

RESOLUTION NO. 2019-34

**RESOLUTION OF THE VILLAGE BOARD OF THE VILLAGE OF CALEDONIA
TO APPROVE A SITE PLAN FOR A 20' X 40' TEMPORARY CANOPY TENT FOR
SALES OF FIREWORKS FROM JUNE 11 THROUGH JULY 11, 2019; 13600 7 MILE
ROAD; DOLAN POMRENING/AMERICAN FIREWORKS, APPLICANT**

The Village Board for the Village of Caledonia resolves as follows:

WHEREAS, B & K Real Estate 7 Mile, LLC, Owner, Dolan Pomrening/American Fireworks, Applicant requested to place a 20' X 40' temporary canopy tent for sales of fireworks from June 11 through July 11, 2019 at 13600 7 Mile Road, Parcel I.D. No. 104-04-22-06-069-000.

WHEREAS, the Village Plan Commission has recommended approval of the request, subject to the conditions attached hereto as **Exhibit A**, for the following reasons and requirements:

1. The proposed temporary use appears to be permitted by underlying zoning.
2. Based on other things going on in the area, the proposed temporary use appears to fit with the uses in the district.
3. Based on review of our office's zoning permit database this temporary use (Sales of Fireworks) has been conducted at various sites in the Village of Caledonia on an annual basis from 1999 to 2018 by this applicant.

NOW, THEREFORE, BE IT RESOLVED, by the Village Board of the Village of Caledonia that the site plan as set forth above, is hereby approved for the same reasons and requirements set forth above and subject to the same conditions imposed by the Village Plan Commission.

Adopted by the Village Board of the Village of Caledonia, Racine County, Wisconsin, this 1st day of April, 2019.

VILLAGE OF CALEDONIA

By: _____

James R. Dobbs
Village President

Attest: _____

Karie Torkilsen
Village Clerk

**EXHIBIT A
CONDITIONS
13600 7 Mile Road**

1. **Zoning Permit.** The applicant must obtain a zoning permit card from the office of the Village Zoning Administrator after paying a zoning permit fee of \$120.00. This card must be displayed in a prominent location at the subject site, and a copy of these conditions must be kept at the subject site at all times for the duration of the temporary use approval.
2. **Compliance.** Failure to comply with the terms and conditions stated herein could result in the issuance of citation(s) and/or revocation of this permit.
3. **Plans.** The proposed 20' x 40' canopy tent must be located and utilized in accordance with the plans and documents received by the Racine County Development Services Office on March 12, 2019.
4. **Performance Standards.** The applicant must comply with the provisions of Article VII, Division 4, Performance Standards of Chapter 20, Zoning, Racine County Code of Ordinances (copy attached), as adopted by the Village of Caledonia.
5. **Duration of Temporary Use.** This temporary fireworks sales activity may be conducted from June 11, 2019 through July 11, 2019. The tent and all associated fireworks must be removed from the subject site within 10 working days after July 11, 2019.
6. **Compliance with Law.** The applicant must obtain all necessary approvals and licenses from the Village of Caledonia. The applicant must also obtain all necessary federal, state, and local permits, approvals, and licenses, and they must comply with all applicable codes and regulations.
7. **No on-site demonstrations of fireworks are permitted.** No on-site demonstrations of fireworks are permitted. The Village Board will decide what fireworks are permitted to be sold from this site.
8. **Fire Department Approval.** The applicant must contact the Village of Caledonia Fire Department for review and approval prior to occupying the site with the proposed temporary use. The Caledonia Battalion Chief is requiring that there are "No Smoking" signs posted in the tent and on the storage container, fire extinguishers are hung in the tent and readily accessible to customers and attendants, the storage container remains locked at all times and unlocked only to move product in and out of storage for sale, and a tent/site inspection is conducted by the Caledonia Fire Department prior to the stand opening for business.

9. **Parking.** All parking for this operation must be on-site as illustrated on the submitted plan. There must be no parking associated with the proposed temporary use within the right-of-way of 7 Mile Road or the E. Frontage Road.
10. **Village of Caledonia Accepts No Liability.** The Village of Caledonia accepts no liability through the issuance of this temporary approval for this site, or any proposed operations or fireworks sales.
11. **Signage.** All signage must be in compliance with the submitted signage plan. No signs other than those permanently attached to the tent or the storage container are allowed and no signs are allowed in the right-of-way of 7 Mile Road or the E. Frontage Road.
12. **Access.** The applicant must allow any Village or Racine County employee full and unlimited access to the project site at a reasonable time to investigate the project's implementation, operation, or maintenance.
13. **Amendments to Conditional Use Permit.** No additions, deletions, or changes may be made to the project, site plan, or these conditions without the Village of Caledonia's prior approval. All addition, deletion, and/or change requests must be submitted to the Village of Caledonia in writing. A minor change to the conditions of this permit, as deemed by the Zoning Administrator, may be made at a staff level, if authorized by the Zoning Administrator.
14. **Certificate of Insurance.** Prior to zoning permit issuance, the applicant must provide a certificate of insurance indicating that the Village of Caledonia is named as an additional insured by specific endorsement.
15. **Agreement.** You're accepting the site plan review temporary use approval/zoning permit and beginning the project means that you have read, understand, and agree to follow all conditions of this approval. Therefore, B & K Real Estate 7 Mile LLC, American Fireworks, Dolan Pomrening and their heirs, successors, and assigns are responsible for full compliance with the above conditions.
16. **Subsequent Owners.** It is the property owner's responsibility to inform any subsequent owner or operator of these conditions.