

ENROLLED ORDINANCE 169-5

AMEND THE TEXT OF THE TOWN OF BROOKFIELD ZONING CODE BY  
REPEALING AND RECREATING SECTION 17.04(20)(a) REGARDING THE  
LIST OF ZONING DISTRICTS WHERE PLANNED UNIT DEVELOPMENTS  
CAN BE CONSIDERED AS ZONING OVERLAYS (ZT-1748)

WHEREAS, after proper notice was given, a public hearing was held and the subject matter of this Ordinance was approved by the Brookfield Town Board on November 20, 2012, and

WHEREAS, the matter was referred to and considered by the Waukesha County Park and Planning Commission, which recommended approval and reported that recommendation to the Land Use, Parks and Environment Committee and the Waukesha County Board of Supervisors, as required by Section 60.61, Wis. Stats.

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS that the text of the Town of Brookfield Zoning Code, adopted by the Town of Brookfield on December 27, 1988, is hereby amended by repealing and recreating Section 17.04(20)(a) regarding the list of zoning districts where planned unit developments can be considered as zoning overlays, 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-1748, 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 this Ordinance shall be in full force and effect upon passage, approval and publication.

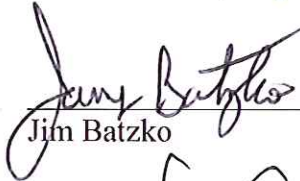
BE IT FURTHER ORDAINED that all Ordinances inconsistent with or in contravention of the provisions of this Ordinance are hereby repealed.

AMEND THE TEXT OF THE TOWN OF BROOKFIELD ZONING CODE BY  
REPEALING AND RECREATING SECTION 17.04(20)(a) REGARDING THE  
LIST OF ZONING DISTRICTS WHERE PLANNED UNIT DEVELOPMENTS  
CAN BE CONSIDERED AS ZONING OVERLAYS (ZT-1748)

Presented by:  
Land Use, Parks, and Environment Committee



Walter L. Kolb, Chair



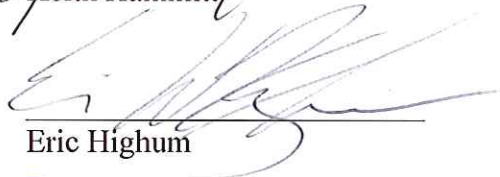
Jim Batzko



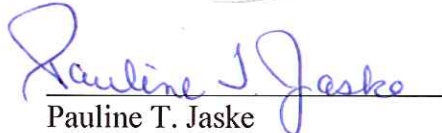
Jennifer A. Grant



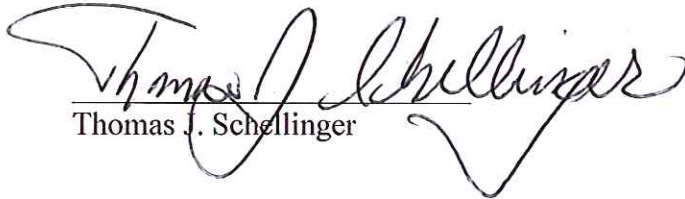
Keith Hammitt



Eric Highum



Pauline T. Jaske




Thomas J. Schellinger

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

Date: 5/27/2014,   
Kathleen Novack, County Clerk

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

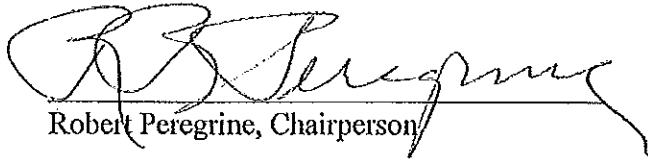
Approved: X  
Vetoed: \_\_\_\_\_  
Date: 6-2-14,   
Daniel P. Vrakas, County Executive

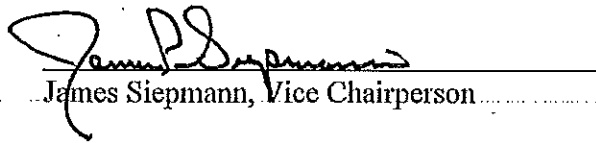
COMMISSION ACTION

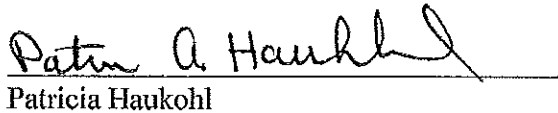
The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance to amend the Town of Brookfield Zoning Code hereby recommends approval of (ZT-1748 Town of Brookfield Board) in accordance with the attached "Staff Report and Recommendation".

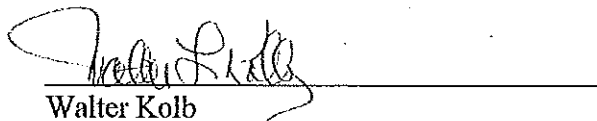
PARK AND PLANNING COMMISSION

April 17, 2014

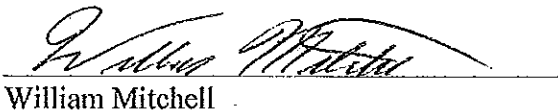
  
Robert Peregrine, Chairperson

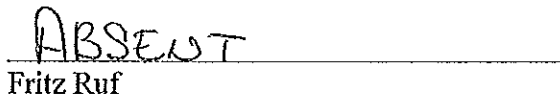
  
James Siepmann, Vice Chairperson

  
Patricia Haukohl

  
Walter Kolb

  
Gary Goodchild

  
William Mitchell

  
Fritz Ruf

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

**FILE NO.:** ZT-1748

**DATE:** April 17, 2014

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

**NATURE OF REQUEST:**

Repeal and re-create Section 17.04(20)(a) of the Town of Brookfield Zoning Code to amend the list of zoning districts where Planned Unit Developments (PUDs) can be considered as zoning overlays. Specifically, the proposal would add the MU-1 Mixed Use District to the list of zoning districts where PUDs can be sought.

**PUBLIC HEARING DATE:**

September 26, 2012.

**PUBLIC REACTION:**

There were no public comments.

**TOWN PLAN COMMISSION:**

The Town Plan Commission recommended approval of the proposed request on September 26, 2012.

**TOWN BOARD ACTION:**

The Town of Brookfield Board approved the proposed request on November 20, 2012.

**OTHER CONSIDERATIONS:**

The Town of Brookfield Zoning Code was amended in 2011 to create a Mixed Use zoning district. In 2012, the Town amended the zoning of 22 properties within the Bluemound Road corridor to the Mixed Use District. The Town is now proposing that the Planned Unit Development (PUD) section of the ordinance be amended to allow for PUD overlays within the Mixed Use zoning district. The Town is proposing to incorporate this new district option by listing only those districts where PUDs are not available rather than relying on a lengthy list of districts where PUDs are permitted. The subject text amendment ordinance was approved by the Town in late 2012 and forwarded to Waukesha County in 2013. At the request of the Town, the rezone file was placed on hold along with another unrelated rezoning ordinance, because the Town was, at the time, engaging in a study of multi-family residential housing conditions and related regulatory options. The Town has since completed such a housing study and has now indicated that they would like this ordinance to advance further for County consideration.

The Mixed-Use District (MU) was created to "provide for coordinated development of a variety of uses such as office, commercial, institutional and residential and their necessary support functions in the vicinity of key highway intersections and transit corridors." The stated intent of the district is to facilitate lively, people oriented environments that offer a variety of activities during various times of the day that maximizes the use of available infrastructure such as parking. While a good amount of flexibility is provided within the base Mixed

Use District provisions, the Town has received a request for additional flexibility for a large project that is planned for the Bluemound Road corridor and which is being considered as a separate agenda item on the April 17, 2014 Park and Planning Commission agenda. If this text amendment is ultimately approved, the proposed ordinance change would make the PUD option available for any project within the Mixed Use District. The Town would retain broad discretion in considering any such PUD application and required adherence to the specified PUD standards would ensure that high quality projects result.

The Mixed Use zoning district allows most commercial and office uses as permitted uses and also allows residential structures up to a density of 7.3 dwelling units per acre as a permitted use. The ordinance specifies that higher density residential structures (up to 14 dwelling units per acre) are permissible via a Conditional Use process. The PUD mechanism could provide for further increased densities or other design considerations.

The Town's PUD process allows for flexing of various dimensional requirements to allow for unique project design. The existing PUD provisions state that the district is intended to permit developments that will be enhanced by coordinated area site planning, diversified location of structures, etc. and that flexibility of overall design requirements is intended to benefit both the developer and the community.

**STAFF RECOMMENDATION:**

It is the opinion of the Planning and Zoning Division Staff that this request be **approved**. Staff believes that the Mixed Use District is a logical addition to the list of zoning districts where a Planned Unit Development can be sought. The Town Zoning Code already permits PUDs to be sought in all other commercial and multi-family residential zoning districts, so the addition of this overlay option where a mix of those uses is expected should ensure that unique development projects can be considered on a case by case basis. The Planning and Zoning Division Staff feels that PUDs can facilitate the creation of more interesting, active developments and neighborhoods, which is similar to the intent of the Mixed Use District. The Town and County Development Plans recommend mixed use development and the PUD process is an additional tool in facilitating projects where people can live, work, shop and socialize.

Respectfully submitted,

*Jason Fruth*

Jason Fruth  
Planning & Zoning Manager

Attachment: Town Ordinance

AN ORDINANCE REPEALING AND RECREATING SECTION 17.04(20)(a) OF THE ZONING ORDINANCE 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 17.04(20)(a) of the Town of Brookfield Zoning Code is repealed and recreated to read:

17.04(20) PUD PLANNED UNIT DEVELOPMENT OVERLAY DISTRICT.

(a) Application of District.

This District may be used for development in ALL districts EXCEPT:

- A-1 Agricultural District
Rs-1 Single-family Residential District
Rs-2 Single-family Residential District
C-1 Conservancy District
M-3 Quarrying District

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

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

PASSED AND ADOPTED by the Town Board of the Town of Brookfield, Waukesha County,

Wisconsin, this 13th day of November, 2012.

TOWN BOARD, TOWN OF BROOKFIELD
WAUKESHA COUNTY, WISCONSIN

By: Keith Henderson, Chairman

By: Dan Shea, Supervisor

By: Michael Maxwell, Supervisor

ATTEST: Jane D. Carlson, Clerk

By: Patrick Strobel, Supervisor

By: John R. Schatzman, Supervisor

WAUKESHA COUNTY BOARD OF SUPERVISORS

V

DATE-05/27/14

(ORD) NUMBER-1690004

- |                          |                          |
|--------------------------|--------------------------|
| 1 R. KOLB.....AYE        | 2 D. Zimmermann.....AYE  |
| 3 R. MORRIS.....AYE      | 4 J. BATZKO.....AYE      |
| 5 J. BRANDTJEN.....AYE   | 6 J. WALZ.....AYE        |
| 7 J. GRANT.....AYE       | 8 E. HIGHUM.....AYE      |
| 9 J. HEINRICH.....AYE    | 10 D. SWAN.....AYE       |
| 11 C. HOWARD.....AYE     | 12 P. WOLFF.....AYE      |
| 13 P. DECKER.....AYE     | 14 C. PETTIS.....AYE     |
| 15 W. KOLB.....AYE       | 16 M. CROWLEY.....AYE    |
| 17 D. PAULSON.....AYE    | 18 L. NELSON.....AYE     |
| 19 K. CUMMINGS.....AYE   | 20 T. SCHELLINGER....AYE |
| 21 W. ZABOROWSKI.....AYE | 22 P. JASKE.....AYE      |
| 23 K. HAMMITT.....AYE    | 24 S. WHITTOW.....AYE    |
| 25 G. YERKE.....AYE      |                          |

TOTAL AYES-25

TOTAL NAYS-00

CARRIED \_\_\_\_\_

DEFEATED \_\_\_\_\_

UNANIMOUS X

TOTAL VOTES-25