

ORDINANCE NUMBER 177

PEPIN COUNTY MISSISSIPPI RIVER BLUFFLAND ZONING ORDINANCE.

Introduction and Explanation

Within the text of this ordinance, the reader/user of this document will find language which is intended to protect the scenic and environmental value of the bluffs along the Mississippi River while at the same time preserving fair and reasonable rights of landowners to use and develop these areas.

The process of developing the provisions of this ordinance spanned three years and involved input from concerned citizens within the affected communities, town boards of Stockholm and Pepin, Pepin County Zoning Committee and Zoning Administrator, and Pepin County Board of Supervisors.

The provisions of this ordinance apply to mapped bluffland district areas along the Mississippi River (Lake Pepin) within the Townships of Stockholm and Pepin. The official map of this ordinance can be found at the Pepin County Zoning Office.

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1.0 STATUTORY AUTHORIZATION, FINDING OF FACT, STATEMENT OF PURPOSE AND TITLE.

1.1 STATUTORY AUTHORIZATION. This ordinance is adopted pursuant to the authorization in sections 59 Wis. Stats.

1.2 FINDING OF FACT. The Pepin County Board of Supervisors and the Townships of Stockholm and Pepin have recognized uncontrolled use of the blufflands of the Mississippi River within Pepin County could adversely affect the environment, public health, safety, and impair the tax base of the county.

Having recognized these facts, the Pepin County Board of Supervisors has taken the responsibility through this ordinance to further the maintenance of safe and healthful conditions; prevent groundwater contamination; prevent soil erosion; control building sites, placement of structures and land uses; protect unique wildlife habitat and natural aesthetics of Pepin County bluff area overlooking the Mississippi River.

1.3 STATEMENT OF PURPOSE. Through the administration and enforcement of this ordinance, the Pepin County Board of Supervisors hereby intends to:

- A. Further the maintenance of safe and healthful conditions; prevent groundwater contamination and soil erosion by:
 - 1. Limiting structures to those areas where soil and geological conditions will provide a safe foundation,
 - 2. Establishing minimum lot sizes to provide adequate area for private sewage systems,
 - 3. Control filling and grading to prevent serious soil erosion problems.
- B. Control building sites, placement of structures and land uses by:
 - 1. Separating conflicting land uses,
 - 2. Setting minimum lot sizes and widths,
 - 3. Establishing setback requirements for building sites.
- C. Protect unique wildlife habitat and natural aesthetics of the bluff area by:
 - 1. Restricting the removal of woody vegetation,

2. Controlling excavation and other earth moving activities,
3. Limiting building and development encroachment upon blufflines.

1.4 TITLE. MISSISSIPPI RIVER BLUFFLAND ZONING ORDINANCE.

2.0 GENERAL PROVISIONS.

2.1 REGULATED BLUFFLAND AREA. The provisions of this ordinance apply to all lands list below.

Township of Stockholm

T24N-R16W

T23N-R16W

<u>Section 26</u>	<u>Section 35</u>	<u>Section 2</u>	<u>Section 1</u>
NW 1/4, NE 1/4:	NW 1/4, NE 1/4:	NE 1/4, NE 1/4:	SW 1/4, SW 1/4
NE 1/4, NW 1/4:	NE 1/4, NW 1/4:	NW 1/4, NE 1/4:	SE 1/4, SW 1/4
NW 1/4, NW 1/4:	NW 1/4, NW 1/4:	NE 1/4, NW 1/4:	SW 1/4, SE 1/4
SW 1/4, NW 1/4:	SW 1/4, NW 1/4:	SE 1/4, NW 1/4:	SE 1/4, SE 1/4
SE 1/4, NW 1/4:	SE 1/4, NW 1/4:	SW 1/4, NE 1/4	
NE 1/4, SW 1/4:	SW 1/4, NE 1/4:	SE 1/4, NE 1/4	
NW 1/4, SW 1/4:	NW 1/4, SE 1/4:	NE 1/4, SE 1/4	<u>Section 36</u>
SW 1/4, SW 1/4:	NE 1/4, SW 1/4:	NW 1/4, SE 1/4	SW 1/4, SW 1/4
SE 1/4, SW 1/4:	NW 1/4, SW 1/4:	NE 1/4, SW 1/4	
	SE 1/4, SW 1/4:	SE 1/4, SE 1/4	
	SW 1/4, SE 1/4:	SW 1/4, SE 1/4	
	SE 1/4, SE 1/4:	SE 1/4, SW 1/4	

T23N-R15W

<u>Section 6</u>	<u>Section 7</u>	<u>Section 12</u>	<u>Section 18</u>
SW 1/4, SW 1/4:	NE 1/4, NW 1/4:	NE 1/4, NE 1/4:	NE 1/4, NE 1/4
SE 1/4, SW 1/4:	NW 1/4, NW 1/4:	NW 1/4, NE 1/4:	NW 1/4, NE 1/4
	SW 1/4, NW 1/4:	NE 1/4, NW 1/4:	SW 1/4, NE 1/4
	SE 1/4, NW 1/4:	SE 1/4, NW 1/4:	SE 1/4, NE 1/4
	NE 1/4, SW 1/4:	SW 1/4, NE 1/4:	NE 1/4, SE 1/4
	NW 1/4, SW 1/4:	SE 1/4, NE 1/4:	SE 1/4, SE 1/4
	SW 1/4, SW 1/4		
	SE 1/4, SW 1/4		
	SW 1/4, SE 1/4		
	SE 1/4, SE 1/4		

<u>Section 8</u>	<u>Section 17</u>	<u>Section 17</u>	<u>Section 20</u>
SW 1/4, SW 1/4:	NE 1/4, NW 1/4:	NW 1/4, SE 1/4:	NW 1/4, NW 1/4
	NW 1/4, NW 1/4:	SE 1/4, SE 1/4:	NE 1/4, NE 1/4
	SW 1/4, NW 1/4:	SW 1/4, SE 1/4:	NW 1/4, NE 1/4
	SE 1/4, NW 1/4:	SE 1/4, SW 1/4:	NE 1/4, NE 1/4
	NW 1/4, SW 1/4:	SW 1/4, SW 1/4:	SE 1/4, NE 1/4
	NE 1/4, SW 1/4		

Township of Pepin

T23N-R15W

<u>Section 15</u>	<u>Section 22</u>	<u>Section 23</u>	<u>Section 24</u>
SW 1/4, SW 1/4:	SE 1/4, NE 1/4:	NE 1/4, NE 1/4:	SW 1/4, NE 1/4
	SW 1/4, NE 1/4:	NW 1/4, NE 1/4:	NE 1/4, NW 1/4
<u>Section 16</u>	NW 1/4, NW 1/4:	SW 1/4, NE 1/4:	NW 1/4, NW 1/4
SE 1/4, SE 1/4:	SW 1/4, NW 1/4:	SE 1/4, NE 1/4:	SW 1/4, NW 1/4
	SE 1/4, NW 1/4:	NE 1/4, NW 1/4:	SE 1/4, NW 1/4
<u>Section 21</u>	NW 1/4, SW 1/4:	SW 1/4, NW 1/4:	NE 1/4, SW 1/4
NE 1/4, NE 1/4;	NE 1/4, SW 1/4:	NW 1/4, SW 1/4:	NW 1/4, SW 1/4
SE 1/4, NE 1/4:	NW 1/4, SE 1/4:	NW 1/4, SE 1/4:	SE 1/4, SW 1/4
NW 1/4, NW 1/4:	NE 1/4, SE 1/4:	NE 1/4, SE 1/4:	NE 1/4, SE 1/4
SW 1/4, NW 1/4:			NW 1/4, SE 1/4
			SW 1/4, SE 1/4
			SE 1/4, SE 1/4

T23N-R14W

<u>Section 19</u>	<u>Section 30</u>
NW 1/4, SW 1/4	NW 1/4, NE 1/4
SW 1/4, SW 1/4	NE 1/4, NW 1/4
SE 1/4, SW 1/4	NW 1/4, NW 1/4
SW 1/4, SE 1/4	

- 2.2 COMPLIANCE. The use of any land; the size, shape and placement of lots; the use, size, type and location of structures on lots; the installation and maintenance of water supply and waste disposal facilities; the filling and grading of lands; the cutting of woody vegetation; and the subdivision of lots, shall be in full compliance with the terms of this ordinance and other applicable local, state or federal regulations. (However, see Section 13.0 for standards applicable to nonconforming uses.) Buildings, signs, sewage disposal systems, and changes in land use shall require a permit unless otherwise expressly excluded by a provision of this ordinance. Property owners, builders and contractors are responsible for building code and ordinance compliance and reasonable care in construction.
- 2.3 STATE AGENCIES AND MUNICIPALITIES REGULATED. Unless specifically exempted by law, all cities, villages, towns, county, and state agencies are required to comply with this ordinance and obtain all necessary permits.
- 2.4 ABROGATION AND GREATER RESTRICTIONS.
- A. Regulations Supersede Other County Land Use Regulations: The regulations contained within this ordinance are in addition to regulations which apply to such lands under other applicable town, county, state or federal land use ordinances, administrative codes or

laws. In the event the regulations within this ordinance conflict with other regulations, the most restrictive of the conflicting regulations shall apply.

- B. Town Board Approval Not Required: Town Board approval shall not be required for zoning permit actions, or text or map amendments to these regulations. However, it is highly recommended that the governing body of this ordinance strongly consider the towns' opinion and position when deliberating on a conditional use permit, variance, or other permits required under this ordinance.
 - C. This ordinance is not intended to repeal, abrogate or impair any existing deed restriction, covenants or easements. However, where this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail.
- 2.5 INTERPRETATION. In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements and shall be construed in favor of the County and shall not be deemed a limitation or repeal of any other powers granted by Wisconsin Statutes.
- 2.6 SEVERABILITY. If any 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.
- 3.0 DIMENSIONS OF BUILDING SITES.
- A. Minimum area and width for each main building. The minimum lot area shall be five acres and the minimum average lot width shall be 300 feet with at least 300 feet of frontage on the bluffline.
 - B. Side Yards. There shall be a side yard for each main building. The minimum width of one side yard shall be 25 feet. Side yards for accessory buildings shall be 10 feet.
- 3.1 SUBSTANDARD LOTS. A substandard lot which is at least 20,000 sq. ft. in area and is at least 100 feet in width at the bluffline may be used as a building site for a single family dwelling upon issuance of a land use permit by the Zoning Administrator, if it meets all of the following requirements:
- A. Such use is permitted in the zoning district.
 - B. The lot was on record in the county Register of Deeds office prior to the effective date of this ordinance.

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- A. Such use is permitted in the zoning district.
 - B. The lot was on record in the county Register of Deeds office prior to the effective date of this ordinance.

C. The lot was in separate ownership from abutting lands prior to the effective date of this ordinance. If abutting lands and the substandard lot were owned by the same owner as of the effective date of this ordinance, the substandard lot shall not be sold or used without full compliance with the terms of this ordinance, including minimum area and width requirements found in Section 3.0 (A & B).

D. All the dimensional requirements of this ordinance (including side yard and setback requirements) will be complied with in so far as practical.

3.2 OTHER SUBSTANDARD LOTS. Except for lots which meet the requirements of Section 3.1, a building permit for improvement of a lot having lesser dimensions than those stated in Section 3.0 and 3.1 shall be issued only after the issuance of a Conditional Use Permit by the Pepin County Zoning Committee.

4.0 USE REGULATIONS FOR AREAS WITHIN THE JURISDICTION OF THIS ORDINANCE.

4.1 DIVISION OF DISTRICTS INTO LAND FORM AREAS. Use regulations within the district are geared to the slope and location of lands. Sections 4.2, 4.3, 4.4, and 4.5 state a brief definition of separate land form areas and list the use regulations which apply to each. Section 5.0 contains more elaborate and precise rules for defining the land form areas.

4.2 BLUFF AREAS. Bluff areas are all lands within the district which have a slope 30 percent or greater and slope toward Lake Pepin or the Mississippi River.

A. USE RESTRICTIONS IN BLUFF AREAS:

1. Permitted Uses.

- a. Agricultural uses, not including structures.
- b. Sustained yield forestry. (Thinning and selective cutting only)
- c. Hiking trails.
- d. Nonstructural recreational uses.
- e. Soil conservation work which meets Soil Conservation Service standards and specifications.

2. Conditional Uses.

- a. Utility transmission services including only lines, cables or conduits used to transport large blocks of power or material or to convey intelligence. In the case of electrical power, this applies only to transmission lines operating at 69,000 volts or more.

3. Special Prohibitions.

- a. No use may be established within the bluff area which is not duly authorized, permitted, or listed as a Conditional Use.
- b. In addition, the following activities are specifically prohibited within the bluff area: any grading or filling or other alteration of the land form which may result in erosion, sedimentation, impairment of the natural ecosystem of bluff except for those listed under section 4.2 (A)(1)(e).
- c. No roads (public or private) or local utility lines or services shall be established in the bluff areas except as needed to serve structures located in the bluff area on the date this ordinance is enacted and then only as a Conditional Use.
- d. No signs of any character may be established in bluff areas.

4.3 BLUFFTOP SETBACK AREA. Blufftop setback areas are all lands within the district which lie between bluffline, (which is a line connecting points at which slope of a bluff becomes less than 30 percent) and a bluffline setback line lying 40 feet parallel to and inland from the bluffline. Section 5.5 specifies how the bluffline setback line shall be determined for each parcel.

A. USE RESTRICTION FOR BLUFFTOP SETBACK AREAS: The use restrictions for the blufftop setback areas shall be as follows:

1. Permitted Uses.

- a. Decks less than 400 in total square feet including walkway and less than 7 feet in total height from original grade to highest structural point including the railing.

- b. Agricultural uses, not including structures.
- c. Sustained yield forestry. (Thinning and selective cutting only)
- d. Hiking trails.
- e. Recreational uses.
- f. Soil conservation work which meets Soil Conservation Service standards and specifications.

2. Conditional Uses.

- a. Utility transmission services including only lines, cables or conduits used to transport large blocks of power or material or to convey intelligence. In the case of electrical power, this applies only to transmission lines operating at 69,000 volts or more.

3. Special Prohibitions.

- a. No use may be established within the bluffline setback area which is not a duly authorized permitted use or is listed as a Conditional Use.
- b. In addition, the following activities are specifically prohibited within the blufftop setback area: any grading or filling or other alteration of the land form which may result in erosion, sedimentation, impairment of the natural ecosystem of bluff except for those listed under section 4.3 (A)(1)(f).
- c. No roads (public or private) or local utility lines or services shall be established in the bluffline setback areas except as needed to serve structures located in the bluff or bluffline setback area on the date this ordinance is enacted and then only as a conditional use.
- d. No signs of any character may be established in bluffline setback areas.

4.4 BUILDABLE BLUFFTOP AREA: Buildable blufftop areas are all lands within the district which are inland 460 feet from the bluffline setback line and not included within either the bluff area or the bluffline setback area.

A. USE REGULATIONS FOR BUILDABLE BLUFFTOP AREAS.

1. Permitted Uses. All uses listed as permitted uses in section 4.2 (A)(1), Permitted Uses in the Bluff area and section 4.3 (A)(1), Permitted Uses in the Bluffline Setback area.
 - a. Single family residences and uses accessory to single family residential structures which shall be in compliance with a bluffline setback line located 40 feet from the bluffline.
 - b. Agricultural structures not used for human occupancy provided that all such structures shall not be located within the blufftop setback area.
2. Conditional Uses.
 - a. Utility transmission services as defined and limited in Section 4.2 (A)(2) & 4.3 (A)(2).
 - b. Single family residences, uses accessory to single family residential structures, and agricultural structures not used for human occupancy, when any of such uses are proposed to be located closer than 40 feet from the bluffline but not closer than 20 feet from the bluffline.
 - c. Grading or filling of the natural topography which can be viewed from the river in excess of that normally required for construction of a structure or for normal yard maintenance.
 - d. Multi-family residences and uses accessory to the multi-family development.

B. SETBACKS.

1. No residential structure shall be allowed within the 40 foot bluffline setback area provision unless a Conditional Use Permit has been issued by the Pepin County Zoning Committee. In no case shall any residential structure or any enclosed structure be located closer than 20 feet to the bluffline.
2. The highway setback provisions of the Pepin County Comprehensive Zoning Ordinance shall be maintained.

C. HEIGHT OF RESIDENTIAL STRUCTURES.

1. Residential buildings (single and multi-family) dwellings allowed as permitted uses under this ordinance shall be no more than 32 feet in height, with height measurements commencing at the level of the lowest usable floor.
2. Residential buildings (single and multi-family) approved as conditional use or granted variances shall not exceed one story in height, provided that up to 25 feet in structural height be allowed if measured from the level of a basement floor when at least 50 percent of the basement story is, for its entire perimeter, below the natural ground level.

D. COLOR OF STRUCTURES: The exterior color of structures, including roofs, shall be in earth or summer vegetation tones.

4.5 TOE SLOPE AREA: The toe slope of a bluff area is defined as the area of land within 100 feet of the convex part of the slope where the percent of slope relaxes to less than thirty percent (30 %).

A. USE RESTRICTIONS IN TOE SLOPE AREA:

1. Permitted Uses.
 - a. Agricultural uses, not including structures.
 - b. Sustained yield forestry. (Thinning and selective cutting only)
 - c. Hiking trails.
 - d. Nonstructural recreational uses.
 - e. Soil conservation work which meets Soil Conservation Service standards and specifications.
2. Conditional Uses.
 - a. Those conditional uses listed under section 4.2(A)(2) and 4.3(A)(2).
 - b. Toe Slope Conditional Uses. The drafters of this ordinance recognize that permitted uses as allowed under sections 4.3(A)(1) and 4.4(A)(1) of this ordinance may be allowed on slopes of greater than 30 % at the toe of the slope. It is also recognized that each

proposed development at the toe slope of a bluff area must be considered on a case-by-case basis and therefore must be treated as a conditional use:

The Pepin County Zoning Committee in considering a Conditional Uses Permit under this section of the ordinance must consider, but is not limited to, the following conditions.

- aa. Topology - Percent, length and direction of slope.
- bb. Structure Design - Proposed structures physical characteristics such as structures overall dimensions and design, siding type and color, roof covering type and color.
- cc. Visibility - Overall location of structure in respect to the structure visibility.
- dd. Site Alteration - The extent of alteration of the ground surface which must be completed to physically allow the proposed development to occur and the possibility of erosion.

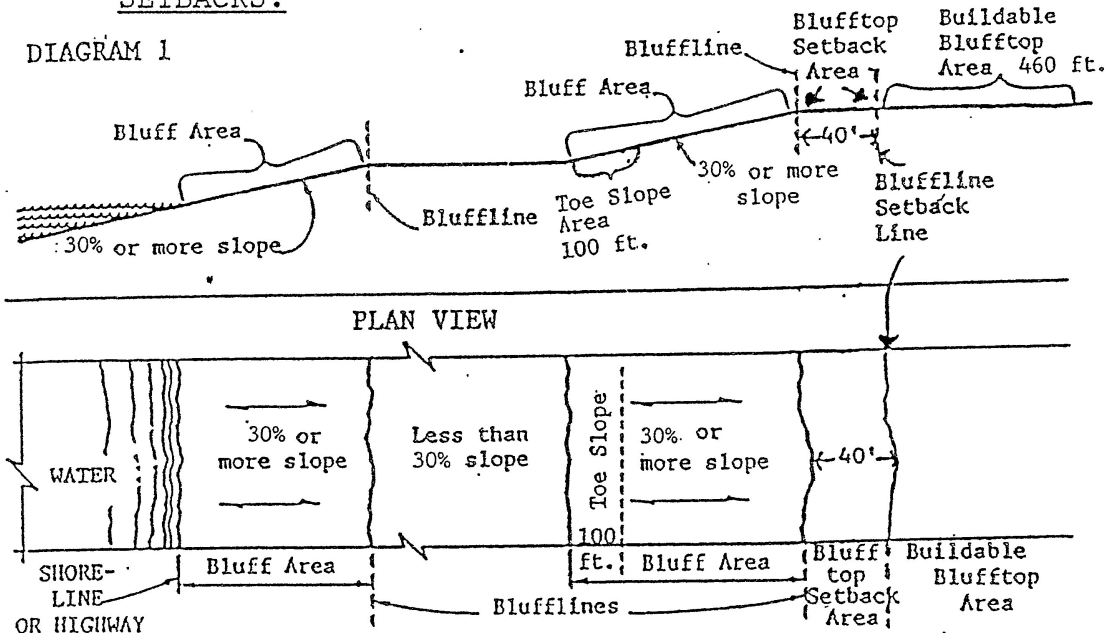
The governing body of this ordinance, when considering a Conditional Use Permit under this section, may require the applicant to obtain a construction site erosion plan which must be approved by county staff.

- ee. Vegetation - The alteration, removal or addition of natural vegetation.
- ff. Lighting - The use of artificial lighting in association with the proposed development.

3. Special Prohibitions.

- a. No use may be established within the toe slope area which is not duly authorized, permitted or listed as a Conditional Use.
- b. No signs of any character may be established in toe slope area.

5.0. DETAILED DEFINITIONS OF BLUFF AREAS, BLUFFLINE, BLUFFTOP SETBACK AREAS, BLUFFLINE SETBACK LINE, BUILDABLE BLUFFTOP AREA, TOE SLOPE AREA; PROCEDURES FOR ESTABLISHING BLUFFLINE SETBACKS.



5.1 PURPOSE. This section supplements Section 4.2, 4.3, 4.4 and 4.5 in stating more detailed definitions of the land form sub-areas and setback lines used in this district.

5.2 DEFINITION OF BLUFF AREAS. Bluff areas are lands having a slope of 30 percent or greater and slope toward Lake Pepin or the Mississippi River. There may be more than one bluff area on a parcel of land.

5.3 DEFINITION OF BLUFFLINE. Blufflines are lines connecting points along the top edge of a bluff area at which the slope becomes less than 30 percent.

5.4 DEFINITION OF BLUFFTOP SETBACK AREAS. Blufftop setback areas are lands lying between blufflines and bluffline setback lines.

5.5 DEFINITION OF BLUFFLINE SETBACK LINE. Blufflines setback lines are lines established parallel to and inland from a specified distance from a bluffline.

A. Unless a lesser distance of separation between a bluffline and its parallel setback line is ordered pursuant to paragraph 1 or 2 below, the bluffline setback line shall be located 40 feet from a bluffline.

1. Following review of a variance application requesting such changes, the Board of Adjustment may direct that a reduced setback distance be applied to a parcel. In no case, however, may the

setback be reduced to less than 20 feet from the bluffline. Reductions for pre-existing parcels shall be governed by Section 3.1. Reductions for other parcels may be ordered only upon findings by the Board of Adjustment that:

- a. To maintain the standard 40 foot setback will produce severe hardship because of unique physical characteristics of the land; and,
- b. Construction which would be allowed because of the reduced setback will be no more visually conspicuous as viewed from the water edge 200 yards from the ordinary high water mark under summer vegetative conditions than would a building constructed in compliance with the 40 foot standard setback; and,
- c. Structures allowed to be located closer than the 40 foot standards setback must not exceed one story in height. Reductions in setbacks ordered under the above procedure shall be the minimum amount needed to overcome the hardship if said hardship can be reduced consistent with paragraph (b) and in no case shall the setback be less than 20 feet from the bluffline.

- B. Establishing Bluffline Setback Lines for Areas With Notched Bluffs, Coves and Other Unusual Land Forms: Certain areas within the Mississippi River Bluffland have unusual land forms which are not appropriate to the strict application of the standards set forth above.

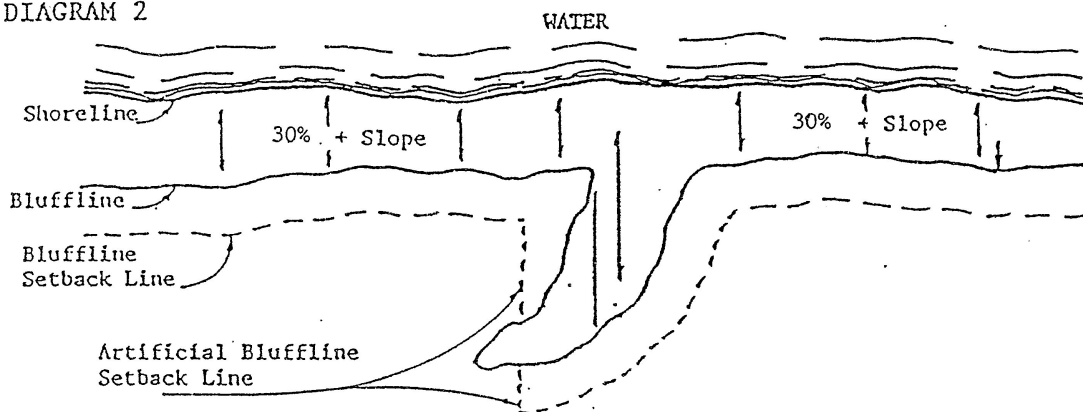
In areas within this district in which there are notched bluffs, coves, inlets or other similar land forms involving bluffs descending to or near the high water elevation of the Mississippi River but in directions not parallel to the direction of flow of the Mississippi River, an artificial bluffline shall be allowed to be established by the Zoning Administrator.

Persons desiring to challenge the lines so established may appeal the determination to the Board of Adjustments which shall hear the matter pursuant to Rules and By Laws of the Board of Adjustment and shall affirm, modify or reject the determination of the Zoning Administrator.

Decisions by the Zoning Administrator and by the Board of Adjustment on such an artificial line shall be based upon the following standards:

1. An artificial bluffline may be established only where use of the bluffline definition provided in Section 5.3 would result in buildings being required to be set back far more than is necessary to achieve the purposes of the district; and,
2. Artificial blufflines shall be placed in such a way as to result in a bluffline setback line that will ensure that construction inland thereof will be no more visually conspicuous or capable of erosion or subject to the hazards than would construction that is allowable on nearby lands having unusual land forms; and,
3. In no case shall an artificial bluffline be established in a manner which would result in greater restrictions being imposed upon land usage than would application of the standard bluffline. Diagram 2 illustrates the concepts involved in artificial blufflines and bluffline setbacks.

DIAGRAM 2



5.6 DEFINITION OF BUILDABLE BLUFFTOP AREA. Buildable blufftop areas are areas within the district which are not within the bluff areas or the bluffline setback areas. These areas are characterized as "buildable" in the sense that they are outside of the two landform areas (bluff and bluffline setback areas) which are subject to special provisions by terms of this ordinance. A buildable blufftop area will be truly eligible for new construction only if it meets all terms of this Ordinance and other county and local ordinances. The buildable blufftop area shall extend 460 feet inland from the bluffline setback area. Beyond the limits of the buildable blufftop area the provisions of this ordinance shall not apply. Diagram 1 illustrates the concept involved in the definition of buildable blufftop areas.

5.7 DEFINITION OF TOE SLOPE AREA. The toe slope of a bluff area is defined as the area of land within 100 feet of the convex part of the slope where the percent of slopes relaxes to less than 30 %.

6.0 ADMINISTRATIVE PROVISIONS.

6.1 ZONING ADMINISTRATOR. The zoning administrator shall have the following duties and powers:

- A. Advise applicants as to the provisions of this ordinance and assist them in preparing permit applications and appeal forms.
- B. Issue permits and certificates of compliance and inspect properties for compliance with this ordinance.
- C. Keep records of all permits issued, inspections made, work approved, and other official actions.
- D. Have access to any property between 8:00 a.m. and 6:00 p.m. for purposes of performing these duties with proper notification, if requested.
- E. Investigate and report violations of this ordinance to the appropriate county zoning committee and the District Attorney or Corporation Counsel.
- F. Issue Pepin County citations pursuant to the Pepin County Citation Ordinance.

6.2 LAND USE PERMITS.

- A. When Required. Except where another section of this ordinance specifically exempts certain types

of use from this requirement, a Land Use Permit shall be obtained from the Zoning Administrator before any new development (defined as any man-made change to improve or unimproved real estate, including but not limited to, the construction of buildings, structures or accessory structures; the construction of additions or substantial alterations to buildings, structures or accessory structures; the placement of mobile homes; filling grading, paving or excavation; and the deposition or extraction of earthen materials) is initiated.

B. Application. An application for a Land Use Permit shall be made to the zoning administrator upon forms furnished by the county and shall include, for the purpose of proper enforcement of these regulations, the following data:

1. Name and address of applicant and property owner.
2. Legal description of the property and type of proposed use.
3. A sketch of the dimensions of the lot and location of buildings from lot line, center line of abutting highways and locations of any easements.
4. Location of sanitary system and well on property.
5. Two foot contour map of lot and distances of any structure from 20% slope area. NOTE: This information may be waved at the discretion of zoning administrator.

7.0 CONDITIONAL USE.

A. Application. In addition to requirements otherwise contained in the ordinances of Pepin County, an application for a Conditional Use Permit as listed under this ordinance shall include the following if applicable:

1. A plat or map of the property and its immediate surrounding area showing:
 - a. Location;
 - b. Boundaries;
 - c. Dimensions;

- d. Utility and roadway corridors;
 - e. Ordinary high water elevation;
 - f. Regional flood elevation if within the floodplain district.
 - g. General elevations;
 - h. Specific locations of all blufflines on the property, certified as to accuracy by a registered land surveyor;
 - i. Location of existing or proposed structures;
 - j. Location of existing and identification of proposed alterations of vegetation and topography;
 - k. Adjoining land and water uses.
2. Written information on:
 - a. Soil test/soil profile description for the private sewage system to serve the structure if applicable.
 - b. Anticipated demand to be generated by the proposed use for services such as police, fire, school and other public services.

B. Review and Decision on Conditional Use.

1. Upon receipt of a completed application and pursuant to procedures of the Pepin County Zoning Committee, the Zoning Administrator, on behalf of the Board of Adjustments, shall transmit the completed application along with request for comments and recommendations to concerned town boards.
2. The Pepin County Zoning Committee shall hold a public hearing on the proposed conditional use, pursuant to the guidelines, provided that such hearing shall be held no sooner than twenty (20) days after the mailing of the transmittals provided for under subsection B.1. of this section.
3. Following the hearing, the Committee shall issue a decision whether to grant, to grant conditionally, or to deny the application. The decision shall be based upon the following

- d. Utility and roadway corridors;
- e. Ordinary high water elevation;
- f. Regional flood elevation if within the floodplain district.
- g. General elevations;
- h. Specific locations of all blufflines on the property, certified as to accuracy by a registered land surveyor;
- i. Location of existing or proposed structures;
- j. Location of existing and identification of proposed alterations of vegetation and topography;
- k. Adjoining land and water uses.

2. Written information on:

- a. Soil test/soil profile description for the private sewage system to serve the structure if applicable.
- b. Anticipated demand to be generated by the proposed use for services such as police, fire, school and other public services.

B. Review and Decision on Conditional Use.

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- 2. The Pepin County Zoning Committee shall hold a public hearing on the proposed conditional use, pursuant to the guidelines, provided that such hearing shall be held no sooner than twenty (20) days after the mailing of the transmittals provided for under subsection B.1. of this section.
- 3. Following the hearing, the Committee shall issue a decision whether to grant, to grant conditionally, or to deny the application. The decision shall be based upon the following

factors and standards which other sections of this Ordinance require be applied to the proposal:

- a. Impact of the proposed use upon the scenic and recreational qualities of the Mississippi River.
 - b. Prevention of soil erosion based upon consideration of slopes, soil types and vegetative coverage;
 - c. Ability of existing or future access roads to accommodate traffic demands;
 - d. Compatibility with uses on adjacent lands;
 - e. Decisions by the Committee on establishment of bluffline setback lines shall be governed by the standards of Section 5.5 (B).
- C. Grading and Filling: Applicants for a Conditional Use Permit to allow grading and filling shall submit detailed plans for proposed earth moving activities. Approval of such plans shall be conditioned upon the following:
1. No filling or grading shall be allowed on slopes greater than 30% and which fall under the jurisdiction of this ordinance except as part of a Soil Conservation Service practice pursuant to section 4.2(A)(1)(e) & 4.3(A)(1)(f).
 2. The smallest amount of bare ground shall be exposed for as short a time as possible.
 3. Temporary ground cover shall be used and permanent ground cover shall be planted as soon as practicable.
 4. Diversions, settling basins, terraces and other methods to trap sediment shall be used if applicable.
 5. Fill shall be stabilized according to acceptable engineering standards.
 6. A site inspection by the Zoning Administrator shall be made prior to the consideration of the application by the Pepin County Zoning Committee and after completion of grading and filling.

8.0 VEGETATIVE CUTTING. Tree and shrubbery cutting in a strip paralleling the bluffline shall be limited with the following provisions:

- A. No more than 20 feet in any 150 feet, as measured along the bluffline shall be clear cut.
- B. Natural shrubbery shall be preserved as far as practical and, where removed, it shall be replaced with other vegetation that is equally effective in retarding runoff, preventing erosion and preserving natural beauty.

9.0 NON-CONFORMING USES.

9.1 LAWFUL USE. The lawful use of a building, structure or property existing at the time this ordinance or an amendment to this ordinance takes effect, which is not in conformity with the provisions of this ordinance, including the routine maintenance of such a building or structure, may be continued subject to the following conditions;

- A. No structural alteration or addition to any nonconforming building or structure, over the life of the building or structure, shall exceed 50 percent (50%) of its current estimated fair market value, unless it is permanently changed to a conforming use or it falls under the provisions of 9.1(B)(1) or 9.2.
 - 1. No structural alteration or addition to a non-conforming building or structure may encroach further upon the bluff or bluffline than the existing non-conforming building or structure.
- B. If the alteration or addition of an existing nonconforming building or structure is prohibited because it is in excess of 50 percent (50%) of the current fair market value, the property owner may still make the proposed alteration or addition if:
 - 1. A building or structure with a nonconforming use is permanently changed to a conforming use;
 - 2. The property owner appeals the determination of the zoning administrator and the County Board of Adjustments reverses the decision of the Zoning Administrator.

9.2 DESTRUCTION OR REPAIR OF NONCONFORMING BUILDING OR STRUCTURE. In the event that a non-conforming building or structure is destroyed in excess of 50% of it's current fair market value, the structure may be rebuilt subject to the following conditions.

- A. The replacement building or structure shall be located in the same location as the original structure or toward the buildable blufftop area if possible.
- B. The replacement building or structure shall not exceed 32 feet in total height.
- C. All other provisions of this ordinance shall be complied with as applicable.

10.0 PRE-EXISTING PARCELS. Parcels of record in the Register of Deeds Office on the effective date of this Ordinance which do not allow the project to meet the standards of this ordinance may be allowed as building sites as a Conditional Use provided that lands abutting the parcel in question are not under ownership or control of the applicant and provided that the setback from the bluffline, which must be set by the Pepin County Zoning Committee, will only be reduced if a hardship is found on the parcel.

Justification for a relaxation of the standards of this ordinance shall be based on limitations imposed by the physical characteristics of the property, not on the economic or other conditions of the applicant.

11.0 ENFORCEMENT AND PENALTIES.

Any development, any building or structure constructed, moved or structurally altered, or any use established after the effective date of this ordinance in violation of the provisions of this ordinance, by any person, firm, association, corporation (including building contractors or their agents) shall be deemed a violation. The zoning administrator or the county zoning agency shall refer violations to the District Attorney or Corporation Counsel, who shall expeditiously prosecute violations. Any person, firm, association, or corporation who violates or refuses to comply with any of the provisions of this ordinance shall be subject to a forfeiture of not less than ten dollars (\$10.00) nor more than two hundred dollars (\$200.00) per offense, together with the taxable costs of action. Each day of continued violation shall constitute a separate offense. Every violation of this ordinance is a public nuisance and the creation thereof may be enjoined and the maintenance thereof may be abated by action at suit of the county, the state, or any citizen thereof pursuant to section 87.30(2), Wisconsin Statutes.

12.0 EFFECTIVE DATE.

This ordinance shall be in full force and effect from the date of passage and publication as provided by law.

The above ordinance was adopted/~~defeated~~ by a vote of 11 in favor and 0 opposed, this 16th date of JUNE, 1993.

Carol M. Forster
Carol Forster, Pepin County Clerk

Ordinance Committee:

Peggy Schlosser
Peggy Schlosser

Pete Adler
Pete Adler

Dean Abbott
Dean Abbott

ADOPTED: JUNE 16, 1993

PUBLISHED: JUNE 24, 1993

EFFECTIVE: UPON PUBLICATION