

AGENDA
CITY OF BERLIN PLAN COMMISSION
TUESDAY JULY 28th, 2020 6:00 P.M.
CITY HALL COUNCIL CHAMBERS
CITY OF BERLIN, WI
Zoom Link: <https://us02web.zoom.us/j/86013159379>
Call In: 1-312-626-6799
Meeting ID: 860 1315 9379

- 1) Call meeting to order - Roll Call
- 2) Virtual Attendees Seated (if necessary)
- 3) Public Participation
- 4) Approval of Minutes –Plan Commission Meeting June 30th, 2020
- 5) Review and discuss annexation petition and ordinance for parcel 002-00260-0000, 002-00261-0000, and 002-00264-0000.
Recommendation: Review and recommend to Common Council
- 6) Permanent Rezone Request for annexation petition for parcel 002-00260-0000, 002-00261-0000, and 002-00264-0000 to C-1.
Recommendation: If annexation is approved by Council, schedule public hearing for next plan commission meeting
- 7) Review and discuss City of Berlin Official Street Map in regards to Kettle Street and Proposed CSM
Recommendation: Action as appropriate
- 8) Rezone Request for parcel 206-01275-0000, 206-01277-0000, 206-01763-0000 from R-1 to A-1
Recommendation: Review and schedule public hearing for next plan commission meeting.
- 9) Rezone Request for parcel 206-00323-0000, 206-00321-0000, 206-00320-0000, 206-00325-0000, 206-00326-0000, 206-00315-0000, 206-00314-0000 from R-2 to R-3.
Recommendation: Review and schedule public hearing for next plan commission meeting.
- 10) Review and discuss proposed chicken ordinance amendments
Recommendation: Review and recommend to Common Council
- 11) Review and discuss fence ordinance
Recommendation: Action as appropriate
- 12) Discuss Future Virtual Regular Plan Commission Meetings via Zoom.
Recommendation: Action as appropriate
- 13) Review and discuss proposed daycare ordinance amendments
Recommendation: Review and recommend to Common Council
- 14) Old Business
- 15) New Business

16) Next meeting date –August 25th, 2020

17) Adjourn

In adherence to the City of Berlin Public Meeting Participation Policy, public participation will be allowed under each agenda item at the discretion of the presiding officer. Attendees must register their intention to participate on either a general comments section or a specific agenda item prior to the meeting by filling out a Registration Card, which can be obtained from the Internet, City Clerk's office or in the City Hall Council Chambers at the podium. Registration Cards should be turned in prior to the meeting to either the presiding officer or City Clerk.

PLEASE CONTACT LINDSEY IF YOU CANNOT ATTEND - (920) 361-5156

CITY OF BERLIN PLAN COMMISSION MINUTES

June 30th, 2020

CITY OF BERLIN BERLIN, WISCONSIN

The June 30th, 2020 City Plan Commission meeting was called to order at 6:00 p.m. by acting chairman Erdmann. Roll call present were: Ed Marks, Bobbie Erdmann, Dave Secora, Victoria Hill and Mary Kubiak. Also present was Lindsey Kemnitz. Due to COVID pandemic, Tammy Bending, Jim Medinger, Leah Knapp, Don Neitzel, Dick Schramer, and Attorney Chier attended via zoom.

First item on the agenda was approval of the December 23rd, 2019 Plan Commission minutes. Secora moved to approve the December 23rd, 2019 Plan Commission minutes as presented. Marks seconded the motion, which was carried by a voice vote.

Second item on the agenda was site plan for ThedaCare for parcel 206-0187-0200. Jim Medinger project manager from HGA provided an overview of the project. The project is about 10,000 sq. ft. one story addition that will offer 9 exam rooms in the new emergency department. The project will be starting in August of 2020 and proposed competition is about a year.

Don Neitzel, City Engineer went through the review letter he provided to the Plan Commission. After review by the City Engineer the proposed plan meets all the City ordinances. The City Engineer recommended seven items that are listed below.

- 1) That site landscaping plans be submitted to the City for review and approval prior to a building permit being issued. In addition, signage plans, including details, are to be submitted to the City for approval prior to their being installed. (HGA 6/11/20 email-Boldt Contractors Inc. is responsible for submittal)
- 2) That all Erosion Control BMP's, as reflected within the plans, be installed and maintained pursuant to the plans, specifications, and NR 151 standards. In addition, all erosion control devices are to be installed prior to the initiation of the construction project. (HGA 6/11/20 email-Boldt Contractors Inc., the building General Contractor, is the responsible party to ensure that all erosion control BMPs are erected and maintained throughout construction of the project)
- 3) That the City Attorney prepare a Stormwater Management Agreement to require the continued operation and maintenance of storm water facilities, as constructed, in perpetuity.
- 4) That the contractor coordinates with the City DPW in establishing the location of the proposed driveway extension to Memorial Drive and moreover, that all improvements within the ROW be inspected by City personnel. (HGA 6/11/20 email-Boldt Contractors Inc. will work with City staff regarding the location of driveway entrances extending from Memorial Drive.
- 5) That the general contractor, or other designee, be responsible for submittal of a Notice of Intent to the WDNR prior to undertaking any onsite grading efforts. (HGA 6/11/20 email-Boldt contractors Inc.)
- 6) That the general contractor be responsible for removing sediment and eroded material, as may be deposited on public roadways, pursuant to the requirements stated in the plans and/or as directed by the City DPW or building inspector. (HGA 6/11/20 email-Boldt Contractors is responsible for removal of all sediment and eroded material from public roadways)
- 7) That project improvement plans be circulated to both the City of Berlin Building Inspector and City Emergency Services Departments for review and concurrence prior to construction.

(HGA 6/11/20 email-Boldt Contractors Inc. to submit full set of construction drawings to City Building Inspector and City Emergency services prior to starting construction)

Kemnitz added that an amended C500 was handed out prior to the meeting to the commission. The only change that occurred was a new fire hydrant being added on the west side of the new driveway. Neitzel asked where the water supply would be coming from. Knapp stated it would connect to the water main located on Memorial Drive. The additional fire hydrant was requested by the Berlin Fire Department.

Erdmann then asked the board if they had any questions about the project. Secora had a concern with the location of the helipad in proximity to the school's and the power lines and asked if FAA approved the new location. Medinger stated they have met with FAA and there were no objections with the location of the helipad. Schramer asked the timeline of the landscaping plan. Medinger thought within the next couple of months it should be finalized. There was a question on the diameter of the utilities as the review letter identified 6 inch. Neitzel clarified that their private laterals are 6 inch, but the water and sewer mains are 8 inch. Marks asked if there will be a fence around the retention pond. Neitzel referenced C902 which identified the fence around the helipad and retention pond. The fence will be three foot chain link fence.

Erdmann asked for any other questions or comments. Kubiak made a motion to approve the site plan as presented with the seven conditions the City Engineer had in the review letter. Hill seconded the motion, which was carried by a voice vote.

No new or old business.

Next meeting date is July 28th, 2020

Secora moved to adjourn at 6:35p.m. Marks seconded the motion, which carried by voice vote.

Lindsey Kemnitz, Community Development Director

To: Plan Commission

From: Lindsey Kemnitz

Subject: Annexation Petition for listed parcels

Background:

Bohn Farms Inc. is petitioning to annex parcel 002-00260-0000, 002-00261-0000, and 002-00264-0000 from the Town of Berlin to the City of Berlin. The property is about 86 acres and is currently is vacant land. Bohn Farms and Ducks Unlimited have been working with the City Council on a potential land donation to the City of Berlin for the subject parcels and an additional 140 acres. The land donation would dependent on a DNR stewardship grant. The DNR stewardship grant requires the land to be open to the public for hunting and restrictions development on the land. The sole purpose of the land would be for recreation use for the public. Per those requirements I felt the C-1 zoning district would be the best fit for the parcels being annexed. This annexation petition would also provide additional buildable land that could be annexed in the future.

Recommendation:

Review and recommend to Common Council

**PETITION OF ANNEXATION OF LAND FROM THE TOWN OF BERLIN TO THE CITY OF
BERLIN**

1. The undersigned Petitioner, hereby petitions for the annexation of the following described property from the Town of Berlin, Green Lake County to the City of Berlin, Green Lake County:

Town of Berlin Tax Parcel 002-00260-000 described as NE1/4 of the NW1/4 section 15.
40 acres

Tax Parcel 002-00261-0000 described as NW1/4 of the NW1/4 section 15 except part of the parcel described V116 P240 subject to HWY R/W V140 P353. 38.25 acres

Tax Parcel 002-00264-0000 described as North 283' of the SE1/4 Of the NW1/4 SECTION 15. 8.58 acres

2. Attached hereto is a copy of a Greenlake County GIS map with highlighted boundaries and Tax parcel receipts.

3. The population of the territory to be annexed is currently estimated as -0- as the land is currently vacant.

4. The sole petitioner hereto is also the only owner of land within the territory and is authorized to petition for such annexation pursuant to Section 66.0217(2) and the definition of "owner" in Section 66.0217(1)(d).

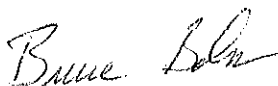
5. This is a direct petition and is unanimous as described in Section 66.0217(2), as it is signed by owners of all of the real property in the territory. In addition, petition for direct annexation has been filed with the city Clerk and the Town Clerk of the Town in which the territory is located, together with a scale map and legal description of the property to be annexed, pursuant to Section 66.0217(2). As a result, an ordinance for the annexation of the territory may be enacted by two-thirds (2/3) vote of the elected members of the City of Berlin Common Council without compliance with the notice requirements of Section 66.0217(4).

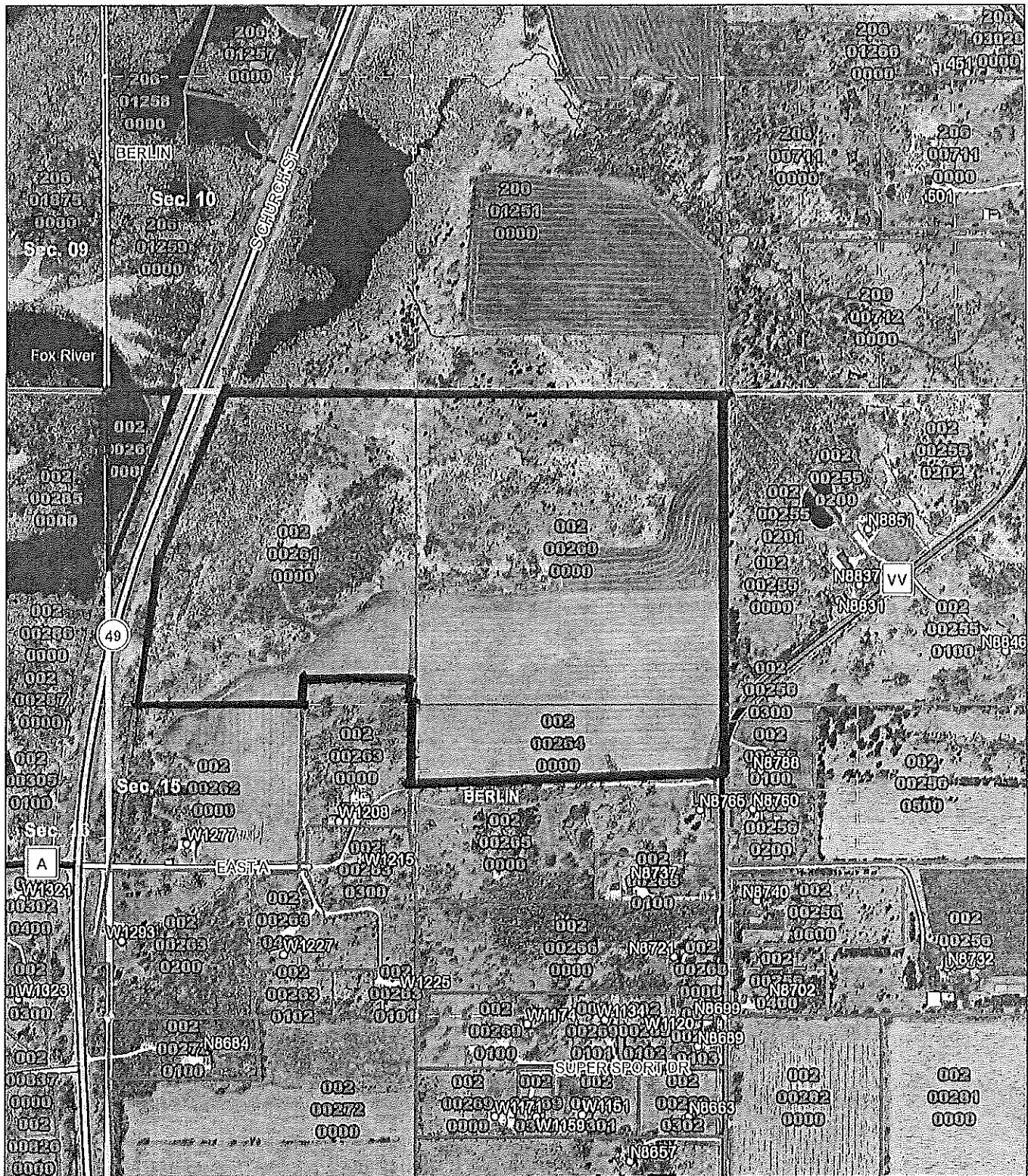
6. The proposed territory to be annexed is contiguous to the City of Berlin and otherwise conforms to all other requirements for annexation as required by Section 66.0217 of the Wisconsin Statutes and any other state or local law or regulation.


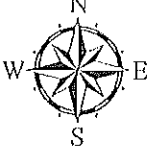
Dated this ___19___ day of ___July___, 2020.

Bohn Farms Inc.
2512 Hwy 116
Omro Wisc. 54963
920-379-6663
Petitioner

Bruce Bohn
President





 <p>Green Lake County</p> <p>1 inch = 587 feet</p> <p>Geographic Information System (GIS) https://gis.co.green-lake.wi.us/</p>	<p align="center">GIS Viewer Map Green Lake County, WI</p>		<p>Time: 8:06:28 AM Date: 7/20/2020</p>
	<p>Note:</p>		

TOWN OF BERLIN
BRENDA MURKLEY, CLERK/TREAS
N9291 WILLARD RD, PO BOX 5
BERLIN, WI 54923

GREEN LAKE COUNTY - STATE OF WISCONSIN
PROPERTY TAX BILL FOR 2019
REAL ESTATE

BOHN FARMS INC



Parcel Number: 002002610000
Bill Number: 22212

22212/002002610000
BOHN FARMS INC
2512 STATE RD 116
OMRO WI 54963

Important: Be sure this description covers your property. Note that this description is for tax bill only and may not be a full legal description. See reverse side for important information.

Location of Property/Legal Description

Sec. 15, T17N, R13E
NW1/4 OF THE NW1/4 SEC 15 EXC PART OF PARCEL DESCR
V116 P240 SUBJ TO HWY R/W V140 P353
38.250 ACRES

Please inform treasurer of address changes.

ASSESSED VALUE LAND	ASSESSED VALUE IMPROVEMENTS	TOTAL ASSESSED VALUE	AVERAGE ASSEMT. RATIO	NET ASSESSED VALUE RATE	NET PROPERTY TAX
32,500	0	32,500	0.978329648	0.01381038 (Does NOT reflect credits)	448.83
ESTIMATED FAIR MARKET VALUE LAND	ESTIMATED FAIR MARKET VALUE IMPROVEMENTS	TOTAL ESTIMATED FAIR MARKET VALUE	<input type="checkbox"/> A star in this box means unpaid prior year taxes.	School taxes also reduced by school levy tax credit 50.23	
33,200	0	33,200			
TAXING JURISDICTION	2018 EST. STATE AIDS ALLOCATED TAX DIST.	2019 EST. STATE AIDS ALLOCATED TAX DIST.	2018 NET TAX	2019 NET TAX	% TAX CHANGE
STATE OF WISCONSIN	0	0	0.00	0.00	
GREEN LAKE COUNTY	45,062	49,008	201.73	214.13	6.1%
TOWN OF BERLIN	86,105	93,318	-32.21	-33.22	3.1%
SCHL-BERLIN AREA	1,957,449	2,009,934	236.49	247.43	4.6%
MORaine PARK	106,841	106,006	20.48	20.49	0.0%
TOTAL	2,195,457	2,258,266	426.49	448.83	5.2%
FIRST DOLLAR CREDIT			0.00	0.00	0.0%
LOTTERY AND GAMING CREDIT			0.00	0.00	0.0%
NET PROPERTY TAX			426.49	448.83	5.2%

TOTAL DUE: \$448.83

FOR FULL PAYMENT, PAY TO LOCAL
TREASURER BY:

JANUARY 31, 2020

Warning: If not paid by due dates,
installment option is lost and total tax is
delinquent subject to interest and, if
applicable, penalty.
Failure to pay on time. See reverse.

FOR INFORMATION PURPOSES ONLY • Voter Approved Temporary Tax Increases

Taxing Jurisdiction	Total Additional Taxes	Total Additional Taxes Applied to Property	Year Increase Ends	Taxing Jurisdiction	Total Additional Taxes	Total Additional Taxes Applied to Property	Year Increase Ends
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TOWN OF BERLIN
BRENDA MURKLEY, CLERK/TREAS
N9291 WILLARD RD, PO BOX 5
BERLIN, WI 54923

**GREEN LAKE COUNTY - STATE OF WISCONSIN
PROPERTY TAX BILL FOR 2019
REAL ESTATE**

BOHN FARMS INC



Parcel Number: 002002600000 ✓
Bill Number: 22211

22211/002002600000
BOHN FARMS INC
2512 STATE RD 116
OMRO WI 54963

Important: Be sure this description covers your property. Note that this description is for tax bill only and may not be a full legal description. See reverse side for important information.

Location of Property/Legal Description
Sec. 15, T17N, R13E
NE1/4 OF THE NW1/4 SEC 15
40.000 ACRES

Please inform treasurer of address changes.

ASSESSED VALUE LAND 34,000	ASSESSED VALUE IMPROVEMENTS 0	TOTAL ASSESSED VALUE 34,000	AVERAGE ASSMT RATIO 0.978329648	NET ASSESSED VALUE RATE 0.01381038 <small>(Does NOT reflect credits)</small>	NET PROPERTY TAX 469.56
ESTIMATED FAIR MARKET VALUE LAND 34,800	ESTIMATED FAIR MARKET VALUE IMPROVEMENTS 0	TOTAL ESTIMATED FAIR MARKET VALUE 34,800	<input type="checkbox"/> A star in this box means unpaid prior year taxes.	School taxes also reduced by school levy tax credit 52.55	

TAXING JURISDICTION	2018 EST. STATE AIDS ALLOCATED TAX DIST.	2019 EST. STATE AIDS ALLOCATED TAX DIST.	2018 NET TAX	2019 NET TAX	% TAX CHANGE
STATE OF WISCONSIN	0	0	0.00	0.00	
GREEN LAKE COUNTY	45,062	49,008	211.04	224.02	6.2%
TOWN OF BERLIN	86,105	93,318	-33.70	-34.75	3.1%
SCHL-BERLIN AREA	1,957,449	2,009,934	247.40	258.85	4.6%
MORaine PARK	106,841	106,006	21.42	21.44	0.1%
TOTAL	2,195,457	2,258,266	446.16	469.56	5.2%

FIRST DOLLAR CREDIT	0.00	0.00	0.0%
LOTTERY AND GAMING CREDIT	0.00	0.00	0.0%
NET PROPERTY TAX	446.16	469.56	5.2%

TOTAL DUE: \$469.56
FOR FULL PAYMENT, PAY TO LOCAL
TREASURER BY:
JANUARY 31, 2020

Warning: If not paid by due dates,
installment option is lost and total tax is
delinquent subject to interest and, if
applicable, penalty.
Failure to pay on time. See reverse.

FOR INFORMATION PURPOSES ONLY • Voter Approved Temporary Tax Increases						
Taxing Jurisdiction	Total Additional Taxes	Total Additional Taxes Applied to Property	Year Increase Ends	Taxing Jurisdiction	Total Additional Taxes	Total Additional Taxes Applied to Property

TOWN OF BERLIN
BRENDA MURKLEY, CLERK/TREAS
N9291 WILLARD RD, PO BOX 5
BERLIN, WI 54923

**GREEN LAKE COUNTY - STATE OF WISCONSIN
PROPERTY TAX BILL FOR 2019
REAL ESTATE**

BOHN FARMS INC



Parcel Number: 002002640000
Bill Number: 22221

22221/002002640000
BOHN FARMS INC
2512 STATE RD 116
OMRO WI 54963

Important: Be sure this description covers your property. Note that this description is for tax bill only and may not be a full legal description. See reverse side for important information.

Location of Property/Legal Description

Sec. 15, T17N, R13E
N 283' OF THE SE1/4 OF THE NW1/4 SEC 15,
8.580 ACRES

Please inform treasurer of address changes.

ASSESSED VALUE LAND	ASSESSED VALUE IMPROVEMENTS	TOTAL ASSESSED VALUE	AVERAGE ASSESSMENT RATIO	NET ASSESSED VALUE RATE	NET PROPERTY TAX
15,000	0	15,000	0.978329648	0.01381038 (Does NOT reflect credits)	207.16
ESTIMATED FAIR MARKET VALUE LAND	ESTIMATED FAIR MARKET VALUE IMPROVEMENTS	TOTAL ESTIMATED FAIR MARKET VALUE	<input type="checkbox"/> A star in this box means unpaid prior year taxes.	School taxes also reduced by school levy tax credit 23.18	
15,300	0	15,300			
TAXING JURISDICTION	2018 EST. STATE AIDS ALLOCATED TAX DIST.	2019 EST. STATE AIDS ALLOCATED TAX DIST.	2018 NET TAX	2019 NET TAX	% TAX CHANGE
STATE OF WISCONSIN	0	0	0.00	0.00	
GREEN LAKE COUNTY	45,062	49,008	93.11	98.83	6.1%
TOWN OF BERLIN	86,105	93,318	-14.87	-15.33	3.1%
SCHL-BERLIN AREA	1,957,449	2,009,934	109.15	114.20	4.6%
MORaine PARK	106,841	106,006	9.45	9.46	0.1%
TOTAL	2,195,457	2,258,266	196.84	207.16	5.2%
FIRST DOLLAR CREDIT			0.00	0.00	0.0%
LOTTERY AND GAMING CREDIT			0.00	0.00	0.0%
NET PROPERTY TAX			196.84	207.16	5.2%

TOTAL DUE: \$207.16
FOR FULL PAYMENT, PAY TO LOCAL
TREASURER BY:
JANUARY 31, 2020

Warning: If not paid by due dates,
installment option is lost and total tax is
delinquent subject to interest and, if
applicable, penalty.
Failure to pay on time. See reverse.

FOR INFORMATION PURPOSES ONLY • Voter Approved Temporary Tax Increases

Taxing Jurisdiction	Total Additional Taxes	Total Additional Taxes Applied to Property	Year Increase Ends	Taxing Jurisdiction	Total Additional Taxes	Total Additional Taxes Applied to Property	Year Increase Ends
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Document No.

**An Ordinance Annexing Territory
to the City of Berlin**
Ordinance# -20

This Common Council of the City of Berlin do ordain:

SECTION 1

WHEREAS, a Petition for Direct Annexation of a parcel of real estate described in Section II and contiguous to the City of Berlin has been signed by all (100%) of the owners of the said real estate in conformity with Wis. Stats. §66.0217(2) and

WHEREAS, the proposed annexation has been referred to the Plan Commission which has considered the proposal and has affirmatively recommended that the City annex the said real estate described in Section II, and pursuant to Wis. Stats. §66.0217(8), temporarily zone the annexed territory as a C-1 District as provided in chapter 82, division 2 of the Municipal Code of the City of Berlin, Wisconsin.

WHEREAS, the Common Council of the City of Berlin determines that the Petition for Annexation of the territory described in Section II is a sufficient and legal petition conforming to the requirements of Wis. Stats. §66.0217(2) and (5) and that the territory to be annexed is contiguous to the City of Berlin and lying within Green Lake County, Wisconsin.

Return to:
Chier Law Office
111 S. Pearl St.
Berlin, WI 54923

Tax ID No. 002-00260-0000, 002-00261-0000, and
002-00264-0000

NOW, THEREFORE, the Common Council does herewith detach the territory described in Section II from the Town of Berlin, Green Lake County, Wisconsin, and annex the same to the City of Berlin, Green Lake County, Wisconsin.

**SECTION II
TERRITORY ANNEXED**

NE1/4 of the NW1/4 Section 15, NW1/4 of the NW1/4 Section 15 except part of the parcel described V116 P240 Subject to HWY R/W V140 P353, and North 283' of the SE1/4 of the NW1/4 Section 15, Township of Berlin, Green Lake County, State of Wisconsin.

**SECTION III
EFFECT OF ANNEXATION**

From and after the date that this Ordinance shall take effect, the territory described in Section II shall be part of the City of Berlin, Green Lake County, Wisconsin, for any and all purposes provided by law and all person coming or residing within such territory shall be subject to all ordinances, rules and regulations governing the City of Berlin, Green Lake County and Waushara Counties, Wisconsin.

**SECTION IV
ZONING**

Pursuant to Wis. Stats. §66.0217(8), the territory annexed hereto shall be temporarily zoned as a C-1 District as provided for in chapter 82, division 2 of the Municipal Code of the City of Berlin, Wisconsin.

**SECTION V
WARD**

The territory annexed shall become a part of Ward 3 pursuant to Wis. Stats. §66.0217(8)(b).

**SECTION VI
EFFECTIVE DATE OF ANNEXATION**

This annexation shall take effect upon enactment and the date after one publication as provided for by Wis. Stats. §§66.0217(8)(c) and 62.11(4)(a).

**SECTION VII
PAYMENT TO TOWNSHIP**

Pursuant to Wis. Stats. §66.0217(14), the City Clerk is directed to pay annually to the Town of Berlin, for 5 years, an amount equal to the amount of property taxes that the town levied on the annexed territory, as shown by the tax roll under Wis. Stats. §70.65, in the year in which the annexation is final.

This ordinance shall take effect the day after publication.

Passed, approved and adopted this 11th day of August, 2020.

ROLL CALL VOTE:

CITY OF BERLIN

BY: _____
Richard Schramer, Mayor










_____/AYES
_____/NAYES
_____/ABSENT

APPROVED AS TO FORM:

ATTEST: _____
Jodie Olson
City Clerk

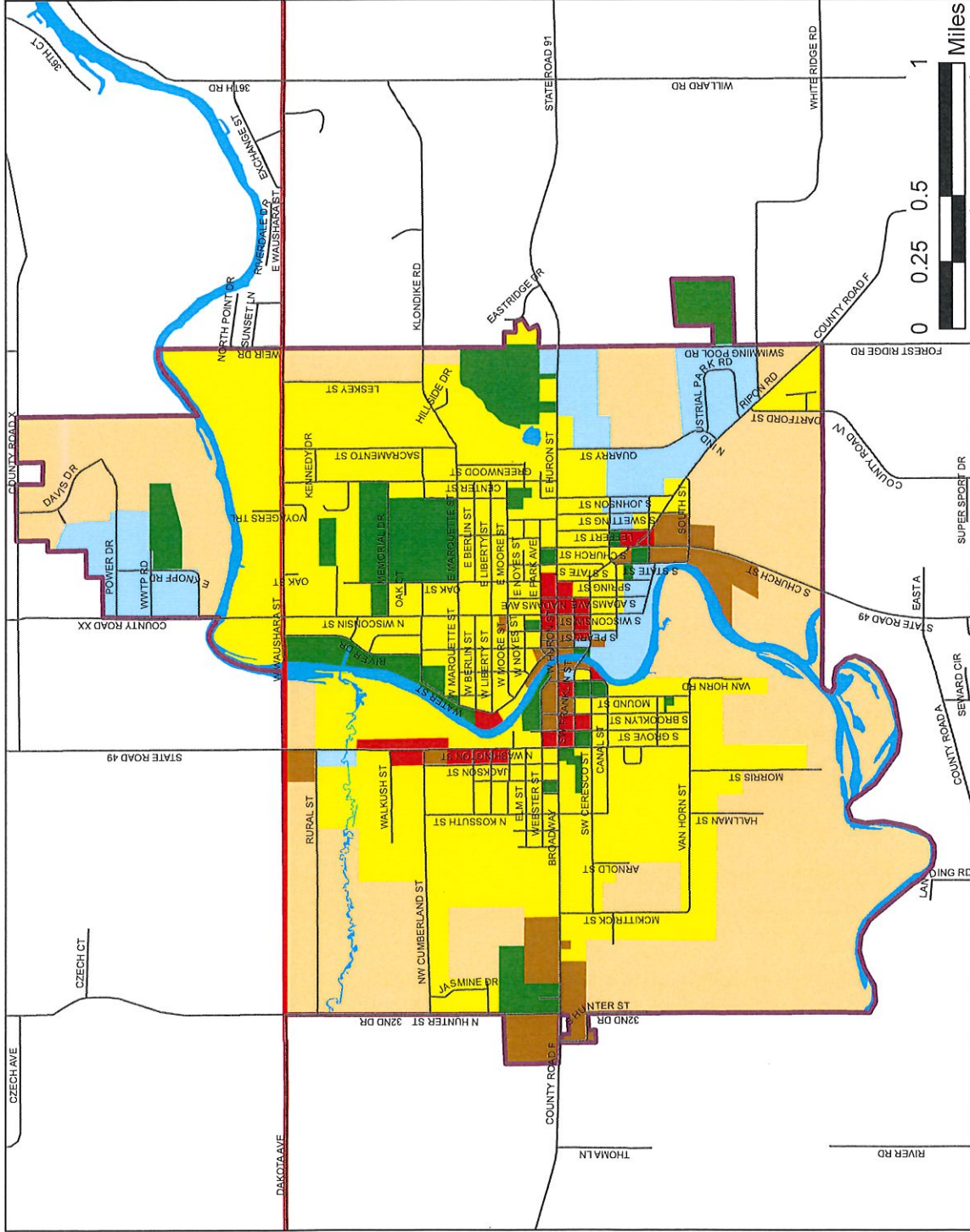
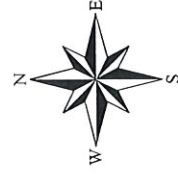
Matthew G. Chier
City Attorney

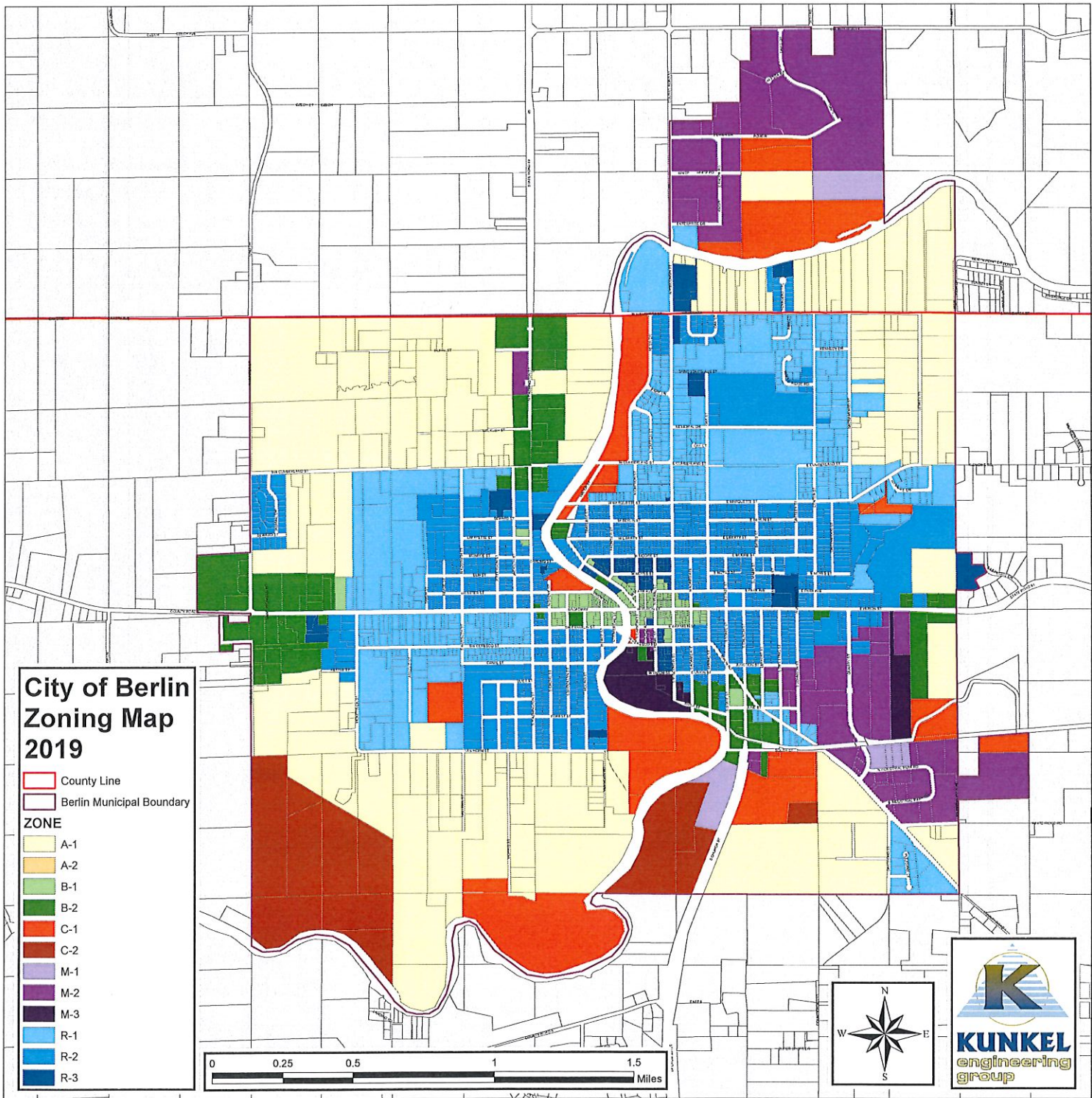
City of Berlin Land Use 2018

-  County Line
-  Berlin Municipal Boundary
- Current Land Use**
-  Water
-  Agricultural / Vacant
-  Commercial
-  Industrial
-  Mixed Use
-  Public-Govt-Parks
-  Residential



REVISED 10/16/2018





To: Plan Commission

From: Lindsey Kemnitz

Subject: Discuss CSM and Official Street Map for Kettle Street

Background:

This proposed CSM identified land to be dedicated to the City for additional right of way (ROW) for Kettle Street. Per the City Subdivision code, it is required for the road to be up to city standards before dedicating it to the City. Currently Kettle Street is on the official city street map. According to the proposed CSM the Kettle Street is 50 feet wide by 297 feet. Staff has been conducting research to determine if any portion of Kettle Street was dedicated to the City. Staff has found conflicting information regarding the official dedication of Kettle Street. Attached are several documents with the information. In the early 1900's the City owned property around the "Kettle Street" area. I have reached out to Green Lake Title to see if they can find any records of "Kettle Street" being dedicated to the City and initially they could not find any records of the dedication of "Kettle Street". Green Lake Title was going to look through the records in the early 1900's to determine if the city did own it, I am hoping to have additional information on Tuesday.

The proposed CSM is reducing the lots from three to two. Lot 1 and 2 do not have proper frontage on City Street according to the City subdivision ordinance if "Kettle Street" does not extend the full length. Plan Commission has the authority to approve CSM's that do not comply with the subdivision ordinance, but then the lots are not buildable.

Was "Kettle Street" considered a private driveway for access to the rear rather than Public Street?

Did the City own "Kettle Street" and it continues to function as street for access to the rear parcels after the City sold the parcels?

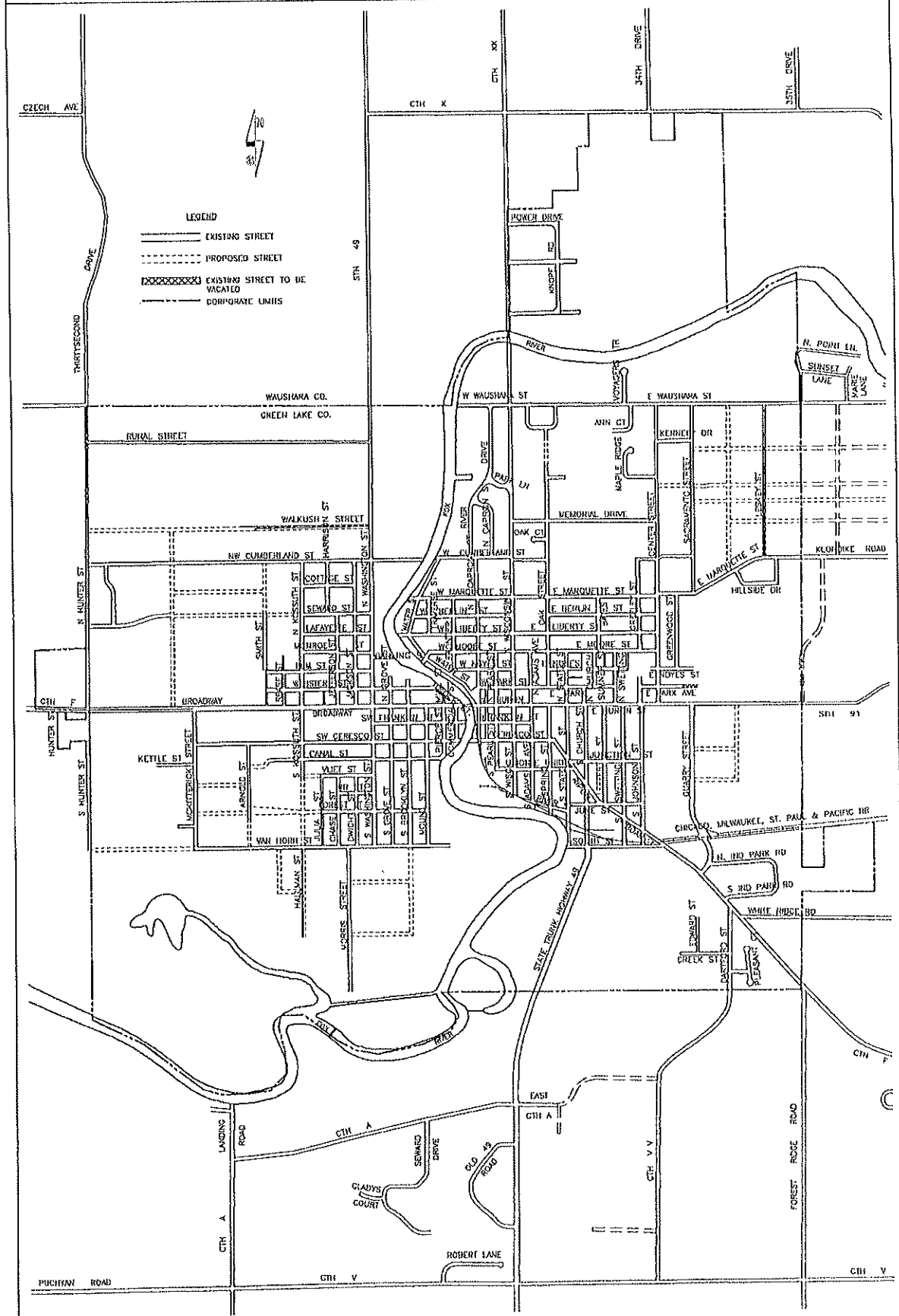
ORIGINAL MAP BY STRAND ASSOC, DATED 2005
RESIZED AND UPDATED BY KUNKEL ENGINEERING GROUP, 2010

0 400 800
SCALE
REVISED MARCH 24, 2010

CITY OF BERLIN, WISCONSIN
OFFICIAL STREET MAP
REDUCED SIZE REFERENCE COPY




SHEET 1 OF 1



PART OF LOT 1 OF CERTIFIED SURVEY MAP 2420,
AND PART OF THE NORTHEAST 1/4 OF THE
NORTHEAST 1/4, PART OF THE SOUTHEAST 1/4 OF
THE NORTHEAST 1/4, AND PART OF THE
SOUTHWEST 1/4 OF THE NORTHEAST 1/4, ALL IN
SECTION 8, TOWNSHIP 17 NORTH, RANGE 13 EAST,
CITY OF BERLIN, GREEN LAKE COUNTY, WISCONSIN.

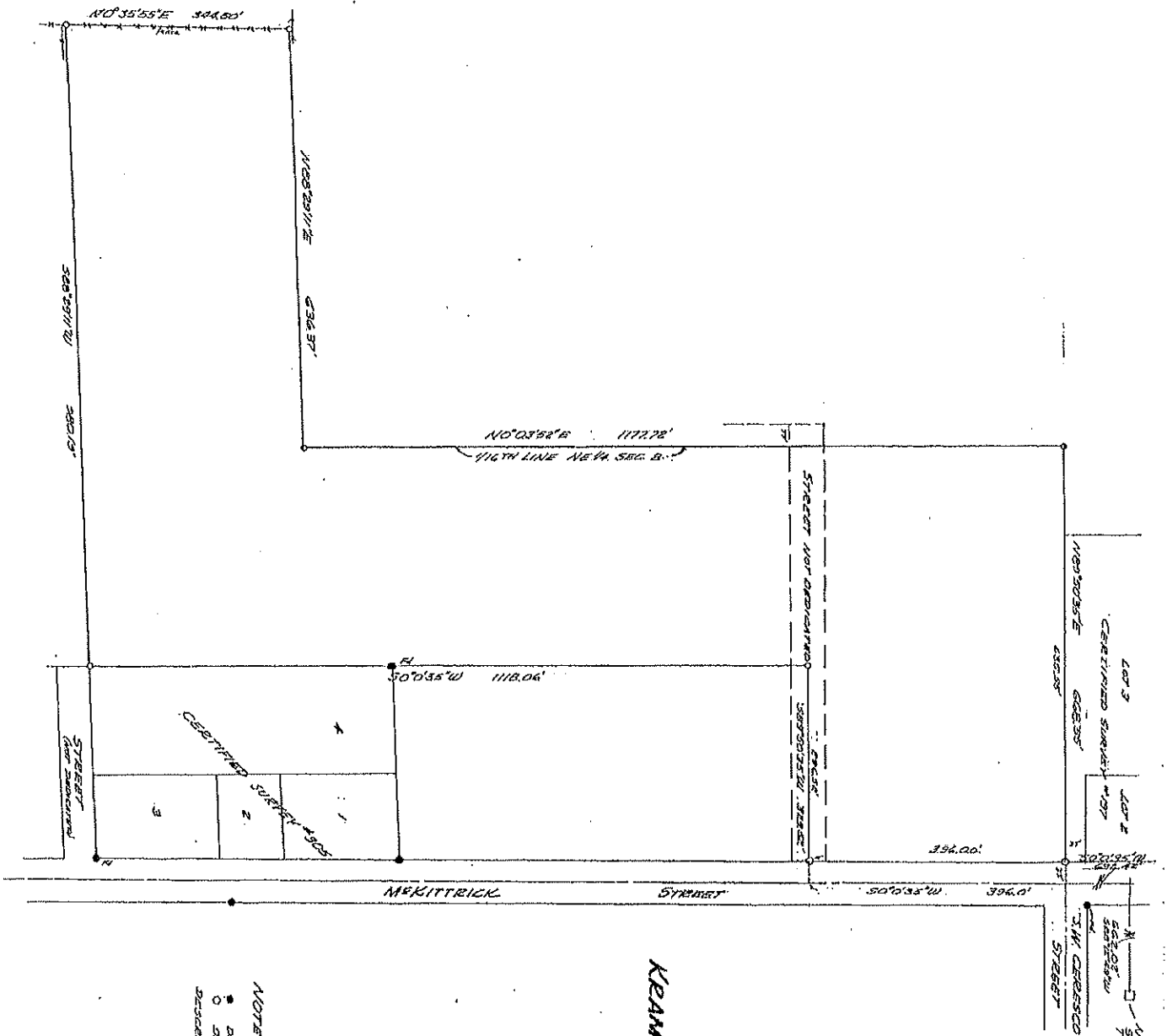
[illegible]

Martenson & Eisele, Inc.

 101 West Main Street
Omro, WI 54963
www.marlsonson-else.com
P 920.695.6240 F 920.695.6340

Planning
Environmental
Surveying
Engineering
Architecture

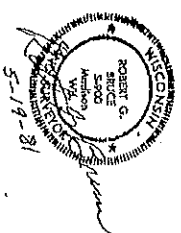
PROJECT NO. 0-2414-001
FILE 2414001GSM SHEET 1 OF 3
This instrument was drafted by: DSI.



SCALE: 1"=100'

COUNTY SURVEYOR'S OFFICE
 FLT 04106
 DATED 1981

KEAMP CONSTRUCTION CO
 BOUNDARY SURVEY
 BERLIN, WIS.



GREEN LAKE SURVEYING CO.
 506 MILL ST.
 GREEN LAKE, WIS.
 294-6446

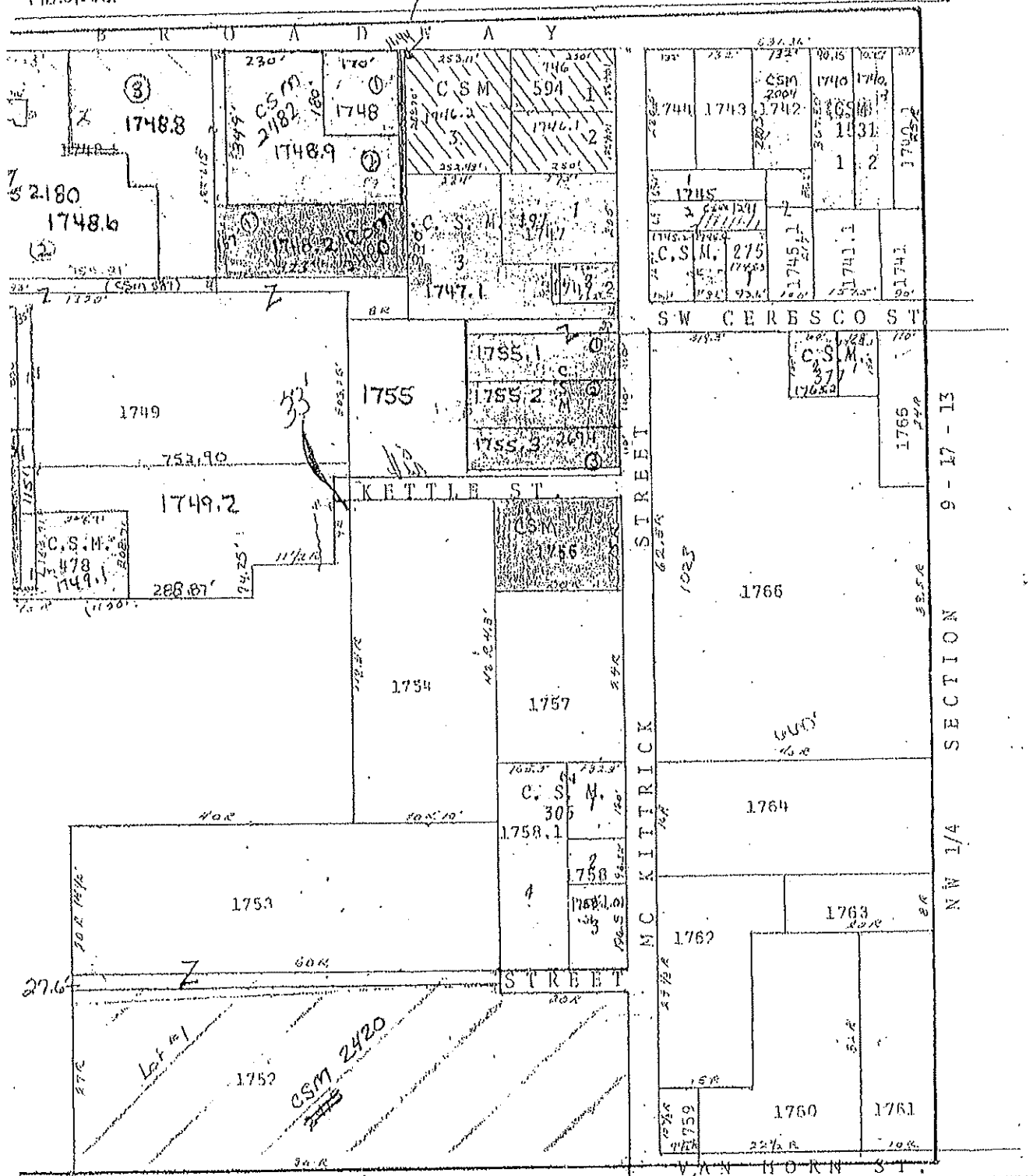
NOTES:

- DENOTES IRON STAKES FOUND
- DENOTES " " PLACED
- DESCRIPTION TYPED ON SEPARATE SHEET

14-5
 1

JOB 81-1-62

Oct. 1967



SECTION 8 - 17 - 13

SECTION 9 - 17 - 13



CSN3640

RECORDED ON:
12/14/2017 01:00PM

REC FEE: \$30.00

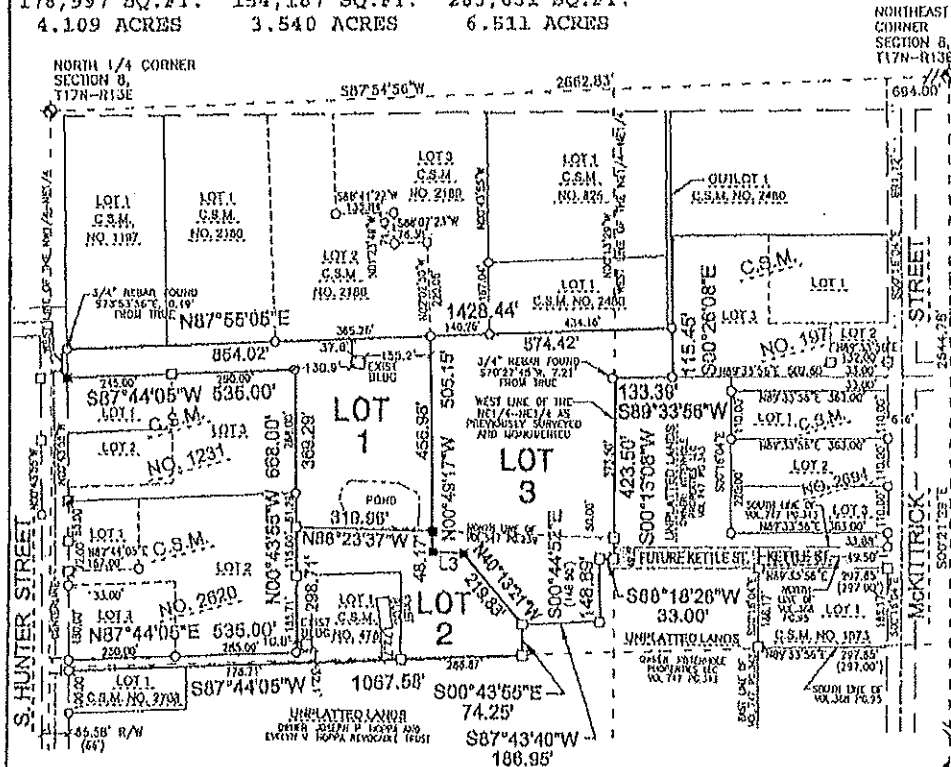
VOL. 21 OF CSM PG. 3640

SARAH GUENTHER
REGISTER OF DEEDS
GREEN LAKE, WI
TRANSFER FEE:

CERTIFIED SURVEY MAP NO. 3640

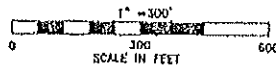
ALL OF LOT 1 OF CERTIFIED SURVEY MAP NO. 478, AND
PART OF THE NORTHEAST 1/4, SOUTHWEST 1/4 AND
NORTHWEST 1/4 OF THE NORTHEAST 1/4,
SECTION 8, TOWNSHIP 17 NORTH, RANGE 13 EAST,
CITY OF BERLIN, GREEN LAKE COUNTY, WISCONSIN.

LOT 1 AREA	LOT 2 AREA	LOT 3 AREA
178,997 SQ. FT.	154,187 SQ. FT.	283,631 SQ. FT.
4.109 ACRES	3.540 ACRES	6.511 ACRES



NOTE:
LOT 3 IS NOT BUILDABLE UNTIL
SUCH TIME THAT IT IS PROVIDED
WITH DIRECT VEHICULAR ACCESS
TO A PUBLIC STREET.

LINK TABLE		
L1	N00°43'55"W	25.00'
L2	N00°43'55"W	60.03'
L3	N87°19'37"W	72.95'

BEARINGS ARE REFERENCED TO THE
GREEN LAKE COUNTY COORDINATE SYSTEM

LEGEND

- | | |
|--|---------------------------|
| ■ 1" O.D. IRON PIPE SET, 10" LONG,
WEIGHING 1.13 LBS. PER LINEAL FOOT | ○ 3/4" O.D. REBAR FOUND |
| □ 1" O.D. IRON PIPE FOUND | ◇ GOVERNMENT CORNER |
| ■ 2" O.D. IRON PIPE FOUND | P.O.B. POINT OF BEGINNING |

Martenson & Eisele, Inc.

1377 Midway Road
Menasha, WI 54952
www.martenson-eisele.com
info@martenson-eisele.com
920.731.0381 1.800.236.0381

Planning
Environmental
Surveying
Engineering
Architecture

SURVEY FOR:
JERRY WICK
216 S. HUNTER STREET
BERLIN, WI 54923

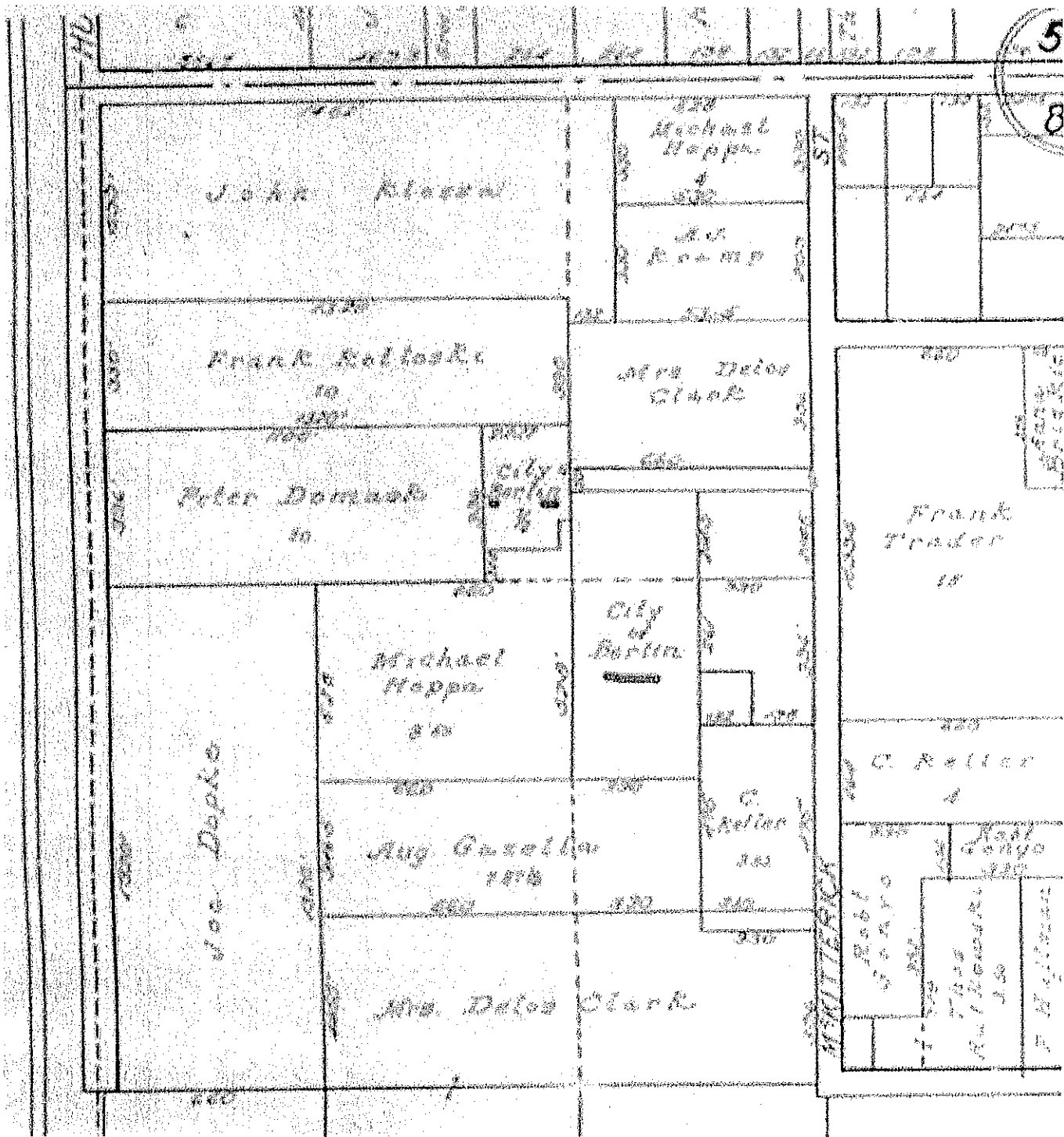
PROJECT NO. 0-2220-001
FILE 0-2220-001cum.dwg SHEET 1 OF 4
THIS INSTRUMENT WAS DRAFTED BY: A. Seidler



12-8-17

	M.H.	W.M.	
Jno. Klusa	J.P.S. 276		
A. Sobriski ¹⁹	E.R.E. G		
P. Damsky ^{18E}	G.Cy ^{4.5}		
H. Rehbohm ^{B.5}	F.F.		
A.G.# 8			
A. Lange [#]			
28.5			

1923:



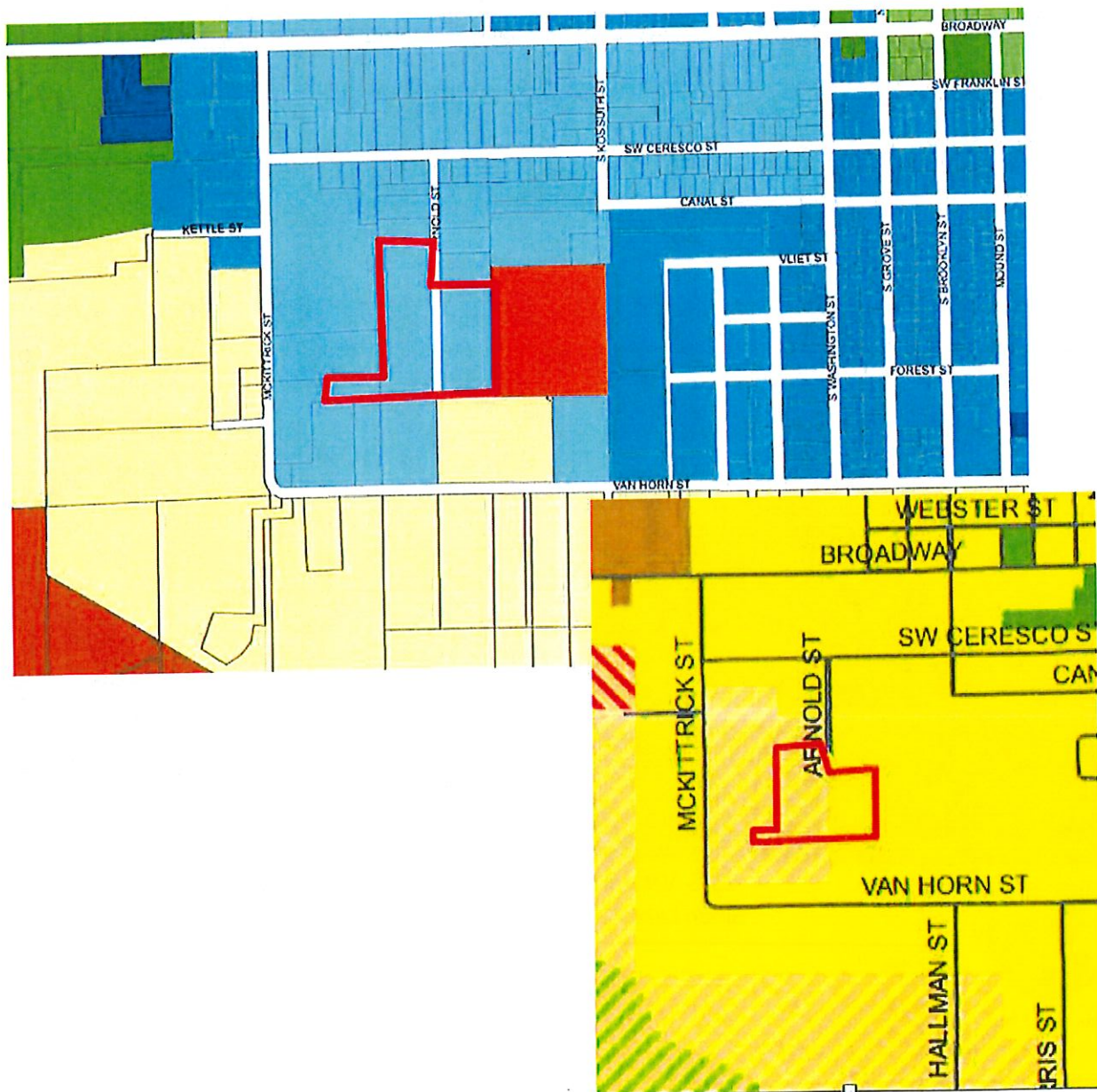
To: Plan Commission

From: Lindsey Kemnitz

Subject: Rezone Request for parcel 206-01275-0000, 206-01277-0000, and 206-01763-0000 from R-1 to A-1.

Background:

The property owner of the three parcels above is requesting the property to be zoned to A-1 from R-1. Currently the parcels are vacant land. The parcel on the east side of Arnold Street is identified as a wetland per DNR and is not buildable, attached is the map. Currently there are no utilities that extend down to the three lots. The future land use map identifies the whole area to be used for residential use; currently it shows only the western section as agricultural/ vacant.



**CITY OF BERLIN
REQUEST FOR ZONING CHANGE**

CITY OF BERLIN

or

EXTRATERRITORIAL ZONING JURISDICTION

We KC Stewart
(name)

of W1397 County Rd V, Berlin WI
(mailing address)

hereby request the Plan Commission to recommend to the Common Council of the City of Berlin the approval of a change to the Zoning Code/Zoning Map of the City of Berlin pursuant to Chapter 82 the Municipal Code.

Rezone from R-1 to Ag-1
(District Classification) (District Classification)

Legal Description: Parcel 200-01275-0000, 200-01277-0000, 200-01743-0000
Arnolds Add Lots 8, 9, 10, 11, 12, 13 + 14 B1kA

Reason for request: My intent is to have a workshop (900-1200sq.ft.), a single family residence, a greenhouse and a pond.

Lot Size 6

Present Improvements (Structures etc.) on Lot: Ø

Adjacent Property Zoning (N) R-1 (S) R-1/A-1 (E) R-1 (W) R-1

Such proposed zoning change would be compatible with the character of the neighborhood because:

The 6 acre parcel in question is surrounded on 3 sides by undeveloped land including 4 acres of DNR mapped wetland.

6/19/2020 Kathryn C. Stewart
Date Filed Petitioner/Agent

Rezoning Fee \$300.00 - Fee must accompany this appeal payable to the City of Berlin

FOR OFFICE USE ONLY

Meeting advertised _____ Date of Commission Meeting _____

Commission Recommendation Approve / Deny

Special Conditions:

Council Decision Approve / Deny Date _____

Special Conditions:

Rezone

DATE: 7-21-2020

TO: Plan Commission Members

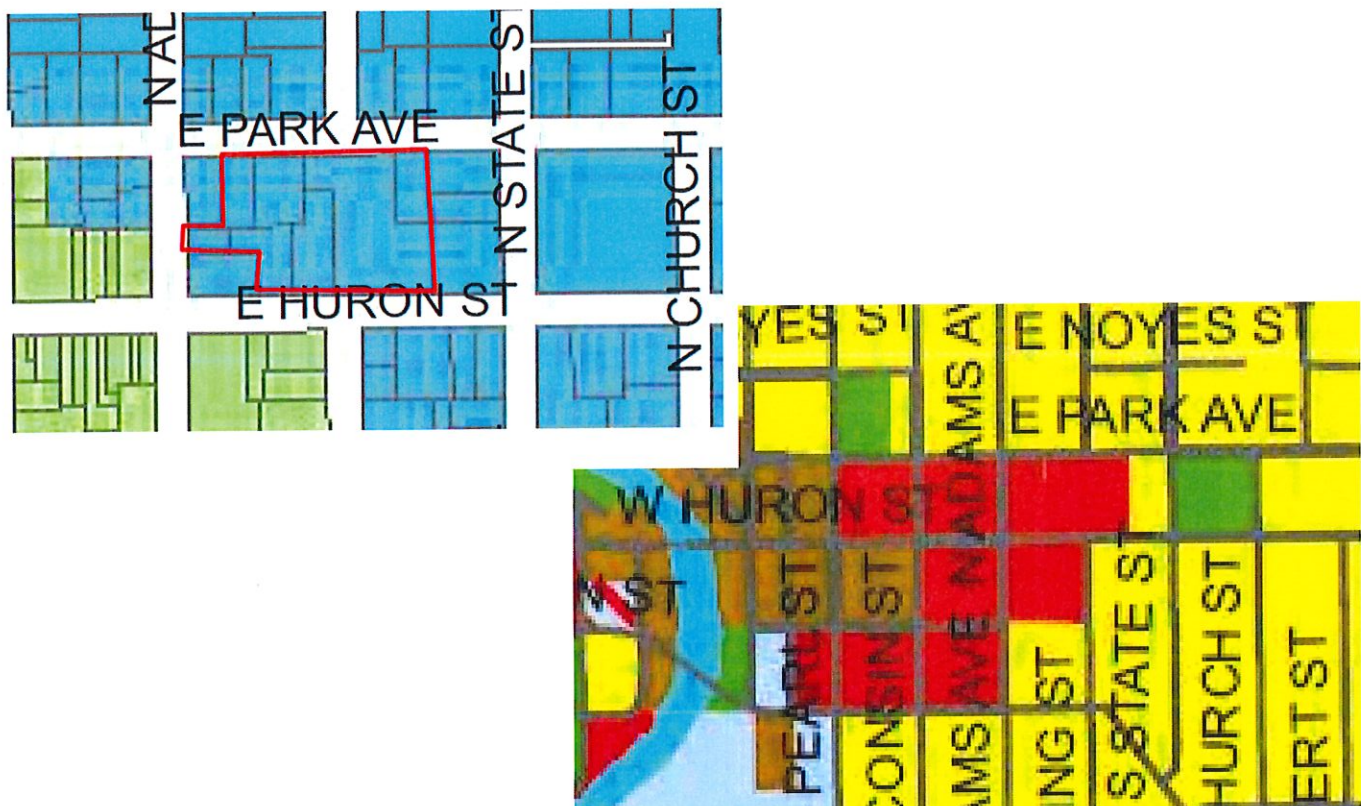
From: Lindsey Kemnitz

RE: Rezone request for 206-00321-0000, 206-00320-0000, 206-00315-0000, 206-00314-0000, 206-00326-0000, 206-00325-0000, and 206-00323-0000

ThedaCare Inc. has applied to rezone the vacant parcels 206-00321-0000, 206-00320-0000, 206-00315-0000, 206-00314-0000, 206-00326-0000, 206-00325-0000, and 206-00323-0000 on Huron Street, State Street, and Park Avenue from R-2 (Residential) to R-3 (Residential). The desire is to sell the parcel for future development for residential complex with more than 2 units. The property is boarded by R-2 property on the north and east side and B-1 to the west and south. Attached is a map with the subject parcels outlined and existing zoning map. The southeast parcel that Chier Law Office is on, is incorrect on the zoning map and is zoned B-1 currently. The future land use map identifies the subject parcels as red color with is mixed use which would allow residential or commercial uses.

See attached Application.

RECOMMENDATION: Review request and schedule public hearing for the next plan commission meeting.



CITY OF BERLIN
REQUEST FOR ZONING CHANGE

I/We CURTIS L. BIGGAR ARCHITECTS 1221 S. VAN DYKE RD Appleton
(name) (mailing address)

hereby request the Plan Commission to recommend to the Common Council of the City of Berlin the approval of a W
change to the Zoning Code/Zoning Map of the City of Berlin pursuant to Chapter 82 the Municipal Code.

Rezone from R-2 to R-3
(District Classification) (District Classification)

Legal Description:

Parcel 206-00323-0000, 206-00321-0000, 206-00320-0000, 206-00325-0000,
206-00326-0000, 206-00315-0000, 206-00314-0000.

Reason for request:

Proposed new multi tenant condo building

Lot Size 2.5 acres

Present Improvements (Structures etc.) on Lot:

VACANT

Adjacent Property Zoning (N) R-2 (S) R-2/B-1 (E) R-2 (W) B-1

Such proposed zoning change would be compatible with the character of the neighborhood because:

The development is proposed to fit the historic character
of the neighborhood. The development will be similar height
as previous hospital.

Date Filed

Signature

Ante L. Biggar 7/21/2020

Email:

Phone Number:

Rezoning Fee \$300.00 - Fee must accompany this appeal payable to the City of Berlin

FOR OFFICE USE ONLY

Meeting advertised

Date of Commission Meeting

Commission Recommendation Approve / Deny

Special Conditions:

Council Decision Approve / Deny Date

Special Conditions:

To: Plan Commission

From: Lindsey Kemnitz

Subject: Proposed Chicken Ordinance Amendments

Background:

This ordinance amendment was a recommendation from a citizen in the community that currently has a chicken permit. This request was presented to City Council and the Council directed Attorney Chier to draft an ordinance amendment. The ordinance amendment needs to be reviewed by Plan Commission and recommended to the Common Council.

AN ORDINANCE AMENDING CODE RELATING TO KEEPING OF CHICKENS IN
RESIDENTIAL DISTRICTS

WHEREAS, the City of Berlin Plan Commission has held a public hearing regarding the ordinance as set forth herein, on [insert applicable date]; and

Comment [MC1]: Will be inserted when date available.

WHEREAS, the Plan Commission has recommended to the Common Council to approve the ordinance as set forth herein.

NOW THEREFORE, the Common Council of the City of Berlin do ordain as follows:

Sec 10-21 of the Code of Ordinances shall be amended as follows:

Sec. 10-21. - Proper shelter.

(c) *Outdoor standards.* Minimum outdoor standards of shelter shall include:

(2) Shelter shall be provided from inclement weather as follows:

e. If a chicken enclosure is outdoors, at a minimum, the enclosure shall:

1. Be enclosed, predator-proof, insulated, and adequately ventilated;

(d) *Space standards.* Minimum space requirements for both indoor and outdoor animal enclosures shall include:

(3) Chicken enclosures shall measure ~~have a minimum floor area of the greater of (i) seven square feet in-area, or (ii) a total area amount calculated at the rate of three square feet in-area per standard chicken and two square feet per bantam chicken, whichever is greater, with one nest box provided per every twefour~~ have a minimum floor area of the greater of (i) seven square feet in-area, or (ii) a total area amount calculated at the rate of three square feet in-area per standard chicken and two square feet per bantam chicken, whichever is greater, with one nest box provided per every twefour chickens.

Sec 82-286 of the Code of Ordinances shall be amended as follows:

Sec. 82-286. - Use regulations.

The R-1 residential district ~~is intended to provide for single-family residential development and to protect such areas from the encroachment of incompatible uses. The following uses shall be permitted in the R-1 district:~~

Comment [MC2]: Just so everyone is aware, all we have to do is update the R-1 District use regulations, because all uses allowed in an R-1 are also allowed in R-2 and R-3. Therefore, that is why you are not also seeing any amendments to the R-2 and R-3 sections of the code.

(8) In the city limits and with a license granted under section 10-7(d), keeping

of up to ~~a maximum of 18 chickens per lot, consisting of up to a maximum of~~
~~sixtweleve mature hens, consisting of up to a maximum of ten standard sized~~
~~mature hens (as opposed to bantam sized hens)-chickens-per-lot.~~ For
purposes of this subsection, "chickens" shall have the meaning set forth
in section 10-2.

This ordinance shall take effect the day after publication.

The numeric section numbers and headings of any portions of the Code of Ordinances
affected by this Ordinance shall be subject to modification in the discretion of the codifier, and
the approval of the City Attorney, during codification into the City's current Code of Ordinances.

Passed, approved and adopted this ____ day of _____, 20__.

ROLL CALL VOTE:

CITY OF BERLIN

____ AYES
____ NAYS
____ ABSENT

BY: _____
Richard D. Schramer, Mayor

APPROVED AS TO FORM:

ATTEST: _____
Jodie Olson, City Clerk

Matthew G. Chier, City Attorney

Comment [MC3]: So that everyone understands this, first remember that the definition of "chicken" means hens and pullets. A pullet is a non-mature hen. The request from Andi requested an increase to 12 standard mature hens or 10 bantam (miniature) mature hens. She didn't say what should happen in the event of a combination, so I took the liberty of just allowing 12 maximum, with a maximum of 10 standard sized, meaning you can have 10 standard sized plus two more bantams. Please let me know if that is OK. Also, the total maximum of 18 chickens allows for up to 6 additional pullets to be purchased, beyond the mature hens. Andi simply requested that we allow some "extra chicks" to be purchased to allow proper rotation due to having to pull the males out once sex is able to be determined after sufficient maturity. I picked 18 because it is divisible by 6, and according to my understanding chicks are commonly sold in 6 packs at Tractor Supply in Berlin. However, this is a pretty significant increase, so please make sure everyone is comfortable with this.

To: Plan Commission

From: Lindsey Kemnitz

Subject: Review and discuss fence ordinance

Background:

Below is a request from a resident to review the current fence ordinance. Below is the section that he is referencing. In residential districts we only allow open or lattice type of fences. With that language the building inspector and I have interpreted that as requiring at least a half and inch gap between the individual boards. Looking at existing fences in the City, there are several fences that are considered closed fence. I would recommend allowing closed fences in the rear yard and still requiring open type fences in the front yard due to safety concerns.

Jason Caulfield -181 Jefferson Street

I would like to request that the fence ordinance for the spacing be put on the agenda this July 2020. During this meeting I would like to discuss changing the requirement to allow a full privacy fence in the back yard. I have a 6 year old autistic son that likes to climb. Our concern is that with the fence having spacing he could still climb it. Due to our son's condition we have CLTS funding the project. The fence we are looking to put up is vinyl and has full privacy panels. I was told that they do have panels with spacing but they are 30% more. I would hate to have the state spend more money on this when they could use it on other special needs children. The other option would be wood but the concern would be that the way it is designed it would be easier to climb. We believe it would be in the best interest of any special needs children to have this ordinance changed. This will help protect those that can't protect themselves. Thank you for your time and consideration.

Section 82-567 Fences.

(c) *Height.*

- (1) In residential districts, only open or lattice type fences or hedges shall be permitted. Residential fences in side and rear yards shall not exceed six feet in height, with the exception of any portion of side yard fences within the front yard setback area, which shall not exceed four feet in height, without a conditional use permit. Residential fences and hedges located in the front yard or in the front yard setback area shall not exceed four feet in height, without a conditional use permit. A conditional use permit for residential fences and hedges located in the front yard or within the front yard setback area may only permit the fence to be increased to a maximum of six feet in height.

To: Plan Commission

From: Lindsey Kemnitz

Subject: Future Virtual Regular Plan Commission Meetings via Zoom

Background:

In July, the Common Council approved an ordinance to allow virtual meetings due to the COVID pandemic. The ordinance allows the plan commission to decide at the beginning of each meeting if they want to seat virtual attendees if quorum is present in person. The ordinance also allows each commission to choose if they want to allow 100% virtual meetings in the future via zoom and it would not require a quorum present in person. Attached is the ordinance.

ORDINANCE #05-20

A TEMPORARY ORDINANCE RELATING TO ELECTRONIC OR VIRTUAL ATTENDANCE OR
CONDUCTING OF MEETINGS OF GOVERNING BODIES

WHEREAS, the Common Council acknowledges that some members of the City's various governing bodies still have legitimate concerns regarding attending meetings in person due to concerns over contracting or spreading the novel strain of the coronavirus now named Coronavirus Disease 2019 (COVID-19); and

WHEREAS, the Common Council accordingly wishes to authorize the electronic or virtual meeting attendance of members of governing bodies and electronic or virtual conducting of meetings of governing bodies for a temporary period, subject to the terms and conditions of this Ordinance.

NOW, THEREFORE, the Common Council of the City of Berlin do ordain that, notwithstanding any contrary provision in the Municipal Code of the City Berlin, the City Common Council, Committees, Boards, and/or Commissions may, on a meeting by meeting basis, by majority vote of those present assuming a quorum is present (which vote must be held prior to the participation of any member participating electronically or virtually at a meeting), allow any or all members of such body to attend such meeting electronically or virtually, so long as the meeting is consistent with the requirements of open meetings laws. Further, the City Common Council, Committees, Boards, and/or Commissions may, by majority vote, authorize any specific future meeting of that governing body to be conducted electronically or virtually, or to allow specific members of such governing body to attend such future meeting electronically or virtually, so long as the meeting is consistent with the requirements of open meetings laws.

This ordinance shall take effect the day after publication but shall expire on December 31, 2020 and shall only apply to meetings held prior to such date. This ordinance shall not be codified into the Municipal Code of the City of Berlin because of its temporary effective period.

Passed, approved and adopted this ____ day of _____, 2020.

ROLL CALL VOTE:

CITY OF BERLIN

____ AYES

BY _____
Richard D. Schramer, Mayor

____ NAYS

____ ABSENT

APPROVED AS TO FORM:

ATTEST: _____
Jodie Olson
City Clerk

Matthew G. Chier
City Attorney

To: Plan Commission

From: Lindsey Kernnitz

Subject: Proposed daycare ordinance amendment

Background:

Several months ago the Plan Commission had a request to rezone a residential house to B-1 for the use of daycare center. At that time the Plan Commission discussed requirements such as parking, hours of operations, screening, etc. The Plan Commission asked the applicant why she chose that location. Her reason was due to the limited amount of properties that meet the state requirements for daycare center. Currently only daycares with less than 9 children can be in residential districts and there were limited B-1 or B-2 properties that met the state requirements. Attorney Chier has drafted an ordinance amendment to require a conditional use permit for daycare centers with more than 8 children in residential districts.

Lindsey Kemnitz

From: Brandt, Jamie L - DCF <Jamiel.Brandt@wisconsin.gov>
Sent: Monday, June 15, 2020 10:40 AM
To: Lindsey Kemnitz
Subject: Group Child Care Regulations
Attachments: 205.pdf

Follow Up Flag: Follow up
Flag Status: Flagged


Hi Lindsey,

I am attaching the most recent copy of the Wisconsin Administrative Code – DCF 251 Licensing Rules for Group Child Care Centers. You will find a lot of information and answers here. Specifically, regarding your questions:

1. Hours of operation: Please take a look at the attached Licensing Rules for Group Child Care Centers:
 - a. Page 3, DCF 251.03(19): Night Care is defined as “any care that is offered by a licensed group child care center between the hours of 10p.m. and 5a.m.”
 - b. Page 5, DCF 251.04(1)(c) states that the hours of a center’s operation may not exceed those specified in the license.
 - c. Page 19, DCF 251.055(1)(e) states that a child may not be in care for more than 14 hours in any 24 hour period.
2. Onsite Parking
 - a. The Department does not have any requirements.
3. Fence:
 - a. Page 26, DCF 251.06(11)(b)7. States that the boundaries of the outdoor play space shall be defined by a permanent enclosure not less than 4 feet high. Fencing, landscaping or plants may be used. The permanent enclosure may not have any open areas that are greater than 4 inches.
4. Additional requirements:
 - a. Please take a look at the attached Licensing Rules for Group Child Care Centers. These rules are the required of all licensed group child care centers.

I hope this information helps. If you need help interpreting rules or have questions about specific rules, please let me know.

Wishing you well,
Jamie L. Brandt
Licensing Specialist
74 South Main Street, Suite 205
Fond du Lac, WI 54935
P: 920.924.4620
F: 920.924.4635
E: Jamiel.brandt@wisconsin.gov

www.dcf.wisconsin.gov 

AN ORDINANCE AMENDING THE CITY OF BERLIN ZONING CODE RELATING TO CERTAIN REGULATIONS AFFECTING THE LOCATION AND OPERATION OF ADULT AND CHILD DAY CARE FACILITIES

WHEREAS, the City of Berlin Plan Commission has held a public hearing regarding the ordinance change, as set forth herein, on [insert applicable date]; and

WHEREAS, the Plan Commission recommended to the Common Council the approval of the ordinance change, as set forth herein.

NOW THEREFORE, the Common Council of the City of Berlin do ordain as follows:

Sec. 82-286 of the City of Berlin Code of Ordinances shall be amended as follows:

Sec. 82-286. - Use regulations.

The R-1 residential district is intended to provide for single-family residential development and to protect such areas from the encroachment of incompatible uses. The following uses shall be permitted in the R-1 district:

- (6) Home occupations, except for adult and child day care facilities.

Sec. 82-287 of the City of Berlin Code of Ordinances shall be amended as follows:

Sec. 82-287. - Conditional uses.

In the R-1 district, conditional uses shall be as follows:

- (3) Adult and child day care facilities, even if such facilities are home occupations. However, child day care facilities that are not home occupations may only be allowed as a conditional use on lots of one-half acre or more. Also, for child day care facilities, including for those that are home occupations, the common council shall, pursuant to and in addition to any other standards or conditions imposed under Sec. 82-641(b), impose the following standards and conditions:

- (1) All outside areas used as part of the operation of the child day care facility shall be bounded on all sides by an architectural or aesthetic fence of the maximum height permitted under Sec. 82-567.

Comment [MC1]: Will insert when date available.

Comment [MC2]: So that everyone is aware, a "home occupation" is defined in Sec. 82-4 as an occupation or profession carried on by a member of the family residing on the premises, having no display, other than a home occupation sign, which indicates from the exterior of the premises that the building is being utilized, in whole or part, for any purpose other than that of a dwelling; there is kept no stock in trade nor commodity sold upon the premises; no person is employed other than members of the immediate family residing on the premises; no mechanical equipment is used except that which is permissible for purely domestic or household purposes. The occupation or profession shall not occupy more than 50 percent of the floor area of one story of the dwelling; and there shall be no emission of an odor, gas, smoke, dust or noise that will be detrimental to the residential character of the neighborhood.

Comment [MC3]: By adding this exception, all day care facilities, including home occupations, will now require a conditional use permit in residential districts. Existing home occupation day cares will be grandfathered under normal zoning grandfathering rules.

Comment [MC4]: Although I think everyone probably understands this already from our recent discussions about conditional use permits, I wanted to be sure that everyone is aware that Sec. 82-641(a) already sets forth a number of general factors that will apply to the issuance of a CUP for a day care center. That code section reads as follows:

The common council shall consider, among other things, the particular facts and circumstances of each proposed use in terms of the following standards: ... [1]

Comment [MC5]: This is a randomly selected size. All I knew is that there was an expressed desire for a minimum lot size for commercial (non-home occupation) daycares in a residential district. This is open for further discussion and alternate proposals as far as minimum size.

Comment [MC6]: It should be noted that our fence code expressly requires open and lattice type fences only in residential districts. Thus, I know the desire of this restriction in regard to day care centers is to block the view of playground equipment for aesthetic reasons, but our fence code doesn't actually allow complete privacy fencing. This requirement for fencing will provide some blockage. ... [2]

- (2) Operation of the child day care facility shall be limited to 6:00 a.m. to 7:00 p.m. daily.

Comment [MC7]: These are randomly selected times I came up with. This is open for discussion and possible other alternatives.

Also, on a side note, I want everyone to be aware that Sec. 82-553 already prohibits any accessory structure, including play structures, in front yards, except for corner lots having rear yards of 20 feet or less. I was going to add similar such restrictions in this new ordinance specially for day care centers, but realized that it wasn't necessary because it was already prohibited.

Sec. 82-312 of the City of Berlin Code of Ordinances shall be amended as follows:

Sec. 82-312. - Conditional uses.

In the R-2 district, conditional uses shall be as follows:

- (3) Adult and child day care facilities, even if such facilities are home occupations. However, child day care facilities that are not home occupations may only be allowed as a conditional use on lots of one-half acre or more. Also, for child day care facilities, including for those that are home occupations, the common council shall, pursuant to and in addition to any other standards or conditions imposed under Sec. 82-641(b), impose the following standards and conditions:

- (1) All outside areas used as part of the operation of the child day care facility shall be bounded on all sides by an architectural or aesthetic fence of the maximum height permitted under Sec. 82-567.
- (2) Operation of the child day care facility shall be limited to 6:00 a.m. to 7:00 p.m. daily.

Sec. 82-337 of the City of Berlin Code of Ordinances shall be amended as follows:

Sec. 82-337. - Conditional uses.

In the R-3 district, conditional uses shall be as follows:

- (3) Adult and child day care facilities, even if such facilities are home occupations. However, child day care facilities that are not home occupations may only be allowed as a conditional use on lots of one-half acre or more. Also, for child day care facilities, including for those that are home occupations, the common council shall, pursuant to and in addition to any other standards or conditions imposed under Sec. 82-641(b), impose the following standards and conditions:

- (1) All outside areas used as part of the operation of the child day care facility shall be bounded on all sides by an architectural or aesthetic fence of the maximum height permitted under Sec. 82-567.
- (2) Operation of the child day care facility shall be limited to 6:00 a.m. to 7:00 p.m. daily.

Sec. 82-554 of the City of Berlin Code of Ordinances shall be amended as follows:

Sec. 82-554. - Residential use restrictions.

Accessory uses or structures in residential districts within the city shall not involve the conduct of any business, trade or industry, except for home occupations as defined in section 82-4 or as otherwise expressly allowed as a permitted or conditional use. Accessory buildings shall not be used for residential purposes.

Comment [MC8]: This change is necessary to allow the various expressly permitted business type activities to occur in a residential district, such as schools, clinics, and now day care centers.

Sec. 82-682 of the City of Berlin Code of Ordinances shall be amended as follows:

Sec. 82-682. - Off-street parking

- (0) *Number of stalls.* The number of parking stalls required shall be as shown in the following table:

Use	Minimum Parking Required
Single-family dwellings	1 stall for dwelling unit
Duplex and multifamily dwellings	1.5 stalls for each dwelling unit
Housing for the elderly	0.75 stall for each dwelling unit with one-half of such spaces to be built before occupancy and the balance of such spaces shall be reserved until such time as the city may order them to be installed
Hotels, motels	1 stall for each guest room, plus 1 stall for each employee
Sororities, dormitories, roominghouses and boardinghouses	1 stall for each 2 sleeping rooms, plus 1 stall for each 2 employees
Retirement homes, orphanages, convents and monasteries	1 stall for each 2,000 feet of principal floor area
Hospitals, sanitariums, institutions, rest homes and nursing homes	1 stall for each 3 beds, plus 1 stall for each employee
Medical and dental clinics	5 stalls for each doctor or dentist
Theaters, auditoriums, community centers, sports arenas and other places of public assembly	1 stall for each 5 seats or spaces equal to 20% of the capacity in persons, whichever is greater
Restaurants	1 stall for each 100 square feet of floor area, excluding the kitchen
Bars and places of entertainment	1 stall for each 75 square feet of floor area
Office buildings and professional offices having less than 6,000 square feet of floor area	1 stall for each 150 square feet of floor area
Office buildings and professional offices having 6,000 square feet or more of floor area, banks and savings institutions	1 stall, at least, for each 200 square feet of floor area
Drive-in establishments	1 stall, at least, for each 15 square feet of floor area in the building

Comment [MC9]: I just wanted to point out that the code also already provides some special limitations on parking in residential districts, so these types of limitations didn't need to be added as part of this new ordinance. Specifically, Secs. 82-682(b)(2) and (3) provide:

(2) . In R-1 and R-2 districts, if a principal structure on a lot is a dwelling, then off-street parking shall not be allowed in the front yard of that lot, or in the setback areas for the side or rear yards of that lot, except in driveways provided that the driveway conforms to the requirements of chapter 58, article V.

(3) . Off-street parking shall be permitted in all yards and setback areas of lots in districts other than R-1 and R-2, and in R-1 and R-2 districts if a principal structure on the lot is not a dwelling, only after a parking plan for the site has been approved by the plan commission. The plan commission may impose conditions on such approval as reasonably necessary to mitigate negative impacts that the parking may have on neighboring properties or the general public. Such conditions may include, but not be limited to, setbacks, pedestrian and vehicular accessways, fencing, screening, landscaping, and minimum greenspace requirements. Further, no parking space on a lot in any district may be closer than five feet to a lot line, except in driveways provided that the driveway conforms to the requirements of chapter 58, article V.

Manufacturing and processing plants, including meat and food processing, laboratories and warehouses	1 stall for each 2 employees (the number of employees shall be construed to mean the maximum number on the premises at one time)
Libraries, museums, art galleries, etc.	1 stall for each 3 employees, plus 1 stall for each 4 seats, plus 1 stall for each 500 square feet of floor area not having seats
Washing and cleaning establishments	1 stall for each 2 employees, plus 1 stall for each washing machine, or 1 stall for each 200 square feet of floor area, whichever is greater
Funeral homes, mortuaries and similar uses	1 stall for each 50 square feet of floor area in parlors or assembly rooms
Retail stores	1 stall for each 200 square feet of floor area
Other business and commercial uses	1 stall for each 300 square feet of floor area
Churches and other places of religious assembly	1 stall for each 5 seats, or 1 stall for each 90 lineal inches of pew space
Cartage, express and parcel delivery, freight terminals	1 stall for each 2 employees on the largest shift for which the building is designed, plus 1 stall for each motor vehicle maintained on the premises
Elementary and junior high schools	2 stalls for each classroom, plus 1 stall for each 8 seats in the auditoriums or assembly halls
High schools, colleges, universities and other institutions of higher learning	1 stall for each 6 students, plus 1 stall for each teacher, administrator and employee
Business, technical and trade schools	1 stall for each 5 students, plus 1 stall for each 2 employees
Motor vehicle sales, new and used	1 stall for each 500 square feet of floor area used, plus 1 stall for each 300 square feet of outdoor display area for each motor vehicle to be displayed, not including service garages
Retail repair or service shops(nonautomotive)	1 stall for each 150 square feet of net floor space
Automobile repair garages and service stations	1 stall for each 2 employees, plus 2 stalls for each service bay
Bowling alleys	4 stalls for each alley, plus additional spaces for affiliate uses
Adult and child day care facilities	1 stall for each 10 adults or children able to be cared for at the facility

Comment [MC10]: This 1 in 10 ratio is a random number that I came up with. Elementary schools are comparable, but the requirement is expressed as 2 stalls per classroom, which doesn't apply to daycares. Since neither the adults or children being cared for at a daycare facility will be driving, I didn't see a need for a lot of parking spaces. However, this is certainly open to discussion and a different proposed ratio if desired.

Sec. 82-800 of the City of Berlin Code of Ordinances shall be amended as follows:

Sec. 82-800 - Permitted signs rules.

- (b) *Guide to Figure 82-800a*. If the letter "Y" appears for a sign type in a column, such sign is allowed without prior permit approval in the zoning districts represented by that column. If the letter "P" appears for a sign type in a column, such sign is allowed only with prior permit approval in the zoning districts represented by that column. If the letter "C" appears for a sign type in a column, such sign is allowed only with

conditional use permit approval in the zoning districts represented by that column. Special conditions may apply in some cases. If the letter "N" appears for a sign type in a column, such a sign is not allowed in the zoning districts represented by that column under any circumstances.

- (3) *Key to Figure 82-800a and Figure 82-800b.* Figure 82-800a and Figure 82-800b, the headings have the following meanings:

Abbreviations Used in Figures 82-800a and 82- 800b on the following page.	Zoning Districts or Uses
A	A-1 Agricultural District, <u>Chapter 82</u> , Article II, Division 4 and A-2 Farmland Preservation District, <u>Chapter 82</u> , Article II, Division 5
B	B-1 Business District, <u>Chapter 82</u> , Article II, Division 9 and B-2 Business District, <u>Chapter 82</u> , Article II, Division 10
C	C-1 Conservancy District, <u>Chapter 82</u> , Article II, Division 2 and C-2 Conservancy District, <u>Chapter 82</u> , Article II, Division 3
INS	Institutional Uses. "Institutional Uses" shall mean, but shall not be limited to, public parks and playgrounds, schools, adult and child day care centers which are not home occupations , churches, convents, libraries, hospitals, clinics, nursing homes, assisted living facilities, museums, and adaptive reuses of churches. For clarity, "Institutional Uses" shall not mean single and two-family dwellings or bed and breakfast establishments.
M	M-1 Light Manufacturing District, <u>Chapter 82</u> , Article II, Division 11, M-2 Medium Manufacturing District, <u>Chapter 82</u> , Article II, Division 12, and M-3 Heavy Manufacturing District, <u>Chapter 82</u> , Article II, Division 13
PUD	PUD Planned Unit Development District, <u>Chapter</u>

Comment [MC11]: This addition is to allow the same type of signage that is allowed for schools, churches, etc. to be allowed for day care centers in residential districts.

Abbreviations Used in Figures 82-800a and 82- 800b on the following page.	Zoning Districts or Uses
	<u>82, Article II, Division 15</u>
R1-2	R-1 Residential District, <u>Chapter 82, Article II, Division 6</u> and R-2 Residential District, <u>Chapter 82, Article II, Division 7</u>
R-3	R-3 Residential District, <u>Chapter 82, Article II, Division 8</u>
R-MH	R-MH Manufactured Home District, <u>Chapter 82, Article II, Division 14</u>

This ordinance shall take effect the day after publication.

The numeric section numbers and headings of any portions of the Code of Ordinances affected by this Ordinance shall be subject to modification in the discretion of the codifier, and the approval of the City Attorney, during codification into the City's current Code of Ordinances.

Passed, approved and adopted this ____ day of _____, 2020.

ROLL CALL VOTE:

CITY OF BERLIN

____ AYES
____ NAYS
____ ABSENT

BY: _____
Richard D. Schramer, Mayor

APPROVED AS TO FORM:

ATTEST: _____
Jodie Olson, City Clerk

Matthew G. Chier, City Attorney

Although I think everyone probably understands this already from our recent discussions about conditional use permits, I wanted to be sure that everyone is aware that Sec. 82-641(a) already sets forth a number of general factors that will apply to the issuance of a CUP for a day care center. That code section reads as follows:

The common council shall consider, among other things, the particular facts and circumstances of each proposed use in terms of the following standards, and shall find adequate evidence that such use on the proposed location will:

- (1) Be designed, constructed, operated and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity, and that such use will not change the essential character of the area.
- (2) Not be hazardous or disturbing to existing or future neighboring uses.
- (3) Not be detrimental to property in the immediate vicinity or to the community as a whole.
- (4) Be adequately served by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal and schools, or that the persons or agencies responsible for the establishment of the proposed use shall be able to adequately provide any such service.
- (5) Have vehicular approaches to the property which shall be designed not to create interference with traffic on surrounding public streets, alleys, roads or sidewalks.
- (6) Not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.
- (7) Not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
- (8) Not violate state or federal floodplain or wetland areas.

It should be noted that our fence code expressly requires open and lattice type fences only in residential districts. Thus, I know the desire of this restriction in regard to day care centers is to block the view of playground equipment for aesthetic reasons, but our fence code doesn't actually allow complete privacy fencing. This requirement for fencing will provide some blockage, but I just want everyone to be aware that it will not require complete privacy blockage from the view of the play equipment.