



AGENDA  
Village of Chenequa  
Monday, July 8, 2024  
31275 W County Road K, Chenequa, WI 53029

*This is official notice that the regular monthly meeting of the Village Board of Trustees for the Village of Chenequa will be held immediately following the Plan Commission meeting, on Monday, July 8, 2024, in the Village Board Room and via Zoom Communications. The following matters will be discussed, with possible actions:*

Call to Order  
Pledge of Allegiance

1. Public comment period: *Public comments on any subject without any action, except possible referral to a governmental body or staff member.*
2. Approval of minutes from the Village Board meeting on June 10, 2024.
3. Approval of Invoices.
4. Review and consider action on a landscape and outdoor lighting plan for new primary residence at 7149 N. State Road 83 as submitted by Peter and Elizabeth Gottsacker (Tax Key No. CHQV 370-997-001).
5. Review and consider action on recordings of Village meetings.
6. Review and consider action or possible direction on Fences and relation to Ordinance 5.20 Fences Regulated.
7. Review and consider action or possible direction on Outdoor Lighting and relation to Ordinance 5.24 (7) Outdoor Lighting, Shoreland Lighting.
8. Review and consider action or possible direction on the regulation of trees and relation to Ordinance 6.9 Removal of Shore Cover.
9. Report – Forester.
10. Report – Captain.
11. Report – Village Administrator.
12. Report – Village President.
13. Report – Village Attorney.
14. Agenda items to be considered for future meetings.

15. Adjournment.

Respectfully submitted by:  
Deanna Braunschweig  
Village Clerk – Treasurer

**To participate via Zoom:**

<https://us02web.zoom.us/j/89401662323?pwd=1a6GCDsd0zyDW4awZ9vPxon7lNrJdw.1>

**Meeting ID is 894 0166 2323 and the Passcode is 988480**

Or Dial: 301 715 8592 US

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Requests from persons with disabilities who need assistance to participate in this meeting or hearing should be made to the Village Administrator with as much advance notice as possible. It is possible that members of and possibly a quorum of members of other governmental bodies of the municipality may be in attendance at the above-stated meeting to gather information. No action will be taken by any other governmental body except by the governing body noticed above.

NOTICE OF POSTING TO VILLAGE HALL BULLETIN & WEBSITE

Village Clerk posted this agenda on Monday, July 1, 2024 by 4:30 PM

VILLAGE BOARD MINUTES  
VILLAGE OF CHENEQUA

VILLAGE OF CHENEQUA - VILLAGE BOARD MINUTES  
OF MONDAY, June 10, 2024  
Unofficial until approved by the Village Board.  
Approved as written ( ) or with corrections ( ) on \_\_\_\_\_.

A meeting of the Village Board of Trustees was held on Monday, June 10, at 6:41 p.m. utilizing Zoom Communications and in person.

Ms. Villavicencio / Village President - present  
Ms. Manegold / Trustee - present  
Mr. Pranke / Trustee – absent  
Ms. Gehl Neumann / Trustee - present  
Mr. Grunke / Trustee – present on-line  
Ms. von Hagke / Trustee – present  
Mr. Kubick / Trustee – present on-line  
Mr. Gartner/ Village Attorney Representative - present  
Mr. Lincoln / Zoning Administrator-Forester - present  
Mr. Neumer / Administrator-Police Chief – absent  
Mr. Carney / Police Captain – present  
Ms. Braunschweig / Village Clerk – present

**Call to Order**

**Pledge of Allegiance**

**Public in Attendance**

Kurt Rosmos, Dan Groskopf, Deborah McNear, Judy Hansen, Anne Seidel, Fred Seidel, Carol Manegold, Ted Rolfs, Peter Feichtmeier, Beth Gottsacker, Peter Gottsacker, Sergeant Nelson, Jeremy Bronner, John Paul Mesching, Andrea Rendleman, Julie Rolfs, Bob Fiedler, Sue Touchett, Richard Grunke, E.J. Kubick, Tim Fredman, Louis Aguilar, Becky Aguilar, Louis Aguilar, Sr., Georgiana Aguilar  
Alan Enters, Richard Kriva, Amy Nunnally, Carl Eishwiler. Jason Luther

**Public Comment**

President Villavicencio read a prepared statement allowing for public comments of two minutes or less.

Judy Hansen requested that the no wake level be adjusted due to the increase of wake boarding activity. The wake boarding activities have increased and there could be more damage to piers.

Judy Hansen commented on the timing of the reports and not enough time to review the packets.  
Judy Hansen commented in favor of the passage of the pier ordinance tonight and to send to the DNR.

Ann Seidel commented to revisit 5.2, fences regulated ordinance and policy. She read a portion of the ordinance and commented that the ordinances contradict each other. She spoke in favor of the fence permits coming before the Plan Commission and Village Board.

Ann Seidel commented to review the care of trees and to review cutting down of trees.

Tim Fredman commented that he meant to compliment the board at the May meeting on items acted on since last fall. He wants more involvement from the community. He commented the monthly newsletter is timely; he would like more news in the newsletter and to have information on how to get more involved. He spoke in favor using youtube for the meetings. Mequon puts their meetings on youtube.

Ted Rolfs commented that the commission and board need more time to review the packets. This will give the committees more time to review and discuss with each other.

Ted Rolfs spoke in favor of youtube meetings.

Ted Rolfs spoke in favor of the pier ordinance.

Tim Fredman commented in favor of the commission and board need more time to review the packets.

**Approval of minutes from the Village Board meeting on May 13, 2024.**

**Motion (Manegold/Neumann) to approve the minutes from the Village Board meeting of May 13, 2024, as presented. Motion carried.**

**Approval of Invoices.**

**Motion (Kubick/von Hagke) to approve the invoices, as presented. Motion carried.**

**Swear in Police Officer Louis Aguilar.**

Captain Carney introduced Officer Aguilar and family.

Police Officer Louis Aguilar received Oath of Office.

**Review and consider renewal of Chenequa Country Club's liquor license covering the period July 1, 2024 through June 30, 2025, 6250 N State Road 83, Hartland.**

**Motion (Neumann/von Hagke) to approve the renewal of Chenequa Country Club's liquor license covering the period July 1, 2024 through June 30, 2025, 6250 N State Road 83, Hartland. Motion carried.**

**Review and consider renewal of operator license as submitted by Chenequa Country Club for Martina Deering, Earl R Doran, Nathan D Walters, Glenn Berbaum, and Steven Plumb.**

**Motion (von Hagke/Manegold) to approve operator licenses as submitted for Martina Deering, Earl R Doran, Nathan D Walters, Glenn Berbaum, and Steven Plumb). Motion carried.**

**Review and consider action on modification to a previously approved accessory structure addition / remodel plan at 31986 W. Treasure Island Drive as submitted by Pine Cove Hollow LLC (Tax Key No. CHQV 416994001).**

The proposal was discussed and recommended by the Plan Commission. Lincoln reported on the item.

**Motion (Grunke/Neumann) to approve modification to a previously approved accessory structure addition / remodel plan at 31986 W. Treasure Island Drive as submitted by Pine Cove Hollow LLC (Tax Key No. CHQV 416994001). Motion carried.**

**Review and consider action on a new primary residence at 7149 N. State Road 83 as submitted by Peter and Elizabeth Gottsacker (Tax Key No. CHQV 370997001).**

The proposal was discussed and recommended by the Plan Commission. Lincoln reported on the item. Discussion ensued that the existing accessory structure on the plat of survey is an accessory structure and not a dwelling.

von Hagke reported she called Mrs. Gottsacker to view the proposed location of the house and which trees will be cut down or saved. The builder confirmed that the ribbons on the trees indicate the trees that will be saved. Discussion ensued of the permitting application process. Discussion ensued of livable versus non-livable space. Discussion ensued of stormwater management and grading plan. Discussion ensued of the landscape plan timing and submittal.

**Motion (Kubick/Grunke) to approve new primary residence at 7149 N. State Road 83 as submitted by Peter and Elizabeth Gottsacker (Tax Key No. CHQV 370997001), clarify the accessory structure. Motion carried.**

**Review and consider action on certified survey map, combining of Lots 6 and 7 Darrah's Point, MRTT 0364-031 and MRTT 0364-032, David and Cathi Simon, Town of Merton. (Tax Key No. MRTT 0364-031 and MRTT 0364-032, Extraterritorial Jurisdiction).**

The Extraterritorial CSM was discussed and recommended by the Plan Commission. The extraterritorial item was approved by the Town of Merton.

**Motion (Grunke/Manegold) to approve certified survey map, combining of Lots 6 and 7 Darrah's Point, MRTT 0364-031 and MRTT 0364-032, David and Cathi Simon, Town of Merton. (Tax Key No. MRTT 0364-031 and MRTT 0364-032, Extraterritorial Jurisdiction). Motion carried.**

**Review and consider action on certified survey map to add a strip of land to existing parcel, at N67W33525 County Road K, MRTT 0363-099-001, Roadhouse Customs LLC, Tom Evert, Town of Merton. (Tax Key No. MRTT 0363-099-001, Extraterritorial Jurisdiction).**

The Extraterritorial CSM was discussed and recommended by the Plan Commission. The extraterritorial item was approved by the Town of Merton.

**Motion (von Hagke/Neumann) to approve certified survey map to add a strip of land to existing parcel, at N67W33525 County Road K, MRTT 0363-099-001, Roadhouse Customs LLC, Tom Evert, Town of Merton. (Tax Key No. MRTT 0363-099-001, Extraterritorial Jurisdiction). Motion carried.**

**Review and consider action on Ordinance 2024-06-10-01, Pier Regulation.**

The ordinance was discussed and recommended by the Plan Commission subject to discussion of the 12 foot set back. The ordinance will be submitted to the DNR for review and then come back to the Village Board with any changes.

Debbie McNear reported on the ordinance. Discussion ensued that neighbors could have agreements to share a pier. Discussion ensued of side loading slip.

Discussion ensued of the permitting process. The permit may come before the Village then DNR or vice versa or may be exempt. Historically there is not a Village permit in place. Under the ordinance if a DNR is required, the applicant applies for a permit with the DNR first, receives the permit and then applies for a permit or variance from the Village. Discussion ensued that if the DNR does issue a permit and it does not meet the Village requirement, the permit would then progress through the Village Board of Appeals.

Discussion ensued to remove the lighting portion section i. Attorney Gartner advised that the outdoor lighting ordinance is still in place.

Discussion ensued of the addition of docks or a floating pier language. Attorney Gartner advised that the DNR definitions were used.

Lighting could be address next month. Will depend on future action.  
Grunke: safety issue of lighting on the piers. Could be a pathway.

**Motion (von Hagke/Neumann) to approve Ordinance 2024-06-10-01, Pier Regulation, striking 5 (i) Regulations, lighting.** *Motion fails.*

**Motion (Neumann/Grunke) to approve Ordinance 2024-06-10-01, Pier Regulation.** *Motion carries.*

**Review and consider action Resolution 06-10-2024-01, Suburban Critical Incident Team, SCIT, Mutual Aid Agreement.**

Captain Carney reported on the SCIT.

**Motion (Kubick/von Hagke) to approve Resolution 06-10-2024-01, Suburban Critical Incident Team, SCIT, Mutual Aid Agreement.** *Motion carried*

**Review and consider action on Resolution 2024-06-10-02, Suburban Critical Incident Team, SCIT, Mutual Aid Agreement with City of Brookfield Fire Department.**

Captain Carney reported that this allows the City of Brookfield to cover the Village of Chenequa in these incidents when needed.

**Motion (Kubick/Grunke) to approve Resolution 2024-06-10-02, Suburban Critical Incident Team, SCIT, Mutual Aid Agreement with City of Brookfield Fire Department.** *Motion carried.*

**Review and consider action on Village Board and Plan Commission meeting schedules and timing of packets with relation to Ordinance 1.2 Board of Trustees, (b) Regular Meetings.**

Discussion ensued of the timing of meetings in relation to ordinance 1.2 and regular meetings. Discussion ensued of the back-to-back meetings, Plan Commission and then Village Board meetings.

Discussion of the impact on staff review, timing of letters and public notices continued.

Discussion ensued of adding a month to the process could be problematic. Attorney Gartner advised against a full month staggered.

In some circumstances it is beneficial, having the Plan Commission prior to the Village Board meeting. If the Village Board met three days later, it would be two different meeting days. Currently the meetings are all on one night. From a builder it is ideal to have one meeting night. Keeps the neatness of one meeting night.

If the meetings address different items, the property owner would be one month behind.

Discussion ensued to have the items due by the 8<sup>th</sup> of the month rather than the 15<sup>th</sup> of the month.

Discussion ensued of the packets and more time is needed to review the packets, Thursday is too late. Wednesday is helpful.

It was requested to have the packets to the Board one week prior to the meeting.

Report – Village Forester – The treatment of Pine Lake will be this week. This should not effect the trees that were planted on the island.

Report – Village Captain – North Lake and Beaver lake are no longer under slow no wake.

Report – Village Administrator – No report. Absent.

Report – Village President. – No report.

Report – Village Attorney – Commented on an orientation for Village Board, Commissions, and Committees. He is looking to have an open attendance with focus on open meetings law, procedures, standards on types of decisions and ordinance sections.

### **Future Agenda items to be considered:**

von Hagke and Gehl Neumann would like to address youtube meetings, fence ordinance, and tree ordinance. This would include the protection of the trees outside of the 75-foot set back. The item was discussed last year. Discussion ensued to review lighting ordinance for pier ordinance.

Attorney Gartner clarified that fences under four feet do not require a permit and if the fence is not in the setback area, does not go through the permit process.

Discussion ensued that the Village has limited control over solar panels. The solar panels were reviewed two years ago.

Discussion ensued of a security concern of youtube; the reluctance to have the meetings on youtube due to a security risk and concern. Discussion ensued that discretion is the point.

Attorney Gartner advised of the software Legistar that was started in the City of Milwaukee. Meetings recorded are on Legistar and available for review. These types of programs are expensive and generally not seen in a community of this size. Discussion ensued of an additional concern of building plans being on line.

### **Adjournment**

Motion (Kubick/Neumann) adjourn the Village Board meeting at 8:26 p.m. Motion carried.

Respectfully submitted by:

Approved and Ordered Posted by:

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Deanna Braunschweig  
Village Clerk - Treasurer

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Jo Ann F. Villavicencio  
Village President





## STAFF REVIEW

**Date:** June 28<sup>th</sup>, 2024

**Meeting Date & Time:** Monday, July 8<sup>th</sup> at 6:00 P.M.

**To:** Plan Commission, Village of Chenequa

**From:** Planning Department

**Subject:** Site Plan Review

**Landscaper:** Land Works

**Owner:** Peter and Elizabeth Gottsacker

**Location:** 7149 N State Road 83

**Project Description:** Proposed Landscape Plan and Lighting Plan

**Zoning District:** Residence District - Lot Abutting a Lake

### COMMENTS:

#### Proposed Landscaping

1. Land works has recently submitted a landscape and lighting plan on behalf of the Gottsacker family.
2. A complete landscape and grading plan is provided in the Plan Commission and Village Board packet.
3. All proposed landscaping and landscape lighting is currently beyond the 75' setback from the OHWM of North Lake.
4. Landscaping includes;
  - One at grade patio on the lakeside of dwelling
    - o This patio is entirely outside the 75' shoreland buffer setback.
    - o The patio is proposed to be constructed from "Full Range Bluestone"
    - o On this patio, the applicant is proposing to construct a firepit structure
  - One at grade patio on the North side of the dwelling (with hot tub)
    - o The applicant is proposing to install an at grade patio labeled as a "Tranquility Terrace" on provided plans.
    - o This patio is proposed to be constructed from "Full Range Bluestone"
    - o Included with this patio, the applicant is proposing an 8'X10' in ground hot tub.

- Roadside
  - Roadside the applicant is proposing a driveway court with a bluestone paver walkway.
  - There is an additional small covered patio shown on the plans near the courtyard. (This patio will also be constructed from “Full Range Bluestone”)
  - Headed southward from the courtyard, the applicant proposes a bluestone path with gravel infill between the pavers.
  
- Retaining walls
  - The applicant is proposing several “Snapped Limestone” retaining walls around the perimeter of the structure.
  - These retaining walls are outside of the 75’ setback from North Lake
  - These retaining walls do not encroach on the minimum side yard setback requirements.
  
- Stormwater management
  - Around the perimeter of the home the applicant will be installing a “Gravel Maintenance Strip” with perforated PVC pipe to capture storm water. This is in replacement to a traditional gutter system.

#### 5. Proposed Lighting

- a. The landscape plan also proposes 40 fully shielded pathway lights around the property.
  - i. A spec sheet for the proposed landscape light is provided in the packet
  - ii. The proposed lumen output per fixture is 90
  - iii. The color temperature of these fixtures is 2,700K
- b. The applicant also proposes to install 6 under coping lights around the lakeside patio.
  - i. These lights will be build into the masonry and downward facing
  - ii. The total lumen output per fixture is 52
  - iii. The color temperature of these fixtures is 2700K

c: Dan Neumer, Administrator  
 Deanna Braunschweig, Clerk  
 Paul Launer, Lake Country Inspections  
 Peter and Elizabeth Gottsacker, Owner  
 Cody Lincoln, Zoning Administrator



Peter and Beth Gottsacker  
W314 N7155 HWY 83  
Hartland, WI 53029

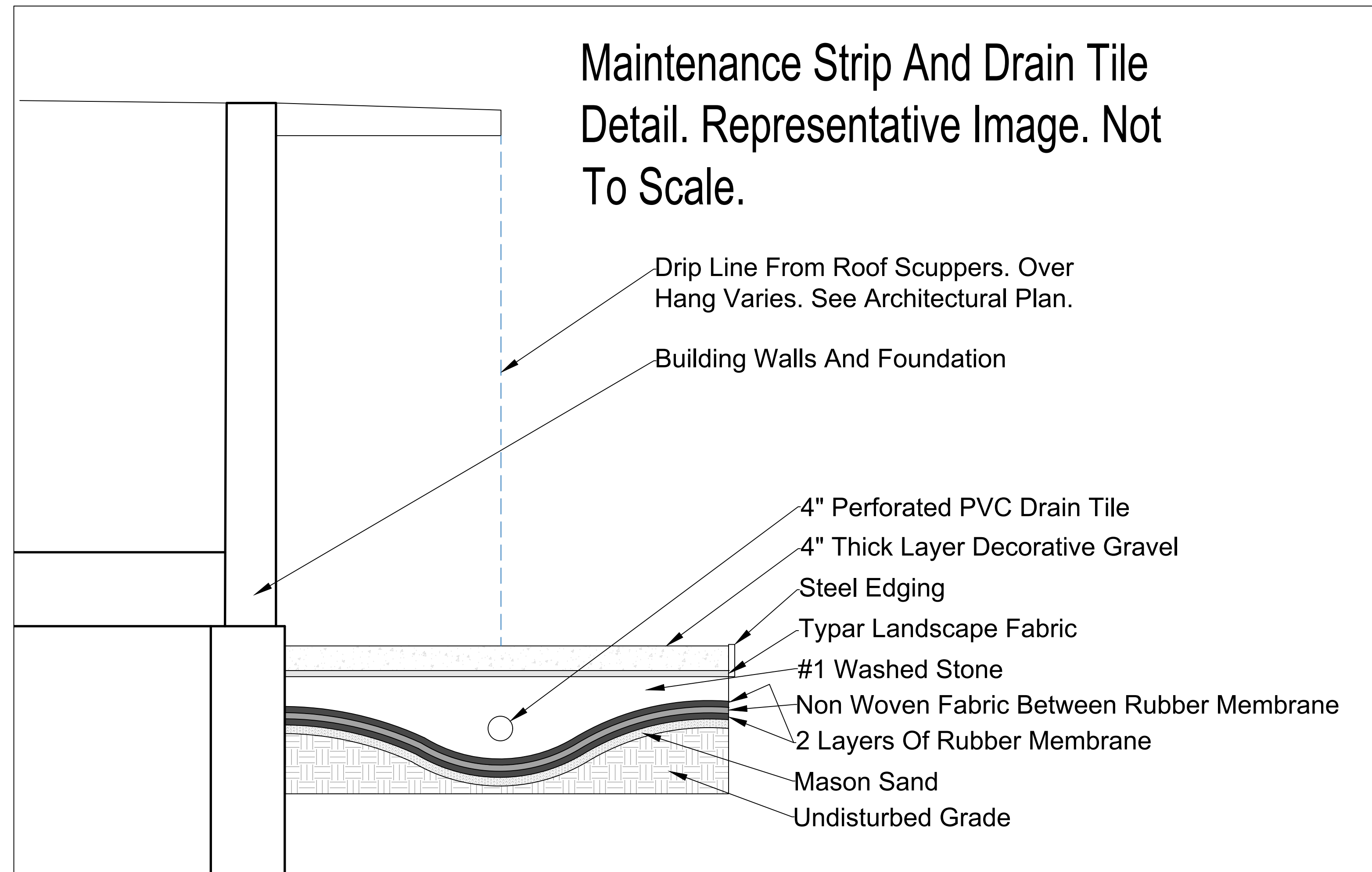


Details & Specifications

LA Name:  
Brian Zimmerman -  
PLA, ASLA  
Drafted By:  
Lori Hake, Peter Yank  
Date:  
06.13.2024  
Revisions:  
00.00.0000

Sheet Number:  
L-300

Maintenance Strip And Drain Tile Detail. Representative Image. Not To Scale.



Coping Light Specifications

**LF LED Wall Light DESIGNER PREMIUM**

PROJECT \_\_\_\_\_

CATALOG # \_\_\_\_\_

TYPE \_\_\_\_\_

NOTES \_\_\_\_\_

The LF is our LED under-the-cap hardscape wall light. It can easily be fitted between a block wall and capstone for a neat, clean installation. Due to its modular bracket design, the LF can even be installed under railings and existing construction.

**Quick Facts**

- Die-cast brass housing
- Natural, powder coated, or antiqued brass finishes
- Lumileds® Integrated LEDs
- Compatible with Luxon® technology
- Phase and PWM dimmable
- Input voltage: 10-15V

6.7" (170 mm)

2.6" (66 mm)

1.0" (25 mm)

0.9" (23 mm)

**LF LED Wall Light PHOTOMETRICS**

LF-1LED - Illuminance at a Distance

Distance	Center Beam fc	Beam Width	
Feet (Meters)	Foot-Candles (Lux)	Vertical : 100.7°	Horizontal : 107.0°
1' (0.3 m)	37 fc (398 lx)	2.4 ft (0.7 m)	2.7 ft (0.8 m)
2.0' (0.6 m)	9.3 fc (100 lx)	4.8 ft (1.5 m)	5.4 ft (1.6 m)
3' (0.9 m)	4.1 fc (33 lx)	7.2 ft (2.2 m)	8.1 ft (2.5 m)
4.0' (1.2 m)	2.3 fc (25 lx)	9.6 ft (2.9 m)	10.8 ft (3.3 m)
5.0' (1.5 m)	1.5 fc (16 lx)	12.1 ft (3.7 m)	13.5 ft (4.1 m)
6.0' (1.8 m)	1 fc (11 lx)	14.5 ft (4.4 m)	16.5 ft (5.0 m)

LF ZDC - Illuminance at a Distance

Distance	Center Beam fc	Beam Width
Feet (Meters)	Foot-Candles (Lux)	
1'	37 fc	2.4 ft x 2.7 ft
2.0'	9.3 fc	4.8 ft x 5.4 ft
3'	4.1 fc	7.2 ft x 8.1 ft
4.0'	2.3 fc	9.6 ft x 10.8 ft
5.0'	1.5 fc	12.1 ft x 13.5 ft
6.0'	1 fc	14.5 ft x 16.5 ft

**LF LED Wall Light SPECIFICATIONS**

Output	1LED
Total Lumens <sup>†</sup>	95
Input Voltage	10 to 15V
Input Power (W)	1.9
VA	2.2
Efficacy (Lumens/Watt)	52
Color Rendering Index (CRI)	84
Max Candela	38
Dimming	PWM, Phase**
Luxon Compatibility	
Default	Zoning
ZD Option	Zoning/Dimming
ZDC Option	--
Minimum Rated Life (L70 B10)	L70 (hrs) 72,000
BUG Rating	80-UD-G0

<sup>†</sup> Measured using the 3,900K CCT lens. Multipliers for other CCTs include 0.80 (2,700K).  
\*\* For optimal performance, use a trailing-edge, phase-cut dimmer.

Path Light Specification

**MARKET™ PATH LIGHT**  
LINE VOLTAGE (120V)

Standard height: for most applications.

Extended height: for placement among taller plantings.

MARKET™ 6" WIDE PATH LIGHT LINE VOLTAGE STANDARD HEIGHT  
EX-7106-A24-1D-19

MARKET™ 6" WIDE PATH LIGHT LINE VOLTAGE EXTENDED HEIGHT  
EX-7106-A24-1D-27

Medium base screw-in socket (1) accepts 60 W max incandescent or compact fluorescent/LED equivalents.

1/2" NPT Male tapered thread connects to standard landscape light fittings.

Hidden, clear tempered glass protects lamp.

UL listed for exterior location.

Durably constructed of solid brass.

Available Finishes:  
Architectural Bronze, Verdigris Patina, Antique Copper

**NEW CLASSICS™**  
Handmade in USA

Bulbs For Path Lights

**LED LAMP SPECIFICATIONS**

**FEIT ELECTRIC**

**Soft White 2700K**

**Ideal For**  
Ceiling Fans | Lanterns

**Features**

- Instant On, to Full Brightness
- Suitable For Damp Locations
- Dimmable
- ETL Listed
- FCC Compliant
- RaFIS Compliant
- 100% Mercury Free
- 3 Year Warranty
- Soft White
- Tile 20 Compliant

**Benefits**

- Full Range Dimming
- Energy Efficient: Up to 88% less energy than standard incandescent
- No Ultraviolet - Safe for artwork
- Color Consistency
- Low Heat
- Durable
- Long Life

**Specifications**

Item Number	Input Power (watts)	Incandescent Equiv. (watts)	Input Line Voltage
BPA1540W927CAFL2/8P	5	40	120
<b>Base Type</b>	<b>Lumens</b>	<b>Lumen Efficiency (lm/w)</b>	<b>CCT</b>
E26	450	90	2700K
<b>CRI</b>	<b>Beam Angle</b>	<b>MOL</b>	<b>Diameter</b>
90+	N/A	3.2"	1.85"
<b>Life Hours</b>	<b>Minimum Starting Temperature</b>		
15,000	-13°F		

Feit Electric Company 4901 Gregg Rd. Pico Rivera, CA 90660 1.800.543.Feit www.feit.com

# Gottsacker Materials



Bluestone Paving



Mountain Crest 8" Snapped Wall Stone



Hot Tub Styling Image



To: Village Board of Trustee's

From: Cody Lincoln; Zoning Administrator

Date: June 27<sup>th</sup>, 2024

Subject: Review of ordinance 5.20 "Fences Regulated"

During the June 10<sup>th</sup> Village Board meeting, it was asked that section 5.20 of Village code be reviewed and discussed during the July meeting. In preparation for this meeting, I have included a copy of this ordinance and a short memo that breaks down how the Village interprets the various sub-sections of this ordinance that have been brought into question.

Ordinance 5.20 "Fences Regulated" currently reads;

*"Fences shall not be constructed in the Village except as hereinafter provided and shall be expressly required in connection with swimming pools as provided in Section 5.21 below.*

*(1) PERMIT REQUIRED. Except as provided in subsections (2) and (3) below, no person shall erect, construct, alter or enlarge a fence without obtaining a permit. Every application for a fence permit shall be accompanied by a dimensional drawing showing the proposed location and construction. All permit applications shall be referred to the Plan Commission and shall be considered as to appearance, materials, design, location, height and harmony of the proposed fence with the principal structure on the lot and structures on neighboring lots so as not to adversely affect property values in the neighborhood.*

*(2) EXCEPTIONS. No permit shall be required for the construction of a fence which is not located within a setback area where such fence is less than four (4) feet in height or surrounds a dog run or garden.*

*(3) SETBACK AREAS. Fences are prohibited in lake setback areas and the shoreline buffer zone; provided, however that temporary metal wire fences to be used as goose barriers and which are no higher than three (3) feet shall be allowed within a setback area from a lake from April 1 through November 30. No permit shall be required for such temporary goose barrier fences.*

*(4) HEIGHT RESTRICTION. No fence shall be erected or constructed which exceeds a height of eight (8) feet. All fences shall be located at least two (2) feet from the lot line.*

*(5) NO BARBED WIRE OR CHAINED LINK FENCES. No barbed wire or chained link fences shall be permitted; provided, however that chained link fencing may be used around a tennis court or a dog run.*

*(6) GATED ENTRANCES. All gated entrances shall require a permit hereunder and in addition to the criteria for obtaining a permit under subsection (1) above, the issuance of a permit therefor shall be subject to the approval of the Building Inspector with advice from the Police Chief and Fire Chief with respect to access in case of an emergency.*

*(7) MAINTENANCE. Fences shall be kept and maintained in good, sound and presentable condition at all times. Fences not so maintained that become dilapidated or otherwise adversely affect property values in the neighborhood, shall be removed upon order of the Building Inspector."*

This discussion was originated when a Village resident spoke during the public comment period of the June meeting. During the public comment period, the resident pointed out that 5.20(2) "Exceptions" essentially cancels out everything that is required in 5.20(1). The resident requested that this be reviewed and considered to avoid future potential issues.

5.20(1) "Permit Required" is very clear about what is required to install a new fence in the Village. This section outlines the required submittal documents for review in addition to the aesthetic requirements. 5.20(1) also states that 5.20(2) and 5.20(3) are exceptions to the requirements of 5.20(1).

5.20(2) "Exceptions" states that there is no permit required for the construction of a fence not located in a setback area and where the proposed fence is less than four feet in height or surrounds a dog run.

5.20(3) "Setback Areas" describes that fences shall not be installed within the shoreline buffer zone with the exception of temporary metal wire fences to be used as goose barrier (not to exceed three feet in height). The section goes on to state that these goose fences may only exist between April 1<sup>st</sup> and November 30<sup>th</sup>.

Based on the way ordinance 5.20 is currently written, it is the Village's interpretation that a fence permit is not required if;

- A.)** a fence is not within a "setback area" (as defined in 5.20(3))
- B.)** a fence complies with the minimum side yard setback requirement of two feet and
- C.)** a fence is less than four feet in height

Furthermore, it is the permit requirement in itself that prompts the need for Plan commission and Village Board review. The lack of a permit requirement eliminates the review and regulation of structures of this nature.

Eliminating 5.20(2) from the code would require that all fences (no matter the height) with the exception of goose fences as outlined in 5.20(3) WOULD require a permit and Plan Commission/Village Board review.

Respectfully,

Cody Lincoln  
Zoning Administrator

To: Village Board of Trustee's

From: Cody Lincoln; Zoning Administrator

Date: June 27, 2024

Subject: Ordinance 5.24 (7) Outdoor Lighting, Shoreland Lighting

During the June 10<sup>th</sup> Village Board meeting, the Village Board asked to continue discussion on ordinance 5.24 "Outdoor Lighting". More specifically, the Village Board wished to review the current requirements as outlined in 5.24(7) "Shoreland Lighting". This section of the code was brought up when the Lake Management Committee was presenting their proposed pier ordinances. During this presentation, it was shared that our current ordinances permit the installation of outdoor lighting on piers and boathouses.

5.24(7) Reads;

*(7) SHORELAND LIGHTING. The purpose of this Section is to minimize Glare and Light Trespass in the shoreland environment without significantly inhibiting safety and security.*

*(a) This subsection applies to all Outdoor Lighting Fixtures located on berthing structures, piers or docks or designed to illuminate such structures.*

*(b) The following requirements shall apply:*

*(i) Flashing and rotating lights are prohibited.*

*(ii) Outdoor Lighting Fixtures located on the exteriors of berthing structures, piers or docks shall have Shielding or be fitted with an opaque Light Shield to limit the upward and outward projection of light to an angle no greater than forty-five (45) degrees below the horizon to prevent direct visibility of the lamp to persons on public waters or adjacent lands. Such Outdoor Light Fixtures shall be limited to a maximum of one (1) Foot-Candle measured at the ordinary high-water mark.*

*(iii) Outdoor Lighting Fixtures not mounted on berthing structures, piers or docks but designed to illuminate such a structure or its immediate vicinity shall comply with subparagraph (ii) above.*

*(iv) Outdoor Lighting Fixtures installed on or intended to illuminate, berthing structures, piers or docks shall be turned off when not required for safety or security.*

The key take-aways of this section are;

- 1.) Outdoor lighting on, or the illumination of boathouses, piers and docks is permissible.
- 2.) There may not be flashing lights mounted on these structures
- 3.) 5.24(7) is more restrictive than the rest of the outdoor lighting code in the regard that it;
  - a. Restricts outward projected light to a maximum of 45 degrees below the horizon.

- b. Limits light output to a maximum of one foot candle (measured at the ordinary high-water mark)
- c. May only be used when required for “safety and security”

Respectfully,

Cody Lincoln  
Zoning Administrator



To: Village Board of Trustee's

From: Cody Lincoln; Village Forester

Date: June 27, 2024

Subject: Increased Regulation of Tree Removal Outside the Shoreland Setback

During the June 10<sup>th</sup> Village Board meeting, the Village Board asked to continue discussion on increasing the regulation of tree removal within the Village. As you may recall, this item was first presented and discussed during the August 14<sup>th</sup> 2023. Below is a brief summary of the tree preservation ordinances used by the City of Mequon and Waukesha County that were presented during this meeting. Overall, the Village found that municipalities who seek to regulate the removal of trees outside the shoreland buffer zone often choose to focus regulation on "specimen" or "priority" trees.

### City of Mequon

-permission required to remove any specimen tree on any land within the City of Mequon

-permit for specimen tree removal granted for:

- dead, dying, or severely damaged trees
- diseased trees likely to spread infection to nearby trees
- to alleviate unreasonable hardship

-all specimen trees removed must be replaced if:

- they were removed to alleviate unreasonable hardship
- they were damaged by non-natural causes
- they were removed unlawfully

### **(6) SPECIMEN TREE LIST**

A. The following trees (or grouping of trees) have been determined to be of a high value by the City Forester or his associate because of species, size, age, historic significance or other professional criteria. Any tree in fair or better condition which equals or exceeds the following diameter sizes at breast height (DBH):

<u>*Acer rubrum – Red Maple 10"</u>	<u>*Celtis occidentalis – Common Hackberry 16"</u>
<u>*Acer saccharum – Sugar Maple 12"</u>	<u>*Fagus grandifolia – American Beech 12"</u>
<u>*Alnus species Alders 10"</u>	<u>*Quercus species – All Oaks 12"</u>
<u>*Amelanchier species – Amelanchiers 6"</u>	<u>*Pinus strobus – White Pine 12"</u>
<u>*Carpinus caroliniana – Muscledwood 6"</u>	<u>*Juglans cinerea – Butternut 12"</u>
<u>*Carya species – All Hickories 12"</u>	<u>*Prunus serotina – Black Cherry 12"</u>
<u>*Juglans nigra – Black Walnut 12"</u>	<u>*Ostrya virginiana – Ironwood 6"</u>
<u>*Juniperus virginiana – E. Red Cedar 8"</u>	<u>*Thuja occidentalis – White Cedar – 12"</u>
<u>*Larix Laricina – Tamarack 12"</u>	<u>*Tilia americana – Basswood/American Linden 20"</u>
<u>*Gymnocladus dioicus – Kentucky Coffeetree 12"</u>	

\* = native tree

Note: A lesser-sized tree can be considered a specimen if it is a rare or unusual species, of exceptional quality, or is of historical significance.

Waukesha County

- permission required to remove any vegetation within 35’ of a lake
- permission required to remove any priority trees within 300’ of a lake
- permit for priority tree removal granted for:
  - dead, dying, diseased, or damaged trees
  - trees posing a safety hazard
  - trees that lie in a designated viewing corridor
  - trees that conflict with placement of permissible improvements/structures
- trees removed for the purpose of improvements or structure placement must be replaced
- priority tree list includes all of the following species, 12” or greater in diameter

**Priority Tree List**

- |  |                               |
|--|-------------------------------|
| Basswood   | Beech                         |
| Black Cherry   | Blue Ash                      |
| Butternut  | Elm (Red, Rock)               |
| Hackberry  | Hickory (Bitternut, Shagbark) |
| Ironwood   | Kentucky Coffeetree           |
| Maple (Red, Silver, Sugar)   | Red Cedar                     |
| Tamarack   | Yellow Birch                  |
| Oak (all types including White, Bur, Red, Black, Swamp White, Pin) |                               |

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08/29/19

Based on Board comments from the August 14<sup>th</sup> 2023 Village Board meeting, the Forestry Department was directed to compile ideas for feasible amendments to Ordinance 6.09, effectively increasing regulation of tree removal on lake properties. The following was presented during the November 13<sup>th</sup> 2023 Village board meeting. It is important to remember; in order for an ordinance amendment to be feasible, it should promote tree preservation while also being enforceable and easily understandable by all.

**Items for Board consideration:**

1. Maintain existing 75’ buffer regulations without amendments.
2. If desired by the Board, possible tree preservation regulations in addition to the existing 75’ buffer regulations could include:
  - Option A - extend current 75’ shoreline buffer zone out to 150’ from the lake

-Option B – only regulate “specimen trees” from 75’ to 150’ from the lake (specimen trees would be defined by species/size chart approved by Board)

-Option C – only regulate trees greater than 10” in diameter from 75’ to 150’ from the lake

- If the Board decides to move in the direction of further regulation, considering different options on regulating up to 150’ from the lake would sufficiently preserve forest cover on the lakeside of the average dwelling throughout the entire Village. The 150’ measurement option came from the average primary dwelling distance from the lake as measured from aerial imagery on Waukesha County GIS.

Average Primary Dwelling Distance from the Lake:

-Pine (144 properties) – 155’

-North (35 properties) – 156’

-Beaver (24 properties) – 96’

-Cornell (6 properties) – 110’

-total for entire Village (209 lake properties) – 147’

Additional considerations if the Board decides to further regulate tree removal up to 150’ from the lake:

1. Direction will need to be given on what trees can be permitted for removal in this area, such as:

-dead, dying, diseased, or damaged trees

-trees posing a safety hazard

-trees that lie in a designated viewing corridor

-trees that conflict with placement of permissible improvements/structures

2. If tree cutting is to be regulated beyond 75’ from the lake, the Board should recognize and consider the implications of regulating tree removal in the building envelope of property.

3. Any ordinance changes should be easily understandable by homeowners to ensure compliance.

4. Any ordinance changes should be reasonably enforceable with existing Village resources.

Respectfully,

Cody Lincoln

Village Forester