

AGENDA
CITY OF BERLIN
PLAN COMMISSION MEETING
TUESDAY NOVEMBER 17TH, 2020 6:00 P.M.
CITY HALL COUNCIL CHAMBERS
MEETING IS OPEN TO THE PUBLIC & CITY HALL IS HANDICAPPED ACCESSIBLE
Zoom Link: <https://us02web.zoom.us/j/81162967493>
Call In: 312 626 6799
Meeting ID: 811 6296 7493

- 1) Call meeting to order - Roll Call
- 2) General Public Comments
- 3) Approval of Minutes –Plan Commission Meeting October 27th, 2020
- 4) Public Hearing for Amending Zoning Regulations Relating to Daycares. RECOMMENDATION: Recommend to Common Council for Approval.
- 5) Review and Discuss Pet Service Ordinance. RECOMMENDATION: Action as appropriate.
- 6) Review and Discuss City of Berlin Official Street Map. RECOMMENDATION: Action as appropriate.
- 7) Old Business (To be used to request items of old business be put on a future agenda for further discussion or action; or used to make a motion for reconsideration of an item from the current meeting or immediately previous meeting; or to make a motion to take items off the table which were laid on the table only during the current meeting.)
- 8) New Business (To be used to request items of new business be put on a future agenda)
- 9) Public Appearances
- 10) Next meeting date –December 22nd or 29th
- 11) Adjourn

**CITY OF BERLIN PLAN COMMISSION MINUTES
OCTOBER 27TH, 2020
CITY OF BERLIN
BERLIN, WISCONSIN**

The October 27th, 2020 City Plan Commission meeting was called to order at 6:00 p.m. by acting chairman Erdmann. Roll call present were: Bobbie Erdmann, Ed Marks, Dave Secora, Victoria Hill, Dick Schramer and Mary Kubiak. Also present was Lindsey Kemnitz, Attorney Chier, Don Neitzel.

First item was approval of the September 29th, 2020 Plan Commission minutes. Hill moved to approve the September 29th, 2020 Plan Commission minutes as corrected. Marks seconded the motion, which was carried by a voice vote.

Next item was review and discuss site plan review for 160 E. Park Avenue for Park Cercle Condominiums. No one was in attendance to answers questions for the condominium project, so Kemnitz and Neitzel provided an overview of the project. Neitzel reviewed the site plan review letter he provided the Plan Commission. The Commission had several questions regarding the plans and was unable to be provided answers by the applicant. Kubiak made a motion to postpone until applicant submits a completed site plan application with the items that are missing per the City Engineer's site plan review letter. Hill seconded the motion, which was carried by a voice vote.

The next item was to discuss allowable locations for pet grooming, daycare, and boarding in the City of Berlin. Kemnitz provided the three examples from Ripon, Princeton, and Oshkosh. Hill liked the Oshkosh grouped pet grooming and daycare into the same category as they both did not have overnight stays. Attorney Chier agreed as he did not see a difference between the two services. Attorney Chier stated that the Commission needs to consider the common walls in the downtown district. Hill also liked the double fencing by the exit and requiring an outside attendant when animals outside. Marks had people from the public in favor of the dog grooming, but not in favor of the dog boarding. The Commission asked if the state had any regulations such as requiring rabies or others vaccinations, Kemnitz was unsure but would look into it. Erdmann expressed the need for outside space to allow the animals to go to the bathroom. Erdmann mentioned previous pet shops in the downtown and doesn't remember any issues with them in the past.

Hill asked the interested party if this was fast enough track for her or she needed it to go faster. The interested party expressed she is fine with the track it is taking. Kubiak and Marks expressed the Commission need time to review and consider all situations such as another locations. Secora made a motion to direct city staff to draft an ordinance for pet services as a conditional use permit in the B-1 and B-2 zoning districts to review for next month meeting. Hill seconded the motion, which was carried by a voice vote.

The next item was to discuss live/work ordinance. Kemnitz stated the purpose of the ordinance would allow owners property or owners of business to reside at the commercial or manufacturing zoned site. Erdmann expressed she felt this ordinance was only for big towns. Hill stated she felt the opposite way as this may encourage people to start up a business in small communities. Brian Brock the interested party was present and expressed that he is looking to open a business and

would live there to reduce the risk of opening a business in the community. Kubiak agreed with Hill and thought this would expand opportunity for potential businesses in the community. Marks questioned if the space could be rented out to another business and allow for another residency on the property. Secora mentioned the old Walmart for an example. Hill expressed that people usually maintain their residence so this may help improve some of the commercial and manufacturing properties. Hill made a motion to draft an ordinance that would allow live/work in B-1, B-2, M-1 zoning districts as a conditional use permit. Kubiak seconded the motion which was carried by a voice vote.

Next item was to review the official street map. Marks had several comments throughout the community after driving around to look at them. The Commission felt it would be easier if we could overlay the aerial on this map for the next meeting. Erdmann expressed that these future streets are not always the exact location of them, but the area a proposed street should go. The board requested quadrant maps with the aerial overlay on the map for the next meeting.

No new or old business.

Next meeting date is November 17th, 2020

Secora moved to adjourn at 7:36p.m. Hill seconded the motion, which carried by voice vote.

Lindsey Kemnitz, Community Development Director

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 November 17, 2020; 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 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

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, Article II, Division 2</u> and C-2 Conservancy District, <u>Chapter 82, Article II, Division 3</u>
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</u> not mean single and two-family dwellings or bed and breakfast establishments.
M	M-1 Light Manufacturing District, <u>Chapter 82, Article II, Division 11</u> , M-2 Medium Manufacturing District, <u>Chapter 82, Article II, Division 12</u> , and M-3 Heavy Manufacturing District, <u>Chapter 82, Article II, Division 13</u>
PUD	PUD Planned Unit Development District, <u>Chapter 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>

...

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:

- See section 82-797(b) for additional regulations for specific sign types.
- 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.
- 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.
- For lots less than or equal to one acre: 25 feet. For lots greater than one acre: 40 feet.
- For lots less than or equal to one acre: 1 sign per lot. For lots greater than

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

AN ORDINANCE ESTABLISHING ANIMAL SERVICES
AS A CONDITIONAL USE IN B-1 AND B-2 ZONING 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]: To be inserted when known.

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. 82-4 of the Code of Ordinances of the City of Berlin shall be amended to add the following definition:

Animal service facility means a retail facility in which grooming and/or similar services, and/or daycare services, are provided for domesticated dogs, cats, reptiles and/or birds.

Sec. 82-360 of the Code of Ordinances of the City of Berlin shall be amended as follows:

Sec. 82-360. Use regulations.

The B-1 business district is intended to accommodate retail and office uses which are characteristic of the major shopping streets of the downtown area. To preserve the B-1 district for its intended use, no residential occupancy of first floor or ground floor stories shall be permitted. The following are permitted uses in the B-1 district:

- (13) ~~Secondhand stores~~ Accessory buildings and uses customarily incident to the uses set forth in subsections (1)-(12) of this section.
- (14) ~~Medical or dental clinics~~ Secondhand stores.
- (15) ~~Veterinarian clinics and animal hospitals~~ Medical or dental clinics, but shall not include animal hospitals or clinics.
- (16) ~~Accessory buildings and uses customarily incident to the uses set forth in subsections (1)-(15) of this section~~

Comment [MC2]: Note that I'm proposing that these now be a permitted use in a B-1 district. I thought it would have otherwise been strange to allow grooming and daycare services as a conditional use, but not allow vet clinics or hospitals as either a permitted use or conditional use in a B-1 district. However, I suppose there is an argument to not allow them because they could allow animals overnight, when animal service facilities will never allow animals overnight. I suppose we could try to allow them as a CUP just like an animal service facility, but that seemed like overkill because vet clinics are already subject to lots of licensing requirements. This can be up for further discussion.

Sec. 82-361 of the Code of Ordinances of the City of Berlin shall be amended as follows:

Sec. 82-361. Conditional uses.

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

(4) Animal service facilities. For conditional use applications for animal service 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. Hours of operation may be limited by the board of appeals, and operation of the facility shall in no case be allowed between _____ p.m. and _____ a.m.

Comment [MC3]: The Plan Commission will need to decide this.

b. No overnight boarding of animals not owned by the operator shall be allowed.

c. The facility must contain a sufficiently sized outdoor exercise, urination, and defecation area for dogs based on the maximum number of dogs able to be kept or serviced in the facility.

d. All animals outside of an enclosed building shall be directly supervised by at least one human being, age 16 or older, who is present with the animal(s) at all times.

e. All outside areas where dogs or cats are present without a leash shall be fenced with a physical barrier that is at least 5 feet in height and all exits from such outside areas (except exits leading into a building) shall be double gated to prevent escape.

f. Each dog or cat serviced at the facility must have been vaccinated by a veterinarian against rabies, if so required pursuant to Sec. 10-4, prior to service, and the operator of the facility must keep on premises at all times during service of that dog or cat a copy of that dog's or cat's rabies vaccination certificate accordingly. Also, each dog or cat required to be vaccinated must have its rabies vaccination tag or a substitute tag attached to a collar on the dog or cat at all times during service pursuant to Sec. 10-4(f).

a. All other applicable requirements set forth in Chapter 10 regarding the keeping and care of animals shall be complied with as a condition of any conditional use permit issued hereunder.

Sec. 82-386 of the Code of Ordinances of the City of Berlin shall be amended as follows:

Sec. 82-386. - Use regulations.

The B-2 business district is intended to provide for the orderly and attractive grouping of commercial activities of a more general retail and wholesale nature. The following shall be

permitted uses in the B-2 district:

...

(7) ~~Veterinarian clinics and animal hospitals and pet shops, excluding open kennels.~~

...

(16) ~~Retail pet sale shops for animals other than dogs.~~

(17) ~~Accessory buildings and uses customarily incidental to the uses set forth in subsections (15-16) of this section.~~

Sec. 82-387. - Conditional uses.

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

(4) Retail pet sale shops for dogs, and animal service facilities. For conditional use applications for retail pet sale shops for dogs or animal service 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. Hours of operation may be limited by the board of appeals, and operation of the facility (i.e. when the facility is open to the public) shall in no case be allowed between _____ p.m. and _____ a.m.

b. No overnight boarding of animals not owned by the operator shall be allowed. Operators of retail pet sale shops for dogs must keep dogs inside an enclosed building between _____ p.m. and _____ a.m.

c. The facility must contain a sufficiently sized outdoor exercise, urination, and defecation area for dogs based on the maximum number of dogs able to be kept or serviced in the facility.

d. All animals outside of an enclosed building shall be directly supervised by at least one human being, age 16 or older, who is present with the animal(s) at all times.

e. All outside areas where dogs or cats are present without a leash shall be fenced with a physical barrier that is at least 5 feet in height and all exits from such outside areas (except exits leading into a building) shall be double gated to prevent escape.

f. Each dog or cat serviced at the facility must have been vaccinated by

Comment [MC4]: I excluded pet shops for dogs as a permitted use because it wouldn't make much sense to allow such facilities, but then require grooming and doggy daycare facilities to be conditional uses. Therefore, I added retail pet sale shops for dogs as a conditional use together with the animal service facilities. However, because retail pet sale shops for dogs will require overnight keeping of dogs in a really unlimited amount (state licensing is required for shops selling more than 25 dogs per year, but there is no upper limit that would be allowed by state licensing). Thus, there is an argument to completely forbid retail pet sale shops for dogs in the B-2 districts, notwithstanding the fact that they were apparently previously permitted. This should be subject to further discussion by the Plan Commission.

Comment [MC5]: The Plan Commission will need to decide this.

Comment [MC6]: The Plan Commission will need to decide this.

a veterinarian against rabies, if so required pursuant to Sec. 10-4, prior to service, and the operator of the facility must keep on premises at all times during service of that dog or cat a copy of that dog's or cat's rabies vaccination certificate accordingly. Also, each dog or cat required to be vaccinated must have its rabies vaccination tag or a substitute tag attached to a collar on the dog or cat at all times during service pursuant to Sec. 10-4(f).

- g. Retail pet sale shops for dogs must be in compliance with all licensing requirements imposed by the state of Wisconsin.
- h. All other applicable requirements set forth in Chapter 10 regarding the keeping and care of animals shall be complied with as a condition of any conditional use permit issued hereunder.

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







