

AN
ORDINANCE

of the City Council of the City of Berkley, Michigan to amend Section 5.09.E.2 Exterior side yards on corner lots of Chapter 138 Zoning of the City of Berkley Code of Ordinances to clarify exterior side yard setback regulations for accessory structures on corner lots.

THE CITY OF BERKLEY ORDAINS:

SECTION 1: Section 5.09.E.2 Exterior side yards on corner lots of Chapter 138 Zoning of the Berkley City Code is amended to clarify setback regulations, as follows:

- E. Exterior side yards on corner lots for all principal and accessory buildings and structures:
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.

SECTION 2: Savings

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

SECTION 3: Severability Clause

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

SECTION 4: Penalty

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

SECTION 5: Effective Date

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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 _____ .

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

Bridget Dean, Mayor

Attest:

Victoria E. Mitchell, City Clerk

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