

ENROLLED ORDINANCE 162-27

AMEND THE TEXT OF THE TOWN BROOKFIELD ZONING CODE AMENDING SECTIONS 17.08 (12) AND 17.09 CONCERNING NON-CONFORMING SIGNS, PREMISES AND STRUCTURES AND CREATING SECTION 17.02(14)(F)(1) REGARDING ACCESSORY STRUCTURES IN THE TOWN (ZT-1654)

WHEREAS the subject matter of this Ordinance having been approved by the Brookfield Town Board on December 6, 2005 and November 21, 2006, after Public Hearing and the giving of requisite notice of said hearing, and duly referred and considered by the Waukesha County Park and Planning Commission and a recommendation thereon reported to the Land Use, Parks and Environment Committee and the Waukesha County Board of Supervisors as required by Section 60.61 of the Wisconsin Statutes.

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA DOES ORDAIN that the Ordinance amending the text of the Town of Brookfield Zoning Code, adopted on December 27, 1988, and approved by the Brookfield Town Board December 6, 2005 creating Section 17.02(14)(f)(1) regarding Accessory Structures in the Town and on November 21, 2006, amending Sections 17.08 (12) and 17.09 concerning Non-conforming Signs, Premises and Structures, more specifically described in the "Staff Report and Recommendation" on file in the office of the Waukesha County Department of Parks and Land Use and made a part of this Ordinance by reference (ZT-1654) is hereby approved.

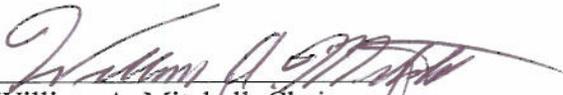
BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of this Ordinance with the Town Clerk of Brookfield.

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

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FURTHER ORDAINED that all Ordinances inconsistent with or with contravention of provisions of this Ordinance are hereby repealed.

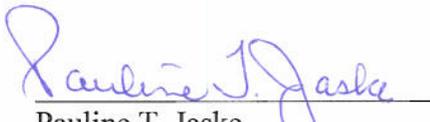
AMEND THE TEXT OF THE TOWN BROOKFIELD ZONING CODE AMENDING
SECTIONS 17.08 (12) AND 17.09 CONCERNING NON-CONFORMING SIGNS,
PREMISES AND STRUCTURES AND CREATING SECTION 17.02(14)(F)(1)
REGARDING ACCESSORY STRUCTURES IN THE TOWN (ZT-1654)

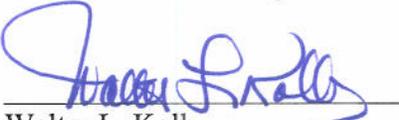
Presented by:
Land Use, Parks, and Environment Committee

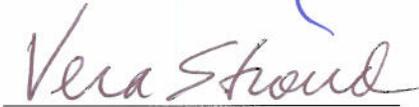

William A. Mitchell, Chair

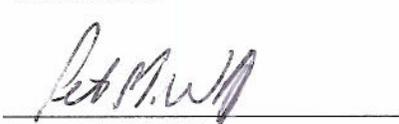

Keith Hammitt


Keith Harenda

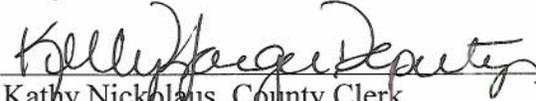

Pauline T. Jaske


Walter L. Kolb

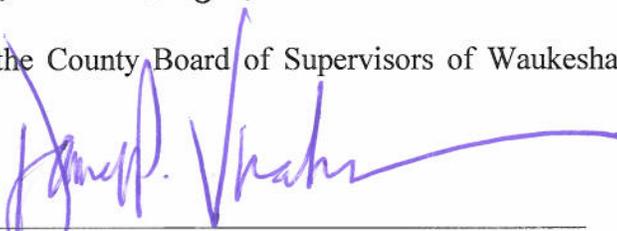

Vera Stroud


Peter M. Wolff

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

Date: June 29, 2007, 
Kathy Nickolaus, County Clerk

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

Approved: _____
Vetoed: _____
Date: 7-9-07, 
Daniel P. Vrakas, County Executive

MAY 10 2007

STATE OF WISCONSIN: TOWN OF BROOKFIELD: WAUKESHA COUNTY

**ORDINANCE AMENDING THE ZONING CODE
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:

SECTION 1: Section 17.08(12) of the Zoning Code of the Town of Brookfield is hereby repealed.

SECTION 2: Section 17.09 of the Zoning Code of the Town Board is hereby repealed and recreated to read as follows:

17.09 NONCONFORMING PREMISES AND STRUCTURES. (1)
EXISTING NONCONFORMING PREMISES AND STRUCTURES. The continued use of any building, premise, structure, or fixture for which the building, premise, structure, or fixture was used at the time of the adoption or amendment of the Zoning Code may be continued although the use does not conform with the provisions of the Zoning Code; provided, however:

- (a) The nonconforming use may not be expanded or enlarged.
- (b) The expansion or addition to any existing building, premise, structure, or fixture used to carry on an otherwise prohibited trade or industry within the zoning district shall be prohibited.
- (c) If the nonconforming use is discontinued for a period of 12 months, any future use of the land, building, premise, structure, or fixture shall conform to the requirements of the Zoning Code.
- (d) The total structural repair or alteration of any nonconforming building, premise, structure, or fixture shall not, during its life, exceed 50% of the assessed value of the building, premise, structure, or fixture unless permanently changed to a conforming use.

SECTION 3: Section 17.09(2) of the Zoning Code of the Town Board is hereby repealed and recreated to read as follows:

- (2) Notwithstanding the restrictions contained in subparagraph (2), the restoration of a nonconforming structure which was damaged or destroyed shall

not be prohibited if the structure will be restored to the size, location, and use that existed immediately prior to the damage to, or destruction of, the building, premise, structure, or fixture, irrespective of the cost of repair, reconstruction, or improvement, provided all of the following conditions apply:

(a) The nonconforming structure was damaged or destroyed on or after March 2, 2006; and

(b) The damage or destruction was caused by violent wind, vandalism, fire, flood, ice, snow, mold, or infestation.

The size of the structure may be increased where such increase is necessary as a condition of complying with applicable State or Federal requirements in effect immediately before the damage or destruction to the structure. Any determination as to the required increase in size shall be determined by the Building Inspector.

SECTION 4: All ordinances or parts of this ordinance conflicting or contravening the provisions of this ordinance are hereby repealed.

SECTION 5: This ordinance shall take effect upon passage and posting as provided by law.

Dated this 21st day of November, 2006.

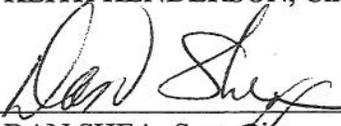
TOWN BOARD, TOWN OF BROOKFIELD,
WAUKESHA COUNTY, WISCONSIN

BY: 

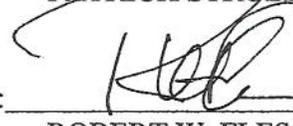
KEITH HENDERSON, Chairman

BY: 

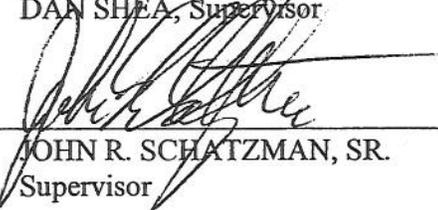
PATRICK STROEBEL, Supervisor

BY: 

DAN SHEA, Supervisor

BY: 

ROBERT W. FLESSAS, Supervisor

BY: 

JOHN R. SCHATZMAN, SR.
Supervisor

ATTEST: 

JANE F. CARLSON, Clerk

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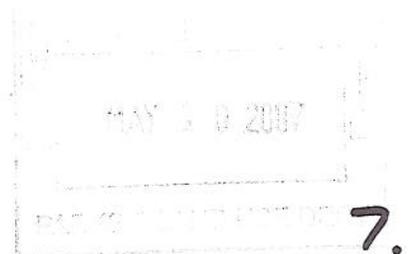
**ORDINANCE CREATING SECTION 17.02(14)(f)1.
OF THE TOWN ZONING CODE OF THE
TOWN OF BROOKFIELD, WAUKESHA COUNTY, WISCONSIN**

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

SECTION 1: Section 17.02(14)(f)1 of the Town Zoning Code of the
Town of Brookfield is hereby created to read as follows:

17.02(14)(f)1. **ACCESSORY STRUCTURES** Accessory structures including, but not limited to, garages, garden or utility sheds, playhouses, or gazebos may be located in the rear yard only. Accessory structures shall be placed respecting, and in sensitivity to, the uses on the adjacent properties. Accessory buildings shall be screened from view from the street and all property lines via landscaping, trellises or other means to minimize the impact and visual clutter. Garages, gazebos, and garden or utility sheds require a building permit, and shall be consistent in design and finish materials with the zoning district in which it is located. Accessory structures shall not occupy more than 20 percent of the rear yard, with a maximum area of 625 square feet in all districts except the business and manufacturing districts, where such uses and structures shall not occupy more than 50 percent of the rear yard area.

Accessory buildings shall be located at least ten (10) feet from the principal structure; shall be on a pad of concrete, shall be located not closer than five (5) feet to a lot line for structures less than 120 square feet; exceeding 120 square feet shall conform to the offset requirements of the zoning district; and shall not exceed 11 feet in height. Not more than one accessory building shall be erected on any Residential Districts without a Conditional Use Permit as provided in Section 17.02(14).



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 6th day of December, 2005.

TOWN BOARD, TOWN OF BROOKFIELD,
WAUKESHA COUNTY, WISCONSIN

BY: [Signature]
KEITH HENDERSON, Chairman

BY: [Signature]
ROBERT W. FLESSAS Supervisor

BY: [Signature]
PATRICK STROEBEL, Supervisor

BY: [Signature]
JOHN R. SCHATZMAN, Supervisor

BY: [Signature]
DAN SHEA, Supervisor

ATTEST:

BY: [Signature]
JANE F. CARLSON, Clerk

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WAUKESHA COUNTY BOARD OF SUPERVISORS

V

DATE-06/26/07

(ORD) NUMBER-1620021

1 K. HERRO.....AYE
 3 T. ROLFS.....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.....AYE
 19 W. MITCHELL.....AYE
 21 W. KOLB.....AYE
 23 J. TORTOMASI.....AYE
 25 K. CUMMINGS.....AYE
 27 D. PAULSON.....AYE
 29 T. BULLERMANN.....
 31 V. STROUD.....AYE
 33 K. HAMMITT.....
 35 P. MEYER.....AYE

2 R. THELEN.....AYE
 4 R. HUTTON.....AYE
 6 D. BROESCH.....
 8 J. DWYER.....AYE
 10 S. WOLFF.....AYE
 12 T. SCHELLINGER....AYE
 14 S. WIMMER.....AYE
 16 R. STEVENS.....AYE
 18 B. MORRIS.....AYE
 20 P. WOLFF.....
 22 G. BRUCE.....
 24 J. VITALE.....
 26 F. RUF.....AYE
 28 P. JASKE.....AYE
 30 K. NILSON.....
 32 P. GUNDRUM.....AYE
 34 R. SINGERT.....AYE

TOTAL AYES-28

TOTAL NAYS-00

CARRIED X

DEFEATED _____

UNANIMOUS X

TOTAL VOTES-28