



**CITY COMMISSION MEETING AGENDA  
APRIL 11, 2016  
7:30 PM**



**Municipal Building, 151 Martin, Birmingham, MI 48009**

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*(The Adobe Reader application is required to download the agenda and view the bookmarks. This free application is available through the App Store on your tablet device.)*

**BIRMINGHAM CITY COMMISSION AGENDA**  
**APRIL 11, 2016**  
**MUNICIPAL BUILDING, 151 MARTIN**  
**7:30 P.M.**

**I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE**

Rackeline J. Hoff, Mayor

**II. ROLL CALL**

Laura M. Pierce, City Clerk

**III. PROCLAMATIONS, CONGRATULATORY RESOLUTIONS, AWARDS, APPOINTMENTS, RESIGNATIONS AND CONFIRMATIONS, ADMINISTRATION OF OATHS, INTRODUCTION OF GUESTS AND ANNOUNCEMENTS.**

***Announcements:***

- The City Commission Budget Session will be held on Saturday, April 16<sup>th</sup> at 8:30 AM in room 205 of the Municipal Building.

***Appointments:***

- A. Interview for appointment to the Ad Hoc Rail District Review Committee.
  1. Michael Steinberger, 2849 Buckingham
- B. To appoint \_\_\_\_\_ to the Ad Hoc Rail District Review Committee, as the resident member living in the neighborhood adjoining North Eton between Maple and Derby, to serve a term to expire December 31, 2016.
- C. Interview for appointment to the Board of Review.
  1. Harold Gottlieb, 748 Hidden Ravines
- D. To appoint \_\_\_\_\_ as an alternate member, to the Board of Review to serve the remainder of a three-year term to expire December 31, 2016.
- E. Interview for appointment to the Architectural Review Committee.
  1. Christopher Longe, 1253 Yosemite
- F. To appoint \_\_\_\_\_ to the Architectural Review Committee to serve a three-year term to expire April 11, 2019.
- G. Administration of oath to the board members.

**IV. CONSENT AGENDA**

All items listed on the consent agenda are considered to be routine and will be enacted by one motion and approved by a roll call vote. There will be no separate discussion of the items unless a commissioner or citizen so requests, in which event the item will be removed from the general order of business and considered under the last item of new business.

- A. Approval of City Commission minutes of March 28, 2016.
- B. Approval of warrant list, including Automated Clearing House payments, of March 30, 2016 in the amount of \$444,363.68.
- C. Approval of warrant list, including Automated Clearing House payments, of April 6, 2016 in the amount of \$881,657.83.
- D. Resolution approving a request submitted by the Community House to hold the Farm to Table Block Party on Merrill and Bates on September 10, 2016, contingent upon compliance with all permit and insurance requirements and payment of all fees and,

further pursuant to any minor modifications that may be deemed necessary by administrative staff at the time of the event.

- E. Resolution approving a request from the Community House to hold ParkArt on June 24, 2016 in Shain Park, contingent upon compliance with all permit and insurance requirements and payment of all fees and, further pursuant to any minor modifications that may be deemed necessary by administrative staff at the time of the event.
- F. Resolution approving the purchase of one (1) new Toro Workman MDX Utility Vehicle from Spartan Distributors, through State of Michigan extendable purchasing contract #071B0200329 for a total purchase price not to exceed \$18,781.75. Funds for this purchase are available in the Auto Equipment Fund, account #641.441.006-971.0100.
- G. Resolution approving the purchase of the larvicide material from Clarke Mosquito Control in the amount not to exceed \$9,680.88. Further, waiving the normal bidding requirements based on the government regulated pricing for this type of material. Funds for this purchase will come from the Sewer Fund-Operating Supplies Account #590-536.002-729.0000.
- H. Resolution waiving the formal bidding requirements and approve the Downtown Light Post Painting project of approximately 98 light posts with Seaway Painting, LLC, who serves as the approved DTE contractor, in an amount not to exceed \$17,000. Funds are available in the Street Lighting CBD Maintenance account #202-449.003-937.0500.
- I. Resolution authorizing the 2016 Sidewalk Repair Program, and to direct the Engineering Department to notify the owners of properties on the list of the City's intention to replace sidewalks adjacent to their properties.
- J. Resolution setting a public hearing date for May 9, 2016 to consider approval of the Revised Final Site Plan and Special Land Use Permit Amendment for 555 S. Old Woodward – Triple Nickel.
- K. Resolution approving the agreement with Wm. Crook Fire Protection Co. in the amount not to exceed \$13,000.00 to relocate the Pre-Action System Fire Protection at City Hall. Further, directing the Mayor and City Clerk to sign the agreement on behalf of the City.

## **V. UNFINISHED BUSINESS**

## **VI. NEW BUSINESS**

- A. Public Hearing of Necessity to consider a Special Assessment District for the installation of new street lights in the Hamilton Avenue Paving Project area.
  - 1. Resolution declaring necessity for the installation of new street lights on Hamilton Ave. from N. Old Woodward Ave. to Woodward Ave., and Park St. from Hamilton Ave. to E. Maple Rd. The Public Hearing of Confirmation will be held on April 25, 2016. (complete resolution in agenda packet)
- B. 2016 Spring Initial Screening for Bistro Applicants
  - 1. Resolution directing the following bistro applications, in the priority order below, to the Planning Board for full site plan and design review and Special Land Use Permit review:
    - 1. \_\_\_\_\_
    - 2. \_\_\_\_\_

- OR -

Resolution to take no action at this time.
- C. Resolution prohibiting family members from serving on the same Board or Committee by adopting the following policy:  
*Nepotism Policy for Appointed Board and Committee Members:*

*"Relatives by blood or marriage, within the second degree of consanguinity or affinity, of an existing City Board, Commission, or Committee member shall not serve on the same board as their relative. This shall not apply to Election Inspectors serving in the same precinct."*

## **VII. REMOVED FROM CONSENT AGENDA**

## **VIII. COMMUNICATIONS**

- A. Arbor Day Foundation recognizing Birmingham as a 2015 Tree City USA.
- B. Charles Lillie, 496 S. Glenhurst, regarding West Maple

## **IX. OPEN TO THE PUBLIC FOR MATTERS NOT ON THE AGENDA**

## **X. REPORTS**

- A. Commissioner Reports
  - 1. Notice to intention to appoint to the Board of Building Trades Appeals, Brownfield Redevelopment Authority, Hearing Officer, and the Housing Board of Appeals, on May 9, 2016.
- B. Commissioner Comments
- C. Advisory Boards, Committees, Commissions' Reports and Agendas
- D. Legislation
- E. City Staff
  - 1. Clerical error corrections to Chapter 126, Zoning, submitted by Planning Director Ecker
  - 2. Museum Selected for National Conference Tour in September, submitted by Museum Director Pielack

## **XI. ADJOURN**

## **INFORMATION ONLY**

*NOTICE: Individuals requiring accommodations, such as mobility, visual, hearing, interpreter or other assistance, for effective participation in this meeting should contact the City Clerk's Office at (248) 530-1880 (voice), or (248) 644-5115 (TDD) at least one day in advance to request mobility, visual, hearing or other assistance.*

*Las personas que requieren alojamiento, tales como servicios de interpretación, la participación efectiva en esta reunión deben ponerse en contacto con la Oficina del Secretario Municipal al [\(248\) 530-1880](tel:248-530-1880) por lo menos el día antes de la reunión pública. (Title VI of the Civil Rights Act of 1964).*





### **NOTICE OF INTENTION TO APPOINT TO THE AD HOC RAIL DISTRICT REVIEW COMMITTEE**

At the regular meeting of Monday, February 22, 2016 the Birmingham City Commission intends to appoint one member to the Ad Hoc Rail District Review Committee to serve a term to expire December 31, 2016 unless otherwise directed by the City Commission. Members must meet the following requirements:

- One resident member living in the neighborhood adjoining North Eton between Maple and Derby.

Interested citizens may submit an application available at the city clerk's office or online at [www.bhamgov.org/boardopportunities](http://www.bhamgov.org/boardopportunities). Applications must be submitted to the city clerk's office on or before noon on Wednesday, February 17, 2016. These documents will appear in the public agenda for the regular meeting at which time the City Commission will discuss recommendations, and may make nominations and vote on appointments.

#### Duties of the Ad Hoc Rail District Review Committee

The purpose of the Ad Hoc Rail District Review Committee is to develop a recommended plan for addressing parking, planning and multi-modal issues in the Rail District and along S. Eton Road, while considering capacity needs and various plan concepts.

#### Applicant(s) Presented For City Commission Consideration:

<b>Applicant Name</b>	<b>Criteria/Qualifications</b>
	One resident member living in the neighborhood adjoining North Eton between Maple and Derby
Michael Steinberger	2849 Buckingham

*NOTE: All members of boards and commissions are subject to the provisions of City of Birmingham City Code Chapter 2, Article IX, Ethics and the filing of the Affidavit and Disclosure Statement.*

#### **SUGGESTED RESOLUTION:**

To appoint \_\_\_\_\_ to the Ad Hoc Rail District Review Committee, as the resident member living in the neighborhood adjoining North Eton between Maple and Derby, to serve a term to expire December 31, 2016.



# AD HOC RAIL DISTRICT REVIEW COMMITTEE

Resolution No. 01-06-16

The seven member committee shall be composed of the following: one member from the Advisory Parking Board; one member from the Planning Board; one member from the Multi-Modal Transportation Board; one business owner in the Rail District; one resident member living in the neighborhood adjoining South Eton between Maple and Lincoln; one resident member living in the neighborhood adjoining South Eton between Lincoln and 14 Mile Road; one resident member living in the neighborhood adjoining North Eton between Maple and Derby.

Term: The term of the Committee shall continue through December 31, 2016 and the Committee will cease functioning unless otherwise directed by the Commission.

The purpose of the Ad Hoc Rail District Review Committee is to develop a recommended plan for addressing parking, planning and multi-modal issues in the Rail District and along S. Eton Road, while considering capacity needs and various plan concepts.

Last Name	First Name	Home Address	Home Business	E-Mail	Appointed	Term Expires
<b>Bertollini</b>	<b>Larry</b>	1275 Webster Birmingham	48009	(248) 646-6677 <i>lbertollini@att.net</i>	2/22/2016	12/31/2016 One resident member living in the neighborhood adjoining South Eton between Maple and Lincoln
<b>Boyce</b>	<b>Janelle</b>	179 Catalpa Birmingham	48009	(248) 321-3207 <i>jlbwboyce@hotmail.com</i>	2/22/2016	12/31/2016 Planning Board member
<b>Chiara</b>	<b>Cynthia</b>	1622 South Eton Birmingham	48009	(248) 566-3385 <i>chiaragang@aol.com</i>	2/22/2016	12/31/2016 One resident member living in the neighborhood adjoining South Eton between Lincoln and 14 Mile Road

Last Name	First Name	Home Business		
Home Address			E-Mail	Appointed
				Term Expires
<b>Edwards</b>	<b>Lara</b>	(734) 717-8914	2/22/2016	12/31/2016
1636 Bowers			Multi-Modal Transportation Board	
Birmingham	48009	<i>lmedwards08@gmail.com</i>	member	
<b>Krueger</b>	<b>Lisa</b>	(248) 921-0099	3/28/2016	12/31/2016
348 Ferndale			Advisory Parking Committee member	
Birmingham	48009	<i>lisakrug21@gmail.com</i>		
<b>LePage</b>	<b>Norman</b>	(248) 258-0090	2/22/2016	12/31/2016
245 S. Eton			business owner in the Rail District -	
Birmingham	48009	<i>nrlepage@yahoo.com</i>	Big Rock Chophouse	
<b>VACANT</b>				12/31/2016
			One resident member living in the	
			neighborhood adjoining North Eton	
			between Maple and Derby.	



**OFFICE USE ONLY**  
Meets Requirements? Yes ☒ No

Confirmed Interview Date: \_\_\_\_\_

Will Attend/Unable to Attend ☒

## APPLICATION FOR CITY BOARD OR COMMISSION

(Please print clearly)

Ad Hoc Rail District Review Committee

Member - Resident b/t Maple and Derby

**Board/Commission of Interest**

**Position of Interest**

**Name** Michael Steinberger

**Address** 2849 Buckingham Ave

Birmingham, Michigan 48009

**Business**

**Phone** 248-225-1142

**E-mail** steinberger.michael@gmail.com

**Length of Residence** 2 years

**Occupation** Attorney

**Reason for interest** I have a strong interest in public service and contributing to my city. My wife and I frequently walk, bike, or drive to the businesses in the rail district, and I am interested in seeing that area continue to develop in a responsible way.

### Related Employment Experience (Please indicate dates)

A. Please see attached resume.

B.

C.

**Education:** Please see attached resume.

### Past Experience or Other Relevant Information (City Boards, Churches, Civic or Community Groups, Memberships, Associations, etc. Attach resume or additional page if necessary):

Alternate Member of the Board of Review. Please see attached resume.

To the best of your knowledge, do you or a member of your immediate family have any direct financial or business relationships with any supplier, service provider or contractor of the City of Birmingham from which you or they derive direct compensation or financial benefit? If yes, please explain:

No

Are you an elector (registered voter) in the City of Birmingham? Yes

*Michael Steinberger*  
**Signature of Applicant**

3/25/16  
**Date**

NOTE: All members of boards and commissions are subject to the provisions of City of Birmingham City Code Chapter 2, Article IX, Ethics and the filing of the Affidavit and Disclosure Statement. Questions regarding this may be directed to the city clerk - 248.530.1880.

**Michael Steinberger**

2849 Buckingham • Birmingham, Michigan 48009

248.225.1142 • Steinberger.Michael@gmail.com

**EDUCATION**

**UNIVERSITY OF MIAMI SCHOOL OF LAW**, Coral Gables, Florida

Juris Doctor, May 2012

- 3.804 GPA, *Summa Cum Laude*, Order of the Coif
- Ranked 7 of 399 (Top 2%)
- Executive Editor, *University of Miami Law Review*
- Book Awards in Torts, Trusts & Estates, Constitutional Law I, and Constitutional Law II

**UNIVERSITY OF MICHIGAN**, Ann Arbor, Michigan

Bachelor of Arts in Economics and History, May 2009

**EXPERIENCE**

**Barris, Sott, Denn & Driker, PLLC**, Detroit, Michigan

ASSOCIATE, September 2014–present

- Draft motions and memoranda in connection with commercial litigation practice
- Research business litigation issues, including trademark infringement, trade secret protection, and employment disputes
- Assist at hearings, including drafting direct and cross examinations

**Michigan Supreme Court, Justice Brian Zahra**, Lansing, Michigan

LAW CLERK, August 2012–August 2014

- Prepared Justice Zahra for oral arguments by writing bench memoranda
- Assisted in drafting majority, dissenting, and per curiam opinions
- Researched issues before the Court including election, tax, and corporate disputes, as well as a variety of criminal matters

**Rivero Mestre LLP**, Coral Gables, Florida

LAW CLERK, May–July 2011

- Drafted motions, memoranda, and discovery documents for commercial litigation practice
- Researched issues of forum non conveniens, jurisdiction, and attorney disqualification

**PUBLICATIONS**

Michael K. Steinberger, Note, *Internet Solutions v. Marshall: The Overreach of Florida's Long-Arm*, 66 U. MIAMI L. REV. 1089 (2012)

**BAR ADMISSIONS**

Admitted to practice law in Michigan



## NOTICE OF INTENTION TO APPOINT TO BOARD OF REVIEW

At the regular meeting of Monday, February 22, 2016, the Birmingham City Commission intends to appoint one alternate member to serve the remainder of a three-year term to expire December 31, 2016. Applicants must be property owners and electors of the City of Birmingham.

The Board of Review, consisting of two panels of three local citizens who must be property owners and electors, is appointed by the City Commission for three-year terms. Although a general knowledge of the City is very helpful, more important are good judgment and the ability to listen carefully to all sides of an issue before making a decision. Approximately three weeks in March are scheduled for taxpayers to protest their assessments and one day each in July and December for correcting clerical errors and mutual mistakes of fact.

NOTE: Two training sessions in February are also required.

Interested citizens may submit an application available at the clerk's office or online at [www.bhamgov.org/boardopportunities](http://www.bhamgov.org/boardopportunities). Applications must be submitted to the city clerk's office on or before noon on Wednesday, February 17, 2016. These documents will appear in the public agenda for the regular meeting at which time the City Commission will interview applicants and may make nominations and vote on appointments.

Board members are paid \$110 per diem.

### Applicant(s) Presented For City Commission Consideration:

Applicant Name	Criteria/Qualifications Applicants must be property owners and electors of the City of Birmingham.
Harold Gottlieb	Property Owner – 748 Hidden Ravines Drive Registered Voter

*NOTE: All members of boards and commissions are subject to the provisions of City of Birmingham City Code Chapter 2, Article IX, Ethics and the filing of the Affidavit and Disclosure Statement.*

### SUGGESTED RESOLUTION:

To appoint \_\_\_\_\_ as an alternate member, to the Board of Review to serve the remainder of a three-year term to expire December 31, 2016.



## BOARD OF REVIEW

City Charter – Chapter III, Section 14

Terms: Three Years

Members: Members must be property owners and electors of the City of Birmingham

Appointed by the City Commission

The Board of Review hear appeals from property owners regarding their assessments. Approximately three weeks in March are scheduled for taxpayers to protest their assessments and one day each in July and December for correcting clerical errors and mutual mistakes of fact. Two training sessions in February are also required.

Last Name Home Address	First Name	Home Business E-Mail	Appointed	Term Expires
<b>Devereaux</b> 1019 Rivenoak	<b>Kathleen</b>	(248) 840-5310  <i>kddevereaux@wowway.com</i>	2/22/2016	12/31/2016
<b>Di Placido</b> 726 Lakeside Dr.	<b>Guy</b>	(248) 644-1708	1/10/1994	12/31/2017
<b>Feiste</b> 1474 Maryland	<b>Leland</b>	(248) 644-3948  <i>lwfeiste@yahoo.com</i>	1/22/2001	12/31/2016
<b>Katrib</b> 1832 East Lincoln	<b>Elicia</b>	(248) 379-3577  <i>e.katrib@gmail.com</i>	2/22/2016	12/31/2018
<b>Richey</b> 1690 Stanley	<b>Lester</b>	(248) 644-7143  <i>lesrichey@yahoo.com</i>	2/9/2015	12/31/2017

Last Name	First Name	Home Business E-Mail	Appointed	Term Expires
Rose 1011 Clark	Cynthia	(248) 752-2667 <i>crose@cbwm.com</i>	3/2/2009	12/31/2018
Steinberger 2849 Buckingham	Michael	248.217.4805 <i>steinberger.michael@gmail.com</i>	8/10/2015 alternate	12/31/2017
Vacant			alternate	12/31/2016



RECEIVED BY

MAR 15 2016

CITY CLERK  
CITY OF BIRMINGHAM



**OFFICE USE ONLY**  
Meets Requirements? Yes ☒ No  
Confirmed Interview Date: \_\_\_\_\_  
Will Attend/Unable to Attend

**APPLICATION FOR CITY BOARD OR COMMISSION**

(Please print clearly)

Tax Appeals Board Board of Review ~~Hearings Officer~~  
Board/Commission of Interest Position of Interest

Name HAROLD GOTTLIEB  
Address 748 HIDDEN RAVINES DR. Business Property Mgt.  
Phone 248-258-5665  
E-mail FreyLach@aol.com  
Length of Residence 20 years Occupation PRESIDENT OF GOTTLIEB LLC  
Reason for interest Retiring From Property Mgt.

**Related Employment Experience (Please indicate dates)**

- A. Tax Appeals Bd. member For 10 years  
B. Hospital Administrator  
C. General Insurance Agent

Education: Lecturer AT WAYNE STATE  
Instructor AT Grand Valley

**Past Experience or Other Relevant Information (City Boards, Churches, Civic or Community Groups, Memberships, Associations, etc. Attach resume or additional page if necessary):**

Tax Appeals Bd 10 years  
HEARINGS OFFICER FOR Medicare Tribunal  
Vice President OF BIRMINGHAM Temple

**To the best of your knowledge, do you or a member of your immediate family have any direct financial or business relationships with any supplier, service provider or contractor of the City of Birmingham from which you or they derive direct compensation or financial benefit? If yes, please explain:**

NONE

Are you an elector (registered voter) in the City of Birmingham? Yes

[Signature]  
Signature of Applicant

3/14/16  
Date

NOTE: All members of boards and commissions are subject to the provisions of City of Birmingham City Code Chapter 2, Article IX, Ethics and the filing of the Affidavit and Disclosure Statement. Questions regarding this may be directed to the city clerk - 248.530.1880.



## NOTICE OF INTENTION TO APPOINT TO ARCHITECTURAL REVIEW COMMITTEE

At the meeting of Monday, April 11, 2016 the Birmingham City Commission intends to appoint one member to the Architectural Review Committee to serve a three-year term to expire April 11, 2019. Members of this Committee will be appointed by the Commission. The Committee shall consist of three Michigan licensed architects who reside in the City of Birmingham.

The purpose of this committee is to review certain public improvement projects initiated by the City and referred to the committee by the City Manager or his/her designee. The Committee is expected to offer opinions as to what physical alterations or enhancements could be made to these projects in order to improve the aesthetic quality of the project and the City's overall physical environment.

Interested citizens may submit an application available at the City Clerk's Office or online at [www.bhamgov.org/boardopportunities](http://www.bhamgov.org/boardopportunities). Applications must be submitted to the city clerk's office on or before noon on Wednesday, April 6, 2016. These applications will appear in the public agenda for the regular meeting at which time the City Commission will discuss recommendations, and may make nominations and vote on the appointments.

### Applicant(s) Presented For City Commission Consideration:

Applicant Name	Criteria/Qualifications
	Applicants must be a Michigan Licensed Architect & Resident of the City of Birmingham.
Christopher Longe	Licensed Architect 1253 Yosemite

*NOTE: All members of boards and commissions are subject to the provisions of City of Birmingham City Code Chapter 2, Article IX, Ethics and the filing of the Affidavit and Disclosure Statement.*

### SUGGESTED RESOLUTION:

To appoint \_\_\_\_\_ to the Architectural Review Committee to serve a three-year term to expire April 11, 2019.



# ARCHITECTURAL REVIEW COMMITTEE

Resolution #: 03-101-04

Purpose: To review certain public improvement projects initiated by the city and referred to the committee by the city manager or his/her designee. The committee is expected to offer opinions as to what physical alterations or enhancements could be made to these projects in order to improve the aesthetic quality of the project and the city's overall physical environment.

Members: The committee shall consist of three Michigan licensed architects who reside in the City of Birmingham.

Term: Three years

Last Name	First Name	Home Business	E-Mail	Appointed	Term Expires
<b>Bertollini</b>	<b>Larry</b>	(248) 646-6677		6/25/2012	4/11/2018
1275 Webster		<i>lbertollini@att.net</i>		Michigan Licensed Architect & Resident of Birmingham	
<b>Bonney</b>	<b>Scott</b>	(248) 646-3572		5/24/2004	4/11/2017
633 Vinewood		(248) 352-8310		Michigan Licensed Architect & Resident of Birmingham	
		<i>zoot@comcast.net</i>			
<b>Longe</b>	<b>Christopher</b>	(248) 258-6940		5/24/2004	4/11/2016
1253 Yosemite		(248) 258-6940		Michigan Licensed Architect & Resident of Birmingham	
		<i>cjlonge@cjlongeaia.com</i>			



**OFFICE USE ONLY**  
Meets Requirements? Yes No  
Will Attend / Unable to Attend

## APPLICATION FOR CITY BOARD OR COMMITTEE

Thank you for your interest in serving on a Board or Committee. The purpose of this form is to provide the City Commission with basic information about applicants considered for appointment. NOTE: Completed applications are included in the City Commission agenda packets. The information included on this form is open to the public. All Board and Committee members are subject to the provisions of the Ethics Ordinance (Chapter 2, Article IX of the City Code).

Information on various Boards and Committees and a list of current openings can be found on the City website at [www.bhamgov.org/boardopportunities](http://www.bhamgov.org/boardopportunities).

(Please print clearly)

Board/Committee of Interest Architectural Review Committee

Name Christopher Longe Phone 248.258.6940

Residential Address 1253 Yosemite Email cjlonge@cjlongeaia.com

Residential City, Zip Birmingham, Michigan Length of Residence 33 years

Business Address 124 Peabody Occupation Architect

Business City, Zip Birmingham

Reason for Interest: Explain how your background and skills will enhance the board to which you have applied \_\_\_\_\_

I am the principal of the firm Christopher J. Longe, AIA/ Architecture and have maintained offices in Birmingham for 33 years. I have been a member of the ARC since its inception and desire to continue in that capacity.

List your related employment experience I have completed more than a hundred homes, several new and renovated commercial and residential buildings as well as their interiors and signage - in Birmingham over the past 33 years of practice.

List your related community activities \_\_\_\_\_

List your related educational experience Bachelor of Science in Architecture  
Bachelor of Architecture

To the best of your knowledge, do you or a member of your immediate family have any direct financial or business relationships with any supplier, service provider or contractor of the City of Birmingham from which you or they derive direct compensation or financial benefit? If yes, please explain: NO

Do you currently have a relative serving on the board/committee to which you have applied? no

Are you an elector (registered voter) in the City of Birmingham? yes

C. Longe  
Signature of Applicant

4.4.16  
Date

Return the completed and signed application form to: City of Birmingham, City Clerk's Office, 151 Martin, Birmingham, MI 48009 or by email to [Lpierce@bhamgov.org](mailto:Lpierce@bhamgov.org) or by fax to 248.530.1080. Updated 04/01/16

**BIRMINGHAM CITY COMMISSION MINUTES**  
**MARCH 28, 2016**  
**MUNICIPAL BUILDING, 151 MARTIN**  
**7:30 P.M.**

**I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE**

Rackeline J. Hoff, Mayor, called the meeting to order at 7:34 PM.

**II. ROLL CALL**

ROLL CALL:	Present,	Mayor Hoff Commissioner Bordman Commissioner Boutros Commissioner DeWeese Commissioner Harris Mayor Pro Tem Nickita Commissioner Sherman
	Absent,	None

Administration: City Manager Valentine, City Attorney Currier, Clerk Pierce, DPS Director Wood, Planning Director Ecker, Building Official Johnson, Police Chief Studt, City Engineer O'Meara

**III. PROCLAMATIONS, CONGRATULATORY RESOLUTIONS, AWARDS, APPOINTMENTS, RESIGNATIONS AND CONFIRMATIONS, ADMINISTRATION OF OATHS, INTRODUCTION OF GUESTS AND ANNOUNCEMENTS.**

**03-91-16 APPOINTMENT TO THE  
PUBLIC ARTS BOARD**

Applicant Kaitlyn Tuson was not in attendance to be interviewed. The City Commission postponed this item until the applicant is able to be in attendance.

**03-92-16 APPOINTMENT TO THE  
AD HOC RAIL DISTRICT REVIEW COMMITTEE**

**MOTION:** Motion by DeWeese, seconded by Bordman:  
To appoint Lisa Krueger, as the Advisory Parking Committee member, to the Ad Hoc Rail District Review Committee.

**VOTE:** Yeas, 7  
Nays, None  
Absent, None

**IV. CONSENT AGENDA**

All items listed on the consent agenda are considered to be routine and will be enacted by one motion and approved by a roll call vote. There will be no separate discussion of the items unless a commissioner or citizen so requests, in which event the item will be removed from the general order of business and considered under the last item of new business.

**03-93-16 APPROVAL OF CONSENT AGENDA**

The following item was removed from the consent agenda:

- Item B (Minutes of March 14, 2016) by Mayor Hoff

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

To approve the consent agenda as follows:

- A. Approval of City Commission minutes of February 22, 2016.
- C. Approval of warrant list, including Automated Clearing House payments, of March 16, 2016 in the amount of \$920,274.69.
- D. Approval of warrant list, including Automated Clearing House payments, of March 23, 2016 in the amount of \$198,205.23.
- E. Resolution approving the purchase and planting of 22 native trees and 83 native shrubs and container plants from KLM Landscape for the 2016 Barnum Park and Quarton Lake Park planting project for a total project cost not to exceed \$9,530.00. Funds are available from the Parks – Other Contractual Services account #101-751.000-811.0000. In addition, donation dollars and grant funds will be applied to this account when appropriate. Further, authorizing the Mayor and City Clerk to sign the agreement on behalf of the City upon receipt of required insurances.
- F. Resolution waiving the formal bidding requirements and approving the purchase and installation of the DeZurik PTW plug valve in the total amount not to exceed \$17,899.00; from Kennedy Industries in the amount of \$5,779.00 for the plug valve and for replacement services from Midwest Power Systems in the amount of \$12,120.00 for the Quarton Road Pump Station to be paid from the Sewer Fund – Operating Supplies account #590-536.002-729.0000.
- G. Resolution approving the purchase and planting of 100 trees from KLM Landscape for the 2016 spring tree purchase and planting project for a total project cost not to exceed \$30,325.00. Funds are available from the Local Streets Fund-Forestry Service Contract account #203-449.005-819.0000, the Major Streets Fund-Forestry Service Contract account #202-449.005-819.0000, the Local Streets Fund-Operating Supplies account #203-449.005-729.0000 and the Major Streets Fund-Operating Supplies account #202-449.005-729.0000 for these services. Further, authorizing the Mayor and City Clerk to sign the agreement on behalf of the City upon receipt of required insurances.
- H. Resolution awarding the Birmingham Train Station Demolition, Contract #7-16(M), to ILE Excavating Co. of Canton, MI, in the amount of \$71,856, charged to account number 401-901.014-981.0100 and further, approving the appropriations and budget amendments for a total amount not to exceed \$90,000 for related engineering costs, as follows:  
Capital Projects Fund  
Revenues:  

MDOT Grant	#401-901.014-540.0002	\$ 90,000
Total Revenue Adjustments		\$ 90,000

  
Expenditures:  

Public Improvements	#401-901.014-981.0100	\$ 90,000
Total Expenditure Adjustments		\$ 90,000
- I. Resolution approving the purchase of four (4) new 2016 GMC Sierra Pickup trucks from Todd Wenzel GMC through the Oakland County Purchasing Contract #4096 in the amount of \$112,874.00. Funds for this purchase are available in the Auto Equipment Fund, account #641.441.006-971.0100.
- J. Resolution setting a public hearing on April 25, 2016 to consider the approval of the Brownfield Plan and Reimbursement Agreement for 34965 Woodward.
- K. Resolution setting a public hearing on April 25, 2016 to consider the proposed Lot Split of 221 Baldwin, Parcel #1925352017.

- L. Resolution setting a public hearing of necessity on April 25, 2016 to consider the installation of lateral sewers within the Webster Ave. Paving project area. If necessity is declared, setting a public hearing to confirm the roll on May 9, 2016.
- M. Resolution awarding the Webster Ave. Paving Project, Contract #4-16(P) to DiPonio Contracting, Inc., of Shelby Twp., MI, in the amount of \$1,780,615.00, to be charged to the various accounts as detailed in the report; and further approving the appropriations and budget amendments as follows:

Sewer Fund

Revenues:

Draw from Fund Balance	#590-000.000-400.0000	\$ 85,520
Total Revenue Adjustments		\$ 85,520

Expenditures:

Public Improvements	#590-536.001-981.0100	\$ 85,520
Total Expenditure Adjustments		\$ 85,520

Water Fund

Revenues:

Draw from net position	#591-000.000-400.0000	\$ 76,475
Total Revenue Adjustments		\$ 76,475

Expenditures:

Public Improvements	#591-537.004-981.0100	\$ 76,475
Total Expenditure Adjustments		\$ 76,475

Local Street Fund

Revenues:

Draw from Fund Balance	#203-000.000-400.0000	\$128,620
Total Revenue Adjustments		\$128,620

Expenditures:

Public Improvements	#203-449.001-981.0100	\$128,620
Total Expenditure Adjustments		\$128,620

ROLL CALL VOTE:    Yeas,                      Commissioner Bordman  
    Commissioner Boutros  
    Commissioner DeWeese  
    Commissioner Harris  
    Mayor Pro Tem Nickita  
    Commissioner Sherman  
    Mayor Hoff  
                                  Nays,                      None  
                                  Absent,                      None  
                                  Abstention,                1, Hoff (from warrant #241062 – reimbursement)

## V. UNFINISHED BUSINESS

## VI. NEW BUSINESS

### 03-94-16                      ORDINANCE AMENDMENT    ETHICS ORDINANCE

Ms. Fierro-Share, chairperson of the Ethics Board, explained that the proposed amendment would clarify that the ordinance only governs ethical behavior not private morality.

Commissioner DeWeese noted that ones private affairs may have an impact on public office. Ms. Fierro-Share explained that the Ethics Board does not judge private affairs. Judging non-official behavior exceeds the purview of the ethics ordinance.

Jim Robb, member of the Ethics Board, explained that the part of the ordinance about morality is essentially unworkable. When discussing ethics and measuring the conduct of city officials against the requirements of the ordinance in terms of their acts rather than their morality, it is much easier to handle.

Commissioner Bordman suggested a revision to the second paragraph of Section 2-231 to clarify that it refers to official conduct.

Commissioner Harris commented that he sees no harm in clarifying the second paragraph. He questioned whether the Commission has the authority to accept, reject, or modify the Ethics Board opinions. Mr. Robb explained that the determination of whether the conduct or prospective conduct meets the requirements of the ordinance is committed to the Ethics Board. It is up to the City Commission to determine what to do about it. He noted that the only time it is binding is if it is a question from the Commission as to whether one of its members has a conflict and must recuse him or herself.

**MOTION:** Motion by Sherman, seconded by Bordman:  
To adopt an ordinance amending Part II of the City Code, Chapter 2 Administration, Article IX Ethics, Section 2-321 Responsibilities of Public Office as amended.

VOTE: Yeas, 7  
Nays, None  
Absent, None

**03-95-16 SPECIAL EVENT REQUEST  
FEED 5K & FUN RUN**

Megan Coppen, student, explained the purpose of the run is to raise money to feed the hungry at an orphanage in Zimbabwe.

In response to a question from Mayor Hoff, Kelly Willian, youth director at the First United Methodist Church, confirmed that volunteers will be at every intersection to let cars through during the event.

**MOTION:** Motion by Bordman, seconded by DeWeese:  
To approve a request submitted by the First United Methodist Church to hold the Feed 5K and Fun Run in Birmingham May 21, 2016, contingent upon compliance with all permit and insurance requirements and payment of all fees and, further pursuant to any minor modifications that may be deemed necessary by administrative staff at the time of the event.

VOTE: Yeas, 7  
Nays, None  
Absent, None

**03-96-16 SPECIAL EVENT REQUEST  
CRUSING WITH THE CHILDREN'S CHARITY COALITION**



Andrea Coronado, Director of Special Events at the Community House, explained the event will benefit the Children's Charity Coalition. She explained that temporary fencing will be used to completely enclose the space including the bandshell and grassy area of the park up to the Community House. She explained there will be a tent, entertainment in the bandshell, and a classic car display on Bates Street. She noted that the sidewalks near the library will be open for public access.

Commissioner Sherman expressed concern with blocking off the park. He questioned whether the event could be done without the fence around the entire area. Commissioner Bordman agreed.

Ms. Coronado and Ms. Ninneman agreed to review the plans and return to the Commission with an alternate layout.

Mayor Pro Tem Nickita stated that this poses a policy question as to when and how the parks are used. Mayor Hoff agreed.

The Commission agreed to postpone this item.

### **03-97-16                      DISABLED PARKING POLICY FOR THE CENTRAL BUSINESS DISTRICT**

City Engineer O'Meara explained that the Americans with Disabilities Act will have revisions in the near future asking all cities to have marked reserved on-street parking spaces for the disabled. This would be required whenever resurfacing and reconstructing a street. He noted that this would be a city-wide change throughout the downtown area. He stated that there would be one handicap space for up to every 25 spaces on a block in accordance with the future ADA rules. The spaces would be located near an existing handicap ramp. The time limits would be the same as the other meters on the street. Those utilizing the spaces would have to pay and abide by the time limits. Those using the ParkMobile system would be able to double their time by utilizing the remote payment option. He explained that meter posts and meter heads would be painted, some of the meters would have to be separated, sign posts would be installed and pavement markings painted. He noted that the meters would be lower as any operable part has to be 42" or lower.

The Commission discussed the location of the meters and the enforcement of the new policy. City Manager Valentine confirmed that there will be a warning period once the meters are initially installed.

Mayor Hoff suggested the City provide information to the Senior Men's Club and Senior Women's Club at the Community House. Commissioner Bordman suggested Next be included as well.

Commissioner DeWeese noted that this does not prevent individuals from parking at any space.

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

To direct staff to proceed with implementation of the new disabled parking policy for the Central Business District, as follows:

1.       Reserved, designated spaces shall be provided at the rate of at least one per 25 existing parking metered spaces on each block, located near adjacent ramps, as well as near pedestrian traffic generators.

2. Each reserved space shall have a blue marked parking meter and post, reserved parking sign using the standard accessible parking symbol, and blue pavement markings. The meter shall charge for parking at the same rate and time limit as the other meters on the block, except that no meter shall have a time limit of less than two hours.
3. Parkmobile customers parked at disabled parking spaces shall have the ability to renew their parking fee remotely one time over and above the posted time limit.
4. Staff shall implement the policy throughout the Central Business District during calendar year 2016, at which time the current policy of parking for free or at yellow curbed zones shall no longer be allowed. Disabled parkers with a yellow free parking tag affixed to their permit shall continue to be exempt.
5. All new street projects within the Central Business District shall be designed with fully compliant reserved disabled spaces in accordance with the new ADA law.
6. All costs relative to this project shall be charged to the Auto Parking System Fund.

VOTE: Yeas, 7  
Nays, None  
Absent, None

**03-98-16                      ORDINANCE AMENDMENT  
                                     HEARING OFFICER**

City Manager Valentine explained that the law has changed and the City is looking to re-establish the Hearing Officer position to allow for an appeal process for any violations that occur under the ordinance for snow removal and grass trimming. City Attorney Currier explained that the purpose is to recover the cost that the City incurs.

**MOTION:** Motion by DeWeese, seconded by Bordman:  
To adopt an ordinance amending Part II of the City Code, Chapter 1, to add General Provisions, Section 1-17, Hearing Officer for Disputed Fees.

VOTE: Yeas, 7  
Nays, None  
Absent, None

**MOTION:** Motion by Sherman, seconded by Nickita:  
To adopt an ordinance amending Part II of the City Code, Chapter 118, Article IX, Section 118-68(c) Work Done At Owner's Expense.

VOTE: Yeas, 7  
Nays, None  
Absent, None

**03-99-16                      AMENDMENT TO THE  
                                     FEE SCHEDULE**

City Clerk Pierce explained that the fees charged for permits and services are set by the Fee Schedule. She explained the proposed revisions include increasing the BLS Emergency Transport fee and Load Mile fee in the Fire Department section to cover the current cost for those services, to move the Hydrant Use fee from the Fire Department section to the DPS

section as the permits are issued through DPS, and to remove the fee for a copy of the Zoning Ordinance on CD from the Public Records Policy as it is available free on the City website.

Building Official Johnson explained the revisions to the Community Development section include increasing the bond amount for Swimming Pools and Replacement Windows to encourage contractors to schedule final inspections and to amend the text to further clarify Lawn Sprinklers and Water Heaters.

**MOTION:** Motion by Sherman, seconded by DeWeese:  
To amend the Schedule of Fees, Charges, Bonds and Insurance, Building Department section, Department of Public Services section, and Fire Department section as stated in the report and to adopt the revised Public Records Policy.

VOTE: Yeas, 7  
Nays, None  
Absent, None

**03-100-16 CLOSED SESSION REQUEST  
PERSONNEL MATTER**

The Commission agreed to meet in closed session to discuss a personnel matter in accordance with Section 8(a) of the Open Meetings Act at the request of Police Chief Studt.

**03-101-16 CLOSED SESSION REQUEST  
LABOR RELATIONS**

**MOTION:** Motion by Nickita, seconded by Sherman:  
To meet in closed session to discuss labor relations in accordance with Section 8(c) of the Open Meetings Act.

ROLL CALL VOTE: Yeas, Commissioner Boutros  
Commissioner DeWeese  
Commissioner Harris  
Mayor Pro Tem Nickita  
Commissioner Sherman  
Commissioner Bordman  
Mayor Hoff  
Nays, None  
Absent, None  
Abstention, None

<b>VII. REMOVED FROM CONSENT AGENDA</b>
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**03-102-16 CITY COMMISSION MEETING  
MINUTES OF MARCH 14, 2016**

Mayor Hoff suggested the following revisions:

- Resolution 03-75-16: "He noted a concrete path will be added and striped to be used for bikes only on the south side of Maple between Larchlea and Chesterfield."
- Resolution 03-84-16: "Ms. Pielack explained that many attempts were made to solicit input. In addition, this was discussed by the Friends of the Birmingham Historical Museum ~~Historical Society Board.~~"

Commissioner Harris corrected a spelling error on page 11.

**MOTION:** Motion by DeWeese, seconded by Bordman:  
To approve the City Commission minutes of March 14, 2016 as amended.

**VOTE:** Yeas, 7  
Nays, None  
Absent, None

## **VIII. COMMUNICATIONS**

### **03-103-16 COMMUNICATIONS**

The Commission received the following communications:

- Robert F. Riley regarding West Maple
- Richard C. Rollins regarding West Maple

## **IX. OPEN TO THE PUBLIC FOR MATTERS NOT ON THE AGENDA**

## **X. REPORTS**

### **03-104-16 COMMISSIONER COMMENTS**

Commissioner Bordman announced the Boomer Summit, sponsored by Next, which will be held on April 30<sup>th</sup> at Groves High School.

The Commission recessed to closed session at 8:55 PM.

The Commission reconvened in open session at 9:32 PM.

## **XI. ADJOURN**

The meeting adjourned at 9:32 PM.

Laura M. Pierce  
City Clerk

**City of Birmingham**  
**Warrant List Dated 03/30/2016**

Meeting of 04/11/2016

Check Number	Early Release	Vendor #	Vendor	Amount
241196	*	000855	48TH DISTRICT COURT	100.00
241197	*	000855	48TH DISTRICT COURT	100.00
241198	*	000855	48TH DISTRICT COURT	100.00
241199	*	000855	48TH DISTRICT COURT	100.00
241200		002284	ABEL ELECTRONICS INC	255.00
241201		005519	ACT NOW ALARM SERVICES, INC.	157.50
241202		004657	AKT PEERLESS	640.00
241203		000500	ARTECH PRINTING INC	52.50
241204	*	006759	AT&T	602.59
241205	*	006759	AT&T	93.73
241206	*	006759	AT&T	99.95
241208	*	007216	AT&T	105.00
241209	*	000517	BEIER HOWLETT P.C.	33,604.33
241210		007345	BEVERLY HILLS ACE	62.48
241211		000524	BIRMINGHAM LOCKSMITH	19.50
241212		007624	BIRMINGHAM OIL CHANGE CENTER, LLC	30.72
241213	*	001086	CITY OF BIRMINGHAM	447.80
241214		000546	KAREN D. BOTA	1,775.00
241215	*	003282	LISA MARIE BRADLEY	467.50
241216		007875	CANFIELD EQUIPMENT SERVICE INC.	118.13
241217		007710	CINTAS CORP	150.23
241218		000605	CINTAS CORPORATION	71.92
241220	*	008006	CLEAR RATE COMMUNICATIONS, INC	1,281.28
241221		004188	COFFEE BREAK SERVICE, INC.	45.60
241222	*	007625	COMCAST	467.16
241223	*	000627	CONSUMERS ENERGY	1,341.68
241224		005742	CRAIN'S DETROIT BUSINESS	59.00
241225	*	004386	CYNERGY WIRELESS	820.38
241226		004680	DALTON COMM. CLEANING CORP	300.00
241227	*	000177	DELWOOD SUPPLY	177.12
241228	*	007980	CURTIS DAVID DICHO	150.00
241229	*	000187	JOHN DONOHUE	175.00
241230		000565	DORNBOS SIGN & SAFETY INC	164.70
241231		001035	DOUGLASS SAFETY SYSTEMS LLC	280.95
241232	*	000179	DTE ENERGY	19,494.77
241233	*	000180	DTE ENERGY	43,997.10
241234		007876	DTE ENERGY	5,851.93
241235		007702	EASY PICKER GOLF PRODUCTS, INC	698.70
241236		007538	EGANIX, INC.	250.00
241237		008014	EZBALLSTAMP	144.00
241238		000207	EZELL SUPPLY CORPORATION	414.27
241239	*	001230	FIRE SYSTEMS OF MICHIGAN INC	301.45
241240		007366	FIRST ADVANTAGE LNS SCREENING	10.00

**City of Birmingham**  
**Warrant List Dated 03/30/2016**

Meeting of 04/11/2016

Check Number	Early Release	Vendor #	Vendor	Amount
241241		007314	FLEIS AND VANDENBRINK ENG. INC	792.62
241242		007172	GARY KNUREK INC	49.00
241244		001531	GUNNERS METER & PARTS INC	950.00
241245		000261	J.H. HART URBAN FORESTRY	9,750.96
241246		001672	HAYES GRINDING	51.00
241247		003888	INTERNATIONAL CODE COUNCIL INC	318.00
241248		000344	J.T. EXPRESS, LTD.	1,697.63
241249		003458	JOE'S AUTO PARTS, INC.	263.86
241250		005876	KROPF MECHANICAL SERVICE COMPANY	577.50
241251		002767	OSCAR W. LARSON CO.	210.00
241253		007712	MCLAREN OAKLAND COMMUNITY EDUCATION	24.50
241254		006362	MDSOLUTIONS INC.	327.88
241255	*	007833	MICHIGAN ASSOCIATION OF PLANNING	35.00
241256		001660	MICHIGAN CAT	4,460.00
241257		006831	MICHIGAN DEPT. OF TRANSPORTATION	7,888.17
241258	*	001387	MICHIGAN MUNICIPAL LEAGUE	2,502.86
241259		007703	MIKE MORIN	157.19
241260		002964	MR. GAS INC	196.00
241261		007755	NETWORK SERVICES COMPANY	161.25
241262	*	007856	NEXT	299.00
241263		006359	NYE UNIFORM COMPANY	218.50
241264	*	000477	OAKLAND COUNTY	161,216.76
241265		001450	OAKLAND COUNTY PKS & REC COMM.	495.00
241266		004370	OCCUPATIONAL HEALTH CENTERS	56.50
241267		000481	OFFICE DEPOT INC	163.03
241268	*	007383	PAVEX CORPORATION	10,349.40
241269	*	001753	PEPSI COLA	539.76
241270		002904	PRESTIGE FLAG	519.62
241271		006497	R.N.A. JANITORIAL, INC	360.00
241272		000478	ROAD COMM FOR OAKLAND CO	976.73
241273		001181	ROSE PEST SOLUTIONS	70.00
241274	*	007920	MAYA ROSEN	180.00
241275		007443	ROYALTEES GOLF, LLC	108.43
241276		003483	SHERWIN WILLIAMS COMPANY	1,052.10
241277		007142	SHERWIN-WILLIAMS COMPANY	48.15
241278	*	000254	SOCRRA	59,075.00
241279		000256	SOMERSET BUICK GMC INC	57.78
241280		005731	SOUTHEASTERN MICHIGAN SEALANTS INC.	240.00
241281		007907	SP+ CORPORATION	2,385.00
241282	*	001369	SPEEDWAY SUPERAMERICA LLC	92.23
241283		004914	STERLING HEIGHTS TREASURY	285.00
241284		001255	TEKNICOLORS INC	121.99
241285		005645	TRAFFIC DATA COLLECTION	360.00

**City of Birmingham**  
**Warrant List Dated 03/30/2016**

Meeting of 04/11/2016

Check Number	Early Release	Vendor #	Vendor	Amount
241286		008017	TRATTORIA DA LUIGI	885.00
241287	*	000158	VERIZON WIRELESS	892.77
241288	*	000158	VERIZON WIRELESS	61.26
241289	*	007893	JENNA WADE	95.00
241290		006762	WATCHGUARD VIDEO	1,047.00
241291		002171	WEISSMAN'S	2,476.94
241292	*	007894	BRENDA WILLHITE	653.00
241293		007362	WINTERGREEN CORPORATION	3,847.13
241294	*	008008	JEFF ZIELKE	199.00
Sub Total Checks:				<u>\$395,419.47</u>
Sub Total ACH:				<u>\$48,944.21</u>
Grand Total:				<u><u>\$444,363.68</u></u>

All bills, invoices and other evidences of claim have been audited and approved for payment.



Mark Gerber  
Finance Director/ Treasurer

\*-Indicates checks released in advance and prior to commission approval in order to avoid penalty or to meet contractual agreement/obligation.

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4/11/2016

**City of Birmingham**  
**3/30/2016**

Vendor Name	Transfer Date	Transfer Amount
Automated Benefit Services, Inc.	3/29/2016	48,944.21
<b>TOTAL</b>		48,944.21



**City of Birmingham**  
**Warrant List Dated 04/06/2016**

Meeting of 04/11/2016

Check Number	Early Release	Vendor #	Vendor	Amount
241295	*	000855	48TH DISTRICT COURT	100.00
241296	*	000855	48TH DISTRICT COURT	80.00
241297	*	000855	48TH DISTRICT COURT	100.00
241298	*	006965	7UP DETROIT	224.10
241299		MISC	AA GENESEE CONTRACTING & CONSULTATI	100.00
241300		MISC	AARON SWIFT SEWER SERVICE INC	914.78
241301		002284	ABEL ELECTRONICS INC	299.00
241302	*	MISC	ABS	461.00
241303		002909	ACOM SOLUTIONS, INC.	218.25
241304		000157	BOB ADAMS TOWING INC.	381.00
241305		007233	ALL STAR PRO GOLF	1,188.40
241306		003946	ARAMARK	22.99
241307	*	007437	CHERYL ARFT	154.44
241308		000500	ARTECH PRINTING INC	199.00
241309	*	007216	AT&T	154.00
241310		MISC	AUGUSTUS PROPERTIES	100.00
241311		MISC	B-DRY SYSTEM OF MICHIGAN INC	100.00
241312		MISC	BABI CONSTRUCTION	1,000.00
241313		MISC	BACKERS CONSTRUCTION INC	100.00
241314		006316	BAHL & GAYNOR, INC	12,189.36
241315		MISC	BAIN AB LLC	2,000.00
241317	*	MISC	BETH FODAL	25.00
241318		007345	BEVERLY HILLS ACE	25.46
241319		MISC	BEVERLY HILLS POLICE AND FIRE	200.00
241320		007624	BIRMINGHAM OIL CHANGE CENTER, LLC	30.72
241321		MISC	BLOOMFIELD CONSTRUCTION CO	100.00
241322		006966	BRIDGESTONE GOLF, INC	243.75
241323		MISC	BRUTTELL ROOFING INC	200.00
241324		MISC	BURTON BROTHERS	200.00
241325		007732	CAPITAL TIRE, INC.	489.26
241326		MISC	CARNOVALE CONSTRUCTION INC	300.00
241327		002067	CENTRAL PARKING SYSTEM	2.00
241328		000605	CINTAS CORPORATION	63.21
241329	*	007625	COMCAST	206.36
241330		MISC	CROSS RENOVATION INC	1,000.00
241331		MISC	CRUSH LLC	15,000.00
241332		004386	CYNERGY WIRELESS	34.00
241333		MISC	DAVID PAUL FORCE	2,550.00
241334		MISC	DELVECCHIO, KORI L	95.36
241335		000177	DELWOOD SUPPLY	58.88
241336		MISC	DESIGNER HOMES INC	1,900.00
241337		MISC	DOLCE MODA	100.00
241338		MISC	DRY BASEMENTS LLC	100.00

**City of Birmingham**  
**Warrant List Dated 04/06/2016**

Meeting of 04/11/2016

Check Number	Early Release	Vendor #	Vendor	Amount
241339	*	000179	DTE ENERGY	6,389.61
241340		MISC	ESSCO OF BIRMINGHAM LLC	300.00
241341		MISC	ETCHEN GUMMA LIMITED	614.78
241342		000207	EZELL SUPPLY CORPORATION	192.80
241343	*	006689	F.D.M. CONTRACTING INC.	166,206.10
241344		001223	FAST SIGNS	90.00
241345		007136	FERGUSON ENTERPRISES, INC.	89.00
241346		001230	FIRE SYSTEMS OF MICHIGAN INC	97.50
241347	*	006384	GISI	16,166.50
241348		MISC	GLOBAL INNOVATIVE SOLUTIONS LLC	1,560.00
241349		002532	GOLLING CHRYSLER JEEP DODGE INC	219.99
241350		004604	GORDON FOOD	135.84
241351		000243	GRAINGER	350.33
241352		MISC	GREAT LAKES CUSTOM BUILDER LLC	2,500.00
241353		008007	GREAT LAKES WATER AUTHORITY	5,615.50
241354		000249	GUARDIAN ALARM	224.03
241355		MISC	HM HOMES LLC	2,000.00
241356		000340	INDUSTRIAL BROOM & BRUSH	678.25
241357		003888	INTERNATIONAL CODE COUNCIL INC	19,400.00
241358		MISC	JAMES FISHER LICENSED BUILDERS	200.00
241359		003458	JOE'S AUTO PARTS, INC.	407.23
241360		000347	JOHN R. SPRING & TIRE CENTER INC.	292.11
241361		MISC	KOMISAR, BRUCE M	500.00
241362		MISC	KURSCHAT, SEAN M	2,400.00
241363	*	006127	LANDSCAPE FORMS, INC	4,160.00
241364		MISC	LARSON CONSTRUCTION LLC	336.95
241365		MISC	LEONARD FRAMALIN	300.00
241366		MISC	LINCOLN-ADAMS LLC	500.00
241367		MISC	LUNDQUIEST, JOHN E	100.00
241368		001106	MAPERS	300.00
241369		001660	MICHIGAN CAT	2,632.00
241370		001005	STATE OF MICHIGAN	27,552.47
241371		000462	MOTOR CITY FASTENER INC	69.50
241372		001010	NFPA	180.00
241373	*	006870	OAKLAND COUNTY	184.00
241374		001016	OAKLAND COUNTY HEALTH DIVISION	229.00
241375		004370	OCCUPATIONAL HEALTH CENTERS	603.00
241376		000481	OFFICE DEPOT INC	1,019.99
241377		MISC	ON THE LEVEL HOME IMPROVEMENT	100.00
241378		007998	ORION STONE	685.00
241379	*	MISC	PAUL SCHWAB	500.00
241380		MISC	PETERSON WIAND BOES & CO	100.00
241381		007368	PHASE FOUR INVESTIGATIONS	278.00

**City of Birmingham**  
**Warrant List Dated 04/06/2016**

Meeting of 04/11/2016

Check Number	Early Release	Vendor #	Vendor	Amount
241382	*	MISC	PHYLLIS NAPLEY	89.75
241383		000897	PRINTING SYSTEMS INC	324.51
241384		MISC	PRO MAR	10,000.00
241385		001062	QUALITY COACH COLLISION LLC	2,470.86
241386		007305	REFRIGERATION SERVICE PLUS	486.00
241387	*	MISC	ROJO HOLDINGS LLC	5,000.00
241388		001952	RYDER TRANSPORTATION SVCS INC	635.57
241389		002456	SALES MARKETING GROUP INC	803.27
241390		MISC	SCOTT QUALITY HOMES II LLC	866.22
241391		007142	SHERWIN-WILLIAMS COMPANY	144.45
241392		002602	SIRCHIE FINGER PRINT	215.08
241393	*	001097	SOCWA	122,457.58
241394		MISC	SPENCER KNISH CONSTRUCTION INC	200.00
241395	*	006895	STATE OF MICHIGAN	2,505.00
241396		005375	STEPPIN OUT	738.26
241397		007695	TEAM GOLF	66.06
241398		000273	TERMINAL SUPPLY CO.	40.96
241399		007693	TGIB MARKETING, INC.	358.00
241400	*	000276	TITLEIST	734.91
241401		002037	TOTAL ARMORED CAR SERVICE, INC.	694.01
241402		MISC	TOWER CONSTRUCTION LLC	1,000.00
241403		MISC	TRADEMARK CONSTRUCTION SERVICES	1,200.00
241404		005449	UNEMPLOYMENT INS AGENCY	2,367.77
241405	*	MISC	UNITED AMERICAN MCKENNEY	88.74
241406	*	001410	JOE VALENTINE	92.77
241407		007226	VALLEY CITY LINEN	22.00
241410	*	000158	VERIZON WIRELESS	50.40
241411	*	000158	VERIZON WIRELESS	50.40
241412	*	000158	VERIZON WIRELESS	853.91
241413		000298	VESCO OIL CORPORATION	107.43
241414		000969	VIGILANTE SECURITY INC	85.00
241415		002171	WEISSMAN'S	923.10
241416		008018	WELLER AUTO PARTS, INC.	90.00
241417		007278	WHITLOCK BUSINESS SYSTEMS, INC.	463.50
241418		007083	XEROX CORPORATION	96.09
241419		MISC	YES HOME SERVICES INC	200.00

**City of Birmingham**  
**Warrant List Dated 04/06/2016**

Meeting of 04/11/2016

Check Number	Early Release	Vendor #	Vendor	Amount
Sub Total Checks:				\$465,991.40
Sub Total ACH:				\$415,666.43
Grand Total:				\$881,657.83

All bills, invoices and other evidences of claim have been audited and approved for payment.



Mark Gerber  
Finance Director/ Treasurer

\*-Indicates checks released in advance and prior to commission approval in order to avoid penalty or to meet contractual agreement/obligation.

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4/11/2016

**City of Birmingham**  
**ACH Warrant List Dated 4/6/2016**

Vendor Name	Transfer Date	Transfer Amount
Birmingham Schools	3/31/2016	192,905.29
Oakland County Treasurer	3/31/2016	157,587.41
Automated Benefit Services, Inc.	4/5/2016	65,173.73
<b>TOTAL</b>		<b>415,666.43</b>



## MEMORANDUM

City Clerk's Office

**DATE:** April 4, 2016

**TO:** Joseph A. Valentine, City Manager

**FROM:** Laura M. Pierce, City Clerk

**SUBJECT:** Special Event Request  
Farm to Table Block Party

Attached is a special event application submitted by the Community House requesting permission to hold the Farm to Table Block Party on Merrill and Bates on September 10, 2016.

The application has been circulated to the affected departments and approvals and comments have been noted.

The following events have either been approved by the Commission or are anticipated to be held in September and have not yet submitted an application. These events do not pose a conflict with the proposed event.

Event Name	Date	Location
Farmers Market	Sundays	Lot 6
Run on the Town 5K	Sept 17	Booth Park area
B'ham Street Art Fair	Sept 17-18	South Old Woodward
The Lung Run	Sept 25	Seaholm High School & neighborhood south of Maple, west of Southfield Rd

### SUGGESTED RESOLUTION:

To approve a request submitted by the Community House to hold the Farm to Table Block Party on Merrill and Bates on September 10, 2016, contingent upon compliance with all permit and insurance requirements and payment of all fees and, further pursuant to any minor modifications that may be deemed necessary by administrative staff at the time of the event.

16-00010690

**CITY OF BIRMINGHAM**  
**APPLICATION FOR SPECIAL EVENT PERMIT**  
**PARKS AND PUBLIC SPACES**



**I. EVENT DETAILS**

- Incomplete applications will not be accepted.
- Changes in this information must be submitted to the City Clerk, in writing, at least three weeks prior to the event

**FEES:**                      **FIRST TIME EVENT:**                      **\$200.00**  
   **ANNUAL APPLICATION FEE:**                      **\$165.00**

(Please print clearly or type)

Date of Application March 18, 2016

Name of Event Farm to Table

Detailed Description of Event (attach additional sheet if necessary) \_\_\_\_\_

Celebrate Michigan made products by sampling tastings  
from local chefs, breweries and wineries. Strolling block  
party with family fun activities, Michigan food vendors  
and farm products and produce

Location The Community House and surrounding streets

Date(s) of Event Sept 10, 2016                      Hours of Event 4-8pm

Date(s) of Set-up Sept 10, 2016                      Hours of Set-up 8am-3pm

Date(s) of Tear-down Sept 10, 2016                      Hours of Tear-down 8-9pm

Organization Sponsoring Event The Community House

Organization Address 380 E. Bates Street

Organization Phone 248.644.5832

Contact Person Andrea Connado

Contact Phone 248.594.6403

Contact Email andrea.c@tchserver.org

## II. EVENT INFORMATION

1. Organization Type Non-profit  
(city, non-profit, community group, etc.)
2. Additional Sponsors or Participants (Provide name, address, contact person, status, etc. for all additional organizations sponsoring your event. )  
TBD. Sponsors will be solicited
3. Is the event a fundraiser? ☒ YES ☐ NO  
List beneficiary The Community House  
List expected income 30,000  
Attach information about the beneficiary.
4. First time event in Birmingham? ☐ YES ☒ NO  
If no, describe This will be the 4<sup>th</sup> Annual event
5. Total number of people expected to attend per day 1000
6. The event will be held on the following City property: (Please list)  
☒ Street(s) Bates St. from Martin to Townsend  
Merrill St. from Bates to Chester  
☒ Sidewalk(s) Sidewalks on streets above  
☒ Park(s) Shawn Park for electrical hook-up only
7. Will street closures be required? ☒ YES ☐ NO
8. What parking arrangements will be necessary to accommodate attendance? Parking structures and meters



9. Will staff be provided to assist with safety, security and maintenance? ☒ YES ☐ NO

Describe TCH staff and volunteers on site during event

10. Will the event require safety personnel (police, fire, paramedics)? ☐ YES ☒ NO

Describe \_\_\_\_\_

11. Will alcoholic beverages be served? ☒ YES ☐ NO On TCH terrace only - using TCH existing liquor license  
If yes, additional approval by the City Commission is required, as well as the Michigan Liquor Control Commission.

12. Will music be provided? ☒ YES ☐ NO  
☒ Live ☒ Amplification ☐ Recorded ☐ Loudspeakers

Time music will begin 4pm

Time music will end 8pm

Location of live band, DJ, loudspeakers, equipment must be shown on the layout map.

13. Will there be signage in the area of the event? ☒ YES ☐ NO

Number of signs/banners Signage on each vendor booth and small banners

Size of signs/banners TBD

Submit a photo/drawing of the sign(s). A sign permit is required.

14. Will food/beverages/merchandise be sold? ☒ YES ☐ NO

- Peddler/vendor permits must be submitted to the Clerk's Office, at least two weeks prior to the event.
- All food/beverage vendors must have Oakland County Health Department approval.
- Attach copy of Health Dept approval.
- There is a \$50.00 application fee for all vendors and peddlers, in addition to the \$10.00 daily fee, per location. A background check must be submitted for each employee participating at the event.

# LIST OF VENDORS/PEDDLERS

(attach additional sheet if necessary)

VENDOR NAME	GOODS TO BE SOLD	WATER HOOK- UP REQUIRED?	ELECTRIC REQUIRED?
TBD			

### III. **EVENT LAYOUT**

- Include a map showing the park set up, street closures, and location of each item listed in this section.
- Include a map and written description of run/walk route and the start/finish area

1. Will the event require the use of any of the following municipal equipment?  
(show location of each on map)

EQUIPMENT	QUANTITY	COST	NOTES
Picnic Tables		6 for \$200.00	A request for more than six tables will be evaluated based on availability.
Trash Receptacles	10	\$4.00 each	Trash box placement and removal of trash is the responsibility of the event. Additional cost could occur if DPS is to perform this work.
Dumpsters		\$200.00 per day	Includes emptying the dumpster one time per day. The City may determine the need for additional dumpsters based on event requirements.
Utilities (electric)	TBD # of vendors requiring utilities	Varies	Charges according to final requirements of event.
Water/Fire Hydrant		Contact the Fire Department.	Applicant must supply their own means of disposal for all sanitary waste water. Waste water is NOT allowed to be poured into the street or on the grass.
Audio System		\$200.00 per day	Must meet with City representative.
Meter Bags / Traffic Cones / Barricades	# to be determined by the Police Department.		

2. Will the following be constructed or located in the area of the event? ☒ YES ☐ NO  
(show location of each on map) NOTE: Stakes are not allowed.

TYPE	QUANTITY	SIZE
Tents/Canopies/Awnings (A permit is required for tents over 120 sq ft)	10x10 tents for each vendor qty. TBD	10x10
Portable Toilets		
Rides		
Displays		
Vendors		
Temporary Structure (must attach a photo)		
Other (describe)		

**SIGNATURE OF APPLICANT REQUIRED**

EVENT NAME Farm to Table

EVENT DATE ~~March~~ September 10, 2016

The Birmingham City Commission shall have sole and complete discretion in deciding whether to issue a permit. Nothing contained in the City Code shall be construed to require the City Commission to issue a permit to an applicant and no applicant shall have any interest or right to receive a permit merely because the applicant has received a permit in the past.

As the authorized agent of the sponsoring organization, I hereby agree that this organization shall abide by all conditions and restrictions specific to this special event as determined by the City administration and will comply with all local, state and federal rules, regulations and laws.


Andrea Curren 3/16/16  
Signature Date

**IV. SAMPLE LETTER TO NOTIFY ANY AFFECTED  
PROPERTY/BUSINESS OWNERS**

- Organizer must notify all potentially affected residential property and business owners of the date and time this application will be considered by the City Commission. (*Sample letter attached to this application.*)
- Attach a copy of the proposed letter to this application. The letter will be reviewed and approved by the Clerk's Office. The letter must be distributed at least two weeks prior to the Commission meeting.
- A copy of the letter and the distribution list must be submitted to the Clerk's Office at least two weeks prior to the Commission meeting.
- If street closures are necessary, a map must be included with the letter to the affected property/business owners.



To the fullest extent permitted by law, The Community House and any entity or person for whom The Community House is legally liable, agrees to be responsible for any liability, defend, pay on behalf of, indemnify, and hold harmless the City of Birmingham, its elected and appointed officials, employees and volunteers and others working on behalf of the City of Birmingham against any and all claims, demands, suits, or loss, including all costs and reasonable attorney fees connected therewith, and for any damages which may be asserted, claimed or recovered against or from the City of Birmingham, its elected and appointed officials, employees, volunteers or others working on behalf of the City of Birmingham, by reason of personal injury, including bodily injury and death and/or property damage, including loss of use thereof, which arises out of or is in any way connected or associated with this activity/event. Such responsibility shall not be construed as liability for damage caused by or resulting from the sole act or omission of the City of Birmingham, its elected or appointed officials, employees, volunteers or others working on behalf of the City of Birmingham."

  
Applicant's Signature *PRESIDENT/CEO*

Date 3-14-16



## SPECIAL EVENT REQUEST NOTIFICATION LETTER

Date

Name

Company

Address

City, State, Zip

The Birmingham City Code requires that we receive approval from the Birmingham City Commission to hold the following special event. The code further requires that we notify any property owners or business owners that may be affected by the special event of the date and time that the City commission will consider our request so that an opportunity exists for comments prior to this approval.

### EVENT INFORMATION

NAME OF EVENT: Farm to Table

LOCATION: The Community House, 380 S. Bates Street, Royal Oak, MI 48009

DATE(S) OF EVENT: September 10, 2016

HOURS OF EVENT: 4 p.m. – 8 p.m.

BRIEF DESCRIPTION OF EVENT/ACTIVITY: Farm to Table will celebrate Michigan-made products and businesses by offering guest samplings from local restaurants, wineries and breweries as well as a strolling block party that will feature family-friendly entertainment and activities, Michigan food and product vendors and farm products and produce.

DATE(S) OF SET-UP: Saturday, September 10, 2016

HOURS OF SET-UP: Between 8 a.m. and 4 p.m.

DATE(S) OF TEAR-DOWN: Saturday, September 10, 2016

HOURS OF TEAR-DOWN: Between 8 p.m. and 10 p.m.

DATE OF CITY COMMISSION MEETING:

4/11/16

The City commission meets in room 205 of the Municipal Building at 151 Martin at 7:30PM. A complete copy of the application to hold this special event is available for your review at the City Clerk's Office (248/530-1880). Log on to [www.bhamgov.org/events](http://www.bhamgov.org/events) for a complete list of special events.





EVENT ORGANIZER: The Community House, Andrea Coronado

ADDRESS: 380 S. Bates Street, Birmingham, MI 48009

PHONE: 248.594.6403

EMAIL: [andreac@tchserves.org](mailto:andreac@tchserves.org)

# Birmingham Map

- Legend
-  City Boundary
  -  Lakes and Rivers
  -  Streams
  -  Parcels



## DISCLAIMER

The information provided on this site is for convenience only and is compiled from recorded deeds, plats, tax maps, surveys, and other public records and data. Much of the data was not compiled or created by the City of Birmingham. In the preparation of this report, extensive efforts have been made to offer the most current, correct, and clearly expressed information possible. However, inadvertent errors, inaccuracies, and omissions can occur. Official versions should be used as a primary information source for verification of the information provided on these pages. Users are advised that their use of any of this information is at their own risk. The City of Birmingham, its consultants and data providers, do not assume, and hereby disclaim, legal responsibility for the information contained herein which is provided "as is" with no warranties of any kind whether such errors, inaccuracies or omissions result from negligence, accident or any other cause.

## Dear TCH Friends and Supporters,

Almost 100 years ago, The Community House (TCH) opened its doors in Birmingham, to serve the local community as well as the surrounding region. True to its original mission, TCH remains "a nonprofit that impacts lives through exceptional educational, social and outreach experiences."



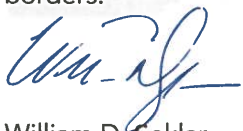
William D. Seklar  
President

Each year at TCH we struggle with a 30% budget shortfall. We could not meet the demand for our programs and services or be able to fulfill our sacred promise to the community without the extraordinary kindness of our cherished donors and supporters.

TCH also serves as home to 14 other nonprofit organizations and sponsored groups and provides these organizations with a variety of services including venue space, administrative support and food & beverage discounts.

Should you already be a TCH donor, volunteer or partner, I thank you. Should you not yet be familiar with TCH, our programs or services, I invite you to visit us, tour the "House" and learn more about us.

TCH is truly a precious jewel situated in the middle of a neighborhood – a neighborhood without borders.



William D. Seklar  
President



"Making TCH a part of my planned giving was one of the easiest decisions I've ever made. It's truly the heart of our community and always bettering people's lives. I truly consider TCH to be a part of my extended family."

—George A. Miller, Birmingham

**TEACH**...15,400 people take our community education classes, lectures and programs.

### TCH Classes and Programs

- Over 900 adult and children's classes are offered in cooking, fitness, technology, CPR, language, music, art, and more.
- 500 students learn in the TCH Dance Academy.
- 250 teens participate in Sara Smith Productions and Youth Theatre Camps.
- 300 children attend summer camps.

### TCH Forums and Lectures

- People attend TCH's Nothin' But Net networking and speaker series; our Master Class Evening with top business leaders, and our Women's Power Partners' Club events to increase their effectiveness in the business world.
- The Business Book Club welcomes 100 people annually.

**CONNECT**...Thousands of people attend TCH community gatherings, and use our facilities to learn and network professionally, and help give back to others.

### TCH Subsidizes Many Nonprofits and Groups With Free Meeting Space, Administrative Support and Food & Beverage Discounts

- Birmingham Bloomfield Chamber of Commerce
- Birmingham Bloomfield Newcomers Club
- Birmingham Principal Shopping District
- Friends of the Gardens
- International Community Club
- Lions Club
- Open Bridge
- Optimists Club
- Race Relations & Diversity Task Force
- Rotary Club
- Senior Men's Club
- StoryTellers Guild
- TCH Women's Club
- YPN-Young Professionals Network

## TCH Community Events

- OUR TOWN Art Show & Sale and the TCH Artists in Residence program support local artists and expand cultural awareness.
- 90 & Beyond celebrates and thanks people in the community over 90 years old (like TCH)!
- Farm to Table Block Party Food Fest supports all Michigan grown food and sustainability.

**HELP**...TCH helps underserved people become more vital, and others to celebrate important milestones in their lives.

### Community Outreach Programs

- 45 seventh graders in Metro Detroit participate in TCH's school year long 21<sup>st</sup> Century Leaders Entrepreneurship Program.
- 120 low income families go through our Feed Your Family's Future™ Program, which provides essential skills in family budgeting, job preparedness and family nutrition.
- 350 students receive free art workshops.
- 400 underprivileged teens attend our summer iCount™ Childhood Obesity Prevention Program.

### The Early Childhood Center (ECC)

- The ECC provides an exceptional environment for 44 children, including infants, toddlers and preschoolers.
- TCH's ECC was the first daycare to receive the Michigan 5 Star rating in Oakland and Macomb Counties from "Great Start to Quality."

### Hospitality and Event Sales

- TCH serves over 53,000 meals for weddings, Bat and Bar Mitzvahs, celebrations, business events and nonprofit organizations and sponsored groups.

Please donate to our Annual Fund Drive to help keep TCH a nonprofit community asset.  
[www.tchserves.org](http://www.tchserves.org) / 248.644.5832



# Help Us Keep Your Community Thriving



**DONATE TO THE TCH  
ANNUAL FUND DRIVE TODAY!**

As a nonprofit TCH provides literacy, leadership, nutrition, and art for thousands in need. Our Annual Fund Drive helps provide the funds for those services – as well as to cover the significant costs not covered by our modest class fees.

## TCH By the Numbers Annually

- \$529,000 is our cost to subsidize 14 nonprofit groups and outreach organizations.
- 210,000 people come through our doors to learn, connect and help others.
- 12,000 is the number of times seniors pass through TCH doors.
- 3,730 hours of service are contributed by our 530 volunteers.
- 3,000 children attend our classes, youth theatre and camp programs.
- 2,326 children are read to each month by our StoryTellers Guild members.
- 1,000 at-risk children benefit from our free outreach programs in the tri-county area.
- 0 tax dollars or millage support are received by TCH.

**Please donate to our  
2015 Annual Fund Drive,  
the foundation of all we do.**



**THE COMMUNITY HOUSE**  
380 South Bates St., Birmingham, MI 48009  
www.tchserves.org / 248.644.5832  
Connect with us on:  



**The Community House (TCH)  
is a nonprofit that impacts  
lives through exceptional  
educational, social and  
outreach experiences.**



## DEPARTMENT APPROVALS

EVENT NAME 2016 Farm to Table

LICENSE NUMBER #16-00010690

COMMISSION HEARING DATE April 11, 2016

NOTE TO STAFF: Please submit approval by March 31, 2016

DATE OF EVENT: Sept. 10, 2016

DEPARTMENT	APPROVED	COMMENTS	PERMITS REQUIRED (Must be obtained directly from individual departments)	ESTIMATED COSTS (Must be paid two weeks prior to the event. License will not be issued if unpaid.)	ACTUAL COSTS (Event will be invoiced by the Clerk's office after the event)
<b>BUILDING</b> 101-000.000.634.0005 248.530.1850	PENDING APPROVAL				
<b>FIRE</b> 101-000.000-634.0004 248.530.1900	LKB	<ol style="list-style-type: none"><li>1. No Smoking in any tents or canopy. Signs to be posted.</li><li>2. All tents and Canopies must be flame resistant with certificate on site.</li><li>3. No open flame or devices emitting flame, fire or heat in any tents. Cooking devices shall not be permitted within 20 feet of the tents.</li><li>4. Tents and Canopies must be properly anchored for the weather conditions, no stakes allowed.</li><li>5. A clear Fire Department access of 12 foot aisles must be maintained, no tents, canopies or other obstructions in the access aisle unless approved by the Fire Marshal.</li></ol>	None	\$60.00	

		6. Pre-event site inspection required. 7. All food vendors are required to have an approved 5lbs. multi-purpose (ABC) fire extinguisher on site and accessible. 8. Cords, hoses, etc. shall be matted to prevent trip hazards. 9. Exits must be clearly marked in tents/structures with an occupant load over 50 people. 10. Paramedics will respond from the fire station as needed. Dial 911 for fire/rescue/medical emergencies. 11. A permit is required for Fire hydrant usage. 12. Do Not obstruct fire hydrants or fire sprinkler connections on buildings. 13. Provide protective barriers between hot surfaces and the public.			
<b>POLICE</b> 101-000.000.634.0003 248.530.1870	SG	Barricades for road closure.		\$60.00	
<b>PUBLIC SERVICES</b> 101-000.000-634.0002 248.530.1642	CL	Trash Containers Labor and Equipment for Barricade Placement.		\$150.00	
<b>ENGINEERING</b> 101-000.000.634.0002 248.530.1839	A.F.	Maintain five (5) foot clear pedestrian zone on all sidewalks. No drilling or pavement damage (road or sidewalks) allowed for tent supports	None	\$0	

<b>INSURANCE</b> 248.530.1807	CA	Need updated COI to reflect date of event		0	0
<b>CLERK</b> 101-000.000-614.0000 248.530.1803	LP	Notification letters mailed by applicant on 3/22/16. Notification addresses on file in the Clerk's Office. Evidence of required insurance must be on file with the Clerk's Office no later than 8/30/16.	Applications for vendors license must be submitted no later than 8/30/16.	\$165 (paid)	
				<b>TOTAL DEPOSIT REQUIRED</b>	<b>ACTUAL COST</b>

**FOR CLERK'S OFFICE USE**

Deposit paid \_\_\_\_\_

Actual Cost \_\_\_\_\_

Due/Refund\_\_\_\_\_



## MEMORANDUM

City Clerk's Office

**DATE:** April 4, 2016

**TO:** Joseph A. Valentine, City Manager

**FROM:** Laura M. Pierce, City Clerk

**SUBJECT:** Special Event Request  
ParkArt

Attached is a special event application submitted by the Community House requesting permission to hold ParkArt – an evening of interactive family-oriented art displays in Shain Park June 24, 2016.

The application has been circulated to the affected departments and approvals and comments have been noted.

The following events have either been approved by the Commission or are planned to be held in June and have not yet submitted an application. These events do not pose a conflict with the proposed event.

Event Name	Date	Location
Farmers Market	Sundays	Lot 6
Village Fair	June 1 <sup>st</sup> – 5 <sup>th</sup>	Shain Park area
Lungevity 5K Run	June 4 <sup>th</sup>	Booth Park & neighborhood north of Maple, west of Old Woodward
Battle of the Bands	June 17 <sup>th</sup>	Shain Park
Family Movie Night	June 24 <sup>th</sup>	Booth Park
In the Park Concerts	June 22 <sup>nd</sup> & 29 <sup>th</sup>	Shain Park

### SUGGESTED RESOLUTION:

To approve a request from the Community House to hold ParkArt on June 24, 2016 in Shain Park, contingent upon compliance with all permit and insurance requirements and payment of all fees and, further pursuant to any minor modifications that may be deemed necessary by administrative staff at the time of the event.

16-00010681

**CITY OF BIRMINGHAM  
APPLICATION FOR SPECIAL EVENT PERMIT  
PARKS AND PUBLIC SPACES**



***I. EVENT DETAILS***

- Incomplete applications will not be accepted.
- Changes in this information must be submitted to the City Clerk, in writing, at least three weeks prior to the event

**FEES:**            **FIRST TIME EVENT:**            **\$200.00**  
                      **ANNUAL APPLICATION FEE:**        **\$165.00**

(Please print clearly or type)

Date of Application February 23, 2016

Name of Event ParkArt

Detailed Description of Event (attach additional sheet if necessary) \_\_\_\_\_  
Tented areas in Shain Park will have art projects for children to learn art techniques as well as seeing a live performance by the TCH Dance Academy in the pavilion. Registration tables will sell tickets for \$5 per tent activity or \$20 for unlimited activity wrist bands. Fliers will be handed out, but will not be posted in the park.

Location Portion of Shain Park and the Pavilion

Date(s) of Event June 24, 2016            Hours of Event 5:00 - 8:00 p.m.

Date(s) of Set-up June 24, 2016            Hours of Set-up 2:00 - 5:00 p.m.

Date(s) of Tear-down June 24, 2016            Hours of Tear-down 8:00 - 10:00 p.m.

Organization Sponsoring Event The Community House

Organization Address 380 S. Bates, Birmingham, MI 48009

Organization Phone 248.644.5832

Contact Person Kathie Ninneman

Contact Phone 248.594.6404

Contact Email kathien@tchserves.org

## **II. EVENT INFORMATION**

1. Organization Type Non-profit  
(city, non-profit, community group, etc.)
2. Additional Sponsors or Participants (Provide name, address, contact person, status, etc. for all additional organizations sponsoring your event. ) \_\_\_\_\_  
Currently securing sponsors  
\_\_\_\_\_  
\_\_\_\_\_
3. Is the event a fundraiser? ☒ YES ☐ NO  
List beneficiary The Community House  
List expected income \$5,000.00  
Attach information about the beneficiary.
4. First time event in Birmingham? ☐ YES ☒ NO  
If no, describe The event was held last year on June 26, 2015  
\_\_\_\_\_
5. Total number of people expected to attend per day 500
6. The event will be held on the following City property: (Please list)  
☐ Street(s) \_\_\_\_\_  
☒ Sidewalk(s) Sidewalks near pavilion  
☒ Park(s) Grassy area in Shain Park near pavilion  
\_\_\_\_\_
7. Will street closures be required? ☐ YES ☒ NO
8. What parking arrangements will be necessary to accommodate attendance? None

9. Will staff be provided to assist with safety, security and maintenance? ☒ YES ☐ NO  
Describe Community House staff will monitor the event

10. Will the event require safety personnel (police, fire, paramedics)? ☐ YES ☒ NO  
Describe \_\_\_\_\_

11. Will alcoholic beverages be served? ☐ YES ☒ NO  
If yes, additional approval by the City Commission is required, as well as the Michigan Liquor Control Commission.

12. Will music be provided? ☒ YES ☐ NO  
☐ Live ☐ Amplification ☐ Recorded ☒ Loudspeakers  
Time music will begin 2:00 p.m. practice  
Time music will end By 8:00 p.m.  
Location of live band, DJ, loudspeakers, equipment must be shown on the layout map.

13. Will there be signage in the area of the event? ☒ YES ☐ NO  
Number of signs/banners 2 "A" frame banners  
Size of signs/banners \_\_\_\_\_  
Submit a photo/drawing of the sign(s). A sign permit is required.

14. Will food/beverages/merchandise be sold? ☐ YES ☒ NO

- Peddler/vendor permits must be submitted to the Clerk's Office, at least two weeks prior to the event.
- All food/beverage vendors must have Oakland County Health Department approval.
- Attach copy of Health Dept approval.
- There is a \$50.00 application fee for all vendors and peddlers, in addition to the \$10.00 daily fee, per location. A background check must be submitted for each employee participating at the event.



# LIST OF VENDORS/PEDDLERS

(attach additional sheet if necessary)

VENDOR NAME	GOODS TO BE SOLD	WATER HOOK-UP REQUIRED?	ELECTRIC REQUIRED?
NA			

### **III. EVENT LAYOUT**

- Include a map showing the park set up, street closures, and location of each item listed in this section.
- Include a map and written description of run/walk route and the start/finish area

1. Will the event require the use of any of the following municipal equipment?  
(show location of each on map)

EQUIPMENT	QUANTITY	COST	NOTES
Picnic Tables		6 for \$200.00	A request for more than six tables will be evaluated based on availability.
Trash Receptacles	5	\$4.00 each	Trash box placement and removal of trash is the responsibility of the event. Additional cost could occur if DPS is to perform this work.
Dumpsters		\$200.00 per day	Includes emptying the dumpster one time per day. The City may determine the need for additional dumpsters based on event requirements.
Utilities (electric)	____ # of vendors requiring utilities	Varies	Charges according to final requirements of event.
Water/Fire Hydrant		Contact the Fire Department.	Applicant must supply their own means of disposal for all sanitary waste water. Waste water is NOT allowed to be poured into the street or on the grass.
Audio System		\$200.00 per day	Must meet with City representative.
Meter Bags / Traffic Cones / Barricades	# to be determined by the Police Department.		

2. Will the following be constructed or located in the area of the event? ☒ YES ☐ NO  
(show location of each on map) NOTE: Stakes are not allowed.

TYPE	QUANTITY	SIZE
Tents/Canopies/Awnings (A permit is required for tents over 120 sq ft)	10	varies
Portable Toilets	0	
Rides	0	
Displays	0	
Vendors	0	
Temporary Structure (must attach a photo)	0	
Other (describe)	Registration tables	Four 8' tables

## **SIGNATURE OF APPLICANT REQUIRED**

EVENT NAME ParkArt  
EVENT DATE June 24, 2016

The Birmingham City Commission shall have sole and complete discretion in deciding whether to issue a permit. Nothing contained in the City Code shall be construed to require the City Commission to issue a permit to an applicant and no applicant shall have any interest or right to receive a permit merely because the applicant has received a permit in the past.

As the authorized agent of the sponsoring organization, I hereby agree that this organization shall abide by all conditions and restrictions specific to this special event as determined by the City administration and will comply with all local, state and federal rules, regulations and laws.

Kathie Nunnemar 2/23/2016  
Signature Date

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## **IV. SAMPLE LETTER TO NOTIFY ANY AFFECTED PROPERTY/BUSINESS OWNERS**

- Organizer must notify all potentially affected residential property and business owners of the date and time this application will be considered by the City Commission. *(Sample letter attached to this application.)*
- Attach a copy of the proposed letter to this application. The letter will be reviewed and approved by the Clerk's Office. The letter must be distributed at least two weeks prior to the Commission meeting.
- A copy of the letter and the distribution list must be submitted to the Clerk's Office at least two weeks prior to the Commission meeting.
- If street closures are necessary, a map must be included with the letter to the affected property/business owners.



DATE: March 28, 2016

TO: Occupant

Residential Property or Business Owner

The Birmingham City Code requires that we receive approval from the Birmingham City Commission to hold the following special event. The code further requires that we notify any property owners or business owners that may be affected by the special event of the date and time that the City commission will consider our request so that an opportunity exists for comments prior to this approval.

EVENT INFORMATION

NAME OF EVENT: ParkArt

LOCATION: Shain Park

DATE(S) OF EVENT: June 24, 2016

HOURS OF EVENT: 5:00 - 8:00 p.m.

BRIEF DESCRIPTION OF EVENT/ACTIVITY: Art Activities for children and live performance by the TCH Dance Academy.

DATE(S) OF SET-UP June 24, 2016

HOURS OF SET-UP: 2:00 - 5:00 p.m.

DATE(S) OF TEAR-DOWN June 24, 2016

HOURS OF TEAR-DOWN: 8:00 - 10:00 p.m.

DATE OF CITY COMMISSION MEETING: April 11, 2016

The City commission meets in room 205 of the Municipal Building at 151 Martin at 7:30PM. A complete copy of the application to hold this special event is available for your review at the City Clerk's Office (248/530-1880). Log on to [www.bhamgov.org/events](http://www.bhamgov.org/events) for a complete list of special events. EVENT

ORGANIZER: The Community House/Kathie Ninneman

ADDRESS: 380 S. Bates, Birmingham, MI 48009

PHONE: 248.644.5832

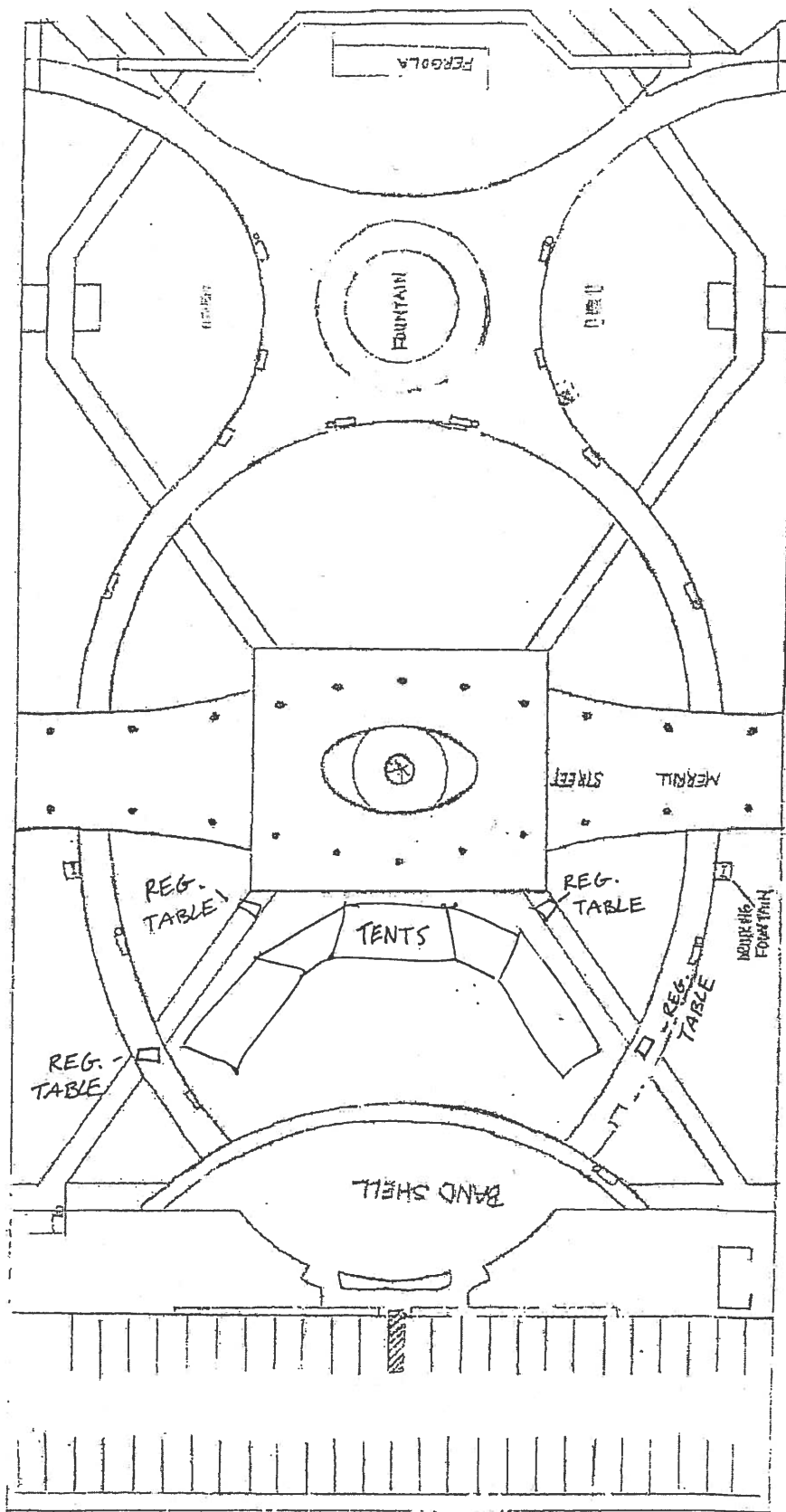
There will be no road closures for this event.



To the fullest extent permitted by law, The Community House and any entity or person for whom The Community House is legally liable, agrees to be responsible for any liability, defend, pay on behalf of, indemnify, and hold harmless the City of Birmingham, its elected and appointed officials, employees and volunteers and others working on behalf of the City of Birmingham against any and all claims, demands, suits, or loss, including all costs and reasonable attorney fees connected therewith, and for any damages which may be asserted, claimed or recovered against or from the City of Birmingham, its elected and appointed officials, employees, volunteers or others working on behalf of the City of Birmingham, by reason of personal injury, including bodily injury and death and/or property damage, including loss of use thereof, which arises out of or is in any way connected or associated with this activity/event. Such responsibility shall not be construed as liability for damage caused by or resulting from the sole act or omission of the City of Birmingham, its elected or appointed officials, employees, volunteers or others working on behalf of the City of Birmingham.”

Applicant's Signature

*Kathie Nunneman* Date *Feb. 23, 2016*



TOWNSEND STREET

HERBERT A STREET

## DEPARTMENT APPROVALS

EVENT NAME PARKART

LICENSE NUMBER #16-00010681

COMMISSION HEARING DATE MARCH 28, 2016

NOTE TO STAFF: Please submit approval by MARCH 11, 2016

DATE OF EVENT JUNE 24, 2016

DEPARTMENT	APPROVED	COMMENTS	PERMITS REQUIRED (Must be obtained directly from individual departments)	ESTIMATED COSTS (Must be paid two weeks prior to the event. License will not be issued if unpaid.)	ACTUAL COSTS (Event will be invoiced by the Clerk's office after the event)
<b>BUILDING</b> 101-000.000.634.0005 248.530.1850	Scott L	No building department involvement as proposed	none	none	
<b>FIRE</b> 101-000.000-634.0004 248.530.1900	LKB	<ol style="list-style-type: none"><li>1. No Smoking in any tents or canopy. Signs to be posted.</li><li>2. All tents and Canopies must be flame resistant with certificate on site.</li><li>3. Tents and Canopies must be properly anchored for the weather conditions, no stakes allowed.</li><li>4. Pre-event site inspection required.</li><li>5. Cords, hoses, etc. shall be matted to prevent trip hazards.</li><li>6. Exits must be clearly marked in tents/structures with an occupant load over 50 people.</li><li>7. Paramedics will respond from the fire station as needed. Dial 911 for fire/rescue/medical emergencies.</li></ol>	None	\$100.00	

		8. Do Not obstruct fire hydrants or fire sprinkler connections on buildings.			
<b>POLICE</b> 101-000.000.634.0003 248.530.1870	PENDING APPROVAL				
<b>PUBLIC SERVICES</b> 101-000.000-634.0002 248.530.1642	Carrie Laird	Department will deliver the 5 PSD boxes. Tents being placed in Shain Park can't be staked down.		\$50.00	
<b>ENGINEERING</b> 101-000.000.634.0002 248.530.1839	A.F.	No Comments	None	\$0	
<b>INSURANCE</b> 248.530.1807	CA			0	0
<b>CLERK</b> 101-000.000-614.0000 248.530.1803	LP	Notification letters mailed by applicant 3/14/16.. Notification addresses on file in the Clerk's Office. Evidence of required insurance must be on file with the Clerk's Office no later than 6/10/16.	Applications for vendors license must be submitted no later than 6/10/16.	\$165 (paid)	
				<b>TOTAL DEPOSIT REQUIRED</b>	<b>ACTUAL COST</b>

**FOR CLERK'S OFFICE USE**

Deposit paid \_\_\_\_\_

Actual Cost \_\_\_\_\_

Due/Refund\_\_\_\_\_





## MEMORANDUM

Department of Public Services

**DATE:** March 22, 2016

**TO:** Joseph A. Valentine, City Manager

**FROM:** Lauren Wood, Director of Public Services

**SUBJECT:** DPS VEHICLE #233 REPLACEMENT

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DPS vehicle #233 is a 2006 Toro Workman 2110 Utility Vehicle that is in need of replacement due to age and condition. This vehicle is used by the Parks Division to water flowers, maintain ball diamonds, treat catch basins, remove snow from sidewalks, and a wide variety of other duties. This vehicle has an enclosed cab on it and includes a heater, due to its extensive use during the winter months.

This type of vehicle does not fall into our vehicle classification system for rating purposes, unlike the other City vehicles which fall under the Replacement Program ranking on a case by case basis. This equipment is a utility vehicle, similar to lawn mowing equipment and various golf course vehicles, the Toro Workman falls outside of the formal scoring process, but is reviewed based on hours of service, age, and reliability including repair records prior to disposal. Early 2015, we replaced DPS vehicle #234 which is the identical age and vehicle as #233.

The Department of Public Services recommends replacing this vehicle with one (1) new Toro Workman MDX Utility Vehicle. Once the order is placed for the replacement vehicle, it will take approximately 10-12 weeks for delivery. Upon delivery, the 2006 Toro Workman 2110 Utility Vehicle (#233) will be placed on the Michigan Inter-governmental Trade Network for re-sale.

State of Michigan extended purchasing contract #071B0200329 is available for the Toro Workman MDX Utility Vehicle. Spartan Distributors is the exclusive dealer for this contract and was contacted for pricing. The price of this vehicle is \$18,781.75. Funds for this purchase are available in the Auto Equipment Fund, account #641.441.006-971.0100.

#### SUGGESTED RESOLUTION:

To approve the purchase of one (1) new Toro Workman MDX Utility Vehicle from Spartan Distributors, through State of Michigan extendable purchasing contract #071B0200329 for a total purchase price not to exceed \$18,781.75. Funds for this purchase are available in the Auto Equipment Fund, account #641.441.006-971.0100.



## MEMORANDUM

Department of Public Services

**DATE:** March 29, 2016

**TO:** Joseph A. Valentine, City Manager

**FROM:** Lauren A. Wood, Director of Public Services

**SUBJECT:** Purchase Larvicide Material for Mosquito Control Program

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The City currently procures its mosquito control material from Clarke Mosquito Control. The pricing on these products is government regulated by the Department of Agriculture. Clarke is the closest distributor in this area and provides these supplies to other local agencies. We have been pleased with their service and communication with staff about new trends in this area. It is determined no advantage will be gained by the City of Birmingham in bidding out this purchase. Therefore, no competitive bids were obtained for these supplies.

We have been treating the catch basins, approximately 2300, over the past twelve seasons. This has provided us with a successful program which we continue to re-evaluate. This purchase is for 12 cases of Natular XRT Tablets at \$806.74/case. This application will destroy the mosquito larva and prevent mosquito emergence. The per case price is the same as it was for 2015.

The DPS recommends the purchase of this material from Clarke Mosquito Control at a price not to exceed \$9,680.88 which includes shipping. The money has been budgeted in Account #590-536.002-729.0000 Sewer Fund-Operating Supplies for this purchase. Reimbursement from Oakland County for this program this year is \$4,298.44. The reimbursement amount last year was in the amount of \$2,648.39.

**SUGGESTED RESOLUTION:**

To approve the purchase of the larvicide material from Clarke Mosquito Control in the amount not to exceed \$9,680.88. Further, to waive the normal bidding requirements based on the government regulated pricing for this type of material. Funds for this purchase will come from the Sewer Fund-Operating Supplies Account #590-536.002-729.0000.



## MEMORANDUM

Department of Public Services

**DATE:** March 29, 2016

**TO:** Joseph A. Valentine, City Manager

**FROM:** Lauren A. Wood, Director of Public Services

**SUBJECT:** Downtown Light Post Painting Project

---

DTE Community Lighting is the owner of the light posts downtown and any work performed to the light posts, including painting, must be done by a DTE approved contractor. The City is responsible for the costs to keep the light posts painted to City standards. Seaway Painting, LLC is the current painting contractor for DTE and was contacted by the Department of Public Services for a proposal, see attached, to paint light posts in three designated areas of downtown. This project will be phased over two fiscal years. The first portion will be painted this spring as part of this current fiscal year. The remaining two areas will be painted during the 2016-2017 fiscal year budget. Therefore, using a sole-source vendor, we did not solicit bids. Also, DTE is aware of this project and agrees to the selected contractor.

This spring, the targeted areas in need of paint include Willits Street, between Old Woodward and Bates; North Chester Street between Willits and West Maple; North Bates Street between Willits and West Maple; Pierce Street between Brown and Merrill; Merrill Street between Henrietta and Pierce; and Henrietta from West Maple to Martin. A total of approximately 98 light posts will be painted in these identified locations and beyond, as the budget allows. The majority are the standard Birmingham selected style, Octagonal Shape Lumina DTE streetlight posts. Also included in this number are the larger J-hook style DTE light posts, crosswalk posts and traffic signal posts, in varying numbers. The stated locations were selected for the most immediate action based on site inspections throughout town. The paint is in the worst condition (i.e. cracked and peeling paint, faded to a pale green color) city wide and must be addressed sooner rather than later.

This project of painting green light posts downtown will continue this Fall. Upcoming areas include Henrietta Street, Martin Street, South Bates Street, and Merrill between Bates and Chester. These listed locations are in need of paint, but are a lesser need than the spring project. This light post painting maintenance will continue next year as well. Each section of town will be addressed with paint as part of a regular maintenance schedule, taking into consideration Engineering projects (usually meaning new lights with no paint needed) and other items such as coordination based on the time of year, area events and our Hanging Flower Basket program.

The City's total purchase price to accomplish the spring painting project will not exceed \$17,000.00. The average cost per post for this work is \$172.21. Money is budgeted in the

following account #202-449.003-937.0500, Street Lighting CBD Maintenance, Street Light Post Painting in the amount of \$17,000.00.

A recent comparable project was the painting of DTE Light Posts on Woodward Median in 2014 which was performed by Seaway Painting. The total project cost for the Woodward Median project was \$20,936.82 for 111 posts, an average of \$188.62 per post.

**SUGGESTED RESOLUTION:**

To waive the formal bidding requirements and approve the Downtown Light Post Painting project of approximately 98 light posts with Seaway Painting, LLC, who serves as the approved DTE contractor, in an amount not to exceed \$17,000. Funds are available in the Street Lighting CBD Maintenance account #202-449.003-937.0500.



# SEAWAY PAINTING, L.L.C.

*Industrial Painting Engineers - Protective Coating Specialists*

*An Equal Opportunity Employer*



(734) 522-2440

FAX (734) 522-6022

31801 SCHOOLCRAFT RD, LIVONIA, MI 48150-1808

City of Birmingham  
Department of Public Services  
851 S. Eton St  
Birmingham, MI 48009  
Attn: Ms. Carrie Laird

[Claird@ci.birmingham.mi.us](mailto:Claird@ci.birmingham.mi.us)

Ref: City of Birmingham Additional Painting  
Seaway Proposal # 10-101-15

Dear Ms. Laird,

Thank you in advance for allowing us to quote your painting needs. It is understood that there are 3 designated areas that need to be painted in the City of Birmingham for the upcoming season. Poles will be painted on site. Paint schedule will be dependent upon weather conditions. At this point in the season I would not anticipate painting until Spring 2016.

#### **Scope of Work:**

- All signs, banners, etc. must be removed from the poles by others. They should not be reinstalled until the poles have achieved final cure. Depending on the weather, the cure time could take 7 to 14 days.
- Clean the exterior of the pole with hand and air powered tools.
- Wipe the pole down with an approved thinner to remove any contaminants that may be present on the steel after cleaning.
- Application of one coat of Carboline Carbomastic 90 to the first 6 feet of the pole and spot prime areas above 6 feet.
- Application of one coat of Carboline Carbothane 134HG Tinted to Match Sherwin Williams Cedar Green. This will match the new green chosen for the Woodward Ave Project in 2014.

#### **Unit Pricing:**

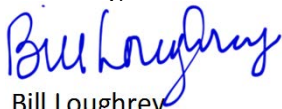
- Unit pricing included on attached sheets since there are multiple prices and circumstances.

#### **Requirements:**

- All signs, banners, etc. must be removed prior to commencement of the project.
- Poles will take approximately 7 to 14 days to obtain the final curing of the coating so it is recommended not to hang any flags, banners, signs, etc.
- It is recommended that the owner rinse the poles annually after the last snowfall with clean water. This will help remove the contaminants that will remain on the poles as a result of salting during the winter months. If needed we could be available to provide that service.
- It is the sole responsibility of the City to provide any necessary permits or traffic control devices with the exception of one Arrow Board that Seaway Painting, LLC will provide. Please inform us if there are restrictions as to time periods that the work may be done also since that may result in reduced productivity resulting in a change in the quoted price.

Hoping the above meets with your approval. If you have any questions please give me a call. Please let me know if approved and what time frame you would like to have the poles painted.

Sincerely,

A handwritten signature in blue ink that reads "Bill Loughrey". The signature is fluid and cursive, with the first name "Bill" and last name "Loughrey" clearly distinguishable.

Bill Loughrey

Seaway Painting, LLC

734-564-0453 Cell

Row	Area	Road	Side	From Rd	To Rd	Description	Tall	Cobra Tall	Short	Crosswalk	Strain Pole	Kisok	Proposed Price
1	1	Willits	N	N. Old Woodward	N. Bates			1					\$ 150.00
2	1	Willits	N	N. Old Woodward	N. Bates				1				\$ 170.00
3	1	Willits	N	N. Old Woodward	N. Bates			1					\$ 150.00
4	1	Willits	N	N. Old Woodward	N. Bates				1				\$ 170.00
5	1	Willits	N	N. Old Woodward	N. Bates			1					\$ 150.00
6	1	Willits	N	N. Old Woodward	N. Bates				1				\$ 170.00
7	1	Willits	N	N. Old Woodward	N. Bates			1					\$ 150.00
8	1	Willits	N	N. Old Woodward	N. Bates	Long Arm	1						\$ 150.00
9	1	Willits	N	N. Old Woodward	N. Bates					1			\$ 100.00
10	1	Willits	N	N. Bates	N. Chester	Short Arm on 30' Strain Pole					1		\$ 220.00
11	1	Willits	N	N. Bates	N. Chester			1					\$ 150.00
12	1	Willits	N	N. Bates	N. Chester			1					\$ 150.00
13	1	N. Chester	W	Willits	W. Maple			1					\$ 150.00
14	1	N. Chester	W	Willits	W. Maple			1					\$ 150.00
15	1	N. Chester	W	Willits	W. Maple				1				\$ 170.00
16	1	N. Bates	W	Willits	W. Maple	Stainless Steel Crosswalk 16'?				NA			\$ -
17	1	N. Bates	W	Willits	W. Maple				1				\$ 170.00
18	1	N. Bates	W	Willits	W. Maple				1				\$ 170.00
19	1	N. Bates	W	Willits	W. Maple				1				\$ 170.00
20	1	N. Bates	W	Willits	W. Maple				1				\$ 170.00
21	1	N. Bates	W	Willits	W. Maple	Crosswalk 16'				1			\$ 100.00
22	1	N. Bates	E	W. Maple	Willits	30' Strain Pole					1		\$ 185.00
23	1	N. Bates	E	W. Maple	Willits				1				\$ 170.00
24	1	N. Bates	E	W. Maple	Willits				1				\$ 170.00
25	1	N. Bates	E	W. Maple	Willits				1				\$ 170.00
26	1	Willits	S	N. Bates	N. Old Woodward	30' Strain Pole					1		\$ 185.00
27	1	Willits	S	N. Bates	N. Old Woodward	Crosswalk 16'				1			\$ 100.00
28	1	Willits	S	N. Bates	N. Old Woodward				1				\$ 170.00
29	1	Willits	S	N. Bates	N. Old Woodward				1				\$ 170.00
30	1	Willits	S	N. Bates	N. Old Woodward				1				\$ 170.00
31	1	Willits	S	N. Bates	N. Old Woodward				1				\$ 170.00
32	1	Willits	S	N. Bates	N. Old Woodward				1				\$ 170.00
33	1	Willits	S	N. Bates	N. Old Woodward				1				\$ 170.00
34	1	Willits	S	N. Bates	N. Old Woodward				1				\$ 170.00
35	1	Willits Alley	E	Willits	W. Maple				1				\$ 170.00
36	1	Willits Alley	E	Willits	W. Maple				1				\$ 170.00
37	1	Willits Alley	E	Willits	N. Bates				1				\$ 170.00
38	1	Willits Alley	E	Willits	N. Bates				1				\$ 170.00
39	1	Willits Alley	E	Willits	N. Bates				1				\$ 170.00
40	1	Willits Alley	E	Willits	N. Bates				1				\$ 170.00
41	1	Willits Alley	E	Willits	N. Bates				1				\$ 170.00
42	1	Willits Alley	E	Willits	N. Bates				1				\$ 170.00
43	1	Willits Alley	E	Willits	N. Bates				1				\$ 170.00
1	2	S. Bates	W	W. Maple	Martin	30' Strain Pole					1		\$ 185.00
2	2	Martin	N	S. Bates	Chester				1				\$ 170.00
3	2	Martin	N	S. Bates	Chester				1				\$ 170.00
4	2	Martin	N	S. Bates	Chester				1				\$ 170.00
5	2	Martin	N	S. Bates	Chester				1				\$ 170.00
6	2	Martin	N	S. Bates	Chester				1				\$ 170.00

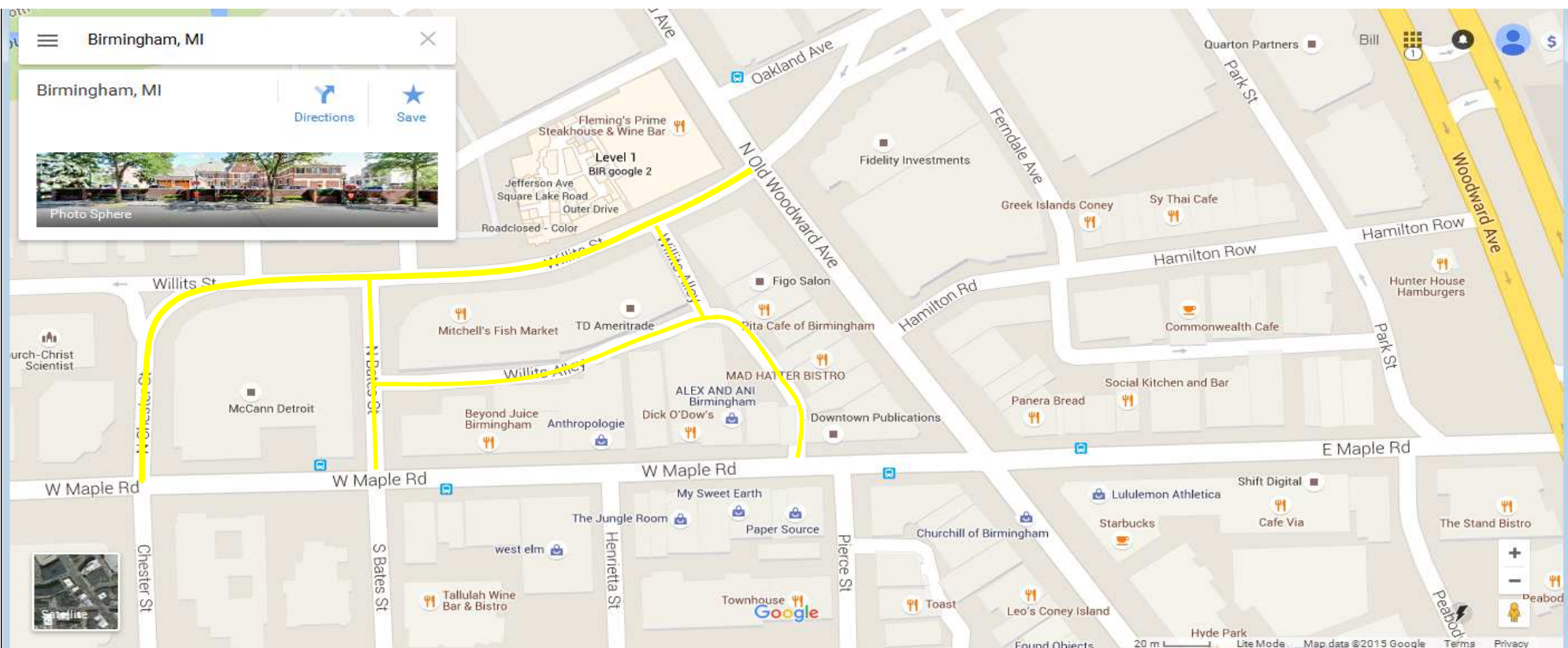
Row	Area	Road	Side	From Rd	To Rd	Description	Tall	Cobra Tall	Short	Crosswalk	Strain Pole	Kisok	Proposed Price
7	2	Martin	N	S. Bates	Chester				1				\$ 170.00
8	2	Martin	S	Chester	S. Bates	Strain Pole Large, 24' high, 20 ft out over road					1		\$ -
9	2	Martin	S	Chester	S. Bates				1				\$ 170.00
10	2	Martin	S	Chester	S. Bates				1				\$ 170.00
11	2	Martin	S	Chester	S. Bates				1				\$ 170.00
12	2	Martin	S	Chester	S. Bates				1				\$ 170.00
13	2	Martin	S	Chester	S. Bates				1				\$ 170.00
14	2	Martin	S	Chester	S. Bates				1				\$ 170.00
15	2	Martin	S	Chester	S. Bates				1				\$ 170.00
16	2	S. Bates	W	Martin	Merrill				1				\$ 170.00
17	2	S. Bates	W	Martin	Merrill				1				\$ 170.00
18	2	S. Bates	W	Martin	Merrill				1				\$ 170.00
19	2	Merrill	N	S. Bates	Chester				1				\$ 170.00
20	2	Merrill	N	S. Bates	Chester				1				\$ 170.00
21	2	Merrill	N	S. Bates	Chester	POLE IS LEANING			1				\$ 170.00
22	2	Merrill	N	S. Bates	Chester				1				\$ 170.00
23	2	S. Bates	W	Merrill	Townsend	NO POLE							\$ -
24	2	Townsend	N.	S. Bates	Henrietta				1				\$ 170.00
25	2	Townsend	N.	S. Bates	Henrietta				1				\$ 170.00
26	2	Townsend	N.	S. Bates	Henrietta				1				\$ 170.00
27	2	Henrietta	E.	Townsend	Brown			1					\$ 150.00
28	2	Townsend	S	Henrietta	Pierce				1				\$ 170.00
29	2	Townsend	S	Henrietta	Pierce				1				\$ 170.00
30	2	Townsend	S	Henrietta	Pierce				1				\$ 170.00
31	2	Townsend	S	Henrietta	Pierce				1				\$ 170.00
32	2	Pierce	W	Townsend	Brown				1				\$ 170.00
33	2	Pierce	W	Townsend	Brown				1				\$ 170.00
34	2	Pierce	W	Townsend	Brown				1				\$ 170.00
35	2	Pierce	W	Townsend	Brown				1				\$ 170.00
36	2	Brown/Pierce Intersection				30' Strain Pole w Crosswalk & 1 Control Box					1		\$ 245.00
37	2	Brown/Pierce Intersection				30' Strain Pole w Crosswalk & Short arm Light					1		\$ 220.00
38	2	Brown/Pierce Intersection				30' Strain Pole w Crosswalk					1		\$ 210.00
39	2	Brown/Pierce Intersection				30' Strain Pole w Crosswalk					1		\$ 210.00
40	2	Pierce	E	Brown	Merrill				1				\$ 170.00
41	2	Pierce	E	Brown	Merrill				1				\$ 170.00
42	2	Pierce	E	Brown	Merrill				1				\$ 170.00
43	2	Pierce	E	Brown	Merrill				1				\$ 170.00
44	2	Pierce	E	Brown	Merrill				1				\$ 170.00
45	2	Pierce	E	Brown	Merrill				1				\$ 170.00
46	2	Pierce	E	Brown	Merrill				1				\$ 170.00
47	2	Pierce	E	Merrill	W. Maple				1				\$ 170.00
48	2	Pierce	E	Merrill	W. Maple				1				\$ 170.00
49	2	Pierce	E	Merrill	W. Maple				1				\$ 170.00
50	2	Pierce	E	Merrill	W. Maple				1				\$ 170.00
51	2	Pierce	E	Merrill	W. Maple				1				\$ 170.00
52	2	Pierce	E	Merrill	W. Maple				1				\$ 170.00
53	2	Pierce	E	Merrill	W. Maple				1				\$ 170.00
54	2	Pierce	E	Merrill	W. Maple				1				\$ 170.00
55	2	Pierce	E	Merrill	W. Maple				1				\$ 170.00

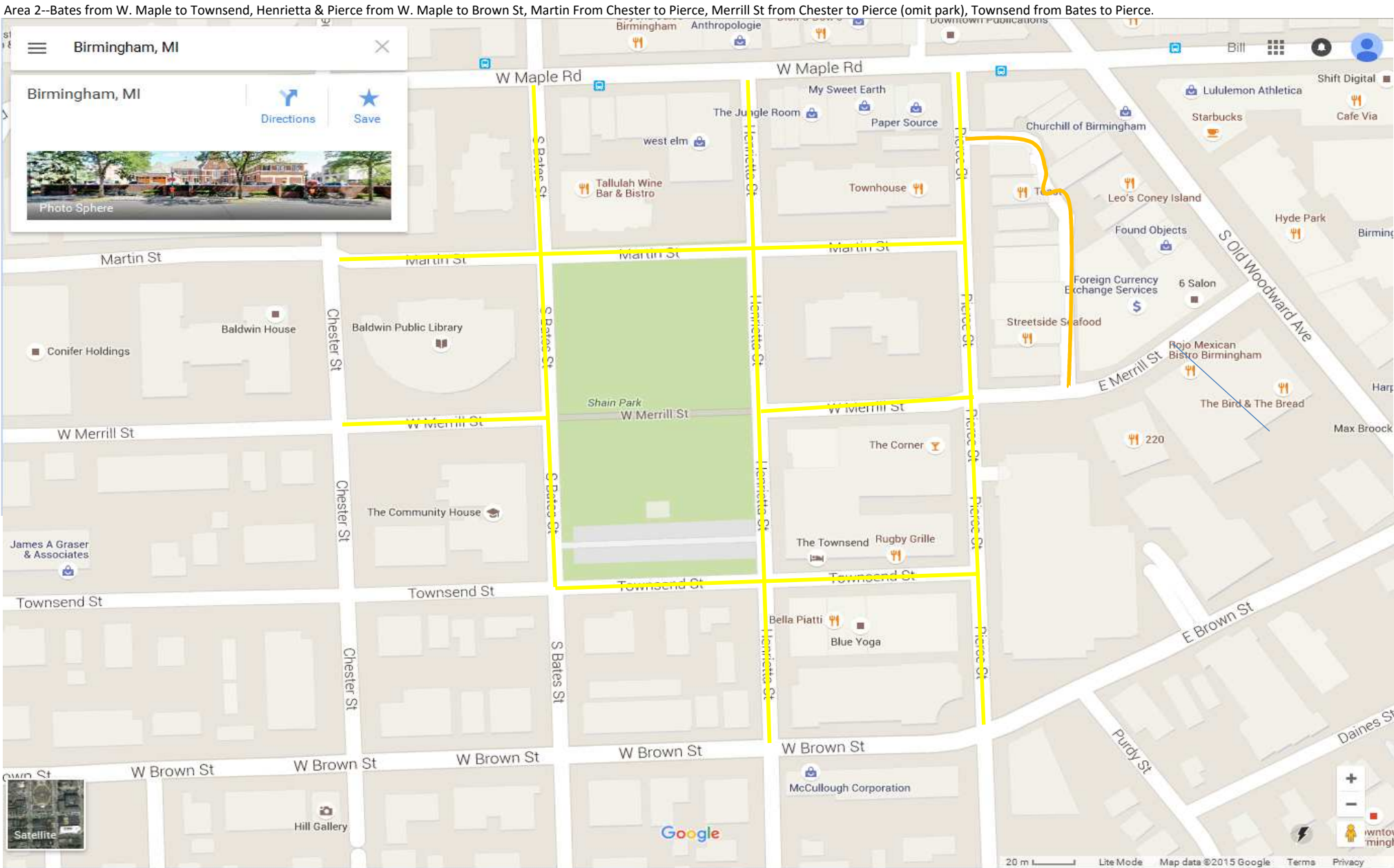


Row	Area	Road	Side	From Rd	To Rd	Description	Tall	Cobra Tall	Short	Crosswalk	Strain Pole	Kisok	Proposed Price
56	2	Pierce	E	Merrill	W. Maple				1				\$ 170.00
57	2	Pierce Alley	E	Pierce	Merrill				1				\$ 170.00
58	2	Pierce Alley	E	Pierce	Merrill				1				\$ 170.00
59	2	Pierce Alley	E	Pierce	Merrill				1				\$ 170.00
60	2	Pierce Alley	W	Pierce	Merrill	This is a Black Lantern Style Pole behind Elis?			1				\$ 100.00
61	2	Pierce	W	W. Maple	Martin				1				\$ 170.00
62	2	Pierce	W	W. Maple	Martin				1				\$ 170.00
63	2	Pierce	W	W. Maple	Martin				1				\$ 170.00
64	2	Pierce	W	W. Maple	Martin				1				\$ 170.00
65	2	Pierce	W	W. Maple	Martin				1				\$ 170.00
66	2	Martin	N	Pierce	Henrietta				1				\$ 170.00
67	2	Martin	N	Pierce	Henrietta				1				\$ 170.00
68	2	Martin	N	Pierce	Henrietta				1				\$ 170.00
69	2	Martin	N	Pierce	Henrietta				1				\$ 170.00
70	2	Martin	N	Pierce	Henrietta				1				\$ 170.00
71	2	Martin	N	Pierce	Henrietta				1				\$ 170.00
72	2	Martin	N	Pierce	Henrietta				1				\$ 170.00
73	2	Martin	N	Pierce	Henrietta				1				\$ 170.00
74	2	Martin	N	Henrietta	Bates				1				\$ 170.00
75	2	Martin	N	Henrietta	Bates				1				\$ 170.00
76	2	Martin	N	Henrietta	Bates				1				\$ 170.00
77	2	Martin	N	Henrietta	Bates				1				\$ 170.00
78	2	Martin	N	Henrietta	Bates				1				\$ 170.00
79	2	Martin	N	Henrietta	Bates				1				\$ 170.00
80	2	Martin	N	Henrietta	Bates				1				\$ 170.00
81	2	Martin	S	Bates	Henrietta				1				\$ 170.00
82	2	Martin	S	Bates	Henrietta				1				\$ 170.00
83	2	Martin	S	Bates	Henrietta				1				\$ 170.00
84	2	Martin	S	Bates	Henrietta				1				\$ 170.00
85	2	Martin	S	Henrietta	Pierce				1				\$ 170.00
86	2	Martin	S	Henrietta	Pierce				1				\$ 170.00
87	2	Martin	S	Henrietta	Pierce				1				\$ 170.00
88	2	Martin	S	Henrietta	Pierce				1				\$ 170.00
89	2	Martin	S	Henrietta	Pierce				1				\$ 170.00
90	2	Martin	S	Henrietta	Pierce				1				\$ 170.00
91	2	Martin	S	Henrietta	Pierce				1				\$ 170.00
92	2	Martin	S	Henrietta	Pierce				1				\$ 170.00
93	2	Pierce	W	Martin	Merrill				1				\$ 170.00
94	2	Pierce	W	Martin	Merrill				1				\$ 170.00
95	2	Pierce	W	Martin	Merrill				1				\$ 170.00
96	2	Pierce	W	Martin	Merrill				1				\$ 170.00
97	2	Merrill	N	Pierce	Henrietta				1				\$ 170.00
98	2	Merrill	N	Pierce	Henrietta				1				\$ 170.00
99	2	Merrill	N	Pierce	Henrietta				1				\$ 170.00
100	2	Merrill	N	Pierce	Henrietta	Door Missing			1				\$ 170.00
101	2	Merrill	S	Henrietta	Pierce				1				\$ 170.00
102	2	Merrill	S	Henrietta	Pierce				1				\$ 170.00
103	2	Merrill	S	Henrietta	Pierce				1				\$ 170.00
104	2	Merrill	S	Henrietta	Pierce				1				\$ 170.00

Row	Area	Road	Side	From Rd	To Rd	Description	Tall	Cobra Tall	Short	Crosswalk	Strain Pole	Kiosk	Proposed Price
105	2	Merrill	S	Henrietta	Pierce				1				\$ 170.00
106	2	Pierce	W	Merrill	Townsend				1				\$ 170.00
107	2	Pierce	W	Merrill	Townsend				1				\$ 170.00
108	2	Pierce	W	Merrill	Townsend				1				\$ 170.00
109	2	Pierce	W	Merrill	Townsend				1				\$ 170.00
110	2	Pierce	W	Merrill	Townsend				1				\$ 170.00
111	2	Townsend	N	Pierce	Henrietta				1				\$ 170.00
112	2	Townsend	N	Pierce	Henrietta				1				\$ 170.00
113	2	Townsend	N	Pierce	Henrietta				1				\$ 170.00
114	2	Townsend	N	Pierce	Henrietta				1				\$ 170.00
115	2	Townsend	N	Pierce	Henrietta				1				\$ 170.00
116	2	Townsend	N	Pierce	Henrietta				1				\$ 170.00
117	2	Townsend	N	Pierce	Henrietta				1				\$ 170.00
118	2	Henrietta	E	Townsend	Merrill				1				\$ 170.00
119	2	Henrietta	E	Townsend	Merrill				1				\$ 170.00
120	2	Henrietta	E	Townsend	Merrill				1				\$ 170.00
121	2	Henrietta	E	Merrill	Martin				1				\$ 170.00
122	2	Henrietta	E	Merrill	Martin				1				\$ 170.00
123	2	Henrietta	E	Merrill	Martin				1				\$ 170.00
124	2	Henrietta	E	Merrill	Martin				1				\$ 170.00
125	2	Henrietta	E	Martin	W. Maple				1				\$ 170.00
126	2	Henrietta	E	Martin	W. Maple				1				\$ 170.00
127	2	Henrietta	E	Martin	W. Maple				1				\$ 170.00
128	2	Henrietta	E	Martin	W. Maple				1				\$ 170.00
129	2	Henrietta	E	Martin	W. Maple				1				\$ 170.00
130	2	Henrietta	E	Martin	W. Maple				1				\$ 170.00
131	2	Henrietta	W	W. Maple	Martin				1				\$ 170.00
132	2	Henrietta	W	W. Maple	Martin				1				\$ 170.00
133	2	Henrietta	W	W. Maple	Martin	Kiosk, 8 ft tall, 6 ft wide, 4 sides. Roof also.						1	\$ 500.00
134	2	Henrietta	W	W. Maple	Martin				1				\$ 170.00
135	2	Henrietta	W	W. Maple	Martin				1				\$ 170.00
136	2	Henrietta	W	Martin	Townsend				1				\$ 170.00
137	2	Henrietta	W	Martin	Townsend				1				\$ 170.00
138	2	Henrietta	W	Martin	Townsend				1				\$ 170.00
139	2	Henrietta	W	Martin	Townsend				1				\$ 170.00
140	2	Henrietta	W	Martin	Townsend				1				\$ 170.00
141	2	Henrietta	W	Martin	Townsend				1				\$ 170.00
142	2	Henrietta	W	Martin	Townsend				1				\$ 170.00
143	2	S. Bates	E	Townsend	Martin				1				\$ 170.00
144	2	S. Bates	E	Townsend	Martin				1				\$ 170.00
145	2	S. Bates	E	Townsend	Martin				1				\$ 170.00
146	2	S. Bates	E	Townsend	Martin				1				\$ 170.00
147	2	S. Bates	E	Townsend	Martin				1				\$ 170.00
148	2	S. Bates	E	Townsend	Martin				1				\$ 170.00
149	2	S. Bates	E	Townsend	Martin				1				\$ 170.00
150	2	S. Bates	E	Martin	W. Maple				1				\$ 170.00
151	2	S. Bates	E	Martin	W. Maple				1				\$ 170.00
152	2	S. Bates	E	Martin	W. Maple				1				\$ 170.00
153	2	S. Bates	E	Martin	W. Maple				1				\$ 170.00

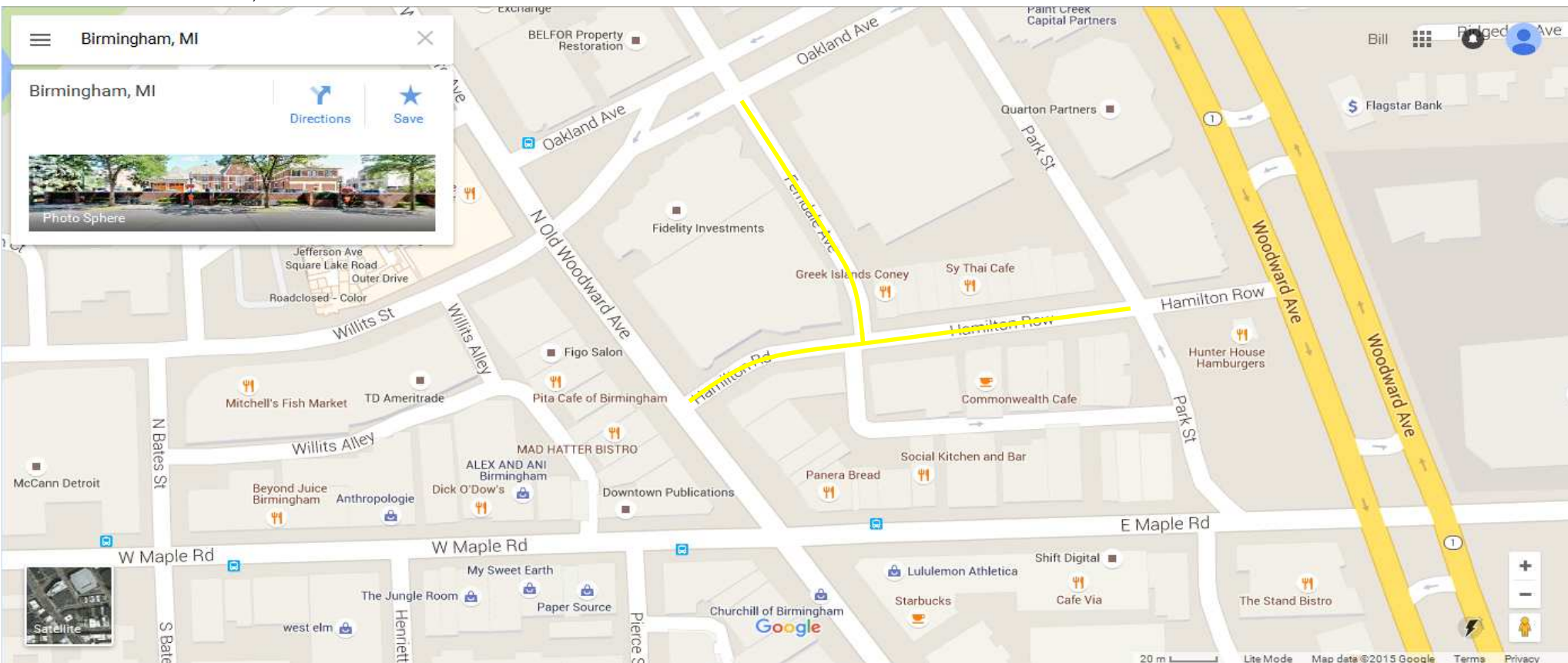
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Information Box on Henrietta between Maple and Martin.

Area 3--Hamilton from NOW to Park St, Ferndale from Hamilton to Oakland.





ACORD™

## CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

04/04/2016

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER <b>ZERVOS GROUP, INC.</b> 24724 Farmbrook (248) 355-4411 P.O. Box 2067 Southfield, MI 48037-2067	CONTACT NAME:	
	PHONE (A/C, No, Ext): 248 355-4411	FAX (A/C, No): 248 355-2175
INSURED <b>SEAWAY PAINTING, LLC</b> 31801 Schoolcraft Livonia, MI 48150	E-MAIL ADDRESS: marsha@zervosgroup.com	
	INSURER(S) AFFORDING COVERAGE	
	INSURER A: Navigators Specialty Insurance	NAIC # 36056
	INSURER B: Liberty Mutual A/R WC	23043
	INSURER C: Selective Ins Co of America	12572
	INSURER D:	
INSURER E:		
INSURER F:		

## COVERAGES

## CERTIFICATE NUMBER:

## REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> Contractual GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input checked="" type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:	X	X	GA15CGL167502IC	08/14/2015	08/14/2016	EACH OCCURRENCE \$1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$50,000 MED EXP (Any one person) \$ PERSONAL & ADV INJURY \$1,000,000 GENERAL AGGREGATE \$2,000,000 PRODUCTS - COMP/OP AGG \$2,000,000 Ded \$5,000
C	AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS	X	X	S2178386	08/14/2015	08/14/2016	COMBINED SINGLE LIMIT (Ea accident) \$1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
A	UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED <input checked="" type="checkbox"/> RETENTION \$0			CH15EXC850429IC	08/14/2015	08/14/2016	EACH OCCURRENCE \$6,000,000 AGGREGATE \$6,000,000 \$
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N N	N/A	WC534S529328025	09/01/2015	09/01/2016	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTHER E L EACH ACCIDENT \$1,000,000 E L DISEASE - EA EMPLOYEE \$1,000,000 E L DISEASE - POLICY LIMIT \$1,000,000
C	Leased/Rented			S2178386	08/14/2015	08/14/2016	\$100,000
A	Pollution			NY15ECP304965IC	08/14/2015	08/14/2017	\$2,000,000


DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Project: Light Pole Painting

The City of Birmingham, including all elected and appointed officials, all employees and volunteers, all boards, commissions and /or authorities and board members, including employee and volunteers as additional insureds under the commercial general liability portion of the excess liability policy and automobile liability policy for services performed by Seaway Painting L.L.C. as their interest may appear, if required by written contract with the named insured, subject to terms and conditions of the policies.

## CERTIFICATE HOLDER

## CANCELLATION

City of Birmingham Attn: Finance Director 151 Martin Street P.O. Box 3001 Birmingham, MI 48012-3001	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
	AUTHORIZED REPRESENTATIVE 

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## MEMORANDUM

Engineering Dept.

**DATE:** April 1, 2016

**TO:** Joseph Valentine, City Manager

**FROM:** Paul T. O'Meara, City Engineer

**SUBJECT:** 2016 Concrete Sidewalk Repair Program  
Public Notification – Sidewalk Sections 1A, 1D, 5, 6

---

The Engineering Department has completed its survey for the 2016 sidewalk program. Generally, one large residential area and one quadrant of the Central Business District (Area 1) is inspected and repaired. Due to previously reported problems with last year's program, several sidewalk repair locations remain unfinished. Our intention this year is to finish last year's work (Areas 1D and 5), as well as complete the area already planned for this year (Areas 1A and 6). Altogether, the designated project area to be repaired this year is the portion of the City that is west of the Rouge River (north of Maple Rd.), the area west of Southfield Rd. (south of Maple Rd.), and the west half of the CBD.

A map of the survey area, sample notices to property owners, and a listing of affected addresses are attached. Responsibility for payment is as outlined in the City Code. Work charged to residential owners tends to fall into three categories:

1. Sidewalks crossing driveways.
2. Sidewalks lifted due to an adjacent tree growing on private property.
3. Sidewalks clearly damaged by activities on the private property, such as construction.

Downtown properties share a higher percentage of the cost burden, and are typically charged for:

1. All pavements beyond the main sidewalk path (measured five to seven feet away from the property line).
2. Sidewalks composed of special pavements, such as exposed aggregate or brick pavers.

In accordance with City policy, once authorized, the Engineering Department must advertise these addresses in the local press, and send letters of notification to all parties that will be charged.

Prices for the main items of work will be based on the cost the City is being charged, plus a 15% administration fee, as outlined in the attached letters.

It is recommended that the Commission authorize the 2016 Sidewalk Repair Program, and to direct the Engineering Department to notify the owners of properties on the attached list of the City's intention to replace sidewalks adjacent to their properties.



SUGGESTED RESOLUTION:

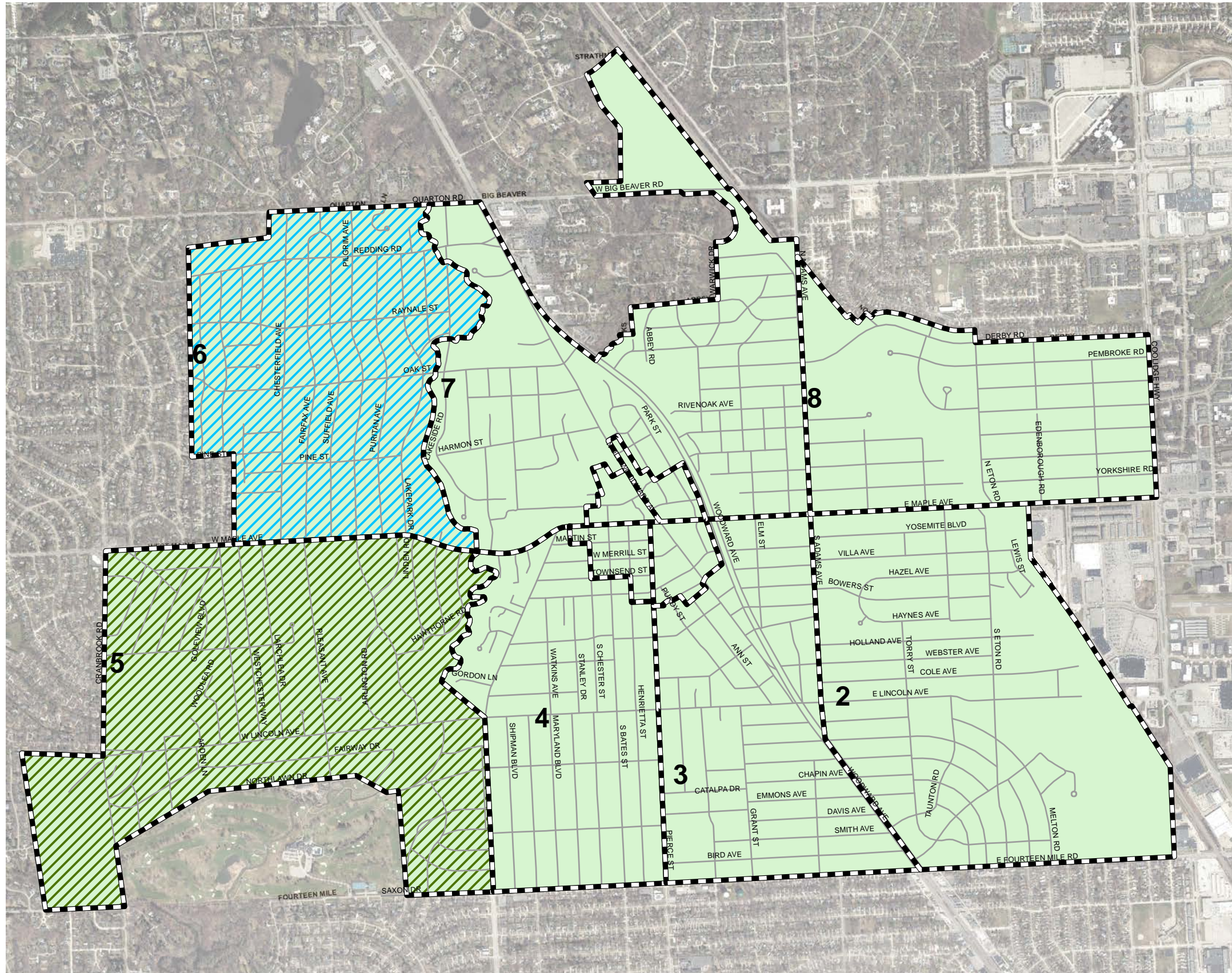
To authorize the 2016 Sidewalk Repair Program, and to direct the Engineering Department to notify the owners of properties on the attached list of the City's intention to replace sidewalks adjacent to their properties.



# 2016 SIDEWALK 2-16 (SW) PROGRAM AREAS MAP

## Legend

- Sidewalk Program Districts
- Area 6
- Area 5



1 inch = 1,667 feet

Disclaimer: The information provided by this program has been compiled from recorded deeds, plats, taxmaps, surveys, and other public records and data. It is not a legally recorded map or survey.

The data provided hereon may be inaccurate or out of date and any person or entity who relies on said information for any purpose whatsoever does so solely at his or her own risk.




Data Sources: Oakland County GIS Utility, City of Birmingham

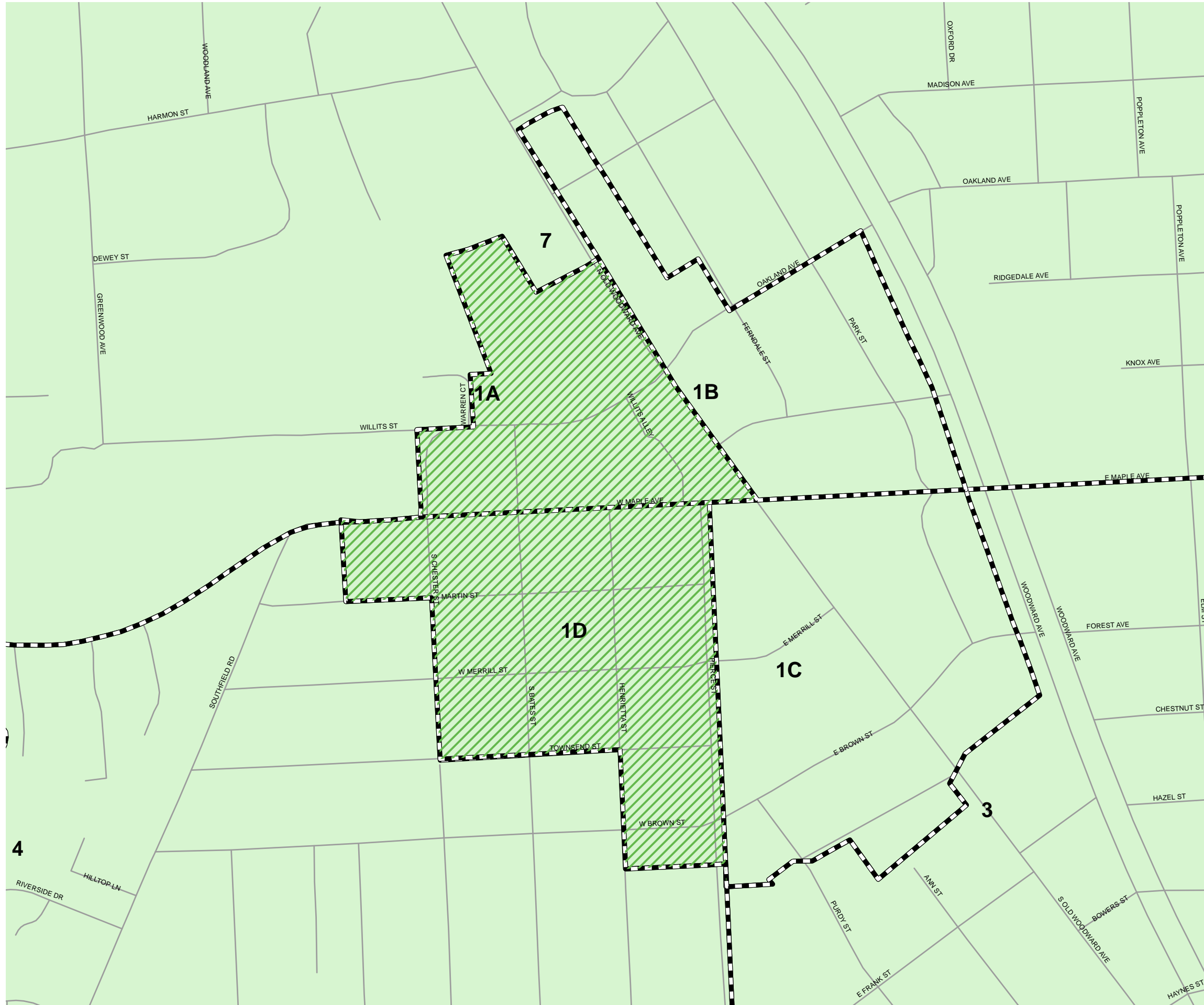




# 2016 SIDEWALK 2-16 (SW) DOWNTOWN AREAS 1A AND 1D MAP

## Legend

-  Area 1D
-  Area 1A
-  Sidewalk Program Districts



1 inch = 333 feet

Disclaimer: The information provided by this program has been compiled from recorded deeds, plats, taxmaps, surveys, and other public records and data. It is not a legally recorded map or survey.

The data provided hereon may be inaccurate or out of date and any person or entity who relies on said information for any purpose whatsoever does so solely at his or her own risk.

Data Sources: Oakland County GIS Utility, City of Birmingham

DATE

Property Owner

ADDRESS

Birmingham, MI 48009

## **SIDEWALK NOTICE**

**This notice is intended for the property owner. If you are not the owner, we appreciate your assistance in getting this information to them. Thank you for your assistance.**

The City Commission has determined the necessity for the replacement of certain sidewalks at the above noted address. Chapter 98 of the Birmingham City Code requires that the property owner be notified of the City's intention to make this improvement.

If a property owner is liable, either in whole or in part, for the construction or replacement of a sidewalk, the owner may construct or replace the sidewalk at his/her own expense. In that event, the City Clerk shall be notified accordingly by the owner within ten (10) days of the receipt of this notice, and such construction or replacement shall be completed in accordance with the specifications of the City of Birmingham within sixty (60) days of the receipt of this notice. All such sidewalk work shall be conducted only after issuance of a permit from the Engineering Department.

Sidewalks to be replaced have been designated with either pink or white paint. The white paint indicates the owner's responsibility, and the pink paint indicates the City's responsibility. In some cases it may be necessary to replace an additional section or two of sidewalk beyond those designated with paint.

The City is generally responsible for the replacement of deteriorated sidewalks and for sidewalks damaged by City trees, City staff, or its contractors. Property owners will not be responsible for sidewalks damaged by utility work. Otherwise, property owners are responsible for damaged sidewalks, including sidewalks damaged at driveways and by owners' trees. Where sidewalk is replaced due to damage by a tree growing partly on public right-of-way and partly on private property, the cost of such replacement will be borne equally (50%-50%) by the City and the abutting property owner. In commercial areas, property owners are responsible for all brick and exposed aggregate sidewalk repairs, as well as pavement closer to the street in the case of extra wide sidewalks (over six feet wide).

The City will engage a contractor for sidewalk construction. In the event the property owner does not construct or replace the owner responsibility sidewalk within the above specified time limit, the City will proceed to have the sidewalk replaced by its contractor and bill the property owner for the cost of the owner responsibility work.

A contract for this work was recently bid and will be completed by the lowest priced responsible bidder, under the direction of the City of Birmingham. The cost to adjacent owners is expected to be approximately \$5.75 per square foot for 4" walk, and \$6.90 per square foot for 6" walk (used across driveways). The prices obtained by the City of Birmingham tend to be competitive to that which an individual property owner could obtain.

You will receive a second notice via hand carried flyer indicating when the contractor is planning to begin repairs in your area. For additional information, please call the Engineering Department at 248-530-1850.

DATE

Property Owner  
ADDRESS  
Birmingham, MI 48009

### **SIDEWALK NOTICE**

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Sidewalks to be replaced have been designated with either white or pink paint. The white paint indicates the owner's responsibility, and the pink paint indicates the City's responsibility. In some cases it may be necessary to replace an additional section or two of sidewalk beyond those designated with paint. Brick or exposed aggregate sidewalks have not been marked for repairs to keep paint markings to the essential amount needed. Special sidewalks such as these, when repaired by the City, are always charged to the adjacent property owner.

The City is generally responsible for the replacement of deteriorated sidewalks and for sidewalks damaged by City trees, City staff, or its contractors. Property owners will not be responsible for sidewalks damaged by utility work. Otherwise, property owners are responsible for damaged sidewalks, including sidewalks damaged at driveways. Property owners are responsible for all brick sidewalk repairs exposed aggregate sidewalk repairs, as well as pavement closer to the street in the case of extra wide sidewalks (over six feet wide). The City will also be power washing and sealing all exposed aggregate sidewalks located within the northwest quadrant of the downtown, to extend the life of the pavement.

The City has engaged a contractor for sidewalk construction. In the event the property owner does not construct or replace the owner responsibility sidewalk within the above specified time limit, the City will proceed to have the sidewalk replaced by its contractor and bill the property owner for the cost of the owner responsibility work.

After the contract for the work is bid it will be offered to the lowest qualified bidder in the interest of the City of Birmingham. Some of the approximate costs to adjacent owners are listed below:

4" Sidewalk Removal & Replacement	\$5.75/sq.ft.
6" Sidewalk Removal & Replacement	\$8.05/sq.ft.
4" Exposed Agg. Sidewalk Removal & Replacement	\$10.35/sq.ft.
Reset Brick or Granite Pavers	\$11.50/sq.ft.
Grout or Caulk Joint Repair	\$2.30/ft
Cleaning and Sealing of Exposed Aggregate Sidewalk	\$1.38/sq.ft.

The prices obtained by the City of Birmingham tend to be very competitive to that which an individual property owner could obtain. You will receive another notice indicating when the contractor is planning to begin repairs in your area. For additional information, please call the Engineering Department at 248-530-1850.

Street

Argyle  
383  
489

Aspen  
242  
275  
321  
353

Brookwood

900  
921  
1001  
1004  
1084  
1215

Bryn Mawr

275  
500

Chesterfield

236  
514  
812  
1040  
1387

Cranbrook

373

Fairfax

320  
344  
521  
670  
1130  
1170  
1261  
1289  
1393  
1595

Fairway

1524  
1535  
1590

Glenhurst

187  
315  
347  
377  
690  
920  
1030  
1090  
1099  
1120  
1235

Hawthorne

216

Kenwood Court

1881  
1885  
1886  
1901

Kimberly

345  
485

Lake Park

220  
384  
879  
1025  
1109  
1240  
1245  
1271  
1295

Lakeside

1030  
1135  
1174  
1196

West Lincoln

1200  
1516  
1667  
2029  
2161  
2231

Linden  
176  
185  
455  
648  
Lyonhurst  
1378  
West Maple  
1800  
2235  
2247  
Melbourne  
1794  
1818  
Midland  
1020  
Midvale  
2450  
Pilgrim  
148  
419  
551  
655  
715  
716  
844  
933  
937  
950  
975  
990  
1018  
1030  
1055  
1068  
1267  
Pine  
1824  
Pleasant  
360  
480  
1020  
1138  
Puritan  
286  
788  
895  
1026  
1121  
Quarton  
1455  
1665  
Radnor  
2453  
2471  
Shirley  
100  
Southfield  
1400  
1890  
Southlawn  
892  
Suffield  
202  
336  
707  
933  
1045  
1093  
1193  
1245  
1376  
1415  
1498  
Westchester  
120  
300  
400  
Westwood  
639  
835  
888  
912  
980  
1036  
1133  
1331  
Willow Lane  
1234

## Address

### South Bates

155

380

### West Maple

115

118

120

138

139

142

146

150

154

160

166

168

175-185

193

214

245

268

280

282

284

286

360

### Martin

320

### North Old Woodward

101

135

215

233

239

265

275

325

### Pierce

180

480

### Townsend

101

161

191

### Willits

111

114





## MEMORANDUM

Planning Division

**DATE:** August 27, 2015

**TO:** Joseph A. Valentine, City Manager

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

**SUBJECT:** Set Public Hearing for Revised Final Site Plan & Special Land Use Permit Amendment at 555 S. Old Woodward, Suite 610 – Triple Nickel Restaurant

The Triple Nickel is located at the corner of S. Old Woodward and Bowers. The applicant is seeking approval for a Revised Final Site Plan and a SLUP Amendment for the existing establishment, Triple Nickel to allow for the installation of an on-street outdoor dining platform. Accordingly, the applicant is required to obtain a recommendation from the Planning Board and then approval from the City Commission for the Final Site Plan and SLUP.

On March 23, 2016, the Planning Board conducted a public hearing to discuss a request by the applicant for a Revised Final Site Plan and Special Land Use Permit (SLUP) Amendment to allow the addition of an outdoor dining platform to an existing restaurant serving alcoholic liquors. After much discussion, the Planning Board voted to recommend approval of the Revised Final Site Plan and Special Land Use Permit Amendment for Triple Nickel located at 555 S. Old Woodward, Suite 610 to the City Commission with the following conditions:

1. The applicant will be required to submit the plans for the proposed outdoor dining platform in color;
2. Applicant must submit plans that include refuse containers within the outdoor dining area in accordance with Article 4, Section 44, OD-01 Outdoor Dining Standards (A) (1); and
3. Applicant must submit spec sheets for the proposed outdoor tables and chairs.

Thus, the Planning Division requests that the City Commission set a public hearing date for **May 9, 2016** to consider approval of the Revised Final Site Plan and Special Land Use Permit Amendment for Triple Nickel. Please find attached the staff report presented to the Planning Board, along with the relevant meeting minutes for your review.

### **SUGGESTED ACTION:**

To set a public hearing date for **May 9, 2016** to consider approval of the Revised Final Site Plan and Special Land Use Permit Amendment for 555 S. Old Woodward – Triple Nickel.

TRIPLE NICKEL  
555 S. OLD WOODWARD  
SUITE 610  
SPECIAL LAND USE PERMIT AMENDMENT  
2016

- WHEREAS, TRIPLE NICKEL filed an application pursuant to Article 7, section 7.34 of Chapter 126, Zoning, of the City Code to amend the existing SLUP to operate a new restaurant with an Economic Development License in accordance with Article 3, Section 3.04(c) of Chapter 126, Zoning, of the City Code;
- WHEREAS, The land for which the Special Land Use Permit Amendment is sought is located on the east side of S. Old Woodward between Bowers and Haynes;
- WHEREAS, The land is zoned B-3, and is located within the Downtown Birmingham Overlay District, in the area identified on Map 3.1 of Chapter 126, Zoning, which permits the use of Economic Development Licenses with a Special Land Use Permit;
- WHEREAS, Article 7, section 7.34 of Chapter 126, Zoning requires a Special Land Use Permit Amendment to be considered and acted upon by the Birmingham City Commission, after receiving recommendations on the site plan and design from the Planning Board for the proposed Special Land Use;
- WHEREAS, The applicant submitted an application for a Special Land Use Permit Amendment and Revised Final Site Plan to operate TRIPLE NICKEL as a Restaurant using an Economic Development License with the addition of an outdoor dining platform;
- WHEREAS, The Planning Board on March 23, 2016 reviewed the application for a Special Land Use Permit Amendment and recommended approval of the SLUP Amendment and Revised Final Site Plan review with the following conditions;
1. The applicant will be required to submit the plans for the proposed outdoor dining platform in color;
  2. Applicant must submit plans that include refuse containers within the outdoor dining area in accordance with Article 4, Section 44, OD-01 Outdoor Dining Standards (A) (1); and
  3. Applicant must submit spec sheets for the proposed outdoor tables and chairs.
- WHEREAS, The applicant has agreed to comply with the Planning Board conditions of approval;
- WHEREAS, The Birmingham City Commission has reviewed TRIPLE NICKEL's Special Land Use Permit Amendment application and the standards for such review as set forth in Article 7, section 7.36 of Chapter 126, Zoning, of the City Code;
- NOW, THEREFORE, BE IT RESOLVED, The Birmingham City Commission finds the standards imposed under the City Code have been met, subject to the conditions below, and that the TRIPLE NICKEL application for a Special Land Use Permit Amendment authorizing the construction of an outdoor dining deck in conjunction with the

operation of a restaurant with an Economic Development license at 555 S. Old Woodward in accordance with Chapter 10, Alcoholic Liquors, is hereby approved;

BE IT FURTHER RESOLVED, That the City Commission determines that to assure continued compliance with Code standards and to protect public health, safety, and welfare, this Special Land Use Permit Amendment is granted subject to the following conditions:

1. TRIPLE NICKEL shall abide by all provisions of the Birmingham City Code;
2. The Special Land Use Permit may be canceled by the City Commission upon finding that the continued use is not in the public interest;
3. TRIPLE NICKEL shall provide for the removal of disposable materials resulting from the operation and maintain the area in a clean and orderly condition by providing the necessary employees to guarantee this condition, and by the placement of a trash receptacle in the outdoor seating area;
4. TRIPLE NICKEL shall enter into a contract with the City outlining the details of the proposed economic development option.

BE IT FURTHER RESOLVED, That failure to comply with any of the above conditions shall result in termination of the Special Land Use Permit.

BE IT FURTHER RESOLVED, Except as herein specifically provided, TRIPLE NICKEL and its heirs, successors, and assigns shall be bound by all ordinances of the City of Birmingham in effect at the time of the issuance of this permit, and as they may be subsequently amended. Failure of TRIPLE NICKEL to comply with all the ordinances of the city may result in the Commission revoking this Special Land Use Permit.

MAY IT BE FURTHER RESOLVED that TRIPLE NICKEL, which will do business at 555 S. Old Woodward, Birmingham, Michigan, 48009, is located in the Principal Shopping District which was designated as a Redevelopment Project Area, pursuant to Section 521a (1)(b) of the Michigan Liquor Control Code of 1988, being MCL 36.1521a(1)(b), by Birmingham City Commission Resolution adopted September 24, 2007; and

MAY IT BE FURTHER RESOLVED that TRIPLE NICKEL is recommended for the operation of a restaurant, with a Class C Liquor License, at 555 S. Old Woodward, Suite 610, Birmingham, Michigan, 48009, above all others, pursuant to Chapter 10, Alcoholic Liquors, of the Birmingham City Code, subject to final inspection.

I, Laura M. Pierce, City Clerk of the City of Birmingham, Michigan, do hereby certify that the foregoing is a true and correct copy of the resolution adopted by the Birmingham City

Commission at its regular meeting held on May 9<sup>th</sup>, 2016.

---

Laura M. Pierce, City Clerk

**DATE:** March 16, 2016

**TO:** Planning Board

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

**SUBJECT:** Final Site Plan & Special Land Use Permit Amendment  
for 555 S. Old Woodward, Suite 610 –Triple Nickel

---

## Executive Summary

The subject site is located at 555 S. Old Woodward, between Bowers Street and Haynes Street. The applicant, Triple Nickel, is proposing to increase their outdoor seating on S. Old Woodward from 16 to 24 by constructing an outdoor dining platform in the front (to the west) of the existing restaurant. The proposed platform is located on the sidewalk abutting the building and extends into S. Old Woodward. Triple Nickel was approved for an Economic Development License and the restaurant was permitted with a Special Land Use Permit ("SLUP") in 2013. A SLUP Amendment is required for any changes to the approved plans in pursuant to Chapter 10, Article II, Division 3.

## 1.0 Land Use and Zoning

- 1.1 Existing Land Use –Triple Nickel started construction in 2014 and opened its doors in April 2015. Prior to the restaurant's opening, the site contained an outdoor plaza space and an enclosed area with an elevator shaft leading to the above-ground parking facilities for 555 S. Old Woodward. The restaurant was constructed around the elevator shaft such that it can still be accessed via a public sidewalk.
- 1.2 Existing Zoning – The property is currently zoned B-3, Office-Commercial, and D-4 in the Downtown Overlay District. The existing use and surrounding uses appear to conform to the permitted uses of each Zoning District.
- 1.3 Summary of Land Use and Zoning - The following chart summarizes existing land use and zoning adjacent to and/or in the vicinity of the subject site.

	North	South	East	West
<b>Existing Land Use</b>	555 Building (Commercial/ Office)	555 Building (Commercial/ Residential)	Commercial / Retail	Commercial/ Retail
<b>Existing Zoning District</b>	B-3, Office- Residential	B-3, Office- Residential	B-2 General Business	B-2B General Business
<b>Downtown Overlay Zoning District</b>	D-4	D-4	N/A	D-2

## 2.0 Screening and Landscaping

- 3.1 Screening – Since the plans indicate an outdoor dining platform and no other changes to the exterior of the site, no screening is necessary.
- 3.2 Landscaping – The plans indicate that 4 existing planters will be placed on the sidewalk to border the northern edge of the proposed platform. The platform will be built around one street tree along S. old Woodard. No changes are proposed to the existing street trees or landscaping along S. Old Woodward.

## 3.0 Parking, Loading, Access, and Circulation

- 4.1 Parking – The proposed outdoor dining platform will not eliminate any on-street parking spaces when in use.
- 4.2 Loading - Loading spaces are not required, nor proposed.
- 4.3 Vehicular Access & Circulation - Vehicular access to the building will not be altered.
- 4.4 Pedestrian Access & Circulation – Pedestrian access to the proposed outdoor café is available via the City sidewalk directly adjacent to the

principle S. Old Woodard building entrance. The plan proposes 5 feet in width of unobstructed pedestrian access on the sidewalk along S. Old Woodward, as required.

- 4.5 Streetscape – The applicant is not proposing any improvements to the streetscape.

#### **4.0 Lighting**

The applicant is not proposing any new light fixtures for the outdoor dining platform. The platform has been designed to wrap around one existing 10' tall street lamp and will be located adjacent to one existing 24' tall street lamp.

#### **5.0 Departmental Reports**

- 6.1 Engineering Division – The Engineering Dept. can approve the revised platform size and placement as proposed with a two post canopy system.
- 6.2 Department of Public Services – No concerns.
- 6.3 Fire Department – The Fire Department has two concerns with this project;
1. The Hydrant for the Fire department connection to the suppression system for the high rise structure is at the corner of Bowers and S. Old Woodward. A truck responding from Adams Station to a fire in that building will be connecting to the hydrant and taking hose off the truck around the corner, around the Platform to the FDC. The platform will most likely be damaged and any people on that deck will have to be evacuated or risk injury which takes man power and time. Both are in short supply when fighting a fire, especially a high rise fire.
  2. The cars that are parked out in front of the south tower already create a dangerous visual obstruction with regards to north bound traffic to anyone turning off Bowers onto Old Woodward. Placing a platform closer to Bowers creates an even greater visual obstruction increasing the danger level for drivers and pedestrians.
- 6.4 Police Department – No concerns.
- 6.5 Building Department – A building permit is required for the dining platform and must be obtained prior to the initial installation. An application along with supporting construction documents will need to be submitted for plan review and permit.

## 6.0 Design Review

### Outdoor Dining Area

Outdoor cafés must comply with the site plan criteria as required by Article 04, Section 4.42 OD-01, Outdoor Dining Standards. Outdoor cafes are permitted immediately adjacent to the principal use and are subject to site plan review and the following conditions:

1. Outdoor dining areas shall provide and service refuse containers within the outdoor dining areas and maintain the area in good order.
2. All outdoor activity must cease at the close of business or as noted in subsection 3 below.
3. When an outdoor dining area is immediately adjacent to any single-family or multiple-family residential district, all outdoor activity must cease at the close of business or 10:00 p.m., whichever is earlier.
4. Outdoor dining may be permitted on the sidewalk throughout the year with a valid Outdoor Dining License, provided that all outdoor dining fixtures and furnishings must be stored indoors each night between November 16 and March 3 to allow for snow removal.
5. All tables and chairs provided in the outdoor dining shall be constructed primarily of metal, wood, or material of comparable quality.
6. Table umbrellas shall be considered under Site Plan Review and shall not impede sight lines into a retail establishment, pedestrian flow in the outdoor dining area, or pedestrian or vehicular traffic flow outside the outdoor dining area.
7. For outdoor dining located in the public right-of-way:
  - a. All such uses shall be subject to a license from the city, upon forms provided by the Community Development Department, contingent on compliance with all city codes, including any conditions required by the Planning Board in conjunction with Site Plan approval
  - b. In order to safeguard the flow of pedestrians on the public sidewalk, such uses shall maintain an unobstructed sidewalk width as required by the Planning Board, but in no case less than 5 feet.
  - c. Outdoor dining is permitted to extend in the right-of-way in front of neighboring properties, with the written permission of the property owner(s) and with Planning Board approval, if such property is vacant or the first floor storefront(s) is/are vacant. Outdoor dining areas may extend up to 50% of the lot(s) frontage, if such lot is vacant.



- d. City Commission approval is also required for outdoor dining extensions onto neighboring property if the establishment making such a request holds a bistro license.
  - e. An elevated, ADA compliant, enclosed platform may be erected on the street in front of an eating establishment to create an outdoor dining area from April 1 through November 15 only if the Engineering Department determines there is sufficient space available for this purpose given parking and traffic conditions.
  - f. No such facility shall erect or install permanent fixtures in the public right-of-way.
8. Outdoor dining is permitted in a B1 Zoning District at a rate of 4 seats for every 12 linear feet of store frontage, with no more than 12 seats per building; no elevated enclosed platforms on the street are permitted in a B1 Zoning District.

The applicant is proposing the construction of a temporary elevated dining platform constructed of Synthetic Trex decking. The platform, which is 376.25 sq. ft. in area, is proposed to be enclosed with a 42" tall ornamental metal railing. The platform area will project 4' from the existing curb cut into the street and extend 13.5' into the sidewalk right-of-way. No parking spaces will be obstructed by the platform, as there are no on-street parking spaces in the area where the platform is proposed. A 5' pedestrian pathway is proposed to remain between the platform and the building, which is the required minimum for a pedestrian pathway. The entrance has a 3.5' wide tapered sill ramp up the 9" from the sidewalk to the elevated platform and is positioned away from any dining tables. Four of the 7 existing planters will be arranged on the sidewalk bordering the north railing of the platform. None of these will interfere with the 5' required pedestrian path. To shade the area, the applicant proposes one 7' X 21.5' Sunbrella canopy that measures 9.5' in height at its highest point. The canopy is supported by 2 painted metal posts and includes a valence with hanging crystals that match the existing awning. **The submitted plans do not display the proposed color of outdoor platform building materials and features.**

Submitted plans do not indicate refuse containers. **Applicant must submit plans that include refuse containers within the outdoor dining area in accordance with Article 4, Section 44, OD-01 Outdoor Dining Standards (A)(1).**

The plan indicates 7 red 4-top tables and 28 blue chairs to be arranged on the platform. The furniture is proposed to be arranged based on time-saver standard (diagonal spacing, intermediate seating [12 square feet/person]) and thereby provides 24" minimum spacing between tables and 30" minimum

service aisles. The dining tables proposed are 2.5' by 2.5' in size and the table tops are pressed wood with a laminate coating. The propose chairs are constructed of engineered wicker. **The applicant must submit spec sheets providing information regarding size, manufacturer, and construction materials for all outdoor furniture.**

Triple Nickel has a total of 58 indoor seats on the first floor and 66 indoors seats on the second floor. The second floor, however, has two upstairs dining patios that have retractable awnings and sliding windows that provide an outdoor dining experience when the weather permits. On the west terrace facing S. Old Woodward, there are 26 seats and 4 tables and a bar. The east terrace facing Woodward seats 20 at 5 round tables and also has 2 couches that can accommodate a total of 8 patrons. The restaurant also has 16 outdoor seats in its current outdoor dining area. When in use, the seats and tables are arranged on the portion of the sidewalk closest to S. Old Woodward. The proposed outdoor dining platform with 28 seats will be constructed in place of the existing 16 seats to provide an additional 12 seats.

#### Signage

No new signage is proposed.

### **7.0 Downtown Birmingham 2016 Overlay District**

The site is located within the D-4 zone of the DB 2016 Regulating Plan, in the Downtown Birmingham Overlay District. Specifically, the 2016 Plan recommends the addition of outdoor dining areas as it is in the public's best interest as it enhances street life, thus promoting a pedestrian friendly environment. The 2016 Plan also states that *"sidewalk café's (should) be allowed on the portion of the sidewalk closest to the road and away from adjacent storefronts. This will prevent outdoor cafes from being a barrier to pedestrian movement near the storefronts."* The proposed plan for Triple Nickel's outdoor dining platform meets the criteria set forth in the 2016 plan as the applicant provides a 5' wide pathway for pedestrian traffic.

### **8.0 Approval Criteria for Final Site Plan**

In accordance with Article 7, section 7.27 of the Zoning Ordinance, the proposed plans for development must meet the following conditions:

- (1) The location, size and height of the building, walls and fences shall be such that there is adequate landscaped open space so as to provide light, air and access to the persons occupying the structure.

- (2) The location, size and height of the building, walls and fences shall be such that there will be no interference with adequate light, air and access to adjacent lands and buildings.
- (3) The location, size and height of the building, walls and fences shall be such that they will not hinder the reasonable development of adjoining property not diminish the value thereof.
- (4) The site plan, and its relation to streets, driveways and sidewalks, shall be such as to not interfere with or be hazardous to vehicular and pedestrian traffic.
- (5) The proposed development will be compatible with other uses and buildings in the neighborhood and will not be contrary to the spirit and purpose of this chapter.
- (6) The location, shape and size of required landscaped open space is such as to provide adequate open space for the benefit of the inhabitants of the building and the surrounding neighborhood.

## **9.0 Approval Criteria for Special Land Use Permits**

Article 07, section 7.34 of the Zoning Ordinance specifies the procedures and approval criteria for Special Land Use Permits. Use approval, site plan approval, and design review are the responsibilities of the City Commission. This section reads, in part:

Prior to its consideration of a special land use application (SLUP) for an initial permit or an amendment to a permit, the **City Commission shall refer the site plan and the design to the Planning Board for its review and recommendation. After receiving the recommendation, the City Commission shall review the site plan and design of the buildings and uses proposed** for the site described in the application of amendment.

The City Commission's approval of any special land use application or amendment pursuant to this section shall constitute approval of the site plan and design.

## **10.0 Suggested Action**

Based on a review of the site plans submitted, the Planning Division recommends APPROVAL of the applicant's request for Revised Final Site Plan

and a SLUP Amendment to expand the outdoor dining at 555 S. Old Woodward, Suite 610, with the following conditions:

- (1) The applicant will be required to submit the plans for the proposed outdoor dining platform in color;
- (2) Applicant must submit plans that include refuse containers within the outdoor dining area in accordance with Article 4, Section 44, OD-01 Outdoor Dining Standards (A)(1); and
- (3) Applicant must submit spec sheets for the proposed outdoor tables and chairs.

**11.0 Sample Motion Language**

Based on a review of the site plans submitted, the Planning Board recommends APPROVAL to the City Commission of the applicant's request for Revised Final Site Plan and a SLUP Amendment for an outdoor dining platform at 555 S. Old Woodward, Suite 610, Triple Nickel, with the following conditions:

- (1) The applicant will be required to submit the plans for the proposed outdoor dining platform in color;
- (2) Applicant must submit plans that include refuse containers within the outdoor dining area in accordance with Article 4, Section 44, OD-01 Outdoor Dining Standards (A)(1); and
- (3) Applicant must submit spec sheets for the proposed outdoor tables and chairs.

OR

Motion to recommend DENIAL of the Revised Final Site Plan and SLUP Amendment to the City Commission for an outdoor dining platform at 555 S. Old Woodward, Suite 610, Triple Nickel, for the following reasons:

- 1. \_\_\_\_\_
- 2. \_\_\_\_\_
- 3. \_\_\_\_\_
- 4. \_\_\_\_\_
- 5. \_\_\_\_\_

OR

Motion to recommend POSTPONEMENT of the Revised Final Site Plan and SLUP Amendment for an outdoor dining platform at 555 S. Old Woodward, Suite 610.

**CITY OF BIRMINGHAM  
REGULAR MEETING OF THE PLANNING BOARD  
WEDNESDAY, MARCH 23, 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 23, 2016. Board Member Robin Boyle convened the meeting at 7:33 p.m.

**Present:** Board Members Robin Boyle, Stuart Jeffares, Janelle Whipple-Boyce, Bryan Williams; Alternate Board Members Lisa Prasad, Daniel Share

**Absent:** Chairman Scott Clein; Board Members Bert Koseck, Gillian Lazar; Student Representative Colin Cusimano

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

**03-51-16**

**SPECIAL LAND USE PERMIT ("SLUP") REVIEW  
FINAL SITE PLAN REVIEW**

**555 S. Old Woodward Ave, Suite 610, Triple Nickel**

**Request for a SLUP Amendment to allow an on-street platform for outdoor dining for the existing restaurant**

Ms. Ecker provided background. The subject site is located between Bowers St. and Haynes St. The applicant, Triple Nickel, is proposing to increase their outdoor seating on S. Old Woodward Ave. from 16 to 24 by constructing an outdoor dining platform in the front (to the west) of the existing restaurant. The proposed platform is located on the sidewalk abutting the building and extends into S. Old Woodward Ave. Triple Nickel was approved for an Economic Development License and the restaurant was permitted with a SLUP in 2013. A SLUP Amendment is required for any changes to the approved plans pursuant to Chapter 10, Article II, Division 3.

The applicant is proposing to build a temporary elevated dining platform constructed of Synthetic Trex decking. The platform, which is 376.25 sq. ft. in area, is proposed to be enclosed with a 42 in. tall ornamental metal railing. The platform area will project 4 ft. from the existing curb cut into the street and extend 13.5 ft. into the sidewalk right-of-way. No parking spaces will be obstructed by the platform. A 5 ft. pedestrian pathway is proposed to remain between the platform and the building, which is the required minimum for a pedestrian pathway. The entrance has a 3.5 ft. wide tapered sill ramp up the 9 in. from the sidewalk to the elevated platform and is positioned away from any dining tables. Four of the 7 existing planters will be arranged on the sidewalk bordering the north railing of the platform. To shade the area, the applicant proposes one 7 ft. x 21.5 ft. Sunbrella canopy that measures 9.5 ft. in

height at its highest point. The canopy includes a valence with hanging crystals that match the existing awning.

The plan indicates seven red four-top tables and 24 blue chairs to be arranged on the platform. The proposed dining tables are 2.5 ft. x 2.5 ft. and the table tops are pressed wood with a laminate coating. The chairs proposed are constructed of engineered wicker.

The second floor of Triple Nickel has two upstairs dining patios with retractable awnings and sliding windows that provide an outdoor dining experience when the weather permits. On the west terrace facing S. Old Woodward Ave. there are 26 seats and four tables along with a bar. The east terrace facing Woodward Ave. seats 20 at five round tables and also has two couches that can accommodate a total of eight patrons. The restaurant also has 16 outdoor seats in its current outdoor dining area. The proposed outdoor dining platform with 24 seats will be constructed in place of the existing 16 seats on the sidewalk to provide an additional 8 seats.

Mr. Jeffares thought there is a bit of a sense of vulnerability so he likes the railing. Mr. Williams noted that the cars parked out in front of the south tower stick out into the street further than the proposed platform, so a visual problem is not caused by the deck. Mr. Boyle added the parked cars give a measure of protection to folks sitting on the platform.

Mr. Bob Ziegelman, Luckenbach Ziegelman Architects, said the tables and chairs are the same ones that were used for the past two summers so they have received Planning Board approval. Mr. Jack Reinhart from Triple Nickel said they terminated valet about three months ago because there is a lot of parking in that area. He added the restaurant closes at 10 p.m.

#### **Motion by Mr. Williams**

**Seconded by Ms. Whipple-Boyce that based on a review of the site plans submitted, the Planning Board recommends approval to the City Commission of the applicant's request for Revised Final Site Plan and a SLUP Amendment for an outdoor dining platform at 555 S. Old Woodward Ave., Suite 610, Triple Nickel, with the following conditions:**

- 1) The applicant will be required to submit the plans for the proposed outdoor dining platform in color;**
- 2) Applicant must submit plans that include refuse containers within the outdoor dining area in accordance with Article 4, Section 44, OD-01 Outdoor Dining Standards (A) (1); and**
- 3) Applicant must submit spec sheets for the proposed outdoor tables and chairs.**

Ms. Whipple-Boyce said she is happy to see this. It does a lot to bring people to that side of S. Old Woodward Ave. Also, she was thrilled to be getting rid of the valet because there is way too much of it.

There were no final comments from the public on the motion at 8:40 p.m.

**Motion carried, 6-0.**

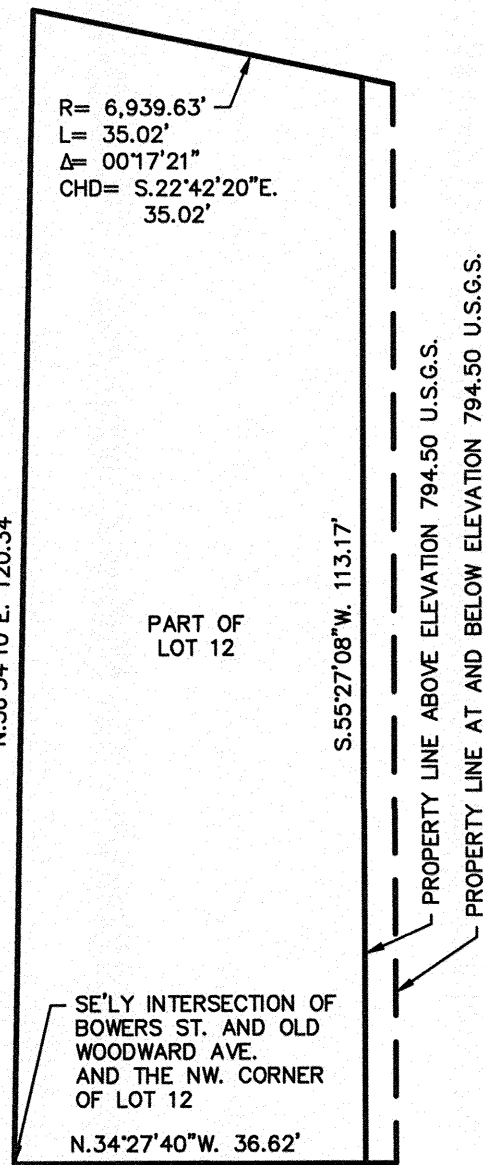
ROLLCALL VOTE

Yeas: Williams, Whipple-Boyce, Boyle, Jeffares, Prasad, Share

Nays: None

Absent: Clein, Koseck, Lazar





### BOUNDARY DETAIL

1" = 20'

### TITLE REPORT NOTES

REFERENCE FIRST AMERICAN TITLE INSURANCE COMPANY  
COMMITMENT NUMBER: 661102, EFFECTIVE DATE: MARCH 02, 2015,  
REVISION F DATE PRINTED: MARCH 16, 2015.

1. RIGHTS OR CLAIMS OF PARTIES IN POSSESSION NOT SHOWN BY  
THE PUBLIC RECORDS.

3. EASEMENTS, OR CLAIMS OF EASEMENTS, NOT SHOWN BY THE  
PUBLIC RECORDS.

7. TERMS AND CONDITIONS CONTAINED IN LICENSE AGREEMENT AS  
DISCLOSED BY INSTRUMENT RECORDED IN LIBER 6052, PAGE 451.  
[BLANKET EASEMENT, NOT PLOTTED HEREON].

8. GRANT OF EASEMENT IN FAVOR OF COMCAST OF THE SOUTH,  
INC. AND THE COVENANTS, CONDITIONS AND RESTRICTIONS  
CONTAINED IN INSTRUMENT RECORDED IN LIBER 37630, PAGE 587.  
[BLANKET EASEMENT, NOT PLOTTED HEREON].

9. TERMS AND CONDITIONS CONTAINED IN DECLARATION OF  
RESTRICTIONS AND EASEMENTS AS DISCLOSED BY INSTRUMENT  
RECORDED IN LIBER 48031, PAGE 425. [EASEMENTS SHOWN ON  
EXHIBIT C, G, H AND I ARE PLOTTED HEREON. EASEMENTS SHOWN  
ON EXHIBIT D, E AND F ARE NOT PLOTTED HEREON].

10. RIGHTS OF TENANTS, IF ANY, UNDER ANY UNRECORDED  
LEASES.

14. INGRESS AND EGRESS EASEMENT IN FAVOR OF THE CITY OF  
BIRMINGHAM AND THE COVENANTS, CONDITIONS AND RESTRICTIONS  
CONTAINED IN INSTRUMENT RECORDED IN LIBER 47803, PAGE 185.  
[SAID EASEMENT IS PLOTTED HEREON].

### ALTA SURVEY NOTES

THERE IS EVIDENCE OF CURRENT EARTH MOVING WORK, BUILDING  
CONSTRUCTION OR BUILDING ADDITIONS.

THERE IS NO PROPOSED CHANGES IN STREET RIGHT OF WAY LINES  
AND THERE IS EVIDENCE OF RECENT STREET OR SIDEWALK  
CONSTRUCTION OR REPAIR.

THERE IS NO EVIDENCE OF SITE USE AS A SOLID WASTE DUMP,  
SUMP OR SANITARY LANDFILL.

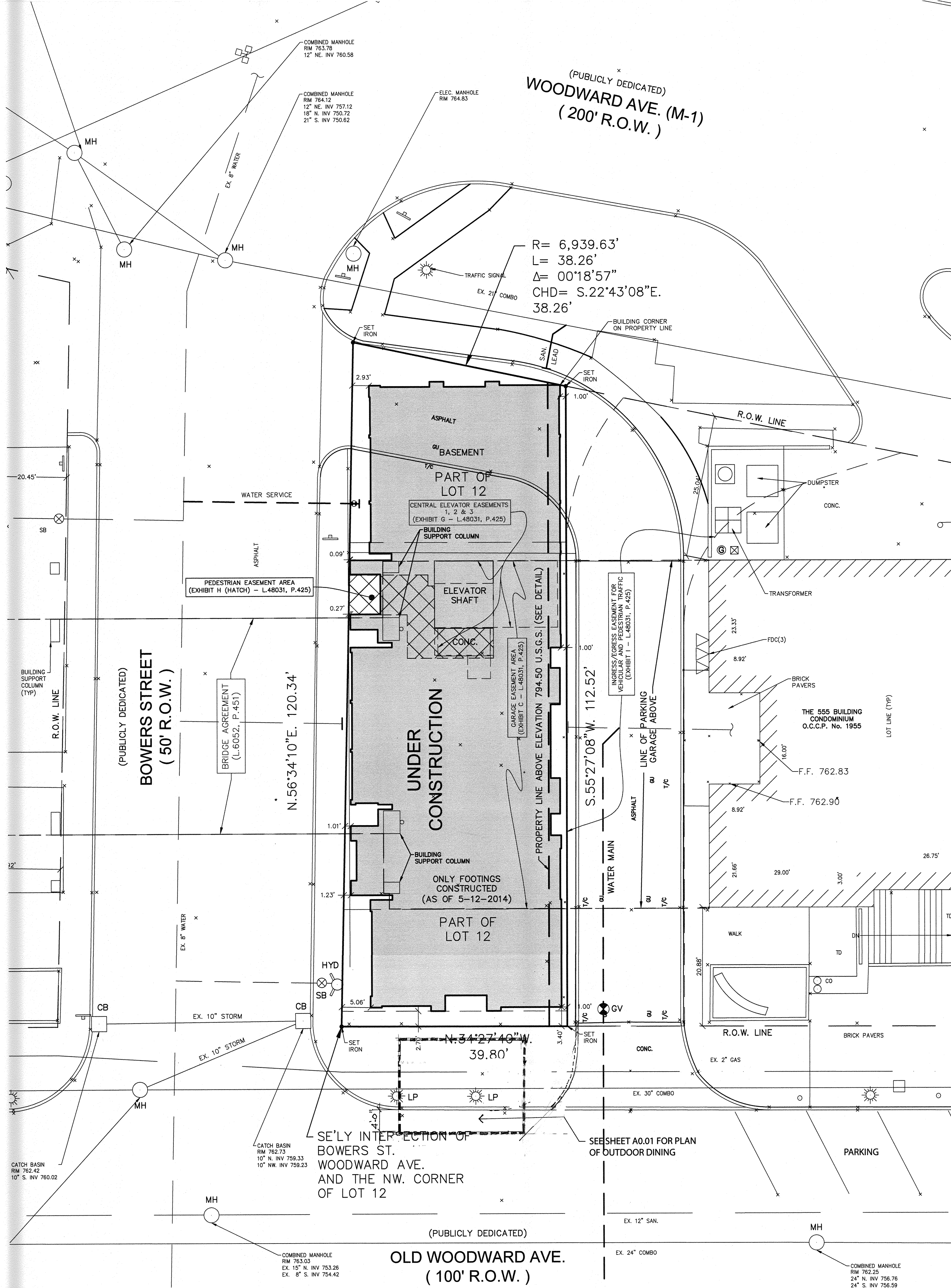
THERE IS NO EVIDENCE OF ANY WETLAND AREAS ON SUBJECT  
PROPERTY.

### BOUNDARY NOTE

ALL BEARINGS ARE IN RELATION TO THE PREVIOUSLY ESTABLISHED  
WESTERLY LINE OF ASSESSOR'S PLAT NO. 13, RECORDED IN LIBER  
51, PAGE 15, OAKLAND COUNTY RECORDS. (N.34°27'40"W.)

### FLOOD HAZARD NOTE

THIS PROPERTY IS NOT LOCATED WITHIN THE FLOOD HAZARD AREA  
AS INDICATED BY THE FLOOD INSURANCE RATE MAP (FIRM) MAP  
NUMBER 28125C0337F EFFECTIVE DATE: SEPTEMBER 29, 2006.



### CERTIFICATE OF SURVEY

CERTIFIED TO:

-MANORWOOD PROPERTIES, LLC, A MICHIGAN LIMITED LIABILITY COMPANY  
-555 RESIDENTIAL, LLC, A MICHIGAN LIMITED LIABILITY COMPANY  
-ASSOCIATES OF 555, LLC, A MICHIGAN LIMITED LIABILITY COMPANY,  
FORMERLY KNOWN AS ASSOCIATES OF 555, LIMITED PARTNERSHIP, A  
MICHIGAN PARTNERSHIP  
-THE NEW 555 COMMERCIAL, LLC, A MICHIGAN LIMITED LIABILITY COMPANY  
-THE NEW 555 RESIDENTIAL, LLC, A MICHIGAN LIMITED LIABILITY COMPANY  
FIRST AMERICAN TITLE INSURANCE COMPANY

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON  
WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2011 MINIMUM  
STANDARD DETAIL REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS,  
JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDE  
ITEMS 1, 2, 3, 4, 6(b), 7(d)(1), 7(c), 8, 9, 11(a), 13, 14, 15, 17,  
18 AND 21 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON  
MAY 12, 2014.

KEVIN NAVAROLI, P.S. NO. 53503

DATE 03-24-2015

### LEGEND

MANHOLE	EXISTING SANITARY SEWER
HYDRANT	EXISTING SAN. CLEAN OUT
MANHOLE	EXISTING WATER MAIN
CATCH BASIN	EXISTING STORM SEWER
UTILITY POLE	EX. R.Y. CATCH BASIN
GUY WIRE	EXISTING BURIED CABLES
GUY WIRE	OVERHEAD LINES
GUY WIRE	LIGHT POLE
GUY WIRE	SIGN
GUY WIRE	EXISTING GAS MAIN

DRAWN BY:  
M. Carnaghi

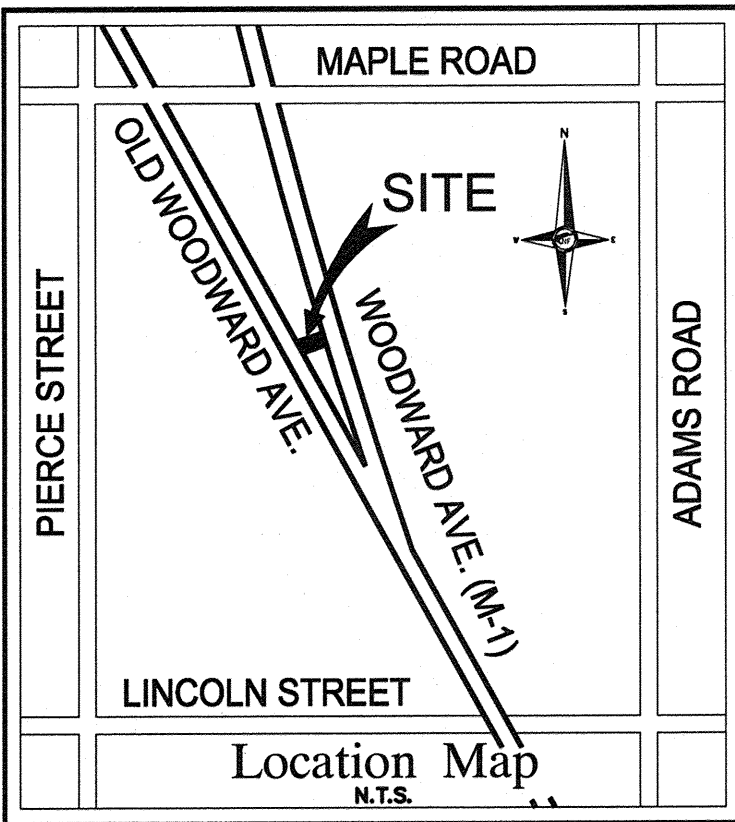
DESIGNED BY:

APPROVED BY:  
K. Navaroli

DATE:  
May 22, 2014

SCALE: 1" = 10'

NFE JOB NO. E940-07 sheet no. 1 of 1



### SITE DATA

SITE AREA  
4,500 SQ. FT. OR 0.10 ACRES AT OR BELOW ELEVATION 794.50 U.S.G.S.  
4,142 SQ. FT. OR 0.10 ACRES ABOVE ELEVATION 794.50 U.S.G.S.

ZONING  
EXISTING: B-3, OFFICE-RESIDENTIAL DISTRICT

SETBACKS  
NONE

MINIMUM LOT AREA PER UNIT  
N/A

MINIMUM OPEN SPACE  
N/A

MAXIMUM LOT COVERAGE  
N/A

### LEGAL DESCRIPTION - PER TITLE COMMITMENT

LAND SITUATED IN THE COUNTY OF OAKLAND, CITY OF  
BIRMINGHAM, STATE OF MICHIGAN, IS DESCRIBED AS FOLLOWS:

PART OF LOT 12 LYING AT OR BELOW ELEVATION 794.50 U.S.G.S.  
DATUM, OF ASSESSOR'S PLAT NO. 13, ACCORDING TO THE PLAT THEREOF  
AS RECORDED IN LIBER 51 OF PLATS, PAGE 15, OAKLAND COUNTY  
RECORDS BEING DESCRIBED AS: BEGINNING AT THE  
SOUTHEAST RIGHT-OF-WAY INTERSECTION OF OLD WOODWARD  
AVENUE (100 FEET WIDE) AND BOWERS STREET (50 FEET WIDE),  
SAID POINT BEING THE NORTHWEST CORNER OF SAID LOT 12;  
THENCE ALONG THE SOUTH RIGHT-OF-WAY LINE OF SAID BOWERS  
STREET NORTH 56 DEGREES 34 MINUTES 10 SECONDS EAST  
120.34 FEET TO A POINT ON THE SOUTHWEST RIGHT-OF-WAY  
INTERSECTION OF SAID WOODWARD AVENUE AND SAID BOWERS  
STREET, SAID POINT ALSO BEING THE NORTHEAST CORNER OF SAID  
LOT 12; THENCE ALONG THE WEST RIGHT-OF-WAY OF SAID  
WOODWARD AVENUE 38.26 FEET ALONG THE ARC OF A CURVE TO  
THE LEFT (RADIUS= 6939.63 FEET, DELTA= 00 DEGREES 18  
MINUTES 57 SECONDS, CHORD= SOUTH 22 DEGREES 43 MINUTES  
08 SECONDS EAST 38.26 FEET), THENCE SOUTH 55 DEGREES 27  
MINUTES 08 SECONDS WEST, 112.52 FEET TO A POINT ON THE  
EAST RIGHT OF WAY LINE OF SAID OLD WOODWARD AVENUE;  
THENCE ALONG THE SOUTH RIGHT-OF-WAY LINE OF SAID OLD  
WOODWARD AVENUE NORTH 34 DEGREES 27 MINUTES 40 SECONDS  
WEST, 39.80 FEET TO THE POINT OF BEGINNING.

AND  
PART OF LOT 12 LYING ABOVE ELEVATION 794.50 U.S.G.S. DATUM,  
OF ASSESSOR'S PLAT NO. 13, ACCORDING TO THE PLAT THEREOF  
AS RECORDED IN LIBER 51 OF PLATS, PAGE 15, OAKLAND COUNTY  
RECORDS BEING DESCRIBED AS: BEGINNING AT THE SOUTHEAST  
RIGHT-OF-WAY INTERSECTION OF OLD WOODWARD AVENUE (100  
FEET WIDE) AND BOWERS STREET (50 FEET WIDE), SAID POINT  
BEING THE NORTHWEST CORNER OF SAID LOT 12; THENCE ALONG  
THE SOUTH RIGHT-OF-WAY LINE OF SAID BOWERS STREET NORTH  
56 DEGREES 34 MINUTES 10 SECONDS EAST 120.34 FEET TO A  
POINT ON THE SOUTHWEST RIGHT-OF-WAY INTERSECTION OF SAID  
WOODWARD AVENUE AND SAID BOWERS STREET, SAID POINT ALSO  
BEING THE NORTHEAST CORNER OF SAID LOT 12; THENCE ALONG  
THE WEST RIGHT-OF-WAY OF SAID WOODWARD AVENUE 38.26  
FEET ALONG THE ARC OF A CURVE TO THE LEFT (RADIUS=  
6939.63 FEET, DELTA= 00 DEGREES 17 MINUTES 21 SECONDS,  
CHORD= SOUTH 22 DEGREES 42 MINUTES 20 SECONDS EAST  
35.02 FEET); THENCE SOUTH 55 DEGREES 27 MINUTES 08  
SECONDS WEST 113.17 FEET TO A POINT ON THE EAST RIGHT OF  
WAY LINE OF SAID OLD WOODWARD AVENUE; THENCE ALONG THE  
EAST RIGHT OF WAY LINE OF SAID OLD WOODWARD AVENUE NORTH  
34 DEGREES 27 MINUTES 40 SECONDS WEST, 36.62 FEET TO THE  
POINT OF BEGINNING.

NOTE: NO TAXES CURRENTLY BEING ASSESSED.

EASEMENT PARCEL:  
TOGETHER WITH A NON-EXCLUSIVE EASEMENT(S) AS CREATED,  
LIMITED AND DEFINED BY DECLARATION OF RESTRICTIONS AND  
EASEMENTS RECORDED IN LIBER 48031, PAGE 425, OAKLAND  
COUNTY RECORDS.



NOWAK & FRAUS ENGINEERS  
46777 Woodward Ave.  
Pontiac, MI 48342-5032  
Tel. (248) 332-7931  
Fax. (248) 332-8257

### PROJECT

Triple Nickel  
Birmingham, MI

### CLIENT

Triple Nickel, LLC  
555 S. Old Woodward Ave.,  
Suite 610  
Birmingham, MI 48009  
Contact:  
Mr. John J. Reinhart, CPA  
Ph: 248-792-5085  
Fax: 248-792-5086

### PROJECT LOCATION

Part of the NE ¼  
of Section 36  
T. 2 North, R. 10 East,  
City of Birmingham,  
Oakland County, Michigan

### SHEET

ALTA/ACSM  
Land Title Survey



### REVISIONS

05-22-14 ALTA SURVEY ISSUED  
01-26-15 INGRESS AND EGRESS  
03-13-2015 UPDATED TITLE COMMITMENT  
03-18-2015 UPDATED TITLE COMMITMENT  
04-24-2015 UPDATED EXCEPTION 9  
03-17-2016 SLWT

### DRAWN BY:

M. Carnaghi

### DESIGNED BY:

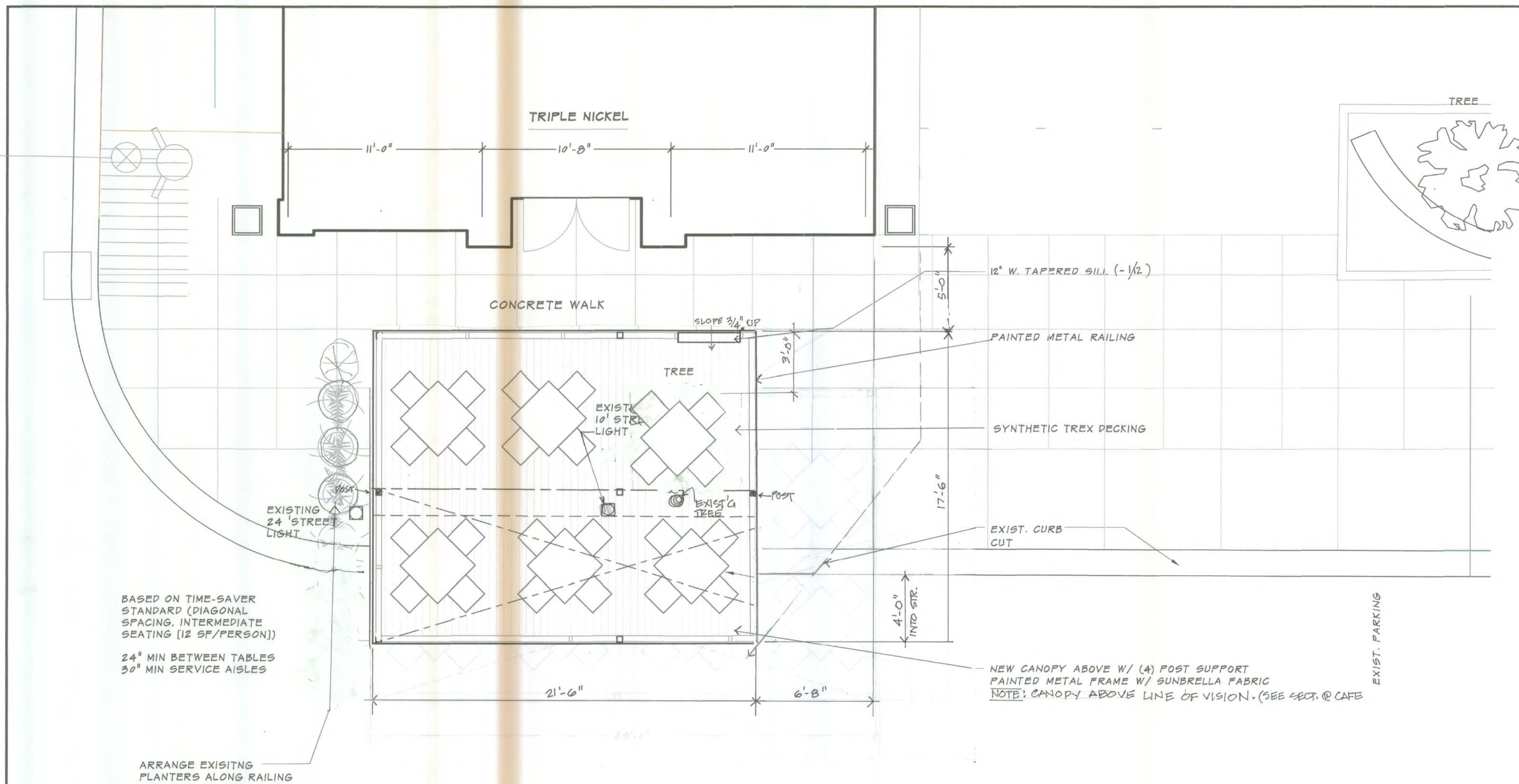
APPROVED BY:  
K. Navaroli

DATE:  
May 22, 2014

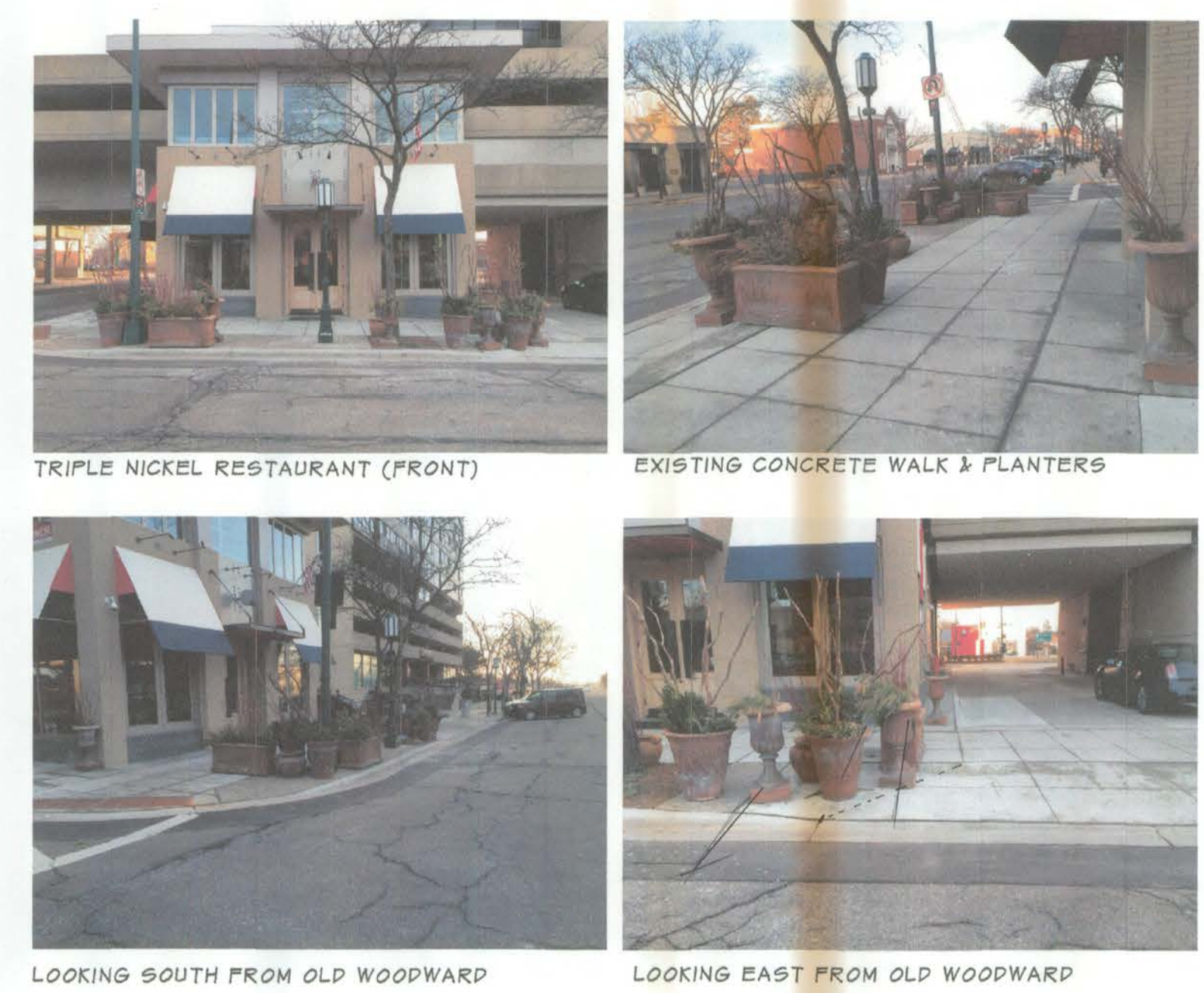
SCALE: 1" = 10'

NFE JOB NO. E940-07 sheet no. 1 of 1

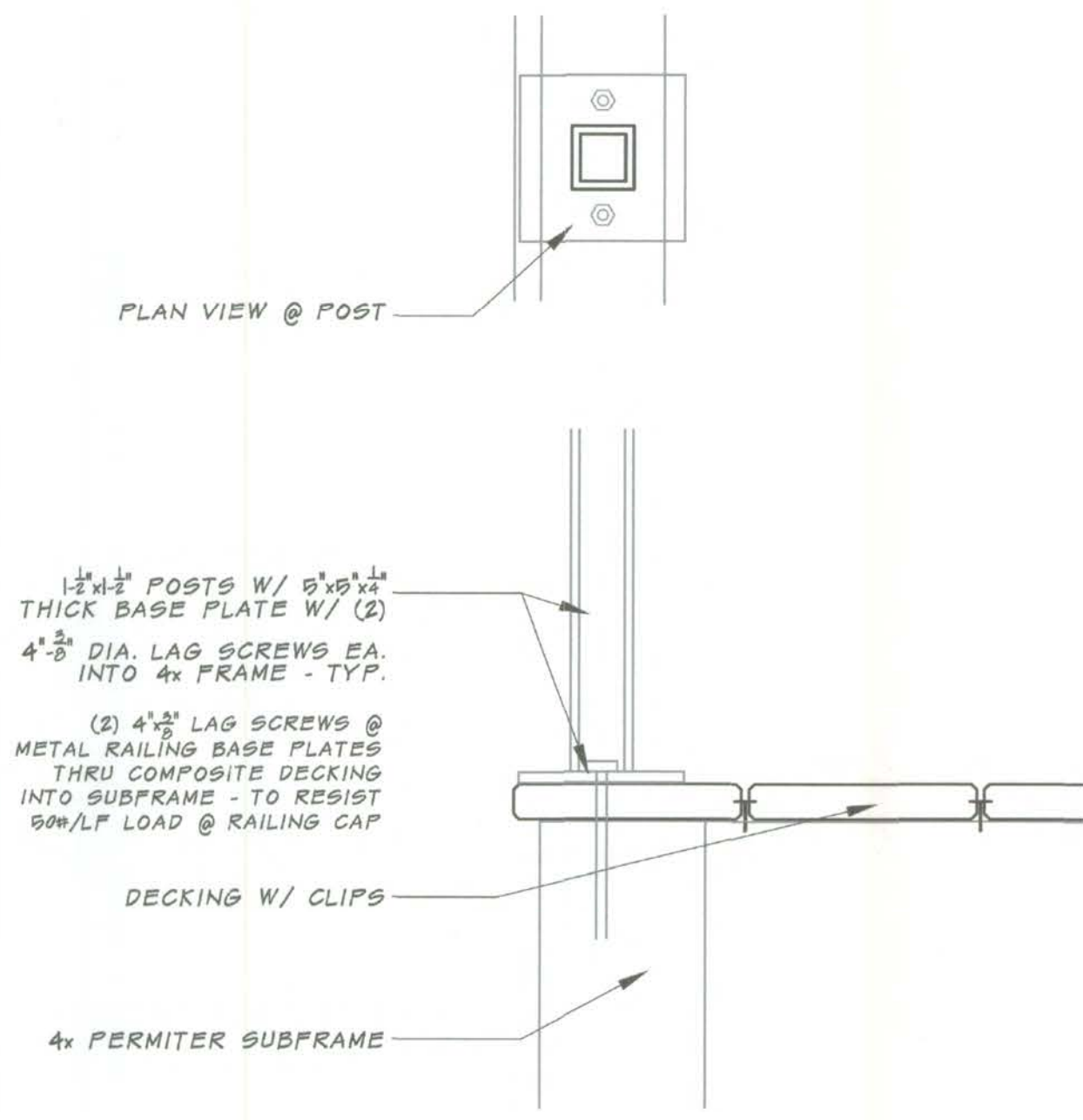




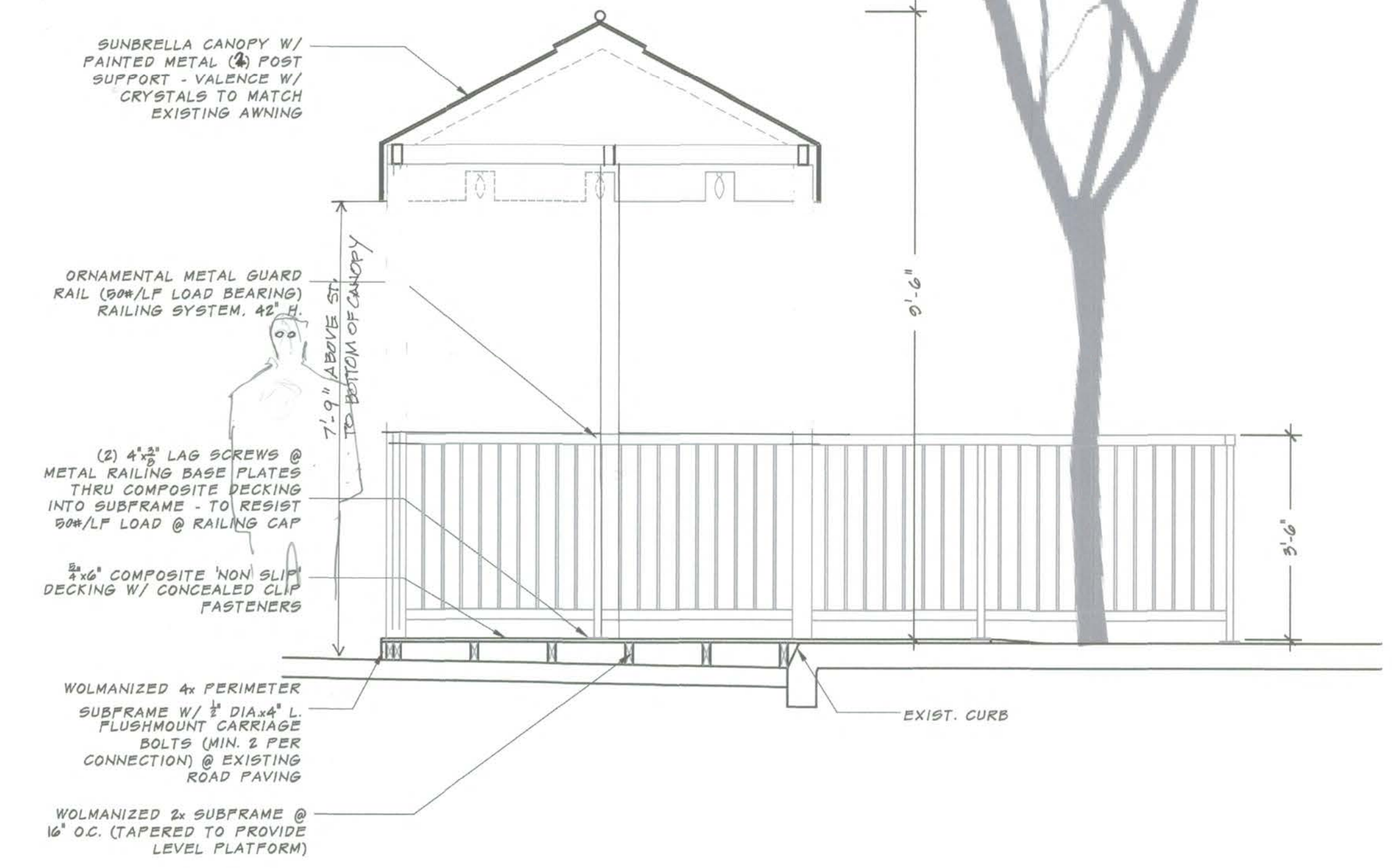
Outdoor Cafe Plan  
scale: 1/4" = 1'-0"



Site Photos  
scale: NTS



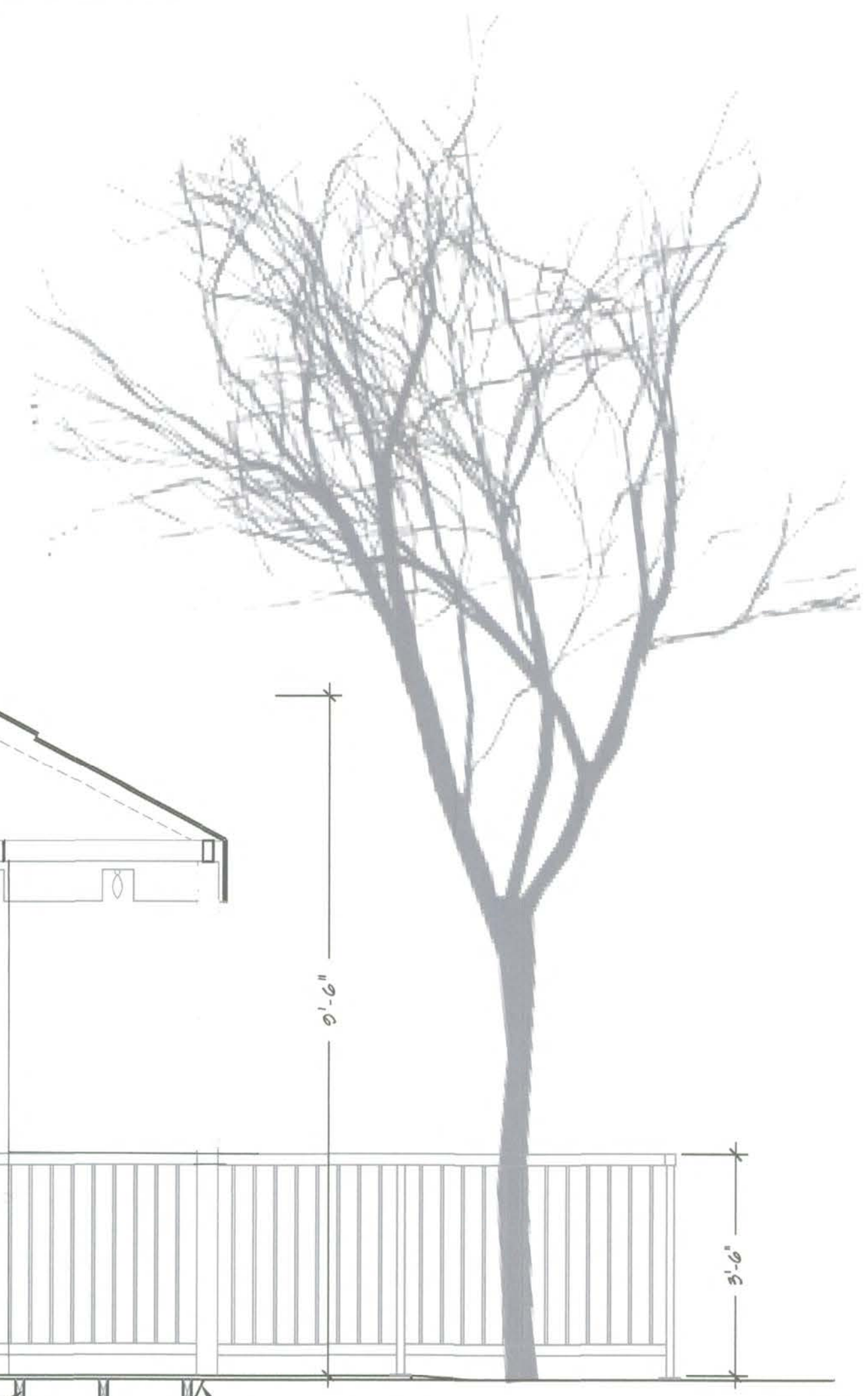
Railing Detail  
scale: 3/8" = 1'-0"



Section @ Cafe  
scale: 1/2" = 1'-0"



Existing Furniture Photo  
scale: NTS



# Luckenbach Ziegelman Architects PLLC

36800 Woodward Suite 100  
Bloomfield Hills, Michigan 48304  
248.644.0600

## Project TRIPLE NICKEL

BIRMINGHAM, MI.  
Sheet Title  
SITE PLAN

Date Issued  
SLUP APPLICATION  
02.01.16  
03.17.16

Project Number

Sheet Number  
A0.01





## MEMORANDUM

Building Facilities Office

**DATE:** March 31, 2016  
**TO:** Joseph A. Valentine, City Manager  
**FROM:** Carlos Jorge, Maintenance Supervisor  
**SUBJECT:** RFP- Pre-Action System Fire Protection Relocation

---

In the past years we have been monitoring the 911 computer center Pre-Action System Fire Protection located in the janitor's closet on the first floor of the City Hall Building. It has gotten to the point that this unit needs to be relocated. The reason for relocating this equipment and system is to upgrade to the new fire and electrical code. It has become hard to keep the unit in a quite operation without disturbing the employees on the first floor at the Municipal Building.

On February 5, 2016, the City went to bid for a professional firm to furnish all engineering, fabrication, labor, materials and equipment required to relocate the existing pre-action system riser and air compressor from the first floor Janitors Closet into the Mechanical Room in the basement directly below in the Municipal Building.

Interested firms were required to register to attend a mandatory pre-bid meeting. The pre-bid meeting was held on February 16, 2016 to review, tour the facility, and answer any questions regarding the request for proposal. Invitations to bid were submitted to MITN (Michigan Inter-Governmental Trade Network) and eighty five companies received notification. Five firms attended the pre-bid meeting and the City received one bid on the bid due date of March 8, 2016.

Also, one proposal was received after the due date, it was not accepted. It was rejected and returned, unopened, to the proposer.

<b>COMPANY NAME</b>	<b>BID AMOUNT</b>
Wm. Crook Fire Protection Co.	\$ 13,000.00

The bid was reviewed for compliance with the City's request for proposal (RFP).

It is recommended to award the contract for the Pre-Action System Fire Protection Relocation at Municipal Building to Wm. Crooks Fire Protection Co. for \$ 13,000.00 consistent with the bid specifications.

Once this contract is awarded, the contractor will begin to relocate the Pre-Action System Fire Protection. The work will take approximately two weeks to be completed.

Funds were budgeted for this project, in the 2015-2016 Budget, under the City Hall and Grounds Building improvements account. Account Number 101-265.001-977.0000.

**SUGGESTED RESOLUTION:**

To approve the agreement with Wm. Crook Fire Protection Co. in the amount not to exceed \$ 13,000.00 to relocate the Pre-Action System Fire Protection at City Hall. Further, to direct the Mayor and City Clerk to sign the agreement on behalf of the City.



**REQUEST FOR PROPOSALS**  
**For Pre-action System Fire Protection Relocation**

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Sealed proposals endorsed **“911 Pre-action System Relocation”**, will be received at the Office of the City Clerk, 151 Martin Street, PO Box 3001, Birmingham, Michigan, 48012; until 2:00 p.m., Tuesday, March 8, 2016 after which time bids will be publicly opened and read.

**Bidders will be required to attend a mandatory pre-bid meeting on February 16, 2016 at 9:00 a.m., at the Birmingham Municipal Building Lower Level Conference Room. Bidders must register for the pre-bid meeting by February 15, by contacting Carlos Jorge at 248-530-1882.**

The City of Birmingham, Michigan is accepting sealed bid proposals from qualified professional firms to provide all engineering, fabrication, labor, materials and equipment required to relocate the existing pre-action system riser and air compressor from the first floor janitors closet into the Mechanical Room in the basement directly below in the Municipal Building. This work must be performed as specified accordance with the specifications contained in the Request for Proposals (RFP).

The RFP, including the Specifications, may be obtained online from the Michigan Inter-governmental Trade Network at <http://www.mitn.info> or at the City of Birmingham, 151 Martin St., Birmingham, Michigan, ATTENTION: Carlos Jorge.

The acceptance of any proposal made pursuant to this invitation shall not be binding upon the City until an agreement has been executed.

<b>Submitted to MITN:</b>	February 5, 2016
<b>Mandatory Pre-Bid Meeting:</b>	Tuesday, February 16, 2016 at 9:00 a.m. Birmingham Municipal Building 151 Martin Street, Birmingham, MI 48009 Lower Level Conference Room
<b>Deadline for Submissions:</b>	2:00 p.m., Tuesday, March 8, 2016
<b>Contact Person:</b>	Carlos Jorge, Building Superintendent P.O. Box 3001, 151 Martin Street Birmingham, MI 48012-3001 Phone: 248-530-1882 Email: <a href="mailto:Cjorge@bhamgov.org">Cjorge@bhamgov.org</a>



## REQUEST FOR PROPOSALS For Pre-action System Fire Protection Relocation

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## **INTRODUCTION**

For purposes of this request for proposals the City of Birmingham will hereby be referred to as "City" and the private firm will hereby be referred to as "Contractor."

The City of Birmingham, Michigan is accepting sealed bid proposals from qualified professional firms to provide all engineering, fabrication, labor, materials and equipment required to relocate the existing pre-action system riser and air compressor from the first floor janitors closet into the mechanical room in the basement directly below in the Municipal Building. This work must be performed as specified accordance with the specifications outlined by the Scope of Work contained in this Request For Proposals (RFP).

During the evaluation process, the City reserves the right where it may serve the City's best interest to request additional information or clarification from proposers, or to allow corrections of errors or omissions. At the discretion of the City, firms submitting proposals may be requested to make oral presentations as part of the evaluation.

It is anticipated the selection of a firm will be completed by March 15, 2016. An Agreement for services will be required with the selected Contractor. A copy of the Agreement is contained herein for reference. Contract services will commence upon execution of the service agreement by the City.

## **REQUEST FOR PROPOSALS (RFP)**

The purpose of this RFP is to request sealed bid proposals from qualified parties presenting their qualifications, capabilities and costs to provide all engineering, fabrication, labor, materials and equipment required to relocate the existing pre-action system riser and air compressor from the first floor janitors closet into the mechanical room directly below .

## **MANDATORY PRE-BID MEETING**

Prior to submitting a bid, interested firms are required to attend a pre-bid meeting to conduct an on-site visit of the location and access to the project location to make inquiries about the RFP. Bidders will be required to attend a mandatory pre-bid meeting on February 16, 2016 at 9:00 a.m., at the Birmingham Municipal Building Lower Level Conference Room. Bidders must register for the pre-bid meeting by February 15, by contacting Carlos Jorge at 248-530-1882.

## **INVITATION TO SUBMIT A PROPOSAL**

Proposals shall be submitted no later than Tuesday, March 8, 2016 at 2:00 p.m. to:

City of Birmingham  
Attn: City Clerk  
151 Martin Street

Birmingham, Michigan 48009

One (1) original and one (1) copy of the proposal shall be submitted. The proposal should be firmly sealed in an envelope, which shall be clearly marked on the outside, **“911 Pre-action System Relocation”**. Any proposal received after the due date cannot be accepted and will be rejected and returned, unopened, to the proposer. Proposer may submit more than one proposal provided each proposal meets the functional requirements.

## **INSTRUCTIONS TO BIDDERS**

1. Any and all forms requesting information from the bidder must be completed on the attached forms contained herein (see Contractor's Responsibilities). If more than one bid is submitted, a separate bid proposal form must be used for each.
2. Any request for clarification of this RFP shall be made in writing and delivered to: Carlos Jorge, 248-530-1882, [Cjorge@bhamgov.org](mailto:Cjorge@bhamgov.org), or 151 Martin Street, P.O. Box 3001, Birmingham MI. 48009. Such request for clarification shall be delivered, in writing, no later than 5 days prior to the deadline for submissions.
3. All proposals must be submitted following the RFP format as stated in this document and shall be subject to all requirements of this document including the instruction to respondents and general information sections. All proposals must be regular in every respect and no interlineations, excisions, or special conditions shall be made or included in the RFP format by the respondent.
4. The contract will be awarded by the City of Birmingham to the most responsive and responsible bidder with the lowest price and the contract will require the completion of the work pursuant to these documents.
5. Each respondent shall include in his or her proposal, in the format requested, the cost of performing the work. Municipalities are exempt from Michigan State Sales and Federal Excise taxes. Do not include such taxes in the proposal figure. The City will furnish the successful company with tax exemption information when requested.
6. Each respondent shall include in their proposal the following information: Firm name, address, city, state, zip code, telephone number, and fax number. The company shall also provide the name, address, telephone number and e-mail address of an individual in their organization to whom notices and inquiries by the City should be directed as part of their proposal.

## **EVALUATION PROCEDURE AND CRITERIA**

The evaluation panel will consist of City staff and any other person(s) designated by the City who will evaluate the proposals based on, but not limited to, the following criteria:

1. Ability to provide services as outlined.
2. Related experience with similar projects, Contractor background, and personnel qualifications.
3. Quality of materials proposed.
4. Overall Costs.
5. References.

## **TERMS AND CONDITIONS**

1. The City reserves the right to reject any or all proposals received, waive informalities, or accept any proposal, in whole or in part, it deems best. The City reserves the right to award the contract to the next most qualified Contractor if the successful Contractor does not execute a contract within ten (10) days after the award of the proposal.
2. The City reserves the right to request clarification of information submitted and to request additional information of one or more Contractors.
3. The City reserves the right to terminate the contract at its discretion should it be determined that the services provided do not meet the specifications contained herein. The City may terminate this Agreement at any point in the process upon notice to Contractor sufficient to indicate the City's desire to do so. In the case of such a stoppage, the City agrees to pay Contractor for services rendered to the time of notice, subject to the contract maximum amount.
4. Any proposal may be withdrawn up until the date and time set above for the opening of the proposals. Any proposals not so withdrawn shall constitute an irrevocable offer, for a period of ninety (90) days, to provide the services set forth in the proposal.
5. The cost of preparing and submitting a proposal is the responsibility of the Contractor and shall not be chargeable in any manner to the City.
6. The successful bidder will be required to furnish a Performance Bond in an amount not less than 100% of the contract price in favor of the City of Birmingham, conditioned upon the faithful performance of the contract, and completion on or before the date specified.
7. Payment will be made within thirty (30) days after invoice. Acceptance by the City is defined as authorization by the designated City representative to this project that all the criteria requested under the Scope of Work contained herein have been provided. Invoices are to be rendered each month following the date of execution of an Agreement with the City.



8. The Contractor will not exceed the timelines established for the completion of this project.
9. The successful bidder shall enter into and will execute the contract as set forth and attached as Attachment A.

## **CONTRACTOR'S RESPONSIBILITIES**

Each bidder shall provide the following as part of their proposal:

1. Complete and sign all forms requested for completion within this RFP.
  - a. Bidder's Agreement (Attachment B - p. 16)
  - b. Cost Proposal (Attachment C - p. 17)
  - c. Iran Sanctions Act Vendor Certification Form (Attachment D - p. 18)
  - d. Agreement (p. 10 – **only if selected by the City**).
2. Provide a description of completed projects that demonstrate the firm's ability to complete projects of similar scope, size, and purpose, and in a timely manner, and within budget.
3. Provide a written plan detailing the anticipated timeline for completion of the tasks set forth in the Scope of Work (p. 9).
4. The Contractor will be responsible for any changes necessary for the plans to be approved by the City of Birmingham.
5. Provide a description of the firm, including resumes and professional qualifications of the principals involved in administering the project.
6. Provide a list of sub-contractors and their qualifications, if applicable.
7. Provide three (3) client references from past projects, include current phone numbers. At least two (2) of the client references should be for projects utilizing the same materials included in the Contractor's proposal.
8. The Contractor will be responsible for the disposal of all material and any damages which occur as a result of any of employees or subcontractors of the Contractor during this project.
9. The contractor will be responsible for getting the building and parking permits at no cost to the contractor.
10. The successful bidder shall provide a Performance Bond in an amount not less than 100% of the contract price in favor of the City of Birmingham, conditioned upon the faithful performance of the contract, and completion on or before the date specified.

11. Provide a project timeline addressing each section within the Scope of Work and a description of the overall project approach. Include a statement that the Contractor will be available according to the proposed timeline.

## **CITY RESPONSIBILITY**

1. The City will provide a designated representative to work with the Contractor to coordinate both the City's and Contractor's efforts and to inspect and verify any work performed by the Contractor.
2. The City will provide access to the City of Birmingham during regular business hours or during nights and weekends as approved by the City's designated representative.

## **SETTLEMENT OF DISPUTES**

The successful bidder agrees to certain dispute resolution avenues/limitations. Please refer to paragraph 17 of the Agreement attached as Attachment A for the details and what is required of the successful bidder.

## **INSURANCE**

The successful bidder is required to procure and maintain certain types of insurances. Please refer to paragraph 12 of the Agreement attached as Attachment A for the details and what is required of the successful bidder.

## **CONTINUATION OF COVERAGE**

The Contractor also agrees to provide all insurance coverages as specified. Upon failure of the Contractor to obtain or maintain such insurance coverage for the term of the agreement, the City may, at its option, purchase such coverage and subtract the cost of obtaining such coverage from the contract amount. In obtaining such coverage, Birmingham shall have no obligation to procure the most cost effective coverage but may contract with any insurer for such coverage.

## **EXECUTION OF CONTRACT**

The bidder whose proposal is accepted shall be required to execute the contract and to furnish all insurance coverages as specified within ten (10) days after receiving notice of such acceptance. Any contract awarded pursuant to any bid shall not be binding upon the City until a written contract has been executed by both parties. Failure or refusal to execute the contract shall be considered an abandoned all rights and interest in the award and the contract may be awarded to another. The successful bidder agrees to enter into and will execute the contract as set forth and attached as Attachment A.

## **INDEMNIFICATION**

The successful bidder agrees to indemnify the City and various associated persons. Please refer to paragraph 13 of the Agreement attached as Attachment A for the details and what is required of the successful bidder.

## **CONFLICT OF INTEREST**

The successful bidder is subject to certain conflict of interest requirements/restrictions. Please refer to paragraph 14 of the Agreement attached as Attachment A for the details and what is required of the successful bidder.

## **EXAMINATION OF PROPOSAL MATERIALS**

The submission of a proposal shall be deemed a representation and warranty by the Contractor that it has investigated all aspects of the RFP, that it is aware of the applicable facts pertaining to the RFP process and its procedures and requirements, and that it has read and understands the RFP. Statistical information which may be contained in the RFP or any addendum thereto is for informational purposes only.

## **PROJECT TIMELINE**

It is expected that the work for this project will begin no later than late March or early April 2016 and be completed within two (2) weeks.

The Contractor will not exceed the timelines established for the completion of this project.

## **SCOPE OF WORK**

The Contractor shall perform the following services in accordance with the requirements as defined and noted herein:

1. Disconnect all power and secure all electrical supplies.
2. Disconnect the pre-action system riser and air compressor save it to be reinstalled at the location mentioned in the RFP.
3. Core the first floor to be able to connect the water lines.
4. Relocation of the pre-action system riser and air compressor
5. Connect from relocated riser back into existing dispatch area supply.
6. Extend and reconnect alarm devices and compressor power.
7. Upon completion of the project a final test shall be submitted for review and approval by city officials.
8. The Contractor shall be responsible for the disposal of all materials in a safe and legal manner.
9. The Contractor shall operate in a safe manner and will observe all MIOSHA guidelines.
10. The Contractor shall provide any and all manuals and/or warranty information related to this project to the City upon completion of the project.
11. This section and referenced documents shall constitute the Scope of Work for this project and as such all requirements must be met.

**ATTACHMENT A - AGREEMENT**  
**For "911 Pre-action System Relocation"**

---

This AGREEMENT, made this \_\_\_\_\_ day of \_\_\_\_\_, 2016, by and between CITY OF BIRMINGHAM, having its principal municipal office at 151 Martin Street, Birmingham, MI (hereinafter sometimes called "City"), and \_\_\_\_\_, Inc., having its principal office at \_\_\_\_\_ (hereinafter called "Contractor"), provides as follows:

**WITNESSETH:**

**WHEREAS**, the City of Birmingham, through its Maintenance Department, is desirous of having work completed to relocate the existing fire pre action system for the 911 center and computer room located at the first floor of the police department in the City of Birmingham.

**WHEREAS**, the City has heretofore advertised for bids for the procurement and performance of services required to provide all engineering, fabrication, labor, materials and equipment required to relocate the existing pre-action system riser and air compressor from the first floor janitors closet into the mechanical room in the basement directly below, and in connection therewith has prepared a request for sealed proposals ("RFP"), which includes certain instructions to bidders, specifications, terms and conditions.

**WHEREAS**, the Contractor has professional qualifications that meet the project requirements and has made a bid in accordance with such request for cost proposals to relocate the existing pre-action system riser and air compressor from the first floor janitors closet into the basement directly below.

**NOW, THEREFORE**, for and in consideration of the respective agreements and undertakings herein contained, the parties agree as follows:

1. It is mutually agreed by and between the parties that the documents consisting of the Request for Proposal to relocate the existing pre-action system riser and air compressor from the first floor janitors closet into the mechanical room in the basement directly below and the Contractor's cost proposal dated \_\_\_\_\_, 2016 shall be incorporated herein by reference and shall become a part of this Agreement, and shall be binding upon both parties hereto. If any of the documents are in conflict with one another, this Agreement shall take precedence, then the RFP.
2. The City shall pay the Contractor for the performance of this Agreement in an amount not to exceed \_\_\_\_\_, as set forth in the Contractor's \_\_\_\_\_, 2016 cost proposal.
3. This Agreement shall commence upon execution by both parties, unless the City exercises its option to terminate the Agreement in accordance with the Request for Proposals.

4. The Contractor shall employ personnel of good moral character and fitness in performing all services under this Agreement.

5. The Contractor and the City agree that the Contractor is acting as an independent Contractor with respect to the Contractor's role in providing services to the City pursuant to this Agreement, and as such, shall be liable for its own actions and neither the Contractor nor its employees shall be construed as employees of the City. Nothing contained in this Agreement shall be construed to imply a joint venture or partnership and neither party, by virtue of this Agreement, shall have any right, power or authority to act or create any obligation, express or implied, on behalf of the other party, except as specifically outlined herein. Neither the City nor the Contractor shall be considered or construed to be the agent of the other, nor shall either have the right to bind the other in any manner whatsoever, except as specifically provided in this Agreement, and this Agreement shall not be construed as a contract of agency. The Contractor shall not be entitled or eligible to participate in any benefits or privileges given or extended by the City, or be deemed an employee of the City for purposes of federal or state withholding taxes, FICA taxes, unemployment, workers' compensation or any other employer contributions on behalf of the City.

6. The Contractor acknowledges that in performing services pursuant to this Agreement, certain confidential and/or proprietary information (including, but not limited to, internal organization, methodology, personnel and financial information, etc.) may become involved. The Contractor recognizes that unauthorized exposure of such confidential or proprietary information could irreparably damage the City. Therefore, the Contractor agrees to use reasonable care to safeguard the confidential and proprietary information and to prevent the unauthorized use or disclosure thereof. The Contractor shall inform its employees of the confidential or proprietary nature of such information and shall limit access thereto to employees rendering services pursuant to this Agreement. The Contractor further agrees to use such confidential or proprietary information only for the purpose of performing services pursuant to this Agreement.

7. This Agreement shall be governed by and performed, interpreted and enforced in accordance with the laws of the State of Michigan. The Contractor agrees to perform all services provided for in this Agreement in accordance with and in full compliance with all local, state and federal laws and regulations.

8. If any provision of this Agreement is declared invalid, illegal or unenforceable, such provision shall be severed from this Agreement and all other provisions shall remain in full force and effect.

9. This Agreement shall be binding upon the successors and assigns of the parties hereto, but no such assignment shall be made by the Contractor without the prior written consent of the City. Any attempt at assignment without prior written consent shall be void and of no effect.

10. The Contractor agrees that neither it nor its subcontractors will discriminate against any employee or applicant for employment with respect to hire, tenure, terms, conditions or privileges of employment, or a matter directly or indirectly related to employment because of race, color, religion, national origin, age, sex, height, weight or marital status. The Contractor shall inform the City of all claims or suits asserted against it by the Contractor's employees who work pursuant to this Agreement. The Contractor shall provide the City with periodic status reports concerning all such claims or suits, at intervals established by the City.

11. The Contractor shall not commence work under this Agreement until it has, at its sole expense, obtained the insurance required under this paragraph. All coverages shall be with insurance companies licensed and admitted to do business in the State of Michigan. All coverages shall be with carriers acceptable to the City of Birmingham.

12. The Contractor shall maintain during the life of this Agreement the types of insurance coverage and minimum limits as set forth below:

- A. Workers' Compensation Insurance: Contractor shall procure and maintain during the life of this Agreement, Workers' Compensation Insurance, including Employers Liability Coverage, in accordance with all applicable statutes of the State of Michigan.
- B. Commercial General Liability Insurance: Contractor shall procure and maintain during the life of this Agreement, Commercial General Liability Insurance on an "Occurrence Basis" with limits of liability not less than **\$1,000,000** per occurrence combined single limit, Personal Injury, Bodily Injury and Property Damage. Coverage shall include the following extensions: (A) Contractual Liability; (B) Products and Completed Operations; (C) Independent Contractors Coverage; (D) Broad Form General Liability Extensions or equivalent; (E) Deletion of all Explosion, Collapse and Underground (XCU) Exclusions, if applicable.
- C. Motor Vehicle Liability: Contractor shall procure and maintain during the life of this Agreement Motor Vehicle Liability Insurance, including all applicable no-fault coverages, with limits of liability of not less than \$1,000,000 per occurrence combined single limit Bodily Injury and Property Damage. Coverage shall include all owned vehicles, all non-owned vehicles, and all hired vehicles.
- D. Additional Insured: Commercial General Liability and Motor Vehicle Liability Insurance, as described above, shall include an endorsement stating the following shall be *Additional Insureds*: The City of Birmingham, including all elected and appointed officials, all employee and volunteers, all boards, commissions and/or authorities and board members, including employees and volunteers thereof. This coverage shall be primary to any other coverage that may be available to the additional insured, whether any other available coverage by primary, contributing or excess.

- E. Professional Liability: Professional liability insurance with limits of not less than \$1,000,000 per claim if Contractor will provide service that are customarily subject to this type of coverage.
- F. Pollution Liability Insurance: Contractor shall procure and maintain during the life of this Agreement Pollution Liability Insurance, with limits of liability of not less than \$1,000,000, per occurrence preferred, but claims made accepted.
- G. Owners Contractors Protective Liability: The Contractor shall procure and maintain during the life of this contract, an Owners Contractors Protective Liability Policy with limits of liability not less than \$3,000,000 per occurrence, combined single limit, Personal Injury, Bodily Injury and Property Damage. The City of Birmingham shall be "Name Insured" on said coverage. Thirty (30) days Notice of Cancellation shall apply to this policy.
- H. Cancellation Notice: Workers' Compensation Insurance, Commercial General Liability Insurance and Motor Vehicle Liability Insurance (and Professional Liability Insurance, if applicable), as described above, shall include an endorsement stating the following: "Thirty (30) days Advance Written Notice of Cancellation or Non-Renewal, shall be sent to: Finance Director, City of Birmingham, PO Box 3001, 151 Martin Street, Birmingham, MI 48012-3001.
- I. Proof of Insurance Coverage: Contractor shall provide the City of Birmingham at the time the Agreement is returned for execution, Certificates of Insurance and/or policies, acceptable to the City of Birmingham, as listed below.
- 1) Two (2) copies of Certificate of Insurance for Workers' Compensation Insurance;
  - 2) Two (2) copies of Certificate of Insurance for Commercial General Liability Insurance;
  - 3) Two (2) copies of Certificate of Insurance for Vehicle Liability Insurance;
  - 4) Two (2) copies of Certificate of Insurance for Professional Liability Insurance;
  - 5) If so requested, Certified Copies of all policies mentioned above will be furnished.
- J. Coverage Expiration: If any of the above coverages expire during the term of this Agreement, Contractor shall deliver renewal certificates and/or policies to the City of Birmingham at least (10) days prior to the expiration date.
- K. Maintaining Insurance: Upon failure of the Contractor to obtain or maintain such insurance coverage for the term of the Agreement, the City of Birmingham may, at its option, purchase such coverage and subtract the cost of obtaining such coverage from the Agreement amount. In obtaining such coverage, the City of Birmingham shall have no obligation to procure the most cost-effective coverage but may contract with any insurer for such coverage.



13. To the fullest extent permitted by law, the Contractor and any entity or person for whom the Contractor is legally liable, agrees to be responsible for any liability, defend, pay on behalf of, indemnify, and hold harmless the City of Birmingham, its elected and appointed officials, employees and volunteers and others working on behalf of the City of Birmingham against any and all claims, demands, suits, or loss, including all costs and reasonable attorney fees connected therewith, and for any damages which may be asserted, claimed or recovered against or from and the City of Birmingham, its elected and appointed officials, employees, volunteers or others working on behalf of the City of Birmingham, by reason of personal injury, including bodily injury and death and/or property damage, including loss of use thereof, which arises out of or is in any way connected or associated with this Agreement. Such responsibility shall not be construed as liability for damage caused by or resulting from the sole act or omission of its elected or appointed officials, employees, volunteers or others working on behalf of the City of Birmingham.

14. If, after the effective date of this Agreement, any official of the City, or spouse, child, parent or in-law of such official or employee shall become directly or indirectly interested in this Agreement or the affairs of the Contractor, the City shall have the right to terminate this Agreement without further liability to the Contractor if the disqualification has not been removed within thirty (30) days after the City has given the Contractor notice of the disqualifying interest. Ownership of less than one percent (1%) of the stock or other equity interest in a corporation or partnership shall not be a disqualifying interest. Employment shall be a disqualifying interest.

15. If Contractor fails to perform its obligations hereunder, the City may take any and all remedial actions provided by the general specifications or otherwise permitted by law.

16. All notices required to be sent pursuant to this Agreement shall be mailed to the following addresses:

City of Birmingham  
Attn: Carlos Jorge  
151 Martin Street  
Birmingham, MI 48009  
248-530-1882

CONTRACTOR  
(Contractor Information)

17. Any controversy or claim arising out of or relating to this Agreement, or the breach thereof, shall be settled either by commencement of a suit in Oakland County Circuit Court, the 48th District Court or by arbitration. If both parties elect to have the dispute resolved by arbitration, it shall be settled pursuant to Chapter 50 of the Revised Judicature Act for the State of Michigan and administered by the American Arbitration Association with one arbitrator being used, or three arbitrators in the event any party's claim exceeds \$1,000,000. Each party shall bear its own costs and expenses and an equal share of the arbitrator's and administrative fees of arbitration. Such arbitration shall qualify as statutory arbitration pursuant to MCL§600.5001 et. seq., and the

Michigan shall govern this Agreement, and the arbitration shall take place in Oakland County, Michigan. In the event that the parties elect not to have the matter in dispute arbitrated, any dispute between the parties may be resolved by the filing of a suit in the Oakland County Circuit Court or the 48th District Court.


18. FAIR PROCUREMENT OPPORTUNITY: Procurement for the City of Birmingham will be handled in a manner providing fair opportunity for all businesses. This will be accomplished without abrogation or sacrifice of quality and as determined to be in the best interest of the City of Birmingham.

**IN WITNESS WHEREOF, the said parties have caused this Agreement to be executed as of the date and year above written.**

WITNESSES:

Wm. Crook Fire Protection, Inc.

  
\_\_\_\_\_  
Kay L. Anglemier

By:   
\_\_\_\_\_  
Garrett Crook, Jr.  
Its: Vice President

**CITY OF BIRMINGHAM**

\_\_\_\_\_


By: \_\_\_\_\_  
Rackeline J. Hoff  
Its: Mayor


\_\_\_\_\_

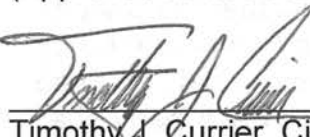
By: \_\_\_\_\_


Laura Pierce  
Its: City Clerk

Approved:

  
\_\_\_\_\_  
Carlos Jorge, Building Superintendent  
(Approved as to substance)

  
\_\_\_\_\_  
Mark Gerber, Director of Finance  
(Approved as to financial obligation)

  
\_\_\_\_\_  
Timothy J. Currier, City Attorney  
(Approved as to form)

  
\_\_\_\_\_  
Joseph Valentine., City Manager  
(Approved as to substance)

## **ATTACHMENT B - BIDDER'S AGREEMENT**

### **For "911 Pre-action System Relocation"**

---

In submitting this proposal, as herein described, the Contractor agrees that:

1. They have carefully examined the specifications, terms and Agreement of the Request for Proposal and all other provisions of this document and understand the meaning, intent, and requirement of it.
2. They will enter into a written contract and furnish the item or items in the time specified in conformance with the specifications and conditions contained therein for the price quoted by the proponent on this proposal.

---

**PREPARED BY**  
**(Print Name)**

---

**DATE**

---

**TITLE**

---

**DATE**

---

**AUTHORIZED SIGNATURE**

---

**E-MAIL ADDRESS**

---

**COMPANY**

---

**ADDRESS**

---

**PHONE**

---

**NAME OF PARENT COMPANY**

---

**PHONE**

---

**ADDRESS**

**ATTACHMENT C - COST PROPOSAL**  
**For “911 Pre-action System Relocation”**

---

**In order for the bid to be considered valid, this form must be completed in its entirety.** The cost for the Scope of Work as stated in the Request for Proposal documents shall be a lump sum, as follows:

***Attach technical specifications for all proposed materials as outlined in the Contractor’s Responsibilities section of the RFP (p. 6)***

COST PROPOSAL	
ITEM	BID AMOUNT
Materials & Equipment	\$
Labor	\$
Miscellaneous (Attach Detailed Description)	\$
<b>TOTAL BID AMOUNT</b>	\$

Firm Name\_\_\_\_\_

Authorized signature\_\_\_\_\_ Date\_\_\_\_\_

**ATTACHMENT D - IRAN SANCTIONS ACT VENDOR CERTIFICATION FORM**  
**For "911 Pre-action System Relocation"**

---

Pursuant to Michigan Law and the Iran Economic Sanction Act, 2012 PA 517 ("Act"), prior to the City accepting any bid or proposal, or entering into any contract for goods or services with any prospective Vendor, the Vendor must certify that it is not an "Iran Linked Business", as defined by the Act.

By completing this form, the Vendor certifies that it is not an "Iran Linked Business", as defined by the Act and is in full compliance with all provisions of the Act and is legally eligible to submit a bid for consideration by the City.

---

**PREPARED BY**  
**(Print Name)**

---

**DATE**

---

**TITLE**

---

**DATE**

---

**AUTHORIZED SIGNATURE**

---

**E-MAIL ADDRESS**

---

**COMPANY**

---

**ADDRESS**

---

**PHONE**

---

**NAME OF PARENT COMPANY**

---

**PHONE**

---

**ADDRESS**

---

**TAXPAYER I.D.#**

## ATTACHMENT B - BIDDER'S AGREEMENT

### For "911 Pre-action System Relocation"

In submitting this proposal, as herein described, the Contractor agrees that:

1. They have carefully examined the specifications, terms and Agreement of the Request for Proposal and all other provisions of this document and understand the meaning, intent, and requirement of it.
2. They will enter into a written contract and furnish the item or items in the time specified in conformance with the specifications and conditions contained therein for the price quoted by the proponent on this proposal.

Garrett Crook, Jr.

March 8, 2016

**PREPARED BY**  
**(Print Name)**

**DATE**

Vice President

**TITLE**

**DATE**



garrett@crookfire.com

**AUTHORIZED SIGNATURE**

**E-MAIL ADDRESS**

Wm. Crook Fire Protection Co.

**COMPANY**

211 East Lincoln, Royal Oak, MI 48067 (248) 543-6888

**ADDRESS**

**PHONE**

Same as above

**NAME OF PARENT COMPANY**

**PHONE**

**ADDRESS**

**ATTACHMENT C - COST PROPOSAL**  
**For "911 Pre-action System Relocation"**

---

In order for the bid to be considered valid, this form must be completed in its entirety. The cost for the Scope of Work as stated in the Request for Proposal documents shall be a lump sum, as follows:

***Attach technical specifications for all proposed materials as outlined in the Contractor's Responsibilities section of the RFP (p. 6)***

COST PROPOSAL	
ITEM	BID AMOUNT
Materials & Equipment	\$ 1,900.00
Labor	\$ 6,500.00
Miscellaneous (Attach Detailed Description) Sub	\$ 4,600.00
<b>TOTAL BID AMOUNT</b>	<b>\$ 13,000.00</b>

Firm Name Wm. Crook Fire Protection Co.

Authorized signature



Date March 8, 2016

Garrett Crook, Jr., Vice President

**ATTACHMENT D - IRAN SANCTIONS ACT VENDOR CERTIFICATION FORM**  
**For "911 Pre-action System Relocation"**

---

Pursuant to Michigan Law and the Iran Economic Sanction Act, 2012 PA 517 ("Act"), prior to the City accepting any bid or proposal, or entering into any contract for goods or services with any prospective Vendor, the Vendor must certify that it is not an "Iran Linked Business", as defined by the Act.

By completing this form, the Vendor certifies that it is not an "Iran Linked Business", as defined by the Act and is in full compliance with all provisions of the Act and is legally eligible to submit a bid for consideration by the City.

Garrett Crook, Jr.	March 8, 2016
<b>PREPARED BY</b> (Print Name)	<b>DATE</b>
Vice President	
<b>TITLE</b>	<b>DATE</b>
	
<b>AUTHORIZED SIGNATURE</b>	<b>E-MAIL ADDRESS</b>
Wm. Crook Fire Protection Co	garrett@crookfire.com
<b>COMPANY</b>	
211 East Lincoln, Royal Oak, MI 48067	(248) 543-6888
<b>ADDRESS</b>	<b>PHONE</b>
Same as above	
<b>NAME OF PARENT COMPANY</b>	<b>PHONE</b>
<b>ADDRESS</b>	
38 1710758	
<b>TAXPAYER I.D.#</b>	



**ATTACHMENT A - AGREEMENT**  
**For "911 Pre-action System Relocation"**

---

This AGREEMENT, made this \_\_\_\_\_ day of \_\_\_\_\_, 2016, by and between CITY OF BIRMINGHAM, having its principal municipal office at 151 Martin Street, Birmingham, MI (hereinafter sometimes called "City"), and Wm. Crook Fire Protection Co., having its principal office at 211 East Lincoln, Royal Oak, MI 48067 (hereinafter called "Contractor"), provides as follows:

**WITNESSETH:**

**WHEREAS**, the City of Birmingham, through its Maintenance Department, is desirous of having work completed to relocate the existing fire pre action system for the 911 center and computer room located at the first floor of the police department in the City of Birmingham.

**WHEREAS**, the City has heretofore advertised for bids for the procurement and performance of services required to provide all engineering, fabrication, labor, materials and equipment required to relocate the existing pre-action system riser and air compressor from the first floor janitors closet into the mechanical room in the basement directly below, and in connection therewith has prepared a request for sealed proposals ("RFP"), which includes certain instructions to bidders, specifications, terms and conditions.

**WHEREAS**, the Contractor has professional qualifications that meet the project requirements and has made a bid in accordance with such request for cost proposals to relocate the existing pre-action system riser and air compressor from the first floor janitors closet into the basement directly below.

**NOW, THEREFORE**, for and in consideration of the respective agreements and undertakings herein contained, the parties agree as follows:

1. It is mutually agreed by and between the parties that the documents consisting of the Request for Proposal to relocate the existing pre-action system riser and air compressor from the first floor janitors closet into the mechanical room in the basement directly below and the Contractor's cost proposal dated March 8, 2016 shall be incorporated herein by reference and shall become a part of this Agreement, and shall be binding upon both parties hereto. If any of the documents are in conflict with one another, this Agreement shall take precedence, then the RFP.
2. The City shall pay the Contractor for the performance of this Agreement in an amount not to exceed \$ 13,000.00, as set forth in the Contractor's March 8, 2016 cost proposal.
3. This Agreement shall commence upon execution by both parties, unless the City exercises its option to terminate the Agreement in accordance with the Request for Proposals.

4. The Contractor shall employ personnel of good moral character and fitness in performing all services under this Agreement.
5. The Contractor and the City agree that the Contractor is acting as an independent Contractor with respect to the Contractor 's role in providing services to the City pursuant to this Agreement, and as such, shall be liable for its own actions and neither the Contractor nor its employees shall be construed as employees of the City. Nothing contained in this Agreement shall be construed to imply a joint venture or partnership and neither party, by virtue of this Agreement, shall have any right, power or authority to act or create any obligation, express or implied, on behalf of the other party, except as specifically outlined herein. Neither the City nor the Contractor shall be considered or construed to be the agent of the other, nor shall either have the right to bind the other in any manner whatsoever, except as specifically provided in this Agreement, and this Agreement shall not be construed as a contract of agency. The Contractor shall not be entitled or eligible to participate in any benefits or privileges given or extended by the City, or be deemed an employee of the City for purposes of federal or state withholding taxes, FICA taxes, unemployment, workers' compensation or any other employer contributions on behalf of the City.
6. The Contractor acknowledges that in performing services pursuant to this Agreement, certain confidential and/or proprietary information (including, but not limited to, internal organization, methodology, personnel and financial information, etc.) may become involved. The Contractor recognizes that unauthorized exposure of such confidential or proprietary information could irreparably damage the City. Therefore, the Contractor agrees to use reasonable care to safeguard the confidential and proprietary information and to prevent the unauthorized use or disclosure thereof. The Contractor shall inform its employees of the confidential or proprietary nature of such information and shall limit access thereto to employees rendering services pursuant to this Agreement. The Contractor further agrees to use such confidential or proprietary information only for the purpose of performing services pursuant to this Agreement.
7. This Agreement shall be governed by and performed, interpreted and enforced in accordance with the laws of the State of Michigan. The Contractor agrees to perform all services provided for in this Agreement in accordance with and in full compliance with all local, state and federal laws and regulations.
8. If any provision of this Agreement is declared invalid, illegal or unenforceable, such provision shall be severed from this Agreement and all other provisions shall remain in full force and effect.
9. This Agreement shall be binding upon the successors and assigns of the parties hereto, but no such assignment shall be made by the Contractor without the prior written consent of the City. Any attempt at assignment without prior written consent shall be void and of no effect.

10. The Contractor agrees that neither it nor its subcontractors will discriminate against any employee or applicant for employment with respect to hire, tenure, terms, conditions or privileges of employment, or a matter directly or indirectly related to employment because of race, color, religion, national origin, age, sex, height, weight or marital status. The Contractor shall inform the City of all claims or suits asserted against it by the Contractor's employees who work pursuant to this Agreement. The Contractor shall provide the City with periodic status reports concerning all such claims or suits, at intervals established by the City.
11. The Contractor shall not commence work under this Agreement until it has, at its sole expense, obtained the insurance required under this paragraph. All coverages shall be with insurance companies licensed and admitted to do business in the State of Michigan. All coverages shall be with carriers acceptable to the City of Birmingham.
12. The Contractor shall maintain during the life of this Agreement the types of insurance coverage and minimum limits as set forth below:
  - A. Workers' Compensation Insurance: Contractor shall procure and maintain during the life of this Agreement, Workers' Compensation Insurance, including Employers Liability Coverage, in accordance with all applicable statutes of the State of Michigan.
  - B. Commercial General Liability Insurance: Contractor shall procure and maintain during the life of this Agreement, Commercial General Liability Insurance on an "Occurrence Basis" with limits of liability not less than **\$1,000,000** per occurrence combined single limit, Personal Injury, Bodily Injury and Property Damage. Coverage shall include the following extensions: (A) Contractual Liability; (B) Products and Completed Operations; (C) Independent Contractors Coverage; (D) Broad Form General Liability Extensions or equivalent; (E) Deletion of all Explosion, Collapse and Underground (XCU) Exclusions, if applicable.
  - C. Motor Vehicle Liability: Contractor shall procure and maintain during the life of this Agreement Motor Vehicle Liability Insurance, including all applicable no-fault coverages, with limits of liability of not less than \$1,000,000 per occurrence combined single limit Bodily Injury and Property Damage. Coverage shall include all owned vehicles, all non-owned vehicles, and all hired vehicles.
  - D. Additional Insured: Commercial General Liability and Motor Vehicle Liability Insurance, as described above, shall include an endorsement stating the following shall be *Additional Insureds*: The City of Birmingham, including all elected and appointed officials, all employee and volunteers, all boards, commissions and/or authorities and board members, including employees and volunteers thereof. This coverage shall be primary to any other coverage that may be available to the additional insured, whether any other available coverage by primary, contributing or excess.

- E. Professional Liability: Professional liability insurance with limits of not less than \$1,000,000 per claim if Contractor will provide service that are customarily subject to this type of coverage.
- F. Pollution Liability Insurance: Contractor shall procure and maintain during the life of this Agreement Pollution Liability Insurance, with limits of liability of not less than \$1,000,000, per occurrence preferred, but claims made accepted.
- G. Owners Contractors Protective Liability: The Contractor shall procure and maintain during the life of this contract, an Owners Contractors Protective Liability Policy with limits of liability not less than \$3,000,000 per occurrence, combined single limit, Personal Injury, Bodily Injury and Property Damage. The City of Birmingham shall be "Name Insured" on said coverage. Thirty (30) days Notice of Cancellation shall apply to this policy.
- H. Cancellation Notice: Workers' Compensation Insurance, Commercial General Liability Insurance and Motor Vehicle Liability Insurance (and Professional Liability Insurance, if applicable), as described above, shall include an endorsement stating the following: "Thirty (30) days Advance Written Notice of Cancellation or Non-Renewal, shall be sent to: Finance Director, City of Birmingham, PO Box 3001, 151 Martin Street, Birmingham, MI 48012-3001.
- I. Proof of Insurance Coverage: Contractor shall provide the City of Birmingham at the time the Agreement is returned for execution, Certificates of Insurance and/or policies, acceptable to the City of Birmingham, as listed below.
- 1) Two (2) copies of Certificate of Insurance for Workers' Compensation Insurance;
  - 2) Two (2) copies of Certificate of Insurance for Commercial General Liability Insurance;
  - 3) Two (2) copies of Certificate of Insurance for Vehicle Liability Insurance;
  - 4) Two (2) copies of Certificate of Insurance for Professional Liability Insurance;
  - 5) If so requested, Certified Copies of all policies mentioned above will be furnished.
- J. Coverage Expiration: If any of the above coverages expire during the term of this Agreement, Contractor shall deliver renewal certificates and/or policies to the City of Birmingham at least (10) days prior to the expiration date.
- K. Maintaining Insurance: Upon failure of the Contractor to obtain or maintain such insurance coverage for the term of the Agreement, the City of Birmingham may, at its option, purchase such coverage and subtract the cost of obtaining such coverage from the Agreement amount. In obtaining such coverage, the City of Birmingham shall have no obligation to procure the most cost-effective coverage but may contract with any insurer for such coverage.
13. To the fullest extent permitted by law, the Contractor and any entity or person for whom the Contractor is legally liable, agrees to be responsible for any liability,

defend, pay on behalf of, indemnify, and hold harmless the City of Birmingham, its elected and appointed officials, employees and volunteers and others working on behalf of the City of Birmingham against any and all claims, demands, suits, or loss, including all costs and reasonable attorney fees connected therewith, and for any damages which may be asserted, claimed or recovered against or from and the City of Birmingham, its elected and appointed officials, employees, volunteers or others working on behalf of the City of Birmingham, by reason of personal injury, including bodily injury and death and/or property damage, including loss of use thereof, which arises out of or is in any way connected or associated with this Agreement. Such responsibility shall not be construed as liability for damage caused by or resulting from the sole act or omission of its elected or appointed officials, employees, volunteers or others working on behalf of the City of Birmingham.

14. If, after the effective date of this Agreement, any official of the City, or spouse, child, parent or in-law of such official or employee shall become directly or indirectly interested in this Agreement or the affairs of the Contractor, the City shall have the right to terminate this Agreement without further liability to the Contractor if the disqualification has not been removed within thirty (30) days after the City has given the Contractor notice of the disqualifying interest. Ownership of less than one percent (1%) of the stock or other equity interest in a corporation or partnership shall not be a disqualifying interest. Employment shall be a disqualifying interest.
15. If Contractor fails to perform its obligations hereunder, the City may take any and all remedial actions provided by the general specifications or otherwise permitted by law.
16. All notices required to be sent pursuant to this Agreement shall be mailed to the following addresses:

City of Birmingham  
Attn: Carlos Jorge  
151 Martin Street  
Birmingham, MI 48009  
248-530-1882

Wm. Crook Fire Protection Co.  
Attn: Garrett Crook, Jr.  
211 East Lincoln  
Royal Oak, MI 48067  
248-543-6888

17. Any controversy or claim arising out of or relating to this Agreement, or the breach thereof, shall be settled either by commencement of a suit in Oakland County Circuit Court, the 48th District Court or by arbitration. If both parties elect to have the dispute resolved by arbitration, it shall be settled pursuant to Chapter 50 of the Revised Judicature Act for the State of Michigan and administered by the American Arbitration Association with one arbitrator being used, or three arbitrators in the event any party's claim exceeds \$1,000,000. Each party shall bear its own costs and expenses and an equal share of the arbitrator's and administrative fees of arbitration. Such arbitration shall qualify as statutory arbitration pursuant to MCL§600.5001 et. seq., and the Oakland County Circuit Court or any court having jurisdiction shall render judgment upon the award of the arbitrator made pursuant to this Agreement. The laws of the State of

Michigan shall govern this Agreement, and the arbitration shall take place in Oakland County, Michigan. In the event that the parties elect not to have the matter in dispute arbitrated, any dispute between the parties may be resolved by the filing of a suit in the Oakland County Circuit Court or the 48th District Court.

18. FAIR PROCUREMENT OPPORTUNITY: Procurement for the City of Birmingham will be handled in a manner providing fair opportunity for all businesses. This will be accomplished without abrogation or sacrifice of quality and as determined to be in the best interest of the City of Birmingham.

**IN WITNESS WHEREOF, the said parties have caused this Agreement to be executed as of the date and year above written.**

WITNESSES:

Wm. Crook Fire Protection, Inc.

\_\_\_\_\_

By: \_\_\_\_\_  
Garrett Crook, Jr.  
Its: Vice President

**CITY OF BIRMINGHAM**

\_\_\_\_\_

By: \_\_\_\_\_  
Rackeline J. Hoff  
Its: Mayor

\_\_\_\_\_

By: \_\_\_\_\_  
Laura Pierce  
Its: City Clerk

Approved:

\_\_\_\_\_  
Carlos Jorge, Building Superintendent  
(Approved as to substance)

\_\_\_\_\_  
Mark Gerber, Director of Finance  
(Approved as to financial obligation)

\_\_\_\_\_  
Timothy J. Currier, City Attorney  
(Approved as to form)

\_\_\_\_\_  
Joseph Valentine., City Manager  
(Approved as to substance)

**NOTICE OF PUBLIC HEARINGS**  
**BIRMINGHAM CITY COMMISSION**  
**PUBLIC HEARING OF NECESSITY**  
**PUBLIC HEARING OF CONFIRMATION**

Meeting Date, Time, Location:	HEARING OF NECESSITY FOR SPECIAL ASSESSMENT DISTRICT Monday, April 11, 2016, 7:30 PM Municipal Building, 151 Martin, Birmingham, MI
Meeting Date, Time, Location:	HEARING OF CONFIRMATION FOR SPECIAL ASSESSMENT DISTRICT Monday, April 25, 2016, 7:30 PM Municipal Building, 151 Martin, Birmingham, MI
Location:	Hamilton Avenue Paving Project Area
Nature of Improvement:	Installation of new street lights where none currently exist.
City Staff Contact:	Paul O'Meara 248.530.1836 <a href="mailto:pomeara@bhamgov.org">pomeara@bhamgov.org</a>
Notice Requirements:	Mail to affected property owners Publish March 27 <sup>th</sup> and April 3 <sup>rd</sup> , 2016
Approved minutes may be reviewed at:	City Clerk's Office

You or your agent may appear at the hearings to express your views; however, if you fail to protest either in person or by letter received on or before the date of the hearing, you cannot appeal the amount of the special assessment to the Michigan Tax Tribunal. Mail any correspondence to: City Clerk, P.O. Box 3001, Birmingham, MI 48012.

The property owner may file a written appeal of the special assessment with the State Tax Tribunal within 30 days after the confirmation of the special assessment roll if that special assessment was protested at the hearing held for the purpose of confirming the roll.

All special assessments, including installment payments, shall, from the date of the confirmation thereof, constitute a lien on the respective lots or parcels assessed, and until paid shall be charged against the respective owners of the lots or parcels assessed.

Persons with disabilities needing accommodations for effective participation in this meeting should contact the City Clerk's Office at 248.530.1880 (voice) or 248.644.5115 (TDD) at least one day in advance to request mobility, visual, hearing or other assistance.



## MEMORANDUM

Engineering Dept.

**DATE:** April 1, 2016

**TO:** Joseph Valentine, City Manager

**FROM:** Paul T. O'Meara, City Engineer

**SUBJECT:** Hamilton Ave. Paving Project  
Street Lights Special Assessment  
Public Hearing

Previously the City Commission has received reports from City staff regarding the proposed construction of the above referenced street. As a part of the streetscape upgrade portion of this project, all existing street lights are being removed and replaced. Per past practice, new street lights will have the upgraded posts that contain electrical outlets for tree lights in the winter. When first installed in the 1970's, no street lights were installed in front of two properties, as explained in the previous report. To ensure that the entire area has a uniform appearance and lighting level, a total of four street lights (two each on two properties) are proposed. A special assessment district is being proposed to cover the cost of this work, which will be charged to the City by DTE Energy. The cost for two lights, and the cost of the special assessment district, is proposed to be \$10,497.38 for each of the two property owners.

The Commission approved scheduling a public hearing pertaining to the creation of an assessment district to cover the cost of new street lights for Monday, April 11, 2016. Should the project be authorized that at that meeting, a hearing of confirmation has also been approved for Monday, April 25, 2016. Soon after the hearing date was set, I personally contacted and discussed the issue with the owners of the two properties. The attached public hearing notice was mailed as well.

### SUGGESTED RESOLUTION:

To receive the report regarding new street lights on Hamilton Ave. from N. Old Woodward Ave. to Woodward Ave., and Park St. from Hamilton Ave. to E. Maple Rd.

WHEREAS, The City Commission is of the opinion that construction of the improvement herein is declared a necessity; and

RESOLVED, that there be constructed an improvement to be hereinafter known as

### HAMILTON AVE. STREET LIGHTS

consisting of the installation of new street lights by DTE Energy conforming to those installed elsewhere within the Central Business District, be it further



RESOLVED, that at such time as the Assessor is directed to prepare the assessment roll, one-hundred percent (100%) of the estimated cost be levied against the assessment district, be it further

RESOLVED, that there be a special assessment district created and special assessments levied in accordance with benefits against the properties within such assessment district, said special assessment district shall be all properties, both public and private, within the following district:

**"Assessor's Plat No. 21"**

The easterly 50.98 ft. of lot 10, lots 42 through 44 inclusive except for that portion taken for Park St. right-of-way, lot 70.

RESOLVED, that the Commission shall meet on Monday, April 25, 2016, at 7:30 P.M., for the purpose of conducting a public hearing to confirm the roll for the Hamilton Ave. Street Lights.



## MEMORANDUM

Engineering Dept.

**DATE:** March 10, 2016

**TO:** Joseph A. Valentine, City Manager

**FROM:** Paul T. O'Meara, City Engineer

**SUBJECT:** Hamilton Ave. Paving Project  
Street Lighting Special Assessment District

---

In the 1970's, pedestrian sized street lighting was installed on City sidewalks around the majority of the Central Business District. The cost of this work was special assessed to the adjacent business owners. The cost of replacing these lights, when initiated by the City as part of a streetscape project, has been paid for under the Capital Improvement Fund, in consideration of the fact that these buildings had been assessed for this before. Street lights were not installed on the side frontages of two buildings within the Hamilton Ave. Paving Project area. They are:

220 Park St.  
395 E. Maple Rd.

An attached map clarifies the location of these properties.

It is anticipated that once the partially vacant property at 35001-35075 Woodward Ave. is redeveloped, they will be installing new streetscape and street lights on their Hamilton Ave. and Park St. frontages. In order to make the street lighting system complete on these two blocks, street lights should be installed adjacent to these buildings as well.

Two lights are proposed in front of each buildings' side frontages. Based on the cost being charged by DTE Energy, it is appropriate to pass this direct cost to these building owners. The cost of two lights each would be \$10,497.38. Like other special assessment districts, it is recommended that the owners would have the option of spreading these payments out over a ten year period, with interest, if so desired.

It is recommended that a public hearing of necessity be scheduled at the Monday, April 11, 2016 City Commission meeting. It is further recommended that the public hearing to confirm the roll be held on Monday, April 25, 2016 at the suggested price of \$10,497.38 per property.


SUGGESTED RESOLUTION:

RESOLVED, that the City Commission shall meet on Monday, April 11, 2016, at 7:30 P.M., for the purpose of conducting a public hearing of necessity for the installation of new street lights where none currently exist within the Hamilton Ave. Paving project area. Be it further

RESOLVED, that the City Commission meet on Monday, April 25, 2016, at 7:30 P.M. for the purpose of conducting a public hearing to confirm the roll for the installation of street lights where none currently exist in the Hamilton Ave. Paving project area.



**Legend**

 Street Light Special Assessment



RINDALE AVE

OAKLAND AVE

PARK ST

RIDGEDALE AVE

KNOX ST

POPPLETON ST

W MAPLE AVE

N OLD WOODWARD AVE

E MAPLE AVE

PIERCE ST

S HUNTER BLVD

**LEGEND**

- SET NEW POLE
- CABLE POLE / RISER
- POSITION OF SWEEP UP CABLE POLE
- BURIED PRIMARY CABLE (ALL VOLTAGES)
- BURIED SECONDARY CABLE
- SINGLE DUCT OCCUPIED
- DOUBLE DUCT 1 - OCCUPIED
- SINGLE DUCT-TO BLIND END FOR FUTURE USE
- PAD-MOUNTED TRANSFORMER
- DIRECTION OF TRANSFORMER DOOR OPENING
- GUARD POST
- P.S.C PRIMARY SWITCH CABINET
- S.C.C SEPARABLE CONNECTION CABINET

**WL 1:**  
IN: POST CODE 51A  
IN: FOUNDATION TYPE S98L CONCRETE  
IN: UG MULTIPLE LED 85 LU RICHLAND  
L 85 AFS893 -- 7205 BIHAM -- O050 -- 563 -- B

**WL 2:**  
IN: POST CODE 51A  
IN: FOUNDATION TYPE S98L CONCRETE  
IN: UG MULTIPLE LED 85 LU RICHLAND  
L 85 AFS896 -- 7205 BIHAM -- O050 -- 563 -- R

**WL 3:**  
IN: POST CODE 51A  
IN: FOUNDATION TYPE S98L CONCRETE  
IN: UG MULTIPLE LED 85 LU RICHLAND  
L 85 AFS898 -- 7205 BIHAM -- O050 -- 563 -- B

**WL 4:**  
IN: POST CODE 51A  
IN: FOUNDATION TYPE S98L CONCRETE  
IN: UG MULTIPLE LED 85 LU RICHLAND  
L 85 AFS900 -- 7205 BIHAM -- O050 -- 563 -- R

**WL 5:**  
IN: POST CODE 51A  
IN: FOUNDATION TYPE S98L CONCRETE  
IN: UG MULTIPLE LED 85 LU RICHLAND  
L 85 AFS901 -- 7205 BIHAM -- O050 -- 563 -- B

**WL 6:**  
IN: POST CODE 51A  
IN: FOUNDATION TYPE S98L CONCRETE  
IN: UG MULTIPLE LED 85 LU RICHLAND  
L 85 AFS902 -- 7205 BIHAM -- O050 -- 563 -- R

**WL 7:**  
IN: POST CODE 51A  
IN: FOUNDATION TYPE S98L CONCRETE  
IN: UG MULTIPLE LED 85 LU RICHLAND  
L 85 AFS904 -- 7205 BIHAM -- O050 -- 563 -- B

**WL 8:**  
IN: POST CODE 51A  
IN: FOUNDATION TYPE S98L CONCRETE  
IN: UG MULTIPLE LED 85 LU RICHLAND  
L 85 AFS906 -- 7205 BIHAM -- O050 -- 563 -- R

**WL 9:**  
IN: POST CODE 51A  
IN: FOUNDATION TYPE S98L CONCRETE  
IN: UG MULTIPLE LED 85 LU RICHLAND  
L 85 AFS907 -- 7205 BIHAM -- O050 -- 563 -- B

**WL 10:**  
IN: UG MULTIPLE LED 85 LU RICHLAND  
L 85 AFS908 -- 7205 BIHAM -- O050 -- 563 -- R  
IN: POST CODE 51A  
IN: FOUNDATION TYPE S98L CONCRETE

**WL 11:**  
IN: POST CODE 51A  
IN: FOUNDATION TYPE S98L CONCRETE  
IN: UG MULTIPLE LED 85 LU RICHLAND  
L 85 AFS915 -- 7205 BIHAM -- O050 -- 563 -- B

**WL 12:**  
IN: POST CODE 51A  
IN: FOUNDATION TYPE S98L CONCRETE  
IN: UG MULTIPLE LED 85 LU RICHLAND  
L 85 AFS912 -- 7205 BIHAM -- O050 -- 563 -- R

**WL 13:**  
IN: POST CODE 51A  
IN: FOUNDATION TYPE S98L CONCRETE  
IN: UG MULTIPLE LED 85 LU RICHLAND  
L 85 AFS911 -- 7702 BIHAM -- O050 -- 563 -- B

**WL 14:**  
IN: POST CODE 51A  
IN: FOUNDATION TYPE S98L CONCRETE  
IN: UG MULTIPLE LED 85 LU RICHLAND  
L 85 AFS894 -- 7205 BIHAM -- O050 -- 563 -- R

**WL 15:**  
IN: POST CODE 51A  
IN: FOUNDATION TYPE S98L CONCRETE  
IN: UG MULTIPLE LED 85 LU RICHLAND  
L 85 AFS895 -- 7205 BIHAM -- O050 -- 563 -- B

**WL 16:**  
IN: POST CODE 51A  
IN: FOUNDATION TYPE S98L CONCRETE  
IN: UG MULTIPLE LED 85 LU RICHLAND  
L 85 AFS897 -- 7205 BIHAM -- O050 -- 563 -- R

**WL 17:**  
IN: POST CODE 51A  
IN: FOUNDATION TYPE S98L CONCRETE  
IN: UG MULTIPLE LED 85 LU RICHLAND  
L 85 AFS899 -- 7205 BIHAM -- O050 -- 563 -- B

**WL 18:**  
IN: POST CODE 51A  
IN: FOUNDATION TYPE S98L CONCRETE  
IN: UG MULTIPLE LED 85 LU RICHLAND  
L 85 AFS903 -- 7205 BIHAM -- O050 -- 563 -- R

**WL 19:**  
IN: POST CODE 51A  
IN: FOUNDATION TYPE S98L CONCRETE  
IN: UG MULTIPLE LED 85 LU RICHLAND  
L 85 AFS905 -- 7205 BIHAM -- O050 -- 563 -- B

**WL 20:**  
IN: POST CODE 51A  
IN: FOUNDATION TYPE S98L CONCRETE  
IN: UG MULTIPLE LED 85 LU RICHLAND  
L 85 AFS919 -- 7205 BIHAM -- O050 -- 563 -- R

**WL 21:**  
IN: UG MULTIPLE LED 85 LU RICHLAND  
L 85 AFS918 -- 7205 BIHAM -- O050 -- 563 -- B  
IN: POST CODE 51A  
IN: FOUNDATION TYPE S98L CONCRETE

**WL 22:**  
IN: POST CODE 51A  
IN: FOUNDATION TYPE S98L CONCRETE  
IN: UG MULTIPLE LED 85 LU RICHLAND  
L 85 AFS917 -- 7205 BIHAM -- O050 -- 563 -- R

**WL 23:**  
IN: POST CODE 51A  
IN: FOUNDATION TYPE S98L CONCRETE  
IN: UG MULTIPLE LED 85 LU RICHLAND  
L 85 AFS916 -- 7205 BIHAM -- O050 -- 563 -- B

**WL 24:**  
IN: POST CODE 51A  
IN: FOUNDATION TYPE S98L CONCRETE  
IN: UG MULTIPLE LED 85 LU RICHLAND  
L 85 AFS914 -- 7205 BIHAM -- O050 -- 563 -- R

**WL 25:**  
IN: POST CODE 51A  
IN: FOUNDATION TYPE S98L CONCRETE  
IN: UG MULTIPLE LED 85 LU RICHLAND  
L 85 AFS913 -- 7205 BIHAM -- O050 -- 563 -- B

**WL 26:**  
IN: POST CODE 51A  
IN: FOUNDATION TYPE S98L CONCRETE  
IN: UG MULTIPLE LED 85 LU RICHLAND  
L 85 AFS910 -- 7702 BIHAM -- O050 -- 563 -- R

**WL 28:- WL 31**  
IN: UG CUBE TAP

Streetlight Billing Summary				
O050 - BIRMINGHAM CITY OF				
7205 BIHAM	IN	24	*563	
7702 BIHAM	IN	2	*563	
Created on: 3/9/2016 1:31:18 PM				

27

Trench-Bore Summary			
Type	Occupants		Length
ST LT - BORE - IN CONDUIT	E		1752
		Total	= 1752

Cable Summary		
Type	Legacy Stock # /SAP #	Length
IN #2 ALX2 - #4 ALX1	713-0878/100075024	1834

Created on: 3/9/2016 1:44:01 PM

PWO# 44571430

<b>DTE Energy</b>											
<b>DTE Electric - Distribution Engineering and Planning</b>											
Service Planner						Work Order Description					
WorkOrder Owner						CWO NBUS - 27 UG - HAMILTON AVE PAVING PROJECT - BIRMINGHAM					
Phone						Work Order #		GIS-DSN		CCH	
WO Owner Telephone						44573761				CUL	
Supervisor						Circuit #1		Circuit #2		PH	
WO Supervisor						Service Center		Worksite City		Worksite Twp	
Phone						PON		Geographic City		Geographic Township	
Planning Engineer						JU Work to be Performed				JU	
WO Supervisor Telephone						Contact		Email		Phone	
Phone						JU Company		Contact		Email	
						CUE Number		Ver		Plot Date	
						606010		1		3/9/2016	
						Scale		Town		Range	
								Section		Qtr	
								Town		Range	
								Section			



## MEMORANDUM

Planning Division

**DATE:** April 4, 2016

**TO:** Joseph A. Valentine, City Manager

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

**SUBJECT:** 2016 Spring Initial Screening for Bistro Applicants

---

In 2007, the City Commission adopted changes to both Chapter 10, Alcoholic Liquors, and Chapter 126, Zoning of the City Code to create a new bistro program that encourages the establishment of small, diverse restaurants in defined areas of the City. The bistro program was established shortly after the State of Michigan passed legislation allowing for the sale of inexpensive liquor licenses, over and above the existing quota licenses in Birmingham, to be sold by the State, without local approval, within qualified Principal Shopping Districts and Downtown Development Authorities. The ordinance changes to the City Code were adopted to control the number and location of any new licenses purchased for use in the City, and to control the nature and size of the licensed establishments that could be created. Please find attached for your reference the following:

- **Appendix A:** Excerpts from Chapter 10, Alcoholic Liquors, of the City Code establishing the authority of the City Commission to approve up to 2 bistro licenses per year;
- **Appendix B:** A sample bistro contract for execution by the proprietors of all bistros (as required by the City Code);
- **Appendix C:** Excerpts from Chapter 126, Zoning, of the City Code establishing the definition of a bistro, applicable development standards for bistros, permissible locations for bistros, and the location of the Red Line Retail district;
- **Appendix D:** The Resolution approved by the City Commission in 2011 establishing the bistro application process; and
- **Appendix E:** A map of all existing bistros within the City of Birmingham, charts with details on all existing bistros in the City, and a summary of the retail mix downtown.

On September 12, 2011, the City Commission established a new process that altered the bistro application process from the previous "first come, first served" policy (see **Appendix D** for full resolution). The policy for the 2016 bistro license application process is now as follows:

1. Deadline for the initial review of 2016 bistro applications is October 1, 2015.
2. The City Commission will consider only those initial reviews that are filed with the Planning Department on or before October 1, 2015.

All bistro applications submitted for initial review must contain only the following information in 5 pages or less:



- A brief description of the bistro concept proposed, including type of food to be served, price point, ambience of bistro, unique characteristics of the operation, if any, and an explanation of how this concept will enhance the current mix of commercial uses in Birmingham;
- Proposed location, hours of operation and date of opening;
- Name of owner/operator and outline of previous restaurant experience; and
- Evidence of financial ability to construct and operate the proposed bistro.

3. All bistro applications received by October 1, 2015 that meet the requirements outlined above will be reviewed by the City Commission on October 12, 2015 for prioritization based on the proposed bistro concept, proposed location within the City, potential impact on the City, and the capability of the proposed owner/operator. Each applicant will be given a time limit to verbally present their concepts to the City Commission. No PowerPoint presentations, display boards or other visual aids will be permitted.

4. The City Commission will prioritize all initial applications received, and will direct the top applications to the Planning Board for full site plan and design review and Special Land Use Permit review.

5. All bistro applications forwarded to the Planning Board for full review will be required to provide additional information as required for review of the bistro as a SLUP including site plans, floor plans, sample menus, interior design details, evidence of financial capability, as well as any other information requested by the Planning Board.

6. All detailed applications directed to the Planning Board from the City Commission will be reviewed during public hearings conducted during a single Planning Board meeting within 90 days of the initial review by the City Commission.

7. All bistro applications will be evaluated by the Planning Board based on the criteria set forth in Chapter 10, Alcoholic Liquors, Division 4, Selection Criteria, and up to two applications will be recommended for approval to the City Commission. All applications will be assigned a priority ranking by the Planning Board.

8. All bistro applications reviewed by the Planning Board will be forwarded to the City Commission for a detailed review and approval/denial in the order of the ranking assigned by the Planning Board.

9. The City Commission will conduct public hearings to review the selected bistro applications and determine which, if any, bistros to approve for 2016, up to a maximum of two approvals.

10. In the event that two bistro approvals are not granted as a result of the fall review period, the City will accept additional bistro applications for the current calendar year on or before **April 1st**.

11. All bistro applications received in this second round will be reviewed and ranked by the Planning Board using the same review process noted in steps 2 through 9 above.

In accordance with the process outlined above, two bistro applications were received in the fall of 2015. One was selected by the City Commission to move forward for a full review by the Planning Board. However, the selected bistro did not submit a full and complete application to the Planning Board within the 90 day time period. Thus, there were no new bistros approved as a result of the fall 2015 initial screening process.

Accordingly, applicants wishing to pursue approval as a bistro were given the opportunity to submit bistro application for the second round of review for 2016 on or before April 1, 2016. The following applicants each submitted a written summary of their bistro concept for the second round of the initial review process, prior to the April 1, 2016 deadline established by the City Commission:

- Honey (in The Apiary) at 191 Chester;
- Bongiovanni's Raw Bar & Grill at 523 N. Old Woodward;
- SHO at 148 Pierce;
- Toshi at 101 N. Old Woodward; and
- Toshi at 135 N. Old Woodward (as previously submitted in October 2015).

As outlined in the bistro process for 2016, each of the bistro applications submitted are attached for review by the City Commission (see [Appendix F](#)). All financial information submitted as a part of the initial screening process has been provided to the Police Department for review. Each applicant will be given a time limit to verbally present their concepts to the City Commission, without the use of PowerPoint presentations, display boards or other visual aids. A suggested time frame would be a five minute presentation of the concept by the applicant, with a five minute period for questions from the City Commission. The City Commission will then prioritize all initial applications, and direct the top applications to the Planning Board for full site plan and design review and Special Land Use Permit review.

### **Suggested Action:**

To direct the following bistro applications, **in the priority order below**, to the Planning Board for full site plan and design review and Special Land Use Permit review:

1. \_\_\_\_\_
2. \_\_\_\_\_

OR

To take no action at this time.



## **APPENDIX A:**

### **BISTRO OPTION**

#### **ALCOHOLIC LIQUORS ORDINANCE AMENDMENTS**

CITY OF BIRMINGHAM

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

AN ORDINANCE TO AMEND CHAPTER 10, ALCOHOLIC LIQUORS, OF THE CODE OF THE CITY OF BIRMINGHAM, TO AMEND ARTICLE II, LICENSES, BY ADDING A NEW DIVISION 4, BISTRO LICENSES TO ALLOW THE TRANSFER OF LIQUOR LICENSES INTO THE CITY OF BIRMINGHAM IN EXCESS OF THE QUOTA LICENSES FOR THE ESTABLISHMENT OF BISTROS.

THE CITY OF BIRMINGHAM ORDAINS:

Chapter 10, Alcoholic Liquors, Article II, Licenses, of the Birmingham City Code are hereby amended to add the following Division 4:

#### **Division 4. Bistro Licenses**

##### **Sec. 10-80. Purpose.**

The purpose of this division is to establish a policy and conditions to allow the City Commission the ability to approve a request to transfer a liquor license into the City in excess of the City's quota licenses if applicant is establishing a bistro, as defined in Sec. \_\_\_\_\_ of this code, to establish criteria for selecting applicants, and to provide limitations on the influx of new bistro liquor licenses and to insure controlled growth and development regarding bistro liquor licenses and to evaluate the impact of bistro liquor licenses on the City.

##### **Sec. 10-81. Request for Transfer of License Into City.**

Persons desiring to transfer a liquor license from outside the City limits into the City limits in excess of the City's quota licenses for establishment of a bistro shall make an application to the City Commission and pay the applicable liquor license transfer review fee for a bistro as set forth in Appendix A of the City Code. In addition to those items and conditions set forth in Sec. 10-42, the application shall set forth in detail its proposed project, including, but not limited to,

1. Utilization of said bistro liquor licenses and details on the number of quota liquor licenses in escrow at the time of application.
2. Proposed site plan of the property, building floor plan and an operations floor plan.

3. A copy of the special land use permit application and supporting documentation submitted by the applicant.
4. All documentation submitted to the LCC requesting the transfer.
5. Full identification and history of the license holder(s) as it pertains to the license proposed to be transferred, including all complaints filed with the Michigan Liquor Control Commission (LCC) or actions taken by any municipality or the LCC to suspend, revoke, deny or the non-renewal of said license and all other documentation setting forth the detail of the bistro layout proposed by the applicant.
6. Such other items deemed necessary by city administration.

#### **Sec. 10-82 Limitations on the Numbers of Bistro Licenses.**

- (a) Maximum Number of Bistro Licenses. The city commission may approve a maximum number of license transfers for Bistro licenses per calendar year as follows:
  - (1) Existing establishments. A maximum of one (1) Bistro License may be approved each calendar year to applicants whose establishments have been continuously operating in the city of Birmingham for at least five (5) years prior to applying for the license transfer. In addition to the usual criteria used by the city commission for liquor license requests, the commission shall consider the following non-exclusive list of criteria to assist in the determination of which of the existing establishment applicants, if any, should be approved:
    - a) The applicant's demonstrated ability to finance the proposed project.
    - b) The applicant's track record with the city including responding to city and/or citizen concerns.
    - c) Whether the applicant has an adequate site plan to handle the bistro liquor license activities.
    - d) Whether the applicant has adequate health and sanitary facilities.
    - e) The establishment's location in relation to the determined interest in the establishment of bistros in the Overlay District, the Triangle District and the MX District.
    - f) The extent that the cuisine offered by applicant is represented in the city.
    - g) Whether the applicant has outstanding obligations to the city (ie property taxes, utilities, etc.).
  - (2) New establishments. A maximum of one (1) Bistro License may be approved each calendar year to applicants who do not meet the definition of existing establishments as set forth in (a)(1) above. In addition to the usual criteria used by the city commission for liquor license requests, the commission shall consider the following non-exclusive list of criteria to assist in the determination of which of the new establishment applicants, if any, should be approved:
    - a) The applicant's demonstrated ability to finance the proposed project.

- b) The applicant's track record with the city including responding to city and/or citizen concerns.
  - c) Whether the applicant has an adequate site plan to handle the bistro liquor license activities.
  - d) Whether the applicant has adequate health and sanitary facilities.
  - e) The establishment's location in relation to the determined interest in the establishment of bistros.
  - f) The extent that the cuisine offered by applicant is represented in the city.
  - g) Whether the applicant has outstanding obligations to the city (ie property taxes, utilities, etc.).
- (b) Annual review of need. Every three calendar years, the city commission shall perform a review of the previously approved Bistro license(s), if any, and the impact of those decisions on the city. A time for public comment shall be provided. Based on the city commission review and comment by the public, the city commission shall determine whether they will consider applications for license transfers for existing establishments and/or new establishments, up to the maximum of one in each category.
- (c) If any new transfers of licenses for bistros are to be considered, the city commission shall set a schedule setting forth when all applicants must submit their application and supporting documentation, when interviews may be conducted and a timeframe within which a decision will be anticipated.

#### **Sec. 10-83. Transfer Within City.**

Should a bistro license be issued by the City Commission, said license is limited to the property proposed and approved and the applicant receiving the approval, and shall not be transferred to another location or person/entity within the City without prior approval of the City Commission. Standards to be considered by the City Commission and the procedure to be followed shall include those set forth in Sec. 10-42 and Sec. 10-43. In addition, any expansion of the building located on the property must be approved by the City Commission.

#### **Sec. 10-84. Contract and Special Land Use Permit Required.**

A contract for transfer and a special land use permit are required for all licenses approved under this division. The licensee must comply with all provisions of the contract and special land use permit, and any amendments thereto as a condition of granting of a requested transfer under this division.

#### **Sec. 10-85. Renewals.**

Once a license is issued under this Division, the license holder must go through the license renewal process set forth in Sec. 10-39 and is subject to the renewal standards set forth in Sec. 10-40. A review of compliance with the contract and special land use permit shall also be included.

**Sec. 10-86. License Types, Endorsements, Additional Bar Permits.**

If a license is issued under this Division, the license holder may not apply or seek any permit endorsements from the Michigan Liquor Control Commission or seek any change in its license status/class whether available in current Michigan Liquor Control Code or in future Michigan Liquor Control Codes, or amendments thereto, without the prior approval from the City Commission.

**Sec. 10-87. Violation of License, Contract, Special Land Use Permit.**

Violation(s) or failure(s) to abide by terms of the liquor license, contract, the special land use permit or the City Code shall be grounds for the Michigan Liquor Control Commission to suspend, revoke or not renew the liquor license. Further, should violation(s) occur, or should the applicant fail to complete the project as required by plans and specifications presented to the City Commission, or fail to comply with all representations made to the City Commission, the City shall be entitled to exercise any or all remedies provided in those documents, in this Code, including but not limited to seeking the revocation of the special land use permit, pursuing breach of contract claims, and all other legal and equitable rights to enforce the terms thereunder. The licensee shall reimburse the City all of its costs and actual attorney fees incurred by the City in seeking the suspension, revocation or non-renewal of the liquor license, revocation of the special land use permit, or enforcement of such other rights and remedies, including contractual, as may be available at law or in equity.

**Sec. 10-88 – 10-99 Reserved.**

Ordained this \_\_\_\_ day of, \_\_\_\_\_20\_\_ to become effective upon publication.

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

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

Reviewed and approved as to form.

\_\_\_\_\_  
Department Head

\_\_\_\_\_  
City Manager

\_\_\_\_\_  
City Attorney

## APPENDIX B:

### CONTRACT FOR TRANSFER OF A LIQUOR LICENSE

#### (BISTRO)

This Contract is entered into this \_\_\_\_ day of \_\_\_\_\_, 2016, by and between \_\_\_\_\_, whose address is \_\_\_\_\_, (Licensee) and the **CITY OF BIRMINGHAM**, a Michigan Municipal Corporation, whose address is 151 Martin Street, Birmingham, Michigan 48012 (City).

#### RECITALS:

**WHEREAS**, Licensee wishes to transfer the location of its liquor license from \_\_\_\_\_ to \_\_\_\_\_, Birmingham, Michigan (Property); and

**WHEREAS**, local legislative approval is required by the **CITY OF BIRMINGHAM** for the transfer of a \_\_\_\_\_ liquor license pursuant to MCLA §436.1501 of the Michigan Liquor Control Code of 1998; and

**WHEREAS**, Licensee desires to enter into this Contract as an inducement to the **CITY OF BIRMINGHAM** to approve the request of the aforementioned transfer of the liquor license; and,

**WHEREAS**, the **CITY OF BIRMINGHAM** is relying upon this Contract in giving its approval to the transfer of the on-premises licenses as described herein.

**NOW, THEREFORE**, the parties agree as follows:

1. Licensee shall be permitted to transfer the location of its liquor license from \_\_\_\_\_ to the Property. Any transfer of the aforementioned license from the Property to any other location in the CITY OF BIRMINGHAM shall require the approval of the Birmingham City Commission in accordance with Section 10-83. In addition, any expansion of the building location at the Property shall also require the approval of the Birmingham City Commission.
2. Licensee does hereby agree that it shall establish a bistro, as defined in Birmingham City Code **Chapter 126, Zoning, Article 9, section 9.02**, at the Property.
3. Licensee further acknowledges that it must secure a special land use permit for a bistro as required by the Birmingham City Code. It is further agreed that it shall comply with all provisions of the special land use permit, or any amendments thereto, as a condition of this contract. Licensee further acknowledges and agrees that a violation of any provision of the special land use permit or the Michigan Liquor Control Code is a violation of the terms of the contract entitling the City to exercise any or all of the remedies provided herein.
4. Licensee further agrees that it shall not apply or seek from the Michigan Liquor Control Commission any permit endorsements to its liquor license whether available in the current

Michigan Liquor Control Code or in future Michigan Liquor Control Codes, or amendments thereto, without the prior approval of the Birmingham City Commission.

5. Licensee further agrees that it shall not seek any change in its license status/class whether such changes are available now in the current Michigan Liquor Control Code or in future Michigan Liquor Control Codes, or amendments thereto, without prior approval of the Birmingham City Commission.

6. Licensee agrees that it shall adhere to all Federal, State and Local laws currently in effect or as subsequently amended or enacted.

7. Licensee agrees that its failure to follow any of the provisions herein shall be grounds for the Michigan Liquor Control Commission to suspend, revoke or not renew its liquor license and/or for the Birmingham City Commission to revoke the special land use permit, either of which would prohibit Licensee from operating the bistro. Licensee agrees that in addition to the City of Birmingham's right to seek suspension, revocation or non-renewal of its liquor license and/or revocation of the special land use permit, the City retains any and all rights to enforce this Contract that may be available to it in law or in equity. Licensee further agrees that it shall reimburse the City all of its costs and actual attorney fees incurred by the City in seeking the suspension, revocation or non-renewal of its liquor license and revocation of the special land use permit, as well as enforcing such other rights as may be available at law and/or in equity.

8. To the fullest extent permitted by law, Licensee and any entity or person for whom Licensee is legally liable, agrees to be responsible for any liability, defend, pay on behalf of, indemnify, and hold harmless the City, its elected and appointed officials, employees and volunteers and others working on behalf of the City against any and all claims, demands, suits, or loss, including all costs connected therewith, including all costs and actual attorney fees, and for any damages which may be asserted, claimed or recovered against or from the City, its elected and appointed officials, employees, volunteers or others working on behalf of the City, by reason of personal injury, including bodily injury, death and/or property damage, including loss of use thereof, which arises out of or is in any way connected or associated with Licensee's operation of a bistro at the Property.

9. In the event Licensee fails to reimburse the City the costs and/or attorney fees as required herein, or any part thereof, then said amount could be transferred to the tax roll in accordance with Section 1-14 of the Birmingham City Code.

10. Any disputes arising under this Contract, not within the jurisdiction of the Michigan Liquor Control Commission, shall be settled either by commencement of a suit in Oakland County Circuit Court or by compulsory arbitration, at the election of the City. The Licensee shall notify the City of any dispute it has arising out of this Contract and shall demand that the City elect whether the dispute is to be resolved by submitting it to compulsory arbitration or by commencement of a suit in Oakland County Circuit Court. The City shall make its election in writing within thirty (30) days from the receipt of such notice. If the City elects to have the dispute resolved by compulsory arbitration, it shall be settled pursuant to Chapter 50 of the Revised Judicature Act for the State of Michigan, with each of the parties appointing one

arbitrator and the two thus appointed appointing a third. In the event the City fails to make such an election, any dispute between the parties may be resolved by the filing of a suit in the Oakland County Circuit Court.

11. This Contract shall be governed by and performed, interpreted and enforced in accordance with the laws of the State of Michigan.

12. If any provision of this contract is declared invalid, illegal or unenforceable, such provision shall be severed from this contract and all other provisions shall remain in full force and effect.

13. This Contract shall be binding upon and apply and inure to the benefit of the parties hereto and their respective successors or assigns. The covenants, conditions, and the agreements herein contained are hereby declared binding on the CITY OF BIRMINGHAM and Licensee. It is further agreed that there shall be no change, modification, or alteration hereof, except in writing, signed by both of the parties hereto. Neither party shall assign any of the rights under this contract without prior approval, in writing, of the other. Any attempt at assignment without prior written consent shall be void and of no effect.

**IN WITNESS WHEREOF**, the parties hereby have executed this Contract as of the date set forth above.

By: \_\_\_\_\_

Its: \_\_\_\_\_

Date: \_\_\_\_\_

CITY OF BIRMINGHAM

By: \_\_\_\_\_

Rackeline J. Hoff, Mayor

Date: \_\_\_\_\_

By: \_\_\_\_\_

Laura Pierce, Clerk

Date: \_\_\_\_\_



## APPENDIX C:

### **Bistro Definition**

A restaurant with a full service kitchen with interior seating for no more than 65 people and additional seating for outdoor dining (Section 9.02 of Zoning Code).

### **Bistro Development Standards**

Bistros are permitted with a valid Special Land Use Permit with the following conditions:

- a. No direct connect additional bar permit is allowed and the maximum seating at a bar cannot exceed 10 seats;
- b. Alcohol is served only to seated patrons, except those standing in a defined bar area;
- c. No dance area is provided;
- d. Only low key entertainment is permitted;
- e. Bistros must have tables located in the storefront space lining any street, or pedestrian passage;
- f. A minimum of 70% glazing must be provided along building facades facing a street or pedestrian passage between 1 foot and 8 feet in height;
- g. All bistro owners must execute a contract with the City outlining the details of the operation of the bistro; and
- h. Outdoor dining must be provided, weather permitting, along an adjacent street or passage during the months of May through October each year. Outdoor dining is not permitted past 12:00 a.m. If there is not sufficient space to permit such dining on the sidewalk adjacent to the bistro, an elevated, ADA compliant, enclosed platform must be erected on the street adjacent to the bistro to create an outdoor dining area if the Engineering Department determines there is sufficient space available for this purpose given parking and traffic conditions (Sections 3.04, 5.06, 5.07, 5.08, 5.105.11, 5.12, 5.13 of Zoning Code).

### **Permissible Locations**

Downtown Overlay District	(Section 3.04 of <u>Zoning Code</u> ).
Triangle Overlay District	(Section 2.21 (O1), 2.23 (O2), 2.25 (P), 2.29 (B2), 2.31 (B2B) of <u>Zoning Code</u> ).
Rail District – MX District	(Section 2.39 of <u>Zoning Code</u> ).

## Red Line Retail District

Regulating Plan on the Zoning Map and section 3.04 (C)(5), (C)(6),(C)(8) of the Zoning Code.



## APPENDIX D:

### RESOLUTION TO ESTABLISH BISTRO APPLICATION DEADLINES AND REVIEW PROCEDURES SEPTEMBER 26, 2011

**WHEREAS**, the City Commission established a definition for bistros in Chapter 126, Zoning, of the City Code;

**WHEREAS**, the operation of bistros is permitted with a valid Special Land Use Permit within defined areas of the City in accordance with Chapter 126, Zoning, of the City Code,

**WHEREAS**, the Birmingham City Commission further approved amendments to Chapter 10, Alcoholic Liquors, to establish a policy and conditions to allow the City Commission the ability to approve a request to transfer a liquor license into the City in excess of the city's quota licenses if an applicant is establishing a bistro,

**WHEREAS**, the amendments to Chapter 10, Alcoholic Liquors, established criteria for selecting qualified bistro applicants, and provided limitations on the influx of new bistro liquor licenses,

**NOW, THEREFORE, BE IT RESOLVED**, The Birmingham City Commission adopts the following review process and schedule for future bistro applications:

1. All bistro applications for the upcoming calendar year must be submitted for initial review on or before October 1st of the preceding year.
2. Beginning January 1, 2012, all bistro applications submitted for initial review must contain only the following information in 5 pages or less:
  - A brief description of the bistro concept proposed, including type of food to be served, price point, ambience of bistro, unique characteristics of the operation, if any, and an explanation of how this concept will enhance the current mix of commercial uses in Birmingham;
  - Proposed location, hours of operation and date of opening;
  - Name of owner/operator and outline of previous restaurant experience; and
  - Evidence of financial ability to construct and operate the proposed bistro.
3. All bistro applications received by the deadline will be reviewed by the City Commission within 30 days of the deadline for prioritization based on the proposed bistro concept, proposed location within the City, potential impact on the City, and the capability of the proposed owner/operator. Each applicant will be given a time limit to present their concepts to the City Commission.
4. The City Commission will prioritize all initial applications received, and will direct the top applications to the Planning Board for a detailed site plan and design review and Special Land Use Permit review.
5. All bistro applications forwarded to the Planning Board for detailed review must be supplemented with additional information as required for site plan and design review, including

a site plan, elevation drawings, floor plan, landscaping plan, photometric plan and material samples. Additional information as required for review of the bistro as a SLUP includes sample menus, interior design details, evidence of financial capability, as well as any other information requested by the Planning Board.

6. All detailed applications directed to the Planning Board from the City Commission must be received within 90 days of the City Commission's initial review. All detailed applications will then be reviewed during public hearings conducted during a single Planning Board meeting.

7. All bistro applications will be evaluated by the Planning Board based on the criteria set forth in Chapter 10, Alcoholic Liquors, Division 4, Selection Criteria, and up to two applications will be recommended for approval to the City Commission. All applications will be assigned a priority ranking by the Planning Board.

8. All bistro applications reviewed by the Planning Board will be forwarded to the City Commission for a detailed review and approval/denial in the order of the ranking assigned by the Planning Board.

9. The City Commission will conduct public hearings to review the selected bistro applications and determine which, if any, bistros to approve for the calendar year, up to a maximum of two approvals.

10. In the event that two bistro approvals are not granted as a result of the fall review period, the City will accept additional bistro applications for the current calendar year on or before **April 1st**.

11. All bistro applications received in this second round will be reviewed and ranked by the Planning Board using the same review process noted in steps 2 through 9 above.

**BE IT FURTHER RESOLVED**, Except as herein specifically provided, all bistro applicants and their heirs, successors and assigns shall be bound by all ordinances of the City of Birmingham in effect at the time of the issuance of this resolution, and as they may be subsequently amended.

I, Laura Broski, City Clerk of the City of Birmingham, Michigan, do hereby certify that the foregoing is a true and, correct copy of the resolution adopted by the Birmingham City Commission at its regular meeting held on September 26, 2011.

---

Laura Broski, City Clerk



# APPENDIX E:

## Bistros of Birmingham 2015

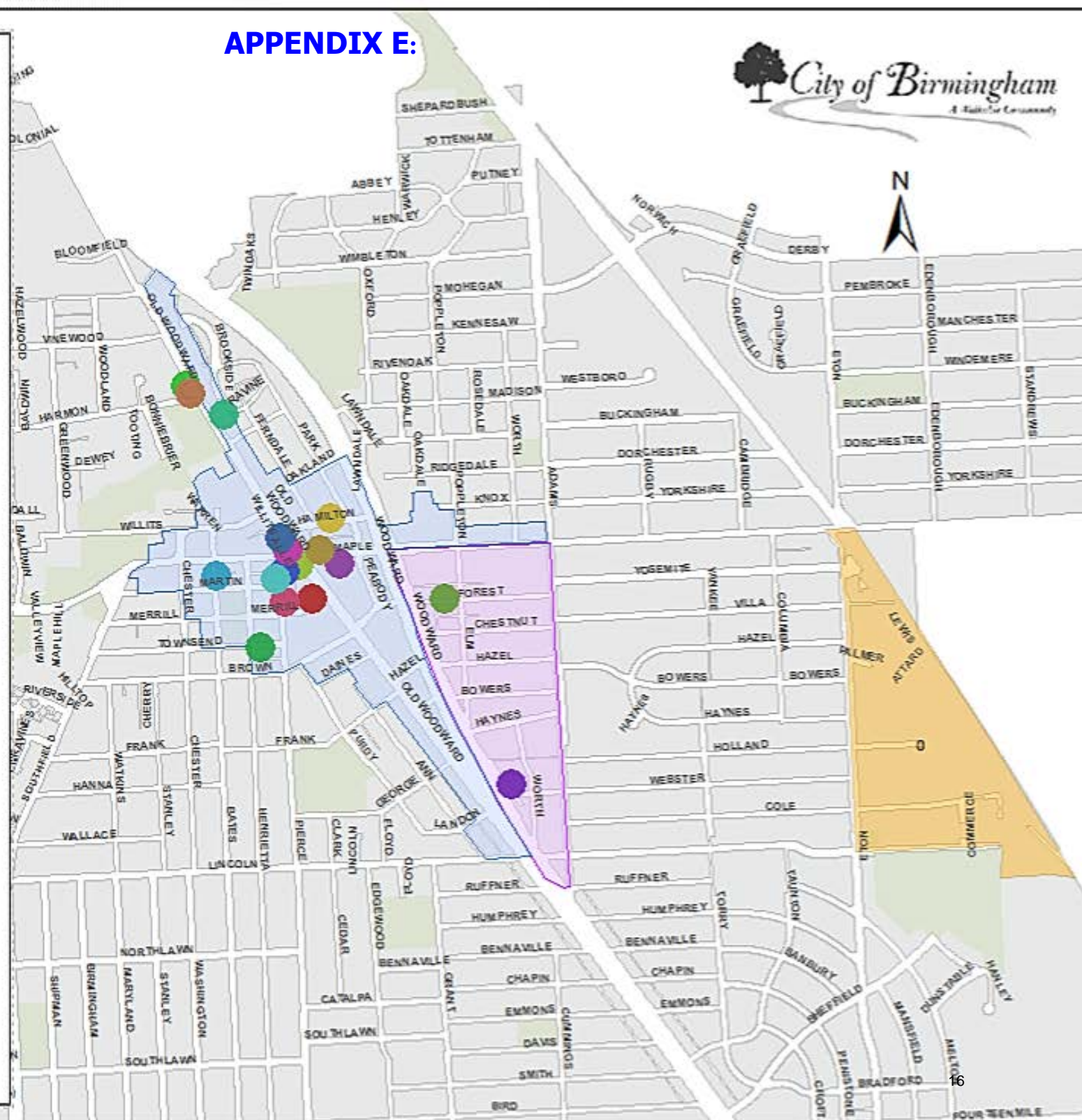
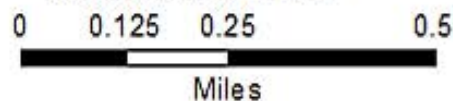
### Establishments

- |   |  |
|---|--|
|  Bella Piatti                   |  La Strada Caffe              |
|  Birmingham Sus hi Cafe         |  Luxe Bar & Grill             |
|  Bistro Joe's                   |  Mad Hatter Cafe              |
|  Cafe' Via                      |  Market North End             |
|  Churchill's Bistro & Cigar Bar |  Salvatore Scallopini         |
|  Cosi                           |  Social Kitchen & Bar         |
|  Elie's Mediterranean Grill/Bar |  Tallulah Wine Bar and Bistro |
|  Forest Grill                   |  Toast                        |
|   |  Townhouse                    |

### Districts Permitting Bistros

- |   |                   |
|---|-------------------|
|  | Rail District     |
|  | Triangle District |
|  | Downtown          |

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








## Birmingham Bistros

City SLUP					Previous	
Year	DBA Name	Address	Neighborhood	Previous Occupant	Use	Current Status
2007	Elie's	263 Pierce St	Downtown Birmingham	Elie's	food or drink establishment	Open
2007	Cosi	101 N Old Woodward Ave	Downtown Birmingham	Gap (closed in 2003)	Retail	Open
2007	Bistro Joe's	34244 Woodward Ave	Triangle District	N/A	N/A	Open
2007	Salvatore Scallopini	505 N Old Woodward Ave	Downtown Birmingham	N/A	food or drink establishment	Open
2007	Forest Avenue Bistro	735 Forest Ave	Triangle District	Not Applicable (new construction)	N/A	Open
2007	Café Via	310 E Maple Rd	Downtown Birmingham	N/A	N/A	Open
2008	Toast	203 Pierce St	Downtown Birmingham	Gerich's Grazziella Ltd. (retail closed 2008)	Retail	Open
2009	Tallulah Wine Bar & Bistro	155 S Bates St	Downtown Birmingham	Kaput Kapot (retail closed 2004)	Retail	Open
2009	Luxe Bar and Grill	525 N Old Woodward Ave	Downtown Birmingham	Aunt Olive's Good Food 2 Go (retail/food closed 2008)	Retail/Packaged foods	Open
2010	Bella Piatti	167 Townsend St	Downtown Birmingham	Cameron Scott Gallery (closed 2010)	Retail/Gallery	Open
2011	Townhouse	180 Pierce St	Downtown Birmingham	Simply Wine (closed 2011)	Retail/Packaged Wine	Open
2011	Churchill's Bistro/Cigar Bar	116 S Old Woodward Ave	Downtown Birmingham	Jennifer Convertibles (closed 2010)	furniture	Open
2012	Social Kitchen and Bar	225 E Maple Rd	Downtown Birmingham	Tokyo Sushi (closed 2012)	food or drink establishment	Open
2012	Market	474 N Old Woodward Ave	Downtown Birmingham	Root and Sprout (retail closed 2011)	Retail	Open
2013	Birmingham Sushi Café	377 Hamilton Row	Downtown Birmingham	Festivities (closed 2010)	Retail	Incomplete
2013	What Crepe?	172 N Old Woodward Ave	Downtown Birmingham	Sandella's Flatbread Café (closed 2011)	food or drink establishment	Closed 2/14
2014	Mad Hatter	185 N Old Woodward	Downtown Birmingham	Quizno's (closed 2013)	food or drink establishment	Open
2015	La Strada	243 Merrill	Downtown Birmingham	Waterworks (closed 2009)	Retail	Open

	A	B	C	D	E	F	G	H	I	J	K	L
							Seats for Outdoor Dining on Public Sidewalk	Seats for Outdoor Dining on Platform	Outdoor Dining Seats on Private Property	Total Outdoor Dining Seats for Establishment	Total Seating for Establishment	Eisenglass
1	Restaurant Name	Address	Liquor License	Size Sq Ft.	Seats for dining	Total Occupancy						
2	Bella Piatti	167 Townsend Street	Bistro LL	1,598	55	70	8	20		28		83 N
3	Birmingham Sushi Café	377 Hamilton Row	Bistro LL		65	95		24		24		89 N
4	Bistro Joe's	34244 Woodward Avenue	Bistro LL	1,798	55	65			60	60		115 Y
5	Cafe` Via	310 East Maple Road	Bistro LL	1,700	56	65			55	55		111 Y
6	Churchill's Bistro & Cigar Bar	116 South Old Woodward Avenue	Bistro LL	2466	55	65	12			12		67 N
7	Cosi	101 North Old Woodward Avenue	Bistro LL	2,336	61	65	12		**	12		61 N
8	Elie's Mediterranean Grill/Bar	263 Pierce Street	Bistro LL	1,724	56	65		26		26		82 N
9	Forest Grill	735 Forest Avenue	Bistro LL	3,038	55	80	42			42		97 N
10	La Strada Caffe	243 E. Merrill Street	Bistro LL		52	70	10	0		10		62 N
11	Luxe Bar & Grill	525 North Old Woodward Avenue	Bistro LL	1,590	40	50	12			12		52 N
12	Mad Hatter Café	185 North Old Woodward	Bistro LL		60	65		22		22		82 N
13	Market North End	474 North Old Woodward Avenue	Bistro LL		55	65			44	44		99 Y
14	Salvatore Scallopini	505 North Old Woodward Avenue	Bistro LL	2,880	58	75		38		38		96 N
15	Social Kitchen & Bar	225 East Maple Road	Bistro LL		54	64	24		30	54		108 Y
16	Tallulah Wine Bar and Bistro	155 South Bates Street	Bistro LL	2,600	65	75		40		40		105 N
17	Toast	203 Pierce Street	Bistro LL	3,300	55	65	28			28		83 N
18	Townhouse	180 Pierce Street	Bistro LL		54	60		76		76		130 N
19	Closed before Bistro License was used											
20	What Crepe?	172 North Old Woodward	Bistro LL		42	65	8	8		16		58 N
21	Quota licenses											
22	220 Restaurant	220 East Merrill Street	Quota LL	6,107	170	170			68	68		238 N
23	Au Cochon	260 N. Old Woodward	Quota LL		88	291	4			4		92 N
24	Arthur Avenue	270 N. Old Woodward	Quota LL		137	291	4			4		141 N
25	The Bird and the Bread	210 South Old Woodward	Quota LL		175	325			36	36		211 Y
26	Cameron's Steakhouse	115 Willits Street	Quota LL*	6,692	214	230			None			214
27	Corner Bar	100 Townsend Street	Quota LL				18			18		18 N
28	Community House	380 S. Bates										0
29	Dick O' Dow's	160 West Maple Road	Quota LL	5,575	180	170		22		22		202 N
30	Imagine Theatre & Ironwood Grill	250 N. Old Woodward	Quota LL	31,000	198	788	0	0	0	0		198 N
	Fleming's Prime Steakhouse & Wine											
31	Bar	323 North Old Woodward Avenue	Quota LL	8,399	222	332			None			222
32	Hyde Park Prime Steakhouse	201 South Old Woodward Avenue	Quota LL				12		12, 2 Sofas			0 N
33	Mitchell's Fish Market	117 Willits Street	Quota LL*	7,832	250	300			None			250
34	Peabody's Dining & Spirits	34965 Woodward Avenue	Quota LL	5,560	275	331			None			275
35	Phoenicia	588 South Old Woodward Avenue	Quota LL	3,153	90	96	10			10		100 N
36	Rojo Mexican Bistro	250 East Merrill Street	Quota LL		156	166			24	24		180 N
37	Sidecar Slider Bar	280 Merrill	Quota LL		77				16	16		93 N
38	Springdale Golf Course	316 Strathmore	Quota LL									0
39	Streetside Seafood	273 Pierce Street	Quota LL	1,350	50	70		18		18		68 N
40	The Community House Cafe`	380 South Bates Street	Quota LL									0
41	The Rugby Grille	100 Townsend Street	Quota LL		137	138	22			22		159 N
42	Outside PSD											
43	Big Rock	245 S Eton	Quota LL	6,000	340	397			97	97		437 N
44	Springdale Golf Course	316 Strathmore	Development LL									0
45	Lincoln Hills Golf Course	2666 West 14 Mile Road	Quota LL									0
46	Griffin Claw	575 S. Eton	Brewer		261	234	0	0	104	104		365 N
47	Licenses Not In Use											
48	Palladium (Barrio)	201 Hamilton Row	Quota LL									0
49	RHG Fish Market	115 Willits	Quota LL									0
	* = Mitchell's and Camerons are sharing one license. The other license is being held by the company.											
50												
51	Economic Development Licenses											
52	All Seasons	111 Elm	Development LL		189	281			None			189 N
53	The Stand Gastro Bistro	34977 Woodward Avenue	Development LL		207	218			None		18	207 N

	A	B	C	D	E	F	G	H	I	J	K	L
54	Triple Nickel	555 South Old Woodward	Development LL		125	142	28			80	108	233 Y
55												
56												
57	<b>Non-Liquor Establishment</b>											
58	Beyond Juice	270 West Maple Road	n				4				4	4 N
59	Brooklyn Pizza	111 Henrietta Street	n				39				39	39 N
60	Commonwealth Cafe	300 Hamilton Row	n					20			20	20 N
61	Cucina Medoro	768 North Old Woodward Avenue	n							None		0
62	Cupcake Station	136 North Old Woodward	n				18				18	18 N
63	Einstein Bros. Bagels	176 South Old Woodward Avenue	n							None		0 N
64	Greek Islands Coney Restaurant	221 Hamilton Row	n							None		0
65	Hunter House Hamburgers	35075 Woodward Avenue	n							None		0
66	Leo's Coney Island	154 South Old Woodward Avenue	n							None		0
67	Liquid Lunch Cafe` (Inside Be Well)	750 South Old Woodward Avenue	n							None		0
68	Mountain King Chinese Restaurant	469 South Old Woodward Avenue	n							None		0
69	New Bangkok Thai Bistro	183 North Old Woodward Avenue	n							None		0
70	Panera Bread	100 North Old Woodward Avenue	n				17				17	17 N
71	Pita Cafe	239 North Old Woodward Avenue	n							None		0
72	Primo's Pizza	996 South Adams Road	n							None		0
73	Qdoba	795 East Maple Road	n							60	60	60 N
74	Sanders	167 North Old Woodward	n				6				6	6 N
75	Shish Kabob Express	34186 Woodward Avenue	n							None		0
76	Stacked Deli	233 North Old Woodward Avenue	n							None		0
77	Starbucks	135 South Old Woodward	n				8				8	8 N
78	Subway	126 South Old Woodward Avenue	n							None		0
79	Succo Fresco Café	600 North Old Woodward	n		18		18				16	34 N
80	Sweet Earth	141 W. Maple	n				4				4	4 N
81	Sy Thai Cafe'	315 Hamilton Row	n							None		0
82	Toss-Ups	34623 Woodward Avenue	n							None		0
83	Touch of India Cuisine	297 East Maple Road	n							None		0 N
84	Try it Raw	213 East Maple Road	n							None		0 N
85												
86	** Did not renew Outdoor Dining License in 2014											
87												
88												
89												
90												
91												
92												
93												
94												

Legend	
	Bistro License
	Quota License
	License not in use
	Economic Development License
	Non-Liquor Establishment



## 2006 PSD Market Study Report

most prevalent are Food Services and Drinking Places at 13.5% and Miscellaneous Store Retailers at 11.9% of the total establishments.

### RETAIL BUSINESS MIX

We have classified Downtown Birmingham retail establishments within the following broad categories:

- Shopping Goods
- Food/Liquor/Services/Restaurants
- Food/Grocery/Convenience
- Drug & HBA (Health and Beauty Aids)
- Personal Services
- Entertainment
- Other (Motor Vehicle Parts, Gasoline Stations, Building Materials & Supplies Dealers, Rental and Repair, etc.).

The most frequently found retail categories in the Birmingham Downtown District are Shopping Goods at 37.4%, Personal Services at 22.9%, Other Retail at 17.2%, and Food/Liquor Services/Restaurants at 16.8%.

#### RETAIL BUSINESS MIX NUMBER OF ESTABLISHMENTS

Retail Category	Downtown Birmingham
Shopping Goods	37.4%
Food/Liquor/Services/Restaurants	16.8%
Food/Grocery/Convenience	3.7%
Drug & HBA	0.7%
Personal Services	22.9%
Entertainment	1.3%
Other Retail	17.2%
<b>Total</b>	<b>100.0%</b>
<b>Number of Retail Establishments</b>	<b>297</b>

*Source: The Strategic Edge, Inc., Birmingham PSD.*

	% Retail, Food Services, & Personal Services	Retail, Food Services, & Personal Services		
		% Retail Trade	% Food Services & Drinking Places	% Personal & Laundry Services
<b>Birmingham MI - Directory</b>	<b>76%</b>	<b>51%</b>	<b>20%</b>	<b>5%</b>
<i>Birmingham MI – Directory - 2012</i>	<i>76%</i>	<i>49%</i>	<i>23%</i>	<i>3%</i>
<b>Birmingham MI – PSD/The Strategic Edge</b>	<b>67%</b>	<b>37%</b>	<b>14%</b>	<b>17%</b>
<i>Birmingham MI – PSD/The Strategic Edge -2012</i>	<i>69%</i>	<i>38%</i>	<i>16%</i>	<i>15%</i>
Greenwich CT	86%	67%	14%	6%
Hinsdale IL	80%	50%	18%	12%
Minneapolis France Ave.	84%	54%	19%	11%
Naperville IL	90%	47%	36%	7%
Royal Oak MI	85%	39%	37%	8%
Winnetka Hubbard Woods	77%	56%	14%	8%
Average – Directory Numbers Only	83%	52%	23%	8%

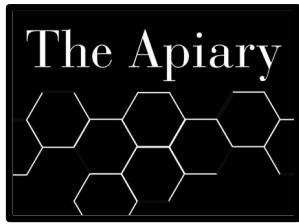
Sources: Directory of Retail Shopping Districts, Birmingham PSD, The Strategic Edge

In order to focus on the retail tenant mix exclusive of the non-retail establishments, The Strategic Edge recalibrated the above table to include only retail, food services, and personal services. So, the mix below considers those tenants to be 100%.

	% Retail, Food Services, & Personal Services	Retail, Food Services, & Personal Services		
		% Retail Trade	% Food Services & Drinking Places	% Personal & Laundry Services
<b>Birmingham MI - Directory</b>	<b>100%</b>	<b>68%</b>	<b>26%</b>	<b>6%</b>
<i>Birmingham MI – Directory - 2012</i>	<i>100%</i>	<i>65%</i>	<i>31%</i>	<i>4%</i>
<b>Birmingham MI – PSD/The Strategic Edge</b>	<b>100%</b>	<b>55%</b>	<b>20%</b>	<b>25%</b>
<i>Birmingham MI – PSD/The Strategic Edge -2012</i>	<i>100%</i>	<i>55%</i>	<i>23%</i>	<i>22%</i>
Greenwich CT	100%	77%	16%	7%
Hinsdale IL	100%	63%	22%	15%
Minneapolis France Ave.	100%	64%	23%	14%
Naperville IL	100%	53%	40%	8%
Royal Oak MI	100%	46%	44%	10%
Winnetka Hubbard Woods	100%	72%	18%	10%
Average – Directory Numbers Only	100%	63%	27%	10%

Sources: Directory of Retail Shopping Districts, Birmingham PSD, The Strategic Edge

## APPENDIX F:



### A HIVE TO THRIVE.

The Apiary is a member-based, private workspace collective for successful, accomplished visionaries of Southeastern Michigan.

The Apiary is an entirely new way for us to work and will reside in a repurposed, iconic Birmingham landmark – The First Church – Christ Scientist.



*honey*

PRIVATELY – Honey is the bistro that will fuel the collective genius of The Apiary.

PUBLICLY – Honey will also be a culture of accommodation and collaboration where affluent, visionaries, who are not necessarily members of the private Apiary, will be drawn to be a part of the experience.





# Positioning

An environment where ideas collide into the collective genius of the new connected economy.

*Interaction = Invention*

## What We Deliver

- Premiere Work/Meet Experience
- World-Class Hospitality
- Inspired Design
- Community and Cultural Programing
- Elegant Food & Beverage-to complement the Work/Meet Atmosphere

## Brand Character

- Forced Collisions of Collaboration
- Inventive
- Modern Authenticity
- A Hive to Thrive

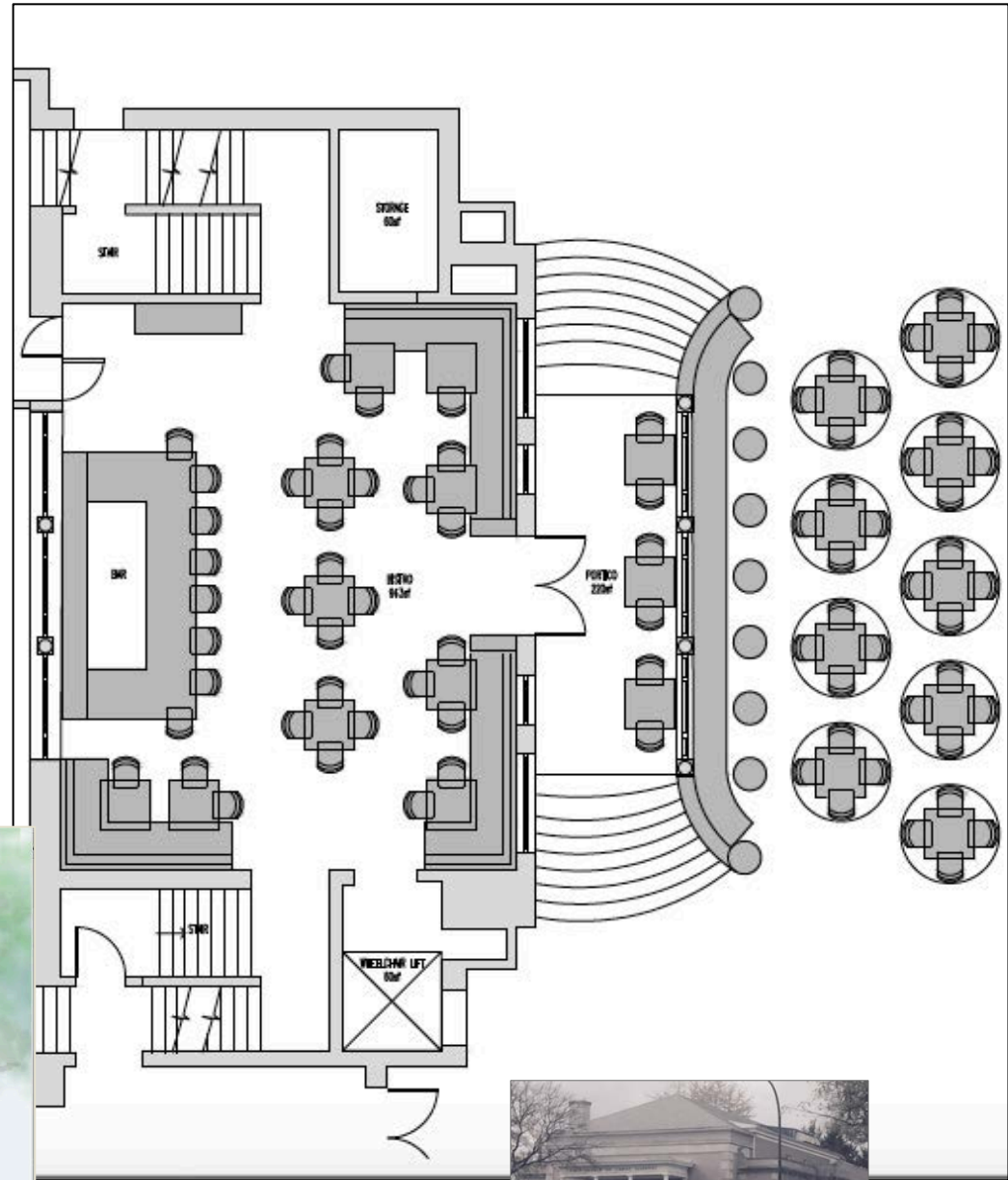
# BIRMINGHAM NEEDS

## The Apiary/Honey

Nothing like it exists in Birmingham, or Michigan, where business leaders and mavericks are forced to meet in noisy coffee bars or hotel lobbies.

Everything we do at Honey exists to Inspire our distinctive target – Entrepreneurs, Solopreneurs, Corppreneurs, Retirepreneurs – from the atmosphere, to the food, to the service.

Community and Cultural programming for business leaders will be brought to our City for the first time and available to the public, as well as private members . Think Ted Talks, internationally recognized artist, authors and speakers.





# Our Cuisine

Honey will serve Spanish & Italian Tapas based menu that inspires “forced collisions of collaboration” to complement our Work/Meet Mission, from breakfast brainstorming to early dinner ideation.

Light, but satisfying, local-centric menu, emphasizing artisanal ingredients, by small local growers and farmers, and seasonality, when possible. Some meats and cheese will be imported from Mario Batali.

## *Breakfast – Mediterranean take on classic dishes*

Spinach and Goat Chees Omlette with Avocado and Cilantro Salsa

Poached Egg, Serrano Ham and Manchego Cheese served on pan con tomate

Grilled hanger steak, fried eggs, fingerling potatoes, Shishito peppers, mojo verde

## *Lunch & Dinner*

Jamn Iberico

Hudson Valley Pork Charcuterie and Terrine Board,

Spanish Cheese, House Pickles

Heirloom Tomato and Juicy Peach Salad with

Mono Crema and Saffron Tomato

Calamari in Umido

Crab Cakes, Capers and Seasoned Mushrooms

Buffalo's Milk Burrata with Amontillado Onion

Broth

and Crispy Potatoes

Raw Coho Salmon with Flor de Anis and Champagne Grapes

Razor Clams a la Plancha

Mussels with Cava and Chorizo

Foie Gras with Cinco Cebollas

Skirt Steak with Romesco and Onion Mermelada

Platos por Dos

Leg of Lamb with Salted Spanish Chocolate Sauce  
and Pickled Shiitakes

Pork Belly and Tuna with Balsamico Soubise and Summer Chiles



honey

# The Partners

**BILL LUDWIG, CEO** – Bill was the helmsman and CEO of Campbell Ewald. Over his 30 years in advertising, Bill has built and grown some of the biggest brands and businesses in America – Altell, Chevy, Direct TV, OnStar, Tivo, U.S. Navy. USAA. Most recently Bill was responsible for moving over 600 employees to downtown Detroit, and designing and building one of the finest collaborative workspaces in America.

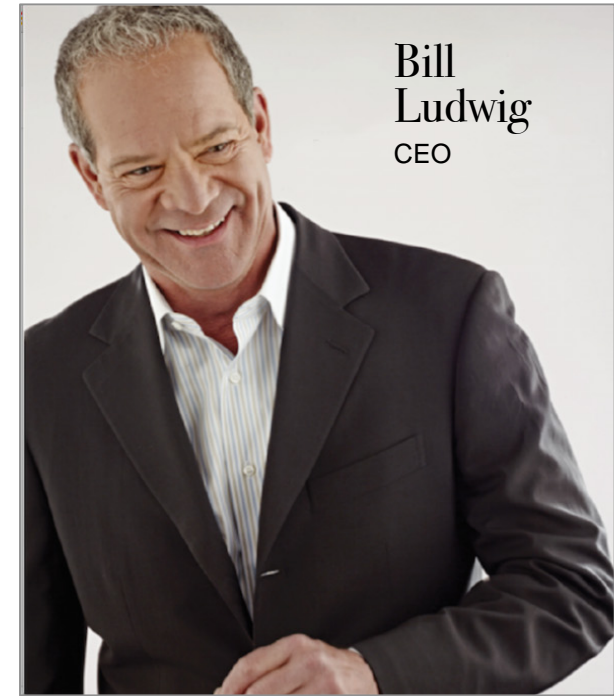
**CAMPION PLATT – CEO/Architect** – World-renowned interior designer and architect, Campion is no stranger to the world of luxury and hospitality. Platt has designed for Ritz Carlton, Choice Hotels, The Greenbrier, Turks & Caicos Sporting Club. He is co-developer of the Mercer Hotel, NYC and the Chateau Marmot, LA. He also designed numerous restaurants, bars and clubs in New York City and the Hampton's. Campion was named Architectural Digest "AD 100" list of the world's top designers.

**KIM DENT, CHIEF CREATIVE OFFICER** – Kim opened Kim Dent Design in Birmingham in 2006. Since then, Kim Dent Design has reimagined commercial and residential spaces in Michigan and Long Island. Most notable Arkitektura and Fitness Driven. Kim serves on the Advisory Committee for Cranbrook Academy of Art.

**STEVE HANSON, ADVISOR/ Food & Beverage** - Founder of BR Guest Hospitality - \$150 million+ in revenue including 30 restaurants, 2 hotel brands, 4 bars and 1 gym in New York City, New Jersey, Las Vegas, Florida, Chicago and Arizona. B.R. Guest Restaurants include: Atlantic Grill, Bill's Bar & Burger, Blue Fin, Blue Water Grill, Dos Caminos, Isabella's, ibō Japanese Grill, Ocean Grill, Primehouse, Ruby Foo's Times Square, Strip House, Wildwood Barbeque, in New York City; Fiamma Trattoria in Las Vegas; Bill's Bar & Burger, Dos Caminos, and the forthcoming Sammy D's at Harrah's Resort in Atlantic City.

In 2004, Hanson created the James Hotel. "America's Sexiest Hotel" by *Travel + Leisure* and *Travel + Leisure's* 2006 "It List."

**FINANCIAL STATEMENT** – The partners are well-funded. The investment and note are being secured by The Bank of Birmingham.



Bill  
Ludwig  
CEO

**BIRMINGHAM BISTRO APPLICATION**  
**APRIL 1, 2016**

**BONGIOVANNI'S RAW BAR & GRILL**

**DESCRIPTION:** The Bongiovanni family is pleased to submit this Bistro Application for a new and exciting seafood concept in Birmingham.

**DESCRIPTION OF CONCEPT:** Bongiovanni's Raw Bar & Grill (working name, subject to change) will be a neighborhood, seafood grill serving coastal seafood with a unique, modern approach. Rustic dishes will be featured, prepared on a grill which will be "eye level" for the guest to observe and enjoy. There will also be a raw bar which will showcase and serve: Gulf seafood, oysters, crab, and fresh Gulf fish. A proposed menu is attached. This concept will enhance the current mix of restaurants in the downtown as the specialty seafood style restaurant is not a concept which has saturated the area. The price points will be moderate.

**PROPOSED LOCATION:** The Bistro will be located at 523 N. Old Woodward. The hours of operation will be Monday through Sunday from 11:00 a.m. to 1:00 a.m. The proposed opening date will be summer of 2016.

**OWNER'S EXPERIENCE:** The Bongiovanni family is well known to the City of Birmingham and many other Michigan communities. The Bongiovanni's own and operate Salvatore Scallopini, Luxe, and Market in Birmingham. Their reputation for fine, reliable, cuisine is excellent.



**EVIDENCE OF FINANCIAL RESPONSIBILITY:** The new restaurant will be developed and paid for through the family's income from its other restaurant holdings.

The Bongiovanni family looks forward to presenting this concept to the Birmingham City Commission

crab claws w/ pickled chilies 13  
seafood salad 8  
gulf shrimp 13  
steak tartare w/ oyster aioli 12  
crab salad w/ crispy potatoes 14  
seafood platter 45

shrimp toast 7  
smoked tuna dip 7  
fried bread w/sea salt 5  
hushpuppies 6

catfish w/pickled greens + chili broth 10  
fish sticks w/LA31 batter 11  
grilled chicken w/white bbq sauce 9  
spicy ground shrimp + noodles 12  
grilled lamb skewers w/ cucumber salad 12  
crab + jalapeno capellini 14

tomato + shrimp bisque 8  
seafood gumbo 9  
greens, pecans, feta + lemon vinaigrette 10

grilled tuna w/ greens + olive relish 27  
smothered catfish 16  
louisiana shrimp roll 14  
grilled skirt steak w/salsa verde 27  
chicken diablo w/ sweet potatoes 21  
baked drum w/ calas + mushroom broth 21  
jumbo shrimp w/ bacon + shell beans 26

22oz ribeye 60  
whole grilled fish mp

fried brussels sprouts w/ chili vinegar 7  
roasted beets w/ citrus + tarragon 7  
brabant potatoes 5  
white beans + bacon 7  
sautéed broccoli w/ lemon + bottarga 8  
roasted pumpkin w/ chili + cane syrup 7



# SHO 賞

*A uniquely globally inspired Japanese restaurant experience...*

---

148 PIERCE STREET, BIRMINGHAM, MICHIGAN 48009



## INTRODUCTION

We introduce to you, SHŌ, the next inspired Birmingham Restaurant. This restaurant concept, location, and hospitality family are the perfect combination to redefine and further raise the bar in Birmingham. It is our great pleasure to present this 2016 Bistro Application. Our team is honored to have this opportunity to present you SHŌ.

The word SHŌ is Japanese for “The Prize”. We believe having this opportunity is a prize and in exchange SHŌ will become one of the prize pieces of the community here in Birmingham. Additionally, SHŌ represents the figurative meaning of our concept, which is the principle behind our food and beverage experience which will truly be a “Show”. Furthermore, this bistro concept is exactly what we believe the city is looking for; small, quaint, neighborhood friendly, and delicious.



## OUR CONCEPT

SHŌ is about creating an enlightened experience and growing community culture. Our intention is to uniquely blend the flavors of the world with the artistry of Japanese cuisine.

Style: Casual, inviting, intimate, and polished

Cuisine: Global twists on Edomae Sushi and Japanese Izakaya dining

Service: Semi-formal, personable, highly educated

Libations: “Sake Bar”, Japanese microbrews and whisky

Edge: It’s simple, we are offering sushi & Japanese cuisine not found in Michigan.

## OUR INSPIRATION

Satisfy a Community Need: Simply put, there is nowhere in Birmingham that offers world class Japanese cuisine with an experience to match.

Historical Preservation: The ability to participate in the Historical well being of such a unique building as the original “Old Telephone Exchange Building” would be inspirational.

We Know Unique: No one knows “small” restaurant operations better than us. Plus, the ability to operate with our corporate office upstairs will prove valuable for us to be successful.

Satisfy Our Need: We will be opening this concept with or without a bistro license and the ability to give our guests the complete concept would benefit the community and our operations.

Community and Alley Activation: We would like to activate the alley between 148 Pierce Street and the Paper Source with a charming outdoor dining cafe.





## OUR AMBIANCE

Our mission is to create the most unique dining atmosphere and SHŌ's ambiance plays a critical role in transforming our guests experience into a "show".

SHŌ will have an inviting ambiance, with a cozy, neighborhood-like vibe, nestled up along the raw and natural wood truss ceilings and historical red brick walls from the inside. It will feel like an extension of one's own home, with genuine Japanese stylistic flair.

Decor inspirations will come from classical Japanese symbolism along with the use of uniquely found Japanese materials to set the mood of a premier Japanese eatery, with an emphasis on lighting and sound.

Our goal is to create the connection with our guests that 'Umami' doesn't just exist in your palate, but also in the presence of ambiance.



## OUR IMPACT ON THE CITY

- Our goal with SHŌ is to be the finest and most prized Japanese restaurant in the area, the most obvious culinary void in Birmingham, which we believe will be a beacon for the city of Birmingham.
- SHŌ will expand the diversity of the city's international restaurant offerings.
- This project will produce 30-35 full-time employees in Birmingham.
- The benefit of keeping Heirloom Hospitality Group's (the restaurant management company behind Townhouse) corporate offices in Birmingham on the 2nd floor of this building.





## OUR CUISINE

- Edomae Sushi with a Global Twist
- Japanese Izakaya
- Omakase Sushi Bar
- Japanese Tenshin (Dim Sum)

## ONLY AT SHŌ

- Wood Ember Torched Kama Toro Nigiri
- Kampachi Ponzu
- Japanese Snapper Carpaccio
- Uni Crispy Rice
- Foie Gras & Duck Confit Gyoza
- Maitake & Soba Ravioli
- Spicy Lobster Okonomiyaki



## UNIQUE HIGHLIGHTS

- Globally Sourced Seafood Flown-in Daily
- Master Sushi Chefs
- Locally Sourced and Forged Produce
- Saki Tastings & Dinners Hosted by our In-House Sake Sommelier
- Sushi Rolling Seminars



## OUR LIBATIONS

- Specializing in Japanese Sake from all 47 Japanese Prefectures
- All Natural Organic Juices, Shrubs and Syrups used at our Bar
- Intense Focus on Japanese Microbreweries and Whisky
- Paired Sake Tastings with our Omakase



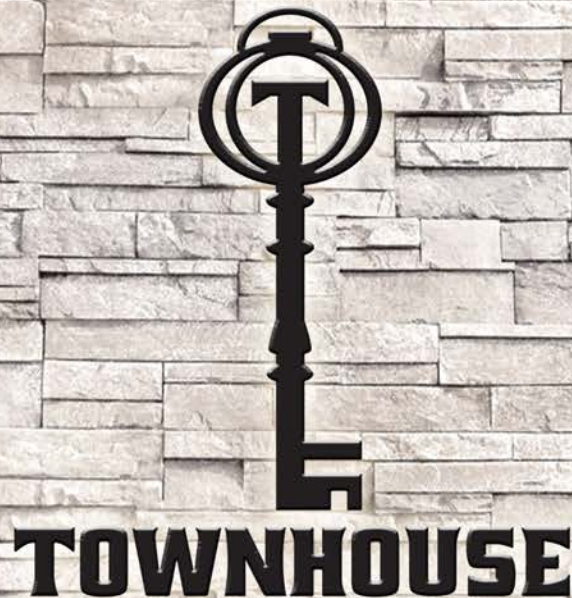


## OUR TEAM

Heirloom Hospitality Group is the brain-child of this exciting new project. Heirloom's organization consists of over 200 team members today and is growing. Our company's mission revolves around the culture of 'Enlightened Hospitality'. To us, the art of Enlightened Hospitality is the ability to elevate and inform others through a genuine sense of caring beyond the norm; it cannot be defined in the literal sense; it is a feeling like no other. It is an acceptance, more warm and intimate than any other sensation. It is embedded in the way we make people feel.

## OUR ABILITY TO PERFORM

This project will be financed by Jeremy Sasson, Heirloom Hospitality Group's Founder and President. Our intention is to invest more than \$500,000 in this project; with an intention to open in early 2017.





T O S H I

URBAN - ASIAN

| Japan | China | Korea |

HI





The idea behind Toshi is to marry together the best flavors from different regions in Asia in an artistic way that is inviting and exciting for everyone. The word "Toshi" in Japanese means "urban", which will be reflected in the modern Asian art, dim lighting and exposed kitchen and sushi station. This will allow guests to be immersed in the creation of their dishes. Dishes will consist of both small and large plates ranging in price from \$7 to \$28. We will be the only concept in Birmingham to offer a diverse Asian menu. Toshi will be open for lunch and dinner throughout the week and add a much-needed option for diners who live, work in, and visit Birmingham.

101 N. Old Woodward,  
Birmingham, MI 48009





# JUSTIN VAICIUNAS

## OPERATOR/EXECUTIVE CHEF



### - AWARDS & ACOLADES -

#### Metro Detroit 2015 Best Chef Award

<http://www.metrotimes.com/detroit/best-chef/BestOf?oid=2337019>

#### Top 10 Detroit Free Press Best New Restaurant 2015

<http://www.freep.com/story/life/2015/02/05/best-new-restaurant-top-of-the-pontch-detroit/22761939/>

#### From Almost Famous to Famous Metro Detroit Up and Coming Chef

<http://adcraftmetrodetroitliving.org/features/metrodetroitchefshavearrived0373.aspx>

#### Co creator of new Fast Casual Concept. Voted Top 10 Pizza in Michigan with in 3 months

<http://detroit.eater.com/maps/best-pizza-places-detroit-restaurants>

### - Background -

Executive Chef Justin Vaiciunas' passion for food started at the age of fifteen when he began working at the popular Kruse and Meur Restaurant located in the village of Rochester Hills. He then went on to graduate top of his class from the Schoolcraft College Culinary Arts Program, which is widely regarded as one of top culinary programs in the country. After graduating he joined the prestigious culinary the staff of The Detroit Athletic Club. At the age of 28 Chef Justin is one of the most ambitious chefs in the metro Detroit area. Over the past thirteen years he been employed at restaurants including Forte and 220 Merrill, has opened three restaurants, and a fast casual pizza company. He has won awards such as Best Chef for 2015 in the Metro Times and his restaurant Top of the Pontch in Detroit has won Best New Restaurant in 2015 from both the Detroit Free Press and Metro Times. Chef Justin utilizes only the freshest products from local famers and producers. His focus is on creating fascinating flavors that are equally visually appealing. As stated in the Metro Times article "Almost Famous: Metro Detroit's Up and Coming Chefs", "Chef Justin speaks as passionately about his plating as he does about his produce. He creates plated presentations that could qualify as high art; the best part is his creations taste just as good as they look." This background will build Toshi into a staple of the Birmingham food scene.

Hours of Operation:

M - Th 11:00am - 11:00pm

Fri - Sat 11:00am - Midnight

Sun 11:00am - 10:00pm

Expected opening date:

Summer 2016

## Sample Menu

Toshi will be a fresh new addition to the already popular and expanding culinary scene in downtown Birmingham. We will be preparing creative, fun and casual food that will be talked about around the city. The food at Toshi will be for everyone. Portions will be healthy and the food will be moderately priced.

**Starters:**  
- \$5 to \$7 -  
**Edamame Pot**  
**Sea Salt**

**Chirudo Salad**  
**Chinese Broccoli, Bok Choy, Radish,**  
**Sesame Vinaigrette**

**Smoked Kabura Chips**  
**Spiced Chili Powder**



**Stuff On Buns**  
- \$8 to \$16  
**Braised Pork Bun**  
**Hoisin, Cucumber Scallion**

**Chicken of the Sea Slider**  
**Orange Wasabi, Spicy Mayo**

**The Orient**  
**Kobe Beef, Blue Cheese, Cabbage Stir-Fry,**  
**Ginger BBQ**

**Pulled Beef Sliders**  
**Potato Salad, Sweet Soy Vinaigrette**

**Yakitori (Charcoal Cooked skewers)**  
- \$5 to \$8  
**Classic**  
**Miso Marinated Chicken Thigh,**  
**Japanese Scallion**

**Chicken Tsukune**  
**Chicken Meatball, Daiton Salad**

**Nikom Short rib**  
**Hoisin, Wasabi Mayo**

**Japanese Breakfast**  
**Pork Sausage, Quail Egg, Tomato Salsa**

**BBQ Shrimp**  
**Daeji Galbi Sauce, Pickled Cucumbers**

**Color Garden**  
**Japanese Scallion, Squash, Eggplant,**  
**Shitake Mushroom, Black Garlic Aioli**

**Tiny Scallop**  
**Yuzu Foam, Bacon Powder**

**Small Plates & Bowls**  
(Hot)  
- \$9 to \$15  
**Shushi Rice Tama**  
**Kim-chi, Sweet & Sour Mayo**

**Okonomiyaki**  
**Spicy Mayo, Japanese Scallions,**  
**Apple wood Bacon**

**Detroit Roll FuttoMaki**  
**Cola Short rib, Tempura, Cabbage Salad,**  
**Sweet Chili Vinaigrette**

**Zen Wings**  
**Duck, Chinese Five Spice, Celery Salad**

**Rice Noodle**  
**French Press Dashi, Mushroom, Chinese Broccoli**

**Stuffed Sea Urchin**  
**Tempura Flounder, Classic Hollandaise,**  
**Brown Butter, Rhubarb**

**Surf & Turf Egg roll**  
**Chili Broth**

**Tempura Shrimp On the Shell**  
**Curry, Black Bean, Lotus**



**Small Plates & Bowl**  
(Cold) - \$7 to \$12 -

**Scallop & Shrimp Terrine**  
**Unagi Sauce, Rice Salad,**

**Stuffed King Crab**  
**Onion, Cucumber, Dill, Soy**

**Tuna Tartar**  
**Ponzu, Avocado, Jalapeño, Dakin**

**Callimaro Carpaccio**  
**Preserved Lemon & Cucumber Spread**



**Large Plates**  
- \$21 to \$29  
**Banana Leaf Salmon**  
**Chinese Stir Fry, Honey Sirchia Sauce**

**Karubuta Pork Chop**  
**Roasted Mushrooms, Vanilla Soy Reduction**

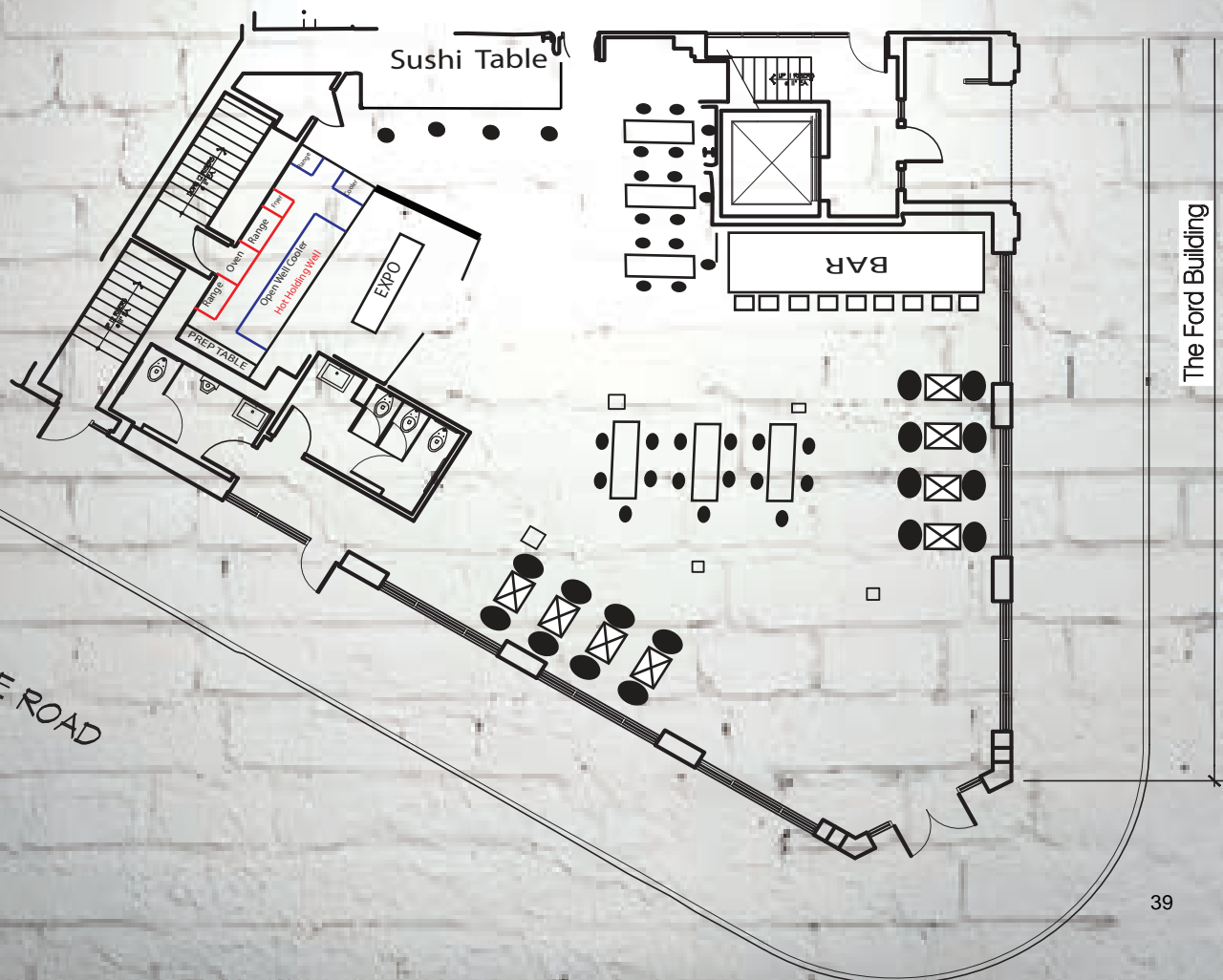
**Fried Chicken**  
**Fried Vegetable Spring Roll,**  
**General Tso's Sauce**





All financial information to show ability to construct and operate for Toshi Restaurant Group will be supplied on a seperate document.

- Proposed Layout -





T O S H I

URBAN - ASIAN

| Japan | China | Korea |

HI



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(Hot)  
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**Small Plates & Bowl**  
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**Scallop & Shrimp Terrine**  
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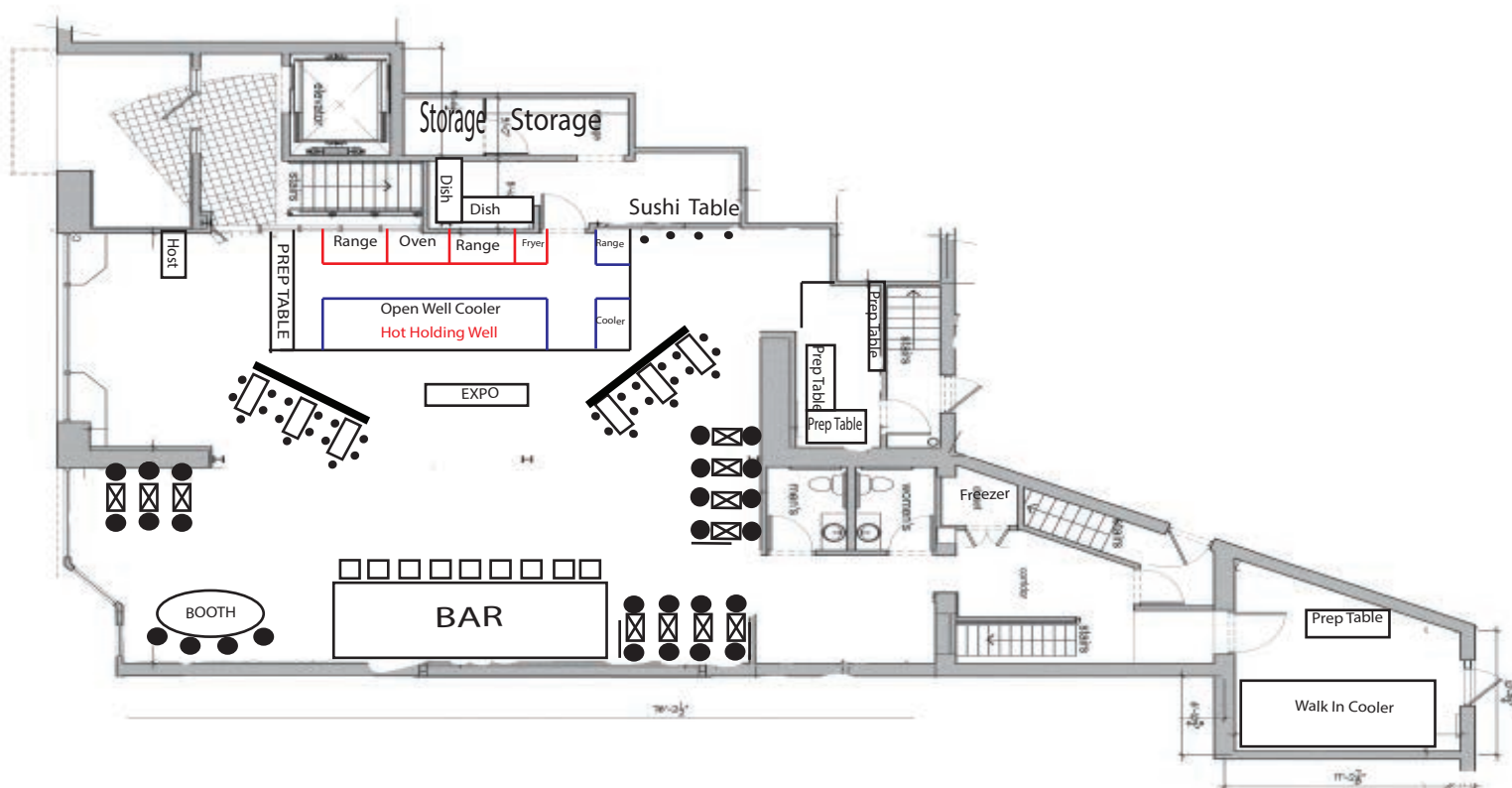
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**Roasted Mushrooms, Vanilla Soy Reduction**

**Fried Chicken**  
**Fried Vegetable Spring Roll,**  
**General Tso's Sauce**



All financial information to show ability to construct and operate for Toshi Restaurant Group will be supplied on a seperate document.

- Proposed Layout -





## MEMORANDUM

City Clerk's Office

**DATE:** January 27, 2016

**TO:** Joseph A. Valentine, City Manager

**FROM:** Laura M. Pierce, City Clerk

**SUBJECT:** Relatives serving on the same Board and Committee

---

At the December 14, 2015 City Commission meeting, the City Commission directed staff to develop a policy regarding relatives serving on the same board.

Currently, the City does not have a formal policy addressing this issue. There is a prohibition for relatives serving that are related to the City Commission and the City Manager in Chapter III of the City Charter:

*"Relatives by blood or marriage of the mayor, any commissioner or the manager, within the second degree of consanguinity or affinity, are hereby disqualified from holding any appointive office or from being employed by the city, during the term for which such mayor or commissioner was elected, or during the tenure of office of such manager."*

The City Clerk's Office surveyed neighboring communities and communities throughout the state and found that those communities who have nepotism policies were focused on elected officials and employees, not board members.

The City's boards and committees are comprised of many talented, educated, and insightful individuals who offer their talents, creativity, and opinions to the City. By allowing related members to serve on the same board, there could be the perception of impartiality that was never intended when members are appointed. Therefore, City Staff has developed the following policy language for City Commission consideration to prohibit family members from serving on the same board.

### SUGGESTED RESOLUTION:

To prohibit family members from serving on the same Board or Committee by adopting the following policy:

*Nepotism Policy for Appointed Board and Committee Members:*

*"Relatives by blood or marriage, within the second degree of consanguinity or affinity, of an existing City Board, Commission, or Committee member shall not serve on the same board as their relative. This shall not apply to Election Inspectors serving in the same precinct."*

**CITY COMMISSION MEETING  
MINUTES OF DECEMBER 14, 2015**

**12-316-15                    CITY STAFF REPORTS**

The Commission received the First Quarter Financial Reports submitted by Finance Director Gerber.

The Commission received the report regarding a new development adjacent to Manor Park submitted by City Engineer O'Meara.

In response to a question by Commissioner Bordman, Mr. Valentine confirmed that the Manor Park report has been presented to the Parks and Recreation Board.

The Commission received the report regarding relatives serving on the same Board or Committee submitted by City Clerk Pierce.

The Commission agreed to direct staff to develop a policy regarding relatives serving on the same board. Commissioner Harris suggested surveying neighboring communities.

**CITY COMMISSION AGENDA REPORT  
DECEMBER 14, 2015 MEETING**



**MEMORANDUM**

City Clerk's Office

**DATE:** December 9, 2015

**TO:** Joseph A. Valentine, City Manager

**FROM:** Laura M. Pierce, City Clerk

**SUBJECT:** Relatives serving on the same Board and Committee

---

We received an inquiry as to whether a relative could serve on the same board as an existing member. The City does not have a formal policy addressing this issue but may be something the City may wish to consider going forward. There is a prohibition for relatives serving that are related to the City Commission and the City Manager in the City Charter (see attached).

The City has not experienced this situation before, however since the question was brought up, it is a worthwhile topic for the City Commission to discuss and determine whether a policy should be considered.

If there is consensus to explore this issue further, staff can be directed to draft a policy for City Commission consideration.

## CITY CHARTER

## Chapter III

## Section 21. - [Nepotism.]

Relatives by blood or marriage of the mayor, any commissioner or the manager, within the second degree of consanguinity or affinity, are hereby disqualified from holding any appointive office or from being employed by the city, during the term for which such mayor or commissioner was elected, or during the tenure of office of such manager.



Mayor Stuart Sherman  
151 Martin  
Birmingham, MI 48009

Dear Tree City USA Supporter,

On behalf of the Arbor Day Foundation, I write to congratulate Birmingham on earning recognition as a 2015 Tree City USA. Residents of Birmingham should be proud to live in a community that makes the planting and care of trees a priority.

Birmingham is one of more than 3,400 Tree City USAs, with a combined population of 140 million. Started in 1976, The Tree City USA program, sponsored by the Arbor Day Foundation in partnership with the U.S. Forest Service and the National Association of State Foresters, is celebrating its 40th Anniversary this year. In honor of this milestone a national public awareness campaign is being executed across the country including a strong emphasis on media relations and a social media contest which are referenced in the tool kit received by your state coordinators.

As a result of your commitment to effective urban forest management, you already know that trees are vital to the public infrastructure of cities and towns throughout the country, providing numerous environmental, social and economic benefits. In fact, trees are the one piece of community infrastructure that actually increases in value over time.

We hope you are excited to share this accomplishment. Enclosed in this packet is a press release for your convenience as you prepare to contact local media and the public.

State foresters are responsible for the presentation of the Tree City USA flag and other materials. We will forward information about your awards to your state forester's office to coordinate presentation. It would be especially appropriate to make the Tree City USA award a part of your community's Arbor Day ceremony.

Again, we celebrate your commitment to the people and trees of Birmingham and thank you for helping to create a healthier planet for all of us.

Best Regards,



Dan Lambe  
President

cc: Carrie Laird

enclosure

FOR IMMEDIATE RELEASE:

### **Arbor Day Foundation Names Birmingham Tree City USA**

Birmingham, MI was named a 2015 Tree City USA by the Arbor Day Foundation in honor of its commitment to effective urban forest management.

Started in 1976, the Tree City USA program, sponsored by the Arbor Day Foundation, in partnership with the U.S. Forest Service and the National Association of State Foresters is celebrating its 40th Anniversary this year.

Birmingham achieved Tree City USA recognition by meeting the program's four requirements: a tree board or department, a tree-care ordinance, an annual community forestry budget of at least \$2 per capita and an Arbor Day observance and proclamation.

"Tree City USA communities see the impact an urban forest has in a community first hand," said Dan Lambe, President of the Arbor Day Foundation. "Additionally, recognition brings residents together and creates a sense of community pride, whether it's through volunteer engagement or public education."

Trees provide multiple benefits to a community when properly planted and maintained. They help to improve the visual appeal of a neighborhood, increase property values, reduce home cooling costs, remove air pollutants and provide wildlife habitat, among many other benefits.

More information on the program is available at [arborday.org/TreeCityUSA](http://arborday.org/TreeCityUSA).

**About the Arbor Day Foundation:** The Arbor Day Foundation is a million member nonprofit conservation and education organization with the mission to inspire people to plant, nurture, and celebrate trees. More information is available at [arborday.org](http://arborday.org).

March 30, 2016

Birmingham City Commission

Dear Commissioners,

Having lived on the west side of Birmingham for forty-five years, my wife and I would like to encourage you to approve the current West Maple configuration of one lane each way and a center turn lane. When this configuration was first proposed, my wife and I were skeptical even though two years ago I was rear ended trying to turn left off of Maple onto my street.

Living with the current configuration for several months has made us realize this works much better than the old setup. It has reduced the speeding that used to occur on Maple and makes it so much safer to turn onto our street. While we have to wait a little longer to turn left onto our street, especially now with the increased traffic on Maple being generated by the closing of Big Beaver, it is well worth it. Even before my accident on Maple, my wife and I were aware of the danger of having someone plough into our car and would either turn a block before our street if there was no traffic approaching or go all of the way down to Avon Lane where there was a turn lane.

My wife and I hope that you keep West Maple one lane each way with a center turn lane.

Very Truly Yours,



Charles C. Lillie  
496 South Glenhurst  
Birmingham, MI 48009



## **NOTICE OF INTENTION TO APPOINT TO BOARD OF BUILDING TRADES APPEAL**

At the regular meeting of Monday, May 9, 2016 the Birmingham City Commission intends to appoint one member to serve a three-year term to expire May 23, 2019. Applicants shall be qualified by experience or training.

Interested citizens may submit an application available at the city clerk's office or online at [www.bhamgov.org/boardopportunities](http://www.bhamgov.org/boardopportunities). Applications must be submitted to the city clerk's office on or before noon on Wednesday, May 4, 2016. These documents will appear in the public agenda for the regular meeting at which time the City Commission will discuss recommendations, and may make nominations and vote on appointments.

The Board of Building Trades Appeal hears and grants or denies requests for variances from strict application of the provisions of the Michigan Building, Residential, Mechanical and Plumbing Codes and the National Electrical Code. The board will decide on matters pertaining to specific code requirements related to the construction or materials to be used in the erection, alteration or repair of a building or structure.

*All members of boards and commissions are subject to the provisions of City of Birmingham City Code Chapter 2, Article IX, Ethics and the filing of the Affidavit and Disclosure Statement.*

<b>Criteria/Qualifications of Open Position</b>	<b>Date Applications Due (by noon)</b>	<b>Date of Interview</b>
Members shall be qualified by experience or training. (such as architect, engineer, mechanical engineer, building contractor, electrical contractor, plumbing contractor, heating contractor, and refrigeration contractor)	5/4/16	5/9/16



# BOARD OF BUILDING TRADES APPEALS

Chapter 22, Article II, 1972 PA 230, MCL 125.1514

Members shall be qualified by experience or training (such as Architect, Engineer, Mechanical Engineer, Building Contractor, Electrical Contractor, Plumbing Contractor, Heating Contractor, and Refrigeration Contractor).

Term: Three years – 6 members

The Board of Building Trades Appeal hears and grants or denies requests for variances from strict application of the provisions of the Michigan Building, Residential, Mechanical and Plumbing Codes and the National Electrical Code. The board will decide on matters pertaining to specific code requirements related to the construction or materials to be used in the erection, alteration or repair of a building or structure.

Last Name	First Name	Home Business	E-Mail	Appointed	Term Expires
<b>Charles</b>	<b>Adam</b>		(248) 672-3486	3/14/2016	5/23/2016
1539 Bennaville					
Birmingham	48009		<i>mradamcharles@gmail.com</i>		
<b>Force</b>	<b>David</b>		(248) 644-1724	12/11/2006	5/23/2018
1099 N. Cranbrook				Building Contractor	
Bloomfield Hills	48301		<i>force0621@ameritech.net</i>		
<b>Mando</b>	<b>Dennis</b>		(248) 767-0515	1/30/2006	5/23/2017
2225 Ironwood Dr			(248) 669-4338	Heating Contractor	
Clarkston	48348		<i>denny@dennysonline.com</i>		
<b>Partridge</b>	<b>A. James</b>		(248)642-1739	7/8/1996	5/23/2018
3916 Cottontail Lane			(248) 645-1465	Mechanical Engineer	
Bloomfield Hills	48301		<i>jim@jpconsulting-llc.com</i>		
<b>Stahelin</b>	<b>Benjamin</b>		(248) 210-7764	2/22/2016	5/23/2017
1832 East Lincoln					
Birmingham	48009		<i>stahelinbenjamin@gmail.com</i>		

Last Name	First Name	Home Business		
Home Address		E-Mail	Appointed	Term Expires
<b>White</b>	<b>Ronald</b>	(248) 543-5532	7/15/1991	5/23/2018
1898 Tahquamenon		(810) 543-5532	Electrical Contractor	
Bloomfield Hills	48302	<i>offices@rdwhiteco.com</i>		





**NOTICE OF INTENTION TO APPOINT TO THE  
CITY OF BIRMINGHAM  
BROWNFIELD REDEVELOPMENT AUTHORITY**

At the regular meeting of Monday, May 9, 2016 the Birmingham City Commission intends to appoint two members to the City of Birmingham Brownfield Redevelopment Authority to serve three-year terms to expire May 23, 2019.

The authority shall have the powers and duties to the full extent as provided by and in accordance with the provisions of the Brownfield Redevelopment Financing Act, being Act 381 of the Public Acts of the state of Michigan of 1996, as amended. Among other matters, in the exercise of its powers, the Board may prepare Brownfield plans pursuant to Section 13 of the Act and submit the plans to the Commission for consideration pursuant to Section 13 and 14 of the Act.

Members of this board will be appointed by the Mayor subject to approval of the commission.

Interested citizens may submit an application available at the city clerk's office or online at [www.bhamgov.org/boardopportunities](http://www.bhamgov.org/boardopportunities). Applications must be submitted to the city clerk's office on or before noon on Wednesday, May 4, 2016. These documents will appear in the public agenda for the regular meeting at which time the City Commission will discuss recommendations, and may make nominations and vote on appointments.

*All members of boards and commissions are subject to the provisions of City of Birmingham City Code Chapter 2, Article IX, Ethics and the filing of the Affidavit and Disclosure Statement.*

<b>Criteria/Qualifications of Open Position</b>	<b>Date Applications Due (by noon)</b>	<b>Date of Interview</b>
Members shall, in so far as possible, be residents of the City of Birmingham.	5/4/16	5/9/16



# BROWNFIELD REDEVELOPMENT AUTHORITY

Resolution # 04-123-05

5 members, three-year terms, appointed by the mayor subject to approval of the commission.

The authority shall have the powers and duties to the full extent as provided by and in accordance with the provisions of the Brownfield Redevelopment Financing Act, being Act 381 of the Public Acts of the state of Michigan of 1996, as amended. Among other matters, in the exercise of its powers, the Board may prepare Brownfield plans pursuant to Section 13 of the Act and submit the plans to the Commission for consideration pursuant to Section 13 and 14 of the Act.

Last Name Home Address	First Name	Home Business	E-Mail	Appointed	Term Expires
<b>Gotthelf</b> 363 Catalpa	<b>Beth</b>	(248) 227.6920  <i>gotthelf@butzel.com</i>		5/9/2005	5/23/2017
<b>Robertson</b> 779 S. Bates	<b>Paul</b>	(248) 282-1450  <i>probertson@robertson-brothers.com</i>		5/9/2005	5/23/2016
<b>Runco</b> 1556 Lakeside	<b>Robert</b>	(248) 388-8100  <i>rrunco@runcowaste.com</i>		5/9/2005	5/23/2017
<b>Torcolacci</b> 2849 Buckingham	<b>Dani</b>	248-217-4805  <i>dtorcolacci@gmail.com</i>		10/27/2014	5/23/2016
<b>Zabriskie</b> 463 Wimbleton	<b>Wendy</b>	(248) 646-7543 (248) 743-6046 <i>jwzab@comcast.net</i>		5/9/2005	5/23/2018



## **NOTICE OF INTENTION TO APPOINT HEARING OFFICER**

At the regular meeting of Monday, May 9, 2016, the Birmingham City Commission intends to appoint the hearing officer to serve a three-year term to expire June 30, 2019 and the alternate hearing officer to serve a two-year term to expire June 30, 2018. The Hearing Officer shall be responsible for hearing disputes to a fee or bill that a property owner or resident of the city shall receive pursuant to the fee collection ordinances (section 1-17).

The hearing officer and alternate shall be residents of the City of Birmingham who have legal, administrative or other desirable qualifications that will aid him or her in the performance of the duties in accordance with provisions of the applicable code. The hearing officer and the alternate hearing office shall serve without compensation.

The hearing officer or alternate shall schedule periodic meetings for hearings as needed.

Interested citizens may submit a form available from the city clerk's office on or before noon on Wednesday, May 4, 2016. These applications will appear in the public agenda for the regular meeting at which time the commission will discuss recommendations, and may make nominations and vote on the appointments.

*All members of boards and commissions are subject to the provisions of City of Birmingham City Code Chapter 2, Article IX, Ethics and the filing of the Affidavit and Disclosure Statement.*

<b>Criteria/Qualifications of Open Position</b>	<b>Date Applications Due (by noon)</b>	<b>Date of Interview</b>
Members shall be residents of the city who have legal, administrative or other desirable qualifications that will aid him or her in the performance of the duties of the hearing officer.	5/4/16	5/9/16



# HEARING OFFICER

Ordinance #2178, Adopted March 28, 2106

Term: 3 years

Appointed by the city commission

Qualifications: The hearing officer and alternate shall be residents of Birmingham who have legal, administrative, or other desirable qualifications that will aid him/her in the performance of their duties. The hearing officer and alternate shall serve without compensation and shall not be elected officials or persons appointed to elective office.

Duties: The hearing officer shall be responsible for hearing disputes to a fee or bill that a property owner or resident of the city shall receive pursuant to any of the fee collection ordinances of the code of the City of Birmingham that specifically relate to: returned check fees by real property owners (section 1-15), the removal of debris from a private property upon a public street, alley, sidewalk, or other public place or right-of-way (section 50-27), false alarms (section 74-31), snow removal (section 98-68), sidewalk repair fees (section 98-62), cross connection inspections (section 114-5), and weed cutting (section 118-68). The alternate hearing officer shall be responsible for hearing disputes in the absence of the hearing officer.

Last Name	First Name	Home Business	Appointed	Term Expires
Home Address		E-Mail		
Vacant			ALTERNATE	6/30/2018
Vacant				6/30/2019



## NOTICE OF INTENTION TO APPOINT TO THE HOUSING BOARD OF APPEALS

At the meeting of Monday, May 9, 2016, the Birmingham City Commission intends to appoint two members to the Housing Board of Appeals to serve three-year terms to expire May 4, 2019. Members shall be educated or experienced in building construction administration, social services, real estate or other responsible positions.

The Housing Board of Appeals was established in order to provide an appeal process from regulation derived from the housing and maintenance requirements found in Chapter 22 of the city code. The purpose of the housing and maintenance regulations is to protect, preserve and promote the physical and social well being of the people, to regulate privately and publicly owned dwellings for the purpose of maintaining adequate sanitation and public health.

Interested citizens may submit an application available at the city clerk's office or online at [www.bhamgov.org/boardopportunities](http://www.bhamgov.org/boardopportunities). Applications must be submitted to the city clerk's office on or before noon on Wednesday, May 4, 2016. These documents will appear in the public agenda for the regular meeting at which time the City Commission will discuss recommendations, and may make nominations and vote on appointments.

*All members of boards and commissions are subject to the provisions of City of Birmingham City Code Chapter 2, Article IX, Ethics and the filing of the Affidavit and Disclosure Statement.*

Criteria/Qualifications of Open Position	Date Applications Due (by noon)	Date of Interview
Members shall be educated or experienced in building construction administration, social services, real estate or other responsible positions.	5/4/16	5/9/16



# HOUSING BOARD OF APPEALS

Chapter 22 - Section 22-311

Seven Members

Requirements: Qualified by education or experience in building construction administration, social services, real estate, or other responsible positions.

Terms: Three year - expire the first Monday in May

Meetings held as needed.

Appointed by the City Commission

Last Name	First Name	Home Business	E-Mail	Appointed	Term Expires
<b>Blaesing</b>	<b>Brian</b>	(248) 540-4272		5/9/2011	5/4/2017
2444 Polo Place					
Birmingham	48009	<i>brian.blaesing@sbcglobal.net</i>			
<b>Frink</b>	<b>David</b>	(248) 766-2069		9/10/2001	5/4/2017
5277 Coulter Lake Trail				Builder	
Clarkston	48348	<i>davidlfrink@aol.com</i>			
<b>Hayashi</b>	<b>Emiko</b>	(248) 736-5896		1/26/2015	5/4/2016
2051 Villa Rd, Unit 306					
Birmingham	48009	<i>emikomarie@gmail.com</i>			
<b>McLogan</b>	<b>Chris</b>	(248) 321-5883		11/23/2015	5/4/2017
612 N. Glenhurst Dr					
Birmingham	48009	<i>chrismclogan@gmail.com</i>			
<b>Peterson</b>	<b>Kenneth</b>	(586) 615-0452		4/16/2007	5/4/2018
34 Adelaide				Home Builder	
Detroit	48201	<i>kenpeterson123@gmail.com</i>			



Last Name	First Name	Home Business		
Home Address		E-Mail	Appointed	Term Expires
<b>Taylor</b>	<b>Robert</b>	248-892-3316	5/10/2010	5/4/2016
3693 W Bradford		(248) 433-5432		
Bloomfield Twp	48301	<i>Bob@BobTaylor.com</i>		
<b>Ziegelman</b>	<b>Robert</b>	(248) 644-0600	9/26/1984	5/4/2018
36800 Woodward Ave #110			Architect	
Bloomfield Hills	48304	<i>rzeigelman@lzarch.com</i>		



## MEMORANDUM

Planning Division

**DATE:** April 4, 2016

**TO:** Joseph A. Valentine, City Manager

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

**SUBJECT:** Clerical error corrections to Chapter 126, Zoning

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In the year 2003 the City of Birmingham contracted Ground Rules, Inc. to overhaul the City's Zoning Ordinance and convert our text based ordinance to a graphic based ordinance. The Zoning Ordinance rewrite was to address organizational and readability issues and was not for the purpose of making substantive changes to the provisions, unless specifically instructed to do so. Given the complexity of the task and the complete reorganization of the ordinance, several errors have been identified over time, and staff has reported these errors to the Planning Board and the City Commission and made the necessary corrections.

Over the past year or two, additional clerical errors have come to light as a result of reviewing individual projects. As in the past, this memo is to advise the City Commission that these corrections are being made to the Zoning Ordinances. No action is required by the City Commission, as these are not substantive changes being made to the ordinance, but clerical error corrections in the translation from the old format to the current graphic format. All of these corrections were also reported to and reviewed by the Planning Board on March 9, 2016.

The needed corrections to the Zoning Code being made at this time are as follows:

1. CORRECT ARTICLE 02, SECTION 2.15, R6 (MULTIPLE-FAMILY RESIDENTIAL) DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES, TO CORRECT "PARKING – OFF STREET" IN THE USES REQUIRING A SPECIAL LAND USE PERMIT BY ADDING "WHEN ASSOCIATED WITH CHURCHES AND SCHOOLS - PRIVATE".

See attached excerpt from former Zoning Ordinance, and excerpt from current Zoning Ordinance, with relevant sections highlighted. The former Zoning Ordinance required all parking associated with schools, churches, schools and Sunday school buildings to operate under a Special Land Use Permit ("SLUP"). We no longer list Sunday school buildings separately as they are covered under churches, and public schools are not subject to local zoning regulations, and thus do not require a SLUP. Thus, off-street parking when associated with churches and private schools should be listed as requiring a SLUP in R6.

2. CORRECT ARTICLE 02, SECTION 2.17, R7 (MULTIPLE-FAMILY RESIDENTIAL) DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES, TO CORRECT "PARKING – OFF STREET" IN THE USES REQUIRING A SPECIAL LAND USE PERMIT BY ADDING "WHEN ASSOCIATED WITH CHURCHES AND SCHOOLS - PRIVATE".

See attached excerpt from former Zoning Ordinance, and excerpt from current Zoning Ordinance, with relevant sections highlighted. The former Zoning Ordinance required all parking associated with schools, churches, schools and Sunday school buildings to operate under a Special Land Use Permit ("SLUP"). We no longer list Sunday school buildings separately as they are covered under churches, and public schools are not subject to local zoning regulations, and thus do not require a SLUP. Thus, off-street parking when associated with churches and private schools should be listed as requiring a SLUP in R7.

3. CORRECT ARTICLE 02, ZONING DISTRICTS, ALL SECTIONS AS FOLLOWS:

- SECTION 2.09 R3 (SINGLE-FAMILY RESIDENTIAL),
- SECTION 2.11 R4 (TWO-FAMILY RESIDENTIAL),
- SECTION 2.13 R5 (MULTIPLE-FAMILY RESIDENTIAL),
- SECTION 2.15 R6 (MULTIPLE-MULTIPLE FAMILY RESIDENTIAL),
- SECTION 2.17 R7 (MULTIPLE-FAMILY RESIDENTIAL),
- SECTION 2.19 R8 (ATTACHED SINGLE-FAMILY RESIDENTIAL),
- SECTION 2.21 O1 (OFFICE),
- SECTION 2.23 O2 (OFFICE/COMMERCIAL); AND
- SECTION 2.25 P (PARKING)

TO REMOVE "SINGLE FAMILY CLUSTER" FROM THE LIST OF RESIDENTIAL PERMITTED USES.

The former Zoning Ordinance clearly provided the single family cluster option for those properties located in the R1, R1A and R2 zone districts only. See attached excerpt from the former Zoning Ordinance, and excerpts from each of the above zoning classifications in the current Zoning Ordinance, with relevant sections highlighted.

4. CORRECT ARTICLE 02, ZONING DISTRICTS, SECTION 2.39, MX (MIXED USE) DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES TO ADD "USES WITH EXPANDED HOURS PAST 7 A.M. TO 11 P. M." TO THE LIST OF USES REQUIRING A SPECIAL LAND USE PERMIT AND TO ADD "RESIDENTIAL USE COMBINED WITH PERMITTED NON-RESIDENTIAL USE IN THE SAME BUILDING COMPLEX" TO THE LIST OF RESIDENTIAL PERMITTED USES IN THE MX DISTRICT.

See attached excerpt from former Zoning Ordinance that included uses with expanded hours under the list of uses requiring a SLUP, and the excerpt from the former ordinance that included residential uses combined with permitted non-residential uses in the same building complex as a permitted use. An excerpt from the current Zoning Ordinance is also provided, which does not include these uses.

5. CORRECT ARTICLE 03, SECTION 3.04, DOWNTOWN BIRMINGHAM OVERLAY DISTRICT, TO CORRECT SUBSECTION 3.04(A)(1)(a) D2 ZONE TO REMOVE THE REFERENCE TO SLOPED ROOFS. THE SUBSECTION WOULD THEN READ "EAVE LINE SHALL BE NO MORE THAN 34 FEET".

The former Zoning Ordinance did not include any reference to sloped roofs with regard to maximum eave height. See attached excerpt from the former Zoning Ordinance, and the excerpt from the current Zoning Ordinance, with relevant sections highlighted.

6. CORRECT ARTICLE 03, SECTION 3.04, DOWNTOWN BIRMINGHAM OVERLAY DISTRICT, TO CORRECT SUBSECTION 3.04(A)(2(a) D3 ZONE TO REMOVE THE REFERENCE TO SLOPED ROOFS. THE SUBSECTION WOULD THEN READ "EAVE LINE SHALL BE NO MORE THAN 46 FEET".

The former Zoning Ordinance did not include any reference to sloped roofs with regard to maximum eave height. See attached excerpt from the former Zoning Ordinance, and the excerpt from the current Zoning Ordinance, with relevant sections highlighted.

7. CORRECT ARTICLE 04, STRUCTURE STANDARDS, SECTION 4.74, BY REMOVING SUBSECTION (C) DISTANCE BETWEEN BUILDINGS, IN ITS ENTIRETY AS THIS PROVISION ONLY APPLIES TO THE RESIDENTIAL ZONE DISTRICTS R1A, R1, R2, R3, R4, R5, R6, R7 AND R8.

AND

ADD A NEW ARTICLE 04, STRUCTURE STANDARDS, SECTION 4.74.1, CONTAINING THE FORMER SUBSECTION (C) DISTANCE BETWEEN BUILDINGS (NOTED ABOVE) IN ITS ENTIRETY, UNDER THE ICONS FOR R1A, R1 AND R2, R3, R4, R5, R6, R7 AND R8.

The former Zoning Ordinance clearly provided that the distance between building provisions above were only applicable in the residential zone districts, and did not apply to any of the mixed use or commercial zoning districts. See attached excerpts from the former Zoning Ordinance, and the current Zoning Ordinance, with relevant sections highlighted. The correction to Article 4, section 4.74 ensures that the distance between building standards are only applicable in the residential zone districts.

8. CORRECT ARTICLE 05, USE SPECIFIC STANDARDS, SECTION 5.02, BY REMOVING SUBSECTION (E) IN ITS ENTIRETY AS SINGLE FAMILY CLUSTER DEVELOPMENTS ARE NOT PERMITTED IN THE R3 ZONE DISTRICT.

AND

ADD A NEW ARTICLE 05, USE SPECIFIC STANDARDS, SECTION 5.02.1 CONTAINING THE FORMER SUBSECTION (E) NOTED ABOVE IN ITS ENTIRETY, UNDER THE ICONS FOR R1A, R1 AND R2 DISTRICTS IN WHICH SINGLE FAMILY CLUSTER DEVELOPMENTS ARE PERMITTED.

The former Zoning Ordinance clearly provided the single family cluster option for those properties located in the R1, R1A and R2 zone districts only. See attached excerpt from the former Zoning Ordinance, and excerpts from each of the above zoning classifications in the current Zoning Ordinance, with relevant sections highlighted. The correction to Article 5, section 5.02 ensures that the single family cluster standards are only applicable in those districts where single family cluster developments are permitted.

9. CORRECT ARTICLE 05, USE SPECIFIC STANDARDS, ALL SECTIONS AS FOLLOWS:

- SECTION 5.03 R4, R5 AND R8 DISTRICTS (REMOVE (D)),
- SECTION 5.04 R6 DISTRICT (REMOVE (D)),
- SECTION 5.05 R7 DISTRICT (REMOVE (D)),
- SECTION 5.06 O1 DISTRICT(REMOVE (G)),
- SECTION 5.07 O2 DISTRICT (REMOVE (H)); AND
- SECTION 5.08 P DISTRICT (REMOVE (G))

TO REMOVE THE SINGLE FAMILY CLUSTER STANDARDS AS THEY DO NOT APPLY IN THESE ZONING DISTRICTS.

The former Zoning Ordinance clearly provided the single family cluster option for those properties located in the R1, R1A and R2 zone districts only. See attached excerpt from the former Zoning Ordinance, and excerpts from each of the above zoning classifications in the current Zoning Ordinance, with relevant sections highlighted. The correction to Article 5, section 5.02 ensures that the single family cluster standards are only applicable in those districts where single family cluster developments are permitted.

10. CORRECT THE LAND USE MATRIX AS FOLLOWS;

- (a) CHANGE B3 CELL OF "BARBER AND BEAUTY SALON" TO PERMITTED USE (P);
- (b) CHANGE THE MX DISTRICT CELL IN "PHOTOGRAPHY STUDIO" TO PERMITTED (P);
- (c) CHANGE THE B2B AND B2C CELLS (INSTITUTIONAL USES) IN "GARAGE, PUBLIC" TO PERMITTED USES (P);
- (d) CHANGE THE R1A, R1, R2 AND R3 CELLS (RESIDENTIAL) IN "FAMILY DAYCARE FACILITIES" TO PERMITTED ACCESSORY USES (A\*)
- (e) RENAME "FAMILY DAYCARE FACILITIES" UNDER THE RESIDENTIAL CATEGORY OF THE MATRIX TO "FAMILY DAYCARE HOMES";
- (f) CHANGE THE B4 CELL (OTHER) IN "UTILITY SUBSTATION" TO PERMITTED USE (P);
- (g) CHANGE THE R3, R4, R5, R6, R7, R8, O1, O2, AND P CELLS IN "SINGLE FAMILY CLUSTER" TO NOT PERMITTED (-).

The former Zoning Ordinance did not contain a Land Use Matrix. The proposed changes noted above are to ensure that the Land Use Matrix accurately reflects the permissibility of all uses contained in the current Zoning Ordinance, as updated from the former Zoning Ordinance.

As discussed above, the purpose of this memo is to report all of the required corrections to the Zoning Ordinance. No action is required by the City Commission to make these corrections.

## 2.15 R6 (Multiple-Family Residential) District Intent, Permitted Uses, and Special Uses

District Intent	Permitted Uses	Other Use Regulations
<p>A district intent is not available for this zoning district.</p>	<p><b>Residential Permitted Uses</b></p> <ul style="list-style-type: none"> <li>• adult foster care group home (R5)</li> <li>• dwelling - multiple-family (R5)</li> <li>• dwelling - one-family (R5)</li> <li>• dwelling - two-family (R5)</li> <li>• single-family cluster (R5)*</li> </ul> <p><b>Institutional Uses</b></p> <ul style="list-style-type: none"> <li>• government office (R5)</li> <li>• philanthropic use (R5)</li> <li>• school - public (R5)</li> </ul> <p><b>Recreational Uses</b></p> <ul style="list-style-type: none"> <li>• park (R5)</li> <li>• swimming pool - semiprivate (R5)</li> </ul> <p>*= Use Specific Standards in Section 5.04 Apply ( )= Subject to Regulations of the Specified District</p>	<p><b>Accessory Permitted Uses</b></p> <ul style="list-style-type: none"> <li>• garage - private</li> <li>• greenhouse - private</li> <li>• home occupation*</li> <li>• parking facility - private off-street</li> <li>• parking - public, off-street*</li> <li>• renting of rooms*</li> <li>• sign</li> <li>• swimming pool - private</li> <li>• any use customarily incidental to the permitted principal use</li> </ul> <p><b>Uses Requiring a Special Land Use Permit</b></p> <ul style="list-style-type: none"> <li>• assisted living</li> <li>• church</li> <li>• community center</li> <li>• continued care retirement community</li> <li>• independent hospice facility</li> <li>• independent senior living</li> <li>• parking - off-street</li> <li>• public utility building</li> <li>• publicly owned building</li> <li>• recreational club</li> <li>• school - private</li> <li>• skilled nursing facility</li> <li>• social club</li> </ul> <p>*= Use Specific Standards in Section 5.04 Apply</p>



## 2.17 R7 (Multiple-Family Residential) District Intent, Permitted Uses, and Special Uses

District Intent	Permitted Uses	Other Use Regulations
A district intent is not available for this zoning district.	<p><b>Residential Permitted Uses</b></p> <ul style="list-style-type: none"> <li>• adult foster care group home(R6)</li> <li>• dwelling - multiple-family(R6)</li> <li>• dwelling - multiple-family</li> <li>• dwelling - one-family(R6)</li> <li>• dwelling - two-family(R6)</li> <li>• single-family cluster(R6)*</li> </ul> <p><b>Institutional Uses</b></p> <ul style="list-style-type: none"> <li>• government office(R6)</li> <li>• philanthropic use(R6)</li> <li>• school - public(R6)</li> </ul> <p><b>Recreational Uses</b></p> <ul style="list-style-type: none"> <li>• park (R6)</li> <li>• swimming pool - semiprivate (R6)</li> </ul>	<p><b>Accessory Permitted Uses</b></p> <ul style="list-style-type: none"> <li>• garage - private</li> <li>• greenhouse - private</li> <li>• home occupation*</li> <li>• parking facility - private, off-street</li> <li>• parking - public, off-street*</li> <li>• renting of rooms*</li> <li>• sign</li> <li>• swimming pool - private</li> <li>• any use customarily incidental to the permitted principal use</li> </ul> <p><b>Uses Requiring a Special Land Use Permit</b></p> <ul style="list-style-type: none"> <li>• assisted living</li> <li>• church</li> <li>• community center</li> <li>• continued care retirement community</li> <li>• independent hospice facility</li> <li>• independent senior living</li> <li>• parking - off-street</li> <li>• public utility building</li> <li>• publicly owned building</li> <li>• recreational club</li> <li>• school - private</li> <li>• skilled nursing facility</li> <li>• social club</li> <li>• special-purpose housing*</li> </ul>
	<p>*= Use Specific Standards in Section 5.05 Apply ( ) = Subject to Regulations of the Specified District</p>	<p>*= Use Specific Standards in Section 5.05 Apply</p>

**ARTICLE VII. MULTIPLE-FAMILY  
RESIDENTIAL DISTRICT (R-5)**

**Sec. 126-146. Permitted principal uses.**

The following are permitted principal uses in the R-5 district:

- (1) Any permitted principal use in the R-4 district subject to the minimum regulations of the R-4 district.
  - (2) Multiple-family dwellings (see article II).
  - (3) Semiprivate swimming pool.
- (Code 1963, § 5.37)

**Sec. 126-147. Permitted accessory uses.**

The following are permitted accessory uses in the R-5 district:

- (1) Private garage, private greenhouse, private swimming pool (see sections 126-474 and 126-476).
  - (2) Renting of rooms to not more than two roomers or boarders per dwelling unit.
  - (3) Signs (see chapter 86).
  - (4) Fences (see section 126-473).
  - (5) Private off-street parking facilities (see article XXI).
  - (6) Any use customarily incidental to the permitted principal use.
  - (7) Public off-street parking in connection with subsections (2), (3) and (4) of section 126-96 (see articles II and XXI).
  - (8) Home occupations (see section 126-97(9)).
- (Code 1963, § 5.38; Ord. No. 1709, 6-14-99)

**Sec. 126-148. Uses requiring special land use permits.**

The following uses in the R-5 district require a special land use permit:

- (1) Publicly owned buildings and public utility buildings (see article XXV).
- (2) Schools, churches, Sunday School buildings.

- (3) Off-street parking in connection with subsection (2) of this section (see articles II and XXI).
- (Code 1963, § 5.39)

**Sec. 126-149. Site plan and design review.**

All multiple-family (R-5) residential developments shall obtain site plan and design approval from the appropriate reviewing body in accordance with the regulations as set forth in sections 126-491 et seq. and 126-511 et seq.

(Code 1963, § 5.40)

**Secs. 126-150—126-170. Reserved.**

**ARTICLE VIII. MULTIPLE-FAMILY  
RESIDENTIAL DISTRICT (R-6)**

**Sec. 126-171. Permitted principal uses.**

The following are permitted principal uses in the R-6 district:

- (1) Any permitted principal use in the R-5 district subject to the minimum regulations of the R-6 district and the restrictions as set forth in section 126-175.
- (Code 1963, § 5.45)

**Sec. 126-172. Permitted accessory uses.**

The following are permitted accessory uses in the R-6 district:

- (1) Private garage, private greenhouse, private swimming pool (see sections 126-474 and 126-476).
- (2) Renting of rooms to not more than two roomers or boarders per dwelling unit.
- (3) Signs (see chapter 86).
- (4) Fences (see section 126-473).
- (5) Private off-street parking facilities (see article XXI).
- (6) Any use customarily incidental to the permitted principal use.
- (7) Public off-street parking in connection with subsections (2), (3) and (4) of section 126-96 (see articles II and XXI).

(8) Home occupations (see section 126-97(9)).  
(Code 1963, § 5.46; Ord. No. 1709, 6-14-99)

**Sec. 126-173. Uses requiring special land use permit.**

The following uses in the R-6 district require a special land use permit:

- (1) Publicly owned buildings and public utility buildings (see article XXV).
- (2) Schools, churches, Sunday School buildings.

- (3) Off-street parking in connection with subsection (2) of this section (see articles II and XXI).
  - (4) Clubs, social, recreational and community center buildings, excepting those the chief activity of which is a service customarily carried on as a business such as a public dance hall or public bowling alley.
- (Code 1963, § 5.47)

#### Sec. 126-174. Site plan and design review.

All multiple-family (R-6) residential developments shall obtain site plan and design approval from the appropriate reviewing body in accordance with the regulations as set forth in sections 126-491 et seq. and 126-511 et seq.

(Code 1963, § 5.48)

#### Sec. 126-175. Required conditions.

The following regulations shall apply to all lands in the R-6 district:

- (1) No portion of the required front open space may be used for parking purposes.
- (2) Each development shall maintain a minimum landscaped open space equal to 35 percent of the total land area. Such landscaped open space shall be functionally usable for recreation and shall be so planted and maintained as to provide screening of the development from the public street or private property within the neighborhood.

(Code 1963, § 5.49)

#### Secs. 126-176—126-195. Reserved.

### ARTICLE IX. MULTIPLE-FAMILY RESIDENTIAL DISTRICT (R-7)

#### Sec. 126-196. Permitted principal uses.

The following are permitted principal uses in the R-7 district:

- (1) Any permitted principal use in the R-6 district subject to the minimum regulations of the R-6 zone district.

- (2) Multiple-family dwellings subject to the minimum regulations of the R-7 district and the restrictions as set forth in sections 126-200.
- (Code 1963, § 5.54)

#### Sec. 126-197. Permitted accessory uses.

The following are permitted accessory uses in the R-7 district:

- (1) Private garage, private greenhouse, private swimming pool (see sections 126-476 and 126-476).
- (2) Renting of rooms to not more than two roomers or boarders per dwelling unit.
- (3) Signs (see chapter 86).
- (4) Fences (see section 126-473).
- (5) Private off-street parking facilities (see article XXI).
- (6) Any use customarily incidental to the permitted principal use.
- (7) Public off-street parking in connection with subsections (2), (3) and (4) of section 126-96 (see articles II and XXI).
- (8) Home occupations (see section 126-97(9) (Code 1963, § 5.55; Ord. No. 1709, 6-14-99))

#### Sec. 126-198. Uses requiring special land use permit.

The following uses in the R-7 district require special land use permit:

- (1) Publicly owned buildings and public utility buildings (see article XXV).
- (2) Schools, churches, Sunday School buildings.
- (3) Off-street parking in connection with subsection (2) of this section (see articles II and XXI).
- (4) Clubs, social, recreational and community center buildings, excepting those the chief activity of which is a service customarily carried on as a business such as a public dance hall or public bowling alley.



## 2.09 R3 (Single-Family Residential) District Intent, Permitted Uses, and Special Uses

District Intent	Permitted Uses	Other Use Regulations
<p>A district intent is not available for this zoning district.</p>	<p><b>Residential Permitted Uses</b></p> <ul style="list-style-type: none"> <li>• adult foster care group home</li> <li>• dwelling - one-family</li> <li>• single-family cluster*</li> </ul> <p><b>Institutional Permitted Uses</b></p> <ul style="list-style-type: none"> <li>• government office</li> <li>• school - public</li> </ul> <p><b>Recreational Permitted Uses</b></p> <ul style="list-style-type: none"> <li>• park</li> </ul> <p>*= Use Specific Standards in Section 5.02 Apply</p>	<p><b>Accessory Permitted Uses</b></p> <ul style="list-style-type: none"> <li>• family day care home*</li> <li>• garage - private</li> <li>• greenhouse - private</li> <li>• home occupation*</li> <li>• parking facility - private off-street</li> <li>• parking - public, off-street*</li> <li>• renting of rooms*</li> <li>• sign</li> <li>• swimming pool - private</li> <li>• any use customarily incidental to the permitted principal use</li> </ul> <p><b>Uses Requiring a Special Land Use Permit</b></p> <ul style="list-style-type: none"> <li>• assisted living</li> <li>• church</li> <li>• continued care retirement community</li> <li>• independent hospice facility</li> <li>• independent senior living</li> <li>• medical rehabilitation facility</li> <li>• parking (accessory) - public, off-street</li> <li>• philanthropic use</li> <li>• public utility building</li> <li>• publicly owned building</li> <li>• school - private</li> <li>• skilled nursing facility</li> </ul> <p>*= Use Specific Standards in Section 5.02 Apply</p>

## 2.11 R4 (Two-Family Residential) District Intent, Permitted Uses, and Special Uses

District Intent	Permitted Uses	Other Use Regulations
<p>A district intent is not available for this zoning district.</p>	<p><b>Residential Permitted Uses</b></p> <ul style="list-style-type: none"> <li>• adult foster care group home(R3)</li> <li>• dwelling - one-family(R3)</li> <li>• dwelling - two-family</li> <li>• single-family cluster(R3)*</li> </ul> <p><b>Institutional Permitted Uses</b></p> <ul style="list-style-type: none"> <li>• government office(R3)</li> <li>• philanthropic use</li> <li>• school - public(R3)</li> </ul> <p><b>Recreational Permitted Uses</b></p> <ul style="list-style-type: none"> <li>• park (R3)</li> </ul> <p>* = Use Specific Standards in Section 5.03 Apply ( ) = Subject to Regulations of the Specified District</p>	<p><b>Accessory Permitted Uses</b></p> <ul style="list-style-type: none"> <li>• garage - private</li> <li>• greenhouse - private</li> <li>• home occupation*</li> <li>• parking facility - private off-street</li> <li>• parking - public, off-street*</li> <li>• renting of rooms*</li> <li>• sign</li> <li>• swimming pool - private</li> <li>• any use customarily incidental to the permitted principal use</li> </ul> <p><b>Uses Requiring a Special Land Use Permit</b></p> <ul style="list-style-type: none"> <li>• assisted living</li> <li>• church</li> <li>• continued care retirement community</li> <li>• independent hospice facility</li> <li>• independent senior living</li> <li>• parking (accessory) - public, off-street</li> <li>• public utility building</li> <li>• publicly owned building</li> <li>• school - private</li> <li>• skilled nursing facility</li> </ul> <p>* = Use Specific Standards in Section 5.03 Apply</p>

## 2.13 R5 (Multiple-Family Residential) District Intent, Permitted Uses, and Special Uses

District Intent	Permitted Uses	Other Use Regulations
<p>A district Intent is not available for this zoning district.</p>	<p><b>Residential Permitted Uses</b></p> <ul style="list-style-type: none"> <li>• adult foster care group home(R4)</li> <li>• dwelling - multiple-family</li> <li>• dwelling - one-family(R4)</li> <li>• dwelling - two-family(R4)</li> <li>• single-family cluster(R4)*</li> </ul> <p><b>Institutional Uses</b></p> <ul style="list-style-type: none"> <li>• government office(R4)</li> <li>• philanthropic use(R4)</li> <li>• school - public(R4)</li> </ul> <p><b>Recreational Uses</b></p> <ul style="list-style-type: none"> <li>• park (R4)</li> <li>• swimming pool - semiprivate</li> </ul> <p>* = Use Specific Standards in Section 5.03 Apply ( ) = Subject to Regulations of the Specified District</p>	<p><b>Accessory Permitted Uses</b></p> <ul style="list-style-type: none"> <li>• garage - private</li> <li>• greenhouse - private</li> <li>• home occupation*</li> <li>• renting of rooms*</li> <li>• parking facility - private off-street</li> <li>• parking - public, off-street*</li> <li>• sign</li> <li>• swimming pool - private</li> <li>• any use customarily incidental to the permitted principal use</li> </ul> <p><b>Uses Requiring a Special Land Use Permit</b></p> <ul style="list-style-type: none"> <li>• assisted living</li> <li>• church</li> <li>• continued care retirement community</li> <li>• independent hospice facility</li> <li>• independent senior living</li> <li>• parking (accessory) - public, off-street</li> <li>• public utility building</li> <li>• publicly owned building</li> <li>• school - private</li> <li>• skilled nursing facility</li> </ul> <p>* = Use Specific Standards in Section 5.03 Apply</p>



## 2.15 R6 (Multiple-Family Residential) District Intent, Permitted Uses, and Special Uses

District Intent	Permitted Uses	Other Use Regulations
<p>A district intent is not available for this zoning district.</p>	<p><b>Residential Permitted Uses</b></p> <ul style="list-style-type: none"> <li>• adult foster care group home (R5)</li> <li>• dwelling - multiple-family (R5)</li> <li>• dwelling - one-family (R5)</li> <li>• dwelling - two-family (R5)</li> <li>• single-family cluster (R5)*</li> </ul> <p><b>Institutional Uses</b></p> <ul style="list-style-type: none"> <li>• government office (R5)</li> <li>• philanthropic use (R5)</li> <li>• school - public (R5)</li> </ul> <p><b>Recreational Uses</b></p> <ul style="list-style-type: none"> <li>• park (R5)</li> <li>• swimming pool - semiprivate (R5)</li> </ul> <p>* = Use Specific Standards in Section 5.04 Apply ( ) = Subject to Regulations of the Specified District</p>	<p><b>Accessory Permitted Uses</b></p> <ul style="list-style-type: none"> <li>• garage - private</li> <li>• greenhouse - private</li> <li>• home occupation*</li> <li>• parking facility - private off-street</li> <li>• parking - public, off-street*</li> <li>• renting of rooms*</li> <li>• sign</li> <li>• swimming pool - private</li> <li>• any use customarily incidental to the permitted principal use</li> </ul> <p><b>Uses Requiring a Special Land Use Permit</b></p> <ul style="list-style-type: none"> <li>• assisted living</li> <li>• church</li> <li>• community center</li> <li>• continued care retirement community</li> <li>• independent hospice facility</li> <li>• independent senior living</li> <li>• parking - off-street</li> <li>• public utility building</li> <li>• publicly owned building</li> <li>• recreational club</li> <li>• school - private</li> <li>• skilled nursing facility</li> <li>• social club</li> </ul> <p>* = Use Specific Standards in Section 5.04 Apply</p>

## 2.17 R7 (Multiple-Family Residential) District Intent, Permitted Uses, and Special Uses

District Intent	Permitted Uses	Other Use Regulations
<p>A district intent is not available for this zoning district.</p>	<p><b>Residential Permitted Uses</b></p> <ul style="list-style-type: none"> <li>• adult foster care group home(R6)</li> <li>• dwelling - multiple-family(R6)</li> <li>• dwelling - multiple-family</li> <li>• dwelling - one-family(R6)</li> <li>• dwelling - two-family(R6)</li> <li>• single-family cluster(R6)*</li> </ul> <p><b>Institutional Uses</b></p> <ul style="list-style-type: none"> <li>• government office(R6)</li> <li>• philanthropic use(R6)</li> <li>• school - public(R6)</li> </ul> <p><b>Recreational Uses</b></p> <ul style="list-style-type: none"> <li>• park (R6)</li> <li>• swimming pool - semiprivate (R6)</li> </ul> <p>*= Use Specific Standards in Section 5.05 Apply ( ) = Subject to Regulations of the Specified District</p>	<p><b>Accessory Permitted Uses</b></p> <ul style="list-style-type: none"> <li>• garage - private</li> <li>• greenhouse - private</li> <li>• home occupation*</li> <li>• parking facility - private, off-street</li> <li>• parking - public, off-street*</li> <li>• renting of rooms*</li> <li>• sign</li> <li>• swimming pool - private</li> <li>• any use customarily incidental to the permitted principal use</li> </ul> <p><b>Uses Requiring a Special Land Use Permit</b></p> <ul style="list-style-type: none"> <li>• assisted living</li> <li>• church</li> <li>• community center</li> <li>• continued care retirement community</li> <li>• independent hospice facility</li> <li>• independent senior living</li> <li>• parking - off-street</li> <li>• public utility building</li> <li>• publicly owned building</li> <li>• recreational club</li> <li>• school - private</li> <li>• skilled nursing facility</li> <li>• social club</li> <li>• special-purpose housing*</li> </ul> <p>*= Use Specific Standards in Section 5.05 Apply</p>

## 2.19 R8 (Attached Single-Family Residential) District Intent, Permitted Uses, and Special Uses

District Intent	Permitted Uses	Other Use Regulations
<p>A district intent is not available for this zoning district.</p>	<p><b>Residential Permitted Uses</b></p> <ul style="list-style-type: none"> <li>• adult foster care group home(R3)</li> <li>• dwelling - one-family(R3)</li> <li>• dwelling - single-family attached</li> <li>• single-family cluster(R3) *</li> </ul> <p><b>Institutional Permitted Uses</b></p> <ul style="list-style-type: none"> <li>• government office(R3)</li> <li>• school - public(R3)</li> </ul> <p><b>Recreational Permitted Uses</b></p> <ul style="list-style-type: none"> <li>• park (R3)</li> </ul>	<p><b>Accessory Permitted Uses</b></p> <ul style="list-style-type: none"> <li>• garage - private</li> <li>• greenhouse - private</li> <li>• home occupation*</li> <li>• parking facility - private off-street</li> <li>• parking - public, off-street*</li> <li>• renting of rooms*</li> <li>• sign</li> <li>• swimming pool - private</li> <li>• any use customarily incidental to the permitted principal use</li> </ul> <p><b>Uses Requiring a Special Land Use Permit</b></p> <ul style="list-style-type: none"> <li>• assisted living</li> <li>• continued care retirement community</li> <li>• independent hospice facility</li> <li>• independent senior living</li> <li>• skilled nursing facility</li> </ul>

\* = Use Specific Standards in Section 5.03 Apply  
( ) = Subject to Regulations of the Specified District

\* = Use Specific Standards in Section 5.03 Apply



## 2.21 O1 (Office) District Intent, Permitted Uses, and Special Uses

District Intent	Permitted Uses	Other Use Regulations
<p>The O1 (Office) District is established to accommodate a mix of residential, office and public uses which are compatible with nearby residential uses.</p>	<p><b>Residential Permitted Uses</b></p> <ul style="list-style-type: none"> <li>• adult foster care group home</li> <li>• dwelling - multiple-family</li> <li>• dwelling - one-family(R5)</li> <li>• dwelling - two-family</li> <li>• live/work unit</li> <li>• single-family cluster*</li> </ul> <p><b>Institutional Uses</b></p> <ul style="list-style-type: none"> <li>• government office</li> <li>• philanthropic use</li> <li>• school - public</li> </ul> <p><b>Recreational Uses</b></p> <ul style="list-style-type: none"> <li>• park</li> <li>• swimming pool - semiprivate</li> </ul> <p><b>Commercial Permitted Uses</b></p> <ul style="list-style-type: none"> <li>• barber shop/beauty salon</li> <li>• hair replacement establishment</li> <li>• office</li> <li>• veterinary clinic*</li> </ul> <p>*= Use Specific Standards in Section 5.06 Apply ( )= Subject to Regulations of the Specified District</p>	<p><b>Accessory Permitted Uses</b></p> <ul style="list-style-type: none"> <li>• kennel*</li> <li>• laboratory - medical/dental*</li> <li>• loading facility - off-street*</li> <li>• parking facility - off-street*</li> <li>• pharmacy*</li> <li>• outdoor cafe*</li> </ul> <p><b>Uses Requiring a Special Land Use Permit</b></p> <ul style="list-style-type: none"> <li>• assisted living</li> <li>• bistro (only permitted in the Triangle District)*</li> <li>• church</li> <li>• continued care retirement community</li> <li>• independent hospice facility</li> <li>• independent senior living</li> <li>• skilled nursing facility</li> </ul> <p>*= Use Specific Standards in Section 5.06 Apply</p>

## 2.23 O2 (Office/Commercial) District Intent, Permitted Uses, and Special Uses.

District Intent	Permitted Uses	Other Use Regulations
<p>The O2 (Office/Commercial) District is established to accommodate a mix of residential, office, public and small scale commercial uses which are compatible with nearby residential uses.</p>	<p><b>Residential Permitted Uses</b></p> <ul style="list-style-type: none"> <li>• adult foster care group home</li> <li>• dwelling - multiple-family</li> <li>• dwelling - one-family(R5)</li> <li>• dwelling - two-family</li> <li>• live/work unit</li> <li>• <u>single-family cluster*</u></li> </ul> <p><b>Institutional Uses</b></p> <ul style="list-style-type: none"> <li>• government office</li> <li>• philanthropic use</li> <li>• school - public</li> </ul> <p><b>Recreational Uses</b></p> <ul style="list-style-type: none"> <li>• park</li> <li>• swimming pool - semiprivate</li> </ul> <p><b>Commercial Permitted Uses</b></p> <ul style="list-style-type: none"> <li>• art gallery</li> <li>• bakery</li> <li>• bank without drive-through facility</li> <li>• barber shop/beauty salon</li> <li>• boutique</li> <li>• clinic</li> <li>• clothing store</li> <li>• flower/gift shop</li> <li>• hair replacement establishment</li> <li>• interior design shop</li> <li>• jewelry store</li> <li>• leather and luggage goods shop</li> <li>• office</li> <li>• photography studio</li> <li>• specialty food store</li> <li>• specialty home furnishing shop</li> <li>• tailor</li> <li>• tobacconist</li> <li>• veterinary clinic*</li> </ul> <p>* = Use Specific Standards in Section 5.07 Apply ( ) = Subject to Regulations of the Specified District</p>	<p><b>Accessory Permitted Uses</b></p> <ul style="list-style-type: none"> <li>• kennel*</li> <li>• laboratory - medical/dental*</li> <li>• loading facility - off-street*</li> <li>• parking facility - off-street*</li> <li>• pharmacy*</li> <li>• outdoor cafe*</li> <li>• commercial or office uses which are customarily incidental to the permitted principal uses of the same lot</li> </ul> <p><b>Uses Requiring a Special Land Use Permit</b></p> <ul style="list-style-type: none"> <li>• assisted living</li> <li>• bank with drive-through facility</li> <li>• bistro (only permitted in the Triangle District)*</li> <li>• continued care retirement community</li> <li>• display of broadcast media devices (only permitted in conjunction with a gasoline service station)</li> <li>• 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)</li> <li>• food or drink establishment*</li> <li>• independent hospice facility</li> <li>• independent senior living</li> <li>• <u>skilled nursing facility</u></li> </ul> <p>* = Use Specific Standards in Section 5.07 Apply</p>

## 2.25 P (Parking) District Intent, Permitted Uses, and Special Uses.

District Intent	Permitted Uses	Other Use Regulations
<p>A district intent is not available for this zoning district.</p>	<p><b>Residential Permitted Uses</b></p> <ul style="list-style-type: none"> <li>• adult foster care group home(R7)</li> <li>• dwelling - multiple-family(R7)</li> <li>• dwelling - one-family(R7)</li> <li>• dwelling - two-family(R7)</li> <li>• live/work unit</li> <li>• <u>single-family cluster(R7)*</u></li> </ul> <p><b>Institutional Uses</b></p> <ul style="list-style-type: none"> <li>• government office(R7)</li> <li>• parking facility - off-street*</li> <li>• philanthropic use(R7)</li> <li>• school - public(R7)</li> </ul> <p><b>Recreational Uses</b></p> <ul style="list-style-type: none"> <li>• park (R7)</li> <li>• swimming pool - semiprivate (R7)</li> </ul> <p>*= Use Specific Standards in Section 5.08 Apply ( ) = Subject to Regulations of the Specified District</p>	<p><b>Accessory Permitted Uses</b></p> <ul style="list-style-type: none"> <li>• garage - community</li> <li>• garage - private</li> <li>• greenhouse - private</li> <li>• home occupation*</li> <li>• parking facility - private off-street</li> <li>• parking - public, off-street*</li> <li>• renting of rooms*</li> <li>• shelter building*</li> <li>• sign</li> <li>• swimming pool - private</li> <li>• any use customarily incidental to the permitted principal use</li> </ul> <p><b>Uses Requiring a Special Land Use Permit</b></p> <ul style="list-style-type: none"> <li>• assisted living</li> <li>• bistro (only permitted in the Triangle District)*</li> <li>• church</li> <li>• community center</li> <li>• continued care retirement community</li> <li>• independent hospice facility</li> <li>• independent senior living</li> <li>• parking - off-street</li> <li>• publicly owned building</li> <li>• public utility building</li> <li>• recreational club</li> <li>• school - private</li> <li>• skilled nursing facility</li> <li>• <u>social club</u></li> </ul> <p>*= Use Specific Standards in Section 5.08 Apply</p>



- d. ~~There shall be no noise, vibration, odor or other nuisance as a result of the home occupation that is detectable beyond the confines of the dwelling unit. This restriction specifically includes the transmission of noise, vibration, odor or other nuisances through vertical or horizontal party walls.~~
- e. ~~The home occupation shall not generate traffic in a greater volume or consisting of larger vehicle types, than would normally be expected in a residential neighborhood.~~
- f. ~~Any parking generated by the conduct of the home occupation shall be met off the street and shall not be met in a required front yard.~~
- g. ~~The home occupation shall not include the direct sale of products off display shelves or racks.~~
- h. No outdoor storage, including equipment, parts or automobiles, associated with the home occupation shall be permitted.
- i. Home occupations may be conducted in a permitted accessory building.
- j. Times earlier than 8:00 a.m. nor later than 10:00 p.m.
- k. No more than 25 percent of the gross area of the building shall be used for such home occupation.

(Code 1963, § 5.22; Ord. No. 1545, 12-14-92; Ord. No. 1709, 6-14-99; Ord. No. 1776, 1-28-02)

**Sec. 126-98. Uses requiring special land use permit.**

The following uses in the R-1A, R-1, R-2 and R-3 districts require a special land use permit:

- (1) Publicly owned buildings and public utility buildings (see article XXV).
- (2) Schools, churches, Sunday School buildings.
- (3) Off-street parking in connection with subsection (2) of this section (see articles II and XXI).

- (4) Community health, educational and/or outpatient medical rehabilitation facilities (exclusive of outpatient psychiatric and substance abuse facilities) and administrative services operated by a nonprofit hospital licensed by the state department of public health, provided that such uses shall not be conducted on a lot used for residential purposes as of April 29, 1982.
- (5) Philanthropic uses such as senior citizen programs, youth programs, and other similar programs, provided that such uses shall not be conducted on a lot used for residential purposes as of April 29, 1982. Such uses shall not include correctional institutions, dormitory facilities or public dining hall facilities other than public dining hall facilities for senior citizens.

(Code 1963, § 5.23)

**Sec. 126-99. Limitations on paved surfaces and parking within the front open space in all single-family districts.**

(a) A minimum of 65 percent of the front open space in all single-family districts shall be free of paved surfaces (i.e., concrete, blacktop, gravel, brick or a similar material), excluding building encroachments, uncovered porches, sidewalks three feet in width or less, and handicap access ramps.

(b) Motor vehicles are only permitted within the front open space on a paved surface, as described in subsection (a) above, in conformity with the requirements of chapter 110-59, section 8.26(2), "Parking on private property; front open space parking restrictions; violation as civil infraction."

(Code 1963, § 5.25; Ord. No. 1599, 8-22-94)

**Sec. 126-100. Single-family cluster option for R-1A, R-1 and R-2 districts.**

The intent of this section is to provide flexibility in the placement of buildings and implementation of innovative design concepts within single-family residential districts. Cluster developments shall be in accordance with the regulations as set forth in this section and other applicable sections

of this chapter. Upon a conflict between the regulations of this section and those of other sections, the regulations set forth below shall apply:

- (1) *Approval procedure.* Subject to the provisions of this section, the planning board may approve of the placement of detached single residences in any single residential district in a manner other than set forth in the schedule of regulations in article XIX. Such development, called cluster development in this section, may be permitted by the planning board upon its finding that any one or more of the following conditions exist:
  - a. The lot contains natural assets such as trees, wildlife habitats, or unusual topographic features that should be preserved.
  - b. Topographic or subsoil conditions make development under other Code regulations impractical.
  - c. Floodplain covers a portion of the lot.
  - d. The configuration of the lot is odd shaped and not suitable for development under other Code regulations.
  - e. The lot contains frontage on a major road and development along the road would cause traffic problems which could be alleviated by alternative road designs such as cul-de-sacs or loop streets.
- (2) *Required findings.* A request for cluster development shall not be approved unless the planning board:
  - a. Determines the proposal would not be contrary to the health, safety and welfare of the occupants of adjacent areas;
  - b. Determines the proposal would create a sound and stable residential area;
  - c. Determines the request is compatible with the purpose of the cluster option, which is to maintain natural areas and topography, or improve the open space characteristics of a given area; and
  - d. Determines that there has been compliance with all provisions of this section and other pertinent provisions of the Code.
- (3) *Objections of abutting property owners.* If written objections have been filed by at least 20 percent of the owners of all real property abutting or directly across a street or alley from the cluster development lot, the planning board may approve of a cluster development only upon an affirmative vote of at least six of its members.
- (4) *Minimum lot size.* The detached single-family cluster option may be utilized in the following single-family zone districts provided that the minimum lot size is:
 

R-1A .....	80,000 square feet
R-1 .....	36,000 square feet
R-2 .....	24,000 square feet
- (5) *Site plan and design review.* All cluster developments shall obtain site plan and design approval from the planning board in accordance with the regulations as set forth in sections 126-491 et seq. and 126-511 et seq.
- (6) *Area regulations.* Each cluster development shall meet all of the following regulations:
  - a. The total number of dwelling units shall not be more than 20 percent greater than the lot area divided by the required minimum lot area as enumerated in the schedule of regulations, article XIX, for the zone district in which the property is located.
  - b. Land use for streets, alleys or walkways shall not be included in the computation of density.
  - c. All land not intended to be conveyed to individual dwelling unit owners shall be set aside for the use of all occupants of the development. All such lands shall be protected by re-

strictions or covenants running with the land and must be approved by the city attorney to assure the following:

1. That title to the open space is held in common by the owners of all dwelling units in the detached single-family cluster development.
  2. A permanent organization for maintenance and management of all such areas shall be assured by legal documents prior to the issuance of the building permit.
- 
- (7) *Setbacks.* There are no setback requirements from any lot line which does not form a boundary line of the cluster development site. Public streets located wholly within the cluster development site shall not be deemed to be boundary lines for the purpose of determining setbacks. The setbacks from all lot lines forming the boundary of the cluster development shall meet the following minimum requirements:
- a. *Setbacks from lot lines abutting a street.* Where there are two or more existing single-family residential dwellings outside the cluster development on the same side of the street, and within 300 feet of the lot boundaries, the setback of all buildings abutting the street shall be no less than the average distance between the street lot line and the existing residential buildings. In no case shall a setback from a street lot line be less than 25 feet.
  - b. *Setbacks from all other lot lines.* The setback from any lot other than a lot line abutting a street shall be not less than 15 feet.
- (8) *Distance between buildings.* No dwelling unit shall be located closer than 14 feet to another dwelling unit.
- (9) *Bulk and height requirements.* The bulk and height requirements for a cluster

development shall be as set forth in the schedule of regulations, article XIX, for the zone district in which the development is located.

- (10) *Accessory buildings.* Accessory buildings appurtenant in use to all dwelling units may be permitted by the planning board within a cluster development.
- (11) *Parking requirements.* A minimum of ~~two~~ parking spaces per dwelling unit shall be supplied in a garage attached to or part of the dwelling unit.
- (12) *Access.* The cluster development shall meet all of the following requirements for access:
  - a. The lot shall abut upon a dedicated public street for a distance of at least 50 feet.
  - b. Streets shall be designed to provide means for safe and convenient vehicular traffic both within the cluster development and to and from adjacent areas.
  - c. A dead-end street may only be used where a cul-de-sac or other turnaround is provided.
  - d. The street widths, curves, drainage, cul-de-sac and other design features shall be approved by the police, fire and public works departments of the city.
  - e. Streets shall be designed and constructed in accordance with the engineering design standards adopted and published by the city commission and shall be approved by the city engineer.
  - f. Private streets are not permitted in cluster developments.
- (13) *Easements and utilities.* Easements shall be provided as required for existing and proposed utility lines. All distribution lines for telephone and electric service shall be placed underground, and such lines shall be placed within private easements or within dedicated public rights-of-way.

(Code 1963, § 5.24)

hgt, elev, lot, unit  
min site

**Sec. 126-101. Provisions for private, attached, single-family residential garages.**

(a) A private, attached, single-family residential garage shall not occupy more than 50 percent of the linear building frontage of the principal residential structure, and must be setback a minimum of five feet from the front facade of a principal residential structure.

(b) Garage doors on an attached garage which are visible from the street may not exceed eight feet in width; where there are multiple doors, they must be separated by a solid wall or jamb not less than eight inches wide.  
(Ord. No. 1679, 9-14-98)

**Sec. 126-102. Drainage regulations.**

A drainage plan shall be submitted in conjunction with a building permit application subject to approval by the building official and/or city engineer. Drainage shall be conducted in accordance with the drainage plan. Drainage shall be conducted to avoid or prevent the discharge of water into, onto or across an adjacent lot where it could cause damage to such lot or become a health hazard or nuisance. This shall be determined by the building official and/or city engineer.  
(Ord. No. 1726, 3-27-00)

**Secs. 126-103—126-120. Reserved.**

**ARTICLE VI. TWO-FAMILY RESIDENTIAL DISTRICT (R-4)**

**Sec. 126-121. Permitted principal uses.**

The following are permitted principal uses in the R-4 district:

- (1) Any permitted principal use in the R-3 district subject to the minimum regulations of the R-3 district.
- (2) Two-family dwellings (see article II).
- (3) Philanthropic or eleemosynary uses or institutions other than correctional institutions. Such uses shall not include dormitory or public dining hall facilities.  
(Code 1963, § 5.29)

**Sec. 126-122. Permitted accessory uses**

The following are permitted accessory uses in the R-4 district:

- (1) Private garage, private greenhouse, private swimming pool (see sections 126-473 and 126-476).
- (2) Renting of rooms to not more than roomers or boarders per dwelling unit.
- (3) Signs (see chapter 86).
- (4) Fences (see section 126-473).
- (5) Private off-street parking facilities (see article XXI).
- (6) Any use customarily incidental to permitted principal use.
- (7) Public off-street parking in connection with subsections (2), (3) and (4) of section 126-96 (see articles II and XXI).
- (8) Home occupations (see section 126-97 (Code 1963, § 5.30; Ord. No. 1709, 6-14-99))

**Sec. 126-123. Uses requiring special land use permit.**

The following uses in the R-4 district require special land use permit:

- (1) Publicly owned buildings and public utility buildings (see article XXV).
- (2) Schools, churches, Sunday School buildings.
- (3) Off-street parking in connection with subsection (2) of this section (see articles I and XXI).  
(Code 1963, § 5.31)

**Sec. 126-124. Site plan and design review.**

All two-family (R-4) residential developments shall obtain site plan and design approval from the appropriate reviewing body in accordance with the regulations as set forth in sections 126-491 et seq. and 126-511 et seq.  
(Code 1963, § 5.32)

**Secs. 126-125—126-145. Reserved.**

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

District Intent	Permitted Uses	Other Use Regulations
<p>The MX (Mixed Use) District is established to:</p> <p>(a) Encourage and direct development within the boundaries of the Eton Road Mixed Use District and implement the Eton Road Corridor Plan.</p> <p>(b) Encourage residential and nonresidential uses that are compatible in scale with adjacent residential neighborhoods.</p> <p>(c) Encourage the retention, improvement, and expansion of existing uses that help define the Eton Road Corridor.</p> <p>(d) Allow mixed use developments including residential uses within the Eton Road Corridor.</p> <p>(e) Minimize the adverse effects of nonresidential traffic on the adjacent residential neighborhood.</p>	<p><b>Residential Permitted Uses</b></p> <ul style="list-style-type: none"> <li>• family day care facility*</li> <li>• group day care home*</li> <li>• live/work unit</li> </ul> <p><b>Institutional Permitted Uses</b></p> <ul style="list-style-type: none"> <li>• bus/train passenger station</li> <li>• government office</li> <li>• government use</li> <li>• publicly owned building</li> </ul> <p><b>Recreational Permitted Uses</b></p> <ul style="list-style-type: none"> <li>• indoor/outdoor recreational facility</li> <li>• park</li> <li>• swimming pool - public, semipublic</li> </ul> <p><b>Commercial Permitted Uses</b></p> <ul style="list-style-type: none"> <li>• animal medical hospital</li> <li>• art gallery</li> <li>• artisan use</li> <li>• auto rental agency*</li> <li>• automobile repair and conversion</li> <li>• bakery</li> <li>• barber shop/beauty salon</li> <li>• boutique</li> <li>• child care center</li> <li>• clothing store</li> <li>• drugstore</li> <li>• dry cleaning</li> <li>• flower/gift shop</li> <li>• food or drink establishment*</li> <li>• furniture</li> <li>• greenhouse</li> <li>• grocery store</li> <li>• hardware store</li> <li>• health club/studio</li> <li>• interior design shop</li> <li>• jewelry store</li> <li>• kennel*</li> <li>• laboratory</li> <li>• leather and luggage goods shop</li> <li>• neighborhood convenience store</li> <li>• office</li> <li>• pet grooming facility</li> <li>• photography studio</li> <li>• shoe store/shoe repair</li> <li>• specialty food store</li> <li>• specialty home furnishing shop</li> <li>• tailor</li> <li>• tobacconist</li> <li>• veterinary clinic</li> </ul> <p><b>Industrial Permitted Uses</b></p> <ul style="list-style-type: none"> <li>• light industrial uses</li> <li>• warehousing</li> </ul> <p><b>Other Permitted Uses</b></p> <ul style="list-style-type: none"> <li>• gas regulatory station</li> <li>• telephone exchange building</li> <li>• utility substation</li> </ul>	<p><b>Accessory Permitted Uses</b></p> <ul style="list-style-type: none"> <li>• alcoholic beverage sales*</li> <li>• dwelling - accessory*</li> <li>• garage - private</li> <li>• greenhouse - private</li> <li>• home occupation</li> <li>• loading facility - off-street*</li> <li>• outdoor cafe*</li> <li>• outdoor sales or display of goods*</li> <li>• parking facility - off-street*</li> <li>• parking structure*</li> <li>• renting of rooms*</li> <li>• sign</li> <li>• swimming pool - private</li> </ul> <p><b>Uses Requiring a Special Land Use Permit</b></p> <ul style="list-style-type: none"> <li>• alcoholic beverage sales (on-premise consumption)</li> <li>• bistros operating with a liquor license granted under the authority of Chapter 10, Alcoholic Liquors, Division 4 - Bistro Licenses</li> <li>• church</li> <li>• college</li> <li>• dwelling - first floor with frontage on Eton Road</li> <li>• outdoor storage*</li> <li>• parking structure (not accessory to principal use)</li> <li>• religious institution</li> <li>• school - private</li> <li>• school - public</li> <li>• residential use combined with a permitted nonresidential use with frontage on Eton Road</li> <li>• any permitted principal use with a total floor area greater than 6,000 sq. ft.</li> </ul> <p><b>Uses Requiring City Commission Approval</b></p> <ul style="list-style-type: none"> <li>• assisted living</li> <li>• continued care retirement community</li> <li>• independent hospice facility</li> <li>• independent senior living</li> <li>• regulated uses*</li> <li>• skilled nursing facility</li> </ul>
	<p>* = Use Specific Standards in Section 5.13 Apply</p>	<p>* = Use Specific Standards in Section 5.13 Apply</p>



exceed 100 percent or as otherwise specified in section 126-446(19). Also see section 126-400(3)(a).

- (5) Where a holiday lighting program is in effect, outdoor electrical receptacles shall be provided.

(Code 1963, § 5.124; Ord. No. 1812, 7-28-03)

**Sec. 126-401. Downtown Birmingham Overlay Zoning District.**

For lots located within the Downtown Birmingham Overlay Zoning District (see zoning map), see article XIX, division 2.

(Ord. No. 1643, 4-28-97)

**Secs. 126-402—126-419. Reserved.**

**ARTICLE XVIII. MIXED USE DISTRICT  
(MX)\***

**Sec. 126-420. Intent.**

(a) Encourage and direct development within the boundaries of the Eton Road Mixed Use District and implement the Eton Road Corridor Plan.

(b) Encourage residential and nonresidential uses that are compatible in scale with adjacent residential neighborhoods.

(c) Encourage the retention, improvement, and expansion of existing uses that help define the Eton Road Corridor.

(d) Allow mixed use developments including residential uses within the Eton Road Corridor.

(e) Minimize the adverse effects of nonresidential traffic on the adjacent residential neighborhood.

(Ord. No. 1734, 5-15-00)

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\*Editor's note—Ord. No. 1734, adopted May 15, 2000, changed the designation of art. XVIII from "Industrial District (I)" to "Mixed Use District (MX)."



**Sec. 126-421. Permitted principal uses.**

The following are permitted principal uses in the MX district:

- (1) Commercial, office and service uses limited to 6,000 square feet open between the hours 7:00 a.m. and 11:00 p.m. including, but not limited to, the following uses:
  - a. Neighborhood convenience business uses such as but not limited to the following: grocery stores, dry cleaning, drugstores, hardware, shoe repair and other similar uses.
  - b. Clothing, greenhouses, flower and gift shops.
  - c. Business uses such as art galleries, furniture stores, boutiques, jewelry stores, clothing stores, interior design shops, specialty home furnishing shops, leather and luggage goods shops, photography studios, bakeries, specialty food stores, tailors, tobacconists, and other similar uses.
  - d. - General office.
  - e. - Professional office.
  - f. - Architect's office, engineer's office, contractor's office.
  - g. - Medical/dental offices.
  - h. - Barber, beauty salons.
  - i. - Veterinary clinic, animal hospital, or pet grooming facility.
  - j. - Kennels when completely enclosed within a building.
  - k. - Business serving food and/or drink, excluding drive-in facilities.
  - l. Dance and exercise studios.
- (2) Residential:
  - a. Residential dwelling units combined with a permitted nonresidential use in the same building complex. First floor residential dwelling units with frontage on Eton Road will require a special land use permit (section 126-477).
  - b. Live/work uses.
- (3) Light industrial open or operating between the hours of 7:00 a.m. and 11:00 p.m.:
  - a. Artisan uses.
  - b. Wholesale storage, warehousing, freezer and food locker establishments, wholesale distributing.
  - c. Manufacture of electrical equipment, tools and fixtures, injection molding processes, design and manufacturing of small automation equipment, conversion of strip steel into finished products, newspaper and commercial printing.
  - d. - Major automobile repair including automotive conversions
  - e. - Laboratories.
- (4) Public/semi-public:
  - a. Publicly owned buildings, public and private utility buildings, telephone exchange buildings, electrical transformer stations and substations, gas regulator stations and other similar uses.
  - b. Municipal uses and buildings housing governmental functions.
  - c. State-licensed family day care facilities subject to the provisions of subsection 126-97(8).
  - d. Group day care homes under the following provisions:
    1. All group day care homes shall maintain licensing and/or registration with the state. The group day care home must be licensed with the city. Application for a group day care home shall be made to the city clerk on such forms as shall be provided. An application fee as established by the city commission and set forth in appendix A shall be payable upon submitting an application for a group day care home. See chapter 26 for licensing procedures.

2. Only the care provider and his immediate family shall reside in the home.
  3. The maximum number of children permitted in a group day care home shall not exceed that permitted by the state.
  4. All outdoor play areas shall be enclosed with a fence of no less than four feet nor more than six feet in height, capable of containing the children within the play area.
  5. Children not related to the care provider shall not be dropped off or picked up between the hours of 8:00 p.m. and 6:00 a.m.
  6. There shall be no signs for the group day care home.
  7. No group day care home shall be located closer than 750 feet from another family day care home, group day care home or foster care facility except that the planning board may approve the location of a group day care home within 750 feet of another existing family day care home, group day care home or foster care facility if the board finds that the concentration of uses will not generate traffic, noise or other nuisances in a volume greater than would normally be expected in a residential neighborhood. The applicant is required to provide the following information to the board for all group day care homes within 750 feet of another family day care home, group day care home or foster care facility:
    - A. Location of parking for parents/guardians and caregivers.
    - B. Hours of operation.
    - e. Child care centers.
- (5) Transportation/parking:
- a. Bus passenger stations.
  - b. Train passenger stations.
  - c. Automobile rental establishments provided all vehicles are stored in a public or private parking garage.
- (6) Recreation uses open between the hours of 7:00 a.m. and 11:00 p.m.:
- a. Semiprivate and private swimming pool and other outdoor recreational facilities.
  - b. Clubs, social, recreational and community center buildings.
  - c. Indoor recreational uses.
  - d. Public and private parks, playgrounds, playfields, and outdoor recreation facilities.
- (7) Regulated uses:
- a. Regulated uses are permitted, in accordance with section 126-478. Regulated uses shall be limited to a maximum floor area of 6,000 square feet.

(Code 1963, § 5.129; Ord. No. 1528, 7-13-92; Ord. No. 1734, 5-15-00; Ord. No. 1772, 12-10-01; Ord. No. 1776, 1-28-02; Ord. No. 1795, 1-27-03)

#### Sec. 126-422. Permitted accessory uses.

The following are permitted accessory uses in the MX district:

- (1) Off-street parking and loading facilities and automobile parking structures accessory to a primary use subject to the regulations of article subject to subsection 126-97(a).
- (2) Outdoor cafes that are conducted immediately adjacent to the principal use, subject to the conditions listed in subsection 126-347(9).
- (3) Private garage, private greenhouse, private swimming pools.
- (4) Signs per chapter 86.

- (5) Fences (see section 126-473).
- (6) Home occupations (see article II).
- (7) Renting of rooms to not more than two roomers or boarders per dwelling unit.
- (8) The sale of beer, wine or other alcoholic beverages for consumption off the premises in conjunction with grocery stores, drug stores, and convenience stores.
- (9) Customarily incidental outside areas for display and sale of products 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. Such area shall be graded and drained so as to collect and dispose of all surface water accumulated within the area without flowing the same over abutting public or private property.
- (10) Residential units located in accessory structures provided that the residential units meet the minimum unit requirements identified in section 126-446. Where there is a conflict between this provision and the requirements of section 126-476, this section shall take precedent.
- (11) Public or private parking structures accessory to a principal building or use.  
(Code 1963, § 5.130; Ord. No. 1528, 7-13-92; Ord. No. 1734, 5-15-00; Ord. No. 1772, 12-10-01)

**Sec. 126-423. Uses requiring special land use permit subject to section 126-477.**

The following uses require a special land use permit subject to section 126-477:

- (1) Outdoor storage of goods, material or equipment. (Such use must be enclosed with a screenwall)
- (2) Churches and other religious institutions.
- (3) Public or private schools or colleges.
- (4) Any first floor residential dwelling unit with a frontage line on Eton Road.

- (5) Any permitted principal use with hours restricted to between 7:00 a.m. and 11:00 p.m. may request expanded hours subject to special land use approval.
- (6) Any permitted principal use with a total floor area restricted to 6,000 square feet or less may request floor area greater than 6,000 square feet subject to special land use approval.
- (7) Public or private parking structures not accessory to a principal building or use.  
(Ord. No. 1734, 5-15-00)

**Sec. 126-424. Prohibited uses.**

(a) *Prohibited uses in MX districts.* The following uses shall be prohibited in MX districts:

- (1) Abattoirs;

- E. The provisions of the building and building regulations Chapter 22 of the Birmingham City Code and the historic preservation regulations in Chapter 62 of the Birmingham City Code, when in conflict with the Downtown Birmingham Overlay District, shall take precedence.
- F. The design of community buildings and improvements shall not be subject to the specific standards of this article, but shall be subject to design review by the Planning Board.
- G. Locations designated on the Regulating Plan for new parking garages and civic buildings shall be reserved for such development.

## 3.04 Specific Standards

- A. Building Height, Overlay: The various elements of building height shall be determined as follows for the various zones designated on the Regulating Plan:
  - 1. D2 Zone (two or three stories):
    - a. Eave line for sloped roofs shall be no more than 34 feet.
    - b. Peak or ridge of any sloped roof shall be no more than 46 feet as measured to the average grade.
    - c. Maximum overall height including the mechanical and other equipment shall be no more than 56 feet.
    - d. A third story is permitted if it is used only for residential.
    - e. All buildings in D2 Zone containing a third story should be designed harmoniously with adjacent structures in terms of mass, scale and proportion, to the best extent possible.
    - f. A third story shall continue in a different plane, beginning at the eave line, not greater than 45 degrees measured to the horizontal or setback 10 feet from any building facade.
    - g. All buildings constructed in the D2 Zone must have a minimum eave height or 20 feet.
  - 2. D3 Zone (three or four stories):
    - a. Eave line for sloped roofs shall be no more than 46 feet.
    - b. Peak or ridge of any sloped roof shall be no more than 58 feet as measured to the average grade.
    - c. Maximum overall height including the mechanical and other equipment shall be no more than 68 feet.
    - d. A fourth story is permitted if it is used only for residential.
    - e. All buildings in D3 Zone containing a fourth story should be designed harmoniously with adjacent structures in terms of mass, scale and proportion, to the best extent possible.
    - f. The fourth story shall continue in a different plane, beginning at the eave line, no greater than 45 degrees measured to the horizontal or setback 10 feet from any building facade.
    - g. All buildings constructed in a D3 Zone must contain a minimum of 2 stories and must have a minimum eave height of 20 feet.
  - 3. D4 Zone (four or five stories):
    - a. Eave line shall be no more than 58 feet.
    - b. Peak or ridge of any sloped roof shall be no more than 70 feet as measured to the average grade.
    - c. Maximum overall height including mechanical and other equipment shall be no more than 80 feet.
    - d. The fifth story is permitted if it is used only for residential.
    - e. All buildings containing a fifth story should be designed harmoniously with adjacent structures in terms of mass, scale and proportion, to the best extent possible.
    - f. The fifth story shall continue in a different plane, beginning at the eave line, no greater than 45 degrees measured to the horizontal or set back 10 feet from any building facade.
    - g. All buildings constructed in the D4 Zone must contain a minimum of 2 stories and must have a minimum eave height of 20 feet.
  - 4. C and P Zones: Downtown Birmingham Overlay District building height shall comply with the underlying height restrictions listed in each two-page layout in Article 2 of the Zoning Ordinance, but may be negotiated by the Planning Board.
  - 5. Stories at sidewalk level shall be a minimum of 10 feet in height from finished floor to finished ceiling. The Planning Board may reduce this standard for renovations to existing buildings that do not meet this standard.
  - 6. A transition line shall be provided between the first and second stories. The transition shall be detailed to facilitate an awning.

*Office:* A building or a portion of a building wherein services are performed, including professional, financial (including banks), clerical, sales, administrative, or medical services.

*Retail frontage line:* All lot lines abutting a public street that are required to be retail, as designated on the regulating plan.

*Retail use:* Any of the following uses: artisan, community, commercial, entertainment, or restaurant uses.

*Storefront:* The portion of the building at the first story of a frontage line.

*Screenwall:* An opaque, freestanding wall aligned with the facade of an adjacent building with the purpose of screening off-street parking from view from the street.

*Terminated vistas:* A building or structure, or a portion thereof, as designated on the regulating plan, that terminates a view with architectural features of enhanced character and visibility.

*Transition line:* A horizontal line that extends the full width of a facade expressed by (1) a material change, (2) by a trim line, or by (3) a continuous balcony a maximum of two and one-half feet deep.  
(Ord. No. 1642, 4-28-97)

**Sec. 126-449. Permit approval process.**

All construction activity which complies with section 126-450(a) within the Downtown Birmingham Overlay Zoning District shall be required to follow the review and approval standards contained in division 2, site plan review, and division 3, design review, as applicable, of article XX, general provisions.  
(Ord. No. 1642, 4-28-97)

**Sec. 126-450. General standards.**

(a) When additional stories/floors, construction of a new building, or additions which effect a frontage line are proposed within the boundaries of the Downtown Birmingham Overlay Zoning District, applicants may elect to develop under the Downtown Birmingham Overlay Zoning District. For applicants who elect to develop under the standards of the Downtown Birmingham Overlay Zoning District, the design of buildings and sites shall be regulated by the provisions of this section.

(b) This section shall govern the design of all privately owned land within the Downtown Birmingham Overlay Zoning District when the applicant elects to develop in accordance with the standards of this overlay zone.

(c) When an applicant elects to develop in accordance with the standards of this overlay zone, the provisions of the overlay zoning district, when in conflict with other sections of the zoning ordinance, shall take precedence. If application is made following the standards of the overlay zoning district, the provisions of this section shall specifically supersede the floor-area-ratio, maximum height, and minimum setback regulations contained in section 126-446, schedule of regulations.

(d) The provisions of the building and building regulations chapter 22 of the City Code and the historic preservation chapter 62 of the City Code, when in conflict with the overlay zoning district, shall take precedence.

(e) The design of community buildings and improvements shall not be subject to the specific standards of this section, but shall be subject to negotiated design by the planning board.

(f) Locations designated on the regulating plan for new parking garages and civic buildings shall be reserved for such development.

(Ord. No. 1642, 4-28-97)

#### **Sec. 126-451. Specific standards.**

(a) *Building height.* The various elements of building height shall be determined as follows for the various zones designated on the regulating plan.

- (1) **Zone D-2 (two stories):** The eave line shall be no more than 34 feet. The peak or ridge of any sloped roof shall be no more than 46 feet as measured to the average grade. The maximum overall height including the mechanical and other equipment shall be no more than 56 feet.
- (2) **Zone D-3 (three stories):** The eave line shall be no more than 46 feet. The peak or ridge of any sloped roof shall be no more than 58 feet as measured to the average grade. The maximum overall height including the mechanical and other equipment shall be no more than 68 feet.
- (3) **Zone D-4 (four stories or five stories):** The eave line shall be no more than 58 feet. The peak or ridge of any sloped roof shall be no more than 70 feet as measured to the average grade. The maximum overall height including the mechanical and other equipment shall be no more than 80 feet.
  - a. A fifth story is permitted if it is used only for residential. All buildings containing a fifth story should be designed harmoniously with adjacent structures in terms of mass, scale and proportion, to the best extent possible.
  - b. The fifth story shall continue in a different plane, beginning at the eave line, no greater than 45 degrees measured to the horizontal or setback ten feet from any building facade.
- (4) **Office use:** In the Downtown Birmingham Overlay Zoning District, office use is limited to one story, except:
  - a. In any D-3 zone or D-4 zone, a two-story building dedicated to office use is permissible; and
  - b. In a D-4 zone, two stories may be dedicated to office use when the planning board permits a fifth story.



# Structure Standards (SS)

## 4.74 SS-01

This Structure Standards section applies to the following districts:

R1A R1 R2 R3 R4 R5 R6 R7 R8 O1 O2 P B1 B2 B2B B2C B3 B4 MX TZ1 TZ3

The following structure standards apply:

- A. Minimum Floor Area Per Unit: The minimum floor area per unit shall be as per each two-page layout in Article 2.
- B. Maximum Total Floor Area: The maximum total floor area shall be as per each two-page layout in Article 2.
- C. Distance Between Buildings: Each residential lot shall provide a minimum distance between principal residential buildings on adjacent lots of 14 feet or 25% of the total lot width, whichever is larger. This requirement is in addition to the setback provisions as specified in each two-page layout in Article 2.

## 4.75 SS-02

This Structure Standards section applies to the following districts:

R1A R1 R2 R3

The following structure standards apply:

- A. Private, Attached Single-Family Residential Garages:
  1. A private, attached, single-family residential garage shall not occupy more than 50% of a linear building width of a principal residential building that faces a street, and must be setback a minimum of 5 feet from the portion of the front facade on the first floor of a principal residential building that is furthest setback from the front property line, excluding those items listed in Section 4.30(C): Projections into Required Open Space.
  2. Garage doors on an attached garage which are facing a street may not exceed 9 feet in width; where there are multiple doors, they must be separated by a solid wall or jamb not less than 8 inches wide.

## 4.76 SS-03

This Structure Standards section applies to the following districts:

B1 B2B B2C B3 B4

The following structure standard applies:

- A. Residential Uses: One-family and two-family dwelling units shall be permitted provided that the floor area for each dwelling unit does not exceed the total of the floor area used for commercial purposes plus 450 square feet when used for parking within the same building.

## 4.77 SS-04

This Structure Standards section applies to the following districts:

B2 B2B B2C B3

The following structure standards apply:

- A. Residential Uses:
  1. When a building is to be used for commercial and residential occupancy, no dwelling units shall occupy the first story or below the first story. No commercial, office or parking use shall be located on the same story or on a story above a residential use.
  2. Every building having commercial and residential uses must provide and maintain separate interior entrances and stairways for the exclusive use of the residential portion of the building.

(20) MX MIXED USE	1-bedroom dwelling unit--1,500 s.f. 2- bedroom dwelling unit--2,000 s.f. 3- bedroom dwelling unit--2,500 s.f.	1. Efficiency unit--400 s.f. 2. 1- bedroom dwelling unit--600 s.f. 3. 2- bedroom dwelling unit--800 s.f. 4. 3- bedroom dwelling unit--1,000 s.f. 100%, except that the maximum usable floor area may be increased up to 150% by providing 1 parking space for every 300 square feet over the maximum 100% FAR		45 feet	4 stories				
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### Required Minimum Open Spaces

Zone District	Front Setback in Feet	Side Setbacks in Feet or Percentage of the Total Lot Width		Rear Setback in Feet	Combined Front and Rear Setbacks
		At Least 1 Setback Shall Be	Total Side Setback Shall Be		
(21) PP PUBLIC PROPERTY					

<b>(22) R-1 SINGLE-FAMILY RESIDENTIAL</b>	Where there are 2 or more existing single-family residential buildings on the same side of the street in the same block and within 200 feet of the lot, such setback shall be the average distance from the street lot line to such buildings. When the average distance cannot be established, as stated herein, said setback shall be a minimum of 25 feet except as provided elsewhere in this chapter. (See sections 126-468 and 126-599)	9 feet or 10% of the total lot width whichever is larger. (See sections 126-467- <del>126-469.</del> ) Minimum setback of 9 feet for one side and 5 feet for the other	14 feet or 25% of the total lot width whichever is larger. (See sections 126-467- <del>126-469.</del> ) Minimum setback of 9 feet for one side and 5 feet for the other	30 feet	A minimum of 55 feet.
<b>(23) R-1A SINGLE-FAMILY RESIDENTIAL</b>	Where there are 2 or more existing single-family residential buildings on the same side of the street in the same block and within 200 feet of the lot, such setback shall be the average distance from the street lot line to such buildings. When the average distance cannot be established, as stated herein, said setback shall be a minimum of 25 feet except as provided elsewhere in this chapter (See sections 126-468 and 126-599)	9 feet or 10% of the total lot width whichever is larger. (See sections 126-467- <del>126-469.</del> ) Minimum setback of 9 feet for one side and 5 feet for the other	14 feet or 25% of the total lot width whichever is larger. (See sections 126-467- <del>126-469.</del> ) Minimum setback of 9 feet for one side and 5 feet for the other	30 feet	A minimum of 55 feet.

<b>(24) R-2 SINGLE-FAMILY RESIDENTIAL</b>	Where there are 2 or more existing single-family residential buildings on the same side of the street in the same block and within 200 feet of the lot, such setback shall be the average distance from the street lot line to such buildings. When the average distance cannot be established, as stated herein, said setback shall be a minimum of 25 feet except as provided elsewhere in this chapter. (See sections 126-468 and 126-599)	9 feet or 10% of the total lot width whichever is larger. (See sections 126-467-- <del>126-469.</del> ) Minimum setback of 9 feet for one side and 5 feet for the other	14 feet or 25% of the total lot width whichever is larger. (See sections 126-467-- <del>126-469.</del> ) Minimum setback of 9 feet for one side and 5 feet for the other	30 feet	A minimum of 55 feet.
<b>(25) R-3 SINGLE-FAMILY RESIDENTIAL</b>	Where there are 2 or more existing single-family residential buildings on the same side of the street in the same block and within 200 feet of the lot, such setback shall be the average distance from the street lot line to such buildings. When the average distance cannot be established, as stated herein, said setback shall be a minimum of 25 feet except as provided elsewhere in this chapter. (See sections 126-468 and 126-599)	9 feet or 10% of the total lot width whichever is larger. (See sections 126-467-- <del>126-469.</del> ) Minimum setback of 9 feet for one side and 5 feet for the other	14 feet or 25% of the total lot width whichever is larger. (See sections 126-467-- <del>126-469.</del> ) Minimum setback of 9 feet for one side and 5 feet for the other	30 feet	A minimum of 55 feet.
<b>(26) R-4 TWO-FAMILY RESIDENTIAL</b>	25 feet. (See section 126-468)	9 feet or 10% of the total lot width whichever is larger. (See sections 126-467-- <del>126-469.</del> ) Minimum setback of 9 feet for one side and 5 feet for the other. Except that lots exceeding 100 feet in width may maintain a minimum setback of 10 feet	14 feet or 25% of the total lot width whichever is larger. (See sections 126-467-- <del>126-469.</del> ) Minimum setback of 9 feet for one side and 5 feet for the other. Except that lots exceeding 100 feet in width may maintain a minimum setback of 25 feet	30 feet	

(27) R-5 MULTIPLE- FAMILY RESIDENTIAL	25 feet. (See section 126-468)	9 feet or 10% of the total lot width whichever is larger. (See sections 126-467--126-469.) Minimum setback of 9 feet for one side and 5 feet for the other. Except that lots exceeding 100 feet in width may maintain a minimum setback of 10 feet	14 feet or 25% of the total lot width whichever is larger. (See sections 126-467--126-469.) Minimum setback of 9 feet for one side and 5 feet for the other. Except that lots exceeding 100 feet in width may maintain a minimum setback of 25 feet	30 feet	
(28) R-6 MULTIPLE- FAMILY RESIDENTIAL	25 feet. (See section 126-468)	9 feet or 10% of the total lot width whichever is larger. (See sections 126-467--126-469.) Minimum setback of 9 feet for one side and 5 feet for the other. Except that lots exceeding 100 feet in width may maintain a minimum setback of 10 feet	14 feet or 25% of the total lot width whichever is larger. (See sections 126-467--126-469.) Minimum setback of 9 feet for one side and 5 feet for the other. Except that lots exceeding 100 feet in width may maintain a minimum setback of 25 feet	30 feet	
(29) R-7 MULTIPLE- FAMILY RESIDENTIAL	25 feet except where there are 2 or more existing residential buildings on the same side of the street in the same block and within 200 feet of the lot, then such setback shall be the average distance from the street lot line to such buildings	Each side setback shall be 1/2 of the building height except as provided in sections 126-469 and 126-470		30 feet	
(30) R-8 ATTACHED SINGLE- FAMILY	25 feet except where there are 2 or more existing residential buildings on the same side of the street in the same block and within 200 feet of the lot, then such setback shall be the average distance from the street lot line to such buildings	The minimum corner lot setback is 10 feet. Except as provided in section 126-469, the minimum interior side yard setback shall be 7 feet		20 feet	

(31) O-1 OFFICE	No setback is required except when there are 2 or more existing buildings on the same side of the street in the same block and within 200 feet of the lot, then such setbacks shall be the average distance from the street lot line to such buildings	No setback is required except on a corner lot which has on its side street an abutting interior residential lot, then such setback shall be equal to the minimum front setback for the zone district in which the building is located		The minimum rear setback is 10 feet when the rear open space abuts a P, B-1, B-2, B-2B, B-2C, B-3, B-4, O-1, O-2, or I zone district. Where there is an alley or street located at the rear of the lot, the rear setback may be measured to the centerline of the street or alley. When the rear lot line abuts a residential zone district, the rear setback shall not be less than 20 feet, or the height of the building, whichever is greater	
	For lots in the Downtown Birmingham Overlay Zoning District, see article XIX, division 2.				
(32) O-2 OFFICE LOW-INTENSITY COMMERCIAL	0	0	0	10 feet when the rear open space abuts a P, B-1, B-2, B-2B, B-2C, B-3, B-4, O-1, O-2, or I zone district. 20 feet when the rear open space abuts a residential zone district. Where there is an alley or street located at the rear of the lot, the rear setback may be measured to the centerline of such street or alley. (See section 126-470)	
	For lots in the Downtown Birmingham Overlay Zoning District, see article XIX, division 2.				
(33) P PARKING	0	0	0	0	
	Except in cases where off-street parking facilities abut a residential zone district, setbacks shall be required in accordance with the regulations of section 126-572				



(34) B-1 NEIGHBORHOOD BUSINESS	(See section 126-468)	0 (See section 126-470)	0	10 feet when the rear open space abuts a P, B-1, B-2, B-2B, B-2C, B-3, B-4, O-1, O-2, or I zone district. Where there is an alley or street located at the rear of the lot the rear setback may be measured to the centerline of the street or alley. When the open space abuts a residential zone district and there is no alley, the rear setback shall not be less than 20 feet from the rear lot line. (See section 126-470)	
(35) B-2 GENERAL BUSINESS	(See section 126-446(14).) For buildings containing only multiple-family dwelling units, a minimum setback of 5 feet	0 setback for business, office or parking stories 0 setback for residential stories whose walls facing side lot lines do not contain windows 0.45 of the height of any wall in residential stories which contain windows		10 feet when such rear open space abuts a P, B-1, B-2, B-3, B-4 or I zone district, provided that where there is an alley or street located at the rear of such lot, such rear setback may be measured to the centerline of such street or alley. When such open space abuts a residential zone district and wherein there is no alley provided, such rear setback shall not be less than 20 feet from the rear lot line. (See section 126-470)	
For lots in the Downtown Birmingham Overlay Zoning District, see article XIX, division 2.					

(36) B-2B GENERAL BUSINESS	(See section 126-468)	0 setback for business, office or parking stories 0 setback for residential stories with walls facing side lot lines which do not contain windows 20 feet at each residential story wall containing windows when the side lot lines do not abut a street or alley	10 feet when such rear open space abuts a P, B-1, B-2, B-2B, B-2C, B-3, B-4, O-1, O-2 or I zone district. Where there is an alley or street located at the rear of the lot, the rear setback may be measured to the centerline of street or alley. When the open space abuts a residential zone district and there is no alley or street provided, the rear setback shall not be less than 20 feet from the rear lot line. (See section 126-470)	
	For a building which is 4 or more stories in height, a setback is required for the front of the building and where the side or rear of the building abuts a street. The setback must be provided in one of the following ways:			
	(1) A minimum of 5 feet of setback must be provided at the second or third story and be measured from the building line of the story below. The balance of the setback may be stepped back or sloped for the remaining stories, with the top floor setback a minimum of 10 feet from the second or third story. The required setback area created by these setbacks is determined by multiplying the actual setback at each story times the length of the building where that setback exists. The average setback area is determined by dividing the sum of all setback areas by the total number of stories in the building.			
	(2) A setback area equal to 150% of the average setback area defined in subsection (1) of this section may be provided at grade; or			
	(3) 150% of the required setback area defined in subsection (1) of this section may be provided as a combination of open space at grade and/or setbacks at the various story levels.			
	For lots in the Downtown Birmingham Overlay Zoning District, see article XIX, division 2.			
(37) B-2C GENERAL BUSINESS	(See section 126-468)	0 setback for business, office or parking stories	10 feet when the rear open space abuts a P, B-1, B-2, B-2B, B-2C, B-3, B-4, O-1, O-2 or I zone district. Where there is an alley or street located at the rear of the lot, the rear setback may be measured to the centerline of the street or alley. When the open space abuts a residential zone district and there is no alley provided, the rear setback shall not be less than 20 feet from the rear lot line. (See section 126-470)	

(38) B-3 OFFICE RESIDENTIAL	For buildings containing residential uses only, or parking in combination with residential uses, 0.7 of the total height of the building. For buildings containing residential in combination with business uses; no setbacks for business, office or parking stories, 0.8 of the total height of all residential stories. Such setbacks may be measured to the centerline of the public right-of-way adjoining the front lot line	No setback for business, office or parking stories, 0.45 of the height of any wall in residential stories which contain windows, and face a side lot line, but in no case less than 30 feet provided that where such walls are located adjacent to a street or alley, such setback may be measured to the centerline of the public right-of-way, but in no case less than 5 feet	10 feet for all business, office and/or parking stories where such open space abuts a P, B-1, B-2, B-2B, B-2C, B-3, B-4 or I zone district. For residential stories, 15 feet for the first 35 feet of residential stories and an additional 2 inches for each foot of height measured from the lowest residential story	
	For lots in the Downtown Birmingham Overlay Zoning District, see article XIX, division 2.			
(39) B-4 BUSINESS RESIDENTIAL	0	0 setback for business, office or parking stories 0 setback for residential stories with walls facing side lot lines which do not contain windows and which do not front on a street. All walls of residential stories which contain windows shall maintain a minimum setback of 10 feet when the side lot lines abut a street	10 feet when such rear open space abuts a P, B-1, B-2, B-2B, B-2C, B-3, B-4 or I zone district, provided that where there is an alley or street located at the rear of such lot, such rear setback may be measured to the centerline of such street or alley. When such open space abuts a residential zone district and wherein there is no alley provided, such rear setback shall not be less than 20 feet from the rear lot line. (See section 126-470)	
	For lots in the Downtown Birmingham Overlay Zoning District, see article XIX, division 2.			

(40) B-4 BUSINESS RESIDENTIAL	0	0 setback for business, office or parking stories. 0 setback for residential stories with walls facing side lot lines which do not contain windows and which do not front on a street. All walls of residential stories which contain windows shall maintain a minimum setback of 10 feet when the side lot lines abut a street	10 feet when the rear open space abuts a P, B-1, B-2, B-2B, B-2C, B-3, B-4, O-1, O-2 or I zone district. Where there is an alley or street located at the rear, setback may be measured to the centerline of the street or alley. When the open space abuts a residential zone district and there is no alley, the rear setback shall not be less than 20 feet from the rear lot line. (See section 126-470)	
(41) MX MIXED USE	0	0 setback for business, office, or parking stories 0 setback for residential stories with walls facing side lot lines which do not contain 20-foot minimum separation between adjacent buildings with walls that contain windows	10 feet when the rear open space abuts a P, B-1, B-2, B-2B, B-2C, B-3, B-4, O-1, O-2, or MX zoning district. Where there is an alley or street located at the rear, setback may be measured to the centerline of the street or alley. When the open space abuts a residential zone district and there is no alley, the rear setback shall not be less than 20 feet from the rear lot line (see section 126-470).	

**Footnotes:**

<sup>1</sup> Maximum building height for the principal residential building (including an attached garage) on a lot in any single family residential district is measured from the grade plane to the eave and to the upper most portion of the roof surface. The maximum eave height is 24 feet above the grade plane, and 30 feet from the grade plane to the upper most portion of the roof surface (see definitions of building height for the single family residential zone districts and grade plane).

(Ord. No. 1529, 7-13-92; Ord. No. 1556, 4-26-93; Ord. No. 1557, 4-26-93; Ord. No. 1589, 5-23-94; Ord. No. 1644, 4-28-97; Ord. No. 1650, 4-28-97; Ord. No. 1691, 12-14-98; Ord. No. 1734, 5-15-00; Ord. No. 1735, 5-17-00; Ord. No. 1857, 2-7-05)

**DIVISION 2.**

**DOWNTOWN BIRMINGHAM OVERLAY ZONING DISTRICT REGULATIONS**

**Sec. 126-447. Purpose.**

dimension and four feet in horizontal dimension.

(6) The vertical drip of an awning may be stenciled with signage a maximum of eight inches in vertical dimension by any horizontal length.

(7) External signs shall not be translucent, but may be externally lit. Along Woodward Avenue (formerly named Hunter Boulevard), external signs may be internally illuminated.

(Ord. No. 1642, 4-28-97; Ord. No. 1699, 3-22-99; Ord. No. 1712, 8-23-99; Ord. No. 1770, 11-26-01; Ord. No. 1774, 1-28-02; Ord. No. 1775, 1-28-02; Ord. No. 1781, 4-15-02; Ord. No. 1786, 8-26-02; Ord. No. 1787, 10-21-02; Ord. No. 1840, 7-12-04; Ord. No. 1841, 7-12-04; Ord. No. 1842, 9-27-04)

**Secs. 126-452--126-465. Reserved.**

## **ARTICLE XX.**

### **GENERAL PROVISIONS**

#### **DIVISION 1.**

#### **GENERALLY**

##### **Sec. 126-466. Land required to satisfy regulations.**

No portion of a lot used in or necessary for compliance with the provisions of this chapter shall through sale or otherwise again be used to satisfy the zoning requirements of another lot.  
(Code 1963, § 5.179)

##### **Sec. 126-467. Corner lot setback on the side street in residential zone districts.**

Every corner lot in any residential zone district which has on its side street an abutting interior residential lot shall have a minimum setback from the side street equal to the minimum front setback for the zone district in which such building is located. This requirement shall not reduce the buildable width of any lot to less than 25 feet. Where there is no abutting interior residential lot on such side street, the minimum side street setback shall be ten feet for the permitted principal building and 15 feet for permitted accessory buildings.  
(Code 1963, § 5.180)

##### **Sec. 126-468. Obstructions to vision on corner lots.**

On any corner lot in any zone district, no wall, fence or other structures or any hedge, shrub or other growth shall be maintained at a height which would obscure vision of drivers properly using the street.  
(Code 1963, § 5.181)

##### **Sec. 126-469. Minimum distance between principal residential buildings.**

Each residential lot shall provide a minimum distance between principal residential buildings on adjacent lots of 14 feet or 25 percent of the total lot width whichever is larger. This requirement is in addition to

the setback provisions as specified in section 126-446, Schedule of Regulations.  
(Code 1963, § 5.182; Ord. No. 1591, 5-23-94)

**Sec. 126-470. Building height.**

When a principal building or accessory building is being built on a lot in a business, office, parking or multiple-family zone district which does not contain residential uses, which abuts property zoned for a single- or two-family use, the height of the building shall not exceed the distance which the building is set back from the lot line forming the boundary between the residential zone and the lot on which the building is to be built. Where the building is located across an alley from the property zoned for single- or two- family use, the height of the building shall not exceed the distance which the building is set back from the line forming the zone district boundary between the residential district and the district in which the building is being built.

For lots in the Downtown Birmingham Overlay Zoning District, see article XIX, division 2.  
(Code 1963, § 5.183; Ord. No. 1649, 4-28-97)

**Sec. 126-471. Access to residential property.**

No residential building shall be erected on any lot which does not abut for at least 30 feet upon a street and which does not have a minimum width of 30 feet, as measured at a 90-degree angle from the side lot line, for the full distance between the front and rear lot lines. This requirement shall not apply to lots which are platted and unimproved as of December 12, 1966, which lots must abut for at least 15 feet upon a street or permanent unobstructed easement of access connecting such lot with a street.  
(Code 1963, § 5.184)

**Sec. 126-472. Application of lots.**

Where the owner of a lot cannot acquire sufficient adjacent land to enable him to conform to the required minimum lot area regulations prescribed in this chapter, such lot may be used as a building site provided the open space and other provisions conform to the regulations of the zone district in which the lot is located.

In any district in which single-family dwellings are permitted, if two or more lots or combinations of lots and portions of lots have contiguous frontage and single ownership, the lands involved shall be considered to be an undivided parcel for the purpose of this section. No division of the parcel shall be made except as set forth in chapter 102 of this Code.

The invalidity of any clause, sentence, paragraph or part of this section shall not affect the validity of the remaining parts of this section.

This section is declared necessary to control the density of residential districts of the city.  
(Code 1963, § 5.185; Ord. No. 1671, 4-13-98)

**Sec. 126-473. Fence regulations.**

Fences are permitted or required subject to the following:



## Use Specific Standards

### 5.02 R1A District, R1 District, R2 District, R3 District

This Use Specific Standards section applies to the following districts:

**R1A** **R1** **R2** **R3**

The following use specific standards apply:

- A. Family Day Care Home: Family day care homes shall not be considered home occupations for the purpose of this Article and are permitted under the following provisions:
1. All family day care homes must be licensed with the city. Application for a family day care home shall be made to the City Clerk. An application fee as established by the City Commission and set forth in Appendix C shall be payable upon submitting an application for a family day care home. See Chapter 26 of the Birmingham City Code for licensing procedures.
  2. Only the care provider and his/her immediate family shall reside in the home.
  3. The maximum number of children permitted in a family day care home shall not exceed that permitted by the state.
  4. All outdoor play areas shall be enclosed with a fence of no less than 4 feet nor more than 6 feet in height, capable of containing the children within the play area.
  5. Children (not related to the care provider) shall not be dropped off or picked up between the hours of 8:00 p.m. and 7:00 a.m.
  6. There shall be no signs for the family day care home.
  7. No family day care home shall be located closer than 750 feet from another family day care home or foster care facility except as permitted as follows:
    - a. The Board of Zoning Appeals may approve the location of a family day care home within 750 feet of another family day care home or foster care facility if the Board of Zoning Appeals finds that the concentration of uses will not generate traffic, noise or other nuisances in a volume greater than would normally be expected in a residential neighborhood. The applicant is required to provide the following information to the Board of Zoning Appeals for all family day care homes within 750 feet of another family day care home or foster care facility:
      - i. Location of parking for parents/guardians and caregivers.
      - ii. Hours of operation.
    - b. Any family day care home licensed by the state at the time this section becomes effective and located within 750 feet of another state-licensed family day care home or foster care facility shall be permitted to continue in operation subject to its compliance with the other provisions of this section and the Zoning Ordinance.
  8. Family day care homes may operate Monday through Saturday only.
- B. Home occupation: A home occupation is subject to the following provisions:
1. No one other than the resident(s) of the dwelling unit shall be employed in the conduct of the home occupation.
  2. The home occupation shall not require internal or external alterations or construction features on the dwelling unit, or external equipment or machinery not customary in residential areas.
  3. There shall be no exterior indication by sign or otherwise of the home occupation.
  4. There shall be no noise, vibration, odor or other nuisance as a result of the home occupation detectable beyond the confines of the dwelling unit, including the transmission through vertical or horizontal party walls.
  5. The home occupation shall not generate traffic in a greater volume or consisting of larger vehicle types than would normally be expected in a residential neighborhood.
  6. Any parking generated by the conduct of the home occupation shall be met off the street and shall not be met in a required front yard.
  7. The home occupation shall not include the direct sale of products off display shelves or racks.
  8. No outdoor storage, including equipment, parts or automobiles, associated with the home occupation shall be permitted.

9. Home occupations may be conducted in a permitted accessory building.
10. The home occupation shall not operate earlier than 8:00 a.m. nor later than 10:00 p.m.
11. No more than 25% of the gross area of the building shall be used for such home occupation.
- C. Parking - Public, Off-street: Public off-street parking is permitted in connection with parks, stadiums, government offices, government uses, and public schools.
- D. Renting of Rooms: The renting of rooms is permitted to not more than 2 roomers or boarders per dwelling unit.
- E. Single family cluster: The intent of the single family cluster is to provide flexibility in the placement of buildings and implementation of innovative design concepts within single-family residential districts. Cluster developments shall be in accordance with the regulations as set forth in this section and other applicable sections of the Zoning Ordinance. Upon a conflict between the regulations of this section and those of other sections, the regulations set forth below shall apply:
  1. Approval procedure. Subject to the provisions of this section, the Planning Board may approve of the placement of detached single residences in any single residential district in a manner other than set forth in the two-page layouts in Article 2. Such development, called cluster development in this section, may be permitted by the Planning Board upon its finding that any one or more of the following conditions exist:
    - a. The lot contains natural assets such as trees, wildlife habitats, or unusual topographic features that should be preserved.
    - b. Topographic or subsoil conditions make development under other regulations impractical.
    - c. Floodplain covers a portion of the lot.
    - d. The configuration of the lot is odd shaped and not suitable for development under other regulations.
    - e. The lot contains frontage on a major road and development along the road would cause traffic problems which could be alleviated by alternative road designs such as cul-de-sacs or loop streets.
  2. Required findings. A request for cluster development shall not be approved unless the Planning Board:
    - a. Determines the proposal would not be contrary to the health, safety and welfare of the occupants of adjacent areas;
    - b. Determines the proposal would create a sound and stable residential area;
    - c. Determines the request is compatible with the purpose of the cluster option, which is to maintain natural areas and topography, or improve the open space characteristics of a given area; and
    - d. Determines that there has been compliance with all provisions of this section and other pertinent provisions of the Zoning Ordinance.
  3. Objections of abutting property owners. If written objections have been filed by at least 20% of the owners of all real property abutting or directly across a street or alley from the cluster development lot, the Planning Board may approve a cluster development only upon an affirmative vote of at least 6 members.
  4. Minimum lot area. The detached single-family cluster option may be utilized in the following single-family districts provided that the minimum lot area is: R1A – 80,000 sq ft, R1 – 36,000 sq ft, R2 – 24,000 sq ft.
  5. Site plan and Design Review. All cluster developments shall obtain Site Plan and Design approval from the Planning Board in accordance with the regulations as set forth in Article 7.
  6. Area regulations. Each cluster development shall meet all of the following regulations:
    - a. The total number of dwelling units shall not be more than 20% greater than the lot area divided by the required minimum lot area as set forth in the two-page layouts in Article 2, for the zoning district in which the property is located.
    - b. Land used for streets, alleys or walkways shall not be included in the computation of density.

- d. ~~There shall be no noise, vibration, odor or other nuisance as a result of the home occupation that is detectable beyond the confines of the dwelling unit. This restriction specifically includes the transmission of noise, vibration, odor or other nuisances through vertical or horizontal party walls.~~
  - e. ~~The home occupation shall not generate traffic in a greater volume or consisting of larger vehicle types, than would normally be expected in a residential neighborhood.~~
  - f. ~~Any parking generated by the conduct of the home occupation shall be met off the street and shall not be met in a required front yard.~~
  - g. ~~The home occupation shall not include the direct sale of products off display shelves or racks.~~
  - h. No outdoor storage, including equipment, parts or automobiles, associated with the home occupation shall be permitted.
  - i. Home occupations may be conducted in a permitted accessory building.
  - j. Times earlier than 8:00 a.m. nor later than 10:00 p.m.
  - k. No more than 25 percent of the gross area of the building shall be used for such home occupation.
- (Code 1963, § 5.22; Ord. No. 1545, 12-14-92; Ord. No. 1709, 6-14-99; Ord. No. 1776, 1-28-02)

**Sec. 126-98. Uses requiring special land use permit.**

The following uses in the R-1A, R-1, R-2 and R-3 districts require a special land use permit:

- (1) Publicly owned buildings and public utility buildings (see article XXV).
- (2) Schools, churches, Sunday School buildings.
- (3) Off-street parking in connection with subsection (2) of this section (see articles II and XXI).

- (4) Community health, educational and/or outpatient medical rehabilitation facilities (exclusive of outpatient psychiatric and substance abuse facilities) and administrative services operated by a nonprofit hospital licensed by the state department of public health, provided that such uses shall not be conducted on a lot used for residential purposes as of April 29, 1982.
- (5) Philanthropic uses such as senior citizen programs, youth programs, and other similar programs, provided that such uses shall not be conducted on a lot used for residential purposes as of April 29, 1982. Such uses shall not include correctional institutions, dormitory facilities or public dining hall facilities other than public dining hall facilities for senior citizens.

(Code 1963, § 5.23)

**Sec. 126-99. Limitations on paved surfaces and parking within the front open space in all single-family districts.**

(a) A minimum of 65 percent of the front open space in all single-family districts shall be free of paved surfaces (i.e., concrete, blacktop, gravel, brick or a similar material), excluding building encroachments, uncovered porches, sidewalks three feet in width or less, and handicap access ramps.

(b) Motor vehicles are only permitted within the front open space on a paved surface, as described in subsection (a) above, in conformity with the requirements of chapter 110-59, section 8.26(2), "Parking on private property; front open space parking restrictions; violation as civil infraction."

(Code 1963, § 5.25; Ord. No. 1599, 8-22-94)

**Sec. 126-100. Single-family cluster option for R-1A, R-1 and R-2 districts.**

The intent of this section is to provide flexibility in the placement of buildings and implementation of innovative design concepts within single-family residential districts. Cluster developments shall be in accordance with the regulations as set forth in this section and other applicable sections

of this chapter. Upon a conflict between the regulations of this section and those of other sections, the regulations set forth below shall apply:

- (1) *Approval procedure.* Subject to the provisions of this section, the planning board may approve of the placement of detached single residences in any single residential district in a manner other than set forth in the schedule of regulations in article XIX. Such development, called cluster development in this section, may be permitted by the planning board upon its finding that any one or more of the following conditions exist:

- a. The lot contains natural assets such as trees, wildlife habitats, or unusual topographic features that should be preserved.
- b. Topographic or subsoil conditions make development under other Code regulations impractical.
- c. Floodplain covers a portion of the lot.
- d. The configuration of the lot is odd shaped and not suitable for development under other Code regulations.
- e. The lot contains frontage on a major road and development along the road would cause traffic problems which could be alleviated by alternative road designs such as cul-de-sacs or loop streets.

- (2) *Required findings.* A request for cluster development shall not be approved unless the planning board:

- a. Determines the proposal would not be contrary to the health, safety and welfare of the occupants of adjacent areas;
- b. Determines the proposal would create a sound and stable residential area;
- c. Determines the request is compatible with the purpose of the cluster option, which is to maintain natural

areas and topography, or improve the open space characteristics of a given area; and

- d. Determines that there has been compliance with all provisions of this section and other pertinent provisions of the Code.

- (3) *Objections of abutting property owners.* If written objections have been filed by at least 20 percent of the owners of all real property abutting or directly across a street or alley from the cluster development lot the planning board may approve of a cluster development only upon an affirmative vote of at least six of its members.

- (4) *Minimum lot size.* The detached single-family cluster option may be utilized in the following single-family zone districts provided that the minimum lot size is:

R-1A .....	80,000 square feet
R-1 .....	36,000 square feet
R-2 .....	24,000 square feet

- (5) *Site plan and design review.* All cluster developments shall obtain site plan and design approval from the planning board in accordance with the regulations as set forth in sections 126-491 et seq. and 126-511 et seq.

- (6) *Area regulations.* Each cluster development shall meet all of the following regulations:

- a. The total number of dwelling units shall not be more than 20 percent greater than the lot area divided by the required minimum lot area as enumerated in the schedule of regulations, article XIX, for the zone district in which the property is located.
- b. Land use for streets, alleys or walkways shall not be included in the computation of density.
- c. All land not intended to be conveyed to individual dwelling unit owners shall be set aside for the use of all occupants of the development. All such lands shall be protected by re-

strictions or covenants running with the land and must be approved by the city attorney to assure the following:

1. That title to the open space is held in common by the owners of all dwelling units in the detached single-family cluster development.
  2. A permanent organization for maintenance and management of all such areas shall be assured by legal documents prior to the issuance of the building permit.
- (7) *Setbacks.* There are no setback requirements from any lot line which does not form a boundary line of the cluster development site. Public streets located wholly within the cluster development site shall not be deemed to be boundary lines for the purpose of determining setbacks. The setbacks from all lot lines forming the boundary of the cluster development shall meet the following minimum requirements:
- a. *Setbacks from lot lines abutting a street.* Where there are two or more existing single-family residential dwellings outside the cluster development on the same side of the street, and within 300 feet of the lot boundaries, the setback of all buildings abutting the street shall be no less than the average distance between the street lot line and the existing residential buildings. In no case shall a setback from a street lot line be less than 25 feet.
  - b. *Setbacks from all other lot lines.* The setback from any lot other than a lot line abutting a street shall be not less than 15 feet.
- (8) *Distance between buildings.* No dwelling unit shall be located closer than 14 feet to another dwelling unit.
- (9) *Bulk and height requirements.* The bulk and height requirements for a cluster

development shall be as set forth in the schedule of regulations, article XIX, for the zone district in which the development is located.

- (10) *Accessory buildings.* Accessory buildings appurtenant in use to all dwelling units may be permitted by the planning board within a cluster development.
- (11) *Parking requirements.* A minimum of ~~two~~ parking spaces per dwelling unit shall be supplied in a garage attached to or part of the dwelling unit.
- (12) *Access.* The cluster development shall meet all of the following requirements for access:
  - a. The lot shall abut upon a dedicated public street for a distance of at least 50 feet.
  - b. Streets shall be designed to provide means for safe and convenient vehicular traffic both within the cluster development and to and from adjacent areas.
  - c. A dead-end street may only be used where a cul-de-sac or other turnaround is provided.
  - d. The street widths, curves, drainage, cul-de-sac and other design features shall be approved by the police, fire and public works departments of the city.
  - e. Streets shall be designed and constructed in accordance with the engineering design standards adopted and published by the city commission and shall be approved by the city engineer.
  - f. Private streets are not permitted in cluster developments.
- (13) *Easements and utilities.* Easements shall be provided as required for existing and proposed utility lines. All distribution lines for telephone and electric service shall be placed underground, and such lines shall be placed within private easements or within dedicated public rights-of-way.

(Code 1963, § 5.24)

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**Sec. 126-101. Provisions for private, attached, single-family residential garages.**

(a) A private, attached, single-family residential garage shall not occupy more than 50 percent of the linear building frontage of the principal residential structure, and must be setback a minimum of five feet from the front facade of a principal residential structure.

(b) Garage doors on an attached garage which are visible from the street may not exceed eight feet in width; where there are multiple doors, they must be separated by a solid wall or jamb not less than eight inches wide.  
(Ord. No. 1679, 9-14-98)

**Sec. 126-102. Drainage regulations.**

A drainage plan shall be submitted in conjunction with a building permit application subject to approval by the building official and/or city engineer. Drainage shall be conducted in accordance with the drainage plan. Drainage shall be conducted to avoid or prevent the discharge of water into, onto or across an adjacent lot where it could cause damage to such lot or become a health hazard or nuisance. This shall be determined by the building official and/or city engineer.  
(Ord. No. 1726, 3-27-00)

**Secs. 126-103—126-120. Reserved.**

**ARTICLE VI. TWO-FAMILY RESIDENTIAL DISTRICT (R-4)**

**Sec. 126-121. Permitted principal uses.**

The following are permitted principal uses in the R-4 district:

- (1) Any permitted principal use in the R-3 district subject to the minimum regulations of the R-3 district.
- (2) Two-family dwellings (see article II).
- (3) Philanthropic or eleemosynary uses or institutions other than correctional institutions. Such uses shall not include dormitory or public dining hall facilities.  
(Code 1963, § 5.29)

**Sec. 126-122. Permitted accessory uses**

The following are permitted accessory uses in the R-4 district:

- (1) Private garage, private greenhouse, private swimming pool (see sections 126-475 and 126-476).
- (2) Renting of rooms to not more than four roomers or boarders per dwelling unit.
- (3) Signs (see chapter 86).
- (4) Fences (see section 126-473).
- (5) Private off-street parking facilities (see article XXI).
- (6) Any use customarily incidental to permitted principal use.
- (7) Public off-street parking in connection with subsections (2), (3) and (4) of section 126-96 (see articles II and XXI).
- (8) Home occupations (see section 126-97) (Code 1963, § 5.30; Ord. No. 1709, 6-14-99)

**Sec. 126-123. Uses requiring special land use permit.**

The following uses in the R-4 district require special land use permit:

- (1) Publicly owned buildings and public utility buildings (see article XXV).
- (2) Schools, churches, Sunday School buildings.
- (3) Off-street parking in connection with subsection (2) of this section (see articles I and XXI).  
(Code 1963, § 5.31)

**Sec. 126-124. Site plan and design review.**

All two-family (R-4) residential developments shall obtain site plan and design approval from the appropriate reviewing body in accordance with the regulations as set forth in sections 126-491 et seq. and 126-511 et seq.  
(Code 1963, § 5.32)

**Secs. 126-125—126-145. Reserved.**



## Use Specific Standards

### 5.03 R4 District, R5 District, R8 District

This Use Specific Standards section applies to the following districts:

**R4 R5 R8**

The following use specific standards apply:

- A. Home Occupation: A home occupation is subject to the following provisions:
  1. No one other than the resident(s) of the dwelling unit shall be employed in the conduct of the home occupation.
  2. The home occupation shall not require internal or external alterations or construction features on the dwelling unit, or external equipment or machinery not customary in residential areas.
  3. There shall be no exterior indication by sign or otherwise of the home occupation.
  4. There shall be no noise, vibration, odor or other nuisance as a result of the home occupation detectable beyond the confines of the dwelling unit, including the transmission through vertical or horizontal party walls.
  5. The home occupation shall not generate traffic in a greater volume or consisting of larger vehicle types than would normally be expected in a residential neighborhood.
  6. Any parking generated by the conduct of the home occupation shall be met off the street and shall not be met in a required front yard.
  7. The home occupation shall not include the direct sale of products off display shelves or racks.
  8. No outdoor storage, including equipment, parts or automobiles, associated with the home occupation shall be permitted.
  9. Home occupations may be conducted in a permitted accessory building.
  10. The home occupation shall not operate earlier than 8:00 a.m. nor later than 10:00 p.m.
  11. No more than 25% of the gross area of the building shall be used for such home occupation.
- B. Parking - Public, Off-street: Public off-street parking is permitted in connection with parks, stadiums, government offices, government uses, and public schools.
- C. Renting of Rooms: The renting of rooms is permitted to not more than 2 roomers or boarders per dwelling unit.
- D. Single Family Cluster: The intent of the single family cluster is to provide flexibility in the placement of buildings and implementation of innovative design concepts within single-family residential districts. Cluster developments shall be in accordance with the regulations as set forth in this section and other applicable sections of the Zoning Ordinance. Upon a conflict between the regulations of this section and those of other sections, the regulations set forth below shall apply:
  1. Approval procedure. Subject to the provisions of this section, the Planning Board may approve of the placement of detached single residences in any single residential district in a manner other than set forth in the two-page layouts in Article 2. Such development, called cluster development in this section, may be permitted by the Planning Board upon its finding that any one or more of the following conditions exist:
    - a. The lot contains natural assets such as trees, wildlife habitats, or unusual topographic features that should be preserved.
    - b. Topographic or subsoil conditions make development under other regulations impractical.
    - c. Floodplain covers a portion of the lot.
    - d. The configuration of the lot is odd shaped and not suitable for development under other regulations.
    - e. The lot contains frontage on a major road and development along the road would cause traffic problems which could be alleviated by alternative road designs such as cul-de-sacs or loop streets.

2. *Required findings.* A request for cluster development shall not be approved unless the Planning Board:
  - a. Determines the proposal would not be contrary to the health, safety and welfare of the occupants of adjacent areas;
  - b. Determines the proposal would create a sound and stable residential area;
  - c. Determines the request is compatible with the purpose of the cluster option, which is to maintain natural areas and topography, or improve the open space characteristics of a given area; and
  - d. Determines that there has been compliance with all provisions of this section and other pertinent provisions of the Zoning Ordinance.
3. *Objections of abutting property owners.* If written objections have been filed by at least 20% of the owners of all real property abutting or directly across a street or alley from the cluster development lot, the Planning Board may approve of a cluster development only upon an affirmative vote of at least 6 of its members.
4. *Minimum lot area.* The detached single-family cluster option may be utilized in the following single-family districts provided that the minimum lot area is: R1A – 80,000 sq ft, R1 – 36,000 sq ft, R2 – 24,000 sq ft.
5. *Site plan and Design review.* All cluster developments shall obtain Site Plan and Design approval from the Planning Board in accordance with the regulations as set forth in Article 7.
6. *Area regulations.* Each cluster development shall meet all of the following regulations:
  - a. The total number of dwelling units shall not be more than 20% greater than the lot area divided by the required minimum lot area as set forth in the two-page layouts in Article 2, for the zoning district in which the property is located.
  - b. Land used for streets, alley s or walkways shall not be included in the computation of density.
  - c. All land not intended to be conveyed to individual dwelling unit owners shall be set aside for the use of all occupants of the development. All such lands shall be protected by restrictions or covenants running with the land and must be approved by the City Attorney to assure the following:
    - i. That title to the open space is held in common by the owners of all dwelling units in the detached single-family cluster development.
    - ii. A permanent organization for maintenance and management of all such areas shall be assured by legal documents prior to the issuance of the building permit.
7. *Setbacks.* There are no setback requirements from any lot line which does not form a boundary line of the cluster development site. Public streets located wholly within the cluster development site shall not be deemed to be boundary lines for the purpose of determining setbacks. The setbacks from all lot lines forming the boundary of the cluster development shall meet the following minimum requirements:
  - a. Setbacks from lot lines abutting a street. Where there are 2 or more existing single-family residential dwellings outside the cluster development on the same side of the street, and within 300 feet of the lot boundaries, the setback of all buildings abutting the street shall be no less than the average distance between the street lot line and the existing residential buildings. In no case shall a setback from a street lot line be less than 25 feet.
  - b. Setbacks from all other lot lines. The setback from any lot other than a lot line abutting a street shall be not less than 15 feet.
8. *Distance between buildings.* No dwelling unit shall be located closer than 14 feet to another dwelling unit.
9. *Bulk and height requirements.* The bulk and height requirements for a cluster development shall be as set forth in the two-page layouts in Article 2, for the zoning district in which the development is located.
10. *Accessory buildings.* Accessory buildings appurtenant in use to all dwelling units may be permitted by the Planning Board within a cluster development.
11. *Parking requirements.* A minimum of 2 parking spaces per dwelling unit shall be supplied in a garage attached to or part of the dwelling unit.

12. *Access.* The cluster development shall meet all of the following requirements for access:
  - a. The lot shall abut upon a dedicated public street for a distance of at least 50 feet.
  - b. Streets shall be designed to provide means for safe and convenient vehicular traffic both within the cluster development and to and from adjacent areas.
  - c. A dead-end street may be used only where a cul-de-sac or other turnaround is provided.
  - d. The street widths, curves, drainage, cul-de-sac and other design features shall be approved by the Police, Fire and Public Works Departments of the City.
  - e. Streets shall be designed and constructed in accordance with the engineering design standards adopted and published by the City Commission and shall be approved by the City Engineer.
  - f. Private streets are not permitted in cluster developments.
13. *Easements and utilities.* Easements shall be provided as required for existing and proposed utility lines. All distribution lines for telephone and electric service shall be placed underground, and such lines shall be placed within private easements or within dedicated public rights-of-way.

## 5.04 R6 District

This Use Specific Standards section applies to the following district:

**R6**

The following use specific standards apply:

- A. **Home Occupation:** A home occupation is subject to the following provisions:
  1. No one other than the resident(s) of the dwelling unit shall be employed in the conduct of the home occupation.
  2. The home occupation shall not require internal or external alterations or construction features on the dwelling unit, or external equipment or machinery not customary in residential areas.
  3. There shall be no exterior indication by sign or otherwise of the home occupation.
  4. There shall be no noise, vibration, odor or other nuisance as a result of the home occupation detectable beyond the confines of the dwelling unit, including the transmission through vertical or horizontal party walls.
  5. The home occupation shall not generate traffic in a greater volume or consisting of larger vehicle types than would normally be expected in a residential neighborhood.
  6. Any parking generated by the conduct of the home occupation shall be met off the street and shall not be met in a required front yard.
  7. The home occupation shall not include the direct sale of products off display shelves or racks.
  8. No outdoor storage, including equipment, parts or automobiles, associated with the home occupation shall be permitted.
  9. Home occupations may be conducted in a permitted accessory building.
  10. The home occupation shall not operate earlier than 8:00 a.m. nor later than 10:00 p.m.
  11. No more than 25% of the gross area of the building shall be used for such home occupation.
- B. **Parking - Public, Off-street:** Public off-street parking is permitted in connection with parks, stadiums, government offices, government uses, and public schools.
- C. **Renting of Rooms:** The renting of rooms is permitted to not more than 2 roomers or boarders per dwelling unit.
- D. **Single Family Cluster:** The intent of the single family cluster is to provide flexibility in the placement of buildings and implementation of innovative design concepts within single-family residential districts. Cluster developments shall be in accordance with the regulations as set forth in this section and other applicable sections of the Zoning Ordinance. Upon a conflict between the regulations of this section and those of other sections, the regulations set forth below shall apply:
  1. *Approval procedure.* Subject to the provisions of this section, the Planning Board may approve of the placement of detached single residences in any single residential district in a manner other than set forth in the two-page layouts in Article 2. Such development, called cluster development in this section, may be permitted by the Planning Board upon its finding that any one or more of the following conditions exist:
    - a. The lot contains natural assets such as trees, wildlife habitats, or unusual topographic features that should be preserved.
    - b. Topographic or subsoil conditions make development under other regulations impractical.
    - c. Floodplain covers a portion of the lot.
    - d. The configuration of the lot is odd shaped and not suitable for development under other regulations.
    - e. The lot contains frontage on a major road and development along the road would cause traffic problems which could be alleviated by alternative road designs such as cul-de-sacs or loop streets.



2. *Required findings.* A request for cluster development shall not be approved unless the Planning Board:
  - a. Determines the proposal would not be contrary to the health, safety and welfare of the occupants of adjacent areas;
  - b. Determines the proposal would create a sound and stable residential area;
  - c. Determines the request is compatible with the purpose of the cluster option, which is to maintain natural areas and topography, or improve the open space characteristics of a given area; and
  - d. Determines that there has been compliance with all provisions of this section and other pertinent provisions of the Zoning Ordinance.
3. *Objections of abutting property owners.* If written objections have been filed by at least 20% of the owners of all real property abutting or directly across a street or alley from the cluster development lot, the Planning Board may approve of a cluster development only upon an affirmative vote of at least 6 of its members.
4. *Minimum lot area.* The detached single-family cluster option may be utilized in the following single-family districts provided that the minimum lot area is: R1A – 80,000 sq ft, R1 – 36,000 sq ft, R2 – 24,000 sq ft.
5. *Site plan and Design Review.* All cluster developments shall obtain Site Plan and Design approval from the Planning Board in accordance with the regulations as set forth in Article 7.
6. *Area regulations.* Each cluster development shall meet all of the following regulations:
  - a. The total number of dwelling units shall not be more than 20% greater than the lot area divided by the required minimum lot area as set forth in the two-page layouts in Article 2, for the zoning district in which the property is located.
  - b. Land used for streets, alleys or walkways shall not be included in the computation of density.
  - c. All land not intended to be conveyed to individual dwelling unit owners shall be set aside for the use of all occupants of the development. All such lands shall be protected by restrictions or covenants running with the land and must be approved by the City Attorney to assure the following:
    - i. That title to the open space is held in common by the owners of all dwelling units in the detached single-family cluster development.
    - ii. A permanent organization for maintenance and management of all such areas shall be assured by legal documents prior to the issuance of the building permit.
7. *Setbacks.* There are no setback requirements from any lot line which does not form a boundary line of the cluster development site. Public streets located wholly within the cluster development site shall not be deemed to be boundary lines for the purpose of determining setbacks. The setbacks from all lot lines forming the boundary of the cluster development shall meet the following minimum requirements:
  - a. Setbacks from lot lines abutting a street. Where there are 2 or more existing single-family residential dwellings outside the cluster development on the same side of the street, and within 300 feet of the lot boundaries, the setback of all buildings abutting the street shall be no less than the average distance between the street lot line and the existing residential buildings. In no case shall a setback from a street lot line be less than 25 feet.
  - b. Setbacks from all other lot lines. The setback from any lot other than a lot line abutting a street shall be not less than 15 feet.
8. *Distance between buildings.* No dwelling unit shall be located closer than 14 feet to another dwelling unit.
9. *Bulk and height requirements.* The bulk and height requirements for a cluster development shall be as set forth in the two-page layouts in Article 2, for the zoning district in which the development is located.

10. *Accessory buildings.* Accessory buildings appurtenant in use to all dwelling units may be permitted by the Planning Board within a cluster development.
11. *Parking requirements.* A minimum of 2 parking spaces per dwelling unit shall be supplied in a garage attached to or part of the dwelling unit.
12. *Access.* The cluster development shall meet all of the following requirements for access:
  - a. The lot shall abut upon a dedicated public street for a distance of at least 50 feet.
  - b. Streets shall be designed to provide means for safe and convenient vehicular traffic both within the cluster development and to and from adjacent areas.
  - c. A dead-end street may be used only where a cul-de-sac or other turnaround is provided.
  - d. The street widths, curves, drainage, cul-de-sac and other design features shall be approved by the Police, Fire and Public Works Departments of the City.
  - e. Streets shall be designed and constructed in accordance with the engineering design standards adopted and published by the City Commission and shall be approved by the City Engineer.
  - f. Private streets are not permitted in cluster developments.
13. *Easements and utilities.* Easements shall be provided as required for existing and proposed utility lines. All distribution lines for telephone and electric service shall be placed underground, and such lines shall be placed within private easements or within dedicated public rights-of-way.



## 5.05 R7 District

This Use Specific Standards section applies to the following district:

**R7**

The following use specific standards apply:

- A. **Home Occupation:** A home occupation is subject to the following provisions:
  1. No one other than the resident(s) of the dwelling unit shall be employed in the conduct of the home occupation.
  2. The home occupation shall not require internal or external alterations or construction features on the dwelling unit, or external equipment or machinery not customary in residential areas.
  3. There shall be no exterior indication by sign or otherwise of the home occupation.
  4. There shall be no noise, vibration, odor or other nuisance as a result of the home occupation detectable beyond the confines of the dwelling unit, including the transmission through vertical or horizontal party walls.
  5. The home occupation shall not generate traffic in a greater volume or consisting of larger vehicle types than would normally be expected in a residential neighborhood.
  6. Any parking generated by the conduct of the home occupation shall be met off the street and shall not be met in a required front yard.
  7. The home occupation shall not include the direct sale of products off display shelves or racks.
  8. No outdoor storage, including equipment, parts or automobiles, associated with the home occupation shall be permitted.
  9. Home occupations may be conducted in a permitted accessory building.
  10. The home occupation shall not operate earlier than 8:00 a.m. nor later than 10:00 p.m.
  11. No more than 25% of the gross area of the building shall be used for such home occupation.
- B. **Parking - Public, Off-street:** Public off-street parking is permitted in connection with parks, stadiums, government offices, government uses, and public schools.
- C. **Renting of Rooms:** The renting of rooms is permitted to not more than 2 roomers or boarders per dwelling unit.
- D. **Single Family Cluster:** The intent of the single family cluster is to provide flexibility in the placement of buildings and implementation of innovative design concepts within single-family residential districts. Cluster developments shall be in accordance with the regulations as set forth in this section and other applicable sections of the Zoning Ordinance. Upon a conflict between the regulations of this section and those of other sections, the regulations set forth below shall apply:
  1. *Approval procedure.* Subject to the provisions of this section, the Planning Board may approve of the placement of detached single residences in any single residential district in a manner other than set forth in the two-page layouts in Article 2. Such development, called cluster development in this section, may be permitted by the Planning Board upon its finding that any one or more of the following conditions exist:
    - a. The lot contains natural assets such as trees, wildlife habitats, or unusual topographic features that should be preserved.
    - b. Topographic or subsoil conditions make development under other regulations impractical.
    - c. Floodplain covers a portion of the lot.
    - d. The configuration of the lot is odd shaped and not suitable for development under other regulations.
    - e. The lot contains frontage on a major road and development along the road would cause traffic problems which could be alleviated by alternative road designs such as cul-de-sacs or loop streets.

2. *Required findings.* A request for cluster development shall not be approved unless the Planning Board:
  - a. Determines the proposal would not be contrary to the health, safety and welfare of the occupants of adjacent areas;
  - b. Determines the proposal would create a sound and stable residential area;
  - c. Determines the request is compatible with the purpose of the cluster option, which is to maintain natural areas and topography, or improve the open space characteristics of a given area; and
  - d. Determines that there has been compliance with all provisions of this section and other pertinent provisions of the Zoning Ordinance.
3. *Objections of abutting property owners.* If written objections have been filed by at least 20% of the owners of all real property abutting or directly across a street or alley from the cluster development lot, the Planning Board may approve of a cluster development only upon an affirmative vote of at least 6 of its members.
4. *Minimum lot area.* The detached single-family cluster option may be utilized in the following single-family districts provided that the minimum lot area is: R1A – 80,000 sq ft, R1 – 36,000 sq ft, R2 – 24,000 sq ft.
5. *Site plan and Design Review.* All cluster developments shall obtain Site Plan and Design approval from the Planning Board in accordance with the regulations as set forth in Article 7.
6. *Area regulations.* Each cluster development shall meet all of the following regulations:
  - a. The total number of dwelling units shall not be more than 20% greater than the lot area divided by the required minimum lot area as set forth in the two-page layouts in Article 2, for the zoning district in which the property is located.
  - b. Land used for streets, alleys or walkways shall not be included in the computation of density.
  - c. All land not intended to be conveyed to individual dwelling unit owners shall be set aside for the use of all occupants of the development. All such lands shall be protected by restrictions or covenants running with the land and must be approved by the City Attorney to assure the following:
    - i. That title to the open space is held in common by the owners of all dwelling units in the detached single-family cluster development.
    - ii. A permanent organization for maintenance and management of all such areas shall be assured by legal documents prior to the issuance of the building permit.
7. *Setbacks.* There are no setback requirements from any lot line which does not form a boundary line of the cluster development site. Public streets located wholly within the cluster development site shall not be deemed to be boundary lines for the purpose of determining setbacks. The setbacks from all lot lines forming the boundary of the cluster development shall meet the following minimum requirements:
  - a. Setbacks from lot lines abutting a street. Where there are 2 or more existing single-family dwellings outside the cluster development on the same side of the street, and within 300 feet of the lot boundaries, the setback of all buildings abutting the street shall be no less than the average distance between the street lot line and the existing residential buildings. In no case shall a setback from a street lot line be less than 25 feet.
  - b. Setbacks from all other lot lines. The setback from any lot other than a lot line abutting a street shall be not less than 15 feet.
8. *Distance between buildings.* No dwelling unit shall be located closer than 14 feet to another dwelling unit.
9. *Bulk and height requirements.* The bulk and height requirements for a cluster development shall be as set forth in the two-page layouts in Article 2, for the zoning district in which the development is located.
10. *Accessory buildings.* Accessory buildings appurtenant in use to all dwelling units may be permitted by the Planning Board within a cluster development.
11. *Parking requirements.* A minimum of 2 parking spaces per dwelling unit shall be supplied in a garage attached to or part of the dwelling unit.

12. *Access.* The cluster development shall meet all of the following requirements for access:
  - a. The lot shall abut upon a dedicated public street for a distance of at least 50 feet.
  - b. Streets shall be designed to provide means for safe and convenient vehicular traffic both within the cluster development and to and from adjacent areas.
  - c. A dead-end street may be used only where a cul-de-sac or other turnaround is provided.
  - d. The street widths, curves, drainage, cul-de-sac and other design features shall be approved by the Police, Fire and Public Works Departments of the City.
  - e. Streets shall be designed and constructed in accordance with the engineering design standards adopted and published by the City Commission and shall be approved by the City Engineer.
  - f. Private streets are not permitted in cluster developments.
13. *Easements and utilities.* Easements shall be provided as required for existing and proposed utility lines. All distribution lines for telephone and electric service shall be placed underground, and such lines shall be placed within private easements or within dedicated public rights-of-way.
- E. *Special-purpose housing:* The following regulations shall apply to all special-purpose housing developments. In the event of a conflict between the following regulations and those of the R7 district, the regulations set forth below shall apply:
  1. *Minimum lot area.* A minimum of 60,000 square feet of total land area.
  2. *Maximum number of units.* A maximum of 160 dwelling units.
  3. *Required minimum lot area in square feet per dwelling unit.*
    - a. Efficiency and one-bedroom dwelling unit: 400 square feet.
    - b. Two-bedroom dwelling unit: 625 square feet.
  4. *Required minimum usable floor area in square feet per dwelling unit.*
    - a. Efficiency and one-bedroom dwelling unit: 500 square feet.
    - b. Two-bedroom dwelling unit: 700 square feet.
  5. *Maximum building heights.* 50 feet or 5 stories (see Section 4.17 for accessory buildings and 4.16(C) for exceptions to height limitations).
  6. *Setbacks:*
    - a. Front. Minimum of 15 feet or half of the building height, whichever is greater.
    - b. Side. Each side setback shall be 12 feet or half of the building height, whichever is greater, subject to the limitations set forth in Article 4 for accessory buildings.
  7. *Open space.* A minimum of 50% of the total land area shall be maintained as landscaped open space.
  8. *Site plan review.* Every special purpose housing project shall receive Site Plan and Design Review from the appropriate reviewing body as provided for in Article 7.

**5.06 01 District**

This Use Specific Standards section applies to the following district:

**01**

The following use specific standards apply:

- A. **Bistros:** Bistros are permitted with a valid Special Land Use Permit with the following conditions:
  - 1. No direct connect additional bar permit is allowed and the maximum seating at a bar cannot exceed 10 seats;
  - 2. Alcohol is served only to seated patrons, except those standing in a defined bar area;
  - 3. No dance area is provided;
  - 4. Only low key entertainment is permitted;
  - 5. Bistros must have tables located in the storefront space lining any street, or pedestrian passage;
  - 6. A minimum of 70% glazing must be provided along building facades facing a street or pedestrian passage between 1 foot and 8 feet in height;
  - 7. All bistro owners must execute a contract with the City outlining the details of the operation of the bistro; and
  - 8. Outdoor dining must be provided, weather permitting, along an adjacent street or passage during the months of May through October each year. Outdoor dining is not permitted past 12:00 a.m. If there is not sufficient space to permit such dining on the sidewalk adjacent to the bistro, an elevated, ADA compliant, enclosed platform must be erected on the street adjacent to the bistro to create an outdoor dining area if the Engineering Department determines there is sufficient space available for this purpose given parking and traffic conditions.
- B. **Kennel:** A kennel is permitted in conjunction with veterinary clinics when completely enclosed within a building (see Sections 18-86, 18-87, 18-88 of the Birmingham City Code)
- C. **Laboratory:** A laboratory is permitted when incidental to a medical or dental office located within the same building.
- D. **Loading Facility:** A loading facility is permitted provided such facilities are screened according to Section 4.54.
- E. **Parking Facility - Off-street:** A parking facility is permitted provide such facilities are screened according to Section 4.54.
- F. **Pharmacy:** A pharmacy is permitted when incidental to a medical or dental office located within the same building.
- G. **Single-family Cluster:** The intent of the single-family cluster is to provide flexibility in the placement of buildings and implementation of innovative design concepts within single-family residential districts. Cluster developments shall be in accordance with the regulations as set forth in this section and other applicable sections of the Zoning Ordinance. Upon a conflict between the regulations of this section and those of other sections, the regulations set forth below shall apply:
  - 1. *Approval procedure.* Subject to the provisions of this section, the Planning Board may approve of the placement of detached single residences in any single residential district in a manner other than set forth in the two-page layouts in Article 2. Such development, called cluster development in this section, may be permitted by the Planning Board upon its finding that any one or more of the following conditions exist:
    - a. The lot contains natural assets such as trees, wildlife habitats, or unusual topographic features that should be preserved.
    - b. Topographic or subsoil conditions make development under other regulations impractical.
    - c. Floodplain covers a portion of the lot.
    - d. The configuration of the lot is odd shaped and not suitable for development under other regulations.
    - e. The lot contains frontage on a major road and development along the road would cause traffic problems which could be alleviated by alternative road designs such as cul-de-sacs or loop streets.



2. *Required findings.* A request for cluster development shall not be approved unless the Planning Board:
  - a. Determines the proposal would not be contrary to the health, safety and welfare of the occupants of adjacent areas;
  - b. Determines the proposal would create a sound and stable residential area;
  - c. Determines the request is compatible with the purpose of the cluster option, which is to maintain natural areas and topography, or improve the open space characteristics of a given area; and
  - d. Determines that there has been compliance with all provisions of this section and other pertinent provisions of the Zoning Ordinance.
3. *Objections of abutting property owners.* If written objections have been filed by at least 20% of the owners of all real property abutting or directly across a street or alley from the cluster development lot, the Planning Board may approve of a cluster development only upon an affirmative vote of at least 6 of its members.
4. *Minimum lot area.* The detached single-family cluster option may be utilized in the following single-family districts provided that the minimum lot area is: R1A – 80,000 sq ft, R1 – 36,000 sq ft, R2 – 24,000 sq ft.
5. *Site plan and Design Review.* All cluster developments shall obtain Site Plan and Design approval from the Planning Board in accordance with the regulations as set forth in Article 7.
6. *Area regulations.* Each cluster development shall meet all of the following regulations:
  - a. The total number of dwelling units shall not be more than 20% greater than the lot area divided by the required minimum lot area as set forth in the two-page layouts in Article 2, for the zoning district in which the property is located.
  - b. Land used for streets, alleys or walkways shall not be included in the computation of density.
  - c. All land not intended to be conveyed to individual dwelling unit owners shall be set aside for the use of all occupants of the development. All such lands shall be protected by restrictions or covenants running with the land and must be approved by the City Attorney to assure the following:
    - i. That title to the open space is held in common by the owners of all dwelling units in the detached single-family cluster development.
    - ii. A permanent organization for maintenance and management of all such areas shall be assured by legal documents prior to the issuance of the building permit.
7. *Setbacks.* There are no setback requirements from any lot line which does not form a boundary line of the cluster development site. Public streets located wholly within the cluster development site shall not be deemed to be boundary lines for the purpose of determining setbacks. The setbacks from all lot lines forming the boundary of the cluster development shall meet the following minimum requirements:
  - a. Setbacks from lot lines abutting a street. Where there are 2 or more existing single-family residential dwellings outside the cluster development on the same side of the street, and within 300 feet of the lot boundaries, the setback of all buildings abutting the street shall be no less than the average distance between the street lot line and the existing residential buildings. In no case shall a setback from a street lot line be less than 25 feet.
  - b. Setbacks from all other lot lines. The setback from any lot other than a lot line abutting a street shall be not less than 15 feet.
8. *Distance between buildings.* No dwelling unit shall be located closer than 14 feet to another dwelling unit.
9. *Bulk and height requirements.* The bulk and height requirements for a cluster development shall be as set forth in the two-page layouts in Article 2, for the zoning district in which the development is located.
10. *Accessory buildings.* Accessory buildings appurtenant in use to all dwelling units may be permitted by the Planning Board within a cluster development.
11. *Parking requirements.* A minimum of 2 parking spaces per dwelling unit shall be supplied in a garage attached to or part of the dwelling unit.

12. *Access.* The cluster development shall meet all of the following requirements for access:
    - a. The lot shall abut upon a dedicated public street for a distance of at least 50 feet.
    - b. Streets shall be designed to provide means for safe and convenient vehicular traffic both within the cluster development and to and from adjacent areas.
    - c. A dead-end street may be used only where a cul-de-sac or other turnaround is provided.
    - d. The street widths, curves, drainage, cul-de-sac and other design features shall be approved by the Police, Fire and Public Works Departments of the City.
    - e. Streets shall be designed and constructed in accordance with the engineering design standards adopted and published by the City Commission and shall be approved by the City Engineer.
    - f. Private streets are not permitted in cluster developments.
  13. *Easements and utilities.* Easements shall be provided as required for existing and proposed utility lines. All distribution lines for telephone and electric service shall be placed underground, and such lines shall be placed within private easements or within dedicated public rights-of-way.
- H. Veterinary Clinic: A veterinary clinic is permitted when completely enclosed within a building.



## 5.07 02 District

This Use Specific Standards section applies to the following district:

**02**

The following use specific standards apply:

- A. Bistros: Bistros are permitted with a valid Special Land Use Permit with the following conditions:
  - 1. No direct connect additional bar permit is allowed and the maximum seating at a bar cannot exceed 10 seats;
  - 2. Alcohol is served only to seated patrons, except those standing in a defined bar area;
  - 3. No dance area is provided;
  - 4. Only low key entertainment is permitted;
  - 5. Bistros must have tables located in the storefront space lining any street, or pedestrian passage;
  - 6. A minimum of 70% glazing must be provided along building facades facing a street or pedestrian passage between 1 foot and 8 feet in height;
  - 7. All bistro owners must execute a contract with the City outlining the details of the operation of the bistro; and
  - 8. Outdoor dining must be provided, weather permitting, along an adjacent street or passage during the months of May through October each year. Outdoor dining is not permitted past 12:00 a.m. If there is not sufficient space to permit such dining on the sidewalk adjacent to the bistro, an elevated, ADA compliant, enclosed platform must be erected on the street adjacent to the bistro to create an outdoor dining area if the Engineering Department determines there is sufficient space available for this purpose given parking and traffic conditions.
- B. Food or drink establishment: A food or drink establishment is permitted excluding drive-in facilities.
- C. Kennel: A kennel is permitted in conjunction with veterinary clinics when completely enclosed within a building (see Sections 18-86, 18-87, 18-88 of the Birmingham City Code).
- D. Laboratory: A laboratory is permitted when incidental to a medical or dental office located within the same building.
- E. Loading Facility: A loading facility is permitted provided such facilities are screened according to Section 4.54.
- F. Parking Facility - Off-street: A parking facility is permitted provide such facilities are screened according to Section 4.54.
- G. Pharmacy: A pharmacy is permitted when incidental to a medical or dental office located within the same building
- H. Single-family Cluster: The intent of the single-family cluster is to provide flexibility in the placement of buildings and implementation of innovative design concepts within single-family residential districts. Cluster developments shall be in accordance with the regulations as set forth in this section and other applicable sections of the Zoning Ordinance. Upon a conflict between the regulations of this section and those of other sections, the regulations set forth below shall apply:
  - 1. *Approval procedure*. Subject to the provisions of this section, the Planning Board may approve of the placement of detached single residences in any single residential district in a manner other than set forth in the two-page layouts in Article 2. Such development, called cluster development in this section, may be permitted by the Planning Board upon its finding that any one or more of the following conditions exist:
    - a. The lot contains natural assets such as trees, wildlife habitats, or unusual topographic features that should be preserved.
    - b. Topographic or subsoil conditions make development under other regulations impractical.
    - c. Floodplain covers a portion of the lot.
    - d. The configuration of the lot is odd shaped and not suitable for development under other regulations.
    - e. The lot contains frontage on a major road and development along the road would cause traffic problems which could be alleviated by alternative road designs such as cul-de-sacs or loop streets.

2. *Required findings.* A request for cluster development shall not be approved unless the Planning Board:
  - a. Determines the proposal would not be contrary to the health, safety and welfare of the occupants of adjacent areas;
  - b. Determines the proposal would create a sound and stable residential area;
  - c. Determines the request is compatible with the purpose of the cluster option, which is to maintain natural areas and topography, or improve the open space characteristics of a given area; and
  - d. Determines that there has been compliance with all provisions of this section and other pertinent provisions of the Zoning Ordinance.
3. *Objections of abutting property owners.* If written objections have been filed by at least 20% of the owners of all real property abutting or directly across a street or alley from the cluster development lot, the Planning Board may approve of a cluster development only upon an affirmative vote of at least 6 of its members.
4. *Minimum lot area.* The detached single-family cluster option may be utilized in the following single-family districts provided that the minimum lot area is: R1A – 80,000 sq ft, R1 – 36,000 sq ft, R2 – 24,000 sq ft.
5. *Site plan and Design Review.* All cluster developments shall obtain Site Plan and Design approval from the Planning Board in accordance with the regulations as set forth in Article 7.
6. *Area regulations.* Each cluster development shall meet all of the following regulations:
  - a. The total number of dwelling units shall not be more than 20% greater than the lot area divided by the required minimum lot area as set forth in the two-page layouts in Article 2, for the zoning district in which the property is located.
  - b. Land used for streets, alleys or walkways shall not be included in the computation of density.
  - c. All land not intended to be conveyed to individual dwelling unit owners shall be set aside for the use of all occupants of the development. All such lands shall be protected by restrictions or covenants running with the land and must be approved by the City Attorney to assure the following:
    - i. That title to the open space is held in common by the owners of all dwelling units in the detached single-family cluster development.
    - ii. A permanent organization for maintenance and management of all such areas shall be assured by legal documents prior to the issuance of the building permit.
7. *Setbacks.* There are no setback requirements from any lot line which does not form a boundary line of the cluster development site. Public streets located wholly within the cluster development site shall not be deemed to be boundary lines for the purpose of determining setbacks. The setbacks from all lot lines forming the boundary of the cluster development shall meet the following minimum requirements:
  - a. Setbacks from lot lines abutting a street. Where there are 2 or more existing single-family residential dwellings outside the cluster development on the same side of the street, and within 300 feet of the lot boundaries, the setback of all buildings abutting the street shall be no less than the average distance between the street lot line and the existing residential buildings. In no case shall a setback from a street lot line be less than 25 feet.
  - b. Setbacks from all other lot lines. The setback from any lot other than a lot line abutting a street shall be not less than 15 feet.
8. *Distance between buildings.* No dwelling unit shall be located closer than 14 feet to another dwelling unit.
9. *Bulk and height requirements.* The bulk and height requirements for a cluster development shall be as set forth in the two-page layouts in Article 2, for the zoning district in which the development is located.
10. *Accessory buildings.* Accessory buildings appurtenant in use to all dwelling units may be permitted by the Planning Board within a cluster development.
11. *Parking requirements.* A minimum of 2 parking spaces per dwelling unit shall be supplied in a garage attached to or part of the dwelling unit.

12. *Access.* The cluster development shall meet all of the following requirements for access:
  - a. The lot shall abut upon a dedicated public street for a distance of at least 50 feet.
  - b. Streets shall be designed to provide means for safe and convenient vehicular traffic both within the cluster development and to and from adjacent areas.
  - c. A dead-end street may be used only where a cul-de-sac or other turnaround is provided.
  - d. The street widths, curves, drainage, cul-de-sac and other design features shall be approved by the Police, Fire and Public Works Departments of the City.
  - e. Streets shall be designed and constructed in accordance with the engineering design standards adopted and published by the City Commission and shall be approved by the City Engineer.
  - f. Private streets are not permitted in cluster developments.
13. *Easements and utilities.* Easements shall be provided as required for existing and proposed utility lines. All distribution lines for telephone and electric service shall be placed underground, and such lines shall be placed within private easements or within dedicated public rights-of-way.
- I. Veterinary Clinic: A veterinary clinic is permitted when completely enclosed within a building.

## 5.08 P District

This Use Specific Standards section applies to the following district:

**P**

The following use specific standards apply:

- A. Bistros: Bistros are permitted with a valid Special Land Use Permit with the following conditions:
1. No direct connect additional bar permit is allowed and the maximum seating at a bar cannot exceed 10 seats;
  2. Alcohol is served only to seated patrons, except those standing in a defined bar area;
  3. No dance area is provided;
  4. Only low key entertainment is permitted;
  5. Bistros must have tables located in the storefront space lining any street, or pedestrian passage;
  6. A minimum of 70% glazing must be provided along building facades facing a street or pedestrian passage between 1 foot and 8 feet in height;
  7. All bistro owners must execute a contract with the City outlining the details of the operation of the bistro; and
  8. Outdoor dining must be provided, weather permitting, along an adjacent street or passage during the months of May through October each year. Outdoor dining is not permitted past 12:00 a.m. If there is not sufficient space to permit such dining on the sidewalk adjacent to the bistro, an elevated, ADA compliant, enclosed platform must be erected on the street adjacent to the bistro to create an outdoor dining area if the Engineering Department determines there is sufficient space available for this purpose given parking and traffic conditions.
- B. Home Occupation: A home occupation is subject to the following provisions:
1. No one other than the resident(s) of the dwelling unit shall be employed in the conduct of the home occupation.
  2. The home occupation shall not require internal or external alterations or construction features on the dwelling unit, or external equipment or machinery not customary in residential areas.
  3. There shall be no exterior indication by sign or otherwise of the home occupation.
  4. There shall be no noise, vibration, odor or other nuisance as a result of the home occupation detectable beyond the confines of the dwelling unit, including the transmission through vertical or horizontal party walls.
  5. The home occupation shall not generate traffic in a greater volume or consisting of larger vehicle types than would normally be expected in a residential neighborhood.
  6. Any parking generated by the conduct of the home occupation shall be met off the street and shall not be met in a required front yard.
  7. The home occupation shall not include the direct sale of products off display shelves or racks.
  8. No outdoor storage, including equipment, parts or automobiles, associated with the home occupation shall be permitted.
  9. Home occupations may be conducted in a permitted accessory building.
  10. The home occupation shall not operate earlier than 8:00 a.m. nor later than 10:00 p.m.
  11. No more than 25% of the gross area of the building shall be used for such home occupation.
- C. Parking Facility Private Off-street: An off-street parking facility is permitted for the parking of self-propelled vehicles for periods not exceeding 24 hours at any 1 time with no commercial use, storage or service connected therewith.
- D. Parking - public, off-street: Public off-street parking is permitted in connection with parks, stadiums, government offices, government uses, and public schools.
- E. Renting of Rooms: The renting of rooms is permitted to not more than 2 roomers or boarders per dwelling unit.
- F. Shelter Building: A shelter building is permitted for attendant or attendants provided such building is no larger than 50 square feet in area and no higher than 8 feet.



- G. **Single-family Cluster:** The intent of the single-family cluster is to provide flexibility in the placement of buildings and implementation of innovative design concepts within single-family residential districts. Cluster developments shall be in accordance with the regulations as set forth in this section and other applicable sections of the Zoning Ordinance. Upon a conflict between the regulations of this section and those of other sections, the regulations set forth below shall apply:
1. **Approval procedure.** Subject to the provisions of this section, the Planning Board may approve of the placement of detached single residences in any single residential district in a manner other than set forth in the two-page layouts in Article 2. Such development, called cluster development in this section, may be permitted by the Planning Board upon its finding that any one or more of the following conditions exist:
    - a. The lot contains natural assets such as trees, wildlife habitats, or unusual topographic features that should be preserved.
    - b. Topographic or subsoil conditions make development under other regulations impractical.
    - c. Floodplain covers a portion of the lot.
    - d. The configuration of the lot is odd shaped and not suitable for development under other regulations.
    - e. The lot contains frontage on a major road and development along the road would cause traffic problems which could be alleviated by alternative road designs such as cul-de-sacs or loop streets.
  2. **Required findings.** A request for cluster development shall not be approved unless the Planning Board:
    - a. Determines the proposal would not be contrary to the health, safety and welfare of the occupants of adjacent areas;
    - b. Determines the proposal would create a sound and stable residential area;
    - c. Determines the request is compatible with the purpose of the cluster option, which is to maintain natural areas and topography, or improve the open space characteristics of a given area; and
    - d. Determines that there has been compliance with all provisions of this section and other pertinent provisions of the Zoning Ordinance.
  3. **Objections of abutting property owners.** If written objections have been filed by at least 20% of the owners of all real property abutting or directly across a street or alley from the cluster development lot, the Planning Board may approve of a cluster development only upon an affirmative vote of at least 6 of its members.
  4. **Minimum lot area.** The detached single-family cluster option may be utilized in the following single-family districts provided that the minimum lot area is: R1A – 80,000 sq ft, R1 – 36,000 sq ft, R2 – 24,000 sq ft.
  5. **Site plan and Design Review.** All cluster developments shall obtain Site Plan and Design approval from the Planning Board in accordance with the regulations as set forth in Article 7.
  6. **Area regulations.** Each cluster development shall meet all of the following regulations:
    - a. The total number of dwelling units shall not be more than 20% greater than the lot area divided by the required minimum lot area as set forth in the two-page layouts in Article 2, for the zoning district in which the property is located.
    - b. Land used for streets, alleys or walkways shall not be included in the computation of density.
    - c. All land not intended to be conveyed to individual dwelling unit owners shall be set aside for the use of all occupants of the development. All such lands shall be protected by restrictions or covenants running with the land and must be approved by the City Attorney to assure the following:
      - i. That title to the open space is held in common by the owners of all dwelling units in the detached single-family cluster development.
      - ii. A permanent organization for maintenance and management of all such areas shall be assured by legal documents prior to the issuance of the building permit.

7. *Setbacks.* There are no setback requirements from any lot line which does not form a boundary line of the cluster development site. Public streets located wholly within the cluster development site shall not be deemed to be boundary lines for the purpose of determining setbacks. The setbacks from all lot lines forming the boundary of the cluster development shall meet the following minimum requirements:
  - a. Setbacks from lot lines abutting a street. Where there are 2 or more existing single-family residential dwellings outside the cluster development on the same side of the street, and within 300 feet of the lot boundaries, the setback of all buildings abutting the street shall be no less than the average distance between the street lot line and the existing residential buildings. In no case shall a setback from a street lot line be less than 25 feet.
  - b. Setbacks from all other lot lines. The setback from any lot other than a lot line abutting a street shall be not less than 15 feet.
8. *Distance between buildings.* No dwelling unit shall be located closer than 14 feet to another dwelling unit.
9. *Bulk and height requirements.* The bulk and height requirements for a cluster development shall be as set forth in the two-page layouts in Article 2, for the zoning district in which the development is located.
10. *Accessory buildings.* Accessory buildings appurtenant in use to all dwelling units may be permitted by the Planning Board within a cluster development.
11. *Parking requirements.* A minimum of 2 parking spaces per dwelling unit shall be supplied in a garage attached to or part of the dwelling unit.
12. *Access.* The cluster development shall meet all of the following requirements for access:
  - a. The lot shall abut upon a dedicated public street for a distance of at least 50 feet.
  - b. Streets shall be designed to provide means for safe and convenient vehicular traffic both within the cluster development and to and from adjacent areas.
  - c. A dead-end street may be used only where a cul-de-sac or other turnaround is provided.
  - d. The street widths, curves, drainage, cul-de-sac and other design features shall be approved by the Police, Fire and Public Works Departments of the City.
  - e. Streets shall be designed and constructed in accordance with the engineering design standards adopted and published by the City Commission and shall be approved by the City Engineer.
  - f. Private streets are not permitted in cluster developments.
13. *Easements and utilities.* Easements shall be provided as required for existing and proposed utility lines. All distribution lines for telephone and electric service shall be placed underground, and such lines shall be placed within private easements or within dedicated public rights-of-way.



- d. ~~There shall be no noise, vibration, odor or other nuisance as a result of the home occupation that is detectable beyond the confines of the dwelling unit. This restriction specifically includes the transmission of noise, vibration, odor or other nuisances through vertical or horizontal party walls.~~
- e. ~~The home occupation shall not generate traffic in a greater volume or consisting of larger vehicle types, than would normally be expected in a residential neighborhood.~~
- f. ~~Any parking generated by the conduct of the home occupation shall be met off the street and shall not be met in a required front yard.~~
- g. ~~The home occupation shall not include the direct sale of products off display shelves or racks.~~
- h. No outdoor storage, including equipment, parts or automobiles, associated with the home occupation shall be permitted.
- i. Home occupations may be conducted in a permitted accessory building.
- j. ~~Times earlier than 8:00 a.m. nor later than 10:00 p.m.~~
- k. No more than 25 percent of the gross area of the building shall be used for such home occupation.

(Code 1963, § 5.22; Ord. No. 1545, 12-14-92; Ord. No. 1709, 6-14-99; Ord. No. 1776, 1-28-02)

**Sec. 126-98. ~~Uses requiring special land use permit.~~**

The following uses in the R-1A, R-1, R-2 and R-3 districts require a special land use permit:

- (1) Publicly owned buildings and public utility buildings (see article XXV).
- (2) Schools, churches, Sunday School buildings.
- (3) Off-street parking in connection with subsection (2) of this section (see articles II and XXI).

- (4) Community health, educational and/or outpatient medical rehabilitation facilities (exclusive of outpatient psychiatric and substance abuse facilities) and administrative services operated by a nonprofit hospital licensed by the state department of public health, provided that such uses shall not be conducted on a lot used for residential purposes as of April 29, 1982.
- (5) Philanthropic uses such as senior citizen programs, youth programs, and other similar programs, provided that such uses shall not be conducted on a lot used for residential purposes as of April 29, 1982. Such uses shall not include correctional institutions, dormitory facilities or public dining hall facilities other than public dining hall facilities for senior citizens.

(Code 1963, § 5.23)

**Sec. 126-99. Limitations on paved surfaces and parking within the front open space in all single-family districts.**

(a) A minimum of 65 percent of the front open space in all single-family districts shall be free of paved surfaces (i.e., concrete, blacktop, gravel, brick or a similar material), excluding building encroachments, uncovered porches, sidewalks three feet in width or less, and handicap access ramps.

(b) Motor vehicles are only permitted within the front open space on a paved surface, as described in subsection (a) above, in conformity with the requirements of chapter 110-59, section 8.26(2), "Parking on private property; front open space parking restrictions; violation as civil infraction."

(Code 1963, § 5.25; Ord. No. 1599, 8-22-94)

**Sec. 126-100. Single-family cluster option for R-1A, R-1 and R-2 districts.**

The intent of this section is to provide flexibility in the placement of buildings and implementation of innovative design concepts within single-family residential districts. Cluster developments shall be in accordance with the regulations as set forth in this section and other applicable sections

of this chapter. Upon a conflict between the regulations of this section and those of other sections, the regulations set forth below shall apply:

- (1) *Approval procedure.* Subject to the provisions of this section, the planning board may approve of the placement of detached single residences in any single residential district in a manner other than set forth in the schedule of regulations in article XIX. Such development, called cluster development in this section, may be permitted by the planning board upon its finding that any one or more of the following conditions exist:

- a. The lot contains natural assets such as trees, wildlife habitats, or unusual topographic features that should be preserved.
- b. Topographic or subsoil conditions make development under other Code regulations impractical.
- c. Floodplain covers a portion of the lot.
- d. The configuration of the lot is odd shaped and not suitable for development under other Code regulations.
- e. The lot contains frontage on a major road and development along the road would cause traffic problems which could be alleviated by alternative road designs such as cul-de-sacs or loop streets.

- (2) *Required findings.* A request for cluster development shall not be approved unless the planning board:

- a. Determines the proposal would not be contrary to the health, safety and welfare of the occupants of adjacent areas;
- b. Determines the proposal would create a sound and stable residential area;
- c. Determines the request is compatible with the purpose of the cluster option, which is to maintain natural

areas and topography, or improve the open space characteristics of a given area; and

- d. Determines that there has been compliance with all provisions of this section and other pertinent provisions of the Code.

- (3) *Objections of abutting property owners.* If written objections have been filed by at least 20 percent of the owners of all real property abutting or directly across a street or alley from the cluster development lot, the planning board may approve of a cluster development only upon an affirmative vote of at least six of its members.

- (4) *Minimum lot size.* The detached single-family cluster option may be utilized in the following single-family zone districts provided that the minimum lot size is:

R-1A .....	80,000 square feet
R-1 .....	36,000 square feet
R-2 .....	24,000 square feet

- (5) *Site plan and design review.* All cluster developments shall obtain site plan and design approval from the planning board in accordance with the regulations as set forth in sections 126-491 et seq. and 126-511 et seq.

- (6) *Area regulations.* Each cluster development shall meet all of the following regulations:

- a. The total number of dwelling units shall not be more than 20 percent greater than the lot area divided by the required minimum lot area as enumerated in the schedule of regulations, article XIX, for the zone district in which the property is located.
- b. Land use for streets, alleys or walkways shall not be included in the computation of density.
- c. All land not intended to be conveyed to individual dwelling unit owners shall be set aside for the use of all occupants of the development. All such lands shall be protected by re-

strictions or covenants running with the land and must be approved by the city attorney to assure the following:

1. That title to the open space is held in common by the owners of all dwelling units in the detached single-family cluster development.

2. A permanent organization for maintenance and management of all such areas shall be assured by legal documents prior to the issuance of the building permit.

- (7) *Setbacks.* There are no setback requirements from any lot line which does not form a boundary line of the cluster development site. Public streets located wholly within the cluster development site shall not be deemed to be boundary lines for the purpose of determining setbacks. The setbacks from all lot lines forming the boundary of the cluster development shall meet the following minimum requirements:

- a. *Setbacks from lot lines abutting a street.* Where there are two or more existing single-family residential dwellings outside the cluster development on the same side of the street, and within 300 feet of the lot boundaries, the setback of all buildings abutting the street shall be no less than the average distance between the street lot line and the existing residential buildings. In no case shall a setback from a street lot line be less than 25 feet.

- b. *Setbacks from all other lot lines.* The setback from any lot other than a lot line abutting a street shall be not less than 15 feet.

- (8) *Distance between buildings.* No dwelling unit shall be located closer than 14 feet to another dwelling unit.

- (9) *Bulk and height requirements.* The bulk and height requirements for a cluster

development shall be as set forth in the schedule of regulations, article XIX, for the zone district in which the development is located.

- (10) *Accessory buildings.* Accessory buildings appurtenant in use to all dwelling units may be permitted by the planning board within a cluster development.

- (11) *Parking requirements.* A minimum of ~~two~~ parking spaces per dwelling unit shall be supplied in a garage attached to or part of the dwelling unit.

- (12) *Access.* The cluster development shall meet all of the following requirements for access:

- a. The lot shall abut upon a dedicated public street for a distance of at least 50 feet.

- b. Streets shall be designed to provide means for safe and convenient vehicular traffic both within the cluster development and to and from adjacent areas.

- c. A dead-end street may only be used where a cul-de-sac or other turnaround is provided.

- d. The street widths, curves, drainage, cul-de-sac and other design features shall be approved by the police, fire and public works departments of the city.

- e. Streets shall be designed and constructed in accordance with the engineering design standards adopted and published by the city commission and shall be approved by the city engineer.

- f. Private streets are not permitted in cluster developments.

- (13) *Easements and utilities.* Easements shall be provided as required for existing and proposed utility lines. All distribution lines for telephone and electric service shall be placed underground, and such lines shall be placed within private easements or within dedicated public rights-of-way.

(Code 1963, § 5.24)

hgt, elev, hgt, min site of unit

**Sec. 126-101. Provisions for private, attached, single-family residential garages.**

(a) A private, attached, single-family residential garage shall not occupy more than 50 percent of the linear building frontage of the principal residential structure, and must be setback a minimum of five feet from the front facade of a principal residential structure.

(b) Garage doors on an attached garage which are visible from the street may not exceed eight feet in width; where there are multiple doors, they must be separated by a solid wall or jamb not less than eight inches wide.  
(Ord. No. 1679, 9-14-98)

**Sec. 126-102. Drainage regulations.**

A drainage plan shall be submitted in conjunction with a building permit application subject to approval by the building official and/or city engineer. Drainage shall be conducted in accordance with the drainage plan. Drainage shall be conducted to avoid or prevent the discharge of water into, onto or across an adjacent lot where it could cause damage to such lot or become a health hazard or nuisance. This shall be determined by the building official and/or city engineer.  
(Ord. No. 1726, 3-27-00)

**Secs. 126-103—126-120. Reserved.**

**ARTICLE VI. TWO-FAMILY RESIDENTIAL DISTRICT (R-4)**

**Sec. 126-121. Permitted principal uses.**

The following are permitted principal uses in the R-4 district:

- (1) Any permitted principal use in the R-3 district subject to the minimum regulations of the R-3 district.
- (2) Two-family dwellings (see article II).
- (3) Philanthropic or eleemosynary uses or institutions other than correctional institutions. Such uses shall not include dormitory or public dining hall facilities.  
(Code 1963, § 5.29)

**Sec. 126-122. Permitted accessory uses**

The following are permitted accessory uses in the R-4 district:

- (1) Private garage, private greenhouse, private swimming pool (see sections 126-473 and 126-476).
- (2) Renting of rooms to not more than roomers or boarders per dwelling unit.
- (3) Signs (see chapter 86).
- (4) Fences (see section 126-473).
- (5) Private off-street parking facilities article XXI).
- (6) Any use customarily incidental to permitted principal use.
- (7) Public off-street parking in connection with subsections (2), (3) and (4) of section 126-96 (see articles II and XXI).
- (8) Home occupations (see section 126-97) (Code 1963, § 5.30; Ord. No. 1709, 6-14-99)

**Sec. 126-123. Uses requiring special land use permit.**

The following uses in the R-4 district require special land use permit:

- (1) Publicly owned buildings and public utility buildings (see article XXV).
- (2) Schools, churches, Sunday School buildings.
- (3) Off-street parking in connection with subsection (2) of this section (see articles I and XXI).  
(Code 1963, § 5.31)

**Sec. 126-124. Site plan and design review.**

All two-family (R-4) residential developments shall obtain site plan and design approval from the appropriate reviewing body in accordance with the regulations as set forth in sections 126-491 et seq. and 126-511 et seq.  
(Code 1963, § 5.32)

**Secs. 126-125—126-145. Reserved.**



## MEMORANDUM

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**DATE:** April 7, 2016

**TO:** Joe Valentine, City Manager

**FROM:** Leslie Pielack, Museum Director

**SUBJECT:** Museum Selected for National Conference Tour in September

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On behalf of the Museum Board, I am pleased to announce that the Birmingham Museum will be part of a special tour on Wednesday, September 14, 2016 for participants at the annual meeting of the American Association for State and Local History (AALSH). AALSH is a national association of history organizations and professionals that hosts an annual meeting in major cities across the country. This year, they chose Detroit, and as part of their program development, sought proposals for specialized Detroit-area tours for conference attendees.

The Birmingham Museum and Pontiac's Oakland County Pioneer and Historical Society/Wisner Mansion collaborated on a tour proposal coordinated by Oakland County Planning and Economic Development Services. The intent of the tour is to highlight the importance and long history of the Woodward Avenue corridor as it relates to Detroit and southeastern Michigan and its many cycles of renewal. Our two museums will be used to feature how we have been successfully meeting the challenge of renewal within our respective communities. In our case, the central emphasis of the stop is in how the Birmingham Museum is refreshing its message using re-branding and new approaches to reach broader audiences and enhance our long-term sustainability.

This process was competitive, with numerous local cultural organizations providing proposals for consideration by the AASLH. The selection of our proposal underscores the interest in what we are doing and how we are doing it here in Birmingham, and will bring us to the attention of our museum colleagues nationwide.

I will keep you and the commission informed about this exciting development in the weeks to come as final details emerge. In the meantime, if you would like to mark your calendars for Wednesday, September 14, we would be delighted to have you join us.

Respectfully submitted,  
Leslie Pielack



Berkley • Beverly Hills • Birmingham • Clawson • Ferndale • Hazel Park • Huntington Woods • Lathrup Village • Oak Park • Pleasant Ridge • Royal Oak • Troy

# EARTH DAY COMMUNITY CELEBRATION



## Celebrate Earth Day with SOCRRA

**Sunday, April 17, 2016, 12:00 pm – 3:00 pm**

995 Coolidge Hwy., Troy (Between 14 and Maple Rds., across the street from Meijer)

***Celebrate and*** enjoy tours of the SOCRRA recycling facility. Watch a Recycled Materials Fashion Show. Repurpose things into crafts and art projects with Green Living Science. Go on a scavenger hunt. Get up close and personal with a recycle truck. Try your luck at a tossing game and win a Frisbee made from recycled plastic. Check out our Rain Barrel Demonstration, Composting Booth and so much more.

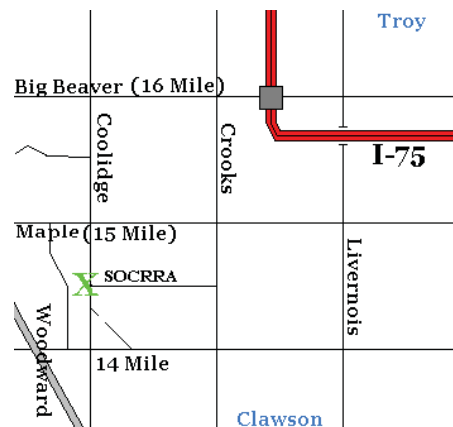
**Food and beverages provided throughout the day!**

**This event is free! No pre-registration required!**

For more information, please go to [www.socrra.org](http://www.socrra.org)  
or call 248-288-5150, and ask for Karen Bever.



995 Coolidge Hwy., Troy  
Between 14 & 15 Mile Rds.



**INFORMATION ONLY**



# Birmingham Fire Department

Birmingham, MI  
Client 3552



1515 Center Street  
Lansing, Mi 48096  
1 (877) 583-3100  
service@EMSSurveyTeam.com  
www.EMSSurveyTeam.com

## EMS System Report

January 1, 2016 to March 31, 2016

Your Score

**96.53**

Number of Your Patients in this Report

**51**

Number of Patients in this Report

**17,169**

Number of Transport Services in All EMS DB

**114**





## Executive Summary

This report contains data from **51 Birmingham Fire Department** patients who returned a questionnaire between **01/01/2016** and **03/31/2016**.

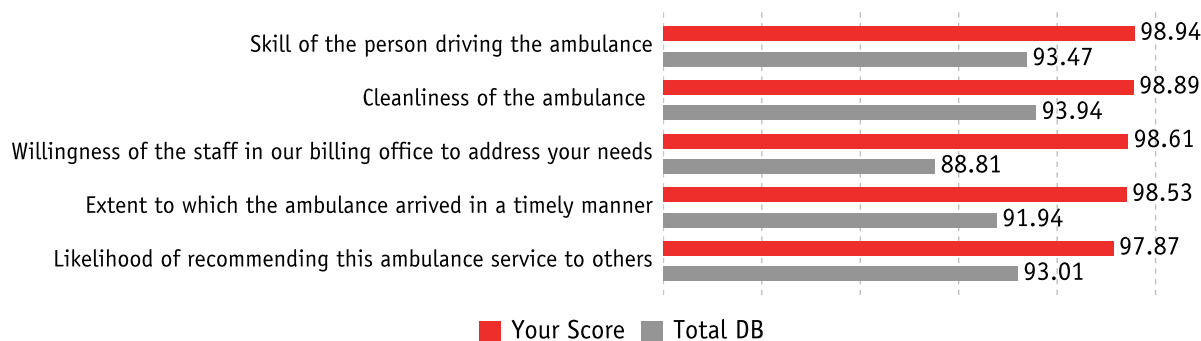
The overall mean score for the standard questions was **96.53**; this is a difference of **4.07** points from the overall EMS database score of **92.46**.

The current score of **96.53** is a change of **0.30** points from last period's score of **96.23**. This was the **4th** highest overall score for all companies in the database.

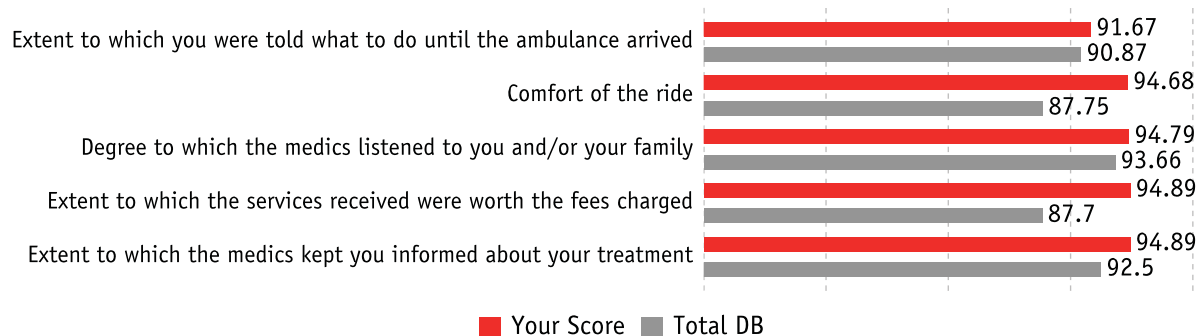
You are ranked **4th** for comparably sized companies in the system.

**87.28%** of responses to standard questions had a rating of Very Good, the highest rating. **100.00%** of all responses were positive.

### 5 Highest Scores



### 5 Lowest Scores

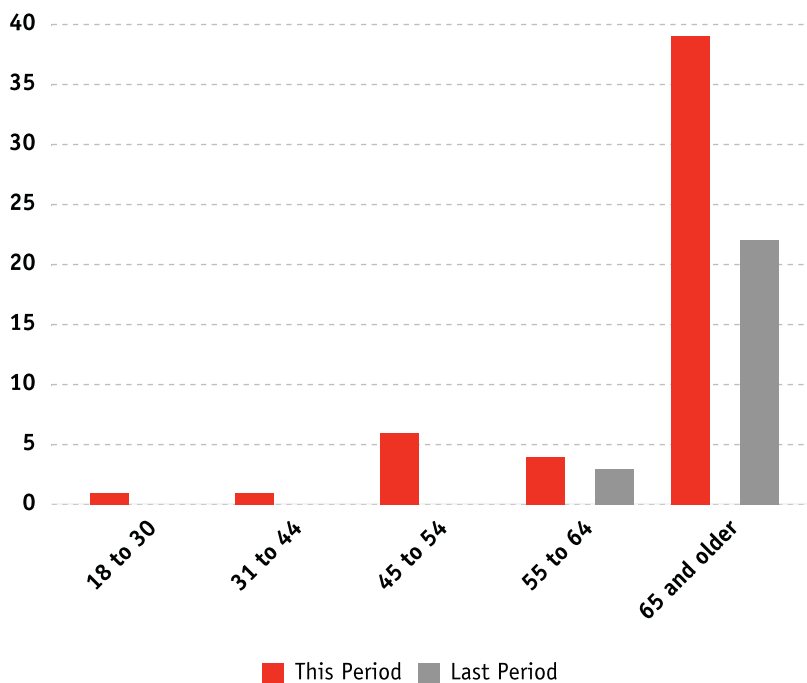




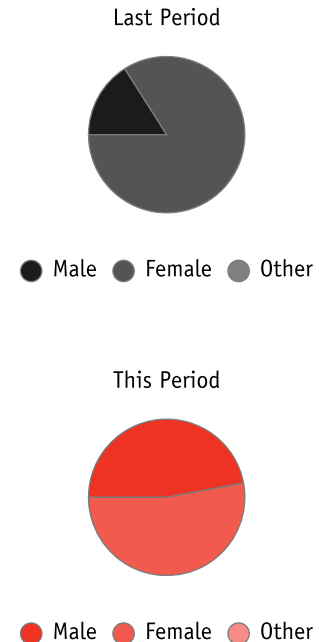
**Demographics** — This section provides demographic information about the patients who responded to the survey for the current and the previous periods. The information comes from the data you submitted. Compare this demographic data to your eligible population. Generally, the demographic profile will approximate your service population.

	Last Period				This Period			
	Total	Male	Female	Other	Total	Male	Female	Other
18 to 30		0	0	0	1	0	1	0
31 to 44		0	0	0	1	0	1	0
45 to 54		0	0	0	6	5	1	0
55 to 64	3	0	3	0	4	2	2	0
65 and older	22	4	18	0	39	17	22	0
<b>Total</b>	<b>25</b>	<b>4</b>	<b>21</b>	<b>0</b>	<b>51</b>	<b>24</b>	<b>27</b>	<b>0</b>

### Age Ranges



### Gender





### Dispatch Analysis

This analysis details the section results that concern dispatcher operations. The analysis contains the mean scores for each survey question. The first column shows the company score and the total database score, the second column is your variance from the database score.

Helpfulness of the person you called for ambulance service



Concern shown by the person you called for ambulance service



Extent to which you were told what to do until the ambulance arrived



### Overall Section Score





### Ambulance Analysis

This analysis details the section results that concern ambulance operations. The analysis contains the mean scores for each survey question. The first column shows the company score and the total database score, the second column is your variance from the database score.

Extent to which the ambulance arrived in a timely manner



Cleanliness of the ambulance



Comfort of the ride



Skill of the person driving the ambulance



Overall Section Score





## Medic Analysis

This analysis details the section results that concern medic operations. The analysis contains the mean scores for each survey question. The first column shows the company score and the total database score, the second column is your variance from the database score.

Care shown by the medics who arrived with the ambulance



Degree to which the medics took your problem seriously



Degree to which the medics listened to you and/or your family



Skill of the medics



Extent to which the medics kept you informed about your treatment



Extent to which medics included you in the treatment decisions (if applicable)



Degree to which the medics relieved your pain or discomfort







### Medic Analysis

This analysis details the section results that concern medic operations. The analysis contains the mean scores for each survey question. The first column shows the company score and the total database score, the second column is your variance from the database score.

Medics' concern for your privacy



Extent to which medics cared for you as a person



Overall Section Score



**Billing Staff Assessment Analysis**

This analysis details the section results that concern office operations. The analysis contains the mean scores for each survey question. The first column shows the company score and the total database score, the second column is your variance from the database score.

Professionalism of the staff in our ambulance service billing office



Willingness of the staff in our billing office to address your needs

**Overall Section Score**



### Overall Assessment Analysis

This analysis details the section results that concern assessment of operations. The analysis contains the mean scores for each survey question. The first column shows the company score and the total database score, the second column is your variance from the database score.

How well did our staff work together to care for you



Extent to which our staff eased your entry into the medical facility



Appropriateness of Emergency Medical Transportation treatment



Extent to which the services received were worth the fees charged



Overall rating of the care provided by our Emergency Medical Transportation service



Likelihood of recommending this ambulance service to others



### Overall Section Score





### Question Analysis

This section lists a synopsis of the information about your individual questions and overall scores for this monthly reporting period. The first column shows the company score from the previous period, the second column shows the change, the third column shows your score for this period and the fourth column shows the total Database score.

#### Dispatch Analysis

	Last Period	Change	This Period	Total DB
Helpfulness of the person you called for ambulance service	95.45	2.28	97.73	92.61
Concern shown by the person you called for ambulance service	97.73	-2.28	95.45	92.49
Extent to which you were told what to do until the ambulance arrived	92.90	-1.23	91.67	90.87

#### Ambulance Analysis

	Last Period	Change	This Period	Total DB
Extent to which the ambulance arrived in a timely manner	98.08	0.45	98.53	91.94
Cleanliness of the ambulance	97.83	1.06	98.89	93.94
Comfort of the ride	90.67	4.01	94.68	87.75
Skill of the person driving the ambulance	92.71	6.23	98.94	93.47

#### Medic Analysis

	Last Period	Change	This Period	Total DB
Care shown by the medics who arrived with the ambulance	98.61	-1.67	96.94	94.18
Degree to which the medics took your problem seriously	97.37	-0.49	96.88	94.01
Degree to which the medics listened to you and/or your family	96.05	-1.26	94.79	93.66
Skill of the medics	98.68	-2.33	96.35	94.05
Extent to which the medics kept you informed about your treatment	96.05	-1.16	94.89	92.50
Extent to which medics included you in the treatment decisions (if applicable)	100.00	-4.17	95.83	92.28
Degree to which the medics relieved your pain or discomfort	98.33	-1.31	97.02	90.70
Medics' concern for your privacy	95.31	0.25	95.56	93.05
Extent to which medics cared for you as a person	98.61	-0.78	97.83	94.14

#### Billing Staff Assessment Analysis

	Last Period	Change	This Period	Total DB
Professionalism of the staff in our ambulance service billing office	90.63	6.87	97.50	88.74
Willingness of the staff in our billing office to address your needs	93.75	4.86	98.61	88.81



## Question Analysis (Continued)

## Overall Assessment Analysis

	Last Period	Change	This Period	Total DB
How well did our staff work together to care for you	95.83	0.91	96.74	93.33
Extent to which our staff eased your entry into the medical facility	97.06	-0.25	96.81	93.47
Appropriateness of Emergency Medical Transportation treatment	97.06	-1.14	95.92	93.27
Extent to which the services received were worth the fees charged	96.43	-1.54	94.89	87.70
Overall rating of the care provided by our Emergency Medical Transportation	97.22	-0.28	96.94	93.42
Likelihood of recommending this ambulance service to others	95.59	2.28	97.87	93.01

Birmingham Fire Department  
**January 1, 2016 to March 31, 2016**



### Monthly Breakdown

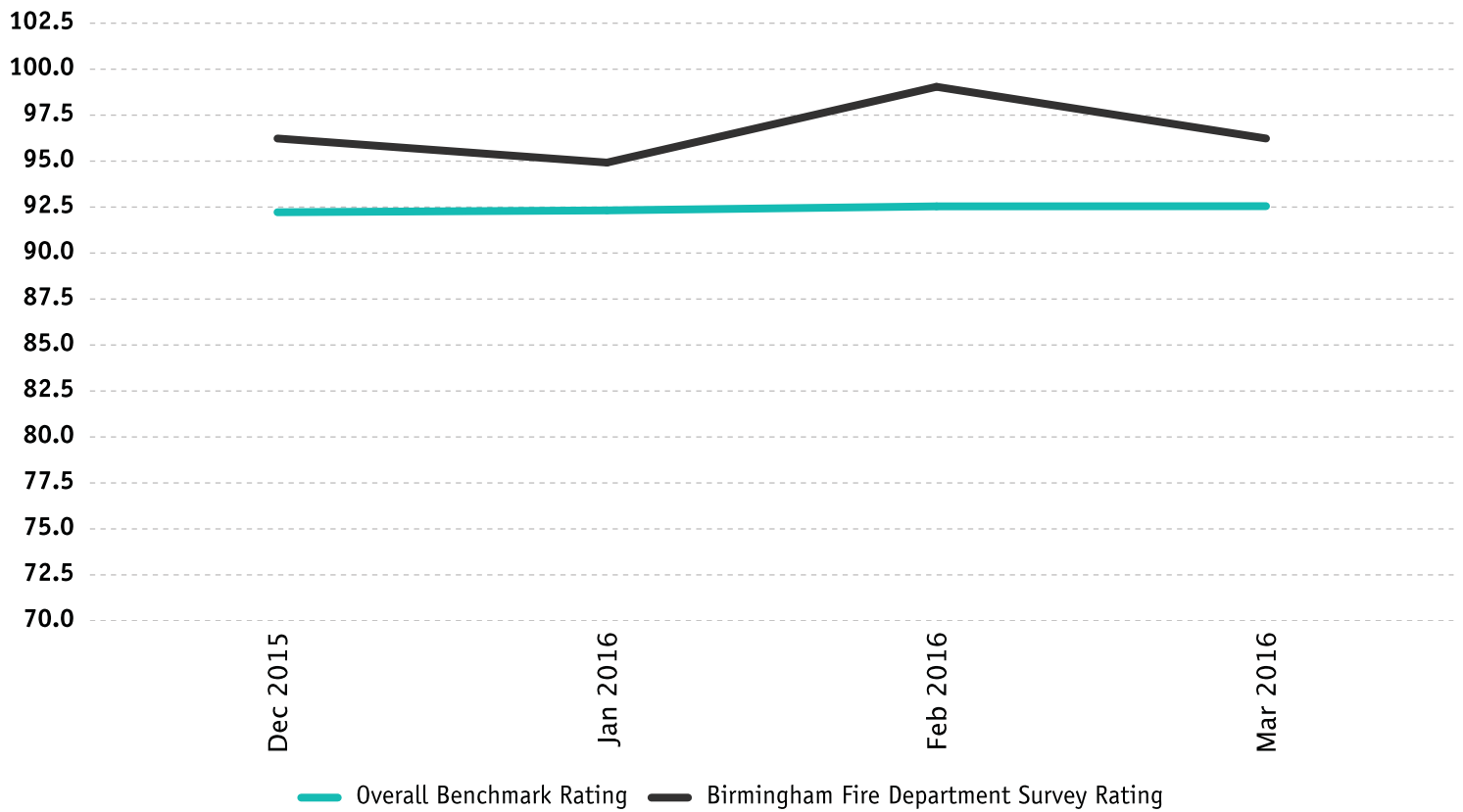
Below are the monthly responses that have been received for your service. It details the individual score for each question as well as the overall company score for that month.

	Dec 2015	Jan 2016	Feb 2016	Mar 2016
Helpfulness of the person you called for ambulance service	95.45	100.00	100.00	95.83
Concern shown by the person you called for ambulance service	97.73	92.50	100.00	94.79
Extent to which you were told what to do until the ambulance	92.90	80.56	100.00	93.06
Extent to which the ambulance arrived in a timely manner	98.08	98.08	100.00	98.15
Cleanliness of the ambulance	97.83	97.73	100.00	98.91
Comfort of the ride	90.67	95.83	97.73	92.71
Skill of the person driving the ambulance	92.71	97.92	100.00	98.96
Care shown by the medics who arrived with the ambulance	98.61	96.15	100.00	96.00
Degree to which the medics took your problem seriously	97.37	96.15	100.00	96.00
Degree to which the medics listened to you and/or your family	96.05	92.31	100.00	94.00
Skill of the medics	98.68	93.75	100.00	96.15
Extent to which the medics kept you informed about your	96.05	90.91	95.00	96.74
Extent to which medics included you in the treatment decisions	100.00	92.50	95.00	97.73
Degree to which the medics relieved your pain or discomfort	98.33	95.00	100.00	96.74
Medics' concern for your privacy	95.31	91.67	97.50	96.74
Extent to which medics cared for you as a person	98.61	97.92	100.00	96.88
Professionalism of the staff in our ambulance service billing	90.63	100.00	100.00	95.00
Willingness of the staff in our billing office to address your	93.75	100.00	100.00	97.50
How well did our staff work together to care for you	95.83	95.45	100.00	96.00
Extent to which our staff eased your entry into the medical	97.06	97.50	97.73	96.15
Appropriateness of Emergency Medical Transportation treatment	97.06	93.75	97.73	96.15
Extent to which the services received were worth the fees	96.43	90.91	97.50	95.65
Overall rating of the care provided by our Emergency Medical	97.22	95.83	100.00	96.15
Likelihood of recommending this ambulance service to others	95.59	97.73	100.00	97.00
Your Master Score	96.23	94.92	99.04	96.23
Your Total Responses	26	13	11	27





### Monthly tracking of Overall Survey Score





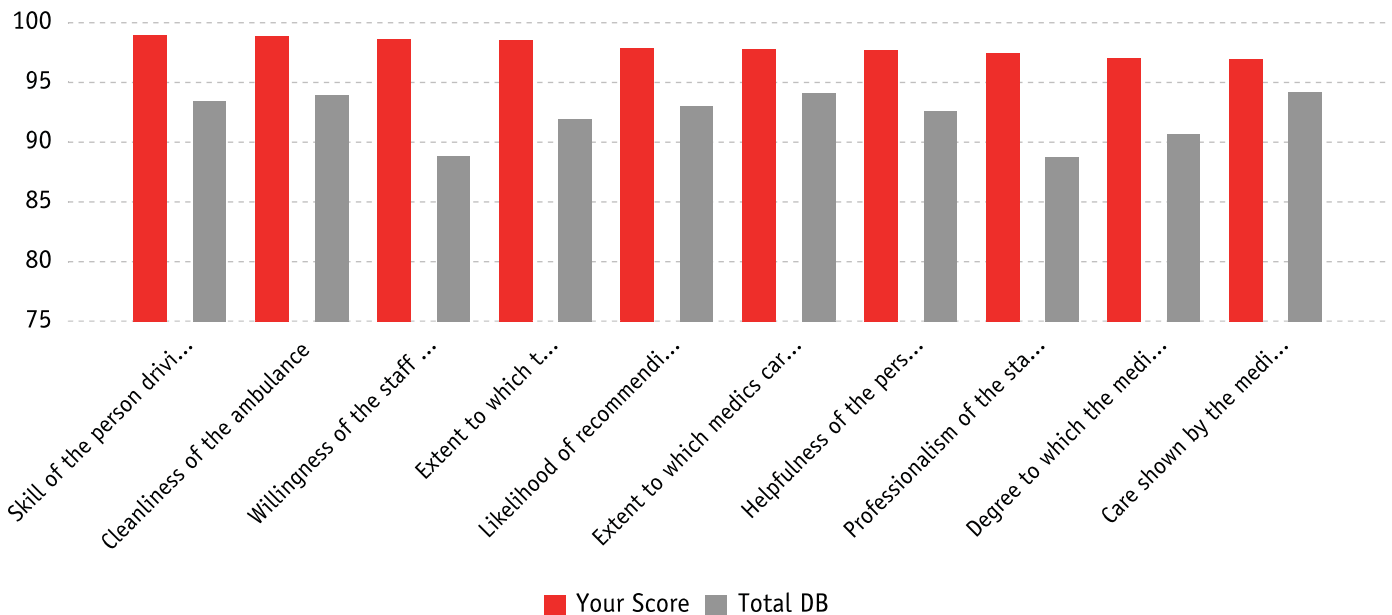
## Greatest Increase and Decrease in Scores by Question

	Last Period	This Period	Change	Total DB Score
<b>Increases</b>				
Professionalism of the staff in our ambulance service billing office	90.62	97.50	6.88	88.74
Skill of the person driving the ambulance	92.71	98.94	6.23	93.47
Willingness of the staff in our billing office to address your needs	93.75	98.61	4.86	88.81
Comfort of the ride	90.67	94.68	4.01	87.75
Likelihood of recommending this ambulance service to others	95.59	97.87	2.28	93.01
Helpfulness of the person you called for ambulance service	95.45	97.73	2.27	92.61
Cleanliness of the ambulance	97.83	98.89	1.06	93.94
How well did our staff work together to care for you	95.83	96.74	0.91	93.33
Extent to which the ambulance arrived in a timely manner	98.08	98.53	0.45	91.94
Medics' concern for your privacy	95.31	95.56	0.24	93.05
<b>Decreases</b>				
Extent to which medics included you in the treatment decisions (if applicable)	100.00	95.83	-4.17	92.28
Skill of the medics	98.68	96.35	-2.33	94.05
Concern shown by the person you called for ambulance service	97.73	95.45	-2.27	92.49
Care shown by the medics who arrived with the ambulance	98.61	96.94	-1.67	94.18
Extent to which the services received were worth the fees charged	96.43	94.89	-1.54	87.70
Degree to which the medics relieved your pain or discomfort	98.33	97.02	-1.31	90.70
Degree to which the medics listened to you and/or your family	96.05	94.79	-1.26	93.66
Extent to which you were told what to do until the ambulance arrived	92.90	91.67	-1.24	90.87
Extent to which the medics kept you informed about your treatment	96.05	94.89	-1.17	92.50
Appropriateness of Emergency Medical Transportation treatment	97.06	95.92	-1.14	93.27



## Greatest Scores Above Benchmarks by Question

Highest Above Benchmark	This Period	Variance	Total DB Score
Skill of the person driving the ambulance	98.94	5.47	93.47
Cleanliness of the ambulance	98.89	4.95	93.94
Willingness of the staff in our billing office to address your needs	98.61	9.8	88.81
Extent to which the ambulance arrived in a timely manner	98.53	6.59	91.94
Likelihood of recommending this ambulance service to others	97.87	4.87	93.01
Extent to which medics cared for you as a person	97.83	3.68	94.14
Helpfulness of the person you called for ambulance service	97.73	5.12	92.61
Professionalism of the staff in our ambulance service billing office	97.5	8.76	88.74
Degree to which the medics relieved your pain or discomfort	97.02	6.32	90.7
Care shown by the medics who arrived with the ambulance	96.94	2.76	94.18





## Highest and Lowest Scores

	Last Period	This Period	Change	Total DB Score
<b>Highest Scores</b>				
Skill of the person driving the ambulance	92.71	98.94	6.23	93.47
Cleanliness of the ambulance	97.83	98.89	1.06	93.94
Willingness of the staff in our billing office to address your needs	93.75	98.61	4.86	88.81
Extent to which the ambulance arrived in a timely manner	98.08	98.53	0.45	91.94
Likelihood of recommending this ambulance service to others	95.59	97.87	2.28	93.01

	Last Period	This Period	Change	Total DB Score
<b>Lowest Scores</b>				
Extent to which you were told what to do until the ambulance arrived	92.90	91.67	-1.23	90.87
Comfort of the ride	90.67	94.68	4.01	87.75
Degree to which the medics listened to you and/or your family	96.05	94.79	-1.26	93.66
Extent to which the medics kept you informed about your treatment	96.05	94.89	-1.16	92.50
Extent to which the services received were worth the fees charged	96.43	94.89	-1.54	87.70



**Key Drivers** — This section shows the relative importance of each question to the respondents' overall satisfaction. The greater the coefficient number, the more important the issue is to your patients' overall satisfaction. The questions are arranged based on their weighted importance value.

Question	Your Score	Correlation Coefficient
Overall rating of the care provided by our Emergency Medical Transportation service	96.94	.963146289
How well did our staff work together to care for you	96.74	.96303375
Skill of the medics	96.35	.951155439
Extent to which our staff eased your entry into the medical facility	96.81	.912149333
Appropriateness of Emergency Medical Transportation treatment	95.92	.881444989
Care shown by the medics who arrived with the ambulance	96.94	.873511957
Degree to which the medics took your problem seriously	96.88	.873188212
Degree to which the medics relieved your pain or discomfort	97.02	.862659034
Extent to which medics cared for you as a person	97.83	.861605297
Likelihood of recommending this ambulance service to others	97.87	.853459476
Extent to which the medics kept you informed about your treatment	94.89	.849191121
Extent to which medics included you in the treatment decisions (if applicable)	95.83	.849165883
Concern shown by the person you called for ambulance service	95.45	.810874438
Medics' concern for your privacy	95.56	.780738097
Extent to which the services received were worth the fees charged	94.89	.759963982
Degree to which the medics listened to you and/or your family	94.79	.758248506
Skill of the person driving the ambulance	98.94	.744963103
Cleanliness of the ambulance	98.89	.744764277
Helpfulness of the person you called for ambulance service	97.73	.72456161
Extent to which you were told what to do until the ambulance arrived	91.67	.697767696
Extent to which the ambulance arrived in a timely manner	98.53	.648285753
Comfort of the ride	94.68	.56679137
Professionalism of the staff in our ambulance service billing office	97.50	.066185886
Willingness of the staff in our billing office to address your needs	98.61	.002363783



**Company Comparisons** — The following chart gives a comparison of the mean score for each question as scored by comparable companies. Your company is highlighted. There is also a green-shaded highlight of the highest score for each question. This will show how you compare to similar companies.

	Your Company	Comparison Companies					
		A	B	C	D	E	F
Helpfulness of the person you called for ambulance service	97.73	96.20	89.95	94.38	94.32	87.50	92.82
Concern shown by the person you called for ambulance service	95.45	94.68	90.14	94.30	92.22	89.86	91.91
Extent to which you were told what to do until the ambulance	91.67	92.78	88.70	94.28	93.42	89.19	92.17
Extent to which the ambulance arrived in a timely manner	98.53	96.70	89.24	95.72	95.50	87.80	91.17
Cleanliness of the ambulance	98.89	96.15	91.49	95.83	94.00	91.89	91.45
Comfort of the ride	94.68	88.78	77.66	90.08	90.43	87.50	84.62
Skill of the person driving the ambulance	98.94	95.10	90.73	95.35	94.39	92.76	89.80
Care shown by the medics who arrived with the ambulance	96.94	95.10	93.44	96.49	96.20	92.13	91.24
Degree to which the medics took your problem seriously	96.88	94.50	92.51	96.49	94.68	92.79	91.04
Degree to which the medics listened to you and/or your family	94.79	94.90	91.43	96.14	95.74	92.76	89.42
Skill of the medics	96.35	97.22	92.36	96.85	94.57	92.57	90.17
Extent to which the medics kept you informed about your	94.89	94.77	90.70	95.09	93.09	89.50	88.92
Extent to which medics included you in the treatment decisions (if	95.83	93.06	87.51	96.59	92.50	88.74	87.67
Degree to which the medics relieved your pain or discomfort	97.02	92.86	89.50	93.79	91.25	89.09	86.03
Medics' concern for your privacy	95.56	94.57	91.30	94.55	93.02	90.71	88.73
Extent to which medics cared for you as a person	97.83	95.83	92.54	96.75	94.15	93.75	89.64
Professionalism of the staff in our ambulance service billing office	97.50	92.09	86.18	94.17	82.18	84.78	88.93
Willingness of the staff in our billing office to address your needs	98.61	88.80	85.00	93.75	83.04	88.89	87.92
How well did our staff work together to care for you	96.74	95.31	89.33	96.69	93.18	91.22	89.45
Extent to which our staff eased your entry into the medical facility	96.81	95.92	90.80	96.97	93.02	92.86	91.53
Appropriateness of Emergency Medical Transportation treatment	95.92	96.02	89.75	95.59	93.02	90.44	89.83
Extent to which the services received were worth the fees charged	94.89	87.94	80.93	92.73	88.19	83.09	86.94
Overall rating of the care provided by our Emergency Medical	96.94	95.31	89.04	96.71	93.02	90.57	89.12
Likelihood of recommending this ambulance service to others	97.87	92.07	87.80	95.19	92.22	90.03	90.83
<b>Overall score</b>	96.53	94.34	89.40	95.28	92.81	90.18	89.73
<b>National Rank</b>	4	13	75	8	32	69	73
<b>Comparable Size (Small) Company Rank</b>	4	9	30	7	16	26	28



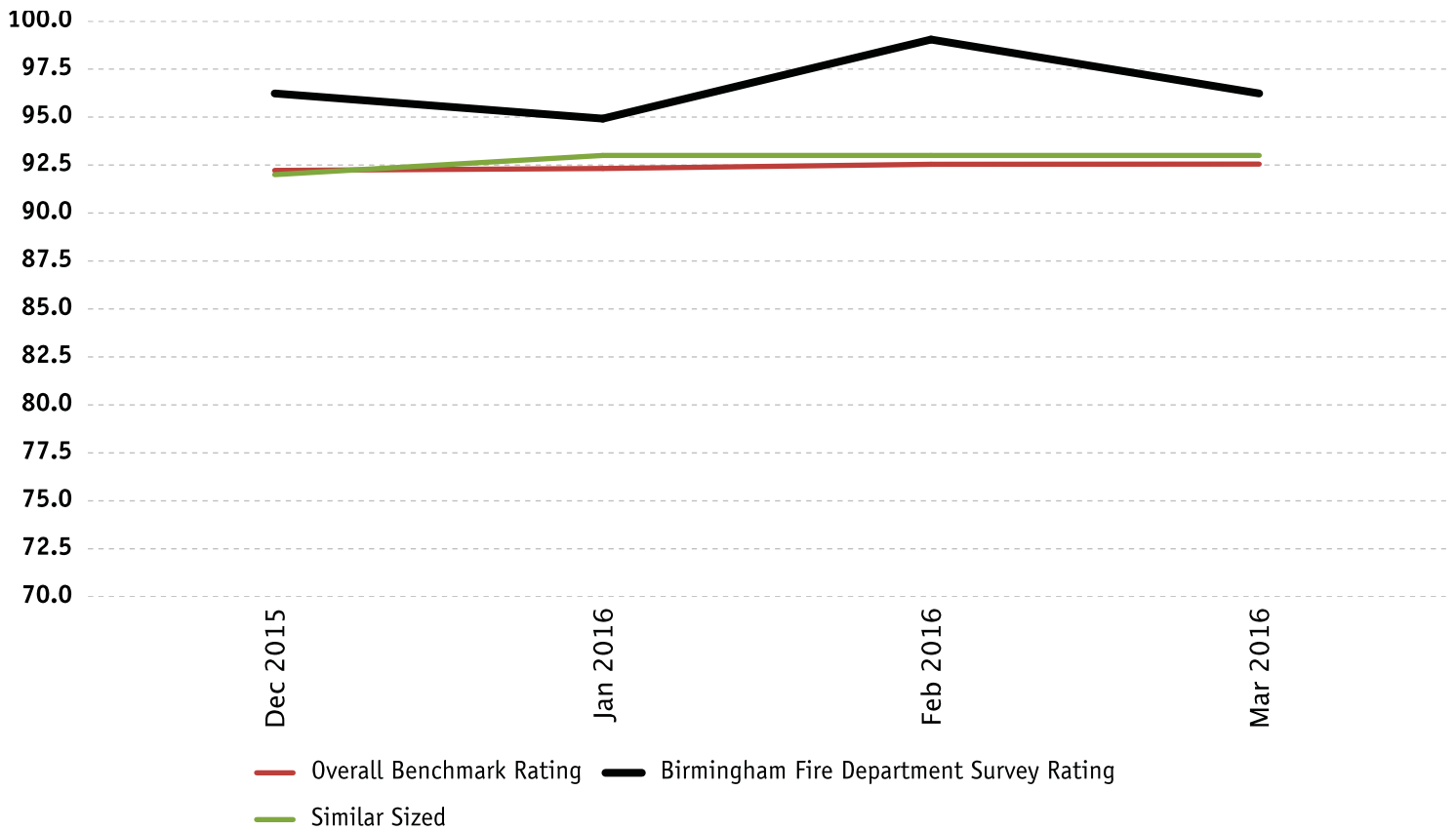


## Benchmark Comparison

	Your Company	Total DB	Similar Sized		
<b>Total Score</b>	<b>96.53</b>	92.46	92.6		
Helpfulness of the person you called for ambulance service	97.73	92.61	92.98		
Concern shown by the person you called for ambulance service	95.45	92.49	92.77		
Extent to which you were told what to do until the ambulance	91.67	90.87	91.16		
Extent to which the ambulance arrived in a timely manner	98.53	91.94	92.26		
Cleanliness of the ambulance	98.89	93.94	94.10		
Comfort of the ride	94.68	87.75	87.36		
Skill of the person driving the ambulance	98.94	93.47	93.84		
Care shown by the medics who arrived with the ambulance	96.94	94.18	94.71		
Degree to which the medics took your problem seriously	96.88	94.01	94.28		
Degree to which the medics listened to you and/or your family	94.79	93.66	94.20		
Skill of the medics	96.35	94.05	94.51		
Extent to which the medics kept you informed about your	94.89	92.50	93.03		
Extent to which medics included you in the treatment decisions	95.83	92.28	92.66		
Degree to which the medics relieved your pain or discomfort	97.02	90.70	91.21		
Medics' concern for your privacy	95.56	93.05	93.28		
Extent to which medics cared for you as a person	97.83	94.14	94.73		
Professionalism of the staff in our ambulance service billing	97.50	88.74	89.10		
Willingness of the staff in our billing office to address your	98.61	88.81	89.15		
How well did our staff work together to care for you	96.74	93.33	93.71		
Extent to which our staff eased your entry into the medical	96.81	93.47	94.26		
Appropriateness of Emergency Medical Transportation treatment	95.92	93.27	93.67		
Extent to which the services received were worth the fees	94.89	87.70	88.28		
Overall rating of the care provided by our Emergency Medical	96.94	93.42	93.73		
Likelihood of recommending this ambulance service to others	97.87	93.01	93.36		
<b>Number of Surveys for the period</b>	<b>51</b>				

Birmingham Fire Department  
January 1, 2016 to March 31, 2016

**Benchmark Trending Graphic** - Below are the monthly scores for your service. It details the overall score for each month as well as your subscribed benchmarks for that month.





### Cumulative Comparisons

This section lists a synopsis of the information about your individual questions and overall scores over the entire lifetime of the dataset. The first column shows the company score and the second column details the total database score.

	Your Score	Total DB
<b>Overall Facility Rating</b>	<b>96.41</b>	<b>91.67</b>
<b>Dispatch</b>	<b>95.1</b>	<b>91.46</b>
Helpfulness of the person you called for ambulance service	96.97	92.22
Concern shown by the person you called for ambulance service	96.21	91.93
Extent to which you were told what to do until the ambulance	92.12	90.22
<b>Ambulance</b>	<b>96.76</b>	<b>91.26</b>
Extent to which the ambulance arrived in a timely manner	98.38	91.59
Cleanliness of the ambulance	98.53	93.77
Comfort of the ride	93.32	87.01
Skill of the person driving the ambulance	96.83	92.69
<b>Medic</b>	<b>96.63</b>	<b>92.68</b>
Care shown by the medics who arrived with the ambulance	97.39	93.70
Degree to which the medics took your problem seriously	97.01	93.60
Degree to which the medics listened to you and/or your family	95.15	93.34
Skill of the medics	97.01	93.77
Extent to which the medics kept you informed about your treatment	95.24	91.79
Extent to which medics included you in the treatment decisions (if	96.93	91.60
Degree to which the medics relieved your pain or discomfort	97.37	90.21
Medics' concern for your privacy	95.49	92.57



**Cumulative Comparisons (Continued)**

	Your Score	Total DB
<b>Overall Facility Rating</b>	<b>96.41</b>	<b>91.67</b>
<b>Medic</b>	<b>96.63</b>	<b>92.68</b>
Extent to which medics cared for you as a person	98.05	93.53
<b>Billing Staff Assessment</b>	<b>96.33</b>	<b>88.06</b>
Professionalism of the staff in our ambulance service billing office	95.54	88.04
Willingness of the staff in our billing office to address your needs	97.12	88.08
<b>Overall Assessment</b>	<b>96.52</b>	<b>91.74</b>
How well did our staff work together to care for you	96.48	92.76
Extent to which our staff eased your entry into the medical facility	96.88	92.96
Appropriateness of Emergency Medical Transportation treatment	96.21	92.71
Extent to which the services received were worth the fees charged	95.26	86.60
Overall rating of the care provided by our Emergency Medical	97.01	92.88
Likelihood of recommending this ambulance service to others	97.27	92.53



## Top Box Comparisons

The Top Box Analysis displays the number of responses for the entire survey by question and rating. The Top Box itself shows the percentage of "Very Good" responses, the highest rating, for each question. Next to the company rating is the entire EMS DB rating for those same questions.

	Very Poor	Poor	Fair	Good	Very Good	Company % Very Good	EMS DB % Very Good
<b>Overall Company Rating</b>	<b>0</b>	<b>0</b>	<b>12</b>	<b>121</b>	<b>913</b>	<b>87.28%</b>	<b>75.21%</b>
<b>Dispatch</b>	<b>0</b>	<b>0</b>	<b>4</b>	<b>16</b>	<b>104</b>	<b>83.87%</b>	<b>73.95%</b>
Helpfulness of the person you called for ambulance service	0	0	0	4	40	90.91%	75.54%
Concern shown by the person you called for ambulance service	0	0	0	8	36	81.82%	75.03%
Extent to which you were told what to do until the ambulance arrived	0	0	4	4	28	77.78%	71.28%
<b>Ambulance</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>17</b>	<b>173</b>	<b>91.05%</b>	<b>73.55%</b>
Extent to which the ambulance arrived in a timely manner	0	0	0	3	48	94.12%	73.90%
Cleanliness of the ambulance	0	0	0	2	43	95.56%	78.06%
Comfort of the ride	0	0	0	10	37	78.72%	64.56%
Skill of the person driving the ambulance	0	0	0	2	45	95.74%	77.66%
<b>Medic</b>	<b>0</b>	<b>0</b>	<b>6</b>	<b>50</b>	<b>356</b>	<b>86.41%</b>	<b>78.37%</b>
Care shown by the medics who arrived with the ambulance	0	0	0	6	43	87.76%	80.86%
Degree to which the medics took your problem seriously	0	0	0	6	42	87.50%	81.08%
Degree to which the medics listened to you and/or your family	0	0	1	8	39	81.25%	80.05%
Skill of the medics	0	0	0	7	41	85.42%	80.26%
Extent to which the medics kept you informed about your treatment	0	0	1	7	36	81.82%	76.13%



Top Box Comparisons (Continued)

	Very Poor	Poor	Fair	Good	Very Good	Company % Very Good	EMS DB % Very Good
<b>Overall Company Rating</b>	<b>0</b>	<b>0</b>	<b>12</b>	<b>121</b>	<b>913</b>	<b>87.28%</b>	<b>75.21%</b>
Extent to which medics included you in the treatment decisions (if applicable)	0	0	1	5	36	85.71%	76.29%
Degree to which the medics relieved your pain or discomfort	0	0	1	3	38	90.48%	72.32%
Medics' concern for your privacy	0	0	2	4	39	86.67%	76.78%
Extent to which medics cared for you as a person	0	0	0	4	42	91.30%	81.57%
<b>Billing Staff Assessment</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>3</b>	<b>35</b>	<b>92.11%</b>	<b>63.25%</b>
Professionalism of the staff in our ambulance service billing office	0	0	0	2	18	90.00%	62.89%
Willingness of the staff in our billing office to address your needs	0	0	0	1	17	94.44%	63.60%
<b>Overall Assessment</b>	<b>0</b>	<b>0</b>	<b>2</b>	<b>35</b>	<b>245</b>	<b>86.88%</b>	<b>76.20%</b>
How well did our staff work together to care for you	0	0	0	6	40	86.96%	77.71%
Extent to which our staff eased your entry into the medical facility	0	0	0	6	41	87.23%	78.11%
Appropriateness of Emergency Medical Transportation treatment	0	0	1	6	42	85.71%	77.72%
Extent to which the services received were worth the fees charged	0	0	1	7	36	81.82%	66.14%
Overall rating of the care provided by our Emergency Medical Transportation service	0	0	0	6	43	87.76%	78.76%
Likelihood of recommending this ambulance service to others	0	0	0	4	43	91.49%	78.76%



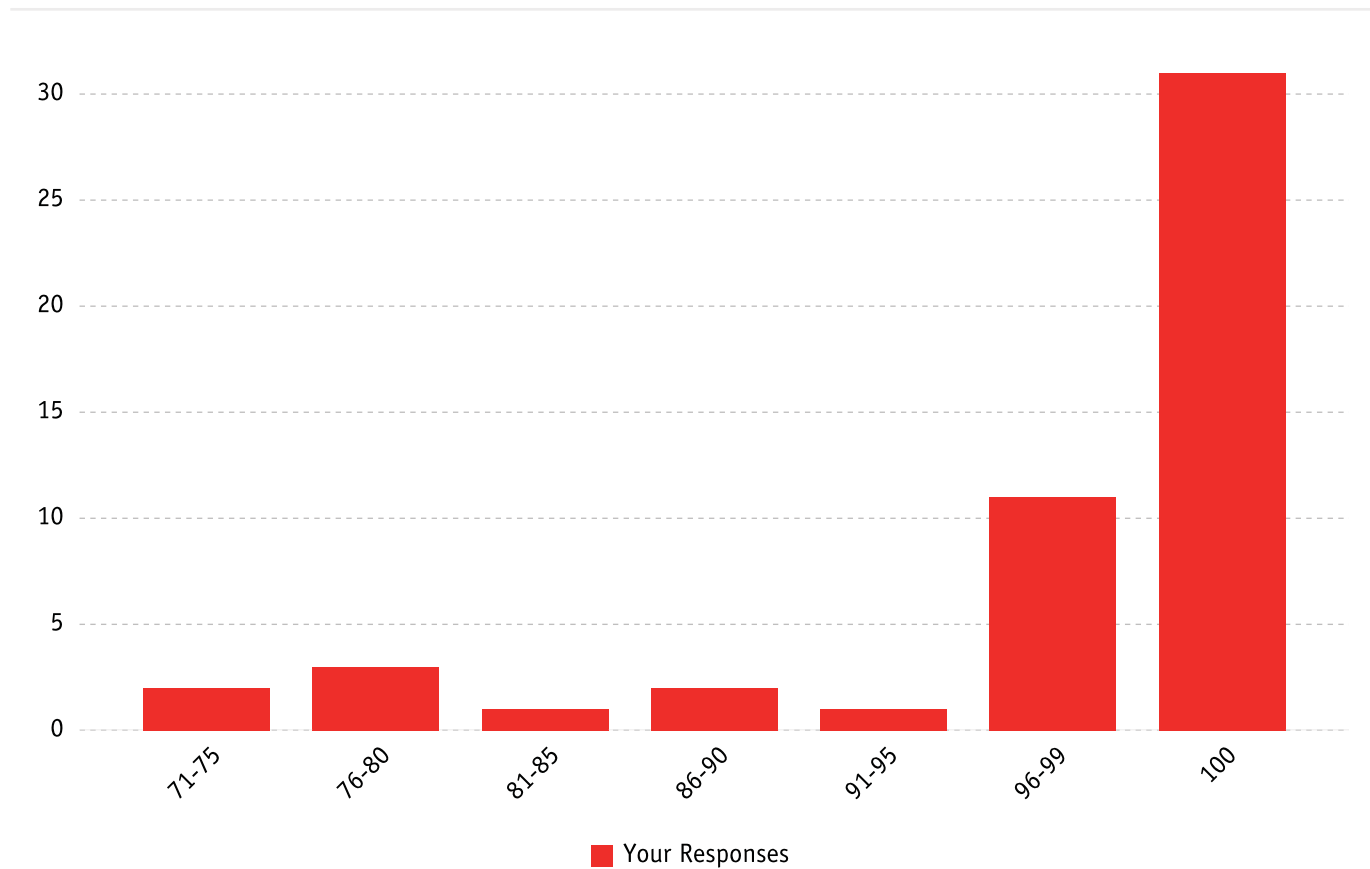


### Standard Deviation by Question

	Your Score	Total DB	Company Standard Deviation	Database Standard Deviation	SD Variance
Helpfulness of the person you called for ambulance service	97.73	92.61	7.187	14.971	7.78
Concern shown by the person you called for ambulance service	95.45	92.49	9.642	14.859	5.22
Extent to which you were told what to do until the ambulance arrived	91.67	90.87	16.667	16.741	0.07
Extent to which the ambulance arrived in a timely manner	98.53	91.94	5.882	15.667	9.78
Cleanliness of the ambulance	98.89	93.94	5.152	12.39	7.24
Comfort of the ride	94.68	87.75	10.232	19.725	9.49
Skill of the person driving the ambulance	98.94	93.47	5.046	13.83	8.78
Care shown by the medics who arrived with the ambulance	96.94	94.18	8.195	13.756	5.56
Degree to which the medics took your problem seriously	96.88	94.01	8.268	14.484	6.22
Degree to which the medics listened to you and/or your family	94.79	93.66	11.363	14.945	3.58
Skill of the medics	96.35	94.05	8.823	13.763	4.94
Extent to which the medics kept you informed about your	94.89	92.50	11.406	15.539	4.13
Extent to which medics included you in the treatment decisions (if applicable)	95.83	92.28	10.797	16.435	5.64
Degree to which the medics relieved your pain or discomfort	97.02	90.70	9.763	17.926	8.16
Medics' concern for your privacy	95.56	93.05	12.121	14.467	2.35
Extent to which medics cared for you as a person	97.83	94.14	7.044	14.488	7.44
Professionalism of the staff in our ambulance service billing office	97.50	88.74	7.50	17.122	9.62
Willingness of the staff in our billing office to address your needs	98.61	88.81	5.727	17.328	11.60
How well did our staff work together to care for you	96.74	93.33	8.42	14.302	5.88
Extent to which our staff eased your entry into the medical facility	96.81	93.47	8.343	14.10	5.76
Appropriateness of Emergency Medical Transportation treatment	95.92	93.27	10.53	14.508	3.98
Extent to which the services received were worth the fees charged	94.89	87.70	11.406	20.796	9.39
Overall rating of the care provided by our Emergency Medical Transportation service	96.94	93.42	8.195	14.778	6.58
Likelihood of recommending this ambulance service to others	97.87	93.01	6.976	16.191	9.22
<b>Overall Survey Rating</b>	96.53	92.46	8.95	15.55	6.6



**Responses vs Score Histogram** — This graph shows the number of responses on the Y axis vs the average score on the X axis.





## Facilities in Database

Adair EMS	Kirksville, MO	Air San Juan Island	Friday Harbor, WA
Alliance Health	null	Alliance Mobile Health	Troy, MI
AMT	Peoria, IL	Bay State	Springfield, MA
Bay Village	Bay Village, OH	Bay Village Employee	null
Beaumont	Troy, MI	Birmingham Fire	Birmingham, MI
Bloomfield Township	Bloomfield Hills, MI	Carilion Clinic	Roanoke, VA
Cetronia	Allentown, PA	City of Palo Alto	Palo Alto, CA
Columbus Connection	Cols, OH	Community Ambulance	Macon, GA
Community Care EMS	Ashtabula, OH	Community Care EMS	null
Community EMS MI	Southfield, MI	Community EMS OH	Columbus, OH
CoxHealth EMS	Springfield, MO	Cumberland	Carlisle, PA
Cy-Fair	Houston, TX	Cypress Creek	Spring, TX
DMC Care	Detroit, MI	Edward	Naperville, IL
Emergent Health Partners	Ann Arbor, MI	Emergent Health Partners	null
Employee Survey Emergent	null	Employee Survey-LifeCare	null
Emp.Survey Medstar	null	EMSA	Oklahoma City, OK
Escalon Ambulance Service	Escalon, CA	Ferndale Fire and Rescue	Ferndale, MI
Genesis Community	Zanesville, OH	Gold Cross	Menasha, WI
Guilford EMS	Greensboro, NC	Harris County Emergency	Houston, TX
Health East	St. Paul, MN	Health Link	Taylor, MI
HEMSI	Huntsville, AL	Hennepin County EMS	Minneapolis, MN
Hot Springs	Hot Springs, AR	Hot Springs Village	Hot Springs, AR
Howard County	Nashville, AR	Humboldt	Winnemucca, NV
HVA	null	Iosco County EMS	East Tawas, MI
Lassen County Ambulance	Susanville, CA	LifeCare Ambulance	Battle Creek, MI
LifeCare Medical EMS	Sterling, CO	Life EMS Ambulance	Grand Rapids, MI
LifeNet EMS	Texarkana, TX	Loyola Medicine Transport	Melrose Park, IL
Madison Heights Fire	Madison Heights, MI	Malvern	Malvern, AR
MCHD	Conroe, TX	Medcare Ambulance	Columbus, OH
Medic 1 Ambulance	Canton, MI	Medic Ambulance Service	Vallejo, CA
Medic Ambulance Service	Vallejo, CA	Medic EMS	Davenport, IA
Medstar	Clinton Twp., MI	Medstar Mobile Healthcare	Fort Worth, TX
Medstar Mobile Healthcare	null	Mercy Flights	Medford, OR
Mercy Ohio	Cincinnati, OH	Metro West	Hillsboro, OR
MMR	null	Mobile Life Support	New Windsor, NY
Mobile Life Support	New Windsor, NY	Mobile Medical Response	Saginaw, MI
MONOC	Neptune, NJ	Nature Coast	Lecanto, FL
North Memorial	Robbinsdale, MN	Northwell Health	Syosset, NY
Oceana	Hart, MI	Patterson District	Patterson, CA
Pearland EMS	Pearland, TX	Portage County	Stevens Point, WI
Pro EMS	Cambridge, MA	ProMed	Muskegon, MI
Prompt Ambulance	Highland, IN	PTS	Loveland, OH
Puckett	Austell, GA	Regional EMS	Flint, MI
REMSA	Reno, NV	REMSA Air Transport	Reno, NV

Ridgefield Fire Department	Ridgefield, CT	Riggs Ambulance	Merced, CA
Royal Oak Fire Department	Royal Oak, MI	San Juan Island	Friday Harbor, WA
San Marcos Hays County	San Marcos, TX	Scott & White	Temple, TX
Senior Care	Bronx, NY	Sioux Land	Sioux City, IA
SkyHeath	Syossett, NY	SMCAS	Niles, MI
Snohomish County Fire	Snohomish, WA	Southfield	Southfield, MI
St. Charles	St. Peters, MO	Stillwater	Stillwater, OK
Suburban	Palmer, PA	Swartz	Flint, MI
Texarkana	Texarkana, TX	Tri-Hospital	Port Huron, MI
Umpqua Health Alliance	null	University Medical Center	Lubbock, TX
Van Buren EMS	Paw Paw, MI	Waterford Regional Fire	Waterford, MI
West Bloomfield Fire	West Bloomfield, MI	WestSide Community	Newman, CA
York Regional EMS	Yoe, PA	null	null