

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 138-143, Sec. 138-222, Sec. 138-526, Sec. 138-527, and Sec. 138-679 of Chapter 138 – Zoning to implement the Downtown Design Guidelines adopted by the City.

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 shall 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 ~~50~~ 25 percent of glass.

SECTION 2: Section 138-143 of Chapter 138 of the Berkley City Code shall be amended, as follows:

Sec. 138-143. - Requirements.

(b) *Nonresidential districts.*

- (1) Any light fixture shall 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 shall not exceed 0.5 footcandles at any residential property line or 1.0 footcandles at any nonresidential property line.

- (3) Any canopy structure used at a business location shall 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 shall have a shield, an adjustable reflector and non-protruding diffusor.
- (5) General parking and pedestrian areas shall maintain a minimum of 1.0 fc for all hours of operation.
- (6) All outdoor lighting fixtures, existing or hereafter installed and maintained upon private property, shall be turned off or reduced to no more than 0.5 fc 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 such as sales, assembly and repair operate after 11:00 p.m., in which case the lighting levels shall be turned off or reduced after the use ceases for that day.

SECTION 3: Section 138-222 of Chapter 138 of the Berkley City Code shall be amended with the addition of a sub-section e, as follows:

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

(e) Pedestrian Connections. Plans for parking lots shall include pedestrian circulation improvements incorporating striping, calming devices, and hardscaping, protective 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 shall allow pedestrians to walk parallel to moving vehicles and minimize crossing parking aisles.

SECTION 4: 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			Maximum Percentage of Lot Coverage (Area of All Structures)	Minimum Floor Area Per Unit	
	Area in Square Feet (a)	Width in Feet	In Feet		At Least 1 Side Yard	Total of 2 Side Yards	Rear		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(j k o)	(m)	(m)	10	—	—	—
Gateway	—	—	40	10(j k 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 5: 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 shall be permitted in the front yard after approval of the parking plan layout and points of access by the planning commission. The setback shall be measured from the nearest side of existing and/or proposed right-of-way lines.~~ Parking shall 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 shall be screened with a minimum 30-inch masonry wall on the required build-to-line, or within 5 feet of the required building line, provided that a landscape treatment is added between the wall and the required building line.

(n) No setback shall be permitted, unless the planning commission finds that the proposed setback shall 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 shall be allowed.

(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. 75% of the building façade must meet the required building-to-line, while up to 25% of the façade can be set back to allow for architectural consideration. The build-to-line is the maximum distance which any building front shall be located from a street right-of-way. The Planning Commission may adjust the required building 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 6: Section 138-679 of Chapter 138 of the Berkley City Code shall be amended, as follows:

Sec. 138-679. - Standards.

The site plan shall be reviewed and approved by the planning commission upon finding that:

(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 shall ensure compatibility with existing commercial districts and include a transition between land uses through application of the following requirements:

- (1) Building design shall improve the character of the surrounding area in relation to building placement, landscape and streetscape features, and architectural design.
- (2) Street fronts shall provide a variety of architectural expression that is appropriate in its context and creates variety and enhances visual interest.

- (3) Building façade and massing shall achieve a compatible transition between adjacent properties with different height, massing, scale, and architectural style.
 - (4) For proposals in the Downtown Development District, the applicant shall explain, and the Planning Commission should consider how the proposal implements the site design elements in Chapter II and character areas in Chapter V of the Berkley Downtown Design Guidelines. The Planning Commission may require changes to the site plan based on the Berkley Downtown Design Guidelines.
- (c) Development shall incorporate the following recognized best architectural building design practices:
- (1) Foster a lasting impact on the community through the provision of high quality design, and construction,
 - (2) Provide high quality, durable materials, such as but not limited to stone, brick, and glass. E.I.F.S., metal or material equivalent shall only be used as an accent material.
 - (3) Develop buildings with creativity that includes balanced compositions and forms.
 - (4) Design roofs that are appropriate to the architectural style of the building and contextual to the surrounding area.
 - (5) For commercial buildings, incorporate clearly defined, highly visible 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 shall 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) Buildings shall be designed to fit the character of the community.
 - (8) For proposals in the Downtown Development District, the applicant shall explain, and the Planning Commission should consider how the proposal implements the character areas in Chapter V of the Berkley Downtown Design Guidelines 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.
 - (9) The Planning Commission may require changes to the site plan based on the Berkley Downtown Design Guidelines.
- (d) 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) Enhance the pedestrian realm by framing the sidewalk area with trees, awnings, and other features.
- (5) Improve safety and access for pedestrians through site design elements and lighting.
- (6) For proposals in the Downtown Development District, the applicant shall explain, and the Planning Commission should consider how the proposal implements the site design elements in Chapter II and character areas in Chapter V of the Berkley Downtown Design Guidelines. The Planning Commission may require changes to the site plan based on the Berkley Downtown Design Guidelines.

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