CALL TO ORDER  
PLEDGE OF ALLEGIANCE  
ROLL CALL  
APPROVAL OF AGENDA  
APPROVAL OF MINUTES -- *Meeting of May 26, 2020*  
COMMUNICATIONS  
CITIZEN COMMENTS  
ORDER OF BUSINESS

1. **PUBLIC HEARING**: Zoning Ordinance Text Amendment Section 138-298 to remove references to BOCA.

2. **PUBLIC HEARING**: Local Business District (LB) site regulations in the Schedule of Regulations, Section 138-526.

3. **DISCUSSION**: Review and discussion for ordinance text amendments for modifying parking requirements during site plan review.

4. **MASTER PLAN 2020**: Update on progress of Master Plan community engagement activities and discussion for structure of Master Plan document.

LIAISON REPORTS  
COMMISSIONER/STAFF COMMENTS  
ADJOURN

*Notice: Official Minutes of the City Planning Commission are stored and available for review at the office of the City Clerk.*

*If you would like to attend the electronic Planning Commission meeting, follow the below link or call the telephone number.*

Join Zoom Meeting: [https://berkleymich.zoom.us/j/93323204434](https://berkleymich.zoom.us/j/93323204434)

Dial by Phone: 1-312-626-6799

Meeting ID: 933 2320 4434
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.

**PRESENT:** Michele Buckler  Tim Murad  Kristen Kapelanski  
Lisa Kempner  Greg Patterson  Mark Richardson  
Martin Smith  Matt Trotto  

**ABSENT:** Jeff Campbell  

**ALSO PRESENT:** Erin Schlutow, Community Development Director  
Ross Gavin, City Council Liaison  
Matt Baumgarten, City Manager  
Torri Mathes, Community Engagement Officer  
Dan Hill, Public Policy Assistant  
Stan Lisica, Innovation Officer  
Theresa McArleton, Parks and Recreation Director  
Eddie Zmich, HRC  
Adrianna Melchoir, HRC  
Mark Zimmerman, Zimmerman Designs  
Jennifer Finney, DDA Director  
Several members of the public  

* * * * * * * * * * 

**APPROVAL OF AGENDA**  
It was moved by Commissioner Richardson to approve the Agenda supported by Commissioner Patterson.  

AYES: Kempner, Murad, Patterson, Richardson, Smith, Trotto, Buckler, Kapelanski  
NAYS: None  
ABSENT: Campbell  

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**APPROVAL OF MINUTES**  
It was moved by Commissioner Murad to approve the minutes from May 26, 2020 and supported by Commissioner Richardson.  

AYES: Murad, Patterson, Richardson, Smith, Trotto, Buckler, Kempner, Kapelanski  
NAYS: None  
ABSENT: Campbell  

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**COMMUNICATIONS**  
None.  

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**CITIZEN COMMENTS**
Chair Kapelanski read instructions for public to submit comments during the virtual meeting.

None.

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1. **SP-01-20; 3082 Coolidge Hwy – Vibe Credit Union Façade Change:** Zimmerman Designs, LLC, on behalf of Vibe Credit Union, is proposing a façade change to the existing structure.

Commissioners discussed any lighting on site would require a photometric plan. The main entrance to be located facing the south was accepted by the Planning Commission, as it is an existing feature to the building. Commissioners requested the applicant to get closer to the 40% window coverage facing Coolidge Hwy, if possible.

Commissioner Smith motioned to approve SP-01-20 for the proposed façade change to the Vibe Credit Union, located at 3082 Coolidge Hwy, on the following conditions:

1. Any new external lighting shall require a photometric plan to be reviewed and approved administratively;
2. Main entrance is permitted to remain on the south façade of the building;
3. West façade facing Coolidge Hwy shall incorporate as much window coverage as possible to reach the minimum 40% window coverage
4. Final plans shall be reviewed and approved by DPW, Fire Marshal, and Community Development.

Motion supported by Commissioner Murad.

AYES: Patterson, Richardson, Smith, Trotto, Buckler, Kempner, Murad, Kapelanski
NAYS: None
ABSENT: Campbell

2. **SP-02-20; Oxford Merchants Park:** The City of Berkley is proposing to develop Oxford Merchants Park that will include restroom facilities, splash pad, walking path, etc.

Community Development Director Schlutow summarized the staff report detailing the proposed park design and amenities.

Parks and Recreation Director Theresa McArleton provided additional details related to the grant funding the project, the collaboration with HRC and DPW thus far, as well as the history of the development of the park area.

Adrianna Melchoir, HRC, provided engineering details to the development and splash pad.

Several members of the public spoke and offered their opinions related to the development of Merchants Park. Several were concerned with parking challenges that are already present at the park and the new development could increase the problems, non-city residents using the facilities, lack of space for Steelers practice area, flooding issues for adjacent residential homes, crosswalks and stop signs. Others expressed their excitement for the proposed development and new amenities.

Commissioner Patterson motioned to approve SP-02-20 for the proposed development of Oxford Merchants Park. Motion supported by Commissioner Buckler.

AYES: Richardson, Smith, Buckler, Kempner, Murad, Patterson, Kapelanski
NAYS: Trotto
ABSENT: Campbell

3. **DISCUSSION:** Zoning Ordinance Text Amendment Section 138-298 to remove references to BOCA.

Community Development Director Schlutow summarized the review letter, noting the reasons for the removal of BOCA and replacement with the Michigan Residential Code within the Zoning Ordinance.

Planning Commission directed staff to set the public hearing for the next available meeting.

4. **DISCUSSION:** Local Business District (LB) site regulations in the Schedule of Regulations Section 138-526.

Community Development Director Schlutow summarized the review letter, noting that the Schedule of Regulations table, Section 138-526, does not list or include the Local Business District (LB) for site design standards, including setbacks, height, minimum lot coverage, etc. It is thought that this regulation line was inadvertently omitted in previous zoning ordinance amendments and it is necessary to put those regulations back into the Zoning Ordinance.

Planning Commission directed staff to set the public hearing for the next available meeting.


Community Development Director Schlutow summarized the 2019 Planning Report and 2020 Work Plan.

The Planning Commission had no edits or changes and agreed to send the report to City Council.

*LIAISON REPORTS*

Commissioner Murad provided an update on Chamber activities and cancellation of many community events. Commissioner Murad inquired about any relief measures that could assist restaurants and retail establishments when they are permitted to open.

Commissioner Trotto attended the DDA meeting and provided an update on the MOGO bikes installation and wayfinding.

Commissioner Kempner provided an update on the Master Plan Steering Committee and the community engagement webinars in process, and the community survey.

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**STAFF/COMMISSIONER COMMENTS**

Director Schlutow provided an update to the Planning Commission related to in-process discussions for relief for businesses within Berkley to operate in outdoor areas once they are permitted to reopen. This includes ongoing discussions with City Council, City Manager, and the City Attorney.

The Master Plan webinar series and community survey are on-going.

Commissioner Buckler suggested other options for City staff to review and discuss for relief for local businesses.
Commissioner Richardson thanked staff with setting up the electronic meetings.

Commissioner Trotto noted that there is traffic congestion near the Dairy Queen on Twelve Mile and it is becoming a safety hazard.

Chair Kapelanski noted that Oakland County has kits available and resources available for local businesses.

Commissioner Murad motioned to adjourn. Motion supported by Commissioner Patterson

    AYES: Patterson, Richardson, Smith, Trotto, Buckler, Kempner, Murad, Kapelanski
    NAYS: None
    ABSENT: Campbell

With no further business, the meeting was adjourned at 9:09pm
MEMORANDUM

To: Berkley Planning Commission
From: Erin Schlutow, Community Development Director
Subject: Zoning Ordinance Amendment – Section 138-298 to Remove BOCA and Replace with Michigan Residential Code
Date: April 18, 2020

Over the past few weeks, the Building Department has been working closely with Public Safety to update all applicable building and fire codes. During our review, it was noted that the BOCA code was referenced several times in the Code of Ordinances and once in the Zoning Ordinance.

The BOCA code is outdated and has been out of use for several years and it is necessary to remove all references of BOCA in Berkley’s ordinances.

In order to expediate the process, the regulatory ordinances were reviewed by the City Council at the May meetings; however, as Section 138-298 is located in the Zoning Ordinance, it is required to be reviewed by Planning Commission prior to City Council.

I have provided amended text language for Section 138-298, attached, wherein references to BOCA are removed in favor of the Michigan Residential Code.

If you have any questions related to this case, please do not hesitate to contact me.

Thank you.
AN ORDINANCE

Of the City Council of the City of Berkley, Michigan to Amend Section 138-298 of Article 5, Division 2 of Chapter 138, Zoning, to Update the Citation to the City’s Adopted Building Codes, and to Prescribe a Penalty for Violations.

THE CITY OF BERKLEY ORDAINS:

SECTION 1: Section 138-298 of Chapter 138 of the Berkley Code of Ordinances shall be amended, as follows:

Sec. 138-298. - Mobile homes in single-family residential districts.

One individual mobile home located on a parcel of land or lot in a single-family residential district shall be permitted, provided that all of the following conditions are met:

(1) It shall comply with all pertinent building and fire codes for single-family dwellings including but not limited to the BOCA code Michigan Residential Code.

(2) It shall be firmly and permanently attached to a solid foundation or basement not less in area than the perimeter area of the dwelling. The foundation and/or basement shall be constructed in accordance with the BOCA code Michigan Residential Code.

(3) It shall not have any exposed wheels, towing mechanism or undercarriage.

(4) It shall be connected to a public sewer and water supply.

(5) It shall be aesthetically comparable in design and appearance to conventionally constructed homes in the zoning district in which it is located. It shall be the responsibility of the city council to determine whether this standard is met. The city council shall make a determination that this standard has been met if it finds that all of the following conditions exist:

a. The proposed mobile home will have a combination of roof overhang and pitch comparable to the overhang and pitch of conventionally constructed homes typically found in the zoning district in which it is to be located.

b. The proposed mobile home will have steps and/or porches which provide access to exterior doors, which are permanently attached to the ground and to the mobile home structure, and which are comparable to steps and/or porches of
conventionally constructed homes typically found in the zoning district in which it is to be located.

c. The proposed mobile home will be covered with a siding material which is in color, texture, malleability, direction of joints, and method of fastening to the structure comparable to siding of conventionally constructed homes typically found in the zoning district in which it is to be located.

d. The proposed mobile home will have the glass on its windows recessed at least 1½ inches behind the exterior surface of its siding.

e. The proposed mobile home will have front and rear or front and side exterior doors if such combination of doors is found in a majority of homes in the zoning district in which it is to be located.

f. The proposed mobile home will have a 1-car garage or a 2-car garage if such a garage is found in a majority of the homes in the zoning district in which it is to be located.

The city council may approve a mobile home as aesthetically comparable in design and appearance to conventionally constructed homes in the district in which it is to be located even if all of the above conditions do not exist, provided that it finds that the mobile home and/or its site has other design features which make it aesthetically comparable to conventionally constructed homes in the district.

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 a 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 be 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 __________________________.
Attest:

Victoria Mitchell
City Clerk
MEMORANDUM

To: Berkley Planning Commission
From: Erin Schlutow, Community Development Director
Subject: Property Regulations in Local Business District (LB)
Date: May 15, 2020

In reviewing several sections of the Zoning Ordinance, I found that the Schedule of Regulations, Section 138-526, does not contain site regulations for the Local Business District (LB).

There were several amendments made to the Schedule of Regulations table in 2007 and 2008, and it appears that the regulations for Local Business District (LB) may have been inadvertently omitted during an update in 2008. This is due to the extensive changes made to Division 6.5, Local Business District (LB), regulations for principle, special land uses, and building design requirements, O-04-08, which has been included in the packet.

The Local Business District (LB) includes nine (9) parcels on the south side of Twelve Mile Rd. from Berkley to just east of Henley. There are six (6) structures located within the District, including Knights of Columbus, a residential structure, MacQueen Insurance Group, Sawyer-Fuller Funeral Home, American Legion Post 374, and a Beaumont Medical Office building.

There have not been any major site improvements to these nine (9) parcels within the District that would require reference to the Schedule of Regulations since before 2007, when the last instance of Local Business District (LB) was included in the Schedule of Regulations. Permits have been issued for many of these properties since 2007 but they include roof repairs, parking area repairs, signs, interior remodeling, etc.

Based on the above information and the adopted ordinance amendments attached, we recommend Planning Commission review the setback, maximum height, lot coverage requirements in order to add it back to the Schedule of Regulations.

Attached is a proposed revised table that includes site regulations for the Local Business District (LB), which is consistent with the design of the existing buildings, the regulations in 2007, as well as the regulations in the Coolidge District, Gateway District, Eleven Mile District, and Industrial District.

If you have any questions, please do not hesitate to contact me.
### SCHEDULE OF REGULATIONS

**Sec. 138-526. - Schedule of regulations.**

<table>
<thead>
<tr>
<th>Districts</th>
<th>Area in Square Feet (a)</th>
<th>Width in Feet</th>
<th>In Feet</th>
<th>Front</th>
<th>Minimum Yard Setback</th>
<th>Rear</th>
<th>Maximum Percentage of Lot Coverage (Area of All Structures)</th>
<th>Minimum Floor Area Per Unit</th>
</tr>
</thead>
<tbody>
<tr>
<td>R-1 A</td>
<td>12,000</td>
<td>100</td>
<td>40</td>
<td>25(b)</td>
<td>5(c, d)</td>
<td>15</td>
<td>20</td>
<td>35(e)</td>
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<td>1,800 2,000</td>
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<td>R-1 B</td>
<td>8,800</td>
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<td>25(b)</td>
<td>5(c, d)</td>
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<td>1,500 1,700</td>
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<td>R-1 C</td>
<td>6,600</td>
<td>50</td>
<td>30</td>
<td>25(b)</td>
<td>5(c, d)</td>
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<td>1,300 1,500</td>
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<td>R-1 D</td>
<td>4,400</td>
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<td>30</td>
<td>25(b)</td>
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<td>R-2</td>
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<td>1,100 1,300</td>
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<td>R-M</td>
<td>(e)</td>
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<td>30</td>
<td>25(b)</td>
<td>10(g)</td>
<td>20(f)</td>
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<td>R-M-H</td>
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<td>(See article V, division 5, High-Rise Multiple-Family Residential District)</td>
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<td>Greenfield</td>
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<td>(See article V, division 7, Greenfield District)</td>
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<td>Community centerpiece</td>
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<td>(See article V, division 8, Community Centerpiece District)</td>
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<td>Office</td>
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<td>Downtown</td>
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<tr>
<td>Local Business</td>
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<td>10</td>
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<tr>
<td>Twelve mile</td>
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<td>10</td>
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<tr>
<td>Coolidge</td>
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<td>10</td>
</tr>
</tbody>
</table>

Note: (a) Area in square feet (b) Dimensions in feet (c) Minimum (d) Maximum (e)根据不同地区可能有所变化 (f) 根据具体情况而定 (g) 可能有特殊规定 (h) 未指定范围 (j, k) 可能与当地法规有关 (m) 与建筑物层高有关 (n) 还需参考其他条款 (See article V, division 5, High-Rise Multiple-Family Residential District) (See article V, division 7, Greenfield District) (See article V, division 8, Community Centerpiece District)
| Gateway       | — | — | 40 | 10(j, k) | (m) | (m) | 10 | — | — | — |
| Woodward      | — | — | 50 | 10(j, k) | m  | m  | 10 | — | — | — |
| Eleven mile   | — | — | 40 | 10(j, k) | (m) | (m) | 10 | — | — | — |
| Industrial    | — | — | 40 | 10(j, k) | (m) | (m) | 10 | — | — | — |
| Parking       | — | — | 15 |          |     |     |     | — | — | — |
| Cemetery      |    |    |     |          |     |     |     | — | — | — |

(See sections 138-496—138-503)


**Sec. 138-527. - Notes to schedule of regulations.**

(a) In calculating the area of a lot that adjoins an alley, one-half the width of such alley abutting the lot shall be considered as part of such lot.

(b) The front yard setback shall be 25 feet or equal to the average setback of the six adjacent buildings on the same block, whichever is greater.

(c) Exterior side yards on corner lots:

   When a rear yard abuts a rear yard, the exterior side yard setback shall not be less than ten feet.

   When a rear yard abuts a side yard, the exterior side yard setback shall be as follows:

<table>
<thead>
<tr>
<th>Distance from Rear Lot Line to Structure</th>
<th>Setback Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 to 5 feet</td>
<td>No structures permitted</td>
</tr>
<tr>
<td>5-35 feet</td>
<td>25 feet</td>
</tr>
<tr>
<td>Greater than 35 feet</td>
<td>10 feet</td>
</tr>
</tbody>
</table>

(d) There shall be a distance of at least 15 feet between dwellings.

(e) Maximum lot coverage for corner lots shall not exceed 45 percent. See chapter 138, article III, division 1. for additional requirements.
(f) No multiple dwelling shall be erected on a lot or parcel of land that has an area of less than 10,000 square feet. The total number of rooms (other than kitchen and sanitary facilities) provided shall not be more than the area of the parcel in square feet divided by 500.

\[
\text{Total number of rooms} = \frac{\text{Area of parcel}}{500}
\]

(g) Every lot on which a multiple dwelling is erected shall be provided with a side yard on each side of such lot. Each side yard shall be increased by one-half foot for each ten feet or part thereof by which the length of the multiple dwelling exceeds 50 feet in overall dimension along the adjoining lot line.

(h) The following minimum floor areas shall be met (the number of rooms listed is in addition to the kitchen and sanitary facilities):

- Efficiency apartment: One-room—250 square feet minimum floor area per unit.
- One-bedroom: Three-room—450 square feet minimum floor area per unit.
- Two-bedroom: Four-room—600 square feet minimum floor area per unit.
- Three-bedroom: Five-room—750 square feet minimum floor area per unit.

The maximum floor area for an efficiency apartment shall not exceed 300 square feet (in addition to the kitchen and sanitary facilities).

(i) Reserved.

(j) Parking shall be permitted in the front yard after approval of the parking plan layout and points of access by the planning commission. The setback shall be measured from the nearest side of existing and/or proposed right-of-way lines.

(k) Front yard setbacks shall be ten feet or equal to the setback of the adjacent buildings, whichever is less.

(l) Reserved.

(m) No side yards are required along the interior side lot lines except as otherwise specified in the building code. On the exterior side yard that borders on a residential district, there shall be provided a setback of at least ten feet on the side or residential street.

(n) No setback shall be permitted, unless the planning commission finds that the proposed setback shall be developed as a defined plaza, outside eating area, or other pedestrian space.


Secs. 138-528—138-530. - Reserved.
AN ORDINANCE

of the Council of the City of Berkley, Michigan
renumbering, Chapter 138 Zoning, Article V District Regulations,
Divisions 5.5, 6.5, and 7 –18
of the Berkley City Code

THE CITY OF BERKLEY ORDAINS:

SECTION 1: That Chapter 138 Zoning, Article V District Regulations, be renumbered as follows:

Division 5.5 Industrial District
Sections 138-362—138-366

Division 6.5 Local Business District
Sections 138-386—138-392

Division 7 Greenfield District
Sections 138-391 – 138-405 Reserved.

Division 8 Parks and Recreation District
Sections 138-406 – 138-415 Reserved.

Division 9 Downtown District
Sections 138-416 – 138-425

Division 10 Gateway District
Sections 138-426 – 138-440 Reserved.

Division 11 Coolidge District
Sections 138-441 – 138-455 Reserved.

Division 12 Twelve Mile District
Sections 138-456 – 138-470 Reserved.

Division 13 Woodward District
Sections 138-471 – 138-485

Division 14 Eleven Mile District
Sections 138-486 – 138-495 Reserved.

Division 15 Parking District
Sections 138-496 – 138-515

Division 16 Cemetery District
Sections 138-516—138–525

Division 17 Schedule of Regulations
Sections 138-526—138-530
Division 18 Planned Unit Development  
Sections 138-531—138-545

SECTION 2: That the City Council directs the City Clerk to publish a summary of this ordinance in compliance with Public Act 182 of 1991 and Section 6.5 of the Berkley City Charter.

Introduced on the First Reading at the Regular City Council Meeting on Monday, October 6, 2008.

Approved on the Second Reading at the Regular City Council Meeting on Monday, October 20, 2008.

Marilyn V. Stephan  
Mayor

Attest:  
Maryl V. Hughes  
City Clerk
AN ORDINANCE

of the Council of the City of Berkley, Michigan
amending, Chapter 138 Zoning,
Article V District Regulations, Division 17 Schedule of Regulations
of the Berkley City Code

THE CITY OF BERKLEY ORDAINS:

SECTION 1: That Article V District Regulations, Division 17 Schedule of Regulations, Sections 138-526 and 138-527 of the Berkley City Code be and hereby are amended as follows:
## Division 17. Schedule of Regulations

Section 138-526 Schedule of Regulations.

<table>
<thead>
<tr>
<th>Districts</th>
<th>Minimum Size of Lot per Unit</th>
<th>Minimum Yard Setback</th>
<th>Maximum Height of Buildings</th>
<th>Minimum Floor Area per Unit</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Area in Sq. Ft. (a)</td>
<td>Width in Feet</td>
<td>Front</td>
<td>At least one side yard</td>
</tr>
<tr>
<td>R-1A</td>
<td>12,000</td>
<td>100</td>
<td>40</td>
<td>25 (b)</td>
</tr>
<tr>
<td>R-1B</td>
<td>8,800</td>
<td>80</td>
<td>30</td>
<td>25 (b)</td>
</tr>
<tr>
<td>R-1C</td>
<td>6,600</td>
<td>50</td>
<td>30</td>
<td>25 (b)</td>
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<tr>
<td>R-1D</td>
<td>4,400</td>
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<td>30</td>
<td>25 (b)</td>
</tr>
<tr>
<td>R-2</td>
<td>4,000</td>
<td>40</td>
<td>30</td>
<td>25 (b)</td>
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<td>R-M</td>
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<td>(f)</td>
<td>30</td>
<td>25 (b)</td>
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<td>R-M-H</td>
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</tr>
</tbody>
</table>

Greenfield

Parks and Recreation

Office

Downtown

Twelve Mile

Coolidge

Gateway

Woodward

Eleven Mile

Parking

Cemetery

(see Article V, Division 5 High Rise Multiple Family Residential District)

(See Article V, Division 7 Greenfield District)

(See Article V, Division 8 Parks and Recreation District)

(See Articles 138-483 through 138-489)

(See Article V, Division 11 Cemetery District)
Section 138-527 Notes to the Schedule of Regulations

(a) In calculating the area of a lot that adjoins an alley, one half the width of such alley abutting the lot shall be considered as part of such lot.

(b) The front yard setback shall be 25 feet or equal to the average setback of the 6 adjacent buildings on the same block, whichever is greater.

(c) Exterior side yards on corner lots:
   
   When a rear yard abuts a rear yard, the exterior side yard setback shall not be less than ten (10) feet.
   
   When a rear yard abuts a side yard, the exterior side yard setback shall not be less than 25 feet.

(d) There shall be a distance of at least fifteen (15) feet between dwellings.

(e) Maximum lot coverage for corner lots shall not exceed 45%. See Article III General Provisions, Division One Accessory Buildings and Structures for additional requirements.

(f) No multiple dwelling shall be erected on a lot or parcel of land that has an area of less than 10,000 square feet. The total number of rooms (other than kitchen and sanitary facilities) provided shall not be more than the area of the parcel in square feet divided by 500.

   \[ \text{Total number of rooms} = \frac{\text{Area of parcel}}{500} \]

(g) Every lot on which a multiple dwelling is erected shall be provided with a side yard on each side of such lot. Each side yard shall be increased by one-half foot for each 10 feet or part thereof by which the length of the multiple dwelling exceeds 50 feet in overall dimension along the adjoining lot line.

(h) The following minimum floor areas shall be met (the number of rooms listed is in addition to the kitchen and sanitary facilities):

   Efficiency apartment: One-room—250 square feet minimum floor area per unit.
   
   One-bedroom: Three-room—450 square feet minimum floor area per unit.
   
   Two-bedroom: Four-room—600 square feet minimum floor area per unit.
   
   Three-bedroom: Five-room—750 square feet minimum floor area per unit.
   
   The maximum floor area for an efficiency apartment shall not exceed three hundred (300) square feet (in addition to the kitchen and sanitary facilities).

(i) Reserved.
(j) Parking shall be permitted in the front yard after approval of the parking plan layout and points of access by the planning commission. The setback shall be measured from the nearest side of existing and/or proposed right-of-way lines.

(k) Front yard setbacks shall be 10 feet or equal to the setback of the adjacent buildings, whichever is less.

(l) Reserved.

(m) No side yards are required along the interior side lot lines except as otherwise specified in the building code. On the exterior side yard that borders on a residential district, there shall be provided a setback of at least 10 feet on the side or residential street.

(n) No setback shall be permitted, unless the Planning Commission finds that the proposed setback shall be developed as a defined plaza, outside eating area, or other pedestrian space.

Secs. 138-528--138-530. Reserved.

SECTION 2: That the City Council directs the City Clerk to publish a summary of this ordinance in compliance with Public Act 182 of 1991 and Section 6.5 of the Berkley City Charter.

Introduced on the First Reading at the Regular City Council Meeting on Monday, October 20, 2008.

Approved on the Second Reading at the Regular City Council Meeting on Monday, November 3, 2008.

Marilyn V. Stephan
Mayor

Attest:

Mary V. Hughes
City Clerk
AN ORDINANCE

of the Council of the City of Berkley, Michigan
amending, Chapter 138 Zoning,
Article II Definitions, Section 138-32 and
Article V District Regulations, Division 12 Schedule of Regulations,
Sections 138-526 through 138-527
of the Berkley City Code

THE CITY OF BERKLEY ORDAINS:

SECTION 1: That Article II Definitions, Section 138-32 Definitions of the Berkley City Code be and hereby are amended as follows:

Floor Area, Minimum Residential: The total area of each floor measured from the exterior faces of the exterior walls or from the centerline of the walls separating two dwelling units. The first floor shall be the lowest floor which is at every point above the average grade line around the structure.
SECTION 2: That Article V District Regulations, Division 12 Schedule of Regulations, Sections 138-526 and 138-527 of the Berkley City Code be and hereby are amended as follows:

DIVISION 12. SCHEDULE OF REGULATIONS

Section 138-526 Schedule of Regulations.

<table>
<thead>
<tr>
<th>Districts</th>
<th>Area in Sq. Fl. (a)</th>
<th>Width in Feet</th>
<th>In Feet</th>
<th>Front at least one side yard</th>
<th>Total of two side yards</th>
<th>Rear</th>
<th>Percentage of Lot Coverage (Area of All Structures)</th>
<th>Minimum Floor Area per Unit</th>
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<tbody>
<tr>
<td>R-1A</td>
<td>12,000</td>
<td>100</td>
<td>40</td>
<td>25 (b)</td>
<td>15</td>
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<td>25 (b)</td>
<td>15</td>
<td>35</td>
<td>35 (e)</td>
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<td>30</td>
<td>25 (b)</td>
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<td>35</td>
<td>35 (e)</td>
<td>1300</td>
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<td>25 (b)</td>
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<td>10 (j, k)</td>
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<td>LB</td>
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<td>10 (j, k)</td>
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<td>10 (j, k)</td>
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<td>C-1</td>
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<td></td>
<td>(See Article V, Division 11 Cemetery District)</td>
</tr>
</tbody>
</table>

(See Article V, Division 5, High Rise Multiple Family Residential District)

(See Sections 138-483 through 138-489)
Section 138-527 Notes to the Schedule of Regulations

(a) In calculating the area of a lot that adjoins an alley, one half the width of such alley abutting the lot shall be considered as part of such lot.

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(k) Front yard setbacks shall be 10 feet or equal to the setback of the adjacent buildings, whichever is less.

(l) Reserved.

(m) No side yards are required along the interior side lot lines except as otherwise specified in the building code. On the exterior side yard that borders on a residential district, there shall be provided a setback of at least 10 feet on the side or residential street.

(n) No setback shall be permitted, unless the Planning Commission finds that the proposed setback shall be developed as a defined plaza, outside eating area, or other pedestrian space.

SECTION 3: That the City Council directs the City Clerk to publish a summary of this ordinance in compliance with Public Act 182 of 1991 and Section 6.5 of the Berkley City Charter.

Introduced on the First Reading at the Regular City Council Meeting on Monday, December 17, 2007.

Approved on the Second Reading at the Regular City Council Meeting on Monday, January 7, 2008.

CERTIFICATION:

I certify that the foregoing is a true and correct copy of an Ordinance approved by the Berkley City Council at a Regular Meeting on January 7, 2008 and that I did publish the synopsis of this Ordinance in the Royal Oak Daily Tribune and posted the complete Ordinance for ten days at City Hall, Library, and Community Center.

Karen L. Brown
Clerk/Treasurer
(j) Parking shall be permitted in the front yard after approval of the parking plan layout and points of access by the planning commission. The setback shall be measured from the nearest side of existing and/or proposed right-of-way lines.

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Approved on the Second Reading at the Regular City Council Meeting on Monday, January 7, 2008.

Marilyn V. Stéphan
Mayor

Attest:

Karen L. Brown
City Clerk
Sec. 138-526. - Schedule of regulations.

<table>
<thead>
<tr>
<th>Districts</th>
<th>Area in Square Feet (a)</th>
<th>Width in Feet</th>
<th>In Feet</th>
<th>Minimum Yard Setback</th>
<th>Minimum Floor Area Per Unit</th>
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<tbody>
<tr>
<td>R-1A</td>
<td>12,000</td>
<td>100</td>
<td>40</td>
<td>25(b)</td>
<td>5(c, d) 15 20 35(e) 1,800 2,000</td>
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<td>R-1B</td>
<td>8,800</td>
<td>80</td>
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<td>(e)</td>
<td>(e)</td>
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<td>10(g) 20(f) 35 35 (h) (h)</td>
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<td>R-M-H</td>
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<td>(See article V, division 5, High-Rise Multiple-Family Residential District)</td>
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<td>(See article V, division 7, Greenfield District)</td>
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<td>(m) (m) 10 — — —</td>
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<td>(n) (n) 10 — — —</td>
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<td>(m) (m) 10 — — —</td>
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<td>Woodward</td>
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<td>10(j, k)</td>
<td>(m)</td>
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<td>(m)</td>
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<tr>
<td>Cemetery</td>
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</tr>
</tbody>
</table>

MEMORANDUM

To: Berkley Planning Commission

From: Erin Schlutow, Community Development Director

Subject: Parking Requirement Modification during Site Plan Review

Date: June 15, 2020

Based upon the conversation with the Planning Commission at the December 17, 2019 and the January 28, 2020 meetings, there was expressed interest in discussing the authority of the PC to modify or reduce parking requirements during site plan review. We continued the conversation at the February PC meeting, wherein the Commissioners offered ideas and suggestions for the proposed amendment.

When City Hall closed due to COVID, it was determined to pause these discussions. Given that we may soon resume in person meetings, I would like to revisit the discussion related to parking requirement modifications during site plan review.

While, it is common for the planning commission to have such authority to modify a parking requirement, it should be based upon evidence that the parking requirement in the Zoning Ordinance does not fit the proposed use of the building.

Such evidence can include, but not limited to:

- the minimal number of employees working in the facility at a given time,
- the amount of interior floor area designated for storage that will not be utilized by the public,
- a retail use that is for online sales only and does not include over-the-counter sales.

The responsibility of producing such evidence would be exclusive to the applicant making said request.

Modifications of parking requirements during site plan review

The long, narrow design of the commercial corridors with shallow parcels has been problematic for potential business owners looking to make a home in Berkley. Oftentimes, the size of the properties does not allow for the required minimum on-site parking to serve each individual business. While there are provisions in the Zoning Ordinance that permits shared parking agreements between properties as well as eliminating parking requirements for properties within 500 ft. of a municipal parking lot, there are still issues that are hindering occupancy of vacant commercial properties.

I recommend discussing an ordinance amendment that would give the Planning Commission the authority to grant modifications to parking requirements during site plan review. This flexible approach to
development can provide business owners opportunities in Berkley that may have been deemed too
difficult in the past.

The numerical modification afforded to the Planning Commission can be capped at a certain percentage,
so as the reduction cannot exceed 10 percent of the existing requirement for that use, or it can be as
flexible as the Commission deems fit. Communities have approached the modification in different ways.
Zoning Ordinance examples from Lyon Township and the City of Ferndale are provided below to
demonstrate how two vastly different communities have addressed parking modifications approved by the
planning commission.

**Lyon Township – Section 14.01(C)(8)**
*Minimum number of spaces for each use.* The amount of required off-street parking space shall
be determined in accordance with the schedule. The planning commission may modify the
numerical requirements for off-street parking, based on evidence that another standard would be
more reasonable, because of the level of current or future employment and/or level of current or
future customer traffic.

**City of Ferndale – Section 24-223(g)**
*Reduction of parking requirements.* The planning commission may reduce the parking
requirements based upon a finding that there will be a lower demand for parking due to one or
more of the following factors:

(1) Shared parking by multiple uses with peak parking demands during differing
times of the day or days of the week;
(2) Convenient municipal off-street parking or on-street spaces are located within
500 feet that have the capacity to handle additional parking;
(3) Expectation of walk-in business due to sidewalk connections to adjacent
residential neighborhoods or employment centers. The site design incorporates
pedestrian connections to the site and on-site pedestrian circulation providing
safe and convenient access to the building entrance;
(4) Availability of other forms of travel such as transit. The planning commission may
require that the site design incorporates transit stops, pedestrian connections to
nearby transit stops or enhanced bicycle parking facilities;
(5) The applicant has provided a parking study, conducted by a qualified traffic
engineer, that demonstrates that another standard would be more appropriate
based on actual number of employees, expected level of customer traffic or
actual counts at a similar establishment. The planning commission may require a
parking study to document that any one of the criteria (1) through (4) above
would be met.

Requests for parking requirement modifications would encourage an applicant to review and analyze the
proposed project and think critically about alternatives that would benefit the community. It has proven a
useful tool in other communities where land for development is scarce and has garnered positive pedestrian and bicycle transit opportunities.

One of the concerns regarding a parking modification is a limit or cap to the number or percentage allowed to be reduced. As an example, the approved site plan for the La Salette multi-family development included six (6) parking spaces on the south of the building that will occupy existing green space on the site. The developer had noted that they wanted to preserve as much green space as possible; however, it was necessary to include the six (6) parking spaces on the side of the building in order to satisfy the parking requirement.

For multi-family residential developments, the Zoning Ordinance requires two (2) spaces per dwelling unit.

<table>
<thead>
<tr>
<th>Parking Requirement</th>
<th>Number of Units</th>
<th>Number of Provided Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>Two (2) per dwelling unit</td>
<td>55 units</td>
<td>110 parking spaces</td>
</tr>
</tbody>
</table>

Based on the size of the units, including efficiency and one bedroom units, two (2) parking spaces per dwelling unit means that the residential development may be saturated with surface parking.

<table>
<thead>
<tr>
<th>Residential Unit</th>
<th>Number of units</th>
</tr>
</thead>
<tbody>
<tr>
<td>Studio</td>
<td>7 units</td>
</tr>
<tr>
<td>One bedroom</td>
<td>41 units</td>
</tr>
<tr>
<td>Two bedroom</td>
<td>7 units</td>
</tr>
<tr>
<td>TOTAL</td>
<td>55 units</td>
</tr>
</tbody>
</table>

During the site plan approval process of the redevelopment of La Salette, the applicant may have requested such a parking numerical modification in which additional green space may be preserved.

I have included proposed language for the Zoning Ordinance text amendment that would grant the Planning Commission the authority to modify parking requirements. Based upon the discussion with the Planning Commission, we can set the public hearing for the March 24, 2020 meeting.

If you have any questions, please do not hesitate to contact me.

Sincerely,
Erin Schlutow
Community Development Director
Sec. 138-226 - Parking Requirement Modification.

An applicant for site plan approval may request the Planning Commission to consider modifying the numerical parking requirements for off-street parking applying to the proposed use, based upon evidence provided by the applicant that indicates that another parking standard would be more appropriate for the proposed use.

Any flexibility from the ordinance standard is tied to the specific use and site plan approved and will cease to exist once the use on the site terminates or changes to another use.

The Planning Commission shall have the discretion to grant or deny the requested modification based on consideration of the following factors, as applicable:

a. Current or future levels of employees and/or patrons;
b. Peak period usage versus normal usage;
c. Banked or reserved parking for future use;
d. Opportunities to accommodate green space, additional landscaping and the minimization of impervious areas on the site;
e. Provision of valet parking or other means of accommodating patrons on a private lot that does not burden public parking. Further, submission of proof that such valet parking is available for the days and times noted and not in conflict with other businesses using the same valet facility;
f. Neighborhood or other surrounding characteristics unique to the property justify the requested deviation;
g. Strict application of the ordinance would prevent ability to develop the site as proposed for a permitted use and that an alternate parking calculation would be appropriate;
h. Modification will not impact or negatively affect public parking in the city;
i. Proximity of the site to local or regional transit, including but not limited to SMART bus stops, bicycle sharing stations, lite rail, etc.

Any planning commission modification under this section shall be contingent on the use of the property continuing as approved. Any change in the use, scope or intensity of the property use will result in the standard parking requirements being applied.
TO: Berkley Planning Commission
FROM: Ben Carlisle, AICP  
Megan Masson-Minock, AICP  
DATE: June 18, 2020  
RE: Update on Master Plan Activity

We hope this memo finds you and your family healthy, happy, and safe! Thanks to all of you who helped promote or participated in the survey, focus groups and video presentations. We have received a tremendous amount of input to date via focus groups, the survey, and video webinars. Utilizing the input gathered, we are ready to start drafting the Master Plan.

**Action to Date**

During May and June, we have moved community engagement on-line, including completion of the survey, video presentations and focus groups.

**Survey**

The survey was available throughout the month of May. We had 1,317 responses, which is a tremendous response. Our initial goal was a survey response of 1,000. A draft report, without analysis of open-ended questions, was shared with the Steering Committee this past Tuesday as well as the raw data. The Steering Committee offered thoughtful advice on how to better present the results in a consumable manner for the public. We are working on updating the report, which will be in your packet for your July meeting.

We ran the ballot box stuffing analysis for the responses and, aside from our IP address from which paper surveys were entered, there were only 8 surveys that came from the same IP address. Also, in looking at open answers, we did not see responses that were identical, indicating cutting and pasting of answers. Due to the size of the response. we feel confident that the survey represents the breadth of the community who chose to take the survey and can be one of many factors in the decision making process.

**Video Presentations**

We have completed six of eight video presentations. Between YouTube viewers and webinar participants, we routinely had around 20 live viewers. The videos have been posted to YouTube and seem to garner a couple of views a week. We feel these have been successful as education pieces mostly. You can view the series at [https://www.youtube.com/playlist?list=PLCNezdUz1g2WS1_XIJmLaV5mEstDT9Ikq](https://www.youtube.com/playlist?list=PLCNezdUz1g2WS1_XIJmLaV5mEstDT9Ikq).
Zoom Focus Groups

CWA held four Zoom focus group the week of June 8 and are schedule to had three focus group the week of June 15. Focus groups include business owners, developers and realtors, seniors, high schoolers, religious leaders, boards members and commissioners, and residents and young families. We will compile the notes with previous interviews and have a report for you in July.

Drafting the Master Plan

We are starting to produce content to share with the community:

Vision, Mission, and Values

A draft version of a vision, mission and values were shared with the Steering Committee, who are sending us suggestions and edits this week. We will share an updated draft with you early next week. The draft Vision, Mission and Value will be shared with the public at the video presentation on June 30th.

Major Planning Decisions

Three planning decisions that will need to be made are coming to forefront in the community engagement and analysis:

- Corridors: How do we set the stage for these area where the most change is likely to happen in Berkley? Options discussed ranged from streetscapes to gathering places to planning for expansion of the lot depth of corridors to changes in parking regulations and strategies.

- Parking: At the very least, the Master Plan should tee up changes to parking regulations and strategies in the Zoning Ordinance. Numerous options are being considered as part of the Master Plan including residential only street parking (permits), City rents private lot for public use, City creates more public lots, City assigns short-term parking along corridors, reevaluate parking requirements, and city creates a Parking District. Are there any strategies you strongly support, strongly do not support, or any additional strategies we should consider?

- Housing diversity: In the survey, the respondents prioritized planning for housing for seniors and the disabled but were not enthusiastic about types of housing other than single-family. Demographic trends point to a need for senior housing but also more housing types in the future. The location and form of other types of housing needs to be discussed and decided.

Plan Organization

After a discussion on plan organization with the Steering Committee, we recommend the updated Master Plan be organized using a thematic approach, based on community assets that sustain great neighborhoods, create placemaking along corridors, provide multi-mobility options, and address utilities as sustainable systems.
We find that there are many benefits to organizing around a thematic approach:

- Allows a more holistic approach for elements that cross land use borders. Typically, more strategic in nature and focuses on a series of elements, such as transportation, urban design, or housing, and is designed to go beyond a simple basis for decision making.

- In Berkley, where the City is nearly built out and in which the land use pattern more is firmly established, new issues emerge. Thematic approach provides for a more focused and strategic approach to fully appreciate the character, assets, and potential of the community.

- Allows the Plan to be designed as a series of stand-alone chapters, where an individual interested in a topic can rely upon the applicable chapter of the Plan to learn where the city stands and where it desires to go.

We would appreciate your thoughts about this approach and, if you are in favor, suggestions for organizing themes. Once the layout approach is chosen, a draft plan outline will be provided for your review.

Thank you again for the opportunity to assist with your Master Plan!

Yours Truly,

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Principal

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