

ORDINANCE NO. 2068-06
by the Plan Commission

**ORDINANCE CREATING A NEW MIXED USE ZONING DISTRICT WITHIN THE
ZONING CODE TO APPLY TO CERTAIN LANDS IN THE VILLAGE AREA
BUSINESS DISTRICT, AND AMENDING CERTAIN EXISTING ZONING
ORDINANCE REGULATIONS (DEFINITIONS, CONDITIONAL USES, FLOOR AREA,
AND COMMERCIAL ILLUMINATION) OF THE MUNICIPAL CODE**

WHEREAS, the City of Brookfield Common Council adopted the Village Area Neighborhood Plan on January 17, 2006, (Resolution No. 7515-06), which identified the need for significant zoning changes in several parts of the Neighborhood; and

WHEREAS, that planning effort was part of implementing the City Master Plan adopted on December 7, 1999, (Resolution No. 6469), that characterized the Neighborhood as a “Targeted Intervention Area” or “node”; and

WHEREAS, the Plan Commission introduced amendments that the Commission deemed needed to implement the Neighborhood Plan shortly after Council approval of the Plan; and

WHEREAS, those amendments received a properly noticed Public Hearing on June 20, 2006, before the Common Council, and a recommendation to the Council by the Plan Commission on June 26, 2006; and

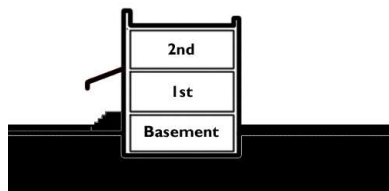
WHEREAS, amendments also were the topic of an informational meeting on April 24, 2006, to which directly affected property owners or representatives of such owners had the opportunity to meet with City staff; and

WHEREAS, the amendment adopted by this Ordinance appears needed and appropriate to achieve implementation of the Neighborhood Plan, as an element of the City Master Plan.

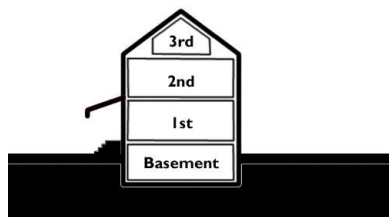
NOW, THEREFORE, the Common Council of the City of Brookfield, does ordain a new zoning district called the VILLAGE AREA BUSINESS DISTRICT is hereby created, and certain existing zoning ordinance regulations (Definitions, Conditional Uses, Floor Area, and Commercial Illumination) are hereby amended, within the City of Brookfield Zoning Ordinance as follows:

PART I: Section 17.04.020 “Definitions” is amended by adding the following definitions alphabetically to the section:

“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”.)



“Architectural Feature” means an element of a building that exists to provide interest in the appearance of the building façade.

“Build-to Line” means a line that a street-facing facade must be built to.

“Half Story” means a third floor of a building with the square footage of approximately half the first floor. (See also “2.5-Story”.)

“Mixed-Use” means a building occupied by a combination of two or more of the following: retail, office and/or residential uses.

PART II: Chapter 17.50 “Village Area Business District” (VAB) is created by adding the following to Title 17 of the municipal code:

17.50.010 Purpose.

The Village Area Business District (VAB) is intended to encourage and promote a well-planned mixed-use environment with commercial, office and residential components, layered vertically. This section will implement the preferences for the *Village Area Neighborhood Plan*, an update to the *City Master Plan*. The specific goal is to encourage efficient land use by facilitating developments that minimize the amount of land needed for surface parking, while at the same time acknowledges the need for parking provided through a combination of on-site and off-site parking facilities. A safe, comfortable and attractive business district is desired for pedestrians, patrons and residents. The district is intended to supplement the objectives of the “B-1” local business district in an area that is characterized by small, shallow or narrow lots; where commercial parcels are adjacent to residential development located on small, narrow or shallow lots, or which have offsets below those required by code; or where the patterns of land division were platted – and largely developed – prior to the establishment of zoning. The regulations of this district address building, use, parking, height, area, aesthetic, and stormwater management

requirements, where the intent is to complement the existing, historically-significant commercial and mixed-use structures in the district.

17.50.020 Buildings to retain.

The following buildings are considered to contribute to the character of the Village Area and/or have medium- to high-architectural significance, and the owners are encouraged to adaptively reuse a building, historically renovate a building and/or relocate a building to another location within the Village Area to the fullest extent allowed by law.

A. Candidates for adaptive reuse and/or historic renovation.

1. 2835 through 2855 North Brookfield Road
2. 2863 through 2867 North Brookfield Road
3. 2910 North Brookfield Road
4. 2915 North Brookfield Road
5. 2925 North Brookfield Road
6. 2965 North Brookfield Road

B. Candidates for adaptive reuse, historic renovation and/or relocation.

1. 2844 North Brookfield Road (Rail Depot)
2. 2960 North Brookfield Road
3. 18720 Hoffman Avenue
4. 18740 Hoffman Avenue
5. 3015 North Brookfield Road
6. 3035 North Brookfield Road

17.50.030 Permitted uses and restrictions.

A. Permitted Uses. All the permitted uses hereunder must be approved by the plan commission as to location and plan of operation. Residential units shall be permitted in this district only as part of a building containing one of the permitted uses herein enumerated.

1. Any use as permitted in the “B-1” local business district, unless as otherwise prohibited in this section
2. Mixed-use buildings are required; however, a building along 186th Street could be approved with an office-only use with plan commission approval.
3. More than one (1) dwelling unit is allowed per business tenant within the same building. Housing density will be controlled by height, building setback, build-to line, building offset and on-site parking requirements established by the plan commission.
4. Bed and Breakfast establishment.
5. Up to a 100-seat restaurant, subject to a parking analysis and the use of state-of-the-art exhaust controls for kitchen equipment.
6. Parking structure.

B. Use Restrictions. All the use restrictions hereunder must be approved by the plan commission as to location and plan of operation.

1. All operations and activities of all uses in this district shall be conducted wholly inside a building or buildings unless it is outdoor seating for a restaurant or a residential porch, as approved by the plan commission.
2. Buildings with frontage along Brookfield Road shall have first floor retail. Exceptions north of Wilderness Way and south of the Railroad tracks may be approved with plan commission approval.
3. Buildings with frontage along Pleasant Street, Hoffman Avenue, Wilderness Way, River Road and the railroad tracks shall have first floor office or retail.
4. Buildings with frontage along 186th Street shall not have first floor retail (in the business district only).
5. Second and “half story” third floors shall have office and/or residential uses.
6. Exceptions to parking supply requirements may be approved by the plan commission if the building entrance is located within 1,000 feet of municipal parking lots – and/or if there are on-street parking spaces directly adjacent to the property being developed – and the plan commission determines there is adequate parking supply for the use. Creative parking supply solutions are permitted subject to plan commission approval, and may include (but not be limited to): valet parking, a double-stacked space of nine (9) feet wide by 36 feet deep, shared parking for uses with offsetting peak hours, and additional on-street parking within or along the boundary of the district. Also see Section 17.120.010 (B) through (F) for other solutions. On-site parking is required; however, the number of required on-site parking stalls will be determined by the plan commission.
7. Hours of deliveries are restricted to 6:00 a.m. to 11:00 p.m., and trash and recycling collection are restricted to Monday through Saturday, non-holiday hours of 7:00 a.m. to 7:00 p.m.

17.50.031 Conditional uses.

- A. Conditional Uses. All the conditional uses hereunder must be approved by the plan commission.
 1. Grocery stores less than 10,000 square feet.
 2. Privately-owned parking lots.
 3. Taverns within 200 feet of a residentially-zoned property.

17.50.032 Prohibited uses.

- A. Prohibited Uses. All the uses hereunder shall not be allowed in the village area:
 1. Conditional uses listed in Section 17.108.050 except as otherwise permitted in this district or by other state or federal laws.
 2. Drive-thru operations and/or food delivery service.
 3. Furnace, heating and air conditioning stores.
 4. Grocery stores equal to or greater than 10,000 square feet.
 5. Dry cleaning on-premises.
 6. Restaurant seating within the public right-of-way.
 7. Outdoor automated teller machines.
 8. Funeral home and related services.

17.50.040 Building and parking locations.

- A. Setback: zero (0) feet minimum for buildings; 15 feet minimum for buildings along both sides of Brookfield Road south of the railroad tracks and from a point (60 feet) north of the north Wilderness Way right-of-way to points north, from points (230 feet for the north side of Pleasant Street and south side of Hoffman Avenue, and 265 feet for the south side of Pleasant Street and north side of Hoffman Avenue) east of the eastern edge of the Brookfield Road right-of-way to points east, and with frontage along 186th Street. Parking is prohibited between the building and the street. Setbacks from the railroad right-of-way shall be a minimum of 25 feet for buildings and zero (0) feet for pavement.
- B. Build-to Line: the property boundary adjacent to a public street, and the building's street façade shall be constructed along the build-to line for a minimum of 50% of the lot width unless restricted by utility easements or the like, where the build-to line is at the easement edge. The balance of the build-to line shall include features such as elevated landscape planters, hedges, or decorative fences, with the exception of points of access, as approved by the plan commission. Its application is required along both sides of Brookfield Road between the railroad tracks and to a point north of the north Wilderness Way right-of-way (60 feet); and on side streets from the western edge of the Brookfield Road right-of-way (200 feet), and from the eastern edge of the Brookfield Road right-of-way (230 feet for the north side of Pleasant Street and south side of Hoffman Avenue, and 265 feet for the south side of Pleasant Street and north side of Hoffman Avenue).
- C. Offset: zero (0) feet minimum for buildings and parking, except where the property is adjacent to a residential district where the building and parking offsets shall be 15 feet minimum. Where landscaping is provided in order to accommodate the L.S.R. requirements of this Section, the minimum landscape depth is nine (9) feet unless otherwise approved by the plan commission. Additional building code regulations regarding offsets may apply.
- D. Vision Corner: development within the district shall be exempt from the vision triangle provisions as set forth in the zoning code wherever compliance with the build-to line or other standards of the district would otherwise prevent compliance with the vision corner provisions, as reviewed by the City Engineer, and approved by the plan commission.
- E. Wetland and Floodplain Boundaries: shall be surveyed to determine building, surface and/or underground parking feasibility and locations (where applicable). Other wetland and floodplain regulations apply.

17.50.050 Height regulations.

- A. Principal building: 38 feet maximum. New development shall be either 2.0 or 2.5 stories. Architectural features are exempted from the height restrictions per Section 17.136.030(B)(4).
- B. Accessory building: fifteen (15) feet maximum. The plan commission may approve a taller height (not to exceed the height of the principal building) if the building complements the principal building design.

17.50.060 Area regulations.

- A. Floor Area Ratio (F.A.R.): there are no predetermined maximum standards in this district; however, the maximum floor area per building will be established by the plan commission so that ninety percent (90%) of the number of parking spaces required for each use in the building can be created on the subject property, or through a permanent easement on other properties within 1,000 feet of the subject property.
- B. Lot Size: two (2) or more lots may be merged subject to plan commission approval and as part of a plan and method of operation. The merging of lots creating one (1) full-block lot is prohibited.
 - 1. Maximum Lot Area: 45,000 square feet. Lots adjacent to the railroad right-of-way are exempted from this requirement.
 - 2. Maximum Lot Width: 250 feet. Lots adjacent to the railroad right-of-way are exempted from this requirement.
- C. Open Space: no minimum.
- D. Lot Coverage and Landscape Surface Ratio.
 - 1. Maximum Lot Coverage: 0.95.
 - 2. Minimum Landscape Surface Ratio (L.S.R.): 0.05.

17.50.070 Aesthetics and Details – Required.

- A. The design of new buildings shall include quaint, wood frame style, historically-sensitive, architecturally-diverse, and pedestrian-scaled building features and materials. The *Site Development Standards for Non-Residential Uses* shall apply unless otherwise required below.
 - 1. Proportion Width/Height. Building facades, including details, shall contain a proportion of height and width based on one unit of height for two units of width.
 - 2. Proportion of Doors to Windows. Windows shall contain a proportion of three widths to six heights, and doors shall contain a proportion of three widths to seven heights.
 - 3. Rhythm of Openings. On lower levels, the building shall include large glass areas from floor to ceiling. On upper levels, the building shall include solid walls with windows set in an alternating pattern of solid(s) and void(s), spaced in a consistent pattern.
 - 4. Façade Materials. Exterior façade materials shall reflect the dominant visual characteristics of the building’s original exterior design, including wood clapboard or simulated clapboard siding (such as fiber-cement siding) with narrow detail, wood shingles, and wood or wood-like trim. Windows shall be trimmed with wood or wood-like casings and hoods. Cornices with brackets or other ornamental detail shall be of wood or wood-like materials. Decorative shingles in gables or pediments, harmonizing with the siding and trim are permitted. Textures achieved through the use of brick, stone, etc. are not permitted.
 - 5. Color. The colors of building materials shall be of the late nineteenth to early twentieth century period, which include popular jewel colors of the late Victorian period and lighter colors of the neo-classical revival period.

6. Roof Design. Flat roofs and horizontal cornices with or without gable pediments shall be provided in 2.0-story buildings. Gables to the street shall be provided in 2.5-story buildings. Colonial roofs, mansard roofs and dormers are not permitted.
 7. Building Shape, Dominant Vertical/Horizontal. Neither tall, narrow buildings, nor low, wide buildings are permitted. Buildings in the business district have historically been two stories high and slightly wider than they are tall. Street facades which are balanced between horizontal and vertical elements are to be provided.
 8. Other Architectural Elements. Decorative porches with turned wood or wood-like columns, banisters and wood lattice, wood banding, shingle patterns in gables or bays or in horizontal strips, pediments, bays and corner turrets, are permitted.
- B. In addition to the required submission items in Section 17.100.050, a scaled streetscape elevation drawing and a three-dimensional rendering shall be submitted to the plan commission, illustrating the proposed building in the context of the neighboring buildings.
 - C. The sloped portion of driveway aprons shall not intrude into the sidewalk zone.
 - D. Trash and recycling for new construction shall be stored indoors unless otherwise approved by the plan commission. Building code requirements – including a firewall – will apply. Exterior dumpster enclosures shall not enclose an area greater than 180 square feet in size and the design and materials shall complement the main structure.
 - E. Four-sided architecture is required unless waived by the plan commission due to zero or minimal offsets.
 - F. EIFS (Exterior Insulated Finishing System), spandrel glass (opaque), reflective glass (mirrored) and above-grade CMU (concrete masonry units) are prohibited.
 - G. Large first floor windows are required to establish visibility and transparency along the street.
 - H. The application of the landscape regulations in the *Site Development Standards for Non-Residential Uses* will be limited due to reduced setbacks and offsets. While the preferred location of parking lots is out of view from public streets, it is understood that instances may arise where they are adjacent to streets and therefore become a part of the streetscape. In the instances where parking may be adjacent to the build-to line, O'Malley Alley and/or residential districts, screening shall be designed as follows to maintain and enhance the continuity of the streetscape and/or provide general screening of the parking areas, subject to plan commission approval:
 1. Coverage. The build-to line shall be screened for the entire length (100%) of the parking lot or vehicle use area and extend 10 feet in either direction measured parallel to the parking lot or vehicular use area, or to the building edge or property boundary, whichever is less. Points of access are exempt from this regulation.
 2. Landscape Screens. All screening shall be no greater than three (3) feet in height and shall incorporate both architectural elements (such as planters, garden walls or fences) and plant material.
 - I. Buildings on lots with Brookfield Road frontage shall have at least one (1) building entrance facing Brookfield Road.
 - J. The style of lighting shall complement the historic character of the business district. Decorative lights are only permitted as regulated in Section 17.120.070.

- K. Screening of HVAC, electrical, and other utilities is required. Utilities that cannot be located indoors shall be painted to match the color of the building.
- L. A pedestrian path visually and physically connecting Milwaukee Avenue at 184th Street extended to the railroad right-of-way and the future Greenway Trail. Impacts only 2836 North Brookfield Road in this district.

17.50.071 Aesthetics and Details – Recommended.

- A. The following items are concepts encouraged to be utilized within the district, but are not required.
 - 1. Historic rehabilitation and/or renovation of existing buildings.
 - 2. Relocation of existing homes in the district to elsewhere in the village area is strongly encouraged – especially those identified in the City of Brookfield Village Area Architectural Assessment (September 1993) that have medium- to high-architectural significance, yet don't meet the intent of the mixed-use business district.
 - 3. It is preferred that the maximum height along Brookfield Road is 2.0 stories on the west side and 2.5 stories on the east side.
 - 4. Include details in the building design to mitigate train noise and vibration.
 - 5. Elevated, covered porches are encouraged. Turn-of-the-twentieth-century awnings in lieu of a covered porch may be approved by the plan commission. Encroachment of awnings into public right-of-way is subject to Section 12.08.020.
 - 6. The burial, relocation or removal of overhead wires, and other unsightly utilities.
 - 7. A pedestrian path visually and physically connecting Pleasant Street and McCoy Field.
 - 8. Wall signs with external illumination are the preferred method of identification of a building and/or business. Shingle and awning signs are allowed. Signage along the vertical portion of an awning may be permitted subject to a maximum size of four (4) square feet and plan review board approval.
 - 9. Building access shall adhere to the American with Disabilities Act (ADA) regulations. The minimum first floor elevation shall be zero (0) feet above the lowest street yard grade. The first floor elevations of adjacent structures shall be considered when establishing the final first floor elevation. Creative ramp solutions for elevated first floors are allowed.
 - 10. Sustainable design concepts – such as a green roof, the use of recycled lumber and LEED certification – are encouraged. Since some concepts – such as solar panels visible from the street – are not historically appropriate, the use of sustainable design is subject to plan commission approval.
 - 11. Rooftop HVAC and interior utilities are strongly encouraged.
 - 12. Landscape transition areas are strongly encouraged along the rail right-of-way frontage.

17.50.080 Stormwater Management.

Requirements may be waived per Section 14.08.060: Waivers. See also Section 17.50.071(10) Sustainable Design Concepts.

PART III: Section 17.108.050 “Conditional Uses” is amended by adding the following subsections to the section:

- 24. Grocery stores less than 10,000 square feet, exclusively in the “VAB” Village Area Business District, subject to:
 - a. No outdoor storage of shopping carts.
 - b. Hours of operation not to exceed 7:00 a.m. to 11:00 p.m.
 - c. Intensive use dimensional requirements shall not apply.

- 25. Privately-owned parking lots, exclusively in the “VAB” Village Area Business District, subject to:
 - a. Landscape screening adjacent to non-residential districts and a combination of landscape and fence screening adjacent to residential districts.
 - b. The razing of existing buildings.
 - c. Vehicle and pedestrian access.
 - d. Curb and gutter around all edges of the parking pavement.
 - e. Lighting of the parking area.

- 26. Taverns within 200 feet of a residentially-zoned property, exclusively in the “VAB” Village Area Business District, subject to:
 - a. Hours of operation established by the plan commission.
 - b. Intensive use dimensional requirements shall not apply.
 - c. State-of-the-art exhaust controls for kitchen equipment.

PART IV: Subsection 17.116.010(A)(1) “Floor Area” is amended by adding the following row to the “Required Minimum Floor Area per Family by Districts” table:

<i>District</i>	<i>1 Bedroom</i>	<i>2 Bedroom</i>	<i>3 Bedroom</i>	<i>4+ Bedroom</i>
VAB	650	800	1,050	not applicable

[NOTE: The text in italics in this subsection is for reference only and is not amended by this ordinance.]

PART V: Section 17.120.070 “Commercial Illumination” is amended by adding the following subsections to the section:

- J. Properties zoned “VAB” Village Area Business are allowed to have lighting encroaching onto public right-of-way, subject to plan commission and board of public works approval, and should have lower-intensity bulbs to meet the intent of this section.
- K. In lieu of box lighting for any application (including parking lots), decorative lighting with cut-off, flat lens fixtures are required.

PART VI: All ordinances or parts of ordinances contravening the provisions of this ordinance are hereby repealed.

PART VII: This Ordinance shall take effect and be in force from the date of its passage and publication.

ADOPTED AND APPROVED ON July 18, 2006

Kristine A. Schmidt, City Clerk

Jeff R. Speaker, Mayor

Publish: July 27, 2006