

**CHAPTER 151: ZONING CODE
& 151-A: ADOPTION OF PEPIN COUNTY'S
GREAT RIVER ROAD PRESERVATION ORD**

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GENERAL PROVISIONS

§151.01 TITLE

This chapter shall be known as the Village of Pepin Revised Comprehensive Zoning Code.
(Ord. 123, passed 12-10-84)

§151.02 STATUTORY AUTHORITY

In accordance with the authority granted by Wis. Stat. § 61.35 and § 62.23, the village ordains these zoning regulations.
(Ord. 123, passed 12-10-84)

§151.03 PURPOSE AND INTENT

(A) *Purpose.* The provisions of this chapter shall be held to be minimum requirements adopted to promote the health, safety, and general welfare of the village.

(B) *Intent.*

(1) It is the general intent of this chapter to:

(a) Regulate and restrict the lot size and the use of all structures, lands, and surface waters;

(b) Regulate and restrict lot coverage, population distribution and density, and the size and location of all structures as to lessen congestion in and promote the safety and efficiency of the streets and highways;

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- (c) Secure safety from fire, flooding, panic and other dangers;
- (d) Provide adequate light, air, sanitation and drainage;
- (e) Prevent overcrowding;
- (f) Avoid undue population concentration;
- (g) Facilitate the adequate provision of public facilities and utilities;
- (h) Stabilize and protect property values;
- (i) Further the appropriate use of land and conservation of natural resources;
- (j) Preserve and promote the beauty of the community; and
- (k) Implement the community's general plan components.

(2) It is further intended to provide for the administration and enforcement of this chapter and to provide penalties for its violation.
(Ord. 123, passed 12-10-84)

§151.04 ABROGATION AND GREATER RESTRICTIONS

This chapter shall not repeal, impair, or modify private covenants or public ordinances, except that it shall apply whenever it imposes more severe restrictions on land use.
(Ord. 123, passed 12-10-84)

§151.05 INTERPRETATION.

In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements and shall be liberally constructed in favor of the village and shall not be deemed a limitation or repeal of any other power by the Wisconsin Statutes.
(Ord. 123, passed 12-10-84)

§151.06 JURISDICTION.

The provisions of this chapter shall apply to all the land and water area within the corporate limits of the village.
(Ord. 123, passed 12-10-84)

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§151.07 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. 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 optional.

ACCESSORY USE OR STRUCTURE. A use of a 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 structure.

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

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

BASEMENT DWELLING. A basement used for dwelling purposes shall be constructed sufficiently large to support a dwelling above ground with at least three rooms on the first floor. The dwelling above ground is to be completed three years from the date the basement was started.

BOARDING HOUSE. A building other than a hotel or restaurant where meals or lodging are regularly furnished by prearrangement for compensation for four or more persons not members of a family, but not exceeding 12 persons and not open to transient customers.

BUFFER ZONE. Extra side yard required between multi-family dwelling. 20 feet plus regular allowance to a single family residence property line to be only green space, not driveways or for parking.

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 HEIGHT. The vertical distance from the average grade level at front property line of the lot to the highest point of the building’s roof.

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 for use exclusively as a residence or sleeping-place, having a full basement or poured concrete slab under the main dwelling structure at or near lot grade level. Only dwellings of permanent construction shall be constructed, which shall, when completed, be suitable for habitation. The following change applies to any or all new dwellings constructed after February 1, 2016. A single story dwelling shall have a foundation footprint of not less than 800 (eight hundred) square feet. A dwelling does not include boarding or lodging houses, motels, hotels, tents, cabins, or mobile homes or travel trailers or motor homes or campers.

DWELLING FLOOR AREA. One or more floors devoted to living space including enclosed porches and basement but excluding garages and unfinished attics.

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DWELLING UNIT. One or more rooms designed as a unit for occupancy by not more than one family for living purposes.

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 sewer drainage, and TV cables to serve individual lots, 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.

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

FLOODPLAIN. Land adjacent to a body of water which has been or may be hereafter covered by floods including, but not limited to, the regional flood.

FRONT YARD. A yard extending the full width of the lot between the front lot line and the nearest part of the main building, excluding uncovered steps.

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

GARAGE, PRIVATE. Any accessory building or space for the storage of private property.

GARAGE, PUBLIC. Any building or premises, other than a private or storage garage, where motor vehicles are equipped, repaired, serviced, hired, sold or stored. It is the intent to exclude vehicles for dismantling for use of parts.

HOME OCCUPATION. A gainful occupation conducted in a place of residence only by members of the family living in the residence. Not more than 25% of the dwelling floor area shall be devoted to the business.

JUNK YARD. An area consisting of buildings, structures or premises where junk, waste, and discarded or salvage materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including automobile wrecking yards, house wrecking and structural steel materials and equipment yards, but not including the purchase or storage of used furniture and household equipment.

LUCR. Land Use-Construction-Remodel Permit.

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

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

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LOT. A parcel of land having frontage on a public street, occupied by a principle structure or use and sufficient in size t meet the lot width, lot frontage, lot area, yard, parking area, and other open space provisions of this chapter.

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 parcel of land measured at the rear of the specified street yard.

MANUFACTURED (MODULAR) HOMES. Identified with a red plastic sticker, called a “Wisconsin Insignia” imprinted with the outline of the state of Wisconsin. It will usually be affixed to the electrical panel, vanity base cabinet or kitchen cabinet.

MOBILE HOME. Identified with a metal rectangular label affixed to the rear of each full or half unit.

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

MULTI-FAMILY DWELLING. Four or more dwelling units.

NONCONFORMING USES OR STRUCTURES. Any structure, land, or water lawfully used, occupied, or erected at the time of the effective date of this chapter or amendments thereto, which does not conform to the regulations of this chapter 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 SPACE. An area of not less than 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 100 feet in all directions, and all property owners of opposite frontage.

REAR YARD. A yard extending across the full width of the lot between the rear of the main building and the rear lot line, the depth of which is the least distance between the rear lot line and the rear of such main building.

SETBACK. The minimum horizontal distance between the lot line and the nearest point of a building or any projection thereof, excluding uncovered steps.

SIDE YARD. A yard between the main building and side lot line, extending fro the front yard or front lot line were no front yard is required, to the rear yard. The width of the required side yard is measured horizontally from the nearest point of the side lot line to the nearest point of the main building.

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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.

TRAILERS. A portable vehicle designed and used for temporary sleeping purposes while its occupants are engaged in the pastime of camping.

UTILITIES, Public and private facilities such as water wells, water and sewage pumping stations, water storage tanks, power and communication transmission lines, electrical power 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.

VARIANCE. In a situation where strict application of this chapter would result in a practical difficulty or unnecessary hardship, modification may be granted by the Planning Commission following a public hearing with a Class I Notice.

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. (Ord. 123, passed 12-10-84)

§151.08 COMPLIANCE

No structure, land, or water shall hereafter be used and no structure or part thereof shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered without a LUCR, and without full compliance with the provisions of this chapter and all other applicable local, count, and state regulations. (Ord. 123, passed 12-10-84) Penalty, see §151.99

§151.09 VIOLATIONS; FAILURE TO COMPLY; ENJOINMENT OF VIOLATIONS.

(A) It shall be unlawful to construct or use any structure, land or water I violation of any of the provisions of this chapter.

(B) It shall be unlawful to fail to comply with any standard of this chapter or with any conditions or qualifications placed upon issuance of a permit or granting of a variance.

(C) In case of any violation, the Village Board or Planning Commission may institute appropriate action or proceeding to enjoin a violation of this chapter. (Ord. 123, passed 12-10-84) Penalty, see §151.99

ZONING AREAS AND MAP

§151.20 ZONING AREAS ESTABLISHED

Five zoning areas are provided as follows:

- (A) Residential Area (R)
- (B) Commercial Area (C)
- (C) Light Industrial Area (LI)
- (D) Agricultural Area (A)
- (E) Low Impact Commercial (LIC)

§151.21 OFFICIAL ZONING AREA MAP

The official zoning area map is an integral part of this zoning code. The single official copy of the map entitled "Village of Pepin Official Zoning Area Map," together with a copy of this zoning code, shall be available for public inspection. The map shall be certified by the Village President and attested by the Village Clerk. Any changes in zoning area boundaries shall be recorded on the map. No such change shall be effective until so recorded and until a duly certified and attested certificate describing the change is filed with the map.

(Ord. 123, passed 12-10-84)

§151.22 AREA BOUNDARIES

(A) The area boundaries are either streets or alley unless otherwise shown, and where the designation on the zoning map indicates that the various areas are approximately bounded by a street or alley line, such street or alley line shall be construed to be the area boundary line.

(B) Where the area boundaries are not otherwise indicated and where the property has been or may hereafter be divided into blocks and lots, the area boundaries shall be construed to be lot lines, and where the designations on the map are approximately bounded by lot lines, such lot lines shall be construed to be the boundary of the area.

(C) In un-subdivided property, the area boundary shown on the map shall be determined by use of the scale shown on such map.

(Ord. 123, passed 12-10-84)

ZONING AREA REGULATIONS

§151.35 APPLICATION OF LAND USES AND MINIMUM STANDARDS.

The land uses and minimum standards set forth in this subchapter apply to the area delineations on the zoning map.

(Ord. 123, passed 12-10-84)

§151.36 RESIDENTIAL AREA (R)

(A) *Intent.* The R Area is intended to provide a quiet, pleasant living area protected from traffic congestion and incompatible land uses.

(B) *Permitted uses.* The following uses of land are permitted:

- (1) One, two, and three unit dwellings
- (2) Home occupations
- (3) One private garage and accessory building (3-10-14 changed to include) compatible in size and aesthetics to the area in which it will exist.
- (4) Public parks and playgrounds
- (5) Uses customarily incident to any of the above uses, provided that no such use generates traffic or noise that would create a public or private nuisance.
- (6) Essential services

(C) *Minimum standards.*

- (1) Maximum building height: 35 feet.
- (2) Minimum side yard:
 - (a) Principal building: 6 feet
 - (b) Accessory building: 3 feet on each side.
- (3) Minimum front yard setback: Average of building on either side or 20 feet, whichever is less.
- (4) Minimum rear yard setback.
 - (a) Principal building: 20 feet.

(b) Accessory building: 6 feet (3-10-14 changed to include) **Rear set backs changed to a 20 foot setback for ingress/egress entrance to a garage; if a blank wall faces the alley, a 6 foot setback is in place.**

(5) Minimum lot size on all properties not yet surveyed into lots/building sites shall have a minimum square footage of 6,050 feet per lot.

(6) Minimum lot width (measured at rear of front yard): 55 feet

(7) Maximum lot coverage (for all structures): 50%

(8) Parking, off-street residential: Two spaces per family.

(D) *Conditional uses.*

(1) Four or more unit dwellings with two off-street parking spaces per unit. **No individual garbage containers, allowed, must be provided by building owner or management. Reference Dumpster Ordinance §151.58. (passed 3-13-2017)**

(2) Churches, schools, libraries, hospitals, community centers, water pumping facilities, utility service structures.

(3) Municipal office buildings.

(4) Telephone and power utility switching buildings and stations; microwave and radio towers; T.V. satellite receivers. T.V. satellite receivers shall not be subject to public hearing, but shall require the review and approval of the Planning Commission, shall require a LUCR if approved by the Planning Commission, and shall be subject to a LUCR fee.

(5) Mobile home parks

(6) Basement dwellings.

(E) *Percolation test.* The R Area is subject to a percolation test. (Ord. 123, passed 12-10-84; Am. Ord. 123-A, passed 4-1-85: Penalty, see §151.99)

§151.37 COMMERCIAL AREA (C)

(A) *Intent.* The C Area is intended to provide an area for the business and commercial needs of the village.

(B) *Permitted uses.* The following uses are permitted:

(1) Retail and wholesale sales.

(2) Professional offices.

(3) Personal service providers.

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- (4) Financial institutions.
- (5) Lodging establishments.
- (6) Parking lots
- (7) Clubs, fraternal organizations and lodges, whether operated for a profit or not.
- (8) Food service establishments, and properly license(d) liquor stores, taverns & bars.
- (9) Temporary structures.
- (10) Automotive, farm implement and marine sales, service, repair and storage.
- (11) Residential use of commercial buildings, when major use is commercial.

(12) Multi-family housing consisting of two or more dwelling units with two off street parking spaces per unit with conditional use. **No individual garbage containers, allowed, must be provided by building owner or management. Reference Dumpster Ordinance \$151.58. (passed 3-13-2017)**

(13) Other lawful uses similar to or customarily incident to any of the above.

(14) Campgrounds. A designated location for tents and for a vehicular portable structure designed as a temporary dwelling for travel, recreation and vacation use, which does not fall within the definition of a mobile home.

(C) *Minimum standards.*

- (1) Maximum building height: 35 feet.
- (2) Minimum side yard:
 - (a) Fireproof construction: 6 feet.
 - (b) Non-fireproof construction: 9 feet.
- (3) Minimum front yard setback: None.
- (4) Minimum rear yard setback: 6 feet.
- (5) Minimum lot width:
 - (a) Fireproof construction: 25 feet.

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(b) Non-fireproof construction: 45 feet.

(6) Parking:

(a) One space for every 200 square feet of floor area.

(b) Places for public gathering: One space per five seats; sufficient space so that no streets or alleys need be blocked.

(D) *Exception.* A 12 block area which includes blocks 0, 9, 10, 11, 12, 14, 15, 16, 20, 21, N & X to be known as the Central Section which does not require any setbacks. Any construction must meet with current state building codes and current ordinance. Other commercial locations will be under the updated Zoning/Building Ordinance with a six-foot setback.

(ord. 123, passed 12-10-84) Penalty, see §151.99

151.37-a LOW IMPACT COMMERCIAL AREA (LIC)

WHEREAS, the Village Board for the Village of Pepin, Wisconsin is empowered By State law to make and enforce ordinances governing the zoning of lands within Village limits, and;

WHEREAS, the Village Board has an obligation to protect the quiet use and enjoyment of residential properties within the Village limits, and;

WHEREAS, the Village Board believes the protection of residential properties and neighborhoods can be more effectively accomplished if the nature of contiguous commercial endeavors can be regulated, and;

WHEREAS, the Village of Pepin now has no such specific ordinance;

NOW THEREFORE, the Village Board for the Village of Pepin, Wisconsin does hereby make and ordain a new and distinct zoning classification, which shall be known as "**LOW IMPACT COMMERCIAL**". Said **LOW IMPACT COMMERCIAL** zoning designation may be applied to any parcel which abuts one or more parcels which are zoned residential.

LOW IMPACT COMMERCIAL activities would include and be similar to those listed below. A list of activities is intended to be illustrative of the types uses, which will be considered by the Village Board to be **LOW IMPACT COMMERCIAL** uses, but is not intended to be an exhaustive list of such activities.

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Permitted Uses:

1. Professional Offices.
2. Personal Service Providers.
3. Financial Institutions,
4. Lodging Establishments.
5. Low volume and specialty retail sales
6. Limited food service. See minimum standards
7. Other lawful uses similar or customarily incident to any of the foregoing.

Prohibited Uses:

1. Major retail sales establishments over 1200 sq. ft. display area - department, hardware, appliance, furniture and grocery stores, pharmacies; fruit, vegetable, meat and fish market.
2. Convenience stores
3. Video sales and rental
4. Video arcades, theaters, dance halls.
5. Sales, repair, painting or storage of automobiles, trucks, motorcycles, recreational vehicles, boats and farm implements
5. Sales of gasoline or alcohol
6. Fast food or full service restaurants, drive-ins
7. Outdoor sales
8. Outdoor entertainment-music, dancing. (Except for occasional celebrations —3 maximum per year)
9. Outdoor recreation-miniature golf, go-carts
10. Warehouse and storage space rental
11. Clubs, fraternal organizations & lodges, whether operated for profit or not
13. Any other use which is deemed objectionable to the quiet enjoyment of owners of adjacent residential property.

Minimum Standards: Minimum Standards are those listed for residential. With the following additional minimum standards.

1. New buildings are to be aesthetically similar to those in the area.
2. Space for off street parking for 5 cars per building.
3. Residential use in part or all of the property in the Low Impact Zone is allowed.
4. Business signs in the Low Impact Commercial zone allowed: Signs are permitted in the Low Impact Commercial Zone subject to the recommendations of the Planning Commission and approval of the Village Board.
 - A. Signs that are flat on the building with a maximum of 32 square feet per sign per business.

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- B. Signs protruding from the building Maximum of 6 square feet in size with a maximum of 3.6 feet of distance from the building.
 - C. Freestanding Signs are permitted when building is set back 20 feet from the lot line. They are not to exceed 6 feet in height or total of 24 square feet.
5. Retail Business — No more than 1200 square feet for display area in each building. No exterior display.
 6. Food Service in Low Impact Commercial shall be ancillary to another business, serving such things as cold sandwiches, soup, pastries & ice cream. No grills, griddles or grease fryers. A maximum of 600 square feet allowed indoors, including kitchen and a maximum of 300 square feet of outdoor seating. No alcohol allowed.
 7. Lighting for businesses in Low Impact Commercial. No flashing signs and all lighting be indirect and non-intrusive with sign lighting being turned off between 10 p.m & 6 a.m.
 8. There will be no building in Low Impact Commercial over 4000 square feet.
 9. Any one building in approved Low Impact Commercial will be limited to 4 operators, partners or employees.

Application of the LOW IMPACT COMMERCIAL zone and changes from other zoning designations to LOW IMPACT COMMERCIAL shall be accomplished using the same procedures as presently set forth in State Statutes concerning such requests.


 VERN SEIFERT, VILLAGE BOARD PRESIDENT

DATE: 11-8-2004


 MARY H. FAYERWEATHER, VILLAGE CLERK/TREASURER

DATE: 11-8-2004

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§151.38 LIGHT INDUSTRIAL AREA (LI)

(A) *Generally*, This LI Area provides land for all industrial uses including those industries which normally include the use of heavy machinery and may require outdoor storage areas for raw materials and/or finished products, provided that such storage is enclosed by a suitable screening fence. Residential, commercial, and public uses are prohibited except that a dwelling unit may be provided for a caretaker or superintendent if the industrial use requires constant supervision. All uses proposed for this area are conditional and subject to the provisions of §151.54 of this chapter.

(B) *Prohibited uses*. The erection and operation of a slaughterhouse, junkyard, tannery, glue factory, or rendering plant, or any other establishment with offensive odors, noises, or dust, shall be forbidden within the village limits. This requirement may be waived by the Planning Commission upon special request and after a hearing before the Planning Commission and upon proof being presented to the Planning Commission that such establishment will not be to the detriment of the best interests of the people of the village.

(C) *Minimum standards*.

(1) Maximum building height: Conditional

(2) Minimum side yard:

(a) Principal buildings: 20 feet each side.

(b) Accessory buildings: 5 feet on each side.

(3) Minimum front yard setback: 25 feet.

(4) Minimum rear yard setback: 30 feet.

(5) Minimum lot width (measured at rear of front yard): 100 feet.

(6) Parking: One space per three employees; sufficient space so that no streets or alleys need be blocked.

(Ord. 123, passed 12-10-84) Penalty, see §151.99

§151.39 AGRICULTURAL AREA (A)

(A) *Intent*. The A Area provides exclusively for crop raising.

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(B) *Permitted uses.* Only the following uses are permitted:

- (1) Forestry.
- (2) Cash cropping.
- (3) Green houses, nurseries.
- (4) Orchards, truck farming.
- (5) Utility service lines for telephone, electricity and television cable and their necessary utility appurtenances.

(Ord. 123, passed 12-10-84) Penalty, see §151.99

(C) *Conditional uses.*

(1) Churches, schools, community parks and recreation areas, public and semi-public buildings, water pumping and sewage disposal facilities and power stations (provided they are enclosed by an eight foot or more protective fence), golf courses and seasonal campgrounds.

- (2) Single-family residences.
- (3) All commercial uses allowed in the C Area.

(D) *Minimum standards.*

- (1) Maximum building height:
 - (a) Residential structures: 35 feet.
 - (b) Other structures: None
- (2) Minimum side yard:
 - (a) Principal buildings: 20 feet on each side.
 - (b) Accessory buildings: 5 feet on each side.
- (3) Minimum front yard setback: 30 feet.
- (4) Minimum rear yard setback: 50 feet.

(5) Minimum lot area per family (residential): As required by the state administrative rule for operation of septic fields.

(Ord. 123, passed 12-10-84) Penalty, see §151.99

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GENERAL REGULATIONS

§151.50 SITE RESTRICTIONS.

(A) No land shall be used or structure erected where the land is held unsuitable for such use or Structure by reason of flooding, concentrated run-off, 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.

(B) All lots shall abut upon a public street, and each lot shall have a minimum street frontage as described for each zoning area.

(C) Setback, lot size, and other dimensional requirements applicable to the various zoning districts are indicated on the official zoning district map.

(D) Accessory buildings shall not occupy more than the prescribed required area for the rear yard. Any accessory building projected forward of the rear building line of the principal building shall satisfy the same yard requirements as the principal building.

(E) In each quadrant of every street intersection, there shall be designated a vision clearance triangle bounded where the traveled portion of the street meets and a line connecting them 35 feet from their intersection. Within this triangle no object shall be allowed above a height of 2 ½ feet above the street if it obstructs the view across the triangle. This section shall not apply to tree trunks, posts or wire fences.

(F) No LUCR shall be issued for a lot which abuts a public street dedicated to only a portion of its proposed width and located on that side thereof from which the required dedication has not been secured.

(Ord. 123, passed 12-10-84) Penalty, see §151.99

§151.51 USE RESTRICTIONS.

The following use restrictions and regulations shall apply:

(A) Only those principal uses specifically for an area, their essential services, and the following uses shall be permitted in that area.

(B) Conditional uses and their accessory uses are considered as special uses requiring review, public hearing, and approval by the Village Planning Commission.

(Ord. 123, passed 12-10-84) Penalty, see §151.99

Pepin Land-usage

§151.52 REDUCTION IN AREA; JOINT USE PROHIBITED.

Reduction or joint use of a lot, yard, parking area, building area, or other space shall be reduced in area or dimension so as not to meet the provisions of this chapter. 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. (Ord. 123, passed 12-10-84) Penalty, see §151.99.

§151.53 UNSAFE BUILDINGS.

(A) The Building Inspector is hereby designated and authorized to act for the Village Board, with directions from the Village Board, under the provisions of Wis. Stat. § 66.05(5), relating to the razing of buildings and all acts amendatory thereof and supplementary thereto, except as to the assessment and collection of the special tax therein provided.

(B) Any buildings or building or portion thereof, including existing buildings, buildings in process of erection or being altered, if found to be dangerous to persons or property, or unsafe for the purposes for which it is to be used, or in danger of fire due to defects in the construction, or dangerous for use because of insufficient means of egress in case of fire or which violates the provision of this chapter due to removal, decay, deterioration or falling off of anything, appliance or device, or which has become damaged by the elements or fire of more than 50% of its value, may be condemned by the Building Inspector. In any of the aforesaid cases the Building Inspector may serve notice in writing on the owner, reputed owner, tenant or person in charge of such building or premises or post a notice in a conspicuous place on the outside wall of such building, setting forth what must be done to make such building safe. The person receiving such notice shall commence within 48 hours thereafter to make such changes or alterations set forth in such notice and diligently proceed with such work or demolish the building. Where the public safety requires immediate action, the Building Inspector shall enter such premises with such assistance as may be necessary to cause the building or structure to be made safe or to be removed, or in any case, if the orders of the Building Inspector are not complied with after due notice and within a reasonable time, the Board may order the Building Inspector to proceed with the work of making the premises safe by making the necessary repairs or demolish the unsafe building or part thereof, and the expense of such work may be recovered by the village in an action against the owner or tenant. If the owner or tenant of any such building or premises is dissatisfied with the decision of the Building Inspector as to the unsafe character thereof or as to the methods of correction, the question may be referred to the Village Board whose decision shall be final.

(Ord. 123, passed 12-10-84) Penalty, see § 151.99

Cross-reference:

Public nuisances enumerated, see .§ 92.03

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§ 151.54 CONDITIONAL USES.

(A) The Village Board may authorize a Conditional Use permit (c.c. to Zoning Administrator) for conditional uses specified in this chapter after review and a public hearing before the Planning Commission, provided such uses are in accordance with the purpose and intent of this chapter.

(B) Application for conditional use permits shall be submitted to the Village Clerk on forms provided by the Clerk and shall be accompanied by a plan showing the location, size and shape of the lot(s) involved and of any proposed structures, and the existing and proposed use of each structure and lot. The cost of land use permits shall be established by the Village Board.

(C) The Village Planning Commission may be requested to 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 proposed operation.

(D) The use of permanent construction for which the conditional use permit was within one year (12 months) of the issuance of the permit unless otherwise stated on the permit, or the permit is rescinded.

(E) Conditions related to landscaping, architectural design, type of construction, construction commencement and completion dates, sureties, lighting, fencing, operational control, hours of operation, traffic circulation, deed restrictions, access restrictions, increased yards, and parking requirements, may be required by the Village Board upon its finding by the Planning Commission that such conditions are necessary to fulfill the purpose and intent of this chapter.

(F) Conditional uses shall comply with all provisions of this chapter.

(G) The following are conditional uses:

(1) In the Residential Area (R):

- (a) Four or more units per building.
- (b) Public and institutional buildings.
- (c) Utility buildings.
- (d) Mobile home parks.
- (e) Basement dwellings.

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- (2) In the Commercial Area (C):
- (3) In the Industrial Area (LI): All industrial uses.
- (4) In the Agricultural Area (A):

(a) Churches, schools, community parks and recreation areas, public and institutional buildings, .water pumping and sewage disposal facilities, and power substations (protected by an eight foot or more protective fence).

(b) Single-family residences subject to the same lot size requirements and conditions as the R Area.

(Ord. 123, passed 12-10-84) Penalty, see § 151.99

§ 151.55 SIGNS.

(A) No sign shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, or. structurally altered without a LUCR, except those signs excepted below and without being in conformity with the provisions of this- chapter.

(B) All signs are prohibited in the Residential and Agricultural Areas except the following:

(1) Signs over show windows or doors of a nonconforming business establishment announcing without display or elaboration only the names and occupation of the proprietor and not to exceed two feet in height and ten feet in length or 20 square feet.

(2) Real estate signs not to exceed eight square feet in area which advertise the sale, rental or lease of the premises upon which such signs are temporarily located.

(3) Name, occupation and warning signs not to exceed two square feet located on the premises.

(4) Bulletin boards for public, charitable or religious institutions hot to exceed 24 square feet in area located on the premises.

(5) 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.

(6) Official signs, such as traffic control, parking restrictions, information and notices.

(7) Temporary signs or banners when authorized by the Planning Commission.

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(8) Temporary signs (not to exceed 20 square feet) advertising on-premises sale of agricultural products in the A Area.

(C) Signs are permitted in the Commercial, Low Impact Commercial and Industrial Areas subject to the recommendation of the Planning Commission and the approval of the Village Board.

- (1) Signs that are flat on the building with a maximum of 32 square feet per sign per business.
- (2) Signs protruding from the building Maximum of 6 square feet in size with a maximum of 3.6 feet of distance from the building.
- (3) Freestanding Signs are permitted when building is set back 20 feet from the lot line. They are not to exceed 6 feet in height or total of 24 square feet.

This requirement may be waived by the Planning Commission upon special request and after a hearing before the Planning Commission and upon proof being presented to the Planning Commission that such signage will not be to the detriment of the best interests of the people of the village.

(D) Signs lawfully existing at the time of adoption or amendment of this chapter may be continued although the use, size, or location does not conform with the provisions of this chapter. However, it shall be deemed a nonconforming use or structure, and the provisions of § 151.56 of this chapter shall apply.

(Ord. 123, passed 12-10-84) Penalty, see § 151.99

Cross-reference;

Public nuisances enumerated, see § 92.03

§ 151.56 NONCONFORMING USES.

(A) Present uses of buildings, signs and premises may be continued even though they do not conform to the restrictions of this chapter. However, structural repairs or alterations of such buildings, signs; or premises shall not during its life exceed 50% of their equalized value at the time they become nonconforming unless a building, sign, or premises conforming to this chapter results. A nonconforming use that is abandoned for one year shall be discontinued permanently.

(D) Lot size will be determined by uses and structures existing at the time of the adoption of this chapter. A structure that is destroyed by fire or natural disaster will be permitted to be rebuilt on the existing lot, provided such construction shall be completed within one year (12 months). (Ord. 123, passed 12-10-84)

§ 151.57 CANOPIES AND AWNINGS

A. DEFINITIONS.

Canopies and awnings shall be defined as a permanent structure without walls for the purpose of shielding driveways, sidewalks, or service areas from the elements. Canopies are composed of solid materials such as metal and/or wood. Awnings may have a metal or wood frame, but typically have surfaces composed of canvas, vinyl or similar flexible material.

B. DISTRICTS PERMITTED.

Canopies and awnings are permitted in all zoning districts.

C. REGULATIONS.

1. **Planning Commission Approval Required.** All canopies and awnings shall require Planning Commission approval. Properties located, which overlay districts, may require a site review.
2. **Structural Requirements.**
 - a. The structural support of all canopies and awnings shall be approved by the Zoning Administrator and shall meet the State Building Code.
 - b. All frames and supports of all canopies and awnings shall be of metal and designed to withstand a wind pressure of not less than 40 pounds per square foot of area and shall be constructed to receive dead loads as required by State Building Code.
 - c. Canopies and awnings shall be attached to a building and no ground mounted supports shall be placed within a public right of way.
3. **Height.** All canopies and awnings shall be constructed and created so that the lowest portion thereof shall not be less than 8 feet above nor greater than 20 feet above the level of the sidewalk or public thoroughfare.
4. **Setback.** Canopies and awnings shall comply with all setbacks applicable to the principal structure, except, however, in Commercial Zoned Areas all canopies and awnings may extend to the side property lines and may extend out from the building facade up to one foot of the back of the curb.

D. PENALTY: § 151.99

As provided in Village Ordinances § 10.99 and/or as provided in Wisconsin Statutes.

E. EFFECTIVE DATE:

This Ordinance shall be effective immediately upon passage and publication as provided by law.

§151.58 DUMPSTER PERMIT ORDINANCE

A. PURPOSE: A Dumpster Permit is required for the placement of any dumpster on streets, alleys, or sidewalks. A dumpster may be placed with the approval of the Village Zoning Administrator and the Chief of Police. A Dumpster Permit Application may be obtained from the Village Clerk's office, ~~the Zoning Administrator~~ the Chief of Police or the Street Superintendent. (chgd. 1-12-15)

B. DEFINITIONS: For purpose of this ordinance, the following definitions shall apply:

Refuse Container: A portable container with minimum capacity of 1 cubic yard designed for collection, transportation, disposal or storage of solid waste or personal property.

Dumpster: Any portable container with minimum capacity of 1 cubic yard used or designed for collection of, transportation of, or disposal of solid waste or the like. Dumpsters shall include, but not limited to, roll-off containers, collection bins or tubs.

C. REGULATIONS:

1. Each dumpster or refuse container shall have posted thereon the name, address and phone number of the lessor or owner of said dumpster or refuse container.
2. Each dumpster or refuse container shall be equipped with reflectorized tape or other reflector devices adequate to warn others of its presence during night hours.
3. No dumpster or refuse container shall be placed in a moving lane of traffic.
4. Each permittee shall comply with any order of the Chief of Police to remove any dumpster or refuse container should the placement or location of the dumpster or refuse container constitute a safety hazard or nuisance.
5. No dumpster or refuse container shall be placed so as to interfere with public works construction being performed by the Village.

6. Forfeiture of dumpster permit deposit. Applicant shall be responsible for the dumpster and any materials placed within the dumpster. Any damage caused by the dumpster or its contents must be cleaned and or restored to pre-event conditions by the permittee upon the close of the event. If the permittee fails to fully clean or restore the area to the satisfaction of the Village Zoning Administrator or Street Superintendent, the Street Superintendent will restore the area and the Dumpster Permit deposit will be forfeited. The Village reserves the right to revoke the Dumpster Permit without notice.

D. PENALTY: § 151.99

As provided in Village Ordinances 10.99 and/or as provided in Wisconsin Statutes.

E. Effective Date:

This Ordinance shall be effective immediately upon passage and publication as provided by law.

151.59: REGULATIONS GOVERNING EXCAVATIONS AND OPENINGS.

A) PURPOSE: At times, it is necessary to excavate streets, street right of way, alleys, sidewalks or public ways in order to repair or replace utilities or for new construction. The following requirements are now in effect:

- (1) No openings in the streets, alleys, sidewalks or public ways shall be permitted when the ground is frozen except where it is deemed necessary by the Street Superintendent.
- (2) In any opening or excavation all paving or ballasting materials shall be removed with the least possible loss of or injury to surfacing materials and together with the excavated materials from the opening shall be placed so as to cause the least practicable inconvenience to the public and permit free flow of water along gutters.
- (3) Every opening and excavation shall be enclosed with sufficient barriers. Sufficient warning lights shall be lit from sunrise to sunset. Such lights shall be spaced so as to give adequate warning of the existence of the opening and of piled excavated materials. No open flame warning pots shall be used. Except by special permission from the Street Superintendent, no trench shall be excavated more than 250 feet in advance of pipe or conduit laying nor left unfilled more than 500 feet where pipe or conduit has been laid.
- (4) In opening any public street, alley, sidewalk, way, easement or ground, the paving materials, sand, gravel and earth or other material moved or penetrated and all surface monuments or hubs must be removed and replaced as nearly as possible in their original condition or position and the same relation to the remainder as before. Any excavated material which in the opinion of the Street Superintendent is not suitable for refilling shall be replaced with approved backfill material. All rubbish shall be immediately removed.
- (5) The permittee shall notify the Street Superintendent and all public and private individuals, firms and corporations affected by the work to be done at least 24 hours before such work is to commence. The Street Superintendent shall also be notified at least 4 hours prior to backfilling or restoring the surface.
- (6) Unless the work shall be commenced within 30 days of the issuance of the permit, the permit shall be void and a new permit must be obtained and an additional fee charged. The Street Superintendent may extend the time limitation for good cause.
- (7) The permittee shall backfill the opening immediately upon completion of the work and place at least 5 inches of traffic bind or similar material in the opening unless otherwise advised by the Street Superintendent. The permittee shall maintain the opening in good condition for a period of 6 months after the completion of the work or until the surface has been restored. The Street Superintendent shall decide when within the 6 month period the opening is ready for paving if a paving surface is required. If the surface is not restored within a

period of 10 days or such longer period as determined by the Street Superintendent, the Village may restore the surface and bill the permittee.

- (8) In the event of an emergency any person owning or controlling any sewer, gas main, water main, conduit or other utility in or under any public street, alley, easement, way or ground and his agents and employees may take immediate proper emergency measures to remedy dangerous conditions for the protection of property, life, health or safety without obtaining an excavation permit, provided that such person shall apply for an excavation permit not later than the next business day.
 - (9) The application for a permit shall be in writing and signed by the applicant or his agent. The applicant shall submit to the Street Superintendent at the time the permit is applied for, sufficient information relating to the work to be done including the general location and nature of the work and the method applicant proposes to use in doing the work. The Street Superintendent shall determine if sufficient information is submitted.
 - (10) The provisions of this section shall not apply to excavation work done under the direction of the Superintendent by Village employees or contractors performing work under contract with the Village except that the safety precautions under sub. (3) shall be complied with.
- (11) The charge for the permit shall be \$25 payable to the Village of Pepin and issued by the Village Clerk.

151.99 Penalties:

- a) Violation of this Ordinance is punishable as provided in Village Ordinances 10.99
and/or as provided in Wisconsin Statutes.

Effective Date:

This Ordinance shall be effective immediately upon passage and publication as provided by law.

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ADMINISTRATION AND ENFORCEMENT

§ 151.70 ADMINISTRATIVE AND ENFORCEMENT AGENTS; DUTIES.

(A) This chapter shall be administered and enforced by the following persons and their duties shall be as appears in various places in this chapter:

(1) The Planning Commission shall be composed of the Village President as presiding chairman, the Zoning Administrator, plus up to two members of the Village Board as selected by the Village President plus three citizens who shall be selected and appointed by the Village President, confirmed by the Village Board. This Commission shall be an advisory group and shall submit recommendations to the Village Board when this chapter is to be amended, to the Planning Commission whenever variances or conditional uses are to be considered by public hearing, to the Planning Commission prior to their considerations and whenever requested to do so in other circumstances by the Village President. In all cases the Planning Commission shall only meet and advise when called by the Village President.

(2) The Board of Appeals shall be appointed as specified in Wisconsin Statutes.

(B) Members of any commission or board, not members of the Village Board, shall be compensated for their meetings the same as Village Board members are paid for committee meetings. (Ord. 123, passed 12-10-84)

§ 151.71 LAND USE CONSTRUCTION or REMODELING PERMIT; APPLICATION; FEES.

(A) Applications for a LUCR permit, with site plans attached, must be made before any ground breaking or construction of any kind including, but not restricted to decking and concrete pads, has been started, to the Zoning Administrator and shall include the following where applicable,

(1) Names and addresses of the applicant, owner of the site, architect, professional engineer or contractor.

(2) Description of the subject site by lot, block, and recorded subdivision or by metes and bounds; address of the subject site; type of structure; existing and proposed operation or use of the structure site; number of employees; and the zoning area within which the subject site lies.

(3) Plat of survey showing the location, boundaries, dimensions, elevation uses, and size of the following: Subject site; existing and proposed structures; existing and proposed easements, streets and other public ways; off-street parking, loading areas and driveways; existing highway access restrictions; existing and proposed street, side and rear yards. In addition, the plat of survey shall show the compatibility in location, elevation, and use of any abutting lands and their structures within 40 feet

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of the subject site. The Zoning Administrator shall have the right to request a registered land survey if he or she feels that it is needed under the conditions shown on the application.

(4) A permit is not required for routine nonstructural maintenance improvements such as painting, staining, plastering, siding, roofing and floor covering. A LUCR is also not required when first installing or replacing household fixtures such as furnaces, bathtubs, showers, sinks, stools and air conditioning units.

(5) A LUCR permit shall be granted or denied in writing by the Zoning Administrator within 30 days. The permit shall expire within 3 months for demolition and 12 months for construction. Permitted projects not completed by the expiration of this permit will require a new permit upon the approval of the Planning Commission. Fees shall be the same as set in Ordinance 151.71 A-B. With every permit issued the Zoning Administrator shall issue to the applicant a weatherproof permit card properly filled out. It shall be the duty of such applicant to place such card in a conspicuous place on the premises where the construction is permitted. Any permit issued in conflict with the provisions of this chapter shall be null and void.

(B) An application properly submitted for a LUCR permit shall be accompanied by a fee of: Material cost of up to \$1000—no fee. Projects from \$1001-\$5000, a fee of \$5.00. Projects \$5001-\$10,000, fee of \$25.00. those over \$10,000 will have fees of \$25.00 and an additional \$1.00 per \$1000 of project cost. Fees are not refundable in the event the LUCR permit is or is not granted by the Zoning Administrator. Zoning Administrator will perform Site and Follow-Up inspections as necessary. (Ord. 123, passed 12-10-84) Penalty, see § 151.99

§ 151.72 HEARING APPEALS.

The Zoning Board of Appeals shall within 60 days hold a hearing on any variance, give public notice thereof by publication in the official newspaper of the village or posting in three places in the village, not less than ten days prior to the hearing specifying the date, time, and place of hearing and the matters to come before the Board; as well as mailed notice to the parties in interest; and decide the same within 30 days of the date of the hearing. Upon the hearing any party may appear in person or by agent or attorney.

(Ord,123, passed 12-10-84)

§ 151.73 AMENDMENTS AND CHANGES.

The Village Board may from time to time amend, supplement or change by ordinance the boundaries of the areas or regulations herein established. Any proposed change shall first be submitted to the Planning Commission, who shall hold a public hearing for its recommendation and report. Notice of time and place of such hearing shall be given by publication thereof once each week for two successive weeks in the official newspaper of the village or posting in three public places within the village.

(Ord. 123, passed 12-10-84)

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§ 151.74 FEES FOR VARIANCE OR CONDITIONAL USE REQUEST.

An application properly submitted for a variance or a conditional use permit from the village zoning ordinance or change in the land use maps shall be accompanied by a fee of \$50 (applicant will be billed for any additional cost) which is not refundable in the event the variance or conditional use is or is not granted by the Village Board.

(Ord. 123, passed 12-10-84)

§151.75 PUBLIC INSPECTION OF ZONING MAP AND ZONING CODE TEXT.

The official zoning map and zoning code for public inspection are on file at the Village Clerk's Office.

(Ord. 123, passed 12-10-84)

§ 151.99 PENALTY.

Any person, firm, company, or corporation who violates, disobeys, omits, neglects, or refuses to comply with or resists the enforcement of any of the provisions of this chapter, upon conviction, shall be punished as provided in § 10.99.

(Ord. 123, passed 12-10-84)