

**AN
ORDINANCE**

of the City Council of the City of Berkley, Michigan to Amend Section 94-5, Exempt Signs (signs permitted in nonresidential districts), in Chapter 94, Signs, of the City of Berkley Code of Ordinances and Sections 138-32, 138-143, 138-222, 138-526, 138-527, 138-679 and 138-680 of Chapter 138 – Zoning to implement the Downtown Design Guidelines.

**THE CITY OF BERKLEY
ORDAINS:**

SECTION 1: Section 94-5 of Chapter 94 of the Berkley City Code shall be amended, as follows:

Sec. 94-5. - Exempt signs (signs permitted in nonresidential districts).

The following signs are permitted in the Office, Downtown, Local Business, Eleven Mile, Twelve Mile, Coolidge, Gateway, Woodward, Industrial, Parking, and Cemetery districts and are generally exempt from the regulations of the ordinance from which this chapter was derived, except section 94-11 must apply.

- (1) Banners, not exceeding six square feet, one per location
- (2) Barber poles, not exceeding 12 inches in diameter and eight feet in height.
- (3) Fuel pumps.
- (4) Time/temperature signs, not exceeding 20 square feet, one per location.
- (5) Vehicle signs.
- (6) Window signs, not exceeding 25 percent of glass.

SECTION 2: Section 138-32 of Chapter 138 of the Berkley City Code shall be amended, as follows:

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:

[Unchanged.]

Accessory buildings – Building, main or principal: [Unchanged.]

Build-to-line: The build-to-line is the maximum distance which any building front shall be located from a street right-of-way.

Canopy structure – Zoning map: [Unchanged.]

SECTION 3: Section 138-143 of Chapter 138 of the Berkley City Code shall be amended, as follows:

Sec. 138-143. - Requirements.

(a) [Unchanged.]

(b) *Nonresidential districts.*

- (1) Any light fixture must be placed in such a manner that no light source is visible from any residential area or public/private roadway, walkway, trail or other public way when viewed at eye level.
- (2) The level of lighting must not exceed 0.0 footcandles at any residential property line or 1.0 footcandles at any nonresidential property line.
- (3) Any canopy structure used at a business location must have recessed lights with diffusers that do not extend below the surface of the canopy.
- (4) Any luminaire on a pole, stand or mounted on a building must have a shield, an adjustable reflector and non-protruding diffusor.
- (5) General parking and pedestrian areas must maintain a minimum of 1.0 fc for all hours of operation outside of daytime hours.
- (6) All outdoor lighting fixtures, existing or hereafter installed and maintained upon private property, must be turned off or reduced to no more than 0.5 footcandles in lighting intensity between 11:00 p.m. and sunrise. The following exceptions may be approved by the Planning Commission as part of site plan review:
 - a. Where greater lighting levels are necessary for security or safety purposes; or
 - b. Where permissible commercial or industrial uses, including sales, assembly and repair operate after 11:00 p.m., in which case the lighting levels must be turned off or reduced to 1.0 footcandles or below after the use ceases for that day.

SECTION 4: Section 138-222 of Chapter 138 of the Berkley City Code shall be amended to add sub-section e, as follows:

Sec. 138-222. - Parking lot location, design, and construction.

- (e) **Pedestrian Connections.** Plans for parking lots must include pedestrian circulation improvements incorporating striping, calming devices, hardscaping, pedestrian lighting, connections to buildings, and landscaping that ensures the visibility and separation of pedestrians from the street and pedestrian safety within parking lots to the front building entrance. Plans must allow pedestrians to walk parallel to moving vehicles and

minimize crossing parking aisles unless the design is determined not to be feasible by the planning commission.

SECTION 5: Section 138-526 of Chapter 138 of the Berkley City Code shall be amended, as follows:

Sec. 138-526. - Schedule of regulations.

Districts	Minimum Size of Lot per Unit		Maximum Height of Buildings	Front	Minimum Yard Setback		Rear	Maximum Percentage of Lot Coverage (Area of All Structures)	Minimum Floor Area Per Unit	
	Area in Square Feet (a)	Width in Feet			At Least 1 Side Yard	Total of 2 Side Yards			With Base-ment	Without Base-ment
R-1A	12,000	100	40	25(b)	5(c, d)	15	20	35(e)	1,800	2,000
R-1B	8,800	80	30	25(b)	5(c, d)	15	20	35(e)	1,500	1,700
R-1C	6,600	50	30	25(b)	5(c, d)	15	20	35(e)	1,300	1,500
R-1D	4,400	40	30	25(b)	5(c, d)	15	35	35(e)	1,300	1,500
R-2	4,000	40	30	25(b)	5(c, d)	15	35	35	1,100	1,300
R-M	(e)	(e)	30	25(b)	10(g)	20(f)	35	35	(h)	(h)
R-M-H	(See article V, division 5, High-Rise Multiple-Family Residential District)									
Greenfield	(See article V, division 7, Greenfield District)									
Community centerpiece	(See article V, division 8, Community Centerpiece District)									
Office	—	—	30	10(j, k)	(m)	(m)	10	—	—	—
Downtown	—	—	—	(n)	(n)	(n)	10	—	—	—
Local business	—	—	40	10(j, k)	(m)	(m)	10	—	—	—
Twelve mile	—	—	40	(n)	(n)	(n)	10	—	—	—
Coolidge	—	—	40	10(o)	(m)	(m)	10	—	—	—
Gateway	—	—	40	10(o)	(m)	(m)	10	—	—	—
Woodward	—	—	50	10(j, k)	(m)	(m)	10	—	—	—
Eleven mile	—	—	40	10(j, k)	(m)	(m)	10	—	—	—
Industrial	—	—	40	10(j, k)	(m)	(m)	10	—	—	—
Parking	—	—	15		(See sections 138-496—138-503)					
Cemetery	(See article V, division 16, Cemetery District)									

SECTION 6: Footnote j and n of Section 138-57 of Chapter 138 of the Berkley City Code shall be amended, as follows, and footnote o shall be added:

Sec. 138-527. - Notes to schedule of regulations.

(j) Parking must be located in a side or rear yard; when located in a side yard and abutting the required build-to-line adjacent the primary building, parking must be screened with a minimum 30-inch masonry wall on the required build-to-line, or within 5 feet of the required build-to-line, provided that a landscape treatment is added between the wall and the required build-to-line.

(n) No setback is permitted, unless the planning commission finds that the proposed setback will be developed as a defined plaza, outside eating area, or other pedestrian space. When a first-floor residential use is allowed, a setback of up to ten (10) feet may be allowed, as a defined plaza, outside patio or other landscaped pedestrian space.

(o) Buildings must meet a required front build-to-line of ten (10) feet, or the line formed by connecting the front building lines of the adjacent buildings, whichever is less. In cases where the adjacent buildings have different front build-to-lines, the adjacent building closest to the street right-of-way shall be used. 75% of the building façade must meet the required build-to-line, while up to 25% of the façade can be set back to allow for architectural consideration. The Planning Commission may adjust the required build-to-line up to a maximum of 30 feet beyond the property line for projects incorporating a permanent space for an outdoor seating area, or public space. Outdoor seating or public spaces must be developed as part of the primary building.

SECTION 7: Section 138-679 of Chapter 138 of the Berkley City Code shall be amended, as follows:

Sec. 138-679. - Standards.

The site plan must be reviewed and approved by the planning commission based on the following standards:

(a) General Standards

- (1) The site meets the requirements of this Code.
- (2) The proposed development does not create adverse effects on public utilities, roads, or sidewalks.
- (3) Pedestrian and vehicular areas are designed for safety, convenience, and compliment adjacent site design.
- (4) Site design, architecture, signs, orientation, and materials are consistent with the city's master plan objectives and the design of the neighboring sites and buildings.

- (5) Landscaping, lighting, dumpster enclosures, and other site amenities are provided where appropriate and in a complementary fashion.
 - (6) Site engineering has been provided to ensure that existing utilities will not be adversely affected.
- (b) Development must be compatible with existing commercial districts and include a transition between land uses through application of the following requirements:
- (1) Building design must improve the character of the surrounding area in relation to building placement, landscape and streetscape features, and architectural design.
 - (2) Street fronts must provide a variety of architectural expression in order to provide visual interest.
 - (3) Building façade and massing must achieve a compatible transition between adjacent properties with different height, massing, scale, and architectural style.
 - (4) For proposals in along Coolidge Highway from Twelve Mile Road to Eleven Mile Road or Twelve Mile Road from Coolidge Highway to Greenfield Road, the applicant must explain, and the Planning Commission must consider how the proposal implements the site design elements in Chapter II and character areas in Chapter V of the Berkley Downtown Design Guidelines adopted by the City Council on November 21, 2022. The Planning Commission may require changes to the site plan based on the Berkley Downtown Design Guidelines.
- (c) Development must incorporate the following recognized best architectural building design practices:
- (1) High quality design, and construction,
 - (2) Provide high quality, durable materials, such as but not limited to stone, brick, and glass. Metal, E.I.F.S., or material equivalent shall only be used as an accent material.
 - (3) Buildings that includes balanced compositions and forms.
 - (4) Roofs that are compatible with the architectural style of the building and contextual to the surrounding area.
 - (5) For commercial buildings, incorporate clearly defined, highly visible functional customer entrances that face the street, using features such as canopies, porticos, arcades, arches, wing walls, ground plane elements, and/or landscape planters.
 - (6) New development or site redevelopment must incorporate community amenities that add value to the development such as patio/ seating areas, water features, art work or sculpture, clock towers, pedestrian plazas with park benches or other features located in areas accessible to the public. Such improvements shall be proportionate to the proposed scope of site work.

- (7) For proposals along Coolidge Highway from Twelve Mile Road to Eleven Mile Road or Twelve Mile Road from Coolidge Highway to Greenfield Road, the applicant must explain, and the Planning Commission must consider how the proposal implements the character areas in Chapter V of the Berkley Downtown Design Guidelines adopted by the City Council on November 21, 2022 and the provisions of the following:
 - 1. Chapter III of the Berkley Downtown Design Guidelines for new construction; or
 - 2. Chapter IV of the Berkley Downtown Design Guidelines for renovations or façade alterations.
- (8) The Planning Commission may require changes to the site plan based on the Berkley Downtown Design Guidelines adopted by the City Council on November 21, 2022.
- (d) Development must enhance the character, environment, safety, and access for motorized and non-motorized transportation through the following requirements:
 - (1) Provide elements that distinguish the street and the pedestrian realm (area from the back of the street curb to the building front).
 - (2) Create a non-motorized pedestrian connection between the public right of way and ground floor activities.
 - (3) Create a safe environment by employing design features to reduce vehicular and pedestrian conflicts, while not sacrificing design excellence.
 - (4) Frame the sidewalk area with trees, awnings and other features.
 - (5) Promote safety and access for pedestrians through site design elements and lighting.
 - (6) For proposals along Coolidge Highway from Twelve Mile Road to Eleven Mile Road or Twelve Mile Road from Coolidge Highway to Greenfield Road, the applicant must explain, and the Planning Commission must consider how the proposal implements the site design elements in Chapter II and character areas in Chapter V of the Berkley Downtown Design Guidelines adopted by the City Council on November 21, 2022. The Planning Commission may require changes to the site plan based on the Berkley Downtown Design Guidelines.

SECTION 8: Section 138-680 of Chapter 138 of the Berkley City Code shall be amended, as follows:

Sec. 138-680. – Required information.

The following information must be included on the site plan for final review, unless waived by the planning commission. The site plan shall be to a reasonable scale and indicate:

- (1) Seal of architect and/or engineer who prepared plans.
- (2) An appropriate descriptive legend, including north arrow, scale, legal description and the names and addresses of the architect or engineer responsible for the preparation of the site plan.
- (3) The existing (and proposed) zoning.
- (4) Location and size of all structures (including location of entrances and loading points).
- (5) All outside dimensions of each structure, its distance from the property lines, its area and its height.
- (6) With multiple-family residential proposals, the number and location of one-bedroom units, two-bedroom units, etc., and include typical floor plans with square feet of floor areas.
- (7) Recorded and measured dimensions of all lot lines and location and design of all lots.
- (8) Adjacent property's structures, uses, zoning and other significant features of the community, where appropriate (using a location sketch).
- (9) Location of all existing and proposed drives and parking areas including types of surfacing, parking layout and dimensions.
- (10) Dimensions of road widths and rights-of way.
- (11) All existing easements and vacated easements and rights-of way.
- (12) All required minimum setbacks (from the existing or proposed right-of-way from adjacent properties).
- (13) Locations of lawns and landscaped areas, types and number of species, and how the landscaping is to be accomplished.
- (14) Locations, sizes, and types of existing trees over four inches in diameter (before and after proposed development).
- (15) Location and type of outside lighting, include site and fixture photometrics.
- (16) All proposed screen and freestanding architectural walls, including typical cross-sections and the heights above ground on both sides of walls.
- (17) Elevation drawings of all existing and proposed buildings on the site drawn to a scale of one inch equals four feet, or to another scale adequate to determine compliance with this chapter and to provide any other information needed to evaluate the overall site design on the basis of the criteria set forth in this section.
- (18) Color and type of façade materials. Samples representing color and materials shall be presented to the planning commission.
- (19) Stormwater engineering including: existing and proposed grading of the site, location of existing and proposed utilities, stormwater calculations for a 100-year storm, the drainage area on site that will detain the volume required by the Oakland County Water Resources Commission, and a profile of the sanitary sewer.

SECTION 9: Severability Clause

Should any word, phrase, sentence, paragraph, or section of this Ordinance be held invalid or unconstitutional, the remaining provisions of this ordinance shall remain in full force and effect.

SECTION 10: Penalty

All violations of this ordinance shall be municipal civil infractions and upon determination of responsibility therefore shall be punishable by a civil fine of not more than \$500, and/or such other sanctions and remedies as prescribed in Article IX of Chapter 82 of the Code of Ordinances.

SECTION 11: Effective Date

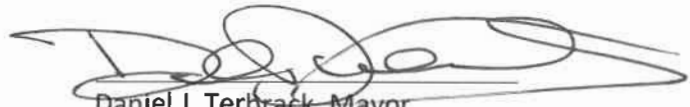
This Ordinance shall become effective 30 days following the date of adoption.

SECTION 12: Publication

The City Council directs the City Clerk to publish a summary of this ordinance in compliance with Public Act 182 of 1991, as amended, and Section 6.5 of the Berkley City Charter.

Introduced on the First Reading at the Regular City Council Meeting on Monday, November 21, 2022.

Adopted on the Second Reading at the Regular City Council Meeting on Monday, December 5, 2022.



Daniel J. Terbrack, Mayor

Attest:



Victoria E. Mitchell, City Clerk