

ORDINANCE NO. _____
by the Plan Commission

ORDINANCE CREATING A NEW MIXED USE ZONING DISTRICT- THE “OFFICE AND LIMITED RESIDENTIAL/COMMERCIAL/LIGHT INDUSTRIAL DISTRICT (O&L R/C/LI)” - WITHIN THE ZONING CODE TO APPLY TO CERTAIN LANDS LOCATED IN THE BISHOP’S WOODS NEIGHBORHOOD PLAN

WHEREAS, the City of Brookfield adopted the Bishop’s Woods Neighborhood Plan (the “Neighborhood Plan”) via Plan Commission Resolution No. _____, and via Ordinance No. _____ which identified the need for significant zoning changes in the neighborhood; and

WHEREAS, the adopted Neighborhood Plan specifies zoning tools to achieve its stated goals, including improved functionality, sustainability, resiliency, and attractiveness of the neighborhood through established green neighborhood development standards; and

WHEREAS, the Plan Commission introduced an amendment to the City Zoning Code that the Commission deemed necessary to implement the stated objectives contained in the Neighborhood Plan; and

WHEREAS, this amendment received a properly noticed Public Hearing on January 15, 2019, before the Common Council, and a recommendation to the Council by the Plan Commission on MONTH DAY, 2019; and

WHEREAS, amendments also were the topic of an informational meeting on October 15 and October 29, 2018, 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’s *2035 Comprehensive Plan*.

NOW, THEREFORE, the Common Council of the City of Brookfield does ordain a new zoning district called the “Office and Limited Residential/Commercial/Light Industrial District (O&L R/C/LI)” is hereby created within the City of Brookfield Zoning Ordinance as follows:

PART I: Chapter 17.77 “Office and Limited Residential/Commercial/Light Industrial District (O&L R/C/LI)” is created by adding the following to Title 17 of the municipal code:

Chapter 17.77 OFFICE AND LIMITED RESIDENTIAL/COMMERCIAL/LIGHT INDUSTRIAL DISTRICT

Sections:

- 17.77.010 Purpose.
- 17.77.020 Use regulations.
- 17.77.030 Building and parking locations.
- 17.77.040 Height regulations.
- 17.77.050 Area regulations.
- 17.77.060 Transfer of Development Rights.
- 17.77.070 Additional requirements.

17.77.010 Purpose.

The purpose of this section is to encourage and promote well planned, suitable and appropriate mixed-use developments of primarily office oriented uses with limited residential, commercial and light industrial components within the selected district. It intends to facilitate development (e.g. land use mix, density, and design) that enables the district to adapt to the work environment demands and lifestyle preferences of a multi-generational workforce, and supports walking, cycling, public transit and other modes of transportation where applicable. Any hotel site should have suitable access to accessory commercial areas for convenience and shopping needs. Pedestrian linkages to these commercial areas are preferred. The district encourages diverse multiple family housing options, including live-work housing, officetel, and co-housing arrangements, to enhance choice and flexibility of residency near employment within the district. A specific goal is to achieve continued incremental improvement in the functionality, sustainability, resiliency and attractiveness of the district using established green neighborhood development standards, such as LEED and Living Community Challenge. The regulations of this district address building, use, height, parking, and area where the intent is transportation efficiency, reduction of vehicle distance traveled, conservation of land, protection of natural areas and safe, appealing, and comfortable street environments. The district allows developers the flexibility to accomplish such goals while compelling and maintaining a high quality of design and character for the surrounding neighborhood.

17.77.020 Use regulations.

- A. Permitted uses. All the permitted uses hereunder must be approved by the plan commission as to location, and plan and method of operation.
1. General or clerical offices;
 2. Professional offices,
 3. Research laboratories;
 4. Schools or training centers;
 5. Storing, cleaning, testing, repairing or servicing establishments as determined by operations conforming with performance standards set forth in this title;
 6. Printing, lithographing, blueprinting and photocopying establishments, including retail sales;
 7. Dry cleaning and dyeing establishments;
 8. Any use, as permitted in the B-1 local business district; provided, that in the opinion of the plan commission, they will provide a service needed by the employees of, customers of, residents of, and visitors to this district.
 9. Restaurants permitted in the local business district and casual dining restaurants with outdoor seating, not exceeding forty (40) percent of the indoor seating capacity. The location and operating hours for the outdoor seating and adequacy of parking will be subject to plan commission approval;
 10. Hotels; provided, that in the opinion of the plan commission, they meet or exceed the following standards:
 - a. The entrance to a hotel site must have access to an intersection capable of handling projected traffic levels or the ability to improve such to capable levels,
 - b. A hotel site shall not be located adjacent to a residential district except where adequate buffering, screening and site planning can effectively control impacts to the residential district.

- c. The hotel site incorporates additional uses permitted in the district in a multistory mixed-use building.
 11. Multiple-family dwellings in mixed-use building or mixed-use site arrangements, not to exceed forty (40) percent of a lot's total FAR; provided, that in the opinion of the plan commission, they will benefit the office properties of the district by providing a variety of housing options and arrangements in accordance with the established intent of the district.
 12. Parking structures;
 13. Conditional uses pursuant to Section 17.108.050. (Ord. 2263-11 § 6, 2011; Ord. 2251-11 § 13, 2011; Ord. 1824 § 1 (part), 2001)
- B. General Restrictions. Any use in this district shall comply with all of the following general restrictions:
1. All operations and activities of uses within this district shall be conducted wholly inside a building or buildings, except as listed within this district.
 2. No continuous or intermittent noise from operations greater than the volume and range of noise emanating from vehicular traffic or its equivalent in noise shall be detectable at the boundary line of any residence district.
 3. No toxic matter, noxious matter, smoke or gas, and no odorous or particulate matter detectable beyond the lot lines shall be emitted.
 4. No vibrations shall be detectable beyond the lot lines.
 5. No glare or heat shall be detectable beyond the lot lines.
 6. Exterior lighting fixtures shall comply with Sections 17.120.070 and 15.16.080.
 7. No raw materials shall be processed into any of the following basic products: metals of any kind, glass, plastics, textiles, leather or paper unless the plan commission, after a public hearing, determines such use will meet the performance standards set forth in this chapter.
 8. No activities involving the storage, utilization or manufacture of materials or products which decompose by detonation shall be permitted.

17.77.030 Building and parking locations.

- A. Setback:
1. Fifty (50) feet minimum on all streets, the opposite side of which lies in a more restrictive district in this or a neighboring municipality;
 2. Eighteen (18) feet minimum on streets, both sides of which lie in this or a less restrictive district;
 3. There shall be no structures of any kind or parking of automobiles, trucks or any other types of vehicles or storage or display of equipment, products, vehicles or material of any kind within the setback area.
- B. Offset: fifteen (15) feet minimum for buildings, except where property is adjacent to residential districts when it shall be a minimum fifty (50) feet; ten (10) feet minimum for off-street parking, except where property is adjacent to residential districts or public buildings area. No parking space or access driveway shall be closer than twenty-five (25) feet to any residential district or public building area.

17.77.040 Height regulations.

- A. Principal buildings: Irrespective of policy, code or Site Development Standards for Non-Residential Uses to the contrary, sixty (60) feet maximum, except within one hundred (100) feet of a more restrictive district, where thirty-five (35) feet is the maximum.
- B. Accessory buildings: thirty (30) feet maximum.

17.77.050 Area regulations.

- A. Floor Area.
 - 1. Minimum required for residential uses: six hundred (600) square feet per dwelling unit.
 - 2. Maximum FAR permitted: fifty (50) percent.
 - 3. An increase of the allowable FAR listed in this subsection may be considered if a development will meet the following standards.
 - a. Open space which sustainably adds to or increases the office vitality and attractiveness of the development and/or other on-site amenities;
 - b. Mixed use development which increases the potential to revitalize and/or increases the marketability of adjacent parcels of the development;
 - c. Provide increased benefit to the City and district through exceptional architectural design, ecological building construction, roof gardens, structured parking, day care center, and/or other beneficial amenities established and articulated in the Bishop's Woods Neighborhood Plan;
 - d. Dwelling unit type mix in multiple-family residential developments with a minimum of two (2) unique units based on bedroom count and minimum difference of thirty (30) percent total square feet per unique dwelling unit.
 - e. Per 17.100.050 J., transportation demand management and/or other traffic mitigation strategies are incorporated into the plan and method of operation in conjunction with the results of a traffic impact analysis that demonstrate the development's increased FAR will not negatively impact local traffic flow beyond acceptable levels.
 - 4. FAR increases above the allowable maximum listed in this subsection are limited to a final maximum FAR of one hundred twenty (120) percent and must be approved by the plan commission as a condition of zoning approval of plan and method of operation. The Plan Commission will make a written determination that the increase in FAR achieves the intent and provisions of the district and the Bishop's Woods Neighborhood Plan.
- B. Lot Size.
 - 1. Minimum area: sixty thousand (60,000) square feet.
 - 2. Minimum average width: two hundred (200) feet.
- C. Lot Coverage and Landscape Surface Ratio (LSR).
 - 1. Maximum lot coverage: seventy (70) percent all buildings and impervious surfaces.
 - 2. Minimum landscape surface ratio: thirty (30) percent for all uses.

17.77.060 Transfer of Development Rights.

- A. Purpose.
 - 1. Establish a framework which allows property owners to transfer development rights of residential dwelling units and commercial floor area with other property owners within the district.
 - 2. Preserve and enhance property rights.
 - 3. Encourage the efficient use of land.

4. Aid the district in achieving the goals and objectives of the Bishop's Woods Neighborhood Plan and City's Comprehensive Plan.
- B. Applicability. This section shall apply to all property within the zoning district. Development rights of properties are based on the fifty (50) percent maximum FAR permitted within the zoning district.
- C. Process. The sending and receiving of development rights between properties in the district shall be managed through the application of Modified Suburban Overlay District, Chapter 17.98.

17.77.070 Additional requirements.

- A. Signs. Signs and other advertising media shall be erected in accordance with Chapter 15.16.
- B. Landscaping. All premises shall, within one year after the date of the occupancy permit, be sodded or seeded (except for parking areas) and landscaped throughout in the manner directed by the plan commission to accomplish the purposes of this chapter and to promote compatibility between nonresidential and residential uses.
- C. Trees. The wooded environment of the Bishop's Woods office park has been designated a unique and defining characteristic of the neighborhood. Preserving this identifying feature and amenity is supported as vital by local property owners and City officials. When removal of healthy trees is unavoidable in the orderly development of properties, a tree replacement plan must be included in the submitted landscape plan as a condition for approval of plan and method. Each removed sugar maple, red oak, or basswood tree shall be replaced according to the requirements of the tree replacement schedule established in the Site Development Standards for Non-Residential Uses. Trees selected for planting must be free from disease, injury, pests, nutritional disorders or root defects, and must be of good vigor and age in order to assure a reasonable expectation of survivability.

PART II: Section 17.16.010 of the Zoning Code shall be amended to include the "Office and Limited Residential/Commercial/Light Industrial District (O&L R/C/LI)" as Subsection A.18.

PART III: Section 17.04.020 of the Zoning Code shall be amended to add and revise the following definitions:

New terms added to 17.04.020:

"Co-housing" means a residential building or arrangement of buildings on a property in which individual dwellings are attached, semidetached, or fully detached in a cluster and share some common facilities or amenities, such as parking, open space, gardens, workshops, kitchens, laundry, workspace, and recreational areas. Residents are communally responsible for managing the community.

"Live-work housing" means a building or arrangement of buildings on a property combining residential living spaces with commercial spaces where the owner(s) or tenant(s) of the commercial spaces reside in the residential living spaces.

"Officetel" means an office building that also contains apartment units.

Dwelling, Semidetached. "Semidetached dwelling" means a dwelling that shares one common wall with another dwelling, paired and built as a single residential building. Semidetached dwellings are considered Duplex residences for the purposes of this title where a differentiation is made between a single-family residence and multifamily residence.

Revisions to definitions in 17.04.020:

Dwelling, One-Family. “One-family dwelling” means a detached building designed for and occupied exclusively by one family.

Dwelling, Multiple-Family. “Multiple-family dwelling” means a building containing two or more dwelling units, including units that are located one over the other or units that share a common wall in a semidetached dwelling arrangement.

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

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

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