

ORDINANCE NO. 602

AN ORDINANCE AMENDING SECTION 17.22 AND 17.24 OF THE MUNICIPAL CODE OF THE CITY OF DELAFIELD, WAUKESHA COUNTY, WISCONSIN

THE COMMON COUNCIL OF THE CITY OF DELAFIELD, WAUKESHA COUNTY, WISCONSIN, DOES ORDAIN AS FOLLOWS:

SECTION 1: Section 17.22 is repealed and replaced by the following provisions:

17.22 Boathouses.

- (1) *Use permitted.* Boathouses as defined in § 17.24 of this chapter and in § 30.01(1d), Wis. Stats., 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 § 30.121, Wis. Stats. 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 foundation extending below the frost line or a concrete slab and shall contain at least 200 sq. ft. in area to be considered a boathouse. Where a property line abuts the ordinary high water mark of a navigable waterway and a boathouse is desired, but may be within the 100 year floodplain, such structure may be allowed subject to the 5' shore setback provision.
- (2) *Lake Protection.* All new, or rebuilt boathouses affecting 50% of structural area require that all storm water runoff from the boathouse and impervious surfaces within 10 feet of the boathouse be directed to a rain garden or other water quality device or system, that provides the same level of environmental benefit as a rain garden, approved by the City Engineer. Installation of rain gardens shall be in accordance with the following City of Delafield Lake Nagawicka Planting List (hereafter referred to as "Rain Garden Plant List") as well as adhere to the most current Wisconsin Department of Natural Resources recommended planting guidelines and design standards. The rain garden must be maintained as long as the boathouse exists.

Rain Garden Plant List

<u>GRASSES/SEDGES:</u>	
<i>ANDROPOGON GERARDII</i>	BIG BLUESTEM
<i>BOUTELOUA CURTEPINDULA</i>	SIDE-OATS GRAMA
<i>BROMUS CILIATUS</i>	FRINGED BROME
<i>CALAMAGROSTIS CANADENSIS</i>	BLUE JOINT GRASS
<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>PANICUM VIRGATUM</i>	SWITCH GRASS
<i>SCHIZACHYRIUM SCOPARIUM</i>	LITTLE BLUESTEM
<i>SORGHASTRUM NUTANS</i>	INDIAN GRASS
<i>SPARTINA PECTINATA</i>	PRAIRIE CORD 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 HYSTERICINA</i>	PORCUPINE SEDGE
<i>CAREX STIPATA</i>	COMMON FOX SEDGE
<i>CAREX VULPINOIDEA</i>	BROWN FOX SEDGE

<i>JUNCUS DUDLEYI</i>	DUDLEY'S RUSH
<i>JUNCUS TENUIS</i>	PATH RUSH
<i>JUNCUS TORREYI</i>	TORREY'S RUSH
<i>SCIRPUS CYPERINUS</i>	WOOL GRASS
<u>FORBS (FLOWERING PLANTS):</u>	
<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>EUPATORIUM MACULATUM</i>	SPOTTED JOE PYE WEED
<i>EUPATORIUM PERFOLIATUM</i>	BONESET
<i>ECHINACEA PALLIDA</i>	PALE PURPLE CONEFLOWER
<i>ERYNGIUM YUCCIFOLIUM</i>	RATTLESNAKE MASTER
<i>HELIANTHUS GROSSESERRATUS</i>	SAW-TOOTH SUNFLOWER
<i>HELIOPSIS HELIANTHOIDES</i>	EARLY SUNFLOWER
<i>HELENIUM AUTUMNALE</i>	SNEEZEWEED
<i>HELIANTHUS GROSSESERRATUS</i>	SAW-TOOTH 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
<u>SHRUBS:</u>	
<i>CORNUS STOLONIFERA</i>	RED OSIER DOGWOOD
<i>VIBURNUM RAFINESQUIANUM</i>	DOWNY ARROWWOOD
<i>VIBURNUM OPULUS</i>	AMERICAN HIGH-BUSH CRANBERRY
<i>PHYSOCARPUS OPULIFOLIUS</i>	NINEBARK

Rain gardens shall utilize no less than 12 native species selected from the list. No less than 4 of the selected species shall be selected from the Grass/Sedge portion of the list and shall comprise no less than 40% of the total plant or seed composition. Check with your nursery/plant supplier to select species that work best with your soil and sunlight conditions.

Shrubs species are intended to be planted in association with rain gardens but must not be planted within the rain water collection area. Care must be taken so that these shrubs do not outcompete or shade the grass and forb species.

- (3) *Habitation prohibited.* A boathouse may not be used for human occupancy or habitation. This prohibition expressly forbids the installation of bathroom facilities and other amenities typically found in a primary residence. State law (NR 116) prohibits plumbing within the floodplain.
- (4) *Height limitation.* No boathouse may contain more than one story and shall not exceed 12' in total height if a flat roof, excluding railings, and 18' in total height if a mansard, gable, gambrel, hip or pitch roof.
- (5) *Building and lot width.* No boathouse shall exceed 20' in width or 30% of the shoreline footage which ever is less, computed at the ordinary high water mark. No boathouse may be constructed on any lakeshore lot having less than 40' of shoreline frontage computed at the ordinary high water mark.
- (6) *Accessory to a single-family dwelling.* No boat house is permitted unless a single-family dwelling is already present on the lot. Only one boathouse per lot is allowed.
- (7) *Building location.* A boathouse shall not be located closer than 5' to the ordinary high water mark. The back wall of the boathouse shall not be more than 35' from the ordinary high water mark. A boathouse shall not be located closer than 6' of a side lot line.
- (8) *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 4' in height in addition to the 12' height limitation for boathouses with flat roofs set forth in sub. (3) above. Any railings constructed on a flat roof and/or deck shall be at least 50% open. No flat roof boathouses, including the "ordinary appurtenances" permitted above, shall exceed 16' total height.
- (9) *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 § 30.121, Wis. Stats.
- (10) *Required approvals.* All building permit applications for new boathouses, or for the repair, remodeling or for additions to boathouses, shall be filed with the Building Inspector, who shall submit the application to the Lake Welfare Committee for review. The Lake Welfare Committee shall make a recommendation to the Plan Commission and authorize the City Clerk to notify those property owners within 250' of the subject property for comments and/or recommendations prior to Plan Commission consideration. The Plan Commission shall consider the location, architectural design, color and material to be used and compatibility with the principal structure, buildings on adjacent properties the lakeshore setting, and the neighbors' comments and Lake Welfare Committee recommendations. 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.

SECTION 2: Section 17.24 is amended by adding thereto the following provisions:

Section 17.24 Definitions.

Boathouse. An accessory structure 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 and which has a large garage type door for primary access on the side of the building facing the water.

Rain Garden. A shallow depression in the soil into which storm water runoff from impervious surfaces; i.e., pavement and roofs, are directed. Rain gardens are planted with native Wisconsin grasses and forbs with deep root systems, in compliance with the City of Delafield Lake Nagawicka Rain Garden Planting List, to allow water to infiltrate into the soil.

SECTION 3:

All ordinances or parts of this ordinance conflicting or contravening the provisions of this ordinance are hereby repealed.

SECTION 4:

This Ordinance shall become effective upon passage and publication as required by law.

Adopted this 1st day of December, 2008

CITY OF DELAFIELD

Ed McAleer, Mayor

ATTEST:

Gina C. Gresch, MMC/WCMC/WCPC
City of Delafield Clerk-Treasurer
Waukesha County

Date Adopted: December 1, 2008
Date Published: December 9, 2008
Effective Date: December 10, 2008