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**ORDINANCE AMENDING ZONING CODE RELATING TO CERTAIN TYPES OF URBAN AGRICULTURE IN B-1, B-2, AND M-1 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 February 27, 2024; 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. 82-4 of the CITY OF BERLIN Code of Ordinances shall be amended to include the following new definitions:

*Aeroponics* means cultivating and growing plants by hanging their suspended roots in the air while delivering a nutrient solution to them in the form of a fine mist.

*Aquaponics* means cultivating and growing aquatic plants.

*Commercial nurseries* mean facilities where plants are cultivated and grown for transplanting, for use as stock for budding and grafting, or for commercial sale to customers.

*Greenhouse* means a structure that is constructed primarily of glass, glass-like or translucent material, which is devoted to the protection, cultivation, and/or growing of plants.

*Hoop house* means a structure typically made of, but not limited to, piping or other material covered with translucent material, which is devoted to the protection, cultivation, and/or growing of plants.

*Hydroponics* means cultivating and growing plants in a water and fertilizer solution containing the necessary nutrients for plant growth.

*Indoor farming* means a practice in which food or ornamental crops are cultivated and grown inside a structure (which may include but shall not be limited to a greenhouse or hoop house), using aeroponics, aquaponics, hydroponics, and/or vertical agriculture, for commercial sale to customers.

*Vertical agriculture* means using vertical structures to support the cultivation and/or growing of agricultural or horticultural crops by incorporating controlled-environment agriculture and soilless farming techniques such as aeroponics, aquaponics, and/or hydroponics.

Sec. 82-361 of the CITY OF BERLIN Code of Ordinances shall be amended to add indoor farming as a conditional use in the B-1 District.

Sec. 82-386 of the CITY OF BERLIN Code of Ordinances 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:

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- (12) ~~Commercial greenhouses and nurseries~~ Indoor farming and commercial nurseries.

...

Sec. 82-412 of the CITY OF BERLIN Code of Ordinances shall be amended to add indoor farming and commercial nurseries as conditional uses in the M-1 District.

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 Amending Zoning Code Relating to Certain Types of Urban Agriculture in B-1, B-2, And M-1 Zoning Districts passed, approved, and adopted March 12, 2024.

ROLL CALL VOTE:

4 AYES

0 NAYS

2 ABSENT

CITY OF BERLIN

BY: /s/ Joel E Bruessel  
JOEL E. BRUESSEL  
Mayor

ATTEST: /s/Sara L. Rutkowski  
SARA L. RUTKOWSKI  
City Administrator/City Clerk

APPROVED AS TO FORM:

/s/Matthew G. Chier  
MATTHEW G. CHIER  
City Attorney