

ORDINANCE #06-25

ORDINANCE CREATING RR-1 RURAL RESIDENTIAL ZONING DISTRICT

WHEREAS, the CITY OF BERLIN Plan Commission has held a public hearing regarding the Ordinance as set forth herein, on February 25, 2025, and

WHEREAS, the CITY OF BERLIN Plan Commission has recommended to the CITY OF BERLIN Common Council to approve the Ordinance as set forth herein.

NOW THEREFORE, the CITY OF BERLIN Common Council do ordain as follows:

Sec. 10-3 of the CITY OF BERLIN Code of Ordinances is hereby amended as follows:

Sec. 10-3. - License required.

...

- (b) It shall be unlawful for any person to own, harbor, or keep any chicken within the city limits in any district zoned as R-1 residential, R-2 residential, ~~or R-3 residential~~, or RR-1 rural residential under chapter 82, without first obtaining a license in compliance with the provisions of this chapter.

Sec. 10-7(d)(1) of the CITY OF BERLIN Code of Ordinances is hereby amended as follows:

Sec. 10-7. - Issuance of licenses.

...

(d) Chickens.

- (1) No person shall own, harbor, or keep any chicken within the city limits in any district zoned as R-1 residential, R-2 residential, ~~or R-3 residential~~, or RR-1 rural residential under chapter 82 without first obtaining an annual license from the city.

Sec. 46-31 of the CITY OF BERLIN Code of Ordinances is hereby amended as follows:

Sec. 46-31. - Regulation of firearms and explosives.

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- (f) *Exceptions for hunting and target shooting with bows and crossbows under certain conditions.* The provisions of this section shall not prevent the discharge of bows or crossbows for the purpose of target shooting within A-1 agricultural-1, A-2 agricultural-2, C-1 conservancy-1, R-1 residential-1, and R-2 residential-2, and RR-1 rural residential zoning districts within the city limits, and if the landowner of the land upon which such discharge takes place is specially permitted by the chief of police, or his or her designee, as provided below. Also, the provisions of this section shall not prevent the discharge of bows or crossbows for hunting anywhere in the city limits without a permit, except that, (i) such hunting may not be conducted by any person

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located within 100 yards of a building (as the term "building" is defined in Wis. Stats. ch. 29) located on another person's land, unless such person is allowed to hunt within 100 yards of the building by the owner of such building, and (ii) the person hunting with a bow or crossbow shall be prohibited from discharging the arrow or bolt from the respective weapon other than toward the ground. However, the prohibition against a hunter discharging a bow or crossbow other than toward the ground shall not apply if the landowner of the land upon which the hunting takes place is specially permitted by the chief of police, or his or her designee, as provided below:

...

Sec. 82-151 of the CITY OF BERLIN Code of Ordinances is hereby repealed and recreated as follows:

Sec. 82-151. - Established.

For the purpose of this chapter, provision is made for the division of the city of Berlin into the following basic zoning districts:

C-1	Conservancy district
C-2	Conservancy district
A-1	Agricultural district
R-1	Residential district
R-2	Residential district
R-3	Residential district
RR-1	Rural Residential District
B-1	Business district
B-2	Business district
M-1	Light manufacturing district
M-2	Medium manufacturing district
M-3	Heavy manufacturing district

Chapter 82, ARTICLE III, DIVISIONS 9-15 of the CITY OF BERLIN Code of Ordinances is hereby renumbered as Chapter 82, ARTICLE III, DIVISIONS 10-16. All cross references throughout the CITY OF BERLIN Code of Ordinances to these renumbered DIVISIONS, not expressly corrected in this Ordinance, shall be corrected by the codifier accordingly.

Chapter 82, ARTICLE III, DIVISION 9 of the CITY OF BERLIN Code of Ordinances is hereby then created as follows:

DIVISION 9. – RR-1 RURAL RESIDENTIAL DISTRICT

Sec. 82-341. Use regulations.

The RR-1 rural residential district is intended to provide for limited rural residential use development; requires a large residential land area to maintain the rural character and to accommodate uses that are not urban in nature including light agriculture. This district's uses and standards are designed to implement the city's comprehensive plan goals by encouraging a blend of residential and agricultural uses. This district may be used as a transitional zone to retain land in a less intensive use until the appropriate time for a more intensive residential or other use occurs. The lands in this district should be predominately agricultural areas not suited for agricultural production or those lands due to location that would have limited impact on agricultural production. Residents of this district may experience conditions associated with adjoining agricultural lands that are not experienced in areas of predominantly residential use. The following uses shall

be permitted in the RR-1 district:

- (1) Single-family detached dwellings, including manufactured homes. Mobile homes, excluding manufactured homes, shall not be permitted.
- (2) Two-family dwellings. Mobile homes, excluding manufactured homes, shall not be permitted.
- (3) Nursing homes and assisted living facilities.
- (4) Public parks and playgrounds.
- (5) Churches and convents.
- (6) Religious or philanthropic institutions.
- (7) 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.
- (8) With a permit granted under section 46-31(f), target shooting or hunting with a bow or crossbow.
- (9) 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 12 mature hens, consisting of up to a maximum of ten standard sized mature hens (as opposed to bantam sized hens). For purposes of this subsection, "chickens" shall have the meaning set forth in section 10-2.
- (10) Gardening.
- (11) Harvesting of wild crops, such as marsh hay, ferns, moss, berries, tree fruits and tree seeds
- (12) Sustained-yields forestry and tree farms.
- (13) All normal farming uses, except for keeping or raising non-livestock farm animals, which shall be specifically governed under a separately described permitted or conditional use listed in this division, or the siting or expansion of livestock facilities, which shall be prohibited (except for animals which are allowed to be kept pursuant to an expressly stated permitted or conditional use in this division or otherwise permitted elsewhere in this Code).
- (14) Retail sale of agricultural products.
- (15) Storage and wholesaling of agricultural products.
- (16) Except for animal service facilities which shall be permitted only as a conditional use under section 82-342, keeping or raising non-livestock farm animals on parcels of five acres or more, subject to a limit of one animal unit per acre. For purposes hereof, except for horses, animal units shall be calculated in the same fashion as under Wis. Adm. Code NR § 243.05, including the use of live weight conversion for animal types not listed in the conversion tables. Horses shall have an animal unit equivalency factor of 1.1.
- (17) Truck gardens, orchards, and non-commercial greenhouses.

- (18) Dams and power stations, telephone, telegraph and power transmission lines, gas or water lines and necessary appurtenant structures, subject to approval of the parks and recreation commission, if applicable.
- (19) Public, private commercial and private noncommercial group outdoor park and recreational facilities, subject to the approval of the parks and recreation commission, if applicable.
- (20) Accessory buildings and uses customarily incidental to any of the uses set forth in this section which are located on the same lot.

Sec. 82-342. - Conditional uses.

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

- (1) Bed and breakfast establishment. A mandatory condition of approval for a bed and breakfast establishment shall be that such establishment must provide a minimum of one improved off-street parking space for each room offered for occupancy. Bed and breakfast establishments granted a conditional use permit hereunder shall not otherwise be subject to the other requirements of this chapter with respect to traffic, parking and access. Any conditional use permit granted for a bed and breakfast establishment shall specify whether rentals of less than seven consecutive days are allowed as an exception to section 82-345.
- (2) Adaptive reuse of churches for any use identified as a permitted or conditional use in B-1 or B-2 business districts, or any mixture of such uses with permitted or conditional uses in the RR-1 district.
- (3) Tourist rooming houses. A mandatory condition of approval for a tourist rooming house shall be that such establishment must provide a minimum of one improved off-street parking space for each room offered for occupancy. Tourist rooming houses granted a conditional use permit hereunder shall not otherwise be subject to the other requirements of this chapter with respect to traffic, parking and access. Any conditional use permit granted for a tourist rooming house shall specify whether rentals of less than seven consecutive days are allowed as an exception to section 82-345.
- (4) Community living arrangements.
- (5) Campground.
- (6) Artisan production/fabrication businesses, which meet the following criteria:
 - a. The business operation does not exceed any maximum square footage of floor space, as designated in the conditional use permit, dedicated to production or fabrication; and
 - b. The floor space dedicated to production or fabrication must not contain more than any maximum percentage of the total floor space of the business operation, as designated in the conditional use permit; and

- c. A required percentage of the total floor space of the business operation, as designated in the conditional use permit, must be dedicated to retail sales to consumers, including but not limited to sales of crafts or products produced or fabricated on-site, and if so further required by the conditional use permit, such retail sales portion of the floor space may be required to be situated toward what is deemed to be the front of the business operation as identified in the conditional use permit.
 - d. The production or fabrication portion of the business operation must not operate outside any designated hours specified in the conditional use permit.
- (7) 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 subsection 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 10:00 p.m. and 5:00 a.m.
 - b. No overnight boarding of animals, of which the operator is not the owner, shall be allowed, except for dogs or cats kept pursuant to an animal service facility - temporary overnight boarding license issued pursuant to section 10-7(e). All animals must be kept inside an enclosed building between 10:00 p.m. and 5:00 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 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 subsection 10-4(f).
 - g. 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.
 - h. Any conditional permit granted for an animal service facility may only be issued if the applicant presents substantial evidence that the physical conditions of the property, or specific improvements to be installed by the applicant, will allow for the applicant to be able to reasonably control smell, noises, or other nuisances in relation to neighboring properties.

- (8) Subject to the limitations described herein, child day care facilities for up to a maximum of 36 children 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. Child day care facilities licensed for more than 36 children shall not be allowed as a conditional use in the RR-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 subsection 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 section 82-567. However, if closed, privacy fencing is not allowed in certain portions of the lot under section 82-567, then fencing which contains open gaps as small as possible without meeting the definition of closed, privacy fencing under section 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.
 - 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. 82-343. – Construction regulations.

- (a) Any building used as a dwelling shall not be erected or structurally altered to exceed a height of 35 feet or 2.5 stories. All other buildings, i.e., any building not used as a dwelling, shall not be erected or structurally altered to exceed a height of 40 feet or three stories, but shall be subject to any more restrictive limitations on certain types of structures as set forth in this chapter.
- (b) Any building used as a dwelling shall further be subject to the following regulations:
 - (1) The floor area shall be a minimum of 950 square feet, excluding any attached garage.
 - (2) The building must be constructed on site or be a manufactured home attached to a foundation and shall meet the following minimum construction standards in addition to complying with all applicable codes:
 - a. Have a standing seam or ribbed pre-finished metal, wood-shake, asphalt or fiberglass shingle roof with a minimum slope of 2.5:12.
 - b. Have exterior wall coverings consisting of any of the following materials or combinations thereof:
 - 1. Aluminum, steel or vinyl siding;
 - 2. Wood or simulated wood; or
 - 3. Brick, stone or stucco.

- c. Be attached to a frost free (meaning constructed below the frost line) permanent foundation meeting the requirements of the state uniform dwelling code and approved by the building inspector, which surrounds the entire perimeter of the structure and completely encloses the space between siding and the finished grade.
- d. Manufactured homes must have any running gear and towing hitch removed and have an anchoring system that is totally concealed under the structure.
- e. Be constructed and installed pursuant to a building permit and subject to all required inspections to insure that the foundation and all on-site work is constructed to minimum standards and that a manufactured home is assembled or placed on-site in accordance with the manufacturer's instructions, and to assure that it is in compliance with standards regulating the anchoring of the structure to its foundation and other building requirements.
- f. Be properly connected to all applicable utilities.

Sec. 82-344. - Area regulations.

Area regulations in the RR-1 district shall be as follows:

- (1) *Front yard.* On each lot, there shall be a front yard having a depth of not less than 30 feet.
- (2) *Side yard.* On each lot, there shall be a side yard of not less than 15 feet.
- (3) *Rear yard.* On each lot, there shall be a rear yard of not less than 35 feet.
- (4) *Lot area; minimum lot dimension.* Each lot shall have an area of not less than .5 acres and preferably not more than five acres but shall in any event be no more than ten acres.
- (5) *Minimum width.* Each lot shall have a minimum lot width of 100 feet.
- (6) *Percentage of lot covered.* All structures, including all principal structures, and accessory structures (including permanent structures and temporary structures), shall not cover more than 30 percent of the area of the lot, nor shall the total of all detached accessory structures (including permanent structures and temporary structures) cover more than 30 percent of the rear yard.

Sec. 82-345. - Rentals of dwellings for less than seven consecutive days prohibited in RR-1 district without conditional use permit.

In the RR-1 district, the owner of a dwelling unit may not rent out such dwelling for occupancy of less than seven consecutive days, unless pursuant to a conditional use permit authorized pursuant to section 82-342.

Sec. 82-346 - 82-359. - Reserved

Sec. 82-552 of the CITY OF BERLIN Code of Ordinances shall be amended as follows:

Sec. 82-552. - Principal use to be present.

Except as otherwise provided hereafter, an accessory use or accessory structure in any zoning district shall not be established prior to the principal use or principal structure being present or under construction. On lots of five acres or more in RR-1, A-1 or A-2 districts, accessory structures may be constructed prior to the principal structure, so long as the accessory structure is consistent with a permitted use for that district. Any accessory use or accessory structure shall conform to the applicable regulations of the district in which it is located, except as specifically otherwise provided in this chapter.

Sec. 82-553 of the CITY OF BERLIN Code of Ordinances shall be amended as follows:

Sec. 82-553. - Residential district area and construction regulations.

An accessory use or accessory structure in a residential district, including R-1, R-2, R-3, and RR-1 districts, within the city may be established subject to the following area and construction regulations:

(1) *Accessory structure number and size limits.*

- a. In R-1, R-2, and R-3 districts, Except as expressly stated otherwise hereafter in this paragraph subsection (1)a, in addition to the principal structure (which includes any attached garage), four play structures, and an unlimited number of additional accessory structures (whether permanent structures or temporary structures) may be placed on a lot, subject to all percentage of lot covered limitations and other area regulations for the applicable district. However, accessory structures (whether permanent structures or temporary structures) having an individual floor area of greater than 50 square feet shall be limited to a cumulative maximum of three per lot (except that chicken coops shall not be counted toward this three per lot limit), and shall be limited to a cumulative floor area cap of 1,400 square feet for lots less than one acre, which cumulative floor area cap amount shall be increased by 100 square feet for every additional acre (or portion thereof) of lot size above one acre, up to a maximum cumulative floor area cap of 1,800 square feet, again subject to all percentage of lot covered limitations and other area regulations for the applicable residential district. Also, the limitation of four play structures per lot shall not be applicable to public parks and playgrounds, schools (excluding home schools) and state licensed daycare centers.
- b. In the RR-1 district, there shall be no limit on the number or principal structures, but, except as expressly stated otherwise hereafter in this subsection (1)(b), in addition to principal structures, four play structures, and an unlimited number of additional accessory structures (whether permanent structures or temporary structures) may be placed on a lot, subject to all percentage of lot covered limitations and other area regulations for the RR-1 district. However, accessory structures (whether permanent structures or temporary structures) not used exclusively for farming or agricultural purposes having an individual floor area of greater than 50 square feet shall be limited to a cumulative maximum of three per lot (except that chicken coops shall not be counted toward this three per lot limit), and shall be limited to a cumulative floor area cap of 1,400 square feet for lots less than one acre, which cumulative floor area cap amount shall be increased by 100 square feet for every additional acre (or portion thereof) of lot size above one acre, up to a maximum cumulative floor area cap of 1,800 square feet, again subject to all percentage of lot covered limitations and other area regulations for

the RR-1 district. There shall be no limit on the number of accessory structures used exclusively for farming or agricultural purposes in the RR-1 district. Also, the limitation of four play structures per lot shall not be applicable to public parks and playgrounds, and conditional use permitted state licensed child care facilities.

...

(3) *Detached accessory structures.*

- a. Except as provided in subsection 82-22(a) or elsewhere in this chapter, and for signs, outdoor lighting, and as hereafter provided for accessory structures exceeding 50 square feet in floor area or used exclusively for farming or agricultural purposes, accessory structures shall not exceed 15 feet in height. Such 15-foot height restriction may be exceeded for accessory structures (whether permanent structures or temporary structures) exceeding 50 square feet in floor area if both of the following conditions are met:

1. The roof pitch of the accessory structure architecturally matches the roof pitch of the principal structure; and
2. The height of the accessory structure does not exceed the height of the principal structure.

Also, such 15-foot height restriction may be exceeded for accessory structures (whether permanent or temporary) which are used exclusively for farming or agricultural purposes.

...

- c. Except for signs, outdoor lighting, fences, and as provided in subsection 82-22(b) or elsewhere in this chapter, a detached accessory structures (whether a permanent structures or temporary structures) shall not be closer than ten feet to the principal structure, unless the applicable building code regulations in regard to one-hour fire-resistive construction are complied with.
- d. Except for signs, outdoor lighting, fences, and as provided in subsection 82-22(b), section 82-559, or elsewhere in this chapter, detached accessory structures (whether permanent structures or temporary structures) shall not be located in the front yard of any lot, except as follows:
1. ~~that~~ One play structure shall be allowed in the front yard of corner lots which have rear yards of 20 feet or less.
 2. In the RR-1 district, on lots over one acre, there shall be no prohibition on detached accessory structures being located in the front yard.

...

- f. In addition to the construction regulations expressly applicable to accessory structures as set forth in this section, accessory structures which are not used exclusively for farming or agricultural purposes having an individual floor area of greater than 50 square feet shall be subject to all other construction regulations applicable to ~~the residential~~ principal structures in the applicable residential district in which the structure is located. In the event of a conflict between a construction regulation specified elsewhere in this ~~section 82-553~~ section and a construction regulation for residential principal structures made applicable to certain accessory structures pursuant to this subsection, the construction regulations specified in this subsection shall govern.

Sec. 82-554 of the CITY OF BERLIN Code of Ordinances is hereby amended as follows:

Sec. 82-554. - Residential use restrictions.

Accessory uses or accessory 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 as expressly allowed as a permitted or conditional use in that district.~~ Accessory structures shall not be used as a dwelling for human occupancy.

Sec. 82-560 of the CITY OF BERLIN Code of Ordinances shall be amended as follows:

Sec. 82-560. - Outdoor lighting.

- (a) *General outdoor lighting standards.* Outdoor lighting in any district shall always be directed away from neighboring properties and public streets in a way so as not to create a nuisance. In no case shall outdoor lighting in any district exceed .5 footcandles, measured four feet above grade at the lot line. Also, all such outdoor lighting shall be adequately shielded or hooded so that no excessive glare or illumination is cast upon adjoining properties. The height of outdoor lighting fixtures in R-1, R-2, and R-3 residential districts under this chapter shall not exceed 25 feet in height, measured from grade, except as provided in paragraph (b). The height of outdoor lighting fixtures in ~~nonresidential districts other than R-1, R-2, and R-3 under this chapter~~ shall not exceed 30 feet in height, measured from grade, except as provided in subsection paragraph (b).

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Sec. 82-565 of the CITY OF BERLIN Code of Ordinances is hereby amended as follows:

Sec. 82-565. - Outside storage of firewood.

- (a) No person shall store firewood in the front yard of a R-1, R-2, or R-3 residentially zoned property within the city, except firewood may be temporarily stored in the front yard for a period of 30 days from the date of the delivery of such firewood.

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Sec. 82-567 of the CITY OF BERLIN Code of Ordinances is hereby amended as follows:

Sec. 82-567. - Fences.

...

(c) *Residential district restrictions.*

- (1) In residential districts, including R-1, R-2, R-3, and RR-1 districts, closed, privacy type fences or hedges (meaning visibility through the fence or hedge is effectively blocked by having open gaps of less than .5 inch) shall not be permitted except in rear yards and those portions of side yards not located within the front yard. In R-1, R-2, and R-3 districts, rResidential 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, which shall not exceed four feet in height unless a conditional use permit is granted allowing the fence or hedge to be as high as six feet. In the RR-1 district, on lots not used for agricultural or farming purposes or not used for purposes of containing animals permitted to be kept on that lot, fences or hedges in side and rear yards shall not exceed six feet in height, except any portion of side yard fences or hedges within the front yard shall not exceed four feet in height unless a conditional use permit is granted allowing the fence or hedge to be as high as six feet. In the RR-1 district, on lots used for agricultural or farming purposes or used for purposes of containing animals permitted to be kept on that lot, fences or hedges in any yard shall not exceed eight feet in height. In R-1, R-2, and R-3 districts, and in the RR-1 district on lots not used for agricultural or farming purposes nor used for purposes of containing animals permitted to be kept on that lot, rResidential fences and hedges located in the front yard shall not exceed four feet in height, unless a conditional use permit is granted allowing such fences or hedges to be as high as six feet.
- (2) No fence, wall, hedge or shrubbery shall be erected, placed, maintained or grown along a lot line on a non-residentially zoned property, adjacent to a residentially zoned property, to a height exceeding eight feet.

...

Sec. 82-569 of the CITY OF BERLIN Code of Ordinances is hereby amended as follows:

Sec. 82-569. - Metal buildings.

In the R-1 and R-2 districts ~~within the city~~, no metal buildings exceeding 100 square feet shall be permitted. In the RR-1 district, no metal buildings exceeding 100 square feet which is not used exclusively for farming or agricultural purposes shall be permitted.

Sec. 82-684 of the CITY OF BERLIN Code of Ordinances is hereby amended as follows:

Sec. 82-684. - Trucks, tractors and road machinery.

- (a) Motor vehicles over 12,000 pounds gross vehicle weight rated capacity and bearing a commercial registration, including school buses, and commercially licensed trailers, including semi-trailers, shall not be parked or stored in ~~a R-1, R-2, and R-3 residential districts within the city~~, except when loading, unloading or rendering a service.

- (b) No person shall park, keep or maintain unenclosed over-the-road tractors, tractor trailers, semi-trailers, farm tractors in excess of six feet in width, dump trucks, auto wreckers and road machinery in R-1, R-2, and R-3 districts, except when loading, unloading or rendering a service on properties zoned as residential or multiple family residential dwellings within the city.

Sec. 82-797(d) of the CITY OF BERLIN Code of Ordinances is hereby amended as follows:

Sec. 82-797. - Definitions and rules for sign groups, categories, and types.

This section provides the definitions and rules related to signs groups, sign categories, and sign types. Additionally, Figure 82-800a lists the permitted signs by zoning district. Figure 82-800b and Figure 82-800c provide the regulations related to the number and size for these signs as they are applicable to each zoning district and/or sign type. Any sign type not addressed by this article shall be construed to be prohibited.

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- (d) *Permanent miscellaneous signs group.* A permanent sign that is available to all sites in the city regardless of land use, with the exception of the community information sign, which is not permitted in R-1 Residential, and R-2 Residential, and RR-1 Rural Residential zoning districts.

- (1) Rules for all permanent miscellaneous signs.

- a. Permanent miscellaneous signs are available to all land uses, with the exception of the community information sign, which is not permitted in R-1 Residential, and R-2 Residential, and RR-1 Rural Residential zoning districts.

...

Sec. 82-800 of the CITY OF BERLIN Code of Ordinances is hereby 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.

...

- (2) All signs are permitted in a PUD district, but only as expressly allowed as part of an authorized development plan pursuant to Chapter 82, ~~Article~~ ARTICLE III, Division DIVISION 1516. For those signs that are permitted as part of such a development plan, a separate sign permit may or may not be required as indicated in Figure 82-800a.

- (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, Chapter 82, Article <u>ARTICLE III, Division</u> <u>DIVISION 4</u>
B	B-1 Business District, Chapter 82, Article <u>ARTICLE III, Division</u> <u>DIVISION 910</u> and B-2 Business District, Chapter 82, Article <u>ARTICLE III, Division</u> <u>DIVISION 1011</u>
C	C-1 Conservancy District, Chapter 82, Article <u>ARTICLE III, Division</u> <u>DIVISION 2</u> and C-2 Conservancy District, Chapter 82, Article <u>ARTICLE III, Division</u> <u>DIVISION 3</u>
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 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, churches, convents, libraries, hospitals, clinics, nursing homes, assisted living facilities, museums, and adaptive reuses of churches. For clarity, "Institutional Uses" shall also not mean single and two-family dwellings or bed and breakfast establishments.
M	M-1 Light Manufacturing District, Chapter 82, Article <u>ARTICLE III, Division</u> <u>DIVISION 1112</u> , M-2 Medium Manufacturing District, Chapter 82, Article <u>ARTICLE III, Division</u> <u>DIVISION 1213</u> , and M-3 Heavy Manufacturing District, Chapter 82, Article <u>ARTICLE III, Division</u> <u>DIVISION 1314</u>
PUD	PUD Planned Unit Development District, Chapter 82, Article <u>ARTICLE III, Division</u> <u>DIVISION 1516</u>
R1-2	R-1 Residential District, Chapter 82, Article <u>ARTICLE III, Division</u> <u>DIVISION 6</u> and R-2 Residential District, Chapter 82, Article <u>ARTICLE III, Division</u> <u>DIVISION 7</u>
R-3	R-3 Residential District, Chapter 82, Article <u>ARTICLE III, Division</u> <u>DIVISION 8</u>
<u>RR-1</u>	<u>RR-1 Rural Residential District, Chapter 82, Article</u> <u>ARTICLE III, Division</u> <u>DIVISION 9</u>

Figure 82-800a: Permitted Signs by Purpose/Configuration and Zoning District/Use

Zoning Districts								
	C	R-1/2, RR-1¹	R-3	INS¹	B	PUD²	M	A
Permanent Business Sign Group								
Freestanding Sign Category								
Dual Post Sign	C	P ³	P	P	P	P	P	P
Monument Sign	C	P ³	P	P	P	P	P	P
Pylon Sign	N	N	N	C	P	P	C	N
On-Building Signs								
Awning/Canopy Sign	N	N	P	P	P	P	P	N
Marquee Sign	N	N	N	P	P	P	P	N
Projecting Sign	N	N	N	P	P	P	P	N
Suspended Sign	C	N	N	P	P	P	P	N
Wall Sign	C	P ³	P	P	P	P	P	P
Window Sign	C	P ³	P	P	P	P	P	P
Daily Notice Signs								
Bulletin Board Sign	C	N	P	P	P	P	N	N
Drive-Through Sign	N	N	N	N	P	P	N	N
Menu Board Sign	N	N	N	N	P	P	P	N
Sandwich Board Sign	C	N	N	P	P	P	P	P
Temporary Business Sign Group								
Temporary Board & Banner Sign Category								

Zoning Districts								
	C	R-1/2, RR-1 ¹	R-3	INS ¹	B	PUD ²	M	A
Permanent Business Sign Group								
Board Sign	C	Y	Y	Y	Y	Y	Y	Y
Banner Sign	C	N	Y	Y	Y	Y	Y	Y
Waving Sign	N	N	N	Y	Y	Y	Y	N
Beacon/Search Beacon Sign	N	N	N	N	C	Y	C	N
Mobile/Portable Sign	N	N	N	N	Y	Y	Y	N
Temporary Development Sign Category								
Active Building Board Sign	P	P	P	P	P	P	P	P
Active Plat Board Sign	N	P	P	P	P	P	P	P

"Y" = Sign is allowed without prior permit approval.

"P" = Sign is allowed only with prior sign permit approval.

"C" = Sign is allowed only with prior conditional use permit approval.

"N" = Sign is not allowed in the zoning districts represented by that column under any circumstances.

Table and footnotes continued as follows.

Zoning Districts								
	C	R-1/2, RR-1 ¹	R-3	INS ¹	B	PUD ²	M	A
Permanent Miscellaneous Sign Group								
Identification & Safety Sign Category								
Address Sign	Y	Y	Y	Y	Y	Y	Y	Y
Building Management Identification Sign	Y	Y	Y	Y	Y	Y	Y	Y

Zoning Districts								
	C	R-1/2, RR-1 ¹	R-3	INS ¹	B	PUD ²	M	A
Permanent Miscellaneous Sign Group								
On-Site Warning Sign	Y	Y	Y	Y	Y	Y	Y	Y
On-Site Directional Sign	Y	Y	Y	Y	Y	Y	Y	Y
Optional Miscellaneous Sign Category								
Building Plaque Sign	Y	Y	Y	Y	Y	Y	Y	Y
Neighborhood Sign	N	P	P	P	P	P	P	P
Community Information Sign	P	N	N	P	P	P	P	N
Temporary Miscellaneous Sign Group								
Yard Sign Category								
Stake Sign	Y	Y	Y	Y	Y	Y	Y	Y
Frame Sign	Y	Y	Y	Y	Y	Y	Y	Y
Arm & Post Yard Sign	Y	Y	Y	Y	Y	Y	Y	Y
Electronic Message Boards								
Electronic Message Board	N	N	N	C	P	P	P	N

"Y" = Sign is allowed without prior permit approval.

"P" = Sign is allowed only with prior sign permit approval.

"C" = Sign is allowed only with prior conditional use permit approval.

"N" = Sign is not allowed in the zoning districts represented by that column under any circumstances.

Footnotes for Figure 82-800a:

1. Columns marked for R-1/2, RR-1 shall apply to non-Institutional Uses only in R-1, ~~and R-2,~~ and RR-1 zoning districts. Institutional Uses in such zoning districts shall be governed by columns marked for INS.

2. All signs are permitted in a PUD district, but only as expressly allowed as part of an authorized development plan pursuant to Chapter 82, ~~Article~~ARTICLE III, Division~~DIVISION 1516~~. For those signs that are permitted as part of such a development plan, a separate sign permit may or may not be required as indicated in the columns marked for PUD.
3. Dual post signs, monument signs, wall signs, and window signs in the R-1, ~~and R-2, and RR-1~~ zoning districts are allowed for home occupations and bed and breakfast establishments only. Signs for Institutional Uses in such zoning districts shall be governed by columns marked for INS.

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

Zoning Districts¹								
	C	R- 1/2, RR-1	R- 3	INS	B	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 or 150/200 sq ft ³	100/150 sq ft or 150/200 sq ft ³	100/150 sq ft or 150/200 sq ft ³	100/150 sq ft or 150/200 sq ft ³	100 sq ft
Maximum Height - Dual Post or Monument Sign ⁶	6 ft	6 ft	6 ft	8 ft	10 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 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).							

Zoning Districts ¹								
	C	R- 1/2, <u>RR-1</u>	R- 3	INS	B	PUD ⁸	M	A
Permanent Business Sign Group								
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.								
Bulletin Board Sign (Max Area)	8	---	8	8	16	16	---	---
Bulletin Board Sign (Max Height)	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:

...

8. All sign characteristics in a PUD District may further be restricted as part of an authorized development plan pursuant to Chapter 82, ~~Article~~ARTICLE III, ~~Division~~DIVISION 1516.

...

Footnotes for Figure 82-800c:

1. See section 82-797(c) through (d) for additional regulations for specific sign types. All sign characteristics in a PUD District may further be restricted as part of an authorized development plan pursuant to Chapter 82, ~~Article~~ARTICLE III, ~~Division~~DIVISION 1516.

...

This Ordinance shall take effect the day after publication.

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

This ORDINANCE CREATING RR-1 RURAL RESIDENTIAL ZONING DISTRICT passed, approved, and adopted on March 11, 2025.

ROLL CALL VOTE:

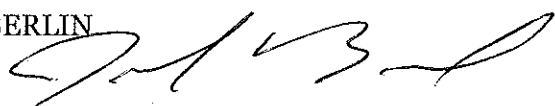
4 AYES

0 NAYS

2 ABSENT

CITY OF BERLIN

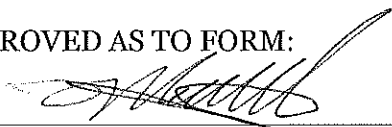
BY:


JOEL E. BRUESSEL
Mayor

ATTEST:


JESSI L. BALCOM
City Administrator/City Clerk

APPROVED AS TO FORM:


MATTHEW G. CHIER
City of Berlin Special Counsel