

VILLAGE OF BROOKLYN ORDINANCE CHAPTER 117

AN ORDINANCE TO AMEND

**SECTIONS 117-897 OF CHAPTER 117 OF THE
ZONING CODE OF THE VILLAGE OF BROOKLYN**

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

Section 117-897: Chapter 117, Zoning Code; Article V Zoning Districts and Land Use; Division 4 District Uses and Requirements, Section 117-897 B-P business park district, of the Village of Brooklyn Code is hereby amended to read as follows:

Sec. 117-897. - B-P business park district.

- (a) *Purpose.* The B-P district is established to provide an aesthetically attractive working environment exclusively for and conducive to the development and protection of offices, assembly operations and research and development institutions. The essential purpose of this district is to achieve development, which is an asset to the owners, neighbors and the village, and to promote and maintain desirable economic development in a park-like setting.
- (b) *Permitted uses.* The following uses of land are permitted in the B-P district:
- (1) Automotive repair, service and storage of automobile accessories, except the wrecking of motor vehicles.
 - (2) Blacksmithing, tinsmithing and sheet metal work.
 - (3) Bottling plants.
 - (4) Knitting mills and the manufacture of products from finished fabrics.
 - (5) Manufacture, fabrication, packing and packaging and assembly of products from furs, glass, leather (but not tanning of hides or manufacture of leather), metals, paper (but not the manufacture of paper or pulp), plaster, plastic (but not the manufacture of plastic), textiles and wood (but not the manufacture of paper or pulp).
 - (6) Manufacture, fabrication, processing, packaging and packing of confections, cosmetics, electrical appliances, electronic devices and food (except meat and meat products).
 - (7) Manufacture of furniture, home supplies and appliances, instruments, jewelry, office supplies, pharmaceuticals, sporting goods, tobacco products and toiletries.
 - (8) Welding shops.
 - (9) Warehousing or distribution operations, not including predominantly retail sales to customers on site.
 - (10) Offices of construction firms, shops, display rooms and enclosed storage.
 - (11) Laboratories, research, development and testing, and manufacturing and fabrication in conjunction with such research and development and operations.

- (12) Service uses, including computer and data processing services, miscellaneous business services, offices (business and professional) and communication services.
 - (13) Telecommunications facilities.
 - (14) Tattoo and body-piercing establishments.
 - (15) Printing, publishing, bookbinding, blueprinting, and duplicating.
 - (16) Postal services.
 - (17) Public works operation offices, shops, and storage areas.
- (c) *Conditional uses.* The following are permitted as conditional uses within the B-P district:
- (1) Non-Governmental public utilities and non-governmental public services.
 - (2) Conference centers and hotel facilities.
 - (3) Retail sales and service operations that are ancillary to a permitted use.
 - (4) Cultivation of unimproved land, with "cultivation" defined in definitions section of code as "the on-site outdoor raising of crops/plants" and "vacant land" defined as stated previously as "land with no assessed improvement value."
- (d) *Lot, yard and building requirements.*
- Lot frontage Minimum 100 feet
 - Lot area Minimum 21,780 square feet
 - Front yard Minimum 25 feet
 - Side yard:
 - Principal building Minimum 15 feet
 - Accessory building Minimum five feet
 - Rear yard Minimum 30 feet
 - Corner side yard Minimum 25 feet
 - Building height Maximum 35 feet
- Minimum side and/or rear yard requirement for a lot immediately adjacent to a different zoning district shall be the greater of the two district requirements.
- Double frontage, corner lots and/or reversed frontage lots may be allowed, at the discretion of the Village, to have reduced setbacks on street side yard depending on the planned building configuration (See Figure 4 Lot Types).
- (e) *Other requirements.* Uses permitted and conditional in the B-P district are subject to the following requirements:
- (1) No building or improvement shall be erected, placed or altered on any lands in the B-P district until the plans for such building or improvement including site,

lighting, landscaping and building plan and specifications, have been approved by the plan commission. Said commission shall review and approve, approve conditionally or disapprove such plans with respect to conformity with restrictive covenants placed on the land in the B-P district. The restrictive covenants must be approved by the village board, after recommendation of the plan commission. The approved restrictive covenants must be recorded on the land prior to rezoning to the B-P district.

- (2) All business, servicing or processing, except off-street parking and loading and outside storage areas regulated by restrictive covenants, shall be conducted within completely enclosed buildings.
- (3) All zoning lots abutting residentially zoned districts shall be screened subject to section 117-1015.
- (4) All lighting shall be downward (dark sky compliant) lighting meeting the requirements of 117-1057 (Lighting). All zoning lots abutting residentially zoned districts shall provide lighting that reduces or eliminates glare into adjoining properties.

(f) *Business park covenants.*

- (1) *Purpose.* The declared purpose of these restrictions is to ensure proper use and development of each parcel in the business park; to protect the environment; to guard against the erection of improper, unsuitable structures and uses; to maintain property values; to ensure protection from incompatibility and unsightliness; to protect the health and safety of residents in the area. These covenants are in addition to regulations contained in other sections of this zoning chapter. Should there be any conflicts between the covenants and ordinance, the most restrictive regulation shall prevail.
- (2) *Subject property.* These conditions, protective covenants and restrictions shall apply to and restrict the use of lands comprising the park, which consists of the following described real property in the Village of Brooklyn, Dane County, Wisconsin:

A parcel of land in the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$, NW $\frac{1}{4}$ of the SE $\frac{1}{4}$, SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ and SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 31, Town 5 North, Range 10 East, Town of Rutland, Dane County, Wisconsin, described as follows:

Commencing at the Southwest Corner of Section 31, T5N, R10E;

Thence N 88°57'E, 1627.56 feet to the southeast corner of Outlot 40 of the Assessor's Plat of the village of Brooklyn;

Thence N03°34'W, 1680 feet more or less to a point which is 198 feet southerly of the Southeast corner the Stiklestad Addition and the point of beginning.

Thence continuing N03°34'W, 970 feet more or less to a point on the centerline of State Trunk Highway 92;

Thence N86°42'35"E, 281.64 feet along said centerline;

Thence N75°58'46"E, 151.11 feet along said centerline;

Thence N08°23'32"W, 55.88 feet more or less to the Northerly right-of-way line of State Trunk Highway 92 as established by State Right-of-Way project 5606-00-23.

Thence N69°37'46"E, 352.24 feet along said Northerly right-of-way line;

Thence N87°26'31"E, 179.47 feet along said Northerly right-of-way line;

Thence N82°19'21"E, 251.81 feet along said Northerly right-of-way line;

Thence N64°58'06"E, 174.16 feet along said Northerly right-of-way line to the Westerly right-of-way line of King Lake Road;

Thence N88°13'13"E, 49.72 feet to the Easterly right-of-way line of King Lake Road;

Thence S71°57'00"E, 206.20 feet along the Northerly right-of-way line of State Trunk Highway 92;

Thence N87°03'40"E, 250.04 feet along said Northerly right-of-way line;

Thence N89°27'51"E, 227.74 feet along said Northerly right-of-way line to the Easterly line of Tax Parcel ID: 0510-311-92101 also known as the Wiedel property;

Thence S12°04'09"E, 55 feet more or less along said Easterly line of Wiedel property to the centerline of State Trunk Highway 92;

Thence S88°12'23"W 100 feet more or less to the Northwest corner of Certified Survey Map 5336 recorded in Volume 24 of CSM's, Page 183 in the Dane County Register of Deeds;

Thence S02°22'55"E, 388.03 along the Westerly line of said Certified Survey Map;

Thence continuing S02°22'55"E, 634 feet more or less to a point;

Thence at right angles S87°37'05"W, 1987 feet more or less to the point of beginning.

Containing 50 acres more or less.

(3) *Title and easements.*

a. *Title.* Title to village-owned parcels shall be transferred from the village to purchasers upon receipt of approval of all required site plan, landscape plan and architectural review approvals and appropriate sales transactions.

1. *Infrastructure easements.* In conveying parcels, the village shall retain all necessary permanent easements for all drainageways, detention ponds and open space areas, which have been designed and constructed to serve as infrastructure for the business park. These areas will be delineated on the approved final plans and specifications for the business park and will be shown on the plat and/or certified survey map creating the various parcels within the business park as "open space easements" and "open space drainage easements."

2. *Utility easements and utility locations.*

- i. Title to parcels shall be transferred subject to utility easements as shown on the plat or certified survey map of the business park as "utility easement" or "a sanitary sewer and/or water main easement." Easements may be necessary to enhance service and operations of utilities to include but limited to electric, natural gas, telecommunications, municipal sewer and water services.
 - ii. Placement of utilities. All utilities within the business park shall be installed underground, except for essential components of such utilities terminating above ground such as the hydrants, manholes, transformers, telephone pedestals and other similar components of utility systems. All utilities shall be installed in the utility easements where provided.
- b. *Use of utility easements.* The utility easements are for the benefit of the entire business park, first and foremost; however, such easements may be used by parcel owners for the installation of underground utility services such as electric power, natural gas, cable television, and telecommunications services to benefit the owner's parcel, subject to prior review and approval by the village.
- c. *Use of open space and open space drainage easements.* The open space easements and open space drainage easements are created for the benefit of all parcel owners in the business park and are reserved for providing: screening from neighboring uses; passive, open space recreation area; and common drainage handling through a series of detention ponds. Development or construction on such easements is strictly prohibited. These easements are strictly private in nature. Nothing in these protective covenants and restrictions shall be construed to create any right to the general public to use these easements in any way.
- d. *Maintenance of easements.* Each parcel owner shall be responsible for routine, ordinary and customary landscape maintenance of easements located on their property, such as, but not limited to, trimming and fertilization of ground cover, grass, shrubbery and trees and the suppression of weeds and/or nuisance growth on the easements. Damage to such easement areas caused by a third party shall be repaired by such party.
- (4) *Required investment criteria.* All construction within the park shall meet or exceed the following minimum investment criteria (initial construction value of improvements, not including land) as a condition of site purchase and development.
- General business \$200,000.00/acre
- General business, Highway 92 entrance \$250,000.00/acre
- Manufacturing \$150,000.00/acre
- Manufacturing, Highway 92 entrance \$200,000.00/acre

- (5) *Site plan review.* Prior to the construction or alteration of any buildings, additions, enclosures, fences, parking facilities, signs, storage yards, or any other structures or permanent improvements on the site, the plans for such building or improvement, including landscaping, shall be submitted for review. This includes amendments or alterations to sites to the features as described above. Village staff and plan commission shall review the structure and site plans to ensure compatibility with these restrictions and with other buildings in the area. In addition to this section pertaining to the business park district, sections 117-400 through 117-405 pertaining to site plan review, and sections 117-1051 through 117-1058, shall apply.
- (6) *Architectural and design controls.* The street facade, exclusive of windows and doors, shall be at a minimum of 15 percent covered with a masonry-like decorative material such as stucco, decorative concrete block (fluted, split-face, or other common or standard concrete block is not acceptable), brick, or other architectural materials. Other materials in combination with decorative masonry may be considered. Metal siding is acceptable for non-street facing facades. Lots located along Highway 92 will be held to a higher standard.
- (7) *Off-street parking lots.* Paving and striping of parking lots are required. All parking areas shall be paved with either asphalt or concrete surfacing. Paving shall be completed within six months of granting an occupancy permit or, six months after completion of business park street, or with extension approved by the village board. Parking setback from the front yard is ten feet from the street right-of-way.
- (8) All loading areas shall be entirely contained on-site and within the property setback lines. The preference is for loading areas facing the side or rear of the building.
- (9) *Amount of parking.* Each parcel owner shall provide a sufficient number of off-street parking spaces on the owner's parcel to accommodate the maximum number of vehicles operated by employees, customers, suppliers, vendors and visitors expected on each parcel during peak hours (including shift overlaps).
- (10) *Operational Considerations.* Zoning lots facing STH 92 shall provide and maintain adequate screening where significant deliveries, operations, storage or traffic uses are oriented toward or face viewpoints from STH 92. This shall be documented in the form of a landscaping plan.
- (11) *Outdoor storage.*
 - a. *Refuse and storage placement.* All refuse and storage areas shall be to the side or rear of the building and not within the side and rear yard setback areas. No waste material or refuse may be dumped or permitted to remain on any part of the property outside of the building. No storage of inoperative or wrecked vehicles shall be allowed.
 - b. *Storage area design and construction standards.* All outdoor storage areas shall be visually screened from all streets with a six-foot high opaque fence, vegetation, berm, or combination thereof. Vegetative screens or berms, or combinations thereof, shall be at least four feet high at the time of installation and capable of providing a solid screen within three years of installation.

Screening shall be attractive in appearance and keeping with the architectural quality of the main structure. Refuse and storage areas shall be paved and maintained in an orderly and dust-free condition.

- (12) *Building height.* The heights of all structures are subject to the village zoning ordinance codified in this chapter.
- (13) *Lot drainage.* A drainage plan for the lot shall meet storm water management and erosion control regulations for the site during construction and after construction (post-development).
- (14) *Signage.*
 - a. No signs, other than product or company identification signs and directional signs, shall be permitted on parcels or buildings within the park. Pole-mounted billboards or signs are prohibited.
 - b. One corporate identity sign may be placed on a building façade or on a ground-mounted panel. No roof-mounted signs are permitted. All lettering on the sign shall be smaller in height than ten percent of the wall height and all of the combined graphics shall be no longer than 25 percent of the wall length. In the case of double frontage lots with building facades on two streets (but not including corner lots), two such signs shall be permitted (one per frontage) consistent with these requirements.
 - c. In addition to the above, the requirements found in chapter 115, the village sign code, shall apply.
- (15) *Waste incineration.* No waste materials shall be incinerated in the business park except in an incinerator specifically designed and constructed for such purpose and approved or permitted by every governmental unit with jurisdiction, including village fire ordinance codified in chapter 12. Any such incinerator shall be contained within the principal building on the owner's parcel.
- (16) *General maintenance responsibilities.* Each parcel owner shall keep said parcel and all contiguous street right-of-way areas to the edge of the pavement and easement areas in a well maintained, safe, clean and attractive condition at all times. Such maintenance includes, but is not limited to, the following:
 - a. The removal of all litter, trash, refuse and waste.
 - b. The maintenance of exterior lighting, signs and mechanical facilities. All such facilities shall be in working order.
 - c. The keeping of all exterior building surfaces in a clean, well-maintained condition.
 - d. The removal of unlicensed, inoperable or abandoned vehicles.
 - e. All property shall be planted, paved, or otherwise improved and kept in a well-groomed fashion. Any dead trees, shrubs, or groundcover shall be promptly removed and replaced with plantings that comply with the current approved landscaping plan. All grass shall be mowed regularly, with the exception of the drainage swales and/or privacy berm which abuts against the residential properties. This natural area will have slow growing, no mowing grass or other low maintenance vegetation for ground cover.

- f. The owner of any undeveloped parcel must maintain said lands free of rubbish, noxious weeds, and mosquito breeding conditions.
- (17) *Maintenance during construction.*
- a. It is the responsibility of the parcel owner during construction to ensure that the site is kept free of unsightly accumulations of rubbish and scrap materials and that construction material, trailers, and the like are kept in a neat and orderly manner. Burning of excess or scrap construction materials is prohibited. Construction site erosion control practices shall be implemented to prevent erosion, sedimentation and pollution of water, soil and air during construction. Please refer to this zoning chapter and the stormwater and erosion control ordinance codified in chapter 107, article II, for specific regulations.
 - b. Nuisances. No portion of the property shall be used in such a manner as to create a nuisance to adjacent sites or adjoining residential areas such as, but not limited to noise, vibrations, electromechanical and electromagnetic disturbances and radiation, air and water contaminants and radiation, dust, smoke, odor, toxic or obnoxious emissions, radio-active liquids or solid waste, glare, intrusive lighting, and heat and fire hazards.
- (18) *Enforcement.* Violation and breach of any restrictions herein contained shall give to any and every owner of property, and the village, the right to prosecute a proceeding at law or in equity against person or persons who have violated or attempted to violate any of these restrictions to enjoin or prevent them from doing so, and to cause said violation to be removed or remedied and to recover damages for said violation, including the attorney's fees of the prevailing party or parties, and such amount as may be fixed by the court in such proceedings.
- (19) *Repurchase rights.*
- a. The owner agrees to substantially complete the approved project within 12 months from the date of purchase. In the event the owner of land purchased from the village does not commence construction of the approved project within 12 months after the date of purchase, the village shall have the right to repurchase the land from the owner. In the event the village desires to repurchase the land, it shall serve the owner with a notice of such intent and thereafter owner shall have 45 days to prepare necessary closing documents. The price paid to repurchase the land shall be the sum of the original purchase price and all special assessments which may have been paid by the buyer or levied against the property after the date of purchase minus the sum of any unpaid property taxes, proration of the current year's property taxes to date of closing, title insurance policy premium or cost of warranty abstract and any liens and encumbrances on the property of a definite or ascertainable amount. Conveyance shall be by warranty deed.
 - b. In the event the owner of land purchased from the village elects to sell any portion thereof which is vacant, the property shall first be offered, in writing, to the village. The village shall have 60 days from the date of receipt of such offer to accept or reject, unless an extension of time may be mutually agreed

upon and set forth in writing. The purchase price shall be computed as indicated above. Conveyance shall be by warranty deed.

- (20) *Number of years restrictions to run with the land.* Each lot or property shall be conveyed subject to the above restrictions, all of which are to run with the land and shall be binding for a period to 25 years from the date these restrictions are adopted, after which time said restrictions shall be automatically extended for successive periods of ten years each, unless an instrument signed by a majority of the then owners of the acreage to which these restrictions apply together is submitted to the village board and adopted by the village board by resolution.
- (21) *Severability.* The invalidation of any of the restrictions set forth in this section, or the failure to enforce any of these at the time of the violations, shall in no way affect any of the other restrictions, nor be deemed a waiver of the right to enforce the same thereafter.

(Ord. of 12-17-2012, § 48-537; Ord. of 7-8-2013(2), § 48-537)

Adopted by the Board of Trustees of the Village of Brooklyn, Wisconsin, this 11th day of April, 2022.

APPROVED



Mark Bruner, Village President

Ayes: 6
Nays: 0

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, State of Wisconsin, do solemnly swear that on April 12, 2022, Chapter 117, Zoning Code; Article V Zoning Districts and Land Use; Division 4 District Uses and Requirements, Section 117-897 B-P business park district of the Village of Brooklyn Code is hereby amended to read as follows, was posted at the following locations:

1. Village Hall
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

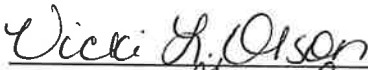
Further affiant saith naught.

Dated this 13th Day of April, 2022



Linda Kuhlman
Village Clerk-Treasurer

SUBSCRIBED AND SWORN to before
me on this 13th day of April, 2022


Notary Public Green County WI
My Commission expires: 09-01-2024