

CHAPTER 19

DOCKS AND PIERS

- 19.0 INTENT**
- 19.1 ESTABLISHED DISTRICTS**
- 19.2 GENERAL REGULATIONS**
- 19.3 DISTRICT A**
- 19.4 DISTRICT B**
- 19.5 DISTRICT C**
- 19.6 DISTRICT D**
- 19.7 DISTRICT E**
- 19.8 PERMITTING AND APPEALS PROCESS**
- 19.9 VIOLATIONS & PENALTIES**
- 19.10 CONFLICTS IN REGULATIONS**

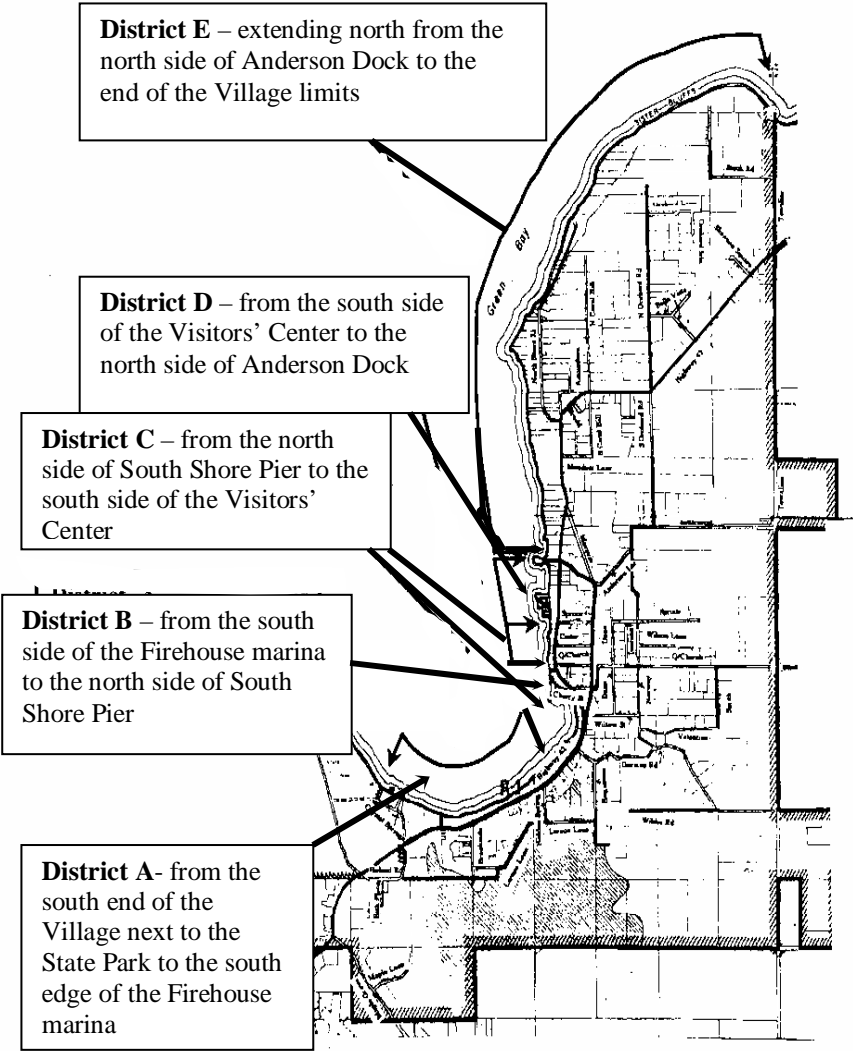
19.0 INTENT.

Ephraim is perceived as a Village tightly linked to its shoreline and to Eagle Harbor, with scenic vistas to the west. It is a primary tourist destination and is known for its charm, character, and historic preservation. This ordinance was drafted to protect the “look” of the Village, as viewed both from the shore outward and from the water looking landward, from structures and other features that would detract from its natural scenic value and appearance, especially as related to its shoreline. This includes but is not limited to dock structures within the Eagle Harbor area that would diminish the impression of openness of the area as described in the 1985 Coastal Management Plan.

Ephraim’s Comprehensive Plan of 1998 expressed concern for the proliferation, design and overall appearance of dock structures both temporary and permanent. Ranking the top ten problems the Village faces in terms of immediacy of action; top priority was assigned to protecting the Village shoreline.

The 1998 published study by the Wisconsin DNR also deals with the impact of solid docks on the hydrology and biology of the Green Bay waters. Conclusions and recommendations from these planning documents provide the basis on which this ordinance is drafted. It is intended to provide the Village with more consistent management over the building of docks, piers and breakwaters within the Village limits, while permitting riparian owners the right to reasonable access to the public waters and lake bottom of Green Bay. It is also intended the Village regulations shall complement existing and future DNR regulations of the engineering details and focus on the specific limitations set forth herein.

ESTABLISHED DISTRICTS



19.01 ESTABLISHED DISTRICTS.

The Village has established five districts along the shoreline for which we have developed waterfront management standards for docks and piers. The districts were designated based on water depth, relationship to adjacent areas, visual impact, and general character of the shoreline, including the kind of development existing in the area. A recognized part of the environment for visitors is the boating use of the waters of Green Bay, the access to the public portions of these facilities, and feeling a part of these activities. The districts are described on the following page, alongside a map showing their location along the shoreline.

19.2 GENERAL REGULATIONS.

- (1) The only kind of permanent dock permitted is one that provides for substantial flow-through to ensure littoral movement along the shoreline, as described in the DNR guidelines, herein incorporated as Appendix A.
- (2) Any permanent dock structure permitted in the Village shall be subject to design review such that visual impact is minimized and meets aesthetic standards as noted herein.
- (3) A permit from the Village shall be required for each new or modified permanent dock as well as temporary/portable piers. A permit is valid for the life of a pier, whether permanent or portable, as long as its placement and construction remains substantially unchanged. The Village Board shall establish a permit fee.
 - (a) **NONCONFORMITY** A wharf or pier is a permissible preexisting wharf or pier if it existed prior to the establishment of this ordinance (1/18/99), and if it is not extended or expanded after that date. Preexisting wharves or piers are considered temporarily non-conforming but permitted, by this ordinance. Owners of such non-conforming wharves or piers shall have the right to make ordinary and necessary repairs and upkeep not involving expansion or structural reparation. In the case of temporary docks, the seasonal removal of such docks does not affect its status as a permissible preexisting wharf or pier if it is reestablished in the same place and does not exceed the dimensions allowed in this ordinance.

(4) On private docks, roofs, canopies, decks, water slides and other construction not essential for mooring watercraft are prohibited. A single bench of open construction not to exceed 6' in length and ladders required for safety and water access may be allowed. Flags and banners should be kept to a minimum considering that we wish the view to be as natural appearing as possible.

(5) Noncommercial permanent docks shall be no more than 12 feet wide at the top, while temporary docks cannot exceed 6 feet in width; a temporary dock may have a platform at the end not to exceed 150 square feet.

(6) A limited number of unobtrusive navigational lights may be permitted if necessary for safety purposes. All other lighting shall be non-obtrusive, for foot traffic only with umbrella fittings directing light downward, of low intensity, and no higher than 3 feet from the top of the dock;

(7) Only one noncommercial dock is allowed per platted lot of record, with no more than two boat lifts allowed per pier, as defined in Appendix A, DNR guidelines, and Appendix B, the DNR's Pier Planner.

(8) There shall be no roofs allowed on piers, docks, or boat lifts; temporary docks shall be plumb or level plus or minus 3 inches along their length;

(9) Permanent dock height maximums shall be at elevation plus 6.0 LWD except in periods of high water, when docks shall be allowed to be temporarily raised as necessary;

(10) Vertical surfaces on permanent docks shall be natural or natural-appearing materials so that they blend in with the surroundings;

(11) All docks and piers in the Village of Ephraim shall be subject to the DNR documents incorporated herein as Appendices A and B.

(12) Commercial/public structures shall be defined as facilities that are regularly and substantially used by the general public, and they shall only be permitted in District B and District D.

(13) There shall be no more than one temporary dock per platted lot of record in Districts A,C, and E.

(14) All temporary docks shall be removed in the fall and stored in an inconspicuous manner.

(15) Owners of existing permanent docks are permitted to maintain their structures but that, if major structural repairs are undertaken, they would be required to include a flow-through section to provide for littoral drift per DNR guidelines.

19.3 DISTRICT A

Considering that the southern part of our shoreline, designated District A, is a scenic, highly visible feature of our Village and that it provides the foreground to scenic views to the north and west, and considering that the lakebed along this shoreline is very shallow, the following regulations shall apply:

(1) No new permanent solid or flow-through docks shall be permitted in this District (District A);

(2) In all cases a 100-foot portable dock is permitted regardless of water depth; such docks are permitted up to 200 feet in length, with the pier end not to be placed in water exceeding 36 inches.

19.4 DISTRICT B

District B has been commercial/public for many years and a significant part of the waterfront. It is from the South side of Firehouse Marina to the North side of South Shore Pier. Being between District A and C, it is more sensitive than the commercial/public District D and has tighter restrictions.

(1) No permanent dock shall exceed 300' from the bulkhead line.

(2) All dock applications shall be presented with a full visualization of the aesthetics and the impact to the area.

(3) All other restrictions and requirements of District D shall apply.

19.5 DISTRICT C

The shoreline from the north side of South Shore Pier northward to the south edge of the Visitors' Center (District C) is of inestimable value in terms of scenic views to the west and the walking path parallels the shore at an elevation that affords great visual access to the water for visitors and residents alike. To maintain these views:

- (1) No new permanent docks or expansion of existing docks shall be permitted along the above-described shoreline district;
- (2) The number of temporary docks shall be limited to one per platted lot of record (assuming that a permanent dock does not already exist on that property); and
- (3) No temporary dock shall exceed 75 feet in length measured from the ordinary high water mark.

19.6 DISTRICT D

The shoreline from the south edge of the Visitor's Center to the north edge of Anderson Dock (District D) is an area where the Village foresees possible expanded public dock facilities. With this in mind, permanent docks are permitted in this area with the following restrictions:

- (1) Permanent commercial/public structures shall not extend out more than 500 feet from the established bulkhead line (note that all commercial/public structures shall also meet all DNR and other applicable requirements); and
- (2) Private docks and piers in District D shall follow guidelines set forth in 19.2 General and 19.7 District E.

19.7 DISTRICT E

District E, from the north side of Anderson Dock through the north end of the Village consists of thousands of feet of open shoreline along which mostly seasonal homes are established. There are more permanent docks in place in this District than elsewhere along the shoreline. Some are in good

repair, while others are showing their age. From the water this District has more of a natural, open look, than the other Districts, since the existing residences are well-spaced against a heavily-wooded backdrop. The following requirements are designed to maintain the natural look of this area from the water, to ensure uniformity of design, to permit relatively unimpeded movement of shallow water boats (e.g., canoes and kayaks) along the shoreline, and to protect the littoral zone.

- (1) All permanent docks in District E shall be flow-through docks, following the guidelines of the solid piers and docks document provided to us by the DNR (made a part of this ordinance in Appendix A).
- (2) All docks including temporary docks shall be no longer than 175 feet in length perpendicular to the shore, as measured from the ordinary high water mark;
- (3) Absent a showing of hardship, which could include dredging expense hardship, docks should be located at the approximate center of the property they serve. In no case shall the top edge be less than 20 feet, or the toe no less than 10 feet, from the extended riparian rights' line.

19.8 PERMITTING PROCESS

The Village of Ephraim's Coastal Management Committee shall review any proposed permanent dock or pier or proposed breakwater prior to application with the Department of Natural Resources. Temporary dock or pier applications shall be submitted to the Zoning Administrator and Harbormaster for review and approval per this ordinance.

Property owners wishing to construct or install a new dock shall obtain a permit application and checklist from the Village of Ephraim, herein incorporated as Appendices C and D, submit the completed application and checklist with all DNR-required drawings and specifications to the Village offices. The Coastal Management Committee meets on a monthly basis and will review any permanent dock application at the next possible meeting, at which time the application will either be declined as not meeting the Village's requirements or approved. An approval form must be attached to the DNR application for their further processing. The Village ordinance and permitting process will be reviewed after one year of use to determine if it can be simplified. proposed language for Dec 2002 meeting

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 files shall be authorized without prior advance written approval of the Coastal Management, Parks & Recreation Committee. It is a violation of this ordinance to modify a permitted dock or structurally modify a pre-existing dock without obtaining a new permit.

Any person or persons, jointly or severally, aggrieved by a decision of the Coastal Management, Parks & Recreation Committee concerning the issuance or denial of a special exception permit may appeal such decision to the Board of Appeals.

19.81 APPEALS TO BOARD

General Provisions. Appeals to the Board of 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 Coastal Management Committee. Such Appeal must be taken within 30 days of the mailing date of the notice of the decision being appealed by filing with the Village Office and with the Board of Appeals a notice of appeal specifying the grounds thereof. The Coastal Management, ~~Committee~~ or Village Clerk shall immediately transmit to the Board of Appeals all the papers constituting the record upon which the action appealed from was taken.

(2) **Stays.** An Appeal shall stay all proceedings in furtherance of the action appealed from unless the Coastal Management Committee shall certify the Board of 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 Appeals or by a court of record on application on notice to the Coastal Management Committee and on due cause shown.

(3) **Hearing Appeals.** The Board of 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 the Board. The Board of 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 Coastal Management Committee in the interpretation of 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 Coastal Management Committee and may issue or direct the issuance of an approval of the application.

19.9 VIOLATIONS AND PENALTIES

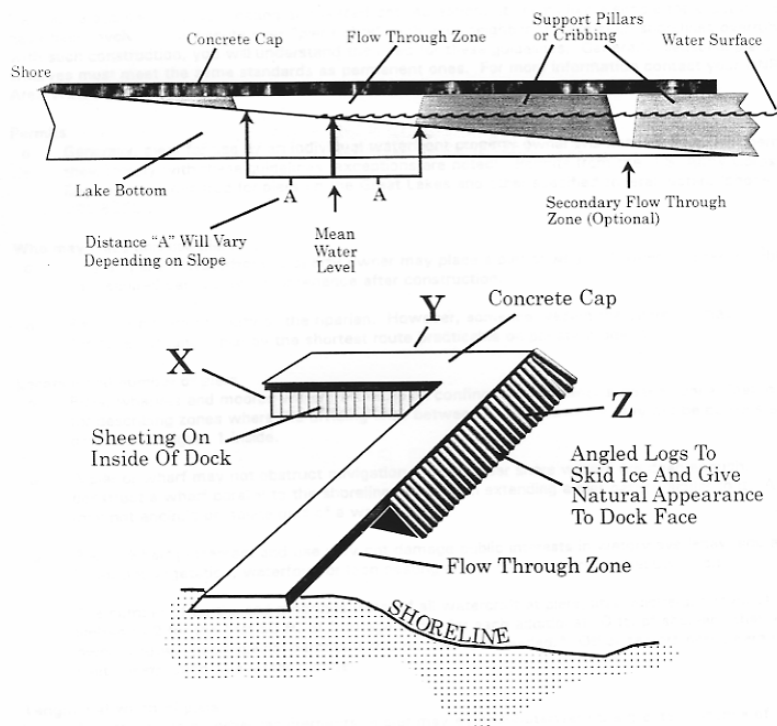
Any violation of the provisions of this ordinance is punishable by forfeiture not to exceed \$50 for each violation. Each day a violation exists may be considered a separate violation.

19.10 CONFLICTS IN REGULATIONS.

In the event of a conflict between any of the provisions of the text of this ordinance (Sections 19.1 through Section 19.8) and any of the provisions of Appendix A and/or Appendix B, or any other appendices, the terms of the actual text of this ordinance shall control.

Docks and Piers ordinance revised 10/11/2004 and posted 10/12/2004.

Some Dock Design Considerations



Two major design considerations are:

1. The design must provide flow-through along the shoreline
2. The outside of the dock (i.e., the three aspect surfaces facing outward, including areas X, Y, and Z above) must show native (non-ferrous) material such as boulders, timbers, or logs