

VILLAGE OF BROOKLYN ORDINANCE CHAPTER 117

AN ORDINANCE TO AMEND

SECTION 117-34 OF CHAPTER 117 OF THE CODE OF THE VILLAGE OF BROOKLYN REGARDING DEFINITIONS

THE BOARD OF TRUSTEES OF THE VILLAGE OF BROOKLYN DO ORDAIN AS FOLLOWS:

Section 117-34: Chapter 117, Zoning Code; Article II. Construction, Interpretation and Definitions; Section 117-34 Definitions; of the Code of the Village of Brooklyn Code is hereby amended to read as follows:

Sec. 117-34. - Definitions.

For the purpose of this chapter, certain words or phrases shall have meanings that either vary somewhat from their customary dictionary meanings or are intended to be interpreted to have a specific meaning. Words used in the present tense include the future. The word "person" includes a firm, association, partnership, trust, company, or corporation as well as an individual. The word "shall" is mandatory, the word "should" is advisory, and the word "may" is permissive. The word "used" or "occupied," as applied to any land or building, shall be construed to include intended, arranged, or designed use or occupancy. Any words not defined in this section shall be presumed to have their customary dictionary definitions. The following definitions shall be used:

Accessory building/structure means a building or structure which:

- (1) Is subordinate to and serves a principal structure or a principal use;
- (2) Is subordinate in area, extent, and purpose to the principal structure of use served;
- (3) Is located on the same lot as the principal structure or use served except as otherwise expressly authorized by provisions of this chapter; and
- (4) Is customarily incidental to the principal structure or use.
- (5) Any structure that is at least 30 square feet in area and greater than 6 feet in height above ground level.
- (6) Includes ancillary detached accessory buildings or structures such as play systems, treehouses, yard sheds, canopies, pergolas, trellis systems, gazebos, trash/recycling enclosures, woodsheds, power generation equipment (solar, wind, etc.) and shelters.
- (7) This definition specifically excludes little free libraries, little free pantries less than 20 square feet, uncovered patios, pools, flagpoles, hot tubs, uncovered box gardens and antennas.

Any portion of a principal building devoted or intended to be devoted to an accessory use is not an accessory building.

Accessory use. See *Use, accessory*.

Advertising sign, outdoor, means a structural poster panel or painted sign, either freestanding or attached to the outside of a building, for the purpose of conveying information, knowledge or idea to the public about a subject either related or unrelated to the premises upon which located.

Advertising structure, outdoor, means anything constructed or erected, either freestanding or attached to the outside of a building, for the purpose of conveying information, knowledge or ideas to the public about a subject either related or unrelated to the premises upon which located.

Alley means a way which affords only a secondary means of access to abutting property and which is not more than 24 feet wide.

Animals. See chapter 6, Animals.

Apartment means a portion of a residential or commercial building used as a separate housing unit.

Apartment house. See *Dwelling, multiple*.

Arterial street means a public street or highway used or intended to be used primarily for fast or heavy through traffic. Arterial streets and highways shall include freeways and expressways as well as arterial streets, highways, and parkways.

Basement or cellar means a story partly underground but having at least one-half of its height, or more than five feet, below the mean level of the adjoining ground. See Wis. Admin. Code chs. SPS 320, 321, and 322. (See Figure 2 in section 117-1142.)

Boardinghouse means a building other than a hotel where meals or lodging and meals are served for compensation for not more than six persons.

Building means a structure having a roof and intended for the shelter, housing or enclosure for persons, animals or chattel.

Building coverage means the percentage of a lot covered by principal and accessory buildings, including all structures with a roof.

Building, height of, means the vertical distance from: (i) the average elevation of the adjoining ground level; or (ii) the established grade, whichever is lower, to the tallest point of the structure (peak, arch or parapet). The term "height of building" also applies to structures.

Building line means a line on a lot, generally parallel to a lot line or road right-of-way line, located a sufficient distance therefrom to provide the minimum yards required by this chapter. The building line determines the area in which buildings are permitted subject to all applicable provisions of this chapter. This is also referred to as a "setback."

Building, principal, means a building in which is conducted the main use of the lot on which said building is located.

Business includes the commercial, limited industrial and general industrial uses and districts as defined in this chapter.

Carport. See *Garage*.

Clinic means a building used by a group of doctors for the medical examination or treatment of persons on an outpatient or nonboarding basis only.

Club means a building owned, leased or hired by a nonprofit association of persons who are bona fide members, the use of which is restricted to said members and their guests.

Community living arrangement means the following facilities licensed or operated, or permitted under the authority of Wisconsin Statutes: Child welfare agencies under Wis. Stats. § 48.60, group foster homes for children under Wis. Stats. § 48.02(7m), and community-based residential facilities under Wis. Stats. § 50.01; but does not include day care centers, nursing homes, general hospitals, special hospitals, prisons, and jails. The establishment of a community living arrangement shall be in conformity with applicable sections of the Wisconsin Statutes, including Wis. Stats. §§ 46.03(22), 69.97(15), 62.23(7a), and amendments thereto, and also the Wisconsin Administrative Code.

Conditional use. See *Use, conditional*.

Conforming use. See *Use, conforming*.

Court means an open, unoccupied space other than a yard, on the same lot with a building, and which is bounded on two sides by the building.

Curb break means any interruption or break in the line of a street curb in order to connect a driveway to a street or otherwise to provide vehicular access to abutting property.

Curb level means the level of the established curb in the front of the building measured at the center of such front.

Day care center means a place or home which provides care for four or more children under the age of seven years for less than 24 hours a day and is licensed as provided for in Wis. Stats. § 48.65.

Dwelling group means a group of two or more multifamily dwellings occupying a lot in one ownership with any two or more dwellings having any yard or court in common.

Dwelling, multiple, means a building or portion thereof used or designated as a residence for three or more families as separate housekeeping units, including apartments, attached townhouses and condominiums.

Dwelling, one-family, means a detached building designed, arranged or used for and occupied exclusively by one family. The term "one-family dwelling" includes specially designed buildings covered by earth and manufactured homes but excludes mobile homes.

Dwelling, two-family, means a building designed, arranged or used for, or occupied exclusively, by two families living independently of each other.

Dwelling unit means a building or portion thereof used exclusively for human habitation, including single-family, two-family and multifamily dwellings, but not including hotels, motels or lodginghouses.

Emergency shelters means public or private enclosures designed to protect people from aerial, radiological, biological or chemical warfare; fire; flood; windstorm; riots; or invasions.

Family means one or more persons immediately related by blood, marriage, adoption or guardianship and living as a single housekeeping unit in one dwelling unit. A family may include in addition thereto two but not more than two persons not related by blood, marriage, adoption or guardianship. A person shall be considered to be related for the purpose of this section if he is dwelling for the purpose of adoption or for a foster care program.

Farm means land consisting of five acres or more on which produce, crops, livestock or flowers are grown primarily for off-premises consumption, use or sale.

Floor area means the sum of the gross horizontal areas of the several floors of a dwelling unit, exclusive of porches, balconies, garages, basements and cellars, measured from the exterior faces of the exterior walls or from the centerlines of walls or portions separating dwelling units. For uses other than residential, the floor area shall be measured from the exterior faces of the exterior walls or from the centerline of walls or partitions separating such uses, and shall include all floors, lofts, balconies, mezzanines, cellars, basements and similar areas devoted to such uses.

Foster family home means the primary domicile of a foster parent which is for four or fewer foster children and which is licensed under Wis. Stats. § 48.62 and amendments thereto.

Frontage means all of the property abutting on one side of a street measured along the street line.

Garage means a detached building or portion of the principal building, including a carport, which contains one or more openings capable of passing passenger vehicles, and capable of storing trailers, recreational vehicles and equipment. In this definition, a 3-car garage means a garage having the most minimal, practical width to provide enclosure for 3 parked vehicles side-by-side.

Garage, public, means a building other than a private or storage garage used for the care, repair or storage of self-propelled vehicles or where such vehicles are left for remuneration, hire or sale. This includes premises commonly known as gasoline stations or service stations.

Gasoline station means any area of land, including structures thereon, that is used for the sale of gasoline or other motor vehicle fuel and oil and other lubricating substances; sale of motor vehicle accessories; and which may include facilities used or designed to be used for polishing, greasing, washing, spraying, dry cleaning or otherwise cleaning or servicing such vehicles.

General development plan means a map delineating the features of a proposed planned development as described in section 117-494, submitted to the village board or the plan commission for preliminary consideration prior to the final development plan.

Gross acreage means the acreage of the entire planned development district (PDD), less the acreage devoted to streets, public or semi-public buildings, kindergarten or day care centers, and commercial uses.

Group foster home means any facility operated by a person required to be licensed by the state under Wis. Stats. § 48.62, for the care and maintenance of five to eight foster children.

Home occupation means any business or profession carried on only by a member of the immediate family residing on the premises, carried on wholly within the principal building or accessory building thereto; in connection with which there are no signs or exterior display or storage other than a sign permitted by section 103-2, pertaining to street identification numbering, and no activity that will indicate from the exterior that the building is being used in whole or in part for any purpose other than that of a dwelling.

Homeowner's association means a nonprofit corporation, membership in which is mandatory for owners of PDD residences, and which is responsible for maintaining common open space and private infrastructure, if any.

Hotel means a building occupied as the more or less temporary abiding place of individuals who are lodged, with or without meals, and in which there are more than six sleeping rooms, usually occupied singly, and no provision is made for cooking in the individual apartments.

House trailer means a non-self-propelled vehicle, containing living or sleeping accommodations which is designed and used for highway travel.

Junkyard means an open space where waste, used or secondhand materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including, but not limited to, scrap iron and other metals, paper, rags, rubber, tires and bottles. The term "junkyard" also includes an auto wrecking yard, but does not include uses established entirely within enclosed buildings.

Land division means the division of a lot or a parcel of land for the purpose of transfer of ownership or building development.

Landscape features means natural features of the PDD site, including waterways, wetlands, rock outcroppings, forest areas and significant wildlife habitat areas.

Loading area means a completely off-street space or berth on the same lot for the loading or unloading of freight carriers having adequate ingress and egress to a public street or ally.

Lot means a parcel of land having frontage on a public street, occupied or intended to be occupied by a principal structure or use, and sufficient in size to meet the lot width, lot frontage, lot area, yard, parking area and other open space provisions of this chapter. (See Figures 3 and 4 in section 117-1143.)

Lot lines and area means the peripheral boundaries of a parcel of land and the total area lying within such boundaries.

Lot, reversed corner, means a corner lot, the street side lot line of which is substantially a continuation of the front lot line of the first lot to its rear.

Lot, through, means a lot having a pair of opposite lot lines along two or more parallel public streets and which is not a corner lot. On a through lot, both street lines shall be deemed front lot lines.

Lot width means the width of a parcel of land measured at the rear of the specified street yard.

Lot, zoning, means a single tract of land located within a single block which, at the time of filing for a zoning permit, is designated by its owner or developer as a tract to be used, developed, or built upon as a unit under single ownership or control.

Manufactured home means a structure certified and labeled as a manufactured home under 42 USC 5401—5425, which, when placed on the site:

- (1) Is set on an enclosed continuous foundation in accordance with Wis. Stats. § 70.43(1), and Wis. Admin. Code ch. Comm 321, subchapters III, IV, and V, or is set on a comparable continuous foundation system approved by the building inspector, who may require a plan for such foundation to be certified by a registered architect or engineer to ensure proper support for such structure;
- (2) Is installed in accordance with the manufacturer's instructions;

- (3) Is properly connected to utilities;
- (4) Is a dwelling consisting of one or more post-1976, factory-built units in compliance with HUD Code standards and transported to the homesite over the public roads and streets using removable tongues, wheels and axles, and/or dollies, and then assembled, placed and secured on a zoning lot in accordance with the manufacturer's recommendations and/or the pertinent provisions of the village building code. (Manufactured homes typically have shingled roofs with 3-in-12 or steeper slopes, horizontal lap siding or vertical board and batten siding and a unit width of at least 14 feet);
- (5) Meets other applicable standards of this chapter.

Marquee or canopy means a roof-like structure of permanent nature which projects from the wall of a building.

Mobile home means every vehicle built on a permanent chassis designed to be towed as a single unit or in sections upon a highway by a motor vehicle and equipped and used, or intended to be used, primarily for human habitation, with walls of rigid noncollapsible construction, except that excluded from this definition is every "manufactured home" as defined above.

Motel means a series of attached, semi-attached or detached sleeping units for the accommodation of transient guests.

Motor freight terminal means a building or area in which freight brought by motor truck is assembled and/or stored for routing in intrastate and interstate shipment by motor truck.

Motor vehicle means any passenger vehicle, truck, truck-trailer or semi-trailer propelled or drawn by mechanical power.

Net acreage means the acreage of the planned development district devoted to residential use, including residential building sites, private open space and driveways.

Nonconforming building or structure means any building or structure which does not comply with all of the regulations of this chapter or of any amendment hereto regulating any building or structure for the zoning district in which such building or structure is located.

Nonconforming use means any use of land, buildings or structures which does not comply with all of the regulations of this chapter or of any amendment hereto governing use for the zoning district in which such use is located.

Nursery means any building or lot, or portion thereof, used for the cultivation or growing of plants and including all accessory buildings.

Nursery school means any building used routinely for the daytime care and education of preschool age children and including all accessory buildings and play areas other than the child's own home or the homes of relatives or guardians.

Nursing home means any building used for the continuous care, on a commercial or charitable basis, of persons who are physically incapable of caring for their own personal needs.

Open space means land not covered by buildings or structures, except minor recreational structures. The term "open space" does not include streets, driveways, parking lots, or loading areas. Landscaped roof areas devoted to recreational or leisure-time activities, freely accessible to residents, may be counted as open space at a value of 50 percent of actual roof area devoted to these uses.

- (1) *Common open space* means open space reserved primarily for the leisure and recreational use of all PDD residents, and owned and maintained in common by them through a homeowner's association.
- (2) *Private open space* means open space located immediately adjacent to an individual dwelling unit, owned and maintained by the owners of the dwelling unit, and reserved exclusively for the use of the residents of the dwelling unit.

- (3) *Public open space* means open space designed primarily for use by residents of a PDD, dedicated in fee to a public agency, and maintained by the agency.

Parking area, semi-public, means an open area other than a street, alley or place used for temporary parking of more than four self-propelled vehicles and available for public uses, whether free, for compensation, or as an accommodation for clients or customers.

Parking space means an off-street space available for the parking of a motor vehicle and which is exclusive of passageways and driveways, appurtenant thereto and giving access thereto, except as in section 117-1052(c)(4).

Permitted use. See *Use, permitted*.

Place means an open unoccupied space other than a street or alley permanently reserved as the principal means of access to abutting property.

Plan commission means the Village of Brooklyn planning and zoning commission.

Planned residential development means a tract of land which contains or will contain two or more principal buildings, developed under single ownership or control, the development of which is unique and of a substantially different character than that of surrounding areas.

Principal use. See *Use, principal*.

Professional home offices means residences of doctors of medicine, practitioners, dentists, clergymen, architects, landscape architects, professional engineers, registered land surveyors, lawyers, artists, teachers, authors, musicians or other recognized professions used to conduct their professions where the office does not exceed one-half the area of only one floor of the residence and only one nonresident person is employed.

Property lines means the lines bounding a platted lot as defined herein.

Public way means any sidewalk, street, alley, highway or other public thoroughfare.

Railroad right-of-way means a strip of land with tracks and auxiliary facilities for track operation, but not including freight depots or stations, loading platforms, train sheds, warehouses, car or locomotive shops, or car yards.

Recreational vehicle means a vehicular type unit primarily designed as a temporary living quarters for recreational, camping or travel use that either has its own motor power or is mounted on or drawn by another vehicle.

School, commercial, means a school limited to special instruction such as business, art, music, trades, handicraft, dancing or riding.

School, private, means an elementary or intermediate school other than a parochial school giving regular instruction capable of meeting the requirements of state compulsory education laws and approved as such and operating at least five days a week for a normal school year and supported by other than public funds, but not including a school for mental defectives or a college or other institution of higher learning.

Signs means any words, letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names or trademarks by which anything is made known and which are used to advertise or promote an individual, firm, association, corporation, profession, business, commodity or product and which is visible from any public street or highway.

Story means that portion of a building included between the surface of any floor and the surface of the floor next above it or, if there is no floor above it, then the space between such floor and the ceiling next above it.

Story, half, means a story under a gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than two feet above the floor of such story.

Street means a public or private thoroughfare which affords the principal means of access to abutting property.

Structural alterations means any change in the supporting members of a structure such as foundation, bearing walls, columns, beams or girders.

Structure means anything constructed or erected, the use of which requires location on the ground or that it be attached to something having a location on the ground.

Trailer park means any lot on which are parked two or more house trailers or mobile homes for longer than 48 hours.

Use means the purpose or activity for which the land or building thereon is designed, arranged or intended, or for which it is occupied or maintained, and shall include any manner of standards of this chapter.

Use, accessory, means a use subordinate in nature, extent or purpose to the principal use of the building or lot.

Use, conditional, means a use of land, water or building which is allowable only after the issuance of a special permit by plan commission under conditions specified in this chapter.

Use, conforming, means any lawful use of a building or lot which complies with the provisions of this chapter.

Use, permitted, means a use which may be lawfully established in a particular district or districts, provided it conforms with all requirements, regulations and performance standards, if any, of such districts.

Use, principal, means the main use of land or buildings as distinguished from a subordinate or accessory use. A principal use may be "permitted" or "conditional."

Vending machine means a retail business device, electrically or manually operated, used by the general public to obtain dairy products, cigarettes, foodstuffs or other merchandise without entering a public shop, store, market or other such building.

Yard means an open space on the same lot with a structure, unoccupied and unobstructed from the ground upward, except for vegetation as permitted. The front and rear yards extend the full width of the lot.

Yard, front, means a yard extending along the full length of the front lot line between the side lot lines. (See Figure 3 in section 117-1143.)

Yard, corner side, means a side yard which adjoins a public street.

Yard, interior side, means a side yard which is located immediately adjacent to another zoning lot or to an alley separating such yard from another zoning lot.

Yard, rear, means a yard extending along the full length of the rear lot line between the side lot lines. (See Figure 3 in section 117-1143.)

Yard, side, means a yard extending along a side lot line from the front yard to the rear yard. (See Figure 3 in section 117-1143.)

Yard, street, means a yard abutting a street.

Yard, transitional, means that yard which must be provided on a zoning lot in a business district which adjoins a zoning lot in a residential district, or that yard which must be provided on a zoning lot in an industrial district which adjoins a zoning lot in either a residential or business district.

Zero lot line structure means a single two-unit dwelling which exists on two lots and has a common property line where the dwelling units meet. The structure is required to have a minimum one-hour fire rated wall assembly division, separating all areas from the lowest level to flush against the underside of the roof. A zero lot line structure has a side yard of zero feet on the side where the dwelling units meet at the common property line, and at least ten feet for the other side yard, except on corner lots where the

30-foot setback is required on both the front and street sides. A certified survey map is required. See chapter 111 for CSM procedures.

Zoning district means an area within the corporate limits for which the regulations and requirements governing use, lot and bulk of buildings and premises are uniform.

(Ord. of 12-17-2012, § 48-104)

Adopted by the Board of Trustees of the Village of Brooklyn, Wisconsin, this 12th day of April, 2021.

APPROVED:

Brit Springer, Village President

Ayes: _____

Nays: _____

ATTEST:

Linda Kuhlman, Clerk-Treasurer

AFFIDAVIT OF POSTING

STATE OF WISCONSIN)
 :SS
COUNTY OF GREEN)

I, Linda Kuhlman, Village Clerk/Treasurer for the Village of Brooklyn, County of Dane/Green, State of Wisconsin, do solemnly swear that on April 13, 2021, Chapter 117, Zoning Code; Article II. Construction, Interpretation and Definitions; Section 117-34 Definitions; was posted at the following locations and notification of changes published in the Oregon Observer:

1. State Bank of Cross Plains
 210 Commercial Street
 Brooklyn WI 53521

2. U S Post Office
 218 Commercial Street
 Brooklyn WI 53521

3. Village of Brooklyn website
 www.brooklynwi.gov

4. Brooklyn Community Building
 102 N. Rutland Avenue
 Brooklyn, WI 53521

Further affiant saith naught.
Dated this 13th Day of April, 2021

Linda Kuhlman
Village Clerk-Treasurer

SUBSCRIBED AND SWORN to before
me on this 13th day of April, 2021

Notary Public, _____ WI
My Commission expires:

