

AN

ORDINANCE

of the City Council of the City of Berkley, Michigan to amend Section 2.02 Definitions and Section 6.03.C Use Groups, to add Section 8.23 Data Centers and to amend Section 14.04.Q Off-Street Parking Requirements of Chapter 138 Zoning of the City of Berkley Code of Ordinances to add definitions for various types of data centers, to regulate where data centers are permitted, to add off-street parking requirements for data centers and to add regulations for data centers.

THE CITY OF BERKLEY ORDAINS:

SECTION 1: Section 2.02 Definitions of Chapter 138 Zoning of the Berkley City Code is amended to add definitions for data centers, as follows:

Data center: A building or portion of a building used primarily for the storage, processing, or transmission of digital data, including servers, data storage or processing systems, network equipment, power distribution systems, cooling equipment, and associated support infrastructure. A data center has one or more of the following: uninterruptible power supply (UPS) systems; redundant electrical distribution; emergency generators; dedicated cooling equipment; raised flooring; specialized fire suppression systems; and enhanced physical security. The term does not include accessory server rooms clearly incidental to a permitted principal use containing a limited amount of information technology equipment serving the internal needs of a building, typically supported by standard building electrical and mechanical systems, and not requiring emergency power, redundant distribution, or dedicated cooling systems.

- A. *Accessory data center:* A data center that is incidental and subordinate to a principal permitted use, occupies no more than 5,000 square feet and primarily serves on-site operations.
- B. *Small data center:* A Principal Use Data Center that does not meet the definition of a Large Data Center.
- C. *Large data center:* A data center that meets any of the following thresholds:
 - 1. Gross floor area greater than 20,000 square feet;
 - 2. Designed peak electrical demand greater than three megawatts (MW); or
 - 3. Use of water-based cooling systems with projected average water use exceeding 25,000 gallons a day.

SECTION 2: Section 6.03.C Use Groups of Chapter 138 Zoning of the Berkley City Code is amended in order to regulate where data centers are permitted:

- A. **Authorized use groups.** Uses in the Site Design-Based Corridor Districts are regulated in use groups, per the table below. The regulations in Article 8, Specific Use Provisions apply to the uses listed below in addition to any additional regulations in this Article.

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Table 6.03.C.	
Use Group	Land Uses
Group 1: Residential	Single family dwellings Accessory dwelling units Home-based businesses State licensed facilities, up to 6 individuals Child family day care home Bed and breakfast Short-term rental
Group 2: Attached Residential/Lodging Uses	Two family dwelling Single family attached dwellings Child group day care homes (7-12 children) Adult foster care facilities Senior assisted/independent living (2 stories height maximum)
Group 3: Institution/Private Assembly/Lodging	Adult foster care congregate facility Senior assisted/independent living (over 2 stories) Funeral homes Convalescent centers and nursing homes Child day care centers Primary/secondary schools (private) Post-secondary schools Places of assembly less than 20,000 sq. ft. in gross floor area Private clubs Government offices
Group 4: Mixed Use Small Impact	Buildings up to 20,000 sq. ft. in gross floor area with the following land uses: <ul style="list-style-type: none"> Restaurants (no drive-through) Financial institutions (no drive-through) Retail (no drive-through) Fitness, gymnastics, and exercise centers Instructional centers Personal service Medical spa

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Table 6.03.C.	
Use Group	Land Uses
	<ul style="list-style-type: none"> Business services Professional office Medical office Upper story residential Live/Work units Public parks/plazas Open air businesses
Group 5: Mixed Use High Impact	<p>Buildings of any size with the following land uses:</p> <ul style="list-style-type: none"> Restaurants Craft manufacturing with front-facing retail component Medical office Lodging Retail, large-format Planned shopping centers Fitness, gymnastics, and exercise centers Instructional centers Places of assembly Indoor commercial recreation establishment Multiple family dwellings Drive through/drive in (associated with any land use allowed in Group 4 or Group 5) <p>Accessory data centers</p>
Group 6: Auto / Transportation	<ul style="list-style-type: none"> Automotive sales Automotive fueling / multi-use service station Automotive repair station Automotive body repair Automotive wash Truck/trailer/equipment rental
Group 7: Miscellaneous Commercial	<ul style="list-style-type: none"> Building & lumber supply Garden centers, nurseries Outdoor commercial recreation

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Table 6.03.C.	
Use Group	Land Uses
	Commercial kennels/pet day care Pet sales (Woodward Corridor only) Veterinary clinics Recreational/medical marijuana Tobacco and vape shops Adult regulated uses (Woodward Corridor only) Gun shops (Woodward Corridor only) Accessory data centers
Group 8: Industrial	Self-Storage Contractor’s equipment storage Craft manufacturing Food product manufacturing Commercial outdoor storage Laboratory Manufacturing, processing, etc. Metal plating Printing (Lithographs & Book Printing) Tool & die, gauge & machine shops Warehousing/wholesale Experimental research & testing lab Composting/recycling Accessory data centers Small data centers Large data centers

SECTION 3 Section 8.23 Data Centers is added to Chapter 138 Zoning of the Berkley City Code to provide regulations for data centers:

SECTION 8.23 DATA CENTERS

A. Purpose and Intent The purpose of this ordinance is to establish a regulatory framework for siting, design, operation, and decommissioning of data centers in order to balance local economic benefits

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with the protection of public health, safety, welfare, natural resources, and neighborhood character.
Standards are intended to:

1. Direct data centers to locations with existing and adequate infrastructure, redevelopment and infill of existing sites, and minimal land-use conflicts;
2. Avoid and mitigate nuisance impacts;
3. Ensure efficient consumption and use of electricity and water, prioritizing renewable energy and conservation;
4. Minimize contributions to the urban heat island effect and protect surrounding neighborhoods from localized temperature increases;
5. Promote context-appropriate architecture and robust screening;
6. Ensure compatibility with adjacent land uses and the City's Master Plan; and
7. Ensure responsible decommissioning and site restoration.

B. Design Requirements

1. Minimum Lot Area
 - a. Small Data Center: 20,000 square feet
 - b. Large Data Center: 40,000 square feet
2. Setbacks
 - a. Minimum distance from all non-residential property lines is thirty-five feet. Minimum distance from all residentially zoned or used adjacent property lines is forty-five feet.
 - b. Mechanical equipment must meet the requirements of Section 9.14, Exterior Appliances.
3. Building Height
 - a. Maximum height, including rooftop mechanical equipment and cooling towers, must comply with the underlying District standards.
4. Lot Coverage
 - a. Maximum lot coverage must not exceed 60%.
5. Separation Between Data Centers
 - a. Principal use data centers must be at least 1,000 feet from all other principal use data centers.

C. Performance Standards

1. Noise
 - a. Noise Limit. Routine operations (including cooling equipment and generators) must not exceed thirty dBA Leq of continuous noise and fifty dBA Leq of impulse noise at the property line. Nighttime (11:00 p.m. – 7:00 a.m.) limits must not exceed forty dBA Leq of

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continuous noise and thirty dBA Leq of impulse noise. Noise limits must be measured at all frequencies from sub-sonic to hyper sonic.

- b. Generator Testing. Routine testing must occur between 9:00 a.m.–6:00 p.m. weekdays. Noise limits for generator testing and use of back-up generators during power outages must not exceed sixty dBA Leq of continuous noise and one-hundred dBA Leq of impulse noise at the property line.
 - c. For Large Data Centers, the City may require a post-installation acoustical study prepared by a qualified professional. The study must include all proposed development on a lot or site plan and must be measured at five feet above grade along the property lines. The noise study must address the following circumstances:
 - i. Expected maximum noise output with all cooling and any other noise-generating equipment operating simultaneously at full operational load.
 - ii. The use of back-up generators during power outages.
 - iii. The routine testing of generators.
2. Vibration. Operations must not cause perceptible vibration at the property line per ANSI/ISO criteria.
3. Mechanical Equipment and Screening
- a. All rooftop and ground-mounted mechanical equipment, including HVAC, generators, cooling towers, and transformers, must be fully screened from public streets and residential properties and designed to integrate architecturally with the building.
 - b. Cooling towers, generators, and transformers must include noise attenuation features where necessary to meet performance standards.
4. Air Quality and Emissions
- a. All stationary engines, cooling towers, and emission sources must comply with the federal Clean Air Act and EGLE regulations. Required Air Use Permits to Install (PTI) must be obtained and kept current.
 - b. Generators. New generators must meet EPA Tier 4 Final standards. Dispersion modeling is required if the data center property line is within 500 feet of residential, schools, parks, or hospitals.
 - c. Cooling Towers. Cooling towers must include drift eliminators and be managed to prevent particulate emissions or microbial contamination.
 - d. Thermal Emissions. The facility must be designed and operated so that thermal emissions do not cause a sustained increase in ambient air temperature at any property line beyond the limits below, measured at five feet above grade:

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- i. Residential or mixed-use property line: not more than +2°F above ambient background, averaged over any fifteen-minute period.
- ii. Nonresidential property line: not more than +4°F above ambient background, averaged over any fifteen-minute period.
- iii. No thermal emission may create unsafe conditions on sidewalks, trails, roadways, or public spaces due to icing, fogging, or thermal plume interaction with winter conditions.

5. Energy and Sustainability

- a. Efficiency Target. Design for PUE (Power Usage Effectiveness) of 1.3 or lower or demonstrate the highest efficiency reasonably achievable given site constraints; provide documentation at site plan and post-occupancy.
- b. Renewable Energy. Demonstrate that greater than twenty-five percent of projected annual energy demand will be met via on-site generation, power-purchase agreements, renewable energy credits, or utility green-power programs.
- c. Heat Reuse. Provide a feasibility analysis for waste-heat recovery or district-energy interconnection.
- d. Reporting. See Section D for annual reporting requirements.
- e. Water Conservation.
 - i. Cooling shall be designed as a closed-loop / closed-cycle system with no routine discharge of noncontact cooling water to the sanitary sewer / POTW (publicly owned treatment works) or to surface waters, in order to comply with applicable local sewer use ordinances (including prohibitions/limitations on noncontact cooling water and heat to the POTW) and EGLE discharge/withdrawal permitting requirements (including NPDES authorization and Michigan Water Quality Standards, and large-quantity withdrawal registration/review where applicable.

6. Small and Large Data Center Security and Emergency Access

- a. Perimeter Security.
 - i. Sites must be fully enclosed with a perimeter security system, which may include fencing, walls, or equivalent barriers not less than eight feet in height.
 - ii. Security barriers must be designed to balance safety with community character; opaque fencing must be screened with landscaping where visible from public roads or residential areas.
- b. Access Control.

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- i. All site entrances must include controlled access gates, guard stations, or equivalent security technology to prevent unauthorized entry.
 - ii. Visitor and delivery access points must be separated from employee access points wherever feasible.
 - c. Emergency Access.
 - i. A minimum of two points of emergency vehicle access must be provided, with clear signage and unobstructed pathways around the building.
 - ii. Access drives must be constructed to Public Safety Department standards, with sufficient load-bearing capacity for emergency apparatus.
 - iii. Fire lanes must be maintained free of obstructions at all times.
 - d. Cameras.
 - i. Installation and maintenance of a perimeter camera surveillance system capable of monitoring all vehicular and pedestrian access points, building entrances, and outdoor mechanical/equipment areas.
 - ii. Cameras must be positioned to minimize intrusion into adjoining residential properties and public rights-of-way, while still providing full coverage of the site.
 - iii. Camera systems must be continuously operational (twenty-four hours per day, seven days per week) and recordings must be retained for a minimum of thirty days.
 - iv. A security plan, including camera layout, monitoring procedures, and data retention policies, must be submitted as part of site plan review.
 - e. Fire Protection.
 - i. Sites must be equipped with an automatic fire detection and suppression system designed to protect both building occupants and sensitive equipment.
 - ii. Suppression systems must comply with National Fire Protection Association (NFPA) standards and be approved by the Fire Inspector.
 - f. Hazardous Materials.
 - i. Any use of hazardous materials (including fuels for backup generators, batteries, and chemicals for cooling systems) must comply with federal, state, and local storage, reporting, and disposal requirements.
 - ii. Applicants must provide a Hazardous Materials Management Plan identifying on-site materials, storage methods, spill prevention measures, and emergency response procedures.

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- iii. Applicant must provide a fire protection plan.
- g. Emergency Response Plan. Applicants must submit an Emergency Response Plan to the City at the time of site plan review, which must include:
 - i. Site layout for emergency responders.
 - ii. Fire suppression and alarm systems description.
 - iii. Backup generator location and fuel storage details.
 - iv. Contact information for on-site security and facility management.
 - v. Operators must provide annual training opportunities or site orientations to local fire, police, and emergency medical services.

D. Monitoring and Reporting

1. Commissioning Documentation: Prior to Certificate of Occupancy, submit commissioning results for mechanical/electrical systems and acoustical compliance.
2. By March 31 of each year, operators of Large Data Centers must submit an annual report to the City containing:
 - a. Energy Use
 - i. Total annual electricity consumption (MWh)
 - ii. Peak demand (MW)
 - b. Water Use
 - i. Total annual water consumption (gallons)
 - ii. Cooling system type
 - c. Noise Compliance
 - i. Summary of any noise complaints and corrective actions taken
 - d. Generator Operations
 - i. Total hours of generator testing and operation
 - ii. Confirmation of compliance with applicable state and federal regulations

Failure to submit the required report may constitute a zoning violation subject to enforcement under the Zoning Ordinance.

E. Use of Consultants and Cost Recovery

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1. The City may retain qualified consultants to review energy efficiency, water consumption and use, air quality, BESS safety, renewable energy, stormwater, noise, and related matters.
2. All reasonable costs must be escrowed by the applicant.

F. Decommissioning

1. Plan Required. As a condition of special land use Approval and site plan approval for small and large data centers, the applicant must submit a Decommissioning and Site Restoration Plan that addresses:
 - a. Triggers for decommissioning.
 - b. Methods for removal of structures, equipment, utilities, and impervious surfaces.
 - c. Recycling and disposal of equipment and hazardous materials.
 - d. Final grading, soil stabilization, and revegetation.
 - e. Restoration of the site to a condition compatible with surrounding uses.
2. **Triggers for Decommissioning**
 - a. A center must be considered abandoned if it ceases operations and remains inactive, unused, or substantially vacant for a period of twelve consecutive months, unless the owner provides evidence of intent to resume operations. Evidence of abandonment may include, but is not limited to, the removal of servers or operational equipment, termination of utility service necessary for operation, failure to maintain the site or building, or the absence of on-site personnel required for normal facility operations.
 - b. Decommissioning must begin within six months of abandonment and be completed within twelve months.
3. **Decommissioning Performance Guarantee / Financial Assurance**
 - a. Prior to issuance of a building permit, the applicant must post a financial guarantee in the form of a letter of credit, cash or certified check acceptable to the City.
 - b. The amount must equal 125% of the estimated decommissioning cost, as determined by a qualified engineer and approved by the City.
 - c. Estimates must be updated every five years and adjusted for inflation.
4. **Removal Standards**
 - a. All above-ground structures, including buildings, mechanical equipment, cooling towers, security fencing, and pavement not otherwise serving a reuse, must be removed.
 - b. Below-ground infrastructure, such as foundations and utilities, must be removed to a minimum depth of thirty-six inches below grade unless otherwise approved.

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- c. Materials must be recycled to the maximum extent practicable.

5. Site Restoration

- a. The site must be restored with topsoil, seeded or planted with native vegetation, and stabilized to prevent erosion.
- b. The City may approve alternate restoration plans if the site is proposed for redevelopment consistent with the Master Plan and Zoning Ordinance.

6. Failure to Decommission

- a. If the owner fails to complete decommissioning in accordance with the approved plan, the City may draw upon the financial guarantee to complete the work and assess/lien subject parcel(s) for any cost in excess of the amount of the submitted bond
- b. Any costs exceeding the financial guarantee must remain the responsibility of the property owner.

G. Relationship to Other Ordinance Provisions

Where the standards of this section conflict with other provisions of the Zoning Ordinance, this section must govern. All other applicable building, fire, environmental, and utility regulations must apply.

SECTION 4: Section 14.04.Q Chapter 138 Zoning of the Berkley City Code is amended to add parking regulations for data centers as follows:

- Q. *Off-Street Parking Requirements.*** The amount of required off-street parking spaces for new uses or buildings, additions thereto, and additions to existing buildings as specified above must be determined in accordance with the following table, and the spaces so required must be stated in the application for a commercial business license. When multiple methods of calculations are listed below for a single use, the method that yields the higher parking requirement will be enforced:

Table 14.04-Q		
Off-Street Parking Requirements		
<i>Use</i>		<i>Number of Minimum Vehicle Parking Spaces Per Unit of Measure</i>
1.	Residential:	
a.	Residential, single family detached and two family dwelling.	2 per dwelling unit.

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Table 14.04-Q			
Off-Street Parking Requirements			
<i>Use</i>		<i>Number of Minimum Vehicle Parking Spaces Per Unit of Measure</i>	
	b.	Residential, attached single family, and multiple family housing.	1.3 spaces per dwelling unit, plus 1 guest space per every 10 spaces required by the number of dwelling units
	c.	Housing for older persons.	
		(1) Independent living.	1 per employee plus 1 per 5 resident beds, plus 1 drop-off/pick-up space.
		(2) Assisted living.	1 per employee plus 1 per 20 resident beds, plus 1 drop-off/pick-up space.
2.	Institutional:		
	a.	Colleges, universities, vocational and other institutions of higher learning.	1 per employee plus 0.5 per enrolled student
	b.	Community Center	1 per 370 square feet of usable floor area
	c.	Day care center and nursery schools.	1 per 285 square feet of usable floor area, plus 1 per employee, plus 1 drop-off/pick-up space.
	d.	Elementary and intermediate schools.	1 for each staff member, plus 10 spaces, plus 1 drop-off/pick-up space.
	e.	High school.	1 for each staff member, plus 10 spaces plus one drop-off/pick-up space.
	f.	Homes for the aged and convalescent or nursing homes.	1 per employee plus 1 per 20 resident beds, plus 1 drop-off/pick-up space.
	g.	Park (playfield with active sports facilities) General outdoor recreation	5.5 per acre plus 10 per marked playfield.
	h.	Places of assembly.	1 per 100 square feet of usable floor area.
	i.	Places of indoor assembly such as theaters, auditoriums, and similar uses.	1 per 4 seats
	j.	Places of outdoor assembly such as stadiums, sports arenas, and similar uses.	1 per 500 square feet of usable floor area plus 1 per employee plus 1 drop-off/pick-up space

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Table 14.04-Q			
Off-Street Parking Requirements			
<i>Use</i>		<i>Number of Minimum Vehicle Parking Spaces Per Unit of Measure</i>	
	k.	Private clubs or lodge.	1 per 100 square feet of usable floor area.
	l.	Private swimming pool clubs or other similar uses.	1 per 500 square feet of usable floor area, plus 1 per employee.
3.	Business and Commercial:		
	a.	Adult business uses (as defined in Section 8.03), photographic studio	1 per 100 square feet of usable floor area
	b.	Convenience stores/party stores.	4.5 per 800 square feet of usable floor area
	c.	Dry-cleaning and laundry outlets.	1 per 300 square feet of usable floor area plus 1 per employee
	d.	Funeral homes and mortuaries.	1 per 200 square feet of usable floor area plus 1 per employee
	e.	Garden stores, building material sales, and open-air businesses, including greenhouses, nurseries, and agricultural sales	1 per 800 square feet of usable floor area plus 1 per employee
	f.	General retail stores except as otherwise specified herein.	1 per 500 square feet of usable floor area plus 1 per employee
	g.	Grocery Stores.	5 per 1,000 square feet of usable floor area
	h.	Hair and nail care, spas, massage, and similar personal service uses.	1 per chair/station/bed plus 1 per employee OR 1 per 300 square feet of usable floor area plus 1 per employee
	i.	Hardware store	2.5 per 400 square feet of usable floor area
	j.	Health/exercise club.	1 per 300 square feet of usable floor area plus 1 per employee
	k.	Indoor recreation uses such as bowling, court games, and similar uses.	4 per lane/court plus 1 per employee

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Table 14.04-Q		
Off-Street Parking Requirements		
<i>Use</i>		<i>Number of Minimum Vehicle Parking Spaces Per Unit of Measure</i>
l.	Indoor recreation uses such as dance halls, pool, or billiards, skating rinks, gun ranges, and similar uses.	2 per game table/lane, plus 1 per game device OR 1 space per 100 square feet of usable floor area
m.	Instructional center such as a dance school, music school or art school	1 per 300 square feet of usable floor area plus 1 per employee
n.	Laundromats and coin-operated dry cleaners.	1 per 400 square feet of usable floor area plus 1 per employee
o.	Lodging, such as hotels and motels.	1.15 per room
p.	Marijuana dispensary	1.5 per 200 square feet of usable floor area, plus 1 per employee
q.	Medical spa or cosmetic spa	1 per 300 square feet of usable floor area
r.	Miniature golf course	2 per hole of play
s.	Pawn shop	1 per 300 square feet of usable floor area plus 1 per employee
t.	Photographic studio	1 per 600 square feet of gross floor area
u.	Planned shopping center.	1 per 200 square feet of usable floor area. Restaurants/bars calculated separately
v.	Printing and publishing	1 per 300 square feet of usable floor area

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Table 14.04-Q			
Off-Street Parking Requirements			
<i>Use</i>			<i>Number of Minimum Vehicle Parking Spaces Per Unit of Measure</i>
	w.	Produce market or stand	1 per 100 square feet of usable floor area
	x.	Repair shop (appliance, furniture, shoe, non-vehicle)	1 per 800 square feet of usable floor area plus 1 per employee
	y.	Restaurants	
		(1) Fast food, coffee shops, carry-out, fast casual, and similar uses	1 per 100 square feet of usable floor area plus 1 per employee at peak shift
		(2) Standard sit-down	2 per 100 square feet of usable floor area plus 1 per employee at peak shift
		(3) Bar, lounge, tavern, or night club, with or without a restaurant	2 per 100 square feet of usable floor area plus 1 per employee at peak shift
		(4) Restaurant with drive-through	1 per 100 square feet of usable floor area, plus 1 per employee at peak shift, plus 7 stacking spaces per drive-through kiosk or more as required by the Planning Commission, per Section 14.08.
	z.	Tattoo/body piercing studio	1 per chair plus 1 per employee
4.	Offices:		
	a.	Banks, credit unions, and similar uses.	1.5 per 400 square feet of usable floor area plus 5 stacking spaces per drive-through kiosk
	b.	Blood and plasma office	1 per 225 square feet of usable floor area
	c.	Business or professional offices.	1 per 300 square feet of usable floor area
	d.	Office, dental, psychology, or medical	1 per 300 square feet of usable floor area
	e.	Veterinarian clinic	1 per 350 square feet of usable floor area

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Table 14.04-Q		
Off-Street Parking Requirements		
<i>Use</i>		<i>Number of Minimum Vehicle Parking Spaces Per Unit of Measure</i>
5.	Industrial:	
a.	Heavy equipment storage yard, lumber and building materials yard	1 per 500 square feet of usable floor area for showroom/sales area, plus 1 dedicated space per company vehicle
b.	Industrial establishments, research, and testing laboratories	1 per 800 square feet of usable floor area
c.	Manufacturing establishment or establishment for production, processing, assembly, compounding, preparation, cleaning, servicing, testing, repair, or storage of materials, goods, or products, and business offices accessory thereto	1 per 750 square feet of usable floor area
d.	Self-storage	1 per 25 storage units, plus 1 per employee
e.	Wholesale and warehouse establishments	1 per 1,500 square feet of usable floor area
f.	Data centers, large, small or accessory	1 space per employee at largest shift
6.	Automotive Uses:	
a.	Automotive fueling/multi-use service station w/ convenience or food service	1 per fueling position, plus 1 stacking spaces per fueling position, plus 1 per employee, plus 1 per each 100 square feet of floor area devoted to retail sales and customer service.

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Table 14.04-Q			
Off-Street Parking Requirements			
<i>Use</i>			<i>Number of Minimum Vehicle Parking Spaces Per Unit of Measure</i>
	b.	Automotive fueling/multi-use service station w/o convenience or food service	1 per fueling position, plus 1 stacking spaces per fueling position, plus 1 per employee
	c.	Automotive sales, auto parts store, motorcycle service and sales, auto rental	7 per 500 square feet of usable floor area plus 1 per employee
	d.	Automotive wash, automatic	1 per employee plus 10 entry stacking spaces and 2.5 exiting stacking spaces per service lane
	e.	Automotive wash, self-service	1 per employee plus 4 entry stacking spaces and 1.5 exiting stacking spaces per service lane

SECTION 5: Savings

The amendments of the Berkley Code of Ordinances set forth in this ordinance do not affect or impair any act done, offense committed, or right accruing, accrued, or acquired or liability, penalty, forfeiture or punishment, pending or incurred prior to the amendments of the Berkley Code of Ordinances set forth in this ordinance.

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: Penalty

All violations of this ordinance shall be municipal civil infractions and upon 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 8: Effective Date

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

SECTION 9: Publication

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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 the First Reading at the Regular City Council Meeting on _____ .

Adopted on the Second Reading at the Regular City Council Meeting on _____ .

Bridget Dean, Mayor

Attest:

Victoria E. Mitchell, City Clerk

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