

Enrolled 158-140
PROPOSED ORDINANCE 158-144

1
2
3 AMEND THE TEXT OF THE TOWN OF BROOKFIELD ZONING CODE, SECTION
4 17.04(20)(C) REMOVING THE REQUIRED MINIMUM PARCEL SIZE FOR ALLOWING
5 A PLANNED UNIT DEVELOPMENT PROJECT AND CREATE SECTION 17.15
6 REGARDING REGULATING THE CONSTRUCTION, PLACEMENT AND USE
7 OF COMMUNICATION FACILITIES AND TOWERS (ZT-1516)
8
9

10 WHEREAS the subject matter of this Ordinance having been approved by the Brookfield Town
11 Board on November 18, 2003 and December 16, 2003, after Public Hearing and the giving of
12 requisite notice of said hearing, and duly referred and considered by the Waukesha County Park
13 and Planning Commission and a recommendation thereon reported to the Land Use, Parks and
14 Environment Committee and the Waukesha County Board of Supervisors as required by Section
15 60.61 of the Wisconsin Statutes.
16

17 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA DOES
18 ORDAIN that the Ordinance amending the text of the Town of Brookfield Zoning Code, adopted
19 on December 27, 1988, and approved by the Brookfield Town Board on November 18, 2003 and
20 December 16, 2003, Section 17.04(20)(c) removing the required minimum parcel size for
21 allowing a Planned Unit Development project and create Section 17.15 regarding regulating the
22 construction, placement and use of communication facilities and towers, and more specifically
23 described in the "Staff Report and Recommendation" on file in the office of the Waukesha
24 County Department of Parks and Land Use and made a part of this Ordinance by reference (ZT-
25 1516) is hereby approved.
26

27 BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of
28 this Ordinance with the Town Clerk of Brookfield.
29

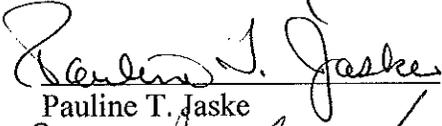
30 BE IT FURTHER ORDAINED that the Ordinance shall be in full force and effect upon passage,
31 approval and publication.
32

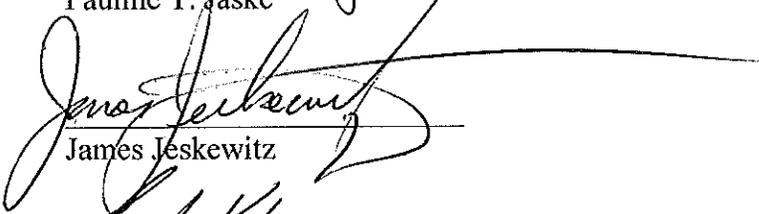
33 BE IT FURTHER ORDAINED that all Ordinances inconsistent with or with contravention of
34 provisions of this Ordinance are hereby repealed.

AMEND THE TEXT OF THE TOWN OF BROOKFIELD ZONING CODE, SECTION 17.04(20)(C) REMOVING THE REQUIRED MINIMUM PARCEL SIZE FOR ALLOWING A PLANNED UNIT DEVELOPMENT PROJECT AND CREATE SECTION 17.15 REGARDING REGULATING THE CONSTRUCTION, PLACEMENT AND USE OF COMMUNICATION FACILITIES AND TOWERS (ZT-1516)

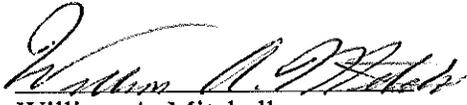
Presented by:
Land Use, Parks, and Environment Committee


Walter L. Kolb, Chair


Pauline T. Jaske


James Jeskewitz


Scott J. Klein


William A. Mitchell


Daniel Pavelko


Vera Stroud

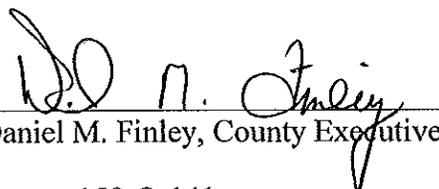
The foregoing legislation adopted by the County Board of Supervisors of Waukesha County, Wisconsin, was presented to the County Executive on:

Date: March 12, 2004, 
Kathy Nickolaus, County Clerk

The foregoing legislation adopted by the County Board of Supervisors of Waukesha County, Wisconsin, is hereby:

Approved: ✓

Vetoed: _____

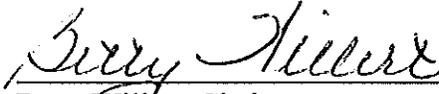
Date: 3-12-04, 
Daniel M. Finley, County Executive

COMMISSION ACTION

The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance to amend the Town of Brookfield Zoning Ordinance hereby recommends approval of (ZT-1516 Text Amendment for the Town of Brookfield) in accordance with the attached "Staff Report and Recommendation".

PARK AND PLANNING COMMISSION

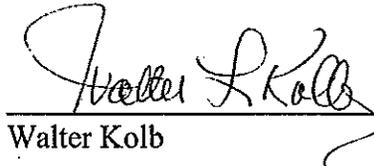
February 5, 2004

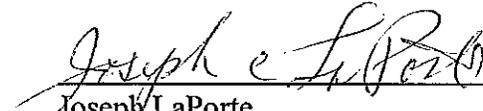

Betty Willert, Chairperson


Vyvanusonis


Mareth Kipp


Ellen Gennrich


Walter Kolb


Joseph LaPorte


Walter Baade

Bob Hamilton ALTERNATE

WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE
STAFF REPORT AND RECOMMENDATION
TEXT AMENDMENT

FILE NO.: ZT-1516

DATE: February 5, 2004

PETITIONER: Town of Brookfield Board of Supervisors
Brookfield Town Hall
645 North Janacek Road
Brookfield, WI 53045-6052

NATURE OF REQUEST:

Text amendment to the Town of Brookfield Zoning Ordinance Section 17.04(20)(c) to remove the required minimum parcel size for allowing a Planned Unit Development project and create Section 17.15 regarding regulating the construction, placement, and use of communication facilities and towers.

PUBLIC HEARING DATE:

October 28, 2003.

PUBLIC REACTION:

Two persons were in attendance supporting the proposed modification.

TOWN PLAN COMMISSION:

On October 28, 2003 and November 25, 2003, the Town of Brookfield Plan Commission recommended unanimously in favor of the proposed amendments.

TOWN BOARD ACTION:

On November 18, 2003 and December 16, 2003, the Town of Brookfield Board, unanimously approved the proposed amendments.

OTHER CONSIDERATIONS:

At the present time, the Town of Brookfield Zoning Code requires that in order to allow a Planned Unit Development, the minimum parcel size must be five acres. This proposed amendment would require no minimum parcel size so a Planned Unit Development could occur on a parcel of any size and could be residential, commercial or industrial in nature or a mixture thereof. The Waukesha County Code has no minimum parcel size so the Town's amendment is mirroring the County's Code. In addition, the Town intends to create a new provision to regulate communication towers as a Conditional Use. The provisions establish a process, minimum standards, alternative analysis evaluation and numerous other standards by which the Town will decide whether or not such facilities should be approved and where co-location is appropriate

STAFF RECOMMENDATION:

It is the opinion of the Planning and Zoning Division Staff this request be **approved**. We feel it is somewhat restrictive to require minimum parcel sizes for Planned Unit Developments, especially in a community such as the Town of Brookfield, where undeveloped large parcels are a thing of the past as much of the community is developed. There are other opportunities on smaller parcels, which are undergoing development and to provide flexibility in the development standards, it is appropriate and should occur without restrictions on the parcel size.

Regarding the communication town provisions, the Town should be commended for establishing standards and guidelines for such facilities to minimize subjective decisions for such facilities and to encourage co-location and the application of uniform standards for the development of such facilities.

Respectfully submitted,

Richard L. Mace/kab

Richard L. Mace
Planning and Zoning Manager

RLM:kab

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158-0-141

3.

**ORDINANCE AMENDING SECTION 17.04(20)(c)
OF THE TOWN CODE OF THE
TOWN OF BROOKFIELD, WAUKESHA COUNTY, WISCONSIN.**

THE TOWN BOARD OF THE TOWN OF BROOKFIELD, WAUKESHA COUNTY, WISCONSIN, DOES ORDAIN AS FOLLOWS:

17.04(20)(c)
SECTION 1: Section ~~17.04(20)(c)~~ of the Town Code of the Town of Brookfield is

hereby amended to read as follows:

- (c) **Minimum Area Requirements.** Areas designated as PUD Overlay Districts shall be under single or corporate ownership or control and shall contain a minimum development area of:

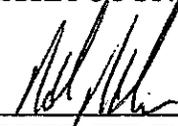
<i>Principal Uses</i>	<i>Minimum Area of PUD</i>
Residential PUD	No minimum area required
Commercial PUD	No minimum area required
Industrial PUD	No minimum area required
Mixed Compatible Use PUD	No minimum area required

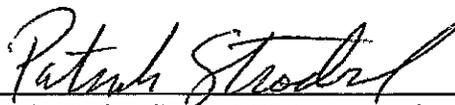
SECTION 2: All ordinances or parts of this ordinance conflicting or contravening the provisions of this ordinance are hereby repealed.

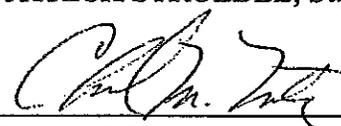
SECTION 3: This ordinance shall take effect upon passage and posting as provided by law.

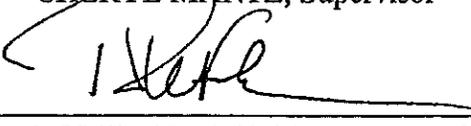
Dated this 18th day of November, 2003.

TOWN BOARD, TOWN OF BROOKFIELD,
WAUKESHA COUNTY, WISCONSIN

BY: 
KEITH HENDERSON, Chairman

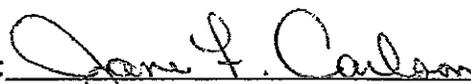
BY: 
PATRICK STROEBEL, Supervisor

BY: 
CHERYL MANTZ, Supervisor

BY: 
ROBERT W. FLESSAS, Supervisor

BY: 
KEITH HAKENDA, Supervisor

ATTEST:

BY: 
JANE F. CARLSON, Clerk

F:\USERS\jwh\Clients\Brookfield, Town\Ordinanc\ORD-17.20(c)-amended.wpd

- 1 K. HERRO.....AYE
- 3 D. STAMSTA.....AYE
- 5 J. MARCHESE.....AYE
- 7 J. JESKEWITZ.....AYE
- 9 P. HAUKOHL.....AYE
- 11 K. HARENDA.....AYE
- 13 J. MORRIS.....AYE
- 15 D. SWAN.....AYE
- 17 J. BEHREND.....
- 19 W. MITCHELL.....AYE
- 21 W. KOLB.....AYE
- 23 P. PRONOLD.....
- 25 K. CUMMINGS.....AYE
- 27 D. PAULSON.....AYE
- 29 M. THOMAS.....AYE
- 31 V. STROUD.....AYE
- 33 D. PAVELKO.....AYE
- 35 C. SEITZ.....AYE

- 2 R. THELEN.....AYE
- 4 H. CARLSON.....AYE
- 6 D. BROESCH.....AYE
- 8 J. DWYER.....AYE
- 10 S. WOLFF.....AYE
- 12 J. GRIFFIN.....AYE
- 14 J. LA PORTE.....AYE
- 16 R. MANKE.....AYE
- 18 B. MORRIS.....AYE
- 20 M. KIPP.....AYE
- 22 G. BRUCE.....AYE
- 24 A. SILVA.....AYE
- 26 S. KLEIN.....AYE
- 28 P. JASKE.....AYE
- 30 K. NILSON.....AYE
- 32 P. GUNDRUM.....AYE
- 34 R. SINGERT.....AYE

TOTAL AYES-33

TOTAL NAYS-00

CARRIED X

DEFEATED

UNANIMOUS X

TOTAL VOTES-33