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 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 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 Monday, July 6, 2020.

Passed on the Second Reading at the Regular City Council Meeting on Monday, September 21, 2020.