

ENROLLED ORDINANCE 171-56

AMEND THE TEXT OF THE TOWN OF BROOKFIELD ZONING CODE TO REPEAL AND RECREATE SECTION 17.02(14)(b)2.G. RELATING TO CEMETERIES AND CREATE SECTION 17.02(14)(b)2.J. REGARDING COLUMBARIA (ZT-1834)

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 May 3, 2016, 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 60.62, 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 to repeal and recreate Section 17.02(14)(b)2.G. relating to cemeteries and create Section 17.02(14)(b)2.J. regarding columbaria, 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-1834, 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.

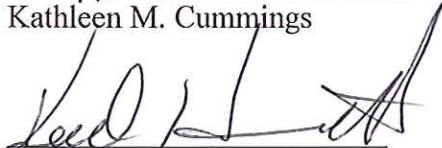
BE IT FURTHER ORDAINED that this Ordinance shall be in full force and effect upon passage, approval and publication.

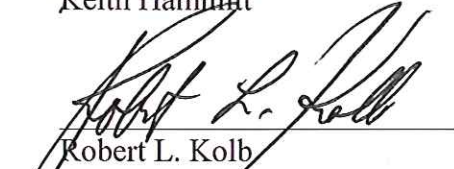
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Presented by:
Land Use, Parks, and Environment Committee


David D. Zimmermann, Chair

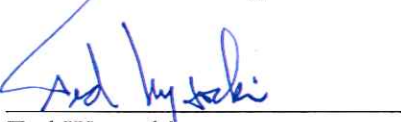
ABSENT
Kathleen M. Cummings


Keith Hammitt



Robert L. Kolb


William Mitchell

ABSENT
Thomas J. Schellinger


Ted Wysocki

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

Date: 12/1/16, 
Kathleen Novack, County Clerk

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

Approved: X

Vetoed: _____

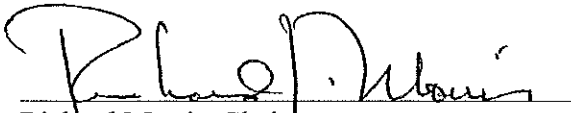
Date: 12-1-16, 
Paul Farrow, County Executive

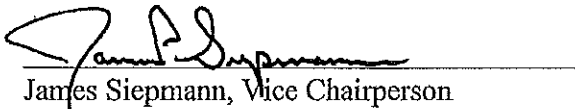
COMMISSION ACTION

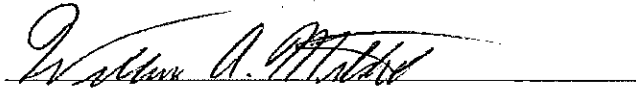
The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance to amend the Town of Brookfield Zoning Code hereby recommends approval of ZT-1834 (Text Amendment) in accordance with the attached "Staff Report and Recommendation".

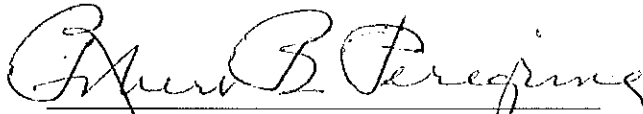
PARK AND PLANNING COMMISSION

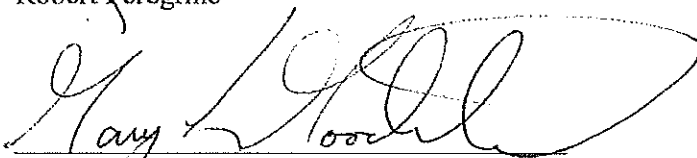
October 20, 2016



Richard Morris, Chairperson



James Siepmann, Vice Chairperson


William Mitchell, Secretary


Robert Peregrine


Gary Goodchild


William Maslowski


Keith Hammitt

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

FILE NO.: ZT-1834

DATE: October 20, 2016

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 17.02(14)(b)2.G. and create Section 17.02(14)(b)2.J of the Town of Brookfield Zoning Code regarding cemeteries and columbaria.

PUBLIC HEARING DATE:
March 22, 2016.

PUBLIC REACTION:
One resident asked for clarification regarding the nature of the changes. The Town Planner indicated that the changes are being proposed to comply with a 2015 law change. He explained that columbaria would be permissible through a Conditional Use process.

TOWN PLAN COMMISSION:
The Town Plan Commission recommended approval of the proposed requests on April 26, 2016.

TOWN BOARD ACTION:
The Town of Brookfield Board approved the proposed request on May 3, 2016. The Town recently submitted a corrected copy of the subject ordinance, as there was an incorrect section number in the initial transmittal.

OTHER CONSIDERATIONS:
The Town of Brookfield is proposing minor changes to the Conditional Use provisions for cemeteries. Mausoleums are proposed to be added to this section, whereas, existing code language pertains only to cemeteries and crematories. The requirement that structures subject to this section be a minimum of 50' from lot lines remains. The Town is also adding references to the relevant statutory section that deals with these matters (Chapter 157).

The Town is also proposing to create Conditional Use provisions for columbaria that are not otherwise exempted from cemetery/mausoleum rules by State law. Law provides exemptions for columbaria that are located on a property owned by a religious association if the religious association's church building or other place of worship is located on the same property if several other criteria are also met. The proposed provisions require that columbaria subject to the proposed section comply with zoning district setbacks and offsets and that a site plan review process occur to consider neighboring uses, parking, road access, landscaping, etc.

STAFF RECOMMENDATION:

It is the opinion of the Planning and Zoning Division Staff that this request be **approved**. Staff believes the proposed changes formally acknowledge additional cemetery type accommodations within the Town's Code. The proposed provisions ensure that columbaria not affiliated with a church or religious organization's occupied property are subject to basic review parameters to ensure that site plans are harmonious with surroundings.

Respectfully submitted,

Jason Fruth

Jason Fruth
Planning & Zoning Manager

Attachment: Town Ordinance

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**ORDINANCE REPEALING AND RECREATING SECTION 17.02(14)(b)2.G AND
CREATING 17.02(14)(b)2.J. 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 17.02(14)(b)2.G. of the Town Code of the Town of
Brookfield is hereby repealed and recreated to read as follows:

G. CEMETERIES, mausoleums, and crematoriums which are
subject to the requirements of subchapter II, chapter 157,
Wis. Stats., in the I-1 Institutional District provided that no
structure may be located closer than 50 feet from any lot line.

SECTION 2: Section 17.02(14)(b)2.J. of the Town Code of the Town of
Brookfield is hereby created to read as follows:

J. ANY COLUMBARIUM that is established and used by a
religious association and is not subject to the requirements of
subchapter 2, chapter 157, Wis. Stats., as the result of the
exemption granted by section 157.123(2) Wis. Stats. in the I-
1 Institutional District for the purpose of promoting
compatible use of residential property and stability of
property values, any conditional use granted under this
section shall require the submission of a plan of operation
and a site plan. The Plan Commission shall review the
proposed location of the columbarium, existing and proposed
structures, architectural plans, neighboring uses, parking
areas, driveway locations, loading and unloading or other
special needs accommodations, highway access, landscaping
and open space, and such other matters as the Plan
Commission deems appropriate to achieve the purposes
described in this section. No conditional use authorized under
this section may permit the construction and maintenance of
any columbarium located within the street yard, offset or
setback dimensions or restrictions as established by the
underlying zoning classification.

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 3rd day of May, 2016.

TOWN BOARD, TOWN OF BROOKFIELD,
WAUKESHA COUNTY, WISCONSIN

BY: [Signature]
KEITH HENDERSON, Chairman

BY: [Signature]
PATRICK STROEBEL, Supervisor

BY: [Signature]
DAN SHEA, Supervisor

BY: [Signature]
JOHN R. SCHATZMAN, SR.
Supervisor

BY: Absent
STEVE KOHLMANN, Supervisor

ATTEST: [Signature]
JANE F. CARLSON, Clerk

Roll Call	Discussion	Voting...	Results	Agenda	Setup	Options
D1 - Kolb			AYE			AYE
D2 - Zimmermann			AYE			AYE
D3 - Morris			AYE			AYE
D4 - Batzko			AYE			AYE
D5 - Dondlinger			AYE			AYE
D6 - Walz			AYE			AYE
D7 - Grant			AYE			AYE
D8 - Michalski			AYE			AYE
D9 - Heinrich			AYE			AYE
D10 - Swan			AYE			AYE
D11 - Howard			AYE			AYE
D12 - Wolff			AYE			AYE
D13 - Decker			AYE			AYE
D14 - Wood			AYE			AYE
D15 - Mitchell			AYE			AYE
D16 - Crowley			AYE			AYE
D17 - Paulson			AYE			AYE
D18 - Nelson			AYE			AYE
D19 - Cummings			AYE			AYE
D20 - Schellinger			AYE			AYE
D21 - Zaborowski			Absent			Absent
D22 - Wysocki			Absent			Absent
D23 - Hammitt			Absent			Absent
D24 - Whittow			Absent			Absent
D25 - Johnson			AYE			AYE

171-0-057

Passed (21 Y - 0 N - 4 Absent)

Majority Vote

