AN ORDINANCE

of the City Council of the City of Berkley, Michigan,
to Amend Sections 138-584, 138-605, 138-625, and 138-656 and to Add New Section 138-552 to Chapter 138 Zoning, of the City of Berkley Code of Ordinances to Modify and Establish the Process and Requirements for Public Hearing Notices.

THE CITY OF BERKLEY ORDAINS:

SECTION 1: Section 138-584 of Chapter 138 of the Berkley Code of Ordinances shall be amended, as follows:

Sec. 138-584. – Notice of hearing.

Section 138-552 for public hearing notification process and requirements.

SECTION 2: Section 138-605 of Chapter 138 of the Berkley Code of Ordinances shall be amended, as follows:

Sec. 138-605. – Notice of hearing.

See Section 138-552 for public hearing notification process and requirements.

SECTION 3: Section 138-625 of Chapter 138 of the Berkley Code of Ordinances shall be amended, as follows:

Sec. 138-625. – Notice of hearing.

See Section 138-552 for public hearing notification process and requirements.

SECTION 4: Section 138-656 of Chapter 138 of the Berkley Code of Ordinances shall be amended, as follows:

Sec. 138-656. – Notice of hearing.

See Section 138-552 for public hearing notification process and requirements.

SECTION 5: Section 138-552 shall be added to Chapter 138 of the Berkley Code of Ordinances, as follows:

Sec. 138-552. – Public hearing notification requirements.

(a) Applicability. These provisions apply to the following requests that require a public hearing:
(1) Zoning text and map amendments (including rezonings);

(2) Appeals;

(3) Variances;

(4) Special land uses; and

(5) Planned unit development.

(b) **Public notice.** The following public notice procedure shall apply to all public hearings:

(1) **Notice contents.** The notice shall contain the following information:

a. Description of the nature of the request and purpose of the public hearing;

b. Citation of the applicable Zoning Ordinance sections;

c. Address and parcel number of the subject property;

d. Date, time, and location of the public hearing;

e. When and where comments will be received concerning the request.

(2) **Newspaper publication.** The notice of the public hearing must be published in the official newspaper of general circulation for publication of notices within the City not less than 15 days prior to the date of the hearing.

(3) **Mailed notice.** The notice of the public hearing must be mailed to owners and occupants of all properties and structures within 300 feet of the subject property, including those located outside of the City limits, if applicable. Notices must be postmarked not less than 15 days prior to the date of the hearing.

Such notice shall be delivered in person or sent by first-class mail addressed to the respective owners and occupants at the address given in the last assessment roll.

If an occupant’s name is not known, the term “occupant” may be used. Notification need not be given to more than one occupant of the structure, except that if a structure contains more than one dwelling unit or spatial area owned or leased by different individuals, one occupant of each unit shall be given notice. In the case of a single structure containing more than four dwelling units or other distinct spatial areas leased by different persons, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure.

(4) **City website notice.** The notice of the public hearing shall be posted on the City’s
website not less than 15 days prior to the date of the hearing.

(5) **Temporary sign on subject property.** A temporary sign providing notice of the public hearing shall be conspicuously placed in the front yard of the subject property not less than seven (7) days prior to the hearing date.

a. Public hearing signs shall be provided by the City of Berkley and placed on the subject property with the permission of the property owner.

b. If the property is located on a corner lot, a public hearing sign shall be conspicuously placed in each yard abutting a street.

c. If the property is 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 property.

**SECTION 6: 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 7: Effective Date**

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

**SECTION 8: 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 First Reading at a Regular City Council Meeting on Monday, February 3, 2020.

Passed on Second Reading at a rescheduled Regular City Council Meeting on Tuesday, March 31, 2020.

Daniel J. Terbrack
Mayor

Attest:

Victoria Mitchell, City Clerk