
AN ORDINANCE AMENDING THE ZONING CODE TO ALLOW LIVE-WORK
FUNCTIONAILITY IN BUILDINGS LOCATED IN B-1, B-2 AND M-1 ZONING DISTRICTS

WHEREAS, the City of Berlin Plan Commission has held a public hearing regarding the ordinance as set forth herein, on January 26, 2021; and

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. 82-360 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 primary intended use, ~~no residential occupancy of first floor or ground floor stories shall be permitted~~ only as expressly or conditionally permitted in this Division 9. The following are permitted uses in the B-1 district:

...

- (17) Residential occupancy on floors other than the first-floor.

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:

...

- (5) Residential occupancy on the first-floor of a building by the owner(s) of that building or proprietor(s) of a business occupying space on the first floor of that building so long as, (i) the floor area of first-floor residential occupancy space of that building is not more than 50% of the total floor area of the first-floor space of that building, and (ii) not more than 20% of the front façade of that building at street level is occupied by residential use.

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 primarily intended to provide for the orderly and attractive grouping of commercial activities of a more general retail and wholesale nature. To preserve the B-2 district for its primary intended use, residential occupancy shall be permitted only as expressly or conditionally permitted in this Division 10. The following shall be permitted uses in the B-2 district:

...

Sec. 82-387 of the Code of Ordinances of the City of Berlin shall be amended as follows:

Sec. 82-387. - Conditional uses.

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

...

- (5) Residential occupancy on the first-floor of a building by the owner(s) of that building or proprietor(s) of a business occupying space on the first- floor of that building so long as, (i) the floor area of first-floor residential occupancy space of that building is not more than 50% of the total floor area of the first-floor space of that building, and (ii) not more than 20% of the front façade of that building at street level is occupied by residential use.

Sec. 82-411 of the Code of Ordinances of the City of Berlin shall be amended as follows:

Sec. 82-411. - Use regulations.

The M-1 light manufacturing district is primarily intended to provide for light manufacturing uses which would not be detrimental to the surrounding area or to the community as a whole by reason of noise, smoke, odor, traffic, physical appearance or other factors deemed appropriate for the type of use involved; and subject to such regulatory controls as will reasonably ensure compatibility in such respect. To preserve the M-1 district for its primary intended use, residential occupancy shall be permitted only as expressly or conditionally permitted in this Division 11. The following shall be authorized uses in the M-1 district:

...

- (18) Residential occupancy on floors other than the first-floor.

Sec. 82-412 of the Code of Ordinances of the City of Berlin shall be amended as follows:

Sec. 82-412. - Conditional uses.

In the M-1 light manufacturing district, conditional uses shall be as follows:

...

- (9) Residential occupancy on the first-floor of a building by the owner(s) of that building or proprietor(s) of a business occupying space on the first- floor of that building so long as, (i) the floor area of first-floor residential occupancy space of that building is not more than 50% of the total floor area of the first-floor space of that building, and (ii) not more than 20% of the front façade of that building at street level is occupied by residential use.

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 _____, 2021.

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