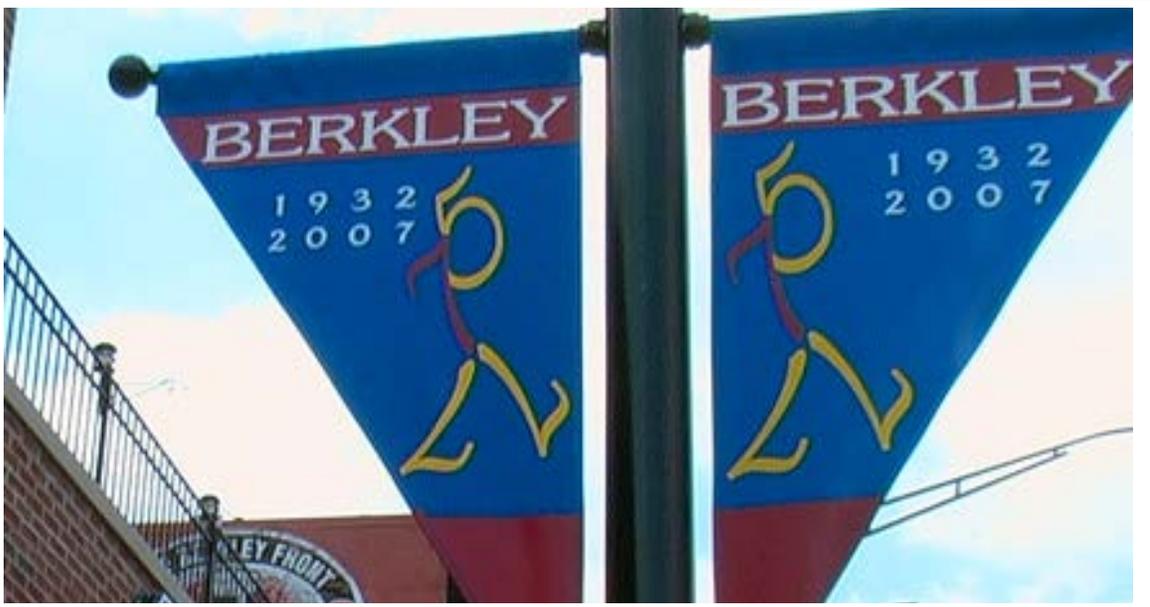


# A Guide To Opening A Business In Berkley



A helpful guide for navigating the application process and untangling the red tape!

April 2015

## **Welcome to Berkley!**

The City of Berkley would like to thank you for considering the City of Berkley to locate or expand your business. We're certain you will find Berkley has everything you look for to operate a profitable and prosperous business. The following is a brief guide to the process of opening a business in Berkley. We hope this will answer some of your questions, provide you with contacts, and generally smooth the process for you in your transition. Of course, please call us if we can assist with any of your specific needs.

### **The Process....**

1. Apply for your Business License
2. Verify the Zoning and Building Requirements
3. Receive approval from the City Inspectors
4. Obtain your Certificate of Occupancy

We want to make your process of moving to Berkley as convenient and smooth as possible. We highly recommend that you begin by visiting the City Offices and meet with our City Planner. In most cases, the above details will go quickly and without complication. If there are issues to resolve, speaking with the City first will help avoid surprises as the process proceeds. And, of course, you can always call the Berkley Area Chamber of Commerce if you need assistance. We assure you that the City is very interested in attracting new businesses to Berkley, and we will do our best to accommodate your needs!

## Let's Take a Closer Look.....

### Applying for your Business License

Your first step should be to apply for a Business License at the City Offices. This will get the process going and put you in contact with the appropriate departments. There is a \$200 application fee for new businesses. We strongly recommend that you apply for your Business License before signing any leases or long-term agreements in order to verify usage and zoning suitability of your site. Before completing your application, you should know the square footage of the building or space you will lease, the number of employees you expect to have (and grow to) and the number of off-street parking spaces available to your location

### Verify Zoning and Building Requirements

Verify with the City Planner that the site you have chosen will properly accommodate your business as there are specific zoning districts for specific types of businesses. We recommend that you consider your parking requirements when choosing a location. It is important to remember that not all adjacent parking can be considered yours (i.e. on-street parking in front of building is for everyone's use). The City Planner will be pleased to answer questions to clarify this and other zoning issues. She approves the business license application and forwards it to the Building Official to continue the process. Variances from the City Code will need formal approval from the *Zoning Board of Appeals*. This process will be outlined later.

Certain businesses also require approval from the State of Michigan or Oakland County. The State of Michigan issues licenses for a number of different businesses including child care centers and liquor sales. Child care center in particular have specific building code criteria. Restaurants receive approval from the Oakland County Health Department. Please understand that the County and the State are independent entities, often take longer to review business proposals, and often review different items than the City will.

### City Inspections

Once you have determined that your site will accommodate your business, the City Building Official and Fire Inspector will work with you to see that the building is up to the Building Maintenance Code. If there are any changes that need to be made, they will need to be approved by the Building Official and Fire Inspector. This is especially true in instances where an older building needs to be modified with regard to *Barrier Free Requirements*. The City Building Official will inform you of what modifications will

be required. Know that if you are changing usage of the location, it must comply with all Barrier Free Requirements for your type of business.

Changes to the interior of the building can be approved by the Building Official, however, if you plan to change the physical 'footprint' of the building, you will need to get approval from the *Planning Commission*. This process is also described later.

Like the building itself, your grounds must also be 'up to Code.' The most common issue facing businesses regarding their property is compliance with the *Sign Ordinance*. We recommend that you obtain a copy of the sign ordinance or the sign summary when you apply for your business license. The Code Enforcement Officer will also visit the site and give his approval or inform you of any changes that need to be made

### **Receiving your Certificate of Compliance**

Once the building and grounds have been approved through the final inspection, the city will approve your Certificate of Compliance.

The above is an overview of the process all businesses go through when getting started. Sometimes, however, a business doesn't quite 'fit' properly with the City Code. Depending upon what the ordinances require, and what your business wishes to do, there are four possible reviews and approvals that may be required before you are issued your Certificate of Occupancy. These are:

1. A variance from the Zoning Board of Appeals
2. A Site Plan Review
3. A Special Use approval
4. A Rezoning

The City Planner will let you know if any of these reviews will be necessary and answer any questions you might have. If you feel they might apply to you, the following gives additional details on how each of these reviews take place...

## **The red tape and how to untangle it.....**

### **Zoning Board of Appeals (ZBA)**

A business wishing to appeal a decision or zoning law can apply to the ZBA for a Variance. There is a \$250 fee for this application and requires a minimum of 30 days advance notice to allow for the required legal notices. The ZBA will consider the request with emphasis on the business demonstrating a *Practical Difficulty or Undue Hardship*. The hearing is held in an open forum with any interested party having an opportunity to voice his or her opinion. The business owner, however, is usually the focal point; this being his/her opportunity to discuss his/her plans. The City Planner presents a report of her findings to the ZBA, and as such, we recommend that you thoroughly discuss your plans with the City Planner before the hearing. We also encourage you to discuss your plans with the Chamber of Commerce and DDA (if applicable) before your hearing to make recommendations and assist you in the process.

### **Site Plan Review (Planning Commission)**

A business wishing to make any physical changes to the 'footprint' of their building, or add parking must apply for a *Site Plan Review*. There is a fee of \$300 for this application and advance notice of 30 days is required. Again, we *strongly recommend* a preliminary meeting with the City Planner before beginning this process in order to determine what issues will be discussed. The emphasis of the Planning Commission will be to ensure that the requested changes will not adversely affect the surrounding commercial and residential areas. It is important to remember that the Planning Commission is considering final plans not just a concept, and that all expected modifications must be included in the presented plans. If approved, any implementation of the plans will need to completely conform to what the Planning Commission approved. It is prudent to discuss your plans with the City Planner, your neighbors, your financial institution, and your design professional before moving through this process. These preliminary efforts will considerably ease your final review.

### **Special Use Approval**

Certain uses are permitted as 'of right' within the City of Berkley. Other uses, because of their nature are considered *Special Uses*, and cannot be administratively approved. To apply for a Special Use approval, there is a \$340 application fee and 30 days advance notice is required. Again, we recommend a preliminary meeting with the City Planner before beginning the process to determine what issues will be discussed. The application will first come before the Planning Commission, who will then make a recommendation to the City Council. The emphasis of the Planning Commission is to ensure that the

neighborhood will not be adversely affected by the proposed use. The Planning Commission also holds a public hearing where opinions of all interested parties are heard. As the business owner, you will also have an opportunity to discuss your plans. A recommendation is then forwarded to the City Council who has the final say on the matter. We encourage you to discuss your plans with the City Planner, your neighbors, the Chamber, and if appropriate, the DDA before moving through this process.

## **Rezoning**

Sometimes a business wishes to develop a property that is not zoned to accommodate their business. For example, perhaps the property is zoned for office purposes and the proposed business wants to open a restaurant. In this case, a *rezoning* is necessary (a preliminary visit with the City Planner will inform you if this is necessary). In a rezoning, the Planning Commission holds a public hearing regarding the rezoning, where opinions of interested parties are heard. The Commission then makes a recommendation to the City Council, who in turn makes the final decision. Unlike the previous approvals discussed earlier, a rezoning affects the City's ordinance (the current zoning map). As such, the City cannot only consider the business specifically being proposed; it also considers all of the other uses that could be permitted as 'of right' if the rezoning is adopted, the current development pattern, and the City's Master Plan. Should you find yourself needing to rezone property, please discuss the matter with the Chamber, and if appropriate the DDA, to perhaps assist in locating an available property that is already properly zoned.

## Contact Info

We have earlier referred to a preliminary meeting with the City Planner as a wise step to take in several instances above. We have found that a brief discussion will alert you to most of the issues you will face down the line, and in many cases, demonstrate how simple the process of opening a business in Berkley can be. At the very least, you will eliminate many of the surprises that you might otherwise encounter. Keeping that in mind, the following are the names and phone numbers of some key people and departments you may wish to contact:

City Planner	Amy Vansen	(248) 658-3320
Building Official	Duaine Franks	(248) 658-3320
Fire Inspector	Pete Kelly	(248) 658-3320
Code Enforcement Officer	Jim McWilliams	(248) 658-3320
Planning Commission / Zoning Board of Appeals	Amy Vansen	(248) 658-3320
Licensing	Danna Bauer	(248) 658-3320
Permits	Kim Anderson	(248) 658-3320
Greater Berkley Chamber of Commerce	Darlene Rothman	(248) 414-9157
City Clerk	Annette Boucher	(248) 658-3310
City Manager	Jane Bais-DiSessa	(248) 658-3350

***Thank you for your interest in operating your business in Berkley, and please contact the Chamber if we can provide any additional assistance!!!***