

STATE OF WISCONSIN

CITY OF BERLIN

GREEN LAKE AND WAUSHARA COUNTY

ORDINANCE # 09-26

AN ORDINANCE AMENDING THE ZONING CODE RELATED TO REGULATION OF CERTAIN TYPES OF INDOOR AND OUTDOOR SPORTS AND RECREATION IN M-1 AND M-2 ZONING DISTRICTS

WHEREAS, upon commencing the amendment procedure as described in Section 82-65 of the City of Berlin Municipal Code, and having complied with all notice requirements described in Section 82-66 of the Municipal Code, the City of Berlin Plan Commission held a public hearing on July 28th, 2026; and

WHEREAS, the City of Berlin Plan Commission has recommended to the Common Council to approve the ordinance as set forth herein, to allow for greater development potential within the M-1 and M-2 zoning district within the City of Berlin; and

WHEREAS, the Common Council of the City of Berlin having determined that all procedural requirements and notice requirements have been satisfied, having given the matter due consideration, and having based its determination on the effect of the granting of such rezoning on the health, safety and welfare of the community, and the immediate neighborhood in which said use will be located, and having given due consideration to the municipal problems involved as well as the impact on the surrounding properties as to noise, dust, smoke and odor, and others, hereby determine that the rezoning will not violate the spirit or intent of the Zoning Code for the City of Berlin will not be contrary to the public health, safety or general welfare of the City of Berlin, will not be hazardous, harmful, noxious, offensive and will not for any other reason cause a substantial adverse effect on the property values and general desirability of the neighborhood, and the rezoning is consistent with the City of Berlin Comprehensive Plan.

NOW, THEREFORE, the Common Council of the City of Berlin, Green Lake and Waushara Counties, Wisconsin, do ordain as follows:

SECTION 1: Chapter 82 of the City of Berlin Code of Ordinances entitled "Zoning," Section 4 entitled "Definitions" is hereby amended to add the following definition, to be inserted in alphabetical order:

Commercial Sports & Recreation means a commercial operation primarily offering customers participation in sports or recreational activities. (Spectators, if any, are incidental). Examples include but are not limited to bowling alleys, health clubs, skating rinks, billiard parlors, miniature golf courses, batting cages, athletic complexes and go-cart tracks.

(a) Indoor

Participant sports and recreational activities that take place completely inside buildings.

(b) Outdoor

Participant sports and recreational activities that occur fully or partly outside of buildings.

SECTION 2: Chapter 82 of the City of Berlin Code of Ordinances entitled "Zoning," Article III entitled "Districts", Division 11 entitled "M-1 Light Manufacturing District", Section 412 entitled "Conditional uses", subsection (9) and subsection (10) are hereby created as follows:

(9) Indoor Commercial Sports and Recreation.

(10) Outdoor Commercial Sports and Recreation.

SECTION 3: Chapter 82 of the City of Berlin City Code of Ordinances entitled "Zoning", Article III entitled "Districts", Division 12 entitled "M-2 Medium Manufacturing District", Section 437 entitled "Conditional uses", subsection (10) and subsection (11) are hereby created as follows:

(10) Indoor Commercial Sports and Recreation.

(11) Outdoor Commercial Sports and Recreation.

SECTION 4: SEVERABILITY

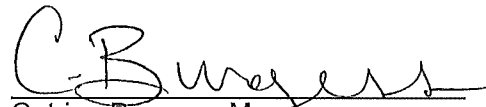
Several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

SECTION 5: EFFECTIVE DATE.

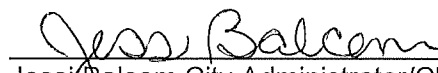
This ordinance shall take effect immediately upon passage and posting or publication as provided by law.

Dated this 12 day of August, 2026.

CITY OF BERLIN


Catrina Burgess, Mayor

ATTEST:


Jessi Balcom City Administrator/Clerk-Treasurer