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3 **RESOLUTION #44-2016 - GENERAL CODE OF ONEIDA COUNTY,**
4 **WISCONSIN**
5 **ORDINANCE AMENDMENT #2-2016**
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7 **Ordinance Amendment offered by the Planning and Development**
8 **Committee**
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10 **WHEREAS**, the Planning & Development Committee, having considered
11 Ordinance Amendment 2-2016, (copy attached) which was filed May 26, 2016.
12 (copy attached) to amend Section 9.94, OHWM Setbacks, of the Oneida County
13 Zoning and Shoreland Protection Ordinance, and having given notice thereof as
14 provided by law and having held a public hearing thereon June 15, 2016
15 pursuant to Section 59.69(5), Wisconsin Statutes, and having been informed of
16 the facts pertinent to the changes which are as follows:
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18 **WHEREAS**, 2015 Wisconsin Act 55 prohibits the county from regulating
19 the placement of Boathouses more restrictively than Administrative Rules
20 promulgated by the DNR; and
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22 **WHEREAS**, A county shall not create a requirement for a boat house that
23 would effectively prohibit the placement of such structure; and
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25 **WHEREAS**, 2015 Wisconsin Act 391 requires that counties allow the roof
26 of flat roof boathouse be used as a deck; and
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28 **WHEREAS**, the Planning and Development Committee has carefully
29 studied proposed changes in order to comply with 2015 Wisconsin Act 55 and
30 Act 391; and
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32 **WHEREAS**, the Planning and Development committee has carefully
33 studied the proposed changes after listening to comments made at the public
34 hearing, and recommends approval.
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36 **NOW, THEREFORE, THE ONEIDA COUNTY BOARD OF**
37 **SUPERVISORS DOES ORDAIN AS FOLLOWS:**

38 Section 1. Any existing ordinances, codes, resolutions, or portions thereof
39 in conflict with this ordinance shall be and hereby are repealed as far as any
40 conflict exists.

41 Section 2. This ordinance shall take effect the day after passage and
42 publication as required by law.

43 Section 3. If any claims, provisions or portions of this ordinance are
44 adjudged unconstitutional or invalid by a court of competent jurisdiction, the
45 remainder of this ordinance shall not be affected thereby.

46 Section 4. Chapter 9 of the General Code of Oneida County, Wisconsin, is
47 amended as follows [additions noted by underline, deletions noted by

48 strikethrough]:

49 A. OHWM Setbacks

50 There shall be setbacks from the ordinary high water mark (OHWM) on
51 lots that abut or are within 75 feet of a navigable waterbody.

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53 1. To remain unchanged.

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55 2. Exceptions to the 75-foot setback from the OHWM of a navigable
56 water body. See Appendices C through G for illustrative purposes
57 only. The text in this section shall be controlling and will supersede
58 the appendices if there are any conflicting interpretations.

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60 a through c to remain unchanged.

61 ~~(1) No part of any boathouse shall extend into the lake or~~
62 ~~stream beyond the OHWM.~~

63 ~~(2) The construction of a boathouse is confined to the viewing~~
64 ~~area and shall be at least 10 feet from the side yard lot line.~~

65 ~~(3) With the exception of 9.94(A) (2) (d) (10) below, boathouses shall~~
66 ~~be designed and constructed solely for the storage of boats and~~
67 ~~related equipment. Patio doors, fireplaces, plumbing, living facilities~~
68 ~~and other features inconsistent with the use of the structure~~
69 ~~exclusively as a boathouse are not permitted.~~

70 ~~(4) The main door shall face the water.~~

71 ~~(5) One boathouse is permitted in the first 100 feet of shoreline. In~~
72 ~~any additional increment of 100 feet of shoreline, a boathouse may be~~
73 ~~permitted only upon the issuance of a conditional use permit.~~

74 ~~(6) A boathouse shall not exceed a total height of twelve (12) feet.~~

75 ~~(7) A boathouse shall not be constructed on slopes 20% or greater.~~

76 ~~(8) Boathouses shall be constructed in conformity with local floodplain~~
77 ~~zoning standards.~~

78 ~~(9) The maximum width of a boathouse parallel to the OHWM shall~~
79 ~~not exceed the lesser of 75 percent of the viewing area(s) or 36ft.~~
80 ~~The overhang and eaves are not included in the maximum width and~~
81 ~~shall not exceed two feet. The maximum length of a boathouse~~
82 ~~landward and away from the OHWM shall not exceed 36 feet.~~

83 ~~(10) A boathouse shall have a pitched roof with a minimum pitch of~~
84 ~~2.3 to 12.~~

85 ~~(11) Decks, platforms, & other construction not essential for berthing of~~
86 ~~boats is prohibited.~~

87 ~~(12) A boathouse shall contain no plumbing.~~

88 ~~(13) A boathouse shall contain no living facilities.~~

89 ~~(14) A boathouse cannot be constructed if the riparian landowner has~~
90 ~~a permanent boat shelter.~~

91 ~~(15) A boathouse cannot be constructed if the riparian landowner has~~
92 ~~an existing "wet" boathouse extending over a navigable waterway.~~

93 d. Boathouse. A riparian owner may construct a boathouse subject
94 to the following restrictions:

95 (1) The construction or placement of boathouses below the ordinary

- high water mark of any navigable waters shall be prohibited.
- (2) The construction of a boathouse is confined to the viewing area and shall be at least 10 feet from the side yard lot line.
- (3) With the exception of 9.94(A) (2) (d) (12) below, boathouses shall be designed and constructed solely for the storage of boats and related equipment. Patio doors, fireplaces, plumbing, living facilities and other features inconsistent with the use of the structure exclusively as a boathouse are not permitted.
- (4) One boathouse is permitted on a lot as an accessory structure.
- (5) Any boathouse which may be permitted within the setback area shall be of one story only. The basement definition does not apply to a boathouse and therefore constitutes a story. The sidewalls of a boathouse shall not exceed 12 feet in height as measured from the top of wall to the floor.
- (6) Boathouse construction is subject to the requirements of Section 9.97.
- (7) Boathouses shall be constructed in conformity with local floodplain zoning standards.
- (8) The maximum width of a boathouse parallel to the OHWM shall not exceed the lesser of 75 percent of the viewing area(s) or 36ft. The overhang and eaves are not included in the maximum width and shall not exceed two feet. The maximum length of a boathouse landward and away from the OHWM shall not exceed 35 feet.
- (9) The maximum total footprint shall not exceed 1008 square feet.
- (10) Flat roofs that shed water away from the OHWM are permitted.
- (11) The roof of a boathouse may be used as a deck provided that:
- (a) The boathouse has a flat roof.
 - (b) The roof has no side walls or screens.
 - (c) The roof may have a railing that meets the State of Wisconsin Uniform Dwelling Code.
- (12) The number of berths within a boathouse shall be subject to the provisions of section 9.98(D).

9.96 SHORELAND MITIGATION PLAN (#08-2000, 30-2001, 02-2006, 14-2008, 21-2008)

The opening paragraph and A through E remain unchanged.

Mitigation requirements A-E above shall be implemented for the following:

1. Properties requiring a permit under sections 9.32(E) and 9.33(B) and meet the requirements of section 9.99.

- ~~2. New boathouse construction on properties with existing dwellings or~~

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~~principal buildings.~~

The County Clerk shall, within seven (7) days after adoption of Ordinance Amendment #7-2015 by the Oneida County Board of Supervisors, cause a certified copy thereof to be transmitted by mail to the Town Clerks of Oneida County and the Wisconsin Department of Natural Resources.

Approved by the Planning and Development Committee this 15th day of June, 2016.

Consent Agenda Item: _____YES _____NO

Vote Required: Majority = _____ 2/3 Majority = _____ 3/4 Majority = _____

The County Board has the legal authority to adopt: Yes _____ No _____ as

reviewed by the Corporation Counsel, _____,
Date: _____

Offered and passage moved by: _____
Supervisor

Supervisor

Supervisor

Supervisor

Supervisor

_____ Ayes

_____ Nays

_____ Absent

_____ Abstain

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_____ Enacted

by the County Board of Supervisors this _____ day of _____, 2016.

_____ Defeated

Mary Bartelt, Clerk

David Hintz, County Board Chair