Re: Boathouse Regulations

With 96 named lakes and over 600 miles of shoreline, Waushara County is blessed with an abundance of water resources, which draws thousands of people every year to our County. These resources are fragile, however, and excessive use and development can cause damage and lead to water quality degradation and other problems. Therefore, the State of Wisconsin and Waushara County have created minimum standards for construction near water.

With certain standards, a single boathouse can be established on most riparian properties. For your information, we have developed this informational packet that will help answer most of your questions about the steps necessary to build a boathouse. These regulations do not apply to properties within the incorporated limits of any Cities or Villages. You will need to contact the respective Municipal Clerk to find out what standards may apply within those areas. Prior to the issuance of a land use permit for a boathouse, our office must visit the property with the Waushara County Land Conservation Department to make sure that the proposed construction will not damage the water resources, meets all code requirements and setbacks, will be located in the view corridor, and if necessary, develop an erosion control plan that must be followed during construction. The project is not complete until all disturbed areas have been stabilized and protected from erosion. Please contact the Zoning Office to schedule this visit, and we in turn will coordinate the visit with the Land Conservation Department.

The following construction standards apply to every proposed boathouse in the unincorporated areas of Waushara County:

- The boathouse cannot exceed 15' in height, shall have a pitched roof, and be no larger than 180 square feet. No decks or retaining walls are allowed to be attached to any boathouse (see attached copy of County Code requirements).

- The boathouse must maintain a setback of at least 10' from the ordinary high water mark or 2' above, whichever is less (see attached copy of County Code requirements and DNR Administrative Code requirements on ordinary high water marks, setbacks, and boathouse definition and use). Any stairway, walkway or sidewalk that accesses a boathouse shall also be set back at least 10' from the ordinary high water mark.

- All boathouses, stairways, walkways, and sidewalks must be located within the “view corridor”, which is a maximum of 30% of the width of the lot (not to exceed 30' within any 100') extending back 35' from the ordinary high water mark. No tree removal or land disturbances can take place outside the established view corridor.

In addition, the following information is required at the time you apply for a land use (zoning) permit for a boathouse:

- See the enclosed “How to Obtain a Land Use Permit” brochure.

- A complete site plan (see attached information on what a site plan must include, and a sample site plan drawing).

- An affidavit must be signed, notarized and recorded with the Register of Deeds Office listing the construction standards, and that the use of the boathouse cannot be for human habitation (see attached copy of boathouse affidavit). This affidavit can be signed at the time permit application is made and notarized by our office staff, or you can bring the signed and notarized affidavit with you. We will then collect the applicable recording fee and forward to the Register of Deeds Office.

This packet will guide you through the construction of your boathouse. Please feel free to contact the Waushara County Land Conservation and Zoning Office at (920) 787-0453, if you have any questions or would like to schedule an onsite to review your project.

Sincerely,

Terri Dopp-Paukstat
Waushara County Zoning Administrator

Attachment: Boathouse informational packet
Sec. 58-903 - General shoreland zoning provisions.

(a) Generally. The zoning provisions of this chapter apply to the shoreland jurisdictional area as defined by subsections 58-902(a)(1) and (2). Additional restrictions may apply in the shoreland/wetland zone as provided in divisions 5 and 6, article IV of this chapter.

(b) Lot size regulations. The following minimum lot sizes shall apply only if more restrictive than those established for the underlying zone:

1. Lots served by public sanitary sewer shall have a minimum average width of 65 feet and a minimum width of 65 feet at the building line and at the ordinary high-water mark. The minimum lot area shall be 10,000 square feet.

2. Lots not served by public sanitary sewer shall have a minimum average width of 100 feet and a minimum width of 100 feet at the building line and at the ordinary high-water mark. The minimum lot area shall be 20,000 square feet.

(c) Substandard lots. Substandard lots shall meet the requirements of subsection 58-823(c).

(d) Building and structure setbacks. Building and structure setbacks shall meet the requirements of section 58-826.

(e) Building elevation. All structures intended for human habitation or occupancy shall have the lowest inhabitable floor constructed not less than two feet above the ordinary high-water mark or the regional flood elevation, whichever elevation is higher.

(f) Boathouses. A single boathouse may be allowed for each buildable lot of record; provided that, such boathouse shall not contain plumbing or be used for human habitation. In addition, the following standards apply:

1. No part of any boathouse shall exceed 15 feet in height.

2. No decks or other structures associated with human habitation shall be attached or part of a boathouse.

3. All boathouses shall have pitched roofs.

4. No boathouse shall exceed 180 square feet in area. Any overhang of a boathouse that exceeds 24 inches from the exterior wall shall be included in calculating this square footage requirement.

5. All boathouses shall be set back a minimum of ten feet from the ordinary high-water mark, or two feet above the ordinary high-water mark, whichever is less. Any stairway, walkway or sidewalk that accesses a boathouse shall also be set back at least ten feet from the ordinary high-water mark.

6. Prior to the issuance of a land use permit for a boathouse, the landowner shall be required to execute a verified affidavit and restrictive covenant running with the land regarding the use of the accessory building for living purposes, meeting the standards described in section 58-231.

(g) Houseboats. Houseboats stored above the ordinary high-water mark shall not be used for human habitation.

(h) Piers, docks, wharves, boat shelters and boat hoists. Piers, docks, wharves, boat shelters and boat hoists extending below the ordinary high-water mark shall comply with Wis. Admin. Code ch. NR 326, and other applicable state or federal regulations.
**Permit Fees**

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<thead>
<tr>
<th>Type of Permit</th>
<th>Fee</th>
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<tr>
<td>Land Use Permit (Principal Structure)</td>
<td>$250.00</td>
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<tr>
<td>Land Use Permit (Accessory Structure)</td>
<td>$100.00</td>
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### What Type of Permit is Needed?

**Land Use Permit**

**When is a Land Use Permit Needed?**

- **Construction Requires:**
  - Zoning Ordinances of the Township
  - Zoning Ordinances of the Supervisory Authority (if applicable)
  - A land use permit (Principal Structure)

**Other Information:**

- Applicants: Send a permit application form to the Township.
- Appraiser: Appraiser's fee is charged.
- Having a sketch drawing of the improvements is necessary.

### Permit Fees

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### What Information Do I Need To Obtain A Land Use Permit?

- A & B: A land use permit (Principal Structure) is required.
- C & D: The building code and the Township's local regulations must be met.
- E: A sketch drawing of the improvements is necessary.

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**Other Information:**

- Applicants: Send a permit application form to the Township.
- Having a sketch drawing of the improvements is necessary.
- Having a sketch drawing of the improvements is necessary.
- Permit Fees: Permit Fees are required for a land use permit (Principal Structure)
SITE PLAN REQUIREMENTS: A preliminary site plan containing the applicable information listed below shall accompany applications for conditional use permits, variances, and zone changes and shall accompany applications for land use permits where required by Zoning Administrator or other sections of this ordinance. In addition, any placement of any used structure, mobile home, or travel trailer, or construction of any structure which requires a land use or conditional use permit and involves used materials shall be required to submit a preliminary site plan, including color photographs of the structure, mobile home, or travel trailer, as well as a detailed description of materials and methods of the finishing of the exterior.

(a) Topography of the site including slopes, drainage courses, navigable waters, wetland areas and elevations of the proposed building sites.

(b) Existing tree and other vegetative cover.

(c) The ordinary high water mark of abutting navigable waters.

(d) The exact location of the lot lines and the area of the lot.

(e) The site of all existing and proposed structures and buildings on the subject property including underground and surface storage areas, sanitary facilities and the location of all structures and buildings within 100 feet on adjoining properties.

(f) The proposed uses.

(g) The engineering design for all work in respect to waterways or floodproofing.

(h) The dimensions and location of areas to be graded including the original and final elevations of the area.

(i) The location and dimensions of areas to be filled including the original and final elevations and the type of fill material to be used.

(j) When not serviced by a public sewerage system, a County Sanitary Permit issued pursuant to the Waushara County Private Sewage System Ordinance.

(k) Landscaping including proposed tree cutting and/or walls or fences to be used for screening.

(l) Design of the ingress and egress.

(m) Off-street parking.

(n) Height of all structures where height standards prevail.

(o) The locations and types of all signs.

(p) Locations and widths of existing and proposed right-of-ways.

(q) In the case of development projects that, in the opinion of the Zoning Administrator, have the potential of being hazardous, harmful, offensive, or otherwise adverse to the environmental quality, water quality, shore land cover, or property values in the County and it's communities or contrary to the purposes and intent of this Ordinance, impact studies and analysis prepared by a qualified individual, including, but not limited to environmental reports, assessments, or impact statements, as deemed necessary by the County or it's agent or representative.

(r) Additional information as required by the Zoning Administrator.

FAILRE TO PROVIDE ALL OF THE APPLICABLE INFORMATION MAY RESULT IN THE APPLICATION BEING POSTPONED UNTIL ALL OF THE REQUIRED INFORMATION HAS BEEN RECEIVED
SAMPLE
BOAT HOUSE SITE PLAN

CONSTRUCTION NOTES

1. NO FILLING OR GRADING WILL BE DONE, BOATHOUSE TO BE BUILT ON STILTS.

2. TWO 3" TO 10" DIAMETER OAK TREES WILL BE REMOVED - STUMPS LEFT IN PLACE - NO OTHER VEGETATION REMOVED.

3. ALL CONSTRUCTION, TREE REMOVAL AND/OR FILLING AND GRADING WILL TAKE PLACE IN THE VIEW CORRIDOR. (30% OF LOT WIDTH NOT TO EXCEED 30').

30% SLOPE

P/L

5'

10'

BOAT HOUSE

50'

40'

12'

OAK

OAK

LAKE

OHWM

EX. WATER LEVEL
* Post holes are the only excavation taking place, excess soil will be removed.
This indenture, made by __________________________ and their successors in interest hereinafter, called "owner", own the following described parcel(s) of land in the State of Wisconsin (provide legal description or location of property):

RETURN TO:

The following are all of the persons, firms and corporations having a real property interest or security interest in the property described in paragraph 1, above. Such interested parties hereby enter into this covenant and affidavit:

The parties holding a security interest in the property described in paragraph 1 above, have been notified of this covenant by the undersigned.

This affidavit and covenant is given by the undersigned as owner and interested party in the property in order to obtain a building permit from the Waushara County Zoning Office for the purpose of constructing a boathouse on the described property in accordance with the provisions of the Waushara County Code and usage as a boathouse pursuant to local and state law.

I agree to abide by the following standards set forth in the Waushara County Code, Section 58-903(f) for boathouse construction/placement:

A) No part of any boathouse shall exceed 15 feet in height.
B) No decks or other structures associated with human habitation shall be attached or part of a boathouse.
C) All boathouses shall have pitched roofs.
D) No boathouse shall exceed 180 sq ft in area.
E) All boathouses must be located within the view corridor, and shall be set back a minimum of 10' from the ordinary high water mark, or two feet above the ordinary high water mark, whichever is less. Any stairway, walkway or sidewalk that accesses a boathouse shall also be set back at least 10' from the ordinary high water mark.

A boathouse is defined as a permanent structure used for the storage of watercraft and associated materials for noncommercial purposes and includes all structures which are totally enclosed, have roofs or walls or any combination of these structural parts.

I further agree that as a condition of such request for a building permit to construct a boathouse, I, as the owner or one of the owners, hereby certify and agree that such accessory building will not be used for living purposes or as a habitable dwelling under the Waushara County Zoning Code, at any time by me or anyone holding an interest in the property, or any grantees, successors or assigns with regard to this property. As owner, I understand that the use of the boathouse as permitted by law benefits me or anyone holding an interest in the property, and my grantees, successors or assigns to the subject property.

I further understand and agree, as a condition of the granting of such building permit for a boathouse, not to use the boathouse for living purposes or as a dwelling under the Waushara County Code, and if such boathouse is used by me or anyone holding an interest in the property, my grantees, successors, heirs or assigns of the property, as a building or dwelling for living purposes, or any of the above stated standards are not complied with, the building permit issued by the Waushara County Zoning Department shall be deemed null and void and such conduct shall be considered as a violation of the Waushara County Code.
This affidavit and Restrictive Covenant running with the land is given by the undersigned as owner or owners of the above described property and this Affidavit and Covenant shall be recorded in the Register of Deeds Office for Waushara County and shall be a restrictive covenant running with the land described herein and shall inure to the benefit of Waushara county, all abutting and contiguous properties to that of the subject property, as well as the residents of Waushara County.

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<tr>
<th>Owner:</th>
<th>Subscribed and sworn to before me on</th>
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<td>day of __________<strong>, 20</strong></td>
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<th>Print Name(s)</th>
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<th>Signature(s)</th>
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THIS INSTRUMENT DRAFTED BY: ZONING OFFICE