



## OFFICIAL PUBLIC HEARING NOTICE

Notice is hereby given that a public meeting will be held on the date, time and location shown below.

**By: Common Council, City of Brookfield**

**Date & Time:** December 5, 2023 at 7:45 pm

**Location:** Common Council Chambers, 2000 N. Calhoun Road, Brookfield, WI 53005

**Applicant: City of Brookfield**

**Request:**

Amendments to Titles 16, Subdivisions, and 17, Zoning, regarding the minimum lot depth, size, open space and average width in certain areas of the City and the subdivision design variance standards. Will also add definitions to Title 17. The revised regulations would apply to land within the Bluemound Park Estates; Columbia Gardens, the Gem of the Bluemound Road; Greenfield Heights Estates; Kinsey's Garvendale; First through Fourth Continuances of Kinsey's Garvendale; Linfield Crossing; or Brookfield Heights subdivisions.

Code provisions affected: Sections 16.16.040; 16.16.060; 16.16.070; 17.04.020 and 17.36.040.

A copy of the proposed changes and maps of the affected area can be viewed at the City Clerk's office, at the Brookfield Public Library, and at the City's Web Page at [www.ci.brookfield.wi.us](http://www.ci.brookfield.wi.us).

**Documents:**

[PH Lots layout staff report proposals - public hearing version.pdf](#)

Dated this 14th day of November, 2023.

Published: November 21 and 28, 2023

Michelle Luedtke - City Clerk

A copy of the proposed changes and maps of the affected area can be viewed at the City Clerk's office, at the Brookfield Public Library, and at the City's Web Page at [www.ci.brookfield.wi.us](http://www.ci.brookfield.wi.us).

Under the Americans with Disabilities Act, the City of Brookfield will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in the City of Brookfield's programs, services, and activities, including qualified sign language interpreters, documents in Braille, and other ways of making information and communications accessible to people who have speech, hearing, or vision impairments. Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of the City of Brookfield, should contact the office of the City Clerk at 262-782-9650 or at 2000 North Calhoun Road as soon as possible but no later than 48 hours before the scheduled event.

**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.

## Public Hearing Scheduled December 5, 2023 - Proposed Changes to the City of Brookfield Code

Current Code provisions are in black; additions are in blue or underlined; deleted text is in red or strike through; and moved text is green double underline or double strikethrough

### 16.16.040 Block and lot layout.

C. Lots in General must meet the following standards, except as provided here:-

2. No lot, including lots on a cul-de-sac, shall have lot depth of less than ~~13~~10 feet measured from the street frontage. In the case of corner lots, the minimum lot depth shall be measured from the narrowest street frontage. Side lot lines shall be approximately at right angles or radial to the right-of-way line of the street or cul-de-sac on which the lot faces.

7. Every lot shall front the public street from which it derives primary access a minimum of 120 feet, except those zoned village area business district under Chapter 17.50 or as stated below. Where a lot does not continuously abut a public street for 120 feet, street frontage will be measured along a line parallel to the property line that does abut the street at the setback distance required under Title 17. Lots with access only to existing private streets shall front the private street and shall be permitted only with a reciprocal access easement in a City-approved form. The minimum is 75 feet  
Land reconfigurations located within the Bluemound Park Estates; Columbia Gardens the Gem of Bluemound Rd; Greenfield Heights Estates; Kinsey's Garvendale, First Continuation of Kinsey's Garvendale, Second Continuation of Kinsey's Garvendale, Third Continuation of Kinsey's Garvendale, Fourth Continuation of Kinsey's Garvendale, or Linfield Crossing subdivisions.

### 16.16.060 Landscaping requirements.

A. Findings. The Common Council hereby finds that street-yard landscaping of all new residential subdivisions and land reconfigurations which abut upon major or secondary streets ~~and for all new multifamily and nonresidential subdivisions and development which abut upon any street~~ is for the good of the public health and safety and, therefore, is an improvement required from the subdivider except for land reconfigurations within the Bluemound Park Estates; Columbia the Gem of the Bluemound Rd.; Greenfield Heights Estates; Kinsey's Garvendale, First Continuation of Kinsey's Garvendale, Second Continuation of Kinsey's Garvendale, Third Continuation of Kinsey's Garvendale, Fourth Continuation of Kinsey's Garvendale, or Linfield Crossing subdivisions.

### 16.16.070 Variances.

A. ~~The Plan Commission~~ Common Council may ~~allow~~ grant a variance from the provisions of this chapter if the subdivider proves by substantial evidence that ~~strict compliance with the provisions of this chapter would render conformity an unnecessary hardship~~ or a variance allows a public purpose to be achieved, or as otherwise provided here. ~~To determine if an unnecessary hardship exists, the subdivider must prove that the property has a unique condition that renders conformity impossible or highly impracticable, compliance~~

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~~would prevent the subdivider from using the property for a permitted purpose, and a variance would not be contrary to the public interest. Unnecessary hardships may not be self-imposed.~~ A public purpose is defined as achieving an objective, policy, program or initiative in the Comprehensive Plan public transportation, public utility, or public recreation or open space\_ goal or objective as identified in the comprehensive plan. ~~The Plan Commission may allow~~ The standard for a variance from the provisions of Section 16.16.040(C)(7) for properties in zoned village area business district (Chapter 17.50) ~~upon~~ a showing of no economic viability.

B. ~~The request for v~~Variance requests shall be filed along with the application for a preliminary plat or preliminary concept map. It is the applicant's responsibility to provide support for their request. The Plan Commission shall afford the subdivider and the City a hearing to present evidence to the Commission to determine the aforementioned factors and shall render findings of fact, conclusions of law, and a recommendation to the Common Council on the matter within 45 days after the hearing conclusion ~~of the hearing.~~ The Common Council shall ~~make the final determination as~~ whether to ~~adopt the recommendation of the Plan Commission grant or deny the variance requestor make such modification as deemed appropriate.~~ The Council's decision shall be in writing and the Community Development Department shall send a copy of the Council's decision to the applicant's last-known mailing address. Any person aggrieved by the Common Council's decision may seek certiorari review within 30 days of the final determination. For the purposes of this chapter, pursuant to Section 68.16, Wisconsin Statutes, the City of Brookfield ~~is specifically electing~~ is not to be governed by Chapter 68, Wisconsin Statutes.

### 17.04 Definitions

~~"2.0-story" means a building with a full first floor and a full second floor.~~

~~"2.5-story" means a building with a full first floor, a full second floor, and a partial third floor where the habitable floor area is approximately half of the building footprint. (See also "half story.")~~

~~"Half story" or "0.5 story" means a third floor of a building's uppermost floor with the square footage of approximately half the first floor immediately below. (See also "2.5-story.")~~

### 17.36.040 Area regulations.

#### B. Lot Size.

1. Minimum area: any land split or subdivision lots platted before August 15, 1989: twenty thousand (20,000) square feet; except for lots in subdivisions, excluding landsplits, subdivision lots platted after

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August 15, 1989; ~~where such shall be a minimum of twenty-two thousand five hundred (22,500) square feet;~~reconfiguration of lots within the Bluemound Park Estates; Columbia Gardens, the Gem of the Bluemound Road; Greenfield Heights Estates; Kinsey's Garvendale, First Continuation of Kinsey's Garvendale, Second Continuation of Kinsey's Garvendale, Third Continuation of Kinsey's Garvendale, Fourth Continuation of Kinsey's Garvendale, or Linfield Crossing subdivisions: 8,250 square feet.

2. Minimum width: ~~one hundred thirty (130) feet at the fifty (50) foot setback line~~ unless ~~For those lots platted created~~ before August 15, 1989, then minimum width shall be one hundred twenty (120) feet; or 75 feet for land reconfigurations within the Bluemound Park Estates; Columbia Gardens, the Gem of the Bluemound Road; Greenfield Heights Estates; Kinsey's Garvendale, First Continuation of Kinsey's Garvendale, Second Continuation of Kinsey's Garvendale, Third Continuation of Kinsey's Garvendale, Fourth Continuation of Kinsey's Garvendale, or Linfield Crossing subdivisions.

C. Minimum Open space per dwelling unit: 15,000 square feet ~~minimum per dwelling unit~~ for lots platted before August 15, 1989; ~~and 17,500 square feet per dwelling unit~~ for lots platted after August 15, 1989; 70% for two-story dwellings and 45% for single-story dwellings; within the Bluemound Park Estates; Columbia Gardens, the Gem of the Bluemound Road; Greenfield Heights Estates; Kinsey's Garvendale First Continuation of Kinsey's Garvendale, Second Continuation of Kinsey's Garvendale, Third Continuation of Kinsey's Garvendale, Fourth Continuation of Kinsey's Garvendale, or Linfield Crossing subdivisions.

D. Maximum lot coverage: ~~twenty (20) percent~~ principal building: 20%; ~~five percent accessory buildings, including attached garages;~~ 25% unless it is a single-story building then 40% within the Bluemound Park Estates; Columbia Gardens, the Gem of the Bluemound Road; Greenfield Heights Estates; Kinsey's Garvendale First Continuation of Kinsey's Garvendale, Second Continuation of Kinsey's Garvendale, Third Continuation of Kinsey's Garvendale, Fourth Continuation of Kinsey's Garvendale, or Linfield Crossing subdivisions; ~~accessory buildings including attached garages: 5%.~~

### 17.116.030 Open space.

D. ~~For lots of record on August 1, 1961, that are less than 20,000 square feet, the minimum open space required may be calculated as 75% of the lot area but shall not be less than 4,500 square feet.~~