consist of 5 members appointed by the City Mayor and confirmed by the Common Council.

(a). Terms. Shall be for staggered 3-year periods.

(b). Chairman shall be designated by the Mayor.

(c). An Alternate Member may be appointed by the Mayor for a term of 3 years and shall act only when a regular member is absent or refuses to vote because of interest.

(d). Secretary shall be the City Clerk.

(e). Building Inspector shall attend all meetings for the purpose of providing technical assistance requested by the Board.

(f). Vacancies shall be filled for the unexpired term in the same manner as appointed for a full term.

(3). ORGANIZATION. The Board of Zoning Appeals shall organize and adopt rules of procedure for its own government in accordance with the provisions of this ordinance.

(a). Meetings shall be held at the call of the chairman and shall be open to the public.

(b). Minutes of the proceedings and a record of all actions shall be kept by the secretary, showing the vote of each member upon each question, the reasons for the Board's determination, and its finding of fact. These records shall be immediately filed in the office of the Board and shall be a public record.

(c). The Concurring Vote of 4 members of the Board shall be necessary to correct an error; grant a variance; make an interpretation; and permit a utility, temporary, unclassified or substituted use.

(4). POWERS. The Board of Zoning Appeals shall have the following powers:

(a). Errors. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by the Building Inspector.

(b). Variances. To hear and grant appeals for variances as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement will result in practical difficulty or unnecessary hardship, so that the spirit of this ordinance shall be observed and the public safety, welfare and justice secured.

(c). Substitutions. To hear and grant applications for substitutions of more restrictive nonconforming uses or existing nonconforming uses provided no structural alterations are made. Whenever the Board of Zoning Appeals permits, such a substitution, the use may not thereafter be changed without application.

(d). Unclassified Uses. To hear and grant applications for unclassified and unspecified uses, provided that such uses are similar in character to the principal uses permitted in the district.

(e). Special Exceptions or Conditional Uses. To hear and grant applications for special exceptions to the terms and conditions of the zoning ordinance.

(f). Interpretations. To hear and decide application for interpretations of the zoning regulations and the boundaries of the zoning districts after the Planning Commission has reviewed the problem and made their recommendation.

(g). Permits. The Board may reverse, affirm wholly or partly, modify the requirements appealed from and issue or direct the issuance of a permit.

(h). Assistance. The Board may request assistance from other City Officers, departments, commission or boards.

(i). Oaths. The chairman may administer oaths and compel the attendance of witnesses.

(6). HEARINGS. The Board of Zoning Appeals shall fix a reasonable time and place for the hearing, give public notice thereof at least 10 days prior, and shall give due notice to the parties in interest, the Building Inspector, and the City Planning Commission. At the hearing the appellant or applicant may appear in person, by agent, or by attorney.

(7). FINDINGS. No variance to the provisions of this Ordinance shall be granted by the Board unless it finds beyond a reasonable doubt that all of the following facts and conditions exist and so indicates in the minutes of its proceedings.

(a). Exceptional Circumstances. There must be exceptional, extraordinary or unusual circumstances or conditions applying to the lot or parcel, structure, use,

or intended use that do not apply generally to properties or uses in the same district and the granting of the variance would not be so general or recurrent nature as to suggest that the Zoning Ordinance should be changed.

(b). Preservation of Property Rights. That such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same district and same vicinity.

(c). Absence of Detriments. That the variance will not create substantial detriment to adjacent property and will not materially impair or be contrary to the purpose and spirit of this Ordinance or the public interest.

(8). DECISION. The Board of Zoning Appeals shall decide all appeals and applications within 30 days after the final hearing and shall transmit a signed copy of the Board's decision to the appellant or applicant, Building Inspector, and City Planning Commission.

(a). Conditions may be placed on any zoning permit ordered or authorized by this Board.

(b). Variances, Substitutions, or Use Permits granted by the Board shall expire within 6 months unless substantial work has commenced to such grant.

(9). REVIEW BY COURT OF RECORD. Any person or persons aggrieved by any decision of the Board of Zoning Appeals may present to the Court of record a petitioner duly verified setting forth that such decision is illegal and specifying the grounds of the illegality. Such petition shall be presented to the Court within 30 days after the filing of the decision in the office of the Board of Zoning Appeals.

13.11 CHANGES AND AMENDMENTS.

(1). AUTHORITY. Whenever the public necessity, convenience, general welfare or good zoning practice require, the Common Council may, by ordinance, change the district boundaries or amend, change or supplement the regulations established by this ordinance or amendments thereto. Such change or amendment shall be subject to the review and recommendation of the City Planning Commission.

(2). INITIATION. A change or amendment may be initiated by the Common Council, City Planning Commission, or by a petition of one or more of the owners or lessees or property within the area proposed to be changed.

(3). PETITIONS. Petitions for any change to the district boundaries or amendments to the regulations shall be filed with the City Clerk, describing the premises to be rezoned, or the regulations to be amended, listing the reason justifying the petition, specifying the proposed use and having attached the following:

(a). Plot Plan drawn to a scale of 1 inch equals 100 feet showing the area proposed to be rezoned, its location, its dimensions, the location and classification of adjacent zoning districts, and the location and existing use of all properties within 200 feet of the area proposed to be rezoned.

(b). Owner's Names and Addresses of all properties lying within 200 feet of the area proposed to be rezoned.

(c). Additional Information required by the City Planning Commission or Common Council.

(d). Fee Receipt from the City Treasurer in the amount of \$5.00.

(4). RECOMMENDATIONS. The City Planning Commission shall review all proposed changes and amendments within the corporate limits and shall recommend that the petition be granted as requested, modified, or denied. The recommendation shall be made at a meeting subsequent to the meeting at which the petition is first submitted and shall be made in writing to the Common Council.

(5). HEARINGS. The Common Council shall hold a public hearing upon each recommendation, giving at least 10 days prior notice by publication at least 3 times during the preceding 30 days, listing the time, place, and the changes or amendments proposed. The Common Council shall also give at least 10 days prior written notice to the clerk of any municipality within 1000 feet of any land to be affected by the proposed change amendment.

(6). COMMON COUNCIL'S ACTION. Following such hearing and after careful consideration of the City Planning Commission's recommendations, the Common Council shall vote on the passage of the proposed change or amendment.

(7). PROTEST. In the event of a protest against such district change or amendment to the regulations of this Ordinance, duly signed and acknowledged by the owners of 20% or more either of the areas of the land included in such proposed change or by the owners of 20% or more of the land immediately adjacent extending 100 feet therefrom, or by the owners of 20% or more of the land directly opposite thereto extending 100 feet from the street frontage of such opposite land, such changes or amendments shall not become effective except by the favorable vote of 3/4ths of the full Common Council membership.

13.12 MANUFACTURED HOME STANDARDS.

(1) PURPOSE: The purpose of these provisions is to establish standards governing the appearance and location of manufactured homes. These regulations are intended to allow a mixture of housing types in a manner which will not adversely affect existing neighborhoods. For this reason, standards have been established which regulate the appearance of manufactured homes, allowing in residential zoning districts only those that are acceptably similar in appearance to site-built dwellings on individual lots.

(2) MANUFACTURED HOME DEFINED. A manufactured home is defined as a structure or structures certified and labeled as a manufactured home under 42 U.S.C. secs. 5401 to 5406, built since June 15, 1976, that bears a seal indicating it has met the mobile home construction and safety standards of the United States Department of Housing and Urban Development (HUD standards), is used as a permanent dwelling, and meets the criteria set forth in this Section 13.12.

(3) STANDARDS. Manufactured homes shall be considered one-family dwellings for the purpose of this Chapter 13, provided such structures:

(a) Consist of more than one section, with a combined width of at least 24 feet, having a minimum floor area of 900 square feet.

(b) Have a non-metallic, wood shake, asphalt or fiberglass shingle roof with a minimum slope of 3:12.

(c) Have a minimum 8" eave attached to at least 50% of the perimeter of the roof.

(d) Have exterior wall coverings consisting of any of the following materials or combinations thereof: (i)Horizontal aluminum, steel or vinyl siding; (ii)Wood or simulated wood; or (iii)Brick or stone.

(e) Have a permanent foundation meeting the requirements of the state uniform dwelling code and approved by the zoning administrator, which surrounds the entire perimeter of the structure and completely encloses the space between the siding and the finished grade.

(f) Are permanently affixed to the foundation with the running gear and towing hitch removed, and having an anchoring system that is totally concealed under the structure.

(g) Are constructed and installed pursuant to a building permit and subject to all required inspections to ensure that the foundation and all on-site work is constructed to minimum standards and that the manufactured home is assembled on-site to assure that it is in compliance with standards regulating the anchoring of the structure to its foundation and other building requirements. All manufactured homes shall comply with the applicable provisions of the City of Cornell building code and with all erosion control requirements of the state uniform dwelling code.

(h) Comply with all other applicable requirements of the zoning district in which the manufactured home is located, such as, but not limited to, lot size and setback requirements.

(4) ACCESSORY STRUCTURES. An attached accessory structure, as permitted in the zoning district in which the manufactured home is to be located, shall be similar in material and design as that of the manufactured home. Accessory structures, additions, and all on-site improvements shall meet zoning code and state uniform dwelling code standards.

(5) ADMINISTRATION. Applications for approval of manufactured homes on individual lots in residential districts shall be submitted to the zoning administrator on a standard prescribed form. Such applications shall include all information necessary to determine the manufactured home's conformity with the standards of this section. Applicant shall sign the application, pay all necessary fees, provide all information necessary to verify that the manufactured home meets the standards for manufactured homes, and be issued a building permit prior to moving the structure to the building site. The zoning administrator, following issuance of a building permit, and upon inspection of the site for the attachment of the structure to a foundation, shall verify that all standards for manufactured homes have been met, as certified in the signed application form.

SECTION V - SEVERABILITY

The provisions of this ordinance shall be deemed severable and it is expressly declared that the city of Cornell would have passed the other provisions of this ordinance irrespective of whether or not one or more provisions may be declared invalid. If any provision of this ordinance or the application to any person or circumstances is held invalid, the remainder of the ordinance and the application of such provisions to the other person's circumstances shall not be deemed affected.

SECTION VI - PUBLICATION, POSTING AND EFFECTIVE DATE

This ordinance shall be effective upon publication as required by Wis. Stat. § 62.11(4).

DEFINITIONS

For the purposes of this Ordinance, the following definition shall be used. 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 "shall" is mandatory and not directory.

Accessory Use or Structure

A use or detached structure subordinate to the principal use of a structure, land, or water and located on the same lot or parcel serving a purpose customarily incidental to the principal use or the principal, structure,

Alley

A special public right-of-way affording only secondary access to abutting properties.

Arterial Street

A public street or highway used or intended to be used primarily for fast or heavy through traffic. Arterial streets and highways shall include freeways and expressways as well as arterial streets, highways, and parkways.

Basement

That portion of any structure located partly below the average adjoining lot grade.

Boardinghouse

A building other than a hotel or restaurant where meals or lodging are regularly furnished by pre-arrangement for compensation for four (4) or more persons not members of a family, but not exceeding twelve (12) *persons* and not open to transient customers.

Building

Any structure having a roof supported by columns or walls used or intended to be used for the shelter or enclosure of persons, animals, equipment, machinery or materials.

Building Area

The total living area bounded by the exterior walls of a building at the floor levels, but not including basement, utility rooms, garages, porches, breezeways, and unfinished attics.

Building Height

The vertical distance measured from the mean elevation of the finished lot grade along the street yard face of the structure to the highest point of flat-roofs; to the mean height level between the eaves and ridges of gable, gambrel, hip, and pitch roof; or to the deck line of mansard roofs.

Clothing Repair Shops

Shops where clothing is repaired, such as shoe repair shops, seamstress, tailor shops, shoe shine shops, clothes pressing shops, but none employing over five *persons*.

Clothing Stores

Retail stores where clothing is sold, such as department stores, dry goods and shoe stores, dress, hosiery, and millinery shops.

Conditional Uses

Uses of a special nature as to make impractical their predetermination as a principal use in a district.

Corner lot

A lot abutting two or more streets at their intersection provided that the corner of such intersection shall have an angle of 135 degrees or less, measured on the lot side.

Dwelling

A detached building designed or used exclusively as a residence or sleeping place, but does not include boarding or lodging houses, motels, hotels, tents, cabins, or mobile homes.

Efficiency

A dwelling unit consisting of one principal room with no separate sleeping rooms,

Emergency Shelter

Public or private enclosures designed to protect people from aerial, radiological, biological, or chemical warfare; fire, flood, windstorm, and invasions.

Essential Services

Services provided by public and private utilities, necessary for the exercise of the principal use or service of the principal structure. These services include underground, surface, or overhead gas, electrical, steam, water, sanitary sewerage, storm water drainage, and communication systems and accessories thereto, such as poles towers, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, catch basins, water storage tanks, conduits, cables, fire alarm boxes, police call boxes traffic signals, pumps, lift stations, and hydrants, but not including buildings.

Expressways

A divided arterial street or highway with full or partial control of access and with or without grade separated intersections.

Family

Any number of persons related by blood, adoption, or marriage, or not to exceed four (4) persons not so related, living together in one dwelling as a single housekeeping entity.

Freeway

An expressway with full control of access, and with fully grade separated intersections.

Frontage

The smallest dimension of a lot abutting a public street measured along the street line.

Gift Stores

Retail stores where items such as art, antiques, jewelry, books, and notions are sold.

Hardware Stores

Retail stores where items such as plumbing, heating, and electrical supplies, sporting goods, and, paints are sold.

Household Occupation

Any occupation for gain or support conducted entirely within buildings by resident occupants which is customarily incidental to the principal use of the premises, does not exceed twenty five (25) percent of the area of any floor, uses only household equipment, and no stock in trade is kept or sold except that made on the premises. A household occupation includes uses such as baby-sitting, millinery, dressmaking, canning, laundering, and crafts, but does not include the display of any goods, nor such occupations as barbering, beauty shops, dance schools, real estate brokerage, or photographic studios.

Interchange

A grade separated intersection with one or more turning lanes for travel between intersection legs.
*Joint Extraterritorial Zoning Committee
Any zoning committee established in accordance with Section 62.23(7a) of the Wisconsin Statutes
(Chapter 241, Laws of 1963).*

Living Rooms

All rooms within a dwelling except closets, foyers, storage areas, utility rooms, and bathrooms.

Loading Area

A completely off-street space or berth on the same lot for the loading or unloading of freight caters, having adequate ingress and egress to a public street or alley.

Lot

A parcel of land having frontage on a public street, occupied or intended to be occupied by a principal structure or use and sufficient in site to meet the lot width, lot frontage, lot area, yard, parking area, and other open space provisions of this Ordinance.

Lot Lines and Area

The peripheral boundaries of a parcel of land and the total area lying within such boundaries.

Lot Width

The width of a panel of land measured at the rear of the specified street yard,

Machine Shops

Shops where lathes, presses, grinders, shapers, and other wood and metal working machines are used, such as blacksmith, tinsmith, welding, and sheet metal shops; plumbing, heating and electrical repair and overhaul shops.

Minor Structures

Any small, movable accessory erection or construction such as birdhouses; tool houses, pet-houses; play equipment; arbors; and walls and fences under four (4) feet in height.

Motel

A series of attached, semi-attached, or detached sleeping units for the accommodation of transient guests.

Nonconforming Uses or Structures

Any structure, land, or water lawfully used occupied, or erected at the time of the effective date of this Ordinance or amendments thereto which does not conform to the regulations of this Ordinance or amendments thereto. Any such structure conforming in respect to use but not in respect to frontage, width, height, area, yard, parking, loading, or distance requirements shall be considered a nonconforming structure and not a nonconforming use.

Parking Lot

A structure or premises containing ten (10) or more parking spaces open to the public for rent or a fee.

Parking Space

A graded and surfaced area of not less than one hundred and eighty (180) square feet in area either enclosed or open for the parking of a motor vehicle, having adequate ingress and egress to a public street or alley.

Parties in Interest

Includes all abutting property owners, all property owners within one hundred (100) feet, and all property owners of opposite frontages.

Professional Home Offices

Residences of doctors of medicine, practitioners, dentists, clergymen, architects, landscape architects, professional engineers, registered land surveyors, lawyers, artists, teachers, authors, musicians, or other recognized professions used to conduct their professions where the office does not exceed one-half (1/2) the area of only one floor of the residence and only one nonresident person is employed.

Rear Yard

A yard extending across the full width of the lot the depth of which shall be the minimum horizontal distance between the rear lot line and a line parallel thereto through the nearest point of the principal structure. This yard shall be opposite the street yard or one of the street yards on a corner lot.

Side Yard

A yard extending from the street yard to the rear yard of the lot, the width of which shall be the minimum horizontal distance between the side lot line and a line parallel thereto through the nearest point of the principal street.

Signs

Any words, letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names, or trade marks by which anything is made known and which are used to advertise or promote an individual, firm, association, corporation, profession, business, commodity or product and which is visible from any public street or highway.

Smoke Unit

The number obtained when the smoke density in Ringelmann number is multiplied by the time of emission in minutes.

Street Yard

A yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the existing or proposed street or highway line and a line parallel thereto through the nearest point of the principal structure. Corner lots shall have two such yards.

Street

A public right-of-way not less than fifty (50) feet wide providing primary access to abutting properties.

Structure

Any erection or construction such as buildings, towers, masts, poles, booms, signs, decorations, carports, machinery, and equipment.

Structural Alterations

Any change in the supporting members of a structure, such as foundations, bearing walls, columns, beams, or girders.

Turning Lanes

An existing or proposed connecting roadway between two arterial streets or between an arterial street and any other street. Turning lanes include grade separated interchange ramps.

Utilities

Public and private facilities such as water wells, water and sewage pumping stations, water storage,

tanks, power and communication transmission lines, electrical power substations, static transformer stations, telephone and telegraph exchanges, microwave radio relays, and gas regulation stations, but not including sewage disposal plants, municipal incinerators, warehouses, shops, and storage yards.

Yard

An open space on the same lot with a structure, unoccupied and unobstructed from the ground upward except for vegetation. The street and rear yards extend the full width of the lot.

