

**CITY OF BERKLEY PUBLIC NOTICE
REGULAR CITY COUNCIL MEETING
Monday, February 24, 2025
7:00 P.M. – City Hall
248-658-3300**

**CALL 40th COUNCIL TO ORDER
APPROVAL OF AGENDA
MAYOR-LED MOMENT OF REFLECTION
PLEDGE OF ALLEGIANCE
PUBLIC COMMENT
ORDER OF BUSINESS**

Consent Agenda

1. **APPROVAL OF THE MINUTES**: Matter of approving the [minutes of the 40th Regular City Council meeting](#) on Monday, January 27, 2025 and Special Work Session on Monday, January 27, 2025.
2. **WARRANT**: Matter of approving [Warrant No.1407](#).
3. **MOTION NO. M-03-25**: Matter of approving a [motion deeming the attached vehicles and equipment as surplus](#) to be sold via public auction or disposed of.
4. **MOTION NO. M-04-25**: Matter of [approving a budgeted purchase of a new Street Sweeper](#) from Nescon LLC, of Mesa AZ, in the amount of \$360,645.
5. **MOTION NO. M-05-25**: Matter of [authorizing the City Manager to sign the Application](#) for Additional Service Credit Purchase for Donna Reid-Cronin approving 24 months of additional service credit. This purchase is allowed by the City of Berkley MERIT System of Human Resource Management Section 1001.08 and meets all of the requirements of the MERS Plan Document which would allow for this service credit purchase.
6. **ORDINANCE NO. O-01-25**: Matter of [approving the first reading of an ordinance](#) of the City Council of the City of Berkley, Michigan to Amend Article II, Collection and Disposal of Chapter 58, Garbage, Rubbish and Refuse of the City of Berkley Code of Ordinances to clarify requirements for containers for garbage versus rubbish and to clarify pick-up times for emptied garbage and rubbish containers.
7. **RESOLUTION NO. R-01-25**: Matter of [approving the Resolution for updated Poverty Exemption guidelines](#).

Regular Agenda

1. **RECOGNITIONS/PRESENTATIONS**: Matter of receiving any recognitions or presentations from the Consent Agenda.
2. **PRESENTATION**: Matter of receiving a presentation on Ready to Serve You at www.berkleymi.gov.
3. **MOTION NO. M-06-25**: Matter of [accepting the quarter ended December 31, 2024 budget](#) to actual report.
4. **RESOLUTION NO. R-02-25**: Matter of [authorizing amendment 2025-3 of the 2024/25 fiscal year budget](#) as presented.
5. **MOTION NO. M-07-25**: Matter of [authorizing the Mayor to execute](#) a third party Specialized Services Operating Assistance contract between SMART and the City of Berkley for public transportation services primarily designed for senior citizens and disabled persons. The contract period for this program is from October 1, 2024 to September 30, 2025.
6. **ORDINANCE NO. O-02-25**: Matter of [approving the first reading of an ordinance](#) of the City Council of the City of Berkley, Michigan to Repeal Chapter 94 Signs, Repeal and Replace Chapter 138 Zoning and Repeal and

Replace the City of Berkley's Zoning Map in order to move sign regulations to the Zoning Ordinance, match the recommendations of the City's Master Plan and modernize sign and zoning regulations.

7. **ORDINANCE NO. O-03-25:** Matter of [approving the first reading of an ordinance](#) of the of the City Council of the City of Berkley, Michigan to Amend Section 106-107, Restricted Area and Section 106-108, Shrubs and Bushes of the City of Berkley Code of Ordinances to address inconsistencies between the draft Zoning Ordinance and certain provisions of the City Code.
8. **ORDINANCE NO. O-04-25:** Matter of [approving the first reading of an ordinance](#) of the City Council of the City of Berkley, Michigan to Amend Chapter 110, Subdivision and Combination of Land of the City of Berkley Code of Ordinances to clarify lot split and combination procedures consistent with current City procedures and to add Chapter 109 Subdivisions to provide regulations for subdivision development.
9. **ORDINANCE NO. O-05-25:** Matter of [approving the first reading of an ordinance](#) of the City Council of the City of Berkley, Michigan to amend Chapter 26, Buildings and Building Regulations to adopt Article IX, Engineering Design Standards and to Repeal Section 126-71 through 126-75 and Article V of Chapter 126 of the City of Berkley Code of Ordinances.

COMMUNICATIONS

ADJOURN

Note: 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: Victoria Mitchell, ADA Contact, Berkley City Hall, 3338 Coolidge Highway, Berkley, MI 48072 (1-248-658-3310).

Note: Official minutes of City Council Meetings and supporting documents for Council packets are available for public review in the City Clerk's Office during normal working hours. Anyone wishing to submit correspondence for the meeting may send an email to clerk@berkleymi.gov or call 248-658-3310 by 5 p.m. on the day of the meeting.

THE REGULAR MEETING OF THE FORTIETH COUNCIL OF THE CITY OF BERKLEY, MICHIGAN WAS CALLED TO ORDER AT 7:00 PM ON MONDAY, JANUARY 27, 2025 IN COUNCIL CHAMBERS BY MAYOR DEAN

PRESENT: Councilmember Steve Baker Councilmember Gregory Patterson
 Councilmember Clarence Black Councilmember Jessica Vilani
 Mayor Pro Tem Ross Gavin Mayor Bridget Dean
 Councilmember Dennis Hennen

OTHER STAFF PRESENT:

City Manager Crystal VanVleck
City Attorney Jake Mertes
City Clerk Victoria Mitchell
Finance Director Carl Johnson
Deputy City Manager of Public Services Shawn Young
Human Resources Director Jessica Stover

APPROVAL OF AGENDA

Mayor Pro Tem Gavin moved to approve the agenda
Seconded by Councilmember Baker
Ayes: Black, Gavin, Hennen, Patterson, Vilani, Baker and Dean
Nays: None
Motion Approved.

Mayor Dean opted to use the Mayor's Moment of Reflection to receive a legislative update from Congresswoman Haley Stevens:

- Congresswoman Stevens expressed her appreciation for the opportunity to be in Berkley and acknowledged the Mayor, City Council and local leadership.
- She said it is nice to reflect on Berkley as a community, a destination with art festivals, pride and support for entrepreneurs and small businesses.
- She said she attended the meeting to speak about the beginning of a new legislative session; she described recent contentious votes and legislation.
- She said that she was reappointed to the House Science, Space and Technology committee focused on economic development; this is a committee where she played a lead role in passing the bipartisan CHIPS and Science Act into law.
- She said that the project is taking some government money but is matching it with private sector contributions to produce semiconductors at a rate here in the US as compared to having them go overseas; this is palpable for Michigan residents because of the auto sector and its reliance on those parts. She said that Michigan is leading the way in the automotive and manufacturing sector, but that private-public partnerships are required to succeed and win the future.
- She said that in taking votes to pass the federal budget, she is looking at the role of Chinese competition. She said that American labor is essential to the clean energy revolution that is underway and that she wants to make sure that our voice is heard and our leadership is at the table. She said that she wants to be sure everyone in attendance knows that she is here to make government work for them.
- She recognized her Deputy Director, Michael Tash and said that they make sure that if an individual has an issue before the federal government that needs to be resolved they can call her office and that her team will assist. She said that she knows many are concerned about government spending, and that her team makes sure that the taxpayers of Michigan's 11th District get their fair share of taxpayer dollars into their pocketbook; she said that nearly \$130 million in federal taxpayer funds have been returned by Michigan's 11th District.
- She reaffirmed her support for grant opportunities and infrastructure projects, including Berkley's lead removal project.

- She discussed the ongoing review of the USMCA trade agreement and potential tariffs on Canada and Mexico. She encouraged local businesses to share their experiences to help her advocate for their needs in Washington.

PUBLIC COMMENT

Joshua Hunter, Berkley, spoke regarding M-01-25.

Greg DuRoss, Berkley, spoke regarding the inclusion of items on the consent agenda and comments on social media regarding City employees.

Christine Dieck, Troy, spoke regarding recent changes to on-street parking.

CONSENT AGENDA

Councilmember Hennen moved to approve the following Consent Agenda
Seconded by Councilmember Black

APPROVAL OF THE MINUTES: Matter of approving the minutes of the 40th Regular City Council meeting on Monday, January 6, 2025.

WARRANT: Matter of approving Warrant No.1406.

MOTION NO. M-01-25: Matter of approving a motion to clarify the October 7, 2024 actions relating to Community Field #1 authorizing the Community Field #1 Permit Fees and Terms as presented in the October 7, 2024 City Manager's Report.

Ayes: Gavin, Hennen, Patterson, Vilani, Baker, Black and Dean
Nays: None
Motion Approved.

REGULAR AGENDA

RECOGNITIONS/PRESENTATIONS: Matter of receiving any recognitions or presentations from the Consent Agenda.

None.

PRESENTATION: Matter of introducing Human Resources Director Jessica Stover.

City Manager VanVleck introduced Ms. Stover. Ms. VanVleck said that Ms. Stover stood out early on in the hiring process. Ms. Stover comes to the City with just under 10 years of experience in Human Resources. She spent the past five years with the City of Southfield and is a Berkley resident. Ms. VanVleck said that Ms. Stover seems excited to build a process from the ground up.

Ms. Stover said she is looking forward to working closely with Ms. VanVleck and City Council and the City employees to make the city a great place to work.

Mayor Dean thanked Ms. Stover and wished her much success.

PRESENTATION: Matter of receiving a presentation by Dr. Nat Pernick regarding the 2024 Voting Challenge.

Dr. Pernick presented an award of \$500 to Berkley-Huntington Woods Youth Assistance and said that this is the fourth year he has sponsored a voter turnout challenge. He said that Berkley came in third place and had

80.41% voter turnout. Kelley Smith accepted the award on behalf of Berkley-Huntington Woods Youth Assistance.

PRESENTATION: Matter of receiving a presentation of the fiscal year 2024 audit by the finance department.

Ms. VanVleck clarified that this presentation is covering the fiscal year ended June 2024. The audit report is for the fiscal year covering July 1, 2023 through June 30, 2024. She said the audit was submitted by its due date but that due to holidays, the council meeting packet schedule, and Council meeting schedule, this was the first chance to have it presented. She shared highlights of the presentation including a healthy unassigned fund balance of \$4.7 million which equates to 35% of our expenditures, fully within the target range of 25 to 35%. Ms. VanVleck said that it will also showcase several findings of our internal controls at that time which are essentially deficiencies in our internal controls during the 2024 fiscal year. She emphasized that these findings had been identified by management, primarily by Mr. Johnson, before the Auditors were on the scene. She stated this is a new team in the Finance department and that they have been making great strides with the new team.

Mr. Johnson presented regarding the fiscal year 2024 audit by the finance department:

- He said that the audit document is the responsibility of the city's Finance department; only three pages of the document are the responsibility of the auditing firm.
- He said that the General Fund ended the year with a \$1.033 million increase to fund balance.
 - \$575,000 of this increase was due to rollover budget amendments for trucks and an HVAC system contract.
 - The remaining \$475,000 came mostly from positive results in the self-insurance fund.
 - The city is self-insured for FICA and healthcare and had a good year, coming in \$400,000 under budget.
- He said that a \$1.5 million borrowing reported last year between the general fund and the water and sewer fund was due to an accounting error.
 - The Major Street Fund was reduced by about \$500,000
 - The Infrastructure Fund was reduced by \$900,000
 - The Water and Sewer Fund was increased by \$1 million
 - These error corrections are disclosed on page 58 of the audit document. A finding from the auditors is that these errors were caught.
- He said that the challenge with the Water and Sewer Fund is that we have an EPA mandate to replace the lead water lines in the city, which the City really cannot afford.
 - He said that the State has been asked for assistance with grants to help with this issue.
 - Mr. Johnson stated that last year the City literally had zero cash and a net \$1 million borrowing from the General Fund. In the current year, we have \$73,000 worth of cash in our Water and Sewer Fund; he said that in a Water and Sewer Fund of a City this size you should have \$2-5 million in cash reserves in case of a catastrophic event.
 - Mr. Johnson said that interfund borrowing from the general fund has been removed; he said that going forward however much of what the City collects will just pay operating costs and for the mandated lead line removal.
- The Solid Waste fund ended the year at \$800,000, allowing for the removal of the tag fee for the rubbish program.
- The 8 Mile Debt Service Project was closed out, and funds were transferred to the general fund for the HVAC project.
- The Court Capital Project Fund was transferred to cover HVAC costs.
- The sidewalk program finished with a net zero balance.
- The Public Safety pension is 67% funded, with a \$10 million unfunded liability.
- The Merch pension is 53% funded, with a \$10 million unfunded liability.
- The OPEB (Other Post-Employment Benefits) fund is 55% funded, which is considered good by the state.
- The general obligation debt is zero.
- Business debt, mainly for the water and sewer fund, decreased from \$588,000 to \$183,000.
- Three of six drain debts were paid off.

- The auditor's findings included issues with bank reconciliations, correction of errors, outstanding checks, record keeping, and missing policies.

Jason Benedict, Berkley, spoke regarding control deficiencies and the audit.

Mike Wiacek, Berkley, spoke regarding bank reconciliations.

Joshua Hunter, Berkley, spoke regarding the audit report.

PRESENTATION: Matter of receiving a presentation of the fiscal year 2024 audit by the auditors.

Greg Soule, partner at Andrews Hooper Pavlik PLC, presented:

- Mr. Sole said in these scenarios it is not uncommon that there would be this type of audit.
- He reiterated that financial statements are the responsibility of city management, while auditors report to the City Council.
- He said that the audit process required extensive questioning and examination of foundational financial processes due to the lack of historical documentation. The independent auditor's report issued a clean (unmodified) opinion, covering all financial areas, including governmental and business-type activities.
- Mr. Sole said that the audit followed standards set by the AICPA and Government Auditing Standards and will be submitted to the Government Finance Officers Association for consideration of a financial reporting achievement certificate.
- He stated that repeat findings in the next audit would be a red flag, indicating a lack of corrective action. Timeliness of audit completion and policy implementation will be key indicators of financial improvements.
- Mr. Sole said that the absence of documented corrective actions in City Council minutes would also signal potential issues.

Greg Duross, Berkley, spoke regarding audit deficiencies.

MOTION NO. M-02-25: Matter of adopting the City of Berkley two-year organizational strategic framework.

Councilmember Baker moved to approve Motion No. M-02-25

Seconded by Councilmember Black

Ayes: Hennen, Patterson, Vilani, Baker, Black, Gavin and Dean

Nays: None

Motion Approved.

COMMUNICATIONS

COUNCILMEMBER PATTERSON

- Received an email from Liz Petry, a Berkley resident: as you all know February is Heart Awareness Month and heart attacks are the leading cause of death in women. On February 8th, 2025 at 10 AM at the Unity of Royal Oak Church, the Women of Spirit group is hosting a talk about heart attacks in women, the warning signs and the importance of heart-smart diets. The event is open to the public and donations will be accepted.
- The Beautification Committee does not meet in January; meetings will resume in March.
- The Planning Commission will meet tomorrow; they have several items on their agenda, including façade changes to the Jewish community center on Woodward, the zoning ordinance rewrite for hopefully the last time, and a site plan revision to the BP gas station.
- Thanked the Department of Public Service, he said that those men and women are out in the frigid cold doing the duty to make sure our city is great and thanked them for all their hard work.

COUNCILMEMBER VILANI

- No updates from Environmental Advisory Committee.
- The Berkley Area Chamber of Commerce strategic planning session was delayed. She said that prayers and hearts go out to the Chair, Darlene Rothman, whose mother recently passed at 100 years old.

MAYOR PRO TEM GAVIN

- The Parks and Recreation Advisory Committee will meet on February 13th at 7 PM in the Community Center.
- The Library Board will meet on February 12th at 7 PM at the Library.

COUNCILMEMBER BAKER

- The Downtown Development Advisory Board held a special meeting to review and approve a contract for an interim DDA Director, Jennifer Finney. Its next regular meeting is on Wednesday, February 12th. For more information visit downtownberkeley.com.
- The Historical Committee met Tuesday, January 14th at 7 PM. Congratulated committee member Kyle Grimm on his election to the role of treasurer. Thanked residents for providing donations and contribution of items to the Museum to help preserve their history and so that we can tell stories, learn from them and grow. Most recently they received donations of yearbooks and a Pattengill sweater. Upcoming displays in the Museum are focusing our Berkley churches, the first three being scheduled for the coming months: February will feature LaSalette, March will feature Berkley First United Methodist and April will spotlight Cana Lutheran. Its next meeting is on February 11th at 7 PM in the second-floor conference room of the Public Safety building. For more information on the Museum or Berkley history, visit Berkleyhistory.com.
- Shared a quote by CS Lewis: *"Hardships often prepare ordinary people for extraordinary destiny."*
- He said that as Congresswoman Stevens noted earlier, our country's changed a lot recently and many of us now live in fear and uncertainty because of the country's changing positions on equity, diversity, inclusion and basic human decency and morality. Please pay attention to signs of emotional stress in yourself and in those you love and reach out for help when you or others need it. You matter, you should be able to be yourself, take care of yourself and one another.
- He said please hug someone you love. They need it more than you think they do.

COUNCILMEMBER HENNEN

- No update from the Tree Board.
- The Zoning Board of Appeals met and denied a variance requesting a commercial sign slightly larger than allowed by code and members have no cases to hear in February.

COUNCILMEMBER BLACK

- He said the Committee on Engagement and Transparency will meet on February 12th at 6 PM in the second-floor conference room of the Public Safety building. He said they are still looking for engaged citizens. He read the Committee's mission statement: the Committee For Engagement and Transparency helps connect City administration and Berkley residents. Members of the Committee support the City's communications and its departments by identifying ways to improve a resident's ability to gather accurate information and helping to clarify and amplify City initiatives. He stated that they are aiming for a committee with about 12 members and they plan to be at all upcoming City events. He said that they encourage people to get off of social media and join our community.
- America's graveyards are filled with brave men and women who suffered at the hands of poor leadership, bad processes and no plans. He said that today's theme to him was operations and it was a testament to the fact that we have some outstanding leaders. You get the right leaders, the right process and the right people and you can do amazing things. He said that we are going in outstanding direction as a city.

CITY MANAGER VANVLECK

- Winterfest is this Saturday from noon-2 PM at the Community Center. The event will have ice skating, food trucks, and a fire pit with s'mores; hopefully it won't be too cold out there and everyone can have fun.
- Regarding water main breaks: if you don't think its reported, please call our DPS. The City Facebook page reports breaks when we know that they've happened as well as suggestions of what to do, which

includes that if you are experiencing brown water to run cold water through the lowest faucet in your home.

CITY ATTORNEY JAKE MERTES

- No updates.

MAYOR DEAN

- The University of Michigan Dearborn's Office of Engagement and Impact has honored the City of Berkley for our commitment to local business; she said that as a former local business owner she can attest to the support and encouragement the Chamber of Commerce, DDA and the City give to small businesses. She said that we know how important it is to have thriving downtowns because when your downtown's thriving, your neighborhoods are flourishing.
- Aunt Mary, Berkley's oldest resident, passed at 108 years old. May she rest in peace.
- She wished everyone a Happy New Year and said that she wishes everyone peace worth protecting and boundaries worth respecting with just enough struggle for growth to occur.

ADJOURNMENT:

Councilmember Patterson moved to adjourn the Regular Meeting at 9:31 PM.

Seconded by Councilmember Vilani

Ayes: Vilani, Baker, Black, Gavin, Hennen, Patterson and Dean

Nays: None

Motion approved.

Bridget Dean, Mayor

ATTEST:

Victoria Mitchell, City Clerk

THE SPECIAL WORK SESSION OF THE FORTIETH COUNCIL OF THE CITY OF BERKLEY, MICHIGAN WAS CALLED TO ORDER AT 6:00 PM ON MONDAY, JANUARY 27, 2025 BY MAYOR DEAN

PRESENT: Councilmember Steve Baker
Councilmember Clarence Black (arrived at 6:02 PM)
Mayor Pro Tem Ross Gavin
Councilmember Dennis Hennen
Councilmember Gregory Patterson
Councilmember Jessica Vilani
Mayor Bridget Dean

OTHER STAFF PRESENT:

City Manager Crystal VanVleck
City Clerk Victoria Mitchell
Director of Public Safety Matt Koehn
Deputy City Manager of Public Services Shawn Young
Community Development Director Kristen Kapelanski
Public Safety Lt. Jordan Kobernick
Director of Communications Caitlin Flora

APPROVAL OF AGENDA

Mayor Pro Tem Gavin moved to approve the Agenda
Seconded by Councilmember Baker
Ayes: Gavin, Hennen, Patterson, Vilani, Baker and Dean
Nays: None
Absent: Black
Motion Approved.

PUBLIC COMMENT

Joel Ulferts, Berkley, stated he would have liked more information regarding the meeting topic on the agenda.

REGULAR AGENDA

DISCUSSION: Matter of discussing 2020 Sign Inventory and Recommendations Updates.

Management Transition Consultant Nate Geinzer introduced the agenda item.

Mr. Geinzer said this meeting wouldn't be a "coulda, woulda, shoulda" scenario but instead would focus on the Sign Project and what is next.

What is the "Sign Project"

Scope:

- Phase I: Inventory of all Regulatory Signs in the City
 - Locations
 - Reflectivity
 - Placement and Compliance
 - Basis for each sign as defined in the Michigan Manual on Uniform Traffic Control
- Phase II: Sign Recommendations
 - Identify Signs for replacement
 - Compare Signs with 100s of Old TCOs, address as necessary
 - Recommendations for No Parking locations adjacent to schools
 - Develop Standard for No Parking Locations for Fire Safety

Intent:

- Review 100s of TCOs that have accumulated to the 70s and compare them to modern standards
- Find appropriate standardization of parking regulations
- Ultimate Goal: Consistency and new baseline

How a TCO is originated was discussed.

Timeline:

Context – Two different councils

- Early 2020 – Staff begins talking with council
- May 20, 2020 – City Council approves Phase I: Sign inventory
- April 6, 2021 – City Council Approves Phase II: Sign Recommendations
- January 2023 – Staff Updates TCO recommendations
- Fall 2023 – Staff begins implementing recommendations around schools
- Late 2023/Early 2024 – Implementation of recommendations continue
- February/March 2024 – Progress stopped due in part to social media commotion

Fire Lanes*

*Note: Staff to reevaluate

- Clear roadway width less than 20 feet: No parking allowed on either side of the road except for boulevards
- Clear roadway width of 20 feet or wider: No parking allowed on the fire hydrant side

Deputy City Manager of Public Services Shawn Young discussed Act 51 Standards.

Status:

- Project 80-90 percent complete
- What is left?
 - Areas adjacent to Vinsetta Garage
 - Cumberland north of 12 mile
 - Signs needing replacement to meet state/federal guidelines
 - Other Misc.

Staff Preference: Move forward and Move On:

- Move beyond hodgepodge of the past
- Finish implementing the recommendations of the sign report
 - Verify recommendations against MDOT Act 51 Guidelines for Major Roads – to redefine major roads would cost the city monies
 - Major Roads require min 28' for parking on one side
 - Major Roads require min 33' for parking on both sides
 - Major Roads include: Bacon south of 12 Mile, Phillips north of 12 Mile to Webster, Tyler south of Catalpa, Griffith between 12 Mile and Catalpa, Harvard between Coolidge and Woodward.
 - Address Temporary Issues with Temporary Solutions
 - Reevaluate as Necessary following New Baseline
 - Avoid Reactions
 - Rely on subject matter experts, DPS, DPW
 - Decisions should be public safety driven not concerns of convenience
 - Avoid chain reactions: A change on one street usually results in the problem being pushed to the next street over, etc.
 - Mindful of limited staff resources

Mr. Geinzer discussed the impact of chain reactions. When you make a change on one street, it impacts the streets around it.

Director Koehn said hundreds of hours were spent on this study. He explained the importance of relying on the experts and having standards in place. He explained this is a dense city with public streets and we can't force people to park in public parking lots. He explained any time we fix something, we break something else.

Mr. Geinzer said ultimately the goal is to see if there is a consensus on a path forward. He asked what is needed from staff to move forward.

City Manager VanVleck explained this is a project Mr. Geinzer has been working on. She said we will never make everyone happy. And to Chief's point, we have a dense community. She said it is important to make standards so the process is objective and not subjective.

Mayor Dean said she would like to come from a place of safety. She said a robust education; communication plan is important. She said people want to know when something impacts them. People want the information and they want to understand.

Director Koehn said they used several traffic engineers to design a standard based on math. He said it took the Department's TCOs from hundreds to 23.

The evaluation/reevaluation process was discussed.

Councilmember Baker said he supports the idea of more proactive communication, rolling communication. He stated he would like to know more about the traffic committee Director Koehn spoke of earlier.

Councilmember Baker asked how the 696 closure process will impact Berkley and what should we be doing regarding signs to help our residents.

Councilmember Vilani thanked Mr. Geinzer for the helpful background. She said it was helpful to understand the timeline. She noted the big paradigm shifts in communication. She said in the past, people complained and signs were placed or removed. She supports breaking the cycle of the loudest wins in lieu of safety.

Councilmember Vilani said we also need to look at whether or not we are a walking district. She stated the mentality is that we brand ourselves as a walkable community, but she doesn't know if that is the vibe. She said people need more time, information, and consideration.

Mayor Dean said she was on council when this project began. She said she didn't feel she received this much information at that time.

Councilmember Patterson asked questions regarding street width. He asked questions comparing the HRC report to Mr. Geinzer's slides. A discussion ensued regarding street widths and emergency vehicle specifications. Safety concerns were discussed.

Lt. Kobernick said he's never experienced a firetruck that was not able to get through a street. He stated street widths are not the issue. He stated issues arise when there is an influx of vehicles due to special events.

Deputy Manager Young discussed the Department of Public Work's experience with various street widths. He said we have to adapt our standards. He said we need the on-street parking, but we also need to be safe.

Director Koehn pointed out it's not just a discussion regarding city/emergency vehicles, but all types of trucks, including delivery.

Councilmember Hennen made recommendations for communicating street sign changes. He said a yard sign with the information would be cost-effective. He discussed the utilization of no parking. He said safety is important, but quality of life is important too. He said he was going to bring up the streets near Green Lantern. He discussed keeping the standards and evaluating special zones that would be looked at when businesses are busy.

Mr. Geinzer said in closing, that administration hears Council, and the conversation isn't over.

Councilmember Hennen reaffirmed the points made. He stated they could look at site solutions if necessary. He said he would debrief with City Manager VanVleck.

Mr. Geinzer confirmed there is a consensus to keep talking.

ADJOURNMENT:

Councilmember Patterson moved to adjourn the Special Meeting at 6:48 PM

Seconded by Councilmember Vilani

Ayes: Gavin, Hennen, Patterson, Vilani, Baker, Black and Dean

Nays: None

Motion Approved.

Bridget Dean, Mayor

ATTEST:

Victoria Mitchell, City Clerk



CITY OF BERKLEY
 CHECK WARRANT
 #1407
 JANUARY 2025

Check Date	Check #	Payee	Description	GL #	Amount
01/07/2025	77444	CASEY MILLER	CONTRACTUAL SERVICES	208-845-818-000	696.50
01/15/2025	77445	21ST CENTURY MEDIA - MICHIGAN	ADVERTISING	101-215-901-000	114.74
			ADVERTISING	101-701-901-000	282.63
					397.37
01/15/2025	77446	AIRGAS USA, LLC	VEHICLE SUPPLIES	101-443-781-000	56.62
01/15/2025	77447	AMAZON CAPITAL SERVICES	OFFICE SUPPLIES	101-191-728-000	94.38
			OFFICE SUPPLIES	101-191-728-000	29.97
			EQUIPMENT SUPPLIES	101-228-778-000	82.96
			EQUIPMENT SUPPLIES	101-228-778-000	70.56
			OFFICE SUPPLIES	101-265-728-000	13.55
			OFFICE SUPPLIES	101-265-728-000	59.99
			OFFICE SUPPLIES	101-265-728-000	134.55
			MAINTENANCE SUPPLIES - CITY HALL	101-267-776-101	23.99
			VEHICLE SUPPLIES	101-443-781-000	10.49
			VEHICLE SUPPLIES	101-443-781-000	14.98
			EQUIPMENT	592-536-982-592	109.78
					645.20
01/15/2025	77448	AMERICAS STAMP STOP	FACADE GRANT INCENTIVE PROGRAM	248-729-972-100	3,678.50

01/15/2025	77449	AT&T	TELEPHONE	101-265-853-000	660.90
			TELEPHONE	101-265-853-000	158.53
			TELEPHONE	101-345-853-000	94.41
			TELEPHONE	101-345-853-000	417.20
			TELEPHONE	101-441-853-000	47.21
			TELEPHONE	101-441-853-000	75.10
			TELEPHONE	101-790-853-000	47.21
			TELEPHONE	101-790-853-000	75.10
			TELEPHONE	208-751-853-000	160.29
			TELEPHONE	208-751-853-000	94.41
			TELEPHONE	208-751-853-000	108.47
					1,938.83
01/15/2025	77450	AT&T	CONTRACTUAL SERVICES	101-228-818-000	195.24
01/15/2025	77451	ATA NATIONAL TITLE GROUP	SUNDRY REVENUE	101-001-672-001	582.61
01/15/2025	77452	B&H PHOTO-VIDEO	EQUIPMENT SUPPLIES	101-228-778-000	52.91
			OFFICE EQUIPMENT	101-228-983-000	239.77
					292.68
01/15/2025	77453	BIG D LOCK CITY	MAINTENANCE SUPPLIES - PUB SAFETY	101-267-776-345	2.00
			BUILDING MAINTENANCE - LIBRARY	101-267-931-271	110.00
					112.00
01/15/2025	77454	BOUNCING ALL AROUND INC.	CONTRACTUAL SERVICES	208-844-818-000	890.00
01/15/2025	77455	BRENDA PAMELA ZARINANA-CASTANEDA	CONTRACTUAL SERVICES	211-752-818-000	789.50
01/15/2025	77456	BRIAN LAPINE	PROFESSIONAL DEVELOPMENT	101-441-960-000	40.00
01/15/2025	77457	CARDCONNECT	CONTRACTUAL SERVICES	208-751-818-000	25.00

01/15/2025	77458	CARLISLE / WORTMAN	CONSULTANT	101-701-817-000	450.00
01/15/2025	77459	CAROUSEL ACRES, INC.	CONTRACTUAL SERVICES	208-844-818-000	900.00
01/15/2025	77460	CASEY MILLER	CONTRACTUAL SERVICES	208-845-818-000	378.00
01/15/2025	77461	CDW GOVERNMENT, INC.	EQUIPMENT SUPPLIES	101-228-778-000	94.08
01/15/2025	77462	CHET'S AMERICAN RENTAL EQUIP.	BUILDING MAINTENANCE - CITY HALL	101-267-931-101	334.45
01/15/2025	77463	CHURCH OF THE KING	BWDC24-001 - PTU24-0009	101-000-283-002	100.00
01/15/2025	77464	CINTAS	BUILDING MAINTENANCE - CITY HALL	101-267-931-101	313.47
			CUSTODIAL SERVICES	101-441-811-000	148.45
			CONTRACTUAL SERVICES	208-751-818-000	176.77
			CUSTODIAL	592-536-811-000	148.45
			EQUIPMENT	592-536-982-592	77.83
					864.97
01/15/2025	77465	CLEAR CUT ICE	CONTRACTUAL SERVICES	208-844-818-000	1,300.00
01/15/2025	77466	CMNTV	CABLE PRODUCTION	101-250-815-000	1,265.00
			CABLE PRODUCTION	101-250-815-000	940.00
			CABLE PRODUCTION	101-250-815-000	4,140.00
					6,345.00
01/15/2025	77467	CONTRACTORS CLOTHING CO.	UNIFORMS	592-536-744-000	16.19
01/15/2025	77468	CORELOGIC	SUNDRY REVENUE	101-001-672-001	1,471.20

01/15/2025	77469	Crispelli's Bakery & Pizzeria	BWDC24-003 - PWDC24-002	101-000-283-002	100.00
01/15/2025	77470	CUMMINS SALES AND SERVICE	VEHICLE SUPPLIES	101-443-781-000	202.66
01/15/2025	77471	DEALER AUTO PARTS SALES	VEHICLE SUPPLIES	101-443-781-000	75.72
01/15/2025	77472	DELL MARKETING LP	CAR COMPUTERS	101-345-985-001	137.58
01/15/2025	77473	DEMCO	OFFICE SUPPLIES	101-790-728-000	82.49
01/15/2025	77474	DETROIT SALT COMPANY	PROGRAM SUPPLIES	202-478-758-000	2,165.68
			PROGRAM SUPPLIES	202-478-758-000	4,312.02
			PROGRAM SUPPLIES	203-478-758-000	928.16
			PROGRAM SUPPLIES	203-478-758-000	1,848.02
					9,253.88
01/15/2025	77475	DISCOVER RESTITUTION	SUPPLIES	101-345-728-000	22.00
01/15/2025	77476	DURST LUMBER & ACE HARDWARE	OFFICE SUPPLIES	101-441-728-000	13.18
			VEHICLE SUPPLIES	101-443-781-000	4.04
					17.22
01/15/2025	77477	ERC-LED, LLC	LAND IMPROVEMENTS	101-265-971-150	4,170.00
01/15/2025	77478	EVA MITCHELL	PART TIME EMPLOYEES	101-215-707-000	97.50
			PART TIME EMPLOYEES	101-215-707-000	52.50
					150.00
01/15/2025	77479	EVERDRY WATERPROOFING	BUILDING BONDS	101-000-283-000	312.50

01/15/2025	77480	FIRE DEFENSE EQUIPMENT COMPANY	MAINTENANCE SUPPLIES - PUB SAFETY	101-267-776-345	48.00
01/15/2025	77481	FIRESERVICE MANAGEMENT	FIRE EQUIPMENT	101-345-979-000	219.50
01/15/2025	77482	Gregory Alan Hunt	BBP24-0055 - PUT24-0143	101-000-283-000	5,000.00
01/15/2025	77483	H.D. EDWARDS & CO.	EQUIPMENT	592-536-982-592	192.63
01/15/2025	77484	H2O Plumbing	BSW24-0042 - PUT24-0149	101-000-283-000	500.00
01/15/2025	77485	HAFELI, STARAN, & CHRIST, P.C.	CITY ATTORNEY	101-266-825-000	6,471.25
01/15/2025	77486	HERSCH'S INC.	PROGRAM SUPPLIES	101-441-758-000	448.00
			EQUIPMENT SUPPLIES	208-751-778-000	305.00
					753.00
01/15/2025	77487	HILLAN HOMES INC	BF24-0006 - PB22-0064	101-000-283-000	1,000.00
			BBE22-0007 - PB22-0064	101-000-283-000	800.00
			BE21-0011 - PR21-0013	101-000-283-371	850.00
					2,650.00
01/15/2025	77488	HOOPLA	DOWNLOADABLE CONTENT	101-790-731-001	442.98
01/15/2025	77489	HOOR MEDIA	ADVERTISING	101-250-901-000	995.00
			ADVERTISING/MARKETING	248-726-901-000	2,000.00
					2,995.00
01/15/2025	77490	HUBBELL, ROTH & CLARK	MOSES ROSES - 3120 11 MILE	101-000-283-240	261.29
			BUILDING ESCROW-ENGINEERING REVIEW	101-000-283-371	615.88

			HEAT/COOLING	101-265-976-002	1,770.00
					2,647.17
01/15/2025	77491	HYDROCORP	CROSS CONNECTIONS	592-536-822-000	1,769.00
01/15/2025	77492	INTERSTATE BILLING SERVICE	VEHICLE SUPPLIES	101-443-781-000	225.76
01/15/2025	77493	ITALY AMERICAN CONSTRUCTION	BBA23-0186 - PB23-0344	101-000-283-000	100.00
01/15/2025	77494	J.H. HART URBAN FORESTRY	CONTRACTUAL SERVICES	202-468-818-000	1,761.75
			CONTRACTUAL SERVICES	203-468-818-000	4,110.75
					5,872.50
01/15/2025	77495	JOHNSON CONTROLS, INC.	HEAT/COOLING	101-265-976-002	146,208.65
			BUILDING MAINTENANCE - CITY HALL	101-267-931-101	537.00
					146,745.65
01/15/2025	77496	KANOPY, INC.	DOWNLOADABLE CONTENT	101-790-731-001	192.10
01/15/2025	77497	KAREN SMITH	BOARD OF CANVASSERS	101-253-703-000	60.00
01/15/2025	77498	KIMBALL MIDWEST	VEHICLE SUPPLIES	101-443-781-000	807.56
01/15/2025	77499	KONICA MINOLTA BUSINESS SOLUTIONS	OFFICE EQUIPMENT RENTAL	101-265-946-000	420.82
			OFFICE EQUIPMENT RENTAL	101-441-946-000	27.56
			OFFICE EQUIPMENT MAINTENANCE	101-790-934-000	43.27
			OFFICE EQUIPMENT RENTAL	208-751-946-000	131.78
			OFFICE EQUIPMENT RENTAL	208-751-946-000	96.40
			OFFICE EQUIPMENT RENTAL	592-536-946-000	27.53
					747.36

01/15/2025	77500	LARRY'S WELDING SUPPLY	VEHICLE SUPPLIES	101-443-781-000	62.65
01/15/2025	77501	LERETA, LLC	SUNDRY REVENUE	101-001-672-001	696.45
01/15/2025	77502	LGC GLOBAL ENERGY FM, LLC	CUSTODIAL SERVICES - CITY HALL	101-267-811-101	919.40
			CUSTODIAL SERVICES - CITY HALL	101-267-811-101	919.40
			CUSTODIAL SERVICES - LIBRARY	101-267-811-271	2,268.85
			CUSTODIAL SERVICES - LIBRARY	101-267-811-271	2,268.85
			CUSTODIAL SERVICES - PUB SAFETY	101-267-811-345	1,711.71
			CUSTODIAL SERVICES - PUB SAFETY	101-267-811-345	1,711.71
			CUSTODIAL SERVICES - DPW	101-267-811-441	282.81
			CUSTODIAL SERVICES - DPW	101-267-811-441	282.81
			CUSTODIAL SERVICES - PARKS	208-267-811-208	1,386.49
			CUSTODIAL SERVICES - PARKS	208-267-811-208	1,386.49
					13,138.52
01/15/2025	77503	MAJIK GRAPHICS, INC.	VEHICLE SUPPLIES	101-443-781-000	477.50
01/15/2025	77504	MAPLEPRESS	POSTAGE-PRINTING-MAILING	101-253-730-000	2,401.22
01/15/2025	77505	MICHIGAN LIBRARY ASSOC.	PROFESSIONAL DEVELOPMENT	101-790-960-000	85.00
01/15/2025	77506	MICHIGAN MUNICIPAL TREASURERS ASSOC	MEMBERSHIPS	101-253-803-000	198.00
01/15/2025	77507	MiSDU	PAYROLL DEDUCTIONS	101-000-231-000	82.99
			PAYROLL DEDUCTIONS	101-000-231-000	542.76
			PAYROLL DEDUCTIONS	101-000-231-000	82.99
			PAYROLL DEDUCTIONS	101-000-231-000	542.76
					1,251.50
01/15/2025	77508	MNC & ANC PROFESSIONAL SERVICES	STREETSCAPE IMPROVEMENTS	248-902-972-200	2,791.00
			STREETSCAPE IMPROVEMENTS	248-902-972-200	1,080.00
					3,871.00

01/15/2025	77509	N & J EXCAVATING	BBP24-0056 - PUT24-0147	101-000-283-000	5,000.00
01/15/2025	77510	O'REILLY AUTOMOTIVE, INC.	VEHICLE SUPPLIES	101-443-781-000	563.14
			VEHICLE MAINTENANCE	211-755-939-000	77.28
					640.42
01/15/2025	77511	OAKLAND COUNTY	CONTRACTUAL SERVICES	101-253-818-000	1,410.88
			ANIMAL CONTROL MEDICAL EXPENSES	101-430-835-000	199.00
			BULK SEWAGE	592-536-927-000	94,052.07
			STORM FLOW	592-537-927-000	170,435.17
					266,097.12
01/15/2025	77512	OAKLAND COUNTY CLERKS ASSOCIATION	MEMBERSHIPS AND DUES	101-215-803-000	105.00
01/15/2025	77513	OTIS ELEVATOR	BUILDING MAINTENANCE - PUB SAFETY	101-267-931-345	8,439.24
01/15/2025	77514	P. A. MORRIS COMPANY	SECRETARIAL SERVICES	248-722-818-205	150.00
01/15/2025	77515	PINE STATE ENTERPRISES	HISTORIC COMMITTEE	101-000-302-000	474.21
01/15/2025	77516	POMP'S TIRE SERVICE, INC.	VEHICLE SUPPLIES	101-443-781-000	1,012.32
01/15/2025	77517	PRECISION DATA PRODUCTS	SUPPLIES	101-345-728-000	331.40
01/15/2025	77518	PRESIDIO NETWORKED SOLUTIONS GROUP	BUILDING MAINTENANCE	101-345-931-000	33.83
01/15/2025	77519	PRINTING SYSTEMS	STATIONARY	101-215-729-000	76.41

01/15/2025	77520	PROGRESSIVE PLUMBING SUPPLY CO.	EQUIPMENT	592-536-982-592	155.70
01/15/2025	77521	PROVANTAGE LLC	CAR COMPUTERS	101-345-985-001	4,400.00
01/15/2025	77522	QUANTUM SERVICES GROUP, LLC	CONTRACTUAL SERVICES	101-228-818-000	1,448.00
01/15/2025	77523	RAD HATTER MARKETING	CONTRACTUAL SERVICES	248-726-818-000	4,200.00
01/15/2025	77524	REVIZE LLC	WEBSITE MAINTENANCE	101-250-814-000	1,100.00
01/15/2025	77525	REWARE VINTAGE, LLC	PROFESSIONAL DEVELOPMENT	248-740-960-000	300.00
01/15/2025	77526	RICHARD INMAN	TAXES PAYABLE	703-000-225-000	6,666.96
01/15/2025	77527	ROAD COMMISSION OF OAKLAND CO	PROGRAM SUPPLIES	202-478-758-000	873.60
			PROGRAM SUPPLIES	203-478-758-000	374.40
					1,248.00
01/15/2025	77528	ROLLS MECHANICAL	BUILDING BONDS	101-000-283-000	35.00
01/15/2025	77529	ROYAL OAK FORD	VEHICLE SUPPLIES	101-443-781-000	106.36
01/15/2025	77530	S/E OAK. CTY WATER AUTHORITY	BULK WATER	592-536-926-000	72,671.56
01/15/2025	77531	SABO PR	CONTRACTUAL SERVICES	101-250-818-000	759.60
01/15/2025	77532	SAM W. PURDY	CONTRACTUAL SERVICES	208-845-818-000	529.20

01/15/2025	77533	Scott M & Karen Dickson	BBA21-0083 - PB21-0190	101-000-283-000	50.00
01/15/2025	77534	Shelby Construction Services LLC	BBB23-0095 - PB23-0400	101-000-283-000	75.00
01/15/2025	77535	SLADES PLUMBING	BUILDING BONDS	101-000-283-000	50.00
01/15/2025	77536	SOCRRA	RUBBISH COLLECTION	226-528-818-001	34,383.52
			TRASH DISPOSAL	226-528-818-003	22,484.48
					56,868.00
01/15/2025	77537	STAPLES	OFFICE SUPPLIES	101-265-728-000	515.91
			OFFICE SUPPLIES	101-790-728-000	177.29
					693.20
01/15/2025	77538	SUBURBAN FORD OF TROY	VEHICLE MAINTENANCE - DPW	101-345-939-002	12.42
01/15/2025	77539	SUZANNE THIEDE	BOARD OF CANVASSERS	101-253-703-000	50.00
01/15/2025	77540	T THOMPSON PLUMBING	BBP24-0047 - PUT24-0116	101-000-283-000	5,000.00
01/15/2025	77541	T-MOBILE	DOWNLOADABLE CONTENT	101-790-731-001	287.00
01/15/2025	77542	THE LIBRARY NETWORK	LIBRARY COOP	101-790-828-000	1,031.51
			LIBRARY COOP	101-790-828-000	9,439.75
					10,471.26
01/15/2025	77543	THE ORIGINAL PRINT SHOPPE	ADVERTISING/MARKETING	248-726-901-000	488.50
01/15/2025	77544	THOMAS & CYNTHIA PRELL	TAXES PAYABLE	703-000-225-000	331.46

01/15/2025	77545	TOM BYARS	BOARD OF CANVASSERS	101-253-703-000	50.00
01/15/2025	77546	TRITON PLUMBING LLC	BSW24-0041 - PUT24-0146	101-000-283-000	500.00
01/15/2025	77547	TRUCK & TRAILER SPECIALTIES, INC.	VEHICLE SUPPLIES	101-443-781-000	727.28
01/15/2025	77548	TYRONE S MARTIN	TAXES PAYABLE	703-000-225-000	7,529.72
01/15/2025	77549	UNIQUE MANAGEMENT SERVICES, INC.	CONTRACTUAL SERVICES	101-790-818-000	81.55
01/15/2025	77550	UNITED FACILITY SUPPLIES	MAINTENANCE SUPPLIES - CITY HALL	101-267-776-101	64.96
			MAINTENANCE SUPPLIES - PUB SAFETY	101-267-776-345	64.96
			MAINTENANCE SUPPLIES - DPW	101-267-776-441	64.96
					194.88
01/15/2025	77551	VERIZON WIRELESS	TELEPHONE	101-172-853-000	131.50
			TELEPHONE	101-215-853-000	81.07
			SOFTWARE MAINT AND SUBSCRIPTIONS	101-228-760-000	132.75
			TELEPHONE	101-228-853-000	151.03
			TELEPHONE	101-250-853-000	81.00
			TELEPHONE	101-345-853-000	288.78
			TELEPHONE	101-430-853-000	40.57
			TELEPHONE	101-441-853-000	251.16
			TELEPHONE	101-701-853-000	91.00
			TELEPHONE	101-790-853-000	45.50
			CONTRACTUAL SERVICES	208-751-818-000	45.50
			TELEPHONE	208-751-853-000	219.33
			CONTRACTUAL SERVICES	208-754-818-000	384.49
			TELEPHONE	211-755-853-000	41.11
			TELEPHONE	248-722-853-000	40.50
			TELEPHONE	592-536-853-000	301.24
					2,326.53

01/15/2025	77552	VESCO OIL CORPORATION	FUEL & OIL	101-441-751-000	2,419.19
			VEHICLE SUPPLIES	101-443-781-000	1,769.04
					4,188.23
01/15/2025	77553	WEINGARTZ	EQUIPMENT	208-751-982-000	18,431.88
01/15/2025	77554	WINDSTREAM	CONTRACTUAL SERVICES	101-228-818-000	744.61
01/15/2025	77555	WOW! BUSINESS	CONTRACTUAL SERVICES	101-228-818-000	851.98
01/17/2025	77556	ADN ADMINISTRATORS, INC.	CONSULTANT	101-191-817-000	1,023.50
01/17/2025	77557	AMAZON CAPITAL SERVICES	UNIFORMS-CLEANING & PURCHASES	101-345-744-000	16.72
			BUILDING MAINTENANCE	101-345-931-000	28.45
					45.17
01/17/2025	77558	BIG D LOCK CITY	SUPPLIES	101-345-728-000	2.00
01/17/2025	77559	CAMELOT CLEANERS	PRISONER BOARD	101-345-753-000	110.50
01/17/2025	77560	CINTAS	MEDICAL SUPPLIES	101-345-758-011	9.15
01/17/2025	77561	KENT COUNTY DEPT. OF PUBLIC WORKS	BUILDING MAINTENANCE	101-345-931-000	90.00
01/17/2025	77562	KEVIN PALMER	UNIFORMS-CLEANING & PURCHASES	101-430-744-000	132.50
01/17/2025	77563	LIFELOC TECHNOLOGIES, INC	EQUIPMENT	101-345-982-000	584.00
01/17/2025	77564	MICHIGAN GRAPHICS & AWARDS	SUPPLIES	101-345-728-000	345.00

01/17/2025	77565	MICHIGAN STATE POLICE	SUPPLIES	101-345-728-000	140.00
			CONTRACTUAL SERVICES	101-345-818-000	30.00
					<u>170.00</u>
01/17/2025	77566	MML LIABILITY & PROPERTY POOL	PREPAID EXPENSES	101-000-123-000	271,815.00
01/17/2025	77567	NYE UNIFORM	UNIFORMS-CLEANING & PURCHASES	101-345-744-000	149.50
			UNIFORMS-CLEANING & PURCHASES	101-345-744-000	17.60
			UNIFORMS-CLEANING & PURCHASES	101-345-744-000	945.00
			UNIFORMS-CLEANING & PURCHASES	101-345-744-000	407.50
			UNIFORMS-CLEANING & PURCHASES	101-345-744-000	177.50
			UNIFORMS-CLEANING & PURCHASES	101-345-744-000	249.00
			UNIFORMS-CLEANING & PURCHASES	101-345-744-000	30.50
					<u>1,976.60</u>
01/17/2025	77568	OAKLAND COUNTY TREASURER	DATA PROCESSING	101-345-814-000	1,207.25
01/17/2025	77569	OAKLAND COUNTY TREASURER'S ASSO.	MEMBERSHIPS	101-253-803-000	20.00
			MEMBERSHIPS	101-253-803-000	20.00
					<u>40.00</u>
01/17/2025	77570	ORKIN PEST CONTROL	BUILDING MAINTENANCE	101-345-931-000	75.00
01/17/2025	77571	STAPLES	SUPPLIES	101-345-728-000	50.45
			SUPPLIES	101-345-728-000	225.98
					<u>276.43</u>
01/17/2025	77572	TRANSUNION RISK AND ALTERNATIVE	MEMBERSHIPS	101-345-803-000	110.00
01/17/2025	77573	TYLER TECHNOLOGIES, INC.	FIRE PLAN REVIEW	101-345-754-000	3,024.36

01/17/2025	77574	WINDER POLICE EQUIPMENT	VEHICLE MAINTENANCE	101-345-939-000	134.16
01/30/2025	77575	A & B ALARM SYSTEMS, INC.	BUILDING MAINTENANCE - DPW	101-267-931-441	250.00
01/30/2025	77576	ACUITY SPECIALTY PRODUCTS, INC.	VEHICLE SUPPLIES	101-443-781-000	159.72
			VEHICLE SUPPLIES	101-443-781-000	159.72
					319.44
01/30/2025	77577	ADAM J STEPEK	BBA24-0070 - PBG24-0007	101-000-283-000	100.00
01/30/2025	77578	AMAZON CAPITAL SERVICES	OFFICE SUPPLIES	101-191-728-000	69.98
			OFFICE SUPPLIES	101-191-728-000	132.41
			OFFICE SUPPLIES	101-191-728-000	11.21
			OFFICE SUPPLIES	101-215-728-000	75.85
			OFFICE SUPPLIES	101-265-728-000	31.99
			MAINTENANCE SUPPLIES - CITY HALL	101-267-776-101	39.63
			MAINTENANCE SUPPLIES - LIBRARY	101-267-776-271	12.32
			RANGE/TRAINING SUPPLIES	101-345-741-002	207.91
			RANGE/TRAINING SUPPLIES	101-345-741-002	35.96
			RANGE/TRAINING SUPPLIES	101-345-741-002	64.39
			RANGE/TRAINING SUPPLIES	101-345-741-002	35.89
			RANGE/TRAINING SUPPLIES	101-345-741-002	16.98
			RANGE/TRAINING SUPPLIES	101-345-741-002	52.52
			BUILDING MAINTENANCE	101-345-931-000	117.38
					904.42
01/30/2025	77579	ASSA ABLOY ENTRANCE SYSTEMS US INC.	BUILDING IMPROVEMENTS - PARKS	208-267-976-208	11,000.00
01/30/2025	77580	BERKLEY AREA CHAMBER OF COMMERCE	MEMBERSHIPS AND DUES	248-722-803-000	127.00
			DDA - EVENTS	248-724-817-004	500.00
					627.00
01/30/2025	77581	BIG D LOCK CITY	VEHICLE SUPPLIES	101-443-781-000	5.00

			VEHICLE SUPPLIES	101-443-781-000	17.97
					22.97
01/30/2025	77582	BRODART CO.	OFFICE SUPPLIES	101-790-728-000	233.67
01/30/2025	77583	CHRISTOPHER GREY REMODELING &	BUILDING IMPROVEMENTS - PARKS	208-267-976-208	5,900.00
01/30/2025	77584	CINTAS	MAINTENANCE SUPPLIES - CITY HALL	101-267-776-101	99.20
01/30/2025	77585	CONTRACTORS CLOTHING CO.	UNIFORMS	202-464-744-000	88.17
			UNIFORMS	202-464-744-000	62.99
			UNIFORMS	208-751-744-000	17.95
			UNIFORMS	592-536-744-000	4.48
			UNIFORMS	592-536-744-000	17.99
					191.58
01/30/2025	77586	CONTRACTORS CONNECTION	PROGRAM SUPPLIES	202-464-758-000	170.10
			PROGRAM SUPPLIES	203-464-758-000	72.90
			TOOLS	592-536-787-000	231.40
			EQUIPMENT	592-536-982-592	38.50
					512.90
01/30/2025	77587	CUMMINS SALES AND SERVICE	BUILDING MAINTENANCE - DPW	101-267-931-441	649.60
01/30/2025	77588	D'ANGELO BROS INC.	CONTRACTUAL SERVICES	592-536-818-000	2,105.41
			CONTRACTUAL SERVICES	592-536-818-000	9,536.30
					11,641.71
01/30/2025	77589	DEALER AUTO PARTS SALES	VEHICLE MAINTENANCE	101-345-939-000	29.25
			VEHICLE MAINTENANCE - DPW	101-345-939-002	96.25
			VEHICLE MAINTENANCE - DPW	101-345-939-002	42.44
			VEHICLE MAINTENANCE - DPW	101-345-939-002	78.75
			VEHICLE MAINTENANCE - DPW	101-345-939-002	59.68

			VEHICLE MAINTENANCE - DPW	101-345-939-002	78.75
			VEHICLE MAINTENANCE - DPW	101-345-939-002	70.80
			VEHICLE SUPPLIES	101-443-781-000	571.78
			VEHICLE SUPPLIES	101-443-781-000	442.03
			VEHICLE SUPPLIES	101-443-781-000	44.50
			VEHICLE SUPPLIES	101-443-781-000	285.00
			VEHICLE SUPPLIES	101-443-781-000	100.92
			VEHICLE MAINTENANCE - PSO	101-443-939-002	34.32
					1,934.47
01/30/2025	77590	DEMCO	OFFICE SUPPLIES	101-790-728-000	200.55
01/30/2025	77591	DES MOINES STAMP MANUFACTURING CO.	SUPPLIES	101-345-728-000	91.00
01/30/2025	77592	DETROIT SALT COMPANY	PROGRAM SUPPLIES	202-478-758-000	2,153.22
			PROGRAM SUPPLIES	202-478-758-000	4,783.16
			PROGRAM SUPPLIES	202-478-758-000	2,172.56
			PROGRAM SUPPLIES	203-478-758-000	922.81
			PROGRAM SUPPLIES	203-478-758-000	2,049.93
			PROGRAM SUPPLIES	203-478-758-000	931.10
					13,012.78
01/30/2025	77593	DOUBLE HAUL SOLUTIONS	CONSULTANT	101-172-817-000	5,200.00
01/30/2025	77594	DURST LUMBER & ACE HARDWARE	MAINTENANCE SUPPLIES - CITY HALL	101-267-776-101	4.59
			MAINTENANCE SUPPLIES - CITY HALL	101-267-776-101	14.57
			MAINTENANCE SUPPLIES - PUB SAFETY	101-267-776-345	7.99
			OFFICE SUPPLIES	101-441-728-000	24.00
			OFFICE SUPPLIES	101-441-728-000	49.99
			PROGRAM SUPPLIES	208-844-758-000	25.99
			PROGRAM SUPPLIES	208-844-758-000	44.99
			EQUIPMENT	592-536-982-592	2.99
			EQUIPMENT	592-536-982-592	76.97
			EQUIPMENT	592-536-982-592	19.38
			EQUIPMENT	592-536-982-592	31.92
					303.38

01/30/2025	77595	EAGLE ENGRAVING, INC.	SUPPLIES	101-345-728-000	127.00
01/30/2025	77596	ERNEST BUDZINSKI	PROFESSIONAL DEVELOPMENT	101-443-960-000	30.62
01/30/2025	77597	FERGUSON WATERWORKS #3386	EQUIPMENT	592-536-982-592	1,175.17
01/30/2025	77598	GALLAGHER BENEFIT SERVICES, INC.	CONTRACTUAL SERVICES	101-172-818-000	1,800.00
01/30/2025	77599	GORDON FOOD SERVICE INC.	CONTRACTUAL SERVICES	211-752-818-000	224.06
01/30/2025	77600	GREAT LAKES WATER AUTHORITY	NONRESIDENTIAL SURCHARGE	592-536-928-000	3,307.08
01/30/2025	77601	HENRY FORD HEALTH SYSTEM	CONSULTANT	101-191-817-000	725.00
			CONSULTANT	101-191-817-000	725.00
					1,450.00
01/30/2025	77602	HUBBELL, ROTH & CLARK	PROJECT ESCROW - PATTENGILL PROJECT	101-000-283-251	832.44
			PROJECT ESCROW - PATTENGILL PROJECT	101-000-283-251	840.39
			PROJECT ESCROW - PATTENGILL PROJECT	101-000-283-251	258.10
			BUILDING ESCROW-ENGINEERING REVIEW	101-000-283-371	650.00
			HEAT/COOLING	101-265-976-002	945.04
			BUILDING IMPROVEMENTS - CITY HALL	101-267-976-101	1,679.90
			BUILDING IMPROVEMENTS - DPW	101-267-976-441	106.72
			ENGINEERING	202-464-821-010	2,837.80
			ENGINEERING	202-464-821-010	817.89
			ENGINEERING	202-464-821-010	2,042.24
			ENGINEERING	202-464-821-010	1,730.60
			ENGINEERING	202-464-821-010	1,600.37
			ENGINEERING	202-464-821-010	2,470.27
			ENGINEERING	202-464-821-010	1,012.35
			ENGINEERING	202-464-821-010	2,307.89
			CDBG EXPENSES-PROGRAM YEAR 2023-2024	275-902-818-046	5,933.04

ENGINEER - ROAD PROJECT	443-901-821-000	774.78
ENGINEER - ROAD PROJECT	443-901-821-000	329.48
ENGINEER - ROAD PROJECT	443-901-821-000	2,837.80
ENGINEER - ROAD PROJECT	443-901-821-000	817.88
ENGINEER - ROAD PROJECT	443-901-821-000	419.76
ENGINEER - ROAD PROJECT	443-901-821-000	328.24
ENGINEER - ROAD PROJECT	443-901-821-000	806.34
ENGINEER - ROAD PROJECT	443-901-821-000	2,470.26
ENGINEER - ROAD PROJECT	443-901-821-000	1,012.35
ENGINEER - ROAD PROJECT	443-901-821-000	2,307.88
ENGINEER	592-536-821-000	774.79
ENGINEER	592-536-821-000	329.48
ENGINEER	592-536-821-000	70.00
ENGINEER	592-536-821-000	8,958.65
ENGINEER	592-536-821-000	4,973.00
ENGINEER	592-536-821-000	1,385.82
ENGINEER	592-536-821-000	3,576.85
ENGINEER	592-536-821-000	714.72
ENGINEER	592-536-821-000	558.89
ENGINEER	592-536-821-000	1,372.96
ENGINEER	592-536-821-000	2,791.32
ENGINEER	592-536-821-000	4,608.85
ENGINEER	592-536-821-000	5,207.17
ENGINEER	592-536-821-000	7,046.33
ENGINEER	592-536-821-000	2,338.48
		<u>82,877.12</u>

01/30/2025	77603	VOID	** VOIDED **	** VOIDED **
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01/30/2025	77604	HUNT SIGN COMPANY	BSB24-0004 - PS24-0004	101-000-283-371	50.00
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01/30/2025	77605	INDUSTRIAL PAINTING CONTRACTORS, IN	BUILDING MAINTENANCE - LIBRARY	101-267-931-271	2,450.00
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01/30/2025	77606	J.H. HART URBAN FORESTRY	CONTRACTUAL SERVICES	202-468-818-000	1,825.84
			CONTRACTUAL SERVICES	202-468-818-000	2,840.07
			CONTRACTUAL SERVICES	203-468-818-000	4,260.29
			CONTRACTUAL SERVICES	203-468-818-000	6,626.81
					<u>6,626.81</u>

					15,553.01
01/30/2025	77607	JACK DOHENY COMPANIES, INC.	EQUIPMENT	592-536-982-592	946.08
01/30/2025	77608	JOHNSON CONTROLS, INC.	HEAT/COOLING	101-265-976-002	8,782.73
			HEAT/COOLING	101-265-976-002	113,825.08
			BUILDING MAINTENANCE - CITY HALL	101-267-931-101	887.55
					123,495.36
01/30/2025	77609	KARYN CARRICO	BOOKS / PERIODICALS	101-790-731-000	112.00
01/30/2025	77610	KJ ART	PROGRAM SUPPLIES-CONTRIBUTIONS - LIBRAI	101-790-758-005	212.50
01/30/2025	77611	LARA, BUREAU OF CONSTRUCTION CODES	BUILDING MAINTENANCE - PUB SAFETY	101-267-931-345	305.00
01/30/2025	77612	LECLERC DISPLAY CO. INC.	HOLIDAY LIGHTS	248-724-817-015	40,962.00
01/30/2025	77613	LIGHTING SUPPLY COMPANY	STREET LIGHTING	202-475-922-000	15,263.69
01/30/2025	77614	LIVE SAFE ACADEMY	CONTRACTUAL SERVICES	208-845-818-000	108.00
01/30/2025	77615	MCKENNA	INSPECTIONS - BUILDING	101-745-822-001	3,321.00
			CONTRACTUAL INSPECTIONS	101-745-822-003	7,244.00
					10,565.00
01/30/2025	77616	MGFOA	MEMBERSHIPS AND DUES	101-191-803-000	135.00
01/30/2025	77617	MICHELE PRESTON	PROGRAM SUPPLIES-CONTRIBUTIONS - LIBRAI	101-790-758-005	270.00

01/30/2025	77618	MISDU	PAYROLL DEDUCTIONS	101-000-231-000	82.99
			PAYROLL DEDUCTIONS	101-000-231-000	542.76
					625.75
01/30/2025	77619	MSTS RECEIVABLES LLC	EQUIPMENT	592-536-982-592	59.90
01/30/2025	77620	NELSON BROTHERS SEWER & PLUMBING	BUILDING MAINTENANCE	101-790-931-000	224.00
01/30/2025	77621	NICOLE CASACELI	PROFESSIONAL DEVELOPMENT	101-443-960-000	18.37
01/30/2025	77622	NYE UNIFORM	UNIFORMS	101-305-744-000	390.00
01/30/2025	77623	OAKLAND COUNTY	DATA PROCESSING	101-345-814-000	7,037.25
			DATA PROCESSING	101-345-814-000	2,973.00
					10,010.25
01/30/2025	77624	ON DUTY GEAR	UNIFORMS-CLEANING & PURCHASES	101-345-744-000	2,180.00
01/30/2025	77625	OVERDRIVE, INC.	DOWNLOADABLE CONTENT	101-790-731-001	657.86
01/30/2025	77626	P. A. MORRIS COMPANY	SECRETARIAL SERVICES	248-722-818-205	150.00
01/30/2025	77627	PITNEY BOWES INC.	OFFICE EQUIPMENT RENTAL	101-265-946-000	9.99
			POSTAGE-PRINTING-MAILING	592-536-730-000	76.92
					86.91
01/30/2025	77628	PRESIDIO NETWORKED SOLUTIONS GROUP	OFFICE EQUIPMENT MAINTENANCE	101-790-934-000	396.86
01/30/2025	77629	RENU POWER TOOL & SUPPLY	TOOLS	592-536-787-000	495.00

01/30/2025	77630	RKA PETROLEUM COS, INC	INVENTORY - FUEL & OIL	101-000-110-002	1,468.06
01/30/2025	77631	ROYAL OAK FORD	VEHICLE MAINTENANCE - DPW	101-345-939-002	174.55
			VEHICLE MAINTENANCE - PSO	101-443-939-002	33.00
					207.55
01/30/2025	77632	SHAUN BARBER	PROFESSIONAL DEVELOPMENT	101-443-960-000	18.37
01/30/2025	77633	SITEONE LANDSCAPE SUPPLY, LLC	EQUIPMENT	592-536-982-592	76.97
01/30/2025	77634	SOCRRA	RUBBISH COLLECTION	226-528-818-001	34,383.52
			TRASH DISPOSAL	226-528-818-003	16,180.48
			TRASH DISPOSAL	226-528-818-003	1,055.12
					51,619.12
01/30/2025	77635	SONIC FREEWAY LLC	CONTRACTUAL SERVICES	208-844-818-000	180.00
01/30/2025	77636	STAPLES	EQUIPMENT	101-215-982-000	122.57
01/30/2025	77637	STREET DUTY	AMMUNITION - TRAINING	101-345-741-001	1,080.00
			AMMUNITION - TRAINING	101-345-741-001	2,970.00
					4,050.00
01/30/2025	77638	T-MOBILE	DATA PROCESSING	101-345-814-000	50.00
01/30/2025	77639	THE LIBRARY NETWORK	LIBRARY COOP	101-790-828-000	1,247.05
01/30/2025	77640	THORNTON & GROOMS INC.	BUILDING BONDS	101-000-283-000	25.00

01/30/2025	77641	UNITED FACILITY SUPPLIES	MAINTENANCE SUPPLIES - CITY HALL	101-267-776-101	265.09
			MAINTENANCE SUPPLIES - LIBRARY	101-267-776-271	226.79
			MAINTENANCE SUPPLIES - LIBRARY	101-267-776-271	264.00
			MAINTENANCE SUPPLIES - LIBRARY	101-267-776-271	104.74
			MAINTENANCE SUPPLIES - LIBRARY	101-267-776-271	60.66
			MAINTENANCE SUPPLIES - PUB SAFETY	101-267-776-345	155.66
			MAINTENANCE SUPPLIES - PUB SAFETY	101-267-776-345	266.91
			MAINTENANCE SUPPLIES - DPW	101-267-776-441	376.00
			MAINTENANCE SUPPLIES - DPW	101-267-776-441	97.82
			MAINTENANCE SUPPLIES - PARKS	208-267-776-208	198.61
					2,016.28
01/30/2025	77642	UNITED RENTALS	STREETScape IMPROVEMENTS	248-902-972-200	4,329.98
01/30/2025	77643	UNIVERSAL PLUMBING & SEWER INC	BBA24-0019 - PRA24-0011	101-000-283-000	50.00
01/30/2025	77644	VERIZON WIRELESS	TELEPHONE	101-172-853-000	186.37
			TELEPHONE	101-215-853-000	81.00
			SOFTWARE MAINT AND SUBSCRIPTIONS	101-228-760-000	134.27
			EQUIPMENT SUPPLIES	101-228-778-000	64.98
			TELEPHONE	101-228-853-000	151.03
			TELEPHONE	101-250-853-000	81.00
			TELEPHONE	101-345-853-000	289.03
			TELEPHONE	101-430-853-000	40.50
			TELEPHONE	101-441-853-000	251.16
			TELEPHONE	101-701-853-000	91.00
			TELEPHONE	101-790-853-000	45.50
			CONTRACTUAL SERVICES	208-751-818-000	45.56
			TELEPHONE	208-751-853-000	219.33
			CONTRACTUAL SERVICES	208-754-818-000	384.49
			TELEPHONE	211-755-853-000	41.11
			TELEPHONE	248-722-853-000	40.50
TELEPHONE	592-536-853-000	301.31			
		2,448.14			
01/30/2025	77645	YARD GUYZ	CDBG EXPENSES-PROGRAM YEAR 2023-2024	275-902-818-046	1,015.00
			CDBG EXPENSES-PROGRAM YEAR 2023-2024	275-902-818-046	820.00

1,835.00

01/31/2025	77646	STATE OF MICHIGAN - DETROIT	CITY WITHHOLDING	101-000-235-000	165.06
		TOTAL - ALL FUNDS	TOTAL OF 203 CHECKS (1 voided)		1,444,711.15

DATE	VENDOR	AMOUNT
1/2/2025	MISSION SQUARE	\$ 270.00
1/2/2025	MISSION SQUARE	\$ 209.07
1/2/2025	MISSION SQUARE	\$ 400.00
1/2/2025	MISSION SQUARE	\$ 760.00
1/2/2025	MISSION SQUARE	\$ 4,039.32
1/3/2025	DTE Energy	\$ 634.76
1/3/2025	DTE Energy	\$ 17.62
1/3/2025	DTE Energy	\$ 94.10
1/3/2025	DTE Energy	\$ 31.47
1/3/2025	DTE Energy	\$ 93.53
1/3/2025	DTE Energy	\$ 540.28
1/3/2025	DTE Energy	\$ 37.26
1/3/2025	DTE Energy	\$ 517.14
1/3/2025	DTE Energy	\$ 64.97
1/3/2025	DTE Energy	\$ 169.20
1/3/2025	DTE Energy	\$ 4,234.51
1/3/2025	DTE Energy	\$ 25.73
1/3/2025	DTE Energy	\$ 1,977.75
1/3/2025	ALERUS - MERS	\$ 5,357.31
1/3/2025	ALERUS - MERS	\$ 1,521.93
1/3/2025	ALERUS - MERS	\$ 4,416.30
1/3/2025	CONSUMERS ENERGY	\$ 859.36
1/3/2025	CONSUMERS ENERGY	\$ 1,209.82
1/3/2025	CONSUMERS ENERGY	\$ 875.60
1/3/2025	CONSUMERS ENERGY	\$ 718.17
1/3/2025	CONSUMERS ENERGY	\$ 340.20
1/3/2025	CONSUMERS ENERGY	\$ 603.21
1/3/2025	IRS	\$ 56,765.09
1/8/2025	MISSION SQUARE	\$ 25,000.00
1/9/2025	BCBS Michigan	\$ 88,781.45
1/9/2025	DTE Energy	\$ 418.03
1/10/2025	1ST BANKCARD CTR CREDIT CARD PMT	\$ 14,476.08

1/13/2025	DTE Energy	\$	19,921.34
1/15/2025	THE HARTFORD	\$	4,948.83
1/16/2025	MISSION SQUARE	\$	185.76
1/16/2025	MISSION SQUARE	\$	400.00
1/16/2025	MISSION SQUARE	\$	760.00
1/16/2025	MISSION SQUARE	\$	4,008.86
1/16/2025	IRS	\$	57,674.42
1/16/2025	DTE Energy	\$	71.03
1/16/2025	DTE Energy	\$	834.51
1/16/2025	ALERUS - MERS	\$	5,204.36
1/16/2025	ALERUS - MERS	\$	1,515.17
1/16/2025	ALERUS - MERS	\$	4,507.07
1/27/2025	NATIONWIDE - PAYMENTS	\$	1,828.33
1/27/2025	NATIONWIDE - PAYMENTS	\$	6,386.88
1/27/2025	NATIONWIDE - PAYMENTS	\$	6,291.46
1/27/2025	NATIONWIDE - PAYMENTS	\$	1,837.78
1/30/2025	MISSION SQUARE	\$	4,029.78
1/30/2025	IRS	\$	57,798.97
1/30/2025	ALERUS - MERS	\$	5,328.39
1/30/2025	ALERUS - MERS	\$	1,521.88
1/30/2025	ALERUS - MERS	\$	4,066.32
1/30/2025	NATIONWIDE - PAYMENTS	\$	1,827.16
1/30/2025	NATIONWIDE - PAYMENTS	\$	5,768.77
1/31/2025	IRS	\$	16,171.63
1/31/2025	BCBS Michigan	\$	136,517.04
		\$	<u>564,865.00</u>

February 24, 2025 City Council Meeting

Moved by Councilmember _____ and seconded by Councilmember _____ to deem attached vehicles and equipment as surplus to be sold via public auction or disposed of.

Ayes:

Nays:

Motion:



MEMORANDUM

To: Mayor Dean and City Council
From: Adam Wozniak, Superintendent of Public Works *aw*
Date: February 24TH, 2024
Subject: Equipment Surplus via Public Auction

Madam Mayor and Members of City Council,

Background

The City of Berkley makes it a point to update and repurpose its aging equipment when possible. All of the attached equipment listed items has been offered to other departments and has determined to be no longer needed due to condition, age, resale value, etc.

Summary

- All equipment and vehicles are offered for reutilization by other departments. Prior to being recommended as surplus.
- The main driver of surplus equipment is the total cost of ownership, which includes current usage, maintenance and repair costs, and resale value.
- All items will be sold via public auction or disposed of accordingly.

Recommendation

It is my recommendation that the attached items be deemed as surplus to be sold or disposed of accordingly.

1. Snap On Kool Kare-134 A/C Machine

Unknown serial number (no longer readable)

Machine is out of date and no longer usable. It was replaced with a new unit.

Condition is fair and still functions.



2. DPW vehicle # 6

2014 Ford F350 Stake Truck

1FDRF3H60EEB09077

Is currently replaced and considered a surplus.

Vehicle operates but does have transmission issues.



3. City Hall Ford Explorer

2013 Ford Explorer

1FM5K8AR1EGA65316

Vehicle is due for replacement and is no longer usable.

Vehicle is in poor condition and currently has a broken air duct actuator.



4. Public Safety Explorer

2016 Ford Explorer

1FM5K8AR1GGA19603

Vehicle is due for replacement and no longer usable.

Vehicle is in poor condition and currently has transmission issues.



5. City Hall Ford Fusion

2009 Ford Fusion

3FAHP08Z69R133768

Vehicle is unsafe and too expensive to repair. Repair cost estimates \$2,500 in parts not including labor. Vehicle has severe undercarriage rot.



6. Parks and Rec Explorer

2010 Ford Explorer

1FMEU7DE1AUA22491

Vehicle has severe undercarriage rot and is no longer used by Parks and Rec. Vehicle has multiple leaks and repairs needed. Repair costs estimates \$2,200 in parts not including labor.



7. Parks and Rec Chevy Silverado

2007 Chevy Silverado 2500HD

1GCHC24K97E508871

Vehicle is due for replacement. Its replacement was recently purchased and is being outfitted.

Vehicle condition is fair and currently functions.



8. Container of replaced brass water meters.



9. Copier from the Library

Unit was recently replaced due to age and usage

Old unit is still operational



February 24, 2025 City Council Meeting

Moved by Councilmember _____ and seconded by Councilmember _____ to approve a budgeted purchase of a new Street Sweeper from Nescon LLC, Of Mesa AZ, in the amount of \$360,645. This purchase is budgeted under the account numbers 202-522-985-000 (Public Services- Equipment).

Ayes:

Nays:

Motion:



MEMORANDUM

To: Mayor Dean and City Council
From: Adam Wozniak, Superintendent of Public Works
Date: February 6, 2025
Subject: Recommendation of Award – Purchase of Nescon X Broom M33

Madam Mayor and Members of City Council,

Background

As part of the FY 2025-2026 budget, funds are being allocated for the purchase of a new Street Sweeper to replace an existing 2017 unit. This replacement is a part of our departments Capital Equipment Replacement Plan.

Summary

- This purchase was publicly bid via BidNet/MITN website and the Nescon X Broom M33 came in as the low bid.
- While this unit is a change from our traditional 3-wheel style sweeper that we have used for decades we feel that it is the best fit for our current needs.
- This unit will be used primarily for sweeping of both local and major roads. Alternative uses may include municipal parking lot sweeping and the final clean up passes of the curbside leaf pickup program.
- The selling and servicing dealer are somewhat new to the area but has been highly recommended by outside groups in the State of Michigan.
- The Nescon X Broom M33 will come with a minimum 12 month or 1,000 hours warranty from the manufacturer. Warranty shall have no deductible and apply to parts, labor and transportation.
- Staff evaluated several options and found the Nescon X Broom M33 to be the best fit for our needs. Our staff called the references that were provided in the State of Michigan and were pleased to hear how well Nescon responds to any questions regarding the X Broom Street Sweeper.
- This machine is up to date with many part saving components such as self-leveling systems to keep the vehicle tight to the road way and 4-way camera system to see all around the vehicle including inside the hopper itself.

- The existing unit will be offered to other departments for reutilization. Equipment that is deemed by staff as no longer needed will be brought before Council at a later date to be declared as surplus to be sold via public auction.

Recommendation

- It is my recommendation that City Council approves the purchase of a new X Broom M33 in the amount of \$360,645 from Nescon LLC of Mesa AZ, utilizing account # 202-522-985-000.

February 24, 2025 City Council Meeting

Moved by Councilmember _____ and seconded by Councilmember _____ to authorize the City Manager to sign the Application for Additional Service Credit Purchase for Donna Reid-Cronin approving 24 months of additional service credit. This purchase is allowed by the City of Berkeley MERIT System of Human Resource Management Section 1001.08 and meets all of the requirements of the MERS Plan Document which would allow for this service credit purchase.

Ayes:

Nays:

Motion:

AN
ORDINANCE
of the City Council of the City of Berkley, Michigan to Amend Article II, Collection and Disposal of Chapter 58, Garbage, Rubbish and Refuse of the City of Berkley Code of Ordinances to clarify requirements for containers for garbage versus rubbish and to clarify pick-up times for emptied garbage and rubbish containers.

**THE CITY OF
BERKLEY ORDAINS:**

SECTION 1: Article II of Chapter 58 of the Berkley City Code is amended, as follows:

Sec. 58-1. – Sec. 58-33 [Unchanged.]

Sec. 58-34. – Containers.

No person shall permit to accumulate upon his premises any garbage or rubbish unless it is placed and maintained in containers as follows:

- 1) *Containers for garbage or rubbish.* All containers used for garbage or rubbish shall be substantial metal, plastic or rubber construction, provided with handles and a tight fitting cover. They must be in accordance with size, capacity and weight rules and limitations set by the city. The cover shall be kept on the container whenever garbage is placed within. Plastic bags are a suitable container for ~~solid waste~~ rubbish if they are securely sealed (not punctured) and are filled so that the contents will not cause tearing or rupturing of the bag when it is lifted at the sealed or tied end.
- 2) – (5) [Unchanged.]

Sec. 58-35. – Sec. 58-37. [Unchanged.]

Sec. 58-38. – Rules and regulations for property owners and occupants.

- a) It shall be the duty of each person to place all garbage and rubbish in proper containers on the outside of the sidewalk in front of their premises no earlier than 24 hours prior to collection and all empty containers shall be removed from the street no later than 24 hours after collection ~~midnight on the same day that the collection is made~~. Containers shall not be placed on front porches, front drives or front yards prior to placement for pickup. The code enforcement officer shall have the authority to approve an alternate location of refuse containers.
- b) – (g) [Unchanged.]

Sec. 58-39. – Sec. 58-70. [Unchanged.]

SECTION 2: Severability Clause

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

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 3: 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 4: Effective Date

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

SECTION 5: 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 February 24, 2025.

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



MEMORANDUM

To: Mayor Dean and City Council
From: Kristen Kapelanski, Community Development Director
Date: February 24, 2025
Subject: First reading to amend Article II, Collection and Disposal of Chapter 58, Garbage, Rubbish and Refuse

Madam Mayor and Members of City Council,

Background

- Consistent with the International Property Maintenance Code, 'garbage' is defined in our ordinance as materials related to the preparation and consumption of food. Other items to be discarded are referred to as 'rubbish'.
- The International Property Maintenance Code allows rubbish to be kept in sealed containers (including sealed bags) while garbage must be stored in a durable container with a tight-fitting lid to prevent rodent issues.
- Berkley's current ordinance refers to the storage of 'garbage' and 'solid waste' materials.

Summary

- The proposed ordinance changes 'solid waste' to 'rubbish' to match the terms defined in Berkley's ordinance and the International Property Maintenance Code.
- The proposed ordinance changes the time that empty trash containers must be removed from the curb from midnight the day of collection to twenty-four hours after collection to coincide with typical code enforcement activities.

Recommendation

Moved by Councilmember _____ and seconded by Councilmember _____ to approve the first reading to amend Article II, Collection and Disposal of Chapter 58, Garbage, Rubbish and Refuse of the City of Berkley Code of Ordinances to clarify requirements for containers for garbage versus rubbish and to clarify pick-up times for emptied garbage and rubbish containers.

RESOLUTION**Of the Council of the City of Berkley,
Michigan Establishing the Policy and
Guidelines for Granting an Exemption from
Payment of Property Taxes**

WHEREAS: Public Act 390 of 1994, as requires that the governing body of each city and township determine and make available to the public the policy and guidelines the Board of Review utilizes in granting reductions in property assessments due to limited income and assets, referred to as "Poverty Exemptions."

WHEREAS: Public Act 253 of 2020 amended MCL 211.2u related to Poverty Exemptions in the State of Michigan was adopted into law on December 23, 2020.

WHEREAS: It is the intent of the City Council to adopt guidelines in compliance with both of the acts.

NOW THEREFORE, THE BERKLEY CITY COUNCIL RESOLVES:

SECTION 1: To be eligible for a poverty exemption, a person shall do all of the following on an annual basis:

1. Be an owner of, and occupy as a principal residence, the property for which an exemption is requested.
2. The subject property must be classified as a single-family residential parcel or residential condominium property with a valid homeowner's Principal Residence Exemption (PRE) currently in effect.
3. File a completed application with the Board of Review on a form provided by the city. All supporting documentation must be included.
4. Submit the most recent year's copies of the following:
 - a. Federal and State of Michigan Income Tax Returns for all individuals residing in the homestead.
 - b. Most recent Homestead Property Tax Form MI-1040CR-1 (attached to the most current State Income Tax Return).
 - c. Statement from Social Security Administration and/or the Michigan Social Services as to monies paid to applicant(s) during the previous calendar year along with a current Form 4988 Poverty Exemption Affidavit if this is the sole source of income.
5. Produce a copy of the applicant's valid driver's license or other form of identification such as a passport or State Identification Card.
6. Produce a copy of the deed, land contract or other evidence of parcel ownership of all real property owned by the applicant if requested by the Board of Review.

SECTION 2: The Board of Review can request any other additional information including additional tax returns, financial statements, land contracts, personal or family trust documents, vehicle titles and any other record or affidavits that the Board may deem necessary in order to make a poverty exemption determination, asset limit determination or income level determination.

SECTION 3: Poverty exemption applications must be filed after January 1st , but before the day prior to the last day of the Board of Review,.

SECTION 4: The Board of Review shall follow the policy and guidelines set forth above when granting or denying poverty exemptions requests. The same standards shall apply to each taxpayer within the city claiming the poverty exemption for the assessment year.

SECTION 5: If all items requested are received, reviewed, and approved by the Board of Review and a determination is made that the poverty exemption application meets the established guidelines for household income level and household assets will result in a partial exemption for all approved applicants of 50% of taxable value.

SECTION 6: The applicant's total household income cannot exceed ~~the most current~~ **150% of the** Federal Poverty Guidelines ~~from the prior tax year~~ **for income**, set forth by the U.S. Department of Health and Human Services as established by the State Tax Commission-to be updated annually.

SECTION 7: A poverty exemption shall not be granted to any applicant whose assets exceed \$35,000. An applicant's homestead and principal vehicle shall be excluded from consideration as an asset. All other property, including property owned by all other persons residing in the household, shall be included as an asset. Property shall include, but is not limited to: cash, savings, stocks, mutual funds, insurance commodities, coin collections, art, motor vehicles, recreation vehicles, etc.

SECTION 8: Any reduction in the State Equalized Value of a property is granted for one year only and must be applied for and reviewed annually based on the applicant's current situation.

SECTION 9: All Notices of Assessment Change and all advertisements of the Board of Review meetings are to include a statement that the resident taxpayer may protest the property assessment, in writing, to the Board of Review.

SECTION 10: To conform to the provisions of PA 253 of 2020, this resolution is hereby given immediate effect and will stay in effect for subsequent years until amended or voided.

Introduced and Passed at a regular meeting of the Berkley City Council on February 24, 2025.

Bridget Dean, Mayor

Attest:

Victoria Mitchell, City Clerk

The City of Berkley has elected to allow 150% of the Federal Poverty Guidelines for income. Those amounts are adjusted in the right column of the table below.

FEDERAL POVERTY GUIDELINES

For Use in 2025 Assessments

US Department of Health & Human Services

STC Bulletin 18 of 2023

Size of Family Unit	1.5x Poverty Guidelines
1	\$21,870 22,590
2	\$29,580 30,660
3	\$37,290 38,730
4	\$45,000 46,800
5	\$52,710 54,870
6	\$60,420 62,940
7	\$68,130 71,010
8	\$75,840 79,080
For each additional person	\$7,710 8,070

A poverty exemption shall not be granted to any applicant whose assets exceeds \$35,000.

An applicant's homestead and principal vehicle shall be excluded from consideration as an asset. All other property, including property owned by all other persons residing in the household, shall be included as an asset. Property shall include, but is not limited to: cash, savings, stocks, mutual funds, insurance commodities, coin collections, art, motor vehicles, recreation vehicles, etc.

CITY OF BERKLEY

Poverty Exemption Application

Applications may be filed beginning January 1st, but in no event later than the day prior to the last day of the Board of Review.

Application Checklist

To aid you in submitting a complete application, be sure that you complete and attach copies of the following items for your application submission:

- _____ Completed Application
- _____ Copy of Driver's License and/or Valid Identification
- _____ Assessment Change Notice
- _____ Copies of the following executed financial forms (most recent year, 2023) for **all individuals** residing in the homestead, along with relevant support documents (for example W-2 Forms, 1099 Forms, etc.):
 - _____ A. Federal Income Tax Return Form 1040, 1040A, or 1040EZ
 - _____ B. Michigan Income Tax Return Form MI-1040, MI-1040A, or MI1040EZ
 - _____ C. Michigan Homestead Property Tax Credit Claim Form MI-1040CR
 - _____ D. If applicable, a 2023 Social Security Administration or Michigan Social Service statement of income paid to the applicant.
- _____ If applicable, a completed Poverty Exemption Affidavit (Form 4988) for all persons residing in the residence who were not required to file federal or state income tax returns. If you only receive Social Security and do not file taxes, please complete Form 4988.

*All requested information must be included with the Poverty Exemption Application. Without the above information the Board will not consider your application.

Application for MCL 211.7u Poverty Exemption

This form is issued under the authority of the General Property Tax Act, Public Act 206 of 1893, MCL 211.7u.

MCL 211.7u of the General Property Tax Act, Public Act 206 of 1893, provides a property tax exemption for the principal residence of persons who, by reason of poverty, are unable to contribute toward the public charges. This application is to be used to apply for the exemption and must be filed with the Board of Review where the property is located. This application may be submitted to the city or township the property is located in each year on or after January 1.

To be considered complete, this application must: 1) be completed in its entirety, 2) include information regarding all members residing within the household, and 3) include all required documentation as listed within the application. Please write legibly and attach additional pages as necessary.

PART 1: PERSONAL INFORMATION: Petitioner must list all required personal information.

Petitioner's Name:		Daytime Phone Number:		
Age of Petitioner:	Marital Status:	Age of Spouse:	Number of Legal Dependents:	
Property Address of Principal Residence:		City:	State:	ZIP Code:
<input type="checkbox"/> Check if applied for Homestead Property Tax Credit		Amount of Homestead Property Tax Credit:		

PART 2: REAL ESTATE INFORMATION: List the real estate information related to your principal residence. Be prepared to provide a deed, land contract or other evidence of ownership of the property at the Board of Review meeting.

Property Parcel Code Number:		Name of Mortgage Company:		
Unpaid Balance Owed on Principal Residence:	Monthly Payment:	Length of Time at this Residence:		
Property Description:				

PART 3: ADDITIONAL PROPERTY INFORMATION: List information related to any other property owned by you or any member residing in the household.

<input type="checkbox"/> Check if you own, or are buying, other property. If checked, complete the information below			Amount of Income Earned from Other Property:	
1	Property Address:	City:	State:	ZIP Code:
	Name of Owner(s):	Assessed Value:	Date of Last Taxes Paid:	Amount of Taxes Paid:
2	Property Address:	City:	State:	ZIP code:
	Name of Owner(s):	Assessed Value:	Date of Last Taxes Paid:	Amount of Taxes Paid:

PART 4: EMPLOYMENT INFORMATION: List your current employment information.

Name of Employer:			
Address of Employer:	City:	State:	ZIP Code:
Contact Person:	Employer Telephone Number:		

PART 5: INCOME SOURCES: List all income sources, including but not limited to: salaries, Social Security, rents, pensions, IRAs (individual retirement accounts), unemployment compensation, disability, government pensions, worker's compensation, dividends, claims and judgments from lawsuits, alimony, child support, friend or family contribution, reverse mortgage, or any other source of income, for all persons residing at the property.

Source of Income	Monthly or Annual Income (indicate which)

PART 6: CHECKING, SAVINGS AND INVESTMENT INFORMATION: List any and all savings owned by all household members, including but not limited to: checking accounts, savings accounts, postal savings, credit union shares, certificates of deposit, cash, stocks, bonds, or similar investments, for all persons residing at the property.

Name of Financial Institution or Investments	Amount of Deposit	Current Interest Rate	Name on Account	Value of Investment

PART 7: LIFE INSURANCE: List all policies held by all household members.

Name of Insured	Amount of Policy	Monthly Payments	Policy Paid in Full	Name of Beneficiary	Relationship to Insured

PART 8: MOTOR VEHICLE INFORMATION: All motor vehicles (including motorcycles, motor homes, camper trailers, etc.) held or owned by any person residing within the household must be listed.

Make	Year	Monthly Payment	Balance Owed

PART 9: HOUSEHOLD OCCUPANTS: List all persons living in the household.

First and Last Name	Age	Relationship to Applicant	Place of Employment	\$ Contribution to Family Income

PART 10: PERSONAL DEBT: List all personal debt for all household members.

Creditor	Purpose of Debt	Date of Debt	Original Balance	Monthly Payment	Balance Owed

PART 11: MONTHLY EXPENSE INFORMATION: The amount of monthly expenses related to the principal residence for each category must be listed. Indicate N/A as necessary.

Heating	Electric	Water	Phone
Cable	Food	Clothing	Health Insurance
Garbage	Daycare	Car Expenses (gas, repair, etc.)	
Other (type and amount)	Other (type and amount)		Other (type and amount)
Other (type and amount)	Other (type and amount)		Other (type and amount)

NOTICE: Per MCL 211.7u(2)(b), federal and state income tax returns for all persons residing in the principal residence, including any property tax credit returns, filed in the immediately preceding year or in the current year must be submitted with this application. Federal and state income tax returns are not required for a person residing in the principal residence if that person was not required to file a federal or state income tax return in the tax year in which the exemption under this section is claimed or in the immediately preceding tax year.

PART 12: POLICY AND GUIDELINES ACKNOWLEDGMENT:

The governing body of the local assessing unit shall determine and make available to the public the policy and guidelines used for the granting of exemptions under MCL 211.7u. In order to be eligible for the exemption, the applicant must meet the federal poverty guidelines published in the prior calendar year in the Federal Register by the United States Department of Health and Human Services under its authority to revise the poverty line under 42 USC 9902, or alternative guidelines adopted by the governing body of the local assessing unit so long as the alternative guidelines do not provide income eligibility requirements less than the federal guidelines. The policy and guidelines must include, but are not limited to, the specific income and asset levels of the claimant and total household income and assets. The combined assets of all persons must not exceed the limits set forth in the guidelines adopted by the local assessing unit.

<input type="checkbox"/> The applicant has reviewed the applicable policy and guidelines adopted by the city or township, including the specific income and asset levels of the claimant and total household income and assets.

PART 13: CERTIFICATION:

I hereby certify to the best of my knowledge that the information provided in this form is complete, accurate and I am eligible for the exemption from the property taxes pursuant to Michigan Compiled Law, Section 211.7u.		
Printed Name	Signature	Date

This application shall be filed after January 1, but before the day prior to the last day of the local unit’s December Board of Review.

Decision of the March Board of Review may be appealed by petition to the Michigan Tax Tribunal by July 31 of the current year. A July or December Board of Review decision may be appealed to the Michigan Tax Tribunal by petition within 35 days of decision. A copy of the Board of Review decision must be included with the petition.

Michigan Tax Tribunal
PO Box 30232
Lansing MI 48909

Phone: 517-335-9760
E-mail: taxtrib@michigan.gov

Poverty Exemption Affidavit

This form is issued under authority of Public Act 206 of 1893; MCL 211.7u.

INSTRUCTIONS: When completed, this document must accompany a taxpayer's Application for Poverty Exemption filed with the supervisor or the board of review of the local unit where the property is located. MCL 211.7u provides for a whole or partial property tax exemption on the principal residence of an owner of the property by reason of poverty and the inability to contribute toward the public charges. MCL 211.7u(2)(b) requires proof of eligibility for the exemption be provided to the board of review by supplying copies of federal and state income tax returns for all persons residing in the principal residence, including property tax credit returns, or by filing an affidavit for all persons residing in the residence who were not required to file federal or state income tax returns for the current or preceding tax year.

I, _____, swear and affirm by my signature below that I reside in the principal residence that is the subject of this Application for Poverty Exemption and that for the current tax year and the preceding tax year, I was not required to file a federal or state income tax return.

Address of Principal Residence: _____

Signature of Person Making Affidavit

Date

Affirmation of Ownership and Occupancy to Remain Exempt by Reason of Poverty

This form is issued under the authority of Public Act 253 of 2020.

This form is to be used to affirm ownership, occupancy, and income status. MCL 211.7u(2) provides that, to be eligible for exemption under this section, a person shall, subject to subsection (6) and (8), annually affirm that the applicant owns and occupies, as a principal residence, the property for which an exemption is requested.

PART 1: OWNER INFORMATION — Enter information for the person owning and occupying the residence.			
Owner Name		Owner Telephone Number	
Mailing Address	City	State	ZIP Code
PART 2: LEGAL DESIGNEE INFORMATION (Complete if applicable.)			
Legal Designee Name		Daytime Telephone Number	
Mailing Address	City	State	ZIP Code
PART 3: HOMESTEAD PROPERTY INFORMATION — Enter information for property in which the exemption is being claimed.			
City or Township (check the appropriate box and enter name) <input type="checkbox"/> City <input type="checkbox"/> Township <input type="checkbox"/> Village		County	
Name of Local School District			
Parcel Identification Number		Year(s) Exemption Previously Granted by Board of Review	
Homestead Property Address	City	State	ZIP Code
PART 4: AFFIRMATION OF OWNERSHIP, OCCUPANCY, AND INCOME STATUS (Check all boxes that apply.)			
<input type="checkbox"/> I own the property in which the exemption is being claimed. <input type="checkbox"/> The property in which the exemption is being claimed is used as my homestead. Homestead is generally defined as any dwelling with its land and buildings where a family makes its home. <input type="checkbox"/> After establishing initial eligibility for the exemption, my income and asset status has remained unchanged and/or I receive a fixed income solely from public assistance that is not subject to significant annual increases beyond the rate of inflation, such as federal Supplemental Security Income or Social Security disability or retirement benefits.			
PART 5: CERTIFICATION			
I hereby certify to the best of my knowledge that the information provided on this form is true and I am eligible to receive an exemption from property taxes by reason of poverty pursuant to Michigan Compiled Law, Section 211.7u.			
Owner or Legal Designee Name (print)		Signature of Owner or Legal Designee	Date
Designee must attach a letter of authority.			
LOCAL GOVERNMENT USE ONLY (DO NOT WRITE BELOW THIS LINE)			
<input type="checkbox"/> Approved <input type="checkbox"/> Denied (Attach appeal instructions and provide to owner.)		Tax Year(s) exemption will be posted to tax roll	
CERTIFICATION — I certify that, to the best of my knowledge, the information contained in this form is complete and accurate.			
Assessor Signature		Date Certified by Assessor	

February 24, 2025 City Council Meeting

Moved by Councilmember _____ and seconded by Councilmember
_____ to accept the quarter ended December 31, 2024 budget to actual report.

Ayes:

Nays:

Motion:



MEMORANDUM

To: Mayor Dean and City Council
From: Carl Johnson, Finance Director
Date: *February 24, 2025*
Subject: Revenue and Expenditure Report for the Quarter Ended December 31, 2024

Madam Mayor and Members of City Council,

Background

The City's charter requires that a report be prepared each quarter showing the relationship between the estimated and actual income and expenses to date.

Summary

The attached report for all funds of the City reflects the amended budget and actual expenditures to date as of February 14, 2025 for the quarter ended December 31, 2024. The new finance team has made significant progress in getting the records up to date but there are still a couple areas including several of the "citywide" allocations that are being reviewed and reworked and have not been recorded such as self-insurance costs, pension contributions, and interest income (all allocations will be completed no later than March 31, 2025). Through December 31, 2024, departments should be at approximately 50% of the amended budget with the following items of note:

General Fund

Revenue

- Overall revenues are at 76% with actual revenue totaling \$12,904,648 compared to the amended budget of \$17,004,445.
- State grant revenue is at 39% primarily due to revenue sharing payments budgeted at \$1,885,393 are received every other month and only two payments have been received related to the current fiscal year as the accounting rules required the August 2024 payment be recorded in FY 2024. Additionally, there are other grants that will be reimbursed in future quarters.
- Federal grant revenue is at 44% representing the balance of the ARPA grant of \$500,000 and \$350,000 of the \$1.399 million grant for the HVAC system which the balance will be received after the project is completed at the end of the current fiscal year.

Expenditures

- Overall, expenditures total \$6,951,461 which represents 39% of the amended budget of \$17,607,325. In general, all departments are running on track with their amended budget with

some running slightly above due to the seasonality of their expenditures or the timing of capital related items.

Major and Local Streets and Infrastructure Funds

Overall, street fund revenues are less than budget due to the timing of the annual payments from the third parties and the two-month lag in receiving Act 51 payments. Property tax revenue is at 100% due to the timing of the billing. Most of the budgeted capital projects in these funds will begin in spring, 2025. Overall, all three funds remain on track with the current amended budget.

Parking Fund

The Parking Fund was created in the current year to account for revenues collected per ordinance for parking permits and to account for costs associated with citywide parking. The first revenue was collected in October 2024 and no expenditures have been incurred to date.

Solid Waste, Recreation Revolving, Senior Activities, CDBG, Sidewalks and DDA Funds

Overall the revenues and expenditures are within budgeted amounts with no significant items of note.

Water and Sewer Fund

Overall the revenues are running better than the amended budget at approximately 55% of the amended budget of 9,155,169. The revenue variance is due to two new grants totaling \$107,123 and increase in water/sewage usage for the first six months resulting increased operating revenues. Expenditures are running less than budget at approximately 37% of the amended budget of \$9,155,169 primarily due to the timing of capital projects (like the Streets and Infrastructure Funds). Overall, the fund remains on track with the current amended budget.

Recommendation

Accept the quarter ended December 31, 2024 budget to actual report.

GL NUMBER	DESCRIPTION	END BALANCE	2024-25	2024-25	YTD BALANCE	% BDGT USED
		06/30/2024 NORMAL (ABNORMAL)	ORIGINAL BUDGET	2024-25 AMENDED BUDGET	12/31/2024 NORMAL (ABNORMAL)	
Fund 101 - GENERAL FUND						
Revenues						
Dept 001 - REVENUES						
PROPERTY TAXES						
101-001-402-000	PROPERTY TAXES	4,017,383.64	4,115,000.00	4,115,000.00	4,134,171.74	100.47
101-001-402-010	PROPERTY TAXES OPER VOTED	1,909,896.13	1,956,000.00	1,956,000.00	1,965,397.36	100.48
101-001-402-020	PROPERTY TAXES POLICE/FIRE	1,204,883.91	1,234,000.00	1,234,000.00	1,239,910.53	100.48
101-001-402-100	PROPERTY TAXES COMMUNITY PROMOTION	48,698.91	50,000.00	49,716.00	47,173.78	94.89
101-001-402-732	PROP TAXES PUBLIC SAFETY PA 345	2,020,354.91	2,068,000.00	2,068,000.00	2,097,638.62	101.43
101-001-402-990	PROPERTY TAXES - CHARGEBACKS	11,180.47	2,000.00	2,600.00	0.00	0.00
101-001-425-000	PRE DENIAL DISTRIBUTIONS	627.51	1,000.00	684.00	0.00	0.00
101-001-445-000	INTEREST AND PENALTIES ON TAXES	84,716.77	75,000.00	75,000.00	41,018.67	54.69
101-001-447-000	TAX ADMINISTRATION FEE	319,847.74	314,000.00	314,000.00	332,178.09	105.79
PROPERTY TAXES		9,617,589.99	9,815,000.00	9,815,000.00	9,857,488.79	100.43
LICENSES AND PERMITS						
101-001-439-000	MARIJUANA LICENSES	118,172.70	150,000.00	150,000.00	0.00	0.00
101-001-476-000	VACANT PROPERTY INSPECTIONS	1,400.00	3,800.00	1,800.00	200.00	11.11
101-001-477-000	LANDLORD LICENSES	104,625.00	115,000.00	115,000.00	59,850.00	52.04
101-001-478-000	BUILDING PERMITS	417,164.75	350,000.00	369,000.00	203,403.50	55.12
101-001-479-000	ELECTRICAL PERMITS	54,415.50	70,000.00	55,000.00	27,291.00	49.62
101-001-480-000	HEATING PERMITS	41,906.00	35,000.00	35,000.00	19,954.00	57.01
101-001-481-000	PLUMBING PERMITS	125,309.10	125,000.00	125,000.00	43,077.50	34.46
101-001-482-000	BUSINESS LICENSE INSPECTION	16,130.00	30,000.00	20,000.00	16,160.00	80.80
101-001-485-000	MARIHUANA APPLICATION LICENSE	17,500.00	0.00	25,000.00	25,000.00	100.00
101-001-490-000	ANIMAL LICENSES	8,349.00	7,500.00	7,500.00	3,879.00	51.72
101-001-499-000	SUNDRY LICENSES	12,456.00	15,000.00	13,000.00	6,370.45	49.00
LICENSES AND PERMITS		917,428.05	901,300.00	916,300.00	405,185.45	44.22
MISCELLANEOUS						
101-001-498-000	ADMIN FEE-CODE ENFORCEMENT	50.00	0.00	200.00	200.00	100.00
101-001-630-002	EV REVENUES-LIBRARY	3,619.22	5,000.00	5,000.00	2,572.02	51.44
101-001-667-100	ANTENNA CO-LOCATION RECEIPTS	400.00	0.00	0.00	0.00	0.00
101-001-670-030	RETIREE HEALTH CARE REIMBURSEMENT	28,213.22	22,500.00	23,300.00	7,135.48	30.62
101-001-670-040	ELECTION REIMBURSEMENT	27,105.29	40,000.00	40,000.00	31,024.36	77.56
101-001-670-060	INSURANCE REIMBURSEMENTS	216,247.95	80,000.00	80,000.00	23,095.42	28.87
101-001-670-080	INSURANCE DIVIDEND	24,050.12	29,000.00	29,000.00	0.00	0.00
101-001-670-738	REIMBURSEMENT FOR LOST/DAMAGED BOOKS	1,504.98	700.00	700.00	639.19	91.31
101-001-672-001	SUNDRY REVENUE	(2,528.94)	9,000.00	9,000.00	32,768.41	364.09
101-001-672-345	PUBLIC SAFETY SUNDRY REVENUE	6,894.33	9,000.00	9,000.00	3,179.11	35.32
101-001-673-000	SALE OF FIXED ASSETS	5,500.00	60,000.00	59,000.00	0.00	0.00
101-001-673-310	PRISONER BOARD REIMB. FROM OTHER CITIES	4,300.00	4,000.00	4,000.00	2,900.00	72.50
101-001-675-107	PUBLIC SAFETY TRAINING-PA 302	12,624.23	7,000.00	7,000.00	5,790.43	82.72
101-001-675-108	DISPATCH TRAINING	9,657.00	7,000.00	7,000.00	5,107.00	72.96
101-001-675-118	MCOLES MANDATED TRAINING	14,500.00	2,000.00	2,000.00	0.00	0.00
101-001-681-000	MISC GRANTS - SEMCOG	0.00	0.00	10,000.00	0.00	0.00
MISCELLANEOUS		352,137.40	275,200.00	285,200.00	114,411.42	40.12
FEDERAL GRANTS						
101-001-501-050	FEDERAL SOURCES/GRANTS	167,837.56	0.00	1,399,000.00	350,000.00	25.02
101-001-528-000	OTHER FEDERAL GRANTS	500,000.00	500,000.00	500,000.00	500,000.00	100.00
101-001-539-003	FEDERAL GRANT - VESTS	7,990.00	1,500.00	1,500.00	0.00	0.00
FEDERAL GRANTS		675,827.56	501,500.00	1,900,500.00	850,000.00	44.73
STATE GRANTS						

REVENUE AND EXPENDITURE REPORT FOR CITY OF BERKLEY
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GL NUMBER	DESCRIPTION	END BALANCE	2024-25		YTD BALANCE	% BDGT USED
		06/30/2024	ORIGINAL BUDGET	2024-25 AMENDED BUDGET	12/31/2024	
		NORMAL (ABNORMAL)			NORMAL (ABNORMAL)	
Fund 101 - GENERAL FUND						
Revenues						
101-001-539-010	STATE GRANTS	0.00	30,000.00	30,000.00	20,000.00	66.67
101-001-539-738	STATE LIBRARY AID AND GRANTS	15,407.80	15,000.00	15,000.00	7,856.60	52.38
101-001-543-000	STATE LIQUOR LICENSES	19,518.40	13,000.00	20,000.00	8,150.45	40.75
101-001-549-000	STATE REIMBURSEMENTS	24,000.00	24,000.00	53,000.00	77,000.00	145.28
101-001-573-000	LOCAL COMMUNITY STABILIZATION SHARE-PPT	51,488.89	45,000.00	60,598.00	54,964.52	90.70
101-001-574-000	STATE CONSTITUTIONAL SALES TAX	1,651,933.00	1,705,905.00	1,638,396.00	572,475.00	34.94
101-001-574-001	STATE STATUTORY SALES TAX	213,712.00	231,086.00	246,652.00	73,292.00	29.71
101-001-574-345	STATE SHARED REVENUE - PS	5,820.00	0.00	345.00	345.00	100.00
STATE GRANTS		1,981,880.09	2,063,991.00	2,063,991.00	814,083.57	39.44
CHARGES FOR SERVICES						
101-001-616-000	SITE PLAN REVIEW FEE REVENUE	2,400.00	1,500.00	1,500.00	300.00	20.00
101-001-617-000	PLANNING/ENG REVIEWS	11,588.57	10,000.00	10,000.00	6,920.00	69.20
101-001-620-000	STUDENT RESOURCE OFFICER BSD	67,405.50	67,000.00	67,406.00	67,405.50	100.00
101-001-627-000	OFFENDER REGISTRATION FEE	300.00	200.00	200.00	0.00	0.00
101-001-628-000	ACCIDENT REPORT FEE	4,776.25	3,500.00	3,494.00	1,132.25	32.41
101-001-628-002	AUDIO OR VIDEO DUPLICATION FEES	5,609.00	7,000.00	7,000.00	4,563.00	65.19
101-001-628-003	OWI 2ND/3RD ARREST	1,134.25	400.00	500.00	490.89	98.18
101-001-630-000	LIBRARY SERVICES	7,056.16	6,000.00	6,000.00	3,854.84	64.25
101-001-633-000	ACCESS OAKLAND	541.92	1,700.00	1,200.00	0.00	0.00
101-001-637-100	INTERNAL SERVICES - LABOR & ADMIN	811,000.00	821,000.00	821,000.00	410,500.00	50.00
101-001-640-000	DISPATCH SERVICES	149,500.00	149,500.00	149,500.00	9,750.00	6.52
101-001-641-000	ANIMAL CONTROL	53,429.16	55,000.00	55,000.00	9,172.02	16.68
101-001-644-000	CODE ENFORCEMENT-GRASS/CLEANUP	5,668.93	1,500.00	1,500.00	1,000.00	66.67
101-001-646-001	BERKLEY SCHOOL DISTRICT GAS SALES	572.89	475.00	475.00	0.00	0.00
101-001-651-000	CABLE FRANCHISE FEES	184,506.93	240,000.00	240,000.00	79,586.52	33.16
CHARGES FOR SERVICES		1,305,489.56	1,364,775.00	1,364,775.00	594,675.02	43.57
FINES AND FORFEITS						
101-001-656-003	TRAFFIC FINES	127,768.67	150,000.00	150,000.00	68,356.13	45.57
101-001-657-000	LIBRARY FINES AND FEES	2,655.23	3,000.00	3,000.00	1,843.67	61.46
101-001-659-003	RESTITUTION	0.00	0.00	0.00	35.00	100.00
101-001-663-001	BUILDING BOND FORFEITS	(74.97)	0.00	0.00	0.00	0.00
101-001-688-000	LIBRARY PENAL FINES - COUNTY	20,380.71	25,000.00	25,000.00	20,871.03	83.48
FINES AND FORFEITS		150,729.64	178,000.00	178,000.00	91,105.83	51.18
INVESTMENT EARNINGS						
101-001-665-000	INVESTMENT EARNINGS (LOSSES)	281,666.16	213,834.00	224,389.00	45.09	0.02
INVESTMENT EARNINGS		281,666.16	213,834.00	224,389.00	45.09	0.02
PROPERTY/EQUIPMENT RENTAL						
101-001-667-000	CELL TOWER	27,088.49	28,000.00	28,000.00	12,878.78	46.00
101-001-667-003	ADVERTISING	950.00	1,500.00	1,500.00	(600.00)	(40.00)
101-001-669-000	EQUIPMENT RENTAL	304,790.66	211,200.00	211,200.00	156,669.25	74.18
PROPERTY/EQUIPMENT RENTAL		332,829.15	240,700.00	240,700.00	168,948.03	70.19
CONTRIBUTION/DONATIONS						
101-001-675-102	K9 PROGRAM DONATIONS	75.00	0.00	0.00	0.00	0.00
101-001-675-104	GOLF OUTING DONATIONS	0.00	0.00	0.00	59.61	100.00
101-001-675-738	LIBRARY CONTRIBUTIONS	8,575.43	7,000.00	7,000.00	3,970.50	56.72
101-001-675-739	LIBRARY BOOK CONTRIBUTIONS	2,895.07	3,000.00	3,000.00	4,674.99	155.83
101-001-675-740	LIBRARY CAPITAL CONTRIBUTIONS	9,508.50	5,600.00	5,600.00	0.00	0.00

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GL NUMBER	DESCRIPTION	END BALANCE		2024-25		YTD BALANCE		% BDGT USED
		NORMAL	(ABNORMAL)	ORIGINAL BUDGET	2024-25 AMENDED BUDGET	NORMAL	(ABNORMAL)	
Fund 101 - GENERAL FUND								
Revenues								
	CONTRIBUTION/DONATIONS	21,054.00		15,600.00	15,600.00		8,705.10	55.80
OTHER FINANCING SOURCES								
101-001-699-311	TRANSFER IN-11 MILE RD BOND FUND	10,048.18		0.00	0.00		0.00	0.00
101-001-699-469	TRANSFER IN FROM COURT FUND	280,210.00		0.00	0.00		0.00	0.00
	OTHER FINANCING SOURCES	290,258.18		0.00	0.00		0.00	0.00
Total Dept 001 - REVENUES		15,926,889.78		15,569,900.00	17,004,455.00		12,904,648.30	75.89
TOTAL REVENUES		15,926,889.78		15,569,900.00	17,004,455.00		12,904,648.30	75.89
Expenditures								
Dept 101 - CITY COUNCIL								
SALARIES AND FRINGE BENEFITS								
101-101-703-002	MAYOR & CITY COUNCIL	6,170.00		5,000.00	6,200.00		2,150.00	34.68
101-101-715-000	FICA	472.00		383.00	475.00		164.48	34.63
101-101-725-000	WORKERS COMPENSATION	21.63		22.00	22.00		19.33	87.86
	SALARIES AND FRINGE BENEFITS	6,663.63		5,405.00	6,697.00		2,333.81	34.85
MATERIALS AND SUPPLIES								
101-101-758-000	PROGRAM SUPPLIES	615.41		295.00	303.00		788.84	260.34
	MATERIALS AND SUPPLIES	615.41		295.00	303.00		788.84	260.34
CONTRACTUAL SERVICES								
101-101-817-000	CONSULTANT	10,600.00		0.00	18,400.00		9,776.50	53.13
101-101-864-000	MEETINGS & CONFERENCES	13,644.92		22,400.00	21,100.00		13,110.02	62.13
	CONTRACTUAL SERVICES	24,244.92		22,400.00	39,500.00		22,886.52	57.94
Total Dept 101 - CITY COUNCIL		31,523.96		28,100.00	46,500.00		26,009.17	55.93
Dept 172 - CITY MANAGER								
SALARIES AND FRINGE BENEFITS								
101-172-704-000	FULL TIME EMPLOYEES	327,931.06		301,964.00	260,000.00		64,217.72	24.70
101-172-715-000	FICA	24,917.10		19,276.00	19,890.00		4,856.90	24.42
101-172-718-172	ICMA	9,624.15		11,745.00	5,000.00		0.00	0.00
101-172-725-000	WORKERS COMPENSATION	703.42		702.00	702.00		616.69	87.85
	SALARIES AND FRINGE BENEFITS	363,175.73		333,687.00	285,592.00		69,691.31	24.40
MATERIALS AND SUPPLIES								
101-172-728-000	OFFICE SUPPLIES	127.83		263.00	263.00		30.55	11.62
101-172-758-000	PROGRAM SUPPLIES	205.08		400.00	400.00		120.66	30.17
	MATERIALS AND SUPPLIES	332.91		663.00	663.00		151.21	22.81
CONTRACTUAL SERVICES								
101-172-803-000	MEMBERSHIPS AND DUES	4,035.25		2,300.00	4,395.00		2,524.25	57.43
101-172-817-000	CONSULTANT	53,017.01		15,000.00	53,000.00		80,200.00	151.32
101-172-818-000	CONTRACTUAL SERVICES	0.00		0.00	2,000.00		414.75	20.74

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GL NUMBER	DESCRIPTION	END BALANCE		2024-25		YTD BALANCE		% BDGT USED
		NORMAL	(ABNORMAL)	ORIGINAL BUDGET	2024-25 AMENDED BUDGET	NORMAL	(ABNORMAL)	
Fund 101 - GENERAL FUND								
Expenditures								
101-172-835-000	MEDICAL EXPENSES		214.00	250.00	250.00		0.00	0.00
101-172-864-000	MEETINGS & CONFERENCES		314.60	0.00	3,000.00		0.00	0.00
CONTRACTUAL SERVICES			57,580.86	17,550.00	62,645.00		83,139.00	132.71
UTILITIES								
101-172-853-000	TELEPHONE		1,534.99	1,600.00	1,600.00		624.89	39.06
UTILITIES			1,534.99	1,600.00	1,600.00		624.89	39.06
OTHER CHARGES								
101-172-960-000	PROFESSIONAL DEVELOPMENT		3,456.67	5,000.00	8,000.00		656.81	8.21
OTHER CHARGES			3,456.67	5,000.00	8,000.00		656.81	8.21
Total Dept 172 - CITY MANAGER			426,081.16	358,500.00	358,500.00		154,263.22	43.03
Dept 191 - FINANCE								
SALARIES AND FRINGE BENEFITS								
101-191-704-000	FULL TIME EMPLOYEES		114,162.21	204,970.00	94,970.00		51,865.30	54.61
101-191-707-000	PART TIME EMPLOYEES		62,557.00	27,583.00	117,420.00		54,193.80	46.15
101-191-709-000	OVERTIME		980.76	0.00	0.00		0.00	0.00
101-191-715-000	FICA		13,506.70	17,791.00	22,521.00		8,078.27	35.87
101-191-725-000	WORKERS COMPENSATION		1,124.57	1,123.00	1,093.00		986.53	90.26
SALARIES AND FRINGE BENEFITS			192,331.24	251,467.00	236,004.00		115,123.90	48.78
MATERIALS AND SUPPLIES								
101-191-728-000	OFFICE SUPPLIES		0.00	0.00	1,000.00		132.41	13.24
101-191-729-000	STATIONARY		4,945.26	1,400.00	0.00		0.00	0.00
101-191-732-000	OPERATING SUPPLIES		0.00	0.00	400.00		25.18	6.30
MATERIALS AND SUPPLIES			4,945.26	1,400.00	1,400.00		157.59	11.26
CONTRACTUAL SERVICES								
101-191-801-000	BANK CHARGES		5,085.49	5,000.00	6,000.00		0.58	0.01
101-191-803-000	MEMBERSHIPS AND DUES		100.00	430.00	230.00		135.00	58.70
101-191-807-000	AUDIT SERVICES		12,600.00	19,200.00	20,900.00		12,900.00	61.72
101-191-817-000	CONSULTANT		43,633.98	45,000.00	45,000.00		7,223.82	16.05
101-191-818-000	CONTRACTUAL SERVICES		127,380.25	128,750.00	128,750.00		6,265.00	4.87
101-191-818-050	CONTRACTUAL SERVICES - FD		84,953.50	0.00	0.00		0.00	0.00
101-191-818-060	CONTRACTUAL SERVICES - ACCOUNTING		0.00	0.00	12,000.00		5,325.00	44.38
101-191-835-000	MEDICAL EXPENSES		339.00	0.00	0.00		0.00	0.00
101-191-901-000	ADVERTISING		0.00	0.00	200.00		152.69	76.35
CONTRACTUAL SERVICES			274,092.22	198,380.00	213,080.00		32,002.09	15.02
UTILITIES								
101-191-853-000	TELEPHONE		476.38	600.00	600.00		82.23	13.71
UTILITIES			476.38	600.00	600.00		82.23	13.71
OTHER CHARGES								
101-191-802-000	MISC INTEREST/TAX/FEES		465.55	593.00	616.00		39.00	6.33
101-191-960-000	PROFESSIONAL DEVELOPMENT		100.00	1,000.00	1,000.00		0.00	0.00

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GL NUMBER	DESCRIPTION	END BALANCE	2024-25		YTD BALANCE	% BDGT USED
		06/30/2024	ORIGINAL BUDGET	2024-25 AMENDED BUDGET	12/31/2024	
		NORMAL (ABNORMAL)			NORMAL (ABNORMAL)	
Fund 101 - GENERAL FUND						
Expenditures						
OTHER CHARGES		565.55	1,593.00	1,616.00	39.00	2.41
CAPITAL OUTLAY						
101-191-986-000	COMPUTER SOFTWARE	5,202.00	8,060.00	8,800.00	8,784.54	99.82
CAPITAL OUTLAY		5,202.00	8,060.00	8,800.00	8,784.54	99.82
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Total Dept 191 - FINANCE		477,612.65	461,500.00	461,500.00	156,189.35	33.84
Dept 215 - CITY CLERK						
SALARIES AND FRINGE BENEFITS						
101-215-704-000	FULL TIME EMPLOYEES	134,909.61	145,230.00	145,960.00	67,538.29	46.27
101-215-707-000	PART TIME EMPLOYEES	32,503.50	35,000.00	41,000.00	20,211.25	49.30
101-215-709-000	OVERTIME	7,814.47	10,267.00	10,267.00	5,034.71	49.04
101-215-715-000	FICA	12,840.08	12,906.00	13,080.00	6,789.34	51.91
101-215-725-000	WORKERS COMPENSATION	702.42	701.00	701.00	615.81	87.85
SALARIES AND FRINGE BENEFITS		188,770.08	204,104.00	211,008.00	100,189.40	47.48
MATERIALS AND SUPPLIES						
101-215-728-000	OFFICE SUPPLIES	0.00	0.00	71.00	24.93	35.11
101-215-729-000	STATIONARY	11,658.76	11,000.00	11,000.00	4,097.52	37.25
101-215-730-000	POSTAGE-PRINTING-MAILING	12,416.94	12,600.00	12,600.00	32.00	0.25
101-215-758-000	PROGRAM SUPPLIES	232.02	1,071.00	1,000.00	0.00	0.00
MATERIALS AND SUPPLIES		24,307.72	24,671.00	24,671.00	4,154.45	16.84
CONTRACTUAL SERVICES						
101-215-803-000	MEMBERSHIPS AND DUES	515.00	875.00	700.00	220.00	31.43
101-215-817-000	CONSULTANT	3,038.73	20,000.00	20,000.00	4,907.60	24.54
101-215-818-000	CONTRACTUAL SERVICES	32,024.25	57,500.00	51,500.00	25,214.22	48.96
101-215-864-000	MEETINGS & CONFERENCES	0.00	0.00	175.00	175.00	100.00
101-215-901-000	ADVERTISING	3,673.26	4,200.00	4,200.00	1,191.36	28.37
CONTRACTUAL SERVICES		39,251.24	82,575.00	76,575.00	31,708.18	41.41
UTILITIES						
101-215-853-000	TELEPHONE	970.58	1,000.00	1,000.00	404.96	40.50
UTILITIES		970.58	1,000.00	1,000.00	404.96	40.50
OTHER CHARGES						
101-215-934-000	OFFICE EQUIPMENT MAINTENANCE	5,080.00	7,000.00	6,096.00	6,096.00	100.00
101-215-960-000	PROFESSIONAL DEVELOPMENT	5,806.53	8,000.00	8,000.00	530.84	6.64
OTHER CHARGES		10,886.53	15,000.00	14,096.00	6,626.84	47.01
CAPITAL OUTLAY						
101-215-982-000	EQUIPMENT	7,649.85	1,500.00	1,500.00	1,194.96	79.66
101-215-986-000	COMPUTER SOFTWARE	0.00	750.00	750.00	525.36	70.05
CAPITAL OUTLAY		7,649.85	2,250.00	2,250.00	1,720.32	76.46
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Total Dept 215 - CITY CLERK		271,836.00	329,600.00	329,600.00	144,804.15	43.93

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		06/30/2024 NORMAL (ABNORMAL)	ORIGINAL BUDGET	2024-25 AMENDED BUDGET	12/31/2024 NORMAL (ABNORMAL)	
Fund 101 - GENERAL FUND						
Expenditures						
Dept 228 - INFORMATION TECHNOLOGY						
SALARIES AND FRINGE BENEFITS						
101-228-704-000	FULL TIME EMPLOYEES	123,796.17	123,932.00	128,932.00	58,400.44	45.30
101-228-715-000	FICA	9,375.72	9,481.00	9,861.00	4,422.96	44.85
101-228-725-000	WORKERS COMPENSATION	263.00	263.00	263.00	231.04	87.85
		<u>133,434.89</u>	<u>133,676.00</u>	<u>139,056.00</u>	<u>63,054.44</u>	<u>45.34</u>
SALARIES AND FRINGE BENEFITS						
MATERIALS AND SUPPLIES						
101-228-728-000	OFFICE SUPPLIES	218.75	0.00	0.00	0.00	0.00
101-228-760-000	SOFTWARE MAINT AND SUBSCRIPTIONS	56,503.66	74,699.00	69,319.00	38,202.57	55.11
101-228-761-000	HARDWARE SUBSCRIPTIONS	0.00	2,200.00	2,200.00	0.00	0.00
101-228-778-000	EQUIPMENT SUPPLIES	5,666.81	7,000.00	7,000.00	2,156.87	30.81
		<u>62,389.22</u>	<u>83,899.00</u>	<u>78,519.00</u>	<u>40,359.44</u>	<u>51.40</u>
MATERIALS AND SUPPLIES						
CONTRACTUAL SERVICES						
101-228-803-000	MEMBERSHIPS	0.00	1,025.00	1,025.00	0.00	0.00
101-228-818-000	CONTRACTUAL SERVICES	56,001.25	62,700.00	62,700.00	25,956.91	41.40
		<u>56,001.25</u>	<u>63,725.00</u>	<u>63,725.00</u>	<u>25,956.91</u>	<u>40.73</u>
CONTRACTUAL SERVICES						
UTILITIES						
101-228-853-000	TELEPHONE	2,287.45	2,400.00	2,400.00	755.18	31.47
		<u>2,287.45</u>	<u>2,400.00</u>	<u>2,400.00</u>	<u>755.18</u>	<u>31.47</u>
UTILITIES						
OTHER CHARGES						
101-228-933-000	EQUIPMENT MAINTENANCE	193.05	0.00	0.00	0.00	0.00
101-228-960-000	PROFESSIONAL DEVELOPMENT	3,605.83	6,000.00	6,000.00	5,014.57	83.58
		<u>3,798.88</u>	<u>6,000.00</u>	<u>6,000.00</u>	<u>5,014.57</u>	<u>83.58</u>
OTHER CHARGES						
CAPITAL OUTLAY						
101-228-983-000	OFFICE EQUIPMENT	13,351.14	10,000.00	10,000.00	6,410.66	64.11
		<u>13,351.14</u>	<u>10,000.00</u>	<u>10,000.00</u>	<u>6,410.66</u>	<u>64.11</u>
CAPITAL OUTLAY						
Total Dept 228 - INFORMATION TECHNOLOGY		<u>271,262.83</u>	<u>299,700.00</u>	<u>299,700.00</u>	<u>141,551.20</u>	<u>47.23</u>
Dept 250 - COMMUNICATIONS						
SALARIES AND FRINGE BENEFITS						
101-250-704-000	FULL TIME EMPLOYEES	53,363.02	72,100.00	74,160.00	31,678.51	42.72
101-250-715-000	FICA	4,227.51	5,516.00	5,674.00	2,592.24	45.69
101-250-721-000	ANNUAL LEAVE	1,615.38	0.00	0.00	1,087.45	100.00
101-250-722-000	SICK LEAVE	841.34	0.00	0.00	713.09	100.00
101-250-723-000	HOLIDAY / PERSONAL DAYS	0.00	0.00	0.00	748.73	100.00
101-250-725-000	WORKERS COMPENSATION	263.00	263.00	245.00	231.04	94.30
		<u>60,310.25</u>	<u>77,879.00</u>	<u>80,079.00</u>	<u>37,051.06</u>	<u>46.27</u>
SALARIES AND FRINGE BENEFITS						
MATERIALS AND SUPPLIES						
101-250-758-000	PROGRAM SUPPLIES	525.51	4,621.00	4,621.00	0.00	0.00
101-250-761-000	HARDWARE SUBSCRIPTIONS	0.00	5,000.00	5,000.00	4,815.00	96.30
		<u>525.51</u>	<u>9,621.00</u>	<u>9,621.00</u>	<u>4,815.00</u>	<u>50.05</u>
MATERIALS AND SUPPLIES						

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GL NUMBER	DESCRIPTION	END BALANCE		2024-25		YTD BALANCE		% BDGT USED
		NORMAL	(ABNORMAL)	ORIGINAL BUDGET	2024-25 AMENDED BUDGET	NORMAL	(ABNORMAL)	
Fund 101 - GENERAL FUND								
Expenditures								
CONTRACTUAL SERVICES								
101-250-803-000	MEMBERSHIPS		2,050.00	2,000.00	2,050.00		2,050.00	100.00
101-250-814-000	WEBSITE MAINTENANCE		6,148.83	5,000.00	5,000.00		457.27	9.15
101-250-815-000	CABLE PRODUCTION		12,625.00	15,000.00	15,000.00		13,354.15	89.03
101-250-818-000	CONTRACTUAL SERVICES		114,102.93	44,000.00	44,000.00		10,562.00	24.00
CONTRACTUAL SERVICES			134,926.76	66,000.00	66,050.00		26,423.42	40.01
UTILITIES								
101-250-853-000	TELEPHONE		970.30	1,000.00	1,000.00		405.40	40.54
UTILITIES			970.30	1,000.00	1,000.00		405.40	40.54
OTHER CHARGES								
101-250-923-000	CABLE FRANCHISE ADMIN FEE		13,670.76	20,000.00	17,800.00		4,195.68	23.57
101-250-933-000	EQUIPMENT MAINTENANCE		0.00	500.00	450.00		0.00	0.00
101-250-960-000	PROFESSIONAL DEVELOPMENT		373.17	1,000.00	1,000.00		0.00	0.00
OTHER CHARGES			14,043.93	21,500.00	19,250.00		4,195.68	21.80
CAPITAL OUTLAY								
101-250-984-002	TELECOMMUNICATIONS EQUIPMENT		0.00	18,000.00	18,000.00		0.00	0.00
CAPITAL OUTLAY			0.00	18,000.00	18,000.00		0.00	0.00
Total Dept 250 - COMMUNICATIONS			210,776.75	194,000.00	194,000.00		72,890.56	37.57
Dept 252 - ACTIVE EMPLOYEE BENEFITS								
SALARIES AND FRINGE BENEFITS								
101-252-712-000	IN LIEU		77,237.54	85,000.00	91,078.00		91,077.47	100.00
101-252-715-000	FICA		4,996.08	6,103.00	6,067.00		6,066.44	99.99
101-252-716-000	DENTAL/VISION/LIFE-LTD/RHCS		285,358.10	352,026.00	351,855.00		94,670.34	26.91
101-252-716-500	HEALTH CARE COSTS - BC/BS		690,169.39	856,071.00	829,024.00		0.00	0.00
101-252-718-000	RETIREMENT-DB MERS		122,439.21	125,000.00	136,000.00		68,167.02	50.12
101-252-718-010	MERS DC RETIREMENT		54,042.32	45,000.00	55,000.00		9,254.42	16.83
SALARIES AND FRINGE BENEFITS			1,234,242.64	1,469,200.00	1,469,024.00		269,235.69	18.33
Total Dept 252 - ACTIVE EMPLOYEE BENEFITS			1,234,242.64	1,469,200.00	1,469,024.00		269,235.69	18.33
Dept 253 - TREASURY								
SALARIES AND FRINGE BENEFITS								
101-253-703-000	BOARD OF CANVASSERS		1,020.00	1,000.00	1,000.00		370.00	37.00
101-253-704-000	FULL TIME EMPLOYEES		130,824.98	131,094.00	131,094.00		60,505.46	46.15
101-253-707-000	PART TIME EMPLOYEES		17,138.76	19,839.00	19,839.00		8,160.96	41.14
101-253-709-000	OVERTIME		301.60	0.00	0.00		0.00	0.00
101-253-715-000	FICA		11,242.20	11,546.00	11,546.00		5,206.71	45.10
101-253-725-000	WORKERS COMPENSATION		440.43	440.00	440.00		386.53	87.85
SALARIES AND FRINGE BENEFITS			160,967.97	163,919.00	163,919.00		74,629.66	45.53
MATERIALS AND SUPPLIES								
101-253-729-000	STATIONARY		67.24	481.00	481.00		0.00	0.00

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GL NUMBER	DESCRIPTION	END BALANCE		2024-25		YTD BALANCE		% BDGT USED
		NORMAL	(ABNORMAL)	ORIGINAL BUDGET	2024-25 AMENDED BUDGET	NORMAL	(ABNORMAL)	
Fund 101 - GENERAL FUND								
Expenditures								
101-253-730-000	POSTAGE-PRINTING-MAILING		5,201.49	6,700.00	6,700.00		5,012.92	74.82
101-253-758-000	PROGRAM SUPPLIES		865.51	0.00	0.00		0.00	0.00
MATERIALS AND SUPPLIES			6,134.24	7,181.00	7,181.00		5,012.92	69.81
CONTRACTUAL SERVICES								
101-253-803-000	MEMBERSHIPS		537.00	1,000.00	1,000.00		198.00	19.80
101-253-818-000	CONTRACTUAL SERVICES		1,410.18	1,400.00	1,400.00		0.00	0.00
101-253-901-000	ADVERTISING		745.60	0.00	0.00		0.00	0.00
CONTRACTUAL SERVICES			2,692.78	2,400.00	2,400.00		198.00	8.25
OTHER CHARGES								
101-253-960-000	PROFESSIONAL DEVELOPMENT		1,329.08	1,600.00	1,600.00		69.00	4.31
OTHER CHARGES			1,329.08	1,600.00	1,600.00		69.00	4.31
CAPITAL OUTLAY								
101-253-983-000	OFFICE EQUIPMENT		0.00	0.00	7,155.00		7,154.43	99.99
101-253-986-000	COMPUTER SOFTWARE		775.34	1,200.00	1,200.00		1,202.36	100.20
CAPITAL OUTLAY			775.34	1,200.00	8,355.00		8,356.79	100.02
Total Dept 253 - TREASURY			171,899.41	176,300.00	183,455.00		88,266.37	48.11
Dept 254 - RETIREE BENEFITS								
SALARIES AND FRINGE BENEFITS								
101-254-712-000	IN LIEU		5,443.20	6,500.00	5,500.00		2,661.60	48.39
101-254-715-000	FICA		416.44	0.00	0.00		0.00	0.00
101-254-716-000	DENTAL/VISION/LIFE-LTD/RHCS		50,693.47	45,950.00	50,950.00		1,070.60	2.10
101-254-716-500	HEALTH CARE COSTS - BC/BS		222,698.35	274,148.00	274,343.00		0.00	0.00
101-254-716-600	HEALTH CARE-BC/BS RETIREE-MED ADVANTAGE		134,967.32	184,370.00	179,258.00		79,786.72	44.51
101-254-718-001	PENSION EXPENSE - GENERAL GOVERNMENT		587,424.96	573,000.00	619,165.00		309,582.48	50.00
101-254-718-003	PENSION EXPENSE - MERS RETIREMENT-DPW		81,005.04	79,000.00	87,960.00		43,979.52	50.00
101-254-718-100	MERS-SERVICE CREDIT PURCHASE		28,276.00	130,032.00	76,000.00		0.00	0.00
SALARIES AND FRINGE BENEFITS			1,110,924.78	1,293,000.00	1,293,176.00		437,080.92	33.80
Total Dept 254 - RETIREE BENEFITS			1,110,924.78	1,293,000.00	1,293,176.00		437,080.92	33.80
Dept 265 - CITYWIDE PROJECTS								
MATERIALS AND SUPPLIES								
101-265-728-000	OFFICE SUPPLIES		6,756.81	10,000.00	10,000.00		6,930.22	69.30
101-265-730-000	POSTAGE-PRINTING-MAILING		12,489.49	13,074.00	13,074.00		6,024.91	46.08
101-265-751-000	FUEL & OIL		745.97	0.00	0.00		769.54	100.00
101-265-758-000	PROGRAM SUPPLIES		92.52	0.00	0.00		0.00	0.00
101-265-776-000	MAINTENANCE SUPPLIES		7,443.11	0.00	0.00		0.00	0.00
MATERIALS AND SUPPLIES			27,527.90	23,074.00	23,074.00		13,724.67	59.48
CONTRACTUAL SERVICES								
101-265-803-000	MEMBERSHIPS		789.00	810.00	810.00		559.00	69.01
101-265-811-000	CUSTODIAL SERVICES		12,943.51	0.00	0.00		0.00	0.00

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		NORMAL	(ABNORMAL)	ORIGINAL BUDGET	2024-25 AMENDED BUDGET	NORMAL	(ABNORMAL)	
Fund 101 - GENERAL FUND								
Expenditures								
101-265-817-000	CONSULTANT		870.00	0.00	0.00		1,915.00	100.00
101-265-818-000	CONTRACTUAL SERVICES		3,499.25	0.00	0.00		414.75	100.00
101-265-901-000	ADVERTISING		0.00	200.00	200.00		0.00	0.00
CONTRACTUAL SERVICES			18,101.76	1,010.00	1,010.00		2,888.75	286.01
UTILITIES								
101-265-853-000	TELEPHONE		11,645.44	7,500.00	7,500.00		5,065.28	67.54
101-265-920-000	UTILITIES		42,723.13	39,000.00	39,000.00		22,841.81	58.57
UTILITIES			54,368.57	46,500.00	46,500.00		27,907.09	60.02
OTHER CHARGES								
101-265-931-000	BUILDING MAINTENANCE		92,736.33	0.00	0.00		0.00	0.00
101-265-946-000	OFFICE EQUIPMENT RENTAL		10,468.98	10,000.00	10,000.00		5,134.03	51.34
101-265-960-000	PROFESSIONAL DEVELOPMENT		60.36	13,000.00	13,000.00		4,320.00	33.23
OTHER CHARGES			103,265.67	23,000.00	23,000.00		9,454.03	41.10
CAPITAL OUTLAY								
101-265-971-150	LAND IMPROVEMENTS		69,454.66	0.00	0.00		25,020.00	100.00
101-265-976-000	BUILDING IMPROVEMENTS		72,264.49	0.00	27,736.00		4,400.00	15.86
101-265-976-001	PARKING LOT REPAIR		0.00	0.00	0.00		10,312.50	100.00
101-265-976-002	HEAT/COOLING		227,252.99	0.00	1,661,530.00		1,037,923.18	62.47
101-265-981-000	FURNITURE		5,770.00	2,000.00	2,000.00		0.00	0.00
CAPITAL OUTLAY			374,742.14	2,000.00	1,691,266.00		1,077,655.68	63.72
INSURANCE								
101-265-914-000	LIABILITY INSURANCE		21,277.50	42,616.00	42,616.00		20,687.50	48.54
101-265-915-000	LIABILITY INSURANCE CLAIMS/NET LOSS		544.50	2,000.00	2,000.00		0.00	0.00
INSURANCE			21,822.00	44,616.00	44,616.00		20,687.50	46.37
Total Dept 265 - CITYWIDE PROJECTS			599,828.04	140,200.00	1,829,466.00		1,152,317.72	62.99
Dept 266 - CITY ATTORNEY								
CONTRACTUAL SERVICES								
101-266-824-000	LEGAL SERVICES - LABOR		12,209.00	10,000.00	10,000.00		2,852.00	28.52
101-266-825-000	CITY ATTORNEY		91,813.84	115,000.00	115,000.00		48,771.71	42.41
101-266-826-000	LEGAL SERVICES - GENERAL LIABILITY		175.00	10,000.00	10,000.00		0.00	0.00
CONTRACTUAL SERVICES			104,197.84	135,000.00	135,000.00		51,623.71	38.24
Total Dept 266 - CITY ATTORNEY			104,197.84	135,000.00	135,000.00		51,623.71	38.24
Dept 267 - FACILITIES								
MATERIALS AND SUPPLIES								
101-267-776-101	MAINTENANCE SUPPLIES - CITY HALL		0.00	5,700.00	5,700.00		2,326.44	40.81
101-267-776-271	MAINTENANCE SUPPLIES - LIBRARY		0.00	3,400.00	3,400.00		1,382.29	40.66
101-267-776-345	MAINTENANCE SUPPLIES - PUB SAFETY		0.00	1,500.00	1,500.00		2,003.07	133.54
101-267-776-441	MAINTENANCE SUPPLIES - DPW		0.00	1,500.00	1,500.00		1,593.55	106.24
MATERIALS AND SUPPLIES			0.00	12,100.00	12,100.00		7,305.35	60.37

GL NUMBER	DESCRIPTION	END BALANCE	2024-25		YTD BALANCE	% BDGT USED
		06/30/2024	ORIGINAL BUDGET	2024-25 AMENDED BUDGET	12/31/2024	
		NORMAL (ABNORMAL)			NORMAL (ABNORMAL)	
Fund 101 - GENERAL FUND						
Expenditures						
CONTRACTUAL SERVICES						
101-267-811-101	CUSTODIAL SERVICES - CITY HALL	0.00	15,000.00	15,000.00	6,713.17	44.75
101-267-811-271	CUSTODIAL SERVICES - LIBRARY	0.00	27,300.00	27,300.00	13,613.10	49.86
101-267-811-345	CUSTODIAL SERVICES - PUB SAFETY	0.00	23,000.00	23,000.00	10,270.26	44.65
101-267-811-441	CUSTODIAL SERVICES - DPW	0.00	5,000.00	5,000.00	1,696.86	33.94
101-267-818-000	CONTRACTUAL SERVICES	0.00	0.00	27,500.00	0.00	0.00
CONTRACTUAL SERVICES		0.00	70,300.00	97,800.00	32,293.39	33.02
OTHER CHARGES						
101-267-931-101	BUILDING MAINTENANCE - CITY HALL	0.00	17,000.00	17,000.00	24,471.46	143.95
101-267-931-271	BUILDING MAINTENANCE - LIBRARY	0.00	18,000.00	18,000.00	2,250.67	12.50
101-267-931-345	BUILDING MAINTENANCE - PUB SAFETY	0.00	59,000.00	59,000.00	14,248.16	24.15
101-267-931-441	BUILDING MAINTENANCE - DPW	0.00	17,000.00	17,000.00	9,852.90	57.96
OTHER CHARGES		0.00	111,000.00	111,000.00	50,823.19	45.79
CAPITAL OUTLAY						
101-267-976-101	BUILDING IMPROVEMENTS - CITY HALL	0.00	20,000.00	20,000.00	4,491.14	22.46
101-267-976-271	BUILDING IMPROVEMENTS - LIBRARY	0.00	100,000.00	100,000.00	0.00	0.00
101-267-976-345	BUILDING IMPROVEMENTS - PUB SAFETY	0.00	150,000.00	150,000.00	0.00	0.00
101-267-976-441	BUILDING IMPROVEMENTS - DPW	0.00	40,000.00	40,000.00	106.72	0.27
CAPITAL OUTLAY		0.00	310,000.00	310,000.00	4,597.86	1.48
Total Dept 267 - FACILITIES		0.00	503,400.00	530,900.00	95,019.79	17.90
Dept 305 - PUBLIC SAFETY ADMINISTRATION						
SALARIES AND FRINGE BENEFITS						
101-305-704-000	FULL TIME EMPLOYEES	166,560.40	221,474.00	221,474.00	80,620.91	36.40
101-305-707-000	PART TIME EMPLOYEES	26,959.60	0.00	0.00	0.00	0.00
101-305-709-000	OVERTIME	172.17	1,000.00	1,000.00	0.00	0.00
101-305-715-000	FICA	7,410.78	9,396.00	9,396.00	2,628.18	27.97
101-305-725-000	WORKERS COMPENSATION	4,367.09	4,361.00	4,361.00	3,831.04	87.85
SALARIES AND FRINGE BENEFITS		205,470.04	236,231.00	236,231.00	87,080.13	36.86
MATERIALS AND SUPPLIES						
101-305-744-000	UNIFORMS	1,997.80	1,000.00	1,000.00	385.00	38.50
101-305-755-000	EMERGENCY MANagements EXPENSES	0.00	1,000.00	1,000.00	0.00	0.00
MATERIALS AND SUPPLIES		1,997.80	2,000.00	2,000.00	385.00	19.25
CONTRACTUAL SERVICES						
101-305-803-000	MEMBERSHIPS	759.00	750.00	750.00	30.00	4.00
101-305-901-000	ADVERTISING	4.00	1,000.00	1,000.00	0.00	0.00
CONTRACTUAL SERVICES		763.00	1,750.00	1,750.00	30.00	1.71
UTILITIES						
101-305-853-000	TELEPHONE	1,610.50	0.00	0.00	412.84	100.00
UTILITIES		1,610.50	0.00	0.00	412.84	100.00
OTHER CHARGES						
101-305-934-000	OFFICE EQUIPMENT MAINTENANCE	1,828.96	1,919.00	1,919.00	293.50	15.29

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GL NUMBER	DESCRIPTION	END BALANCE		2024-25		YTD BALANCE		% BDGT USED
		NORMAL	(ABNORMAL)	ORIGINAL BUDGET	2024-25 AMENDED BUDGET	NORMAL	(ABNORMAL)	
Fund 101 - GENERAL FUND								
Expenditures								
101-305-960-000	PROFESSIONAL DEVELOPMENT		4,729.16	5,000.00	5,000.00		125.00	2.50
OTHER CHARGES			6,558.12	6,919.00	6,919.00		418.50	6.05
CAPITAL OUTLAY								
101-305-981-000	FURNITURE		899.98	2,000.00	2,000.00		1,101.54	55.08
101-305-982-000	EQUIPMENT		0.00	0.00	0.00		531.78	100.00
CAPITAL OUTLAY			899.98	2,000.00	2,000.00		1,633.32	81.67
Total Dept 305 - PUBLIC SAFETY ADMINISTRATION			217,299.44	248,900.00	248,900.00		89,959.79	36.14
Dept 325 - DISPATCH								
SALARIES AND FRINGE BENEFITS								
101-325-704-000	FULL TIME EMPLOYEES		436,517.25	400,119.00	400,119.00		194,727.36	48.67
101-325-706-000	DISPATCHERS		2,000.00	0.00	0.00		225.00	100.00
101-325-707-000	PART TIME EMPLOYEES		5,597.90	15,000.00	15,000.00		255.11	1.70
101-325-709-000	OVERTIME		15,613.84	15,000.00	15,000.00		9,721.82	64.81
101-325-715-000	FICA		36,150.42	36,190.00	36,190.00		16,062.59	44.38
101-325-722-000	SICK LEAVE		0.00	2,363.00	2,363.00		5,375.01	227.47
101-325-723-000	HOLIDAY / PERSONAL DAYS		15,524.48	13,496.00	13,496.00		0.00	0.00
101-325-725-000	WORKERS COMPENSATION		12,248.37	12,231.00	12,231.00		10,744.66	87.85
SALARIES AND FRINGE BENEFITS			523,652.26	494,399.00	494,399.00		237,111.55	47.96
MATERIALS AND SUPPLIES								
101-325-744-000	UNIFORMS-CLEANING AND PURCHASES		4,540.22	6,000.00	6,000.00		4,562.56	76.04
101-325-758-000	PROGRAM SUPPLIES		588.54	907.00	907.00		0.00	0.00
MATERIALS AND SUPPLIES			5,128.76	6,907.00	6,907.00		4,562.56	66.06
CONTRACTUAL SERVICES								
101-325-818-000	CONTRACTUAL SERVICES		92.00	100.00	100.00		0.00	0.00
101-325-835-000	DISPATCH MEDICAL EXPENSES		2,066.00	1,000.00	1,000.00		795.00	79.50
101-325-855-000	E-911 EQUIPMENT MAINTENANCE		593.26	594.00	594.00		593.26	99.88
CONTRACTUAL SERVICES			2,751.26	1,694.00	1,694.00		1,388.26	81.95
UTILITIES								
101-325-853-000	TELEPHONE		1,749.39	0.00	0.00		0.00	0.00
UTILITIES			1,749.39	0.00	0.00		0.00	0.00
OTHER CHARGES								
101-325-934-000	OFFICE EQUIPMENT MAINTENANCE		2,953.04	6,000.00	6,000.00		9,436.85	157.28
101-325-960-000	PROFESSIONAL DEVELOPMENT		874.90	3,000.00	3,000.00		662.00	22.07
OTHER CHARGES			3,827.94	9,000.00	9,000.00		10,098.85	112.21
CAPITAL OUTLAY								
101-325-976-306	BUILDING IMPROVEMENTS-DISPATCH		1,687.62	5,000.00	5,000.00		0.00	0.00
101-325-982-000	EQUIPMENT		10,828.49	0.00	49,172.00		0.00	0.00
CAPITAL OUTLAY			12,516.11	5,000.00	54,172.00		0.00	0.00

GL NUMBER	DESCRIPTION	END BALANCE	2024-25		YTD BALANCE	% BDGT USED
		06/30/2024	ORIGINAL BUDGET	2024-25 AMENDED BUDGET	12/31/2024	
		NORMAL (ABNORMAL)			NORMAL (ABNORMAL)	
Fund 101 - GENERAL FUND						
Expenditures						
Total Dept 325 - DISPATCH		549,625.72	517,000.00	566,172.00	253,161.22	44.71
Dept 345 - PUBLIC SAFETY OPERATIONS						
SALARIES AND FRINGE BENEFITS						
101-345-704-000	FULL TIME EMPLOYEES	2,290,795.38	2,646,700.00	2,646,700.00	1,075,097.73	40.62
101-345-706-000	PUBLIC SAFETY OFFICERS	32,012.90	0.00	0.00	51,137.43	100.00
101-345-707-000	CROSSING GUARDS	94,059.60	102,600.00	102,600.00	40,877.02	39.84
101-345-709-000	OVERTIME	277,215.21	250,000.00	250,000.00	153,097.99	61.24
101-345-712-000	IN LIEU	0.00	0.00	0.00	3,079.68	100.00
101-345-715-000	FICA	47,786.85	49,218.00	49,218.00	25,410.46	51.63
101-345-722-000	SICK LEAVE	0.00	30,000.00	30,000.00	28,161.55	93.87
101-345-723-000	HOLIDAY / PERSONAL DAYS	85,565.07	93,000.00	93,000.00	0.00	0.00
101-345-725-000	WORKERS COMPENSATION	68,989.30	69,228.00	69,228.00	60,815.25	87.85
SALARIES AND FRINGE BENEFITS		2,896,424.31	3,240,746.00	3,240,746.00	1,437,677.11	44.36
MATERIALS AND SUPPLIES						
101-345-728-000	SUPPLIES	13,114.25	20,050.00	20,050.00	5,347.20	26.67
101-345-730-000	POSTAGE-PRINTING-MAILING	380.06	0.00	0.00	0.00	0.00
101-345-731-000	BOOKS / PERIODICALS	100.00	100.00	100.00	0.00	0.00
101-345-741-000	AMMUNITION	1,161.00	2,400.00	2,400.00	180.19	7.51
101-345-741-001	AMMUNITION - TRAINING	7,329.98	7,500.00	7,500.00	0.00	0.00
101-345-741-002	RANGE/TRAINING SUPPLIES	9,528.66	17,000.00	17,000.00	1,695.40	9.97
101-345-742-000	BIKE PATROL EXPENSE	0.00	500.00	500.00	110.00	22.00
101-345-744-000	UNIFORMS-CLEANING & PURCHASES	56,051.31	65,000.00	65,000.00	21,073.16	32.42
101-345-744-002	FIRE GEAR	6,315.90	16,000.00	16,000.00	0.00	0.00
101-345-751-000	FUEL & OIL	75,807.17	65,000.00	65,000.00	32,737.08	50.36
101-345-753-000	PRISONER BOARD	3,465.05	3,000.00	3,000.00	1,900.36	63.35
101-345-754-000	FIRE PLAN REVIEW	2,936.27	3,000.00	3,000.00	0.00	0.00
101-345-758-009	SUPPLIES - OWI 2ND/3RD FORFEITURE	0.00	5,000.00	5,000.00	0.00	0.00
101-345-758-011	MEDICAL SUPPLIES	1,334.75	3,000.00	3,000.00	689.82	22.99
101-345-758-202	K9 PROGRAM EXPENSES	1,444.13	85,000.00	85,000.00	451.47	0.53
101-345-779-000	MEDICAL EQUIPMENT	1,118.00	4,000.00	4,000.00	1,791.29	44.78
101-345-780-000	VEHICLE EQUIPMENT	133.79	1,000.00	1,000.00	1,004.32	100.43
101-345-781-000	VEHICLE SUPPLIES	200.69	250.00	250.00	252.03	100.81
MATERIALS AND SUPPLIES		180,421.01	297,800.00	297,800.00	67,232.32	22.58
CONTRACTUAL SERVICES						
101-345-803-000	MEMBERSHIPS	7,219.60	8,000.00	8,000.00	5,658.40	70.73
101-345-811-000	CUSTODIAL	20,949.28	0.00	0.00	0.00	0.00
101-345-814-000	DATA PROCESSING	73,509.09	68,200.00	68,200.00	27,861.65	40.85
101-345-818-000	CONTRACTUAL SERVICES	180.00	600.00	600.00	30.00	5.00
101-345-818-012	BLOOD DRAWS	4,056.00	7,500.00	7,500.00	2,808.00	37.44
101-345-825-000	CASCADE SYSTEM MAINTENANCE	0.00	1,000.00	1,000.00	0.00	0.00
101-345-835-000	PUBLIC SAFETY MEDICAL EXPENSES	12,014.00	14,500.00	14,500.00	5,984.00	41.27
101-345-851-000	RADIO MAINTENANCE	0.00	1,000.00	1,000.00	0.00	0.00
CONTRACTUAL SERVICES		117,927.97	100,800.00	100,800.00	42,342.05	42.01
UTILITIES						
101-345-853-000	TELEPHONE	5,740.13	10,000.00	10,000.00	4,562.19	45.62
101-345-920-000	UTILITIES	50,759.35	50,000.00	50,000.00	22,899.14	45.80
UTILITIES		56,499.48	60,000.00	60,000.00	27,461.33	45.77

GL NUMBER	DESCRIPTION	END BALANCE		2024-25		YTD BALANCE		% BDGT USED
		NORMAL	(ABNORMAL)	ORIGINAL BUDGET	2024-25 AMENDED BUDGET	NORMAL	(ABNORMAL)	
Fund 101 - GENERAL FUND								
Expenditures								
OTHER CHARGES								
101-345-758-012	BERKLEY CRUISEFEST EXPENSES	2,565.59		2,500.00	2,500.00	510.57		20.42
101-345-931-000	BUILDING MAINTENANCE	38,234.06		0.00	0.00	7,894.02		100.00
101-345-933-000	EQUIPMENT MAINTENANCE	0.00		2,500.00	2,500.00	48.00		1.92
101-345-939-000	VEHICLE MAINTENANCE	19,847.54		15,000.00	15,000.00	7,459.46		49.73
101-345-939-001	FIRE TRUCK MAINTENANCE	20,602.28		30,000.00	30,000.00	8,534.19		28.45
101-345-939-002	VEHICLE MAINTENANCE - DPW	28,602.17		25,000.00	25,000.00	6,430.00		25.72
101-345-960-000	PROFESSIONAL DEVELOPMENT	21,723.51		30,000.00	30,000.00	18,769.54		62.57
101-345-960-001	REIMBURSABLE PROF DEVELOPMENT	584.00		10,000.00	10,000.00	0.00		0.00
101-345-961-000	PUBLIC SAFETY 302 TRAINING FUNDS	9,945.82		6,000.00	6,000.00	11,640.43		194.01
101-345-961-118	MCOLES MANDATED TRAINING	0.00		2,000.00	2,000.00	2,100.00		105.00
101-345-962-000	PUBLIC SAFETY FIRE/MEDICAL TRAINING	11,477.15		18,000.00	18,000.00	275.35		1.53
OTHER CHARGES		153,582.12		141,000.00	141,000.00	63,661.56		45.15
CAPITAL OUTLAY								
101-345-976-000	BUILDING IMPROVEMENTS	0.00		0.00	100,000.00	0.00		0.00
101-345-979-000	FIRE EQUIPMENT	9,689.74		15,000.00	15,000.00	379.49		2.53
101-345-981-000	FURNITURE	919.97		5,000.00	5,000.00	70.48		1.41
101-345-982-000	EQUIPMENT	116,697.41		121,000.00	121,000.00	104,474.95		86.34
101-345-984-000	RADIO EQUIPMENT	19,245.83		5,000.00	5,000.00	1,896.42		37.93
101-345-985-000	VEHICLES	150,288.00		230,000.00	230,000.00	162,909.68		70.83
101-345-985-001	CAR COMPUTERS	17,718.63		20,000.00	20,000.00	14,321.16		71.61
101-345-991-005	SCBA EQUIPMENT	36.98		3,000.00	3,000.00	0.00		0.00
CAPITAL OUTLAY		314,596.56		399,000.00	499,000.00	284,052.18		56.92
INSURANCE								
101-345-913-000	VEHICLE INSURANCE	8,854.00		18,239.00	18,239.00	8,854.00		48.54
101-345-914-000	LIABILITY INSURANCE	55,687.00		114,715.00	114,715.00	55,687.00		48.54
INSURANCE		64,541.00		132,954.00	132,954.00	64,541.00		48.54
Total Dept 345 - PUBLIC SAFETY OPERATIONS								
		3,783,992.45		4,372,300.00	4,472,300.00	1,986,967.55		44.43
Dept 355 - PUBLIC SAFETY RETIREE BENEFITS								
SALARIES AND FRINGE BENEFITS								
101-355-712-000	IN LIEU	2,737.28		3,200.00	8,820.00	8,815.87		99.95
101-355-716-000	DENTAL/VISION/LIFE-LTD/RHCS	32,218.05		23,300.00	32,280.00	969.90		3.00
101-355-716-500	HEALTH CARE COSTS - BC/BS	174,293.42		203,300.00	188,700.00	0.00		0.00
101-355-716-600	HEALTH CARE-BC/BS RETIREE-MED ADVANTAGE	121,133.76		147,900.00	147,900.00	70,199.19		47.46
101-355-718-000	RETIREMENT-DB PSO PENSION	1,325,000.00		1,325,000.00	1,325,000.00	0.00		0.00
SALARIES AND FRINGE BENEFITS		1,655,382.51		1,702,700.00	1,702,700.00	79,984.96		4.70
Total Dept 355 - PUBLIC SAFETY RETIREE BENEFITS								
		1,655,382.51		1,702,700.00	1,702,700.00	79,984.96		4.70
Dept 430 - ANIMAL CONTROL								
SALARIES AND FRINGE BENEFITS								
101-430-704-000	FULL TIME EMPLOYEES	56,723.12		56,270.00	56,270.00	28,815.37		51.21
101-430-707-000	PART TIME EMPLOYEES	0.00		5,000.00	5,000.00	0.00		0.00
101-430-709-000	OVERTIME	1,831.99		3,000.00	3,000.00	1,755.93		58.53
101-430-715-000	FICA	4,639.68		4,948.00	4,948.00	2,339.37		47.28

GL NUMBER	DESCRIPTION	END BALANCE		2024-25		YTD BALANCE		% BDGT USED
		NORMAL	(ABNORMAL)	ORIGINAL BUDGET	2024-25 AMENDED BUDGET	NORMAL	(ABNORMAL)	
Fund 101 - GENERAL FUND								
Expenditures								
101-430-723-000	HOLIDAY / PERSONAL DAYS		2,401.28	1,800.00	1,800.00		0.00	0.00
101-430-725-000	WORKERS COMPENSATION		703.42	702.00	702.00		616.69	87.85
SALARIES AND FRINGE BENEFITS			66,299.49	71,720.00	71,720.00		33,527.36	46.75
MATERIALS AND SUPPLIES								
101-430-744-000	UNIFORMS-CLEANING & PURCHASES		1,576.80	1,500.00	1,500.00		360.00	24.00
101-430-751-000	FUEL & OIL		4,085.90	3,000.00	3,000.00		1,083.07	36.10
101-430-758-000	PROGRAM SUPPLIES		989.21	2,930.00	2,930.00		58.61	2.00
MATERIALS AND SUPPLIES			6,651.91	7,430.00	7,430.00		1,501.68	20.21
CONTRACTUAL SERVICES								
101-430-818-000	CONTRACTUAL SERVICES		335.49	1,500.00	1,500.00		0.00	0.00
101-430-835-000	ANIMAL CONTROL MEDICAL EXPENSES		0.00	1,000.00	1,000.00		388.00	38.80
CONTRACTUAL SERVICES			335.49	2,500.00	2,500.00		388.00	15.52
UTILITIES								
101-430-853-000	TELEPHONE		485.96	500.00	500.00		202.41	40.48
UTILITIES			485.96	500.00	500.00		202.41	40.48
OTHER CHARGES								
101-430-931-000	BUILDING MAINTENACE-ANIMAL CONTROL		184.42	500.00	500.00		0.00	0.00
101-430-939-000	VEHICLE MAINTENANCE		0.00	750.00	750.00		540.12	72.02
101-430-960-000	PROFESSIONAL DEVELOPMENT		0.00	1,000.00	1,000.00		0.00	0.00
OTHER CHARGES			184.42	2,250.00	2,250.00		540.12	24.01
Total Dept 430 - ANIMAL CONTROL			73,957.27	84,400.00	84,400.00		36,159.57	42.84
Dept 441 - PUBLIC WORKS								
SALARIES AND FRINGE BENEFITS								
101-441-704-000	FULL TIME EMPLOYEES		243,630.71	184,511.00	184,511.00		97,143.83	52.65
101-441-706-000	LABORERS		24,596.26	0.00	0.00		13,647.98	100.00
101-441-706-003	SPECIAL EVENTS		8,155.59	0.00	0.00		23,244.60	100.00
101-441-707-000	PART TIME EMPLOYEES		11,091.50	13,184.00	13,184.00		12,572.10	95.36
101-441-709-000	OVERTIME		5,537.55	12,000.00	12,000.00		6,581.36	54.84
101-441-709-003	DREAM CRUISE		27,321.37	28,000.00	28,000.00		17,980.01	64.21
101-441-715-000	FICA		26,674.55	17,652.00	17,652.00		12,992.32	73.60
101-441-722-000	SICK LEAVE		27,881.28	7,451.00	7,451.00		0.00	0.00
101-441-725-000	WORKERS COMPENSATION		13,990.51	13,971.00	13,971.00		12,273.21	87.85
SALARIES AND FRINGE BENEFITS			388,879.32	276,769.00	276,769.00		196,435.41	70.97
MATERIALS AND SUPPLIES								
101-441-728-000	OFFICE SUPPLIES		436.83	1,025.00	1,025.00		246.41	24.04
101-441-744-000	UNIFORMS		1,111.41	3,000.00	3,000.00		1,988.28	66.28
101-441-751-000	FUEL & OIL		70,487.38	49,600.00	49,600.00		30,377.84	61.25
101-441-758-000	PROGRAM SUPPLIES		967.84	2,000.00	2,000.00		1,203.57	60.18
101-441-776-000	MAINTENANCE SUPPLIES		1,102.19	0.00	0.00		0.00	0.00
101-441-787-000	TOOLS		1,212.43	1,100.00	1,100.00		153.02	13.91
MATERIALS AND SUPPLIES			75,318.08	56,725.00	56,725.00		33,969.12	59.88

GL NUMBER	DESCRIPTION	END BALANCE	2024-25	2024-25	YTD BALANCE	% BDGT USED
		06/30/2024	ORIGINAL BUDGET	2024-25 AMENDED BUDGET	12/31/2024	
		NORMAL (ABNORMAL)			NORMAL (ABNORMAL)	
Fund 101 - GENERAL FUND						
Expenditures						
CONTRACTUAL SERVICES						
101-441-803-000	MEMBERSHIPS	1,979.00	2,500.00	2,500.00	299.00	11.96
101-441-811-000	CUSTODIAL SERVICES	3,776.36	5,300.00	5,300.00	742.25	14.00
101-441-818-000	CONTRACTUAL SERVICES	2,142.27	11,500.00	11,500.00	2,857.25	24.85
101-441-818-125	CONTRACTUAL SERVICES - PARKING AGREEMENT	0.00	0.00	500.00	420.60	84.12
101-441-835-000	MEDICAL EXPENSES	1,514.85	1,000.00	1,000.00	618.50	61.85
101-441-864-000	MEETINGS & CONFERENCES	0.00	1,000.00	1,000.00	0.00	0.00
101-441-901-000	ADVERTISING	0.00	1,000.00	1,000.00	755.19	75.52
101-441-904-000	PRINTING	0.00	1,000.00	1,000.00	0.00	0.00
CONTRACTUAL SERVICES		9,412.48	23,300.00	23,800.00	5,692.79	23.92
UTILITIES						
101-441-853-000	TELEPHONE	3,062.48	2,900.00	2,900.00	2,086.36	71.94
101-441-920-000	UTILITIES	15,414.76	14,000.00	14,000.00	3,732.25	26.66
UTILITIES		18,477.24	16,900.00	16,900.00	5,818.61	34.43
OTHER CHARGES						
101-441-931-000	BUILDING MAINTENANCE	11,965.08	0.00	753.00	693.92	92.15
101-441-940-000	EQUIPMENT RENTAL-SPECIAL EVENTS	6,081.48	500.00	9,000.00	8,638.76	95.99
101-441-946-000	OFFICE EQUIPMENT RENTAL	349.45	480.00	480.00	209.92	43.73
101-441-960-000	PROFESSIONAL DEVELOPMENT	6,317.16	6,300.00	6,300.00	1,389.25	22.05
OTHER CHARGES		24,713.17	7,280.00	16,533.00	10,931.85	66.12
CAPITAL OUTLAY						
101-441-976-000	BUILDING IMPROVEMENTS	5,896.89	10,000.00	10,000.00	0.00	0.00
101-441-981-000	FURNITURE	0.00	1,500.00	1,500.00	3,507.50	233.83
101-441-982-000	EQUIPMENT	6,966.66	65,000.00	65,000.00	3,972.58	6.11
101-441-983-000	OFFICE EQUIPMENT	0.00	500.00	0.00	0.00	0.00
101-441-984-000	RADIO EQUIPMENT	1,274.38	1,500.00	1,500.00	4,082.75	272.18
101-441-985-000	VEHICLES	64,928.00	60,000.00	170,072.00	63,806.00	37.52
CAPITAL OUTLAY		79,065.93	138,500.00	248,072.00	75,368.83	30.38
INSURANCE						
101-441-913-000	VEHICLE INSURANCE	7,169.50	14,769.00	7,170.00	7,169.50	99.99
101-441-914-000	LIABILITY INSURANCE	2,940.50	6,057.00	2,941.00	2,940.50	99.98
101-441-914-001	LIABILITY INSURANCE-STORAGE TANK	647.45	500.00	1,962.00	1,961.50	99.97
INSURANCE		10,757.45	21,326.00	12,073.00	12,071.50	99.99
Total Dept 441 - PUBLIC WORKS		606,623.67	540,800.00	650,872.00	340,288.11	52.28
Dept 443 - PUBLIC WORKS GARAGE						
SALARIES AND FRINGE BENEFITS						
101-443-704-000	FULL TIME EMPLOYEES	(779.54)	0.00	0.00	0.00	0.00
101-443-706-000	MECHANIC	104,390.18	114,592.00	114,592.00	53,256.76	46.48
101-443-709-000	OVERTIME	19,809.37	20,000.00	20,000.00	9,708.93	48.54
101-443-715-000	FICA	9,365.18	10,297.00	10,297.00	4,780.74	46.43
101-443-725-000	WORKERS COMPENSATION	2,624.99	2,621.00	2,621.00	2,302.49	87.85
SALARIES AND FRINGE BENEFITS		135,410.18	147,510.00	147,510.00	70,048.92	47.49

REVENUE AND EXPENDITURE REPORT FOR CITY OF BERKLEY
 PERIOD ENDING 12/31/2024
 % Fiscal Year Completed: 50.41

GL NUMBER	DESCRIPTION	END BALANCE		2024-25		YTD BALANCE		% BDGT USED
		NORMAL	(ABNORMAL)	ORIGINAL BUDGET	2024-25 AMENDED BUDGET	NORMAL	(ABNORMAL)	
Fund 101 - GENERAL FUND								
Expenditures								
MATERIALS AND SUPPLIES								
101-443-728-000	OFFICE SUPPLIES	0.00		190.00	190.00	0.00		0.00
101-443-744-000	UNIFORMS	1,100.00		3,000.00	3,000.00	2,030.18		67.67
101-443-781-000	VEHICLE SUPPLIES	152,893.50		107,500.00	107,500.00	77,724.49		72.30
101-443-787-000	TOOLS	13,175.56		10,000.00	10,000.00	4,989.39		49.89
	MATERIALS AND SUPPLIES	167,169.06		120,690.00	120,690.00	84,744.06		70.22
OTHER CHARGES								
101-443-939-000	VEHICLE MAINTENANCE	46,401.22		30,000.00	30,000.00	5,454.62		18.18
101-443-960-000	PROFESSIONAL DEVELOPMENT	5,714.54		4,000.00	4,000.00	1,306.73		32.67
	OTHER CHARGES	52,115.76		34,000.00	34,000.00	6,761.35		19.89
CAPITAL OUTLAY								
101-443-982-000	EQUIPMENT	19,139.72		7,500.00	33,360.00	21,543.70		64.58
	CAPITAL OUTLAY	19,139.72		7,500.00	33,360.00	21,543.70		64.58
Total Dept 443 - PUBLIC WORKS GARAGE		373,834.72		309,700.00	335,560.00	183,098.03		54.56
Dept 448 - PUBLIC WORKS STREET PROGRAMS								
OTHER CHARGES								
101-448-922-000	STREET LIGHTING	241,968.06		231,000.00	231,000.00	125,008.53		54.12
	OTHER CHARGES	241,968.06		231,000.00	231,000.00	125,008.53		54.12
Total Dept 448 - PUBLIC WORKS STREET PROGRAMS		241,968.06		231,000.00	231,000.00	125,008.53		54.12
Dept 701 - PLANNING								
SALARIES AND FRINGE BENEFITS								
101-701-704-000	FULL TIME EMPLOYEES	160,298.19		161,786.00	161,786.00	76,691.36		47.40
101-701-715-000	FICA	12,143.17		12,377.00	12,377.00	5,809.77		46.94
101-701-725-000	WORKERS COMPENSATION	347.57		347.00	347.00	304.83		87.85
	SALARIES AND FRINGE BENEFITS	172,788.93		174,510.00	174,510.00	82,805.96		47.45
MATERIALS AND SUPPLIES								
101-701-758-000	PROGRAM SUPPLIES	171.30		200.00	200.00	0.00		0.00
	MATERIALS AND SUPPLIES	171.30		200.00	200.00	0.00		0.00
CONTRACTUAL SERVICES								
101-701-803-000	MEMBERSHIPS	674.00		1,400.00	1,400.00	674.00		48.14
101-701-817-000	CONSULTANT	8,093.91		24,000.00	24,000.00	1,180.00		4.92
101-701-818-000	CONTRACTUAL SERVICES	70,322.51		25,000.00	35,000.00	31,740.61		90.69
101-701-901-000	ADVERTISING	4,411.64		6,000.00	5,500.00	2,460.78		44.74
	CONTRACTUAL SERVICES	83,502.06		56,400.00	65,900.00	36,055.39		54.71
UTILITIES								
101-701-853-000	TELEPHONE	710.59		590.00	1,090.00	461.04		42.30
	UTILITIES	710.59		590.00	1,090.00	461.04		42.30

REVENUE AND EXPENDITURE REPORT FOR CITY OF BERKLEY
 PERIOD ENDING 12/31/2024
 % Fiscal Year Completed: 50.41

GL NUMBER	DESCRIPTION	END BALANCE		2024-25		YTD BALANCE		% BDGT USED
		NORMAL	(ABNORMAL)	ORIGINAL BUDGET	2024-25 AMENDED BUDGET	NORMAL	(ABNORMAL)	
Fund 101 - GENERAL FUND								
Expenditures								
OTHER CHARGES								
101-701-960-000	PROFESSIONAL DEVELOPMENT	4,310.00		5,000.00	5,000.00		848.39	16.97
OTHER CHARGES		4,310.00		5,000.00	5,000.00		848.39	16.97
CAPITAL OUTLAY								
101-701-981-000	FURNITURE	149.99		0.00	0.00		0.00	0.00
CAPITAL OUTLAY		149.99		0.00	0.00		0.00	0.00
Total Dept 701 - PLANNING		261,632.87		236,700.00	246,700.00		120,170.78	48.71
Dept 741 - COMMUNITY PROMOTION								
MATERIALS AND SUPPLIES								
101-741-728-000	OFFICE SUPPLIES	2,580.91		0.00	0.00		0.00	0.00
101-741-729-000	STATIONARY	5,007.99		3,980.00	3,860.00		0.00	0.00
101-741-730-000	POSTAGE-PRINTING-MAILING	5,878.07		3,000.00	3,000.00		0.00	0.00
101-741-758-000	PROGRAM SUPPLIES	135.25		0.00	120.00		118.99	99.16
MATERIALS AND SUPPLIES		13,602.22		6,980.00	6,980.00		118.99	1.70
CONTRACTUAL SERVICES								
101-741-803-000	MEMBERSHIPS	5,184.67		13,000.00	13,000.00		9,496.33	73.05
101-741-818-000	CONTRACTUAL SERVICES	0.00		1,000.00	1,000.00		1,000.00	100.00
101-741-901-000	ADVERTISING	1,809.35		3,000.00	3,000.00		528.00	17.60
101-741-998-000	BERKLEY BUZZ	16,985.00		29,700.00	29,700.00		0.00	0.00
CONTRACTUAL SERVICES		23,979.02		46,700.00	46,700.00		11,024.33	23.61
OTHER CHARGES								
101-741-931-000	BUILDING MAINTENACE	203.33		0.00	0.00		0.00	0.00
101-741-932-100	COMMUNITY EVENTS	1,921.19		1,620.00	1,620.00		993.44	61.32
OTHER CHARGES		2,124.52		1,620.00	1,620.00		993.44	61.32
Total Dept 741 - COMMUNITY PROMOTION		39,705.76		55,300.00	55,300.00		12,136.76	21.95
Dept 745 - BUILDING DEPARTMENT								
SALARIES AND FRINGE BENEFITS								
101-745-704-000	FULL TIME EMPLOYEES	129,339.23		170,927.00	167,927.00		77,463.70	46.13
101-745-709-000	OVERTIME	518.87		0.00	0.00		0.00	0.00
101-745-715-000	FICA	9,834.81		13,751.00	12,851.00		5,866.72	45.65
101-745-725-000	WORKERS COMPENSATION	431.11		431.00	431.00		378.62	87.85
SALARIES AND FRINGE BENEFITS		140,124.02		185,109.00	181,209.00		83,709.04	46.19
MATERIALS AND SUPPLIES								
101-745-728-000	OFFICE SUPPLIES	92.05		200.00	200.00		0.00	0.00
101-745-729-000	STATIONARY	78.26		0.00	0.00		0.00	0.00
101-745-731-000	BOOKS / PERIODICALS	303.48		600.00	600.00		0.00	0.00
101-745-758-000	PROGRAM SUPPLIES	1,782.20		1,591.00	1,591.00		936.27	58.85
MATERIALS AND SUPPLIES		2,255.99		2,391.00	2,391.00		936.27	39.16

REVENUE AND EXPENDITURE REPORT FOR CITY OF BERKLEY
 PERIOD ENDING 12/31/2024
 % Fiscal Year Completed: 50.41

GL NUMBER	DESCRIPTION	END BALANCE	2024-25	2024-25	YTD BALANCE	% BDGT USED
		06/30/2024 NORMAL (ABNORMAL)	ORIGINAL BUDGET	2024-25 AMENDED BUDGET	12/31/2024 NORMAL (ABNORMAL)	
Fund 101 - GENERAL FUND						
Expenditures						
CONTRACTUAL SERVICES						
101-745-803-000	MEMBERSHIPS	780.00	1,800.00	800.00	225.00	28.13
101-745-818-000	CONTRACTUAL SERVICES	1,301.33	10,000.00	2,000.00	1,016.94	50.85
101-745-822-001	INSPECTIONS - BUILDING	206,760.55	0.00	39,869.00	36,548.26	91.67
101-745-822-002	HOUSE INSPECTIONS-RENTALS	39,297.75	0.00	6,141.00	6,141.00	100.00
101-745-822-003	CONTRACTUAL INSPECTIONS	115,622.50	195,000.00	166,890.00	76,534.00	45.86
101-745-822-006	BUSINESS LICENSE INSPECTION-ALL	6,535.00	0.00	0.00	0.00	0.00
101-745-822-008	VACANT HOUSING INSPECTION	900.00	0.00	0.00	0.00	0.00
101-745-835-000	MEDICAL EXPENSES	339.00	0.00	0.00	0.00	0.00
101-745-901-000	ADVERTISING	178.05	0.00	0.00	0.00	0.00
CONTRACTUAL SERVICES		371,714.18	206,800.00	215,700.00	120,465.20	55.85
OTHER CHARGES						
101-745-960-000	PROFESSIONAL DEVELOPMENT	1,040.00	700.00	700.00	0.00	0.00
OTHER CHARGES		1,040.00	700.00	700.00	0.00	0.00
CAPITAL OUTLAY						
101-745-981-000	FURNITURE	2,817.00	1,000.00	1,000.00	0.00	0.00
101-745-986-000	COMPUTER SOFTWARE	10,771.66	15,000.00	10,000.00	2,113.09	21.13
CAPITAL OUTLAY		13,588.66	16,000.00	11,000.00	2,113.09	19.21
Total Dept 745 - BUILDING DEPARTMENT		528,722.85	411,000.00	411,000.00	207,223.60	50.42
Dept 790 - LIBRARY						
SALARIES AND FRINGE BENEFITS						
101-790-704-000	FULL TIME EMPLOYEES	145,621.92	149,195.00	149,000.00	70,214.44	47.12
101-790-705-000	PART-TIME LIBRARIANS	43.28	0.00	0.00	0.00	0.00
101-790-707-000	PART TIME EMPLOYEES	260,109.87	260,000.00	260,000.00	126,959.53	48.83
101-790-715-000	FICA	30,950.56	31,304.00	31,304.00	15,038.36	48.04
101-790-723-000	HOLIDAY / PERSONAL DAYS	263.68	0.00	195.00	108.21	55.49
101-790-725-000	WORKERS COMPENSATION	1,217.11	1,215.00	1,215.00	1,067.35	87.85
SALARIES AND FRINGE BENEFITS		438,206.42	441,714.00	441,714.00	213,387.89	48.31
MATERIALS AND SUPPLIES						
101-790-728-000	OFFICE SUPPLIES	5,547.94	5,572.00	5,572.00	3,147.31	56.48
101-790-731-000	BOOKS / PERIODICALS	10,213.81	9,000.00	9,000.00	4,272.32	47.47
101-790-731-001	DOWNLOADABLE CONTENT	22,116.09	30,000.00	30,000.00	13,350.43	44.50
101-790-758-000	PROGRAM SUPPLIES	2,542.51	2,500.00	2,500.00	1,284.69	51.39
101-790-758-005	PROGRAM SUPPLIES-CONTRIBUTIONS - LIBRARY	5,763.31	7,000.00	7,000.00	3,086.00	44.09
101-790-776-000	MAINTENANCE SUPPLIES	2,438.84	0.00	0.00	0.00	0.00
MATERIALS AND SUPPLIES		48,622.50	54,072.00	54,072.00	25,140.75	46.49
CONTRACTUAL SERVICES						
101-790-803-000	MEMBERSHIPS	856.00	980.00	980.00	867.00	88.47
101-790-811-000	CUSTODIAL SERVICES	25,166.93	0.00	0.00	0.00	0.00
101-790-818-000	CONTRACTUAL SERVICES	1,777.97	1,500.00	1,500.00	186.40	12.43
101-790-828-000	LIBRARY COOP	51,451.40	56,800.00	56,800.00	26,123.55	45.99
101-790-904-000	PRINTING	127.30	200.00	200.00	0.00	0.00
CONTRACTUAL SERVICES		79,379.60	59,480.00	59,480.00	27,176.95	45.69

GL NUMBER	DESCRIPTION	END BALANCE		2024-25		YTD BALANCE		% BDGT USED
		NORMAL	(ABNORMAL)	ORIGINAL BUDGET	2024-25 AMENDED BUDGET	NORMAL	(ABNORMAL)	
Fund 101 - GENERAL FUND								
Expenditures								
UTILITIES								
101-790-853-000	TELEPHONE		1,993.39	1,900.00	1,900.00		1,071.35	56.39
101-790-920-000	UTILITIES		27,268.70	25,000.00	25,000.00		9,117.14	36.47
			<u>29,262.09</u>	<u>26,900.00</u>	<u>26,900.00</u>		<u>10,188.49</u>	<u>37.88</u>
OTHER CHARGES								
101-790-931-000	BUILDING MAINTENANCE		8,921.62	0.00	0.00		0.00	0.00
101-790-934-000	OFFICE EQUIPMENT MAINTENANCE		3,095.19	3,000.00	3,000.00		2,048.61	68.29
101-790-960-000	PROFESSIONAL DEVELOPMENT		1,015.78	1,500.00	1,500.00		85.00	5.67
			<u>13,032.59</u>	<u>4,500.00</u>	<u>4,500.00</u>		<u>2,133.61</u>	<u>47.41</u>
CAPITAL OUTLAY								
101-790-978-000	BOOKS		34,296.24	36,000.00	36,000.00		14,189.18	39.41
101-790-978-001	RENTED MATERIALS		16,637.88	19,500.00	19,500.00		3,681.85	18.88
101-790-978-002	BOOKS FROM DONATIONS		2,090.77	3,000.00	3,000.00		2,346.23	78.21
101-790-983-000	OFFICE EQUIPMENT		0.00	27,500.00	27,500.00		27,500.00	100.00
			<u>53,024.89</u>	<u>86,000.00</u>	<u>86,000.00</u>		<u>47,717.26</u>	<u>55.49</u>
INSURANCE								
101-790-914-000	LIABILITY INSURANCE		5,308.00	10,934.00	10,934.00		5,308.00	48.55
			<u>5,308.00</u>	<u>10,934.00</u>	<u>10,934.00</u>		<u>5,308.00</u>	<u>48.55</u>
			<u>666,836.09</u>	<u>683,600.00</u>	<u>683,600.00</u>		<u>331,052.95</u>	<u>48.43</u>
Total Dept 790 - LIBRARY								
Dept 830 - BUSINESS DEVELOPMENT								
MATERIALS AND SUPPLIES								
101-830-751-000	FUEL & OIL		0.00	0.00	0.00		2,996.93	100.00
			<u>0.00</u>	<u>0.00</u>	<u>0.00</u>		<u>2,996.93</u>	<u>100.00</u>
			<u>0.00</u>	<u>0.00</u>	<u>0.00</u>		<u>2,996.93</u>	<u>100.00</u>
Total Dept 830 - BUSINESS DEVELOPMENT								
Dept 966 - OTHER FINANCING USES-TRASFERS OUT								
Unclassified								
101-966-995-208	TRANSFERS OUT TO REC REVOLVING		900,000.00	788,000.00	788,000.00		394,000.00	50.00
101-966-995-809	TRANSFERS OUT TO SIDEWALKS		84,074.12	0.00	0.00		0.00	0.00
			<u>984,074.12</u>	<u>788,000.00</u>	<u>788,000.00</u>		<u>394,000.00</u>	<u>50.00</u>
			<u>984,074.12</u>	<u>788,000.00</u>	<u>788,000.00</u>		<u>394,000.00</u>	<u>50.00</u>
Total Dept 966 - OTHER FINANCING USES-TRASFERS OUT								
TOTAL EXPENDITURES								
			<u>14,893,841.59</u>	<u>15,569,900.00</u>	<u>17,607,325.00</u>		<u>6,951,460.63</u>	<u>39.48</u>
Fund 101 - GENERAL FUND:								
TOTAL REVENUES			15,926,889.78	15,569,900.00	17,004,455.00		12,904,648.30	75.89

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REVENUE AND EXPENDITURE REPORT FOR CITY OF BERKLEY
 PERIOD ENDING 12/31/2024
 % Fiscal Year Completed: 50.41

GL NUMBER	DESCRIPTION	END BALANCE	2024-25		YTD BALANCE	% BDT USED
		06/30/2024	ORIGINAL	2024-25	12/31/2024	
		NORMAL (ABNORMAL)	BUDGET	AMENDED BUDGET	NORMAL (ABNORMAL)	
Fund 101 - GENERAL FUND						
TOTAL EXPENDITURES		14,893,841.59	15,569,900.00	17,607,325.00	6,951,460.63	39.48
NET OF REVENUES & EXPENDITURES		1,033,048.19	0.00	(602,870.00)	5,953,187.67	987.47

GL NUMBER	DESCRIPTION	END BALANCE		2024-25		YTD BALANCE		% BDGT USED
		NORMAL	(ABNORMAL)	ORIGINAL BUDGET	2024-25 AMENDED BUDGET	NORMAL	(ABNORMAL)	
Fund 202 - MAJOR STREET								
Revenues								
Dept 001 - REVENUES								
MISCELLANEOUS								
202-001-672-001	SUNDRY REVENUE	9,055.35		0.00	0.00		0.00	0.00
MISCELLANEOUS		9,055.35		0.00	0.00		0.00	0.00
STATE GRANTS								
202-001-546-000	ACT 51 STATE REVENUE	1,308,915.41		1,394,000.00	1,394,000.00		658,308.87	47.22
202-001-548-000	METRO ACT	56,123.73		60,000.00	60,000.00		0.00	0.00
202-001-556-000	OTHER STATE GRANTS	19,763.50		20,000.00	20,000.00		0.00	0.00
202-001-557-000	OTHER GRANTS-COUNTY, ETC.	0.00		0.00	0.00		11,000.00	100.00
STATE GRANTS		1,384,802.64		1,474,000.00	1,474,000.00		669,308.87	45.41
CHARGES FOR SERVICES								
202-001-641-000	WINTER MAINTENANCE	12,087.31		14,000.00	14,000.00		0.00	0.00
202-001-642-000	SALT	16,794.11		30,000.00	30,000.00		0.00	0.00
CHARGES FOR SERVICES		28,881.42		44,000.00	44,000.00		0.00	0.00
INVESTMENT EARNINGS								
202-001-665-000	INVESTMENT EARNINGS (LOSSES)	74,453.01		54,194.00	54,194.00		0.00	0.00
INVESTMENT EARNINGS		74,453.01		54,194.00	54,194.00		0.00	0.00
Total Dept 001 - REVENUES		1,497,192.42		1,572,194.00	1,572,194.00		669,308.87	42.57
TOTAL REVENUES		1,497,192.42		1,572,194.00	1,572,194.00		669,308.87	42.57
Expenditures								
Dept 252 - ACTIVE EMPLOYEE BENEFITS								
SALARIES AND FRINGE BENEFITS								
202-252-716-000	DENTAL/VISION/LIFE-LTD/RHCS	5,654.70		9,000.00	9,050.00		446.07	4.93
202-252-716-500	HEALTH CARE COSTS - BC/BS	40,294.14		56,000.00	56,000.00		0.00	0.00
202-252-718-000	RETIREMENT-DB MERS	14,849.04		16,000.00	15,950.00		7,974.66	50.00
202-252-718-010	MERS DC RETIREMENT	1,357.50		4,000.00	4,000.00		0.00	0.00
SALARIES AND FRINGE BENEFITS		62,155.38		85,000.00	85,000.00		8,420.73	9.91
Total Dept 252 - ACTIVE EMPLOYEE BENEFITS		62,155.38		85,000.00	85,000.00		8,420.73	9.91
Dept 464 - STREET MAINT OPERATIONS								
SALARIES AND FRINGE BENEFITS								
202-464-706-000	LABORERS	8,066.20		115,000.00	85,000.00		9,501.63	11.18
202-464-707-000	PART TIME EMPLOYEES	64.00		500.00	500.00		0.00	0.00
202-464-709-000	OVERTIME	1,693.63		30,000.00	21,000.00		1,537.28	7.32
202-464-715-000	FICA	878.61		11,131.00	11,131.00		942.48	8.47
202-464-722-000	SICK LEAVE	1,209.20		0.00	2,000.00		1,330.12	66.51
202-464-725-000	WORKERS COMPENSATION	6,119.55		6,112.00	6,112.00		5,369.26	87.85
SALARIES AND FRINGE BENEFITS		18,031.19		162,743.00	125,743.00		18,680.77	14.86
MATERIALS AND SUPPLIES								

REVENUE AND EXPENDITURE REPORT FOR CITY OF BERKLEY
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GL NUMBER	DESCRIPTION	END BALANCE		2024-25		YTD BALANCE		% BDGT USED
		NORMAL	(ABNORMAL)	ORIGINAL BUDGET	2024-25 AMENDED BUDGET	NORMAL	(ABNORMAL)	
Fund 202 - MAJOR STREET								
Expenditures								
202-464-744-000	UNIFORMS		1,432.73	3,000.00	3,000.00		2,402.46	80.08
202-464-758-000	PROGRAM SUPPLIES		551.97	5,000.00	5,000.00		2,819.09	56.38
202-464-782-000	ROAD SUPPLIES		7,547.50	10,000.00	10,000.00		6,488.91	64.89
MATERIALS AND SUPPLIES			9,532.20	18,000.00	18,000.00		11,710.46	65.06
CONTRACTUAL SERVICES								
202-464-818-000	CONTRACTUAL SERVICES		305,099.68	210,000.00	210,000.00		147,076.75	70.04
202-464-821-010	ENGINEERING		217,689.07	152,000.00	152,000.00		28,457.96	18.72
CONTRACTUAL SERVICES			522,788.75	362,000.00	362,000.00		175,534.71	48.49
OTHER CHARGES								
202-464-940-000	EQUIPMENT RENTAL		17,949.96	8,000.00	8,000.00		7,453.47	93.17
OTHER CHARGES			17,949.96	8,000.00	8,000.00		7,453.47	93.17
CAPITAL OUTLAY								
202-464-975-100	CONSTRUCTION - MAJOR STREETS		1,499,554.15	600,000.00	600,000.00		31,031.04	5.17
202-464-982-000	EQUIPMENT		0.00	52,500.00	52,500.00		0.00	0.00
CAPITAL OUTLAY			1,499,554.15	652,500.00	652,500.00		31,031.04	4.76
Total Dept 464 - STREET MAINT OPERATIONS			2,067,856.25	1,203,243.00	1,166,243.00		244,410.45	20.96
Dept 468 - STREET TREES								
SALARIES AND FRINGE BENEFITS								
202-468-706-000	LABORERS		270.19	0.00	1,000.00		126.97	12.70
202-468-707-000	PART TIME EMPLOYEES		208.00	0.00	0.00		461.44	100.00
202-468-709-000	OVERTIME		640.93	1,000.00	1,000.00		0.00	0.00
202-468-715-000	FICA		85.03	0.00	0.00		44.93	100.00
SALARIES AND FRINGE BENEFITS			1,204.15	1,000.00	2,000.00		633.34	31.67
MATERIALS AND SUPPLIES								
202-468-758-000	PROGRAM SUPPLIES		27,363.46	12,000.00	27,000.00		12,136.80	44.95
MATERIALS AND SUPPLIES			27,363.46	12,000.00	27,000.00		12,136.80	44.95
CONTRACTUAL SERVICES								
202-468-818-000	CONTRACTUAL SERVICES		189,042.27	120,000.00	120,000.00		59,146.11	49.29
CONTRACTUAL SERVICES			189,042.27	120,000.00	120,000.00		59,146.11	49.29
OTHER CHARGES								
202-468-940-000	EQUIPMENT RENTAL		5,777.23	3,000.00	3,000.00		515.77	17.19
OTHER CHARGES			5,777.23	3,000.00	3,000.00		515.77	17.19
Total Dept 468 - STREET TREES			223,387.11	136,000.00	152,000.00		72,432.02	47.65
Dept 469 - CATCH BASINS								
SALARIES AND FRINGE BENEFITS								
202-469-706-000	LABORERS		4,333.27	5,000.00	5,000.00		1,446.39	28.93

GL NUMBER	DESCRIPTION	END BALANCE		2024-25		YTD BALANCE		% BDGT USED
		NORMAL	(ABNORMAL)	ORIGINAL BUDGET	2024-25 AMENDED BUDGET	NORMAL	(ABNORMAL)	
Fund 202 - MAJOR STREET								
Expenditures								
202-469-707-000	PART TIME EMPLOYEES	48.00		0.00	0.00		0.00	0.00
202-469-709-000	OVERTIME	527.07		500.00	500.00		200.26	40.05
202-469-715-000	FICA	373.87		651.00	651.00		125.43	19.27
SALARIES AND FRINGE BENEFITS		5,282.21		6,151.00	6,151.00		1,772.08	28.81
MATERIALS AND SUPPLIES								
202-469-758-000	PROGRAM SUPPLIES	8,161.16		1,000.00	1,000.00		277.66	27.77
MATERIALS AND SUPPLIES		8,161.16		1,000.00	1,000.00		277.66	27.77
CONTRACTUAL SERVICES								
202-469-818-000	CONTRACTUAL SERVICES	298.50		1,500.00	1,500.00		0.00	0.00
CONTRACTUAL SERVICES		298.50		1,500.00	1,500.00		0.00	0.00
OTHER CHARGES								
202-469-940-000	EQUIPMENT RENTAL	9,162.83		3,000.00	10,000.00		4,323.20	43.23
OTHER CHARGES		9,162.83		3,000.00	10,000.00		4,323.20	43.23
Total Dept 469 - CATCH BASINS		22,904.70		11,651.00	18,651.00		6,372.94	34.17
Dept 471 - GRASS AND WEEDS								
SALARIES AND FRINGE BENEFITS								
202-471-706-000	LABORERS	1,811.04		1,500.00	1,500.00		519.87	34.66
202-471-707-000	PART TIME EMPLOYEES	80.00		0.00	3,000.00		2,768.64	92.29
202-471-709-000	OVERTIME	1,002.82		0.00	0.00		61.80	100.00
202-471-715-000	FICA	219.51		0.00	0.00		256.00	100.00
SALARIES AND FRINGE BENEFITS		3,113.37		1,500.00	4,500.00		3,606.31	80.14
MATERIALS AND SUPPLIES								
202-471-758-000	PROGRAM SUPPLIES	261.76		1,000.00	1,000.00		680.49	68.05
MATERIALS AND SUPPLIES		261.76		1,000.00	1,000.00		680.49	68.05
CONTRACTUAL SERVICES								
202-471-818-000	CONTRACTUAL SERVICES	530.00		3,000.00	3,000.00		795.00	26.50
CONTRACTUAL SERVICES		530.00		3,000.00	3,000.00		795.00	26.50
OTHER CHARGES								
202-471-940-000	EQUIPMENT RENTAL	4,560.20		1,500.00	4,500.00		2,768.26	61.52
OTHER CHARGES		4,560.20		1,500.00	4,500.00		2,768.26	61.52
Total Dept 471 - GRASS AND WEEDS		8,465.33		7,000.00	13,000.00		7,850.06	60.39
Dept 475 - STREET SIGNS								
SALARIES AND FRINGE BENEFITS								
202-475-706-000	LABORERS	222.30		0.00	1,000.00		25.03	2.50
202-475-709-000	OVERTIME	155.09		0.00	0.00		377.68	100.00
202-475-715-000	FICA	28.64		0.00	0.00		30.61	100.00

GL NUMBER	DESCRIPTION	END BALANCE		2024-25		YTD BALANCE		% BDGT USED
		NORMAL	(ABNORMAL)	ORIGINAL BUDGET	2024-25 AMENDED BUDGET	NORMAL	(ABNORMAL)	
Fund 202 - MAJOR STREET								
Expenditures								
	SALARIES AND FRINGE BENEFITS		406.03	0.00	1,000.00		433.32	43.33
MATERIALS AND SUPPLIES								
202-475-758-000	PROGRAM SUPPLIES		2,262.25	8,000.00	7,000.00		3,201.04	45.73
	MATERIALS AND SUPPLIES		2,262.25	8,000.00	7,000.00		3,201.04	45.73
CONTRACTUAL SERVICES								
202-475-803-000	MEMBERSHIPS		3,019.00	3,200.00	3,200.00		0.00	0.00
202-475-818-000	CONTRACTUAL SERVICES		54,122.39	34,000.00	34,000.00		21,245.77	62.49
	CONTRACTUAL SERVICES		57,141.39	37,200.00	37,200.00		21,245.77	57.11
OTHER CHARGES								
202-475-922-000	STREET LIGHTING		0.00	0.00	21,000.00		20,351.59	96.91
202-475-933-000	EQUIPMENT MAINTENANCE		10,280.14	25,000.00	5,000.00		3,805.46	76.11
202-475-940-000	EQUIPMENT RENTAL		1,808.10	2,000.00	2,000.00		1,026.31	51.32
	OTHER CHARGES		12,088.24	27,000.00	28,000.00		25,183.36	89.94
	Total Dept 475 - STREET SIGNS		71,897.91	72,200.00	73,200.00		50,063.49	68.39
Dept 478 - WINTER MAINTENANCE								
SALARIES AND FRINGE BENEFITS								
202-478-706-000	LABORERS		10,119.91	4,500.00	4,500.00		247.22	5.49
202-478-707-000	PART TIME EMPLOYEES		330.08	0.00	0.00		0.00	0.00
202-478-709-000	OVERTIME		4,796.64	3,000.00	3,000.00		420.96	14.03
202-478-715-000	FICA		1,160.63	0.00	0.00		50.92	100.00
	SALARIES AND FRINGE BENEFITS		16,407.26	7,500.00	7,500.00		719.10	9.59
MATERIALS AND SUPPLIES								
202-478-758-000	PROGRAM SUPPLIES		38,450.31	50,000.00	42,000.00		7,176.54	17.09
	MATERIALS AND SUPPLIES		38,450.31	50,000.00	42,000.00		7,176.54	17.09
OTHER CHARGES								
202-478-940-000	EQUIPMENT RENTAL		9,275.30	23,000.00	23,000.00		3,424.01	14.89
	OTHER CHARGES		9,275.30	23,000.00	23,000.00		3,424.01	14.89
	Total Dept 478 - WINTER MAINTENANCE		64,132.87	80,500.00	72,500.00		11,319.65	15.61
Dept 483 - STREET ADMINISTRATION								
SALARIES AND FRINGE BENEFITS								
202-483-726-200	INTERNAL SRVC - LABOR & ADMIN		122,000.00	135,000.00	135,000.00		67,500.00	50.00
	SALARIES AND FRINGE BENEFITS		122,000.00	135,000.00	135,000.00		67,500.00	50.00
CONTRACTUAL SERVICES								
202-483-807-000	AUDIT SERVICES		3,000.00	3,600.00	3,800.00		3,800.00	100.00
	CONTRACTUAL SERVICES		3,000.00	3,600.00	3,800.00		3,800.00	100.00

GL NUMBER	DESCRIPTION	END BALANCE		2024-25		YTD BALANCE		% BDGT USED
		NORMAL	(ABNORMAL)	ORIGINAL BUDGET	2024-25 AMENDED BUDGET	NORMAL	(ABNORMAL)	
Fund 202 - MAJOR STREET Expenditures								
Total Dept 483 - STREET ADMINISTRATION		125,000.00		138,600.00	138,800.00	71,300.00		51.37
Dept 522 - STREET SWEEPING								
SALARIES AND FRINGE BENEFITS								
202-522-706-000	LABORERS	4,208.70		0.00	7,800.00	2,662.68		34.14
202-522-709-000	OVERTIME	2,195.78		0.00	0.00	706.21		100.00
202-522-715-000	FICA	563.10		0.00	0.00	256.06		100.00
SALARIES AND FRINGE BENEFITS		6,967.58		0.00	7,800.00	3,624.95		46.47
CONTRACTUAL SERVICES								
202-522-818-000	CONTRACTUAL SERVICES	5.29		0.00	0.00	0.00		0.00
CONTRACTUAL SERVICES		5.29		0.00	0.00	0.00		0.00
OTHER CHARGES								
202-522-940-000	EQUIPMENT RENTAL	24,225.79		16,000.00	23,000.00	17,076.89		74.25
OTHER CHARGES		24,225.79		16,000.00	23,000.00	17,076.89		74.25
CAPITAL OUTLAY								
202-522-985-000	VEHICLES	264,830.00		325,000.00	325,000.00	0.00		0.00
CAPITAL OUTLAY		264,830.00		325,000.00	325,000.00	0.00		0.00
Total Dept 522 - STREET SWEEPING		296,028.66		341,000.00	355,800.00	20,701.84		5.82
Dept 966 - OTHER FINANCING USES-TRASFERS OUT								
Unclassified								
202-966-995-203	TRANSFERS OUT TO LOCAL STREET	200,000.00		697,000.00	697,000.00	348,500.00		50.00
Unclassified		200,000.00		697,000.00	697,000.00	348,500.00		50.00
Total Dept 966 - OTHER FINANCING USES-TRASFERS OUT		200,000.00		697,000.00	697,000.00	348,500.00		50.00
TOTAL EXPENDITURES		3,141,828.21		2,772,194.00	2,772,194.00	841,371.18		30.35
Fund 202 - MAJOR STREET:								
TOTAL REVENUES		1,497,192.42		1,572,194.00	1,572,194.00	669,308.87		42.57
TOTAL EXPENDITURES		3,141,828.21		2,772,194.00	2,772,194.00	841,371.18		30.35
NET OF REVENUES & EXPENDITURES		(1,644,635.79)		(1,200,000.00)	(1,200,000.00)	(172,062.31)		14.34

GL NUMBER	DESCRIPTION	END BALANCE		2024-25		YTD BALANCE		% BDGT USED
		NORMAL	(ABNORMAL)	ORIGINAL BUDGET	2024-25 AMENDED BUDGET	NORMAL	(ABNORMAL)	
Fund 203 - LOCAL STREETS								
Revenues								
Dept 001 - REVENUES								
LICENSES AND PERMITS								
203-001-497-000	RIGHT OF WAY-RECON PERMIT FEE	96,951.94		0.00	0.00	57,503.69		100.00
LICENSES AND PERMITS		96,951.94		0.00	0.00	57,503.69		100.00
MISCELLANEOUS								
203-001-672-001	SUNDRY REVENUE	1,105.69		35,000.00	35,000.00	0.00		0.00
MISCELLANEOUS		1,105.69		35,000.00	35,000.00	0.00		0.00
STATE GRANTS								
203-001-546-000	ACT 51 STATE REVENUE	495,104.46		526,800.00	526,800.00	249,092.73		47.28
203-001-556-000	OTHER STATE GRANTS	19,763.50		0.00	0.00	0.00		0.00
STATE GRANTS		514,867.96		526,800.00	526,800.00	249,092.73		47.28
CHARGES FOR SERVICES								
203-001-645-000	TREE PROGRAM SALES	4,973.00		0.00	0.00	6,224.00		100.00
CHARGES FOR SERVICES		4,973.00		0.00	0.00	6,224.00		100.00
INVESTMENT EARNINGS								
203-001-665-000	INVESTMENT EARNINGS (LOSSES)	26,861.20		20,227.00	20,227.00	0.00		0.00
INVESTMENT EARNINGS		26,861.20		20,227.00	20,227.00	0.00		0.00
OTHER FINANCING SOURCES								
203-001-699-202	TRANSFERS IN FROM MAJOR STREETS	200,000.00		697,000.00	697,000.00	348,500.00		50.00
OTHER FINANCING SOURCES		200,000.00		697,000.00	697,000.00	348,500.00		50.00
Total Dept 001 - REVENUES		844,759.79		1,279,027.00	1,279,027.00	661,320.42		51.70
TOTAL REVENUES		844,759.79		1,279,027.00	1,279,027.00	661,320.42		51.70
Expenditures								
Dept 252 - ACTIVE EMPLOYEE BENEFITS								
SALARIES AND FRINGE BENEFITS								
203-252-716-000	DENTAL/VISION/LIFE-LTD/RHCS	4,626.11		5,400.00	5,400.00	1,532.69		28.38
203-252-716-500	HEALTH CARE COSTS - BC/BS	34,537.83		48,000.00	40,000.00	0.00		0.00
203-252-718-000	RETIREMENT-DB MERS	16,732.92		17,000.00	17,021.00	8,510.22		50.00
SALARIES AND FRINGE BENEFITS		55,896.86		70,400.00	62,421.00	10,042.91		16.09
Total Dept 252 - ACTIVE EMPLOYEE BENEFITS		55,896.86		70,400.00	62,421.00	10,042.91		16.09
Dept 464 - STREET MAINT OPERATIONS								
SALARIES AND FRINGE BENEFITS								
203-464-706-000	LABORERS	33,408.35		52,000.00	40,000.00	21,628.77		54.07
203-464-707-000	PART TIME EMPLOYEES	3,346.05		2,000.00	2,000.00	659.20		32.96
203-464-709-000	OVERTIME	4,584.20		7,000.00	7,000.00	2,828.75		40.41
203-464-715-000	FICA	3,137.69		9,915.00	9,894.00	1,906.14		19.27

REVENUE AND EXPENDITURE REPORT FOR CITY OF BERKLEY
 PERIOD ENDING 12/31/2024
 % Fiscal Year Completed: 50.41

GL NUMBER	DESCRIPTION	END BALANCE		2024-25		YTD BALANCE		% BDGT USED
		NORMAL	(ABNORMAL)	ORIGINAL BUDGET	2024-25 AMENDED BUDGET	NORMAL	(ABNORMAL)	
Fund 203 - LOCAL STREETS								
Expenditures								
203-464-725-000	WORKERS COMPENSATION		6,119.55	6,112.00	6,112.00		5,369.26	87.85
	SALARIES AND FRINGE BENEFITS		50,595.84	77,027.00	65,006.00		32,392.12	49.83
MATERIALS AND SUPPLIES								
203-464-744-000	UNIFORMS		826.24	2,000.00	2,000.00		1,844.93	92.25
203-464-758-000	PROGRAM SUPPLIES		603.14	3,500.00	3,500.00		1,230.23	35.15
203-464-782-000	ROAD SUPPLIES		3,232.94	5,000.00	5,000.00		2,782.89	55.66
	MATERIALS AND SUPPLIES		4,662.32	10,500.00	10,500.00		5,858.05	55.79
CONTRACTUAL SERVICES								
203-464-818-000	CONTRACTUAL SERVICES		435,266.60	195,000.00	195,000.00		156,185.00	80.09
203-464-821-010	ENGINEERING		4,821.12	82,000.00	64,000.00		8,388.31	13.11
	CONTRACTUAL SERVICES		440,087.72	277,000.00	259,000.00		164,573.31	63.54
OTHER CHARGES								
203-464-940-000	EQUIPMENT RENTAL		34,805.11	13,000.00	13,000.00		10,871.87	83.63
	OTHER CHARGES		34,805.11	13,000.00	13,000.00		10,871.87	83.63
CAPITAL OUTLAY								
203-464-975-100	CONSTRUCTION		100,118.62	0.00	0.00		0.00	0.00
203-464-982-000	EQUIPMENT		0.00	52,500.00	52,500.00		0.00	0.00
	CAPITAL OUTLAY		100,118.62	52,500.00	52,500.00		0.00	0.00
Total Dept 464 - STREET MAINT OPERATIONS			630,269.61	430,027.00	400,006.00		213,695.35	53.42
Dept 468 - STREET TREES								
SALARIES AND FRINGE BENEFITS								
203-468-706-000	LABORERS		10,172.55	0.00	7,900.00		4,800.39	60.76
203-468-707-000	PART TIME EMPLOYEES		1,088.00	0.00	0.00		0.00	0.00
203-468-709-000	OVERTIME		2,901.61	0.00	0.00		909.16	100.00
203-468-715-000	FICA		1,074.42	0.00	0.00		433.31	100.00
	SALARIES AND FRINGE BENEFITS		15,236.58	0.00	7,900.00		6,142.86	77.76
MATERIALS AND SUPPLIES								
203-468-758-000	PROGRAM SUPPLIES		63,841.46	26,250.00	28,350.00		28,319.20	99.89
	MATERIALS AND SUPPLIES		63,841.46	26,250.00	28,350.00		28,319.20	99.89
CONTRACTUAL SERVICES								
203-468-818-000	CONTRACTUAL SERVICES		177,272.63	250,000.00	250,000.00		127,068.57	50.83
	CONTRACTUAL SERVICES		177,272.63	250,000.00	250,000.00		127,068.57	50.83
OTHER CHARGES								
203-468-940-000	EQUIPMENT RENTAL		11,352.72	5,000.00	5,000.00		1,027.04	20.54
	OTHER CHARGES		11,352.72	5,000.00	5,000.00		1,027.04	20.54
Total Dept 468 - STREET TREES			267,703.39	281,250.00	291,250.00		162,557.67	55.81

REVENUE AND EXPENDITURE REPORT FOR CITY OF BERKLEY
 PERIOD ENDING 12/31/2024
 % Fiscal Year Completed: 50.41

GL NUMBER	DESCRIPTION	END BALANCE		2024-25		YTD BALANCE		% BDGT USED
		NORMAL	(ABNORMAL)	ORIGINAL BUDGET	2024-25 AMENDED BUDGET	NORMAL	(ABNORMAL)	
Fund 203 - LOCAL STREETS								
Expenditures								
Dept 469 - CATCH BASINS								
MATERIALS AND SUPPLIES								
203-469-758-000	PROGRAM SUPPLIES	11,062.50		10,000.00	10,000.00		593.21	5.93
MATERIALS AND SUPPLIES		11,062.50		10,000.00	10,000.00		593.21	5.93
CONTRACTUAL SERVICES								
203-469-818-000	CONTRACTUAL SERVICES	696.50		0.00	0.00		0.00	0.00
CONTRACTUAL SERVICES		696.50		0.00	0.00		0.00	0.00
OTHER CHARGES								
203-469-940-000	EQUIPMENT RENTAL	16,142.68		7,000.00	8,500.00		8,410.30	98.94
OTHER CHARGES		16,142.68		7,000.00	8,500.00		8,410.30	98.94
Total Dept 469 - CATCH BASINS		27,901.68		17,000.00	18,500.00		9,003.51	48.67
Dept 471 - GRASS AND WEEDS								
SALARIES AND FRINGE BENEFITS								
203-471-706-000	LABORERS	9,866.82		8,000.00	8,000.00		893.42	11.17
203-471-707-000	PART TIME EMPLOYEES	2,075.78		0.00	1,500.00		6,592.00	439.47
203-471-709-000	OVERTIME	1,817.51		0.00	0.00		371.77	100.00
203-471-715-000	FICA	1,044.95		0.00	0.00		600.32	100.00
SALARIES AND FRINGE BENEFITS		14,805.06		8,000.00	9,500.00		8,457.51	89.03
MATERIALS AND SUPPLIES								
203-471-758-000	PROGRAM SUPPLIES	112.14		1,000.00	1,000.00		300.24	30.02
MATERIALS AND SUPPLIES		112.14		1,000.00	1,000.00		300.24	30.02
OTHER CHARGES								
203-471-940-000	EQUIPMENT RENTAL	9,052.48		3,000.00	6,000.00		5,886.11	98.10
OTHER CHARGES		9,052.48		3,000.00	6,000.00		5,886.11	98.10
Total Dept 471 - GRASS AND WEEDS		23,969.68		12,000.00	16,500.00		14,643.86	88.75
Dept 475 - STREET SIGNS								
SALARIES AND FRINGE BENEFITS								
203-475-706-000	LABORERS	4,965.45		0.00	3,000.00		888.76	29.63
203-475-707-000	PART TIME EMPLOYEES	768.00		0.00	0.00		0.00	0.00
203-475-709-000	OVERTIME	702.21		0.00	0.00		142.84	100.00
203-475-715-000	FICA	489.11		0.00	0.00		78.25	100.00
SALARIES AND FRINGE BENEFITS		6,924.77		0.00	3,000.00		1,109.85	37.00
MATERIALS AND SUPPLIES								
203-475-758-000	PROGRAM SUPPLIES	2,603.83		10,000.00	7,000.00		5,580.51	79.72
MATERIALS AND SUPPLIES		2,603.83		10,000.00	7,000.00		5,580.51	79.72
CONTRACTUAL SERVICES								

GL NUMBER	DESCRIPTION	END BALANCE		2024-25		YTD BALANCE		% BDGT USED
		NORMAL	(ABNORMAL)	ORIGINAL BUDGET	2024-25 AMENDED BUDGET	NORMAL	(ABNORMAL)	
Fund 203 - LOCAL STREETS								
Expenditures								
203-475-803-000	MEMBERSHIPS		3,019.00	3,250.00	3,250.00		0.00	0.00
203-475-818-000	CONTRACTUAL SERVICES		0.00	5,000.00	5,000.00		0.00	0.00
CONTRACTUAL SERVICES			<u>3,019.00</u>	<u>8,250.00</u>	<u>8,250.00</u>		<u>0.00</u>	<u>0.00</u>
OTHER CHARGES								
203-475-933-000	EQUIPMENT MAINTENANCE		6,777.69	5,500.00	5,500.00		422.85	7.69
203-475-940-000	EQUIPMENT RENTAL		4,453.13	4,000.00	4,000.00		2,039.25	50.98
OTHER CHARGES			<u>11,230.82</u>	<u>9,500.00</u>	<u>9,500.00</u>		<u>2,462.10</u>	<u>25.92</u>
Total Dept 475 - STREET SIGNS			<u>23,778.42</u>	<u>27,750.00</u>	<u>27,750.00</u>		<u>9,152.46</u>	<u>32.98</u>
Dept 478 - WINTER MAINTENANCE								
SALARIES AND FRINGE BENEFITS								
203-478-706-000	LABORERS		7,957.42	0.00	13,800.00		2,201.75	15.95
203-478-707-000	PART TIME EMPLOYEES		330.08	0.00	0.00		0.00	0.00
203-478-709-000	OVERTIME		3,893.94	0.00	0.00		1,448.27	100.00
203-478-715-000	FICA		925.80	0.00	0.00		277.75	100.00
SALARIES AND FRINGE BENEFITS			<u>13,107.24</u>	<u>0.00</u>	<u>13,800.00</u>		<u>3,927.77</u>	<u>28.46</u>
MATERIALS AND SUPPLIES								
203-478-758-000	PROGRAM SUPPLIES		18,153.77	22,000.00	19,000.00		6,927.01	36.46
MATERIALS AND SUPPLIES			<u>18,153.77</u>	<u>22,000.00</u>	<u>19,000.00</u>		<u>6,927.01</u>	<u>36.46</u>
OTHER CHARGES								
203-478-940-000	EQUIPMENT RENTAL		17,971.08	46,000.00	20,000.00		3,765.40	18.83
OTHER CHARGES			<u>17,971.08</u>	<u>46,000.00</u>	<u>20,000.00</u>		<u>3,765.40</u>	<u>18.83</u>
Total Dept 478 - WINTER MAINTENANCE			<u>49,232.09</u>	<u>68,000.00</u>	<u>52,800.00</u>		<u>14,620.18</u>	<u>27.69</u>
Dept 483 - STREET ADMINISTRATION								
SALARIES AND FRINGE BENEFITS								
203-483-726-200	INTERNAL SRVC - LABOR & ADMIN		52,000.00	49,000.00	49,000.00		24,500.00	50.00
SALARIES AND FRINGE BENEFITS			<u>52,000.00</u>	<u>49,000.00</u>	<u>49,000.00</u>		<u>24,500.00</u>	<u>50.00</u>
CONTRACTUAL SERVICES								
203-483-807-000	AUDIT SERVICES		3,000.00	3,600.00	3,800.00		3,800.00	100.00
CONTRACTUAL SERVICES			<u>3,000.00</u>	<u>3,600.00</u>	<u>3,800.00</u>		<u>3,800.00</u>	<u>100.00</u>
Total Dept 483 - STREET ADMINISTRATION			<u>55,000.00</u>	<u>52,600.00</u>	<u>52,800.00</u>		<u>28,300.00</u>	<u>53.60</u>
Dept 522 - STREET SWEEPING								
SALARIES AND FRINGE BENEFITS								
203-522-706-000	LABORERS		11,954.62	0.00	12,000.00		8,845.67	73.71
203-522-709-000	OVERTIME		7,069.07	0.00	0.00		1,384.17	100.00
203-522-715-000	FICA		1,097.50	0.00	0.00		779.27	100.00

REVENUE AND EXPENDITURE REPORT FOR CITY OF BERKLEY
 PERIOD ENDING 12/31/2024
 % Fiscal Year Completed: 50.41

GL NUMBER	DESCRIPTION	END BALANCE		2024-25		YTD BALANCE		% BDGT USED
		NORMAL	(ABNORMAL)	ORIGINAL BUDGET	2024-25 AMENDED BUDGET	NORMAL	(ABNORMAL)	
Fund 203 - LOCAL STREETS								
Expenditures								
203-522-716-000	DENTAL/VISION/LIFE-LTD/RHCS		(341.90)	0.00	0.00		0.00	0.00
	SALARIES AND FRINGE BENEFITS		19,779.29	0.00	12,000.00		11,009.11	91.74
CONTRACTUAL SERVICES								
203-522-818-000	CONTRACTUAL SERVICES		5.29	0.00	0.00		0.00	0.00
	CONTRACTUAL SERVICES		5.29	0.00	0.00		0.00	0.00
OTHER CHARGES								
203-522-940-000	EQUIPMENT RENTAL		47,033.04	0.00	25,000.00		24,582.03	98.33
	OTHER CHARGES		47,033.04	0.00	25,000.00		24,582.03	98.33
Total Dept 522 - STREET SWEEPING								
			66,817.62	0.00	37,000.00		35,591.14	96.19
TOTAL EXPENDITURES								
			1,200,569.35	959,027.00	959,027.00		497,607.08	51.89
Fund 203 - LOCAL STREETS:								
TOTAL REVENUES			844,759.79	1,279,027.00	1,279,027.00		661,320.42	51.70
TOTAL EXPENDITURES			1,200,569.35	959,027.00	959,027.00		497,607.08	51.89
NET OF REVENUES & EXPENDITURES			(355,809.56)	320,000.00	320,000.00		163,713.34	51.16

GL NUMBER	DESCRIPTION	END BALANCE		2024-25		YTD BALANCE		% BDGT USED
		NORMAL	(ABNORMAL)	ORIGINAL BUDGET	2024-25 AMENDED BUDGET	NORMAL	(ABNORMAL)	
Fund 208 - RECREATION REVOLVING FUND								
Revenues								
Dept 001 - REVENUES								
MISCELLANEOUS								
208-001-670-060	INSURANCE REIMBURSEMENTS		0.00	0.00	0.00		2,200.51	100.00
208-001-672-002	EV REVENUE-OXFORD PARK		865.55	0.00	0.00		1,634.31	100.00
			<u>865.55</u>	<u>0.00</u>	<u>0.00</u>		<u>3,834.82</u>	<u>100.00</u>
MISCELLANEOUS								
			865.55	0.00	0.00		3,834.82	100.00
STATE GRANTS								
208-001-539-010	STATE GRANTS		94,000.00	0.00	0.00		0.00	0.00
			<u>94,000.00</u>	<u>0.00</u>	<u>0.00</u>		<u>0.00</u>	<u>0.00</u>
STATE GRANTS								
			94,000.00	0.00	0.00		0.00	0.00
CHARGES FOR SERVICES								
208-001-626-112	YOUTH CAMP	240,349.64		320,000.00	320,000.00		942.00	0.29
208-001-626-316	YOUTH DANCE		0.00	0.00	0.00		1,650.00	100.00
208-001-626-411	GIRLS B-BALL CLINIC	2,391.33		0.00	0.00		14.00	100.00
208-001-626-412	GIRL'S VOLLEYBALL CAMP	7,884.00		0.00	0.00		88.00	100.00
208-001-626-416	BOYS B-BALL CLINIC	4,692.20		0.00	0.00		0.00	0.00
208-001-626-417	SPECIALITY CAMPS	620.00		30,000.00	30,000.00		3,900.00	13.00
208-001-626-502	WOMENS SOFTBALL	4,094.00		7,000.00	7,000.00		550.00	7.86
208-001-626-803	TENNIS CONTRACT	11,739.50		15,500.00	15,500.00		1,354.00	8.74
208-001-626-901	COMMUNITY CENTER USE	13,385.00		15,000.00	15,000.00		7,985.00	53.23
208-001-626-902	ATHLETIC FACILITIES USAGE FEE	0.00		0.00	0.00		7,500.00	100.00
208-001-626-915	DREAM CRUISE/CRUISEFEST	82,480.03		70,000.00	70,000.00		24,220.00	34.60
208-001-626-925	SUMMER/WINTERFEST FEES	6,090.00		8,000.00	8,000.00		1,100.00	13.75
208-001-626-950	RECREATION CLASSES	65,355.00		60,000.00	60,000.00		12,785.00	21.31
			<u>439,080.70</u>	<u>525,500.00</u>	<u>525,500.00</u>		<u>62,088.00</u>	<u>11.82</u>
CHARGES FOR SERVICES								
			439,080.70	525,500.00	525,500.00		62,088.00	11.82
INVESTMENT EARNINGS								
208-001-665-000	INVESTMENT EARNINGS (LOSSES)		2,365.80	1,343.00	1,343.00		0.00	0.00
			<u>2,365.80</u>	<u>1,343.00</u>	<u>1,343.00</u>		<u>0.00</u>	<u>0.00</u>
INVESTMENT EARNINGS								
			2,365.80	1,343.00	1,343.00		0.00	0.00
CONTRIBUTION/DONATIONS								
208-001-675-002	MARQUEE		325.00	300.00	300.00		75.00	25.00
208-001-675-003	PARK RENTALS		3,492.50	7,000.00	7,000.00		2,675.00	38.21
			<u>3,817.50</u>	<u>7,300.00</u>	<u>7,300.00</u>		<u>2,750.00</u>	<u>37.67</u>
CONTRIBUTION/DONATIONS								
			3,817.50	7,300.00	7,300.00		2,750.00	37.67
OTHER FINANCING SOURCES								
208-001-699-101	TRANSFER IN FROM GENERAL FUND		900,000.00	788,000.00	788,000.00		394,000.00	50.00
			<u>900,000.00</u>	<u>788,000.00</u>	<u>788,000.00</u>		<u>394,000.00</u>	<u>50.00</u>
OTHER FINANCING SOURCES								
			900,000.00	788,000.00	788,000.00		394,000.00	50.00
Total Dept 001 - REVENUES			<u>1,440,129.55</u>	<u>1,322,143.00</u>	<u>1,322,143.00</u>		<u>462,672.82</u>	<u>34.99</u>
TOTAL REVENUES			1,440,129.55	1,322,143.00	1,322,143.00		462,672.82	34.99

Expenditures								
Dept 252 - ACTIVE EMPLOYEE BENEFITS								
SALARIES AND FRINGE BENEFITS								
208-252-716-000	DENTAL/VISION/LIFE-LTD/RHCS	16,769.23		17,800.00	17,756.00		6,687.27	37.66
208-252-716-500	HEALTH CARE COSTS - BC/BS	92,100.90		120,000.00	120,000.00		0.00	0.00
208-252-718-000	RETIREMENT-DB MERS	18,956.48		19,000.00	19,044.00		9,521.94	50.00

GL NUMBER	DESCRIPTION	END BALANCE		2024-25		YTD BALANCE		% BDGT USED
		NORMAL	(ABNORMAL)	ORIGINAL BUDGET	2024-25 AMENDED BUDGET	NORMAL	(ABNORMAL)	
Fund 208 - RECREATION REVOLVING FUND								
Expenditures								
208-252-718-010	MERS DC RETIREMENT		4,311.50	3,200.00	3,200.00		787.97	24.62
SALARIES AND FRINGE BENEFITS			132,138.11	160,000.00	160,000.00		16,997.18	10.62
Total Dept 252 - ACTIVE EMPLOYEE BENEFITS			132,138.11	160,000.00	160,000.00		16,997.18	10.62
Dept 267 - FACILITIES								
MATERIALS AND SUPPLIES								
208-267-776-208	MAINTENANCE SUPPLIES - PARKS		0.00	3,000.00	3,000.00		879.95	29.33
MATERIALS AND SUPPLIES			0.00	3,000.00	3,000.00		879.95	29.33
CONTRACTUAL SERVICES								
208-267-811-208	CUSTODIAL SERVICES - PARKS		0.00	19,000.00	19,000.00		8,318.94	43.78
CONTRACTUAL SERVICES			0.00	19,000.00	19,000.00		8,318.94	43.78
OTHER CHARGES								
208-267-931-208	BUILDING MAINTENANCE -PARKS		0.00	6,000.00	6,000.00		1,038.96	17.32
OTHER CHARGES			0.00	6,000.00	6,000.00		1,038.96	17.32
CAPITAL OUTLAY								
208-267-976-208	BUILDING IMPROVEMENTS - PARKS		94,000.00	0.00	18,000.00		17,884.00	99.36
CAPITAL OUTLAY			94,000.00	0.00	18,000.00		17,884.00	99.36
Total Dept 267 - FACILITIES			94,000.00	28,000.00	46,000.00		28,121.85	61.13
Dept 751 - PARKS AND REC ADMINISTRATION								
SALARIES AND FRINGE BENEFITS								
208-751-704-000	FULL TIME EMPLOYEES	333,598.86		352,819.00	333,819.00		138,943.02	41.62
208-751-707-000	PART TIME EMPLOYEES	23,209.02		30,000.00	30,000.00		16,906.15	56.35
208-751-709-000	OVERTIME	945.45		500.00	1,000.00		531.12	53.11
208-751-712-000	IN LIEU	0.00		0.00	500.00		403.72	80.74
208-751-715-000	FICA	27,189.44		29,324.00	29,324.00		11,887.40	40.54
208-751-725-000	WORKERS COMPENSATION	5,653.37		5,647.00	5,647.00		4,960.76	87.85
SALARIES AND FRINGE BENEFITS		390,596.14		418,290.00	400,290.00		173,632.17	43.38
MATERIALS AND SUPPLIES								
208-751-728-000	OFFICE SUPPLIES	820.55		1,000.00	1,000.00		486.52	48.65
208-751-729-000	STATIONARY	78.26		0.00	0.00		0.00	0.00
208-751-744-000	UNIFORMS	1,042.35		1,500.00	1,500.00		625.86	41.72
208-751-750-000	PLAYGROUND/ATHLETIC	3,406.16		3,700.00	3,500.00		1,564.92	44.71
208-751-751-000	FUEL & OIL	5,217.29		5,500.00	5,500.00		0.00	0.00
208-751-758-000	PROGRAM SUPPLIES	2,397.75		4,500.00	4,500.00		840.00	18.67
208-751-776-000	MAINTENANCE SUPPLIES	2,274.11		0.00	200.00		56.44	28.22
208-751-778-000	EQUIPMENT SUPPLIES	6,263.03		6,000.00	6,000.00		5,122.46	85.37
208-751-787-000	TOOLS	313.73		0.00	0.00		0.00	0.00
MATERIALS AND SUPPLIES		21,813.23		22,200.00	22,200.00		8,696.20	39.17
CONTRACTUAL SERVICES								

REVENUE AND EXPENDITURE REPORT FOR CITY OF BERKLEY
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GL NUMBER	DESCRIPTION	END BALANCE		2024-25		YTD BALANCE		% BDGT USED
		NORMAL	(ABNORMAL)	ORIGINAL BUDGET	2024-25 AMENDED BUDGET	NORMAL	(ABNORMAL)	
Fund 208 - RECREATION REVOLVING FUND								
Expenditures								
208-751-803-000	MEMBERSHIPS AND DUES	1,300.00		1,800.00	1,800.00	835.00		46.39
208-751-811-000	CUSTODIAL SERVICES	17,055.61		0.00	0.00	0.00		0.00
208-751-818-000	CONTRACTUAL SERVICES	17,941.59		20,000.00	17,000.00	8,666.00		50.98
208-751-901-000	ADVERTISING	223.95		1,000.00	1,000.00	142.38		14.24
CONTRACTUAL SERVICES		36,521.15		22,800.00	19,800.00	9,643.38		48.70
UTILITIES								
208-751-853-000	TELEPHONE	8,094.08		5,000.00	5,000.00	3,456.31		69.13
208-751-920-000	UTILITIES	35,444.96		32,000.00	32,000.00	15,758.65		49.25
208-751-920-001	PARK CONCESSION WATER	381.13		0.00	0.00	73.03		100.00
UTILITIES		43,920.17		37,000.00	37,000.00	19,287.99		52.13
OTHER CHARGES								
208-751-931-000	BUILDING MAINTENANCE	347.00		0.00	0.00	0.00		0.00
208-751-933-000	EQUIPMENT MAINTENANCE	6,500.22		14,000.00	2,000.00	1,139.21		56.96
208-751-939-000	VEHICLE MAINTENANCE	1,883.43		3,000.00	17,000.00	13,898.23		81.75
208-751-946-000	OFFICE EQUIPMENT RENTAL	2,381.61		2,000.00	2,000.00	1,104.45		55.22
208-751-960-000	PROFESSIONAL DEVELOPMENT	3,044.44		4,000.00	4,000.00	0.00		0.00
OTHER CHARGES		14,156.70		23,000.00	25,000.00	16,141.89		64.57
CAPITAL OUTLAY								
208-751-976-000	BUILDING IMPROVEMENTS	0.00		0.00	12,000.00	0.00		0.00
208-751-981-000	FURNITURE	1,000.00		0.00	0.00	0.00		0.00
208-751-982-000	EQUIPMENT	0.00		45,000.00	63,432.00	63,431.88		100.00
208-751-986-000	COMPUTER SOFTWARE	7,000.00		7,000.00	9,718.00	9,714.39		99.96
CAPITAL OUTLAY		8,000.00		52,000.00	85,150.00	73,146.27		85.90
INSURANCE								
208-751-913-000	VEHICLE INSURANCE	1,348.00		2,777.00	1,427.00	1,348.00		94.46
208-751-914-000	LIABILITY INSURANCE	2,112.00		4,351.00	4,351.00	2,112.00		48.54
INSURANCE		3,460.00		7,128.00	5,778.00	3,460.00		59.88
Total Dept 751 - PARKS AND REC ADMINISTRATION		518,467.39		582,418.00	595,218.00	304,007.90		51.08
Dept 754 - YOUTH CAMP								
SALARIES AND FRINGE BENEFITS								
208-754-707-000	PART TIME EMPLOYEES	114,882.30		140,000.00	140,000.00	79,267.85		56.62
208-754-709-000	OVERTIME	0.00		1,000.00	1,000.00	0.00		0.00
208-754-715-000	FICA	8,801.41		10,787.00	10,787.00	6,064.03		56.22
SALARIES AND FRINGE BENEFITS		123,683.71		151,787.00	151,787.00	85,331.88		56.22
MATERIALS AND SUPPLIES								
208-754-758-000	PROGRAM SUPPLIES	2,087.38		5,000.00	4,200.00	598.86		14.26
MATERIALS AND SUPPLIES		2,087.38		5,000.00	4,200.00	598.86		14.26
CONTRACTUAL SERVICES								
208-754-818-000	CONTRACTUAL SERVICES	56,216.21		70,000.00	70,000.00	24,823.03		35.46
208-754-835-000	MEDICAL EXPENSES	629.30		0.00	0.00	0.00		0.00

GL NUMBER	DESCRIPTION	END BALANCE		2024-25		YTD BALANCE		% BDGT USED
		NORMAL	(ABNORMAL)	ORIGINAL BUDGET	2024-25 AMENDED BUDGET	NORMAL	(ABNORMAL)	
Fund 208 - RECREATION REVOLVING FUND								
Expenditures								
CONTRACTUAL SERVICES		56,845.51		70,000.00	70,000.00		24,823.03	35.46
Total Dept 754 - YOUTH CAMP		182,616.60		226,787.00	225,987.00		110,753.77	49.01
Dept 803 - TENNIS CONTRACT								
CONTRACTUAL SERVICES								
208-803-818-000	CONTRACTUAL SERVICES	7,327.60		12,000.00	12,000.00		8,255.80	68.80
CONTRACTUAL SERVICES		7,327.60		12,000.00	12,000.00		8,255.80	68.80
Total Dept 803 - TENNIS CONTRACT		7,327.60		12,000.00	12,000.00		8,255.80	68.80
Dept 816 - GIRL'S TEEN B BALL CLINIC								
MATERIALS AND SUPPLIES								
208-816-758-000	PROGRAM SUPPLIES	400.00		0.00	0.00		0.00	0.00
MATERIALS AND SUPPLIES		400.00		0.00	0.00		0.00	0.00
CONTRACTUAL SERVICES								
208-816-818-000	CONTRACTUAL SERVICES	3,051.78		0.00	0.00		0.00	0.00
CONTRACTUAL SERVICES		3,051.78		0.00	0.00		0.00	0.00
Total Dept 816 - GIRL'S TEEN B BALL CLINIC		3,451.78		0.00	0.00		0.00	0.00
Dept 817 - GIRL'S VOLLEYBALL CAMP								
MATERIALS AND SUPPLIES								
208-817-758-000	PROGRAM SUPPLIES	916.39		0.00	0.00		0.00	0.00
MATERIALS AND SUPPLIES		916.39		0.00	0.00		0.00	0.00
CONTRACTUAL SERVICES								
208-817-818-000	CONTRACTUAL SERVICES	5,099.80		0.00	0.00		0.00	0.00
CONTRACTUAL SERVICES		5,099.80		0.00	0.00		0.00	0.00
Total Dept 817 - GIRL'S VOLLEYBALL CAMP		6,016.19		0.00	0.00		0.00	0.00
Dept 818 - BOYS TEEN B BALL CLINIC								
MATERIALS AND SUPPLIES								
208-818-758-000	PROGRAM SUPPLIES	1,011.50		0.00	0.00		0.00	0.00
MATERIALS AND SUPPLIES		1,011.50		0.00	0.00		0.00	0.00
CONTRACTUAL SERVICES								
208-818-818-000	CONTRACTUAL SERVICES	5,887.17		0.00	0.00		0.00	0.00
CONTRACTUAL SERVICES		5,887.17		0.00	0.00		0.00	0.00

GL NUMBER	DESCRIPTION	END BALANCE		2024-25	YTD BALANCE		% BDGT USED
		NORMAL	(ABNORMAL)	ORIGINAL BUDGET	2024-25 AMENDED BUDGET	NORMAL	
Fund 208 - RECREATION REVOLVING FUND							
Expenditures							
Total Dept 818 - BOYS TEEN B BALL CLINIC		6,898.67		0.00	0.00	0.00	0.00
Dept 819 - WOMEN'S SOFTBALL							
MATERIALS AND SUPPLIES							
208-819-758-000	PROGRAM SUPPLIES	639.31		700.00	700.00	0.00	0.00
MATERIALS AND SUPPLIES		639.31		700.00	700.00	0.00	0.00
CONTRACTUAL SERVICES							
208-819-818-000	CONTRACTUAL SERVICES	1,742.00		2,528.00	2,528.00	783.00	30.97
CONTRACTUAL SERVICES		1,742.00		2,528.00	2,528.00	783.00	30.97
Total Dept 819 - WOMEN'S SOFTBALL		2,381.31		3,228.00	3,228.00	783.00	24.26
Dept 821 - SPECIALITY CAMPS							
MATERIALS AND SUPPLIES							
208-821-758-000	PROGRAM SUPPLIES	0.00		3,000.00	3,000.00	0.00	0.00
MATERIALS AND SUPPLIES		0.00		3,000.00	3,000.00	0.00	0.00
CONTRACTUAL SERVICES							
208-821-818-000	CONTRACTUAL SERVICES	0.00		20,000.00	20,000.00	10,399.65	52.00
CONTRACTUAL SERVICES		0.00		20,000.00	20,000.00	10,399.65	52.00
Total Dept 821 - SPECIALITY CAMPS		0.00		23,000.00	23,000.00	10,399.65	45.22
Dept 840 - COMMUNITY CENTER USE							
SALARIES AND FRINGE BENEFITS							
208-840-707-000	PART TIME EMPLOYEES	13,700.05		20,000.00	20,000.00	1,597.16	7.99
208-840-715-000	FICA	1,048.11		1,530.00	1,530.00	122.19	7.99
SALARIES AND FRINGE BENEFITS		14,748.16		21,530.00	21,530.00	1,719.35	7.99
Total Dept 840 - COMMUNITY CENTER USE		14,748.16		21,530.00	21,530.00	1,719.35	7.99
Dept 843 - DREAM CRUISE/CRUISEFEST							
MATERIALS AND SUPPLIES							
208-843-758-000	PROGRAM SUPPLIES	2,676.29		8,000.00	8,000.00	2,243.00	28.04
MATERIALS AND SUPPLIES		2,676.29		8,000.00	8,000.00	2,243.00	28.04
CONTRACTUAL SERVICES							
208-843-818-000	CONTRACTUAL SERVICES	50,083.35		52,000.00	52,000.00	7,575.00	14.57
CONTRACTUAL SERVICES		50,083.35		52,000.00	52,000.00	7,575.00	14.57
OTHER CHARGES							
208-843-940-000	EQUIPMENT RENTAL	0.00		4,000.00	4,000.00	0.00	0.00

REVENUE AND EXPENDITURE REPORT FOR CITY OF BERKLEY
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GL NUMBER	DESCRIPTION	END BALANCE		2024-25		YTD BALANCE		% BDGT USED
		NORMAL	(ABNORMAL)	ORIGINAL BUDGET	2024-25 AMENDED BUDGET	NORMAL	(ABNORMAL)	
Fund 208 - RECREATION REVOLVING FUND								
Expenditures								
OTHER CHARGES		0.00		4,000.00		4,000.00	0.00	0.00
Total Dept 843 - DREAM CRUISE/CRUISEFEST		52,759.64		64,000.00		64,000.00	9,818.00	15.34
Dept 844 - SUMMERFEST/WINTERFEST								
MATERIALS AND SUPPLIES								
208-844-758-000	PROGRAM SUPPLIES	1,937.05		3,500.00		3,500.00	1,368.93	39.11
MATERIALS AND SUPPLIES		1,937.05		3,500.00		3,500.00	1,368.93	39.11
CONTRACTUAL SERVICES								
208-844-818-000	CONTRACTUAL SERVICES	11,302.73		14,000.00		14,000.00	6,740.00	48.14
CONTRACTUAL SERVICES		11,302.73		14,000.00		14,000.00	6,740.00	48.14
Total Dept 844 - SUMMERFEST/WINTERFEST		13,239.78		17,500.00		17,500.00	8,108.93	46.34
Dept 845 - RECREATION CLASSES								
SALARIES AND FRINGE BENEFITS								
208-845-707-000	PART TIME EMPLOYEES	9,976.15		8,000.00		8,000.00	6,401.89	80.02
208-845-715-000	FICA	763.16		612.00		612.00	489.76	80.03
SALARIES AND FRINGE BENEFITS		10,739.31		8,612.00		8,612.00	6,891.65	80.02
MATERIALS AND SUPPLIES								
208-845-750-000	PLAYGROUND SUPPLY	0.00		6,000.00		6,000.00	0.00	0.00
208-845-758-000	PROGRAM SUPPLIES	609.03		3,000.00		3,000.00	132.79	4.43
MATERIALS AND SUPPLIES		609.03		9,000.00		9,000.00	132.79	1.48
CONTRACTUAL SERVICES								
208-845-801-000	BANK CHARGES	8,654.88		9,900.00		9,900.00	0.00	0.00
208-845-818-000	CONTRACTUAL SERVICES	39,389.65		40,000.00		40,000.00	10,549.80	26.37
208-845-821-000	ENGINEERING	2,142.71		35,000.00		35,000.00	0.00	0.00
CONTRACTUAL SERVICES		50,187.24		84,900.00		84,900.00	10,549.80	12.43
UTILITIES								
208-845-920-000	UTILITIES	53,455.95		33,000.00		33,000.00	18,011.88	54.58
UTILITIES		53,455.95		33,000.00		33,000.00	18,011.88	54.58
CAPITAL OUTLAY								
208-845-971-150	LAND IMPROVEMENTS	184,317.88		90,000.00		140,000.00	7,000.00	5.00
208-845-982-000	EQUIPMENT	0.00		7,500.00		7,500.00	0.00	0.00
CAPITAL OUTLAY		184,317.88		97,500.00		147,500.00	7,000.00	4.75
INSURANCE								
208-845-914-000	LIABILITY INSURANCE	324.50		668.00		668.00	324.50	48.58
INSURANCE		324.50		668.00		668.00	324.50	48.58

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GL NUMBER	DESCRIPTION	END BALANCE		2024-25		YTD BALANCE		% BDGT USED
		NORMAL	(ABNORMAL)	ORIGINAL BUDGET	2024-25 AMENDED BUDGET	NORMAL	(ABNORMAL)	
Fund 208 - RECREATION REVOLVING FUND								
Expenditures								
Total Dept 845 - RECREATION CLASSES		299,633.91		233,680.00	283,680.00	42,910.62		15.13
TOTAL EXPENDITURES		1,333,679.14		1,372,143.00	1,452,143.00	541,876.05		37.32
Fund 208 - RECREATION REVOLVING FUND:								
TOTAL REVENUES		1,440,129.55		1,322,143.00	1,322,143.00	462,672.82		34.99
TOTAL EXPENDITURES		1,333,679.14		1,372,143.00	1,452,143.00	541,876.05		37.32
NET OF REVENUES & EXPENDITURES		106,450.41		(50,000.00)	(130,000.00)	(79,203.23)		60.93

GL NUMBER	DESCRIPTION	END BALANCE	2024-25		YTD BALANCE	% BDGT USED
		06/30/2024 NORMAL (ABNORMAL)	ORIGINAL BUDGET	2024-25 AMENDED BUDGET	12/31/2024 NORMAL (ABNORMAL)	
Fund 211 - SENIOR ACTIVITIES						
Revenues						
Dept 001 - REVENUES						
MISCELLANEOUS						
211-001-672-001	SUNDRY REVENUE	0.00	0.00	0.00	60.00	100.00
MISCELLANEOUS		0.00	0.00	0.00	60.00	100.00
FEDERAL GRANTS						
211-001-540-000	SMART GRANT	22,007.44	19,000.00	19,000.00	9,530.08	50.16
FEDERAL GRANTS		22,007.44	19,000.00	19,000.00	9,530.08	50.16
CHARGES FOR SERVICES						
211-001-651-000	SENIOR PROGRAMS	26,441.00	20,000.00	20,000.00	11,238.00	56.19
CHARGES FOR SERVICES		26,441.00	20,000.00	20,000.00	11,238.00	56.19
INVESTMENT EARNINGS						
211-001-665-000	INVESTMENT EARNINGS (LOSSES)	1,404.97	829.00	829.00	0.00	0.00
INVESTMENT EARNINGS		1,404.97	829.00	829.00	0.00	0.00
CONTRIBUTION/DONATIONS						
211-001-675-001	SENIOR BUS - MUNICIPAL CREDITS	10,665.75	15,000.00	15,000.00	7,110.50	47.40
211-001-675-002	INDEPENDENCE FOR LIFE	26,547.50	30,000.00	30,000.00	16,923.00	56.41
211-001-675-003	RED HAT SOCIETY	53.00	0.00	0.00	0.00	0.00
CONTRIBUTION/DONATIONS		37,266.25	45,000.00	45,000.00	24,033.50	53.41
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Total Dept 001 - REVENUES		87,119.66	84,829.00	84,829.00	44,861.58	52.88
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TOTAL REVENUES		87,119.66	84,829.00	84,829.00	44,861.58	52.88
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Expenditures						
Dept 252 - ACTIVE EMPLOYEE BENEFITS						
SALARIES AND FRINGE BENEFITS						
211-252-716-000	DENTAL/VISION/LIFE-LTD/RHCS	36.62	0.00	0.00	38.48	100.00
SALARIES AND FRINGE BENEFITS		36.62	0.00	0.00	38.48	100.00
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Total Dept 252 - ACTIVE EMPLOYEE BENEFITS		36.62	0.00	0.00	38.48	100.00
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Dept 752 - PARKS AND REC ADMIN						
SALARIES AND FRINGE BENEFITS						
211-752-706-000	SENIOR COORDINATOR	0.00	10,682.00	10,682.00	0.00	0.00
211-752-707-000	PART-TIME EMPLOYEES	1,644.22	2,000.00	2,000.00	1,348.67	67.43
211-752-715-000	FICA	125.76	164.00	164.00	103.19	62.92
SALARIES AND FRINGE BENEFITS		1,769.98	12,846.00	12,846.00	1,451.86	11.30
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MATERIALS AND SUPPLIES						
211-752-758-000	PROGRAM SUPPLIES	1,843.10	2,000.00	2,000.00	830.27	41.51
211-752-781-000	VEHICLE SUPPLIES	800.68	1,000.00	1,000.00	0.00	0.00
MATERIALS AND SUPPLIES		2,643.78	3,000.00	3,000.00	830.27	27.68

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		NORMAL	(ABNORMAL)	ORIGINAL BUDGET	2024-25 AMENDED BUDGET	NORMAL	(ABNORMAL)	
Fund 211 - SENIOR ACTIVITIES								
Expenditures								
CONTRACTUAL SERVICES								
211-752-818-000	CONTRACTUAL SERVICES	19,571.13		20,000.00	20,000.00		4,333.38	21.67
CONTRACTUAL SERVICES		19,571.13		20,000.00	20,000.00		4,333.38	21.67
OTHER CHARGES								
211-752-939-000	VEHICLE MAINTENANCE	1,157.34		5,000.00	5,000.00		1,873.22	37.46
OTHER CHARGES		1,157.34		5,000.00	5,000.00		1,873.22	37.46
INSURANCE								
211-752-913-000	VEH EQ INSURANCE	337.50		695.00	695.00		337.50	48.56
211-752-914-000	LIABILITY INSURANCE	350.00		721.00	721.00		350.00	48.54
INSURANCE		687.50		1,416.00	1,416.00		687.50	48.55
Total Dept 752 - PARKS AND REC ADMIN		25,829.73		42,262.00	42,262.00		9,176.23	21.71
Dept 755 - VAN TRANSPORTATION PROGRAM								
SALARIES AND FRINGE BENEFITS								
211-755-706-000	MECHANICS	915.48		0.00	1,000.00		961.96	96.20
211-755-707-000	PART-TIME EMPLOYEES	23,273.13		30,000.00	29,000.00		11,772.02	40.59
211-755-715-000	FICA	1,850.70		2,295.00	2,295.00		973.47	42.42
SALARIES AND FRINGE BENEFITS		26,039.31		32,295.00	32,295.00		13,707.45	42.44
MATERIALS AND SUPPLIES								
211-755-751-000	FUEL&LUBE	4,972.37		4,500.00	4,500.00		2,738.52	60.86
MATERIALS AND SUPPLIES		4,972.37		4,500.00	4,500.00		2,738.52	60.86
CONTRACTUAL SERVICES								
211-755-818-000	CONTRACTUAL SERVICES	270.00		0.00	0.00		0.00	0.00
211-755-835-000	MEDICAL EXPENSES	342.00		0.00	0.00		0.00	0.00
CONTRACTUAL SERVICES		612.00		0.00	0.00		0.00	0.00
UTILITIES								
211-755-853-000	TELEPHONE	492.47		510.00	510.00		205.46	40.29
UTILITIES		492.47		510.00	510.00		205.46	40.29
OTHER CHARGES								
211-755-939-000	VEHICLE MAINTENANCE	487.34		2,000.00	2,000.00		1,375.18	68.76
OTHER CHARGES		487.34		2,000.00	2,000.00		1,375.18	68.76
INSURANCE								
211-755-913-000	VEH EQ INSURANCE	1,583.50		3,262.00	3,262.00		1,583.50	48.54
INSURANCE		1,583.50		3,262.00	3,262.00		1,583.50	48.54
Total Dept 755 - VAN TRANSPORTATION PROGRAM		34,186.99		42,567.00	42,567.00		19,610.11	46.07

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REVENUE AND EXPENDITURE REPORT FOR CITY OF BERKLEY
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GL NUMBER	DESCRIPTION	END BALANCE		2024-25		YTD BALANCE		% BDGT USED
		NORMAL	(ABNORMAL)	ORIGINAL BUDGET	AMENDED BUDGET	NORMAL	(ABNORMAL)	
Fund 211 - SENIOR ACTIVITIES								
Expenditures								
	TOTAL EXPENDITURES	60,053.34		84,829.00	84,829.00		28,824.82	33.98
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Fund 211 - SENIOR ACTIVITIES:								
	TOTAL REVENUES	87,119.66		84,829.00	84,829.00		44,861.58	52.88
	TOTAL EXPENDITURES	60,053.34		84,829.00	84,829.00		28,824.82	33.98
	NET OF REVENUES & EXPENDITURES	27,066.32		0.00	0.00		16,036.76	100.00

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		NORMAL	(ABNORMAL)	ORIGINAL BUDGET	2024-25 AMENDED BUDGET	NORMAL	(ABNORMAL)	
Fund 226 - SOLID WASTE								
Revenues								
Dept 001 - REVENUES								
PROPERTY TAXES								
226-001-402-000	PROPERTY TAXES	1,204,883.91		1,234,000.00	1,234,000.00	1,239,910.53		100.48
226-001-402-990	PROPERTY TAXES - CHARGEBACKS	78,353.85		0.00	0.00	0.00		0.00
PROPERTY TAXES		1,283,237.76		1,234,000.00	1,234,000.00	1,239,910.53		100.48
MISCELLANEOUS								
226-001-672-001	SUNDRY REVENUE	16,134.00		10,000.00	10,000.00	7,903.78		79.04
MISCELLANEOUS		16,134.00		10,000.00	10,000.00	7,903.78		79.04
STATE GRANTS								
226-001-573-000	LOCAL COMMUNITY STABILIZATION SHARE-PPT	7,826.09		6,000.00	6,000.00	0.00		0.00
STATE GRANTS		7,826.09		6,000.00	6,000.00	0.00		0.00
CHARGES FOR SERVICES								
226-001-629-001	RESIDENTIAL TRASH	480,488.46		448,000.00	448,000.00	264,322.74		59.00
226-001-629-002	COMMERCIAL TRASH	148,415.31		194,000.00	194,000.00	84,158.70		43.38
226-001-629-003	SPECIAL TRASH	201,273.83		120,000.00	120,000.00	64,136.00		53.45
CHARGES FOR SERVICES		830,177.60		762,000.00	762,000.00	412,617.44		54.15
INVESTMENT EARNINGS								
226-001-665-000	INVESTMENT EARNINGS (LOSSES)	24,415.51		15,292.00	15,292.00	0.00		0.00
INVESTMENT EARNINGS		24,415.51		15,292.00	15,292.00	0.00		0.00
Total Dept 001 - REVENUES		2,161,790.96		2,027,292.00	2,027,292.00	1,660,431.75		81.90
TOTAL REVENUES		2,161,790.96		2,027,292.00	2,027,292.00	1,660,431.75		81.90
Expenditures								
Dept 252 - ACTIVE EMPLOYEE BENEFITS								
SALARIES AND FRINGE BENEFITS								
226-252-716-000	DENTAL/VISION/LIFE-LTD/RHCS	1,762.96		1,885.00	1,885.00	1,679.67		89.11
226-252-716-500	HEALTH CARE COSTS - BC/BS	11,512.63		16,072.00	16,126.00	0.00		0.00
226-252-718-000	RETIREMENT-DB MERS	8,865.12		9,100.00	9,046.00	4,522.92		50.00
SALARIES AND FRINGE BENEFITS		22,140.71		27,057.00	27,057.00	6,202.59		22.92
Total Dept 252 - ACTIVE EMPLOYEE BENEFITS		22,140.71		27,057.00	27,057.00	6,202.59		22.92
Dept 528 - SOLID WASTE SERVICES								
SALARIES AND FRINGE BENEFITS								
226-528-704-000	FULL TIME EMPLOYEES	0.00		44,640.00	0.00	0.00		0.00
226-528-706-000	LABORERS	38,634.39		62,000.00	62,000.00	9,436.69		15.22
226-528-707-000	PART TIME EMPLOYEES	4,642.40		3,300.00	6,300.00	4,919.28		78.08
226-528-709-000	OVERTIME	11,117.77		2,000.00	5,000.00	2,659.66		53.19
226-528-715-000	FICA	3,974.75		9,374.00	10,014.00	5,807.97		58.00
226-528-722-000	SICK LEAVE	0.00		1,600.00	1,600.00	0.00		0.00
226-528-725-000	WORKERS COMPENSATION	2,623.99		2,621.00	2,621.00	2,302.50		87.85

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		NORMAL	(ABNORMAL)	ORIGINAL BUDGET	2024-25 AMENDED BUDGET	NORMAL	(ABNORMAL)	
Fund 226 - SOLID WASTE								
Expenditures								
226-528-726-200	INTERNAL SRVC - LABOR & ADMIN	192,000.00		192,000.00	192,000.00	96,000.00		50.00
SALARIES AND FRINGE BENEFITS		252,993.30		317,535.00	279,535.00	121,126.10		43.33
MATERIALS AND SUPPLIES								
226-528-744-000	UNIFORMS	1,994.88		2,000.00	2,700.00	1,450.00		53.70
226-528-758-000	PROGRAM SUPPLIES	18,210.27		7,500.00	7,500.00	130.00		1.73
MATERIALS AND SUPPLIES		20,205.15		9,500.00	10,200.00	1,580.00		15.49
CONTRACTUAL SERVICES								
226-528-807-000	AUDIT SERVICES	1,500.00		1,800.00	1,900.00	1,900.00		100.00
226-528-818-000	CONTRACTUAL SERVICES	439.00		500.00	495.00	109.75		22.17
226-528-818-001	RUBBISH COLLECTION	801,165.12		825,000.00	825,205.00	378,218.72		45.83
226-528-818-003	TRASH DISPOSAL	463,324.78		485,000.00	484,000.00	214,394.63		44.30
CONTRACTUAL SERVICES		1,266,428.90		1,312,300.00	1,311,600.00	594,623.10		45.34
OTHER CHARGES								
226-528-940-000	EQUIPMENT RENTAL	65,241.77		5,000.00	43,000.00	0.00		0.00
OTHER CHARGES		65,241.77		5,000.00	43,000.00	0.00		0.00
CAPITAL OUTLAY								
226-528-982-000	EQUIPMENT	0.00		125,000.00	125,000.00	0.00		0.00
226-528-985-000	VEHICLE	12,192.00		67,000.00	67,000.00	54,403.00		81.20
CAPITAL OUTLAY		12,192.00		192,000.00	192,000.00	54,403.00		28.33
Total Dept 528 - SOLID WASTE SERVICES		1,617,061.12		1,836,335.00	1,836,335.00	771,732.20		42.03
Dept 529 - CURBSIDE LEAF PICKUP								
SALARIES AND FRINGE BENEFITS								
226-529-706-441	DPW LABOR - DIRECT ALLOCATION	0.00		35,000.00	43,000.00	42,810.75		99.56
226-529-709-000	OVERTIME	0.00		20,000.00	17,000.00	16,476.65		96.92
SALARIES AND FRINGE BENEFITS		0.00		55,000.00	60,000.00	59,287.40		98.81
MATERIALS AND SUPPLIES								
226-529-758-000	PROGRAM SUPPLIES	0.00		2,000.00	2,000.00	2,164.99		108.25
MATERIALS AND SUPPLIES		0.00		2,000.00	2,000.00	2,164.99		108.25
CONTRACTUAL SERVICES								
226-529-818-005	LEAF DISPOSAL	0.00		5,000.00	5,000.00	0.00		0.00
CONTRACTUAL SERVICES		0.00		5,000.00	5,000.00	0.00		0.00
OTHER CHARGES								
226-529-940-000	EQUIPMENT RENTAL	0.00		75,000.00	70,000.00	47,466.00		67.81
OTHER CHARGES		0.00		75,000.00	70,000.00	47,466.00		67.81
Total Dept 529 - CURBSIDE LEAF PICKUP		0.00		137,000.00	137,000.00	108,918.39		79.50

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GL NUMBER	DESCRIPTION	END BALANCE		2024-25		YTD BALANCE		% BDGT USED
		NORMAL	(ABNORMAL)	ORIGINAL BUDGET	2024-25 AMENDED BUDGET	NORMAL	(ABNORMAL)	
Fund 226 - SOLID WASTE Expenditures								
TOTAL EXPENDITURES		1,639,201.83		2,000,392.00	2,000,392.00		886,853.18	44.33
Fund 226 - SOLID WASTE:								
TOTAL REVENUES			2,161,790.96	2,027,292.00	2,027,292.00		1,660,431.75	81.90
TOTAL EXPENDITURES		1,639,201.83		2,000,392.00	2,000,392.00		886,853.18	44.33
NET OF REVENUES & EXPENDITURES			522,589.13	26,900.00	26,900.00		773,578.57	2,875.76

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		06/30/2024 NORMAL (ABNORMAL)	ORIGINAL BUDGET	2024-25 AMENDED BUDGET	12/31/2024 NORMAL (ABNORMAL)	
Fund 231 - PARKING FUND						
Revenues						
Dept 001 - REVENUES						
CHARGES FOR SERVICES						
231-001-486-000	PARKING PERMITS	0.00	0.00	0.00	3,850.00	100.00
	CHARGES FOR SERVICES	0.00	0.00	0.00	3,850.00	100.00
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	Total Dept 001 - REVENUES	0.00	0.00	0.00	3,850.00	100.00
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	TOTAL REVENUES	0.00	0.00	0.00	3,850.00	100.00
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Fund 231 - PARKING FUND:						
	TOTAL REVENUES	0.00	0.00	0.00	3,850.00	100.00
	TOTAL EXPENDITURES	0.00	0.00	0.00	0.00	0.00
	NET OF REVENUES & EXPENDITURES	0.00	0.00	0.00	3,850.00	100.00

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GL NUMBER	DESCRIPTION	END BALANCE		2024-25		YTD BALANCE		% BDGT USED
		NORMAL	(ABNORMAL)	ORIGINAL BUDGET	2024-25 AMENDED BUDGET	NORMAL	(ABNORMAL)	
Fund 248 - DOWNTOWN DEVELOPMENT AUTHORITY								
Revenues								
Dept 001 - REVENUES								
PROPERTY TAXES								
248-001-402-000	PROPERTY TAXES	37,490.25		36,000.00	36,000.00	32,997.96		91.66
248-001-402-001	PROPERTY TAX CAPTURE - DDA	414,194.11		388,000.00	388,000.00	404,455.87		104.24
248-001-402-990	PROPERTY TAXES - CHARGEBACKS	15,268.92		0.00	0.00	0.00		0.00
	PROPERTY TAXES	466,953.28		424,000.00	424,000.00	437,453.83		103.17
STATE GRANTS								
248-001-539-010	STATE GRANTS	7,500.00		10,000.00	10,000.00	0.00		0.00
	STATE GRANTS	7,500.00		10,000.00	10,000.00	0.00		0.00
INVESTMENT EARNINGS								
248-001-665-000	INVESTMENT EARNINGS (LOSSES)	11,767.78		10,234.00	10,234.00	0.00		0.00
	INVESTMENT EARNINGS	11,767.78		10,234.00	10,234.00	0.00		0.00
CONTRIBUTION/DONATIONS								
248-001-674-005	MERCHANDISE REVENUE	2,137.48		5,000.00	5,000.00	0.00		0.00
248-001-675-814	EVENT SPONSORSHIPS	9,713.90		10,000.00	10,000.00	620.00		6.20
	CONTRIBUTION/DONATIONS	11,851.38		15,000.00	15,000.00	620.00		4.13
	Total Dept 001 - REVENUES	498,072.44		459,234.00	459,234.00	438,073.83		95.39
	TOTAL REVENUES	498,072.44		459,234.00	459,234.00	438,073.83		95.39
Expenditures								
Dept 252 - ACTIVE EMPLOYEE BENEFITS								
SALARIES AND FRINGE BENEFITS								
248-252-716-000	DENTAL/VISION/LIFE-LTD/RHCS	3,997.17		3,738.00	3,738.00	1,830.96		48.98
248-252-716-500	HEALTH CARE COSTS - BC/BS	17,268.91		16,072.00	16,224.00	0.00		0.00
248-252-718-000	RETIREMENT-DB MERS	25,708.80		26,000.00	25,948.00	12,973.68		50.00
	SALARIES AND FRINGE BENEFITS	46,974.88		45,810.00	45,910.00	14,804.64		32.25
	Total Dept 252 - ACTIVE EMPLOYEE BENEFITS	46,974.88		45,810.00	45,910.00	14,804.64		32.25
Dept 722 - DDA OPERATIONS								
SALARIES AND FRINGE BENEFITS								
248-722-726-200	INTERNAL SRVC - LABOR & ADMIN	20,000.00		20,000.00	20,000.00	10,000.00		50.00
	SALARIES AND FRINGE BENEFITS	20,000.00		20,000.00	20,000.00	10,000.00		50.00
MATERIALS AND SUPPLIES								
248-722-730-000	POSTAGE-PRINTING-MAILING	0.00		300.00	300.00	0.00		0.00
	MATERIALS AND SUPPLIES	0.00		300.00	300.00	0.00		0.00
CONTRACTUAL SERVICES								
248-722-803-000	MEMBERSHIPS AND DUES	857.25		1,100.00	1,100.00	400.00		36.36
248-722-807-000	AUDIT SERVICES	1,800.00		2,100.00	2,200.00	2,200.00		100.00

REVENUE AND EXPENDITURE REPORT FOR CITY OF BERKLEY
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GL NUMBER	DESCRIPTION	END BALANCE		2024-25		YTD BALANCE		% BDGT USED
		NORMAL	(ABNORMAL)	ORIGINAL BUDGET	2024-25 AMENDED BUDGET	NORMAL	(ABNORMAL)	
Fund 248 - DOWNTOWN DEVELOPMENT AUTHORITY								
Expenditures								
248-722-818-205	SECRETARIAL SERVICES	1,650.00		2,000.00	1,800.00	900.00		50.00
248-722-866-000	SUBSCRIPTION SERVICES	189.00		300.00	300.00	0.00		0.00
248-722-904-000	PRINTING	0.00		300.00	300.00	0.00		0.00
CONTRACTUAL SERVICES		4,496.25		5,800.00	5,700.00	3,500.00		61.40
UTILITIES								
248-722-853-000	TELEPHONE	485.15		600.00	600.00	202.41		33.74
UTILITIES		485.15		600.00	600.00	202.41		33.74
Total Dept 722 - DDA OPERATIONS		24,981.40		26,700.00	26,600.00	13,702.41		51.51
Dept 724 - SPECIAL EVENTS								
SALARIES AND FRINGE BENEFITS								
248-724-706-000	DPW WORKERS	2,433.62		0.00	3,000.00	973.95		32.47
248-724-709-000	OVERTIME	298.83		0.00	0.00	689.31		100.00
248-724-715-000	FICA	208.19		0.00	0.00	126.24		100.00
SALARIES AND FRINGE BENEFITS		2,940.64		0.00	3,000.00	1,789.50		59.65
MATERIALS AND SUPPLIES								
248-724-758-001	BOOKLEY SEASON	15,781.00		20,000.00	17,000.00	16,459.74		96.82
MATERIALS AND SUPPLIES		15,781.00		20,000.00	17,000.00	16,459.74		96.82
CONTRACTUAL SERVICES								
248-724-817-004	DDA - EVENTS	60,065.58		45,000.00	45,000.00	11,448.39		25.44
248-724-817-005	DDA - MEDIA	2,532.15		0.00	0.00	0.00		0.00
248-724-817-015	HOLIDAY LIGHTS	39,017.04		40,000.00	40,000.00	3,013.73		7.53
CONTRACTUAL SERVICES		101,614.77		85,000.00	85,000.00	14,462.12		17.01
OTHER CHARGES								
248-724-940-000	EQUIPMENT RENTAL	1,600.94		0.00	8,000.00	7,119.70		89.00
OTHER CHARGES		1,600.94		0.00	8,000.00	7,119.70		89.00
Total Dept 724 - SPECIAL EVENTS		121,937.35		105,000.00	113,000.00	39,831.06		35.25
Dept 726 - MARKETING AND ADVERTISING								
CONTRACTUAL SERVICES								
248-726-814-000	WEBSITE	380.48		500.00	500.00	19.99		4.00
248-726-817-002	DOWNTOWN MERCHANDISE EXPENDITURES	1,338.98		1,000.00	1,000.00	0.00		0.00
248-726-818-000	CONTRACTUAL SERVICES	51,275.00		48,000.00	48,000.00	36,600.00		76.25
248-726-901-000	ADVERTISING/MARKETING	17,680.94		30,000.00	22,000.00	1,603.50		7.29
CONTRACTUAL SERVICES		70,675.40		79,500.00	71,500.00	38,223.49		53.46
Total Dept 726 - MARKETING AND ADVERTISING		70,675.40		79,500.00	71,500.00	38,223.49		53.46
Dept 729 - STREETScape & DESIGN								

GL NUMBER	DESCRIPTION	END BALANCE		2024-25		YTD BALANCE		% BDGT USED
		NORMAL	(ABNORMAL)	ORIGINAL BUDGET	2024-25 AMENDED BUDGET	NORMAL	(ABNORMAL)	
Fund 248 - DOWNTOWN DEVELOPMENT AUTHORITY								
Expenditures								
CONTRACTUAL SERVICES								
248-729-818-200	FLOWER BASKET PROGRAM	73,799.61		50,000.00	56,000.00	55,557.30		99.21
248-729-818-201	PUBLIC ART/PLACEMAKING	19,655.73		40,000.00	34,000.00	16,601.96		48.83
248-729-818-207	PEST CONTROL	400.00		500.00	500.00	465.00		93.00
CONTRACTUAL SERVICES		93,855.34		90,500.00	90,500.00	72,624.26		80.25
Unclassified								
248-729-972-100	FACADE GRANT INCENTIVE PROGRAM	30,000.00		15,000.00	15,000.00	0.00		0.00
Unclassified		30,000.00		15,000.00	15,000.00	0.00		0.00
Total Dept 729 - STREETScape & DESIGN		123,855.34		105,500.00	105,500.00	72,624.26		68.84
Dept 740 - DDA ADMINISTRATION								
SALARIES AND FRINGE BENEFITS								
248-740-704-000	FULL TIME EMPLOYEES	75,457.75		81,954.00	81,954.00	37,824.59		46.15
248-740-715-000	FICA	8,152.93		6,270.00	6,270.00	2,864.64		45.69
248-740-725-000	WORKERS COMPENSATION	336.00		0.00	336.00	295.17		87.85
SALARIES AND FRINGE BENEFITS		83,946.68		88,224.00	88,560.00	40,984.40		46.28
MATERIALS AND SUPPLIES								
248-740-728-000	OFFICE SUPPLIES	452.22		500.00	464.00	0.00		0.00
MATERIALS AND SUPPLIES		452.22		500.00	464.00	0.00		0.00
OTHER CHARGES								
248-740-817-008	BOARD TRAININGS	18.60		0.00	0.00	0.00		0.00
248-740-960-000	PROFESSIONAL DEVELOPMENT	3,758.84		3,000.00	2,700.00	65.95		2.44
OTHER CHARGES		3,777.44		3,000.00	2,700.00	65.95		2.44
Total Dept 740 - DDA ADMINISTRATION		88,176.34		91,724.00	91,724.00	41,050.35		44.75
Dept 902 - PUBLIC IMPROVEMENT								
CONTRACTUAL SERVICES								
248-902-821-001	ENGINEERING - ROBINA PROJECT	3,801.78		0.00	0.00	0.00		0.00
CONTRACTUAL SERVICES		3,801.78		0.00	0.00	0.00		0.00
Unclassified								
248-902-972-200	STREETScape IMPROVEMENTS	95,591.30		60,000.00	60,000.00	61,506.86		102.51
248-902-972-500	WAYFINDING	0.00		10,000.00	10,000.00	0.00		0.00
248-902-972-700	BERKLEY PLAZA PROJECT	2,304.00		0.00	0.00	0.00		0.00
Unclassified		97,895.30		70,000.00	70,000.00	61,506.86		87.87
Total Dept 902 - PUBLIC IMPROVEMENT		101,697.08		70,000.00	70,000.00	61,506.86		87.87
TOTAL EXPENDITURES		578,297.79		524,234.00	524,234.00	281,743.07		53.74

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REVENUE AND EXPENDITURE REPORT FOR CITY OF BERKLEY
 PERIOD ENDING 12/31/2024
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GL NUMBER	DESCRIPTION	END BALANCE	2024-25		YTD BALANCE	% BDGT USED
		06/30/2024	ORIGINAL	2024-25	12/31/2024	
		NORMAL (ABNORMAL)	BUDGET	AMENDED BUDGET	NORMAL (ABNORMAL)	
Fund 248 - DOWNTOWN DEVELOPMENT AUTHORITY						
Fund 248 - DOWNTOWN DEVELOPMENT AUTHORITY:						
	TOTAL REVENUES	498,072.44	459,234.00	459,234.00	438,073.83	95.39
	TOTAL EXPENDITURES	578,297.79	524,234.00	524,234.00	281,743.07	53.74
	NET OF REVENUES & EXPENDITURES	(80,225.35)	(65,000.00)	(65,000.00)	156,330.76	240.51

REVENUE AND EXPENDITURE REPORT FOR CITY OF BERKLEY
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GL NUMBER	DESCRIPTION	END BALANCE		2024-25		YTD BALANCE		% BGD USED
		NORMAL	(ABNORMAL)	ORIGINAL BUDGET	2024-25 AMENDED BUDGET	NORMAL	(ABNORMAL)	
Fund 275 - CDBG								
Revenues								
Dept 001 - REVENUES								
FEDERAL GRANTS								
275-001-530-023	CDBG-PROGRAM REVENUE - 22/23	11,052.94		35,000.00	35,000.00		0.00	0.00
	FEDERAL GRANTS	11,052.94		35,000.00	35,000.00		0.00	0.00
Total Dept 001 - REVENUES		11,052.94		35,000.00	35,000.00		0.00	0.00
TOTAL REVENUES		11,052.94		35,000.00	35,000.00		0.00	0.00
Expenditures								
Dept 902 - PUBLIC IMPROVEMENT								
CONTRACTUAL SERVICES								
275-902-818-045	CDBG EXPENSES-PROGRAM YEAR 2022-2023	1,895.14		0.00	2,000.00		742.16	37.11
275-902-818-046	CDBG EXPENSES-PROGRAM YEAR 2023-2024	2,640.00		35,000.00	33,000.00		3,864.36	11.71
	CONTRACTUAL SERVICES	4,535.14		35,000.00	35,000.00		4,606.52	13.16
Total Dept 902 - PUBLIC IMPROVEMENT		4,535.14		35,000.00	35,000.00		4,606.52	13.16
TOTAL EXPENDITURES		4,535.14		35,000.00	35,000.00		4,606.52	13.16
Fund 275 - CDBG:								
TOTAL REVENUES		11,052.94		35,000.00	35,000.00		0.00	0.00
TOTAL EXPENDITURES		4,535.14		35,000.00	35,000.00		4,606.52	13.16
NET OF REVENUES & EXPENDITURES		6,517.80		0.00	0.00		(4,606.52)	100.00

GL NUMBER	DESCRIPTION	END BALANCE		2024-25		YTD BALANCE		% BDGT USED
		NORMAL	(ABNORMAL)	ORIGINAL BUDGET	2024-25 AMENDED BUDGET	NORMAL	(ABNORMAL)	
Fund 311 - 11 MILE ROAD BONDS								
Revenues								
Dept 001 - REVENUES								
PROPERTY TAXES								
311-001-402-990	PROPERTY TAXES - CHARGEBACKS	(2,617.47)		0.00	0.00	0.00	0.00	0.00
	PROPERTY TAXES	(2,617.47)		0.00	0.00	0.00	0.00	0.00
Total Dept 001 - REVENUES		(2,617.47)		0.00	0.00	0.00	0.00	0.00
TOTAL REVENUES		(2,617.47)		0.00	0.00	0.00	0.00	0.00
Expenditures								
Dept 966 - OTHER FINANCING USES-TRASFERS OUT								
Unclassified								
311-966-995-101	TRANSFER OUT TO GENERAL FUND	10,048.18		0.00	0.00	0.00	0.00	0.00
	Unclassified	10,048.18		0.00	0.00	0.00	0.00	0.00
Total Dept 966 - OTHER FINANCING USES-TRASFERS OUT		10,048.18		0.00	0.00	0.00	0.00	0.00
TOTAL EXPENDITURES		10,048.18		0.00	0.00	0.00	0.00	0.00
Fund 311 - 11 MILE ROAD BONDS:								
TOTAL REVENUES		(2,617.47)		0.00	0.00	0.00	0.00	0.00
TOTAL EXPENDITURES		10,048.18		0.00	0.00	0.00	0.00	0.00
NET OF REVENUES & EXPENDITURES		(12,665.65)		0.00	0.00	0.00	0.00	0.00

REVENUE AND EXPENDITURE REPORT FOR CITY OF BERKLEY
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GL NUMBER	DESCRIPTION	END BALANCE		2024-25		YTD BALANCE		% BDGT USED
		NORMAL	(ABNORMAL)	ORIGINAL BUDGET	2024-25 AMENDED BUDGET	NORMAL	(ABNORMAL)	
Fund 443 - INFRASTRUCTURE MILLAGE FUND								
Revenues								
Dept 001 - REVENUES								
PROPERTY TAXES								
443-001-402-000	PROPERTY TAXES	1,383,304.53		1,421,000.00	1,421,000.00	1,423,456.52		100.17
443-001-402-990	PROPERTY TAXES - CHARGEBACKS	2,576.90		0.00	0.00	0.00		0.00
PROPERTY TAXES		<u>1,385,881.43</u>		<u>1,421,000.00</u>	<u>1,421,000.00</u>	<u>1,423,456.52</u>		<u>100.17</u>
STATE GRANTS								
443-001-573-000	LOCAL COMMUNITY STABILIZATION SHARE-PPT	8,984.94		0.00	0.00	0.00		0.00
STATE GRANTS		<u>8,984.94</u>		<u>0.00</u>	<u>0.00</u>	<u>0.00</u>		<u>0.00</u>
INVESTMENT EARNINGS								
443-001-665-000	INVESTMENT EARNINGS (LOSSES)	38,980.41		29,000.00	29,000.00	0.00		0.00
INVESTMENT EARNINGS		<u>38,980.41</u>		<u>29,000.00</u>	<u>29,000.00</u>	<u>0.00</u>		<u>0.00</u>
Total Dept 001 - REVENUES		<u>1,433,846.78</u>		<u>1,450,000.00</u>	<u>1,450,000.00</u>	<u>1,423,456.52</u>		<u>98.17</u>
TOTAL REVENUES		<u>1,433,846.78</u>		<u>1,450,000.00</u>	<u>1,450,000.00</u>	<u>1,423,456.52</u>		<u>98.17</u>
Expenditures								
Dept 901 - CAPITAL PROJECT								
CONTRACTUAL SERVICES								
443-901-821-000	ENGINEER - ROAD PROJECT	228,046.39		50,000.00	50,000.00	22,523.57		45.05
CONTRACTUAL SERVICES		<u>228,046.39</u>		<u>50,000.00</u>	<u>50,000.00</u>	<u>22,523.57</u>		<u>45.05</u>
CAPITAL OUTLAY								
443-901-975-000	CONSTRUCTION - ROAD PROJECT	1,386,585.26		700,000.00	700,000.00	28,531.05		4.08
CAPITAL OUTLAY		<u>1,386,585.26</u>		<u>700,000.00</u>	<u>700,000.00</u>	<u>28,531.05</u>		<u>4.08</u>
Total Dept 901 - CAPITAL PROJECT		<u>1,614,631.65</u>		<u>750,000.00</u>	<u>750,000.00</u>	<u>51,054.62</u>		<u>6.81</u>
TOTAL EXPENDITURES		<u>1,614,631.65</u>		<u>750,000.00</u>	<u>750,000.00</u>	<u>51,054.62</u>		<u>6.81</u>
Fund 443 - INFRASTRUCTURE MILLAGE FUND:								
TOTAL REVENUES		1,433,846.78		1,450,000.00	1,450,000.00	1,423,456.52		98.17
TOTAL EXPENDITURES		<u>1,614,631.65</u>		<u>750,000.00</u>	<u>750,000.00</u>	<u>51,054.62</u>		<u>6.81</u>
NET OF REVENUES & EXPENDITURES		(180,784.87)		700,000.00	700,000.00	1,372,401.90		196.06

GL NUMBER	DESCRIPTION	END BALANCE		2024-25		YTD BALANCE		% BDGT USED
		NORMAL	(ABNORMAL)	ORIGINAL BUDGET	2024-25 AMENDED BUDGET	NORMAL	(ABNORMAL)	
Fund 469 - COURT BUILDING FUND								
Revenues								
Dept 001 - REVENUES								
INVESTMENT EARNINGS								
469-001-665-000	INVESTMENT EARNINGS (LOSSES)	3,499.68		0.00	0.00	0.00	0.00	0.00
	INVESTMENT EARNINGS	3,499.68		0.00	0.00	0.00	0.00	0.00
Total Dept 001 - REVENUES		3,499.68		0.00	0.00	0.00	0.00	0.00
TOTAL REVENUES		3,499.68		0.00	0.00	0.00	0.00	0.00
Expenditures								
Dept 966 - OTHER FINANCING USES-TRASFERS OUT								
Unclassified								
469-966-995-101	TRANSFERS OUT TO GENERAL FUND	280,210.00		0.00	0.00	0.00	0.00	0.00
	Unclassified	280,210.00		0.00	0.00	0.00	0.00	0.00
Total Dept 966 - OTHER FINANCING USES-TRASFERS OUT		280,210.00		0.00	0.00	0.00	0.00	0.00
TOTAL EXPENDITURES		280,210.00		0.00	0.00	0.00	0.00	0.00
Fund 469 - COURT BUILDING FUND:								
TOTAL REVENUES		3,499.68		0.00	0.00	0.00	0.00	0.00
TOTAL EXPENDITURES		280,210.00		0.00	0.00	0.00	0.00	0.00
NET OF REVENUES & EXPENDITURES		(276,710.32)		0.00	0.00	0.00	0.00	0.00

REVENUE AND EXPENDITURE REPORT FOR CITY OF BERKLEY
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GL NUMBER	DESCRIPTION	END BALANCE	2024-25		YTD BALANCE	% BDGT USED
		06/30/2024	ORIGINAL BUDGET	2024-25 AMENDED BUDGET	12/31/2024 NORMAL (ABNORMAL)	
Fund 592 - WATER AND SEWER						
Revenues						
Dept 001 - REVENUES						
MISCELLANEOUS						
592-001-670-060	INSURANCE REIMBURSEMENTS	3,093.98	0.00	0.00	0.00	0.00
592-001-672-001	SUNDRY REVENUE	34,442.94	20,000.00	19,000.00	200.00	1.05
592-001-673-000	SALE OF FIXED ASSETS	181,619.60	0.00	1,000.00	1,023.20	102.32
MISCELLANEOUS		219,156.52	20,000.00	20,000.00	1,223.20	6.12
STATE GRANTS						
592-001-539-010	STATE GRANTS	0.00	0.00	0.00	7,122.83	100.00
592-001-557-000	OTHER GRANTS-COUNTY, ETC.	0.00	0.00	0.00	100,000.00	100.00
STATE GRANTS		0.00	0.00	0.00	107,122.83	100.00
CHARGES FOR SERVICES						
592-001-642-000	WATER SALES	4,259,128.73	4,842,000.00	4,842,000.00	2,772,987.71	57.27
592-001-642-001	NONRESIDENTIAL SURCHARGE	39,066.64	40,517.00	40,517.00	19,698.44	48.62
592-001-642-002	FIXED WATER CHARGE	818,123.15	896,000.00	896,000.00	471,852.24	52.66
592-001-642-003	STORM UTILITY CHARGE	2,914,905.42	3,168,000.00	3,168,000.00	1,640,269.27	51.78
CHARGES FOR SERVICES		8,031,223.94	8,946,517.00	8,946,517.00	4,904,807.66	54.82
INVESTMENT EARNINGS						
592-001-665-000	INVESTMENT EARNINGS (LOSSES)	5,628.69	7,652.00	7,652.00	0.00	0.00
INVESTMENT EARNINGS		5,628.69	7,652.00	7,652.00	0.00	0.00
PROPERTY/EQUIPMENT RENTAL						
592-001-668-000	EQUIPMENT RENTAL	13,225.48	20,000.00	20,000.00	16,544.91	82.72
PROPERTY/EQUIPMENT RENTAL		13,225.48	20,000.00	20,000.00	16,544.91	82.72
Unclassified						
592-001-656-002	LATE FEES	200,970.82	161,000.00	161,000.00	105,309.86	65.41
Unclassified		200,970.82	161,000.00	161,000.00	105,309.86	65.41
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Total Dept 001 - REVENUES		8,470,205.45	9,155,169.00	9,155,169.00	5,135,008.46	56.09
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TOTAL REVENUES		8,470,205.45	9,155,169.00	9,155,169.00	5,135,008.46	56.09
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Expenditures						
Dept 252 - ACTIVE EMPLOYEE BENEFITS						
SALARIES AND FRINGE BENEFITS						
592-252-716-000	DENTAL/VISION/LIFE-LTD/RHCS	29,010.08	34,500.00	34,500.00	9,279.02	26.90
592-252-716-500	HEALTH CARE COSTS - BC/BS	241,764.82	308,000.00	288,000.00	0.00	0.00
592-252-716-718	HEALTH BENEFITS-MERS RHFV RETIREES	0.00	10,000.00	10,000.00	0.00	0.00
592-252-718-000	RETIREMENT-DB MERS	147,545.88	31,000.00	34,994.00	17,496.60	50.00
592-252-718-003	PENSION EXPENSE - MERS RETIREMENT-DPW	(1,490,257.48)	210,000.00	226,147.00	113,073.18	50.00
592-252-718-010	MERS DC RETIREMENT	14,456.37	18,200.00	18,059.00	2,081.79	11.53
SALARIES AND FRINGE BENEFITS		(1,057,480.33)	611,700.00	611,700.00	141,930.59	23.20

REVENUE AND EXPENDITURE REPORT FOR CITY OF BERKLEY
 PERIOD ENDING 12/31/2024
 % Fiscal Year Completed: 50.41

GL NUMBER	DESCRIPTION	END BALANCE	2024-25	2024-25	YTD BALANCE	% BDGT USED
		06/30/2024	ORIGINAL BUDGET	AMENDED BUDGET	12/31/2024	
		NORMAL (ABNORMAL)			NORMAL (ABNORMAL)	
Fund 592 - WATER AND SEWER						
Expenditures						
Total Dept 252 - ACTIVE EMPLOYEE BENEFITS		(1,057,480.33)	611,700.00	611,700.00	141,930.59	23.20
Dept 536 - WATER & SEWER SERVICE						
SALARIES AND FRINGE BENEFITS						
592-536-704-000	FULL TIME EMPLOYEES	155,956.97	113,512.00	143,512.00	77,869.03	54.26
592-536-706-000	LABORERS	264,665.66	212,377.00	240,377.00	136,389.67	56.74
592-536-707-000	PART TIME EMPLOYEES	7,645.83	24,000.00	24,000.00	1,186.56	4.94
592-536-709-000	OVERTIME	33,543.88	35,000.00	35,000.00	27,810.22	79.46
592-536-715-000	FICA	36,054.07	32,859.00	32,859.00	18,474.98	56.23
592-536-721-000	ANNUAL LEAVE	(13,934.63)	0.00	0.00	0.00	0.00
592-536-722-000	SICK LEAVE	(15,763.52)	0.00	0.00	0.00	0.00
592-536-725-000	WORKERS COMP	35,050.65	35,009.00	31,009.00	30,754.62	99.18
592-536-726-200	INTERNAL SRVC - LABOR & ADMIN	400,000.00	400,000.00	400,000.00	200,000.00	50.00
SALARIES AND FRINGE BENEFITS		903,218.91	852,757.00	906,757.00	492,485.08	54.31
MATERIALS AND SUPPLIES						
592-536-728-000	OFFICE SUPPLIES	248.53	750.00	3,000.00	2,138.56	71.29
592-536-729-000	STATIONARY	6,121.63	10,000.00	7,000.00	1,315.34	18.79
592-536-730-000	POSTAGE-PRINTING-MAILING	15,282.11	20,000.00	20,000.00	10,219.59	51.10
592-536-744-000	UNIFORMS	7,873.90	8,000.00	8,000.00	6,093.14	76.16
592-536-751-000	FUEL & LUBE	30,773.65	30,000.00	30,000.00	5,785.43	19.28
592-536-758-000	PROGRAM SUPPLIES	7,161.84	6,500.00	6,500.00	123.81	1.90
592-536-787-000	TOOLS	2,892.89	4,000.00	4,000.00	1,856.26	46.41
MATERIALS AND SUPPLIES		70,354.55	79,250.00	78,500.00	27,532.13	35.07
CONTRACTUAL SERVICES						
592-536-801-000	BANK CHARGES	117.99	200.00	200.00	0.00	0.00
592-536-803-000	MEMBERSHIPS AND DUES	96.92	0.00	0.00	0.00	0.00
592-536-807-000	AUDIT SERVICES	6,000.00	7,200.00	7,700.00	7,700.00	100.00
592-536-811-000	CUSTODIAL	3,776.27	4,860.00	4,860.00	742.25	15.27
592-536-817-000	CONSULTANT	0.00	9,000.00	9,000.00	0.00	0.00
592-536-818-000	CONTRACTUAL SERVICES	95,246.88	1,071,000.00	1,071,000.00	289,013.22	26.99
592-536-821-000	ENGINEER	0.00	130,400.00	130,400.00	56,642.36	43.44
592-536-822-000	CROSS CONNECTIONS	20,229.00	24,400.00	24,400.00	10,614.00	43.50
592-536-830-000	DPW CONTRACTUAL	25,980.00	50,000.00	50,000.00	22,175.00	44.35
592-536-835-000	MEDICAL EXPENSES	1,991.30	1,000.00	1,250.00	545.30	43.62
592-536-851-000	RADIO MAINTENANCE	538.99	500.00	500.00	0.00	0.00
592-536-926-000	BULK WATER	880,497.52	1,005,000.00	1,005,000.00	447,234.99	44.50
592-536-927-000	BULK SEWAGE	1,152,181.92	1,205,000.00	1,205,000.00	511,626.21	42.46
592-536-928-000	NONRESIDENTIAL SURCHARGE	38,831.52	40,517.00	40,517.00	16,535.40	40.81
CONTRACTUAL SERVICES		2,225,488.31	3,549,077.00	3,549,827.00	1,362,828.73	38.39
UTILITIES						
592-536-853-000	TELEPHONE	2,912.05	3,250.00	3,250.00	1,391.40	42.81
592-536-920-000	UTILITIES	13,941.51	12,000.00	12,000.00	3,434.66	28.62
UTILITIES		16,853.56	15,250.00	15,250.00	4,826.06	31.65
OTHER CHARGES						
592-536-939-000	VEHICLE MAINTENANCE	20,991.99	30,000.00	20,000.00	6,503.96	32.52
592-536-940-000	EQUIPMENT RENTAL-LEAD LINES	35,456.35	0.00	40,000.00	16,819.80	42.05
592-536-940-001	EQUIPMENT RENTAL - VENDOR	9,500.00	10,000.00	10,000.00	498.60	4.99
592-536-946-000	OFFICE EQUIPMENT RENTAL	4,015.70	5,000.00	5,000.00	2,027.21	40.54
592-536-960-000	PROFESSIONAL DEVELOPMENT	12,925.50	13,000.00	13,000.00	3,237.50	24.90

REVENUE AND EXPENDITURE REPORT FOR CITY OF BERKLEY
 PERIOD ENDING 12/31/2024
 % Fiscal Year Completed: 50.41

GL NUMBER	DESCRIPTION	END BALANCE		2024-25		YTD BALANCE		% BDGT USED
		NORMAL	(ABNORMAL)	ORIGINAL BUDGET	2024-25 AMENDED BUDGET	NORMAL	(ABNORMAL)	
Fund 592 - WATER AND SEWER								
Expenditures								
OTHER CHARGES		82,889.54		58,000.00	88,000.00		29,087.07	33.05
CAPITAL OUTLAY								
592-536-982-000	CONCRETE REPAIR	0.00		200,000.00	200,000.00		65,831.00	32.92
592-536-982-592	EQUIPMENT	0.00		476,500.00	476,500.00		113,295.23	23.78
592-536-984-000	RADIO EQUIPMENT	1,264.37		500.00	3,000.00		2,748.25	91.61
592-536-985-000	VEHICLE	0.00		317,000.00	317,000.00		42,878.00	13.53
592-536-986-000	COMPUTER SOFTWARE	11,266.46		25,500.00	23,000.00		13,955.35	60.68
CAPITAL OUTLAY		12,530.83		1,019,500.00	1,019,500.00		238,707.83	23.41
INSURANCE								
592-536-913-000	VEHICLE INSURANCE	3,474.50		7,100.00	7,100.00		3,474.50	48.94
592-536-914-000	LIABILITY INSURANCE	2,887.00		5,947.00	5,947.00		2,887.00	48.55
INSURANCE		6,361.50		13,047.00	13,047.00		6,361.50	48.76
DEPRECIATION								
592-536-989-001	DEPRECIATION	837,217.66		0.00	0.00		0.00	0.00
DEPRECIATION		837,217.66		0.00	0.00		0.00	0.00
Total Dept 536 - WATER & SEWER SERVICE		4,154,914.86		5,586,881.00	5,670,881.00		2,161,828.40	38.12
Dept 537 - STORM SEWER SYSTEM								
SALARIES AND FRINGE BENEFITS								
592-537-706-000	LABORERS	13,306.68		45,000.00	45,000.00		8,482.88	18.85
592-537-709-000	OVERTIME	6,668.08		10,000.00	10,000.00		654.78	6.55
592-537-715-000	FICA	1,565.98		4,181.00	4,181.00		694.38	16.61
592-537-725-000	WORKERS COMP	10,495.95		10,481.00	10,481.00		9,207.32	87.85
SALARIES AND FRINGE BENEFITS		32,036.69		69,662.00	69,662.00		19,039.36	27.33
MATERIALS AND SUPPLIES								
592-537-744-000	UNIFORMS	1,292.92		2,000.00	2,000.00		666.66	33.33
MATERIALS AND SUPPLIES		1,292.92		2,000.00	2,000.00		666.66	33.33
CONTRACTUAL SERVICES								
592-537-927-000	STORM FLOW	1,961,823.24		2,041,000.00	1,957,000.00		934,213.12	47.74
CONTRACTUAL SERVICES		1,961,823.24		2,041,000.00	1,957,000.00		934,213.12	47.74
DEBT SERVICE								
592-537-992-000	INTEREST EXPENSE	4,027.80		4,260.00	4,260.00		2,129.78	49.99
592-537-993-000	DEBT PRINCIPAL	0.00		39,666.00	39,666.00		0.00	0.00
DEBT SERVICE		4,027.80		43,926.00	43,926.00		2,129.78	4.85
Total Dept 537 - STORM SEWER SYSTEM		1,999,180.65		2,156,588.00	2,072,588.00		956,048.92	46.13
Dept 902 - PUBLIC IMPROVEMENT								
CAPITAL OUTLAY								

REVENUE AND EXPENDITURE REPORT FOR CITY OF BERKLEY
 PERIOD ENDING 12/31/2024
 % Fiscal Year Completed: 50.41

GL NUMBER	DESCRIPTION	END BALANCE		2024-25		YTD BALANCE		% BGD USED
		NORMAL	(ABNORMAL)	ORIGINAL BUDGET	2024-25 AMENDED BUDGET	NORMAL	(ABNORMAL)	
Fund 592 - WATER AND SEWER								
Expenditures								
592-902-971-150	IMPROVEMENTS-SEWER	0.00		800,000.00	800,000.00	143,351.00		17.92
	CAPITAL OUTLAY	0.00		800,000.00	800,000.00	143,351.00		17.92
Total Dept 902 - PUBLIC IMPROVEMENT		0.00		800,000.00	800,000.00	143,351.00		17.92
TOTAL EXPENDITURES		5,096,615.18		9,155,169.00	9,155,169.00	3,403,158.91		37.17
Fund 592 - WATER AND SEWER:								
TOTAL REVENUES		8,470,205.45		9,155,169.00	9,155,169.00	5,135,008.46		56.09
TOTAL EXPENDITURES		5,096,615.18		9,155,169.00	9,155,169.00	3,403,158.91		37.17
NET OF REVENUES & EXPENDITURES		3,373,590.27		0.00	0.00	1,731,849.55		100.00

REVENUE AND EXPENDITURE REPORT FOR CITY OF BERKLEY
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GL NUMBER	DESCRIPTION	END BALANCE		2024-25		YTD BALANCE		% BDGT USED
		NORMAL	(ABNORMAL)	ORIGINAL BUDGET	2024-25 AMENDED BUDGET	NORMAL	(ABNORMAL)	
Fund 732 - PUBLIC SAFETY PENSION								
Revenues								
Dept 001 - REVENUES								
PROPERTY TAXES								
732-001-402-732	PROP TAXES PUBLIC SAFETY PA 345	1,325,000.00		1,449,788.00	1,449,788.00		0.00	0.00
PROPERTY TAXES		1,325,000.00		1,449,788.00	1,449,788.00		0.00	0.00
MISCELLANEOUS								
732-001-672-001	SUNDRY REVENUE	679.10		371.00	371.00		106.05	28.58
MISCELLANEOUS		679.10		371.00	371.00		106.05	28.58
INVESTMENT EARNINGS								
732-001-665-000	INVESTMENT EARNINGS (LOSSES)	2,377,586.07		1,394,000.00	1,394,000.00		0.00	0.00
INVESTMENT EARNINGS		2,377,586.07		1,394,000.00	1,394,000.00		0.00	0.00
CONTRIBUTION/DONATIONS								
732-001-675-732	EMPLOYEE CONTRIBUTIONS	79,806.51		35,000.00	35,000.00		0.00	0.00
CONTRIBUTION/DONATIONS		79,806.51		35,000.00	35,000.00		0.00	0.00
Total Dept 001 - REVENUES		3,783,071.68		2,879,159.00	2,879,159.00		106.05	0.00
TOTAL REVENUES		3,783,071.68		2,879,159.00	2,879,159.00		106.05	0.00
Expenditures								
Dept 345 - PUBLIC SAFETY OPERATIONS								
SALARIES AND FRINGE BENEFITS								
732-345-706-310	PSO RETIREES	2,058,930.65		2,100,000.00	2,100,000.00		1,020,557.88	48.60
732-345-726-200	INTERNAL SRVC - LABOR & ADMIN	25,000.00		25,000.00	25,000.00		12,500.00	50.00
SALARIES AND FRINGE BENEFITS		2,083,930.65		2,125,000.00	2,125,000.00		1,033,057.88	48.61
CONTRACTUAL SERVICES								
732-345-807-000	AUDIT SERVICES	2,100.00		2,500.00	2,700.00		2,700.00	100.00
732-345-817-000	CONSULTANT	94,245.43		130,000.00	115,000.00		45,225.83	39.33
732-345-818-000	CONTRACTUAL SERVICES	50,100.00		35,000.00	50,000.00		18,000.00	36.00
732-345-826-000	LEGAL SERVICES - GENERAL LIABILITY	2,916.00		2,000.00	2,000.00		0.00	0.00
CONTRACTUAL SERVICES		149,361.43		169,500.00	169,700.00		65,925.83	38.85
INSURANCE								
732-345-914-000	LIABILITY INSURANCE	21,770.95		19,659.00	19,459.00		9,543.00	49.04
INSURANCE		21,770.95		19,659.00	19,459.00		9,543.00	49.04
Total Dept 345 - PUBLIC SAFETY OPERATIONS		2,255,063.03		2,314,159.00	2,314,159.00		1,108,526.71	47.90
TOTAL EXPENDITURES		2,255,063.03		2,314,159.00	2,314,159.00		1,108,526.71	47.90
Fund 732 - PUBLIC SAFETY PENSION:								

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REVENUE AND EXPENDITURE REPORT FOR CITY OF BERKLEY
 PERIOD ENDING 12/31/2024
 % Fiscal Year Completed: 50.41

GL NUMBER	DESCRIPTION	END BALANCE	2024-25		YTD BALANCE	% BDGT
		06/30/2024	ORIGINAL	2024-25	12/31/2024	
		NORMAL (ABNORMAL)	BUDGET	AMENDED BUDGET	NORMAL (ABNORMAL)	USED
Fund 732 - PUBLIC SAFETY PENSION						
	TOTAL REVENUES	3,783,071.68	2,879,159.00	2,879,159.00	106.05	0.00
	TOTAL EXPENDITURES	2,255,063.03	2,314,159.00	2,314,159.00	1,108,526.71	47.90
	NET OF REVENUES & EXPENDITURES	1,528,008.65	565,000.00	565,000.00	(1,108,420.66)	196.18

GL NUMBER	DESCRIPTION	END BALANCE		2024-25		YTD BALANCE		% BDGT USED
		NORMAL	(ABNORMAL)	ORIGINAL BUDGET	2024-25 AMENDED BUDGET	NORMAL	(ABNORMAL)	
Fund 735 - OTHER POST EMPLOYMENT BENEFITS-MERS								
Revenues								
Dept 001 - REVENUES								
INVESTMENT EARNINGS								
735-001-665-000	INVESTMENT EARNINGS (LOSSES)	730,553.02		0.00	0.00	229,029.72		100.00
INVESTMENT EARNINGS		730,553.02		0.00	0.00	229,029.72		100.00
CONTRIBUTION/DONATIONS								
735-001-675-735	EMPLOYER CONTRIBUTIONS	748,991.08		0.00	0.00	992.23		100.00
CONTRIBUTION/DONATIONS		748,991.08		0.00	0.00	992.23		100.00
Total Dept 001 - REVENUES		1,479,544.10		0.00	0.00	230,021.95		100.00
TOTAL REVENUES		1,479,544.10		0.00	0.00	230,021.95		100.00
Expenditures								
Dept 256 - RETIREE HEALTH-RHFV								
SALARIES AND FRINGE BENEFITS								
735-256-716-720	RETIREE HEALTH BENEFITS-FROM RHFV	736,004.37		0.00	0.00	0.00		0.00
SALARIES AND FRINGE BENEFITS		736,004.37		0.00	0.00	0.00		0.00
OTHER CHARGES								
735-256-808-000	ADMINISTRATIVE FEES	15,748.88		0.00	0.00	8,673.95		100.00
OTHER CHARGES		15,748.88		0.00	0.00	8,673.95		100.00
Total Dept 256 - RETIREE HEALTH-RHFV		751,753.25		0.00	0.00	8,673.95		100.00
TOTAL EXPENDITURES		751,753.25		0.00	0.00	8,673.95		100.00
Fund 735 - OTHER POST EMPLOYMENT BENEFITS-MERS:								
TOTAL REVENUES		1,479,544.10		0.00	0.00	230,021.95		100.00
TOTAL EXPENDITURES		751,753.25		0.00	0.00	8,673.95		100.00
NET OF REVENUES & EXPENDITURES		727,790.85		0.00	0.00	221,348.00		100.00

REVENUE AND EXPENDITURE REPORT FOR CITY OF BERKLEY
 PERIOD ENDING 12/31/2024
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GL NUMBER	DESCRIPTION	END BALANCE		2024-25		YTD BALANCE		% BDGT USED
		NORMAL	(ABNORMAL)	ORIGINAL BUDGET	2024-25 AMENDED BUDGET	NORMAL	(ABNORMAL)	
Fund 809 - SIDEWALKS								
Revenues								
Dept 001 - REVENUES								
PROPERTY TAXES								
809-001-402-000	PROPERTY TAXES	63,486.79		0.00	0.00	0.00	0.00	0.00
	PROPERTY TAXES	63,486.79		0.00	0.00	0.00	0.00	0.00
INVESTMENT EARNINGS								
809-001-665-000	INVESTMENT EARNINGS (LOSSES)	666.71		0.00	0.00	0.00	0.00	0.00
	INVESTMENT EARNINGS	666.71		0.00	0.00	0.00	0.00	0.00
OTHER FINANCING SOURCES								
809-001-699-101	TRANSFERS IN FROM GENERAL FUND	84,074.12		0.00	0.00	0.00	0.00	0.00
	OTHER FINANCING SOURCES	84,074.12		0.00	0.00	0.00	0.00	0.00
SPECIAL ASSESSMENT REVENUE								
809-001-676-000	SPECIAL ASSESSMENT REVENUE	143,175.98		0.00	0.00	0.00	0.00	0.00
	SPECIAL ASSESSMENT REVENUE	143,175.98		0.00	0.00	0.00	0.00	0.00
Total Dept 001 - REVENUES		291,403.60		0.00	0.00	0.00	0.00	0.00
TOTAL REVENUES		291,403.60		0.00	0.00	0.00	0.00	0.00
Expenditures								
Dept 901 - CAPITAL PROJECT								
CONTRACTUAL SERVICES								
809-901-821-000	ENGINEER	32,156.19		2,500.00	2,500.00	0.00	0.00	0.00
	CONTRACTUAL SERVICES	32,156.19		2,500.00	2,500.00	0.00	0.00	0.00
CAPITAL OUTLAY								
809-901-975-001	CONSTRUCTION - SIDEWALKS	276,163.91		5,000.00	5,000.00	0.00	0.00	0.00
	CAPITAL OUTLAY	276,163.91		5,000.00	5,000.00	0.00	0.00	0.00
Total Dept 901 - CAPITAL PROJECT		308,320.10		7,500.00	7,500.00	0.00	0.00	0.00
TOTAL EXPENDITURES		308,320.10		7,500.00	7,500.00	0.00	0.00	0.00
Fund 809 - SIDEWALKS:								
TOTAL REVENUES		291,403.60		0.00	0.00	0.00	0.00	0.00
TOTAL EXPENDITURES		308,320.10		7,500.00	7,500.00	0.00	0.00	0.00
NET OF REVENUES & EXPENDITURES		(16,916.50)		(7,500.00)	(7,500.00)	0.00	0.00	0.00
TOTAL REVENUES - ALL FUNDS		37,925,961.36		35,833,947.00	37,268,502.00	23,633,760.55		63.41

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REVENUE AND EXPENDITURE REPORT FOR CITY OF BERKLEY
 PERIOD ENDING 12/31/2024
 % Fiscal Year Completed: 50.41

GL NUMBER	DESCRIPTION	END BALANCE		2024-25		YTD BALANCE		% BDT USED
		NORMAL	(ABNORMAL)	ORIGINAL BUDGET	AMENDED BUDGET	NORMAL	(ABNORMAL)	
			06/30/2024				12/31/2024	
TOTAL EXPENDITURES - ALL FUNDS		33,168,647.78		35,544,547.00		37,661,972.00	14,605,756.72	38.78
NET OF REVENUES & EXPENDITURES		4,757,313.58		289,400.00		(393,470.00)	9,028,003.83	2,294.46

RESOLUTION

NOW, THEREFORE BE IT RESOLVED that the following
Budget Amendment# 2025-3 is authorized:

	INCREASE (DECREASE)
GENERAL FUND	
REVENUES	
Property Tax Revenue	567,370
TOTAL REVENUES	\$ 567,370
APPROPRIATIONS	
City Manager	
Personnel Services	55,000
Contractual Services	10,400
Finance Department	
Personnel Services	70,000
Communications	
Personnel Services	2,300
Contractual Services	5,000
Other Services and Charges	4,200
Retiree Benefits	
Personnel Services	36,000
Citywide Projects	
Capital Outlay	50,040
Public Safety Operations	
Personnel Services	40,000
Public Safety Retiree Benefits	
Personnel Services	181,430
Department of Public Works	
Personnel Services	48,000
Department of Public Works - Street Program	
Other Services and Charges	25,000
TOTAL APPROPRIATIONS	\$ 527,370
Net Increase (Decrease) to Fund Balance	\$ 40,000

Ending Fund Balance	\$4,538,208
Fund Balance as a % of total annual expenditures	25%

SOLID WASTE FUND	
REVENUES	
Property Tax Revenue	72,764
Charges for Services	(72,764)
TOTAL REVENUES	\$ -
Net Increase (Decrease) to Fund Balance	\$ -

INFRASTRUCTURE MILLAGE FUND	
REVENUES	
Property Tax Revenue	79,211
Interest Income	789
TOTAL REVENUES	\$ 80,000
Net Increase (Decrease) to Fund Balance	\$ 80,000

I hereby certify that the foregoing is a true and complete copy of a
resolution adopted by the City Council of the City of Berkeley
at a regular meeting held on February 24, 2025

Victoria Mitchell
City Clerk



MEMORANDUM

To: Mayor Dean and City Council
From: Carl Johnson, Finance Director
Date: *February 24, 2025*
Subject: Second Quarter Budget Amendment 2025-3

Madam Mayor and Members of City Council,

Background

The State of Michigan Budget Act requires the City to adopt an annual budget prior to the beginning of each fiscal year and to amend the budget periodically as facts and circumstances change throughout the year. City of Berkley adopted an annual budget for all funds and has made amendments throughout the year. The primary purpose of the quarterly amendments is to ensure the City continues to stay compliant with the Budget Act, specifically related to expenditures. The Budget Act requires all expenditures to be properly appropriated with the only official reporting to the State being the submission of the annual audit report. To the extent any departments in any of the required budgetary funds is as little as \$1 over budget, the auditors are required to disclose the overage in the audit report. The attached detail is summarized at the departmental level for approval with the specific line items and explanations being included for information only.

Summary

- The proposed General Fund amendment has a net increase to fund balance of \$40,000 with an increase in revenue of \$567,370 and expenditures of \$527,370 bringing estimated fund balance to \$4,538,208.
- Actual property tax revenue billed 7/1/24 was higher than the estimate in the original budget primarily due to new growth over the inflationary increase. Property tax revenue in the General, Solid Waste and Infrastructure Funds has been increased to the actual billings.
- General Fund proposed amendment for expenditures includes increases for salary adjustments for new hires, increases for payouts paid to employees for compensated absences upon separation or retirement, increase for City's cost related to employees purchasing time for pension, increase for public safety wage increases given in late FY 2023/2024 after the budget was created, insurance cost increases from the 1/1/25 renewal, street lighting utility costs greater than anticipated, installment debt payments from the prior year LED lighting project that were not budgeted, prior year operating costs paid in the current year, and consulting costs for a transition period during staffing changes.

- The General Fund amendment also includes funding for the new HR position previously approved by mayor and council but the budget was never amended to reflect the costs of the position.
- The infrastructure amendment increases fund balance by \$80,000 which will ultimately be used for future lead line/road projects.
- The Solid Waste proposed amendment includes reduction in special trash revenue due to the elimination of the tag program and adjusting the commercial revenue to the estimated annual total. The proposed amendment has no net impact of fund balance.

Recommendation

Approval of second quarter budget amendment 2025-3 for the fiscal year 2024/2025 as presented.

Budget Amendment# 2025-3 - February 24, 2025

<u>GL #</u>	<u>Project/Item Description</u>	<u>Budget Category</u>	<u>Amount</u>
General Fund 101			
Revenues			
101-001-402.000	Property Taxes	Property Taxes	\$ 242,095
101-001-402.010	Property Taxes Oper Voted	Property Taxes	71,023
101-001-402.020	Property Taxes Police/Fire	Property Taxes	72,768
101-001-402.732	Property Taxes PS PA 345	Property Taxes	141,342
101-001-445.000	Property Taxes - Interest and Penalties	Property Taxes	10,000
101-001-447.000	Property Taxes - Admin Fee	Property Taxes	30,142
			\$ 567,370
Expenditures			
101-172-704.000	Full-Time Employees	Personnel Services	\$ 55,000
101-172-817.000	Consultant	Contractual Services	10,400
101-191-704.000	Full-Time Employees	Personnel Services	50,000
101-191-704.000	Full-Time Employees	Personnel Services	20,000
101-250-704.000	Full-Time Employees	Personnel Services	2,300
101-250-815.000	Cable Production	Contractual Services	5,000
101-250-923.000	Cable Franchise Admin Fee	Other Services and charges	4,200
101-254-718.100	MERS - Service Credit Purchase	Personnel Services	36,000
101-265-971.150	Land Improvements	Capital Outlay	50,040
101-345-704.000	Full-Time Employees	Personnel Services	40,000
101-355-716.600	Healthcare - Medicare Adv	Personnel Services	40,430
101-355-718.000	Retirement - DB PSO Pension	Personnel Services	141,000
101-441-704.000	Full-Time Employees	Personnel Services	48,000
101-448-922.000	Street Lighting	Other Services and charges	25,000
			\$ 527,370
Net Increase (decrease) to fund balance			\$ 40,000
Ending Fund Balance		\$4,538,208	
Fund Balance as a % of total annual expenditures		25%	

Solid Waste Fund 226			
Revenues			
226-001-402.000	Property Taxes	Property Taxes	\$ 72,764
226-001-629.002	Commercial Trash	Charges for Services	(16,900)
226-001-629.003	Special Trash	Charges for Services	(55,864)
			\$ -
Net Increase (decrease) to fund balance			\$ -

Infrastructure Millage Fund 443			
Revenues			
443-001-402.000	Property Taxes	Property Taxes	\$ 79,211
443-001-665.000	Investment Earnings	Interest Income	789
			\$ 80,000
Net Increase (decrease) to fund balance			\$ 80,000

February 24, 2025 City Council Meeting

Moved by Councilmember _____ and seconded by Councilmember _____ to authorize the Mayor to execute a third party Specialized Services Operating Assistance contract between SMART and the City of Berkley for public transportation services primarily designed for senior citizens and disabled persons. The contract period for this program is from October 1, 2024 to September 30, 2025.

Ayes:

Nays:

Motion:



MEMORANDUM

To: Mayor Dean and City Council
CC: Crystal VanVleck, City Manager
Carl Johnson, Finance Director
From: Dan McMinn, Parks and Recreation Superintendent
Date: February 7, 2025
Subject: FY 2025 SMART Specialized Services Contract

Madam Mayor and Members of City Council,

Background

Berkley Parks and Recreation, in partnership with SMART Transportation, offers van transportation service for Berkley residents over the age of 50, retired or semi-retired in an effort to get riders to doctors appointments, the grocery store, salons and more. The contract provided is a renewal for Fiscal Year 2025 and will allow the city to receive \$23,202, the same level of funding as last year, to help offset costs of this beneficial service.

Summary

- Renewal contract for Fiscal Year 2025 – October 1, 2024 to September 30, 2025.
- The City of Berkley would be eligible to receive up to \$23,202, which is the same amount of funding as last year.
- The Senior Transportation service provided by Berkley Parks and Recreation is an invaluable program that allows seniors in Berkley the ability to get to and from appointments, shopping trips and other miscellaneous errands.
- The program services anyone over the age of 50, retired or semi-retired, with a lot of our riders coming from the Oxford Park Towers senior living community. The service is primarily designed for senior citizens and persons who are handicapped.

Recommendation

I recommend the signing of the attached contract to help continue to fund this wonderful service.

Matter of authorizing the Mayor to execute a third-party Specialized Services Operating Assistance contract between SMART and the City of Berkley for public transportation services primarily designed for senior citizens and persons who are handicapped. The contract period for this program is from October 1, 2024 to September 30, 2025.

**SPECIALIZED SERVICES OPERATING ASSISTANCE PROGRAM
THIRD-PARTY CONTRACT- FY 2025**

THIS AGREEMENT (“Agreement” or “Contract”) is made and entered between the Suburban Mobility Authority for Regional Transportation (hereinafter referred to as “**AUTHORITY**”), whose address is 535 Griswold Suite 600, Detroit, Michigan 48226, and City of Berkley (hereinafter referred to as “**SUBRECIPIENT**”), whose address is 2400 Robina Rd, Berkley, MI 48072.

SECTION 1. - DEFINITIONS

PROGRAM	Means the Michigan Specialized Services Operating Assistance Program designed primarily for seniors and persons with disabilities as defined under Section 10e(4)(c)(i) of Act 51, of the Public Acts of 1951, as amended; MCL 247.660e(4)(c)(i).
DEPARTMENT	Means the Michigan Department of Transportation.
BUREAU	Means the Bureau of Urban and Public Transportation of the Michigan Department of Transportation.
AUTHORITY	Means the Suburban Mobility Authority for Regional Transportation (SMART).
PROJECT	Means the providing of SPECIALIZED SERVICES.
SPECIALIZED SERVICES	Means public transportation services primarily designed for persons with disabilities or who are sixty-five (65) years of age or older.
STATE	Means the State of Michigan.
SUBRECIPIENT	Means City of Berkley, which will provide the transit services with funds received under this Contract.
APPLICATION	Means the AUTHORITY’s application, submitted in cooperation with the SUBRECIPIENT, for funding from this PROGRAM for the period from October 1, 2024 ₁ to September 30, 2025.

SECTION 2. - PURPOSE

The purpose of this Contract is to pass through operating assistance funding received from the DEPARTMENT PROGRAM, to the SUBRECIPIENT. The transit services provided shall be as described in the APPLICATION submitted by the SUBRECIPIENT through the AUTHORITY and approved for funding by the DEPARTMENT.

SECTION 3. - FUNDING

The AUTHORITY is only obligated to provide funds under this Contract to the extent that funds for the PROGRAM are made available to it and approved by the DEPARTMENT as outlined in the Contract Authorization provided to us by the DEPARTMENT.

The SUBRECIPIENT is eligible for contract costs in the amount of \$ 23,202.

The maximum amount of the AUTHORITY funds to be given the SUBRECIPIENT shall not be increased without a prior written amendment to this Contract. DEPARTMENT funds made available to the AUTHORITY, through legislative appropriation, are based on projected revenue estimates. In the event that revenue actually received is insufficient to support the appropriation, it may necessitate a reduction in the maximum amount of said funds available to the SUBRECIPIENT. In such event, the AUTHORITY reserves the right, without notice, to reduce the maximum obligation of funds for the SUBRECIPIENT by the amount of any reduction by the DEPARTMENT to the AUTHORITY.

SECTION 4. - BUDGET ADJUSTMENTS

Budget adjustments must be requested in writing by the SUBRECIPIENT. Upon receipt of the request, the AUTHORITY shall have thirty-five (35) business days to provide written approval or disapproval of the budget adjustment. If no action is taken within thirty-five (35) working days, the budget adjustment shall be deemed approved. Expenditure of funds in excess of any line-item will not be considered an eligible PROJECT cost. The addition of any new line-item, or any line-item changes which represent a deviation from the PROJECT as described in the APPLICATION, shall require a prior written amendment to this Contract.

SECTION 5. - PROJECT COSTS AND REVENUES

The SUBRECIPIENT shall complete and submit to the AUTHORITY the information required by the DEPARTMENT, on the quarterly reporting form (available online at SMARTbus.org), within ten (10) days after the end of each state of Michigan fiscal year quarter. Failure to provide the quarterly report within thirty (30) days after the end of each state of Michigan fiscal year quarter, may result in a loss of a portion of or all funding. The AUTHORITY reserves the right to withhold payment of PROJECT funds if the SUBRECIPIENT fails to file reports as required in this paragraph.

If the SUBRECIPIENT also receives funding under 1951 P.A. 51, Section 10e(4)(a); MCL 247.660e(4)(a), as amended as its cost allocation plans must be submitted to the BUREAU for approval. Any PROJECT costs in excess of revenues reported on the quarterly reporting form will **not** be eligible under any other state and federal program administered by the AUTHORITY or the DEPARTMENT.

Section 6. - BILLING, PAYMENTS AND QUARTERLY REPORTS

Notwithstanding the provisions set-forth in Section 3 of this Contract, the AUTHORITY shall provide to the SUBRECIPIENT the STATE funds designated for the eligible project costs incurred in performance of this Contract within ten (10) business days of the receipt of said funds from the DEPARTMENT.

The AUTHORITY may appropriately reduce payments if written reports submitted by the SUBRECIPIENT as required under this section indicate that the level of service described in the APPLICATION has been reduced.

Actual reimbursement shall be based on a rate per mile, or one-way passenger trips of SPECIALIZED SERVICES up to the maximum amount provided for herein.

The actual reimbursement method selected by the SUBRECIPIENT is \$1.76 per mile, but subject to change.

Should the per-mile rate method be selected by SUBRECIPIENT, actual reimbursement may be subject to change, per DEPARTMENT and/or BUREAU reimbursement rate modifications.

SECTION 7. - TERMINATION OR SUSPENSION

For any violation of this Contract or legislative change, the AUTHORITY may, by thirty (30) days written notice, suspend any and all of the rights and obligations under this Contract until such time as the event or condition resulting in such suspension has ceased or been corrected, or the AUTHORITY may, by thirty (30) days written notice to the SUBRECIPIENT, terminate any and all of the rights and obligations under this Contract.

SECTION 8. - ACCOUNTING RECORDS, AUDITS, AND DOCUMENTATION

(a) Establishment and Maintenance of Accounting Records

The SUBRECIPIENT shall maintain books, records, documents, and other accounting records in accordance with generally accepted governmental accounting principles. Said records shall be sufficient to properly reflect all costs of whatever nature claimed to have been incurred or anticipated to be incurred in the performance of the identified PROJECT. To facilitate the administration of the PROJECT, separate records shall be established and maintained. The SUBRECIPIENT shall assure that the records to support the miles traveled and the passengers carried as reported pursuant to Section 6 of this Contract are established and maintained.

(b) Audit

The SUBRECIPIENT shall permit the AUTHORITY and/or the DEPARTMENT or the authorized representatives of the AUTHORITY to audit all data and records relating to the performance of this contract. The SUBRECIPIENT shall retain and allow access to, and require its contractors to retain and allow access to all data and records pertaining to the PROJECT for a period of not less than six (6) years after the final payment by the AUTHORITY pursuant to the Contract.

The period of access, examination, and retention of data and records which relate to litigation or the settlement, of claims arising out of the performance of this Contract, or costs of this Contract as to which exception has been taken by the AUTHORITY or the DEPARTMENT or the authorized representative of the AUTHORITY or the DEPARTMENT, shall continue until such litigation, claims, or exceptions have been disposed of.

(c) Costs Supported by Documentation

PROJECT costs shall be supported by properly executed canceled checks, invoices or vouchers evidencing the nature and propriety of the charges.

(d) Accuracy of Financial Documentation

If a third-party contract is required for rendering of the services herein, then the SUBRECIPIENT is responsible for the accuracy of the financial and non-financial data and reports submitted for reimbursement.

(e) Revenue Expense Guidelines

If the SUBRECIPIENT also receives funding under 1951 P.A. 51, Section 10e(4)(a); MCL 247.660e(4)(a), as amended, determination of PROJECT costs shall be in conformity with the criteria set forth in the DEPARTMENT'S Office of Passenger Transportation's "Local Public Transit Revenue and Expense Manual." All other providers of service shall use the "Specialized Services Manual" (effective October 1, 2015, and any subsequent revisions, amendments and replacements).

SECTION 9. - THIRD-PARTY CONTRACT PROCEDURE

The SUBRECIPIENT shall **not** enter into contracts with third parties for provision of services herein without prior written approval from the AUTHORITY; notice of potential third-party contracts shall be submitted to the AUTHORITY for approval in writing. Approval or denial of said third-party contract will be submitted, in writing, to SUBRECIPIENT by the AUTHORITY. The AUTHORITY shall approve any third-party contracts at its sole discretion.

Approval does not constitute an assumption of liability, a waiver or an estoppel to enforce any of the requirements of this Contract, nor shall any such approval by the AUTHORITY be construed as a warranty of the third-party's qualifications, professional standards, ability to perform the work being subcontracted, or financial integrity.

SECTION 10 - ACCESS

SUBRECIPIENT agrees to provide, and will require its contractors to provide, access by the AUTHORITY and/or the DEPARTMENT to all technical data, reports, documents and work in progress pertaining to the PROJECT. Copies of technical data and reports shall be provided by the SUBRECIPIENT or its contractors to the AUTHORITY upon request.

SECTION 11. - INDEMNIFICATION

Notwithstanding any other provision in this Agreement, SUBRECIPIENT shall indemnify, defend and save harmless AUTHORITY, its officers, agents, employees, and members of its Board of Directors from any and all claims, losses and damages, including costs and attorney fees, occurring or resulting from any act or omission the SUBRECIPIENT or its officers, agents, employees, subcontractors, successors or assigns arising out of and/or pursuant to this Agreement without regard to the negligence of the SUBRECIPIENT.

This Agreement is not intended to alter or increase SMART or SUBRECIPIENT's liability for tort claims, to other third-parties. Nor is this indemnity provision intended to be a third-party beneficiary contract, and therefore it confers no rights or third-party status on anyone other than the parties hereto.

SECTION 12. - ENTIRE AGREEMENT

This Contract, along with any exhibits, addendums, schedules, and amendments hereto, merges and concludes the entire agreement of SUBRECIPIENT and the AUTHORITY. Any previous communications, whether oral or written, are superseded through by this document. The SUBRECIPIENT and AUTHORITY acknowledge, by executing this document that said parties have not relied on any representation, assertion, guarantee, warranty, ancillary contract or other assurance, except those set out in this AGREEMENT. SUBRECIPIENT hereby waives all rights and remedies, at law or in equity, which may arise as the result of said party's reliance on such representation, assertion, guarantee, warranty, ancillary contract or other assurance, provided that no clause herein shall be construed as a restriction or limitation of said party's right to remedies associated with the gross negligence, willful misconduct or fraud of any person or party taking place prior to, or contemporaneously with, the execution of this Agreement.

SECTION 13. - PROHIBITED DISCRIMINATION

The SUBRECIPIENT shall not discriminate against any passenger because of race, color, sex, age, handicap, religion, ancestry, marital status, national origin, place of birth or sexual orientation in accordance with the State of Michigan provisions for "Prohibition of Discrimination in State Contracts", dated August of 1985, which is hereby incorporated by reference.

The SUBRECIPIENT shall not discriminate based upon race, color, creed, national origin, sex, age, disability, height, weight, familial status, marital status, or sexual orientation, in accordance

with Civil Rights Act of 1964, being P.L. 88-352, 78 Stat. 241, as amended, being Title 42 U.S.C. Sections 1971, 1975a-1975d, and 2000a-2000h-6, Section 303 of the Age Discrimination Act of 1975, Section 202 of the Americans with Disabilities Act of 1990, 49 U.S.C. Section 5332, the Michigan Elliot-Larsen Civil Rights Act, MCLA 37.2101 et seq., and SMART policy.

The SUBRECIPIENT shall comply with FTA Circular C 9070.1G, as may be amended or updated, with respect to all provisions on Civil Rights and discrimination including, but not limited to, Chapter VIII, §9.

The SUBRECIPIENT shall require similar covenants on the part of any contractor or subcontractor employed in the performance of the PROJECT for which this Contract is made.

SECTION 14. - MBE/WBE

In accordance with 1980 P.A. 278, MCL 423.321 at seq; MCL 445.901 et seq, the SUBRECIPIENT, in the performance of this Agreement, shall not enter into a Contract with a subcontractor, manufacturer, or supplier listed in the register maintained by the STATE, Department of Labor, of employers who have been found in contempt of court by a federal court of appeals, on not less than three (3) occasions involving different violations during the preceding seven (7) years, for failure to correct an unfair labor practice, as prohibited by Section 8 of Chapter 372 of the National Labor Relations Act, 29 U.S.C. 158. The AUTHORITY may void this Contract if the name of the SUBRECIPIENT, or the name of a subcontractor, manufacturer, or supplier utilized by the SUBRECIPIENT in the performance of this Contract subsequently appears in the register during the performance period of this Contract.

SECTION 15. - MISCELLANEOUS PROVISIONS

(a) If any provision of this contract is held invalid, the remainder of this Contract shall not be affected, if any such remainder continues to conform to the provisions and requirements of applicable law.

(b) The SUBRECIPIENT shall commence, carry on, and complete the PROJECT in accordance with all applicable laws. Nothing in this Contract shall require the SUBRECIPIENT to observe, comply, or do any other thing in contravention of any STATE, Local or Federal law.

(c) The SUBRECIPIENT warrants that it has no interest and shall not acquire any interest, direct or indirect, which would conflict in any manner or degree with the performance of SPECIALIZED SERVICES required to be performed under this Contract. The SUBRECIPIENT further warrants that in the performance of this Contract, no person having any such interest shall be employed.

(d) None of the funds, materials, property, or services obtained by the AUTHORITY or the SUBRECIPIENT under this Contract shall be used for any partisan political activity, or to further the election or defeat of any political activity or candidate for public office.

(e) The SUBRECIPIENT shall not assign any interest in this Contract without the prior written approval of the AUTHORITY, however, that compensation due to the SUBRECIPIENT under

this Contract may be assigned to a bank, trust company, or other financial institution without such approval. Notice of any such assignment shall be furnished promptly to the AUTHORITY in writing. Any such assignment does not relieve the SUBRECIPIENT of its obligations under this Contract.

(f) If the SUBRECIPIENT enters into any contracts with other governmental agencies for the purposes of providing SPECIALIZED SERVICES outside of its jurisdictional boundaries, as defined and provided by law, it shall immediately provide the BUREAU with a copy of any contracts and true copies of any resolutions passed by its governing board which relate to the providing of service under such contracts.

SECTION 16. - TERM OF CONTRACT

Upon execution, this Contract shall cover the period commencing October 1, 2024, and extending through September 30, 2025.

The SUBRECIPIENT agrees to notify the AUTHORITY of any event which may have significant potential impact on PROJECT progress, direction, control or cost.

SECTION 17. - EXECUTION

This Contract shall become binding on the parties hereto upon the execution thereof by the duly authorized official(s) for the SUBRECIPIENT and the AUTHORITY; and upon the adoption of a resolution approving said Contract and authorizing the signatures thereto of the respective official(s) of the SUBRECIPIENT, a certified copy of which resolution shall be attached to this Contract.

The Parties acknowledge and agree that this Agreement may be executed by electronic signature, which shall be considered as an original signature for all purposes and shall have the same force and effect as an original signature. The Parties agree that the electronic signatures appearing on this Agreement are the same as handwritten signatures for the purposes of validity, enforceability and admissibility. Without limitation, “electronic signature” shall include faxed versions of an original signature or electronically scanned and transmitted versions (e.g., via pdf) of an original signature.

THE PARTIES HEREBY ACKNOWLEDGE that they have read and understand this Agreement and that the signatories below have affixed their signatures and affirmed that they are authorized to execute this Agreement, for the purpose of binding their respective Parties.

**SUBURBAN MOBILITY AUTHORITY
FOR REGIONAL TRANSPORTATION**

CITY OF BERKLEY

Signature

Signature

Printed Name

Printed Name

Title

Title

Date

Date

Suburban Mobility Authority for Regional Transportation

EEO COMPLIANCE REPORT A

COMMUNITY PARTNERSHIP FORM

Agency/Community Information

Program Type: Community Partnership Program (CPP) Specialized Service New Freedom JARC 5310

Name of Agency/Community: City of Berkley Parks and Recreation

Address: 2400 Robina

City: Berkley

State: MI

Zip: 48072

Agency/Community Data

1) Has your agency/community completed in excess of \$1,000,000 in

DOT federally-funded contracts from SMART in the past year?

Yes No

2) Does your agency/community employ over fifty (50) transit related employees?

Yes No

If the answers to the previous two questions were both "Yes", Please forward

your agency's/community's Affirmative Action plan to the address below:

Buhl Building
535 Griswold Street, Suite 600
Detroit, MI 48226

Attn: EEO Coordinator

Have all subcontractors been informed of their responsibility to file an EEO Compliance Report A form? Yes No N/A

Drug and Alcohol Testing Program Requirements

Does your agency/community have a DOT Drug and Alcohol testing program for

Safety-sensitive employees? (Vehicle operators, dispatchers, mechanics and armed security)

Yes No

Name of drug and alcohol testing manager? Jessica Stover

Title: Director of Human Resources

Phone Number: 248.658.3356

Ext:

Email: jstover@berkleymi.gov

Please Proceed to Employment Data Section Below

Suburban Mobility Authority for Regional Transportation

EEO COMPLIANCE REPORT A

COMMUNITY PARTNERSHIP FORM

Employment Data

Report **ONLY** employees directly involved in the operation of your non-emergency transportation program. Including permanent, temporary, or part-time employees. Enter the appropriate figures in the spaces below relating to each employee's race and gender.

Job Classification	Total				Race														
					Minority														
	Employees	Male	Female	Minority	White		African American		Hispanic		Asian		Pacific Islander		American Indian		Multi Race		
					Male	Female	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female	Male
Officials/Managers	1	1			1														
Professionals																			
Technicians																			
Office and Clerical Staff																			
Craftsmen (Skilled)	2	2			2														
Operators (Semi-Skilled)	2	2			2														
Laborers (Unskilled)																			
Service Workers																			
Journey Workers																			
Apprentices																			
Total	5																		

Certification

How was this information obtained? Visual Survey: Yes No Employment Records: Yes No

Name of Authorizing Official (Print): Dan McMinn Title: Parks and Recreation Superintendent

Signature: Date: 1/28/2025

Contact person for report: Dan McMinn Title: Parks and Recreation Superintendent

Telephone: 248.658.3470 Ext: Email: dmcminn@berkleymi.gov

AN
ORDINANCE
of the City Council of the City of Berkley, Michigan to Repeal Chapter 94 Signs,
Repeal and Replace Chapter 138 Zoning and Repeal and Replace the City of Berkley's
Zoning Map in order to move sign regulations to the Zoning Ordinance, match the
recommendations of the City's Master Plan and modernize sign and zoning
regulations.

**THE CITY OF
BERKLEY ORDAINS:**

SECTION 1: Chapter 94 Signs is repealed.

SECTION 2: Chapter 138 Zoning is repealed and replaced.

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.

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 Monday, February 24, 2025 .

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

Bridget Dean, Mayor

Attest:

Victoria E. Mitchell, City Clerk



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

FROM: Megan Masson-Minock, AICP, Principal

DATE: February 12, 2025

RE: Draft Zoning Ordinance

Thank you for the opportunity to be part of the rewriting of the City of Berkley's Zoning Ordinance. Please find attached a draft Zoning Map and Zoning Ordinance, updated per the conditions of the Planning Commission recommendation of approval on January 28, 2025. An updated table detailing the major changes by article in the draft Zoning Ordinance is included at the end of this memo.

The draft Zoning Ordinance is the culmination of a two-year process, led by a Steering Committee and influenced by community input. Four community workshops were held on specific topics in January 2024 and the proposed draft Zoning Ordinance and Zoning Map have been available for public comment since October 2024. The Planning Commission held a public hearing on November 26, 2024 and recommended approval with conditions of the draft Zoning Ordinance on January 28, 2025.

We look forward to discussing this draft of the proposed Zoning Ordinance at a first reading with you on February 24, 2025 at 7 p.m. At that time, the City Council may ask for a revised draft for the second reading or approved the draft for a second reading as presented.

Sincerely,

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

Appendix – Proposed Major Changes by Article

The table below details the major proposed changes to the draft Zoning Ordinance by Article:

Article	Proposed Changes
Article 1: Title, Purpose, Legal Clauses	<ul style="list-style-type: none"> • Language updated as needed
Article 2: Definitions	<ul style="list-style-type: none"> • All definitions are proposed to be consolidated in Article 2 • Regulations are proposed to be moved out of definitions. • Several definitions, such as home-based business, have been updated.
Article 3: Administration and Enforcement	<ul style="list-style-type: none"> • The sections on amendments, variances, appeals, special land uses, and site plan review have been moved to different and/or separate articles. • Duties have been assigned to the Community Development Director or their designee. • The submittal requirements for a certificate of zoning compliance are more detailed than current requirements. • A Completion of Construction section is proposed, stating that anything under construction before the Zoning Ordinance is adopted is not subject to it retroactively. • The public hearing section lists exemptions, per the Michigan Zoning Enabling Act. • New sections for performance guarantee and development agreements are proposed. • Violations remain municipal civil infractions but a process for dealing with violations is proposed and sub-sections on requiring compliance and public nuisance per se are proposed.
Article 4: Establishment of Districts	<ul style="list-style-type: none"> • R-1A, R-1B, R-1C, and R-1D are proposed to be consolidated into two zoning districts R-1AB & R-1CD, using the R-1B and R1-C minimum lots sizes and widths, respectively. • The R-2, R-M, R-M-H, Community Centerpiece, and Cemetery Districts remain. • The Woodward, Downtown and Gateway districts are proposed to be site design based districts. New site design based districts, Flex and Residential Corridor, are proposed. The Office, Local Business, Industrial, and Eleven Mile, Twelve Mile and Coolidge Districts are proposed to be replaced by the site design based districts.

Article	Proposed Changes
Article 5: Use-Based Districts	<ul style="list-style-type: none"> • In all residential districts, all non-residential buildings are proposed to comply with the Community Centerpiece dimensional requirements. • The R-1AB & R-1CD are proposed to use the current R-1B and R1-C minimum lots sizes and widths, respectively. • Minimum floor areas are proposed to be reduced to 800 square feet in the R-1AB and R1-CD. • In the R-2, smaller lot sizes than currently required in the R-2 zoning district, consistent with the R1-CD, are proposed for single family and two family dwellings. • The P-1 Parking District is proposed to become an overlay district where the principal and special uses of the underlying zoning district are allowed and off-street parking lots or parking structures as the primary use are special uses.
Article 6: Site Design Based Districts	<ul style="list-style-type: none"> • New site design based zoning districts are proposed • Uses are allowed as use groups, instead of a list of individual uses • Site layouts (size and setbacks) of buildings are determined by site types and street types. • The maximum building heights have been lowered, with the Planning Commission, after a public hearing, able to allow for height increases for a green roof (1 story), new public space or development of an existing public space (up to 2 stories), or an affordable housing component (up to 2 stories), when certain standards are met. The proposed building height with increases is the same as the maximum height for current zoning districts.
Article 7: PUD	<ul style="list-style-type: none"> • The intent (preamble in the current ZO) is more descriptive. • The minimum of 0.5 acre is proposed to be removed. • Expanded standards of approval and more specific examples of recognizable and material benefits. • The approval process is proposed as follows: pre-application meeting with staff; optional meeting with adjacent neighborhoods and properties; optional sketch plan meeting with the Planning Commission; preliminary plan with a Planning Commission public hearing and recommendation and City Council public hearing and action; and final development plan with a recommendation by Planning Commission and action by City Council. • Expanded requirements for preliminary application and plan set. • Final application and plan set requirements in addition to those required for site plan review. • Instead of a single year to begin construction after approval, the applicant would have 2 years after preliminary approval to apply for

Article	Proposed Changes
Article 7: PUD, continued	<p>final approval and 3 years for final approval to begin construction. The applicant may apply for an extension for either preliminary or final approval.</p> <ul style="list-style-type: none"> • Regulations on abandonment are proposed. • It is specified that the ZBA has no authority over PUDs. • A section on violations is proposed.
Article 8: Specific Use Provisions	<ul style="list-style-type: none"> • Instead of embedding specific use provisions within the district regulations where they are permitted, we propose a separate article to apply to all districts where a specific use may be permitted. • A two-tier system for home-based businesses is proposed. A home office is allowed as an accessory use and does not need a permit. Any home-based business with customers, employees, parking or signs is proposed to require a require a Commercial Business License and Zoning Certificate. • Adult oriented uses regulations have been updated per most up to date case law. • Sections, based on current regulations with updates, are proposed for: single family dwellings; multiple family dwellings with six or more units; nursing homes, senior assisted living facilities and convalescent centers, automotive uses, funeral homes and mortuaries, contractor’s yards, garden centers and nurseries, drive-through and drive-in facilities, open air businesses, self-storage facilities, adult foster care facilities, child care facilities, places of assembly (private clubs and places of worship), indoor recreation areas, outdoor service areas, marihuana business regulations, tobacco and vape shops, and outdoor storage. New sections are proposed for: accessory dwelling units; gun shops and commercial kennels/pet day cares.
Article 9: General Provisions	<ul style="list-style-type: none"> • Definitions are proposed to be moved to Article 2. • The following sections are proposed to move to their own articles: lighting, nonconforming buildings and uses. • The following sections are proposed to be removed (the current regulations are hyperlinked to the name of the sections proposed to be removed): voting places, continuing obligations of owners, bulk regulations, incomplete dwellings, and interpretation of use. • The following sections dealing with specific uses are proposed: Solar Energy, and Wireless Communication Facilities. • Accessory buildings and structures remain essentially unchanged. • For the exterior appliances section, a sub-section allowing generator testing Mon-Fri 9 am – 6 pm and a section on nonconforming exterior appliances are proposed.

Article	Proposed Changes
<p>Article 9: General Provisions, continued</p>	<ul style="list-style-type: none"> • Seasonal sales, seasonal events, and other temporary uses combined into one section with regulations by type of event, including circus, sidewalk sales, and promotional events. • The fence regulations remain mostly unchanged. Instead of a fence certificate, a zoning permit is required. Language has been added to prevent underground encroachments into adjacent properties from footers of fences or walls. • The wind energy section does not have proposed changes. • A Driveway and Curb Cut section is proposed. The residential driveway requirements of current Section 138-222 (3) are in this section. New provisions for driveway spacing for commercial uses are proposed, including references to engineering standards. • All of the performance standards except grading are proposed to move to the Site Design Based Districts since those uses would have the impacts regulated. <ul style="list-style-type: none"> • A section on structure completion is proposed. • A section on use per lot is proposed, per a request from the City Attorney. • Current regulations on height exceptions, porches, and projections have been moved into the zoning district articles, Articles 5 and 6. • Current regulations on buildable lots are proposed to be moved to the Nonconformities Article. • The essential services section is proposed to remain the same. • The section on yard regulations is proposed for deletion. We feel that these regulations, which deal with multiple-family building setbacks, are better handled in in the articles regulating the zoning districts where multiple-family buildings are allowed, articles 5 and 6. • A section on prohibited materials in residential zoning districts is proposed. • A section requiring all parcels to be developed to have frontage on a public street is proposed. • A section on open-air structures is proposed. • Calculating gross floor area, grade, and building height are proposed to be moved out of Definitions into General Provisions to call out those provisions and not bury regulations in the definitions.
<p>Article 10: Special Land Uses</p>	<ul style="list-style-type: none"> • The Intent section is proposed to be updated. • The Special Land Use approval process is proposed to be described in more detail, including the effect of the different possible Planning Commission actions. • The review standards have been expanded.

Article	Proposed Changes
Article 10: Special Land Uses, continued	<ul style="list-style-type: none"> • Instead of valid approval for 1 year with no extensions possible, special land use approval is proposed to be valid for 2 years, with a single 2-year extension allowed. • Regulations for amendments, expansions, changes in use, inspections, and revocation are proposed.
Article 11: Signs	<ul style="list-style-type: none"> • Sign regulations are moved from a stand-alone ordinance into the Zoning Ordinance. • A robust Intent section is proposed, consistent with other ZO articles. • Reorganization is proposed to minimize the number of tables, reduce redundancies, and simplify some dimensional regulations to offer more consistency. • Permanent signs split into two tables: freestanding and building-mounted signs. Temporary signs are proposed on a third table. • Removal of all content-based regulations is proposed • A design section is proposed to include recommendations from the Downtown Design Guidelines that are possible to regulate. • The illumination section was retooled to offer consistent requirements across all illuminated sign types and use best practices for modern technology. • Pole-mounted signs proposed to only be permitted in the Woodward Zoning District.
Article 12: Landscaping Standards	<ul style="list-style-type: none"> • Landscaping requirements proposed for screening between land uses, parking lots, general site landscaping, and along streets. • Tree replacement calculations proposed to include the size of the required replacement trees in addition to the number. • A description of required landscape plan details is proposed, along with planting standards. • Screening standards for commercial waste bins are proposed. • Proposed stormwater management practices integrated to reflect Downtown Design Guidelines and Master Plan.
Article 13: Lighting Standards	<ul style="list-style-type: none"> • Separate article for exterior lighting standards. • Lighting under canopies is proposed to be recessed or full cutoff luminaires aimed straight down. • Illumination for uses adjacent to residentially zoned or used property is proposed to not exceed 0.5 footcandles at ground level along common property lines. Lighting for uses adjacent to nonresidential properties must not exceed 1.0 footcandles at property lines. This reflects the Downtown Design Guidelines. • A 3500 Kelvin maximum light color standard is proposed.

Article	Proposed Changes
<p>Article 13: Lighting Standards, continued</p>	<ul style="list-style-type: none"> • Proposed dimming at night that the lighting must be reduced to at least fifty (50%) percent of the light level at full illumination one (1) hour after closing. • The list of exemptions is proposed to be expanded, including exemptions for residential lighting fixtures for seasonal lighting, decorative landscape lighting, flag illumination, and single-family houses, duplexes, accessory dwellings, and associated accessory buildings.
<p>Article 14: Off-Street Parking, Loading and Access Standards</p>	<ul style="list-style-type: none"> • The intent is more descriptive. • The minimum number of parking spaces is updated to reflect the standards recommended by the recent Berkley parking study, the consensus of the steering committee, and in the case of multiple-family parking, the recommendation by the Planning Commission. • A clear vision zone section has been provided. • The shared use provision provides more specific requirements. • A process for exceptions has been provided. • The exception for sites within 500 feet of a municipal parking lot no longer has the restriction of not crossing a major road. • The design descriptions for residential uses are less prescribed than the current ordinance. • Lighting and landscaping/screening standards reference those articles instead of detailing them in this article. • A payment-in-lieu option has been added. • Bicycle parking requirements are proposed and the bicycle parking credit for off-street parking spaces provision is to be removed. • Plug-in EV parking standards are proposed. • Off-street loading requirements have been updated to allow more flexibility in application.
<p>Article 15: Site Plan Review Procedures and Requirements</p>	<ul style="list-style-type: none"> • The intent section is proposed to be updated. • A required site plan is proposed for new buildings or expansions of building types subject to special approval. • Instead of a single site plan review by the Planning Commission, a preliminary approval by the Planning Commission and final site plan approval by the Community Development Director is proposed. • Administrative site plan is proposed for façade changes that bring a structure closer to compliance with the Zoning Ordinance, the number or size of windows is increasing, minor changes required by an outside governmental agency, expansion of a structure by 1,000 square feet or 5% percent of the gross floor area, (whichever is less), changes to the landscape plan to bring it closer to compliance with the Zoning Ordinance, parking lot changes that comply with the Zoning Ordinance.

Article	Proposed Changes
Article 15: Site Plan Review Procedures and Requirements, continued	<ul style="list-style-type: none"> • Site plan review standards are proposed to be expanded. • An optional pre-application meeting with staff and consultants is proposed. • Instead of 1 year with two 1-year extensions possible, final site plan approval is proposed to be valid for 2 years, with multiple 1-year extensions allowed. • Proposed sections on performance guarantees and development agreements.
Article 16: Nonconformities	<ul style="list-style-type: none"> • Nonconformities is as its own Article. • Definitions are proposed to move to the Article 2 – Definitions • A Purpose and Intent Section is proposed, with elements from the current Section 138-52, to clarify the reasons for the regulations. • A section on nonconforming lots is proposed.
Article 17: Zoning Board of Appeals	<ul style="list-style-type: none"> • Regulations on the Zoning Board of Appeals, appeals and variances are consolidated into a single Article. • "Written charges" are proposed as part of the process for City Council to remove a member of the ZBA. • Section 17.03 has been expanded to include sub-sections on rules, votes, and representation. • Records are proposed to be kept by the Zoning Administrator instead of the City Clerk. • Section 17.05 has more detailed requirements for variance applications. • A provision is proposed that a variance that has been denied may not be reapplied for within 12 months from the date of denial. • Approval periods remain 12 months, except for a variance associated with a site plan, which is valid for 2 years, in line with the timeline for approved site plans.
Article 18: Rezoning and Zoning Ordinance Text Amendments	<ul style="list-style-type: none"> • Purpose section proposed to be eliminated. • Expand the amendments to include site or street type changes to the regulating plans in Article 6. • Specify application requirements for rezonings and site or street type changes • Specific criteria for site or street type changes • Specific criteria for rezonings • Specific criteria for text amendments • Process, application requirements and standards for conditional rezonings • Section on amendments required to conform to court decree

City of Berkeley

Draft Zoning
Ordinance

Draft Date: February 12, 2025

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ARTICLE 1

TITLE, PURPOSE, AND LEGAL CLAUSES

SECTION 1.01 TITLE

This Ordinance is known as and may be cited as “The City of Berkley Zoning Ordinance,” or the “Ordinance.”

SECTION 1.02 AUTHORITY, FINDINGS, AND PURPOSES

- A. The Michigan Zoning Enabling Act (Public Act 110 of 2006, as amended) establishes the authority to adopt comprehensive zoning regulations and empowers the City to enact a Zoning Ordinance and provide for its administration, enforcement, and amendment.
- B. The City deems it necessary to enact said regulations for the purpose of promoting and protecting the health, safety, comfort, convenience, and general welfare of its residents.
- C. The City has prepared and adopted a Master Plan designed to guide growth in a logical and orderly fashion; to lessen congestion on the public streets; to protect and preserve its natural resources; and to ensure a well-balanced community considering its present and potential physical, economic, cultural, and environmental assets.
- D. The City has identified districts on a Zoning Map and prepared regulations in this Zoning Ordinance pertaining to such districts, in coordination with the City of Berkley Master Plan and for the specific purposes of:
 - 1. Promoting and protecting the public health, safety, and general welfare;
 - 2. Protecting the character and stability of the recreational, agricultural, residential, commercial, industrial, and public lands within the City of Berkley;
 - 3. Promoting and regulating growth of the City of Berkley to obtain orderly and beneficial development with a balanced mix of uses that

- will support economic vitality and sustainability;
- 4. Conserving life, property, and natural resources;
- 5. Stewarding the expenditure of funds for public improvements and services;
- 6. Providing adequate light, air, and privacy to parcels;
- 7. Lessening and avoiding congestion on highways and streets, and providing safe and convenient access for parcels; and
- 8. Conserving the taxable value of land, buildings, and structures of the City.

SECTION 1.03 VALIDITY AND SEVERABILITY

- A. If any court of competent jurisdiction declares any part of this Ordinance to be invalid, such ruling must not affect any other provisions of this Ordinance not specifically included in said ruling.
- B. If any court of competent jurisdiction declares invalid the application of any provision of this Ordinance to a particular parcel, lot, use, building, or structure, such ruling must not affect the application of said provision to any other parcel, lot, use, building, or structure not specifically included in said ruling.

SECTION 1.04 SCOPE AND CONSTRUCTION OF REGULATIONS

- A. This Ordinance must be liberally construed in such a manner as to best effectuate its purposes. In interpreting and applying the provisions of this Chapter, the requirements must be held to the minimum for the promotion of the public health, safety, convenience, comfort, prosperity, and general welfare.
- B. No building or structure, or part thereof, maybe erected, constructed, reconstructed, or altered and maintained, and no new use or change may be made or maintained of any building, structure, or land, or part thereof, except as permitted by and in conformity with the provisions of this Ordinance.

SECTION 1.05 CONFLICTS

- A. Where any condition imposed by any provision of this Ordinance upon the use of any parcel, building, or structure is either more restrictive or less restrictive than any comparable condition imposed by any other provision of this Ordinance or by any other provision of this Code, the provision which is more restrictive, or which imposes a higher standard or requirement must govern.
- B. This Ordinance is not intended to abrogate or annul any easement, covenant, or other private agreement, provided that where any provision of this Ordinance is more restrictive or imposes a higher standard or requirement than such easement, covenant, or other private agreement, the provision of this Ordinance must govern.
- C. Nothing within this Ordinance should be construed to prevent compliance with an order by the appropriate authority to correct, improve, strengthen, or restore to a safe or healthy condition, any part of a building or premises declared unsafe or unhealthy.

SECTION 1.06 REPEAL OF ORDINANCE

The City of Berkley Zoning Ordinance, and all amendments thereto, and all prior Zoning Ordinances of the City of Berkley, are repealed effective as of the effective date of this Ordinance.

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ARTICLE 2 DEFINITIONS

SECTION 2.01 INTERPRETATION OF ARTICLE PROVISIONS

- A. In their interpretation and application, the provisions of this Article must be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.
- B. Where the conditions imposed by any provisions of this Chapter, upon the use of land or buildings or upon the bulk of buildings, are either more restrictive or less restrictive than comparable conditions imposed by any other provision of this Chapter or of any other law, ordinance, resolution, rule or regulation of any kind, the regulations which are more restrictive, or which impose higher standards or requirements must govern.
- C. This Chapter is not intended to abrogate any easement, covenant, or any other private agreement, provided that where the regulations of this Chapter are more restrictive or impose higher standards or requirements than such easements, covenants or other private agreements, the requirements of this Article must govern.
- D. No building, structure or use which was not lawfully existing at the time of the adoption of this ordinance may become or be made lawful solely by reason of the adoption of this Chapter; and to the extent that, and in any manner that, such unlawful building, structure or use is in conflict with the requirements of this Chapter, such building, structure or use remains unlawful under the ordinance.
- E. 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:
- F. All words used in the present tense include the future; all words in the singular number include the plural number; and all words in the plural number include the singular number; the word "building" includes the word "structure" and "dwelling" includes "residence"; the word "person" includes "corporation," "co-partnership," "association," as well as an individual; the word "must" is mandatory and not discretionary.

- G. Terms not defined in this Section have the meaning customarily assigned to them.

SECTION 2.02 DEFINITIONS

Accessory building or accessory structure: A subordinate building on the same parcel as the principal building, the use of which is incidental to that of the principal building, including garages and carports, studios for private use, greenhouses, hobby shops, and recreation rooms. The various types of accessory buildings and structures are defined, but not limited to as follows:

- A. *Accessory dwelling unit:* A small, independent, residential dwelling unit located as an accessory to a primary residential dwelling.
- B. *Antennas:* Structures or facilities for the reception or transmission of radio, television, and microwave signals.
- C. *Attached accessory structure:* Structure that is part of the principal building occupied by or devoted exclusively to any accessory use.
- D. *Carport:* A covered area for the parking or storage of currently licensed and registered motor vehicles, completely open on one side and partially enclosed on the opposite side.
- E. *Dog houses:* A structure providing shelter for dogs.
- F. *Dog run:* An open-air enclosure, attached or detached from the principal structure for the purposes of housing or exercising animals commonly classified as domestic pets.
- G. *Garage:* A structure designed and intended to be used for the periodic parking or storage of one or more private motor vehicles, yard equipment, or recreational vehicles such as, but not limited to, boats, trailers, all-terrain vehicles, and snowmobiles.
- H. *Shed:* A structure designed and intended to be used for the storage of tools, garden tractors, lawn mowers, motorcycles, small recreation vehicles such as, but not limited to, snowmobiles, boats, trailers, all-terrain vehicles, motor scooters, or used as doll houses or children's playhouses.
- I. *Swimming pool for private residential use only:* A swimming pool and the apparatus and equipment pertaining to the swimming pool maintained by

an individual for the sole use of their household and guests without charge for admission and not for the purpose of profit or in connection with any business operated for profit, located on a lot as an accessory use to a residence. This includes hot tubs and jacuzzies as installed outside and accessory to the main residence.

- J. *Open-air, Gazebo, pergola*: A detached structure that is of open, screened, or lattice-work construction, and generally used for outdoor seating.

Accessory use: A use subordinate to the main use on a lot and used for purposes clearly incidental to those of the main use.

Adult family day care home: A private residence, in which six adults or less are given care and supervision for periods of time not to exceed sixteen hours in a twenty-four-hour period. It includes facilities for adults who are aged, mentally ill, developmentally disabled, or physically handicapped and require supervision on an ongoing basis. An adult family day care home does not include alcohol or substance abuse rehabilitation centers, residential centers for persons released from or assigned to a correctional facility, or any other facilities that do not meet the definition of adult day care center.

Adult group day care home: A private residence in which more than six but not more than twelve adults receive care or are given care and supervision for periods of time not to exceed sixteen hours in a twenty-four-hour period. It includes facilities for adults who are aged, mentally ill, developmentally disabled, or physically handicapped that require supervision on an ongoing basis. An adult group day care home does not include alcohol or substance abuse rehabilitation centers, residential centers for persons released from or assigned to a correctional facility, or any other facilities that do not meet the definition of adult day care center.

Adult day care center: A center other than a private residence, in which more than six adults are supervised and receive group care for periods of time not to exceed sixteen hours in a twenty-four-hour period. It includes facilities for adults who are aged, mentally ill, developmentally disabled, or physically handicapped and require supervision on an ongoing basis. An adult day care center does not include alcohol or substance abuse rehabilitation centers, residential centers for persons released from or assigned to a correctional facility, or any other facilities which do not meet the definition of adult day care center.

Affordable Housing Component: When and where at least fifteen percent of all Dwelling Units or fifteen percent of all Floor Area is devoted to Affordable Housing Dwelling Units.

Affordable Housing Dwelling Unit: Housing units reserved for households with income levels that are less than sixty percent of Area median income as defined by the United States Department of Housing and Urban Development (HUD) where the occupant is paying no more than the current HUD Fair Market Rents for Oakland County, including taxes and utilities.

Air conditioning unit: The central air conditioning system located on the exterior of a building, including a compressor, fan, condenser coil, evaporator coil, and refrigerant.

Alley or service drive: Any dedicated public way affording a secondary means of vehicular access to abutting parcels, and not intended for general traffic circulation.

Alterations: Any change, addition, or modification in construction or type of occupancy; any change in the structural members of a building or structure, such as walls, partitions, columns, beams, girders, or any change which may be referred to herein as "altered" or "reconstructed."

Animal boarding facility: Facilities for the temporary boarding of animals during the day or overnight. The various types of animal boarding facilities are defined, but not limited to as follows:

- A. *Kennel, Commercial:* Any lot or premises of any nature whatsoever, on which dogs, four months or more old, are kept, whether for the purpose of breeding, or boarding for any period of time, whether permanent or temporary.
- B. *Pet Day Care:* Facilities for the temporary boarding of animals during the day.

Applicant and Petitioner. The parcel owner, or a person acting with the written and signed authorization of the parcel owner to make an application under this Section.

Architectural features: A prominent or significant part or element of a building, including cornices, eaves, gutters, belt courses, sills, bay windows, chimneys, and decorative trim and ornaments.

Attached single family residential development: Three or more single family dwelling units constructed in a series or group of attached units with parcel lines separating such units from other units and from common areas.

Automobile fueling/multi-use service station: A place where gasoline, or any other automobile engine fuel, kerosene or motor oil and lubricants, or grease (for the operation of motor vehicles) are retailed directly to the public in the premises; including the sale of minor accessories and services for motor vehicles (including minor repairs). Electric vehicle charging stations are not considered automobile fueling stations.

Automobile repair: General repair, engine rebuilding, rebuilding, or reconditioning of motor vehicles; collision service, such as body, frame, or fender straightening and repair; and painting; but not including undercoating of automobiles unless provided in a completely enclosed spray booth or building.

Automotive wash: A business that provides either automated, hand, or self-serve washing and waxing of motor vehicles.

Awning: See Canopy.

Bar/lounge: A type of restaurant that is operated primarily for the dispensing of alcoholic beverages, with the ancillary sale of prepared food or snacks. If a bar or lounge is part of a larger dining facility, it is defined as that part of the structure so designated or operated.

Basement: [See Story: Basement](#)

Bed and Breakfast. A guest house or small lodging facility offering sleeping accommodations and a morning meal.

Best Management Practices (BMP): The best available methods, activities, maintenance procedures, technologies, operation methods, or management practices for preventing or reducing the number of regulated substances entering groundwater and surface water from a particular land use activity.

Bicycle parking space: An area and facility used for the securing of bicycles, including enclosed bicycle storage, covered bicycle racks, or fixed bicycle racks that meet the requirements of this Ordinance for bicycle parking.

Block: All land fronting on one side of a street between the nearest streets, alleys, rights-of-way, intersecting, meeting, or crossing such street and bounding such land.

Body piercing studio: Any establishment having as its principal activity the piercing or puncturing of body parts with the object of displaying jewelry. A jewelry store that pierces ear lobes as part of its business is not considered a body-piercing studio.

Buffer: A landscaped area composed of living material, wall, berm, or combination thereof, established and maintained to provide visual screening, noise reduction, and transition between land uses.

Building: Any structure, either temporary or permanent, having a room, and used or built for the shelter or enclosure of persons, animals, or personal property of any kind. This includes tents, awnings or vehicles situated on private property and used for purposes of a building.

Building code or construction code: The Michigan State Building Code or Michigan State Residential Code.

Building frontage: The portion of a building that principally relates to the public right-of-way.

Building height: The vertical distance measured from the grade level to the highest point of the roof surface of a flat roof; to the deck of mansard roofs; and to the mean height level between eaves and ridges of gable, gambrel, hip, or shed roof. [See Section 9.19: Calculating Building Height.](#)

Building line, front: A line formed by the farthest protruding face of the building, excluding projections. The face of a building is the frontage wall of the building extending to each lot line.

Building line, rear: A line formed by the farthest protruding rear face of the building, excluding projections. The face of a building is the rear wall of the building extending to each lot line.

Building, main or principal: A building in which is conducted the principal use of the lot on which it is situated.

Building Official: The administrative official charged with the responsibility of enforcing the Building Code.

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

Canopy: Any overhead protective structure that is constructed in such a manner as to allow pedestrians or vehicles to pass under.

Child day care center: [See Section 8.13.](#)

Child family day care home: [See Section 8.13.](#)

Child group day care home: [See Section 8.13.](#)

City: The City of Berkley.

Clinic, Medical: An establishment where human patients who are not lodged overnight are admitted for examination and treatment by a group of physicians, dentists, or similar professionals.

Club: An organization of persons for special purposes or for the promulgation of agriculture, sports, arts, science, literature, politics, or the like.

Commercial vehicle: Any motor vehicle with a gross vehicle weight over ten thousand pounds which is used for the transportation of passengers for hire, or which is constructed or used for the transportation of goods, materials, or merchandise as part of a business operation, or which is designed and used for towing other trailers or vehicles.

Community Development Director: The director of the City of Berkley Community Development Department.

Condominium: A place or project consisting of not less than two condominium units established in conformance with the Condominium Act, Public Act No. 59 of 1978 (MCL 559.101 et seq.), as amended, and this Ordinance. The following additional definitions are provided:

- A. *Condominium documents:* The master deed recorded pursuant to the condominium act, and any other instrument referred to in the master deed or bylaws that affect the rights and obligations of a co-owner in the condominium.
- B. *Condominium unit:* The portion of a condominium project designed and intended for separate ownership and use, as described in the master deed.
- C. *General common elements:* The common elements other than the limited common elements.
- D. *Limited common elements:* A portion of the common elements reserved in

the master deed for the exclusive use of less than all of the co-owners.

- E. *Master deed:* The condominium document recording the condominium project to which are attached as exhibits and incorporated by reference in the bylaws for the project and the condominium subdivision plan for the project and all other information required by Section 8 of the Condominium Act, Public Act No. 59 of 1978 (MCL 559.108).

Convalescent centers or nursing homes: A state-licensed medical facility providing twenty-four-hour medical care for aged or infirmed persons.

Correlated color temperature: A specification of the color appearance of the light emitted by a lamp, relating its color to the color of light from a reference source when heated to a particular temperature, measured in Kelvin ("K").

Court: An area, either indoor or outdoor, marked out for sport games such as tennis or basketball.

Courtyard: An unroofed area that is completely or mostly enclosed by walls of a building or other structure.

Diameter at breast height (DBH): The diameter of the tree at four and a half feet above the ground.

District: A portion of the City within which certain regulations and requirements of various combinations thereof apply under the provisions of this Chapter.

DPW: The City of Berkley Department of Public Works.

Drive-in/drive-through establishment: A business establishment (e.g., restaurants, cleaners, banks, theaters) so developed that its principal retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles to service patrons while in said vehicles.

Duplex: See "[Dwelling, two family.](#)"

Dwelling, multiple family: A building, or portion thereof, designed exclusively for occupancy by three or more families living independently of each other.

Dwelling, single family: A detached, independent building designed exclusively for occupancy by one family.

Dwelling, single family, attached: A building designed so that three or more dwelling units with their own front doors are attached by party walls, such as a townhouse.

Dwelling, two family: A building designed exclusively for occupancy by two families, living independently of each other such as a duplex dwelling unit.

Dwelling unit: A building, or portion thereof, designed for occupancy by one family for residential purposes and to have cooking facilities.

Dwelling unit, studio: A dwelling unit, consisting of no more than one room in addition to the kitchen and necessary sanitary facilities.

Entertainment establishments: Any indoor establishment where entertainment is provided as an experience of enjoyment for the patrons. Such uses may include, but are not limited to movies, arcades, art, photography, music, craft, ceramic, glass, or cooking studios for the purposes of hosting classes, providing live-action entertainment, or conducting group or independent activities. Such uses may be in conjunction with another use if deemed compatible by the Zoning Administrator.

Erected: Built, constructed, altered, reconstructed, moved upon, or any physical operations on the premises required for the building. Excavations, fill, drainage, and the like are considered a part of erection.

Essential services: The erection, construction, alteration, or maintenance by public utilities or municipal departments or commissions of underground, surface, or overhead gas, electrical, steam, fuel or water transmission or distribution systems, collection, communication, supply, or disposal systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith, but not including buildings, which are necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions for the general public health, safety, or welfare.

Established grade: The elevation of the sidewalk grade as fixed by the City.

Excavating. The removal or movement of soil, sand, stone, gravel, or fill dirt.

Exterior appliance: Mechanical equipment located on the exterior of a residential or commercial building. Such types of equipment include air conditioning units, power generators, appliances associated with swimming pools, and any noise-producing mechanical system components located at the exterior of a building.

Family: An individual or multiple individuals and the children thereof with not more than two other persons related directly to the individual or married couple by blood, adoption, or marriage; or a group of not more than five unrelated persons, living together as a single housekeeping unit in a dwelling unit.

Fence: A structure erected to act as a boundary marker or erected for the purpose of restricting access to or from a lot or parcel of land, whether enclosing all or part of said lot or parcel. The following related definitions are also provided.

- A. *Fence owner:* A person or entity who owns the parcel upon which a fence is erected.
- B. *Landscape treatment:* A non-sight-obscuring decorative structure used to enhance, accent, or protect the landscaping of the site. Landscape treatments include, but are not limited to, timbers, boulders, planter boxes, posts, partial fences, etc. Decorative lamp posts are not considered landscape treatment.
- C. *Landscaping screen (vegetation):* Any combination of trees, shrubs, flowers, grass, or other horticultural elements, decorative stonework, paving, screening, or other architectural elements, all of which are designed to visually enhance and to provide a screen to mitigate any objectionable aspects that may detrimentally affect adjacent land.
- D. *Masonry walls:* A built-up construction or combination of building units or materials of clay, shale, concrete, stone, or other approved units bonded together with mortar or monolithic concrete. Reinforced concrete is not classified as masonry.
- E. *Privacy fence:* Fences of opaque material having such qualities as to constitute a visual barrier. A visual barrier is provided if the distance or open space between the boards, slats, rails, stanchions, or balusters is less than or equal to three inches when viewed and measured at ninety degrees to the fence line.
- F. *Privacy screen structure:* A sight obscuring structure, erected adjacent to or around, but not limited to, a patio, deck, courtyard area, swimming pool, or outdoor hot tub, designed to screen, but not enclose, the area behind it or within its confines.
- G. *Screen walls:* A masonry wall erected to screen a nonresidential lot or parcel from a residential district.

First floor elevation: The portion of an exterior wall computed from the ground level to a height of ten feet or to the ceiling height, whichever is less.

Floor area, gross: [See Section 9.17.](#)

Floor area, usable: [See Section 9.17.](#)

Footcandle: A unit of illumination produced on a surface, all points of which are one foot from a uniform point source of one candle.

Garage, commercial: Any garage other than a private garage that is available to the public, operated for gain, and used for storage, repair, rental, greasing, washing, sales, servicing, adjusting, or equipping of automobiles or other motor vehicles.

Glare: Excessive brightness that may be caused by either direct or indirect viewing of a light source.

Grade: The average ground elevation established for the purpose of regulating the number of stories and the height of buildings. [See Section 9.18.](#)

Greenbelt: A landscaped area that is intended to provide a transition between a public street right-of-way and an existing or proposed land use.

Ground cover: A low-growing deciduous or evergreen species chosen for a very low, spreading green cover, usually dense and rapid-growing, reaching a height of three feet or less at maturity.

Groundwater: The water below the land surface in a zone of saturation, excluding those waters in underground piping for water, wastewater, or stormwater distribution/collection systems.

Gun Shop: Any establishment having more than thirty percent of shelf space devoted to the selling of firearms.

Hazardous materials: Includes hazardous chemicals as defined by the state Department of Community Health and the State Department of Labor and Economic Opportunity; flammable and combustible liquids as defined by the Department of State Police, Fire Marshal Division; hazardous materials as defined by the U.S. Department of Transportation; and critical materials, polluting materials, and hazardous waste as defined by the state department of environmental quality.

Home occupation: [See Section 8.01.](#)

Hotel: [See Lodging.](#)

Illuminance: The density of the luminous flux incident on a surface; it is the quotient of the luminous flux by the area of the surface when the latter is uniformly illuminated.

Incombustible material: Any material that will not ignite at or below a temperature of twelve hundred degrees Fahrenheit and will not continue to burn or glow at that temperature.

Instructional Center: A business offering instruction to clients. Instructional centers include, but are not limited to, dance studios, music lessons, fine arts instruction, and private after-school tutoring.

Junk: Any motor vehicles, machinery, appliances, product, or merchandise with parts missing or scrap metals, or other refuse, or parts of any of the above-named or enumerated items, such as fenders, motors, electric motors, and like materials.

Junkyard: A place, structure, or lot where junk, waste, discarded, salvaged, or similar materials such as old iron or other metal, wood, slush, lumber, glass, paper, rags, cloth, bagging, cordage, barrels, containers, etc., are bought, sold, exchanged, baled, packed, disassembled or handled, including auto wrecking yards, used lumber yards, house wrecking yards and places of yards for use of salvaged house wrecking and structural steel materials and equipment, and excluding pawn shops and establishments for the sale, purchase or storage of used cars, salvaged machinery, used furniture, radios, stoves, refrigerators or other similar household goods, and the processing of used, discarded or salvaged materials as part of manufacturing operations.

Laboratory: A place devoted to experimental, routine study such as testing and analytical operations and in which manufacturing of products, except prototypes, is not performed.

Lamp: The component of a luminaire that produces the light.

Landscaping: The treatment of the ground surface with a combination of trees, shrubs, flowers, grass, or other horticultural elements, decorative stonework, paving, screening, water features, or other architectural elements. [See Article 12.](#)

Light fixture: A complete lighting unit consisting of one or more lamps together with the parts designed to distribute the light, position, and protect the lamps, and connect the lamps to the power supply. This may include ballasts, drivers, and photocells.

Light pollution: General sky glow caused by the scattering of artificial light in the atmosphere, much of which is caused by poorly designed luminaires.

Light trespass: Light emitted by a luminaire that shines beyond the boundaries of the parcels on which the luminaire is located.

Loading space: An off-street space on the same lot with a building, or group of buildings, for temporary parking of a commercial vehicle while loading and unloading merchandise or materials.

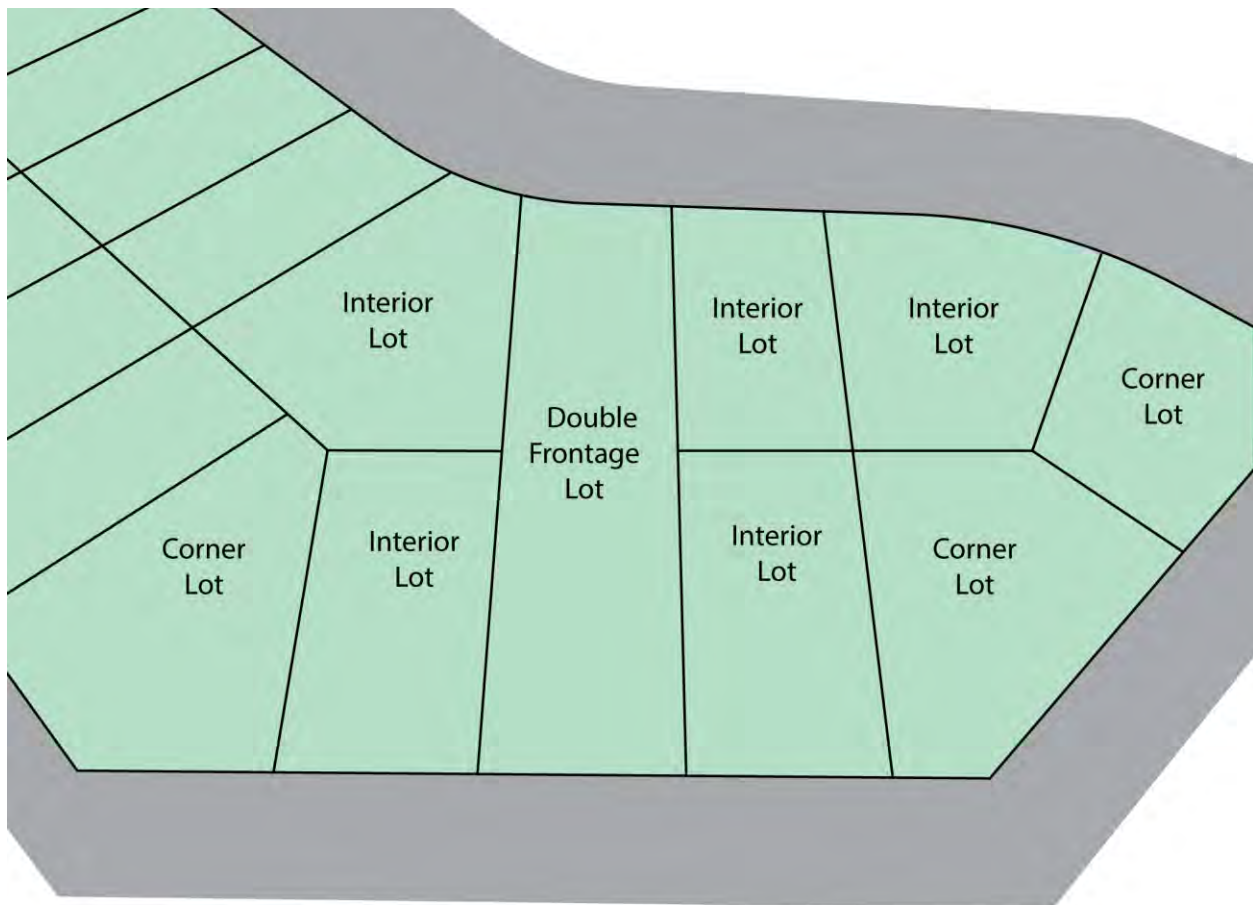
Lodging: A building occupied or used as a temporary dwelling for individuals or groups of individuals with or without meals, in which there are more than five sleeping rooms, and in which no provision is made for cooking in any individual room, such as a hotel.

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Lot: Any piece or parcel of land or a portion of a subdivision, the boundaries of which have been established by some legal instrument of record, that is recognized and intended as a unit for the purpose of transfer of ownership.

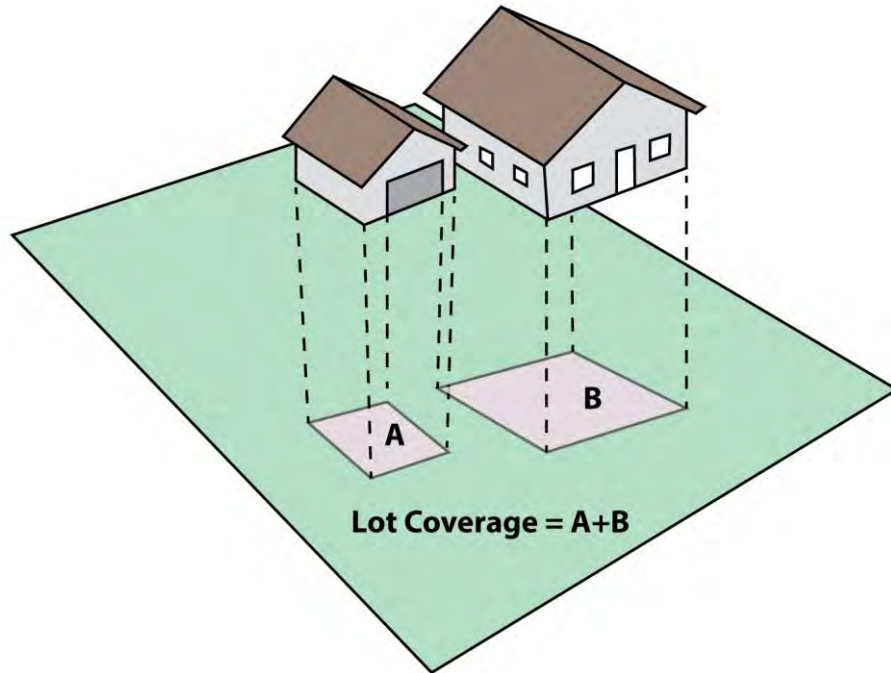
Lot, area: The total area within the lot lines of a lot.

Lot, corner: A corner lot is a lot situated at the intersection of two streets, where the interior angle of the intersection does not exceed one hundred and thirty-five degrees.



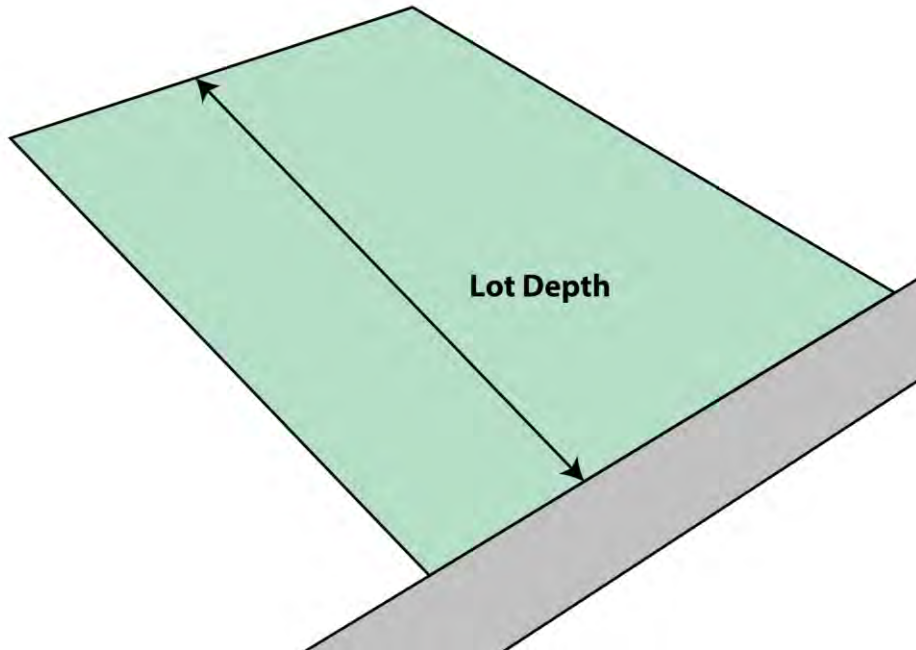
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Lot coverage: The part or percent of the lot occupied by buildings or structures, including accessory buildings or structures, exclusive of unenclosed accessory structures such as, but not limited to decks, patios, and gazebos (see [Section 9.15](#)).



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Lot depth: The distance between the front and rear lot lines, measured along the median between the side lot lines.



Lot, double frontage: Any interior lot having frontages on two or more parallel streets. In the case of a row of double frontage lots, one street will be designated as the front street in the plat.

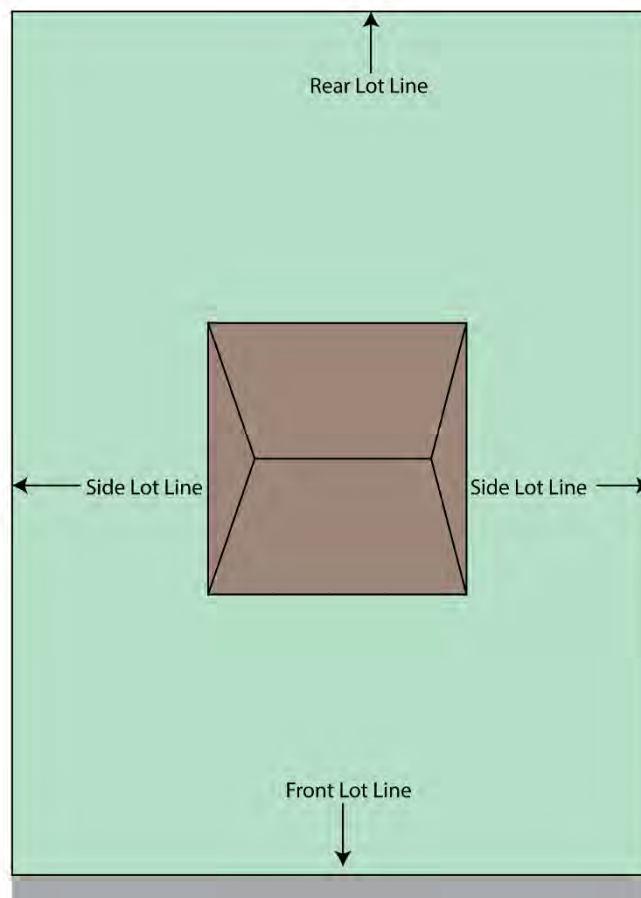
Lot, interior: Any lot other than a corner lot.

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Lot line, front: In the case of an interior lot, the line separating such lot from the street. In the case of a corner lot or double frontage lot, the line separating such lot from that street which is designated as the front street in the plat and the request for Commercial Occupancy Certificate/Business License.

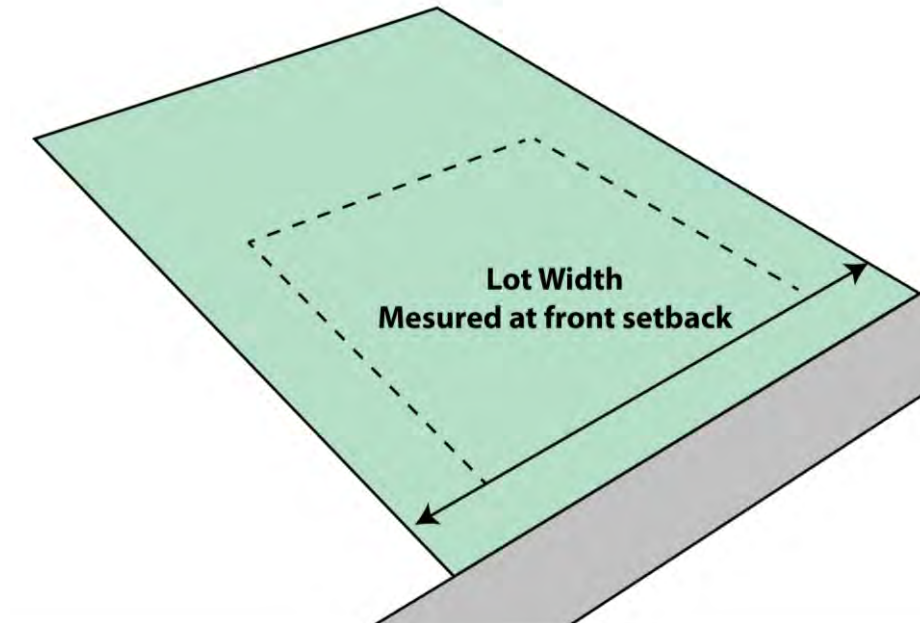
Lot line, rear: The lot line opposite the front lot line. In the case of a lot that forms a point at the rear, the rear lot line is an imaginary line that is typically parallel to the front lot line, not less than ten feet long lying farthest from the front lot line and wholly within the lot.

Lot line, side: Any lot lines other than the front lot lines or rear lot lines.



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Lot width: The distance between the side lot lines, measured at the two points where the building line, or front setback, intersects the side lot lines.



Low-impact development: Site design and stormwater management techniques that infiltrate, filter, store, evaporate, and detain runoff close to its source.

Lumen: The unit of measure used to quantify the amount of light produced by a lamp or emitted from a light fixture (as distinct from “watt” or other measure of a lamp’s power consumption).

Luminaire: The complete lighting system, including the lamp and the light fixture.

Marihuana: [See Section 30.803](#) of the City of Berkley Code of Ordinances.

Medical Spa: A medical facility licensed by the Michigan Department of Licensing and Regulatory Affairs offering non-surgical cosmetic procedures, such as botox injections, dermal fillers, laser hair removal, chemical peels, photofacials, microdermabrasion, and permanent makeup.

Mixed use. A development that contains multiple uses on a single site or within a single building. The uses may include residential, commercial, cultural, institutional, entertainment, medical, recreational, industrial, or a combination thereof.

Motel: [See Lodging.](#)

Motorized home or motor home: A self-propelled motor vehicle that provides the amenities of day-to-day living while used as a means of transportation for recreational or travel purposes.

Mural/work of art: Any mural or work of art that does not include a commercial message, to be determined by the Zoning Board of Appeals.

Nonconforming building or nonconforming structure: A building or portion thereof lawfully existing at the effective date of the ordinance from which this Chapter is derived, or amendments thereto, and that does not conform to the provisions of the Chapter nor to the use regulations of the district in which it is located.

Nonconforming use: A use which lawfully occupied a building or land at the effective date of this ordinance from which this Chapter is derived, or amendments thereto, and that does not conform to the use regulations of the district in which the building or land is located.

Nonconforming lot: Any lot, outlot, or other parcel of land which does not meet the land area or dimension requirements of this Ordinance.

Nonconforming structure: A structure or portion thereof lawfully existing at the effective date of the Ordinance, or amendments thereto and that does not conform to the provisions of this Ordinance in the district in which it is located.

Nuisance: Any person doing an unlawful act, or omitting to perform a duty, or suffering or permitting any condition or thing to be or exist, which act, omission, condition, or thing either:

- A. Injures or endangers the comfort, repose, health, or safety of others;
- B. Is offensive to the senses;
- C. Unlawfully interferes with, obstructs, or tends to obstruct or renders dangerous for passage any public or private street, sidewalk, ditch, or drainage.
- D. In any way renders other persons insecure in life or the use of property;
- E. Essentially interferes with the comfortable enjoyment of life and property, or tends to depreciate the value of the property of others; or
- F. Tends to attract rodents or nuisance birds, such as pigeons, crows, seagulls, or starlings, or causes overcrowding of birds.

Occupancy, change of: A discontinuance of an existing use and the substitution therefore of a use of a different kind or class.

Open air business uses: [See Section 8.10.](#)

Open storage: All outdoor storage of any kind whatsoever.

Parcel: A tract or plot of land with legal boundaries as described in the certificate of title of land.

Parcel line: The defined legal boundaries of a parcel.

Parking facility/lot, off-street: A facility providing vehicular parking spaces, drives, and aisles, for maneuvering, entering, and exiting an area for the parking of more than two automobiles.

Parking space: An area providing parking for a motor vehicle, such space being exclusive of necessary drives, aisles, entrances, or exits.

Performance standards: Those best management practices and engineering and regulatory controls contained within the provisions of this Ordinance. [See Section 6.08\(G\).](#)

Person: Any individual, partnership, association or corporation or other entity to which the law assigns rights, duties, and responsibilities.

Personal Service: A business that provides personal services directly to customers at the site of the business or that receives goods from or returns goods to the customer which have been treated or processed at another location. Personal services include, but are not limited to, hair salons, barber shops, pet grooming, tailor shops, shoe or jewelry repair, laundry, or dry-cleaning services.

Places of Assembly: Structures such as theaters, convention centers, auditoriums, banquet halls, sports arenas, stadiums, places of worship, and other similar facilities where more than twenty people meet or are assembled.

Planned shopping center: Two or more commercial or service establishments within a structure or group of structures bound by a common architectural style and served by a common parking area.

Planned Unit Development: Both a form and process of development, the approval of which is based upon a specific site plan and other information meeting the standards set forth in this Ordinance. A Planned Unit Development project is characterized by a unified site design and singular ownership and control.

Planning Commission: The City of Berkley Planning Commission.

Plant material: A collection of living evergreen or deciduous, woody-stemmed trees, shrubs, vines, and ground cover.

Porch, enclosed: A covered projection on a building that is totally enclosed by walls, windows, or screens and has a separate roof or a roof that is integral to the principal building to which it is attached.

Porch, open: An unenclosed projection on a building, which is integral with the principal building or structure to which it is attached.

Power generator: A stationary device, such as a reciprocating internal combustion engine or turbine that serves solely as a secondary source of mechanical or electrical power whenever the primary energy supply is disrupted or discontinued during power outages or natural disasters. A power generator may operate during power interruptions or during regularly scheduled testing.

Professional office: Offices for executive, administrative, and professional occupations such as lawyers, accountants, architects, planners, engineers, financial advisors, media production, advertising, sales, and similar or allied professions.

Projections: The part or feature of a building that extends outside of the enclosed walls.

Public utility: Any person, municipal department, board, or commission duly authorized to furnish under state or municipal regulations to the public gas, steam, electricity, sewerage, communication, telegraph, transportation, or water.

Recreational vehicle. A vehicle that moves one or more persons over the ground, water, ice, or snow, and which is either self-propelled or connects to a self-propelled vehicle. The term "recreational vehicle" includes, but is not limited to, snowmobiles, camping vehicles, ATVs, motorcycles and related two-wheel, three-wheel, or four-wheel vehicles, mini-bikes, go-carts, boats, and iceboats; however, it does not include automobiles licensed by the state to travel upon the streets and highways.

Restaurant: Any establishment whose principal business is the sale of food and beverages to the customer in a ready-to-consume state, and whose method of operation is characteristic of a fast food, fast casual, standard restaurant, bar, or lounge, or combination thereof. The following additional definitions are provided:

- A. *Restaurant, drive-in:* A restaurant whose method of operation involves delivery of prepared food so as to allow its consumption in a motor vehicle

or elsewhere on the premises, but outside of an enclosed building.

- B. *Restaurant, drive-through:* A restaurant, the method of operation which includes the delivery of the prepared food to the customer in a motor vehicle, typically through a drive-through window, for consumption off of the premises.
- C. *Restaurant, fast food/fast casual:* A restaurant, the method of operation which involves minimum waiting for delivery of ready-to-consume food to the customer at a counter, through a window specifically intended for food service that does not require the patron to enter the structure, or cafeteria line for consumption at the counter where it is intended to be served, or at tables, booths, or stands inside or outside of the structure, or for consumption off the premises, but not intended to be consumed in a motor vehicle at the site.
- D. *Restaurant, standard:* A restaurant, the method of operation which involves either:
 - 1. The delivery of prepared food by servers to customers seated at tables within a completely enclosed building; or
 - 2. The preparation of food to be delivered to customers at a cafeteria line and subsequently consumed by the customers at tables within a completely enclosed building.

Retail: Any establishment that supplies commodities on the premises to the general public. Commodities supplied may include groceries and similar food products for consumption off the premises. Restaurants or any similar establishment that serves prepared food as its primary business is not considered a retail sales establishment.

Right-of-way: A right of passage or convention imposed by law on behalf of the public.

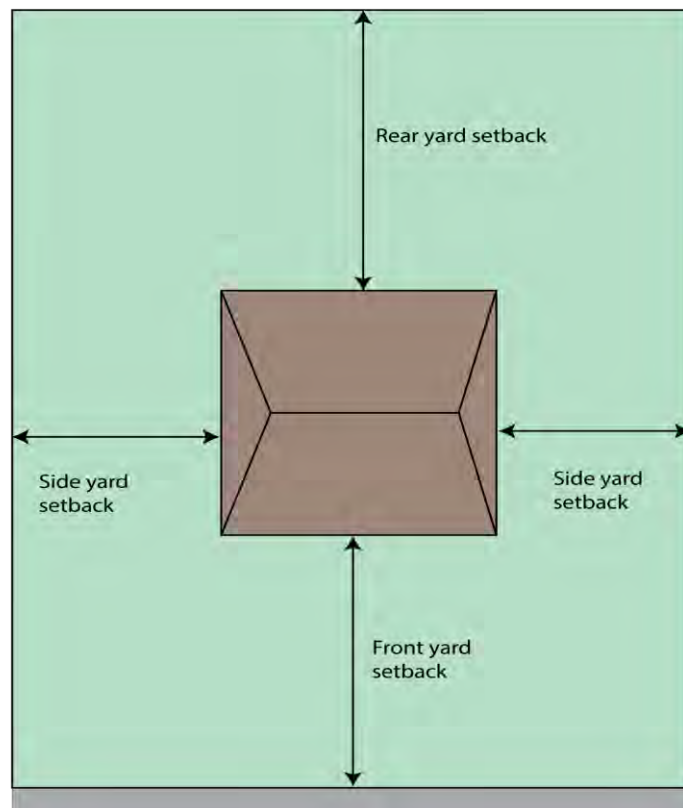
Screen wall: A nontransparent decorative barrier intended to screen from view of adjoining neighbors or roadways or the contents of the site.

Self-storage facility: A building or group of buildings containing fully enclosed, compartmentalized stalls or lockers that are rented or leased as individual units for the storage of personal property customarily related to residential, office, and local commercial activities.

Senior assisted living facility: Living facility for persons fifty-five years or older where residents occupy a private or shared residence, and have meals, medical, laundry, and other services available or provided daily.

Setback: An open space on the same lot with a main building, unoccupied and unobstructed from the ground upward, except as otherwise provided in the Chapter.

- A. *Front yard setback:* A yard extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest line of the main building.
- B. *Rear yard setback:* A yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest line of the main building.
- C. *Side yard setback:* A yard between a main building and the side lot line, extending from the front yard to the rear yard. The width of the required side yard is measured horizontally from the nearest point of the side lot line to the nearest point of the main building.



Short-term rental: Residential lodging rented for a period of less than thirty days.

Sign: A structure, wall or other object which is affixed to, or painted, or otherwise located or set upon or in a building, structure or piece of land which displays a message, and which is visible from any public street, sidewalk, alley, park, or public property. The term includes interior and exterior signs but not signs primarily directed at persons within the premises of the sign owners. The term does not include goods displayed in a business window. The following definitions are also provided.

- A. *Animated sign:* Any sign that uses movement or change of lighting to depict action or create a special effect or scene.
- B. *Awning sign:* Any sign that is placed on a sheet of canvas or other material stretched on a frame and used to keep the sun or rain off a storefront, window, doorway, or deck.
- C. *Banner:* Any sign of lightweight fabric or similar material that is attached to a pole or a building at one (1) or more edges. Flags are not considered banners.
- D. *Beacon:* Any light with one (1) or more beams directed into the atmosphere or directed at one (1) or more points not on the same zoning lot as the light source; also, any light with one (1) or more beams that rotate or move.
- E. *Blade sign:* A sign attached directly to the building (or wall) and protrudes perpendicular to the building.
- F. *Electronic Messaging Sign (EMS):* A sign or portion of a sign that displays an electronic image or video, which may or may not include text, including any sign or portion of a sign that uses changing lights or similar forms of electronic display such as LED to form a sign message with text or images wherein the sequence of messages and the rate of change is electronically programmed and can be modified by electronic processes. This definition includes without limitation television screens, plasma screens, digital screens, flat screens, LED displays, video boards, and holographic displays.
- G. *Feather sign:* A sign made of flexible material that is generally, but not always, rectangular in shape and attached to a pole on side so the sign can move with the wind.
- H. *Flag:* Any sign printed or painted on fabric, plastic, canvas, or other like material containing distinctive colors, patterns, or symbols, and attached to

a pole or staff anchored along one (1) edge or supported or anchored at two (2) corners of a single edge.

- I. *Monument sign:* A freestanding sign whose height is less than or equal to its width, having the appearance of a solid base of landscape construction materials such as brick, stucco, stonework, textured wood, tile, or textured concrete materials compatible with the materials of the primary structure on the subject parcels.
- J. *Off-premises advertising sign:* Any sign that contains a message unrelated to or not advertising a business transacted or goods sold or produced on the premises on which the sign is located; also called a remote sign or billboard.
- K. *Pennant:* Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.
- L. *Pole sign:* Any sign supported by structures or supports that are placed on, or anchored in, the ground and that are independent from any building or any other structure and whose height it greater than its width.
- M. *Portable sign:* Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported including, but not limited to, signs designed to be transported by means of wheels; signs converted to A- or T- frames; menu and sandwich board signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business.
- N. *Projecting sign:* Any sign affixed to a building or wall in such a manner that its leading edge extends more than twelve inches beyond the surface of such building or wall.
- O. *Pylon sign:* [See Pole sign.](#)
- P. *Roof sign:* Any sign erected or constructed as an integral or essentially integral part of a normal roof structure of any design, such that no part of the sign extends vertically above the peak of the roof or below the eaves and such that no part of the sign is separated from the rest of the roof by a space of more than twelve inches.
- Q. *Temporary sign:* Any sign that is used only temporarily and is not permanently mounted.

- R. *Vehicle sign:* A sign attached to, painted on, or mounted on a parked vehicle or trailer in a location not normally used in the daily activity of the business, with the sign visible from a public location.
- S. *Wall sign:* Any sign attached parallel to, but within twelve inches of a wall, painted on the surface of a wall or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface.
- T. *Window sign:* Any sign, opaque film, picture, symbol, or combination thereof placed inside a window or upon the windowpanes or glass and is visible from the exterior of the window. Window signs may be permanent or temporary.

Site condominium: A condominium development containing uses permitted in the zoning district where located, in which each co-owner owns exclusive rights to a volume of space within which a structure or structures may be constructed, herein defined as a condominium unit, as described in the master deed. The following additional definitions are provided:

- A. *Building envelope:* The ground area occupied, or to be occupied by the principal structure which is placed, or is intended to be placed, on a building site, together with any attached accessory structures, e.g., house and attached garage.
- B. *Building site:* The condominium unit, including the building envelope and the contiguous limited common area or element under and surrounding the building envelope. The counterpart of "lot" as used in connection with a project developed under the Land Division Act, Public Act No. 288 of 1967 (MCL 560.101 et seq.).

Site plan: A plan showing all salient features of a proposed development, as required under [Article 15](#), so that it may be evaluated to determine whether it meets the provisions of this Ordinance.

Sketch plan: A simplified, scaled, aerial view drawing of a site, including proposed and existing structures.

Solar energy system: A solar photovoltaic cell, panel, or array that converts solar energy to usable thermal, mechanical, chemical, or electrical energy. The following definitions are provided.

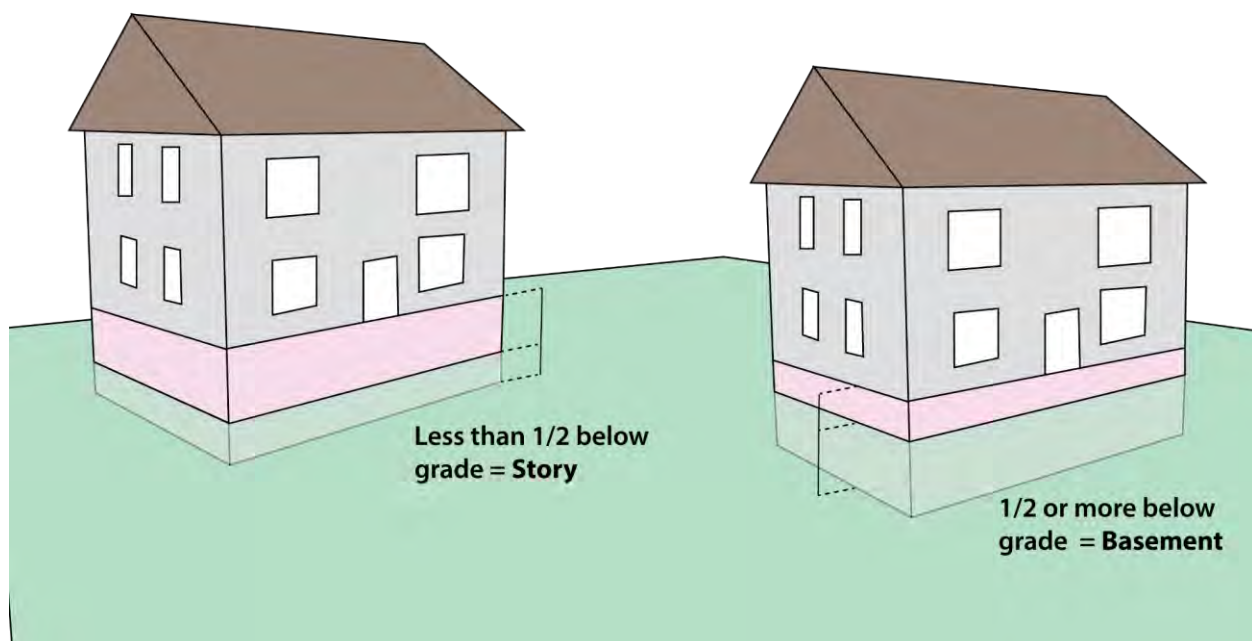
- A. *Ground-mounted solar energy system:* A freestanding solar energy system that is not attached to and is separate from any building on the same parcel on which the solar energy system is located.
- B. *Roof-mounted solar energy system:* A solar energy system that is attached to a building on a parcel with the roof as the principal method of physical support.

State: The State of Michigan.

State equalized valuation: The value shown on the City assessment roll, as equalized through the process of state and county equalization.

Story: That part of a building included between the surface of any floor and the surface of the next floor or of the roof next above. When the distance from the average established grade to the ceiling of a story partially below such grade exceeds five feet, then the basement or cellar constituting the story partially below grade is counted as a story. The following diagram and additional definitions are provided:

- A. *Basement:* That portion of a building that is partly or wholly below grade but located so that the vertical distance from grade to the floor is greater than the vertical distance from the grade to the ceiling. A basement will not be counted as a story. The following diagram is illustrative of this definition:



- B.** *Story, half:* A story which is situated within a sloping roof, the area of which at a height of four feet above the floor does not exceed two-thirds of the floor area directly below it, wherein living quarters are used only as a part of a dwelling situated in the story below.

Street: A public thoroughfare that affords the principal means of access to abutting parcels.

Street system: The classification of streets and highways by their diverse functions and design. The following additional definitions are provided:

- A.** *Arterial Street:* A street that provides through-traffic movement on a continuous route joining major traffic generators, other arterials, expressways, and freeways, including Eleven Mile Road, Twelve Mile Road, Coolidge Highway, Greenfield Road, and Woodward Avenue. The access to abutting properties may be controlled.
- B.** *Collector Street:* A street that provides service for internal traffic movement within an area and connects local streets to arterial streets, and where direct access to adjoining properties is generally permitted, including Catalpa Drive and Webster Road.
- C.** *Local Street:* A street that provides for traffic movement within an area, primarily for the provision of direct access to abutting properties; any street that is not an arterial or collector street.

Structure: Anything constructed or erected, the use of which requires location on the ground or attachment to something having a location on the ground.

Subdivide or subdivision: The partitioning or splitting of a parcel or tract of land by the proprietor thereof or by their heirs, executors, administrators, legal representatives, successors, or assigns for the purpose of the sale, or lease of more than one year, or of building development that results in one or more parcels of less than forty acres or the equivalent, and that is not exempted from the platting requirements of the Land Division Act by Sections 108 and 109 (MCL 560.108, 560.109). The term "subdivide," or "subdivision" does not include a parcel's transfer between two or more adjacent parcels, if the parcels taken from one parcel is added to an adjacent parcel; and any resulting parcel must not be considered a building site unless the parcel conforms to the requirements of the Land Division Act or the requirements of an applicable local ordinance.

Swimming pool: An artificially constructed portable or non-portable pool or container capable of being used for swimming, wading, bathing, or any combination thereof, wholly outside a permanently enclosed and roofed building.

Tattoo studio: Any establishment where the principal activity is the permanent application or placement, of designs upon or under the skin with ink or any other substance resulting in the coloration of the skin by the aid of needles, or any other instrument designed to touch or puncture the skin.

Temporary building and use: A structure or use permitted by the Community Development Director or their designee and/or the Building Official to exist during periods of construction of the main use or for special events.

- A. *Carnivals:* A public event held outdoors and offering entertainment, amusement rides, and/or exhibitions.
- B. *Community Special Events:* A gathering, generally lasting from a few hours to a few days, designed to celebrate, honor, discuss, sell, teach about, encourage, observe, or influence human endeavors.
- C. *Charities/Not-For-Profit Events:* Fund raising events for charities or not-for-profit organizations. Charities or not-for-profit events include, but are not limited to car washes, candy bar sales, banquets, or athletic events such as fun runs or sports tournaments.
- D. *Promotional Events and Sidewalk Display:* Sales or promotional exhibitions that utilize public sidewalk space, including benches and other street furnishings, to display materials related to the sale or promotion.
- E. *Seasonal Sales:* The outdoor display and sale of merchandise for seasonal retail sales, such as fruit, vegetables, lawn furniture, playground equipment, and hardware supplies.

Tents: A shelter of canvas or the like supported by poles and fastened by cords or pegs driven into the ground. This does not include those types of tents used solely for children's recreational purposes.

Terrace: An open, uncovered level space at ground level that is either natural or manmade. A terrace may be surfaced with paving material.

Tobacco shop: Any establishment having more than thirty percent of shelf space devoted to the selling of tobacco, cigarettes, cigars, or smoking paraphernalia.

Townhouse: A building designed so three or more dwelling units with their own front doors are attached by walls.

Trailer: A vehicle with or without motor power designed for carrying property or persons and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle.

Transparency: The quality of allowing light to pass through.

Use: The purpose for which land or premises or a building thereon is designed, arranged, or intended, or for which it is occupied or maintained, let, or leased.

Vape shop: [See Tobacco shop.](#)

Variance: A modification of the literal provisions of this Chapter, granted when strict enforcement of this Chapter would cause undue hardship owing to circumstances unique to the individual parcel on which the variance is granted.

Veterinary clinic or hospital: A place for the care, diagnosis, and treatment of sick or injured animals, or those in need of medical or minor surgical attention.

Violation: Any act that is prohibited under this Ordinance, including affirmative acts or failure to act.

Wind energy system: An aggregation of parts including the base, tower, generator, turbine, rotor, blades, and ancillary equipment such as utility interconnections and battery banks, etc., in such configuration as necessary to convert the power of wind into mechanical or electrical energy, i.e., wind charger, windmill, or wind turbine. The following additional definitions are provided:

- A. *Maximum height* means the height above grade of the fixed portion of the tower plus the highest vertical extension of any blades and rotors.
- B. *Minimum height clearance* means the distance between the ground and an overhead obstacle.
- C. *Rotor* means a multiple-bladed airfoil assembly of a wind energy system that extracts, through rotation, kinetic energy directly from the wind.
- D. *Tower* means the vertical component of a wind energy system that elevates the turbine, rotor, and blades above the ground.
- E. *Turbine* means the component of a wind energy system that converts kinetic energy directly from the wind into mechanical or electrical energy, often

referred to as the generator.

Window: One or more panes of glass where both sides of the glass are readily made transparent. A door is not considered a window.

Wireless communications facilities: All structures and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals, including those of a public utility. This may include, but is not limited to, radio towers, television towers, telephone devices and exchanges, microwave relay facilities, telephone transmission equipment, building, and private and commercial mobile radio service facilities. Not included within this definition are citizen band radio facilities, short wave receiving facilities, radio, and television broadcast reception facilities, federally licensed amateur (ham) radio facilities, satellite dishes, and governmental facilities that are subject to state or federal law or regulations which preempt municipal regulatory authority. The following additional definitions are provided:

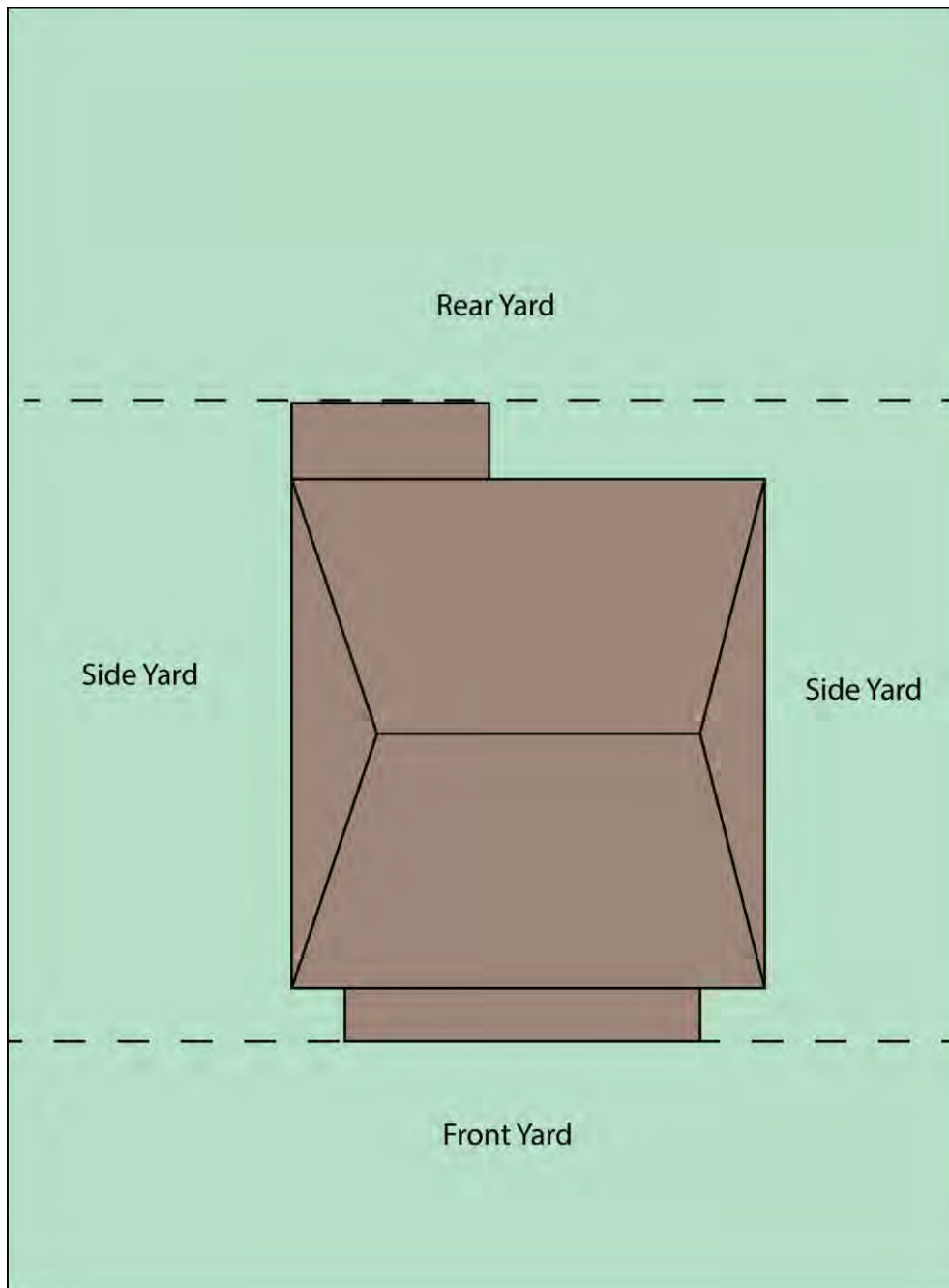
- A. *Attached wireless communications facilities:* Wireless communication facilities that are affixed to existing structures, such as existing buildings, towers, water tanks, utility poles, and the like. A wireless communication support structure proposed to be newly established is not included within this definition.
- B. *Collocation:* The location by two or more wireless communication providers of wireless communication facilities on a common structure, tower, or building, with the view toward reducing the overall number of structures required to support wireless communication antennas within the community.
- C. *Wireless communication support structures:* Structures erected or modified to support wireless communication antennas. Support structures within this definition include, but are not limited to, monopoles, lattice towers, light poles, wood poles, and guyed towers, or other structures that appear to be something other than a mere support structure.

Yard: An open unoccupied space on the same lot with a building extending along the entire length of the street, rear, or interior lot line.

Yard, front: A yard extending the full width of the lot, the depth of which is the minimum required horizontal distance between the front lot line and the nearest point of the main building.

Yard, rear: A yard extending across the full width of the lot, the depth of which is the minimum required horizontal distance between the rear lot line and the nearest point of the main building.

Yard, side: A yard extending from the front yard to the rear yard, the width of which is the minimum required horizontal distance between the side lot line and the point of the main building nearest to either the front lot line or the rear lot line.



Zoning Administrator: The administrative official charged with the responsibility of enforcing this Ordinance.

Zoning Board of Appeals: As used in the Ordinance meaning the City of Berkeley Zoning Board of Appeals.

Zoning district: A portion of the City of Berkeley within which, on a uniform basis, certain uses of land and buildings are permitted and within certain yards, open spaces, lot areas, and other requirements are established by this Ordinance.

Zoning Map: The map which sets the boundaries of the districts established pursuant to this Ordinance.

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ARTICLE 3

ADMINISTRATION AND ENFORCEMENT

SECTION 3.01 ZONING ADMINISTRATOR APPOINTMENT

The provisions of this Ordinance must be administered and enforced by the Community Development Director and the Zoning Administrator, as designated by the City Manager. The Zoning Administrator may be provided with assistance to perform the duties described herein.

SECTION 3.02 DUTIES

- A.** The duties of the Zoning Administrator or their designee include the following:
1. Interpret the provisions of this Ordinance. The Zoning Administrator may also forward matters requiring interpretation to the Zoning Board of Appeals.
 2. Make inspections of buildings or premises necessary to carry out the enforcement of this Ordinance.
 3. Review and issue Commercial Occupancy Certificate/Business Licenses.
 4. Receive and review for completeness all applications for appeals, variances, or other matters that the Zoning Board of Appeals is required to decide under this Ordinance. Refer such applications to the Zoning Board of Appeals for determination.
 5. Staff the Zoning Board of Appeals meetings.
 6. The Zoning Administrator cannot enforce private agreements or covenants.
- B.** The duties of the Community Development Director or their designee include the following:
1. Implement the decisions of the Planning Commission, Zoning Board of

Appeals, and City Council.

2. Oversee the Community Development Department, including the Zoning Administrator.
 3. Receive and review for completeness all applications for Site Plan Review, Special Land Uses, Planned Unit Developments, or other matters that the Planning Commission and/or City Council is required to decide under this Ordinance. Refer such applications to the Planning Commission, and where applicable, the City Council for determination.
 4. Receive and review for completeness all applications for text or map (rezoning) amendments to this Ordinance. Refer such applications to the Planning Commission and City Council for determination.
 5. Administer the pursuit of community and economic development opportunities within the City.
 6. Staff the Planning Commission meetings and relevant City Council meetings.
 7. Prepare departmental reports.
- C. The duties of the Zoning Administrator or their designee include the following:
1. Assist the Code Enforcement Officer in the Investigation of complaints/issuance of citations and offer Zoning Ordinance guidance in legislative processes regarding violations of the Zoning Ordinance.

SECTION 3.03 ZONING CERTIFICATION PROCESS

- 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. The Commercial Occupancy Certificate/Business License signifies that the intended use, building, or

structure complies with all provisions of this Ordinance. 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.

B. ***Submittal Requirements.*** An application for a Commercial Occupancy Certificate/Business License must be accompanied by a plot plan as required in this Section, unless a site plan is required under [Article 15](#), Site Plan Review, herein, in which case the provisions of this Section do not apply. When required, a plot plan must contain the following information:

1. Scale, date, and north point.
2. Location, shape, and dimensions of the lot.
3. Dimensioned location, outline, and dimensions of all existing and proposed structures.
4. A clear description of existing and intended uses of all structures.
5. Additional information as required by the Zoning Administrator for the purpose of determining compliance with the provisions of this Ordinance.

C. ***Issuance of Commercial Occupancy Certificate/Business License.*** A Commercial Occupancy Certificate/Business License will be issued by the Zoning Administrator upon the review of the application. In some cases, the Zoning Administrator may consult with other City staff, in accordance with the following:

1. An application, meeting the requirements of [Section 3.03.B](#), must be submitted to the Zoning Administrator.
2. After review, the Zoning Administrator will issue a Commercial Occupancy Certificate/Business License a Commercial Occupancy Certificate/Business License with conditions, or a denial of the Commercial Occupancy Certificate/Business License. Any denial of a Commercial Occupancy Certificate/Business License must state the reasons for the denial.

D. ***Validity and Expiration.*** A Commercial Occupancy Certificate/Business License is valid for the duration of the building permit providing no changes have been made which would invalidate the original approval. If a building

permit is not required, the Commercial Occupancy Certificate/Business License is valid for a period of two years but may be extended for a further period of not to exceed two years, if the Zoning Administrator finds good cause shown for failure to complete work for which said Commercial Occupancy Certificate/Business License was issued.

Should the holder of a Commercial Occupancy Certificate/Business License fail to complete the work for which the permit was issued within the time limit as set forth above, any unfinished structure is declared a nuisance, per se, and the same may be abated by appropriate action before the Circuit Court of the County. The City Council, any person designated by the City Council, or any aggrieved person may institute an action to have the nuisance abated.

SECTION 3.04 RECORDS

Each action taken with reference to zoning compliance must be duly recorded and kept in the office of the Zoning Administrator and, if appropriate, recorded in the minutes of the Planning Commission meetings, the minutes of the Zoning Board of Appeals meetings, and the City Council's actions. The findings supporting the Planning Commission's and City Council's actions must be recorded in the minutes. After the minutes have been approved, copies of the final approved minutes must be made available to the public and to any zoning compliance applicant.

SECTION 3.05 FEES AND ESCROWS

The City Council must establish by resolution a schedule of fees for administering this Article. No certificate or permit may be issued unless required fees and escrows have been paid in full.

SECTION 3.06 COMPLIANCE WITH PLANS

Commercial Occupancy Certificate/Business Licenses issued for plans and applications approved by the Zoning Administrator authorize only the use, arrangement, and construction set forth in such approved plans and applications. Use, arrangement, or construction which deviates from the approved zoning

compliance permits is a violation of this Ordinance and punishable as provided for [Section 3.12](#) Violations and Penalties.

SECTION 3.07 WITHHOLDING OF APPROVAL

The Planning Commission, City Council, or Zoning Board of Appeals may withhold or condition granting of approval of any use, site plan, Planned Unit Development, or other approval required by this Ordinance pending approvals required by state, county, or federal agencies or departments.

SECTION 3.08 COMPLETION OF CONSTRUCTION

- A. Nothing in this Ordinance can require a change in plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption of this Ordinance or later amendment which may apply. Actual construction is defined to include the placing of construction materials in a permanent position and fastening them in a permanent manner. Excavation, demolition, or the removal of materials is defined as construction.
- B. Where a building permit has been issued, said building or structure may be completed in accordance with the approved plans for which the building permit was issued, and further, may upon completion be occupied by the use for which it was originally designed. Approved construction must be diligently pursued to completion within one year of the permit's effective date unless a longer period has been permitted or extended by the Building Official.
- C. Adoption of this Ordinance must not limit the construction of any building or structure for which a zoning certificate or building permit had been obtained prior to the Effective Date of adoption or amendment of this Ordinance even though said building or structure does not conform to the provisions of this Ordinance.

SECTION 3.09 PUBLIC HEARING NOTICE REQUIREMENTS

- A. *When Required.* Public hearings at a Planning Commission, Zoning Board of

Appeals, or City Council meeting are required in those instances specified by this Ordinance and Act 110 of the Public Acts of 2006, as amended. Public hearings apply to the following requests.

1. Zoning text amendments;
2. Zoning Map amendments;
3. Appeals of the actions of the Zoning Administrator;
4. Variances;
5. Special land uses; and
6. Preliminary and Final Planned Unit Development (PUD).

B. *Notice Requirements.*

1. ***Mailed notice.*** Notice must be postmarked not less than fifteen days before each public hearing at which an application will be considered. Notice must be given by personal delivery or first-class mailing, where required, to the following:
 - a. The applicant, and the owner(s) of the parcels, if the applicant is not the owner.
 - b. All persons to whom real property are assessed and the occupants of all structures within a three-hundred feet boundary, measured from the parcel line, for the parcels for which the approval has been requested, as shown by the latest assessment roll, regardless of whether the owner and parcels are located within the City of Berkley, except as set forth below.
 - c. Notification need not be given to more than one occupant of a structure, except that if a structure contains more than one dwelling unit or spatial area owned or leased by different persons, one occupant of each unit or spatial area must be given notice. If a single structure contains more than four dwelling units or other distinct spatial areas owned or leased by different persons, notice may be given to the manager or owner of the structure, who may be requested to post the notice at the primary entrance to the structure.
 - d. The notice under this Section is considered to be given when

personally delivered or when deposited during normal business hours for delivery with the United States Postal Service or other public or private delivery service. If the name of the occupant is not known, the term “occupant” may be used for the intended recipient of the notice.

2. ***Newspaper publication.*** Notice must be given not less than fifteen days before each public hearing at which an application will be considered. Notice must be given by publication in a newspaper that circulates in the City of Berkley.
3. ***City website notice.*** Notice of the public hearing must be posted on the City’s website not less than fifteen days prior to the date of the hearing.
4. ***Temporary sign on subject parcels.*** A temporary sign providing notice of the public hearing must be conspicuously placed in the front yard of the subject parcels not less than seven days prior to the public hearing.
 - a. Public hearing signs will be provided by the City of Berkley and placed on the subject parcels.
 - b. If the parcels are located on a corner lot, a public hearing sign must be conspicuously placed in each yard abutting a street.
 - c. If the parcels are located in a district without an established front or side yard, the sign may be conspicuously placed in the street-facing window of the principal structure on the subject parcels.

C. *Actions Exempt from Notification.*

1. Requirements for individual notice to parcel owners do not apply to Ordinance text amendments.
2. For any group of adjacent properties or parcels numbering eleven or more that is proposed for rezoning, the requirement for individual street addresses to be listed and noticed as set forth in [Section 3.09](#) does not apply to that group of adjacent properties, per the Michigan Zoning Enabling Act.

D. *Content of Notice.* The notice must include the following information:

1. The nature of the request and the purpose of the public hearing, including citation of the applicable Zoning Ordinance Section.
2. The street address and parcel number of the parcels or properties for which the request has been made.
3. A listing of all existing street addresses and parcel numbers within the parcels or properties that are the subject of the request. Street addresses do not need to be created and listed if no such addresses exist. If there are no street addresses, another means of identification may be used.
4. The location where the application documents can be viewed and copied prior to the date the application will be considered.
5. The date, time, and location of when the hearing on the application will take place.
6. The address at which written comments should be directed prior to the consideration.

SECTION 3.10 PERFORMANCE GUARANTEES

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 or 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. Procedure.

1. 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.
2. 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.
3. 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.
4. In the event the performance guarantee deposited is a cash deposit or a 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.
5. In the event the applicant defaults in making the improvements for 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.
6. 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 cost 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.***

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 issuance of a certificate of occupancy for any other development which requires 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 by 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 the form of a cash deposit, surety bond, letter of credit, or certified check.

SECTION 3.11 DEVELOPMENT AGREEMENTS

- A. *Development agreement requirement.* Prior to final approval of a Planned Unit Development or conditional rezoning, an applicant must execute a development agreement, in a form approved by the City, specifying all the terms and understandings relative to the proposed development. All costs incurred by the City, including attorney fees, in drafting and approving the development agreement must be paid by the applicant.
- B. The Planning Commission may require as a condition of preliminary approval a development agreement that must be executed prior to the final approval of a site plan or special land use.
- C. *Minimum terms.* The content of the agreement must outline the specifics of the proposed development, but must at a minimum provide the following terms:
 1. A survey of the acreage involved in the proposed development.

2. A description of the ownership of the subject parcels.
3. A land use description, including a specific description of the proposed uses, density, lot dimensions, setbacks, and other dimensional standards.
4. Proposed method of dedication or mechanism to protect areas designated as common areas or open spaces.
5. Description of required improvements to common areas, recreational facilities, sidewalks, and nonmotorized pathways.
6. General description of any improvements to streets or utilities.
7. Mechanisms to ensure the continued maintenance of common areas, including but not limited to roadways, sidewalks, lighting, landscaping, utilities, and other site improvements.
8. Provisions assuring that open space areas shown on the plan for use by the public or residents of the development will be irrevocably committed for that purpose. The City may require conveyances or other documents to be placed in escrow to accomplish this.
9. Provisions for the future financing of any improvement shown on the plan as site improvements, open space areas, and common areas, which are to be included within the development, and that maintenance of such improvements is assured by means satisfactory to the City.
10. Provisions to ensure adequate protection of natural features.
11. Financial assurances in accordance with this Section to guarantee the completion of all site improvements.
12. Requirements that the applicant maintain insurance coverage during development in amounts established by the City, naming the City as an additional insured, and further, required insurance provisions after the development is completed.
13. The site plan, special use, Planned Unit Development, or conditional rezoning must be incorporated by reference and attached as an exhibit.

14. Description of the timing to complete the development of the project. If the project is to be developed in phases, a timeline to complete the construction of each phase.
15. An acknowledgment by the applicant that the terms and conditions of the approval are fair, reasonable, and equitable, that the terms and conditions do not violate any constitutional rights, and that the applicant freely agrees to be bound by each and every condition and provision of the development agreement.

SECTION 3.12 VIOLATIONS AND PENALTIES

- A. ***Violations.*** If the Zoning Administrator finds that any of the provisions of this Ordinance are being violated, the person responsible must be notified in writing for such violations, indicating the nature of the violation, and ordering the action necessary to correct it. Discontinuance must be ordered of illegal use(s) of land, buildings, or structures; removal of illegal buildings or structures; discontinuance of any illegal work being done; or must take any other action authorized by this Ordinance to ensure compliance with, or to prevent violation of its provisions. Violations are to be issued by the Code Enforcement Officer. Violations of the provisions of this Ordinance, or failure to comply with any of its requirements and provisions of permits and certificates granted in accordance with this Ordinance constitute a municipal civil infraction for which the fine will be no less than one hundred dollars, nor more than five hundred dollars for the first offense. Subsequent offenses must be not less than five hundred dollars or more than one thousand dollars for each offense. Each day such violation continues is considered a separate offense. The owner of record or tenant of any building, structure, premise, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation, may each be found guilty of a separate offense and suffer the penalties provided by law. In addition to any remedies available at law, the City may bring an action for an injunction or other process against a person to restrain, prevent, or abate any violation of this Code or any City Ordinance.
- B. ***Compliance Required.*** The imposition of any fine, or jail sentence, or both does not exempt the violator from compliance with the provisions of this Ordinance.

- C. ***Public Nuisance Per Se.*** A use of land or a dwelling, building, or structure, including a tent or recreational vehicle, used, erected, altered, razed, or converted in violation of this Ordinance or a regulation adopted under the authority of the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended, is a nuisance per se and may be abated by order of any court of competent jurisdiction.

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ARTICLE 4

ESTABLISHMENT OF DISTRICTS

SECTION 4.01 ESTABLISHMENT OF DISTRICTS

The City of Berkley is divided into the following zoning districts as shown on the Official Zoning Map, which together with all explanatory matter shown in this Article is adopted by reference and declared to be part of this Chapter.

R-1AB	Single Family Residential
R-1CD	Smaller Lot Single Family Residential
R-2	Two Family Residential
R-M	Low Density Multiple Family Residential
R-M-H	High Density Multiple Family Residential
CC	Community Centerpiece
P-1	Parking Overlay
RC	Residential Corridor
DT	Downtown Corridor
GC	Gateway Corridor
WC	Woodward Corridor
FX	Flex District
C-1	Cemetery District
PUD	Planned Unit Development

SECTION 4.02 ZONING MAP

- A. *Official Zoning Map of the City of Berkley.* For the purpose of this Chapter, the zoning districts as provided in [Article 5](#) and [Article 6](#) of the Chapter are bounded and defined as shown on a map entitled "Official Zoning Map of the City of Berkley," a copy of which accompanies this Chapter and which, with all explanatory matter thereon, is made a part of this Chapter.

- B. ***Signature and Seal.*** The Official Zoning Map is identified by the signature of the Mayor, attested by the City Clerk, and bears the Seal of the City under the following words: "This is to certify that this is the Official Zoning Map referred to in the Zoning Ordinance of the City of Berkley," together with the effective date of this Chapter.
- C. ***Amendment of Zoning Map.*** In accordance with the Zoning Enabling Act, the City may amend the Official Zoning Map in connection with a rezoning of land within the City. Whenever land within the City is rezoned by ordinance, an updated version of the map must be attached to and incorporated into the Zoning Ordinance amendment affecting the rezoning, and the updated map will supersede the previous version of the map as the Official Zoning Map of the City. In the event that any neighboring City land is annexed or rezoned by a court order, the City Clerk must cause the Zoning Map to be updated to reflect the annexation or court order, without the need for the City Council to adopt an updated map. Changes to the Official Zoning Map through an amendment, annexation, or court order must be signed and dated by the City Clerk. The Zoning Administrator must maintain for public inspection the Official Zoning Map and a copy of the document or documents affecting the most recent annexation or rezoning. Copies of the amended map must be distributed to all City Council and Planning Commission members.
- D. ***Location.*** Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map, which will be located in the office of the Zoning Administrator and open to public inspection, will be the final authority as to the current zoning status of any land, parcel, lot, district, use, building, or structure in the City.
- E. ***Damaged, destroyed, lost, or difficult to interpret.***
1. In the event that the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes made thereto, the City Council may, by ordinance, adopt a new Official Zoning Map which will supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions on the prior Official Zoning Map, but no such corrections will have the effect of amending this Chapter or the prior Official Zoning Map. The new Official Zoning Map will be identified by the signature of the Mayor, attested by the City Clerk, and bear the seal of the City under the following words: "This is to certify that this is

the Official Zoning Map referred to in the Zoning Ordinance the City of Berkley adopted on (date) which replaces and supersedes the Official Zoning Map which was adopted on (date)."

2. Unless the prior Official Zoning Map has been lost or has been totally destroyed, the prior map or any significant parts thereof remaining, must be preserved, together with all available records pertaining to its adoption or amendment.

SECTION 4.03 INTERPRETATION OF DISTRICT BOUNDARIES

Where uncertainty exists as to the boundaries of zoning districts as shown on the Official Zoning Map the following rules for interpretation apply:

- A. ***Center line.*** A boundary indicated as approximately following the center line of a highway, street, alley, or easement must be construed as following such center line.
- B. ***Recorded lot line.*** A boundary indicated as approximately following a recorded lot line or the line bounding a parcel must be construed as following such line.
- C. ***Corporate boundary.*** A boundary indicated as approximately following the corporate boundary line of a city, must be construed as following such line.
- D. ***Parallel or extension.*** A boundary indicated as a parallel to or an extension of a feature indicated in Subsections A through C above must be so construed.
- E. ***Distance.*** A distance not specifically indicated on the Official Zoning Map must be determined by the scale of the map.
- F. ***Variance.*** Where a physical or cultural feature existing on the ground is at variance with that shown on the Official Zoning Map, or in any other circumstances not covered by Subsections A through E above, the Board of Appeals must interpret the zoning district boundary.
- G. ***Division through a lot.*** Where a district boundary line divides a lot that is in single ownership at the time of adoption of this Chapter, the Board of Appeals may permit as a conditional use, the extension of the regulations for

either portion of the lot to the nearest lot line, but not to exceed fifty feet beyond the district line into the remaining portion of the lot.

SECTION 4.04 SCOPE

- A. ***Effective date.*** Except as may otherwise be provided in [Article 16](#) - Nonconformities of this Chapter, every building and structure erected, every use of any lot, building, or structure established, every structural alteration or relocation of an existing building or structure occurring, and every enlargement of or addition to an existing use, building, and structure occurring after the effective date of this Chapter will be subject to all regulations of this Chapter that are applicable in the zoning district in which such use, building, or structure is located. However, where a building permit for a building or structure, use of building or structure, or use of lot or parcel has been issued in accordance with the law prior to the effective date of this Chapter, and provided that construction is begun within three hundred and sixty-five days of such effective date and diligently pursued to completion, said building or structure, use of building or structure, or use of lot or parcel, may be completed in accordance with the approved plans on the basis of which the building permit has been used, and further, may upon completion be occupied by the use for which originally designated, subject thereafter to the provisions of [Article 16](#) - Nonconformities of this Chapter.

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ARTICLE 5 USE-BASED DISTRICTS

SECTION 5.01 R-1AB SINGLE FAMILY RESIDENTIAL DISTRICT

A. Intent. This district is intended to preserve the quality of existing residential neighborhoods while recognizing the need for other uses to support the quality of life within them.

B. Principal Uses

1. Single family detached dwellings.
2. Publicly owned and operated libraries, parks, parkways, and recreational facilities.
3. Municipal buildings and uses.
4. Accessory buildings and uses, including home-based businesses and accessory dwelling units.
5. State-licensed residential facilities, up to six individuals.
6. Child family day care homes.

C. Special Uses

1. Places of assembly.
2. Public, parochial and private elementary, intermediate, and high schools offering courses in general education, not operated for profit.
3. Adult foster care facilities.
4. Child day care centers, and child group day care home.
5. Public utility buildings.

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D. **Dimensional Requirements.** The following dimensional requirements apply to all primary structures and attached accessory structures in the R-1AB district.

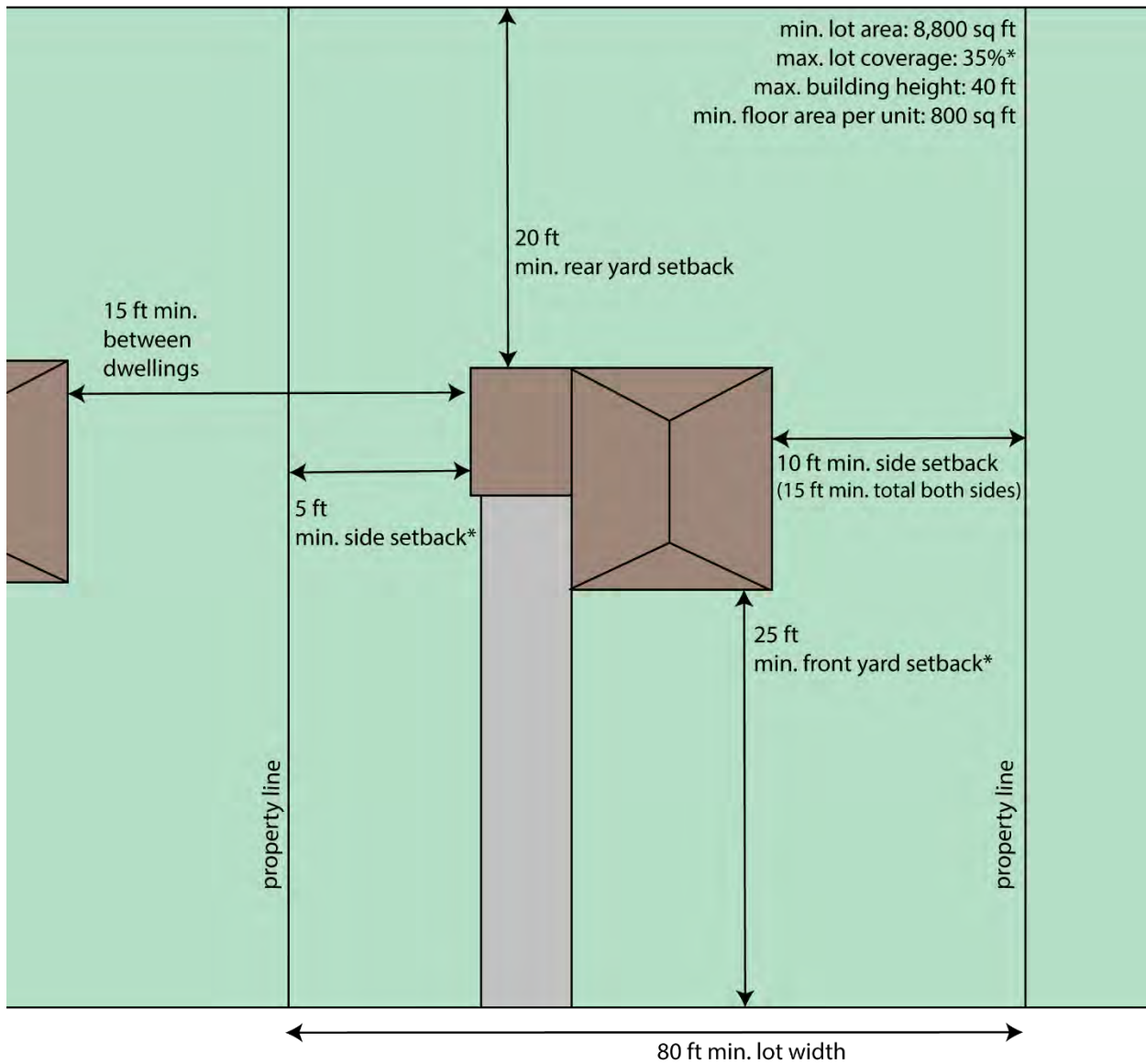
Table 5.01		
Regulation	Single family dwelling	Non-residential building
Minimum lot area	8,800 sq. ft.	1 acre
Minimum lot width	80 ft.	200 ft.
Maximum lot coverage	35% ²	50%
Minimum floor area per dwelling unit	800 sq. ft.	Not applicable
Minimum front yard setback	25 ft. ¹	See requirements for Community Centerpiece
Minimum rear yard setback	20 ft.	
Minimum side yard setback, per side	5 ft. ²	
Minimum side yard setback, total	15 ft.	
Minimum distance between dwelling units	15 ft.	
Maximum building height	40 ft.	

¹ The front yard setback must be twenty-five feet or equal to the average setback of the six adjacent buildings on the same block, whichever is greater, [see 5.09B](#).

² For corner lots, [see Section 5.09E](#) and [5.09F](#) - Supplemental Dimensional Regulations Applicable To All Use Based Districts.

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The following graphic illustrates the dimensional standards for single family dwellings in the R-1AB district.



*reference 5.09 B for front and 5.09 E & F for corner lots

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SECTION 5.02 R-1CD SINGLE FAMILY RESIDENTIAL SMALL LOT DISTRICT

A. Intent. This district is intended to preserve the quality of existing residential neighborhoods while recognizing the need for other uses to support the quality of life within them.

B. Principal Uses

1. Single family detached dwellings.
2. Publicly owned and operated libraries, parks, parkways, and recreational facilities.
3. Municipal buildings and uses.
4. Accessory buildings and uses, including home-based businesses and accessory dwelling units.
5. State-licensed residential facilities, up to six individuals.
6. Child family day care homes.

C. Special Uses

1. Places of assembly.
2. Public, parochial and private elementary, intermediate, and/or high schools offering courses in general education, not operated for profit.
3. Adult foster care facilities.
4. Child day care centers, and child group day care home.
5. Public utility buildings.

D. Dimensional Requirements. The following dimensional requirements apply to all primary structures and attached accessory structures in the R-1CD district.

Table 5.02		
Regulation	Single family dwelling	Non-residential building
Minimum lot area	4,400 sq. ft.	1 acre
Minimum lot width	40 ft.	200 ft.
Maximum lot coverage	35% ²	50%
Minimum floor area per dwelling unit	800 sq. ft.	Not applicable
Minimum front yard setback	25 ft. ¹	

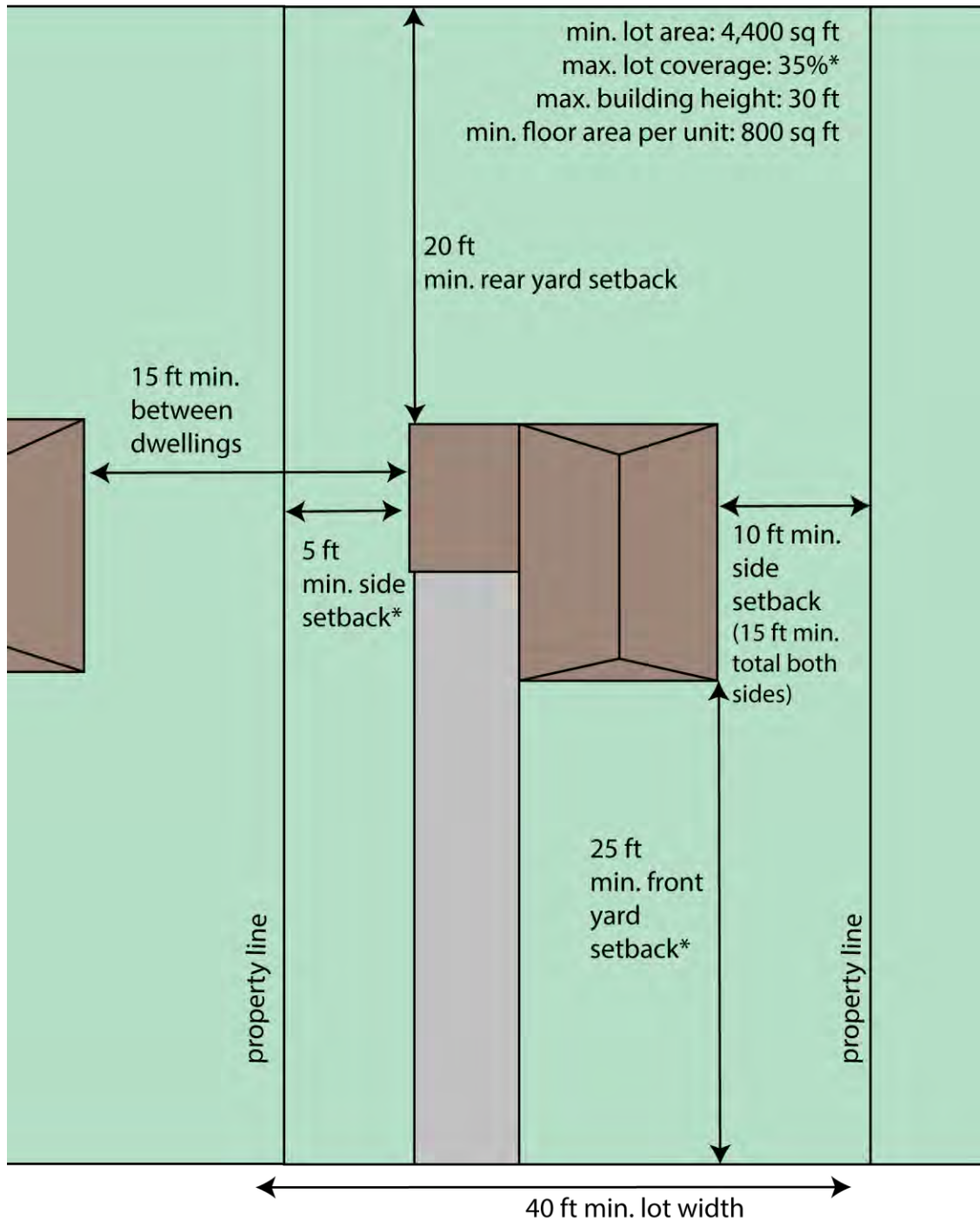
Table 5.02		
Regulation	Single family dwelling	Non-residential building
Minimum rear yard setback	20 ft.	See requirements for Community Centerpiece
Minimum side yard setback, per side	5 ft. ²	
Minimum side yard setback, total	15 ft.	
Minimum distance between dwelling units	15 ft.	
Maximum building height	30 ft.	

¹ The front yard setback must be twenty-five feet or equal to the average setback of the six adjacent buildings on the same block, whichever is greater, [see 5.09B](#).

² For corner lots, [see Section 5.09E](#), and [5.09F](#) - Supplemental Dimensional Regulations Applicable To All Use Based Districts.

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The following graphic illustrates the dimensional standards for single family dwellings in the R-1CD district.



*reference 5.09 B for front and 5.09 E & F for corner lots

SECTION 5.03 R-2 TWO FAMILY RESIDENTIAL DISTRICT

A. Intent. This district is intended to provide duplexes and to preserve the quality of existing residential neighborhoods while recognizing the need for other uses to support the quality of life within them.

B. Principal Uses

1. Single family detached dwellings.
2. Two family attached dwellings.
3. Publicly owned and operated libraries, parks, parkways, and recreational facilities.
4. Municipal buildings and uses.
5. Accessory buildings and uses, including home-based businesses and accessory dwelling units to single family detached dwellings.
6. State-licensed residential facilities, up to six individuals.
7. Child family day care homes.

C. Special Uses

1. Places of assembly.
2. Public, parochial and private elementary, intermediate, and/or high schools offering courses in general education, not operated for profit.
3. Adult foster care facilities.
4. Child day care centers, and child group day care home.
5. Public utility buildings.

D. Dimensional Requirements. The following dimensional requirements apply to all primary structures and attached accessory structures in the R-2 district.

Table 5.03		
Regulation	Single family dwelling or Two family dwelling	Non-residential building
Minimum lot area	4,400 sq. ft.	1 acre
Minimum lot width	40 ft.	200 ft.
Maximum lot coverage	35% ²	50%

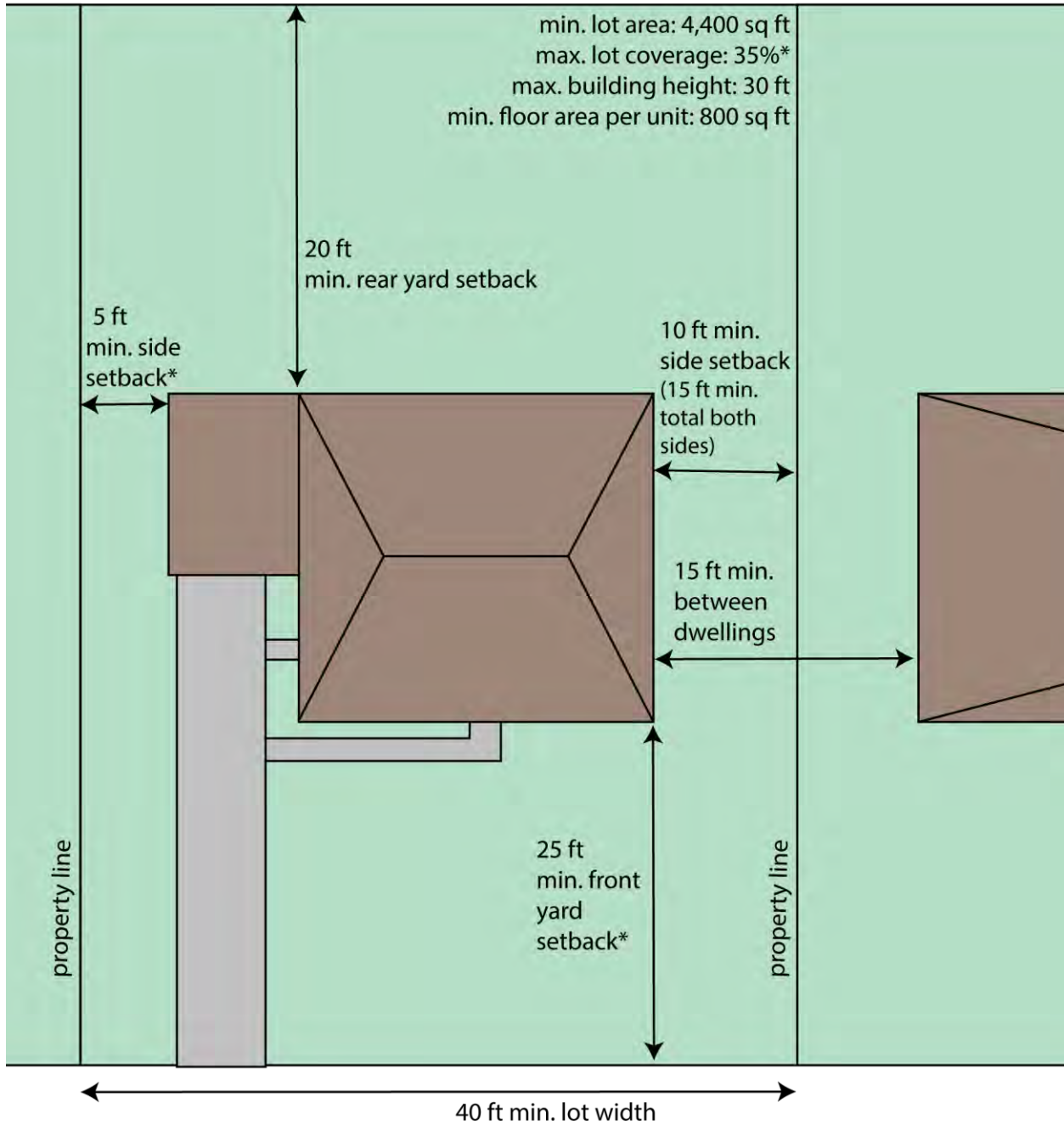
Table 5.03		
Regulation	Single family dwelling or Two family dwelling	Non-residential building
Minimum floor area per dwelling unit	800 sq. ft. for single family dwelling, 400 sq. ft. for two family dwelling	Not applicable
Minimum front yard setback	25 ft. ¹	See requirements for Community Centerpiece
Minimum rear yard setback	20 ft.	
Minimum side yard setback, per side	5 ft. ²	
Minimum side yard setback, total	15 ft.	
Minimum distance between dwelling units	15 ft.	
Maximum building height	30 ft.	

¹ The front yard setback must be twenty-five feet or equal to the average setback of the six adjacent buildings on the same block, whichever is greater, [see Section 5.09B](#).

² For corner lots, [see Section 5.09E](#) and [5.09F](#) - Supplemental Dimensional Regulations Applicable To All Use Based Districts.

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The following graphic illustrates the dimensional standards for two family dwellings in the R-2 district. Refer to [Section 5.02](#) for an illustration of the dimensional standards for single family dwellings in the R-2 district.



*reference 5.09 B for front and 5.09 E & F for corner lots

- E. Design Requirements.** The following design requirements apply to all primary structures and attached accessory structures in the R-2 district.
1. Only one of the two dwelling unit entrances may be visible from the right-of-way along the front parcel line. Any secondary entrance must be along a side or rear parcel line.
 2. Any pedestrian pathways that connect from the right-of-way to the primary structure, separate from a driveway, must be limited to no more than one per front yard. For corner lots, there may be two pedestrian pathways: one in the front yard and one in the exterior side yard.
 3. To mitigate the impact of visible large, flat surfaces, designs of the front and side elevations must articulate large planes of flat unbroken surfaces; the minimum size of a flat unbroken surface is ten feet in width. Articulations may include more than one material or color, varying surface depths, windows, doors, bays, or other projections.
 4. Standards for additions.
 - a. Additions that are taller than the original building must be located toward the rear of the building so that the new addition does not visually overpower the original structure.
 - b. Large additions must be broken down into smaller, varied components that relate to the scale and massing of the original structure.
 - c. Additions must respect the massing, scale, and height of the primary structure.

SECTION 5.04 R-M LOW-DENSITY MULTIPLE FAMILY RESIDENTIAL DISTRICT

- A. Intent.** This district is intended to provide a range of detached and attached housing that complements the existing, adjacent neighborhoods.

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B. Principal Uses

1. Single family detached dwellings.
2. Two family attached dwellings.
3. Multiple family dwellings.
4. Publicly owned and operated libraries, parks, parkways, and recreational facilities.
5. Municipal buildings and uses.
6. Accessory buildings and uses, including home-based businesses and accessory dwelling units to single family detached dwellings.
7. State-licensed residential facilities, up to six individuals.
8. Child family day care homes.

C. Special Uses

1. Places of assembly.
2. Public, parochial, and private elementary, intermediate, and/or high schools offering courses in general education, not operated for profit.
3. Adult foster care facilities.
4. Child day care centers, and child group day care home.
5. Public utility buildings.

D. Dimensional Requirements. The following dimensional requirements apply to all primary structures and attached accessory structures in the R-M district.

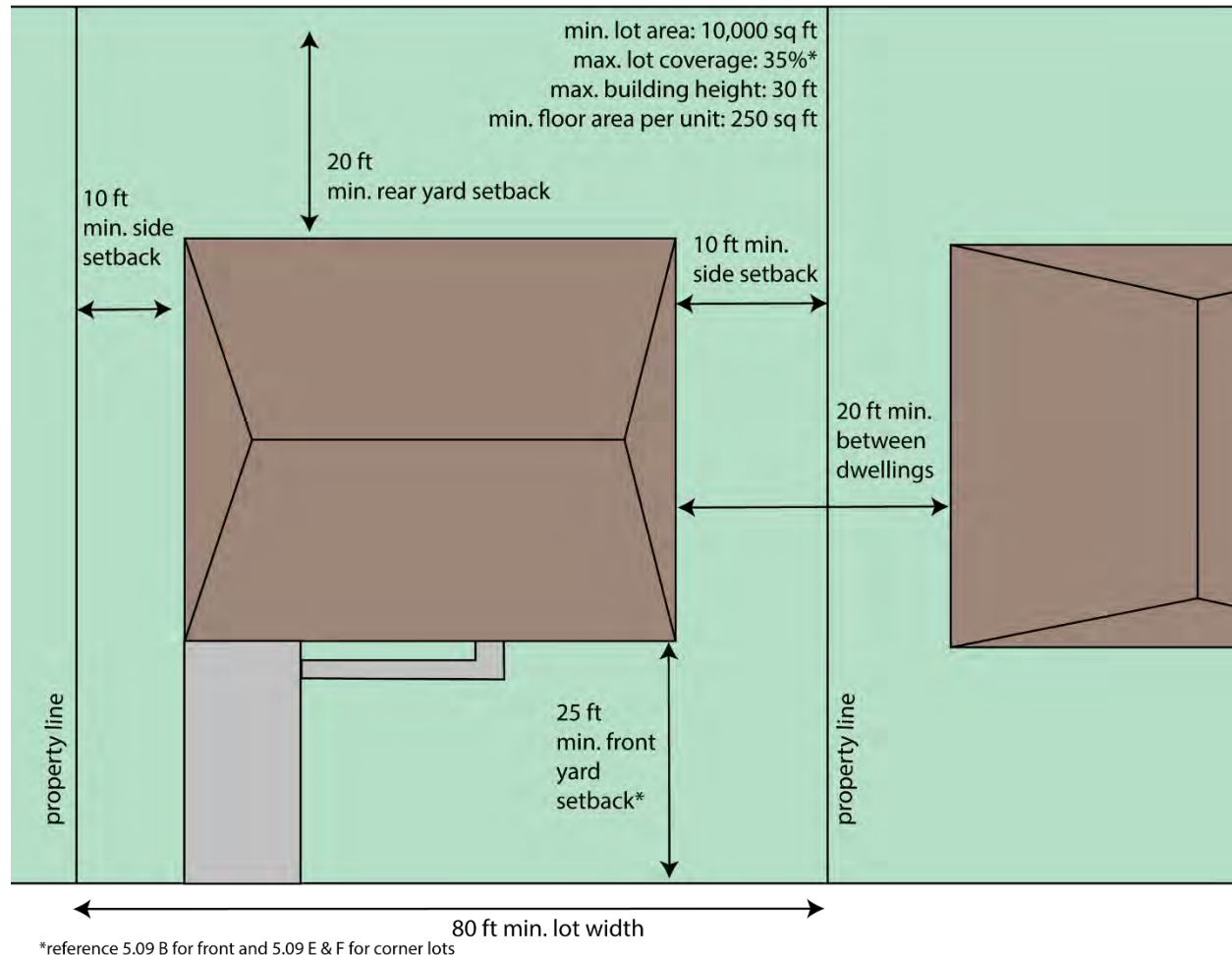
Table 5.04				
Dimensional standard	Single family dwelling	Two family dwelling	Multiple family dwelling	Non-residential building
Minimum lot area	See Table 5.03		10,000 sq. ft.	1 acre
Minimum lot width			80 ft. (per building)	200 ft.
Maximum lot coverage			35% ²	50%
Minimum floor area per dwelling unit			250 sq. ft.	Not applicable

Table 5.04				
Dimensional standard	Single family dwelling	Two family dwelling	Multiple family dwelling	Non-residential building
Minimum front yard setback			25 ft. ¹	See requirements for Community Centerpiece
Minimum rear yard setback			20 ft.	
Minimum side yard setback, per side			10 ft.	
Minimum side yard setback, total			20 ft.	
Minimum distance between dwelling units			20 ft.	
Maximum building height			30 ft.	

- 1 The front yard setback must be twenty-five feet or equal to the average setback of the six adjacent buildings on the same block, whichever is greater, [see 5.09B](#).
- 2 For corner lots, see [Section 5.09E](#), and [5.09F](#) - Supplemental Dimensional Regulations Applicable To All Use Based Districts.

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The following graphic illustrates the dimensional standards for multiple family dwellings in the R-M district. Refer to Sections 5.02 and 5.03 for illustrations of the dimensional standards for single family and two family dwellings in the R-M district.



E. Design Requirements. The following design requirements apply to all primary structures and attached accessory structures in the R-M district.

1. Only one of the two dwelling unit entrances may be visible from the right-of-way along the front parcel line. Any secondary entrance must be along a side or rear parcel line.
2. For single family attached buildings, only one entrance per dwelling unit may be visible from the right-of-way along the front parcel line. Any secondary entrances must be along a side or rear parcel line.
3. For multiple family buildings, only one of the common entrances may

be visible from the right-of-way along the front parcel line. Any secondary entrances must be along a side or rear parcel line.

4. Any pedestrian pathways that connect from the right-of-way to the primary structure, separate from a driveway, must be limited to no more than one per dwelling unit with a primary entrance facing the front yard. For corner lots, there may be two pedestrian pathways per primary entrance: one in the front yard and one in the exterior side yard.
5. To mitigate the impact of visible large, flat surfaces, designs of the front and side elevations must articulate large planes of flat unbroken surfaces; the minimum size of a flat unbroken surface is ten feet in width for single family and two family structures and twenty feet in width for multiple family and non-residential structures. Articulations may include more than one material or color, varying surface depths, windows, doors, bays, or other projections.
6. Standards for additions.
 - a. Additions that are taller than the original building must be located toward the rear of the building so that the new addition does not visually overpower the original structure.
 - b. Large additions must be broken down into smaller, varied components that relate to the scale and massing of the original structure.
 - c. Additions must respect the massing, scale, and height of the primary structure.

SECTION 5.05 R-M-H HIGH-DENSITY MULTIPLE FAMILY RESIDENTIAL DISTRICT

- A. **Intent.** The intention of this district is to preserve existing multiple family dwellings that serve the residential needs of individuals or households wanting or needing an apartment with central services. The number of existing units within this geographic area is intended to be maintained in the future.

B. Principal Uses

1. Multiple family dwellings.
2. Publicly owned and operated libraries, parks, parkways, and recreational facilities.
3. Municipal buildings and uses.
4. Accessory buildings and uses, including home-based businesses.
5. State-licensed residential facilities, up to six individuals.
6. Child family day care homes.

C. Special Uses

1. Places of assembly.
2. Public, parochial, and private elementary, intermediate, and/or high schools offering courses in general education, not operated for profit.
3. Adult foster care facilities.
4. Child day care centers, and child group day care home.
5. Public utility buildings.

D. Dimensional Requirements. The following dimensional requirements apply to all primary structures and attached accessory structures in the R-M-H district.

Table 5.05		
Dimensional standard	Multiple family dwelling	Non-residential building
Minimum lot area	3.5 acres	1 acre
Minimum lot width	80 ft. (per building)	200 ft.
Maximum lot coverage	65%	50%
Minimum floor area per dwelling unit	250 sq. ft.	Not applicable
Minimum front yard setback	15 ft.	See requirements for Community Centerpiece
Minimum rear yard setback	50 ft.	
Minimum side yard setback, per side	5 ft. per every 20 ft. in building height	
Minimum distance between buildings	15 ft.	
Maximum building height	120 ft., no more than 10 stories	

SECTION 5.06 CC - COMMUNITY CENTERPIECE

A. Intent. The intention of this district is to accommodate a use that possesses unique characteristics making it impractical to include in any other use district classification. The unique characteristics are that the large land areas devoted to this use affect the continuity of local streets.

B. Principal Uses

1. Publicly owned and operated libraries, parks, parkways, cemeteries, and recreational facilities.
2. Private clubs, lodges, fraternities, and similar uses when such uses are not operated for profit.
3. Places of assembly.
4. Public, parochial, and private elementary, intermediate, and/or high schools offering courses in general education.
5. Child day care centers, and child group day care homes.

C. Special Uses

1. Accessory buildings and uses.

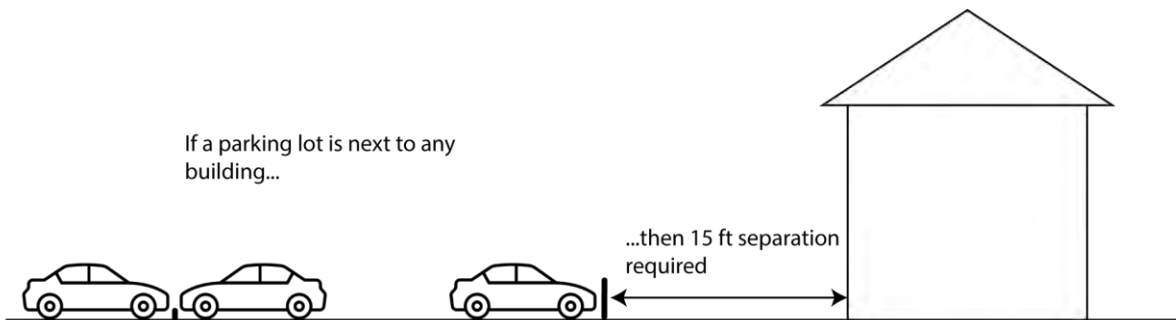
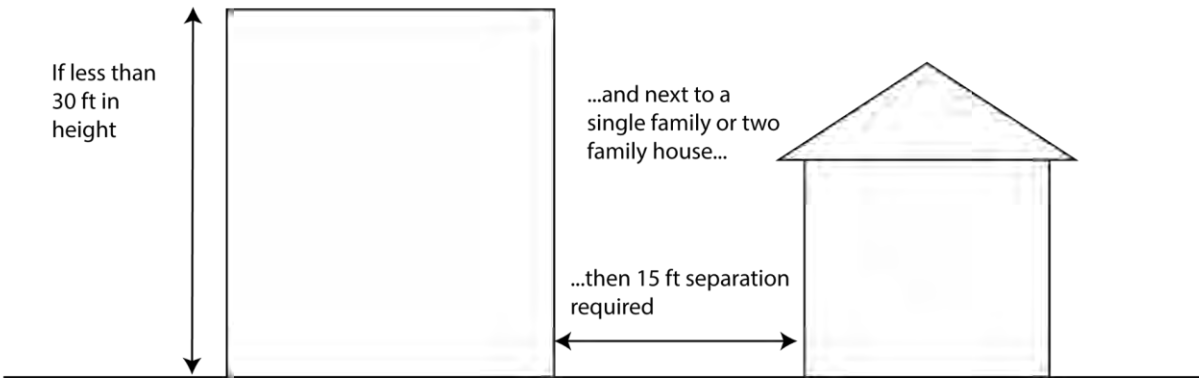
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D. Dimensional Requirements. The following dimensional requirements apply to all lots, primary structures, and attached accessory structures in the CC district.

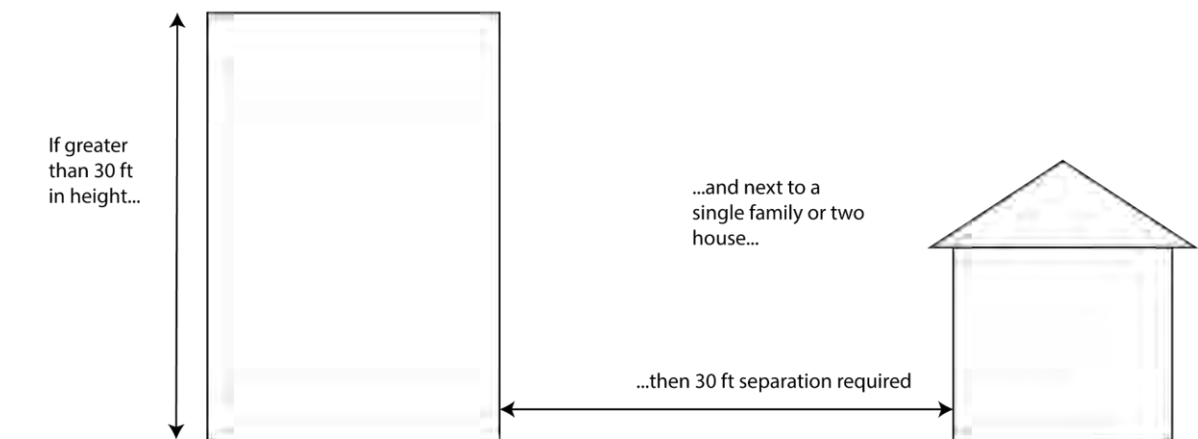
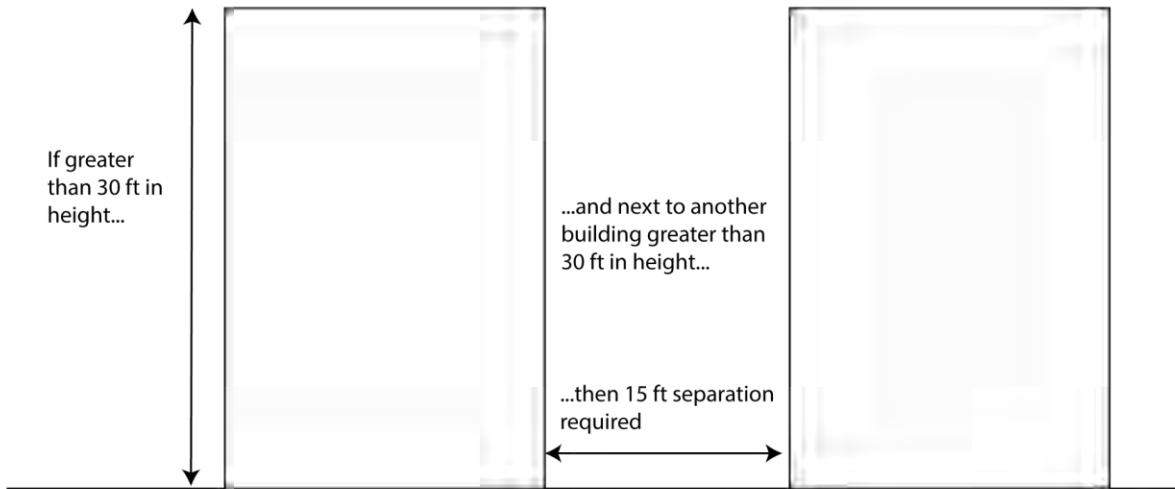
Table 5.06		
Minimum lot size	32,000 sq. ft.	
Minimum lot width	200 ft.	
Maximum height	3 stories and 40 ft.	
Maximum lot coverage	35%	
If new development is:	And it is next to:	Then required separation is:
A building less than 30 ft. in height	A single family or two family house	15 ft.
A parking lot	Any type of building	15 ft.
A building greater than 30 ft. in height	A single family or two family house	30 ft.
A building greater than 30 ft. in height	A building greater than 30 ft. in height	15 ft.

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The following graphics illustrate the dimensional standards for buildings in the CC district.



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SECTION 5.07 P-1 PARKING OVERLAY DISTRICT

- A. As an overlay district, the parking district is intended to provide potential corridor expansion or a transitional buffer between commercial corridors and residential neighborhoods.

B. Principal Uses

1. All principal uses in the underlying zoning district.

C. Special Uses

1. Off-street vehicular parking lots as the primary use.
2. Vehicular parking structures as the primary use.
3. All special uses in the underlying zoning district.

- D. Required Conditions.** The requirements of [Section 9.16](#) must be a factor for any application of the Parking Overlay District.

SECTION 5.08 C-1 CEMETERY DISTRICT

- A. Intent.** The Cemetery district is designed to accommodate a use that possesses unique characteristics making it impractical to include in any other use district classification. The unique characteristics are that the large land areas devoted to this use affect the continuity of local streets and that this use does not require normal services. Premises in such C-1 districts may be used only for burial grounds and the drives and buildings normally incidental thereto and must be developed and maintained subject to such regulations as are provided in this division.

B. Principal Uses

1. Cemetery

C. Special Uses

1. None

D. Required Conditions.

1. All access in the C-1 district must be provided from an arterial street or collector street.
2. All sides of the cemetery within the City in the C-1 district must be screened with a continuous and obscuring wall not less than six feet in height or a galvanized chain link type steel fence six feet in height measured from the surface of the ground. The land falling between

the wall or fence and a public street must be planted with trees, flowers, and grass and landscaped and maintained by the cemetery owner in a healthy growing condition.

3. Before a cemetery is permitted there must be a satisfactory drainage plan approved by the City Engineer.

SECTION 5.09 SUPPLEMENTAL DIMENSIONAL REGULATIONS APPLICABLE TO ALL USE BASED DISTRICTS

- A. In calculating the area of a lot that adjoins an alley, one-half the width of such alley abutting the lot is considered to be part of such lot.
- B. The front yard setback must be twenty-five feet or equal to the average setback of the six adjacent buildings on the same block, whichever is greater.
- C. A porch or paved terrace may project into a front yard setback up to eight feet, but in no case may a front porch be closer to the front parcel line than fifteen feet. Porches may be covered by an awning, roof, or canopy but must not be otherwise enclosed, except that the space below the surface of the porch or paved terrace will be concealed from view in accordance with prescribed standards.
- D. Projections may extend into a required side yard setback of not more than two inches for each one foot of width of such setback and may extend or project into a required front or rear yard setback not more than three feet. The total of all projections into a required setback yard must not exceed thirty percent of that wall's surface area.

Projections may have a foundation, such as brick or masonry fireplaces, or may not include a foundation, such as egress window wells, box fireplaces, bay windows, and other types of cantilevers, including second-story cantilevers.

Projections without a foundation must be above grade at least twelve inches.

In nonresidential districts, where no front yard setback is required, the Planning Commission may permit a projection to extend into the right of way three feet provided that it is at least eleven feet above the sidewalk if the Planning Commission determines the public health, safety, and welfare will

not be adversely affected. The total of all projections into a given right of way must not exceed thirty percent of that wall's surface area.

- E. Exterior side yards on corner lots:
 - 1. When a rear yard abuts a rear yard, the exterior side yard setback must not be less than ten feet.
 - 2. When a rear yard abuts a side yard, the exterior side yard setback is twenty-five feet, with the following exception:
 - i. When the distance from the rear lot line to the principal structure is greater than thirty-five feet, the minimum setback is reduced to ten feet.
- F. Maximum lot coverage for corner lots must not exceed forty-five percent.
- G. Parking for uses other than single family residential must be located in a side or rear yard and comply with screening standards in [Article 12](#) – Landscaping and Screening.

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ARTICLE 6

SITE DESIGN BASED DISTRICTS

SECTION 6.01 PURPOSE AND INTENT

The Master Plan identified areas within the City that place greater emphasis on regulating site design and character of development as well as use and intensity of use. Within these areas, the City encourages development with a mix of uses, including public open space, in order to provide walkable development in a sustainable manner. The Site Design-Based Districts are intended to implement the vision, goals, and objectives of the Master Plan and any other applicable plans.

A. *Purpose:* The general purposes of these regulations are to:

1. Ensure that development is of human scale, primarily pedestrian-oriented, and designed to create attractive streetscapes and nonmotorized spaces.
2. Promote infill development and redevelopment.
3. Promote a compact growth pattern to efficiently use the remaining developable land, and to enable the cost-effective extension of utilities, services, streets, and transit services.
4. Promote mixed-use development in both a horizontal and vertical form.
5. Ensure reasonable transition between higher-intensity development and adjacent neighborhoods.
6. Improve mobility options and reduce the need for on-site parking by encouraging alternative means of transportation.

B. *Factors for regulation:* Considering site context provides a customized approach to the inherent conditions of the areas where these regulations are applied. These regulations are based on two significant factors: site context and site layout.

1. ***Site context.*** Site context is derived from existing and desired characteristics, which include street types and site types.

- a. Streets can be divided into various types, based on purpose and unique attributes.
 - b. Sites are divided into types based on characteristics including shape, size, and orientation. Site types are distinguished from one another by their site context, which includes size and configuration of the site, traffic patterns, location, existing land uses, and intensity of use.
2. **Site layout.** Site layout addresses the manner in which buildings and structures are situated on their lots, relate to surrounding buildings, and relate to street frontage. The shape of the building, the land area to volume ratio, and the orientation of the building have significant impacts on the general feel and character of an area. Site layout standards control height, placement, building configuration, parking location, and ground story activation applicable to the site context.
 3. Regulations are tailored to meet a more specific intent of each district. These districts and intents are set forth elsewhere in this Article.
- C. **Steps:** The steps to determine the regulations that apply to a specific parcel within a site design-based district are as follows:
1. Identify the street type or types adjacent to the site in question. Streets will be classified as Residential, Corridor, Downtown, and Walkable Area.
 2. Identify the site type for the site in question. Sites will be classified as Site Type Small, Medium, or Large for each Site-Design Based Zoning District.
 3. Consult the Use Groups and Site Layout Permitted Tables for the district in which the site is located. The tables will identify if a use group or site layout is permitted, permitted with special approval, or not permitted for the site type and street type combination of the site in question.
 4. Follow the regulations for the chosen site layout when designing the development application.
 5. Follow the design standards as listed in this Article.

6. Obtain site plan approval or special use approval for the chosen site layout and use, as appropriate.

SECTION 6.02 APPLICABILITY AND ORGANIZATION

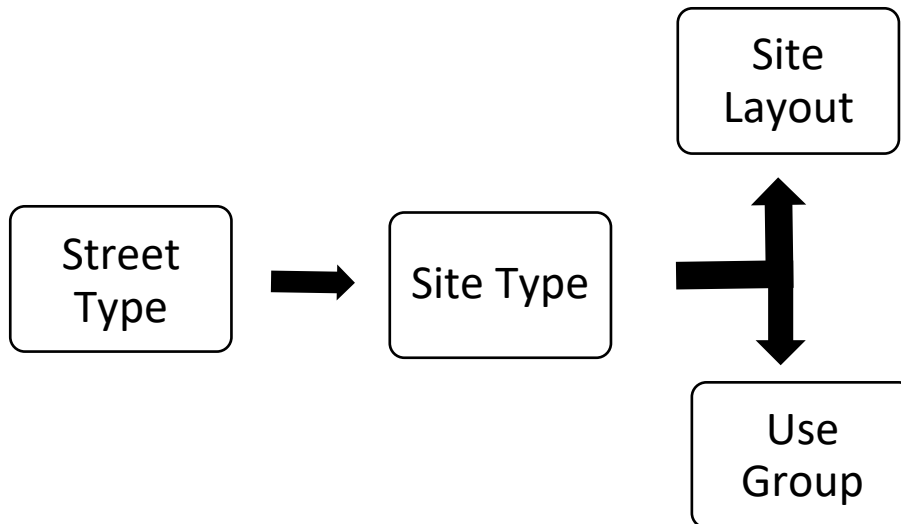
- A. ***Applicability:*** Any new use or expansion of existing use that requires Site Plan Review must comply with the requirements of this Article and other applicable requirements of this Chapter.
- B. The requirements of this Article do not apply to:
 1. Continuation of a permitted use within an existing structure.
 2. Changes of use within existing structures that do not require increased parking.
 3. Normal repair and maintenance of existing structures that do not increase building size or parking demand.
 4. Continuation of a legal nonconforming use, building, or structure, in accordance with [Article 16](#).
- C. ***Street types:*** Street types, as set forth in this Article recognize that street patterns within the City of Berkeley are established. Streets range from Corridors, which carry a large volume of traffic, to Residential streets, which carry lower volumes of neighborhood traffic.
- D. ***Site types:*** Site types are determined by lot size, lot configuration, location, and relationship to neighboring adjacent sites.
- E. ***Site layout standards:*** Site layout standards establish the parameters for site layout, height, and placement, and are specifically applied to each district based upon the regulating plan.
- F. ***Authorized use groups:*** Authorized land uses are organized by use groups. Authorized use groups are specifically applied to each district based upon the street type and site type.
- G. ***Design standards:*** General design standards are established for each district and are supplementary to other requirements of the Chapter. Generally, the design standards regulate parking, public spaces, landscaping, and other site design requirements.

- H. **Modification of district boundaries:** Any modification to the boundaries of any site design-based district requires rezoning, in accordance with the provisions of [Article 18](#), Rezoning and Zoning Ordinance Text Amendments.

SECTION 6.03 STANDARDS APPLICABLE TO ALL DISTRICTS

- A. **Intent:** The following standards are applicable to all uses and define the elements of the site design-based regulations. Each parcel has a street type and site type, and it is assigned a use group(s) and site layout(s).

Determining site specific standards for each parcel within a mixed-use district is based on the following hierarchy:



- B. **Street Types.**
 1. **Residential:** These streets primarily serve established neighborhoods, and the land use on the opposite side of the street is residential. The streets are two lanes, with the exception of Eleven Mile. Unless serviced by an alley, each parcel has an individual curb cut. Residential streets are Ellwood in its entirety, Eleven Mile between Mortensen and Woodward, and the side streets connecting neighborhoods to Corridor streets.
 2. **Corridor:** These streets are mixed-use corridors in the City that move traffic from the City to the larger regional street network or are part of

that network. These streets range from four-lane streets to eight-lane divided boulevards. Unless serviced by an alley or a service drive, each parcel has an individual curb cut. Corridor streets are Woodward from Eleven Mile to Twelve Mile; Twelve Mile from Coolidge to Woodward; Greenfield from Webster to Eleven Mile; and Eleven Mile from Mortenson to Woodward.

3. ***Downtown:*** Downtown streets are the Section of Twelve Mile, from Gardner to Wakefield, which are the traditional mixed-use center of Berkley. Sidewalks are wider here than elsewhere in the City, with opportunities for outdoor seating, dining, and sales. All parcels are served by alleys or municipal parking lots. No new curb cuts are allowed.

4. ***Walkable Area:*** These streets are in mixed-use areas intended to be walkable. The area between the back of the curb to the front building facade is wider than along the corridors to allow for street trees, street furniture, outdoor dining or sales, and yards, when appropriate. These streets are adjacent to the downtown or across the street from existing or planned walkable areas in bordering municipalities. Typically, these streets are four lanes, with a left-hand turn lane at intersections or they are two lanes with a center lane used for left turns. Curb cuts are limited to create a walkable environment. Walkable Area streets are Coolidge from Eleven Mile to Twelve Mile; Eleven Mile from Greenfield to Mortensen; Twelve Mile from Greenfield to Gardner; and Twelve Mile from Wakefield to Coolidge.

C. ***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.

Table 6.03.C.	
<i>Use Group</i>	<i>Land Uses</i>
Group 1: Residential	Single family dwellings Accessory dwelling units Home-based businesses State licensed facilities, up to 6 individuals Child family day care home

Table 6.03.C.	
Use Group	Land Uses
	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 Business services

Table 6.03.C.	
<i>Use Group</i>	<i>Land Uses</i>
	<ul style="list-style-type: none"> Professional office Medical office Upper story residential Live/Work units Public parks/plazas Open air businesses
Group 5: Mixed Use High Impact	<p>Buildings up to 20,000 sq. ft. in gross floor area or larger 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)
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

Table 6.03.C.	
<i>Use Group</i>	<i>Land Uses</i>
Group 7: Miscellaneous Commercial	Building & lumber supply Garden centers, nurseries Outdoor commercial recreation 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)
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

SECTION 6.04 RC - RESIDENTIAL CORRIDOR

- A. *Intent:*** This district is intended to provide a mix of residential options, including single family, townhomes, and low-rise multiple family dwellings but also allow for office and other institutional or civic uses or spaces. More intensive uses, such as multiple family dwellings, must be limited to Corridor

Streets. All development must be compatible with the vision and in accordance with the goals and objectives set forth in the Master Plan and any other applicable Plan.

B. *Site Types:* Site types are as follows:

1. ***Small.*** Small site type parcels are usually single parcels from the underlying plat, that typically have a lot width of less than fifty feet and have a maximum area of less than six thousand, six hundred and fifty square feet. Unless a parcel is a corner lot, these parcels have frontage on a single street.

2. ***Medium.*** Medium site type parcels may contain two or more lots from the underlying plat, with primary frontage on a single street. Lot widths typically range from fifty to one hundred and twenty-five feet. Lot areas range from six thousand, six hundred and fifty-one square feet to eighteen thousand square feet. Corner lots may be medium site type parcels, but double-frontage lots may not.

3. ***Large.*** Large site type parcels may contain four or more lots from the underlying plat and are double-frontage lots, with frontage on both a residential street and a corridor street. Lot widths are typically over one hundred and twenty-five feet, and lot areas are over eighteen thousand square feet. Corner lots with double frontage qualify as large site type parcels in the RC district.

Table 6.04B		
Site type	Typical Lot Width	Lot Area
Small	<50 ft.	< 6,650 sq. ft.
Medium	50 – 125 ft.	6,650 – 18,000 sq. ft.
Large	>125 ft.	>18,000 sq. ft.

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C. **Site Layouts:** The following site layouts are allowed in the RC district:

1. **Single Family Dwelling (SF).** The SF site layout dimensional requirements for all primary structures and attached accessory structures are as follows:

Table 6.04.C.1	
Regulation	SF Site Layout Requirements
Minimum lot area	4,400 sq. ft.
Minimum lot width	40 ft.
Maximum lot coverage	35%, 45% for corner lots
Minimum front yard setback	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	See Section 5.09E
Minimum rear yard setback	20 ft.
Minimum side yard setback, per side	5 ft.
Minimum side yard setback, total	15 ft.
Minimum distance between dwelling units on adjacent lots	15 ft.
Maximum building height	30 ft.
Minimum floor area for principal dwelling unit	800 sq. ft.
Parking	Driveway only in rear or side yard, except for front yard driveway parking allowed on Greenfield Road between Twelve Mile and Catalpa
Driveway Access	Any street
Screening/Landscaping	None
Minimum transparency front facade	None

2. ***Two Family Dwelling (2F)***. The 2F site layout dimensional requirements for primary and attached accessory structures are as follows.

Table 6.04.C.2	
Regulation	Two family dwelling requirements
Minimum lot area	4,400 sq. ft.
Minimum lot width	40 ft.
Maximum lot coverage	35%, 45% for corner lots
Minimum front yard setback	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	See Section 5.09E
Minimum rear yard setback	20 ft.
Minimum side yard setback, per side	5 ft.
Minimum side yard setback, total	15 ft.
Minimum distance between dwelling units on adjacent lots	15 ft.
Maximum building height	30 ft.
Minimum floor area per dwelling unit	400 sq. ft.
Parking	Driveway only in rear or side yard, except for front yard driveway parking allowed on Greenfield Road between Twelve Mile and Catalpa
Driveway Access	Any street
Screening/Landscaping	None
Minimum transparency front facade	None

3. ***Attached Single Family (ASF)***. The ASF site layout dimensional requirements for primary and attached accessory structures are as follows:

Table 6.04.C.3	
Regulation	Attached single family requirements
Minimum lot area	10,000 sq. ft.
Minimum lot width	100 ft.
Maximum lot coverage	60%
Minimum front yard setback	15 ft.
Maximum front yard setback	25 ft.
Minimum exterior side yard for a corner lot	15 ft.
Minimum rear yard setback	30 ft.
Minimum side yard setback, per side	15 ft.
Minimum side yard setback, total	30 ft.
Minimum distance between dwelling units on adjacent lots	15 ft.
Maximum building height	40 ft.
Minimum floor area per principal dwelling unit	800 sq. ft.
Parking	Side or rear yard
Driveway Access	Corridor For corner lots, with primary frontage on a corridor street, a driveway may be located on the secondary frontage of residential street perpendicular to the corridor street.
Screening/Landscaping	See Article 12
Minimum transparency front facade	30%

4. ***Non-Residential Building (NR)***. The NR site layout dimensional requirements for primary and attached accessory structures are as follows:

Table 6.04.C.4	
Regulation	Non-residential building requirements
Minimum lot area	10,000 sq. ft.
Minimum lot width	100 ft.
Maximum lot coverage	60%
Minimum front yard setback	15 ft.
Maximum front yard setback	25 ft.
Minimum exterior side yard for a corner lot	15 ft.
Minimum rear yard setback	15 ft. when building height is 30 ft. or less 30 ft. when building height more than 30 ft.
Minimum side yard setback, per side	15 ft.
Minimum side yard setback, total	30 ft.
Maximum building height	40 ft.
Parking	Side or rear yard
Driveway Access	Corridor For corner lots, with primary frontage on a corridor street, a driveway may be located on the secondary frontage of residential street.
Screening/Landscaping	See Article 12
Minimum transparency front facade	30%

5. ***Institutional (IN)***. The IN site layout dimensional requirements for primary and attached accessory structures are as follows:

Table 6.04.C.5		
Regulation	Institutional Building 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	15 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	25 ft.	25 ft.
Minimum rear yard setback	30 ft.	20 ft.
Minimum side yard setback	30 ft.	20 ft.
Maximum building height	40 ft.	30 ft.
Parking location	Side yard, rear yard, or interior	Side or rear yard
Minimum parking area setback	10 ft. from all lot lines	
Driveway Access	Corridor street	Secondary frontage of residential street
Screening/Landscaping	See Article 12	
Minimum transparency front facade	30%	

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

Table 6.04.C.6		
Regulation	Multiple Family Development 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 facade	30%	

D. *Authorized site layouts and use groups:* The tables in this Section determine the site layouts and use groups allowed in the RC zoning district based on street type and site type.

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
<i>Residential</i>	Small	SF	Principal
	Medium	SF	Principal
<i>Corridor</i>	Small	SF, 2F	Principal
		2F, ASF	Principal
	Medium	NR	Special
<i>Double Frontage on both Residential & Corridor</i>	Large	MF, IN	Special

2. ***Authorized use groups.*** Authorized use groups, determined by the street type and site type in the RC Regulating Plan, are allowed by the approval process in Table 6.04.D.2 below.

Table 6.04.D.2			
Street Type	Site Type	Use Group	Approval
<i>Residential</i>	Small	Group 1: Residential	Principal
		Other: Child group day care homes, Adult foster care facilities	Special
	Medium	Group 1: Residential	Principal
		Other: Child group day care homes, Adult foster care facilities	Special
<i>Corridor</i>	Small	Group 1: Residential	Principal

		Group 2: Attached Residential/Lodging	Special
	Medium	Group 2: Attached Residential/Lodging	Principal
		Group 3: Institution/Private Assembly/Lodging Group 4: Mixed Use Small Impact	Special
<i>Double Frontage on both Residential & Corridor</i>	Large	Group 2: Attached Residential/Lodging Group 3: Institution/Private Assembly/Lodging	Special

E. ***Design standards.*** In addition to the standards set forth in this Ordinance, all proposed developments and structures in RC Zoning must comply with the requirements below:

1. Building facades facing either a corridor or residential street must have an entrance that accesses the first-floor of the building. Buildings with primary frontage on a residential street must have an appearance and scale compatible with the surrounding neighborhood.
2. The first-floor elevation of non-residential buildings must face and access a corridor street only.
3. Pedestrian walkways are required to provide access to common spaces, front entrances, and surrounding sidewalks.
4. Multiple Family Site layout must meet the following design standards based on street type:

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Table 6.04.E	
<i>Corridor Street</i>	<i>Residential Street</i>
<p>Buildings must be oriented towards the corridor frontage or an interior courtyard.</p> <p>Buildings must be grouped into clusters to provide common green open spaces.</p>	<p>Front doors of units must face the residential street.</p> <p>Buildings must be grouped into clusters so that the yards between buildings mimic the yards of the single family dwellings in the surrounding neighborhood.</p> <p>No more than 3 units within a building fronting a residential street.</p>

SECTION 6.05 DT - DOWNTOWN

- A. **Intent.** This district is intended to create a vibrant city center with offices, entertainment, retail, businesses, and restaurants serving Berkley residents, daytime businesses, and nighttime entertainment populations. All development must be compatible with the vision and in accordance with the goals and objectives set forth in the Master Plan and any other applicable Plan.
- B. **Site types:** Site types are as follows.
1. **Small.** Small site type parcels may be single lots from the underlying plat. They typically range from twenty feet to thirty-five feet in width. The typical lot depth is less than one hundred and ten feet. The maximum lot area is three thousand square feet. Corner lots may be small site type parcels, but double-frontage lots may not.
 2. **Medium.** Medium site type parcels may contain two or more lots from the underlying plat and can account for half of an existing block. For the longer blocks on the west side of Coolidge between Twelve Mile and Catalpa, medium site type parcels may encompass up to a quarter of a block. Typically, lot widths range from thirty-five feet to one hundred and twenty-five feet. Typically, lot depths range from one hundred to two hundred and thirty feet. Lot areas range from three

thousand square feet to ten and a half thousand square feet. Corner lots may be medium site type parcels, but double-frontage lots may not.

3. **Large.** Large site type parcels may contain six or more lots from the underlying plat and may encompass all or half of a block. For the longer blocks on the west side of Coolidge between Twelve Mile and Catalpa, large site type parcels may encompass a quarter to half of a block. Double-frontage lots are large site type parcels. Typically, lot widths are over one hundred and twenty-five feet, lot depths are over two hundred and thirty, and minimum lot areas are greater than ten and a half thousand square feet.

Table 6.05.B – DT site type dimensions			
Site type	Typical Lot Width	Typical Lot Depth	Lot Area
Small	<35 ft.	< 110 ft.	< 3,000 sq. ft.
Medium	35 – 125 ft.	110 – 230 ft.	3,000 – 10,500 sq. ft.
Large	>125 ft.	>230 ft.	>10,500 sq. ft.

C. **Site Layouts:** the following site layouts are allowed in the DT district:

1. **Mixed Use or Non-Residential Building (MU/NR).** The MU/NR site layout dimensional requirements for primary and attached accessory structures are as follows:

Table 6.05.C.1

Regulation	Non-residential building requirements
Minimum lot area	None
Minimum lot width	None
Maximum lot coverage	100%
Minimum front yard setback	0 ft.
Maximum front yard setback	10 ft.

Regulation	Non-residential building requirements
	20 ft. with Planning Commission waiver when public space provided
Minimum exterior side yard for a corner lot	0 ft.
Minimum rear yard setback	0 ft. 15 ft. when building height more than 30 ft. - see Section 6.09 for exceptions
Minimum side yard setback, per side	0 ft.
Minimum side yard setback, total	0 ft.
Maximum building height	2 stories max 24 ft. 4 stories max/48 ft. with Planning Commission special approval when public space, green roof, affordable housing component or combination are provided (see Section 6.09)
Parking	Side or rear yard
Driveway Access	For corner lots, with primary frontage on a corridor street, a driveway may be located on the secondary frontage of residential street.
Screening/Landscaping	See Article 12
Minimum transparency front facade	70%

2. ***Institutional (IN)***. The IN site layout dimensional requirements for primary and attached accessory structures are as follows:

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Table 6.05.C.2

Regulation	Institutional building requirements
Minimum lot area	10,000 sq. ft.
Minimum lot width	100 ft.
Maximum lot coverage	100%
Minimum front yard setback	0 ft.
Maximum front yard setback	10 ft. 20 ft. with Planning Commission waiver when public space provided
Minimum exterior side yard for a corner lot	10 ft.
Minimum rear yard setback	0 ft. 15 ft. when building height more than 30 ft.
Minimum side yard setback, per side	0 ft.
Minimum side yard setback, total	0 ft.
Maximum building height	4 stories/48 ft.
Parking	Side or rear yard
Driveway Access	For corner lots, with primary frontage on a corridor street, a driveway may be located on the secondary frontage of residential street.
Screening/Landscaping	See Article 12
Design Requirements	Principal building located within 50 ft. of the frontage of a walkable area street
Minimum transparency front facade	30%

3. ***Authorized site layouts.*** Site layouts, determined by the street type and site type in the DT Regulating Plan, are allowed by the approval process in Table 6.05.C.3 below.

Table 6.05.C.3

Street Type	Site Type	Site Layout	Approval
<i>Downtown</i>	Small	MU/NR	Principal
	Medium	MU/NR	Principal
	Large	MU/NR, IN	Special
<i>Walkable Area</i>	Small	MU/NR	Principal
	Medium	MU/NR, IN	Principal
	Large	MU/NR, IN	Principal

4. **Authorized use groups:** Authorized use groups, determined by the street type and site type in the DT regulating plan, are allowed by the approval process in Table 6.05.C.4. below.

Table 6.05.C.4

Street Type	Site Type	Use Group	Approval
<i>Downtown</i>	Small	Group 4: Mixed Use Small Impact Professional and medical office are restricted to upper stories.	Principal
		Group 3: Institution/Private Assembly	Special
	Medium	Group 4: Mixed Use Small Impact Professional and medical office are restricted to upper stories.	Principal
		Group 3: Institution/Private Assembly Group 5: Mixed Use High Impact	Special
	Large	Group 4: Mixed Use Small Impact Professional and medical office are restricted to upper stories.	Principal
		Group 3: Institution/Private Assembly Group 5: Mixed Use High Impact	Special
	Small	Group 4: Mixed Use Small Impact	Principal

<i>Walkable Area</i>	Medium	Group 4: Mixed Use Small Impact	Principal
		Group 3: Institution/Private Assembly/Lodging	Special
	Large	Group 4: Mixed Use Small Impact	Principal
		Group 3: Institution/Private Assembly/Lodging Group 5: Mixed Use High Impact	Special

5. **Design standards:** In addition to the standards set forth in this Ordinance, all proposed development in the DT Zoning District must comply with the requirements below:
 - a. Buildings must have balanced compositions and forms.
 - b. Roofs must be compatible with the architectural style of the building and the context of the surrounding area.
 - c. Building Entrances must be designed with one or more of the following:
 - i. Canopy, overhang, or arch above the entrance (pillars & columns).
 - ii. Recesses or projections in the building façade surrounding the entrance.
 - iii. Peaked roof or raised parapet structures over the door.
 - iv. Windows surrounding the entrance.
 - d. Building articulation for building walls facing public streets are required to ensure that the building is not monotonous in appearance by meeting the following standards:
 - i. Building facades must be subdivided, through the location of architectural treatments and the arrangement of openings (doors and windows) that are compatible in size and scale to the surrounding buildings.

- ii. The maximum linear length of an uninterrupted building façade facing public streets or parks is thirty feet. Building articulation may be accomplished through a combination of the following techniques:
 - a) Accent lines including, but not limited to, vertical and horizontal moldings, columns, sills, cornices, and canopies.
 - b) Color change
 - c) Material change
 - d) Minor wall offset by notching a building wall for its full height
 - e) Height variation
 - f) Increased wall setback
- e. High quality, durable materials must be used, such as but not limited to stone, brick, metal, and glass. E.I.F.S., or material equivalent may be used as an accent material.
- f. For buildings over two stories, a five-foot minimum step back from the lower building façade must be implemented for third and higher stories. When directly adjacent with no parking lot in between the proposed building and parcels zoned or used for single family detached or attached uses, the step-down portion of the building must be toward the residential area.
- g. Additions and modifications must fit the traditional context of the building by meeting the following standards:
 - i. Any addition must be compatible in scale, materials, and character of the main building.
 - ii. New exterior additions are constructed to minimize the loss of historical materials so that character-defining features, like cornices and brackets, are not obscured, damaged, destroyed, or covered.
 - iii. For rooftop additions adding a third floor or more, the addition must be stepped back a minimum of five feet

from the lower building façade. When abutting parcels zoned or used for single family detached or attached dwellings, the step-down portion of the building must be toward the residential area.

6. **Design guidelines:** Proposed development in the DT Zoning District should comply with the guidelines below to the greatest extent possible:
- a. New buildings must utilize a variety of building and parapet heights to reduce boxy building masses. A variety of roof forms may also be utilized. If two stories or higher, height variations must be utilized.
 - b. New development or site redevelopment should incorporate community amenities that add value to the development such as patio or seating areas, water features, artwork or sculpture, clock towers, pedestrian plazas with park benches or other features located in areas accessible to the public. Such improvements should be proportionate to the proposed scope of sitework.
 - c. Sustainable site, building, and landscaping elements are encouraged.

SECTION 6.06 GC - GATEWAY CORRIDOR

- A. **Intent:** This district is intended to improve the function, investment value, and aesthetics of these corridors as mixed-use, walkable places through site-based design standards. All development must be compatible with the vision and in accordance with the goals and objectives set forth in the Master Plan and any other applicable Plan.
- B. **Site types:** Site types are as follows.
1. **Small.** Small site type parcels may be single parcels from the underlying plat. They typically have a width of less than forty-six feet and a depth of less than one hundred feet. The maximum lot area is six thousand square feet. Corner lots may be small site type parcels, but double-frontage lots may not.

2. **Medium.** Medium site type parcels may contain two or more lots from the underlying plat and can account for half of an existing block. For the longer blocks on the west side of Coolidge between Twelve Mile and Catalpa, medium site type parcels may encompass up to a quarter of a block. Typically, lot widths range from forty-six feet to one hundred and ten feet, lot depths from one hundred feet to two hundred and thirty feet, and lot areas range from six thousand to thirty-four and a half thousand square feet. Corner lots may be medium site type parcels, but double-frontage lots may not.

3. **Large.** Large site type parcels may contain six or more lots from the underlying plat and may encompass all or half of a block. For the longer blocks on the west side of Coolidge between Twelve Mile and Catalpa, large site type parcels may encompass a quarter to half of a block. Double-frontage lots are large site type parcels. Typically, lot widths are over one hundred and ten feet, lot depths are over two hundred and thirty feet, and minimum lot areas are greater than thirty-four and a half thousand square feet.

Table 6.06.B – GC site type dimensions			
Site type	Typical Lot Width	Typical Lot Depth	Lot Area
Small	< 46 ft.	< 100 ft.	< 6,000 sq. ft.
Medium	46 – 110 ft.	100 – 230 ft.	6,000 – 34,500 sq. ft.
Large	>110 ft.	>230 ft.	>34,500 sq. ft.

C. **Site Layouts:** the following site layouts are allowed in the GC district:

1. **Mixed Use/Non-Residential Building (NR).** The MU/NR site layout dimensional requirements for primary and attached accessory structures are as follows:

Table 6.06.C.1.

Regulation	Mixed Use/Non-residential building requirements
Minimum lot area	None
Minimum lot width	None
Maximum lot coverage	85%
Minimum front yard setback	5 ft. 0 ft. with Planning Commission approval
Maximum front yard setback	15 ft. 20 ft. with Planning Commission special approval when public space provided (see Section 6.09)
Minimum exterior side yard for a corner lot	5 ft.
Minimum rear yard setback	10 ft. 15 ft. when building height more than 30 ft.
Minimum side yard setback, per side	0 ft.
Minimum side yard setback, total	0 ft.
Maximum building height	2 stories max/24 ft. max 4 stories max/48 ft. max with Planning Commission special approval when public space, green roof, affordable housing component, or combination are provided (see Section 6.09)
Parking	Side or rear yard
Driveway Access	Walkable Area Corridor For corner lots, with primary frontage on a corridor street, a driveway may be located

Regulation	Mixed Use/Non-residential building requirements
	on the secondary frontage of residential street.
Screening/Landscaping	See Article 12
Minimum transparency front facade	50% The Planning Commission may lower the transparency requirement to 30% when a green screen, planter wall or permanent public art is provided (see Section 6.09).

2. *Institutional (IN)*. The IN site layout dimensional requirements for primary and attached accessory structures are as follows:

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Table 6.06.C.2.

Regulation	Institutional building requirements
Minimum lot area	10,000 sq. ft.
Minimum lot width	100 ft.
Maximum lot coverage	85%
Minimum front yard setback	5 ft. 0 ft. with Planning Commission approval
Maximum front yard setback	15 ft.
Minimum exterior side yard for a corner lot	10 ft.
Minimum rear yard setback	10 ft. 15 ft. when building height more than 30 ft.
Minimum side yard setback, per side	0 ft.
Minimum side yard setback, total	0 ft.
Maximum building height	3 stories/36 ft. 4 stories/48 ft. with Planning Commission special approval when
Parking	Side or rear yard
Driveway Access	Walkable Area Corridor For corner lots, with primary frontage on a corridor street, a driveway may be located on the secondary frontage of residential street.
Screening/Landscaping	See Article 12
Minimum transparency front facade	30%

3. *Auto/Transportation (AT)*. The AT site layout dimensional requirements for primary and attached accessory structures are as follows:

Table 6.06.C.3.

Regulation	Auto/transportation building requirements
Minimum lot area	10,000 sq. ft.
Minimum lot width	100 ft.
Maximum lot coverage	85%
Minimum front yard setback	5 ft.
Maximum front yard setback	15 ft.
Minimum exterior side yard for a corner lot	10 ft.
Minimum rear yard setback	10 ft.
Minimum side yard setback, per side	0 ft.
Minimum side yard setback, total	0 ft.
Maximum building height	1 story 30 ft.
Parking	Side or rear yard
Driveway Access	Walkable Area Corridor For corner lots, with primary frontage on a Walkable Area or Corridor street, a driveway may be located on the secondary frontage of residential street.
Screening/Landscaping	See Article 12
Other Requirements	AT site types must meet the setbacks and standards in Section 8.05 - Automotive Uses
Minimum transparency front facade	40%

4. **Multiple Family Development (MF).** The multiple family development site layout allows multiple principal buildings on site. The MF site layout dimensional requirements for primary and attached accessory structures are as follows:

Table 6.06.C.4.

Regulation	Multiple Family Development requirements
Minimum lot area	None
Minimum lot width	None
Maximum lot coverage	85%
Minimum front yard setback	5 ft.
Maximum front yard setback	25 ft.
Minimum exterior side yard for a corner lot	10 ft.
Minimum rear yard setback	10 ft.
Minimum side yard setback, per side	0 ft.
Minimum side yard setback, total	0 ft.
Maximum building height	3 stories/36 ft. 4 stories/48 ft. with Planning Commission special approval when public space, green roof, affordable housing component or combination are provided (see Section 6.09)
Parking	Rear yard
Driveway Access	Corridor For corner lots, with primary frontage on a corridor street, a driveway may be located on the secondary frontage of residential street.
Screening/Landscaping	See Article 12

Regulation	Multiple Family Development requirements
Minimum transparency front facade	50% The Planning Commission may lower the transparency requirement to 30% when a green screen, planter wall, or permanent public art is provided (see Section 6.09).

D. **Authorized site layouts and use groups.** The tables in this Section determine the site layouts and use groups allowed in the GC zoning district based on street type and site type.

1. Authorized site layouts: Site layouts, determined by the street type and site type in the GC Regulating Plan, are allowed by the approval process in Table 6.06.D.1. below.

Table 6.06.D.1.

Street Type	Site Type	Site Layout	Approval
Walkable Area	Small	MU/NR	Principal
	Medium	MU/NR, IN, MF	Principal
		AT	Special
	Large	MU/NR, IN, MF	Principal
		AT	Special
	Corridor	Small	MU/NR
Medium		MU/NR, IN, MF	Principal
		AT	Special
Large		MU/NR, IN, MF	Principal
		AT	Special

2. Authorized use groups: Authorized use groups, determined by the street type and site type in the GC regulating plan, are allowed by the approval process in Table 6.06.D.2. below.

Table 6.06.D.2			
Street Type	Site Type	Use Group	Approval
<i>Walkable Area</i>	Small	Group 4: Mixed Use Small Impact	Principal
	Medium	Group 3: Institution/Private Assembly/Lodging	Principal
		Group 4: Mixed Use Small Impact	
		Group 5: Mixed Use High Impact	
	Large	Group 6: Auto/Transportation	Special
		Group 7: Miscellaneous Commercial Uses	
		Group 4: Mixed Use Small Impact	Principal
		Group 5: Mixed Use High Impact	
<i>Corridor</i>	Small	Group 4: Mixed Use Small Impact	Principal
	Medium	Group 3: Institution/Private Assembly/Lodging	Principal
		Group 4: Mixed Use Small Impact	
		Group 5: Mixed Use High Impact	
	Large	Group 6: Auto/Transportation	Special
		Group 7: Miscellaneous Commercial Uses	
		Group 3: Institution/Private Assembly/Lodging	Principal
		Group 4: Mixed Use Small Impact	
Large	Group 5: Mixed Use High Impact	Special	
	Group 6: Auto/Transportation		
		Group 7: Miscellaneous Commercial Uses	

D. *Design Standards.* The following design standards apply to all new developments and structures in the GC Zoning District.

1. Buildings must have balanced compositions and forms.
2. Roofs must be compatible with the architectural style of the building and the context of the surrounding area.
3. First floor elevations facing corridor street must have a minimum of thirty percent transparency.
4. Building articulation for building walls facing public streets are required to ensure that the building is not monotonous in appearance by meeting the following standards:
 - a. Building facades must be subdivided, through the location of architectural treatments and the arrangement of openings (doors and windows) that are compatible in size and scale to the surrounding buildings.
 - b. The maximum linear length of an uninterrupted building façade facing public streets or parks is thirty feet. Building articulation may be accomplished through a combination of the following techniques:
 - i. Accent lines including, but not limited to, vertical and horizontal moldings, columns, sills, cornices, and canopies.
 - ii. Color change
 - iii. Material change
 - iv. Minor wall offset by notching a building wall for its full height
 - v. Height variation
 - vi. Increased wall setback
5. High-quality, durable materials must be used, such as but not limited to stone, brick, and glass. Metal, E.I.F.S., or material equivalent may only be used as an accent material.

6. Landscaped yards, outdoor dining, or display areas are required in any provided front yard setback.
7. Pedestrian walkways are required to provide access to common spaces, front entrances, and surrounding sidewalks.
8. Building Entrances must be designed with one or more of the following:
 - a. Canopy, overhang, or arch above the entrance (pillars & columns).
 - b. Recesses or projections in the building façade surrounding the entrance.
 - c. Peaked roof or raised parapet structures over the door.
9. The elevation of the first-floor and floor-to-floor heights must be in line with the average of the front façades of buildings on the same block.
10. For buildings over two stories, a step back from the lower building façade must be implemented for third and higher stories. When abutting parcels zoned or used for single family detached or attached dwellings, the step-down portion of the building must be toward the residential area.
11. Additions and modifications should fit the traditional context by meeting the following standards:
 - a. Any addition must be compatible in scale, materials, and character of the main building.
 - b. New exterior additions are constructed to minimize the loss of historical materials so that character-defining features, like cornices and brackets, are not obscured, damaged, destroyed, or covered.
 - c. For rooftop additions adding a third floor or more, the addition must be stepped back from the lower building façade. When abutting parcels zoned or used for single family detached or attached dwellings, the step-down portion of the building must be toward the residential area.

- E. **Design Guidelines:** Proposed development in the GC Zoning District should comply with the guidelines below to the greatest extent possible:
1. New buildings must utilize a variety of building and parapet heights to reduce boxy building masses. A variety of roof forms may also be utilized. If two stories or higher, height variations must be utilized to the greatest possible extent.
 2. Sustainable site, building, and landscaping elements are encouraged.

SECTION 6.07 WOODWARD CORRIDOR

- A. **Intent:** This district is intended to provide a mix of office and retail uses oriented to the higher volume of traffic along the Woodward corridor. Mixed use and multiple family uses can be incorporated into this multi-modal corridor with transit-oriented design. All development must be compatible with the vision and in accordance with the goals and objectives set forth in the Master Plan and any other applicable Plan.
- B. **Site types:** Site types are as follows.
1. **Small.** Small site type parcels are single lots from the underlying plat to parcels that encompass up to half of a block. They typically have a width of less than one hundred and twenty feet and have the lot depth of the original plat: less than eighty-five feet. The maximum lot area is ten thousand square feet. Corner lots may be small site type parcels, but double-frontage lots may not.
 2. **Medium.** Medium site type parcels can encompass half or up to an entire existing block. These site types differ from small site types in terms of lot depth, by including formerly residential lots to the rear, or in lot width, by encompassing the entire block face. Corner lots may be medium site type parcels, but double-frontage lots may not.
 3. **Large.** Large site type parcels encompass an entire block and have a lot depth at the deepest point of at least two hundred feet.
- C. **Site Layouts:** The following site layouts are allowed in the WC district:

1. Mixed Use/Non-Residential Building (MU/NR). The MU/NR site layout dimensional requirements for primary and attached accessory structures are as follows:

Table 6.07.C.1.	
Regulation	Mixed Use/Non-residential building requirements
Minimum lot area	None
Minimum lot width	None
Maximum lot coverage	85%
Minimum front yard setback	0 ft.
Maximum front yard setback	15 ft. Half of the depth of the lot with Planning Commission special approval when public space, outdoor dining, or outdoor sales provided (see Section 6.09)
Minimum exterior side yard for a corner lot	0 ft.
Minimum rear yard setback	10 ft. 15 ft. when building height more than 30 ft. or when abutting a residential district
Minimum side yard setback, per side	0 ft.
Minimum side yard setback, total	0 ft.
Maximum building height	2 stories/24 ft. 5 stories/60 ft. with Planning Commission special approval when public space, green roof, affordable housing component or combination are provided (see Section 6.09)
Parking	Side or rear yard Front yard parking may be allowed by the Planning Commission on large sites with

Table 6.07.C.1.	
Regulation	Mixed Use/Non-residential building requirements
	public or semi-public areas (see Section 6.09)
Driveway Access	Corridor For corner lots, with primary frontage on a corridor street, a driveway may be located on the secondary frontage of residential street.
Screening/Landscaping	See Article 12
Minimum transparency front facade	50% The Planning Commission may lower the transparency requirement to 30% when a green screen, planter wall or permanent public art is provided.

2. ***Auto/Transportation (AT)***. The AT site layout dimensional requirements for primary and attached accessory structures are as follows:

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Table 6.07.C.2.

Regulation	Auto/transportation building requirements
Minimum lot area	10,000 sq. ft.
Minimum lot width	100 ft.
Maximum lot coverage	85%
Minimum front yard setback	5 ft.
Maximum front yard setback	15 ft.
Minimum exterior side yard for a corner lot	5 ft.
Minimum rear yard setback	0 ft.
Minimum side yard setback, per side	0 ft.
Minimum side yard setback, total	0 ft.
Maximum building height	1 story 30 ft.
Parking	Side or rear yard
Driveway Access	Corridor For corner lots, with primary frontage on a Walkable Area or Corridor street, a driveway may be located on the secondary frontage of residential street.
Screening/Landscaping	See Article 12
Other Requirements	AT site types must meet the setbacks and standards in Section 8.05 - Automotive Uses
Minimum transparency front facade	40%

3. ***Multiple Family Development (MF)***. The multiple family development site layout allows multiple principal buildings on site. The MF site layout dimensional requirements for primary and attached accessory structures are as follows:

Table 6.07.C.3	
Regulation	Multiple Family Development requirements
Minimum lot area	None
Minimum lot width	None
Maximum lot coverage	85%
Minimum front yard setback	5 ft.
Maximum front yard setback	25 ft.
Minimum exterior side yard for a corner lot	5 ft.
Minimum rear yard setback	10 ft.
Minimum side yard setback, per side	0 ft.
Minimum side yard setback, total	0 ft.
Maximum building height	2 stories/24 ft. 5 stories/60 ft. with Planning Commission special approval when public space, green roof, affordable housing component, or combination provided (see Section 6.09)
Parking	Side or rear yard
Driveway Access	Corridor For corner lots, with primary frontage on a corridor street, a driveway may be located on the secondary frontage of residential street.
Screening/Landscaping	See Article 12
Minimum transparency front facade	50% The Planning Commission may lower the transparency requirement to 30% when a green screen, planter wall or permanent public art is provided.

D. **Authorized site layouts and use groups.** The tables in this Section determine the site layouts and use groups allowed in the WC zoning district based on street type and site type.

1. **Authorized site layouts.** Site layouts, determined by the street type and site type in the WC Regulating Plan, are allowed by the approval process in Table 6.07.D.1. below.

Table 6.07.D.1			
Street Type	Site Type	Site Layout	Approval
<i>Corridor</i>	Small	MU/NR	Principal
	Medium	MU/NR, IN, MF	Principal
		AT	Special
	Large	MU/NR, IN, MF	Principal
		AT	Special

2. **Authorized use groups:** Authorized use groups, determined by the street type and site type in the WC regulating plan, are allowed by the approval process in Table 6.07.D.2. below.

Table 6.07.D.2			
Street Type	Site Type	Use Group	Approval
<i>Corridor</i>	Small	Group 4: Mixed Use Small Impact	Principal
	Medium	Group 3: Institution/Private Assembly/Lodging	Principal
		Group 4: Mixed Use Small Impact	
		Group 5: Mixed Use High Impact	
		Group 6: Auto/Transportation	Special
Group 7: Miscellaneous Commercial Uses			

Table 6.07.D.2			
Street Type	Site Type	Use Group	Approval
		Other: Adult regulated uses, per Section 8.03 ; pet sales; gun shops, per Section 8.21	
	Large	Group 3: Institution/Private Assembly/Lodging Group 4: Mixed Use Small Impact Group 5: Mixed Use High Impact	Principal
		Group 6: Auto/Transportation Group 7: Miscellaneous Commercial Uses Other: Adult regulated uses, per Section 8.03 ; pet sales; gun shops, per Section 8.21	Special

E. *Design Standards.* The following design standards apply to all new developments and structures in the WC Zoning District.

1. Landscaped yards, outdoor dining, pedestrian streetscape furnishings, or display areas are required in any provided front yard setback.
2. Pedestrian walkways are required to provide access to common spaces, front entrances, and surrounding sidewalks.
3. Building Entrances must be designed with one or more of the following:
 - a. Canopy, overhang, or arch above the entrance (pillars & columns).
 - b. Recesses or projections in the building façade surrounding the entrance.
 - c. Peaked roof or raised parapet structures over the door.
4. The elevation of the first-floor and floor-to-floor heights must be in line with those of the front facades of buildings on the same block.

5. For buildings over two stories, a step back from the lower building façade must be implemented for third and higher stories. When abutting parcels zoned or used for single family detached or attached dwellings, the step-down portion of the building must be toward the residential area.
 6. Additions and modifications should fit the context of the Woodward Zoning District by meeting the following standards:
 - a. Any addition must be compatible in scale, materials, and character of the main building.
 - b. For rooftop additions adding a third floor or more, the addition must be stepped back from the lower building façade. When abutting parcels zoned or used for single family detached or attached dwellings, the step-down portion of the building must be toward the residential area.
- F. Design Guidelines:** Proposed development in the WC Zoning District should comply with the guidelines below to the greatest extent possible:
1. New buildings should utilize a variety of building and parapet heights to reduce boxy building masses. A variety of roof forms may also be utilized. If two stories or higher, height variations must be utilized.
 2. Sustainable site, building, and landscaping elements are encouraged.

SECTION 6.08 FLEX

- A. *Intent:*** This district is intended to improve the function, investment value and aesthetics of this Section of Eleven Mile, while allowing a range of land uses. All development must be compatible with the vision and in accordance with the goals and objectives set forth in the Master Plan and any other applicable Plan.
- B. *Site types:*** Site types are as follows.
1. ***Small.*** Small site type parcels are up to two lots from the underlying plat. They typically have a width of less than forty feet and a depth of less than one hundred and fifty feet. The maximum lot area is less than sixty-five hundred square feet.

2. **Medium.** Medium site type parcels contain three or more lots from the underlying plat and can account for half of an existing block. Typically, lot widths range from forty feet to one hundred and twenty feet, lot depths from one hundred feet to one hundred and seventy-five feet. Lot areas range from sixty-five hundred square feet to twenty-one thousand square feet.

3. **Large.** Large site type parcels encompass all or half of a block and are deeper than the original plat facing Eleven Mile. Typically, lot widths are over one hundred and twenty feet and lot depths are over one hundred and sixty feet. Lot areas are over twenty-one thousand square feet.

Table 6.08.B – Flex site type dimensions			
Site type	Typical Lot Width	Typical Lot Depth	Lot Area
Small	< 40 ft.	< 150 ft.	< 6,500 sq. ft.
Medium	40 – 120 ft.	100 – 175 ft.	6,500 – 21,000 sq. ft.
Large	> 120 ft.	> 160 ft.	>21,000 sq. ft.

C. *Site Layouts.* the following site layouts are allowed in the Flex district:

1. Non-Residential Building/Live Work (NR/LW). The NR/LW site layout dimensional requirements for primary and attached accessory structures are as follows:

Table 6.08.C.1	
Regulation	Non-residential/Live Work building requirements
Minimum lot area	None
Minimum lot width	None
Maximum lot coverage	85%
Minimum front yard setback	5 ft. For corner lots, with primary frontage on a corridor street, the front setback of the

Table 6.08.C.1	
Regulation	Non-residential/Live Work building requirements
	secondary front yard facing a residential street is 10 ft.
Maximum front yard setback	25 ft.
Minimum exterior side yard for a corner lot	10 ft.
Minimum rear yard setback	10 ft. 15 ft. when building height more than 30 ft. or when abutting a residential district
Minimum side yard setback, per side	None
Minimum side yard setback, total	10 ft. single side yard setback when abutting a residential district
Maximum building height	2 stories/24 ft. 4 stories/48 ft. with Planning Commission special approval when public space, green roof, affordable housing component, or combination are provided (see Section 6.09)
Parking	Side or rear yard Front yard parking may be permitted by the Planning Commission when the front yard parking is adjacent to the principal building.
Driveway Access	Corridor For corner lots, with primary frontage on a corridor street, a driveway may be located on the secondary frontage of residential street.
Screening/Landscaping	See Article 12
Minimum transparency front facade	30%

2. ***Institutional (IN)***. The IN site layout dimensional requirements for primary and attached accessory structures are as follows:

Table 6.08.C.2	
Regulation	Institutional building requirements
Minimum lot area	10,000 sq. ft.
Minimum lot width	100 ft.
Maximum lot coverage	85%
Minimum front yard setback	5 ft. For corner lots, with primary frontage on a corridor street, the front setback of the secondary front yard facing a residential street is 10 ft.
Maximum front yard setback	25 ft.
Minimum exterior side yard for a corner lot	10 ft.
Minimum rear yard setback	10 ft. 15 ft. when building height more than 30 ft. or when abutting a residential district
Minimum side yard setback, per side	5 ft.
Minimum side yard setback, total	15 ft.
Maximum building height	40 ft.
Parking	Side or rear yard
Driveway Access	Corridor For corner lots, with primary frontage on a corridor street, a driveway may be located on the secondary frontage of residential street.
Screening/Landscaping	See Article 12
Minimum transparency front facade	30%

3. ***Industrial (I)***. The I site layout dimensional requirements for primary and attached accessory structures are as follows:

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Table 6.08.C.3

Regulation	Industrial building requirements
Minimum lot area	6,000 sq. ft.
Minimum lot width	60 ft.
Maximum lot coverage	65%
Minimum front yard setback	5 ft.
Maximum front yard setback	25 ft.
Minimum exterior side yard for a corner lot	10 ft.
Minimum rear yard setback	25 ft.
Minimum side yard setback, per side	0 ft.
Minimum side yard setback, total	0 ft.
Maximum building height	45 ft.
Parking	Side or rear yard
Driveway Access	Corridor For corner lots, with primary frontage on a corridor street, a driveway may be located on the secondary frontage of residential street.
Screening/Landscaping	See Article 12
Design standards	Garage openings must face corridor street Loading areas must be in front or side yard
Minimum transparency front facade	20% The Planning Commission may waive the transparency requirement when a green screen, planter wall or permanent public art is provided.

4. ***Auto/Transportation (AT).*** The AT site layout dimensional requirements for primary and attached accessory structures are as follows:

Table 6.08.C.4

Regulation	Auto/Transportation building requirements
Minimum lot area	6,000 sq. ft.
Minimum lot width	60 ft.
Maximum lot coverage	65%
Minimum front yard setback	5 ft.
Maximum front yard setback	25 ft.
Minimum exterior side yard for a corner lot	5 ft.
Minimum rear yard setback	25 ft.
Minimum side yard setback, per side	0 ft.
Minimum side yard setback, total	0 ft.
Maximum building height	45 ft.
Parking	Side or rear yard
Driveway Access	For corner lots, with primary frontage on a corridor street, a driveway may be located on the secondary frontage of residential street.
Screening/Landscaping	See Article 12
Design Standards	Garage openings must face corridor street
Minimum transparency front facade	40%

- D. ***Authorized site layouts and use groups.*** The tables in this Section determine the site layouts and use groups allowed in the Flex zoning district based on street type and site type.
1. ***Authorized site layouts.*** Site layouts, determined by the street type and site type in the Flex Regulating Plan, are allowed by the approval process in Table 6.08.D.1. below.

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Table 6.08.D.1

Street Type	Site Type	Site Layout	Approval
<i>Corridor</i>	Small	NR/LW	Principal
	Medium	NR/LW, IN	Principal
		I, AT	Special
	Large	NR/LW, IN	Principal
		I, AT	Special

2. **Authorized use groups.** Authorized use groups, determined by the street type and site type in the Flex district regulating plan, are allowed by the approval process in Table 6.08.D.2. below.

Table 6.08.D.2

Street Type	Site Type	Use Group	Approval
<i>Corridor</i>	Small	Group 4: Mixed Use Small Impact	Principal
	Medium	Group 3: Institution/Private Assembly/Lodging Group 4: Mixed Use Small Impact Group 5: Mixed Use High Impact	Principal
		Group 6: Auto/Transportation Group 7: Miscellaneous Commercial Group 8: Industrial Uses	Special
		Group 4: Mixed Use Small Impact Group 5: Mixed Use High Impact	Principal
	Large	Group 3: Institution/Private Assembly/Lodging Group 6: Auto/Transportation Group 7: Miscellaneous Commercial Group 8: Industrial Uses	Special

- E. **Design Standards.** The following design standards apply to all new developments and structures in the Flex Zoning District.

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.
 2. Main building entrances must be prominent and visible from the street.
 3. The area between the public sidewalk and the building (i.e., the build-to line area) must be improved with streetscape, landscaping, public art, pedestrian amenities, or transit facilities.
 4. Sidewalks must meet ADA accessibility standards.
 5. Pedestrian walkways must provide access from the front door to the sidewalk and parking areas, as well as common open spaces.
- F. ***Design Guidelines.*** Sustainable site, building, and landscaping elements are encouraged in the Flex Zoning District.
- G. ***Performance Standards.***
1. ***Standards general.*** Any use otherwise allowed is not permitted within any district which does not conform to the following standards of use, occupancy, and operation, which standards are hereby established as the minimum requirements to be maintained within such area.
 2. ***Smoke.*** It is unlawful for any person to permit the emission of any smoke from any source to a density greater than that density described as No. 1 on the Ringelmann Chart; provided, however, that the following exceptions are permitted: Smoke, the shade or appearance of which is equal to but not darker than No. 2 of the Ringelmann Chart for a period or periods aggregating four minutes in any thirty minutes. Method of measurement: For the purpose of grading the density of smoke, the Ringelmann Chart, as now published and used by the United States Bureau of Mines, which is made a part of this Chapter, is the standard. However, the umbrascopes readings of smoke densities may be used when correlated with Ringelmann's Chart.
 3. ***Dust, dirt, and fly ash.*** A person must not operate or cause to be operated, maintain or cause to be maintained, any process for any purpose, or furnace or combustion device for the burning of coal or other natural or synthetic fuels, without maintaining and operating,

while using such process or furnace or combustion device, recognized and approved equipment, means, method, device or contrivance to reduce the quantity of gas-borne or air-borne solids or fumes emitted into the open air, which is operated in conjunction with such process, furnace or combustion device so that the quantity of gas-borne or air-borne solid must not exceed 0.20 grains per cubic foot of the carrying medium at a temperature of five hundred degrees Fahrenheit. Method of measurement: For the purpose of determining the adequacy of such devices these conditions are to be conformed to when the percentage of excess air in the stack does not exceed fifty percent at full load. This is measured by the A.S.M.E. test code for dust-separating apparatus. All other forms of dust and dirt must be completely eliminated, to prevent the escape or emission into the open air. The building inspector may require additional data as is deemed necessary to show that adequate and approved provisions for the prevention and elimination of dust and dirt have been made.

4. ***Open storage.*** The open storage for junk, scrap, salvage, waste products, landscape materials, or construction materials, where the operations are for the conversion to salable materials, must be screened from public view, from a public street, and from adjoining properties not of a similar nature, by an enclosure consisting of an obscuring masonry wall at least eight feet in height.
5. ***Glare and radioactive materials.*** Glare from any process (such as or similar to arc welding or acetylene torch cutting) which emits harmful ultraviolet rays must be performed in such a manner that it cannot be seen from any point beyond the parcel line and does not create a public nuisance or hazard along the lot line. Radioactive materials and wastes must not be emitted to exceed quantities established as safe by the U.S. Bureau of Standards, when measured at the parcel line.
6. ***Fire and explosive hazards.*** The storage, utilization, or manufacture of materials or products ranging from incombustible to moderate burning, as determined by the fire marshal, is permitted, subject to compliance with all other performance standards mentioned in this Section.

The storage, utilization or manufacturing of materials, goods or products ranging from free or active burning to intense burning, as determined by the fire marshal, is permitted subject to compliance

with all other yard requirements and performance standards previously mentioned and providing that the following conditions are met:

- a. Said materials or products must be stored, utilized, or produced within completely enclosed buildings or structures having incombustible exterior walls, which meet the requirements of the Building Code of the City (Chapter 26 of this Code).
 - b. All such buildings or structures must either be set back at least forty feet from lot lines, or else, all such buildings or structures must be protected throughout by an automatic sprinkler system complying with installation standards prescribed by the National Fire Protection Association.
 - c. The storage and handling of flammable liquids, liquified petroleum gases, and explosives must comply with the State Rules and Regulations as Established by Public Act No. 207 of 1941 (MCL 29.1 et seq.).
7. Any of the following principal uses are permitted in industrial buildings, provided that they are conducted wholly within a completely enclosed building or within a designated area enclosed on all sides with a six-foot obscuring masonry wall not less than eight inches thick:
- a. Warehousing and wholesale establishments, and storage (other than accessory to a permitted retail use).
 - b. The compounding, processing, packaging, or treatment of such products as bakery goods, candy, cosmetics, pharmaceuticals, toiletries, food products, hardware, and cutlery; tool, die, gauge, and machine shops.
 - c. The manufacture, compounding, assembling, or treatment of Articles or merchandise from previously prepared materials such as but not limited to canvas, cellophane, cloth, cork, feathers, felt, fiber, fur, glass, hair, leather, paper, plastics, precious or semiprecious metals or stones, shell, textiles, tobacco, wax, wire, wood, and yarns.

- d. The manufacture of pottery and figurines or other similar ceramic products using only previously pulverized clay, and kilns fired only by electricity or gas.
- e. Manufacture of musical instruments, toys, novelties metal or rubber stamps, or other small, molded rubber products.
- f. Manufacture or assembly of electrical appliances, electronic instruments and devices, radios, and phonographs (excluding stampings).
- g. Laboratories, film processing, or product testing.
- h. Manufacture and repair of electric or neon signs or light sheet metal products, including heating and ventilating equipment, cornices, eaves, and the like.
- i. Building material sales.
- j. Warehouse, storage and transfer and electric and gas service buildings and yards, heating and electric power generating plants and all necessary uses, coal, coke, and fuel yards, water supply and sewage disposal plants, water and gas tanks and holders.
- k. Permitted accessory uses.
- l. Other uses that are no more objectionable in character.
- m. Marihuana retailers and medical marihuana provisioning centers.

SECTION 6.09 EXCEPTIONS AND WAIVERS

- A. ***Projections:*** The projections allowed by [Section 5.09.D](#) apply in the Site Design Based Zoning Districts.
- B. ***Porches, Paved Terraces, and Balconies:*** For detached single family and two family dwellings, attached single family and multiple family buildings in the Site Design Based Zoning Districts, the projections for porches and paved terraces in [Section 5.09.C](#) apply. For balconies, the projections allowed by [Section 5.09.D](#) apply.

C. *Maximum Front Yard Setbacks.* The Planning Commission may allow a waiver from maximum front yard setbacks in the following instances:

1. **Downtown and Gateway Corridor Zoning Districts:** The Planning Commission may adjust the maximum front yard setback up to twenty feet.
2. **Large Site Types in the Woodward Zoning District:** The Planning Commission may adjust the maximum front yard setback up to fifty percent of the depth of the lot to allow a permanent public area or a semi-public area, such as outdoor sales, seating, or dining. In this scenario, the Planning Commission may allow parking in the front yard when pedestrian facilities connect the sidewalk to the outdoor areas, located between the parking lot and the principal building.

D. *Building Height.* The Planning Commission may allow maximum building height deviations as specified in the site layouts in this Article, as follows:

Upon initiation of a site plan review with a building height deviation, a public hearing on the proposed site plan must be scheduled before the Planning Commission. Notice of the hearing must be given in accordance with the provisions of [Section 3.09](#), Public Notice Requirements.

The Planning Commission may grant a building height deviation if all of the following are found:

The impact of the proposed increased height is proportional to benefits of the green roof, public space, and/or affordable housing proposed.

The deviation does not exceed the maximum eligible height per the table below:

Table 6.09.D	
Provision	Maximum Eligible Height
Green Roof	One story
Provision of a new or development of an existing Public Space	One to 2 stories, but no more the maximum building height in the applicable site layout.
Affordable Housing Component	One to 2 stories, but no more the maximum building height in the applicable site layout.

Table 6.09.D	
Provision	Maximum Eligible Height
Combination of the above	No more than 2 stories or the maximum building height in the applicable site layout, whichever is less.

- E. **Transparency:** Except for in the Downtown Zoning District, the Planning Commission may adjust the required transparency as specified in the site layouts in this Article when the following are substituted for transparent windows, doors, or glazing:
1. Architectural details or screens.
 2. Green screen or planter walls.
 3. Murals, friezes, or sculptures.
 4. For redevelopment of existing buildings in all site design-based districts, the Planning Commission may reduce the required transparency when façade alterations increase the transparency.
- F. **Deviations From Design Standards:** The Planning Commission may grant design standards deviations if all of the following are found:
1. The Design Standards in [Section 15.05 C](#) must be met.
 2. The design must maintain high quality design, and construction.
 3. The building(s) must include balanced compositions and forms.
 4. The roofs must be compatible with the architectural style of the building and contextual to the surrounding area.
 5. For commercial buildings, clearly defined, highly visible functional customer entrances that face the street must be maintained. Features such as canopies, porticos, arcades, arches, wing walls, ground plane elements, and/or landscape planters can be used.
 6. For proposals along Coolidge Highway from Twelve Mile Road to Eleven Mile Road or Twelve Mile Road from Coolidge Highway to Greenfield Road, the applicant must explain, and the Planning Commission must find that the proposal implements the character

areas in Chapter V of the Berkley Downtown Design Guidelines adopted by the City Council on November 21, 2022.

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ARTICLE 7

PLANNED UNIT DEVELOPMENT

SECTION 7.01 INTENT

- A. The intent of the Planned Unit Development (PUD) option is to permit flexibility in the design and use of residential and non-residential land which, through the implementation of an overall development plan, when applicable to the site, will:
1. Encourage developments that are expected to result in a long-term contribution to social, environmental, and economic sustainability in the City of Berkley.
 2. Permit development patterns that respond to changing public and private needs.
 3. Encourage flexibility in design and use that will result in a higher quality of development and a better overall project than would be accomplished under conventional zoning, and which can be accommodated without sacrificing established community values.
 4. Provide for the long-term protection and preservation of natural resources, natural features, and historic and cultural resources of subject parcels and surrounding properties.
 5. Promote the efficient use and conservation of energy.
 6. Encourage the use, redevelopment, and improvement of existing sites where current ordinances do not provide adequate protection and safeguards for the site or its surrounding areas, or where current ordinances do not provide the flexibility to consider redevelopment, replacement, or adaptive re-use of existing structures and sites.
 7. Provide enhanced housing, employment, recreation, or shopping opportunities for the citizens of Berkley.
 8. Ensure the compatibility of design and use between various components within the PUD project area and with neighboring properties and uses.

9. Ensure development that is consistent with the intent of the Master Plan.
- B.** A Planned Unit Development project is viewed as an integrated development concept. To that end, the provisions of this Article are not intended to be used as a device for avoiding the zoning requirements that would otherwise apply, but rather to allow flexibility and a mixture of uses, and to improve the design, character, and quality of new development. The use of a Planned Unit Development option to permit variations from other requirements of this Ordinance must only be approved when such approval results in improvements to the public health, safety, and welfare in the area affected, and in accordance with the intent of this Article.

SECTION 7.02 USES PERMITTED

The uses permitted within a Planned Unit Development project area must be consistent with the intent of the Master Plan or the intent of any applicable corridor or sub-area plans, including the Downtown Master Plan. If conditions have changed since the Plan or any applicable corridor or sub-area plans were adopted, the uses must be consistent with recent development trends in the area. Other land uses may be authorized when such uses are determined to be consistent with the intent of this Article. Physical standards relating to matters such as building height, bulk, density, parking, and setbacks will be determined based on the specific Planned Unit Development plan presented and its design quality and compatibility with adjacent uses, rather than being based upon the specific standards contained in the underlying zoning districts or in those districts within which the proposed uses otherwise occur. A Planned Unit Development project, approved in accordance with the provisions of this Article, replaces the underlying zoning districts as the basis upon which the subject parcels are developed and their uses are controlled.

SECTION 7.03 STANDARDS FOR APPROVAL

A Planned Unit Development project may be applied for in any zoning district. The Planning Commission must determine and must provide evidence of its determinations in its report to the City Council, that the application meets the following standards, as reasonably applicable to the site. The Planning Commission and City Council must make a finding on each standard as to whether the standard

is met, not met, or not reasonably applicable to the site. Failure to meet all of the relevant standards is grounds for a recommendation of denial.

- A. The proposed development must be applied for by a person or entity who has the legal right to execute a binding agreement covering all parcels in the Planned Unit Development area.
- B. The applicant must demonstrate that through the use of the PUD option, the development will accomplish all of the following objectives, to a degree proportional to the site area, as are reasonably applicable to the site:
 - 1. Land uses in harmony with adjacent uses and in keeping with the future land uses for the site in question in the City Master Plan that would otherwise not be permitted without the use of the PUD option, provided that other objectives of this Article are also met.
 - 2. Recognizable and material benefits to the community and the ultimate users of the project and, where such benefits would otherwise be infeasible or unlikely to be achieved absent these regulations. Recognizable and material benefits include the following:
 - a. A public improvement or public facility (e.g., recreational, transportation, safety, and security) that will enhance, add to, or replace those provided by public entities, thereby furthering the public health, safety, and welfare.
 - b. Reuse or repurpose of unutilized, underutilized, or blighted parcels.
 - c. Long-term protection and preservation of natural resources, natural features, or historic and cultural resources, of a significant quantity or quality in need of protection or preservation, and which would otherwise be unfeasible or unlikely to be achieved absent these regulations.
 - d. Design features and techniques, such as green building, best management practices, and low-impact design, that will promote and encourage energy conservation and sustainable development.
 - e. For an appropriate assembly, use, redevelopment, replacement, or improvement of existing sites that are occupied by obsolete uses or structures.

- f. A reduction of the impact of a non-conformity or removal of an obsolete building or structure.
3. A compatible mixture of open space, landscaped areas, or pedestrian amenities, beyond the site plan requirements of this Zoning Ordinance.
4. Appropriate land use transitions between the proposed PUD and surrounding properties.
5. Innovative and creative site and building designs, solutions, and materials.
6. The desirable qualities of a dynamic urban environment that is compact, designed to human scale, and exhibits contextual integration of buildings and city spaces.
7. A development consistent with and meeting the intent of this Article, which will promote the intent of the Master Plan and the intent of any applicable corridor or sub-area plans. If conditions have changed since the Plan, or any applicable corridor or sub-area plans were adopted, the uses must be consistent with recent development trends in the area.
8. Parking must be provided to properly serve the total range of uses within the PUD project area. The sharing of parking among the various uses within a PUD project area may be permitted. The applicant must provide justification to the satisfaction of the Planning Commission and City Council that the shared parking proposed is sufficient for the development and will not impair the functioning of the development and will not have a negative effect on traffic flow within the development or on properties adjacent to the development.
9. Innovative methods of stormwater management that enhance water quality must be considered in the design of the stormwater system.
10. The proposed PUD project must be in compliance with all applicable Federal, State, and local laws and ordinances, and must coordinate with existing public facilities.

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SECTION 7.04 CONSISTENCY WITH MASTER PLAN

In the event that an applicant proposes a Planned Unit Development project where the predominant use or uses would not be consistent with the intent of the Master Plan, applicable corridor or sub-area plans, recent development trends in the area, or this Article, the City may consider initiating an amendment to the Master Plan or applicable corridor or sub-area plans. If an applicant proposes any such uses, the applicant must provide supporting documentation in advance of or simultaneously with the request for Preliminary Development Plan Approval.

SECTION 7.05 SUMMARY OF THE APPROVAL PROCESS

- A. ***Step One: Preliminary Development Plan Approval.*** The first step of the PUD process is the application for and approval of a Preliminary Development Plan, which requires a legislative enactment amending the Official Zoning Map to reclassify the parcels as a Planned Unit Development.
1. The Zoning Administrator will transmit the application and preliminary site plan to the relevant parties for review. Any application that fails to provide the information and materials regulated by this Article must be held in abeyance until the petitioner rectifies all deficiencies.
 2. A proposed Development Agreement must be included and incorporated with the Preliminary Development Plan, to be agreed upon and approved at the same time as the Preliminary Development Plan approval by City Council.
 3. The Preliminary Development Plan and Development Agreement are subject to approval by the City Council following the recommendation of the Planning Commission. Such action, if and when approved, confers upon the applicant approval of the Preliminary Development Plan, and rezones the parcel to a PUD district in accordance with the terms and conditions of the Preliminary Development Plan approval.
- B. ***Step Two: Final Development Plan Approval.*** The second step of the review and approval process is the application for and approval of a Final Development Plan (final site plan) for the entire project. If the project includes multiple construction phases, all of the phases must be included in the Final Development Plan. City Council has the final authority to approve

and grant Final Development Plan approvals, following a recommendation by the Planning Commission.

SECTION 7.06 STEP ONE: PRELIMINARY DEVELOPMENT PLAN APPROVAL

A. *Pre-application Meeting.* Prior to the submission of an application for approval of a Planned Unit Development district, the applicant must meet informally with the Community Development Director or their designee, together with other staff and outside consultants as deemed appropriate by the City. The applicant must present at this meeting, or a series of meetings, a sketch plan of the proposed Planned Unit Development project, as well as the following information:

1. A legal description of the parcels and the total number of acres in the project;
2. A topographical map of the site with two-foot contour intervals;
3. A statement as to all proposed uses;
4. The known deviations sought from the ordinance regulations otherwise applicable;
5. The community benefits offered, as described in [Section 7.03](#);
6. The number of acres to be preserved as open or recreational space and the intended uses of such space;
7. All known natural resources, natural features, historic resources, and historic features; which of these are to be preserved;
8. A listing and specification of all site development constraints;
9. The project's consistency with Master Plan or applicable corridor or sub-area plan goals.

The intent of the pre-application meeting is to discuss the appropriateness of the PUD concept, solicit feedback, and receive requests for additional materials supporting the proposal. Statements made during the pre-application meeting are not legally binding commitments.

- B. ***Applicant Meeting with Adjoining Neighborhoods and Properties.*** Following the pre-application meeting, the applicant has the option to arrange for one or more informal meetings with representatives of the adjoining properties, soliciting their comments and providing them to the Planning Commission. The City must be advised in advance as to the scheduling and location of all such meetings.
- C. ***Conceptual Plan with the Planning Commission.*** Following the pre-application meeting, the applicant has the option to present a conceptual plan to the Planning Commission. The conceptual plan must have the information required for the pre-application meeting. No formal action may be taken by the Planning Commission during a conceptual review. Statements made during the conceptual review are not legally binding commitments.
- D. ***Preliminary Development Plan.*** Following any applicant's meeting(s) with adjoining neighborhoods and properties, a Preliminary Development Plan conforming to the application provisions set forth in [sub-Section E](#) below must be submitted to the Zoning Administrator. A proposed Development Agreement must be incorporated with the Preliminary Development Plan submittal and must be reviewed and approved concurrently with the Plan. The Preliminary Development Plan review and approval process is as follows:
1. ***Review for Completeness.*** The Zoning Administrator will distribute the Preliminary Development Plan to applicable reviewing parties. Once reports from reviewing parties have been received, the Zoning Administrator must determine if the application is complete. If the application is complete, the Zoning Administrator or Community Development Director must schedule a public hearing in accordance with the procedures in [Section 3.10](#) for consideration at a regular or special Planning Commission meeting.
 2. ***Planning Commission Public Hearing.*** The Preliminary Development Plan constitutes an application to amend the zoning district map. Before making a recommendation to the City Council, the Planning Commission must hold a Public Hearing on the proposal.
 3. ***Planning Commission Recommendations.*** After the public hearing, the Planning Commission must make a recommendation to the City Council with regard to the Preliminary Development Plan. The application may be postponed if it is determined to be incomplete, if

the applicant has not fully responded to the deficiencies identified in the review, or if the Planning Commission determines more time is needed to fully evaluate the PUD project. The application will be tentatively rescheduled for a future meeting date.

The Planning Commission must either recommend approval of the Preliminary Development Plan, with or without conditions, or recommend denial. If the Planning Commission recommends denial, the minutes of the meeting must include the reasons for recommending denial. If approval is recommended with conditions, the minutes must include a statement of the conditions.

4. ***City Council Public Hearing.*** After a recommendation by the Planning Commission, a Public Hearing must be scheduled before the City Council, at which time the City Council will consider the proposal along with the recommendations of the Planning Commission, the City staff, and comments of all interested parties. The City Council must then take action to approve, approve with conditions, or deny the Preliminary Development Plan. The City Council must set forth in their resolution the reasons for such action, including any reasons for the denial. The City Council may postpone action if the applicant has not fully responded to any applicable conditions imposed by the Planning Commission, or if the City Council determines more time is needed to fully evaluate the PUD project. The application will be tentatively rescheduled for a future meeting date.
- E. ***Application.*** The application for approval of a Preliminary Development Plan must include the information and materials set forth below, which must be in a plan format together with a narrative explanation. The Zoning Administrator has the authority to waive certain information and materials if it is determined that such information and materials do not affect compliance with this Ordinance.
1. ***Documentation of Applicant Meeting with Adjoining Neighborhoods and Properties.*** A written summary of the optional meeting with adjoining neighborhoods or properties must, if applicable, accompany the application.
 2. ***Development Concept, including Preliminary Site Plan.*** A summary explanation of the development concept must describe the project and explain how the project will meet the intent of the PUD option as

set forth in [Section 7.01](#) and the criteria for consideration as a PUD as set forth in [Section 7.03](#) hereof, as those Sections reasonably apply to the site.

3. ***Density.*** The maximum density of the overall project and the maximum density for each proposed use and phase.
4. ***Road System.*** A general description of the street system and circulation pattern; the location of streets, entrances, exits, and pedestrian walkways; a statement of whether streets are intended to be public or private. Efforts must be made to ensure that multiple transportation modes are safely and effectively accommodated in an effort to provide alternate modes of access and alleviate vehicle traffic congestion particularly as it pertains to the improvements along major streets.
5. ***Utilities.*** A general description and location of both on-site and off-site utilities including proposed water, sanitary sewer, storm sewer systems, and utility lines; a general indication of the size and location of stormwater detention and retention ponds, and a map and text showing off-site utilities, existing and proposed, which will provide services to the project.
6. ***Open Space and Common Areas.*** A general description of proposed open space and common areas; the total area of open space; the total area of open space in each proposed phase; and the proposed uses of open space and common areas.
7. ***Uses.*** A list of all proposed uses; the location, type, and land area to be devoted to each use, both overall and in each phase; and a demonstration that all of the proposed uses are permitted under this Article.
8. ***Preliminary Site Plan.*** A plan of the site organization, including typical setback and lot dimensions; the minimum lot sizes for each use; typical minimum and maximum building height and size; massing models; conceptual building design; and the general character and arrangement of parking; fencing; lighting; berms; and building materials.
9. ***Parking and Traffic.*** A study of the parking requirements and needs; and a traffic impact study and analysis, if applicable as identified by

the Community Development Director or their designee or the Planning Commission.

10. ***Landscaping.*** A general landscaping plan; a landscape plan for entrances; a landscape plan for overall parcel perimeters; any theme or streetscape design; and any proposed irrigation.
11. ***Natural Resources and Features.*** Floodway and floodplain locations and elevations; wetlands and watercourses; woodlands; and location and description of other natural resources and natural features.
12. ***Phasing Information.*** The approximate location, area, and boundaries of each phase; the proposed sequence of development, including phasing areas and improvements; and the projected timing for commencement and completion of each phase.
13. ***Public Services and Facilities.*** A description of the anticipated demand to be generated by the development for public sewer, water, off-site streets, schools, solid waste disposal, off-site drainage, police, and fire; a description of the sufficiency of each service and facility to accommodate such demands; and the anticipated means by which any insufficient services and facilities will be addressed and provided.
14. ***Historical Resources and Structures.*** Their location, description, and proposed preservation plan.
15. ***Site Topography.*** Topography on the site and within one hundred feet of the site at two-foot contour intervals, referenced to a USGS benchmark.
16. ***Amenities.*** Location and description of any amenities proposed. Amenities can include but are not limited to parks, plazas, landscaping beyond that required by the Zoning Ordinance, streetscape enhancements, public parking, green infrastructure, public improvements, or public facilities.
17. ***Zoning Classification.*** Existing zoning classifications on and surrounding the site.
18. ***Specification Of Deviations.*** A specification of all deviations proposed from the regulations that would otherwise be applicable to the underlying zoning and to the proposed uses, which are proposed and sought for any phase or component of the Planned Unit Development

project; the safeguards, features, or planning mechanisms proposed to achieve the objectives intended to be accomplished by any regulation from which a deviation is being sought.

- F. ***Standards for Approval.*** In making a determination as to whether to approve a proposed Planned Unit Development project, the Planning Commission and the City Council must be guided by the intent and criteria as set forth in [Sections 7.01 through 7.04](#), as reasonably applicable to the site. When reviewing the standards for approval in [Section 7.03](#), the Planning Commission and City Council must make a finding on each standard as to whether the standard is met, not met, or not reasonably applicable to the site.
- G. ***Planned Unit Development Agreement.*** In conjunction with a request for Preliminary Development Plan approval, the applicant must submit one or more proposed documents which, when agreed upon by all parties, will serve as the PUD Agreement. As a part of the Preliminary Development Plan approval process, the applicant and the City Council must each authorize the execution of a PUD Development Agreement. The PUD Development Agreement must include, but is not limited to, the following items:
1. A summary description of the nature and character of the proposed development, including uses, densities, and site improvements as approved in the Preliminary Development Plan.
 2. A statement of the conditions upon which Preliminary Development Plan Approval by the City Council is based, with particular attention given to those conditions which are unique to the particular PUD Plan. These conditions may include matters such as, but not limited to, architectural standards, building elevations and materials, site lighting, pedestrian facilities, and landscaping.
 3. A summary of the public improvements (streets, utilities, etc.) and any other material benefits offered by the applicant, which are to be carried out in conjunction with the proposed PUD development, along with a summary of the financial guarantees that will be required and provided in order to ensure completion of those improvements, as well as the form of such guarantees which will be acceptable to the City.

4. A document specifying and ensuring the maintenance of any open space, common areas, or amenities contained within the PUD development (e.g., through a property owners association, or through conveyance to the City with maintenance deposit, etc.)
 5. A statement that if there is a conflict between the Zoning Ordinance, the Preliminary Development Plan, and the Planned Unit Development Agreement, the Planned Unit Development Agreement must control.
 6. Upon the granting of Preliminary Development Plan approval, the Planned Unit Development Agreement must be recorded in the office of the Oakland County Register of Deeds by the City of Berkley, referencing the legal description of the subject parcels.
 7. A process for approval of and a definition of major and minor modifications to the approved plan.
- H. ***Effect of Preliminary Development Plan Approval.*** If the City Council approves the Preliminary Development Plan and the Development Agreement, the Zoning Map must be amended to designate the parcels as a Planned Unit Development. Such action, if and when approved, confers Preliminary Development Plan approval for two years (herein to be referred to as PDP Period). The two-year PDP Period commences upon the effective date of adoption of the ordinance that rezones the parcels to PUD by the City Council.
- I. ***Plan approval in the manner hereinafter provided.*** Upon the submittal of the Final Development Plan for one or more phases of the PUD project, the two-year expiration period no longer applies to the Preliminary Development Plan, and the Preliminary Development Plan must remain in full force and effect for the development of the entire PUD project, including without limitation, the development of all future phases of the entire PUD Parcels. Any submittals of Final Development Plans must comply with all the requirements of [Article 15](#), Site Plan Review, for Final Site Plan submittals and any additional requirements of the Zoning Administrator or Community Development Director reasonably needed to demonstrate consistency with the Preliminary Development Plan and [Section 7.03](#), Standards for Approval. Any Final Development Plans that do not comply with these requirements must not be considered submittals for the purposes of this Paragraph. After the submittal of the first Final Development Plan, the timing for the issuance

of permits and construction of the PUD project and all future phases, must be determined.

Upon the request of the applicant, prior to the expiration of the Preliminary Development Plan, the City Council may extend the expiration date of the Preliminary Development Plan. In determining whether to extend the expiration date of the Preliminary Development Plan, approval of an extension may be granted if the ordinances and laws applicable to the project have not changed in a manner that would substantially affect the project as previously approved.

In the event of the expiration of the Preliminary Development Plan, the applicant may either make an application for a new Preliminary Development Plan or make an application for some other zoning classification. If no action is taken by the applicant following the expiration of the Preliminary Development Plan, the parcels will be rezoned to the previous zoning district, following the procedures set forth in [Article 18, Rezoning](#). Following Final Development Plan Approval for one or more phases or the entire PUD development, no use or development of the subject parcels may occur which is inconsistent with the approved Final Development Plan and Development Agreement. There must be no use or development of the subject parcels until a new Preliminary Development Plan or rezoning is approved.

SECTION 7.07 STEP TWO: FINAL DEVELOPMENT PLAN APPROVAL

- A. Development of parcels classified as a PUD requires Final Development Plan approval, which may be granted by the City Council following a recommendation by the Planning Commission. Application(s) must be submitted to the Planning Commission and City Council for review and approval consistent with the approved Preliminary Development Plan.
- B. Final Development Plan approval may be applied for and granted with respect to the entire PUD development or for one or more phases. However, if the project is developed in phases, the design must be such that upon completion, each phase or the cumulative result of approved phases is capable of standing on its own in terms of the presence of services, facilities, and open space, and must contain the necessary components to ensure the protection of natural resources and the health, safety, and welfare of the

users of the Planned Unit Development and properties in the surrounding area.

The Final Development Plan must specify the public improvements required to be constructed in addition to and outside of the proposed phase or phases for which approval is sought, which are determined to be necessary in order to support and service such phase or phases.

Further, the Final Development Plan may require the recordation of permanent or temporary easements, open space agreements, and other instruments in order to ensure the use and development of the public improvements on the parcels as proposed and to promote and protect the public health, safety, and welfare in a manner consistent with the intent and spirit of this Article.

- C. Except as otherwise modified in this Section, Final Development Plan approval must be based upon the requirements, standards, and procedures set forth in [Article 15](#), Site Plan Review. In addition to the information required in Article 15, the applicant must also submit the following:
1. A demonstration, including map and text, that the requirements of [Section 7.03](#) hereof have been met.
 2. In addition to the information required in Article 15, Site Plan Review, the following information, and documentation must be submitted:
 - a. Sufficient information to demonstrate compliance with any applicable project design standards as approved during the Preliminary Development Plan review.
 - b. A site plan showing the type, location, and density of all structures and uses.
 - c. A plan showing all open spaces, including preserves, recreational areas, and historic resources, including but not limited to all similar uses and spaces, and the purpose proposed for each area.
 - d. A specification of all deviations proposed from the regulations, which would otherwise be applicable to the underlying zoning and to the proposed uses.

This specification must state the reasons and mechanisms to be utilized for the protection of public health, safety, and welfare in lieu of the regulations, which would otherwise apply to a traditional development.

- e. Additional landscaping details as required by the Planning Commission or the City Council in order to achieve a specific purpose consistent with the spirit of this Article.
- f. The general improvements which will constitute a part of each phase, or phases proposed, including, without limitation, lighting, signage, visual and noise screening mechanisms, utilities, and further including the aesthetic qualities of the general improvements.

D. Upon receipt of a complete application as determined by the Zoning Administrator, the Planning Commission will review the Final Development Plan for either the entire PUD development or for any one or more phases in the manner specified below and in accordance with the provisions of [Article 15](#), Site Plan Review. The Planning Commission must make determinations on the following items:

- 1. The Final Development Plan continues to meet and conform to the criteria for, the intent of and the objectives contained in the approved Preliminary Development Plan. In the event that the Planning Commission determines that the Final Development Plan does not continue to meet or conform to the criteria for, the intent of, or the objectives contained in the approved Preliminary Development Plan, the Planning Commission must make this determination a part of their recommendation.
- 2. The Final Development Plan meets the requirements, standards, and procedures set forth in [Article 15](#), Site Plan Review, and any other applicable requirements as set forth in this Article.

E. At the conclusion of the Planning Commission's review, the Planning Commission must either recommend approval of the Final Development Plan, with or without conditions, or recommend denial. The application may be postponed if it is determined to be incomplete, if the applicant has not fully responded to the deficiencies identified in the review, or if the Planning Commission determines more time is needed to fully evaluate the PUD

project. The application will be tentatively rescheduled for a future meeting date. If the Planning Commission recommends denial, the minutes of the meeting must include the reasons for recommending denial. If approval is recommended with conditions, the minutes must include a statement of the conditions.

Following receipt of the Planning Commission's recommendation of a Final Development Plan, the City Council must either approve the Final Development Plan, with or without conditions, or deny the Final Development Plan. The application may be postponed if it is determined to be incomplete, if the applicant has not fully responded to the deficiencies identified in the review, or if the City Council determines more time is needed to fully evaluate the Final Development Plan. The application will be tentatively rescheduled for a future meeting date. If the City Council determines the Final Development Plan does not conform to the Preliminary Development Plan, the applicant must either revise the Final Development Plan to so conform or, must seek an amendment to the Preliminary Development Plan in accordance with [Section 7.08](#).

- F. City Council's approval of the Final Development Plan is effective for a period of three years, during which period of time the applicant is authorized to submit engineering, and construction plans for site improvements, together with all other documents necessary for Construction Plan approval and the issuance of Building Permits. The applicant may apply to the City for an extension of the three-year period for approval of the Final Development Plan if progress is being diligently pursued and reasonably expected to finish within the extension period.

SECTION 7.08 AMENDMENT

Any proposed major amendment of the Planned Unit Development as defined in the Development Agreement that seeks to alter the intent, the conditions, or terms of the Preliminary Development Plan as approved, or the terms or conditions of Final Development Plan approval, must be presented to and considered by the Planning Commission and the City Council at Public Hearings, following the procedures set forth for Preliminary Development Plan approval.

SECTION 7.09 PUBLIC NOTICE FOR PLANNED UNIT DEVELOPMENT PUBLIC HEARINGS

- A. All applications for a Planned Unit Development require public notice and a public hearing. [Section 3.09](#), Public Notice Requirements, sets forth notification requirements for all public hearings.
- B. A sign must be placed on the subject parcels to inform the public that an application for a Planned Unit Development has been filed, and to indicate the location of information regarding the request, as set forth in [Section 3.09-B\(4\)](#).

SECTION 7.10 ABANDONMENT

- A. *Abandonment of Preliminary Development Plan.* Following any action evidencing abandonment of the Preliminary Development Plan, whether through failure to proceed during the Preliminary Development Plan period as required under this Article, or through notice of abandonment given by the parcels owners, applicants, or their successors, the City Council is entitled to take any necessary and appropriate action to rescind the Preliminary Development Plan approvals, invalidate any related Development Agreements, and rezone the subject parcels from PUD to an appropriate classification. Abandonment rescinds any and all rights and approvals granted under and as part of the Preliminary Development Plan, and the same are deemed null and void. Evidence of such actions must be recorded in the office of the Oakland County Register of Deeds and referenced to the subject parcels.
- B. *Abandonment of Final Development Plan.* Approved Final Development Plans, upon which construction does not commence within a three-year period from the date of a Final Development Plan approval, must be considered abandoned for the purposes of this Article. The applicant may request a twelve-month extension of Final Development Plan approval, which will be considered and acted upon by the City Council following a Public Hearing. A written request for an extension must be received by the City before the expiration of the three-year Final Plan Approval period.

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SECTION 7.11 APPEALS

The Zoning Board of Appeals has no authority in matters covered by this Article. Modifications to plans or proposals submitted under this Article must be processed in accordance with the amendment procedures covered under [Section 7.08](#), Amendment.

SECTION 7.12 VIOLATIONS

Any violation of the approved PUD Final Development Plan or the PUD Agreement is considered a violation of the Zoning Ordinance, which is subject to the enforcement actions and penalties described in [Section 3.12](#), Violations and Penalties.

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ARTICLE 8 SPECIFIC USE PROVISIONS

SECTION 8.01 HOME-BASED BUSINESSES

All home-based businesses are subject to the following requirements.

- A. A home-based business must be clearly incidental and secondary to the primary residential use and conducted by a resident of the parcel.
- B. A home-based business must not change the character or appearance of the structure or the premises or have any other visible evidence of the conduct of a home-based business. There must be no external or internal alterations that are not customary in residential areas or structures.
- C. A home-based business must not create a nuisance or endanger the health, safety, welfare, or enjoyment of any other person in the area, by reason of noise, vibrations, glare, fumes, odor, electrical interferences, unsanitary or unsightly conditions, fire hazards, or the like that are involved in or resulting from such home-based business.
- D. A home-based business must not generate sewage or water use in excess of what is normally generated from a single family dwelling in a residential area.
- E. A home-based business must be conducted within the dwelling unit or within an accessory building.
- F. ***Class 1 home-based businesses*** do not require a permit but are subject to the following additional requirements.
 - 1. There may be no on-site employees other than members of the family, as defined in [Article 2](#), living on the parcel.
 - 2. There must be no additional parking spaces provided for the home-based business.
 - 3. There must be no more than one on-site customer or client at any time.
 - 4. The exterior storage of materials, equipment, or refuse associated with the home-based business is prohibited.

5. No signs may be used to advertise the home-based business.
 6. No Article may be sold or offered for sale on the premises.
- G. ***Class 2 home-based businesses*** require a Commercial Business License and Zoning Certificate, both issued by the City of Berkley. Class 2 home-based businesses are subject to the following additional requirements.
1. In lieu of a site plan, the application requires a plot plan that includes the information indicated in [Article 15](#), Site Plan Review.
 2. There may be up to one on-site employee other than members of the family, as defined in [Article 2](#), Definitions, living on the parcel.
 3. No more than one parking space for an employee, customer, or client may be provided for the home-based business. The parking space must be on-site and meet all applicable parking regulations in this Ordinance and in the City Code.
 4. One sign, consistent with [Article 11](#), Signs, is permitted.
 5. There must be no more than one on-site customer or client at any time.
 6. No Article may be sold or offered for sale on the premises except as is prepared within the dwelling or accessory building or is provided as incidental to the service or profession conducted therein.
 7. Vehicles associated with Class 2 home-based businesses are subject to parking regulations in this Ordinance and in the City Code.
 8. The exterior storage of material, equipment, or refuse associated with the Class 2 home-based businesses may be permitted if adequate screening is provided from adjacent properties and streets.

SECTION 8.02 SINGLE FAMILY DWELLINGS

One individual single family dwelling located on a parcel of land or lot in a single family residential district is permitted, provided that all of the following conditions are met.

- A. The building must comply with all pertinent building and fire codes for single family dwellings including but not limited to the Michigan Residential Code.

- B. The building must be firmly and permanently attached to a solid foundation or basement no less in area than the perimeter area of the dwelling. The foundation or basement must be constructed in accordance with the Michigan Residential Code.
- C. The building must not have any exposed wheels, towing mechanism, or undercarriage.
- D. The building must be connected to a public sewer and water supply.

SECTION 8.03 ADULT-ORIENTED USES

- A. ***Intent and Purpose.*** In the development and execution of this Article, it is recognized that there are some uses which, because of their very nature, are recognized as having serious, objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances thereby having a deleterious effect upon the adjacent areas. Specific regulations of these uses are necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. These special regulations are itemized in this Section. The primary control or regulation is for the purpose of preventing a concentration of these uses in any one area. The uses to which these controls refer are as follows: Adult book or video stores, adult entertainment centers, and adult mini entertainment centers.
- B. ***Definitions of Adult Business Uses.*** For the purposes of this Section, “adult business uses” are defined as and include the following:
 - 1. Sexually oriented businesses, defined as and including the following:
 - a. Adult arcade, defined as a place to which the public is permitted or invited to view motion pictures, video or laser disc pictures, or other products of image-producing devices where the images displayed are distinguished or characterized by the depicting or describing of “specified sexual activities” or “specified anatomical areas.”
 - b. Adult book store, adult novelty store, or adult video store, defined as a commercial establishment which, as one of its principal purposes, offers for sale or rental for any form of consideration reading materials, photographs, films, motion

pictures, video cassettes or video reproductions, slides or other visual representations characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas" or instruments, devices or paraphernalia which are designed for use in connection with "specified sexual activities."

- c. Adult cabaret, defined as a nightclub, bar, restaurant, auditorium, theater, or similar commercial establishment which, as one of its principal purposes features: persons who appear in a state of nudity or semi-nudity; live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities"; or, films, motion pictures, videos cassettes, slides or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."
- d. Sexual encounter center, defined as a business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration: physical contact between two or more persons when one or more of the persons is in a state of nudity.

- 2. Adult motels, defined as an establishment for temporary lodging where each individual room has a main entry door on the exterior of the building and where rooms are advertised for rent for less than a twelve-hour period or where rooms are rented at hourly rates, or both.

C. ***Other Definitions.*** In addition to the definitions set forth in [Section 8.03.B](#), the following additional definitions are used in the regulation of adult businesses.

- 1. Nudity or a state of nudity means knowingly or intentionally displaying human male or female genitals, pubic area, vulva, anus, anal cleft, or cleavage with less than a fully opaque covering, the showing of the female breast with less than a fully opaque covering of any part of the nipple, or a showing of the covered male genitals in a discernibly turgid state. Public nudity does not include a woman's breastfeeding of a baby whether or not the nipple or areola is exposed during or incidental to feeding.

2. Principal Purpose, Primary Purpose, or Primarily means the sale or display of regulated material that comprises ten percent or more of sales volume or occupies ten percent or more of the floor area or visible inventory within the establishment.
3. Semi-nude or semi-nude condition means the showing of the female breast below a horizontal line across the top of the areola at its highest point or the showing of the male or female buttocks. This definition includes the entire lower portion of the human female breast but does not include any portion of the cleavage of the human female breast, exhibited by a dress, blouse, skirt, leotard, bathing suit, or other apparel, provided the areola is not exposed in whole or in part.
4. Specified anatomical areas means the human male genitals in a discernibly turgid state, even if completely or opaquely covered; or less than completely and opaquely covered human genitals, pubic region, buttocks, or a female breast below a point immediately above the top of the areola.
5. Specified sexual activities means any of the following: the fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts; sex acts, actual, or simulated, including intercourse, oral copulation, masturbation, or sodomy; or excretory functions as part of or in connection with any of the activities previously mentioned in this definition.

D. *Locational Requirements.* In addition to compliance with the other provisions of this Section, the following separation and distancing requirements apply to adult business uses:

1. No adult business use may be located within one thousand feet from the parcel line of another adult business use. For purposes of this subsection, the distance between any two adult business uses must be measured in a straight line, without regard to intervening structures or objects, from the closest exterior wall of the structure in which the business is located.
2. No adult business use may be located within five hundred feet from the parcel line of a school, place of worship, public park, childcare facility, nursery school, preschool, or other use which is primarily oriented to youth (less than eighteen years of age) activities. For the

purpose of this subsection, measurement must be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where an adult business use is conducted, to the nearest parcel line of any school parcel, place of worship, public park, child care facility, nursery school, preschool, or other use which is primarily oriented to youth (less than eighteen years of age) activities.

3. No adult business use may be located on any parcel in any principal or accessory structure already containing a separate adult business use.
- E. ***Existing Structures.*** Existing structures or uses that are in violation of this Section are subject to the regulations set forth in [Article 16](#), Nonconformities.
- F. ***Parking.*** All off-street parking areas for any adult business use must comply with [Section 14](#), Parking and Access. Additionally, any adult business use must be illuminated during all hours of operation, and until one hour after the business closes.
- G. ***Other Requirements.***
1. No person operating an adult business use may permit any person under the age of eighteen years of age to be on the premises.
 2. Entrances to a proposed adult business use must have signs posted on both the exterior and interior walls, in a location clearly visible to those entering and exiting the business and using lettering no less than two inches in height that reads: "Persons under the age of eighteen are not permitted to enter the premises."
 3. Adult business uses are permitted in the Woodward Zoning District only and are subject to the standards and use provisions applicable to the Woodward District.
 4. Any display of adult oriented materials must be shielded from public view either by being placed behind a counter, or by providing a separately established room which has restricted access controlled by the owner or employee.
 5. The location of the counter or room must be limited to an area away from the main entry.

- 6. Adult business uses must comply with all other laws and ordinances applicable to the particular type of use, including without limitation, certification, and licensing laws.

SECTION 8.04 NURSING HOMES, SENIOR ASSISTED LIVING FACILITIES, AND CONVALESCENT CENTERS

- A. The minimum lot area must be no less than fifteen hundred square feet per bed or one acre, whichever is greater.
- B. The lot location must be such that at least one parcel line abuts an arterial or collector street. More than one point of vehicle ingress and egress must be provided directly from said street.
- C. Ambulance entrances must be screened from adjacent residential areas in accordance with the standards set forth in [Article 12](#), Landscaping and Screening.
- D. *Senior assisted living facility.* The minimum floor area requirements indicated in Table 8.04 apply.

Table 8.04 – Senior Assisted Living Minimum Floor Area	
<i>Dwelling Unit Size</i>	<i>Assisted Living Unit</i>
Studio	250
One bedroom	400
Two bedroom	650
Each additional bedroom	150

- 1. *Minimum Site Area.* The minimum site area is one acre.
- 2. *Open Space/Recreation.* Recreation facilities must be appropriate and designed to meet the needs of the resident population. Active recreation must be located conveniently in relation to the majority of dwelling units intended to be served.
- 3. *Resident Services.* Support services offered solely to residents may be permitted, provided such services are contained within the principal building and are strictly accessory to the principal use as a senior

residential facility. Such support services may include congregate dining, health care, personal services, and social, recreational, and educational facilities and programs.

4. ***Security.*** The applicant must specify and install a security system designed to protect the safety and welfare of residents. Such systems must be certified by the project architect or engineer to be designed consistent with the standards of the industry.

SECTION 8.05 AUTOMOTIVE USES

A. *Automobile Repair.*

1. ***Outdoor storage.*** Dismantled, wrecked, or inoperable vehicles waiting for repair must not be stored outdoors for a period exceeding five days. Outdoor storage must be enclosed by a masonry wall when adjacent to residential uses or an opaque fence when adjacent to non-residential uses. The wall or fence must be six to eight feet in height or must utilize landscape screening meeting the standards set forth in [Article 12](#), Landscaping and Screening.
2. ***Disposal containers.*** Suitable containers must be provided and used for disposal of used parts and fluids, and such containers must be screened from view.
3. ***Enclosed buildings.*** All repair and maintenance activities, including hydraulic hoists, lubrication pits, and similar activities, must be performed entirely within an enclosed building.
4. ***Retail sales limitations.*** Retail sales must be limited to those items necessary to carry out the vehicle repair occurring on the subject site.

B. New, used, and vintage automobile sales.

1. ***Setbacks.*** No vehicle may be parked or displayed within five feet of any street right-of-way.
2. ***Noise.*** Loudspeakers broadcasting voice or music outside of a building must not be audible from any adjacent residential zoned or used parcel.

3. All repair and maintenance activities must conform to the standards set forth in [Section 8.05](#).

C. Automobile fueling/multi-use station.

1. **Setbacks.** The following minimum setbacks apply to canopies and pump facilities constructed in conjunction with fueling/multi-use.

Table 8.05 – Automotive fueling/multi-use station setbacks			
Setback	Canopy Support (feet)	Pump Islands (feet)	Canopy Edge (feet)
Front	35	30	25
Side	20	20	10
Rear	30	20	20

2. Fueling areas must be arranged so that motor vehicles do not park on or extend over abutting landscaped areas, sidewalks, streets, buildings, or adjacent properties while being served.
3. Required fire protection devices under the canopy must be architecturally screened so that the tanks are not directly visible from the street. The screens must be compatible with the design and color of the canopy.
4. Canopy lighting must be recessed so that the light source is not visible from off-site.
5. Automotive fueling/multi-use stations must be designed in a manner that promotes pedestrian and vehicular safety. The parking and circulation system within each development must accommodate the safe movement of vehicles, bicycles, pedestrians, and refueling activities throughout the proposed development and to and from surrounding areas in a safe and convenient manner.
6. All repair and maintenance activities must conform to the standards set forth in [Section 8.05.A](#). Dismantled, wrecked, or immobile vehicles are not permitted to be stored on site.

7. If an accessory vehicle wash is proposed, it must comply with the standards set forth in [Section 8.05](#).

D. *Automotive Wash.*

1. All washing activities must be carried out within a building. Vacuuming activities must be located at least fifty feet from adjacent residential zoned or used parcels.
2. Automatic car wash facilities must have a mechanical dryer operation at the end of the wash cycle.
3. All automatic car wash facilities must provide a demonstrated means at the exit ramp for each wash bay to prevent pooling or freezing of water.

SECTION 8.06 FUNERAL HOMES AND MORTUARIES

A funeral home or mortuary must be a licensed facility by the State of Michigan. A funeral home may contain one dwelling unit for the owner or caretaker.

SECTION 8.07 CONTRACTOR'S YARDS

- A. Outdoor storage must be an accessory to the contractor's principal office use of the parcel. Such outdoor storage must not be located within the front yard and must be enclosed by an opaque fence eight feet in height or landscape screening meeting the standards set forth in [Article 12](#), Landscaping and Screening.
- B. All travel surfaces must be paved as a condition of approval.
- C. Cranes, booms, or other extensions on equipment, trucks, or other vehicles parked on site must be stored in the lowest possible configuration.

SECTION 8.08 GARDEN CENTERS AND NURSERIES

- A. Outdoor display and sales are permitted in the front yard only in areas defined by the site plan.

- B. Stored materials may not be located in any required parking or loading space(s). Storage of any kind may not interfere with the ingress and egress of fire and emergency vehicles and apparatus.
- C. Open storage of building materials, mulch, sand, gravel, stone, lumber, open storage, or construction contractor's equipment and supplies is permitted, provided such storage is screened on those sides abutting any residential district or public thoroughfare in accordance with the requirements of [Article 12](#), Landscaping and Screening.
- D. The location and size of areas for storage, nature of items to be stored therein, and details of the enclosure, including a description of materials, height, and typical elevation of the enclosure, must be provided as part of the information submitted under [Article 15](#), Site Plan Review.
- E. The loading and unloading of equipment must be conducted entirely within the site and is not to be permitted within a public right-of-way.

SECTION 8.09 DRIVE-THOUGH AND DRIVE-IN FACILITIES

In addition to meeting off-street parking requirements established in [Section 14.04-Q](#), all uses which provide drive-through or drive-in facilities that serve customers within their automobile must meet the following requirements:

- A. No more than two drive-through lanes servicing a pickup window are permitted for each individual building, regardless of the number of uses.
- B. All drive-through and drive-in facilities for permitted and special land uses including, but not limited to restaurants, banks, etc. are restricted to the side or rear elevations of all structures that provide drive-through services.
- C. A setback of at least sixty feet must be maintained from an existing or proposed right-of-way.
- D. Ingress and egress points must be located at least sixty feet from the intersection of any two streets measured from the street right-of-way lines.
- E. Ingress and egress to drive-through facilities must be part of the internal circulation of the site and integrated with the overall site design. Clear identification and delineation between the drive-through facility and parking

lot must be provided. Drive-through facilities must be designed in a manner that promotes pedestrian and vehicular safety.

- F. Single-lane drive-throughs must be located at the side or rear of a building. Multiple-lane drive-throughs must be located to be the least visible from a public thoroughfare. Canopy design must be compatible with the design of the principal building and incorporate similar materials and architectural elements.
- G. Each drive-through facility must provide adequate stacking space meeting the following standards:
 - 1. Each stacking lane must be one way, and each stacking lane space must be a minimum of twelve feet in width and twenty feet in length.
 - 2. Each drive-through facility must have an escape lane a minimum of twelve feet in width to allow other vehicles to pass those waiting to be served.
 - 3. For car wash uses, a sufficient additional lane must be provided for the active or passive drying of the vehicle after the wash. Where the drying process is to be passive, greater lane space may be required at the discretion of the Planning Commission, applying accepted principles.
 - 4. When a use is not specifically mentioned, the requirements for off-street stacking space for the use with similar needs, as determined in the discretion of the Planning Commission, must apply.
- H. ***Off-Street Waiting Space.*** Uses such as day care centers, schools, hospitals, nursing homes, and places of assembly must provide safe and efficient means for passengers to be dropped off and picked up. Such off-street waiting spaces must be clearly delineated to ensure the safety of pedestrians and motorists.
- I. The screening requirements in Table 8.09 must be provided where drive-through facilities abut residential zoning districts or uses.

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Table 8.09 Screening Requirements for Drive-Throughs		
<i>Use</i>	<i>Screening Material</i>	<i>Screening height</i>
Bank	Fence, berm, or landscaping	5 ft.
Pharmacy	Fence, berm, or landscaping	5 ft.
Restaurant	Opaque wall	6 ft.

- J. **Noise.** The volume of sound emitted from loudspeakers broadcasting voice or music outside of a building shall be controlled so that it will not be audible for a distance in excess of forty feet from the sound-amplifying equipment and so that the volume is not unreasonably loud, raucous, jarring, disturbing or a nuisance to the persons within the area of audibility.

SECTION 8.10 OPEN AIR BUSINESSES

Open air businesses may be permitted as a special land use as set forth in [Article 10](#), Special Land Uses. Open air businesses include the following uses.

- A. Retail sales of trees, shrubbery, plants, flowers, seeds, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment, and other home garden supplies and equipment.
- B. Retail sale of fruit and vegetables.
- C. Tennis courts, archery courts, shuffleboard, horseshoe courts, miniature golf, golf driving range, children’s amusement park, or similar recreation uses.
- D. Bicycle, utility truck or trailer, motor vehicles, boats, or home equipment sale, rental, or repair services.
- E. Outdoor display and sale of garages, swimming pools, motor homes, modular buildings, snowmobiles, farm implements, and similar products.
- F. Outdoor sale and storage of building materials, lumber, contractor’s equipment, and similar materials.

SECTION 8.11 SELF-STORAGE FACILITIES

- A. All storage must be contained within a building.
- B. Other than the rental of storage units and accessory sales of boxes, tape, and similar items, no commercial, wholesale, retail, industrial, or business use may be permitted on or operated from the premises.
- C. The storage of any toxic, explosive, corrosive, or hazardous material is prohibited.
- D. On-site management, controlled access, or both, must be provided during hours of operation.
- E. All storage units must be served by paved access drives between buildings. Access drives must provide for continuous traffic circulation around all storage buildings. The minimum width of access drives serving storage units is twenty-four feet when storage units open onto one side of the access drive and thirty-six feet when storage units open onto both sides of the access drive.
- F. All self-storage facilities must comply with the design standards of the applicable zoning district as detailed in [Article 6](#), Site Design Based Districts.

SECTION 8.12 ADULT FOSTER CARE FACILITIES

- A. Adult foster care facilities are classified by the number of persons that they serve, according to the below description.
 - Type A: Adult foster care small group homes serving between seven and twelve persons.
 - Type B: Adult foster care small group homes serving between thirteen and twenty persons.
 - Type C: Adult foster care congregate facilities serving more than twenty persons.
- B. Adult foster care facilities are subject to the following requirements:

Table 8.12.B. Adult Foster Care Facility Requirements			
	A	B	C
A site plan, prepared in accordance with Article 15 , Site Plan Review, must be submitted.	X	X	X
A separate drop-off and pickup area is required adjacent to the main building entrance, located off of a public street and the parking access lane, and must be of sufficient size so as to not create congestion on the site or within a public roadway.		X	X
The subject parcel must meet the minimum lot area requirements for the zoning in which it is located, provided there is a minimum site area of two thousand sq. ft. per adult, excluding employees and or caregivers.	X	X	X
The parcel is maintained in a manner that is consistent with the character of the neighborhood.	X	X	X
One off-street parking space per employee or caregiver, plus one visitor parking space must be provided.	X	X	X
Appropriate licenses with the State of Michigan must be maintained.	X	X	X
The building must meet all design standards for the underlying zoning district.	X	X	X
Such facilities may include multi-purpose recreational rooms, kitchens, and meeting rooms. Such facilities may also include medical examination rooms and limited space for ancillary services for the residents of the facility, such as barber and beauty facilities.			X

SECTION 8.13 CHILD CARE FACILITIES

- A.** Childcare facilities are classified by the State by the number of children that they serve and the facility where they are located, according to the below definitions.

1. ***Child day care centers:*** A facility, other than a private residence, where more than one child is received for care and supervision, unattended by a parent or legal guardian.
2. ***Child family day care home:*** A private residence where six or fewer children are received for care and supervision, unattended by a parent or legal guardian, except children related to an adult member of the family residing in the home. A family day care home is considered a residential use of a parcel. The total number of children receiving care may be modified when increased capacity, as defined herein, is granted by the State.
3. ***Child group day care home:*** A private residence where between seven and twelve children are received for care and supervision, unattended by a parent or legal guardian, except children related to an adult member of the family residing in the home. The total number of children receiving care may be modified when increased capacity, as defined here, is granted by the State.
4. ***Increased capacity.*** The addition of one child in a family day care home and two children in a group child day care home when granted by the State of Michigan in accordance with Act 116 of 1973, as amended.

B. The following regulations apply to child day care centers, family day care homes, and child group day care homes.

Table 8.13.B Child Care Facility Requirements			
	Child day care centers	Child family day care homes	Child group day care home
Care provided for 6 children or fewer, up to 7 children with increased capacity.	X	X	
Care provided for 7 to 12 children, up to 14 children with increased capacity.	X		X
Care provided for 13 or more children.	X		
Considered a residential use of parcel and is a permitted use in all residential districts.	Special Land Use	X	Special Land Use

Table 8.13.B Child Care Facility Requirements			
Appropriate licenses with the State of Michigan must be maintained.	X	X	X
The subject parcel must meet the minimum lot area requirements for the zoning district in which it is located.	X	X	X
The parcel must be maintained in a manner that is consistent with the area.	X	X	X
On-site outdoor play areas must comply with the State standards for childcare facilities.	X	X	X
Indoor activity spaces must comply with State standards for childcare facilities.	X	X	X
On-site outdoor play areas must be enclosed by a fence at least 4 feet in height, but no higher than 6 feet, built to discourage climbing.	X	X	X
A separate drop-off and pick-up area must be provided adjacent to the main building entrance, located off a public street and the parking access lane and must be of sufficient size so as to not create congestion on the site or within a public roadway.	X		
The hours of operation must not exceed sixteen hours within a twenty-four-hour period.	X	X	X
One off-street parking space per non-resident employee must be provided.	X		X
No exterior identification sign is permitted.		X	X
The licensee must be a resident of the private residence.		X	X

SECTION 8.14 PLACES OF ASSEMBLY

Places of assembly include theaters, convention centers, auditoriums, banquet halls, sports arenas, stadiums, places of worship, and other similar facilities where more than twenty people meet or are assembled.

- A. All activities must primarily take place in a fully enclosed building. Areas designated for outdoor social, recreational, or worship activities must be designated on the site plan as set forth in [Article 15](#), Site Plan Review.
- B. There must be no outside loudspeakers or amplified sound outside of a completely enclosed building, except for church bells, calls to prayer, or other similar purposes.
- C. In stadiums, sports arenas, places of worship, and other places of assembly in which those in attendance occupy benches, pews, or other similar seating facilities, every twenty-four inches of such seating is counted as one seat. In cases where a place of assembly has both fixed seats and an open assembly area, requirements must be computed separately for each type and added together.
- D. Facilities incidental to religious institutions, when located in residential districts, must be used for worship or religious education purposes, in a manner that is consistent with residential zoning and compatible with adjacent residential parcels. No buildings may be used, leased, or rented for commercial purposes.
- E. Specific standards
 - 1. The minimum lot width is sixty feet.
 - 2. The minimum site size is six thousand square feet.

SECTION 8.15 INDOOR RECREATION FACILITIES

Indoor recreation facilities are enclosed establishments that provide exercise facilities including court sports facilities, team sports activities, skating rinks, arcades, bounce arenas, climbing facilities, indoor golf, swimming facilities, bowling, archery ranges, and similar activities. The following regulations apply to indoor recreation facilities.

- A. All uses must be conducted completely within a fully enclosed building.
- B. The buildings must be soundproofed.

SECTION 8.16 OUTDOOR SERVICE AREAS

Outdoor service areas are permitted when in compliance with the following regulations:

- A. *Permit.*** An outdoor service area may be permitted only upon the approval of an outdoor service permit by the Zoning Administrator. All outdoor service area permits will expire on December 31st of the current year unless another time frame is specified on the permit or by the requirements of this Section. Outdoor service area permits are required to be renewed annually, subject to administrative review.

All applications for an outdoor service area permit or permit renewal must include the following:

1. ***Sketch Plan:*** A sketch plan with:
 - a. The location of an outdoor service area in relation to the business it will serve; the entrance to the business; adjacent properties (include addresses) and their building entrances; and existing landscaping, street, trees, catch basins, fire hydrants, and other utilities.
 - b. The dimensions of the outdoor service area footprint.
 - c. The location of the access ramps, platforms, and enclosures.
 - d. Details of any hardware such as fasteners to be used in the construction of ramps and platforms.
 - e. The location and dimensions of all street furniture and furnishings, including, but not limited to tables, chairs, trash receptacles, benches, and sun shading.
 - f. The location of outdoor lighting fixtures, if proposed, as well as the location of wiring and a description of how the wiring will be secured to prevent tripping or electrical hazards.
 - g. Location of on-site driveways and adjacent alleys.
 - h. If using on-site parking spaces, the setback dimensions of the enclosure from traffic lanes, vehicle circulation aisles, alleys, and adjacent parking spaces not used in the outdoor service area.

2. Photographs, drawings, or manufacturer’s brochures fully describing the appearance of all proposed tables, chairs, umbrellas, awnings, canopies, lighting, or other furnishings and fixtures related to the outdoor service area, including but not limited to portable heaters, and other fixtures used during colder weather.
 3. A signed Hold Harmless Agreement as provided by the City.
 4. For an outdoor service area proposed in a public right-of-way or on other public parcels, a Certificate of Liability Insurance, in an amount acceptable to the City, and naming the City as an additional insured party.
 5. For an outdoor service area in which alcohol is served, a liquor liability policy or certificate of insurance naming the City as an additional insured.
 6. If outdoor lighting is proposed, the Zoning Administrator may require a photometric plan.
 7. If temporary shelters are proposed, a separate sketch plan must be submitted with the following:
 - a. The location and dimensions of all temporary shelters within the permitted outdoor service area.
 - b. A dimensioned interior seating layout.
 - c. The materials of which the shelters are fabricated.
 - d. The type, size, and location of portable heating elements, fuel tanks, and decorative lighting.
 - e. The type and location of lighting to be used.
 - f. The power source for portable heating elements and lighting, with a description of how the wiring will be secured to prevent tripping or electrical hazards.
- B. *Location.*** Outdoor service areas are allowed in on-site parking spaces or lots, sidewalks, and similar areas, with the following limitations:

1. When located in the side or rear yard of a site, an outdoor service area must be a minimum fifty feet from the parcel line of any single family or multiple family zoning district.
 2. Outdoor service areas must be setback at least two feet from adjacent vehicle traffic lanes, vehicle circulation aisles, or alleys.
 3. Outdoor service areas must be at least three feet from adjacent parking spaces not used as an outdoor service area.
 4. Outdoor services areas only may be allowed in on-site parking spaces or parking lots when parking provided without the spaces to be used for the outdoor service area still meets the minimum parking requirements for the principal building on-site as well as for any existing parking agreements.
- C. ***Time of Operation.*** Permitted outdoor service areas may be operated all year. However, outdoor service areas in the public right-of-way are limited to April 1st through October 31st.
- D. ***Temporary Shelters.*** Outdoor service area permittees may be allowed to erect temporary shelters, such as tents, igloos, bubbles, garden sheds, or similar types when in compliance with the following regulations.
1. Non-electric heating elements are prohibited inside any temporary shelters.
 2. The location of all non-electric portable heating elements must be a minimum of ten feet from temporary shelters.
- E. ***Access.*** All outdoor service areas, whether located on a sidewalk or accessed from a sidewalk, must allow a minimum of five feet of unobstructed pedestrian access along the sidewalk, as well as ingress and egress to the principal use for which the outdoor service area is accessory. Outdoor service areas must comply with the Michigan Barrier Free Code.
- F. ***Ramps and Platforms.*** Ramps and platforms for outdoor service areas must comply with the following regulations:
1. Bolting of ramps and platforms into the street or penetrating the surface of the street or parking space is prohibited. Ramps and platforms may be bolted to the existing curb, but curbs must be

restored to the satisfaction of the City of Berkley Department of Public Works.

2. Ramps and platforms must be designed and constructed to maintain unobstructed drainage flow along the gutter.
3. Platform and ramp substructures must be made of quality materials: i.e., wood, treated wood, or composite materials. Platform and ramp surfaces must be of a non-slip material.

G. *Enclosures.* Enclosures are required for outdoor service areas in the following circumstances: when alcohol is served, when outdoor service areas on the sidewalk are within one foot of the back of the curb, and when using parking spaces. Enclosures must comply with the following regulations:

1. The enclosures must be clearly marked, using railings, planters, fencing, or similar materials.
2. Enclosures must not block the view of traffic, including pedestrian traffic, or block the view of traffic control devices such as traffic signs, traffic signals, and other traffic warning devices.
3. The minimum height of an enclosure is thirty-six inches, and the maximum height is forty-two inches.
4. For outdoor service areas serving alcohol, the enclosure must define and secure the outdoor service area for alcohol consumption.
5. For sidewalk outdoor service areas within one foot of the back of the curb, the enclosure must be located along the curb separating the outdoor service area from the roadway.
6. For outdoor service areas using parking spaces, the enclosure must be a continuous, rigid physical separation with a height of forty-two inches on all sides of the outdoor service area adjacent to vehicle traffic lanes, vehicle circulation aisles, alleys, and parking spaces not used as an outdoor service area.

H. *Alcohol service.* Alcoholic beverages may be served in an outdoor service area, as licensed by the State, for consumption by customers of the licensee. If the outdoor service area is located in a Social District approved by the City of Berkley, alcoholic beverages may be consumed by customers of the licensee beyond the outdoor service area within the Social District.

- I. ***Street furniture and furnishings.*** Street furniture and furnishings are allowed in outdoor service areas when the following regulations are met:
1. Outdoor service area street furniture and fixtures must not block the view of traffic, including pedestrian traffic, or block the view of traffic control devices such as traffic signs, traffic signals, and other traffic warning devices.
 2. All outdoor service area street furniture and fixtures must be of substantial weight so that at no time could the outdoor service area furniture present an obstruction or risk to public safety, especially during inclement weather. All umbrellas must be closed or removed each evening.
 3. Hanging or overhead objects, including umbrellas, must have a minimum clearance of at least seven feet.
 4. All outdoor service area furniture/fixtures must be maintained in a state of good repair. Any outdoor service area furniture or fixtures having broken, peeling, or rusting features or showing other signs of disrepair must be promptly removed and replaced.
 5. All sun shading must be constructed of fire-retardant materials.
- J. ***Lighting.*** Temporary, decorative outdoor lighting, such as string lights or electric candles, may be permitted in outdoor service areas when such lighting is limited to the hours of operation of the outdoor service area, does not create glare that negatively impacts public safety or adjacent properties, and is secured in a manner to prevent trip or electrical hazard. All other lighting must meet the requirements in [Article 13](#), Exterior Lighting Standards.
- K. ***Heating elements.*** Electric and non-electric heating elements may be permitted in outdoor service areas. Non-electric heating elements must be placed a minimum of ten feet from all permanent or temporary structures. Electric heating elements must be secured in a manner to prevent tripping or electrical hazards.
- L. ***Maintenance.*** The maintenance of an outdoor service area is the responsibility of the establishment. Maintenance includes, but is not limited to surface treatment and cleaning, litter control, sweeping, and snow and ice removal. Any sidewalk or public parcel permitted to be used as an outdoor

service area must be always kept neat and clean and free from any substance that may cause pedestrian injury or damage to the sidewalk or public property.

SECTION 8.17 MARIHUANA BUSINESS REGULATIONS

- A. Marihuana Businesses are subject to the regulations in Article XV of Chapter 30 of the City of Berkeley Code of Ordinances.
- B. A marihuana business must front on an arterial street with the primary ingress and egress onto a major thoroughfare.
- C. The marihuana business must have all applicable state and local licenses and approvals to operate.
- D. The parcel where the marihuana business will be located must be entirely within the boundaries of the City and must not be within one thousand feet of a pre-existing public or private school providing education in kindergarten or any of grades first through twelfth.
- E. Notwithstanding any other provision in the Zoning Ordinance, a marihuana business must operate within a fully enclosed building.

SECTION 8.18 TOBACCO AND VAPE SHOPS

The parcel where a tobacco and vape shop is located must not be within one thousand feet of another tobacco and vape shop or a pre-existing public or private school providing education in kindergarten or any of grades first through twelfth within the boundaries of the City of Berkeley.

SECTION 8.19 OUTDOOR STORAGE

- A. ***General Standards.*** The outdoor storage of goods and materials in all districts is prohibited unless otherwise specifically permitted herein. For those uses where the outdoor storage of goods, materials, and equipment is permitted either by right or through a variance granted by the Zoning Board of Appeals, the following conditions apply:

1. The location and size of areas for such storage, nature of items to be stored therein, and details of the enclosure, including a description of materials and the height and typical elevation of the enclosure, must be provided as part of the site plan as set forth in [Article 15](#), Site Plan Review.
2. Such storage must not be located within the area between the front face of the building, as extended across the entire width of the lot, and the street right-of-way, or in any required side or rear yard setback.
3. Such storage must not be located in any required parking, streets, drives, driveways, or loading space.
4. Such storage must be strictly and clearly incidental to the principal use, and only products and materials owned or produced by the principal business, and equipment owned and operated by the principal use, are permitted for storage. Such storage must not be permitted as a principal use of a lot.
5. The area for such storage must be screened from view on all sides in a manner as approved by the Planning Commission during the Site Plan Review process.

SECTION 8.20 ACCESSORY DWELLING UNITS

- A. *Purpose.*** Accessory Dwelling Units (ADUs) are permitted to enable a new housing type that respects the look and scale of single family residential neighborhoods while:
1. Supporting more efficient use of existing housing stock and infrastructure;
 2. Providing housing that responds to changing family needs, smaller households, and increasing housing costs; and
 3. Providing accessible housing for seniors and persons with disabilities.
- B. *ADUs Permitted.*** One ADU is permitted per parcel in all residential zoning districts. An ADU may only be located on a parcel that has an existing single family dwelling unit. ADUs are not permitted as an accessory use to a two family or multiple family dwelling unit.

- C. **Design.** ADUs must be designed so that the appearance of the principal building remains that of a single family dwelling unit. When a detached accessory structure, an ADU must be designed to have the appearance of a detached garage or other detached accessory structure allowed under this Ordinance. All ADUs must meet the following standards:
1. ADUs must be located in the following locations within a primary or accessory structure.
 - a. Above an attached garage.
 - b. Above a detached garage, in compliance with [Section 9.09, Accessory Buildings and Structures](#).
 - c. As a standalone structure, in compliance with [Section 9.09, Accessory Buildings and Structures](#).
 - d. As a ground level or upper level addition to a single family dwelling unit.
 - e. Within the upper level of a single family dwelling unit.
 - f. Within the ground level of a single family dwelling unit.
 2. An entrance to the ADU must not be visible from the right-of-way along the front parcel line, excluding the exterior side yard parcel line for corner lots. ADU entrances may be visible from a side or rear parcel line.
 3. Any pedestrian pathways that connect from the right-of-way to the primary structure, separate from a driveway, are limited to no more than one per front yard. For corner lots, there may be two pedestrian pathways: one in the front yard and one in the exterior side yard.
 4. When an ADU entrance fronts a side or rear yard, a landscape screen, wall, or fence at least six feet in height is required to separate the side yard from the neighboring parcel.
 5. Standards for building additions to accommodate ADUs.
 - a. Additions that are taller than the original building must be located toward the rear of the building so that the new addition does not visually overpower the original structure.

- b. Large additions must be broken down into smaller, varied components that relate to the scale and massing of the original structure.
 - c. Additions must respect the massing, scale, and height of the primary structure.
- D. **Rental duration.** Short-term rentals or the leasing of an ADU for less than thirty days is prohibited.

SECTION 8.21 GUN SHOPS

The parcel where a gun shop is located must meet the following location standards:

1. The parcel must be located in the Woodward District.
2. The parcel may not be within one thousand feet of another gun shop or a pre-existing public or private school providing education in kindergarten or any of grades first through twelfth within the boundaries of the City of Berkeley.

SECTION 8.22 COMMERCIAL KENNELS/PET DAY CARE

Commercial kennels and pet day cares are permitted when in compliance with the following regulations:

1. The outdoor area may not be within sixty feet of a residential district.
2. Animals are permitted outside only between 6:30 a.m. and 10:30 p.m.
3. The outdoor area must be enclosed on all sides with a wall or a fence at least eight feet in height

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ARTICLE 9 GENERAL PROVISIONS

SECTION 9.01 PURPOSE

The regulations in this Article must apply in all zoning districts unless specifically provided otherwise in a Section of this Article.

SECTION 9.02 FENCES AND WALLS

- A. *Permit or Certificate Required.* The erection, construction, or substantial rebuilding of any fence, screen wall, or wall must be performed in compliance with all municipal codes and requires a zoning certificate. Building permits will be required, when required by the Building Code.

Substantial rebuilding is the reconstruction of more than fifty percent of the structure, a change in the height of the structure, or a change from existing material within a twelve-month period. Painting, cleaning, replacement of like materials, or other actions commonly considered as general maintenance are not defined as substantial rebuilding.

- B. *Requirements for All Districts.*

1. No wall or fence may have barbed wire, razor wire, an electric current, concertina wire, or any other material installed for the purpose of causing injury or harm. Similar material must be determined by the Building Official.
2. Each fence or screen wall owner must maintain their fences or walls in accordance with the provisions of all maintenance codes adopted by the City and with the provisions of any site maintenance agreement they may have entered into with the City.
3. Fences and screen walls must be maintained plumb and true with adequate support and in a safe and slightly manner. The owner of a fence or screen wall must remove or repair a fence or screen wall that is dangerous, dilapidated, or otherwise in violation of this Ordinance.

C. *Requirements for Residential Districts.*

1. Fences or walls must be constructed of steel, iron, wood, vinyl, masonry, or other durable material.
2. A fence or wall must not be erected between the front building line and the front lot line.
3. Landscape treatments may be located between the front building line and the front lot line.
4. Landscape treatments which fall within the front yard or the exterior side yard and which are parallel to, or are placed along, a lot line are limited as follows:
 - a. Setback of not less than two feet when adjacent to an adjoining parcel owner's driveway.
 - b. Placement on the parcel line or setback at least twelve inches from the sidewalk, whichever is greater.
5. No portion of a fence, wall, landscape treatment, or landscaping may project beyond the fence owner's parcel line. The footing of any fence or wall may not encroach underground beyond the fence owner's parcel line.
6. The maximum height of a fence or privacy fence is six feet, four inches in height, as measured from the lowest existing adjacent grade. Where a residential parcel line is adjacent to a nonresidential district, the maximum height must not exceed eight feet for fences on said parcel line.
7. The maximum number of fences is one fence per parcel line for each parcel owner. Ownership of a fence is determined by the fence permit applicant as follows:
 - a. By a search of building permits issued to their and adjacent properties; or
 - b. By mutual agreement of the adjacent parcel owners.
8. The maximum height of privacy screen structures is six feet above the surface of the deck, patio, pool, or other area to be screened. Privacy screen structures exceeding the maximum height require a variance

from the Zoning Board of Appeals.

9. When erecting a fence next to an existing fence, the maintenance of the area between the fences will be the responsibility of the person erecting the new fence. Fence panels must be raised four inches above grade to allow for maintenance of the area between fences.
10. Any fence having an unfinished side (e.g., stockade fence) must be installed so that the finished side of the fence faces adjacent properties or the street.
11. The maximum length of privacy screen structures is eighteen feet.
12. Any fence or landscape treatment erected within ten feet of a driveway or public right-of-way intersection must permit a motorist an unobstructed view of the public right-of-way when exiting a driveway. The sidewalk must be visible for a distance of ten feet on both sides of the driveway. Visibility is judged from the garage door jambs or ten feet from the sidewalk along the driveway's edge, whichever is closer. Visibility is judged from thirty inches above the sidewalk. The Community Development Director or their designee will be the judge of visibility. These requirements apply whether or not the fence is on the same parcel as the driveway.
13. Fences around swimming pools are required per [Section 9.09.I](#).

D. Requirements for Nonresidential districts.

1. The maximum height for a fence or wall is eight feet high as measured from the lowest existing adjacent grade.
2. Required screen walls adjacent to all parcel lines separating a non-residential parcel from a residential parcel must comply with the regulations in [Article 12](#), Landscaping and Screening.
3. No portion of a fence, wall, or screen wall may project beyond the fence owner's parcel line. The footing of any fence, wall, or screen wall may not encroach underground beyond the fence owner's parcel line.
4. The Planning Commission may revise the screen wall requirements for nonresidential districts if the Commission finds that the standards for site plan approval, as outlined in [Article 12](#), Landscaping and Screening, have been met.

- E. Fences around public or institutional parks are required if they incorporate a playfield (baseball, football, soccer, tennis, etc.).
- F. In the Cemetery Zoning District, the regulations in [Section 5.08](#) apply.

SECTION 9.03 WIND ENERGY

- A. **Intent.** The general purpose and intent of the City is to balance the need for clean, renewable, and abundant energy resources that may reduce dependence upon fossil fuels, with the necessity to protect the public health, safety, and welfare of the City, as well as to preserve the integrity, character, property values, and aesthetic quality of the community at large. The City therefore finds these regulations are necessary to facilitate adequate provision of sites for wind energy systems and ensure they are situated in appropriate locations and relationships to other land uses, structures, and buildings, without significantly increasing the cost or decreasing the efficiency of such systems.
- B. **General Requirements.**
 1. No more than one wind energy system may be placed on any parcel.
 2. No signage may be installed on any wind energy system.

	Districts Permitted	Maximum Height from Roof <i>or</i> Minimum Height Clearance	Minimum Setback	Other Regulations	Review Required
Roof-mounted – on site consumption	Single-Family Residential, R-2, Multiple-Family Residential, Community Centerpiece, Flex,	10 ft.	No portion of the system's blades, rotor or other exposed moving part may extend beyond the edge of the building line to	Wind energy systems with a rated capacity of up to 2 kilowatts (2 kW) and solar energy systems are allowed as an accessory use subject to the required standards of this Section; provided they are incidental and subordinate to a use on the same parcel, and must supply electrical power exclusively for on-site consumption	Administrative review and zoning certificate required

	Districts Permitted	Maximum Height from Roof <i>or</i> Minimum Height Clearance	Minimum Setback	Other Regulations	Review Required
	Gateway, Woodward Cemetery, Residential Corridor		which it is attached		
Free-standing on-site consumption	Gateway, Flex, Woodward, Cemetery	15 ft.	Equal to height of tower	Must be located in rear yard. Wind energy systems with a rated capacity of up to 2 kilowatts (2 kW) and solar energy systems are allowed as an accessory use subject to the required standards of this Section; provided they are incidental and subordinate to a use on the same parcel, and must supply electrical power exclusively for on-site consumption	Special land use approval and site plan approval required prior to obtaining any permits
Roof-mounted—Off-site consumption	High Rise Multiple-Family Residential Woodward, Flex	160 ft. for High Rise Multiple Family 80 ft. for Woodward, Flex	No portion of the system's blades, rotor or other exposed moving part may extend beyond the edge of the building line	Arrays of multiple-turbine roof-mounted wind energy systems may be allowed provided they are architecturally integrated with the building upon which they are attached as determined by the Planning Commission and otherwise comply with the required standards of this Section. Wind systems may be connected to the electrical grid when a parcel on which the system is installed also receives electrical power supplied by a utility company. If a parcel on which a system is installed also receives electrical power supplied by a utility company, excess electrical power generated and not presently needed for on-site use	Site plan approval by the Planning Commission is required prior to obtaining any permits

	Districts Permitted	Maximum Height from Roof <i>or</i> Minimum Height Clearance	Minimum Setback	Other Regulations	Review Required
				may be used by the utility company in accordance with applicable state and federal law. Wind energy systems with a rated capacity of more than 20 kilowatts (20 kW) that are intended to produce electricity for sale to a utility or other customers for offsite consumption is permitted.	
Free-standing off-site consumption	Cemetery	15 ft.	Equal to height of tower	Wind systems may be connected to the electrical grid when a parcel on which the system is installed also receives electrical power supplied by a utility company. If a parcel on which a system is installed also receives electrical power supplied by a utility company, excess electrical power generated and not presently needed for on-site use may be used by the utility company in accordance with applicable state and federal law. Wind energy systems with a rated capacity of more than 20 kilowatts (20 kW) that are intended to produce electricity for sale to a utility or other customers for offsite consumption is permitted. A shadow flicker analysis must be submitted as part of the special land use application.	Special land use approval and site plan approval required prior to obtaining any permits

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SECTION 9.04 SOLAR ENERGY

- A. **Intent.** The City of Berkley promotes the effective and efficient use of solar energy systems. To protect public health, safety, and welfare, it is in the interest of the City to regulate the siting, design, and installation of solar energy systems so that they are compatible with the subject and neighboring land uses.
- B. **Permit required.** Building-mounted solar energy system installations require a Building Permit approved by the Community Development Department. Ground-mounted solar energy system installations require a site plan that is approved administratively. All solar energy systems proposed as part of a site plan must be indicated on the site plan.
- C. **Exemptions.** The following instances are exempt from a zoning review by the Community Development Department. Building permits may still be required.
1. The installation of a solar energy system to power a single device or specific piece of equipment such as a lawn ornament, lights, weather station, clock, well pump, or other similar device, provided that the solar energy system is no larger than six square feet and the device itself is not subject to zoning compliance approval.
 2. The repair or replacement of an existing approved solar system that does not result in an expansion of the solar energy system coverage area.
 3. This Section applies to any solar energy system or facility with a nameplate capacity below fifty megawatts.
- D. **Standards for solar energy systems.** The following requirements apply to all solar energy systems.
1. The exterior surfaces of solar energy systems must be generally neutral in color and substantially non-reflective in light.
 2. Solar energy systems must be functional and in good repair.
 3. Solar energy systems must be installed, maintained, and used only in accordance with the manufacturer's directions. Upon request, a copy of such directions must be submitted to the Building Official prior to

installation. The Building Official may inspect the completed installation to verify compliance with the manufacturer's directions.

4. All solar energy systems must comply with the City Building Code, the Electrical Code, and other applicable building and construction codes.
- E. The following requirements apply to building-mounted solar energy systems.
1. Building-mounted solar energy systems are permitted as an accessory use in any zoning district and are subject to the regulations set forth in this Article.
 2. Building-mounted solar energy systems must be incidental and subordinate to a use on the same parcel.
 3. Building-mounted solar energy systems that are mounted on the roof of a building must not project more than five feet above the highest point of the roof.
 4. Building-mounted solar energy systems in the Downtown Zoning District must not be visible from the street level.
 5. Building-mounted solar energy systems that are mounted on a wall must not project above the highest point of the roof.
 6. Building-mounted solar energy systems must not exceed the maximum building height requirements for the respective zoning district.
 7. Building-mounted solar energy systems must not project horizontally beyond the eaves of the roof.
 8. Building-mounted solar energy systems must not be mounted on a building wall that is parallel to an adjacent public right-of-way.
 9. Building-mounted solar energy systems that are mounted on a building wall must not project into the required setback of the respective zoning district.
 10. Solar energy systems mounted on the roof of a building must be only of such weight as can safely be supported by the roof and the weight of snow and ice that they collect. Building-mounted solar energy systems must be permanently and safely attached to the building or

structure. Proof of the safety and reliability of the means of such attachment, in the form of certification by a professional engineer or other qualified person, must be submitted to the Building Official prior to installation; such certification is subject to the Building Official's approval.

- F. The following requirements apply to ground-mounted solar energy systems.
1. Ground-mounted solar energy systems are a permitted accessory use in the Flex, Cemetery, and Community Centerpiece zoning districts.
 2. Ground-mounted solar energy systems must be located in the rear yard or side yard, not within any required setbacks unless permitted by the Planning Commission as a deviation in its approval of the site plan and provided it does not project into more than one required setback area.
 3. Ground-mounted solar energy systems must not exceed the maximum building height in the respective zoning district, measured from the ground at the base of the equipment.
 4. The area of the ground-mounted solar energy system must not exceed fifty percent of the square footage of the ground floor area of the primary building of the parcel unless it is sited over required parking in which case there is no maximum lot coverage for the ground-mounted solar energy system.
 5. Ground-mounted solar energy systems do not count towards the maximum square footage of accessory structures allowed on site or maximum impervious surface area limits if the ground under the solar energy system is pervious.
 6. If the ground under the ground-mounted solar energy system is impervious, the total area of ground-mounted solar energy systems must be included in the calculation of the maximum permitted lot coverage requirement for the parcel of land.

SECTION 9.05 DRIVEWAYS

- A. *Purpose.* The purpose of this Section is to establish guidelines for the location

and design of driveways that can be used for new construction in undeveloped areas and the redevelopment of existing developed areas. The objectives of these requirements are to reduce the frequency of conflicts between vehicular movements and to increase the spacing between conflict points, thereby providing motorists with increased decision process time, which will increase safety and assure smoother traffic flow.

- B. The requirements of Section 106-47 of the Berkley Code of Ordinances apply.
- C. **Construction.** All driveways must be provided with paving having an asphaltic or portland cement binder at least four inches in depth so as to provide a permanent, durable, and dustless surface. Single family residential driveways may be constructed of masonry pavers. All parking areas must be graded and drained so as to dispose of all surface water accumulated within the area according to Oakland County requirements prior to the issuance of an occupancy permit. Approaches must be provided with paving having a portland cement binder at least six inches in depth. Approaches must have a two-foot flare on each side of the driveway.
- D. **Single or Two Family Residential Uses.** For single family or two family homes in all zoning districts, the following regulations apply:
 - 1. Number of driveways: The number of driveways is limited per the table below:

Table 9.05.D.1.	
Lot Width	Maximum Number of Driveways
0 to less than 100 ft.	1 per single family or two family home
100 ft. or more	Circular driveway with 2 approaches or 1 driveway per single family or two family home
100 ft. or more on a corner lot	Circular driveway with 2 approaches and 1 driveway from side street for garage facing the side street per single family or two family home

2. **Driveway widths:** The widths of driveways must meet the following requirements:

Table 9.05.D.2.			
Type of Lot	Maximum Driveway Width	Minimum Driveway Width	Location
Interior lot	16 ft.	9 ft.	Between the front building line and the front lot line
Interior lot with attached garage	Width of garage façade and taper uniformly to 16 ft.		At the front lot line
Corner lot when garage faces side street	20 ft. or the width of the garage, whichever is greater		At the side street lot line
Interior lot on Greenfield Road between Twelve Mile and Catalpa	20 ft.		Between the front building line and the front lot line

3. **Circular driveways.** Circular driveways may not exceed ten feet in width, may not be less than five feet from the front building line, may not be less than five feet from the side lot line as measured along the front lot line, and the total pavement coverage of the front yard may not exceed thirty-five percent of the front yard.
4. **Site Design Based Districts.** Driveways for single family and two family dwellings in the site design based districts are also subject to the requirements in [Article 6](#), Site Design Based Zoning Districts.

5. ***Coolidge Highway Between Twelve Mile Road and Webster.*** Residential lots backing to Coolidge between Twelve Mile Road and Webster that have a driveway and approach onto Coolidge as of June 19, 2008, shall be allowed to maintain and replace said driveway and approach. No additional driveways or approaches onto this portion of Coolidge shall be permitted.
6. ***Lots fronting on Greenfield.*** Those residential lots fronting on Greenfield Road between Twelve Mile Road and Catalpa may be permitted a driveway approach not exceeding twenty feet in width in the area between the lot line and the street curb. Parking in an east-west direction may be permitted in this area, subject to all other parking regulations.

E. *Number of Driveways Per Parcel.*

1. A maximum of one driveway opening is permitted to a particular parcel from any abutting street unless these regulations conflict with the requirements of the agency that has jurisdiction over the street.
2. The Zoning Administrator or designee may permit one additional driveway entrance along a continuous site with frontage in excess of three hundred and thirty feet and two additional driveway entrances along a continuous site if driveway access volumes exceed five thousand vehicles per day and frontage exceeds six hundred feet.
3. A dual-service (median-divided) driveway is considered to be one, direct-access driveway.
4. Only one pair of one-way drives may be used per two hundred and fifty feet of street frontage.

SECTION 9.06 ESSENTIAL SERVICES

Essential services are permitted as authorized and regulated by law and other ordinances of the City. It is the intention of this Section to exempt such essential services from the application of this Ordinance.

SECTION 9.07 USES AND BUILDINGS PER LOT

Lots must be used as outlined below unless otherwise permitted in this Ordinance:

- A. ***One Use.*** The maximum number of principal uses per individual lot is one principal use, unless otherwise permitted in this Ordinance. In the case of Planned Unit Developments, more than one use may be approved during the PUD approval process.
- B. **Number of Buildings per Lot.**
 - 1. There may be only one single family dwelling, or one two family dwelling permitted per lot, provided all other requirements of this Ordinance are met.
 - 2. For all developments subject to site plan review, more than one principal building per lot may be permitted, as long as all other requirements of this Ordinance are met.
- C. ***Illegal Dwellings.*** The use of any portion of a garage, accessory building other than an accessory dwelling unit, tent, recreational vehicle, or a partially completed building for dwelling or sleeping purposes is prohibited, unless otherwise permitted in this Ordinance.

SECTION 9.08 LOT LIMITATIONS

- A. ***Division of lots.*** No lot may hereafter be divided into two or more lots and no portion of any lot may be sold, unless all lots resulting from each such division or sale conform with all the applicable bulk regulations of the zoning district in which the parcel is located, in compliance with the Michigan Land Division Act.
- B. ***Location of required open space.*** All yards and other open spaces allocated to a building or dwelling group must be located on the same lot as such building or dwelling group.
- C. ***Sharing.*** No part of a yard or other open space required about or in connection with any building for the purpose of complying with this Chapter may be included as part of a yard or other open space similarly required for any other building.

- D. ***Minimum requirements.*** No yard or lot existing at the time of the adoption of this Chapter may be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Chapter must meet at least the minimum requirements established by this Chapter.

SECTION 9.09 ACCESSORY BUILDINGS AND STRUCTURES

Accessory buildings and structures must be classified as defined in [Article 2](#), Definitions of this Ordinance and, unless otherwise provided in this Ordinance, are subject to this Section. By their definition and nature, accessory buildings and structures must be secondary and clearly incidental to the principal building on a parcel of land. Such buildings or structures therefore are not permitted as the only building or structure on a parcel of land.

A. ***Layout requirements.***

1. Where the accessory building or structure is attached to a main building it must conform to all regulations of this Chapter applicable to the main building.
2. The width of a front-loading attached garage must not be more than forty-five percent of the total width of the main building as measured along the front building line. The garage portion shall be recessed at least five more feet from the front building line.
3. Accessory buildings or structures may only be erected in a rear yard.
4. In no instance may the combined floor area of all accessory buildings and structures exceed eight hundred square feet or one-half the ground floor of the main building, whichever is greater. Lot coverage must also conform to requirements set forth in the schedule of regulations in [Article 5](#), Use-Based Districts, or [Article 6](#), Site Design Based Districts. Dog runs are excluded from the maximum lot coverage calculation.
5. **Setbacks.**
 - a. Detached accessory buildings, except dog houses and dog runs, must not be located closer than ten feet to any main building or other accessory building.

- b. No accessory building or structure may be located within five feet of the side lot line unless proper fire separation has been installed. In no instance may any portion of an accessory building or structure be located closer than eighteen inches to a side lot line, including encroachments allowed elsewhere in this Ordinance such as gutters or eaves.
- c. No accessory building or structure may be located within five feet of any rear lot line. In no instance may an accessory building or structure be located within a dedicated easement or right-of-way.

B. *Height.* The maximum height of an accessory structure is determined by its location in relation to the lot lines, as follows:

Table 9.09.B.	
Distance from Rear Lot Line to Structure	Height of Structure Allowed
Less than 5 ft.	No structures permitted
5 - 35 ft.	15 ft.
Greater than 35 ft.	Maximum height allowed in the zoning district.

- C. ***Dormers.*** Dormers on accessory structures are limited to fifty percent or less of the width of the roof per elevation or a ten foot interior dimension, whichever is greater. Dormers may not exceed the height of the roofline from which they are projecting. Dormers are not permitted on accessory structures with gambrel, barrel, flat or mansard roofs.
- D. An accessory building is considered two stories if the second floor contains a room as defined per the current State Construction Code. Accessory buildings with two stories must have proper fire separation as required by the State Building Code.
- E. Attics that do not have sufficient headroom or area to qualify as a room are permitted for storage use only. Access to such storage area is permitted by ladder or drop-down stairs only.
- F. In no instance may a rooftop deck on an accessory building be permitted.

G. *Antennas.*

1. Pole or mast-type antennas may be constructed to a height equal to the permitted maximum height of structures in the respective zoning district. Roof-mounted antennas or antennas attached to a building must not extend more than twelve feet above the highest point of the roof.
2. No more than two antenna structures (no more than one of which may be ground-mounted) is permitted for each lot or parcel, with the following exception: on nonresidential parcels, two antenna structures are permitted for the first twenty thousand square feet of gross building area, with one antenna structure permitted for each additional twenty thousand square feet of gross building area, or major portion thereof.

H. *Windows.* On elevations facing neighboring properties, where the window header is eight feet or more above grade, the amount of glazing must be limited to no more than eight square feet per elevation.

I. *Swimming Pools.*

1. A wall of a swimming pool must be located more than six feet from any rear or side parcel line.
2. A wall of a swimming pool that has a capacity greater than six hundred gallons must be located more than six feet from the main building or other accessory building or structure. Swimming pools that have a capacity of six hundred or fewer gallons are excepted from this setback requirement.
3. Construction requires a site plan, building permit, and all applicable electrical heating and plumbing permits. All pools, which contain twenty-four inches or more of water in depth at any point, must be surrounded by an adequate enclosure in accordance with the City's current building codes and current ISPSC codes. Electrical service conductors and other overhead wires must be located a minimum of ten feet from the pool's edge or a minimum of twenty-two feet above the pool surface. Pool heaters must be installed according to the current adopted City Code. All swimming pools must be provided with a recirculating skimming device. The water of all swimming pools must be sanitized. The installation of swimming pools must be in

accordance with the requirements of the Building and Electrical Code.

- J. ***Corner Lots.*** On corner lots, garages may be attached to the principal structure provided that the principal structure including the garage is at least five feet from the rear lot line and all other setback requirements are met. The garage door or combination of garage doors must not exceed eighteen feet.
- K. Trailer-mounted accessory buildings and structures are prohibited.

SECTION 9.10 WIRELESS COMMUNICATION FACILITIES

- A. ***Intent.*** It is the general purpose and intent of the City to carry out the will of the United States Congress by authorizing communication facilities needed to operate wireless communication systems. However, it is the further purpose and intent of the City to provide for such authorization in a manner that will retain the integrity of neighborhoods and the character, property values, and aesthetic quality of the community at large. In fashioning and administering the provisions of this Section, an attempt has been made to balance these potentially competing interests. Recognizing the number of providers authorized to establish and operate wireless communication services and coverage, it is the further purpose and intent of this Section to:
 - 1. Facilitate adequate and efficient provision of sites for wireless communication facilities;
 - 2. Establish predetermined districts or zones of the number, shape, and location considered best for the establishment of wireless communication facilities, subject to applicable standards and conditions;
 - 3. Recognize that the operation of a wireless communication system may require the establishment of facilities in locations not within the predetermined districts or zones. In such cases, it has been determined that it is likely that there will be greater adverse impact upon neighborhoods and areas within the community. Consequently, more stringent standards and conditions should apply to the review, approval, and use of such facilities;
 - 4. Ensure that wireless communication facilities are situated in

- appropriate locations and relationships to other land uses, structures, and buildings;
5. Limit inappropriate physical and aesthetic overcrowding of land use activities and avoid adverse impacts upon existing population, transportation systems, and other public services and facility needs;
 6. Promote public health, safety, and welfare;
 7. Provide for adequate information about plans for wireless communication facilities in order to permit the community to effectively plan for the location of such facilities;
 8. Minimize the adverse impacts of technological obsolescence of such facilities, including a requirement to remove unused or unnecessary facilities in a timely manner; and
 9. Minimize the negative visual impact of wireless communication facilities on neighborhoods, community landmarks, historic sites and buildings, natural beauty areas, and public rights-of-way. This contemplates the establishment of as few structures as reasonably feasible, and the use of structures that are designed for compatibility, including the use of existing structures and the avoidance of lattice structures that are unnecessary, taking into consideration the purposes and intent of this Section.
- B.** The City Council finds that the presence of numerous tower and pole structures, particularly if located within residential areas, would decrease the attractiveness, and destroy the character and integrity of the community. This, in turn, may have an adverse impact on property values. Therefore, it is necessary to minimize the adverse impact of the presence of numerous tower or pole structures having low architectural and other aesthetic appeal to most persons, recognizing that the absence of regulation would result in a material impediment to the maintenance and promotion of property values, and further recognizing that this economic component is an important part of the public health, safety, and welfare.
- C.** *Small Cell Wireless Facilities.* Small cell wireless facilities are exempt from this Section and subject to Article V - Small Cell Wireless Facilities Deployment of Chapter 118 of the City of Berkeley Code of Ordinances.
- D.** *Permitted Uses.* Subject to the standards and conditions set forth in

subsection D.1 of this Section, wireless communication facilities are permitted uses in the following circumstances:

1. In the following circumstances, a proposal to establish a new wireless communication facility must be deemed a permitted use:
 - a. An existing structure, including public utility poles and structure, which will serve as an attached wireless communication facility where the existing structure is not, at the discretion of the Planning Commission, proposed to be either materially altered or materially changed in appearance, provided the accessory equipment building is either not visible from any residence or can be screened in accordance with the standards set forth in [Article 12](#), Landscaping and Screening.
 - b. A proposed collocation upon an attached wireless communication facility that had been preapproved for such collocation as part of an earlier approval by the City.
 - c. A proposed collocation that will not do any of the following:
 - i. Increase the overall height of the wireless communications support structure by more than twenty feet or ten percent of its original height, whichever is less.
 - ii. Increase the width of the wireless communications support structure by more than the minimum necessary to permit collocation.
 - iii. Increase the width of the wireless communications support structure by more than the minimum necessary to permit collocation.
 - iv. Increase the area of the existing equipment compound to greater than twenty-five hundred square feet.
2. A collocation or other proposal for attached wireless communication facilities that satisfies the following criteria does not require special land use or site plan approval. Confirmation that these criteria are satisfied must be determined by an administrative review and written certification by the Community Development Director or their designee to the Building Official prior to issuance of any construction code permits. Such proposals must also be reviewed for compliance

with the standards and conditions in subsection D of this Section, with the certification to identify any items of noncompliance.

- a. The existing wireless communications support structure and wireless communications equipment compounds are in compliance with this ordinance, and if not, are in compliance with a prior approval under this ordinance.
 - b. The proposal complies with the terms and conditions of any prior final approval under this ordinance of the wireless communications support structure and wireless communications compound.
 - c. The proposal will not increase the height of the wireless communications support structure by more than twenty feet or ten percent of its original height (as first erected without any later additions), whichever is greater.
 - d. The proposal will not increase the width of the wireless communications support structure by more than necessary to the stated and documented purpose of the increase.
 - e. The proposal will not increase the area of the existing wireless equipment compound enclosure to greater than twenty-five hundred square feet.
3. Proposals to place or install wireless communications equipment on an existing wireless communications support structure or in an existing wireless communications equipment compound that involve increases in height, width, or area greater than those specified in subsection C.2 above, or that do not comply with the terms or conditions of a prior Zoning Ordinance approval, are permitted subject to review and approval of a site plan or site plan amendment conforming to the standards in subsection D, and are subject to any prior special land use approval conditions for the wireless communications support structure or wireless communications equipment compound.

E. *Special Land Uses.* A wireless communication facility may be authorized as a special land use in the circumstances listed in this subsection. The Planning Commission must consider the standards and conditions in subsection F below as part of the special land use process.

1. A special land use in the Cemetery or Community Centerpiece zoning districts if the following is demonstrated by an applicant:
 - a. A wireless communication facility is not reasonable as a permitted use under subsections C of this Section.
 - b. A wireless communication facility is required in order to operate a wireless communication service, then, within a special land use overlay zone, as shown on the overlay map made a part of this Section, with the approval of the Planning Commission following a public hearing, considering the standards and conditions set forth in subsection D.1 of this Section.
2. A special land use elsewhere in the City, subject to the standards and conditions in subsection F and the following:
 - a. At the time of the submittal, the application must demonstrate that a location within a permitted use in zoning district cannot meet the need required for operation of a system.
 - b. Wireless communication facilities must be of a design such as (without limitation) a steeple, bell tower, or other form which is the most compatible with the existing character of the proposed site, neighborhood, and general area, as approved by the Planning Commission, taking into account any alternative designs submitted by the applicant or identified during the review process.
 - c. The applicant demonstrates the need for the proposed facility to be located as proposed, based upon the presence of one or more of the following factors:
 - i. Proximity to a major thoroughfare;
 - ii. Areas of population concentration;
 - iii. Concentration of commercial, industrial, or other business centers;
 - iv. Areas where signal interference has occurred due to tall buildings, masses of trees, or other obstructions;
 - v. Topography of the proposed facility location in relation to

other facilities with which the proposed facility is to operate; and

vi. Other specifically identified reasons creating the need for the facility.

d. The applicant's demonstration of good faith efforts to identify and evaluate alternate sites, locations, designs, placements, or features for the proposed facility that would or could be more consistent with the ordinance purposes stated in subsection A.

e. For each alternate site, location, design, placement, or feature for the proposed facility identified by the applicant or otherwise, the applicant's demonstration that the proposed facility is more consistent with the ordinance purposes stated in subsection A, or that such alternative is not feasible.

f. Any additional information necessary for the City to complete the review. Additional information the Community Development Director or Planning Commission finds necessary and may include but is not limited to: natural features, stormwater management, surrounding land uses, public facilities and services, public utilities, and traffic.

F. ***Standards and Conditions applicable to all facilities.*** All applications for wireless communication facilities must comply and be reviewed in accordance with the following standards and conditions, and, if approved, must be constructed, and maintained in accordance with such standards and conditions. In addition, if the facility is approved, it must be constructed and maintained with any additional conditions imposed by the Planning Commission at its discretion.

1. Facilities must be located and designed to be harmonious with the surrounding area. Among other things, all reasonable attempts must be made and thoroughly explored to utilize existing structures on which to place facilities, i.e., to utilize attached wireless communication facilities.

2. Wireless communication facilities must comply with applicable federal and state standards relative to the environmental effects of radio frequency emissions, as confirmed by the submission of a certification of compliance by the applicant's licensed engineer.

3. Applicants must demonstrate a justification for the proposed height of the structures and an evaluation of alternative designs, which might result in lower heights.
4. The proposal must be reviewed in conformity with the collocation requirements of this Section.
5. The maximum height of the new or modified support structure and antenna must be the minimum height demonstrated to be necessary for reasonable communication by the applicant (and by other entities to collocate on the structure). The accessory building contemplated to enclose such things as switching equipment must be limited to the maximum height for the accessory structures within the respective district.
6. The setback of a new or materially modified support structure from any residential district must be at least the height of the highest point of any structure on the premises. The setback of the support structure from any existing or proposed rights-of-way or other publicly traveled streets must be no less than the height of the structure.
7. Where the proposed new or materially modified support structure abuts a parcel of land zoned for a use other than residential, the minimum setback of the structure, and accessory structures, must be in accordance with the required setbacks for main or principal buildings as provided in the schedule of regulation for the zoning district in which the support structure is located. (See [subsection E.3.](#) of this Section).
8. There must be unobstructed access to the support structure, for operation, maintenance, repair, and inspection purposes, which may be provided through or over an easement. This access must have a width and location determined by such factors as:
 - a. The location of adjacent thoroughfares and traffic and circulation within the site;
 - b. Utilities needed to service the tower and any attendant facilities;
 - c. The location of buildings and parking facilities;
 - d. Proximity to residential districts and minimizing disturbance to the natural landscape; and

- e. The type of equipment which will be needed to access the site.
- 9. The division of a parcel for the purpose of locating a wireless communication facility is prohibited unless all zoning requirements and conditions are met;
- 10. Where an attached wireless communication facility is proposed on the roof of a building, if the equipment enclosure is proposed as a roof appliance or penthouse on the building, it must be designed, constructed, and maintained to be architecturally compatible with the principal building. The equipment enclosure must be located within the principal building or an accessory building. If proposed as an accessory building, it must conform with all district requirements for principal buildings, including yard setbacks. For collocation facilities served by an accessory building, there should be a single, architecturally uniform accessory building for all providers.
- 11. The design and appearance of the support structure and all accessory buildings must minimize distraction, reduce visibility, maximize aesthetic appearance, and ensure compatibility with surroundings. It must be the responsibility of the applicant to maintain the wireless communication facility in a neat and orderly condition.
- 12. The support system must be designed to support, or be capable of supporting, the proposed equipment, and be constructed in accordance with all applicable state construction codes and must include the submission of a soils report from a geotechnical engineer, licensed in the state. This soils report must include soil borings and statements confirming the suitability of soil conditions for the proposed use. The requirements of the Federal Aviation Administration, Federal Communication Commission, and Michigan Aeronautics Commission must be noted.
- 13. A maintenance plan, and any applicable maintenance agreement, must be presented and approved as part of the site plan for the proposed facility. Such a plan must be designed to ensure long-term, continuous maintenance to a reasonably prudent standard.
- 14. The use of high-intensity (strobe) lighting on a wireless communication facility is prohibited, and the use of other lighting is prohibited absent a demonstrated need.

15. Applications made which do not include the signature of the licensed operator of a wireless communication service at the time of community processing may be tentatively approved but must not receive final approval unless and until the application has been amended to include a signature on behalf of a licensed operator. A tentative approval is valid for ninety days. If, during a ninety-day period, final approval is granted to authorize a wireless communication facility within two miles of the parcel on which a facility has been tentatively approved, such tentative approval must thereupon expire unless the applicant granted tentative approval demonstrates that it would not be feasible for it to collocate on the facility that has been newly granted final approval; and
16. The antenna and other attachments on a wireless communication facility must be designed and constructed to include the minimum attachments required to operate the facility as intended at the site, both in terms of number and size of such attachments and must be designed and constructed to maximize aesthetic quality.

G. *Applications, Reviews, and Decisions.*

1. *Administrative Review.*

- a. All applications for wireless communication facilities must be submitted to the Community Development Director or their designee. The Zoning Administrator must review the application and required information and determine within fourteen business days if the submission is complete. If the Zoning Administrator does not notify the applicant within fourteen business days of any deficiencies in the submission, the application must be considered administratively complete.
- b. Upon a special land use or site plan approval application being administratively complete, the Community Development Director must promptly schedule it for a Planning Commission meeting that will allow for a Planning Commission site plan decision or special land use decision after the required public hearing within the time periods in [subsection 3](#) below.
- c. If an application discloses professional opinions supporting the application and the Zoning Administrator or Planning

Commission has determined that independent professional review for the City of any such opinion should be performed, the reasonable costs of such review may be assessed to the Applicant by a written notice from the Zoning Administrator, as a professional review cost to be paid in accordance with the notice.

2. ***Information Required for all Applications.***

- a. The site plan prepared in accordance with [Article 6.0](#) must be submitted, showing the location, size, screening and design of all buildings and structures, including fences, and the location and size of outdoor equipment, and the location, number, and species of proposed landscaping. In the case of an existing structure, including public utility poles and structures, which will serve as an attached wireless communication facility, the director may waive the requirements for conceptual site plan approval and allow the applicant to submit a final site plan, provided all other applicable requirements are met.
- b. The site plan must also include a detailed landscaping plan where the support structure is being placed at a location which is not otherwise developed, or where developed areas will be disturbed. The purpose of landscaping is to provide screening and aesthetic enhancement for the structure base, accessory buildings, and enclosure.
- c. The application must include a signed certification by a state licensed professional engineer with regard to the manner in which the proposed structure will fall, which certification will be utilized, along with other criteria such as applicable regulations for the district in question, in determining the appropriate setback to be required for the structure and other facilities.
- d. The application must include a description of security to be posted with the City at the time of receiving a building permit for the facility to ensure removal of the facility when it has been abandoned or is no longer needed, as provided in subsection G. of this Section. In this regard, the security must meet one of the following:

- i. Cash
 - ii. Surety Bond
 - iii. Letter of Credit
 - iv. Check; or
 - v. An agreement in a form approved by the City Attorney and recordable at the office of the register of deeds, establishing a promise of the applicant and owner of the parcel to remove the facility in a timely manner as required under this Section, with the further provision that the applicant and owner is responsible for the payment of any costs and attorney's fees incurred by the City in securing removal.
- e. The application must include a map showing locations and heights of existing and known proposed wireless communication facilities within the City and within areas surrounding the borders of the City in the location, and in the area, which are relevant in terms of potential collocation or in demonstrating the need for the proposed facility. On the same or a separate map, facilities the applicant is using or has the right to use, and the heights at which its antennas are or may be installed, must be disclosed. Any such information which is a trade secret or other confidential commercial information which, if released would result in commercial disadvantage to the applicant, may be submitted with a request for confidentiality in connection with the development of governmental policy (MCL 15.243(1)(g)). This Section serves as the promise to maintain confidentiality to the extent permitted by law. The request for confidentiality must be prominently stated in order to bring it to the attention of the City.
- f. The application must include the name, address, and phone number of the person to contact for engineering, maintenance, and other notice purposes. This information must be continuously updated during all times the facility is on the premises.
- g. The application must include the application fee, in the amount

specified by City Council resolution.

- h. The owner or duly authorized representative of all ownership interest in the land on which the wireless communication facility is proposed to be located must sign the application. In addition, if a licensed entity intended to be the operator of the facility does not sign the application, approval must be restricted as provided in subsection D of this Section.
- i. Identification of the dates, nature, and conditions of any prior zoning approvals or permits for the parcel.
- j. If the application is for a new wireless communication support structure or to place or install additional wireless communications equipment on an existing support structure, a structural analysis and certification to the City by a registered professional engineer that the structure is designed to support, or is capable of supporting the proposed wireless communications equipment. Any modifications necessary to a structure being capable of supporting the proposed equipment must be specifically identified in the analysis and certification.
- k. If modifications to a wireless communications support structure are identified in a structural analysis under subsection j above, a written determination by the City Construction Code Building Official that, subject to review of an actual building permit application and plans, the identified modifications would be allowed and that with the modifications, the structure would meet construction code requirements.
- l. If the application is for a new wireless communications support structure or to increase the height of an existing structure, a written analysis and justification by a registered engineer that the proposed height is the minimum necessary for the provision of personal wireless services and to provide collocation.
- m. If the application is for a new wireless communications support structure, identification of all other structures and properties considered for the proposed use and a factual explanation of why they are not feasible in terms of availability, suitability, or otherwise.

- n. If the application is for a new wireless communications support structure, identification of possible alternative locations, designs, or features, whether those alternatives were considered, and if so, a factual explanation of why those alternatives are not proposed.
 - o. Disclosure and copies of all other required governmental permits or approvals and the status and copies of pending applications for those permits or approvals.
 - p. If the application is for a special land use or site plan approval, the name, expertise, and relationship to the applicant of each licensed or registered professional that has or will provide evidence to support the application, with a summary of that evidence that includes any opinions expressed and the bases for such opinions.
 - q. For each professional opinion disclosed by the applicant as supporting the application, a statement of whether the applicant agrees that it should be subject to separate review by or for the City, and if so, the type, scope, time, and cost of such a separate review that applicant believes would be reasonable.
3. ***Review and Decisions on an Application.***
- a. All complete submissions requiring site plan approval must be reviewed in accordance with the applicable procedures set forth in [Article 15](#), Site Plan Review.
 - b. All complete submissions requiring both special land use and site plan approval must be reviewed in accordance with the applicable procedures set forth in [Article 15](#), Site Plan Review, and [Article 10](#), Special Land Use Procedures and Standards.
 - c. The Planning Commission must approve or deny a special land use application for a new wireless communications support structure not more than ninety days after it is administratively complete.
 - d. For all special land use and site plan applications other than new wireless communications support structures, the Planning Commission must approve or deny the application not more

than sixty days after it is administratively complete.

4. ***Post-Approval Costs, Fees, and Administrative Actions.*** For all special land use and site plan applications other than new wireless communications support structures, the Planning Commission must approve or deny the application not more than sixty days after it is administratively complete.
 - a. Any conditions of the special land use or site plan approval.
 - b. Payment of any outstanding professional review costs as described in subsection G.2.d.
 - c. Payment of a reasonable zoning certificate fee in an amount established by or in accordance with a Resolution of the City Council.

H. ***Collocation.***

1. ***Statement of Policy.*** It is the policy of the City to minimize the overall number of newly established locations for wireless communication facilities and wireless communication support structures within the community and encourage the use of existing structures for attached wireless communication facility purposes, consistent with the statement of purpose and intent set forth in subsection A. of this Section. Each licensed provider of a wireless communication facility must, by law, be permitted to locate sufficient facilities in order to achieve the objectives promulgated by the United States Congress. However, particularly in light of the dramatic increase in the number of wireless communication facilities reasonably anticipated to occur as a result of the change on federal law and policy in and related to the Federal Telecommunications Act of 1996, it is the policy of the City that all users should collocate on attached wireless communication support structures in the interest of achieving the purposes and intent of this Section, as stated in subsection A. of this Section. If a provider fails or refuses to permit collocation on a facility owned or otherwise controlled by it, where collocation is feasible, the result will be that a new and unnecessary additional structure will be compelled, in direct violation of and in direct contradiction to the basic policy, intent, and purpose of the City. The provisions of this subsection H are designed to carry out and encourage conformity with the policy of the City.

2. ***Feasibility of Collocation.*** Collocation must be deemed to be feasible, for purposes of this Section, where all of the following are met:
 - a. The wireless communication provider entity under consideration for collocation will undertake to pay market rent or other market compensation for collocation;
 - b. The site on which collocation is being considered, taking into consideration reasonable modification or replacement of a facility, is able to provide structural support;
 - c. The collocation being considered is technologically reasonable, e.g., the collocation will not result in unreasonable interference, given appropriate physical and other adjustment in relation to the structure, antennas, and the like; and
 - d. The height of the structure necessary for collocation will not be increased beyond a point deemed to be permissible by the City, taking into consideration the intent and purpose of this Section and the several standards contained in subsection D. of this Section.

3. ***Requirements for Collocation.***
 - a. A special land use permit for the construction and use of a new wireless communication facility must not be granted unless and until the applicant demonstrates that a feasible collocation is not available for the coverage area and capacity needs.
 - b. All new and modified wireless communication facilities must be designed and constructed so as to accommodate collocation.
 - c. The policy of the City is for collocation. Thus, if a party who owns or otherwise controls a wireless communication facility fails or refuses to alter a structure so as to accommodate a proposed and otherwise feasible collocation, such facility must thereupon and thereafter be deemed to be a nonconforming structure and use, and must not be altered, expanded, or extended in any respect.
 - d. If a party who owns or otherwise controls a wireless communication facility fails or refuses to permit a feasible collocation, and this requires the construction or use of a new

wireless communication support structure, the party failing or refusing to permit a feasible collocation must be deemed in direct violation and contradiction of the policy, intent and purpose of the City, and, consequently such party must take responsibility for the violation, and must be prohibited from receiving approval for a new wireless communication support structure within the City for a period of five years from the date of the failure or refusal to permit the collocation. Such a party may seek and obtain a variance from the Zoning Board of Appeals if and to the limited extent the applicant demonstrates entitlement to variance relief which, in this context, means a demonstration that enforcement of the five year prohibition would unreasonably discriminate among providers of functionally equivalent wireless communication services, or that such enforcement would have the effect of prohibiting the provision of personal wireless communication services.

4. ***Incentive.*** Review of an application for collocation, and review of an application for a permit for use of a facility permitted under subsection C.1.a. of this Section must be expedited by the City.

I. *Removal.*

1. A condition of every approval of a wireless communication facility must be adequate provision for the removal of all or part of the facility by users and owners upon the occurrence of one or more of the following events:
 - a. When the facility has not been used for one hundred and eighty days or longer. For purposes of this Section, the removal of antennas or other equipment from the facility, or the cessation of operations (transmission or reception of radio signals) must be considered as the beginning of a period of nonuse; or
 - b. Six months after new technology is available at a reasonable cost as determined by the municipal legislative body, which permits the operation of the communication system without the requirement of the support structure, or with a support structure that is lower or more compatible with the area.
2. The situations in which removal of a facility is required, as set forth in

subsection I of this Section, may be applied and limited to portions of a facility.

3. Upon the occurrence of one or more of the events requiring removal, specified in subsection I of this Section, the parcel owner or persons who have used the facility must immediately apply or secure the application for any required demolition or removal permits, and immediately proceed with and complete the demolition and removal, restoring the premises to an acceptable condition as reasonably determined by the Building Official.
4. If the required removal of a facility or a portion thereof has not been lawfully completed within sixty days of the applicable deadline, and after at least thirty days' written notice, the City may remove or secure the removal of the facility or required portions thereof, with its actual cost and reasonable administrative charge to be drawn, collected, or enforced from or under the security posted at the time application was made for establishing the facility.
5. The person who has used the facility must immediately notify the City Clerk in writing if and as soon as the use of a facility ceases.

J. *Effect and Approval.*

1. Final approval under this Section is effective for a period of six months.
2. If construction of a wireless communication facility is commenced within two miles of the land on which a facility has been approved, but on which construction has not been commenced during the one year period of effectiveness, the approval for the facility that has not been commenced must be void thirty days following notice from the City of the commencement of the other facility unless the applicant granted approval of the facility which has not been commenced demonstrates that it would not be feasible for it to collocate on the facility that has been newly commenced.

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SECTION 9.11 PROHIBITED MATERIALS IN RESIDENTIAL ZONING DISTRICTS

No junk or waste materials, building materials, parts of motor vehicles, or parts of machines or equipment not generally suited for use on the premises may be kept or stored outside a building or structure except as specifically permitted in the zoning district in which said structures are located.

SECTION 9.12 FRONTAGE ON PUBLIC STREET REQUIRED

The development of all parcels in the City of Berkley must be predicated on having frontage on a public street. Said frontage must be in compliance with the provisions of this ordinance and any other applicable code or ordinance, and all resulting parcels must meet all of the minimum requirements for area, width, and depth of the applicable zoning district, Oakland County Health Department requirements for on-site sewage disposal systems or water supply, where a public water system is not available, and subject to the requirements of the City Subdivision and Combination of Land Ordinance.

SECTION 9.13 SPECIAL EVENTS, SEASONAL SALES, AND OTHER TEMPORARY USES

All temporary uses require a temporary use permit approved by the Zoning Administrator, unless otherwise required below. The following conditions apply to specific temporary uses:

- A. Community Special Events.**
 - 1. A community special event includes an event or promotion that is not limited to a single business. Community special events include but are not limited to the following: art fairs, sidewalk sales, and festivals. Community special event permits must be available to business, civic, or service organizations.
 - 2. A community special event permit is valid for no more than one week.
 - 3. The organization is required to apply for a community special event permit and pay any associated fees per the fee schedule set by City

Council. A list of participating businesses and organizations must be on file at the City prior to approval of a community special event permit. Upon receipt of a complete application, an applicant must be notified of the City's disposition.

4. Special events applications are administered by the City Clerk and require the approval of the City Council.
5. Carnivals are expressly prohibited.

B. Seasonal Sales.

1. The Zoning Administrator may grant temporary use of land and structures for seasonal sales.
2. The maximum duration is forty-five days, up to four times per calendar year.
3. The sales area must be located in a non-residential zoning district.
4. All waste, including stumps, branches, and other debris must be completely removed from the site within twenty-four hours of the sale ending.
5. Adequate off-street parking must be provided.
6. Electrical and utility connections must be approved by the Zoning Administrator.

C. Charities/Not-For-Profit Events

1. The number of charities/not-for-profit events a business can sponsor is unlimited.
2. A charity or not-for-profit organization must submit a temporary use application with a letter of permission from the property owner and proof of IRS 501C3 status.
3. Upon receipt of a complete application, an applicant will be notified of the city's disposition.

D. Promotional Events and Sidewalk Display

1. The maximum duration is thirty days, up to three times per year.

2. The sales area must be located in a non-residential zoning district.
3. The display area must not cover more than fifty percent of the width of the sidewalk and must maintain a five-foot minimum right-of-way clearance.
4. All waste, including stumps, branches, and other debris must be completely removed from the site within twenty-four hours of the sale ending.
5. The applicant must obtain a Peddlers' and a Solicitors' license with the City Clerk's Office under Chapter 30, Article 9 of the Berkley Code of Ordinances when the proposed temporary use falls under the provisions of that Chapter.

SECTION 9.14 EXTERIOR APPLIANCES

A. *Location.* Exterior appliances are prohibited from being located in the front yard or within a recorded easement or right-of-way that would prohibit, hinder, or disrupt utilities, drainage, access, etc.

1. Residential uses.
 - a. Power generators and other exterior appliances must be located in the rear yard, behind the principal structure, and at least six feet from the side parcel line.
 - b. Air conditioning units may be permitted in the side yard under the following conditions:
 - i. The unit must be at least eighteen inches from the side parcel line.
 - ii. The unit must be at least twelve feet from the adjacent dwelling.
 - iii. The unit must be screened on at least three sides by opaque fencing or landscaping, measuring at least four feet in height from grade. The principal structure may be considered one side of screening.
 - iv. Screening must be provided from street view and facing

the closest adjacent parcel.

- v. Chain link fencing is not permissible as a screening material for exterior appliances.

2. Nonresidential uses.

a. At grade.

- i. Exterior appliances must be at least five feet from a parcel line.
- ii. Power generators must be enclosed in a sound-attenuating enclosure, if located adjacent to a residential parcel.
- iii. Exterior appliances must be screened at least four feet in height from grade or the height of the unit on at least three sides with opaque fencing or landscaping, measured at least four feet in height from grade. The principal structure may be considered one side of screening. Screening must be provided from street view and facing the closest adjacent parcel. Chain link fencing is not permissible as a screening material for exterior appliances.

b. Rooftop.

- i. Exterior appliances located on the rooftop of commercial buildings must be screened so as to not be visible from street level. Screening materials must be consistent with the color, materials, design, and aesthetic of the building.

- c. The Planning Commission may modify the location of the exterior appliances on non-residential properties during the site plan review if the applicant can demonstrate an alternative location does not negatively impact adjacent properties, or pedestrian or vehicular traffic.

- B. *Restrictions.*** Generator testing is permitted Monday through Friday, 9 a.m. through 6 p.m.

C. *Nonconforming exterior appliances.*

1. Nonconforming exterior appliances include appliances that were lawfully installed but are no longer in compliance with the provisions of this Article. Screening of those nonconforming appliances, such as fencing or landscaping, are not considered part of the nonconformity.
2. Nonconforming exterior appliances may be continued, maintained, and replaced.
3. If the structure that is served by a nonconforming exterior appliance is damaged or partially destroyed by less than fifty percent of its market value, the exterior appliances may be restored, and its previous use continued. If the structure that is served by a nonconforming exterior appliance is damaged or partially destroyed by fifty percent or more than fifty percent of its market value, then any restoration or new construction must comply with all current building and zoning codes.

SECTION 9.15 COVERED PATIOS, GAZEBOS, PERGOLAS, PAVILIONS, AND SIMILAR TYPE "OPEN-AIR" STRUCTURES

A. Covered patios, gazebos, pergolas, pavilions, and similar type "open-air" structures are permitted on single family residential lots, units, or parcels for accessory recreation or leisure use provided they meet the following requirements:

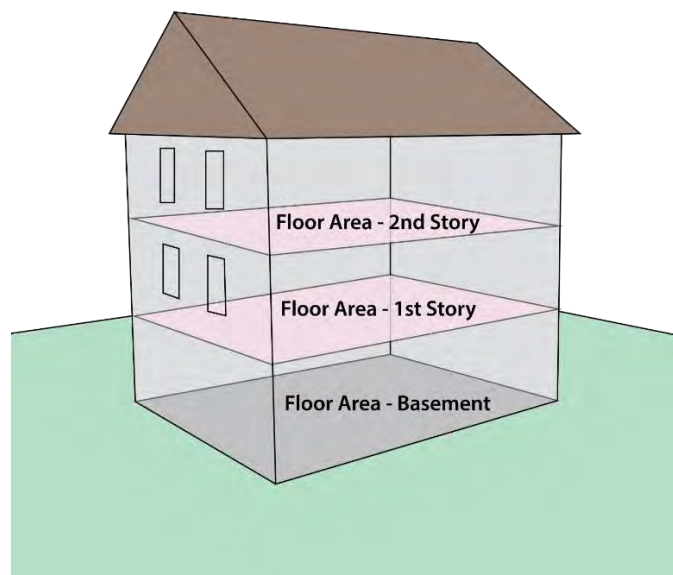
1. The "open-air" structures must not be enclosed or partially enclosed with walls.
2. The structures must be located in a manner to meet the required setbacks and locations for an accessory structure; however, the structures do not require separation distance from the principal structure or a swimming pool.
3. The structures must not exceed twelve feet in height.
4. The area of these structures is not counted towards the allowance for accessory building area, towards the lot coverage, or towards the number of accessory buildings permitted.

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.
- C. Municipal parking lots are exempt from the requirements of this Section, per the parking exemption under [Section 14.05.A](#).

SECTION 9.17 CALCULATING GROSS FLOOR AREA

- A. **Gross Floor Area:** The gross floor area is the sum of the gross horizontal areas of all the floors of a building, measured from the exterior walls or from the centerline of walls separating two buildings. In particular, floor area includes basement space; elevator shafts or stairwells; floor space for mechanical equipment, penthouses, balconies, mezzanines, enclosed porches, and accessory buildings; attic floor space (whether or not floor has been laid) providing structural headroom of seven feet and six inches. Floor area must not include elevator or stair bulkheads, accessory water tanks, or cooling towers; uncovered steps, or attic floor space less than seven feet and six inches high.

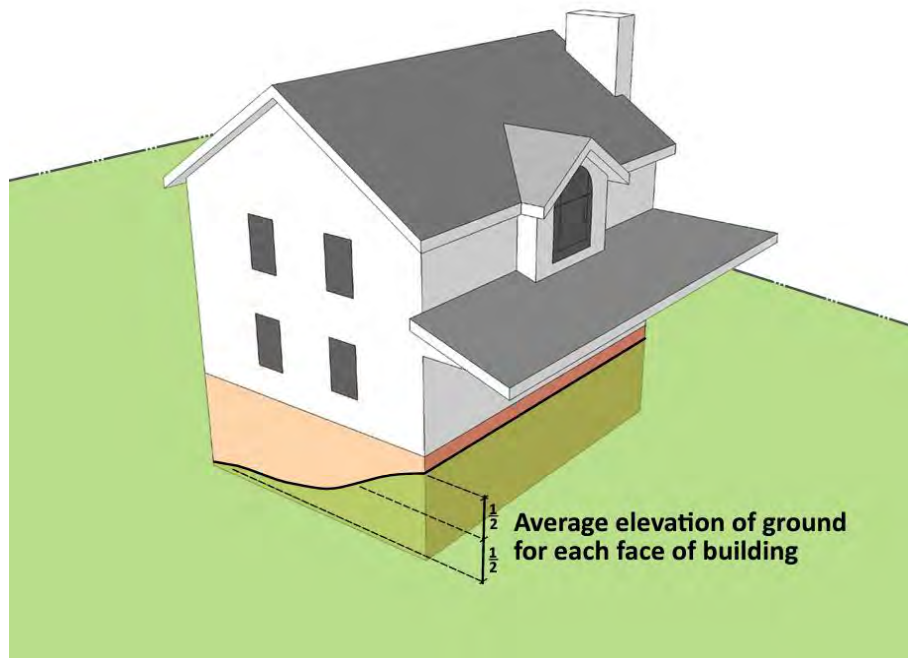


- B. ***Floor area, usable (for the purposes of computing parking).*** That area used for, or intended to be used for, the sale of merchandise or services or for use to serve patrons, clients, or customers. One-half of such floor area that is used principally for the storage or processing of merchandise, and areas ancillary to the main sale and service space such as hallways, basements, stairways, and elevator shafts, or for utilities or sanitary facilities, must be excluded from this computation of usable floor area. Measurement of usable floor area is the sum of the horizontal areas of all the floors of a building, measured from the interior faces of the exterior walls. When the usable floor area is unknown, see the percentage of gross floor area allowed under [Section 14.04.B](#).
- C. ***Floor area, usable (for the purpose of determining building size).*** All horizontal floor area within the enclosed living space of a dwelling unit, measured from the interior faces of the exterior walls; provided that usable floor area does not include basements, cellars, unfinished attics, garages, breezeways, enclosed and unenclosed porches, space used for off-street parking, elevators, accessory structures, and utility rooms.

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SECTION 9.18 CALCULATING GRADE

The building grade is the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade must be determined by computing the average elevation of the ground for each face of the building and taking the average of several averages.

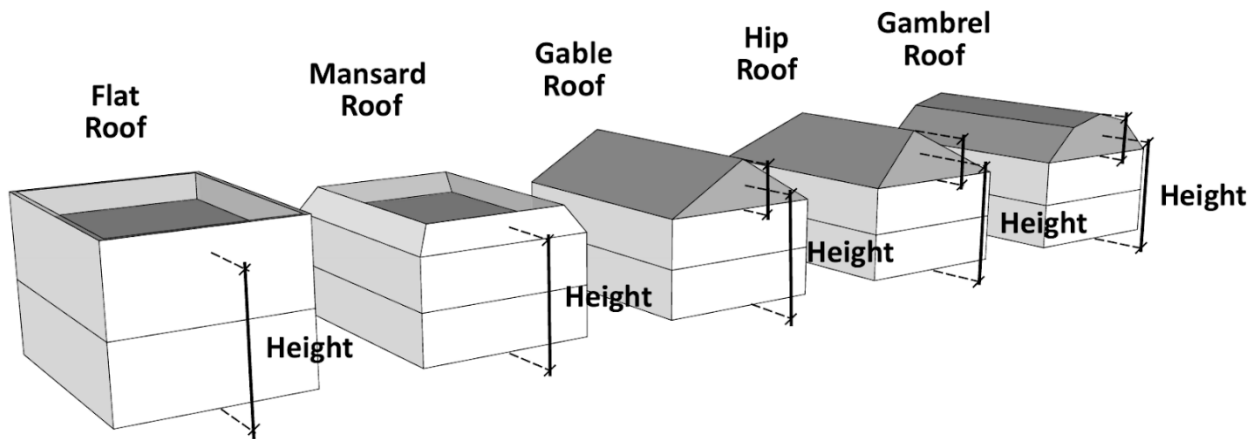


SECTION 9.19 CALCULATING BUILDING HEIGHT

- A. **Building height:** The height of a building is measured from the average established grade to a point halfway between the eaves and the peak of the roof. Buildings with flat roofs must be measured from grade to the highest point of the roof's surface. In measuring the height of a building, the following must be excluded: chimneys, cooling towers, flagpoles, mechanical penthouses, tanks, water towers, radio towers, ornamental cupolas, domes, spires, and parapet walls not exceeding four feet in height.
1. **Gable roof:** A roof sloping downward in two parts at an angle from a central ridge, so as to leave a gable at each end. A gable roof must have an angle of at least fourteen degrees (or a 3:12 pitch).
 2. **Gambrel roof:** A roof sloping downward in two parts from a central ridge each side of which has a lower slope angled not less than thirty

degrees (or a 7:12 pitch) above a steeper one angled not greater than sixty degrees (or a 20:12 pitch).

3. **Hip roof:** A roof sloping downward in four parts (ends and sides) from a central ridge. A hip roof must have at least a 3:12 slope.
4. **Mansard roof:** A roof sloping downward in four parts (ends and sides) from a central point. Each side of which has a lower slope angled not greater than a 3:12 pitch above a steeper one angled not greater than a 60:12 pitch.
5. **Shed roof:** A roof having a single slope with at least a 3:12 pitch.
6. **Flat roof:** A roof with less than a 3:12 pitch.



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ARTICLE 10

SPECIAL LAND USES

SECTION 10.01 INTENT

This Article provides a set of procedures and standards for special uses of land or structures, which, because of their unique characteristics, require special consideration in relation to their location and compatibility with adjacent properties, other permitted uses, and the City of Berkley as a whole.

The regulations and standards, herein, allow the Planning Commission and City Council to determine the appropriateness of a given Special Land Use in relationship to its: location; design; size; intensity; impact on traffic, public services, utilities, and effect on natural features and resources. This Article also authorizes the City Council to impose reasonable conditions on a Special Land Use that are necessary to ensure the protection of public health, safety, convenience, and general welfare of the community.

SECTION 10.02 PROCEDURES

- A. ***Applicant.*** An applicant must be the owner of the land, an agent of the owner, or a person having an interest in the land for which the Special Land Use approval is sought. In all cases, the parcel owner is required to give written consent of the Special Land Use application.
- B. ***Application.***
 1. If the proposed special use involves the construction of a new building, construction of additional parking, or other substantial renovations to an existing building that requires an architect's or engineer's seal, site plan approval must also be required as set forth in [Article 15](#), Site Plan Review. The Site Plan Review application must be applied for concurrently with the submittal of the Special Land Use application. The Site Plan Review application will be reviewed by the Planning Commission after or concurrently during the meeting where the Special Land Use is approved. All application forms must be supplied by the City of Berkley.

2. If the proposed special use will utilize an existing building, without the need for substantial renovations, then no additional site plan submittal will be required. However, a legible sketch plan illustrating the proposed activity and a narrative describing the proposed use and how it meets the standards outlined in [Section 10.03](#) of this Ordinance is required.
 3. Any additional information that is necessary for the City to complete the review. Additional information the Community Development Director or their designee or Planning Commission finds necessary and may include but is not limited to natural features, stormwater management, surrounding land uses, public facilities/services, public utilities, and traffic.
- C. **Public Hearing.** Upon initiation of a Special Land Use review, a public hearing on the proposed Special Land Use must be scheduled before the Planning Commission. Notice of the hearing must be given in accordance with the provisions of [Section 3.09](#), Public Notice Requirements.
- D. **Planning Commission Review and Recommendation.** Following the public hearing, the Planning Commission must identify and evaluate all factors relevant to the petition and report its findings and recommendations to the City Council. The Planning Commission may recommend approval, approval subject to conditions, or denial of a proposed Special Land Use as follows:
1. **Approval.** The Planning Commission may recommend approval of the Special Land Use if it is determined to be consistent with the standards and requirements of [Section 10.03](#) of this Ordinance.
 2. **Conditional Approval.** The Planning Commission may recommend approval of the proposed Special Land Use subject to conditions, as set forth in [Section 10.04](#) of this Ordinance.
 3. **Denial.** The Planning Commission must recommend the denial of an application if the Special Land Use does not comply with all the standards and requirements of this Ordinance or any provisions specific to the Zoning District that the proposed use is permitted by right.
 4. **Postpone.** The application may be postponed if it is determined to be incomplete, if the applicant has not fully responded to the deficiencies identified in the review, or if the Planning Commission

determines more time is needed to fully evaluate the Special Land Use request. When postponing an application, the application must be tentatively rescheduled for a future meeting date.

- E. ***City Council Review and Action.*** Following receipt of the findings and recommendation of the Planning Commission, the City Council must consider the proposed Special Land Use. A public hearing on the proposed Special Land Use must be scheduled in accordance with [Section 3.09](#) of this Ordinance.
- F. ***Notice of Decision.*** The decision on a Special Land Use must be incorporated in a statement of findings and conclusions relative to the Special Land Use which specifies the basis for the decision and any conditions imposed in accordance with the Michigan Zoning Enabling Act, Act 110 of the Public Acts of 2006, MCL 125.3101 *et seq.*, as amended.

SECTION 10.03 STANDARDS FOR SPECIAL LAND USES

The Planning Commission must consider all of the following general standards, and any standards established for a specific use when reviewing a special use request.

- A. ***Compatibility with Adjacent Uses.*** The Special Land Use must be designed and constructed in a manner harmonious with the character of adjacent properties and the surrounding area, as compared to the impacts of permitted uses.
- B. ***Compatibility with the Master Plan.*** The proposed Special Land Use must be compatible and in accordance with the goals and objectives of the City of Berkley Master Plan and any associated sub-area and corridor plans, including the Downtown Master Plan.
- C. ***Traffic Impact.*** The proposed Special Land Use must be located and designed in a manner that will minimize the impact of traffic, taking into consideration the following:
 - 1. Pedestrian access and safety;
 - 2. Vehicle trip generation;
 - 3. Types of traffic;
 - 4. Access location and design;

5. Loading and unloading;
6. Circulation;
7. Parking design;
8. Street and bridge capacity, and
9. Traffic operations at nearby intersections and access points.

Efforts must be made to ensure that multiple transportation modes are safely and effectively accommodated in an effort to provide alternate modes of access and alleviate vehicular traffic congestion.

- D. ***Impact on Public Services.*** The proposed Special Land Use must be adequately served by essential public facilities and services, such as streets, pedestrian or bicycle facilities, police and fire protection, drainage systems, refuse disposal, water and sewage facilities, and schools. Such services must be provided and accommodated without an unreasonable public burden.
- E. ***Compliance with Zoning Ordinance Standards.*** The proposed Special Land Use must be designed, constructed, operated, and maintained to meet the stated intent of the zoning districts and must comply with all applicable ordinance standards.
- F. ***Impact on the Overall Environment.*** The proposed Special Land Use must not unreasonably impact the quality of natural features and the environment in comparison to the impacts associated with typical permitted uses.
- G. ***Special Land Use Approval Specific Requirements.*** The general standards and requirements of this Section are basic to all uses authorized by Special Land Use Approval. The specific and detailed requirements relating to particular uses and area requirements must also be satisfied for those uses.
- H. The following factors must also be considered by the Planning Commission when reviewing a Special Land Use request.
 1. The nature and character of the activities, processes, materials, equipment, or conditions or operation, either specifically or typically associated with the use.
 2. Vehicular circulation and parking areas.

3. Outdoor activity, storage, and work areas.
4. Hours of operation.
5. Production of traffic, noise vibration, smoke, fumes, odors, dust, glare, light, or other public nuisances.

SECTION 10.04 CONDITIONS OF APPROVAL

- A. **Authority.** The City Council and Planning Commission, in their review of a request for Special Land Use approval, may at its discretion impose additional conditions when it is determined that such increases in standards or additional conditions are required to achieve or assure compatibility with adjacent uses and structures or to implement the Master Plan.
- B. **Scope.** Conditions that are imposed by the Planning Commission or City Council must accomplish the following:
 1. Be designed to protect natural resources, the health, safety, and welfare, as well as the social and economic well-being of those who will use the land use or activity under consideration, residents, and landowners immediately adjacent to the proposed land use or activity, and the community as a whole;
 2. Be related to the valid exercise of the police power and purposes that are affected by the proposed use or activity;
 3. Be necessary to meet the intent and purpose of this Section;
 4. Be related to the standards established in this Section for the land use or activity under consideration; and
 5. Be necessary to ensure compliance with those standards.
- C. The conditions imposed with respect to the approval of a Special Land Use or activity must be written in the record of the approval action and must remain unchanged except upon the mutual consent of the approving authority and the landowner. The City must maintain a record of changes granted under the conditions of initial approval.
- D. In approving a Special Land Use, the City Council may require a performance guarantee per [Section 3.10](#) of this Zoning Ordinance.

SECTION 10.05 EXTENSIONS, AMENDMENTS, EXPANSIONS, AND CHANGES IN USES

The following provisions apply when there is an amendment or a proposed expansion to an approved Special Land Use or when there is a proposed change from one Special Land Use to another.

- A. ***Extensions.*** Special Land Use approval is valid for a period of two years from the date of final action by the City Council within which time all necessary building or construction permits must be secured, and substantial construction completed. A single extension may be granted for a period of no more than two years, as determined by the Community Development Director. The request for an extension must be made in writing to the Zoning Administrator and include a statement of why the extension is necessary, and confirmation of the ability to complete construction in conformity with the Special Land Use approval and, if applicable, final site plan as approved.
- B. ***Amendments.*** Any applicant who has been granted Special Land Use approval must notify the Community Development Director or their designee of any proposed amendment to the approved site plan. The Community Development Director or their designee must determine whether a proposed amendment requires new Special Land Use approval.
- C. ***Expansions.*** An expansion of any use requiring a Special Land Use approval that results in an increase of ten percent or more of the building, parking, paved areas, or site area requires resubmittal in the manner described in this Article. A separate Special Land Use approval is required for each use requiring Special Land Use approval on a lot, or for any expansions of a Special Land Use approval.
- D. ***Change in Use.*** The applicant is responsible for informing the Community Development Director or their designee of any change in an approved use, operations, or activities prior to any such change. The Community Development Director or their designee must determine if a new Special Land Use approval is required. A significant change means any departure from the operation or use described in the approved application or any change that may cause external impacts such as additional traffic, hours of operation, noise, additional outdoor storage, or display.

SECTION 10.06 INSPECTIONS

The City may make periodic investigations of developments authorized by Special Land Use Permits to determine continued compliance with all requirements imposed by the City Council and this ordinance. Noncompliance with the requirements and conditions approved for the Special Land Use constitutes grounds to terminate said approval following a public hearing.

SECTION 10.07 REVOCATION

The revocation of a Special Land Use may occur if its recipient fails to abide by its terms, conditions, or development agreement. The revocation procedure is as follows:

- A. If the City receives credible information that the Special Land Use Permit or conditions of approval have been violated, the Community Development Director or their designee must prepare a report in writing specifying (i) the specific factual details of such violation(s); and (ii) any other information or recommendation relevant to a proper determination by the City Council as to the nature of such violation(s) and the appropriate action to be taken by the City.
- B. The Community Development Director or their designee, after the investigation and based on the facts discovered, will determine if the case goes forward. If the case does not go forward, the Community Development Director or their designee must give the approving body a written report as to why that determination was made. If the case goes forward, the process in subsections C-H below must be followed.
- C. The Community Development Director or their designee must file the original report prepared under [Section 10.07.A](#) with the City Council and serve a copy of such report upon the owner of the parcel for which the Special Land Use Permit was granted or its authorized agent or employee, personally or by registered mail.
- D. After the report has been filed with the City Council, the Community Development Director or their designee must set a date for a hearing before the City Council on the alleged violation(s) for a determination by the City Council as to whether or not the City Council will revoke the Special Land

Use Permit. Notice of this hearing must be served by the Community Development Director or their designee upon the owner of the parcel for which the Special Land Use Permit was granted or its authorized agent or employee, personally or by registered mail, not less than ten days before the scheduled hearing date, and such notice must contain the following:

1. Notice of proposed action;
 2. Reason for the proposed action;
 3. Date, time, and place of hearing;
 4. A statement that the parcel owner may present evidence and testimony and confront adverse witnesses;
 5. A statement that the parcel owner has the right to be represented by legal counsel at the hearing.
- E. At all such hearings, the parcel owner has the legal right to defend against the allegations made by way of confronting any adverse witnesses, by being allowed to present live witnesses on their own behalf, by being allowed to present other evidence on their own behalf, and by being allowed to present arguments personally or through legal counsel in their own behalf.
- F. The City Council must prepare a written statement of its findings, which may be formal or informal in nature, after the conclusion of all such hearings. Such statement of findings may be embodied in a resolution adopted by the City Council.
- G. If the City Council determines after due notice and proper hearing that competent, material, and substantial evidence exists that a violation of the Special Land Use Permit and the conditions of approval has been committed by a parcel owner or that, even if no violation has been demonstrated, nevertheless the interests of public health, safety, or welfare warrant that the City Council revoke the Special Land Use Permit issued to the parcel, the City Council may revoke the Special Land Use Permit.
- H. ***Criteria for revocation.*** The City Council may revoke the Special Land Use Permit upon a determination by the City Council that based upon competent material and substantial evidence presented at the public hearing, any of the following exists:

1. Violation of the Special Land Use Permit, any of the conditions of the Special Land Use, and any provisions of a development agreement attached to the Special Land Use Permit.
2. Abandonment of the Special Land Use by the parcel owner for a period of six months.
3. Maintenance of a nuisance upon the premises, including, but not limited to, any of the following:
 - a. Existing violations of building, zoning, health, fire, or regulatory codes.
 - b. A pattern of conduct on the parcel which violates the terms of the Special Land Use Permit.
 - c. A pattern of conduct on the parcel that creates a public nuisance.
 - d. Perjury or any material misrepresentation of information in any application required or hearing held pertaining to the grant, renewal, or revocation of any license or permit.

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ARTICLE 11

SIGN REGULATIONS

SECTION 11.01 INTENT

- A. The intent of this Article is to regulate the location, size, construction, and manner of display of signs and outdoor advertising in order to minimize their harmful effects on public health, safety, and welfare. While this Article recognizes that signs and outdoor advertising are necessary to satisfy the needs of sign users for adequate identification and communication, failure to regulate them may lead to poor identification of individual businesses, deterioration and blight of the business and residential areas of the City, conflicts between different types of land use, reduction in traffic safety to pedestrians and motorists, and other impacts that are contrary to the purposes, intent, and interests identified in this Section.
- B. The following municipal interests are considered by the City to be compelling government interests. Each interest is intended to be achieved under this Article in a manner that represents the least restrictive means of accomplishing the stated interest, and in all events is intended to promote an important government interest that would not be effectively achieved absent the regulations in this Article. Regulating the location, size, construction, and manner of display of signage in the most narrowly tailored manner represents the least restrictive means of addressing the targeted government interests of avoiding unsafe and nuisance-like conditions while maintaining and improving pedestrian and vehicular safety and efficiency; character and quality of life; economic development and property values; parcel identification for emergency response and wayfinding purposes; and unique character of areas of the City.
1. ***Public Safety.*** Maintaining pedestrian and vehicular safety are predominant and compelling government interests throughout the City, with particular emphasis on the safety of pedestrians. The sidewalk network provides facilities for pedestrians situated between vehicular streets and private properties throughout the City.

Since most signage on the private parcel is intended and designed to attract the attention of operators of motor vehicles, thereby creating

distractions that can jeopardize traffic and pedestrian safety, this ordinance is intended to regulate signs so as to reduce such distractions and, in turn, reduce the risk of crashes, property damage, injuries, and fatalities, particularly considering the rate of speed at which the vehicles are traveling in the districts identified in this Article.

This Article is also intended to protect public safety by requiring signs that are poorly maintained or structurally unsafe to be repaired or removed to protect against fallen signs or deteriorating sign debris from entering improved roadways and sidewalks causing dangerous conditions for all modes of transportation, including pedestrians.

- a. The City encourages signage that will inform motorists and pedestrians of their desired destinations without conflicting with other structures and improvements. These interests are legitimately supported by limiting the maximum size of signage, providing setbacks, and specifying minimum-sized characters for efficient perception by motorists and pedestrians while minimizing distractions that could put pedestrians at risk.
 - b. In some circumstances, adjusting the size, setback, and other regulations applicable to signage may be important to avoid confusion and promote clarity where vehicular speeds vary on commercial thoroughfares.
 - c. In multi-tenant buildings and centers, it is compelling and important to provide distinct treatment with a gradation of regulation for individual identification depending on base sign size, amount of street frontage, and the like, all intending to provide clarity to alleviate confusion and thus reduce additional traffic maneuvers, provide a minimum size of characters to allow identification and maintain maximum-sized overall signage to prevent line-of-sight issues.
 - d. Maximum size and minimum setback of signage is compelling and important to maintain clear views for both traffic and pedestrian purposes.
2. ***Character and Quality of Life.*** Achieving and maintaining attractive, orderly, and desirable places to conduct business, celebrate civic events, entertain people, and provide housing opportunities is directly

related to the stability of property values needed to provide and finance quality public services and facilities within the City. This Article intends to allow signs that are of sufficient, but not excessive, size to perform their intended function as necessary to provide and maintain the City's character and support neighborhood stability. Signs that contribute to the visual clutter, contribute to the potential conflict between vehicular and pedestrian traffic, and distract from scenic resources and views, will be prohibited in efforts to preserve the character, aesthetic qualities, and unique experience within the City. It is also the intent of this Article that signs will reflect the character of unique districts as may be established by the City's Master Plan, other adopted plans, or this Article.

3. ***Economic Development and Property Values.*** The establishment of the restrictions in this Article has a direct relationship to creating stability and predictability, allowing each private interest to secure reasonable exposure of signage, and thus promoting business success. The application of the restrictions in this Article allows businesses to reasonably command attention to the content and substance of their messages while concurrently allowing the promotion of other visual assets, including (without limitation) landscaping and architecture, all of which contribute to economic development and property value enhancement.
4. ***Avoidance of Nuisance-Like Conditions.*** Due to the concentration of people and activities, there is a potential for, and it is a compelling interest to avoid, blight, physical clutter, and visual clutter in the City. The result of these conditions leads to diminished property values, reduced attractiveness of the community, and reduced quality of life within the districts. Minimum regulations that substantially relate to signage are important and necessary for the maintenance and well-being of positive conditions, good character, and quality of life in the City. Ultimately, these regulations are compelling and important for the protection of all police power values.
 - a. An excessive number of signs in one location creates visual blight and clutter, as well as confusion for the public. Thus, limiting the number of signs on properties, establishing setbacks from parcel lines, and requiring reasonable spacing

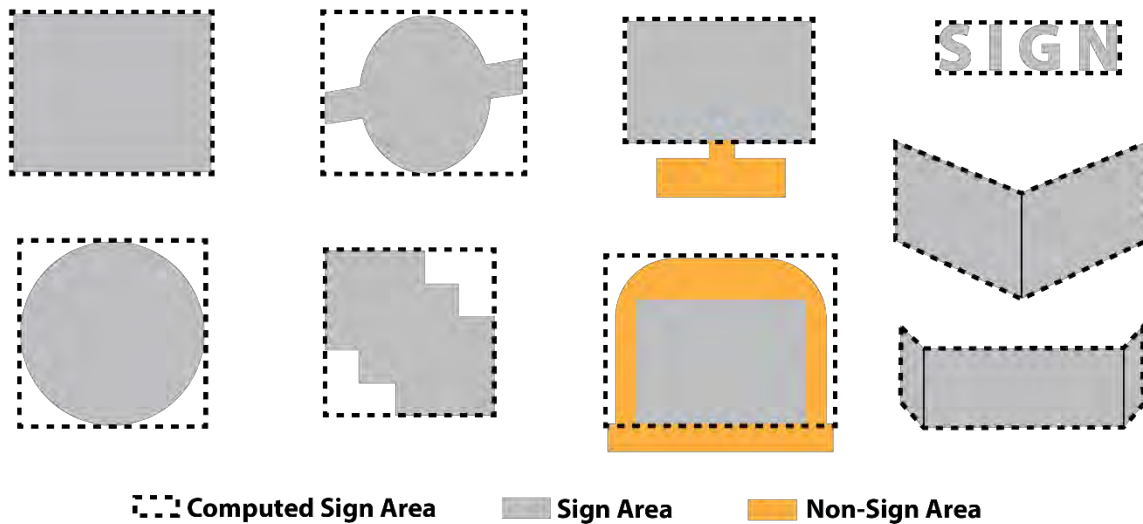
- between signs are compelling interests that can be directed with minimum regulation.
- b. Signs that are too large can lead to confusion, undermine the purposes of the signs, and ultimately lead to physical and visual clutter. Establishing maximum sizes can be the subject of clear and effective regulations that address this compelling and important interest.
 - c. Requiring maintenance specifications for signs can minimize the creation of blight and clutter due to the deterioration of signs that are not durable or otherwise well-constructed, and such regulations would be consistent with construction codes for other structures.
 - d. There is a compelling governmental interest that signs avoid glare, light trespass, safety issues, and skyglow. The selection of proper fixture types, and location, use of supportive lighting technology, and control of light levels in a reasonable fashion are consistent with regulations that are narrowly tailored to achieve the City's interests.
5. ***Parcel Identification for Emergency Response and Wayfinding Purposes.*** Locating a business or residence by police, fire, and other emergency responders can be a matter of life and death, and thus it is a compelling interest to ensure that proper, understandable, unambiguous, and coordinated signage is permitted and required, and specifications for such purposes can be accomplished in a simple and narrow manner, as required by Chapter 106, Article V Numbering of Buildings of the City of Berkeley's Code of Ordinances. Wayfinding for vehicular and pedestrian purposes is also a compelling interest to avoid confusion in public rights-of-way, and unnecessary intrusions on private parcels. Sign specifications for such wayfinding can be coordinated with parcel identification for such emergencies and other purposes.
6. ***Maintaining Unique Character of Areas of the City.*** Acknowledge the unique character of certain areas and districts, and establish special time, place and manner regulations that reflect the unique aesthetic, historical, and cultural characteristics of these areas and districts.

7. ***Protection of the Right to Receive and Convey Messages.*** The important governmental interests and regulations contained in this Article are not intended to target the content of messages to be displayed on signs, but instead seek to achieve non-speech objectives. In no respect do the regulations of signage prohibit a parcel owner or occupant from an effective means of conveying the desired message. Nothing in this Article is intended to prohibit the right to convey and receive messages, specifically noncommercial messages such as religious, political, economic, social, philosophical, or other types of speech protected by the First Amendment of the United States Constitution.

SECTION 11.02 SIGN COMPUTATION

- A. ***Sign area.*** The area of a sign face is the smallest square, circle, rectangle, triangle, or simple combinations of these that encompass the extreme limits of the writing, representation, emblem, or other display that forms an integral part of the background of the sign. The sign face must not include any supporting framework. In the case of awning signs, the cumulative sign area on all three sides of the awning must be considered to be one sign face.
- B. ***Height.*** The height of a sign is the distance from the base of the sign at ground level to the top of the highest attached component of the sign. Any berm or grading at the base of the sign will not be included in the height, taking the measurement from the base of the berm or grading.

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SECTION 11.03 EXEMPT SIGNS

A. The following signs are permitted in all districts and are generally exempt from the regulations of this Article.

1. Any public notice or warning required by a valid and applicable federal, state, or local law, regulation, or ordinance.
2. Any sign inside a building that is not attached to a window or door and is not legible from a distance of more than three feet beyond the building where such sign is located.
3. Signs mounted to a wall, mailbox, or lamppost not exceeding two square feet in size, located on single family residential lots only.
4. Flags, with a limit of three flags per location.

B. The following signs are permitted in non-residential districts and are exempt from the regulations of this Article.

1. Banners six sq. ft. or less.
2. Barber poles, not exceeding twelve inches in diameter and eight feet in height.
3. Fuel pumps.
4. Vehicle signs.

5. Window signs, not exceeding twenty-five percent of the glass area.

SECTION 11.04 PROHIBITED SIGNS

All signs not expressly permitted under this Article or exempt from regulation in accordance with [Section 11.03](#) are prohibited. Prohibited signs include:

- A. Off-premises advertising signs.
- B. Animated signs.
- C. Electronic messaging signs.
- D. Blade signs.
- E. Beacons.
- F. Feather signs.
- G. Pennants.
- H. Signs that mimic official traffic control signs and devices.
- I. Illuminated signs that shine light directly onto traffic or that shine directly onto an adjacent parcel.
- J. Illuminated signs that have blank sign faces.
- K. Sign support structures that do not support a sign or sign face.
- L. Any sign unlawfully installed, erected, or maintained.
- M. Signs installed in the public right-of-way without a permit from the controlling agency of the street in question.

SECTION 11.05 GENERAL STANDARDS

- A. ***Safety.*** All signs must meet the following requirements:
 1. All signs must be erected and maintained in compliance with all applicable state construction codes, and other applicable ordinances governing construction within the City. In the event of conflict between this Article and other laws, the most restrictive must govern.

2. All signs must be placed so as to not interfere with the visibility or effectiveness of any official traffic sign or signal; driver vision at any access point or intersection; or pedestrian movement on any public sidewalk. No sign may be erected or maintained which imitates, or may be confused with or construed as, an official traffic sign, signal, or device, in size, color, lettering, or design or other word, phrase, symbol, or character in such manner as to interfere with, mislead, confuse, or create a visual impediment or safety hazard to pedestrian or vehicular traffic.
 3. No sign may be established or maintained on any parcel that will cause a traffic hazard by obstructing the view of drivers. Signage must also comply with the requirements of the Road Commission for Oakland County and Michigan Department of Transportation. No sign may be located within, project into, or overhang a public right-of-way, except as otherwise permitted herein.
 4. No sign may be erected, relocated, or maintained so as to obstruct firefighting or prevent free access to any door, window, or fire escape.
 5. Within all non-residential zoning districts, the street address must be displayed in a manner that complies with Chapter 106, Article V Numbering of Buildings of the City of Berkeley's Code of Ordinances. Up to four square feet of the area devoted to the street address may be excluded from the allowable sign area.
 6. Setbacks.
 - a. Monument, pole, or pylon signs, except for those permitted in the public right-of-way, must have a setback three feet or more from any parcel line.
 - b. No sign shall be erected within a ten-foot radius of a driveway/sidewalk intersection or within a five-foot radius of a sidewalk/sidewalk intersection.
- B. *Framework.*** All signs must be designed so that the supporting framework, other than the supporting poles on a freestanding sign, is contained within or behind the face of the sign or within the building to which it is attached so as to be totally screened from view.
- C. *Illumination.*** All signs which have illumination must meet the following

standards:

1. **General Requirements.** If illumination is proposed, signs must be illuminated only by steady, stationary, shielded electrical light sources directed solely at the sign, or internal to it. All external lighting fixtures used to illuminate a sign must be shielded to direct light towards the sign. All illuminated signs must comply with the current National Electric Code requirements.
2. **Traffic Hazards.** Sign illumination that could distract motorists or otherwise create a traffic hazard is prohibited.
3. **Facing Residential Properties.** Illuminated signs facing residentially zoned or used properties must be turned off completely at 10:00 p.m. or close of business, whichever is later.
4. The illumination of all signs must not exceed 0.3 footcandles above ambient light levels based on illumination measurement criteria set forth in Table 11.05.

Table 11.05	
Sign Area Versus Light Measurement Distance	
Area of Sign (Sq. ft.)	Light Measurement Distance (ft.)
10	32
15	39
20	45
25	50
30	55
35	59
40	63
45	67
50	71

*For signs with an area in square feet other than those specifically listed in this table (e.g., 12 sq. Ft., 400 sq. Ft., etc.), the measurement distance may be calculated with the following formula: Measurement Distance = $\sqrt{\text{Area of Sign Sq. Ft.} \times 100}$

SECTION 11.06 PERMITTED SIGNS

Table 11.06 below indicates the zoning district or corridor where certain sign types are permitted. Regulations for specific sign types are in [Sections 11.07](#), and [11.08](#).

Table 11.06							
Permitted Signs by Zoning District							
District/Corridor	Awning	Monument	Pole/Pylon	Projecting	Roof	Wall	Portable
R-1 districts		Permitted				Permitted	
R-2		Permitted				Permitted	
R-M & R-M-H	Permitted	Permitted		Permitted		Permitted	
Community Centerpiece		Permitted				Permitted	
Residential Corridor	Permitted	Permitted		Permitted		Permitted	Permitted
Downtown	Permitted	Permitted		Permitted		Permitted	Permitted
Woodward	Permitted	Permitted	Permitted	Permitted	Permitted	Permitted	Permitted
Gateway Corridor	Permitted	Permitted		Permitted	Permitted	Permitted	Permitted
Flex	Permitted	Permitted		Permitted		Permitted	Permitted
Cemetery		Permitted	Permitted				

SECTION 11.07 PERMANENT SIGNS

Permanent signs are to be designated as either freestanding signs or building mounted signs. Freestanding signs include monument signs, pole signs, and pylon signs.

- A. All permanent freestanding signs must comply with the following regulations.

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Table 11.07A				
Regulations for Freestanding Signs by Zoning District or Corridor				
District / Corridor	Minimum Setback (ft)	Maximum Height (ft)	Maximum Area Per Side (sq. ft.)	Number of permitted signs per business, per street frontage
R-1 AB and CD	3	3.5	15	1
R-2	3	3.5	15	1
R-M & R-M-H	3	7	40	1
Community Centerpiece	3	7	50	1
RC: Residential Streets	3	3.5	15	1
RC: <i>Greenfield</i>	3	7	15' if 50' or less in lot width 40' if greater than 50' in lot width	1
RC: <i>11 Mile</i>	3	7	40	1
Downtown	3	7	40	1 None if the lot is less than 50' in width or the building is less than 10' from the ROW
Gateway Corridor	3	7	40	1 None if the lot is less than 50' in width or the building is less than 10' from the ROW
Woodward	3 for monument 5 for pole	20 for pole/pylon signs 7 for monument	50	1
Flex	3	7	40	1
Cemetery	3	7	50	1

- B. Building mounted signs include awning signs, projecting signs, roof signs, and wall signs. All permanent building mounted signs must comply with the following regulations.

Table 11.07B			
Regulations for Building Mounted Signs By Zoning District or Corridor			
District / Corridor	Maximum Area (sq. ft.)	Number of permitted signs per business per street frontage	Additional regulations
R-1 districts	6	1	Projecting and awning signs vertical clearance from ground level: 8 ft
R-2	6	1	
R-M & R-M-H	10% of adjoining wall up to 100 sq. ft.	1	
Community Centerpiece	50 sq. ft.	1	Projecting and awning signs max projection into ROW: 5 ft
RC: Residential Streets	6	1	
RC: Greenfield	10% of adjoining wall up to 100 sq. ft.	1	Roof sign max height: no higher than highest point of roof structure
RC: 11 Mile	10% of adjoining wall up to 100 sq. ft.	1	
Downtown	10% of adjoining wall up to 100 sq. ft.	1	
Gateway	10% of adjoining wall up to 100 sq. ft.	1	
Woodward	10% of adjoining wall up to 100 sq. ft.	1	
Flex	10% of adjoining wall up to 100 sq. ft.	1	
Cemetery	50 sq. ft.	1	

SECTION 11.08 TEMPORARY AND PORTABLE SIGNS

A. *Temporary Signs in Non-Residential Districts.*

1. All temporary signs in non-residential districts are subject to the regulations in Table 11.08A below:

Table 11.08A			
Temporary Signs In Non-Residential Districts			
Type of Sign	Ground	Banner	Portable
Maximum Number per Business	1	1	1
Maximum Height	6 ft	6 ft, if ground mounted Height of building facing the street on which the sign is located if wall-mounted	3.5 ft
Maximum Sign Area (per side)	16 sq. ft.	20 sq. ft.	6 sq. ft.
Minimum Setback from ROW	5 ft	5 ft if wall-mounted	See item 2
Illumination Allowed	No	No	No
Permit Needed	Yes	Yes, if over 6 sq. ft.	No

2. ***Requirements for Portable Signs:*** Portable signs may be allowed when the following standards are met:
 - a. Signs are placed at public entrances to businesses, on either private parcel or the public sidewalk. For businesses with front and rear customer entrances, or frontages on two streets, one additional portable sign may be permitted at the second entrance.
 - b. No sign may be placed within a distance of ten feet from any fire hydrant, or twenty-five feet from any intersection.

- c. The sign must be placed at least five feet from the curb. A clear path of five feet of pedestrian passage must be maintained at all times.
- d. Each sign must be placed outside only during the hours when the business is open to the general public and must be stored indoors at all other times.
- e. Portable signs on wheels are prohibited.
- f. Portable signs that are chained or otherwise secured to a building, bench, pole, or other permanent structure or furnishing are prohibited.

B. *Temporary Signs in Residential Districts.* All temporary signs in residential districts are subject to the regulations in Table 11.08B below:

Table 11.08B		
Temporary Signs in Residential Districts		
Land Use	Single Family & Two Family Homes	Non-Residential Uses
Type(s) Allowed	Ground	Ground or banner
Maximum Number per Parcel	4	1
Maximum Height	4 feet	
Maximum Sign Area	6 sq. ft. R-1 & R-2 10 sq. ft. R-M and R-M-H	20 sq. ft. for banners, 16 sq. ft. for ground signs
Minimum Setback	5 ft from all parcel lines	
Illumination Allowed	No	No
Permit Needed	No	Yes, if over 6 sq. ft.

C. *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 six square feet in area or greater, display of

temporary banners and temporary signs mounted on building walls (temporary wall signs) are allowed for up to two continuous periods no greater than a total of thirty days in a calendar year.

SECTION 11.09 DESIGN, CONSTRUCTION, AND MAINTENANCE REQUIREMENTS

- A. **Location.** Building mounted signs must not obscure windows, moldings, or other architectural details of a building.
- B. **Character.** Signs must be designed to be subordinate to the overall building composition and feature simple design character. A sign's lettering should be easy to read. Contrasting or complementary colors should be utilized to increase a sign's readability.
- C. **Materials.** Sign materials should be compatible with a building façade. Permanent durable materials are preferred, including glass, plastic with a matte finish, wood, metal, fabric, stone, or concrete. Highly reflective materials should be avoided.
- D. **Alignment.** Building mounted signs for businesses in the Downtown and Gateway Zoning Districts that share the same building should be aligned with one another.

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;
- 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.

- 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.

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ARTICLE 12

LANDSCAPING AND SCREENING

SECTION 12.01 INTENT

The intent of this Section is to promote public health, safety, and welfare and the visual appearance and character of the City by requiring landscaping, screening, or both for each development for which site plan, condominium plan, and subdivision plat review is required. It is further the intent of this Section to achieve the following:

- A. Minimize noise, air, and visual pollution.
- B. Improve the overall aesthetics and appearance, divide the expanse of pavement, and define parking areas and vehicular circulation within off-street parking lots and other vehicular use areas.
- C. Require buffering of residential areas from more intense land uses and public street rights-of-way.
- D. Prevent soil erosion depletion and promote subsurface water retention.
- E. Encourage an appropriate mixture of plant material, such as evergreen and deciduous trees and shrubs, to protect against insect and disease infestation and produce a more aesthetic and cohesive design.
- F. Promote the integration of existing trees and vegetation in landscape plans.

SECTION 12.02 APPLICATION OF REQUIREMENTS

These requirements apply to all uses for which Site Plan Review is required in [Article 15](#). No site plan may be approved unless a landscape plan is provided that meets the requirements set forth herein and the requirements of Chapter 130, Article 2 – Trees, Bushes, and Shrubs of the Code of Ordinances for the City of Berkeley.

SECTION 12.03 LANDSCAPE PLAN REQUIREMENTS

A separate landscape plan must be prepared, signed, and sealed by a landscape architect registered in the State of Michigan. The landscape plan must be submitted in conjunction with the review of a site plan. The landscape plan must demonstrate that all requirements of this Section are met, including the landscape plan requirements in [Article 15](#), Site Plan Review, as well as, but not necessarily limited to, the following items:

- A. The location, spacing, size (caliper), root type (bare root or balled and burlapped), and descriptions for each plant type, including grass and ground cover, to be used within the required landscape area.
- B. A minimum scale of one-inch equals thirty feet for parcels one acre or less, or one inch equals fifty feet for parcels greater than one acre.
- C. Existing and proposed grades on site and fifty feet beyond the site at intervals not to exceed one foot.
- D. Height and type of construction of fences and walls, including footings, and typical straight cross-Section including slope, height, and width of berms and type of ground cover.
- E. Construction details to resolve specific site conditions, such as tree wells to preserve existing trees or culverts to maintain natural drainage patterns.
- F. Details in either text or drawing form to ensure proper installation and establishment of proposed plant materials.
- G. Identification of existing trees and vegetative cover to be preserved.
- H. Utility lines and structures must be shown.
- I. Demonstration that the Clear Vision requirements set forth in [Section 14.03](#) are met.
- J. Identification of landscape maintenance program including a statement that all diseased, damaged, or dead materials must be replaced in accordance with the standards of this Ordinance.

SECTION 12.04 SCREENING BETWEEN LAND USES

- A. Buffering between commercial or mixed uses and single family residential uses must be achieved by a wall, decorative fencing, a landscaped screen barrier, a planting strip, landscape berm, or any combination of these as determined by the Planning Commission.
- B. A screening wall or decorative fencing must be a minimum of six feet in height and a maximum of eight feet in height as measured on the side of the proposed wall having the higher grade. A required wall must be located on the lot line except where underground utilities interfere and except in instances where conformity with front yard setback is required. Upon review of the landscape plan, the Planning Commission may approve an alternate location for a wall.
- C. The following screening requirements apply to commercial and multiple family residential buildings, based on the use group assignments from [Table 6.03\(C\)](#). When calculating the required number of trees and shrubs, round up to the nearest whole number. When the subject parcel’s parking lot abuts a residential use, the requirements of [Section 12.05](#) will apply.

<i>Table 12.04</i>						
		When adjacent to these land uses				
		Single Family Residential/ Duplex	Multiple Family Residential	Office / Retail / Institutional	Industrial	Automotive
Subject parcel	Multiple Family Residential	Screen 1	Screen 1	Screen 1	Screen 1	Screen 1
	Office / Retail / Institutional / Service	Screen 2	Screen 2			
	Automotive	Screen 3	Screen 3	Screen 3		
	Industrial	Screen 3	Screen 3	Screen 3		

Screen 1: One ornamental AND one evergreen tree every forty lineal feet along the parcel line.

Screen 2: One ornamental OR one evergreen tree AND seven upright shrubs per each thirty lineal feet along the parcel line

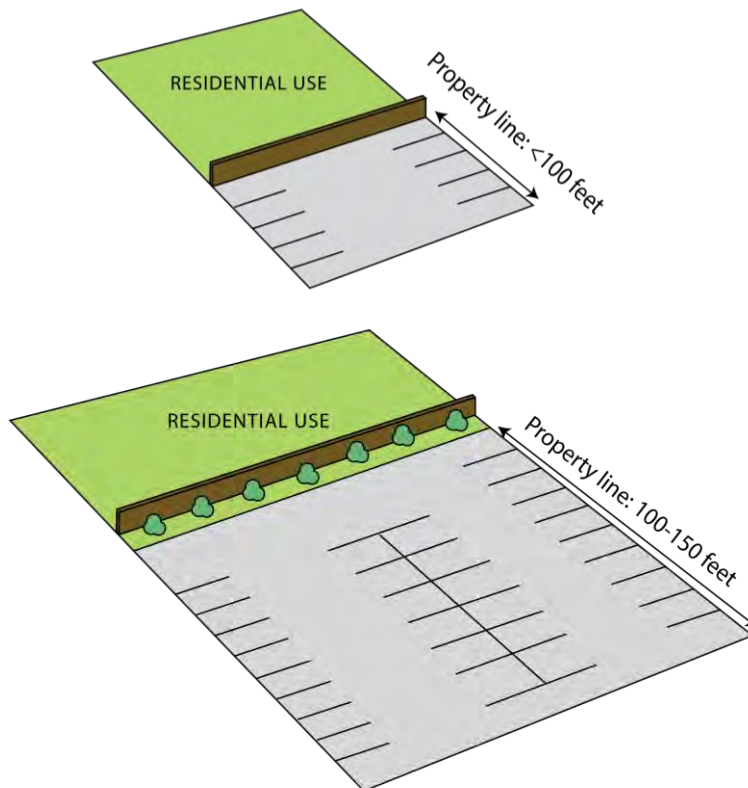
Screen 3: One ornamental AND one evergreen tree AND four upright shrubs per each thirty lineal feet along the parcel line.

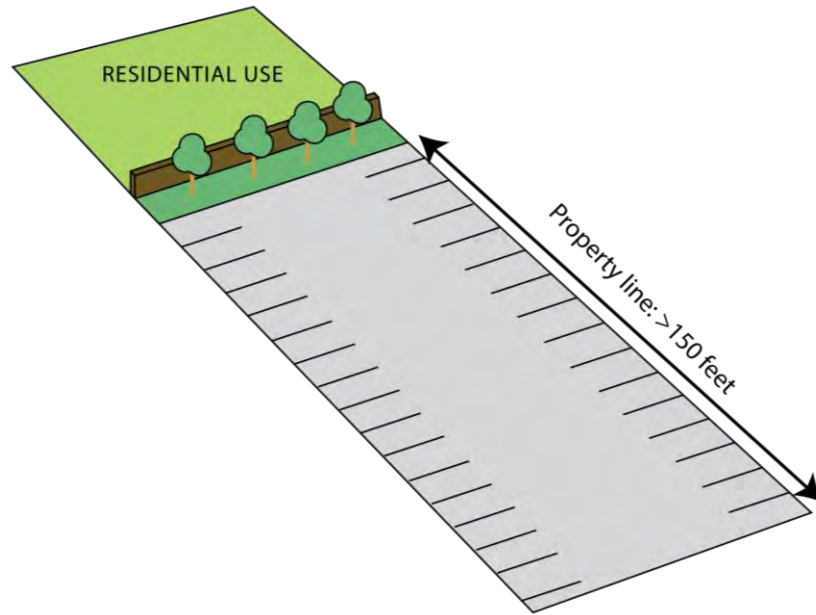
SECTION 12.05 PARKING LOT LANDSCAPING

- A. ***Required landscaping within parking lots.*** Separate landscape areas must be provided within parking lots that break up the broad expanse of pavement, guide the circulation of vehicular and pedestrian traffic, and moderate the changes to the micro-climate that results from the additional pavement. The following requirements must be met unless a waiver is granted under [Section 12.13](#):
1. There must be a minimum of one tree for every eight parking spaces, rounding down, when eight or more parking spaces are provided.
 2. Landscaping arranged in curbed islands within the parking lot must not be less than one hundred and forty-four square feet in area, with minimum dimensions of eight feet by eighteen feet.
 3. A minimum distance of three feet from the backside of the curb and the proposed landscape plantings must be provided. Where vehicles overhang a landscape island or strip, a minimum distance of five feet from the backside of the curb and the proposed landscape plantings must be provided.
- B. Where a parking lot in a Site Design Based District abuts a low-scale residential neighborhood or single family land uses, the screening requirements depend on the lot dimension of the abutting parcel line, as indicated below.

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Table 12.05	
Length of parcel line perpendicular to residential use	Landscape buffer requirement
Less than 100 ft.	A wall at least 6 ft. in height
100 to 150 ft.	A wall at least 6 ft. in height AND a landscaped area at least 10 ft. in depth
Over 150 ft.	A wall at least 6 ft. in height AND a landscaped area at least 10 ft. in depth AND a row of trees spaced no less than 20 ft. apart





C. *Landscaping at the perimeter of parking lots.* Landscaping at the perimeter of a proposed parking lot must meet with following requirements:

1. All off-street parking areas must be screened or buffered in a manner that separates the parking areas as seen from the public right-of-way.
2. If facing single family residential land uses or zoning districts, the landscaping must completely screen the parking area up to thirty inches high from grade.
3. A minimum six-foot-wide buffer between the parking lot and street right-of-way or sidewalk must be shown. The buffer must include at least one of the following:
 - a. Landscaping: minimum one tree and ten shrubs every forty feet.
 - b. Masonry screening wall: thirty inches high from grade at the parcel line for the length of the wall at the right-of-way line.
 - c. Public art or various possible building materials: thirty inches high from grade at the parcel line for the length of the art piece.
 - d. Decorative metal fencing: thirty inches high from grade at the parcel line for the length of the fence, when facing non-residential uses of districts.



The Planning Commission may, at its discretion, approve alternative landscape plans at the perimeter of parking lots where landscaping within parking lots would be impractical due to the size of the parking lot or detrimental to safe and efficient traffic flow, or would create an unreasonable burden for maintenance and snowplowing. The alternative landscape plan must include a differentiation between the parking lot and adjacent sidewalks, such as different materials, curbing, landscape planters, etc.

- D. ***Streetscape Landscaping Required.*** Buildings set back from the sidewalk's edge must include streetscape landscaping.
- E. ***Landscaped Curb Extensions.*** Landscaped curb extensions must be installed at intersections.

SECTION 12.06 REQUIRED STREET TREE GREENBELT PLANTING

The frontage of all public or private streets for any new or altered site within the project area which requires Site Plan Review must be landscaped with street trees as follows:

- A. ***Location.*** The street trees must be centered between the sidewalk and the back of the street curb. The Planning Commission may grant a waiver of this condition with a finding that utilities necessitate a different location, or that the proposed location of the trees will align with already-established street trees along the same block face, provided that said existing trees are to

remain. Trees should be planted at roughly even intervals.

- B. **Quantity.** A minimum of one tree for every thirty lineal feet of frontage, inclusive of proposed or existing access drives. Existing trees in good health to be preserved may count towards the street tree requirements.
- C. **Planting Area Size.** Tree planting areas provided for street trees must be sufficient for the species of tree provided. Tree pits or wells are discouraged and may only be allowed on blocks where tree pits or wells exist. Where no sufficient planting bed exists or can be provided for street trees within the right-of-way, the applicant may choose to either plant and maintain the required trees within the front yard; or to provide a fee in lieu of planting in the amount of one hundred percent of the materials and installation cost, as determined by the Director of Public Works or their designee.
- D. **Placement and Utilities.** Street trees must not be planted within six feet of water or sewer lines and must not interfere with overhead utility lines or underground utilities. Consideration should be given to the mature size and height of the tree when evaluating placement and species selection near utilities, both underground and overhead.
- E. **Required Species.** Street trees must be deciduous trees. Non-deciduous conifers and evergreens are not permitted to be used as street trees since they interfere with visibility, pedestrian safety, and vehicular circulation.
- F. **Recommended Species.** Native species are generally preferred. Canopy trees are preferred for street trees, but ornamental trees may be allowed under overhead utility lines. Preferred native plant species should comply with the most recent list provided by the [Michigan State University Extension, Native Plants and Ecosystems Services department](#).

SECTION 12.07 SITE LANDSCAPING

- A. In addition to any adjacent land use screening, street tree greenbelt, or parking lot landscaping required by this Section, five percent of the site area, excluding existing public rights-of-way, must be landscaped. Such site area landscaping may include a combination of the following:
 - 1. Preservation of existing tree cover;
 - 2. Planting of new trees and plant material;

3. Landscape plazas and gardens;
 4. Bioswales, rain gardens, or retention ponds;
 5. Planter beds;
 6. Green roofs;
 7. Green walls (must equal a minimum of 10% of the site area).
- B.** Site area landscaping must be provided to screen potentially incompatible, unsightly, or objectionable site features such as, but not limited to, retention and detention ponds, transformer pads, air conditioning units, and loading areas.

SECTION 12.08 NONRESIDENTIAL WASTE RECEPTACLE SCREENING

- A.** *Where Required.* The standards set forth in this Section apply to all nonresidential uses that have refuse disposal service by a collective trash container. This does not include curbside pickup for single family residential uses.
- B.** *Standards.*
1. Landscaping to screen waste receptacles and required walls can contribute to the five percent site area requirement for general site landscaping.
 2. Waste receptacles must be screened on all sides with a wall, and gate at least as high as the container, but no less than six feet in height, and must be faced with masonry or materials that match the architectural materials used in the site development.
 3. Waste receptacles must be consolidated to minimize the number of collection sites, located in close proximity to the building they serve, and easily accessed by refuse vehicles without potential damage to parked vehicles.
 4. Enclosures for waste receptacles must be located in a side or rear yard and screened from public view whenever possible.
 5. Waste receptacles and enclosures must be situated so that they do not

cause excessive nuisance or offense to occupants of nearby buildings.

6. Concrete pads and aprons of appropriate size and construction must be provided.

SECTION 12.09 TREE REPLACEMENT STANDARDS

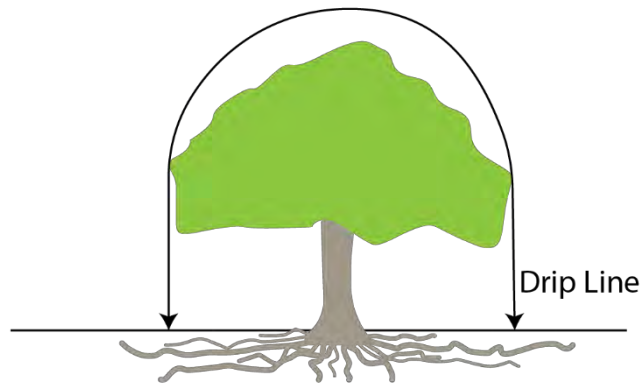
The standards below are intended to encourage the preservation of existing mature, healthy trees on private parcels which contribute to the character, welfare, and quality of life in Berkley. These standards are intended to prevent the unnecessary removal of trees prior to, during, and following construction on a site. The standards of this Section in conjunction with the standards for Site Plan Review promote the goals of the Berkley Master Plan and Chapter 130, Article 2 - Trees, Bushes, and Shrubs of the Code of Ordinances for the City of Berkley.

- A. ***Applicability.*** The regulations in this Section apply only to developments subject to Site Plan Review.
- B. ***Tree Replacement.*** A tree location survey and tree protection plan, per Section 130-44 of the City Code of Ordinances must be submitted as part of any required site plan. Tree replacement must comply with the table in Section 130-44(b)(7).
- C. ***Clearance of twenty-five percent or more of existing trees.*** The owner of any parcel, excluding single family residential properties, or their representative proposing to clear more than twenty-five percent of the trees of eight-inch diameter at breast height (DBH) or greater on a site, as determined by the Planning Commission, must first notify the City of the intent of such clearing or earth change and submit a proposed plan describing the site's features for review and approval by the Planning Commission.

This sub-Section does not prevent tree clearing for approved building envelopes, decks, essential services, utility lines, or construction drives. The Planning Commission may waive the DBH standard for selective clearing of lower quality and non-native species including, but not limited to box elders, poplars, willows, and cottonwoods.

SECTION 12.10 LANDSCAPE ELEMENTS

- A. **Quality.** Plant materials must be of generally acceptable varieties and species, free from insects and diseases, hardy to this county, conform to the current minimum standards of the American Association of Nurserymen, and must have proof of any required governmental regulations or inspections.
- B. **Composition.** A mixture of plant material, such as evergreen and deciduous trees and shrubs, is recommended as a protective measure against insect and disease infestation. A limited mixture of hardy species is recommended rather than a large quantity of different species to produce a more aesthetic, cohesive design and avoid a disorderly-appearing arrangement. Native or drought-tolerant species, suitable to the climate of the City, are encouraged, as are salt-tolerant species adjacent to streets, sidewalks, driveways, or parking lots. High-maintenance plants, if necessary, should be limited to small areas. Preferred native plant species should comply with the most recent list provided by the [Michigan State University Extension, Native Plants and Ecosystems Services department](#).
- C. **Berms.** Berms must be constructed with slopes not to exceed a one to three gradient. Berm slopes must be protected with sod, seed, or other forms of natural ground cover.
- D. **Coordination with Utilities.** Provision must be made to coordinate landscaping with existing and proposed underground and overhead utility lines that avoid interference with plant growth.
- E. **Credit for Existing Vegetation.** The preservation and incorporation of existing trees and shrubs are encouraged. The Planning Commission, or the Community Development Director or their designee for administrative site plans, may allow existing shrubs and trees to satisfy the requirements of this Section if all the following requirements apply:
1. Paving or other impervious site improvements do not encroach upon the drip line of the existing tree(s) to be preserved.
 2. If existing plant material is labeled "To Remain" on site plans by the applicant or required by the City, protective techniques must be installed during construction. No vehicle or other construction equipment may be parked or stored within the drip line of any plant material intended to be saved.



3. The shrubs or trees are in good health. In the event that healthy shrubs or trees that are used to meet the minimum requirements of this Article or those labeled to remain are cut down, destroyed, damaged, or excavated at the drip line, as determined by the City, the applicant must replace them with trees which meet the requirements of this Article.
4. The trees or shrubs proposed for credit are not a species that is invasive, brittle, susceptible to disease and insects, has a root structure that will interfere with underground utilities, drop excessive litter, or other undesirable characteristics. Species listed in Section 130-39 of the City Code are ineligible for credit.
5. The shrubs or trees that meet the following minimum sizes and may receive credit in lieu of new plantings based on size shown in the table below:

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<i>Table 12.10A</i>			
Plant Material	Minimum Size	Size	Credit
Trees	2.5" in caliper	2.5" – 7.9"	1 tree
		8" – 11.9"	2 trees
		12" – 20"	3 trees
		Over 20"	5 trees
Shrubs	24" in height	All sizes	1 shrub

- F. ***Prohibited materials.*** The plant materials listed in Section 130-39 of the City Code are specifically prohibited for use in any plan considered under the provisions of these regulations.
- G. Installation, maintenance, and completion.
1. All landscaping required by this Section must be planted before obtaining a certificate of occupancy or the appropriate financial guarantee such as cash, letter of credit, or certified check must be placed in escrow in the amount of the cost of landscaping to be released only after landscaping is completed.
 2. All landscaping and landscape elements must be planted, and earth moving, or grading performed, in a sound workmanlike manner, according to accepted planting and grading procedures. All unpaved portions of the site must be planted or covered with grass, ground cover, mulch, or other suitable living plant material which must extend to the edge of any abutting street pavement edge.
 3. Landscaping required by this Section must be maintained in a reasonably healthy condition, free from refuse and debris. All unhealthy and dead material must be replaced within one year of damage or death or the next appropriate planting period, whichever comes first. The Community Development Director or their designee may allow a minor change in the replacement landscaping. All landscaped areas must be provided with a readily available and acceptable watering system that provides water to plant materials on a regularly scheduled basis.

SECTION 12.11 MINIMUM SIZE AND SPACING REQUIREMENTS

Where landscaping is required, the following minimum size and spacing requirements for representative landscape materials are applicable, unless otherwise specified in this Section. Where the caliper of a tree is referenced, it must be measured at the diameter at breast height (DBH). Table 12.11 indicates the minimum size and spacing requirements for sample species. The Planning Commission may, at their sole discretion, require alternate minimum size and spacing requirements; where administrative Site Plan Review is permitted, the Community Development Director or their designee may, at their sole discretion, require alternate minimum size and spacing requirements.

Table 12.11 Minimum Size and Spacing Requirements								
	Minimum Size Allowable				Recommended On-Center Spacing (in feet)			
	6'	3' - 4'	2"	2.5"				
<i>Trees</i>					30	25	15	10
Evergreen Trees, such as Fir, Spruce, Pine & Hemlock	X						X	
Narrow Evergreen Trees, such as Red Cedar, Arborvitae, and Juniper (selected varieties)		X						X
Large Deciduous Trees, such as Oak, Maple, Beech, Linden, Ginko (male only), Honey locust (seedless & thornless), Birch, and Sycamore				X	X			
Small Ornamental Deciduous Trees, such as Flowering Dogwood, Cherry, Plum, Pear, Crabapple, Redbud, Magnolia, and Hornbeam			X				X	
Large Evergreen Shrubs (upright), such as Pyramidal or Hicks Yew, Alberta Spruce, Chinese Juniper, Savin Juniper, and Mugho Pine		X					X	

Large Evergreen Shrubs (spreading), such as Spreading Yews or Junipers			X				X		
	<i>Minimum Size Allowable</i>				<i>Recommended On-Center Spacing (in feet)</i>				
	<i>Height</i>								
<i>Shrubs</i>	<i>6'</i>	<i>3' - 4'</i>	<i>24" - 36"</i>	<i>18" - 24"</i>	<i>10</i>	<i>6</i>	<i>5</i>	<i>4</i>	<i>3</i>
Small Evergreen Shrubs (upright), such as Brown's or Ward's, or Yews, and Boxwood				X			X		
Small Evergreen Shrubs (spreading), such as horizontal Juniper varieties or spreading Euonymous varieties				X			X		
Large Deciduous Shrubs, such as Lilac, Sumac, Weigela, Dogwood (Red Osier and Grey), and Viburnum varieties			X			X			
Small Deciduous Shrubs, such as Spirea, Fragrant Sumac, Japanese Quince, Cotoneaster, and Potentilla				X					X

SECTION 12.12 ACCESSORY STORMWATER CONTROL FEATURES

The integration of stormwater retention and detention ponds in the overall landscape concept is recommended. Naturalized stormwater management features that are integrated in a cohesive and logical manner to take advantage of site topography, orientation, and visibility should be utilized. Ponds with a natural, rather than square or rectangular, design and appearance are encouraged. Only seed mixes and native plants may be used to vegetate retention and detention ponds. The following Low Impact Development (LID) principles for stormwater management are recommended for incorporation into landscape design:

- A. **Swales.** Biofiltration swales are permitted in all districts, subject to adopted engineering standards.
- B. **Pervious paving.** Pervious paving is permitted in all districts, subject to adopted engineering standards.

- C. ***Rain gardens.*** Rain gardens installed accessory to one or two family uses in the R-1AB, R-1CD, and R-2 districts do not require engineering review.
- D. ***Rain barrels or cisterns.*** Rain barrels or cisterns are permitted in all districts. Underground cisterns or rain barrels are subject to engineering review and constructed in accordance with the State Building Code. Aboveground rain barrel or cistern systems in excess of two hundred and fifty gallons must conform to the accessory building standards in place for those building types and be subject to engineering review and constructed in accordance with the Building Code.
- E. ***Vegetated roofs/Green roof.*** Vegetated roof systems are permitted in all districts in accordance with the Building Code.
- F. ***Other methods.*** Other methods of onsite stormwater control may be submitted to the Community Development Director and, at their discretion, may be approved, approved subject to another City department(s) review, approved subject to Planning Commission review, or denied.
- G. The plant material required by this Section may be used to meet plant material quantity and placement requirements of this Chapter, provided that the Planning Commission or other approving body finds that the intent of this Chapter is met.

SECTION 12.13 WAIVER OR MODIFICATION OF STANDARDS FOR SPECIAL SITUATIONS

The Planning Commission or Community Development Director or their designee, when administrative review is allowed under [Article 15](#), Site Plan Review, may determine if existing landscaping or screening intended to be preserved, or a different landscape design, would provide all or part of the required landscaping and screening. In making a determination to waive or reduce the landscape and screening requirements of this Article, the following, where applicable, must be considered.

- A. Extent to which existing natural vegetation provides desired screening.
- B. The clear vision triangle, as required in [Section 14.03](#), Clear Vision Zone.
- C. The existence of a steep change in topography which would limit the benefits of required landscaping.

- D. Existing and proposed building placement.
- E. The abutting or adjacent land is developed or planned by the City for a use other than residential.
- F. Building heights and views.
- G. Conditions similar to the above exist such that no good purpose would be served by providing the landscaping or screening required.

SECTION 12.14 TREE PROTECTION DURING CONSTRUCTION

Protected trees must be preserved to the greatest extent practicable through the use of site development techniques in Section 130-44 (d) Tree Protection Measures of the City Code of Ordinances.

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ARTICLE 13

EXTERIOR LIGHTING STANDARDS

SECTION 13.01 INTENT

The intent of this Section is to provide reasonable regulations to direct the location, design, illumination level, and use of outdoor lighting from both direct and indirect sources to minimize its undesirable effects. Off-street parking and loading areas, driveways, building entryways, walkways, and other outdoor pedestrian ways, and building complexes with common areas need to be sufficiently illuminated to ensure the security and safety of people and property. Lighting standards set forth herein are also intended to:

- A. Provide for and control lighting in outdoor public places where public health, safety, and welfare are potential concerns.
- B. Protect drivers and pedestrians from the glare of non-vehicular light sources.
- C. Protect neighbors, the environment, and the night sky from nuisance glare and light trespass from improperly selected, placed, aimed, applied, maintained, or shielded light sources.
- D. Highlight the distinctive features of a site, such as the building entrance, architectural details, signs, outdoor use areas, or public art.
- E. Promote energy-efficient lighting design and operation.
- F. Protect and retain the visual character of Berkley.

SECTION 13.02 APPLICABILITY

All outdoor lighting installed after the effective date of the Zoning Ordinance must comply with the requirements of Article 13. This includes, but is not limited to, new lighting equipment, light fixtures, replacement lighting, or any other outdoor lighting whether it is attached to structures, poles, buildings, or any other location.

SECTION 13.03 STANDARDS FOR EXTERIOR LIGHTING

Lighting from direct sources is subject to the following standards:

- A. ***Shielding and Light Trespass.*** Lighting must be placed, directed, and shielded to direct the light onto the site and away from adjoining properties with the use of full-cutoff luminaires. Lighting must be shielded so that it does not cause glare for vehicles, bicycles, and pedestrians. Directional luminaires such as floodlights and wall-mounted luminaires must be shielded and aimed so they do not create glare when viewed from neighboring properties. The use of floodlights and wall-mounted luminaires to light parking areas is prohibited unless there is a finding by the Planning Commission that no other acceptable means of lighting is possible. Lighting under canopies must be recessed or full cutoff luminaires aimed straight down.
- B. ***Maximum Illumination Levels.*** Lighting for uses adjacent to residentially zoned or used parcels must be designed and maintained such that illumination levels do not exceed one-half footcandle at ground level along common parcel lines. Lighting for uses adjacent to nonresidential properties must be designed and maintained such that illumination levels do not exceed one footcandle at ground level along common parcel lines. Maximum light levels must not exceed twenty footcandles in any given area measured at ground level.
- C. ***Maximum Height.*** Lights on poles, including the base, must not be taller than the building whose area they illuminate nor taller than twenty feet, whichever is shorter.
- D. ***Light Color Standard.*** Correlated color temperature of any outdoor light source must not exceed thirty-five hundred Kelvin and must be specified on the lighting plans set forth in Section 13.03.E.
- E. ***Lighting Plans.***
 - 1. All lighting, including ornamental lighting, must be shown on site plans in sufficient detail to allow determination of the effects of such lighting upon adjacent properties and traffic safety.
 - 2. The lighting plan must include a photometric plan which plots illuminance in footcandles on a ten-foot by ten-foot horizontal grid over the entire site up to and including all parcel boundaries and extending at least ten feet beyond all of the parcel lines. The lighting

plan must include a layout of all proposed and existing luminaires, and a photometric analysis plotted in a manner that demonstrates that Ordinance requirements are met. The lighting plan must also include luminaire details, glare reduction devices, mounting heights, color temperature, and pole foundation details.

3. Lighting plans must be coordinated with landscape plans to minimize conflict between landscaping and intended light distribution.
- F. ***Reduction of Lighting at Night.*** All outdoor lighting must be reduced to at least fifty percent of the light level at full illumination one hour after closing. Lighting reductions are not required under the following circumstances:
1. Where a business operates twenty-four hours.
 2. Where lighting is intended to reduce real or perceived risk or where lighting is intended to discourage intruders, vandals, or burglars, and to protect merchandise and the parcel.

SECTION 13.04 CONDITIONS OF APPROVAL

Lighting from indirect or reflected sources are subject to the following standards:

- A. Glare from any process (such as or similar to arc welding or acetylene torch cutting) that emits harmful ultraviolet rays must be performed in such a manner as not to be seen from any point beyond the parcel line, and so as not to create a public nuisance or hazard along lot lines.
- B. The design or screening of the development must minimize to the greatest extent possible that glare from automobile, commercial or industrial vehicles. Headlights must not be directed into any adjacent parcel, including residential parcels.
- C. Exterior lights must be located, operated, and maintained so as to prevent any glare and light from creating a nuisance or safety hazard to operators of motor vehicles, pedestrians, and neighboring land uses.

SECTION 13.05 EXEMPTIONS

The following types of lighting are exempt from this Ordinance:

- A. Luminaires used for public roadway illumination.
- B. All temporary emergency lighting needed by the police, fire, or other emergency services, as well as all vehicular luminaires.
- C. Interior lighting within a building that is not visible or does not create glare outside of the building.
- D. Residential lighting fixtures for single family houses, accessory dwellings, and duplexes that have a maximum exterior illumination level of fourteen footcandles.
- E. Decorative landscape lighting for lawns, gardens, or yards that are within five feet of the ground and have a maximum illumination of fourteen footcandles.
- F. Seasonal lighting associated with holidays including, but not limited to Christmas, Hanukkah, Halloween, New Year, or Diwali with individual lamps that have a maximum illumination level of fourteen footcandles.
- G. All hazard warning luminaires required by federal regulatory agencies are exempt from the requirements of this Article, except that all such luminaires used must be shown to be as close as possible to the federally required minimum lumen output requirement for the specific task.
- H. Luminaires used primarily for signal illumination may be mounted at any height required to ensure roadway safety, regardless of lumen rating.
- I. Illumination of the American and state flags, providing that such lighting does not produce glare on roadways and neighboring residential properties.
- J. Installations existing prior to the enactment of this Ordinance are exempt from its requirements. However, any changes to an existing lighting system, fixture replacements, or any nonconforming lighting system that is moved must meet these standards.

SECTION 13.06 PROHIBITED LIGHTING

The following types of outdoor lighting are specifically prohibited.

- A. Lighting that could be confused for a traffic control device.

- B. Lighting that is oriented upward, except as otherwise provided for in this Ordinance.
- C. Searchlights, beacons, and laser source light fixtures.
- D. Lights that blink, flash, move, revolve, flicker, change intensity, or change color.
- E. Any lamp or bulb when not within a luminaire and which is visible from the parcel boundary line of the parcel on which it is located, except for building façade or landscape ornamental lighting.
- F. Outlining windows with LED or other lighting materials is not permitted in the Downtown or Corridor Districts.

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ARTICLE 14

OFF-STREET PARKING, LOADING, AND ACCESS STANDARDS

SECTION 14.01 INTENT

The intent of this Article is to provide safe, convenient, and well-designed vehicular access, promote pedestrian safety, improve the visual appearance of sites requiring off-street parking, and protect the public health safety and welfare within the City by requiring consistent standards for off-street parking, loading, drive-through facilities, and site access.

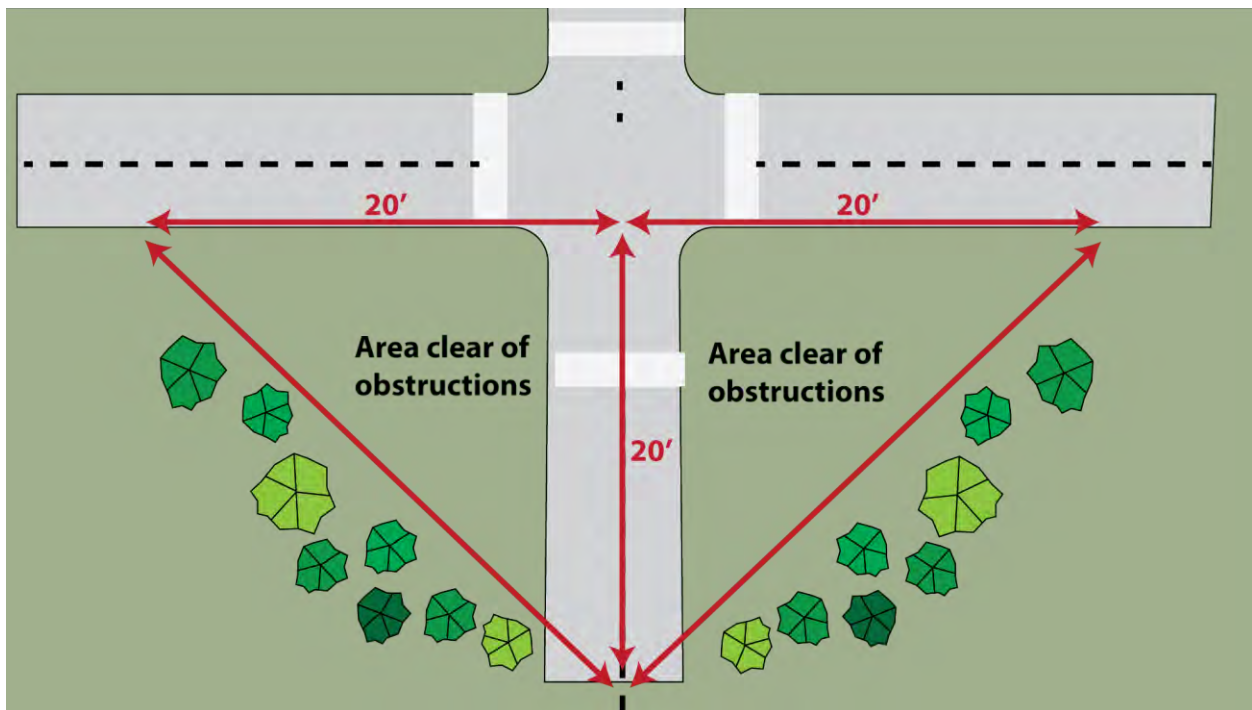
SECTION 14.02 STREETS, ROADWAYS, AND RIGHTS-OF-WAY

- A. The purpose of this Section is to ensure that the street system proposed for each development provides for continuity in the public street system in Berkley, minimum standards to establish a degree of quality that will enhance and maintain property values and protect the rights of the present and future residents of Berkley. To accomplish this purpose the following rules will be in effect:
1. Each development must be provided with local streets, collector streets, street connections, or street stubs at locations where the Planning Commission deems them necessary for the purposes of fire and emergency vehicle access and connectivity between neighborhoods.
 2. All streets must meet the requirements of Chapter 106 of the City of Berkley General Code of Ordinances and the Engineering Design Standards of the City.
- B. Public street frontage requirements.
1. The development of all parcels in the City must be predicated on having frontage on a public street that complies with the provisions of this Article and any other applicable City codes or ordinances.

- C. Curb cuts, driveways, and culverts may be located on public street frontages upon approval by the City Engineer, or their designee and such other county and state authorities as required by law; provided, however, such approval must not be given where such curb cuts, culverts, and driveways may cause an unreasonable increase in traffic hazards. All curb cuts, driveways, and culverts must meet the requirements of Chapter 106 of the City of Berkley General Code of Ordinances and the Engineering Design Standards of the City.

SECTION 14.03 CLEAR VISION ZONE

There must be a clear vision zone at all intersecting streets and at intersecting drives and maneuvering lanes within off-street parking areas consisting of a triangular area defined by the point of intersection of the driveways or maneuvering lanes and the two points extended along a distance of twenty feet. The lines for the triangular area are created by utilizing the edge of the drives or maneuvering lanes closest to an existing or proposed building. The above-described triangular area must have no obstruction to vision permitted from a height of two feet to eight feet above the established grade as set by the City Engineer or their designee.



SECTION 14.04 VEHICLE PARKING REQUIREMENTS

General Standards.

- A. Whenever a use or activity requiring off-street parking is established, erected, altered, or enlarged, off-street parking spaces and associated maneuvering lanes must be provided in accordance with the standards of this Section. Required off-street parking must be maintained and irrevocably reserved as long as the use or activity requiring off-street parking remains, unless a revision to either the location of or number of spaces is approved by the Community Development Department.
- B. ***Area for parking space.*** Unless otherwise specified, off-street parking requirements for all uses must be calculated using one hundred percent of the gross floor area, as defined by this Article. For those buildings which feature unique interior features such as atriums and landscaped areas, the floor area occupied by such areas may be deducted from the gross floor area to calculate parking. When usable floor area is cited in the parking requirements, the usable floor area must be calculated per the [Section 9.17](#), or, when the usable floor area is unknown, eighty percent of the total floor area may be used for computation purposes.
- C. ***Fractional requirements.*** When units or measurements determining the number of required parking spaces result in the requirement of a fractional space, any fraction up to and including one-half must be disregarded, and fractions over one-half require one parking space.
- D. ***Location of parking space for one- and two family dwellings.*** The off-street parking facilities required for one- and two family dwellings and accessory dwelling units must be located on the same lot or plot of ground as the building they are intended to serve and must consist of any combination of a parking strip, parking apron, carport, or garage, as required by [Section 9.05](#). The parking strip may be part of a driveway, including a circular driveway.
- E. ***Location of parking space for other land uses.*** 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, 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.

- F. ***Seating capacity of seats.*** As used in this Article for parking requirements, seats means that each twenty-four inches of seating facilities counts as one seat.
- G. ***Similar uses and requirements.*** In the case of a use not specifically mentioned, the requirements for off-street parking facilities for a use, which is so mentioned, and which said use is similar, must apply.
- H. ***Existing off-street parking at effective date of Ordinance.*** Off-street parking existing at the effective date of the Ordinance from which this Section is derived, which serves an existing building or use, must not be reduced in size less than that required under the terms of this Article.
- I. ***Collective provisions.*** Nothing in this Article must be construed to prevent collective provisions of off-street parking facilities for two or more buildings or uses; provided such facilities collectively must not be less than the sum of the requirements for the various individual uses computed separately in accordance with [Section 14.04.C](#).
- J. ***General use conditions.*** For nonresidential uses in nonresidential districts, and except when land is used as storage space in connection with the business of a repair or service garage or for a delivery vehicle, a twenty-four-hour time limit for parking in off-street parking areas must prevail, it being the purpose and intention of the foregoing that the requirements of maintaining vehicle storage or parking space is to provide for the public safety in keeping parked cars off the streets, but such requirement is not designed to or intended to provide the storage or parking on such open land of wrecked or junked cars, or for creating a junkyard or a nuisance in such area.
- K. ***Restriction on parking on private parcels.*** It is unlawful for any person, firm, or corporation to park any motor vehicle on any private parcel, use said private parcel for vehicle storage or use any portion of any private parcel as parking space, without the expressed or implied consent, authorization, or ratification of the owner, holder, occupant, lessee, agent, or trustee of such parcels.
- L. ***Shared use.*** Parking spaces already provided to meet off-street parking requirements for a commercial, institutional, or residential use may be used to meet not more than fifty percent of the off-street parking requirements of another commercial, institutional, or residential use when a shared parking

study finds that the total off-street parking among both uses is adequate to meet the needs of both uses. For multiple family uses that enter into a shared parking agreement, a parking study is required in a form approved by the Community Development Director or their designee. A written shared parking agreement between joint users in a form approved by the City Attorney and the Community Development Director or their designee must be filed with the Community Development Department. The shared parking agreement must assure the continued availability of the parking facility for the uses it is intended to serve.

- M. ***On-street parking credit.*** On-street parking spaces where the entire space is directly in front of a business's building frontage may be counted toward the required number of parking spaces. Partial spots may not be used for an on-street parking credit.
- N. ***Leased parking in municipal lots.*** If approved by the Community Development Department, parking spaces leased in municipal lots may be counted towards required parking. A lease agreement with the City must be submitted as part of the site plan or change of use 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.
- O. ***Barrier free parking requirements.*** On each site proposed for use, addition, or conversion for which a site plan is required to be submitted, there must be provided on the same site a minimum of one off-street parking space designed pursuant to the State of Michigan Barrier-free Design Standards and Public Act 1 of 1996.
- P. **Flexibility in Application.**
 - 1. The City recognizes that, due to the specific requirements of any given development, inflexible application of the parking standards set forth in Article 14 may result in development with parking in excess of that which is needed, resulting in excessive paving and stormwater runoff.
 - 2. Accordingly, the Planning Commission may, in the reasonable exercise of discretion, permit deviations from the requirements of Article 14 and may allow up to fifteen percent less parking upon a finding that such deviations are likely to provide an adequate number of parking spaces to accommodate the specific characteristics of the use in

question. Such finding must take into consideration the following standards and must be based upon specific facts and information provided by the applicant:

- a. Current or anticipated levels of employees and/or patrons.
 - b. Peak period usage versus normal usage.
 - c. Banked or reserved parking for future use.
 - d. Opportunities to provide or accommodate green space, additional landscaping or screening, and to minimize impervious areas on the site.
 - e. Neighborhood or other surrounding characteristics justify the requested deviation.
 - f. Strict application of the ordinance would unreasonably hinder development of the site for a permitted use, and an alternate parking requirement would be appropriate.
 - g. Modification will not negatively impact public parking in the City.
 - h. Proximity of the site to local or regional transit, including but not limited to SMART bus stops, bicycle sharing stations, lite rail, etc.
 - i. Inclusion of bicycle parking or electric vehicle parking stations beyond the requirements described in this Article.
3. The Planning Commission may attach conditions to the approval of a deviation from the requirements of Section 14.04.Q that bind such approval to the specific use in question. Where a deviation results in a reduction of parking, the Planning Commission may further impose conditions which ensure that adequate reserve area or deferred parking is set aside for future parking, if needed.

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.
	b.	Residential, attached single family, and multiple family housing.
	c.	Housing for older persons.
		(1) Independent living.
		(2) Assisted living.
2.	Institutional:	
	a.	Colleges, universities, vocational and other institutions of higher learning.
	b.	Community Center
	c.	Day care center and nursery schools.
	d.	Elementary and intermediate schools.

Table 14.04-Q		
Off-Street Parking Requirements		
<i>Use</i>		<i>Number of Minimum Vehicle Parking Spaces Per Unit of Measure</i>
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
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

<i>Table 14.04-Q</i>		
<i>Off-Street Parking Requirements</i>		
<i>Use</i>		<i>Number of Minimum Vehicle Parking Spaces Per Unit of Measure</i>
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

<i>Table 14.04-Q</i>		
<i>Off-Street Parking Requirements</i>		
<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

Table 14.04-Q		
Off-Street Parking Requirements		
<i>Use</i>		<i>Number of Minimum Vehicle Parking Spaces Per Unit of Measure</i>
v.	Printing and publishing	1 per 300 square feet of usable floor area
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

Table 14.04-Q			
Off-Street Parking Requirements			
<i>Use</i>		<i>Number of Minimum Vehicle Parking Spaces Per Unit of Measure</i>	
	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
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

Table 14.04-Q		
Off-Street Parking Requirements		
<i>Use</i>		<i>Number of Minimum Vehicle Parking Spaces Per Unit of Measure</i>
e.	Wholesale and warehouse establishments	1 per 1,500 square feet of usable floor area

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.	
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	

- R. *Off-Street Parking Facilities Space Layout, Standards, Construction, and Maintenance.*** Wherever the off-street parking standards in this Section require the construction of an off-street parking facility, such off-street

parking lots must be laid out, constructed, and maintained in accordance with the following standards and regulations.

1. The construction of any parking lot must be in accordance with the requirements and provisions of this Section and Chapter 126 of the City of Berkley Code of Ordinances and the City's Engineering Design Standards and must not commence until a permit is issued by the Building Official or their designee. Construction must be completed prior to issuance of a Certificate of Occupancy.
2. Plans for the development of any parking lot must be submitted to the Community Development Director or their designee and reviewed by the City Engineer or their designee. Plans must be prepared and sealed by an engineer, architect, or surveyor registered in the State of Michigan and must be prepared at a scale of not less than fifty feet equals one inch, indicating existing and proposed grades, drainage, water mains, and sewers, surfacing and base materials to be used and the layout of the proposed parking lot.
3. Parking lots must be curbed, paved, and drained in accordance with Chapter 126 of the City of Berkley Code of Ordinances and City Engineering Standards. No surface water from a parking area may be permitted to drain onto adjoining parcels, except through a public drain. The use of bumper blocks in lieu of concrete curbing is prohibited. All spaces must be striped.
4. Where parking abuts a curbed landscaped area at least five feet in width or a raised sidewalk having a minimum width of at least seven feet, the minimum parking stall depth of twenty feet may be decreased by up to two feet in depth in order to allow for a vehicle to overhang such landscaped area or such sidewalk. In the case of vehicle overhang, the maximum height of the adjacent curbs must be four inches. In no case may the parking stall depth be decreased to allow a vehicle to overhang a required parking setback or parcel line. Parallel parking or a maneuvering lane that abuts a building must be separated from the building by a sidewalk a minimum of five feet wide.
5. Where a parking lot abuts a side or rear lot line, the face of the curb must be located at least four feet from the parcel line. All setback areas must be graded and finished with ground cover and landscaping. No setback is required if an irrevocable shared parking agreement

with the abutting neighboring parcel is approved and recorded by the City.

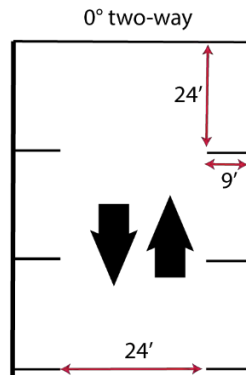
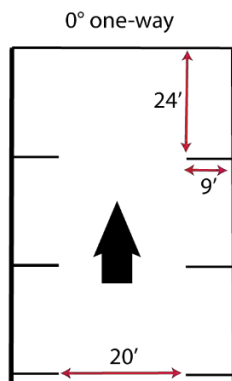
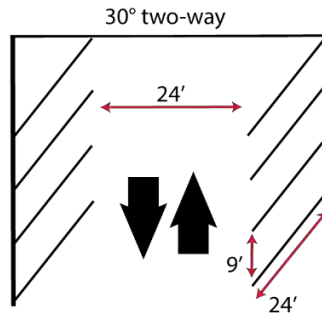
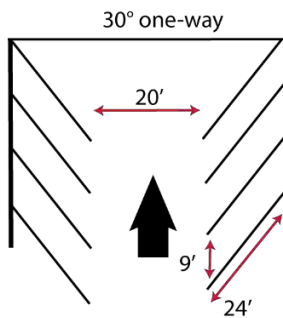
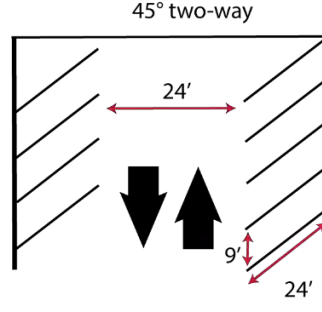
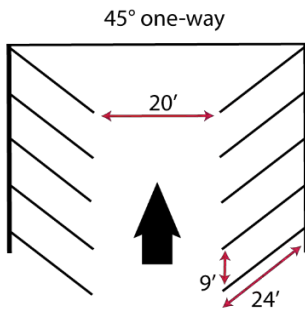
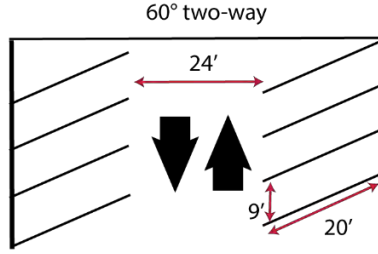
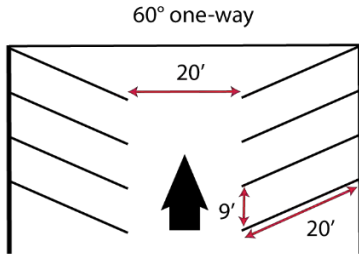
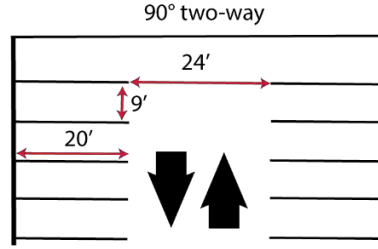
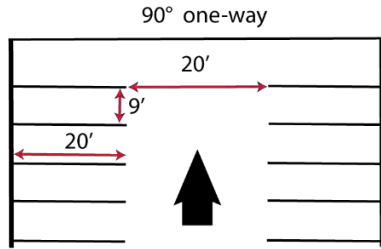
6. When a parking lot abuts a sidewalk, the spaces must be designed so that a vehicle is not required to utilize the sidewalk when exiting any parking spot.
7. Illumination of parking areas must meet the standards set forth in [Article 13](#), Exterior Lighting Standards.
8. Ingress and egress to the parking lot must be provided by clearly limited and defined access drives that are a minimum of thirty feet in width and at least thirty feet from any adjacent parcel line. Access drives may cross the front setback area but must not be located with the front yard to run parallel to the street. Driveway access must cross the front yard in as close to a ninety-degree angle as possible, but in no case may the drive cross at an angle of seventy-five degrees or less.
9. Parking lot landscaping and screening must meet the standards set forth in [Article 12](#), Landscaping and Screening.
10. The Planning Commission may require an access easement to provide vehicle access to adjacent parking lots for purposes of public safety, reduction in access drives and the convenient flow of traffic.
11. Parking standards as established by the Michigan Department of Transportation and the Americans with Disabilities Act will apply.
12. Compact car spaces meeting the dimensions in [Table 14.04-2](#) may account for no more than thirty percent of the total parking requirement. Those spaces must be clearly signed for “small cars only” and have a minimum width of eight feet and a minimum length of sixteen feet. Where compact parking abuts a curbed landscaped area at least five feet in width or a raised sidewalk having a minimum width of at least seven feet, the minimum parking stall depth of sixteen feet may be decreased by up to two feet in depth in order to allow for a vehicle to overhang such landscaped area or such sidewalk. In the case of vehicle overhang, the maximum height of the adjacent curbs must be four inches.

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13. Plans for the layout of off-street parking facilities must be in accordance with the following minimum requirements:

Table 14.04 -2				
Off-Street Parking Layout				
Parking Pattern	Maneuvering Lane Width (ft)		Parking Space Width (ft)	Parking Space Length (ft)
	<i>One-way</i>	<i>Two-Way</i>		
90°	20 feet	24 feet	9 feet	20 feet
60°	20 feet	24 feet	9 feet	20 feet
45°	20 feet	24 feet	9 feet	24 feet
30°	20 feet	24 feet	9 feet	24 feet
0° (parallel parking)	20 feet	24 feet	9 feet	24 feet

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SECTION 14.05 EXEMPTIONS

- A. All non-residential uses in non-residential zoning districts may be exempt from the requirements of this ordinance if said use is located within five hundred feet of a municipal parking facility. The distance is measured in a straight line from the edge of a municipal parking lot to the nearest building line of said use.
- 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.

SECTION 14.06 BICYCLE PARKING REQUIREMENTS

- A. ***Bicycle Parking Requirements.***
 - 1. Bicycle parking is required for all multiple family, commercial, retail, office, and industrial buildings.
 - 2. One bicycle hoop must be provided for every twenty parking spaces, or portion thereof.
 - 3. ***Location.*** Bicycle parking must be visible from the main entrance of the structure or facility. Bicycle racks must be securely anchored to the ground and must allow the bicycle wheel and frame to be locked to the bicycle rack. If space is not available, the Community Development Director or their designee may permit an alternate location.
 - 4. ***Size.*** Each bicycle parking space must be sufficient to accommodate a bicycle at least six feet in length and two feet wide. Bicycle racks must be installed no closer than two feet from a wall or parked vehicle. The bicycle rack must be located where access is not restricted by legally parked vehicles.
 - 5. ***Maintenance.*** The surfacing of bicycle parking facilities must be designed and maintained to be clear of mud and snow.

6. **Design.** Required bicycle parking must consist of a fixed bicycle rack, such as a hoop style rack or another type of rack that meets these standards.

B. *Site Design Based District Requirements.*

1. In the site design-based districts, bicycle parking must be in the locations prescribed in the general design standards and guidelines and also those for each site design-based district.

SECTION 14.07 PLUG-IN ELECTRIC VEHICLE PARKING REQUIREMENTS

A. *Class Standards.*

1. ***EV-C (Electric Vehicle Capable)*** EV-C are Parking Spaces having a capped cable/raceway connecting the Parking Space to an installed electric panel with a dedicated branch circuit(s) to easily install the infrastructure and equipment needed for a future Electric Vehicle Charging Station (EVCS). The dedicated branch circuit panel space must be stenciled or marked legibly with the following text: Future Electric Vehicle Charging Circuit.
2. ***EV-R (Electric Vehicle Ready)*** EV-R are Parking Spaces that are ready for installation of an Electric Vehicle Charging Station except for the EVCS itself. EV-R Parking Spaces must have a junction box, terminated in an approved method, for a direct-buried cable or raceway to an electrical panel with a dedicated branch circuit(s) to power a Charging Station. The junction box must be clearly marked and labeled with the following text: EV Ready Circuit.
3. ***EV-I (Electric Vehicle Installed)*** EV-I are Parking Spaces with an operational Electric Vehicle Charging Station.

B. *General.*

1. EV-I Parking Spaces must have signage indicating it is to be used exclusively for Electric Vehicles. Free-standing Electric Vehicle Charging Stations must have bollards, bumper blocks, or raised curbs to protect the system.

2. Electric Vehicle Charging Stations must be wall-mounted or located to accommodate the charging of more than one Parking Stall.
3. Electric Vehicle Charging Stations must not create a trip hazard or violation of the accessible path of travel when the cord is connected to an Electric Vehicle.
4. Where Parking Lots are separated into distinct areas or when Parking Structures have more than one level, the Electric Vehicle parking facilities should be evenly distributed among the separate areas or levels.

C. *Placement of Electric Vehicle Charging Stations.*

1. Electric Vehicle Charging Stations may not reduce the required stall dimensions provided in [Table 14.04-2](#) and must maintain compliance with state barrier-free design requirements.
2. Electric Vehicle Charging Stations in any walkways must maintain at least five feet of walkway width for pedestrians.
3. Electric Vehicle Charging Stations may not be located in any required interior landscape island, right-of-way screening, or conflicting land use buffer.

SECTION 14.08 OFF-STREET LOADING REQUIREMENTS

- A. On the same premises with every building, structure, or part thereof, erected and occupied with uses involving the receipt or distribution of vehicles, materials, or merchandise, there must be provided and maintained on the lot, adequate space for standing, loading, and unloading services in order to avoid undue interference with public use of the streets, alleys, or any required access for off-street parking area. The Planning Commission, or the Community Development Director or their designee for administrative site plans, may waive this requirement with conditions that limit the time or location of loading and unloading.
- B. Such loading and unloading space, unless adequately provided within a building, must be an area nine feet by fifty feet, with a fifteen-foot height clearance.

ARTICLE 15

SITE PLAN REVIEW PROCEDURES AND REQUIREMENTS

SECTION 15.01 INTENT

The Site Plan Review requirements in this Article are intended to provide a consistent and uniform method of review of proposed development plans, to ensure full compliance with the regulations in this Ordinance, other applicable ordinances, and state and federal laws, to achieve efficient use of the land, to encourage innovative design solutions, to protect natural resources, to ensure safety for both internal and external vehicular and pedestrian users, to achieve innovative stormwater management solutions, and to prevent adverse impact on adjoining or nearby properties. It is the intent of these provisions to encourage cooperation and consultation between the City and the applicant to facilitate development in accordance with the City's land use objectives.

SECTION 15.02 BUILDING, STRUCTURES, AND USES REQUIRING SITE PLAN REVIEW

A Site Plan Review is required for any of the following activities.

- A. All proposed or permitted uses and related buildings, except single family dwellings, two family dwellings, accessory dwelling units, and accessory structures or buildings.
- B. Any proposed special uses and related buildings or building types subject to special approval, including any alteration, addition, or expansion or an existing building subject to special land use approval.
- C. Any alteration, addition, or expansion of an existing permitted or special use or related building.
- D. Façade alterations where fifty percent or more of the exterior surface materials of any single façade of a building is proposed to change.
- E. Façade alterations that reduce the size or the number of windows.

- F. Any parking lot or additions to existing parking lots, except for resurfacing or repair of existing parking lots.

SECTION 15.03 SITE PLAN REVIEW PROCEDURES

- 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. All applications for special land uses 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.
- B. ***Pre-Application Meeting (Optional).*** Prior to the submission of an application for site plan approval, the applicant, with appropriate experts, may meet with the directors of the community development, building, and DPW departments of the City or their designees, together with any consultants such directors deem appropriate. The applicant must present at such conference(s) at least a sketch plan of the proposed site plan, as specific in [Section 15.03\(A\)](#).
- C. ***Preliminary Site Plan Procedures.***
 - 1. A petitioner seeking Site Plan Approval as required under [Section 15.02](#) must submit an application to the Zoning Administrator for preliminary site plan approval, together with the appropriate fees.

2. The Zoning Administrator will transmit the application and preliminary site plan to the relevant City staff and any other necessary parties for review. Any application that fails to provide the information and materials regulated by this Article must be held in abeyance until the petitioner rectifies all deficiencies.
3. Complete applications will be reviewed interdepartmentally and by City consultants, as needed. Any necessary revisions or corrections must be made by the applicant prior to submission to the Planning Commission for Preliminary Site Plan Approval consideration. If the application is complete, the Community Development Director or their designee must schedule the site plan for consideration at a regular or special Planning Commission meeting. Notice must be sent to the applicant stating the time and place of review of the site plan by the Planning Commission.
4. After review of the site plan and a public hearing, if required, the Planning Commission must either postpone, approve, with or without conditions, or deny the site plan. If the Planning Commission denies the site plan, the minutes of the meeting must include the reasons for denial. If the site plan is approved with conditions, the minutes must include a statement of the conditions.
5. Preliminary Site Plan Approval is effective for a period of two years. Within that two-year period, the petitioner must submit a complete application for Final Site Plan Approval to the Community Development Department in accordance with [Section 15.03.D](#) of this Ordinance. If the petitioner does not receive Final Site Plan Approval within two years, Preliminary Site Plan Approval will expire. Extensions may be granted in one-year increments by administrative approval, provided no changes have been made to the approved plan.
6. ***Variance requests.*** When the applicant intends to seek a variance from the Zoning Board of Appeals for the subject request, the applicant must first receive tentative approval of the preliminary site plan from the Planning Commission. Tentative approval of the preliminary site plan by the Planning Commission must be conditioned upon the granting of any necessary variances by the Zoning Board of Appeals.

D. *Final Site Plan Procedures.*

1. Prior to requesting any building permits, the petitioner must seek Final Site Plan approval. This final site plan submittal must include those items specified under [Section 15.06](#). Applications for Final Condominium Approval must also include four copies of the recorded Condominium Master Deed and Condominium Bylaws. It is the responsibility of the petitioner to secure all necessary approvals and authorizations related to the items required under [Section 15.06](#).
2. The Zoning Administrator must review the submittal for Final Site Plan Approval to ascertain that all the requirements of [Section 15.06](#) have been satisfied. Any submittal that fails to include the required modifications, information, or documents must be deemed incomplete and held in abeyance until the petitioner rectifies all deficiencies.
3. In the event that the Final Site Plan has been substantially revised from the Preliminary Site Plan Approval, as determined by the Community Development Director or their designee, the applicant must be directed to reapply for a new Preliminary Site Plan approval or to revise the Final Site Plan to bring it into conformance with the approved Preliminary Site Plan.
4. The Zoning Administrator must determine if the final site plan includes the required information set forth in [Section 15.06](#) and other information requested by the Planning Commission during the Preliminary Site Plan Review.
5. The Community Development Director or their designee must review the site plan and must approve or deny the final site plan.
6. Upon approval of a final site plan, the applicant must file sealed copies of the plan with the Community Development Department reflecting all changes and conditions, if any, attached to the Planning Commission's approval. If the site plan is denied by the Planning Commission, an explanation and notification of such denial must be given to the applicant(s).
7. Upon review for compliance with any conditions of approval, the Zoning Administrator, or their designee, must stamp and sign the

plans certifying that the site plan conforms to all of the provisions of this Article and the Zoning Ordinance.

8. Final Site Plan approval is effective for a period of two years, during which the petitioner must obtain the required permits and commence construction of the approved project. Extensions may be granted, following the provisions of [Section 15.08](#).
- E. ***Engineering Plan Approval.*** Upon certification of the approved final site plan by the Zoning Administrator, the applicant may apply for engineering plan approval, which may include but is not limited to, soil erosion control permits, utility permits, and all other required County and State permits, and other requirements as specified in the Engineering Design Standards.

SECTION 15.04 ADMINISTRATIVE PLAN REVIEW

- A. The Community Development Director or their designee will have the authority to waive the requirement for a site plan if it is determined that a project does not affect compliance with the standards of this Ordinance or other regulations.
- B. The Community Development Director or their designee is also authorized to conduct an administrative review of a site plan, provided all other standards of this Ordinance are met. The Community Development Director or their designee may conduct an administrative review of a site plan for the following projects or under the following circumstances:
1. Façade changes that bring a structure closer to compliance with the Zoning Ordinance, where less than fifty percent of the exterior surface materials of any single façade of a building is proposed to change.
 2. An increase in the percentage of the windows on a single façade.
 3. Minor changes required by an outside governmental agency.
 4. Expansion of a structure by one thousand square feet or five percent of the gross floor area, whichever is less.
 5. Changes to the landscape plan that are in compliance with the Zoning Ordinance.

6. Parking lot changes that comply with the Zoning Ordinance.
 7. Changes to the lighting plan that are in compliance with the Zoning Ordinance.
- C. The Community Development Director of their designee has the discretion to request Planning Commission for Site Plan review and approval.

SECTION 15.05 SITE PLAN REVIEW STANDARDS

In reviewing all applications for site plan approval, the Planning Commission must consider the plan in relation to the following standards:

A. *General.*

1. The proposed development must be consistent with the general principles and objectives of the adopted City of Berkeley Master Plan, the intent of any applicable corridor or sub-area plans, including the Downtown Master Plan, Downtown Design Guidelines, and all applicable building codes.
2. All elements of the site plan must be designed to take into account the site's topography, existing historical and architectural features, the size and type of lot, the character of adjoining parcels, and the traffic operations of adjacent streets. The site must be developed so as not to impede the normal and orderly development or improvement of surrounding parcels for uses permitted in this Ordinance.
3. The site plan must be consistent with the requirements and guidelines of any applicable site design-based zoning district.

B. *Transitions between uses.* Development must ensure compatibility with existing commercial districts and provide a transition between land uses through the application of the following requirements:

1. Building design must enhance the character of the surrounding area in relation to building and parking placement, landscape and streetscape features, and architectural design.
2. Street fronts must provide a variety of architectural expressions that are appropriate in their context and prevent monotony.

3. Building design must achieve a compatible transition between areas with different heights, massing, scales, and architectural styles.
4. District-specific requirements and guidelines apply for site plans within the site design-based zoning districts.

C. *Design Standards.* Development must incorporate the following recognized best architectural building design practices:

1. Foster a lasting impact on the community through the provision of high-quality design, construction, and detailing.
2. Provide high-quality, durable materials, such as but not limited to stone, brick, glass, and metal. E.I.F.S. or material equivalent may only be used as an accent material.
3. Develop buildings with creativity that include balanced compositions and forms.
4. Design roofs that are appropriate to the architectural style of the building and create an appropriate visual exterior mass of the building given the context of the site.
5. For commercial buildings, incorporate clearly defined, highly visible customer entrances using features such as canopies, porticos, arcades, arches, wing walls, ground plane elements, landscape planters, or any combination of these features.
6. Where called for in the Master Plan or the Downtown Master Plan, include community amenities that add value to the development such as patio or seating areas, water features, artwork, sculpture, clock towers, pedestrian plazas with park benches, or other features located in areas accessible to the public.

D. *Vehicular Access and Circulation.*

1. The location and design of driveways providing vehicular access to the site must be arranged to promote the safety and convenience of vehicles and pedestrians and to provide access in a manner that promotes proper internal circulation, taking into consideration such issues as proper driveway alignment, driveway spacing and internal connectivity between sites.

2. The Planning Commission must require public streets adjacent or through a proposed development when it is necessary for the public health, safety, and welfare, or to provide continuity to the public road system.
3. On-site circulation must be clearly indicated on the plan. Access lanes, maneuvering lanes, parking stalls, stacking lanes, loading, and unloading bays, and doors, must be designed in a manner that promotes the general safety, convenience, and interaction of both vehicles and pedestrians. The relationship to and the impacts upon adjacent properties must also be considered.

E. *Sidewalks, Pedestrian, and Bicycle Circulation.*

1. The arrangement of public or common ways for vehicular and pedestrian circulation must be connected to existing or planned streets and sidewalks or pedestrian or bicycle pathways in the area.
2. A pedestrian circulation system must be separated from vehicular circulation systems.
3. To ensure public safety, special pedestrian measures, such as crosswalks and crossing signals, and other such facilities may be required in the vicinity of primary and secondary schools, playgrounds, local shopping areas, restaurants, and other high-traffic areas of pedestrians or bicycles.

F. *Relationship to Surrounding Parcels.* All site development features must be arranged to minimize the potential for negatively impacting surrounding parcels. In making this determination, the Planning Commission must review the plan for negative conditions, such as, but not limited to:

1. Channeling excessive traffic onto local residential streets.
2. The lack of adequate screening of parking, maneuvering, or service areas.
3. Excessive visual pollution from lighting and debris.
4. Impediments to the access of emergency vehicles.

- G. **Emergency Vehicle Access.** All buildings or groups of buildings must be arranged to permit necessary emergency vehicle access as required by the Public Safety Department.

- H. **Stormwater and Green Infrastructure.** All buildings, driveways, parking lots, and site improvements must be designed to be compatible with all natural features on-site. The site's buildings and improvements must not encroach into the physical characteristics of the site.

- I. **Adequacy of Infrastructure.** The Planning Commission must consider the City Engineer's evaluation of the adequacy of public or private utilities proposed to serve the site, including water, sanitary sewers, and stormwater retention.

SECTION 15.06 DATA REQUIRED FOR PRELIMINARY AND FINAL SITE PLANS

Plan Data	Preliminary Site Plan	Final Site Plan
A. Application Form		
Name, address, email address, and telephone number of the applicant and parcel owner	X	X
Address and common description of the parcel and complete legal description and Parcel #	X	X
Dimensions of land and total acreage	X	X
Zoning on the site and all adjacent properties	X	X
Description of proposed project or use, type of building or structures, and name of proposed development, if applicable	X	X
Name and address of firm or design team who prepared the site plan	X	X
Proof of parcel ownership	X	X
B. Site Plan - General		
One electronic copy and the number of hard copies specified by the Community Development Department.	X	X
Engineering scale 1" = 10-ft, 20-ft, or 30-ft	X	X

Site Plan Review Procedures and Requirements

Plan Data	Preliminary Site Plan	Final Site Plan
[Overall plan, if necessary, at 1" = 50-ft or 100-ft]		
North arrow, date, and revision date(s)	X	X
Sealed by a Registered engineer, architect, or planner	X	X
C. Site and Zoning Data		
Existing lot lines, building lines, structures, parking areas, and other improvements on the site and within 100 feet of the site	X	X
Proposed lot lines, lot dimensions, parcel lines, setback dimensions, structures, and other improvements to the site and within 100 feet of the site	X	X
All existing and proposed easements, including type	X	X
Zoning district of site and all adjacent properties	X	X
Land use of site and all adjacent properties	X	X
Narrative describing the proposed project and land use	X	X
Gross and net lot area in acres and square feet, net lot area excluding all existing street rights-of-way as well as that in proposed rights-of-way, required access easements and portions covered by wetlands, bodies of water, and 90% of the area of all existing drainage easements	X	X
Ground floor and total floor area to be constructed	X	X
Lot coverage (ground floor area divided by net lot area)	X	
Impervious surface (total impervious area and percentage of impervious area to total net lot area)		X
Floor area ratio (total floor area divided by net lot area)	X	X
Number and type of dwelling units and density for residential properties	X	X
Building height, in feet and number of floors	X	X
Required yards	X	X
D. Existing Features		
Location, sizes, types, and condition of existing trees 6 inches DBH, heritage trees	X	X

Site Plan Review Procedures and Requirements

Plan Data	Preliminary Site Plan	Final Site Plan
Topography on the site and within 100 feet of the site a 1-foot contour intervals, referenced to a USGS benchmark	X	X
Existing utilities (location, size, and invert elevations of sewer, manholes, location of hydrants, gate valves, and water main)	X	X
Location of any existing drainage courses, floodplains, lakes and streams, and wetlands with elevations	X	X
Wetlands delineated both in the field and on the plan. The existing area must be shown for each wetland. All impacted areas and mitigation areas must be shown with calculations provided.	X	X
Soils information, location, and extent of soils that are unbuildable in their natural state because of organic content or water table level, based on the Oakland County Soil Survey or equivalent information	X	X
Groundwater information on the site, with supporting evidence, including but not limited to site-specific soils information	X	X
E. Access and circulation		
Dimensions, curve radii, and center lines of existing and proposed access points, streets, and street rights-of-way or access easements		X
Driveways and intersections within 250 feet of the site	X	X
Location of proposed streets, driveways, parking lots, sidewalks, and nonmotorized pathways	X	X
Cross-Section details of proposed streets, driveways, parking lots, sidewalks, and nonmotorized paths illustrating materials and thickness		X
Dimensions of acceleration, deceleration, and passing lanes		X
Calculations for required number of parking and loading spaces, location, and layout	X	X
Dimensions of parking spaces, islands, circulation aisles, and loading zones	X	X
Fire protection plan	X	X

Site Plan Review Procedures and Requirements

Plan Data	Preliminary Site Plan	Final Site Plan
Traffic regulatory signs and pavement markings		X
F. Information Concerning Utilities, Drainage, and Related Issues		
Proposed layout of utilities (water main, sanitary, and storm sewer)	X	X
Proposed location of the FDC, if necessary	X	X
Proposed sizes, lengths, invert elevations, and material types of utilities Proposed diameters of structures, rim elevations, casting types, and materials. Profiles of public water main and sanitary sewer. Profiles of storm sewer		X
Site grading and drainage patterns	X	X
Stormwater narrative and intent	X	X
Existing/proposed percentages of impervious surface	X	X
Stormwater treatment and retention/detention calculations. Retention/detention calculations to meet the requirements of the authority having jurisdiction over the proposed storm water outlet (i.e. Oakland County or Michigan Department of Transportation)	X	X
Location and method of stormwater treatment and retention/detention	X	X
Retention/detention basins: indicate side slopes, design depths, contours, volume, and outlet design. Underground detention: indicate footprint, pipe / vault sizing, volume, material, and manufacturer (if applicable) If infiltration is proposed, Applicant to provide soil boring/infiltration tests meeting the requirements of Oakland County For Preliminary Site Plan: Estimated infiltration rates based on the online USGS website is acceptable	X	X
Proposed location(s) of franchise utility lines (underground/above-ground)		X
Soil Erosion and Sedimentation Control Plan		X

Site Plan Review Procedures and Requirements

Plan Data	Preliminary Site Plan	Final Site Plan
Proposed layout of utilities (water main, sanitary, and storm sewer)	X	X
G. Landscape Plans		
Landscaping Plan. Refer to the landscaping requirements in Article 12 , Landscaping	X	X
Existing live plant material to remain	X	X
Planting list for proposed landscape materials, with caliper size or height of material, root ball type, method of installation (planting/staking details), botanical and common names, spacing, and quantity	X	X
Irrigation system plan for landscape areas, if applicable		X
Sections, elevations, plans, and details of landscape elements, such as berms and rain gardens	X	X
Proposed means of protecting existing plant material during construction		X
Landscape maintenance schedule		X
H. Building, Structure, and Miscellaneous Site Information		
Building floor plans and total floor area	X	X
Building facade elevations for all sides, drawn at an appropriate scale (indicating height, windows percentage, etc.)	X	X
Description of exterior building materials and colors (samples may be required)	X	X
Location, size, height, and lighting of all proposed site and wall signs	X	X
Details on accessory structures and any screening	X	X
Location of exterior lighting (site and building lighting)	X	X
Lighting details, including size, height, type of lamp, method of shielding, type of lens, color temperature, and depiction of lighting pattern for all site and building lighting	X	X

Plan Data	Preliminary Site Plan	Final Site Plan
Lighting photometric grid overlaid on proposed site plan showing light intensity (in footcandles) on site and 10 feet beyond parcel lines	X	X
Location of any outdoor sales or display area	X	X
Assessments of potential impacts from the use, processing, or movement of hazardous materials or chemicals that will be used on-site, if applicable	X	X
I. Additional Information Required for Multiple-Family Residential Development		
The number and location of each type of residential unit (one-bedroom units, two-bedroom units, etc.)	X	X
Density calculations by type of residential unit (dwelling units per acre)	X	X
Garage locations and details, if proposed	X	X
Mailbox clusters, if applicable	X	X
Location, dimensions, floor plans, and elevations of common building(s) (e.g., recreation, laundry, etc.), if applicable	X	X
Swimming pool fencing detail, including height and type of fence, if applicable	X	X
Location and size of recreation and open space areas	X	X
Indication of type of recreation facilities proposed for recreation area	X	X
J. Additional Study (as required by the Community Developer Director)		
Traffic study	X	X
Environmental assessment		X
Noise study	X	X
Additional study as required by the Community Development Director	X	X

SECTION 15.07 AMENDMENTS

An applicant for site plan approval may wish to amend a previously approved site plan. A site plan outlining the differences between the original approved site plan

and the requested changes must be submitted to the Community Development Department. If the revised site plan is denied, the applicant may develop the site plan as originally approved or appeal the matter as outlined below.

If a change is deemed to be minor in scope or intensity, the revised site plan may be approved administratively. Such minor revisions include:

1. Additions or alterations to the landscape plan or landscape materials.
2. Relocation or additional screening of trash enclosure.
3. Alterations to the internal parking layout of the off-street parking lot, restriping, etc.

Any major revisions to the site plan, as determined by the Zoning Administrator or Community Development Director, must be subject to review and approval by the Planning Commission.

SECTION 15.08 EXTENSION, REVOCATION, AND ABANDONMENT OF SITE PLAN APPROVAL

- A. ***Extension.*** Final site plan approval is valid for a period of two years from the date of final action by the Planning Commission, or Community Development Director or their designee if approved administratively, within which time all necessary building or construction permits must be secured, and substantial construction begun. No single extension will be granted for a period of more than one year, and multiple extensions are allowed. All requests for extensions must be made in writing and include a statement of why the extension is necessary, and confirmation of the ability to complete construction in conformity with the final site plan as approved.
- B. ***Revocation.*** The Planning Commission may, upon review, revoke approval of a site plan if the Commission determines that any information on the approved site plan is in error. Upon revocation, work on the affected part of the development, or on the entire development, as determined by the Planning Commission, must cease. The Planning Commission may direct the Zoning Administrator to issue a stop-work order to enforce its determination. Upon revocation, the Planning Commission may require the applicant to amend the site plan in a manner appropriate to reflect the

corrected information. Any work so suspended must not be resumed until an amended site plan is approved by the Planning Commission.

C. ***Abandonment.***

1. ***Abandonment of preliminary site plan.*** An approved preliminary site plan for which a final site plan has not been submitted and an extension has not been requested as described in Section 15.08.A of this Ordinance within two years from the date of preliminary site plan approval must be considered abandoned.
2. ***Abandonment of final site plan.*** An approved final site plan, upon which construction does not commence and an extension of approval has not been requested as per [Section 15.08.A](#) within a two-year period from the date of a final site plan approval, must be considered abandoned.

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ARTICLE 16

NONCONFORMING LOTS, USES, AND STRUCTURES

SECTION 16.01 PURPOSE AND INTENT

- A. It is the purpose of this Article to provide regulations governing lots, buildings, structures, and uses which were lawful prior to the enactment of this Ordinance, or amendments thereto, but which are regulated under the provisions of this Ordinance.
- B. It is recognized that there exists within the districts established by this Ordinance and subsequent amendments, lots, structures, and uses of land and structures that were lawful before this Article was passed or amended which would be prohibited, regulated, or restricted under the terms of this Ordinance or future amendments. Such uses are declared by this Ordinance to be incompatible with permitted uses in the districts involved. It is further the intent of this Article that nonconformities must not be enlarged upon, expanded, or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same zoning district.
- C. The standards of this Article are intended to accomplish the following:
 - 1. Eliminate nonconforming uses which are incompatible with permitted uses.
 - 2. Permit legal nonconforming buildings, structures, or uses to remain until they are discontinued, destroyed, or damaged to the extent where repair is not permitted, or removed.
 - 3. Encourage investment in the City by bringing nonconforming structures into compliance with this Ordinance.
 - 4. Encourage upgrading of site elements such as site landscaping, parking, paving, signage, access, pedestrian circulation, or other features of a site to comply with current Ordinance standards.
 - 5. Encourage a combination of contiguous nonconforming lots of record to create lots that conform to current standards and are compatible with other lots in the appropriate zoning district.

- D. The authorization of nonconformities that were legally established prior to the enactment or amendment of this Ordinance to continue does not apply to buildings, structures, or uses that were not legally established prior to the enactment or amendment of this Ordinance. Those nonconforming uses or nonconforming structures that have not been legally established are declared illegal and must be discontinued immediately upon the effective date of this Ordinance.

SECTION 16.02 GENERAL REQUIREMENTS: USES AND STRUCTURES

- A. Nonconformities that substantially and adversely affect the orderly development and market value of other parcels in the district must not be permitted to continue.
- B. If a nonconforming structure or a structure containing a nonconforming use becomes physically unsafe or unlawful due to lack of repair and maintenance and is declared to be unsafe by the City and unlawful by reason of physical condition, it must not be restored, repaired, or rebuilt except in conformity with the regulations of the applicable zoning district.
- C. The City Council may acquire by purchase or condemnation private parcels to remove nonconforming structures or uses. The elimination of such nonconformity must be declared to be for public purposes and public use. The acquired parcels must not be used for public housing. The City Council may institute and prosecute proceedings for the condemnation of nonconformities under the power of eminent domain in accordance with the provisions of the City Charter or in accordance with Michigan Act No. 149 of the Public Act of 1911, as amended, Article X, Section 2 of the Michigan Constitution of 1963 as amended, or any other applicable statutes.
- D. If a building permit has been obtained and work has commenced and carried on continuously prior to the adoption of this Chapter, then the adoption of this Chapter must not limit the construction of the building.
- E. When a building or portion thereof is moved from one district to another, or to another location within the same zoning district, it must be made to conform to all the regulations of said district.
- F. No nonconformity is permitted to continue if it was unlawful at the time it was established.

SECTION 16.03 REQUIREMENTS FOR NONCONFORMING USES

- A. A nonconforming use may be continued and maintained provided there is no increase or enlargement of the area occupied by or devoted to such use. A nonconforming use must not be added to or enlarged unless said use is made to conform to all regulations of the zoning district.
- B. There may be a change of tenancy, ownership, or management of an existing nonconforming use provided there is no change in the nature of the nonconforming use.
- C. Once a nonconforming use has stopped and the buildings or structures that house the nonconforming use remain vacant for two years, it must constitute a rebuttable presumption that the use has been abandoned, and any subsequent use of the parcels must be conforming.

SECTION 16.04 REQUIREMENTS FOR NONCONFORMING STRUCTURES

- A. A nonconforming building must be well maintained. Maintenance includes necessary repairs and incidental alterations. Alterations must not aggravate the nonconforming characteristic.
- B. A building may be added to or enlarged if such addition conforms to the regulations of the applicable zoning district. Such addition or enlargement shall be treated as a separate building in determining conformity to all the requirements of this Chapter.
- C. If a nonconforming building is damaged or partially destroyed by less than fifty percent of its market valuation (exclusive of foundations) as determined by a licensed assessor or appraiser, then the building may be restored, and its previous occupancy or use continued. If a nonconforming building is damaged or partially destroyed by fifty percent or more of its market valuation (exclusive of foundations), then any restoration or new construction must comply with all current building and zoning codes.

SECTION 16.05 REQUIREMENTS FOR NONCONFORMING LOTS

- A. Previously lawful lots of record that could no longer be created under this Ordinance or an amendment to this Ordinance, also referred to as legally

nonconforming lots, may not be divided, sold, or modified in a manner that increases any nonconformity, except as allowed in this Section.

- B. Lot area requirements do not apply to lots existing prior to the adoption of the Ordinance from which this Chapter is derived; all other regulations apply.
- C. A lot described above, may continue, subject to the standards outlined below:
 - 1. Legally nonconforming lots may be used for a permitted or special land use for the zoning district in which it is located, even if the lot area, lot width, and frontage standards are not met.
 - 2. Two or more lots of record on the effective date of this Ordinance or an amendment to this Ordinance with continuous frontage that are under single ownership or control are considered a single lot for the purposes of this Ordinance if any individual lot or lots do not meet the standards of this Ordinance, including, but not limited to, lot area, lot width, frontage, setbacks, and coverages.

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ARTICLE 17

ZONING BOARD OF APPEALS

SECTION 17.01 ESTABLISHMENT

A Zoning Board of Appeals has been established, which must perform its duties and exercise its powers as provided in this Article and by Public Act No. 110 of 2006 (MCL 125.3101 et seq.), as amended.

SECTION 17.02 MEMBERSHIP

- A. The Zoning Board of Appeals must consist of seven members appointed by the City Council as follows:
 - 1. The members of the Board of Appeals must be selected from the electors of the City. The members selected must be representative of the population distribution and the various interests present in the City.
 - 2. Each member of the Board of Appeals is to be appointed for a term of three years.
- B. The City Council may appoint two alternate members for the same term as regular members to the Zoning Board of Appeals. The alternate member may be called as specified in the Zoning Ordinance to sit as a regular member of the Zoning Board of Appeals in the absence of a regular member if a regular member is absent from or unable to attend one or more consecutive meetings of the Zoning Board of Appeals. An alternate member may also be called to serve in the place of a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. The alternate member, having been appointed, must serve in the case until a final decision has been made. The alternate member must have the same voting rights as a regular member of the Zoning Board of Appeals.
- C. Members of the Zoning Board of Appeals receive no compensation.

- D. Members of the Zoning Board of Appeals are subject to the minimum standards of ethical conduct for all City Officers in Section 2-40. Ethics of the City Code.
- E. A member must disqualify themselves from a vote in which they have a conflict of interest. Failure of a member to disqualify themselves from a vote in which they have a conflict of interest constitutes misconduct in office.
- F. Members of the Zoning Board of Appeals may be removable by the City Council for nonperformance of duty, misconduct in office, misfeasance, malfeasance, or nonfeasance of office upon written charges and after a public hearing, as set forth in Section 2-177.

SECTION 17.03 RULES GOVERNING THE BOARD OF APPEALS

- A. **Rules.** The Zoning Board of Appeals must adopt Rules of Procedure to govern its procedures. The Zoning Board of Appeals must elect a Chairperson and Vice-Chairperson from its membership in accordance with adopted rules of procedure.
- B. **Votes.** A concurring vote of a majority, i.e., at least four of the members of the Zoning Board of Appeals, no matter the number of members in attendance, is necessary for any decision related to administrative review, interpretation, and dimensional variances. A concurring vote of two-thirds of the members of the Zoning Board of Appeals is necessary for any decision related to a use variance.
- C. **Representation.** Any applicant may appear on their own behalf at a hearing or may be represented by an agent or attorney.
- D. **Time Limit.** The Zoning Board of Appeals must hear and decide upon all matters properly before it within ninety days of the public hearing. The decision of the Zoning Board of Appeals must be in the form of a motion containing a full record of its findings and determinations in each case. The time limit may be extended by written agreement between the applicant and the Zoning Board of Appeals.
- E. **Meetings and Record of Proceedings.** Meetings of the Zoning Board of Appeals must be held at the call of the Chairperson and at such times as the Board in its rules and regulations might specify. The Zoning Board of

Appeals may not conduct business unless a majority of the members of the Board are present. The Board must maintain a record of its proceedings and all its official actions. The vote of each member upon a question, or a member's absence or abstention, must be recorded into the minutes of the meeting. A copy of the minutes of all meetings must be filed with the City Clerk showing the date, time, place, members present, members absent, any decisions made, and all roll call votes taken at the meeting.

- F. ***Public Hearing and Notification.*** The Zoning Board of Appeals must hold a public hearing on all appeals, interpretations, and variance requests. Public hearing and notification requirements are set forth in [Section 3.09](#).

SECTION 17.04 POWERS AND DUTIES OF ZONING BOARD OF APPEALS

- A. ***General.*** The Zoning Board of Appeals has the power to act on matters as provided in this Article and Act 110, of the Public Acts of 2006, as amended (MCL 125.3601 et. seq.). The specific powers of the Board are enumerated in the following Sections of this Article.
- B. ***Delegated Duties.*** The Zoning Board of Appeals must hear and decide upon the following:
1. Appeals of administrative decisions.
 2. Requests for interpretation of the Zoning Ordinance or Zoning Map.
 3. Requests for interpretation of whether a mural contains a commercial message.
 4. Requests for dimensional or use variances.
 5. All matters upon which it is required to pass under this Article.
- C. ***Appeals of Administrative Decisions.*** The Zoning Board of Appeals must hear and decide appeals where it is alleged there is an error of law in any order, requirement, decision, or determination made by an administrative official or body in the enforcement of this Article.
1. Appeals must be filed in writing within thirty days of the written decision in question with the Zoning Administrator. The appellant must have a property interest and stand to be recognized under the law to challenge the decision. The appellant must submit a clear

description of the order, requirement, decision, or determination for which the appeal is made and the grounds of the appeal. The appellant may be required by the Zoning Board of Appeals to submit additional information to clarify the appeal.

2. Appeals may be taken by the person aggrieved or by any officer, department, board, agency, or bureau of the City or State governments. In addition, a variance in the Zoning Ordinance may be applied for and granted under Section 4 of the Uniform Condemnation Procedures Act, 1980 PA 87, MCL 213.54.
3. An appeal stays all proceedings in the furtherance of the action appealed from, unless the Zoning Administrator certifies to the Zoning Board of Appeals that a stay would cause imminent peril to life or property. In such a case, proceedings must not be stayed other than by a restraining order which may be granted by the Zoning Board of Appeals or by a court of record on application, on notice to the Zoning Administrator from whom the appeal is taken, and on due cause shown.
4. An administrative decision may be reversed, in whole or in part, or may be modified. To that end, the Zoning Board of Appeals must have all the powers of the Zoning Administrator from whom the appeal is taken. In reaching its decision, the Zoning Board of Appeals must only modify or reverse an administrative decision being appealed if one or more of the following requirements are met:
 - a. The administrative decision was arbitrary or capricious.
 - b. The administrative decision was based on an erroneous finding of material fact.
 - c. The administrative decision constituted an abuse of discretion.
 - d. The administrative decision was based on an erroneous interpretation of the Zoning Ordinance or zoning law.

D. Interpretation.

1. The Zoning Board of Appeals must hear and decide requests for interpretation of the Zoning Ordinance or the Zoning Map, taking into consideration the intent and purpose of the Zoning Ordinance and the Master Plan. In an interpretation of the Zoning Map, the Zoning Board

of Appeals is governed by the Rules of Interpretation set forth in [Section 4.03](#), Interpretation of District Boundaries. The Zoning Board of Appeals does not have the power to alter or change zoning district boundaries, except where uncertainty exists as to the location of a boundary, land use classifications of any property, or Zoning Ordinance text.

2. A record must be kept by the Zoning Administrator of all decisions for interpretation of the Zoning Ordinance or Zoning Map. The Zoning Board of Appeals may request the Planning Commission to initiate an ordinance amendment that would correct or clarify the Ordinance.

E. Dimensional and Other Non-Use Variances.

1. Where literal enforcement of the provisions of the Zoning Ordinance would involve practical difficulties within the meaning of this Article, the Zoning Board of Appeals has the power to authorize such variation of the provisions of this Article with such conditions and safeguards as it may determine as may be in harmony with the spirit of this Article and so that public safety and welfare are secured, and substantial justice is done.
2. Dimensional or other non-use variances must not be granted by the Zoning Board of Appeals unless it can be determined that all of the following facts and conditions exist:
 - a. The need for the variance is due to unique circumstances or physical conditions of the property.
 - b. The need for the variance is not the result of actions of the property owner or previous property owners.
 - c. Strict compliance with the ordinance will unreasonably prevent the property owner from using the property for a permitted purpose or will render conformity with those regulations unnecessarily burdensome.
 - d. The requested variance is the minimum variance necessary to do substantial justice to the applicant as well as other property owners.
 - e. The requested variance will not adversely impact the surrounding properties.

F. Use Variances.

1. Where literal enforcement of the provisions of the Zoning Ordinance would involve undue hardship within the meaning of this Article, the Zoning Board of Appeals has the power to authorize such variation of the provisions of this Article with such conditions and safeguards as it may determine as may be in harmony with the spirit of this Article and so that public safety and welfare are secured, and substantial justice is done.
2. Use variances must not be granted by the Zoning Board of Appeals unless it can be determined that all of the following facts and conditions exist:
 - a. The building or land cannot be reasonably used for any of the uses permitted by right or by special use permit in the current zoning district.
 - b. The need for a variance is due to unique circumstances or physical conditions of the property.
 - c. The proposed use will not alter the essential character of the neighborhood.
 - d. The need for the variance is not the result of the actions of the property owner or previous property owners.

SECTION 17.05 RULES AND PROCEDURES FOR VARIANCES

A. General.

1. An application for a variance must be filed by the record owner of the lot in question, or by an agent authorized in writing to act on the record owner's behalf, with the Zoning Administrator.
2. The application must be accompanied by an electronic copy and the number of hard copies specified by the Community Development Department of a site plan placed on an eleven by seventeen-inch standard sheet, and must contain the following information unless otherwise waived by the Zoning Administrator:
 - a. Dimensional elements for which a variance is requested.

- b. Dimensional relationships of the subject lot to the structures located on all adjacent properties.
3. The application must be accompanied by an affidavit executed by the applicant explaining how the application meets the standards in [Section 17.04.E](#) for dimensional and non-use variances or [Section 17.04.F](#) for use variances.:
4. After a public hearing and upon findings of fact based upon the applicable standards set forth in this Article, the Zoning Board of Appeals may approve the variance(s) as requested, approve variance(s) that better comply with the Ordinance than that requested, or deny the request.
5. The Zoning Board of Appeals may impose conditions with an affirmative decision. The conditions may include those necessary to promote the public health, safety, and welfare, ensure compatibility with surrounding land uses, and protect and preserve natural features. Any conditions imposed by the Zoning Board of Appeals must be related to the advance of a legitimate government interest and purpose which are affected by the proposed use or activity.
6. A variance runs with the property and any subsequent owners may legally continue the variance under its original or amended terms.
7. An application for a variance that has been denied wholly or in part by the Zoning Board of Appeals must not be resubmitted for a period of twelve months from the date of denial, except on grounds of new evidence not previously discovered at the time the variance was denied, a reduction in the requested variance from the applicant, or changed conditions found by the Zoning Board of Appeals to be valid.

B. Decision of the Zoning Board of Appeals.

1. The Zoning Board of Appeals may deem it appropriate in any given case to provide an opportunity for anyone presenting testimony or evidence to submit proposed findings of fact and conclusions.
2. At the conclusion of the hearing, the Zoning Board of Appeals may make its decision at that meeting, or it may postpone the hearing to a new date for the purpose of reviewing the testimony and evidence, and reviewing proposed findings and conclusions submitted by

hearing participants, in preparation for making its decision. The Zoning Board of Appeals may also request the Zoning Administrator to prepare findings and conclusions.

3. If the Zoning Board of Appeals determines to grant variance relief, it must be the minimum relief required to allow reasonable use of the property, while maintaining the essential character of the area. Such relief may be in the form of one or more non-use variances or in the form of a use variance. The motion may include conditions that are authorized by law.

SECTION 17.06 ZONING BOARD OF APPEALS APPROVAL

The Zoning Board of Appeals may require the applicant to submit all necessary surveys, plans, or other information necessary for the Zoning Board of Appeals to investigate thoroughly the matter before it. The Zoning Board of Appeals may impose such conditions or limitations in granting a variance as it may deem necessary to comply with the spirit and purposes of this Article.

SECTION 17.07 APPROVAL PERIODS

- A. No order of the Zoning Board of Appeals permitting the erection or alteration of a building is valid for a period longer than twelve months from the day the Zoning Board of Appeals passes the motion of approval, unless a building permit for such erection or alteration is obtained within such period, and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.
- B. No order of the Zoning Board of Appeals permitting a use of a building or premises is valid for a period longer than twelve months from the day the Zoning Board of Appeals passes the motion of approval, unless such use is established within such period; provided, however, that such order must continue in force and effect if a building permit for said erection or alteration is obtained within such period, and such erection or alteration is started and proceeds to completion in accordance with such permit.
- C. In all cases where site plan approval is required in accordance with [Article 14](#), any variance is valid for a period of two years from the date of final site

plan approval subject to the requirements set forth in Section 17.07, subsection A and B.

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ARTICLE 18

REZONING AND ZONING ORDINANCE TEXT AMENDMENTS

SECTION 18.01 INITIATION OF ZONING ORDINANCE MAP AND TEXT AMENDMENTS

An amendment to the zoning district boundaries contained on the Official Zoning Map (rezoning), the Street Type for a property in a site design-based zoning district, and the text of this ordinance may be initiated by the City Council, the Planning Commission, or by a parcel owner or a person acting on behalf of a parcel owner. An amendment to the text of this ordinance may also be initiated by a protest petition in compliance with Section 125.3403 of the Michigan Zoning Enabling Act.

SECTION 18.02 ZONING ORDINANCE TEXT AND MAP AMENDMENT APPLICATION PROCEDURE

- A. ***Application Information for Amendments.*** An amendment to the official Zoning Map, the Street Type for a property in a site design based zoning district in [Article 6](#), or this Zoning Ordinance, except those initiated by the City Council or Planning Commission, must be initiated by submission of a complete application on a form supplied by the City, including an application fee, which must be established from time to time by resolution of the City Council. Said application must explicitly describe the proposed amendment and must be signed by the applicant.
- B. ***Application Information for Zoning Map or Street Type Amendment.*** In the case of an application for an amendment to the Official Zoning Map (rezoning) or the Street Type for a property in a site design-based zoning district, the following information must accompany the application:
 - 1. Information to indicate the dimensions, location, and size of the subject parcel such as a sketch plan, parcel identification number, a legal description, street address of the subject parcel, a map identifying the subject parcel in relation to surrounding properties, or other information required by the Planning Commission.

2. The name, signature, and address of the owner of the subject parcel, a statement of the applicant's interest in the subject parcel if not the owner in fee simple title, and proof of consent from the parcel owner.
3. For an amendment to the Official Zoning Map (rezoning), the following must be included in the application:
 - a. The existing and proposed zoning district designation of the subject parcel; and
 - b. A written description of how the requested rezoning meets [Sec. 18.04](#) Criteria for Amendment of the Official Zoning Map (Rezoning).
4. For an amendment to the Street Type for a property in a site design-based zoning district, the following must be included in the application:
 - a. The existing and proposed street type designation; and
 - b. A written description of how the requested rezoning meets [Sec. 18.06](#) Criteria for Amendment of Street Type.

SECTION 18.03 REZONING AND ZONING ORDINANCE AMENDMENT PROCESS

- A. ***Public Hearing.*** Upon initiation of a rezoning, Zoning Ordinance text amendment, Street Type amendment, or Master Plan amendment, a public hearing on the proposed amendment must be scheduled before the Planning Commission. Notice of the hearing must be given in accordance with the provisions of [Section 3.09](#), Public Notice Requirements.
- B. ***Planning Commission Review and Recommendation.*** Following the public hearing, the Planning Commission must identify and evaluate all factors relevant to the petition and report its findings and recommendations to the City Council. In the case of an amendment to the official Zoning Map (Rezoning), the Planning Commission must consider the criteria contained in [Sec. 18.04](#) Criteria for Amendment of the Official Zoning Map (Rezoning), below, in making its findings and recommendation. In the case of an amendment to a Street Type, as defined in [Article 6](#), the Planning Commission must consider the criteria contained in [Sec. 18.06](#) Criteria for

Amendment of a Street Type below in making its findings and recommendation.

- C. ***City Council Review and Action.*** Following receipt of the findings and recommendation of the Planning Commission, the City Council must consider the proposed Zoning Ordinance Map, Street Type, or text amendment. In the case of an amendment to the text of this Zoning Ordinance, the City Council may modify or revise the proposed amendment as recommended by the Planning Commission. In the case of an amendment to the Official Zoning Map (rezoning) or a Street Type, the City Council must approve or deny the amendment, which must be based on consideration of the criteria contained in [Sec. 18.04](#) Criteria for Amendment of the Official Zoning Map (Rezoning), or in [Sec. 18.06](#) Criteria for Amendment of Street Type, respectively. Ordinances are enacted per the procedure described in Section 6.2 of the Charter of the City of Berkley.
- D. ***Notice of Adoption.*** Following the adoption of a zoning text, Street Type, or Official Zoning Map amendment by the City Council, a notice will be published in accordance with the Michigan Zoning Enabling Act, Act 110 of the Public Acts of 2006, MCL 125.3101 *et seq.*, as amended.
- E. ***Resubmittal.*** No petition for a Zoning Ordinance text, Street Type, or Official Zoning Map amendment that has been denied by the City Council can be resubmitted for a period of one year from the date of denial, except on the grounds of new evidence or proof of changed conditions.

SECTION 18.04 CRITERIA FOR AMENDMENT OF THE OFFICIAL ZONING MAP (REZONING)

In considering any petition for an amendment to the Official Zoning Map (rezoning), the Planning Commission and the City Council must consider the following criteria in making its findings, recommendations, and decision:

- A. Consistency with the goals, policies, and City of Berkley Master Plan, all applicable subarea and corridor studies, including the Downtown Master Plan. If conditions have changed since the Master Plan was adopted, consistency with recent development trends in the area must be considered.

- B. Compatibility of the site's physical, geological, hydrological, and other environmental features with the potential uses allowed in the proposed zoning district.
- C. The compatibility of all the potential uses allowed in the proposed zoning district with 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. The capacity of City infrastructure and services to accommodate the uses permitted in the requested district and the City.
- E. The 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.

SECTION 18.05 CRITERIA FOR AMENDMENT OF THE OFFICIAL ZONING ORDINANCE TEXT

The Planning Commission and City Council must, at minimum, consider the following before taking action on any proposed amendment:

- A. Compatibility with the basic intent and purpose of the Zoning Ordinance.
- B. Consistency with the goals and objectives of the City's Master Plan and applicable sub-area or corridor studies, including the Downtown Master Plan.
- C. The requested amendment will correct an error in the current Zoning Ordinance.
- D. There is documentation from City staff, the Planning Commission, or the Zoning Board of Appeals indicating problems and conflicts in the implementation or interpretation of specific Sections of the Ordinance.
- E. The requested amendment will address changes in state legislation, other City ordinances, or federal regulations.

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SECTION 18.06 CRITERIA FOR AMENDMENT OF A STREET TYPE

In considering any petition for an amendment to a Street Type change, the Planning Commission and the City Council must consider the following criteria in making its findings, recommendations, and decision:

- A. Consistency with the Master Plan, any applicable subarea or corridor studies, including the Downtown Master Plan. If conditions have changed since the Master Plan was adopted, the Street Type change is consistent with recent development trends in the area.
- B. Compatibility with the site's physical, geological, hydrological, and other environmental features with the potential uses allowed on the proposed property and surrounding property.
- C. Consistency with the size, scale, and character desired within the zoning district.
- D. The property can accommodate the requirements of the proposed Street Type change.
- E. Compatibility with surrounding uses, buildings, and zoning in terms of land suitability, impacts on the environment, impacts on the transportation network, density, nature of use, aesthetics, infrastructure, and potential influence on property values.
- F. The capacity of City infrastructure and services to accommodate the Street Type change on the property in question without compromising the health, safety, sustainability, and welfare of the City.
- G. The Street Type change will not be detrimental to the financial stability and economic welfare of the City.
- H. The Street Type change will not negatively impact the condition of any nearby parcels considering existing vacancy rates, current per-square-foot lease or sale rates, and other impacts.
- I. Consistency with the trend of development in the neighborhood or surrounding area.

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SECTION 18.07 CONDITIONAL REZONING OF LAND

As an alternative to a map amendment, the City may allow conditional rezoning to help ensure the proper use of land and natural resources and to allow for a more flexible approach to the rezoning process in accordance with Public Act No. 110 of Public Acts of Michigan of 2006, as amended. It is recognized that, in certain instances, it would be an advantage to both the City and petitioners seeking rezoning of land if a site plan, along with conditions and limitations that may be relied upon by the City, could be proposed as part of a petition for rezoning. Conditional rezoning of land must follow the standards and procedures as noted below.

- A. The amendment procedure for a conditional rezoning must follow the same procedure as a traditional rezoning amendment pursuant to [Section 18.03](#) above.
- B. In addition to the procedures as noted in [Sections 18.04](#) and [18.05](#), the following specific procedures, standards, and requirements apply to all proposed conditional rezoning requests.
 - 1. A conditional rezoning request must be voluntarily offered by an owner of land within the City. All offers must be made in writing and must provide the specific conditions to be considered by the City as a part of the rezoning request. All offers must be in the form of a written agreement approvable by the City Council and parcel owner, incorporating the conditional rezoning site plan and setting forth any conditions and terms mutually agreed upon by the parties relative to the land for which the conditional rezoning is sought.
 - 2. Conditional rezoning must not allow a use or activity that would not otherwise be allowed in the proposed zoning district.
 - 3. Conditional rezoning must not alter any of the various zoning requirements for the use(s) in question, i.e., parking, landscaping, lot area, lot width, building height, setbacks, lot area coverage, etc. Conditional rezoning must not grant zoning variances of any kind. Any zoning variance must follow the provisions of [Article 9](#), General Provisions.
 - 4. Conditional rezoning must not grant special land use approval. The process for review and approval of special land uses must follow the provisions of [Article 10](#), Special Land Uses

5. All conditions offered by a landowner in relation to a rezoning request must have a direct relationship to the rezoning itself. The provisions to allow conditional rezoning must not be construed to allow rezoning by exaction.
6. In addition to the informational requirements provided for in [Section 18.02](#) of this ordinance, the applicant must provide a conditional rezoning site plan prepared by a licensed professional allowed to prepare such plans under this Ordinance, that may show the location, size, height, or other measures of buildings, structures, improvements and features, including natural features on, and in some cases adjacent to, the parcel that is the subject of the conditional rezoning of land. The details to be offered for inclusion in the conditional rezoning site plan must be determined by the applicant, subject to the approval of the City. A conditional rezoning site plan must not replace the requirement under this Ordinance for Site Plan Review and approval, or subdivision or site condominium approval.

C. *Conditional Rezoning Agreement.* Upon approval of a conditional rezoning request, the applicant must submit a formal written statement of conditions as approved by the City Council which must be incorporated by attachment as an inseparable part of the ordinance adopted by the City Council. The statement of conditions must:

1. Be in a form recordable with the Oakland County Register of Deeds and include a statement acknowledging that it is recorded.
2. Contain a legal description and parcel number of the land to which it pertains.
3. Acknowledge that upon the rezoning taking effect, the use and development of the land must conform thereafter to all the requirements regulating use and development within the new zoning district as modified by the statement of conditions.
4. Contain a provision acknowledging that the statement of conditions runs with the land and is binding upon successor owners of the land. Any person who establishes a development or commences a use upon such land must continuously operate and maintain the development or use in compliance with the conditions set forth in the statement of conditions.

5. Incorporate by attachment or reference any diagram, plans, or other documents submitted or approved by the owner that are necessary to illustrate the implementation of the statement of conditions. If any such documents are incorporated by reference, the reference must specify where the document may be examined.
6. Specify that failure to comply with any of the conditions set forth in the statement of conditions must constitute a violation of this zoning ordinance and is punishable accordingly.
7. Contain the notarized signatures of the owners of the subject land preceded by a statement attesting to the fact that they voluntarily offer and consent to the provisions contained within the document.

D. *Time Limits and Reversion of Land to Previous District.*

1. If the proposed conditions of rezoning are acceptable to the City, the City may establish a time period during which the conditions apply to the parcel and must be met. If the conditions are not satisfied within the time specified under this Section, the parcel must revert to its former zoning classification unless an extension is granted as noted below. Reversion of a parcel back to its former classification must follow the rezoning amendment provisions as provided in [Section 18.03](#) of this Ordinance.
2. Unless a reversion of the zoning takes place as described in the Section above, the approved conditional rezoning must be binding upon the subject parcel owner, their heirs, successors, assigns, and transferees.
3. Upon approval of a conditional rezoning, a copy of the written agreement between the parcel owner and the City must be filed with the Oakland County Register of Deeds, which must act to provide notice to all subsequent owners of the parcel of the conditions approved and agreed to by the City.
4. The City may not add to or alter any conditions approved as a part of a rezoning during the time period specified above.
5. The time limits specified and approved by the City may be extended upon the application of the landowner and approval of the City.

DI. *Review Procedures.* The factors found in [Section 18.04](#) of this Ordinance must be considered in any conditional rezoning request.

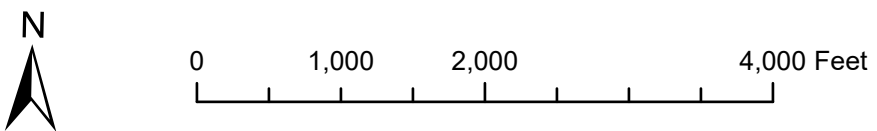
SECTION 18.08 AMENDMENTS REQUIRED TO CONFORM TO COURT DECREE

Any amendment for the purpose of conforming to a decree of a court of competent jurisdiction must be adopted by the City Council and published, without the necessity of a public hearing.

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- Conditional Rezoning
- Parking Overlay
- City Boundary
- R1A/R1B
- R1C/R1D
- R2
- RM
- RHM
- Community Centerpiece
- Downtown
- Flex
- Gateway Corridor
- Residential Corridor
- Consent Judgement
- PUD
- Woodward
- Cemetery



Draft Zoning Map

City of Berkley

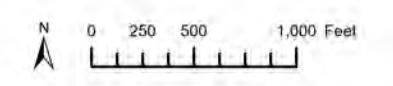
Oakland County, Michigan

Site Design Based Zoning Districts

- Downtown
- Flex
- Gateway Corridor
- Residential Corridor
- Woodward
- Parcels

Street Types

- Corridor
- Downtown A
- Residential
- Walkable Area



Street Types Map

City of Berkley
Oakland County, Michigan



THE REGULAR MEETING OF THE BERKLEY CITY PLANNING COMMISSION WAS CALLED TO ORDER AT 7:00 PM, NOVEMBER 26, 2024 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/cityofberkeley>

PRESENT: Joe Bartus Lisa Hamameh
Shiloh Dahlin
Lisa Kempner
Eric Arnsman

ABSENT: Josh Stapp, Mike Woods

ALSO PRESENT: Kristen Kapelanski, Community Development Director
Megan Masson-Minock, Carlisle Wortman Associates, Planning Consultant

Motion by Commissioner Hamameh to excuse the absences of Commissioners Stapp and Woods. Motion supported by Commissioner Dahlin.

Voice Vote to excuse the absences of Commissioners Stapp and Woods.

AYES: 5
NAYS: 0
ABSENT: Stapp, Woods

MOTION CARRIED

APPROVAL OF AGENDA

Motion by Commissioner Bartus to approve the agenda and supported by Commissioner Hamameh.

Voice vote to approve the agenda

AYES: 5
NAYS: 0
ABSENT: Stapp, Woods

MOTION CARRIED

APPROVAL OF THE MINUTES

Motion by Commissioner Bartus to approve the minutes of the October 22, 2024 regular Planning Commission meeting and supported by Commissioner Dahlin.

Voice vote to approve the meeting minutes of October 22, 2024.

AYES: 5
NAYS: 0
ABSENT: Stapp, Woods

MOTION CARRIED

COMMUNICATIONS

NONE

CITIZEN COMMENTS

NONE

OLD BUSINESS

NONE

NEW BUSINESS

1. **PUBLIC HEARING:** Consideration of an ordinance of the City of Berkley to repeal Chapter 94, Signs, repeal and replace Chapter 138, Zoning and repeal and replace the City of Berkley’s Zoning Map in order to move sign regulations to the Zoning Ordinance, match the recommendations of the Master Plan and modernize sign and zoning regulations.

Planning Consultant Masson-Minock presented the draft zoning ordinance and highlighted several items the Planning Commission should provide direction on, as outlined in the provided staff and consultant memos in the packet.

The Planning Commission asked several questions to gain further direction on what they should be focusing on.

Chair Kempner opened the public hearing at 7:25PM.

Deno Bistolarides, owner representative of the former Rite Aid property, discussed the possibility of first floor office at his location and downtown in general. He has interest in the site from a doctor’s office and he shared he has been getting a lot of interest from medical office, given the community’s proximity to Beaumont Hospital. While he can understand why offices with little foot traffic might not be as desirable, he noted that medical office brings a significant number of people to the area. Mr. Bistolarides also indicated he sent an email explaining his concerns as well and that was entered into the public record.

No one else wished to speak and there were no other written comments received. Chair Kempner closed the public hearing at 7:30PM.

The Planning Commission began by discussing the pros and cons of first floor office in the Downtown District in areas with the Downtown street type. After some discussion, they postponed a determination on this until later in the meeting.

The Planning Commission discussed setback requirements for two-family dwellings. They instructed Ms. Masson-Minock to change the two-family dwelling layouts in the Site Design Based Districts to match the two-family dwelling requirements in the R-2 District.

The Planning Commission discussed rear yard setbacks and buffers in the Site Design Based Districts. They instructed Ms. Masson-Minock to create a table for all of the layouts, with notes as to why there are differences. The table will accompany subsequent drafts for the Planning Commission and/or City Council, but not be part of the formally adopted Zoning Ordinance.

The Planning Commission discussed whether special land use approval should be required for additional building height. They instructed Ms. Masson-Minock to treat requests for additional building height as a special land use and to add standards for the decision to address the impacts of height and the proportionality of the request.

The Planning Commission discussed if standards for deviations from the design standards are strict enough. They instructed Ms. Masson-Minock to use an amended version of the current design standards for site plan review of the current Zoning Ordinance, which was included in the staff and consultant memo.

The Planning Commission returned to the discussion of first floor office in the Downtown District with street type Downtown. The Planning Commission decided to prohibit first floor office in the Downtown District with street type Downtown.

The Planning Commission asked to see a revised draft with these changes and the changes identified by staff listed in the provided staff and consultant memo.

Motion by Commissioner Dahlin and supported by Commissioner Bartus to postpone consideration of the draft Zoning Ordinance.

Roll call vote on the motion to postpone consideration of the draft Zoning Ordinance.

AYES: 5

NAYS: 0

ABSENT: Stapp, Woods

2. 2025 Meeting Schedule

Community Development Director Kapelanski introduced the 2025 meeting calendar.

Motion by Commissioner Hamameh and supported by Commissioner Dahlin to approve the 2025 meeting calendar with the December meeting to be held on December 16, 2025 instead of December 23, 2025.

Voice vote on the motion to approve the 2025 meeting calendar as amended.

AYES: 5

NAYS: 0

ABSENT: Stapp, Woods

LIAISON REPORT

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

COMMISSIONER COMMENTS

NONE

STAFF COMMENTS

NONE

ADJOURNMENT

Motion to adjourn by Commissioner Hamameh supported by Commissioner Dahlin.

Voice vote for adjournment

AYES: 5
NAYS: 0
ABSENT: Stapp, Woods

With no further business, the meeting was adjourned at 9:03 p.m.

THE REGULAR MEETING OF THE BERKLEY CITY PLANNING COMMISSION WAS CALLED TO ORDER AT 7:00 PM, JANUARY 28, 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: Josh Stapp Mike Woods
Shiloh Dahlin
Lisa Kempner
Eric Arnsman

ABSENT: Lisa Hamameh, Joe Bartus

ALSO PRESENT: Kristen Kapelanski, Community Development Director
Megan Masson-Minock, Planning Consultant

Motion by Commissioner Stapp to excuse the absences of Commissioner Hamameh and Commissioner Bartus.
Motion supported by Commissioner Woods.

Voice Vote to excuse the absences of Commissioner Hamameh and Commissioner Bartus.

AYES: 5
NAYS: 0
ABSENT: Hamameh, Bartus

MOTION CARRIED

APPROVAL OF AGENDA

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

Voice vote to approve the agenda

AYES: 5
NAYS: 0
ABSENT: Hamameh, Bartus

MOTION CARRIED

APPROVAL OF THE MINUTES

Motion by Commissioner Dahlin to approve the minutes of the December 17, 2024 regular Planning Commission meeting and supported by Commissioner Woods.

Voice vote to approve the meeting minutes of December 17, 2024.

AYES: 5
NAYS: 0
ABSENT: Hamameh, Bartus

MOTION CARRIED

COMMUNICATIONS

Community Development Director Kapelanski shared the latest issue of the Michigan Association of Planning Magazine.

CITIZEN COMMENTS

NONE

OLD BUSINESS

1. **Zoning Ordinance:** Consideration of an ordinance of the City of Berkley to repeal Chapter 94 Signs, repeal and replace Chapter 138, Zoning and repeal and replace the City of Berkley’s Zoning Map in order to move sign regulations to the Zoning Ordinance, match the recommendations of the Master Plan and modernize sign and zoning regulations.

Planning Consultant Masson-Minock presented the final draft of the Zoning Ordinance. She highlighted several items from the previous public hearing that have been incorporated to address Planning Commission’s comments.

The Planning Commission asked for the following additional corrections:

- The side yard setback definition should be adjusted to better match the diagram; and
- Formatting issues should be reviewed and corrected, as needed.

Motion by Commissioner Stapp and supported by Commissioner Dahlin to recommend approval of the draft zoning ordinance and to repeal Chapter 94 Signs, repeal and replace Chapter 138 Zoning and repeal and replace the City of Berkley’s Zoning map in order to move sign regulations to the Zoning Ordinance, match the recommendations of the Master Plan and modernize Sign and Zoning regulations.

Roll call vote on the motion recommending approval of the draft Zoning Ordinance and associated Code amendments.

AYES: 5

NAYS: 0

ABSENT: Hamameh, Bartus

NEW BUSINESS

1. **Subdivision Ordinance Discussion**

Planning Consultant Masson-Minock explained that the since this ordinance will be part of the City Code, the Planning Commission does not have jurisdiction but has been brought this item as a courtesy for discussion. She presented the ordinance and explained that Berkley was missing this ordinance in their City Code.

The Planning Commission did not have any comments on the proposed ordinance.

2. **PSP-01-25: 27333 – 27387 Woodward Ave.:** The applicant, The Jewish Community Center of Metropolitan Detroit, is requesting site plan approval for site plan revisions to a community center at 27333-27387 Woodward Ave. in the Woodward District, on the west side of Woodward Ave., between Columbia and Cambridge Rds.

Community Development Director Kapelanski presented the project noting that the applicant is requesting changes to a previously approved plan. She went through the changes, the most significant of which is the removal of the carry-out restaurant space, which brings the parking requirements into allowable margins per the ordinance. Previously, a parking waiver was required but this is no longer the case.

The applicant, Brian Siegal, along with his architect, John DeBruyne, thanked the staff for their assistance and went over the proposed changes.

The Planning Commission confirmed a shared parking agreement is no longer needed.

Motion by Commissioner Woods and supported by Commissioner Arnsman to approve the site plan for PSP-01-25: 27333-27387 Woodward Ave. with a finding that the plan meets the standards for site plan approval per Section 138-679 and the proposed landscaping meets the requirements of Section 130-37.

Roll call vote on the motion approving PSP-01-25.

AYES: 5

NAYS: 0

ABSENT: Hamameh, Bartus

3. **PSP-07-24: 2576 Coolidge Berkley BP:** The applicant, Jason Yaldo, is requesting site plan approval for site plan revisions to a gas station/convenience store at 2576 Coolidge in the Coolidge District, on the east side of Coolidge Hwy., south of Catalpa Ave.

Community Development Director Kapelanski presented the project, also changes to a previously approved plan. She went through the changes noted the main difference is the façade. The applicant is requesting a Planning Commission waiver for the reduced transparency on the Coolidge façade and the lack of a front door on the Coolidge façade.

The applicant, Jason Yaldo, explained the delays in the project and the proposed changes.

The Planning Commission discussed the project and asked the applicant (who agreed) to add additional transparency to the Catalpa façade to make up for the reduced transparency and lack of a door along Coolidge.

Motion by Commissioner Stapp and supported by Commissioner Dahlin to approve the site plan for PSP-07-24: 2576 Coolidge Hwy.

- With a finding that the Planning Commission is granting a waiver for the reduced transparency on the Coolidge façade and the lack of a door along Coolidge with the condition that the applicant increase the transparency on the Catalpa façade by either adding a third window and/or increasing the size of the existing windows;
- That the plan meets the standards for site plan approval per Section 138-679; and
- The proposed landscaping meets the requirements of Section 130-37.

Roll call vote on the motion approving PSP-07-24.

AYES: 5

NAYS: 0

ABSENT: Hamameh, Bartus

4. Planning Commission Bylaws and Rules of Procedure

Community Development Director Kapelanski stated this is the Planning Commission's annual review of their Bylaws and Rules of Procedure. Staff did not note any needed updates.

The Planning Commission noted their disapproval with having to excuse absent members and Community Development Director Kapelanski said she would pass that along. The Commission did not feel any changes to the Bylaws and Rules of Procedure were necessary.

LIAISON REPORT

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

City Council Member Patterson was absent and Community Development Director Kapelanski provided an update on the City Council activities.

COMMISSIONER COMMENTS

NONE

STAFF COMMENTS

NONE

ADJOURNMENT

Motion to adjourn by Commissioner Dahlin supported by Commissioner Woods.

Voice vote for adjournment

AYES: 5

NAYS: 0

ABSENT: Hamameh, Bartus

With no further business, the meeting was adjourned at 8:04 p.m.



Kristen Kapelanski <kkapelanski@berkleymi.gov>

Follow Up to Our Thursday Conversation

Deno Bistolarides <denob@encorereis.com>
To: Kristen Kapelanski <kkapelanski@berkleymi.gov>
Cc: Ryan Vinco <ryan@encorereis.com>

Mon, Nov 25, 2024 at 9:49 AM

Kristen,

Sorry for the delay on this – I was waiting to collect as much information as possible from our buyer prior to sending.

Per our conversation, we have generated fair interest in the property thus far from a variety of potential buyers/tenants. While we have generated interest from several retail and entertainment tenants, the strongest and most realistic interest have been from Medical users (in part due to the proximity to Beaumont.) We were ready to accept an offer from a buyer last week, however when they inquired about the Zoning they were told (to our surprise) that the new DDA Zoning changes that were being made prohibited first floor office.

As discussed, we would like to do whatever is necessary to push the powers that be to reconsider this change. To illustrate, some information on the group that is interested in buying the property:

1. The Largest Rheumatology Group in the State of Michigan – Their name is Arthritis Physicians

Their website is below:

<https://aara.care/arthritis-physicians/>

2. Currently, their Michigan locations are in Rochester Hills, Sterling Heights, and Greenville – they plan on moving their Rochester Hills location (Main Location) to our building in Berkley.
3. Initially they plan on brining 2 Physicians and 2 Physicians Assistants on, plus ancillary staff. After about a year they plan on adding more staff with another physician and another 1-2 PA's next year.
4. They are a very busy Rheumatology practice that offers office visits, along with infusions for their patients. Their goal would also be to add a pharmacy component back into the space as well.
5. They plan on converting the entire space to their State of the Art Rheumatology Practice. Likely to use the entire space, except for the 3 current tenants and also can keep the marquee and potentially adding a second level and adding medical tenants into the space as well.
6. Why did they choose this property specifically? Location. Berkley is an amazing area with a great downtown with good restaurants and events. Berkley is very central, as there is a shortage of rheumatologists and rheumatology practices, this would give our patients easier access to the practice, and also to RO Beaumont.

Please let me know if you have any questions whatsoever. As discussed, we've shown it to numerous parties over the past few months – specifically as it relates to retail, the activity has been a lot slower than you would expect as the overall Brick and Mortar retail market is just not strong right now. We have interest from a couple theater groups, but have not received offers so we don't know how serious they are. Additionally, no restaurant groups have shown interest and the only retailers thus far that are serious about the space are Dollar General and Salvation Army (Salvation is a No Go, DG is not our favorite option, and we are still discussing terms.)

Let me know if you have any questions. I will be there on Tuesday night.

Thanks!

Deno Bistolarides | Managing Partner

Encore Real Estate Investment Services

6755 Daly Road

West Bloomfield, MI 48322

Direct: 248.702.0288 | Mobile: 734.255.6820

Fax: 248.671.5151

denob@encorereis.com | www.encorereis.com | [Connect with Me on LinkedIn](#)

Meet Encore at ICSC NY – Dec 11 & 12 – Javits Center, New York, NY – Booth #2947



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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, Section 138-584, 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, November 26, 2024** at 7:00 PM.

AN ORDINANCE of the City Council of the City of Berkley, Michigan to Repeal Chapter 94 Signs, Repeal and Replace Chapter 138 Zoning and Repeal and Replace the City of Berkley's Zoning Map in order to move sign regulations to the Zoning Ordinance, match the recommendations of the City's Master Plan and modernize sign and zoning regulations.

The draft ordinance and draft zoning map are available for review at: www.berkleymich.org/zoning.

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:

Royal Oak Tribune
Friday, November 8, 2024

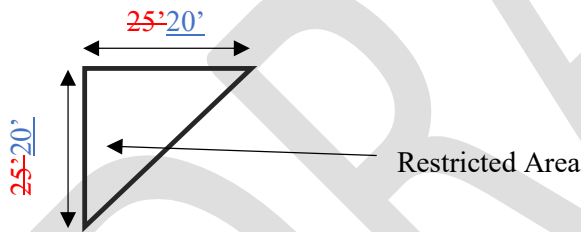
AN
ORDINANCE
of the City Council of the City of Berkley, Michigan to Amend Section 106-107,
Restricted Area and Section 106-108. Shrubs and Bushes of the City of Berkley Code of
Ordinances to address inconsistencies between the draft Zoning Ordinance and certain
provisions of the City Code.

**THE CITY OF
BERKLEY ORDAINS:**

SECTION 1: Sections 106-107 and 106-108 of Chapter 106 of the Berkley City Code are amended, as follows:

Sec. 106-107. – Restricted area.

For the purpose of this article only, the term “restricted area” shall mean the area located within a triangle formed by the curblines of the intersecting streets or driveways and streets and the end points of each curblin which shall be ~~25~~20 feet from the intersection of the two curblines. The third side of the triangle shall be a straight line which connects the two end points of the curblines.



All measurements shall be from the curblin.

Sec. 106-108. – Shrubs and bushes

Within the restricted area, the property owner must keep all shrubs, bushes and hedges trimmed to a maximum height of ~~three~~two feet above the road surface. This duty applies to any shrubs, bushes or hedges which area located within the restricted area between the public sidewalk and the curb.

SECTION 2: 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 3: Penalty

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

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 4: Effective Date

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

SECTION 5: Publication

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

Introduced on the First Reading at the Regular City Council Meeting on Monday, February 24, 2025 .

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



MEMORANDUM

To: Mayor Dean and City Council
From: Kristen Kapelanski, Community Development Director
Date: February 24, 2025
Subject: First reading to amend Section 106-107, Restricted Area and Section 106-108, Shrubs and Bushes

Madam Mayor and Members of City Council,

Background

- The draft Zoning Ordinance includes provisions for 'clear vision' triangles near driveways and street intersections to allow for safe pedestrian and traffic interactions.

Summary

- The proposed ordinance amends regulations in the City Code related to the clear vision area to match the draft zoning ordinance and allow for the safe passage of pedestrians and traffic.

Recommendation

Moved by Councilmember _____ and seconded by Councilmember _____ to approve the first reading to amend Section 106-107, Restricted Area and Section 106-108, Shrubs and Bushes of the City of Berkley Code of Ordinances to address inconsistencies between the draft Zoning Ordinance and certain provisions of the City Code.

**AN
ORDINANCE
of the City Council of the City of Berkley, Michigan to add Chapter 109 Subdivisions
to the City of Berkley Code of Ordinances to provide regulations for subdivision
development.**

**THE CITY OF
BERKLEY ORDAINS:**

SECTION 1: Chapter 109 is added to the Berkley City Code, as follows:

CHAPTER 109

SUBDIVISIONS

DIVISION 1. - GENERALLY

Sec. 109-1. - Short title.

The ordinance will be known and referred to as the “City of Berkley Subdivision Regulations.”

Sec. 109-2. - Purposes.

These subdivision regulations have been enacted to promote development patterns that support the creation of complete neighborhoods with a mix of housing, civic, retail, and service choices within a compact, walkable environment, in accordance with the City of Berkley’s Master Plan. The purpose of these regulations is to:

- (1) Provide clear standards for private development that influence the function and character of a neighborhood.
- (2) Ensure orderly growth and development through the conservation, protection, and proper use of land through adequate provisions for circulation, utilities, and services.
- (3) Ensure street connectivity and safety within walkable neighborhoods having numerous route options.
- (4) Promote walkable urban places.
- (5) Provide access to open space.
- (6) Promote the health, safety, and general welfare of the City.

Sec. 109-3. - Authority.

Where regulations are made, interpreted, and enforced by the City Council and City Planning Commission under the authority of the State of Michigan, Land Division Act, Act 288, Public Acts of 1967, as amended.

Sec. 109-4. - Interpretation.

The provisions of the regulations must be construed to be the minimum requirements necessary for the preservation of public health, safety, and welfare within the City. These regulations are not intended to repeal, abrogate, or supersede any existing regulations of the State of Michigan or Oakland County, except that these regulations must prevail in cases where they impose a lawful restriction or requirement more severe than existing statutes, laws, or regulations.

Sec. 109-5. - Scope.

Subsequent to the effective date of these regulations, no plat within the City of Berkley can be approved by the City Council unless it conforms to these regulations. In the absence of a City Council-approved master plan, reference to such plan must mean the general development plan plus any expansions thereof.

DIVISION 2. - DEFINITIONS

Sec. 109-6. - Definitions.

For the purpose of this Ordinance, certain rules of construction apply to the text:

- (1) Words used in the present tense include the future tense,
- (2) The singular includes the plural unless the context clearly indicates the contrary;
- (3) The term “must” is always mandatory and not discretionary and “may” is permissive;
- (4) Words or terms interpreted or defined by this Article must be used with a meaning of common or standard utilization.
- (5) Any word or term not defined herein has the meaning of common or standard use, which is reasonable for context in which used herein.

The following definitions apply to the meanings of respective terms as they are to be construed in these regulations.

Alleys. A strip of land dedicated to public use, generally for the purpose of providing access to the rear of properties to which the principal access is provided by an abutting street.

As-built plans. Construction plans revised to show an improvement as actually constructed.

Block. A tract of land that is bounded by a combination of streets, parks, cemeteries, civic spaces, railroad right-of-way, subdivided acreage, lines of watercourses, or water bodies, municipal boundary lines, or any other barrier to the continuity of development.

Building line. A line established in a plat for the purpose of prohibiting construction of any portion of a building or structure between such line and any easement, right-of-way, other public area, lakeshore, or riverbank.

Certificate of final completion. A certificate issued by the City Engineer, which signifies that the improvement for which the certificate is issued was installed according to the approved engineering plans and the City of Berkley Engineering Design Standards and has passed final City inspection.

City. The City of Berkley, Oakland County, State of Michigan.

City clerk. The clerk of the City of Berkley.

City council. The City Council of Berkley, Oakland County, Michigan.

City engineer. A civil engineer registered in the State of Michigan as a professional engineer and appointed to the position of City Engineer by the City Council.

City staff. The City Manager, Public Safety chief, City Engineer, City Finance Director, Zoning Administrator, Department of Public Works Director and Community Development Director.

Commercial development. A planned-commercial center providing building area, parking areas, service areas, screen planting, and turning movement and safety lane roadway improvements where necessary or required.

Common open space. An area within a subdivision which is held out of development by the proprietor and designed for the common use or enjoyment of residents of the subdivision. Common open space may contain such complementary structures as are necessary and appropriate for the use or enjoyment of the common open space.

Council. The City of Berkley City Council and mayor.

County. Oakland County, State of Michigan, U.S.A.

County Health Department. Oakland County Health Department.

County Road Commission. Oakland County Road Commission.

County Water Resources Commission. Oakland County Water Resources Commission.

Crosswalk/way. Right-of-way dedicated to public use, which crosses a block to facilitate pedestrian access to adjacent streets and properties.

Cul-de-sac or cul-de-sac street. A local street with only one (1) end open to vehicular traffic and being permanently terminated at the other end by a vehicular turn-around.

Dead end street. A street with only one end open to vehicular traffic and not provided with a vehicle turn-around at the other end.

Dedication. The intentional appropriation of land by the owner to public use.

Development. Any subdivision of land as herein defined or any material change in the use or appearance of any parcel of land subject to the provisions of the ordinance from which this article was derived, or the act of building structures and installing site improvements.

Easement. A grant by the property owner of the use of a strip of land by the public, a corporation, or private person or persons for a specific purpose or purposes.

Engineer. A civil engineer registered in the State of Michigan as a professional engineer.

Floodplains. The area adjoining a river, stream, water course, or lake which is inundated by a flood discharge which results from a 100-year storm of a 24 hour duration. The flood plain must include the stream channel and overbank area (the floodway) and the fringe areas of the floodway.

Improvements. Any additions to the natural state of the land, which increase its value, utility or habitability. Improvements include street pavement, with or without curbs and gutters, sidewalks, water mains, storm and sanitary sewers, street trees, and other appropriate and similar items.

Land Division Act. Act 288, 1967, of the State of Michigan Public Acts, as amended, formerly and commonly known as the Subdivision Control Act, Act 288, 1967.

Lot. A measured portion of a parcel or tract of land, which is described and fixed in a recorded plat.

- (1) **Lot area.** The total area within the lot lines of the lot exclusive of any abutting public street right of way or private road easements.
- (2) **Lot coverage.** That part or percent of the lot occupied by buildings or structures including accessory buildings or structures, exclusive of unenclosed accessory structures such as, but not limited to decks, patios, gazebos, etc..
- (3) **Lot depth.** The horizontal distance between the front and rear lot lines, measured along the median between the side lot lines.

- (4) **Lot width.** The horizontal straight-line distance between the side lot lines, measured between the two (2) points where the front setback line intersects the side lot lines.

Master Plan. The Master Plan for the City of Berkley, Oakland County, Michigan as adopted by the City Planning Commission in accordance with Act 33 of Public Acts of 2008, as amended.

Model home. A dwelling unit used initially for display purposes which typifies the type of dwelling units that will be constructed in the subdivision.

Outlot. An “outlot” when included within the boundary of a recorded plat, means a lot set aside for purposes other than a building site such as a park or other land dedicated to public use or reserved to private use.

Parcel or tract. A unit of land in single or joint ownership that has not been divided or subdivided according to the provisions of the Subdivision Control Act.

Pedestrian way. A separate right-of-way dedicated to or reserved for public use, which crosses blocks or other tracts of land for the purpose of facilitating pedestrian access to adjacent streets and properties.

Planning Commission. The Planning Commission of the City of Berkley as established under Act 33, Public Acts of 2008, as amended.

Plat. A map or chart of a subdivision of land showing the lot and street arrangement or other features of the area being subdivided.

- (1) **Concept plan.** A sketch plan of a proposed subdivision at sufficient accuracy and scale to serve the purposes of procedure for a pre-application review meeting as set forth in the ordinance.
- (2) **Preliminary plat.** A map showing the salient features of a proposed subdivision submitted to the City Council for purposes of preliminary consideration.
- (3) **Final plat.** A map of all or part of a subdivision prepared and certified as to its accuracy by a registered engineer or land surveyor. Such map must meet the requirements of the ordinance from which this article was derived and of the Land Division Act, Act 288, Public Acts of 1967, as amended.
- (4) **Replat.** The process of changing, or a map or plat which changes, the boundaries of a recorded subdivision plat or part thereof. The legal dividing of an outlot within a recorded subdivision plat without changing the exterior boundaries of the outlot is not a replat.

Proprietor. Any natural person, firm, association, partnership, corporation, or combination of these, including a governmental agency undertaking any development as defined in the ordinance from which this article was derived, and which hold an ownership interest in land, whether recorded or not. The term “proprietor” includes such common references as subdivider, developer, and owner. The word “proprietor” must not include a person, firm, partnership, corporation, or combination of these, which hold an option to purchase land.

Public utility. A public corporation, franchise, municipal department, board or commission duly authorized to furnish and furnishing under Federal, State or Municipal regulations to the public: gas, steam, electricity, sewage disposal, telephone service (excluding cellular phone facilities), cable television services, telegraph, transportation, or water.

Reserve strip. A strip of land in a subdivision which extends across the end of a street proposed to be extended by future platting or a strip which extends along the length of a partial width street proposed to be widened by future platting, to the minimum permissible width. All reserve strips must be designated as outlots on the plat.

Right-of-way. A strip of land occupied or intended to be occupied by a street, pedestrian way, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer line, or for another special use. The term “right-of-way” for land platting purposes must mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way. Such land area within the right-of-way must not be included within the dimensions or areas of adjoining lots or parcels. Right-of-way intended for streets, pedestrian ways, water main, sanitary sewers, storm drains, or any other use involving maintenance by a public agency, must be dedicated to public use by the proprietor, when dedication is requested by the governing body.

Right-of-way, street. The distance between property lines measured at right angles to the centerline of the street.

Sidewalk. A facility, placed within the right-of-way of streets, or a facility connecting with buildings, parking lots, or other activities having access to the street right-of-way, for the purpose of providing safe movement of pedestrians.

Street. A right-of-way dedicated and deeded for public use, other than an alley, which provides for vehicular and pedestrian traffic.

- (1) **Arterial.** Those streets of considerable continuity having the primary functions of accommodating relatively large volumes of vehicular traffic and serving to connect areas of principal traffic generation and designated as an arterial in the commercial development plan of the subdivision.

- (2) **Collector.** Those streets used to collect and distribute traffic between local and major streets, including principal entrance streets to large residential and nonresidential developments.
- (3) **Local.** Those streets having a primary function of providing service access to abutting land uses and not designed for high volume of traffic.

Street width. The shortest distance between those lines delineating the right-of-way of streets.

Structure. Any object constructed, erected, or placed with a fixed location on the surface of the ground or affixed to something having a fixed location on the surface of the ground.

Subdivide or subdivision. The partitioning or dividing of a parcel or tract of land by the proprietor thereof or by their heirs, executors, administrators, legal representatives, successors or assigns for the purpose of sale, or lease of more than one year, or of building development, where the act of division creates five or more parcels of land each of which is ten acres or less in area; or five or more parcels of land each of which is ten acres or less in area are created by successive divisions within a period of ten years. The term subdivision also refers to any area, which is subdivided in accordance with the foregoing definition.

Subdivider. Any natural person, firm, association, partnership, corporation, or combination of these, including a governmental agency undertaking any development as defined in the ordinance from which this article was derived, and which hold an ownership interest in land, whether recorded or not. The term “subdivider” includes such commonly references as proprietor, developer, and owner. The word “subdivider” must not include a person, firm, partnership, corporation, or combination of these, which hold an option to purchase land.

Surveyor. A land surveyor who is registered in the State of Michigan.

Topographical map. A map showing existing physical characteristics, with contour lines, to permit determination of proposed grades and drainage.

Zoning Ordinance. The Zoning Ordinance of the City of Berkley, Oakland County, Michigan, adopted in accordance with the provisions of Act 110 of the Public Acts of 2006, as amended, and which is now in effect as the Zoning Ordinance of the City of Berkley, Oakland County, Michigan.

DIVISION 3. - SUBDIVISION PROCEDURE

Sec. 109-7. - Initial procedures.

Before making or submitting a final plat for approval, the proprietor may make a concept plan for a pre-application review meeting and must make a preliminary plat and a final plat for review by City staff. The proprietor is encouraged to consult the City of Berkeley Master Plan, general development plans, and detailed plans of any units of government that affect the tract to be subdivided and the area surrounding it. The proprietor should also become acquainted with the Zoning Ordinance of the City, this Subdivision Ordinance, and other ordinances and requirements, which regulate the subdivision of land in the City. The proprietor should also discuss the concepts of the proposed subdivision with the City Engineer, the City Council, and the Planning Commission.

Sec. 109-8. – Pre-application review meeting.

A pre-application review meeting is recommended as an aid both to the developer and to the City. Under this procedure, a developer provides a concept plan, which is described below, and City staff members, including the Community Development Director, the Zoning Administrator, Department of Public Works Director, Department of Public Safety, City Engineer/Engineering Consultant, and/or the City Planning Consultant, then review the information provided. During the pre-application review design stage, changes and additions, which may have to be made before a mutual agreement is reached, can be made as such with minimal difficulty. Acceptance of the concept plan does not assure acceptance of the preliminary or final plats. This material is intended to serve as an information base for discussions between the developer and City, County, and State officials and staff.

- (1) ***Submittal.*** The proprietor must submit to the City Zoning Administrator an electronic copy of the concept plan. The City Zoning Administrator must promptly transmit copies to the City Planning Consultant, Department of Public Works, Department of Public Safety, City Engineer/Engineering Consultant, Community Development Director and any other agency that must attend or be informed of the pre-application review meeting per item 3 of this Section.
- (2) ***Information required.*** The following information must be shown on the concept plan or submitted with it:
 - a. The plat date, north arrow, and scale;
 - b. The proposed name of subdivision or development, including the name of the City and the County;

- c. Names and addresses of the proprietor, planners, designer, engineer and/or surveyor who designed the subdivision layout;
- d. The concept plan must be drawn at a scale of 100 feet to one inch or larger and must include a legal description of the entire site to be subdivided. The legal description must include the location of the subdivision giving the numbers of the section, township, and range;
- e. An overall map showing the relationship of the subdivision to its surroundings, such as existing road rights-of-way, buildings, watercourses, railroads, public spaces and other physical features on and adjacent to the tract;
- f. Aerial photograph of the site and surrounding area, with the site defined;
- g. Location and purpose of existing and proposed rights-of-way of streets, alleys, easements, parks, open spaces, and lot lines with dimensions;
- h. All parcels of land proposed to be dedicated to public use and conditions of such dedication;
- i. Zoning status of the property and all the adjacent properties, including zoning of parcels on and adjacent to the tract;
- j. Civil jurisdiction of all properties;
- k. The tentative lot layout, number of lots, and typical lot size;
- l. Stages of development if the subdivision or development will be completed in more than one stage. Sequential listing is required for the various stages;
- m. Existing natural features such as trees, wooded areas, streams, marshes, ponds, and other wetlands with a clear indication of all natural features to remain and to be removed. Groups of trees must be shown by an approximate outline of the total canopy;
- n. Identification, location, and nature of all uses other than single-family residences to be included within the subdivision;
- o. The proprietor must furnish a statement indicating the proposed use to which the subdivision will be put, along with a description of residential building and number of dwelling units contemplated or the type of business so as to reveal the effect of the development on traffic, fire hazards or congestion of population. Such proposed uses may not be in conflict with the Zoning Ordinance;

- p. If the proprietor has an interest or owns any parcel identified as “outlots” or “excepted,” the concept plan must indicate how this property could be developed in accordance with the requirements of the existing or proposed zoning district in which it is located and with an acceptable relationship to the layout of the proposed concept plan;
 - q. An affidavit, signed by the proprietor, certifying the identity of all legal owners of record of the property in the subject subdivision; and
 - r. Proposed deed restrictions or protective covenants: if none, a statement of such in writing.
- (3) ***Pre-application review meeting.*** The pre-application review meeting must take place not later than thirty (30) days after the written request and concept plan are received. The meeting must be attended by the proprietor, Zoning Administrator, City Engineer/Engineering Consultant, City Planning Consultant, the City Mayor, the Chair of the Planning Commission, Public Works Department, Public Safety Department, the Water Resources Commission, the Health Department, and the County Road Commission if the proposed subdivision includes or abuts roads under the jurisdiction of the Road Commission. Representatives of the Michigan Department of Transportation, Department of Labor and Economic Opportunity, and Department of Environment, Great Lakes and Energy must be informed of and may attend the pre-application review meeting, if they are entitled to review the preliminary plat under sections 115 to 117 of the State of Michigan, Land Division Act, Act 288, Public Acts of 1967, as amended.
- (4) ***School authorities.*** The School Board or Superintendent of the school district having jurisdiction in the area concerned must be informed and made aware of the pre-application review meeting by the Zoning Administrator. A letter or document from the School Board or Superintendent indicating awareness of the proposed plat must be submitted to the Zoning Administrator and reviewed during the pre-application review meeting.
- (5) ***Procedures.*** The following procedures must be followed:
- a. The Zoning Administrator, Community Development Director, City Planning Consultant, Public Works Director and City Engineer/Engineering Consultant must review all details of the proposed subdivision within the framework of the Zoning Ordinance, within the various elements of the City Master Plan, with the Engineering Design Standards and within the standards of this Subdivision Ordinance.
 - b. After reviewing comments of the reviewing parties or agencies copies of the concept plan, the officials and representatives attending must make appropriate comments and suggestions concerning the proposed development. The Zoning Administrator must

retain one copy of the concept plan which must become a matter of permanent record in the City's files and the proprietor must be provided minutes of the pre-application review meeting.

- c. The Zoning Administrator must inform the Planning Commission and City Council of the results of the pre-application review meeting in writing.

Sec. 109-9. - Preliminary plat—Tentative approval.

Tentative approval under this section must confer upon the proprietor for a period of (1) one year from the date of approval of lot size, lot orientation, and street layout. Such tentative approval may be extended if applied for by the proprietor and granted by the City Council in writing.

- (1) ***Submittal.*** The proprietor must submit one (1) electronic copy and four (4) paper copies of the preliminary plat and other data to the City Clerk at least thirty (30) days before a meeting of the Planning Commission, and copies must be distributed to:
 - a. City Clerk/staff;
 - b. Planning Commission;
 - c. Community Development Department
 - d. Public Works Department
 - e. City Engineer/Engineering Consultant;
 - f. City Planning Consultant;
 - g. Superintendent of schools; and
 - h. Berkley Public Safety Department.
- (2) ***Information required.*** The following information must be shown on the preliminary plat or submitted with it:
 - a. All items required as part of the application review for a concept plan in Section 109-8(2) of this chapter;
 - b. Name and addresses abutting property owners and subdivisions;
 - c. Layout of the streets indicating street names, surface composition, right-of-way widths, and connections with adjoining platted streets;

- d. Lot layout, dimensions, setback requirements, area of each lot in square feet or acres, and lot numbers;
- e. Indications of parcels of land intended to be dedicated or set aside for the use of property owners in the subdivision;
- f. Contours must be shown on the preliminary plat with sufficient detail to determine the appropriate development of the site;
- g. The proprietor must submit preliminary engineering plans for street, water, sewers, drainage, sidewalks, and other required public improvements. The engineering plans must contain enough detail to enable the City Engineer to make preliminary determination as to the conformance of the proposed improvements to the latest City of Berkley Engineering Standards in the City Code and the Engineering Design Standards;
- h. Identification, location and nature of all uses other than single-family residences to be included within the subdivision;
- i. Four (4) copies of the proposed protective covenants and deed restrictions, or statement in writing that none are proposed;
- j. Zoning status of property included in the preliminary plat and of all the adjacent properties, civil jurisdiction of all properties; and
- k. Any additional information as required per the City of Berkley Zoning Ordinance, Article 15, Site Plan Review.

If the preliminary plat does not meet all requirements, the Zoning Administrator must notify the proprietor by letter, giving the earliest date for resubmission of the plat and additional information required.

(3) ***Procedures.***

- a. The City Clerk must request the chair of the Planning Commission to place the preliminary plat on the agenda of the next regular meeting of the Planning Commission. A public hearing must be on the agenda with the preliminary plat, with due notice to be sent by registered mail to the applicant, owners of real property, and occupants of structures within three hundred (300) feet of the proposed plat and published in a newspaper of general circulation in the City, at least fifteen (15) days before the date of hearing.

- b. The Planning Commission must review the preliminary plat, the comments of the City staff and consultants and hold the public hearing. The following procedure must be followed:
 1. After the public hearing, the Planning Commission may recommend tentative approval, tentative approval with conditions, or rejection of the preliminary plat to the City Council;
 2. Give its report to the City Council not more than thirty-three (33) days after the preliminary plat was submitted to the City Clerk.
- c. The City Council on or before their second meeting after receiving the recommendation from the Planning Commission must review said preliminary plat and must tentatively approve, tentatively approve with conditions, or reject, the preliminary plat. The City Council must record their approval on the plat and return one copy to the proprietor or set forth in writing its reasons for rejection and requirements for tentative approval within the following time period, as applicable:
 1. Within sixty (60) days after the preliminary plat was submitted to the City Clerk, if a pre-application review meeting was conducted under Section 109-8 of this Subdivision Ordinance.
 2. Within ninety (90) days after it was submitted to the City Clerk, if a pre-application review meeting was not conducted under Section 109-8 of this Subdivision Ordinance.
- d. The proprietor upon receiving tentative approval from the City Council must submit the preliminary plat to all authorities as required by the Land Division Act, Act 288, Public Acts of 1967, as amended.

Sec. 109-10. - Preliminary plat—Final approval.

Final approval of the preliminary plat under this section must confer upon the proprietor for a period of two (2) years from the date of approval, the conditional right that the general terms and conditions under which preliminary approval was granted will not be changed. The two (2) year period may be extended if applied for by the proprietor and granted by the City Council in writing. Written notice of the extension must be sent by City Council to the other approving authorities.

- (1) **Submittal.** The preliminary plat for final approval must be submitted to the City Clerk.
- (2) **Information required.** The following information must be shown on the preliminary plat or submitted with it:

- a. A list of all such authorities to the City Clerk, certifying that the list shows all authorities as required;
 - b. Submit all approved copies of the preliminary plat to the City Clerk after all necessary approvals have been secured;
 - c. Copy of the receipt from the City Treasurer that all fees, as provided for in the Ordinance from which this article was derived, have been paid; and
 - d. Engineering review and inspection fees, and other charges and deposits provided for in the ordinance from which this article was derived.
- (3) **Procedures.** The City Council, after receipt of the necessary approved copies of the preliminary plat, must:
- a. Consider and review the preliminary plat at its next meeting, or within twenty (20) days from the date of submission, and approve it if the proprietor has met all conditions laid down for approval of the preliminary plat;
 - b. Instruct the City Clerk to promptly notify the proprietor of approval or rejection in writing, and if rejected, to give reasons;
 - c. Instruct the City Clerk to note all proceedings in the minutes of the meeting; said minutes must be open for inspection;
 - d. No construction of improvements must be commenced by the subdivider until they have:
 1. Received notice of final approval of the preliminary plat by the City Council;
 2. Entered into a subdivision agreement with the City for the construction of all required subdivision improvements; and
 3. Deposited with the City a performance escrow as required guarantee and cash under Section 109-26 of this Subdivision Ordinance.

Sec. 109-11. - Final plat.

Following final approval of the preliminary plat by the City Council, the proprietor must produce a survey and five (5) true plats and an electronic copy thereof to be made by a licensed surveyor.

- (1) **Submittal.** Final plats must be submitted to the City Clerk. A final plat must not be accepted after the date of expiration of the preliminary plat approval.

- (2) **Information required.** All final plats of subdivided land must comply with the provisions of survey and mapping requirements cited in the Land Division Act, Act 288, Public Acts of 1967, as amended.
- a. A policy of title insurance currently in force, covering all the land included within the boundaries of the proposed subdivision.
 - b. Submit all approved copies of the preliminary plat to the City Clerk after all necessary approvals have been secured.
- (3) **Procedures.**
- a. The final plat must be reviewed by the City Engineer/Engineering Consultant as to compliance with the approved preliminary plat and plans for utilities and other improvements.
 - b. The City Council must review all recommendations and act on the final plat within thirty (30) days.
 - c. The City Council must require all improvements and facilities to be constructed or require a bond in lieu of construction of facilities before it approves the final plat.
 - d. Upon the approval of the final plat by the City Council, the subsequent approvals must follow the procedure set forth in the Land Division Act, Act 288, Public Acts of 1967, as amended. If disapproved, the City Council must give the proprietor its reasons in writing.
 - e. The City Council must instruct the City Clerk to record all proceedings in the minutes of the meeting, which must be open for inspection and to sign the City certificate of the approved plat on behalf of the City Council.
 - f. A final plat received by the State Treasurer more than one (1) year following the date of approval of the City or County treasurer must be returned to the treasurer who must make a new certificate currently dated, relative to paid or unpaid taxes, special assessments, and tax liens or titles.

Sec. 109-12. – Vacation, correction, or revision of plat.

The Circuit Court of the County may, as provided in Public Act 288 of 1967, vacate, correct, or revise all or part of a recorded plat.

DIVISION 4. - DESIGN STANDARDS FOR SUBDIVISION PLANNING

Sec. 109-13. - Streets and alleys.

The specifications herein set forth are hereby declared to be the standards and general plan adopted by the City of Berkeley City Council for the width and location of all highways, streets, and alleys, which may hereafter, be platted or accepted within the City of Berkeley. All such regulations are intended to be in harmony with all road and right-of-way standards and policies of the Oakland County Road Commission and the City of Berkeley Engineering Standards as provided in the City Code and Engineering Design Standards and to implement the City's commitment to Complete Streets, with accommodations for vehicles, bicycles, transit, and pedestrians.

Design of streets and alleys must conform to all road and right-of-way standards and policies of the City of Berkeley Engineering Standards as provided in the City Code and Engineering Design Standards, the Oakland County Road Commission, and the latest publication and revision of A Policy on Geometric Design of Highways and Streets by the American Association of State Highway and Transportation Officials. Where there is a conflict between any of the aforementioned, the more restrictive must govern.

- (1) **Layout.** The layout of proposed streets must provide for the continuation of existing streets in surrounding areas and/or must conform to a plan for the neighborhood approved by the Planning Commission in cases where topographical or other conditions preclude the continuation of existing streets. In general, such streets must be of a width as great as that of the street so extended. Due consideration must be given to the following:
 - a. Traffic safety; and
 - b. Continuation of the street layout from surrounding areas in order to integrate subdivisions into the fabric of the City.
- (2) **Arterial streets.** Where the subdivision abuts or contains an existing or proposed arterial street, the Planning Commission may, at its discretion, require the construction of deep lots with rear-service alleys, double frontage of lots with provision of a screen planting contained in a no-access reservation along the rear property lines, or other treatment which the Planning Commission considers essential for separation of through and local traffic and adequate protection of residential lots.
- (3) **Private streets and alleys.** Private streets and alleys are not permitted. All streets and alleys must be dedicated to the public.
- (4) **Access to property.** The following provisions apply:
 - a. All lots must have frontage on a public street.
 - b. All proposed buildings must have access to a public street or alley.

- c. Each residential lot within a subdivision must be provided with a satisfactory means of access for pedestrians and vehicles.
 - d. There must be no reserve strips controlling access to a street, except where the control of such is placed with the City Council.
 - e. Driveways and curb cuts must conform to the City of Berkeley Engineering Standards as provided in the City Code and Engineering Design Standards and the Oakland County Road Commission standards, when the Road Commission has jurisdiction over the street in question.
- (5) **Intersections.** Intersecting streets must be laid out so that the intersection angles are ninety (90) degrees. Deviations from this may be considered by the City Engineer/Engineering Consultant. No more than two (2) streets must cross at one (1) intersection.
- (6) **Visibility.** No fence, wall, structure, or planting must be erected, established, or maintained on any corner lot that will obstruct the sight distance of the driver of a vehicle approaching the intersection. The minimum clearance of any overhanging portion of a tree thereof must be ten (10) feet over sidewalks and fourteen (14) feet over all streets.
- (7) **Half-street.** Half-streets are prohibited, except for such major streets as may be recommended in the City Master Plan or by the Oakland County Road Commission. They are permitted only when the City Planning Commission considers the use of a half-street essential to the reasonable development of the subdivision in accordance with the intent of these regulations and where it finds it practicable to require the dedication of the other half of the right-of-way when the adjoining property is subdivided. Wherever there already exists a dedicated and recorded half-street or half alley on an adjoining plat, the other half must be dedicated on the proposed plat to make the street or alley complete. A one-foot reserve may be required to be placed between a half-street and the subdivision boundaries. This reserve must be designated as an outlot and must be deeded in fee simple to the City at such time as the City so requests in writing.
- (8) **Street jogs.** Street jogs with centerline offsets of less than one hundred and fifty (150) feet are prohibited. Where streets intersect arterial streets, their alignment must be continuous.
- (9) **Cul-de-sac streets.** Cul-de-sac streets should be avoided. Where required for the utilization of the property, cul-de-sacs may be allowed by the Planning Commission. The maximum permissible length of cul-de-sacs streets is five hundred (500) feet in length. For cul-de-sacs more than two hundred (200) feet in length, the City Engineer/Engineering Consultant may require a mid-block crossing.

- (10) **Dead-end streets.** Dead-end streets are only permitted in cases where the Planning Commission is of the opinion that there is a reasonable expectation that such streets will be extended to a suitable outlet when the adjacent property is platted. If the Planning Commission permits the platting of dead-end streets with the expectation of such future extension, the Planning Commission must determine whether the subdivider must provide a temporary turnaround at the closed end of the street. A one-foot reserve may be required to be placed at the end of a dead-end street, which terminates at subdivision boundaries. This reserve must be designated as an outlot and must be deeded in fee simple to the City at such time as the City so requests in writing.
- (11) **Alleys.** Alleys may be permitted or required in residential areas, for the purposes of vehicular access and trash pick-up. Alleys may be permitted or required in commercial or industrial areas for the purpose of service access, such as for off-street parking and loading. Alleys must meet the following standards:
- a. All alleys must have a minimum width of twenty-six (26) feet.
 - b. A diagonal cut-off must be made at all acute and right-angle intersections of two (2) alleys sufficient to provide an inside turning radius of thirty (30) feet.
 - c. Dead-end alleys are prohibited except when provided with forty (40) foot outside turning radius at the dead end.
- (12) **Street names.** Street names which might cause confusion with names of existing streets in or near the City of Berkley are not permitted. Streets that will be continuations of existing streets must be called by the same names as such existing streets. All names must be approved by the City Planning Commission, the Public Safety Chief, and the Oakland County Road Commission.
- (13) **Building lines and setback lines.** Building lines must conform to the requirements of the City Zoning Ordinance.
- (14) **Right-of-ways width.** The minimum right-of-way width must be sixty-six (66) feet. Greater right-of-way widths for arterial streets as required by the Road Commission or designated in the City Engineering Design Standards may be required as necessary.
- (15) **Horizontal alignment.** The centerline of pavement must coincide with the centerline of right-of-way, except for roads with irregular right-of-way widths and with the approval of the City Planning Commission.

- (16) ***Street grades and curvature.*** Horizontal and vertical alignment must be provided on all proposed streets.
- (17) ***Radii at intersections.*** Minimum edge of pavement or curb radii must be uniform at intersections and must comply with the City of Berkley Engineering Design Standards. The low end of the range is preferred, but the City Engineer/Engineering Consultant may require radii within the ranges specified above to accommodate the turning movements of larger vehicles, such as but not limited to garbage haulers, freight trucks, school buses, or fire trucks.
- (18) ***Surface drainage.*** Surface drainage and detention must be provided in accordance with the City of Berkley Engineering Standards as provided in the City Code and Engineering Design Standards. In the event it is found to be essential to the economic development of substantial portions of a project, drainage easements may be permitted.
- (19) ***Street drainage.*** All streets and alleys must be provided with facilities for adequate surface drainage. Storm drains must be underground and curb-type design is required. The City Engineer/Engineering Consultant may approve alternative cross sections on a case-by-case basis. Plans for such drainage must be approved by the City Engineer/Engineering Consultant.
- (20) ***Streets standards and specifications.*** Streets and roads must be provided in accordance with the street and road standards adopted by the Michigan Department of Transportation, the County Road Commission, and the City of Berkley.

Sec. 109-14. - Pedestrian ways.

- (1) A right-of-way and facilities for mid-block pedestrian crosswalks in the middle of blocks are required for a block more than six hundred and sixty (660) feet in length. A right-of-way and/or facilities for mid-block pedestrian crosswalks may be required for blocks equal to or less than six hundred and sixty (660) feet in length, where necessary to obtain convenient pedestrian circulation to schools, parks, or shopping areas. The City Engineer/Engineering Consultant should decide whether the right-of-way or facilities are needed based on land uses, present and future demand, pedestrian compliance, speed, safety, and crash history of the street or similar streets in the City. Right-of-way and/or facilities for mid-block pedestrian crosswalk must be placed in locations with appropriate sight distance as certified by an engineer. The right-of-way must be at least ten feet wide and extend entirely through the block. Appropriate signing, pavement markings and appurtenances must be provided.

- (2) **Sidewalks.** Sidewalks with sufficient right-of-way must be installed on both sides of the street in all subdivisions, except in Industrial Parks under Section 109-21 of this Subdivision Ordinance. Access easements may be required should the sidewalks be installed outside of the public right-of-way.

Sec. 109-15. - Utility and other easements.

- (1) A subdivider must contact the City of Berkley Public Works Department for preferred locations of utilities. Water main and sanitary sewer service must be placed within public right-of-way, except with written approval of City staff and City Council. If public utilities are placed outside of the public right-of-way, easements must be granted in accordance with the City of Berkley Engineering Standards as provided in the City Code and Engineering Design Standards.
- (2) All public utilities within the subdivision must be underground.
- (3) Storm sewer, drainage and surface drainage easements must be provided along sewers, any natural water course, drainage ditch, channel or stream. Such easements must be of adequate width for the particular conditions of the site.
- (4) The subdivider must work with private utilities to determine the placement of such utilities and easements.

Sec. 109-16. - Lots.

The size, shape, and orientation of lots must be appropriate for the location of the subdivision as for the type of development and use contemplated. Lots must be of such size as to permit a variety of house types, to provide side yards for desirable access, light, air, privacy, and safety from fire hazard, and to provide for setbacks from the street line and allow sufficient space for household purposes. All lots must conform to the requirements of the City Zoning Ordinance. All lots when developed, must be connected to City sewer and water systems.

- (1) **Area.** The width and depth of lots must be such that the minimum lot areas will be in accordance with the adopted City of Berkley Zoning Ordinance.
- (2) **Width.** The minimum width of any lot is forty (40) feet, except that greater widths may be required in the Zoning Ordinance. Where desirable to plat wedge-shaped lots to best utilize a parcel of land, the required lot width is measured at a line located twenty-five (25) feet from the front of the property line.
- (3) **Depth.** No lot must be less than one hundred and ten (110) feet in depth. The depth of a lot must not exceed a depth-to-width ratio of four to one (4 to 1). Greater depths may be required by the Zoning Ordinance to comply with minimum lot area requirements.

- (4) ***Side lot lines.*** Side property lines of lots must generally be perpendicular to straight lines or radial to curved street line. Property lines on sides and rear of lots must be straight. The Planning Commission may allow variations to match the lot shapes of adjacent areas, preserve natural features, and allow for recreational facilities or pathways.
- (5) Corner lots must have extra width to permit appropriate building setbacks from both streets. If the Zoning Ordinance does not require a greater width, this Subdivision Ordinance must control in which case the corner lot should be ten (10%) to twenty (20%) percent wider than minimum interior lots. Lots abutting a pedestrian mid-block crosswalk must be treated as corner lots unless the width of the crosswalk right-of-way is not less than one-third of the width of the street right-of-way that the crosswalk intersects.
- (6) Single-family residential lots must not open or face directly onto an arterial street, or other heavily traveled street, shopping centers, or another large nonresidential area. In such situations, single-family residential lots must be laid out in one of the following ways:
 - a. Lots can back onto the above features but must be separated therefrom by a landscaped strip with a berm, wall, or fence along the rear property line. The landscaped strip must meet the requirements for landscape screening between land uses in the Zoning Ordinance. The landscaped strip must not be considered part of the lot's minimum length or area. The landscaping must be such as to create a screen to ensure the privacy of each lot.
 - b. Lots may face onto a heavily traveled street with shared driveways and rear alley. A maximum of five (5) single-family residential lots can share a single driveway.
 - c. Lots may face onto intersecting streets with driveways opening onto the intersecting streets. These corner lots, which abut the arterial street right-of-way, must include a ten (10) foot wide landscape strip with street trees. Where the landscaped strip abuts a residential street at an arterial street right-of-way, a clear vision (sight) easement must be designated on the plat.
 - d. Lots may be grouped around short loop streets, which open onto the arterial street. In such situations, the corner lots abutting the arterial street right-of-way must each contain the landscaped strip required in subsections (6)(a) and (6)(c) of this section.
 - e. The layout of lots, whichever method is used, is intended to restrict the number of access points to the arterial streets and thereby reduce the number of traffic hazard points, preserve the traffic carrying capacity of the arterial street, and protect each lot's privacy and its freedom from noise and litter. Any landscaped strip required

above must not be part of the normal road right-of-way or utility easement but be designated as an outlot.

- (7) ***Lot division or combination.*** The division or combination of a lot in a recorded plat is prohibited, unless approved following the application and procedures in Chapter 110 of the of the City Code of Ordinances.
- (8) ***Division of unplatted parcel.*** The division of unplatted land must conform to the procedure and regulation in Chapter 110 of the City Code of Ordinances.

Sec. 109-17. - Blocks.

The size and shape of blocks must be appropriate for the type of lots and land use proposed. Blocks must be designed so as to continue the established street pattern of the City, permit good lot orientation, safe street design, and economical use of the land.

- (1) ***Length.*** The length of blocks between intersecting streets must be between two hundred (200) and one thousand (1,000) feet. The Planning Commission may allow exceptions to this regulation where the topography of the land makes it advisable to do so in order to protect the public safety and convenience. In blocks exceeding one thousand (1,000) feet in length, the Planning Commission may require the reservation of a twenty (20) foot wide easement through the block to provide for the crossing of underground utilities and pedestrian traffic of five (5) feet wide for pedestrian traffic only where needed or desirable and may specify further, at its discretion, the five (5) foot wide paved footpath be provided by the proprietor.
- (2) ***Perimeter.*** The perimeter of a block, measured by the length of all four (4) street faces, must be between eighteen hundred (1,800) linear feet and twenty-two hundred (2,200) linear feet.

The Planning Commission may allow exceptions to the above regulations where the topography of the land makes it advisable to do so in order to protect the public safety and convenience.

- (3) ***Arrangement.*** A block must be designed as to provide two (2) tiers of lots. A single tier of lots may be permitted in the following situations:
 - a. Lots back into an arterial street, natural feature, or subdivision boundary; or
 - b. A portion of or an entire tier is a dedicated park, recreation space, pathway, or facility.

- (4) ***Non-residential blocks.*** Blocks intended for purposes other than residential must be specially designed for such purposes and must have adequate provision for off-street parking and loading in accordance with the requirements of the Zoning Ordinance.

Sec. 109-18. - Use.

- (1) ***Control.*** No property must be subdivided for residential use if such is considered unsuitable for building purposes by existing State of Michigan Local Ordinance and Statutes.
- (2) ***Restrictions.*** Wherever property is subdivided with the intention that it must have a use different than that designed in the Zoning Ordinance, such use must be stated in an application for an amendment to the Zoning Ordinance in a separate statement filed with the Planning Commission. Conformance with the objectives of the City general development plan must be required so as to ensure general uniformity of land uses within blocks and neighborhoods.
- (3) ***Conformance with Zoning Ordinance.*** Property use and area restrictions must be in accordance with the Zoning Ordinance.
- (4) ***Land subject to flooding.*** Any area of land within the proposed subdivision which is subject to flooding or inundation by storm water must be clearly shown on final plat. Such land must not be platted for residential occupancy, or for such uses as may increase danger to health, life or property, or unduly aggravate the flood hazard. No building must be placed within the one hundred (100) year floodplain. Any earth change within the one hundred (100) year floodplain must only be allowed with permission of the Michigan Department of Natural Resources.

Sec. 109-19. - Open spaces and Linkages.

In the design of the plat, thorough and equitable consideration must be given by the subdivider and the Planning Commission for the provision of suitable sites for recreation; including tot lots, both active and passive recreation areas, schools, and for other public purposes. Linkages to the Non-Motorized Network in the City of Berkley must be considered as well. All plats must meet the following standards:

- (1) The area reserved for recreation must be provided for all plats having twenty (20) or more residential dwelling units the size of such reserved area for recreation must be no less than three hundred (300) feet by three hundred (300) feet or ninety thousand (90,000) square feet. This reserved area must be increased in size by two hundred (200) square feet for each residential dwelling unit in the development exceeding thirty (30) dwelling units.
- (2) If a plat abuts or is located within five hundred (500) feet of any portion of a public trail, a direct linkage from the subdivision to such public trail must be provided.

Sec. 109-20. - Commercial or industrial modification.

These subdivision design standards may be modified in accordance with Division 5 of this Article in the case of subdivisions specifically for commercial or industrial development, including shopping district, wholesaling areas, and planned industrial districts. In all cases, however, adequate provision must be made for off-street parking and loading areas as well as for traffic circulation.

Sec. 109-21. - Commercial developments.

Where commercial developments such as shopping centers, or office parks fall within the definition of subdivision as set forth in Act 288, P.A. 1967, as amended, such development must conform to all provisions of the Subdivisions Ordinance that may be reasonably applied. Such development must conform to all Zoning Ordinance requirements.

In addition to other requirements of this Ordinance, the plan must show the following:

- (1) Basic building pattern to be constructed.
- (2) The general pattern of tenants or types of stores and shops.
- (3) The parking and circulation pattern must be clearly delineated and must be designed so that the circulation system is safe and convenient to customers, can be used with a minimum of congestion, and permits ease of entry and exit from parking spaces.
- (4) Compliance with dimensional standards provided by the City of Berkley Zoning Ordinance.
- (5) Landscaping features on the site should be provided pursuant to the Zoning Ordinance.
- (6) Any intended future expansion should be provided for in the layout of the initial center and should be shown on the concept plan, if applicable, and the preliminary plat. The area to be included in the expansion, and all connections thereto must be indicated on the preliminary and final plats. Parking areas, utilities, landscaping, etc., must be designed with future expansion in mind.
- (7) All separate buildings in the center, not connected to the principal center buildings, such as but not limited to supermarkets, gasoline service stations, theaters, offices, drive-ins, and facilities, must be shown on the plans, along with the circulation and parking patterns to service such facilities.
- (8) Pedestrian movement from parking bays to the center and other buildings should be clearly defined and so laid out as to separate, to the greatest extent possible, pedestrians from moving vehicles.

Sec. 109-22. - Restrictive covenants.

Covenants designed to preserve the character of the subdivision and to help retain its stability, permanence, and marketability are encouraged. Such covenants should be recorded with the plat and should be blanket covenants that apply to the entire subdivision. Such covenants are intended to complement the City's continuing regulation of the subdivision through its zoning and building code powers.

Blanket covenants may contain items such as, but not limited to:

- (1) Land use control.
- (2) Architectural control, including walls and fences as well as buildings; yards and setback requirements.
- (3) Minimum lot size.
- (4) Prohibition of nuisances
- (5) Regulation of signs.
- (6) Control of type, duration, location, etc., of temporary buildings or vehicles, such as travel trailers, etc., to be stored on each site;
- (7) Scenic or open space easements;
- (8) Other similar controls.

Covenants must be discussed with the Planning Commission during the initial procedures and/or preliminary plat stages and must be coordinated with existing or anticipated police power controls.

Covenants must be recorded prior to the sale of any lot within the subdivision. The City Council has authority to enforce covenants as conferred by the Land Division Act, Act 288, 1967, as amended.

Sec. 109-23. - Subdivision improvements.

It is the purpose of this Section to establish and define the public improvements which the proprietor will be required to provide as conditions for final plat approval; to outline the procedures and responsibilities of the proprietor and the various public officials and agencies concerned with the administration, planning, design, construction and financing of public facilities; and to establish procedures for assuring compliance with these requirements.

- (1) **Standards.** Improvements must be provided by the proprietor in accordance with these regulations, the latest revision of the City of Berkley Engineering Standards as provided in the City Code and Engineering Design Standards or with any other applicable standards and requirements which may from time to time be established by ordinance by the governing body, and by the published rules of the various departments of the City and County and State agencies. The improvements required under this article must be considered as the minimum acceptable standard.
- (2) **Preparation of plans.** It is the responsibility of the proprietor to have prepared by a registered engineer a complete set of construction plans for the required public streets, utilities, and other facilities required in this section. Such construction plans must conform to the preliminary plans, which have been approved with the preliminary plat, and must be prepared in conjunction with the final preliminary plat. Construction plans are subject to approval by the responsible public agencies and must be prepared in accordance with the City of Berkley Engineering Standards as provided in the City Code and Engineering Design Standards and their standards and specifications.
- (3) **Engineering drawings of improvements.** Engineering drawings of all required improvements must be reviewed and approved by the City Engineer/Engineering Consultant. Improvements to be made under the jurisdiction of the County Road Commission, County Water Resources Commission, or other County or State agencies, must be submitted to the appropriate agency for review and approval. Where review and approval of engineering drawings is made by a County or State agency, the City Engineer/Engineering Consultant must obtain written confirmation of such approvals.

No grading, land filling, removal of trees or other vegetation, or construction of improvements must commence until the engineering drawings of same have been approved as provided in the ordinance from which this article was derived.
- (4) **Modification during construction.** All installations and construction must conform to the approved engineering drawings. If the proprietor chooses to make minor modifications in design and/or specifications during construction, they must submit revisions to the City Engineer/Engineering Consultant, and any other agency having jurisdiction, for approval. No work outside of the approved engineering drawings must be allowed until approval has been granted. The City may require that any work done prior to approval of the changes be removed at the expense of the proprietor. All changes must be shown on the as-built drawings.
- (5) **As-built drawing.** Upon completion of construction, the proprietor must submit to the City Engineer/Engineering Consultant one (1) electronic and three (3) paper copies of as-built

engineering drawings for review and approval prior to final plat approval. Each set of drawings must be certified by the proprietor's engineer. Similar drawings must also be submitted of improvements installed under bond, after final plat approval.

- (6) **Easements.** Upon completion of construction, descriptions of all easements within the subdivision must be provided to the City Engineer/Engineering Consultant for review and approval. Once approved, it is the responsibility of the City to record the easements with the Oakland County Register of Deeds. Copies of the recorded easements must be submitted to the City staff and the City Engineer/Engineering Consultant prior to final plat approval.
- (7) **Construction schedule.** The proprietor must submit to the City Engineer/Engineering Consultant a general schedule of the timing and sequence for the construction of all required improvements prior to final approval of the preliminary plat. The schedule must meet the procedural requirements and inspection needs of the City, County, and State agencies.

Sec. 109-24. - Utilities and improvements.

In order to provide healthful, clean, and desirable living conditions, the subdivider is entirely responsible for installing the following site improvements or must furnish a surety bond acceptable to the City Council sufficient to permit the completion of all contemplated improvements, before a plat is accepted by the City.

- (1) **Street pavement and storm drainage.** All subdivisions must have streets and intersections of bituminous pavement surfacing with enclosed storm sewers as required in the City of Berkley Engineering Standards as provided in the City Code and Engineering Design Standards and approved by the City staff and City Engineer/Engineering Consultant. All such improvements must be provided by the subdivider/developer. All work must be carried out under the supervision of the City Engineer/Engineering Consultant as outlined in the City Code and Engineering Design Standards.
- (2) **Installation of public utilities.** Public utilities must be located in accordance with the City of Berkley Engineering Standards as provided in the City Code and Engineering Design Standards. The underground work for utilities must be stubbed to the property line and made available for future connection. All public utilities in a subdivision must be underground.
- (3) **Sanitary sewerage system.** The location and design of all trunkline and lateral sanitary sewers and any other necessary appurtenances, such as pump stations, must conform to the City of Berkley Engineering Standards as provided in the City Code and Engineering

Design Standards and be approved by the City staff and City Engineer/Engineering Consultant and all applicable reviewing agencies. All work must be carried out and provided by subdivider/developer under the supervision of the City Engineer/Engineering Consultant as outlined in the City Code and Engineering Design Standards.

- (4) **Water system.** The location and design of water mains with house connections and the installation of fire hydrants, and any other necessary appurtenances must conform to the City of Berkley Engineering Standards as provided in the City Code and Engineering Design Standards and be approved by the City staff, City Engineer/Engineering Consultant, and all applicable reviewing agencies as to suitability. All work must be carried out and provided by subdivider/developer under the supervision of the City Engineer/Engineering Consultant.
- (5) **Sidewalks.** Sidewalks, along with crosswalks where necessary, must be provided along all streets and at any other location where the City Council and/or Planning Commission must determine that sidewalks are necessary for public safety or convenience. Sidewalks must conform to the City of Berkley Engineering Standards as provided in the City Code and Engineering Design Standards and be approved by the City Engineer/Engineering Consultant and all applicable reviewing agencies as to suitability. All work must be carried out and provided by subdivider/developer under the supervision of the City Engineer/Engineering Consultant as outlined in the City Code and Engineering Design Standards.
- (6) **Curbs and gutters.** Concrete curbs and gutters are required on all streets and must be constructed in accordance with the City of Berkley Engineering Standards as provided in the City Code and Engineering Design Standards. All work must be carried out and provided by subdivider/developer under the supervision of the City Engineer/Engineering Consultant as outlined in the City Code and Engineering Design Standards.
- (7) **Driveways.** All driveway openings in curbs must conform to the City of Berkley Engineering Standards as provided in the City Code and Engineering Design Standards.
- (8) **Street name signs.** Street name signs must be installed in the appropriate locations at each street intersection in accordance with the requirements of the City of Berkley.
- (9) **Trees.** Trees must be provided in the margins, a minimum distance of five (5) feet between the edges of the sidewalk and the edge of the street, of both sides of all streets, public or private, and must be placed at the minimum rate of two (2) per single family residential lot or at a maximum distance apart of thirty (30) feet. Trees may also be required to be installed according to the same distances in pedestrian ways. The species and locations of trees to

be installed in the street margins must be approved by the City Manager or their designee per Section 130-44 of the City Code of Ordinances.

All trees must be protected from damage by wind and other elements during the first full year after planting.

- (10) **Street lighting.** Streetlights, where provided, must have underground wiring. Light standards must meet the minimum specifications of the electric utility company serving that area of the proposed subdivision. Where lights are to be provided, they must be installed prior to the occupancy of structures within the subdivision. Streetlights must be provided in all subdivisions. All lighting must be compliant with Article 13 of the Zoning Ordinance.

Sec. 109-25. - Protection of natural features.

Due regard must be shown for all natural features, such as large trees, exceptionally fine groves of trees, water courses, scenic points, historic spots, and similar community assets, which if preserved, will add attractiveness and value to the subdivision. The subdivider/developer must take every precaution against injury to natural features, to store their apparatus, materials, supplies, and equipment in such a manner as not to damage natural features or trees. Any tree features liable to damage must be fenced or boxed in. Any trees to be protected must be preserved to the greatest extent practicable through the use of site development techniques in Section 130-44 (d) Tree Protection Measures of the City Code of Ordinances.

Sec. 109-26. - Guarantee of completion of improvements required by the City.

- (1) ***Financial guarantee arrangements, exceptions.*** In lieu of the actual installation of the required public improvements, the City Council, on recommendation of the Planning Commission, may permit the subdivider to provide a financial guarantee of performance for those requirements, which are not under the jurisdiction of the County Road Commission, County Drain Commission or any other agency responsible for the administration, operation, and maintenance of the applicable public improvement. The Planning Commission may recommend, and the City Council may waive, financial guarantees of performance under the ordinance from which this article was derived for sidewalks, streetlights, or street trees. The completion of public improvements is required prior to the issuance of occupancy permits.
- (2) **Performance bond.**
 - a. ***Accrual.*** The bond must accrue to the City, covering construction, operation, and maintenance of the specific public improvement.

- b. ***Amount.*** The bond must be in an amount equal to the total estimated cost of completing construction of the specific public improvement, including contingencies, as estimated by the City Council and City Staff.
 - c. ***Term length.*** The term length in which the bond is in force must be for a minimum period necessary to construct the public improvement, as specified by the City Council.
 - d. ***Bonding or surety company.*** The bond must be with a surety company authorized to do business in the State of Michigan, acceptable to the City Council.
 - e. ***The escrow agreement.*** Must be drawn and furnished by the City Council and City Staff and Attorney.
- (3) **Cash deposit, certified check, negotiable bond, or irrevocable bank letter of credit.**
- a. ***Treasurer, escrow agent, or trust company.*** A cash deposit, certified check, negotiable bond, or an irrevocable bank letter of credit, such surety acceptable by the City Council, must accrue to the City. These deposits must be made with the City Treasurer or deposited with a responsible escrow agent or trust company, subject to the approval of the City Council.
 - b. ***Dollar value.*** The dollar value of the cash deposit, certified check, negotiable bond, or irrevocable bank letter of credit, must be equal to the total estimated cost of construction of the specific public improvement including contingencies, as estimated by the City Council and City Staff.
 - c. ***Escrow time.*** The escrow time for the cash deposit, certified check, negotiable bond, or irrevocable bank letter of credit, must be for a period to be specified by the City Council.
 - d. ***Progressive payment.*** In the case of cash deposits or certified checks, an agreement between the City and the subdivider may provide for progressive payment out of the cash deposit or reduction of certified check, negotiable bond, or irrevocable bank letter of credit, to the extent of the cost of the completed portion of the public improvement, in accordance with a previously entered into agreement.

Sec. 109-27. - Condition of City approval of final plat—Financial guarantees.

With respect to financial guarantees, the approval of all final subdivision plats is conditioned on the accomplishments of one (1) of the following:

- (1) The construction of improvements required by the ordinance from which this article was derived must have been completed by the subdivider and approved by the City Council.
- (2) Surety acceptable to the City must have been filed in the form of a cash deposit, certified check, negotiable bonds, irrevocable bank letter of credit, or surety bond.
 - a. ***Special agreement.*** A special agreement must be entered into between the subdivider and the City Council where street trees and streetlights have been required by the City Council.
 - b. ***Inspection of public improvements under construction.*** Before approving a final plat and construction plans and specifications for public improvements, an agreement between the subdivider and the City Council must be made to provide for checking or inspecting the construction and its conformity to the submitted plans.
 - c. ***Penalty in case of failure to complete the construction of a public improvement.*** In the event the subdivider must, in any case, fail to complete such work within such period of time as required by the conditions of the guarantee for the completion of public improvements, it is the responsibility of the City Council to proceed to have such work completed. In order to accomplish this, the City Council must reimburse itself for the cost and expense thereof by appropriating the cash deposit, certified check, irrevocable bank letter or credit, or negotiable bond which the subdivider may have deposited in lieu of a surety bond, or may take such steps as may be necessary to require performance by the bonding or surety company, and as included in a written agreement between the City Council and the subdivider.

Sec. 109-28. - Development Agreements

The City Council may, as a condition of approval, require the proprietor to enter into a Development Agreement with the City. Such agreement must set forth and define responsibilities for the proprietor and the City and comply with the minimum terms stated within the City of Berkeley Zoning Ordinance.

DIVISION 5. - VARIANCES

Sec. 109-29. - General.

The Planning Commission may recommend to the City Council a variance from the provisions of this Ordinance on a finding that undue hardship may result from strict compliance with specific provisions or requirements of the ordinance from which this article was derived or that application

of such provision or requirement is impracticable. The Planning Commission must only recommend variances that it deems necessary to or desirable for the public interest. In making its findings, as required herein below, the Planning Commission must consider the nature of the proposed use of land and the existing use of land in the vicinity, the number of persons to reside or work in the proposed subdivision, the impact to public utilities and area drainage, and the probable effect of the proposed work in the proposed subdivision upon traffic conditions in the vicinity. The Planning Commission must not recommend a variance unless all the findings below are made after a public hearing. The Planning Commission must include its findings and the specific reasons therefore in its report of recommendations to the City Council and must also record its reasons and actions in its minutes.

- (1) That there are such special circumstances or conditions affecting said property that the strict application of the provisions of the ordinance from which this article was derived would clearly be impracticable or unreasonable. In such cases, the subdivider must first state his reasons in writing as to the specific provision or requirement involved and submit them to the Planning Commission;
- (2) That the granting of the specified variance will not be detrimental to the public welfare or injurious to other property in the area in which said property is situated;
- (3) That such variance will not violate the provisions of the State Land Division Act, Act 288, 1967, as amended;
- (4) That such variance will not have the effect of nullifying the interest and purpose of the ordinance from which this article was derived and the general development plan of the City.

Sec. 109-30. - Topographical/physical limitation modification.

Where in the case of a particular proposed subdivision, it can be shown that strict compliance with the requirements of the ordinance from which this article was derived would result in extraordinary hardship to the subdivider because of unusual topography, other physical conditions, or other such conditions which are not self-inflicted, or that these conditions would result in inhibiting the achievement of the objectives of the ordinance from which this article was derived, the Planning Commission may recommend to the City Council a modification or a waiver of these requirements be granted contingent upon the following:

- (1) The proposed project will constitute a desirable and stable community development.
- (2) The proposed project will be in harmony with adjacent areas.

DIVISION 6. - FEES

Sec. 109-31. - Schedule of fees.

The schedule of fees for subdivision plat must be as follows:

- (1) ***Application fees.*** Pre-application review meeting, preliminary and final plat review fees, planning fees, engineering fees, attorney fees, inspection fees and other applicable development charges must be paid by the subdivider/developer as may be provided for as follows, or by other ordinances of the City. The subdivider/developer must, upon first submission of a concept plan pay to the City Clerk a fee as listed in a fee schedule adopted by the City Council.

There must be an additional fee as listed in a fee schedule adopted by the City Council.

- (2) ***Engineering review fees.*** Such fees must be established by resolution of the City Council.

DIVISION 7. - VIOLATION—PENALTY

Sec. 109-32. - Penalty.

Any person who must violate any of the provisions of the ordinance from which this article was derived, whether such person be the agent of the owner of the property, must be fined not to exceed the sum of one hundred (\$100) dollars, and the cost of the prosecution or by imprisonment for not more than ninety (90) days or both, at the discretion of the court. Each day such violation must exist must constitute a separate offense. Furthermore, all persons must be subject to the penalties set forth in the State Land Division Act, Act 288, 1967, as amended.

SECTION 2: 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 3: 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 4: Effective Date

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

SECTION 5: Publication

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

Introduced on the First Reading at the Regular City Council Meeting on Monday, February 24, 2025 .

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

Bridget Dean, Mayor

Attest:

Victoria E. Mitchell, City Clerk

AN
ORDINANCE
of the City Council of the City of Berkley, Michigan to Amend Chapter 110,
Subdivision and Combination of Land of the City of Berkley Code of Ordinances to
clarify lot split and combination procedures consistent with current City procedures.

**THE CITY OF
BERKLEY ORDAINS:**

SECTION 1: Chapter 110 of the Berkley City Code is amended, as follows:

Chapter 110 ~~SUBDIVISION~~ DIVISION AND COMBINATION OF LAND

Sec. 110-1. Application process.

The owner of land located within the city must apply to the city for permission to combine or divide any parcel located within the city limits. The application shall be contained in a form to be established by the ~~city manager and shall be filed with the city's planning and building~~ Community Development department.

Sec. 110-2. Documents to be included with application.

- (a) Each application for the combination or division of any land located within the city limits shall be accompanied by a survey of the property in question. This survey must be prepared and sealed by a registered land surveyor. The survey must show the location of all structures on the property in question and on all abutting properties together with all easements, setback measurements and applicable site features. The survey shall also indicate the precise combination or division proposed for the property in question.
- (b) Each application for the combination or division of any land located within the city limits shall be accompanied by a legal description of the property in question, together with a copy of the most recent recorded warranty deed and title insurance policy.

Sec. 110-3. Fee.

The city council shall establish by resolution a fee to be paid for each application for the combination or division of land within the city limits.

Sec. 110-4. Procedure.

- ~~(a) The city manager shall designate the person who shall review and decide whether to grant or deny each application under this chapter.~~
- (ba)** The ~~city manager's designee~~ Zoning Administrator shall approve all applications which meet the requirements of all applicable city ordinances ~~and report these findings to the city manager who shall inform the city council of each decision as a matter of record.~~

- (e**b**) The ~~city manager's designee~~ Zoning Administrator shall deny each application that does not conform to sections 110-1—110-3, or which proposes a combination or division of land which would not comply with any other city ordinance.
- (d**c**) Each applicant whose application is denied by the ~~city manager's designee~~ Zoning Administrator shall be afforded the opportunity to appeal this decision to the Zoning Board of Appeals, ~~which shall submit its decision to the city manager. The city manager shall notify the city council of each action taken by the zoning board of appeals on each application submitted pursuant to this chapter.~~

Sec. 110-5. Notification to county.

The ~~city manager or his designee~~ Zoning Administrator shall notify the appropriate county agencies or departments of the approval or denial of each application submitted pursuant to this chapter. For each approval, this notification shall request the appropriate recording in the county records.

SECTION 2: 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 3: 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 4: Effective Date

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

SECTION 5: Publication

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

Introduced on the First Reading at the Regular City Council Meeting on Monday, February 24, 2025 .

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

Bridget Dean, Mayor

Attest:

Victoria E. Mitchell, City Clerk

DRAFT



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
FROM: Megan Masson-Minock, AICP, Principal
DATE: February 12, 2025
RE: Ordinance Amendments to create Subdivision Regulations and update Land Division and Combination Regulations

Per our technical review of the Zoning Ordinance and in consultation with the City Community Development Director, the City needs a Subdivisions Ordinance and Chapter 110 – Subdivision and Combination of Land of the City Code of Ordinances should be amended. With input from the Community Development Department, the Department of Public Works, and the City Engineer, we have drafted the attached ordinance amendments.

Per state law, Planning Commission recommendation is not required for approval of these ordinances. The drafts were provided to the Planning Commission as a courtesy at their January 28, 2025 meeting. The Planning Commission did not have any suggested changes.

This memo describes the applicability each ordinance, and the changes proposed.

Subdivisions Ordinance

The proposed Subdivisions Ordinance mandates the design and layout of streets, landscaping, and property lines for future residential and commercial subdivisions. This Ordinance would only apply to new developments with multiple lots and buildings. Since the City is almost entirely developed, it would only apply if a large property were to be redeveloped into smaller lots or the City expanded beyond its current boundaries. While this Ordinance lays out the process for plats, which are rarely used, the design requirements can apply to site condominiums.

The following table lists the function of each division of the proposed Subdivisions Ordinance:

Draft Division	Function
Division 1 Generally	This division lays out the purpose, authority, interpretation and when the ordinance is applicable.
Division 2 Definitions	Definitions proposed are the standard list for subdivision ordinances in most municipalities. If in both this ordinance and the draft Zoning Ordinance, the definitions are identical.

Draft Division	Function
Division 3 Subdivision Procedure	The procedures proposed are the platting process mandated by the Michigan Land Division Act (Act 288 of 1967, as amended). The site plan process in the proposed Zoning Ordinance would also apply and would run concurrently.
Division 4 Design Standards for Subdivision Planning	Design standards are laid out for streets, alleys, pedestrian facilities (sidewalks and mid-block crossings), utilities, easements, lots, blocks, and land use. Dimensional requirements, such as lot width or block size, are based on the current dimensions of existing layouts in the City. Specific regulations for commercial development are included. Rules on restrictive covenants, subdivision improvements, protections of natural features, financial guarantees, and development agreements are included.
Division 5 Variances	The process and standards for a variance from this Ordinance by the Zoning Board of Appeals is laid out.
Division 6 Fees	The process for the establishment of application and engineering fees is described.
Division 7 Penalty	The penalties are listed.

Chapter 110

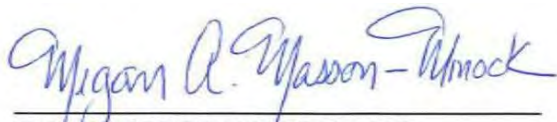
Chapter 110 regulates the division and combination of individual lots within the City. Divisions of larger residential lots periodically occur as do combinations. The proposed amendments update this procedures with standard City practice and eliminates notifications not required by state law:

Section	Proposed Change
Title	Change the title to “Division and Combination of Land” since a separate Subdivisions Ordinance is proposed.
Section 110-1 Application Process	Change the entity to establish the application form to the Community Development Department.
Section 110-4 Procedure	Instead of the City Manager’s designee, the Zoning Administrator is proposed to review and decide applications. The requirements for notification of the City Manager and City Council of land division or combination decisions are proposed for deletion, as the Michigan Land Division Act does not require these notifications.

Section	Proposed Change
Section 110-5 Notification to the County	The Zoning Administrator is proposed to be the person who notifies county agencies or departments of land division or combination decisions.

Please let us know if you have any questions.

Respectfully submitted,



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

AN
ORDINANCE
of the City Council of the City of Berkley, Michigan to amend Chapter 26, Buildings and Building Regulations, to adopt Article IX, Engineering Design Standards, and to Repeal Section 126-71 through 126-75 and Article V of Chapter 126 of the City of Berkley Code of Ordinances.

**THE CITY OF
BERKLEY ORDAINS:**

SECTION 1: Chapter 26, Buildings and Building Regulations, is amended to adopt Article IX, Engineering Design Standards, as follows: The City of Berkley Engineering Design Standards dated ADD ADOPTION DATE.

SECTION 2: Repeal Section 126-71 through Section 126-75

SECTION 3: Repeal Chapter 126, Article V

SECTION 4: 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 5: 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 6: Effective Date

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

SECTION 7: 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. A copy of the adopted Engineering Design Standards shall be on file and available for public inspection at the building department and the office of the City Clerk.

Introduced on the First Reading at the Regular City Council Meeting on Monday, February 24, 2025 .

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

Bridget Dean, Mayor

Attest:

Victoria E. Mitchell, City Clerk

DRAFT



MEMORANDUM

To: Mayor Dean and City Council
From: Kristen Kapelanski, Community Development Director
Date: February 24, 2025
Subject: First reading to amend Chapter 26, Buildings and Building Regulations to adopt Article IX, Engineering Design Standards and to repeal Section 126-71 through 126-75 and Article V of Chapter 126

Madam Mayor and Members of City Council,

Background

- The Community Development Department and the Department of Public Works have been working with HRC for the past few months on the development of Engineering Design Standards.
- Standards for roads, utilities, stormwater, etc. are currently scattered throughout the City Code, listed as DPW policy documents or missing entirely.
- Providing all of this information in one place makes it easy for developers, potential and current property owners and design professionals to access all City engineering standards in one document, which is an industry practice that many of our peer communities have already adopted.
- The Zoning Ordinance and accompanying Engineering Design Standards go hand and hand and being able to reference one document throughout the Zoning Ordinance ensures amendments are easier to track and that staff is less likely to miss an obscure code reference to a specific section in the future.

Summary

- The proposed Engineering Design Standards are a comprehensive guide to developing and redeveloping a property, mostly focused on non-residential and large-scale residential projects.
- The Engineering Design Standards include commercial stormwater and grading requirements, road and pavement requirements and utility standards.
- The Engineering Design Standards incorporate current and future standards from Oakland County, MDOT and other regulatory agencies by reference, allowing for the document to evolve as those agencies make improvements to their own standards.
- The Engineering Design Standards are tailored to Berkley and have been adjusted when it makes sense for the City.
- The Engineering Design Standards will be adopted via this ordinance and updated via ordinance amendments thereafter.

Recommendation

Moved by Councilmember _____ and seconded by Councilmember _____ to approve the first reading to amend Chapter 26, Buildings and Building Regulations, to adopt Article IX, Engineering Design Standards, and to Repeal Section 126-71 through 126-75 and Article V of Chapter 126 of the City of Berkley Code of Ordinances.

CITY OF BERKLEY ENGINEERING DESIGN STANDARDS

The Engineering Design standards herein are intended to provide a basis upon which all site plans for commercial, and single and multi-family sites within the City of Berkley are to be designed and constructed. The requirements outlined herein reflect the requirements of the City of Berkley Department of Public Works and the City's Engineering Consultant and conform to current Engineering practices in the Metropolitan Detroit area. By no means are these standards intended as a substitute for Sound Professional Engineering judgment. The Standards may not apply to all conditions, and alternative solutions may be *permitted* as approved by the pertinent City departments and/or its Engineering Consultant. It is suggested that the applicant obtains a copy of the City of Berkley Zoning Ordinance and Chapter 26, Chapter 106 and Chapter 126 of the Berkley Code of Ordinances to supplement these standards.

Engineering review for site plan review shall be conducted by the City's Engineering Consultant as directed by the City as per the following Engineering Design standards.

Additional reference standards, as well as permitting, that may be applicable to the required Engineering Design standards include:

1. Oakland County Water Resources Commissioner (Stormwater Engineering Design Standards, Water Supply and Wastewater Design Standards) (OCWRC)
2. Oakland County Erosion Control Manual
3. Road Commission for Oakland County Design Standards (RCOC)
4. Southeastern Oakland County Water Authority (SOCWA)
5. The United States Environmental Protection Agency (EPA)
6. Michigan Department of Environment, Great Lakes, and Energy (EGLE)
7. Recommended Standards for Wastewater Facilities (Ten States Standards)
8. Recommended Standards for Water Works (Ten States Standards)
9. Michigan Department of Transportation Standard Specifications for Construction
10. Michigan Department of Transportation – Uniform Criteria for Major Streets
11. Michigan Manual of Uniform Traffic Control Devices

In addition, there may be the need to obtain approval and/or construction/access permits from communities bordering the City of Berkley, including Cities of Southfield, Royal Oak, Huntington Woods and Oak Park.

The site plan must be reviewed and approved by the planning commission and the appropriate City department(s) and/or professional consultants based on the standards herein and as per Article 15 of the City of Berkley Zoning Ordinance. Following preliminary site plan approval, the applicant must submit drawings for final site plan approval as described in this document. Final construction plan approval will be contingent upon approval of the final site plan, receipt and review of the traffic control plan(s), the stormwater maintenance agreement, and receipt of all approved permits and/or permit exemptions.

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SECTION 1: GENERAL

- 1.1. Complete improvement plans bearing the seal of a licensed Professional Engineer, Surveyor or Architect licensed to practice in the State of Michigan shall be submitted prior to review and approval of any portion thereof.
- 1.2. A certified boundary survey of the site, prepared and sealed by a licensed Professional Surveyor licensed to practice in the State of Michigan, or a copy of the completed plat shall be submitted with the engineering drawings.
- 1.3. Plans submitted shall be on 11" x 17" white prints having blue or black lines and shall be neatly and accurately prepared. Judgment should be exercised in the design, layout, and the presentation of proposed improvements. An electronic version of the plans must be made available for submittals. The topographic survey must depict one-half foot contours of the area, shall be on a scale of a least one-inch equals ten feet (1"=10'), and shall show all property and structures within 25 feet of the property for which the permit is being sought.
- 1.4. For projects or subdivisions having more than one sheet of plans, a general plan having a scale of 1" = 100' shall be provided showing the overall project and indicating the size and general location of all improvements shown in the detailed plans.
- 1.5. Street names, street and easement widths, lot lines, lot dimensions, lot numbers and ownership shall be shown on all plans.
- 1.6. Elevations shall be on U.S.G.S. Datum. Two (2) permanent benchmarks for the work shall be indicated on the plans.
- 1.7. Existing grades and elevations must be provided at each lot corner and grade change points.
- 1.8. The finished grade shall be indicated for all structures.
- 1.9. Finish grade and finish floor elevations for the first floor, garage and basement. Provide the finish grade elevation of adjacent houses or structures. The grading plan must also indicate if the adjacent lot is unimproved.
- 1.10. The location and elevations of all utilities, including manholes on or within 25 feet of the property, must be shown on the plans.
- 1.11. Plans shall show the location of existing and proposed sidewalks and driveways, including the slope of the driveway to the street. All sidewalks and driveways shall be compliant with state, and local laws, ordinances, and requirements.

- 1.12. Provide temporary and permanent soil erosion and sedimentation control, including, but not limited to, silt fencing, catch basin inserts in the street adjacent to the subject property, etc.
- 1.13. Roof downspouts are not permitted to discharge directly into the combined storm sewer system and must be directed onto grass, landscape, or other green space area to prevent ponding of water on the property or from being directed towards adjacent properties.
- 1.14. Existing sewer lead shall be properly abandoned, and the proposed sewer lead must include a new connection, as approved by the Department of Public Works.
- 1.15. Plans must show the location of existing trees within the right-of-way.
- 1.16. Confirmation that a Design MISS DIG ticket has been requested and processed must be provided by noting the ticket number of the plan.
- 1.17. A demolition plan must be included with all site plans depicting all pavement, utilities, landscape, and other site features that are to be removed as part of the project.
- 1.18. The developer or their engineer shall be responsible to forward plans for approval to any private utility company (gas, electric, phone, cable, etc.) and any Federal, State or County (Water Resource Commissioner, Road Commission, etc.) agency whose facilities or rights-of-way may be affected by the proposed construction. Public utilities will require the review and approval of the City prior to submittal to the permitting agency.
- 1.19. It shall be the developer's engineer and contractor's responsibility to verify the existence and location of all underground utilities and to utilize the MISS DIG system prior to construction.
- 1.20. All site plans shall contain the latest version of the applicable Oakland County Water Resource Commissioner and the Road Commission for Oakland County (if applicable) detail sheets and the developers/owners name(s), address, and phone number. The plans must also contain the City's current Standard Utility Material Specifications table located on the City's Department of Public Works web page. Further, the City of Berkley Standard Construction Notes (included herein as Appendix A) must be reviewed for compliance.
- 1.21. An Engineer's Opinion of Construction Cost (for both the overall project and for the proposed work within the City right-of-way) must be supplied with the Engineering Plan submittal. This estimate will be used by the City to establish field observation and testing fees for the improvements in accordance with the City Ordinance and to determine the required amount of each construction bond.

- 1.22. All utility trenches under the 45-degree zone of influence line of existing or proposed pavements, bike paths, sidewalks or drive approaches shall be backfilled with sand compacted to at least 95% of maximum unit weight (copy of density test(s) required).
- 1.23. Utility crossings of paved roadways will be required to be bored. Open cutting of paved roadways will not be permitted without prior approval from the City.
- 1.24. Under no circumstance will a new water main or sewer pipe be allowed to be installed within the footprint of an existing or proposed building. In addition, if an existing water main or sewer is within the footprint of a building that is proposed to be redeveloped or razed and reconstructed, a new utility must be relocated outside of the existing or proposed building footprint prior to construction with all costs being the responsibility of the Applicant/Developer.
- 1.25. An itemized quantity list will be required for all proposed utility improvements (water main, sanitary sewer, storm sewer, paving).
- 1.26. The developer shall submit to the City four (4) sets of complete site plans for review at each stage of review (preliminary, final, engineering) and for revised site plans at each review stage, if applicable.
- 1.27. Site Plan Submittal and Review Process

Please refer to Article 15 of the City's Ordinances – SITE PLAN REVIEW PROCEDURES AND REQUIREMENTS – for details on the site plan submittal and review process for developments and redevelopments.

Detailed site plan review checklists, which include the information, specifications, and details required for engineering site plan submittals for commercial and residential developments, as well as-built/record drawing requirements, are included in Appendix B herein.

- 1.28. Pre-Construction Meeting

Once the approved engineering plans have been issued, and prior to the start of any work on the site, a preconstruction meeting will be required between the Applicant/Developer, their consultants and contractors, the pertinent City departments and their Engineering Consultant. This meeting will verify that all relevant permits have been applied for, that the proper bonds and insurance are provided, and schedule for material testing and construction observation, as necessary. The following is a checklist of requirements for scheduling the pre-construction meeting:

<u>COMMERCIAL DEVELOPMENTS – PRE-CONSTRUCTION MEETINGS</u>	NA	INCLUDED	
		YES	NO
The following items represent a standard list of items that are required to be submitted to the City for review and approval prior to scheduling the preconstruction meeting:			
1. Set up escrow account with the City for construction engineering services. (City Engineering Consultant will provide the required amount prior to the meeting) *			
2. City Permits (building, utility (right-of-way), site (private), lot split/combination, and Bond (right-of-way restoration bond, etc.) approvals			
3. Permit Approvals/Exemption letters from outside agencies – RCOC, OCWRC, MDOT, SOCWA, EGLE, etc.			
4. (New) easement document(s)/exhibit(s)			
5. Construction Schedule			
6. List of contractors/subcontractors			
7. Traffic Control/Maintenance Plan			
8. Bonds (Performance, Labor & Material, and Maintenance & Guarantee) and insurance policies, including the Owners Contractors Protective (OCP). Each bond must be issued for the total estimated construction cost for ALL work within the public right(s)-of-way. **			
9. Stormwater maintenance agreement (draft document only) ***			

*The escrow amount is the estimated budget for the City’s engineering consultant’s services, which includes both administrative and field services, as follows:

- 1.28.1. The City Engineering Consultant will coordinate and conduct the preconstruction meeting for the project, including preparing and distribution of meeting minutes.
- 1.28.2. The City Engineering Consultant will provide field observation for the portion of the project within the public rights-of-way only, including utility placement and connections, and pavement, curb & gutter and landscape restoration. Inspector Daily Reports will be prepared and submitted to the City. The City Engineering Consultant will also conduct a cursory review of the site as it pertains to the storm sewer material inventory only (i.e., verification of diameter, material, etc.)
- 1.28.3. The City Engineering Consultant will provide materials testing services for backfill of utility trenches as well as pavement construction within the public rights-of-way only.
- 1.28.4. The City Engineering Consultant will provide review and recommendation for approval of the selected contractor’s required insurance and bonds (Performance, Maintenance and Guarantee, and Labor and Materials). The bonds must in the

amount at least equal to 100 percent of the estimated construction cost (within the ROW) as security for the faithful performance of this contract, for the payment of all persons performing labor on the project under this contract, for furnishing materials in connection with this contract, and to provide the City a guarantee that all completed work will be maintained and free from defects, faults, etc. for a period of one (1) year.

** Samples of the required bonds and insurance certificates are included in **Appendix C** herein.

1.28.5. The City Engineering Consultant will coordinate one (1) punch-list onsite meeting and assist with the development of a punch-list.

1.28.6. The City Engineering Consultant will provide review and approval of the as-built/record drawings.

1.29. Maintenance Agreement

A maintenance agreement shall be required between the city and the owner for all vegetative, structural, and stormwater best management practices (BMPs) to be constructed on site. Stormwater facilities shall be maintained by the owner and shall be repaired and/or replaced by such person when such facilities are no longer functioning as designed. Records of installation and maintenance and repair shall be retained by the owner and shall be made available to the City upon request. The maintenance agreement shall be binding on all subsequent owners of land served by the stormwater management and facilities and shall be recorded in the office of the Oakland County register of deeds prior to the final approval of the City. If the stormwater management BMPs have not been adequately maintained, the City may notify the owner(s) in writing and require the necessary maintenance or repairs within 90 days of the written notice. Should the owner fail to comply with the provisions of this article, the City may, after giving reasonable notice and opportunity for compliance, have the necessary work completed and the owner shall be obligated to promptly reimburse the City for all costs incurred.

The city shall not issue final approvals until the applicant signs a stormwater site maintenance agreement, plan, and a proposed schedule for perpetual maintenance of the complete storm drainage/management system, in a form approved by city council.

*** An example of a Stormwater Management Operations and Maintenance Agreement can be found in **Appendix G of the OCWRC Stormwater Engineering Design Standards**.

SECTION 2: WATER MAIN

2.1. General

- 2.1.1. If the proposed improvements include the construction of public water main, the developer shall submit a set of water main only plans (including the water main standard detail sheets) with a completed EGLE permit application for water supply systems. This information will be forwarded by the City's Engineer to the Southeast Oakland County Water Authority (SOCWA) who will then submit to EGLE for permitting. Please note the procedure may also include submission of the permit application via the current EGLE web-based permit portal system.
- 2.1.2. All water system improvements shall be designed in accordance with the current edition of "Recommended Standards for Water Works" (a/k/a Ten State Standards).
- 2.1.3. Water mains in new developments shall be installed from boundary to boundary in abutting roads and interior streets, and at other locations and sized as may be deemed necessary by the City for future extensions.
- 2.1.4. An itemized quantity list for all proposed water main construction must be included on the plans.
- 2.1.5. All public water mains must be located within a 20-foot-wide easement or public road right-of-way. Easements should extend 10 feet beyond any hydrant. Sketches and descriptions of both the parcel and easement will be required. The documents shall contain a provision to prohibit the construction of any above ground structures within the limits of the easement.
- 2.1.6. If lead water services are encountered, the homeowner will be given a letter of notice by the City, and the resident must approve the replacement prior to any work on the private service.

2.2. *Design Requirements*

- 2.2.1. The distribution system in all developments requiring more than 600 feet of water main shall have a minimum of two connections to a source of supply and shall be a "looped" system. Water mains are to be looped whenever possible. The ability to serve at least 2,000 gpm in single-family detached residential; 3,000 gpm in apartment, cluster residential and similar complexes, institutional, and school areas; and at least 4,000 gpm in office, and shopping centers is essential.

- 2.2.2. Eight (8) inch minimum diameter mains will be installed in single family residential areas.
- 2.2.3. Twelve (12) inch mains are the minimum size in commercial, office, and multiple family residential areas except in a looped system of 1,500 feet or less where eight (8) inch mains may be permitted.
- 2.2.4. Hydrant leads longer than 20 feet must be eight (8) inches.
- 2.2.5. No service leads are allowed to extend from a six (6) inch hydrant lead.
- 2.2.6. Profile view is required for all sizes of watermains, or as per current EGLE requirements.
- 2.2.7. Water mains shall be kept on one side of the street for the entire length of the street. Water mains shall not be located under pavement or under cul-de-sacs.
- 2.2.8. Gate valves shall be spaced at a maximum of 800 feet intervals on distribution lines. They shall be spaced such that not more than four valves need to be turned off to isolate any section of the water main.
- 2.2.9. Sufficient valves shall be placed such that not more than 20 single family homes, 30 multiple family units or two (2) hydrants shall be out of service within a section of isolated water main.
- 2.2.10. Dead-end mains must end with a hydrant and a gate valve and well. All stubs for future looping must include a gate valve and well.
- 2.2.11. Gate valves should not be located under roadway pavement, bike paths, sidewalks or driveway approaches when possible.
- 2.2.12. Four (4) inch and larger valves are required to be installed in a gate well, except for six (6) inch hydrant shut off valves.
- 2.2.13. In single family residential areas, hydrants shall be spaced along the water main a maximum of 500 feet. In no case shall a house be more than 350 feet from a hydrant. Commercial, and multiple family spacing shall be a maximum of 400 feet.
- 2.2.14. Along major roadways and in areas other than single family residential, hydrant spacing shall be a maximum of 500 feet.

- 2.2.15. In commercial areas, the exterior of buildings shall be no further than 300 feet from a hydrant, nor closer than 35 feet, measured along shortest feasible exterior route for laying hose. There shall be a fire hydrant located within 100 feet of any building public safety connection.
- 2.2.16. Where possible, hydrants shall be located at the lot corners, but no closer than eight (8) feet from any driveway or driveway approach.
- 2.2.17. Hydrants located in parking areas shall be protected with a six (6) inches (minimum) concrete curb or standard guard posts.
- 2.2.18. When connecting to an existing water main, a tapping sleeve, gate valve and well will be required unless connection to the existing main can be made without interrupting service on the main.
- 2.2.19. The plans shall indicate the finish grades of all hydrants and gate well. When connecting to an existing water main, a tapping sleeve, gate valve and well will be required unless connection to the existing main can be made without interrupting service on the main.
- 2.2.20. Water mains shall be located so as to provide a minimum of ten (10) feet horizontal clearance between the nearest edge of the water main and the nearest edge of any sanitary or storm sewer.
- 2.2.21. A minimum vertical clearance of 18 inches shall be maintained between the top or bottom of any water main and the top or bottom of any sewer or utility. Vertical clearance of less than 18 inches will require concrete encasement of the sewer or utility.
- 2.2.22. Restrained joints shall be used at all bends, tees, hydrant shoes, plugs and caps where necessary to prevent lateral movement of the water main. Thrust blocks will not be allowed unless required by the permitting agencies.

2.3. **Materials**

Materials shall be in accordance with the current City Standard Utility Materials Specifications (or approved equal), which can be obtained from the DPW or the City website.

2.4. **Installation**

- 2.4.1. All water main shall be installed with a minimum cover of five-and-a-half (5.5) feet below finish grade or top of curb (or road centerline if uncurbed)

where the main is parallel to a road. When water mains must dip to pass under another utility, the sections which are deeper than normal shall be kept to a minimum length by the use of vertical bends properly restrained.

- 2.4.2. The contractor will fill, disinfect and pressure test all new water main construction under the supervision of City of Berkley and/or its agent.
- 2.4.3. Before any water main is accepted by the City, it must pass a pressure test complying with the current specifications and procedures of the City. The maximum loss of water for the 2-hour hydrostatic test shall be 11.65 gallons, per inch diameter of main, per mile of pipe over a 24-hour period.

SECTION 3: SANITARY SEWER

All construction must conform to the current Oakland County Water Resources Commissioner standards and/or as specified herein.

3.1. General

- 3.1.1. A separate and independent building sewer shall be provided for every building except when one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.
- 3.1.2. Old building sewers and water services shall not be used in connection with new buildings. Remaining foundations not constitute an existing building.
- 3.1.3. All building sewer construction and the installation of pipes, fittings and appurtenances shall be done in accordance with the building regulations of the city, the city's utility connection policy and such supplementary rules and regulations as the Director of Public Works may prescribe, which shall be effective upon approval by the city council.
- 3.1.4. The applicant for the building sewer permit shall notify the Community Development Department when the building sewer is ready for inspection and connection to the public sewer. The connection to the city main and any connections to the structure or there along shall be made under the immediate supervision of the Director or their designee.
- 3.1.5. If the proposed improvements include the construction of public sanitary sewer, the developer shall submit a set of sanitary sewer only (with sanitary

standard details) plans with a completed EGLE permit application for wastewater systems. This information will be forwarded by the City's Engineer to the proper agencies for permitting.

- 3.1.6. All sanitary sewer improvements shall be designed in accordance with the current edition of "Recommended Standards for Wastewater Facilities" (a/k/a Ten State Standards). A sanitary sewer basis of design is required to be included on the plans for all sanitary sewer extensions.
- 3.1.7. A grease interceptor will be required for all food service operations. No connections for domestic waste will be allowed to the interceptor.
- 3.1.8. Downspouts, weep tile, footing drains, sump pump discharges, or any conduit, that carries storm or ground water shall not be allowed to discharge into a sanitary sewer.
- 3.1.9. An itemized quantity list for all proposed sanitary sewer construction must be included on the plans.
- 3.1.10. Sanitary sewers will be required across the entire frontage of the site.
- 3.1.11. All public sanitary sewers must be located within a 20' wide easement or public road right-of-way. Easements should extend 10' beyond the last manhole. Sketches and descriptions of both the parcel and easement will be required. The documents shall contain a provision to prohibit the construction of any above ground structures within the limits of the easement. The easement width may be increased depending on the proposed sewer depth, soil conditions or adjacent facilities.

3.2. Design Requirements

- 3.2.1. At all connections to the City's Sanitary System or extension thereto, in the first manhole upstream from the connection, provide a water-tight bulkhead with a 1" diameter pipe through the bulkhead for measuring infiltration immediately upstream. Also, a one-foot sump at the base of the manhole shall be provided.
- 3.2.2. The minimum allowable size of a public sanitary sewer is 8" diameter.
- 3.2.3. The following table of minimum slopes and maximum manhole (MH) spacing for sanitary sewers shall be adhered to. Additional diameters and grades are provided in the Ten States Standards document.

<u>Diameter</u>	<u>Minimum Grade</u>	<u>MH Spacing (Min.)</u>
8"	0.40%	300 Feet
10"	0.28%	300 Feet
12"	0.22%	350 Feet
15"	0.15%	350 Feet
18"	0.12%	350 Feet
21"	0.10%	350 Feet
24"	0.08%	400 Feet

- 3.2.4. The last upstream run of sewer must be at a grade of 1.00% or greater.
- 3.2.5. The minimum slope for 6" diameter building leads is 1.00%. Cleanouts are required every 100 feet and at all bends.
- 3.2.6. A monitoring manhole is required on the sanitary lead for all non-residential connections to the sanitary sewer system. The monitoring manhole can only have one (1) lead running through it. It must be located on a straight run of lead and cannot be a manhole on a public sewer main.
- 3.2.7. Each building structure shall have a separate individual sanitary service lead connected to a public sanitary sewer.
- 3.2.8. Sanitary sewers will not be approved in the rear lot easement.
- 3.2.9. The following information shall be indicated on the sanitary sewer profile:
- a) Length of run between manholes.
 - b) Type, class, size and slope of pipe.
 - c) Class of bedding.
 - d) Rim elevation of all manholes.
 - e) Existing and proposed ground elevation line above the route of the sewer.
 - f) A logical numbering system for manholes shall be included.
 - g) Invert elevations of all sewer at manholes.
 - h) Location and limits of sand backfill where required.
 - i) Location and elevations of crossings with other utilities.
- 3.2.10. Provide a minimum depth from top of curb (or road centerline if uncurbed) to the top of any sanitary sewer of 9 feet at locations where the sewer grade is parallel to the road grade. Under any design the sewer shall be deep enough to reasonably serve, by gravity, a standard depth basement.
- 3.2.11. Sanitary sewer shall be placed on the opposite side of the street from the water main and shall have a horizontal separation of at least 10 feet.

- 3.2.12. External drop connections are required at manholes where the invert of the outlet pipe is 18 inches or more below the invert of the inlet pipe. Internal drop connections will not be allowed.
- 3.2.13. Where the proprietor must extend the sanitary sewer from off-site, the proprietor shall extend sanitary sewer leads to the property line of all adjacent property on both sides of the right-of-way the entire length of the off-site sanitary sewer extension.
- 3.2.14. In new subdivisions, all service leads shall be sand backfilled and extended a minimum of ten (10) feet past the property line or to the easement line.
- 3.2.15. The plan and profile view of the proposed sanitary sewer shall generally be shown on the same sheet.
- 3.2.16. Maximum flow velocity for pipe flowing full shall be maintained by matching the eight-tenths point of the diameter depth above invert for pipe size increases.
- 3.2.17. Provide a drop of 0.10 feet in the downstream sewer invert for a direction change of 30 degrees or greater to compensate for velocity head loss of the incoming flow.
- 3.2.18. Service leads and common header pipes for multiple and commercial properties shall be a minimum of 6 and 8 inches in diameter, respectively, with a minimum slope of 1.0%.
- 3.2.19. Private sanitary sewer leads of excessive length, although not a public sewer, may require calculations, a profile plan, inspection and testing. Each site will be considered individually by the DPW and Community Development Departments.
- 3.2.20. All existing and proposed sewer service leads shall be clearly shown on the plans.
- 3.2.21. Proposed sewer service leads are regulated by the City of Berkley adopted plumbing code requiring a minimum of 1% slope. Proposed building sanitary sewer leads shall not be connected to existing or proposed storm drain systems or outlet pipes.

3.3. *Materials*

- 3.3.1. Service leads installed with the lateral sewer shall be a minimum of 6 inches in diameter and shall be Schedule 40 PVC or SDR 23.5.

- 3.3.2. New sanitary sewer manholes must be water-tight and shall be pre-cast sections with modified grooved tongue joints with rubber gaskets, conforming to A.S.T.M. Designation, C-478. Also, a butel rubber coating around the casing and cone shall be provided for all new manholes as noted on the City 's or its agent's standard detail sheet.
- 3.3.3. Main line sewer shall be PVC Truss pipe, Solidwall SDR 26, or RCP, C-76, Class IV or V, or approved equal.

3.4. Installation

- 3.4.1. No sanitary sewer installation or portion thereof shall have infiltration exceeding 100 gallons per inch diameter per mile of pipe per 24-hour period.
- 3.4.2. Each end of a service lead shall be marked by setting a 2" square wooden stake vertically above the end of the lead.
- 3.4.3. Each tee or end of service lead shall have water-tight and airtight stopper of compatible joint material and shall be adequately braced to withstand exfiltration and/or air test pressure.
- 3.4.4. When existing manholes are to be tapped, a hole of the appropriate diameter shall be core drilled through the wall of the manhole. A watertight fitting shall be used to connect the pipe into the manhole.
- 3.4.5. A minimum of 30 days after installation and prior to acceptance, all sewers shall be subjected to infiltration, air or exfiltration tests, or a combination thereof, in accordance with the following requirements, prior to acceptance of the system by the City of Berkley and prior to removal of the bulkhead.
- 3.4.6. All sewers over 24" diameter shall be subjected to infiltration tests. All sewers of 24" diameter or smaller, where ground water level above the top of sewer is over seven (7) feet, shall be subjected to an infiltration test.
- 3.4.7. All sewers of 24" diameter or less, where the ground water level above the top of the sewer is seven (7) or less, shall be subjected to air tests or exfiltration tests.
- 3.4.8. A minimum of 30 days after installation and prior to the acceptance of new mainline sanitary sewer systems, a televised inspection of each section of the mainline shall be conducted from manhole to manhole. Video and log of this inspection shall be submitted to the Community Development Department to document the current condition of the sanitary system at the

time of the utility acceptance. The video and log shall be consistent with the Standards of the City of Berkley.

SECTION 4: STORM SEWER

All construction must conform to the current Oakland County Water Resources Commissioner standards and/or as specified herein.

4.1. Design Requirements

- 4.1.1. Storm sewer systems shall be designed for a ten-year intensity rainfall. The Rational Method for arriving at storm sewer runoff shall be used. An "n" value of 0.013 shall be used for concrete pipe.
- 4.1.2. The formula for a ten (10) year rainfall intensity shall be equivalent to $I = 175/(T+25)$ in which T is the time of concentration (minutes), and I is the intensity (inches per hour).
- 4.1.3. The initial T is generally 20 minutes for residential areas and 15 minutes for high runoff areas.
- 4.1.4. The consulting engineer shall use the following minimum values for "C", the runoff coefficient, in the "Rational Formula" of computing storm water flows ($Q = CIA$) or as per the current Oakland County standards.

Impervious Hard Surfaces	C = 0.90
Gravel Surface	C = 0.50
Vegetated/Turf Surface	C = 0.20

Other values of the runoff coefficient may be used or required at the discretion of the City's Engineer for such areas as parks and open-spaces or unusual sites.

- 4.1.5. Sufficient capacity shall be provided in the storm sewer system to take fully developed tributary upstream drainage into the system. When a storm sewer is designed to provide capacity for upstream areas, the hydraulic gradient shall remain in the pipe.
- 4.1.6. Storm sewer design calculations, including a drainage area map shall be included on the engineering plans. The storm district map shall show all on-site and off-site drainage districts. A minimum 1" = 50' scale is allowed. The district limits must be over laid on a proposed grading plan for the site.

- 4.1.7. All public storm sewers must be located in a public right-of-way or an easement. The minimum storm sewer easement shall be 12 feet. The easement size will vary as required for maintenance and access. Any storm sewer that accepts runoff from abutting property or public right-of-way must be placed in a minimum 12-foot storm sewer easement.
- 4.1.8. If a storm sewer is designed to take on-site drainage only, the hydraulic gradient must be no higher than one (1) foot below ground. When the hydraulic gradient is above the top of the sewer pipe, the design elevation of the hydraulic gradient shall be indicated on the profile at each manhole.
- 4.1.9. Storm water detention is necessary for all developments in the City. See Section 5, Storm Water Detention / Retention Facilities, for details.
- 4.1.10. Manholes shall be located as follows:
 - a) All changes in alignment
 - b) Points where the size of the sewer changes
 - c) Points where the grade of the sewer changes
 - d) The junction of sewer lines
 - e) Street intersections or other points where catch basins or inlets are to be connected.

4.1.11. Manhole and catch basin spacing for storm sewers shall be as follows:

<u>Diameter of Sewer</u>	<u>Maximum Spacing</u>
12" – 15"	400 ft.
18" - 21"	400 ft.
24" - 30"	450 ft.
36" & 42"	500 ft.
48" & larger	550 ft.

- 4.1.12. The minimum size of a public storm sewer is 12-inch diameter. 10-inch diameter pipe will be allowed for sewer lines that pick up footing drain or roof conductor drainage. No open covers will be permitted for a 10-inch diameter storm sewer.
- 4.1.13. Connection must be made at manholes or catch basins. Blind taps are not allowed.
- 4.1.14. The following information shall be indicated on the storm sewer profile:
 - a) Length of run between manholes.

- b) Type, class, size and slope of pipe.
- c) Class of bedding.
- d) Rim elevations of all manholes.
- e) Existing and proposed ground elevations above the route of the sewer.
- f) A logical numbering system for manholes shall be included.
- g) Invert elevations of all sewers at manholes.
- h) Locations and limits of sand backfill, where required.
- i) Locations and elevations of crossing with other utilities.

4.1.15. The following table of minimum slopes for storm sewers shall be adhered to:

Size and Minimum Slope

12" @ 0.32%
15" @ 0.24%
18" @ 0.18%
21" @ 0.14%
24" @ 0.12%
27" @ 0.10%
30" @ 0.09%
36" @ 0.07%
42" @ 0.06%
48" @ 0.05%

4.1.16. The minimum velocity may not be less than 2.5 feet per second in a pipe flowing full. The maximum velocity in storm sewers shall be ten (10) feet per second. The contents of a larger pipe will never be discharged into a smaller line even though the slope may be steeper for the smaller line. This principle does not apply, however, to a restricted opening or discharge.

4.1.17. Where possible provide a minimum of three (3) feet of cover from the top of curb (or road centerline) to the top of any storm sewer.

4.1.18. For subdivisions, storm sewers shall be located in the public road right-of-way or in easements adjacent to the public road right-of-way. Storm sewers shall not be located in rear yards except to pick up rear yard drainage or for sump pump discharge lines.

4.1.19. At all pavement catch basins and inlets, forty (40) lineal feet (twenty in each direction) of six (6) inch edge drain shall be constructed at the back of curb line in each direction, backfilled with pea gravel and includes fabric. Additional edge drain may be required as directed by the City Engineer.

- 4.1.20. No more than 1.0 acre of area shall be tributary to one standard catch basin. Catch basins may be placed side by side to provide additional capacity.
- 4.1.21. A maximum of 900 feet of drainage is allowed to any catch basin from two (2) directions.
- 4.1.22. Where lateral storm sewers are proposed, all new homes must be constructed with sump pumps which discharge to an underground pipe connected to an underground public rear yard drain or storm drain. The sump pump discharge lead shall be a minimum of four (4) inch diameter. The lead shall be constructed at a minimum 1.0% grade and connected to a structure. No blind taps are allowed.
- 4.1.23. The minimum grade for swales and ditches shall be 1.0%. All ditch slopes greater than 3.0% will require sod vegetation. Ditch slopes greater than 5.0% will require rip rap and/or check dams.
- 4.1.24. For residential developments and redevelopments, rear and/or side yard catch basin(s)/inlet(s) may be required unless stormwater drainage can be maintained on site and be positively directed and ultimately discharged to the nearest stormwater collection system in the City right-of-way/street via surface (ditch/swale/sheet flow) drainage.

4.2. *Materials*

- 4.2.1. Pipe for storm sewers within the public right-of-way or under any roadway or driveway shall be C-76 reinforced concrete pipe conforming to Classes IV or V, or HDPE or PVC if approved by a geotechnical consultant and approved by the City.
- 4.2.2. Pipe outside the influence of the public right-of-way may be double-walled, High Density Polyethylene (HDPE) with smooth interior and annular exterior corrugation meeting requirements of ASTM F2306. Special bedding and backfill will be required.
- 4.2.3. Joints for storm sewer shall be tongue and groove premium joints with rubber gaskets.
- 4.2.4. All lead material shall be schedule 40 PVC.
- 4.2.5. Storm manholes are to be a four-foot (4') diameter minimum with an eccentric cone. Catch basins are to be a minimum four feet (4') diameter with a two (2) foot sump and an eccentric cone. Inlets may be a two (2) foot diameter. All storm structures must conform to ASTM C-478.

4.3. Installation

- 4.3.1. All storm sewers shall be installed on Class "B" bedding or better.
- 4.3.2. A prefabricated bar screen shall be installed on all storm sewers eighteen (18) inch in diameter and larger.
- 4.3.3. Refer to the standard detail sheets for additional material and construction standards.
- 4.3.4. HDPE sewers may require deflection testing with a nine-point mandrel a minimum of 30 days after installation. At no point will the pipe have out of round deflections greater than five (5) percent of normal pipe diameter.

SECTION 5: STORM WATER DETENTION / RETENTION FACILITIES FOR NEW SUBDIVISIONS, SITE CONDOMINIUMS AND COMMERCIAL DEVELOPMENTS

All construction and land activities must conform to the current Oakland County Water Resources Commissioner standards and/or as specified herein.

This article is intended to specifically apply to stormwater detention/retention which is a prevailing need where the absence of detention/retention could endanger the property, health, safety and general welfare of the residents and property owners of the city.

Further, the purpose of this article is to regulate the rate of stormwater runoff flow from land within the city in order to protect the public health and minimize the problems resulting from an overloading of the city sewer system.

For clarification, while stormwater detention and retention are both methods used to manage and control, or reduce the peak flow of stormwater runoff, helping to mitigate the impacts of stormwater runoff and reduce the strain on drainage systems, they serve different purposes. **Stormwater detention** involves temporarily holding stormwater and then slowly releasing it at a controlled rate to prevent flooding and erosion downstream as well as reducing the risk of damage to downstream infrastructure. Detention can be achieved by constructing detention basins/ponds, underground tanks, sewer pipe networks, or other structures designed to temporarily store stormwater. **Stormwater retention** involves the capture and storage of stormwater, allowing it to infiltrate into the ground or to evaporate over time, which can help to recharge groundwater and reduce the volume of stormwater entering the drainage system. Retention can similarly be achieved by constructing infiltration basins/ponds, bioretention areas, rain gardens, wetlands, underground tanks or storage pipe networks, or other structures designed to capture and hold stormwater.

5.1. **General**

- 5.1.1. Storm water detention/retention is required for all developments in the City.
- 5.1.2. Detention basins shall be designed to detain improved storm water over the developed areas on site. The applicant is not required to detain water from offsite areas in the drainage district.
- 5.1.3. All land activities shall comply with the current Oakland County Water Resources Commissioner (OCWRC) Stormwater Engineering Design Standards with the exception of the one (1) acre or greater requirement for stormwater management in that the City of Berkley requires all land activities regardless of size to be governed by OCWRC’s design standards unless otherwise described herein.
- 5.1.4. If the stormwater system is proposed to be a retention system with no outlets, the system will be required to hold two 100-year storms.
- 5.1.5. All projects are required to provide adequate sediment and erosion controls in order to ensure no offsite sedimentation collects transports into adjacent properties, sewer systems, and public rights-of-way, regardless of size.
- 5.1.6. Drainage from a new development, renovation or addition shall not be diverted onto abutting private property. Drainage from a new development, renovation and addition requiring detention shall be directed to the detention basin. Discharge from the basin and overflow shall not be diverted onto abutting private property.
- 5.1.7. The stormwater detention requirements for developments less than one (1) acre in area are as follows:

Detention Table for Commercial Developments and Residential Subdivisions and Site Condominiums with a parcel size of 1 Acre or less

Development Area (acres)	Detention Volume Required (Cubic Feet)	Maximum Outlet (CFS)	Minimum Outlet Requirements
0.91 to 1.00	8,000	0.97	4 - 2" Orifices
0.81 to 0.90	7,200	0.73	3 - 2" Orifices
0.71 to 0.80	6,400	0.73	3 - 2" Orifices
0.61 to 0.70	5,680	0.49	2 - 2" Orifices
0.51 to 0.60	4,780	0.49	2 - 2" Orifices
0.26 to 0.50	4,000	0.49	2 - 2" Orifices

5.2. ***Project Variances/Exceptions***

- 5.2.1. Developments, renovation or additions of less than 0.26 acres or 11,325 square feet in area will not require stormwater runoff detention/retention at the time of the improvement. For such case, a restrictive covenant must be executed by the property owner and recorded with the Oakland County Register of Deeds stating that when the next future improvement occurs on the property which will make the accumulated area of existing improvement and the future improvement greater than 0.26 acres or 11,325 square feet, the property owner will make the stormwater detention/retention improvements as specified in this article on the accumulated area.
- 5.2.2. The City shall have the authority to grant variances/exceptions to the detention requirements as contained within this section if the area of the proposed development is between 0.26 and 0.50 acres and upon reasonable written demonstration of practical and/or financial difficulty by the Applicant related to stormwater detention compliance and/or exceedance of the project budget which would cause the project to be delayed or abandoned. Circumstances may include limited buildable area, special zoning requirements, parking requirements, other site restrictions, etc. Regardless of any variance/exception granted, the City will maintain the minimum requirement for the Applicant to detain stormwater runoff from the proposed *improvement(s)* on the site.
- 5.2.3. Renovations and additions that do not involve parking lot, private street, drive or sidewalk removal and replacement, will not require stormwater runoff detention/retention at the time of the improvement, unless adequate undeveloped land is available for detention/retention on the property. If stormwater detention/retention is not included as part of the renovation, a restrictive covenant must be executed by the property owner and recorded with the Oakland County Register of Deeds stating that when the next future improvement occurs on the property under this article, the property owner will make the stormwater detention/retention improvements as specified in this article on the accumulated area.

5.3. ***Method Used***

The Oakland County Water Resources Commissioner (OCWRC) Stormwater Engineering Design Standards, subtitled the “Requirements, Rules, and Design Criteria for Stormwater management”, as made available by the Oakland County Drain Commissioner's office, shall be utilized in the design and implementation of all stormwater topics, including, but not limited to, determining the volume of detention/retention required; stormwater management; flood control; long term stormwater infrastructure maintenance; and low-

impact development (LID) techniques, or “green infrastructure” to reduce runoff and pollution, improve water quality, and promote soil conservation. The Planning Commission and City Council may determine alternate requirements as deemed necessary and advisable during the course of their special land use permit and site plan review process.

As per the OCWRC, underground detention facilities will be allowed on sites where traditional stormwater management measures are not feasible and will be evaluated on an individual basis. The underground facility must comply with all standards imposed on traditional facilities; including, but not limited to, a restricted outlet, overflow structure, overflow route, and a perpetual maintenance plan.

5.4. *Design Requirements*

- 5.4.1. Detention and retention facilities design shall follow the Oakland County Water Resources Commissioner (WRC) current Stormwater Engineering Design Standards. Developments that do not meet these requirements will, at a minimum, meet the standards in this section of the City of Berkley Engineering Design Standards.
- 5.4.2. Leaching systems may be designed with a maximum infiltration rate of six (6) inches per hour and store a volume equal to a 100-year storm. Sufficient data must be available to support the use of a leaching system. In no case shall the infiltration rate be greater than 0.2 cfs per acre. A form of sediment control must be provided with all leaching systems.
- 5.4.3. Sediment control system must provide 80% removal of the annual total suspended solids (TSS) based on a 100-micron particle size and treat 100% of the runoff from the 1-year/24-hour storm event. Rain events in excess of the 1-year/24-hour event must bypass the system without causing re-entrainment of floatable contaminants.
- 5.4.4. A minimum of 12 inches of freeboard must be maintained for all systems. All building openings must be above the freeboard elevation.
- 5.4.5. All basins shall be required to be designed to drain by gravity unless designed with a permanent water elevation. Detention basins designed to utilize pumps for dewatering will not be permitted.
- 5.4.6. Where a retention basin will be utilized, it is the developer’s engineer’s responsibility to provide documentation to confirm that the soils in the area of the basin can infiltrate at a minimum rate of six (6) inches per hour. In no case shall the infiltration rate be greater than 0.2 cfs per acre. This information shall appear on the engineering plans. A leaching basin will be

required for all retention systems unless the ground water level is within two (2) feet of the outlet.

- 5.4.7. All open detention basins must be fenced if the side slopes exceed 1 vertical to 5 horizontal. This may be waived by the City if the design of the basin is an integral part of the landscaping and the location and depth does not present a potential hazard. The maximum side slope for a basin with fencing shall be 1 vertical to 3 horizontal.
- 5.4.8. A 20-foot-wide access easement must be provided to all basins.
- 5.4.9. An agreement for the long-term operation and maintenance of detention / retention facilities must be completed by the developer and submitted to the City prior to final acceptance of the as-built record drawings.
- 5.4.10. Calculations for the runoff coefficients, detention volume and restrictor sizing shall be clearly shown on the proposed detention/grading plan(s).
- 5.4.11. Outlet detail or details shall be clearly shown on the plans. Restrictor size, type and location shall be clearly indicated on utility plans. The 100-year free overflow shall be clearly labeled with the appropriate calculations and details.
- 5.4.12. As built plans shall be provided for all detention areas. Plans shall clearly indicate sufficient site grades; water surface contours and revised calculations based on the as-built grades verifying that the required volumes have been met. Deficiencies in detention storage volume shall be addressed with plans to provide the required detention volumes.
- 5.4.13. The City of Berkley will require approval prior to construction to alter or regrade any area that provides storm water detention storage (swale, pond, pipe system, paved surface, etc.) or provides freeboard for a detention system (berms, landscaping, curbing, walls, etc.) Upon completion of the site work, an as built plan will be required to verify the restricted outlet, site grading and detention storage volumes in comparison to originally approved grades and volumes. Storm Detention and Right-of-way work shall be completed and approved prior to the City signing off on any final occupancy permit or other approval.
- 5.4.14. One detention volume calculation shall be made for the entire site. Previous hard surface improvements that required detention or a lien shall be included in calculation. Cumulative hard surface improvements shall be shown on the plan and labeled accordingly with the areas of improvement and dates of construction.

- 5.4.15. The minimum size outlet pipe shall be 8” diameter. Manholes shall be provided at each connection to public sewers of 15” or less and at all pipe junctions 10” and larger.
- 5.4.16. Restrictors shall be sized to discharge at the appropriate rate. To minimize the potential for orifice clogging, the minimum size restricted orifice is 2” in diameter. All restrictors and their respective calculations shall be indicated on the plans. The total cumulative discharge from all restrictors shall equal the site total discharge.
- 5.4.17. The restricting outlet structure (manholes and catch basins) shall be precast concrete and 48” minimum diameter with a 2’ minimum sump, or approved alternative.
- 5.4.18. The City of Berkley shall retain the authority to approve/deny the construction of detention basins within public utility easements based on potential impacts to public utilities.
- 5.4.19. No structure shall be installed within a detention basin that may allow the circumventing of detained water storage. Detention basins shall not be installed above any utility structure, manhole, water gate well, electrical handhole, etc. or within the limits of trash enclosures or any building.

SECTION 6: GRADING FOR SUBDIVISIONS, SITE CONDOMINIUMS AND COMMERCIAL DEVELOPMENTS

6.1. General

- 6.1.1. A grading plan is required for all developments. Rear yard storm drainage systems are required for all residential development and redevelopment projects. Refer to Section 4: Storm Sewer herein and Chapter 26 – Article VII (Building and Building Regulations) of the Berkley Code of Ordinances.
- 6.1.2. The grading of the proposed development shall not create drainage problems, or make existing drainage problems worse, on adjacent property. If necessary, storm drains shall be extended to the adjacent property to alleviate drainage problems.
- 6.1.3. A building permit shall not be issued until a grading plan has been submitted to the City and approved.
- 6.1.4. A soil erosion permit is required for all earth disruption over 1.0 acre, or as

deemed necessary by the permitting agency. It is the responsibility of the developer to inquire with the appropriate agency regarding the necessity of a permit.

6.2. *Design Requirements*

- 6.2.1. First floor and basement (where applicable) elevations for each proposed structure or building shall be shown on the plans.
- 6.2.2. The grades of existing adjacent buildings, drainage structures and streets shall be shown. The actual surveyed grades of existing adjacent ground and yards shall be shown on a grid pattern up to a minimum of 100 feet from the property line. The drainage pattern of all adjacent existing land shall be indicated.
- 6.2.3. The grading plan shall be designed to ensure that if a failure or overflow occurs within the storm system, water will drain away in overland swales without flooding houses.
- 6.2.4. The finished grade shall be compatible with the grades of surrounding buildings, roads, yards and with the existing ground at the proposed house. Finished grade set below the crown of the road will require that all stormwater is intercepted and routed so that it does not adversely impact any buildings.
- 6.2.5. All existing and proposed ground grades are to be in tenths of a foot.
- 6.2.6. Rear yard swales shall be no longer than 400 feet before being intercepted by a catch basin and shall have a minimum grade of 1.0%.
- 6.2.7. The proposed side yard swale elevation shall be shown between all buildings. This elevation must be a minimum of 0.5 feet below the lower adjacent house grade. The side yard swale must have a minimum slope of 1.0% to the front and rear.
- 6.2.8. General direction of flow of the rear yard drainage and swales must be indicated with arrows.
- 6.2.9. The maximum allowable grade shall be 1 vertical to 4 horizontal.
- 6.2.10. The proposed ground elevations shall be indicated at each lot corner and top of curb or edge of pavement.
- 6.2.11. The maximum driveway slope is 8.0%. The slope of the driveway shall be

labeled on the plans.

- 6.2.12. Proposed retaining wall designs may require review by the City's Consulting Engineer at the City's discretion.

SECTION 7: PAVING & PRIVATE ROADS

7.1. *General*

- 7.1.1. For both public and private roadways proposed in the City, the City of Berkley, in conjunction with the Road Commission for Oakland County's design standards for subdivisions will be utilized as the basis for the design unless modified in this section.
- 7.1.2. Alternative paving designs for private roads/driveways may be submitted to the City for consideration at the time of Site Plan Review. They will be reviewed by the City's Consulting Engineer and recommendations will be made to the City. Such alternative paving designs shall only be acceptable in those instances where the City finds that the proposed design will provide an acceptable level of serviceability, ease of maintenance and are consistent with other paving in similar areas elsewhere in the City.
- 7.1.3. For roads under the jurisdiction of the Road Commission for Oakland County (RCOC) or the Michigan Department of Transportation (MDOT), all improvements shall be designed to meet their requirements.
- 7.1.4. Acceleration, deceleration and passing lanes designed in accordance with RCOC/MDOT standards are required at all road entrances that front on paved major roads unless waived by the RCOC/MDOT.
- 7.1.5. Alternate horizontal and vertical alignments may be considered with written approval from the City Public Safety Department.

7.2. *Design Requirements*

- 7.2.1. The minimum outside radius of a cul-de-sac (back of curb) shall be fifty (50) feet. The back of curb inside radius shall be twenty (20) feet. All right-of-way radii shall be sixty (60) feet minimum.
- 7.2.2. Alternate horizontal and vertical alignments may be considered with written approval from Public Safety.
- 7.2.3. Roadways shall have a minimum of two (2) 12-foot lanes with or 27-foot-

wide back of curb to back of curb.

- 7.2.4. A boulevard section may be allowed in an enlarged right-of-way. Pavement widths shall be at least twenty-four (24) feet for all boulevard streets (back of curb to back of curb). The distance from the property line to curb shall be sixteen (16) feet on boulevards. The minimum island width shall be ten (10) feet and maximum sixteen (16) feet. The nose of the boulevard island shall be set back at least twelve (12) feet from the edge of pavement of the intersecting street.
- 7.2.5. Vertical curves are necessary when a change in grade of 1.0% or more occurs. The minimum length of vertical curve shall be 100 feet.
- 7.2.6. The minimum pavement vertical grade for roadways shall be 0.40% when concrete curb and gutter is provided, 1.0% with open ditch and the maximum allowable grade on any roadway is 8.0%.
- 7.2.7. The maximum cross slope on a cul-de-sac is 3.0%.
- 7.2.8. All proposed roadways shall be profiled. The pavement profile view shall include:
- 7.2.9. Elevations at each station for the top of curb, or at centerline if not curbed.
- 7.2.10. Existing ground elevations at the center of the right-of-way, and 30 feet either side of the centerline.
- 7.2.11. Station and elevations of all high points, low points, grade-breaks and necessary information at vertical curves. Grades for vertical curves must be indicated at twenty-five (25) foot intervals.
- 7.2.12. The station and top of curb grade of all pavements catch basins and inlets.
- 7.2.13. The pavement radius at all intersections of all roads shall be a minimum twenty-five (25) feet.
- 7.2.14. Finish grade of all structures shall be indicated in the plan and profile views.
- 7.2.15. The minimum pavement cross-section for a residential road is four (4) inches of hot mixed asphalt (HMA) on eight (8) inches of aggregate. A thicker HMA, or possibly a nonreinforced six (6) inch to eight (8) inch concrete section, may be required by the City depending on the average daily traffic volumes as well as percentage of truck traffic. Additional layers and types of aggregate may be required depending on the type and condition of the

subsoils determined during the geotechnical investigation when pavement cores and soil borings are extracted.

- 7.2.16. The minimum commercial parking lot pavement cross-section is three (3) inches of hot mixed asphalt on eight (8) inches of aggregate or six (6) inches of concrete on six (6) inches of aggregate. Thicker cross sections (either or both the pavement and the aggregate section) for commercial parking lots may be required depending on the underlying soil conditions and/or as directed by the City.
- 7.2.17. All sidewalks are to be concrete and a minimum of four (4) inches thick on four (4) inches of Class II sand. Sidewalk ramps and sidewalk flags that cross driveways must be six (6) inches thick.

7.3. *Materials*

- 7.3.1. The subgrade material for paved private roads and parking lots shall be 21AA crushed concrete or limestone aggregate or as deemed necessary by the Developer or the City and/or its Consulting Engineer.
- 7.3.2. The HMA mix for private roads and parking lots shall meet current MDOT standards.
- 7.3.3. Concrete shall be mixed, placed, tested and cured as per current MDOT standards.

7.4. *Installation*

- 7.4.1. The installation of private roads and parking lots within the City may require inspection by the City Department of Public Works and/or the City Consulting Engineer at the following stages:
 - a) After the sub grade has been rough cut to the plan elevation.
 - b) After the placement of the aggregate base or aggregate roadway surface.
 - c) Full-time during the placement of the pavement (where applicable).
 - d) After all the required vegetation has been established.

Appendix A

CITY STANDARD CONSTRUCTION NOTES

The following notes shall be placed on ALL engineering plans. They may be modified when appropriate.

City of Berkley Standard Construction Notes

1. A preconstruction meeting must be scheduled with the City of Berkley Department of Public Works (DPW) prior to the start of construction (schedule, insurance, bonds, info. flyer).
2. The DPW will complete site inspections for all work within the City right-of-way or along public utility corridors. Please contact the DPW foreman two days before work starts at 248-658-3490.
3. The City recommends the applicant and/or contractor video or photograph the project area prior to the start of construction as documentation of existing conditions.
4. All existing gate valves and hydrants are to be operated only by the City's Department of Public Works personnel. At no time shall the Contractor operate these facilities himself. The Contractor shall contact the Department of Public Works a minimum of 48 hours in advance of the need to schedule these activities and operations.
5. Use of a public fire hydrant will require a City meter with appropriate backflow prevention. Arrangements must be made with the DPW prior to construction. The current fee can be obtained at the City's Department of Public Works and is adjusted periodically.
6. The contractor shall take appropriate measures to protect public and private trees in the work area as detailed in Section 130-44(d) of the City Code. Any damage to trees shall be reported to the City.
7. The work area must be kept clean and dust free. Contractor will provide street sweeping as necessary.
8. Concrete trucks will not be permitted to wash out into the City's combined sewer system or catch basins.
9. Two-way traffic must be maintained for any work within the public roadway with traffic control devices in place according to the MMUTCD, latest edition.
10. Temporary road repairs must be checked and maintained on a daily basis.
11. Existing pavement shall be removed at existing joints and sawcut full depth prior to removal.
12. Compacted sand backfill meeting MDOT Granular Material, Class IIA requirements will be required for all trenches and excavations on this project, and acceptable backfill material meeting all specified requirements is expected to be imported for this use. All backfill is to be placed and compacted to a 95% maximum density regardless of whether the area is within the roadway or the greenbelt.
13. New concrete pavement shall match existing cross section - minimum 7" thick on a compacted sand base with epoxy coated #5 (5/8") dowels, 18" long, grouted in place, 24"

on center on all sides. (Each dowel must be imbedded 9” into the existing concrete). Further, full length dowels are to be installed through the curblines. Placement of concrete below 40 degrees Fahrenheit will not be accepted.

14. It is the responsibility of the contractor to call MISS DIG at least three (3) days prior to job start.
15. The contractor is responsible for all damage to public utilities, pavement, curb, curb and gutter, and sidewalk in the public right-of-way.
16. All soil erosion and sediment must be controlled and contained on site. All public drainage structures requiring cleaning shall be completed prior to final inspection by the City.
17. City will require certification of the constructed storm detention system by way of a signed/sealed letter by the Applicant/Developer’s Design Engineer. It is assumed that the Design Engineer will be in the field during this phase of construction, in particular, so they can confirm it was properly constructed.
18. ADA compliant ramps with detectable warning (Brick Red color, ADA Solutions or approved equal, 24" x 48") are required for any ramps disturbed during construction.
19. Trash collection shall not be interfered with by the Contractor's operations.
20. ADA Detectable Warning Surface Plates must be Alertcast®, Orange Plastic, 24” x 48” or approved equal (ADA Solutions has previously been approved as well).
21. The Contractor must install temporary fencing to protect the public from equipment and any open excavations, as required, and around the trees that are to remain, prior to construction. Refer to Chapter 106, Article VII, Section 106-304 for fencing requirements.
22. Silt sacks are to be installed in all drainage structures prior to the start of construction and be in place for the duration of the project to aid in prohibiting debris from entering the sewers.

Appendix B

SITE PLAN (FINAL/ENGINEERING) REVIEW CHECKLISTS

1. ENGINEERING (COMMERCIAL DEVELOPMENTS)
2. ENGINEERING (RESIDENTIAL DEVELOPMENTS)
3. "AS-BUILT" REQUIREMENTS

I. ENGINEERING SITE PLAN REVIEW CHECKLIST (COMMERCIAL DEVELOPMENTS)	NA	INCLUDED	
		YES	NO
A. Applicant/Project Information			
1. Project Name			
2. Section			
3. City/Consultant Project Job No., if applicable			
4. Applicant's Engineer			
5. Date Received			
6. Review Fee Received			
B. Upon Receipt of Plans			
1. Received electronic copy of Site Plan Packet (plans, letters, documents, etc.) and two (2) hard copies, as required			
2. Sealed by Registered P.E.			
C. General			
1. 24" x 36" Sheet			
2. Engineering Scale 1" = 100' General Plan (1" = 20' or smaller plot sheets)			
3. North Arrow, Date, and Revision Date(s)			
4. Street Names			
5. Existing and Proposed Property and Right-of-Way Lines			
6. Lot Dimensions, Property Addresses			
7. Legal Description(s), Parcel I.D.'s (Sidwell #'s)			
8. MISS DIG design ticket number stated on plans			
9. Location Map			
10. Building width, length and dimensions between buildings			
11. Existing and Proposed Topographic Survey of site			
12. Existing and Proposed building elevations			
13. Existing and Proposed Utilities, including pipelines, structures and hydrants			
14. Location of surface and/or subsurface drainage			
15. Screening, walls, fences, berms, or greenbelt/landscape areas			
16. Existing and Proposed Pavement/Driveway/Sidewalk surfaces			

I. ENGINEERING SITE PLAN REVIEW CHECKLIST (COMMERCIAL DEVELOPMENTS)	NA	INCLUDED	
		YES	NO
17. Existing and Proposed Parking layout/Parking Space calculations			
18. Street and Easement Width Shown			
19. Easements 12' Wide Minimum			
20. Superimposed on Plan – 1 ft (Existing and Proposed) contours including at least 100 ft outside of the project area			
21. Existing and Proposed Wetland and Floodplain boundary lines			
22. Provide Existing and Proposed cross-sectional Details for all Pavement, Driveways, Curb, and Sidewalk/Ramp.			
23. Benchmarks (on USGS Datum)			
24. Finished grade on all structures			
25. Copy of computed plat			
26. Stormwater detention calculations in accordance with current Oakland County standards (Note – the City of Berkley requires all proposed developments to meet the detention requirements of Oakland County, including sites smaller than 1 acre)			
27. Paved streets (Concrete or Hot Mixed Asphalt (HMA)) with concrete curb and gutter, as required by City			
28. Demolition Plan sheet (or shown directly on Site Plan) to show all removal quantities, including pavement, curb, sidewalk/ramp, utilities, trees, landscape features, etc.			
29. Geotechnical evaluation of site by a registered geotechnical firm to determine existing soil conditions and to offer recommendations/comments on proposed storm water collection system, buildings, etc.			
30. Sequence of Construction (must also indicate the timing for installation of Soil Erosion Control measures) and Construction Phasing, if applicable			
31. Any existing sewer or water main that is under an existing building that is to remain, the Developer/Applicant will be responsible for financing and coordinating the relocation of the utility away from the footprint of the building. Further, no new utility will be allowed to be installed underneath and within the footprint of any building structure.			
32. All new sidewalk ramps must be ADA compliant as per current MDOT and/or Road Commission Standards (Detail w/ slopes, truncated dome inserts)			
33. Existing and Proposed Pavement Markings			

I. ENGINEERING SITE PLAN REVIEW CHECKLIST (COMMERCIAL DEVELOPMENTS)	NA	INCLUDED	
		YES	NO
34. Restoration of grassed areas shall be shown as seed/mulch, hydroseed, sod or other mix			
D. Permits (as required)			
1. Soil Erosion and Sedimentation Control Detail Sheet and copy of Water Resources Commissioner (WRC) Permit			
2. Copy of WRC Drain Tap Permit			
3. Copy of Road Commission for Oakland County (RCOC) Permit, if required			
4. Copy of Road Commission for Michigan Department of Environment, Great Lakes and Energy (EGLE) Permit			
5. Copy of Michigan Department of Transportation (MDOT) Permit			
E. Sanitary/Combined Sewer			
1. Notes on plans including size, material, length and bedding/trench details for all proposed pipes and structures.			
2. Sewers in Easements – Minimum of 2' from Lot Lines			
3. Design meets minimum slope requirements			
4. 8" Dia. Minimum size sewer			
5. Manhole spacing – 8"-10" – 300' - 12"-21" – 350'			
6. Sewer in street right-of-way if possible			
7. Minimum depth from top of curb (or road centerline) to top of sewer 8-1/2' or 9'			
8. End of wye or house lead plugged with same type of joint as main sewer			
9. Allowable type of pipe and joint specified?			
10. Upstream service provided for?			
11. Truss pipe notes provided?			
12. Sanitary Sewer Detail Sheet provided?			
13. R.E.U. Calculations, Basis of Design, provided?			
14. Sanitary Sewers shown in Plan and Profile			

I. ENGINEERING SITE PLAN REVIEW CHECKLIST (COMMERCIAL DEVELOPMENTS)	NA	INCLUDED	
		YES	NO
15. Profile shows: A. Size B. Class/Material/Trench Detail C. Invert D. Slope E. Existing ground F. Proposed grade G. Locations of porous backfill			
16. All existing sanitary leads and water services and their material type, if known, must be indicated on Plans at time of submittal			
17. All existing leads which are not to be re-used must be abandoned (cut and capped) within two (2') of the main.			
18. Existing leads which will be re-used must be inspected by a licensed contractor/plumber and the video footage submitted to the City verifying the lead is suitable for re-use prior to construction			
F. Storm Sewer			
1. Pipe design and proposed storage volume in compliance with current Oakland County Water Resources Commissioner (OWRC) Standards			
2. Map and computations of design (including drainage sublets) 2. Calculations for the runoff coefficients, detention volume and restrictor sizing shall be clearly shown on the proposed detention/grading plan(s). 3. Outlet detail or details shall be clearly shown on the plans. Restrictor size, type and location shall be clearly indicated on utility plans.			
3. Storm Sewers shown in Plan and Profile			
4. Profile shows: A. Size B. Class/Material/Trench Detail C. Invert D. Slope E. Existing ground F. Proposed grade G. Locations of porous backfill H. Hydraulic Gradient, if out of pipe			

I. ENGINEERING SITE PLAN REVIEW CHECKLIST (COMMERCIAL DEVELOPMENTS)	NA	INCLUDED	
		YES	NO
5. Maximum Manhole spacing (12"-18", 400'; 21"-30", 450'; 36"-42", 500')			
6. Manholes shall be located at: <ul style="list-style-type: none"> • Any change in alignment, unless approved by the City • Any change in pipe diameter • Any change in elevation • Any junction of the drainage system 			
7. Catch basin spacing <ul style="list-style-type: none"> A. At radius of return of intersection, 150' max. run if flow goes around corner B. At low points C. 600' drainage maximum in one direction D. 900' drainage maximum in two directions 			
8. Field catch basin at low points in easement 1200' max. drainage, 600' max. in one direction			
9. Field catch basin in rear lot easement when such swale changes direction more than 45°			
10. Taps: Connections must be made at drainage structures. Blind taps may only be allowed with the explicit approval of the City.			
11. Finished easement grades shown			
12. Have Best Management Practices (BMP) for Storm Water Treatment (green roofs, bioswale, vegetation filter strips, rain barrels, etc.) been considered for storm water effluent from impervious surfaces?			
13. Allowable type of pipe and joint specified?			
14. Headwalls and inlet structures as required			
15. Lateral sewers to provide outlet for footing drain discharge for each lot, unless discharge directly to wetland or body of water			
16. Separate storm water and sewer connections to City combined sewer			
17. Storm outlets must have proper energy dissipation (soil erosion measures) such as geo-fabric with stone, rip rap, etc.			
18. Storm sewer end sections must be fitted with bar screen/animal grate if pipe is more than 18" in diameter			
19. Footing drain leads to property line*, unless lot immediately adjacent to wetland or body of water. * Where footing drains don't discharge to storm sewer by gravity, plans must include note indicating which homes have sump pumps with discharge points.			

I. ENGINEERING SITE PLAN REVIEW CHECKLIST (COMMERCIAL DEVELOPMENTS)	NA	INCLUDED	
		YES	NO
20. Storm Sewer Detail Sheet provided?			
21. Perpetuity maintenance agreement by developer required (for private storm water collections systems)			
22. Downspouts cannot discharge onto pavement areas or be directly connected to combined sewer and must be directed to green areas or into detention systems on-site, if proposed.			
23. Restricted catch basin covers, as required by City DPW			
<p>24. Public Storm Drain:</p> <ul style="list-style-type: none"> • All public storm drains must be located in a public right-of-way or an easement. Easement drawings and descriptions shall be forwarded to the City upon receiving Site Plan Approval. The easement size will vary as required for maintenance and access. The minimum storm drain easement shall be 12 feet in width. The execution of the easement will be required prior to construction of the system. For any project requiring an easement or license agreement, the City will require the Developer or property Owner to provide a boundary survey and plans prepared by a professional surveyor, licensed in the State of Michigan, for review and approval, prior to issuing any permits. • The City reserves the right to dictate the ultimate size and location for all public storm drains. The City may require public storm drains be installed by private Developers to accommodate future improvements within the drainage district of the proposed improvements and provide extensions and easements for the extension of public storm drains. <p>For stormwater retention, see Section J.</p>			
G. Water Main			
1. Notes on plans			
2. Dedicated easement for public water main			
3. Minimum 8” diameter water main			
4. Main feeders are 8” diameter water main or 12” as specified by City			
5. 6” diameter water main lengths shall not exceed 1400’ (hyd. Runouts)			
6. Gate valves shall be located in the system such that not more than 4 valves will isolate any section			
7. Valving shall be such that a maximum of 30 lots shall be serviced in any one section			

I. ENGINEERING SITE PLAN REVIEW CHECKLIST (COMMERCIAL DEVELOPMENTS)	NA	INCLUDED	
		YES	NO
8. Gate valves 5' from right-of-way corners			
9. Hydrants at 500' maximum spacing			
10. Maximum of 350' from any house to hydrant			
11. New water main to be looped through new site (commercial, multi-family) – no dead ends allowed			
12. Hydrants and Water Main meet City Standards			
13. Hydrants at intersections 15' from right-of-way corner			
14. Finish grades of hydrants and gate wells			
15. Hydrant at least 4' from edge of pavement or protected with bumper posts			
16. Water Main Detail Sheet provided?			
17. If lead or galvanized material is encountered on either the private or public side of a water service line, the entire service must be replaced from the main to the building's meter to comply with the State's current Lead and Copper Rule (LCR).			
H. Paving			
1. 27' wide (Residential); 33' (Commercial)			
2. Cul-de-sac – Min. 21' B to B (500 ft long)			
3. Minimum Grade = 0.4%			
4. V.C. where 2% change in grade			
5. 6% - Max. grade			
6. At intersections, allow 0.3' drop in elevation around curb return			
7. Show curve data			
8. Show top of curb grade and elevations			
9. 6" sand base and underdrain needed?			
10. Concrete Curb and Gutter (or integral C&G), as required by City			
11. Curb cut length ($\geq 10'$ and $\leq 25'$)			
12. Curb cut spacing ($\geq 25'$, commercial only)			
13. Pavement, Driveways, Curb, and Sidewalk/Ramp cross-sections shown on Plans in accordance with City Standards or as directed by the City			

I. ENGINEERING SITE PLAN REVIEW CHECKLIST (COMMERCIAL DEVELOPMENTS)	NA	INCLUDED	
		YES	NO
14. When paving asphalt surfaces, the final adjustment of all castings or road utility boxes to finished grade shall be made immediately prior to placing the wearing course.			
15. Existing pavement shall be sawcut, full depth, prior to removal. Pavement shall be sawcut two (2') feet off the back of curb where concrete curb and gutter is to be installed within concrete roadways and two and a half (2 ½') feet off the back of curb where concrete curb and gutter is to be installed within composite (asphalt over concrete) roadways.			
16. Where portions of composite pavement (asphalt over concrete) are removed for proposed utility work, a new concrete base course with an asphalt overlay shall be placed to match the existing thickness of the existing materials.			
17. Removal of existing pavement shall be to the nearest joint of an existing, <u>acceptable pavement slab or curb and gutter in the opinion of the Engineer. The City reserves the right to dictate the limits of pavement removal or restoration when pavement alterations are proposed or required as part of a development.</u> The alteration limits shall be set to achieve a proper, durable restoration that will integrate with existing and future similar improvements and be in the best interest of the City. Deficient pavement, in the opinion of the Engineer, includes sunken, cracked, broken, and scaled - road and alley pavement, pavement not meeting the standard dimensions, slope or thickness or causing the ponding of water will be determined by the City for replacement at the time of plan review. All existing pavement or portions thereof, along the frontage of a development that is substandard or deficient will be reviewed for replacement when a proposed cut is made into the pavement. Alterations of road and alley pavement on public right-of-way shall be installed to current standards, widths, cross sections, and slopes as dictated by the Engineer.			
18. All public storm drain, sanitary and combined sewer runs containing sections of pipe to be removed and replaced shall be cleaned and televised after the pipe is replaced and prior to replacing the pavement above the repair to ensure the structural integrity of the repair can be approved by the City and their Engineering Consultant prior to the contractor replacing the pavement above the repair. One (1) copy of the video recording (or web link) shall be furnished to the City for review.			

I. ENGINEERING SITE PLAN REVIEW CHECKLIST (COMMERCIAL DEVELOPMENTS)	NA	INCLUDED	
		YES	NO
I. Grading			
1. Are 8 principles of erosion and sediment control being followed? A. Smallest practical area exposed B. Shortest period of time exposed C. Temporary vegetation D. Sediment basins – desilting basins or silt tops E. Provide for accommodating increased runoff F. Final vegetation and structures installed as soon as possible G. Development fitted to topography H. Natural vegetation retained and protected			
2. Will final grading still allow for sufficient cover over existing utilities? (Especially water mains).			
3. Proposed grading will not alter existing drainage conditions in a way that will direct stormwater onto neighboring properties			
J. Stormwater Retention/Detention			
<u>Underground Storage</u>			
1. Calculations for the proposed storage system showing the provided retention volume			
2. Provided retention volume meets or exceeds required volume according to Oakland County Water Resources Commissioner Stormwater Engineering Design Standards			
3. Dimensions (L x W of storage area, pipe diameter, etc.) shown for entire proposed system			
4. Outlet Control Structure provided which limits flow from retention system into combined sewer to allowed flow from Oakland County standards.			
5. Details for proposed storage system and outlet control structure			
6. Adequate cover above storage system provided			
7. Backfill materials and thicknesses match manufacturer and geotechnical report recommendations			
<u>Basins</u>			
8. Does design meet requirements based on Oakland County Retention/Detention Basin Formulas?			
9. Does design meet the City Engineering Consultant’s requirements?			

I. ENGINEERING SITE PLAN REVIEW CHECKLIST (COMMERCIAL DEVELOPMENTS)	NA	INCLUDED	
		YES	NO
10. Are basin side slopes adequate for maintenance such as lawn cutting? (Maximum 1:5)			
11. Is 4' high vinyl-clad, chain link fence with double opening 12' wide gate and access road provided as required? (For slopes exceeding maximum 1:5 slope)			
12. Is animal grate provided at outlet pipe?			
13. Drainage certification on plans?			
14. Is Detention Basin overflow channel provided?			
15. Are there downstream conditions warranting further restriction or limiting of discharge from detention basin?			

II. ENGINEERING PLAN REVIEW CHECKLIST (RESIDENTIAL PLOT PLANS/DEVELOPMENTS)	NA	INCLUDED	
		YES	NO
The following is a engineering site plan review checklist which includes the information, specifications, and details required for residential plot plan/development site plan submittal.			
A. Applicant/Project Information			
1. Street Address or Project Name			
2. Section			
3. City/Consultant Project Job No., if applicable			
4. Applicant's Engineer			
5. Date Received			
6. Review Fee Received			
B. Upon Receipt of Plans			
1. Received electronic copy of Site Plan Packet (plans, letters, documents, etc.) and two (2) hard copies, as required			
2. Sealed by Registered P.E.			
C. General			
1. Existing and Proposed Property and Right-of-Way Lines			
2. Lot Dimensions, Property Addresses			
3. Legal Description(s), Parcel I.D.'s (Sidwell #'s)			
4. Location Map			
5. Building width, length, and dimensions between buildings			
6. Existing and Proposed building elevations for first floor, garage and basement and finish grade elevation of adjacent existing homes/buildings.			
7. The plans must include a note requiring MISS DIG to be contacted prior to construction to have the existing utilities located			
8. Obtain all necessary permits (e.g., for the primary building, driveway, water and sewer service lead connections, and garage structure, etc.) from the Community Development Department, pay all required fees, and establish the required inspection escrows.			
9. Obtain an Oakland County Water Resources Commissioner (OCWRC) permit for Soil Erosion and Sedimentation Control (SESC), if required.			
10. All existing trees within the public right-of-way must be shown on the plot plan.			

II. ENGINEERING PLAN REVIEW CHECKLIST (RESIDENTIAL PLOT PLANS/DEVELOPMENTS)	NA	INCLUDED	
		YES	NO
D. Public & Private Utilities			
1. The existing and proposed location(s) of all public (water and sanitary) and private utilities (gas, electric, cable, etc.), including pipelines, structures, appurtenances, etc., must be clearly indicated on the plans, including utility lead information.			
2. The proposed sewer lead must include a new connection (TwisTee sewer saddle, as per the City DPW, or approved equal). The Applicant is responsible for any roadwork and restoration associated with the new utility connections which must be shown on the submitted plans.			
3. The existing sanitary sewer lead must be properly abandoned via a spot liner or another DPW approved method. The Applicant is responsible for any roadwork and restoration associated with the new utility connections which must be shown on the submitted plans.			
E. Grading & Storm Drainage			
1. Existing and Proposed Topographic Survey of site, including the existing grades at each lot corner and grade change points.			
2. Provide spot grade elevations around the entire site to indicate how stormwater drainage will be managed. In particular, the proposed grading must not cause storm or surface water to be obstructed, restricted, accelerated, and/or altered in any way so as to cause a nuisance and/or drainage concern on the adjacent lots.			
3. The proposed location of roof and gutter downspouts must be shown on the plan. Roof downspouts are not permitted to discharge directly into the combined sewer system and must be directed onto grass, landscape, or other green space area to prevent ponding of water on the property or from being directed towards adjacent properties.			
4. Per the City's requirements, the on-site drainpipe must be four (4") inches and then reduced to a two (2") pipe immediately before the outlet pipe joins the combined sewer lead. The two (2") internal diameter pipe section must be between five (5') and ten (10') feet in length.			
5. Also, as per the City DPW, a two (2") inch cleanout must be installed where the two (2") inch pipe is reduced from the six (6") inch drainpipe and a six (6") inch cleanout near where the two (2") inch pipe is connected to the six (6") inch house lead.			

“AS-BUILT” REQUIREMENT CHECKLIST (COMMERCIAL DEVELOPMENTS) Upon satisfactory completion and execution of the work as proposed in the approved Final and Engineering Site Plans, the Applicant/Developer must provide a set of “as-built” drawings for review by the City, their appropriate department(s), and/or Professional Consultants prior to final acceptance of the project. "As-built" drawings shall contain all the information shown on the approved construction drawings with the addition of but not limited to the following information.	NA	INCLUDED	
		YES	NO
1. Sanitary sewers and storm sewers A. Plan location of all sewers with respect to Property and right-of-way lines. B. A minimum of three (3) witnesses (dimensions) to all force main bends. C. Length of sewer as measured from center of manhole to center of manhole (this information should be shown on both plan and profile). D. Location of each service lead as measured from the nearest downstream manhole and noted as such. E. Length of stubs out of manholes. F. The following "as-built" elevations on a U.S.G.S datum: A. Manhole, inlet, and catch basin covers; B. Invert elevations of pipes within each manhole; C. Invert elevations for the ends of sanitary and sump service leads. Changes in percents between manholes. G. List of material used for construction. (Example) Manholes: Precast, concrete specialties, press wedge flex-joint, Pipe: Eight-inch V.C.P. Clow, No Bell six-inch V.C.P. Logan, 0-ring H. Any changes in pipe and manhole locations of more than five (5) feet shall be redrawn on the plan and profile. The original plan locations of these facilities should be x-ed out on the plans. I. Any changes to the total quantities shall be lined out and the correct "as-built" quantity indicated. J. The following "as-built" information for all sanitary service leads: 1. Station of wye; 2. Length of lead; 3. Length of riser; 4. Tie from nearest manhole to end of lead,			

"AS-BUILT" REQUIREMENT CHECKLIST (COMMERCIAL DEVELOPMENTS)	NA	INCLUDED	
		YES	NO
2. Retention and detention ponds <ul style="list-style-type: none"> a. "As-built" of pond; b. The following "as-built" elevations on a U.S.G.S datum: <ul style="list-style-type: none"> C. Overflow spillway; D. Inlet and outlet pipe inverts; E. Outlet structure cover; F. Outlet and inlet ditch elevations G. Bottom and top of bank slopes. • A statement of final computed volume of the pond as measured from high water elevation to the invert of the outlet pipe. 			
3. Roadways <ul style="list-style-type: none"> A. Top of curb elevations (U.S.G.S. datum) at high and low points, edge of pavement elevations shall be provided in the case of open ditch road designs. B. "As-built" profiles for any changes in road design. C. Parking lot corner elevations 			
4. Water mains <ul style="list-style-type: none"> 1. Plan location of all water mains with respect to property lines. 2. Rim (cover) elevations on gate wells (U.S.G.S. datum). 3. Fire hydrant bury line elevations (U.S.G.S. datum) 4. Distances between gate wells, fittings, and fire hydrants. 5. Type of materials used in construction. 6. Any changes in pipe and structure locations exceeding five (5) feet shall be redrawn on the plan. The original plan locations of these facilities shall be "x-ed" out on the plan. 7. Any changes to the total quantities shall be lined out and the correct "as-built" quantity indicated. 			
5. Floodways <ul style="list-style-type: none"> 1. "As-built" ground elevations of all areas located within a floodway. 			

“AS-BUILT” REQUIREMENT CHECKLIST (COMMERCIAL DEVELOPMENTS)	NA	INCLUDED	
		YES	NO
SANITARY SEWER			
A. PLAN VIEW			
1. Lengths Between Manholes			
2. Size of Pipe			
3. Lengths of Casing Pipe			
4. Ties to Manholes in Greenbelt Areas			
5. Ties to Pipe			
6. Permit Number (County and MDPH)			
7. T/Casting Grades			
8. Manhole Numbering			
9. Y Locations (per as-built key)			
10. Show all Utility Easements for Sanitary Sewer			
B. PROFILE			
1. Lengths Between Manholes			
2. Size of Pipe			
3. Lengths of Casing Pipes			
4. Y Locations (per as-built key)			
5. Invert Grades			
6. Manhole Numbering			
7. Percent Slope Between Manholes			
STORM SEWER			
A. PLAN VIEW			
1. Lengths Between Manhole – Catch Basins – Inlets			
2. Size of Pipe			
3. Ties to Manholes – Catch Basins – Inlets to Greenbelt Areas			
4. Ties to Pipe			
5. Type and Class of Pipe			
6. T/Casting Grades			

“AS-BUILT” REQUIREMENT CHECKLIST (COMMERCIAL DEVELOPMENTS)	NA	INCLUDED	
		YES	NO
7. Structure Numbering			
8. Special Structures (low head, 5’ dia., 6’ dia., 2’ sump, etc.)			
9. Show all Utility Easements for Storm Sewer			
B. PROFILE			
1. Length Between Structures			
2. Size of Pipe			
3. Type and Class of Pipe			
4. T/Casting Grades			
5. Invert Grades			
6. Structure Numbering			
7. Percent Slope Between Structures			
8. Type of Joint Used			
DETENTION POND/UNDERGROUND DETENTION SYSTEM (SEE STORM SEWER)			
A. PLAN VIEW			
B. PROFILE			
WATER MAIN			
A. PLAN VIEW			
1. Lengths Between Gate Valve and Well			
2. Size of Pipe			
3. Ties to Gate Valve and Well in Greenbelts			
4. Ties to Hydrants			
5. Ties to Stop Boxes, etc.			
6. Type and Class of Pipe w/or without Polywrap			
7. Finish Grade of Hydrants			
8. T/Casting Grades			
9. Horizontal Bend Locations			
10. Location of Thrust Blocks or Type of Restraint			

“AS-BUILT” REQUIREMENT CHECKLIST (COMMERCIAL DEVELOPMENTS)	NA	INCLUDED	
		YES	NO
11. Offsets to Pipe of Ties to Building			
12. Gate Valve and Well Numbers			
13. Permit Numbers (County and MDPH)			
14. Pipe Manufacturer			
15. Hydrant Manufacturer			
16. Casting Manufacturer			
17. Show all Utility Easements for Water Main			
B. PROFILE			
1. Lengths Between Grade Changes			
2. Size of Pipe			
3. Type and Class of Pipe			
4. Gate Valve and Well Location			
5. Hydrant Location (identify special purposes such as blow-off)			
6. Air Relief Valves / Blow Off Valve Locations			
7. Vertical Bend Locations			
8. T/Casting Grades			
9. Percent Slope Between Pipe			
PAVEMENT			
A. Width and Station of Pavement (measured from centerline)			
1. At end of radius at intersections			
2. At beginning of taper			
3. At end of taper			
4. Any changes in alignment			
5. Radius at intersection			
6. Right-of-way survey data			
B. Drives			
1. Location			

“AS-BUILT” REQUIREMENT CHECKLIST (COMMERCIAL DEVELOPMENTS)	NA	INCLUDED	
		YES	NO
2. Width			
3. Radius, if any			
C. Sidewalk			
1. Location			
2. Width			
3. Changes in alignment			
4. Ramps			

Appendix C

SAMPLE BONDS AND INSURANCE REQUIREMENTS

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PROJECT NAME

PERFORMANCE BOND

00610 / 1

PERFORMANCE BOND

KNOW ALL MEN BY THESE PRESENTS, That we, the undersigned _____

_____ as Principal,

and _____

of _____ as Sureties,

are hereby held and firmly bound unto the "Owner" _____

in the full and just sum of _____ Dollars

(\$ _____) for the payment of which well and truly to be made, we hereby jointly and severally

bind ourselves, our heirs, executors, administrators, successors and assigns.

Signed and sealed this _____ day of _____ 20__.

The condition of the above obligation is such that if said _____

shall well and faithfully do and perform the things agreed by _____ It

to be done and performed by the annexed contract, according to the terms thereof, then this obligation shall be void; otherwise, the same shall remain in full force and effect.

CONSULTING ENGINEER
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PROJECT NAME

PERFORMANCE BOND
00610 / 2

It is mutually understood and agreed that in cases where changes are required, either by order of the Engineer, or Owner, or by mutual agreement, such changes or changes shall not modify, discharge or release this bond.

(A Michigan Corporation)

_____ (Seal)

_____ (Seal)

Principal

_____ (Seal)

_____ (Seal)

Surety

Signed, Sealed and Delivered
in the Presence of:

CONSULTING ENGINEER
PROJECT NUMBER

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PROJECT NAME

LABOR AND MATERIAL BOND

00620 / 1

LABOR AND MATERIAL BOND

KNOW ALL MEN BY THESE PRESENTS, That we _____

of _____ hereinafter called the Principal,

and _____

hereinafter called the Surety, are held and firmly bound unto _____

in the sum of _____

_____ Dollars (\$_____)

to the payment whereof, well and truly to be made, we bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

Sealed with our seals and dated this _____ day of

_____, A.D., 20__.

WHEREAS, The above named Principal has entered into a contract with _____

dated the _____ day of _____, A.D., 20__, wherein said Principal has covenanted and agreed as follows, to-wit:

To furnish all the labor and material _____

AND WHEREAS, This bond is given in compliance with and subject to the provisions of Act No. 213 of the Public Acts of Michigan, for the year 1963, and as may be amended by other Public Acts of Michigan.

CONSULTING ENGINEER
PROJECT NUMBER

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PROJECT NAME

LABOR AND MATERIAL BOND

00620 / 2

NOW, THEREFORE, The condition of this obligation is such that if payment shall be made by the Principal to any Subcontractor or by him or any Subcontractor as the same may become due and payable of all indebtedness which may arise from him to a Subcontractor or party performing labor or furnishing materials or supplies or any Subcontractor to any person, firm or corporation on account of any labor performed or materials or supplies furnished in the performance of said contract, then this obligation shall be void; otherwise, the same shall be in full force and effect.

AND PROVIDED, That any alterations which may be made in the terms of said contract, or in the work to be done under it, or the giving by the party of the first part to said contract, of any extension of time for the performance of said contract, or any other forbearance on the part of either party to the other, shall not in any way release the Principal and the Surety, or either of them, their heirs, executors, administrators, successors or assigns from any liability hereunder, notice to the Surety of any alteration, extension, or forbearance being hereby waived.

(A Michigan Corporation) _____

By: _____

Principal

Surety

Signed, Sealed and Delivered
in the Presence of:

CONSULTING ENGINEER
PROJECT NUMBER

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PROJECT NAME

MAINTENANCE AND GUARANTEE BOND

00630 / 1

MAINTENANCE AND GUARANTEE BOND

KNOW ALL MEN BY THESE PRESENTS, That we

as Principal, and _____

are held and firmly bound unto _____

in the sum of _____ Dollars (\$ _____)

good and lawful money of the United States of America, to be paid to the _____ its legal representatives and assigns, and we bind ourselves, our heirs, executors, administrators, successors and assigns, and each and every one of them jointly and severally, firmly by these presents.

SEALED WITH OUR SEALS AND DATED THIS _____ DAY OF _____ A.D., 20__.

WHEREAS, the above named principal has entered into a certain written contract with the _____

dated this __ day of _____ A.D., 20__, where in the said principal covenanted and agreed as follows, to wit:

for the: _____

NOW, THEREFORE, THE CONDITION OF THIS OBLIGATION IS SUCH, that by and under such contract, the above named principal has agreed with the _____ that for a period of _____ (____) year(s) from the date of approval of the Final Estimate, to keep in good order and repair any defect in all the work done under said contract, either by the principal, his subcontractors, or his material suppliers, that may develop during said period due to improper materials, defective equipment, workmanship or arrangements, and any other work affected in making good such imperfections, all to be made good without expense to the Owner, (excepting only such part or parts of said work as may have been disturbed without the consent or approval of the principal after the final acceptance of the work), and whenever directed so to do by the Owner, by notice served in writing, either personally or by mail, on the principal at _____

or _____, its legal representatives, or successors, or on the surety at _____

CONSULTING ENGINEER
PROJECT NUMBER

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to proceed at once to make such repairs as directed by the Owner and in case of failure to do so within one (1) week from the date of service of such notice, or within reasonable time not less than one (1) week, as shall be fixed in said notice, then the Owner shall have the right to purchase such materials and employ such labor and equipment as may be necessary for the purpose, and to undertake, do and make such repairs, and charge the expense thereof to, and be fully reimbursed for same from said principal or surety. If any repair is necessary to be made at once to protect life and property, the Owner may take immediate steps to repair or barricade such defects without notice to the contractor. In such case the Owner shall not be held to obtain the lowest figures for the doing of the work, or any part thereof, but all sums actually paid therefor shall be charged to the principal or surety. In this connection the judgment of the Owner is final and conclusive.

If the principal for a period of one (1) year from the date of approval of a Final Estimate, shall keep the work so constructed under the contract in good order and repair, excepting only such parts of said work which have been disturbed without the consent or approval of the principal after the final acceptance of same, and whenever notice is given as hereinbefore specified, at once proceed to make the repair as the notice directs, or reimburse the Owner for any expenses incurred by it in making such repairs should the principal or surety fail to do so, then the above obligation shall be void; otherwise, it will remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have caused this instrument to be executed by their respective authorized officers this _____ day of _____, 20__.

Signed, Sealed and Delivered
in the Presence of:

"Principal"

(L.S.)

Witness

(L.S.)

Witness

"Surety"

(L.S.)

Witness

Client#: 7782 PAVCOR

ACORD **CERTIFICATE OF LIABILITY INSURANCE** DATE (MM/DD/YYYY)
04/02/2015

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Insurance Agency 24724 Any Street (248) 666-6666 P.O. Box 2067 SomeCity, MI 48037-2067	CONTACT NAME: Insurance Agent name PHONE (A/C, No, Ext): 248 555-5555 FAX (A/C, No): 248 111-1111 E-MAIL ADDRESS: InsuranceAgent@InsuranceGroup.com PRODUCER CUSTOMER ID #:														
INSURED Company ABC 2654 Street Name AnyCity, MI 48183	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 80%;">INSURER(S) AFFORDING COVERAGE</th> <th style="width: 20%;">NAIC #</th> </tr> <tr> <td>INSURER A : Insurance Company 1</td> <td></td> </tr> <tr> <td>INSURER B : Insurance Company 2</td> <td></td> </tr> <tr> <td>INSURER C :</td> <td></td> </tr> <tr> <td>INSURER D :</td> <td></td> </tr> <tr> <td>INSURER E :</td> <td></td> </tr> <tr> <td>INSURER F :</td> <td></td> </tr> </table>	INSURER(S) AFFORDING COVERAGE	NAIC #	INSURER A : Insurance Company 1		INSURER B : Insurance Company 2		INSURER C :		INSURER D :		INSURER E :		INSURER F :	
INSURER(S) AFFORDING COVERAGE	NAIC #														
INSURER A : Insurance Company 1															
INSURER B : Insurance Company 2															
INSURER C :															
INSURER D :															
INSURER E :															
INSURER F :															

COVERAGES **CERTIFICATE NUMBER:** **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> X,C,U <input checked="" type="checkbox"/> Contractual GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input checked="" type="checkbox"/> PROJECT <input type="checkbox"/> LOC	X	X	MPA00000042433S	11/17/2014	11/17/2015	EACH OCCURRENCE \$1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$100,000 MED EXP (Any one person) \$5,000 PERSONAL & ADV INJURY \$1,000,000 GENERAL AGGREGATE \$2,000,000 PRODUCTS - COMPROP AGG \$2,000,000 \$
A	AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO ALL OWNED AUTOS SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS <input checked="" type="checkbox"/> Drive Other Car	X	X	BA00000042434S	11/17/2014	11/17/2015	COMBINED SINGLE LIMIT (Ea accident) \$1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$ \$
A	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DEDUCTIBLE \$ RETENTION \$	X	X	CMB00000042435S	11/17/2014	11/17/2015	EACH OCCURRENCE \$2,000,000 AGGREGATE \$2,000,000 \$ \$
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below			WC0001100555	05/01/2014	04/30/2015	<input checked="" type="checkbox"/> WC STATUTORY LIMITS <input type="checkbox"/> OTHER E.L. EACH ACCIDENT \$500,000 E.L. DISEASE - EA EMPLOYEE \$500,000 E.L. DISEASE - POLICY LIMIT \$500,000
A	Installation Floater	X		MPA00000042433S	11/17/2014	11/17/2015	\$150,000 \$1,000 deductible

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)
Municipality Name, their council, members, board members, public officials, consultants, agents, and (Please refer to attached Endorsements evidencing the change of policy.)

CERTIFICATE HOLDER Municipality Name 18500 Street Name AnyCity, MI 48025	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE <div style="text-align: right; font-weight: bold; font-size: 1.2em;">SIGNATURE</div>
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DESCRIPTIONS (Continued from Page 1)

employees, as well as the engineer; _____ their owners, directors, officers, consultants, agents, and employees are included as Additional Insured per written contract with respect to the general, auto and umbrella liability coverages for the work performed by the named insured for the certificate holder. Insurance is considered primary and non contributing and a waiver of subrogation applies. Should any of the above described policies be cancelled before the expiration date thereof, the issuing Company will mail 30 days prior written notice to the Certificate holder. Endorsements evidencing the change of Policy are attached.

Example only

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SPREXC

ACORD™ INSURANCE BINDER		DATE 06/18/14	
THIS BINDER IS A TEMPORARY INSURANCE CONTRACT, SUBJECT TO THE CONDITIONS SHOWN ON THE REVERSE SIDE OF THIS FORM.			
PRODUCER Insurance Company Name Any Street City, State Zip	PHONE (A/C, No, Ext): 248-555-5555 FAX (A/C, No): 248-333-3333	COMPANY Selective Insurance Company of Amer	BINDER # BINDER83730
CODE: 38-3112729	SUB CODE:	DATE EFFECTIVE 06/18/14	TIME 12:01
AGENCY CUSTOMER ID: 7430	INSURED Owner's Name Any Street SomeCity, MI 48001	EXPIRATION DATE 08/18/14	TIME X 12:01 AM NOON
DESCRIPTION OF OPERATIONS/VEHICLES/PROPERTY (Including Location) Project Description		THIS BINDER IS ISSUED TO EXTEND COVERAGE IN THE ABOVE NAMED COMPANY PER EXPIRING POLICY #:	

COVERAGES		LIMITS			
PROPERTY	TYPE OF INSURANCE CAUSES OF LOSS	COVERAGE/FORMS	DEDUCTIBLE	COINS %	AMOUNT
<input type="checkbox"/> BASIC <input type="checkbox"/> BROAD <input type="checkbox"/> SPEC					
<input checked="" type="checkbox"/> OCP	GENERAL LIABILITY COMMERCIAL GENERAL LIABILITY CLAIMS MADE <input type="checkbox"/> OCCUR <input checked="" type="checkbox"/>	Owners & Contractors Protective Liability RETRO DATE FOR CLAIMS MADE:			EA OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES \$ MED EXP (Any one person) \$ PERSONAL & ADV INJURY \$ GENERAL AGGREGATE \$ 1,000,000 PRODUCTS - COM/OP AGG \$
<input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> NON-OWNED AUTOS	AUTOMOBILE LIABILITY				COMBINED SINGLE LIMIT \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE \$ MEDICAL PAYMENTS \$ PERSONAL INJURY PROT \$ UNINSURED MOTORIST \$
<input type="checkbox"/> COLLISION <input type="checkbox"/> OTHER THAN COL:	AUTO PHYSICAL DAMAGE DEDUCTIBLE	<input type="checkbox"/> ALL VEHICLES <input type="checkbox"/> SCHEDULED VEHICLES			ACTUAL CASH VALUE \$ STATED AMOUNT \$ OTHER \$
<input type="checkbox"/> ANY AUTO	GARAGE LIABILITY				AUTO ONLY - EA ACCIDENT \$ OTHER THAN AUTO ONLY: EACH ACCIDENT \$ AGGREGATE \$
<input type="checkbox"/> UMBRELLA FORM <input type="checkbox"/> OTHER THAN UMBRELLA FORM	EXCESS LIABILITY	RETRO DATE FOR CLAIMS MADE:			EACH OCCURRENCE \$ AGGREGATE \$ SELF-INSURED RETENTION \$
	WORKER'S COMPENSATION AND EMPLOYER'S LIABILITY				WC STATUTORY LIMITS E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$
SPECIAL CONDITIONS/OTHER COVERAGES	Named Insured to include: Owners Name & the Engineer, their (See attached Spec Conditions/Other Covs page.)				FEES \$ TAXES \$ ESTIMATED TOTAL PREMIUM \$

NAME & ADDRESS Contractors Name SomeStreet AnyCity State Zip		MORTGAGEE LOSS PAYEE	ADDITIONAL INSURED <input checked="" type="checkbox"/> Contractor
		LOAN #	
		AUTHORIZED REPRESENTATIVE <i>Michael G. Lewos</i>	

SPECIAL CONDITIONS/OTHER COVERAGES (Cont. from page 1)

consultants, agents, employees,
& such public corporations in whose jurisdiction the work is located.

** Continued From Additional Interests Section **

CONSULTING ENGINEER
ADDRESS

Type: Additional Insured

Example only

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