

**ORDINANCE NO. 2325-13**  
**By the Plan Commission**

ORDINANCE AMENDING MULTIPLE SECTIONS OF THE ZONING CODE REGULATING  
SIDEWALK SALES, OUTDOOR DISPLAY OF PRODUCTS, TENT SALES, OUTDOOR SALE  
OF PLANTS AND PRODUCE AT GROCERY STORES AND PRODUCE STANDS, AND  
PROVIDING FOR “DRIVE-THRUS” AT BANKS OR SAVINGS AND LOAN OFFICE

The Common Council of the City of Brookfield do ordain as follows:

**PART I.** Section 17.52.010 A., Permitted Uses, of the Municipal Code is amended to add the following permitted uses:

- Produce Stand
- Tent Sales, subject to the requirements enumerated in 15.04.400 of the Municipal Code.
- Outdoor Sales and display in association with operation of a grocery store or produce stand, subject to approval of a plan and method of operation by the Plan Commission.
- Outdoor display from an area designed and improved for outdoor display subject to approval by the Plan Commission and provided products are:
  - Available for sale in the store on the site
  - Located proximate to the tenant space where the product is for sale when in multi-tenant centers
  - Displayed from a covered, paved and potentially landscaped area
  - Limited to a single tier of displayed product/s
  - Arranged so as not to obstruct pedestrian accessibility
  - Located so as not to obstruct protective services provision
  - Secured from theft
  - Singular in its presentation, i.e. products for sale, not storage
  - Located on private property, not in a public right of way

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Outdoor display improvements may be located in the building setback

Outdoor display improvements may not exceed the impervious surface area ratio of the base-zoning district, overlay district or Planned Development District

Outdoor display improvements may not reduce the path width of any pedestrian way, terrace, patio area etc. to a clear width less than 5'

- Sidewalk Sales without Plan Commission review or approval provided the products are sold from a privately owned sidewalks or terrace and must be:
  - Located on a pedestrian sidewalk/terrace; not from the parking lot or other location
  - Located proximate to the tenant doorway from which the product is to be purchased
  - Limited to a single tier of product
  - Limited to the width of the tenant space

Located so as not to obstruct protective services provision  
Brought indoors at the close of each business day, and

Sidewalk sale products sold from privately owned sidewalks/terraces may not:  
Reduce the path width of any pedestrian way, terrace, patio area etc. to a clear width  
less than 5'

**PART II.** Section 17.52.010 A.5. is amended to add “*with drive-thru*” to bank or savings and  
loan office.

**PART III.** Section 17.50.030 A. Permitted Uses, of the Municipal Code is amended to add the  
following permitted use:

- Sidewalk Sales products sold from a private sidewalk or terrace encroaching upon a  
public way or from a sidewalk in the public way may be permitted with Plan  
Commission approval and provided the products are:

Displayed from a pedestrian sidewalk/terrace; not from the street or an on-street  
parking stall

Located proximate to the tenant doorway from which the product is to be purchased

Located proximate to the tenant street-front exterior wall, not the back of curb

Limited to a single tier of product

Limited to the width of the tenant space

Located so as not to obstruct protective services provision

Brought indoors at the close of each business day

In general, sidewalk sale products sold from a sidewalk or terrace and encroaching  
upon a public way shall: Comply with the U.S. Department of Transportation –  
Federal Highway Administration Office of Planning, Environment and Realty –  
Bicycle and Pedestrian Program Designing Sidewalks and Trails for Access –  
Chapter 4 – Sidewalk Design Guidelines and Existing Practices 4.3.4 Passing Space  
and Passing Space Interval criteria or other adopted by the City of Brookfield  
**however, in no case shall the path width of any pedestrian way, terrace, patio  
area etc. be reduced to a clear width less than 5’.**

**PART IV.** Section 17.50.030 B. 1. Use Restrictions is amended to add “... as approved by the  
plan commission *or as permitted in 17.50.030 A.*”.

**PART V.** Section 17.60.010 A., Use Regulations, of the Municipal Code is amended to read  
the following and to add the following permitted use:

A) Permitted Uses. All the permitted uses hereunder must be approved by the plan  
commission as to location and plan of operation *provided all uses in this district shall be conducted  
wholly inside a building or buildings except the parking of vehicles and as otherwise listed within  
the provisions of this district.*

**PART VI.** Section 17.64.010 A., Use Regulations, of the Municipal Code is amended to read the following and to add the following permitted use:

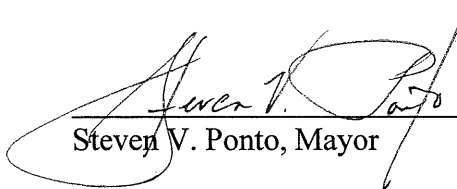
A) Permitted Uses. All the permitted uses hereunder must be approved by the plan commission as to the location and plan of operation *provided all uses in this district shall be conducted wholly inside a building or buildings except the parking of vehicles and as otherwise listed within the provisions of this district.*

**PART VII.** All ordinances and parts of ordinances contravening the provisions of this ordinance are hereby repealed.

ADOPTED AND APPROVED June 18, 2013



Kelly Michaels, City Clerk



Steven V. Ponto, Mayor

Published: June 27, 2013