

VILLAGE OF EPHRAIM

FOUNDED 1853



Plan Committee Ordinance Working Session

June 9, 2026, 12:00 p.m.

9996 Water Street

NOTE: THIS MEETING WILL BE SIMULTANEOUSLY HELD VIA TELECONFERENCING. STAFF, COMMITTEE MEMBERS AND THE PUBLIC ARE WELCOME TO PARTICIPATE IN THIS MANNER. TELECONFERENCING WILL BE AVAILABLE BY COMPUTER, PHONE, TABLET, OR DIAL-IN. CONNECTION INFORMATION BELOW:

The Village of Ephraim has been holding monthly zoning ordinance working sessions that began on January 27, 2015. The purpose of these sessions is to work on the ordinances identified by the village board of trustees and the planning committee as ordinances in need of discussion and consideration. Any recommended changes to zoning ordinances will be acted upon by the planning committee in a regularly scheduled meeting and then be forwarded on to the village board for consideration and public hearings if the proposed changes are to be implemented. A quorum of the plan committee will be verified for each meeting, minutes of working sessions will be approved during 7pm meetings. The current ordinances/ordinance sections being discussed are:

- Prioritizing the list of next ordinances to consider:
 - PW Ordinance
 - Acc. Bldgs/Structures
 - Building Heights
 - Signs

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** It is possible that a quorum of the Village Board, Village Planning Committee, or other Village Committees may be present at the meeting. However, no action will be taken unless specifically noticed.*

	Date <u>6/5/26</u>
Andrea Collak, Clerk	<u>X</u> Village offices
	<u>X</u> Visitors' Center
	<u>X</u> Post Office
	<u>X</u> Emailed to WDOR/Peninsula Pulse
	<u>X</u> Ephraim Website: ephraim.wi.gov
Kim Roberts, Deputy Clerk	

**VILLAGE OF EPHRAIM PLAN COMMITTEE
WORKING SESSION MEETING MINUTES
TUESDAY, MAY 26, 2026 - 12:00 PM
9996 WATER STREET**



Present: Andy Bartelt, Grace Held, Rick Hoyerman, Monique McClean, BD Thorp, and Ken Nelson – Chair.

Absent: Laird Hart.

Staff: Brent Bristol - Village Administrator and Kim Roberts - Deputy Clerk.

Guests: John Cox (online).

Call to Order: K. Nelson called the working session to order at 12:00 PM.

K. Nelson provided an update on last month's discussion regarding signs. He explained that during the quarterly meeting with the Ephraim Business Council (EBC), he learned that they had sent out an email to get reactions on the “sail” signs.

Bristol noted that he would be reaching out directly to businesses with the current ordinance language pertaining to signs and inviting businesses to participate in the upcoming dialogue regarding signs.

K. Nelson reviewed the upcoming meeting schedule: June 9, June 23, July 14, July 28, August 11, and August 25.

K. Nelson reviewed the summary of the comments submitted by Plan Committee members regarding the Protected Waterfront Ordinance. He invited discussion on how to best tackle the list of definitions and considerations listed.

Committee members agreed they would like to work through the ordinance with a group approach.

The Committee reviewed the ordinance. They spent considerable time reviewing the intent section (§17.20(1) of the ordinance. Bristol encouraged the Committee to define “open viewing space” to include the vantage point from which the views are being protected. Committee members engaged in extensive discussion about the meaning and application of open viewing space. Hoyerman suggested that the intent should focus on views toward Eagle Harbor in between structures, emphasizing that the concern was primarily about lateral views between buildings rather than vertical views affected by building height.

The Committee discussed possible definitions of “open viewing space”. Hoyerman proposed that it could be defined as “views between structures toward Eagle Harbor”, with this language to be incorporated into the intent statement. They discussed whether this should remain general in the intent statement or be further specified in the design criteria sections.

Hoyerman suggested adding language in the intent section after the current language “*for as much open viewing space*” to insert possible language such as, “*particularly when views of Eagle Harbor are especially limited between homes/structures from the street.*”

The Committee discussed the existing language stating “structures shall be restricted to those in existence as of January 1, 1998.” Members noted this language was confusing and potentially contradictory to current practices, since modifications and replacements that perhaps weren't originally contemplated have been approved. Hoyerman suggested clarifying this to specify that vacant properties as of that date shall remain vacant, while allowing modifications to existing structures under the section's provisions. A starting point for suggested language was discussed as “*Properties that did not have a structure as of January 1, 1998, shall remain vacant; there shall be no new buildings or structures.*” Hoyerman agreed to further work on the language to present to the Committee at the June 9th meeting.

The Committee reviewed §17.20(2) – Permitted Uses, noting that §17.20(3)(b)(2) should likely be moved under permitted uses with the addition “*subject to design review.*” Additionally, the word “*replaced*” would be struck and substituted with the word “*reproduced.*”

The Committee reviewed §17.20(3) – Conditional Uses. No further changes were noted besides moving

§17.20(3)(b)(2) to the Permitted Uses - §17.20(2) and creating subsection (2)(c) for the previous §17.20(3)(b)(2).

§17.20(5) Design Review. Section A – General Requirements. Bristol explained that §17.20(5)(a)(1) essentially defines the building envelope. Significant discussion centered on whether to restrict increases in building width parallel to the shoreline to preserve open viewing space. The Committee debated various approaches, from completely prohibiting width increases to allowing width modifications only when total obstruction was reduced. Bartelt questioned the original intent of the ordinance, suggesting that buildings should not be allowed to become wider than their existing dimensions, as this would be consistent with the baseline principle that "nothing changes" except as specifically allowed.

Committee members explored scenarios where combining accessory structures with principal residences might either help or harm open viewing space objectives. Bristol noted that some properties could benefit from consolidating multiple small structures if done without increasing the total width obstruction. The Committee considered allowing footprint modifications and even combinations of structures, provided the principal structure's width parallel to the road did not increase. They discussed potential benefits when projects actually reduced total width obstruction by eliminating separate accessory buildings.

Discussion of footprint modifications revealed complexity in balancing multiple objectives. The current ordinance prohibits increases to the total footprint of individual structures and prohibits combining structures, but members questioned whether these restrictions always served the open viewing space objective. Bristol suggested including dimensional standards directly in the Protected Waterfront Ordinance rather than referencing other ordinance sections, making the requirements clearer and more accessible.

The Committee discussed §17.20(5) Design Criteria- Section B. §17.20(5)(b)(2). The Committee noted that a clear definition of visual impact was required. Further, §17.20(5)(b)(3), Thorp suggested discussing lowering the height to twenty-two feet (22') to deter a full second floor.

The Committee discussed §17.20(6) – Other Requirements. The consensus was that the information in section six, not the subsections of the section, should be moved into the Design Criteria section §17.20(7). (*"Up to fifty percent (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"*). Additionally, the Committee determined that the percentage needed to be decreased, as well as the need for a definition of a one and a half story as well as living space. Thorp suggested reaching out to get the assistance of a local architect for input on creating a definition. Thorp and K. Nelson agreed to work on the definition and present it at the June 9th meeting.

The meeting adjourned at 1:50 PM.

Recorded by Kim Roberts – Deputy Clerk

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 **** insert Hoyerman language**** 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 area 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. **** insert Hoyerman language****

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.
- c) ~~Residences destroyed by natural disasters or fires in this district may be replaced reproduced using the former dimensions and location subject to design review.~~

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 [§17.20\(5\)](#).
 - 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.

	PW
Minimum Lot Size	10,000sq. ft.
Minimum Lot Width	100'
Front Setback Minimum	30'
Side Setback Minimum	15'
Rear Setback Minimum	40'
Maximum Lot Coverage	20%
Min. Building Separation	

- 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. (*insert language regarding width- no additional width of structure)
- 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.~~
- 4) ~~Only chimneys shall be allowed up to two feet (2') above the approved peak roof line.~~ ***Other rooftop accessories, which include but are not limited to, such as spires, belfries, parapet walls, cupolas, domes, flues, vent pipes, chimneys, communication devices, and all other projections are allowed to a maximum of twenty-five feet (25') from grade of the approved peak roof line***

(maximum twenty three feet (23') in height as measured from the crown grade of State Highway 42. Such rooftop accessories may exceed the twenty-five feet (25') maximum by Planning Committee approval via special exception review.

5) Primary roof pitches less than 6/12 or more than 12/12 are prohibited.

6) **Up to fifty percent (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.**

6) **OTHER REQUIREMENTS.** ~~Up to fifty percent (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 ten percent (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.

17.09 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 that 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 within a building.

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. The keeping of roosters is prohibited in all zoning districts except RR where it would be considered keeping of farm livestock and be subject to conditional use review.

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 DEVELOPMENT. A use in which more than one (1) standalone single-family dwelling is constructed on a lot.

MULTIPLE-OCCUPANCY RESIDENTIAL HOUSING. Uses in which more than one (1) dwelling/dwelling unit is permitted by conditional use. See [§17.16\(9\)](#).

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 the principal structure is, 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, which includes a building, 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.

17.20 PROTECTED WATERFRONT (PW) DISTRICT

1) INTENT. The open shoreline is one of Ephraim's most distinctive features and is also characterized by buildings sited on mostly small non-conforming lots. This ordinance is intended to preserve the open views of the shoreline as well as the historic appearance of Ephraim's built environment while also allowing for some leeway for (PW) property owners to modify or replace their residences. Consistent with the intent and provisions of the Ephraim Historic District Ordinance (17.26) property owners are encouraged to use and maintain their existing residences. However, if residential modification or replacement is desired, said modification or replacement must strictly conform to the provisions of 17.20 and 17.26. New construction is generally prohibited in the PW district as structures are limited to those existing on or before January 1, 1998, unless specifically noted in this section.

Definition of 1-1/2 Story House

A 1-1/2 Story House has a full first floor with full height interior walls (normally 8 - 10' high) and an upper level that has less floor area than the first floor.

- The upper level has steeply pitched roofs with gables and dormers (normally with windows).
- The upper level typically has sloped ceilings with knee walls (normally 5 - 7' high) that define the floor area.
- These features reduce the floor area on the upper level.

Do we want to limit the floor area on the upper level to no more than 50% of first floor area?