

**VILLAGE OF EPHRAIM
NOTICE OF ZONING ORDINANCE PUBLIC HEARING
TUESDAY, SEPTEMBER 8, 2020, 7:00 PM
VILLAGE 9996 WATER STREET**

**VILLAGE OF EPHRAIM
ORDINANCE NO. 04-2020
AN ORDINANCE AMENDING VILLAGE OF EPHRAIM ZONING CODE AS IT RELATES TO
PROTECTED WATERFRONT ORDINANCE**

SECTION I: § 17.20 of the Ephraim Code of Ordinance is hereby amended as follows:

ADDITIONS IN ***BOLD ITALICS***

LANGUAGE TO BE REMOVED IN ~~STRIKETHROUGH~~

17.20 PROTECTED WATERFRONT (PW) DISTRICT

2. 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, owners of residences in the PW district are encouraged to use and maintain their existing residences. ***Since most of the residential buildings in this district are sited on small non-conforming lots that would otherwise prohibit the erection of such structures under existing ordinances, the Village position is that residences shall be restricted to those in existence.*** ~~The Village position is since most of the residential buildings in this district are sited on small non-conforming lots that would otherwise prohibit the erection of such structures under existing ordinances, residences shall be restricted to those in existence.~~ Existing residences can be modified, or torn down and reproduced, subject to approved Plan committee “PW Design Review” whereas the individual footprints, lot coverage, and setbacks for this district are grandfathered. (3/10/08)

3. PERMITTED USES.

- (a) Park and open space provided that any proposed structural elements are given conditional use approval.
- (b) Beaches, provided that any proposed structural elements are given conditional use approval.

4. CONDITIONAL USES.

- (a) On parcels where there is not a residence:
 - Dockage and launching;
 - Boat and related rentals;
 - Sale of marine fuel and accessories for marine use only;
 - Structures necessary for permitted and conditional uses in the district, including bathrooms. 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.
 - 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 no such agreement speaking to sales exists, the Village of Ephraim Planning Committee, thru 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.
Passed 5/11/09

- (b) Residential buildings in the district shall be restricted to those existing as of January 1, 1998. A “PW Design Review” shall be required for the reproduction

of an existing residential structure as well as for additions or any modification to existing structures resulting in an increase to the footprint, height, or total square footage of these buildings. Visual impact from the streetscape is to be minimized. Residences destroyed by natural disaster or fire in this district may be replaced to former footprint, location and size. ~~Any other buildings on the property destroyed by fire or natural disaster can only be replaced if they meet the dimensional standards under the current ordinances. (3/10/08)~~

(c) Other restrictions as regards structures in the PW District:

- No more than two garage or carport spaces/lot;
- No sheds, accessory buildings or boathouses;
- No structures or buildings shall exceed 15' in height as measured from the crown grade of Water Street abutting the property; or as determined by the Plan Committee in consideration of the height of adjacent structures, and existing rooflines and pitches. (3/10/08)
- 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. (4/08/02)

5. PROTECTED WATERFRONT DESIGN REVIEW by Historic Preservation Committee and Plan Committee

(a) Design Criteria For Residential Building Reproduction

- Consideration given to applications in which the proposed reproduction will closely reflect the design and look of the original structure. New building may be constructed to the grandfathered footprint, location, and size of the existing residence.
- Consideration given to applications in which the proposed reproduction will result in a slightly different look than the original building but whose design results in a smaller footprint with less lot coverage, a fitting building height, increased setbacks, and an overall better look that is in keeping with the character of the village ~~and would lessen the ecological impact on the property.~~
- Consideration given to applications in which the proposed reproduction will generally reflect the look of the original building but will also require some degree of design modification which is subject to par(B). (3/10/08)

(b) Design Criteria for Modification

- Consideration given to applications where an increase in height would be required to make an existing building structurally sound, ***or to meet existing building codes and requirements.***
- Consideration given to applications resulting in the modification of a building that does not result in increased footprints, and does not exceed the current height of the existing building.
- Consideration given to applications resulting in footprint modification to the primary structure whereas the footprints from additional existing structures to be removed can be reclaimed.
- Consideration given to allow for 10% additional lot coverage when that area will be used for adding off street parking. (3/10/08)

SECTION III: If any section, subsection, paragraph or sentence of this ordinance is for any reason deemed unconstitutional or otherwise unenforceable by decision of any court of competent jurisdiction, such decision shall not affect the validity of the remainder of this ordinance.

SECTION III: This ordinance shall take effect upon its passage and publication according to law as an amendment to the Village Zoning Code under the procedures prescribed by § 62.23 (d) Wis. Stats.

Passed and approved by the Village Board of Trustees at its regular meeting on the ____ day of ____, 2020.

VILLAGE OF EPHRAIM

By: _____

Michael McCutcheon, Village President

Attest: _____

Andrea Collak, Clerk

Published this _____ day of _____ 2020.

_____	Date <u>9/3/2020</u>
Andrea Collak, Clerk	<u>X</u> Village offices
_____	<u>X</u> Visitors' Center
Megan Vandermause, Deputy Clerk	<u>X</u> Post Office
_____	_____