
ORDINANCE NO. 2294**ORDINANCE TO REZONE The New Berlin Industrial Park (as described below)
From M-1/M-2/O-1/ O-2/B-2/C-1/C-2 TO M-1/M-2/O-1/ O-2/B-2/C-1/C-2/SPO (Special Plan
Overlay District)**

The Common Council of the City of New Berlin do ordain as follows:

SECTION I

The City of New Berlin, having received a petition from the City's Community Development Authority to rezone the following described lands:

TO BE REZONED TO M-1/M-2/O-1/ O-2/B-2/C-1/C-2/SPO (Special Plan Overlay District)

LEGAL DESCRIPTION OMITTED – SEE ORIGINAL ORDINANCE

SECTION II

The matter came before the City's Community Development Authority which held a public hearing on the proposed rezoning on September 1, 2005 and recommended approval on November 10, 2005 subject to the application, plans on file, and an ordinance approved by the City Attorney, and the matter having been considered on December 13, 2005 by the Common Council.

Section III

New Berlin Industrial Park Special Plan Overlay District (NBIP SPO) – Pursuant to Section 275-39(B)(2), the purpose of a Special Plan Overlay District is to apply specific regulations, design guidelines, and other recommendations which have been created through the development of a planning document specific to various areas throughout the city of New Berlin.

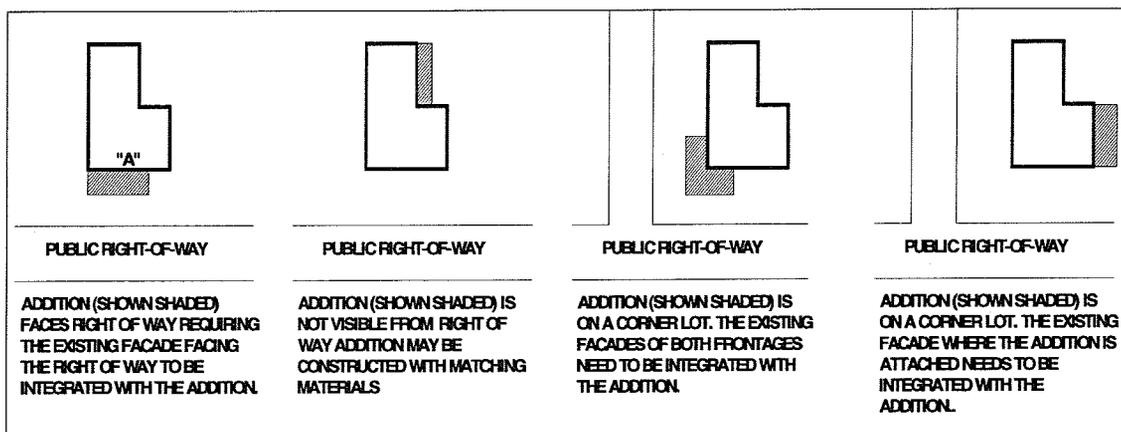
1. Applicability (Pursuant to Chapter 275-39(B)(2))

- (a) The SPO Special Plan Overlay District may be applied to any area in the City of New Berlin where plans, including but not limited to commercial center plans, corridor plans, neighborhood plans, focus area plans, etc., have been developed and include specific guidelines and regulations that should be addressed in addition to any regulation imposed by the underlying zoning district. Per this ordinance, the following regulations shall be applied to those properties where their taxkeys have been identified and legally described within this document.

2. Architectural Building Standards

A. BUILDING CRITERIA

1. All new buildings constructed in the Industrial Park shall follow the design guidelines outlined below.
2. Any building addition that faces the public right-of-way, or can be seen from the public right-of-way must follow the design guidelines.
3. If an addition faces the public right-of-way, or can be seen from the public right-of-way, the facade of the existing structure, facing the right-of-way must be improved to the design guidelines.
4. The CDA will be responsible to review all new construction projects in the NBIP, not the City Plan Commission. If an addition or parking lot expansion has a footprint of less than 15,000 SF, the City of New Berlin staff will review the proposed project (not the CDA) and issue the zoning and building permit.
5. Any additions, regardless of size or location will require the site and landscaping to be improved to the new standards.



B. DESIGN GUIDELINES

1. The exterior design of the building shall not be such an unorthodox or abnormal character, in relation to its surrounding environment, as to be unsightly or offensive to the generally accepted taste of the community.
2. The exterior design of the building may not be identical with adjacent buildings.
3. All buildings shall incorporate the design principles of composition, detail, proportion, rhythm and scale. The visual continuity of the building facade and their contributing

elements (piers, banding, parapets, coping, cornices, etc...) shall be maintained along the entire exterior envelope in both new development and remodeled or altered facilities.

4. No building façade may extend longer than 40 feet without the use of piers, or building setbacks, to breakup the monotonous length of wall.
5. Overhead docks and doors of additions and new facilities may face the public street or right-of-way, if the truck and cab when parked, do not encroach into the right-of-way.
6. All dumpsters must be screened from the public view using building elements and materials that complement the building or approved landscaping. Wooden fenced screening is permissible as well as chain link fencing with a non-clear vinyl coated slating.
7. All pad-mounted equipment, including HVAC and electrical transformers must be screened with either landscaping, or building elements that complement the building. Wooden fenced screening is permissible as well as chain link fencing with a non-clear vinyl coated slating.
8. All new roof-top equipment requiring a zoning permit must be screened from view if the equipment can be seen from the centerline of the public right-of-way in the front of the property, or placed in an area of the building as not to be seen. Rooftop screening must be compatible and complementary to the buildings architecture.

C. GIS MAP

Chapter 275 of the City of New Berlin Zoning Ordinance determines the allowable lot coverage for all parcels throughout the City. The NBIP’s zoning district is both M-1 and M-2. The current code requires a side setback of 15 feet on each side. The recommendation of this report is to revert back to the original declaration of restrictions for the industrial park, written in 1965. This allows for a building to be constructed 10 feet from the side property line, but the total of the two side setbacks shall not be less than 30 feet. The following chart outlines the minimum requirements and maximum coverage for each site. All other zoning districts in the “Park” shall follow the established standards set forth in Chapter 275 of City’s Municipal Code.

District	Minimum Setbacks (Feet)						Maximum Height
	Front	Side (One Side)	Total Side	Rear	Shore	Wetland	
M-1	50	10	30	25	50	10 / 30*	45
M-2	50	10	30	25	50	10 / 30*	60

Table 275-35-2

District	Lot Coverage (Percent)		
	Maximum Coverage by Buildings	Maximum Coverage by Impervious Surfaces	Minimum Coverage by Open Space & Landscaping
M-1	50	75	25
M-2	50	75	25

Table 275-35-3

D. MATERIALS

The following is a list of approved exterior materials and finishes that are recommended to be incorporated into each project.

a. Masonry – The use of plain exposed concrete block (including painted block) may only be used as an accent material or band, and may not be used on more than 20% of each exterior façade. Accepted materials are:

- Architectural Concrete Masonry Units (split faced, scored, etc.)
- Face Brick
- Stone
- Cast Stone
- Tile

b. Concrete – The use of concrete as an exterior finish will require detailing to include textures, patterns and reveals to prevent large expanses of monotonous, monolithic walls. Accepted materials are:

- Cast-in-Place concrete with architectural finish
- Recast concrete with architectural finish.

Architectural finishes may be one of the following:

- Exposed aggregate
- Brick, stone or architectural CMU set in the panel
- Scored and reveal accent bands
- Sandblasted surfaces
- Painted or stained surfaces.

c. Windows / Glass – The use of glazing systems, including spandrel panels should be considered as a means to introduce color, texture, pattern and detail. Any façade facing the public right-of-way must include windows as a design element. Accepted window systems are:

- Wood framed doors, windows and skylights.
- Wood-Clad framed doors, windows and skylights.
- Aluminum framed doors, windows and skylights.
- Aluminum framed glass storefronts and curtain walls.

Glass may be any of the following, but must be integrated throughout the entire building:

- Clear
- Tinted
- Reflective

d. Metal – The use of an architectural metal may be used as a primary building material. Corrugated wall panels may not be used. The gauge of the metal, color and the profile must be submitted to the CDA for approval. All metal is to be installed with a corrosion resistant finish and a gauge heavy enough to prevent buckling or “oil-canning”. In addition to the use of an architectural metal panel as a primary material, it is also an acceptable use as:

- Copings, fascias and soffits.
 - Column covers and spandrel panels.
 - Exposed structural elements.
 - Rooftop equipment screening.
 - Canopies.
- e. **Exterior Insulation Finishing Systems (EIFS)** – The use of exterior insulation finishing systems may only be used as accent material, and may not be used as the predominant or primary building material, or along the base of the building. Accepted use of EIFS are:
- Copings, fascias and soffits.
 - Column covers and spandrel panels.
 - Accent Banding.
- f. **Architectural Lighting** – The use of architectural lighting of building elevations is encouraged to create nighttime identity and character. All exterior lighting shall utilize indirect or hidden lighting sources. Acceptable lighting features include:
- Wall Washing
 - Overhead Down Lighting
 - Ground mounted up lighting directed at the building.

3. Landscape Standards

Landscaping within the Industrial Park is to be upgraded and maintained to create a uniform park/campus environment. While individual project identity is important, and should be maintained through creative design, the goal is to relate each project to its immediately adjacent neighbors.

A. **DESIGN GUIDELINES**

The following are minimum landscape requirements that will serve as a quantifiable minimum design standard. Plant quantities listed here are minimum standards and additional plantings are encouraged.

1. Landscaping along common property lines or common driveways must be coordinated with adjacent property owners.
2. The landscape plan should provide for seasonal color and the use of flowers and shrubs at the entrance and signage locations.
3. All open areas not occupied by buildings, parking or storage shall be seeded and protected from soil erosion and maintained with grass.
4. All parking and loading areas are to be shielded from the public view by the use of trees, shrubs and low berms, while preserving views to the entrance.
5. All planting beds shall include organic mulch ground cover. Planting materials must comprise no less than 50% of the bed.

6. Slopes and berms steeper than one vertical foot for every three feet horizontal shall not be permitted.
7. On-site grades must meet existing streetscape grades.
8. The landscape design should enhance and complement the architecture, and buffer mechanical, electrical and building equipment located along the premises.
9. Applicant is required to post a fiscal security either by bond, certificate of deposit or letter of credit in the amount of value of the landscape improvements. Should the City need to provide services or materials for full compliance of the approved plans, the applicant will forfeit the entire fiscal security.
10. A Landscape Designer (provided by applicant) shall inspect and provide the City a signed letter of compliance after the installation of all landscape improvements. Upon City agreement with the letter, the fiscal security will be returned.
11. Landscape irrigation systems are not required to be installed.
12. A re-occupancy permit, internal facility remodeling, or parking lot repair and maintenance do not require the implementation of these requirements. Only a building or parking lot expansion will prompt the requirements to be enforced.

B. LANDSCAPE REQUIREMENTS

2. There shall be at least one tree and three shrubs for every 3,600 square feet of lot area covered by open space. The landscaping required for the perimeter of the lot (not the parking lot) may be credited toward these requirements.
- 3.
4. There shall be one tree for every 40 feet of distance along the front of the lot. One third of these trees shall be evergreens with a minimum height of 8 feet. This does not include parking lot requirements.
5. The front yard shall include one shrub for every 10 feet of road frontage.
6. 50% of all evergreen trees planted are to be a minimum of 8 feet tall, the remainder shall not be less than 6 feet tall.
7. 60% of all landscaping shall be located in the front yard.
8. If bio-retention swales are utilized, the landscaping planted as part of the swale will account for, or be credited toward, 90% of the required landscaping of the front and side yards.

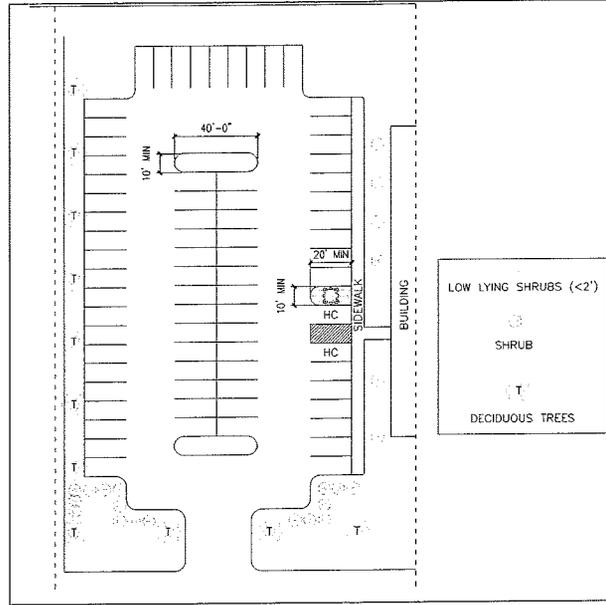
C. PARKING LOT LANDSCAPE REQUIREMENTS

All parking lots with 20 or more parking spaces shall comply with these minimum requirements. It is the intent to screen the parking along public right-of-ways to enhance the visual quality of the park.

1. The perimeter of the parking lot shall include one shade tree or evergreen tree per 20

linear feet of parking surface along and parallel to a public street.

2. Perimeter parking along the side lot line shall include one shade tree or evergreen tree per 30 linear feet.
3. If landscape islands are utilized, they shall be at least 200 square feet in size with the narrowest dimension being 10 feet. Landscape islands are not required.



D. LANDSCAPE MATERIAL PLANT LIST

The following is a list of approved plantings materials that are recommended to be incorporated into each project. This is not an all-inclusive listing, but should be viewed as starting point for planning. All plantings must have a minimum of a moderate tolerance to salt spray and soil salt absorption.

<u>Botanical Name</u>	<u>Common Name</u>	<u>Size</u>
Fraxinus Americana	White Ash	3" DBH
Gleditsia triacanthos	Honeylocust	3" DBH
Acer platanoides	Norway Maple	3" DBH
Cercis Canadensis	Eastern Redbud	3" DBH
Pinus sylvestris	Scotch Pine	6' - 8'
Pinus nigra	Austrian Pine	6' - 8'
Picea pungens	Colorado Green Spruce	6' - 8'
Rhus aromatica	Fragrant Sumac	24" - 30"
Rhus typhina	Cutleaf Sumac	3'
Viburnum trilobum	American cranberry	5'
Syringa vulgaris	Lilac	5'
Berberis koreana	Korean Barberry	24" - 30"
Hemerocallis	Day lilly	4"

4. Exterior Lighting

The design objectives of exterior lighting are to provide security, identity, and reinforce the architectural character of the building. Light "pollution" to the neighboring properties shall be minimized through these standards.

1. The maximum illumination level shall be 0.5 foot-candles measured at the property line, at a height of 4 feet.
2. Flashing, traveling, intermittent and animated lighting will not be allowed.
3. All fixtures shall be fully shielded luminaries with cut-off type optics, with flat clear lenses and no refractorizing elements. The light shall be totally concealed when viewed at an angle of 75 degrees from the horizontal plane.
4. All fixtures and poles are to be finished with a non-corrosive material, black in color. Bases may be of the same material or natural concrete.
5. The height of any exterior pole mounted fixture, including the base, may not exceed 20 feet.
6. Walkways to the building should be illuminated to clearly identify entry points and pedestrian walkways.
7. Pedestrian lighting shall utilize warm-white halogen or metal halide lamps.
8. See section 1.2.1 (f) for architectural lighting guidelines.

SECTION IV

The City of New Berlin Plan Commission approved Resolution #03-21 on May 5, 2003, recommending to the Common Council the authorization of the Community Development Authority to prepare and implement a Redevelopment Plan for the New Berlin, Moorland Road, and MSI/Lincoln Avenue Industrial Parks. The Common Council approved Resolution #03-21 on May 13, 2003.

SECTION V

The Common Council of the City of New Berlin does hereby approve the rezoning of the above-described property From M-1/M-2/O-1/ O-2/B-2/C-1/C-2 **TO** M-1/M-2/O-1/ O-2/B-2/C-1/C-2/SPO (Special Plan Overlay District) subject to the application, plans on file, and does hereby adopt the New Berlin Industrial Park Redevelopment Plan dated November 22, 2005. The Mayor and City Clerk are authorized to execute this Ordinance No. 2294 on behalf of the City of New Berlin.

SECTION VI

The zoning map of the City shall be amended to reflect this change and all future development or capital infrastructure work, whether public or private, shall conform to the adopted New Berlin Industrial Park Redevelopment Plan as adopted by the Common Council on December 13, 2005 and as amended from time to time.

SECTION VII

The several sections of this ordinance are declared to be severable. If any section shall be declared by decision of a court of competent jurisdiction to be invalid, such decision shall not affect the validity of other portions of the ordinance.

SECTION VIII

All ordinances or parts of ordinances contravening the terms and conditions of this ordinance are hereby to that extent repealed.

SECTION IX

This ordinance shall take effect upon passage and publication as approved by law, and the City Clerk shall so amend the Code of Ordinances of the City of New Berlin, and shall indicate the date and number of this amending ordinance therein.

PASSED AND ADOPTED by the Common Council this 13th day of December 2005.

APPROVED:

Jack F. Chiovatero, Mayor

Countersigned:

Marilyn Gauger, City Clerk