AN ORDINANCE

Of the Council of the City of Berkley, Michigan
Amending Section 138-192 of Chapter 138, Zoning,
Of the City of Berkley Code of Ordinances
To Amend Regulations for Projections into Setbacks
And Provide Penalties for Violations

THE CITY OF BERKLEY ORDAINS:

SECTION 1: Section 138-192 of Chapter 138 of the Berkley Code of Ordinances shall be amended, as follows:

Sec. 138-192. Projections.

Projections may extend into a required side yard setback 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 given yard shall not exceed 30 percent of that wall’s surface area.

Projections may have a foundation, such as brick or masonry fireplaces, or may be without foundation, such as box fireplaces, bay windows, and other types of cantilevers, including second story cantilevers.

Projections without a foundation shall be above grade at least 12 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 11 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 shall not exceed 30 percent of that wall’s surface area.

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: Effective Date

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

SECTION 4: 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 Meeting on Monday, February 1, 2021.
Passed on the Second Reading at the Regular City Council Meeting on Monday, March 1, 2021.

Attest:

Victoria Mitchell, City Clerk

Daniel J. Terbrack
Mayor