

AGENDA
CITY OF BERLIN PLAN COMMISSION
TUESDAY SEPTEMBER 29TH, 2020 6:00 P.M.
CITY HALL COUNCIL CHAMBERS
CITY OF BERLIN, WI
Zoom Link: <https://us02web.zoom.us/j/82117062579>
Call In: 312 626 6799
Meeting ID: 821 1706 2579

- 1) Call meeting to order - Roll Call
- 2) Public Participation
- 3) Approval of Minutes –Plan Commission Meeting August 25th, 2020
- 4) Public Hearing for Proposed Amendment to Fence Ordinance
Recommendation: Review and recommend to Common Council.
- 5) Review and discuss ThedaCare Landscaping Plan
Recommendation: Review and approve landscaping plan as presented.
- 6) Review and discuss City of Berlin Official Street Map
Recommendation: Action as appropriate.
- 7) Review and discuss proposed daycare ordinance amendments
Recommendation: Schedule public hearing for October meeting.
- 8) Discussion on allowable location for doggy daycare and boarding
Recommendation: Action as appropriate.
- 9) Old Business
- 10) New Business
- 11) Next meeting date –October 27th, 2020
- 12) 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
AUGUST 25TH, 2020
CITY OF BERLIN
BERLIN, WISCONSIN

The August 25th, 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, Justin Lindahl, Dick Schramer and Mary Kubiak. Also present was Lindsey Kemnitz and Attorney Chier.

First item was approval of the July 28th, 2020 Plan Commission minutes. Marks moved to approve the July 28th, 2020 Plan Commission minutes as presented. Kubiak seconded the motion, which was carried by a voice vote.

Next item was public hearing for rezone for parcels 002-00260-0000, 002-00261-0000, and 002-00264-0000 to C-1. Kemnitz provide the Plan Commission overview of the project stating that staff and City Council has been working with Bruce Bohn and Ducks Unlimited on the land donation. Prior to the City accepting the land donation, it required the land to be annexed in the City. The public hearing was opened at 6:03pm. Erdmann asked three times for anyone to speak for it. Richard Moriarty of 336 N. Washington Street would like to see the rezone to go forward as the Bohn family has done a lot for the community. Erdmann then called for anyone to speak against the rezone three times and no one spoke. Erdmann closed the public hearing at 6:04pm. Marks agreed with Mr. Moriarty statement. Kubiak recommended the rezone to C-1 for approval to Common Council for the parcels 002-00260-0000, 002-00261-0000, and 002-00264-0000. Secora seconded the motion, which was carried by a voice vote.

Public hearing for rezone for parcels 206-01275-0000, 206-01277-0000, and 206-01763-0000 from R-1 to A-1 was opened at 6:06pm. Erdmann asked three times for anyone to speak in favor of the rezone. KC Stewart the owner of the property stated she is not intending to have farm animals on the property. She is looking to build a shed and residential home after that on the parcel on the west side. She wants to keep the area a rural type setting as it currently is. Erdmann then asked three times for anyone to speak against the rezone. Denise Toney of 193 Arnold Street and Dirk Verheyen of 218 Arnold Street spoke together. Both of them have lived on Arnold Street for several years and are not in favor of large outbuildings, farm animals, and farm equipment on the property. They also stated the road was not built to have large equipment going down the road. The public hearing was closed at 6:15pm.

The board had several questions to the applicant. Hill asked why building a shop before the house. The applicant stated she recently went through a divorce and is storing most of her stuff at her moms and would like to get it moved out. Marks mentioned that the future land use map identifies this area for residential. He stated around his home it was not built up in the late 60's when purchased, but today it is. Hill asked if there is another alternative for her to an exception to build the shed first. Attorney Chier stated a use variance would be an alternative, but would be unlikely she was would be approved for it. Secora had issues with this changing to agriculture use as it is surrounded by residential, he would consider agriculture in the wetland area. Lindahl asked if there are utilities to the site. Electric is to the site and the water and sewer utilities would need to be extended and the property owner is aware of that. Lindahl made a motion to deny the

rezone for 206-01275-0000, 206-01277-0000, and 206-01763-0000 from R-1 to A-1. Hill seconded the motion, which was carried by a voice vote.

Following item on the agenda was rezone 206-00323-0000, 206-00321-0000, 206-00320-0000, 206-00325-0000, 206-00326-0000, 206-00315-0000, and 206-00314-0000 from R-2 to R-3. Erdmann asked the applicant to speak on the project. John Leskii the general contractor and Sue Hietpas the realtor for the project provided an overview. The two of them are working with Curtis Biggar the architect on the project. Sue explained the need for this project in the community. Since the late 90's there has been 36 new homes constructed according to the MLS listings. Mr. Biggar has completed over 5 million in projects and has similar structures in the Appleton area. They intend to use local contractors for the work. They have received an accepted offer on the land contingent on the rezone and the financing for the project. Erdmann opened the public hearing at 6:35pm. Erdmann asked three times for anyone to speak against the rezone. Betsey Gubitz asked how many units there would be, driveway location, and how many levels. Erdmann explained this was just for the rezone and that the site plan will be reviewed at later date. Erdmann asked three times for anyone to speak in favor of the rezone. Pat Bartol 115 N. State Street is in favor of the rezone. The public hearing was closed at 6:42pm.

Secora asked if the rezone could be contingent on the sale. Kemnitz stated, yes ThedaCare requested it be contingent on the sale. Secora asked the applicant for realistic date. Offer is until December 31, 2020. Victoria asked if they considered the historic homes in the area when designing it. John stated that they did and worked with Lindsey and the Mayor on the design. Kubiak asked the size of the units. They are about 1,200 sq ft with two bedrooms. Parking area will have 60 stalls. Marks stated the property needs to be used for something and feels this is a good call for the city. Kubiak recommended the approval of the rezone for parcel 206-00323-0000, 206-00321-0000, 206-00320-0000, 206-00325-0000, 206-00326-0000, 206-00315-0000, and 206-00314-0000 from R-2 to R-3 to Common Council contingent on the sale of the land or up to one year. Marks seconded the motion, which was carried by a voice vote.

The next item to discuss the landscape plan for the Thedacare site plan review. Kemnitz explained that there were some changes with the company handling the landscape plan. Boldt construction is looking to get started in September and is requesting to start prior to the landscape plan being approved. Boldt stated they would have the plan for the September meeting. Kemnitz discussed this with the City Engineer and he suggested issuing permit to start demolition and early start permit for the project only. Kubiak made a motion to approve the demolition and early start permit for the Thedacare project. Lindahl seconded the motion, which was carried by a voice vote.

Next item was to discuss proposed CSM and Kettle Street. Richard Moriarty representing Kittenhole 336 N. Washington Street stated they had someone approach them about the property today and want to withdraw the item. Ann Moore representing Joe Hoppa of N9173 32rd Drive is requesting the commission to dedicate the street. Ms. Moore mentioned the City ordinance references Kettle Street in section 70-221 (b). Attorney Chier provided an update to the Plan Commission into regards on ownership of Kettle Street. The City requested Green Lake Title to research the area and they found several discrepancies in ownership of Kettle Street area, but there was no record of it ever being dedicated or ownership to the City of Berlin. The City will need to discuss if they want to keep Kettle Street as a proposed street or eliminate it on the street map. Erdmann then ended the discussion as Moriarty withdrew their request.

Next item was review of the fence ordinance amendment. Attorney Chier stated staff was unsure if the commission wanted to allow closed fences on the side yard up to the front of the house or only in the rear yard. Erdmann mentioned for security purposes it should be in rear yard only. Secora suggested to follow the 6 foot rule to stay consistent with height and closed fences. Hill mentioned she owns a nonconforming lot and her whole yard is considered side yard, she wouldn't be allowed a closed fence at all. Hill recommended to Common Council for approval to allow privacy fences up to the front of the primary structure. Secora seconded the motion which was carried by a voice vote.

The Commission reviewed the daycare changes that Attorney Chier drafted. The commission discussed if they should have the lot size based on the number of children allowed by the state or the number of children the daycare was proposing. They agreed to follow the number of children based on state approval. Kemnitz suggested changing the parking to 6 stalls per one child to allow parking stalls for parents. The final section was the review the permitted signs. As the daycare's are under the institutional section it would allow electronic signs and 100 sq ft. Kemnitz did not feel comfortable with that. Attorney Chier stated we cannot regulate based on content. Kemnitz suggested regulating the square footage for the signs on acreage instead.

No new or old business.

Next meeting date is September 29, 2020

Kubiak moved to adjourn at 7:50p.m. Hill seconded the motion, which carried by voice vote.

Lindsey Kemnitz, Community Development Director

AN ORDINANCE AMENDING THE ZONING CODE RELATED TO FENCES

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 [M21]: To be determined

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. 82-567(c)(1) of the City of Berlin Code of Ordinances shall be amended as follows:

Sec. 82-567. - Fences.

(c) Residential district restrictions ~~Height.~~

- (1) In residential districts, ~~only open or lattice closed, privacy type fences or hedges (meaning visibility through the fence or hedge is effectively blocked by having open gaps of less than 1/2 inch) shall not be permitted except in rear yards and those portions of side yards not located within the front yard. Residential fences or hedges in side and rear yards shall not exceed six feet in height, with the exception of any portion of side yard fences or hedges within the front yard setback area, which shall not exceed four feet in height, unless without a conditional use permit is granted allowing the fence or hedge to be as high as six feet. Residential fences and hedges located in the front yard or in the front yard setback area shall not exceed four feet in height, without unless a conditional use permit is granted allowing such fences or hedges to be as high as six feet. 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.~~

Comment [MC2]: 82-4 defines a front yard as: a yard extending across the full width of a lot, the depth of which shall be the minimum horizontal distance between the existing street or highway right-of-way line and a line parallel thereto through the nearest point of the principal structure. Thus, by definition, it is measured by the primary structure that is actually built on the property, and not just the setback line, which is what the PC wanted. I didn't need to add any special language to make that happen.

Comment [MC3]: This is one exception to my previous comment about not making any substantive changes in this highlighted section. In order to be consistent with the PC's intentions to regulate fences based on location in relation to actually built primary structures rather than the setback areas, I removed this reference to the "setback area".

Comment [MC4]: Same as prior comment.

Comment [MC5]: I made all the additional changes in this highlighted section just to clean up the language a bit as I thought it was a bit clunky and confusing as previously written. Except as explained in the next two comments, I'm not intending to change anything substantively with these highlighted changes.

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

DRAFT 8-26-2020

To: Plan Commission

From: Lindsey Kemnitz

Subject: City of Berlin Official Street Map

Background:

Last month staff informed the commission that the City has no ownership in Kettle Street. As Kettle Street was never dedicated or owned by the City, the official street map needs to be updated. Does the commission want to show Kettle Street as a proposed street or remove it completely?

Items to consider:

- City utilities would require a lift station to service the area.
- Is the area buildable due to the fill being removed from the area the past several years?

Staff is continuing to work with Green Lake Title Company and Green Lake County as there are several questions comparing the 2005 Official Street Map and the County GIS program. An amendment to the official street map requires a class two notice and a public hearing. As there are several corrections needed, I would recommend amending the map one time for all the corrections. Once staff has all the areas of concern answered, the map will be brought back to the commission for review.

Recommendation: Action as appropriate

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

Comment [MC1]: Will insert when date available.

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 child day care facilities which do not meet the definition of a "family child care home" under Wis. Stat. § 66.1017.

...

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) Subject to the limitations described herein, child day care facilities which do not meet the definition of a "family child care home" under Wis. Stat. § 66.1017, even if such a facility otherwise meets the definition of a home occupation. However, a child day care facility may only be allowed as a conditional use on a lot (or multiple lots owned or controlled by the same person) of a minimum size depending on the maximum number of children for which the facility is licensed by the state of Wisconsin as follows:

9-18 children: .5 acre minimum lot size

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19-27 children: .75 acre minimum lot size

28-36 children: 1 acre minimum lot size

Child day care facilities licensed for more than 36 children shall not be allowed as a conditional use in the R-1 district. Also, for conditional use applications for child day care facilities hereunder, the board of appeals shall, pursuant to and in addition to any other standards or conditions imposed under Sec. 82-641(b), impose the following standards and conditions:

- a. All outside areas used as part of the operation of the child day care facility shall be bounded on all sides by a closed, privacy fence of the maximum height permitted under Sec. 82-567. However, if closed, privacy fencing is not allowed in certain portions of the lot under Sec. 82-567, then fencing which contains open gaps as small as possible without meeting the definition of closed, privacy fencing under Sec. 82-567 shall be used in such portions of the lot.
- b. Operation of the child day care facility shall be limited to 5:00 a.m. to 10:00 p.m. daily.
- b.c. Approval of the conditional use permit is contingent on the facility being licensed in good standing by the state of Wisconsin as a child day care facility.

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) Subject to the limitations described herein, child day care facilities which do not meet the definition of a "family child care home" under Wis. Stat. § 66.1017, even if such a facility otherwise meets the definition of a home occupation. However, a child day care facility may only be allowed as a conditional use on a lot (or multiple lots owned or controlled by the same person) of a minimum size depending on the maximum number of children for which the facility is licensed by the state of Wisconsin as follows:

9-18 children: .5 acre minimum lot size

19-27 children: .75 acre minimum lot size

28-36 children: 1 acre minimum lot size

Child day care facilities licensed for more than 36 children shall not be allowed as a conditional use in the R-2 district. Also, for conditional use applications for child day care facilities hereunder, the board of appeals shall, pursuant to and in addition to any other standards or conditions imposed under Sec. 82-641(b), impose the following standards and conditions:

- a. All outside areas used as part of the operation of the child day care facility shall be bounded on all sides by a closed, privacy fence of the maximum height permitted under Sec. 82-567. However, if closed, privacy fencing is not allowed in certain portions of the lot under Sec. 82-567, then fencing which contains gaps as small as possible without meeting the definition of closed, privacy fencing under Sec. 82-567 shall be used in such portions or the lot.
- b. Operation of the child day care facility shall be limited to 5:00 a.m. to 10:00 p.m. daily.
- c. Approval of the conditional use permit is contingent on the facility being licensed in good standing by the state of Wisconsin as a child day care facility.

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) Subject to the limitations described herein, child day care facilities which do not meet the definition of a "family child care home" under Wis. Stat. § 66.1017, even if such a facility otherwise meets the definition of a home occupation. However, a child day care facility may only be allowed as a conditional use on a lot (or multiple lots owned or controlled by the same person) of a minimum size depending on the maximum number of children for which the facility is licensed by the state of Wisconsin as follows:

9-18 children: .5 acre minimum lot size

19-27 children: .75 acre minimum lot size

28-36 children: 1 acre minimum lot size

Child day care facilities licensed for more than 36 children shall not be allowed as a conditional use in the R-3 district. Also, for conditional use applications for child day care facilities hereunder, the board of appeals shall, pursuant to and in addition to any other standards or conditions imposed under Sec. 82-641(b), impose the following standards and conditions:

- a. All outside areas used as part of the operation of the child day care facility shall be bounded on all sides by a closed, privacy fence of the maximum height permitted under Sec. 82-567. However, if closed, privacy fencing is not allowed in certain portions of the lot under Sec. 82-567, then fencing which contains gaps as small as possible without meeting the definition of closed, privacy fencing under Sec. 82-567 shall be used in such portions or the lot.
- b. Operation of the child day care facility shall be limited to 5:00 a.m. to 10:00 p.m. daily.
- c. Approval of the conditional use permit is contingent on the facility being licensed in good standing by the state of Wisconsin as a child day care facility.

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.

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

Sec. 82-682. - Off-street parking.

- (f) *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 2 employees
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 3 employees
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
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	1 stall for each 2 employees, plus 2 stalls for each

stations	service bay
Bowling alleys	4 stalls for each alley, plus additional spaces for affiliate uses
Child day care facilities which do not meet the definition of a "family child care home" under Wis. Stat. § 66.1017	1 stall for each care worker required at the facility according to its state of Wisconsin licensing, and 1 stall for each 6 children based on the maximum number licensed by the state of Wisconsin at the facility.

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

Abbreviations Used in Figures 82-800a and 82-800b on the following page.	Zoning Districts or Uses
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, <u>adult and child day care centers which do not meet the definition of a "family child care home" under Wis. Stat. § 66.1017 even if such a facility would otherwise meet the definition of a home occupation</u> , churches, convents, libraries, hospitals, clinics, nursing homes, assisted living facilities, museums, and adaptive reuses of churches. For clarity, "Institutional Uses" shall <u>also not</u> 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 82</u> , Article II, <u>Division 15</u>
R1-2	R-1 Residential District, <u>Chapter 82</u> , Article II, Division 6 and R-2 Residential District, <u>Chapter 82</u> , Article II, Division 7
R-3	R-3 Residential District, <u>Chapter 82</u> , Article II, Division 8
R-MH	R-MH Manufactured Home District, <u>Chapter 82</u> , Article II, <u>Division 14</u>

...
Figure 82-800b: Permitted Sign Characteristics for Permanent Business Signs by Zoning District

Zoning Districts ¹									
	C	R-1/2	R-3	INS	B	R-MH	PUD ⁸	M	A
Permanent Business Sign Group									
Freestanding Sign Category (includes Dual Post, Monument, and Pylon Sign Types)									
Sign Area Calculation	1 square foot of sign area per 1 lineal foot of public right-of-way frontage; or at least 50 square feet per lot ²								
Maximum Area of all Freestanding Signs (per side)	50 sq ft	8 sq ft	25 sq ft	25/50/100/150 sq ft ³	100/150 sq ft ³	100 sq ft	100/150 sq ft ³	100/150 sq ft ³	100 sq ft
Maximum Height - Dual Post or Monument Sign ⁶	6 ft	6 ft	6 ft	8 ft	10 ft	6 ft	10 ft	10ft	6 ft
Maximum Height Pylon Sign	—	—	—	8 ft	25/40 ft ⁴	—	25/40 ft ⁴	25 ft	—
Number per Lot	1/2 ⁵								
On-Building Sign Category (includes Awning/Canopy, Marquee, Projecting, Suspended, Wall, and Window Sign, if allowed in a zoning district)									
Maximum Area per Building Facade (except Window)	1 square foot per linear foot of building frontage. ⁷ Not to exceed 20% of wall area per building facade (or 10% in R1-2 zoning districts).								
Window Signs	There is no limit in the number of Window Signs per lot or per building..								
Daily Notice Sign Category - If allowed in a zoning district, one Daily Notice Sign is permitted per business.									

Zoning Districts ¹									
	C	R-1/2	R-3	INS	B	R-MH	PUD ⁸	M	A
Permanent Business Sign Group									
Bulletin Board Sign (Max Area)	8	—	8	8	16	8	16	—	—
Bulletin Board Sign (Max Height)	8	—	8	8	8	8	8	—	—
Drive-Through Sign	Maximum Area: 24 sq ft Maximum Height: 8ft								
Menu Board Sign	Maximum Area: 8 sq ft Maximum Height: 4 ft								
Sandwich Board Sign	Maximum Area: 8 sq ft Maximum Height: 4 ft Maximum Width: 3ft								
Electronic Message Boards (in addition to maximum permitted signage area)									
Maximum Area (per side)	—	—	—	10 sq ft	25 sq ft	—	25 sq ft	10 sq ft	—

Footnotes for Figure 82-800b:

1. See section 82-797(b) for additional regulations for specific sign types.
2. For lots with narrow public right-of-way frontages, an alternative method, based on the width of the lot at the building facade, may be used to calculate maximum freestanding sign area. See Figure 82-201b.
3. For lots less than or equal to .5 acres: 25 square feet. For lots greater than .5 acres but less than or equal to .75 acres: 50 square feet. For lots greater than .75 acres but less than or equal to one acre: 100 square feet. For lots greater than one acre: 150 square feet.
4. For lots less than or equal to one acre: 25 feet. For lots greater than one acre: 40 feet.
5. For lots less than or equal to one acre: 1 sign per lot. For lots greater than

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Comment [MC2]: I tried to use the same acreage cutoffs to match those used for the minimum lot sizes for daycare centers. I picked the area size limitations relatively randomly but tried to be consistent with some of the sizes used for other signs in the chart, i.e. 25 square feet and 50 square feet.

Please note that I didn't yet add anything limiting sign lighting because I thought that may require some further discussion by the PC. The code currently allows most types of signs for institutional uses in residential districts to be lit externally or internally, or backlit. Also, electronic message boards are allowed for institutional uses in residential districts with a conditional use permit. Flashing/animated signs that would tend to be more obnoxious are completely prohibited everywhere. Also, there are general lighting rules in Sec. 82-560, such as the requirement that the sign lighting only measure .5 footcandles at the lot line, there must be no excessive glare, and there must be no casting of illumination onto adjoining properties. If the PC is not satisfied with these general rules, I supposed we could prohibit lighting for any institutional use signages on lots of less than a certain acreage, such as for lots under .75 acres. That would effectively prohibit our smallest level daycares (9-18 kids) from having lighted signs, but would allow lighted signs for the larger daycares. However, we would really need to look at the impact of this on other institutional uses (like schools or clinics) to make sure that wouldn't be overly limiting. Again, remember that we can't distinguish sign lighting rules between a daycare center and other institutional uses in a residential district such as a school or a clinic in the same zoning district. If I were to make a change prohibiting lighting on less than .75 acres, I would have to add a Footnote "7" to all "Y" entries in the "INS" column of Table 82-800d. That Footnote 7 would read: No lighting is allowed for signs for Institutional Uses on lots of .75 acres or less in any residential district. I will look for further PC guidance on this.

- one acre: 2 signs per lot.
6. See section 82-801(b) for sign height measurement.
 7. Regardless of the length of the building frontage, each tenant with exterior frontage is allowed a minimum of 30 square feet for on-building signage (subject to further reduction of size if needed to meet the wall area limitation). There is no limit to the number of on-building signs per lot or per building.
 8. All sign characteristics in a PUD District may further be restricted as part of an authorized development plan pursuant to Chapter 82, Article II, Division 15.

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

To: Plan Commission

From: Lindsey Kemnitz

Subject: Discussion on allowable location for doggy daycare and boarding.

Background:

Tina is interested in purchasing 227 Broadway to open a dog grooming, dog daycare, and potential dog boarding. She currently runs a mobile dog grooming business in the area and on average grooms eight dogs a day. She would be looking opening a dog daycare that would operable from 6am to 6pm. The dog boarding she is requesting to allow 10 to 15 dogs. If dogs were being boarded, there would be 24/7 care for the animals. The boarded dogs would remain inside during the evening unless one would be let out to go to the bathroom. With the grooming, dog daycare, and boarding she is requesting to allow a maximum of 30 dogs on the property during the day. This property includes a vacant grass area in the rear yard that would allow an area for the dogs to run during the day. The grass area currently has a chain link fence; a taller fence would be installed prior to operation. Due to elevation difference the basement has exit to the fenced in area. The property would offer a front and rear entrance for customers. She would be willing to apply for a conditional use permit so if there are issues in the future the board of appeals would have the authority to revoke the permit.

Currently A-1 requires a conditional use permit for a kennel license and requires a minimum of 20 acres. The B-2 zoning district allows for animal hospitals and pet shops, excluding open kennels.

Recommendation: Action as appropriate