

PUBLIC NOTICE

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

Tuesday, June 23, 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 April 28, 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 2.02 Definitions and Section 6.03.C Use Groups, to add Section 8.23 Data Centers and to amend Section 14.04.Q Off-Street Parking Requirements of Chapter 138 Zoning of the City of Berkley Code of Ordinances to add definitions for various types of data centers, to regulate where data centers are permitted, to add off-street parking requirements for data centers and to add regulations for data centers.
2. **PUBLIC HEARING:** An ordinance of the City Council of the City of Berkley, Michigan to amend Section 14.04.B Payment In-lieu Fees of Chapter 138 Zoning of the City of Berkley Code of Ordinances to modify regulations for payment in-lieu of required parking spaces.
3. **Introduction of Civics Plus Software**

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, APRIL 28, 2026 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
Lisa Kempner
Eric Arnsman

ABSENT: None

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

APPROVAL OF AGENDA

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

Voice vote to approve the agenda

AYES: 6
NAYS: 0
ABSENT: None

MOTION CARRIED

APPROVAL OF THE MINUTES

Motion by Commissioner Arnsman to approve the minutes of the February 24, 2026 regular Planning Commission meeting and supported by Commissioner Woods.

Voice vote to approve the meeting minutes of February 24, 2026.

AYES: 6
NAYS: 0
ABSENT: None

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** 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.

Community Development Director Kapelanski summarized the proposed amendments.

The Planning Commission asked clarifying questions.

Chair Kempner opened the public hearing at 7:18PM.

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

Chair Kempner closed the public hearing at 7:18PM.

The Planning Commission asked additional clarifying questions.

Motion by Commissioner Stapp and supported by Commissioner Arnsman to recommend approval of 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.

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

AYES: 6

NAYS: 0

ABSENT: None

MOTION CARRIED

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.

Community Director Kapelanski introduced the project noting that the plan generally complies with the zoning ordinance requirements. The Planning Commission should discuss whether the hardi-plank siding proposed meets the requirements of the Zoning Ordinance.

The applicant's contractor described the project. He shared a sample of the stone veneer with the Commission. The hardi-plank siding is a cement fiber board product. He indicated the stone veneer is meant to wrap the building on approximately the bottom third. This is different than what is shown on the plans, which show hardi-plank covering the entire rear façade.

The Planning Commission discussed the proposed façade and agreed that the stone should be included on the bottom third of the elevation and that hardi-plank siding was acceptable, as shown on the plan, on the remainder of the elevation, which would match the other existing elevations.

Mike Matthews of Beverly in Berkley spoke in support of the project.

Motion by Commissioner Kaplan and supported by Commissioner Woods, in the matter of PSP-11-25, 3170 Eleven Mile Rd., motion to approve the site plan because it complies with the standards of Section 15.05 of the Zoning Ordinance with the following conditions: the applicant should submit a revised drawing for staff review confirming the elevations match the representations in the Planning Commission discussion.

Roll call vote on the motion to approve PSP-11-25.

AYES: 6
NAYS: 0
ABSENT: None

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

Planning Consultant Marin described the proposed amendment.

The Planning Commission asked clarifying questions.

Councilmember Hennen asked if any heat island effect standards need to be considered.

The Planning Commission agreed the amendment could proceed for a public hearing. They requested a different term be used for buffers to avoid confusion with other types of buffers, like landscape. Planning Consultant Marin will also explore addressing heat island effect concerns.

4. Discussion of potential Zoning Ordinance amendment to regulate Payment in Lieu of Parking

Planning Consultant Marin described the proposed amendment.

Director Kapelanski asked that the Commission give careful consideration to the review criteria.

The Planning Commission asked clarifying questions and discussed the proposed amendment.

Planning Consultant Marin provided some example properties from previous Council work sessions.

The Planning Commission agreed the amendment could proceed for a public hearing. They requested the following changes:

- Section 14.05B.F should be amended to allow the Planning Commission the ability to suggest reasonable conditions for City Council's consideration as conditions of approval.
- The term 'reasonable' should be changed to 'permitted' in Section 14.05B.E.6.

LIAISON REPORT

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

Councilmember Hennen had nothing to report.

COMMISSIONER COMMENTS

NONE

STAFF COMMENTS

Director Kapelanski noted the City Council set a public hearing for the vacation of an unplatted alley that bisects the proposed gas station development at 4162 Twelve Mile Rd. The hearing will be held at the regular June 1, 2026 Council meeting.

ADJOURNMENT

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

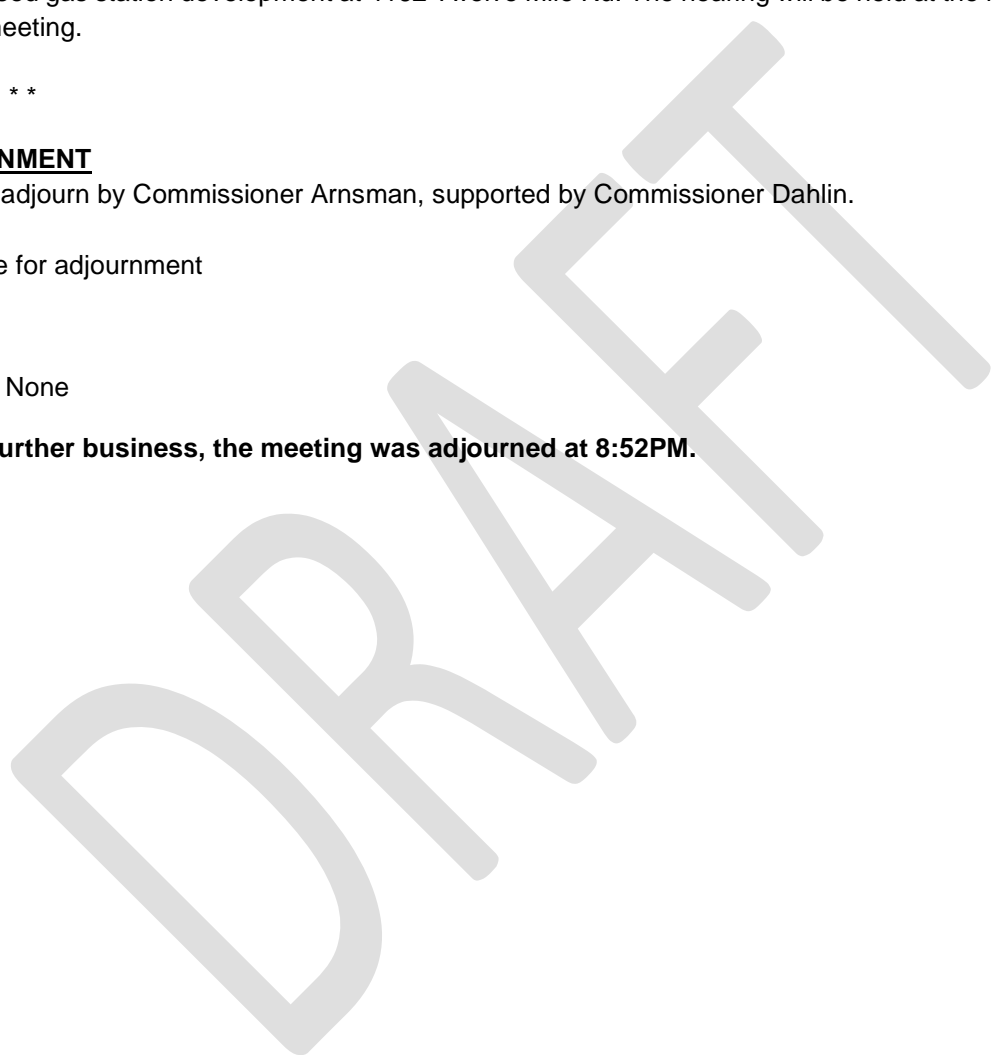
Voice vote for adjournment

AYES: 6

NAYS: 0

ABSENT: None

With no further business, the meeting was adjourned at 8:52PM.





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: June 17, 2026
RE: Data Center Regulations – Updated Draft Ordinance

Since the Planning Commission first reviewed the proposed Data Center zoning ordinance amendments, staff has continued to evaluate emerging regulatory approaches and refine the draft standards in response to Commission discussion and ongoing research regarding the operational impacts of data center facilities. The attached draft ordinance includes additional revisions intended to further address potential impacts related to air quality, thermal emissions, water consumption, and infrastructure demands while continuing to provide a framework for accommodating appropriate technology-related investment within the City.

BACKGROUND

As previously discussed, the proposed ordinance is intended to establish use-specific standards for data centers, which have operational characteristics that differ from traditional commercial and industrial uses due to their energy demands, cooling systems, backup power infrastructure, and security requirements.

The proposed amendment would:

- Differentiate between Large, Small, and Accessory Data Centers based on building size, electrical demand, and water use.
- Permit principal-use Data Centers in the Flex District and Accessory Data Centers in certain commercial and mixed-use districts.
- Establish standards for parking, lot size, setbacks, lot coverage, and separation between principal-use facilities.
- Regulate operational impacts related to noise, vibration, equipment screening, energy use, water conservation, security, emergency access, hazardous materials, and emergency response planning.
- Require annual reporting for Large Data Centers.
- Establish decommissioning and site restoration requirements.

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*

The ordinance uses a scaled approach based on facility size and potential impacts. Small Data Centers would be subject to objective development standards, while Large Data Centers would be subject to additional review and reporting requirements. Accessory Data Centers would be permitted only when clearly incidental and subordinate to a permitted principal use.

RECENT REVISIONS

The attached draft ordinance includes several substantive revisions, indicated in redline, intended to address environmental and operational impacts that may be associated with data center facilities.

- 1. Expanded Purpose and Intent Statement.** The purpose statement has been revised to include an additional policy objective focused on minimizing contributions to the urban heat island effect and protecting surrounding properties from localized temperature increases associated with facility operations.
- 2. Mechanical Equipment Setbacks.** Language has been added clarifying that ground-mounted exterior mechanical equipment must comply with the setback requirements applicable to accessory structures. This revision ensures that generators, transformers, cooling equipment, and similar equipment maintain appropriate separation from adjacent properties and are regulated consistently with other accessory improvements on a site.
- 3. “Buffers” renamed to “Separation between data centers”**
- 4. Air Quality and Emissions Standards.** New standards have been added requiring compliance with applicable air quality regulations and EGLE permitting requirements, EPA Tier 4 Final generators, and cooling tower controls to minimize emissions and contamination. The ordinance also allows the City to require dispersion modeling near sensitive land uses and establishes limits on thermal emissions to prevent localized heat impacts, icing, fogging, or other hazardous conditions in public areas.

5. Water Conservation and Cooling System Standards

Additional water conservation standards have been added to promote efficient cooling technologies and responsible water management. The revised provisions encourage the use of recycled and non-potable water sources, require closed-loop water-based cooling systems, limit cooling water discharges, and ensure compliance with applicable state and local water regulations.

Conclusion

The proposed ordinance is intended to establish a comprehensive framework for the review and regulation of data centers while recognizing the unique operational characteristics of these facilities. The additional revisions strengthen the ordinance's ability to address environmental

Proposed ZO Amendment: Data Centers
June 17, 2026

performance, infrastructure demands, and neighborhood compatibility concerns while maintaining opportunities for appropriate technology-related investment within the Flex District.

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

AN

ORDINANCE

of the City Council of the City of Berkley, Michigan to amend Section 2.02 Definitions and Section 6.03.C Use Groups, to add Section 8.23 Data Centers and to amend Section 14.04.Q Off-Street Parking Requirements of Chapter 138 Zoning of the City of Berkley Code of Ordinances to add definitions for various types of data centers, to regulate where data centers are permitted, to add off-street parking requirements for data centers and to add regulations for data centers.

THE CITY OF BERKLEY ORDAINS:

SECTION 1: Section 2.02 Definitions of Chapter 138 Zoning of the Berkley City Code is amended to add definitions for data centers, as follows:

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 has one 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.

- A. *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.
- B. *Small data center:* A Principal Use Data Center that does not meet the definition of a Large Data Center.
- C. *Large data center:* A data center that meets any of the following thresholds:
 - 1. Gross floor area greater than 20,000 square feet;
 - 2. Designed peak electrical demand greater than three megawatts (MW); or
 - 3. Use of water-based cooling systems with projected average water use exceeding 25,000 gallons a day.

SECTION 2: Section 6.03.C Use Groups of Chapter 138 Zoning of the Berkley City Code is amended in order to regulate where data centers are permitted:

- A. **Authorized use groups.** Uses in the Site Design-Based Corridor Districts are regulated in use groups, per the table below. The regulations in Article 8, Specific Use Provisions apply to the uses listed below in addition to any additional regulations in this Article.

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

Blue underlined text is proposed to be inserted: example

Table 6.03.C.	
Use Group	Land Uses
Group 1: Residential	Single family dwellings Accessory dwelling units Home-based businesses State licensed facilities, up to 6 individuals Child family day care home Bed and breakfast Short-term rental
Group 2: Attached Residential/Lodging Uses	Two family dwelling Single family attached dwellings Child group day care homes (7-12 children) Adult foster care facilities Senior assisted/independent living (2 stories height maximum)
Group 3: Institution/Private Assembly/Lodging	Adult foster care congregate facility Senior assisted/independent living (over 2 stories) Funeral homes Convalescent centers and nursing homes Child day care centers Primary/secondary schools (private) Post-secondary schools Places of assembly less than 20,000 sq. ft. in gross floor area Private clubs Government offices
Group 4: Mixed Use Small Impact	Buildings up to 20,000 sq. ft. in gross floor area with the following land uses: <ul style="list-style-type: none"> Restaurants (no drive-through) Financial institutions (no drive-through) Retail (no drive-through) Fitness, gymnastics, and exercise centers Instructional centers Personal service Medical spa

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

Blue underlined text is proposed to be inserted: example

Table 6.03.C.	
Use Group	Land Uses
	<ul style="list-style-type: none"> Business services Professional office Medical office Upper story residential Live/Work units Public parks/plazas Open air businesses
Group 5: Mixed Use High Impact	<p>Buildings of any size with the following land uses:</p> <ul style="list-style-type: none"> Restaurants Craft manufacturing with front-facing retail component Medical office Lodging Retail, large-format Planned shopping centers Fitness, gymnastics, and exercise centers Instructional centers Places of assembly Indoor commercial recreation establishment Multiple family dwellings Drive through/drive in (associated with any land use allowed in Group 4 or Group 5) <p>Accessory data centers</p>
Group 6: Auto / Transportation	<ul style="list-style-type: none"> Automotive sales Automotive fueling / multi-use service station Automotive repair station Automotive body repair Automotive wash Truck/trailer/equipment rental
Group 7: Miscellaneous Commercial	<ul style="list-style-type: none"> Building & lumber supply Garden centers, nurseries Outdoor commercial recreation

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

Blue underlined text is proposed to be inserted: [example](#)

Table 6.03.C.	
Use Group	Land Uses
	Commercial kennels/pet day care Pet sales (Woodward Corridor only) Veterinary clinics Recreational/medical marijuana Tobacco and vape shops Adult regulated uses (Woodward Corridor only) Gun shops (Woodward Corridor only) Accessory data centers
Group 8: Industrial	Self-Storage Contractor’s equipment storage Craft manufacturing Food product manufacturing Commercial outdoor storage Laboratory Manufacturing, processing, etc. Metal plating Printing (Lithographs & Book Printing) Tool & die, gauge & machine shops Warehousing/wholesale Experimental research & testing lab Composting/recycling Accessory data centers Small data centers Large data centers

SECTION 3 Section 8.23 Data Centers is added to Chapter 138 Zoning of the Berkley City Code to provide regulations for data centers:

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

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

Blue underlined text is proposed to be inserted: example

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;
3. Ensure efficient consumption and use of electricity and water, prioritizing renewable energy and conservation;
4. Minimize contributions to the urban heat island effect and protect surrounding neighborhoods from localized temperature increases;
5. Promote context-appropriate architecture and robust screening;
6. Ensure compatibility with adjacent land uses and the City's Master Plan; and
7. Ensure responsible decommissioning and site restoration.

B. Design Requirements

1. Minimum Lot Area
 - a. Small Data Center: 20,000 square feet
 - b. Large Data Center: 40,000 square feet
2. Setbacks
 - a. Minimum distance from all non-residential property lines is thirty-five feet. Minimum distance from all residentially zoned or used adjacent property lines is forty-five feet.
 - b. Mechanical equipment must meet the requirements of Section 9.14, Exterior Appliances.
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. Separation Between Data Centers
 - 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) must not exceed thirty dBA Leq of continuous noise and fifty dBA Leq of impulse noise at the property line. Nighttime (11:00 p.m. – 7:00 a.m.) limits must not exceed forty dBA Leq of

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

Blue underlined text is proposed to be inserted: example

continuous noise and thirty dBA Leq of impulse noise. Noise limits must be measured at all frequencies from sub-sonic to hyper sonic.

- b. Generator Testing. Routine testing must 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 must not exceed sixty dBA Leq of continuous noise and one-hundred 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 must include all proposed development on a lot or site plan and must be measured at five feet above grade along the property lines. The noise study must address the following circumstances:
 - i. Expected maximum noise output with all cooling and any other noise-generating equipment operating simultaneously at full operational load.
 - ii. The use of back-up generators during power outages.
 - iii. The routine testing of generators.
2. Vibration. Operations must not cause perceptible vibration at the property line per ANSI/ISO criteria.
3. 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.
4. Air Quality and Emissions
- a. All stationary engines, cooling towers, and emission sources must comply with the federal Clean Air Act and EGLE regulations. Required Air Use Permits to Install (PTI) must be obtained and kept current.
 - b. Generators. New generators must meet EPA Tier 4 Final standards. Dispersion modeling is required if the data center property line is within 500 feet of residential, schools, parks, or hospitals.
 - c. Cooling Towers. Cooling towers must include drift eliminators and be managed to prevent particulate emissions or microbial contamination.
 - d. Thermal Emissions. The facility must be designed and operated so that thermal emissions do not cause a sustained increase in ambient air temperature at any property line beyond the limits below, measured at five feet above grade:

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

Blue underlined text is proposed to be inserted: example

- i. Residential or mixed-use property line: not more than +2°F above ambient background, averaged over any fifteen-minute period.
- ii. Nonresidential property line: not more than +4°F above ambient background, averaged over any fifteen-minute period.
- iii. No thermal emission may create unsafe conditions on sidewalks, trails, roadways, or public spaces due to icing, fogging, or thermal plume interaction with winter conditions.

5. 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 twenty-five percent 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 shall be designed as a closed-loop / closed-cycle system with no routine discharge of noncontact cooling water to the sanitary sewer / POTW (publicly owned treatment works) or to surface waters, in order to comply with applicable local sewer use ordinances (including prohibitions/limitations on noncontact cooling water and heat to the POTW) and EGLE discharge/withdrawal permitting requirements (including NPDES authorization and Michigan Water Quality Standards, and large-quantity withdrawal registration/review where applicable.

6. Small and Large Data Center Security and Emergency Access

- a. Perimeter Security.
 - i. Sites must be fully enclosed with a perimeter security system, which may include fencing, walls, or equivalent barriers not less than eight feet in height.
 - ii. 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.
- b. Access Control.

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

Blue underlined text is proposed to be inserted: example

- i. All site entrances must include controlled access gates, guard stations, or equivalent security technology to prevent unauthorized entry.
 - ii. Visitor and delivery access points must be separated from employee access points wherever feasible.
 - c. Emergency Access.
 - i. A minimum of two points of emergency vehicle access must be provided, with clear signage and unobstructed pathways around the building.
 - ii. Access drives must be constructed to Public Safety Department standards, with sufficient load-bearing capacity for emergency apparatus.
 - iii. Fire lanes must be maintained free of obstructions at all times.
 - d. Cameras.
 - i. 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.
 - ii. Cameras must be positioned to minimize intrusion into adjoining residential properties and public rights-of-way, while still providing full coverage of the site.
 - iii. Camera systems must be continuously operational (twenty-four hours per day, seven days per week) and recordings must be retained for a minimum of thirty days.
 - iv. A security plan, including camera layout, monitoring procedures, and data retention policies, must be submitted as part of site plan review.
 - e. Fire Protection.
 - i. Sites must be equipped with an automatic fire detection and suppression system designed to protect both building occupants and sensitive equipment.
 - ii. Suppression systems must comply with National Fire Protection Association (NFPA) standards and be approved by the Fire Inspector.
 - f. Hazardous Materials.
 - i. 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.
 - ii. Applicants must provide a Hazardous Materials Management Plan identifying on-site materials, storage methods, spill prevention measures, and emergency response procedures.

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

Blue underlined text is proposed to be inserted: example

- iii. Applicant must provide a fire protection plan.
- g. Emergency Response Plan. Applicants must submit an Emergency Response Plan to the City at the time of site plan review, which must include:
 - i. Site layout for emergency responders.
 - ii. Fire suppression and alarm systems description.
 - iii. Backup generator location and fuel storage details.
 - iv. Contact information for on-site security and facility management.
 - v. 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:
 - a. Energy Use
 - i. Total annual electricity consumption (MWh)
 - ii. Peak demand (MW)
 - b. Water Use
 - i. Total annual water consumption (gallons)
 - ii. Cooling system type
 - c. Noise Compliance
 - i. Summary of any noise complaints and corrective actions taken
 - d. Generator Operations
 - i. Total hours of generator testing and operation
 - ii. 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

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

Blue underlined text is proposed to be inserted: example

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 addresses:
 - 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 twelve 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 six months of abandonment and be completed within twelve months.
3. **Decommissioning 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, cash or certified check 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 five 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 thirty-six inches below grade unless otherwise approved.

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

Blue underlined text is proposed to be inserted: example

- 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.

SECTION 4: Section 14.04.Q Chapter 138 Zoning of the Berkley City Code is amended to add parking regulations for data centers as follows:

- Q. *Off-Street Parking Requirements.*** The amount of required off-street parking spaces for new uses or buildings, additions thereto, and additions to existing buildings as specified above must be determined in accordance with the following table, and the spaces so required must be stated in the application for a commercial business license. When multiple methods of calculations are listed below for a single use, the method that yields the higher parking requirement will be enforced:

Table 14.04-Q		
Off-Street Parking Requirements		
	<i>Use</i>	<i>Number of Minimum Vehicle Parking Spaces Per Unit of Measure</i>
1.	Residential:	
a.	Residential, single family detached and two family dwelling.	2 per dwelling unit.

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

Blue underlined text is proposed to be inserted: example

Table 14.04-Q			
Off-Street Parking Requirements			
<i>Use</i>		<i>Number of Minimum Vehicle Parking Spaces Per Unit of Measure</i>	
	b.	Residential, attached single family, and multiple family housing.	1.3 spaces per dwelling unit, plus 1 guest space per every 10 spaces required by the number of dwelling units
	c.	Housing for older persons.	
		(1) Independent living.	1 per employee plus 1 per 5 resident beds, plus 1 drop-off/pick-up space.
		(2) Assisted living.	1 per employee plus 1 per 20 resident beds, plus 1 drop-off/pick-up space.
2.	Institutional:		
	a.	Colleges, universities, vocational and other institutions of higher learning.	1 per employee plus 0.5 per enrolled student
	b.	Community Center	1 per 370 square feet of usable floor area
	c.	Day care center and nursery schools.	1 per 285 square feet of usable floor area, plus 1 per employee, plus 1 drop-off/pick-up space.
	d.	Elementary and intermediate schools.	1 for each staff member, plus 10 spaces, plus 1 drop-off/pick-up space.
	e.	High school.	1 for each staff member, plus 10 spaces plus one drop-off/pick-up space.
	f.	Homes for the aged and convalescent or nursing homes.	1 per employee plus 1 per 20 resident beds, plus 1 drop-off/pick-up space.
	g.	Park (playfield with active sports facilities) General outdoor recreation	5.5 per acre plus 10 per marked playfield.
	h.	Places of assembly.	1 per 100 square feet of usable floor area.
	i.	Places of indoor assembly such as theaters, auditoriums, and similar uses.	1 per 4 seats
j.	Places of outdoor assembly such as stadiums, sports arenas, and similar uses.	1 per 500 square feet of usable floor area plus 1 per employee plus 1 drop-off/pick-up space	

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

Blue underlined text is proposed to be inserted: example

Table 14.04-Q			
Off-Street Parking Requirements			
<i>Use</i>		<i>Number of Minimum Vehicle Parking Spaces Per Unit of Measure</i>	
	k.	Private clubs or lodge.	1 per 100 square feet of usable floor area.
	l.	Private swimming pool clubs or other similar uses.	1 per 500 square feet of usable floor area, plus 1 per employee.
3.	Business and Commercial:		
	a.	Adult business uses (as defined in Section 8.03), photographic studio	1 per 100 square feet of usable floor area
	b.	Convenience stores/party stores.	4.5 per 800 square feet of usable floor area
	c.	Dry-cleaning and laundry outlets.	1 per 300 square feet of usable floor area plus 1 per employee
	d.	Funeral homes and mortuaries.	1 per 200 square feet of usable floor area plus 1 per employee
	e.	Garden stores, building material sales, and open-air businesses, including greenhouses, nurseries, and agricultural sales	1 per 800 square feet of usable floor area plus 1 per employee
	f.	General retail stores except as otherwise specified herein.	1 per 500 square feet of usable floor area plus 1 per employee
	g.	Grocery Stores.	5 per 1,000 square feet of usable floor area
	h.	Hair and nail care, spas, massage, and similar personal service uses.	1 per chair/station/bed plus 1 per employee OR 1 per 300 square feet of usable floor area plus 1 per employee
	i.	Hardware store	2.5 per 400 square feet of usable floor area
	j.	Health/exercise club.	1 per 300 square feet of usable floor area plus 1 per employee
	k.	Indoor recreation uses such as bowling, court games, and similar uses.	4 per lane/court plus 1 per employee

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

Blue underlined text is proposed to be inserted: example

Table 14.04-Q		
Off-Street Parking Requirements		
<i>Use</i>		<i>Number of Minimum Vehicle Parking Spaces Per Unit of Measure</i>
l.	Indoor recreation uses such as dance halls, pool, or billiards, skating rinks, gun ranges, and similar uses.	2 per game table/lane, plus 1 per game device OR 1 space per 100 square feet of usable floor area
m.	Instructional center such as a dance school, music school or art school	1 per 300 square feet of usable floor area plus 1 per employee
n.	Laundromats and coin-operated dry cleaners.	1 per 400 square feet of usable floor area plus 1 per employee
o.	Lodging, such as hotels and motels.	1.15 per room
p.	Marijuana dispensary	1.5 per 200 square feet of usable floor area, plus 1 per employee
q.	Medical spa or cosmetic spa	1 per 300 square feet of usable floor area
r.	Miniature golf course	2 per hole of play
s.	Pawn shop	1 per 300 square feet of usable floor area plus 1 per employee
t.	Photographic studio	1 per 600 square feet of gross floor area
u.	Planned shopping center.	1 per 200 square feet of usable floor area. Restaurants/bars calculated separately
v.	Printing and publishing	1 per 300 square feet of usable floor area

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

Blue underlined text is proposed to be inserted: example

Table 14.04-Q			
Off-Street Parking Requirements			
<i>Use</i>			<i>Number of Minimum Vehicle Parking Spaces Per Unit of Measure</i>
	w.	Produce market or stand	1 per 100 square feet of usable floor area
	x.	Repair shop (appliance, furniture, shoe, non-vehicle)	1 per 800 square feet of usable floor area plus 1 per employee
	y.	Restaurants	
		(1) Fast food, coffee shops, carry-out, fast casual, and similar uses	1 per 100 square feet of usable floor area plus 1 per employee at peak shift
		(2) Standard sit-down	2 per 100 square feet of usable floor area plus 1 per employee at peak shift
		(3) Bar, lounge, tavern, or night club, with or without a restaurant	2 per 100 square feet of usable floor area plus 1 per employee at peak shift
		(4) Restaurant with drive-through	1 per 100 square feet of usable floor area, plus 1 per employee at peak shift, plus 7 stacking spaces per drive-through kiosk or more as required by the Planning Commission, per Section 14.08.
	z.	Tattoo/body piercing studio	1 per chair plus 1 per employee
4.	Offices:		
	a.	Banks, credit unions, and similar uses.	1.5 per 400 square feet of usable floor area plus 5 stacking spaces per drive-through kiosk
	b.	Blood and plasma office	1 per 225 square feet of usable floor area
	c.	Business or professional offices.	1 per 300 square feet of usable floor area
	d.	Office, dental, psychology, or medical	1 per 300 square feet of usable floor area
	e.	Veterinarian clinic	1 per 350 square feet of usable floor area

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

Blue underlined text is proposed to be inserted: example

Table 14.04-Q		
Off-Street Parking Requirements		
	<i>Use</i>	<i>Number of Minimum Vehicle Parking Spaces Per Unit of Measure</i>
5.	Industrial:	
	a. Heavy equipment storage yard, lumber and building materials yard	1 per 500 square feet of usable floor area for showroom/sales area, plus 1 dedicated space per company vehicle
	b. Industrial establishments, research, and testing laboratories	1 per 800 square feet of usable floor area
	c. Manufacturing establishment or establishment for production, processing, assembly, compounding, preparation, cleaning, servicing, testing, repair, or storage of materials, goods, or products, and business offices accessory thereto	1 per 750 square feet of usable floor area
	d. Self-storage	1 per 25 storage units, plus 1 per employee
	e. Wholesale and warehouse establishments	1 per 1,500 square feet of usable floor area
	f. Data centers, large, small or accessory	1 space per employee at largest shift
6.	Automotive Uses:	
	a. Automotive fueling/multi-use service station w/ convenience or food service	1 per fueling position, plus 1 stacking spaces per fueling position, plus 1 per employee, plus 1 per each 100 square feet of floor area devoted to retail sales and customer service.

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

Blue underlined text is proposed to be inserted: [example](#)

Table 14.04-Q			
Off-Street Parking Requirements			
<i>Use</i>			<i>Number of Minimum Vehicle Parking Spaces Per Unit of Measure</i>
	b.	Automotive fueling/multi-use service station w/o convenience or food service	1 per fueling position, plus 1 stacking spaces per fueling position, plus 1 per employee
	c.	Automotive sales, auto parts store, motorcycle service and sales, auto rental	7 per 500 square feet of usable floor area plus 1 per employee
	d.	Automotive wash, automatic	1 per employee plus 10 entry stacking spaces and 2.5 exiting stacking spaces per service lane
	e.	Automotive wash, self-service	1 per employee plus 4 entry stacking spaces and 1.5 exiting stacking spaces per service lane

SECTION 5: 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 6: 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 7: 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 8: Effective Date

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

SECTION 9: Publication

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

Blue underlined text is proposed to be inserted: example

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 _____ .

Bridget Dean, Mayor

Attest:

Victoria E. Mitchell, City Clerk

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

Blue underlined text is proposed to be inserted: example

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, June 23, 2026** at 7:00 PM.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BERKLEY, MICHIGAN TO AMEND SECTION 2.02 DEFINITIONS AND SECTION 6.03.C USE GROUPS, TO ADD SECTION 8.23 DATA CENTERS AND TO AMEND SECTION 14.04.Q OFF-STREET PARKING REQUIREMENTS OF CHAPTER 138 ZONING OF THE CITY OF BERKLEY CODE OF ORDINANCES TO ADD DEFINITIONS FOR VARIOUS TYPES OF DATA CENTERS, TO REGULATE WHERE DATA CENTERS ARE PERMITTED, TO ADD OFF-STREET PARKING REQUIREMENTS FOR DATA CENTERS AND TO ADD REGULATIONS FOR DATA CENTERS.

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
Friday, June 5, 2026



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: June 23, 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

AN

ORDINANCE

of the City Council of the City of Berkley, Michigan to amend Section 14.04.B Payment In-lieu Fees of Chapter 138 Zoning of the City of Berkley Code of Ordinances to modify regulations for payment in-lieu of required parking spaces.

THE CITY OF BERKLEY ORDAINS:

SECTION 1: Section 14.05.B Payment In-lieu Fees of Chapter 138 Zoning of the Berkley City Code is amended to modify regulations for payment in-lieu of required parking spaces, as follows:

- ~~**B.** *Payment In-lieu Fees.* After using on-street, public parking, or municipal lot parking spaces towards the required parking, the Planning Commission may waive some of the remaining required parking for developments requiring a site plan, 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.~~
- B.** *Payment-In-Lieu of Parking (PILP) Option* After using on-street, public parking, or municipal lot parking spaces towards the required parking, the 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.
1. *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:
- a. Encourage adaptive reuse and reinvestment in existing buildings;
 - b. Support walkable, mixed-use development patterns;
 - c. Reduce the need for excessive on-site parking; and
 - d. Ensure that any reduction in required parking does not result in undue burden on adjacent residential areas.
2. *Applicability.*
- a. The PILP option may be considered for the following uses:
 - i. Non-residential uses.

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

Blue underlined text is proposed to be inserted: example

ii. Residential uses only when part of a mixed-use development that contains non-residential uses.

b. The PILP option must:

i. Be prioritized for adaptive reuse of existing buildings; and

ii. 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.

3. Approval Process.

a. Applications for PILP must be submitted as part of a site plan, special land use, or business license application.

b. 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 5. Review Criteria.

c. The City Council must make the final determination to approve, approve with conditions, or deny the PILP request.

4. Payment Structure.

a. The City must establish, by resolution, a fee schedule for payment-in-lieu of required parking spaces.

b. Payment is required prior to issuance of a building permit, or in the case of a business license, before issuance of a certificate of occupancy, unless otherwise approved by the City Council.

c. 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.

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

a. Whether the request supports the adaptive reuse of an existing building or otherwise facilitates reinvestment in a constrained site;

b. The availability of on-street parking, public parking, or shared parking within reasonable walking distance;

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

Blue underlined text is proposed to be inserted: example

- c. The extent to which the proposed use is likely to generate parking demand during peak periods;
 - d. Potential impacts on adjacent residential neighborhoods, including spillover parking;
 - e. Whether the request is consistent with the City's Master Plan and parking strategies;
 - f. The feasibility of providing parking on-site and whether strict compliance would preclude a permitted use of the property; and
 - g. Whether any other mitigation measures, including shared parking agreements or transportation demand management strategies, are available or proposed.
- 6. Conditions of Approval.** The Planning Commission may recommend, and the City Council may impose reasonable conditions on a PILP approval, including but not limited to:
- a. Limiting the number of spaces eligible for payment-in-lieu;
 - b. Requiring participation in shared parking arrangements;
 - c. Requiring operational or design modifications to mitigate impacts.
- 7. No Vested Right.** Approval of a PILP request must not be construed as establishing a precedent or vested right for future applications.

SECTION 2: 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 3: 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 4: 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 5: Effective Date

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

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

Blue underlined text is proposed to be inserted: example

SECTION 6: 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 _____ .

Bridget Dean, Mayor

Attest:

Victoria E. Mitchell, City Clerk

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

Blue underlined text is proposed to be inserted: example

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

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, June 23, 2026** at 7:00 PM.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BERKLEY, MICHIGAN TO AMEND SECTION 14.04.B PAYMENT IN-LIEU FEES OF CHAPTER 138 ZONING OF THE CITY OF BERKLEY CODE OF ORDINANCES TO MODIFY REGULATIONS FOR PAYMENT IN-LIEU OF REQUIRED PARKING SPACES.

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
Friday, June 5, 2026