



VILLAGE OF WATERFORD
PLAN COMMISSION

February 15, 2023, 6:00 pm
Village Hall, 123 N River Street

- 1. Call to Order
- 2. Roll Call
- 3. Comments and Correspondence
- 4. Public Appearances
- 5. Reading and Approval of Min: 1/18/23 & 2/6/23 Joint VB & PC Minutes

New Business

- 1. Review and consider a motion to recommend approval of a Pier Permit – 300 Foxwood Drive #159.
- 2. Discussion on an ordinance amendment to allow staff to review and approve pier permits.

Adjournment

Public Notice

Questions regarding the nature of the agenda items or more detail on the agenda items listed above scheduled to be considered by the governmental body listed above can be directed to Zeke Jackson, Village Administrator at 262-806-1750 or at zjackson@waterfordwi.org. It is possible that members of and possibly a quorum of members of other governmental bodies of the municipality may be in attendance at the above-stated meeting to gather information; no action will be taken by any governmental body at the above-stated meeting other than the governmental body specifically referred to above in this notice. Upon reasonable notice, a good faith effort will be made to accommodate the needs of disabled individuals through sign language interpreters or other auxiliary aid at no cost to the individual to participate in public meetings. Due to the difficulty in finding interpreters, requests should be made as far in advance as possible preferably a minimum of 48 hours. For additional information or to request this service, contact the Village Staff at 262-534-7912, or by writing to the Village Administrator at the Village Administration Building, 123 N. River St, Waterford WI, 53185 Copies of reports and other supporting documentation are available for review at the Village Administrator’s Office, Administration Building, 123 N. River St, Waterford WI 53185 during operating hours. (8 a.m. – 5 p.m. weekdays).

2/10/2023; 12:00 p.m.

Village of Waterford
Joint Village Board and Plan Commission UnOfficial Minutes
January 18th, 2023
Held at Village Hall, 123 N River Street

Meeting was called to order by President Houston at 6:01 pm.

Trustees Present: President Don Houston, Trustees Tamara Pollnow, Troy McReynolds, Adam Jaskie
Trustees Excused: Pat Goldammer, Andy Ewert, Bob Nash

Plan Commissioners Present: Chair Don Houston, Bil Luth, Brent Hess, Diane Lemanczyk, Howard Bryant, Eric Halbur

Excused Plan Commission: Bob Nash

Others Present: Rachel Ladewig, Zeke Jackson, Brett Biber, Matthew Allen, Karen Allen, Kyle Foat, Garrett Foat

Minutes: Motion by Luth to approve the 11/16/22 Plan Commission Minutes. Second by Bryant. All aye. Motion carried.

New Business:

1. The Trustees and Commissioners reviewed and discussed a proposed 2 Building, 12 apartment multi-family project (civil and architectural) from Foat Builders on an unaddressed parcel on S. 7th St. Motion by Plan Commissioner Halbur to approve the 2 building multifamily apartments and development contingent on the Village Board working things out and also the 30-foot easement included in the agreement and the cul-de-sac being engineered, second by Luth. All aye. Motion carried.

2. Review and discussion on a proposed restaurant and CSM in the Mercury Business Park (Spanky's). Motion by Plan Commissioner, Eric Halbur to approve the proposed CSM, seconded by Lemanczyk. All Aye. Motion carried. Motion by Halbur approve the site plan, second by Bryant. All aye. Motion Carried.

Motion by Village Trustee Pollnow to adopt Resolution 986-011823 - Approving the Sale Lot 1 in the Mercury Business Park to Matt and Karen Allen (Spanky's), second by Jaskie, by roll call vote; Pollnow - Aye, Houston - Aye, McReynolds - Aye, Jaskie - Aye. All aye. Motion carried.

Motion by Village Trustee McReynolds to adopt the plans for Spanky's, second by Jaskie. All aye. Motion Carried.

Motion by Village Trustee Jaskie to adopt the Development Agreement for Spanky's, second by Pollnow. All Aye. Motion carried.

3. Review and Discussion on a proposed garage and building expansion for Ideal Process Process Solutions at 820 Ela Ave. Motion by Halbur to table the proposed garage and building expansion at Ideal Process Solutions until they come forward with the plans. Second by Luth. All aye. Motion carried.

Motion by McReynolds to adjourn the meeting at 6:55 pm, second by Bryant. All aye. Motion carried.

Respectfully submitted by,
Rachel Ladewig, Clerk

Village of Waterford
Joint Village Board & Plan Commission UnOfficial Minutes
February 6, 2023
Held at Village Hall, 123 N River Street

Meeting was called to order by President Houston at 6:00 pm.

Trustees Present: President Don Houston, Trustees Pat Goldammer, Tamara Pollnow, Troy McReynolds, Adam Jaskie, Andrew Ewert, Robert Nash
Plan Commissioners Present: Don Houston, Robert Nash, Howard Bryant, Bil Luth, Diane Lemanczyk
Others Present: Rachel Ladewig, Zeke Jackson, and many members of the public

Minutes: Motion by Nas, seconded by Ewert to table the approval of the 1/18/23 Joint VB & Plan Commission Minutes. All aye. Motion carried.

I-Public Hearing: DeGrave Property Annexation

The hearing for the DeGrave Annexation was opened at 6:02 PM.

Below is a list of citizens that expressed their concerns over the DeGrave Annexation:

Mike McDougall – 28749 Tamarack Trail, Waterford, WI 53185

Mike Sossaman – 4733 S Loomis Rd, Waterford, WI 53185

Andi Addis – 29129 Elm Island, Waterford, WI 53185

Dale Gaurke – 5355 Northwest Hwy, Waterford, WI 53185

Edward Piojda – 28705 Frasier Trail, Waterford, WI 53185

Mike Schroeder – 29333 Elm Island Dr, Waterford, WI 53185

Chris Kendziora – 29200 Manor Dr, Waterford, WI 53185

Lara Simmons – 4324 S Loomis Rd, Waterford, WI 53185

Doug Schwartz – 4508 Empire Ln, Waterford, WI 53185

Sarita Schraeder – 4332 S Loomis Rd, Waterford, WI 53185

John Funke – 28626 Burma Ln, Waterford, WI 53185

Motion by Ewert, seconded by Pollnow to close the Public Hearing at 6:46 PM. All aye. Motion carried.

Plan Commission: Motion by Nash to Recommend approval to the Village Board of the DeGrave Annexation Request, seconded by Luth. All aye. Motion carried.

Village Board: Motion by McReynolds to approve the DeGrave Annexation Request and to approve Ordinance 690-011123 – DeGrave Ordinance Annexing Territory to Village of Waterford, seconded by Pollnow by roll call vote; Houston–Aye, McReynolds–Aye, Pollnow–Aye, Goldammer–Aye, Ewert–Aye, Jaskie–Aye, Nash–Aye. Motion carried.

2-Public Hearing: Planned Community Development (PCD) Zoning for Arthur T and Martha DeGrave Revocable Trust Properties

The hearing for the PCD Zoning was opened at 6:50 PM

Below is a list of citizens that expressed their concerns over the PCD Zoning:

Lara Simmons – 4324 S Loomis Rd, Waterford, WI 53185

Mike Schroeder – 29333 Elm Island Dr, Waterford, WI 53185

Kristen Paulick – 202 Racine St, Waterford, WI 53185

Lauren Janssen – 28939 Kramer Dr, Waterford, WI 53185

Eric Johnson – 28638 Kramer Dr, Waterford, WI 53185

Tom Greil – 4901 Big Bend Rd, Waterford, WI 53185

Andi Addis – 29129 Elm Island, Waterford, WI 53185

Motion by McReynolds to close the public hearing at 7:05 PM, seconded by Pollnow. All aye. Motion carried.

51 Planning Commission: Motion by Houston to recommend approval to the Village Board of the DeGrave
52 Planned Community Development, seconded by Lemaczyk. All aye. Motion carried.
53 Village Board: Motion by McReynolds to approve Ordinance 691-011123 - DeGrave Planned
54 Community Development (PCD-17) by roll call vote; Houston–Aye, McReynolds–Aye, Pollnow–Aye,
55 Goldammer–Aye, Ewert–Aye, Jaskie–Aye, Nash–Aye. Motion carried.
56
57 Motion by Pollnow to adjourn at 7:10 pm, seconded by Ewert. All aye. Motion carried.
58
59 Respectfully submitted by,
60 Rachel Ladewig, Clerk

VILLAGE OF WATERFORD
123 N RIVER ST
WATERFORD WI 51385
262-534-3924
FAX: 262-534-5373

FEE: \$25

APPLICATION FOR PIER PERMIT

Pursuant to Village of Waterford Municipal Code Chapter 260-4

NAME:	JEFF STEENWEG, FXWD I LLC	
ADDRESS:	300 FOXWOOD DR #159	
TELEPHONE:	414-425-4890	JSTEENWEG@aol.com

Please provide the following information relating to the construction of the pier. Refer to the back of this application for guidelines regarding the specifications of piers.

Length: 6 FT Width: 2 FT Water depth: 14 INCHES

Color/type of material being used: WOOD - HOA APPROVED #38

Estimated cost of project: \$400.00

Distance pier will be from abutting property lot lines: CONDO - NO ABUTTING PROPERTY ALL OWNED BY HOA

Jeff Steenweg Pier 39
300 Foxwood Dr #159
Waterford WI 53185

Name and address of abutting property owners:

JENNIFER KLAMM	PIER 37
300 FOXWOOD DR #162	
WATERFORD, WI 53185	

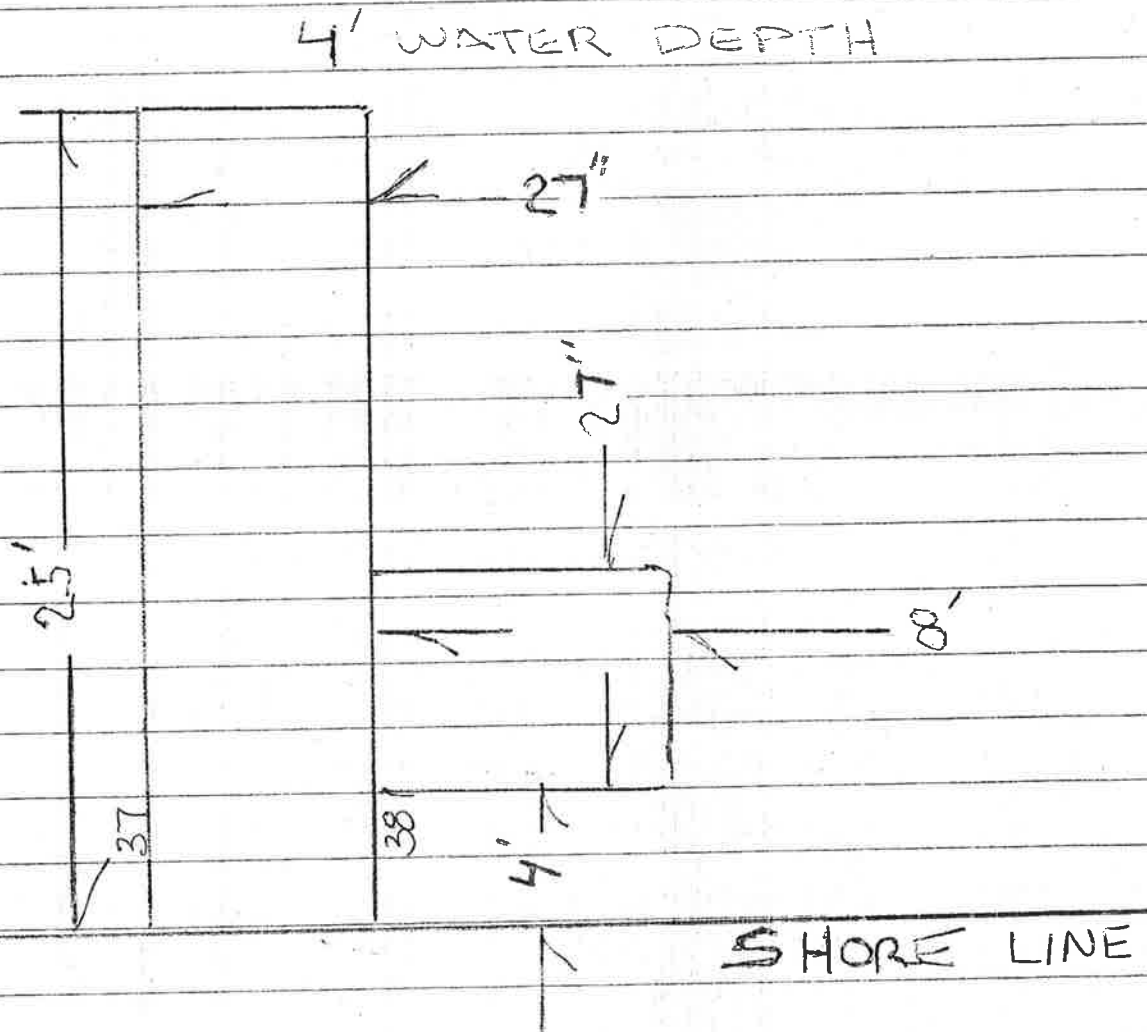
The undersigned hereby applies for a permit to construct a pier according to the information provided above and in compliance with the ordinance provisions of 260-4:

Owner/Contractor [Signature] Date 1/28/23

For office use only	
Plan Commission date: _____	Date notices sent to property owners _____
Village Board date: _____	Approved: _____ Denied _____
_____ Village President	_____ Date

6. BOAT SLIPS CONTINUED:

- C. Catwalks are allowed to be installed in front of boats or shore stations provided they conform to the standards set forth in the Rules and Regulations. All Catwalks are installed perpendicular to boat docks and are made of materials/construction the same as the boat docks.
- D. Boat docks will not exceed 25 ft in length and Catwalks will not exceed 8 ft in length and both will not exceed 27 inches in width. Under no circumstances will the dock or catwalk exceed $\frac{1}{2}$ the total shared space between boat docks or impede navigation of the waterway.
- E. Construction of all boat docks and catwalks must be of marine grade pressure treated lumber consisting of nominal 2 inch by 8-inch planks as decking with appropriate wood base framing and metal posts uprights to properly support the structure and traffic. Catwalks should have 6 posts for an 8-foot section. Catwalks must be approved by the Board prior to installation/rebuilding by submitting a completed Architectural Review Form.



Chapter 260

PIERS

[HISTORY: Adopted by the Village Board of the Village of Waterford as Chapter 20 of the 1998 Code. Amendments noted where applicable.]

GENERAL REFERENCES

Boating — See Ch. 93.

Zoning — See Ch. 245.

§ 260-1. Definitions.

The definitions contained in Wis. Stat. § 30.01, as the same may be amended from time to time, shall apply to all terms contained in this chapter, unless otherwise specifically set forth in this section. For purposes of this chapter, the following terms are defined as follows:

LINE OF NAVIGATION — The three-foot depth or a greater depth contour, if required, for boats in use or appropriate for the use on the waterway, based on the normal summertime low levels on the waterway or summer minimum levels where established by the DNR.

ORDINARY HIGH WATERMARK — The point on the bank or shore up to which the presence and action of the water is so continuous as to leave a distinct mark, either by erosion, destruction or prevention of terrestrial vegetation or predomination of aquatic vegetation or other easily recognized characteristics.

PIER — Any structure extending into navigable waters from the shore of such navigable waters, built or maintained for the purpose of providing a berth for watercraft or for loading or unloading cargo or passengers onto or from the watercraft and may include a temporary boat hoist without roof or walls.

RIPARIAN — An owner of land abutting a stream or lake.

SIMILAR OR RELATED STRUCTURES AND FACILITIES — Includes seasonal or permanent boat shelters or boat hoists.

WETLAND — An area where water is at, near or above the land surfaces long enough to be capable of supporting aquatic or hydrophytic vegetation and which has soils indicative of wet conditions.

WHARF — Any structure in navigable waters, extending along the shore and generally connected with uplands throughout its length, built or maintained for the purpose of providing a berth for watercraft or for loading or unloading cargo or passengers onto or from the watercraft.

§ 260-2. Establishment of pierhead line.

- A. Until such time that the Village establishes and the DNR approves a pierhead line on the Fox River within the Village which meets the requirements of Wis. Stat. §§ 30.11 and 30.13, and this chapter can be amended accordingly, no pier, wharf or

similar or related structure or facility may exist beyond the greater of:

- (1) Boat length;
 - (2) A three-foot water depth contour; or
 - (3) A greater depth contour if required for the watercraft berthed.
- B. Piers, wharves and similar or related structures or facilities may not in any case interfere with public rights on the waterways and the rights of other riparian owners.

§ 260-3. Construction procedure.

Any person desiring to construct any pier, wharf or similar or related structures or facilities on the Fox River within the Village shall follow the procedures as follows.

§ 260-4. Permit required; cancellation or revocation.

- A. No person may hereinafter construct, place or extend, enlarge or replace a pier, wharf or similar or related structure or facility or multi-pier development on the Fox River within the Village without first applying for and obtaining a permit from the Village for that portion of the river within the Village. Piers, wharves and similar or related structures or facilities which are legally placed as of October 14, 1991 (the date of the adoption of this chapter), which are removed and replaced seasonally, are not subject to permits or permit fees so long as any nonconformity with the requirements of this chapter are not expanded pursuant to § 260-5R.
- B. Any person, developer, firm or corporation desiring to erect, construct, place, extend, replace or repair any pier, wharf or similar or related structure or facility or multi-pier development below the ordinary high watermark of the Fox River within the Village shall make and file in the office of the Village Clerk a written application for permit. Developments with conceptual approval shall not be exempt from this requirement. The application shall describe the real estate, pier, wharf or similar or related structure or facility or multi-pier development or extension thereof in detail, together with its location in regard to the shoreline, pierhead line and bulkhead line if established, ordinary high watermark location, water depth contours, extent of wetland vegetation and with the distance to all property lines of the abutting neighboring riparian lands, giving the details of the dimensions and kinds of materials, details of fueling and any sewage disposal facilities or other accessory construction, if applicable, together with drawings and any additional details and specifications that the Village Plan Commission may require. The application shall contain the name, residence, post office address, telephone number and the signature of the riparian owner of the shoreline on whose behalf the application is made and shall also state the name, residence, post office address and telephone number of the applicant, if different. The riparian owner and/or applicant shall also provide the Village Clerk with the names and addresses of the abutting neighboring riparian owners with this application for permit.
- C. Upon filing of such application for permit, the Village Clerk shall refer it immediately to the Village Plan Commission for investigation and report at its next regular meeting, which Commission, after considering the application and all evidence presented and hearing all parties desiring to be heard, may recommend

approval of or deny such application. The Village Clerk shall notify abutting neighboring riparian owners by mail no less than seven days prior to the Plan Commission meeting during which this permit application will be presented.

- D. No permit shall be granted by the Village Board unless it determines that such construction will comply with the requirements of this chapter and will be consistent with the following Village interests. The fee for such permit shall be as described in the Village permit fee schedule.¹
- (1) To preserve and protect the property and property values within the Village.
 - (2) To preserve and protect the Fox River.
 - (3) To protect and clarify public interests and riparian rights on the Fox River within the Village by:
 - (a) Prohibiting piers and similar structures in environmentally sensitive aquatic habitats.
 - (b) Limiting the number and location of piers and similar structures so as to avoid conflicting uses of adjacent properties.
 - (c) Preventing safety hazards and controlling pier construction so as to promote uniformity and preserve natural shoreline aesthetics.
- E. In the event the pier, wharf or similar or related structure or facility or multi-pier development for which a permit has been granted shall not be erected, constructed, placed, extended or maintained in accordance with the plans, specifications, details and drawings submitted or in accordance with any conditions imposed on the permit or in the event such pier, wharf or similar or related structure or facility or multi-pier development shall not be used, it is used in a manner detrimental to the general public or interferes with the rights of the neighboring riparian owners, or adversely affects a critical or significant fish or wildlife habitat area, the Village Board may cancel and revoke the permit, provided it shall first hold a hearing after fixing a time and place of hearing and shall cause a written notice thereof to be issued and delivered or mailed to the holder of such permit and also to the abutting neighboring riparian owners not less than seven days before the time fixed for such hearing.

§ 260-5. Construction and use requirements; existing piers and wharfs.

- A. Riparian owners may construct, place, extend, enlarge or replace piers, wharves or similar or related structures or facilities or multi-pier developments in the waters of the Fox River within the Village in aid of navigation, provided that such piers, wharves, similar or related structures and facilities or multi-pier developments do not interfere with public rights and safety in the waters or with the rights of neighboring riparian owners or occupants and do not adversely affect a critical or significant fish or wildlife habitat area, are subject to any established pierhead line and other requirements of this chapter and must be consistent with the permit and objectives as specified above.

1. Editor's Note: The current fee schedule is on file in the Village offices.

- B. Piers and wharves shall not exceed six feet in width.
- C. Extensions or appurtenances to piers must comply with all of the requirements of this chapter, including all permit requirements.
- D. Construction shall be of materials of white, natural or earthtone colors, aluminum or shall be visually inconspicuous as viewed against the shoreline. Aluminum piers are permissible.
- E. Lighting on a pier, wharf or similar or related structure or facility or multi-pier development shall be down-focused white or yellow lights for safety and to facilitate docking. Intermittent lighting, strobe or similar lighting is prohibited.
- F. New and existing piers, wharves or similar or related structures or facilities or multi-pier developments shall include reflective white or amber safety markers no more than five inches square placed on the farthest corners of the structures.
- G. Any pier, wharf or similar or related structure or facility or multi-pier development extending beyond the natural shore or established bulkhead line shall be so constructed as to allow the free movement of water underneath and in such manner as will not cause the formation of land on the bed of the Fox River within the Village.
- H. Mooring structures and watercraft moored shall be set back a minimum of 10 feet from common riparian rights lines and any additional distance required to confine approach and docking of watercraft to the owner's riparian zone.
- I. There shall be a maximum of four permanently moored, registered watercraft per pier, including lifts. For purposes of this subsection, "permanently moored" is defined as being moored longer than seven consecutive days.
- J. Subdivisions, multi-unit developments and planned unit developments which share a common waterfront lot, parcel or common area may not place more than one pier or wharf per 100 feet of shoreline. All multi-pier developments and similar or related structures and facilities serving subdivisions, multi-unit developments, planned unit developments, condominiums and homeowners' associations shall be constructed no less than 100 feet from any abutting neighboring lot line.
- K. No easements of access shall be granted over existing lots, and no such easement shall be shown on a subdivision plat, multi-unit development plat, planned unit development plat, condominium plat or in a condominium agreement or homeowners' association agreement, which provides greater access than provided above.
- L. Pursuant to Wis. Stats. § 236.16, subdivisions with water frontage are required to dedicate a public access to waterways which, under this chapter, shall meet with Village, county and DNR approval or be waived by the same.
- M. Piers, wharves and similar or related structures and facilities may be placed and maintained only by riparian owners.
- N. Electrical, fueling and waste disposal facilities for business or commercial facilities shall comply with all applicable state laws, Wisconsin Administrative Codes, DNR

and Village codes and any other applicable safety and environmental protection laws. In addition, fuel and waste holding tanks shall be set back from the ordinary high watermark per applicable DNR regulations.

- O. Such pier, wharf and similar or related structure or facility or multi-pier development shall be subject to the pierhead line which may be established pursuant to the provisions of Wis. Stats. § 30.13(3).
- P. All piers, wharves and similar or related structures and facilities or multi-pier developments extending beyond the natural shore or established bulkhead line shall be so maintained as to prevent any part or parts thereof from floating free into the waters of the Fox River and as to prevent the structures from becoming unsafe, unserviceable or unsightly.
- Q. The respective rights of neighboring riparian owners shall be determined so as to give each riparian owner his due proportion of the line of navigation by the extension of lot lines from the shoreline to the line of navigation, by drawing a chord between each pair of property lines at the point where each line meets the shoreline and bisecting the resulting angle (coterminous riparian rights line extension) or by other DNR-approved methods of determining riparian zones. All structures shall be confined within each riparian owner's respective zone.
- R. Every pier, wharf and similar or related structure, facility or multi-pier development constructed, placed, extended or replaced on the Fox River within the Village in violation of this chapter is declared to be a public nuisance, and the construction thereof may be enjoined and the maintenance may be abated by action initiated by the Village.
- S. Any pier, wharf, similar or related structure, facility or multi-pier development existing in place as of October 14, 1991 (the date of adoption of this chapter), and registered with the Village Clerk on or before June 30, 1992, shall be considered to meet the requirements of this chapter. Such structure may be repaired or replaced as long as any nonconformity with the requirements of this chapter is not expanded.
- T. Any person or developer who owns real estate abutting the shoreline of the Fox River within the Village shall register the length, width, construction and side yard setbacks of any of his or her or its piers, wharves or similar or related structures or facilities or multi-pier developments with the Village Clerk on or before June 30, 1992, along with a color photograph of the structure. Any such structure in place as of October 14, 1991, and registered before June 30, 1992, shall be considered to meet the requirements of this chapter. Any pier, wharf or similar or related structure or facility or multi-pier development not registered by June 30, 1992, shall be required to comply with the terms of this chapter.
- U. Any pier, wharf or similar or related structure or facility or multi-pier development which is legally placed as of October 14, 1991, and which does not conform to this chapter shall be considered permissible and preexisting and shall not constitute an unlawful obstruction of navigable waters so long as the structures are registered as provided herein before June 30, 1992, and are otherwise consistent with applicable Village and DNR regulations and laws.

§ 260-6. Prohibitions and exceptions. [Amended 1-24-2011 by Ord. No. 567]

- A. Any pier, wharf and similar or related structure or facility or multi-pier development extending into navigable waters beyond the limits set forth herein constitutes an unlawful obstruction of navigable waters.
- B. Beyond the requirements within this chapter, riparian owners shall further comply with any requirements of Wis. Stats. Ch. 30 and Wis. Admin. Code Ch. NR 326, administered by the DNR.
- C. Notwithstanding noncompliance with any requirement or limitation set forth in § 260-5, the Plan Commission may recommend, and the Village Board may approve, a pier permit for an applicant who obtains a pier permit from the DNR pursuant to Wis. Stats. ch. 30 and Wis. Admin. Code ch. NR 326 if the applicant grants a permanent easement to the Village that provides public access to and allows public use of the pier(s) permitted by the DNR. Under this subsection, the applicant may reserve the number of permanent slips for the applicant's private use approved by the DNR and the Village Board. **[Amended 6-27-2011 by Ord. No. 576]**

§ 260-7. Violations and penalties.

Except as otherwise provided herein, any person found in violation of any provision of this chapter or any order, rule or regulation made hereunder shall be subject to a penalty as provided in Chapter 1, Article II, of this Municipal Code.