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# STAFF REPORT

## EXECUTIVE SUMMARY

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<b>APPLICANT/PROJECT:</b>	Referral from the Code Committee (Sub – Committee of the Plan Commission) / Chapter 275, Zoning Code Updates
<b>LOCATION:</b>	Citywide
<b>REQUEST:</b>	Plan Commission review and discussion regarding updates to Zoning Code, Chapter 275.
<b>D.R.C. RECOMMENDATION:</b>	Plan Commission review and discussion regarding updates to Zoning Code, Chapter 275.

### Background:

1. Staff has met with the Code Committee to review updates to the code.
2. The following changes are proposed to the Zoning Code:
  - a. § 275-13.1H. Zoning Districts. Add transitional provisions for the P-I District.
  - b. § 275-23J. Planned unit development (PUD). Clarify PUD amendment language.
  - c. § 275-32. Agricultural Districts. Table 275-32-1. Add Commercial Sports Complex to the use table. Remove active and passive parks and recreational facilities from the use table.
  - d. § 275-33. Residential Districts. Table 275-33-1. Add Commercial Sports Complex to the use table. Remove active and passive parks and recreational facilities from the use table.
  - e. § 275-34. Commercial Districts. Table 275-34-1. Add Commercial Sports Complex and public signs to the use table. Remove active and passive parks and recreational facilities from the use table.
  - f. § 275-35. Office and Industrial Districts. Table 275-35-1. Add Commercial Sports Complex and public signs to the use table. Remove active and passive parks and recreational facilities from the use table.
  - g. § 275-36. Institutional and recreational/park Districts. Table 275-36-1. Add Commercial Sports Complex to the use table. Remove active and passive parks and recreational facilities from the use table. Add definition of Commercial Sports Complex.
  - h. § 275-37. Special Districts. Table 275-37-1. Add Commercial Sports Complex to the use table. Remove active and passive parks and recreational facilities from the use table.
  - i. § 275-39C. Special overlay districts. Remove the use table.
  - j. § 275-42A. Accessory uses and structures. Define agricultural uses.
  - k. § 275-42F(3). Accessory uses and structures. Prohibit temporary outdoor storage units and small homes as a permanent use.
  - l. § 275-46D(1). Yard/setback measurement and requirements. Setbacks for building connections.
  - m. § 275-57A(7)(f). Off-street parking, loading and access. Provide instances where parking in the rear may be limited.

- n. § 275-59. Architectural design standards. Reformat text. Add Institutional Districts and Rural Commercial Areas into the use table. Add metal panels and aluminum siding into use table. Create a category for prohibited uses. Include standards for the Rural Commercial Area within the City.
- o. § 275-61I(2). Signs. Remove duplicate text.
- p. § 275-70. Terms defined. Add definitions for park, research and development, and sports complex.

**Next Steps:**

1. Plan Commission review proposed amendments.
2. Staff prepare and publish the public notices.
3. Public hearing held before Plan Commission (August 16, 2021).
4. Plan Commission recommendation forwarded to the Common Council for final action.
5. Common Council review for final action.

**Previous Action:**

- 6/22/2021 - Common Council set the public hearing date for August 16, 2021.
- 7/6/2021 - Code Committee made a recommendation to forward the amended Zoning Code to the Plan Commission.

**Attachments:**

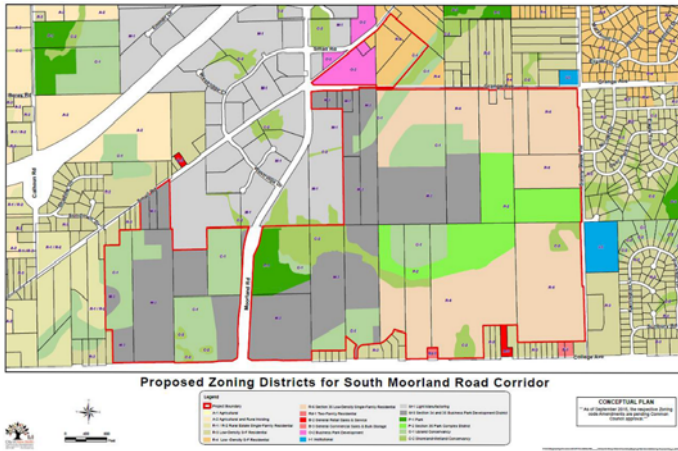
6/29/2021 Code Committee Minutes (forthcoming)  
Draft Zoning Code Amendments

**§ 275-13.1H. Zoning districts.**

H. Transitional provisions.

- (1) All areas in the R-1 and R-2 Districts shall be placed in the R-1/R-2 District.
- (2) All areas in the B-4 District shall be governed by the regulations of the B-2 District. Any action requiring Plan Commission approval or review on areas zoned B-4 shall include a rezone petition to an existing zoning district.
- (3) All areas currently zoned C-2 Shoreland Wetland Districts shall be placed into the C-2 Shoreland Wetland Holding District and shall be subject to the wetland registration process as described in § 275-37E.
  - (a) All registered wetlands shall be subject to the setbacks and regulations of the C-2 Shoreland Wetland Holding District as set forth in § 275-37 of this chapter.
  - (b) The C-2 boundary shall apply unless a wetland registration has been completed/approved.
  - (c) For purposes of the setback and other land use provisions of this chapter, the registered wetland boundary shall apply. The C-2 boundary shall apply where there is no wetland registration showing on the property.
- (4) Section 34-35 transitional provisions: South Moorland Road Corridor. Section 35 is an area that is envisioned to be a mix of business park industrial, office, retail, residential, and passive and active park uses. In order to implement the conceptual neighborhood plan, the City has created three new zoning districts specifically for this geographic area. They include a new R-6 (Section 35 Low-Density Single-Family Residential), M-3 (Section 34 and 35 Business Park Development District) and P-2 (Section 35 Park Complex District). The City's comprehensive plan, Chapter 10, Land Use, Figure 10.5 identifies the future land uses for this area. Below, Figure I-1 identifies the pending designated zoning districts. All projects that require rezoning within this respective area shall be rezoned in accordance with Zoning Code Figure I-1 and future Plan Commission and Common Council actions. See map below. [Added 1-12-2016 by Ord. No. 2558]

Figure I-1 South Moorland Road Corridor Designated Zoning Districts



(5) All areas currently located within the P-1 District are conforming under the current adoption of the code, as of XX/XX/XXXX.

Commented [HK1]: Add date

**§ 275-23J. Planned unit development (PUD).**

J. Changes and additions.

(1) Any subsequent change to the boundary of the PUD Overlay District shall be considered a new rezoning petition and shall require Common Council approval pursuant to the requirements of § 275-22 of this chapter.

(a) If additional lands are acquired adjacent to an existing PUD and the owner intends to use the lands in support of and/or in a manner similar to the PUD, the owner shall be required to apply for an amendment to the PUD to include such lands. Any standards, criteria and development regulations shall be evaluated by the City prior to amending the PUD.

(2) Any amendment to the text of an approved PUD ordinance shall require Plan Commission review and Common Council approval, pursuant to § 275-22.

(3) Any subsequent change or addition to the project approval, not already identified in an approved in a PUD Overlay District ordinance, shall require a PUD amendment, pursuant to § 275-22. Plan Commission review and approval.

(4) The division of any land or lands within a PUD Overlay District for the purpose of change or conveyance of ownership shall be accomplished pursuant to the land division regulations of the City.

(5) All applications for new construction within the New Berlin City Center PUD shall be required to submit an application for conceptual use, site, and architecture. The applicant shall submit conceptual site plans and architectural elevation sketches for review and comment by the City and its design consultants.

§ 275-32. Agricultural Districts. Table 275-32-1

Table 275-32-1			
Uses	Zoning Districts		Additional Regulations Refer to
	A-1	A-2	
<b>Agricultural Uses</b>			
Agribusiness	P	P	§ <del>275-41</del> and § <del>275-70</del>
Artisan farming	P	P	§ <del>275-70</del>
Farm buildings, general	P	P	§ <del>275-41A(1)</del>
Keeping and raising of animals	P	P	§ <del>275-41A(2)</del>
Paddocks	P	P	§ <del>275-41A(2)</del>
Raising of crops	P	P	
<b>Residential Uses</b>			
Single-family detached dwellings	P	P	
Single-family detached dwellings with attached garage	P	P	
Worker housing	C	*	
<b>Commercial Uses</b>			
Bed-and-breakfast establishments	P	P	§ <del>275-41C(4)</del>
<del>Commercial Sports Complex</del>	<del>*</del>	<del>*</del>	
Mobile tower facilities	P/A	P/A	§ <del>275-41C(16)</del>
Small restaurant or cafe	C	C	
Veterinary clinics	C	C	
Wineries and breweries	C	C	
<b>Institutional/Public/Semipublic Uses</b>			
<del>Active parks and recreational facilities</del>	<del>C</del>	<del>C</del>	
Churches (neighborhood and community)	C	C	§ <del>275-70</del>
Essential services	P	P	
Family day-care homes	P	P	
Foster family homes	P	P	
<del>Passive parks and recreational facilities</del>	<del>P</del>	<del>P</del>	
Recreational trails	P	P	
Utilities	C	C	
<b>Miscellaneous Uses</b>			
Hunting and fishing clubs	C	*	
Natural resource conservation and preservation uses	P	P	
Off-street parking and loading areas	A	A	§ <del>275-57</del>
Silviculture	P	P	§ <del>275-54</del> and § <del>275-54.1</del>

Table 275-32-1			
Uses	Zoning Districts		Additional Regulations Refer to
	A-1	A-2	
Any other use the Plan Commission finds will be similar in nature, operation and function to the uses allowed within the district			<b>§ 275-32C(1)</b>

LEGEND	
P	Principal Use
C	Conditional Use
A	Accessory Use
T	Temporary Use
*	Prohibited Use

§ 275-33. Residential Districts. Table 275-33-1

Table 275-33-1												
Uses	Zoning Districts										Additional Regulations Refer to	
	R-1/ R-2	R-2E	R-3	R-4	R-4.5	R-5	R-6	R-7	Rd-1	Rm-1		
<b>Agricultural Uses</b>												
Farm buildings, general	A	*	*	*	*	*	*	A	*	*		§ 275-41A(1)
Keeping and raising of animals	A	A	*	*	*	*	*	*	*	*		§ 275-41A(2)
Keeping and raising of chickens for personal use	A	A	A	A	A	A	A	A	*	*		§ 275-41A(2)(g)
Raising of crops/retail sales of locally grown crops	A	A	A	A	A	A	A	A	A	A		§ 275-41A
<b>Residential Uses</b>												
Boarding or rooming houses	*	*	C	C	*	*	*	*	*	*		
Conservation subdivisions	P	P						P				§ 275-41B(3) through (5)
Conventional subdivisions	C	C	P	P	P	P	P	P	P	P		§ 275-41B(3) through (7)
Elderly housing	*	*	*	*	*	*	*	*	*	C		§ 275-41B(1)
Multifamily dwellings	*	*	*	*	*	*	*	*	*	P		
Single-family detached dwellings	P	P	P	P	P	P	P	P	P	C		§ 275-41B(2)
2-family dwellings with attached garage	*	*	*	*	*	*	*	*	P	P		
<b>Commercial Uses</b>												
Bed-and-breakfast establishments	C	*	*	*	*	*	*	*	*	*		§ 275-41C(4)
<del>Commercial Sports Complex</del>	<del>*</del>	<del>*</del>	<del>*</del>	<del>*</del>	<del>*</del>	<del>*</del>	<del>*</del>	<del>*</del>	<del>*</del>	<del>*</del>		
Mobile tower facilities	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C		§ 275-41C(16)
<b>Institutional/Public/Semipublic Uses</b>												
<del>Active parks and recreational facilities</del>	<del>C</del>	<del>C</del>	<del>C</del>	<del>C</del>	<del>C</del>	<del>C</del>	<del>C</del>	<del>C</del>	<del>C</del>	<del>C</del>		
Assisted living facilities	*	*	*	*	*	*	*	*	*	C		§ 275-41B(1)
Churches (neighborhood)	C	C	C	C	C	C	C	C	C	C		§ 275-70
Churches (community)	*	*	*	*	*	*	*	*	*	*		§ 275-70
Community living arrangements	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C		§ 275-41G(1)
Educational facilities	C	C	C	C	C	C	C	C	C	C		§ 275-41G(2)
Essential services	P	P	P	P	P	P	P	P	P	P		
Family day-care homes	P	P	P	P	P	P	P	P	P	P		
Foster family homes	P	P	P	P	P	P	P	P	P	P		
<del>Passive parks and Recreational facilities</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>		
Recreational trails	P	P	P	P	P	P	P	P	P	P		
Utilities	C	C	C	C	C	C	C	C	C	C		
<b>Miscellaneous Uses</b>												



Uses	Zoning Districts										Additional Regulations Refer to
	R-1/ R-2	R-2E	R-3	R-4	R-4.5	R-5	R-6	R-7	Rd-1	Rm-1	
<u>Amenities planned on outlots and/or easements as part of a subdivision plat, including pocket parks and/or trails</u>	Δ	Δ	Δ	Δ	Δ	Δ	Δ	Δ			
Natural resource conservation and preservation uses	P	P	P	P	P	P	P	P	P	P	
Off-street parking and loading areas	A	A	A	A	A	A	A	A	A	A	§ 275-57
Silviculture	P	P	P	P	P	P	P	P	P	P	§ 275-54 and § 275-54.1
Temporary uses	T	T	T	T	T	T	T	T	T	T	§ 275-43
Any other use the Plan Commission finds will be similar in nature, operation and function to the uses allowed within the district											§ 275-33C(1)

LEGEND	
P	Principal Use
C	Conditional Use
A	Accessory Use
T	Temporary Use
*	Prohibited Use

§ 275-34. Commercial Districts. Table 275-34-1

Table 275-34-1					
Uses	Zoning Districts				Additional Regulations Refer to
	B-1	B-2	B-3	B-5	
<b>Commercial Uses</b>					
Amusement centers or arcades	P	*	*	*	
Automotive body repair	*	*	P	*	
Automotive fuel sales	C	C	P	C	§ 275-41C(2)
Automotive rental	*	*	P	*	
Automotive sales	*	*	P	*	
Automotive service	P	P	P	*	§ 275-41C(3)
Banquet halls	P	P	P	*	
Bars and taverns	P	P	P	P	
Breweries	P	P	C	*	§ 275-41C(12)(d)
Brewpubs	P	P	C	*	§ 275-41C(12)(c)
<u>Commercial Sports Complex</u>	<u>P</u>	<u>*</u>	<u>*</u>	<u>*</u>	<u>§ 275-36D(5)</u>
Contracting and construction sales services	C	C	P	P	
Contractor bulk sales	*	*	P	P	
Convenient cash businesses	P	*	*	*	§ 275-41C(19)
Cosmetic tattoo establishments/permanent cosmetics	P	P	P	P	§ 275-41C(17)
Department stores	P	C	*	*	§ 275-41C(5)
Farm equipment sales and service	*	*	P	P	
Funeral services	P	P	*	*	§ 275-41C(7)
Greenhouses	P	P	P	P	
Health and fitness studios	P	P	C	*	
Hotels and motels	C	*	*	*	§ 275-41C(8)
Mobile tower facilities	A/P/C	A/P/C	A/P/C	A/P/C	§ 275-41C(16)
Outdoor displays and sales	A	A	A	A	§ 275-41C(9)
Outdoor storage	*	*	A	A	§ 275-41C(10)
Personal services	P	P	P	P	§ 275-41C(11)
Pet day-care/boarding facilities	C	C	P	P	
<u>Public Signs</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>§ 275-61A(3)</u>
Restaurants	P	P	P	P	§ 275-41C(12)
Retail commercial uses	P	P	P	P	
Self-storage facilities	*	*	C	C	§ 275-41C(14)
Service commercial uses	P	P	P	P	§ 275-41C(15)
Shopping centers	P	C	C	C	
Theaters	P	P	*	*	
Veterinary clinics	P	P	P	P	§ 275-41C(17)

Table 275-34-1					
Uses	Zoning Districts				Additional Regulations Refer to
	B-1	B-2	B-3	B-5	
Wholesale commercial uses	*	*	P	P	
<b>Office Uses</b>					
Business offices	P	P	P	P	
Contracting and construction offices (only)	P	P	P	P	
Financial institutions	P	P	P	P	§ 275-41D(1)
Medical and dental offices	P	P	C	C	
<b>Manufacturing/Industrial Uses</b>					
Aboveground/underground storage tanks	P	P	P	P	§ 275-41I
Freight services	*	*	*	*	
Industrial sales	*	*	C	*	
Warehouses	*	*	C	*	
<b>Institutional/Public/Semipublic Uses</b>					
Active parks and recreational facilities	€	€	€	±	
Bus stations	C	*	*	*	
Churches (neighborhood)	P	P	P	P	§ 275-70
Churches (community)	C	C	C	C	§ 275-70
Day-care centers	P	P	P	P	
Essential services	A	A	A	A	
Indoor recreational uses	C	C	*	*	
Passive parks and recreational facilities	P	P	P	P	
Recreational trails	P	P	P	P	
Truck rental services	*	*	P	*	
Utilities	P	P	P	P	
<b>Miscellaneous Uses</b>					
Drive-through facilities	A	A	A	A	§ 275-41H(1)
Natural resource conservation and preservation uses	P	P	P	P	
Off-street parking and loading areas	A	A	A	A	§ 275-57
Park-and-ride lots	P	P	P	P	
Residential quarters	*	A	A	A	§ 275-42G(1)(a)
Silviculture	P	P	P	P	§ 275-54 and § 275-54.1
Any other use the Plan Commission finds will be similar in nature, operation and function to the uses allowed within the district					§ 275-34C(1)

LEGEND	
P	Principal Use

C	Conditional Use
A	Accessory Use
T	Temporary Use
*	Prohibited Use

§ 275-35. Office and Industrial Districts. Table 275-35-1

Table 275-35-1							
Uses	Zoning Districts						Additional Regulations Refer to
	O-1	O-2	O-3	M-1	M-2	M-3	
<b>Commercial Uses</b>							
Adult-oriented establishments	*	*	*	C	C	*	§ 275-41C(1)
Automotive body repair				P	P	*	
Automotive fuel sales				P	P	P	
Breweries	*	*	*	P	P	P	§ 275-41C(12)(d)
Brewpubs	C	C	*	P	P	P	§ 275-41C(12)(c)
B-2 commercial uses	C	C	C	P	P	P	
<u>Commercial Sports Complex</u>	*	*	*	P	P	P	§ 275-36D(5)
Health and fitness studios	C	C	C	P	P	P	
Hotels and motels	P	P	*	P	P	P	§ 275-41C(8)
Mobile tower facilities	P/C	P/C	P/C	P/C	P/C	P/C	§ 275-41C(16)
Outdoor storage	*	*	*	A	A	A	§ 275-41C(10)
Personal services	P	C	P	C	C	P	§ 275-41C(11)
Pet day-care/boarding facilities	*	*	*	P	P	P	
<u>Public Signs</u>	P	P	P	P	P	P	§ 275-61A(3)
Restaurants	P	P	*	P	P	P	§ 275-41C(12)
Retail commercial uses	C	C	*	C	C	P	
Sale of recreational vehicles and motorcycles	*	*	*	P	P	C	
Self-storage facilities	*	*	*	P	P	*	§ 275-41C(14)
Service commercial uses	C	C	*	C	C	P	
Service commercial uses (outdoor storage)	C	C	*	C	C	C	
Tattoo and body-piercing establishments	*	*	*	C	C	*	
<b>Office Uses</b>							
Business offices	P	P	P	P	P	P	§ 275-41D(2)
Financial institutions	P	P	*	C	C	P	§ 275-41D(2)
Government offices	P	P	*	C	C	P	§ 275-41D(2)
Medical and dental offices	P	P	P	C	C	P	§ 275-41D(2)
Post offices	P	P	*	C	C	C	§ 275-41D(2)
<b>Manufacturing/Industrial Uses</b>							
Aboveground/underground storage tanks	*	*	*	P	P	P	§ 275-41I
Distribution centers	*	C	*	P	P	P	
Freight services	*	*	*	P	P	*	
Heavy industrial uses	*	*	*	*	P	*	
Industrial sales	*	*	*	C	C	P	
Industrial sales (outdoor sales)	*	*	*	C	C	C	

Table 275-35-1							
Uses	Zoning Districts						Additional Regulations Refer to
	O-1	O-2	O-3	M-1	M-2	M-3	
Light industrial uses	*	A/C	*	P	P	P	§ <u>275-41E(1)</u>
Manufacturing of animal feed	*	*	*	*	*	*	
Research and development facilities	*	*	*	<del>CP</del>	<del>CP</del>	P	
Truck terminals	*	*	*	*	*	*	
Warehouses	*	A/C	*	P	P	P	§ <u>275-41E(2)</u>
<b>Institutional/Public/Semipublic Uses</b>							
<del>Active parks and recreational facilities</del>	<del>C</del>	<del>C</del>	<del>C</del>	<del>C</del>	<del>C</del>	<del>P</del>	
Day-care facilities	P	P	*	P	P	P	
Churches (neighborhood)	P	P	P	P	P	P	§ <u>275-70</u>
Churches (community)	C	C	C	P	P	P	§ <u>275-70</u>
Central composting facilities	*	*	*	C	C	*	
Essential services	P	P	P	P	P	P	
<del>Passive parks and recreational facilities</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	
Recreational trails	P	P	P	P	P	P	
Recycling centers	*	*	*	C	C	C	
Utilities	C	C	C	C	C	C	
<b>Miscellaneous Uses</b>							
Drive-through facilities	A	A	*	A	A	A	§ <u>275-41H(1)</u>
Natural resource conservation and preservation uses	P	P	P	P	P	P	
Off-street parking and loading areas	A	A	A	A	A	A	§ <u>275-57</u>
Park-and-ride lots	P	P	*	P	P	P	
Silviculture	P	P	P	P	P	P	§ <u>275-54</u> and § <u>275-54.1</u>
Transportation depots	*	*	*	C	C	C	
Any other use the Plan Commission/CDA finds will be similar in nature, operation and function to the uses allowed within the district							§ <u>275-35C(1)</u>

LEGEND	
P	Principal Use
C	Conditional Use
A	Accessory Use
T	Temporary Use
*	Prohibited Use

§ 275-36. Institutional and recreational/park Districts. Table 275-36-1

Table 275-36-1				
Uses	Zoning Districts			Additional Regulations Refer to
	I-1	P-1	P-2	
<b>Residential Uses</b>				
Community living arrangements	P	*	*	§ 275-41G(1)
Dormitories	A	*	*	
<b>Commercial Uses</b>				
Amphitheaters	*	C	C	
Aquariums	*	C	*	
Auditoriums	P	C	*	
Banquet halls	*	C	*	
Bowling alley	*	C	*	
<u>Commercial Sports Complex</u>	<u>*</u>	<u>P</u>	<u>P</u>	§ 275-36D(5)
Exhibition halls	*	C	*	
Fairgrounds	*	C	*	
Mobile tower facilities	P/C	P/C	P/C	§ 275-41C(16)
Outdoor storage	A	A	A	
Stadiums	*	C	C	
<b>Office Uses</b>				
Government offices	P	C	C	
Medical and dental offices	A	*	*	
Post offices	P	P	*	
<b>Institutional/Public/Semipublic Uses</b>				
<u>Active parks and recreational facilities</u>	<u>C</u>	<u>P</u>	<u>P</u>	
Assisted living facilities	P	*	*	
Cemeteries	C	*	*	
Central composting	C	C	*	
Churches (neighborhood)	P	*	*	§ 275-70
Churches (community)	C	*	*	§ 275-70
Crematory services	C	*	*	
Day-care facilities	P	*	*	
Educational facilities, interpretive centers, learning centers	P	C	*	
Nature-based learning centers	P	P	P	
Essential services	P	P	P	
Golf driving range	*	A/C	*	§ 275-41G(3)
Hospitals	P	*	*	
Indoor recreational uses	<u>*A</u>	P	C	
Libraries	P	C	*	

Table 275-36-1				
Uses	Zoning Districts			Additional Regulations Refer to
	I-1	P-1	P-2	
Museums and galleries	P	C	*	
Organizational clubs	P	*	P	
<del>Passive parks and recreational facilities</del>	<del>P</del>	<del>P</del>	<del>P</del>	
Public service uses	P	*	*	
Recreational trails	P	P	P	
Recycling centers	C	C	*	
Tournaments/sporting events	<del>PA</del>	<del>PA</del>	<del>PA</del>	
Utilities	C	C	P	
<b>Miscellaneous Uses</b>				
Forest and game management		P	P	
Hunting and fishing clubs	*	C	*	
Natural resource conservation and preservation uses	P	P	P	
Park and ride lots	P	P	*	
Silviculture	P	P	P	§ 275-54 and § 275-54.1
<b>Accessory Uses</b>				
Accessory dwellings	A	A	*	§ 275-42G
Concessions	*	P	P	
Off-street parking and loading areas	A	A	A	§ 275-57
Temporary uses/event sales and display	T	T	P	§ 275-43

LEGEND	
P	Principal Use
C	Conditional Use
A	Accessory Use
T	Temporary Use
*	Prohibited Use



**§ 275-36D. Institutional and recreational/park Districts.**

D. Site development standards. All development shall be subject to the intensity and dimensional standards set forth in this section. These intensity and dimensional standards may be further limited or modified by other applicable sections of this chapter, including Article V and the additional requirements set forth below in Table 275-36-2. [Amended 1-12-2016 by Ord. No. 2558; 10-9-2018 by Ord. No. 2607]

District	Minimum Lot Dimensions		Minimum Setbacks (feet)					Maximum Height (feet)
	Lot Area (square feet)	Lot Width (feet)	Front	Side (each side)	Rear	OHWM	Wetland	
I-1	40,000	200	50	50	50	50	10 or 30; see § 275-36D(3)	45
P-1	None	None	50	50	50	50	10	35
P-2	None	None	0	0	0	50	10	35

**Additional requirements:**

- (1) Lots in the P-1 and P-2 Park Districts shall provide sufficient area for the principal structure and its accessory structures, off-street parking and loading areas, and all required yards.
- (2) The Plan Commission may modify the yard requirements in the P-1 District where it deems the requirement to serve no public purpose.
- (3) Wetland setback.
  - (a) All impervious surfaces shall be set back a minimum of 10 feet, except in the I-1 Zoning District, the minimum setback is 30 feet. However, where at least one of the following conditions is met in the I-1 Zoning District, the minimum setback is 10 feet:
    - [1] The lot is vacant and is part of a platted residential subdivision that was recorded before October 9, 2001.
    - [2] The building permit for the principal structure located on the lot was issued before October 9, 2001.
  - (b) Grading may be allowed within the wetland setback upon approval by the Director. The applicant shall demonstrate appropriate erosion control practices as approved by the City and/or the DNR.
  - (c) Landscaping may be allowed within the wetland setback upon approval by the Director. The applicant shall demonstrate appropriate erosion control practices as approved by the City and/or the DNR.

- (4) Modification of standards. The Plan Commission or Community Development Authority may modify the open space requirement, but only if supplemental design elements or improvements are incorporated into the project which compensate for the modifications of the particular standard. Such elements may include, but are not limited to, additional landscaping, low-impact/sustainable design, alternative stormwater best management practices/green infrastructure (which may include, but are not limited to, bioretention, infiltration, pervious surfaces, green roofs, rain gardens, underground storage, and/or rain harvesting/reuse).

Table 275-36-3			
Lot Coverage (percent)			
District	Maximum Coverage by Buildings	Maximum Coverage by Impervious Surfaces	Minimum Coverage by Open Space and Landscaping
I-1	50%	70%	30%
P-1	None	None	None
P-2	None	None	None

(5) Commercial Park/Sports Complex

- (a) Commercial Park/Sports Complex is a regional park facility with intensive programming and use which is owned and operated by a private entity and which includes outdoor athletic fields for organized team activities. Such facilities are membership/ fee based and may include concessions/snack bar, a clubhouse, pro shop and/or other retail sales. It may also include an indoor sports facility.
- (b) Commercial Park/ Sport Complexes are prohibited in agricultural districts, as well as all residential districts or within 200' of the border of a residential district due to the intensity of the use of such parks and the impact which they are likely to have with regard to, noise, light pollution, traffic and parking in surrounding neighborhoods and streets.
- (c) Commercial Park/Sport Complexes are permitted in B-1, industrial districts or on lands zoned P-1 and designated for such purposes in the park plan portion of the City's Comprehensive Plan. In considering the rezoning of lands to permit the siting of such a facility it should be noted that Commercial Parks/Sports Complexes are generally not consistent with the rural character of the City west of Calhoun Rd.

**Commented [HK2]:** What about County entities? Discuss with City Attorney at PC

§ 275-37. Special Districts. Table 275-37-1

Table 275-37-1						
Uses	Zoning Districts					Additional Regulations Refer to
	Q-1	L-1	C-1	C-2	C-3	
<b>Agricultural Uses</b>						
Maintenance of agricultural drainage systems and fences	*	*	P	C	P	
Raising of crops	*	*	P	P	P	§ 275-37C(2)(e)
Raising of wild crops	*	*	P	P	P	
Silviculture	P	P	P	P	P	§ 275-54 and § 275-54.1
<b>Residential Uses</b>						
Single-family detached dwelling with attached garage	*	*	P	*	*	§ 275-37D(3)(c)
<b>Commercial Uses</b>						
<del>Commercial Sports Complex</del>	<del>*</del>	<del>*</del>	<del>*</del>	<del>*</del>	<del>*</del>	
Mobile tower facilities	C					§ 275-41C(16)
Outdoor storage	A	*	*	*	*	§ 275-41C(10)
<b>Office Uses</b>						
Business offices	A	A	*	*	*	
<b>Manufacturing/Industrial Uses</b>						
Asphalt and ready-mix plants as an accessory to active quarrying operations	C	*	*	*	*	§ 275-41F
Excavation	C	*	*	*	*	
Mineral extraction	C	*	*	*	*	§ 275-41F
Mineral processing as an accessory to active quarrying operations	C	*	*	*	*	§ 275-41F
Mineral storage as an accessory to active quarrying operations	C	*	*	*	*	§ 275-41F
Peat and soil removal	C	*	*	*	*	§ 275-41F
Quarrying	C	*	*	*	*	§ 275-41F
Weigh scales	A	*	*	*	*	
<b>Institutional/Public/Semipublic Uses</b>						
<del>Active parks and recreational facilities</del>	<del>±</del>	<del>±</del>	<del>C</del>	<del>C</del>	<del>±</del>	
Essential services	A	A	A	A	A	
Landfill	*	C	*	*	*	§ 275-41G(4)
Municipal water and sewer services	C	*	C	C	*	
Natural stormwater management	A	A	A	A	A	
<del>Passive parks and recreational facilities – reclaimed quarry</del>	<del>P</del>	<del>±</del>	<del>P</del>	<del>P</del>	<del>P</del>	
Permanent open space	P	P	P	P	P	
Piers and docks	*	*	C	C	*	
Railroads	*	*	C	C	*	
Recreational trails	P	P	P	P	P	

Table 275-37-1						
Uses	Zoning Districts					Additional Regulations Refer to
	Q-1	L-1	C-1	C-2	C-3	
Repair or maintenance of local, state, or federal roads or bridges	*	*	P	P	*	
Roadways	A	*	C	C	*	
Utilities	P	P	P	P	P	
<b>Miscellaneous Uses</b>						
Forest and game management	*	*	P	*	C	
Hunting and fishing clubs	*	*	C	C	P	
Natural resource conservation and preservation uses	*	*	P	P	P	
Off-street parking and loading areas	A	A	*	*	*	§ 275-57
Planting of native plants	P	P	P	P	P	
Removal or mowing of nonnative wetland or prairie plants	*	*	P	P	C	
Stormwater management	*	*	C	*	C	
Structures and lands used as designated in a reuse plan	*	C	*	*	C	
Wetland maintenance	*	*	P	P	C	
Wildlife management structures	*	*	P	P	C	
Any other use the Plan Commission finds will be similar in nature, operation and function to the uses allowed within the district						§ 275-37C(3)

LEGEND	
P	Principal Use
C	Conditional Use
A	Accessory Use
T	Temporary Use
*	Prohibited Use

**§ 275-39C. Special overlay districts.**

- C. Uses allowed in the special districts. Table 275-39-1 below sets forth the uses allowed within the relevant zoning district. The abbreviations used in the table are described in § 275-32C and are summarized in the legend table following Table 275-39-1. [Amended 4-22-2014 by Ord. No. 2522; 10-9-2018 by Ord. No. 2607] Reserved.

<b>Table 275-39-1</b>			
<b>Uses</b>	<b>Zoning Districts</b>		<b>Additional Regulations Refer to</b>
	<b>PUD</b>	<b>SPO</b>	
<b>Miscellaneous Uses</b>			
Any conditional use allowed in the underlying zoning district, provided it is not prohibited in the PUD District or relevant plans	C	C	
Any conditional use specifically allowed in the PUD District or relevant plans	C	C	
Any conditional use that the Plan Commission finds similar to uses allowed in the PUD District or relevant plans	C	C	
Any principal use allowed in the underlying zoning district, provided it is not prohibited in the PUD District or relevant plans	P	P	
Any principal use specifically allowed in the PUD District or relevant plans	P	P	
Any principal use that the Plan Commission finds similar to uses allowed in the PUD District or relevant plans	P	P	
Any prohibited use in the underlying zoning district, provided it is not prohibited in the PUD District or relevant plans	*	*	
Any prohibited use in the PUD District or relevant plans	*	*	
Any prohibited use that the Plan Commission finds similar to uses allowed in the PUD District or relevant plans	*	*	
<b>Accessory Uses</b>			
Any accessory use allowed in the underlying zoning district, provided it is not prohibited in the PUD District or relevant plans	A	A	
Any accessory use specifically allowed in the PUD District or relevant plans	A	A	
Any accessory use that the Plan Commission finds similar to uses allowed in the PUD District or relevant plans	A	A	

<b>LEGEND</b>	
P	Principal Use
C	Conditional Use
A	Accessory Use
T	Temporary Use
*	Prohibited Use

**§ 275-42A. Accessory uses and structures.**

A. General provisions. [Amended 1-12-2016 by Ord. No. 2558; 10-9-2018 by Ord. No. 2607]

- (1) Properties with a minimum of five acres in size that have a demonstrated agricultural or silviculture uses as determined by the Director shall be exempt from § 275-42B.  
"Agricultural uses" shall be defined as lands ~~that have an agricultural assessment classification that may be tilled for the production of crops and/or lands devoted to grazing or feeding of livestock; that is primarily used for agricultural activity, including but not limited to the growing of qualified crops, planting in rows, fertilizing and tilling the land, and any other efforts to enhance growth of the yield. Physical evidence of agricultural activity can include furrows, crops, fencing and livestock. Minimal maintenance of the land and naturally growing crops will not be considered agricultural activity.~~
- (2) Accessory uses that are for a demonstrated agricultural use shall only be used for storage and demonstrated agricultural purposes, and not for home occupations, commercial storage, or business operations. All setbacks shall be met for the zoning district and shall be located in the rear or side yards in all residential districts.
- (3) The Plan Commission shall regulate the architecture of agricultural accessory uses under § 275-59D(1) of this chapter.
- (4) Accessory uses are allowed in any district as may be specified in the appropriate district regulations or in this section.
- (5) All accessory buildings shall require the issuance of a building permit.
- (6) Accessory uses are allowed only after the principal structure is present or under construction. The Director of Community Development may administratively approve an accessory structure prior to the principal structure being built, as long as the construction of the principal structure has begun within one year of starting work on the accessory structure. ~~Construction of an accessory use on a property without a principal structure is subject to Plan Commission review.~~ The City has the ability to enforce fines and/or citations.
- (7) The use and/or location requirements stipulated elsewhere in this chapter may be modified subject to Plan Commission approval.
- (8) Detached accessory buildings and structures that are part of a planned development are subject to Plan Commission review.
- (9) Skateboard ramps are prohibited in the City of New Berlin within residentially zoned districts.
- (10) All accessory buildings and structures shall be located outside of public easement areas unless Plan Commission approval is granted.

**§ 275-42F(3). Accessory uses and structures.**

- (3) Temporary outdoor storage. Temporary outdoor storage may be allowed as an accessory use in all zoning districts, subject to the following provisions: [Amended 10-9-2018 by Ord. No. 2607]
- (a) Temporary outdoor storage units (example: shipping containers/crates) shall abide by the restrictions below:
- [1] An administrative permit application shall be submitted and a zoning permit issued prior to the temporary outdoor storage unit being placed on the property, if it will be stored on the property for more than 30 days.
  - [2] Only one temporary outdoor storage unit will be allowed per tax key. The Department of Community Development will review requests for any additional temporary outdoor storage units.
  - [3] Temporary outdoor storage units shall not exceed eight feet in height, 10 feet in width and 20 feet in length.
  - [4] No flammable or explosive materials may be stored in the temporary outdoor storage unit.
  - [5] No temporary outdoor storage unit will be used to store materials related to an off-premises business or a home occupation.
- (b) Location:
- [1] Temporary storage units shall be placed on a hard, all-weather surface, driveway or turnaround area. (This does not include areas of dirt or grass.)
  - [2] Temporary outdoor storage areas shall be set back a minimum of 10 feet from the base setback line and a minimum of five feet from the side and rear lot lines.
  - [3] Temporary outdoor storage units will not be allowed to be stored on public access areas, easements or within the City of New Berlin right-of-way.
- (c) Duration:
- [1] Temporary outdoor storage units shall not be stored on a property longer than 30 days unless the property owner submits an administrative permit application requesting a longer duration of time. The total storage of the temporary outdoor storage unit with an application and permit shall not exceed 60 days unless as specified in the next condition.
  - [2] Property owners that have applied for and received a valid building permit shall be allowed to store temporary outdoor storage units on the property no longer than 180 days or until final occupancy is issued, whichever comes first.
  - [3] If the project has a valid building permit, the property owner shall not be required to apply for an administrative permit.

- [4] If the temporary outdoor storage unit is scheduled to remain on the property over 180 days, then the property owner shall apply for an administrative permit.
- [5] Once the project or property owner receives final occupancy and/or the building permits have been closed out and final inspected, the property owner must remove the temporary outdoor storage unit within 30 days.
- [6] Temporary outdoor storage units and small homes are prohibited as a permanent use.



**§ 275-46D(1). Yard/setback measurement and requirements.**

- (1) Exemptions. The following uses and structures are exempt from the yard and setback limitations of this chapter:
- (a) Essential services. Essential services, such as utilities, electric power and communication transmission lines.
  - (b) Landscaping and vegetation. Landscaping and vegetation shall comply with the vision triangle requirements set forth in this chapter.
  - (c) Building Connections. For non-residential uses, building interconnections between buildings and adjacent parcels for shared or common operations, shall not be considered for setback purposes.

**§ 275-57A(7)(f). Off-street parking, loading and access.**

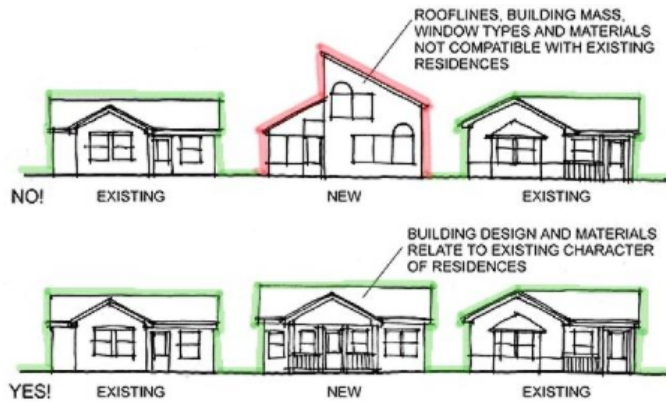
(f) Location.

- [1] Parking spaces shall be located on the same lot as the principal use they serve.
- [2] No more than 50% of parking spaces may be permitted in the front yard in the Rm-1, O-1, O-2, M-1, and M-2 Zoning Districts, in addition to areas within the rural commercial boundary. The following may prevent parking in the rear: POWTS, wetlands, environmental corridor. In such cases, enhanced landscaping and/or bufferyards shall be required as approved by the City.
- [3] Parking for business and industrial uses shall not be located in a residential district. Parking for home occupations shall be in accordance with § 275-42G(4)(a)[9].

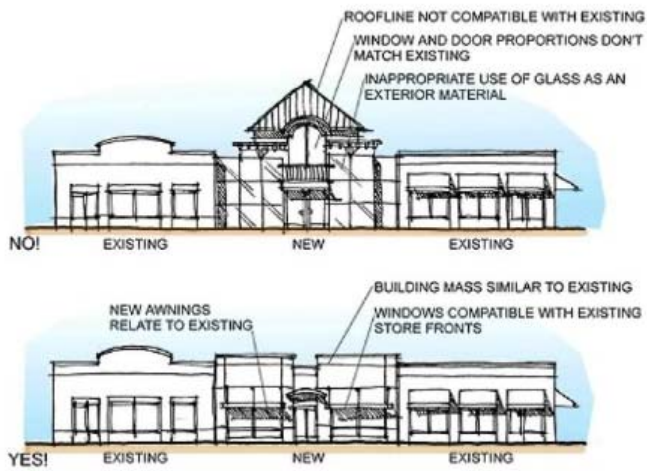
**§ 275-59. Architectural design standards.**

- A. Purpose. The purpose of this section is to promote compatible development; to promote stability of property values; to foster the attractiveness and functional utility of the community as a place to live and work; to preserve the character and quality of the built environment by maintaining the integrity of those areas which have a discernible character or are of a special historic significance; to protect certain public investments in the area; and to raise the level of community expectations for the quality of its environment.
- B. Applicability.
  - (1) No land shall be developed and no building shall be erected, structurally altered, or moved unless it meets the provisions set forth in this section.
  - (2) Upon the filing of a site plan, staff shall decide if the proposed development qualifies as an infill development or a greenfield development. This decision will determine the architectural standards of Subsection C below that must be met to gain approval of the site plan.
- C. General design standards.
  - (1) Infill development.
    - (a) Architectural character.
      - [1] All new development or redevelopment shall be compatible with the established architectural character of the surrounding area utilizing a building design and style that is complementary to the surrounding uses and structures. Compatibility may be achieved through the repetition of similar rooflines, similar proportions in relation to height, size, scale and mass, similar door and window patterns, building materials and color, and building orientation. See Figures VIII-8 and VIII-9.
      - [2] No building shall be permitted a design or exterior appearance which is so identical with those adjoining as to create excessive monotony.

**Figure VIII-8  
Architectural Character - Residential**



**Figure VIII-9  
Architectural Character - Nonresidential**



(b) Building size, height, bulk, scale and mass.

- [1] Buildings shall maintain a similar size, height, bulk, scale and mass as surrounding architecture.

- [2] If a proposed structure is to be larger than the structures in surrounding developments, the building shall be subdivided into massing that is proportional to the mass and scale of surrounding structures.
- (c) Building rooflines and roof shapes. The visual continuity of roofs and their contributing elements (parapet walls, coping, cornices, etc.) shall be maintained in building development or redevelopment.
- (d) Building materials.
- [1] While only materials, techniques, and product types prescribed here are allowed, equivalent or better practices and products are encouraged. Proposed materials shall be submitted to staff and the Architectural Review Committee for approval. Where the proposed materials are dissimilar to the prevailing materials in the surrounding area, other characteristics such as scale, proportion, detailing, color and texture shall be utilized to ensure that enough similarity exists for the building to be compatible, despite the use of different materials. The Plan Commission or Community Development Authority may waive or modify any or all of the requirements in this section in accordance with § 275-52C.
- [2] No building or addition to a building shall be permitted where any exposed facade is constructed or faced with a finished material which is visibly incompatible with other building facades in the area and which presents an unattractive appearance to the public and surrounding properties.
- [3] Building materials shall not create excessive glare. If highly reflective building materials are proposed, such as aluminum, unpainted metal and reflective glass, the potential for glare shall be evaluated to determine if the glare will create a significant adverse impact on adjacent property owners, neighborhoods or community in terms of vehicular safety, outdoor activities, and enjoyment of views. If so, such reflective materials shall be prohibited.
- [4] Mirror glass with a reflectivity or opacity of greater than 60% shall be prohibited.
- [5] Clear glass shall be used for commercial storefront display windows and doors.
- [6] Recommended materials. "Permitted materials" are those that are allowed for each district. "Considered materials" are materials that may be permitted in certain cases depending on the character of existing buildings, specific site issues, staff approval, and/or Architectural Review Committee approval. See ~~also~~ Figure VIII-10, Recommended Materials ~~chart~~. <sup>[1]</sup>

[a] Rm 1, Multiple Family Residential. [Amended 1-12-2016 by Ord. No. 2558]

Commented [HK3]: No change in content, reformatted

[i] Permitted materials: building walls.

[A] Brick, exposed or painted.

[B] Stucco, smooth or sand finish only.

[C] Native stone.

[D] Precast masonry, rough faced for exposed foundation wall only.

[E] Gypsum reinforced fiber concrete, for trim elements only.

[F] Manufactured cementitious siding.

[G] Cedar shakes.

[ii] Considered materials: building walls.

[A] Vinyl siding, only with full profile windows and trim (only for building additional that already have this material).

[B] EIFS (Exterior Insulated Finish Systems), not at ground level, not to exceed 25% of total wall surface.

[C] Precast masonry, rough faced as base course material, not to exceed 15% of total wall surface.

[iii] Permitted materials: freestanding walls and fences.

[A] Any material approved for building walls in the "permitted" section except for gypsum reinforced fiber concrete or cedar shakes.

[B] Wood pickets, wood lattice, and wood boards, patterns to be approved by staff and/or the Architectural Review Committee.

[C] Walls should be capped in wood, stone, or brick.

[D] Painted or stained composites of wood and plastic.

[E] Wrought iron.

The Plan Commission or Community Development Authority may waive or modify any of all of the requirements in this section in accordance with § 275-52C.

[b] — All B-1, B-2, B-3 and B-5 commercial districts:

**Permitted Materials—Building Walls**

Brick—exposed or painted

Stucco—smooth or sand finish only

Native stone

Glass panel system

Precast masonry—rough faced for exposed foundation wall only

Gypsum reinforced fiber concrete—for trim elements only

Manufactured cementitious siding

**Considered Materials—Building Walls**

Vinyl siding—only with full profile windows and trim

EFS (exterior insulated finish systems)—not at ground level, not to exceed 25% of total wall surface

Precast masonry—rough faced as base course material, not to exceed 15% of total wall surface

Cedar shakes

**Permitted Materials—Freestanding Walls and Fences**

Any material approved for building walls in the "permitted" section, except for glass panel system, gypsum reinforced fiber concrete, or cedar shakes

Wood lattice and wood boards—patterns to be approved by staff and/or the Architectural Review Committee

Walls should be capped in wood, stone, or brick

Painted or stained composites of wood and plastic

Wrought iron

[c] — All O-1, O-2 and O-3 office districts:

**Permitted Materials—Building Walls**

Brick—exposed or painted

Native stone

Glass panel system

Precast masonry—rough-faced for exposed foundation wall only

Manufactured cementitious siding

**Considered Materials—Building Walls**

Vinyl siding—only with full-profile windows and trim

EIFS (exterior insulated finish systems)—not at ground level, not to exceed 25% of total wall surface

Precast masonry—rough-faced as base course material, not to exceed 15% of total wall surface

Stucco—smooth or sand finish only

**Permitted Materials—Freestanding Walls and Fences**

Any material approved for building walls in the "permitted" section, except for glass panel system

Wood lattice and wood boards—patterns to be approved by staff and/or the Architectural Review Committee

Walls should be capped in wood, stone, or brick

Painted or stained composites of wood and plastic

Wrought iron

[d]—M 1 Light Manufacturing Zoning District. [Amended 1-12-2016 by Ord. No. 2558]

[i]—Permitted materials: building walls:

[A]—Brick, exposed or painted.

[B]—Native stone.

[C]—Glass panel system.

[D]—Precast masonry, rough faced.

[E]—Manufactured cementitious siding.

[ii]—Considered materials, building walls:

[A]—EIFS (Exterior Insulated Finish Systems), not at ground level, not to exceed 50% of total wall surface.



[B] — Stucco, smooth or sand finish only.

[iii] — Permitted materials, freestanding walls and fences.

[A] — Any material approved for building walls in the "permitted" section except for glass panel system.

[B] — Wood lattice and wood boards, patterns to be approved by staff and/or the Architectural Review Committee.

[C] — Walls should be capped in wood, stone, or brick.

[D] — Painted or stained composites of wood and plastic.

[E] — Aluminum, decorative steel or wrought iron.

[e] — M-2, General Industrial. [Amended 1-12-2016 by Ord. No. 2558]

[i] — Permitted materials, building walls.

[A] — Brick, exposed or painted.

[B] — Native stone.

[C] — Glass panel system.

[D] — Precast masonry, rough faced.

[E] — Manufactured cementitious siding.

[ii] — Considered materials, building walls.

[A] — EIFS (Exterior Insulated Finish Systems), not at ground level, not to exceed 50% of total wall surface.

[B] — Stucco, smooth or sand finish only.

[C] — Vinyl siding.

[D] — Metal panels.

[iii] — Permitted materials, freestanding walls and fences.

[A] — Any material approved for building walls in the "permitted" section except for glass panel system.

[B] — Wood lattice and wood boards, patterns to be approved by staff and/or the Architectural Review Committee.

[C] — Walls should be capped in wood, stone, or brick.

[D] — Painted or stained composites of wood and plastic.

[E] — Aluminum, decorative steel or wrought iron.

[f] — M-3, Section 34-35 Business Park Development District. [Added 1-12-2016 by Ord. No. 2558]

[i] — Permitted materials, building walls.

[A] — Brick, exposed (no brick painting or CMU allowed).

[B] — Native stone, natural stone, thin stone veneer and cast stone.

[C] — Glass storefront or curtainwall systems.

[D] — Precast masonry, rough faced.

[E] — Manufactured cementitious siding, fiber cement board.

[F] — Architectural metal, as recommended by the Architecture Review Committee (ARC).

[ii] — Considered materials, building walls.

[A] — EIFS (Exterior Insulated Finish Systems), not at ground level, not to exceed 25% of total wall surface.

[B] — Stucco, smooth or sand finish only.

[iii] — Permitted materials, freestanding walls and fences.

[A] — Any material approved for building walls in the "permitted" section except for glass panel system.

[B] — Wood lattice and wood boards, patterns to be approved by staff and maintained appropriately.

[C] — Walls should be capped in wood, stone, brick, precast stone or metal copings.

[D] — Painted or stained composites of wood and plastic.

[E] — Aluminum, decorative steel or wrought iron (no chain link).

[g] — R-6, Section 35 Low Density Single Family Residential District and R-7, Quarry Park Low Density Single Family Residential District. Home construction in the R-6 and R-7 Districts shall utilize architectural materials similar in quality to subdivisions east and west of Sunny Slope Road. An approval from an architectural review board of the homeowner's association may be required prior to issuance of building permits from the City. [Added 1-12-2016 by Ord. No. 2558; 10-13-2020 by Ord. No. 2642]

[i] — Permitted materials, building walls.

[A] — Brick, exposed (no brick painting).

[B] — Stucco, smooth or sand finish only.

[C] — Native stone.

[D] — Precast masonry, rough faced for exposed foundation wall only.

[E] — Fiberglass reinforced gypsum (FRG), glass reinforced gypsum (GRG) and Fibon, for trim elements only (decorative and functional pieces).

[F] — Manufactured cementitious siding.

[G] — Cedar shakes and cedar lap siding.

[ii] — Considered materials, building walls.

[A] — Vinyl siding.

[B] — EIFS (Exterior Insulated Finish Systems), not at ground level, not to exceed 25% of total wall surface.

**Figure VIII – 10  
Recommended Materials**

	Rm-1 Multiple- Family Residential	R-6/R-7 Single- Family Residential	<b>Business Commercial Districts</b>	Office Districts	M-1 Light Manufacturing	M-2 General Industrial	M-3 Section 34/35	<u>Institutional Districts</u>	<u>Rural Commercial Area</u>
<b>Building Walls</b>									
Brick— <u>exposed or painted</u>	P <u>(exposed or painted)</u>	P <u>(exposed, no brick painting)</u>	P <u>(exposed or painted)</u>	P <u>(exposed or painted)</u>	P <u>(exposed or painted)</u>	P <u>(exposed or painted)</u>	P <u>(exposed, no brick painting or CMU allowed)</u>	<u>P</u> <u>(exposed or painted)</u>	
Stucco - smooth or sand finish only	P	P	P	C	C	C	C	<u>C</u>	
<u>Native stone</u> Stone – <u>native, natural, veneer or cast</u>	P	P	P	P	P	P	P	<u>P</u>	
Glass panel system, <u>glass storefront or curtain wall systems</u>			P	P	P	P	P	<u>P</u>	
Precast masonry - rough-faced <u>for exposed foundation wall only</u>	P <u>(exposed foundation wall only)</u>	P <u>(exposed foundation wall only)</u>	P <u>(exposed foundation wall only)</u>	P <u>(exposed foundation wall only)</u>	P	P	P	<u>P</u> <u>(exposed foundation wall only)</u>	
Precast masonry - rough-faced as <u>base course material, not to exceed 15% of total wall surface</u>	C <u>(as base course material, not to exceed 15% of total wall surface)</u>	C <u>(as base course material, not to exceed 15% of total wall surface)</u>	C <u>(as base course material, not to exceed 15% of total wall surface)</u>	C <u>(as base course material, not to exceed 15% of total wall surface)</u>				<u>C</u> <u>(as base course material, not to exceed 15% of total wall surface)</u>	
Gypsum reinforced fiber concrete <u>Glass Fiber Reinforced Gypsum</u> - for trim elements only	P	P	P						
Manufactured cementitious siding, <u>Fiber cement board</u>	P	P	P	P	P	P	P	<u>P</u>	
Cedar shakes <u>and lap siding</u>	P	P	C						

Figure VIII – 10  
Recommended Materials

	Rm-1 Multiple- Family Residential	R-6/R-7 Single- Family Residential	Business Commercial Districts	Office Districts	M-1 Light Manufacturing	M-2 General Industrial	M-3 Section 34/35	Institutional Districts	Rural Commercial Area
Vinyl siding - only with full-profile windows and trim	C <i>(only for buildings already using this material)</i>	C	C	C	*	*	*	C	*
EIFS (exterior insulated finish systems) - not at ground level; not to exceed 25% of total wall surface	C <i>(not to exceed 25% of total wall surface for the entire building)</i>	C <i>(not to exceed 25% of total wall surface for the entire building)</i>	C <i>(not to exceed 25% of total wall surface for the entire building)</i>	C <i>(not to exceed 25% of total wall surface for the entire building)</i>	C <i>(not to exceed 50% of total wall surface for the entire building)</i>	C <i>(not to exceed 50% of total wall surface for the entire building)</i>	C <i>(not to exceed 25% of total wall surface for the entire building)</i>	C <i>(not to exceed 25% of total wall surface for the entire building)</i>	
EIFS (exterior insulated finish systems) - not at ground level; not to exceed 50% of total wall surface					C	C	C		
Metal panels			C	C	C	C	C <i>(only as an accent)</i>	C	
Architectural metal							P		
Aluminum	*	*	*	*	*	*	*	*	*
<b>Freestanding Walls and Fence</b>									
Brick—exposed or painted	P <i>(exposed or painted)</i>	P <i>(exposed, no brick painting)</i>	P <i>(exposed or painted)</i>	P <i>(exposed or painted)</i>	P <i>(exposed or painted)</i>	P <i>(exposed or painted)</i>	P <i>(exposed, no brick painting or CMU allowed)</i>	P <i>(exposed or painted)</i>	
Stucco - smooth or sand finish only	P	P	P						
Native stone Stone – native, natural, veneer or cast	P	P	P	P	P	P	P	P	
Precast masonry - rough-faced	P	P	P	P	P	P	P	P	

**Figure VIII – 10  
Recommended Materials**

	Rm-1 Multiple- Family Residential	R-6/R-7 Single- Family Residential	Business Commercial Districts	Office Districts	M-1 Light Manufacturing	M-2 General Industrial	M-3 Section 34/35	Institutional Districts	Rural Commercial Area
for exposed foundation wall only									
Manufactured cementitious siding / Fiber cement board	P	P	P	P	P	P	P	P	
Architectural metal							P		
Wood pickets	P	P							
Wood lattice	P	P	P	P	P	P	P	P	
Wood boards	P	P	P	P	P	P	P	P	
Painted or stained composites of wood and plastic composite (painted or stained)	P	P	P	P	P	P	P	P	
Wrought iron	P	P	P	P	P	P	P	P	
Aluminum or decorative steel					P	P	P (no chain link)		

P = Permitted material
C = Conditional/Considered material
* = Prohibited material

- (e) Colors. Color shades shall be selected in general harmony with the existing surrounding buildings.
- (f) Building location and orientation. To the maximum extent feasible, primary facades and entrances shall face the adjacent street. Except for the M-1, M-2, Q-1 and L-1 Districts, all main entrances shall have a direct pedestrian connection to the street without requiring all pedestrians to walk through parking lots or cross driveways.
- (g) Mechanical equipment and service structures. All mechanical equipment and service structures shall be located in a manner to be unobtrusive or screened from view. Screening and buffering of mechanical equipment shall be in accordance with § 275-56G.

- (h) Loading, trash, and utility areas. All loading, trash and utility areas shall be screened from street and side path views in accordance with § 275-56G(2). Screening materials should complement the building, as well as adjacent buildings, and be effective in every season. The only exception is that loading and overhead doors are allowed within the New Berlin Industrial Park as part of the SPO.
- (i) Additional architectural standards. Any additional architectural standards deemed appropriate in the City of New Berlin or in the vicinity of the project may be imposed by the Plan Commission.

(2) Greenfield development sites.

- (a) Building design. Building design shall contribute to the uniqueness of a zoning district and the City of New Berlin with predominant materials, elements, features, color, and activity areas tailored specifically to the site and its context in consultation with the Plan Commission.
- (b) Building materials.
  - [1] Material choices as noted in § 275-59C(1)(d)[6].
  - [2] Mirror glass with a reflectivity or opacity of greater than 60% shall be prohibited.
  - [3] Clear glass shall be used for commercial storefront display windows and doors.
- (c) Multiple-building developments. Each individual site shall feature predominant characteristics, including but not limited to consistent rooflines, use of compatible proportions in building mass and outdoor spaces, complementary relationships to the street, similar window and door patterns, and the use of similar building materials in terms of color, shades and textures.
- (d) Massing. A single large building mass shall be avoided in all residential and commercial districts.
- (e) Color. Color shades shall be used to facilitate unification of the development. The color shades should draw from other developments that have been approved in the City of New Berlin.

D. Specific architectural design standards.

- (1) While the architectural design standards prescribed are required, staff and/or the Architectural Review Committee shall have final approval.
- (2) Agricultural buildings. Agricultural buildings shall be designed to be appropriately proportioned to the intended agricultural use.
- (3) Building facades.

- (a) O-1, O-2 and O-3 Districts. In the O-1, O-2 and O-3 Districts, all building walls facing a street shall be permitted building materials.
- [1] Such materials shall extend around all four sides of the structure.
  - [2] Building facades should be composed to define base, middle, and top elements. The base of the building anchors it to the ground and is the interface between the building and people. The transition between the middle of the building and the base and top should be articulated by the use of contrasting materials, window openings, or ornamental elements. The top terminates the building against the sky and provides an opportunity to create an interesting silhouette.
  - [3] Building elevations should be articulated in ways that give the appearance of multiple layers which add depth and avoid the appearance of flat facades. Suggested techniques include: setting windows back from the exterior wall plane; adding decorative elements such as cornices, lintels, sills, awnings, and canopies; expressing structural columns through changes of plane; creating arcade walkways; and extending roof eaves.
  - [4] A change in materials or stepbacks (from six inches to 10 inches) shall be incorporated to articulate the ground or first floor from upper floors. Stepbacks and patios can also be incorporated on upper floors to further articulate the building.
  - [5] Building entries shall be clearly defined and articulated.
  - [6] Ground-level offices should include clear glass windows.
  - [7] To avoid monotonous and elementary building design, proposed architecture should incorporate new urbanist principles, such as: towers, raised corners to complement the surrounding area and streetscape, rooflines of varying heights, wall planes that are varying in depth and other significant design elements; modular and/or premanufactured buildings should also incorporate the design elements described above. [Added 1-12-2016 by Ord. No. 2558]
- (b) M-1, M-2, M-3, and I-1 Districts. In the M-1, M-2, M-3 and I-1 Districts, all building exteriors facing a street shall be permitted materials. [Amended 1-12-2016 by Ord. No. 2558]
- [1] Such materials shall extend around all four sides of the structure.
  - [2] Large buildings should include some smaller masses and forms to break down the building scale and provide visual richness. Techniques include using recesses or projections, creating distinct building components, and occasionally varying roof forms.



[3] Building elevations should be articulated in ways that give the appearance of multiple layers which add depth and avoid the appearance of flat facades. Suggested techniques include: setting windows back from the exterior wall plane; adding decorative elements such as cornices, lintels, or sills; expressing structural columns through changes of plane; and extending roof eaves.

[4] Building facades should be composed to define base, middle, and top elements. The base of the building anchors it to the ground and is the interface between the building and people. The transition between the middle of the building and the base and top should be articulated by the use of contrasting materials, window openings, or ornamental elements. The top terminates the building against the sky and provides an opportunity to create an interesting silhouette.

(c) ~~B-1 and B-2, B-3 and B-5~~ Districts. In the ~~B-1 and B-2, B-3 and B-5~~ Districts, all buildings exteriors facing a street shall be permitted building materials.

[1] Building facades should be composed to define base, middle, and top elements. The base of the building anchors it to the ground and is the interface between the building and people. The transition between the middle of the building and the base and top should be articulated by the use of contrasting materials, window openings, or ornamental elements. The top terminates the building against the sky and provides an opportunity to create an interesting silhouette.

[2] Building elevations should be articulated in ways that give the appearance of multiple layers which add depth and avoid the appearance of flat facades. Suggested techniques include: setting windows back from the exterior wall plane; adding decorative elements such as cornices, lintels, sills, awnings, and canopies; expressing structural columns through changes of plane; creating arcade walkways; and extending roof eaves.

[3] Building orientation, setbacks, and design elements shall encourage visual continuity between developments.

[4] A change in materials or stepbacks (from six inches to 10 inches) shall be incorporated to articulate the ground or first floor from upper floors. Stepbacks and patios can also be incorporated on upper floors to further articulate the building.

[5] Building entries should be clearly defined and articulated.

[6] Ground-level retail should include clear glass windows.

[7] To avoid monotonous and elementary building design, proposed architecture should incorporate new urbanist principles, such as:

towers, raised corners to complement the surrounding area and streetscape, rooflines of varying heights, wall planes that are varying in depth and other significant design elements; modular and/or premanufactured buildings should also incorporate the design elements described above. [Added 1-12-2016 by Ord. No. 2558]

- (d) Rm-1 District. In the Rm-1 District, all building exteriors facing a street shall be permitted building materials.
  - [1] Materials shall be used in horizontal bands only and shall be consistent on all facades.
  - [2] Materials shall not be mixed on the same façade, except as bandings or approved details.
  - [3] Building orientation, setbacks, and design elements shall encourage visual continuity between developments.
  - [4] A change in materials or stepbacks (from six inches to 10 inches) shall be incorporated to articulate the ground or first floor from upper floors. Stepbacks and patios can also be incorporated on upper floors to further articulate the building.
  - [5] Building entries should be clearly defined and articulated.

(e) R-6 and R-7 Districts. Home construction in the R-6 and R-7 Districts shall utilize architectural materials similar in quality to subdivisions along of Sunny Slope Road. An approval from an architectural review board of the homeowner's association may be required prior to issuance of building permits from the City.

(f) Rural Commercial Area. The City shall follow the Rural Commercial Area over an individual zoning district when considering building materials.

- (4) Freestanding walls and fences.
  - (a) Walls shall be capped in wood, stone, brick, precast stone or metal copings.
  - (b) Solid piers with open fencing between are allowed.
  - (c) Fences or walls used as fencing shall be consistent at all locations on a lot. Exceptions are for height changes per code requirements.
- (5) Loading, trash, and utility areas.
  - (a) Materials shall complement primary building materials.
  - (b) Areas shall be designed to accommodate snow removal.
- (6) Overhead dock door. No overhead dock doors on a business, industrial, institutional, or park building shall face a public street, with the exception of the New Berlin Industrial Park Special Plan Overlay District. The Plan Commission or CDA may permit overhead

doors (not including docks) to face a public street when it has made a finding that there is no feasible alternative location for such doors.

**§ 275-61(2). Signs.**

(2) Number of signs. [Amended 10-9-2018 by Ord. No. 2607]

(a) Only two signs may be permitted per business. Owners may elect for them to be any combination of wall signs, ground signs, or monument signs, not exceeding a total of two, and approved by DCD staff. Number of permitted signs by type are listed in Table 275-61-1.

~~[1] — Businesses with multiple street frontages and buildings exceeding 10,000 square feet may submit an application to the DCD for a possible third sign combination. One of the approved signs must be a monument sign. Three wall signs will not be allowed. The building must meet both criteria for minimum building size and multiple street frontages.~~

~~[2] — Businesses within the New Berlin Industrial Park, Westridge, Towne Corporate or Moorland East that choose not to install a monument sign are permitted one wall sign. Businesses with multiple street frontages and buildings exceeding 10,000 square feet may submit an application to the DCD for a possible second wall sign. The building must meet both criteria for minimum building size and multiple street frontages.~~

Table 275-61-1 Sign Combinations			
	Maximum Number of Wall Signs	Monument Sign	Maximum Number of Total Signs
<b>Citywide</b>			
1 right-of-way frontage	1	Required	2
Multiple right-of-way frontages and building over 10,000 square feet	2	Required	3
<b>Business/Industrial Parks</b>			
1 right-of-way frontage	1	Optional	2
Multiple right-of-way frontages and building over 10,000 square feet	2	Optional	3

(b) All multitenant buildings may provide a tenant directory as part of the master identification monument sign as defined below in § 275-61(3)(b).

(c) Separate wall canopy or fascia signs may be allowed for each tenant in a retail, shopping, industrial or commercial center, subject to the approval of an overall coordinated sign plan by the DCD staff for the building. The size of wall signs approved in this manner shall be figured using the width of the bay occupied by each tenant.

- (d) Price signs for gasoline or diesel fuel sales as required by other governmental regulatory entities shall not be subject to limitations on numbers of signs; however, such price signs shall not exceed an additional 20 square feet in area and shall be incorporated into a permanent sign.
- (e) Directional signs six square feet in area or less and with a maximum height of four feet are allowed but shall require DCD staff approval. These do not count towards the total sign count for the business.
- (f) ATM. ATM network signs shall require a sign permit.

**§ 275-70. Terms defined.**

**PARK**

Space designated to serve the recreational needs of the community, as further defined in the Comprehensive Plan.

**RESEARCH AND DEVELOPMENT**

Research, development, and testing laboratories that do not involve the mass manufacture, fabrication, processing or sale of products.

**SPORTS COMPLEX**

A group of indoor and/or outdoor sports facilities, refer to section 275-36D(5) regarding Commercial Park / Sports Complexes.