

**REGULAR MEETING OF THE PLANNING BOARD  
WEDNESDAY – MAY 11, 2016  
7:30 PM  
CITY COMMISSION ROOM  
151 MARTIN STREET, BIRMINGHAM**

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- A. Roll Call
- B. Review and Approval of the Minutes of the regular meeting of **April 27, 2016**
- C. Chairpersons' Comments
- D. Review of the Agenda
  
- E. Study Session Items
  - 1. **Glazing**
  - 2. **Outdoor Storage**
  - 3. **Transitional Zoning (TZ2)**
  - 4. **Wayfinding Update**
  
- F. Meeting Open to the Public for items not on the Agenda
  
- G. Miscellaneous Business and Communications:
  - a. Communications
  - b. **Administrative Approval** Correspondence
  - c. Draft Agenda for the next Regular Planning Board Meeting (**May 25, 2016**)
  - d. Other Business
  
- H. Planning Division Action Items
  - a. Staff Report on Previous Requests
  - b. Additional Items from tonight's meeting
  
- I. Adjournment

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**CITY OF BIRMINGHAM  
PLANNING BOARD ACTION ITEMS  
OF WEDNESDAY, APRIL 27, 2016**

Item	Page
<p><b>UNFINISHED BUSINESS</b>  Special Land Use Permit ("SLUP") Review  Final Site Plan Review  835-909 Haynes  Fred Lavery Porsche/Audi  Request for a SLUP Amendment to allow the temporary expansion of the existing SLUP at 835 Haynes to include 909 Haynes to allow an Audi sales facility for a maximum of one year. (postponed from March 23, 2016)</p>	3
<p style="padding-left: 40px;"><b>Motion by Ms. Whipple-Boyce</b>  Seconded by Mr. Boyle that based on a review of the site plans submitted, the Planning Board recommends approval of the applicant's request for Final Site Plan and a SLUP Amendment to the City Commission to allow the temporary expansion of the auto sales agency and showroom for up to one (1) year at 835 Haynes to include 909 Haynes with the following condition:</p> <ul style="list-style-type: none"> <li>· Applicant provides the dimensions of the parking lot landscaping islands to verify that they comply with the requirements of the Zoning Ordinance.</li> </ul>	5
<p><b>Motion carried, 7-0.</b></p>	5
<p><b>REZONING APPLICATION</b>  404 Park St., Parcel No. 19-25-451-021, lots 66 and 67 of Oak Grove Addition (vacant)  Request to rezone from R-2 Single-Family Residential to TZ-1 Transition Zone</p>	5
<p style="padding-left: 40px;"><b>Motion by Ms. Prasad</b>  Seconded by Mr. Koseck to include into the record the letter from Hafeli Staran &amp; Christ, PC, Attorneys at Law delivered to the Birmingham City Commission and dated September 16, 2015.</p>	8
<p><b>Motion carried, 6-0.</b></p>	8

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**CITY OF BIRMINGHAM  
REGULAR MEETING OF THE PLANNING BOARD  
WEDNESDAY, APRIL 27, 2016  
City Commission Room  
151 Martin Street, Birmingham, Michigan**

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Minutes of the regular meeting of the City of Birmingham Planning Board held on April 27, 2016. Chairman Scott Clein convened the meeting at 7:30 p.m.

**Present:** Chairman Scott Clein; Board Members Robin Boyle, Stuart Jeffares, Bert Koseck, Gillian Lazar, Lisa Prasad, Janelle Whipple-Boyce; Student Representative Colin Cusimano

**Absent:** Board Member Bryan Williams; Alternate Board Member Daniel Share

**Administration:** Matthew Baka, Senior Planner  
Brooks Cowan Asst. Planner  
Jana Ecker, Planning Director  
Carole Salutes, Recording Secretary

**04-69-16**

**APPROVAL OF THE MINUTES OF THE REGULAR PLANNING BOARD MEETING  
OF APRIL 13, 2016**

**Motion by Ms. Whipple-Boyce  
Seconded by Mr. Koseck to approve the Minutes of April 13, 2016 as presented.**

**Motion carried, 7-0.**

**VOICE VOTE**

Yeas: Whipple-Boyce, Koseck, Boyle, Clein, Jeffares, Lazar, Prasad

Nays: None

Absent: Williams

**04-70-16**

**CHAIRPERSON'S COMMENTS (none)**

**04-71-16**

**APPROVAL OF THE AGENDA**

Ms. Ecker advised the Rezoning Application and Final Site Plan Review for 191 N. Chester, Former First Church of Christ, Scientist has been withdrawn by the applicant.

**04-72-16**

**COURTESY REVIEW**

**1600 W. Maple Rd.**

**Chesterfield Fire Station**

**Courtesy review of proposed construction of new fire station**

John Connaughton, Fire Chief, was present along with Lyal Bigger, Fire Marshall, and John Donohue, Asst. Fire Chief. Mr. Connaughton presented a short PowerPoint that showed some of their concerns. The current station that was built in 1955 has a number of deficiencies and has outlived its functional life span. It is important to make sure the new station has enough capacity to house all of the necessary activities and apparatus. The length and the depth of the property made it advantageous to be on the west side. Chief Connaughton went on to describe why a second means of entry and exit works well for them. There was concern about parking spaces so they did eliminate two spots going down from 12 to 10. He is very happy with the current design.

Mr. George Petfuska, Project Designer, and Mr. Stacy Peterson, Principal Architect, were present for the Sidock Group. Mr. Petfuska noted the Architectural Review Committee ("ARC") and the Planning Board shaped the final outcome of the project and it came out much better in the end. He thanked them for their involvement. He highlighted various aspects of the design and feels they now have a project that functions very well, compliments the neighborhood, and will serve the City for a long period of time.

Ms. Lazar received confirmation that the existing station is 5,800 sq. ft. and the new one will be 9,800 sq. ft. The green space to the east is public property. Ms. Whipple-Boyce inquired whether there has been discussion about park improvement to the adjacent property. Mr. Petfuska replied everyone recognizes that beautiful parcel of land could be improved and used by the public. Mr. Clein noted that the use of the eastern portion of this site is not within the scope of this project.

Mr. Koseck thanked the group for a great presentation. It helps him to understand how they got to the current design. His opinion was this is a much improved building than their first rendering. He hoped the ARC would continue to be included when civic projects are being considered. Mr. Koseck's one concern is the surface parking lot on the front of the property. He encouraged them to see if there are other ways the parking requirement can be met. It was noted by the Fire Chief that the rear parking lot area depth and width needs to be those dimensions so their vehicles can get in and out.

Mr. Jeffares noted that historically there has not been a well defined process for municipal projects. With this project a process has been followed similar to what would be done with private development projects. He hopes this will continue in the future because the results here were outstanding.

Chairman Clein thanked the Fire Dept. for involving the Planning Board and appreciated their willingness to work together as a team. Further, he thanked the ARC for their involvement as well.

At 8:12 p.m. the Chairman asked for comments from members of the public.

Mr. Russell Dixon, 1460 Bennaville, thought this building represents the civic appearance on the western gateway to the City and he hopes the board will continue to review this design with diligence so that it can be an iconic building for half a century.

Mr. Louis Meldman, 1825 Yosemite, complimented the Birmingham Fire Dept. for their professionalism and understanding.

Mr. Brad Chika, 184 Fairfax, said he views members of the Fire Dept. as true heroes. He received clarification that the major expansion of the new station will be south to Maple Rd. and somewhat west.

Mr. J.C. Cataldo thanked the board for raising their concerns last November. At that time he had three concerns which included lack of communication in the neighborhood; lack of requirements to adhere to the same development standards as private developers; and finally, the general architectural scheme. His concerns have now been met and he was appreciative of everyone's involvement.

**04-73-16**

### **UNFINISHED BUSINESS**

#### **Special Land Use Permit ("SLUP") Review**

#### **Final Site Plan Review**

**835-909 Haynes**

**Fred Lavery Porsche/Audi**

**Request for a SLUP Amendment to allow the temporary expansion of the existing SLUP at 835 Haynes to include 909 Haynes to allow an Audi sales facility for a maximum of one year.** (postponed from March 23, 2016)

Mr. Baka noted the subject site is located on the north side of the street between Woodward Ave. and Elm St. The parcel is zoned B-2 General Business and MU-5 in the Triangle Overlay District. The applicant, Fred Lavery Co., owns the adjacent property to the west, 835 Haynes St., which received a SLUP in 2010 to operate a Porsche car dealership within the B-2 Zone and MU-7 in the Triangle District Overlay.

The applicant is conducting renovations to the existing Audi dealership at 34602 Woodward Ave., and wishes to amend its existing SLUP at 835 Haynes St. to temporarily include 909 Haynes St. while the building on Woodward Ave. is being renovated. The applicant is requesting temporary use of the first floor of 909 Haynes St. for office space and business operations for their Audi car dealership for no more than 12 months. Along with the dealership, there is an existing beauty spa on the second floor of 909 Haynes St., Spa Mariana.

The Birmingham Zoning Ordinance requires that the applicant obtain a SLUP Amendment and approval from the City Commission to expand the auto sales agency and showroom to temporarily include the property at 909 Haynes St.. Accordingly, the applicant will be required to receive a recommendation from the Planning Board on the Final Site Plan and SLUP Amendment, and then obtain approval from the City Commission for the Final Site Plan and SLUP Amendment.

On March 23, 2016 the Planning Board reviewed the proposal to temporarily expand the SLUP to include 909 Haynes for one year. However, at that time the architect indicated that the property owner would like the expansion to be permanent. The Planning Board and Planning Staff indicated that a permanent expansion would not be considered without the level of details normally provided for a SLUP Amendment. The applicant was postponed until the April 27, 2016 meeting to allow them time to consider how they wished to proceed. The applicant has now indicated that they intend to proceed with the temporary proposal and apply at a later date for a permanent expansion of the SLUP.

The applicant is now proposing to install the five (5) required canopy trees and create three (3) new landscaped areas in the interior of the parking lot. The applicant must provide the dimensions of the landscaped areas to determine if they meet the size requirements mandated by the Zoning Ordinance.

The applicant is not proposing any changes to the existing streetscape. The current streetscape in front of the subject building does not match the Triangle District standard as installed on the Porsche site.

The design for the building on Woodward Ave. has been approved by the Design Review Board and the applicant is getting ready to start the renovations.

*Design Review*

No changes to the facade are proposed.

*Signage Review*

The 909 Haynes St. building has 40 ft. of street frontage; therefore a total of 40 sq. ft. of signage is allowed, per the City of Birmingham's Sign Ordinance. The applicant has revised their signage proposal to bring the amount of signage down to 40 sq. ft. so that it complies with the regulations of the Sign Ordinance.

Ms. Ecker explained that because there were violations going on with the storage of vehicles, Code Enforcement went out, but enforcement activities have been put on hold until it is determined if the temporary SLUP is feasible.

Mr. Fred Lavery noted they will not display cars in the building; it will only contain offices for the sales staff and sales manager. They will probably park their demonstrators in the spaces that are not required to meet the parking requirement for the building. The Audi building on Woodward Ave. is being renovated to Audi's current corporate image.

Chairman Clein called for public comments at 8:32 p.m.

Mr. James Ellsman business owner at 635 Elm, asked if the approval of an amended SLUP is a guarantee that the Triangle District restrictions against car dealerships is waived. Ms. Ecker clarified the Triangle District doesn't prohibit the use for car sales agencies, but it only allows it with the strict control and regulation of a SLUP because of the potential impact on the neighborhood. In this case the car dealership is only requesting approval for a period of one year.

Mr. Koseck commented that this is not his vision for the Triangle District. By granting this request it takes the property out of contention for other developments over the next 12 months. After the temporary SLUP amendment has expired he will not support this because the property has a higher and better use. Mr. Lavery responded that a seven story building cannot be constructed on this property without public parking. Only when public parking becomes available will there be a higher and better use for this property. Therefore, the proposed use bridges the gap so he doesn't have a \$7 or \$8 million investment that produces no visible revenue stream until public parking gets approved and constructed.

**Motion by Ms. Whipple-Boyce**

**Seconded by Mr. Boyle that based on a review of the site plans submitted, the Planning Board recommends approval of the applicant's request for Final Site Plan and a SLUP Amendment to the City Commission to allow the temporary expansion of the auto sales agency and showroom for up to one (1) year at 835 Haynes to include 909 Haynes with the following condition:**

- **Applicant provides the dimensions of the parking lot landscaping islands to verify that they comply with the requirements of the Zoning Ordinance.**

There were no comments on the motion from members of the audience at 8:40 p.m.

**Motion carried, 7-0.**

**ROLLCALL VOTE**

Yeas: Whipple-Boyce, Boyle, Clein, Jeffares, Koseck, Lazar, Prasad

Nays: None

Absent: Williams

**04-74-16**

**REZONING APPLICATION**

**404 Park St., Parcel No. 19-25-451-021, lots 66 and 67 of Oak Grove Addition (vacant)**

**Request to rezone from R-2 Single-Family Residential to TZ-1 Transition Zone**

Chairman Clein recused himself from this appeal because presently his firm has a business relationship with an entity related to the applicant. Vice-Chairperson Lazar took over the gavel.

Ms. Ecker advised the property owner is requesting that the Planning Board hold a public hearing to consider the rezoning of said property. The property has been vacant since 1989 when a previously existing single-family home was razed.

Ms. Ecker advised that over the past several years, the Planning Board embarked on a study to identify all of the transitional parcels located within the City, and create new transitional zoning districts to address the unique characteristics of these sites and corresponding development standards. The board hired a planning consultant to conduct a study of the Oakland and Park area to study existing conditions and to develop a vision and plan for the future. The Oakland/Park Subarea Study was completed by LSL Planning in the spring/summer of 2013. With regards to 404 Park, the study found that it was unlikely to be developed as single-family residential due to site factors: location, shallow lot depth along Oakland, lack of screening along Woodward Ave., views of multi-story buildings across Oakland, and traffic volumes along Oakland. Attached single-family uses are recommended for this site to provide a buffer zone between the lower density neighborhood to the north and the higher density Downtown to the south.

On June 24, 2015 the Planning Board voted to recommend to the City Commission that 404 Park St. be rezoned to TZ-1 to allow development of the property with attached single-family units.

Finally, on September 21, 2015, the City Commission approved the creation of both the TZ-1 and TZ-3 Transitional Zoning Districts, and approved the rezoning of several properties into these new zoning classifications. With regards to 404 Park, the City Commission discussed rezoning the site to TZ-1 as recommended by the Planning Board, but a motion to do so failed as several commissioners felt that adjacent properties along both Oakland and Park St. should also have been included for consideration of rezoning to TZ-1.

At this time, the applicant is seeking a rezoning of the subject property from R-2 Single Family Residential to TZ-1 Transitional Zone, as originally recommended by the Planning Board on June 24, 2015.

The Planning Division finds that the proposed rezoning of the subject property at 404 Park from R-2 to TZ-1 would create an appropriate transition from the five-story Central Business District to the neighborhood.

Mr. Rick Rattner, 380 N. Old Woodward Ave., appeared for the property owner and presented a PowerPoint that offered a chronology of the rezoning history of the subject property. The property has been vacant for 27 years and the people in the neighborhood have not been buffered for 27 years. They can construct a building that will in fact use the Transitional Zoning in that area as it is intended and protect the residential neighborhood by providing a clear buffer between traditional single-family uses and commercial uses. They believe that TZ-1 is a reasonable regulation under which they can operate and that complies with the Master Plan.

Mr. Rattner went on to explain why this is not spot zoning because it is a use that is consistent with surrounding uses.

Mr. Jeffares noted this parcel has been vacant for one-third of the City's existence. What is being proposed is a density of two units/40 ft. lot. The applicant is asking for



something that already exists in the neighborhood. Also proposed are rental units and there are rentals in that area. What is there now is either 90% commercial or an eight-lane highway. He knows four people in the neighborhood who think it would be fine to have four rental units on the property, but they are reticent to speak in favor of the project because of the backlash. This parcel, if it were built as proposed, would have a lot of scrutiny by the Planning Board to make sure it fits in, provides the buffer, and lives up to everything that the applicant has proposed. Further, Mr. Jeffares believes it would increase property values.

Vice Chairman Lazar took discussion to the public at 9:30 p.m.

Mr. Michael Shuck said he lives at 247 Oakland, and also owns 267 Oakland. Changes in the neighborhood have shown that people are willing to buy a house that backs to Woodward Ave. The subject parcel contains two 40 ft. lots that back to Woodward Ave. and two houses could be built there with plenty of buffer zone. The applicant's argument is that no one wants to live there, but they expect four families to live there. The neighbors want two houses there; not four. Property values will decrease with the multi-family use. The reason the property has remained vacant is because developers would not do anything with it without a rezoning.

Mr. Louis Meldman, 1825 Yosemite, said they are dealing with a question that has already been answered. People in the neighborhood don't want multi-family. It is irrational for the applicant to say there cannot be a single-family residence but they can build four residences there.

Ms. Catherine Gains, 343 Ferndale, had questions about the proposed rendering. It doesn't depict that the building will be 5 ft. from the sidewalk. Also one of the neighbors' biggest concerns is the burden on parking in the neighborhood. There is nowhere to park on Park. There is no reason there can't be screening along Woodward Ave., so she doesn't agree with that as an argument. Also, if one or two families don't want to live on this parcel, why would four families want to live there. That seems like an odd argument to her.

Mr. Benjamin Gill, 520 Park, said most of the neighbors have indicated they don't want a multiple dwelling type of building or changes to the zoning. They all want the zoning as it is now. Mr. Brad Host owns the house just behind this development, and the applicant wants to put up a building and not care about his rights. In essence, the side of his house will face a parking lot, back doors, garages, traffic and noise. He suggested making the parcel into two duplexes so that the harmony of the street is not changed. The problem is the developer paid too much for the property and now is trying to get his money out.

Mr. Paul Gillen said he owns 273 and 271 Euclid. He suggested a lovely single-family home across the two lots with opportunity for landscaping. He thinks the requirement for the transition is already met by the boulevard.

Mr. Brad Host, 416 Park, said he has yet to find one single-family resident in the neighborhood who thinks this is a good idea. The reason the four residents in the area

that Mr. Jeffares said will never speak is because they already spoke and everybody took care of them.

**Motion by Ms. Prasad**

**Seconded by Mr. Koseck to include into the record the letter from Hafeli Staran & Christ, PC, Attorneys at Law delivered to the Birmingham City Commission and dated September 16, 2015.**

**Motion carried, 6-0.**

VOICE VOTE

Yeas: Prasad, Koseck, Boyle, Jeffares, Lazar, Whipple-Boyce

Nays: None

Recused: Clein

Absent: Williams

Mr. Brad Host thought that all letters from past hearings should be included in the packets.

Mr. Jeffares questioned if a single family didn't want to live on the property, why would several families want to live on the property. Mr. Rattner answered that the structures are not the same. In further response to Mr. Jeffares, Mr. Chuck DiMaggio with Burton Katzman Development Co., the owners of the property said they have always seen this as a rental property. Their target market for this parcel is people who want to sell their homes and move some place close to the amenities that Downtown Birmingham has to offer. These are 3 and 4 thousand sq. ft. units that will lease to very high end renters.

Mr. Boyle noted that in 1929 Wallace Frost built six connected homes in the single-family residential Poppleton neighborhood. It worked marvelously and the neighborhood loves it, and property values have continued to escalate.

Mr. Koseck said he will expect quality in what would be developed and that all of the TZ-1 standards would play out. If the development is beautifully done he would think it will favorably impact the neighborhood and be a good thing for that piece of land.

Ms. Whipple-Boyce indicated she doesn't believe this property should be anything other than TZ-1.

Mr. Benjamin Gill thought the neighborhood would not be against TZ-1 if the developer built two duplexes or a single home. The residents don't want a four-plex.

**Motion by Mr. Boyle**

**Seconded by Ms. Whipple-Boyce to recommend to the City Commission that the application to rezone from R-2 Single-Family Residential to TZ-1 Transition Zone be approved for 404 Park St., Parcel No. 19-25-451-021, lots 66 and 67 of Oak Grove Addition.**

There were no comments on the motion from members of the public at 10:20 p.m.

**Motion carried, 6-0.**

ROLLCALL VOTE

Yeas: Boyle, Whipple-Boyce, Jeffares, Koseck, Lazar, Prasad

Nays: None

Recused: Clein

Absent: Williams

**04-75-16**

**REZONING APPLICATION  
FINAL SITE PLAN REVIEW**

**191 N. Chester**

**Former First Church of Christ, Scientist**

**Request to rezone from TZ-1 to TZ-3 (application withdrawn by the applicant)**

**04-76-16**

**MEETING OPEN TO THE PUBLIC FOR ITEMS NOT ON THE AGENDA**

**04-77-16**

**MISCELLANEOUS BUSINESS AND COMMUNICATIONS**

a. Communications (none)

b. Administrative Approval Correspondence

- Ø 315 Hamilton Row, Re-roof tear off with deck installment of insulation and PVC membrane.
- Ø 401 S. Old Woodward Ave., existing wireless communication facility - AT&T Mobility proposes to modify its existing wireless communication facility by adding three (3) additional LTE antennas along with six (6) proposed antenna mounts.
- Ø Ms. Ecker advised that Au Couchon and Arthur Ave. have requested administrative approval to install a standard railing around their outdoor dining area rather than the ornamental railing that was previously approved.

Mr. Zack Sklar, owner of the restaurants, said the ornate railing is not available. The sidewalk along N. Old Woodward Ave. is still ripped up and City has told him it will be at least six to eight weeks for them to repair it. That is delaying him from putting in a patio and it is detrimental to his business. With regard to the railing, he proposes a standard black railing that is consistent with the patios in the rest of the City. Board members urged him to build it after receiving approval from the Engineering Dept.

- Ø 559 W. Brown - Ms. Ecker explained they are requesting administrative approval to add a dormer on each side of the roof. The building height or the floor area

won't increase and it meets ordinance requirements. Board members had no concerns.

**04-78-16**

c. Draft Agenda for the Regular Planning Board Meeting on May 11, 2016

- Ø Glazing
- Ø TZ-2
- Ø Outdoor storage
- Ø Update on wayfinding

d. Other Business

**04-79-16**

**PLANNING DIVISION ACTION ITEMS**

- a. Staff report on previous requests (none)
- b. Additional items from tonight's meeting (none)

**04-80-16**

**ADJOURNMENT**

No further business being evident, board members motioned to adjourn at 10:36 p.m.

Jana Ecker  
Planning Director



# MEMORANDUM

Planning Division

**DATE:** May 5, 2016

**TO:** Planning Board

**FROM:** Matthew Baka, Senior Planner

**SUBJECT:** Study Session to consider amendments to Chapter 126, Zoning, Article 04, Section 4.90 WN-01 (WINDOW STANDARDS)

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At the November 11, 2015 Planning Board meeting the Board held a public hearing to discuss proposed amendments to the current window standards in the Zoning Ordinance. The purpose of these amendments was to reduce the recurring need for applicants to seek variances from the Board of Zoning Appeals due to difficulty meeting those requirements. At that time it was acknowledged that additional changes needed to be made beyond what is currently proposed and it was determined that there needs to be further study on certain aspects of the standards before additional changes can be recommended. It was decided however, that the standard of measuring the percentage of glazing on a site should be consistently measured between 1 and 8 feet above grade. Accordingly, the Planning Board recommended approval of the proposed amendments to the City Commission, which were later adopted by the Commission. Since that time the Planning Division has held several study sessions on the subject of window standards.

## **Background**

Over the past several years the Planning Board has performed site plan reviews where the Planning Board expressed support for the proposed design but the applicant has been forced to pursue variances because they were not able to meet the window standards contained in the Zoning Ordinance. Accordingly, the Planning Board has been holding study sessions on this topic to explore ways that the ordinance requirements can be altered so that fewer variances are sought but the intent of the window standards remains in place. The intent of the glazing requirements has been to activate the streets and public spaces of Birmingham by creating an interactive relationship between the pedestrians and the buildings in commercial areas.

There are currently four sections of the Zoning Ordinance that regulate the amount of glazing, or windows, that are required in various commercial areas. Those sections are as follows:

## **Downtown Overlay**

### **Article 03 section 3.04**

4. Storefronts shall be directly accessible from public sidewalks. Each storefront must have transparent areas, equal to 70% of its portion of the facade, between one and eight feet from the ground. The wood or metal armature (structural elements to support canopies or signage) of such storefronts shall be painted, bronze, or powder-coated.

6. The glazed area of a facade above the first floor shall not exceed 35% of the total area, with each façade being calculated independently.
7. Glass shall be clear or lightly tinted only. Opaque applications shall not be applied to the glass surface.

### **Triangle Overlay District**

#### **Article 03 section 3.09**

##### **B. Windows and Doors:**

1. **Storefront/Ground Floor.** Ground floors shall be designed with storefronts that have windows, doorways and signage, which are integrally designed and painted. No less than 70% of the storefront/ground floor façade between 1 and 8 feet above grade shall be clear glass panels and doorway. Glass areas on storefronts shall be clear, or lightly tinted. Mirrored glass is prohibited. Required window areas shall be either windows that allow views into retail space, working areas or lobbies, pedestrian entrances, or display windows set into the wall. Windows shall not be blocked with opaque materials or the back of shelving units or signs. The bottom of the window must be no more than 3 feet above the adjacent exterior grade.

### **All other Commercial zones**

#### **Article 04 section 4.90**

The following window standards apply on the front façade and any façade facing a street, plaza, park or parking area:

- A. **Storefront/Ground Floor Windows:** Ground floors shall be designed with storefronts that have windows, doorways and signage, which are integrally designed. The following standards apply:
  1. No less than 70% of the storefront/ground floor façade between 1 and 8 feet above grade shall be clear glass panels and doorway.
  2. Glass areas on storefronts shall be clear or lightly tinted in neutral colors. Mirrored glass is prohibited.
  3. Required window areas shall be either pedestrian entrances, windows that allow views into retail space, working areas or lobbies. Display windows set into the wall may be approved by the Planning Board.
  4. Windows shall not be blocked with opaque materials or furniture, products, signs, blank walls or the back of shelving units.
  5. The bottom of the window shall be no more than 3 feet above the adjacent exterior grade.
  6. Blank walls of longer than 20 feet shall not face a public street.
- B. **Upper Story Windows:** Openings above the first story shall be a maximum of 50% of the total façade area. Windows shall be vertical in proportion.

Recently, an obscure section of the Zoning Ordinance was discovered that includes an additional section of code that also regulates the amount of glazing required on commercial buildings. This section of the code only requires 50% clear glazing at street level.

## Article 07 section 7.05, Architectural Design Review

### **7.05 Requirements**

2. A minimum of 50% of that portion of the first floor facade of a building with a commercial use(s) on the first floor and that faces a public street, private street, public open space or permanently preserved open space shall contain clear glazing.

### **Potential changes**

During recent site plan reviews where variances have been pursued, the subject properties have all been located outside of the overlay zones. Accordingly, the focus of the study sessions up to this point has been on the standards contained in Article 04 section 4.90, which affect all areas not within an overlay zone.. The Board has discussed creating a waiver that is contingent on a set of criteria that would allow the Planning Board, Historic District Commission, or Design Review Board to alter the glazing requirements under certain circumstances. The Planning Board developed a list of criteria that must be met in order to qualify for the modification of the standards. The draft language of the waiver criteria is attached for your review.

Another potential change that was discussed at the previous Planning Board study session was combining the provisions of Article 04 and Article 07 into one set of standards that requires 70% glazing on the facades that face the street and then reducing the requirement to 50% on secondary facades that face parking areas and open space. At the last study session the Planning Board discussed an error that was discovered by staff in the Zoning Ordinance that has a significant effect on how the existing language is enforced. The definition of façade was inadvertently altered when the Zoning Ordinance was reformatted in 2005. The current definition of façade reads as follows:

**Facade:** The vertical exterior surface of a building that is set parallel to a **setback line**.

However, prior to the reformatting of the Zoning Ordinance the definition of facade read as follows:

**Facade** means the vertical exterior surface of a building that is set parallel to a **frontage line**.

The change from frontage line to setback line significantly alters what is considered a façade as a frontage line is defined as follows:

**Frontage line:** all lot lines that abut a public street, private street, or permanently preserved or dedicated public open space.

With this discovery the window standards would only be enforced on facades as defined in the Zoning Ordinance prior to the reformatting. As this is a clerical error, it will be corrected. This eliminates glazing required on non-street facing facades and will reduce the number of variance requests but will still provide glazing on elevations of buildings that face the street. Accordingly, the Planning Division is of the opinion that this clerical error correction would bring the regulations back in line with the original intent of the window standards. This would eliminate the need for creating definitions for primary and secondary facades as discussed at

previous study sessions. As a result of this discovery, the Planning Board decided to eliminate the draft language that delineated between facades that face a street and those that do not. However, the Board did determine that building elevations that have a public entrance should contain some element of glazing. Accordingly, the Board directed staff to draft a provision that requires 30% glazing on those elevations that have a public entrance but do not face a frontage line. In addition, the Planning Division recommends adding Article 4, section 4.90(C) to prevent blank walls in most situations, and would also recommend the removal of Article 7, Processes, Permits and Fees, section 7.05(B), Architectural Design Review, as it is out of place in this location, and would be best addressed in Article 4, Development Standards – Window Standards, as noted above.

All of the changes recommended by the Planning Board have now been made. Draft ordinance language is attached for your review, along with relevant meeting minutes.

**Suggested Action:**

To set a public hearing for **June 8, 2016** to consider the proposed changes to Article 04, Section 4.90 WN-01 and Article 07, Section 7.05 of the Zoning Ordinance to amend the glazing standards.



ORDINANCE NO. \_\_\_\_\_

**THE CITY OF BIRMINGHAM ORDAINS:**

AN ORDINANCE TO AMEND CHAPTER 126, ZONING, OF THE CODE OF THE CITY OF BIRMINGHAM:

TO AMEND ARTICLE 04 DEVELOPMENT STANDARDS, SECTION 4.90, WN-01 (WINDOW STANDARDS) TO ALTER THE REQUIRED GLAZING ON COMMERCIAL BUILDINGS.

Article 04, section 4.90 WN-01 shall be amended as follows:

**4.90 WN-01**

This Window Standards section applies to the following districts:

O1, O2, P, B1, B2, B2B, B2C, B3, B4, MX, TZ3

The following window standards apply ~~on the front façade and any façade facing a street, plaza, park or parking area:~~

- A. Storefront Windows: Ground floors shall be designed with storefronts that have windows, doorways and signage, which are integrally designed. The following standards apply:
  - 1. No less than 70% of a storefront/groundfloor façade between 1 and 8 feet above grade shall be clear glass panels and doorway.
  - 2. Glass areas on storefronts shall be clear, or lightly tinted in neutral colors. Mirrored glass is prohibited.
  - 3. Required window areas shall be either pedestrian entrances, windows that allow views into retail space, working areas or lobbies. Display windows set into the wall may be approved by the Planning Board.
  - 4. Windows shall not be blocked with opaque materials or furniture, products, signs, blank walls or the back of shelving units.
  - 5. The bottom of the window shall be no more than 3 feet above the adjacent exterior grade.
- B. Ground floor building elevations: Building elevations on the ground floor that do not face a frontage line but contain a public entrance shall be no less than 30% glazing between 1 and 8 feet above grade.**
- C. Blank walls of longer than 20 feet **on the ground floor** shall not face a **plaza, park, parking area or** public street.
- D. Upper Story Windows: Openings above the first story shall be a maximum of 50% of the total façade area. Windows shall be vertical in proportion.

**E. To allow flexibility in design, these standards may be modified by a majority vote of the Planning Board, Design Review Board, and/or Historic District Commission for architectural design considerations provided that the following conditions are met:**

- a. The subject property must be in a zoning district that allows mixed uses;**
- b. The scale, color, design and quality of materials must be consistent with the building and site on which it is located;**
- c. The proposed development must not adversely affect other uses and buildings in the neighborhood;**
- d. Glazing above the first story shall not exceed a maximum of 70% of the façade area;**
- e. Windows shall be vertical in proportion.**

ORDAINED this \_\_\_\_\_ day of \_\_\_\_\_, 2016 to become effective 7 days after publication.

\_\_\_\_\_  
Rackeline J. Hoff, Mayor

\_\_\_\_\_  
Laura Pierce, City Clerk

**ORDINANCE NO. \_\_\_\_\_**

**THE CITY OF BIRMINGHAM ORDAINS:**

AN ORDINANCE TO AMEND CHAPTER 126, ZONING, OF THE CODE OF THE CITY OF BIRMINGHAM:

TO AMEND ARTICLE 07 ARCHITECTURAL DESIGN REQUIREMENTS, SECTION 7.05, REQUIREMENTS.

Article 07, section 7.05 shall be amended as follows:

**7.05 Requirements**

(See architectural design checklist on Site Plan Review application).

A. Building materials shall possess durability and aesthetic appeal.

~~B. A minimum of 50% of that portion of the first floor facade of a building with a commercial use(s) on the first floor and that faces a public street, private street, public open space or permanently preserved open space shall contain clear glazing.~~

**BE.** The building design shall include architectural features on the building facade that provide texture, rhythm, and ornament to a wall.

**CE.** Colors shall be natural and neutral colors that are harmonious with both the natural and man-made environment. Stronger colors may be used as accents to provide visual interest to the facade.

**DE.** The building design shall provide an interesting form to a building through manipulation of the building massing. This can be achieved through certain roof types, roof lines, and massing elements such as towers, cupolas, and stepping of the building form.

**EF.** These architectural elements shall be arranged in a harmonious and balanced manner.

ORDAINED this \_\_\_\_\_ day of \_\_\_\_\_, 2016 to become effective 7 days after publication.

\_\_\_\_\_  
Rackeline J. Hoff, Mayor

\_\_\_\_\_  
Laura Pierce, City Clerk

**CITY OF BIRMINGHAM  
REGULAR MEETING OF THE PLANNING BOARD  
WEDNESDAY, OCTOBER 24, 2012  
City Commission Room  
151 Martin Street, Birmingham, Michigan**

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Minutes of the regular meeting of the City of Birmingham Planning Board held October 24, 2012. Chairman Robin Boyle convened the meeting at 6:30 p.m.

**Present:** Chairman Robin Boyle; Board Members Scott Clein, Carroll DeWeese, Bert Koseck, Gillian Lazar, Janelle Whipple-Boyce, Bryan Williams;

**Absent:** Student Representative Kate Leary

**Administration:** Matthew Baka, Planning Specialist  
Jana Ecker, Planning Director  
Carole Salutes, Recording Secretary

**10-180-12**

**FINAL SITE PLAN REVIEW**

**995 S. ETON** (postponed from the meeting of October 10, 2012)

**Saretsky, Hart, Michaels & Gould Law Firm**

**Two-story addition to building in existing outdoor courtyard**

Ms. Ecker highlighted the proposal. The site located at 995 S. Eton is a one-story building that currently houses a law office. The petitioner intends to build a two-story addition at the southeast corner of the building (facing Cole Ave.) at the location of an existing outdoor courtyard. The addition will add 1,043 sq. ft. for a total of 5,423 sq. ft. The existing parking lot will remain, though new plantings are proposed to buffer the addition from the parking lot. The applicant proposes an aluminum and glass façade with swinging window treatments for the addition. The applicant is also proposing the installation of a new rooftop mechanical unit on the existing roof with mechanical screening to match existing screens. The existing site is zoned MX, Mixed Use. The law office is a permitted use within this district.

The increase in square footage increases the applicant's parking requirement by three spaces. The applicant intends to convert one barrier-free parking spot to an unrestricted parking spot, and seeks to utilize two on-street parking spaces on Eton St. toward their parking requirement in exchange for making improvements in the right-of-way. *In order to count these spaces, the applicant will be required to obtain approval from the City Commission. If approval is not granted, the applicant will be required to obtain a variance from the Board of Zoning Appeals ("BZA") or enter into a shared parking agreement that must be approved by the Planning Board.*

The second level of the south elevation on Cole St. does not meet the glazing requirements of the MX District. The applicant has agreed to reduce the amount of glazing on the second floor

of the addition to comply with the maximum 50 percent glazing requirement. *If the glazing requirement is not met, a variance will be required from the BZA.*

*All exterior design changes to the existing building will also be reviewed by the Design Review Board.*

Mr. Roman Bonaslowski from Ron & Roman Architects was present for the applicant. With regards to the parking along Eton, if the Engineering Dept. believes there is a problem with the tightness of Cole as it resolves itself on Eton, he suggested the opportunity exists to make modifications on the south side of Eton if they believe it is too tight of a condition. Secondly, if there is opportunity to find 50 percent glazing going up from the top of the existing parapet they would prefer to have the glass up there or have it continue behind the louvers. It seems reasonable to add an additional tree on Cole. He requested that lighting not be a street improvement along Eton until there is a determination of what is happening along the entire Eton Corridor, and an understanding on how that street lighting can work.

Mr. Miles Hart from the law firm said their employee base is not growing. They need more space to spread out and into offices in order to have better working conditions. They don't have an issue with parking.

Mr. Williams thought the glazing on the second floor adds interest to the building. Mr. DeWeese agreed. To him it looks better if the top and bottom windows are the same size and the second floor is defined as starting at the top of the existing building.

There were no comments from the public at 8:55 p.m.

**Motion by Ms. Whipple-Boyce**

**Seconded by Mr. DeWeese to approve the Final Site Plan and Design Review for 995 S. Eton, Saretsky, Hart, Michaels & Gould Law Firm, with the following conditions:**

- 1. Applicant obtain approval of the City Commission for the use of two parking spaces on S. Eton or obtain a parking variance from the BZA;**
- 2. Applicant submit details for administrative approval for all landscaping, plant material, the location of the Knox box, and a recalculated glazing requirement on the south and east elevations that incorporates calculating the second floor glazing from the line of the existing building's roofline. A tree will be added on Cole.**
- 3. Applicant replace non cut-off light fixtures with cut-off fixtures to bring the site into compliance with the current ordinance;**
- 4. Applicant obtain approval from the Design Review Board for the proposed addition.**

Members of the public had no final comments at 9 p.m.

**Motion carried, 7-0.**

VOICE VOTE

Yeas: Whipple-Boyce, DeWeese, Boyle, Clein, Koseck, Lazar, Williams

Nays: None  
Absent: None

## 10-183-12

### MISCELLANEOUS BUSINESS AND COMMUNICATIONS

- a. Communications (none)
- b. Administrative Approvals
  - Ø 335 E. Maple Rd. – To slightly re-design the proposed storefront at grade level to include an additional entrance door for the office component of the building.
  - Ø 953 S. Eton – Install five ton condenser on roof/"Lamsl" painted to match building. Height of unit: 33 in.; height of screening: 41 in.
- c. Draft Agenda for the Regular Planning Board Meeting on November 14, 2012
  - Ø Park St. re-zoning application;
  - Ø Max and Erma's space for Stoney Creek Steakhouse; and
  - Ø 550 W. Merrill, School Administration Building, for office use.
- d. Other Business
  - Ø 2013 Bistro Update – The City Commission has sent three bistros for the Planning Board to look at: What Crepe?, Birmingham Sushi, and Crush.
  - Ø Mr. Baka thought it might be useful in the future to give this board the flexibility to vary from the glazing requirement. Board members also agreed that applicants should not be required to appear before two boards for their reviews.

**PLANNING BOARD MINUTES  
FEBRUARY 27, 2013**

**PUBLIC HEARING**

**1. TO AMEND CHAPTER 126, ZONING, OF THE CODE OF THE CITY OF BIRMINGHAM:**

**TO AMEND ARTICLE 04 DEVELOPMENT STANDARDS, SECTION 4.83, WN-01 (WINDOW STANDARDS) TO ALLOW DESIGN FLEXIBILITY AS PERMITTED BY THE PLANNING BOARD, DESIGN REVIEW BOARD OR HISTORIC DISTRICT COMMISSION.**

Chairman Boyle opened the public hearing at 7:38 p.m.

Mr. Baka recalled that on October 24, 2012 the Planning Board approved a two-story addition to the office building at 995 S. Eton. However, the applicant was forced to revise the architectural design of the addition in order to meet the window standards established in the Zoning ordinance. At that time, it was discussed whether the Ordinance could be amended to give the reviewing City board the authority to allow architects more creativity and flexibility when composing their designs by allowing variation from the window requirements.

On January 9, 2013 the Planning Board conducted a study session to discuss a draft ordinance amendment aimed at allowing the reviewing board the flexibility to modify the window standards. At that time, there was discussion regarding limiting the amendment to the upper stories of a building. Accordingly, the Planning Board set a public hearing for February 27, 2013 to review the draft ordinance.

Mr. Baka said that consideration of window standards normally would only go to one or two relevant boards. Mr. Koseck thought that requiring an applicant to appear before two boards adds confusion. The board's consensus was that either board could make the call.

No one from the public wished to speak on this matter at 7:45 p.m.

**Motion by Mr. DeWeese**

**Seconded by Mr. Clein to recommend approval to the City Commission to amend Article 04, Section 4.83 Wn-01(Window Standards) to encourage flexibility in design. These standards may be waived by a majority vote of the Planning Board or Design Review Board and the Historic District Commission, when required, for architectural design considerations.**

**Motion carried, 7-0.**

VOICE VOTE

Yeas: DeWeese, Clein, Boyle, Koseck, Lazar, Whipple-Boyce, Williams

Nays: None

Absent: None

**CITY COMMISSION MINUTES  
MAY 6, 2013**

**05-148-13 PUBLIC HEARING – ZONING ORDINANCE  
AMENDMENT WINDOW STANDARDS**

The Mayor opened the Public Hearing at 7:40 PM to consider an amendment to the Zoning Ordinance, Chapter 126, Article 04 Development Standards, Section 4.83, WN-01 (Window Standards).

Mr. Baka explained that the Planning Board requested a modification to the ordinance to allow some flexibility regarding window standards due to a recent site plan review. Mr. Currier recommended the Planning Board develop effective standards for when the second floor window requirements could be waived.

The Mayor closed the Public Hearing at 7:42 PM. The Commission took no action.



**PLANNING BOARD MINUTES  
AUGUST 14, 2013**

**STUDY SESSION  
Glazing Standards**

Ms. Ecker noted that on October 24, 2012 the Planning Board approved a two-story addition to the office building at 995 S. Eton. However, the applicant was forced to revise the architectural design of the addition in order to meet the window standards established in the Zoning Ordinance. At that time, several members of the Planning Board expressed support for the proposed design. It was discussed whether the Ordinance could be amended to authorize the reviewing City Board to give architects more creativity and flexibility when composing their designs by allowing variation from the window requirements.

On January 9, 2013 the Planning Board conducted a study session to discuss a draft ordinance amendment aimed at allowing the reviewing Board the flexibility to modify the window standards. At that time, there was discussion regarding limiting the amendment to the upper stories of a building. Accordingly, the Planning Board set a public hearing for February 27, 2013 to review the draft ordinance amendment.

On February 27, 2013 the Planning Board recommended approval to the City Commission.

On May 6, 2013 the City Commission reviewed the ordinance amendment and sent it back to the Planning Dept. The City Attorney asked for more specific requirements to be added that would allow the Planning Board to waive the glazing requirements on the upper levels.

The Planning Board reviewed the revised ordinance and changed the wording as follows:

“ . . .To encourage flexibility in design these standards may be waived by a majority vote of the Planning Board and/or Historic District Commission for architectural design considerations. . . ”

b. The scale, color, design and quality of materials of upper stories must be consistent with the building and site; and

c. The proposed development must not adversely affect other uses and buildings in the neighborhood.

**Motion by Ms. Whipple-Boyce**

**Seconded by Mr. Clein to schedule a public hearing on Glazing Standards for September 11, 1913.**

**Motion carried, 5-0.**

VOICE VOTE

Yeas: Whipple-Boyce, Clein, Boyle, DeWeese, Williams

Nays: None

Absent: Koseck, Lazar

**CITY OF BIRMINGHAM  
REGULAR MEETING OF THE PLANNING BOARD  
WEDNESDAY, SEPTEMBER 25, 2013  
City Commission Room  
151 Martin Street, Birmingham, Michigan**

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Minutes of the regular meeting of the City of Birmingham Planning Board held September 25, 2013. Chairman Robin Boyle convened the meeting at 7:32 p.m.

**Present:** Chairman Robin Boyle; Board Members Scott Clein, Carroll DeWeese, Bert Koseck (arrived at 7:35 p.m.), Gillian Lazar, Janelle Whipple-Boyce, Bryan Williams; Student Representative Arshon Afrakhteh

**Absent:** None

**Administration:** Matthew Baka, Sr. Planner  
Jana Ecker, Planning Director  
Carole Salutes, Recording Secretary

**09-168-13**

**PUBLIC HEARING**

**Glazing Standards** (rescheduled from September 11, 2013)

**TO CONSIDER AN AMENDMENT TO CHAPTER 126, ZONING, ARTICLE 04, SECTION 4.83 WN-01 (WINDOW STANDARDS) TO ALLOW DESIGN FLEXIBILITY AS APPROVED BY THE PLANNING BOARD, DESIGN REVIEW BOARD AND/OR HISTORIC DISTRICT COMMISSION**

Chairman Boyle opened the public hearing at 7:37 p.m.

Mr. Baka advised that the Planning Board has been discussing whether the ordinance could be amended to give the reviewing City Board the authority to give architects more creativity and flexibility when composing their designs by allowing variation from the window requirements.

After several meetings on this topic, the Planning Board, at their August 14, 2013 meeting, held a study session detailing ordinance changes to the Glazing Standards and requested staff to set a public hearing date to consider amendments to Chapter 126, Article 04, section 24.83 B.

Mr. Williams received confirmation that the City Attorney is happy with the suggested ordinance amendments. Ms. Ecker verified that if a proposal goes before two different City boards, the Planning Board and the Historic District Commission ("HDC"), the HDC determination would take priority.

Chairman Boyle observed this is an example of the City listening to applicants and developers.

At 7:43 p.m. there were no comments from members of the audience.

**Motion by Mr. Williams**

**Seconded by Mr. DeWeese to recommend approval by the City Commission to amend Article 04, Section 4.83 WN-01 (Window Standards) to allow design flexibility as permitted by the Planning Board, Design Review Board, and/or Historic District Commission.**

There were no final comments from the audience at 7:44 p.m.

**Motion carried, 7-0.**

ROLLCALL VOTE

Yeas: Williams, DeWeese, Boyle, Clein, Koseck, Lazar, Whipple-Boyce

Nays: None

Absent: None

The chairman formally closed the public hearing at 7:45 p.m.

**BIRMINGHAM CITY COMMISSION MINUTES  
JANUARY 27, 2014 MUNICIPAL BUILDING, 151 MARTIN  
7:30 P.M.**

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**01-15-14 PUBLIC HEARING TO CONSIDER AN ORDINANCE AMENDMENT TO  
CHAPTER 126, ARTICLE 04, SECTION 4.83 WN-01**

Mayor Pro Tem Sherman opened the Public Hearing to consider an ordinance amendment to Chapter 126, Article 04, Section 4.83 WN-01 at 8:44 PM.

Planner Ecker explained that the proposed ordinance amendment was the subject of a public hearing on September 25, 2013, after a request from the City Commission to add more specific criteria in order to waive the current 50% glazing requirement on upper level windows.

Planner Ecker explained that the Planning Board does not want to change the glazing standards for the first floor windows, which is 70% in the downtown area as well as in the triangle district; the change would apply to the upper levels only. There are no window glazing guidelines in the Rail District.

In response to Commission discussion regarding the amount of flexibility in the proposed ordinance, Planner Ecker noted that the Planning Board wanted to be able to respond to design changes in the marketplace and to prevent the glazing requirements from getting in the way of a good development.

Commissioner Nickita suggested the ordinance be more flexible in the rail district, less so in the triangle district, and more restrictive in the downtown district. Commissioner Dilgard suggested changing "to encourage flexibility", to "to allow flexibility".

Mayor Pro Tem Sherman closed the Public Hearing at 8:57 PM.

The commissioners took no action on the proposed ordinance amendment, and directed staff to review the discussion with the Planning Board.

**CITY OF BIRMINGHAM  
REGULAR MEETING OF THE PLANNING BOARD  
WEDNESDAY, APRIL 22, 2015  
City Commission Room  
151 Martin Street, Birmingham, Michigan**

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Minutes of the regular meeting of the City of Birmingham Planning Board held on April 22, 2015. Chairman Scott Clein convened the meeting at 7:30 p.m.

**Present:** Chairman Scott Clein; Board Members Carroll DeWeese, Bert Koseck, Gillian Lazar, Janelle Whipple-Boyce, Bryan Williams; Alternate Board Members Stuart Jeffares; Student Representative Andrea Laverty (left at 9:30 p.m.)

**Absent:** Board Member Robin Boyle, Alternate Board Member Daniel Share; Student Representative Scott Casperson

**Administration:** Matthew Baka, Senior Planner  
Jana Ecker, Planning Director  
Carole Salutes, Recording Secretary

**04-80-15**

**STUDY SESSION  
Glazing Standards**

Mr. Baka explained that as a result of applicants having to revise their architectural designs in order to meet the window standards established in the Zoning Ordinance, members of the Planning Board have discussed whether the ordinance could be amended to give the reviewing City Board the authority to allow architects more creativity and flexibility when composing their designs by allowing variation from the window requirements.

After many prior meetings and review by the City Commission, the Planning Board at their March 11, 2015 meeting conducted a study session to continue discussion on improving the window standards. There was consensus that the 70% glazing requirement should be limited to between 1 and 8 ft. above grade in all zones and districts. It was also agreed that the current requirements of section 4.83 WN are problematic as they have required excessive glazing on several recent projects which has resulted in multiple variance requests to the Board of Zoning Appeals.

Although no specific modification standards were recommended over others, the Planning Board clearly indicated that the intent of the ordinance was to engage pedestrians in commercial zones. The board directed the Planning Dept. to review the various ways of accomplishing that intent. Accordingly, revised draft ordinance language is presented for the consideration of the Planning Board.

In order to provide consistency throughout the ordinance, the Planning Staff recommends amending the first floor standards in the Triangle District and Section 4.83 to require 70% glazing between 1 and 8 ft. above grade.

Mr. Baka advised that the window standards apply on the front façade and any façade that includes the primary entrance where the façade faces a street, plaza, park or parking area. Blank walls are not permitted on elevations with public entrances.

It was concluded that a definition of "blank wall" is needed. Ms. Whipple-Boyce thought that some flexibility should be written into the ordinance. Say that blank walls are not permitted on elevations, period. Mr. Koseck thought this matter needs another layer of study so they don't end up with a bunch of windowless buildings or uninterrupted walls that don't make for good architecture. Mr. Baka clarified that what is being discussed does not apply in the Downtown or the Triangle. It only applies in areas that are more likely to have a stand-alone building. Ms. Lazar thought the board needs definite parameters to work with.

**CITY OF BIRMINGHAM  
REGULAR MEETING OF THE PLANNING BOARD  
WEDNESDAY, OCTOBER 14, 2015  
City Commission Room  
151 Martin Street, Birmingham, Michigan**

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Minutes of the regular meeting of the City of Birmingham Planning Board held on October 14, 2015. Chairman Scott Clein convened the meeting at 7:30 p.m.

**Present:** Chairman Scott Clein; Board Members Robin Boyle, Carroll DeWeese, Bert Koseck, Gillian Lazar, Janelle Whipple-Boyce; Alternate Board Member Stuart Jeffares

**Absent:** Board Member Bryan Williams; Alternate Board Member Daniel Share; Student Representatives Scott Casperson, Andrea Laverty

**Administration:** Matthew Baka, Senior Planner  
Jana Ecker, Planning Director  
Carole Salutes, Recording Secretary

**10-201-15**

## **STUDY SESSION**

### **1. Window Glazing Standards**

Mr. Baka recalled that on October 24, 2012 several members of the Planning Board discussed whether the ordinance could be amended to permit the reviewing City board the authority to give architects more creativity and flexibility when composing their designs by allowing variation from the window requirements. Since that time several study sessions and public hearings have been held to examine this topic.

At their meeting on January 27, 2014 the City Commission suggested that the ordinance amendment recommended by the Planning Board be modified to allow the proposed flexibility in the MX District but to have more restrictive requirements in the Downtown and Triangle District.

The first-floor glazing standards are inconsistent throughout the zones. The result of this difference is that outside of the Downtown Overlay a significantly larger amount of glazing is needed to satisfy the requirement. Therefore, the Planning Division recommends as a starting point amending the first-floor window standards in all districts in section 4.83, the General Standards, to require 70% glazing between 1 and 8 ft. above grade on any facade facing a street, plaza, park, or parking area. Blank walls of longer than 20 ft. shall not face a public street. It is believed that the addition of these provisions to these two areas of the City will significantly decrease the frequency of variance applications while still achieving the intent of the standards. Also, the Planning Division recommends amendments to Article 3, section 3.09(b)(1) to make the glazing standards consistent in the Triangle Overlay District.



The board discussed that unique circumstances might allow flexibility in design to modify the standards. They decided to come back to that later after a little more thought.

Board members concluded that consideration of the Downtown Overlay would be a separate issue.

The consensus was to amend Article 04, section 4.83 WN-01 A and B and strike C. Further, amend Article 03, Section 3.09 b (1) Commercial/Mixed Use Architectural Requirements in the MX District as presented.

**Motion by Mr. Boyle**

**Seconded by Mr. DeWeese to send this matter to a public hearing on November 11, 2015.**

**Motion carried, 7-0.**

VOICE VOTE

Yeas: Boyle, DeWeese, Clein, Jeffares, Koseck, Lazar, Whipple-Boyce

Nays: None

Absent: Williams

**CITY OF BIRMINGHAM  
REGULAR MEETING OF THE PLANNING BOARD  
WEDNESDAY, NOVEMBER 11, 2015  
City Commission Room  
151 Martin Street, Birmingham, Michigan**

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Minutes of the regular meeting of the City of Birmingham Planning Board held on November 11, 2015. Chairman Scott Clein convened the meeting at 7:30 p.m.

**Present:** Chairman Scott Clein; Board Members Robin Boyle, Bert Koseck, Janelle Whipple-Boyce, Bryan Williams; Alternate Board Members Stuart Jeffares, Daniel Share

**Absent:** Board Member Gillian Lazar; Student Representatives Scott Casperson, Andrea Laverty

**Administration:** Matthew Baka, Senior Planner  
Sean Campbell, Asst. Planner  
Jana Ecker, Planning Director  
Carole Salutes, Recording Secretary

**11-220-15**

**PUBLIC HEARINGS**

**1. TO AMEND ARTICLE 03 SECTION 3.09 (B) (1) TO REQUIRE GLAZING IN THE TRIANGLE DISTRICT BETWEEN 1 FT. AND 8 FT. ABOVE GRADE ON THE GROUND FLOOR;**

**AND**

**TO AMEND ARTICLE 04, SECTION 4.83 WN-01 (WINDOW STANDARDS) TO SPECIFY THAT THE REQUIRED 70% GLAZING IS BETWEEN 1 AND 9 FT. ABOVE GRADE ON THE GROUND FLOOR IN ALL ZONE DISTRICTS**

Chairman Clein opened the public hearing at 7:34 p.m.

Mr. Baka recalled that at the October 14, 2015 Planning Board meeting the board discussed the issues related to the current window standards and the recurring need for applicants to seek variances from the Board of Zoning Appeals ("BZA"). Although it was acknowledged that additional changes need to be made beyond what is currently proposed, it was determined that there should to be further study on certain aspects of the standards before additional changes can be recommended. It was decided however, that the standard of measuring the percentage of glazing on a site should be consistently measured between 1 and 8 ft. above grade. Accordingly, the Planning Board set a public hearing for November 11, 2015 to consider amendments to the window standards contained in the Zoning Ordinance.

The first floor glazing standards are inconsistent throughout the zones. In the Downtown Overlay the 70% requirement is only applied between 1 and 8 ft. above grade. In the

Triangle District and window standards of section 4.83, the 70% requirement is applied to the entire first floor. The result of this difference is that outside of the Downtown Overlay it requires a significantly larger amount of glazing to satisfy the requirement. A lot of developments are having a hard time meeting this standard. In order to provide consistency throughout the ordinance and still achieve the pedestrian and public interaction intended by the standards, the Planning Division recommends amending the first floor standards in the Triangle District and Section 4.83 to require 70% glazing between 1 and 8 ft. above grade. Staff believes that the addition of this provision to these two sections will significantly decrease the frequency of variance applications, while still achieving the intent of the standards.

The other proposed standard to be added to section 4.83 is that blank walls of longer than 20 ft. shall not face a public street.

There were no comments from the public at 7:36 p.m.

**Motion by Mr. Boyle**

**Seconded by Mr. Williams to accept the amendments to the Zoning Ordinance as follows:**

*Article 04, section 4.83 WN-01*

- A. Storefront/Ground Floor Windows: Ground floors shall be designed with storefronts that have windows, doorways and signage, which are integrally designed. The following standards apply:**
- 1. No less than 70% of the storefront/ground floor facade between 1 and 8 ft. above grade shall be clear glass panels and doorway.**
  - 6. Blank walls of longer than 20 ft. shall not face a public street.**

*Article 03, section 3.09 (b) (1)*

**B. Windows and Doors**

- 1, Storefront/Ground Floor, Ground floors shall be designed with storefronts that have windows, doorways and signage, which are integrally designed and painted. No less than 70% of the storefront/ground floor facade between 1 and 8 ft. above grade shall be clear glass panels and doorway.**

No one from the audience wished to comment at 7:37 p.m.

**Motion carried, 7-0.**

VOICE VOTE

Yeas: Boyle, Williams, Clein, Jeffares, Koseck, Share, Whipple-Boyce

Nays: None

Absent: Lazar

The chairman closed the public hearing at 7:38 p.m.

**CITY OF BIRMINGHAM  
REGULAR MEETING OF THE PLANNING BOARD  
WEDNESDAY, MARCH 9, 2016  
City Commission Room  
151 Martin Street, Birmingham, Michigan**

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Minutes of the regular meeting of the City of Birmingham Planning Board held on March 9, 2016. Chairman Scott Clein convened the meeting at 7:30 p.m.

**Present:** Chairman Scott Clein; Board Members Robin Boyle, Stuart Jeffares, Janelle Whipple-Boyce, Bryan Williams; Alternate Board Member Lisa Prasad; Student Representative Colin Cusimano

**Absent:** Board Members Bert Koseck, Gillian Lazar; Alternate Board Member Daniel Share

**Administration:** Matthew Baka, Senior Planner  
Jana Ecker, Planning Director  
Carole Salutes, Recording Secretary  
**03-39-16**

### **3. Glazing**

Mr. Baka advised that over the past several years the Planning Board has performed site plan reviews where the board expressed support for the proposed design but the applicant has been forced to pursue variances because they were not able to meet the window standards contained in the Zoning Ordinance. Accordingly, the Planning Board has been holding study sessions on this topic to explore ways that the ordinance requirements can be altered so that fewer variances are sought but the objective of the window standards remains in place. The intent has been stated as the activation of the streets and public spaces of Birmingham by creating an interactive relationship between pedestrians and the users of the buildings in commercial areas.

During the study sessions held previously, the Board has discussed creating a waiver that is contingent on a set of criteria that would allow the Planning Board to waive the glazing requirements under certain circumstances. The City Commission has been hesitant to embrace this approach due to the subjective nature of such criteria. Accordingly, in previous study sessions the Planning Board developed a list of requirements that must be met in order to qualify for the exemption.

Another potential change that staff would like the Planning Board to discuss is combining the provisions of Article 04 and Article 07 into one set of standards that requires 70% glazing on the facades that face the street and then reducing the requirement to 50% on secondary facades that face parking areas and open space.

Mr. Baka recalled the Planning Board has been talking about glazing for quite a long time. The origination of the glazing requirements came from the Downtown Overlay Zone and/or the 2016 Plan where 70% glazing is required between 1 ft. and 8 ft. above grade. In the downtown that

is just along the storefronts. When the Triangle Plan was created in 2006, glazing standards were also added. Then there were additions made to Article 4, the Development Standards which would apply to all commercial properties outside of the two Overlays. Last fall, an amendment was completed to make the three criteria consistent in that they were all being measured between 1 ft. and 8 ft. The Triangle and the General Commercial areas did not have that, so staff was forced to measure glazing for the whole facade which made it difficult for people to comply.

Right now section 4.90 dealing with all other commercial zones states that window standards requiring 70% glazing apply on the front facade and any facade facing a street, plaza, park, or parking area. The board has been talking about altering the language so that the requirements are not quite as difficult to meet. Staff has come up with a way to give this body the authority to waive those requirements if they see fit and has developed a list of requirements that must be met in order to qualify for the exemption:

To allow flexibility in design, these standards may be modified by a majority vote of the Planning Board, Design Review Board, and/or Historic District Commission for architectural design considerations provided that the following conditions are met:

- a. The subject property must be in a zoning district that allows mixed uses.
- b. The scale, color, design and quality of materials of upper stories must be consistent with the building and site on which it is located.
- c. The proposed development must not adversely affect other uses and buildings in the neighborhood.

Ms. Whipple-Boyce along with other members suggested adding the following:

d. No less than 50% glazing between 1 ft. and 8 ft. above grade on the secondary facades that don't face a public or private street. Note that the primary facade faces the street and contains the address.

Mr. Baka advised that current standards for upper story windows say that openings above the first story shall be a maximum of 50% of the total facade area. Windows shall be vertical in proportion. It was discussed that current office design calls for expansive use of glazing on the upper floors. Board members considered allowing no more than 70% glazing on the upper floors. Chairman Clein suggested coming back next time with the language that was discussed for the first floor along with language that says that the second story can have no more than 70% glazing.

**CITY OF BIRMINGHAM  
REGULAR MEETING OF THE PLANNING BOARD  
WEDNESDAY, APRIL 13, 2016  
City Commission Room  
151 Martin Street, Birmingham, Michigan**

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Minutes of the regular meeting of the City of Birmingham Planning Board held on April 13, 2016. Chairman Scott Clein convened the meeting at 7:30 p.m.

**Present:** Chairman Scott Clein; Board Members Robin Boyle, Stuart Jeffares, Bert Koseck, Gillian Lazar, Janelle Whipple-Boyce, Bryan Williams

**Absent:** Alternate Board Members Lisa Prasad, Daniel Share; Student Representative Colin Cusimano

**Administration:** Matthew Baka, Senior Planner  
Sean Campbell, Asst. Planner  
Jana Ecker, Planning Director  
Carole Salutes, Recording Secretary

**04-61-16**

**STUDY SESSION  
Glazing**

Mr. Baka recalled that the Planning Board has been holding study sessions on this topic to explore ways that the ordinance requirements can be altered so that fewer variances are sought but the intent of the window standards remains in place. The intent of the glazing requirements has been to activate the streets and public spaces of Birmingham by creating an interactive relationship between the pedestrians and the buildings in commercial areas.

Since the last study session an error was discovered in the Zoning Ordinance that has a significant effect on how the existing language is enforced. However, the Planning Division is of the opinion that this clerical error correction would bring the regulations back in line with the original intent of the window standards. This would eliminate the need for creating definitions for primary and secondary facades as discussed at the last study session. It will reduce the amount of glazing required on non-street facing facades and will reduce the number of variance requests, but will still provide glazing on elevations of buildings that face the street. The question is whether the board wants to add more requirements for non-street facing facades.

Board members decided to strike 4.90 WN-01 (C) (e) that states glazing on the ground floor facade shall not be reduced to less than 50% between 1 and 8 ft. above grade.

Discussion considered whether glazing should be required on buildings where a public entrance not on the frontage line is in the back. It was thought there must be a minimum of 30% glazing between 1 and 8 ft. above grade.

Mr. Baka agreed to write out the changes for the board to see one more time before this topic goes to a public hearing.



# MEMORANDUM

Planning Division

**DATE:** May 5, 2016  
**TO:** Planning Board  
**FROM:** Matthew Baka, Senior Planner  
**SUBJECT:** Outdoor Display and Storage

Over the past several years, the Planning Board has been holding study sessions aimed at creating standards that would regulate outdoor displays and storage to add to the Zoning Ordinance. To commence the study of outdoor display, sales and storage, a review of the current ordinance regulations was conducted in April of 2013. The chart below summarizes the zone districts that specifically permit outdoor display, sales and/or storage and indicate if there are any standards or regulations related to these uses.

Zone District	Outdoor Display Permitted	Outdoor Sales Permitted	Outdoor Storage Permitted	Standards?
O1				N
O2	X	X		N
B1				N
B2	X	X	X	Y
B2B	X	X	X	Y
B2C	X	X	X	Y
B3				
B4	X	X		Y
MX	X	X	X	Y
P				

In general, the current approach to outdoor display, sales and storage throughout the Zoning Ordinance is inconsistent and scattered. The use of inconsistent terms occurs across various sections of the Zoning Ordinance, and varying standards are in place across the different zone districts. In addition, the outdoor display, sales and storage standards are located in numerous sections of the Zoning Ordinance, including two different locations in Article 4, Development Standards and also throughout Article 5, Use Specific Standards. Finally, notably absent are definitions for any of these terms.

Over several study sessions Planning Board members reviewed the existing ordinance language, and requested staff to prepare draft ordinance language and to provide definitions for outdoor display and outdoor storage. The Board requested the addition of standards to control the location, size and looks of both outdoor display and storage areas, without imposing extensive and detailed standards. It was also discussed that ice machines, propane storage and similar



displays may be best around the side or rear of buildings, and not in the front. Suggestions on the amount of outdoor display ranged from setting a percentage limit of the gross square footage of the floor area of the primary building, to allowing unlimited display but requiring high standards of maintenance and screening. There was also discussion regarding the use of parking spaces for display.

Draft ordinance language was presented at the March 9, 2016 Planning Board meeting that incorporated many of the concepts that had been discussed during previous study sessions. At that time, the Board expressed a desire to simplify the draft ordinance by pushing all storage to the rear or side of buildings with full screening, eliminating any use of parking spaces for displays and requiring design review for any outdoor display regardless of use. It was also suggested that the amount of outdoor display area permitted be a ratio of the principal building frontage, similar to the way that signage is regulated. For the purposes of discussion, draft ordinance language was presented at the April 13, 2016 Planning Board meeting to allow three (3) square feet of display area for each foot of principal building frontage. In addition, the definition of principal building frontage contained in the Sign Ordinance was added to Article 09 of the Zoning Ordinance.

At the April 13, 2016 Planning Board meeting it was requested that staff provide additional examples of how much display area would result from principal building frontage calculations that allow 3/1, 2/1, and 1/1 square feet of display area per linear foot of frontage. In addition, the Planning Board requested that language be added prohibiting ice machines and propane storage in the front open space.

Accordingly, the draft ordinance language has been amended to reflect the requested changes. All changes from last month are shown in **blue type**. Several outdoor display scenarios will be presented at the Planning Board meeting next week to illustrate outdoor displays based on several different ratios for review and discussion.

ORDINANCE NO. \_\_\_\_\_

**THE CITY OF BIRMINGHAM ORDAINS:**

AN ORDINANCE TO AMEND CHAPTER 126, ZONING, OF THE CODE OF THE CITY OF BIRMINGHAM:

**TO AMEND SECTION 2.23, O2 (OFFICE/COMMERCIAL) DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES, TO AMEND THE ACCESSORY PERMITTED USES.**

**Section 2.23 O2 (Office/Commercial) District Intent, Permitted Uses, and Special Uses**

**Accessory Permitted Uses**

- Kennel\*
- Laboratory – medical/dental\*
- Loading facility – off street\*
- Parking facility – off street\*
- Pharmacy\*
- Outdoor café\*
- **Outdoor display\***
- Commercial or office uses which are customarily incidental to the permitted principal uses of the same lot

ORDAINED this \_\_\_\_\_ day of \_\_\_\_\_, 2016 to become effective 7 days after publication.

\_\_\_\_\_  
Rackeline J. Hoff, Mayor

\_\_\_\_\_  
Laura Pierce, Clerk

ORDINANCE NO. \_\_\_\_\_

**THE CITY OF BIRMINGHAM ORDAINS:**

AN ORDINANCE TO AMEND CHAPTER 126, ZONING, OF THE CODE OF THE CITY OF BIRMINGHAM:

**TO AMEND SECTION 2.27, B1 (OFFICE-RESIDENTIAL) DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES TO AMEND THE ACCESSORY PERMITTED USES.**

**Section 2.27 B1 (Neighborhood Business) District Intent, Permitted Uses, and Special Uses**

**Accessory Permitted Uses**

- Alcoholic beverage sales\*
- Kennel\*
- Laboratory – medical/dental\*
- Loading facility – off-street\*
- Outdoor café
- **Outdoor display\***
- Parking facility – off-street\*
- Sign

ORDAINED this \_\_\_\_\_ day of \_\_\_\_\_, 2016 to become effective 7 days after publication.

\_\_\_\_\_  
Rackeline J. Hoff, Mayor

\_\_\_\_\_  
Laura Pierce, Clerk

ORDINANCE NO. \_\_\_\_\_

**THE CITY OF BIRMINGHAM ORDAINS:**

AN ORDINANCE TO AMEND CHAPTER 126, ZONING, OF THE CODE OF THE CITY OF BIRMINGHAM:

**TO AMEND SECTION 2.29, B2 (GENERAL BUSINESS) DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES TO AMEND THE ACCESSORY PERMITTED USES.**

**Section 2.29 B2 (General Business) District Intent, Permitted Uses, and Special Uses**

**Accessory Permitted Uses**

- Alcoholic beverage sales (off-premise consumption)\*
- Kennel\*
- Laboratory – medical/dental\*
- Loading facility – off-street
- Outdoor café\*
- Outdoor display of goods\*
- ~~Outdoor sales\*~~
- Outdoor storage\*
- Parking facility – off-street
- Retail fur sales cold storage facility
- Sign

ORDAINED this \_\_\_\_\_ day of \_\_\_\_\_, 2016 to become effective 7 days after publication.

\_\_\_\_\_  
Rackeline J. Hoff, Mayor

\_\_\_\_\_  
Laura Pierce, Clerk

**ORDINANCE NO. \_\_\_\_\_**

**THE CITY OF BIRMINGHAM ORDAINS:**

AN ORDINANCE TO AMEND CHAPTER 126, ZONING, OF THE CODE OF THE CITY OF BIRMINGHAM:

**TO AMEND SECTION 2.31, B2B (GENERAL BUSINESS) DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES TO AMEND THE ACCESSORY PERMITTED USES.**

**Section 2.31 B2B (General Business) District Intent, Permitted Uses, and Special Uses**

**Accessory Permitted Uses**

- Alcoholic beverage sales (off-premise consumption)\*
- Kennel\*
- Laboratory – medical/dental\*
- Loading facility – off-street
- Outdoor café\*
- Outdoor display of goods\*
- ~~· Outdoor sales\*~~
- Outdoor storage\*
- Parking facility – off-street
- Sign

ORDAINED this \_\_\_\_\_ day of \_\_\_\_\_, 2016 to become effective 7 days after publication.

\_\_\_\_\_  
Rackeline J. Hoff, Mayor

\_\_\_\_\_  
Laura Pierce, Clerk

**ORDINANCE NO. \_\_\_\_\_**

**THE CITY OF BIRMINGHAM ORDAINS:**

AN ORDINANCE TO AMEND CHAPTER 126, ZONING, OF THE CODE OF THE CITY OF BIRMINGHAM:

**TO AMEND SECTION 2.33, B2C (GENERAL BUSINESS) DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES TO AMEND THE ACCESSORY PERMITTED USES.**

**Section 2.33 B2C (General Business) District Intent, Permitted Uses, and Special Uses**

**Accessory Permitted Uses**

- Alcoholic beverage sales (off-premise consumption)\*
- Kennel\*
- Laboratory – medical/dental\*
- Loading facility – off-street
- Outdoor café\*
- Outdoor display of goods\*
- ~~· Outdoor sales\*~~
- Outdoor storage\*
- Parking facility off-street
- Sign

ORDAINED this \_\_\_\_\_ day of \_\_\_\_\_, 2016 to become effective 7 days after publication.

\_\_\_\_\_  
Rackeline J. Hoff, Mayor

\_\_\_\_\_  
Laura Pierce, Clerk

ORDINANCE NO. \_\_\_\_\_

**THE CITY OF BIRMINGHAM ORDAINS:**

AN ORDINANCE TO AMEND CHAPTER 126, ZONING, OF THE CODE OF THE CITY OF BIRMINGHAM:

**TO AMEND SECTION 2.35, B3 (OFFICE-RESIDENTIAL) DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES TO AMEND THE ACCESSORY PERMITTED USES.**

**Section 2.35 B3 (Business-Residential) District Intent, Permitted Uses, and Special Uses**

**Accessory Permitted Uses**

- Laboratory – medical/dental\*
- Loading facility – off-street
- Outdoor café\*
- **Outdoor display\***
- Parking facility – off-street
- Parking structure
- Shelter building\*
- Sign
- Swimming pool - public

ORDAINED this \_\_\_\_\_ day of \_\_\_\_\_, 2016 to become effective 7 days after publication.

\_\_\_\_\_  
Rackeline J. Hoff, Mayor

\_\_\_\_\_  
Laura Pierce, Clerk

ORDINANCE NO. \_\_\_\_\_

**THE CITY OF BIRMINGHAM ORDAINS:**

AN ORDINANCE TO AMEND CHAPTER 126, ZONING, OF THE CODE OF THE CITY OF BIRMINGHAM:

**TO AMEND SECTION 2.37, B4 (BUSINESS RESIDENTIAL) DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES TO AMEND THE ACCESSORY PERMITTED USES.**

**Section 2.37 B4 (Business-Residential) District Intent, Permitted Uses, and Special Uses**

**Accessory Permitted Uses**

- Alcoholic beverage sales\*
- Laboratory – medical/dental\*
- Loading facility – off-street
- Outdoor café\*
- Outdoor display of goods\*
- ~~Outdoor sales\*~~
- Parking facility – off-street
- Retail fur sales cold storage facility
- Sign

ORDAINED this \_\_\_\_\_ day of \_\_\_\_\_, 2016 to become effective 7 days after publication.

\_\_\_\_\_  
Rackeline J. Hoff, Mayor

\_\_\_\_\_  
Laura Pierce, Clerk



ORDINANCE NO. \_\_\_\_\_

**THE CITY OF BIRMINGHAM ORDAINS:**

AN ORDINANCE TO AMEND CHAPTER 126, ZONING, OF THE CODE OF THE CITY OF BIRMINGHAM:

**TO AMEND SECTION 2.39, MX (MIXED USE) DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES TO AMEND THE ACCESSORY PERMITTED USES.**

**Section 2.39 MX (Mixed Use) District Intent, Permitted Uses, and Special Uses**

**Accessory Permitted Uses**

- Alcoholic beverage sales\*
- Dwelling – accessory\*
- Garage – private
- Greenhouse – private
- Home occupation
- Loading facility – off-street\*
- Outdoor café\*
- ~~Outdoor sales or display of goods\*~~
- **Outdoor storage\***
- Parking facility – off-street\*
- Parking structure\*
- Renting of rooms\*
- Sign
- Swimming pool – private

ORDAINED this \_\_\_\_\_ day of \_\_\_\_\_, 2016 to become effective 7 days after publication.

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Rackeline J. Hoff, Mayor

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Laura Pierce, Clerk

ORDINANCE NO. \_\_\_\_\_

THE CITY OF BIRMINGHAM ORDAINS:

AN ORDINANCE TO AMEND CHAPTER 126, ZONING, OF THE CODE OF THE CITY OF BIRMINGHAM:

TO AMEND SECTION 4.12 FN-03, FENCE STANDARDS, TO REMOVE THE OUTDOOR STORAGE FENCE PROVISIONS FROM THIS SECTION.

Section 4.12 FN-03

~~B2-B2B-B2G~~ Reserved.

~~The following fence standards apply:~~

- ~~A. Enclosing Outside Storage: Fences are required for the enclosing of areas of outside storage of goods, material or equipment. The fences shall not be less than 6 feet in height above grade.~~
- ~~B. Fence construction: Unchanged.~~

ORDAINED this \_\_\_\_\_ day of \_\_\_\_\_, 2016 to become effective 7 days after publication.

\_\_\_\_\_  
Rackeline J. Hoff, Mayor

\_\_\_\_\_  
Laura Pierce, Clerk

ORDINANCE NO. \_\_\_\_\_

**THE CITY OF BIRMINGHAM ORDAINS:**

AN ORDINANCE TO AMEND CHAPTER 126, ZONING, OF THE CODE OF THE CITY OF BIRMINGHAM:

**TO AMEND ARTICLE 4, SECTION 4.57, SCREENING STANDARDS, TO ADD SCREENING STANDARDS FOR OUTDOOR STORAGE.**

**Section 4.57 SC-04**

This Screening Standards section applies to the following districts:

**O1 O2 B1 B2 B2B B2C B3 B4 MX TZ3**

- A. Unchanged.
- B. **Screening of Outdoor Storage:** All outdoor storage areas shall be fully screened from view on all sides. Screening shall be constructed of materials compatible with the principal building. Wire fences with inserted strips of metal, plastic and similar materials shall not be substituted for the required screening.

ORDAINED this \_\_\_\_\_ day of \_\_\_\_\_, 2016 to become effective 7 days after publication.

\_\_\_\_\_  
Rackeline J. Hoff, Mayor

\_\_\_\_\_  
Laura Pierce, Clerk

ORDINANCE NO. \_\_\_\_\_

THE CITY OF BIRMINGHAM ORDAINS:

AN ORDINANCE TO AMEND CHAPTER 126, ZONING, OF THE CODE OF THE CITY OF BIRMINGHAM:

TO AMEND SECTIONS 4.67 TO 4.72, STORAGE AND DISPLAY STANDARDS, TO AMEND THE OUTDOOR DISPLAY AND STORAGE STANDARDS IN O1, O2, B2, B2B, B2C, B4 AND MX.

Section 4.67 SD-02

This Storage and Display Standards section applies to the following districts:

O1 O2 B1 B2 B2B B2C B3 B4 MX TZ3

The following storage and display standards apply:

- A. **Outdoor Display:** Outdoor display is permitted as an accessory use to a permitted principal use on the same property, subject to the following standards:
1. All outdoor displays at gasoline service stations are required to obtain Site Plan & Design Review approval in accordance with Article 7 of the Zoning Ordinance. Outdoor displays for any other permitted principal uses on a site are required to obtain Design Review Approval in accordance with Article 7 of the Zoning Ordinance;
  2. Outdoor displays shall be permitted only as an accessory use on the same lot as the permitted principal use or Special Land Use, and shall not be operated as a separate business;
  3. Outdoor displays shall not exceed a maximum of 4' in height;
  4. For all buildings, including multi-tenant, the combined area of outdoor displays shall not exceed 3 square feet for each linear foot of **the width of the building on the side where the primary entrance to the business is located, which may or may not front a street. The Historic District Commission, Design Review Board or Planning Board may designate an alternate horizontal building width;**
  5. Outdoor display areas shall be located on concrete, asphalt, or paved areas and shall not be located on or within lawn areas or landscaping areas;

6. Furniture or shelving used to display goods outside must be made of finished metal or wood or a material of comparable quality and maintained in a good condition;
7. ~~Where an outdoor display is located on a public sidewalk,~~ An unobstructed path not less than five feet in width shall be continuously maintained for pedestrian access to all business entrances and no point of access or egress from any building shall be blocked at any time;
8. Propane tanks and ice machines are not permitted **between the building and the front lot line OR between the building and any frontage line**;
9. All outdoor display areas must be kept clean, orderly, and maintained.

**B. Outdoor Storage:** Outdoor storage is permitted as an accessory use to the principle use subject to the following standards:

1. Outdoor storage is permitted on private property in the side and rear open space with administrative approval in accordance with Article 7, Section 7.14.
2. Outdoor storage is prohibited in the front open space or a side open space abutting a side street;
3. Outdoor storage shall not exceed 6' in height and must be screened in accordance with Article 4, Section 4.57;
4. Outdoor storage **shall** be located on concrete, asphalt, or paver areas and shall not be located on or within lawn areas or landscaping areas;
5. All outdoor storage areas must be kept clean, orderly, and maintained;

**Section 4.678 SD-023**

**O1**

This storage and display Standards section applies to the following district:

- ~~A. Outdoor Storage: The outdoor storage of goods or materials is prohibited.~~
- AB.** Unchanged.
- BC.** Unchanged.

~~**Section 4.68 SD-03**~~

~~**O2**~~

- ~~A. Outdoor Storage: The outdoor storage of goods or materials is prohibited.~~
- ~~B. Outdoor Sales and Display: Outdoor sales and/or display of merchandise is prohibited except it may be permitted for uses requiring a special land use permit.~~

~~Section 4.69 SD-04~~ ~~B2 B2B B2C MX~~

~~A. Outdoor Sales and Display:~~

- ~~1. Customary incidental outside areas for display and sale of products are permitted provided such areas are improved and maintained with a paved surface having a suitable base so as to provide a permanent, durable and dustless surface.~~
- ~~2. The area shall be graded and drained so as to collect and dispose of all surface water accumulated within the area without allowing runoff to flow over abutting public or private property.~~

**Section 4.7069 SD-054 B1**

Unchanged.

**Section 4.7170 SD-065 B3**

Unchanged.

**Section 4.721 SD-076 B4**

The following storage and display standards apply:

~~A. Outdoor Sales and Display:~~ The outdoor display and sale of merchandise regularly offered for sale by the principal use indoors is permitted subject to the following:

- ~~1. The display and sale shall take place on private property only and shall not occupy a public right-of-way or any other public property.~~
- ~~2. The display and sale shall take place on not more than 2 occasions in each calendar year. Each occasion shall involve not more than 3 days.~~
- ~~3. The display and sale shall be permitted in addition to the limitations set in subsection 2 of this section on days during which there is a general sales event involving several merchants when such event has been approved by the City Commission.~~

~~14. The City Commission shall have the authority to waive any permit fees, requirements, or licenses in those instances where a community function, sponsored by a charitable, civic or community organization, has been approved by the City Commission.~~

**Section 4.72 Reserved.**

ORDAINED this \_\_\_\_\_ day of \_\_\_\_\_, 2016 to become effective 7 days after publication.

\_\_\_\_\_  
Rackeline J. Hoff, Mayor

\_\_\_\_\_  
Laura Pierce, Clerk

ORDINANCE NO. \_\_\_\_\_

THE CITY OF BIRMINGHAM ORDAINS:

AN ORDINANCE TO AMEND CHAPTER 126, ZONING, OF THE CODE OF THE CITY OF BIRMINGHAM:

**TO AMEND SECTION 5.10, B2 DISTRICT, B2B DISTRICT, B2C DISTRICT, USE SPECIFIC STANDARDS TO AMEND THE OUTDOOR DISPLAY AND STORAGE STANDARDS.**

A – I Unchanged

~~J. Outdoor Display of Goods: The outdoor display of goods is permitted provided such areas are improved and maintained with a paved surface having a suitable base to provide a permanent durable and dustless surface. Such area shall be graded and drained to collect and dispose of all surface water accumulated within the area without flowing the same over abutting public or private property.~~

~~K. Outdoor Sales of Goods: The outdoor sales of goods is permitted provided such areas are improved and maintained with a paved surface having a suitable base to provide a permanent durable and dustless surface. Such area shall be graded and drained to collect and dispose of all surface water accumulated within the area without flowing the same over abutting public or private property.~~

~~L. Outdoor Storage of Goods: The outdoor storage of goods, materials or equipment is permitted provided such storage areas conform to Section 4.12.~~

M-J. Unchanged.

N-K. Unchanged.

ORDAINED this \_\_\_\_\_ day of \_\_\_\_\_, 2016 to become effective 7 days after publication.

\_\_\_\_\_  
Rackeline J. Hoff, Mayor

\_\_\_\_\_  
Laura Pierce, Clerk

ORDINANCE NO. \_\_\_\_\_

THE CITY OF BIRMINGHAM ORDAINS:

AN ORDINANCE TO AMEND CHAPTER 126, ZONING, OF THE CODE OF THE CITY OF BIRMINGHAM:

**TO AMEND SECTION 5.12, B4 DISTRICT, USE SPECIFIC STANDARDS TO AMEND THE OUTDOOR DISPLAY AND STORAGE STANDARDS.**

A – H Unchanged

~~I. Outdoor Display of Goods: The outdoor display of goods is permitted provided such areas are improved and maintained with a paved surface having a suitable base to provide a permanent durable and dustless surface. Such area shall be graded and drained to collect and dispose of all surface water accumulated within the area without flowing the same over abutting public or private property.~~

~~J. Outdoor Sales of Goods: The outdoor sales of goods is permitted provided such areas are improved and maintained with a paved surface having a suitable base to provide a permanent durable and dustless surface. Such area shall be graded and drained to collect and dispose of all surface water accumulated within the area without flowing the same over abutting public or private property.~~

~~K. I.~~ Unchanged

ORDAINED this \_\_\_\_\_ day of \_\_\_\_\_, 2016 to become effective 7 days after publication.

\_\_\_\_\_  
Rackeline J. Hoff, Mayor

\_\_\_\_\_  
Laura Pierce, Clerk



ORDINANCE NO. \_\_\_\_\_

THE CITY OF BIRMINGHAM ORDAINS:

AN ORDINANCE TO AMEND CHAPTER 126, ZONING, OF THE CODE OF THE CITY OF BIRMINGHAM:

**TO AMEND SECTION 5.13, MX DISTRICT, USE SPECIFIC STANDARDS TO AMEND THE OUTDOOR DISPLAY AND STORAGE STANDARDS.**

A – G Unchanged

~~H. Outdoor Sales of Goods: The outdoor sales of goods is permitted provided such areas are improved and maintained with a paved surface having a suitable base to provide a permanent durable and dustless surface. Such area shall be graded and drained to collect and dispose of all surface water accumulated within the area without flowing the same over abutting public or private property.~~

~~I. Outdoor Storage of Goods: The outdoor storage of goods, material or equipment is permitted and shall be enclosed with a screen wall.~~

~~J.~~H. Unchanged

~~K.~~I. Unchanged

~~L.~~J. Unchanged

~~M.~~K. Unchanged

ORDAINED this \_\_\_\_\_ day of \_\_\_\_\_, 2016 to become effective 7 days after publication.

\_\_\_\_\_  
Rackeline J. Hoff, Mayor

\_\_\_\_\_  
Laura Pierce, Clerk

ORDINANCE NO. \_\_\_\_\_

**THE CITY OF BIRMINGHAM ORDAINS:**

AN ORDINANCE TO AMEND CHAPTER 126, ZONING, OF THE CODE OF THE CITY OF BIRMINGHAM:

**TO AMEND ARTICLE 9, SECTION 9.02, DEFINITIONS, TO ADD DEFINITIONS FOR OUTDOOR DISPLAY, OUTDOOR STORAGE AND BUILDING FRONTAGE, PRINCIPAL.**

**Article 9, Section 9.02**

**Outdoor Display**– The placement of any item(s) outside a building for decorative display and accessible to the public for the purpose of sale, rent, lease or exhibit.

**Outdoor Storage** –The storage of any materials not fully enclosed within a building that are directly related to the principal use on the same property, excluding trash containers.

ORDAINED this \_\_\_\_\_ day of \_\_\_\_\_, 2016 to become effective 7 days after publication.

\_\_\_\_\_  
Rackeline J. Hoff, Mayor

\_\_\_\_\_  
Laura Pierce, Clerk

**CITY OF BIRMINGHAM**  
**REGULAR MEETING OF THE PLANNING BOARD**  
**WEDNESDAY, APRIL 10, 2013**  
**City Commission Room**  
**151 Martin Street, Birmingham, Michigan**

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Minutes of the regular meeting of the City of Birmingham Planning Board held April 10, 2013. Chairman Robin Boyle convened the meeting at 7:30 p.m.

**Present:** Chairman Robin Boyle; Board Members Scott Clein, Carroll DeWeese, Bert Koseck, Gillian Lazar, Janelle Whipple-Boyce, Bryan Williams

**Absent:** Student Representative Arshon Afrakhteh

**Administration:** Jana Ecker, Planning Director  
Carole Salutes, Recording Secretary

**04-62-13**

**STUDY SESSION**  
**Outdoor Display and Storage**

Ms. Ecker noted The Planning Board recently added the issue of outdoor sales and storage to the annual Action List, and at the last Planning Board meeting several photos of outdoor storage were passed around for discussion purposes.

To commence the study of outdoor display, sales and storage, Ms. Ecker presented a review of the current ordinance regulations on the subject.

The use of inconsistent terms occurs across various sections of the Zoning Ordinance, and varying standards are in place across the different zone districts. In addition, the outdoor display, sales and storage standards are located in numerous sections of the Zoning Ordinance, including two different locations in Article 4, Development Standards and also throughout Article 5, Use Specific Standards. Finally, notably absent are any definitions for any of these terms.

Thus, Ms. Ecker advised that the Planning Board may wish to consider adopting definitions for the terms outdoor display and/or outdoor sales and outdoor storage. Once the definitions of each have been clarified, ordinance amendments should clearly state in which zone districts each, all or none of these uses are permitted, and clear standards for such uses should be considered. For example, standards for the maximum area for outdoor display, sales or storage could be provided, regulations with regard to the location of such uses on the lot (in the rear, storefront, not blocking pedestrian pathways etc.), screening requirements and aesthetic standards for display fixtures could also be included.

Outdoor display, sales and storage definitions, regulations and information from various cities were provided for the board's review and comment.

Ms. Whipple-Boyce observed that outdoor displays are a problem in the transition areas. There may be a problem of policing as well. Mr. Koseck thought it gets back to whether the merchant cares. The question is how to go about modifying the language of the ordinance to allow displays, but in a controlled manner that would look better. Mr. DeWeese commented the City has paid a lot of attention to buildings, but not much attention to the ancillaries.

Ms. Whipple-Boyce said she doesn't object to displays during business hours because sometimes they are interesting and they draw people. She thought a time restriction would discourage outdoor storage of materials.

Mr. DeWeese thought there is an appropriateness to having some things out on the street. He was interested in defining the standard of what they are trying to achieve, perhaps with a form based approach. There might be a trade-off that would give an incentive to property owners to find it in their self-interest to pay more attention to their display.

Chairman Boyle noted here is a distinction between a display and storage. Also, timing is something to contemplate. He asked staff to continue collecting information and to provide some ordinance language for the board to consider.

**CITY OF BIRMINGHAM  
REGULAR MEETING OF THE PLANNING BOARD  
WEDNESDAY, APRIL 24, 2013  
City Commission Room**

**151 Martin Street, Birmingham, Michigan**

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Minutes of the regular meeting of the City of Birmingham Planning Board held April 24, 2013. Vice-Chairperson Gillian Lazar convened the meeting at 7:30 p.m.

**Present:** Chairman Robin Boyle (arrived at 7:56 p.m.); Board Members Scott Clein (arrived at 7:45 p.m.), Carroll DeWeese, Gillian Lazar, Janelle Whipple-Boyce, Bryan Williams; Student Representative Arshon Afrakhteh

**Absent:** Bert Koseck

**Administration:** Matthew Baka, Sr. Planner  
Jana Ecker, Planning Director  
Carole Salutes, Recording Secretary

**04-73-13**

**STUDY SESSION**

**Outdoor Display and Storage**

Ms. Ecker continued the discussion from the last meeting on April 10, 2013 when the Planning Board began considering outdoor display and storage issues around the City. Board members reviewed the existing ordinance language, and requested staff to prepare draft ordinance language to define outdoor display and outdoor storage. Board members felt that each use should be distinguished by the short-term or long-term nature of the outdoor display, and that limited hours should be considered. In addition, the board requested the addition of standards to control the location, size and looks of both outdoor display and storage areas, without imposing extensive and detailed standards. It was also discussed that ice machines, propane storage and similar displays may be best around the side or rear of buildings, and not in the front. Board members also expressed the need for improved code enforcement for outdoor storage.

Ms. Ecker advised that based on the direction of the Planning Board, draft ordinance language to define and regulate outdoor display and outdoor storage has been provided along with additional regulations and information from various cities.

For all of the zone districts where outdoor display and storage are allowed, special standards have been set up for outdoor display and a separate set of standards for outdoor storage.

Ms. Ecker explained that nothing in the draft ordinance pertains to residential; it is only for commercial and mixed-use districts. The wording does not say anything about appeals. Mr. DeWeese thought an appeal process should be included. Also, that the display must be aesthetically compatible, so there is the flexibility to turn someone down in an egregious situation. Ms. Whipple-Boyce wanted to see some language about height of the display.

In calculating the percentage of space for display, Mr. Clein suggested language to the effect that 20% of the building gross floor area, or not to exceed "x" sq. ft., would be allowed. Also, he thought they may want to be more lenient in requiring businesses to meet their parking requirement before taking up a space for display purposes.

Chairman Boyle said to say that outdoor displays should not be located within handicap accessible parking spaces, and that's all. That way, it leaves the option for someone to take up more spaces.

It was noted that decorative displays in commemoration of national holidays should be allowed and that inflatables are prohibited.

Consensus was that outdoor display permits can be issued for seasonal use. It was thought that if a display is valuable it will be brought in at night by the retailer.

Discussion determined that having temporary and permanent outdoor displays should not require that goods sold on a regular basis must also be displayed within the principal building. They can remain outside.

The language for outdoor storage suggests the storage areas be limited to 10% of the gross floor area of the primary building. Mr. DeWeese suggested having no limits in terms of the percentage of space but include maintenance and shielding requirements.

This discussion will be continued at a future meeting.

**CITY OF BIRMINGHAM  
REGULAR MEETING OF THE PLANNING BOARD  
WEDNESDAY, AUGUST 28, 2013  
City Commission Room  
151 Martin Street, Birmingham, Michigan**

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Minutes of the regular meeting of the City of Birmingham Planning Board held August 28, 2013. Chairman Robin Boyle convened the meeting at 7:32 p.m.

**Present:** Chairman Robin Boyle; Board Members Carroll DeWeese, Bert Koseck, Gillian Lazar, Janelle Whipple-Boyce, Bryan Williams

**Absent:** Board Member Scott Clein; Student Representative Arshon Afrakhteh

**Administration:** Matthew Baka, Sr. Planner  
Jana Ecker, Planning Director  
Carole Salutes, Recording Secretary

**08-149-13**

**STUDY SESSION**

**Outdoor Display and Storage**

Ms. Ecker recalled that on April 10, 2013, the Planning Board began the discussion of outdoor display and storage issues around the City. Planning Board members reviewed the existing ordinance language, and requested staff to prepare draft ordinance language to define outdoor display and outdoor storage. Board members felt that each use should be distinguished by the short-term or long-term nature of the outdoor display and that limited hours should be considered.

On April 24, 2013, the Planning Board continued the discussion on outdoor storage/display and commented on the draft ordinance changes provided by the Planning Dept.

Based on the direction of the Planning Board, staff revised draft ordinance language to define and regulate outdoor display and outdoor storage was presented. The changes that have been made from the previous draft are as follows: The general 20% limit on the display area has been eliminated in favor of allowing the limited use of parking spaces instead. This would allow the business owners to provide unlimited display on private property with the exception of the parking area. The parking would not be counted against the requirement as currently drafted. Display furniture material standards similar to those for outdoor dining have also been added. The outdoor storage section has been revised to prohibit outdoor storage in the front open space,

and to only allow long-term storage such as ice machines and propane on the side or rear of buildings.

Discussion determined that sheds are considered accessory structures and would require a permit. Items for storage must be enclosed. Mr. Koseck thought that a temporary outdoor display for sale is fine if it is approved administratively. Ms. Ecker added that seasonal or temporary display areas may occupy three parking spaces or 20% of the parking lot, whichever is more. Mr. Koseck said any permanent fixture on the building exterior should be avoided. Mr. DeWeese felt something that is compatible with the building might be acceptable but it should require administrative review.

Ms. Whipple-Boyce voiced her opinion that moving storage to the rear may create problems in the alleys that the board is working to improve. Anything that can be inside should be. Ms. Ecker agreed to e-mail to the board members an example of outdoor storage requirements that are very rigid and clear-cut. Mr. DeWeese said if someone wanted an exception there might be an option for administrative approval or Planning Board review.

It was agreed to put this item off for one more month.



**CITY OF BIRMINGHAM  
REGULAR MEETING OF THE PLANNING BOARD  
WEDNESDAY, JANUARY 22, 2014  
City Commission Room  
151 Martin Street, Birmingham, Michigan**

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Minutes of the regular meeting of the City of Birmingham Planning Board held January 22, 2014. Chairman Robin Boyle convened the meeting at 7:30 p.m.

**Present:** Chairman Robin Boyle; Board Members Carroll DeWeese, Scott Clein, Gillian Lazar, Janelle Whipple-Boyce, Bryan Williams

**Absent:** Board Member Bert Koseck; Student Representative Arshon Afrakhteh

**Administration:** Matthew Baka, Sr. Planner  
Ken Cooper, Asst. Building Official  
Jana Ecker, Planning Director  
Bruce Johnson, Building Official  
Carole Salutes, Recording Secretary

**01-18-14**

**STUDY SESSION  
Outdoor Storage**

The consensus was that it doesn't make sense to go forward with this matter until after Transitional Zoning has gone to the City Commission.

**CITY OF BIRMINGHAM  
REGULAR MEETING OF THE PLANNING BOARD  
WEDNESDAY, JANUARY 27, 2016  
City Commission Room  
151 Martin Street, Birmingham, Michigan**

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Minutes of the regular meeting of the City of Birmingham Planning Board held on January 27, 2016. Chairman Scott Clein convened the meeting at 7:30 p.m.

**Present:** Chairman Scott Clein; Board Members Robin Boyle, Stuart Jeffares, Bert Koseck, Janelle Whipple-Boyce, Bryan Williams; Alternate Board Member Daniel Share

**Absent:** Board Member Gillian Lazar

**Administration:** Matthew Baka, Senior Planner  
John Connaughton, Fire Chief  
Jana Ecker, Planning Director  
Carole Salutes, Recording Secretary

#### **4. Outdoor Storage**

Mr. Baka recalled that on April 10, 2013, the Planning Board began the discussion of outdoor display and storage issues around the City. Planning Board members reviewed the existing ordinance language, and requested staff to prepare draft ordinance language to define outdoor display and outdoor storage. In general the approach to outdoor display, sales and storage throughout the Zoning Ordinance is inconsistent and scattered. Board members felt that each use should be distinguished by the short-term or long-term nature of the outdoor display and that limited hours should be considered.

On April 24 and August 28, 2013, the Planning Board continued the discussion on outdoor storage/display and commented on the draft ordinance changes provided by the Planning Dept. Suggestions on the amount of outdoor display ranged from setting a percentage limit of the gross square footage of the floor area of the primary building to allowing unlimited display but requiring high standards of maintenance and screening. There was also discussion regarding the use of parking spaces for display and it was suggested that displays in parking spaces not be counted against the parking requirement.

The draft ordinance language presented was intended to reflect the Planning Board's comments. Other factors the board may wish to consider are whether outdoor storage and/or display should be permitted in the O-1, B-1, or B-3 Zones. As currently drafted, neither activity is permitted in those zones.

Mr. Baka thought the board should start by focusing on the outdoor display standards. It may be advisable to put a limit on how high people can store products. Item A (4) in Section 4.65 SD-04 states seasonal or temporary display areas may occupy three parking spaces or 20% of the parking lot, whichever is more.

Mr. Koseck noted that none of the standards will work unless someone is policing them. He thought propane, ice machines, etc. should be pushed around the corner or to the rear. Ms. Whipple-Boyce said gas stations and convenience stores are the main offenders. Maybe the board needs to get more specific about those businesses. Wiper fluid could be sold from the inside of the building. She also thought other items left outside such as picnic tables and barbeques might be addressed. Mr. Share said the outdoor displays should be brought in at night and the various blue beasts kept out of the front.

Mr. Baka indicated he will switch the language in Item A (4) in Section 4.65 to say that temporary display areas may occupy three parking spaces or 20% of the parking lot, whichever is less. Ms. Ecker stated that staff will run several sites through the draft ordinance, and provide pictures of the selected sites from all sides so that the board can evaluate how this ordinance would apply.

There was no discussion from the public at 10:03 p.m.

**CITY OF BIRMINGHAM  
REGULAR MEETING OF THE PLANNING BOARD  
WEDNESDAY, MARCH 9, 2016  
City Commission Room  
151 Martin Street, Birmingham, Michigan**

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Minutes of the regular meeting of the City of Birmingham Planning Board held on March 9, 2016. Chairman Scott Clein convened the meeting at 7:30 p.m.

**Present:** Chairman Scott Clein; Board Members Robin Boyle, Stuart Jeffares, Janelle Whipple-Boyce, Bryan Williams; Alternate Board Member Lisa Prasad; Student Representative Colin Cusimano

**Absent:** Board Members Bert Koseck, Gillian Lazar; Alternate Board Member Daniel Share

**Administration:** Matthew Baka, Senior Planner  
Jana Ecker, Planning Director  
Carole Salutes, Recording Secretary  
**03-38-16**

## **2. Outdoor Storage and Display**

Mr. Baka recalled that over several study sessions Planning Board members reviewed the existing ordinance language, and requested staff to prepare draft ordinance language and to provide definitions for outdoor display and outdoor storage. Board members felt that each use should be distinguished by the short term or long term nature of the outdoor display, and that limited hours should be considered. In addition, the board requested the addition of standards to control the location, size and looks of both outdoor display and storage areas, without imposing extensive and detailed standards.

Continuing discussion from the last study session, the board had requested that staff go out and investigate how some of the proposed regulations would affect some existing sites throughout town. What they found is for the most part the existing conditions are permitted under the ordinance. Mr. Baka presented a PowerPoint that was prepared with photos taken at three sites in Birmingham that currently have outdoor storage and/or display. One idea the board had talked about last time was not to allow any storage in the front open space. Any layout of materials in the front open space might require a Design Review. Under the proposed draft language, outdoor displays must be brought in every night.

Mr. Williams pointed out there is a distinction between outdoor storage and items on display that are for sale. For sale items should have standards set up to regulate their

appearance. Ms. Whipple-Boyce thought part of the problem becomes the amount of display that is put out.

Mr. Baka advised that currently the ordinance allows 20% of the floor area of the building for outdoor storage, or 1,000 sq. ft., whichever is more. Also storage is limited to 6 ft. in height. Ms. Whipple-Boyce thought maybe a Design Review of outdoor displays/storage is what is needed because there are less than ten sites in town to consider.

Mr. Boyle suggested inserting requirements for gas stations that they must submit a site plan that includes all proposed outdoor displays/storage and if more is added they have to come in for Design Review. Ms. Ecker said that can be discussed with the City Attorney to see if he has any objections to singling out this one use.

The board decided that all outdoor storage must not be visible and outdoor display is anything not stored in a box that is on a shelf for sale. Outdoor display should take up no more than 500 sq. ft. or a percentage of the linear building frontage, and height is capped at 4 ft. from grade.

Ms. Ecker summarized the discussion. Outdoor display should be limited in square footage, limited in height, allowed in the front with design review. Outdoor storage definitions should be more clear, and only permitted in the rear if screened.

**CITY OF BIRMINGHAM  
REGULAR MEETING OF THE PLANNING BOARD  
WEDNESDAY, APRIL 13, 2016  
City Commission Room  
151 Martin Street, Birmingham, Michigan**

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Minutes of the regular meeting of the City of Birmingham Planning Board held on April 13, 2016. Chairman Scott Clein convened the meeting at 7:30 p.m.

**Present:** Chairman Scott Clein; Board Members Robin Boyle, Stuart Jeffares, Bert Koseck, Gillian Lazar, Janelle Whipple-Boyce, Bryan Williams

**Absent:** Alternate Board Members Lisa Prasad, Daniel Share; Student Representative Colin Cusimano

**Administration:** Matthew Baka, Senior Planner  
Sean Campbell, Asst. Planner  
Jana Ecker, Planning Director  
Carole Salutes, Recording Secretary

**04-62-16**

**DESIGN REVIEW**

**Outdoor display and storage**

Mr. Baka provided background. He noted that over the past several years, the Planning Board has been holding study sessions aimed at creating standards to add to the Zoning Ordinance that would regulate outdoor displays and storage. They have talked about coming up with a ratio similar to the way the allowable amount of signage is calculated. The square footage of signage is determined by a ratio of 1/1 from the linear footage across the principal building frontage.

Ms. Whipple-Boyce thought it should be required that outdoor display be so many feet away from the entry door.

Ms. Ecker advised that if the board wants all gas stations to come to the Planning Board for outdoor storage review, the ordinance language should specify that as not all existing gas stations currently operate under a Special Land Use Permit ("SLUP"). Other types of establishments would have to get approval from the Design Review Board. The board then discussed at what point display turns into storage. Ms. Ecker defined outdoor display as the placement of any item or items outside of a building for decorative display and that are accessible to the public for the purpose of sale or exhibit. Locked ice and propane containers are therefore outdoor storage as they are not accessible to the public. Board members thought that storage of propane and ice should not be permitted on the front of a building.

Draft language has been written to allow three (3) sq. ft. of display area for each foot of principal building frontage. It was thought that was too much. Consensus was that displays can change without the business having to come back before a board for further review.

Mr. Baka agreed to bring examples next time so the board could see the difference between 1, 2, and 3 sq. ft. of display space for each foot of linear frontage.



## MEMORANDUM

Planning Division

**DATE:** May 5, 2016

**TO:** Planning Board

**FROM:** Jana L. Ecker, Planning Director

**SUBJECT:** Update Memo on Transition Zone 2 (TZ-2)

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On September 21, 2015, the City Commission held a continued public hearing on the transitional zoning proposals recommended by the Planning Board. After much discussion and public input, the City Commission took action to create the TZ-1 and TZ-3 zoning classifications, and rezoned several properties into each of these zone districts.

However, the City Commission referred the portion of the ordinance related to TZ-2 back to the Planning Board, along with those properties that had been recommended for rezoning to the new TZ-2 zone district. The City Commission referred these matters back to the Planning Board for further study, and asked the Planning Board to consider the comments made by the City Commission and members of the public with regard to the proposed TZ-2 properties. In addition, several commissioners requested that the Planning Board consider whether to make some, or all, of the commercial uses in the proposed TZ-2 district Special Land Use Permits. Please see attached meeting minutes that follow this memo for further detail.

On March 9, 2016, the Planning Board discussed the history of the transitional zoning study and the direction of the City Commission for the Planning Board to further study the portion of the ordinance related to TZ-2, as well as those properties that had been recommended for rezoning to the new TZ-2 Zone District. The consensus of the Planning Board was to limit continued study to the ordinance language for TZ-2 along with the TZ-2 parcels unless the City Commission says otherwise. Board members requested staff to present charts comparing the proposed uses in TZ1, TZ2 and TZ3 at the next meeting, and to prepare aerial maps for each of the proposed TZ2 properties to assist the board in understanding the neighborhood context in each case.

Please find attached the following for review and discussion:

- **Appendix A:** Previously proposed TZ2 ordinance amendments (**blue text** and ~~strike through~~ text shows changes made based on April 2016 comments of the Planning Board);
- **Appendix B:** Zoning map of the City identifying all parcels previously considered for TZ2 zoning classification;
- **Appendix C:** Aerial imagery of each area containing parcels previously considered for TZ2 zoning classification;
- **Appendix D:** Charts detailing current vs. proposed uses and development standards for all properties considered for TZ2 zoning classification; and



- **Appendix E:** Recent meeting minutes pertaining to the study of TZ2 ordinance language and properties considered for rezoning to TZ2.

On April 13, 2016, the Planning Board discussed the uses and development standards for the previously proposed TZ2 district. Consensus was that the biggest issue was regarding permitted uses in TZ2. There was much discussion regarding whether to reduce the number of permitted uses, increase uses permitted with a SLUP, or move some of the previously proposed SLUP uses into the permitted use column. The Board recommended removing grocery stores, drycleaners, delicatessens and parking structures as permitted uses in TZ2 (either with or without a SLUP), to remove the need for bakeries and coffee shops to obtain a SLUP, and to move health club/studio from the list of permitted uses into the column requiring a SLUP. Board members requested these changes to be made to the draft ordinance language and indicated they would discuss the revised uses again at the May study session.

Based on the Planning Board's comments at the last meeting, it appears that the only remaining issues to be further studied for TZ2 at this time is to conduct a thorough review of uses. To assist in the discussion of permitted uses in TZ2 (and in relationship to TZ1 and TZ3), the Planning Division has compiled a chart (see attached) that lists all permitted uses in TZ1, TZ2 (as proposed) and TZ3. The Planning Board may also wish to discuss whether to include any recommendations for properties to be rezoned to TZ2, or whether to simply recommend approval of the TZ2 classification and allow individual property owners to apply for rezoning to the district as the need arises.

## APPENDIX A:

ORDINANCE NO. \_\_\_\_\_  
THE CITY OF BIRMINGHAM ORDAINS:

AN ORDINANCE TO AMEND CHAPTER 126, ZONING, OF THE CODE OF THE CITY OF BIRMINGHAM:

TO ADD ARTICLE 02 DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES, SECTION 2.43, **TZ2 (TRANSITION ZONE)** DISTRICT TO ADOPT THE FOLLOWING LIST OF PERMITTED USES IN THIS ZONE DISTRICT.

Article 02, section 2.43 shall be established as follows:

### **District Intent**

- A. Provide for a reasonable and orderly transition from, and buffer between commercial uses and predominantly single-family residential areas or for property which either has direct access to a major traffic road or is located between major traffic roads and predominantly single-family residential areas.**
- B. Develop a fully integrated, mixed-use, pedestrian-oriented environment between residential and commercial districts by providing for graduated uses from the less intense residential areas to the more intense commercial areas.**
- C. Plan for future growth of transitional uses which will protect and preserve the integrity and land values of residential areas.**
- D. Regulate building height and mass to achieve appropriate scale along streetscapes to ensure proper transition to nearby residential neighborhoods.**
- E. Regulate building and site design to ensure compatibility with adjacent residential neighborhoods.**
- F. Encourage right-of-way design that calms traffic and creates a distinction between less intense residential areas and more intense commercial areas.**

### **Residential Permitted Uses**

- dwelling – attached single family
- dwelling – single family (R3)
- dwelling – multi-family

### **Commercial Permitted Uses**

- art gallery
- artisan use
- **bakery**
- barber/beauty salon
- bookstore

- boutique
- coffee shop
- drugstore
- gift shop/flower shop
- hardware
- ~~health club/studio~~
- jewelry store
- neighborhood convenience store
- office
- tailor

**Accessory Permitted Uses**

- family day care home
- home occupation\*
- parking – off-street

**Uses Requiring a Special Land Use Permit**

- any permitted commercial use with interior floor area over 3,000 sq. ft. per tenant
- assisted living
- ~~bakery~~
- bank/credit union with drive-thru
- church and religious institution
- ~~coffee shop~~
- ~~delicatessen~~
- ~~dry cleaner~~
- essential services
- food and drink establishment
- government office/use
- ~~grocery store~~
- health club/studio
- independent hospice facility
- independent senior living
- ~~parking structure~~
- school – private and public
- skilled nursing facility
- specialty food shop

ORDAINED this \_\_\_\_\_ day of \_\_\_\_\_, 2016 to become effective 7 days after publication.

\_\_\_\_\_  
Rackeline J. Hoff, Mayor

\_\_\_\_\_  
Laura Pierce, City Clerk

ORDINANCE NO. \_\_\_\_\_  
THE CITY OF BIRMINGHAM ORDAINS:

AN ORDINANCE TO AMEND CHAPTER 126, ZONING, OF THE CODE OF THE CITY OF BIRMINGHAM:

TO ADD ARTICLE 02 DEVELOPMENT STANDARDS, SECTION 2.44, **TZ2 (TRANSITION ZONE)** DISTRICT TO ADOPT THE FOLLOWING DEVELOPMENT STANDARDS IN THIS ZONE DISTRICT.

Article 02, section 2.44 shall be established as follows:

**Minimum Lot Area per Unit:**

- n/a

**Minimum Open Space:**

- n/a

**Maximum Lot Coverage**

- n/a

**Front Yard Setback:**

- 0-5 feet
- Building façade shall be built to within 5 feet of the front lot line for a minimum of 75% of the street frontage length.

**Minimum Rear Yard Setback:**

- 10 feet
- 20 feet abutting single family zoning district

**Minimum Side Yard Setback**

- 0 feet from interior side lot line
- 10 feet from side lot line abutting a single family district

**Minimum Floor Area per Unit**

- n/a

**Maximum Total Floor Area**

- n/a

**Building Height**

- 30 feet and 2 stories maximum
- For sloped roofs, the eave line shall be no more than 24 feet and the roof peak shall be no more than 35 feet.
- first story shall be minimum of 14 feet, floor to floor

ORDAINED this \_\_\_\_\_ day of \_\_\_\_\_, 2016 to become effective 7 days after publication.

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Rackeline J. Hoff, Mayor

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Laura Pierce, City Clerk

ORDINANCE NO. \_\_\_\_\_

THE CITY OF BIRMINGHAM ORDAINS:

AN ORDINANCE TO AMEND CHAPTER 126, ZONING, OF THE CODE OF THE CITY OF BIRMINGHAM:

TO ADD ARTICLE 4, SECTION 4.53, PK-09

**Article 4, section 4.53 PK-09**

**This Development Standards section applies to the following districts:  
TZ1, TZ2, TZ3**

**Parking lots shall meet the following requirements:**

1. **Parking lot frontage**: Parking lots (not located in the road right-of-way) are permitted only in side and rear yards as follows:
  - a. When parking is located in a side yard (behind the front building line) and has frontage on a public right-of-way, no more than 25% of the total site's frontage or 60 feet, whichever is less, shall be occupied by parking lot.
  - b. For a corner lot, the cumulative total of both frontages occupied by parking shall be no more than 25% or 60 feet, whichever is less, and the building shall be located at the corner of the lot adjacent to the intersection.
  - c. For a double frontage lot or a lot that has frontage on 3 streets, the cumulative total of all frontages occupied by parking shall be no more than 35% of the total site's frontage or 60 feet, whichever is less.
2. **Screening**: Where an off-street parking lot is visible from a street, it shall be screened by a 3 foot tall screen wall located between the parking lot and the sidewalk, meeting the requirements of Section 4.53. Where a parking lot is adjacent to a single family residential district, a 6 foot tall brick screen wall meeting the requirements of Section 4.53 shall be provided between the parking lot and the residential use.
3. **Structures**: Parking structures shall only be permitted where there is usable building space for a portion of the ground level along the street frontage. Where a parking structure is provided or parking is located on the ground level below the building, usable building space to a depth of at least 20 feet shall be provided in front of the parking for the minimum required building length.
4. **Required parking**: Each use shall provide the parking required by the off street parking space requirement of Article 04 Table A, except as provided for in this Section. Off street parking shall be provided for within 300 feet of the building being served.
5. **On-street parking**: On-street parking shall be allowed on all street frontages, where permitted by the Police Department. On-street parking located along a

lot's frontage may be credited towards meeting the parking requirements for that use, provided the streetscape is improved to meet the requirements of Section 3.24.

6. **Driveway access:** Driveway access to off-street parking lots shall be located to provide safe separation from street intersections. Driveways shall be aligned with driveways on the opposite side of the street or offset to avoid turning movement conflicts.

ORDAINED this \_\_\_\_\_ day of \_\_\_\_\_, 2016 to become effective upon publication.

\_\_\_\_\_  
Rackeline J. Hoff, Mayor

\_\_\_\_\_  
Laura Pierce, City Clerk

CITY OF BIRMINGHAM  
ORDINANCE NO. \_\_\_\_\_

THE CITY OF BIRMINGHAM ORDAINS:

AN ORDINANCE TO AMEND CHAPTER 126, ZONING, OF THE CODE  
OF THE CITY OF BIRMINGHAM:

TO ADD ARTICLE 4, SECTION 4.58, SC-06

**Article 4, section 4.58 SC-06**

**This Development Standards section applies to the following districts:  
TZ1, TZ2, TZ3**

**Parking lots shall meet the following requirements:**

- 1. Buffer Requirements: All developments within shall provide a physical and visual buffer from adjoining single-family properties in the required setbacks adjacent to single-family uses and zones. A required buffer zone must contain a minimum 6 feet high masonry wall with a sloping stone cap along the length of the subject property that abuts a single family property. All required buffer walls must provide varying textures, materials and/or design along the length. Blank, monotonous walls are not permitted. Buffer walls must include a two (2) foot row of landscaping on the parking lot side of the wall.**

ORDAINED this \_\_\_\_\_ day of \_\_\_\_\_, 2016 to become effective upon publication.

\_\_\_\_\_  
Rackeline J. Hoff, Mayor

\_\_\_\_\_  
Laura Pierce, City Clerk



CITY OF BIRMINGHAM  
ORDINANCE NO. \_\_\_\_\_

THE CITY OF BIRMINGHAM ORDAINS:

AN ORDINANCE TO AMEND CHAPTER 126, ZONING, OF THE CODE  
OF THE CITY OF BIRMINGHAM:

TO ADD ARTICLE 3, SECTION 4.63, SB-06

**Article 4, section 4.63 SB-06**

**This Development Standards section applies to the following districts:  
TZ2, TZ3**

A. **Front Yard Setback Exceptions:** In the TZ2 and TZ3 Districts, 75% of the length of the ground level street-facing façade of the building must be built within 5 feet of the front lot line. The precise setback between 0 and 5 feet shall be consistent with the front building line along the block, or as determined by the Planning Board where a clear setback doesn't exist. The Planning Board may grant exceptions to allow a greater amount of the building to be setback when the front yard area, or forecourt, is used for one or more purposes listed below.

1. Widening the sidewalk along the frontage of the building.
2. Providing a public gathering area or plaza that offers seating, landscape enhancements, public information and displays, fountains, or other pedestrian amenities.
3. Providing outdoor seating for the proposed use.

ORDAINED this \_\_\_\_\_ day of \_\_\_\_\_, 2016 to become effective upon publication.

\_\_\_\_\_  
Rackeline J. Hoff, Mayor

\_\_\_\_\_  
Laura Pierce, City Clerk

CITY OF BIRMINGHAM  
ORDINANCE NO. \_\_\_\_\_

THE CITY OF BIRMINGHAM ORDAINS:

AN ORDINANCE TO AMEND CHAPTER 126, ZONING, OF THE CODE  
OF THE CITY OF BIRMINGHAM:

TO ADD ARTICLE 4, SECTION 4.69, ST-01

**Article 4, section 4.69 ST-01**

**This Development Standards section applies to the following districts:  
TZ1, TZ2, TZ3**

- A. Street Design: All streets shall be constructed to meet the requirements of the City Birmingham.**
- B. Sidewalks: Sidewalks in the Zoning Transition Overlay District shall be a minimum of 6 feet wide. Sidewalks along Woodward Avenue shall be a minimum of 7 feet wide. The Planning Board may allow the sidewalk along blocks that are occupied by only residential uses to be a minimum of 5 feet wide.**
- C. Street Tree: One (1) canopy tree shall be provided for every 40 feet of frontage and may be planted within a grass boulevard or within tree grates or tree wells in the sidewalk.**
- D. Street Design: The entrances of streets into adjacent single family residential neighborhoods shall be designed to calm traffic, encourage pedestrian use and provide a distinction between less intense residential areas and more intense commercial or mixed use areas. All such street entrances and intersections of such streets with major traffic roads may include the following elements:**
  - 1. Curb extensions on the mainly residential street to narrow road width, reduce crosswalk length and to encourage slower vehicular speeds;**
  - 2. Enhanced pedestrian crosswalks, including ADA compliant ramps, highly visible pavement markings, and pedestrian countdown signals;**
  - 3. Installation of a speed table on the residential street if recommended by the Multi-Modal Transportation Board; and**
  - 4. Installation of a pedestrian crossing island on adjacent major traffic roads if recommended by the Planning Board and/or the Birmingham Multi-Modal Transportation Plan.**
- E. Vias: Vias shall be permitted in the Zoning Transition Overlay District and shall be required where necessary to provide access to parking lots, loading areas and garages at the property or to improve pedestrian connectivity.**
  - 1. Vias serving as access to residential garages shall be located within an easement with a minimum pavement necessary for circulation and emergency vehicle access.**

2. Vias accessing commercial parking lots and loading areas in the rear of a site may be used as drive aisles in interior block parking lots with parking spaces along the alleys.

F. **Street Furniture:** Benches and trash receptacles shall be provided by the developer in park and plaza areas and along adjoining sidewalks where the Planning Board determines that pedestrian activity will benefit from these facilities.

G. **Bicycle Facilities:** All developments shall be designed to accommodate bicycle travel, including the provision of bike racks. All parking lots for commercial, recreational and institutional uses shall include sufficient bike racks to allow the parking of a minimum of one bike for every 10 automobiles or one bike for every 3,000 square feet of building floor area, whichever is greater.

ORDAINED this \_\_\_\_\_ day of \_\_\_\_\_, 2016 to become effective upon publication.

\_\_\_\_\_  
Rackeline J. Hoff, Mayor

\_\_\_\_\_  
Laura Pierce, City Clerk

CITY OF BIRMINGHAM  
ORDINANCE NO. \_\_\_\_\_

THE CITY OF BIRMINGHAM ORDAINS:

AN ORDINANCE TO ADD CHAPTER 126, ZONING, OF THE CODE  
OF THE CITY OF BIRMINGHAM:

TO ADD ARTICLE 4, SECTION 4.78, SS - 10

**Article 4, section 4.78 SS - 09**

**This Use Specific Standards section applies to the following districts:  
TZ2, TZ3**

**A. Corner Parcels:**

Corner parcels in the Zoning Transition Overlay shall be developed with the front lot line facing a city major street as defined in P.A. 51. of 1959. The Planning Board may approve an alternative front lot line if the board finds that:

1. There are no city major streets fronting on the subject parcel; or
2. The use of an alternative front lot line would be more compatible with the scale and massing of adjacent residential land uses.

**B. Facade Requirements:**

Walls that face a public street, plaza, green or park shall include windows and architectural features customarily found on the front of a building, such as awnings, cornice work, edge detailing or decorative finish materials.

1. Blank walls longer than 20 feet are not permitted on any front façade. Blank walls longer than 30 feet are not permitted on any façade.
2. All buildings shall have a main entrance that is located on at least one (1) street front. Main entrances shall have design details that enhance the appearance and prominence of the entrance so that it is recognizable from the street and parking areas.
3. For buildings longer than 100 feet, there shall be a minimum of one (1) usable entrance every full 50 feet of frontage along the front public sidewalk and shall provide architectural variation to visually break the building up on all facades.
4. Garage doors shall not be permitted on a front façade.

**C. Roof Design:**

1. Mansard roofs shall not be permitted on single story buildings. Pitched and mansard roofs shall not be permitted with eaves below a height of 20 feet. All roof edges shall be accentuated in a manner proportionate to the size of the building and length of the wall.
2. Flat roofs shall be enclosed by parapets.

3. All rooftop mounted equipment shall be screened from view on all sides of the building.
4. Parapets and other screening treatment shall use high quality building materials and shall blend with the design of the building in terms of color, materials, scale and height.

**D. Building Materials:**

The following exterior finish materials are required on the front façade and any façade facing a street, plaza, park or parking area. These requirements do not include areas devoted to windows and doors.

1. All walls exposed to public view from the street, or parking area shall be constructed of not less than 60% brick, stone or glass. Panel brick and tilt-up brick textured paneling shall not be permitted.
2. The remaining façade may include wood siding or fiber cement siding. Exterior insulation finish systems (EFIS) may be used for architectural detailing above the first floor.
3. Buildings that have upper stories shall be designed to create a distinct and separated ground floor area through the use of accent such as a string course, change in material or textures, or an awning or canopy between the first and second stories.

ORDAINED this \_\_\_\_\_ day of \_\_\_\_\_, 2016 to become effective upon publication.

\_\_\_\_\_  
Rackeline J. Hoff, Mayor

\_\_\_\_\_  
Laura Pierce, City Clerk

CITY OF BIRMINGHAM  
ORDINANCE NO. \_\_\_\_\_

THE CITY OF BIRMINGHAM ORDAINS:

AN ORDINANCE TO AMEND CHAPTER 126, ZONING, OF THE CODE  
OF THE CITY OF BIRMINGHAM:

TO ADD ARTICLE 5, SECTION 5.15, TRANSITION ZONE 2 –

**Article 5, section 5.15 Transition Zone 2**

**This Use Specific Standards section applies to the following district:  
TZ2**

**A. Hours of Operation: Operating hours for all non-residential uses, excluding office, shall begin no earlier than 7:00 a.m. and end no later than 9:00p.m. However, the Planning Board may approve an extension of the hours of operation for a specific tenant/occupant upon request if the board finds that:**

- 1. The use is consistent with and will promote the intent and purpose of this Zoning Ordinance;**
- 2. The use will be compatible with adjacent uses of land, existing ambient noise levels and will not be injurious to the surrounding neighborhood; and**
- 3. The use is in compliance with all other requirements of this Zoning Ordinance.**

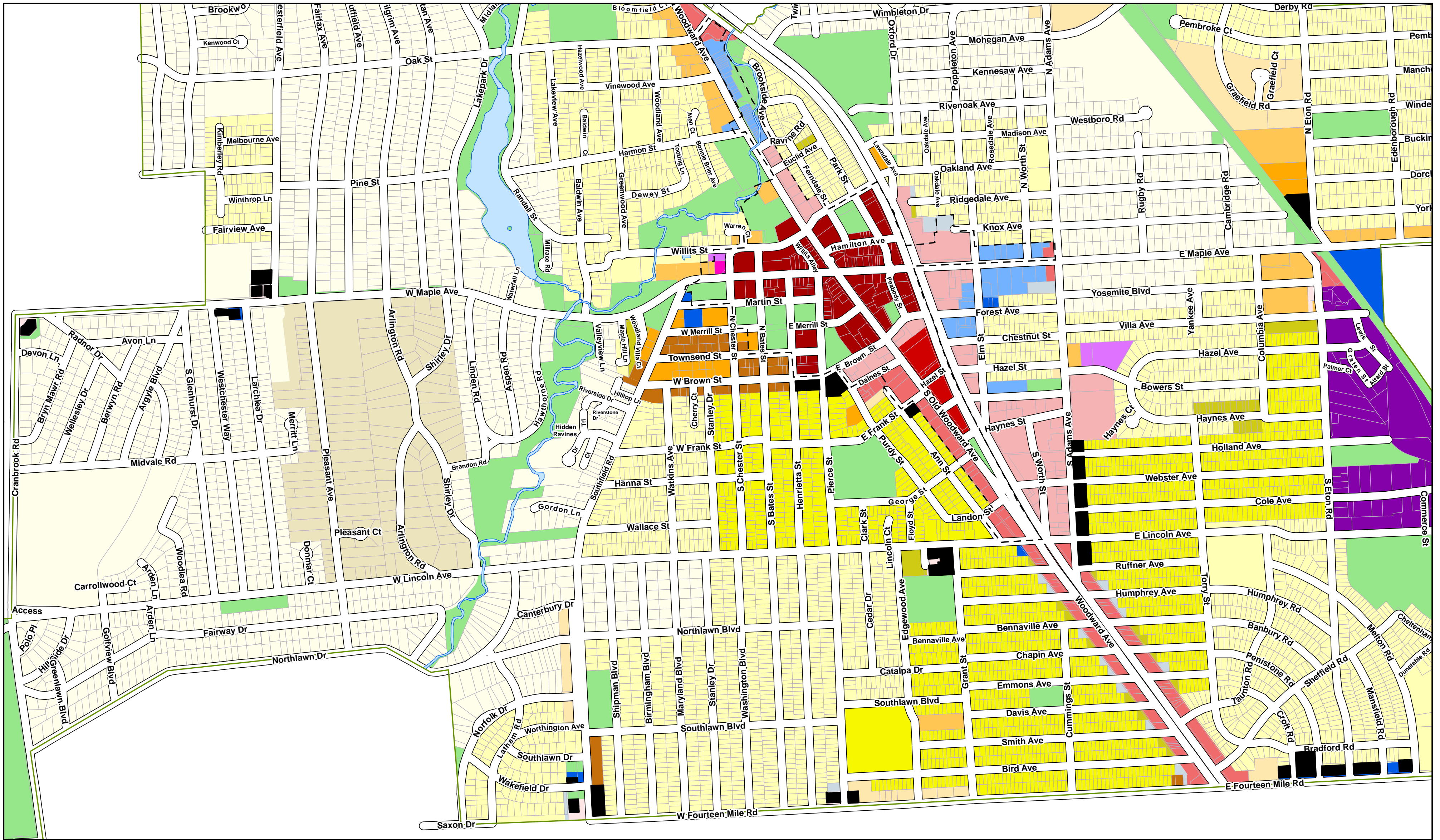
ORDAINED this \_\_\_\_\_ day of \_\_\_\_\_, 2016 to become effective upon publication.

\_\_\_\_\_  
Rackeline J. Hoff, Mayor

\_\_\_\_\_  
Laura Pierce, City Clerk



TZ2 Transitional Zoning Proposals



# City Of Birmingham Zoning Map

**Zoning Districts**

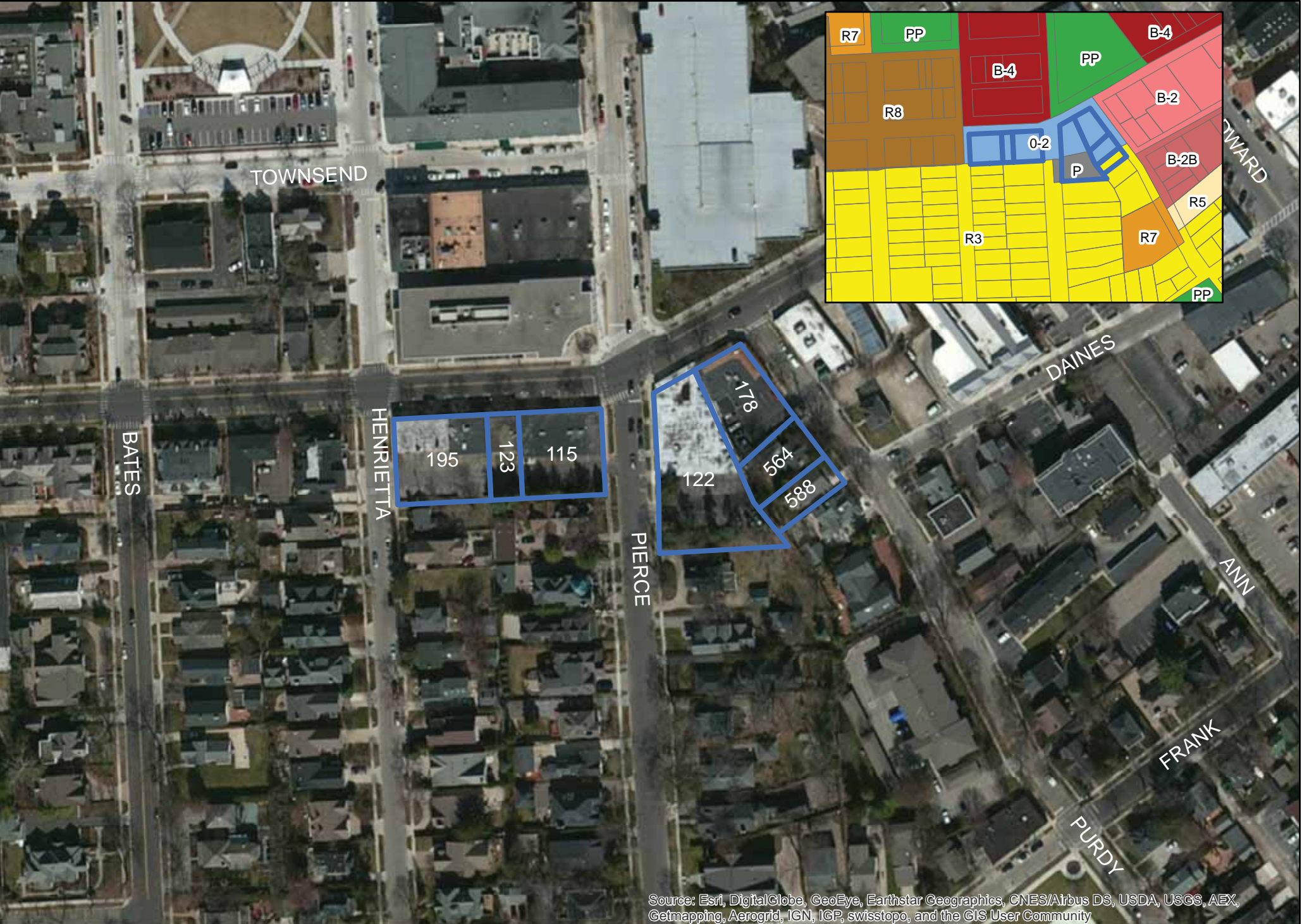
R1 Single-Family Residential	R7 Multiple-Family Residential	B-2B General Business
R1-A Single-Family Residential	R8 Multiple-Family Residential	B-3 Office-Residential
R2 Single-Family Residential	TZ1 Transitional Zoning 1	B-4 Business-Residential
R3 Single-Family Residential	TZ3 Transitional Zoning	O-2 Office Commercial
R4 Two-Family Residential	MX Mixed-Use	O-1 Office
R5 Multiple-Family Residential	B-1 Neighborhood Business	P Parking
R6 Multiple-Family Residential	B-2 General Business	PP Public Property
		Downtown Overlay Boundary



1,500 750 0 1,500 Feet

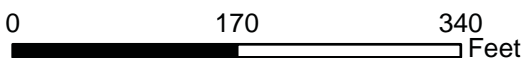
Coordinate System: State Plane Coordinate System Michigan South Zone 2113 Projection: Lambert Conformal  
 Conic, Units: International Feet, Datum: NAD83  
 Data Sources: Oakland County GIS Utility, City of Birmingham  
 Updated: December 1, 2015





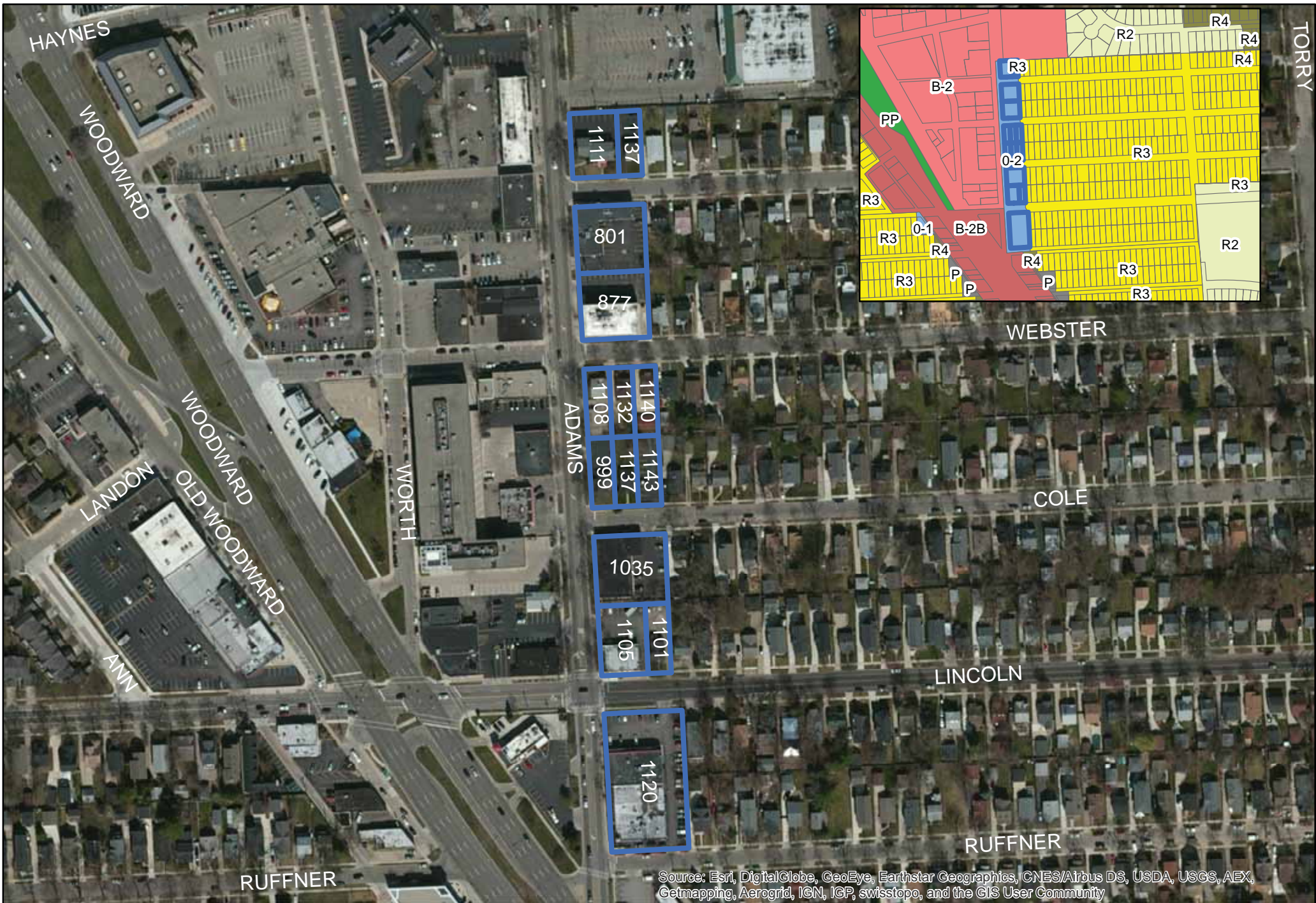
Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

 TZ2 Proposals

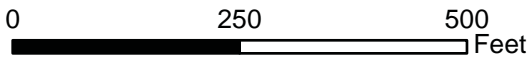




1111, 1137 Holland; 801, 877, 999, 1035, 1105 S Adams Rd;  
1108, 1132, 1140 Webster; 1137, 1143 Cole St; 1101, 1120 E Lincoln

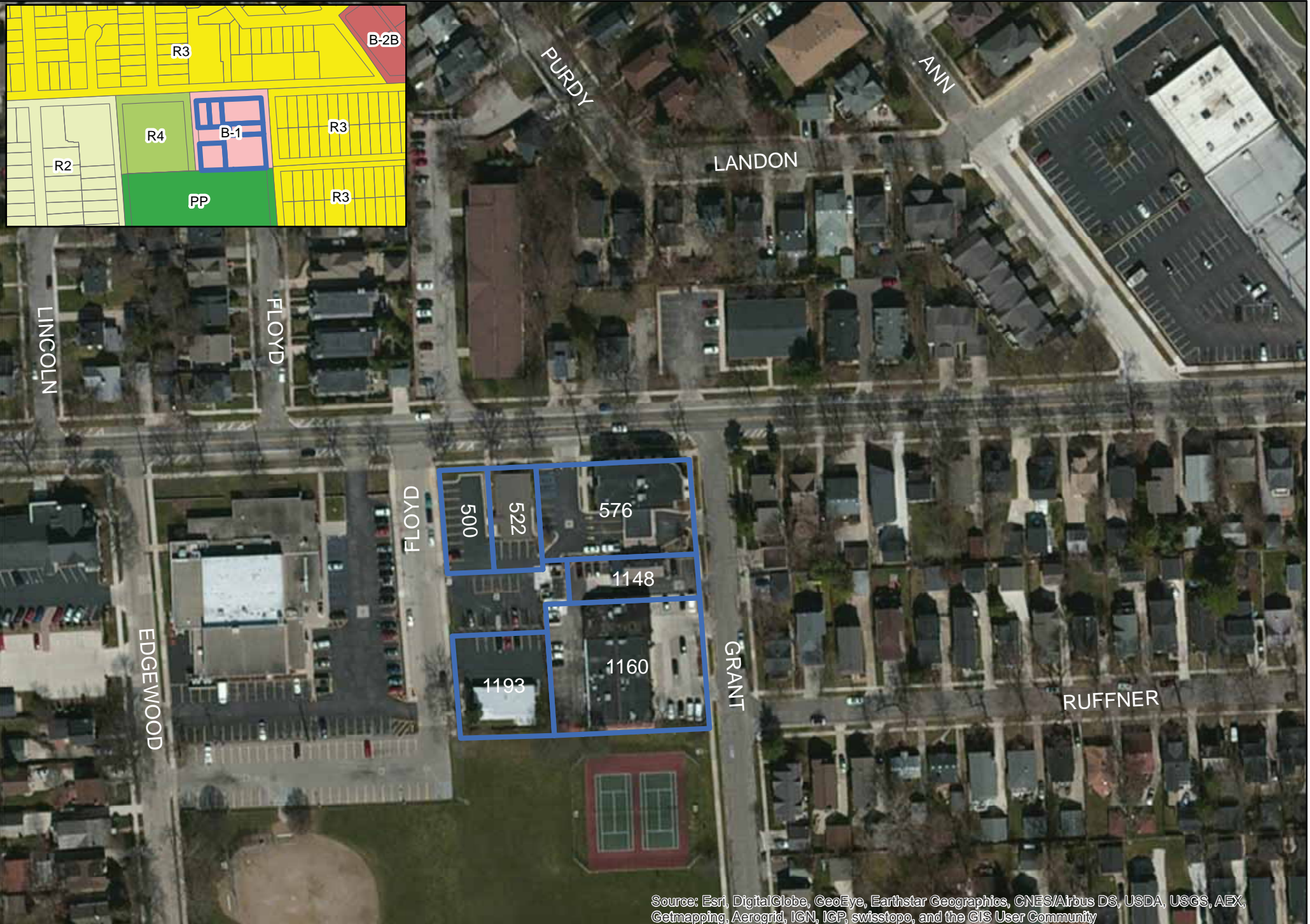


TZ2 Proposals





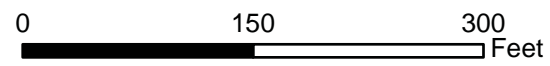
# 500, 522, 576 E. Lincoln; 1148, 1160 Grant; 1193 Floyd



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

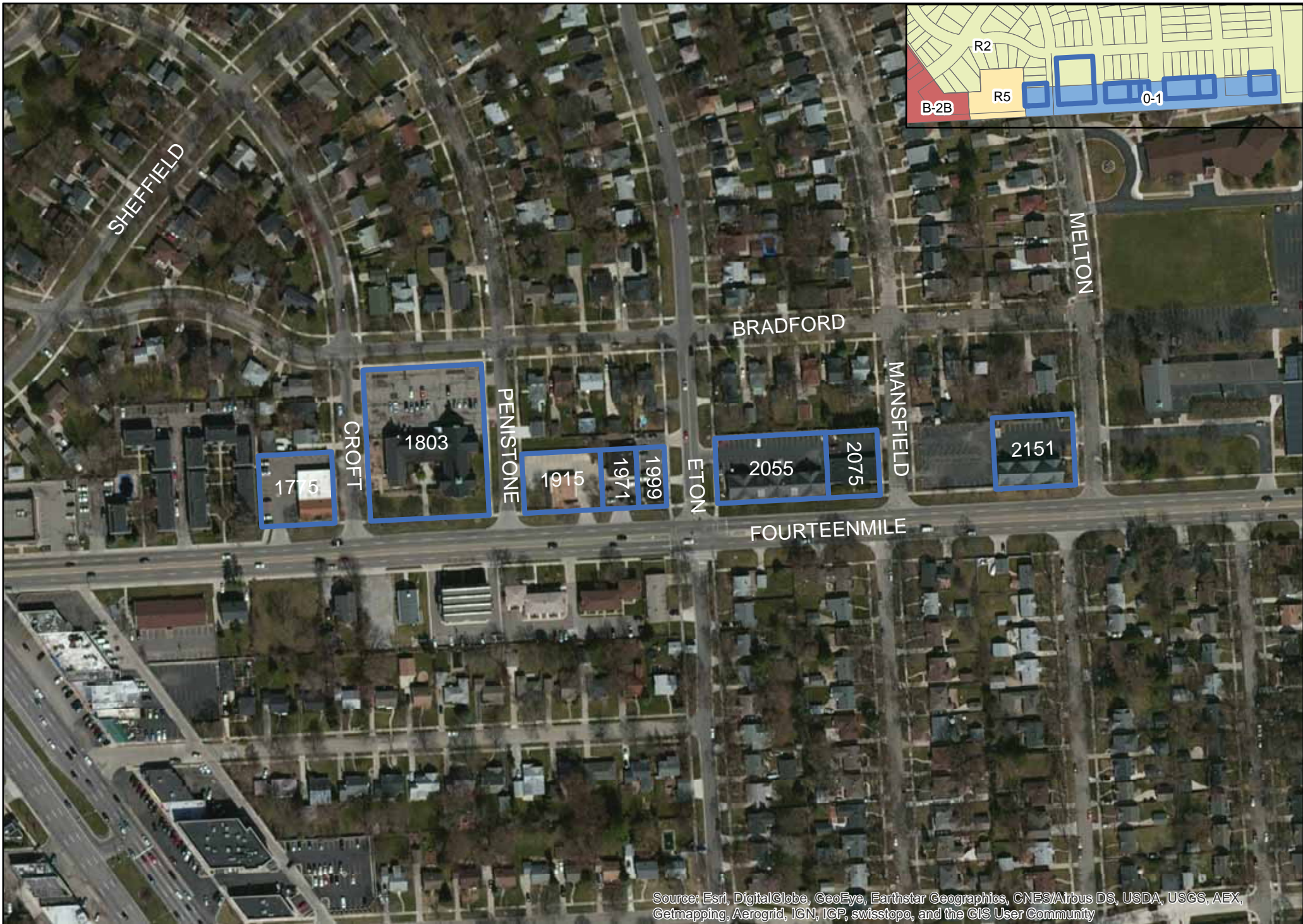


TZ2 Proposals



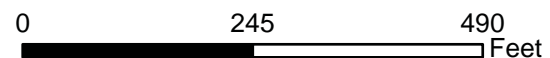


1775, 1803, 1915, 1971, 1999, 2055, 2075, 2151 Fourteen Mile Rd.



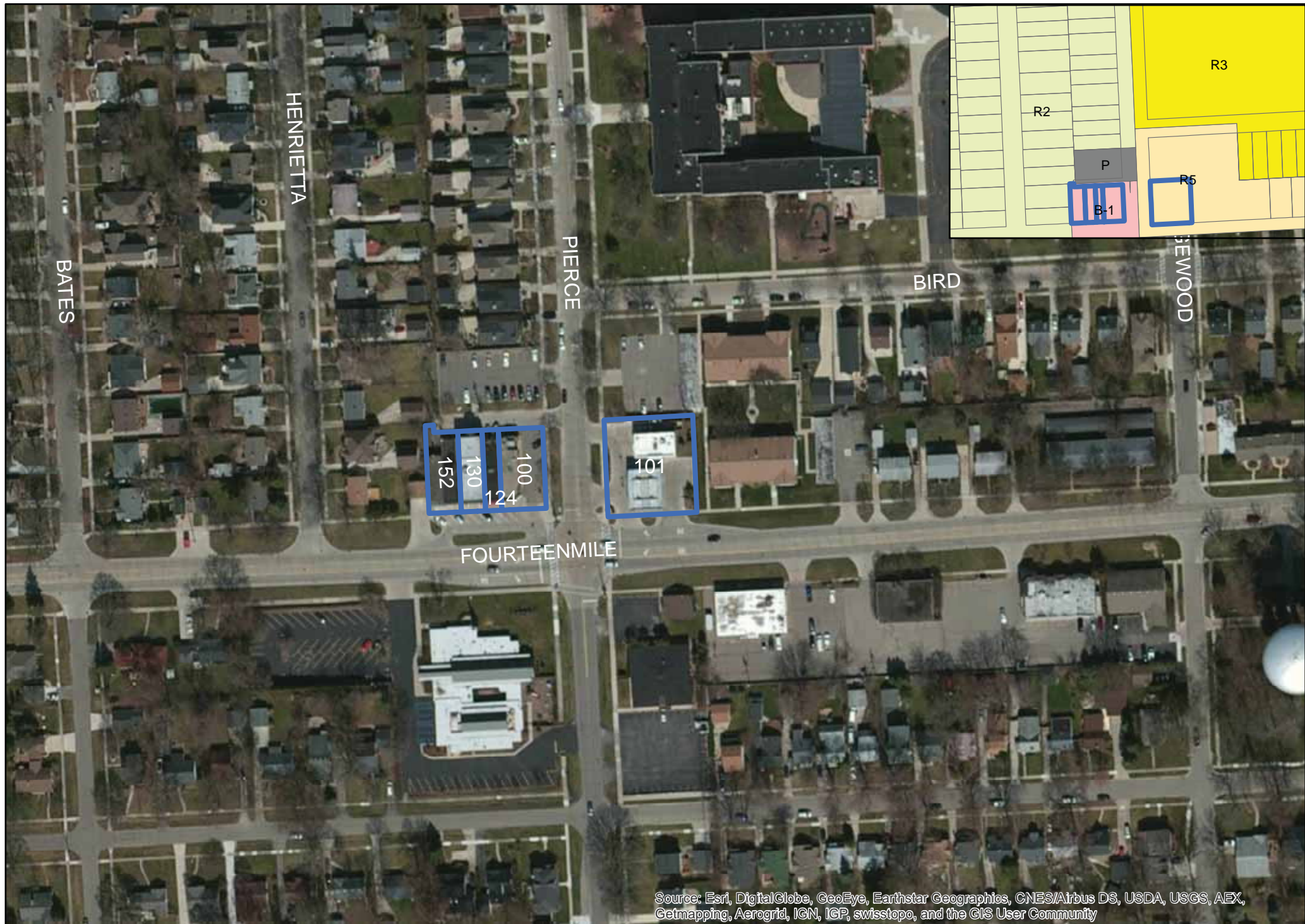
Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

 TZ2 Proposals





100, 124, 130, 152 W Fourteen Mile Rd; 101 E. Fourteen Mile Rd.



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community



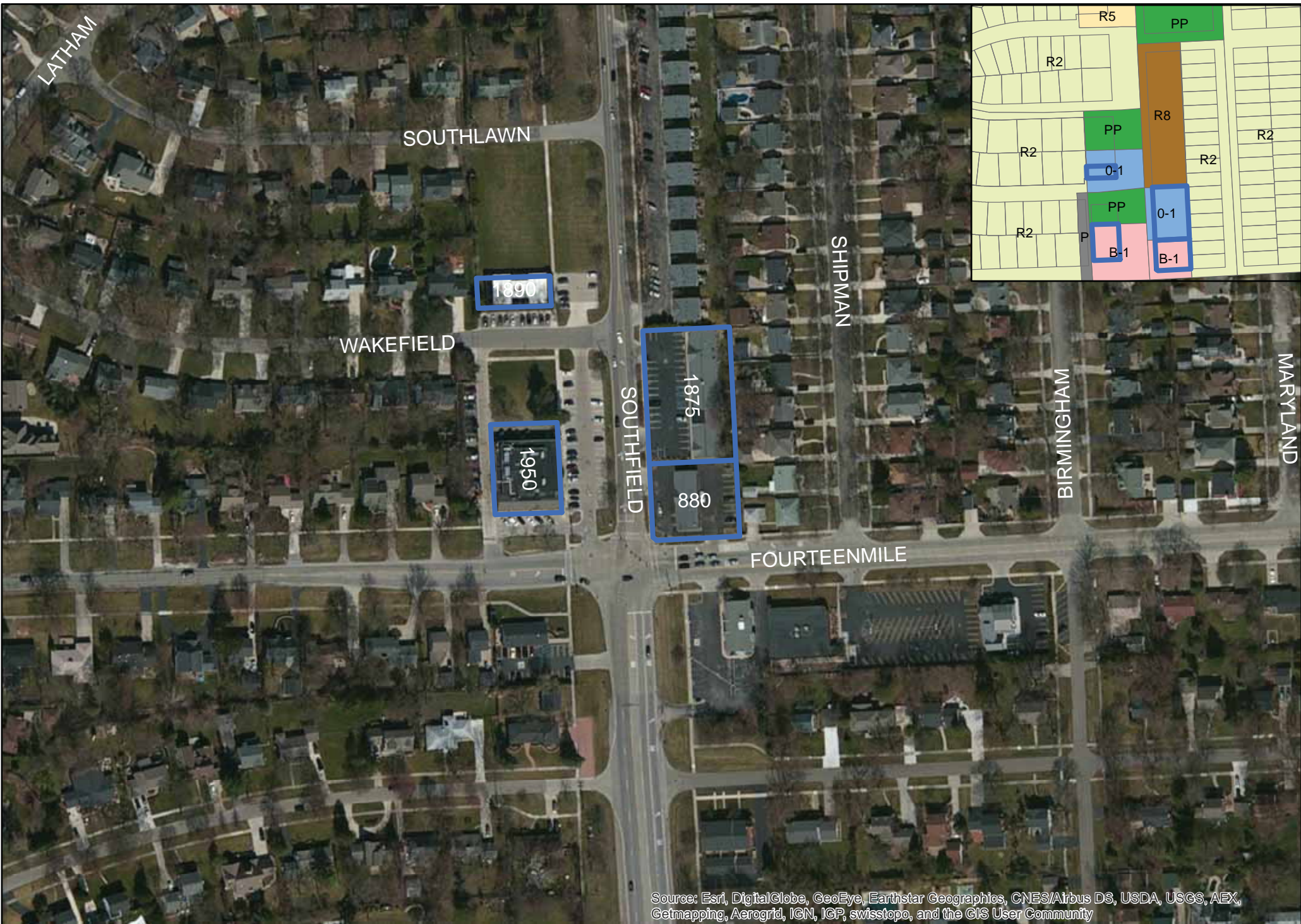
TZ2 Proposals

0 180 360 Feet





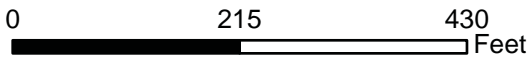
1712, 1728, 1732, 1740, 1744, 1794, 1821 W. Maple Rd.



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

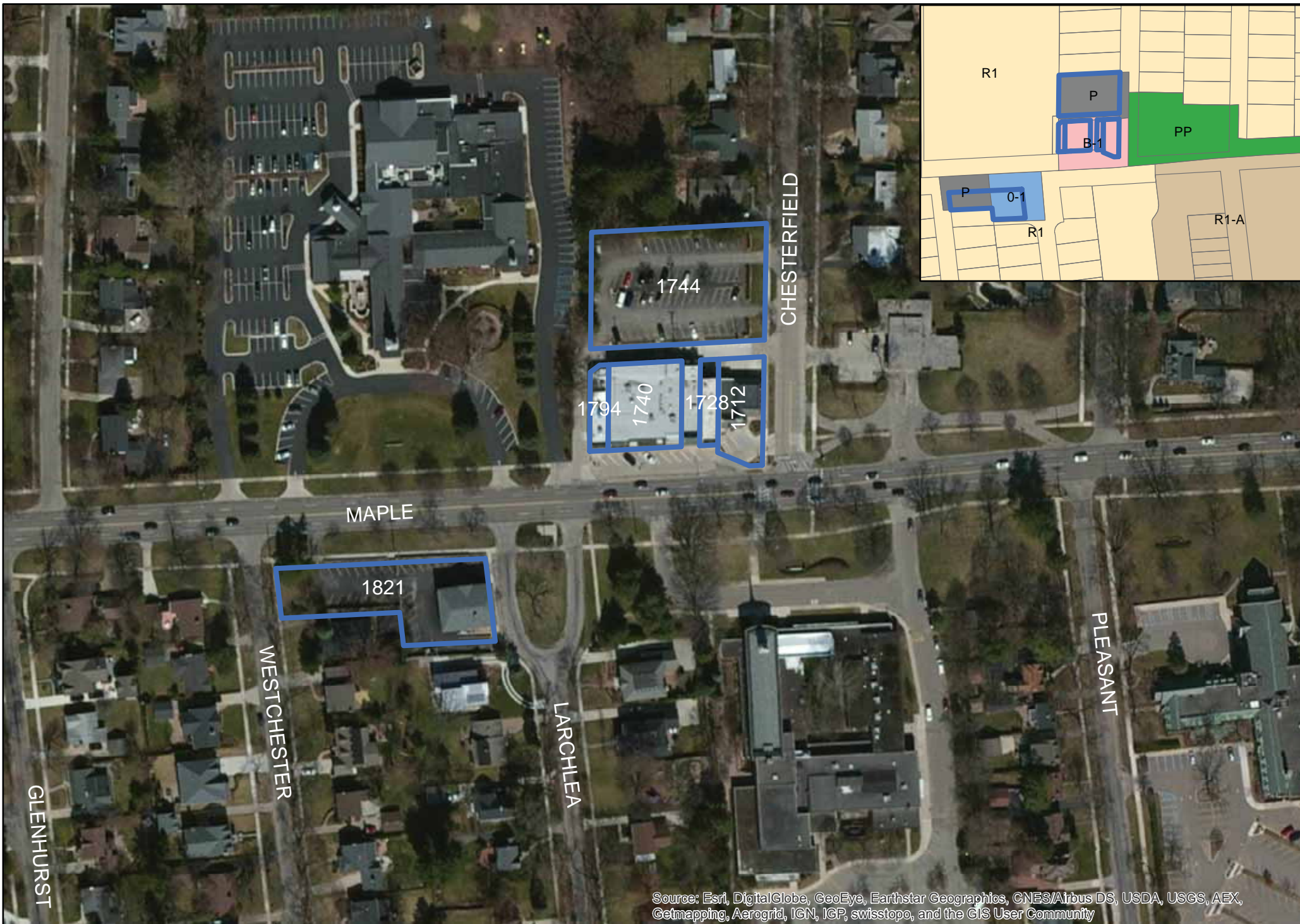


TZ2 Proposals





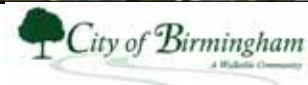
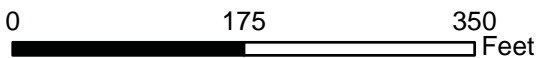
1712, 1728, 1732, 1740, 1744, 1794, 1821 W. Maple Rd.



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

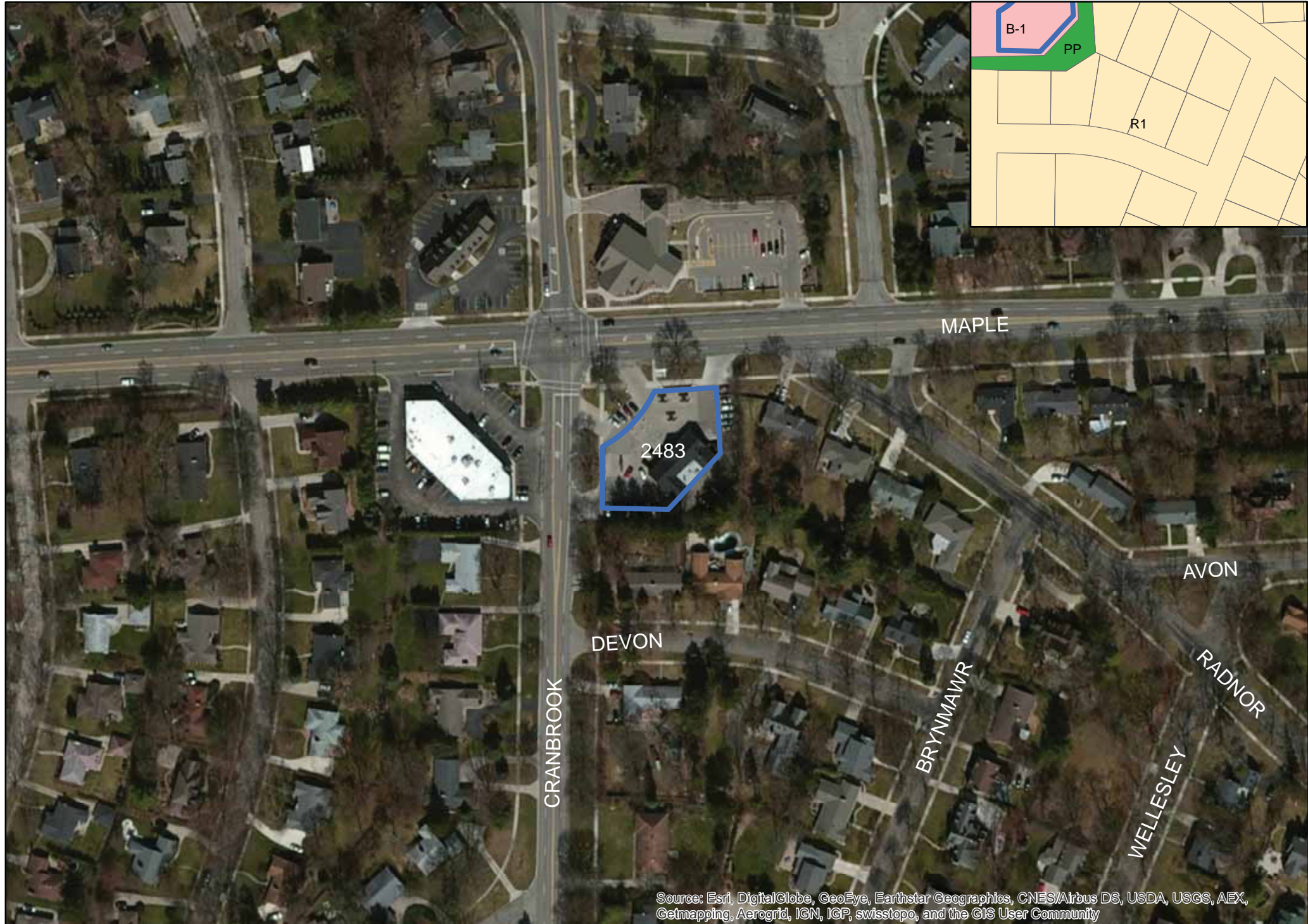
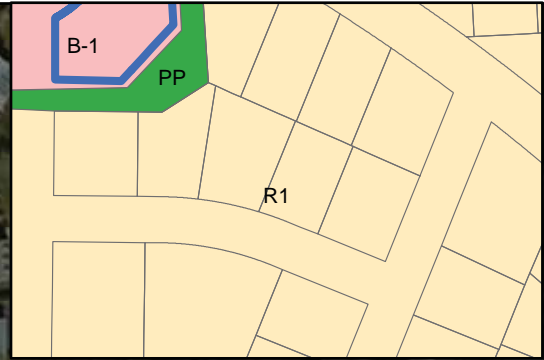
 TZ2 Proposals

0 175 350 Feet





# 2483 W. Maple Rd.

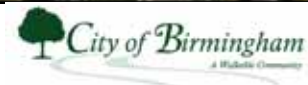


Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community



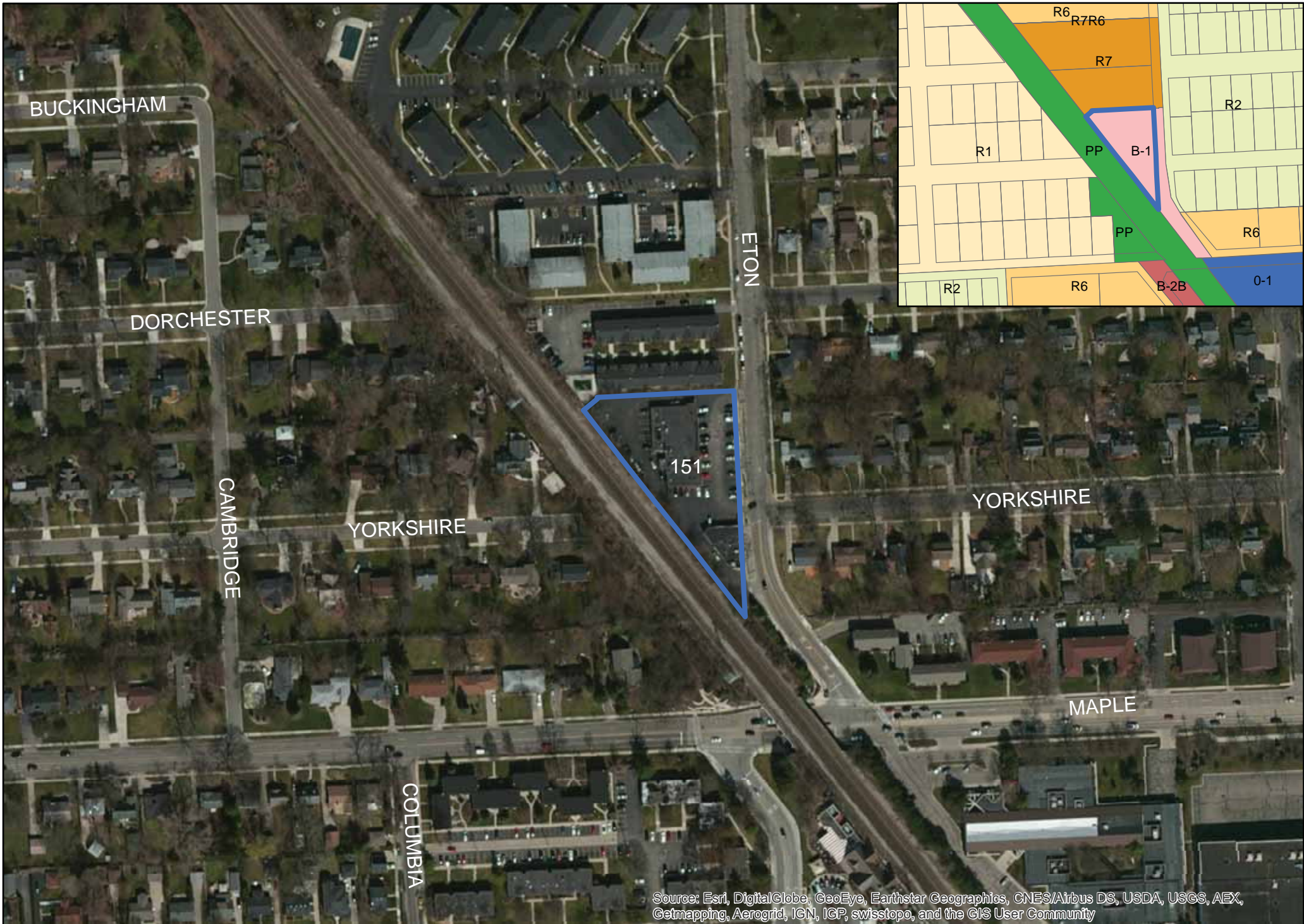
TZ2 Proposals

0 190 380 Feet





# 151 N. Eaton



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community



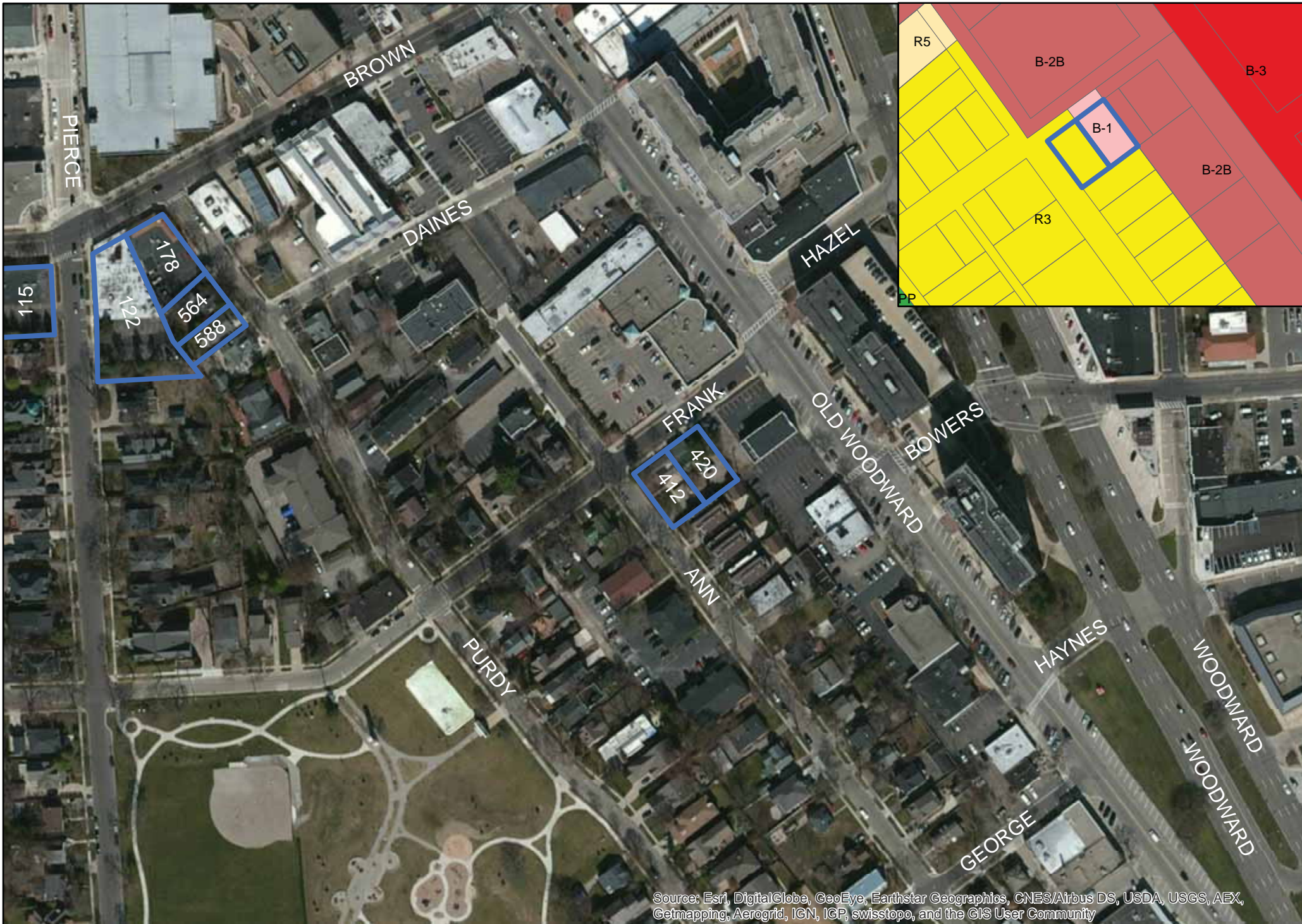
TZ2 Proposals

0 237.5 475 Feet





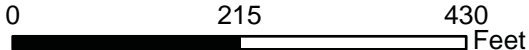
# 412 & 420 E. Frank St.



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

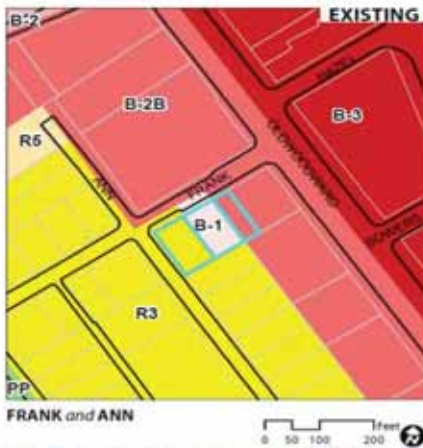


TZ2 Proposals

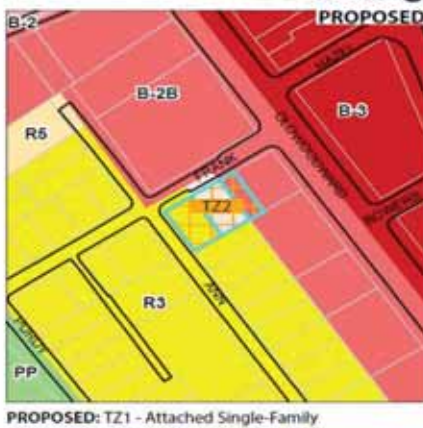




# E. FRANK – R3/B1/B2B TO TZ2



Source: Bing



Source: Google



Source: Google

Total property area – approx. 15,000 sq. ft.

# of residential units currently permitted – 1 unit on R3 parcel  
0 units on B1 parcel  
No limit on B2b parcel

# of units permitted under TZ1 zoning - 5

# 412 E. FRANK - R3 TO TZ2

## R3 – Single family Residential

### Residential Permitted Uses

- ~~adult foster care group home~~
- dwelling - one-family
- ~~single family cluster\*~~

### Institutional Permitted Uses

- government office
- school – public

### Recreational Permitted Uses

- park

### Accessory Permitted Uses

- family day care home\*
- ~~garage – private~~
- ~~greenhouse – private~~
- home occupation\*
- ~~parking facility – private off-street~~
- ~~parking – public, off-street\*~~
- ~~renting of rooms\*~~
- ~~sign~~
- ~~swimming pool – private~~
- ~~any use customarily incidental to the permitted principal use~~

### Uses Requiring a Special Land Use Permit

- assisted living
- church
- ~~continued care retirement community~~
- independent hospice facility
- independent senior living
- ~~medical rehabilitation facility~~
- ~~parking (accessory) – public, off-street~~
- ~~philanthropic use~~
- ~~public utility building~~
- ~~publicly owned building~~
- school - private
- skilled nursing facility

### Residential Permitted Uses

Dwelling – attached single family

Dwelling – multiple family

Dwelling – single family (R3)

### Commercial Permitted Uses

Art gallery

Artisan use

Barber/Beauty Salon

Bookstore

Boutique

Drugstore

Gift shop/flower shop

Hardware

Health club/studio

Jewelry store

Neighborhood convenience store

Office

Tailor

### Uses with SLUP

Any permitted commercial use with interior floor area over 3,000 sq.ft. per tenant

Assisted Living

Bakery

Bank/credit union with drive-thru

Church or religious institution

Coffee shop

Delicatessen

Dry cleaner

Essential services

Food & drink establishment

Government office/use

Grocery store

Independent hospice facility

Independent senior living

Parking Structure

School – private and public (now requires SLUP)

Skilled nursing facility

Specialty food shop

# 420 E. FRANK - B1 TO T22

## Institutional Uses

Church  
Community center  
Government office  
Government use  
School—private, public  
Social Club

## Recreational Uses

Recreational club  
Swimming pool—public, semiprivate

## Commercial Permitted Uses

Bakery  
Barber/beauty salon  
Drugstore  
Dry cleaning  
Grocery store  
Hardware store  
Neighborhood convenience store  
Office  
Shoe store/shoe repair  
Tailor

## Other Permitted Uses

Utility substation

## Existing Uses with SLUP

Alcoholic beverage sales (off-premise consumption)  
Alcoholic beverage sales (on-premise consumption)  
Child care center  
Continued care retirement community  
Drive-in facility  
Gasoline service station  
Independent hospice facility  
Skilled nursing facility

## Residential Permitted Uses

Dwelling – attached single family  
Dwelling – multiple family  
Dwelling – single family (R3)

## Commercial Permitted Uses

Art gallery  
Artisan use  
Barber/Beauty Salon  
Bookstore  
Boutique  
Drugstore  
Gift shop/flower shop  
Hardware  
Health club/studio  
Jewelry store  
Neighborhood convenience store  
Office  
Tailor

## Uses with SLUP

Any permitted commercial use with interior floor area over 3,000 sq.ft. per tenant  
Assisted Living  
Bakery (now requires SLUP)  
Bank/credit union with drive-thru  
Church or religious institution  
Coffee shop  
Delicatessen  
Dry cleaner (now requires SLUP)  
Essential services  
Food & drink establishment  
Government office/use (now requires SLUP)  
Grocery store (now requires SLUP)  
Independent hospice facility  
Independent senior living  
Parking Structure  
School – private and public (now requires SLUP)  
Skilled nursing facility  
Specialty food shop

# E. FRANK PARKING – B2B TO TZ2

## B2b – General Business

### Residential Permitted Uses

- dwelling - multiple-family
- dwelling - one-family\*
- dwelling - two-family\*
- live/work unit

### Institutional Permitted Uses

- church
- ▲ community center
- ▲ garage - public
- government office
- government use
- ▲ loading facility - off street
- ▲ parking facility - off street
- school - private, public
- ▲ social club

### Recreational Permitted Uses

- ▲ bowling alley
- ▲ outdoor amusement\*
- ▲ recreational club
- ▲ swimming pool - public & semiprivate

### Commercial Permitted Uses

- ▲ auto sales agency
- ▲ bakery
- bank
- barber shop/beauty salon
- ▲ catering
- ▲ child care center
- ▲ clothing store
- ▲ delicatessen
- drugstore
- ▲ dry-cleaning
- flower/gift shop
- ▲ food or drink establishment\*
- ▲ furniture
- ▲ greenhouse
- ▲ grocery store
- hardware store
- ▲ hotel
- jewelry store
- ▲ motel
- neighborhood convenience store
- office
- ▲ paint
- ▲ party store
- ▲ retail photocopying
- ▲ school business
- ▲ shoe store/shoe repair
- ▲ showroom of electricians/plumbers
- tailor
- ▲ theater\*

### Other Permitted Uses

- ▲ utility substation

### Accessory Permitted Uses

- ▲ alcoholic beverage sales (off-premise consumption)\*
- ▲ kennel\*

- laboratory - medical/dental\*
- ▲ loading facility - off street
- outdoor cafe\*
- ▲ outdoor display of goods\*
- ▲ outdoor sales\*
- ▲ outdoor storage\*
- parking facility - off-street
- ▲ sign

### Uses Requiring a Special Land Use Permit

- ▲ alcoholic beverage sales (on-premise consumption)
  - assisted living
  - ▲ auto laundry
  - ▲ bistro (only permitted in the Triangle District)\*
  - ▲ bus/train passenger station and waiting facility
  - ▲ continued care retirement community
  - ▲ display of broadcast media devices (only permitted in conjunction with a gasoline service station)
  - ▲ drive-in facility
  - ▲ establishments operating with a liquor license obtained under Chapter 10, Alcoholic Liquors, Article II, Division 3, Licenses for Economic Development (only permitted on those parcels within the Triangle District identified on Exhibit 1; Appendix C)
  - ▲ funeral home
  - ▲ gasoline full service station\*
  - ▲ gasoline service station
  - independent hospice facility
  - independent senior living
  - skilled nursing facility
  - ▲ trailer camp
- Uses Requiring City Commission Approval**
- ▲ regulated uses\*

## Residential Permitted Uses

**Dwelling – attached single family**

**Dwelling – multiple family**

**Dwelling – single family (R3)**

## Commercial Permitted Uses

**Art gallery**

**Artisan use**

**Barber/Beauty Salon**

**Bookstore**

**Boutique**

**Drugstore**

**Gift shop/flower shop**

**Hardware**

**Health club/studio**

**Jewelry store**

**Neighborhood convenience store**

**Office**

**Tailor**

## Uses with SLUP

**Any permitted commercial use with i area over 3,000 sq.ft. per tenar**

**Assisted Living**

**Bakery (now requires SLUP)**

**Bank/credit union with drive-thru**

**Church or religious institution**

**Coffee shop**

**Delicatessen**

**Dry cleaner (now requires SLUP)**

**Essential services**

**Food & drink establishment**

**Government office/use (now requires SLUP)**

**Grocery store (now requires SLUP)**

**Independent hospice facility**

**Independent senior living**

**Parking Structure**

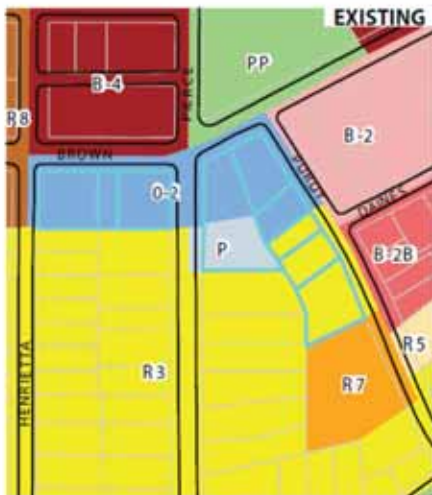
**School – private and public (now req**

**Skilled nursing facility**

**Specialty food shop**



# BROWN AT PIERCE



BROWN and PURDY, PURDY and DAINES



Source: Bing



PROPOSED: T22 - Mixed-Use



Source: Google



Source: Google

# EXISTING USES: 02

# PROPOSED USES: TZ2

## Residential Permitted Uses

Adult foster care group home  
Dwelling – multiple family  
Dwelling – one-family (R5)  
Dwelling – two family  
Live/work unit  
Single-family cluster

## Institutional Uses

Government office  
Philanthropic use  
School – public

## Recreational Uses

Park  
Swimming pool – semiprivate

## Commercial Permitted Uses

Art gallery  
Bakery  
Bank without drive-through facility  
Barber/beauty salon  
Boutique  
Clinic  
Clothing store  
Flower/gift shop  
Hair replacement establishment  
Interior design shop  
Jewelry store  
Leather and luggage goods shop  
Office  
Photographic studio  
Specialty food store  
Specialty home furnishing shop  
Tailor  
Tobacconist  
Veterinary clinic

## Existing Uses with SLUP

Assisted Living  
Bank with drive-through facility  
Bistro (only in Triangle District)  
Continued care retirement community  
Display of broadcast media devices (only permitted with gasoline service station)  
Establishments operating with a liquor license obtained under Chapter 10, Alcoholic Liquors, Article II, Division 3, Licenses for Economic Development (only permitted on those parcels within the Triangle District identified on Exhibit 1: Appendix C)  
Food and drink establishment  
Independent hospice facility  
Independent senior living  
Skilled nursing facility

## Residential Permitted Uses

**Dwelling – attached single family**  
Dwelling – multiple family  
Dwelling – single family (R3)

## Commercial Permitted Uses

Art gallery  
**Artisan use**  
Barber/Beauty Salon  
**Bookstore**  
Boutique  
**Drugstore**  
Gift shop/flower shop  
**Hardware**  
**Health club/studio**  
Jewelry store  
**Neighborhood convenience store**  
Office  
Tailor

## Uses with SLUP

**Any permitted commercial use with interior floor area over 3,000 sq.ft. per tenant**  
Assisted Living  
**Bakery (now requires SLUP)**  
Bank/credit union with drive-thru  
**Church or religious institution**  
**Coffee shop**  
**Delicatessen**  
**Dry cleaner**  
**Essential services**  
Food & drink establishment  
Government office/use (**now requires SLUP**)  
**Grocery store**  
Independent hospice facility  
Independent senior living  
**Parking Structure**  
School – private and public (**now requires SLUP**)  
Skilled nursing facility  
**Specialty food shop**

# EXISTING USES: P

# PROPOSED USES: TZ2

## Residential Permitted Uses

Adult foster care group home (R7)  
Dwelling – multiple-family (R7)  
Dwelling – one-family (R7)  
Dwelling – two-family (R7)  
Live/work unit  
Single family cluster (R7)

## Institutional Uses

Government office (R7)  
Parking facility—off street  
Philanthropic use  
School—public (R7)

## Recreational Uses

Park (R7)  
Swimming pool, semiprivate (R7)

## Existing Uses with SLUP

Assisted living  
Bistro (only in Triangle District)  
Church  
Community center  
Continued care retirement community  
Independent hospice facility  
Independent senior living  
Publicly owned building  
Public utility building  
Recreational club  
School - private  
Skilled nursing facility  
Social club

## Residential Permitted Uses

Dwelling – attached single family  
Dwelling – multiple family  
Dwelling – single family (R3)

## Commercial Permitted Uses

Art gallery  
Artisan use  
Barber/Beauty Salon  
Bookstore  
Boutique  
Drugstore  
Gift shop/flower shop  
Hardware  
Health club/studio  
Jewelry store  
Neighborhood convenience store  
Office  
Tailor  
Uses with SLUP  
Any permitted commercial use with interior floor area over 3,000 sq.ft. per tenant  
Assisted Living  
Bakery  
Bank/credit union with drive-thru  
Church or religious institution  
Coffee shop  
Delicatessen  
Dry cleaner  
Essential services  
Food & drink establishment  
Government office/use (now requires SLUP)  
Grocery store  
Independent hospice facility  
Independent senior living  
Parking Structure (now requires SLUP)  
School – private and public (now requires SLUP)  
Skilled nursing facility  
Specialty food shop



# EXISTING USES: R3

# PROPOSED USES: TZ2

## Residential Permitted Uses

Adult foster care group home  
Dwelling – one-family  
Single family cluster

## Institutional Uses

Government office  
School—public

## Recreational Uses

Park

## Existing Uses with SLUP

Assisted living  
Church  
Continued care retirement community  
Independent hospice facility  
Independent senior living  
Medical rehabilitation facility  
Parking (accessory) – public, off-street  
Philanthropic use  
Public utility building  
Publicly owned building  
School - private  
Skilled nursing facility

## Residential Permitted Uses

Dwelling – attached single family  
Dwelling – multiple family  
Dwelling – single family (R3)

## Commercial Permitted Uses

Art gallery  
Artisan use  
Barber/Beauty Salon  
Bookstore  
Boutique  
Drugstore  
Gift shop/flower shop  
Hardware  
Health club/studio  
Jewelry store  
Neighborhood convenience store  
Office  
Tailor

## Uses with SLUP

Any permitted commercial use with interior floor area over 3,000 sq.ft. per tenant  
Assisted Living  
Bakery  
Bank/credit union with drive-thru  
Church or religious institution  
Coffee shop  
Delicatessen  
Dry cleaner  
Essential services  
Food & drink establishment  
Government office/use (now requires SLUP)  
Grocery store  
Independent hospice facility  
Independent senior living  
Parking Structure  
School – private and public (now requires SLUP)  
Skilled nursing facility  
Specialty food shop

# S. ADAMS, ADAMS SQUARE TO LINCOLN



S. ADAMS between ADAMS SQUARE and LINCOLN



Source: Bing



PROPOSED: T22 - Mixed-Use



Source: Google



Source: Google



# EXISTING USES: 02

# PROPOSED USES: TZ2

## Residential Permitted Uses

Adult foster care group home  
Dwelling – multiple family  
Dwelling – one-family (R5)  
Dwelling – two family  
Live/work unit  
Single-family cluster

## Institutional Uses

Government office  
Philanthropic use  
School – public

## Recreational Uses

Park  
Swimming pool – semiprivate

## Commercial Permitted Uses

Art gallery  
Bakery  
Bank without drive-through facility  
Barber/beauty salon  
Boutique  
Clinic  
Clothing store  
Flower/gift shop  
Hair replacement establishment  
Interior design shop  
Jewelry store  
Leather and luggage goods shop  
Office  
Photographic studio  
Specialty food store  
Specialty home furnishing shop  
Tailor  
Tobacconist  
Veterinary clinic

## Existing Uses with SLUP

Assisted Living  
Bank with drive-through facility  
Bistro (only in Triangle District)  
Continued care retirement community  
Display of broadcast media devises (only permitted with gasoline service station)  
Establishments operating with a liquor license obtained under Chapter 10, Alcoholic Liquors, Article II, Division 3, Licenses for Economic Development (only permitted on those parcels within the Triangle District identified on Exhibit 1: Appendix C)  
Food and drink establishment  
Independent hospice facility  
Independent senior living  
Skilled nursing facility

## Residential Permitted Uses

**Dwelling – attached single family**  
Dwelling – multiple family  
Dwelling – single family (R3)

## Commercial Permitted Uses

Art gallery  
**Artisan use**  
Barber/Beauty Salon  
**Bookstore**  
Boutique  
**Drugstore**  
Gift shop/flower shop  
**Hardware**  
**Health club/studio**  
Jewelry store  
**Neighborhood convenience store**  
Office  
Tailor

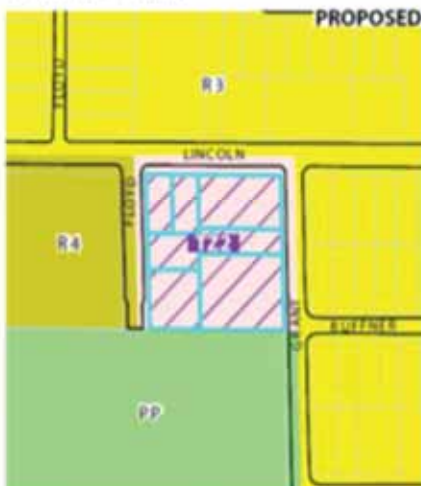
## Uses with SLUP

**Any permitted commercial use with interior floor area over 3,000 sq.ft. per tenant**  
Assisted Living  
**Bakery (now requires SLUP)**  
Bank/credit union with drive-thru  
**Church or religious institution**  
**Coffee shop**  
**Delicatessen**  
**Dry cleaner**  
**Essential services**  
Food & drink establishment  
Government office/use (**now requires SLUP**)  
**Grocery store**  
Independent hospice facility  
Independent senior living  
**Parking Structure**  
School – private and public (**now requires SLUP**)  
Skilled nursing facility  
**Specialty food shop**

# LINCOLN AT GRANT



Source: Bing



Source: Google



Source: Google

**PROPOSED: T22 - Mixed-Use**



# EXISTING USES: B1

# PROPOSED USES: TZ2

## Institutional Uses

Church  
Community center  
Government office  
Government use  
School—private, public  
Social Club

## Recreational Uses

Recreational club  
Swimming pool—public, semiprivate

## Commercial Permitted Uses

Bakery  
Barber/beauty salon  
Drugstore  
Dry cleaning  
Grocery store  
Hardware store  
Neighborhood convenience store  
Office  
Shoe store/shoe repair  
Tailor

## Other Permitted Uses

Utility substation

## Existing Uses with SLUP

Alcoholic beverage sales (off-premise consumption)  
Alcoholic beverage sales (on-premise consumption)  
Child care center  
Continued care retirement community  
Drive-in facility  
Gasoline service station  
Independent hospice facility  
Skilled nursing facility

## Residential Permitted Uses

Dwelling – attached single family  
Dwelling – multiple family  
Dwelling – single family (R3)

## Commercial Permitted Uses

Art gallery  
Artisan use  
Barber/Beauty Salon  
Bookstore  
Boutique  
Drugstore  
Gift shop/flower shop  
Hardware  
Health club/studio  
Jewelry store  
Neighborhood convenience store  
Office  
Tailor

## Uses with SLUP

Any permitted commercial use with interior floor area over 3,000 sq.ft. per tenant  
Assisted Living  
Bakery (now requires SLUP)  
Bank/credit union with drive-thru  
Church or religious institution  
Coffee shop  
Delicatessen  
Dry cleaner (now requires SLUP)  
Essential services  
Food & drink establishment  
Government office/use (now requires SLUP)  
Grocery store (now requires SLUP)  
Independent hospice facility  
Independent senior living  
Parking Structure  
School – private and public (now requires SLUP)  
Skilled nursing facility  
Specialty food shop



# E. 14 MILE ROAD EAST OF WOODWARD



14 MILE east of WOODWARD



PROPOSED: TZ2 - Mixed-Use



# EXISTING USES: 01

# PROPOSED USES: TZ2

## Residential Permitted Uses

~~Adult foster care group home~~  
Dwelling – multiple family  
Dwelling – one-family (R5)  
Dwelling – two family  
Live/work unit  
Single family cluster

## Institutional Uses

~~Government office~~  
Philanthropic use  
School – public

## Recreational Uses

~~Park~~  
~~Swimming pool – semiprivate~~

## Commercial Permitted Uses

~~Barber/beauty salon~~  
~~Hair replacement establishment~~  
Office  
~~Veterinary clinic~~

## Existing Uses with SLUP

Assisted Living  
Bistro (only in Triangle District)  
Church  
Continued care retirement community  
Independent hospice facility  
Independent senior living  
Skilled nursing facility

## Residential Permitted Uses

**Dwelling – attached single family**  
Dwelling – multiple family  
Dwelling – single family (R3)

## Commercial Permitted Uses

**Art gallery**  
**Artisan use**  
Barber/Beauty Salon  
**Bookstore**  
**Boutique**  
**Drugstore**  
**Gift shop/flower shop**  
**Hardware**  
**Health club/studio**  
**Jewelry store**  
**Neighborhood convenience store**  
Office  
**Tailor**

## Uses with SLUP

**Any permitted commercial use with interior floor area over 3,000 sq.ft. per tenant**  
Assisted Living  
**Bakery**  
**Bank/credit union with drive-thru**  
**Church or religious institution**  
**Coffee shop**  
**Delicatessen**  
**Dry cleaner**  
**Essential services**  
**Food & drink establishment**  
Government office/use (now requires SLUP)  
**Grocery store**  
Independent hospice facility  
Independent senior living  
**Parking Structure**  
School – private and public (now requires SLUP)  
Skilled nursing facility  
**Specialty food shop**

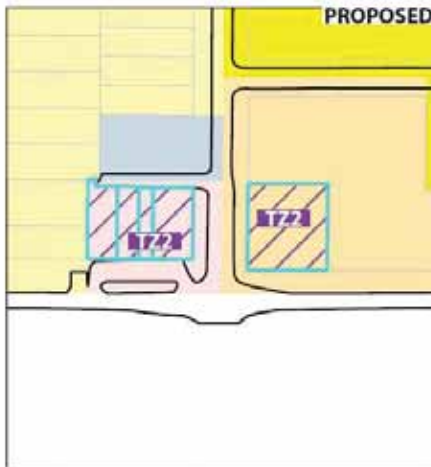
# 14 MILE ROAD AT PIERCE



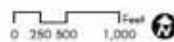
14 MILE and PIERCE



Source: Bing



PROPOSED: T22 - Mixed-Use



Source: Google



Source: Google



# EXISTING USES: B1

# PROPOSED USES: TZ2

## Institutional Uses

Church  
Community center  
Government office  
Government use  
School—private, public  
Social Club

## Recreational Uses

Recreational club  
Swimming pool—public, semiprivate

## Commercial Permitted Uses

Bakery  
Barber/beauty salon  
Drugstore  
Dry cleaning  
Grocery store  
Hardware store  
Neighborhood convenience store  
Office  
Shoe store/shoe repair  
Tailor

## Other Permitted Uses

Utility substation

## Existing Uses with SLUP

Alcoholic beverage sales (off-premise consumption)  
Alcoholic beverage sales (on-premise consumption)  
Child-care center  
Continued care retirement community  
Drive-in facility  
Gasoline service station  
Independent hospice facility  
Skilled nursing facility

## Residential Permitted Uses

Dwelling – attached single family  
Dwelling – multiple family  
Dwelling – single family (R3)

## Commercial Permitted Uses

Art gallery  
Artisan use  
Barber/Beauty Salon  
Bookstore  
Boutique  
Drugstore  
Gift shop/flower shop  
Hardware  
Health club/studio  
Jewelry store  
Neighborhood convenience store  
Office  
Tailor

## Uses with SLUP

Any permitted commercial use with interior floor area over 3,000 sq.ft. per tenant  
Assisted Living  
Bakery (now requires SLUP)  
Bank/credit union with drive-thru  
Church or religious institution  
Coffee shop  
Delicatessen  
Dry cleaner (now requires SLUP)  
Essential services  
Food & drink establishment  
Government office/use (now requires SLUP)  
Grocery store (now requires SLUP)  
Independent hospice facility  
Independent senior living  
Parking Structure  
School – private and public (now requires SLUP)  
Skilled nursing facility  
Specialty food shop

# EXISTING USES: R5

# PROPOSED USES: TZ2

## Residential Permitted Uses

~~Adult foster care group home (R4)~~  
Dwelling – multiple-family  
Dwelling – one-family (R4)  
~~Dwelling – two-family (R4)~~  
Single family cluster (R4)

## Institutional Uses

~~Government office (R4)~~  
~~Philanthropic use (R4)~~  
~~School – public (R4)~~

## Recreational Uses

~~Park (R4)~~  
~~Swimming pool – semiprivate~~

## Existing Uses with SLUP

Assisted living  
Church  
~~Continued care retirement community~~  
Independent hospice facility  
Independent senior living  
~~Parking (accessory) – public, off-street~~  
~~Public utility building~~  
~~Publicly owned building~~  
School - private  
Skilled nursing facility

## Residential Permitted Uses

**Dwelling – attached single family**  
Dwelling – multiple family  
Dwelling – single family (R3)

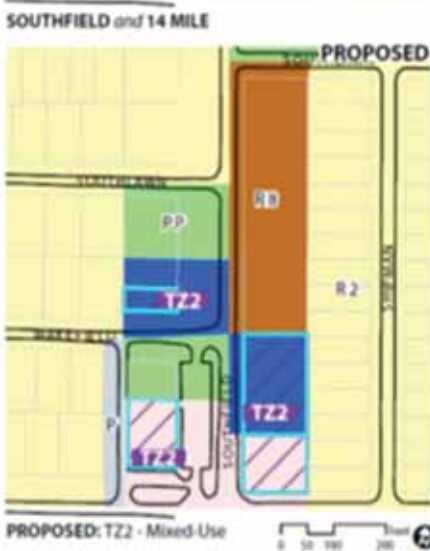
## Commercial Permitted Uses

**Art gallery**  
**Artisan use**  
**Barber/Beauty Salon**  
**Bookstore**  
**Boutique**  
**Drugstore**  
**Gift shop/flower shop**  
**Hardware**  
**Health club/studio**  
**Jewelry store**  
**Neighborhood convenience store**  
**Office**  
**Tailor**  
Uses with SLUP  
**Any permitted commercial use with interior floor area over 3,000 sq.ft. per tenant**  
Assisted Living  
**Bakery**  
**Bank/credit union with drive-thru**  
**Church or religious institution**  
**Coffee shop**  
**Delicatessen**  
**Dry cleaner**  
**Essential services**  
**Food & drink establishment**  
Government office/use (now requires SLUP)  
**Grocery store**  
Independent hospice facility  
Independent senior living  
Parking Structure  
School – private and public (now requires SLUP)  
Skilled nursing facility  
**Specialty food shop**

# SOUTHFIELD AT 14 MILE



Source: Bing



PROPOSED: T22 - Mixed-Use



Source: Google



Source: Google

# EXISTING USES: B1

# PROPOSED USES: TZ2

## Institutional Uses

Church  
Community center  
Government office  
Government use  
School—private, public  
Social Club

## Recreational Uses

Recreational club  
Swimming pool—public, semiprivate

## Commercial Permitted Uses

Bakery  
Barber/beauty salon  
Drugstore  
Dry cleaning  
Grocery store  
Hardware store  
Neighborhood convenience store  
Office  
Shoe store/shoe repair  
Tailor

## Other Permitted Uses

Utility substation

## Existing Uses with SLUP

Alcoholic beverage sales (off-premise consumption)  
Alcoholic beverage sales (on-premise consumption)  
Child care center  
Continued care retirement community  
Drive-in facility  
Gasoline full service station  
Independent hospice facility  
Skilled nursing facility

## Residential Permitted Uses

Dwelling – attached single family  
Dwelling – multiple family  
Dwelling – single family (R3)

## Commercial Permitted Uses

Art gallery  
Artisan use  
Barber/Beauty Salon  
Bookstore  
Boutique  
Drugstore  
Gift shop/flower shop  
Hardware  
Health club/studio  
Jewelry store  
Neighborhood convenience store  
Office  
Tailor

## Uses with SLUP

Any permitted commercial use with interior floor area over 3,000 sq.ft. per tenant  
Assisted Living  
Bakery (now requires SLUP)  
Bank/credit union with drive-thru  
Church or religious institution  
Coffee shop  
Delicatessen  
Dry cleaner (now requires SLUP)  
Essential services  
Food & drink establishment  
Government office/use (now requires SLUP)  
Grocery store (now requires SLUP)  
Independent hospice facility  
Independent senior living  
Parking Structure  
School – private and public (now requires SLUP)  
Skilled nursing facility  
Specialty food shop

# EXISTING USES: 01

# PROPOSED USES: TZ2

## Residential Permitted Uses

~~Adult foster care group home~~  
Dwelling – multiple family  
Dwelling – one-family (R5)  
Dwelling – two family  
Live/work unit  
Single family cluster

## Institutional Uses

~~Government office~~  
Philanthropic use  
School – public

## Recreational Uses

~~Park~~  
~~Swimming pool – semiprivate~~

## Commercial Permitted Uses

~~Barber/beauty salon~~  
~~Hair replacement establishment~~  
Office  
~~Veterinary clinic~~

## Existing Uses with SLUP

Assisted Living  
Bistro (only in Triangle District)  
Church  
Continued care retirement community  
Independent hospice facility  
Independent senior living  
Skilled nursing facility

## Residential Permitted Uses

**Dwelling – attached single family**  
Dwelling – multiple family  
Dwelling – single family (R3)

## Commercial Permitted Uses

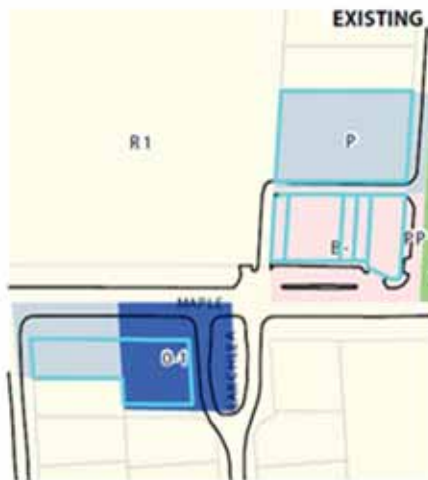
**Art gallery**  
**Artisan use**  
Barber/Beauty Salon  
**Bookstore**  
**Boutique**  
**Drugstore**  
**Gift shop/flower shop**  
**Hardware**  
**Health club/studio**  
**Jewelry store**  
**Neighborhood convenience store**  
Office  
**Tailor**

## Uses with SLUP

**Any permitted commercial use with interior floor area over 3,000 sq.ft. per tenant**  
Assisted Living  
**Bakery**  
**Bank/credit union with drive-thru**  
**Church or religious institution**  
**Coffee shop**  
**Delicatessen**  
**Dry cleaner**  
**Essential services**  
**Food & drink establishment**  
Government office/use (now requires SLUP)  
**Grocery store**  
Independent hospice facility  
Independent senior living  
**Parking Structure**  
School – private and public (now requires SLUP)  
Skilled nursing facility  
**Specialty food shop**



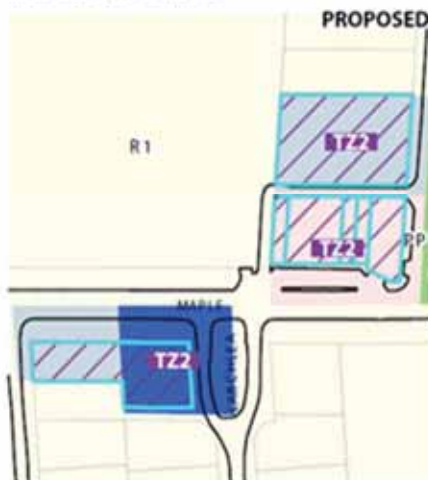
# MILLS PHARMACY PLAZA/ W. MAPLE & LARCHLEA



MAPLE and CHESTERFIELD



Source: Bing



PROPOSED: T22 - Mixed-Use



Source: Google



Source: Google



# EXISTING USES: B1

# PROPOSED USES: TZ2

## Institutional Uses

Church  
Community center  
Government office  
Government use  
School—private, public  
Social Club

## Recreational Uses

Recreational club  
Swimming pool—public, semiprivate

## Commercial Permitted Uses

Bakery  
Barber/beauty salon  
Drugstore  
Dry cleaning  
Grocery store  
Hardware store  
Neighborhood convenience store  
Office  
Shoe store/shoe repair  
Tailor

## Other Permitted Uses

Utility substation

## Existing Uses with SLUP

Alcoholic beverage sales (off-premise consumption)  
Alcoholic beverage sales (on-premise consumption)  
Child-care center  
Continued care retirement community  
Drive-in facility  
Gasoline service station  
Independent hospice facility  
Skilled nursing facility

## Residential Permitted Uses

Dwelling – attached single family  
Dwelling – multiple family  
Dwelling – single family (R3)

## Commercial Permitted Uses

Art gallery  
Artisan use  
Barber/Beauty Salon  
Bookstore  
Boutique  
Drugstore  
Gift shop/flower shop  
Hardware  
Health club/studio  
Jewelry store  
Neighborhood convenience store  
Office  
Tailor

## Uses with SLUP

Any permitted commercial use with interior floor area over 3,000 sq.ft. per tenant  
Assisted Living  
Bakery (now requires SLUP)  
Bank/credit union with drive-thru  
Church or religious institution  
Coffee shop  
Delicatessen  
Dry cleaner (now requires SLUP)  
Essential services  
Food & drink establishment  
Government office/use (now requires SLUP)  
Grocery store (now requires SLUP)  
Independent hospice facility  
Independent senior living  
Parking Structure  
School – private and public (now requires SLUP)  
Skilled nursing facility  
Specialty food shop

# EXISTING USES: 01

# PROPOSED USES: TZ2

## Residential Permitted Uses

~~Adult foster care group home~~  
Dwelling – multiple family  
Dwelling – one-family (R5)  
Dwelling – two family  
Live/work unit  
Single family cluster

## Institutional Uses

~~Government office~~  
Philanthropic use  
School – public

## Recreational Uses

~~Park~~  
~~Swimming pool – semiprivate~~

## Commercial Permitted Uses

~~Barber/beauty salon~~  
~~Hair replacement establishment~~  
Office  
~~Veterinary clinic~~

## Existing Uses with SLUP

Assisted Living  
Bistro (only in Triangle District)  
Church  
Continued care retirement community  
Independent hospice facility  
Independent senior living  
Skilled nursing facility

## Residential Permitted Uses

**Dwelling – attached single family**  
Dwelling – multiple family  
Dwelling – single family (R3)

## Commercial Permitted Uses

**Art gallery**  
**Artisan use**  
Barber/Beauty Salon  
**Bookstore**  
**Boutique**  
**Drugstore**  
**Gift shop/flower shop**  
**Hardware**  
**Health club/studio**  
**Jewelry store**  
**Neighborhood convenience store**  
Office  
**Tailor**

## Uses with SLUP

**Any permitted commercial use with interior floor area over 3,000 sq.ft. per tenant**  
Assisted Living  
**Bakery**  
**Bank/credit union with drive-thru**  
**Church or religious institution**  
**Coffee shop**  
**Delicatessen**  
**Dry cleaner**  
**Essential services**  
**Food & drink establishment**  
Government office/use (now requires SLUP)  
**Grocery store**  
Independent hospice facility  
Independent senior living  
**Parking Structure**  
School – private and public (now requires SLUP)  
Skilled nursing facility  
**Specialty food shop**

# EXISTING USES: P

# PROPOSED USES: TZ2

## Residential Permitted Uses

Adult foster care group home (R7)  
Dwelling – multiple-family (R7)  
Dwelling – one-family (R7)  
Dwelling – two-family (R7)  
Live/work unit  
Single family cluster (R7)

## Institutional Uses

Government office (R7)  
Parking facility—off street  
Philanthropic use  
School—public (R7)

## Recreational Uses

Park (R7)  
Swimming pool, semiprivate (R7)

## Existing Uses with SLUP

Assisted living  
Bistro (only in Triangle District)  
Church  
Community center  
Continued care retirement community  
Independent hospice facility  
Independent senior living  
Publicly owned building  
Public utility building  
Recreational club  
School - private  
Skilled nursing facility  
Social club

## Residential Permitted Uses

Dwelling – attached single family  
Dwelling – multiple family  
Dwelling – single family (R3)

## Commercial Permitted Uses

Art gallery  
Artisan use  
Barber/Beauty Salon  
Bookstore  
Boutique  
Drugstore  
Gift shop/flower shop  
Hardware  
Health club/studio  
Jewelry store  
Neighborhood convenience store  
Office  
Tailor  
Uses with SLUP  
Any permitted commercial use with interior floor area over 3,000 sq.ft. per tenant  
Assisted Living  
Bakery  
Bank/credit union with drive-thru  
Church or religious institution  
Coffee shop  
Delicatessen  
Dry cleaner  
Essential services  
Food & drink establishment  
Government office/use (now requires SLUP)  
Grocery store  
Independent hospice facility  
Independent senior living  
Parking Structure (now requires SLUP)  
School – private and public (now requires SLUP)  
Skilled nursing facility  
Specialty food shop

# W. MAPLE AND CRANBROOK



MAPLE and CRANBROOK



PROPOSED: TZ2 - Mixed-Use



# EXISTING USES: B1

# PROPOSED USES: TZ2

## Institutional Uses

Church  
Community center  
Government office  
Government use  
School—private, public  
Social Club

## Recreational Uses

Recreational club  
Swimming pool—public, semiprivate

## Commercial Permitted Uses

Bakery  
Barber/beauty salon  
Drugstore  
Dry cleaning  
Grocery store  
Hardware store  
Neighborhood convenience store  
Office  
Shoe store/shoe repair  
Tailor

## Other Permitted Uses

Utility substation

## Existing Uses with SLUP

Alcoholic beverage sales (off-premise consumption)  
Alcoholic beverage sales (on-premise consumption)  
Child care center  
Continued care retirement community  
Drive-in facility  
Gasoline service station  
Independent hospice facility  
Skilled nursing facility

## Residential Permitted Uses

Dwelling – attached single family  
Dwelling – multiple family  
Dwelling – single family (R3)

## Commercial Permitted Uses

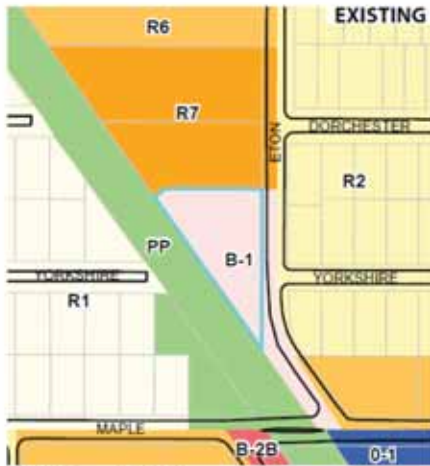
Art gallery  
Artisan use  
Barber/Beauty Salon  
Bookstore  
Boutique  
Drugstore  
Gift shop/flower shop  
Hardware  
Health club/studio  
Jewelry store  
Neighborhood convenience store  
Office  
Tailor

## Uses with SLUP

Any permitted commercial use with interior floor area over 3,000 sq.ft. per tenant  
Assisted Living  
Bakery (now requires SLUP)  
Bank/credit union with drive-thru  
Church or religious institution  
Coffee shop  
Delicatessen  
Dry cleaner (now requires SLUP)  
Essential services  
Food & drink establishment  
Government office/use (now requires SLUP)  
Grocery store (now requires SLUP)  
Independent hospice facility  
Independent senior living  
Parking Structure  
School – private and public (now requires SLUP)  
Skilled nursing facility  
Specialty food shop



# N. ETON



E. MAPLE and N. ETON



Source: Bing



PROPOSED: TZ3 - Mixed-Use



Source: Google



Source: Google



# EXISTING USES: B1

# PROPOSED USES: TZ2

## Institutional Uses

Church  
Community center  
Government office  
Government use  
School—private, public  
Social Club

## Recreational Uses

Recreational club  
Swimming pool—public, semiprivate

## Commercial Permitted Uses

Bakery  
Barber/beauty salon  
Drugstore  
Dry cleaning  
Grocery store  
Hardware store  
Neighborhood convenience store  
Office  
Shoe store/shoe repair  
Tailor

## Other Permitted Uses

Utility substation

## Existing Uses with SLUP

Alcoholic beverage sales (off-premise consumption)  
Alcoholic beverage sales (on-premise consumption)  
Child care center  
Continued care retirement community  
Drive-in facility  
Gasoline service station  
Independent hospice facility  
Skilled nursing facility

## Residential Permitted Uses

Dwelling – attached single family  
Dwelling – multiple family  
Dwelling – single family (R3)

## Commercial Permitted Uses

Art gallery  
Artisan use  
Barber/Beauty Salon  
Bookstore  
Boutique  
Drugstore  
Gift shop/flower shop  
Hardware  
Health club/studio  
Jewelry store  
Neighborhood convenience store  
Office  
Tailor

## Uses with SLUP

Any permitted commercial use with interior floor area over 3,000 sq.ft. per tenant  
Assisted Living  
Bakery (now requires SLUP)  
Bank/credit union with drive-thru  
Church or religious institution  
Coffee shop  
Delicatessen  
Dry cleaner (now requires SLUP)  
Essential services  
Food & drink establishment  
Government office/use (now requires SLUP)  
Grocery store (now requires SLUP)  
Independent hospice facility  
Independent senior living  
Parking Structure  
School – private and public (now requires SLUP)  
Skilled nursing facility  
Specialty food shop

## APPENDIX E:

### City Commission Minutes September 21, 2015

#### UNFINISHED BUSINESS

#### 09-204-15 CONTINUED PUBLIC HEARING TO CONSIDER ZONING ORDINANCE AMENDMENTS TRANSITIONAL ZONING

Mayor Sherman reopened the Public Hearing to consider amendments to Chapter 126, Zoning, of the Code of the City of Birmingham at 7:44 PM.

Planner Baka explained the recent revision to TZ1 requested by the City Commission prohibits garage doors on the front elevation. Commissioner Rinschler pointed out the previous discussion to eliminate all non-residential uses from TZ1. City Manager Valentine noted that any modifications to TZ1 could be addressed tonight.

Mr. Baka explained that TZ1 allows for attached single-family or multi-family two-story residential and provides transition from low density commercial to single family homes. He noted the maximum height is thirty-five feet with a two-story minimum and three-story maximum.

Commissioner McDaniel questioned why other properties on Oakland Street were removed from the original proposal. Mr. Baka explained that it was based on the objections from the homeowners as the current residents did not want their properties rezoned. Commissioner Rinschler pointed out that the rezoning is not about what is there currently, but what could be there in the future.

Mayor Pro Tem Hoff commented that the setback in TZ1 is required to have a front patio or porch which is very limiting with the five foot setback. She questioned why one-story is not allowed. Planner Ecker explained that two-stories will allow for more square footage and it is intended to be a buffer from the downtown to residential.

Commissioner Rinschler suggested that post office, social security office, school, nursing center, and church be removed from the list of uses so it is only residential use. He noted that the City is trying to create a buffer so there are no businesses abutting residential. He suggested a future Commission review the residential standards. Commissioners Dilgard and McDaniel agreed.

Ms. Ecker commented on the front setback requirement. She noted that the development standards include a waiver which would allow the Planning Board to move the setback further if a larger patio or terrace is desired.

Commissioner Nickita commented on the additional uses in TZ1. He noted that this is a zoning designation which is essentially residentially focused allowing for multi-family. He stated that those uses which stand out to be residential are independent senior living and independent

hospice which are aligned with multi-family residential uses. The Commission discussed the intensity of each use including assisted living.

Mayor Sherman summarized the discussion from the Public Hearing at the previous meeting. He explained that the three ordinances were presented to the Commission – TZ1 which is strictly residential; TZ2 which is residential, but allows for some commercial; and TZ3 which does allow for residential, but is more commercial in nature. At the hearing, people were comfortable with the language in TZ2 and TZ3. There were concerns and questions with TZ1 and the Commission requested staff make revisions to TZ1. The Commission then discussed the parcels that were proposed to be rezoned into the TZ2 and TZ3 categories. Discussion was not held regarding the TZ1 parcels at that time.

Commissioner Nickita suggested that in considering the commercial permitted uses and the Special Land Use Permit (SLUP) uses that several uses would be better served with a SLUP such as convenience store, drug store, and hardware store. Commissioners Rinschler and Hoff agreed.

Commissioner Rinschler noted the trouble with defining uses. He questioned why not let all the uses require SLUP's. Commissioner McDaniel suggested developing standards to evaluate SLUP's. Commissioner Nickita noted that it is not a one size fits all.

Mayor Sherman summarized the discussion that TZ1 would be restricted to solely residential; in TZ2 residential would be allowed, but any commercial uses would require a SLUP; in TZ3 would remain as drafted.

Bill Finnicum, 404 Bates, stated that having zero to five foot setbacks is unpractical. He suggested that the biggest danger is losing the character and rhythm of the streets.

Michael Murphy, 1950 Bradford, stated that the suggestion to require a SLUP is an acceptable compromise.

In response to a question from Commissioner Moore regarding parking, Ms. Ecker explained that commercial entities must provide for their own parking on-site if they are not in the parking assessment district. On-street parking can only be counted if the property is located in the triangle district.

Reed Benet, 271 Euclid, stated that changing the zoning from single family residential to protect single family residential is illogical.

Ms. Ecker confirmed for David Crisp, 1965 Bradford, that the parcels on 14 Mile would not be able to count the on-street parking unless they came through a separate application process and tried to get approval of the City Commission.

A resident at 1895 Bradford stated that the more uses which are subject to a SLUP would decrease the predictability of the neighborhood in the future and the value of the zoning effort.

Benjamin Gill, 520 Park, stated that the height of the buildings should be controlled by the neighborhood.

Irving Tobocman, 439 Greenwood, questioned the restriction on the depth of a porch relative to the setback on the street.

David Kolar, commercial real estate broker, expressed concern with the unintended consequences of making everything a SLUP. He noted that a SLUP is a high barrier of entry for small businesses. He suggested defining the appropriate uses in the TZ1, TZ2, and TZ3 districts.

Erik Morganroth, 631 Ann, expressed support of the idea of limitations and commented that the SLUP is most appropriate.

Mr. Baka discussed the parcels proposed in TZ1. He noted the proposal increases the number of units currently permitted at 404 Park from two to four, increase the number of units currently permitted on the parcel at Willits and Chester from two units to a maximum of five, and set the number of units currently permitted on the post office parcel from no limit to one unit for every 3,000 square feet. He discussed the lot area and setbacks.

Mr. Baka confirmed for Mayor Pro Tem Hoff that if the post office moved, a single family residential would be permitted.

Commissioner Rinschler expressed concern that only one lot was included in the 404 Park area. He suggested either extend it to the other parcels on Oakland Street or direct the Planning Board to reopen the hearing to redo the process including all three parcels.

Commissioner Moore stated that there is still a strong potential of economic viability to having those remain single family residential. The purpose of the ordinance is not to invade or lessen a neighborhood, but to enhance the neighborhood by protecting it and ensuring it will be contextual and there are building standards. Commissioner McDaniel agreed.

Commissioner Dilgard stated that the Planning Board was correct with the proposed zoning on 404 Park.

Mayor Sherman pointed out that Commission Nickita recused himself from 404 Park as he was involved with a project with someone who has an interest in 404 Park.

Mayor Sherman agreed with Commissioner Rinschler and noted that the zoning that is suggested does not make a lot of sense.

The following individuals spoke regarding 404 Park:

- Debra Frankovich expressed concern with sectioning out one double lot as it appears to support one property owners best interest.
- Tom Ryan, representing the Host's who are the property owners just north of 404 Park, commented that to single out one parcel is not appropriate.
- Benjamin Gill, 525 Park, expressed opposition to the rezoning of this parcel.
- Bill Finnicum, 404 Bates, commented that the rezoning will only benefit the property owner and will harm the adjacent property owner.

- Chuck DiMaggio, with Burton Katzman Development, explained the history of the property and noted that the Planning Board has spent thirty months studying 404 Park and the other transitional properties.
- Brad Host, 416 Park, stated that the residents are not interested in being rezoned.
- Kathryn Gaines, 343 Ferndale, agreed that Oakland is the buffer. She questioned what four units on that corner bring to the neighborhood that two could not.
- Bev McCotter, 287 Oakland, stated that she does not want the development of this lot into four units.
- Jim Mirro, 737 Arlington, stated that Oakland is the buffer and stated that the parcel should not be rezoned as proposed.
- Ann Stallkamp, 333 Ferndale, stated that she is against the TZ1 rezoning on Park and stated that 404 Park should be taken off the list.
- David Bloom questioned the number of units which would be allowed on the Bowers property.
- Reed Benet, 271 Euclid, commented that it is illogical that this has gone on for three years.
- Chuck DiMaggio, with Burton Katzman Development, noted that they want to do something that benefits the community and provide the proper transition and lead in to the downtown and is compatibility with the neighborhood.
- Tom Ryan, representing the Host's who are the property owners just north of 404 Park, commented that this is not a transition zone and there are ways to put more than one unit on the parcel.

The Mayor closed the Public Hearing at 9:21 PM.

**MOTION:** Motion by Rinschler, seconded by Dilgard:

To adopt the ordinances amending Chapter 126, Zoning, of the Code of the City of Birmingham as suggested with the following modifications: to modify TZ1 with the changes presented plus the elimination of all non-residential uses; to modify TZ2 that all commercial uses require a SLUP, and TZ3 would remain as proposed: (TZ2 RESCINDED)

- TO ADD ARTICLE 02 DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES, SECTION 2.41, TZ1 (TRANSITION ZONE) DISTRICT TO CREATE A DISTRICT INTENT AND LIST PERMITTED AND SPECIAL USES IN THIS ZONE DISTRICT;
- TO ADD ARTICLE 02 DEVELOPMENT STANDARDS, SECTION 2.42, TZ1 (TRANSITION ZONE) DISTRICT TO CREATE DEVELOPMENT STANDARDS IN THIS ZONE DISTRICT;
- TO ADD ARTICLE 02 DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES, SECTION 2.43, TZ2 (TRANSITION ZONE) DISTRICT TO CREATE A DISTRICT INTENT AND LIST PERMITTED AND SPECIAL USES IN THIS ZONE DISTRICT;
- TO ADD ARTICLE 02 DEVELOPMENT STANDARDS, SECTION 2.44, TZ2 (TRANSITION ZONE) DISTRICT TO CREATE DEVELOPMENT STANDARDS IN THIS ZONE DISTRICT;
- TO ADD ARTICLE 02 DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES, SECTION 2.45, TZ3 (TRANSITION ZONE) DISTRICT TO CREATE A DISTRICT INTENT AND LIST PERMITTED AND SPECIAL USES IN THIS ZONE DISTRICT;

- TO ADD ARTICLE 02 DEVELOPMENT STANDARDS, SECTION 2.46, TZ3 (TRANSITION ZONE) DISTRICT TO CREATE DEVELOPMENT STANDARDS IN THIS ZONE DISTRICT;
- TO ADD ARTICLE 4, SECTION 4.53, PARKING STANDARDS, PK-09, TO CREATE PARKING STANDARDS FOR TZ1, TZ2 AND TZ3 ZONE DISTRICTS;
- TO ADD ARTICLE 4, SECTION 4.58, SCREENING STANDARDS, SC-06, TO CREATE SCREENING STANDARDS FOR TZ1, TZ2 AND TZ3 ZONE DISTRICTS;
- TO ADD ARTICLE 4, SECTION 4.62, SETBACK STANDARDS, SB-05, TO CREATE SETBACK STANDARDS FOR TZ1 ZONE DISTRICTS;
- TO ADD ARTICLE 4, SECTION 4.63, SETBACK STANDARDS, SB-06, TO CREATE SETBACK STANDARDS FOR TZ2 AND TZ3 ZONE DISTRICTS;
- TO ADD ARTICLE 4, SECTION 4.69, STREETScape STANDARDS, ST-01, TO CREATE STREETScape STANDARDS FOR TZ1, TZ2 AND TZ3 ZONE DISTRICTS;
- TO ADD ARTICLE 4, SECTION 4.77, STRUCTURE STANDARDS, SS – 09, TO CREATE STRUCTURE STANDARDS FOR THE TZ1 ZONE DISTRICT;
- TO ADD ARTICLE 4, SECTION 4.78, STRUCTURE STANDARDS, SS – 10, TO CREATE STRUCTURE STANDARDS FOR TZ2 AND TZ3 ZONE DISTRICTS;
- TO ADD ARTICLE 5, SECTION 5.14, TRANSITION ZONE 1, TO CREATE USE SPECIFIC STANDARDS FOR THE TZ1 ZONE DISTRICT;
- TO ADD ARTICLE 5, SECTION 5.15, TRANSITION ZONES 2 AND 3, TO CREATE USE SPECIFIC STANDARDS FOR THE TZ2 AND TZ3 ZONE DISTRICTS;

Commissioner Moore commented that an important part of this package is the building standards for the transitional areas where commercial abuts residential. Requiring SLUP's in the TZ2 district will be more cumbersome for the small proprietor. There may be some unintended consequences.

VOTE:           Yeas, 7  
 Nays, None Absent, None

**MOTION:**    Motion by Rinschler, seconded by Dilgard:  
 To amend Chapter 126, Zoning, of the Code of the City of Birmingham, Article 4, all Sections noted below, to apply to each Section to the newly created TZ1, TZ2, and/or TZ3 Zone Districts as indicated: (TZ2 RESCINDED)



Ordinance Section Name	Section Number	Applicable Zone to be Added
Accessory Structures Standards (AS)	4.02 4.03 4.04	TZ1, TZ2, TZ3 TZ1 TZ1, TZ2, TZ3
Essential Services Standards (ES)	4.09	TZ1, TZ2, TZ3
Fence Standards (FN)	4.10 4.11	TZ1, TZ2, TZ3 TZ1
Floodplain Standards (FP)	4.13	TZ1, TZ2, TZ3
Height Standards (HT)	4.16 4.18	TZ1, TZ2, TZ3 TZ1, TZ2, TZ3
Landscaping Standards (LA)	4.20	TZ1, TZ2, TZ3
Lighting Standards (LT)	4.21 4.22	TZ1, TZ2, TZ3 TZ1, TZ2, TZ3
Loading Standards (LD)	4.24	TZ1, TZ2, TZ3
Open Space Standards (OS)	4.30	TZ1, TZ2, TZ3
Outdoor Dining Standards (OD)	4.44	TZ2, TZ3

Parking Standards (PK)	4.45 4.46 4.47	TZ1, TZ2, TZ3 TZ1, TZ2, TZ3 TZ1, TZ2, TZ3
Screening Standards (SC)	4.53	TZ1, TZ2, TZ3
Setback Standards (SB)	4.58	TZ1, TZ2, TZ3
Structure Standards (SS)	4.69	TZ1, TZ2, TZ3
Temporary Use Standards (TU)	4.77	TZ1, TZ2, TZ3
Utility Standards (UT)	4.81	TZ2, TZ3
Vision Clearance Standards (VC)	4.82	TZ1, TZ2, TZ3
Window Standards (WN)	4.83	TZ2, TZ3

VOTE: Yeas, 7  
Nays, None Absent, None

**MOTION:** Motion by Hoff, seconded by Nickita:  
To amend Article 9, Definitions, Section 9.02 to add definitions for boutique, parking, social club, tobacconist, indoor recreation facility, and specialty food store.

VOTE: Yeas, 7  
Nays, None Absent, None

In response to a question from Commissioner Nickita, City Manager Valentine explained that there was a question on the current use of the property at 412 & 420 East Frank zoned R3.

Staff has determined that the property appears to be in violation of the zoning ordinance with regard to the current use. It is currently under investigation as the current zoning is residential and the current use appears to be commercial. He noted that it is an enforcement issue.

City Attorney Currier stated that the Commission action on the rezoning is independent of the violation. He stated that staff has not had access to the property as of yet.

Commissioner Nickita stated that the current use may have an effect on how the Commission views the property. Commissioner Rinschler responded that the current use has no bearing on the future zoning.

**MOTION:** Motion by Hoff, seconded by McDaniel:

To approve the rezoning of 412 & 420 E. Frank, Parcel # 1936253003, Birmingham MI. from B1-Neighborhood Business, B2B-General Business, R3-Single-Family Residential to TZ2 – Mixed Use to allow commercial and Residential uses which are compatible with adjacent Single-Family Residential uses.

Mr. Baka explained for Patty Shayne that the property would be commercial or residential zone.

Erik Morganroth, 631 Ann, questioned why R3 would not be zoned TZ1 as it is a corner buffer lot.

Eric Wolfe, 393 Frank, stated that rezoning is not necessary on these parcels.

Nirav Doshi, 659 Ann, stated that the R3 should not be converted to TZ2. It should stay residential.

The Commission discussed the possibility of removing R3 out of the motion. Mayor Pro Tem Hoff suggested amending the motion to remove R3. There was no second.

Commissioner McDaniel suggested referring this back to the Planning Board to consider what has been proposed. Mr. Baka noted that the property owner requested to be in the study so they could consolidate the parcels under a single zone. Commissioner Nickita concurred that this should be reconsidered at the Planning Board level.

Mayor Pro Tem Hoff withdrew the motion. MOTION WITHDRAWN

**MOTION:** Motion by Nickita, seconded by Rinschler:

To send this item back to the Planning Board with direction based on the conversation tonight.

VOTE: Yeas, 7

Nays, None Absent, None

**MOTION:** Motion by McDaniel, seconded by Nickita:

To approve the rezoning of 151 N. Eton, Birmingham MI from B-1 Neighborhood Business to TZ2 - Mixed Use to allow Commercial and Residential uses which are compatible with adjacent Single-Family Residential uses. (RESCINDED)

Dorothy Conrad stated that the Pembroke neighborhood does not object.

David Kolar stated that he was in favor of TZ2, until the SLUP requirement was added tonight which he objects. He stated that an identified number of basic uses is needed as these are small units.

VOTE: Yeas, 7  
Nays, None Absent, None

**MOTION:** Motion by Hoff, seconded by McDaniel:  
To approve the rezoning of 2483 W. Maple Rd. Birmingham MI. from B1- Neighborhood Business to TZ2 - Mixed Use to allow Commercial and Residential uses which are compatible with adjacent Single-Family Residential uses. (RESCINDED)

VOTE: Yeas, 7  
Nays, None Absent, None

**MOTION:** Motion by Dilgard, seconded by McDaniel:  
To approve the rezoning of 1712, 1728, 1732, 1740, 1744, 1794 & 1821 W. Maple Rd. Birmingham, MI. from B1-Neighborhood Business, P-Parking, O1-Office to TZ2 - Mixed Use to allow Commercial and Residential uses which are compatible with adjacent Single-Family Residential uses. (RESCINDED)

VOTE: Yeas, 7  
Nays, None Absent, None

**MOTION:** Motion by Nickita, seconded by Dilgard:  
To approve the rezoning of 880 W. Fourteen Mile Rd., 1875, 1890 & 1950 Southfield Rd. Birmingham, MI. from B1-Neighborhood Business and O1-Office to TZ2 - Mixed Use to allow Commercial and Residential uses which are compatible with adjacent Single-Family Residential uses. (RESCINDED)

VOTE: Yeas, 7  
Nays, None Absent, None

**MOTION:** Motion by Nickita, seconded by Hoff:  
To approve the rezoning of 100, 124, 130 & 152, W. Fourteen Mile Rd. & 101 E. Fourteen Mile Rd., Birmingham, MI. from B1-Neighborhood Business, P-Parking, and R5-Multi-Family Residential to TZ2 - Mixed Use to allow Commercial and Residential uses which are compatible with adjacent Single-Family Residential uses. (RESCINDED)

VOTE: Yeas, 7  
Nays, None Absent, None

**MOTION:** Motion by McDaniel, seconded by Moore:

To approve the rezoning of 1775, 1803, 1915, 1971, 1999, 2055, 2075 & 2151 Fourteen Mile Rd., Parcel # 2031455006, Birmingham, MI. from O1-Office to TZ2-Mixed Use to allow Commercial and Residential uses which are compatible with adjacent Single-Family Residential uses. (NO VOTE TAKEN)

Commissioner Moore stated that he will oppose this item. He stated that he approves the concept, but thinks the timing is wrong due to future changes to Woodward Avenue.

Dorothy Conrad noted that the current uses along 14 Mile Road are offices. There is no benefit to the neighborhood by changing the zoning to allow commercial uses with a SLUP.

David Kolar stated his objection and noted that the property owners should be notified that every use now requires a SLUP. It is a big change for a property owner.

City Attorney Currier stated the addition of the SLUP requirement is an additional restriction which was not part of the original notice to the property owners. He noted that this could be an issue for those not aware that the SLUP requirement was added tonight. In response to a question from the Commission, Mr. Currier confirmed that renotification to the property owners would be needed and the ordinance to add the SLUP restriction would have to go back to the Planning Board.

**MOTION:** Motion by Nickita, seconded by Hoff:

To rescind the motions regarding TZ2 for review of the Planning Board.

VOTE: Yeas, 7  
Nays, None Absent, None

Mr. Valentine explained that TZ2 will be sent back to the Planning Board to hold a public hearing to incorporate the proposed language to include the SLUP restriction for commercial uses, and then back to the City Commission.

**MOTION:** Motion by Hoff, seconded by McDaniel:

To rescind the adoption of the TZ2 ordinance and all housekeeping pertaining to TZ2, but not TZ1 or TZ3, and refer TZ2 to the Planning Board per the discussion and to have the Planning Board take into consideration the discussion from the City Commission and from the public to arrive at a conclusion.

Commissioner Dilgard stated that he does not agree with the direction that everything has to be a SLUP. If it is sent back to the Planning Board, he suggested a SLUP be required for properties 1500 square feet or greater rather than just a blanket SLUP regardless the size of the property.

Commissioner McDaniel agreed and expressed concern that a 1500 square foot store would have to pay high fees for the approvals.

VOTE: Yeas, 7  
Nays, None Absent, None

**MOTION:** Motion by Hoff, seconded by Nickita:  
To approve the rezoning of 36801, 36823 & 36877 Woodward, Parcel #'s 1925101001, 1925101006, 1925101007, 1925101008, 1925101009, Birmingham MI from O1- Office & P-Parking to TZ3 - Mixed Use to allow Commercial and Residential uses which are compatible with adjacent Single-Family Residential uses.

VOTE: Yeas, 7  
Nays, None Absent, None

**MOTION:** Motion by Nickita, seconded by McDaniel:  
To approve the rezoning of 1221 Bowers & 1225 Bowers Birmingham, MI from O1- Office/ P -

Parking to TZ1 - Attached Single-Family to allow Attached Single-Family, Multi-Family Residential uses which are compatible with adjacent Single-Family Residential uses.

VOTE: Yeas, 7  
Nays, None Absent, None

**MOTION:** Motion by Dilgard, seconded by Hoff:  
To approve the rezoning of 400 W. Maple Birmingham, MI from O1 Office to TZ3 Mixed Use to allow Commercial and Residential uses which are compatible with adjacent Single-Family Residential uses.

VOTE: Yeas, 7  
Nays, None Absent, None

**MOTION:** Motion by Nickita, seconded by Dilgard:  
To approve the rezoning of 191 N. Chester Rd. Birmingham, MI. from R-2 Single-Family Residential to TZ1 - Attached Single-Family to allow Attached Single-Family and Multi-Family Residential uses which are compatible with adjacent Single-Family Residential uses.

VOTE: Yeas, 7  
Nays, None Absent, None

Mr. Currier noted that a protest petition was received on 404 Park which requires a  $\frac{3}{4}$  vote of the elected Commission. Mayor Sherman noted that six votes are needed and Commissioner Nickita has recused himself from this item.

**MOTION:** Motion by Dilgard, seconded by Moore:  
To approve the rezoning of Parcel # 1925451021, Known as 404 Park Street, Birmingham, MI. from R-2 Single-Family Residential to TZ1 - Attached Single-Family to allow attached Single-Family and Multi-Family Residential which are compatible with adjacent Single-Family Residential uses.

Commissioner Rinschler stated that if a buffer zone is being created, it should include properties further down Oakland. He stated that he considers rental properties as commercial development.

Mayor Pro Tem Hoff stated that she will not support the motion. She noted that the plans look good, however she has heard from residents who are very unhappy about this.

Mayor Sherman noted that he will not support the motion. If a buffer zone is going to be created, it should be the entire side of the street. He noted that Oakland is an entranceway into the City. Eventually, there may be that transition, but now is not the time.

VOTE: Yeas, 3 (Dilgard, McDaniel, Moore) Nays, 3 (Hoff, Rinschler, Sherman)  
Absent, None Recusal, 1 (Nickita)

Commissioner Rinschler and Commissioner Dilgard agreed that this should be referred back to the Planning Board based on the discussion.



**Planning Board Minutes**  
**March 9, 2016**

**4. Transitional Zoning (TZ-2)**

Chairman Clein noted the purpose of this study session is to re-acquaint the board with the process thus far so they can determine what the next steps might be.

Ms. Ecker recalled that on September 21, 2015, the City Commission held a continued public hearing on the transitional zoning proposals recommended by the Planning Board. After much discussion and public input, the City Commission referred the portion of the ordinance related to TZ-2 back to the Planning Board for further study, along with those properties that had been recommended for rezoning to the new TZ-2 Zone District. The City Commission asked the Planning Board to consider the comments made by the City Commission and members of the public with regard to the proposed TZ-2 properties. In addition, several commissioners requested that the Planning Board consider whether to make some, or all, of the commercial uses in the proposed TZ-2 District Special Land Use Permits ("SLUPs").

Consensus was that the board will only look at the ordinance language for TZ-2 along with the TZ-2 parcels unless the City Commission says otherwise. Ms. Whipple-Boyce said it would be helpful to have the commercial uses that were approved for TZ-1 and TZ-3 when the board is looking at the uses of TZ-2. Mr. Williams agreed the charts would be very helpful. Also he would like to see a Google map of the TZ-2 properties to understand their context from all sides.

**Planning Board Minutes**  
**April 13, 2016**

**STUDY SESSION**

**Transitional Zoning TZ-2**

Ms. Ecker recalled that on March 9, 2016, the Planning Board discussed the history of the transitional zoning study and the direction from the City Commission for the Planning Board to further study the portion of the ordinance related to TZ-2, as well as those properties that had been recommended for rezoning to the new TZ-2 Zone District. The consensus of the Planning Board was to limit continued study to the ordinance language for TZ-2 along with the TZ-2 parcels unless the City Commission says otherwise. Board members requested staff to present charts comparing the proposed uses in TZ-1, TZ-2 and TZ-3 at the next meeting, and to prepare aerial maps for each of the proposed TZ-2 properties to assist the board in understanding the neighborhood context in each case. Charts, maps and aerial photos were included in this month's materials for review by the board.

Ms. Ecker noted that the only difference between TZ-2 and TZ-3 is that TZ-3 allows a veterinarian office and a 1,000 sq. ft. larger commercial space without needing a Special Land Use Permit ("SLUP").

Mr. Williams recalled there were a number of former Commissioners who felt that all of TZ-2 should have SLUPs for permitted uses. He has no idea what the new City Commission wants to do with TZ-2. Personally, he is opposed to a SLUP for everything. He thought the SLUP should only come into play if the uses go beyond what was originally permitted in the underlying zoning. What is developed in TZ-2 is not a significant expansion, but it is a consolidation. All of the properties coming from the categories where it is not a significant expansion would stay as TZ-2. Create a TZ-4, basically three or four properties along Fourteen Mile Rd., and give them SLUPs. In his view a few properties caused TZ-2 to be derailed by the former City Commission. Now the only unknown is what this City Commission wants. He doesn't think the Planning board was that far off in its original presentation to them.

Chairman Clein wondered if TZ-2 should be a bit more restrictive with fewer permitted uses so there is more of a separation between TZ-2 and TZ-3.

Mr. Boyle thought TZ-2 should be simplified so there is the intent of having a modest amount of mixed uses with some commercial activity, and there are not lots of regulations which is what a SLUP is. Discussion concerned making health club a SLUP use because of the need for parking, and its effect on the neighborhood. Mr. Williams suggested making anything a SLUP that impinges on the neighborhood in terms of its demands. Leave many of the uses the way they are because they are not that controversial.

Ms. Whipple-Boyce felt differently. She wanted to take some of the SLUP uses and put them into permitted uses because she thinks the whole idea is to activate the buildings and get small

business owners into the spaces. She feels the board went wrong by taking some of the permitted uses away, and they have become too restrictive with what is being proposed for TZ-2. Mr. Jeffares thought that once you restrict the uses you will end up with empty stores.

Mr. Williams recalled that back in history the board took out some of the most objectionable uses. Their mistake was that they didn't report on that to the City Commission as part of this package. Now when they go forward to the Commission they have to go back and tell the whole story because the Commission needs to understand the original charge years ago and what has happened since. Mr. Boyle added that in the joint session it behooves this board to be very clear about what it wants and not apologize.

Ms. Whipple-Boyce thought there could be a way to clean up the uses so there is a better distinction between TZ-2 and TZ-3. Mr. Boyle said that understanding the long history is important along with presenting it in a logical simplified way to the Commission.

The group's consensus was to remove from TZ-2 drycleaner, grocery store, delicatessen, parking structure; make health club a SLUP; move coffee shop and bakery up from uses requiring a SLUP to permitted uses. All TZ-2 requirements kick in upon a change in use. A 3,000 sq. ft. limitation applies to permitted uses. Larger permitted uses require a SLUP.

It was agreed to look at the revised list of uses and start talking about them at the next study session.

	TZ1	TZ2	TZ3
<b>Residential Permitted Uses</b>	<ul style="list-style-type: none"> <li>• Dwelling – attached single family</li> <li>• Dwelling – single family (R3)</li> <li>• Dwelling – multi-family</li> </ul>	<ul style="list-style-type: none"> <li>• Dwelling – attached single family</li> <li>• Dwelling – single family (R3)</li> <li>• Dwelling – multi-family</li> </ul>	<ul style="list-style-type: none"> <li>• Dwelling – attached single family</li> <li>• Dwelling – single family (R3)</li> <li>• Dwelling – multi-family</li> </ul>
<b>Commercial Permitted Uses</b>		<ul style="list-style-type: none"> <li>• Art gallery</li> <li>• Artisan use</li> <li>• Bakery</li> <li>• Barber/beauty salon</li> <li>• Bookstore</li> <li>• Boutique</li> <li>• Coffee shop</li> <li>• Drugstore</li> <li>• Gift shop/flower shop</li> <li>• Hardware</li> <li>• <del>Health club/studio</del></li> <li>• Jewelry store</li> <li>• Neighborhood convenience store</li> <li>• Office</li> <li>• Tailor</li> </ul>	<ul style="list-style-type: none"> <li>• Art gallery</li> <li>• Artisan use</li> <li>• Barber/beauty salon</li> <li>• Bookstore</li> <li>• Boutique</li> <li>• Drugstore</li> <li>• Gift shop/flower shop</li> <li>• Hardware</li> <li>• Health club/studio</li> <li>• Jewelry store</li> <li>• Neighborhood convenience store</li> <li>• Office</li> <li>• Tailor</li> </ul>
<b>Accessory Permitted Uses</b>	<ul style="list-style-type: none"> <li>• Family day care home</li> <li>• Home occupation*</li> <li>• Parking – off-street</li> </ul>	<ul style="list-style-type: none"> <li>• Family day care home</li> <li>• Home occupation*</li> <li>• Parking – off-street</li> </ul>	<ul style="list-style-type: none"> <li>• Family day care home</li> <li>• Home occupation*</li> <li>• Parking – off-street</li> </ul>

	TZ1	TZ2	TZ3
<b>Uses Requiring a Special Land Use Permit</b>	<ul style="list-style-type: none"> <li>· Assisted Living</li> <li>· Church and Religious Institution</li> <li>· Essential services</li> <li>· Government Office/Use</li> <li>· Independent hospice facility</li> <li>· Independent senior living</li> <li>· Parking Structure</li> <li>· School – private and public</li> <li>· Skilled nursing facility</li> </ul>	<ul style="list-style-type: none"> <li>· Any permitted commercial use with interior floor area over 3,000 sq. ft. per tenant</li> <li>· Assisted living</li> <li>· <del>Bakery</del></li> <li>· Bank/credit union with drive-thru</li> <li>· Church and religious institution</li> <li>· <del>Coffee shop</del></li> <li>· <del>Delicatessen</del></li> <li>· <del>Dry cleaner</del></li> <li>· Essential services</li> <li>· Food and drink establishment</li> <li>· Government office/use</li> <li>· <del>Grocery store</del></li> <li>· Health club/studio</li> <li>· Independent hospice facility</li> <li>· Independent senior living</li> <li>· <del>Parking structure</del></li> <li>· School – private and public</li> <li>· Skilled nursing facility</li> <li>· Specialty food shop</li> </ul>	<ul style="list-style-type: none"> <li>· Any permitted commercial use with interior floor area over 4,000 sq. ft. per tenant</li> <li>· Assisted living</li> <li>· Bakery</li> <li>· Bank/credit union with drive-thru</li> <li>· Church and religious institution</li> <li>· Coffee shop</li> <li>· Delicatessen</li> <li>· Dry cleaner</li> <li>· Essential services</li> <li>· Food and drink establishment</li> <li>· Government office/use</li> <li>· Grocery store</li> <li>· Independent hospice facility</li> <li>· Independent senior living</li> <li>· Parking structure</li> <li>· School – private and public</li> <li>· Skilled nursing facility</li> <li>· Specialty food shop</li> <li>· Veterinary clinic</li> </ul>



# MEMORANDUM

Planning Division

**DATE:** May 6, 2016  
**TO:** Planning Board  
**FROM:** Jana L. Ecker, Planning Director  
**SUBJECT:** Neighborhood Identification Signage

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The City of Birmingham proposed a series of neighborhood identification signs as a part of the City Way Finding and Signage Design Program. This program was established in 2004 for the purpose of ensuring a consistent signage system, and to contribute to the City's identity with dynamic visual images in public spaces. To date, gateway signage has been installed at several primary and secondary gateways into the City, however there have not been any neighborhood identification signs installed to date.

Requests have recently been made however for the City to provide neighborhood identification signs to individual neighborhoods as recommended in the Way Finding Plan. Accordingly, the City Commission may wish to establish a policy to determine whether to fund the purchase of neighborhood identification signs, and to establish selection criteria for qualifying neighborhoods and a location selection process for sign placement within a neighborhood.

One policy option would be for the City of Birmingham to fund and provide one neighborhood identification sign per qualified neighborhood association, provided that the neighborhood association also provides funding for one or more neighborhood identification sign(s). Once the funds from the neighborhood association have been paid to the City, the City could then purchase two neighborhood identification signs to be installed within the neighborhood. Requiring the neighborhood to fund a sign would indicate support and buy in from the neighborhood, and would assist in limiting the number of requests made for City funding.

It is also recommended that the policy contain provisions to specify that only those neighborhoods on file at the City Clerk's office with formal homeowner/neighborhood associations would qualify for this program. Further, all requests for funds must include submittal of an application with the City that demonstrates proof of approval by the neighborhood association to provide funding for one or more neighborhood identification signs, and a recommendation of sign placement locations. Upon receipt of such an application, the City Commission could then review the request and make the final determination to provide funding for up to one sign, and to finalize the location for sign placement within the neighborhood. The City Commission may also wish to specify a maximum number of neighborhood identification signs to be funded each fiscal year Citywide. Should the City Commission wish to consider establishing a policy to fund and/or approve the installation of neighborhood identification signs, a selection process should also be established to either consider requests in the order in which they are received, or at specified times of the year so that any competing requests can be evaluated together. A draft resolution is attached to this

report that proposes a new policy for the funding and placement of neighborhood identification signage for your consideration.

At this time, Birmingham Farms Neighborhood Association (the area north west of the intersection of 14 Mile Road and Southfield) has expressed interest in adding neighborhood identification signage within the boundaries of their neighborhood. City staff has met with the President of their neighborhood association several times to discuss this request and to identify potential signage locations. On February 15, 2016, the Birmingham Farms Neighborhood Association held a neighborhood meeting, and requested neighborhood identification signage at four locations, prioritized in the following order:

1. Wakefield and Southfield St.;
2. Latham and Lincoln St.;
3. Saxon and Norfolk St.; and
4. Northlawn Island.

Birmingham Farms Neighborhood Association has not approved any expenditure of their funds towards the purchase of neighborhood signage, but has requested a review by the City to determine if the City would provide funding for signage at one or more of the above locations. Accordingly, please find attached the following documents for your review in considering whether to establish a neighborhood identification signage policy, and to provide further direction to Birmingham Farms Neighborhood Association:

- Appendix A: Draft Resolution of Neighborhood Identification Signage Policy;
- Appendix B: Birmingham Farms Neighborhood Association Meeting Minutes;
- Appendix C: Photos of Priority Locations in the Birmingham Farms Neighborhood; and
- Appendix D: Quotes from three sign vendors for the neighborhood identification signs recommended in the City's Wayfinding Plan.

On April 25, 2016, the City Commission reviewed all of the above documentation and discussed the design and placement of the neighborhood wayfinding signage. After much discussion, the City Commission voted to send this issue back to the Planning Board for further study and direction. Draft minutes from this meeting are attached for your review.



**DRAFT City Commission Minutes**  
**April 25, 2016**

**04-125-16                    NEIGHBORHOOD IDENTIFICATION SIGNAGE POLICY**

City Planner Ecker explained that in 2004, the City approved a wayfinding and signage design program. One of the signs recommended in the plan was a neighborhood identification sign. She stated that the City has received numerous requests to place these signs within the neighborhoods. She noted that the proposed policy would determine who would pay for the signs, location of the signs, and how many a neighborhood could have.

Commissioner Bordman expressed concern as the City is undertaking a new branding effort and it would be premature to authorize any more signs until the logo is complete. She questioned who would pay for the signage.

Mayor Pro Tem Nickita commented that it is a good plan, but shares the concern regarding the graphic and funding. He noted that plan is not ready as there are additional questions as to how it would be rolled out more completely, collectively and logistically.

Commissioner Sherman questioned if the neighborhoods should be identified with signage. He questioned if this is a want or a need and where it fits into the City's priorities.

Commissioner Boutros questioned whether this would identify the elements of the neighborhood or just the street.

Mayor Hoff questioned whether the Commission wants neighborhood signs and where would they be located. She also expressed concern with the graphics on the sign.

Mayor Pro Tem Nickita questioned the purpose of the signage – parking, directional, identification, or to enhance the visitor understanding of different elements of the City. He suggested the Planning Board review this.

Commissioner DeWeese concurred and suggested the wayfinding concept be re-examined.

Commissioner Harris agreed that the policy should be reviewed by the Planning Board as to the standards and implementation.

Commissioner Bordman suggested the Planning Board consider the effect of the neighborhoods being the driver of the signs as not every house identifies itself with a particular neighborhood. Mayor Pro Tem Nickita suggested the Planning Board consider the differentiation of the physical neighborhood.

**MOTION:**     Motion by DeWeese, seconded by Bordman:  
To refer this item back to Planning Board with the comments made this evening.

**VOTE:**            Yeas, 7  
                      Nays, None  
                      Absent, None

## APPENDIX A:

### Resolution # \_\_\_\_\_ Neighborhood Identification Signage Policy

**WHEREAS,** The City developed and approved a Wayfinding and Signage Design Plan for the entire City in 2004;

**WHEREAS,** The Wayfinding Plan was established for the purpose of ensuring a consistent signage system, and to contribute to the City's identity with dynamic visual images in public spaces;

**WHEREAS,** The Wayfinding Plan proposed several types of signage for locations across the City, including a neighborhood identification sign to be customized with individual neighborhood names to identify the location of the City's neighborhoods;

**WHEREAS,** The City Commission wishes to establish a policy to approve the funding and placement of neighborhood identification signage within the City as recommended in the 2004 Wayfinding Plan;

#### **NOW, THEREFORE, BE IT RESOLVED:**

1. Any neighborhood on file at the City Clerk's office with a formal homeowner/neighborhood association may apply to the City for the funding and/or placement of neighborhood identification signage.
2. Any neighborhood that applies for the funding and/or placement of neighborhood identification signage must deposit funds with the City to cover the costs to purchase and install a minimum of 1 such sign at the time of application.
3. All applications submitted to the City must contain the following information:
  - a) The name and contact information of the neighborhood association president or similar authorized officer of the organization to act as the liason with the City;
  - b) A map detailing the desired location(s) of neighborhood identification signage in order of priority preference;
  - c) A copy of meeting minutes or a resolution of the homeowner/neighborhood association evidencing approval of the signage application and recommended placement locations; and
  - d) Any other information requested by the City Commission.
4. All applications for neighborhood identification signage must be submitted to the City by June 1<sup>st</sup> of each year.

5. The City Commission will review all applications for neighborhood identification signage at one public meeting to be held no more than 90 days after June 1<sup>st</sup>.
6. The City Commission may approve the funding of up to 4 neighborhood identification signs per year, with a maximum of 1 sign to be funded by the City for each neighborhood.

I, Laura Pierce, Clerk of the City of Birmingham, certify that the foregoing is a true and compared copy of a Resolution duly made and passed by the Birmingham City Commission at a meeting held on April 25, 2016.

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Laura Pierce, City Clerk

## APPENDIX B:

**February 15, 2016, 7:30 p.m.**

### **Birmingham Farms Neighborhood Association (BFNA) Board Meeting Minutes**

President Jay Shell called the meeting to order at 7:45 pm.

Board members Susan Randall, Lindsay Lawrie, and Maureen Field attended. Board Members Wendy Leary, Catherine Ticer and Patrick Seeberg were absent.

Minutes: The minutes of the January 19, 2016 meeting were approved as sent.

Treasurer's Report: Catherine Ticer submitted a report. As of January 29, 2016 we have \$X in the treasury and 84 members.

Update from Drieka DeGraff: Drieka was unable to attend the February Board meeting. She submitted a report concerning Board questions.

Drieka updated the BFNA website with a new template and all meeting minutes and upcoming events have been added. Board members liked the new format.

Drieka plans to put out a new Directory targeted for late summer, as there has been a lot of turnover since the publication of the last directory in April 2015. Board members liked this plan.

Drieka has been attempting to personally contact new residents with a directory, newsletter sign-up sheet and BFNA "sales pitch." Lindsay will see that Drieka gets a copy of our welcome letter for the website and to deliver to new residents. The current BFNA plan should also be given to new residents.

Tree survey has not been completely documented. Drieka plans to meet with the city in June. Jay suggested that the photos of the problem trees be put on a flash drive and given to the Lauren Wood when they meet.

The Board thanked Drieka for her report and for work as off-board communication chair.

**Neighborhood Signage Update: The city has money in their budget for neighborhood signs. Jay and Jana Ecker are in discussions on how much the signs will cost BFNA. Birmingham Farms be the first neighborhood to have these signs. The Board prioritized the locations of the signs. The order suggested is:**

- 1. Wakefield and Southfield**
- 2. Latham and Lincoln**
- 3. Saxon and Norfolk**
- 4. Northlawn Island**

Presidents' Council Update: The proposed City Commission/Neighborhood LINK, a sub team of the Birmingham City Commission and Birmingham Neighborhood Association Presidents' Council to discuss issues, requests and initiatives of concern, will be presented at the Presidents' Council and then to the city commission.

Neighborhood Pot Luck: The Pot Luck will be held March 12 at 6:30 pm at the home of David and Maureen Field. It will be a St. Patrick's Day theme. Attendees will RSVP to Maureen with the dish (appetizer, main course, salad or vegetable, or dessert that they plan to bring. BYOB with mixers provided.

New Business:

Euchre Party: At the neighborhood Happy Hour several residents expressed an interest in holding a Euchre Party. Early November is targeted.

Birmingham Country Club Renovation Plans: Susan attended the Bloomfield Township Planning Board Meeting on Feb. 1, 2016 regarding the site improvements and renovations to the Club and the eight code variances the Club has requested. The Planning Board made no decisions regarding these variances. The Club's proposals were tabled and they were urged to come up with solutions that are acceptable to the neighbors.

Maureen will contact Joe Basso, general manager of Birmingham Country Club, to set up a meeting with interested neighborhood association residents and Board members.

Next Board Meeting: Monday, April 18, 7:30 pm. A host is needed for the meeting.  
The meeting was adjourned at 9:10 p.m.

Respectfully Submitted,  
Maureen Field, Secretary

## APPENDIX C:

Priority 1: Wakefield and Southfield St.



Priority 2: Latham and Lincoln St.



Priority 3: Saxon and Norfolk St.



Priority 4: Northlawn Island



**APPENDIX D:**

<b>Company Name</b>	<b>Price Quote</b>	<b>Description/Details</b>
Creative Designs and Signs	\$2,185.00	<p>Neighborhood ID Medallion dimensions: 3 ft. x 3 ft.; .25 in. aluminum, painted with vinyl graphics</p> <p>Street Name Blade dimensions: 3 ft. 4 in. x 6.5 in. each .25 in. aluminum, painted with vinyl graphics.</p> <p>Circular aluminum post with 3" or 4" diameter and .125 in wall; painted breakaway base + installation</p>
Signs By Tomorrow	\$2,159.00	(2) .025" Thick Aluminum 30" diam. single sided, (1) 6.5" X 40" double sided. All screen printed with white reflective vinyl applied. Brackets and 11' tall 3" or 4" diam. round painted aluminum post + Installation
Huron Signs	Sign: \$1940.00 Install: \$750.00	12' overall height (utilizing a 4" diameter breakaway pole)