

ENROLLED ORDINANCE 169-90

AMEND THE TEXT OF THE TOWN OF BROOKFIELD ZONING CODE BY REPEALING SECTION 17.04(20) AND CREATING SECTION 17.02(14)(b)9 TO CREATE A NEW COMPACT DEVELOPMENT FORM PLANNED UNIT DEVELOPMENT CONDITIONAL USE OPTION (ZT-1802)

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 August 5, 2014, 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 to repeal Section 17.04(20) and create Section 17.02(14)(b)9 to amend Planned Unit Development provisions, 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-1802, is hereby approved.

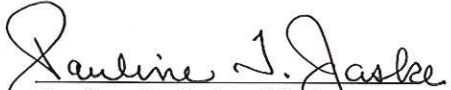
BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of this Ordinance with the Town Clerk of Brookfield.


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ORDAINED that all Ordinances inconsistent with or in contravention of the provisions of this Ordinance are hereby repealed.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 SECTION 17.04(20) AND CREATING SECTION 17.02(14)(b)9 TO CREATE A NEW COMPACT DEVELOPMENT FORM PLANNED UNIT DEVELOPMENT CONDITIONAL USE OPTION (ZT-1802)

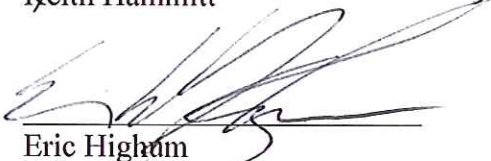
Presented by:
Land Use, Parks, and Environment Committee


Pauline T. Jaske, Chair

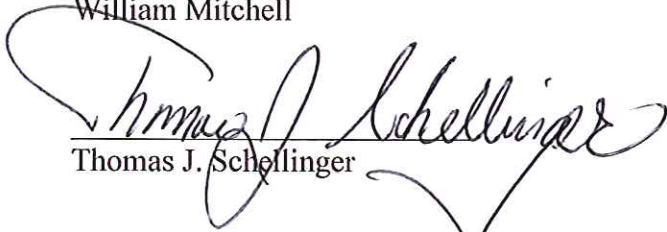

Jim Batzko


Jennifer Grant



Keith Hammitt


Eric Higham

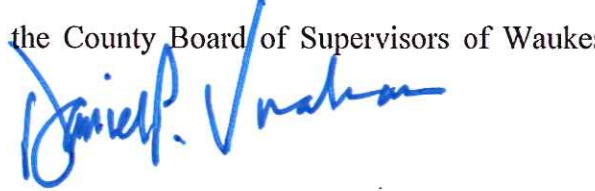

William Mitchell


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: 2/24/15, 
Kathleen Novack, County Clerk

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

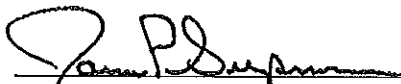
Approved: X
Vetoed: _____
Date: 3-2-15, 
Daniel P. Vrakas, County Executive

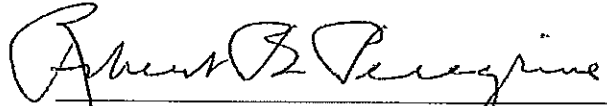
COMMISSION ACTION


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-1802 Town of Brookfield Board) in accordance with the attached "Staff Report and Recommendation".

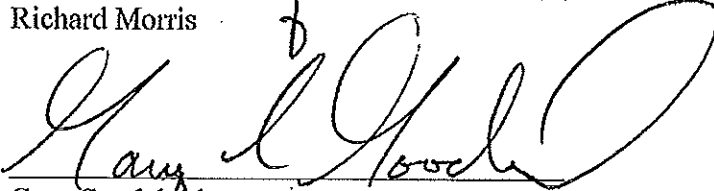
PARK AND PLANNING COMMISSION

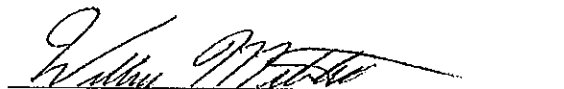
December 11, 2014


James Siepmann, Chairperson

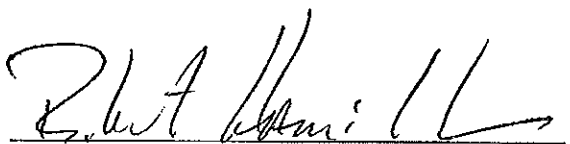

Robert Peregrine


Richard Morris


Gary Goodchild


William Mitchell

Absent
Keith Hammitt


Robert Hamilton

The Town Code currently requires creation of an overlay district for each PUD, which means that each such PUD must go through the full Town/County rezone approval process. The Conditional Use mechanism allows for a slightly shorter review process in that the formal steps of rezoning will no longer be necessary if the underlying zoning category of particular properties are appropriate for a given proposed PUD use. Accordingly, the change in process may shorten the approval process for some projects by a matter of months. The Conditional Use process still preserves the opportunity for public comment via public hearings and involves the same type of review and analysis that the zoning overlay review process entailed. The County codes similarly provide for consideration of Planned Unit Developments via a Conditional Use process. The Town will continue to require the same site data and analysis required for a PUD application submittal and the criteria to be considered would remain the same as the existing code language, with the exception of the additional "Compact Form Development" parameters as described above (see attached Town Ordinance).

If this ordinance is approved, County Staff has suggested to the Town Planner that administrative notes be added to the Town zoning map to make it clear that existing PUDs and the related previously approved development agreements will continue to remain valid and that said projects will be subject to the modified provisions of the Town Code's PUD requirements. It should be also noted that there is an incorrect section reference on page 6 of the Town Ordinance. Under letter "h", the reference to Section 17.05 should instead read 17.02(14)(b)(9)(d)(5). The Town Planner will make the correction and, if this rezoning is recommended for approval, the ordinance will be held until the subject page can be replaced.

STAFF RECOMMENDATION:

It is the opinion of the Planning and Zoning Division Staff that this request be approved. The proposed amendments to the Town's Planned Unit Development process and parameters will provide more design options and code flexibility to accommodate integrated development projects. In addition, the proposed changes in the PUD process will streamline the review and consideration process for such developments.

Respectfully submitted,

Jason Fruth

Jason Fruth
Planning & Zoning Manager

Attachment: Town Ordinance

N:\PRKANDLU\Planning and Zoning\Rezoning\Staff Reports\1802 Text Amendment bkt.doc

STATE OF WISCONSIN: TOWN OF BROOKFIELD: WAUKESHA COUNTY

**ORDINANCE REPEALING SECTION 17.04(20) AND CREATING SECTION
17.02(14)(B)9 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 17.04(20) (Planned Unit Development District) of the
Town Code of the Town of Brookfield is hereby repealed.

SECTION 2: Section 17.02(14)(b)9 (Planned Unit Development-Conditional
Use) is hereby created to read as follows:

Section 17.02(14)(b)9. PUD PLANNED UNIT DEVELOPMENT

The PUD Planned Unit Development Conditional Use is intended to permit developments that will, over a period of time, be enhanced by coordinated area site planning, diversified location of structures, diversified building types and mixing of compatible uses. Such developments are intended to provide a safe and efficient system for pedestrian and vehicle traffic; attractive recreation and open spaces as integral parts of the developments; enable economic design in the location of public and private utilities and community facilities; and ensure adequate standards of construction and planning. The PUD Conditional Use under this chapter will allow for flexibility of overall development design with benefits from such design flexibility intended to be derived by both the developer and the community, while at the same time maintaining insofar as possible the land use density and other standards or use requirements set forth in the underlying basic zoning district.

(a) Application of the PUD Conditional Use.

This Conditional Use may be used for development in the following basic use districts
except:

1. C-1 Conservancy District
2. P-1 Park District.

(b) Permitted Uses.

Uses permitted in a Planned Unit Development Conditional Use shall conform to uses generally permitted in the underlying basic use district. Individual structures shall comply with specific building area and height requirements of the underlying basic use

district. Open space and parking requirements of the underlying basic use district shall be complied with either individually or by providing the combined open space and parking space required for the entire development in one or more locations within the development.

(c) Procedural Requirements.

1. Pre-petition Conference. Prior to the official submission of the petition for the approval of a Planned Unit Development Conditional Use, the owner or his agent making such petition shall meet with the Plan Commission or its staff to discuss the scope and proposed nature of the contemplated development.
2. Petition. Following the pre-petition conference, the owner or his agent may file a petition with the Town Clerk for approval of a Planned Unit Development Conditional Use. Such petition shall be accompanied by the review fee required under §17.03 of this chapter and the following information:
 - A. A statement which sets forth the relationship of the proposed PUD to the Town's master plan or any adopted component thereof and the general character of and uses to be included in the proposed PUD, including:
 1. Total area to be included in the PUD, area of open space, residential density computations, proposed number of dwelling units, population analysis, availability of or requirements for municipal services and any similar data pertinent to a comprehensive evaluation of the proposed development.
 2. General summary of the estimated value of structures and site improvement costs, including landscaping and special features.
 3. General outline of the organizational structure of a property owners' or management association proposed to be established to provide any necessary private services.
 4. Proposed departures from the standards of development in the Town zoning regulations, other Town regulations, administrative rules or universal guidelines.
 5. Expected date of commencement of physical development as set forth in the proposal.
 - B. A general development plan including:
 1. Legal description of the boundaries of the subject property included in the proposed PUD and its relationship to surrounding properties.
 2. Location of public and private roads, driveways, and parking facilities.
 3. Size, arrangement and location of any individual building sites and proposed building groups on each individual site.

4. Location of institutional, recreational and open space areas and areas reserved or dedicated for public uses, including schools, parks and drainageways.
 5. Type, size and location of all structures.
 6. General landscape treatment.
 7. Architectural plans, elevation and perspective drawings and sketches illustrating the design and character of proposed structures.
 8. Existing and proposed location of public sanitary sewer and water supply facilities and proposed location of all private utilities or other easements.
 9. Characteristics of soils related to contemplated specific uses.
 10. Existing topography on the site with contours at no greater than 2 foot intervals.
 11. Anticipated uses of adjoining lands in regard to roads, surface water drainage and compatibility with existing adjacent land uses.
3. Referral to Plan Commission. The petition for a PUD Conditional Use shall be referred to the Plan Commission for its review and recommendation, including any additional conditions or restrictions it may deem necessary or appropriate.
 4. Public Hearing. The Plan Commission and Town Board shall hold a joint public hearing under 17.12 and 17.13 of this chapter. Notice of such hearing shall include reference to the development plans filed in conjunction with the requested Planned Unit Development Conditional Use. As soon as practical following the hearing, the Plan Commission shall report its findings and recommendations to the Town Board.

(d) Basis for Approval of Petition.

1. The Plan Commission in making its recommendation and the Town Board in making its determination shall consider:
 - A. That the petitioners for the proposed Planned Development Conditional Use have indicated they intend to begin the physical development of the PUD within 9 months following approval of the petition and the development will be carried out according to a reasonable construction schedule satisfactory to the Town.
 - B. That the proposed Planned Unit Development Conditional Use is consistent in all respects to the purpose of this section and spirit and intent of this chapter; is in conformity with the adopted master plan or any adopted component thereof, and the development would not be contrary to the general welfare and economic prosperity of the community.
 - C. The proposed site shall be provided with adequate drainage facilities for surface and storm waters.

- D. The proposed site shall be accessible from public roads that are adequate to carry the traffic that can be expected to be generated by the proposed development.
 - E. No undue constraint or burden will be imposed on public services and facilities, such as fire and police protection, street maintenance and maintenance of public areas by the proposed development.
 - F. The streets and driveways on the site of the proposed development shall be adequate to serve the residents of the proposed development and shall meet the minimum standards of all applicable ordinances or administrative regulations of the Town.
 - G. Centralized water and sewer facilities shall be provided.
 - H. The entire tract or parcel of land to be included in a Planned Unit Development Conditional Use shall be held under single ownership or if there is more than one owner, the petition for such Planned Unit Development Conditional Use shall be considered as one tract, lot or parcel and the legal description shall define the PUD as a single parcel, lot or tract and be so recorded with the Register of Deeds for Waukesha County.
2. That in the case of a proposed residential Planned Unit Development Conditional Use:
- A. Such development will create an attractive residential environment of sustained desirability and economic stability, including structures in relation to terrain, consideration of safe pedestrian flow, ready access to recreation space and coordination with overall plans for the community.
 - B. The total net residential density within the Planned Unit Development Conditional Use will be compatible with the Town master plan or component thereof.
 - C. Twenty percent of any area within a planned unit development zoned C-1 Conservancy District under this chapter or Floodplain or Conservancy District under the Waukesha County Shoreland and Floodland Protection Ordinance may be used in calculating density if the total number of units permitted does not exceed 20% of the units permitted without using floodland or conservancy lands.
 - D. Provision has been made for the installation of adequate public facilities and the continuing maintenance and operation of such facilities.
 - E. Adequate, continuing fire and police protection is available.
 - F. The population composition of the development will not have an adverse effect upon the community's capacity to provide needed school or other municipal service facilities.
 - G. Adequate guarantee is provided for permanent preservation of open space areas as shown on the approved site plan either by private reservation and maintenance or by dedication to the public.

3. That in the case of a proposed commercial Planned Unit Development Conditional Use:
 - A. The proposed development will be adequately served by off-street parking and truck service facilities.
 - B. The proposed development shall be adequately provided with and shall not impose any undue burden on public services and facilities such as fire and police protection, street maintenance and maintenance of public areas.
 - C. The locations for entrances and exits have been designated to prevent unnecessary interference with the safe and efficient movement of traffic on surrounding streets and that the development will not create an adverse effect upon the general traffic pattern of the surrounding neighborhood.
 - D. The architectural design, landscaping, control of lighting and general site development will result in an attractive and harmonious service area compatible with and not adversely affecting the property values of the surrounding neighborhood.

4. That in the case of a proposed industrial Planned Unit Development Conditional Use:
 - A. The operational character, physical plant arrangement and architectural design of buildings will be compatible with the latest in performance standards and industrial development design and will not result in adverse effect upon the property values of the surrounding neighborhood.
 - B. The proposed development shall be adequately provided with and shall not impose any undue burden on public services and facilities, such as fire and police protection, street maintenance and maintenance of public areas.
 - C. The proposed development will include adequate provisions for off-street parking and truck service areas and will be adequately served by rail, arterial highway facilities or both.
 - D. The proposed development is properly related to the total transportation system of the community and will not result in an adverse effect on the safety and efficiency of the public streets.

5. That in the case of a mixed use Planned Unit Development Conditional Use:
 - A. The proposed mixture of uses produces a unified composite which is compatible within the underlying districts and which as a total development entity is compatible with the surrounding neighborhood.
 - B. The various types of uses conform to the general requirements stated above, applicable to projects of such use and character.
 - C. The proposed development shall be adequately provided with and shall not impose any undue burden on public services and facilities, such as fire and police protection, street maintenance and maintenance of public areas.

- (e) Determination. The Town Board, after due consideration, may deny the petition, approve the petition as submitted or approve the petition subject to additional conditions and restrictions. The approval of a Planned Unit Development Conditional Use shall be based upon and include as conditions thereto the building, site and operational plans for the development as approved by the Town Board.
- (f) Changes and Additions. Any subsequent change or addition to the plans or uses shall first be submitted for approval to the Plan Commission, and if in the opinion of the Commission such change or addition constitutes a substantial alteration of the original plan, a public hearing before the Commission shall be required and notice thereof be given under \square 17.12 of this chapter and such proposed alterations shall be submitted to the Town Board for approval.
- (g) Subsequent Land Division. The division of any land within a Planned Unit Development Conditional Use for the purpose of change or conveyance of ownership shall be accomplished under the Town land division regulations and when such division is contemplated, a preliminary plat of the lands to be divided shall accompany the petition for PUD approval.
- (h) A Conditional Use for a **Compact Development Form Planned Unit Development (P.U.D.)** shall be available in all Districts in which P.U.D.'s are available subject to the requirements of \S 17.02(14)(b)9.(d)5. and as described below:

Compact Development Form P.U.D.:

A Compact Development Form P.U.D. shall allow a mixture of commercial, office, residential, institutional and park and open uses and may also allow for single use projects that contain certain specified urban design elements. Such projects are envisioned to accommodate compact, higher intensity development or redevelopment in settings where urban services are available and new compact development is appropriate and will contribute to the vitality of the community.

The Compact Development Form P.U.D. shall require a heightened level of site design and individual buildings shall be arranged in a unified fashion so as to be complementary to each other and to be compatible with the surrounding neighborhood. Higher density residential development is encouraged (less than 6,000 square feet of land area per dwelling unit) in location-appropriate areas and can be authorized within this Conditional Use category.

This P.U.D. option provides opportunity for design flexibility and sets forth basic requirements for Compact Development projects in order to accommodate unique, integrated development projects. The availability of this design option recognizes that the community realize economic, aesthetic and quality of life benefits from projects with interesting design and higher intensity mixed uses in projects with an upscale dynamic. Development projects or new neighborhoods with vertical scale architecture, mixed uses,

pedestrian facilities and public gathering spaces create more dynamic places that are attractive for people to live, work and play within. Required amenities will benefit both the developer and the community while also allowing for orderly and efficient land use. For a project to be eligible for consideration and approval as a Compact Development Form P.U.D., the following project design elements shall be provided:

1. Compact Development Form P.U.D.'s will only be considered in existing corridor business settings or in close proximity to major transportation facilities such as interstate highway interchanges, county trunk highways, major arterials or mass transit stops.
2. Proposed development projects must be complimentary to the surrounding neighborhood.
3. Eligible sites must be served by municipal sewer and municipal water.
4. Architecture, landscaping and building siting must be designed to create an attractive and cohesive environment that contributes positively to the existing setting. Landscape treatments shall be provided to enhance architectural features, improve appearance, screen parking areas and structures, provide shade and enhance the streetscape.
5. Compact Development Form scale architecture (minimum two story buildings or two story facades) is required. Maximum permissible building height and massing must be complimentary to the neighborhood as determined by the Town Plan commission and Town Board.
6. Building designs shall utilize a variety of aesthetically compatible exterior building materials and building styles and articulations shall be varied. Long, monotonous façades or roof designs shall not be permitted. HVAC units and other rooftop mechanicals/utilities are required to be screened from view.
7. Meaningful communal gathering and green spaces provided in accessible settings must be an integral part of any proposed development.
8. Pedestrian facilities must connect buildings and uses within the proposed development and must connect the development to the surrounding neighborhood in order to provide safe and convenient access for patrons, residents, and pedestrians. Bicycle accommodations should be considered in project design.
9. Buildings shall be predominantly oriented to streets with minimal street setbacks.

10. Large surface parking lots shall be minimized with specific consideration given to avoidance of parking lots between buildings and the street edge. Structured, underground or on-street parking must be provided to the greatest extent practicable. Surface parking lots should be located to the side and rear of buildings as much as possible. Parking areas should be landscaped to incorporate planting islands large enough so they may also serve as storm water areas or snow storage areas.
11. Retail and mixed retail/office buildings shall provide large store front windows that provide visibility and transparency at the pedestrian level.
12. A Compact Development Form for residential development is permissible at densities dependent upon, and related to, the form and massing of buildings. Specified maximum building height, setbacks, build-to lines, offsets, and on-site parking requirements are to be established by the Planning Commission and Town Board, which will determine available housing densities. "More of the same" is specifically discouraged.
13. Internal streets must be designed to adequately serve the users of the proposed development and contain traffic calming measures (landscape bump outs, parallel or angle on-street parking, visually conspicuous crosswalks, narrow streets, etc.) while allowing for safe and efficient traffic circulation.
14. Developers of mixed use projects or structures with more than one tenant shall submit a comprehensive description of a uniform signage system so that individual business or tenant signs will be harmonious and compatible with the overall design of the structures and site. Individual tenant signage must be predominantly wall mounted.
15. Streets and pedestrian facilities shall contain appropriate streetscape amenities (street trees, street furniture such as benches, planters, trash receptacles, information kiosks, bike racks, bus shelters, appropriate scale lighting and way finding signage) and the Architectural Control Committee shall set forth the required streetscape elements with consideration given to similar Town imposed requirements, if applicable. Terraces to separate pedestrians from vehicles shall be provided, where feasible. ADA complaint access and facilities shall be provided throughout the development. Sidewalks that will traverse predominantly retail or restaurant use areas shall be wide to accommodate space for passing pedestrians and certain designated sidewalks within retail areas should be widened to allow for sidewalk café dining or outdoor retail display while still providing for pedestrian passage.


SECTION 3: All ordinances or parts of this ordinance conflicting or contravening the provisions of this ordinance are hereby repealed.

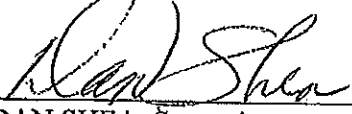
SECTION 4: This ordinance shall take effect upon passage and posting as provided by law.

Dated this 5th day of August, 2014.

TOWN BOARD, TOWN OF BROOKFIELD,
WAUKESHA COUNTY, WISCONSIN

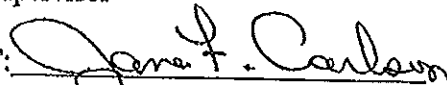
BY: 
KEITH HENDERSON, Chairman

BY: 
PATRICK STROEBEL, Supervisor

BY: 
DAN SHEA, Supervisor

BY: _____
JOHN R. SCHATZMAN, SR.
Supervisor

BY: 
STEVE KOHLMANN, Supervisor

ATTEST: 
JANE F. CARLSON, Clerk

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