
ORDINANCE NO. 829

AN ORDINANCE TO REPEAL AND RECREATE THE DEFINITION OF BOATHOUSE IN SECTION 52-11. AND REPEAL AND RECREATE SECTION 52-25. OF THE CITY OF DELAFIELD ZONING ORDINANCE RELATED TO BOATHOUSES IN THE CITY OF DELAFIELD, WAUKESHA COUNTY, WISCONSIN

WHEREAS, the City of Delafield adopted the current Zoning Ordinance on March 11, 1997, followed by several amendments that have been ordained, and

WHEREAS, on April 26, 2023, the plan commission initiated an application to amend several sections of the zoning code over a two-year period of time, and

WHEREAS, on February 14, 2024, the lake welfare committee discussed and recommended plan commission consider amendments to the Zoning Ordinance specific to boathouses, and

WHEREAS, on February 28, 2024, the plan commission supported lake welfare committee's recommendations and scheduled a public hearing for the March 20, 2024 plan commission meeting, and

WHEREAS, on March 20, 2024, the plan commission held a public hearing that was properly noticed in accordance with Section 52-295 of the Zoning Ordinance and unanimously recommended Common Council adopt the text amendments specified in this Ordinance.

NOW THEREFORE, the Common Council of the City of Delafield, Waukesha County, Wisconsin, does ordain as follows:

SECTION 1: The following provision of Section 52-11. of the Zoning Ordinance, Definitions, is hereby repealed and recreated to read as follows:

Boathouse means an accessory structure that complies with Section 52-25, located close to the ordinary high water mark, and designed and used for the storage of boats and accessory marine equipment normally used in the daily activities of lakefront property.

SECTION 2: Section 52-25. of the Zoning Ordinance is hereby repealed and recreated to read as follows:

Sec. 52-25. Boathouses.

- (a) *Use permitted.* Boathouses as defined in section 52-11 and in Wis. Stats. § 30.01(1d), are permitted in any district abutting a public or private body of water in which a single-family dwelling is permitted by right, subject to the terms and conditions set forth herein and Wis. Stats. § 30.121. The interior of such boathouse must be designed and used exclusively for the storage of a boat and may also be used for the storage of marine and accessory items used by the occupants of the lot. Such boathouse shall be placed on a permanent frost-free foundation and shall contain at least 200 square feet in area to be considered a

boathouse. The boathouse shall not contain any interior walls or separate rooms. The boathouse shall contain a large garage-type door for primary access on the side of the building facing the water, which shall consist of overhead retractable doors with no more than 25% transparent windows. Where a property line abuts the ordinary high water mark of a navigable waterway and a boathouse is desired, such structure may be allowed subject to the five-foot shore setback provision. If any portion of the boathouse is located within the regulated floodplain, then the boathouse shall comply with the provisions of Chapter 16, Article II Floodplain Zoning.

- (b) *Lake protection.* All boathouse improvements and new construction shall occur in a manner that ensures all stormwater runoff from the boathouse and impervious surfaces within ten feet of the boathouse is directed to a water catchment device in accordance with subsections (b)(1) or (b)(2) below. The catchment device and any required plantings must be maintained as long as the boathouse exists.
 - (1) Rain garden in compliance with DNR publication "Rain Gardens: A how to manual for homeowners" (©2003) found on the City of Delafield website. Installation of plantings shall be in accordance with subsection (c) rain garden plant list, or similar species, as well as adhere to the most current Wisconsin Department of Natural Resources recommended planting guidelines.
 - (2) Water quality device or system, which shall provide the same level of environmental benefit as a rain garden and be approved by the city engineer.
- (c) *Plant selection.* Rain gardens shall utilize no less than five native species selected from the rain garden plant list. Grasses/sedges shall make up at least 40 percent of the total plant or seed composition. The homeowner or contractor shall verify with the nursery/supplier what species work best with the soil and sunlight conditions.

Rain Garden Plant List

Scientific Name	Common Name
<i>Grasses/Sedges:</i>	
<i>Andropogon gerardii</i>	Big Bluestem
<i>Bouteloua curtipendula</i>	Side-Oats Grama
<i>Bromus ciliatus</i>	Fringed Brome
<i>Calamagrostis canadensis</i>	Blue Joint Grass
<i>Carex bebbii</i>	Bebb's Sedge
<i>Carex bicknellii</i>	Copper-Shouldered Oval Sedge
<i>Carex comosa</i>	Bristly Sedge
<i>Carex crinita</i>	Fringed Sedge
<i>Carex hystericiana</i>	Porcupine Sedge
<i>Carex stipata</i>	Common Fox Sedge
<i>Carex vulpinoidea</i>	Brown ox Sedge
<i>Elymus canadensis</i>	Canada Wild Rye
<i>Elymus virginicus</i>	Virginia Wild Rye
<i>Glyceria canadensis</i>	Rattlesnake Grass
<i>Glyceria grandis</i>	Reed Manna Grass
<i>Juncus dudleyi</i>	Dudley's Rush
<i>Juncus tenuis</i>	Path Rush
<i>Juncus torreyi</i>	Torrey's Rush

<i>Panicum virgatum</i>	Switch Grass
<i>Schizachyrium scoparium</i>	Little Bluestem
<i>Scirpus cyperinus</i>	Wool Grass
<i>Sorghastrum nutans</i>	Indian Grass
<i>Spartina pectinata</i>	Prairie Cord Grass
<i>Forbs (Flowering Plants):</i>	
<i>Allium cernuum</i>	Nodding Onion
<i>Asclepias incarnata</i>	Marsh Milkweed
<i>Aster azureus</i>	Sky-Blue Aster
<i>Aster ericoides</i>	Heath Aster
<i>Aster novae-angliae</i>	New England Aster
<i>Aster puniceus</i>	Red-Stemmed Aster
<i>Cassia hebecarpa</i>	Wild Senna
<i>Coreopsis palmata</i>	Prairie Coreopsis
<i>Desmodium canadense</i>	Canada Tick Trefoil
<i>Echinacea pallida</i>	Pale Purple Coneflower
<i>Eryngium yuccifolium</i>	Rattlesnake Master
<i>Eupatorium maculatum</i>	Spotted Joe Pye Weed
<i>Eupatorium perfoliatum</i>	Boneset
<i>Helenium autumnale</i>	Sneezeweed
<i>Helianthus grosseserratus</i>	Saw-Tooth Sunflower
<i>Heliopsis helianthoides</i>	Early Sunflower
<i>Hypericum pyramidatum</i>	Great St. John's Wort
<i>Liatris pycnostachya</i>	Prairie Blazing Star
<i>Liatris spicata</i>	Marsh Blazing Star
<i>Lobelia cardinalis</i>	Cardinal Flower
<i>Lobelia siphilitica</i>	Great Blue Lobelia
<i>Monarda fistulosa</i>	Wild Bergamot
<i>Napaea dioica</i>	Glade Mallow
<i>Physostegia virginiana</i>	Obedient Plant
<i>Pycnanthemum virginianum</i>	Mountain Mint
<i>Ratibida pinnata</i>	Yellow Coneflower
<i>Rudbeckia hirta</i>	Black-Eyed Susan
<i>Rudbeckia laciniata</i>	Wild Golden Glow
<i>Rudbeckia subtomentosa</i>	Sweet Black-Eyed Susan
<i>Sagittaria latifolia</i>	Arrowhead
<i>Silphium laciniatum</i>	Compass Plant
<i>Silphium perfoliatum</i>	Cupplant
<i>Solidago graminifolia</i>	Grass-Leaved Goldenrod
<i>Solidago ohioensis</i>	Ohio Goldenrod
<i>Solidago riddellii</i>	Riddell's Goldenrod
<i>Solidago rigida</i>	Stiff Goldenrod
<i>Verbena hastata</i>	Blue Vervain
<i>Vernonia fasciculata</i>	Ironweed
<i>Veronicastrum virginicum</i>	Culver's Root
<i>Zizia aurea</i>	Golden Alexanders

<i>Shrubs:</i>	
Cornus stolonifera	Red Osier Dogwood
Physocarpus opulifolius	Ninebark
Viburnum opulus	American High-Bush Cranberry
Viburnum rafinesquianum	Downy Arrowwood

- (d) *Landscape screening.* Shrubs species intended to be planted in association with rain gardens must not be planted within the rainwater collection area. Care must be taken so that these shrubs do not out compete or shade the grass and forb species.
- (e) *Habitation prohibited.* A boathouse may not be used for human occupancy or habitation. This prohibition expressly forbids the installation of bathroom facilities, heating, ventilation, air conditioning, hot water, and other amenities typically found in a primary residence. Plumbing is limited to one hosebibb. No other plumbing fixtures are permitted. Pursuant to the Wisconsin Administrative Code, the installation of plumbing to a boathouse located in the floodplain is prohibited. Electricity supply is limited to a single 110-volt, 20-ampere circuit.
- (f) *Height limitations.* No boathouse may contain more than one story and shall not exceed 12 feet in total height if a flat roof, excluding railings, and 18 feet in total height if a mansard, gable, gambrel, hip or pitch roof.
- (g) *Building and lot width.* No boathouse may be constructed on any lakeshore lot having less than 40 feet of lot width computed at the ordinary high water mark. The maximum boathouse width for lots ranging from 40 feet to 66 feet shall not exceed 30 percent of the lot width. The maximum boathouse width on lots with a width ranging from 66 feet to 150 feet shall not exceed 20 feet. The maximum boathouse width on a lot with a lot width greater than 150 feet shall not exceed 24 feet.
- (h) *Accessory to a single-family dwelling.* No boathouse is permitted unless a single-family dwelling is already present on the lot. Only one boathouse per lot is allowed.
- (i) *Building location.* A boathouse shall not be closer than five feet to the ordinary high water mark. On lots with a width less than 150 feet the back wall of the boathouse shall not be more than 30 feet from the front wall. On lots with a width greater than 150 feet the back wall of the boathouse shall not be more than 34 feet from the front wall. A boathouse shall not be located closer than six feet from a side lot line.
- (j) *Flat roof use.* Surfaces of boathouses may be used as open recreational living areas, but shall not be permanently enclosed. Canopies, railings and access stairs shall be considered ordinary appurtenances. Deck construction, railings, and canopies may not exceed four feet in height in addition to the 12-foot height limitation for boathouses with flat roofs set forth in subsection (f) of this section. Any railings constructed on a flat roof and/or deck shall be at least 50 percent open. No flat roof boathouses, including the “ordinary appurtenances” permitted above, shall exceed 16 feet total height.
- (k) *Lighting.* Lighting shall comply with the standards of Section 52-27. All lighting shall be downward, full cut-off, and shielded. Lighting shall be turned off by 10:00 pm each night.
- (k) *Nonconforming boathouses.* The maintenance and repair of nonconforming boathouses that extend beyond the ordinary high water mark of any navigable water shall be required to comply with Wis. Stats. § 30.121.

- (l) *Required approvals.* All applications for the repair, remodeling, additions to, and newly constructed boathouses, shall be filed with the city for consideration by the lake welfare committee and plan commission prior to the issuance of a building permit. Upon receipt of a completed application, the city clerk shall provide written notice to those property owners within 300 feet of the subject property for comments and/or consideration prior to lake welfare committee consideration. The lake welfare committee shall make a recommendation to the plan commission who shall be the deciding body. Consideration shall be given to the location, architectural design, color and material to be used, compatibility with the principal structure, rain water remediation, buildings on adjacent properties, the lakeshore setting, and the neighbors' comments. Specific consideration shall be given to the visual impact of the boathouse from the lake and to any obstruction by the boathouse to an adjacent property owner's view of the lake.
- (m) *Rain water remediation installation.* See subsection (b) of this section. Installation and establishment of approved method and/or plant materials shall be completed within six months of boathouse completion and prior to occupancy and final inspection of the boathouse.

SECTION 3: The terms and provisions of this Ordinance are severable. Should any term or provision of this Ordinance be found to be invalid by a court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.

SECTION 4: All ordinances and parts of ordinances in conflict or contravention to this Ordinance are hereby repealed.

SECTION 5: This Ordinance shall take effect and be in force from and after its passage and publication or posting, as required by law.

Passed and adopted this 15th day of April, 2024.

CITY OF DELAFIELD

By: _____
Kent Attwell, Mayor

ATTESTED:

Molly Schneider
City of Delafield, Clerk



Date Adopted: April 15, 2024
Date Published: April 18, 2024
Effective Date: April 19, 2024