

STATE OF WISCONSIN

CITY OF BERLIN

GREEN LAKE AND WAUSHARA COUNTY

ORDINANCE # 10-26

AN ORDINANCE AMENDING THE ZONING CODE RELATED TO SETBACKS FOR THE SIDE YARD IN THE RESIDENTIAL DISTRICT AND ACCESSORY STRUCTURES

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 August 25th, 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 R-1, R-2 and R-3 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 City of Berlin Common Council, Green Lake and Waushara Counties, Wisconsin do hereby ordain as follows:

SECTION 1: Chapter 82 of the City of Berlin Municipal Code entitled "Zoning," Article III entitled "Districts," Division 6 entitled "R-1 Residential District," Section 82-289 entitled "Area regulations," Subsection (2) is hereby repealed and recreated as follows:

(2) *Side yard.*

a. There shall be a side yard on each side of the building. Each side yard shall not be less than five feet in width. This shall apply to all lots, including reversed frontage lots.

b. Each side yard shall not be less than 15 feet for public and quasi-public buildings.

SECTION 2: Chapter 82 of the City of Berlin Municipal Code entitled "Zoning," Article III entitled "Districts," Division 7 entitled "R-2 Residential District," Section 82-314 entitled "Area regulations," Subsection (2) is hereby repealed and recreated as follows:

(2) *Side yard.*

(a). There shall be a side yard on each side of the building. Each side yard shall not be less than the following:

1. Single-family dwellings: five feet.
2. Two-family dwellings: Ten feet.

SECTION 3: Chapter 82 of the City of Berlin Municipal Code entitled "Zoning," Article IV entitled "Accessory Uses," Section 82-553 entitled "Residential district area and construction regulations," Subsection (3) entitled "Detached accessory structures," Subsection (b) is hereby repealed and recreated as follows:

Except as provided in subsection 82-22(b) or elsewhere in this chapter, detached accessory structures (whether permanent structures or temporary structures, but excluding signs, outdoor lighting, fences and play structures - which are all subject to their own special limitations) shall not be located closer than three feet to any side or rear lot line.

SECTION 4: Chapter 82 of the City of Berlin Municipal Code entitled "Zoning," Article IV entitled "Accessory Uses," Section 82-553 entitled "Residential district area and construction regulations," Subsection (3) entitled "Detached accessory structures," Subsection (f) is hereby repealed in its entirety.

SECTION 5: Chapter 82 of the City of Berlin Municipal Code entitled "Zoning," Article IV entitled "Accessory Uses," Section 82-568 entitled "Swimming pools," Subsection (e) entitled "Setbacks and miscellaneous requirements," Subsection (2) is hereby repealed and recreated as follows:

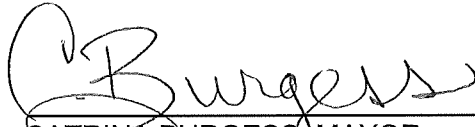
No swimming pool shall be located, constructed or maintained closer than three feet to any side or rear lot line.

SECTION 6: SEVERABILITY. The several sections of this ordinance 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 7: EFFECTIVE DATE. This is a charter ordinance and shall take effect sixty (60) days after its passage and publication, unless within such sixty (60) days after its passage and publication a referendum petition shall be filed as provided in § 66.0101 of the Wisconsin Statutes, in which event this ordinance shall not take effect until it shall have been submitted to a referendum of the electors and approved by a majority of the electors voting thereon.

PASSED, APPROVED, AND ADOPTED THIS 8th DAY OF September, 2026.

CITY OF BERLIN


CATRINA BURGESS, MAYOR

ATTEST:


JESSI BALCOM, CITY ADMINISTRATOR/CLERK