

AN ORDINANCE
of the Council of the City of Berkley, Michigan
amending Chapter 138 Zoning, Article V, Division 14, Eleven Mile District
of the Berkley City Code of Ordinances regarding outdoors automobile sales

THE CITY OF BERKLEY ORDAINS:

SECTION 1: That Chapter 138 Zoning, Article V, Division 14-Eleven Mile District of the Berkley City Code be and hereby are amended as follows:

DIVISION 14. - ELEVEN MILE DISTRICT

Sec. 138-486. - Preamble.

The eleven mile district is designed so as to primarily accommodate wholesale activities, warehouses, manufacturing, technology, and other business to business uses. Businesses that require outdoor storage are also permitted in the eleven mile district.

(Ord. No. O-04-08, § 1, 10-20-2008; Ord. No. O-03-09, § 1, 4-6-2009)

Sec. 138-487. - Principal uses permitted.

Principal uses permitted in the Eleven Mile district are as follows:

- (1) Warehousing and wholesale establishments, and storage (other than accessory to a permitted retail use).
- (2) Communications and information businesses.
- (3) The design, manufacture, and testing of such technology as electronics, robotics, medical devices and instruments.
- (4) Establishments involved in chemistry, biotechnology and nanotechnology.
- (5) The design, manufacture, and testing of alternative energy and power generation.
- (6) The compounding, processing, packaging or treatment of such products as: bakery goods, candy, cosmetics, pharmaceuticals, toiletries, food products, hardware and cutlery; tool, die, gauge and machine shops from the following previously prepared materials: canvas, cellophane, cloth, cork, feathers, felt, fiber, fur, glass, hair, leather, paper, plastics, precious or semiprecious metals or stones, shell, textiles, tobacco, wax, wire, wood and yarns.
- (7) Welding or metal fabrication.
- (8) The manufacture of pottery and figurines or other similar ceramic products using only previously pulverized clay, and kilns fired only by electricity or gas.
- (9) Manufacture of musical instruments, toys, novelties and metal or rubber stamps, or other small molded rubber products.
- (10) Manufacture or assembly of electrical appliances, electronic instruments and devices, radios and phonographs (excluding large stampings).
- (11) Laboratories, experimental, film or testing.

- (12) Manufacture and repair of electric or neon signs, light sheet metal products, including heating and ventilating equipment, cornices, eaves and the like.
- (13) Building material sales.
- (14) Warehouse, storage and transfer and electric and gas service buildings and yards, heating and electric power generating plants and all necessary uses, coal, coke and fuel yards, water supply and sewage disposal plants, water and gas tanks and holders.
- (15) Automobile service or repair establishments.
- (16) Carwashes.
- (17) Artist studios or florists, where retail sales are accessory to the primary use.
- ~~(18) Automobile sales.~~
- (19) Professional offices for lawyers, architects, landscape architects, urban planners, engineers or other similar or allied professions.
- (20) Accessory uses.
- (21) Other uses of a similar and no more objectionable character.

(Ord. No. O-04-08, § 1, 10-20-2008; Ord. No. O-03-09, § 1, 4-6-2009)

Sec. 138-488. - Special uses.

The following special uses shall be permitted in the eleven mile district, subject to the regulations in article IV, division 6, special uses, of this chapter:

- (1). Radio and television towers and their attendant facilities shall be permitted in Eleven Mile districts, provided such towers shall be located on a continuous parcel of more than 40 acres, and have abutting access to a major thoroughfare.
- (2). Animal kennels or animal day care establishments.
 - a. The outdoor area shall not be within 60 feet of a residential district.
 - b. The animals are permitted outside only between 6:30 a.m. and 10:30 p.m.
 - c. The outdoor area shall be enclosed on all sides with a wall or fence at least 8 feet in height.
- (3). Automobile sales
 - a. Outdoor displays of new or used vehicles for sale are permitted.
 - b. All vehicles for sale in an outdoor display must be in good repair, in conditions that include but are not limited to:
 - (1) Vehicles displayed must have tires in place.
 - (2) Vehicles displayed must be without any leaking gas or without any other leaking automotive fluids.
 - (3) Vehicles must not have any exposed sharp metal or glass edges.
 - (4) Vehicles must be free of major body damage.
 - c. Where outdoor displays of new or used vehicles for sale abut a residential district or residential use at the rear property line, a masonry obscuring wall a minimum of six (6) feet high and a maximum of eight (8) feet high shall be installed at the rear property line.
 - d. An outdoor lighting plan conforming to the Outdoor Lighting standards and requirements of Ch.138, Article III, Division 4.5 of the zoning ordinance shall be provided for Planning Commission review and approval.

- e. Outdoor loudspeakers or public address system shall not be permitted.
- f. Minimum building size of 400 square feet is required.

(Ord. No. O-04-08, § 1, 10-20-2008; Ord. No. O-03-09, § 1, 4-6-2009)

Sec. 138-489. - Required conditions.

- (a) Except where otherwise specified for ~~Sec.138-444(3): Automobile Sales~~, all uses shall be conducted wholly within a completely enclosed building or within a designated area enclosed on all sides with a 6-foot obscuring masonry wall not less than 8 inches thick.
- (b) No activities involving the storage, utilization or manufacture of materials or products which decompose by detonation shall be permitted within the city except such as are approved by the city council and are so licensed.
- (c) There shall be no dwellings, schools, other than trade or industrial schools, hospitals or other institutions for human habitation or care, unless accessory and incidental to a permitted principal use; or all classes of business uses except when such uses are for the convenience shopping of persons in the eleven mile district, subject to the regulations applicable to such uses.
- (d) Any use established in the eleven mile district after the effective date of Ordinance 280 shall be operated so as to comply with the performance standards set forth in article III, division 4, of this chapter.

(Ord. No. O-04-08, § 1, 10-20-2008; Ord. No. O-03-09, § 1, 4-6-2009)

Sec. 138-490. - Area and bulk requirements.

See section 138-526, limiting the height and bulk of buildings, and the minimum size of lot by permitted land use in the eleven mile district.

(Ord. No. O-04-08, § 1, 10-20-2008; Ord. No. O-03-09, § 1, 4-6-2009)

Sec. 138-491. - Building design requirements.


- (a) The first floor elevation of a building that fronts a street shall be composed of a minimum of 20 percent and a maximum of 80 percent windows. When there is a choice between a major thoroughfare and a minor street, the elevation that faces the major thoroughfare shall be considered the front.
- (b) The building elevation that fronts a street shall contain an entrance. The entrance shall access the first floor of the building. When there is a choice between a major thoroughfare and a minor street, the elevation that faces the major thoroughfare shall be considered the front.
- (c) Siding, generally considered residential, regardless of orientation, and T111-type material shall not be permitted.
- (d) The planning commission may revise these requirements, if the commission finds that the standards for site plan approval, as outlined in section 138-678, have been met.

(Ord. No. O-04-08, § 1, 10-20-2008; Ord. No. O-03-09, § 1, 4-6-2009)

Secs. 138-492—138-495. - Reserved.


Introduced on the First Reading at the Regular City Council Meeting on Monday, July 16, 2018.

Adopted on the Second Reading at the Regular City Council Meeting on Monday, August 13, 2018.



Daniel J. Terbrack, Mayor

Attest:



Phommady A. Boucher, City Clerk