AN ORDINANCE

Of the Council of the City of Berkley, Michigan
Adding Section 138-226 of Chapter 138, Zoning,
Of the City of Berkley Code of Ordinances
to Allow Parking Requirement Modifications During Site Plan Review

THE CITY OF BERCLEY ORDAINS:

SECTION 1: New Section 138-226 shall be added to Chapter 138 of the Berkley City Code, as follows:

Sec. 138-226 - Parking Requirement Modification During Site Plan Review.

An applicant for site plan approval may request the Planning Commission to modify the minimum numerical parking requirements of this Chapter for off-street parking applicable to the proposed use, based upon the applicant’s demonstration that a different parking standard would be more appropriate.

An approved deviation from the ordinance standard will be tied to the specific use and site plan approved and will not apply after the use on the site terminates or changes to another use. The Planning Commission may grant a parking modification up to 10% of the total parking requirement for a particular use, as noted in Section 138-219.

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

a. Current or anticipated levels of employees and/or patrons;
b. Peak period usage versus normal usage;
c. Banked or reserved parking for future use;
d. Opportunities to provide or accommodate green space, additional landscaping and to minimize impervious areas on the site;
e. Provision of valet parking or other means of accommodating parking off-site that will not overburden public parking and is a reasonable alternative to on-site parking. Further, the applicant must demonstrate that such valet parking will be available for the days and times needed and will not conflict with other businesses that share the same parking facility or valet service;
f. Neighborhood or other surrounding characteristics justify the requested deviation;
g. Strict application of the ordinance would unreasonably hinder development of the site for a permitted use, and an alternate parking requirement would be appropriate;
h. Modification will not negatively impact 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 continuing use of the property as approved. Any change in the use, scope or intensity of the property use will invoke reinstatement and application of the standard parking requirements of this Chapter.

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 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.

_________________________________
Daniel J. Terbrack
Mayor

Attest: ___________________________
Victoria Mitchell
City Clerk