

Town of Brookfield
645 N. Janacek Road
Brookfield, WI 53045
(P) 262-796-3788
(F) 262-796-0339



MEETING NOTICE

Meeting will be held at the
Town of Brookfield Municipal Building, Eric Grant Room
645 N. Janacek Road, Brookfield, WI

Tuesday, October 24, 2023

PUBLIC HEARING

7:00 p.m

- 1) Confirmation of meeting notice.
- 2) Public Hearing to receive comment on a request by David Wimmer to approve a Conditional Use Permit Amendment request to increase the number of proposed dwelling units from 32 to 35 in the Northbrook Apartment Building, located at 700 N Barker Rd (BKFT1122993005).
- 3) Public Hearing to receive comment on a Zoning Code Text Amendment to Section 17.02(14)(g)11 related to proposed changes to the Town's fence regulations.
- 4) Adjourn.

PLAN COMMISSION

IMMEDIATELY FOLLOWING

AGENDA

- 1) Call to Order.
- 2) Meeting Notices.
- 3) Approval of Agenda.
- 4) Approval of Minutes.
 - a. September 26, 2023 Joint Public Hearing Minutes
 - b. September 26, 2023 Plan Commission Minutes
- 5) Citizen Comments: Three-minute limit.
- 6) Old Business:
 - a. David Wimmer for a Conditional Use Permit Amendment to Northbrook Apartment Building to increase the number of proposed dwelling units by 3 units, located at 700 North Barker Road (BKFT1122993005).
 - b. Town of Brookfield for a recommendation of approval for a Zoning Code Text Amendment to Section 17.02(14)(g)11 related to fences.
- 7) New Business:
 - a. None.
- 8) Communication and Announcements.
- 9) Adjourn.

Posted this 19th day of October, 2023

*Bryce Hembrook
Town Planner*

TOWN OF BROOKFIELD

JOINT PUBLIC HEARING

September 26, 2023

PUBLIC HEARING TO RECEIVE COMMENT ON A REQUEST BY AARON TESCH (ADULT DAY SERVICES OF SOUTHEAST WISCONSIN) FOR A CONDITIONAL USE REQUEST TO ALLOW AN ADULT DAY CARE IN THE B-2 LIMITED GENERAL BUSINESS DISTRICT, LOCATED AT 20875 CROSSROADS CIRLCE (BKFT1129999004).

The Joint Public Hearing with the Plan Commission and Town Board was held on Tuesday, September 26, 2023, in the Erich Grant Room of Town Hall at 645 North Janacek Road, Brookfield, Wisconsin.

CALL TO ORDER

Town Board Chairman Keith Henderson called the meeting to order at 7:00pm. Also in attendance were Town Board Supervisors John Charlier, Steve Kohlmann, Ryan Stanelle; Plan Commissioners Gordon Gaeth, Kevin Riordan, and Len Smeltzer; Town Planner Bryce Hembrook.

NOTICE OF HEARING

Chairman Henderson read the attached Notice of Hearing into the record.

Planner Hembrook described the proposed location, and use as follows: The program hours are expected to be from 8:00am until 2:00pm, but may be adjusted as needed. At least one staff member over the age of 18 will be on the premises at all times. The organization provides a wide variety of programs essential for developing independent living skills and improving the quality of life for adults with developmental disabilities, physical impairments, mental illness, or traumatic brain injuries.

PUBLIC COMMENTS

None.

ADJOURN

Motion by Supervisor Stanelle to adjourn.
Seconded by Supervisor Charlier.

Motion passed unanimously.

Chairman Henderson closed the Public Hearing at 7:04pm.

Submitted by:

Bryce Hembrook, AICP Town Planner

TOWN OF BROOKFIELD
PLAN COMMISSION MINUTES
SEPTEMBER 26, 2023

The regular meeting of the Plan Commission was held in the Erich Gnant Room of the Town Hall, 645 N Janacek Road, Brookfield, WI.

1) CALL TO ORDER.

Chairman Keith Henderson called the meeting to order at 7:08 p.m. with the following people present: Town Planner Bryce Hembrook, Town Supervisor Ryan Stanelle, Plan Commission members Gordon Gaeth, Kevin Riordan, and Len Smeltzer. William Neville was absent and excused. Jeremy Watson was absent.

2) MEETING NOTICES.

The meeting was noticed in accordance with Open Meeting Law.

3) APPROVAL OF AGENDA

Motion by Supervisor Stanelle to approve the agenda.

Seconded by Commissioner Riordan.

Motion Passed Unanimously.

4) APPROVAL OF MINUTES.

- a. Motion by Supervisor Stanelle to approve the August 22, 2023 regular Plan Commission minutes with the following corrections: adjust date in the header on pages 2 and 3; in the citizen comments portion, specify that the comment stated by a resident as having to “close up” refers to having to close windows due to neighbors burning materials.

Seconded by Commissioner Gaeth.

Motion Passed Unanimously.

- b. Motion by Supervisor Stanelle to approve the August 22, 2023 Joint Public Hearing minutes as presented.

Seconded by Commissioner Gaeth.

Motion Passed Unanimously.

5) **Citizen Comments: Three-minute limit.**

None.

6) **Old Business: Town of Brookfield for a recommendation to set a public hearing date to discuss a Zoning Code Text Amendment to Section 17.02(14)(g)11 related to fences.**

Motion was made by Supervisor Stanelle to **recommend** to the Town Board to set a date for a public hearing to discuss a Zoning Code Text Amendment to Section 17.02(14)(g)11 related to fences.

Seconded by Commissioner Smeltzer.

Motion Passed Unanimously

7) **New Business:**

- a. **David Wimmer for a recommendation to set a public hearing date to consider a Conditional Use Permit Amendment to Northbrook Apartment Building to increase the number of proposed dwelling units by 3 units, located at 700 North Barker Road (BKFT1122993005).**

Mr. Nick Wimmer was present and described the changes. The number of units would increase from 32 units to 35 units. The units are replacing a courtyard, which does not fit the project as originally planned. The footprint of the building has not changed, nor has parking. There has been a slight shift in the siting of the building, due to additional wetlands studies, and feedback from Waukesha County regarding Barker Road. The new plan was brought before the County, and the town engineer (Strand) for review. Both the county DOT, and Parks and Land Use have approved the new plan.

Strand identified that there is negligible impact, provided some review comments, and will provide technical comments. Mr. Wimmer further stated that Barker Road improvements are ongoing, with power lines being buried. We Energies completed their portion over the summer; however, AT&T and Spectrum have yet to commit to getting their lines buried. The poles will be down this fall, but the paving project on Barker Road will have to wait until spring. There was additional information from Mr. Wimmer regarding the rest of the project, but not relating to this agenda item.

Motion made by Commissioner Smeltzer to **recommend** the Town Board set a date to consider a Conditional Use Permit Amendment to Northbrook Apartment Building to increase the number of proposed dwelling units by 3 units, located at 700 North Barker Road (BKFT1122993005). **denial** for a Conditional Use Request to allow a field fence in the street yard on parcel BKFT1133999.

Seconded by Supervisor Stanelle.

Additional discussion: Supervisor Stanelle asked for further clarification regarding units per acre. Planner Hembrook will follow up on the inquiry.

Motion Passed Unanimously.

b. Aaron Tesch (Adult Day Services of Southeast Wisconsin) for a Conditional Use Permit request to allow an Adult Day Care in the B-2 Limited General Business District, located at 20875 Crossroads Circle (BKFT1129999004).

Aaron Tesch was present and stated that he sees great potential in the Town of Brookfield, and is eager to help in the community. It is important that the participants stay active and engaged. They serve ages 18 – 84. The goal is to keep participants from going to nursing homes. They serve over 100 adults per day between their four facilities. Commissioner Smeltzer inquired about those needing wheelchairs, and how that is handled for outings. Mr. Tesch explained that they do have one full size wheelchair van, and they schedule accordingly. Currently, one participant is in a wheelchair. Commissioner Riordan inquired about ratio. Mr. Tesch stated that the ratio is 1 to 8, which is regulated by the state. There is never less than two employees in the building. A calendar can be sent to illustrate the outings that are planned for the participants. This location could accommodate up to 50 participants well.

Motion made by Commissioner Riordan to **recommend** approval for a Conditional Use request to allow an Adult Day Care in the B-2 Limited General Business District, located at 20875 Crossroads Circle (BKFT1129999004).

Seconded by Commissioner Smeltzer.

Motion Passed Unanimously.

8) COMMUNICATION AND ANNOUNCEMENTS.

Halloween (Trick or Treat) is on the 31st of October.

9) ADJOURN.

Motion by Commissioner Gaeth to adjourn at 7:37pm.

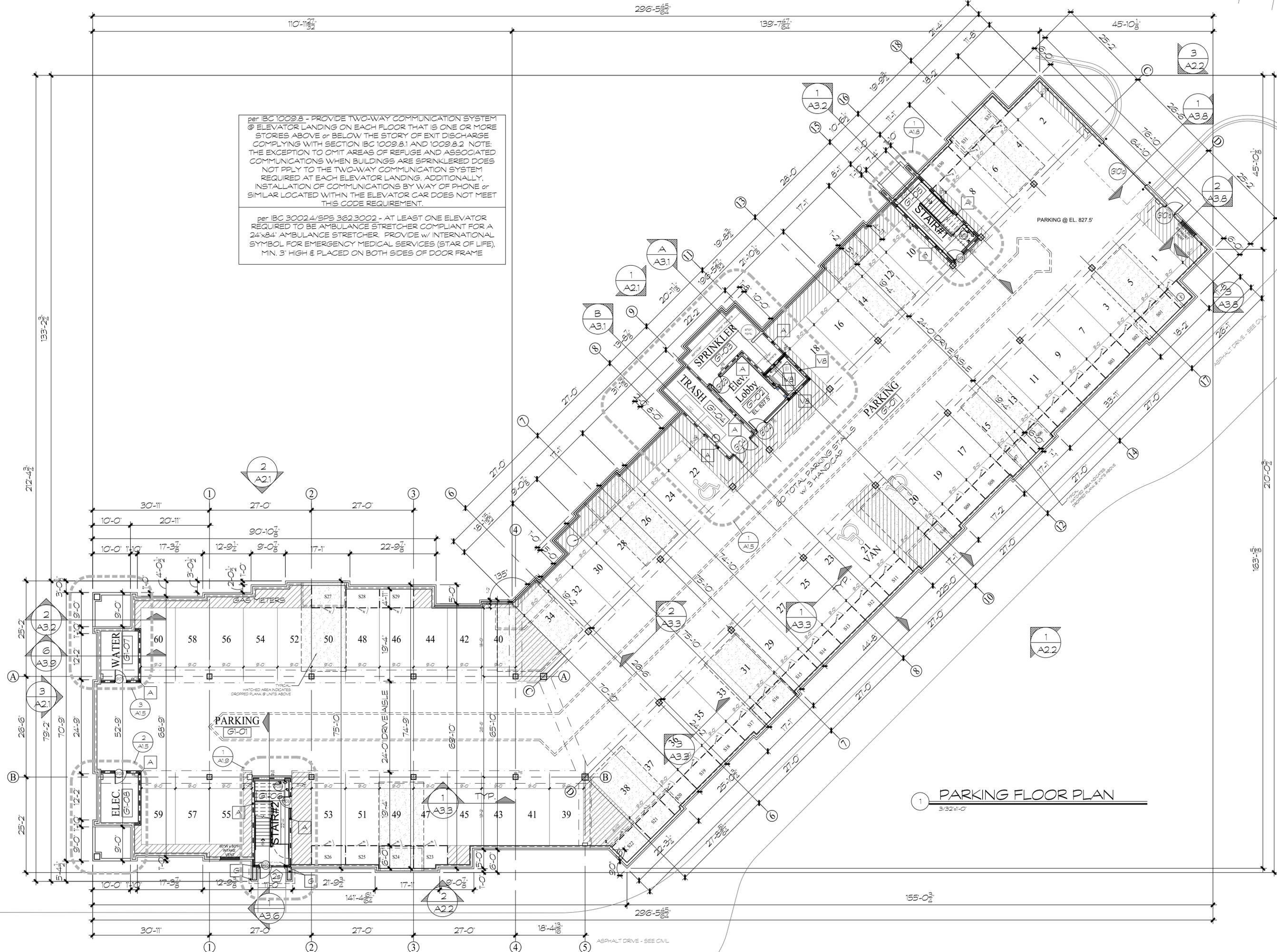
Seconded by Supervisor Stanelle.

Motion Passed Unanimously.

Respectfully submitted,
Bryce Hembrook, Town Planner

per IBC 1009.8 - PROVIDE TWO-WAY COMMUNICATION SYSTEM @ ELEVATOR LANDING ON EACH FLOOR THAT IS ONE OR MORE STORIES ABOVE or BELOW THE STORY OF EXIT DISCHARGE COMPLYING WITH SECTION IBC 1009.8.1 AND 1009.8.2. NOTE: THE EXCEPTION TO OMIT AREAS OF REFUGE AND ASSOCIATED COMMUNICATIONS WHEN BUILDINGS ARE SPRINKLERED DOES NOT PPLY TO THE TWO-WAY COMMUNICATION SYSTEM REQUIRED AT EACH ELEVATOR LANDING. ADDITIONALLY, INSTALLATION OF COMMUNICATIONS BY WAY OF PHONE or SIMILAR LOCATED WITHIN THE ELEVATOR CAR DOES NOT MEET THIS CODE REQUIREMENT.

per IBC 3002.4/SPS 362.3002 - AT LEAST ONE ELEVATOR REQUIRED TO BE AMBULANCE STRETCHER COMPLIANT FOR A 24"x84" AMBULANCE STRETCHER. PROVIDE w/ INTERNATIONAL SYMBOL FOR EMERGENCY MEDICAL SERVICES (STAR OF LIFE), MIN. 3" HIGH & PLACED ON BOTH SIDES OF DOOR FRAME



TDI ASSOCIATES, INC.
ARCHITECTURE & PLANNING

25217 S. WIND LAKE ROAD
WIND LAKE, WISCONSIN 53185
PHONE 262-409-2530

**BUILDING 8 - NORTHBROOK
@ POPLAR CREEK**

700 N. BARKER ROAD
TOWN OF BROOKFIELD, WISCONSIN

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Sheet Title
**Overall
Parking
Floor Plan**

Issued For: _____ Date: _____

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5/14/2023

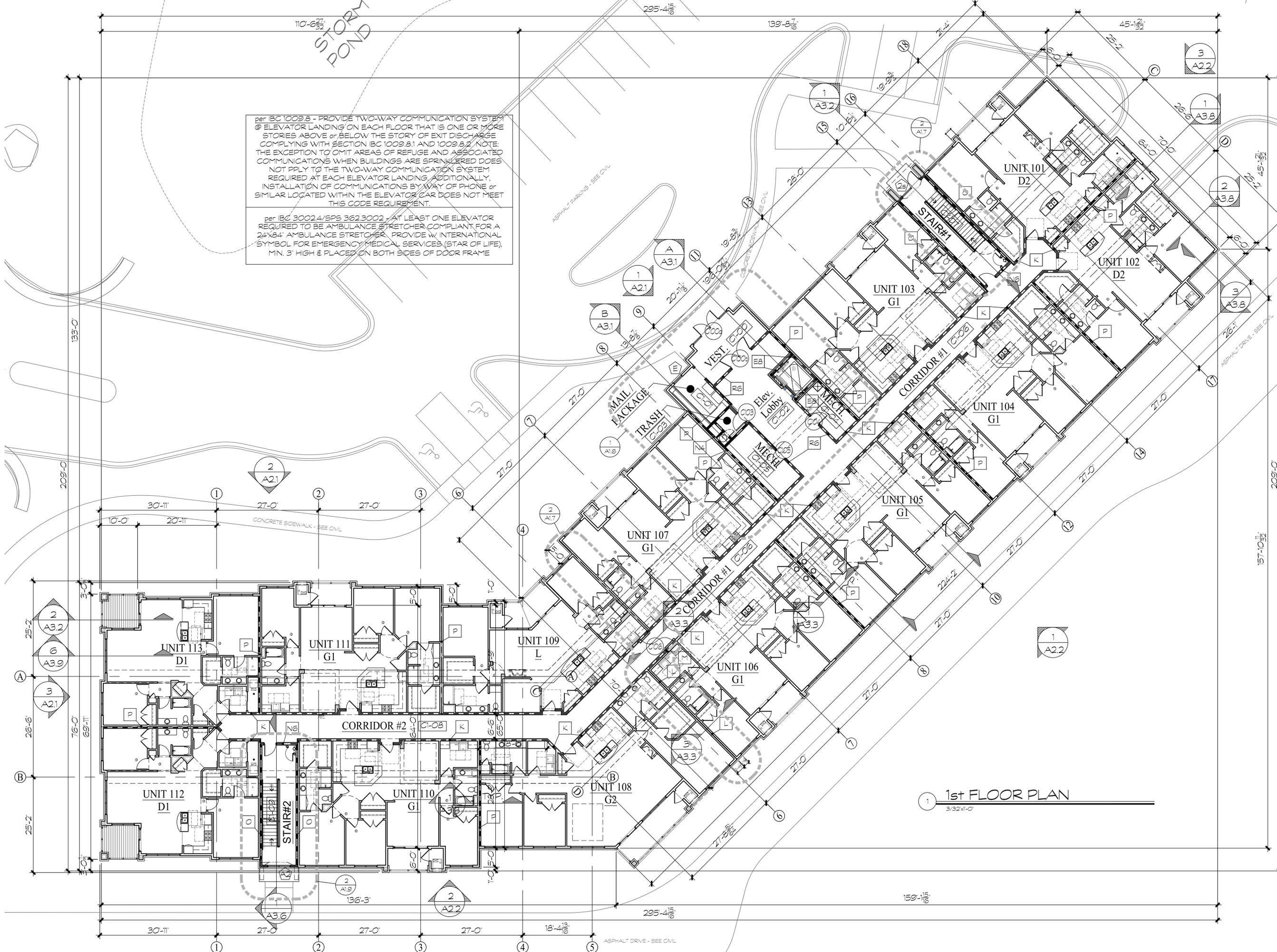
Date: 9/21/2022

Job NO.: 20128.008

Drawn By: daj

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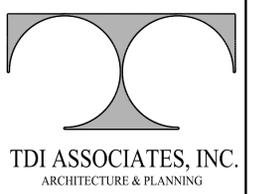
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per IBC 1009.8 - PROVIDE TWO-WAY COMMUNICATION SYSTEM @ ELEVATOR LANDING ON EACH FLOOR THAT IS ONE OR MORE STORIES ABOVE or BELOW THE STORY OF EXIT DISCHARGE COMPLYING WITH SECTION IBC 1009.8.1 AND 1009.8.2. NOTE: THE EXCEPTION TO OMIT AREAS OF REFUGE AND ASSOCIATED COMMUNICATIONS WHEN BUILDINGS ARE SPRINKLERED DOES NOT PPLY TO THE TWO-WAY COMMUNICATION SYSTEM REQUIRED AT EACH ELEVATOR LANDING. ADDITIONALLY, INSTALLATION OF COMMUNICATIONS BY WAY OF PHONE or SIMILAR LOCATED WITHIN THE ELEVATOR CAR DOES NOT MEET THIS CODE REQUIREMENT.

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1 1st FLOOR PLAN
3/32"=1'-0"



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@ POPLAR CREEK**

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Sheet Title
Overall
1st Floor plan

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REVIEW SET DRAWING
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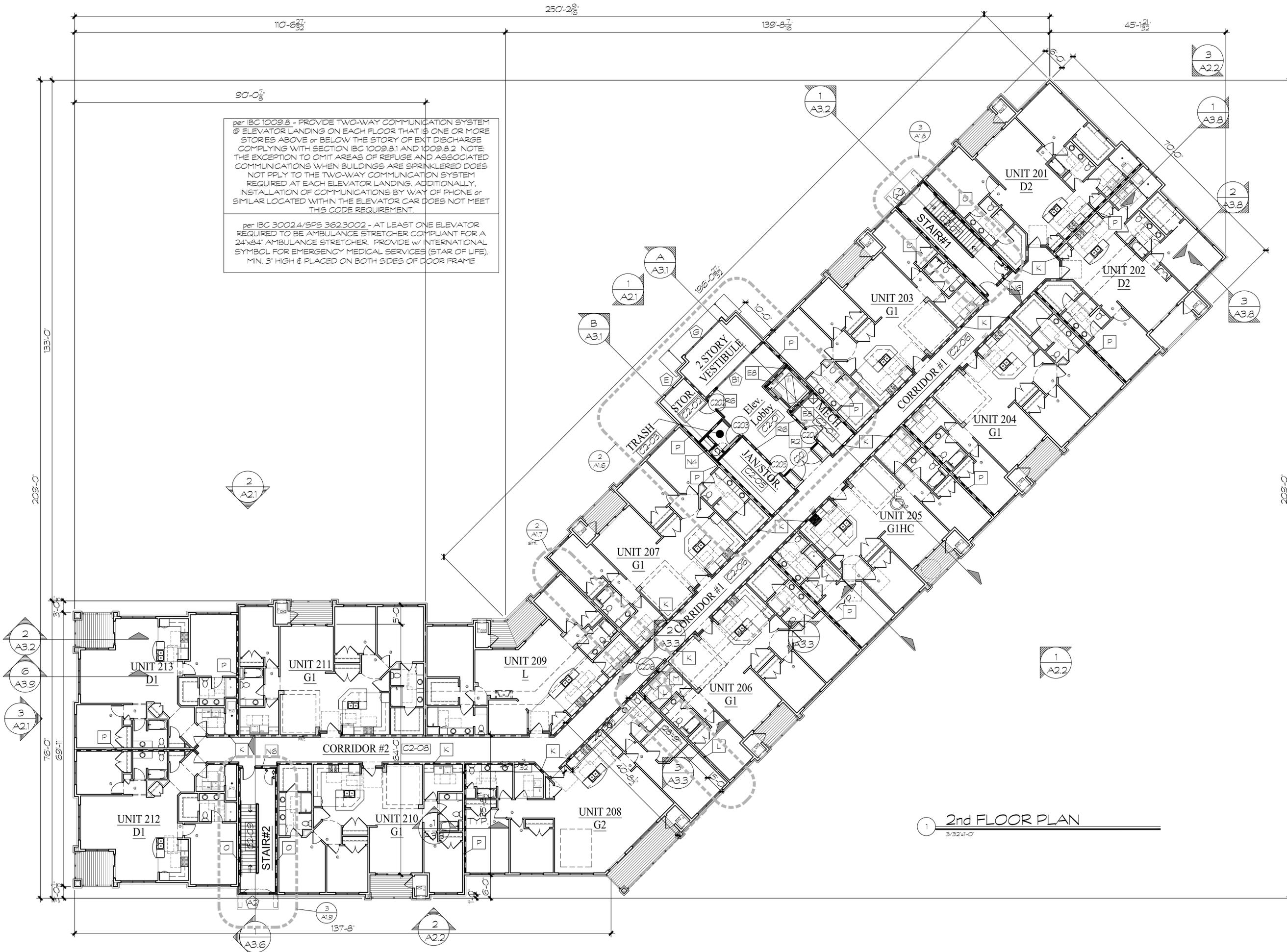
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Job NO.: 20128.008

Drawn By: daj

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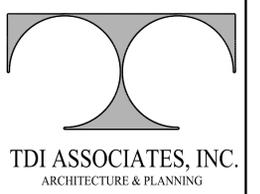
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1 2nd FLOOR PLAN
3/32"=1'-0"



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BUILDING 8 - NORTHBROOK
@ POPLAR CREEK

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Sheet Title
Overall
2nd Floor plan

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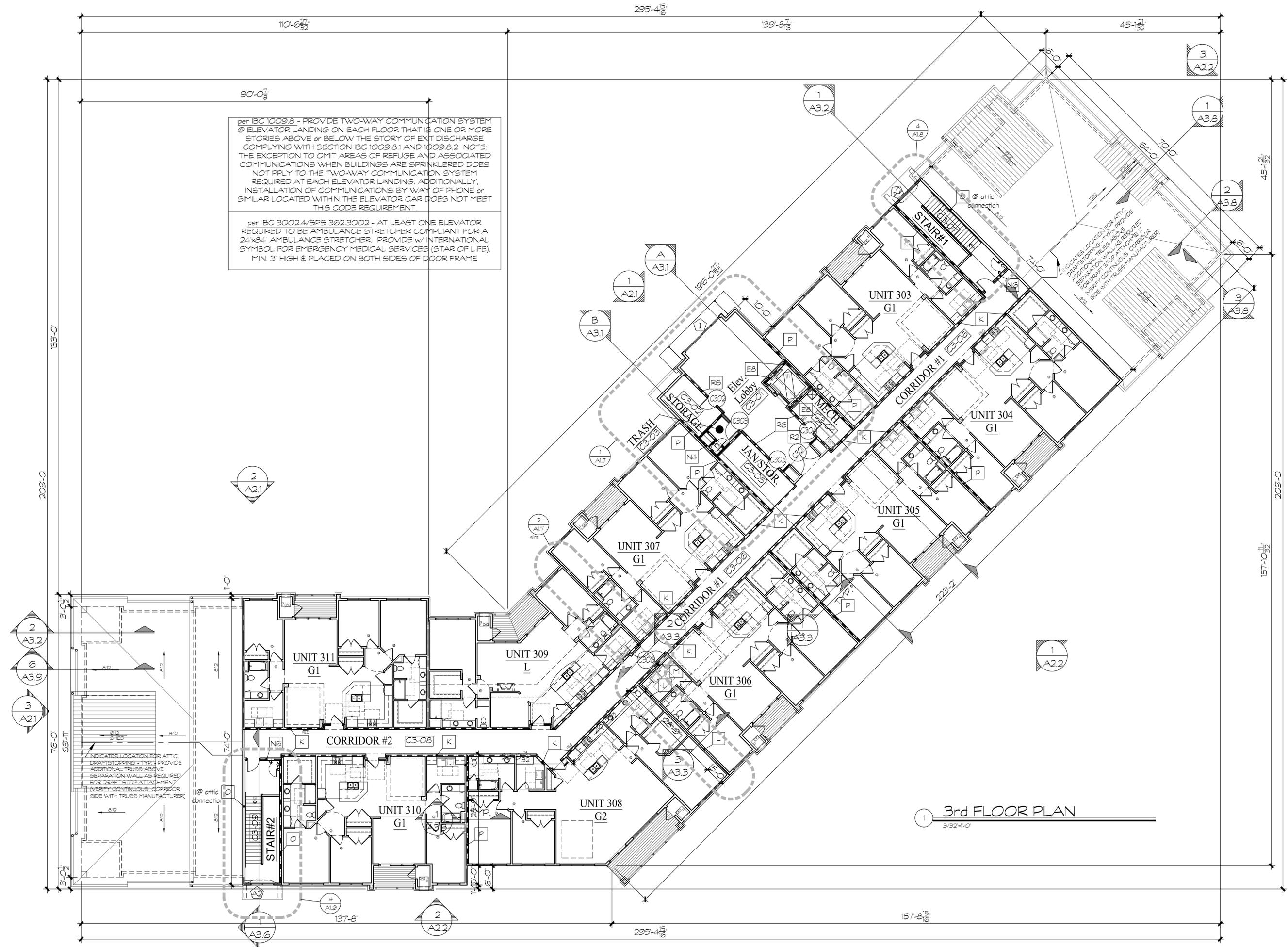
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Job NO.: 20128.008

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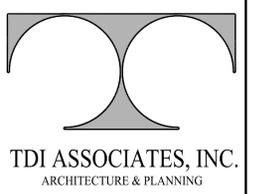
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1 3rd FLOOR PLAN
3/32/1-0



25217 S. WIND LAKE ROAD
WIND LAKE, WISCONSIN 53185
PHONE 262-409-2530

**BUILDING 8 - NORTHBROOK
@ POPLAR CREEK**

700 N. BARKER ROAD
TOWN OF BROOKFIELD, WISCONSIN

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Sheet Title
Overall
3rd Floor plan

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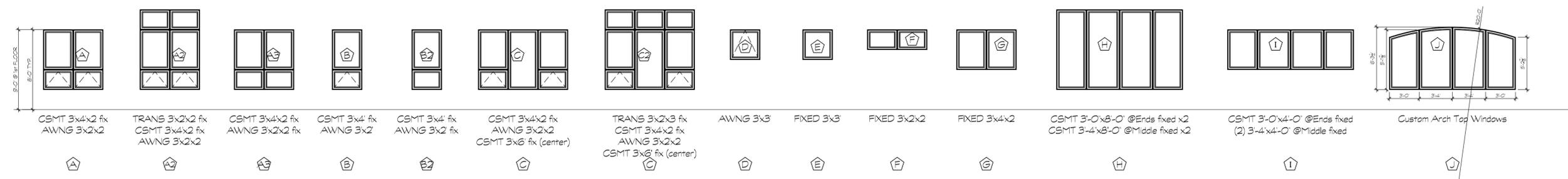
Date: 9/21/2022

Job NO.: 20128.008

Drawn By: daj

Sheet No.

A1.3

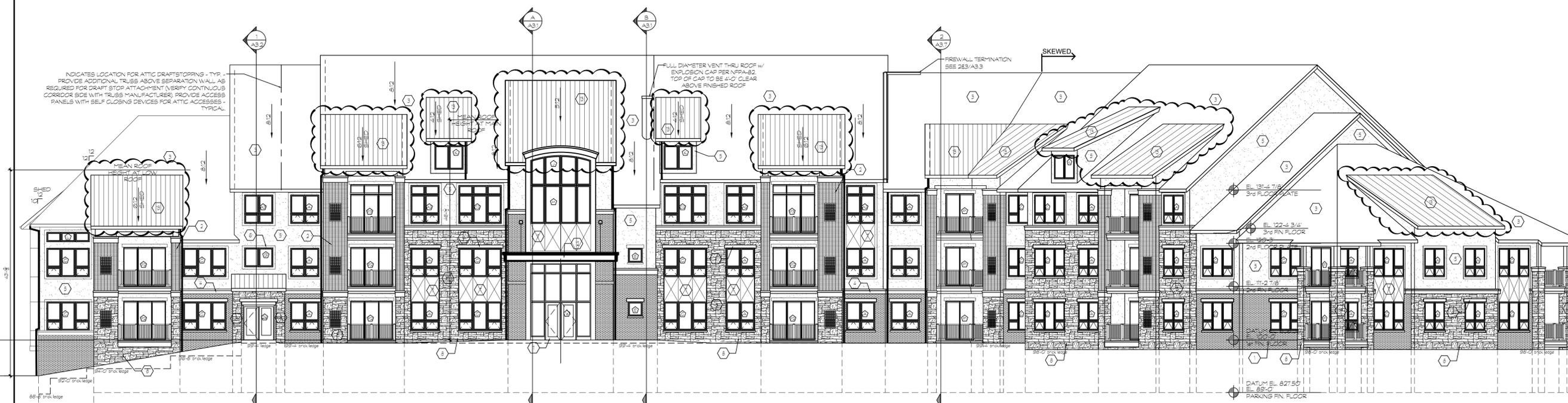
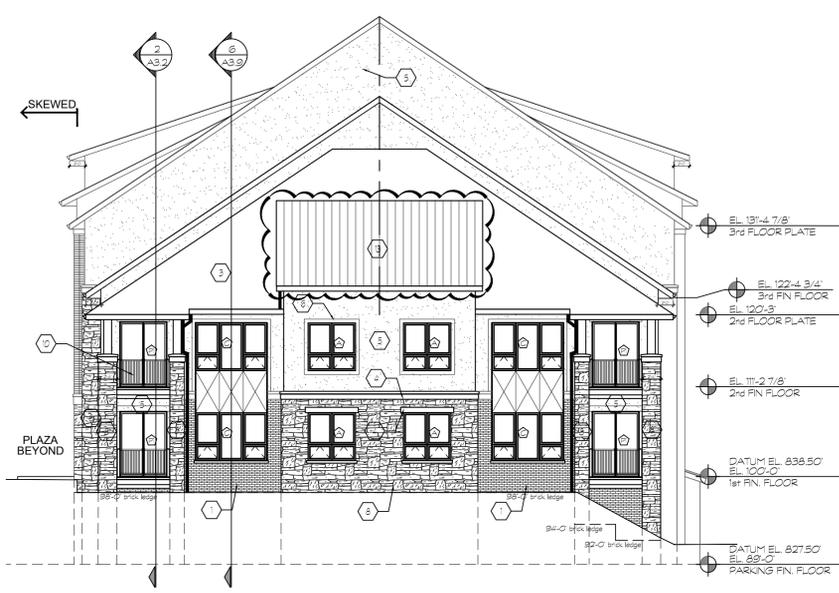


WINDOW & PATIO DOOR NOTES:

1. WINDOW UNITS, UNLESS OTHERWISE NOTED.
2. Operable Window: min U value + 0.25 - min SHGC value + 0.25
3. Fixed Window: min U value + 0.25 - min SHGC value + 0.25
4. ROUGH OPENING SIZES PER MANUFACTURER SPECIFICATIONS. VERIFY FINAL BRAND/MODEL SELECTION w/ OWNER, G.C./WALL PANEL SUPPLIER / ROUGH CARPENTER SHALL MAKE THE NECESSARY ADJUSTMENTS.
5. WINDOW FLASHING PER MANUFACTURER SPECIFICATIONS.
6. APPLY 1/2" x 6" STRAIGHT FLASH & FLEX FLASH TAPE OVER FLANGE AT HEAD, JAMBS, AND SILLS PER MANUFACTURER SPECIFICATIONS.
7. WINDOWS SHALL HAVE INSULATED GLASS.
8. OPERABLE WINDOWS SHALL HAVE REMOVABLE BUG SCREENS.
9. PATIO DOORS SHALL HAVE SLIDING BUG SCREEN DOOR, AND BE WOOD JAMB & CASING (SEV).
10. Patio Door: min U value + 0.25 - min SHGC value + 0.25
11. PROVIDE TYPED GLASS AT ALL WINDOW PANS WITHIN 8' ABOVE FLOOR.
12. ISOLATE GLASS IN WINDOW OPENINGS IN BRICK/P/2 AND SUB BUILDINGS INCLUDING DWELLING UNITS, WHERE THE TOP OF THE SILL OF AN OPERABLE WINDOW OPENING IS LOCATED LESS THAN 36 INCHES ABOVE THE FINISHED FLOOR AND MORE THAN 12 INCHES (SEV) ABOVE THE FINISHED GRADE OR OTHER SURFACE BELOW ON THE EXTERIOR OF THE BUILDING, SHALL COMPLY WITH ONE OF THE FOLLOWING:
 - a. OPERABLE WINDOWS THAT ARE PROVIDED WITH WINDOW OPENING CONTROL DEVICES THAT COMPLY WITH SECTION 105.8.1.
 - b. WINDOW OPENING CONTROL DEVICES WINDOW OPENING CONTROL DEVICES SHALL COMPLY WITH ASTM F 2090. THE WINDOW OPENING CONTROL DEVICE, AFTER OPERATION, TO RELEASE THE CONTROL DEVICE ALLOWING THE WINDOW TO FULLY OPEN, SHALL NOT REDUCE THE "MINIMUM" NET CLEAR OPENING AREA OF THE WINDOW UNIT TO LESS THAN THE AREA REQUIRED BY SECTION 103.2.

BUILDING 8 EXTERIOR BUILDING MATERIALS

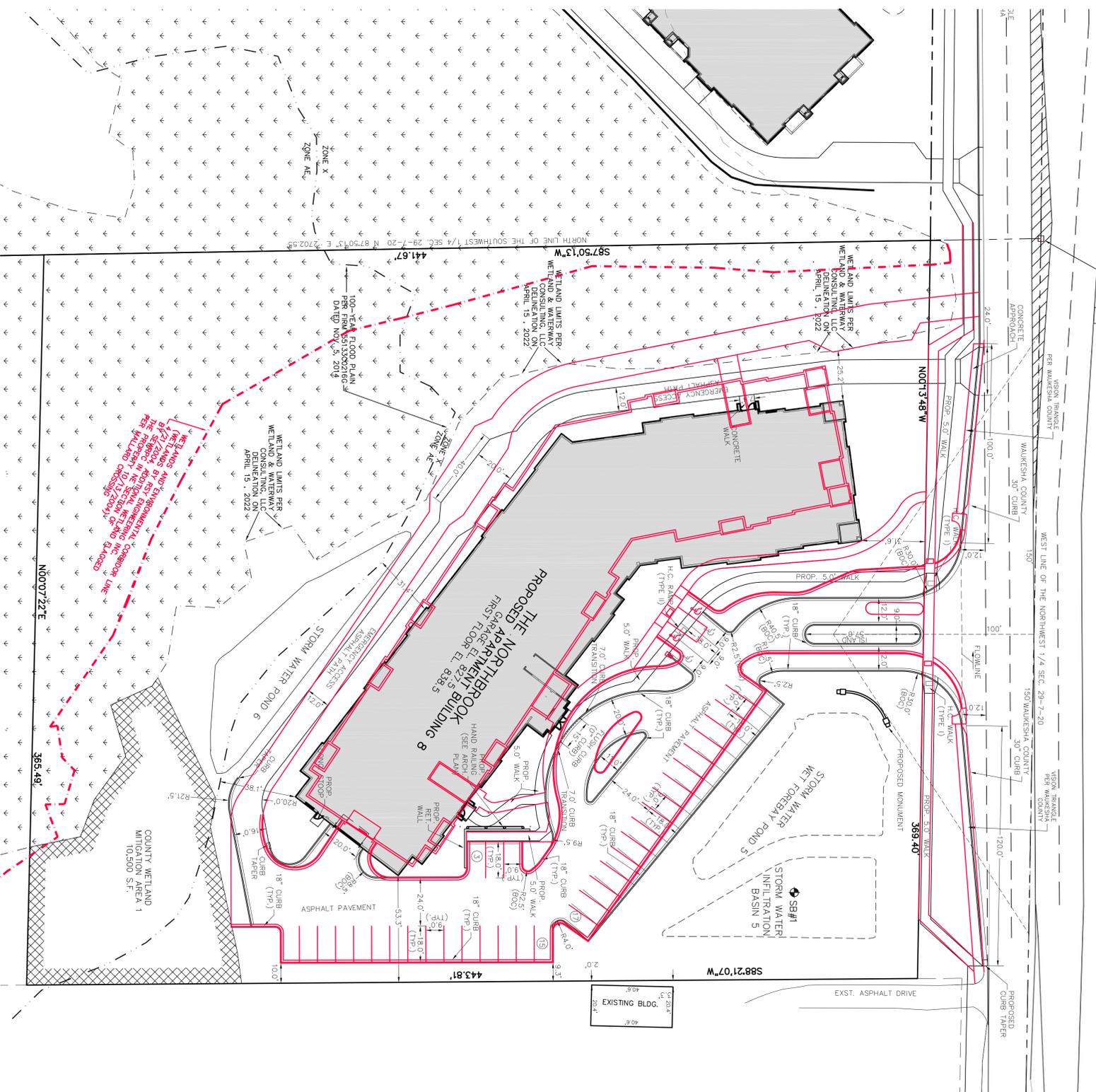
1	BRICK VENEER - AUTUMN ROSE - RUNNING BOND
2	BRICK VENEER - BOWERSTON - 720 DARK W/C FIR, STACKED BOND WESTERN W/21 TAN PORTAR
3	ASPHALT SHINGLE - OWENS CORNING - DRIFTWOOD
4	CUT STONE SILLS & HEADERS
5	EPS - DRYVIT #142
6	EPS JAMBS, SILLS, HEADER SURROUND WINDOWS - DRYVIT #142
7	METAL PANEL - WESTERN STATES - SPECKLED RUST
8	LANNON STONE THIN VENEER - HALQUIST BROOKFIELD BUFF
9	WINDOWS/DOORS - DARK BRONZE
10	METAL BALCONY RAILS - DARK BRONZE
11	STOREFRONT SYSTEM - DARK BRONZE
12	METAL CANOPY
13	WESTERN STATES STEEL BRACING BEAM ROOFING COLOR: AGED COPPER (PROVIDE SNOW GUARDS)



REVIEW SET DRAWING
NOT FOR CONSTRUCTION
5/14/2023



NW CORNER OF THE
SW 1/4 OF SECTION
29-7-20
CONC. MON. W/BRASS CAP
N 384,189.49
E 2,490,103.70
EL. 632.48 (SITE BENCHMARK)



DEVELOPER / LANDOWNER:

POPLAR CREEK CLUB, LLC
C/O. WIMMER DEVELOPMENT
5300 S. 109TH STREET, SUITE 1
CONTACT: NICK WIMMER
(414) 529-3900
NWIMMER@WIMMERCOMMUNITIES.COM
ENGINEER:

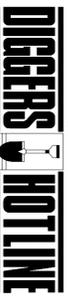
CJ ENGINEERING, LLC
9205 W. CENTER STREET, SUITE 214
CONTACT: CHRIS JACKSON, PE, PLS
(414) 443-1312 X222
CHRIS@CJENGINEERING.COM

SURFACE PARKING

PROPOSED REGULAR SPACES: 36 STALLS
PROPOSED ACCESSIBLE SPACES: 2

TOTAL PROPOSED PARKING SPACES: 37 STALLS
NOTE: THIS PARKING TOTAL DOES NOT INCLUDE ANY OF THE PARKING UNDER BUILDING.

www.DiggersHotline.com



DIAL 811 OR (800) 242-8511



9205 W. Center Street
Suite 214
Milwaukee, WI 53222
PH. (414) 443-1312
www.cjengineering.com

POPLAR CREEK BUILDING 8
700 N. BARKER ROAD, TOWN OF BROOKFIELD, WI

CJE NO.: 1350-03R0
MAY 12, 2023
REV. MAY 25, 2023

SITE PLAN C1.0

Option 1

Fences. Fences are a permitted accessory use in any district upon issuance of a permit and compliance with the requirements in this section. All fences shall be constructed in such a manner that the "finished" side faces the neighboring property and the fence posts are on the side of the fence facing the subject property. ~~and may be erected without a permit, provided that fences shall comply with the following requirements:~~

a. ~~Residential fences shall be constructed in such a manner that the "finished" side shall face the neighboring property. Fence posts shall be on the side of the fence facing the subject property. In residential districts, fences shall comply with the following requirements:-~~

i. ~~Open residential fences are permitted up to the lot line in the side and rear yards but shall not extend into the street yard of residential districts, but shall not~~ exceed a height of four feet. ~~Unless approved by a conditional use permit, chain link and barbed wire fences are prohibited. Such prohibition includes chain link and barbed wire fences surrounding tennis courts, basketball courts, and other similar recreational areas, and shall not extend into the street yard.~~

ii.

~~Solid residential fences, as defined in § 17.01(9)(b) of this chapter, are permitted up to the lot line in the side and rear yard but shall not extend into the street yard or exceed a height of six feet. A survey is required for all proposed solid fences located within five feet of the property line. Any solid fence located closer than three feet from the property line shall receive a Conditional Use Permit along with a survey and a signed agreement from all neighbors in which the fence abuts. Solid fences may be placed in the street yard of double frontage or corner lots if the fence is setback at least five feet from the street right-of-way, the side facing the street is attractively landscaped, and the zoning administrator determines that the fence's location and appearance is consistent with the surrounding neighborhood continuity standard. shall meet the offset requirements of the district. Fences shall not exceed six feet in height and shall be placed in the rear yard only.~~

iii. ~~Prior to permit approval, any person proposing a fence that will be located within five feet of a lot line shall submit a plat of survey depicting the location of the proposed fence and stake the corners of the property.~~

b. ~~In any district, ornamental fences, as defined in § 17.01(9)(b) of this chapter, are permitted up to the lot line in the side, rear, and in the street yard in any district, but shall not extend into the street right-of-way and shall not exceed a fence height of three feet. Ornamental fences shall comply with the traffic visibility requirements set forth in § 17.06 of this chapter.~~

c. ~~In any district except residential districts, chain link, barbed wire, or other security fences or screening fences are permitted up to the lot property lines in the side, rear, and street yard but shall not extend into the street right-of-way all districts except residential districts, but shall not exceed a height of 10 feet in total height and shall be "open fences" as defined in §~~

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~~17.01(9)(b) of this chapter when located in the street yard. Any portion of such fencing located in the street yard shall be an open fence as defined in § 17.01(9)(b) of this chapter. Barbed wire~~Security fences may include up to four strands of barbed wire on the top of the fence, provided that the barbed wire is at least eight feet above grade with the vertical supports for the barbed wire slanting inward away from the neighboring property line. ~~Security and screening~~Fences authorized by this section shall comply with the traffic visibility requirements set forth in § 17.06 of this chapter. ~~Security fences shall be constructed in such a manner that the "finished" side shall face the neighboring property. Fence posts shall be on the side of the fence facing the permit applicant's property.~~

d. ~~Reserved~~ Solid, privacy fences, as described in § 17.01(9)(b) of this chapter, not exceeding six feet in height, may be placed in a street yard of double frontage or corner lots subject to approval by the Building Inspector or Architectural Review Committee. Approval shall be based upon a neighborhood continuity standard. Such fencing may be placed at a minimum five-foot setback to a street right-of-way, providing the side facing the street is attractively landscaped.

e. ~~Except as otherwise permitted in this section, b~~Barbed wire, razor wire, corrugated metal, chicken wire, T-posts and U-posts, fences and electric fences are prohibited ~~in the Town of Brookfield.~~

f. Exemptions from permit and permit standards. The following fences are exempt from the requirements of this section:

i. Temporary fencing used for the protection of excavation, construction sites and individuals plants.

ii. Decorative fencing, fences encompassing a garden, pet kennels and other similar fences provided that they are not located in the front yard, setback a minimum of five feet from all property lines, and do not exceed a height of six feet.

iii. Invisible fences intended for pets.

g. All fences or posts shall be maintained in a structurally sound and attractive manner.

h. Any utility equipment located within a fence shall be safe and accessible. If the metering location becomes unsafe or inaccessible, the owner shall be required to remove the fence or have the utility equipment moved at the owner's expense.

~~if. Fence permits may be approved administratively by the zoning administrator. Any proposed fence that does~~which would not conform with this section~~above provisions shall be considered a conditional use under as described in § 17.02(14) of this chapter.~~

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Ord. No.: _____

**ORDINANCE REPEALING AND RECREATING SECTION 17.02(14)(g)11. OF THE
MUNICIPAL CODE OF THE TOWN OF BROOKFIELD**

NOW THEREFORE, the Town Board of the Town of Brookfield, Wisconsin does ordain
as follows:

SECTION 1: Section 17.02(14)(g)11. of the Town Code is hereby repealed and recreated
to read as follows:

11. Fences. Fences may be permitted as an accessory use in any district upon issuance of a permit and compliance with the requirements in this section. All fences shall be constructed in such a manner that the "finished" side faces the neighboring property and the fence posts are on the side of the fence facing the subject property.

a. In residential districts, fences shall comply with the following requirements:

i. Open fences are permitted up to the lot line in the side and rear yards but shall not extend into the street yard or exceed a height of four feet. Unless approved by a conditional use permit, chain link and barbed wire fences are prohibited. Such prohibition includes chain link and barbed wire fences surrounding tennis courts, basketball courts, and other similar recreational areas.

ii. Solid fences are permitted up to the lot line in the side and rear yard but shall not extend into the street yard or exceed a height of six feet. A survey is required for all proposed solid fences located within five feet of the property line. Any solid fence located closer than three feet from the property line shall receive a Conditional Use Permit along with a survey and a signed agreement from all neighbors in which the fence abuts. Solid fences may be placed in the street yard of double frontage or corner lots if the fence is setback at least five feet from the street right-of-way, the side facing the street is attractively landscaped, and the zoning administrator determines that the fence's location and appearance is consistent with the surrounding neighborhood continuity standard.

iii. Prior to permit approval, any person proposing a fence that will be located within five feet of a lot line shall submit a plat of survey depicting the location of the proposed fence and stake the corners of the property.

[Amended at time of adoption of Code (see Ch. 25, General Provisions, Art. II)]

b. In any district, ornamental fences are permitted up to the lot line in the side, rear, and street yard but shall not extend into the street right-of-way or exceed a height of three feet. Ornamental fences shall comply with the traffic visibility requirements set forth in § 17.06 of this chapter.

c. In any district except residential districts, chain link, barbed wire, or other security fencing is permitted up to the lot line in the side, rear, and street yard but shall not extend into the street right-of-way or exceed a height of ten feet. Any portion of such fencing located in the street yard shall be an open fence as defined in § 17.01(9)(b) of this chapter. Barbed wire fences may include up to four strands of barbed wire on the top of the fence, provided that the barbed wire is at least eight feet above grade with the vertical supports for the barbed wire slanting inward away from the neighboring property line. Fences authorized by this section shall comply with the traffic visibility requirements set forth in § 17.06 of this chapter.

d. Reserved.

e. Except as otherwise permitted in this section, barbed wire, razor wire, corrugated metal, chicken wire, T-posts and U-posts, and electric fences are prohibited.

f. Exemptions from permit and permit standards. The following fences are exempt from the requirements of this section:

i. Temporary fencing used for the protection of excavation, construction sites, and individuals plants.

ii. Decorative fencing, fences encompassing a garden, pet kennels, and other similar fences provided that they are not located in the front yard, setback at least five feet from all property lines, and do not exceed a height of six feet.

iii. Invisible fences intended for pets.

g. All fences and posts shall be maintained in a structurally sound and attractive manner.

h. Any utility equipment located within a fence shall be safe and accessible. If the metering location becomes unsafe or inaccessible, the owner shall be required to remove the fence or have the utility equipment moved at the owner's expense.

i. Fence permits may be approved administratively by the zoning administrator. Any proposed fence that does not comply with this section shall be considered a conditional use under § 17.02(14) of this chapter.

SECTION 2: All other provisions of the Town Code shall remain in full force and effect.

SECTION 3: All ordinances or parts of this ordinance conflicting or contravening the provisions of this Ordinance are hereby repealed.

SECTION 4: This Ordinance shall take effect upon passage and posting or publication as provided by law.

PASSED AND ADOPTED by the Town Board of the Town of Brookfield, Waukesha County, Wisconsin this _____, day of _____, 2023.

BY: _____
KEITH HENDERSON, Chairman

BY: _____
STEVE KOHLMANN, Supervisor

BY: _____
JOHN CHARLIER, Supervisor

BY: _____
JOHN R. SCHATZMAN, Supervisor

BY: _____
RYAN STANELLE, Supervisor

ATTEST: _____
TOM HAGIE, Administrator and
Interim Clerk

Option 2

Fences. Fences are a permitted accessory use in any district upon issuance of a permit and compliance with the requirements in this section. All fences shall be constructed in such a manner that the "finished" side faces the neighboring property and the fence posts are on the side of the fence facing the subject property. ~~and may be erected without a permit, provided that fences shall comply with the following requirements:~~

a. ~~Residential fences shall be constructed in such a manner that the "finished" side shall face the neighboring property. Fence posts shall be on the side of the fence facing the subject property. In residential districts, fences shall comply with the following requirements:-~~

i. ~~Open residential fences are permitted up to the lot line in the side and rear yards but shall not extend into the street yard of residential districts, but shall not~~ exceed a height of four feet. ~~Unless approved by a conditional use permit, chain link and barbed wire fences are prohibited. Such prohibition includes chain link and barbed wire fences surrounding tennis courts, basketball courts, and other similar recreational areas, and shall not extend into the street yard.~~

ii.

~~Solid residential fences, as defined in § 17.01(9)(b) of this chapter, are permitted up to the lot line in the side and rear yard but shall not extend into the street yard or exceed a height of six feet. A survey is required for all proposed solid fences located within five feet of the property line. Any solid fence located closer than three feet from the property line shall receive a Conditional Use Permit along with a survey and a signed agreement from all neighbors in which the fence abuts. Solid fences may be placed in the street yard of double frontage or corner lots if the fence is setback at least five feet from the street right-of-way, the side facing the street is attractively landscaped, and the zoning administrator determines that the fence's location and appearance is consistent with the surrounding neighborhood continuity standard. shall meet the offset requirements of the district. Fences shall not exceed six feet in height and shall be placed in the rear yard only.~~

iii. ~~Prior to permit approval, any person proposing a solid fence that will be located within five feet of a lot line shall submit a plat of survey depicting the location of the proposed fence and stake the corners of the property.~~

b. ~~In any district, ornamental fences, as defined in § 17.01(9)(b) of this chapter, are permitted up to the lot line in the side, rear, and in the street yard in any district, but shall not extend into the street right-of-way and shall not exceed a fence height of three feet. Ornamental fences shall comply with the traffic visibility requirements set forth in § 17.06 of this chapter.~~

c. ~~In any district except residential districts, chain link, barbed wire, or other security fences or screening fences are permitted up to the lot property lines in the side, rear, and street yard but shall not extend into the street right-of-way all districts except residential districts, but shall not exceed a height of 10 feet in total height and shall be "open fences" as defined in §~~

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~~17.01(9)(b) of this chapter when located in the street yard. Any portion of such fencing located in the street yard shall be an open fence as defined in § 17.01(9)(b) of this chapter. Barbed wire~~Security fences may include up to four strands of barbed wire on the top of the fence, provided that the barbed wire is at least eight feet above grade with the vertical supports for the barbed wire slanting inward away from the neighboring property line. ~~Security and screening fences authorized by this section~~ shall comply with the traffic visibility requirements set forth in § 17.06 of this chapter. ~~Security fences shall be constructed in such a manner that the "finished" side shall face the neighboring property. Fence posts shall be on the side of the fence facing the permit applicant's property.~~

d. ~~Reserved~~ Solid, privacy fences, as described in § 17.01(9)(b) of this chapter, not exceeding six feet in height, may be placed in a street yard of double frontage or corner lots subject to approval by the Building Inspector or Architectural Review Committee. Approval shall be based upon a neighborhood continuity standard. Such fencing may be placed at a minimum five-foot setback to a street right-of-way, providing the side facing the street is attractively landscaped.

e. ~~Except as otherwise permitted in this section, b~~Barbed wire, razor wire, corrugated metal, chicken wire, T-posts and U-posts, ~~fences and electric fences are prohibited in the Town of Brookfield.~~

f. Exemptions from permit and permit standards. The following fences are exempt from the requirements of this section:

i. Temporary fencing used for the protection of excavation, construction sites and individuals plants.

ii. Decorative fencing, fences encompassing a garden, pet kennels and other similar fences provided that they are not located in the front yard, setback a minimum of five feet from all property lines, and do not exceed a height of six feet.

iii. Invisible fences intended for pets.

g. All fences or posts shall be maintained in a structurally sound and attractive manner.

h. Any utility equipment located within a fence shall be safe and accessible. If the metering location becomes unsafe or inaccessible, the owner shall be required to remove the fence or have the utility equipment moved at the owner's expense.

~~if. Fence permits may be approved administratively by the zoning administrator. Any proposed fence that does~~which would not conform with ~~this section~~above provisions shall be considered a conditional use ~~under as described in~~§ 17.02(14) of this chapter.

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as follows:

SECTION 1: Section 17.02(14)(g)11. of the Town Code is hereby repealed and recreated
to read as follows:

11. Fences. Fences may be permitted as an accessory use in any district upon issuance of a permit and compliance with the requirements in this section. All fences shall be constructed in such a manner that the "finished" side faces the neighboring property and the fence posts are on the side of the fence facing the subject property.

a. In residential districts, fences shall comply with the following requirements:

i. Open fences are permitted up to the lot line in the side and rear yards but shall not extend into the street yard or exceed a height of four feet. Unless approved by a conditional use permit, chain link and barbed wire fences are prohibited. Such prohibition includes chain link and barbed wire fences surrounding tennis courts, basketball courts, and other similar recreational areas.

ii. Solid fences are permitted up to the lot line in the side and rear yard but shall not extend into the street yard or exceed a height of six feet. A survey is required for all proposed solid fences located within five feet of the property line. Any solid fence located closer than three feet from the property line shall receive a Conditional Use Permit along with a survey and a signed agreement from all neighbors in which the fence abuts. Solid fences may be placed in the street yard of double frontage or corner lots if the fence is setback at least five feet from the street right-of-way, the side facing the street is attractively landscaped, and the zoning administrator determines that the fence's location and appearance is consistent with the surrounding neighborhood continuity standard.

iii. Prior to permit approval, any person proposing a **solid** fence that will be located within five feet of a lot line shall submit a plat of survey depicting the location of the proposed fence and stake the corners of the property.

[Amended at time of adoption of Code (see Ch. 25, General Provisions, Art. II)]

b. In any district, ornamental fences are permitted up to the lot line in the side, rear, and street yard but shall not extend into the street right-of-way or exceed a height of three feet. Ornamental fences shall comply with the traffic visibility requirements set forth in § 17.06 of this chapter.

c. In any district except residential districts, chain link, barbed wire, or other security fencing is permitted up to the lot line in the side, rear, and street yard but shall not extend into the street right-of-way or exceed a height of ten feet. Any portion of such fencing located in the street yard shall be an open fence as defined in § 17.01(9)(b) of this chapter. Barbed wire fences may include up to four strands of barbed wire on the top of the fence, provided that the barbed wire is at least eight feet above grade with the vertical supports for the barbed wire slanting inward away from the neighboring property line. Fences authorized by this section shall comply with the traffic visibility requirements set forth in § 17.06 of this chapter.

d. Reserved.

e. Except as otherwise permitted in this section, barbed wire, razor wire, corrugated metal, chicken wire, T-posts and U-posts, and electric fences are prohibited.

f. Exemptions from permit and permit standards. The following fences are exempt from the requirements of this section:

i. Temporary fencing used for the protection of excavation, construction sites, and individuals plants.

ii. Decorative fencing, fences encompassing a garden, pet kennels, and other similar fences provided that they are not located in the front yard, setback at least five feet from all property lines, and do not exceed a height of six feet.

iii. Invisible fences intended for pets.

g. All fences and posts shall be maintained in a structurally sound and attractive manner.

h. Any utility equipment located within a fence shall be safe and accessible. If the metering location becomes unsafe or inaccessible, the owner shall be required to remove the fence or have the utility equipment moved at the owner's expense.

i. Fence permits may be approved administratively by the zoning administrator. Any proposed fence that does not comply with this section shall be considered a conditional use under § 17.02(14) of this chapter.

SECTION 2: All other provisions of the Town Code shall remain in full force and effect.

SECTION 3: All ordinances or parts of this ordinance conflicting or contravening the provisions of this Ordinance are hereby repealed.

SECTION 4: This Ordinance shall take effect upon passage and posting or publication as provided by law.

PASSED AND ADOPTED by the Town Board of the Town of Brookfield, Waukesha County, Wisconsin this _____, day of _____, 2023.

BY: _____
KEITH HENDERSON, Chairman

BY: _____
STEVE KOHLMANN, Supervisor

BY: _____
JOHN CHARLIER, Supervisor

BY: _____
JOHN R. SCHATZMAN, Supervisor

BY: _____
RYAN STANELLE, Supervisor

ATTEST: _____
TOM HAGIE, Administrator and
Interim Clerk



TOWN OF BROOKFIELD
645 N Janacek Road
Brookfield, WI 53045

Town Planner
Bryce Hembrook (262) 796-3760
 Office hours by appointment only
 Tuesday and Thursday
 8:30am – 12:30pm

Building Inspector
Jason Chromy (262) 364-6969

PERMIT #
TAX KEY#
APPLICATION DATE

FENCE
Permit Application

OWNER'S NAME(S)	MAILING ADDRESS - INCLUDE CITY & ZIP	EMAIL/PHONE NUMBER
CONTRACTOR NAME(S)	MAILING ADDRESS - INCLUDE CITY & ZIP	EMAIL/PHONE NUMBER
FENCE TYPE	PROPOSED HEIGHT	TOTAL LENGTH
ESTIMATED CONSTRUCTION COST		

- Include a site plan showing the location and the dimension from the rear, street, and side lot lines.
- A recent survey is required for any solid fence proposed to be within five (5) feet of a property line.
- A solid fence proposed to be within three (3) feet of the property line requires a Conditional Use Permit, and neighbor approval.
- Include a picture or rendering of proposed fence.
- Applicant must sign Professional Services Agreement (next page).

SCHEDULE OF SIGN FEES				
FENCE	Permit Fee	EACH	COUNT	FEE
	*Additional consultation fees may apply depending on length of review/ approval.	\$75.00	_____	\$_____
NO REFUNDS ON PERMITS				

SELF ADDRESSED STAMPED ENVELOPE REQUIRED FOR PERMIT RETURN

The applicant agrees to comply with the Municipal Ordinances and with the conditions of the permit; understands that the issuance of the permit creates no legal liability, express, or implied of the Department, Municipality, Agency, or Inspector, and certifies that the above information is accurate. Have Permit/Application number and address when requesting Inspections.

Signature of Applicant _____ Date _____

This permit is granted upon the express condition that said owner agrees to faithfully comply with the fence rules and regulations established, and said fence will be located and built in strict accordance with the descriptions, plans, and plats as submitted to the Development Services Department for conditional approval; and shall further conform in all respects to the Ordinances of the Town of Brookfield and to the State of Wisconsin's Administrative Codes of the department. This permit may be revoked at any time upon violating any of the above mentioned provisions.

PERMIT APPROVED BY _____ DATE _____
 Bryce Hembrook – Town of Brookfield Planner

FEES	RECEIPT	PERMIT EXPIRATION	PERMIT ISSUED BY MUNICIPAL AGENT
Permit Fee \$ _____ Receipt Number: _____ Date _____	Check # _____ Date _____ From _____ Rec. By _____	Permit Expires 90 days from date Unless otherwise noted below	Name _____ Date _____ Certification Number _____



TOWN OF BROOKFIELD - TOWN HALL OFFICES
645 N Janacek Road - Brookfield, WI 53045
Phone (262) 796-3788 - Fax (262) 796-0339

PROFESSIONAL SERVICES REIMBURSEMENT AGREEMENT

AGREEMENT

PURSUANT TO SECTION 3.21, OF THE TOWN OF BROOKFIELD CODE, THE UNDERSIGNED AGREES TO REIMBURSE THE TOWN OF BROOKFIELD FOR ALL COSTS, EXPENSES, AND FEES INCURRED BY THE TOWN OF BROOKFIELD BY THE TOWN ATTORNEY, ENGINEER, PLANNER, ECONOMIC DEVELOPMENT CONSULTANT, OR ANY OTHER PROFESSIONAL CONSULTANTS RETAINED BY THE TOWN, AND SUCH SERVICES RELATED TO THE FOLLOWING:

PROJECT NAME

PROJECT ADDRESS

SEND ALL INVOICES TO:
 (NAME & ADDRESS)

TAX KEY NUMBER(S)

BY SIGNING BELOW, I REPRESENT AND WARRANT TO THE TOWN OF BROOKFIELD THAT I AM AUTHORIZED TO EXECUTE THIS AGREEMENT ON BEHALF OF THE APPLICANT AND/OR PROPERTY OWNER, AND IN THOSE CASES WHERE THE APPLICANT AND/OR PROPERTY OWNER IS A CORPORATION, LIMITED LIABILITY COMPANY, PARTNERSHIP OR OTHER BUSINESS ENTITY (COLLECTIVELY "BUSINESS ENTITY"), I REPRESENT AND WARRANT THAT THE BUSINESS ENTITY IS IN GOOD STANDING AND AUTHORIZED TO DO BUSINESS IN THE STATE OF WISCONSIN, AND THAT I AM AUTHORIZED TO EXECUTE AND BIND THE BUSINESS ENTITY TO THE TERMS OF THIS AGREEMENT.

RESPONSIBLE PARTY OR PARTIES

APPLICANT NAME CODE	MAILING ADDRESS - INCLUDE CITY & ZIP	TELEPHONE - INCLUDE AREA
------------------------	--------------------------------------	--------------------------

FAX - INCLUDE AREA CODE	EMAIL
-------------------------	-------

PRINTED NAME	SIGNATURE	DATE
--------------	-----------	------

OWNER NAME (IF DIFFERENT THAN APPLICANT)	MAILING ADDRESS - INCLUDE CITY & ZIP	TELEPHONE - INCLUDE AREA CODE
---------------------------------------------	--------------------------------------	-------------------------------

FAX - INCLUDE AREA CODE	EMAIL
-------------------------	-------

PRINTED NAME	SIGNATURE	DATE
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Street



Area where all fencing is prohibited



Open Fence:

May be placed up to, but not on, property line.
May not exceed 4 feet in height.



Open and Solid Fences Permitted



Street Yard - Double Frontage:

Solid fencing must be placed 5 feet from Right-of-Way.



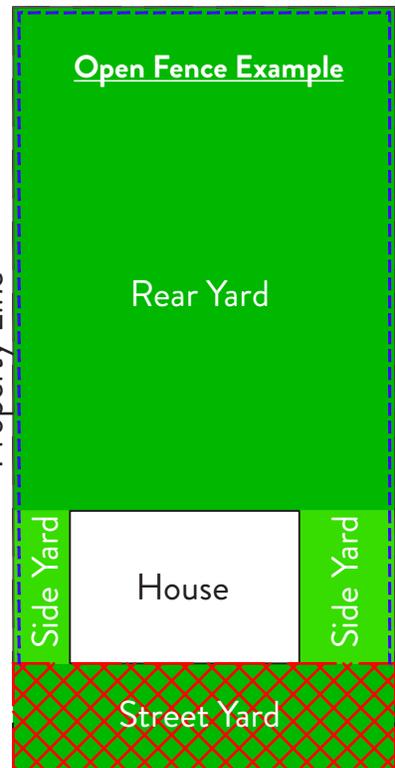
Solid Fence within 5 feet of property line:

Survey required.
May not exceed 6 feet in height.



Solid Fence within 3 feet of property line:

Conditional Use Permit required.
Survey Required.
Signed agreement from all neighbors abutting fence required.
May not exceed 6 feet in height.



Street

RESIDENTIAL FENCE CHECKLIST

General Information

- Fences may be permitted as an accessory use in any district upon this issuance of a permit and compliance with requirements as stated in the Town's zoning code.
- All fences shall be constructed in such a manner that the "finished" side faces the neighboring property and the fence posts are on the side of the fence facing the subject property.
- All fences and posts shall be maintained in a structurally sound and attractive manner.
- All utility equipment located within the fence shall be safe and accessible. If the metering location becomes unsafe or inaccessible, the owner shall be required to remove the fence or have the utility equipment moved at the property owner's expense.
- Any proposed fence that does not conform to the conform with the fence requirements in the zoning code shall be considered a conditional use. Please email the Town Planner at Planning@townofbrookfield.com to receive more information regarding the conditional use permit process.
- Please note that the Town Planner is only available on Tuesday and Thursday mornings (generally 8:30am-12:30pm), so please schedule an appointment to discuss you fence plans.

Residential Fences

Any fence proposed to be located within 5 feet of a lot line shall require the applicant to submit a plat of survey depicting the location of the proposed fence and stake the corners of the property.

Open Fences

- Open fences are those with more than 30% of their surface area open for free passage of light and air. Examples of such fences include picket and rail fences.
- Permitted up to the lot line in the side and rear yards but **shall not** extend into the street yard.
- Shall not exceed 4' in height.
- Chain link and barbed wire fence are prohibited, except as approved by a conditional use permit. This includes fencing surrounding tennis courts, basketball courts, and other similar recreational areas.



Solid Fences

- Solid fences are those with 30% or less of their surface area open for free passage of light and air and designed to conceal from the activities conducted behind them. Examples of such fences are stockade, board-on-board, board and batten, basket weave, and louvered.
- Permitted up to the lot line in the side and rear yard, subject to additional requirements below, but **shall not** extend into the street yard.
- Shall not exceed 6' in height.
- Any solid fence located closer than 3 feet from the property line shall receive a Conditional Use Permit and a signed agreement from all neighbors in which the fence abuts is required with the application.
- Solid fences may be placed in the street yard of double frontage or corner lots if the fence is setback at least 5 feet from the street right-of-way, the side facing the street is attractively landscaped, and the zoning administrator determines that the fence's location and appearance is consistent with the surrounding neighborhood standards.



Ornamental Fences

- An ornamental fence is a fence intended to decorate, accent, or frame a feature of the landscape. Ornamental fences are often used to identify a lot corner or a lot line or frame a driveway, walkway or planting bed. Ornamental fences are those with more than 80% of their surface area open for free passage of light and air. Ornamental fences are often of the rail or wrought iron type.
- Permitted up to the lot line in the side, rear, and street yard but **shall not** extend into the street right-of-way.
- Shall not exceed 3' in height.
- Ornamental fences shall comply with the traffic visibility requirements set forth in the zoning code.



Prohibited Materials

- Barbed wire, razor wire, corrugated metal, chicken wire, T-posts, U-posts, and electric fences.

Fences Exempt from Fence Regulations and Permits

- Temporary fencing used for protection of excavation, construction sites, and individual plants.
- Decorative fencing, fences encompassing a garden, pet kennels and other similar fences provided that they are not located in the front yard, setback a minimum of 5' from all property lines, and do not exceed a height of 6'.