

## OFFICIAL PUBLIC HEARING NOTICE

By: City of Brookfield Common Council  
Date and Time: May 17, 2022 at 7:45 p.m.  
Location: City Hall - Council Chambers, 2000 N. Calhoun Rd., Brookfield, WI 53005  
Applicant: City of Brookfield

### Requests:

- 1) To amend Section 17.08 .070, Municipal Code, to clarify procedures for seeking changes and amendments to Zoning regulations.
- 2) Revise and amend provisions in §17.04, Definitions, and Chapter 17.100 related to Plan and Method of Operation.

A copy of the draft ordinances amending Title 17 may be obtained from the Common Council, through the Clerk's office.

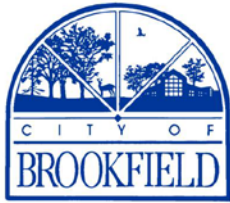
Dated this 28th day of April 2022.

Michelle Luedtke, City Clerk

Post/Publish Date: May 3 & 10, 2022

ANY PERSON WHO HAS A QUALIFYING DISABILITY AS DEFINED BY THE AMERICANS WITH DISABILITY ACT THAT REQUIRES THE MEETING OR MATERIALS TO BE IN AN ACCESSIBLE LOCATION OR FORMAT, MAY CONTACT THE CITY CLERK AT (262)782-9650 OR 2000 NORTH CALHOUN ROAD, FOR ACCOMMODATIONS. REQUESTS FOR ACCOMMODATIONS FOR MEETINGS SHOULD BE MADE AT LEAST THREE (3) BUSINESS DAYS IN ADVANCE OF THE MEETING. EVERY EFFORT WILL BE MADE TO ARRANGE ACCOMMODATIONS FOR ALL MEETINGS.

*Note: It is possible that members of and possibly a quorum of members of other governmental bodies of the municipality may be in attendance at the above stated meeting to gather information; no action will be taken by any governmental body at the above stated meeting other than the governmental body specifically referred to in this notice.*



## PROPOSED LANGUAGE FOR PUBLIC HEARING

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17.04

“Commercial” means a use that is not residential, or a place for human habitation, institutional or industrial.

“Industrial” transforming materials, substances or components into new products by mechanical, physical, chemical or manual methods including assembly, regardless of whether the new product is ready for the ultimate consumer or further processing.

“Landscape” or “landscaping” means grasses, ponds, rain gardens, gardens, ground cover, plantings, planting beds, trees, berms, swales, and shrubs or the modification of land with such features. Green roofs, pervious pavements, permeable pavement systems, buildings, and structures shall not be considered a landscape or landscaping.

“Material” to be moved here from §17.100.020.C.

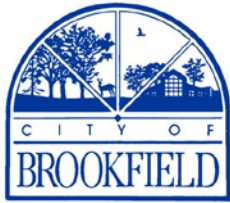
“Minor revision” to be moved here from §17.100.020.C.

“Revised...” to be moved here from §17.100.020.C.

17.100.010 Findings.

The council declares that the standard regulation of uses, other than on parcels containing single-family residences or an eight bed or less residential care facilitiesy, consisting ofwith administrative approvalblanket permission for imposing of development standards the enumerated permitted uses herein, has proven unsatisfactory and there is a need for supplementary regulations legislative review as hereinafter set forth. Absent this additional review, AdministrativeSstandard administrative regulation can has resulted in the concentration of like or identical uses, traffic problems, failure and abandonment of many of the uses, visual blight, vandalism and or adverse effect upon the values of neighboring properties and the city’s tax base and implementing the City’s comprehensive plan.

17.100.020 Plan commission and council approval required.



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A. In addition to compliance with other requirements of this code relating to zoning, building, use, storm water control, and site approval, no building permit shall be issued for a multiple family dwelling, commercial, institutional, or industrial structure or use ~~(excluding other than an eight-bed-or-less residential care facility)~~, nor shall an occupancy permit be issued for a change of use in an existing structure until the ~~plan commission~~ Council has approved the location, the ~~new,~~ revised, ~~or~~ minor revision, ~~or~~ plan and method of operation, and suitability of the site for the use requested, except as provided in subsection (B) of this section based on the Plan Commission's recommendation. ~~Any plan commission recommendation decision hereunder shall be subject to council approval, disapproval or modification at the next regular council meeting unless the time for such action is extended by the Chairman of the Plan Commission or the council.~~ All applicants seeking approvals under this section shall observe the procedures set forth in this chapter.

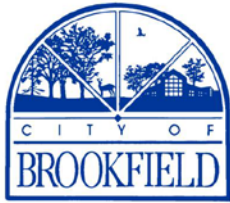
~~C. In this title the following terms shall be defined as:~~ Move these to 17.04, unless otherwise noted

"Material" means having real importance or great consequences.

"Minor revision to plan and method of operation" means a modification to an ~~approved~~ development's approved plan and method of operation such as the addition of outdoor seating at a restaurant or food service operation, an addition to a parking lot, or other similar changes as determined by the director of community development.

~~"New plan and method of operation" means an application relating to the development of vacant land; or the redevelopment of land that was once improved, but is now in a vacant state as a result of the razing of all of the improvements on the land.~~

"Plan and method of operation" means the outline of the physical development of any parcel as stated in 17.100.010, ~~except ones containing single-family residences and their accessory structures, consisting of numerous components as well as the method of operating the use. The components include the items~~



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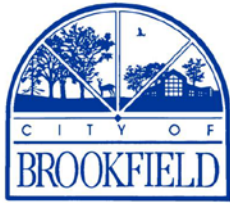
~~required under Section 17.100.050 which are: the~~ and shall consist of the items required under Section 17.100.050 a method of operation statement, area study map, site plan, preliminary grading and drainage plan, building plans, building material specifications, architectural rendering, site landscape plan, exterior signs, and any other information deemed necessary for the plan commission to determine whether the proposed development is a permitted use for ~~complies with all regulations~~ the site.

“Revised plan and method of operation” means an amendment to an approved plan and method of operation for a development n application relating to an approved development that involves an event which is a triggering event under Resolution No. 4286, adopted May 1, 1990, including, for, but not limited to because of enumeration, new building construction, building expansion, exterior architectural alteration, or change in use if the proposed new use will likely generate materially more traffic and /or need materially more parking, based upon either or both of the following indicators:

- a. classification of parking requirements of uses within the Brookfield zoning ordinance; or
- b. trip generation rates from generally accepted technical literature..

17.100.050 Application content—Required submittals. Each application to the plan commission ~~or plan review board~~ shall include the following items:

- A. Plan and Method of Operations ~~application. Statement. Complete and submit the City's Method of Operation form. Three copies of a signed statement from t1. Statement form. The property property owner, holder of interest in the property, or bona fide owner's representative, completes and submits four copies of the City's Method of Operation application form describing the request.. The name, address (including city, state, zip), telephone number, email address, and type of business entity of applicant shall be included in the letter. Letters shall describe proposed use, plan and method of operation, hours of operation, outdoor seating, and whether a liquor license will be~~



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~~requested. Also, provide contact information for one development project manager name, address, telephone number, and email address.~~<sup>1</sup>

2. Plan requirements. Site, Preliminary Grading and Drainage, and Landscaping plans required as part of the Plan and Method of Operation application submission must be provided as follows: four copies, not to exceed 24" x 36", at a standard engineering scale such as 1" = 20', 1" = 30', etc.; 15 reduced size copies either, 8-1/2" x 11" or 11" x 17" in size; and a digital version PDF and CAD. All others as indicated.

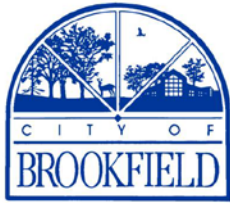
B. Area Study Map. In addition to the required submittal materials pertaining to the site for which approval is requested ~~(application site), applicants~~involving sites within zoning districts listed in this subsection shall submit an area study map that provides context for the application, meeting the size requirements established by this subsection showing adjacent lands zoned nonresidential and not separated from the application site by public roads. The area study map ~~shall~~may identify the relationships of buildings, parking, drives, frontage roads, ~~and~~ landscape features proposed for the ~~application~~ site with similar features that exist ~~or that may occur~~ on adjacent lands within the study area under current zoning. The minimum dimensions of the study area shall be set by the Department of Community Development at the pre-application meeting. ~~the following unless the plan commission determines that area conditions warrant a smaller study area:~~

~~1. B-1 and office districts: three acres.~~

~~2. B-2, O and LB and I districts: five acres.~~

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<sup>1</sup> These deleted items listed to be included in the letter will be included on the application form.



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~~3. B-3 and O and LI districts: ten acres. Subsections C through H of this section apply to the application site only.~~

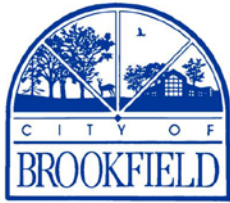
C. Site Plan. ~~Three copies of a site plan at a standard engineering scale (e.g., 1" = 20', 1" = 30', etc.) plus fifteen (15) reduced copies of the site plan (i.e., 8-1/2" x 11" or 11" x 17" in size).~~ The plan should include the precise location and relationship of the property to surrounding properties, including buildings on adjacent properties; the location of existing and proposed buildings on the site, including area dimensions required by this Code for the proposed buildings; the location, arrangement and dimensions of driveways, parking areas, lighting, signs, and other site ~~development factors~~features. A site data table ~~shall~~must also be included on the site plan indicating the lot area, square feet of lot area per unit and number of units per acre for multiple-family development, floor area of existing and proposed buildings, floor area ratio, lot coverage, landscape surface ratio, and number of existing and proposed parking spaces.

D. Preliminary Grading and Drainage Plan. ~~Three copies of a preliminary grading and drainage plan done to the same scale as the site plan referred to in subsection C of this section.~~ This plan should include existing and proposed contours at a maximum of two-foot intervals. Existing features such as swales, ponds, ditches, storm sewers, inlets, etc., shall be shown with size and type of pipe labeled. Proposed features to promote proper drainage, including curbing, berms, swales, inlets and extensions to storm sewers, shall also be shown and clearly labeled. ~~The~~e ~~is~~ plan ~~shall be~~is subject to final review and approval by the engineering department or upon referral to and approval by the board of public works.

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G. Architectural Rendering. Two copies, at least 24" x 36", of An architectural rendering of the proposed buildings.

H.4. Site Landscape Plan, ~~Excluding Street-Yard Plan~~. ~~Three copies of a~~ A landscape plan prepared by a registered landscape architect as required in Section 17.100.122~~completed to same scale as the site plan in accordance with the specifications of the most recent edition of the Site Development Standards for~~



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~~Nonresidential Uses, which is hereby adopted by reference and made a part hereof, indicating the location, types, number of existing and proposed plantings, landscaping and landforms, including specifications (caliper of size and varieties) listed in a planting schedule. The legend and plan should clearly distinguish between existing and proposed plantings. A copy of the standards is available on the city's website or for purchase in the department.~~ If any provision of the Brookfield Municipal Code conflicts or is inconsistent with the ~~Nonresidential Development Landscape~~ Standards, the provisions of the ~~code~~ Code shall apply.

~~2. Street Yard Requirements. Repealed and recreated as 17.100.122 (see below)~~

I. Exterior Signs. Two copies of plans, renderings or other pictures ~~reserialization~~ of any exterior signs shall be submitted with the application for each nonresidential use. ~~This e-sign portions of the application are submitted is~~ for informational purposes ~~as part of the application only~~ and require separate application to the building inspection department for ~~final approval and submission to the plan review board, if applicable.~~

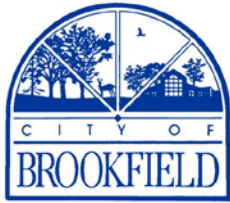
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17.100.065. Compliance and review.

A. Plan and Method of Operation applications must comply with the provisions of this Code and other adopted standards, such as but not limited to, Sections 15.04.060 and 15.04.170; Ch. 15.20, Titles 8 and 14, and the *Site Development and Landscape Standards* adopted and revised from time to time by resolution of the Common Council.

B. The planning and engineering staff will review plan and method of operation applications for compliance with the City's Code and adopted standards before making a recommendation to the Plan Commission.

17.100.070 Plan commission's recommendation and Council's decision—Basis of determination.



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The plan commission's recommendation decision ~~and the Council's decision~~ shall be based on ~~its a~~ determination that the proposed structure and use will or will not:

~~A. Have a substantial adverse effect on the property values of neighboring properties;~~

AB. Have a substantial adverse effect on traffic safety;

~~C. Be inconsistent with the purposes of this code;~~

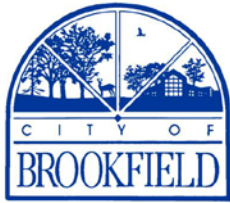
BCD. Be inadequately served with present or planned municipal services based upon an incremental increase of the demand for such services in comparison to existing conditions for the subject property;

~~E. Result in an undue concentration of like or identical uses;~~

G-DF. Be substantially in conformance with the most current version of the Site Development and Landscaping Standards For Nonresidential Uses, dated \_\_\_\_\_ March 1990, amended July 2010, and the Non-Residential Development Landscape Standards, dated \_\_\_\_\_ February 1996, where applicable, which are adopted by reference and made a part hereof.; provided, the plan commission may determine a standard (other than a mandatory standard) may be modified or waived consistent with the spirit and intent of these ordinances; and the plan commission may modify the standards for lot coverage, landscape surface ratio and intensive use offsets in approving amendments for developments approved prior to May 1, 1990;

~~DEG. Be substantially in conformance with the city's comprehensive plan or relevant portions thereof.~~





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### 17.100.1222- Landscaping –~~Street-Yard Requirements~~.

a. Findings. The council hereby finds that ~~street-yard~~ landscaping is for the good of the public health and safety and, therefore, is an improvement required from developers or property owners for all new multifamily, two-family, and nonresidential development which abuts upon any public or private street.

b. Definitions. The following definitions apply in this section:

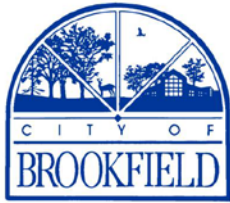
“Department” means the community development department.

“Developer” means the person submitting an application for ~~site plan~~ plan and method of operation approval.

“Security” means letter of credit in the city’s standard form or cash deposit.

c. ~~Street-Yard~~ Landscaping must be provided for all non-single family dwellings in the amount and locations required by the *Site Development and Landscape Standards* including street-yard landscaping as described therein.

d.i. Landscaping plans ~~Plan~~ must be submitted with the Plan and Method of Operation application as required at Section 17.100.050. ~~Prior to the approval of a site plan pursuant to this subsection, the developer or property owner shall submit a landscape plan in compliance with the plan requirements and procedures provided in the most recent edition of the Nonresidential Development Landscape Standards.~~ Plans must be prepared by a registered landscape architect. Upon City Engineering Division approval of the grading, drainage, and stormwater plans, the applicant shall finalize the preliminary landscape plan and superimpose



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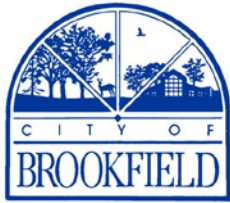
it upon the approved grading plan. Upon receipt of the final review comments from the City Engineer and the reviewing landscape architect, the applicant shall make any required revisions and submit four copies and PDF copy of the final landscape plan with stamp and certification by the applicant's registered landscape architect.

ii. The plans must indicate the location, types, number of existing and proposed plantings, landscaping and landforms, including specifications (caliper of size and varieties) listed in a planting schedule and the street yard plan and general landscaping. The legend and plan should clearly distinguish between existing and proposed plantings. A data table must be included to show compliance with the street yard landscaping requirement.

e. Time for Installation. All landscaping shall be installed no later than one year from the date of plan and method of operation approval, unless the plan commission grants an extension. If the date of plan and method of operation approval occurs between September 30th and May 1st, the developer shall automatically be granted an extension beyond the initial one-year period until the next occurrence of June 1st.

f. Street-yard landscaping ~~Financial Security and Easement~~. If the developer or property owner has not fully installed the landscaping at the time of the ~~final site plan~~ plan and method of operation approval, the developer or property owner shall comply with the following:

i. Financial Security and Easement for ~~Landscape~~ Installation. To secure installation of the landscaping, the developer or property owner shall deposit with the city a security in an amount specified in Section 3.28.010(P), less the value of the landscaping completed to date and/or any credit for existing and qualified landscaping based on current landscape installation costs for material and labor. The city attorney ~~shall approve any security submitted~~ will review any letters of credit to ensure compliance with the City's form. The



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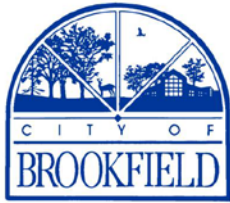
security will remain in force until all required street-yard landscaping has been completed and approved by the department.

ii. Replacement Landscaping. The developer or property owner shall be responsible for the maintenance and replacement of any street-yard landscaping for three years after the date of approval of installation from the department. To ensure the maintenance of the street-yard landscaping, the developer shall deposit with the city a security in an amount specified in Section 3.28.010(Q). In lieu of posting a second security, the developer or property owner may request that the security for installation of the landscaping be reduced to the amount required in this subsection. The amount of the security shall remain in force until ninety (90) days after the end of the three-year maintenance period.

iii. Temporary Easement. The property owner shall grant to the city a temporary easement granting access to the city or its authorized agents to perform the initial street-yard landscape installation, installation of replacement landscaping, or landscaping maintenance if the developer or property owner fails to comply with the time requirements set forth in this section or the city receives notification of the expiration or cancellation of the security. The city attorney shall approve any terms and conditions of the easement. The easement shall not terminate until ninety (90) days after the end of the three-year maintenance period.

~~g. Street-yard Landscaping Installation and Maintenance Enforcement.~~

iv. Installation inspection required. Upon completion of the landscape installation, the developer or property owner shall notify the department so that it can inspect the installation. If inspection reveals that the landscaping installation is fully completed and meets the requirements of this section approved plan, the department will issue an installation certificate and authorize the



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release or reduction of the security required for the landscape installation. If the developer or property owner does not comply with the landscape installation per the time required by this section, the city or its authorized agents may install the landscaping and deduct the same from the security.

v. Three year replace and maintenance period. Upon written notification from the city that the landscaping needs replacement or maintenance, the developer or property owner shall ensure that such landscaping is replaced or maintained within thirty (30) days of the date of notification, or if additional time is necessary due to growing conditions, by the date determined by the department and set forth in the written notification. If the developer or property owner fails to make such replacement or maintenance, the city or its authorized agents may install or maintain the landscaping and deduct the same from the security required for maintenance.