

PUBLIC NOTICE

CITY OF BERKLEY, MICHIGAN REGULAR MEETING OF THE CITY PLANNING COMMISSION

Tuesday, April 28, 2026
7:00PM – City Hall Council Chambers
Information: 248-658-3320

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

APPROVAL OF AGENDA

APPROVAL OF MINUTES – *Meeting minutes of February 24, 2026*

COMMUNICATIONS

CITIZEN COMMENTS

OLD BUSINESS

NEW BUSINESS

1. **PUBLIC HEARING** An ordinance of the City Council of the City of Berkley, Michigan to amend Section 3.03.A Commercial Occupancy Certificate/Business License, Section 3.10 Performance Guarantees Section 6.04.C.6 Multiple Family Development, Section 6.04.D.1 Authorized Site Layouts, Section 9.16 Locating Parking Lots, Section 11.08.C Standards for All Temporary Signs, Section 11.10 Nonconforming Signs, Section 14.04.E Parking Spaces for Other Land Uses, Section 14.04.N Leased Parking in Municipal Lots, and Section 15.03.A Sketch Plan of Chapter 138 Zoning of the City of Berkley Code of Ordinances to add appropriate cross references, to set a period for project completion, to allow for administrative extension of completion periods, to modify the amount of surety bonds that may be posted for completion and to delete the requirement for a completion agreement, to rename the Multiple Family Development Site type for clarity, to provide regulations for stand-alone parking lots, to revise the time limit for temporary signs, to modify the requirements for non-conforming signs, to clarify location requirements for shared use parking, to prohibit commercial vehicles at single- and two-family dwellings, to allow annual parking passes to count towards parking requirements, and to clarify that an applicant may present a sketch plan to the Planning Commission as a discussion item,
2. **PSP-11-25: 3170 Eleven Mile Rd. Golden Grill Addition:** The applicant, Pali Polokaj, is requesting site plan approval for a 224 sq. ft. addition in the rear of the property.
3. **Discussion of potential Zoning Ordinance amendment to regulate data centers**
4. **Discussion of potential Zoning Ordinance amendment to regulate Payment in Lieu of Parking**

LIAISON REPORTS

COMMISSIONER / STAFF COMMENTS

ADJOURN

Notice: Official Minutes of the City Planning Commission are stored and available for review at the office of the City Clerk. The City of Berkley will provide necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audio tapes of printed materials being considered at the meeting, to individuals with disabilities at the meeting upon four working days notice to the city. Individuals with disabilities requiring auxiliary aids or services should contact the city by writing or calling: City Clerk, ADA Contact, Berkley City Hall, 3338 Coolidge, Berkley, Michigan 48072, (248) 658-3300.

You can watch the meeting on Channel 10 for both Comcast and WOW, at <http://www.youtube.com/CityofBerkley> or <http://www.berkleymi.gov>.

THE REGULAR MEETING OF THE BERKLEY CITY PLANNING COMMISSION WAS CALLED TO ORDER AT 7:00 PM, NOVEMBER 25, 2025 AT BERKLEY CITY HALL BY CHAIR LISA KEMPNER.

The minutes from this meeting are in summary form capturing the actions taken on each agenda item. To view the meeting discussions in their entirety, this meeting is broadcasted on the city's government access channel, WBRK, every day at 9AM and 9PM. The video can also be seen, on-demand, on the city's YouTube channel: <https://www.youtube.com/user/cityofberkley>

DRAFT

PRESENT: Dana Kaplan Josh Stapp
Shiloh Dahlin Joe Bartus
Lisa Kempner
Eric Arnsman

ABSENT: Mike Woods

ALSO PRESENT: Kristen Kapelanski, Community Development Director
Ryan Shaw, Deputy Finance Director
Michelle Marin, Carlisle Wortman Associates, Planning Consultant

APPROVAL OF AGENDA

Motion by Commissioner Arnsman to approve the agenda and supported by Commissioner Stapp.

Voice vote to approve the agenda

AYES: 6
NAYS: 0
ABSENT: Woods

MOTION CARRIED

APPROVAL OF THE MINUTES

Motion by Commissioner Bartus to approve the minutes of the November 25, 2025 regular Planning Commission meeting and supported by Commissioner Stapp.

Voice vote to approve the meeting minutes of November 25, 2025.

AYES: 6
NAYS: 0
ABSENT: Woods

MOTION CARRIED

COMMUNICATIONS

Community Development Director Kapelanski shared the latest mailings from the Michigan Association of Planning.

CITIZEN COMMENTS

NONE

OLD BUSINESS

NONE

NEW BUSINESS

1. PUBLIC HEARING Capital Improvement Plan

Community Development Director Kapelanski explained the Planning Commission's role in improving the Capital Improvement Plan.

Deputy Finance Director Ryan Shaw highlighted the major projects in the Capital Improvement Plan.

Chair Kempner opened the public hearing at 7:07PM.

No one wished to speak and there were no comments received.

Chair Kempner closed the public hearing at 7:08PM.

The Planning Commission confirmed that projects in years further out are not necessarily fully funded.

Motion by Commissioner Arnsman and supported by Commissioner Dahlin to approve the Capital Improvement Plan, as presented.

Voice vote on the motion to approve the Capital Improvement Plan.

AYES: 6

NAYS: 0

ABSENT: Woods

MOTION CARRIED

2. PUBLIC HEARING PRZ-01-26: 2429 Sunnyknoll Ave.: The City is proposing to rezone 2429 Sunnyknoll Ave. on the south side of Sunnyknoll Ave., east of Coolidge Hwy. from R-1AB Single Family Residential District to R-1CD Single Family Residential District

Community Director Kapelanski explained that this, and all rezonings on the agenda this evening, were 'clean-up' items initiated by the City to correct errors in the adoption of the updated zoning map one year ago.

Chair Kempner opened the public hearing at 7:12PM.

No one wished to speak and no correspondence was received.

Chair Kempner closed the public hearing at 7:12PM.

Motion by Commissioner Stapp and supported by Commissioner Arnsman, in the matter of PRZ-01-26 2429 Sunnyknoll Ave., motion to recommend approval to the City Council of the City-initiated rezoning from R-1AB Single Family Residential District to R-1CD Single Family Residential District with the following findings per Section 18.04 of the Zoning Ordinance:

- a) The rezoning is consistent with the goals, policies, and City of Berkley Master Plan, and all applicable subarea and corridor studies, including the Downtown Master Plan;
- b) The rezoning is compatible with the site's physical, geological, hydrological and other environmental features and with the potential uses allowed in the proposed district;
- c) The potential uses allowed in the proposed zoning district are compatible with the surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure and potential influence on property values;

- d) There is adequate capacity in City infrastructure and services to accommodate the uses permitted in the requested district; and
- e) There is demonstrated need for the types of uses permitted in the requested zoning district in the City in relation to the amount of land in the City currently zoned to accommodate the demand.

Roll call vote on the motion to recommend approval of the proposed zoning ordinance amendment.

AYES: 6

NAYS: 0

ABSENT: Woods

MOTION CARRIED

- 3. PUBLIC HEARING PRZ-02-26: 2431 Sunnyknoll Ave.:** The City is proposing to rezone 2431 Sunnyknoll Ave. on the south side of Sunnyknoll Ave., east of Coolidge Hwy. from R-1AB Single Family Residential District to R-1CD Single Family Residential District

Community Director Kapelanski introduced the rezoning.

Chair Kempner opened the public hearing at 7:17PM.

No one wished to speak and no correspondence was received.

Chair Kempner closed the public hearing at 7:17PM.

Motion by Commissioner Arnsman and supported by Commissioner Dahlin, in the matter of PRZ-02-26 2431 Sunnyknoll Ave., motion to recommend approval to the City Council of the City-initiated rezoning from R-1AB Single Family Residential District to R-1CD Single Family Residential District with the following findings per Section 18.04 of the Zoning Ordinance:

- a) The rezoning is consistent with the goals, policies, and City of Berkley Master Plan, and all applicable subarea and corridor studies, including the Downtown Master Plan;
- b) The rezoning is compatible with the site's physical, geological, hydrological and other environmental features and with the potential uses allowed in the proposed district;
- c) The potential uses allowed in the proposed zoning district are compatible with the surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure and potential influence on property values;
- d) There is adequate capacity in City infrastructure and services to accommodate the uses permitted in the requested district; and
- e) There is demonstrated need for the types of uses permitted in the requested zoning district in the City in relation to the amount of land in the City currently zoned to accommodate the demand.

Roll call vote on the motion to recommend approval of the proposed zoning ordinance amendment.

AYES: 6

NAYS: 0

ABSENT: Woods

MOTION CARRIED

- 4. PUBLIC HEARING PRZ-03-26: 2435 Sunnyknoll Ave.:** The City is proposing to rezone 2435 Sunnyknoll Ave. on the south side of Sunnyknoll Ave., east of Coolidge Hwy. from R-1AB Single Family Residential District to R-1CD Single Family Residential District

Community Director Kapelanski introduced the rezoning.

Chair Kempner opened the public hearing at 7:21PM.

No one wished to speak and no correspondence was received.

Chair Kempner closed the public hearing at 7:21PM.

Motion by Commissioner Kaplan and supported by Commissioner Bartus, in the matter of PRZ-03-26 2435 Sunnyknoll Ave., motion to recommend approval to the City Council of the City-initiated rezoning from R-1AB Single Family Residential District to R-1CD Single Family Residential District with the following findings per Section 18.04 of the Zoning Ordinance:

- a) The rezoning is consistent with the goals, policies, and City of Berkley Master Plan, and all applicable subarea and corridor studies, including the Downtown Master Plan;
- b) The rezoning is compatible with the site's physical, geological, hydrological and other environmental features and with the potential uses allowed in the proposed district;
- c) The potential uses allowed in the proposed zoning district are compatible with the surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure and potential influence on property values;
- d) There is adequate capacity in City infrastructure and services to accommodate the uses permitted in the requested district; and
- e) There is demonstrated need for the types of uses permitted in the requested zoning district in the City in relation to the amount of land in the City currently zoned to accommodate the demand.

Roll call vote on the motion to recommend approval of the proposed zoning ordinance amendment.

AYES: 6

NAYS: 0

ABSENT: Woods

MOTION CARRIED

- 5. PUBLIC HEARING PRZ-04-26: 2437 Franklin Rd.:** The City is proposing to rezone 2437 Franklin Rd. on the south side of Franklin Rd., east of Coolidge Hwy. from R-1AB Single Family Residential District to R-1CD Single Family Residential District

Community Director Kapelanski introduced the rezoning.

Chair Kempner opened the public hearing at 7:23PM.

No one wished to speak and no correspondence was received.

Chair Kempner closed the public hearing at 7:24PM.

Motion by Commissioner Dahlin and supported by Commissioner Stapp, in the matter of PRZ-04-26 2437 Franklin Rd., motion to recommend approval to the City Council of the City-initiated rezoning from R-1AB Single Family Residential District to R-1CD Single Family Residential District with the following findings per Section 18.04 of the Zoning Ordinance:

- a) The rezoning is consistent with the goals, policies, and City of Berkley Master Plan, and all applicable subarea and corridor studies, including the Downtown Master Plan;
- b) The rezoning is compatible with the site's physical, geological, hydrological and other environmental features and with the potential uses allowed in the proposed district;
- c) The potential uses allowed in the proposed zoning district are compatible with the surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure and potential influence on property values;
- d) There is adequate capacity in City infrastructure and services to accommodate the uses permitted in the requested district; and
- e) There is demonstrated need for the types of uses permitted in the requested zoning district in the City in relation to the amount of land in the City currently zoned to accommodate the demand.

Roll call vote on the motion to recommend approval of the proposed zoning ordinance amendment.

AYES: 6

NAYS: 0
ABSENT: Woods

MOTION CARRIED

- 6. PUBLIC HEARING PRZ-05-26: 2451 Franklin Rd.:** The City is proposing to rezone 2451 Franklin Rd. on the south side of Franklin Rd., east of Coolidge Hwy. from R-1AB Single Family Residential District to R-1CD Single Family Residential District

Community Director Kapelanski introduced the rezoning.

Chair Kempner opened the public hearing at 7:27PM.

No one wished to speak and no correspondence was received.

Chair Kempner closed the public hearing at 7:27PM.

Motion by Commissioner Stapp and supported by Commissioner Bartus, in the matter of PRZ-05-26 2451 Franklin Rd., motion to recommend approval to the City Council of the City-initiated rezoning from R-1AB Single Family Residential District to R-1CD Single Family Residential District with the following findings per Section 18.04 of the Zoning Ordinance:

- a) The rezoning is consistent with the goals, policies, and City of Berkley Master Plan, and all applicable subarea and corridor studies, including the Downtown Master Plan;
- b) The rezoning is compatible with the site's physical, geological, hydrological and other environmental features and with the potential uses allowed in the proposed district;
- c) The potential uses allowed in the proposed zoning district are compatible with the surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure and potential influence on property values;
- d) There is adequate capacity in City infrastructure and services to accommodate the uses permitted in the requested district; and
- e) There is demonstrated need for the types of uses permitted in the requested zoning district in the City in relation to the amount of land in the City currently zoned to accommodate the demand.

Roll call vote on the motion to recommend approval of the proposed zoning ordinance amendment.

AYES: 6
NAYS: 0
ABSENT: Woods

MOTION CARRIED

- 7. PUBLIC HEARING PRZ-06-26: 3170 Eleven Mile Rd.:** The City is proposing to rezone the rear 33.5 feet of 3170 Eleven Mile Rd. on the north side of Eleven Mile Rd., east of Gardner Ave. from R-1CD Single Family Residential District to Flex District

Community Director Kapelanski introduced the rezoning.

Chair Kempner opened the public hearing at 7:30PM.

Pali Palokaj, owner of 3170 Eleven Mile, and his representative confirmed that the proposed rezoning would not impact a potential expansion of the building.

Courtney (last name inaudible) of Berkley asked what the Flex zoning entailed and inquired about the details of the restaurant expansion.

Community Development Director Kapelanski explained why the rezoning was proposed and the setbacks associated with the Flex District.

No correspondence was received.

Chair Kempner closed the public hearing at 7:33PM.

The Planning Commission confirmed any additions or site changes would go through the site plan review process.

Motion by Commissioner Dahlin and supported by Commissioner Bartus, in the matter of PRZ-06-26 3170 Eleven Mile Rd., motion to recommend approval to the City Council of the City-initiated rezoning of the rear 33.5 feet of the property from R-1CD Single Family Residential District to Flex District with the following findings per Section 18.04 of the Zoning Ordinance:

- a) The rezoning is consistent with the goals, policies, and City of Berkley Master Plan, and all applicable subarea and corridor studies, including the Downtown Master Plan;
- b) The rezoning is compatible with the site's physical, geological, hydrological and other environmental features and with the potential uses allowed in the proposed district;
- c) The potential uses allowed in the proposed zoning district are compatible with the surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure and potential influence on property values;
- d) There is adequate capacity in City infrastructure and services to accommodate the uses permitted in the requested district; and
- e) There is demonstrated need for the types of uses permitted in the requested zoning district in the City in relation to the amount of land in the City currently zoned to accommodate the demand.

Roll call vote on the motion to recommend approval of the proposed zoning ordinance amendment.

AYES: 6

NAYS: 0

ABSENT: Woods

MOTION CARRIED

- 8. PUBLIC HEARING PRZ-07-26: 3180 Eleven Mile Rd.:** The City is proposing to rezone the rear 33.5 feet of 3180 Eleven Mile Rd. on the north side of Eleven Mile Rd., east of Gardner Ave. from R-1CD Single Family Residential District to Flex District

Community Director Kapelanski introduced the rezoning.

Chair Kempner opened the public hearing at 7:38PM.

No one wished to speak and no correspondence was received.

Chair Kempner closed the public hearing at 7:38PM.

Motion by Commissioner Dahlin and supported by Commissioner Bartus, in the matter of PRZ-07-26 3180 Eleven Mile Rd., motion to recommend approval to the City Council of the City-initiated rezoning of the rear 33.5 feet of the property from R-1CD Single Family Residential District to Flex District with the following findings per Section 18.04 of the Zoning Ordinance:

- a) The rezoning is consistent with the goals, policies, and City of Berkley Master Plan, and all applicable subarea and corridor studies, including the Downtown Master Plan;
- b) The rezoning is compatible with the site's physical, geological, hydrological and other environmental features and with the potential uses allowed in the proposed district;
- c) The potential uses allowed in the proposed zoning district are compatible with the surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure and potential influence on property values;
- d) There is adequate capacity in City infrastructure and services to accommodate the uses permitted in the requested district; and
- e) There is demonstrated need for the types of uses permitted in the requested zoning district in the City in relation to the amount of land in the City currently zoned to accommodate the demand.

Roll call vote on the motion to recommend approval of the proposed zoning ordinance amendment.

AYES: 6

NAYS: 0

ABSENT: Woods

MOTION CARRIED

9. PUBLIC HEARING PRZ-08-26: 22-16-352-06: The City is proposing to rezone Parcel 25-16-352-026 on the north side of Columbia Rd., west of Woodward Ave. to add the Parking Overlay District

Community Director Kapelanski introduced the rezoning.

Chair Kempner opened the public hearing at 7:43PM.

Michael Cameron, 724 Columbia, wanted to confirm this rezoning would have no impact on the adjacent public alley.

Community Development Director Kapelanski confirmed this would have no effect on the public alley.

Chair Kempner read an email received from Marisa Weber, 737 Columbia. She had concerns with any parking needs of future businesses and the maintenance of the lot.

Chair Kempner closed the public hearing at 7:48PM.

Community Development Director Kapelanski confirmed she had followed up with the email sender from the public hearing.

Motion by Commissioner Kaplan and supported by Commissioner Bartus, in the matter of PRZ-08-26 Parcel #25-16-352-026, motion to recommend approval to the City Council of the City-initiated rezoning to add the Parking Overlay District with the following findings per Section 18.04 of the Zoning Ordinance:

- a) The rezoning is consistent with the goals, policies, and City of Berkeley Master Plan, and all applicable subarea and corridor studies, including the Downtown Master Plan;
- b) The rezoning is compatible with the site's physical, geological, hydrological and other environmental features and with the potential uses allowed in the proposed district;
- c) The potential uses allowed in the proposed zoning district are compatible with the surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure and potential influence on property values;
- d) There is adequate capacity in City infrastructure and services to accommodate the uses permitted in the requested district; and
- e) There is demonstrated need for the types of uses permitted in the requested zoning district in the City in relation to the amount of land in the City currently zoned to accommodate the demand.

Roll call vote on the motion to recommend approval of the proposed zoning ordinance amendment.

AYES: 6

NAYS: 0

ABSENT: Woods

MOTION CARRIED

10. Discussion of potential Zoning Ordinance amendment to regulate data centers

Planning Consultant Marin introduced a potential text amendment providing locations and standards for data centers in the City. The text splits data centers into large, small and accessory facilities with permitted zoning districts listed for each. Thresholds for size, power demand, and water use, as well as decommissioning are also included.

Community Development Director Kapelanski clarified that there are no data centers currently proposed. Staff is merely taking a proactive step to regulate a potential new use.

The Planning Commission discussed the proposed amendment and requested the following changes:

- Add standards for when a data center is considered 'abandoned';
- Create a map for discussion purposes that identifies parcels where data centers could be located based on the proposed ordinance language; and
- Add generator noise and vibration standards.

11. Bylaws and Rules of Procedure

The Planning Commission had no changes to the Bylaws and Rules of Procedure.

LIAISON REPORT

Commissioners provided updates on the Chamber of Commerce, the Downtown Development Authority and Zoning Board of Appeals.

Chair Kempner read an update from City Council Liaison Hennen on the City Council's recent meetings.

COMMISSIONER COMMENTS

NONE

STAFF COMMENTS

Community Development Director Kapelanski listed several items the City Council approved over the past months.

ADJOURNMENT

Motion to adjourn by Commissioner Dahlin, supported by Commissioner Stapp.

Voice vote for adjournment

AYES: 6

NAYS: 0

ABSENT: Woods

With no further business, the meeting was adjourned at 8:23PM.



CITY OF BERKLEY

COMMUNITY DEVELOPMENT

3338 COOLIDGE HWY, BERKLEY, MICHIGAN 48072

MEMORANDUM

To: Planning Commission

From: Kristen Kapelanski, Community Development Director

Subject: Zoning Ordinance Cleanup and Engineering Process Update Amendments

Date: April 22, 2026

As staff works through implementation of the new Zoning Ordinance, we've come across a number of items that require adjustments. We've also identified several minor changes similar to the 'clean-up' amendments in the past year. A list of the proposed amendments is provided below.

- Add a reference to the City Code provisions for business licenses;
 - Staff has been having regular process improvement meetings with the Department of Public Works and Spalding DeDecker, the City's engineering consultant. Part of this effort included the 'build'out of the performance guarantee process, with the assistance of the City Attorney's office. Performance guarantees (often called performance bonds, letters of credit, or financial guarantees) are tools used by local governments to ensure that required improvements in a development actually get built. When a developer receives approval—especially for site plans that include infrastructure like roads, sidewalks, utilities, or landscaping—the municipality requires the developer to provide a financial guarantee equal to the cost of those improvements. This protects the public if the developer doesn't follow through. While provisions were previously included in the rewritten ordinance, the intention was always that this section would be built out once we approached implementation.
 - Clarify the nomenclature for attached single family development site types in the Residential Corridor District.
 - Provide regulations for stand-alone parking lots when they cannot be combined with adjacent developments.
 - Revise the time limits for temporary signs based on business feedback.
 - Remove times for the continuation of non-conforming signs so that once use of a nonconforming sign has ceased, it cannot be reestablished.
 - Clarify location requirements for shared use parking.
 - Prohibit commercial vehicles at single- and two-family dwellings.
 - Allow annual parking passes to count towards parking requirements in place of the originally included leased parking concept.
 - Clarify that an applicant may present a sketch plan to the Planning Commission as a discussion item.
-

The Planning Commission is asked to hold the public hearing and make a recommendation to City Council.

AN

ORDINANCE

of the City Council of the City of Berkley, Michigan to amend Section 3.03.A Commercial Occupancy Certificate/Business License, Section 3.10 Performance Guarantees Section 6.04.C.6 Multiple Family Development, Section 6.04.D.1 Authorized Site Layouts, Section 9.16 Locating Parking Lots, Section 11.08.C Standards for All Temporary Signs, Section 11.10 Nonconforming Signs, Section 14.04.E Parking Spaces for Other Land Uses, Section 14.04.N Leased Parking in Municipal Lots, and Section 15.03.A Sketch Plan of Chapter 138 Zoning of the City of Berkley Code of Ordinances to add appropriate cross references, to set a period for project completion, to allow for administrative extension of completion periods, to modify the amount of surety bonds that may be posted for completion and to delete the requirement for a completion agreement, to rename the Multiple Family Development Site type for clarity, to provide regulations for stand-alone parking lots, to revise the time limit for temporary signs, to modify the requirements for non-conforming signs, to clarify location requirements for shared use parking, to prohibit commercial vehicles at single- and two-family dwellings, to allow annual parking passes to count towards parking requirements, and to clarify that an applicant may present a sketch plan to the Planning Commission as a discussion item,

THE CITY OF BERKLEY ORDAINS:

SECTION 1: Section 3.03.A Commercial Occupancy Certificate/Business License of Section 3.03 Zoning Certification Process of Article 3 Administration and Enforcement of Chapter 138 Zoning of the Berkley City Code is amended to add a reference to Chapter 30, Article III of the City Code, as follows:

- A. Commercial Occupancy Certificate/Business License.** It is unlawful to use, occupy, reoccupy, or permit the use or occupancy of, any structure or premises, or parts thereof, hereafter created, erected, changed, converted, or wholly or partially altered or enlarged until a Commercial Occupancy Certificate/Business License has been issued by the Zoning Administrator stating that the proposed use of the structure or lot conforms to the requirements of this Ordinance and Chapter 30, Article III Business License of the City Code. The Commercial Occupancy Certificate/Business License signifies that the intended use, building, or structure complies with all provisions of this Ordinance and Chapter 30, Article III Business License of the City Code. When a building permit is not required, the application for a Commercial Occupancy Certificate/Business License must be made prior to the date when construction, installation, or use of the parcel is intended to begin.

SECTION 2: Section 3.10 Performance Guarantees of Article 3 Administration and Enforcement of Chapter 138 Zoning of the Berkley City Code is amended in order to set a period for project completion periods, to modify the amount of surety bonds that may be posted for completion and to delete the requirement for a completion agreement, as follows:

SECTION 3.10 PERFORMANCE GUARANTEES

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Blue underlined text is proposed to be inserted: example

A. Purpose and intent.

1. In the interest of ensuring compliance with the provisions of this Chapter, protecting the natural resources and the health, safety and welfare of the residents of the City and future users of inhabitants of an area for which a site plan for a proposed use has been submitted, the City may require the applicant to deposit a performance guarantee for any or all site improvements required by this Ordinance. The purpose of the performance guarantee is to ensure the completion of improvements connected with the proposed use as required by this Chapter, including but not limited to roadways, lighting, utilities, sidewalks, drainage, fences, walls, screens and landscaping.
2. The City may employ the City Engineer or other City staff or consultants to review cost estimates and conduct periodic inspections of the progress of improvements.

B. Definitions Procedure

The following words, terms and phrases, when used in this chapter, have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

1. Applicant means the person or entity that has a legal or equitable right to affect the development or improvement of the subject real property pursuant to an approved site plan or plot plan. Only the applicant may post a performance guarantee. If the subject real property is transferred, conveyed, or sold (other than as an individual, single-family lot or unit), the successor (with legal proof of ownership) must replace any outstanding performance guarantees at the time of purchase. Cash bonds may be assigned upon proof of transfer, conveyance, or sale. If the successor does not replace all performance guarantees, then the applicant will continue to be responsible under such guarantees for completing the project in accordance with their terms. This provision shall not prohibit joint performance guarantees, provided that the applicant is one of the joint guarantors and if deemed acceptable by the Community Development Director.
2. City Engineer means the City Engineer or their designee.
3. Community Development Director means the City Community Development Director or their designee.
4. Default means the failure to:
 - a. Comply with performance guarantee requirements and conditions;
 - b. Complete, in the specified time, any required improvements in accordance with this Code and with an approved site or plot plan or plat and any conditions thereto;
 - c. Maintain, for the specified period of time, any required improvements in accordance with this Code and with an approved site or plot plan or plat and any conditions thereto; and
 - d. Pay current fee balances due.
5. Department means the Community Development Department, unless a different department or individual is specified in or by reference to a particular provision or section hereof.
6. Forfeiture. Performance guarantees cannot be terminated, canceled, reduced, rebated, or released without written authorization from the Community Development Director. All guarantees shall remain in full force and effect until such time as the Community Development Director has authorized otherwise. On determination of the Community Development Director that any conditions of the performance guarantee have not been complied with, the Community

Red, strikethrough text is proposed to be deleted: ~~example~~

Blue underlined text is proposed to be inserted: example

Development Director has the recourse to the rights created under the guarantee and as set forth in this chapter.

7. Refunds of cash bonds approved by the Community Development Director will be made payable solely to the applicant, or to an assignee of the applicant in the event of a transfer. Refunds will be mailed to the address specified on the bond receipt if not retrieved by the applicant or assignee from the department within a reasonable time after notice that the refund is available. If the refund is returned undeliverable, it shall be held by the City and returned to the applicant upon demand; however, if such demand is not made within one year after the date of refund, the bond is deemed forfeited and will be deposited in the general fund of the City.
8. Guarantor means the applicant (or assignee) and, if applicable, either a corporate surety acceptable to the City and licensed to provide guarantees to third parties or a financial institution incorporated and located within the United States and insured by the Federal Deposit Insurance Corporation (FDIC).
9. Initial permit means a permit for site work or building foundations, whichever occurs first.
10. Performance guarantee means a form of financial security posted to ensure timely, proper, and workmanlike completion of improvements; to ensure compliance with this Code; and/or to warranty materials, workmanship of improvements, or design. Performance guarantees may be in the form of cash, certified check, irrevocable bank letter of credit, and/or, for any amount after the first \$100,000 is posted in cash, certified check, letter of credit, or surety bond. For the purposes of this chapter, the terms "financial guarantee," "maintenance guarantee," and "defect guarantee" are considered kinds of performance guarantees.
11. Project means a discrete, separate development described in and made subject to an approved site plan or plot plan or plat. Projects are categorized as single-family residential, multiple-family residential, or nonresidential. For development projects that are approved with separate and discrete phases, the requirements of this chapter may be applied separately to each phase (i.e., on a phase-by-phase basis).
12. Property means the real property on which a project is proposed to be constructed.
13. Site improvements are a specific reference to all of the following unless otherwise noted in this chapter or in any approved site or plot plan or plat or any conditions thereon: streets, sanitary sewers, storm sewers, water mains, mass grading; sidewalks, safety paths, bicycle paths and public walkways; street signs; street island improvements; right-of-way disruption, tree protection, tree replacements; floodplain protection and restoration, soil erosion control, required landscaping and screen planting of non-access greenbelt easements and retention basins; maintenance of retention basins on private property; street trees, including an estimate for the removal of any dead trees within street rights-of-way for a period of two full growing seasons after the date of acceptance of streets and utilities; and the placement or replacement, after construction of improvements, of all lot stakes and monuments.
14. Treasurer means the City Treasurer or their designee.

C. Procedure

1. The department is authorized to require all applicants constructing site improvements under any permits and approvals granted under the City Code to post a performance guarantee with the City Treasurer to guarantee completion of all required site improvements associated with a project in accordance with this Article, in an initial amount of one hundred percent of the estimated cost of the site improvements for which the guarantee is required in the form required in subsection C.4, below.
2. Notwithstanding any provision of any other chapter of this Code with regard to issuance of

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permits for specific improvements, performance guarantees require actual construction and installation of all required site improvements within one year after the issuance of the initial permit, or within six months after a temporary occupancy permit has been issued for any structure on the property, whichever is shorter or occurs first. The time limit may be extended at the Community Development Director's discretion, upon determination that work is proceeding toward completion and that the delay is not dilatory or unreasonable under all the circumstances. In reaching this determination, the Director may take into consideration any appropriate factors established by the applicant, including but not limited to weather conditions, delays in securing required approvals/permits from other regulatory agencies, and force majeure events, not including general economic conditions. The request for extension must be in writing, accompanied by a schedule for completion of all remaining work. At the time an extension is requested, a site inspection will be conducted, with the cost of such inspection being the direct responsibility of the applicant, to confirm work remaining on the site.

3. At the time of issuance of the initial permit for improvement for any project and before conducting any preconstruction meetings, the applicant is required to deposit a performance guarantee in the amount of one hundred percent of the estimated cost of site improvements.
4. The guarantee required by this section must be posted by and in the name of the applicant encompassing all required improvements and must be in the form of cash, certified check, or irrevocable bank letter of credit for all amounts up to one hundred thousand dollars. To the extent that amounts required to be deposited are at any time in excess of one hundred thousand dollars, such excess amounts may be posted by and in the name of the applicant as a separate guarantee, in any form allowed under the definition of "performance guarantee" including a surety bond.

D. Default

1. If the applicant fails to timely complete all site improvements and/or timely take the required action for which the performance guarantee was required, the applicant will be deemed to be in default. Unless a shorter period has been specified in a permit or approval issued, or elsewhere in this Code, "timely" completion of improvements means not longer than one year from the date of issuance of the initial permit for improvements, unless such time is extended by the Community Development Director as permitted in subsection C.2, above.
2. In the event of a default, the City will, following notice to the applicant and opportunity for the applicant to cure such default, as specified in the notice, have the right (but not the obligation) to use the performance guarantee to complete the improvements or restore and stabilize the project site, within the discretion of the Community Development Director, taking all factors into consideration, including but not limited to the progress made toward completion and the need for the site improvement to be completed in order for the City's public infrastructure to function as intended. The application for site or plot plan or plat approval, building permit, temporary certificate of occupancy, or similar approvals will be deemed to have authorized the right of the City to enter upon the property to bring about such completion. A notice to the applicant given under this section may be provided by one or more of the following methods: regular first class mail to the address on the application for permit; delivery of the notice to the applicant at such address; hand-delivery to the applicant; or posting the property.
3. In the event the performance guarantee posted is insufficient in amount to allow the City to complete the improvements and/or actions, the applicant will be required to pay to the City such additional costs as are needed for the completion of such improvements and/or actions. Should the City use the performance guarantee, or a portion thereof, to achieve such completion, any

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amounts remaining will first be applied to the City's administrative costs, which are equal to twenty percent of the cost of such completion, and to payment of actual attorney's fees, consultant fees, and like fees expended in connection with securing the guarantee and completing the improvements and/or actions; the balance remaining thereafter (if any) will be refunded to the applicant.

4. In the event of default, the City may contract with a third party to complete work required pursuant to this Article. Public bidding requirements are not required.
5. The applicant is responsible for ensuring that the required performance guarantees remain in place until all site improvements are complete and the guarantees have been released by the Community Development Director. Bonds and irrevocable letters of credit are not permitted to lapse or expire without renewal or replacement. The Community Development Director may call or collect upon any such guarantee prior to its expiration if it reasonably appears to the Community Development Director that the guarantee will be permitted to lapse or expire.

E. Release or Rebate of Performance Guarantees.

The City Treasurer cannot release a performance guarantee until:

1. All fees that are due have been paid;
2. A maintenance guarantee has been posted, if applicable;
3. Inspection of the development site has been performed when required; and
4. The Community Development Director has determined that the conditions and requirements of the permit/approval otherwise specified in the performance guarantee have been met and final approval of same has been granted.

The Director may, after performing a site inspection at the written request of an applicant, rebate or reduce portions of a performance guarantee upon determination by the Director, in their sole discretion, that the improvements and/or actions for which that performance guarantee was posted have been satisfactorily completed in accordance with the approved plans, any temporary certificate of occupancy, and all other applicable laws, regulations, and ordinances. No such rebate or reduction shall occur until seventy-five percent of the value of all of the site improvements, based on an estimate of the value of labor and materials, for the property are complete, at which time fifty percent of the performance guarantee may be released. At no point can the amount of the performance guarantees held by the City be less than one hundred percent of the cost to complete the remaining required improvements on the property. The applicant is responsible for the actual cost of inspections requested pursuant to this section.

F. Maintenance and Defect Guarantees Authorized.

1. All applicants must post a maintenance guarantee and/or defect guarantee warranting the successful operation and maintenance of site improvements, and guaranteeing the workmanship, materials, and design used in construction of site improvements required by the conditions of any permits or approvals issued pursuant to this Code, as defined above.
2. Unless otherwise specifically indicated in this Code, all maintenance guarantees and defect guarantees must guarantee successful operation, workmanship, materials, and design of required facilities for a period of two years following final inspection and final acceptance by the City in accordance with the procedures set forth in this Article. With regard to plantings required under

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12.03 of the Zoning Ordinance, the maintenance and guarantee period of two full growing seasons is required. If any defect or deficiency occurs or becomes evident during the two-year period, then the owner must after ten days' written notice from the City, correct it or cause it to be corrected. In the event any improvement is repaired or replaced pursuant to the demand of the City, the Community Development Director may require the guarantee with respect to such repair or replacement, as defined and determined by the department, to be extended for two full years from the date of the repair or replacement.

3. The applicant must notify the City and schedule inspections of facilities required pursuant to this Code, as defined above, at least sixty days before the end of the two-year maintenance and/or defect period, and the City will conduct such inspection as soon thereafter as is practicable and, generally within thirty days.

- ~~2. When a performance guarantee is required, said performance guarantee must be deposited with the City prior to the issuance of a building permit for the development and use of the land. Upon the deposit of the performance guarantee, the City will issue the appropriate building permit and the City will thereafter deposit the performance guarantee, in the form of a cash deposit, surety bond, letter of credit or certified check.~~
- ~~3. At the time the performance guarantee is deposited with the City and prior to the issuance of a building permit, the applicant must enter into an agreement with the City incorporating the performance guarantee provisions.~~
- ~~4. The agreement must also prescribe the period of time within which the improvements for which the performance guarantee has been required are to be completed. The period will begin from the date of the issuance of the building or other permit.~~
- ~~5. In the event the performance guarantee deposited is a cash deposit or certified check, the City will rebate to the applicant, upon request from the applicant, fifty percent of the deposited funds when the applicant has completed at least seventy-five percent of the required improvements by project cost as confirmed by the Community Development Director or their designee at the time of the request. The remaining fifty percent of the deposited funds will be returned when the applicant has completed one hundred percent of the required improvements and there is compliance with the Chapter as confirmed by the City.~~
- ~~6. In the event the applicant defaults in making the improvements for the which the performance guarantee was required within the time period established by the City, the City has the right to use the performance guarantee deposited and any interest earned thereon to complete the improvements through contract or otherwise, including specifically the right to enter upon the subject parcels to make the improvements.~~
- ~~7. If the performance guarantee is not sufficient to allow the City to complete the improvements for which such guarantee was posted, the applicant will be required to pay the City the costs of completing the improvements that exceeds the amount of the performance guarantee, or a portion thereof. Any amounts remaining after said completion will be applied first to the City's administrative costs including, without limitation, attorney fees, planning consultant fees and engineering consultant fees in completing the improvements with any balance remaining being refunded to the applicant.~~

~~**C. Guarantee with other agencies.** If the applicant has been required to post a performance guarantee or guarantee with another governmental agency to ensure the completion of an improvement associated with the site, the applicant will not be required to deposit with the City a performance guarantee for that same improvement.~~

~~**D. Site Plan completion guarantee**~~

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- ~~1. Prior to the issuance of any building permit for any building, and prior to the signing of the final plat by the City Clerk in a platted subdivision, or prior to the issuance of any building permit for any building in a site condominium project, or prior to the issuance of a certificate of occupancy for any other development which required Site Plan Review under this Chapter, the applicant must provide to the City a completion guarantee deposit. Said deposit must guarantee the completion of all site improvements shown on the approved final site plan or final preliminary plat. For the purpose of this Section, completion means inspection by the appropriate City officials or other government agencies for compliance with the final site plan approved by the Planning Commission or final preliminary plat approved the City Council, not less than six months after all site plan or plat improvements have been installed.~~
 - ~~2. "Site improvements" means, but is not limited to, drives and streets, curbs and gutters, sidewalks, water and sanitary sewer systems, drainage facilities and retention/detention basins, final grading and swales, retaining walls, landscaping and parking lots.~~
 - ~~3. In the event the applicant fails to correct any deficiencies within thirty days of written notice from the City, the City has the authority to use the guarantee to complete the site improvements, or repairs to said improvements, within a period of nine months following the issuance of the last certificate of occupancy unless good cause can be shown by the applicant for the delay in completion. The Community Development Director may, at their sole discretion, agree in writing to a specific extension of the nine-month period. The City may use the completion guarantee to hire subcontractors to complete work, fund inspections and for the administration of the required work including legal fees.~~
 - ~~4. The guarantee, or portion thereof, must be promptly released upon the inspection and approval of all improvements in compliance with the approved final site plan or special use permit and all applicable City standards and specifications. Portions of the guarantee may be released, in not more than three installments, provided that the project or approved phase of a project has been completed for six months and the improvements for which the release is requested have been inspected and approved in accordance with the above standards, and the remaining balance is sufficient to cover the remaining improvements, including administrative and contingency expenses.~~
- ~~**E. Types of completion guarantees.** The applicant may provide a guarantee in form of a cash deposit, surety bond, letter of credit or certified check.~~

SECTION 3: Section 6.04.C.6 Multiple Family Development (MF) and Section 6.04.D.1 Authorized Site Layouts of Section 6.04.C Site Layouts of Section 6.04 RC – Residential Corridor of Article 6 of Chapter 138 Zoning of the Berkley City Code is amended to rename the Multiple Family Development Site type for clarity as follows:

6. **Multiple ~~Family Development~~ Attached Single Family (MASF).** The multiple ~~family development~~ attached single family site layout allows multiple principal buildings on a site. The MASF site layout dimensional requirements for primary and attached accessory structures are as follows:

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Table 6.04.C.6		
Regulation	Multiple Family Development <u>Attached Single Family</u> requirements	
	<i>Corridor Street</i>	<i>Residential Street</i>
Minimum lot area	10,000 sq. ft.	
Minimum lot width	100 ft.	
Maximum lot coverage	65%	
Minimum primary front yard setback	25 ft.	25 ft. or equal to the average setback of the 6 adjacent buildings on the same block, whichever is greater
Minimum exterior side yard for a corner lot	15 ft.	15 ft.
Minimum rear yard setback	15 ft.	15 ft.
Minimum side yard setback	30 ft.	20 ft.
Minimum distance between buildings	15 ft.	
Maximum building height	40 ft.	30 ft.
Parking	Side yard, rear yard, or interior	Rear yard or interior
Driveway Access	Corridor street	Secondary frontage of residential street
Screening/Landscaping	See Article 12	
Minimum transparency front façade	30%	

1. **Authorized site layouts:** Site layouts, determined by the street type and site type in the RC Regulating Plan, are allowed by the approval process in Table 6.04.D.1 below.

Table 6.04.D.1			
Street Type	Site Type	Site Layout	Approval
Residential	Small	SF	Principal
	Medium	SF	Principal
Corridor	Small	SF	Principal
		2F	Special
	Medium	2F, ASF	Principal

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		NR	Special
<i>Double Frontage on both Residential & Corridor</i>	Large	MASF, IN	Special

SECTION 4: Section 9.16 Locating Parking Lots of Article 9 General Provisions of Chapter 138 Zoning of the Berkley City Code is amended to provide regulations for stand-alone parking lots:

SECTION 9.16 LOCATING PARKING LOTS

- A. Parking lots or structures must be directly adjacent to the property that it accompanies.
- B. Parking lots or structures built on their own parcel must be combined with the parcel containing the use that it accompanies. If the City determines a parcel combination is not possible based on current conditions, the Planning Commission must place a condition on the special land use approval for the parking lot or structure that limits the use of the parcel to parking for the adjacent property.
- C. Municipal parking lots are exempt from the requirements of this Section, per the parking exemption under Section 14.05.A. Section 9.16.B (proposed text is red underlined font): "Parking lots or structures built on their own parcel must be combined with the parcel containing the use that it accompanies."

SECTION 5: Section 11.08.C Standards for All Temporary Signs of Section 11.08 Temporary and Portable Signs of Article 11 Sign Regulations of Chapter 138 Zoning of the Berkley City Code is amended to revise the time limits for temporary signs as follows:

B. Standards for All Temporary Signs.

- 1. Temporary signs must be constructed of durable, all-weather materials and designed to remain in place and in good repair so long as they remain on display.
- 2. For temporary signs greater than six square feet in area, display of temporary banners and temporary signs are allowed for up to fourteen continuous days up to four times per year ~~two continuous periods no greater than a total of thirty days in a calendar year.~~

SECTION 6: Section 11.10 Nonconforming Signs of Article 11 Sign Regulations of Chapter 138 Zoning of the Berkley City Code is amended to modify the requirements for non-conforming signs as follows:

Section 11.10 Nonconforming Signs

All nonconforming signs or their support structures:

- A. Must not be replaced by another nonconforming sign;
- B. Must not be structurally altered so as to prolong the life of the sign or so as to change the shape, size, type or design of the sign;

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- C. Must not be reestablished after the activity, business, or usage to which it relates has been discontinued ~~for ninety days or longer;~~
- D. Must not be reestablished after damage or destruction if the estimated expense of reconstruction exceeds thirty-five percent of the appraised replacement cost; and
- E. The words or symbols used, or the message displayed on a nonconforming sign may be replaced as long as the nonconformity is not increased.

SECTION 7: Section 14.04.E Parking Space for Other Land Uses of Section 14.04 Vehicle Parking Requirements of Article 14 Off-Street Parking, Loading and Access Standards of Chapter 138 Zoning of the Berkley City Code is amended to clarify location requirements for shared use parking and to prohibit commercial vehicles at single- and two-family dwellings as follows:

E. Parking space for other land uses.

1. The off-street parking facilities required for all other uses must be located on the lot ~~or within five hundred feet~~ of the permitted uses requiring such off-street parking. For shared use parking, the facilities must be located within five hundred feet of the lot where the permitted uses are located or, such distance to be measured along lines of public access to the parcels between the nearest point of the parking facility to the building to be served.
2. No parking is permitted on any residential lot or combination of lots in the side or rear yards except on a hard surface material.
3. Recreational vehicles must be stored in an accessory structure or the rear yard on a hard surface. A recreational vehicle parked on property for more than forty-eight hours is considered stored.
4. Commercial vehicles cannot be parked for more than forty-eight hours at any single- or two-family dwelling.

SECTION 8: Section 14.04.N Leased Parking in Municipal Lots of Section 14.04 Vehicle Parking Requirements of Article 14 Off-Street Parking, Loading and Access Standards of Chapter 138 Zoning of the Berkley City Code is amended to allow annual parking passes to count towards parking requirements as follows:

- N. ~~Leased parking~~ Annual parking passes in municipal lots.*** ~~If approved by the Community Development Department, parking spaces~~ purchased in accordance with the Overnight Parking Policy ~~leased in municipal lots may be counted toward required parking up to a maximum of two spots. A lease~~ An ~~agreement with the City must be submitted as part of the site plan or business license application in order for leased parking spaces to be counted towards required parking. The rules and fees for such lease agreement with the City must be adopted by Resolution of the City Council.~~ The rules and fees for such annual parking must comply with the Overnight Parking Policy.

SECTION 9: Section 15.03.A Sketch Plan of Section 15.03 Site Plan Review Procedures of Article 15 Site Plan Review Procedures and Requirements of Chapter 138 Zoning of the Berkley City Code is amended to clarify that an applicant may present a sketch plan to the Planning Commission as a discussion item as follows:

Section 15.03 Site Plan Review Procedures

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A. Sketch Plan. Except as otherwise required by this Ordinance, an applicant has the option of submitting a sketch plan to the Zoning Administrator for informal review. [The applicant may also request the sketch plan be forwarded to the Planning Commission for as an informal discussion item at an upcoming meeting.](#) All applications for site plans must be accompanied by a sketch plan. A sketch plan drawn to a reasonable scale must have the following information.

1. Applicant's name, address, email address and telephone number.
2. Common description of the parcel and complete legal description.
3. Dimensions of land, including width, length, acreage and frontage.
4. Existing zoning and current land use of the parcel under consideration and zoning and current land use of all adjacent properties.
5. General location of all existing structures, roadways and natural features.
6. The general location and size of all proposed buildings, roadways, parking areas and any other changes proposed to be made on the subject parcel.

SECTION 10: Savings

The amendments of the Berkley Code of Ordinances set forth in this ordinance do not affect or impair any act done, offense committed, or right accruing, accrued, or acquired or liability, penalty, forfeiture or punishment, pending or incurred prior to the amendments of the Berkley Code of Ordinances set forth in this ordinance.

SECTION 10: 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 11: 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 12: Effective Date

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

SECTION 13: 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 _____ .

Adopted on the Second Reading at the Regular City Council Meeting on _____ .

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Bridget Dean, Mayor

Attest:

Victoria E. Mitchell, City Clerk

DRAFT

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THE CITY OF BERKLEY
Community Development Department
3338 Coolidge Hwy. Berkley, Michigan 48072
(248) 658-3320

NOTICE OF PUBLIC MEETING
BERKLEY PLANNING COMMISSION

NOTICE IS HEREBY GIVEN, in accordance with the Berkley City Code, Chapter 138, Section 18.03, that there will be a meeting of the Berkley Planning Commission to be held at the City of Berkley in the Council Chambers, 3338 Coolidge Hwy., Berkley, Michigan on **Tuesday, April 28, 2026** at 7:00 PM.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BERKLEY, MICHIGAN TO AMEND SECTION 3.03.A COMMERCIAL OCCUPANCY CERTIFICATE/BUSINESS LICENSE, SECTION 3.10 PERFORMANCE GUARANTEES SECTION 6.04.C.6 MULTIPLE FAMILY DEVELOPMENT, SECTION 6.04.D.1 AUTHORIZED SITE LAYOUTS, SECTION 9.16 LOCATING PARKING LOTS, SECTION 11.08.C STANDARDS FOR ALL TEMPORARY SIGNS, SECTION 11.10 NONCONFORMING SIGNS, SECTION 14.04.E PARKING SPACES FOR OTHER LAND USES, SECTION 14.04.N LEASED PARKING IN MUNICIPAL LOTS, AND SECTION 15.03.A SKETCH PLAN OF CHAPTER 138 ZONING OF THE CITY OF BERKLEY CODE OF ORDINANCES TO ADD APPROPRIATE CROSS REFERENCES, TO SET A PERIOD FOR PROJECT COMPLETION, TO ALLOW FOR ADMINISTRATIVE EXTENSION OF COMPLETION PERIODS, TO MODIFY THE AMOUNT OF SURETY BONDS THAT MAY BE POSTED FOR COMPLETION AND TO DELETE THE REQUIREMENT FOR A COMPLETION AGREEMENT, TO RENAME THE MULTIPLE FAMILY DEVELOPMENT SITE TYPE FOR CLARITY, TO PROVIDE REGULATIONS FOR STAND-ALONE PARKING LOTS, TO REVISE THE TIME LIMIT FOR TEMPORARY SIGNS, TO MODIFY THE REQUIREMENTS FOR NON-CONFORMING SIGNS, TO CLARIFY LOCATION REQUIREMENTS FOR SHARED USE PARKING, TO PROHIBIT COMMERCIAL VEHICLES AT SINGLE- AND TWO-FAMILY DWELLINGS, TO ALLOW ANNUAL PARKING PASSES TO COUNT TOWARDS PARKING REQUIREMENTS, AND TO CLARIFY THAT AN APPLICANT MAY PRESENT A SKETCH PLAN TO THE PLANNING COMMISSION AS A DISCUSSION ITEM.

The draft ordinance is available for review at: www.berkleymi.gov/community-development/development-projects.

Comments regarding the amendment may be made in person on the night of the meeting or may be made in writing. All written comments must be submitted to the Community Development Department or emailed to planning@berkleymi.gov before 4:30 pm on the date of the Planning Commission meeting.

KRISTEN KAPELANSKI
COMMUNITY DEVELOPMENT DIRECTOR

Publish Once:
Oakland Press
Monday, April 13, 2026



CITY OF BERKLEY COMMUNITY DEVELOPMENT

3338 COOLIDGE HWY, BERKLEY, MICHIGAN 48072

MEMORANDUM

To: Planning Commission

From: Kristen Kapelanski, Community Development Director

Subject: **PSU-11-25 3170 Eleven Mile Rd. Golden Grill Addition**

Date: April 28, 2026

Background

- The applicant is proposing to construct an addition in the rear of the property of the Golden Grill restaurant.
- The zoning of the property is Flex District, which permits restaurants.
- When a structure is expanded by more than 5%, Planning Commission approval of the site plan is required.

Summary

- The addition equates to 20% of the total area of the structure and therefore, requires Planning Commission approval.
- The addition will be faced with stone veneer and Hardi-Plank siding, which is a fiber cement lap siding. Section 15.05.C.2 lists required design standards for all buildings and specifically notes "Provide high-quality, durable materials, such as but not limited to stone, brick, glass and metal. E.I.F.S. or the material equivalent can only be used as an accent material. While the stone veneer is clearly a high-quality, durable material, the Planning Commission will need to determine whether the Hardi-Plank siding is acceptable as an accent material.
- No additional parking is required as this property is within 500 feet of a municipal parking lot on the Oak Park side of the street.
- The Planning Commission will also need to determine if the plan is in compliance with the general site plan standards in Section 15.05.

Recommendation

In the matter of PSP-11-25 3170 Eleven Mile Rd. Golden Grill Addition, motion to (approve/deny/postpone) the site plan because it (does/does not) comply with the standards in Section 15.05 of the Zoning Ordinance.



CITY OF BERKLEY COMMUNITY DEVELOPMENT

3338 COOLIDGE HWY, BERKLEY, MICHIGAN 48072

APPLICATION FOR SITE PLAN REVIEW

NOTICE TO APPLICANT: Applications for Site Plan review by the Planning Commission must be submitted to the City of Berkley Building Department in **substantially complete form** at least 30 days prior to the Planning Commission's meeting at which the application will be considered. The application must be accompanied by the data specified in the Zoning Ordinance, including fully dimensioned site plans, plus the required review fees.

The Planning Commission meets the fourth Tuesday of the month at 7:00pm in the Council Chambers at the City of Berkley City Hall, 3338 Coolidge Hwy, Berkley, MI 48072.

TO BE COMPLETED BY APPLICANT:

I (We), the undersigned, do hereby respectfully request Site Plan Review and provide the following information to assist in the review:

Project Name: GOLDEN GRILL

Applicant: _____

Mailing Address: 3710 W. 11 MILE RD

Telephone: _____

Email: _____

Property Owner(s), if different from Applicant: Pali Palokan

Mailing Address: 3710 W. 11 mile rd

Telephone: _____

Email: _____

Applicant's Legal Interest in Property: owner

LOCATION OF PROPERTY:

Street Address: 3710 W. 11 MILE RD

Nearest Cross Streets: GARDNER & GRIFFITH

Sidwell Number(s): 25-18-453-037

PROPERTY DESCRIPTION:

Provide lot numbers and subdivision: LOT W 51.71' OF LOT BLOCK 999

SUBD ASSESSORS REGRAT MEADOWS

Property Size (Square Feet): 9828 (Acres): 0.22

EXISTING ZONING DISTRICT (please check):

- | | | |
|--------------------------------|--|---|
| ☐ R-1AB | ☐ Community Centerpiece | ☐ Residential Corridor |
| ☐ R-1CD | ☐ Downtown | ☐ Woodward Corridor |
| ☐ R-2 | ☒ Flex | ☐ Cemetery |
| ☐ R-M | ☐ Gateway Corridor | ☐ Parking Overlay |
| ☐ R-M-H | | |

Street Type:

- ☐ Corridor ☒ Downtown ☐ Walkable Area ☐ Residential

Present Use of Property: RESTAURANT (A-2)

Proposed Use of Property: RESTAURANT

Is the property located within the Downtown Development Authority? ☒ Yes ☐ No

PROJECT DESCRIPTION:

ADDING A 10' WD REAR ADDITION TO EXIST'G
RESTAURANT

Does the proposed project / use of property require Special Land Use approval? ☐ Yes ☒ No

Does the proposed project require Variance(s) from the Zoning Board of Appeals? ☐ Yes ☒ No

If yes, please describe Variances required:

PLEASE COMPLETE THE FOLLOWING CHART:

Type of Development	Number of Units	Gross Floor Area	Number of Parking Spaces On Site	Number of Employees on Largest Shift
Attached Residential				
Office				
Commercial	1	1056 EX .224 PROP	14	4
Industrial				
Other				

PROFESSIONALS WHO PREPARED PLANS:

A. Name:

POLYARCH INC

Mailing Address:

44045 N. GRATIOT AVE

Telephone:

Email:

Design Responsibility (engineer, surveyor, architect, etc.):

BOB WALZ (P.E.)

B. Name:

Mailing Address:

Telephone:

Email:

Design Responsibility:

SUBMIT THE FOLLOWING FOR PRELIMINARY SITE PLAN REVIEW: (Sketch, Pre-Application Meeting and Administrative review may not require all of the below).

1. A PDF electronic copy of a complete set of plans, sealed by a registered architect, engineer, or surveyor.
2. Proof of property ownership (title insurance policy or registered deed with County stamp).
3. Review comments or approval received from County, State or Federal agencies that have jurisdiction over the project, including, but not limited to:

☐ Road Commission for Oakland County	☐ Oakland County Health Division
☐ MI Dept. of Transportation	☐ MI Dept. of Environment, Great Lakes & Energy

PLEASE NOTE: The applicant, or a designated representative, **MUST BE PRESENT** at all scheduled meetings, or the Site Plan may be tabled due to lack of representation.

Failure to provide true and accurate information on this application shall provide sufficient grounds to deny approval of a Site Plan Application or to revoke any permits granted subsequent to the site plan approval.

We encourage applicants to make a presentation of the proposed project to the Planning Commission and City Council, as appropriate. To assist in this effort, we have available for your use at meetings a projector, laptop computer and screen. This will allow the Planning Commission and audience to be fully engaged so they can give your project the attention it deserves. Planning Commission meetings are recorded and televised.

PROPERTY OWNER'S APPROVAL: (Initial each line)

P.P. I hereby authorize the employees and representatives of the City of Berkley to enter upon and conduct an inspection and investigation of the above-referenced property.

APPLICANT'S ENDORSEMENT: (Initial each line)

P.P. All information contained therein is true and accurate to the best of my knowledge.

P.P. I acknowledge that the Planning Commission will not review my application unless all information in this application and the Zoning Ordinance has been submitted. I further acknowledge that the City and its employees shall not be held liable for any claims that may arise as a result of acceptance, processing or approval of this site plan application.

P.P. I hereby acknowledge that if engineering or other reviews are required, additional fees must be submitted. Should the review fees be greater than the required minimum, sufficient additional charges will be imposed to satisfy the additional review fees. All fee obligations must be satisfied prior to permit approval.

If an application is withdrawn more than three (3) weeks prior to the meeting date, 90% of the fee will be refunded. If the application is withdrawn less than three (3) weeks prior to the meeting, no refund will be given.

Signature of Applicant

Date

Applicant Name (Print)

Signature of Applicant

Date

Applicant Name (Print)

Signature of Property Owner Authorizing this Application

Date

Property Owner Name (Print)

OFFICE USE ONLY

Received _____ Receipt # _____ Meeting Date _____ Case # _____

Sketch Plan _____ Administrative Plan Review ☒ Pre-Application Meeting _____ Preliminary Site Plan _____

Fees:

Site Plan Review \$600 **Plus Escrow:** Multi-family \$660 Commercial \$1,100

Administrative: \$300

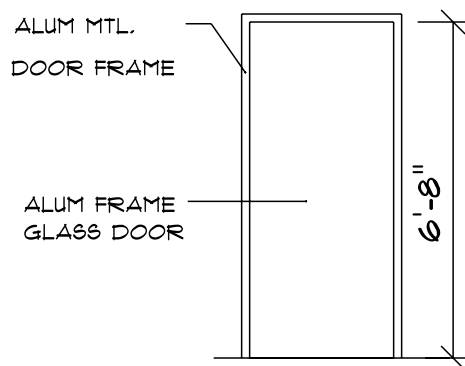
Extension \$200

Engineering: Multi-family Full Site \$1,500 Escrow \$1,500
Multi-family Partial Site \$1000 Escrow \$1,500

Commercial Full Site \$1,300 Escrow \$1,500
Commercial Partial Site \$800 Escrow \$1,500

	NEW 2 X 6 STUD WALLS @ 16" O.C. 8'-0" IN HT		EXISTING TO REMAIN
	EXISTING TO BE REMOVED		

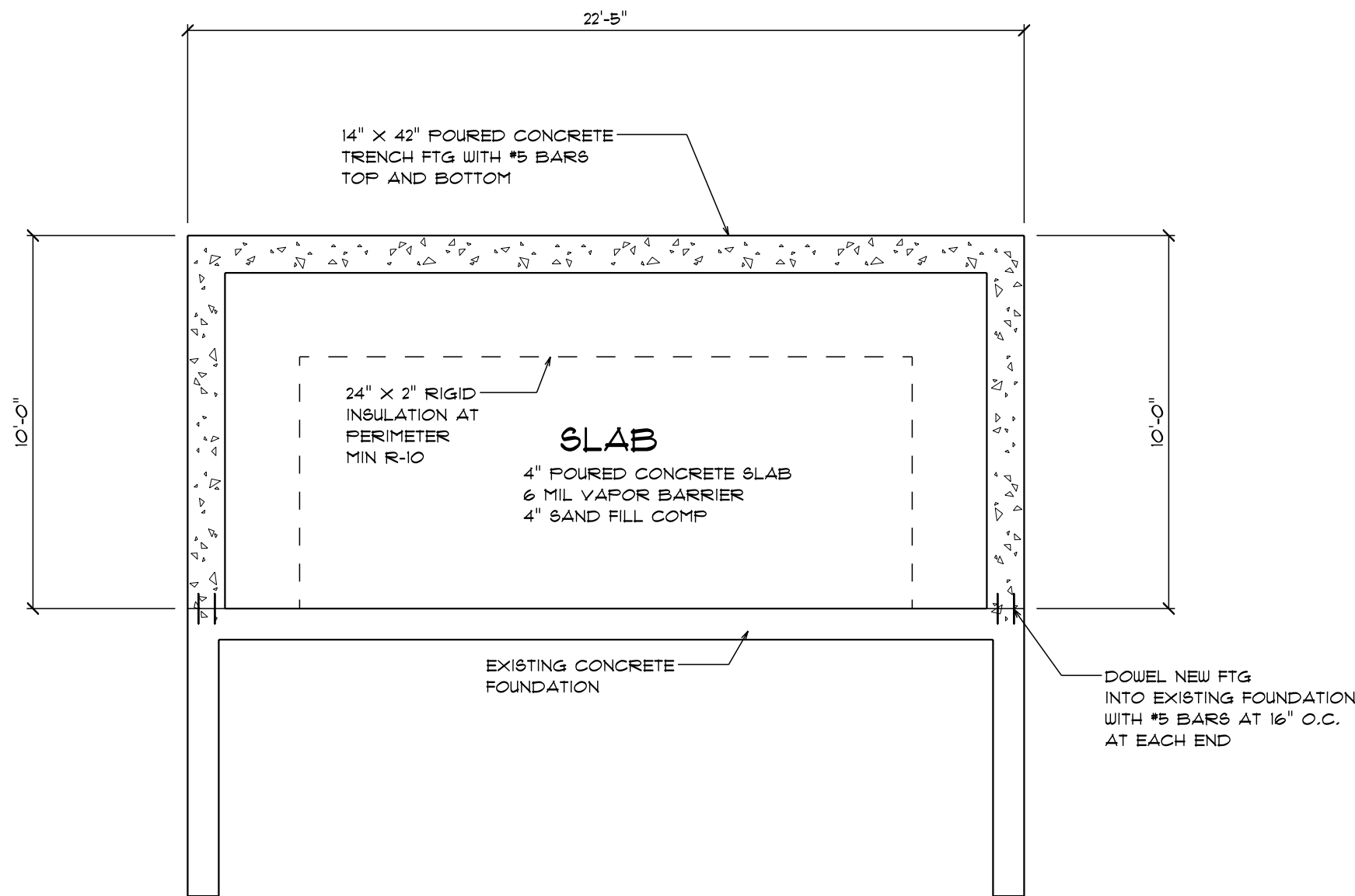
		NEW 2 X 6 STUD WALL @ 16" O.C.
		EXISTING BLOCK STRUCTURE TO REMAIN AS IS


$$\frac{1}{4}'' = 1'-0''$$

EXISTING BUILDING MOUNTED LIGHTING FIXTURE, REFER TO RETAIL PLAZA CENTER FOR SPEC INFO.

WATER PROOF EMERGENCY LIGHTING REMOTE HEAD UNIT, PROVIDE—
BATTERY REMOTE IN ACCESSIBLE CEILING, AND PROVIDE A LAMICOID
LABEL TO IDENTIFY TH SOURCE

SCALE: 1/4" = 1'-0"



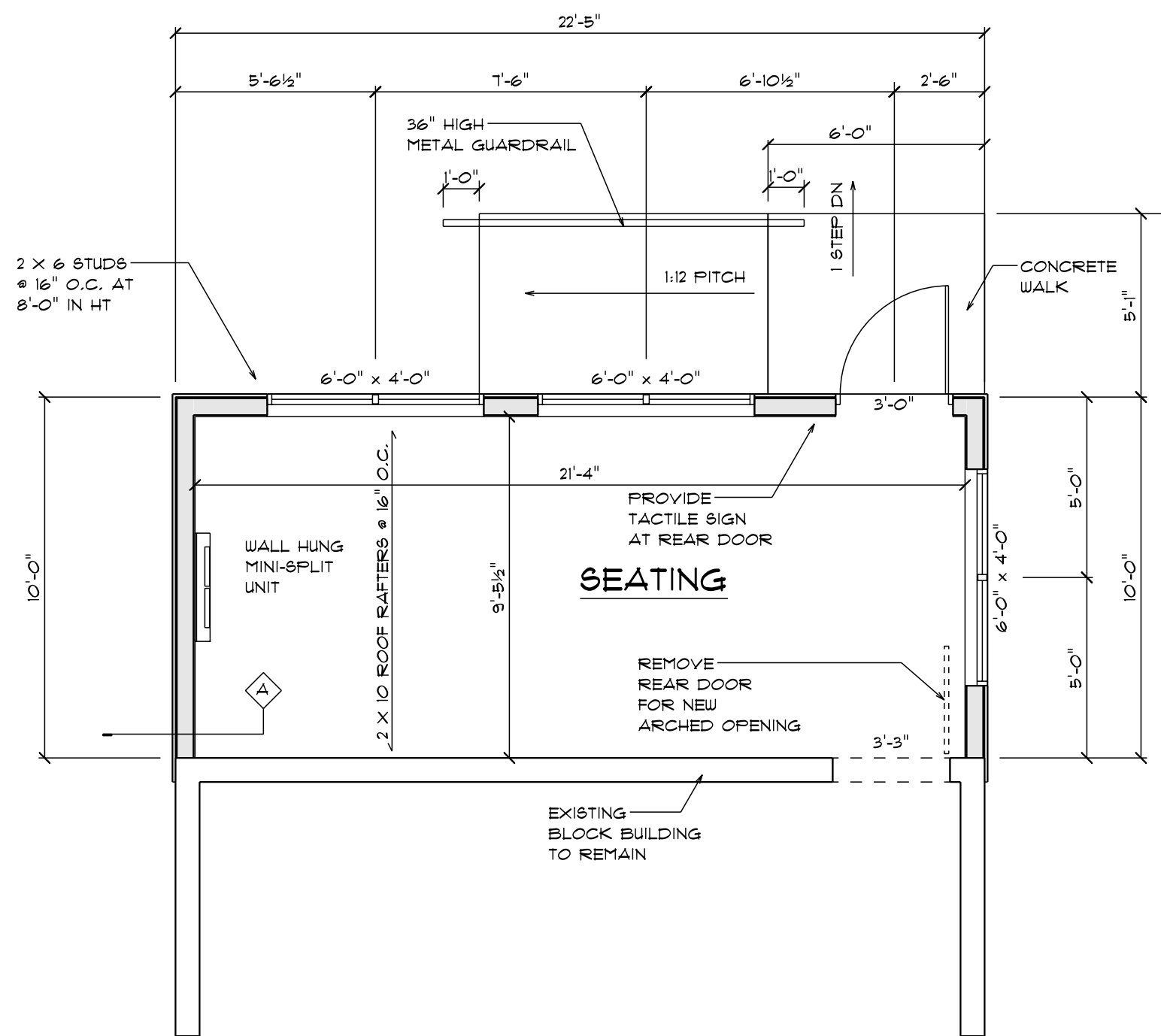
SCALE: 1/4" = 1'-0"

1. DO NOT SCALE DRAWINGS. NECESSARY DIMENSIONS ARE GIVEN. DIMENSIONS ARE TO BE VERIFIED IN THE FIELD FOR EXISTING CONDITIONS. DISCREPANCIES OR QUESTIONS REGARDING DIMENSIONS SHOULD BE DIRECTED TO THE ATTENTION OF THE ARCHITECT.
2. THE FLOOR PLAN IS A COMPOSITE DRAWING OF THE EXISTING BUILDING AND NEW CONSTRUCTION. THE EXISTING IS INDICATED IN LIGHTER LINE OR OUTLINE FORM. NEW CONSTRUCTION IS SHOWN BY A HEAVIER LINE WEIGHT AND IDENTIFIED BY LABEL, NOTE, MATERIAL PATTERN OR REFERENCED DRAWINGS.
3. MASONRY OR EXISTING WALL DIMENSIONS ON FLOOR PLANS ARE TO THE FACE OF BASIC WALL FINISH. DIMENSIONS TO NEW STUD WALLS ARE TO THE FACE OF STUD.
4. CONTRACTOR SHALL VERIFY AND COORDINATE THE LOCATIONS, ELEVATIONS, AND CONFIGURATIONS OF ALL MECHANICAL, PLUMBING, AND ELECTRICAL ITEMS TO BE PROVIDED, POTENTIAL INTERFERENCES SHOULD BE DIRECTED TO THE ATTENTION OF THE ARCHITECT.
5. OCCUPIED ROOMS ARE TO COMPLY WITH BARRIER-FREE REQUIREMENTS.
6. PROVIDE WALL REINFORCEMENT IN STUD WALLS FOR ATTACHMENT OF ALL ROOM ACCESSORIES, SHELVING, FURNITURE ETC., INCLUDING OWNER SUPPLIED AND INSTALLED UNITS (COORDINATE W/ OWNER).

ACT - ACOUSTICAL CEILING TILE	WD - WOOD (TBD BY OWNER/DESIGNER)
CLG - CEILING	CT - CERAMIC TILE
FRP - FIBERGLASS REINFORCED PLASTIC	GYP, BD. - GYPSUM BOARD
FL - FLOOR	PT - PAINT
HT - HEIGHT	VCT - VINYL COMPOSITION TILE
RB - RUBBER BASE	CRT - CARPET (TBD BY OWNER/DESIGNER)
LF - LAMINATE FLOOR	CB - CARPET BASE
EXIST. - EXISTING	EXPO - EPOXY FLOOR COATING

1. ALL WORK SHALL BE DONE ACCORDING TO APPLICABLE BUILDING CODES AND ORDINANCES AS WELL AS THE BEST PRACTICE AND STANDARDS OF THE TRADE. SUBCONTRACTORS SHALL BE RESPONSIBLE FOR OBTAINING PROPER PERMITS AND PAYING ALL APPLICABLE FEES.
2. THE CONTRACT DOCUMENTS DO NOT ATTEMPT TO DIVIDE AND ASSIGN WORK TO THE SUBCONTRACTORS. VERIFY WITH THE CONTRACTOR ASSIGNMENTS OF WORK, ESPECIALLY THOSE ITEMS WHICH COULD BE ASSIGNED TO VARIOUS CONTRACTORS.
3. EACH CONTRACTOR IS SOLELY RESPONSIBLE TO BE INFORMED, TO PROVIDE FOR AND TO MAINTAIN SAFETY OF OPERATING EQUIPMENT AND HANDLING OF MATERIALS. THE CONTRACTOR SHALL COMPLY WITH SAFETY STANDARDS OF OSHA, MICHSA AND ANY OTHER STANDARD ENFORCEABLE BY LAW.

1. ALL WORK PROVIDED AND INSTALLED BY THE CONTRACTORS SHALL MEET THE LATEST EDITIONS OF ALL STATE, LOCAL, FEDERAL AND N.E.C. REGULATIONS AND CODES.
2. ALL INTERIOR PARTITIONS ARE 3 5/8" METAL STUDS @ 16" O.C. @ 5/8" GYP. BD. EACH SIDE (TYP., UNLESS NOTED OTHERWISE).
3. PROVIDE BARRIER FREE BUILDING SIGNAGE AT ENTRANCES AND TOILET ROOMS AS PER "BARRIER-FREE" DESIGN REQUIREMENTS.
4. EQUIPMENT LOCATIONS AND SIZES SHOWN ARE FOR REFERENCE ONLY. EXACT LOCATIONS AND SIZES ARE TO BE FIELD VERIFIED WITH OWNER AND EQUIPMENT SUPPLIER.
5. CONTRACTOR IS TO COORDINATE ALL WALL, CEILING, FLOOR, ETC. FINISHES, LOCATIONS AND MATERIAL SPECIFICATIONS WITH OWNER PRIOR TO CONSTRUCTION.
6. ALL INTERIOR FINISHES SHALL BE IN ACCORDANCE WITH ALL LOCAL CODES
7. SERVICE COUNTER SHALL HAVE A PORTION A MINIMUM OF 36" WIDE AND MAX. 34" HIGH (2'-10") FOR BARRIER-FREE ACCESS.
8. EXISTING EXIT DOORS ARE TO REMAIN AS IS
9. THE EXISTING LAYOUT AND DIMENSIONS SHOWN ARE APPROXIMATE AND FOR BIDDING PURPOSES ONLY. ACTUAL FIELD VERIFICATION, OF ALL CONDITIONS SHALL BE UTILIZED PRIOR TO LAYOUT AND INSTALLATION CONSTRUCTION.
10. CONTRACTOR IS TO COORDINATE ALL INTERIOR PAINTING, INCLUDING BUT NOT LIMITED TO, ALL EXPOSED PIPING, CONDUIT, ETC.



SCALE: 1/4" = 1'-0"

QNTY	TPY	DESCRIPTION	BRAND
6	"FA"	6" RECESS ULTRA THIN LED DOWNLIGHT 13 WATT-65 WATT INCANDESCENT EQUAL 800 LUMENS LENSED TRIM, DIMMABLE 120V	ROSETA: VXP101699N

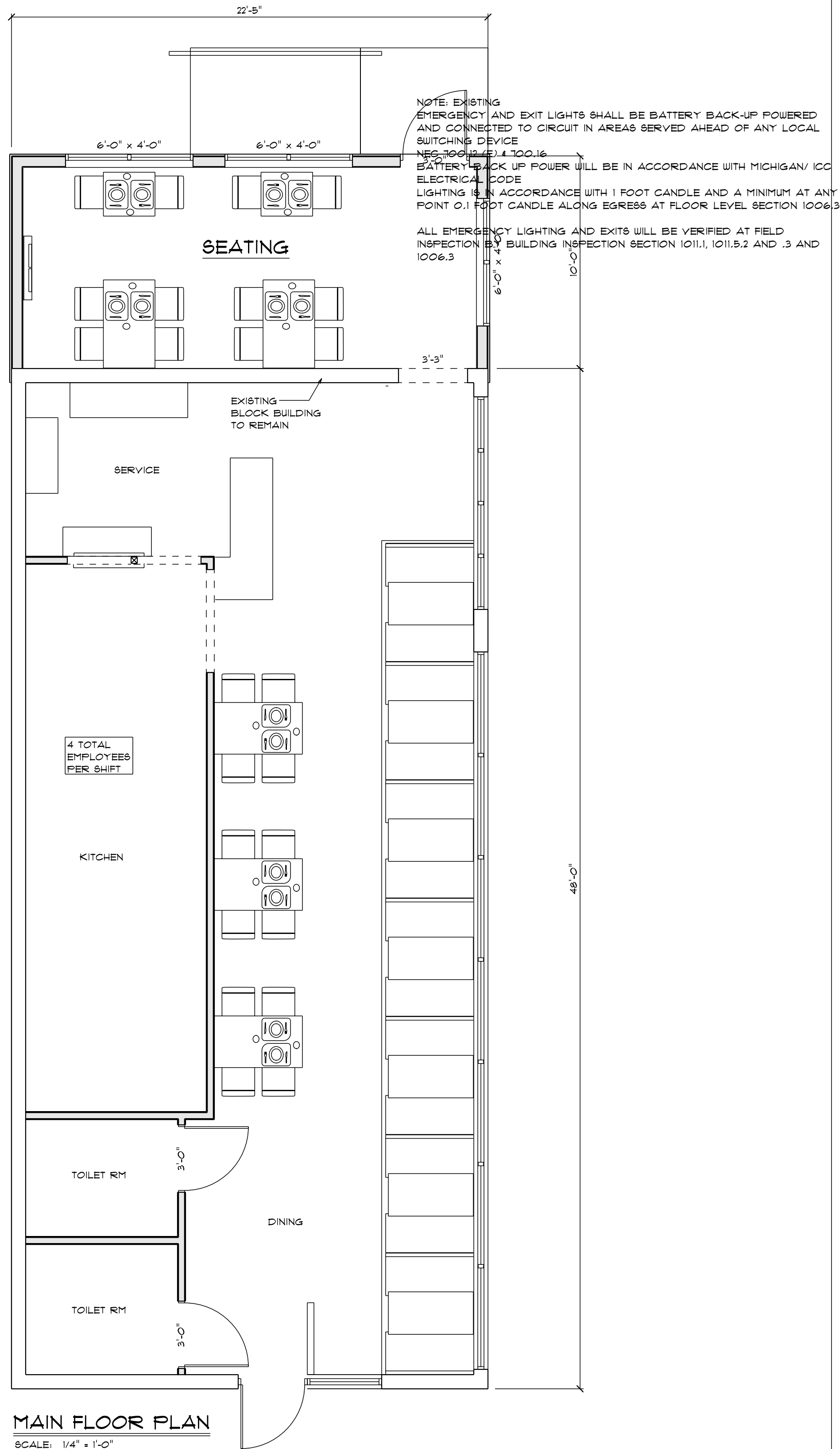
NOTE:
EMERGENCY LIGHTING UNITS SHALL BE WIRED TO LOCAL
LIGHTING CIRCUIT AHEAD OF ALL SWITCHING DEVICES TYPICAL
FOR ALL

EMERGENCY BATTERY UNITS TO BE MOUNTED AT APPROXIMATELY
T-6" AFF, MOUNT EXIT SIGNS AT 12" ABOVE DOOR OPENINGS.
MOUNT UNITS IN EXPOSED CONSTRUCTION AREA AT 8'-0" AFF, INSTALL
ON UNISTRUT AND SUPPORT FROM JOIST ABOVE

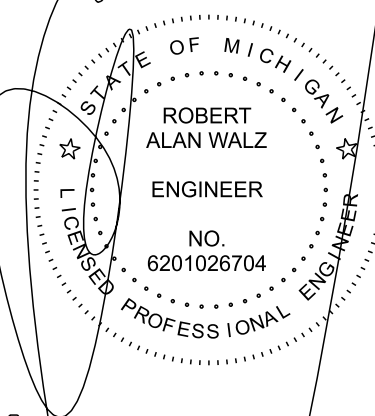
"EMER" EMERGENCY LIGHTING UNIT WITH SEALED BATTERY
MIN 90 MIN BACKUP INTENSITY
TEST SWITCH AND READY LIGHT 120VAC OPERATION
LITHONIA CAT* ELU-2H OR APPROVED EQUAL

"X"
EXIT LIGHT STENCIL FACE 6" HIGH RED
LETTERS SEALED BATTERY, MIN 90 MIN INTENSITY
LITHONIA CAT® ESIR-ELC OR APPROVED EQUAL

EM/X 2-5.4 W T-5 TUNGSTEN LAMPS W/ MOLD METAL REFLECTOR
POLYCARB EXIT/EMERGENCY LIGHT COMBO
LITHONIA *LHQM



ENGINEER



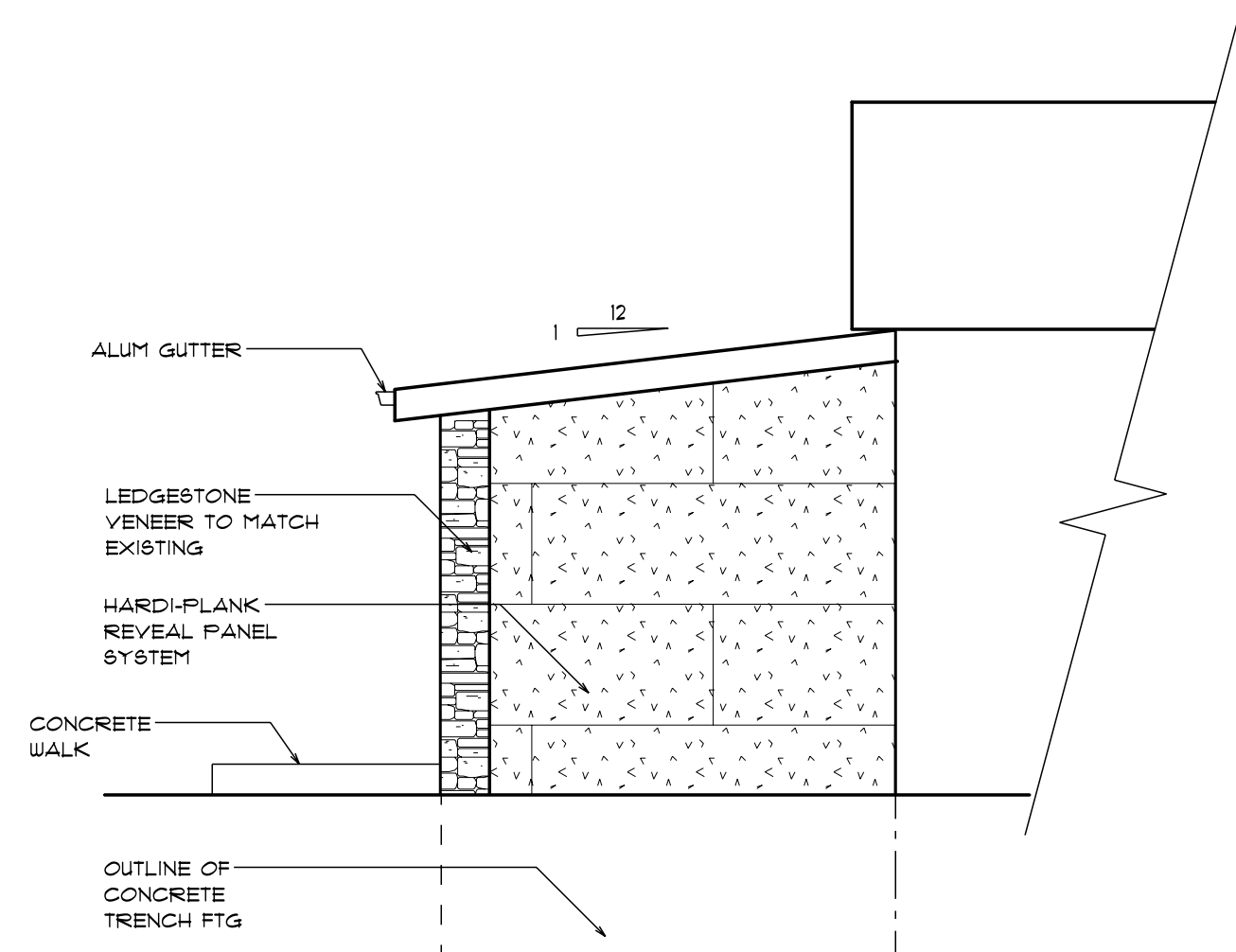
CLIENT: GOLDEN GRILL
3170 W. 11 MILE RD
BERKLEY, MI

PROJECT: ONE STORY REAR ADDITION TO AN EXISTING RESTAURANT

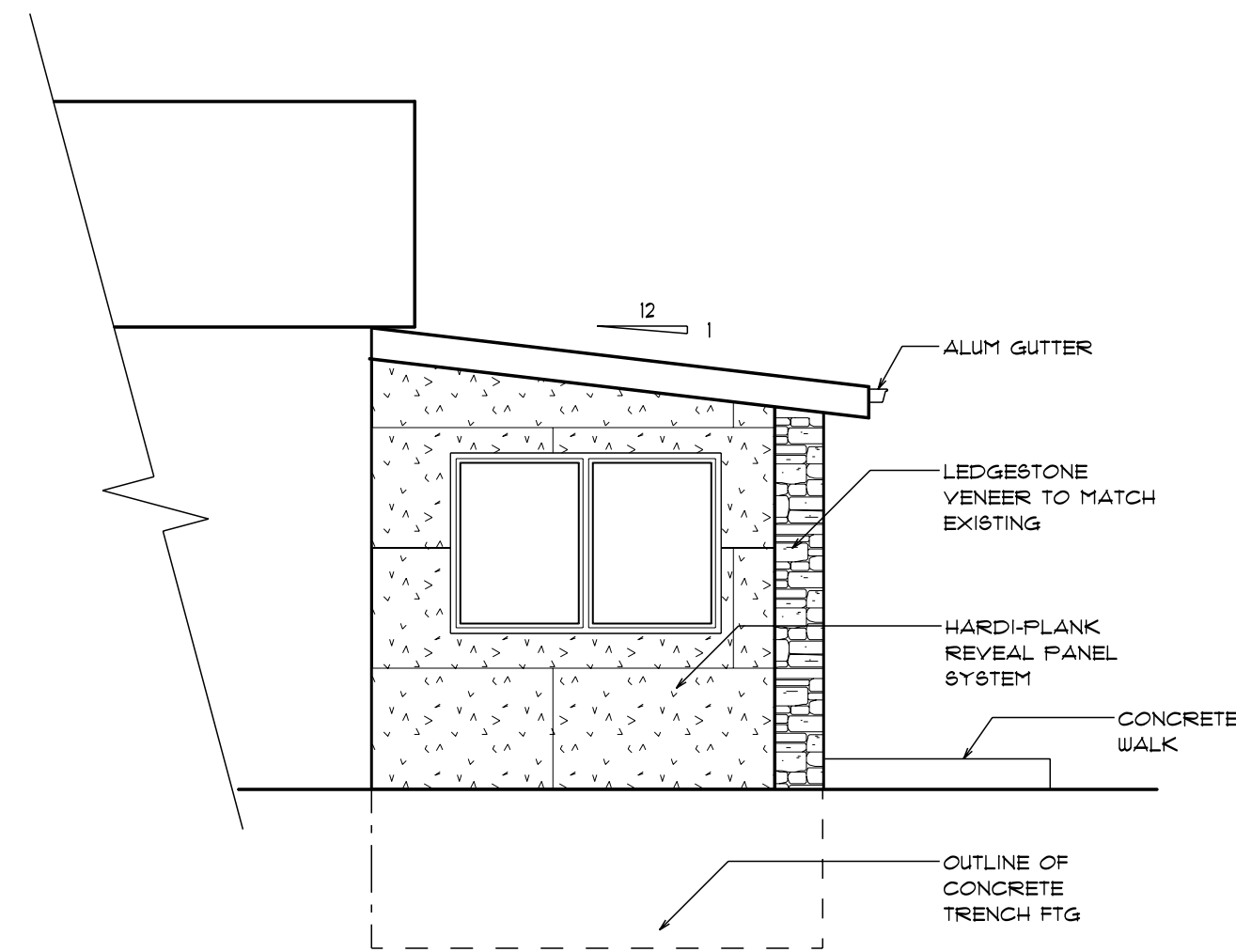
DATE:	9-9-25
PROJECT NO.	25-144
DRAWN BY:	EKH
CHECKED BY:	RAW
REVISION DATE:	10-14-25

SHEET #

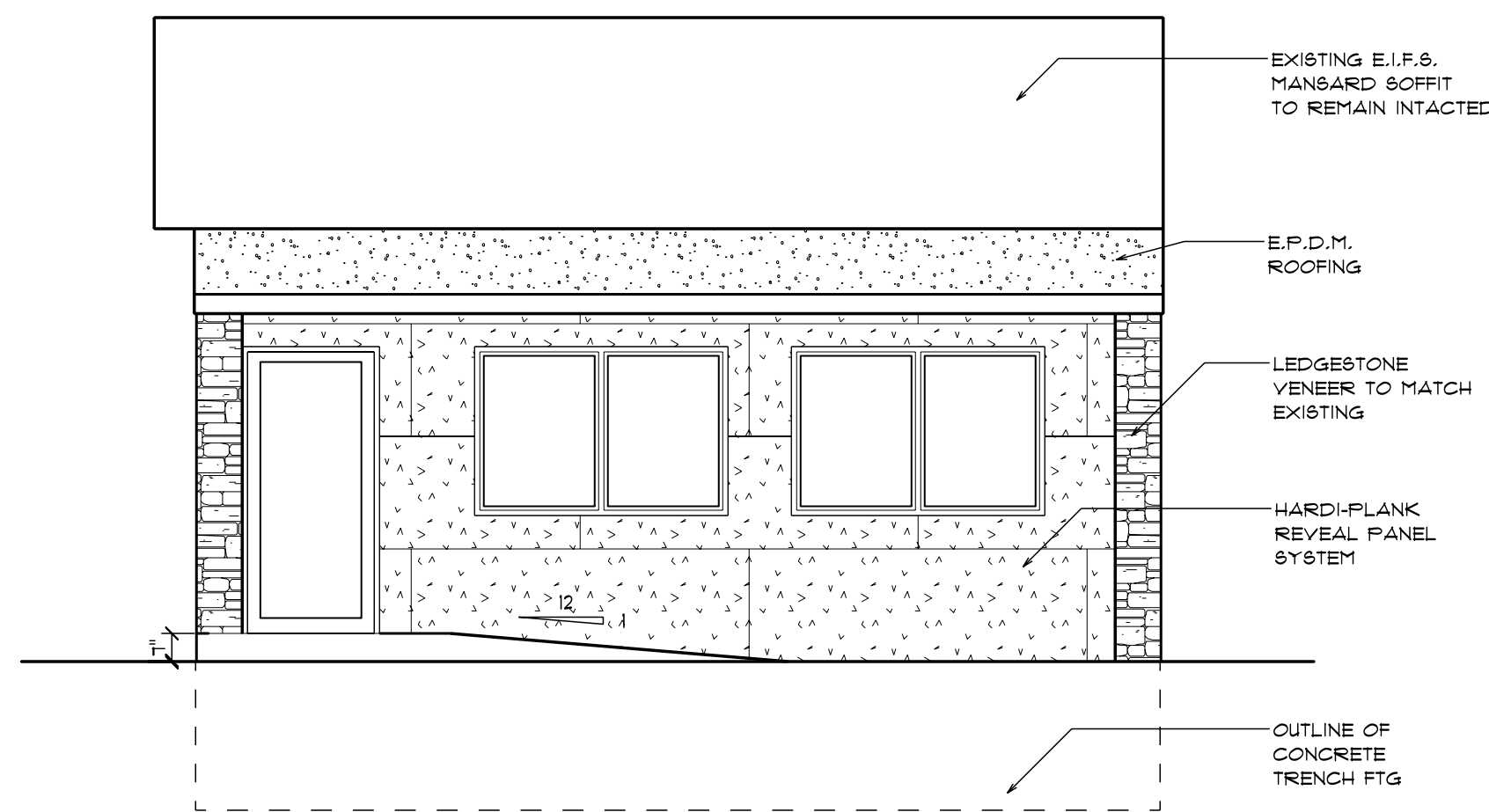
 $\Delta-1$



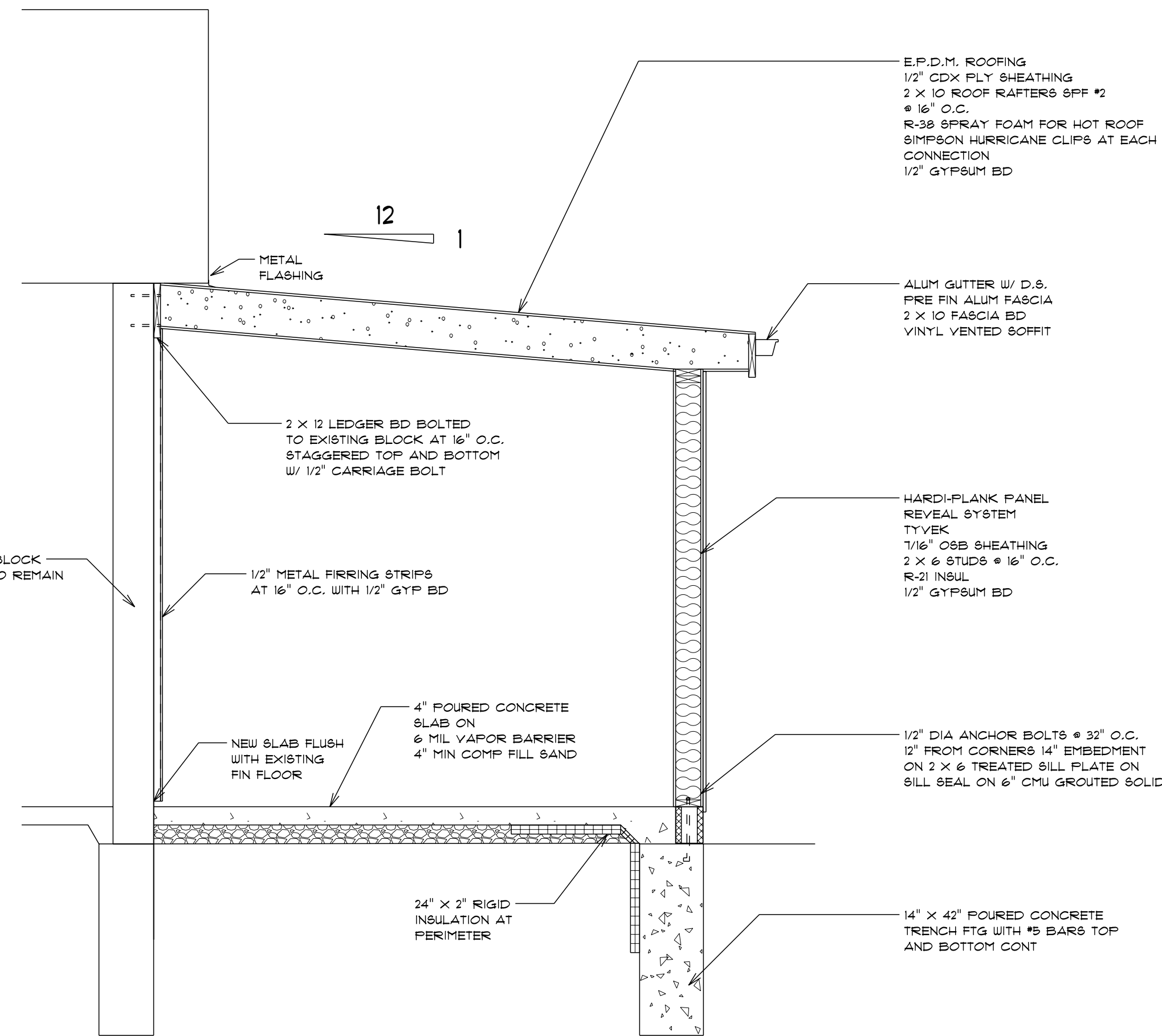
LEFT ELEVATION
SCALE: 1/4" = 1'-0"



RIGHT ELEVATION
SCALE: 1/4" = 1'-0"

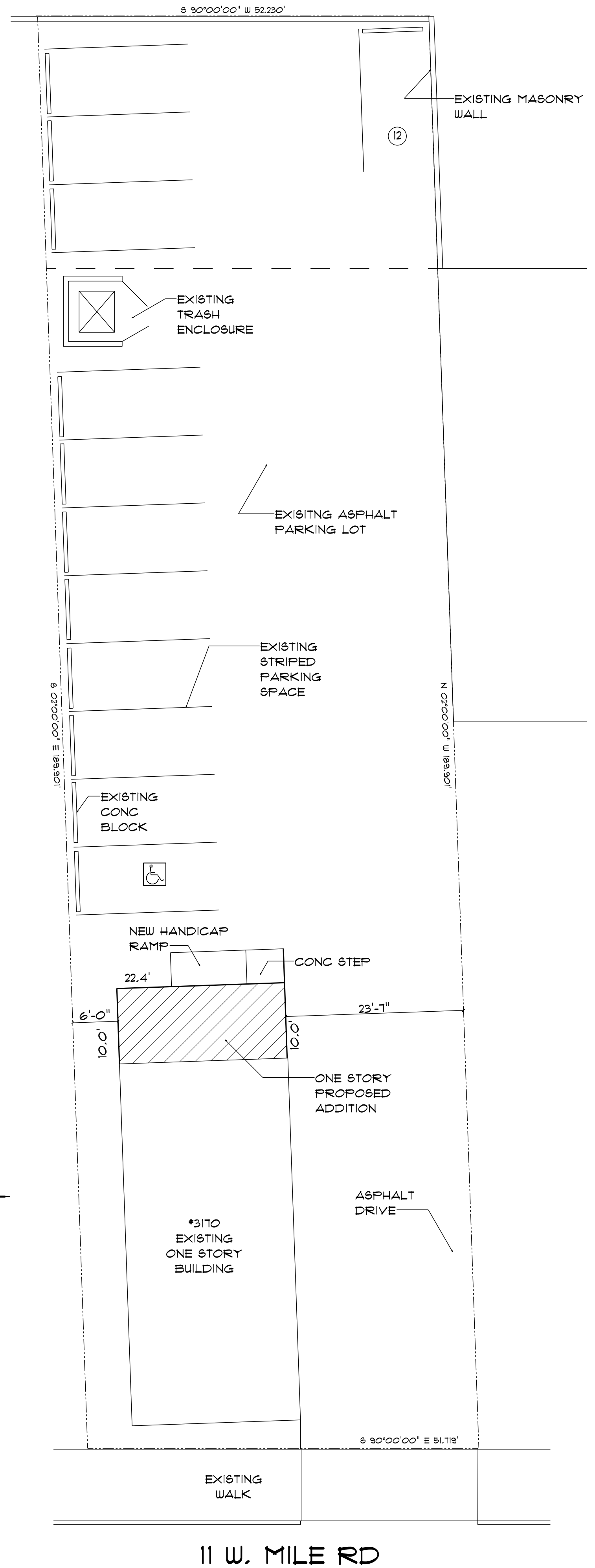
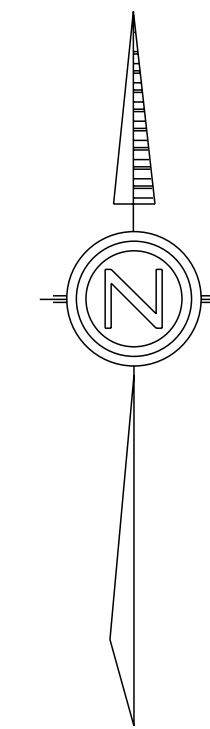


REAR ELEVATION
SCALE: 1/4" = 1'-0"



BUILDING SECTION
SCALE: 1/2" = 1'-0"

LEGAL DESCRIPTION
PARCEL ID #25-18-453-031
LOT W. 51.71' OF LOT BLOCK 999 SUBD
A88E660R6 REPLAT MEADOWS



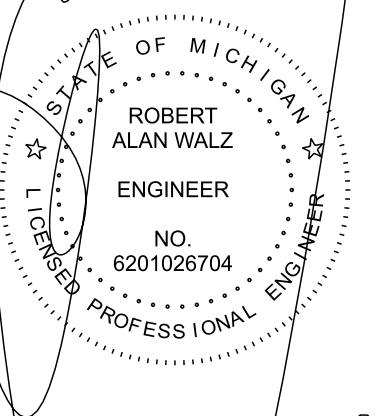
SITE PLAN
SCALE: 1/4" = 1'-0"

POLYARCH INC.
44045 N. GREATOT AVE.
CLINTON TWP., MI 48036

(O)586.468.4150 (F)586.468.1859

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ENGINEER:



CLIENT: GOLDEN GRILL
3170 W. 11 MILE RD
BERKLEY, MI

PROJECT: ONE STORY REAR ADDITION TO
AN EXISTING RESTAURANT

DATE:	9-9-25
PROJECT NO.	25-144
DRAWN BY:	EKH
CHECKED BY:	RAU
REVISION DATE:	10-14-25

SHEET •

A-2



CITY OF BERKLEY COMMUNITY DEVELOPMENT

3338 COOLIDGE HWY, BERKLEY, MICHIGAN 48072

MEMORANDUM

To: Golden Grill, Applicant

From: Kristen Kapelanski, Community Development Director

Subject: **PSP-11-25: 3170 Eleven Mile Rd. – Golden Grill Addition**

Date: March 23, 2026

The applicant is proposing to add a 224 sq. ft. addition to the rear of the property. The zoning of the property is Flex District. In instances where a structure is expanded by more than 5%, Planning Commission approval is required. The proposed expansion is approximately 20% of the total area of the structure.

The ***italicized, bolded*** comments below need to be addressed by the applicant before the plan can be forwarded to the Planning Commission for review.

1. All buildings and other structures must be constructed of durable materials, such as face brick, treated concrete, steel, aluminum, or other architectural exterior surfaces or equal material. The applicant is proposing stone veneer on the sides of the building to match the existing building material and Hardi-Plank siding, which is a fiber cement lap siding, on the rear elevation. The Planning Commission will need to determine whether the proposed materials are acceptable under the ordinance standards and Section 15.05.C.2. ***The applicant should bring materials samples to the Planning Commission meeting.***
2. Sit-down restaurants require two parking spaces for each 100 sq. ft. of usable floor area plus one per employee at peak shift. Usable floor area includes the seating area of the restaurant plus half of all other areas. (Alternately, 80% of the gross floor area of the building can be used.) This location is within 500 feet of a municipal parking lot and is exempt from parking requirements.
3. In reviewing the plan, the Planning Commission will determine whether the proposed improvements are in compliance with the standards in Section 15.05.

Please contact me if you have any questions.

Cc: Kim Anderson, Zoning Administrator



Carlisle | Wortman
ASSOCIATES, INC.

117 NORTH FIRST STREET SUITE 70 ANN ARBOR, MI 48104 734.662.2200 734.662.1935 FAX

TO: Berkley Planning Commission

FROM: Megan Masson-Minock, AICP, Principal
Michelle Marin, AICP, Associate Planner

DATE: March 24, 2026

RE: Data Center Regulations

Based on direction at the February Planning Commission meeting, we have drafted revisions to the proposed data center zoning ordinance regulations. The changes are reflected in the attached draft using redlined edits. A summary of the revisions is provided below.

1. **Parking Standards.** Parking standards specific to data centers have been added to Section 14.04.Q. While parking demand for data centers is generally low, these facilities typically include loading docks and will also be required to provide loading spaces in accordance with Section 14.08.
2. **Residential Setbacks.** Additional setback requirements have been incorporated for adjacent properties zoned or used for residential purposes, requiring an extra 10 feet of separation compared to setbacks from non-residential property lines.
3. **Separation Between Data Centers.** A minimum 1,000-foot separation requirement between principal use data centers has been added.
4. **Noise Standards.** Noise regulations have been included, establishing daytime and nighttime noise limits, generator testing requirements, acoustical study requirements, and vibration standards. The standards are intended to address the unique noise characteristics of data centers, which generate continuous mechanical noise from cooling and electrical systems, as well as intermittent high-intensity noise from backup generators. Lower nighttime limits are designed to protect nearby residents during sensitive hours, while restrictions on generator testing balance operational needs with neighborhood impacts. The requirement for acoustical studies ensures that noise impacts are accurately predicted and verified under real-world conditions. Inclusion of low-frequency noise and vibration addresses common concerns associated with data center operations, such as persistent hums and structural disturbance.
5. **Abandonment.** The ordinance now includes a more detailed description of “abandonment” to clarify when decommissioning requirements may be triggered.

Benjamin R. Carlisle, *President* John L. Enos, *Vice President*
Paul Montagno, *Principal* Megan Masson-Minock, *Principal* Laura Kreps, *Principal* Brent Strong, *Principal*
David Scurto, *Principal* Sally M. Elmiger, *Principal* Craig Strong, *Principal* Douglas J. Lewan, *Principal*
Richard K. Carlisle, *Past President/Senior Principal* R. Donald Wortman, *Past Principal*

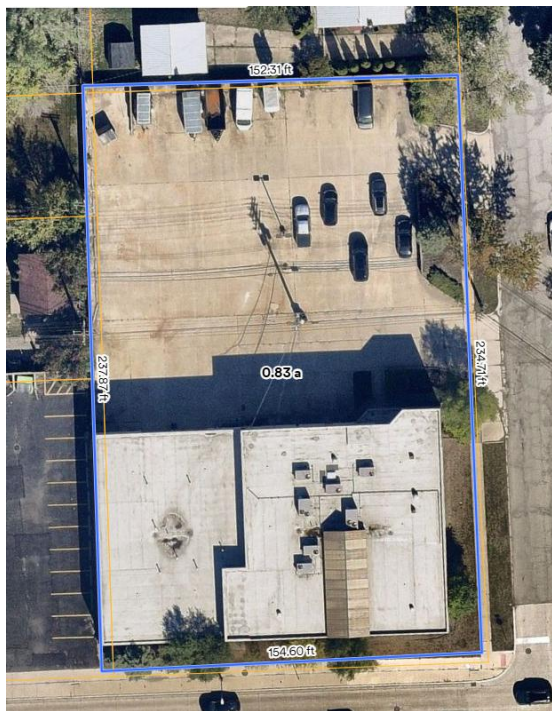
Proposed ZO Amendment: Data Centers
March 24, 2026

In addition to these revisions, several sites within the Flex District have been identified that could potentially accommodate a Large Data Center (See attachment 2). In each case, development would require the assemblage of two or more parcels and the reuse or demolition of existing structures. The minimum lot area required for Small Data Centers is half that required for Large Data Centers. As a result, there are more potential locations where a Small Data Center could be accommodated, including the parking areas behind 4000 and 4800 11 Mile Road between Ellwood and Thomas Avenues (Figure 1), as well as the site at 3800 11 Mile Road west of Bacon Avenue (Figure 2).

Figure 1. Potential site for small data center, parking behind 4000 and 4800 11 Mile Road



Figure 2. Potential site for small data center, 3800 11 Mile Road



Amendment to Article 2 Definitions

Data Center

A building or portion of a building used primarily for the storage, processing, or transmission of digital data, including servers, data storage or processing systems, network equipment, power distribution systems, cooling equipment, and associated support infrastructure. A data center must be characterized by one (1) or more of the following: uninterruptible power supply (UPS) systems; redundant electrical distribution; emergency generators; dedicated cooling equipment; raised flooring; specialized fire suppression systems; and enhanced physical security. The term does not include accessory server rooms clearly incidental to a permitted principal use containing a limited amount of information technology equipment serving the internal needs of a building, typically supported by standard building electrical and mechanical systems, and not requiring emergency power, redundant distribution, or dedicated cooling systems.

Large Data Center

A Data Center that meets **any** of the following thresholds:

- Gross floor area greater than **20,000 square feet**;
- Designed peak electrical demand greater than **3 megawatts (MW)**; or
- Use of water-based cooling systems with projected average water use exceeding **25,000 gallons per day**.

Small Data Center

A Principal Use Data Center that does not meet the definition of a Large Data Center.

Accessory Data Center

A Data Center that is incidental and subordinate to a principal permitted use, occupies no more than **5,000 square feet**, and primarily serves on-site operations.

Amendment to Section 6.03.C. Use Groups

Group 5: Mixed Use High Impact

Add: Accessory Data Centers

Group 7: Miscellaneous Commercial

Add: Accessory Data Centers

Group 8: Industrial

Add: Accessory Data Centers

Add: Small Data Centers

Add: Large Data Centers

Amendment to Section 14.04.Q. Off-Street Parking Requirements

5.	f.	Data Centers, large, small, or accessory	1 space per employee at largest shift
----	----	--	---------------------------------------

New Section 8.23: Data Centers

A. Purpose and Intent

The purpose of this ordinance is to establish a regulatory framework for siting, design, operation, and decommissioning of Data Centers in order to balance local economic benefits with the protection of public health, safety, welfare, natural resources, and neighborhood character. Standards are intended to:

1. Direct Data Centers to locations with existing and adequate infrastructure, redevelopment and infill of existing sites, and minimal land-use conflicts;
2. Avoid and mitigate nuisance impacts (noise, vibration, light/glare, air emissions);
3. Ensure efficient consumption and use of electricity and water, prioritizing renewable energy and conservation;
4. Promote context-appropriate architecture and robust screening;
5. Ensure compatibility with adjacent land uses and the City's Master Plan; and
6. Ensure responsible decommissioning and site restoration.

B. Design Requirements

1. Minimum Lot Area
 - o Small Data Center: twenty thousand (20,000) square feet
 - o Large Data Center: forty thousand (40,000) square feet
2. Setbacks
 - a. Small Data Centers: Minimum distance from all non-residential property lines is twenty-five (25) feet, Minimum distance from all residentially zoned or used adjacent property lines is thirty-five (35) feet.

- b. Large Data Centers: Minimum distance from all non-residential property lines is thirty-five (35) feet. Minimum distance from all residentially zoned or used adjacent property lines is forty-five (45) feet.
 - c. Mechanical equipment must be located as far as practicable from residential lot lines
- 3. Building Height
 - a. Maximum height, including rooftop mechanical equipment and cooling towers, must comply with the underlying District standards
- 4. Lot Coverage

a. Maximum lot coverage must not exceed 60%

5. Buffers

- a. Principal use data centers must be at least 1,000 feet from all other principal use data centers.

C. Performance Standards

1. Noise

- a. Noise Limit. Routine operations (including cooling equipment and generators) shall not exceed 60 dBA Leq of continuous noise and 50 dBA Leq of impulse noise at the property line. Nighttime (11 p.m. – 7 a.m.) limits shall not exceed 40 dBA Leq of continuous noise and 30 dBA of impulse noise. Noise limits shall be measured at all frequencies from sub-sonic to hyper sonic.
- b. Generator Testing. Routine testing shall occur between 9:00 a.m.–6:00 p.m. weekdays. Noise limits for generator testing and use of back-up generators during power outages shall not exceed 60 dBA Leq of continuous noise and 100 dBA Leq of impulse noise at the property line.
- c. For Large Data Centers, the City may require a post-installation acoustical study prepared by a qualified professional. The study shall include all proposed development on a lot or site plan and shall be measured at five (5) feet above grade along the property lines. The noise study shall address the following circumstances:
 - 1. Expected maximum noise output with all cooling and any other noise-generating equipment operating simultaneously at full operational load.

2. The use of back-up generators during power outages.

3. The routine testing of generators.

d. Vibration. Operations shall not cause perceptible vibration at the property line per ANSI/ISO criteria.

2. Mechanical Equipment and Screening

- a. All rooftop and ground-mounted mechanical equipment, including HVAC, generators, cooling towers, and transformers, must be fully screened from public streets and residential properties and designed to integrate architecturally with the building.
- b. Cooling towers, generators, and transformers must include noise attenuation features where necessary to meet performance standards.

3. Energy and Sustainability

- a. Efficiency Target. Design for PUE (Power Usage Effectiveness) of 1.3 or lower or demonstrate the highest efficiency reasonably achievable given site constraints; provide documentation at Site Plan and post-occupancy.
- b. Renewable Energy. Demonstrate that greater than 25% of projected annual energy demand will be met via on-site generation, power-purchase agreements, renewable energy credits, or utility green-power programs.
- c. Heat Reuse. Provide a feasibility analysis for waste-heat recovery or district-energy interconnection.
- d. Reporting. See Section D for annual reporting requirements.
- e. Water Conservation.
 - i. Cooling systems must be designed to minimize potable water consumption, with preference for air-cooled, hybrid, or closed-loop water systems.
 - ii. Facilities using water-based cooling must demonstrate the use of recycled, reclaimed, or non-potable water sources to the maximum extent feasible.
- f. Small and Large Data Center Security and Emergency Access
 - i. Perimeter Security.

1. Sites must be fully enclosed with a perimeter security system, which may include fencing, walls, or equivalent barriers not less than eight (8) feet in height.
2. Security barriers must be designed to balance safety with community character; opaque fencing must be screened with landscaping where visible from public roads or residential areas.

ii. Access Control.

1. All site entrances must include controlled access gates, guard stations, or equivalent security technology to prevent unauthorized entry.
2. Visitor and delivery access points must be separated from employee access points wherever feasible.

iii. Emergency Access.

1. A minimum of two (2) points of emergency vehicle access must be provided, with clear signage and unobstructed pathways around the building.
2. Access drives must be constructed to fire department standards, with sufficient load-bearing capacity for emergency apparatus.
3. Fire lanes must be maintained free of obstructions at all times.

iv. Cameras.

1. Installation and maintenance of a perimeter camera surveillance system capable of monitoring all vehicular and pedestrian access points, building entrances, and outdoor mechanical/equipment areas.
2. Cameras must be positioned to minimize intrusion into adjoining residential properties and public rights-of-way, while still providing full coverage of the site.
3. Camera systems must be continuously operational (24 hours per day, 7 days per week) and recordings must be retained for a minimum of 30 days.

4. A security plan, including camera layout, monitoring procedures, and data retention policies, must be submitted as part of site plan review.
- v. Fire Protection.
1. Sites must be equipped with an automatic fire detection and suppression system designed to protect both building occupants and sensitive equipment.
 2. Suppression systems must comply with National Fire Protection Association (NFPA) standards and be approved by the Fire Marshal.
- vi. Hazardous Materials.
1. Any use of hazardous materials (including fuels for backup generators, batteries, and chemicals for cooling systems) must comply with federal, state, and local storage, reporting, and disposal requirements.
 2. Applicants must provide a Hazardous Materials Management Plan identifying on-site materials, storage methods, spill prevention measures, and emergency response procedures.
 3. Applicant must provide a fire protection plan.
- vii. Emergency Response Plan. Applicants must submit an Emergency Response Plan to the City at the time of Site Plan review, which must include:
1. Site layout for emergency responders.
 2. Fire suppression and alarm systems description.
 3. Backup generator location and fuel storage details.
 4. Contact information for on-site security and facility management.
 5. Operators must provide annual training opportunities or site orientations to local fire, police, and emergency medical services.

D. Monitoring and Reporting

1. Commissioning Documentation: Prior to Certificate of Occupancy, submit commissioning results for mechanical/electrical systems and acoustical compliance.
2. By March 31 of each year, operators of Large Data Centers must submit an annual report to the City containing:
3. Energy Use
 - a. Total annual electricity consumption (MWh)
 - b. Peak demand (MW)
4. Water Use
 - a. Total annual water consumption (gallons)
 - b. Cooling system type
5. Noise Compliance
 - a. Summary of any noise complaints and corrective actions taken
6. Generator Operations
 - a. Total hours of generator testing and operation
 - b. Confirmation of compliance with applicable state and federal regulations

Failure to submit the required report may constitute a zoning violation subject to enforcement under the Zoning Ordinance.

E. Use of Consultants and Cost Recovery

1. The City may retain qualified consultants to review energy efficiency, water consumption and use, air quality, BESS safety, renewable energy, stormwater, noise, and related matters.
2. All reasonable costs must be escrowed by the applicant.

F. Decommissioning

1. Plan Required. As a condition of Special Land Use Approval and Site Plan approval for Small and Large Data Centers, the applicant must submit a Decommissioning and Site Restoration Plan that address:

- a) Triggers for decommissioning.
- b) Methods for removal of structures, equipment, utilities, and impervious surfaces.
- c) Recycling and disposal of equipment and hazardous materials.
- d) Final grading, soil stabilization, and revegetation.
- e) Restoration of the site to a condition compatible with surrounding uses.

2. Triggers for Decommissioning

- a) A center must be considered abandoned if it ceases operations and remains inactive, unused, or substantially vacant for a period of 12 consecutive months, unless the owner provides evidence of intent to resume operations. Evidence of abandonment may include, but is not limited to, the removal of servers or operational equipment, termination of utility service necessary for operation, failure to maintain the site or building, or the absence of on-site personnel required for normal facility operations.
- b) Decommissioning must begin within 6 months of abandonment and be completed within 12 months.

3. Performance Guarantee / Financial Assurance

- a) Prior to issuance of a building permit, the applicant must post a financial guarantee in the form of a letter of credit, bond, or escrow account acceptable to the City.
- b) The amount must equal 125% of the estimated decommissioning cost, as determined by a qualified engineer and approved by the City.
- c) Estimates must be updated every 5 years and adjusted for inflation.

4. Removal Standards

- a) All above-ground structures, including buildings, mechanical equipment, cooling towers, security fencing, and pavement not otherwise serving a reuse, must be removed.
- b) Below-ground infrastructure, such as foundations and utilities, must be removed to a minimum depth of 36 inches below grade unless otherwise approved.
- c) Materials must be recycled to the maximum extent practicable.

5. Site Restoration

- a) The site must be restored with topsoil, seeded or planted with native vegetation, and stabilized to prevent erosion.
- b) The City may approve alternate restoration plans if the site is proposed for redevelopment consistent with the Master Plan and Zoning Ordinance.

6. Failure to Decommission

- a) If the owner fails to complete decommissioning in accordance with the approved plan, the City may draw upon the financial guarantee to complete the work and assess/lien subject parcel(s) for any cost in excess of the amount of the submitted bond
- b) Any costs exceeding the financial guarantee must remain the responsibility of the property owner.

G. Relationship to Other Ordinance Provisions

Where the standards of this section conflict with other provisions of the Zoning Ordinance, this section must govern. All other applicable building, fire, environmental, and utility regulations must apply.

Proposed ZO Amendment: Data Centers

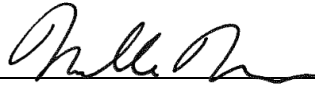
March 24, 2026

We look forward to discussing these revisions with the Planning Commission at an upcoming meeting.

Sincerely,



CARLISLE/WORTMAN ASSOC., INC.
Megan Masson-Minock, AICP
Principal



CARLISLE/WORTMAN ASSOC., INC.
Michelle Marin, AICP
Associate Planner

Attachment 2: Prospect Large Data Center Sites

3800 and 3890 11 Mile, between Cummings and Bacon Avenues. Includes Quest Waste Solutions.



4080 and 4000 11 Mile + rear lots, between Ellwood and Thomas Avenues. Includes Pinchin and Strategic Energy Solutions



3709 – 3784 11 Mile, between Buckingham and Tyler Avenues. Includes Arnal Lumber and NuTech cleaning products supplier



3120 11 Mile, between Gardner and Griffith Avenues. Includes Eleven Cannabis and Acme Tube Bending



2800 + 2850 11 Mile (blue), or 2850 + one or more parcels to the west (green). Includes Yad Ezra, Specialties Showroom, Frank's Liquor.



2114 – 2290 11 Mile, between Berkley and Henley Avenues. Includes Masonic Temple, Butter, Henley Gas



1961, 1992, + 2036 11 Mile (blue) OR 1961, 1992, 2036, + 2070 11 Mile (green). Includes Medshop pharmacy, GoPuff Berkley.





Carlisle | Wortman
ASSOCIATES, INC.

117 NORTH FIRST STREET SUITE 70 ANN ARBOR, MI 48104 734.662.2200 734.662.1935 FAX

TO: Berkley City Council and Planning Commission

FROM: Megan Masson-Minock, AICP, Principal
Michelle Marin, AICP, Associate Planner

DATE: April 20, 2026

RE: Payment in Lieu of Parking Ordinance Amendment and Fee Schedule

Based on direction provided by the City Council and Planning Commission, we have drafted the attached zoning ordinance amendment to Section 14.05.B. describing the Payment in Lieu of Parking process, along with a corresponding fee schedule to be adopted by resolution by the City Council.

The intent of the PILP program is to provide flexibility from minimum parking requirements in situations where strict compliance would limit reinvestment or redevelopment, particularly on constrained sites. At the same time, the amendment is structured to ensure that any reduction in on-site parking does not result in adverse impacts on surrounding residential neighborhoods. The program is specifically designed to support adaptive reuse of existing buildings and walkable, mixed-use development patterns, while discouraging overreliance on the option for new construction.

Eligibility is limited to non-residential uses and residential uses only when part of a mixed-use development. The ordinance also establishes clear review criteria, including the availability of nearby parking, anticipated parking demand, neighborhood impacts, and consistency with the Master Plan.

The proposed fee schedule utilizes a tiered structure, with higher per-space costs applied to the first spaces waived and decreasing incrementally for additional spaces. This approach is intended to reflect market conditions while ensuring the program remains viable and not cost-prohibitive to redevelopment. The 2026 fee schedule is as follows:

- \$6,250 per space for spaces 1–5
- \$5,000 per space for spaces 6–10
- \$3,750 per space for spaces 11 and above

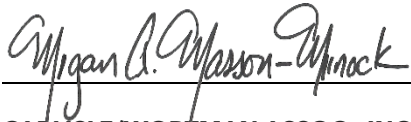
Benjamin R. Carlisle, *President* John L. Enos, *Vice President*
Paul Montagno, *Principal* Megan Masson-Minock, *Principal* Laura Kreps, *Principal* Brent Strong, *Principal*
David Scurto, *Principal* Sally M. Elmiger, *Principal* Craig Strong, *Principal* Douglas J. Lewan, *Principal*
Richard K. Carlisle, *Past President/Senior Principal* R. Donald Wortman, *Past Principal*

All payments would be deposited into a dedicated fund to support public parking improvements, shared parking, and mobility-related investments within the City.

Overall, the proposed amendment provides a balanced framework that allows flexibility where appropriate, establishes clear decision-making criteria, and ensures that any reduction in parking contributes to broader City parking and mobility goals.

Please let us know if you have any questions or would like additional information prior to consideration.

Sincerely,



CARLISLE/WORTMAN ASSOC., INC.
Megan Masson-Minock, AICP
Principal



CARLISLE/WORTMAN ASSOC., INC.
Michelle Marin, AICP
Associate Planner

Amendment to Section 14.05B – Payment-in-Lieu of Parking

Section 14.05B – Payment-in-Lieu of Parking (PILP) Option

After using on-street, public parking, or municipal lot parking spaces towards the required parking, the ~~Planning Commission~~City may waive some of the remaining required parking for developments requiring a site plan, special land use permit, or business license application, subject to the applicant's election to contribute a one-time fee to the City's Public Parking Fund in an amount established by resolution of City Council, in lieu of the number of spaces waived.

A. Purpose and Intent

The purpose of the Payment-in-Lieu of Parking (PILP) option is to provide flexibility from minimum off-street parking requirements in order to promote the highest and best use of parking-constrained properties while balancing the potential impacts on surrounding residential neighborhoods. The PILP option is intended to:

1. Encourage adaptive reuse and reinvestment in existing buildings;
2. Support walkable, mixed-use development patterns;
3. Reduce the need for excessive on-site parking; and
4. Ensure that any reduction in required parking does not result in undue burden on adjacent residential areas.

B. Applicability

1. The PILP option may be considered for the following uses:
 - a. Non-residential uses.
 - b. Residential uses only when part of a mixed-use development.
2. The PILP option must:
 - a. Be prioritized for **adaptive reuse of existing buildings**; and
 - b. Not be available for **standalone new construction projects**, unless the Planning Commission determines that strict application of parking requirements would preclude reasonable use of the property due to site constraints.

C. Approval Process

1. Applications for PILP must be submitted as part of a site plan, special land use, or business license application.
2. The Planning Commission must review the PILP request, including when it is an administrative approval for the business license application, and make a recommendation based on the criteria in subsection (E).
3. The City Council must make the final determination to approve, approve with conditions, or deny the PILP request.

D. Payment Structure

1. The City must establish, by resolution, a fee schedule for payment-in-lieu of required parking spaces.
2. Payment must be required prior to issuance of a building permit, or in the case of business license a certificate of occupancy, unless otherwise approved by the City Council.
3. All funds collected must be deposited into a dedicated account to be used for:
 - a. Public parking improvements;
 - b. Shared parking facilities; or
 - c. Mobility or transportation demand management strategies within the City.

E. Review Criteria

In making a recommendation and decision on a PILP request, the Planning Commission and City Council must consider the following:

1. Whether the request supports the adaptive reuse of an existing building or otherwise facilitates reinvestment in a constrained site;
2. The availability of on-street parking, public parking, or shared parking within reasonable walking distance;
3. The extent to which the proposed use is likely to generate parking demand during peak periods;
4. Potential impacts on adjacent residential neighborhoods, including spillover parking;

5. Whether the request is consistent with the City's Master Plan and parking strategies;
6. The feasibility of providing parking on-site and whether strict compliance would prevent reasonable use of the property; and
7. Whether any other mitigation measures, including shared parking agreements or transportation demand management strategies, are available or proposed.

F. Conditions of Approval

The City Council may impose reasonable conditions on a PILP approval, including but not limited to:

1. Limiting the number of spaces eligible for payment-in-lieu;
2. Requiring participation in shared parking arrangements;
3. Requiring operational or design modifications to mitigate impacts.

G. No Vested Right

Approval of a PILP request must not be construed as establishing a precedent or vested right for future applications.

Payment Structure

1. The City shall establish, by resolution, a tiered fee schedule for payment-in-lieu of required parking spaces.
2. The fee structure shall:
 - a. Reflect a sliding scale based on the number of spaces waived;
 - b. Be calibrated to represent the maximum reasonable market rate prior to becoming cost-prohibitive to redevelopment;
 - c. Be periodically reviewed and updated to reflect market conditions and comparable municipal programs.

Payment-in-Lieu of Parking Fee Schedule (2026)

Number of Spaces Waived	Fee per Space
1 – 5 spaces	\$6,250
6 – 10 spaces	\$5,000
11 or more spaces	\$3,750

Application of Tiers

Fees shall be applied cumulatively by tier:

1. First 5 spaces = \$6,250 each
2. Spaces 6–10 = \$5,000 each
3. Spaces 11+ = \$3,750 each

Example (12 spaces)

1. $5 \times \$6,250 = \$31,250$
 2. $5 \times \$5,000 = \$25,000$
 3. $2 \times \$3,750 = \$7,500$
- Total: \$63,750