



AGENDA

Village of Chenequa Plan Commission
Monday, August 11, 2025 at 6:00 p.m.
31275 W. County Road K, Chenequa, WI 53029

This is official notice that a meeting of the Plan Commission for the Village of Chenequa will be held at 6:00 p.m., on Monday, August 11, 2025, 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 Plan Commission meeting held on July 14, 2025.
3. Discussion with possible action/direction, Ordinance No. 08-11-2025-01, An Ordinance amending and restating Village code section 8.24 care of tree, shrubbery, plant, or ground cover.
4. Adjournment.

Respectfully submitted by:
Deanna Braunschweig, Village Clerk – Treasurer

To participate via Zoom:

<https://us02web.zoom.us/j/85347730099?pwd=vPzCsjTv9CC4d4tF1S8B1YXqsHDLzs.1>

Meeting ID is 853 4773 0099 and the Passcode is 248892

Or Dial: 646 931 3860 US

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 the Village Board or 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 Wednesday, August 6, 2025 by 4:30 PM

VILLAGE OF CHENEQUA

VILLAGE OF CHENEQUA - PLAN COMMISSION MINUTES OF MONDAY, JULY 14, 2025

Unofficial until approved by the Plan Commission.
Approved as written () or with corrections () on _____.

The regular monthly meeting of the Plan Commission for the Village of Chenequa was held on Monday, July 14, 2025, following Oath of Office, at 6:08 p.m. utilizing Zoom Communications and in person.

Ms. Villavicencio / Chairperson – present
Ms. Surles / Member – absent
Mr. Pranke / Member – present
Mr. Enters / Member – present
Ms. Benz / Member – present
Mr. Carroll / Member – present
Mr. Kriva / Member – present
Mr. Gartner / Village Attorney Representative – present
Mr. Lincoln / Zoning Administrator-Forester – present
Mr. Carney / Police Chief, Administrator– present
Ms. Braunschweig / Village Clerk – present

Call to Order.

Pledge of Allegiance

Public in Attendance

Andrew Kissel, Sue Touchett, Judy Hansen, JoJo Gehl Neumann, Richard Grunke, Carol Manegold, Rob Manegold, Ted Rolfs, Heidi von Hagke, Deputy Fire Chief Tony Wasielewski, Tim Fredman, Julie Rolfs, Ted Davis, Pete Feichtweist, George Rolfs, David Moore, Grant Moore, Julie Rolfs, John Conard, Scott Byron, Jim Angle, Debbie Wheeler, Melissa Myers, Andy Ziegler, Carlene Ziegler, Fred Wilson, Elliot Flaws, John Leonard, Dan Geenen, Carol Geenen

Public Comment

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

Ted Rolfs commented that the Village has been quiet as far as construction. Questioned if the builders were reminded of the code and be mindful of neighbors.

Debbie Wheeler commented on noise and of timelines of the construction management. She commented on impervious surface.

Heidi von Hagke commented on how to place public comments on future items for the agenda.

Approval of minutes from the Plan Commission meeting held on June 9, 2025.

Motion (Carroll/Benz) to approve the minutes from the Plan Commission meeting of June 9, 2025, as presented. *Motion carried.*

Review and consider action on a proposed landscape plan at 5964 N. Oakland Road submitted by Daniel and Carol Geenen. (Tax Key No. CHQV 0403977002)

Director Lincoln introduced the proposal.

The applicant has submitted a landscape plan for the property. Plans include the addition of a paver path entryway, a lakeside paver border and new plantings around the perimeter of the home.

The proposed entryway paver sidewalk feature connects the driveway to the front entry. The sidewalk consists of “TechoBloc Blu” paver (Caffe Crema) with a “Unilock Mattoni” (Dark Charcoal) border. There is a circle sidewalk feature where the three sidewalks intersect. This feature will be Techno Bloc Borealis (Smoked Pine) with a unilock Mattoni (Dark Charcoal) border. A stone will be placed in the center of the circle feature with a large planter. There is an additional stepper path constructed of “superior steppers” that leads to the side yard.

On the lakeside of the primary dwelling, the applicants propose to install a paver border around the existing (previously approved) deck on the property. This paver feature consists of “TechoBloc Blu Grande HD2” paver (Caffe Crema) with a “Unilock Mattoni” (Dark Charcoal) border.

The Proposed planting beds include mulch beds around the perimeter of the home the applicants are proposing a variety of plantings. The species and location are identified on the provided landscape plan. Weather Edge outcropping stone and a Hand Well Pump will be added as aesthetic features.

Motion (Kriva/Enters) to recommend proposed landscape plan at 5964 N. Oakland Road submitted by Daniel and Carol Geenen. (Tax Key No. CHQV 0403977002) *Motion carried.*

Review and consider action on proposed modifications to an existing single-family dwelling at 4667 N. Pine Meadows Lane submitted by Michael Kelly. (Tax Key No. CHQV 0734993003)

Director Lincoln introduced the proposal.

The applicant is proposing to remodel the existing single-family residence on the property. The dwelling on the property is currently legal-conforming.

The proposed exterior remodel and additions to the primary dwelling have been highlighted in packet.

Changes consist of converting existing hip roof areas to gable ends on the lakeside elevation, adding dormers/gable ends on the roadside and lakeside elevation, adding new living space over the existing deck, replacing and enlarging the existing lakeside deck space, replacing and enlarging the roadside main entryway, and replacing existing chimney shroud.

The living area of this dwelling is proposed to be 7,861 Square feet. This is an addition of approximately 842 square feet of living space. Rendering, provided plans, notes and photo samples are provided in the packet.

The elevated deck addition proposes to remove the existing deck and replace it with a new, enlarged deck space. The new deck addition will be approximately 588 Square feet, constructed of composite decking boards with aluminum guard rails and glass panels, the proposed decking will be “IPE- Natural hardwood” boards, and the new proposed deck does not encroach on the 75’ setback from Pine Lake.

The Covered Entry Addition proposal expands the footprint of the main entry covered area on provided plans. The proposed materials for entry will match the materials used on the rest of the primary dwelling and this addition does not further encroach on any existing setback areas. The applicant proposes to keep all existing light fixtures on the property.

Discussion ensued of the existing light fixtures and non-compliance of the light fixtures. Designer commented not opposed to becoming compliant and making the motion conditional.

Motion (Kriva/Benz) to recommend proposed modifications to an existing single-family dwelling at 4667 N Pine Meadows Ln submitted by Michael Kelly, conditional that the lighting is compliant with the current ordinance. (Tax Key No. CHQV 734993003) Motion carried.

Review and consider action on a proposed retaining wall reconstruction at 6142 N State Road 83 submitted by WB Lake Properties II LLC. (Tax Key No. CHQV 0397996)

Director Lincoln introduced the proposal. Andrew Kissel commented on the proposal.

Serenety Farm Landscaping has recently submitted a proposal on behalf of WB Lake Properties II LLC. The applicant proposes to add riprap, replace an existing seawall and add a set of stairs along the shorefront of Beaver Lake.

The existing seawall on the property is a legal non-conforming structure. The applicant has described this wall structure as “frost cracked” and “failing” with portions that are “undermined due to erosion”. As defined in **6.7(4)(b)** A legal non-conforming structure that is located within the shoreline buffer zone may be modified during its lifetime so long as such modification does not increase the footprint, living area or height of the structure. The code defines modification **6.3(29)** as “A “building or structure alteration” and/or a “reconstruction”. Reconstruction is then defined as **6.3(36)** “The rebuilding of a structure in such a manner and to such an extent as to substantially replace the existing structure”. The applicant is not seeking permission to increase either the footprint or height of this sea wall structure. As proposed, the lower portion of the existing seawall and footing will remain intact. The new seawall structure would begin approximately 36” above the ordinary high-water mark of Beaver Lake and would be built using the footing portion of the existing seawall as a base. The new wall structure maintains the same footprint and height has the pre-existing wall and would be constructed of “Irregular Weathered Edge Ledge stone”.

In addition to the seawall, the applicant proposes a set of stairs within the 30’ setback of Beaver Lake. Uncovered stairways between the lake frontage line and 30’ are permissible per 6.4(4)(a)(i)(A). The plans provided propose to use a weathered edge natural step (Similar to the stone proposed for the retaining wall). The stair location and stone appearance is provided in the packet.

Finally, the applicant is proposing to install 190’ of riprap along the shorefront. Shoreline riprap is a DNR regulated project.

Discussion ensued of a buffer zone along the sea wall section that addresses the steep drop. Discussion ensued of plantings above that. Across the island there was a lot of work done without a silk sock. Discussion ensued of proper controls during the project for erosion.

Motion (Carroll/Enters) to recommend proposed retaining wall reconstruction at 6142 N State Road 83 submitted by WB Lake Properties II LLC. (Tax Key No. CHQV 0397996) Motion carried.

Review and consider action on a proposed pool house with pool at 31795 W Muscovy Road (Lot 2) submitted by 31795 Muscovy Road LLC. (Tax Key No. CHQV 0398999001 – Lot 2)

Director Lincoln introduced the proposal.

Morgante Wilson presented. Andy Ziegler commented they have lived on the Pine Lake for eleven years and enjoy it. More room is needed for family with a guest house and pool house for the family to enjoy. The guest house is truly designed as a guest house. Neighbor Juras wrote a favorable letter.

Fred Wilson and Elliot Flaws of Morganite Wilson presented both items to the board. The landscape plan and plantings were reviewed. Discussion ensued of possible two - three trees to be removed. The retaining wall is to save the trees. Discussion ensued of completion of Spring of 2027 and starting Fall of 2025.

The pool house proposal is to construct a pool house structure on the newly created “Lot 2” of parcel 398999001. The pool house structure has a total footprint of 1,896.26 and a total square footage of 2,927.27 including basement and crawlspace. The accessory structure meets ordinance 6.5(6) restricts the location, quantity and size of accessory structures on a property. Per 6.5(6)(c) “The maximum footprint of all accessory buildings erected, modified or moved on any lot shall not exceed two (2) percent % of total lot area” The Total footprint of accessory buildings (including proposed pool house is 3,598.73 square feet.). This makes up 1.96% of total lot area. Per 6.5(6)(d)(i) the total lot number of accessory buildings permitted on a 4.2-acre parcel is three. Currently, there are three accessory buildings on the property. To accommodate for the new pool house, the applicant proposes to remove the existing “legal nonconforming” pumphouse structure on the SE corner of the property. The pumphouse structure must be removed prior to completion of the pool house structure. A “Proposed Materials and Exterior Palette” were included with the provided plans. The materials include cedar roofing, cedar wall shingles (painted dove white), and stone veneer cladding (stone wood grey).

The proposal includes a pool house as a pool/spa with surrounding patio structure. The proposed pool/spa dimensions are 18’x 64’. Due to the change in terrain, along the east elevation, there is an exposed stone retaining wall. To help screen the appearance of this retaining wall, the applicants are proposing a “living planting wall” approximately 10’ in height.

The proposed terraces and pool deck will be paved with “edenstone”. The stone appearance is included in the packet. Pool deck location and layout is included on the plans.

Along the south elevation of the proposed pool house the applicant proposes a boulder outcropping wall with a stone stepper pathway/stair. The location and materials of the landscape are included in the packet and include boulder retaining walls will be constructed of “gun metal granite”. Path and steps will be constructed of irregular flagstone” and boulder outcropping. As required in 5.12 (Swimming Pool Regulations). A 4’ fence will surround the pool house structure. The proposed fence sample photo and location is provided in the landscape plan.

An outdoor lighting plan has been submitted and requires Plan Commission review and Village Board Approval. The lighting includes structure nine Mounted Wall Sconces. This lantern has a 3,000K color temperature and an output of 523 lumens. These fixtures are compliant with 5.24 (Outdoor Lighting Code). The wall Light (Nuvi 12V Round), there are eight round wall lights proposed as wall mounted landscape lighting around the pool. The proposed lights will be mounted on the stone piers around the pool deck. This wall light has a 2700K color temperature and an output of 100 lumens. These fixtures are compliant with 5.24 (Outdoor Lighting Code).

There are nine path lights proposed on the property. These path lights have a color temperature

of 2700K and a lumen output of 300. These fixtures are compliant with 5.24 (Outdoor Lighting Code).

The proposed detached accessory structure is over one hundred (100) feet to any existing single-family structure on an adjoining lot which complies with section Sec. 6.5(c)(i). This is an accessory structure and may not be used as a dwelling. Cooking and sleeping quarters in this structure are not permissible.

Motion (Benz/Kriva) to recommend proposed pool house with pool at 31795 W Muscovy Road (Lot 2) submitted by 31795 Muscovy Road LLC. (Tax Key No. CHQV 0398999001 – Lot 2) Motion carried.

Review and consider action on a proposed primary dwelling at 31795 W Muscovy Road (Lot 1) submitted by 31795 Muscovy Road LLC. (Tax Key No. CHQV 0398999001 – Lot 1)

Director Lincoln introduced the proposal. The applicant proposes to construct a primary dwelling on the newly created “Lot 1” of parcel 398999001. The proposed dwelling structure has a total living area of 4,194.26 square feet. Currently, there is a pre-existing legal nonconforming dwelling on lot 1. The applicants seek approval to keep this dwelling through the construction of the new primary dwelling. (See bond agreement). “Proposed Materials and Exterior Palette” page has been submitted with the provided plans. Primary dwelling materials include, cedar roofing, cedar wall shingles, and stone veneer cladding. The new proposed dwelling is greater than 50’ from a neighboring dwelling on an adjoining lot as required in 6.5(4)(c)(i).

Included with this proposal is a new driveway that will service the primary residence. The proposed location of the driveway can be found on the landscape plan submitted by Scott Byron. The proposed driveway meets the requirements of 5.23. The edge of the driveway will be lined with a decorative stone retaining wall (Gun metal granite)

There is a stone terrace proposed to be installed along the rear of the structure. The proposed terrace will be constructed of edenstone. Terrace location can be found on the landscape plan provided in the packet. Along the east and west side of the dwelling are two decorative stone walkways. Proposed walkways are 5’ in width. Location of walkways is provided on the landscape plan

There are 11 wall sconces proposed. This lantern has a 3,000K color temperature and an output of 523 lumens. These fixtures are compliant with 5.24 (Outdoor Lighting Code). There is 1 pendant light proposed. This lantern has a 3,000K color temperature and an output of 523 lumens. This fixture is compliant with 5.24 (Outdoor Lighting Code)

There are 9 path lights proposed on the property. These path lights have a color temperature of 2700K and an output of 300 Lumens. These fixtures are compliant with 5.24 (Outdoor Lighting Code)

There is an existing legal-nonconforming structure that is currently on the property with two dwelling units. As previously stated, the applicants propose to reduce the footprint of this structure by removing the “Apartments” from the north end of the structure. The applicants then propose to finish off this existing legal-nonconforming structure with materials to match the proposed pool house and primary residence.

Motion (Pranke/Caroll) to recommend proposed primary dwelling at 31795 W Muscovy Road (Lot 1) submitted by 31795 Muscovy Road LLC. (Tax Key No. CHQV 0398999001 – Lot 1) Motion carried.

Review and consider action on extraterritorial certified survey map to combine two parcels to construct a single-family residence, N56W30946 County Road K & N56W30970 County Road K, as requested by William and Jaclyn Rehm, (Tax Keys MRTT 0395-997 and MRTT 0395-998.

Motion (Carroll/Kriva) to recommend proposed extraterritorial certified survey map to combine two parcels to construct a single-family residence, N56W30946 County Road K & N56W30970 County Road K, as requested by William and Jaclyn Rehm, (Tax Keys MRTT 0395-997 and MRTT 0395-998. Motion carried.

Adjournment

Motion (Pranke/Enters) to adjourn the Plan Commission meeting at 6:58 p.m. *Motion carried.*

Respectfully submitted by:

Approved and Ordered Posted by:

Deanna Braunschweig, Village Clerk

Jo Ann F. Villavicencio, Chairperson



Village of Chenequa

Matthew T. Carney
Administrator/Chief

31275 W County Road K
Chenequa, Wisconsin 53029

Summary of Proposed Amendments to Village Tree Cutting Ordinance

Existing Tree Cutting Restrictions Within 75' of Waterways

- Move Village Code Section 6.9 *Removal of Shore Cover* to Section 8.24 *Care of Trees*
 - Existing tree cutting restrictions within 75' of waterways remain unchanged
 - [Link to existing Ordinance 6.9](#)

Proposed Tree Cutting Restrictions Outside 75' Shoreline Buffer Zone

The following tree cutting restrictions would apply to all properties within the Village. Restrictions would only apply to "Specimen Trees" as defined by the Specimen Tree Lists attached at the bottom of this page.

- Annual "specimen tree" cutting limits based on property size and sum total of "specimen tree" diameter inches (defined as "DBH threshold"). *DBH= tree Diameter at Breast Height (4.5' above the ground)
 - Lots 0-2 acres may cut up to 50" DBH of "specimen trees" annually without a permit
 - Lots 2-6 acres may cut up to 100" DBH of "specimen trees" annually without a permit
 - Lots over 6 acres may cut up to 150" DBH of "specimen trees" annually without a permit
- Any cutting of "specimen trees" on a given property in excess of the "DBH threshold" would require a permit from the Village
 - No permit would be required for the removal of dead trees
 - No permit would be required for the removal of trees not qualifying as "specimen trees"
- The Village would grant "specimen tree" removal permits for the following reasons:
 - Dying, diseased, or damaged trees
 - Trees posing a significant safety hazard
 - Trees interfering with permissible structures or improvements
 - Silvicultural thinning
 - Creation of new natural areas (other than turf grass lawns, etc.)
- [Link to Proposed Amendments to Ordinance 8.24](#)

Deciduous Specimen Trees

Tree DBH	Species
6" and greater	Ironwood, Redbud, Serviceberry spp., Musclemwood
10" and greater	Oak spp., Maple (red, sugar), Hickory spp., Black walnut, Black cherry, Kentucky coffeetree, Beech spp., Aspen (quaking, bigtooth), Birch spp., Butternut, London planetree, Sycamore, Ginkgo
12" and greater	Basswood, Elm spp., Hackberry

Coniferous Specimen Trees

Tree DBH	Species
12" and greater	Norway spruce
10" and greater	Pine (white, scotch), Tamarack, Hemlock, Fir spp.
8" and greater	Red cedar, White cedar



- (b) Petitions for any change or amendment shall be filed with the Village Clerk and shall describe the proposed amendment, list the reasons justifying the petition and in the event of a proposed amendment to the zoning map, have attached the names and addresses of the owners of all properties lying within two hundred (200) feet of the area affected by the proposed change or amendment, and any additional information required by the Village Administrator or the Village Board.
- (c) The Village Board shall hold a public hearing as provided for in Section 62.23 (7) (d) Wisconsin Statutes. Following such hearing, the Village Board shall make a determination.

6.9 REMOVAL OF SHORE COVER.

(1) **PURPOSE.** The purpose of tree, shrubbery and ground cover cutting regulations applicable to the shoreland area is to protect scenic beauty, control erosion and reduce effluent, sediment and nutrient flow from the shoreland into lakes which are located in or adjacent to the Village. These provisions shall also apply to the removal of storm damaged, dead, diseased or dying trees or shrubbery, but not to silvicultural thinning upon recommendation of the Village Forester. If there is a question as to the condition of any trees or shrubbery, the Village Forester shall be consulted as set forth herein.

(2) **SHORELINE CUTTING.** A Village issued shore cover removal permit is required of anyone attempting to cut/trim or remove any tree or shrubbery within the shoreline buffer zone.

- (a) The Village may allow the removal of trees and shrubs within the shoreline buffer zone to create access/viewing corridors; provided, however, that the combined width of all access/viewing corridors shall be no more than twenty (20) percent of the lake frontage as measured along the ordinary high water mark.
- (b) In the remainder of the shoreline buffer zone, natural shrubbery and herbaceous layer shall be preserved as far as practicable and, where removed, it shall be replaced with other vegetation that is equally effective in retarding runoff, preventing erosion and preserving natural beauty.
- (c) Any tree six (6) inches in diameter or greater that is cut for any reason, needs to be replaced with a similar tree of two (2) inches in diameter or greater and planted in the shoreline buffer zone.

Exemption: A replacement tree may be planted outside of the shoreline buffer zone if conditions restrict planting within the shoreline buffer zone.



Exemption: The replacement requirement shall be waived if the stump is allowed to sucker and become tree form. If the stump fails to sucker, a two (2) inch replacement tree is required.

- (d) Any grading within shoreline buffer zone requires a grading permit as set forth in this Code.

(3) **PATHS.** Any path or passage within the shoreline buffer zone shall be constructed and surfaced to control erosion effectively.

(4) **CUTTING PLAN.** As an alternative to subsection (2) above, a special cutting plan allowing greater cutting may be approved and a permit issued by the Village Forester. In applying for such a plan, the lot owner shall submit a sketch (plan) of the lot to the Village Forester, including the following information: location of structures and buildings, streets, roads, drives and parking areas, paths and passages, gradient of the land, existing vegetation, proposed cutting, and proposed replanting. The Village Forester may approve such a plan only if the Village Forester finds that such special cutting plan:

- (a) Will not cause undue erosion or destruction of scenic beauty; and
- (b) Will provide substantial shielding of dwellings, accessory structures and parking areas from the lake. Where the plan calls for replacement plantings, the Village Forester may require the submission of a bond which guarantees the performance of the planned tree or shrubbery planting by the lot owner.

(5) **CUTTING MORE THAN SEVENTY-FIVE FEET INLAND.** From the inland edge of the shoreline buffer zone to the outer limits of the shoreland, the cutting of trees and shrubbery shall be allowed when accomplished using accepted forest management practices and sound soil conservation practices which protect water quality. See Section 6.14, Wisconsin DNR "Best Management Practices for Water Quality"- PUB FR-093 2010, and Wisconsin Department of Commerce, Uniform Dwelling Code Section 5.

6.10 VIOLATION, PENALTY.

(1) **FINES.** Any person, firm, or corporation, who violates, disobeys, omits, neglects or refuses to comply with the enforcement of any of the provisions of this Chapter, shall upon conviction thereof forfeit an amount not to exceed Two Thousand Five Hundred Dollars (\$2,500), together with the costs of prosecution. Each offense, and each day that a violation exists shall constitute a separate offense.

(2) **RESTORATION.** In addition to the above stated fines, forfeitures, and costs of prosecution, at the order of the Zoning Administrator, violators of Section 6.9 shall restore the affected



area to its original condition or a condition providing the same erosion control within sixty (60) days of notification of such violation and order. The restoration shall follow these general guidelines:

- (a) In order to restore the functional value of a vegetative area as an erosion buffer, the restoration should consist of a ground cover and a tree canopy; The entire damaged portion of the shoreland buffer area must be revegetated so as to prevent erosion;
- (b) Trees and shrubbery removed in violation of Section 6.9 shall be replaced with other vegetation which will provide the same erosion control and runoff protection;
- (c) The violator must submit a restoration plan for the review and approval of the Village Forester; and
- (d) If a violator owner fails to comply with the restoration order, the Village reserves the right to bring the site into compliance and place a special assessment on the lot. All costs are to be paid by the property owner.

6.11 INTERPRETATION AND PURPOSES.

In interpreting and applying the provisions of this Chapter, they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, prosperity or general welfare. It is not intended by this Chapter to interfere with or abrogate or annul any existing easements or other agreements between private parties, provided, however, that where this Chapter imposes a greater restriction upon the use of a structure or premises, or upon the height or bulk of a structure, or requires larger open spaces than are imposed or required by other provisions of this Code, rules, regulations or permits, or by easements or agreements, the provisions of this Chapter shall control. Words used in the present tense include the future; words in the singular number include the plural number, and words in the plural number include the singular number.

6.12 ZONING CERTIFICATE AND ENFORCEMENT.

The Zoning Administrator shall issue a zoning certificate upon determining that a proposed project complies with the provisions of this Chapter. The provisions of this Chapter shall be enforced by the Village Administrator. The Village Administrator may delegate any enforcement responsibilities hereunder to any other employee and/or official of the Village.

6.13 APPEALS.

(1) **PROCEDURE.** Appeals from any decision of the Village Administrator or an employee or official to whom the Village Administrator has delegated enforcement responsibility may

KeyProposed addition to Code~~Proposed removal from Code~~Proposed move from Sec. 6.9 to 8.24

Unchanged

Village of Chenequa
ORDINANCE NO. 08-11-2025-01

AN ORDINANCE AMENDING AND RESTATING VILLAGE CODE SECTION 8.24
CARE OF TREE, SHRUBBERY, PLANT OR GROUND COVER

WHEREAS, the Village Board finds and determines that the establishment of enhanced ordinance provisions regulating the planting, removal, maintenance and protection of tree, shrubbery, plant or ground cover is necessary and appropriate to further the public health, safety and welfare, to protect the ecology of the Village, and to preserve the rustic character of the Village; and

WHEREAS, the Village Board further finds and determines that it is necessary and appropriate to move Section 6.9 of the Village Code regulating the removal of shore cover to Chapter 8 of the Village Code for inclusion in an amended and restated Section 8.24.

NOW THEREFORE, BE IT ORDAINED, that Section 8.24 of the Village Code is hereby amended and restated as follows:

8.1–8.24 CARE OF ~~TREES~~TREE, SHRUBBERY, PLANT OR GROUND COVER.

1) ~~(4)~~ INTENT AND PURPOSE. It is hereby declared to be the intent of the Village to regulate and control the planting, removal, maintenance and protection of ~~trees, plants and shrubs~~tree, shrubbery, plant or ground cover in or upon public and private areas of the Village in order to:

- (a) Avoid dangerous conditions which may result in injury to persons using the public highways and other public areas.
- (b) Promote and enhance the aesthetics and general welfare of the Village.
- (c) Prohibit the undesirable and unsafe planting, removal, treatment and maintenance of ~~trees and shrubs~~tree, shrubbery, plant or ground cover located in ~~the~~ public, private and shoreline buffer zone areas.
- (d) Protect ~~all trees and shrubs~~tree, shrubbery, plant or ground cover, both public and private, within the Village against the spread of disease, insects or pests.
- (e) Within the shoreline buffer zone, to protect scenic beauty, control erosion and reduce effluent, sediment and nutrient flow from the shoreland into lakes which are located in or adjacent to the Village. These provisions shall also apply to the removal of storm damaged, dead, diseased or dying tree, shrubbery, plant or ground cover located in the shoreline buffer zone.

2) ~~(2)~~ **DEFINITIONS.** For the purpose of this Section, certain terms and words are defined as follows:

- (a) **Diameter Breast Height (DBH)** – Tree trunk diameter measured in inches with a calipers at six inches from grade in the case of trees measuring four inches or less in diameter and at a height of 4 ½ feet above grade when the tree trunk is larger than four inches.
- (b) **DBH Threshold:** The sum total of fifty (50) DBH inches of specimen trees on lots from zero (0) to two (2) acres, the sum total of one hundred DBH inches of specimen trees on lots between two (2) and six (6) acres and the sum total of one hundred fifty (150) DBH inches of specimen trees on lots greater than six (6) acres.
- (c) **Forest Management Plan:** A sketch (plan) of the lot, including the following information: location of structures and buildings, streets, roads, drives and parking areas, paths and passages, gradient of the land, existing vegetation, proposed cutting, and proposed replanting.
- (d) **Private Tree, Shrubbery, Plant or Ground Cover:** All tree, shrubbery, plant or ground cover located or to be planted in or upon privately owned areas.
- (e) ~~(a) **Public Trees, Plants and Shrubs:** All trees, plants and shrubs~~ **Tree, Shrubbery, Plant or Ground Cover:** All tree, shrubbery, plant or ground cover located or to be planted in or upon public areas.
- (f) ~~(b) **Public Areas:**~~ All public rights of way or lands owned or controlled by the Village.
- (g) **Silvicultural Thinning:** A selective removal of trees in order to maintain or improve forest health, and shall be performed using accepted forest management practices and sound soil conservation practices which protect water quality, with the intent of preserving native forest ecosystems.
- (h) **Shoreline Buffer Zone.** Shall have the definition set forth in Chapter 6.
- (i) **Specimen Trees:** All trees listed in the following Village of Chenequa specimen tree list.

Village of Chenequa Specimen Tree List

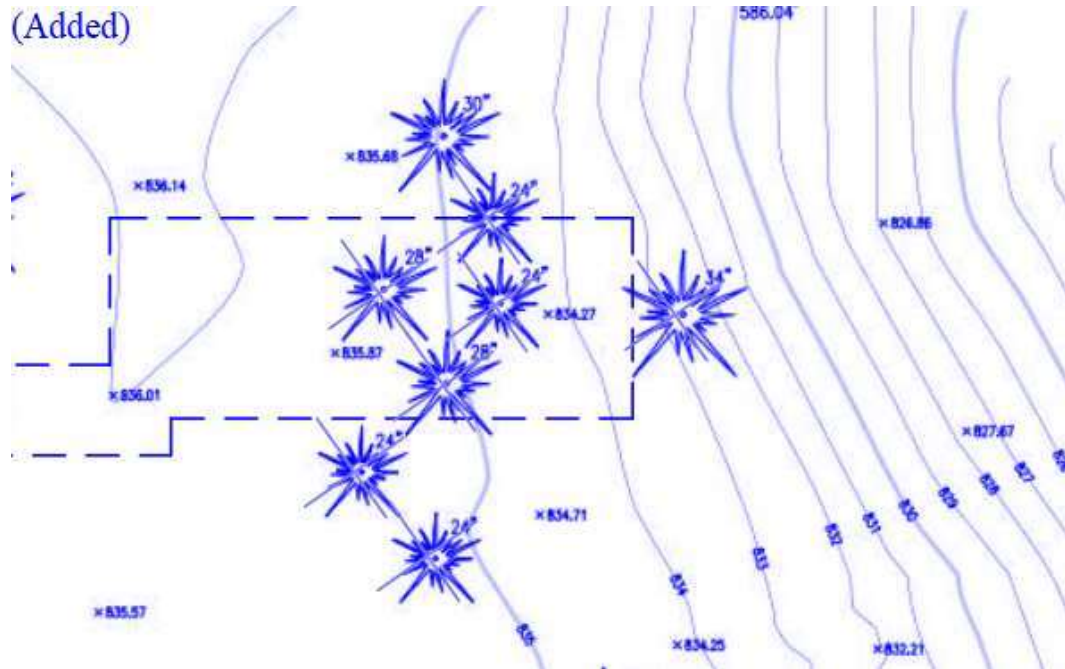
<u>Deciduous Trees</u>	
<u>Tree DBH</u>	<u>Species</u>
<u>6" and greater</u>	<u>Ironwood, Redbud, Serviceberry spp., Musclewood</u>
<u>10" and greater</u>	<u>Oak spp., Maple (red, sugar), Hickory spp., Black walnut, Black cherry, Kentucky coffeetree, Beech spp., Aspen (quaking, bigtooth), Birch spp., Butternut, London planetree, Sycamore, Ginkgo</u>
<u>12" and greater</u>	<u>Basswood, Elm spp., Hackberry</u>

<u>Coniferous Trees</u>	
<u>Tree DBH</u>	<u>Species</u>
<u>12" and greater</u>	<u>Norway spruce</u>
<u>10" and greater</u>	<u>Pine (white, scotch), Tamarack, Hemlock, Fir spp.</u>
<u>8" and greater</u>	<u>Red cedar, White cedar</u>

- (j) Sum Total of DBH Inches of Specimen Trees: The sum total of DBH inches calculated in accordance with the following diagrams.

How to calculate "sum total of DBH inches of specimen trees"

Example 2:



4

3) ~~(3)~~ PERMIT TO PLANT PUBLIC TREE, SHRUBBERY, PLANT OR GROUND COVER. It shall be unlawful for any person to plant any tree, shrubbery, plant or shrubground cover or authorize any person to do so, in or upon any public area of the Village without first obtaining from the Village Forester a written permit to do so, and without complying with the conditions set forth in the written permit and with the provisions of this Section. Permits may be granted only after the Village Forester receives a written application and after inspection and approval of the proposed planting site and planting material. The Village Forester may request a detailed, scaled drawing of the landscape planting plans before any permit shall be issued. All planting plans shall show accurately:

- (a) The proposed location, species/variety and size of all planting material together with the location, species and size of all existing trees.
- (b) The proximity to any proposed or existing highway, driveway or parking areas.
- (c) The nature of the soil in the planting space to a depth of three (3) feet and the location of existing or altered drainage patterns. Permits shall expire one (1) year after the date of permit.

4) ~~(4)~~ PERMIT TO REMOVE, TRIM OR MAINTAIN PUBLIC TREE, SHRUBBERY, PLANT, OR GROUND COVER. Except upon order of the Village Forester, it shall be unlawful for any person without a permit from the Village Forester to remove, destroy, cut, do surgery, treat, alter or injure any public tree, shrubbery, plant, or shrubground cover or portion thereof above or below ground or to cause or authorize or procure any person to do so. An application to the Village Forester for such permit must state the number and kind of trees to be trimmed, removed or treated and the kind and condition of nearest trees upon the adjoining property. If in the judgment of the Village Forester the desired removal, cutting, pruning, treatment or trimming shall appear necessary and the proposed method and workmanship thereof shall be such as the Village Forester approves, the Village Forester may thereupon issue a permit in writing for such work. Any work done under such written permit must be performed in strict accordance with the terms thereof and the provisions of this Section and under the supervision and direction of the Village Forester or the Village Forester's duly authorized representative.

5) ~~(5) INJURY TO PUBLIC TREES, PLANTS AND SHRUBSTREE,~~
SHRUBBERY, PLANT OR GROUND COVER.

- (a) No person shall, without a written permit from the Village Forester in the case of a public tree, shrubby, plant or shrub, ground cover do or cause to be done by others any of the following acts:
- (i) Secure, fasten, or run any rope, chain, wire, sign, unprotected electrical installation or other device or material to, around, or through a public tree, shrubby, plant, or shrub, ground cover.
 - (ii) Break, injure, mutilate, deface, kill or destroy any public tree, shrubby, plant, or shrub, ground cover or permit any fire to burn where it will injure any public tree, shrubby, plant or shrub, ground cover.
 - (iii) Permit any toxic chemical, gas, smoke, salt brine, oil, or other injurious substance to seep, drain or be emptied upon or about or onto any road, pavement or gutter at a point whence such substance may injure any public tree, shrubby, plant or shrub, ground cover.
 - (iv) Remove any guard, stake, or other device or material intended for the protection of a public tree, shrubby, plant or shrub, ground cover.
 - (v) Place any stone, cement, asphalt or other impervious material or substance in such a manner as to obstruct the free access of air and water to the roots of any public tree, shrubby, plant or shrub, ground cover.
 - (vi) Excavate any ditch, tunnel or trench or lay any drive within a radius of eight (8) feet from any tree, shrubby, plant or shrub, ground cover, unless authorized by permit to construct, maintain or repair utilities. Whenever a permit is required under this Section for new work to be done by a public utility, or contractor within a public area, the Village Forester may limit the work to be done to the actual necessities of the permittee, and may assign an inspector to supervise the work to be done under the provisions of the permit.
 - (vii) Erect, alter, repair, raze or excavate without placing sufficient guards or protectors as shall prevent injury to public ~~trees, plants and shrubstree,~~ shrubby, plant or ground cover by such operations. All moving of public ~~trees, plants, and shrubstree,~~ shrubby, plant or ground cover made necessary by the moving of a building or structure, or for any other purpose shall be done by

the Village Forester or under the Village Forester's supervision at the expense of the applicant. Should such moving or replanting cause the death of such tree, shrubbery, plant or ~~shrub~~ground cover, the applicant shall replace the same at the applicant's expense.

- (b) Any public utility and/or contractor planning underground work within or adjacent to a public area shall submit a drawing of the project area to the Village Forester and shall identify the location of the proposed installation and its overall dimensions and depth from ground surface, its anticipated date of installation; and in addition shall indicate on such drawing all public trees located along the project route within eight (8) feet of any proposed excavation. Such drawings shall be submitted fifteen (15) days prior to the start of any construction or excavation.

6) PRIVATE TREES OUTSIDE OF THE SHORELINE BUFFER ZONE. A Village issued tree removal permit is required to cut or remove private trees outside of the shoreline buffer zone where the sum total of DBH inches of specimen trees removed is equal to or greater than the DBH threshold or greater in any calendar year; provided, however, that no permit shall be required for dead trees. Permits may be granted for:

- (a) Dying, diseased and damaged trees, as determined by the Village Forester.
- (b) Trees posing a significant safety hazard, as determined by the Village Forester.
- (c) Trees interfering with permissible structures/improvements.
- (d) Silvicultural thinning where the sum total of DBH inches of specimen trees removed is greater than the DBH threshold in any calendar year.
- (e) The creation of new natural areas, other than turf grass lawns, including, without limitation prairies and oak savannas.

The Village Forester may approve a tree removal permit for one (1) or more of the reasons stated above only if the Village Forester finds that implementation of such forest management plan:

- (i) Will not cause erosion or destruction of scenic beauty; and
- (ii) Will provide substantial shielding of dwellings, accessory structures and parking areas from adjoining property. Where the forest management plan calls for replacement plantings, the Village Forester may require the submission of a bond which guarantees the performance of the planned tree or shrubbery planting by the lot owner.

7) PRIVATE TREES AND SHRUBBERY WITHIN THE SHORELINE BUFFER ZONE. A Village issued tree or shrubbery removal permit is required to cut or remove any tree or shrubbery within the shoreline buffer zone; including dead trees. Permits may be granted for:

- (a) The removal of trees and shrubbery within the shoreline buffer zone to create access/viewing corridors; provided, however, that the combined width of all access/viewing corridors shall be no more than twenty (20) percent of the lake frontage as measured along the ordinary high water mark. Any path or passage constructed within access/viewing corridors within the shoreline buffer zone shall be constructed and surfaced to control erosion effectively.
- (b) In the remainder of the shoreline buffer zone, natural tree, shrubbery, plants or ground cover shall be preserved as far as practicable and where cut or removed, it shall be replaced with other vegetation that is equally effective in retarding runoff, preventing erosion and preserving natural beauty.
- (c) As an alternative to subsection (b) above, a forest management plan allowing greater cutting may be approved and a permit issued by the Village Forester. The Village Forester may approve such a permit only if the Village Forester finds that implementation of the forest management plan:

 - (i) Will not cause undue erosion or destruction of scenic beauty; and
 - (ii) Will provide substantial shielding of dwellings, accessory structures and parking areas from adjoining property and the lake. Where the forest management plan calls for replacement plantings, the Village Forester may require the submission of a bond which guarantees the performance of the planned tree or shrubbery planting by the lot owner.

8) REPLANTING. Replanting of trees shall be required as follows:

- (a) Replanting of trees shall be required, as far as practicable, where specimen trees are cut or removed in violation of this Section or damaged by non-natural causes. Trees must be replaced with specimen trees of two (2) DBH inches or greater.
- (b) Within the shoreline buffer zone, any tree six (6) DBH inches or greater that is cut for any reason, must be replaced with a specimen tree of two (2) DBH inches or greater and planted in the shoreline buffer zone; provided, however, that a replacement tree may be planted outside of the shoreline buffer zone if conditions restrict planting within the shoreline buffer zone.

9) ~~(6)~~ NOTICE TO ABATE PUBLIC NUISANCES. Any tree or part thereof, whether alive or dead, which is infected or hazardous so as to endanger the public or other ~~trees;~~ ~~plants or shrubs~~ tree, shrubbery, plant or ground cover growing, whether growing upon public or private premises is hereby declared to be a public nuisance. No person shall permit any such public nuisance to remain on any premises owned or controlled by such person.

If the Village Forester determines that there exists a public nuisance or threat to the public health, safety and welfare, the Village Forester shall report such public nuisance to the Village Board. The Village Board shall, at the next regular Village Board meeting, consider any action to be taken as a result of the identification of the public nuisance. The Village Forester shall serve notice personally or by registered mail upon the owner or occupant of the premises where such nuisance is located of the date and time of the meeting. Such notice shall describe the tree, plant or shrub determined to be a public nuisance or which otherwise represents a threat to the public health, safety and welfare; including the specific location of the tree, plant or shrub; and further describe the general nature of the contemplated changes or improvements required to abate, remove and/or destroy such public nuisance.

If the Village Board agrees that there exists a public nuisance, the Village Forester shall notify the owner or occupant of the premises where such nuisance is located that such public nuisance exists. Such notice shall direct the owner or occupant of the premises to abate, remove and destroy such nuisance within fourteen (14) days and shall state that unless such nuisance is so abated, removed and destroyed, the Village may cause the same to be abated and ~~will~~ charge the cost thereof to the owner as a special charge; provided, that upon written application of the owner or occupant of the premises to the Village President or the Village Forester, the Village President or the Village Forester may grant an extension of time (but in no event beyond the next succeeding first day of March) to so abate, remove and destroy such nuisance for good cause shown.

Failure to abate, remove or destroy any nuisance within the time provided, or as so extended, shall be a violation of this ~~Section~~ Subsection. Any person who violates any of the provisions of this ~~Section~~ Subsection shall, upon conviction, be subject to a forfeiture of not less than Twenty Five Dollars (\$25) or more than One Thousand Dollars (\$1,000) and the costs of prosecution for each violation and in default of payment of such forfeiture and costs shall be imprisoned until such forfeiture and costs of prosecution are paid, such imprisonment not exceeding ninety (90) days. Each day of violation of this ~~Section~~ Subsection shall constitute a separate offense.

In addition to the foregoing, if the nuisance is not abated, removed and destroyed within the time provided or as so extended or if the owner or occupant cannot be found, the Village Forester may, subject to the direction of the Village Board, proceed under Section 27.09 Wisconsin Statutes, to cause the abatement or removal of such public nuisance. The entire cost of abating, removing and destroying such public nuisance shall be billed to and collected from the owner of the property where the nuisance was located and if said costs are not paid within thirty (30) days after billing, then the cost shall be reported to the Village Clerk who shall cause such cost to be assessed against the real estate as a special charge for current services pursuant to the procedure set forth in Section 66.0627 Wisconsin Statutes and the same shall be collected in all respects like other Village taxes upon real estate.

10) ~~(7)~~ **INTERFERENCE WITH VILLAGE FORESTER OR EMPLOYEES.** It shall be unlawful for any person, firm or corporation to prevent, delay or interfere or cause or authorize or procure any interference or delay with the Village Forester or any of the Village Forester's employees, agents or servants while they are engaged in and about the work herein specified.

11) **VIOLATION, PENALTY.**

- (a) Any person, firm, or corporation, who violates, disobeys, omits, neglects or refuses to comply with the enforcement of any of the provisions of this Section, other than Subsection (9), shall upon conviction thereof forfeit an amount not to exceed Two Thousand Five Hundred Dollars (\$2,500), together with the costs of prosecution. Each offense, and each day that a violation exists shall constitute a separate offense.

12) **RESTORATION.** In addition to the above stated fines, forfeitures, and costs of prosecution, at the order of the Zoning Administrator, violators of Section 8.24 shall restore the affected area to its original condition or a condition providing the same erosion control within sixty (60) days of notification of such violation and order. The restoration shall follow these general guidelines:

- (a) In order to restore the functional value of a vegetative area as an erosion buffer, the restoration should consist of a ground cover and a tree canopy. The entire damaged portion of the shoreland buffer zone shall be revegetated so as to prevent erosion.
- (b) Trees and shrubbery removed in violation of Section 8.24 shall be replaced with other vegetation which will provide the same erosion control and runoff protection.
- (c) The violator shall submit a restoration plan for the review and approval of the Village Forester.
- (d) If a violator owner fails to comply with a restoration order, the Village reserves the right to bring the site into compliance and place a special charge on the Property. All costs are to be paid by the property owner."

AND, BE IT FURTHER ORDAINED, that Section 6.9 of the Village Code shall be moved to Section 8.24 of the Village Code and that the Village Clerk Treasurer is hereby authorized and directed to renumber Chapter 6 of the Village Code accordingly.

Adopted this _____ day of _____, 2025.

VILLAGE OF CHENEQUA

BY: _____

Jo Ann Villavicencio
Village President

ATTEST:

Deanna Braunschweig
Village Clerk - Treasurer

Date Adopted:
Date Published:
Effective Date:

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