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, in compliance with state and local regulations, 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 ensure 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 have more than 1 story and the wall height shall be a minimum of 6’ with a maximum of 10’. Boathouses shall have a pitched roof ranging from a minimum of 4:12 to a maximum of 6:12 (rise to run), and are limited to 180 square feet in size. No decks or retaining walls are allowed to be attached to any boathouse (see copy of County Code requirements).

- The boathouse must maintain a setback of at least 10’ from the ordinary high water mark (OHWM) or on steep slopes where a 10’ lateral setback is more than 2’ above the OHWM, the point on the slope where it is 2’ above the OHWM may be used as the setback point. (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 35% of the width of the lot extending back 35’ from the ordinary high water mark. No tree removal or land disturbances can take place outside the established view corridor for any reason including construction of a boathouse.

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 must be for water based equipment and 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,

Todd Wahler
Waushara County Zoning Administrator
Attachment: Boathouse informational packet

5/25/2017
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 boathouse shall have more than 1 story and the wall height shall be a minimum of 6’ and a maximum of 10’.
B) No decks, patio doors, fireplaces, or other structures associated with human habitation shall be attached or made part of a boathouse.
C) No boathouse shall have any wall, door or access opening be more than 1/3 transparent. No transparent doors, windows or other opening are permitted on the water side of the boathouse, nor shall any boathouse have interior walls, insulation or plumbing.
D) All boathouses shall have pitched roofs ranging from a minimum of 4:12 to a maximum of 6:12 (rise to run).
E) No boathouse shall exceed 180 sq. ft. Overhangs exceeding 24” from the exterior wall shall be included in this sq. ft. requirement.
F) All boathouses must be located within the view corridor, and shall be set back a minimum of 10’ from the ordinary high water mark (OHWM), or on steep slopes where a 10’ lateral setback is more than 2’ above the OHWM, the point on the slope where it is 2’ above the OHWM may be used as the setback point. Any stairway, walkway or sidewalk that accesses a boathouse shall also be set back at least 10’ from the OHWM.

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.

| Owner: | ______________________________________________________________________________ |
| Print Name(s): | ______________________________________________________________________________ |
| Signature(s): | ______________________________________________________________________________ |
| THIS INSTRUMENT DRAFTED BY:  | ZONING OFFICE |
| Subscribed and sworn to before me on _ day of _____________, 20____. | |
| Notary Public | |
| My commission expires: | ______________________________________________________________________________ |
(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. All boathouses shall be no more than one story. The wall height of any boathouse shall be a minimum of 6 feet and a maximum of 10 feet in height.

2. No decks, patio doors, or fireplaces, or other structures associated with human habitation shall be attached to or made part of a boathouse.

3. All boathouses shall have pitched roofs ranging in pitch from a minimum of 4:12 (rise to run) to a maximum of 6:12 (rise to run).

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 on steep slopes where a ten-foot lateral setback is more than two feet above the ordinary high-water mark, the point on the slope where it is also two feet above the ordinary high-water mark may be used as the closest setback point. 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. No boathouse shall have any wall, door or access opening be more than one-third transparent. No transparent doors, windows, or other openings are permitted on the water side of a boathouse.

7. No boathouse shall have interior walls, insulation or plumbing.

8. 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.

9. Boathouses shall be contained entirely within the access and viewing corridor for a riparian parcel.

10. The construction of any boathouse which extends wholly or in part beyond the ordinary high-water mark of any navigable waters is prohibited by this code.

11. All boathouses shall comply with any other codes including general zoning, and floodplain codes, where applicable.
Sec. 58-164. Site plan requirements.

A preliminary site plan containing the applicable information listed in this section shall accompany applications for conditional use permits, variances, and zone changes and shall accompany applications for land use permits for all accessory buildings on vacant lands, for accessory structures exceeding one story in height, and where required by the zoning administrator or other sections of this chapter. In the case of a variance application to a side, rear, front, or road setback, a site plan shall include a plat of survey showing all improvements, or a certified survey map, unless there is such a survey or recorded subdivision plat on file, and all existing iron or identifying the property lines are found. In addition, any placement of any structure, which requires a land use or conditional use permit, shall be required to submit a preliminary site plan, including color photographs of any pre-assembled structure, used structure, or travel trailer, as well as a detailed description of materials and methods of finishing the exterior. Required site plan information shall be as follows:

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

(2) Existing tree and other vegetative cover.

(3) The ordinary high-water mark of abutting navigable water.

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

(5) 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.

(6) The proposed uses.

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

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

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

(10) When not serviced by a public sewer system, a county sanitary permit issued pursuant to article II, chapter 38 of this Code.

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

(12) Design of the ingress and egress.

(13) Off-street parking.

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

(15) The locations and types of all signs.

(16) Locations and widths of existing and proposed rights-of-way.

(17) 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, shoreland cover, or property values in the county and its communities, or contrary to the purposes and intent of this chapter, 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 its agent or representative. The cost for such a study or analysis shall be paid in accordance with subsection 58-8(c).

(18) Elevation drawings showing all four sides of proposed structures.

(19) A floor plan showing all proposed interior walls, cabinetry, appliances, plumbing fixtures, and uses of the space being proposed shall be submitted with a permit application.

(20) Additional information as required by the zoning administrator.

Building Permits

To obtain a Land Use Permit, contact the Township Office at 800-240-3900 or visit the website at https://www.washingtonco.org.

Note: A Land Use Permit is required for any structure that has

Before proceeding, please review the following:

1. Zoning Ordinance
2. Building Code
3. Site Plan Requirements
4. Sewer System Requirements
5. Water System Requirements
6. Electricity System Requirements

Please submit all required documents.

Waiver of fees may be granted if:

- The project is located in a designated opportunity zone
- The project is a historic restoration
- The project is a community facility

Fees:

- Building Permit
- Site Plan Review
- Sewer System
- Water System
- Electric System

Additional fees may apply for:

- Historical Preservation
- Environmental Impact
- Traffic Impact

For more information, please contact the

Township Office at 800-240-3900 or visit the website at https://www.washingtonco.org.

Types of Permits:

- Site Plan
- Building Permit
- Sewer System
- Water System
- Electric System

For more information, please contact the

Washington County Zoning Office at 800-240-3900 or visit the website at https://www.washingtonco.org.
**SAMPLE**

**BOAT HOUSE SITE PLAN**

**TOP OF SLOPE**

**CONSTRUCTION NOTES**

1. NO FILLING OR GRADING WILL BE DONE, BOATHOUSE TO BE BUILT ON STILTS.
2. TWO 8" 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 (35% OF LOT WIDTH).

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**LAKE**

**OHWM**

**EX. WATER LEVEL**

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**30% SLOPE**

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**50'**

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**5'**

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**10'**

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**12'**

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**10'**

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**40'**

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**55'**

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**5'**

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**40'**

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**10'**

---

**12'**

---

**OAK**

---

**BOAT HOUSE**

---

**OAK**

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**PL**