

CHAPTER 17

EPHRAIM ZONING CODE

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INTRODUCTION

17.01 STATUTORY AUTHORIZATION AND ENACTMENT.

In accordance with the authority granted by Wisconsin Statutes, the Village Board does ordain these zoning regulations.

17.02 PURPOSE.

The purpose of this chapter is to promote and preserve the health, safety, morals, prosperity, and general Welfare of the Village and to preserve the distinctive atmosphere and character of the village. By adopting this chapter, the Village Board intends to accomplish these purposes by regulating and restricting the uses of structures, lands, and waters; regulating and restricting lot coverage, population distribution, and density, and the size and location of structures so as to lessen congestion in and promote 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 the appropriate use of land and conservation of natural resources; preserve and promote the beauty of the community; and implement the communities comprehensive plan and plan components. It is further intended to provide for the administration and enforcement of this chapter and to provide penalties for its violation.

Specific to Ephraim's atmosphere and character, it is the intention that the Village, as viewed both from the shore and the water, be protected from structures and other features that would detract from its natural scenic value and appearance. This includes but is not limited to solid dock structures within the Eagle Harbor area that would diminish the impression of openness of the area as recommended by the Coastal Management Plan. Structures should be as much as practical and consistent with the homogeneous style of the Village and structures which by style and design are visually distinct and apart from the architectural and historical character of the Village should not be permitted. Specific regulations in the Zoning Ordinance exist in Historic Preservation, Protected Waterfront, and the R-1 Districts. It is further intended to provide for the administration and enforcement of this chapter and to provide penalties for its violation.

17.03 ABROGATION AND GREATER RESTRICTION.

It is not intended by this chapter 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 chapter imposes greater restrictions, the provisions of this chapter shall govern.

17.04 INTERPRETATION.

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

17.05 SEVERABILITY.

If any section, clause, provision, or portion of this Chapter is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Chapter shall not be affected thereby.

17.06 REPEAL.

All other ordinances or parts of ordinances of the Village inconsistent with this Chapter to the extent of the inconsistency only are hereby repealed.

17.07 TITLE.

This Chapter shall be known as, referred to, or cited as the "Zoning Ordinance, Village of Ephraim, Wisconsin."

17.08 EFFECTIVE DATE.

The effective date of any portion of this chapter shall be the date on which the particular provision was originally adopted by the Village Board or the effective date following the publication of such adoption. Each provision shall be traced historically to determine the date on which the present language or language that is not materially different originally took effect for purposes of determining nonconformity or similar statutes of properties.

17.09 DEFINITIONS.

Except where specifically defined herein, all words used in this chapter shall carry the meanings as defined in Webster's Unabridged 3rd New International Dictionary or a dictionary based upon it. Words used in the plural include the singular. The word "shall" is mandatory.

ADAPTIVE RE-USE. A use representing compatible and appropriate change, as determined by both the Historic Preservation Committee and the Plan Committee.

ADDITION. New construction performed on a building which increases the outside dimensions of the structure. An addition increases the floor area of a structure.

ALTERATION. A substantial change or modification to a structure or to systems involved within a structure other than an addition or repair.

BASEMENT. A floor or space, partly or wholly underground, and having no more than one-half (1/2) of its height, nor more than seven feet (7') exposed above the finished grade, or base elevation at the exterior walls of the building, whichever is less. Exception: That portion of any exterior wall providing pedestrian or vehicular access to the basement may project entirely out of the ground and still be considered a basement.

BED & BREAKFAST. Any place of lodging that:

- 1) provides eight (8) or fewer rooms for rent to no more than a total of twenty (20) tourists or transients;
- 2) provides no meals other than breakfast and provides breakfast only to renters of the place;
- 3) is the owner's personal residence;
- 4) is occupied by the owner at the time of rental;
- 5) was originally built and occupied as a single-family residence or, prior to use as a place of lodging, was converted to use and occupied as a single-family residence, and
- 6) has had completed, before May 11, 1990, any structural additions to the dimensions of the original structure, including by renovation, except that this limit does not apply to any of the following: a structural addition, including a renovation, made to a structure after May 11, 1990, within the dimensions of the original structure (or) a structural addition, made to a

structure that was originally constructed at least fifty (50) years before an initial or renewal application for a permit is made and for which no use other than a bed & breakfast establishment is proposed. The structural addition under this subdivision shall comply with the rules under Wis. Stat. §[101.63\(1\)](#) and [\(1m\)](#), (State electrical, heating, and ventilating statutes).

BENCHMARK. Topographical points used to determine both pre-construction (existing) and post-construction (finished) grades on a property, which points shall be determined by the owner and Zoning Administrator and/or Plan Committee prior to application for the permit.

BOATHOUSE. A building which fronts on and opens to the water and the only use is for the protection or storage of boats used for noncommercial purposes in conjunction with a residence.

BUILDING. Any roofed, enclosed structure used, designed, or intended for the protection or shelter of persons, animals, or property.

BUILDING, ACCESSORY. A detached building subordinate in area, extent, or purpose to the principal building or use of which is incidental and related to that of the principal building or use of the premises and located on the same lot as the principal building or use.

BUILDING, PRINCIPAL. A building in which is conducted the principal use or uses on the lot.

BULKHEAD LINE. A geographic line along a reach of a navigable body of water that has been adopted by Village ordinance and approved by the Department of Natural Resources pursuant to Wis. Stat. §[30.11](#), and which allows filling on the landward side.

CAMPGROUND. An area or facility designated, maintained, intended, or used for the purpose of supplying accommodations for overnight lodging in recreational vehicles, travel trailers, camping trailers, tents, bedrolls, sleeping bags, or similar equipment and being open to the public and designated as a campground, camping resort or similar designation and set aside for free or paying purpose. The inclusion of some lodging buildings or other service facilities within the premises that is otherwise a campground does not remove the use from this definition.

CEMETERY. Land used for the burial of the dead and dedicated for such purpose, including columbariums, crematories, mausoleums, and mortuaries when operated in conjunction with and within the boundary of such cemetery.

CERTIFIED SURVEY MAP. A map of a land division prepared in accordance with Wis. Stat. §[236.34](#) and is in full compliance with the applicable provisions of this Ordinance. A certified survey has the same legal force and effect as a land division plat.

CHANGE OF USE. An action that results in a significant change in the way a property, structure, or space is used. Examples would include but not be limited to: remodeling that changes unfinished storage space into finished living space; a change in commercial use from food service to retail sales; a change from residential use to commercial use.

CHANNEL. An open natural or artificial watercourse with definite bed and banks to confine and conduct the normal flow of water.

COMM./Comm. - Department of Commerce.

COMMENCE, COMMENCES, COMMENCED. The doing of some act upon the ground on which a building or structure is to be erected and in pursuance of a design to erect, the result of which act would be known to a person viewing the premises from observation alone that the erection of a building or structure on that land had begun.

COMMERCIAL TRANSIENT LODGING. As defined in ordinance §[17.16\(2\)](#) and further in §[17.25](#).

CONDITIONAL USE. A conditional use is a Special Exception that can be applied, because of its unique characteristics and impact on the community which otherwise is not allowed as a matter of right. Such use may only be allowed by the Village Plan Committee or Board of Appeals following the procedures of this chapter. A conditional use may require two (2) meetings for final determination by the Plan Committee.

CRAWLWAYS or CRAWL SPACE. An enclosed area below the first usable floor of a building, generally less than five feet (5') in height used for providing limited access to plumbing and electrical utilities.

DECORATIVE WALL. Means a wall constructed of stone or other material erected for the sole purpose of providing a decorative and/or landscaped feature, and not to include structural support walls, retaining walls, or any other walls constructed for a purpose other than aesthetics.

DENSITY. As used in this ordinance, density refers to the number of commercial transient lodging units or multi-family housing units allowed on a particular parcel of land.

DEPARTMENT. As it pertains to the Shoreland-Wetland zoning ordinance, the Wisconsin Department of Natural Resources.

DEVELOPMENT. Any manmade change to improved or unimproved real estate, including but not limited to the construction of buildings, structures, or accessory structures; the construction of additions or substandard alterations to buildings, structures, or accessory structures; the placement of buildings or structures; ditching, lagooning, dredging, filling, grading, paving, excavation or drilling operations; and the deposition or extraction of earthen materials.



DIMENSIONAL STANDARDS. The minimum lot size; total lot coverage; minimum lot width; front, rear, and side setbacks; minimum building separation; total residential unit maximum; residential footprint maximum; height regulations; and regulations of buildable lots that are less than the minimum lot size, proscribed and regulated by this ordinance.

DORMER. A vertical projection in a sloping roof with or without a window (i.e., the roofed structure containing the window). A dormer is considered an alteration to a building, and it must stay within the roof line and not increase the floor area dimensions.

DOWNLIGHTING. Any fixture aimed in such a way as to project the light downward below the horizontal plane passing through the lamp.

DRAINAGE SYSTEM. One (1) or more artificial ditches, tile drains, or similar devices which collect surface runoff or groundwater and convey it to a point of discharge.

DWELLING. This term is used in this Chapter to signify residential occupancy of parcels and structures of a long-term or housekeeping nature as contrasted with transient occupancy. Residential occupancy can include certain accessory usages. Some of these, such as home occupations, are specifically treated in this chapter. Others, including casual renting of dwelling units on a noncommercial basis, are treated less specifically but are allowable if subordinate to and fully consistent with customary usage of residential areas.

DWELLING, MULTI-FAMILY. A building including three (3) or more dwelling units.

DWELLING, SINGLE FAMILY. A building containing one (1) dwelling unit.

DWELLING, TWO (2) FAMILY. A building containing two (2) dwelling units.

DWELLING UNIT. A room or rooms connected together constituting a separate, independent housekeeping establishment, physically separated from any other rooms or dwelling units that may

be in the same structure and containing its own independent kitchen, bath and sleeping facilities sized and equipped to facilitate permanent housekeeping occupancy.

ENCROACH. To advance beyond limits set in this chapter, such as a setback line.

ENVIRONMENTAL CONTROL FACILITY. Any facility, temporary or permanent, which is reasonably expected to abate, reduce or aid in the prevention, measurement, control, or monitoring of noise, air or water pollutants, solid waste and thermal pollution, radiation, or other pollutants, including facilities installed principally to supplement or to replace existing property or equipment not meeting or allegedly not meeting acceptable pollution control standards or which are to be supplemented or replaced by other pollution control facilities.

FAMILY. One (1) or more persons occupying the premises and living together for residential, non-transient purposes as a single housekeeping unit.

FARM LIVESTOCK. Cows, horses, goats, sheep, pigs, donkeys. The keeping of rabbits or poultry, such as chickens, geese, or ducks shall be classified with farm livestock only if more than twenty-four (24) such mature animals or poultry are kept for each two acres (2 AC) of land area.

FENCE. An artificially constructed barrier of wood, metal, stone, or other manufactured material intended to enclose an area for purpose of privacy, security, or confinement; as a visual or audible screen device; or for esthetic ornamentation.

FENCE, SEE-THROUGH. A fence which obscures fifty percent (50%) or less of the view through the fence.

FENCE, SOLID. A fence which obscures more than fifty percent (50%) of the view through the fence.

FILLING. Placing the material to alter land contours, displace water with soil, paving, or similar material, or the placing of shoreline protection measures.

FLOOD or FLOODING. Means a general and temporary condition of part inundation or complete inundation of normally dry land areas caused by:

- 1) The overflow or rise of inland waters;
- 2) The rapid accumulation or runoff of surface waters from any source;
- 3) The sudden increase caused by unusually high water levels in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a seiche, or by some similarly unusual event.

FLOOD FREQUENCY. The probability of a flood occurrence which is generally determined by statistical analyses. The frequency of a particular flood event is usually expressed as occurring, on average, once in a specified number of years or as a percent (%) chance of occurring in any given year.

FLOODFRINGE. That portion of the floodplain outside of the floodway which is covered by flood waters during the regional flood and is generally associated with standing water rather than flowing water.

FLOOD HAZARD BOUNDARY MAP. A map prepared by FEMA designating approximate flood hazard areas. Flood hazard areas are designated as unnumbered A-Zones and do not contain floodway lines or regional flood elevations. Said map forms the basis for both the regulatory and insurance aspects of the National Flood Insurance Program.

FLOODPLAIN. That land which has been or may be hereafter covered by floodwater during the regional flood. The floodplain includes the floodway and the floodfringe and may include other designated floodplain areas for regulatory purposes.

FLOODPROOFING. Means any combination of structural provisions, changes or adjustments to properties and structures, water and sanitary facilities, and contents of buildings subject to flooding, for the purpose of reducing or eliminating flood damage.

FLOOD PROTECTION ELEVATION. An elevation two feet (2') above the water surface profile elevation designated for the regional flood.

FLOODWAY. The channel of a river or stream and those portions of the floodplain adjoining the channel, are required to carry the regional flood discharge.

FLOOR AREA. The sum of the areas (exterior dimensions) of buildings several floors having a height of at least six feet (6') measured from the floor to the ceiling and the area of balconies, decks, and porches. Commercial establishments, not including gas stations, that regularly use outdoor areas for sales, servicing, food preparation, and consumption shall have such areas counted as floor area.

A floor shall be counted toward the floor area if the vertical distance from the average grade to the floor below is less than the vertical distance to the ceiling above.

FLOOR AREA: RENTAL UNITS WITH COMMERCIAL TRANSIENT LODGING FACILITIES. In allocating that portion of total floor area within a building or part thereof devoted to commercial transient lodging that is within rental units, spaces shall be measured internally. Enclosed balconies, enclosed decks, and enclosed porches assigned to particular units shall be included in each unit and continuous enclosed decks and enclosed porches assigned to particular units shall be included in each unit and continual enclosed decks fronting across several units shall be proportionally assigned to respective units.

RESTAURANTS WITH SEATING AND RETAIL SALES AREAS. Internal measurements shall be made of space devoted to customer usage, including counter and cash register space. *(Passed 5/1/89)*

FOOTPRINT. The dimensions of a single horizontal plane bounded by the exterior walls of the building are expressed in square feet (ft²). *(Passed 7/11/05). (See §17.24 for attached garage exemptions to this definition. (Passed 10/09/06))*

GARAGE, PRIVATE. A structure primarily intended for and used for the enclosed storage or shelter of motor vehicles or boats of the family resident upon the premises. Carports are considered to be garages.

GARAGE SALE. The sale of tangible personal property, such as, but not limited to, clothing, household effects, tools, garden implements, toys, or other secondhand items. Also includes terms such as "yard sale", "estate sale", and "rummage sale". *(Passed 9/13/2010)*

GRADE.

- 1) Existing Footprint Grade: The average height based on elevation measurements of at least four (4) benchmark points (see [BENCHMARK](#) definition), measured at the exterior foundation of the building.
- 2) Finished Footprint Grade: The final height of the ground surface **on which the building sits** after completion of all site preparation work, or after development, measured at the exterior foundation of the building and as compared to the previously determined benchmark points. *(Passed 7/11/05.)*

GROUP HOMES. (A/K/A community living arrangements). Defined by cross-references to Wis. Stat §[62.23\(7\)\(i\)](#) and §[46.03\(22\)](#).

HEIGHT. The vertical distance from the average elevation of the ground adjoining a building or structure to the highest point of the roof of a building, measured from a benchmark which shall be determined by owner and Zoning Administrator prior to application for a permit.

HIGH WATER LINE OR MARK (ORDINARY). The line or mark on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinct mark, such as by erosion, destruction or prevention of terrestrial vegetation, the predominance of aquatic vegetation, or other easily recognized characteristics.

HOME OCCUPATION/BUSINESS. An occupation conducted within a person's residence, or in an existing accessory building on the same property as the person's residence. ~~with "residence" defined as the person's dwelling place but does not include the garages or other outbuildings.~~
(Passed 6/11/2012)

IMPERVIOUS SURFACES. Those surfaces which do not absorb rain. All buildings, parking areas, driveways, roads, sidewalks, and other areas in concrete, asphalt, gravel, and solid or crushed stone, as well as paver blocks when used for parking or driveways, are considered impervious surfaces within this definition and therefore considered lot coverage.

INTENSITY/INTENSIFICATION: The comparative degree of perceived increase or exaggeration from one (1) use or condition to a proposed use or condition as it applies to parking needs, traffic patterns, visual magnitude, or altered atmosphere or character on a particular parcel of land.
(Passed 3/12/90)

INTERVAL OCCUPANCY LODGING (TIMESHARING). A facility comprised of two (2) or more units in which the exclusive right of use, possession, or occupancy of dwelling units circulates among the various owners or lessees thereof in accordance with a fixed time schedule on a periodically recurring basis.

LIVING AREA. A finished space within a dwelling unit with walls, floors, and ceilings of materials generally accepted for interior construction, with a ceiling height of at least seven feet (7'). This definition includes hallways, closets, dormers, laundry room facilities, stairs, breezeways, and storage rooms if they are a functional part of the living area and not part of an unfinished area such as an unfinished attic or below-grade **unfinished** basement. In rooms with sloped ceilings (e.g., finished attics) living area is considered that portion of the room with a ceiling height of at least five feet (5') if at least one-half (1/2) of the finished area of the room has a ceiling height of at least seven feet (7'). (Passed 7/11/05)

LOCKOUT SUITES. **Commercial** transient lodging or multi-family units with more than one (1) entrance from the hallway, common areas, or exterior, and able to be divided into more than one (1) unit for use by owners and/or renters by locking interior doors. (Passed 5/13/96)

LOT. A parcel of land of a specified description. This chapter differentiates between lots of record (real estate parcels of record at the Register of Deeds) and zoning deeds (see definition herein).

LOT COVERAGE, MAXIMUM. The area of the lot that consists of impervious surface in ratio to the total lot area.

LOT LINE. The line bounding a lot and subject to determinations made under §[17.37](#) of this chapter.

LOT LINE, FRONT. The lot line that most nearly qualifies as the lot line opposite from the rear lot line.

LOT LINE, REAR. A lot line that most nearly qualifies as the lot line most distant from the public or private road from which the lot takes access.

LOT LINE, SIDE. Any lot line other than a front or rear lot line.

LOT SIZE, LOT AREA. The area of a horizontal plane bounded by lot lines and subject to determinations made under ordinance §[17.37](#) of this chapter.

LOT WIDTH. Lot widths are determined on an average width basis: the number computed by using distances between side lot lines which are perpendicular to the line bisecting the angle from the side lot lines using the widest portion of the lot containing the minimum lot area.

LOT, ZONING. See the definition of [ZONING LOT](#).

MANUFACTURED BUILDING. A manufactured building has the following features or characteristics: it is produced in a factory; designed and constructed for transportation to a site for installation and use when connected to required utilities; either an independent, individual building or a module combination with other elements to form a building on the site. The term “manufactured building” is not intended to apply to the use of prefabricated sub-elements incorporated in the course of construction of buildings on the site, but only to major elements requiring minor or incidental on-site combination or installation.

MANUFACTURED HOUSING. A manufactured building or portion of a building originally designed for long-term residential use.

MEMORIAL. A plaque intended to celebrate, commemorate, or honor the memory of a person or an event.

MEMORIAL STRUCTURE. Supporting structure of a freestanding memorial.

MOBILE HOME. Manufactured housing built on a chassis.

MULTI-FAMILY. A land use that allows more than one (1) dwelling unit on a single minimum-sized parcel. (See the definition of [DWELLING UNIT](#)) (*Passed 7/11/05*)

NAVIGABLE WATERS. Lake Superior, Lake Michigan, all-natural inland lakes within Wisconsin, and all streams, ponds, sloughs, flowages, and other waters within the territorial limits of this state, including the Wisconsin portion of boundary waters, which are navigable under the laws of this state. Under Wis. Stat. §[144.26\(2\)\(d\)](#), notwithstanding any other provision of law or administrative rule promulgated thereunder, shoreland ordinances required under Wis. Stat. §[61.351](#) or §[62.221](#) and [Chapter NR 117, Wisc. Adm. Code](#), do not apply to lands adjacent to farm drainage ditches if:

- 1) such lands are not adjacent to a natural navigable stream or river;
- 2) those parts of such drainage ditches adjacent to such lands were not navigable streams before ditching; and
- 3) such lands are maintained for nonstructural agricultural use.

The Wisconsin Supreme Court has declared navigable bodies of water that have a bed differentiated from adjacent uplands and levels or flow sufficient to support navigation by a recreational craft of the shallowest draft on an annually recurring basis [Muench vs. Public Service Commission, 261 Wisc. 492 (1952) and DeGaynor and Co., Inc. vs. Department of Natural Resources, 70 Wisc. 2d 936 (1975)]. For example, a stream that is navigable by skiff or canoe during normal spring high water is navigable in fact, under the laws of this state, though it may be dry during other seasons.

PARCEL. See the definition of [LOT](#).

PAVER BLOCKS. Grid blocks designed for use as driving or parking surface, installed with cavities for planting of grass to minimize impervious surface and substantially reduce runoff. (*Passed 8/2/93*)

PLAN COMMISSION. The clearly constituted Village body charged with functions identified herein. The Commission may be known as the **PLAN COMMITTEE** or similar designation.

PLANNED RESIDENTIAL DEVELOPMENT “PRD”. A conditional land use allowing for clustered single-family homes (or duplexes), through condominium ownership, on larger tracts of land so that a maximum amount of green space is preserved. (*Passed 7/11/05*)

PROTECTED WATERFRONT DESIGN REVIEW. Design review required of proposed modifications and reproductions to residences in the Protected Waterfront “PW” district. Separate design criteria exist for the modification of an existing structure and for the reproduction of such structure. These criteria can be found in the PW ordinance, §[17.20](#). (*Passed 3/10/08*)

RETAINING WALL. Means a wall or man-made soil retention system designed to resist lateral soil pressure and hold back, or “retain,” higher-level ground behind it. Methods of soil retention regulated shall include, but not be limited to: cast-in-place walls, soil nailing, modular systems, h-beam systems, boulder walls, and gabions.

ROADSIDE STAND. A farm building used or intended to be used solely by the owner or tenant of the farm on which such building is located for the sale of farm products raised on such farm.

SETBACK. A minimum horizontal distance from a lot line or from the normal high water line. See definitions of [YARD](#), [FRONT](#), [REAR](#), and [SIDE](#), which supplement this definition.

SHORELANDS. Lands within the following distances from the ordinary high-water mark of navigable waters: one thousand feet (1,000') from a lake, pond, or flowage; and three hundred feet (300') from a river or stream or to the landward side of the floodplain, whichever distance is greater.

SHORELAND-WETLAND DISTRICT. The Zoning District, created in the shoreland-wetland section of this ordinance, comprised of lands that are designated as wetlands on the Department wetland inventory maps which have been adopted and made a part of this ordinance.

SIGN. Any words, letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names, or trademarks by which anything is made known and which are used to promote an individual, firm, association, corporation, profession, business, commodity or product, which is visible from any public road or from the water. A vending machine in an open visible location, such as ice and soda machines, shall be treated as signs if they display messages satisfying this definition. The telephone signs on the booth itself, vending machine signs not discernible from any street, and signs on gas pumps shall be exempt for the purpose of this chapter.

Reflected Light. Means of lighting a sign in which light is cast towards the face of a sign while remaining shielded from the front and sides.

~~SIGN, BACKLIT.~~ Sign illuminated by a light source behind the face of the sign

~~SIGN, LIT FROM WITHIN.~~ Sign illuminated by a light source inside the sign structure that casts a light on the face of the sign.

~~SIGN, EXTERNALLY LIT.~~ Sign illuminated by a directed light source not located on the sign structure that floods the entire sign structure with light. (*Changed June 11, 2013*).

SIGN, GROSS AREA. The total area of the sign used for communication purposes, including the spaces between open type letters and figures, including the background structure or other decoration, shall be included in determining the area of the sign. If a sign has (two) 2 or more faces or panels, the area of all faces or panels shall be included in determining the area of the sign, except that where two (2) such faces are placed back to back or at ninety degrees (90°) or less, only one (1) panel or one (1) side of the sign is used to calculate the area.

SIGN, OFF-PREMISES. A sign not placed on the lot on which the individual, firm, association, corporation, profession, commodity, or product promoted is located.

SIGN, ON-PREMISES. Sign placed on the same lot on which the individual, firm, association, corporation, profession, business, commodity, or product promoted is located.

SPECIAL EXCEPTION. A “Special Exception” is for a physical condition on a property, such as height, form of paving, etc., as opposed to the use of a property. It is granted in the ordinance but only under certain stated conditions or when the intent of the Special Exception in §[17.25\(6\)](#) is met. A Special Exception may require more than one (1) meeting for final determination by the Plan Committee.

STRUCTURE ALTERATION. Any change in the supporting members of a building, such as foundations, bearing walls, columns, beams, or girders, or any substantial change in the roof and exterior wall.

STRUCTURE, PRINCIPAL. The structure containing the use of the property. Whenever doubt arises as to what is the principal structure, the Plan Committee shall investigate and determine the same.

STRUCTURE. Anything, including a building, constructed or erected, or any **man-made** production or piece of **work** built up or composed of parts and joined together in some definitive manner, the use of which requires a fixed location on the ground or attachment to something having a permanent location on **or in** the ground. For the purposes of this Chapter, movable facilities, such as partitions, fences, barriers, vending carts, and the like, are structures when and if fixed in a location for such a duration that regular patterns of occupancy and circulation are established around the facility. Land surface recontouring for sanitation or other purposes does not constitute a structure. (*Passed 7/11/05*)

STRUCTURE, ACCESSORY. A detached structure, subordinate in area, extent, or purpose to the principal structure or use, the use of which is incidental **and** related to that of the principal structure or use of the premises, which is located on the same lot as that of the principal structure or use. (*Passed 7/11/05*)

SUBSTANTIAL CHANGE OR MODIFICATION. Any structural repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the present equalized assessed value of the structure either before the improvement or repair is started, or if the structure has been damaged and is being restored before the damage occurred. The term does not, however, include: (*Passed 7/11/05*)

- 1) Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which existed before the improvement began, was identified by a municipal official and are necessary to assure safe living conditions or,
- 2) Any alteration of a designated historic structure or site documented as deserving preservation by the Wisconsin State Historical Society, or listed on the National Register of Historic Places provided the alteration will not preclude the structure’s continued designation as a historical structure (Rev. Federal Rule Oct. 1990).

Ordinary maintenance repairs are not considered structural repairs, modifications, or additions. Such ordinary maintenance repairs include internal and external painting., decorating, paneling, and the replacement of doors, windows, or other nonstructural components. “Substantial improvement” begins when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

TIMESHARING. See the definition of [INTERIM INTERVAL OCCUPANCY FACILITY](#).

USE. Any purpose for which a building, structure, or tract of land may be designed, arranged intended maintained, or occupied or any activity, occupation, business, or operation carried on or intended to be carried on in a building, structure, or on the tract of land.

USE, ACCESSORY. A subordinate use, clearly incidental and related to the principal use of the premises and located on the same lot as that of the principal building, structure, or use.

USE, PRINCIPAL. The primary dominant, and characterizing use of a premises or parcel of land.

UTILITY, PUBLIC. A state-regulated business or service that is of public consequence and need, such as electricity, gas, water, telephone, or telegraphic service.

UNNECESSARY HARDSHIP. Circumstance where special conditions, which were not self-created, affect a particular property and make strict conformity with the restrictions governing area, setbacks, frontage, height, or density unnecessarily burdensome or unreasonable in light of the purposes of this ordinance.

VARIANCE. An authorization granted by the Board of Appeals to construct or alter a building or structure in a manner that deviates from the dimensional standards of this ordinance.

WETLAND. That area where water is at, near, or above the land surface long enough to be capable of supporting aquatic or hydrophilic vegetation and which has soils indicative of wet conditions as delineated by the Wisconsin DNR, or Door County Soil and Water, or other wetland expert as approved by the Village Board. *(Passed 04/10/06)*

WETLAND ALTERATION. Any filling, flooding, draining, dredging, ditching, tiling, excavating, temporary water level stabilization measures, or dike and dam construction in a wetland area.

YARD. An open space on the same lot with a building or structure unoccupied and unobstructed from the ground upward.

YARD, FRONT. A yard extending across the full width of a lot between the front lot line and the closest portion of a building or structure to the front line, the depth of which shall be the least distances between such references.

YARD, REAR. A yard extending across the full width of a lot between the rear lot line and the closest portion of a building or structure to the rear of the lot line, the depth of which shall be the least distance between such references.

YARD, SIDE. A yard extending on both sides of a lot between the side lot line and the closest portion of a building or structure to the side lot lines, the depth of which shall be the distance between such references.

ZONING LOT. A tract of land designated for purposes of this chapter as the development site. A zoning lot may or may not coincide with a lot of record.

GENERAL PROVISIONS

17.10 COMPLIANCE.

The use of any building, structure, or land; the removal of shoreland cover; and the location, erection, relocation, reconstruction, extension, enlargement, conversion, or structure or part thereof shall be in full compliance with the provisions of this chapter. (*Passed 7/11/05*)

17.11 ZONING PERMITS.

- 1) **ZONING PERMIT REQUIREMENTS.** Any change in the use of any building, structure, or land and any location, erection, relocation, reconstruction, extension, enlargement, conversion, interior renovation of a commercial structure (*Passed 12/10/01*), or structural alteration of any building, structure, or part thereof shall require prior authorization of a Zoning Permit or Zoning Permits unless specifically exempted there from by this Chapter.
- 2) **TYPES OF ZONING PERMITS.** There are hereby established two (2) types of Zoning Permits: regular Zoning Permits, Conditional Use Permits, and Special Exception Permits. Standards and procedures for each type of permit are specified in ordinance [§17.38](#) of this chapter.

17.12 VIOLATIONS.

- 1) No person shall use any building, structure, or land use; in violation of provisions of this ordinance. In case of any violation, the Plan Committee or the Zoning Administrator may bring a complaint against the alleged violator and report the violation to the Village Attorney, whose duty it shall be to expeditiously prosecute such alleged violator. Any person, firm, association or corporation, or representative agent failing to comply with the provisions of this chapter may be subject to prosecution and to imposition of injunction and/or penalties under the terms of this chapter and of ordinance [§25.04](#) of the Ephraim Code of Ordinances. (*Passed 7/11/05*)
- 2) If the violation is failure to obtain a required permit, a permit fee shall be required. The fee shall be five (5) times the normal fee. This fee shall not release the application from full compliance with this chapter nor from prosecution from violation of this chapter.
- 3) A separate offense shall be deemed to be committed on each day on which a violation of this Chapter occurs and also for each day that the violation continues after the date set by an order issued in the name of the Village or by a court for its removal or correction.

17.13 ZONING DISTRICTS--GENERAL.







- 1) **ESTABLISHMENT.** For the purpose of this Chapter, the lands in incorporated areas of the Village are hereby divided into the following use districts:
 - a) Single Family Residential (R-1)
 - b) Rural Residential (R-R)
 - c) Commercial (C)
 - d) Protected Waterfront (PW)
 - e) Wetland-Overlay (W)
 - f) Shoreland-Wetland Overlay (S-W)

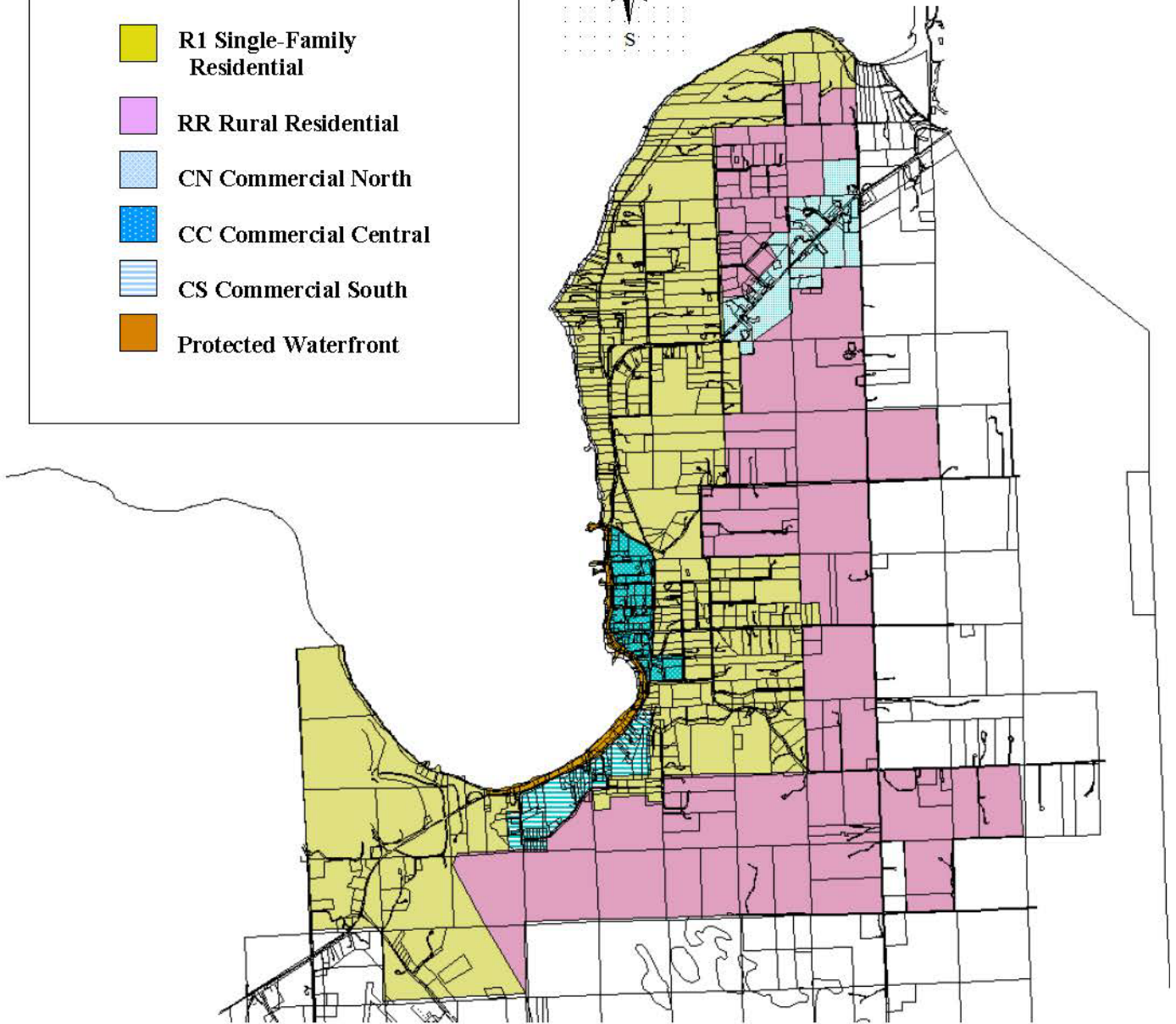
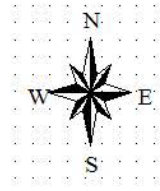
- 2) **BOUNDARIES.** The boundaries of the zoning districts are hereby established as shown in the Village zoning map, which with all explanatory material therein is hereby made a part of this chapter. Such boundaries shall normally follow Village Corporate limits; U.S. Public Land Survey lines; lot or property lines; centerlines of streets, roads, highways, and easements; or such lines extended or by boundaries of zoning lots. The location zoning district boundaries which do not coincide with the lines described above shall be determined by the scale of the map. In cases where the Zoning District Boundaries are intended to coincide with the soil mapping units or wetland mapping units, the "Soil Survey of Door County, Wisconsin," (USDA, 1978), and the Wisconsin Wetland inventory maps shall be utilized in determining the exact location of the district boundaries.
- 3) **VACATED RIGHTS-OF-WAY.** The vacating of public rights-of-way shall cause the land vacated to be automatically placed in the same zoning district as the abutting side to which the vacated land reverts.
- 4) **ANNEXATIONS.** Annexations to or consolidations with the Village subsequent to the effective date of this chapter shall be placed in the RR District unless the annexation ordinance temporarily places the land in another district. Within ninety (90) days from the effective date of the annexation or consolidation, the Village Plan Committee shall evaluate and recommend a permanent district classification to the Village Board. (*Passed 7/11/05*)

17.14 ZONING MAP.

A certified copy of the Zoning Map shall be adopted and approved with the text as part of this Chapter and shall bear upon its face the attestation of the Village President and Village Clerk. It shall be available to the public in the office of the Village Clerk.

Ephraim Zoning as of January 2006

-  R1 Single-Family Residential
-  RR Rural Residential
-  CN Commercial North
-  CC Commercial Central
-  CS Commercial South
-  Protected Waterfront



17.15 SITE AND DEVELOPMENT STANDARDS.

1) SUITABILITY STANDARDS.

- a) Each applicant for any form of zoning approval shall identify any areas within the site that are known subject to the following suitability limitations:
 - i) Soils classified as poorly drained or very poorly drained by the United States Department of Agriculture, Soil Conservation Service, in the "Soil Survey of Door County, Wisconsin," issued December 1978.
 - ii) Open space areas shown on an adopted Village Park and open space plan.
 - iii) Wetlands meeting the definition of Wis.Stat. [§23.32](#).
 - iv) Drainways shown on an adopted Village Plan for surface water drainage.
- b) Any areas so identified may not be the site of structural development, earth disturbance, or paving, except for minimal drives or bridges judged by the Plan Committee to be absolutely necessary for use of other portions of the Wetland and Shoreland- Wetland Districts shall be governed by the standards of the applicable district as well as this section, whichever is more restrictive.

2) LOTS. (*Passed 6/8/98*)

- a) Residential Lots. Each principal structure shall have a separate lot of record meeting all applicable dimensional requirements. Each principal structure on a lot requires a separate zoning lot meeting all applicable dimensional requirements. No lots may be reduced in size or altered in dimension if doing so will result in the lot or structures within the lot not meeting applicable dimensional requirements. (*Passed 7/11/05*)
- b) Commercial Lots. The Plan Committee may require that separate zoning lots be described for each principal structure or it may, instead, establish building separations. Plan Committee approval of more than one (1) principal structure for a commercial lot of record does not modify ordinance density standards. No lots may be reduced in size or altered in dimension if doing so will result in the lot or structures within the lot not meeting applicable dimensional requirements.
- c) See also ordinance [§17.17\(3\)](#) regarding nonconforming lots and ordinance [§17.37](#) regarding zoning lots.

3) ACCESSORY STRUCTURES.

The following residential accessory structures are allowable upon issuance of a regular Zoning Permit, including but not limited to: Landscape features, garages, carports, and other parking structures, patios, decks, storage buildings, sheds, and similar enclosures, pet houses, and runs, treehouses over sixty-four square feet (64 ft²), storage of building materials, swimming pools, tennis courts, freestanding solar equipment, air conditioning equipment, heat pumps, antennas.

- a) Dimensional Standards for Accessory Structures:

Table of Standards

	PW	R1	RR	C-S	C-C	C-N
Total Square Footage Maximum	No new Accessory Structures	1,000 ft ² or 70% of the floor area of Principal Structure whichever is less (*)	1,000 ft ² or 70% of the floor area of Principal Structure whichever is less (*)	1,000 ft ² or 70% of the floor area of Principal Structure whichever is less	1,000 ft ² or 70% of the floor area of Principal Structure whichever is less	1,000 ft ² or 70% of the floor area of Principal Structure whichever is less
Height Maximum	No new Accessory Structures	15 ' (**)	28 '	15 ' (**)	15 ' (**)	15 ' (**)
Front Setback	No new Accessory Structures	40 ' from road right of way (***)	75 ' from road right of way (***)	40 ' from road right of way (***)	40 ' from road right of way (***)	75 ' from road right of way (***)
Rear Setback	No new Accessory Structures	10 '	10 '	10 '	10 '	10 '
Side Setback	No new Accessory Structures	10 '	10 '	10 '	10 '	10 '
Building Separation	No new Accessory Structures	N/A	N/A	25'	25'	25'

Footnotes:

* *In R-1 and RR, larger accessory structures are allowed on a conditional-use basis.*

** *Accessory structures in all districts except RR shall not exceed fifteen feet (15') in height, except in cases wherein the owner wishes to match the design of the principal structure, wherein a special exception is required.*

*** *Accessory Structures must also have a greater front setback than existing or proposed principal buildings. An accessory structure may be placed in front of a principal building by Conditional Use Permit, provided the setback from the road right-of-way is still met.*

b) Additional standards for accessory structures:

- i) Accessory structures shall not contain living quarters.
- ii) No more than one (1) accessory building shall be permitted on a lot in a residential district. Additional accessory buildings shall only be allowed by conditional use.
- iii) Swimming pools for the purpose of this chapter shall include any pool, pond, lake, or open tank not located within a completely enclosed building and containing water to a depth at any point greater than two feet (2'). A swimming pool shall be walled or fenced to prevent uncontrolled access by children from the street or adjacent properties.
- iv) Plumbing may be installed in residentially used accessory structures with a Conditional Use Permit, provided that:

1. All other sections of Chapter 17 pertaining to accessory structures are met in full.
 2. Sanitary approval is given either by the Door County Sanitarian's office or the Village of Ephraim Wastewater Treatment Department.
 3. A restrictive agreement be recorded with the County verifying the condition of EMC §17.15(3)(b)(i) that accessory structures shall not contain living quarters. (**Added December 11, 2012**).
- v) New Accessory Buildings can only be constructed on a lot with an existing principal building (residence or business) with two (2) exceptions; Lots in the Rural Residential District where one (1) accessory building, and/or vacant lots where an immediately adjacent lot under common ownership has a principal building on it.

4) HOME BUSINESS.

Home businesses are conditional uses in the R-1 & R-R Zoning districts. A permit granted for a home business does not imply commercial designation. The following standards shall apply:

- a) The activity must be clearly secondary and incidental.
- b) The activity must not significantly alter the residential character of the dwelling unit, dwelling structure, or parcel.
- c) The activity must not unreasonably interfere with the residential occupancy of other parcels in the neighborhood.
- d) The activity must not create environmental, safety, or health hazards, such as noise, light, odors, vibrations, electrical emissions, or other fire or safety hazards that are noticeably out of character with those produced in normal residential occupancies in the neighborhood.
- e) Traffic generated by the ~~vocational~~ activity may not exceed that which is customary for residential occupancy in the neighborhood.
- f) Signage for the ~~vocational~~ activity shall be governed by the sign sections of this chapter.
- g) The parcel and structure must contain an adequate area to accommodate that ~~vocational~~ activity without interfering with the residential occupancy of other parcels in the neighborhood.
- h) Existing accessory structures being used to conduct home occupations shall be limited to six hundred square feet (600 ft²) in space. If the existing accessory building is larger than six hundred square feet (600 ft²), a portion of the building can be partitioned off creating a dedicated business space no larger than six hundred square feet (600 ft²). Existing accessory structures used to conduct home occupations shall be subject to all applicable residential and commercial building codes.
- i) A permit granted for home business designation ends with the current owner and is non-transferable to subsequent owners. (**Passed 2/13/96**)
- j) Home businesses considered under this ordinance shall be limited to:
 - i) Sale of items manufactured on the premises by owners or others living on the premises—representative items would be artwork, pottery, handmade clothing, furniture, woven articles, etc.

- ii) Daycare is permitted as a vocational activity; conditional use approval is required if four (4) or more persons are cared for.
 - iii) Professional or personal services such as consulting, accounting, secretarial service, catering, small-group training, or teaching with specific assurances regarding adherence to [§17.15\(4\)\(e\)](#) and [§17.15\(4\)\(g\)](#) above as regards traffic and sufficient area for the activity.
 - iv) Businesses conducted through technological means, including computer support services.
 - v) At the discretion of the Plan Committee, other uses may be considered.
- k) Existing businesses within the Village that fit these criteria as well as businesses established after this passage date of January 5, 1998, shall complete, file, and receive a non-fee permit approved by the Plan Committee.
- l) Garage sales as a type of vocational activity are permitted in all districts, provided that not more than three (3) are held on single premises per year and that each sale does not exceed two (2) days in duration. Plan Committee event review will be required for additional sales or for additional days. The applicant may place one (1) sign, not to exceed four square feet (4 ft²), upon the lot where the sale is taking place. Signs at off-premises locations are not permitted. *(Passed 6/11/2012)*

5) **GROUP HOMES; COMMUNITY LIVING ARRANGEMENTS.**

Group home occupation of dwelling units. If the capacity of the group home is eight (8) or fewer, the use is a permitted use in all Residential Districts. Group homes with a capacity of nine (9) to fifteen (15) are conditional uses in the PW and RR Districts. Group homes with a capacity of sixteen (16) or more are conditional uses in all Residential Districts. Village Zoning of Community Living Arrangements (group homes) is governed by Wis. Stat. [§62.23\(7\)\(i\)](#). *(Passed 7/11/05).*

6) **DRIVEWAYS.**

- a) These driveway regulations are set forth to promote the safe and efficient ingress and egress to the Village; protect the public investments in highways by preventing premature functional obsolescence; reduce road accidents caused by frequent and poorly designed points of access, and enhance the appearance of the Village.
- b) In all districts and in connection with every use, there shall be provided at the time of the initial establishment of the use or expansion thereof, adequate access in accordance with the following:
 - i) **Driveways connecting to STH 42.** **Note: In the case of expansion or redeveloped property, the entire property shall be reviewed in light of this ordinance.** *(Added: 2/10/03)*
 - 1. No driveway providing for the movement of traffic between state trunk highways and abutting property may be placed, constructed, or altered without the issuance of a driveway permit from the Wisconsin Department of Transportation as authorized by Wis. Stat [§86.07\(2\)](#). The design of driveways or street intersections for appropriate sight distance, return radius, angle profile, and width shall be based on minimum standards contained in Wisc. Adm. Code, [HY](#) [§31.03](#) to [§31.07](#).
 - 2. The spacing and density of the driveway shall conform to the following standards:

- a. Width of Residential Driveways. All residential access drives shall have a minimum width of twelve feet (12') for one (1) and two (2) family dwellings, eighteen feet (18') for multi-family uses. Widths greater than eighteen feet (18') may be required for larger multi-family projects, based upon the scope of the project and as determined by the Plan Committee in conjunction with the Fire Chief. **(Added: 2/10/03)**
 - b. Width of Commercial driveways. The width of all commercial access driveways shall be determined by the Fire Chief and Plan Committee, with the minimum width being sixteen feet (16'). For larger transient lodging and commercial projects, additional width shall be required. **(Added: 2/10/03)**
- ii) One (1) access or driveway may be permitted for each parcel of land, except where an alternate means of access is available and would better serve the public interest.
- iii) The horizontal distance between access points on the State highway shall be no less than five hundred feet (500') unless there is no other way to provide access to an existing parcel.
- iv) A maximum of eight (8) access points per side, per mile of highway, shall be permitted, unless there is no other way to provide access to an existing parcel.
- v) One (1) temporary driveway may be permitted for each parcel of land which existed at the time of adoption of this chapter. The temporary driveway may be continued until the driveway is relocated and/or altered by connection to a permanent street intersection.
- vi) Existing driveways may be continued after the implementation of this chapter. However, if the use of an established driveway is discontinued for a period of one (1) year, the Plan Committee may require alterations or improvements to achieve compliance with the standards set forth in this chapter shall be subject to the requirements set forth herein.
- vii) When deemed feasible, the Plan Committee may require that access be provided by way of a frontage road or other internal street system as depicted on the official map of the Village. Frontage road arrangements are Village planning policy for the north commercial area and this section shall be constructed and applied to support that policy.
- viii) All driveways shall be surfaced and graded so as to be dust free and properly drained. Concrete or blacktop surfacing is required for all driveways in the Commercial and Multifamily Zoning Districts. All existing driveways serving Commercial and Multifamily uses shall be in compliance with these surfacing requirements by June 30, 1989.
- ix) In the course of design review, the Plan Committee shall review and shall establish requirements to assure that driveway arrangements will fully accommodate traffic so that lines of cars are not stacked up on the roadway waiting to turn into the driveway and so that the vehicles do not have to back onto public roads.

- x) Similar review shall be given to driveway access to holding tanks that need to be pumped by truck. Every site that has or may have such a tank shall be laid out so that trucks of the largest dimensions operated by haulers can be completely out of the paved roadway when pumping.
- xi) Driveways Connecting to County and Village Streets. * Note: in the case of expansion re: redeveloped property, the entire property shall be reviewed in light of this ordinance. **(Added: 2/10/03)**
 - 1. There shall be no more than two (2) access driveways to public or private roads from each commercial and residential lot.
 - 2. Width of Residential Driveways. All residential access drives shall have a minimum width of twelve feet (12') for one (1) and two (2) family dwellings, eighteen (18') feet for multi-family uses. Widths greater than eighteen feet (18') may be required for larger multi-family projects, based upon the scope of the project and as determined by the Plan Committee in conjunction with the Fire Chief. With prior unanimous approval by the Fire Chief and the Plan Committee, a smaller minimum width for multifamily uses may be allowed, based upon the scope of present and future development. **(Added: 11/19/03)**
 - 3. Width of Commercial driveways. The width of all commercial access driveways shall be determined by the Fire Chief and Plan Committee, with the minimum width being sixteen feet (16'). For larger transient lodging and commercial projects, additional width shall be required. **(Added: 2/10/03)**
 - 4. All driveways shall be located at least five feet (5') from a lot line unless a driveway is commonly shared by the adjacent property owner.
 - 5. All driveways shall be surfaced and graded so as to be dust free and positively drained. Concrete or blacktop surfacing is required for all driveways in the Commercial and Multifamily Zoning Districts. All existing driveways serving commercial and multifamily uses shall be in compliance with these surfacing requirements by June 30, 1989.
 - 6. In the course of design review, the Plan Committee shall review and establish requirements to assure that driveway arrangements will fully accommodate traffic so that lines of cars are not stacked up on the roadway waiting to turn into the driveway and so that vehicles do not have to back on to public roads.
 - 7. Similar review shall be given to on-site driveway access to holding tanks that need to be pumped by truck. Every site that has or may have such a tank shall be laid out so that trucks of the largest dimensions operated by haulers can be completely out of the paved roadway when pumping.

7) TRAFFIC VISIBILITY; VISION CLEARANCE.

- a) A vision triangle formed by the intersection of centerlines of public and/or private roads and a line connecting points on the centerlines of State roads two hundred feet (200') from the intersection, points on the centerlines of County roads one hundred twenty-five feet (125') from the intersection and points on the centerlines of Village and private roads one hundred feet (100') from the intersection shall be established at every quadrant of intersecting roads. No obstructions, such as structures, parking, or

vegetation, shall be permitted in the triangle between the heights of 2 ½' and ten feet (10') above the point of intersection of the subject centerlines. Official traffic signs and communication and electrical poles may be placed in the vision triangles.

- b) A similar vision triangle shall be required at all private drive entrances to STH 42. The vision triangle shall be forty feet (40') from the functioning edge of the drive measured from the point where such drive edge connects with STH 42.

8) SETBACKS FROM ROADS.

- a) Public Roads. The minimum distance that a structure shall be setback from the centerline of a public road shall be as follows:

Class of Road	PW	R-1	R-4	RR	Commercial		
					C-S	C-CENT	C-N
State		63'	73'	108'	73'	108'	108'
County		63'	73''	108'	73'	108'	108'
Village		55'	100'	100'	65'	108'	100'

**except from German Road to Pine Grove where r/o/way is 39-1/2'

- b) Private Roads. The minimum distance that a structure shall be set back from the edge of a private road shall be thirty feet (30'). If the width of the private road or road easement is described by a plat, survey, deed, or similar document, the setback shall be measured from the edge of the described road or easement. If the width of the private road or easement is not described, then the setback shall be measured from the edge of the traveled roadway. No setback shall be required from private driveways which provide access to two (2) lots when the driveway is located along the common lot line.

c) Road Setback Averaging.

- i) Where an existing principal building located within a distance equal to the minimum lot width for a new lot in the zoning district when measured from the subject property's exterior lot line encroaches the road setback requirement, such building may be used for setback averaging in the following manner:
 1. Where two (2) adjacent lots as described above are each occupied by encroaching principal buildings, the minimum road setback for a new building or structure shall be the average of the setbacks of the two (2) adjacent principal buildings. [interpreted to mean on separate lots]
 2. Where an adjacent area as prescribed above is occupied by one (1) encroaching principal building, the minimum road setback for a new building or structure shall be the average of the setback required for that particular road.
- ii) Allowance of setback averaging is within the sound discretion of the Plan Committee. This section merely establishes the maximum allowable reduction. None need to be approved if problems of safety, appearance, congestion, or other concerns are reasonably likely to result.

- 9) **OFF-STREET PARKING AND SERVICE AREAS.** In all districts and in connection with every use, there shall be provided at the time of any building, structure, or use created, erected, enlarged, extended, or increased there shall be adequate on-site, off-street parking areas in accordance with the following:

- a) The size of each parking stall shall not be less than nine feet (9') wide and not less than one hundred sixty-two square feet (162 ft²), exclusive of the space required for ingress and egress.
- b) Except as provided in [§17.15\(9\)\(c\)](#) each parking space shall be on the same lot as the use it serves and not less than five feet (5') from a lot line. All parking areas shall be connected with approved driveways. Driveways shall be located at least five feet (5') from a lot line unless driveways are commonly shared by adjacent property owners.
- c) The Plan Committee may apply Special Exception Review in regard to parking spaces on other private property off-premises. The Committee shall specifically review whether the applicant has ownership or long-term use control of such property and the distance between the off-premises spaces and the use in question. Such off-premises spaces shall not serve required or optional parking for other premises unless the Plan Committee determines that shared use will be feasible because of different hours of operation. **(Passed 6/8/98)**
- d) In the course of special exception review, the Plan Committee may allow a portion of required parking spaces to remain unpaved if the Committee determines that the granted use does not require their immediate utilization. Such unpaved spaces shall be reserved on the site plan and the Plan Committee shall have a reserved power to order their paving and use at a later time when the development changes or intensifies. **(Passed 6/8/98)**
- e) Off-street parking areas in the Commercial District shall be paved with dust-free surface materials as approved by the Plan Committee (concrete, blacktop, paver blocks, etc.) one (1) year from the start of any construction. In certain instances, because of the small size of the business, its location, or special circumstances, the Plan Committee may waive the parking requirement regarding paving through the Special Exception application. **(Passed 9/10/01)** Where the property is a conforming lot, vacant, or where new construction may be planned, parking shall be considered a part of lot coverage.
 - i) The use of paver blocks is encouraged to aid in the appearance of green space and for drainage but is counted as the same lot coverage as gravel or pavement. On existing non-conforming lot where the principal building will be preserved and continued as a principal building, parking blocks may be used as a special exception in order to provide off-street parking where lot coverage restrictions would not allow off-street parking otherwise. Further building construction (not including repair or maintenance) or expansion on that lot would not be permitted unless parking is then counted as lot coverage. **(Passed (8/2/93) +(6/8/98)**
- f) No planned parking area shall be within ten feet (10') of either a dedicated street right-of-way or an existing blacktopped or surfaced road pavement serving as a public way.
- g) Required off-street parking spaces shall be as follows:
 - i) Single-Family residences and duplexes. Two (2) per residential unit.
 - ii) Multi-Family Residences. Two (2) per residential unit, plus one (1) designated visitor parking space for each four (4) residential units. For multiple-occupancy residential housing in the Commercial districts, a minimum of 2.5 parking spaces per unit are required (garage space may be counted as parking space). **(Passed 7/12/04).**

- iii) Commercial Establishments: Stores, Shops, Theaters, Laundries. One (1) space for each one hundred fifty square feet (150 ft²) of floor area, plus one (1) for each two (2) employees on the maximum shift at the peak employment month.
- iv) Offices, Financial Institutions, and Medical Facilities. One (1) space for each three hundred square feet (300 ft²) of floor area, plus one (1) for each two (2) employees on the maximum shift at the peak employment month.
- v) Marinas and Boat Rental. ~~One~~ **Minimum of ½ parking**-space for each slip.
(Passed 1/8/2013)
- vi) Restaurants.
 - 1. Fast Food (no seating). One (1) space for every fifteen square feet (15 ft²) of floor area.
 - 2. Other. One (1) space for every one hundred square feet (100 ft²) of floor area, plus one (1) space for each two (2) employees on the maximum shift at the peak employment month.
- vii) Commercial Transient Lodging. 1.2 spaces per unit having four hundred forty-nine square feet (449 ft²) or less, 1.5 spaces for each unit having four hundred fifty square feet (450 ft²) or more, and two (2) spaces for the manager's residence.
- viii) Uses not listed. The Plan Committee shall determine the requirements based upon expected usage.
- ix) Combinations. Combinations of any of the above uses on a lot shall require the minimum total number of parking stalls for each individual use.
- x) Fractional Numbers. Fractional numbers of required spaces shall be rounded upwards.
- h) All off-street parking areas containing four (4) or more parking spaces shall conform to the landscaping standards of this section. A landscape plan at a minimum scale of one (1") inch equals one hundred feet (100') shall be submitted to the Village Plan Committee. The landscape plan shall show the quality, spacing, size, and common name of all landscape materials. The Plan Committee shall approve, conditionally approve, or disapprove of the plan. The landscaping plan shall conform to the following minimum landscape standards:
 - i) Buffer strip adjacent to public Rights-of-Way. When an off-street parking area is visible from the public right-of-way and is located within thirty feet (30') of the right-of-way, a buffer strip of at least ten feet (10') in width shall be provided between the parking area and the adjacent public right-of-way. Shrubs, a wall, fence, earth berm, or other approved material shall be installed to screen the parking area from view along the entire length of this buffer strip. The screen materials shall not be less than two feet (2') nor more than four feet (4') in height. In addition, the buffer strip shall include at least one (1) tree for every fifty linear feet (50 LFT) or a fraction thereof. The width of approved driveways that cross the buffer strip shall be subtracted from the linear dimension used to determine the number of trees required. The remainder of the buffer strip shall be landscaped with grass, ground cover, or other landscape material, excluding automobile-accessible paving.

- ii) Perimeter Buffer Strips. When an off-street parking area is not entirely screened visually by an intervening building or structure from abutting property, that portion of such area not so screened shall be provided with a buffer strip not less than five feet (5') in width. The buffer strip shall include plant material, a wall, fence, earth berm, or other approved material to form a continuous screen between the off-street parking area and the abutting property. The screen material shall not be less than five feet (5') in height. In addition, the perimeter buffer strip shall include at least one (1) shade tree for each seventy-five linear feet (75 LFT) or a fraction thereof. The remainder of the buffer strip shall be landscaped with grass, ground cover, or other landscape material, excluding automobile-accessible paving.
- iii) Interior Landscaping. Any off-street parking area having fifty (50) or more spaces shall, additionally, provide interior island landscaping, each having a minimum area of seventy square feet (70 ft²) for each ten (10) parking spaces, with each island having at least one (1) shade tree. The remainder of the interior island shall be landscaped with grass, ground cover, or other landscape material, excluding automobile-accessible paving.
- iv) Modification of Landscape Standards. The Plan Committee shall consider the unique aspects of each site in the review of landscape plans for off-street parking areas and may modify the specific requirements so that the purpose of this paragraph is accomplished. The Plan Committee may modify the requirements in the following situations:
 - 1. When the abutting property is used for nonresidential uses, the perimeter screening requirements of this paragraph shall be waived, but the perimeter buffer strip is still required and shall contain the shade trees and ground cover materials required by this paragraph.
 - 2. When a proposed parking area abuts an existing hedge, wall, or other screening feature located on an abutting property, such existing feature may be used to satisfy the perimeter screening requirements of this paragraph, provided such feature meets all applicable standards of this chapter. A perimeter buffer strip is still required and shall contain the shade trees and ground cover materials required by this paragraph. If the existing abutting screen feature should be removed in the future, the on-site screening material shall be required and installed at that time.
 - 3. When topographic conditions or preexisting on-site landscaping materials are functionally adequate to satisfy the landscaping requirements.
 - 4. When off-street parking areas are shared by more than one (1) business or property owner.
- v) Traffic Visibility Standards. All landscape features shall comply with the traffic visibility and vision clearance standards of [§17.15\(9\)\(h\)\(vii\)](#)
- vi) Installation of Landscaping Material.
 - 1. All landscaping shall be installed in a sound and workman-like manner, according to acceptable good quality plant materials. Shade trees shall be of a species that is tolerant of an urban environment, is insect and disease-resistant, have an average mature crown spread greater than fifteen feet (15'), and have trunks that can be maintained clear of

branches at least five feet (5') above the ground. Shade trees shall have trunks at least two and a half inches (2 ½") in diameter when planted.

2. Plant material designed to meet screening requirements shall be planted and maintained so as to form a continuous, unbroken, solid, visual barrier to the required height within a maximum of two (2) years after the time of planting. All landscaped areas shall be protected from vehicular encroachment by the use of wheel stops, curbs, or other approved similar devices.

- vii) Maintenance of Landscaped Areas. The owner, tenant, and their agent if any, shall be jointly and severally responsible for the maintenance of all landscaping which shall be maintained in good condition so as to present a healthy, neat, and orderly appearance and shall be kept free of refuse and debris.
- viii) Off-Street Loading and Unloading. Any building hereafter erected or placed on a lot shall be provided with sufficient off-street loading and unloading space so that no public streets or alleys need to be blocked by such activities and so that required parking spaces are not regularly occupied by such loading or unloading.
- ix) Parking lot as Principal Use. No lot or parcel may be used solely for parking, except with conditional use approval. Such usage may not be approved in the PW District.

10) SETBACKS.

- a) Structures that are six inches (6") or more in height above the preconstruction grade shall be subject to the setback and other dimensional requirements of this chapter. Setback requirements shall apply to all projections of structures, such as sills, cornices, steps, porches, decks, eaves, ornamental features, fences, and fire escapes. Excluded from this provision are utility poles and signs. Also excluded are ramps designed to provide handicap access to structures existing at the time of adoption or amendment of this chapter, provided that such plans for such facilities are approved by the Plan Committee.
- b) For the purposes of this Chapter, tennis courts, swimming pools (above and in-ground pools), and similar uses shall be considered structures, shall require a permit, and shall be subject to the setback requirements for accessory structures.
- c) On corner lots, front yard setbacks shall be established for the frontage of each side of a lot abutting a public street. A lot with two (2) streets abutting it shall have one (1) rear yard setback. The side yard shall be the minimum required for the district.
- d) The averaging rule of [§17.15\(8\)\(c\)](#) applies to front setbacks.
- e) Detached fences shall conform to the setback and other standards contained in this ordinance §17.15(3)(c) 8 [and](#) 9 and the traffic visibility and vision clearance standards contained in sub. (7).

11) SETBACKS FROM NAVIGABLE WATERS.

- a) Unless otherwise specified, all structures, except piers, wharves, boat hoists, and boathouses, shall be set back at least seventy-five feet (75') from all points along the normal high water mark of navigable waters. Boathouses shall not project waterward of the high watermark.

- b) The PW district navigable water setbacks for principal structures from the shoreline of Green Bay shall be forty feet (40') or the setback determined by averaging, whichever is greater.
- c) Setback averaging applying the principles and the policies set forth in the par. [17.15\(8\)\(c\)](#) may be applied to shoreline setbacks, subject to a minimum limit of 40'. Rental cabins shall not qualify as principal structures on parcels sitting or lying within seventy-five feet (75') of the shoreline of Green Bay.

12) HEIGHT LIMITATIONS.

- a) General Standards. Principal structures in all districts, except PW district, shall not exceed twenty-eight feet (28') in height. Exceptions may be approved up to but not exceeding a height of thirty-five feet (35') by special exception use review upon consideration of views, safety, shadow casting, and solar access or the manner in which the height may dominate the appearance of the neighborhood or community. Conditions shall be imposed as appropriate, to avoid the use of the approved height to establish an additional story of living space, to require additional side or rear yard setback, or other necessary protections. *(Passed 6/8/98)*
- b) Exceptions. The height limitations specified above may be exceeded in accordance with the following:
 - i) Architectural Projections, such as spires, belfries, parapet walls, cupolas, domes, flues, and chimneys are allowed to a maximum of thirty-five feet (35') from grade. Such architectural projections may exceed the thirty-five feet (35') maximum by Planning Committee approval via special exception review.
 - ii) Structures owned and operated by public utilities, such as electrical poles and substations, and communication poles, transmitters, and antennas are exempt from the height limitations of this chapter.
 - iii) Wind generators shall not exceed in height their distance from the nearest lot line.
 - iv) Agricultural structures.
- c) Structural Spaces. Structural spaces in excess of thirty-five feet (35') in height, whether approved under [§17.15\(12\)\(a\)](#) and [§17.15\(12\)\(b\)](#) above, may not be used for human occupancy. This shall require that the structure has no interior horizontal planes capable of serving as floors or decks at elevations above twenty feet (20'). The Plan Committee may apply the same prohibition to spaces in excess of twenty-eight feet (28') in height.

13) DESIGN REVIEW:

- a) Intent. The intent of this subsection is to protect the unique architectural and historical character of the Village and to ensure that the appearance of future development is compatible with prevailing motifs and attractive when viewed along and as part of the context of structures and spaces. Design review requirements are intended to protect Village's visual character and to promote capability and attractiveness. The requirements will strengthen the appeal of the Village to residents and visitors, enhance property values and maintain ties with the rich history of the community, all of which are in the public interest.
- b) Design Review Applicable to the Entire Village. Prior to issuance of a permit to allow a permitted use or a conditional use for new construction or alterations requiring permits, the Plan Committee or an entity delegated review power by the Plan Committee shall

review and evaluate the design of the proposed project against basic Village-wide design review standards. Procedures for this review are found in ordinances [§17.39](#) and [§17.45](#).

- i) Reasonable variation may occur between the appearance of buildings or structures on nearby lots.
- ii) For purposes of this chapter, the following are identified as standards defining the prevailing visual character of the village:
 1. Building designs. Architectural appearance should reflect the traditional architecture of the village, which is known for its simple rectangular building forms, gable & hip roofs, and frame construction. This character excludes or at least tends to minimize modern or avant-garde architectural styles and standardized franchised structural expressions.
 2. Site planning. Special consideration should be given to preserving existing vegetation and topography. Pedestrian spaces and circulation systems should be pleasant and convenient.
 3. Building color. White has been the distinctive historic color of the village's ~~central business~~ area. Greens, browns, the grays of weathered wood, and other earth tones are acceptable for roofs and exterior walls to help blend them into the landscape.
 4. Materials. Wood and natural stone are recommended. Unfinished or galvanized metal siding or roofing is discouraged.
 5. Details. Building details should be simple and without frills.
 6. Landscaping. Plans submitted for design review shall show landscape treatment when the proposed project requires land disturbance. Where new development, re-development, or additions of structures are at or approaching the maximum structural dimensional standards or maximum impervious surface, particular attention shall be given in design review to the compensating landscape features. Plans for tree removal should be included in such applications and shall be subject to review by the Zoning Administrator or Plan Committee prior to cutting (**Passed 8/92**). Design review may specify when landscape features are to be installed, the size of vegetative elements, and management and maintenance requirements. The drainage ways indicated on a landscape plan may be required to be documented in drainage easements as a condition of design review approval. Landscaping on all construction projects shall be completed within thirty (30) days after occupancy permit at the discretion of the Plan Committee or Zoning Administrator.
 7. Utility service wiring. Utility service wiring should be brought to a structure underground, if at all possible, to avoid unnecessary clutter in the Village.
 8. Bulk. Any structure in any district that is proposed by way of initial construction or successive additions to have in excess of five thousand square feet (5,000 ft²) in floor area of fifty thousand cubic feet (50,000 CF) in bulk require special attention to avoid over building of a site or overpowering of environs where prevailing structural sizes are smaller. No single building face of fifty feet (50') or more in length shall be

uninterrupted. Significant variations in material or variation in lines to create diversity and shadow effects are encouraged.

9. Roof pitches. Roof pitches of less than 3:12 or more than 12:12 shall be subject to design review.
10. Other design review standards. Design review standards found elsewhere in this chapter shall also be applied by cross-reference.
11. Properties located in the Historic District may be subject to further design standards per [§17.26](#).

14) **FILLING AND GRADING.**

Filling and grading may be authorized in any zoning district, except the wetland district, upon the issuance of a land disturbance permit as provided in ordinance [§17.48](#). Filling within the Village bulkhead line requires a Special Exception Permit. All such proposed fillings, including shoreline protection measures, shall be required to conform with the policies of the Village Coastal Management Plan dated Aug. 9, 1985, as applied by the Plan Committee in special exception for reviews. (*Passed 6/8/98*)

15) **REMOVAL OF SHORELAND COVER.**

- a) Tree cutting in a strip paralleling the shoreline and extending thirty-five feet (35') inland from all points along the normal high watermark of the shoreline shall be limited in accordance with the following provisions:
 - i) No more than thirty percent (30%) of the length of this strip as measured along the ordinary high waterline shall be clear-cut to the depth of the strip.
 - ii) Provided further that cutting of this thirty percent (30%) shall not create a clear-cut opening in this strip greater than thirty feet (30') wide for every one hundred feet (100') of shoreline measured along the normal high watermark.
 - iii) In the remaining seventy percent (70%) length of this strip (distance measured along the normal high watermark), cutting shall leave sufficient cover to screen cars, dwellings, accessory structures, except boathouses, as seen from the water, and to control erosion.
 1. A special cutting plan following greater cutting may be permitted by the Plan Committee by issuance of a Special Exception Permit. In applying for such a permit, the Committee shall require the lot owner to submit a sketch of the lot, including the location of all structures, location of parking, gradient of the land, existing vegetation, proposed cutting, and proposed replanting. The Committee may grant such a permit only if it finds that such special cutting plans: (*Passed 6/8/98*)
 - a. Will not cause undue erosion or destruction of scenic beauty.
 - b. Will provide substantial shielding from the water of dwellings, accessory structures, and parking areas. The Committee may condition such a permit upon guarantee of tree planting of the lot owner. Such agreement shall be enforceable in court.

16) **UNENCLOSED STORAGE OF MOTOR VEHICLES AND TRAVEL EQUIPMENT.**

The following types of vehicles or travel equipment may be stored on portions of the lot other than driveways or within garages or comparable enclosures only on a transient and accessory basis: licensed and fully operative travel trailers, campers, and coaches. No such vehicle or travel equipment may be used for living or housekeeping purposes when parked or

stored on the lot or in any location not approved for such use, regardless of where it is placed on that premises. Storage of vehicles that lack licenses that would be required for their use and operation and/or inoperative vehicles shall occur only within garages or comparable enclosures.

17) **SANITARY REQUIREMENTS.**

No building intended for public use or human habitation shall be erected, structurally altered, enlarged, or reconstructed nor the use of any building be changed to public use for human habitation unless provision is made for safe and adequate facilities for potable water and disposal of sewage.

- a) Water Supply. Potable water shall be provided to each building intended for public use or human habitation in at least one (1) of the following manners:
 - i) Municipal, community, or public water systems approved under [Chapter NR 111, Wisc. Adm. Code](#).
 - ii) Private water supply in accordance with [Chapter NR 111, Wisc. Adm. Code](#).
- b) Sewage Disposal. Every building intended for public use or human habitation shall be provided with a properly functioning system for the treatment and disposal of sewage in accordance with Chs. [H63](#) or [NR110, Wisc. Adm. Code](#) and the [Door County Sanitary Code](#).
 - i) A Village Zoning Permit shall not be issued for a building to be erected, structurally altered, enlarged, or reconstructed which is served by an existing private domestic sewage system, unless the system has been evaluated and determined to be satisfactory by the Door County Sanitarian provided, however, that the application of this paragraph to structural alteration or reconstruction projects not involving expansion of building area or usable square footage shall be suspended if the property is not under active order from the county or state for a two (2) year period commencing on April 7, 1986, pending outcome of Village sewage studies, if the property owner covenants with the Village that this paragraph will apply upon a decision by the Village not to connect the property to a central sewerage.
 - ii) A Village Zoning Permit shall not be issued for a building to be erected, structurally altered, enlarged, or reconstructed which requires connection to a private domestic sewage system, unless the owner first obtains a sanitary permit (PLB 68) or other on-site sewage disposal permit for the building from the Door County Sanitarian in accordance with [Ch. H63, Wisc. Adm. Code](#), and [Chapter 21, Private Sewage Systems](#), of the Door County Code. Prior to issuance of a sanitary permit, Form EH-115, Report on Soil Borings and Percolation Tests, must be filed with the Door County Sanitarian and the Wisconsin Department of Industry, Labor and Human Relations and Form PLB 67, County and State Sanitary Permit Application, must be filed with the Door County Sanitarian.
 - iii) Septage and Storage and Pumping. No septage storage or pumping operation shall be done in a manner that constitutes a nuisance. It is a property owner's responsibility to comply herewith and such owner is not absolved of responsibility by contracting with a hauler or by the legality of the haulers operation under State codes. The following conditions may constitute public nuisances if their effect is to interfere substantially and unreasonably with the comfortable enjoyment of life or use of surrounding properties or of public ways

or to threaten public health or safety: spills, overflows, emission of seriously offensive odors and blockage of traffic.

18) **SIGNS.**

- a) The provisions of this sign ordinance are made to establish reasonable and objective regulations for all signs in the Village of Ephraim which are visible to the public, in order to protect the general public health, safety, welfare, convenience, and esthetics. The ordinance is also intended to give helpful directions, and inform regarding available products, businesses, and services.
- b) Permits Required. No sign shall hereafter be located, erected, moved, reconstructed, extended, enlarged, altered, and no sign copy may be changed without a Zoning Permit for such sign, and without being in full conformity with the requirements of this chapter.
- c) Signs Exempted. The following signs shall be permitted anywhere within the Village and shall not require a permit: Exempted signs are however subject to [17.15\(18\)\(d\)](#) below.
 - i) Official traffic control signs and information or directional notices erected by federal, State, or local units of government.
 - ii) Signs advertising the sale, of the property on which the sign is placed. Such signs shall not exceed four square feet (4 ft²) in gross area and five feet (5') in height, and must be placed outside the road right-of-way. Open house signs shall be attached to the realtor sign, shall not exceed one square foot (1 ft²), and shall be attached only during open house hours. Only one (1) such sign shall be allowed along each highway or road on each lot.
 - iii) On-premises "No Hunting" or "No Trespassing" signs, provided that such sign shall not exceed one square foot (1 ft²) in gross area. Such sign may be affixed to trees. There shall be a minimum distance of two hundred feet (200') between signs.
 - iv) One (1) on-premises nameplate for each residence provided that such nameplate shall not exceed two square feet (2 ft²) in gross area.
 - v) Political and campaign signs on behalf of candidates for public office, political parties, or measures on election ballots, provided that such signs may be erected not earlier than forty-five (45) days prior to the election and shall be removed within seven (7) days following such election. Each sign shall not exceed four square feet (4 ft²) in the gross area and shall be set back outside the road right of way. Only one (1) sign for each candidate or measure shall be permitted on a premises.
 - vi) "Vacancy/No Vacancy" and "Open/Closed" and "Sale" signs (one (1) each per business), provided they do not exceed one and a half square feet (1.5 ft²) in area and are set outside the road right of way
 - vii) The flying of the flag of nations or states is limited to two (2) flagpoles per commercial property.
 - viii) Fyr Bal flags if properly displayed on a flagpole or bracket for the month of May and June.
 - ix) Commercially available seasonal flags (e.g. spring, summer, fall, and winter) if properly mounted on flagpole or mounted via a bracket, not to exceed fifteen

square feet (15 ft²) and only one (1) allowed per principal building; Not to appear in conjunction with open flags in §17.15(18)(c)(x).

- x) “Open” flags permitted, (one (1) per business) not to exceed fifteen square feet (15 ft²). Not to appear in conjunction with seasonal flags in §17.15(18)(c)(ix).

d) Prohibited signs and characteristics of signs.

- i) No sign shall resemble, imitate, or approximate the shape, size, form, or color of traffic signs, signals, or devices.
- ii) No sign shall be animated by means of flashing, blinking, or any conspicuous physically moving components.
- iii) No sign shall be so located as to interfere with the visibility or effectiveness of any official traffic sign or signal or with driver vision at the access point or intersections.
- iv) No sign shall be lit in such a way as to impair driver visibility on public roads.
- v) Existing sources of sign illumination shall be so shielded as to cast reflected light on the face of a sign without the direct light source being seen from adjoining roads.
- vi) Existing sign illumination determined by the Planning Committee to be out of compliance with §17.15(18)(d)(iv) shall be required to install new lighting pursuant to §17.15(18)(d)(vi).
- vii) All new sources of sign illumination shall be so shielded as not to see the source of illumination and as to cast reflected downlighting on the face of a sign without the direct light source being seen from adjoining roads.
- viii) No permanent sign shall identify any business establishment located outside the village.
- ix) The use of any temporary sign, banner, pennant, flag, balloon, streamers, or similar articles intended to attract attention to any object, product, place, activity, person, institution, organization, or business for advertising of a product, service, show or carnival is prohibited, except by special permit by the Plan Committee for special events and for a specific limited time duration.
- x) The parking for extensive periods of time of vehicles decorated to advertise attractions, not on the same premises where the decorated vehicle is parked is a prohibited form of signage.

e) Signs in the Residential & PW Districts.

- i) Signs identifying a permitted home occupation or home office. Such signs shall not exceed four square feet (4 ft²). in gross area, shall be set outside the road right-of-way and shall not exceed five feet (5') in height.
- ii) Signs identifying a business that is legally operating within the residential or PW district. Such signs shall not exceed eight square feet (8 ft²) in gross area, shall be set outside the road right-of-way, and shall not exceed five feet (5') in height.
- iii) Residential directory signs are permitted at intersections with dead-end streets to identify residences located on the dead-end street. Each sign shall not exceed one square foot (1 ft²) in gross area, shall be attached to common support posts, and shall be set outside the road right-of-way.

iv) A Temporary Banner [see §17.15\(18\)\(f\)\(v\)\(b\).](#)

f) Signs in the Commercial District.

General Requirements- Permanent Signage:

- i) Permitted. The following signs are permitted in the Commercial District: wall, permanent window, ground, and projecting signs.
- ii) Area Restrictions. The area of all permanent signage shall not exceed twenty-four square feet (24 ft²) in Commercial-North, and fifteen square feet (15 ft²) in Commercial-Central and Commercial-South (unless thirty-three feet (33') right of way setback is used, in which case twenty-four square feet (24 ft²) would be maximum).
- iii) Setbacks. All ground signs shall be set back out of the public right-of-way. Ground signs set back within the right-of-way of Highway 42 shall obtain the necessary State permits.
- iv) Additional Requirements:
 - 1. All signs shall be limited to the name or business name, profession or trade of the business or businesses on the same lot, type of business, phone number, internet address, as well as the services offered or products sold on the premises. No prices shall appear on business signs except fuel prices at service stations.
 - 2. A wall sign placed against the exterior wall of a building shall not extend more than six inches (6") outside of a building's wall surface and shall not extend above the roof line of the building.
 - 3. A projecting sign fastened to, suspended from, or supported by a building shall not extend more than five feet (5') into any yard, shall not extend into or over any public right-of-way, shall be at least ten feet (10') from all side lot lines, shall not exceed a height of twelve feet (12') above a sidewalk or driveway and shall maintain a minimum vertical distance of eight feet (8') from the bottom of the sign and the sidewalk, driveway or ground elevation.
 - 4. A ground sign shall not exceed a height of ten feet (10') above grade in Commercial North and Commercial Central of Highway 42, or eight feet (8') above grade on Commercial Central side streets or in Commercial South, except that if the ground sign is within twenty-five feet (25') of an intersection or fifteen feet (15') of a driveway, measured from the point of intersection with a right-of-way, then the sign shall be no more than three feet (3') in height.
 - 5. Permanent window signs shall be placed only on the inside of commercial buildings and shall not exceed twenty percent (20%) of the glass area of the window in which the sign is displayed.

v) General Requirements-Temporary Signage

- 1. All Temporary Signs shall be placed as follows:
 - a. Temporary signs may be displayed no more than three (3) times per calendar year and for a period of time not to exceed two (2) weeks per permit.

- b. Temporary Business Signs:
 - i) Temporary business signs shall not identify a portion of the business or products sold but rather a special event or circumstance of the business.
 - ii) Shall not exceed four square feet (4 ft²) when placed on the inside of a commercial building window or when freestanding and placed outside the road right of way.
 - iii) Shall not exceed one and a half square feet (1.5 ft²). when placed on the surface of a permanent sign.
- c. Temporary Non-Profit Event Signs:
 - i) Shall not exceed four square feet (4 ft²) when placed outside the road right of way.
 - ii) Shall be approved by the Planning Committee.
- d. Non-Fee Temporary Directional Signage:
 - i) Shall not exceed four square feet (4 ft²) when placed outside the road right of way.
 - ii) Shall be approved by the Planning Committee.
- 2. Signage intended to provide direction to real estate for sale, open houses, and garage sales occurring in the Village of Ephraim.
 - a. May be placed for a specific time period during an event and shall be removed immediately upon completion of event.
 - b. Such signs shall be limited to four square feet (4 ft²) in size and three feet (3') in height as measured from the ground to the top of the sign.
 - c. Such signs may be placed on private property with landowner's approval.
 - d. Such signs may be placed on public property with the approval of the Zoning Administrator.
 - e. Only one (1) such sign is permitted per intersection.
- 3. Temporary banners are allowed for non-profit events, special village events, and for commemorating major anniversaries of a business or a historic building, if the following conditions are met:
 - a. The banner shall not exceed eighteen square feet (18 ft²).
 - b. Shall be placed for a time not to exceed fourteen (14) days, and must be removed within twenty-four (24) hours of the end of the event.
 - c. All banners, designs, and locations must be approved by the Planning Committee.
 - d. Special event banners are limited to a maximum of twenty (20) and shall be displayed on designated streetlights.
 - e. Commemorative banners may be placed for longer time periods with approval of the Planning Committee.

- f. Streetlight Banners must be installed by Village employees and not by the applicant.
 - g. The Village reserves the right to assess a fee for installing banners by Village employees.
 - vi) More than one (1) business in a building or on a lot. When more than one (1) separately licensed business establishment is located in a single building or on one (1) lot, a single sign is permitted for the entire building complex. Such sign shall meet the requirements of subparts §17.15(18)(f)(i), §17.15(18)(f)(ii), and §17.15(18)(f)(iii). In addition to this common sign, each tenant is permitted one sign not to exceed four square feet (4 ft²). in area located within twelve feet (12') of the individual business.
- g) Village Directional Signs. A single directional sign may be permitted, on which may be listed the names of permitted businesses conducted on those Village roads. Accessibility for location of the sign, obstruction of view, and other possible factors shall determine whether such directional signs are granted. The Plan Committee shall authorize the erection of all Village directional signs and each business nameplate attached thereto. Applications for such signs and nameplates shall be made in writing to the Plan Committee. The Plan Committee shall determine the location, design, size, and type of construction of all such signs. A business shall be listed on one (1) directional sign only. All costs and changes associated with new or altered nameplate signs shall be assumed by the businesses listed thereon.
- h) Off-Premises Signage. Off-premises signage is not allowed in Ephraim with the following exceptions:

Signage requested for and associated with multi-site tours or multi-site events may be exempted from the off-premises signage prohibition with approval from the Planning Committee. Such signage must meet the following requirements:
- i) Multi-Site Tours/Events:
 - i) Signs shall not exceed eight square feet (8 ft²) per site. The number of multi-site tours/events allowed per calendar year and number of sites is subject to approval and may be limited by the Planning Committee.
 - ii) Signage may be placed fourteen (14) days before the event and must be removed within twenty-four (24) hours after the event.
 - iii) On-going seasonal, multi-site tours/events may be granted off-premises signage for the duration of the season with Planning Committee review and approval.
- j) Legal Nonconforming Signs.
 - i) Loss of legal nonconforming status. A sign loses its legal non-conforming status if one (1) or more of the following occurs:
 - 1. The sign is structurally altered in any way, except for normal maintenance or repair, which tends to make the sign less in compliance with requirements of this chapter than it was before alteration. Normal maintenance and repair includes rebuilding or reestablishing signs damaged by vehicles, snowplowing, vandalism, or storm damage.
 - 2. The sign is relocated.

3. The sign fails to conform to this chapter regarding maintenance and repair, abandonment, or dangerous or defective signs.
 4. The principal content or nature of the sign, such as the name of a business or product, is changed or altered.
 5. On the date of occurrence of any of the above, the sign shall be brought in compliance with this chapter with a new permit secured therefore, or shall be removed.
 6. Granting of conditional use approval for a premise to allow additional development thereon shall entitle the Plan Committee to require as a condition of such approval that existing signs and new signs be made to conform.
- ii) Legal Nonconforming Sign Maintenance and Repair. Nothing in this chapter shall relieve the owner or user of a legal nonconforming sign or the owner of the property in which the sign is located from the provisions of this chapter regarding safety, maintenance, and repair of signs.
 - iii) Reproduction of Signs by Conditional Use. Signage legally nonconforming as to size, as of the effective date of this language, may be considered for replacement by conditional use. Whereas the existing square footage is not exceeded, and the applicable criteria to be considered (below) are evaluated.
 1. Consideration of whether or not the signage is within the Historic District.
 2. Consideration of the visual impact of current signage vs. proposed signage – Changes in location, quantity, wording, color, and or lighting of the sign(s).
 3. Consideration of the overall square footage of signage and its degree of compatible infill with the district.
 4. Consideration of signage thought to complement historically significant buildings.

k) Violations.

- i) Signs that are not maintained in a safe, presentable, and good structural condition.
- ii) Signs advertising a business that is no longer conducted on the premises.
- iii) Any sign erected, established, altered, moved, or structurally modified without a permit or altered with a permit, but in violation of the provisions of this chapter.

l) Penalties.

- i) If the violation is a failure to obtain a permit for a conforming sign, the permit fee shall be five (5) times normal fees.
- ii) If a property owner fails to remove a sign in violation of the ordinance or bring that sign into compliance with this chapter, the zoning administrator shall give the property owner thirty (30) days written notice to remove the violation. Upon failure to comply with this notice, the Village may cause removal to be executed, the expenses of which will be assessed to the tax roll of the property on which the sign is located. Additional penalties of fifty dollars (\$50) per day may be applied after receipt of written notification.

19) FENCES.

- a) A solid fence may be placed on property subject to the following standards:
 - i) A solid fence shall not be placed on front lot lines or in the required front yard area, except to screen an off-street parking lot in compliance with ordinance §[17.15\(9\)\(h\)](#) and except stone fences up to two feet (2') high.
 - ii) A solid fence shall not exceed six feet (6') in height when placed between the property lot lines and the required side and rear yard setback area for a principal building.
 - iii) A solid fence may not exceed nine feet (9') in height if the fence is placed behind all principal building setback lines.
 - iv) A solid fence shall comply with ordinance §[17.15\(7\)](#) as to traffic visibility and vision clearance.
- b) A see-through fence may be placed on the property subject to the following standards:
 - i) A see-through fence shall not exceed forty-two inches (42") in height when placed between the property lot lines and the required setback area for a principal building.
 - ii) ~~Chain link fences shall not be placed on front lot lines or in the required front yard area. A chain link fence shall not exceed 14' in height when placed between the property lot line and the required rear and side yard setback area for principal building.~~ **Chain link fences are prohibited in the Historic District but are subject to conditional use in other zoning districts with the intent to minimize neighborhood impact. (Amended 8/9/22)**
 - iii) The use of barbed wire or electrical fences is prohibited in all zoning districts, except the RR district.
 - iv) A see-through fence shall comply with ordinance §[17.15\(7\)](#) as to traffic visibility and vision clearance.

20) SOLAR ENERGY SYSTEMS. As a permitted accessory use. (Passed 11/9/2022)

- a) Solar energy systems shall be designed to blend into the architecture of the building to the extent that such provisions do not diminish solar production or increase costs, consistent with Wis. Stat. [§66.0401](#).
- b) As a general principle, roof or rooftop placement of such systems are encouraged, with care for placement away from public view and obstruction.
- c) Building or roof-mounted solar energy systems shall not exceed the maximum allowed height in any zoning district nor shall they extend beyond the perimeter of the building on which the system is mounted or built. Exterior piping for solar hot water systems shall be allowed to extend beyond the perimeter of the building on a side yard exposure.
- d) Ground-mounted or free-standing solar energy systems are considered accessory structures and are subject to dimensional standards in the applicable zoning district. They must be maintained in functional condition.
- e) Within the Historic Preservation District, any solar energy system must meet the special standards designed to preserve the unique characteristics of the district within the limitations of Wis. Stat. [§66.0401](#).

- f) Applicants must file the appropriate application forms available from the village zoning officer as follows:
 - i) Rooftop systems apply via general Village Zoning Permit.
 - ii) Ground-mounted or free-standing systems apply as accessory structures.
 - iii) All plans within the Historic Preservation District must also submit the Historic Preservation District Solar Checklist and be reviewed by the HPC for recommendation to the Plan Committee.

21. WALLS

- a. Decorative wall may be placed on a property subject to the following standards:
 - i. A decorative wall shall not exceed twenty-four inches (24") in height when placed outside the road right of way and within the required setback area for accessory structures. Pillar height shall not exceed thirty-six inches (36").
 - ii. A decorative wall shall not exceed thirty inches (30") in height when placed behind all accessory structure setback lines. Pillar height shall not exceed forty-two inches (42").
 - iii. Decorative walls may be subject to land disturbance permit application review as outlined in [§17.48](#).
 - iv. Decorative walls within the Historic District are subject to design review as outlined in [§17.15\(13\)](#) and [§17.26](#).
 - v. A decorative wall shall comply with ordinance [§17.15\(7\)](#) as to traffic visibility and vision clearance.
- b. A retaining wall may be placed on a property subject to the following standards:
 - i. A retaining wall shall not exceed twenty-four inches (24") in height when placed outside the road right-of-way and within the required setback area for accessory structures or thirty-six inches (36") in height when placed behind all accessory structure setback lines.
 - ii. Retaining walls may be allowed to exceed these dimensional maximums by special exception review, provided engineered plans are submitted to the Plan Committee and are shown to be in compliance with the balance of the applicable Zoning Ordinances of the Village, if necessary, based on the grade of the lot and engineered to be sufficient to the application.
 - iii. Retaining walls may be subject to land disturbance permit application review as outlined in [§17.48](#).
 - iv. Retaining walls within the Historic District are subject to design review as outlined in [§17.15\(13\)](#) and [§17.26](#).
 - v. A retaining wall shall comply with ordinance [§17.15\(7\)](#) as to traffic visibility and vision clearance.
- c. A shoreline wall may be placed on a property subject to the following standards:
 - i. A shoreline wall, if structurally independent from an engineered shoreline erosion revetment, shall be placed parallel to the shoreline, shall be limited to

twenty-four inches (24") in height, and placed immediately adjacent to but outside the ordinary high water mark or established bulkhead line.

- ii. A shoreline wall may also require permitting from the Wisconsin Department of Natural Resources "DNR" and the US Army Corps of Engineers. Applicants have the responsibility of ensuring compliance with these agencies.
- iii. Shoreline walls may be subject to land disturbance permit application review as outlined in [§17.48](#).
- iv. Shoreline walls within the Historic District are subject to design review as outlined in [§17.15\(13\)](#) and [§17.26](#).

17.16 STANDARDS FOR SPECIFIC USES.

1) ANIMALS.

- a) Commercial raising, preparation, boarding, or butchering of animals, such as dogs, cats, rabbits, goats, dairy or beef cattle, pigs, commercial production of eggs, hatching, raising, and fattening of poultry are allowable only in the R-4 District.
- b) Buildings housing such animals, barnyards, and feedlots shall be at least one hundred feet (100') from any waterway and shall be established and operated so that manure will not drain into any waterway. Buildings housing such animals, barnyards, and feedlots shall be at least two hundred feet (200') from any residence other than that of the animals keepers.

2) COMMERCIAL TRANSIENT LODGING.

- a) Commercial transient lodging is the provision of furnished lodging on a transient basis as defined for State sales tax purposes, that is, occupancy for periods of thirty (30) days or less. The Plan Committee may determine the definition of a unit within this usage. **(1/9/90)** Rental on a casual, non-commercial basis of residential dwelling units is not considered commercial transient lodging. Casual non-commercial use is defined as transient (per State definition) rental of property for thirty (30) days or less, not to exceed sixteen (16) weeks per calendar year This is interpreted as applying to rental of the entire dwelling as one (1) rental; separate rental of individual rooms within a dwelling structure would constitute multiple rental units and would be commercial transient lodging rental. **(7/5/94)** Signs erected on rental property shall conform to [§17.15\(18\)\(c\)\(iv\)](#) which restricts signage to two square feet (2 ft²); furthermore, on-premise signs for rental houses or cottages in PW, R-1, and R-4 districts shall not advertise the structure as rental property or provide a phone number. Forms of commercial transient lodging that may be considered in the Commercial District are listed in the PERMITTED and CONDITIONAL USES at the beginning of the section on the Commercial District [[§17.25\(2\)](#)].
- b) Rental units within projects shall be less than one thousand square feet (1,000 ft²) in size. Zoning review of permit applications shall include detailed scrutiny of floor plans specifically to assure that buildings and units are physically established in a mode of transient use and not in a mode of non-transient residential use. A commercial transient lodging facility must have an on-premises central office-reception area and storage areas for linens and cleaning supplies. Rental units in such a facility shall not have apartment-style lockers of a character normally associated with apartment buildings. Kitchen facilities, if provided, are required to be sized and equipped for limited, transient usage.

- c) Subject to Automatic Sprinkler Ordinance in Building Code [Chapter 14](#). (2/13/96)
- d) Where Commercial Transient Lodging establishments contain units known as “lock-out suites” by definition in this ordinance, each rentable unit shall be counted as a separate unit for density purposes. (5/13/96)

3) **TRADE AND CONTRACTOR'S ESTABLISHMENTS.**

Such establishments shall be limited to plumbers, heating and air conditioning contractors, excavators, carpenters, painting contractors, electricians, and well drillers. Such uses shall not include the manufacture, fabrication, or assembly of parts or equipment other than that incidental to the nature of the activity and for installation at a job site. Display areas for merchandise associated with the business shall not exceed twenty percent (20%) of the floor area devoted to the business.

4) **UTILITY FACILITIES.**

Utility services customarily rendered by public utility corporations or municipalities in the nature of electricity, gas, telephone and water, and sewer, including the appurtenances used in connection with supplying such services (e.g., substations, equipment building, relay and repeater stations, standpipes, water towers, lift stations, and other such structures), shall be permitted in all zoning districts in accordance with the following:

- a) Structures that project four feet (4') or less above average grade elevation of the structure shall be considered as accessory uses requiring a regular Zoning Permit. Such structures are exempt from the lot area width, yard, and setback, but not vision clearance requirements of this chapter.
- b) Structures that project more than four feet (4') above grade elevation of the structure shall be considered as special exceptions. Such structures shall be subject to the lot area and width, yard, setback, vision clearance, and other applicable requirements of this chapter. (6/8/98)
- c) Structures installed at or below grade shall be permitted without a Zoning Permit requirement.
- d) Telephone, telegraph, and power transmission poles and wires are exempt from the lot area, width, yard, setback, vision clearance, and Zoning Permit requirements of this chapter.

5) **PUBLIC AND SEMI-PUBLIC FACILITIES.**

This use includes buildings, structures, and use of premises for purposes of public administration, drainways for facilities, public scenic and historic sites, museums, travel information centers, schools, and other public buildings and structures. The use includes similar civic facilities owned by organizations, such as foundations, associations, and clubs. The use does not include churches and church facilities or cemeteries which are separately enumerated. A use classifiable as either a public/semi-public facility or a recreational facility shall be regulated as a recreational facility. Each public and semi-public facility shall require a Conditional Use Permit unless specifically identified as a permit use in the applicable district. Facilities of public agencies are exempt from Village zoning only if the Village Attorney so rules in a specific case.

6) **PARKING LOTS.**

All parking lots in all districts are subject to the location, material paving, and screening standards of ordinance [§17.15\(9\)\(b\)](#).

7) **RECREATIONAL FACILITIES.**

Structures or areas designated and/or developed for human enjoyment, refreshment, interaction, diversion, or amenity. This includes, but shall not be limited to, parks; playgrounds; play fields; trails and paths, and areas or structures associated with skiing, sledding, picnicking, golfing, hiking, sightseeing, fishing, boating, and related water sports, swimming, and other active recreation. A recreational facility that is part of another use, such as beach associated with a motel, can be treated as a separate and distinct use for purposes of receiving conditional use review if, in the judgment of the Zoning Administrator or Plan Committee, the use is a distinct focus of activity, generating its own set of impact concerns. The Plan Committee shall have responsibility and discretion to identify the overall area likely to be involved in the use, which may extend into the water, and to calculate parking requirements thereto.

8) OUTDOOR OR MOBILE FACILITIES OR OPERATIONS.

This includes outdoor sales and/or service areas of business establishments, outdoor cooking and/or food service areas connected with restaurants, establishment, and operation of mobile or nonfixed location facilities, such as vending carts or trailers, carnivals, outdoor bazaars, festivals, races or similar contests or parades on public ways, whether temporary or permanent. Such use, whether principal or accessory, requires conditional use approval. Because of the unique nature of such uses, the Plan Committee shall have broad responsibility and discretion to define parking, buffering, and similar requirements, to establish conditions and limits, or to deny the proposed use if it cannot be conditioned so as not to be unreasonably disruptive.

9) MULTIPLE-OCCUPANCY RESIDENTIAL HOUSING IN THE COMMERCIAL DISTRICT.

This is a conditional use in all commercial districts, up to eight (8) units per acre prorated down to the nearest unit with a half-acre ($\frac{1}{2}$ AC) minimum lot size. Footprint maximums for commercial transient lodging in the particular district shall apply; square footage requirements of residences shall apply, except as defined below. **(Passed 03/14/05)** Rental restrictions are applicable as in Residential zones of the Village. Multiple-occupancy residential housing must be served by municipal sewer.

- a) As of the date of this ordinance, existing structures located in the commercial ~~one~~ district may be expanded or divided to create new residences of six hundred square feet (600 ft²) or greater via conditional use approval, including design review. Previous Board of Appeals "Findings of Facts and Conclusions of Law" on the applicant's property must be observed, and existing dimensional standards must be observed, including but not limited to parking and lot coverage. **(Passed 03/14/05)**

10) EXCLUDED USES; ALL DISTRICTS.

The following activities are specifically prohibited within the Village:

- a) No explosives shall be stored within the limits of the Village, except that a daily supply may be kept in a locked storage box of the type approved by **Ch.** ILHR 7, Wisc. Adm. Code, and in an uninhabited building. A daily supply of detonators shall not be kept within fifty feet (50') of such daily supply of explosives.

Both such daily supplies of explosives and detonators must be at all times under the supervision and control of a permittee or licensee qualifies under **Pub**lic Law 91-452, 91st Congress 30, October 15, 1970. The Fire Chief must be notified in advance of the time and place where explosives are to be used.

- b) The use of fireworks for patriotic displays is permitted only as covered in ordinance [§12.06](#) of this of the Ephraim Code of Ordinances.
- c) Dumping of garbage, offal, or dead animals.

- d) Mobile homes, trailer or camper parks, or camps.
- e) Camping on public or private property with or without the use of tents or similar shelters. (See also ordinance § [17.15\(16\)](#))
- f) Any other use that may be noxious or offensive to physical senses by reason of the emission of odor, smoke, gas or dust, or other offensive or noxious substances or that may be the source of excessive noise or bright lights that are or may be objectionable to the residents.
- g) Mink farms or fox farms for the raising or harboring of such animals.
- h) Non-permanent seasonal structures shall not be allowed.

11) VILLAGE-OWNED PROPERTIES.

Village-owned properties shall be subject to the provisions of this ordinance except that the Village Board may grant special exceptions to any dimensional standards required by this ordinance as provided by this section.

- a) After referral of the matter to the Plan Committee and Historic Preservation Committee (if applicable) if the proposed use, change of use, or structure is in violation of a dimensional standard the Village Board may, upon majority vote, schedule the matter for a hearing on the granting of a special exception.
- b) The Village shall post notice of such hearing as provided in Section § [17.49](#). The notice shall include a general description of the special exception to be considered.
- c) The Village Board shall open the hearing to hear from interested parties. An extraordinary vote of at least seventy-five percent (75%) of the Board membership present and without conflict shall be required to pass the special exception.

17.17 NONCONFORMING USES, STRUCTURES, AND LOTS. (4/2/90)

1) NONCONFORMING USES.

The use of a building, structure, or parcel of land existing at the time of the effective date of the adoption or amendment of this chapter that would not be capable of establishment after the effective date because the use is not legally permissible under the provisions of this chapter for the particular location and/or because the dimensional circumstances of the property do not conform to this chapter is a nonconforming use. Such use may be continued with limitations even though the use does not conform with the provisions of this chapter provided, however:

- a) Continuation means the continuation of only the use of the property that was the nonconforming use as of such effective date. If a property owner seeks to substitute a new use for the nonconforming use, a change of use application shall be made and shall be supported with a narrative statement from the applicant explaining the manner and extent to which the substituted use will differ from the nonconforming use. Such application shall be transmitted to the Plan Committee and reviewed at the nearest Plan Committee meeting. The Plan Committee may deny issuance of the permit upon finding that the substituted use is materially different. If the Plan Committee makes a favorable finding or makes no finding at all, the change of use permit for substitution of a comparable use shall be issued. In the course of normal review, conditions may be attached. If the new comparable use is a use that still does not conform with the provisions of this chapter, it shall remain in nonconforming use status.

- b) The right to continue a nonconforming use shall cease if the nonconforming use is discontinued or terminated for a period of thirty-six (36) months and, thereafter, any future use of the structure or land shall conform to the provisions of this chapter.

2) **EXISTING NONCONFORMING LOTS.** Where the nonconforming condition is a failure of the lot that was created prior to the effective date of adoption or amendment of this chapter to satisfy the lot size or width requirements or the lot size to density ratios, the condition shall be known as a nonconforming lot. A nonconforming lot condition may be considered for development or redevelopment through conditional use review for the establishment of buildings and structures on a vacant nonconforming lot and/or for demolition/removal and replacement of preexisting structures otherwise allowable in the application zoning district in accordance with the following:

- a) Documentation of such lot creation shall be known by duly recorded land subdivision, certified survey map, deed, or land contract in the office of the Door County Register of Deeds. Such recorded instruments must predate the time of adoption or amendment of this chapter.
- b) If two (2) or more adjoining lots are in the same effective ownership, they shall be considered a single parcel if doing so brings them into conformity or closer to conformity, and a survey document shall be created and recorded to unify the parcels.
- c) Conditional use approval is required to allow the use, development, or redevelopment of lots having characteristics specified in this section. In conditional use review of development of historically vacant lots, the Plan Committee shall assure ensure that all relevant dimensions and intensity of a project are scaled back in proportion to the substandard dimensions of the lot. The fact that the lots are above the dimensions specified in par. (d) §17.17(2)(d) does not guarantee conditional use approval by the Plan Committee if the Plan Committee is not satisfied that the dimensions and intensity can be successfully scaled back. In conditional use review of the redevelopment of lots that have nonconforming structures, the burden of proof and persuasion shall be on the applicant and approval may be given by the Plan Committee only upon a specific finding of community advantages. The Plan Committee is not required to scale back relevant dimensional standards in proportion to the dimensions of the lot.
- d) In no case shall development be allowed under this section for nonconforming [zoning] lots that are below the following standards:

TABLE OF STANDARDS		
DISTRICT	MINIMUM WIDTH	MINIMUM AREA
PW	65'	6,000 sq. ft.
R-1	65'	10,000 sq. ft.
R-R	100'	15,000 sq. ft.
C-South Area	65'	10,000 sq. ft.
C-Central Area	65'	10,000 sq. ft.
C-North Area	100'	15,000 sq. ft.
Other	Lots in other districts are not eligible for conditional use review under this section	

The Committee shall not scale back required setbacks or other dimensional requirements. With regard to [§17.17\(4\)](#) and the ability to re-establish structures as a result of calamity, the Committee shall not scale back required setbacks or other dimensional requirements when considering redevelopment of substandard lots.

3) NONCONFORMING STRUCTURES.

A structure shall be considered a nonconforming structure if it does not conform to minimum or maximum square footage requirements, height, setbacks, or other structure requirements of this ordinance, or is used for a non-conforming use. (2/13/96)

- a) If in conjunction with a nonconforming use on the property, continuation includes the right to make ordinary and necessary repairs and upkeep not involving expansion or intensification of the nonconforming use. The right to extend, enlarge or move such a structure is allowed only when required to do so by law or order.
- b) Continuation includes the right, subject to ordinarily Conditional Use Permits and statutory requirements provided in Wis. Stat. [§62.23\(7\)\(h\)](#), to enlarge the physical dimensions of a structure that is nonconforming as to dimensional standards, provided that the height, density, setback, and floor area provisions of this chapter are met in full for the enlargement. Parking requirements must be updated to conform to the property if the enlargement of the structure is allowed by the Plan Committee.

4) ADDITIONAL RIGHTS OR PRIVILEGES AVAILABLE TO NONCONFORMING PROPERTIES BY CONDITIONAL USE.

A nonconforming property shall be allowed to re-establish a structure or structures on the premises when the original structures are damaged as a result of fire, explosion, flooding, storm damage, or similar calamity. If site conditions allow, the restoration development shall respect required setbacks and parking standards and determinations to this effect shall be made by the Plan Committee. Subject to such determination, the restoration development shall be allowed to replicate building floor area and bulk. (See [Map for Zoning Districts](#))

17.18 REGULATION OF WIRELESS COMMUNICATION SERVICE AND OTHER TRANSMISSION FACILITIES

1) PURPOSE. THE PURPOSE OF THE REGULATION REQUIREMENTS OF THIS SECTION ARE TO:

- a) Accommodate the communication, radio, television, and electricity generation needs while protecting the public health, safety, and general welfare.
- b) Minimize the visual impacts of wireless communication service and other transmission facilities through site planning and design standards.
- c) Avoid potential damage to adjacent properties from construction, location, operation of wireless communication, and other transmission facilities through maximum standards and set back requirements.
- d) Maximize the joint use of existing and approved towers, buildings, or structures to accommodate new wireless service to minimize the number of towers needed to service the community.
- e) Accomplish the foregoing while preserving the character of the Village so as to ensure that structures and other features that would detract from the natural scenic value and appearance of the Village be minimized or prohibited.

2) DEFINITIONS.

- a) **Alternative tower structure** shall mean man-made trees, clock towers, bell steeples, flag poles, light poles, and similar alternative design mounting structures that camouflage or conceal the presence of antennas or towers including, but not limited to, building and rooftop mounted facilities.
- b) **Alternative Facility** shall mean a transmission facility that appropriately models or mimics in size and shape, scale, and color something that exists in the immediate landscape or which could legally be placed there at the time of the application such as a silo in a farm setting or a tree in a forested area and which is unrecognizable to a casual observer as a transmission facility.
- c) **Antenna** shall mean any exterior apparatus designed for telephonic, radio, or telecommunications through sending or receiving of electromagnetic waves.
- d) **Collocation** means a wireless telecommunications facility comprising a single telecommunication tower, monopole, or building supporting the antennas owned and used by more than one telecommunication carrier or other provider of similar service. Pole locations shall also include location of wireless telecommunication facilities with other facilities such as water tanks, lights standards, or other facilities and structures.
- e) **FAA:** Federal Aviation Administration.
- f) **FCC:** Federal Communications Commission.
- g) **Preexisting Transmission Facilities:** Towers, tower accessory structures and alternative tower structures permitted and in operation prior to the effective date of this ordinance.
- h) **Height:** When referring to a tower or structure, shall mean the distance from ground level to the highest point of towers structure even if said highest point is an antenna stealth facility a wireless communication service, or other transmission facility which appropriately models or mimics in shape, scale, and color something which exists in the immediate landscape or which could legally be placed or already exists there at the time of the application such as a silo in farm settings, a tree in forest lands and what is unrecognizable to the casual observer such as a transmission utility tower.
- i) **Stealth facility:** Transmission facilities that are entirely enclosed in structures existing and permitted in the zone in which the facility is sited provided that such facilities are not subject to view by an observer from outside of the structure
- j) **Tower:** Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas or wind generators, including guide towers, monopole towers, and self-supporting lattice towers.
- k) **Transmission Facilities:** Any WCSF, radio, television, or electric generation tower, equipment, or accessory structure other than an electric transmission line.
- l) **Wireless communication service facility (WCSF):** All equipment, buildings, and structures with which a wireless communications service carrier or provider broadcasts and receives the radio frequency waves which carry its services, and all locations of said equipment, buildings, and structures.

3) **APPLICABILITY.**

- a) Preexisting transmission facilities. There are no transmission facilities that exist in the Village that are not in compliance with the provisions and intent of this ordinance on the effective date of this ordinance, April 15, 2005. Accordingly, all existing facilities will be deemed to have been permitted under this Section and will be subject to the provisions of this Section.

- b) Public Property. Antennas or towers located on property owned, leased, or otherwise controlled by the Village shall be exempt from the requirements of this ordinance provided a license or lease that addresses the intent and purposes of this ordinance has been approved by the Plan Committee and Village Board. The Village expressly reserves the right to the reservation of space on any tower located on Village land for the collocation of Village property as a term of any lease or license.

4) **USE REGULATION.**

- a) Conditional Use. Subject to the requirements of the Telecommunications Act of 1996, Transmission facilities shall be conditional uses subject to the provisions of Sec. §17.44 of the Ephraim Zoning Code and the remainder of this ordinance, in the zones listed below.
- b) Towers. Transmission facilities utilizing a tower shall be permitted as a conditional use only in the R-R Rural Residential District.
- c) Stealth Facilities. Shall be permitted as a conditional use in any zone.

5) **GENERAL REQUIREMENTS.**

- a) Any transmission facility shall comply with all FCC and FAA rules and regulations.
- b) Any installation of a transmission facility shall comply with the manufacturer's specifications. The plan shall be approved and certified by a registered professional engineer.
- c) Installation of any transmission facility shall comply with all applicable state and local building and electrical codes.
- d) All lease sites will require written authorization for the siting of a transmission facility which must be obtained from the property owner.
- e) Any transmission facility must be adequately insured against personal injury, wrongful death, and property damage claims and a current certificate of such insurance shall be maintained on file by the Village Administrator. The Village of Ephraim shall be listed as a co-insured on said policy.
- f) Any transmission facility which is unused for the use for which the permit was granted for twelve (12) consecutive months must be removed and the site restored in a reasonable time, but not more than three (3) months after the removal is requested by the Village. Upon removal, the site shall be restored to its original or improved condition and anchoring elements shall be removed from the ground to the depth of at least eight feet (8'). If removal and/or restoration is not completed, the Village is authorized to complete remove and site restoration and to charge to the cost to the performance bond.
- g) Proposals to erect a new transmission facility shall be accompanied by a required federal, state, or local agency license or application for such license.
- h) Only one (1) tower is permitted on each parcel of land although, transmission facilities can be collocated on such tower.
- i) Except in cases where an acceptable alternative tower structure may be used, the monopole is the required tower structure. Guide or lattice towers are prohibited. Antennas must be contained within or mounted flush with the monopole.
- j) Any owner of a preexisting transmission facility for which a permit has been issued or deemed issued by this provision shall be designed to accept in the future at least two (2) collocations on reasonable terms so long as adverse visual impacts do not result.

- k) In the interest of minimizing the visual impact of the transmission facilities, the following requirements shall be imposed:
- i. At a transmission facility site, the design of the buildings and related structures shall to the extent possible represent alternative facilities as defined in subsection (2) §17.18(2) above.
 - ii. To the extent possible, all transmission towers shall be placed in an alternative tower structure.
 - iii. In the event the tower cannot be placed in an alternative tower as noted in (k)2 17.18(5)(k)(ii), above, towers shall be painted in neutral colors so as to reduce visual obtrusiveness, with color choices approved by the Plan Committee.
 - iv. If an antenna is installed on a structure other than a tower the antenna and supported electrical mechanical equipment must be of neutral color that is identical to or closely compatible with the color of the supporting structure so as to make an antenna and related equipment as visually unobtrusive as possible.

6) PROHIBITIONS.

- a) No transmission tower shall be installed on a parcel within a subdivision created for residential purposes.
- b) No advertising message shall be affixed to a transmission facility.
- c) No transmission facility shall be illuminated unless required by FCC or FAA regulations, and such requirement shall be disclosed and evaluated when considering the granting of a conditional use for such tower.
- d) No part of any transmission facility shall extend across or over public right-of-way, street, highway, sidewalk, or property line.
- e) A temporary mobile transmission facility site is not permitted except in the case of failure equipment testing, equipment replacement, or emergency; prior authorization must be obtained from the Zoning Administrator. Use of a temporary site for testing purposes shall be limited to twenty-four (24) hours and a temporary site for equipment failure, equipment replacement, or emergency shall be limited to thirty (30) days unless extended for good cause in writing by the Zoning Administrator. Any such extension will be reported to the Plan Committee.
- f) A temporary mobile transmission facility site is not permitted except in the case of failure equipment testing, equipment replacement, or emergency; prior authorization must be obtained from the Zoning Administrator. Use of a temporary site for testing purposes shall be limited to twenty-four (24) hours and a temporary site for equipment failure, equipment replacement, or emergency shall be limited to thirty (30) days unless extended for good cause in writing by the Zoning Administrator. Any such extension will be reported to the Plan Committee.

7) FEDERAL REQUIREMENTS.

All towers must meet or exceed current standards of the FAA and FCC and any other agency of the federal government with authority to regulate towers and antennas. If such standards and regulations are changed then the owner of towers and antennas governed by this ordinance shall bring such towers and antennas into compliance with the revised standards within six (6) months of the effective date of such standards or regulations, unless a more stringent compliance schedule is mandated by the controlling federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal tower and antenna at the owner's expense.

8) BUILDING CODE.

The owner of a transmission facility shall ensure it is maintained and complies with the standards contained in the applicable building codes and to the applicable standards for transmission towers which are published by the Electronic Industries Association as amended from time to time. If upon inspection the Village Board concludes a tower fails to comply with such codes and standards and constitutes a danger to persons on the property then upon notice being provided to the owner of the tower, the owner shall have thirty (30) days to bring such facility into compliance with such standards. If the owner fails to bring such tower into compliance within thirty (30) days the Village Board may remove such tower at the owner's expense.

9) PERMITTING REQUIREMENTS.

Application for a Conditional Use Permit for a transmission facility shall comply with the following provisions in addition to those of Sec. §[17.44](#) of the Ephraim Zoning Code:

- a) Inventory of existing sites. Each applicant for an antenna and/or tower shall provide to the Zoning Administrator an inventory of existing towers that are either within the jurisdiction of Ephraim or within neighboring jurisdictions including specific information about the location, height, and design of each tower. The Zoning Administrator may share such application with other applicants applying for Conditional Use Permits or administrative approvals under this ordinance or other organizations seeking to locate antennas within the jurisdiction of this Village provided however, that the Zoning Administrator is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.
- b) Any information of an engineering nature that the applicant submits whether civil, mechanical, or electrical shall be certified by a licensed professional engineer.
- c) Information required by each applicant requesting a permit under this ordinance shall submit a scaled site plan and a scaled elevation view and other supporting drawings and computer-generated renderings calculations or other documentations signed and sealed by appropriate licensed professionals showing the location and dimensions of all improvements including information concerning topography, radio frequency coverage, tower or height requirements, setbacks, drives, parking, fencing, landscaping, adjacent uses and other information deemed by the Plan Committee to be necessary to assess compliance with this ordinance.
- d) Each application for Conditional Use Permits shall include a facility plan containing the following information:
 - i. Written description of the types of consumer services each provider will provide to its customers (radio television, electric, generation, cellular, paging, or other anticipating wireless communication service).
 - ii. List of all existing sites, existing sites to be upgraded, replaced, and proposed sites within the Village for services to be provided by the provider.
 - iii. Map of Door County showing the adjacent governmental units in which transmission facilities of the applicant are located.
 - iv. A visual analysis including photo simulations of the view of the vicinity of the transmission facility before and after the proposed transmission facility is built taken from approximately a mile from the transmission facility from the north, south, east, and west proposed site and from the Bay which may include photomontage, field mockup or other techniques which identifies the potential visual impacts of the proposed transmission facility. Consideration shall be

given to views from public areas, as well as from private residences. The analysis shall assess the cumulative impacts of the proposed transmission facility and other existing foreseeable transmission facilities in the area and shall identify and include the feasible mitigation measures consistent with the technology requirements of the proposed services.

- v. In addition to the factors set forth in Sec. [§17.44](#) of the Ephraim Municipal Code, the Plan Committee and Village Board shall consider the following factors in determining whether to issue a permit although, the Village Board may waive or reduce the burden on the applicant if one or more of the criteria concludes that the intent of the ordinance is better served thereby:
1. Height of proposed tower.
 2. Proximity of the tower to residential structures and residential boundaries.
 3. Nature of uses on adjacent and nearby properties.
 4. Surrounding topography.
 5. Surrounding tree coverage and foliage.
 6. Design of the tower particularly with reference to design characteristics that have the effect of accommodating other users and reducing or eliminating visual obtrusiveness.
 7. Proposed ingress and egress.
 8. Financial impact of the proposed tower.
 9. The increased need for the installation for wireless communication service facilities.
 10. The intent of the Village's Zoning Code that the view of the Village be protected from structures and other features that would detract from its natural scenic value and appearance.
 11. The location, siting, and construction of wireless communication service and other facilities which may result in potential adverse impacts on the surrounding area.
 12. The need to provide a fair nondiscriminatory procedure for providing wireless communication service facilities and tower facilities for other technologies such as wind generation of electricity and digital television, while protecting health, safety, and welfare, minimizing adverse visual impacts of such services, avoiding potential hazards or damages to adjacent properties for tower structures and to maximize existing or other approved structures to minimize the need for such structures
 13. The interplay of related Federal regulations on the applicability of this ordinance.
 14. Landowner acknowledgment. Written acknowledgment by the landowner of a leased site that he/she will abide by the applicable terms and conditions of the Land use permit or Special Exception Permit including the restoration and reclamation requirements provided in this ordinance.

15. A performance bond in a form acceptable to the Zoning Administration in an amount sufficient to provide for the removal of the transmission facility shall be presented with the application.
16. Additional information and analysis.
17. The Zoning Administrator or Plan Committee or, upon appeal, the Board of Adjustment, may at their discretion require a visual impact demonstration including mockups and photomontages, screening and painting plans, network maps, alternative site analysis, and list of other nearby transmission facilities or facility design alternatives for the proposed transmission facility.
18. The Zoning Administrator, Plan Committee, or Board of Appeals, on appeal, may employ, on behalf of the Village, independent technical experts to review materials submitted by the applicant or prepare materials required, but not submitted by the applicant. The applicant shall pay the cost of such review or independent analysis.
19. Photographic documentation of pre-construction conditions of the site.

10) WAIVER OF GUIDELINES.

The guidelines set forth in this ordinance shall govern the location of all towers and the installation of all transmission facilities; provided, however, that the Village Board may waive these requirements if it determines that the goals of this ordinance and the requirements of federal law are being served thereby.

11) AVAILABILITY OF OTHER SUITABLE EXISTING TOWERS OR OTHER STRUCTURES.

No new tower shall be permitted unless the applicant demonstrates to the satisfaction of the Village Board that no existing tower or alternative structure can accommodate the applicant's proposed antenna. Evidence submitted to demonstrate that no existing tower or alternative structure can accommodate the applicant's proposed antenna may consist of any of the following:

- a) No existing towers or structures are located within the geographic area required to meet the applicant's engineering requirements.
- b) Existing towers or structures are not of sufficient height to meet the engineering requirements.
- c) Existing towers or structures do not have sufficient structural strength to support the applicant's proposed antenna or equipment.
- d) The applicant's proposed antenna would cause electromagnetic interference with an antenna on existing towers or structures or antenna on existing structures or towers would cause interference with applicant's proposed antenna.
- e) These costs or contractual provisions required by the owner in order to share an existing tower or structure are unreasonable.
- f) The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
- g) Accommodation of other users.
- h) Any proposed telecommunications tower and tower site shall be designed structurally and electrically in all respects to accommodate collocation of the applicants' antennas and comparable antennas for at least two additional users. Towers and tower sites shall be designed to allow for future rearrangement of antennas upon to tower to

accept antennas mounted at varying heights and to accommodate supporting buildings and equipment.

- i) The holder of a permit for a tower shall allow collocation of at least two additional users and shall not make access to the tower and tower site for additional users economically unfeasible. If additional users demonstrate through independent arbitrator other pertinent means that the holder of the tower permit has agreed access to a tower economically unfeasible then the permit shall become null and void.

12) **SETBACKS AND SEPARATION.** The following setbacks and separation requirements shall apply to transmission facilities provided however, the Village Board may reduce the standards and separation requirements if the intent to this ordinance is better served thereby:

- a) Towers must be set back a distance equal to or greater than the height of the tower from any residential structure or lot line.
- b) In any zoning district towers, over ninety feet (90') in height shall not be located within a quarter mile of any existing tower that is over ninety feet (90') in height. This one-quarter mile limitation may be waived by the Village Board after the Village Board gives consideration to collocation possibilities and the factors set forth in this ordinance.
- c) Security fencing. Towers shall be enclosed by a security fence not less than six feet (6') in height and/or shall be equipped with the appropriate anti-climbing device, provided, however, that the Village Board may review such requirement for stealth facilities and provided that such fencing requirement is not applicable to alternative structures siting.
- d) Accessory structures shall conform to the setback, height, and other dimensional standards established for structures in the district in which they are located.
- e) Landscaping the following shall govern the landscaping surrounding towers however, the Village Board may waive such requirements if the intent of the ordinance be better served thereby.
- f) Tower facilities shall be landscaped with a buffer of plants that effectively screen the view of the tower site from the adjacent property. The standard buffer shall consist of a landscape strip at least four feet (4') wide. In locations where the visual impacts of the tower would be minimal, the landscaping requirement may be reduced or waived altogether.
- g) Existing mature tree growth and natural land form on the site shall be preserved to maximum extent possible. In some cases, such as towers sited on large wooded lots, natural growth around the property perimeter may be a sufficient buffer.

13) **ABANDONMENT.** Abandoned or unused towers or portions of towers shall be addressed in the following manner.

- a) All abandoned and unused towers associated with facilities shall be removed within twelve (12) months of the cessation of the operations of the site unless a time extension is approved by the Plan Committee. If leased property, a copy of the

- b) relevant portions of the signed lease which requires the applicant to remove the tower upon the cessation of operations that the site shall be submitted at the time of application. In the event that the tower is not removed within twelve (12) months of the cessation of operations, the tower and associated facilities may be removed by the Village and the cost of remove assessed against the property. See also §[17.18\(5\)\(f\)](#).
- c) Unused portion of towers above a manufactured connection shall be removed within six (6) months of the antenna relocation unless a new user notifies the Zoning Administrator of its intent to locate on such unused portion. In which case, the six (6) month provision may be waived. Unused equipment shall be removed within sixty (60) days of abandonment of the tower. The replacement of the portions of the tower previously removed and equipment requires the issuance of new Conditional Use Permit.

- 14) **LIABILITY AND ENFORCEMENT.** The owner of the transmission facility maintains all liability relating to said facilities and shall be required to keep a current certificate of insurance, with Village as co-insured, demonstrating the existence of insurance sufficient to address such liability concerns.

In addition to the procedures provided at Sec. §[17.44](#) of the Ephraim Zoning Code, the Plan Committee shall act promptly upon the application taking into consideration the nature and scope of the request and may require additional meetings to review an application for a transmission facility. The Plan Committee shall, upon its decision either to grant or deny the permit, make detailed written findings explaining the rationale and provide substantial evidence for the course of action taken. Such decisions shall be subject to appeal and review by the Board of Appeals as provided in Sec. §[17.44](#), Ephraim Zoning Code.

17.19 MEMORIALS.

- 1) **MEMORIALS.** It is the intent of the Village of Ephraim to allow the placement of commemorative memorials when deemed appropriate and when compatible with the unique architectural and historical character of the village.
- a) All requests for memorials on public property shall be reviewed by the Village Board of Trustees. Upon approval, the Village Board will become the applicant and the item will be forwarded to the Plan Committee for review.
 - b) Plan committee design review and approval are required prior to issuance of a permit for the placement of a memorial on Public or Private Property.
 - c) When not placed on an existing building, memorials and any accompanying memorial structures shall be placed outside of the road right of way. Memorials shall not exceed a size of one and a half square feet (1.5 ft²) or have a single dimension longer than eighteen inches (18").
 - d) Memorials placed on stone or other freestanding memorial structures shall be approved on a case-by-case basis by the Plan Committee by the design review process. In the course of design review, consideration shall be given to sizing memorial structures in order to best facilitate the intended viewing of the memorial.
 - e) No memorial shall be so located as to interfere with the visibility or effectiveness of any official traffic sign or with driver vision at any access points or intersections.
 - f) Memorials existing prior to the adopted date of this ordinance shall be considered grandfathered.

- 2) Applications for Memorial benches are reviewed by the Village Board upon receiving a written request. Requests are approved or denied based on the villages' current needs. Each donated bench features the words "In memory of _____", and is paid for by the applicant once the bench has been completed. Benches are placed on public property with no assigned or preferential location.

17.20 PROTECTED WATERFRONT (PW) DISTRICT.

- 1) **INTENT.** Recognizing that the open shoreline is one of Ephraim's most distinctive features, the intent of this ordinance is to provide for as much open viewing space along our shoreline as possible. As an important contributing component of the Ephraim Historic District Ordinance [§17.26](#), owners of residences in the Protected Waterfront "PW" District are encouraged to use and maintain their existing residences. Since most of the residential buildings in this are sited on small non-conforming lots that would otherwise prohibit the erection of such structures under the existing ordinance unless otherwise noted or provided for in this section, structures shall be restricted to those in existence as of January 1, 1998.
- 2) **PERMITTED USES.**
 - a) Park and open spaces provided that any proposed structural elements are given conditional use approval.
 - b) Beaches provided that any proposed structural elements are given conditional use approval.
- 3) **CONDITIONAL USES.**
 - a) On parcels where there is not a residence:
 - 1) Dockage and launching;
 - 2) Boat and related rentals;
 - 3) Sale of marine fuel and accessories for marine use only;
 - 4) New structures necessary for permitted uses in the district, including bathrooms.
 - 5) Non-profit organizations on village-owned property. Sales within such shall be subject to any existing lease or other agreements with the village. In the event, that no such agreement speaking to sales exists, the Village of Ephraim Planning Committee, through Conditional Use review, shall oversee and have final approval over any such sales area. This review will include but is not limited to, the type of merchandise sold, and the total amount of display area the merchandise will envelop.
 - b) On parcels where there is a residence:
 - 1) Additions/modifications to or replacement of existing residences. Subject to Par 5 below.
 - 2) Residences destroyed by natural disasters or fires in this district may be replaced using the former dimensions and location.
- 4) **SPECIAL EXCEPTION REVIEW.**

The provisions of this section including the setback and lot coverage requirements from [§17.24](#) shall be mandated except in the case of buildings, structures, or public projects along the shoreline that are deemed to be in the greatest interest to the public by a majority of the Plan

Committee and a majority of the Village Board, and this exception can occur only through special exception review.

5) **ADDITIONS/MODIFICATIONS TO OR REPLACEMENT OF EXISTING RESIDENCES. “PW DESIGN REVIEW”.** (Completed by HPC and Plan Committee.)

a) General requirements:

- 1) Addition/modification or replacement projects including existing dimensionally nonconforming structures considered under this section may apply the existing grandfathered setbacks of the existing structures as the required setback for new work so long as the new work increases or at minimum does not further encroach on the setbacks in question.
- 2) Footprints in the PW District can be modified but increases to the total footprint of individual structures within the district are prohibited.
- 3) All projects are subject to the applicable dimensional standards of §17.24 of the ordinance unless otherwise noted or provided in this section.
- 4) All projects are subject to applicable floodplain ordinances of the Village and State.

b) Design Criteria:

- 1) All projects shall incorporate a design that is in keeping with the character of the Village Historic District and the language of the Historic District Ordinance ([§17.26](#)).
- 2) Visual impact from the street is to be minimized on all projects occurring in the PW District.
- 3) No structures shall exceed twenty-three feet (23') in height as measured from the crown grade of State Highway 42.
- 4) Only chimneys shall be allowed up to two feet (2') above the approved peak roof line.
- 5) Primary roof pitches less than 6/12 or more than 12/12 are prohibited.

6) **OTHER REQUIREMENTS.** Up to 50% of the total roof pitch square footage can be made up of dormers that may be less than 6/12 but in no case may be less than 3/12.

- a) Special Plan Committee approval shall determine the number of required parking spaces on a case-by-case basis unless the use has a number established under ordinance [§17.15\(9\)](#); parking requirements may be met through a combination of off-street, on-site, and/or dedicated parking spaces within common ways. Pervious surfaces for parking are preferred in this district.
- b) Consideration given to allow for 10% additional lot coverage when that area will be used for adding off-street parking.

7) **DIMENSIONAL STANDARDS.** See ordinance [§17.24](#)

8) **PROHIBITED USES.** Home occupations are not permitted in the PW District.

17.21 SINGLE-FAMILY RESIDENTIAL (R-1).

- 1) **INTENT.** The R-1 District is intended to provide for single-family residential development and other uses compatible with single-family residences. The district encompasses land areas within the Village where larger lots than PW lots are appropriate.
- 2) **PERMITTED USES.**
 - a) Single-family dwellings.
 - b) Cemeteries.
 - c) Residential accessory structures.
- 3) **CONDITIONAL USES.**
 - a) Public and semi-public uses.
 - b) Churches.
 - c) Utility facilities.
 - d) Parking lots, area or facilities with spaces for six (6) or more vehicles, trailers, or boats, accessory to another use on the parcel.
 - e) Home occupations.
 - f) Planned Residential Development (See §[17.22](#))
 - g) Accessory structures larger than one thousand square feet (1,000 ft²).
- 4) **DIMENSIONAL STANDARDS.** See ordinance §[17.24](#).

17.22 PLANNED RESIDENTIAL DEVELOPMENT.

- 1) **INTENT.** The rationale behind permitting Planned Residential Development “PRD” is to provide the opportunity for the community to participate in the development of clustered, single-family homes (or duplexes), through condominium ownership, on larger tracts of land so that a maximum amount of green space is preserved. At the same time, although it is understood that ownership cannot be regulated, it is not the village’s main intent that PRDs provide second vacation homes for non-permanent residents. Rather, the hope is that the PRD approach will play a role in establishing permanent, moderately priced homes for permanent residents who will contribute to the diversity of the community in terms of age, income level, and background. To this end, the village will retain the right to either participate in, or deny, any proposed PRD that is not in keeping with the above goals and the goals set forth in Ephraim’s *Comprehensive Plan*.
- 2) **CONDITIONS OF PRDs.** Any proposed PRD is subject to Conditional Use and Design Review considerations, as well as any applicable infrastructure regulations pertaining to sewer ([Utilities Ordinance](#) §13.08 and §13.12), roads, drainage ([Chapter 16](#)), access and egress (Zoning Ordinance §[17.15\(6\)](#) and §[17.15\(7\)](#), etc. In addition, there may be other requirements and limitations as shall be imposed by the Plan Committee and the Board of Trustees in permitting the project to go forward.
 - a) PRDs are allowed in two (2) zoning districts: R-1 Residential and Rural Residential;
 - b) The minimum tract size for PRD consideration is five acres (5 AC); the maximum tract size for such consideration is thirty acres (30 AC);

- c) It is required that PRD development be accessed from an existing public road; whenever possible, access and egress shall not be from Highway 42;
- d) If the Village believes the project contributes to the overall community good, as described in the Intent section above, there is a density incentive allowed of 1.25 to 1.5 times the density normally allowed, depending on the district and the size of the units proposed. The following table sets for the incentive standards, and Appendix A in this section for further detail and examples:

	Density Multiplier	Footprint Maximum in Square Footage	Overall Maximum in Square Footage
R1	1.50	1000-1500 sq. ft.	1000-2250 sq. ft.
1-acre minimum	1.25	1501-2000 sq. ft.	2251-3000 sq. ft.
R-R	1.50	1000-2000 sq. ft.	1000-3000 sq. ft.
2-acre minimum	1.25	2001-3000 sq. ft.	2001-4000 sq. ft.

Note 1: Footprint and overall square footage excludes an attached garage, as stated in the residential footprint table.

- e) Rental of each unit constructed in a PRD shall be limited to once per year. The developer of a PRD must include this requirement (as a covenant or restriction) in the deed for each unit, and a buyer must agree to such a condition in writing;
- f) Duplexes are permitted in PRDs but are limited to no more than twenty-five percent (25%) of the total number of dwelling units in the PRD complex;
- g) Square footage. See Table of Standards for Residential Buildings. See *Appendix A before the index for examples of PRDs*

17.23 RURAL RESIDENTIAL DISTRICT.

- 1) **INTENT.** This district is intended to provide for the location of residences, certain agricultural uses, and certain other land extensive uses situated on relatively large parcels in a spacious, rural environment.
 - a) **PERMITTED USES.** Uses listed as permitted in the R-1 District.
 - b) Agricultural uses not involving farm livestock.
- 2) **CONDITIONAL USES.**
 - a) Commercial greenhouses.
 - b) Trade and Contractors' places of business.
 - c) Airport.
 - d) Golf Course.
 - e) Keeping of Farm Livestock.
 - f) Home Occupations.
 - g) Accessory structures over one thousand square feet (1000 ft²).
 - h) Planned Residential Development (See [17.22](#))

3) **DIMENSIONAL STANDARDS.** See ordinance [17.24](#).

17.24 SUPPLEMENTAL RESIDENTIAL STANDARDS.

The following standards are consolidated here and apply to the various districts as identified below:

1) DIMENSIONAL STANDARDS FOR RESIDENTIAL DISTRICTS.

TABLE OF STANDARDS			
	PW	R-1	R-R
Minimum Lot Size	10,000sq. ft.	1 acre	2 acres
Minimum Lot Width	100'	100'	200'
Front Setback Minimum	30'	40'	75'
Side Setback Minimum	15'	15'	20'
Rear Setback Minimum	40'	40'	50'
Maximum Lot Coverage	20%	20%	10%
Min. Building Separation			

Dimension	PW	R1	RR	C-S	C-C	C-N	PRD (allowed in R-1 or RR)
Minimum Lot Size	10,000 sq. ft	1 acre 43,560 sq ft.	2 acres 87,120 sq ft.	1 acre	1 acre	1-1/2 acres	5 acres min. 30 acres max.
Total Lot Coverage	20%	20%	10%	20% residential 50% by condit'l use 50% commercial	20% residential 50% by condit'l use 50% commercial	20% residential 50% by condit'l use 50% commercial	20% in R-1 10% in RR
Minimum Lot Width	100'	100'	200'	150'	150'	200'	Determined by Conditional Use
Front Setback Minimum	30'	40'	75'	40'	40'	75'	As for district; if less, by agreement with neighboring property owners
Side Setback Minimum	15'	15'	30'	15'	15'	At least 25' no less than total of 100' not closer than 75' to bldg. on adjacent land	As for district if less by agreement with neighboring property owners
Rear Setback Minimum	40'	40'	50'	40'	40'	40'	As for district if less by agreement with neighboring property owners
Minimum Bldg. Separation				25'	25'	75' (where one or both are accessory structures, 25')	Determined by Conditional Use
		-----	Residences		-----		
Residential Unit Footprint Maximum	**Existing homes only	3000 sq. ft.	4000 sq. ft.	3000 sq. ft.	3000 sq. ft.	4000 sq. ft.	In R-1: 2000 sq. ft. In RR: 3000 sq. ft.
Total Residence Unit Maximum	**Existing homes only	5000 sq. ft.	6500 sq. ft.	5000 sq. ft.	5000 sq. ft.	6500 sq. ft.	In R-1: 3000 sq. ft. In RR: 4000 sq. ft.
Where Lot Size is Buildable but Less Than Minimum Size	**Existing homes only	Prorated by percent of minimum acreage size that exists	Prorated by percent of minimum acreage size that exists but not below 1 acre	Prorated by percent of minimum acreage size that exists but not below .5 acre	Prorated by percent of minimum acreage size that exists but not below .5 acre	Prorated by percent of minimum acreage size that exists but not below .5 acre	

** Also recommended prorated upwards from minimum lot size but not beyond the maximums recommended for RR*

*** Existing homes in the PW district can be modified, or torn down & reproduced, subject to approved "PW Design Review"*

**** Any existing legally non-conforming parcel that is buildable but does not meet the minimum lot size standards of its respective zoning district may, by special exception, be exempted from proration of footprint and total residence maximum. Added 4/13/09*

- a) Where a garage is attached to a house, in R1, C-S, and C-C, 480 seven hundred fifty square feet (750 ft²) may be subtracted from the proposed footprint, but not to exceed the proposed, actual garage square footage. In RR and C-N, 672 one thousand square feet (1,000 ft²) may be subtracted from the proposed footprint, but not to exceed the proposed, actual garage square footage. (08/14/06)
- b) Basements shall not be counted as part of the overall square footage where they are not open to the front or side of the building.
- c) Other Requirements. In R1 and RR, for each one hundred square feet (100ft²) over the footprint allowed on one (1) (minimum lot, the front setback shall increase five feet (5') the side setback shall increase two feet (2'), and the rear setback shall increase two feet (2').
- d) Residential footprints over the allowed footprint on one (1) minimum lot shall necessitate a plan of screening with trees, etc., to lessen the impact of the building in open areas (when greater than one (1) lot is involved and the footprint has maxed out).

2) ADDITIONAL STANDARDS THAT APPLY TO ALL RESIDENTIAL DISTRICTS.

- a) Minimum front setback shall be modified by street setback requirements as provided in ordinance §17.15(8) if the latter are more restrictive.
- b) Front and Street setbacks apply to all lot faces abutting on streets or roads.
- c) Waterfront lots abutting Eagle Harbor shall have a setback line established on the waterfront side by the Plan Committee under ordinance §17.15(11).
- d) The minimum required floor area of any newly constructed dwelling unit, for year-round or seasonal use, be it a single-family dwelling, living quarters in a commercial building, or a dwelling unit in a duplex or multiple-family dwelling, shall be as follows: (updated 11/13/2000)
 - i. One (1) or two (2) bedrooms: One thousand square feet (1,000 ft²).
 - ii. Three (3) or more bedrooms: One thousand two hundred square feet (1,200 ft²).
- e) Lighting. There shall be restraint in terms of outdoor lighting of properties or structures to provide privacy and prevent impinging on neighboring properties while providing safety and sufficient lighting for the homeowner's own needs. Lighting shall avoid glare and/or distraction for motorists. If there are written complaints, the Plan Committee and/or Historic Preservation Committee if within the Historic District, has the right to review the situation taking all factors into account, and require changes that will correct the situation. (4/10/00)
- f) The minimum required floor area of any dwelling unit existing as of the date of passage of this ordinance (11/13/2000), be it a single-family dwelling, living quarters in a commercial building, or a dwelling unit in a duplex or multiple-family dwelling, shall be as follows:

- i. If an existing structure is to be used as a residence, a minimum of six hundred square feet (600 ft²) is required. (11/13/2000)

3) **SITE AND DEVELOPMENT STANDARDS. See ordinance §17.15.**

17.25 COMMERCIAL DISTRICT (C).

1) **INTENT.**

- a) This district is intended to provide for the location of retail shops, offices, service and business establishments, commercial transient lodging, and related uses, and on a conditional use basis, multiple-occupancy residential housing. The district has three (3) subareas:
 - i. South subarea along STH 42 facing the PW waterfront residential neighborhood, surrounded by residential property and characterized by small lots and small-scale structural developments.
 - ii. The Village center, the hub of community activities, including the Village Hall, library, and post office, and a concentration of commercial uses. Also, in this area are several historical structures buildings, and spaces that characterize the Village's distinctive appearance.
 - iii. The north commercial area along STH 42 forms the north entrance to the Village on Highway 42. An open, rural feeling with open space around and between buildings rather than intense development will help preserve this character.
- b) Regulations established for the commercial areas are intended to accomplish a balance between accommodation of development and change to allow the Village to share the economic growth of Door County and to provide visitors with facilities and services desired by them while not, in the process, destroying the distinctive atmosphere and character of the Village as a small Village emphasizing unique historic traditions.

2) **PERMITTED USES.**

- a) Business professional offices.
- b) Stores and shops.
- c) Medical facilities.
- d) Restaurants.
- e) Financial institutions.
- f) Commercial transient lodging: hotels, motels, hotel/ motel resorts, tourist rental rooms, resorts, bed & breakfast establishments, condo rental pools of transient duration, and tourist cabins.
- g) Single-family detached dwellings.
- h) Dwelling units within a building that is predominantly commercial in use, which shall be utilized only as seasonal or year-round residences, not for commercial transient use. (4/12/99)
- i) Accessory structures per §17.15(3).

- j) Bar Rooms and bar rooms used in conjunction with a retail sales establishment.

3) **CONDITIONAL USES.**

- a) Theaters (indoor only).
- b) Recreation facilities.
- c) Gas and automobile service stations.
- d) Laundries.
- e) Public and semi-public uses.
- f) Churches.
- g) Utility facilities.
- h) Parking lots, areas or facilities, where the parking use is the principal use of the lot.
- i) Yard and garden supply stores (north area only).
- j) Trade and contractors' establishments (north area only).
- k) Outdoor food service or eating areas.
- l) Drive-up/drive-through financial facilities.
- m) Drive-up/drive-through service facilities for any business establishment otherwise allowed within this district.
- n) Timeshare interval ownership/occupancy facilities. *(1/9/90)*
- o) Accessory structures over one thousand square feet (1,000 ft²). *(2/14/96)*
- p) Within the portions of the Commercial zone that are in the Historic District, adaptive reuse of a building at least seventy-five (75) years old. Specific consideration must be given to maintaining the architectural integrity of the structure and its visual contribution to the district. This re-use can only be considered with recommendation from the Historic Preservation Committee. Dimensional requirements of the district shall apply for residential use if applicable.

In cases of buildings in the State or National Register, the building shall not be changed such that it jeopardizes its status on the State or National Register. *(4/9/2001)*
- q) Multiple-Occupancy Residential Housing up to eight (8) units per acre, prorated down to the nearest unit. Subject to dimensional minimum square footage for residences, **except as defined below** *(Passed 03/14/05)* (see §[17.24\(2\)](#) ~~(e)~~ 1. and 2.), parking requirements set forth in [§17.15\(9\)\(g\)](#), and maximum footprint standards for commercial transient lodging ([§17.25\(6\)](#)). See also §[17.16\(9\)](#), Standards for Specific Uses. *(Passed 7/12/04)*
- r) As of the date of this ordinance, existing structures located in the Commercial zone may be expanded or divided to create new residences of six hundred square feet (600ft²) or greater via conditional use approval, including design review. Previous Board of Appeals "Findings of Facts and Conclusions of Law" and existing dimensional standards must be observed, including but not limited to parking and lot coverage. *(Passed 03/14/2005)*.
- s) Commercial transient lodging facilities and bed & breakfast establishments on lots smaller than the minimum lot area for the district. *12/8/2008*

4) **DIMENSIONAL STANDARDS.**

- a) Zoning map. The zoning map identifies three (3) subdistricts (south, central, and north) that relate to the dimensional standards herein.
- b) Table of Standards.

SUBDISTRICTS				
	SOUTH	CENTRAL	NORTH	
Minimum Lot Area	1 acre	1 acre	1.5 acres	
Minimum Lot Width	150'	150'	200'	
Minimum Front Setback **	40'	40'	75'	
Minimum Side Setback **	15'	15'	See Note A	
Minimum Rear Setback **	40'	40'	40'	
Minimum Building				
Separation, Commercial	25'	25'	25'	10/93
Transient Lodging				& 6/96
Minimum Building				
Separation, all other				
Commercial	25'	25'	25'	12/93
Maximum Lot Coverage				
Residential Use **	20% **	20% **	20% **	
Nonresidential Use	50%	50%	50%	10/93

c. Additional standards.

- i. Definitions and additional standards of ordinance §17.24(3) shall apply.
- ii. Each site must have space designated for all parking spaces required for the use by ordinance §17.15(9) and for all driveway, loading, and related spaces required under the same section.
- iii. The twenty percent (20%) maximum lot coverage requirement for residential use applies to lots where the sole principal use is residential and non-residential usage are governed by the fifty percent (50%) maximum lot coverage standard. **(10/93)**
- iv. Residential lot coverage in the commercial subdistricts may be increased up to a maximum of fifty percent (50%) with special exception approval by the Planning Committee.
 1. The minimum size of sales display area per shop in shops within a newly constructed complex or establishment having two (2) or more shops on the same parcel shall be five hundred square feet (500 ft²) not counting storage area. Such a complex shall have public restroom facilities. If shops are being established within an existing structure having current or prior residential use and if the amount of usable floor area to be devoted to shop purposes equals or exceeds twenty percent (20%) of total floor area, the premises must have sufficient parking space per ordinance §17.24(9) ratioed to sales floor area and must have public restroom facilities.
 2. The maximum footprint size for each commercial structure (except for commercial transient lodging) shall be as follows:

North subarea: 10,000 square feet
 Central subarea: 6,000 square feet (08/16/06)
 South subarea: 6,000 square feet

3. All commercial developments requiring a building permit shall be subject to Design Review. (12/2/93)

5) **Commercial transient lodging facilities** shall conform to the following standards. See also §17.16(2) "Specific Uses":

- a) The minimum required floor area of any dwelling unit existing as of the date of passage of this ordinance (11/13/2000), be it a single-family dwelling, living quarters in a commercial building, or a dwelling unit in a duplex or multi-family dwelling, shall be as follows:
- b) If an existing structure is to be used as a residence, a minimum of six hundred square feet (600 ft²) is required. (11/13/2000)

6) Regarding **lighting**, the Plan Committee and/or Historic Preservation Committee, if within the Historic District, shall review plans for outdoor lighting to assure that the lighting of the property and structures is appropriate for the district, avoids glare and distraction of motorists, and prevents imposing on neighboring properties while providing safety and sufficient lighting for the needs of that property. If there are written complaints, the Plan Committee and/or Historic Preservation Committee, if within the Historic District, has the right to review the situation taking all factors into account and require changes that will correct the situation. (See next page for Commercial Transient Lodging Densities)

COMMERCIAL TRANSIENT LODGING DENSITIES			
Size of Rental Unit	Parcel Size	South Subarea	Central Subarea
250-449 sq. ft		12/12	12/16
450-749 sq. ft.		8/8	8/12
750-999 sq. ft		6/6	6/8
North Subarea			
250-449 sq. ft	1-3.9 acres	18/18/1	
	4-5.9 acres	18/18/2	
	6-10 acres	18/18/3	
450-749 sq. ft	1-3.9 acres	18/18/1	
	4-5.9 acres	18/18/2	
	6-10 acres	18/18/3	
750-999 sq. ft.	1-3.9 acres	9/9/1	
	4-5.9 acres	9/9/2	
	6-10 acres	9/9/3	
999 sq. ft. is the maximum unit size.			
Note: The following example demonstrates how densities would be determined for a project having mixed unit sizes: A project proposing 30 small units (in the 250-449 sq. ft. range) and 10 larger units (in the 750-999 sq. ft. range) in the north subarea would need $43,560/18 = 2,420$ sq. ft. $\times 30 =$			

72,600 sq. ft. in lot area for the small units and $43,560/9 = 4,840 \times 10 = 48,400$ sq. ft. in lot area for the larger units or a total lot area of $72,600 + 48,400 = 121,000$ sq. ft. (2.8 acres)

7) ADDITIONAL STANDARDS FOR COMMERCIAL TRANSIENT LODGING FACILITIES:

- a) A commercial transient lodging development may not be established on a zoning lot containing less than the minimum lot area for the C subdistrict **by conditional use.** (12/8/2008).
- b) Starting with portions of zoning lots beyond the minimum lot area, the number of units allowed (per density table in §17.25) may be prorated up or down to fractional acres with fractions of units rounded down. (12/8/2008).
- c) A dwelling unit shall be provided on the same parcel for the owner/manager and shall be used for housekeeping occupancy by an on-site manager.
- d) A maximum footprint size for each structure as follows:
 - i. North subarea: 10,000 square feet
 - ii. Central subarea: 6,000 square feet (10/93 and 6/10/96)
 - iii. South subarea: 6,000 square feet (8/14/06)

8) TIMESHARING/INTERVAL OCCUPANCY LODGING.

- a) Applications. All projects of this character shall require conditional use review and approval. In addition to information normally required for Zoning Permit applications, projects of this character shall submit full prospectus documentation of all covenants, agreements, instruments of title, disclosures, article of incorporation, and bylaws of associations and rental agreements establishing the project and its intended marketing and operation. §17.25(7)
- b) Standards. In addition to otherwise applicable zoning standards, the following standards apply to timesharing/interval occupancy lodging:
 - i. All signs, banners, and flags within the Village associated with the marketing of the project shall fully conform with Village sign control standards and with additional requirements imposed in conditional use review.
 - ii. No commercial activities other than restaurants shall be permissible on the same site, except commercial activities serving only residents of the project.
 - iii. All units within the project shall be subject to the timesharing/interval occupancy regime, unless exceptions are specifically approved by the Plan Committee in conditional use review.
 - iv. The project shall have a resident manager's quarters and a garage therefore not to exceed three (3) stalls. Accessory storage structures shall be sized solely to accommodate commonly owned equipment or furniture.
 - v. The site shall have two (2) parking spaces per unit and two (2) parking spaces for the manager's quarters.
 - vi. As a condition of permit issuance, the applicant/developer shall submit to the Zoning Administrator proof that construction of the facility will be fully inspected during inspection by a State Licensed inspector against State Building Code requirements. As a condition of occupancy permit, proof shall be submitted that

all inspections under Wisconsin Department of Industry, Labor, and Human Resources "DILHR" codes were satisfied.

- vii. Minimum parcel size shall be two acres (2 AC).
- viii. Other standards of the Commercial District apply to the components of a timeshare/interval occupancy lodging use.

c) Additional Standards.

- i. In addition to the above specific standards and other applicable Conditional Use standards, the Plan Committee shall consider and base the Conditional Use decision in part upon whether the project can be conditioned to produce reasonable stability and continuity in management responsibility. Such conditions shall address development documentation, the presence of a full-time or seasonal manager's office on the premises, bonding, or other sureties.

- 1. The Committee shall also consider and base its decision upon direct or indirect impacts of timesharing on property values within the Village, within the sectors of permanent residential property or transient lodging property.

d) Condominium Ownership.

Nothing in this section or in its administration shall be construed to treat projects under condominium ownership different than projects that are physically similar but not under condominium ownership.

- e) The combination within a single parcel or premises of commercial transient lodging uses with other commercial uses, when other such commercial uses are open to persons other than guests within commercial transient lodging units, renders the development a conditional use. Within the conditional use review, the Plan Committee shall review the proposed mixture for compatibility and impact upon the community. If the Plan Committee determines to approve the use mixture, the Committee shall determine the total floor area and retail floor areas as defined in ordinance § [17.09](#), and the zoning lot must be large enough to accommodate such under [subpar.4](#).

9) CONDITIONAL USE REVIEW STANDARDS; RELATION TO DIMENSIONAL STANDARDS.

- a) In making conditional use reviews, the Plan Committee shall consolidate review of land use, design, and review any substandard lot conditions, if the application and documentation are ready for each review.
- b) In conducting conditional use reviews, in addition to applying the standards spelled out in the design review section, the Committee shall make decisions and impose requirements aimed at assuring that future development and redevelopment in the Commercial District is self-contained in the sense of accommodating parking, traffic demand, activity and sanitary impacts upon public ways or private properties; moderate intensity in order not to aggravate problems described in ordinance § [17.25](#); and consistent with other Village ordinance standards, such as drainage and erosion control.
- c) In conducting design reviews of projects within the north subarea, the Plan Committee shall seek to achieve the following planning principles: § [17.25\(8\)](#)
 - i. Retention of larger lots and development of projects on a scale consistent with those larger lots.

- ii. Development of coordinated frontage road arrangements on both sides of STH 42.
 - iii. Provisions of landscape and other screening along the rear portions of lots that abut residential properties.
- d) When a conditional use on a parcel exists, any change or intensification of that use shall be subject to further conditional use review for modification or further restrictions on conditions originally imposed.

10) SPECIAL EXCEPTION REVIEW STANDARDS; RELATION TO DIMENSIONAL STANDARDS.

- a) In allowing special exceptions, the Plan Committee shall make decisions consistent with Village ordinance intent, including conformity with applicable Village-approved plans such as the Coastal Management Plan, Wastewater Strategic Engineering Plan, and Comprehensive Plan, and in consideration of the preservation of the distinctive atmosphere and character of the Village. A special exception may require more than one (1) meeting for final determination by the Plan Committee.

11) COMMERCIAL TRANSIENT LODGING ESTABLISHMENT.

Any newly established commercial transient lodging within the Village limits that does not have twenty-four (24) hour on-site management shall have installed a Knox box system which will allow the Fire Department or other emergency personnel access to the building through Door County Communications Center on a controlled and restricted basis. Existing businesses without twenty-four (24) hour on-site management as of the passage of this ordinance **(10/8/01)** shall have Knox boxes installed no later than 05/01/02 to comply.

17.26 HISTORIC DISTRICT ORDINANCE (12-6-93)

1) HISTORIC PRESERVATION DISTRICT.

- a) Description and Intent. The Village of Ephraim, as an exercise of its zoning and welfare powers for the purpose of promoting the health, safety, and general welfare of the community and of the Village by this ordinance addresses the structures and sites within the Village that have special character, historic interest, aesthetic interest, or other significant value, for the purpose of preserving such structures and sites and their significant characteristics, thereby enhancing the economic and aesthetic values of the Village. From the very beginning in 1853, this district was the center of Village activities. Many historic sites and structures remain in this area.
- b) In describing the “look” of Ephraim, visitors and residents often refer to the attractive simple lines of many of its buildings, with traditional gable roof shapes and construction of wood or native stone. Windows of the older buildings are of the multi-sash type with simple vertical rectangles with small panes of glass, and white is considered to be the traditional color, although the gray of weathered cedar is often seen. From a distance, the white buildings tend to sharply define the Village profile against a backdrop of trees along the bluff. This district is a mix of commercial buildings and private residences, with most of the commercial buildings restrained in bulk and scale.
- c) The Historic District, with its panoramic water view to the west, is laid out in a way that invites people to leave their vehicles and explore on foot. For a more complete description of Ephraim’s perceived unique features, see “What Makes Ephraim Unique” (document of Dec. 6, 1992, based on input at Town Hall meetings). The intent of this section is to provide standards and incentives to retain public views of historic

structures and shoreline vistas, (10/4/99) as well as the appearance, bulk, scale, and density of buildings in order to preserve the overall character of the Historic District. The goal is to provide ordinance guidelines and regulations which will help retain the identifiable features which define this community.

2) DEFINITIONS.

- a) Historic Preservation Certification. This is the letter of certification issued by the Historic Preservation Committee "HPC" in support of any alteration, rehabilitation, construction, reconstruction, or demolition of a historic structure or historic site in the Historic District.
- b) Historic Preservation Committee "HPC". The HPC shall consist of five (5) individuals serving without compensation, with all five (5) members subject to confirmation by the Board of Trustees. All five (5) members shall have demonstrated a sensitivity to architectural preservation and/or have shown a special interest in Door County history. Special consideration will be given to individuals who have had professional experience in architectural preservation. All members of the HPC shall be appointed by the Village President with approval from the Village Board of Trustees. Four (4) of these must be permanent residents of Ephraim. The fifth (5th) appointee may be from outside the Village but must own a home within the Village. One (1) appointee must be a member of the Plan Committee of the Village. The Village President may accept a recommendation from the President of the Ephraim Foundation. The Committee shall be viewed as a regular standing committee of the Village, with the chairperson appointed by the Village President. Terms shall be for three (3) years, and appointments shall be such that the terms are staggered.
- c) Historic District. An area or zone designated by the Board of Trustees and recognized by the HPC that contains improvements, sites, or roadways of special character related to the history of the Village, and which contribute to the collective unique characteristics of the community.
- d) Historic Site. Any parcel of land or feature on a parcel of land that has value in tracing the history of the community, or upon which a historic event has occurred, which has been so designated under this ordinance.
- e) Historic Structure. Any improvement which has a special character or special historic interest or value as part of the heritage or cultural characteristics of the Village, and which has been designated as a historic structure under the provisions of this chapter. In keeping with the age criterion of the State Historical Society, any structure fifty (50) years of age or older may be evaluated for designation by the HPC as a historic structure.
- f) Improvement. Any building, structure, place, work of art, or other object constituting a physical improvement or betterment of real property, or any part of such betterment, including streets, alleys, sidewalks, curbs, lighting fixtures, signs, and the like.
- g) Compatible Infill. Any improvement, particularly in the case of new construction, which is in keeping with the simple lines, mass, scale, building materials, setbacks, window treatment, color, and architectural style of adjacent structures, and which enhances the overall character of the village rather than drawing attention to itself and detracting from overall character. Whether or not infill is considered compatible shall be the responsibility of the HPC and the Plan Committee.
- h) Plan Committee. The clearly constituted Village body as defined [Chapter 1](#) of the main body of the Ephraim Code of Ordinances.

3) HISTORIC PRESERVATION COMMITTEE “HPC” POWERS AND DUTIES.

- a) The HPC shall review and make recommendations in an advisory capacity to the Plan Committee, on any building permit application involving new construction, reconstruction, exterior remodeling, alteration, and/or demolition within the Historic District, and for any aforementioned activity on or attached to any building listed in the Local Register of Historic Structures of the Village (“Register”).
- b) The HPC shall make recommendations only in regard to siting of a structure, external components of improvements, including roof type (i.e., shape) and covering, siding type, window type and treatments, foundation treatment (if exposed), architectural and/or ornament details, masonry, and incidental accessory structures including, but not limited to, pet houses and/or runs, HVAC equipment, signs and fencing, including colors of all components and landscaping used for screening.
- c) HPC shall recommend approval of the application unless:
 - i. The proposed work detrimentally changes or destroys an external component of a structure listed in the Register.
 - ii. The proposed work does not represent compatible infill with respect to neighboring properties.
 - iii. The proposed work does not conform to [§17.26\(1\)](#).
 - iv. The proposed work further obstructs and/or substantially changes public view of a structure listed in the Register in an adverse way.
- d) The HPC shall submit recommendations to the Plan Committee prior to the next scheduled Plan Committee meeting following subject application. Should the HPC fail to meet with a quorum at their regularly scheduled meeting, all applications requiring HPC involvement shall be forwarded to the next regular monthly Plan Committee meeting. At this time the present members of the HPC will be invited to join in the discussion. If action on an application before the Plan Committee is postponed to a future meeting, the HPC shall re-enter the review process. If special circumstances exist which prevent the HPC from so communicating in a timely manner, the HPC shall notify the Zoning Administrator, Applicant, and Plan Committee of same, including the reasons for the delay and the time frame within which recommendations shall be submitted.
- e) The HPC may recommend to the Plan Committee that a specific building be considered for inclusion on the Register.
- f) Except in the case of Concept Review as defined in [§17.39](#), no fees shall be charged by the Village for HPC involvement.

4) APPEALS.

Following the denial of Certification by the HPC, and subsequent denial of Building Permits from the Plan Committee, the applicant may appeal such decisions to the Board of Appeals within sixty (60) days of the Plan Committee’s denial. In addition, if the HPC fails to issue certification, the HPC shall, with the cooperation of the applicant, work with the applicant in attempting to satisfy the guidelines of this ordinance such that certification can be reconsidered by the HPC.

5) RECOGNITION OF HISTORIC STRUCTURES, SITES, ROADWAYS, AND DISTRICTS.

At such time as a historic structure, site, roadway, or district has been properly designated, the HPC, in cooperation with the property owner, may cause to be prepared and erected on

such property (at village expense), a suitable plaque declaring that such property is a historic structure, site, roadway, or district.

6) BOUNDARIES OF THE HISTORIC DISTRICT.

The Historic District shall include all of the area defined by Highway 42 to the west and Moravia Street to the east, including properties located abutting these streets, from Anderson Lane to German Road, as well as the Anderson Barn Museum, and the ice house and gas station structures on the Irene Anderson property adjacent to the Anderson Dock. Extending northward, the Historic District shall extend along Highway 42 to and along Amundson Lane to and including the old Highway 17 bridges.

To the south, The Historic District shall include all properties abutting Highway 42 to the Village limits beyond Maple Grove Road. Certain historic buildings outside the Historic District may be designated historic such that any proposed alterations to these buildings would be subject to review by the HPC. The mechanism for designating buildings and sites as historic lying outside the Historic District is that described below in **§17.26(8)(a)-(b)**.

7) ESTABLISHMENT OF AN INITIAL INVENTORY OF HISTORIC BUILDINGS.

The initial inventory of historic buildings shall include those identified in the 1984 study by Claudette Streger, as sponsored by the State Historical Society and the Village of Ephraim. This listing or inventory of historic buildings shall be known as Ephraim's "Local Registry" of historic buildings. The recognized historic buildings are:

- a) Andreas Iverson house (built in 1853)
- b) Thomas Goodletson Log Cabin (built in 1857)
- c) Halvor Anderson house (built around 1858; now in disrepair)
- d) Hillside Hotel (built in 1890)
- e) Abraham Oneson house (ca. 1880; second Oneson house on site?)
- f) Aslag Anderson house (built in 1864)
- g) Anderson Family Barn (ca. 1870)
- h) Moravian Church (built between 1857 and 1859)
- i) Lutheran Church (built in 1883)
- j) Aslag Anderson Store (built in 1858)
- k) Aslag Anderson Warehouse (ca. 1880; the third on the site)
- l) Aslag Anderson Icehouse (late 1800s)
- m) Oscar Wilson's Ice Cream Parlor (1907)
- n) Evergreen Beach Hotel (built by Fordel Hogenson in 1890)
- o) Hansen's General Store (now Edgewater Hotel; built in the late 1800s)
- p) Pioneer Schoolhouse (built in 1869)
- q) Log Schoolhouse was built by Rev. Andreas Iverson (ca. 1857)
- r) Ephraim Information Center (built in 1932 by Milton Hansen)
- s) Village Hall (built in 1927)
- t) Old Firehouse, Highway 42
- u) German Road as a historic road (**added 11/6/95**)

8) DESIGNATION OF ADDITIONAL HISTORIC STRUCTURES, HISTORIC SITES, AND HISTORIC DISTRICTS.

- a) The HPC may, after notice and public hearing, recommend to the Plan Committee additional historic structures, historic sites, improvements, and historic districts, or rescind such designation, after application of the criteria set forth above and below. At least ten (10) days prior to such hearing, the HPC shall notify the owners of record, as listed in the office of the assessor, who are owners of property in whole or in part situated within two hundred feet (200') of the boundaries of the property affected or within the boundaries of the Historic District.
- b) After providing notice, the HPC shall then conduct such public hearing and, in addition to the notified persons, may hear expert witnesses and shall have the power to subpoena such witnesses and records as it deems necessary. The HPC may conduct an independent investigation into the proposed designation or rescission. Within ten (10) days after the close of the public hearing, the HPC may designate the property as either a historic structure, historic site, or recommend its inclusion in a Historic District, or rescind the designation. After the designation or rescission has been made, notification shall be sent to the property owner or owners and the recommendation of the HPC forwarded to the Plan Committee for their approval or denial.

9) REQUIREMENTS FOR NEW CONSTRUCTION IN THE HISTORIC DISTRICT.

- a) Properties between one-quarter acre ($\frac{1}{4}$ AC)– one-half acre ($\frac{1}{2}$ AC) are allowed, via the permit process, to change the use of an existing principal structure to transient lodging of four (4) units or less. No new construction of transient lodging is allowed on less than one-half acre ($\frac{1}{2}$ AC).

These density standards apply to a single use on a property. Mixed-use proposals require further Plan Committee review and approval.

- b) Excluding existing parcels of land greater than two acres (2 AC) at the time of passage of this the Historic District ordinance, a maximum lot size of two acres (2 AC) shall apply in this District, even if the property is jointly owned. Properties which adjoin a developed commercial property of more than one acre shall not be utilized for the expansion of that commercial enterprise.
- c) General Comments. Large-scale development in this District is to be discouraged in order to preserve the existing appearance and scale. Incentives will be considered for owners who seek to alter their structures to bring them more in keeping with the Design Review and Historic District standards (see [§17.15\(13\)](#) and §17.26(11)(a-h). New construction must represent compatible infill and ideally would have simple lines, wood siding or the appearance of wood siding, and be relatively unadorned.

Compatible infill refers to the style of construction being in character with the Historic District in terms of mass, scale, building materials, setbacks, spacing between buildings, fenestration (window and door patterns), and architectural style. The Planning Committee shall require Design Review and request detailed written documentation that the builder has taken into consideration the intent and guidelines set forth in the Historic District Section of the Ordinance. Design Review standards are set forth both in (§[17.15\(13\)](#) and [§17.26\(11\)](#)(a-h). Procedures for Design Review are found in Sections [§17.39](#) and [§17.45](#).

- 10) **PERMIT APPLICATION.** Major faceprint alteration and exterior remodeling within the designated Historic District shall in every case be subject to Design Review to better determine compliance with requirements of this Section. New construction shall be given

more latitude in conforming to the Ephraim “look” as set forth in Subsection [§17.26\(1\)](#) above in and Subsection [§17.26\(11\)](#)(a-h) below.

Applications filed in behalf of historic structures or properties in the Historic District shall be subjected to a two-tier review as set forth above. First, the application is considered by the HPC, which passes along its determination to the Plan Committee. Second, the application and the HPC determination are considered by the Plan Committee. Note that applications not involving historic structures or properties in the Historic District shall be acted on only by the Plan Committee, as is the usual procedure, although the Plan Committee may wish to consult with the HPC in regard to certain applications. Upon filing of any application, the HPC and Plan Committee shall consider the following:

- a) In the case of a **designated historic structure or site**, whether the proposed alteration (repair and/or renovation) would detrimentally change, destroy, or adversely affect any exterior architectural feature of historical significance; repair and/or renovation should be compatible with the design standards set for the Historic District. When renovation is planned that would detrimentally change, destroy, or adversely affect any exterior feature, the Plan Committee shall give consideration to the possibility of bringing the property into conformity as to setbacks, lot coverage, and parking. In the case of repair and/or renovation, consideration should be given as to whether the building or structure is of such old and unusual or uncommon design, texture, and material, that it could not be reproduced without great difficulty or expense; whether the building is in such a deteriorated condition that it is not structurally or economically feasible to preserve or restore it to use.
- b) In the case of **new construction**, or any alterations or remodeling requiring a building permit, whether the exterior of such improvement would adversely affect or be incompatible with the intent of this Section and/or the architectural guidelines listed in ([§17.15\(13\)](#) and [§17.26\(11\)](#)(a-h).
- c) In the case of a **demolition permit** request or a request to move any building listed on the Village’s inventory list of key historic buildings, members of both the Planning Committee and the Board of Trustees shall be immediately notified. Thereafter further permit action shall be delayed for no more than sixty (60) days to give the Village the opportunity to:
 - i. attempt to find a buyer for the building who would be willing to preserve the structure in place, or
 - ii. arrange to purchase the property on behalf of the Village, with or without subsequent resale to ~~insure~~ ensure preservation of the property. An inventory list of key historic buildings (at least fifty (50) years old) will be maintained by the Village.

11) **ARCHITECTURAL GUIDELINES FOR PROPOSED CONSTRUCTION, RECONSTRUCTION, ALTERATIONS, OR DEMOLITION WITHIN THE HISTORIC DISTRICT.**

The following guidelines are intended to assist the HPC and Plan Committee and the property owner in making decisions regarding the appropriateness of design and construction within the Historic District.

- a) Structure Form. Generally, a single rectangle or combination of two (2) or more rectangular forms. Simplicity is the key descriptive word. The style of most of the older buildings in Ephraim is along the lines of “Early Wisconsin Farmhouse,” which suggests a simple frame building of one (1) or two (2) stories, usually painted white, with a front and back porch, often showing the lateral addition of several extra rooms

or storage areas. Porches and even gables provided for a varied facade in many of Ephraim's older buildings. The Nelson farmhouse near the corner of Highway Q and Townline Rd. is prototypic of this style, and the Village maintains a file of photographs of buildings which capture the historic "look" of Ephraim.

- b) Roof Shape and Pitch. Traditionally, roofs have been in the form of a simple gable or multi-gable, with some historic buildings showing false fronts along the roof edge. Mansard, cone, or other complicated or unusual roof forms would detract from the character of the Historic District and are not permitted. Primary roof pitch shall not be less than 3:12 nor more than 12:12. Tar and gravel are not compatible with the Historic District. Metal roofs are allowed only by application for a special exception. Unfinished or galvanized metal siding or roofing is highly discouraged.
- c) Exterior Walls. Walls should be wood or have the appearance of wood, and if native limestone is used it should be used in conjunction with wood. Exterior walls shall be of like materials to the existing building or adjacent buildings, or of material commonly found in the district. Not more than two (2) external sidewall materials, excluding glass, are traditional in the district.
- d) Color. White has been the distinctive building color in the district. It makes the village stand out against the green of the bluff. White and naturally weathered wood are traditional. House trim, sash, window and door frames, and porch trim color shall be compatible with the character of the Historic District; fluorescent and bright colors are prohibited. In all buildings painted white which are designated by the Village as historically significant and which appear on the inventory of historic buildings, the owner or owners must obtain permission from the Planning Committee to initiate a change in color.

All buildings currently painted with bright or fluorescent trim are given a two (2) year grace period to change to a more compatible color scheme. If such properties are sold within the two (2) year grace period, the new owners will have to comply within sixty (60) days or by June 1. (**Expired 12/6/95**)

- e) Window Shapes. Windows shall be simple vertical rectangles, as should door shapes, although in the case of new construction, particularly in areas not visible from the public rights-of-way, more latitude may be granted.
- f) Landscaping. Plantings rather than large expanses of grass lawn are to be encouraged, and live native plants should be used. Where paving is used, it shall be kept to a minimum and buffered with landscaping where possible. Native flagstone is an excellent substitute for concrete or asphalt in pedestrian areas.
- g) Fences and Gates. Fences as property boundaries are discouraged in favor of natural boundary plantings. If fences are constructed, they shall preferably be of wood or stone, using dimensional requirements set forth in this Zoning Ordinance. Traditional fences in the district were dry stone and wood fencing, which represent a historically authentic kind of fencing. In the case of metal, vinyl or plastic fences, samples must be provided for evaluation by the Historic Preservation Committee for referral to the Plan Committee. This will provide the use of non-traditional materials that reflect the look of traditional fencing. Specialized fencing to meet State safety requirements must still be reviewed for appearance.
- h) Electrical Service. Power and phone lines shall be buried for new construction and for any structural changes involving additions. To encourage the burying of electric and phone cables, certain incentives might be utilized (see [Subsection 12](#) below).

12) HISTORIC DISTRICT INCENTIVES.

To encourage property owners to preserve and maintain historically significant structures, those who comply with the requirements of this Subsection may qualify for certain incentives to be determined by the HPC and Plan Committee. Such incentives will be periodically reviewed, with changes as appropriate. [Appendix #1](#) provides some examples of incentives that could be considered.

13) PENALTIES FOR VIOLATIONS.

Any person or persons violating any provision of this Subsection shall be fined two hundred dollars (\$200) for each separate violation. Each and every day during which a violation continues shall be deemed to be a separate offense. Notice of violations shall be issued by the building inspector.

14) SEPARABILITY.

In the event that any one or more provisions of this chapter or the application thereof to any person or circumstances should, for any reason, be held to be invalid, illegal, or unenforceable, such invalidity, illegality, or unenforceability shall not affect any other provisions of this chapter.

15) PERIODIC REVIEW.

Every two (2) years the HPC and the Plan Committee shall meet together in a public meeting to evaluate and review the Historic District Ordinance. At this meeting, input from the public will be encouraged. Based on this meeting a written letter of evaluation shall be forwarded to the Board of Trustees by the chairperson of the HPC. This letter should indicate the perceived level of effectiveness of the Historic District Ordinance in meeting its intent. If needed, recommendations for appropriate change in this Ordinance should be set forth in this letter of evaluation.

APPENDIX #1

Possible Incentives to Encourage Property Owners to Preserve and Maintain Historically Significant Structures:

1. Providing owners with special recognition and commemoration by providing plaques to affix to their historic structures, or by display in a public place a well-designed commemorative list of Historic District participants and their properties. Also, special recognition can be provided through annual newspaper releases or even box displays announcing the historic properties of Ephraim and the owners of such properties.
2. Waiver of nonconforming status as to dimensional standards, to allow structural repairs and reconstructions not otherwise possible in a nonconforming status, according to State statutes. Any additions or reconstructions to structures under this waiver shall not increase the nonconformity of the dimensional standards currently existing.
3. Waiver of parking requirements to the extent possible for the property. For example, if lot size or building location does not allow for the required five (5) parking spaces for a commercial establishment, but does allow for three (3) spaces, the requirement could be waived and three (3) spaces permitted. In cases of parcel size of one-half acre ($\frac{1}{2}$ AC) or less where the intent is to preserve the existing building(s), open paving blocks may be permitted for whatever off-street parking can be created. There may be cases where lot size and/or configuration will not accommodate any off-street parking. In such cases, parking requirements may be waived at the discretion of the Plan Committee.
4. Property owners who preserve and maintain historically significant buildings in keeping with the intent and guidelines set forth in this Section shall receive a commemorative plaque from the Village indicating their participation in the preservation of Ephraim's Historic District, as

indicated above in ~~Section 5~~ [§17.26\(5\)](#). Such weatherproof plaques could be mounted on the designated structure. Furthermore, property owners participating in the preservation of Ephraim's Historic District, and their buildings, will be listed in a booklet published every two (2) years and made available to the public.

17.27 SHORELAND-WETLAND DISTRICT (S-W).

This ordinance is adopted pursuant to the authorization in sections Wis. Stat. [§61.35](#) and [§61.351](#) for Villages.

- 1) **INTENT.** Uncontrolled use of the shoreland-wetland and pollution of the navigable waters of Ephraim would adversely affect the public health, safety, convenience, and general welfare and impair the tax base. The Legislature of Wisconsin has delegated responsibility to all municipalities to:

- a) Promote the public health, safety, convenience, and general welfare;
- b) Maintain the storm and floodwater storage capacity of wetlands;
- c) Prevent and control water pollution by preserving wetlands which filter or store sediments, nutrients, heavy metals, or organic compounds that would otherwise drain into navigable waters.
- d) Protect fish, their spawning grounds, other aquatic life and wildlife by preserving wetlands and other aquatic habitat;
- e) Prohibit certain uses detrimental to the shoreland-wetland area; and
- f) Preserve shore cover and natural beauty by restricting the removal of natural shoreland cover and controlling shoreland-wetland excavation, filling, and other earth-moving activities.

2) COMPLIANCE.

- a) The use of wetlands and the alteration of wetlands within the shoreland area of Ephraim shall be in full compliance with the terms of this ordinance and other applicable local, state, or federal regulations (however, see section [§17.27\(11\)](#) of this ordinance for standards applicable to nonconforming uses). All permitted development shall require the issuance of a Zoning Permit unless otherwise expressly excluded by the provisions of this ordinance.
- b) Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with this ordinance and obtain all necessary permits.
- c) This ordinance supersedes all the provisions of any Village zoning ordinance enacted under sections Wis. Stats. [§61.35](#), [§62.23](#), or [§87.30](#), which relate to floodplains and shoreland-wetlands; except that where another municipal zoning ordinance is more restrictive than this ordinance, that ordinance shall continue in full force and effect to the extent of the greater restrictions, but not otherwise.
- d) This ordinance is not intended to repeal, abrogate, or impair any existing deed restrictions, covenants, or easements. However, where this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail.

- 3) **INTERPRETATION.** In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements and shall be liberally construed in the favor of the Village of Ephraim and shall not be deemed a limitation or repeal of any other powers granted by Wisconsin Statutes. Where the provisions of this ordinance are required by a standard in [Chapter NR 117, Wisc. Adm. Code](#), and where the ordinance provision is unclear, the

provision shall be interpreted in light of the chapter NR 117 standards in effect on the date of the adoption of this ordinance or in effect on the date of the most recent text amendment to this ordinance.

- 4) **SEVERABILITY.** Should any portion of this ordinance be declared invalid or unconstitutional by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.
- 5) **ANNEXED AREAS.** The Door County shoreland zoning provisions in effect on the date of annexation remain in effect administered by the municipality for all areas annexed by the municipality after May 7, 1982. These annexed lands are described on the municipality's official zoning map. The Door County shoreland zoning provisions are incorporated by reference for the purpose of administering this section and are on file in the office of the Zoning Administrator.
- 6) **SHORELAND-WETLAND ZONING MAPS.** The following maps are hereby adopted and made part of this ordinance and are on file in the office of the Village Clerk:
 - a) Wisconsin Wetland Inventory maps stamped 'FINAL' on July 11, 1992.
 - b) Village of Ephraim Zoning Map amended to show DNR final wetland areas above, dated August 3, 1992.
 - c) Future floodplain zoning maps for the Village of Ephraim.
 - d) United States Geological Survey maps dated 1986.
- 7) **DISTRICT BOUNDARIES.**
 - a) The Shoreland-Wetland Zoning District includes all wetlands in Ephraim shown on the final Wetland Inventory Map that has been adopted and made part of this ordinance and which are:
 - i) Wetland areas designated by the Wisconsin Department of Natural Resources on the Wetland Inventory Map dated July 22, 1992; and
 - ii) Wetlands which are within the U.S. Army Corps of Engineers, Section 404, permit program jurisdiction.
 - b) The Department of Natural Resources has additional authority over proper administration of the ordinance in those designated wetland areas which are:
 - i) Within one thousand feet (1,000') of the ordinary high-water mark of navigable lakes, ponds, or flowages. Lakes, ponds, or flowages in the Village shall be presumed to be navigable if they are shown on the United States Geological Survey quadrangle maps or other zoning base maps which have been incorporated by reference and made a part of this ordinance.
 - ii) Within three hundred feet (300') of the ordinary high-water mark of navigable rivers or streams, or to the landward side of the floodplain, whichever distance is greater. Rivers and streams shall be presumed to be navigable if they are designated as either continuous or intermittent waterways on the United States Geological Survey quadrangle maps or other zoning base maps which have been incorporated by reference and made a part of this ordinance. Floodplain zoning maps adopted by the Village shall be used to determine the extent of floodplain areas.
 1. Determinations of navigability and ordinary high-water mark location shall initially be made by the Zoning Administrator. When questions arise, the Zoning Administrator shall contact the appropriate district office

of the Department for a final determination of navigability or ordinary high-water mark.

- c) Discrepancies. When an apparent discrepancy exists between the shoreland-wetland district boundary shown on the official zoning maps and actual field conditions at the time the maps were adopted, the Zoning Administrator shall contact the appropriate district office of the Department of Natural Resources to determine if the shoreland-wetland district boundary as mapped is in error.

If Department staff concur with the Zoning Administrator that a particular area was incorrectly mapped as a wetland, the Zoning Administrator shall have the authority to immediately grant or deny a Zoning Permit in accordance with the regulations applicable to the correct zoning district. In order to correct wetland mapping areas or acknowledge exempted wetlands designated in ~~§47.27(7.1)(a)~~ [§17.27\(7\)\(c\)\(i\)](#) "Filled Wetlands" and ~~§47.27(7.1)(b)~~ [§17.27\(7\)\(c\)\(ii\)](#) "Wetlands Landward of a Bulkhead Line", the Zoning Administrator shall be responsible for initiating a map amendment within a reasonable period.

- i) Filled Wetlands. Wetlands which are filled prior to July 22, 1992, the date on which the municipality received final wetland inventory maps, in a manner which affects their wetland characteristics to the extent that the area can no longer be defined as wetland, are not subject to this ordinance.
- ii) Wetlands Landward of a Bulkhead Line. Wetlands located between the original ordinary high water mark and a bulkhead line established prior to May 7, 1982, under Wis. Stat. [§30.11](#), are not subject to this ordinance.

- 8) **PERMITTED USES**. The following uses are permitted subject to the provisions of Wis. Stat. Chapters [30](#) and [31](#), and the provision of other local, state, and Federal laws, if applicable:

a) **Activities are uses which do not require the issuance of a Zoning Permit, provided that no wetland alteration occurs:**

- i) Hiking, fishing, trapping, bow hunting as allowed by Ephraim ordinance, swimming, snowmobiling, and boating;
- ii) The harvesting of wild crops, such as marsh hay, ferns, moss, wild rice, berries, tree fruits, and tree seeds, in a manner that is not injurious to the natural reproduction of such crops;
- iii) The pasturing of livestock if allowed in the underlying zoning; and
- iv) The cultivation of agricultural crops if allowed in the underlying zoning.

b) **Uses which do require the issuance of a Zoning Permit and which may involve wetland alterations only to the extent specifically provided below.** These uses may also require a permit under the Village of Ephraim Erosion Control ordinance.

- i) The practice of silviculture, including the planting, thinning, and harvesting (not clear-cutting) of timber; limited temporary water level stabilization measures which are necessary to alleviate abnormally wet or dry conditions that would have an adverse impact on the conduct of silvicultural activities if not corrected;
- ii) The cultivation of cranberries, including limited wetland alterations necessary for the purpose of growing and harvesting cranberries;
- iii) The maintenance and repair of existing drainage systems to restore pre-existing levels of drainage, including the minimum amount of filling necessary to dispose

of dredged spoil, providing that the filling is otherwise permissible and that the dredged spoil is placed on existing spoil banks were possible;

- iv) The construction and maintenance of fences for the pasturing of livestock where allowed, including limited excavating and filling necessary for such construction or maintenance;
- v) The construction and maintenance of piers, docks, walkways, observation desk and trail bridges built on pilings, including limited excavating and filling necessary for such construction or maintenance;
- vi) The installation and maintenance of sealed tiles for the purpose of draining lands outside the shoreland-wetland zoning district provided that such installation or maintenance is done in a manner designated to minimize adverse impacts on the natural functions of the shoreland-wetland listed in section §17.27(14)(c) of this ordinance; and
- vii) The maintenance, repair, replacement, and reconstruction of existing highways and bridges including limited excavating and filling necessary for such maintenance, repair, replacement, or reconstruction.

9) **CONDITIONAL USES.** Uses which are allowed upon the issuance of a Conditional Use Permit and which may include wetland alterations only to the extent specifically provided below:

- a) The construction and maintenance of roads which are necessary for the continuity of the municipal street system, the provision of essential utility and emergency services or to provide access to uses permitted under section §[17.27\(9\)](#) of this ordinance, provided that:
 - i) The road cannot, as practical matter, be located outside the wetland;
 - ii) The road is designed and constructed to minimize adverse impacts upon the natural functions of the wetland listed in section §17.27(6.13) of this ordinance;
 - iii) The road is designed and constructed with the minimum cross-sectional area practical to serve the intended use;
 - iv) Road construction activities are carried out in the immediate area of the roadbed only; and
 - v) Any wetland alteration must be necessary for the construction or maintenance of the road.
- b) The construction and maintenance of nonresidential buildings provided that:
 - i) The building is used solely in conjunction with a use permitted in the shoreland-wetland district or for the raising of waterfowl, minnows, or other wetland or aquatic animals;
 - ii) The building cannot, as a practical matter, be located outside the wetland;
 - iii) The building does not exceed five hundred square feet (500 ft²) in floor area; and
 - iv) Only limited filling and excavating necessary to provide structural support for the building is allowed.
- c) The establishment and development of public and private parks and recreation areas, outdoor education areas, historic, natural and scientific areas, game refuges and

closed areas, fish and wildlife habitat improvement projects, game bird and animal farms, wildlife preserves, and public boat launching ramps, provided that:

- i) Any private development allowed under this paragraph shall be used exclusively for the permitted purpose;
 - ii) Only limited filling and excavating necessary for the development of public boat launching ramps, swimming beaches, or the construction of park shelters or similar structures is allowed;
 - iii) The construction and maintenance of roads necessary for the uses permitted under this paragraph are allowed only where such construction and maintenance meet the criteria in section §17.27(9)(a) of this ordinance; and
 - iv) Wetland alterations in game refuges and closed areas, fish and wildlife habitat improvement projects, game bird and animal farms, and wildlife preserves shall be for the purpose of improving wildlife habitat or to otherwise enhance wetland values.
- d) The construction and maintenance of electric and telephone transmission lines, water and sewage collection lines, and related facilities, provided that:
- i) The utility transmission and distribution facilities lines cannot, as a practical matter, be located outside the wetland;
 - ii) Only limited filling or excavating necessary for such construction or maintenance is allowed; and
 - iii) Such construction or maintenance is done in a manner designed to minimize adverse impacts upon the natural functions of the wetland listed in section [§17.27\(14\)\(c\)](#) of this ordinance.

10) **PROHIBITED USES.** Any use not listed in sections [§17.27\(8\)](#) or [§17.27\(9\)](#) of this ordinance is prohibited, unless the wetland or a portion of the wetland has been rezoned by amendment of this ordinance in accordance with section [§17.27\(14\)](#) of this ordinance. The use of a boathouse for human habitation and the construction or placement of a boathouse or fixed boathouse below the ordinary high-water mark of any navigable waters are prohibited.

11) **NON-CONFORMING STRUCTURES AND USES.** The lawful use of a building, structure, or property which existed at the time of this ordinance, or an applicable amendment to this ordinance, took effect and which is not in conformity with the provisions of the ordinance, including the routine maintenance of such building or structure, may be continued, subject to the following conditions:

- a) The shoreland-wetland provisions of this ordinance are authorized by Wis. Stat. [§61.351](#), shall not limit the repair, reconstruction, renovation, remodeling, or expansion of a nonconforming structure or of any environmental control facility related to such a structure in existence on the effective date of the shoreland-wetland provisions. All other modifications to nonconforming structures are subject to Wis. Stat. [§62.23\(7\)\(h\)](#), which limits total lifetime structural repairs and alterations to fifty percent (50%) of the current fair market value.
- b) If a nonconforming use or use of a nonconforming structure is discontinued for a period of twelve (12) months, any future use of the building, structure, or property shall conform to this ordinance.
- c) Any legal nonconforming use of property which does not involve the use of a structure and which existed at the time of the adoption or subsequent amendment of this

ordinance adopted under Wis. Stat. §[61.351](#) or §[62.231](#), may be continued although such use does not conform with the provisions of the ordinance. However, such nonconforming use may not be extended.

- d) The maintenance and repair of nonconforming boathouses which are located below the ordinary high-water mark of any navigable waters shall comply with the requirements of section Wis. Stat. §[30.121](#).
- e) Uses which are nuisances under common law shall not be permitted to continue as conforming uses.

12) **ADMINISTRATIVE PROVISIONS.**

- a) Zoning Administrator. The Zoning Administrator shall have the duties and powers as noted in §[17.36](#) of this ordinance. In addition, as it pertains to this Shoreland-Wetland ordinance, the Zoning Administrator shall submit copies of decisions on variances, Conditional Use Permits, appeals for a map or text interpretation, and map or text amendments within ten (10) days after they are granted or denied, to the appropriate district office of the Department of Natural Resources, and investigate and report violations of this ordinance to the Plan Committee and the attorney for the Village of Ephraim.
- b) Zoning Permits. Unless another section of this ordinance specifically exempts certain types of development from this requirement, a Zoning Permit shall be obtained from the Zoning Administrator and/or Plan Committee before any new development, as defined in §[17.09](#) of this ordinance, or any change in the use of an existing building or structure is initiated.
- c) Application. An application for a Zoning Permit shall be made to the Zoning Administrator per §[17.44](#) "Procedures for Conditional Use" in this ordinance. In addition, other information must be included with the application, including location of the ordinary high-water mark of any abutting navigable waterways, boundaries of all wetlands, existing and proposed topographic and drainage features and vegetative cover, location of floodplain and floodway limits on the property as determined from floodplain zoning maps, location of existing or future access roads, and specifications and dimensions for areas of proposed wetland alteration, and other pertinent information which is necessary to determine if the proposed use is consistent with the purpose of this ordinance, including but not limited to environmental impact studies or audits in accordance with **NR** 150.22, "Preparation and Content of the Environmental Analysis or Environmental Impact Study." The applicant must also comply with any applicable ordinances in [Chapter 16](#) of the Ephraim Code of Ordinances, Erosion Control.
- d) Any use listed as a conditional use in this ordinance shall be permitted only after an application has been submitted to the Zoning Administrator and a Conditional Use Permit has been granted by the Plan Committee.

- 13) **CONDITIONS**. Upon consideration of the permit application and the standards applicable to the conditional uses designated in section §[17.27\(9\)](#) of this ordinance, the Plan Committee shall attach such conditions to a Conditional Use Permit, in addition to those required elsewhere in this ordinance, as are necessary to further the purposes of this ordinance as listed in section §[17.27\(1\)](#). Such conditions may include specifications for, without limitation because of specific enumeration: type of shore cover, erosion controls; increase setbacks; specific sewage disposal and/or water supply facilities; landscaping and planting screens; period of operation; operational control; sureties; deed restrictions; location of piers, docks,

parking area, and signs; and type of construction. To secure information upon which to base its determination, the Plan Committee may require the applicant to furnish, in addition to the information required for a Zoning Permit, other pertinent information which is necessary to determine if the proposed use is consistent with the purpose of this ordinance.

- 14) **AMENDING SHORELAND-WETLAND ZONING REGULATIONS.** The Village of Ephraim may alter, supplement or change the district boundaries and the regulations contained in this ordinance in accordance with the requirements of Wis. Stat. [§62.23\(7\)\(d\)2](#), [Chapter NR 117 Wisc. Adm. Code](#) and the following:
- a) A copy of each proposed text or map amendment shall be submitted to the appropriate Department of Natural Resources office within five (5) days of the submission of the proposed amendment to the Plan Committee;
 - b) All proposed text and map amendments to the Shoreland-Wetland Zoning regulations shall be referred to the Plan Committee and a public hearing shall be held after Class II notice as required by Wis. Stat. [§62.23\(7\)\(d\)2](#). The appropriate district office of the Department of Natural Resources shall be provided with written notice of the public hearing at least ten (10) days before such a hearing;
 - c) In order to ensure that this ordinance will remain consistent with the shoreland protection objectives of Wis. Stat. [§144.26](#), the Village may not rezone a wetland in a shoreland-wetland zoning district, or any portion thereof, where the proposed rezoning may result in a significant adverse impact upon any of the following wetland functions:
 - i) storm and flood water storage capacity;
 - ii) maintenance of dry season stream flow or the discharge of groundwater to a wetland, the recharge of groundwater from a wetland to another area, or the flow of groundwater through a wetland;
 - iii) filtering or storage of sediments, nutrients, heavy metals, or organic compounds that would otherwise drain into navigable waters;
 - iv) shoreline protection against erosion;
 - v) fish spawning, breeding, nursery, or feeding grounds;
 - vi) wildlife habitat, or
 - vii) areas of special recreational, scenic or scientific interest, including scarce wetland types and habitats of endangered species.
 - d) Where the District Office of the Department determines that a proposed rezoning may have a significant adverse impact upon any of the criteria listed in section of this ordinance, the Department shall so notify the Village of its determination either prior to or during the public hearing held on the proposed amendment.
 - e) The appropriate District Office of the Department shall be provided with (1) a copy of the recommendation and report, of any, of the Plan Committee on a proposed text or map amendment, within ten (10) days after the submission of those recommendations to the Village Board; (2) written notice of the action of the proposed text or map amendment within ten (10) days after the action is taken.
 - f) If the Department notifies the Plan Committee in writing that a proposed amendment may have a significant adverse impact upon any of the criteria listed in [§17.24\(14\)\(c\)\(1\)](#) of this ordinance, that proposed amendment, if approved by the Village Board, shall not become effective until more than thirty (30) days have elapsed since written notice of Village approval was mailed to the Department, as required by

§17.14(14)(c) of this ordinance. If within the thirty (30) day period the Department notifies the Village that the Department intends to adopt a superseding shoreland-wetland zoning.

17.29 FLOODPLAIN ZONING ORDINANCE.

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1.0 STATUTORY AUTHORIZATION, FINDING OF FACT, STATEMENT OF PURPOSE, TITLE, AND GENERAL PROVISIONS

1.1 STATUTORY AUTHORIZATION

This ordinance is adopted pursuant to the authorization in Wis. Stat. [§61.35](#) and [§62.23](#), for villages and cities; and the requirements in Wis. Stat. [§87.30](#).

1.2 FINDING OF FACT

Uncontrolled development and use of the floodplains and rivers of this municipality would impair the public health, safety, convenience, general welfare, and tax base.

1.3 STATEMENT OF PURPOSE

This ordinance is intended to regulate floodplain development to:

- 1) Protect life, health and property;
- 2) Minimize expenditures of public funds for flood control projects;
- 3) Minimize rescue and relief efforts undertaken at the expense of the taxpayers;
- 4) Minimize business interruptions and other economic disruptions;
- 5) Minimize damage to public facilities in the floodplain;
- 6) Minimize the occurrence of future flood blight areas in the floodplain;
- 7) Discourage the victimization of unwary land and homebuyers;
- 8) Prevent increases in flood heights that could increase flood damage and result in conflicts between property owners; and
- 9) Discourage development in a floodplain if there is any practicable alternative to locate the activity, use or structure outside of the floodplain.

1.4 TITLE

This ordinance shall be known as the Floodplain Zoning Ordinance for the Village of Ephraim, Wisconsin.

1.5 GENERAL PROVISIONS

(1) AREAS TO BE REGULATED

This ordinance regulates all areas of special flood hazard identified as zones A, AO, AH, A1-30, AE, VE, V1-30, or V on the Flood Insurance Rate Map. Additional areas identified on maps approved by the Department of Natural Resources (DNR) and local community may also be regulated under the provisions of this ordinance, where applicable.

(2) OFFICIAL MAPS & REVISIONS

Special Flood Hazard Areas (SFHA) are designated as zones A, A1-30, AE, AH, AO, VE, V1-30, or V on the Flood Insurance Rate Maps (FIRMs) based on flood hazard analyses summarized in the Flood Insurance Study (FIS) listed in subd. (a) below. Additional flood hazard areas subject to regulation under this ordinance are identified on maps based on studies approved by the DNR and listed in subd. (b) below. These maps and revisions are on file in the office of the Village Clerk (Village of Ephraim).

a) OFFICIAL MAPS: Based on the Flood Insurance Study (FIS):

1. Flood Insurance Rate Map (FIRM), panel number 55029C0194C, dated 03/02/2009;

2. Flood Insurance Rate Map (FIRM), panel numbers 55029C0187D, 55029C0189D, 55029C0191D, 55029C0192D, and 55029C0193D, dated 05/08/2024;
 3. Flood Insurance Study (FIS) for Village of Ephraim (Door County), 55029CV000B, dated 05/08/2024. Approved by: The DNR and FEMA.
- b) OFFICIAL MAPS: Based on other studies. Any maps referenced in this section must be approved by the DNR and be more restrictive than those based on the FIS at the site of the proposed development.

(3) ESTABLISHMENT OF FLOODPLAIN ZONING DISTRICTS

The flood hazard areas regulated by this ordinance are divided into districts as follows:

- a) The Floodway District (FW), is the channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional floodwaters, within AE Zones as shown on the FIRM, or within A Zones shown on the FIRM when determined according to s. 5.1(5).
- b) The Floodfringe District (FF) is that portion of a riverine special flood hazard area outside the floodway within AE Zones on the FIRM, or, when floodway limits have been determined according to s. 5.1(5), within A Zones shown on the FIRM.
- c) The General Floodplain District (GFP) is those riverine areas that may be covered by floodwater during the regional flood in which a floodway boundary has not been delineated on the FIRM and also includes shallow flooding areas identified as AH and AO zones on the FIRM.
- d) The Coastal Floodplain District (CFP) is an area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast, and any other area subject to high velocity wave action from storms, including areas identified as zone V, V1-30, or VE on the FIRM. Where a riverine AE floodway extends into the CFP district, development within the floodway must comply with the regulations for both the FW and CFP districts. Where a riverine A zone or AE zone with no floodway determination abuts the CFP district, the riverine study's floodway limit must be determined based on standard floodway expansion principles within the CFP district and development within the floodway must comply with the standards for both the FW and CFP districts.

(4) LOCATING FLOODPLAIN BOUNDARIES

Discrepancies between the exterior boundaries of zones A1-30, AE, AH, or A on the official floodplain zoning map and actual field conditions may be resolved using the criteria in subd (a) or (b) below. If a significant difference exists, the map shall be amended according to s. 8.0 Amendments. The zoning administrator can rely on a boundary derived from a profile elevation to grant or deny a land use permit, whether or not a map amendment is required. The zoning administrator shall be responsible for documenting actual pre-development field conditions and the basis upon which the district boundary was determined. Disputes between the zoning administrator and an applicant over the district boundary line shall be settled according to s. 7.3(3) and the criteria in (a) and (b) below. Where the flood profiles are based on established base flood elevations from a FIRM, FEMA must approve any map amendment or revision pursuant to s. 8.0 Amendments.

- a) If flood profiles exist, the map scale and the profile elevations shall determine the district boundary. The regional or base flood elevations shall govern if there are any discrepancies.

- b) Where flood profiles do not exist for projects, including any boundary of zone A, AO, V1-30, VE, or V, the location of the boundary shall be determined by the map scale.

(5) REMOVAL OF LANDS FROM FLOODPLAIN

- a) Compliance with the provisions of this ordinance shall not be grounds for removing land from the floodplain unless it is filled at least two feet above the regional or base flood elevation, the fill is contiguous to land outside the floodplain, and the map is amended pursuant to s. 8.0 Amendments.
- b) The delineation of any of the Floodplain Districts may be revised by the community where natural or man-made changes have occurred and/or where more detailed studies have been conducted. However, prior to any such change, approval must be obtained from the Wisconsin Department of Natural Resources and Federal Emergency Management Agency. A completed Letter of Map Revision is a record of this approval. The floodplain administrator shall not sign a community acknowledgement form unless all criteria set forth in the following paragraphs are met:
 - 1. The land and/or land around the structure must be filled at least two feet above the regional or base flood elevation;
 - 2. The fill must be contiguous to land outside the floodplain; Applicant shall obtain floodplain development permit before applying for a LOMR or LOMR-F;
- c) Removal of lands from the floodplain may also occur by operation of §87.30(1)(e), Wis. Stat. if a property owner has obtained a letter of map amendment from the federal emergency management agency under 44 C.F.R. 70.

(6) COMPLIANCE

- a) No structure or use within areas regulated by this ordinance shall hereafter be located, erected, constructed, reconstructed, repaired, extended, converted, enlarged, or altered without full compliance with the terms of these regulations and all other applicable regulations that apply to uses within the jurisdiction of these regulations.
- b) Failure to obtain a floodplain development permit shall be a violation of these regulations and shall be punishable in accordance with s. 9.0.
- c) Floodplain development permits issued on the basis of plans and applications approved by the Floodplain Administrator authorize only the use, and arrangement, set forth in such approved plans and applications, or amendments thereto if approved by the Floodplain Administrator. Use, arrangement, or construction contrary to that authorized shall be deemed a violation of these regulations and punishable in accordance with s. 9.0.

(7) MUNICIPALITIES AND STATE AGENCIES REGULATED

Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with this ordinance and obtain all necessary permits. State agencies are required to comply if s. 13.48(13), Stats., applies. The construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin Department of Transportation is exempt when s. 30.2022, Stats., applies. Although exempt from a local zoning permit and permit fees, DOT must provide sufficient project documentation and analysis to ensure that the community is in compliance with Federal, State, and local floodplain standards. If a local transportation project is located within a Zone A floodplain and is not a WisDOT project under s. 30.2022, then the road project design documents (including appropriate detailed plans and profiles) may be sufficient to meet the requirements for issuance of a local floodplain permit if the following apply: The applicant

provides documentation to the Floodplain Administrator that the proposed project is a culvert replacement or bridge replacement under 20' span at the same location, the project is exempt from a DNR permit under s. 30.123(6)(d), the capacity is not decreased, the top road grade is not raised, and no floodway data is available from a federal, state, or other source. If floodway data is available in the impacted area from a federal, state, or other source that existing data must be utilized by the applicant in the analysis of the project site.

(8) ABROGATION AND GREATER RESTRICTIONS

- a) This ordinance supersedes all the provisions of any municipal zoning ordinance enacted under s. 61.35 for villages; or s. 87.30, Stats., which relate to floodplains. A more restrictive ordinance shall continue in full force and effect to the extent of the greater restrictions, but not otherwise.
- b) This ordinance is not intended to repeal, abrogate, or impair any existing deed restrictions, covenants, or easements. If this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail.

(9) INTERPRETATION

In their interpretation and application, the provisions of this ordinance are the minimum requirements liberally construed in favor of the governing body and are not a limitation on or repeal of any other powers granted by the Wisconsin Statutes. If a provision of this ordinance, required by ch. NR 116, Wis. Adm. Code, is unclear, the provision shall be interpreted in light of the standards in effect on the date of the adoption of this ordinance or in effect on the date of the most recent text amendment to this ordinance.

(10) WARNING AND DISCLAIMER OF LIABILITY

The flood protection standards in this ordinance are based on engineering experience and research. Larger floods may occur, or the flood height may be increased by man-made or natural causes. This ordinance does not imply or guarantee that non-floodplain areas or permitted floodplain uses will be free from flooding and flood damages. This ordinance does not create liability on the part of, or a cause of action against, the municipality or any officer or employee thereof for any flood damage that may result from reliance on this ordinance.

(11) SEVERABILITY

Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

(12) ANNEXED AREAS FOR CITIES AND VILLAGES

The Door County floodplain zoning provisions in effect on the date of annexation shall remain in effect and shall be enforced by the municipality for all annexed areas until the municipality adopts and enforces an ordinance which meets the requirements of ch. NR 116, Wis. Adm. Code and 44 CFR 59-72, National Flood Insurance Program (NFIP). These annexed lands are described on the municipality's official zoning map. County floodplain zoning provisions are incorporated by reference for the purpose of administering this section and are on file in the office of the municipal zoning administrator. All plats or maps of annexation shall show the regional flood elevation and the floodway location.

2.0 GENERAL STANDARDS APPLICABLE TO ALL FLOODPLAIN DISTRICTS

The community shall review all permit applications to determine whether proposed building sites will be reasonably safe from flooding and assure that all necessary permits have been received from those governmental agencies whose approval is required by federal or state law.

- 1) If a proposed building site is in a flood-prone area, all new construction and substantial improvements shall:
 - a. be designed and anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
 - b. be constructed with flood-resistant materials;
 - c. be constructed by methods and practices that minimize flood damages; and
 - d. Mechanical and utility equipment must be elevated to or above the flood protection elevation.
- 2) If a subdivision or other proposed new development is in a flood-prone area, the community shall assure that:
 - a. such proposed subdivision or other proposed new development is consistent with the need to minimize flood damage within the flood-prone area;
 - b. public utilities and facilities such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage; and
 - c. adequate drainage is provided to reduce exposure to flood hazards.

All subdivision proposals (including manufactured home parks) shall include regional flood elevation and floodway data for any development that meets the subdivision definition of this ordinance and all other requirements in s. 7.1(2).

2.1 HYDRAULIC AND HYDROLOGIC ANALYSES

- 1) No floodplain development shall:
 - a. Obstruct flow, defined as development which blocks the conveyance of floodwaters by itself or with other development, causing any increase in the regional flood height; or
 - b. Cause any increase in the regional flood height due to floodplain storage area lost.
- 2) The zoning administrator shall deny permits if it is determined the proposed development will obstruct flow or cause any increase in the regional flood height, based on the officially adopted FIRM or other adopted map, unless the provisions of s. 8.0 Amendments are met.

2.2 WATERCOURSE ALTERATIONS

No land use permit to alter or relocate a watercourse in a mapped floodplain shall be issued until the local official has notified in writing all adjacent municipalities, the Department and FEMA regional offices, and required the applicant to secure all necessary state and federal permits. The standards of s. 2.1 must be met and the flood carrying capacity of any altered or relocated watercourse shall be maintained.

As soon as is practicable, but not later than six months after the date of the watercourse alteration or relocation and pursuant to s. 8.0 Amendments, the community shall apply for a Letter of Map Revision (LOMR) from FEMA. Any such alterations must be reviewed and approved by FEMA and the DNR through the LOMC process.

2.3 CHAPTER 30, 31, WIS. STATS., DEVELOPMENT

Development which requires a permit from the Department, under chs. 30 and 31, Stats., such as docks, piers, wharves, bridges, culverts, dams, and navigational aids, may be allowed if the necessary permits are obtained and amendments to the floodplain zoning ordinance are made according to s. 8.0 Amendments.

2.4 PUBLIC OR PRIVATE CAMPGROUNDS

Public or private campgrounds shall have a low flood damage potential and shall meet the following provisions:

- 1) The campground is approved by the Department of Agriculture, Trade and Consumer Protection;
- 2) A land use permit for the campground is issued by the zoning administrator;
- 3) The character of the river system and the campground elevation are such that a 72-hour warning of an impending flood can be given to all campground occupants;
- 4) There is an adequate flood warning procedure for the campground that offers the minimum notice required under this section to all persons in the campground. This procedure shall include a written agreement between the campground owner, the floodplain zoning agency or zoning administrator, the municipal emergency government coordinator and the chief law enforcement official which specifies the flood elevation at which evacuation shall occur, personnel responsible for monitoring flood elevations, types of warning systems to be used and the procedures for notifying at-risk parties, and the methods and personnel responsible for conducting the evacuation;
- 5) This agreement shall be for no more than one calendar year, at which time the agreement shall be reviewed and updated - by the officials identified in sub. (4) - to remain in compliance with all applicable regulations, including those of the state Department of Agriculture, Trade and Consumer Protection and all other applicable regulations;
- 6) All mobile recreational vehicles placed on site must meet one of the following:
 - a. Be fully licensed, if required, and ready for highway use; or
 - b. Not occupy any site in the campground for more than 180 consecutive days, at which time the recreational vehicle must be removed from the floodplain for a minimum of 24 hours; or
 - c. Meet the requirements in either s. 3.0, 4.0, 5.1, or 5.3 for the floodplain district in which the structure is located;

A mobile recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect utilities and security devices and has no permanently attached additions.
- 7) All camping units that remain on site for more than thirty (30) days shall be issued a limited authorization by the campground operator, a written copy of which is kept on file at the campground. Such authorization shall allow placement of a camping unit consistent with 2.4(6) and shall ensure compliance with all the provisions of this section;
- 8) The municipality shall monitor the limited authorizations issued by the campground operator to assure compliance with the terms of this section;
- 9) The campground shall have signs clearly posted at all entrances warning of the flood hazard and the procedures for evacuation when a flood warning is issued; and
- 10) All service facilities, including but not limited to refuse collection, electrical service, gas lines, propane tanks, sewage systems and wells shall be properly anchored and placed at or floodproofed to the flood protection elevation; and
- 11) Standards for structures in a campground:
 - a. All structures must comply with section 2.4 or meet the applicable requirements in ss. 3.0, 4.0, 5.1, or 5.3 for the floodplain district in which the structure is located;

- b. Deck/landing-a portable landing may be allowed for a camping unit for each entry provided that the landing is not permanently attached to the ground or camping unit, is no more than 200 square feet in size, shall be portable, contain no walls or roof, and can be removed from the campground by a truck and/or trailer. Sections of such portable landings may be placed together to form a single deck not greater than 200 square feet at one entry point. Provisions for the removal of these temporary landings during flood events must be addressed within the written agreement with the municipality compliant with section 2.4(4). Any such deck/landing structure may be constructed at elevations lower than the flood protection elevation but must not obstruct flow of flood waters or cause any increase in flood levels during the occurrence of the regional flood.
 - c. Decks/patios that are constructed completely at grade may be allowed but must also comply with applicable shoreland zoning standards.
 - d. Camping equipment and appurtenant equipment in the campground may be allowed provided that the equipment is not permanently attached to the ground or camping unit, is not used as a habitable structure, and must not obstruct flow of flood waters or cause any increase in flood levels during the occurrence of the regional flood. Provisions for the removal of this equipment during flooding events shall be addressed within the written agreement with the municipality compliant with section 2.4(4).
 - e. Once a flood warning in the written agreement has been issued for the campground, the campground owner or the designated operator shall ensure that all persons, camping units, decks, camping equipment and appurtenant equipment in the campground shall be evacuated within the timelines specified within the written agreement with the municipality compliant with section 2.4(4).
- 12) A land use permit shall be obtained as provided under 7.1(2) before any development; repair, modification, or addition to an existing structure; or change in the use of a building or structure, including sewer and water facilities, may be initiated

3.0 FLOODWAY DISTRICT (FW)

3.1 APPLICABILITY

This section applies to all floodway areas on the floodplain zoning maps and those identified pursuant to s. 5.1(5).

3.2 PERMITTED USES

The following open space uses are allowed in the Floodway District and the floodway areas of the General Floodplain District, if:

- they are not prohibited by any other ordinance;
 - they meet the standards in s. 3.3 and 3.4; and
 - all permits or certificates have been issued according to s. 7.1.
- 1) Agricultural uses, such as: farming, outdoor plant nurseries, horticulture, viticulture, and wild crop harvesting.
 - 2) Nonstructural industrial and commercial uses, such as loading areas, parking areas and airport landing strips.
 - 3) Nonstructural recreational uses, such as golf courses, tennis courts, archery ranges, picnic grounds, boat ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish

hatcheries, shooting, trap, and skeet activities, hunting and fishing areas and hiking and horseback riding trails, subject to the fill limitations of s. 3.3(4).

- 4) Uses or structures accessory to open space uses or classified as historic structures that comply with s. 3.3 and 3.4.
- 5) Extraction of sand, gravel or other materials that comply with s. 3.3(4).
- 6) Functionally water dependent uses, such as docks, piers or wharves, dams, flowage areas, culverts, navigational aids and river crossings of transmission lines, and pipelines that comply with chs. 30 and 31, Stats.
- 7) Public utilities, streets and bridges that comply with s. 3.3(3).
- 8) Portable latrines that are removed prior to flooding and systems associated with recreational areas and Department-approved campgrounds that meet the applicable provisions of local ordinances and Ch. SPS 383, Wis. Adm. Code.
- 9) Public or private wells used to obtain potable water for recreational areas that meet the requirements of local ordinances and chs. NR 811 and NR 812, Wis. Adm. Code.
- 10) Wastewater treatment ponds or facilities permitted under s. NR 110.15(3)(b), Wis. Adm. Code.
- 11) Sanitary sewer or water supply lines to service existing or proposed development located outside the floodway that complies with the regulations for the floodplain area occupied.

3.3 STANDARDS FOR DEVELOPMENT IN THE FLOODWAY

1) GENERAL

- a. Any development in the floodway shall comply with s. 2.0 and have a low flood damage potential.
- b. Applicants shall provide an analysis calculating the effects of this proposal on the regional flood height to determine the effects of the proposal according to s. 2.1 and 7.1(2)(c). The analysis must be completed by a registered professional engineer in the state of Wisconsin.
- c. Any encroachment in the regulatory floodway is prohibited unless the data submitted for subd. 3.3(1)(b) above demonstrates that the encroachment will cause no increase in flood elevations in flood events up to the base flood at any location or removes the encroached area from the regulatory floodway as provided in s. 1.5(5).

2) STRUCTURES

Structures accessory to permanent open space uses, including utility and sanitary facilities, or functionally dependent on a waterfront location may be allowed by permit if the structures comply with the following criteria:

- a. Not designed for human habitation, does not have a high flood damage potential and is constructed to minimize flood damage;
- b. Shall either have the lowest floor elevated to or above the flood protection elevation or shall meet all the following standards:
 1. Have the lowest floor elevated to or above the regional flood elevation and be dry floodproofed so that the structure is watertight with walls substantially impermeable to the passage of water and completely dry to the flood protection elevation without human intervention during flooding;

2. Have structural components capable of meeting all provisions of Section 3.3(2)(g) and;
 3. Be certified by a registered professional engineer or architect, through the use of a Federal Emergency Management Agency Floodproofing Certificate, that the design and methods of construction are in accordance with Section 3.3(2)(g).
- c. Must be anchored to resist flotation, collapse, and lateral movement;
 - d. Mechanical and utility equipment must be elevated to or above the flood protection elevation; and
 - e. Must not obstruct flow of flood waters or cause any increase in flood levels during the occurrence of the regional flood.
 - f. For a structure designed to allow the automatic entry of floodwaters below the Regional Flood Elevation, the applicant shall submit a plan that meets s. 3.3(2)(a) through 3.3(2)(e) and meets or exceeds the following standards:
 1. The lowest floor must be elevated to or above the regional flood elevation;
 2. a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
 3. the bottom of all openings shall be no higher than one foot above the lowest adjacent grade; openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters, otherwise must remain open.
 4. The use must be limited to parking, building access or limited storage.
 - g. Certification: Whenever floodproofing measures are required, a registered professional engineer or architect shall certify that the following floodproofing measures will be utilized, where appropriate, and are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the regional flood:
 1. Reinforcement of floors and walls to resist rupture, collapse, or lateral movement caused by water pressures or debris buildup;
 2. Construction of wells, water supply systems and waste treatment systems so as to prevent the entrance of flood waters in such systems and must be in accordance with provisions in Sections 3.4(4) and 3.4(5);
 3. Subsurface drainage systems to relieve external pressures on foundation walls and basement floors;
 4. Cutoff valves on sewer lines or the elimination of gravity flow basement drains; and
 5. Placement of utilities to or above the flood protection elevation.

3) **PUBLIC UTILITIES, STREETS AND BRIDGES**

Public utilities, streets and bridges may be allowed by permit, if:

- a. Adequate floodproofing measures are provided to the flood protection elevation; and
- b. Construction meets the development standards of s. 2.1.

4) **FILLS OR DEPOSITION OF MATERIALS**

Fills or deposition of materials may be allowed by permit, if:

- a. The requirements of s. 2.1 are met;
- b. No material is deposited in navigable waters unless a permit is issued by the Department pursuant to ch. 30, Stats., and a permit pursuant to s. 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344 has been issued, if applicable, and all other requirements have been met;
- c. The fill or other materials will be protected against erosion by riprap, vegetative cover, sheet piling or bulkheading; and
- d. The fill is not classified as a solid or hazardous material.

3.4 PROHIBITED USES

All uses not listed as permitted uses in s. 3.2 are prohibited, including the following uses:

- 1) Habitable structures, structures with high flood damage potential, or those not associated with permanent open space uses;
- 2) Storing materials that are buoyant, flammable, explosive, injurious to property, water quality, or human, animal, plant, fish or other aquatic life;
- 3) Uses not in harmony with or detrimental to uses permitted in the adjoining districts;
- 4) Any private or public sewage systems, except portable latrines that are removed prior to flooding and systems associated with recreational areas and Department-approved campgrounds that meet the applicable provisions of local ordinances and ch. SPS 383, Wis. Adm. Code;
- 5) Any public or private wells which are used to obtain potable water, except those for recreational areas that meet the requirements of local ordinances and chs. NR 811 and NR 812, Wis. Adm. Code;
- 6) Any solid or hazardous waste disposal sites;
- 7) Any wastewater treatment ponds or facilities, except those permitted under s. NR 110.15(3)(b), Wis. Adm. Code; and
- 8) Any sanitary sewer or water supply lines, except those to service existing or proposed development located outside the floodway which complies with the regulations for the floodplain area occupied.

4.0 FLOODFRINGE DISTRICT (FF)

4.1 APPLICABILITY

This section applies to all floodfringe areas shown on the floodplain zoning maps and those identified pursuant to s. 5.1(5).

4.2 PERMITTED USES

Any structure, land use, or development is allowed in the Floodfringe District if the standards in s. 4.3 are met, the use is not prohibited by this, or any other ordinance or regulation and all permits or certificates specified in s. 7.1 have been issued.

4.3 STANDARDS FOR DEVELOPMENT IN THE FLOODFRINGE

Section 2.0 shall apply in addition to the following requirements according to the use requested. Any existing structure in the floodfringe must meet the requirements of s. 6.0 Nonconforming Uses;

1) RESIDENTIAL USES

Any structure, including a manufactured home, which is to be newly constructed or moved into the floodfringe, shall meet or exceed the following standards. Any existing structure in the floodfringe must meet the requirements of s. 6.0 Nonconforming Uses;

- a) All new construction, including placement of manufactured homes, and substantial improvement of residential structures, shall have the lowest floor elevated to or above the flood protection elevation on fill. The fill around the structure shall be one foot or more above the regional flood elevation extending at least 15 feet beyond the limits of the structure. No area may be removed from the floodfringe district unless it can be shown to meet s. 1.5(5).
- b) Notwithstanding s. 4.3 (1)(a), a basement or crawlspace floor may be placed at the regional flood elevation if the basement or crawlspace is designed to make all portions of the structure below the flood protection elevation watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. No floor of any kind is allowed below the regional flood elevation;
- c) Contiguous dryland access shall be provided from a structure to land outside of the floodplain, except as provided in subd. (d).
- d) In developments where existing street or sewer line elevations make compliance with subd. (c) impractical, the municipality may permit new development and substantial improvements where roads are below the regional flood elevation, if:
 1. The municipality has written assurance from police, fire and emergency services that rescue, and relief will be provided to the structure(s) by wheeled vehicles during a regional flood event; or
 2. The municipality has a DNR-approved emergency evacuation plan that follows acceptable hazard mitigation planning guidelines.

2) ACCESSORY STRUCTURES OR USES

In addition to s. 2.0, new construction and substantial improvements of Accessory structures shall be constructed on fill with the lowest floor at or above the regional flood elevation.

3) COMMERCIAL USES

In addition to s. 2.0, any commercial structure which is erected, altered, or moved into the floodfringe shall meet the requirements of s. 4.3(1). Subject to the requirements of s. 4.3(5), storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.

4) MANUFACTURING AND INDUSTRIAL USES

In addition to s. 2.0, any manufacturing or industrial structure which is erected, altered, or moved into the floodfringe shall have the lowest floor elevated to or above the flood protection elevation or meet the floodproofing standards in s 7.5. Subject to the requirements of s. 4.3(5), storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.

5) STORAGE OF MATERIALS

Materials that are buoyant, flammable, explosive, or injurious to property, water quality or human, animal, plant, fish, or aquatic life shall be stored at or above the flood protection elevation or floodproofed in compliance with s. 7.5. Adequate measures shall be taken to ensure that such materials will not enter the water body during flooding.

6) PUBLIC UTILITIES, STREETS AND BRIDGES

All utilities, streets, and bridges shall be designed to be compatible with comprehensive floodplain development plans; and

- a) When failure of public utilities, streets, and bridges would endanger public health or safety, or where such facilities are deemed essential, construction or repair of such facilities shall only be permitted if they are designed to comply with s. 7.5.
- b) Minor roads or non-essential utilities may be constructed at lower elevations if they are designed to withstand flood forces to the regional flood elevation.

7) SEWAGE SYSTEMS

All sewage disposal systems shall be designed to minimize or eliminate infiltration of flood water into the system, pursuant to s. 7.5(3), to the flood protection elevation and meet the provisions of all local ordinances and ch. SPS 383, Wis. Adm. Code.

8) WELLS

All wells shall be designed to minimize or eliminate infiltration of flood waters into the system, pursuant to s. 7.5(3), to the flood protection elevation and shall meet the provisions of chs. NR 811 and NR 812, Wis. Adm. Code.

9) SOLID WASTE DISPOSAL SITES

Disposal of solid or hazardous waste is prohibited in floodfringe areas.

10) DEPOSITION OF MATERIALS

Any deposited material must meet all the provisions of this ordinance.

11) MANUFACTURED HOMES

- a) Owners or operators of all manufactured home parks and subdivisions shall provide adequate surface drainage to minimize flood damage, and prepare, secure approval, and file an evacuation plan, indicating vehicular access and escape routes, with local emergency management authorities.
- b) In existing manufactured home parks, all new homes, replacement homes on existing pads, and substantially improved homes shall:
 - 1. have the lowest floor elevated to the flood protection elevation; and
 - 2. be anchored so they do not float, collapse, or move laterally during a flood
- c) Outside of existing manufactured home parks, including new manufactured home parks and all single units outside of existing parks, all new, replacement and substantially improved manufactured homes shall meet the residential development standards for the floodfringe in s. 4.3(1).

12) MOBILE RECREATIONAL VEHICLES

All mobile recreational vehicles must be on site for less than 180 consecutive days and be either:

- a) fully licensed and ready for highway use; or
- b) shall meet the elevation and anchoring requirements in s. 4.3 (11)(b) and (c).

A mobile recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect utilities and security devices and has no permanently attached additions.

5.0 OTHER FLOODPLAIN DISTRICTS

5.1 GENERAL FLOODPLAIN DISTRICT (GFP)

1) APPLICABILITY

The provisions for the General Floodplain District shall apply to development in all floodplains mapped as A, AO, AH, and in AE zones within which a floodway is not delineated on the Flood Insurance Rate Maps identified in s. 1.5(2)(a).

2) FLOODWAY BOUNDARIES

For proposed development in zone A, or in zone AE within which a floodway is not delineated on the Flood Insurance Rate Map identified in s. 1.5(2)(a), the boundaries of the regulatory floodway shall be determined pursuant to s. 5.1(5). If the development is proposed to encroach upon the regulatory floodway, the development is subject to the standards of s 3.0. If the development is located entirely within the floodfringe, the development is subject to the standards of s. 4.0.

3) PERMITTED USES

Pursuant to s. 5.1(5) it shall be determined whether the proposed use is located within the floodway or floodfringe. Those uses permitted in the Floodway (s. 3.2) and Floodfringe (s. 4.2) Districts are allowed within the General Floodplain District, according to the standards of s. 5.1(4) provided that all permits or certificates required under s. 7.1 have been issued.

4) STANDARDS FOR DEVELOPMENT IN THE GENERAL FLOODPLAIN DISTRICT

Section 3.0 applies to floodway areas, determined to pursuant to 5.1(5); Section 4.0 applies to floodfringe areas, determined to pursuant to 5.1(5).

a) New construction and substantial improvement of structures in zone AO shall have the lowest floor, including basement, elevated:

1. To or above the depth, in feet, as shown on the FIRM above the highest adjacent natural grade; or
2. If the depth is not specified on the FIRM, two (2) above the highest adjacent natural grade or higher.

b) New Construction and substantial improvement of structures in zone AH shall have the lowest floor, including basement, elevated to or above the flood protection elevation.

c) In AO/AH zones, provide adequate drainage paths to guide floodwaters around structures.

d) All development in zones AO and zone AH shall meet the requirements of s. 4.0 applicable to flood fringe areas.

5) DETERMINING FLOODWAY AND FLOODFRINGE LIMITS

Upon receiving an application for development within zone A, or within zone AE where a floodway has not been delineated on the Flood Insurance Rate Maps, the zoning administrator shall:

a) Require the applicant to submit two copies of an aerial photograph or a plan which shows the proposed development with respect to the general floodplain district limits, stream channel, and existing floodplain developments, along with a legal description of the property, fill limits and elevations, building floor elevations and floodproofing measures and the flood zone as shown on the FIRM.

b) Require the applicant to furnish any of the following information deemed necessary by the Department to evaluate the effects of the proposal upon flood height and flood flows, regional flood elevation and to determine floodway boundaries.

1. A Hydrologic and Hydraulic Study as specified in s. 7.1(2)(c).

2. Plan (surface view) showing elevations or contours of the ground; pertinent structure, fill or storage elevations; size, location, and layout of all proposed and existing structures on the site; location and elevations of streets, water supply, and sanitary facilities; soil types and other pertinent information.

3. Specifications for building construction and materials, floodproofing, filling, dredging, channel improvement, storage, water supply and sanitary facilities.

5.3 COASTAL FLOODPLAIN DISTRICT (CFD)

1) APPLICABILITY

The provisions of this section apply to all Coastal Floodplain Districts (CFD) shown on the floodplain zoning maps, which includes zones V, V1-30, and VE. Where a floodway shown on the floodplain zoning maps, or a floodway determined as explained in s. 1.5(3)(d) or a regulatory floodway identified pursuant to s. 5.1(5), extends into a Coastal Floodplain District, development shall comply with the standards of s. 3.0 and s. 5.3.

2) STANDARDS FOR DEVELOPMENT IN THE COASTAL FLOODPLAIN DISTRICT

Development in the CFD district shall meet the requirements of s. 2.0, as well as the following:

- a. New construction shall be located landward of the Ordinary High-Water Mark.
- b. Bulkheads, seawalls, revetments, and other erosion control measures shall not be connected to the foundation or superstructure of a building and shall be designed and constructed so as not to direct floodwaters or increase flood forces or erosion impacts on the foundation or superstructure of any building.
- c. Man-made alterations of sand dunes are prohibited unless an engineering report documents that the alterations will not increase potential flood damage by reducing the wave and flow dissipation characteristics of the sand dunes.
- d. The use of fill for structural support of buildings is prohibited.
 - 1. Non-structural fill shall be permitted only if an engineering report demonstrates that the fill will not cause runoff, ramping, or deflection of floodwaters that cause damage to buildings.
- e. New construction and substantial improvement of buildings shall be elevated, consistent with SPS 321.34, on pilings or columns so that the bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated to or above the FPE.
 - 1. The pile or column foundation and structure attached thereto shall be anchored to resist flotation, collapse, and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Water loading values shall be those associated with the base flood. Wind loading values shall be those defined according to American Society of Civil Engineers 7-16 Minimum design loads and associated criteria for buildings and other structures, or other equivalent standard.
 - 2. A registered professional engineer or architect shall develop or review the structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions of s. 5.3(2)(e).
- f. New construction and substantial improvement of buildings shall have the space below the lowest floor either free of obstruction or constructed with non-supporting breakaway

walls, open wood latticework, or insect screening intended to collapse without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system.

1. For the purpose of s. 5.3(2)(f), a breakaway wall shall have a design safe loading resistance of not less than ten (10) and not more than twenty (20) pounds per square foot.
2. Use of breakaway walls which exceed a design safe loading resistance of twenty (20) pounds per square foot (either by design or where so required by local or state codes) may be permitted only if a registered professional engineer or architect certifies that the designs proposed meet all of the following conditions:
 - a) Breakaway wall collapse shall result from a water load less than that which would occur during the base flood; and
 - b) The elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and non-structural). Water loading values shall be those associated with the base flood. Wind loading values shall be those defined according to American Society of Civil Engineers 7-16 Minimum design loads and associated criteria for buildings and other structures, or equivalent standard.
3. All space enclosed by breakaway walls, open wood latticework, or insect screening below the lowest floor shall be used solely for parking, building access, or storage.

g. Require within flood-prone areas:

1. New and replacement water supply systems to be designed to minimize or eliminate infiltration of flood waters into the systems; and
2. New and replacement sanitary sewage systems to be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters and onsite waste disposal systems to be located to avoid impairment to them or contamination from them during flooding.

h. All mobile recreation vehicles must be on site for less than 180 consecutive days and be either:

1. fully licensed and ready for highway use; or
2. shall meet the standards of ss. 5.3(2)(a) through 5.3(2)(g) inclusive

A mobile recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices and has no permanently attached additions.

i. Manufactured homes placed or substantially improved within the Coastal Floodplain District shall meet the standards of ss. 5.3(2)(a) through 5.3(2)(g) inclusive.

6.0 NONCONFORMING USES

6.1 GENERAL

1) Applicability

- a) The standards in this section shall apply to all uses and buildings that do not conform to the provisions contained within a floodplain zoning ordinance or with s. 87.30, Stats. and §§ NR 116.12-14, Wis. Adm. Code and 44 CFR 59-72., these standards shall apply to all modifications or additions to any nonconforming use or structure and to the use of any structure or premises which was lawful before the passage of this ordinance or any amendment thereto. A party asserting existence of a lawfully established nonconforming use or structure has the burden of proving that the use or structure was compliant with the floodplain zoning ordinance in effect at the time the use or structure was created.
 - b) As permit applications are received for additions, modifications, or substantial improvements to nonconforming buildings in the floodplain, municipalities shall develop a list of those nonconforming buildings, their present equalized assessed value, and a list of the costs of those activities associated with changes to those buildings.
- 2) The existing lawful use of a structure or its accessory use which is not in conformity with the provisions of this ordinance may continue subject to the following conditions:
- a) No modifications or additions to a nonconforming use or structure shall be permitted unless they comply with this ordinance. The words "modification" and "addition" include, but are not limited to, any alteration, addition, modification, structural repair, rebuilding or replacement of any such existing use, structure or accessory structure or use. Maintenance is not considered a modification; this includes painting, decorating, paneling and other nonstructural components and the maintenance, repair or replacement of existing private sewage or water supply systems or connections to public utilities. Any costs associated with the repair of a damaged structure are not considered maintenance.

The construction of a deck that does not exceed 200 square feet and that is adjacent to the exterior wall of a principal structure is not an extension, modification, or addition. The roof of the structure may extend over a portion of the deck in order to provide safe ingress and egress to the principal structure.
 - b) If a nonconforming use or the use of a nonconforming structure is discontinued for 12 consecutive months, it is no longer permitted and any future use of the property, and any structure or building thereon, shall conform to the applicable requirements of this ordinance;
 - c) The municipality shall keep a record which lists all nonconforming uses and nonconforming structures, their present equalized assessed value, the cost of all modifications or additions which have been permitted, and the percentage of the structure's total current value those modifications represent;
 - d) No modification or addition to any nonconforming structure or any structure with a nonconforming use, which over the life of the structure would equal or exceed 50% of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with s. 4.3(1). The costs of elevating the lowest floor of a nonconforming building or a building with a nonconforming use to the flood protection elevation are excluded from the 50% provisions of this paragraph;

- e) No maintenance on a per event basis to any nonconforming structure or any structure with a nonconforming use, the cost of which would equal or exceed 50% of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with s. 4.3(1). Maintenance to any nonconforming structure, which does not exceed 50% of its present equalized assessed value on a per event basis, does not count against the cumulative calculations over the life of the structure for substantial improvement calculations.
- f) If on a per event basis the total value of the work being done under (d) and (e) equals or exceeds 50% of the present equalized assessed value, the work shall not be permitted unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with s. 4.3(1).
- g) Except as provided in subd. (h), if any nonconforming structure or any structure with a nonconforming use is destroyed or is substantially damaged, it cannot be replaced, reconstructed, or rebuilt unless the use and the structure meet the current ordinance requirements. A structure is considered substantially damaged if the total cost to restore the structure to its pre-damaged condition equals or exceeds 50% of the structure's present equalized assessed value.
- h) For nonconforming buildings that are substantially damaged or destroyed by a nonflood disaster, the repair or reconstruction of any such nonconforming building shall be permitted in order to restore it to the size and use in effect prior to the damage event, provided that the following minimum requirements are met, and all required permits have been granted prior to the start of construction:

1. Residential Structures

- a. Shall have the lowest floor, including basement, elevated to or above the base flood elevation using fill, pilings, columns, posts, or perimeter walls. Perimeter walls must meet the requirements of s. 7.5(2).
- b. Shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, and shall be constructed with methods and materials resistant to flood damage.
- c. Shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or elevated so as to prevent water from entering or accumulating within the components during conditions of flooding.
- d. In A Zones, obtain, review, and utilize any flood data available from a federal, state or other source.
- e. In AO Zones with no elevations specified, shall have the lowest floor, including basement, meet the standards in s. 5.1(4).
- f. in AO Zones, shall have adequate drainage paths around structures on slopes to guide floodwaters around and away from the structure.

2. Nonresidential Structures

- a. Shall meet the requirements of s. 6.1(2)(h)1a-f.
 - b. Shall either have the lowest floor, including basement, elevated to or above the regional flood elevation; or, together with attendant utility and sanitary facilities, shall meet the standards in s. 7.5 (1) or (2).
 - c. In AO Zones with no elevations specified, shall have the lowest floor, including basement, meet the standards in s. 5.1(4).
- 3) A nonconforming historic structure may be altered if the alteration will not preclude the structure's continued designation as a historic structure, the alteration will comply with s. 3.3 (1), flood resistant materials are used, and construction practices and floodproofing methods that comply with s. 7.5 are used. Repair or rehabilitation of historic structures shall be exempt from the development standards of s. 6.1 (2)(h)1 if it is determined that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and is the minimum necessary to preserve the historic character and design of the structure.
- 4) Notwithstanding anything in this chapter to the contrary, modifications, additions, maintenance, and repairs to a nonconforming building shall not be prohibited based on cost and the building's nonconforming use shall be permitted to continue if:
- a) Any living quarters in the nonconforming building are elevated to be at or above the flood protection elevation;
 - b) The lowest floor of the nonconforming building, including the basement, is elevated to or above the regional flood elevation;
 - c) The nonconforming building is permanently changed to conform to the applicable requirements of 2.0;
 - d) If the nonconforming building is in the floodway, the building is permanently changed to conform to the applicable requirements of 3.3(1), 3.3(2)(b) through (e), 3.3(3), 3.3(4), and 6.2. Any development that adds additional fill or creates an encroachment in the floodplain from beyond the original nonconforming structure's 3-D building envelope must determine the floodway in accordance with section 5.1(5). If the encroachment is in the floodway, it must meet the standards in section 3.3(4);
 - e) If the nonconforming building is in the floodfringe, the building is permanently changed to conform to the applicable requirements of 4.3 and 6.3;
 - f) Repair or reconstruction of nonconforming structures and substantial improvements of residential buildings in zones A1-30, AE, and AH must have the lowest floor (including basement) elevated to or above the base flood elevation;
 - g) Repair or reconstruction of nonconforming structures and substantial improvements of non-residential buildings in zones A1-30, AE, and AH must have the lowest floor (including basement) elevated to or above the base flood elevation, or (together with attendant utility and sanitary

facilities) be designed so that below the base flood elevation the building is watertight with walls substantially impermeable to the passage of water and with structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy:

- i. Where a non-residential structure is intended to be made watertight below the base flood elevation, a registered professional engineer or architect must develop and/or review structural design, specifications, and plans for the construction, and must certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of s. 6.1(4)(g) above.
 - ii. The community must maintain a record of such certification including the specific elevation to which each such structure is floodproofed;
- h) Fully enclosed areas below the lowest floor of repair or reconstruction of nonconforming structures and substantial improvements in zones A1-30, AE, and AH that are usable solely for parking of vehicles, building access, or storage, must be designed to adequately equalize hydrostatic forces on exterior walls by allowing for the entry and exit of floodwaters. Subsequent improvements to repaired or reconstructed nonconforming structures must not increase the degree of their nonconformity. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet the following criteria:
 - i. A minimum of two openings into each enclosed area must be located below the base flood elevation and provide a total net area of not less than one square inch for every square foot of enclosed area.
 - ii. The bottom of all openings must be no higher than one foot above the adjacent grade.
 - iii. Openings may be equipped with screens, louvers, valves, or other coverings if they permit the automatic entry and exit of floodwaters;
- i) Manufactured homes that are placed or substantially improved within zones A1-30, AE, and AH outside of a manufactured home park or subdivision, in a new manufactured home park or subdivision, in an expansion to an existing manufactured home park or subdivision, or in an existing manufactured home park or subdivision on which a manufactured home has incurred substantial damage as a result of flood, must be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood elevation, and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement;
- j) Manufactured homes that are placed or substantially improved within zones A1-30, AE, and AH on existing sites in an existing manufactured home park that is not undergoing expansion and on which a manufactured home has not incurred substantial damage as a result of flood must be elevated so that either the lowest floor of the manufactured

- home is at or above the base flood elevation, or the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade, and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement;
- k) Recreational vehicles placed on sites within zones A1-30, AH, and AE must either:
- i. Be on site for fewer than 180 consecutive days; or
 - ii. Be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions); or
 - iii. Meet the elevation and anchoring requirements for manufactured homes in s. 6.1(4)(i) above;
- l) In a regulatory floodway that has been delineated on the FIRM in zone A1-30 or AE, encroachments, including repair or reconstruction of nonconforming structures, substantial improvement, or other development (including fill) must be prohibited unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment will not result in any increase in flood levels within the community during the occurrence of the base flood discharge. Subsequent improvements to repair or reconstructed nonconforming structures must not increase the degree of their nonconformity;
- m) In zone A, the community must obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other source as criteria for requiring repair or reconstruction of nonconforming structures, substantial improvement, and other development to meet ss. 6.1(4)(f) through (l) (inclusive) above. Any development that adds additional fill or creates an encroachment in the floodplain from beyond the original nonconforming structure's 3-D building envelope must determine the floodway in accordance with section 5.1(5). If the encroachment is in the floodway, it must meet the standards in section 3.3(4). Subsequent improvements to repair or reconstructed nonconforming structures must not increase the degree of their nonconformity;
- n) In zones A1-30 or AE where a regulatory floodway has not been delineated on the FIRM, repair or reconstruction of nonconforming structures, substantial improvement, or any development that adds additional fill or creates an encroachment in the floodplain from beyond the original nonconforming structure's 3-D building envelope must determine the floodway in accordance with section 5.1(5). If the encroachment is in the floodway, it must meet the standards in section 3.3(4). Subsequent improvements to repair or reconstructed nonconforming structures must not increase the degree of their nonconformity;

- o) In zone AO, repair or reconstruction of nonconforming structures and substantial improvements of residential structures must have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM (at least two feet if no depth number is specified). Subsequent improvements to repair or reconstructed nonconforming structures must not increase the degree of their nonconformity; or
- p) In zone AO, repair or reconstruction of nonconforming structures and substantial improvements of nonresidential structures must have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM (at least two feet if no depth number is specified), or (together with attendant utility and sanitary facilities) be structurally dry-floodproofed to that level according to the standard specified in s. 6.1(4)(g) above. Subsequent improvements to repair or reconstructed nonconforming structures must not increase the degree of their nonconformity.

6.2 FLOODWAY DISTRICT

- 1) No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use in the Floodway District, unless such modification or addition:
 - a) Has been granted a permit or variance which meets all ordinance requirements;
 - b) Meets the requirements of s. 6.1;
 - c) Shall not increase the obstruction to flood flows or regional flood height;
 - d) Any addition to the existing structure shall be floodproofed, pursuant to s. 7.5, by means other than the use of fill, to the flood protection elevation; and,
 - e) If any part of the foundation below the flood protection elevation is enclosed, the following standards shall apply:
 1. The enclosed area shall be designed by a registered architect or engineer to allow for the efficient entry and exit of flood waters without human intervention. A minimum of two openings must be provided with a minimum net area of at least one square inch for every one square foot of the enclosed area. The lowest part of the opening can be no more than 12 inches above the adjacent grade;
 2. The parts of the foundation located below the flood protection elevation must be constructed of flood-resistant materials;
 3. Mechanical and utility equipment must be elevated or floodproofed to or above the flood protection elevation; and
 4. The use must be limited to parking, building access or limited storage.
- 2) No new on site sewage disposal system, or addition to an existing on site sewage disposal system, except where an addition has been ordered by a government agency to correct a hazard to public health, shall be allowed in the Floodway District. Any replacement, repair or maintenance of an existing on site sewage disposal system in a floodway area shall meet the applicable requirements of all municipal ordinances, s. 7.5(3) and Ch. SPS 383, Wis. Adm. Code.

- 3) No new well or modification to an existing well used to obtain potable water shall be allowed in the Floodway District. Any replacement, repair, or maintenance of an existing well in the Floodway District shall meet the applicable requirements of all municipal ordinances, s. 7.5(3) and chs. NR 811 and NR 812, Wis. Adm. Code.

6.3 FLOODFRINGE DISTRICT

- 1) No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use unless such modification or addition has been granted a permit or variance by the municipality and meets the requirements of s. 4.3 except where s. 6.3(2) is applicable.
- 2) Where compliance with the provisions of subd. (1) would result in unnecessary hardship and only where the structure will not be used for human habitation or be associated with a high flood damage potential, the Board of Adjustment/Appeals, using the procedures established in s. 7.3, may grant a variance from those provisions of subd. (1) for modifications or additions using the criteria listed below. Modifications or additions which are protected to elevations lower than the flood protection elevation may be permitted if:
 - a) No floor is allowed below the regional flood elevation for residential or commercial structures;
 - b) Human lives are not endangered;
 - c) Public facilities, such as water or sewer, shall not be installed;
 - d) Flood depths shall not exceed two feet;
 - e) Flood velocities shall not exceed two feet per second; and
 - f) The structure shall not be used for storage of materials as described in s. 4.3(5).
- 3) All new private sewage disposal systems, or addition to, replacement, repair or maintenance of a private sewage disposal system shall meet all the applicable provisions of all local ordinances, s. 7.5 (3) and ch. SPS 383, Wis. Adm. Code.
- 4) All new wells, or addition to, replacement, repair, or maintenance of a well shall meet the applicable provisions of this ordinance, s. 7.5 (3) and ch. NR 811 and NR 812, Wis. Adm. Code.

6.5 COASTAL FLOODPLAIN DISTRICT (CFD)

- 1) New construction and substantial improvement shall meet the standards of s. 5.3.
- 2) No structural repairs, modifications or additions to an existing building, the cost of which exceeds, over the life of the existing building, 50% of its present equalized assessed value, may be allowed in a coastal floodplain area unless the entire building is permanently changed to conform with the standards prescribed in s. 5.3.

7.0 ADMINISTRATION

Where a zoning administrator, planning agency or a board of appeals has already been appointed to administer a zoning ordinance adopted under ss. 59.69, 59.692 or 62.23(7), Stats., these officials shall also administer this ordinance.

7.1 ZONING ADMINISTRATOR

1) DUTIES AND POWERS

The zoning administrator is authorized to administer this ordinance and shall have the following duties and powers:

- a) Advise applicants of the ordinance provisions, assist in preparing permit applications and appeals, and assure that the regional flood elevation for the proposed development is shown on all permit applications.
- b) Issue permits and inspect properties for compliance with provisions of this ordinance and issue certificates of compliance where appropriate
- c) Inspect and assess all damaged floodplain structures to determine if substantial damage to the structures has occurred.
- d) Keep records of all official actions such as:
 - 1. All permits issued, inspections made, and work approved;
 - 2. Documentation of certified lowest floor and regional flood elevations;
 - 3. Floodproofing certificates.
 - 4. Water surface profiles, floodplain zoning maps and ordinances, nonconforming uses and structures including changes, appeals, variances and amendments.
 - 5. All substantial damage assessment reports for floodplain structures.
 - 6. List of nonconforming structures and uses.
 - 7. In the Coastal Floodplain District, documentation of the certified elevation of the bottom of the lowest horizontal structural member of new construction and substantial improvements.
 - 8. In the Coastal Floodplain District, certification by a licensed professional engineer or architect where required for new construction and substantial improvement under s. 5.3
- e) Submit copies of the following items to the Department Regional office:
 - 1. Within 10 days of the decision, a copy of any decisions on variances, appeals for map or text interpretations, and map or text amendments;
 - 2. Copies of case by case analyses and other required information.
 - 3. Copies of substantial damage assessments performed and all related correspondence concerning the assessments.
- f) Investigate, prepare reports, and report violations of this ordinance to the municipal zoning agency and attorney for prosecution. Copies of the reports shall also be sent to the Department Regional office.
- g) Submit copies of amendments to the FEMA Regional office.

2) **LAND USE PERMIT**

A land use permit shall be obtained before any development; repair, modification, or addition to an existing structure; or change in the use of a building or structure, including sewer and water facilities, may be initiated. Application to the zoning administrator shall include:

a) GENERAL INFORMATION

- 1. Name and address of the applicant, property owner and contractor;
- 2. Legal description, proposed use, and whether it is new construction or a modification;

b) SITE DEVELOPMENT PLAN

A site plan drawn to scale shall be submitted with the permit application form and shall contain:

1. Location, dimensions, area and elevation of the lot;
2. Location of the ordinary highwater mark of any abutting navigable waterways;
3. Location of any structures with distances measured from the lot lines and street center lines;
4. Location of any existing or proposed on site sewage systems or private water supply systems;
5. Location and elevation of existing or future access roads;
6. Location of floodplain and floodway limits as determined from the official floodplain zoning maps;
7. The elevation of the lowest floor of proposed buildings and any fill using the vertical datum from the adopted study – either National Geodetic Vertical Datum (NGVD) or North American Vertical Datum (NAVD);
8. Data sufficient to determine the regional flood elevation in NGVD or NAVD at the location of the development and to determine whether or not the requirements of s. 3.0 or 4.0 are met; and
9. Data to determine if the proposed development will cause an obstruction to flow or an increase in regional flood height or discharge according to s. 2.1. This may include any of the information noted in s. 3.3(1).

c) HYDRAULIC AND HYDROLOGIC STUDIES TO ANALYZE DEVELOPMENT

All hydraulic and hydrologic studies shall be completed under the direct supervision of a professional engineer registered in the State. The study contractor shall be responsible for the technical adequacy of the study. All studies shall be reviewed and approved by the Department.

1. Zone A floodplains and in AE zones within which a floodway is not delineated:
 - a. Hydrology
 - i. The appropriate method shall be based on the standards in ch. [NR 116.07\(3\)](#), Wis. Admin. Code, Hydrologic Analysis: Determination of Regional Flood Discharge.
 - b. Hydraulic modeling

The regional flood elevation shall be based on the standards in ch. [NR 116.07\(4\)](#), Wis. Admin. Code, Hydraulic Analysis: Determination of Regional Flood Elevation and the following:

 - i. determination of the required limits of the hydraulic model shall be based on detailed study information for downstream structures (dam, bridge, culvert) to determine adequate starting WSEL for the study.
 - ii. channel sections must be surveyed.
 - iii. minimum four-foot contour data in the overbanks shall be used for the development of cross section overbank and floodplain mapping.

- iv. a maximum distance of 500 feet between cross sections is allowed in developed areas with additional intermediate cross sections required at transitions in channel bottom slope including a survey of the channel at each location.
 - v. the most current version of HEC-RAS shall be used.
 - vi. a survey of bridge and culvert openings and the top of road is required at each structure.
 - vii. additional cross sections are required at the downstream and upstream limits of the proposed development and any necessary intermediate locations based on the length of the reach if greater than 500 feet.
 - viii. standard accepted engineering practices shall be used when assigning parameters for the base model such as flow, Manning's N values, expansion and contraction coefficients or effective flow limits. The base model shall be calibrated to past flooding data such as high-water marks to determine the reasonableness of the model results. If no historical data is available, adequate justification shall be provided for any parameters outside standard accepted engineering practices.
 - ix. the model must extend past the upstream limit of the difference in the existing and proposed flood profiles in order to provide a tie-in to existing studies. The height difference between the proposed flood profile and the existing study profiles shall be no more than 0.00 feet.
- c. Mapping
- A work map of the reach studied shall be provided, showing all cross-section locations, floodway/floodplain limits based on best available topographic data, geographic limits of the proposed development and whether the proposed development is located in the floodway.
- i. If the proposed development is located outside of the floodway, then it is determined to have no impact on the regional flood elevation.
 - ii. If any part of the proposed development is in the floodway, it must be added to the base model to show the difference between existing and proposed conditions. The study must ensure that all coefficients remain the same as in the existing model, unless adequate justification based on standard accepted engineering practices is provided.

2. Zone AE Floodplains

a. Hydrology

If the proposed hydrology will change the existing study, the appropriate method to be used shall be based on ch. [NR 116.07\(3\)](#), Wis. Admin. Code, Hydrologic Analysis: Determination of Regional Flood Discharge.

b. Hydraulic model

The regional flood elevation shall be based on the standards in ch. NR [116.07\(4\)](#), Wis. Admin. Code, Hydraulic Analysis: Determination of Regional Flood Elevation and the following:

- i. Duplicate Effective Model
The effective model shall be reproduced to ensure correct transference of the model data and to allow integration of the revised data to provide a continuous FIS model upstream and downstream of the revised reach. If data from the effective model is available, models shall be generated that duplicate the FIS profiles and the elevations shown in the Floodway Data Table in the FIS report to within 0.1 foot.
 - ii. Corrected Effective Model.
The Corrected Effective Model shall not include any man-made physical changes since the effective model date but shall import the model into the most current version of HEC-RAS for Department review.
 - iii. Existing (Pre-Project Conditions) Model.
The Existing Model shall be required to support conclusions about the actual impacts of the project associated with the Revised (Post-Project) Model or to establish more up-to-date models on which to base the Revised (Post-Project) Model.
 - iv. Revised (Post-Project Conditions) Model.
The Revised (Post-Project Conditions) Model shall incorporate the Existing Model and any proposed changes to the topography caused by the proposed development. This model shall reflect proposed conditions.
 - v. All changes to the Duplicate Effective Model and subsequent models must be supported by certified topographic information, bridge plans, construction plans and survey notes.
 - vi. Changes to the hydraulic models shall be limited to the stream reach for which the revision is being requested. Cross sections upstream and downstream of the revised reach shall be identical to those in the effective model and result in water surface elevations and top widths computed by the revised models matching those in the effective models upstream and downstream of the revised reach as required. The Effective Model shall not be truncated.
- c. Mapping
Maps and associated engineering data shall be submitted to the Department for review which meet the following conditions:
- i. Consistency between the revised hydraulic models, the revised floodplain and floodway delineations, the revised flood profiles, topographic work map, annotated FIRMs and/or Flood Boundary Floodway Maps (FBFMs), construction plans, bridge plans.
 - ii. Certified topographic map of suitable scale, contour interval, and a planimetric map showing the applicable items. If a digital version

of the map is available, it may be submitted in order that the FIRM may be more easily revised.

- iii. Annotated FIRM panel showing the revised 1% and 0.2% annual chance floodplains and floodway boundaries.
- iv. If an annotated FIRM and/or FBFM and digital mapping data (GIS or CADD) are used, then all supporting documentation or metadata must be included with the data submission along with the Universal Transverse Mercator (UTM) projection and State Plane Coordinate System in accordance with FEMA mapping specifications.
- v. The revised floodplain boundaries shall tie into the effective floodplain boundaries.
- vi. All cross-sections from the effective model shall be labeled in accordance with the effective map and a cross-section lookup table shall be included to relate to the model input numbering scheme.
- vii. Both the current and proposed floodways shall be shown on the map.
- viii. The stream centerline, or profile baseline used to measure stream distances in the model shall be visible on the map.

d) **EXPIRATION**

All permits issued under the authority of this ordinance shall expire no more than 180 days after issuance. The permit may be extended for a maximum of 180 days for good and sufficient cause. If the permitted work has not started within 180 days of the permit date, the development must comply with any regulation, including any revision to the FIRM or FIS, that took effect after the permit date.

3) **CERTIFICATE OF COMPLIANCE**

No land shall be occupied or used, and no building which is hereafter constructed, altered, added to, modified, repaired, rebuilt, or replaced shall be occupied until a certificate of compliance is issued by the zoning administrator, except where no permit is required, subject to the following provisions:

- a) The certificate of compliance shall show that the building or premises or part thereof, and the proposed use, conform to the provisions of this ordinance;
- b) Application for such certificate shall be concurrent with the application for a permit;
- c) If all ordinance provisions are met, the certificate of compliance shall be issued within ten (10) days after written notification that the permitted work is completed;
- d) The applicant shall submit a certification signed by a registered professional engineer, architect, or land surveyor that the fill, lowest floor, and floodproofing elevations are in compliance with the permit issued. Floodproofing measures also require certification by a registered professional engineer or architect that the requirements of s. 7.5 are met.
- e) Where applicable pursuant to s. 5.1(4), the applicant must submit a certification by a registered professional engineer or surveyor of the elevation of the bottom of the lowest horizontal structural member supporting the lowest floor (excluding pilings or columns), and an indication of whether the structure contains a basement.

- f) Where applicable pursuant to s. 5.1(4), the applicant must submit certifications by a registered professional engineer or architect that the structural design and methods of construction meet accepted standards of practice as required by s. 5.1(4).

4) OTHER PERMITS

Prior to obtaining a floodplain development permit the applicant must secure all necessary permits from federal, state, and local agencies, including but not limited to those required by the U.S. Army Corps of Engineers under s. 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344.

7.2 ZONING AGENCY

- 1) The Village of Ephraim Board of Trustees, and, or Plan Committee shall:
 - a) oversee the functions of the office of the zoning administrator; and
 - b) review and advise the governing body on all proposed amendments to this ordinance, maps, and text.
 - c) publish adequate notice pursuant to [Ch. 985, Stats.](#), specifying the date, time, place, and subject of the public hearing.
- 2) The Village of Ephraim Board of Trustees, and, or Plan Committee shall not:
 - a) grant variances to the terms of the ordinance in place of action by the Board of Adjustment/Appeals; or
 - b) amend the text or zoning maps in place of official action by the governing body.

7.3 BOARD OF APPEALS

The Board of Appeals, created under Wis. Stat. [62.23\(7\)\(e\)](#), for cities or villages, is hereby authorized or shall be appointed to act for the purposes of this ordinance. The Board shall exercise the powers conferred by Wisconsin Statutes and adopt rules for the conduct of business. The zoning administrator shall not be the secretary of the Board.

1) POWERS AND DUTIES

The Board of Appeals shall:

- a) Appeals Hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by an administrative official in the enforcement or administration of this ordinance;
- b) Boundary Disputes Hear and decide disputes concerning the district boundaries shown on the official floodplain zoning map; and
- c) Variances Hear and decide, upon appeal, variances from the ordinance standards.

2) APPEALS TO THE BOARD

- a) Appeals to the board may be taken by any person aggrieved, or by any officer or department of the municipality affected by any decision of the zoning administrator or other administrative officer. Such appeal shall be taken within thirty (30) days unless otherwise provided by the rules of the board, by filing with the official whose decision is in question, and with the board, a notice of appeal specifying the reasons for the appeal. The official whose decision is in question shall transmit to the board all records regarding the matter appealed.
- b) NOTICE AND HEARING FOR APPEALS INCLUDING VARIANCES

1. Notice The board shall:

- a. Fix a reasonable time for the hearing;
 - b. Publish adequate notice pursuant to Wisconsin Statutes, specifying the date, time, place, and subject of the hearing; and
 - c. Assure that notice shall be mailed to the parties in interest and the Department Regional office at least 10 days in advance of the hearing.
- 2. Hearing Any party may appear in person or by agent. The board shall:
 - a. Resolve boundary disputes according to s. 7.3(3);
 - b. Decide variance applications according to s. 7.3(4); and
 - c. Decide appeals of permit denials according to s. 7.4.
- c) DECISION: The final decision regarding the appeal or variance application shall:
 - 1. Be made within a reasonable time;
 - 2. Be sent to the Department Regional office within 10 days of the decision;
 - 3. Be a written determination signed by the chairman or secretary of the Board;
 - 4. State the specific facts which are the basis for the Board's decision;
 - 5. Either affirm, reverse, vary or modify the order, requirement, decision, or determination appealed, in whole or in part, dismiss the appeal for lack of jurisdiction or grant or deny the variance application; and
 - 6. Include the reasons for granting an appeal, describing the hardship demonstrated by the applicant in the case of a variance, clearly stated in the recorded minutes of the Board proceedings.

3) **BOUNDARY DISPUTES**

The following procedure shall be used by the Board in hearing disputes concerning floodplain district boundaries:

- a) If a floodplain district boundary is established by approximate or detailed floodplain studies, the flood elevations or profiles shall prevail in locating the boundary.
- b) The person contesting the boundary location shall be given a reasonable opportunity to present arguments and technical evidence to the Board; and
- c) If the boundary is incorrectly mapped, the Board should inform the zoning committee or the person contesting the boundary location to petition the governing body for a map amendment according to s. 8.0 Amendments.

4) **VARIANCE**

- a) The Board may, upon appeal, grant a variance from the standards of this ordinance if an applicant convincingly demonstrates that:
 - 1. Literal enforcement of the ordinance will cause unnecessary hardship;
 - 2. The hardship is due to adoption of the floodplain ordinance and unique property conditions, not common to adjacent lots or premises. In such case the ordinance or map must be amended;
 - 3. The variance is not contrary to the public interest; and
 - 4. The variance is consistent with the purpose of this ordinance in s. 1.3.

- b) In addition to the criteria in subd. (a), to qualify for a variance under FEMA regulations, the Board must find that the following criteria have been met:
 - 1. The variance shall not cause any increase in the regional flood elevation;
 - 2. The applicant has shown good and sufficient cause for issuance of the variance;
 - 3. Failure to grant the variance would result in exceptional hardship;
 - 4. Granting the variance will not result in additional threats to public safety, extraordinary expense, create a nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances;
 - 5. The variance granted is the minimum necessary, considering the flood hazard, to afford relief.
- c) A variance shall not:
 - 1. Grant, extend or increase any use prohibited in the zoning district;
 - 2. Be granted for a hardship based solely on an economic gain or loss;
 - 3. Be granted for a hardship which is self created.
 - 4. Damage the rights or property values of other persons in the area;
 - 5. Allow actions without the amendments to this ordinance or map(s) required in s. 8.0 Amendments; and
 - 6. Allow any alteration of an historic structure, including its use, which would preclude its continued designation as an historic structure.
- d) When a floodplain variance is granted, the Board shall notify the applicant in writing that it may increase risks to life and property and flood insurance premiums could increase up to \$25.00 per \$100.00 of coverage. A copy shall be maintained with the variance record.

7.4 TO REVIEW APPEALS OF PERMIT DENIALS

- 1) The Zoning Agency (s. 7.2) or Board shall review all data related to the appeal. This may include:
 - a. Permit application data listed in s. 7.1(2);
 - b. Floodway/floodfringe determination data in s. 5.1(5);
 - c. Data listed in s. 3.3(1)(b) where the applicant has not submitted this information to the zoning administrator; and
 - d. Other data submitted with the application or submitted to the Board with the appeal.
- 2) For appeals of all denied permits the Board shall:
 - a. Follow the procedures of s. 7.3;
 - b. Consider zoning agency recommendations; and
 - c. Either uphold the denial or grant the appeal.
- 3) For appeals concerning increases in regional flood elevation the Board shall:
 - a) Uphold the denial where the Board agrees with the data showing an increase in flood elevation. Increases may only be allowed after amending the flood profile and map

and all appropriate legal arrangements are made with all adversely affected property owners as per the requirements of s. 8.0 Amendments; and

- b) Grant the appeal where the Board agrees that the data properly demonstrates that the project does not cause an increase provided no other reasons for denial exist.

7.5 FLOODPROOFING STANDARDS

- 1) No permit or variance shall be issued for a non-residential structure designed to be watertight below the regional flood elevation until the applicant submits a plan certified by a registered professional engineer or architect that the floodproofing measures will protect the structure or development to or above the flood protection elevation and submits a FEMA Floodproofing Certificate. Floodproofing is not an alternative to the development standards in ss. 2.0, 3.0, 4.0, 5.1, or 5.3.
- 2) For a structure designed to allow the entry of floodwaters, no permit or variance shall be issued until the applicant submits a plan either:
 - a) certified by a registered professional engineer or architect; or
 - b) meeting or exceeding the following standards:
 1. a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
 2. the bottom of all openings shall be no higher than one foot above grade; and
 3. openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- 3) Floodproofing measures shall be designed, as appropriate, to:
 - a) Withstand flood pressures, depths, velocities, uplift and impact forces and other regional flood factors;
 - b) Protect structures to the flood protection elevation;
 - c) Anchor structures to foundations to resist flotation and lateral movement;
 - d) Minimize or eliminate infiltration of flood waters;
 - e) Minimize or eliminate discharges into flood waters;
 - f) Placement of essential utilities to or above the flood protection elevation; and
 - g) If any part of the foundation below the flood protection elevation is enclosed, the following standards shall apply:
 1. The enclosed area shall be designed by a registered architect or engineer to allow for the efficient entry and exit of flood waters without human intervention. A minimum of two openings must be provided with a minimum net area of at least one square inch for every one square foot of the enclosed area. The lowest part of the opening can be no more than 12 inches above the adjacent grade;
 2. The parts of the foundation located below the flood protection elevation must be constructed of flood-resistant materials;
 3. Mechanical and utility equipment must be elevated or floodproofed to or above the flood protection elevation; and
 4. The use must be limited to parking, building access or limited storage.

7.6 PUBLIC INFORMATION

- 1) Place marks on structures to show the depth of inundation during the regional flood.
- 2) All maps, engineering data and regulations shall be available and widely distributed.
- 3) Real estate transfers should show what floodplain district any real property is in.

8.0 AMENDMENTS

Obstructions or increases may only be permitted if amendments are made to this ordinance, the official floodplain zoning maps, floodway lines and water surface profiles, in accordance with s. 8.1.

- 1) In AE Zones with a mapped floodway, no obstructions or increases shall be permitted unless the applicant receives a Conditional Letter of Map Revision from FEMA and amendments are made to this ordinance, the official floodplain zoning maps, floodway lines and water surface profiles, in accordance with s. 8.1. Any such alterations must be reviewed and approved by FEMA and the DNR.
- 2) In A Zones increases equal to or greater than 1.0 foot may only be permitted if the applicant receives a Conditional Letter of Map Revision from FEMA and amendments are made to this ordinance, the official floodplain maps, floodway lines, and water surface profiles, in accordance with s. 8.1.

8.1 GENERAL

The governing body shall change or supplement the floodplain zoning district boundaries and this ordinance in the manner outlined in [s. 8.2](#) below. Actions which require an amendment to the ordinance and/or submittal of a Letter of Map Change (LOMC) include, but are not limited to, the following:

- 1) Any fill or floodway encroachment that obstructs flow causing any increase in the regional flood height;
- 2) Any change to the floodplain boundaries and/or watercourse alterations on the FIRM;
- 3) Any changes to any other officially adopted floodplain maps listed in s. 1.5 (2)(b);
- 4) Any floodplain fill which raises the elevation of the filled area to a height at or above the flood protection elevation and is contiguous to land lying outside the floodplain;
- 5) Correction of discrepancies between the water surface profiles and floodplain maps;
- 6) Any upgrade to a floodplain zoning ordinance text required by s. NR 116.05, Wis. Adm. Code, or otherwise required by law, or for changes by the municipality; and
- 7) All channel relocations and changes to the maps to alter floodway lines or to remove an area from the floodway or the floodfringe that is based on a base flood elevation from a FIRM requires prior approval by FEMA.

8.2 PROCEDURES

Ordinance amendments may be made upon petition of any party according to the provisions of s. [62.23](#), Stats., for cities and villages. The petitions shall include all data required by s. 5.1(5) and 7.1(2). The Land Use Permit shall not be issued until a Letter of Map Revision is issued by FEMA for the proposed changes.

- 1) The proposed amendment shall be referred to the zoning agency for a public hearing and recommendation to the governing body. The amendment and notice of public hearing shall be submitted to the Department Regional office for review prior to the hearing. The

amendment procedure shall comply with the provisions of s. [62.23](#), Stats., for cities and villages.

- 2) No amendments shall become effective until reviewed and approved by the Department.
- 3) All persons petitioning for a map amendment that obstructs flow causing any increase in the regional flood height, shall obtain flooding easements or other appropriate legal arrangements from all adversely affected property owners and notify local units of government before the amendment can be approved by the governing body.

9.0 ENFORCEMENT AND PENALTIES

Any violation of the provisions of this ordinance by any person shall be unlawful and shall be referred to the municipal attorney who shall expeditiously prosecute all such violators. A violator shall, upon conviction, forfeit to the municipality a penalty of not more than \$50.00 (fifty dollars), together with a taxable cost of such action. Each day of continued violation shall constitute a separate offense. Every violation of this ordinance is a public nuisance, and the creation may be enjoined, and the maintenance may be abated by action at suit of the municipality, the state, or any citizen thereof pursuant to s. [87.30](#), Stats.

10.0 DEFINITIONS

Unless specifically defined, words and phrases in this ordinance shall have their common law meaning and shall be applied in accordance with their common usage. Words used in the present tense include the future, the singular number includes the plural and the plural number includes the singular. The word "may" is permissive, "shall" is mandatory and is not discretionary.

- 1) **A ZONES** – Those areas shown on the Official Floodplain Zoning Map which would be inundated by the regional flood. These areas may be numbered or unnumbered A Zones. The A Zones may or may not be reflective of flood profiles, depending on the availability of data for a given area.
- 2) **AH ZONE** – See “AREA OF SHALLOW FLOODING”.
- 3) **AO ZONE** – See “AREA OF SHALLOW FLOODING”.
- 4) **ACCESSORY STRUCTURE OR USE** – A facility, structure, building or use which is accessory or incidental to the principal use of a property, structure or building. An accessory structure shall not be used for human habitation.
- 5) **ALTERATION** – An enhancement, upgrade or substantial change or modification other than an addition or repair to a dwelling or to electrical, plumbing, heating, ventilating, air conditioning and other systems within a structure.
- 6) **AREA OF SHALLOW FLOODING** – A designated AO, AH, AR/AO, AR/AH, or VO zone on a community's Flood Insurance Rate Map (FIRM) with a 1 percent or greater annual chance of flooding to an average depth of 1 to 3 feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flood may be evident. Such flooding is characterized by ponding or sheet flow.
- 7) **BASE FLOOD** – Means the flood having a one percent chance of being equaled or exceeded in any given year, as published by FEMA as part of a FIS and depicted on a FIRM.
- 8) **BASEMENT** – Any enclosed area of a building having its floor sub-grade on all sides.
- 9) **BREAKAWAY WALL** – A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces,

without causing damage to the elevated portion of the building or supporting foundation system.

- 10) **BUILDING** – See STRUCTURE.
- 11) **BULKHEAD LINE** – A geographic line along a reach of navigable water that has been adopted by a municipal ordinance and approved by the Department pursuant to s. 30.11, Stats., and which allows limited filling between this bulkhead line and the original ordinary highwater mark, except where such filling is prohibited by the floodway provisions of this ordinance.
- 12) **CAMPGROUND** – Any parcel of land which is designed, maintained, intended, or used for the purpose of providing sites for nonpermanent overnight use by 4 or more camping units, or which is advertised or represented as a camping area.
- 13) **CAMPING UNIT** – Any portable device, no more than 400 square feet in area, used as a temporary shelter, including but not limited to a camping trailer, motor home, bus, van, pick-up truck, or tent that is fully licensed, if required, and ready for highway use.
- 14) **CERTIFICATE OF COMPLIANCE** – A certification that the construction and the use of land or a building, the elevation of fill or the lowest floor of a structure is in compliance with all of the provisions of this ordinance.
- 15) **CHANNEL** – A natural or artificial watercourse with definite bed and banks to confine and conduct normal flow of water.
- 16) **COASTAL FLOODPLAIN** – An area along the coast of Lake Michigan or Lake Superior which is inundated by the regional flood, and which is also subject to additional hazard due to wave runup.
- 17) **COASTAL HIGH HAZARD AREA** – An area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast, and any other area subject to high velocity wave action from storms.
- 18) **CRAWLWAYS or CRAWL SPACE** – An enclosed area below the first usable floor of a building, generally less than five feet in height, used for access to plumbing and electrical utilities.
- 19) **DECK** – An unenclosed exterior structure that has no roof or sides and has a permeable floor which allows the infiltration of precipitation.
- 20) **DEPARTMENT** – The Wisconsin Department of Natural Resources.
- 21) **DEVELOPMENT** – Any artificial change to improved or unimproved real estate, including, but not limited to, the construction of buildings, structures or accessory structures; the construction of additions or alterations to buildings, structures or accessory structures; the repair of any damaged structure or the improvement or renovation of any structure, regardless of percentage of damage or improvement; the placement of buildings or structures; subdivision layout and site preparation; mining, dredging, filling, grading, paving, excavation or drilling operations; the storage, deposition or extraction of materials or equipment; and the installation, repair or removal of public or private sewage disposal systems or water supply facilities.
- 22) **DRYLAND ACCESS** – A vehicular access route which is above the regional flood elevation, and which connects land located in the floodplain to land outside the floodplain, such as a road with its surface above regional flood elevation and wide enough for wheeled rescue and relief vehicles.
- 23) **ENCROACHMENT** – Any fill, structure, equipment, use or development in the floodway.

- 24) **FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)** – The federal agency that administers the National Flood Insurance Program.
- 25) **FLOOD INSURANCE RATE MAP (FIRM)** – A map of a community on which the Federal Insurance Administration has delineated both the floodplain and the risk premium zones applicable to the community. This map can only be amended by the Federal Emergency Management Agency.
- 26) **FLOOD or FLOODING** – A general and temporary condition of partial or complete inundation of normally dry land areas caused by one of the following conditions:
- The overflow or rise of inland waters;
 - The rapid accumulation or runoff of surface waters from any source;
 - The inundation caused by waves or currents of water exceeding anticipated cyclical levels along the shore of Lake Michigan or Lake Superior; or
 - The sudden increase caused by an unusually high-water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a seiche, or by some similarly unusual event.
- 27) **FLOOD FREQUENCY** – The probability of a flood occurrence which is determined from statistical analyses. The frequency of a particular flood event is usually expressed as occurring, on the average once in a specified number of years or as a percent (%) chance of occurring in any given year.
- 28) **FLOODFRINGE** – That portion of the floodplain outside of the floodway which is covered by flood waters during the regional flood and associated with standing water rather than flowing water.
- 29) **FLOOD HAZARD BOUNDARY MAP** – A map designating approximate flood hazard areas. Flood hazard areas are designated as unnumbered A Zones and do not contain floodway lines or regional flood elevations. This map forms the basis for both the regulatory and insurance aspects of the National Flood Insurance Program (NFIP) until superseded by a Flood Insurance Study and a Flood Insurance Rate Map.
- 30) **FLOOD INSURANCE STUDY** – A technical engineering examination, evaluation, and determination of the local flood hazard areas. It provides maps designating those areas affected by the regional flood and provides both flood insurance rate zones and base flood elevations and may provide floodway lines. The flood hazard areas are designated as numbered and unnumbered A Zones. Flood Insurance Rate Maps, that accompany the Flood Insurance Study, form the basis for both the regulatory and the insurance aspects of the National Flood Insurance Program.
- 31) **FLOODPLAIN** – Land which has been or may be covered by flood water during the regional flood. It includes the floodway and the floodfringe and may include other designated floodplain areas for regulatory purposes.
- 32) **FLOODPLAIN ISLAND** – A natural geologic land formation within the floodplain that is surrounded, but not covered, by floodwater during the regional flood.
- 33) **FLOODPLAIN MANAGEMENT** – Policy and procedures to ensure wise use of floodplains, including mapping and engineering, mitigation, education, and administration and enforcement of floodplain regulations.
- 34) **FLOOD PROFILE** – A graph or a longitudinal profile line showing the relationship of the water surface elevation of a flood event to locations of land surface elevations along a stream or river.

- 35) **FLOODPROOFING** – Any combination of structural provisions, changes or adjustments to properties and structures, water and sanitary facilities and contents of buildings subject to flooding, for the purpose of reducing or eliminating flood damage.
- 36) **FLOOD PROTECTION ELEVATION** – An elevation of two feet of freeboard above the Regional Flood Elevation. (Also see: FREEBOARD.)
- 37) **FLOOD STORAGE** – Those floodplain areas where storage of floodwaters has been taken into account during analysis in reducing the regional flood discharge.
- 38) **FLOODWAY** – The channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional flood discharge.
- 39) **FREEBOARD** – A safety factor expressed in terms of a specified number of feet above a calculated flood level. Freeboard compensates for any factors that cause flood heights greater than those calculated, including ice jams, debris accumulation, wave action, obstruction of bridge openings and floodways, the effects of watershed urbanization, loss of flood storage areas due to development and aggregation of the river or stream bed.
- 40) **HABITABLE STRUCTURE** – Any structure or portion thereof used or designed for human habitation.
- 41) **HEARING NOTICE** – Publication or posting meeting the requirements of Ch. 985, Stats. For appeals, a Class 1 notice, published once at least one week (7 days) before the hearing, is required. For all zoning ordinances and amendments, a Class 2 notice, published twice, once each week consecutively, the last at least a week (7 days) before the hearing. Local ordinances or bylaws may require additional notice, exceeding these minimums.
- 42) **HIGH FLOOD DAMAGE POTENTIAL** – Damage that could result from flooding that includes any danger to life or health or any significant economic loss to a structure or building and its contents.
- 43) **HIGHEST ADJACENT GRADE** – The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
- 44) **HISTORIC STRUCTURE** – Any structure that is either:
- Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
 - Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
 - Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
 - Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program, as determined by the Secretary of the Interior; or by the Secretary of the Interior in states without approved programs.
- 45) **INCREASE IN REGIONAL FLOOD HEIGHT** – A calculated upward rise in the regional flood elevation greater than 0.00 foot, based on a comparison of existing conditions and proposed conditions which is directly attributable to development in the floodplain but not attributable to manipulation of mathematical variables such as roughness factors, expansion and contraction coefficients and discharge.
- 46) **LAND USE** – Any nonstructural use made of unimproved or improved real estate. (Also see DEVELOPMENT.)

- 47) **LOWEST ADJACENT GRADE** – Elevation of the lowest ground surface that touches any of the exterior walls of a building.
- 48) **LOWEST FLOOR** – The lowest floor of the lowest enclosed area (including basement). An enclosed space as provided in s. 5.3(2)(f), is not considered the building's lowest floor.
- 49) **MAINTENANCE** – The act or process of ordinary upkeep and repairs, including redecorating, refinishing, nonstructural repairs, or the replacement of existing fixtures, systems or equipment with equivalent fixtures, systems, or structures.
- 50) **MANUFACTURED HOME** – A structure transportable in one or more sections, which is built on a permanent chassis and is designed to be used with or without a permanent foundation when connected to required utilities. The term "manufactured home" includes a mobile home but does not include a "mobile recreational vehicle."
- 51) **MOBILE/MANUFACTURED HOME PARK OR SUBDIVISION** – A parcel (or contiguous parcels) of land, divided into two or more manufactured home lots for rent or sale.
- 52) **MOBILE/MANUFACTURED HOME PARK OR SUBDIVISION, EXISTING** – A parcel of land, divided into two or more manufactured home lots for rent or sale, on which the construction of facilities for servicing the lots is completed before the effective date of this ordinance. At a minimum, this would include the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads.
- 53) **MOBILE/MANUFACTURED HOME PARK, EXPANSION TO EXISTING** – The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed. This includes installation of utilities, construction of streets and either final site grading, or the pouring of concrete pads.
- 54) **MOBILE RECREATIONAL VEHICLE** – A vehicle which is built on a single chassis, 400 square feet or less when measured at the largest horizontal projection, designed to be self-propelled, carried or permanently towable by a licensed, light-duty vehicle, is licensed for highway use if registration is required and is designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel or seasonal use. Manufactured homes that are towed or carried onto a parcel of land, but do not remain capable of being towed or carried, including park model homes, do not fall within the definition of "mobile recreational vehicles."
- 55) **MODEL, CORRECTED EFFECTIVE** – A hydraulic engineering model that corrects any errors that occur in the Duplicate Effective Model, adds any additional cross sections to the Duplicate Effective Model, or incorporates more detailed topographic information than that used in the current effective model.
- 56) **MODEL, DUPLICATE EFFECTIVE** – A copy of the hydraulic analysis used in the effective FIS and referred to as the effective model.
- 57) **MODEL, EFFECTIVE** – The hydraulic engineering model that was used to produce the current effective Flood Insurance Study.
- 58) **MODEL, EXISTING (PRE-PROJECT)** – A modification of the Duplicate Effective Model or Corrected Effective Model to reflect any man-made modifications that have occurred within the floodplain since the date of the effective model but prior to the construction of the project for which the revision is being requested. If no modification has occurred since the date of the effective model, then this model would be identical to the Corrected Effective Model or Duplicate Effective Model.

- 59) **MODEL, REVISED (POST-PROJECT)** – A modification of the Existing or Pre-Project Conditions Model, Duplicate Effective Model or Corrected Effective Model to reflect revised or post-project conditions.
- 60) **MODERATE WAVE ACTION AREA (MoWA)** – A special flood hazard area subject to the potential for breaking wave heights of greater than or equal to 1.5 feet, but less than three (3) feet, where the primary source of flooding is astronomical tides, storm surges, seiches, and/or tsunamis. A MoWA is an area within zone AE on a FIRM that is between the inland limit of zone VE and a Limit of Moderate Wave Action, where identified. (Also known as “coastal A zone”)
- 61) **MUNICIPALITY or MUNICIPAL** – The county, city, or village governmental units enacting, administering, and enforcing this zoning ordinance.
- 62) **NAVD or NORTH AMERICAN VERTICAL DATUM** – Elevations referenced to mean sea level datum, 1988 adjustment.
- 63) **NGVD or NATIONAL GEODETIC VERTICAL DATUM** – Elevations referenced to mean sea level datum, 1929 adjustment.
- 64) **NEW CONSTRUCTION** – Structures for which the start of construction commenced on or after the effective date of a floodplain zoning regulation adopted by this community and includes any subsequent improvements to such structures.
- 65) **NON-FLOOD DISASTER** – A fire or an ice storm, tornado, windstorm, mudslide, or other destructive act of nature, but excludes a flood.
- 66) **NONCONFORMING STRUCTURE** – An existing lawful structure or building which is not in conformity with the dimensional or structural requirements of this ordinance for the area of the floodplain which it occupies. (For example, an existing residential structure in the floodfringe district is a conforming use. However, if the lowest floor is lower than the flood protection elevation, the structure is nonconforming.)
- 67) **NONCONFORMING USE** – An existing lawful use or accessory use of a structure or building which is not in conformity with the provisions of this ordinance for the area of the floodplain which it occupies. (Such as a residence in the floodway.)
- 68) **OBSTRUCTION TO FLOW** – Any development which blocks the conveyance of floodwaters such that this development alone or together with any future development will cause an increase in regional flood height.
- 69) **OFFICIAL FLOODPLAIN ZONING MAP** – That map, adopted and made part of this ordinance, as described in s. 1.5(2), which has been approved by the Department and FEMA.
- 70) **OPEN SPACE USE** – Those uses having a relatively low flood damage potential and not involving structures.
- 71) **ORDINARY HIGHWATER MARK** – The point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic.
- 72) **PERSON** – An individual, or group of individuals, corporation, partnership, association, municipality, or state agency.
- 73) **PRIMARY FRONTAL DUNE** – A continuous or nearly continuous mound or ridge of sand with relatively steep seaward and landward slopes immediately landward and adjacent to the beach and subject to erosion and overtopping from high tides and waves during major

coastal storms. The inland limit of the primary frontal dune occurs at the point where there is a distinct change from a relatively steep slope to a relatively mild slope.

- 74) **PRIVATE SEWAGE SYSTEM** – A sewage treatment and disposal system serving one structure with a septic tank and soil absorption field located on the same parcel as the structure. It also means an alternative sewage system approved by the Department of Safety and Professional Services, including a substitute for the septic tank or soil absorption field, a holding tank, a system serving more than one structure, or a system located on a different parcel than the structure.
- 75) **PUBLIC UTILITIES** – Those utilities using underground or overhead transmission lines such as electric, telephone and telegraph, and distribution and collection systems such as water, sanitary sewer, and storm sewer.
- 76) **REASONABLY SAFE FROM FLOODING** – Means base flood waters will not inundate the land or damage structures to be removed from the floodplain and that any subsurface waters related to the base flood will not damage existing or proposed buildings.
- 77) **REGIONAL FLOOD** – A flood determined to be representative of large floods known to have occurred in Wisconsin. A regional flood is a flood with a one percent chance of being equaled or exceeded in any given year, and if depicted on the FIRM, the RFE is equivalent to the BFE.
- 78) **SAND DUNES** – Naturally occurring accumulations of sand in ridges or mounds landward of the beach.
- 79) **START OF CONSTRUCTION** – The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond initial excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling, nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For an alteration, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.
- 80) **STRUCTURE** – Any manmade object with form, shape and utility, either permanently or temporarily attached to, placed upon or set into the ground, stream bed or lakebed, including, but not limited to, roofed and walled buildings, gas or liquid storage tanks, bridges, dams and culverts.
- 81) **SUBDIVISION** – Has the meaning given in s. [236.02\(12\)](#), Wis. Stats.
- 82) **SUBSTANTIAL DAMAGE** – Damage of any origin sustained by a structure, whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed 50 percent of the equalized assessed value of the structure before the damage occurred.
- 83) **SUBSTANTIAL IMPROVEMENT** – Any repair, reconstruction, rehabilitation, addition or improvement of a building or structure, the cost of which equals or exceeds fifty (50) percent of the equalized assessed value of the structure before the improvement or repair is started. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the work performed. The term does not include either any project

for the improvement of a building required to correct existing health, sanitary or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions; or any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.

- 84) **UNNECESSARY HARDSHIP** – Where special conditions affecting a particular property, which were not self created, have made strict conformity with restrictions governing areas, setbacks, frontage, height, or density unnecessarily burdensome or unreasonable in light of the purposes of the ordinance. **VARIANCE** – An authorization by the board of adjustment or appeals for the construction or maintenance of a building or structure in a manner which is inconsistent with dimensional standards (not uses) contained in the floodplain zoning ordinance.
- 85) **VIOLATION** – The failure of a structure or other development to be fully compliant with the floodplain zoning ordinance. A structure or other development without required permits, lowest floor elevation documentation, floodproofing certificates or required floodway encroachment calculations is presumed to be in violation until such time as that documentation is provided.
- 86) **WATERSHED** – The entire region contributing runoff or surface water to a watercourse or body of water.
- 87) **WATER SURFACE PROFILE** – A graphical representation showing the elevation of the water surface of a watercourse for each position along a reach of river or stream at a certain flood flow. A water surface profile of the regional flood is used in regulating floodplain areas.
- 88) **WELL** – means an excavation opening in the ground made by digging, boring, drilling, driving or other methods, to obtain groundwater regardless of its intended use.

17.35 PLAN COMMITTEE.

The Village Plan Committee, established and appointed pursuant to ordinance [§1.21\(1\)](#) of this code of the Ephraim Code of Ordinances, has those objectives and purposes in relation to this chapter that are delineated in ordinance [§1.21\(2\)](#) and within this chapter. All references in other parts of this code of the Ephraim Code of Ordinances to the former Land Use and Building Design Committee shall henceforth refer to the Village Plan Committee.

17.36 ZONING ADMINISTRATOR.

The Zoning Administrator, an appointment coterminous with that of the Building Inspector under Ch. 1 of the Ephraim Code of Ordinances, shall have the following duties and responsibilities:

- 1) At all times be knowledgeable about all Village ordinance requirements pertaining to land use planning, land subdivision, [Chapter 14](#) of this of the Ephraim Code of Ordinances, zoning, stormwater management and erosion control, historic preservation, Village zoning, and related matters and be capable of explaining these requirements to interested parties.
- 2) Within the limits of authority and discretion delegated by the Plan Committee, advise applicants for permits or approvals of the required applications, the required exhibits and prior county, State or Federal approvals and the documents required to filed with applications.
- 3) Provide applicants with appropriate application forms and guide applicants to the appropriate reviewing bodies and when required by the reviewing bodies, answer and explain the application and identify relevant ordinance standards.
- 4) Receive completed applications which are accompanied by required fees in accordance with the latest fee schedule established by the Village Board. The Zoning Administrator shall

collect, and provide receipts for the transmission to the Village Treasurer all application fees within three (3) days of receipt.

- 5) Examine permit applications received and present properly completed applications to the Village Plan Committee at their next regularly scheduled permit review meeting.
- 6) If delegated by the Plan Committee, Board of Zoning and Building Appeals, or the Village Board, correspond with interested parties regarding the processing of applications or outcome of Village decisions on same. Decide upon those applications for permits or approvals when the power to make such decision has been specifically delegated in writing by the Village Plan Committee.
- 7) In other cases, when the decision on the application is to be made by the Plan Committee, Board of Zoning and Building Appeals, or the Village Board, the Zoning Administrator shall notify the applicant in writing of any action taken on the application and issue any required permits within three (3) days of such decision. If a permit or project is approved with conditions, a written statement of such conditions shall be recorded along with the permit. If a permit is denied, the Zoning Administrator shall inform the applicant of the right of appeal, but such information shall not be construed as encouragement to appeal.
- 8) Make required inspections of site and construction to monitor compliance and/or inspect the usage of premises to determine that conditions conform to all applicable ordinances and requirements and inform the Plan Committee of such compliance.
- 9) In the event of an appeal, transmit all records in the possession of the Zoning Administrator concerning an appeal to the Board of Zoning and Building Appeals or the court.
- 10) Establish and maintain an inventory of all nonconforming premises and conditions.
- 11) Upon reasonable cause, initiate enforcement proceedings and file complaints on violations with the Village Attorney.
- 12) Maintain files of applications, permits, and other relevant materials.
- 13) Serve as an agent of and as an advisory staff to the Plan Committee and the Board of Zoning and Building Appeals.
- 14) Perform such other duties as are delegated by this chapter or by the Plan Committee, Board of Zoning and Building Appeals, or Village Board.
- 15) Maintain regular office hours at designated Village offices as prescribed by the Village Board. On-site inspections shall not be performed during these scheduled time periods.

17.37 DETERMINATION OF LOT DIMENSIONS AND REFERENCES.

- 1) **FINDINGS.** Many standards of this chapter are based upon lot area, lot lines, and related parcel references. It is therefore, essential that the lot references be defined for each application. It is also a fact that some land records in the Village are ambiguous. The following process shall govern decisions on lot dimensions and references for purposes of ordinance administration.
- 2) **CERTIFIED SURVEY REQUIRED.**
 - a) Any land division within the Village of Ephraim requires that a certified survey map as defined by the Village be submitted to the Zoning Administrator or other Village designee for Village review and confirmation that it meets zoning requirements. Proposed divisions resulting in three (3) or more parcels of five acres (5 AC) or less within a five (5) year period are also subject to requirements per Chapter 18 Subdivision and Platting. **(Added October 13, 2003)**

- 3) **PLAN COMMITTEE RESPONSIBILITIES.** The Plan Committee shall review the applicant's materials against public records and established patterns of land occupancy and shall then define the zoning lot (the lot boundaries that will be used for regulatory purposes). In making this determination, the Committee shall be guided by this criteria:
- a) Zoning lots shall not include lands under public rights-of-way, under-functioning public roads or vehicular ways or under surface water bodies.
 - b) If public roads or ways or public approved rights-of-way bisect a lot, each part of the parcel is a separate zoning lot. However, where a portion of such bisected lot is committed to open space usage under terms deemed acceptable by the Plan Committee including, but not limited to, waterfront open space zoning, Wetland and District zoning, Shoreland-Wetland District zoning and/or special deed restrictions with Village enforcement powers, that portion of the bisected lot may be included within unitary zoning lot with lands on the other side of the street, way or right-of-way for purposes of allowing a transfer of density or redevelopment portions of the lot. The amount of density or redevelopment opportunities from the open space portion to developable portions of the lot. The amount of density or redevelopment opportunity allowed to be transferred shall be no greater than that otherwise allowable in the restricted portion.
 - c) Separate parcels broken by features other than roads, but held in common ownership, shall be combined in a single zoning lot if doing so would produce a zoning lot that conforms to applicable dimensional standards,
 - d) In calculating lot area, parts of zoning lots that are occupied by navigable water bodies or public rights-of-way or roadways shall not be counted.
 - e) Lots that are apparently gerrymandered to include functionally unusable area solely to achieve required area may be redefined in establishing the zoning lot for purposes of zoning review.
 - f) Zoning lots may also be established for individual principal structures when more than one principal structure is allowed on a lot of record pursuant to ordinance §[17.15\(2\)](#) of this chapter and/or when functional equivalents of lots of record are established by condominium regime.
- 4) **RELATIONSHIPS BETWEEN ZONING LOTS AND LOTS OF RECORD.** Unless otherwise specified, all zoning determinations for a parcel apply to the full lot of record, even if parts of such lot were not included in the zoning lot dimensions used for regulatory purposes.

17.38 PERMITS REQUIRED.

- 1) A Zoning Permit, either a regular Zoning Permit, Conditional Use Permit, or Special Exception Permit, depending on the classification of the use, shall be required prior to establishment or change of a use of property or premises and/or prior to the establishment or alteration of a building or structure (see §[17.11\(1\)](#) for requirements), except for the following permit-exempt facilities:
 - a) Permit-exempt utility facilities are provided in ordinance §[17.16\(4\)](#).
 - b) Minor incidental structures, such as birdhouses, yard light poles, birdbaths, doghouses, tree houses, clothesline poles, and mailboxes. Minor incidental non-structural repairs or non-structural remodeling not facilitating or resulting in a change of use. However, a permit for major interior remodeling for commercial structures is required (no permit for new cabinets, floor or wall coverings, but a permit is required

for replacing electrical, HVAC/plumbing piping/moving of floors, ceilings or walls).
(12/10/01)

- c) Structures that are six inches (6") or less above the earth surface provided, however, that swimming pools and paved courts do not fall within this exemption. Resurfacing graveled areas to paved surfaces, even though the area is not expanded, requires a permit for the purposes of erosion control and runoff concerns.
 - d) The Plan Committee may require purely administrative, no-fee permits for excluded developmental activities for Village records to allow for taxation or other purposes.
- 2) **Change of Use.** A Change of Use application must be submitted to the Plan Committee for any proposed change in classification of use on a property. Submission must include:
- a) Types and dimensions of structures, existing and proposed, with their proposed use(s);
 - b) A site plan showing all roadways, waterways, existing and proposed structures, ell, sanitary systems and, if applicable, normal high water mark of navigable waters;
 - c) Building plans, including floor plans and at least one elevation;
 - d) Documentation re safe and adequate water supply and disposal of sewage;
 - e) A parking plan per ~~§19.15(9)(g)~~ §17.15(9)(g);
 - f) If applicable, a sales display area diagram per §9.09(4)(c).

The change of use must be approved by the Plan Committee prior to establishment of the new use. If the new use is a conditional use, the procedures in [§17.44](#) apply.

17.39 CONCEPT REVIEWS/DESIGN REVIEW.

Prior to formal application under ordinance [§17.40](#), applicants may apply to the Plan Committee for concept review. Concept review applications that come to the Plan Committee shall be subject to the following:

- 1) Prior to a Plan Committee meeting, the Zoning Administrator shall classify the proposed project as one requiring a regular Zoning Permit or a Conditional Use and as one requiring or not requiring design review. All such classification decisions shall be in accordance with other ordinance provisions and this section grants no independent power to impose or modify requirements. A primary purpose for the categorization and for this concept review is to identify areas of special concern that may need extra clarification and detail when subject to formal design review. No formal decision will be made at the concept review stage, it is an opportunity to apprise the Plan Committee of an upcoming application in an effort to aid the applicant in presenting a full and complete application at the normal Plan Committee design review meeting.
- 2) The Plan Committee may identify applicable checklists, standards, and timetables for the formal application and subsequent official review thereof.

17.40 FORMAL APPLICATION.

- 1) The content of a formal application for regular zoning or conditional use permits shall include floor plans, detailed elevations of all floors with complete dimensions, site plan, and a completed application. ***Building materials (roofing, siding, windows, doors, etc.) including colors are required as part of the formal application process by means of samples, catalog pictures, etc.***

CONSTRUCTION PARKING. *Because of safety issues related to increased traffic and vehicle congestion associated with property improvements, a construction parking plan including the construction start date and anticipated completion date shall be a part of the permitting process for all building and zoning permit applications in the Village of Ephraim and must allow for the safe passage of traffic. Bi-directional traffic flow on STH 42/Water Street cannot be restricted during the summer season between Memorial Day and Labor Day. (5/14/2024)*

Upon request by the Plan Committee and/or the Zoning Administrator, applicants may be required to provide additional information on:

- Landscaping plan with elevation contours and tree removal plans.
 - Erosion control plan pursuant to Chapter 16 of the Ephraim Municipal Code.
- 2) Documentation shall be provided that provisions have been made for safe and adequate water supply and disposal of sewage. The application shall also include a nonrefundable application fee in accordance with a schedule established by the Village Board. The Plan Committee may require purely administrative, no-fee permits for excluded developmental activities to allow Village records for taxation and other purposes.
 - 3) State approval stamps are not required at the time of application, but any Village approval shall be conditioned upon completion of all State reviews and approvals as required.

17.41 REVIEW AND DECISION ON APPLICATIONS FOR REGULAR ZONING PERMITS.

- 1) Regular Zoning Permits may be issued by the Zoning Administrator for permits not requiring Conditional Use or Special Exception Permits only after receipt of a complete application, after review and finding by the Zoning Administrator that such use or structure is in full compliance with the requirements of village ordinances, and Plan Committee Design Review has been approved (if required).
- 2) The Village Plan Committee has legal responsibility under this chapter for decisions on regular Zoning Permits. The responsibility may be delegated by resolution establishing categories of regular Zoning Permit uses or modification on which decision responsibility is to be delegated to the Zoning Administrator. However, delegation may not be revoked as to particular permit application once a complete permit application has been accepted for review by the Zoning Administrator under a previous delegation.

17.42 APPLICABILITY OF BUILDING CODE. See [Ch.14.](#)

17.43 ZONING ADMINISTRATOR TO INSPECT.

The Zoning Administrator shall make at least one (1) inspection of new construction during the construction period and one inspection at the completion of construction. The first such inspection shall be at the stage of pouring of footings. Each permit that issued shall inform the owner/contractor of the responsibility to call for such inspection in timely fashion. The Zoning Administrator shall make such inspection within two (2) working days of the receipt of such call. If inspection is not made within such a two (2) day period, construction may proceed without inspection. Absence of inspection does not absolve the property owner/contractor from the of compliance with this chapter. The second inspection shall be at the completion of construction and prior to occupancy.

17.44 PROCEDURES FOR CONDITIONAL USES AND SPECIAL EXCEPTIONS

1) **CONDITIONAL USES.**

- a) Permits required. Conditional Use Permits are required for all uses and operations identified for conditional use treatment anywhere in this chapter. A Conditional Use may require more than one (1) meeting for final determination by the Plan Committee.
- b) Application. An application for Conditional Use Permit shall be made to the Zoning Administrator for transmittal to the Plan Committee on forms furnished by the Village. Information provided on the application shall include the following:
 - i. Name and address of the property owner.
 - ii. Signature of the property owner or agent.
 - iii. Legal description of the subject site.
 - iv. Proposed use of the site or structure.
 - v. Types and dimensions of structures, existing and proposed, with planned views and elevations contained in the application.
 - vi. A site plan drawn to scale showing the dimensions of the subject site; the spatial relationship of the subject site to abutting roads and rights-of-way, private roads and navigable waters; the locations and dimensions of all existing structures and any proposed structures and their relationship to abutting public roads and rights-of-way, private roads, property lines, recorded easements, existing and proposed wells and sanitary waste disposal systems, bulkhead lines, wetlands; and the normal high watermark of navigable waters.
 - vii. Building plans, including all floor plans and at least one (1) elevation view.
 - viii. Additional information as may be required by the Plan Committee in order to determine full compliance with the requirements of this chapter.
 - ix. Documentation that provision has been made for safe and adequate water supply and disposal of sewage.
 - x. A nonrefundable application fee in accordance with the schedule established by the Village Board.
- c) Review, approval, or denial. The Plan Committee shall review and approve or deny Conditional Use Permit applications. Before approving or denying an application the Plan Committee shall hold a public hearing. Prior to the public hearing, the Zoning Administrator shall visit the site and make a written report of his/her observations as they may relate to the standards and criteria in §17.44(4) §17.44(d) below. The Zoning Administrator shall issue permits based on the decision of the Plan Committee. Those permits shall include an accurate description of the use permitted, a functional description of the property on which it is permitted, and the conditions made applicable thereto. The Planning Committee may, in approving an application for a Conditional Use Permit, impose such restrictions and conditions that it determines are required to prevent or minimize adverse effects from the proposed use or development on other properties and on the general health, safety, and welfare of the Village of Ephraim.

If an application for a Conditional Use Permit is denied the grounds for denial shall be stated in writing.
- d) Basis of approval.

- i. The Plan Committee shall review each Conditional Use Permit application against standards and criteria derived from the following:
 1. Purpose and intent of relevant laws.
 2. Purpose and intent of this chapter.
 3. The Village master plan and master plan elements.
 4. Community health, safety, and welfare.
 5. Character of this community and neighborhood.
 6. Special community conditions including the predominant visual character as articulated in §17.15(13) of this chapter and seasonal nature of Village occupancy and economy. The Village Board directs the Plan Committee to take into account factors of seasonal peak traffic and demand and to regulate projects to accommodate to these peak conditions, where appropriate.
 7. Standards, criteria, and factors specified for particular uses in this chapter.
 8. Harmony of the request with usage of nearby lands.
 9. Other considerations relevant to those listed herein.
 - ii. The applicant's failure to satisfy applicable standards shall be deemed grounds to deny the Conditional Use Permit.
- e) Expiration. All outstanding conditional use permits shall expire twelve (12) months from the date of issuance where no part of the permitted action has commenced. Action shall be deemed to have been commenced if construction or demolition of any structures has begun or if other actions are taken which are of such a nature that the Plan Committee can clearly determine the intent to establish the authorized use. If Conditional Use Permit expires the property will revert to its previously approved use.
 - f) Project completion. All conditional uses authorized by the Planning Committee shall be given a specific amount of time within which the project must be completed. The time limit may be negotiated between the project applicant and the Planning Committee. If the applicant fails to complete the approved project within the designated time period, the Planning Committee may either extend the time limit or require the applicant to seek a new Conditional Use Permit authorizing the remainder of the project.
 - g) Review. If there is a question as to whether an established conditional use is in conformity with the permit issued or with this chapter, such use shall be reviewed by the Zoning Administrator and brought forth to the Plan Committee for determination of compliance.
 - h) Termination. If it is determined by the Plan Committee that an established Conditional Use Permit issued does not continue in conformity with the permit or this chapter, the Conditional Use Permit shall be terminated by action of the Plan Committee. If evidence exists that supports a claim that an established conditional use ceases for a period of more than twelve (12) months, the future activity shall require a new permit.
 - i) Appeal. Any person or persons, jointly or severally, aggrieved by a decision of the Plan Committee concerning the issuance or denial of a Conditional Use Permit may appeal such decision to the Board of Zoning Appeals.

2) SPECIAL EXCEPTIONS.

- a) Permits required. Special Exception Permits are required for all applications identified as special exceptions anywhere in this chapter.
- b) Application. An application for Special Exception Permit shall be made to the Zoning Administrator for transmittal to the Plan Committee upon forms furnished by the Village. Information provided on the application shall include the following:
 - i. Name and address of the property owner.
 - ii. Signature of the property owner or agent.
 - iii. Legal description of the subject site.
 - iv. Those special exception being requested, with applicable information to the exceptions that may apply. Documentation shall include types and dimensions of structures, site plan drawn to scale showing the dimensions of the subject site, the spatial relationship of the subject site to abutting roads, navigable waters, building plans, and any additional information as may be required by the Zoning Administrator and Plan Committee in order to determine full compliance with the requirements of this section.
 - v. If the exception being requested has a spatial aspect—additional height, footprint, etc.—the applicant may be required to physically stake out the dimensions prior to the public hearing to demonstrate the potential impact of the request;
 - vi. A non-refundable application fee in accordance with the schedule established by the Village Board.
- c) Review, approval, or denial. The Plan Committee shall review and approve or deny Special Exception Permit applications. Prior to the public hearing, at least two (2) Plan Committee members and the Zoning Administrator shall visit the site and make a written report of their observations as they may relate to the standards and criteria in §17.44(d)(i) below. Before passing on an application, the Plan Committee shall hold a public hearing and make a determination on the application at a subsequent meeting. The Plan Committee shall issue its decision in writing and shall include an accurate description of the exception permitted, a functional description of the property on which it is permitted and the conditions made applicable thereto. The grounds for denying a Special Exception Permit shall be stated in writing.
 - i. Basis of approval. The Plan Committee shall review each Special Exception Permit application against standards and criteria derived from the following:
 - 1. Purpose and intent of relevant laws.
 - 2. Purpose and intent of this chapter.
 - 3. The Village comprehensive plan and plan elements.
 - 4. Community health, safety, and welfare.
 - 5. Character of this community and neighborhood. Special community conditions including the predominant

visual character as articulated in §[17.15\(13\)](#) of this chapter and

6. Other considerations relevant to those listed herein.

- ii. The applicant's failure to satisfy applicable standards shall be deemed grounds to deny the Special Exception Permit.
- d) Conditions. The Plan Committee may attach conditions to any Special Exception Permit that it deems necessary to further the purposes of the chapter standards established for the district. Such conditions may include specifications relating to, but not limited to, landscaping, type of construction, sureties, lighting, fencing, screening, operational control, hours of operation, traffic circulation, deed restrictions, road access, increased. Conditions shall be acknowledged by the owner of record of the lot in question.
- e) Termination. All Special Exception Permits shall expire twelve (12) months from the date of issuance where no action has been taken on the permit to establish it. If a special exception does not conform with the permit or this chapter, the permit shall be terminated by action of the Plan Committee.
- f) Appeal. Any person or persons, jointly or severally, aggrieved by a decision of the Plan Committee concerning the issuance or denial of a Special Exception Permit may appeal such decision to the Board of Zoning Appeals.

17.45 PROCEDURES FOR DESIGN REVIEW.

Formal design review shall be conducted by Plan Committee in accordance with standards set forth in ordinance [§17.15\(13\)](#) and cross-referenced contained therein. The intent of this chapter is to streamline design review in the following ways:

- 1) Hearing proposals in the concept review stage are intended to aid the applicant in presenting a full and complete application at the normal Plan Committee Design Review meeting.
- 2) The Plan Committee may not impose changes on a permitted use project by design review that will render the project impossible.
- 3) Imposition of such rigorous requirements on a conditional use project are permitted only if coupled with a finding that the use must be denied under conditional use review on land use grounds.

17.46 CERTIFICATION OF COMPLIANCE.

- 1) **CERTIFICATE OF COMPLIANCE**. No land shall be occupied or used and no building hereafter erected, altered or moved shall be occupied until a certificate of compliance is issued by the Zoning Administrator.
 - a) The certificate of compliance shall show that the building, premises or part thereof and the proposed use thereof conforms to the provisions of this chapter and all requirements imposed under this chapter. The certificate of compliance shall be issued if the building or premises or proposed use thereof conforms with all provisions of this chapter and any other applicable regulations.
 - b) For commercial buildings, Ephraim's Fire Chief or his designate must inspect and sign off on the project prior to issuance of a certificate of compliance. **(9/10/01)**

- 2) **TEMPORARY CERTIFICATES.** A temporary certificate of compliance may be issued for part of a building.
- 3) **CERTIFICATION OF EXISTING BUILDING AND USE.** Upon written request from the owner, the Zoning Administrator shall issue a certificate of compliance for any building or premises existing at the time of the adoption of this chapter, certifying after inspection the extent and type of use of the building or premises and whether or not this use conforms to the provisions of this chapter.

17.47 PERMIT RESPONSIBILITY.

Acceptance of a permit by a property owner, a person with interest in the subject or an agent thereof shall bind all persons holding interest in such property and all agents of such persons to full compliance with all terms of this chapter, to all conditions attached to approved applications and to the precise terms and characteristics of the approved permit application. No alterations to approved plans as shown in Village zoning files shall be authorized without prior advance written approval of the Village Plan Committee or approval from delegated agents of such committee.

17.48 LAND DISTURBANCE PERMIT REQUIREMENTS.

An applicant for a regular or Conditional Use Permit who proposes land disturbance activities must also comply with the provisions of this chapter. An applicant may request that the regular or Conditional Use Permit be processed concurrently with a land disturbance permit, if required.

17.49 PUBLIC HEARINGS.

- 1) Notice of any public hearing which the Village Board, Plan Commission or Board of Zoning Appeals is required to hold under the terms of this chapter shall specify the date, time and place of such hearing and shall state the matter to be considered at such hearing. Unless otherwise required by State law, hearing notice under this chapter shall be posted in at least three (3) public places likely to give notice to persons affected at least one (1) week prior to such hearing.
- 2) The Village Clerk shall also give at least ten (10) days prior written notice to the Clerk of any City or Village within one thousand feet (1000') of any land to be affected by the proposed action. In addition, notice shall be mailed to owners of property located within three hundred feet (300') of the proposed action at least ten (10) days prior to such public hearing. The failure of such notice to reach any property owner shall not invalidate any amending ordinance or the granting of a permit or approval.

17.50 BOARD OF ZONING AND BUILDING APPEALS.

The board of zoning and building appeals shall be known herein as the Board of Zoning Appeals.

1) RULES.

- a) Call for Meetings. The Board of Zoning Appeals shall meet at the call of the chairman and at such other times as the Board of Zoning Appeals may determine.
- b) Open Meetings. Meetings of the Board of Zoning Appeals shall be governed by the Wisconsin Open Meeting Law. This law does allow some matters to be considered by the Board of Appeals in closed session.
- c) Oath and Subpoena. The chairman, or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses.

- d) Concurring Vote. The concurring vote of a majority of the Board shall be necessary to reverse any order, requirement, decision or determination of the Zoning Administrator or to decide in favor of the applicant in any matter upon which it is requested to pass under any such ordinance. The grounds of every such determination shall be stated.
- e) Minutes. The Board of Zoning Appeals shall keep minutes of its proceedings showing the vote of each member upon each question or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be of public record.
- f) Rules of Procedure. The Board of Zoning Appeals may adopt such rules as are necessary to carry into effect the regulations of the Village Board.

2) **APPEALS TO BOARD.**

- a) General Provisions. Appeals to the Board of Zoning Appeals may be taken by any person aggrieved or by any officer, department, board or bureau of the Village affected by any decision of the Zoning Administrator or of the Plan Committee. Such Appeal must be taken within thirty (30) days of the mailing date of the notice of the decision being appealed by filing with the Zoning Administrator and with the Board of Zoning Appeals a notice of appeal specifying the grounds thereof. The Zoning Administrator or Village Clerk shall immediately transmit to the Board of Zoning Appeals all the papers constituting the record upon which the action appealed from was taken.
- b) Stays. An Appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Administrator or Plan Committee shall certify the Board of Zoning Appeals after the Notice of Appeal shall have been filed that by reason of facts stated in the certificate, a stay would cause imminent peril to life or property. In such case, the proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the Board of Zoning Appeals or by a court of record on application on notice to the Zoning Administrator or the Plan Committee and on due cause shown.
- c) Hearing Appeals. The Board of Zoning Appeals shall fix a reasonable time for the hearing of the appeals and give public notice thereof as well as give due notice to the parties in interest and decide the same within the reasonable time. At the hearings, any party may appear in person or by agent or attorney.

4) **POWERS OF BOARD.** The Board of Zoning Appeals shall have the following powers:

- a) To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Zoning Administrator or the Plan Committee in the interpretation or enforcement of ordinance Wis. Stat. [§62.23](#), or this chapter.
- b) To authorize upon appeal in specific cases such variance from the terms of this chapter as will not be contrary to the public interest where owing to special conditions a literal enforcement of the provisions of this chapter will result in unnecessary hardship and so that the spirit of this chapter shall be observed and substantial justice done provided, however, that no such variance shall have effect of allowing in any district a use prohibited in that district.
- c) In exercising the above-mentioned powers, such Board may in conformity with the provisions of this section, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made and to that end shall have all the powers of the Zoning Administrator and may issue or direct the issuance of a permit.

17.51 AMENDMENTS.

- 1) **AUTHORITY.** Whenever the public necessity, convenience, general welfare or good zoning practice require, the Village Board may by ordinance amend the district boundaries or amend, change or supplement the regulations established by this chapter or amendments thereto. Such amendment shall be subject to prior review and recommendations of the Village Plan Committee.
- 2) **INITIATION.** A change or amendment of either this chapter or to the district map boundaries may be initiated by any member of the Village Board, Plan Committee or by a petition of one (1) or more of the owners of 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 Village Clerk, describing the premises to be rezoned or the regulations to be amended, listing the reasons justifying the petition and specifying the proposed use and have attached the following:
 - a) Plot plan drawn to a scale of one inch (1") equals one hundred feet (100') showing the area proposed to be rezoned, its locations, its dimensions, the locations and classification of adjacent zoning districts and the location and existing use of all properties within three hundred feet (300') of the area proposed to be rezoned.
 - b) Owners' names and addresses of all properties lying within three hundred feet (300') of the area proposed to be rezoned.
 - c) Additional information required by the Village Plan Committee, Village Board or Zoning Administrator.
- 4) **RECOMMENDATIONS.** The Village Plan Committee shall review all proposed changes and amendments within the Village limits and shall recommend that the petition be granted as requested, modified or denied. The recommendation shall be made at a meeting subsequent to and within sixty (60) days of the meeting at which the petition is first submitted to the Village Board and the recommendation shall be made in writing to the Village Board.
- 5) **HEARINGS.** The Village Board shall hold a public hearing upon each petition after recommendation by the Village Plan Committee and shall give notice of such hearing as required by law. Prior to such hearings, the Village Plan Committee or Village Board may hold a public informational meeting to solicit comments from and inform the public prior to their recommendation.
- 6) **VILLAGE BOARD ACTION.** Following such public hearing and after careful consideration of the Village Plan Committee's recommendations, the Village Board shall, within thirty (30) days from the date of the public hearing, approve or deny the proposed change or amendment.
- 7) **REZONING WITHIN THE WETLAND DISTRICT.** Special standards found within [Chapter NR 117, Wisc. Adm. Code](#), apply to rezoning of lands within the Wetland District and are adopted herein by cross-reference.
- 8) **PROTEST PETITION.** In case of a protest petition against such amendment, signed and acknowledged by the owners of twenty percent (20%) or more, either of the area of the land included in such proposed amendment, by the owners of twenty percent (20%) or more of the area of the land immediately adjacent extending one hundred feet (100') therefrom or by the owners of twenty percent (20%) or more of the land directly opposite thereto extending one hundred feet (100') from the street frontage of such opposite land, the amendment shall not

become effective, except by the favorable vote of 3/4 of the members of the Village Board voting on the proposed change.

17.52 PENALTY. See [§17.12](#) of this chapter.

APPENDIX A

Planned Residential Development Density

	Maximum Density Units per Acre	Footprint Maximum Square Footage	Overall Maximum Square Footage
R-1	1.50 A	1000-1500 square feet	1000-2250 square feet
R-1	1.25 B	1501-2000 square feet	1501-3000 square feet
R-1	1.00 C	2001-2600 square feet	3001-3900 square feet
RR	.75 A	1000-1500 square feet	1000-2250 square feet
RR	.625 B	1501-2000 square feet	2251-3000 square feet
RR	.5 C	2001-2600 square feet	3001-5250 square feet

Lot Area Required per Dwelling Unit

R-1	1.50	29,040
R-1	1.25	34,848
R-1	1.0	43,560
RR	.75	58,080
RR	.625	69,696
RR	.50	87,120

EXAMPLES:

R1 - 10-ACRE SITE:

10 x 43,580 = 435,600 square feet site area:

Category A units - 435,600 / 29,040 = 15 category A units

or

Category B units - 435,600 / 34,846 = 12.5 (12) category B units

Mixed sized units on a 10 acre site:

10 Category A units = 10 x 29,040 290,400 sq. ft used

145,200 sq. ft. available

Could be 4.16(4) Category B units - 145,200 / 34,848

RR - 20-ACRE SITE - 20 X 43,560 = 871,200 square feet lot area

Category A units - 871,200 x 58,080 = 15 category A units

or Category B units - 871,200 x 69,696 = 12.5 (12) category B units

Mixed sizes on a 20-acre site:

10 Category A units = 10 x 58,080 580,800 sq. ft. used

290,400 sq. ft. available

Could be 4.16(4) Category B units - 280,400 / 69,696

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