AN ORDINANCE
Of the Council of the City of Berkley, Michigan
Amending Section 138-222 of Division 1 of Article IV of Chapter 138, Zoning, Of the City of Berkley Code of Ordinance to Permit Permeable Pavement for Parking Areas.

THE CITY OF BERKLEY ORDAINS:

SECTION 1: Section 138-222 of Division 1 of Article IV of Chapter 138 of the Berkley Code of Ordinance shall be amended, as follows:

DIVISION 1. – OFF-STREET PARKING REQUIREMENTS

Sec. 138-222. - Parking lot location, design, and construction.

(a) Single- and two-family residential uses.

(1) Location. The off-street parking facilities required for single- and two-family dwellings shall be located on the same lot or plot of ground as the buildings they are intended to serve.

(2) Commercial vehicles.

a. A commercial vehicle is defined as a truck, pick up truck, sedan or panel van, including tractors, trailers, semi-trailers, and step vans used for the transportation or delivery of goods or merchandise or used in the business occupation of the current resident. No commercial vehicle shall have a height greater than ten feet and a length greater than 24 feet.

b. Parking of the following vehicles for more than 48 hours shall be prohibited in any residential district:

• Semi-tractor;
• Tow truck;
• Cement truck;
• Flat-bed truck whose bed exceeds 10 feet;
• Tank body truck;
• Cherry pickers;
• Dump truck;
• Stake truck whose bed exceeds ten feet; or
• Any type of construction or industrial equipment but not limited to bull dozers and hi-lo's, or vehicles equipped with open racks for transporting glass, lumber or any type of extended materials.

c. All permitted commercial vehicles shall be currently licensed and operative. Vehicles shall be limited to those used by current residents.

(3) Residential drive ways.

a. Number of driveways.
1. *For parcels less than 100 feet wide.* No more than one driveway and approach per dwelling unit shall be permitted.

2. *For parcels 100 feet or more in width.* A circular driveway with two approaches on the same street is permitted. Circular driveways shall not exceed 10 feet in width and shall not be less than 5 feet from the front building line. The driveway shall not be less than 5 feet from the side lot line as measured along the front lot line. Total pavement within the front yard shall not exceed 35% of the front yard.

3. *For parcels 100 feet or more in width and a corner lot.* In addition to the circular driveway described above, a separate driveway and approach from the side street is permitted if garage access is required.
b. **Parking in the side and rear yards.** No parking shall be permitted on any residential lot or combination of residential lots, in the side or rear yards except upon a hard surface material.

c. **Recreation vehicles.** Recreation vehicles, as defined in chapter 70, mobile homes, trailers, and recreational vehicles of the City Code, shall be stored in a garage or in the rear yard. See section 70-3, Parking outside of licensed park, for further requirements.

d. **Parking in the front yard.** No parking shall be permitted on any residential lot or combination of residential lots, in any portion of the area extending between the residential structure and the public street, except upon a driveway area, parking strip or garage existing to the side of the residential structure.
e. **Interior lots.** The width of the driveway area or parking strip shall not exceed 16 feet between the front building line and the front lot line.

f. **Interior lots with attached garages.** The width of a driveway area or parking strip shall not exceed the width of the garage and shall taper uniformly to a width of 16 feet at the front lot line.

g. **Corner lots.** Garages on corner lots shall be rotated so the driveway accesses the side street. See section 33-115, accessory buildings and structures, for setback requirements. The width of a driveway area or parking strip shall not exceed 20 feet or the width of the garage, whichever is greater. The width of the driveway may be maintained to the side lot line.
h. *Lots fronting on Greenfield.* Those residential lots fronting on Greenfield Road between 12 Mile Road and Catalpa shall be permitted a driveway approach not exceeding 20 feet in width in the area between the lot line and the street curb wherein parking in an east-west direction shall be permitted, subject to all other parking regulations.

i. *Lots backing to Coolidge.* Those residential lots backing to Coolidge between Twelve Mile Road and Webster that have a driveway and approach onto Coolidge as of June 19, 2008 shall be allowed to maintain and replace said driveway and approach. No additional driveways or approaches onto this portion of Coolidge shall be permitted.
(b) **Multiple-family uses.**

(1) **Location.** The off-street parking facilities required for single- and two-family dwellings shall be located on the same lot or plot of ground as the buildings they are intended to serve.

(2) **Commercial vehicles.**

   a. A commercial vehicle is defined as a truck, pick up truck, sedan or panel van, including tractors, trailers, semi-trailers, and step vans used for the transportation or delivery of goods or merchandise or used in the business occupation of the current resident. No commercial vehicle shall have a height greater than ten feet and a length greater than 24 feet.

   b. Parking of the following vehicles for more than 48 hours shall be prohibited in any residential district:

      • Semi-tractor;
      • Tow truck;
      • Cement truck;
      • Flat-bed truck whose bed exceeds ten feet;
      • Tank body truck;
      • Cherry pickers;
      • Dump truck;
      • Stake truck whose bed exceeds ten feet; or
      • Any type of construction or industrial equipment but not limited to bull dozers and hi-lo’s, or vehicles equipped with open racks for transporting glass, lumber or any type of extended materials.

   c. All permitted commercial vehicles shall be currently licensed and operative. Vehicles shall be limited to those used by current residents.

(3) **Design.**

   a. **Parking lot ingress and egress.** Adequate ingress to the parking lot by means of clearly limited and defined drives shall be provided for all vehicles.

   b. **Backing onto public right-of-way.** Backing a vehicle onto or from public rights-of-way (public alley excepted) is prohibited in all areas except residential areas. Parking spaces shall be designed and arranged so that it is more convenient for the parking space user to accomplish the necessary backing movements on the private property than it is to work onto or from the public rights-of-way.

   c. **Screenwalls.** Where parking and/or off-street loading areas for business, office or industry are abutting a residential district, a six-foot obscuring masonry wall shall be constructed on the property line of such abutting districts. See article III “General Provisions,” division 2 “Fences,” for further screenwall requirements. Ownership shall be shown of all lots or parcels intended for use as parking by an applicant when an application for a building permit or certificate of occupancy is filed.

   d. **Attendant shelters.** Not more than one building for shelter of attendants shall be erected upon any given parking area and each such building shall not be more than 50 square feet in area nor more than ten feet in height.
e. *Aisle widths.* Aisle widths shall be required as follows to maintain vehicular and pedestrian safety. The planning commission may alter or revise the aisle width requirements if the commission finds that strict application of said requirements would endanger pedestrians or vehicular traffic.

![Aisle Width Diagrams]

**90 DEGREE**

**60 DEGREE**

**45 DEGREE**

**PARALLEL**

**PARKING LAYOUTS**
(c) **Non-residential uses.**

1. **Location.**
   a. Required off-street for non-residential uses shall be on the same lot or within 500 feet of the building or use it is intended to serve, measured without crossing Twelve Mile Road, Coolidge Highway, Greenfield Road, Woodward Avenue, or Catalpa Drive from the nearest point of the required off-street parking facility.
   b. If a non-residential use is within 500 feet of a municipal parking lot, without crossing a major thoroughfare, no on-premise parking shall be required.
   c. No parking lots shall be permitted as a principal use in a zoning district other than the parking district (P-1).

2. **Design.**
   a. *Parking lot ingress and egress.* Adequate ingress to the parking lot by means of clearly limited and defined drives shall be provided for all vehicles.
   b. *Backing onto public right-of-way.* Backing a vehicle onto or from public rights-of-way (public alley excepted) is prohibited in all areas except residential areas. Parking spaces shall be designed and arranged so that it is more convenient for the parking space user to accomplish the necessary backing movements on the private property than it is to work onto or from the public rights-of-way.
   c. *Screenwalls.* Where parking and/or off-street loading areas for business, office or industry are abutting a residential district, a six-foot obscuring masonry wall shall be constructed on the property line of such abutting districts. See article III “General Provisions,” division 2 “Fences,” for further screenwall requirements. Ownership shall be shown of all lots or parcels intended for use as parking by an applicant when an application for a building permit or certificate of occupancy is filed.
   d. *Attendant shelters.* Not more than one building for shelter of attendants shall be erected upon any given parking area and each such building shall not be more than 50 square feet in area nor more than ten feet in height.
   e. *Aisle widths.* Aisle widths shall be required as follows to maintain vehicular and pedestrian safety. The planning commission may alter or revise the aisle width requirements if the commission finds that strict application of said requirements would endanger pedestrians or vehicular traffic.

(d) **Construction.** All parking areas and drives shall be provided with paving having an asphaltic or portland cement binder at least 4 inches in depth so as to provide a permanent, durable, and dustless surface. Single family residential driveways may be constructed of masonry pavers. All parking areas shall be graded and drained so as to dispose of all surface water accumulated within the area according to Oakland County requirements prior to the issuance of an occupancy permit. Approaches shall be provided with paving having a portland cement binder at least 6 inches in depth. Approaches shall have a 2 foot flare on each side of the driveway.

*Permeable pavement materials may be permitted, upon the review and recommendation by the city engineer. The Planning Commission shall have the authority to approve alternative paving materials in non-residential districts, based on the recommendation of the city engineer.*

A zoning certificate shall be required for all driveway replacement and construction.
**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.

________________________________________________________________________

Dan Terbrack
Mayor

Attest:

________________________________________________________________________

Victoria Mitchell
City Clerk