

ORDINANCE NO. 13-22

**ORDINANCE TO CREATE SECTION 420-125.2
OF THE VILLAGE ZONING ORDINANCE
RELATED TO THE M-5, PRODUCTION MANUFACTURING DISTRICT
IN THE VILLAGE OF PLEASANT PRAIRIE,
KENOSHA COUNTY, WISCONSIN**

THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF PLEASANT PRAIRIE, KENOSHA COUNTY, WISCONSIN, DO HEREBY ORDAIN THAT SECTION 420-125.2 IS HEREBY CREATED TO READ AS FOLLOWS:

420-125.2 M-5 Production Manufacturing District

- A. **Purpose and characteristics.** The M-5 Production Manufacturing District is intended to provide for manufacturing, assembly, office, and research and development uses with limited warehouse and distribution uses within an enclosed structure wherein no high hazard uses are allowed and the method of manufacturing is not injurious to the point of constituting a nuisance to the occupants of adjacent properties by reason of the emission or creation of noise, vibration, smoke, dust or particle matters, toxic or noxious materials, odors, fire or explosive hazards, glare or heat and located in those areas where the relationship to surrounding land uses would create few problems of compatibility. This District also allows for office parks or individual office buildings and ancillary uses, which may or may not include space for manufacturing, assemblies, or research and development, but provides direct services to the employees or customers or other uses in the area. It is anticipated that these areas would be developed in an attractive corporate park-like setting with landscaping, consistent signage, and similar or compatible building materials and designed to present an integrated image to customers. No such District shall be established unless it is in compliance with Village adopted or amended comprehensive, neighborhood and conceptual plans.

Some of the uses allowed in the M-5 District are based on the Use and Occupancy Classification specified in Chapter 3 of the 2006 International Building Code (2006 IBC), as may be amended from time to time. Where a use is proposed for a purpose that is not specifically provided in Chapter 3 of the 2006 IBC and is not specifically listed as a prohibited use in the M-5, District, such use shall be classified in the group that the occupancy most clearly resembles, according to the fire safety and relative hazard involved. The Zoning Administrator shall make the final determination if the use is allowed within the M-5 District.

- B. **Permitted uses.** The following listed principal uses and certain unspecified principal uses approved pursuant to Subsection C below, are allowed as permitted uses in the M-5 District, subject to the requirements of Article IX and all other applicable provisions of this chapter and of other Village ordinances and codes.
- (1) Uses classified as Factory Group F in Section 306 of the 2006 IBC including: assembling, disassembling, fabricating, finishing, manufacturing, packaging, distributing (pursuant to Section C (3) below), repair or processing operations that are not classified as a Group H Hazard or Group S Storage pursuant to Sections 307 and 311 of the 2006 IBC provided however the use is not listed as a prohibited use in subsection C below.
 - (a) Factory Industrial F-2 Low-hazard uses that involve the fabrication or manufacturing of noncombustible materials which during finishing, packing or processing do not involve a significant fire hazard, as determined by the Village Fire & Rescue Chief, including but not limited to: beverages (up to and included 12-percent alcohol content); brick and masonry; ceramic products;

foundries; glass products; gypsum; ice; and metal products (fabrication and assembly).

- (b) Factory Industrial F-1 Moderate-hazard uses which are not classified as Factory Industrial F-2 Low-hazard uses including but not limited to: aircraft; appliances; athletic equipment; automobiles and other motor vehicles, bakeries, beverages (over 12-percent alcohol content); bicycles; boats, building; brooms or brushes; business machines; cameras and photo equipment; canvas or similar fabric; carpet and rug (including cleaning); clothing; construction and agricultural machinery; disinfectants, dry cleaning and dyeing; electronics; engines (including rebuilding); food processing; furniture; hemp products; jute products; laundries; leather products; lighting products, machinery; metals; millwork (sash and door); motion pictures and television filming (without spectators); musical instruments, optical goods; paper mills or products; photographic film; plastic products; printing or publishing; recreational vehicles; shoes; soaps and detergents; textiles; tobacco; trailers; upholstery; wood, distillation; woodworking (cabinets).

- (2) Corporate, business and professional office uses.

C. **Auxiliary permitted uses.** The following listed auxiliary principal uses, and certain unspecified auxiliary principal uses as approved pursuant to Subsection C(4) below, are allowed as permitted uses in the M-5 District:

- (1) Retail auxiliary uses. The retail sale of any of the following goods or products shall be an auxiliary permitted use in a principal office building in the M-5 District: bakery goods; books; candy; cards; ice cream; newspapers and magazines; office supplies; pharmaceuticals; sundries; and tobacco provided that the following limitations are satisfied: such uses are auxiliary to the permitted office uses(s), in that they are located in the principal office building, and are designed to serve the needs of the occupants of the principal office building, and have no dedicated outside entrance to such building, and have no signage visible from the exterior of such building, and further provided that all retail and service auxiliary permitted uses in a principal office building together shall not occupy more than 10% of the gross floor area of such building, all subject to the requirements of Article IX and all other applicable provisions of this chapter and of other Village ordinances and codes.
- (2) Service auxiliary uses. The following service uses shall be auxiliary permitted uses in a principal office building in the M-5 District: barbershop; coffeehouse; dry-cleaning service; financial institution; photocopying center; photograph developing and printing; restaurant (not including a drive-in restaurant, a restaurant with drive-through facility, a restaurant with outdoor seating, or a restaurant serving or selling alcoholic beverages); and shoe shine or repair service provided that the following limitations are satisfied: such uses are auxiliary to the permitted office uses(s), in that they are located in the principal office building, and are designed to serve the needs of the occupants of the principal office building, and have no dedicated outside entrance to such building, and have no signage visible from the exterior of such building, and further provided that all service and retail auxiliary permitted uses in a principal office building together shall not occupy more than 10% of the gross floor area of such building, all subject to the requirements of Article IX and all other applicable provisions of this chapter and of other Village ordinances and codes.
- (3) Warehouse and distribution auxiliary uses. The warehouse and distribution auxiliary uses which are allowed in the M-5 District are uses classified as Storage Group S in Section 311 of the 2006 IBC that are not classified as a Group H Hazard pursuant to Section 307 of the 2006 IBC shall be auxiliary permitted uses in a building in the M-5 District, provided that all of the following limitations shall be satisfied:

- (a) Such uses are auxiliary to the permitted manufacturing or research and development use(s), in that they are located in the principal building;
 - (b) All warehouse and distribution auxiliary permitted uses in a principal building together shall not occupy more than 30% of the gross floor area of such building, except that the building occupant's storage of raw materials and finished products assembled or produced on-site shall be exempt from this 30% requirement;
 - (c) The building façade area of dock doors is limited to a total of 25% of the building exterior walls; and
 - (d) Such uses are subject to the requirements of Article IX and all other applicable provisions of this chapter and of other Village ordinances and codes.
- (4) Unspecified permitted auxiliary uses. The Zoning Administrator shall have authority to approve, as an auxiliary permitted use, a proposed principal use not listed in Subsection C(1), (2) or (3) above, if the proposed use is similar in character to one or more of the listed auxiliary permitted uses in the M-5 District, the use satisfies all of the limitations of this Subsection C above, and is free of potential problems requiring special regulation. The Zoning Administrator shall make written findings supporting any such decision. Notwithstanding the foregoing authorization, the following uses shall not be construed to be auxiliary permitted uses in the M-5 District:
- (a) Any adult-oriented uses, including, without limitation, an adult bookstore, adult cabaret, adult club, adult dry cabaret, adult movie theater, adult video rental store, adult video store or adult viewing facility.
 - (b) Anhydrous ammonia (bulk storage facility or retail sale).
 - (c) Asbestos (storage of).
 - (d) Animal hospitals, kennels and pounds.
 - (e) Any cabaret.
 - (f) Car wash (commercial).
 - (g) Concrete and asphalt batch plants.
 - (h) Dry cabaret.
 - (i) Fertilizer (production, sales, storage, mixing or blending).
 - (j) Feed mills.
 - (k) Fireworks (manufacturing, storage or sale).
 - (l) Flea markets.
 - (m) Gas stations with or without a car wash (commercial).
 - (n) Greenhouse.
 - (o) Hotel.
 - (p) Liquor store.
 - (q) Livestock sale facilities.
 - (r) Motel.
 - (s) Nursery.
 - (t) Pawnshop.

- (u) Petroleum bulk stations and terminals.
- (v) Psychic/tarot card/astrology reading.
- (w) Refuse incineration.
- (x) Slaughterhouse.
- (y) Tavern.
- (z) Tires (production or bulk storage).
- (aa) Truck stop and/or truck service facility.
- (bb) Wrecking, junk, demolition and scrap yards.

D. **Unspecified permitted uses.** The Zoning Administrator shall have authority to approve as a permitted use in the M-5 District a proposed principal use not listed in Subsection B or C above if the proposed use is similar in character to one or more of the listed permitted uses in the M-5 District and is free of potential problems requiring special regulation. The Zoning Administrator shall make written findings supporting any such decision. Any use so approved shall be subject to all requirements of Subsection B or C above. Notwithstanding the foregoing authorization, the following uses shall not be construed to be permitted uses in the M-5 District:

- (1) Any listed permitted use or condition use or unspecified permitted use specified in any other district that is not expressly listed in Subsection B above.
- (2) Any use involving the serving or selling of alcoholic beverages that is not specifically listed in Subsection B or C above.
- (3) Any adult-oriented uses, including, without limitation, an adult bookstore, adult cabaret, adult club, adult dry cabaret, adult movie theater, adult video rental store, adult video store or adult viewing facility.
- (4) Any use classified as a High-Hazard Group H uses pursuant to Section 307 of the 2006 IBC that involve the manufacturing, processing, generation or storage of materials that constitute a physical or health hazard in quantities in excess of those allowed in control areas constructed and located as required in Section 414 of the 2006 IBC.

E. **Conditional uses.** The following uses may be permitted as conditional uses in the M-5 District (as principal uses or accessory uses, as appropriate) pursuant to and in accordance with Article XVIII of this chapter, subject to the requirements of Article IX and all other applicable provisions of this chapter and of other Village ordinances and codes:

- (1) Retail or wholesale of merchandise manufactured or stored within the building, provided that the retail or wholesale use is not classified as a High-Hazard Group H pursuant to Section 307 of the 2006 IBC.
- (2) Day-care facilities, either for children or adults.
- (3) Miscellaneous uses. The following miscellaneous uses may be permitted as conditional uses in the M-5 District:
 - (a) Commercial communication antennas, whips, panels or other similar transmission or reception devices (but no towers) mounted on a principal building (as either a principal use or an accessory use).
 - (b) Electric power or gas metering substation (only as a principal use on its own lot).
 - (c) Freestanding commercial communication structure (only as a principal use on its own lot).

- (d) Outside storage.
- (e) Transmission line (electric power or natural gas).
- (f) Utility substation building (only as a principal use on its own lot).
- (g) Wind energy conversion systems.

F. **Special licensed uses.** Some uses require a special license approved by the Village Board and may only be operated pursuant to and in accordance with such license. The granting of a Village license by the Village Board is not assured either by permitted use status or by the granting of a conditional use permit or of any other permit or approval under this chapter.

G. **Combination of uses.** Except as otherwise specifically provided for in this section, two or more principal uses and their related accessory uses may be located and conducted in the same principal building in the M-5 District, subject to Article IX and all other applicable provisions of this chapter and of other Village ordinances and codes, in accordance with each of the following restrictions to the extent such restrictions are applicable:

- (1) Permitted uses allowed in the M-5 District and their related accessory uses may be located separately or together, and may be conducted separately or together, with other such permitted uses and their related accessory uses in the same principal building in the M-5 District.
- (2) Conditional uses allowed in the M-5 District and their related accessory uses may be located separately or together, and may be conducted separately or together, with other such conditional uses and their related accessory uses in the same principal building in the M-5 District; provided, however, that the area of a building occupied by a conditional use and any related accessory uses shall be a physically separate defined area in which any proposed new use of any kind (or any use of any kind existing as of the time when the conditional use permit for such conditional use or any amendment of such permit is approved) shall be allowed only pursuant to and in accordance with the conditional use permit issued for such conditional use under Article XVIII of this chapter.
- (3) Permitted uses allowed in the M-5 District and their related accessory uses and conditional uses allowed in the M-5 District and their related accessory uses may be located separately or together, and may be conducted separately or together, in the same principal building in the M-5 District; provided, however, that the area of a building occupied by a conditional use and any related accessory uses shall be a physically separate defined area in which any proposed new use of any kind (or any use of any kind existing as of the time when the conditional use permit for such conditional use or any amendment of such permit is approved) shall be allowed only pursuant to and in accordance with the conditional use permit issued for such conditional use under Article XVIII of this chapter.
- (4) Nonconforming uses existing in the M-5 District as of the effective date of Ordinance No. 13-22 (June 17, 2013) and any related accessory uses existing as of such date may be continued in the same principal building along with other existing agricultural related uses; provided, however, that no nonconforming use and no accessory use to a nonconforming use may be extended or expanded into new areas, and no new accessory use related to such nonconforming use (and no prior accessory use to such nonconforming use that has been discontinued as an actively conducted use for a period of 12 or more consecutive months) may be commenced or recommenced, and further provided that the area of a building occupied by a nonconforming use and any related accessory uses shall be a physically separate defined area in which any proposed new use of any kind shall be prohibited.

H. **Accessory uses.**

- (1) Except as otherwise specifically provided in this chapter, accessory uses to principal uses allowed in the M-5 District are allowed, subject to Article IX and all other applicable provisions of this chapter and of other Village ordinances and codes, as follows:
 - (a) Accessory uses to principal permitted uses in the M-5 District are allowed.
 - (b) Accessory uses to principal conditional uses allowed in the M-5 District are allowed, but only pursuant to and in accordance with a conditional use permit issued under Article XVIII of this chapter.
- (2) New proposed accessory uses to nonconforming uses (and any prior accessory uses to a nonconforming use that have been discontinued as actively conducted uses for 12 or more consecutive months) are prohibited.
- (3) In the event of any issue about whether a particular use is properly an accessory use, the Zoning Administrator shall have authority to decide. The Zoning Administrator shall make written findings to support any such decision.

I. **Temporary Uses.** Temporary Uses may be allowed in the M-5 District pursuant to Section 140.1 of this chapter.

J. **Prohibited uses.** Uses that are not specifically allowed in the M-5 District by this chapter as specified in the forgoing sections are prohibited in the M-5 District. However, where a use is proposed for a purpose that is not specifically provided in Chapter 3 of the 2006 IBC and is not specifically listed as a prohibited use in the M-5, District regulations, such uses shall be classified in the group that the occupancy most clearly resembles, according to the fire safety and relative hazard involved. The Zoning Administrator shall make the final determination if the use is allowed within the M-5 District.

K. **Dimensional standards.** Except as specifically provided in this chapter, and without limitations, all uses, site, building and structures in the M-5 District shall comply with the following dimensional standards to the extent applicable.

- (1) Lot size: two acres minimum, except that the minimum lot size for a freestanding commercial communication structure or a utility substation building shall be as prescribed by §420-148 of this chapter; and further provided that no minimum lot size shall be applicable to transmission lines.
- (2) Lot frontage: Lot frontage on a public street: 150 feet minimum; however, that on a substantial curve or cul-de-sac, the public street frontage may be reduced as necessary to an absolute minimum of 100 feet if all other requirements are satisfied, except that the minimum lot frontage on a public street for a free standing communication structure or a utility substation building shall be as prescribed by §420-148 of this chapter, and further provided that no minimum lot frontage on a public street shall be applicable to transmission lines.
- (3) Open space: 25% minimum.
- (4) Building standards:
 - (a) Gross floor area: No maximum or minimum building area shall be required in the M-5 District due to the variety of uses within this district and the diverse building demands of each use.
 - (b) Principal Building Height: Principal building height: 60 feet maximum; however, the height of a principal building or part thereof may be increased to a maximum of 90 feet in height, provided that for every one foot above 60

feet, said principal structure shall be set back an additional 1.5 feet from all property lines.

- (c) Accessory Building Height: 30 feet maximum.
- (d) Setbacks. The following setbacks shall be considered to be minimum setbacks; greater setback may be required by State Building Codes.
 - [i] Street setback: minimum of 65 feet from arterial streets or highways and a minimum of 40 feet from non-arterial streets or private roads for buildings.
 - [ii] Shore setback: 75 feet minimum.
 - [iii] Wetland setback: 25 feet minimum.
 - [iv] Side setback: 45 feet minimum for all buildings.
 - [v] Rear setback: 45 feet minimum for all buildings.
 - [vi] Separation distance between all buildings: 45 feet minimum.

L. **Design standards.** Except as otherwise specifically provided in this chapter, and without limitation, all uses, sites, buildings and structures in the M-5 District shall comply with the following design standards to the extent applicable:

- (1) Number of principal structures per lot: no limit.
- (2) Number of detached accessory buildings: no limit.
- (3) Fences may be allowed pursuant to Section 420-81 however, chain-link fences shall be vinyl coated and the color shall be black, earth tones or complementary to the color of the building.
- (4) Dock doors shall not face a public street.
- (5) All accessory uses or structures shall be on the same lot or approved site as the principal use.
- (6) Principal building standards: All facades that are visible to and facing the public street and any portions of the building with office uses shall provide architectural details and elements such as but not limited to varying roof heights, varying fenestration and other appropriate architectural elements. In addition, the office area of the building shall have an appearance of two story building.
- (7) Principal office building standards (for standalone corporate, business, professional office buildings where no manufacturing, distribution and/or warehouse activities are conducted in the office building):
 - (a) Each principal office building shall have a minimum of two floors above grade.
 - (b) The gross floor area of a principal office building shall be a minimum of 24,000 square feet, and each of the first two floors above grade shall have a gross floor area of at least 10,000 square feet.
 - (c) The gross floor area for all auxiliary permitted uses within a principal office building shall not exceed 10% of the gross floor area of such building.
 - (d) Height: 30 feet minimum.
- (8) Site and operational plan requirements pursuant to Article IX of this chapter except as provided below:
 - (a) Buildings shall comply with the façade design requirements in this subsection. The Village Zoning Administrator shall have the discretion to adjust the

minimum glazed area percentages set forth below among various facades of a building so long as all facades, taken together, satisfy the minimum glazed area percentages (for example, any individual façade may be less than the minimum so long as one or more of the other facades exceeds the minimum such that the total glazed area for all facades equals or exceeds the minimum glazed area percentages): provided, however, that the glazing on the sides visible from the public streets or highways, outside the District shall not be less than stated minimum percentages.

- [i] Manufacturing. Portions of the building used for manufacturing or directly related warehousing and/or distribution uses, as defined in Section C (3) (b) above, shall have a minimum glazed area (calculated on the basis of all manufacturing or directly related warehousing and/or distribution building facade areas) of five percent.
 - [ii] Office. Building(s). Portions of the building used for business office or research and development uses shall have a minimum glazed area (calculated on the basis of all office or research and development building facade-areas) of 25 percent.
 - [iii] Parking garages. Parking garages shall have entry and exit stairwells and lobbies that are visible from the exterior, and any such areas visible from the exterior shall have a minimum glazed area of 25 percent.
 - [iv] Utility Substations, Utility Substation Building. Utility substations and Utility substation buildings shall have no minimum glazing requirement.
- (b) Construction materials. Principal buildings, accessory buildings, parking garages and any penthouse areas associated with such building or structure shall comply with the following requirements for construction materials:
- [i] Glazed area. The following requirements apply to all glazed areas:
 - (i) Glazed areas may be tinted or clear glass. Mirrored glass is prohibited.
 - (ii) Anodized or powder-coated aluminum curtain wall systems, storefront systems and accents are allowed.
 - (iii) Stainless steel, bronze or brass curtain wall systems. Storefront systems and accents are allowed.
 - (iv) Anodized or powder-coated aluminum metal panels or other metal panels are allowed if integral to window wall or curtain wall systems or if used for trim, soffits, canopy, sun protection systems or mechanical penthouses.
 - (v) Door frames. Door frames shall compliment window frames in material, finish and color.
 - (vi) Non-glazed area. The non-glazed areas of any building in this District shall comply with the standard in Subsection 420-57H(2)(g). Additionally, Architectural Pre-Cast Concrete-Panels, through the application/addition or certain finishing elements (e.g. reveals, relief, and dimension), finish, shape, color or texture shall contribute to the architectural form, style and aesthetics or the structure. Architectural Pre-Cast Concrete may be structural (e/g/ load-bearing element) and/or decorative (e.g. building cladding), and may be conventionally reinforced or pre-

stressed. Architectural Pre-Cast Concrete panels shall not result in plain, blank walls.

[ii] Roofs (architectural features). Subsection 420-57H(2)(i) shall not apply. Architectural roof features or forms shall be copper or zinc-coated aluminum metal panels, or slate or architecturally painted metal panels

- (9) Parking, access and traffic requirements pursuant to Article VIII of this chapter.
- (10) Sign requirements pursuant to Article X of this chapter.
- (11) Fence requirements pursuant to Article XI of this chapter.
- (12) Each use, site, building and structure shall be designed, laid out, constructed and maintained in full compliance with the approved site and operational plan, any required conditional use permit, any required license and all other applicable provisions of this chapter and of all other Village ordinances and codes.

M. **Operational standards.** Except as otherwise specifically provided in this chapter, and without limitation, all uses, sites, buildings and structures in the M-5 District shall comply with the following operational standards to the extent applicable:

- (1) Hours of operation (when the public is allowed to enter or remain on site for business purposes):
 - (a) 5:00 a.m. to midnight maximum for corporate, business and professional office uses, and service or retail uses allowed as auxiliary permitted uses; for any day-care facilities, either for children or adults as may be allowed by a conditional use permit.
 - (b) All other uses: no limit.
- (2) Hours for deliveries, or any other activities outside the principal building (e.g., outside loading or unloading, the arrival of deliveries, idling of delivery trucks, beeping of backing vehicles, and garbage pickup), except for snow removal:
 - (a) 6:00 a.m. to 10:00 p.m. maximum for corporate, business and professional office uses, and service or retail uses allowed as auxiliary permitted uses; for any day-care facilities, either for children or adults as may be allowed by a conditional use permit.
 - (b) All other uses: no limit.
- (3) Except as otherwise specifically permitted by this chapter under a conditional use granted by the Village, all activities shall be conducted within a building.
- (4) No on-site residential uses are allowed.
- (5) Each use, site, building and structure shall comply with all applicable performance standards set forth in § 420-38 of this chapter.
- (6) Each site, building and structure shall be maintained in a neat, presentable, aesthetically pleasing, structurally sound and nonhazardous condition. All litter and debris shall be promptly removed.
- (7) Each use, site, building and structure shall be operated in full compliance with the approved site and operational plan, any required conditional use permit, any required license and all other applicable provisions of this chapter and of all other Village ordinances and codes.

- N. **Authorized sanitary sewer system.** See § 420-32 of this chapter.
- O. **Authorized water supply system.** See § 420-33 of this chapter.

Adopted this 17th day of June, 2013.

VILLAGE OF PLEASANT PRAIRIE

John P. Steinbrink
Village President

ATTEST:

Jane M. Romanowski
Village Clerk

Posted: _____

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