

VILLAGE OF ELM GROVE

13600 Juneau Boulevard
Elm Grove, WI 53122

COMMITTEE OF THE WHOLE

THURSDAY, JANUARY 11, 2024 * PARK VIEW ROOM

**TO CONVENE IMMEDIATELY FOLLOWING THE SPECIAL BOARD OF TRUSTEE MEETING
AT 5:00 P.M.**

ZOOM LINK:

<https://us02web.zoom.us/j/84796917934?pwd=TG93dURweVMYMTZMSWFiTnovYnp3UT09>

MEETING ID: 847 9691 7934

PASSCODE: 166618

AGENDA

ROLL CALL

1. Presentation by Ehlers Public Finance Advisors on Tax Incremental Finance (TIF)
2. Discussion of Village Projects 2023 - 2024
3. Update on Underwood Creek Daylighting Project
4. Discussion of Village Tree Regulations (Right-of-Way Trees)
5. Discussion of Trick or Treat
6. Other Business
7. Adjourn

NOTICE: Any person who has a qualifying disability under the Americans with Disabilities Act that requires that the meeting be accessible or that materials at the meeting be in an accessible format, please contact the Village Clerk, 48 hours prior to the meeting at (262) 782-6700 or by the Wisconsin Telecommunications Relay System so that arrangements may be made to accommodate the request.

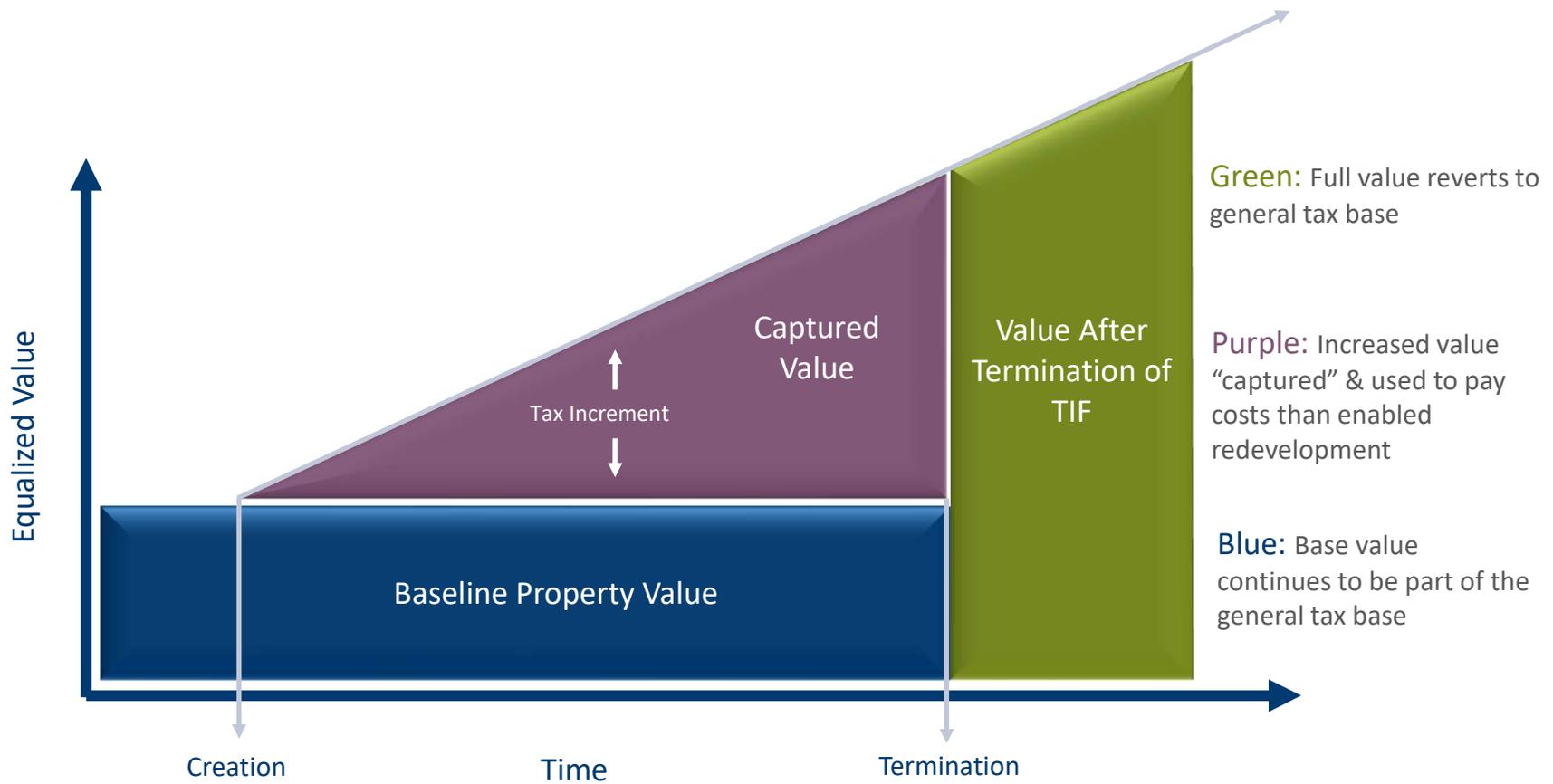
NOTICE: It is possible that members of, and possibly a quorum of, other governmental bodies of the Village may be in attendance at the above stated meeting to gather information. No action will be taken by any governmental body at the above stated meeting other than the governmental body specifically referred to in the above notice.



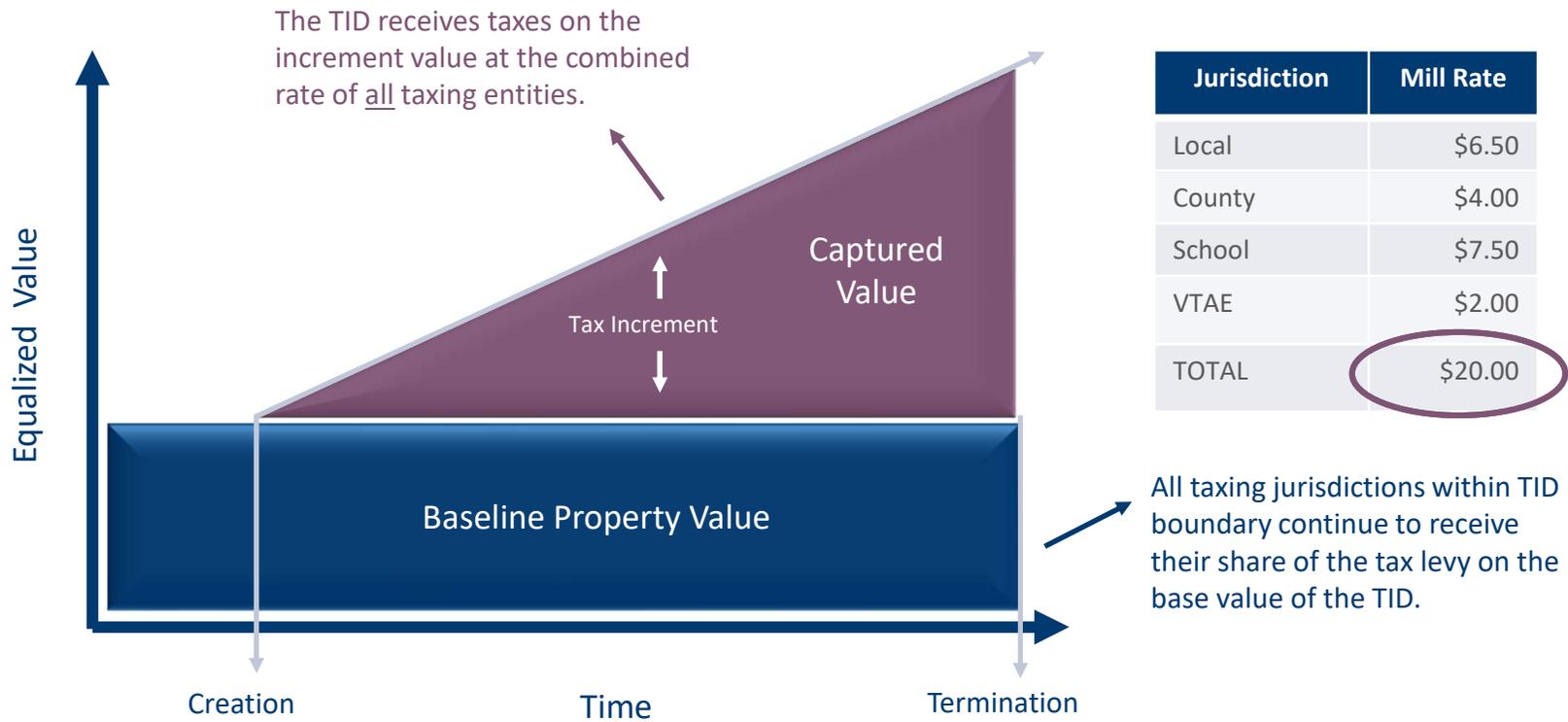
How TIF Works and Levy Impacts

Village of Elm Grove, Wisconsin

How Tax Incremental Financing Works



How Taxes are Allocated



How Do TIDs Impact Levy and Taxes?

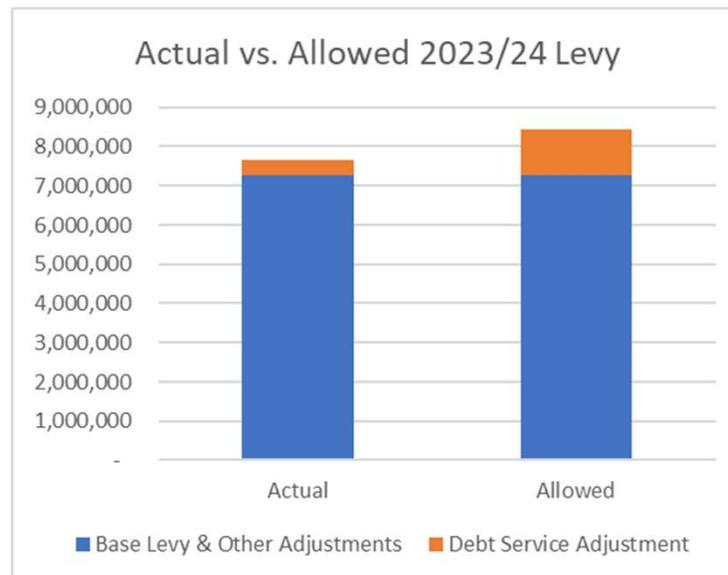
- TID Project Costs (e.g., Village debt service, incentives, administrative expenses)
 - ✓ Paid from incremental taxes collected on increased TID value
 - ✓ NO IMPACT to general taxes

How Do TIDs Impact Levy and Taxes?

- General levy may be increased (under levy limits) by the percentage of net new construction occurring in prior year
 - ✓ Includes new construction both in and out of TIDs
 - ✓ MAY IMPACT general taxes
 - If Village levies up to its maximum limit
 - While TID is open, the additional levy amount resulting from the TID new construction is paid by property value outside the TID (excepting the base)

Village Actual vs. Allowable Levy

- Village could have levied \$8,434,618 for the 2024 budget, but only levied \$7,649,974
- Whether to increase levy prospectively to “max out” levy is a Village Board decision



**Village of Elm Grove
Project Prioritizations 2024**

Projects Grouped by Lead Department

***These priorities may be adjusted by the Board of Trustees**

<u>Description</u>	<u>Notes</u>
<u>General Government</u>	
Underwood Creek Daylighting	Stantec engaged for project implementation
Elections - 3 in 2024	There will be no spring primary election in 2024.
WEDC Connect Communities Strategic Planning (Downtown EG)	Kick-off meeting scheduled for Mid-February. Strategic Planning Session to follow.
GG Building Upgrades	GG Hallway - Wall/Door
Municipal Water Extension: Church St. to RR Tracks	To be designed after completion of initial extension (Tosa)
Water Lateral Extensions to Private Properties (spring)	Property owners billed upon project completion
Engagement with R&M for Grant Assistance Services	Grant search to be prioritized by this project prioritization
Review of Fire & EMS Operations	Continuation of Fire & EMS Futures Study Committee
Emerald Woods Condos municipal water request - Brookfield	Continuation from 2023, coordinated through Katherine
Zoning Code Review - Fence/Shed/Etc. Ordinances	Coordinate with Building Board and Legislative Committee
EG Monthly Newsletter	Potential increase in frequency, bi-weekly, weekly?
<u>Public Works</u>	
Highland Drive Pedestrian Pathway	Engineering and design currently at 30%
Highland Drive Stormwater Culvert Replacement	Failing culvert north of CP RR, South of Jolenta Lane
Road Repaving / Stormwater Prep (Ditch - Culverts)	Ditch/culvert replacement - Streets to be repaved 2024
Investigation of Sanitary Sewer on Lakeside	Settlement and cracking observed, replacement possible
Rearrange DPW Yard / recycling center	Site prep for pole barn construction
DPW pole barn / cold storage building construction	60' X 60' with 10' overhang - cold storage
Village Hall Parking Lot Lighting Repairs	One quote obtained \$155,00 - project to be split in 2 phases
DPW Building Roof Replacement	Moved to 2024 Capital due to large cost increase
Review of DPW Operations and Staffing Structure	Review of administrative duties and staff responsibilities
Crosswalk Replacement	Watertown Plank Road and Elm Grove Street
Village Hall Gutter Replacements	Gutters on Court Room and VH aged out

**Village of Elm Grove
Project Prioritizations 2024**

Projects Grouped by Lead Department

***These priorities may be adjusted by the Board of Trustees**

<u>Description</u>	<u>Notes</u>
Police	
Transition from consolidated 911 services to Att	Targeted transition date of May 2024 for stand alone 911
Training an additional officer for SRO coverage	SRO - Student Resource Officer
Training an officer for DARE	Target date for reinstating program 2024-2025 school year
Fire	
Implementation of Lexipol - Public Safety Mgmt Best Practices	Contracted review of current SOP's for risk mitigation
Staffing recruitment efforts	Continuation of existing efforts
Public Outreach	Reviewing dual-enrollment program (Elmbrook School Dist)
EMS	
Staffing recruitment efforts	Continuation of existing efforts
Information Technology	
VOIP Phone System	Transition and Implementation of VOIP
Complete roll-out of Dispatch computer upgrades	Dispatcher console #1 in process of computer replacement
Configure 7 tablets for Board of Trustee use	Access to Village email, meeting material review, web browser
Recreation	
Comprehensive Outdoor Recreation Plan (CORP)	RFP draft to be considered by Board of Trustees in February
Basket Ball Court Replacement	BID is currently active, closing date of January 19, 2024
ADA Accessible Pool Chair	
Review of programmatic offerings	Includes review of Beer Garden

RESOLUTION 011124

**A RESOLUTION TO SUBMIT A QUESTION TO A REFERENDUM REGARDING
CONSTRUCTION OF THE UNDERWOOD CREEK DAYLIGHTING PROJECT**

WHEREAS, the Board of Trustees has determined that it is important to maintain and improve stormwater management systems and flood control facilities within the Village of Elm Grove; and

WHEREAS, Underwood Creek is currently channelized through a structurally failing underground box culvert which is located directly in the center of the downtown commercial district; and

WHEREAS, The Wisconsin Department of Natural Resources has stated there will be no issuance of a permit to repair or replace the existing underground box culvert upon its structural failure; and

WHEREAS, the Village has determined it is necessary to proceed with the Daylighting of Underwood Creek Project in order to naturalize and realign the creek channel; and

WHEREAS, this action will enhance public safety, increase flood control capacity, provide additional public space, connect pedestrian pathways and protect the economic viability of the downtown.

WHEREAS, a spending limit referendum was approved at the general election in April 2022 requiring all public works projects that exceed \$1,000,000 in expenditure to be approved by referendum vote; and

NOW THEREFORE BE IT RESOLVED, that the Village of Elm Grove Board of Trustees have determined this project to be in the best interest of the Village of Elm Grove and therefore shall be put forward to the electorate at the April 2, 2024 election: and

BE IT FURTHER RESOLVED, that pursuant to WI Stats §66.0803 (1) (b) and (c) the Village of Elm Grove Board of Trustees hereby submit the following question to a referendum to be on the April 2, 2024 ballot:

“Shall the Village of Elm Grove complete the Village’s long term stormwater management plan developed in response to past flooding by daylighting and realigning Underwood Creek south of Watertown Plank Road through the downtown area? The existing creek drainage enclosure located under the Park and Shop parking lot and the Sendik’s building is failing, and the Wisconsin Department of Natural Resources or the U.S. Army Corps of Engineers will not permit any repairs. The remaining portion of the plan requires that the Village acquire land and easements to construct a naturalized streambed for the purpose of stormwater management. This action will enhance public safety, provide additional public space, connect pedestrian pathways and protect the economic viability of the downtown. The project will be paid for with existing storm water fees and continued funding from Tax Incremental Financing District #2. The total project cost SHALL not exceed \$_____.”

_____ YES _____ NO

Dated this 11th day of January 2024

VILLAGE OF ELM GROVE

James Koleski, Village President

Katie Panella, Village Clerk / Deputy Treasurer

Chapter 266

TREES AND VEGETATION

§ 266-1.	Definitions.	§ 266-5.	Injury to Public Trees and Shrubs prohibited.
§ 266-2.	Jurisdiction of Public Works/Utilities Committee.	§ 266-6.	Regulation of vegetation.
§ 266-3.	Dutch elm disease, Emerald Ash Borer, oak wilt control and prevention, and elm bark beetles.	§ 266-7.	Inspections.
§ 266-4.	Regulation of hazardous Trees.	§ 266-8.	Cost of public nuisance abatement and Tree care; special charges.
		§ 266-9.	Prohibited acts; violations and penalties.

[**HISTORY: Adopted by the Village Board of the Village of Elm Grove 9-17-1956; amended in its entirety 9-11-2000. Subsequent amendments noted where applicable.**]

GENERAL REFERENCES

Fire prevention — See Ch. 150.

Land division — See Ch. 305.

Property maintenance — See Ch. 220.

Zoning — See Ch. 335.

§ 266-1. Definitions. [Amended 4-26-2005]

As used in this chapter, unless otherwise clearly indicated by the context:

APPLICANT — The owner or representative of an owner of a lot, parcel, or tract on which a Tree Impact Activity is sought. [Added 2-26-2013]

BRUSH — For the purposes of § 266-6D, any cut vegetative material, regardless of size or condition.

CALIPER — The diameter of a Tree when measured at six inches above grade. Caliper shall be the form of size measurements of trees four inches and less in diameter. [Added 2-26-2013]

CONSTRUCTION — The act or process of building a permanent structure or any process to enhance a permanent structure or any process to gain access to or supply utilities to a permanent structure. [Added 2-26-2013]

CONTROLLED VEGETATION — Which is hereby declared to be non-native invasive species and prohibited from being planted and consists of the following: [Amended 5-28-2007]

- A. Buckthorns, common and glossy.
- B. Japanese barberry.
- C. Honeysuckles, tartarian, morrows and bella.
- D. Multifora rose.

- E. Garlic mustard.
- F. Spotted knapweed.
- G. Crown vetch.
- H. Teasels, cut leaved and common.
- I. Dames rocket.
- J. Wild parsnip.
- K. Sweet clovers, white and yellow.
- L. Reed canary grass.
- M. Cattails.

DESTROY — The use of chemicals, cutting, tillage, or a combination thereof to effectively prevent regulated vegetation from maturing.

DIAMETER AT BREAST HEIGHT (DBH) — The diameter of the trunk of a Tree, stated in inches and measured at 4 1/2 feet above the existing grade at the base of the Tree. DBH shall be the form of size measurement for Trees greater than four inches in diameter. **[Added 2-26-2013]**

HAZARDOUS TREE —

- A. Any Tree or Shrub, public or private, that may be injurious or detrimental to the community by causing injuries to person or property due to a defective, storm-damaged, nature-of-species, insect-infested or diseased condition. **[Amended 2-26-2013]**
- B. Any Tree or Shrub that overhangs any sidewalk, street or other public right-of-way in the Village in such a manner as to impede or interfere with any public easement or traffic or travel on such pathway, street or other public right-of-way, including, but not limited to, any Tree or Shrub that obstructs street illumination or the vision of persons traveling such pathway, street, or other public right-of-way.
- C. Any part of a Tree or Shrub that, due to disease, insect infestation or any defective condition, is likely to fall and impair access to a public right-of-way or place. **[Amended 5-28-2007]**

LAND MANAGEMENT PLAN — A written plan relating to management of a lawn or vacant lot, other than a wooded lot, which contains a legal description of the property upon which the grass will exceed nine inches in length, a statement of intent and purpose for the length of the grass, a general description of the vegetation types, plants, and plant succession involved, and the specific management and maintenance techniques to be employed. The management plan must include provisions for cutting to maintain a length not exceeding 18 inches in height and for a distance of not less than four feet adjacent to neighboring property lines unless waived by the abutting property owner on the side so affected.

PERSON — Any individual, partnership, association, corporation or any legal entity.

PUBLIC NUISANCE —

- A. Any Tree, Shrub, or part of, which by reason of its condition, interferes with the use of any public area and/or is infected with a plant disease, is infested with injurious insects or

pests, is injurious to public improvements or endangers the life, health, safety or welfare of persons or property due to size, location and/or density of Trees or Shrubs.

- B. Dutch elm disease.
- C. Elm bark beetles *Scolytus multistriatus* (Eichb.) or *Hylurgopinus rufipes*.
- D. Oak wilt disease.
- E. Any living or standing elm Tree or part thereof infected with the Dutch elm disease fungus or in a weakened condition which harbors any of the elm bark beetles *Scolytus multistriatus* (Eichb.) or *Hylurgopinus rufipes* (Marsh.).
- F. Any dead elm or part thereof, including logs, branches, stumps or other elm material from which the bark has not been Removed.
- G. Any elm firewood from which the bark has not been Removed or sprayed with an effective elm-bark-beetle-destroying concentrate and covered with a tarpaulin in such a way as to inhibit the escape or entrance of said beetle.
- H. Any living or standing Tree or part thereof in the red oak group, such as red, pin, scarlet and black oak, infected to any degree with the oak wilt fungus *Ceratocystis fagacearum* (Bretz) Hunt.
- I. Any living or standing Tree in the white oak group, such as white oak, bur oak, and bicolor oak, that poses a threat of transmission of the oak wilt fungus to other Trees of the same species through interconnected root systems.
- J. Any dead oak or part thereof, including logs, branches, stumps or other oak material from which the bark has not been Removed.
- K. Any oak firewood from which the bark has not been Removed or sprayed with an effective two-lined chestnut-borer-destroying concentrate and covered with a tarpaulin in such a way as to inhibit the escape or entrance of said beetle.
- L. A Tree that is a hazardous Tree defined herein.
- M. Emerald Ash Borer. **[Added 5-28-2007]**

PUBLIC PROPERTY — Premises owned or controlled by the Village, including without limitation because of enumeration, public sites, parks, playgrounds, streets, alleys, sidewalks, boulevards, and the terrace strip between the lot line and the curb or improved portion of any public way.

PUBLIC TREE — Any Tree located on any Village-owned property, including, without limitation, parkways, roads, parks and other rights-of-way. **[Added 2-26-2013]**

REGULATED VEGETATION — Which is hereby declared to be noxious, consists of the following:

- A. Thistle or Canada thistle.
- B. Leafy spurge.
- C. Field bindweed (Creeping Jenny).

- D. Burdock.
- E. Nettle.
- F. Poison ivy.
- G. Purple loosestrife.
- H. Grass or weeds of any kind where height or length exceeds seven inches, but not including grasses included as part of a land management plan approved by the Village under this chapter.
- I. All other noxious weeds as specified in § 66.0407, Wis. Stats.

REMOVE(D) or REMOVAL — The felling and/or destruction of a Tree, or the effective destruction of a Tree through damage or otherwise.**[Added 2-26-2013]**

REPLACEMENT TREE — A Tree installed pursuant to a Tree Removal Permit to replace a Significant Tree that an Applicant has been authorized to Remove.**[Added 2-26-2013]**

SHRUB — A woody plant that is never tree-like in habit and produces branches or shoots from or near the base.**[Added 2-26-2013]**

SIGNIFICANT TREE — Any Tree located on public property, other than a Hazard Tree or Public Nuisance, having a DBH of six inches or more.**[Added 2-26-2013]**

TOPPING — The severe cutting back of internodule branch parts of two inches or greater in diameter, thereby as to Remove the normal canopy and disfigure the Tree.

TREE — A self-supporting, woody plant, together with its root system, a more or less well-defined crown, and a mature height of at least eight feet or an ornamental Tree or shade Tree or Shrub of any variety.**[Amended 2-26-2013]**

TREE IMPACT ACTIVITY — Any construction activity on any lot that will or is likely to involve the Removal of a Significant Tree.**[Added 2-26-2013]**

TREE REMOVAL PERMIT — A permit issued by the Village Manager or his/her designee authorizing the Removal of a Tree pursuant to the provisions of this chapter.**[Added 2-26-2013]**

WOODED LOT — Any lot, whether developed or otherwise, which contains a mature Tree cover of 50% or greater. A wooded lot is not subject to the maintenance requirement of § 266-6D herein.

YARDS — Any unpaved open space on a lot together with the area between the lot line and the curb or improved portion of any public way.

§ 266-2. Jurisdiction of Public Works/Utilities Committee. [Amended 3-23-2004]

The Public Works/Utilities Committee of the Village Board shall have jurisdiction to monitor compliance with the provisions of this chapter. It may employ a forester or designate a municipal employee to perform the duties of forester under § 27.09, Wis. Stats., and exercise the powers granted by the Board under this chapter.

§ 266-3. Dutch elm disease, Emerald Ash Borer, oak wilt control and prevention, and elm bark beetles. [Amended 5-28-2007; 2-24-2014]

- A. Intent and purpose of chapter: to declare Dutch elm disease, elm bark beetles, Emerald Ash

Borer, and oak wilt public nuisances.

- (1) Whereas, the Village Board has determined that there are many elm Trees growing on public and private premises within the Village, the loss of which would substantially depreciate the value of public and private property, impair the use and enjoyment of public and private premises and erode the tax base of the Village. The health and life of these Trees is threatened by a fatal disease known as "Dutch elm disease," which is spread by the elm bark beetles *Scolytus multistriatus* (Eichb.) or *Hylurgopinus rufipes* (March). The Village Board hereby declares its intention to control and prevent the spread of Dutch elm disease and the insect pests and vectors that carry such disease and declares Dutch elm disease and the elm bark beetles that carry such disease to be public nuisances.
- (2) Whereas, the Village Board has determined that there are many oak Trees growing on public and private premises within the Village, the loss of which would substantially depreciate the value of public and private property, impair the use and enjoyment of public and private premises and erode the tax base of the Village. The health and life of these Trees is threatened by a fatal disease known as "oak wilt disease," which is spread by Nitidulid beetles. The Village Board hereby declares its intention to control and prevent the spread of oak wilt disease and the insect pests and vectors that carry such disease and declares that oak wilt disease and Nitidulid beetles that carry such disease are public nuisances.
- (3) Whereas, the Village Board has determined that there are many ash Trees growing on public and private premises within the Village, the loss of which would substantially depreciate the value of public and private property, impair the use and enjoyment of public and private premises and erode the tax base of the Village. The health and life of these Trees is threatened by an extremely aggressive exotic insect known as *Agrilus planipennis* Fairmaire or Emerald Ash Borer. The Village Board hereby declares its intention to control and prevent the spread of Emerald Ash Borer by any current method.

B. Abatement of Hazardous or Public Nuisances; duty of Forester.

- (1) Whenever the Forester, after inspection, reasonably determines that a public nuisance, as herein defined, exists on public property in the Village, the Forester shall immediately abate or cause the abatement of such nuisance in such manner as to destroy or prevent as fully as possible the spread of Dutch elm disease, oak wilt and any vectors which would carry these diseases and any ash Trees with Emerald Ash Borer. **[Amended 5-28-2007]**
- (2) When the Forester reasonably determines that a public nuisance exists upon private premises, the Forester shall immediately serve or cause to be served, personally or by registered mail, an abatement notice. The abatement notice shall be served on the owner of such property, if the owner can be found, or otherwise upon the occupant thereof. If the owner or occupant cannot be found, such notice shall be given by publication in a newspaper of general circulation in the Village. The abatement notice shall be in writing and shall: **[Amended 5-28-2007; 2-26-2013]**
 - (a) Describe the nuisance and recommended procedures for its abatement; and
 - (b) State that the owner shall abate the nuisance, at the owner's expense, within 14

days of the date of the notice unless, within 10 days of the date of the notice, the property owner requests a hearing before the Director of Public Works to show that such nuisance does not exist or does not endanger the health of elm Trees, oak Trees or ash Trees in the Village.

- (3) Should the property owner request a hearing before the Director of Public Works to show that such nuisance does not exist or does not endanger the health of elm Trees, oak Trees or ash Trees in the Village, a hearing before the Director of Public Works shall be scheduled, not less than 14 days after service of such written notice, on the abatement action to be taken. The decision of the Public Works Director may be appealed to the Public Works Committee within 10 days of the Public Works Director's decision. Decisions of the Public Works Committee such appeal shall be final. **[Added 2-26-2013¹]**
- (4) If the Director of Public Works determines that a public nuisance exists following a hearing under this section, the property owner shall abate the nuisance as directed within 10 days after such hearing. The Forester may extend the time allowed the property owner for abatement work for not more than 10 additional days.
- (5) If abatement does not occur in the time allotted, the Forester shall proceed to abate the nuisance by means of a court order with the assistance of the Village Attorney.
- (6) Any person violating this chapter shall, in addition to performing abatement, be subject to a forfeiture for each day of each violation.

C. Spraying or other treatment.

- (1) Whenever the Forester shall determine that any elm Tree or part thereof is infected with Dutch elm disease fungus, or is in a weakened condition and harbors elm bark beetles, the Forester may spray or otherwise effectively treat with an elm-bark-beetle-destroying concentrate all elm Trees within a one-thousand-foot radius of the infected Tree.
- (2) In order to facilitate the work and minimize the inconvenience to the public of any spraying operation conducted under this chapter, the Forester shall give advance public notice of such operation by public media, public service announcements or other effective means and shall post appropriate warning notices in the areas and along the streets where Trees are to be sprayed at least 24 hours in advance of spraying. When any residue or concentrate from municipal spraying operations is likely to be deposited on any public street, the Forester shall also notify the Chief of Police, who shall take all necessary steps to make and enforce temporary parking and traffic regulations on such streets as conditions require. Temporary "No Parking" notices shall be posted in each block of any affected street at least 24 hours in advance of spraying operations.
- (3) When warning notices and temporary "No Parking" notices have been given and posted in accordance with Subsection C(2) of this section, the Village shall disallow any claim for damages to any vehicle caused by such spraying operations.

1. Editor's Note: This ordinance also provided for the redesignation of former Subsection B(3) through (5) as Subsection B(4) through (6), respectively.

- (4) When Trees on private property are to be sprayed, the Forester shall notify the owner or occupant of such property and proceed in accordance with the requirements of Subsection B of this section.

§ 266-4. Regulation of hazardous Trees.

- A. Legislative intent. The Village Board finds that Trees having a defective or diseased condition, or are insect infested, within the Village are hazardous and may result in injury to person or property. The Village Board hereby declares its intention to locate and examine such Trees and take appropriate steps for abatement of such hazardous conditions. **[Amended 5-28-2007]**
- B. Planting of Vegetation on Public Property. No Tree, or Shrub, woody plant or herbaceous plant shall be planted in any of the public rights-of-way or a public easement in the Village by a non-Village agent unless such Tree, Shrub, woody plant or herbaceous plant and the place where such Tree, Shrub, woody plant or herbaceous plant is to be planted has first been approved by the Village Public Works/Utilities Committee upon the recommendation of the Forester of the Village. There shall be a written agreement executed whenever planting by any non-Village agent is allowed in a form satisfactory to the Village Attorney. **[Amended 2-26-2013]**
- C. Abatement of nuisances. The Forester shall follow the procedures outlined in § 266-3B of this chapter in abating nuisances under this section arising out of hazardous, diseased, or defective Trees. The Village hereby declares that in assessing special charges under this chapter, it is exercising its police power, and no damages shall be awarded to any owner for the destruction of any Tree creating a hazard due to a diseased or defective condition.

§ 266-5. Injury to Public Trees and Shrubs prohibited.

- A. Damage to Public Trees. No person shall, upon public property without permission from the Village Forester, do or cause to be done by others any of the following acts:
 - (1) Secure, fasten, nail, or run any rope, wire, sign, or materials around, into, or through a Tree or Shrub, or prune a Tree or Shrub, except in emergencies such as storms or accidents. **[Amended 2-26-2013]**
 - (2) Break, injure, mutilate, deface, kill or destroy any Tree or Shrub or permit any fire to burn where it will injure any Tree or Shrub.
 - (3) Permit any toxic chemical, gas, smoke, oil or other injurious substance to seep, drain or be emptied upon any Tree or Shrub or their root zone.
 - (4) Remove any guard stake or other device or material intended to protect a Public Tree or Shrub or close or obstruct an open space about the base of a Public Tree or Shrub designed to permit access of air, water or fertilizer.
 - (5) Topping. It shall be unlawful as a normal practice for any person or firm to top any street tree, park tree, or other Trees on public property. Trees severely damaged by storm or other causes, or certain Trees under utility wires or other obstructions where standard pruning practices are impractical, are exempt from this chapter.
 - (6) Trimming of public elms and oaks during growing season. No person or firm shall,

from April 15 until October 1, trim any public elm or oak tree without permission of the Forester. Exceptions are for storm-damaged Trees that were damaged in the current growing season. Any emergency trimming of elms and oaks during the growing season must have wounds treated with a wound treatment compound or nontoxic thick paint at the time of limb Removal.

- B. Excavation and construction. No person or entity shall excavate any ditches, tunnels or trenches or install pavement within the drip line of any Public Tree unless said plans have been noted and approved by the Department of Public Works and have been reviewed and approved by the Forester. In the process of obtaining street excavation permission for the proposed work, the applicant shall indicate conflicts with and/or disruption to, existing Public Trees resulting from said work. All Public Trees near any excavation or construction of any building structure or street work shall be sufficiently guarded and protected by those responsible for such work to prevent an injury to said Trees.
- C. Landscaping. Except for the Village Department of Public Works, no person or entity shall, with or without intent, disturb or destroy existing roots within the drip line of any Public Trees without first obtaining permission of the Forester. No person or firm, with or without intent, will increase soil depth to any existing grade within the drip line of any Public Trees without permission of the Forester. Any soil added without permission will be Removed at the offender's expense.
- D. Tree Removal Permit Required. **[Added 2-26-2013]**
- (1) No person shall Remove or damage any Public Tree as outlined in § 266-5. If, during Construction, a Public Tree will be impacted, a Tree Removal Permit is required. Tree replacement obligations will be incurred by the applicant.
 - (2) A Tree Removal Permit fee shall be established and reviewed or amended by the Village Board. The fee shall be waived for local units of government, school districts and for the Removal of a Tree pursuant to the provisions of the Village Code of Ordinances concerning the Removal of Hazardous Trees.
 - (3) A Tree Removal Permit shall require the protection of other Trees located on, or adjacent to, the subject property.
- E. Application for Tree Removal Permit. **[Added 2-26-2013]**
- (1) A Tree Removal Permit application shall be submitted on a form approved by the Village Manager or his/her designee along with a Tree Removal Permit Fee.
 - (2) The Tree Removal Permit shall be issued by the Village Manager or his/her designee upon determination that the application form has been properly completed, that the applicable permit fee has been paid, and the required replacement obligation, if any, has been satisfied.
- F. Application forms, fees, rules, and appeals. **[Added 2-26-2013]**
- (1) The Village Manager or his/her designee is hereby authorized to establish any incidental rules or regulations that may be necessary to implement the provisions of this chapter, including the preparation of the application, permit, or other forms.
 - (2) In the event the applicant objects to a determination of the Village Manager's designee

in connection with a Tree Removal Permit or Tree Removal Permit application under this chapter, an applicant may appeal such determination by filing a written appeal with the Village Manager within 10 days after the Village Manager's designee's determination. The appeal shall set forth with particularity the aspects of the Village Manager's designee's determination from which the appeal is sought and the basis on which the applicant believes the Village Manager's designee's determination was inconsistent with the standards of this chapter. The Village Manager shall notify, in writing, the person filing the appeal of his/her decision regarding the appeal.

- (3) The decision of the Village Manager may be appealed to the Village Board of Trustees within 30 days of the Village Manager's decision. The decision of the Village Board of Trustees shall be final.

G. **Tree Replacement Obligations.** Whenever a Tree Removal Permit is subject to a Tree Replacement Obligation due to the Removal of a Significant Tree, the Village Manager or his/her designee shall determine what the tree replacement obligation shall be. The obligation shall be based on the size of the Significant Tree(s) affected and subject to the following terms: **[Added 2-26-2013]**

- (1) The Village Manager or his/her designee shall require the applicant to replace the Significant Tree(s) Removed with new Trees, each of which shall have a minimum Caliper of not less than two inches. The total Caliper of replacement tree(s) shall equal or exceed the DBH of the tree(s) Removed, unless the Village Manager or his/her designee determines that full replacement would result in unreasonable crowding of Trees upon the right-of-way adjacent to the Subject Property as administered per § 266-5H(4).
- (2) The Village Manager or his/her designee shall have prior approval of all species of Trees to be planted on the property when the planting of replacement Trees is required.
- (3) An applicant shall be required to replace any replacement Tree that does not survive the second anniversary of its installation.
- (4) If the adjacent Village property cannot accommodate the replacement Trees, the applicant will pay a fee in lieu of planting replacement Trees on Village property of \$400 per Tree Removed. The Village shall than use such funds to purchase and plant Trees elsewhere on Village property.
- (5) Permit Revocation occurs when there is a violation of any provision of this chapter and shall be grounds for revocation of any permit or approval issued pursuant to this chapter.

§ 266-6. Regulation of vegetation. [Amended 4-26-2005]

A. **Legislative intent.** It is the intent of the Board of Trustees to regulate the growth of certain regulated vegetation and to prohibit the planting of controlled vegetation within the Village. In the exercise of its police power and in recognition of further statutory authority conferred by § 66.96, Wis. Stats., the Board finds that attractive and well-maintained property will enhance the neighborhoods and Village and will provide a suitable environment for increasing physical and monetary value and that the growth of certain regulated vegetation as defined herein:

- (1) Attracts rodents;
 - (2) Invites unwanted dumping of grass clippings and other organic and inorganic waste material on undeveloped or partly developed parcels of land within the Village;
 - (3) Creates, under certain circumstances, fire hazards;
 - (4) At certain times of the year serves to adversely intensify the pollution of the air substances which would affect persons with allergic producing hay fever or other allergic-related illnesses;
 - (5) Gives an appearance of neglect which is inconsistent with surrounding properties to the overall detriment of the Village; and
 - (6) Violates state public policy with respect to certain noxious weeds which by statutory definition are per se an impermissible form of vegetation.
- B. Duty to destroy.
- (1) Any person or legal entity owning, occupying or controlling land located in Elm Grove and without regard to its level of development shall destroy all regulated vegetation thereon; provided, however, that grass or weeds regulated under Subsection H of the definition of "regulated vegetation" in § 266-1 shall be brought into compliance with the height requirements contained therein through mowing or cutting.
 - (2) Persons owning property having controlled vegetation located thereon are encouraged to Remove such controlled vegetation whenever practicable.
- C. Planting of controlled vegetation prohibited. No person shall plant any controlled vegetation in the Village.
- D. Maintenance of yards and lot areas.
- (1) Landscaping, plantings and other decorative surface treatments, including common species of grass, shall be installed if necessary and maintained to present an attractive appearance in all yards and lot areas except a wooded lot. In the absence of an approved land management plan from the Plan Commission pursuant to the delegated authority of this chapter, grasses shall be maintained to a height not to exceed seven inches in length. Plantings shall be maintained so as not to present hazards to adjoining properties or to persons or vehicles traveling on public ways and shall be maintained so as to enhance the appearance and value of the neighborhood and the Village.
 - (2) No person, or entity shall place brush on any public right-of-way or any public property for the purpose of its Removal by the Village Department of Public Works or any other entity any earlier than the Friday preceding the first day of the week posted for municipal brush pickup in the respective area where placed or more than 72 hours in advance of any contracted pickup time. Violators of this provision shall be subject to a special charge per Village truckload at the current rate of service, or fraction thereof, for Removal of brush by the Village. **[Amended 4-22-2008; 9-28-2015]**

- E. Authority of Fire Chief to abate fire threat. All yard areas and grass areas shall be cut between June 30 and October 15 when the Fire Chief so orders consistent with his or her professional determination that the length of such yard or grass areas poses an unreasonable threat from fire to the safety of the area in question or its surrounding neighborhood.
- F. Application for approval of land management plan. Any owner or lessee, with the consent of the owner, of land in the Village may apply with the Plan Commission for approval of a land management plan for a natural lawn, one where the grasses exceed seven inches in height, as follows:
- (1) Application requirements. Each application for a land management plan shall be on a form provided by the Village Clerk. A copy of the application shall be mailed by the applicant or given personally by the applicant to each of the owners of record, as listed in the office of the Village Assessor, who are owners of the property situated in whole or in part within 200 feet of the boundaries of the properties affected. The Village Clerk shall provide the list of the property owners who are to be notified of the application. The applicant shall certify, under oath, on a form to be furnished by the Village Clerk that such owners have been duly notified and the manner in which they have been notified. If, within 15 days of receipt of a copy of the application, at least 51% of such property owners file written objections to the application with the Village Clerk, then such application shall be referred to the Plan Commission for public hearing prior to decision. Such a hearing shall be noticed with a Class 2 notice at the expense of the applicant.
 - (2) Application of appeal. The owner or lessee of land in the Village may appeal from a decision of the Plan Commission refusing to grant a land management plan. All appeals shall be to the Board of Trustees, which shall hear such appeals. All applications for appeal shall be submitted within 15 days of notice of denial of the land management plan. **[Amended 2-26-2013]**
 - (3) Revocation of the land management plan. The land management plan may be revoked for failure to comply with the requirements of this chapter. Notice of intent to revoke a land management plan shall be appealable to the Board of Trustees pursuant to the delegated authority of this chapter. All applications for appeal shall be submitted within 15 days of notice of intent to revoke a land management plan. **[Amended 2-26-2013]**
- G. Duty to comply with written order. In the event that any person or legal entity owning, occupying or controlling land located in Elm Grove is served with an order in writing by the Elm Grove Weed Commissioner to destroy regulated vegetation or Remove and destroy newly planted controlled vegetation (served by a type of delivery service of which the delivery can be tracked or served in person) and fails to do so within seven consecutive days of receipt of same or seven consecutive days of the refusal of the receipt of such mailed order, such person or legal entity shall be assessed a special charge against the property in question, the cost of destroying the regulated vegetation pursuant to § 66.60(16), Wis. Stats. Such destruction shall occur at the direction of the Weed Commissioner in consultation with the Village Manager. **[Amended 10-26-2010]**
- H. Public notice to destroy regulated vegetation. The President of the Village Board shall compel the posting annually on or before May 15 by the Village Manager for 14 days that every person or legal entity owning, occupying or controlling land located in Elm Grove is

required by law to destroy all regulated vegetation. **[Amended 4-22-2008]**

I. Weed Commissioner.

- (1) The Village President shall appoint a Weed Commissioner in accordance with the provision of § 66.97, Wis. Stats.
- (2) The Weed Commissioner and the Village Manager individually shall be authorized pursuant to § 66.119(2), Wis. Stats., to issue a citation for violation of this chapter in accordance with the provisions of Chapter 1, Article II, of the Code of the Village.

§ 266-7. Inspections.

- A. The Village Forester is authorized to inspect or cause to be inspected all premises and places within the Village to determine whether any public nuisance regulated under this chapter exists thereon. The Village Forester shall also inspect or cause the inspection of any elm tree reported or suspected to be infected with the Dutch elm disease or any elm bark bearing material reported or suspected to be infested with elm bark beetles. Furthermore, the Village Forester will inspect all oaks reported or suspected to be infected with oak wilt or any oak wood bearing material reported or suspected to be infested with Nitidulid. The Village Forester will inspect all ash Trees reported or suspected of containing Emerald Ash Borer. **[Amended 5-28-2007]**
- B. The Village Forester may inspect Trees, alive or dead, fallen or standing, for the purpose of determining whether such Trees are contagiously diseased or defective such as to create a hazardous situation. Such examinations shall include the right to take samples from such Trees for laboratory testing purposes. Before having such analysis made, the owner shall be contacted and afforded the opportunity of securing private tests at his or her own expense, within a period of 20 consecutive days thereafter, the results of which shall be made available to the Village Forester.
- C. The Forester and his or her agents shall request permission to enter upon private property for the purpose of carrying out any of the provisions of this chapter. In the event of refusal of entry, the Forester or his or her agent shall be empowered to apply for an inspection warrant pursuant to § 66.122, Wis. Stats.
- D. Whenever reasonably necessary to determine the existence of Dutch elm disease, elm bark beetles, oak wilt, Nitidulid beetles or Emerald Ash Borer in any Tree, the Forester or his or her agent inspecting such Tree shall Remove or cut specimens from the Tree in such manner as to avoid permanent injury thereto and deliver such specimens to the Forester who shall forward them to the Wisconsin Department of Agriculture at Madison for analysis to determine the presence of a public nuisance. Before Removal of any specimens under this subsection, the owner shall be contacted and afforded the opportunity of securing private tests at the owner's own expense, within a period of 20 days thereafter. The results of the tests shall be made available to the Village Forester. **[Amended 5-28-2007]**

§ 266-8. Cost of public nuisance abatement and Tree care; special charges.

- A. The Village shall pay the cost of abatement of public nuisances located on public property.
- B. Costs incurred by the Village for the abatement of public nuisances located on private property shall be assessed against the property owner as a special charge pursuant to

§ 66.60(16), Wis. Stats.

C. Special charges under this section:

- (1) Shall be without prior notice as authorized in § 66.60(16)(a), Wis. Stats., and shall be imposed for services performed, subject to availability of Village resources;
- (2) Shall be payable within 30 calendar days of the mailing of an invoice from the Village;
- (3) Shall not be payable in installments; and
- (4) Shall become, if delinquent, a lien as provided in § 66.60(16)(a), Wis. Stats.

§ 266-9. Prohibited acts; violations and penalties. [Amended 4-26-2005; 7-26-2005]

- A. Any person who does any of the following acts within the Village shall be subject to a penalty as provided in § 1-16 of this Code, except that the forfeiture shall not be less than \$100:
- (1) Transports any diseased wood on which the bark has not been Removed for resale to any address in Elm Grove.
 - (2) Interferes with or prevents any acts of the Forester or his or her agents or employees while they are engaged in the performance of duties imposed by this chapter.
 - (3) Permits any public nuisance as defined in this chapter to remain on any premises owned or controlled by him or her when ordered by the Forester to abate such nuisance.
- B. Any person or entity violating any of the provisions of § 266-6C, D, E or F shall be subject to a penalty as provided in § 1-16 of this Code. **[Amended 2-26-2013]**
- C. It shall be an offense for any person, property owner to do themselves, or to employ or authorize or direct any third party or entity to Remove a Public Tree without having first obtained a Tree Removal Permit, if so required under the provisions of this chapter. **[Added 2-26-2013²]**
- D. It shall be an offense for any person to undertake a Tree Impact Activity that is not undertaken in strict conformity with the terms and conditions of a Tree Removal Permit. **[Added 2-26-2013]**
- E. A separate offense shall be deemed to have been committed for each Public Tree Removed without a Tree Removal Permit or in violation of a Tree Removal Permit. **[Added 2-26-2013]**
- F. Any person or legal entity owning, occupying or controlling land located in the Village who shall fail to comply with an order of the Village Weed Commissioner to destroy regulated vegetation thereon within five consecutive days of receipt of such order shall be subject, in addition to a special charge for abatement, to a penalty as provided in § 1-16 of this Code for offenses within a twelve-month period. **[Amended 2-26-2013]**

2. Editor's Note: This ordinance also provided for the redesignation of former Subsection C as Subsection F.

FINDINGS

Chapter 266. Trees and Vegetation

Public Property (Definition):

Premises owned or controlled by the Village, including without limitation because of enumeration, public sites, parks, playgrounds, streets, alleys, sidewalks, boulevards, and the terrace strip between the lot line and the curb or improved portion of any public way.

Public Tree (Definition):

Any Tree located on any Village-owned property, including, without limitation, parkways, roads, parks and other rights-of-way.

Significant Tree (Definition):

Any Tree located on public property, other than a Hazard Tree or Public Nuisance, having a DBH of six inches or more.

§ 266-5D Tree Removal Permit Required

(1) No person shall Remove or damage any **Public Tree as outlined in § 266-5**. If, during Construction, a Public Tree will be impacted, a Tree Removal Permit is required. Tree replacement obligations will be incurred by the applicant.

(2) A Tree Removal Permit fee shall be established and reviewed or amended by the Village Board. The fee shall be waived for local units of government, school districts and for the Removal of a Tree pursuant to the provisions of the Village Code of Ordinances concerning the Removal of Hazardous Trees.

(3) A Tree Removal Permit shall require the protection of other Trees located on, or adjacent to, the subject property.

§ 266-5G Tree Replacement Obligations

Whenever a Tree Removal Permit is subject to a Tree Replacement Obligation due to the Removal of a **Significant Tree**, the Village Manager or his/her designee shall determine what the tree replacement obligation shall be. The obligation shall be based on the size of the Significant Tree(s) affected and subject to the following terms:

[Added 2-26-2013]

(1) The Village Manager or his/her designee shall require the applicant to replace the Significant Tree(s) Removed with new Trees, each of which shall have a minimum Caliper of not less than two inches. The total Caliper of replacement tree(s) shall equal or exceed the DBH of the tree(s) Removed, unless the Village Manager or his/her designee determines that full replacement would result in unreasonable crowding of Trees upon the right-of-way adjacent to the Subject Property as administered per § 266-5H(4).

(2) The Village Manager or his/her designee shall have prior approval of all species of Trees to be planted on the property when the planting of replacement Trees is required.

(3) An applicant shall be required to replace any replacement Tree that does not survive the second anniversary of its installation.

(4) If the adjacent Village property cannot accommodate the replacement Trees, the applicant will pay a fee in lieu of planting replacement Trees on Village property of \$400 per Tree Removed. The Village shall

than use such funds to purchase and plant Trees elsewhere on Village property.

(5) Permit Revocation occurs when there is a violation of any provision of this chapter and shall be grounds for revocation of any permit or approval issued pursuant to this chapter.

Chapter 305. Land Division

Article VI. Public Sites and Open Spaces

§ 305-16 Consideration of public sites and open spaces.

In the design of the plat, due consideration shall be given by the subdivider and the Plan Commission to the reservation of suitable sites of adequate area for future schools, parks, playgrounds and other public purposes. Consideration shall be given to the preservation of stands of existing trees, lakes, ponds and watercourses.

Chapter 335. Zoning

Article XI. Administration

§ 335-88. Site plan and building plan approval.

D. Procedure for site and building plan review and approval.

(1) Application. An applicant for a building permit that requires site and building plan review shall apply to the Village for a certificate of site and building plan approval on forms provided by the Zoning Administrator and shall provide 15 eight-and-one-half-by-fourteen-inch copies and three eleven-by-seventeen-inch copies, at a scale of 1/8 inch or larger, of all submittal materials as described below, together with the fee established by the Village Board of Trustees:

(a) A certified survey map prepared by a certified land surveyor or plat map is required unless an exception is granted by the Zoning Administrator. If an exception is granted, the applicant must at least provide the boundary dimensions and lot area of the legal parcel on which the structure is located.

(b) Existing and proposed grades, stormwater management basins and drainage systems and structures with topographic contours at intervals not exceeding two feet. The Zoning Administrator may waive the grading map in situations where there will be no alteration of existing grades.

(c) The shape, size, location, height and floor area of all structures and the floor area and finished ground and basement floor grades.

(d) Total acres of lot.

(e) Location and species of all existing trees over four inches in diameter at a height of five feet from the ground.

(f) Natural features, such as wood lots, drainage ways, streams and lakes or ponds, and man-made features, such as existing roads and structures, with indication as to which are to be retained and which are to be removed or altered.

(g) Adjacent properties and their uses shall be identified.

(h) Proposed streets, driveways, parking spaces, sidewalks and other pedestrian or vehicular circulation facilities, with indication of direction of travel for one-way streets and drives and inside radii of all curves. The width of streets, driveways and sidewalks and the total number of parking spaces shall be shown.

(i) Architectural plans showing all exterior elevations and general floor plans shall be provided for all new buildings. These drawings and plans shall provide sufficient detail to indicate the architectural design of the proposed buildings.

(j) Landscape plan showing all new plantings and retained existing plant materials. The landscape plan shall include the number, species and size of materials at installation.

(k) The front elevation of the principal structures and samples of exterior structure materials and colors.

(l) The location, general design and dimension of all signs, including ground signs, wall signs, roof signs and directory signs.

(m) The location, height, design, type and power of all exterior lighting.

(n) The size and location of all existing and proposed public and private utilities on the site.

(o) The name, address and telephone number of the owner, developer and designer.

(p) For multifamily residential projects, the number and size of dwelling units, anticipated resident population and the anticipated population under 18 years of age.

(q) For nonresidential projects, the amount of floor area, the number of anticipated employees and number of parking stalls.

(r) A tree root system preservation plan shall be submitted for construction activity that requires a permit under this chapter whenever conditions exist where a tree or trees on properties that abut the construction site may be affected by the construction activity. The plan shall indicate the methods that are to be used to protect the existing tree root system. The following items shall be identified on the tree root system preservation plan:

[Amended 1-26-2015]

[1] Trees located on abutting properties which are located closer to the shared property line or lines than the required building yard setback for the applicable zoning district in which the properties are located.

[2] Areas on the property where proposed construction activity is likely to occur and proposed building areas.

[3] Location of areas where building materials, spoils and construction debris are to be placed or stored.

[4] The location of construction vehicle and equipment access points, and areas where construction vehicles and equipment are likely to be used and stored.

[5] Location of erosion control measures.

[6] Any additional information that may be required by the Village to obtain a more complete understanding of the site.

(s) Any other information necessary to establish compliance with this chapter and other applicable Village ordinances.

[Added 1-26-2015]

(2) Schedule Building Board and Plan Commission meetings. Upon receipt of a complete application, required submittal materials and all applicable fees for a site and building plan approval, the Zoning Administrator shall place the application on the agenda for the next available Building Board meeting and, if applicable, on the next available Plan Commission meeting. The applicant shall be given an opportunity to make a presentation, and any interested party shall be given the opportunity to comment.

(a) Preapplication review conference. Any applicant or prospective applicant for any permit that requires site and building plan approval may request a preliminary review conference with the Zoning Administrator and Village staff. At such conference, the staff shall review the preliminary exterior drawings, sketches or photographic examples, landscape and site plans and materials on a specific project and provide the applicant with guidance in the development of a plan which would be consistent with the requirements and purposes of this section.

(b) Building Board and Plan Commission actions. The Building Board and Plan Commission may approve, deny or approve changes in the site plan and exterior design features, subject to conditions established by the Building Board or Plan Commission that are reasonably necessary to accomplish the general purpose of this section.

[1] Decisions. The Building Board shall make a decision to grant a building permit, deny a building permit or schedule a public hearing on each application. Such decision shall be reported in writing to the Village Clerk within 48 hours following the Building Board meeting at which an application is considered. The Village Clerk shall report the Building Board's decision to the Building Inspector.

[2] When the Building Board determines that a public hearing is necessary to make a decision on any application, the Village Clerk shall post a notice at least seven days before the public hearing giving the time and place of the hearing and the matters to be considered. All parties in interest, as defined in this chapter, shall be mailed notice of the public hearing. The Building Board shall grant or deny a building permit within 48 hours following the public hearing and shall report its decision in writing to the Village Clerk.

[Amended 4-22-2008]

(8) Criteria for site and building plan reviews. The Building Board and Plan Commission in reviewing site and building plans will use criteria that is not intended to restrict imagination, innovation or variety, but rather to assist in focusing on design principles that can result in creative solutions that will develop satisfactory visual appearance within the Village, preserve taxable values and promote the public health, safety and welfare.

[Amended 6-24-2002; 4-26-2005; 4-25-2006; 3-25-2008; 10-28-2008; 6-26-2012; 9-24-2013]

(a) Landscape and site treatment.

[1] Where natural or existing topographic patterns contribute to beauty and do not detract from the utility of a development, they shall be preserved and developed.

[2] Landscape treatment shall be provided to enhance architectural features, improve appearance, screen parking areas and miscellaneous structures, provide wildlife habitat, provide shade and enhance the streetscape.

[3] Unity of design shall be achieved by repetition of certain plant varieties and other materials and by coordination with landscaping or materials on adjacent developments.

[4] Plant materials shall be selected on the basis of size at maturity, hardiness, tolerance for site specific environmental conditions, screening value, wildlife habitat values and all season appearance.

[5] Use of plants that are indigenous to the area shall be encouraged.

[6] Nonnative plants that are considered a nuisance or invasive species, such as purple loose strife, honeysuckle and buckthorn shall not be used as plant materials.

[7] Plant specimens shall be of sufficient size and quality to provide screening and landscape benefits within three growing seasons from the time of planting. Trees planted in front yard areas or in other highly visible areas where they serve as a visual screen, should be at least two inches in diameter and eight feet high at the time of planting. Evergreens should be a minimum of six feet high at the time of planting. Shrubs should be balled and burlapped and a minimum of 18 inches high at the time of planting.

[8] Irregular clusters of vegetation are generally preferable to isolated specimens or regularly spaced rows of plantings.

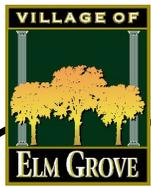
[9] In locations where they will be susceptible to injury by pedestrian or motor traffic, plants shall be protected by appropriate curbs, tree guards or other devices.

[10] Planting in parking lot islands is required to break up large expanses of parking stalls. Parking lots of over 24 vehicles shall have a minimum of one tree island not less than 180 square feet for each 24 parking stalls or an equivalent number of perimeter plantings or tree rows that are designed as part of an overall landscape plan acceptable to the Plan Commission.

[11] Large parking areas shall be treated with decorative screens consisting of building wall extensions, plantings, berms or other innovative means so as to screen parking areas.

[12] Screening of service yards and other places that tend to be unsightly shall be accomplished by use of walls, fencing, planting or combinations of these. Screening shall be equally effective in winter and summer. Screens shall be compatible and harmonious with the landscaping and site treatments on neighboring properties.

[13] Prohibition of disturbing steep slopes. Steeply sloped terrain with a natural grade of 25% or more may not be regraded, built upon or otherwise disturbed. The Planning Commission and Building Board may grant an exception to this requirement where the area proposed for disturbance is an isolated area no more than 20,000 square feet in size, and provided that such disturbance is necessary for the development to occur and does not alter the overall topographical character of the site.



TREE ROW REMOVAL PERMIT

Permit: _____

Village of Elm Grove | 13600 Juneau Blvd. | (262)-782-6700

Date: _____

Property Owner: _____ Phone: _____

Property Owner Current Address: _____

Address of Tree Removal _____

Name of Tree Removal Service: _____

Phone: _____ Email _____

Address: _____

Tree(s) Information:

Diameter of Tree(s) in Inches: _____

Species of Tree(s): _____

Right of Way Tree Number(s) _____

Permit Fee \$100.00

§266-5(G) Tree Replacement Obligations. Whenever a Tree Removal Permit is subject to a Tree Replacement Obligation due to the Removal of a Significant Tree, the Village Manager or his/her designee shall determine what the tree replacement obligation shall be. The Obligation shall be based on the size of the Significant Tree(s) affected and subject to the following terms:

- (1) The Village Manager or his/her designee shall require the applicant to replace the Significant Tree(s) Removed with new Trees, each of which shall have a minimum caliper of not less than two inches. The total caliper of replacement tree(s) shall equal or exceed the DBH of the tree(s) removed, unless the Village Manager or his/her designee determines that full replacement would result in unreasonable crowding of Trees upon the right-of-way adjacent to the Subject Property as administered per §266-5H(4).
- (2) The Village Manager or his/her designee shall have prior approval of all species of Trees to be planted on the property when the planting of replacement Trees is required.
- (3) An applicant shall be required to replace any replacement Tree that does not survive the second anniversary of its installation.
- (4) If the adjacent Village property cannot accommodate the replacement Trees, the applicant will pay a fee in lieu of planting replacement Trees on Village property of \$400 per Tree Removed. The Village shall then use such funds to purchase and plant Trees elsewhere on Village property.
- (5) Permit Revocation occurs when there is a violation of any provision of this chapter and shall be grounds for revocation of any permit or approval issued pursuant to this chapter.

Appeals per §266-5(F)(2)

Applicant Signature: _____ Date: _____

Official Use:

Determined Value _____ Permit Fee _____ Total Due _____ Date Paid _____

Approved by _____ Date _____