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**AN ORDINANCE ALLOWING ARTISAN PRODUCTION/FABRICATION BUSINESSES AND MAKERSPACES AS A CONDITIONAL USES IN B-1 AND B-2 ZONING DISTRICTS**

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WHEREAS, the City of Berlin Plan Commission has held a public hearing regarding the ordinance as set forth herein, on 30th day of May, 2023.; 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. 82-4 of the Code of Ordinances of the City of Berlin shall be amended as follows:

**Sec. 82-4. - Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Words used in the present tense include the future; the singular number includes the plural number; and the plural number includes the singular number. The word "shall" is mandatory and not permissive.

...

Artisan production/fabrication business means an establishment or business which involves an artist, artisan, or craftsperson teaching, making, or fabricating crafts or products by hand or with minimal automation and may include direct sales to consumers.

...

Makerspace means a communal workshop in which two or more people or businesses share space, equipment, technology, infrastructure, ideas, and/or knowledge for the production or fabrication of crafts, technologies, or products by hand or with minimal automation.

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:

...

(6) An artisan production/fabrication business, which meets 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) A makerspace, which meets the following criteria:

- a. The makerspace does not exceed any maximum square footage of floor space, as designated in the conditional use permit; and
- b. Operation of the makerspace outside any designated hours specified in the conditional use permit.

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:

...

(6) An artisan production/fabrication business, which meets 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) A makerspace, which meets the following criteria:

- a. The makerspace does not exceed any maximum square footage of floor space, as designated in the conditional use permit; and
- b. Operation of the makerspace outside any designated hours specified in the conditional use permit.

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 13th day of June, 2023.

ROLL CALL VOTE:

CITY OF BERLIN

4 AYES  
0 NAYS  
2 ABSENT

BY:

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Joel E. Brussel,  
Mayor

APPROVED AS TO FORM:

ATTEST:

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Sara L. Rutkowski,  
City Administrator/City Clerk

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Matthew G. Chier,  
City Attorney