

ENROLLED ORDINANCE 166-48

AMEND THE TEXT OF THE TOWN OF THE TOWN OF BROOKFIELD ZONING  
CODE BY CREATING SECTION 17.04(21) RELATING TO THE  
CREATION OF A MIXED USE DISTRICT (ZT-1697)

WHEREAS the subject matter of this Ordinance having been approved by the Brookfield Town Board on July 5, 2011, after Public Hearing, and the giving of requisite notice of said hearing, and duly referred to and considered by the Waukesha County Park and Planning Commission, and a recommendation for approval, thereon reported to the Land Use, Parks and Environment Committee and the Waukesha County Board of Supervisors, as required by Section 60.61 of the Wisconsin State Statutes.

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 by creating Section 17.04(21) relating to the creation of a Mixed Use District, 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-1697, is hereby approved.

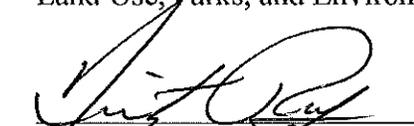
BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of this Ordinance with the Town Clerk of Brookfield.

BE IT FURTHER ORDAINED that this Ordinance shall be in full force and effect upon passage, approval and publication.

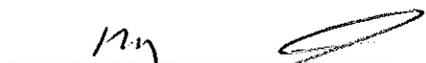
BE IT FURTHER ORDAINED that all Ordinances inconsistent with or in contravention of the provisions of this Ordinance are hereby repealed.

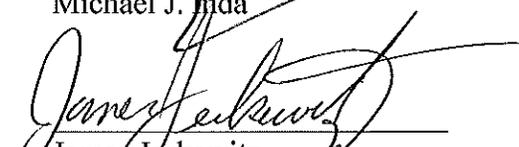
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CODE BY CREATING SECTION 17.04(21) RELATING TO THE  
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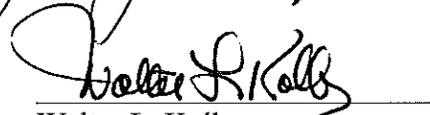
Presented by:  
Land Use, Parks, and Environment Committee

  
Fritz Ruf, Chair

  
Robert Hutton

  
Michael J. Jnda

  
James Jeskewitz

  
Walter L. Kolb

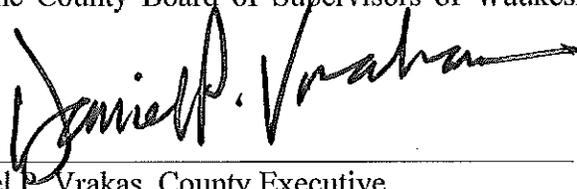
<Absent>  
Ted Rolfs

  
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: 9-30-11,   
Kathy Nickolaus, County Clerk

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

Approved: X  
Vetoed: \_\_\_\_\_  
Date: 10-3-11,   
Daniel P. Vrakas, County Executive

WAUKESHA COUNTY BOARD OF SUPERVISORS

V

DATE-09/27/11

(ORD) NUMBER-1660047

1 D. FALSTAD.....AYE  
3 R. HUTTON.....AYE  
5 J. JESKEWITZ.....AYE  
7 P. HAUKOHL.....AYE  
9 J. HEINRICH.....AYE  
11 F. RUF.....AYE  
13 P. DECKER.....AYE  
15 P. MEYERS.....  
17 J. TORTOMASI.....  
19 S. WIMMER.....AYE  
21 W. ZABOROWSKI.....AYE  
23 D. DRAEGER.....AYE  
25 G. YERKE.....AYE

2 T. ROLFS.....  
4 J. DWYER.....AYE  
6 J. BRANDTJEN.....AYE  
8 T. SCHELLINGER....AYE  
10 D. SWAN.....AYE  
12 P. WOLFF.....AYE  
14 M. INDA.....AYE  
16 D. PAULSON.....AYE  
18 K. CUMMINGS.....AYE  
20 P. JASKE.....AYE  
22 P. GUNDRUM.....AYE  
24 W. KOLB.....AYE

TOTAL AYES-22

TOTAL NAYS-00

CARRIED \_\_\_\_\_

DEFEATED \_\_\_\_\_

UNANIMOUS   X  

TOTAL VOTES-22

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-1697 – Town of Brookfield Board) in accordance with the attached "Staff Report and Recommendation".

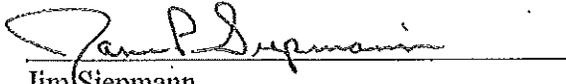
PARK AND PLANNING COMMISSION

September 1, 2011

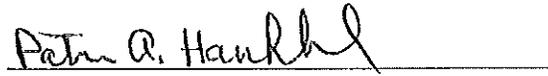
  
\_\_\_\_\_  
Gary Goodchild, Chairperson

  
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Bob Peregrine, Vice Chairperson

  
\_\_\_\_\_  
William Mitchell

  
\_\_\_\_\_  
Jim Siepmann

  
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Walter Kolb

  
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Pat Haukohl

  
\_\_\_\_\_  
Fritz Ruf

**WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE**  
**STAFF REPORT AND RECOMMENDATION**  
**TEXT AMENDMENT**

**FILE NO.:** ZT-1697

**DATE:** September 1, 2011

**PETITIONER:** Town of Brookfield Board  
Town of Brookfield Hall  
645 North Janacek Road  
Brookfield, WI 53045-6052

**NATURE OF REQUEST:**

Create Section 17.04(21) of the Town of Brookfield Zoning Code relating to the creation of a Mixed Use District.

**PUBLIC HEARING DATE:**

July 28, 2009.

**PUBLIC REACTION:**

One representative of a local business spoke and inquired if the new zoning district would apply only to the Bluemound Road corridor. Discussion indicated that an area of focus for this new district would likely be the Bluemound Road corridor from Barker Rd. to Janacek Rd. The same party also noted that a minimum two-story building requirement would be limiting for developers, given the tight economy and financing difficulties currently facing developers. It should be noted that the proposed ordinance "strongly encourages" multi-story structures. A representative of a local shopping center indicated that he would like to encourage the Mixed Use District be available in multiple areas.

**TOWN PLAN COMMISSION:**

The Town Plan Commission has acted on three different versions of the proposed new zoning district ordinance since 2009. Most recently, on July 14, 2010, the Town of Brookfield Plan Commission voted in favor of amending the text of the Zoning Code relating to the creation of the Mixed Use District.

**TOWN BOARD ACTION:**

Similar to the Town Plan Commission, the Town of Brookfield Board has approved three different versions of the proposed Zoning Code text amendments relating to the creation of a Mixed Use District as recommended by the Town Plan Commission. The most recent version that was approved on July 5, 2011 authorized a minor change to buffer yard requirements.

**OTHER CONSIDERATIONS:**

The Town of Brookfield is proposing the creation of a new zoning district, the Mixed-Use District (MU) in order to "provide for coordinated development of a variety of uses such as office, commercial, institutional and residential and their necessary support functions in the vicinity of key highway intersections and transit corridors." The stated intent of the district is to facilitate lively, people oriented environments that offer a variety of activities during various times of the day that maximizes the use of available infrastructure such as parking. The Town retained a consultant to prepare a neighborhood plan, *A Redevelopment Plan for the Bluemound Road Corridor*, for the area between Bluemound Road and I-94 in the past several years. The plan

was formally adopted on July 1, 2008. That planning effort resulted in recommendations for mixed use development for the Bluemound Road corridor within the Town. The plan recommends transportation improvements and a number of road extensions to facilitate greater connectivity between existing development and re-development sites and to allow for greater circulation via local roads rather than continued heavy reliance upon Bluemound Road. The Town participated in the collaborative Waukesha County Comprehensive Development Plan update effort that culminated with a new County Development Plan in 2009. The new County Plan brought forward a "Mixed Use" land use designation for the first time. Similar to the Town's stated reasons for a Mixed Use zoning district, the County Development Plan Advisory Committee recognized a need for more flexibility in accommodating multiple uses on individual parcels and/or larger unified developments. The Mixed Use designation has been applied to various lands throughout the County, typically in areas well served by transportation facilities and often in areas that are proximate to high population densities. Portions of the Bluemound Road corridor in the Town of Brookfield were mapped in this new category.

The proposed zoning district allows most commercial and office uses as permitted uses and also allows residential structures up to a density of 7.3 dwelling units per acre as a permitted use. The ordinance specifies that higher density residential structures (up to 14 dwelling units per acre) are permissible via a Conditional Use process. Several institutional uses, such as schools, are specified as Conditional Uses, as are drive thru restaurants, gas stations and banks with drive-throughs. The proposed district parameters encourage structured parking and maximization of sites via a 100' building height maximum and 400% maximum floor area ratio provisions. The County Development Plan similarly encourages heightened densities and development intensity on sites that are well served by municipal services and transportation facilities.

Protections have been implemented in the new ordinance to ensure adequate buffering for adjacent residential areas. A 20-foot buffer yard is required between structures within the Mixed Use district and adjacent residential districts. Buildings that abut residential districts must be set back a distance that is at least 50% of adjacent respective building height. In addition, 15% of sites must remain useable open space with credits available for green roof elements. Heightened architectural requirements, requirements for transparent windows at the pedestrian level, discouragement of broad parking fields between buildings and streets and requirements for pedestrian traffic accommodations are all specified in the district parameters, which should ensure high quality, neighborhood friendly design.

Dick Mace, former Planning & Zoning Manager provided a letter dated January 20, 2010 to Gary Lake, Town of Brookfield Planner, outlining a number of comments/concerns regarding the original ordinance that was forwarded to our office in 2009. Most of the comments pertained to clarification of definitions and minor conflicts between sections of the proposed ordinance. The Town addressed some of these recommendations in their June 2010 amendments to the subject ordinance and continued to contemplate other changes in the past year before adopting the final version on July 5, 2011. Planning and Zoning Staff met with Mr. Lake on August 12, 2011 and Staff is now satisfied that the previously offered staff comments have been sufficiently addressed in the final ordinance. Staff did advise Mr. Lake that there appears to be a need for one additional provision relative to side yard offset. The current ordinance does not contain specifications for such an offset. Mr. Lake has indicated that he will prepare an amendment for consideration by the Town in the near future. Planning and Zoning Staff does not feel that this minor omission warrants any further delay of the current ordinance being considered so long as the contemplated minor change is forthcoming in the near future.

It should be noted that mixed use development is permissible under the Waukesha County zoning ordinances via certain existing zoning districts that allow for a mix of office and commercial type uses. In addition, Planned Unit Development (PUD) provisions allow for even more diversity in uses via a Conditional Use process. The PUD process allows for flexing of various dimensional requirements to allow for unique project design. The proposed Town ordinance should complement the County PUD provisions and allow for flexible design when there is dual Town/County zoning on individual properties. While the Town Code will continue to maintain Planned Unit Development Overlay provisions, the new zoning district will allow more flexibility than its PUD provisions and more clearly defines design expectations for projects within this new zoning category.

**STAFF RECOMMENDATION:**

It is the opinion of the Planning and Zoning Division Staff that this request be approved. Staff believes that a zoning district to facilitate mixed use development is a positive step towards accommodating unique project design, economic development, more interesting architecture and more vigorous developments. Mixed use development can maximize use of available infrastructure and help to keep project areas active during more hours of the day. Such zoning parameters can encourage more pedestrian movement within developments and may serve to make the community more attractive to the development community and residents alike. The creation of mixed use zoning districts serves to implement both the Town of Brookfield and Waukesha County Comprehensive Plans, which recommend mixed use land patterns in various reaches of Waukesha County, including the Town of Brookfield.

Respectfully submitted,



Jason Fruth  
Planning & Zoning Manager

Attachment: Town Ordinance

ORDINANCE CREATING SECTION 17.04(21) MU MIXED USE DISTRICT  
OF THE TOWN CODE OF THE TOWN OF BROOKFIELD,  
WAUKESHA COUNTY, WISCONSIN

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THE TOWN BOARD OF THE TOWN OF BROOKFIELD, WAUKESHA COUNTY,  
WISCONSIN, DOES ORDAIN AS FOLLOWS:

SECTION 1: Section 17.04(21) of the Town Code of the Town of Brookfield is  
hereby created to read as follows:

**17.04(21) MU-1 MIXED-USE DISTRICT**

The Mixed-Use District is intended to encourage mixed-use development that promotes a range of compatible land uses through appropriate site design. Development is allowed at a higher density than other zoning districts in the Town. The District provides for coordinated development of a variety of uses such as office, commercial, institutional and residential and their necessary support functions in the vicinity of key highway intersection and transit corridors. The District is designed to facilitate lively, people-oriented environments that offer a variety of activities that have peak use times throughout the day in order to efficiently utilize infrastructure and keep the area continuously active. The uses may be located in the same building or in separate buildings. The intent is to encourage efficient land use by facilitating compact development and by minimizing the amount of land needed for surface parking.

**(a) PERMITTED USES**

1. All permitted uses under the B-1 Neighborhood Business District (sec. 17.04(11)(a))
2. All permitted uses under the B-2 Limited General Business District (sec. 17.04(12)(a))
3. All permitted uses under the B-3 Office and Professional Business District (sec. 17.04(13)(a))
4. Residential dwelling unit structures having a density of up to 7.3 units per acre.
5. Group homes with capacity to accommodate fifteen or fewer individuals.

Storage warehouses are prohibited in the MU Mixed Use District.

**(b) PERMITTED ACCESSORY USES**

1. Garages used for storage of vehicles used in conjunction with the operation of businesses.
2. Off-street parking and loading areas, including structured parking.
3. Satellite dish antennas located on the roof of a structure or in the rear yard.
4. Roof mounted solar collectors.

5. Attached private garages for residential use.
6. Gardening, tool, and storage sheds incidental to residential uses.
7. Home occupations and professional home offices.

(c) CONDITIONAL USES (integrate with 17.02(14)(b))

1. Residential occupancy of dwelling unit structures with a density of up to 14 units per acre.
2. Governmental and cultural uses, as described in 17.02(14)(b)(2)(B)
3. Utility substations, as described in 17.02(14)(b)(2)(C)
4. Public passenger transportation terminals, as described in 17.02(14)(b)(2)(D)
5. Schools, as described in as described in 17.02(14)(b)(2)(E)
6. Community living arrangements for over 15 persons, as described in 17.02(14)(b)(3)(B).
7. Rest homes and nursing homes.
8. Drive-in banks, as described in 17.02(14)(b)(4)(C).
9. Drive-through restaurants, as described in 17.02(14)(b)(4)(D).
10. Gasoline service stations, as described in 17.02(14)(b)(4)(F).
11. Transmitting towers, as described in 17.02(14)(b)(4)(G).
12. Detached private garages.
13. Attached private garages for non-residential use (other than permitted loading facilities).

(d) LOT AREA AND WIDTH

Lots shall have a minimum area of 20,000 square feet and shall not be less than 120 feet in width.

(e) BUILDING HEIGHT AND AREA

1. No building shall exceed 100 feet in height. This does not include rooftop mechanicals or HVAC systems and any screening of such systems.
2. Multi-story structures are strongly encouraged to achieve the actual and apparent densities believed necessary to promote a lively, people oriented environment. Achieving those dynamics is also possible with creative site design including courts, outdoor dining areas, et cetera. Fake multi-stories facades are discouraged.
3. The sum total of the floor area of the principal building and all accessory buildings shall not be less than 50% of the lot area.
4. The sum total of the floor area of the principal building and all accessory buildings shall not exceed 400% of the lot area. Parking structures shall not be included in the calculation.

5. 15% of the lot shall remain usable open space. "Usable open space" means that part of a lot which is unoccupied by driveways, drive aisles, service drives, off-street parking spaces and/or loading berths, principal buildings or accessory buildings, and is unobstructed to the sky. This space shall be available to all occupants of the development and shall be usable for greenery, recreational space and other leisure activities normally carried on outdoors. Balconies and roof areas, designed and improved for outdoor activities, may also be considered as usable open space. Ground level spaces for this purpose may include open terraces (including outdoor dining areas) plazas or courtyards, but may not include a permanently roofed-over terrace or porch. An open space credit of up to 7.5% is available for building designs utilizing of vegetated roof strategies.
6. A creative use of green building strategies are strongly encouraged in both the building and site design, including green roofs, rain gardens and solar design.
7. Structured parking is strongly encouraged.

**(I) EXCEPTIONS TO HEIGHT AND AREA LIMITS**

1. The Town Board may grant exceptions to 17.04(21)(e)1. and 17.04(21)(e)4. above. Exceptions are subject to the standards and approval process described in 2. and 3. below. The exception shall not exceed two floors (30 feet) in height and shall not add more than an additional 100% of the lot area to the square footage of the proposed building or buildings.
2. The following standards must be met before the Plan Commission and Town Board may consider granting an exception to height and area limits:
  - A. Exceptions shall not be granted to single-use buildings, such as buildings that only contain office uses. Goods and services that are only available to tenants and/or guests of a building shall not be considered separate from the main use, such as an office cafeteria or a condominium exercise facility.
  - B. If office uses are included in the project the developer must submit a workable and binding Transportation Demand Management (TDM) plan that will result in at least a 15% reduction in car traffic to the proposed office uses through implementation of such things as carpooling, transit, shared ride programs, paid parking, etc.
  - C. If residential units are included in the project, the Town may require the inclusion of affordable units for people making less than 80% of the County median income for a family size appropriate to unit. The inclusion of affordable units shall weigh into the decision regarding any exceptions to height or area limits, should they be requested by the developer. Affordable unit size and finish shall be roughly comparable to equivalent market-rate units. The mix of affordable unit layouts (studio, one bedroom, two bedroom, three bedroom) shall be at a ratio comparable to the market-rate unit layouts.
3. An applicant may, at their discretion, request feedback from the Plan Commission and Town Board under 17.02(7)(a) – Conceptual Approval on the potential for granting an exception. Favorable feedback regarding the potential of an exception by the Plan Commission and/or the Town Board does not grant any rights to the developer or property, and shall not be interpreted as guaranteeing final approval to an exception. A

request for an exception shall be made as part of the plan review process under section 17.04(21)(h). The Plan Commission shall forward its recommendation for approval or denial of the request, with accompanying reasons for approval or denial, to the Town Board. Following Plan Commission review, consideration of the request shall be placed upon the next Town Board meeting agenda, and shall be acted upon by the Town Board at said meeting.

**(g) SETBACK AND YARDS**

1. There shall be a minimum building setback of 12' from the right-of-way of all streets.
2. There shall be a maximum building setback of 70' from the right-of-way of all streets.
3. Buildings that abut a residential district shall be set back a distance that is greater than 50% of their height. If a building steps back, such that floors terminate at different heights, each level shall be treated as a separate building for the purposes of measuring the appropriate setback in relation to height. All buildings and accessory structures shall have a minimum setback of 20' from adjoining residential parcels.

**(h) PLANS AND SPECIFICATIONS TO BE SUBMITTED TO THE PLAN COMMISSION**

To encourage a mixed-use environment that is pedestrian-oriented and well-integrated with its surroundings, building permits for permitted uses in the MU Mixed Use District shall not be issued without review and approval of the development plans, and a proposed Plan of Operation, by the Plan Commission. Such review and approval shall be concerned with general layout, building plans, ingress and egress, parking, loading and unloading, landscaping, and open space utilization, building design and materials, and pedestrian and bicycle facilities and mobility. Building plans shall be prepared by a registered architect or engineer and are subject to Wisconsin Department of Commerce (COMM) approval prior to the issuance of a building permit. Buildings and site plans for areas within the MU Mixed Use District shall comply with the standards in 17.04(21)(e), in addition to the standards contained in sec. 17.02(6) of this ordinance. In the event that any standards are found contradictory between those two sections, 17.04(21)(e) shall govern.

Projects proposed for the area included in the Redevelopment Plan for the Bluemound Road Corridor, adopted on July 1, 2008 by the Town Board, shall comply with the provisions in that Plan. These standards identify the desired height, density and design characteristics of redevelopment projects within this area. The Planning Commission will review and approve all zoning and land use applications, as necessary, for compliance with this Ordinance and the Redevelopment Plan referenced above.

In addition to the standards contained in sec. 17.02(6) of this ordinance, site plans in this district will be reviewed for compliance with the design standards below. In cases where standards identified within the Bluemound Road Corridor Redevelopment Plan are more stringent than this ordinance, the Plan shall supersede the minimum requirements established by this ordinance.

**1. Building Orientation and Access.**

- A. Principal buildings within the district shall be oriented toward streets, courtyards or plazas so as to promote a pedestrian-oriented environment.

Site design shall accommodate access by auto and pedestrian traffic. Broad parking fields between the building and streets are discouraged.

- B. The design shall utilize a variety of compatible exterior materials, building styles, massing, composition, articulations, and/or prominent architectural features. The street-facing portion of an interior oriented building cannot be built as a solid wall facing the street.
- C. Development that includes a commercial component shall have:
  - Store-front windows that provide transparency to the building at the pedestrian level. The design shall provide a traditional urban retail streetscape aesthetic. Glass is to be clear or tinted, not reflective.
  - A prominent location relative to the existing commercial uses located in the surrounding area in order to provide a continuity of the commercial presence in the community.
  - Direct and visible access noticeable from the street to uses (residential or commercial) located above ground level.
  - Built-in flexibility so as to allow conversion from one commercial use to another and to ensure that commercial space that is adequate for retail is also adequate for a variety of other uses.
  - Food and drink establishments are encouraged to incorporate outdoor dining opportunities into their plans.
- D. Single-use residential buildings shall be situated so as to not disrupt the continuity of a commercial district or corridor.

2. Pedestrian-oriented design.

- A. Development should be connected to adjacent development with direct, convenient and attractive sidewalks and/or pathways.
- B. Development should provide internal and/or public pedestrian connections that are direct, convenient and pleasant with appropriate amenities (e.g., attractive sidewalks and benches).
- C. Outdoor seating for restaurants is encouraged, and may extend into rights-of-way or access easements of streets or public ways if a minimum sidewalk clearance and/or distance to curb line of five feet is maintained.
- D. Development should incorporate the following criteria listed below, as appropriate:
  - Main building entrances that open directly to the outside;
  - A variety of paving colors and textures to encourage way-finding throughout the site;
  - At least one entrance per building that does not require passage through a parking lot or garage to gain access to the building;

- Corner buildings shall have corner entrances whenever possible;
- Sidewalks and/or plazas with weather protection (e.g., awnings/canopies) and appropriate pedestrian amenities (e.g., street tree grates, outdoor seating, trash cans, mailboxes, sidewalk displays, public art, etc).
- Streets and drive-aisles with traffic calming elements such as bulb-outs and raised or textured pedestrian crosswalks .

3. Parking, loading and access.

Development within mixed-use districts shall follow sec. 17.06 of these ordinances. The design of parking in mixed-use districts shall be subject to the following additional standards.

A. Minimum parking standards in 17.06(3)(j) may be waived by the Plan Commission if the applicant provides a shared parking plan that complies with the criteria below. The amount of parking spaces required shall be based on shared parking criteria, listed below, that is met by the proposed project. In no case shall minimum parking requirements be reduced where, based on substantial evidence, there is insufficient off-street parking to meet the needs of the development.

- Parking spaces proposed for shared parking arrangements shall be within a reasonable distance of all uses they are to serve.
- The applicant shall submit sufficient data to indicate that the peak hours of operation of uses or activities proposed for shared parking arrangements do not substantially coincide or overlap with each other.
- Transit alternatives are available as part of the development or within 1,000 feet of the development's boundary.
- No more than fifty percent of the parking spaces required for a building or use may be supplied by parking facilities required for any other building or use.
- If more than one parcel is involved, the property owner(s) involved in the shared use of off-street parking facilities shall submit a legal agreement approved by the Town attorney as to form and content guaranteeing that said required parking spaces shall be maintained so long as the use requiring parking is in existence or unless the required parking is provided elsewhere in accordance with the provisions of this article. Such instrument, when approved as conforming to the provisions of this section, shall be recorded by the property owner in the office of the Waukesha County Register of Deeds and a copy thereof filed with the Zoning Administrator.

B. Shared access/cross-access shall be provided wherever possible. Within existing and planned retail centers and adjacent properties, provision to

preserve future shared access is required if not provided immediately. Easements are required to provide and preserve shared access and shall be recorded in the office of the Waukesha County Register of Deeds.

- C. If surface parking is located to the side of a building, the parking shall be screened by a decorative fence or hedge.
- D. Facilities to lock bicycles shall be provided for each building larger than 5,000 square feet. A structured/covered parking area for bicycles shall be provided if structured parking is provided for automobiles.

4. Open Space.

Developments should provide usable open space, enhance the vitality of existing commercial activity, and recognize and respond appropriately to adjacent existing or planned public spaces (e.g., civic buildings, sidewalks, plazas, and similar spaces.) A shared and interconnected open space network is encouraged between developments to avoid small, unconnected spaces that have the potential of being underutilized. Shared and interconnected spaces could be in the form of pedestrian ways (galleries), courts or plazas.

(i) BUFFER YARD REQUIRED

A minimum 20-foot buffer yard is required between structures within the MU district and adjoining residential districts to screen activities. Buffer yards shall meet the following requirements:

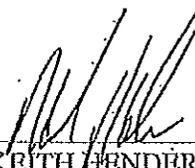
- 1. If a buffer yard is composed entirely of plant materials, it shall be of sufficient depth and height and contain sufficient plant species so as to provide dense visual screening within 2 years and during all seasons of the year.
- 2. Where architectural walls or fences are used, sufficient landscaping shall be used with such wall or fence to create an attractive view from the residential side. No wall or fence shall be less than 4', nor more than 6' in height.
- 3. Where the land adjacent to the buffer yard is a parking lot, the buffer screen shall be sufficiently opaque to prevent the penetration of headlight glare. The screening requirement shall be effective prior to occupancy.
- 4. All landscaping shall be maintained by the property owner or operator to the satisfaction of the Plan Commission.

SECTION 2: All ordinances or parts of this ordinance conflicting or contravening the provisions of this ordinance are hereby repealed.

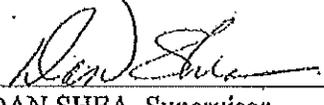
SECTION 3: This ordinance shall take effect upon passage and posting as provided by law.

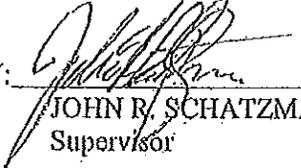
Dated this 5<sup>th</sup> day of July, 2011.

TOWN BOARD, TOWN OF BROOKFIELD,  
WAUKESHA COUNTY, WISCONSIN

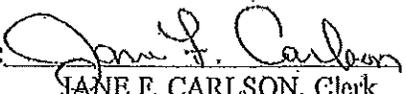
BY:   
KEITH HENDERSON, Chairman

BY:   
PATRICK STROEBEL, Supervisor

BY:   
DAN SHEA, Supervisor

BY:   
JOHN R. SCHATZMAN, SR.  
Supervisor

BY: \_\_\_\_\_  
MICHAEL MAXWELL, Supervisor

ATTEST:   
JANE F. CARLSON, Clerk