

BIRMINGHAM CITY COMMISSION AGENDA
OCTOBER 28, 2019
MUNICIPAL BUILDING, 151 MARTIN
7:30 P.M.

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Pierre Boutros, Mayor Pro Tem

II. ROLL CALL

Cheryl Arft, Acting City Clerk

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

Announcements:

- The City Commission acknowledges and thanks Mr. Dan Isaksen for his service to the community on the Multi-Modal Transportation Board.
- Tuesday, November 5, 2019 is the election of four City Commissioners and three Library Board members in Birmingham. The polls will be open from 7:00 AM to 8:00 PM. Also on the ballot are proposals for Oakland Community College and Birmingham Public Schools. Sample ballots for each of the nine precincts in Birmingham are available at the City Clerk's Office during business hours, or by visiting the Clerk's Office page at www.bhamgov.org. Contact the Clerk's Office at 248-530-1880 during business hours for information about how you can request an Absent Voter ballot. The Clerk's office will be open from 8 A.M. to 4 P.M. on Saturday, November 2nd for the purpose of issuing and receiving Absent Voter ballots.

Appointments:

- A. Interview for Advisory Parking Committee – Alternate member
 - 1. Michael Horowitz
 - 2. Robin Mueller
- B. To appoint _____ as the Alternate member to the Advisory Parking Committee to complete a three-year term to expire September 4, 2020.
- C. Administration of the Oath of Office to the appointee.

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. Resolution approving the Regular City Commission meeting minutes of October 7, 2019.
- B. Resolution approving the Joint City Commission-Planning Board Work Session minutes of October 17, 2019.
- C. Resolution approving the warrant list, including Automated Clearing House payments, dated October 9, 2019 in the amount of \$.
- D. Resolution approving the warrant list, including Automated Clearing House payments, dated October 16, 2019 in the amount of \$.
- E. Resolution approving the warrant list, including Automated Clearing House payments, dated October 23, 2019 in the amount of \$.
- F. Resolution approving the request from the Chabad of Bloomfield Hills to display the Shain Park Menorah on December 19-31, 2019, with a special gathering to be held on December 23, 2019 from 5-7 pm 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.
- G. Resolution confirming the City Manager's authorization for an emergency expenditure pursuant to Sec. 2-286 of the City Code in the amount of \$18,000 at the North Old Woodward parking garage to repair and secure failing panels on the exterior façade to be paid from account #585-538.005-977.0000.
- H. Resolution approving the agreement with WJE Engineers and Architects, P.C. (WJE) for professional engineering services to conduct full structural assessments of the five parking garages in downtown Birmingham for an amount not to exceed \$392,480 from account #585-538.001-811.0000 for Fiscal Year 2019-2020. Further, direct the Mayor and City Clerk to sign the agreement on behalf of the City.
- I. Resolution approving the Public Arts Board's recommendation that the City purchase the sculpture "The Counselor" by Chris Yockey for \$5,500 from account 101-299.000-811.0000; that the sculpture remain in its current location on the N. Old Woodward parking structure; and to approve the appropriations and amendment to the fiscal year 2019-2020 General Fund budget as follows:

Revenues:

Draw from Fund Balance	101-000.000-400.0000	<u>\$5,500</u>
Total Revenues		<u>\$5,500</u>

Expenditures:

Other Contractual Services	101-299.000-811.0000	<u>\$5,500</u>
Total Expenditures		<u>\$5,500</u>

- J. Resolution setting November 25, 2019 at 7:30 PM as the public hearing date for the Program Year 2020 Community Development Block Grant Program.
- K. Resolution setting November 25, 2019 at 7:30 PM as the public hearing date for the reprogramming of program year 2018 Community Development Block Grant (CDBG) funds.
- L. Resolution approving the Professional Services Proposal from Automated Benefit Services, Inc., for a three-year agreement with renewal options to provide administration of the

City's Flexible Spending Account and Health Reimbursement Arrangement programs, and to authorize the Human Resources Manager to sign the Addendum to the Administrative Services Agreement on behalf of the City following satisfactory legal review by the City Attorney.

- M. Resolution confirming the City Manager's authorization for the emergency expenditure related to the repair of vehicle #160 by Jack Doheny Companies in the amount of \$7,905.35 from the Auto Equipment Fund account #641-441.006-933.0200, pursuant to Sec. 2-286 of the City Code.
- N. Resolution approving the purchase and planting of ninety-six (96) trees from Greg Davis Landscape Services for the Fall 2019 Tree Purchase and Planting Project for a total project cost not to exceed \$38,315.00. 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, the Major Streets Fund-Operating Supplies account #202-449.005-729.0000 and the Parks- Other Contractual Services account #101-751.000-811.0000 for these services. Further, to authorize the Mayor and City Clerk to sign the agreement on behalf of the City upon receipt of required insurances.
- O. Resolution approving the installation of a Yield Sign on Millrace at Lakeside. Further, to direct the Chief of Police and the City Clerk to sign the traffic control order on behalf of the City establishing the installation of a "Yield" sign on Millrace at Lakeside.
- P. Resolution approving the amendment to the City Manager's Employment Agreement as outlined in the Third Amended Employment Agreement and directing the Mayor to sign the Agreement on behalf of the City.

V. UNFINISHED BUSINESS

- A. Resolution approving the recommended modifications to the traffic signal timing at the N. Old Woodward Ave. & Willits St./Oakland Blvd. intersection for a trial period as soon as possible, through March, 2020, at a total estimated cost of \$9,200, including:
 - 1. Remove the permissive left turn phase of the traffic signal for eastbound and westbound traffic using Option 3 as a trial through March, 2020;
 - 2. Installing updated crosswalk markings on three legs of the intersection; and
 - 3. Installing lane modifications north of the intersection, marked by bollards, such that a bump out can be added on the northwest corner, and a separated bus lane will be created on the northeast corner.

Further, approving the appropriation and amendment to the 2019-2020 fiscal year Major Street Fund budget as follows:

Major Street Fund

Revenues:

Draw from Fund Balance	202-000.000-400.0000	<u>\$9,200</u>
	Total Revenue Adjustments	\$9,200

Expenditures:

Other Contractual Service	202-449.001-981.0100	\$9,200
	Total Expenditure Adjustments	\$9,200

VI. NEW BUSINESS

- A. Resolution approving a Zoning Amendment to Chapter 126, Zoning Ordinance, Appendix C, Exhibit 1, Licenses for Economic Development to include 2159 E. Lincoln Street as well as all the properties along Cole Street and Lincoln Street within the Rail District as recommended by the Planning Board to be qualified to be eligible for an Economic Development License;

AND

Resolution approving an amendment to Chapter 126, Zoning Ordinance, Article 2, Section 2.39 MX, Uses Requiring a Special Land Use Permit, to allow establishments operating with a liquor license obtained under Chapter 10, Alcoholic Liquors, Article II, Division 3, Licenses for Economic Development on those parcels identified in Appendix C, Exhibit 1 with a Special Land Use Permit.

- B. Resolution approving a Special Land Use Permit and Final Site Plan and Design Review for Lincoln Yard at 2159 E. Lincoln to allow the use of an economic development liquor license to serve alcohol on premise and to occupy a building more than 6,000 square feet in size in the MX Zone.
- C. Resolution approving a Special Land Use Permit and Final Site Plan and Design Review for 298 S. Old Woodward to allow the operation of the Daxton Hotel with the service of alcoholic liquors, in accordance with Article 7, Section 7.34 of the Zoning Ordinance;

AND

Resolution authorizing the City Clerk to sign the MLCC Local Government Approval Report (MLC 436.1510) and to approve the liquor license request of Aparium Hotel Group, LLC that requests a B-Hotel Liquor License be issued under MCL 436.1521(4), SDM License with Outdoor Service (1 Area) Sunday Sale Permit (AM)(PM), Dance-Entertainment Permit, Catering Permit, Eight (8) Additional Bar Permits, Specific Purpose Permit for Hotel Operations located and a Participation Permit in the name of Woodward Brown Ventures, LLC located at 298 S Old Woodward, Birmingham, Oakland County, MI 48009.

- D. Audit Presentation
- E. Resolution approving the following amendments to the Sign Ordinance to add Electronic Message Centers to the list of prohibited sign types:
1. To amend Article 1, Section 1.03, Sign Requirements, to amend the prohibited sign types; and
 2. To amend Article 3, Section 3.02, Definitions, to add definitions for Electronic Message Centers and Gas Station Price Signs.
- F. Resolution adopting the resolution to amend Advisory Parking Committee membership to remove the Building Owner position and replace it with a board member of the Birmingham Shopping District and to remove the City Engineer (non-voting, ex-officio) position and to replace this position with the City Manager, or his/her designee.
- G. Resolution amending the Fees, Charges, Bonds, Insurance Schedule to allow all associated water permit fees (ROW Permit, Plumbing Permit, Trench Maintenance and Inspection Fees) to be waived for individuals that wish to replace their lead water services.

VII. REMOVED FROM CONSENT AGENDA

VIII. COMMUNICATIONS

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

X. REPORTS

- A. Commissioner Reports
Notice of Intention to Appoint to Multi-Modal Transportation Board (1) Alternate and (1) Regular members
- B. Commissioner Comments
- C. Advisory Boards, Committees, Commissions' Reports and Agendas
- D. Legislation
- E. City Staff
 - 1. Parking Utilization Report (Gunter)
 - 2. 1st Qtr Budget Report (Gerber)
 - 3. 1st Qtr Investment Report (Gerber)

INFORMATION ONLY

XI. ADJOURN

PLEASE NOTE: Due to building security, public entrance during non-business hours is through the Police Department – Pierce St. entrance 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:2485301880) por lo menos el día antes de la reunión pública. (Title VI of the Civil Rights Act of 1964).



MEMORANDUM

Planning Division

DATE: October 18, 2019

TO: Joseph A. Valentine, City Manager

FROM: Brooks Cowan, City Planner

APPROVED: Jana Ecker, Planning Director

SUBJECT: Public Hearing for Zoning Amendments to Chapter 126, Zoning Ordinance Appendix C, Exhibit 1 Economic Development Licenses Map to allow the use of Economic Development Licenses in the southern portion of the Rail District with an approved Special Land Use Permit and for Chapter 126, Zoning Ordinance Article 2, Section 2.39, MX Uses Requiring a Special Land Use Permit.

INTRODUCTION:

The applicant and owner of 2159 E. Lincoln Street has requested a zoning amendment to have the property located at 2159 E. Lincoln Street, Parcel # 20-31-401-006 added to the properties eligible for an Economic Development License within the MX zone district. Properties with an Economic Development License may operate an establishment with on premise sales and consumption of liquor if they obtain a Special Land Use Permit and meet the criteria of Chapter 10, Article II, Division 3 of the Municipal Code.

BACKGROUND:

The majority of the parcels currently eligible for an Economic Development License are located along Woodward Avenue between Oakland and Lincoln Avenue in the commercial areas of the Downtown Overlay and Triangle District as identified in Appendix C, Exhibit 1 of the Zoning Ordinance. Establishments currently operating with an Economic Development license include All Seasons, Hazel Ravines & Downtown, and Triple Nickel. At this time, there are no parcels eligible for an Economic Development License east of Adams Road in Birmingham.

On September 11th, 2019, the Planning Board considered the purpose of the Economic Development Liquor License, the goals of the Eton Road Corridor Plan, and the existing conditions of the southern portion of the Rail District in relation to the applicant's request. Based upon review, the Planning Board motioned to recommend an amendment to appendix C, Exhibit 1 of the Zoning Ordinance to include all properties along E. Lincoln and Cole Street in the Rail District to be eligible for an Economic Development License, including 2159 E. Lincoln. In addition, the Planning Board recommended an amendment to Article 2, Section 2.39 to allow the use of Economic Development Licenses in the MX zone with a SLUP if the parcel is within the identified areas of the map on Appendix C, Exhibit 1. The justification for this recommendation was to evaluate the corridor as a whole and not one property at a time.

LEGAL REVIEW:

The City Attorney has reviewed the documentation and has no concerns.

FISCAL IMPACT:

Expanding the boundary for properties eligible for an Economic Development License has the potential to increase the tax revenue for the City due to approval criteria requiring a 500% increase in assessed value and/or an investment of ten million dollars.

PUBLIC COMMUNICATION:

A legal ad was placed in a newspaper of local circulation as required to provide public notice for the public hearing on September 11, 2019. The applicant placed a notification sign on the property which is visible from the sidewalk and street. The City has received nine letters in support of the restaurant approval. Members of the public in attendance at the Planning Board were generally in favor of the proposal.

SUMMARY:

The applicant has applied for a zoning amendment to have 2159 E. Lincoln Street qualify to be eligible for an Economic Development License. Upon review, the Planning Board has recommended a zoning amendment for all properties in in the southern Rail District along E. Lincoln Street and Cole Street in addition to the applicant's subject property to be eligible for an Economic Development License, and to allow the use of such licences in portions of the MX District.

ATTACHMENTS:

- Draft Ordinance Amendments
- Zoning Amendment Application
- Planning Board Staff Report
- Planning Board Minutes
- Letters from Residents

SUGGESTED RESOLUTION:

To APPROVE a Zoning Amendment to Chapter 126, Zoning Ordinance, Appendix C, Exhibit 1, Licenses for Economic Development to include 2159 E. Lincoln Street as well as all the properties along Cole Street and Lincoln Street within the Rail District as recommended by the Planning Board to be qualified to be eligible for an Economic Development License;

AND

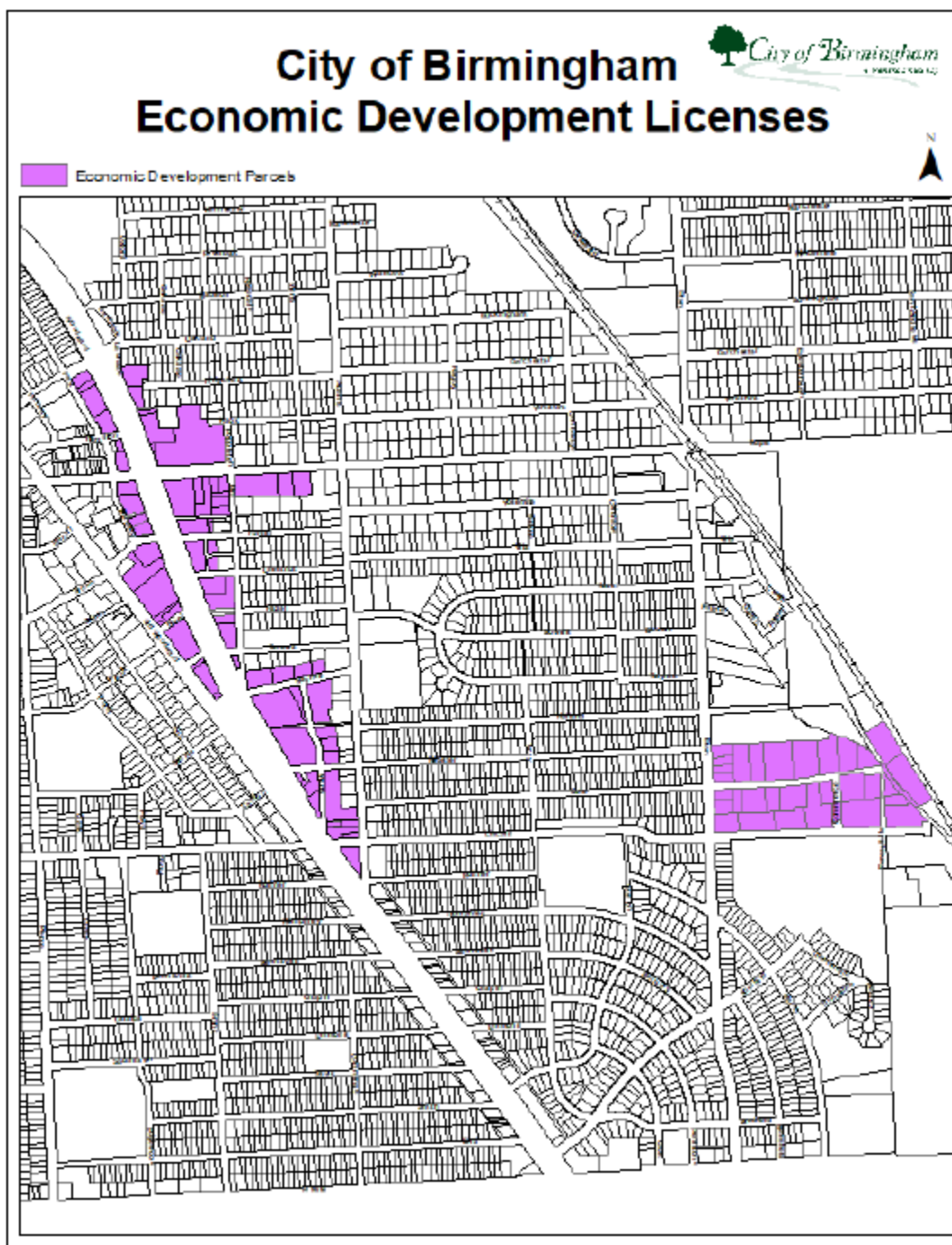
To APPROVE an amendment to Chapter 126, Zoning Ordinance, Article 2, Section 2.39 MX, Uses Requiring a Special Land Use Permit, to allow establishments operating with a liquor license obtained under Chapter 10, Alcoholic Liquors, Article II, Division 3, Licenses for Economic Development on those parcels identified in Appendix C, Exhibit 1 with a Special Land Use Permit.

ORDINANCE NO. _____

THE CITY OF BIRMINGHAM ORDAINS:

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

TO AMEND APPENDIX C, EXHIBIT 1, ECONOMIC DEVELOPMENT LICENSES MAP.



ORDINANCE NO. _____

THE CITY OF BIRMINGHAM ORDAINS:

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

TO AMEND SECTION 2.39, MX (MIXED USE) DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES TO AMEND THE USES REQUIRING A SPECIAL LAND USE PERMIT.

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

Accessory Permitted Uses

- Alcoholic beverage sales*
- Dwelling – accessory*
- Garage – private
- Greenhouse – private
- Home occupation
- Loading facility – off street*
- Outdoor café*
- Outdoor sales or display of goods*
- Parking facility – off-street*
- Parking Structure*
- Renting of Rooms*
- Sign
- Swimming Pool - private

Uses Requiring a Special Land Use Permit

- alcoholic beverage sales (on-premise consumption)
- bistros operating with a liquor license granted under the authority of Chapter 10, Alcoholic Liquors, Division 4 – Bistro Licenses
- church
- college
- dwelling – first floor with frontage on Eton Road
- **establishments operating with a liquor license obtained under Chapter 10, Alcoholic Liquors, Article II, Division 3, Licenses for Economic Development identified in Appendix C, Exhibit 1**
- outdoor storage*
- parking structure (not accessory to principal use)
- religious institution
- school-private
- school-public
- residential use combined with a permitted nonresidential use with frontage on Eton Road
- any permitted principal use with a total floor area greater than 6,000 sq. ft.

Uses Requiring City Commission Approval

- assisted living
- continued care retirement community
- independent hospice facility
- independent senior living
- regulated uses*
- skilled nursing facility

ORDAINED this _____ day of _____, 2019 to become effective 7 days after publication.

Patty Bordman, Mayor

Cheryl Arft, Acting City Clerk

APPLICATION FOR ZONING MAP OR ORDINANCE CHANGE
Birmingham, Michigan

TO THE CITY COMMISSION:

The undersigned hereby makes application to the City Commission to:

1. Zoning Map Change:

Change premises described as:

2159 E. Lincoln Street

No. Street

see attached Exhibit A

Legal Description

from its present zoning

classification of **MX (Mixed-Use)** to inclusion in the Economic Development District

A sealed land survey showing location, size of lot and placement of building (if any) on the lot to scale must be attached.

Statements and reason for request or other data have a direct bearing on the request.

2. Change premises described as:

2159 E. Lincoln Street

No. Street

see attached Exhibit A

Legal Description

from its present zoning

classification of **MX (Mixed-Use)** to inclusion in the Economic Development District

A sealed land survey showing location, size of lot and placement of building (if any) on the lot to scale must be attached.

Statements and reasons for request or other data have a direct bearing on the request.

Signature of Applicant:

Print Name: **Bus Bar, LLC**

Name of Owner: **Curt Catallo**

Address and Telephone Number: **90 N. Main Street**

Clarkston, MI 48346

CITY OF BIRMINGHAM
Date 08/14/2019 4:02:08 PM
Ref 00161792
Receipt 498254
Amount \$1,500.00

APPLICATION FOR ZONING MAP OR ORDINANCE CHANGE
Birmingham, Michigan

A letter of authority, or power of attorney, shall be attached in case the appeal is made by a person other than the actual owner of the property.

Date Received: 8-14-19 Received By: Brooks Conner

Resolution No. _____ Approved/Denied _____

Application Fee: \$1,500.00

Receipt Number 498254

The petitioner shall be responsible for any costs incurred by consultant, including but not limited to traffic and environmental, contracted by the city to review the proposed site plan and/or community impact study as determined by the city planner.

EXHIBIT A

LEGAL DESCRIPTION OF DEMISED PREMISES

Land Situated in the City of Birmingham, County of Oakland, State of Michigan, and described as follows:

Lot 499 (except for the West 14.81 feet) through Lot 504, also part of vacated Lincoln Avenue adjacent to same as vacated by resolutions in Liber 3029, Page 152 and Liber 3029, Page 154, inclusive, of Sheffield Estates No. 1, as recorded in Liber 44, Page 40 of Oakland County Records.

Tax ID: Part of 20-31-401-006

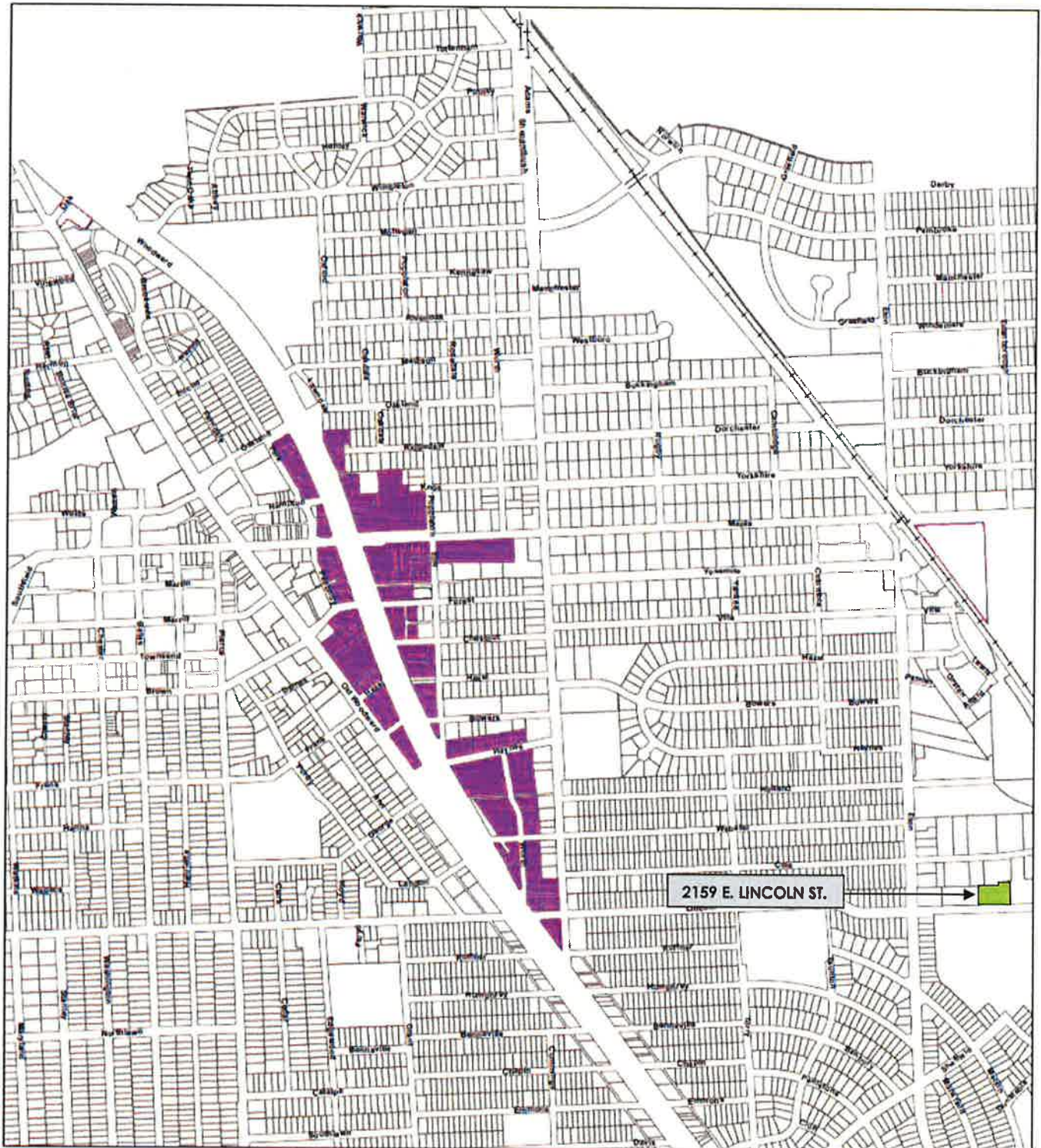
Commonly known as: 2159 East Lincoln Street, Birmingham, Michigan 48009

City of Birmingham

Economic Development Licenses



Economic Development Parcels





August 14, 2019

City Commission, c/o City Clerk
City of Birmingham
151 Martin Street
Birmingham, MI 48009

Dear City Commission Members

First and foremost; on behalf of Union Joints I would like to thank you for a clearly defined vision and much appreciated guidance in regard to the activation of your Rail District. When the Union Joints contingent last appeared before you, we were sharing our vision for the repurposing of your former school bus garage at 2159 East Lincoln. Through that process of site plan approvals and the corresponding pitch for a bistro license, we learned two things: 1. The cost of our endeavors can't be supported by the restrictions that are attached to a bistro license; 2. We really love the Rail District and believe in the City's vision.

Although we pulled out from the ring in regard to the bistro license process; we did not pull back on our interest in or commitment to the building and project itself. Since our last submission: Union Joints has purchased the building from our friends and neighbors at Armstrong-White; brought on KC Crain, our partner at Vinsetta Garage, as an investor in the proposed undertaking; and, we've secured financing for the project from our team at Chase. We did this by sharing our passion for the project and by sharing a business model that supports the expense of repurposing this structure. It is our belief here, as it is in all of our buildings, that a repurposed structure delivers something that's difficult to emulate in a new build. We believe that this character—this hint of history, this narrative in the mortar of a building like your former bus garage—warrants an investment that often exceeds the cost of new construction. For us, the investment in reviving a building the neighbors have long known gives additional vibrancy to a district that has a pulse all its own. For those who frequent your bustling recreation center; this long dormant property will bustle to life in a way that's designed to service their needs and appeal to their senses. For the neighbors who kindly shared regret when we withdrew from our bistro attempt; the kind of activation they were hoping to see has a chance once again: and their kids have a chance to bus at an old bus garage or make a stop at the last stop. Generally, our joints are developed in a way they don't put an emphasis on economics: they put an emphasis on making a difference in a neighborhood or a community. While it would be faster and cheaper to open a restaurant in a strip mall, our steadfast commitment to space, place and community will always be our hallmark. As such, this dedication requires an economic development license to fuel the engine of this particular passion... to act as a catalyst for this expensive undertaking and support the model of this repurposing.

Sincerely,

A handwritten signature in dark ink, appearing to read "Curt Catallo". The signature is fluid and cursive, with a large "C" and a long, sweeping tail.

Curt Catallo, Owner
Union Joints



MEMORANDUM

Planning Division

DATE: February 6, 2017

TO: Joseph A. Valentine, City Manager

FROM: Jana L. Ecker, Planning Director

SUBJECT: Public hearing to consider amendments to Chapter 126, Zoning to clarify the boundaries of the Rail District, to allow bistros in the Rail District and/or add properties on which an Economic Development License may be utilized

On December 14, 2016 the Planning Board conducted a public hearing to consider Zoning Ordinance amendments that would allow the use of a Class C liquor license through either a Bistro license or an Economic Development license at 2100 E. Maple. The proposed draft ordinance amendments provide two possible changes. The first is to establish official Rail District boundaries which would include the parcel at 2100 E. Maple, and allow bistros on all properties within the Rail District, with a Special Land Use Permit. The second possible change would amend the Economic Development Map to add the parcel at 2100 E. Maple, and to allow the use of an Economic Development license on this property with a Special Land Use Permit.

On January 9, 2017, the City Commission set a public hearing date for February 13, 2017 to consider amendments to the Zoning Ordinance to clarify the boundaries of the Rail District, and to allow bistros within the Rail District and/or to amend the Zoning Ordinance to add properties on which an Economic Development license may be utilized.

Please find attached the staff reports presented to the Planning Board, along with the proposed ordinance language and minutes from previous discussions on the topic.

Suggested Action:

To amend Chapter 126, Zoning as follows to establish the boundaries of the Rail District and to allow bistros in B2 and B2B zone districts located within the Rail District with an approved Special Land Use Permit:

- (a) Article 02, section 2.29 (General Business), to allow bistros in the Rail District as a use requiring a Special Land Use Permit;
- (b) Article 02, section 2.31 (General Business), to allow bistros in the Rail District as a use requiring a Special Land Use Permit; and
- (c) Article 09, section 9.02 (Definitions), to add a definition for Rail District.

AND/OR

To amend Chapter 126, Zoning as follows to allow the use of an Economic Development license at 2100 E. Maple with an approved Special Land Use Permit:

- (a) To amend section 2.29, B2 (General Business) to amend the accessory permitted uses; and
- (b) To amend appendix C, Exhibit 1, Economic Development Licenses map.



MEMORANDUM

Planning Division

DATE: December 5, 2016

TO: Planning Board Members

FROM: Matthew Baka, Senior Planner

SUBJECT: Public Hearing to consider allowing Bistro or Economic Development license at 2100 E. Maple (Whole Foods)

On November 9th, 2016 the Planning Board set a public hearing for December 14th, 2016 to consider Zoning Ordinance amendments that would allow the use of a Class C liquor license through either a Bistro license or an Economic Development license at 2100 E. Maple and make a recommendation to the City Commission. The proposed draft ordinance amendments provide two possible changes. The first is to establish official rail district boundaries which would include the parcel at 2100 E. Maple. The second possible change would amend the Economic Development Map to add the parcel at 2100 E. Maple. Attached is the draft ordinance language, staff report from the most recent study session, and relevant meeting minutes.

Suggested Action:

To recommend APPROVAL to the City Commission the following amendments to Chapter 126 Zoning:

- i. Article 02, section 2.29 (General Business), to allow bistros in the Rail District as a use requiring a Special Land Use Permit;
- ii. Article 02, section 2.31 (General Business), to allow bistros in the Rail District as a use requiring a Special Land Use Permit;
- iii. Article 09, section 9.02 (Definitions), to add a definition for Rail District.

AND/OR

To recommend APPROVAL to the City Commission the following amendments to Chapter 126 Zoning:

- (c) To amend section 2.29, B2 (General Business) to amend the accessory permitted uses;
- (d) To amend appendix C, Exhibit 1, Economic Development Licenses map.

RAIL DISTRICT / BISTRO OPTION
ORDINANCE NO. _____

THE CITY OF BIRMINGHAM ORDAINS:

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

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

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

Accessory Permitted Uses

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

Uses Requiring a Special Land Use Permit

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

Uses Requiring City Commission Approval

- regulated uses*

ORDAINED this _____ day of _____, 2017 to become effective 7 days after publication.

Mark Nickita, Mayor

Cheryl Arft, Acting City Clerk

ORDINANCE NO. _____

THE CITY OF BIRMINGHAM ORDAINS:

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

TO AMEND SECTION 2.31, B2B (GENERAL BUSINESS) DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES TO AMEND THE USES REQUIRING A SPECIAL LAND USE PERMIT.

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

Accessory Permitted Uses

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

Uses Requiring a Special Land Use Permit

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

Uses Requiring City Commission Approval

- regulated uses*

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Mark Nickita, Mayor

Cheryl Arft, Acting City Clerk

ORDINANCE NO. _____

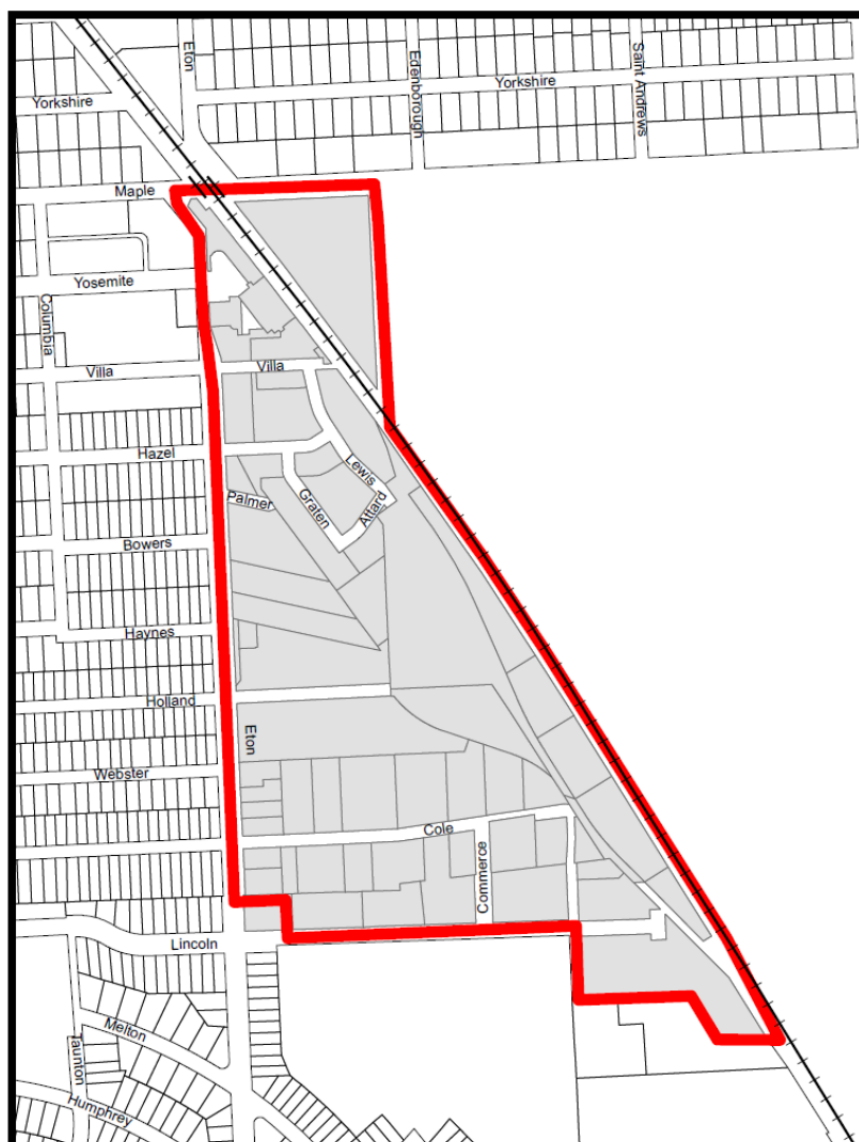
THE CITY OF BIRMINGHAM ORDAINS:

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

TO AMEND ARTICLE 9, SECTION 9.02, DEFINITIONS, TO ADD A DEFINITION FOR RAIL DISTRICT.

Article 9, Section 9.02

Rail District– All properties located within the boundary lines shown on the map below.



ORDAINED this _____ day of _____, 2017 to become effective 7 days after publication.

Mark Nickita, Mayor

Cheryl Arft, Acting City Clerk

ECONOMIC DEVELOPMENT OPTION
ORDINANCE NO. _____

THE CITY OF BIRMINGHAM ORDAINS:

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

TO AMEND SECTION 2.29, B2 (GENERAL BUSINESS) DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES TO AMEND THE USES REQUIRING A SPECIAL LAND USE PERMIT.

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

Accessory Permitted Uses

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

Uses Requiring a Special Land Use Permit

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

Uses Requiring City Commission Approval

- regulated uses*

ORDAINED this _____ day of _____, 2017 to become effective 7 days after publication.

Mark Nickita, Mayor

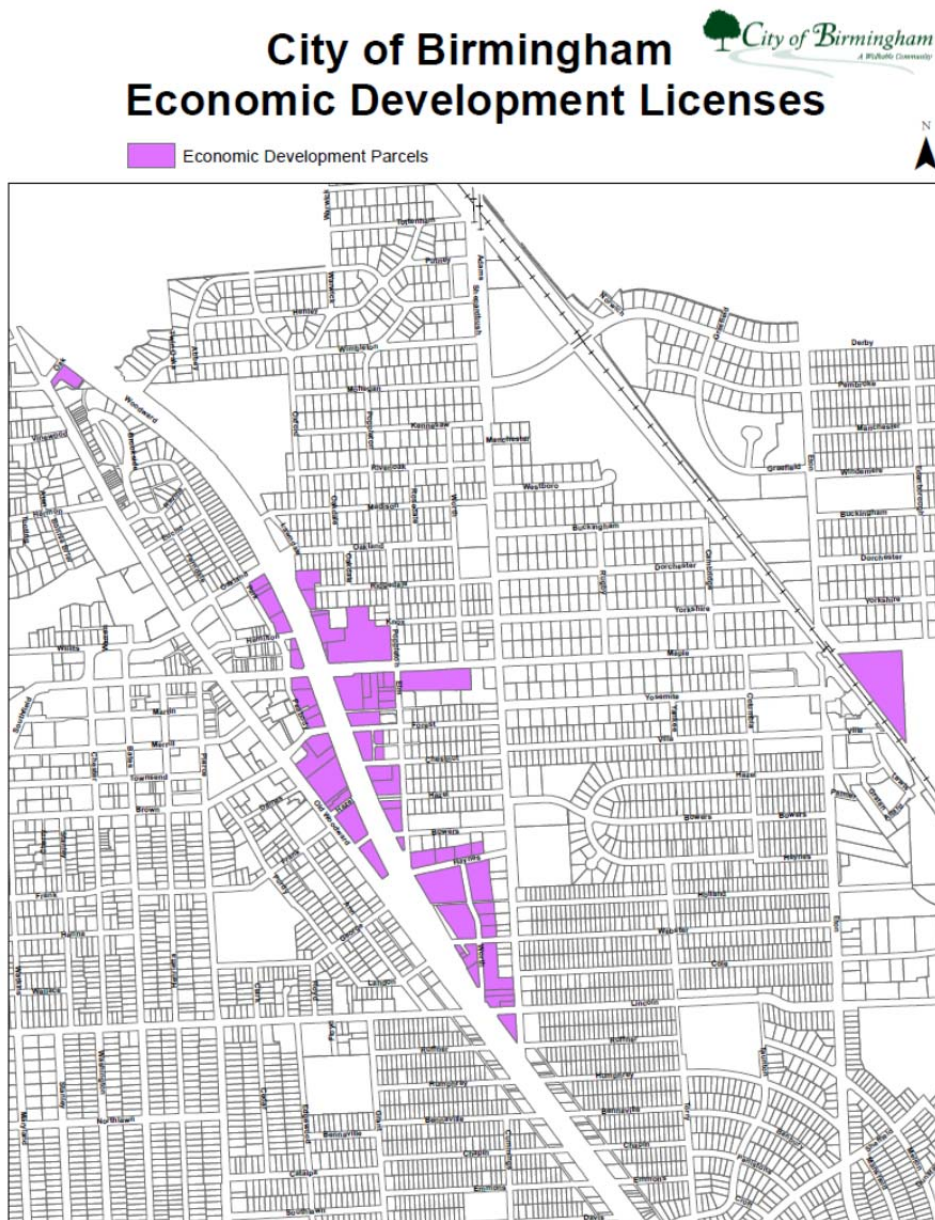
Cheryl Arft, Acting City Clerk

ORDINANCE NO. _____

THE CITY OF BIRMINGHAM ORDAINS:

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

TO AMEND APPENDIX C, EXHIBIT 1, ECONOMIC DEVELOPMENT LICENSES MAP.



ORDAINED this _____ day of _____, 2017 to become effective 7 days after publication.

Mark Nickita, Mayor

Cheryl Arft, Acting City Clerk



MEMORANDUM

Planning Division

DATE: November 3, 2016
TO: Planning Board
FROM: Jana L. Ecker, Planning Director
SUBJECT: 2100 E. Maple - Request to Clarify the Boundaries of the Rail District and to include 2100 E. Maple

On September 30, 2015 the Planning Board approved the final site plan for the Whole Foods Market, which is currently under construction at 2100 E. Maple. As a part of the development plan the owners of Whole Food Market are interested in pursuing a bistro license in order to establish a full service restaurant inside of the new store serving alcohol. To that end, the owners of Whole Foods submitted the required five (5) page Bistro concept summary by October 1st of this year in order to be considered for one of the two available licenses in 2017.

On October 10, 2016, the City Commission selected the Whole Foods Bistro concept to be considered by the Planning Board for a Special Land Use Permit that would permit the issuance of a liquor license for this purpose. However, the Whole Foods property is zoned B2 (General Business) and is not located within Triangle or Rail Districts, and thus does not currently permit bistros.

Accordingly, the developers of the Whole Foods have submitted a request for an amendment to clarify the boundaries of the Rail District to include the Whole Foods site and to permit bistros throughout the district. Currently, the MX (Mixed Use) zoning district allows bistros in what is commonly referred to as the "Rail District". Although there are several references to the Rail District throughout City documents, there are no specifically defined boundaries to the Rail District. In response to the request of the applicant, the Planning Division drafted ordinance language and amendments that would create a map defining the Rail District boundaries, as well as ordinance language to permit bistros within the boundaries of the Rail District.

On October 26, 2016, the Planning Board discussed the applicant's request to clarify the boundaries of the Rail District, and to include 2100 E. Maple within the district. Board members were in agreement that the boundaries of the Rail District should be defined, and codified in the Zoning Ordinance. Board members also stated that the map with the boundaries as presented that evening looked good. There was further discussion about the possibility of allowing the use of an economic development license at 2100 E. Maple, other locations along Maple and / or discussing allowing the use of economic development licenses throughout the City. The Planning Board indicated a desire to further discuss the use of economic development licenses as an option at 2100 E. Maple.

Accordingly, please find attached ordinance language to establish the boundaries of the Rail District, including the property at 2100 E. Maple and to allow bistros within the Rail District, as well as an updated map and ordinance language to expand the area in which economic development licenses may be utilized, including the property at 2100 E. Maple as per the direction of the Planning Board.

SUGGESTED ACTION

The Planning Division requests that the Planning Board review the proposed amendments as requested by the applicant and consider if it is appropriate to hold a public hearing on December 14, 2016 and make a formal recommendation to the City Commission.

Planning Board Minutes
October 26, 2016

2100 E. Maple Rd.

Whole Foods

Request to amend Zoning Ordinance and/or Zoning Map to clarify the boundaries of the Rail District to include this site in the Rail District, and to allow bistro uses on parcels within the Rail District.

Ms. Ecker recalled that on September 30, 2015 the Planning Board approved the Final Site Plan for the Whole Foods Market, which is currently under construction at 2100 E. Maple Rd. As a part of the development plan the owners of Whole Foods Market are interested in pursuing a bistro license in order to establish a full service restaurant serving alcohol inside of the new store. To that end, the owners of Whole Foods submitted the required five (5) page Bistro concept summary by October 1st of this year in order to be considered for one of the two available licenses in 2017.

On October 10, 2016, the City Commission selected the Whole Foods Bistro concept to be considered by the Planning Board for a Special Land Use Permit ("SLUP") that would permit the issuance of a liquor license for this purpose. It is understood that bistros are permitted in the Rail District; however, the Whole Foods property is zoned B-2 (General Business) and does not currently permit bistros as a use.

Accordingly, the developers of the Whole Foods have submitted a request for an amendment to clarify the boundaries of the Rail District to include the Whole Foods site and to permit bistros throughout the District. Currently, the MX (Mixed Use) Zoning District allows bistros in what is commonly referred to as the "Rail District." Although there are several references to the Rail District throughout City documents, there are no specifically defined boundaries for the Rail District.

As a response to the request of the applicant, the Planning Division has drafted ordinance language and amendments that would create a map defining the Rail District boundaries, as well as ordinance language to permit bistros within the boundaries of the Rail District.

The Jet's Plaza could be included in the Rail District for the purpose of streetscape standards but still not allow bistros there.

Mr. Boyle asked if there is a reason to discuss how to extend the location of the Economic Development License to extend not just on Woodward Ave. but along Maple Rd. as well. Ms. Ecker responded that could be done.

Ms. Kelly Allen, Adkison, Need, Allen, & Rentrop, Attorney for Whole Foods, said that Whole Foods will meet the criteria for an Economic Development License, but they have no desire to put anything other than a small bistro type restaurant in their establishment. She does think it makes some sense to change the Economic Development Map that is attached to the Zoning Ordinance as opposed to changing the Zoning Ordinance throughout to define the Rail District.

But the bottom line is whether it is an Economic Development License or a Bistro License the use will be the same and in her view would qualify either way.

Ms. Whipple-Boyce expressed her opinion that the Economic Development License is more appropriate. Mr. Boyle thought this large market being built is a big piece of Economic Development and it makes sense that it has within it the appropriate license that goes with it instead of forcing a cozy, small scale bistro.

Ms. Allen reminded everyone that the stakes are really high to get an Economic Development License and for the most part properties up and down Maple Rd. other than Whole Foods will not be able to meet that requirement.

Ms. Ecker thought they should define the boundary for the Rail District. It makes sense then to look at the properties that abut the railroad tracks. It will be a harder sell to come all the way off Woodward Ave. to allow Economic Development Licenses.

Ms. Whipple-Boyce saw this more as an Economic Development License because it doesn't seem to fit the development of a bistro.

Chairman Clein wondered if the policy of an Economic Development License should be re-visited by the City Commission to not be restricted to any geographic location and subject to their approval.

Motion by Ms. Lazar

Seconded by Mr. Jeffares to extend the meeting for 10 minutes to 11:15 p.m.

Motion carried, 7-0.

Board members were in agreement that they have to define the boundaries of the Rail District and figure out which properties to include.

Ms. Allen advised that Whole Foods will open in 2017 and clearly they would like to put in a bistro. Also she sees all the wisdom in the world for an Economic Development license in this case.

Chairman Clein said for the next meeting he is hearing that what he has been prepared so far on the rail approach on definition of the boundaries is a good, solid first step. Also there is discussion to be had about the ordinance language related to where Economic Development Licenses are allowed and how that might be applied elsewhere.

**Planning Board Minutes
November 9, 2016**

2100 E. Maple Rd.

Whole Foods

Request to amend Zoning Ordinance and/or Zoning Map to clarify the boundaries of the Rail District to include this site in the Rail District, and to allow bistro uses on parcels within the Rail District. (continued from October 26, 2016)

Ms. Ecker recalled that on October 26, 2016, the Planning Board discussed the applicant's request to clarify the boundaries of the Rail District, and to consider including 2100 E. Maple Rd. within the boundaries of the Rail District. Board members were in agreement that the boundaries of the Rail District should be defined, and codified in the Zoning Ordinance. Board members also stated that the map with the boundaries as presented that evening looked good. There was further discussion about the possibility of allowing the use of an Economic Development License at 2100 E. Maple Rd., other locations along Maple and / or discussing allowing the use of Economic Development Licenses throughout the City. The Planning Board indicated a desire to further discuss the use of an Economic Development License as an option at 2100 E. Maple Rd.

Presented was ordinance language to establish the boundaries of the Rail District, including the property at 2100 E. Maple Rd. and to allow bistros within the Rail District, as well as an updated map and ordinance language to expand the area in which Economic Development Licenses may be utilized, including the property at 2100 E. Maple Rd. as per the direction of the Planning Board.

Ms. Whipple-Boyce announced that she thinks the Whole Foods site is part of the Rail District and a bistro there would be a cool idea. With a Bistro License the City would have more control over what goes on at Whole Foods with their alcohol adjacent to the single-family neighborhood that is across the street. Mr. Boyle noted the compelling argument for him is control adjacent to a residential neighborhood.

Chairman Clein asked for members of the public to come forward and comment at 9:10 p.m.

Ms. Kelly Allen, Adkison, Need, Allen, & Rentrop, Attorney for Whole Foods, said that Whole Foods is in favor of the Economic Development option. They have been in touch with the Pembroke Association residents and they have no problem. The area that is being set aside inside of the grocery store looks like a bistro but it qualifies for an Economic Development License. Whole Foods would have a chance of getting that license sooner as opposed to competing with two or three other contenders for a Bistro License.

Answering Ms. Whipple-Boyce, Ms. Allen said the Economic Development License does not restrict hours of operation. However, Whole Foods will not keep their little restaurant open beyond their hours of operation. Additionally, this will be controlled by a Special Land Use Permit ("SLUP") the same as a Bistro License.

Chairman Clein asked that the parcels along Maple Rd. be removed from the Economic Development map. Just add the Whole Foods site.

Motion by Mr. Boyle

Seconded by Mr. Jeffares to hold a public hearing on December 14, 2016 for the requested Zoning Ordinance Amendment to clarify the boundaries of the Rail District to include the Whole Foods site in the Rail District, and to amend the Economic Development License map to include the Whole Foods site and the Zoning Ordinance Amendments that go with it.

There was no input on the motion from members of the audience at 9:17 p.m.

Motion carried, 7-0.

VOICE VOTE

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

Nays: None

Absent: None

Ms. Ecker was requested to speak to the City Manager about ensuring that the public is notified about what is going on.

**Planning Board Minutes
December 14, 2016**

3. To consider the following amendments to Chapter 126, Zoning, of the Code of the City of Birmingham:

TO AMEND ARTICLE 2, SECTION 2.29, B2 (GENERAL BUSINESS) DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES TO AMEND THE ACCESSORY PERMITTED USES TO ALLOW **BISTRO USES ON PARCELS WITHIN THE RAIL DISTRICT.**

TO AMEND ARTICLE 2, SECTION 2.31, B2B (GENERAL BUSINESS) DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES TO AMEND THE ACCESSORY PERMITTED USES TO ALLOW BISTRO USES ON PARCELS WITHIN THE RAIL DISTRICT.

TO AMEND ARTICLE 9, SECTION 9.02, DEFINITIONS, TO ADD A DEFINITION FOR RAIL DISTRICT.

AND /OR

To consider the following amendments to Chapter 126, Zoning, of the Code of the City of Birmingham:

TO AMEND ARTICLE 2, SECTION 2.29, B-2 (GENERAL BUSINESS) DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES TO AMEND THE ACCESSORY PERMITTED USES TO ALLOW THE USE OF ECONOMIC DEVELOPMENT LICENSES IN THIS ZONE DISTRICT.

TO AMEND APPENDIX C, EXHIBIT 1, **ECONOMIC DEVELOPMENT LICENSES MAP.**

Chairman Clein opened the public hearing at 8:07 p.m.

Mr. Baka advised that after several study sessions on this matter the Planning Board on November 9th, 2016 set a public hearing for December 14, 2016 to consider Zoning Ordinance amendments that would allow the use of a Class C Liquor License through either a Bistro License or an Economic Development License at 2100 E. Maple Rd. and make a recommendation to the City Commission. The proposed draft ordinance amendments provide two possible changes. The first is to establish official Rail District boundaries which would include the parcel at 2100 E. Maple Rd. The second possible change would amend the Economic Development Map to add the parcel at 2100 E. Maple Rd.

Ms. Kelly Allen, Adkison, Need, Allen, & Rentrop, Attorney for Whole Foods, said that Whole Foods is in favor of the Economic Development option because they feel they meet that criteria. However, they would like to see both options move to the City Commission. The area that is being set aside inside of the grocery store looks like a bistro but it qualifies for an Economic Development License. Whole Foods would have a chance of getting that license sooner as opposed to competing with two or three other contenders for a Bistro License.

No one from the public cared to join the discussion at 8:07 p.m.

Motion by Mr. Williams
Seconded by Ms. Whipple-Boyce

To recommend approval to the City Commission the following amendments to Chapter 126 Zoning:

- (a) Article 02, section 2.29 (General Business), to allow bistros in the Rail District as a use requiring a Special Land Use Permit;**
- (b) Article 02, section 2.31 (General Business), to allow bistros in the Rail District as a use requiring a Special Land Use Permit;**
- (c) Article 09, section 9.02 (Definitions), to add a definition for Rail District.**

AND

To recommend APPROVAL to the City Commission the following amendments to Chapter 126 Zoning:

- (a) To amend section 2.29, B2 (General Business) to amend the accessory permitted uses;**
- (b) To amend appendix C, Exhibit 1, Economic Development Licenses map.**

There were no comments on the motion from the public at 8:09 p.m.

Motion carried, 7-0.

VOICE VOTE

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

Nays: None

Absent: Lazar

The Chairman closed the public hearing at 8:10 p.m.



MEMORANDUM

Planning Division

DATE: September 11th, 2019

TO: Planning Board

FROM: Brooks Cowan

APPROVED: Jana Ecker, Planning Director

SUBJECT: Amendments to Chapter 126, Zoning Ordinance Article 2, Section 2.39 MX Uses Requiring a Special Land Use Permit and Chapter 126, Zoning Ordinance Appendix C, Exhibit 1 Economic Development Licenses Map to allow the use of an Economic Development License at 2159 E. Lincoln Street with an approved Special Land Use Permit.

The applicant and owner of 2159 E. Lincoln Street has requested a zoning amendment to have the property located at 2159 E. Lincoln Street, Parcel # 20-31-401-006 added to the properties eligible for an Economic Development License. Properties with an Economic Development License may operate an establishment with on premise sales and consumption of liquor if they obtain a Special Land Use Permit and meet the criteria of Chapter 10, Article II, Division 3 of the Municipal Code. A liquor license associated with an Economic Development License does not have a limit on the number of seats inside or outside of the establishment. The applicant is applying to have an Economic Development License for their restaurant concept "Lincoln Yard" at this site.

Background:

According to the Municipal Code Chapter 10, Article II, Division 3, Licenses for Economic Development Section 10-60, - Purpose:

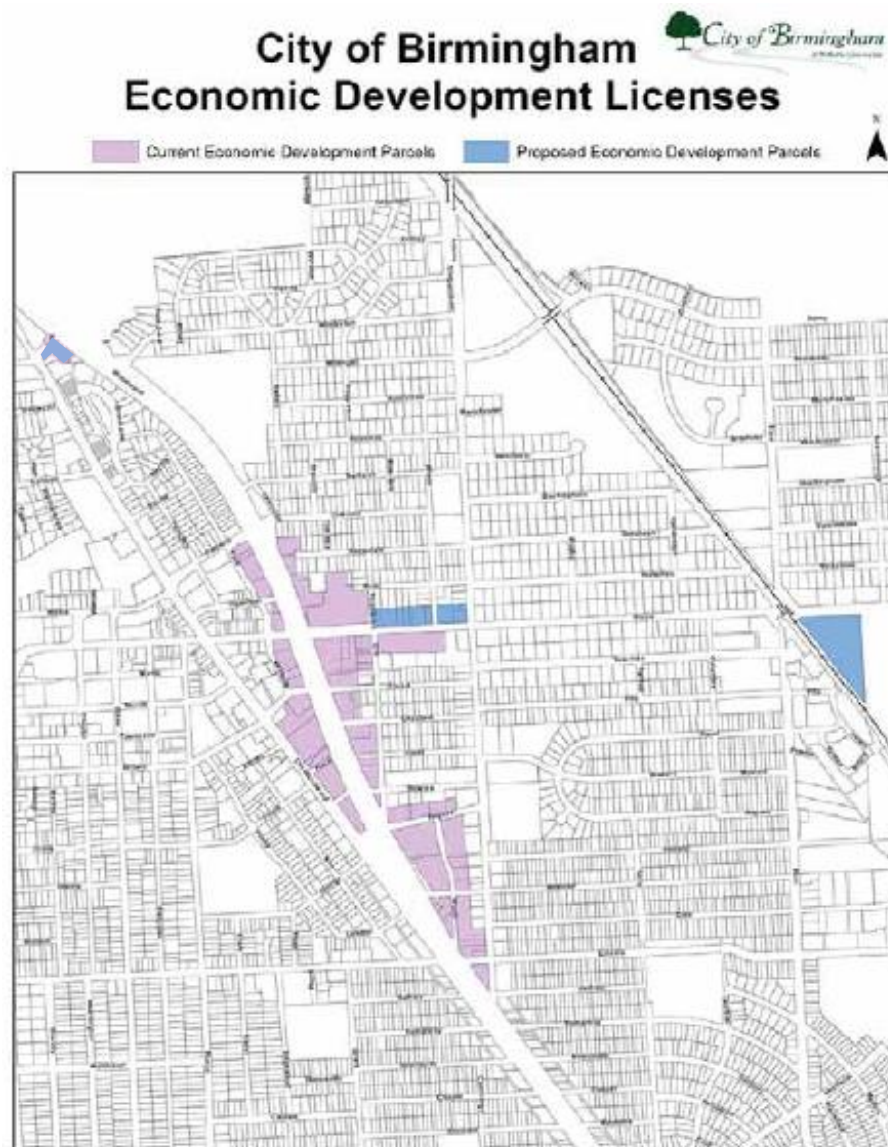
The purpose of this division is to establish a policy and conditions to allow the City Commission the ability to approve a request to transfer a liquor license into the city in excess of the city's quota licenses if the request is deemed to constitute a substantial economic development and benefit to the city, to establish criteria for selecting applicants, and to provide limitations on the influx of new liquor licenses and to insure controlled growth and development regarding liquor licenses and to evaluate the impact of increased liquor licenses on the city.

The majority of the parcels eligible for an Economic Development License are located along Woodward Avenue between Oakland and Lincoln Avenue in the commercial areas of the Downtown Overlay and Triangle District as identified in Appendix C, Exhibit 1 of the Zoning Ordinance pictured below. Establishments currently operating with an Economic Development license include All Seasons, Hazel Ravines & Downtown, and Triple Nickel. At this time, there are no parcels eligible for an Economic Development License east of Adams Road in Birmingham.



One property within the Rail District was considered for an Economic Development License in the past. On December 14, 2016, the Planning Board conducted a public hearing to consider liquor license options for Whole Foods at 2100 E. Maple Road. The Planning Board recommended two options to the City Commission which consisted of (a) include 2100 E. Maple as a property eligible for an economic development license in Appendix C, Exhibit 1 of the Zoning Ordinance or (b) establish a designated boundary for the Rail District in which Bistros are permitted. The difference being bistros have a maximum number of 65 indoor seats, and 65 outdoor seats. Meanwhile an Economic Development License does not have a cap on seating, but the project must constitute a substantial economic development and benefit to the City.

At that time, the Planning Board also discussed expanding the economic development boundaries along Maple from Elm to Adams as pictured below, as well as the possibility of re-visiting the Economic Development License policy with the City Commission and considering Economic Development Licenses on a case-by-case basis unrestricted by geographic locations.



In regards to Birmingham's Eton Road Corridor Plan, the Rail District is envisioned as a vibrant mixed-use corridor, stating:

Since adoption of the MX Zone as recommended by the Eton Rail Corridor Plan, the City has seen substantial development in the north end of the Rail District. Such projects include The Reserve luxury banquet facility, District Lofts condos, Irongate live-work units, Crosswinds mixed-use development, and Griffin Claw Brewing Company.

Legend:

- Existing Building
- Planned Building
- Existing Road
- Planned Road

Map Labels:

- Maple
- Yosemite
- Villa
- De-FE Building
- First Floor
- Hazel
- Bowser
- Haystack
- Holland
- Webster
- Side (side) in P.O. Building 2-1 (Bicycle)
- Cole
- Lincoln
- Grass turn West from Railroad
- Lemon Truck & Resource (garage)
- New parking in front
- New parking
- Bicycle Large (side) Building
- Future Rally/Protest Resource Facility

The Eton Road Corridor Plan characterizes the area surrounding E. Lincoln Street and Cole Street as small scale industrial uses located on overcrowded sites with unscreened outdoor storage of goods, materials, and vehicles, limited parking facilities, and reliance on truck and vehicular traffic (pg. 11-12). Some of the characteristics listed at the time of the plan have changed while many others have remained the same.

Future land use goals of the Eton Road Corridor Plan include recommendations for zoning policy that encourages a mix of uses in the corridor that are compatible with the adjacent single-family residential neighborhoods and discourages large scale commercial and industrial uses. The plan also recommends a southern gateway to provide an inviting entrance to the Rail District at the northeast corner of Eton Road and E. Lincoln Street. Currently the northeast corner involves a grassy park beside a single story office parcel which is adjacent to the vacant bus repair building under review.

Current Application:

While none of the properties located within the Rail District are currently within the Economic Development License boundaries identified in the Appendix C, Exhibit 1, the applicant asks that the City consider including 2159 E. Lincoln as a property that qualifies for an Economic Development license to promote activity and redevelopment in the Rail District.



In regards to the subject property, 2159 E. Lincoln Street is a former bus repair building for Birmingham Public Schools. It is currently a vacant single story cinder block structure surrounded by chain link fencing and razor wires. The parking lot surface is in disrepair and the building appears to be in need of maintenance and general repairs. To the east is a multi-tenant single story building composed of an auto-repair shop and an interior design store & warehouse. To the west is a single story office building currently occupied by Armstrong White. To the north is a former warehouse that has been repurposed for office use and a fitness studio.



The subject property at 2159 E. Lincoln is 0.80 acres with a single story structure that is 5,602 square feet in size. The assessed value for the property is currently \$182,740. Parcels below an assessed value of \$200,000 in this corridor are generally either surface parking lots serving the adjacent building, or small single story buildings on smaller lots as pictured below in red. New developments in the Rail District have predominantly been on the north side over the past 20 years and are generally assessed at values over \$1,000,000 as pictured in blue below.



The applicant has indicated that the cost of their endeavors cannot be supported by the restrictions attached to the Bistro License but they continue to pursue this location because they believe the City's vision for the Rail District suits the restaurant concept they are trying to achieve. The applicant believes their project will bring substantial improvements and an increase in assessed value to the property while increasing the vibrancy and quality of destinations in the southern portion of the Rail District. They would like to retain the original building envelope while making aesthetic improvements because it is their belief that a repurposed structure delivers something that is difficult to emulate in a new building. The applicant believes reviving an existing building will provide additional vibrancy and provide greater activation to the surrounding area. The justification for an Economic Development License would be that a restaurant of this nature would act as a growth catalyst for the surrounding corridor and activate the space by contributing to the goals of the Eton Road Corridor Plan by providing a mix of uses.

In addition, because allowing the use of an Economic Development license in the south end of the Rail District has the potential to stimulate investments in an area that has remained relatively stagnant since the adoption of the Eton Road Corridor Plan and the MX Zone, the Planning Board recommends an amendment to the map in Appendix C, Exhibit 1 of the Zoning Ordinance to include all properties in the south portion of the Rail District along Cole Street and E. Lincoln Street.

Suggested Action:

Based upon a review of the intent for an Economic Development License, the goals of the Eton Road Corridor Plan, and existing conditions of the southern portion of the Rail District, the Planning Board recommends the following to the City Commission:

1.) To amend Chapter 126, Zoning Ordinance Appendix C, Exhibit 1 Economic Development License Map to allow the use of an Economic Development License at 2159 E. Lincoln Street with an approved Special Land Use Permit.

OR

2.) To amend Chapter 126, Zoning Ordinance Appendix C, Exhibit 1 Economic Development License Map to allow the use of an Economic Development License at all properties along Cole Street and E. Lincoln Street in the southern portion of the Rail District.

AND

3.) To amend the Zoning Ordinance Chapter 126, Zoning Ordinance Article 2, Section 2.39 MX Uses Requiring a Special Land Use Permit to allow the operation of establishments operating with a liquor license obtained under Chapter 10, Alcoholic Liquors, Article II, Division 3, Licenses for Economic Development identified on Appendix C, Exhibit 1.

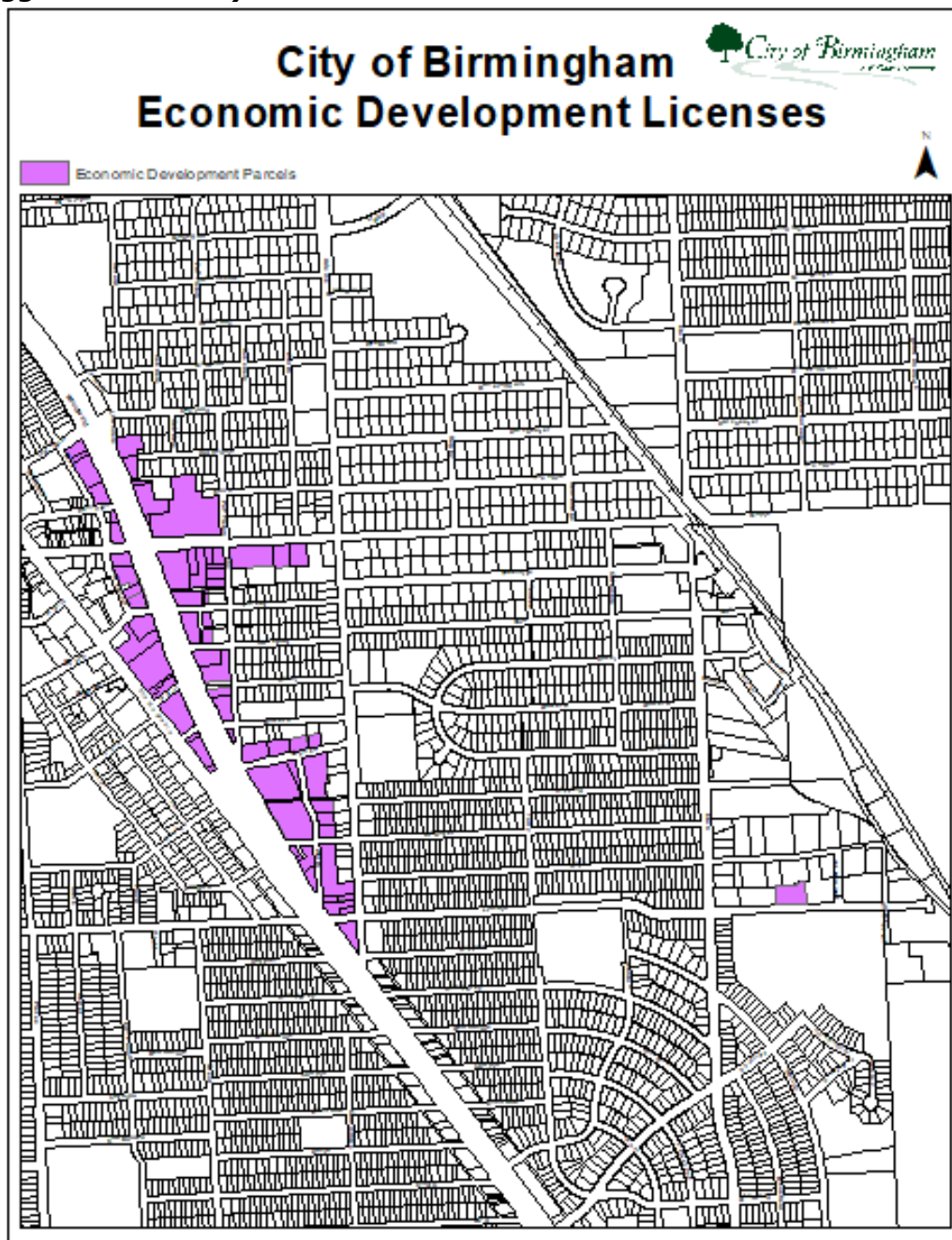
ORDINANCE NO. _____

THE CITY OF BIRMINGHAM ORDAINS:

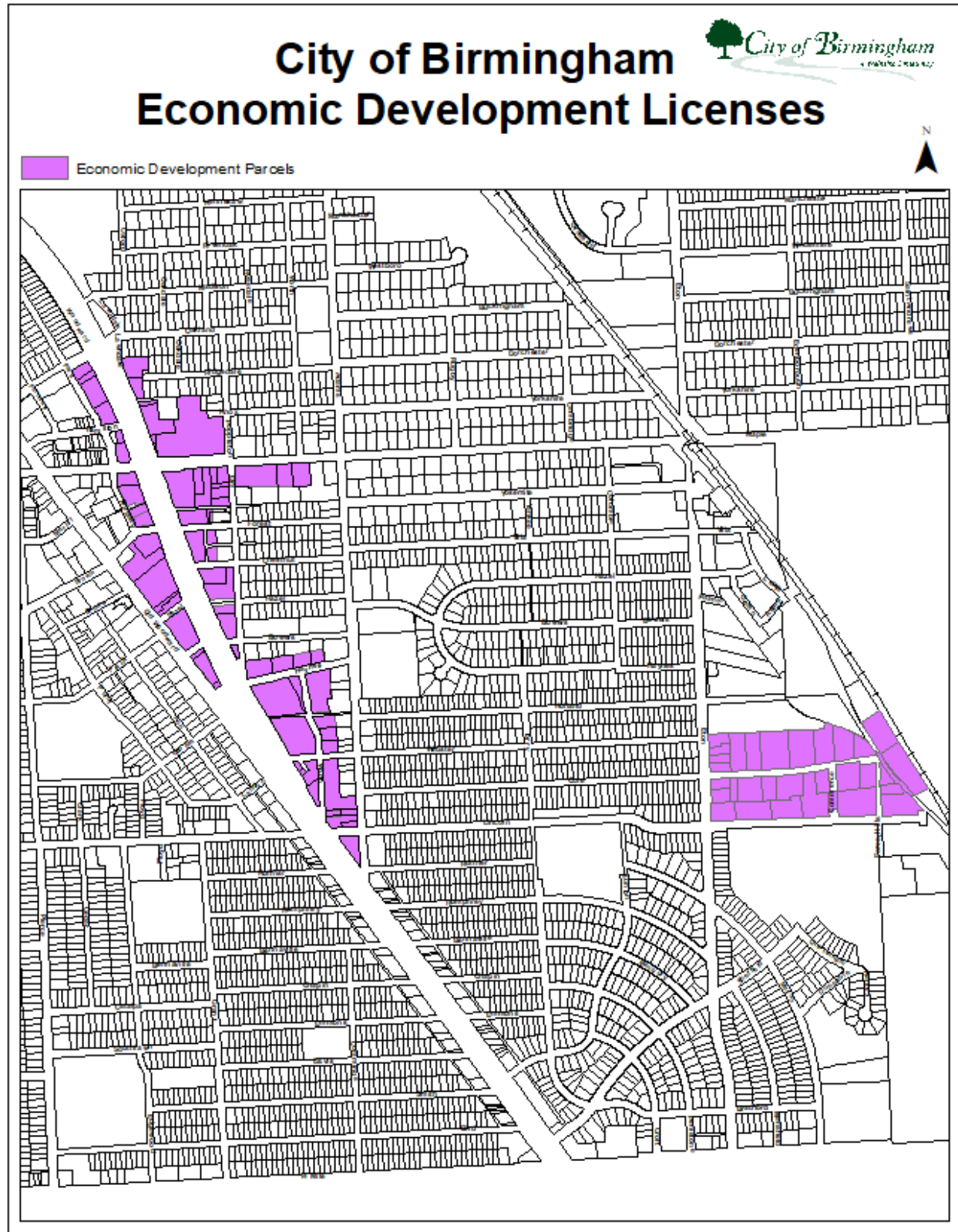
AN ORDINANCE TO AMEND CHAPTER 126, ZONING, OF THE CODE OF THE CITY OF BIRMINGHAM:

TO AMEND APPENDIX C, EXHIBIT 1, ECONOMIC DEVELOPMENT LICENSES MAP.

(Suggested Action 1)



(Suggested Action 2)



ORDAINED this _____ day of _____, 2019 to become effective 7 days after publication.

Patty Bordman, Mayor

Cheryl Arft, Acting City Clerk

ORDINANCE NO. _____

THE CITY OF BIRMINGHAM ORDAINS:

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

TO AMEND SECTION 2.39, MX (MIXED USE) DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES TO AMEND THE USES REQUIRING A SPECIAL LAND USE PERMIT.

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

Accessory Permitted Uses

- Alcoholic beverage sales*
- Dwelling – accessory*
- Garage – private
- Greenhouse – private
- Home occupation
- Loading facility – off street*
- Outdoor café*
- Outdoor sales or display of goods*
- Parking facility – off-street*
- Parking Structure*
- Renting of Rooms*
- Sign
- Swimming Pool - private

Uses Requiring a Special Land Use Permit

- alcoholic beverage sales (on-premise consumption)
- bistros operating with a liquor license granted under the authority of Chapter 10, Alcoholic Liquors, Division 4 – Bistro Licenses
- church
- college
- dwelling – first floor with frontage on Eton Road
- **establishments operating with a liquor license obtained under Chapter 10, Alcoholic Liquors, Article II, Division 3, Licenses for Economic Development identified on Exhibit 1; Appendix C**
- outdoor storage*
- parking structure (not accessory to principal use)
- religious institution
- school-private
- school-public
- residential use combined with a permitted nonresidential use with frontage on Eton Road

- any permitted principal use with a total floor area greater than 6,000 sq. ft.

Uses Requiring City Commission Approval

- assisted living
- continued care retirement community
- independent hospice facility
- independent senior living
- regulated uses*
- skilled nursing facility

ORDAINED this _____ day of _____, 2019 to become effective 7 days after publication.

Patty Bordman, Mayor

Cherilynn Mynsberge, City Clerk

**CITY OF BIRMINGHAM
REGULAR MEETING OF THE PLANNING BOARD
WEDNESDAY, SEPTEMBER 11, 2019**

City Commission Room
151 Martin Street, Birmingham, Michigan

Minutes of the regular meeting of the City of Birmingham Planning Board held on September 11, 2019. Chairman Scott Clein convened the meeting at 7:33 p.m.

A. ROLL CALL

Present: Chairman Scott Clein, Board Members Stuart Jeffares, Bert Koseck, Daniel Share, Janelle Whipple-Boyce, Bryan Williams; Alternate Board Member Jason Emerine; Student Representatives Sophia Trimble, John Utley

Absent: Board Member Robin Boyle; Alternate Board Member Nasseem Ramin

Administration: Jana Ecker, Planning Director
Brooks Cowan, City Planner
Laura Eichenhorn, Transcriptionist

09-139-19

G. Public Hearings

1. An ordinance to amend Chapter 126, Zoning, of the Code of the City of Birmingham:

To amend Appendix C, Exhibit 1 to include the property at **2159 E. Lincoln** as a property qualified for an Economic Development License (EDL);

2. **An ordinance to amend Chapter 126, Zoning, of the Code of the City of Birmingham:**

To amend **Article 2, Section 2.39, MX (Mixed Use) District**, to consider allowing 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 Rail District identified on Exhibit 1; Appendix C) with a valid Special Land Use Permit.

City Planner Cowan presented the item.

Mr. Williams said that consistent with the Commission's practice the Board should discuss an area, per the Planning Department's suggestion, and not a particular property.

Mr. Jeffares said EDLs are beneficial both through the revenue generated for the City by the license and through the development an EDL allows. He said he was in support of expanding where in the City an EDL could be granted for these reasons.

Mr. Share said he would be in support of expanding EDLs to the south portion of the Rail District along Cole, excluding the two parcels on the east side where there has recently been significant development since the goal of the EDLs is to promote new development.

In reply to Mr. Koseck, Planning Director Ecker stated the master planning team has suggested more effort could be put into the development of the lower Rail District. The team suggested that loosening the City's ordinances in the lower Rail District could be one way of spurring that development and encouraging more creative and varied uses of the area.

Chairman Clein noted that the question before the Board was whether to expand EDLs within the context of the City's current planning and ordinances. He said that while the discussion of the master planning team's potential recommendations were well taken, the master plan itself had not been delivered yet and the Board should be making this decision based on current conditions.

Planning Director Ecker told Mr. Williams that any restaurant developed in the lower Rail District would be required to meet the City's standard parking requirements.

Chairman Clein invited public comment.

Andrew Haigh said he was in support of the Board's inclination to expand the area in which EDLs could be granted, as opposed to adding a single parcel. He said he was concerned that EDLs do not include a limit on the number of seats either inside or outside of an establishment, especially in light of the City's efforts towards traffic calming in the area. He said residents of the area would be enthusiastic about appropriate development in the area, while noting they would also like to maintain the benefits gained from the City's traffic calming scheme.

Chairman Clein told Mr. Haigh that the City could influence the number of seats with a SLUP and that any EDL establishments would still be required to comply with building codes dictating the number of seats allowed in a building.

Katherine Aboud spoke as the owner of a business directly to the west of 2159 E. Lincoln. She said she was strongly in support of expanding the area in which EDLs can be granted, stating that development in the area would highly benefit her business and the area as a whole.

Motion by Mr. Williams

Seconded by Mr. Koseck to receive and file the emails from Alexis Catherine Pollock, Bryan Anderson and Alicia Birach in favor of the development at Lincoln Yard.

Motion carried, 7-0.

VOICE VOTE

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

Nays: None

Motion by Mr. Jeffares

Seconded by Mr. Koseck based upon a review of the intent for an Economic Development License, the goals of the Eton Road Corridor Plan, and existing conditions of the southern portion of the Rail District, the Planning Board recommends the following to the City Commission:

1.) To amend Chapter 126, Zoning Ordinance, Appendix C, Exhibit 1, Economic Development License Map to allow the potential use of an Economic Development License per suggested action #2 with an approved Special Land Use Permit.

2.) To amend Chapter 126, Zoning Ordinance, Article 2, Section 2.39 MX, Uses Requiring a Special Land Use Permit to allow the operation of establishments operating with a liquor license obtained under Chapter 10, Alcoholic Liquors, Article II, Division 3, Licenses for Economic Development identified on Exhibit 1; Appendix C.

Motion carried, 7-0.

VOICE VOTE

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

Nays: None

Planning Director Ecker confirmed that these suggested ordinance amendments and the SLUP and Final Site Plan Review for 2159 E. Lincoln would proceed to the Commission at the same time.

Re: Lincoln Yard Project

1 message

Jana Ecker <Jecker@bhamgov.org>

Wed, Aug 14, 2019 at 1:29 PM

To: Ryan Tate <ryan.c.tate@gmail.com>

Cc: Marci Hensley <marcihensley@hotmail.com>

Thank you both for your emails. I received them, and will pass your comments along at the Planning Board meeting tonight.

Jana Ecker

On Wed, Aug 14, 2019 at 10:02 AM Ryan Tate <ryan.c.tate@gmail.com> wrote:

Jana,

We know a committee meeting is happening today, so we wanted to pass along our support for the project before that meeting.

Thanks

Ryan Tate

Sent from my iPhone

On Aug 14, 2019, at 8:44 AM, Marci Hensley <marcihensley@hotmail.com> wrote:

Dear Jana,

We recently learned that the Vinsetta group has resurrected their plan to build out a new restaurant in the old school bus garage on Lincoln. We couldn't be more excited, especially after looking at the renderings! As frequent patrons of Big Rock, Whistle Stop, and Griffin Claw, we're looking forward to having another walkable dining spot in the neighborhood. I'm sure some in the community have concerns about traffic/parking – but having lived at the corner of Eton/Hazel for the past 5+ years, we have never found it to be an issue. The Rail District has so much potential, and businesses like Lincoln Yard (in our opinion) will help to make the area more desirable.

Thank You,

Marci Hensley & Ryan Tate

1999 Hazel St.

Birmingham

--

Jana L. Ecker

*Planning Director
City of Birmingham
248-530-1841*

Lincoln Yard

1 message

Alicia Birach <alicia.birach@gmail.com>
To: "Jecker@bhamgov.org" <Jecker@bhamgov.org>
Cc: Alexander Jerome <asjerome@gmail.com>

Wed, Sep 11, 2019 at 6:54 AM

Hello,

My husband and I live in the Rail District at [1845 Hazel Street, Birmingham, MI](#). We are writing in SUPPORT of Lincoln Yard. We have young children and believe this will be another family friendly restaurant in walking distance to our home. We frequently enjoy the other restaurants on Eton and Cole with our children (dinners at Griffin Claw and smoothies from Beyond Juice on our walks to the park). It is the walkability of this community and the easy access to amenities, including restaurants and shops, that make Birmingham unique and attractive to young families. It is why we live here as opposed to other more quiet, less trafficked, communities nearby.

Also, the group opening Lincoln Yard has a fantastic and established track record in Metro Detroit of opening well thought out, aesthetically pleasing, restaurants with exceptional food (plus this one also has a grab-n-go option which is desperately needed and lacking in this area... can't wait to grab a sandwich before walking to the park). I believe this is a perfect fit for our neighborhood that adds value to the residents of the Rail District. It would be a missed opportunity to not approve Lincoln Yard.

We are looking forward to welcoming them to the neighborhood and enjoying their services!

Sincerely,

Alicia Birach and Alexander Jerome
(248) 842-7432/(248) 417-6833

Lincoln Yard Support

1 message

Bryan Anderson <anderson1239@yahoo.com>

Wed, Sep 11, 2019 at 1:26 PM

To: jecker@bhamgov.org

Good Afternoon,

I live on Hazel St. two houses in from Eton St. I am in full support of Lincoln Yard coming into our neighborhood as we are in need of another bar and grill. We are regular patrons at both Big Rock and Griffin Claw, and we would truly enjoy an additional walking choice given the fact Big Rock and Griffin Claw are often full to capacity.

Thank you for your consideration.

Bryan Anderson

Lincoln Yard Restaurant Plan

1 message

Alexis Catherine Pollock <alexisp@umich.edu>

Wed, Sep 11, 2019 at 4:19 PM

To: Jana Ecker <Jecker@bhamgov.org>

Dear Jana:

I'm unable to attend this evening's meeting, but as a resident in the Rail District (on Hazel), I want to lend my voice of enthusiasm to the possibility of another fine establishment within walking distance.

Curt Catallo and Ann Stevenson consistently create restaurants with high quality food and service, and my neighbors on Hazel (many of whom you've heard from, or will) and I, who all frequently patronize The Whistle Stop, Griffin Claw and Big Rock, are so excited about having another casual, delicious, and creative dining experience available to us in our neighborhood.

Since our street has become a Permit Parking street, we have not been bothered at all by having the above restaurants near us. We are happy to have them as the good neighbors they are, and look forward to Lincoln Yard as yet another.

Thank you for your time.

Best,
-acp

Alexis C. Pollock | 1962 Hazel Street
English Tutor | Educational and Writing Consultant
Principal, ACP Educational Consulting, LLC
<http://acpeducation.com>
alexisp@umich.edu
248.703.8889



Jana Ecker
Planning Director
City of Birmingham
151 Martin Street
Birmingham, MI 48009

September 12, 2019

Dear Ms. Ecker & the Birmingham Planning Commission,

My name is Chris McCuiston, and I am the owner of Goldfish Swim School, located at 2388 Cole Street, Suite 101. I am writing on behalf of Union Joints regarding their plan to open the Lincoln Yard restaurant on Lincoln Street. As a local business owner, I am in full support of a company like Union Joints moving into our neighborhood. With their strong history of establishing high-quality, successful restaurants, I have no doubt that their addition to our community will benefit the surrounding businesses and the city of Birmingham as a whole. I would ask that you grant Union Joints and Lincoln Yard an economic development license to open their doors.

Sincerely,



Chris McCuiston

Owner
Goldfish Swim School, LLC



Jana Ecker <jecker@bhamgov.org>

Lincoln Yard

1 message

Rebecca Taylor <bekah1311@icloud.com>

Fri, Sep 13, 2019 at 9:12 PM

To: Jecker@bhamgov.org

Hi!

Just wanted to let our excitement about the possibility of the new restaurant addition to the rail district be known. We live at Hazel & Columbia and would love to have another restaurant in our area!!!

Rebecca Taylor BSN, RN, CPN

Residents supporting Lincoln Yard

1 message

Britt-Marie Fleury <dacbmo@gmail.com>

Tue, Sep 17, 2019 at 8:49 AM

To: Jecker@bhamgov.org

Cc: AAA ICE Todd Fleury ♥ <toddfleury1979@gmail.com>

Good morning,

Please accept this email as our support of the proposed Lincoln Yard restaurant on Lincoln Rd.

My husband's family has owned our property on Hazel Street for 20+ years and we rebuilt our new home here five years ago. We're raising our children here now and love the growth and development we've seen in just the last few years. We frequent Big Rock, Whistlestop and Griffin Claw on the very regular basis and love the idea of adding another restaurant to our neighborhood.

We have reviewed the proposal for Lincoln Yard and appreciate the group's vision for the restaurant. We particularly like that the owners are a VERY well established and knowledgeable restaurant group; this isn't a little start up that might make it- this is a well oiled machine that will only add to the appeal (and value) of the rail district we call home. We trust our city officials and the restaurant owners to make sure the details of street traffic, parking, noise, etc. are aligned with keeping the neighborhood safe and family-friendly.

We are very much in favor and support of Lincoln Yard opening. Thank you!

Kind regards,

Britt-Marie and Todd Fleury
1863 Hazel Street
313.218.5544

Sent from BMF's iPhone



Brooks Cowan <bcowan@bhamgov.org>

A note in support of a new Union Joints restaurant in Birmingham

1 message

Sarah Winkler <sarahwinkler@detroitpublictheatre.org>

Mon, Sep 23, 2019 at 10:56 PM

To: Jecker@bhamgov.org, bcowan@bhamgov.org

Dear Birmingham City Commission,

My name is Sarah Winkler and I live at [1000 Shirley Road](#) in Birmingham. I'm writing to express my enthusiastic support of the Lincoln Yard restaurant located at 2159 East Lincoln Street. I'm so very excited about the prospect of a Union Joints restaurant in the rail district. Not only are the Union Joints restaurants some my whole family's favorites in our area, but the proposed Birmingham location of their newest one will bring them right into our community and would be an amazing addition to our community. My family uses the park across the street regularly and the idea of having a restaurant to head to after ice skating, skateboarding, or a game in the park is just thrilling for me, my husband and our three children.

Thank you so much for your consideration! My family and so many people we know would enjoy this addition to our community more than I can say!.

Sincerely,

Sarah

--

Sarah Winkler

Producing Artistic Director

Detroit Public Theatre

Check out what the New York Times has to say about Detroit Public Theatre! - <https://mobile.nytimes.com/2017/10/25/theater/putting-detroits-finest-in-detroit-public-theater.html?referer=https://www.google.com/>

www.detroitpublictheatre.org

sarahwinkler@detroitpublictheatre.org

(313) 974-7918 office (917) 687-1165 mobile

facebook.com/detroitpublictheatre

Twitter: @DetPubTheatre

Instagram: DetPubTheatre

Lincoln Yard Restaurant

2 messages

Annie VanGelder <annievangelder@bbartcenter.org>

Mon, Oct 14, 2019 at 2:25 PM

To: Jecker@bhamgov.org

Dear Ms. Ecker,

I am writing a quick note to encourage the Planning Board to approve of the exciting opportunity to have Lincoln Yard in the Rail District.

I want to mention that both Curt Catallo and Ann Stevenson are true community partners - generous to the community they serve and Birmingham would greatly benefit having them as our "neighbors" . In addition, their reuse of old buildings is something that is unique and would add another flavor to the area not to mention their wonderful offerings that are unique at every venue.

Thank you for your consideration.

Best,
Annie

--

Annie VanGelder

President/CEO

Birmingham Bloomfield Art Center

248.644.0866 x 108

BBArtCenter.org

Jana Ecker <Jecker@bhamgov.org>

Mon, Oct 21, 2019 at 1:27 PM

Draft

[Quoted text hidden]

--

Jana L. Ecker

Planning Director

City of Birmingham

248-530-1841

DATE: October 18, 2019

TO: Joseph A. Valentine, City Manager

FROM: Jana Ecker, Planning Director

SUBJECT: Public Hearing for SLUP & Final Site Plan & Design Review– 2159 E. Lincoln – Lincoln Yard

INTRODUCTION:

The applicant, Bus Bar, LLC, is seeking a Special Land Use Permit (SLUP) for the use of an Economic Development Liquor License to engage in the sale and consumption of alcohol on premise and to occupy a building more than 6,000 square feet in the MX Zone. The applicant is proposing to operate Lincoln Yard restaurant, combined with a small carry out restaurant called Little Yard.

At this time, this subject property is not within the boundaries identified in Appendix C, Exhibit 1 of the Zoning Ordinance to qualify for an Economic Development Liquor License. However, the applicant has applied for a zoning amendment to have this property added to Appendix C, Exhibit 1, to allow 2159 E. Lincoln to qualify for the use of an Economic Development License, and for an amendment to allow the use of economic development licenses in the MX district with a Special Land Use Permit. These requests for zoning amendments will be presented to the City Commission prior to the public hearing to consider this SLUP request for Lincoln Yard at 2159 E. Lincoln.

BACKGROUND:

On August 14, 2019, the Planning Board reviewed the SLUP and corresponding site plan review, and after much discussion, voted unanimously to postpone the application to September 25, 2019. The purpose of this postponement was to allow the Planning Board to review and consider the proposed ordinance amendments to both Appendix C, Exhibit 1 of the Zoning Ordinance an amendment to Article 2, Section 2.39 to allow the use of economic development licenses in portions of the MX district as defined in Appendix C, Exhibit 1, with a Special Land Use Permit.

On September 25, 2019, the Planning Board reviewed the SLUP and corresponding site plan review, and voted 6-1 to recommend approval of both the SLUP and Final Site Plan & Design Review to permit the service of alcoholic liquor in the restaurant using an economic development license, in a building greater than 6000 square feet in size, to the City Commission for 2159 E. Lincoln, the Lincoln Yard, with the following conditions:

1. The applicant must obtain zoning amendment approval for 2159 E. Lincoln to be eligible for an Economic Development License according to Chapter 126, Zoning, Appendix C, Exhibit 1 and section 2.39 of the Zoning Code;
2. Applicant provide details regarding what type of liquor license they will transfer into

- the City, who owns it, where it was purchased from and if they are requesting endorsements attached to the liquor license;
3. Applicant provide a cross parking agreement that permits parking on 2125 E. Lincoln during all hours of operation for Little Yard and Lincoln Yard;
 4. The cross parking agreement be registered with the Oakland County Registrar of Deeds;
 5. The applicant will be in breach of their SLUP agreement if parking agreement is not intact;
 6. No changes to driveways or curb cuts may be approved without a SLUP amendment;
 7. The applicant indicates a color for the city standard benches and trash receptacles;
 8. The applicant provides window details demonstrating an 80% VLT or greater;
 9. The applicant provide location and design specifics for the outdoor dining refuse containers;
 10. The applicant provides details regarding the material, size and height of the signs, as well as how they are attached to the wall;
 11. The applicant provides an operations floor plan;
 12. The landscape zone south of the main entrance to the building be increased in width by reducing one parking space to the west of said landscape zone and increasing the parking lot to the east by one space to compensate to increase both the linkage to the pedestrian right of way and to increase safety; and
 13. The applicant shall meet with neighbors to the north to explore connectivity from Cole Street and report the results to City staff.

Please find attached the draft Planning Board minutes from August 14, 2019 and September 25, 2019 for your review. Please note that the applicant has complied with all of the above conditions noted by the Planning Board, with the exception of providing a cross parking agreement that permits parking on 2125 Lincoln during all hours of operation for Little Yard and Lincoln Yard, and the minimum 80% VLT for the new storefront glazing. The applicant is currently working with the property owner of 212 E. Lincoln to amend the terms of the cross parking agreement as requested by the Planning Board. With regards to the glazing requirements, the applicant has stated that they are unable to meet the 80% VLT standard, as doing so would render the building non-compliant with the Energy Code.

LEGAL REVIEW:

The City Attorney has reviewed the documentation and has no concerns.

FISCAL IMPACT:

Should the SLUP and Final Site Plan & Design be approved for the property at 2159 E. Lincoln, there will be an increase in tax revenue for the City as the assessed value for this property will significantly increase.

PUBLIC COMMUNICATIONS:

As required for combined SLUP and Final Site Plan and Design applications, a legal ad was placed in a newspaper of local circulation to advertise the SLUP request at 2159 E. Lincoln, both in advance of the August 14, 2019 meeting and again in advance of the September 25, 2019 Planning Board meeting. In addition, postcard notices were mailed to all property owners and occupants within 300 feet of the subject property, both in advance of the August 14, 2019 and again in advance of the September 25, 2019 Planning Board meeting. The applicant also placed a

notification sign on the property which is visible from the sidewalk and street as required. The City has received nine letters in support of the restaurant approval.

SUMMARY:

The applicant is seeking approval for a Special Land Use Permit (SLUP) and Final Site Plan & Design Review to allow Lincoln Yard to use an economic development liquor license at 2159 E. Lincoln to serve alcohol on premise and to occupy a building more than 6,000 square feet in size in the MX Zone.

ATTACHMENTS:

- SLUP Resolution
- Planning Board Minutes
- Updated Plans dated October 11, 2019
- Special Land Use Permit Application
- Supplemental Information added to Application dated October 11, 2019
- Planning Board Staff Report dated September 25, 2019
- Site Plans & Material Specification Sheets
- Letters from Residents

SUGGESTED RESOLUTION:

To approve a Special Land Use Permit and Final Site Plan and Design Review for Lincoln Yard at 2159 E. Lincoln to allow the use of an economic development liquor license to serve alcohol on premise and to occupy a building more than 6,000 square feet in size in the MX Zone.

**LINCOLN YARD
SPECIAL LAND USE PERMIT
2019**

WHEREAS, Lincoln Yard filed an application pursuant to Article 7, section 7.34 of Chapter 126, Zoning, of the City Code to operate a new restaurant serving alcoholic liquor with an economic development license in a building greater than 6000 square feet in size;

WHEREAS, The land for which the Special Land Use Permit is sought is located on the north side of E. Lincoln east of Commerce Street;

WHEREAS, The land is zoned MX, Mixed Use, and is located within the southern portion of the Rail District, which permits restaurants serving alcoholic liquor under an economic development license with a Special Land Use Permit;

WHEREAS, The land is zoned MX, Mixed Use, which permits restaurant use in buildings greater than 6000 square feet in size with a Special Land Use Permit;

WHEREAS, Article 7, section 7.34 of Chapter 126, Zoning requires a Special Land Use Permit 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, On September 25, 2019, the Planning Board reviewed the SLUP and corresponding site plan review, and voted 6-1 to recommend approval of both the SLUP and Final Site Plan & Design Review to permit the service of alcoholic liquor in the restaurant using an economic development license, in a building greater than 6000 square feet in size, to the City Commission for 2159 E. Lincoln, the Lincoln Yard, with the following conditions:

1. The applicant must obtain zoning amendment approval for 2159 E. Lincoln to be eligible for an Economic Development License according to Chapter 126, Zoning, Appendix C, Exhibit 1 and section 2.39 of the Zoning Code;
2. Applicant provide details regarding what type of liquor license they will transfer into the City, who owns it, where it was purchased from and if they are requesting endorsements attached to the liquor license;
3. Applicant provide a cross parking agreement that permits parking on 2125 E. Lincoln during all hours of operation for Little Yard and Lincoln Yard;
4. The cross parking agreement be registered with the Oakland County Registrar of Deeds;
5. The applicant will be in breach of their SLUP agreement if parking agreement is not intact;
6. No changes to driveways or curb cuts may be approved without a SLUP amendment;
7. The applicant indicates a color for the city standard benches and trash receptacles;
8. The applicant provides window details demonstrating an 80% VLT or greater;
9. The applicant provide location and design specifics for the outdoor dining refuse containers;

10. The applicant provides details regarding the material, size and height of the signs, as well as how they are attached to the wall;
11. The applicant provides an operations floor plan;
12. The landscape zone south of the main entrance to the building be increased in width by reducing one parking space to the west of said landscape zone and increasing the parking lot to the east by one space to compensate to increase both the linkage to the pedestrian right of way and to increase safety; and
13. The applicant shall meet with neighbors to the north to explore connectivity from Cole Street and report the results to City staff.

WHEREAS, The applicant has complied with all of the conditions noted by the Planning Board, with the exception of the minimum 80% VLT for the new storefront glazing, as doing so would render the building non-compliant with the Energy Code;

WHEREAS, The Birmingham City Commission has reviewed the Lincoln Yard Special Land Use Permit 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 Lincoln Yard's application for a Special Land Use Permit authorizing the service of alcoholic liquors using an economic development license at 2159 E. Lincoln in accordance with Chapter 10, Alcoholic Liquors, in a building greater than 6000 square feet in size, 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 is granted to allow the operation of Lincoln Yard at 2159 E. Lincoln with the following conditions:

1. The applicant must obtain zoning amendment approval for 2159 E. Lincoln to be eligible for an Economic Development License according to Chapter 126, Zoning, Appendix C, Exhibit 1 and section 2.39 of the Zoning Code;
2. Applicant provide details regarding what type of liquor license they will transfer into the City, who owns it, where it was purchased from and if they are requesting endorsements attached to the liquor license;
3. Applicant provide a cross parking agreement that permits parking on 2125 E. Lincoln during all hours of operation for Little Yard and Lincoln Yard;
4. The cross parking agreement be registered with the Oakland County Registrar of Deeds;
5. The applicant will be in breach of their SLUP agreement if parking agreement is not intact;
6. No changes to driveways or curb cuts may be approved without a SLUP amendment;
7. The applicant indicates a color for the city standard benches and trash receptacles;
8. The applicant provides window details demonstrating an 80% VLT or greater;
9. The applicant provide location and design specifics for the outdoor dining refuse containers;

10. The applicant provides details regarding the material, size and height of the signs, as well as how they are attached to the wall;
11. The applicant provides an operations floor plan;
12. The landscape zone south of the main entrance to the building be increased in width by reducing one parking space to the west of said landscape zone and increasing the parking lot to the east by one space to compensate to increase both the linkage to the pedestrian right of way and to increase safety;
13. The applicant shall meet with neighbors to the north to explore connectivity from Cole Street and report the results to City staff;
14. Lincoln Yard shall abide by all provisions of the Birmingham City Code; and
15. The Special Land Use Permit may be canceled by the City Commission upon finding that the continued use is not in the public interest including, but not limited to, violations of the state law or Birmingham City Code.

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, Lincoln Yard 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 Lincoln Yard to comply with all the ordinances of the city may result in the Commission revoking this Special Land Use Permit.

I, Cheryl Arft, 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 October 28, 2019.

Cheryl Arft, Acting City Clerk

Planning Board Minutes
August 14, 2019

F. Special Land Use Permit and Final Site Plan & Design Review

1. 2159 E. Lincoln – Lincoln Yard (Former Birmingham Schools Bus Garage)
– Special Land Use Permit Review and Final Site Plan & Design Review to consider a new restaurant serving alcohol under the economic development category of liquor license in the MX zoning district.

Mr. Williams left the meeting at 8:03 p.m. Ms. Ramin, previously in the audience, joined the Board at this time.

City Planner Cowan presented the item.

Curt Catallo, member of the applicant team, addressed the Board. He introduced the other members of the applicant team present, which included Jeffrey Klatt, architect for the project, Ann Stevenson, lead designer, Erich Lines, managing partner, and Tony Yurgo, project manager for Lincoln Yard.

Mr. Catallo stated that Lincoln Yard was before the Planning Board in 2017 to pursue a bistro license for the project. He explained two things became clear during that process: that the project would not work for a bistro, and that the project had a lot to offer Birmingham's vision for Rail District development. He said:

- The enthusiasm the project garnered from the community in 2017 inspired the applicant team to continue working to bring the project to Birmingham.
- The parking agreement between the applicant and Armstrong-White is still valid.
- Lincoln Yard's seating, revised since the 2017 submission, is now more appropriately scaled for indoor seating and patio outdoor seating. The prior plans were trying to make the building's parameters fit a bistro license, whereas now with a Class C license the project can be laid out more organically. Being aware that the City Commission would like to see more activation of the street, Mr. Catallo stated that the planned outdoor seating does just that.
- Outdoor seating will help to make the building, which has an otherwise plain exterior, more inviting.
- Little Yard would provide fast service and fresh food. It would have a bit of seating, a bit of alcohol service, and would share a kitchen with Lincoln Yard. It would benefit people around the neighborhood looking for a quick bite, including kids and adults visiting the nearby ice arena.
- The Lincoln Yard side would be table service and would open at 11 a.m. Little Yard may open prior to 11 a.m. with coffee and pastries.
- The tentative hours would be 6 a.m. to 8 p.m. for Little Yard, and Lincoln Yard would be

11 a.m. through midnight Monday through Wednesday, and 11 a.m. through 2 a.m. Thursday through Saturday. Lincoln Yard may open at 9 a.m. on Sundays for brunch service.

- Lincoln Yard would actually be paid for grease pick-up, as opposed to having to pay for grease pick-up, because vendors have uses for the used grease.

Mr. Jeffares said ~~that this proposal would stand to activate the Torry neighborhood area, which would be beneficial~~ **could be part of a neighborhood center as discussed during the master plan public meetings.**

Mr. Share said there must be ample warning to drivers looking to park at Lincoln Yard to be mindful of the pedestrian crossing near the building. He recommended adding a tint to the aggregate to emphasize the crossing.

Mr. Jeffares and Planning Director Ecker suggested raising the crosswalk a bit to resemble a speed table could also be beneficial.

Mr. Catallo shared enthusiasm for tinting the concrete of the crosswalk, and said he would be concerned about snowplows if the crosswalk were raised. He said they just poured tinted concrete at another site and have been pleased with the results. Mr. Catallo said he would bring a photo of the tinted concrete to his next meeting with the Planning Board.

Motion by Mr. Share

Seconded by Mr. Emerine to accept and file the August 14, 2019 email in support of the Lincoln Yards project from Ryan Tate and Marci Hensley of 1999 Hazel.

Motion carried, 7-0.

VOICE VOTE

Yeas: Share, Emerine, Whipple-Boyce, Ramin, Boyle, Clein,
Jeffares Nays: None

Chairman Clein said he was glad to see this project returning. He recommended Lincoln Yard talk to its neighbors to create community cohesion, and recommended Lincoln Yard be prepared to talk about the economic impact of the project in its application process for the economic development license.

Mr. Boyle said that whatever Lincoln Yard or the City could do to facilitate the removal of some of the fences along the block would likely help increase the business' foot traffic. He said it is currently difficult to navigate on foot due to the high number of fences.

Mr. Catallo concurred with Mr. Boyle, said his business had good relationships with its neighbors and would be interested in pursuing the removal of some of those fences.

Ms. Whipple-Boyce concurred with Mr. Boyle, saying she was glad the project was back and would be enthusiastic about increasing walkability in that area. She also said the design of the project, down to the furniture, was cool and innovative. She said she anticipated the design would bring

a lot of people out to check out the space and that she was excited to have the space in Birmingham.

Mr. Catallo said that Ms. Stevenson took advantage of the time since the application for the project to really develop the design further, and Mr. Catallo said the whole team is proud of the project's design.

Motion by Ms. Whipple-Boyce

Second by Mr. Boyle to postpone the applicant's request for Final Site Plan and a SLUP for 2159 E. Lincoln – Lincoln Yard, with the following conditions: 1. The applicant obtain approval for the subject property to qualify for an Economic Development Liquor License. 2. The applicant provides legal documentation from the owner of 2125 E. Lincoln Street for a shared parking agreement of 16 spaces. 3. The applicant provides façade glazing design and calculations that exceed 80% VLT and 70% of the building frontage between 1 to 8 feet measured from the ground. 4. The applicant provides specification sheets and layout for rooftop mechanical equipment; and 5. The applicant provides detailed signage information.

Motion carried, 7-0.

VOICE VOTE

Yeas: Whipple-Boyce, Boyle, Share, Emerine, Ramin, Clein, Jeffares

Nays: None

**Planning Board Minutes
September 25, 2019**

E. Special Land Use Permit and Final Site Plan & Design Review

1. 2159 E. Lincoln – Lincoln Yard (former bus garage) – Request for approval of a Special Land Use Permit and Final Site Plan and Design Review to renovate a vacant industrial building and operate two restaurants, Lincoln Yard and Little Yard utilizing an Economic Development license.

City Planner Cowan presented the item.

Planning Director Ecker told the Board the Commission would likely be setting a date for a public hearing at their October 7, 2019 meeting to determine whether this property would be included as part of the economic development district.

Motion by Ms. Whipple-Boyce

Seconded by Mr. Share to receive and file one email from Alicia Birach, dated September 11, 2019 and one email from Sarah Winkler, dated September 23, 2019, both in support of the Lincoln Yard restaurant site.

Motion carried, 7-0.

VOICE VOTE

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

Nays: None

Mr. Share noted that the Cross Access and Parking Easement Agreement must be updated to reflect the correct address of Lincoln Yard at 2125 E. Lincoln, Birmingham, Michigan instead of the incorrect 2525 E. Lincoln address provided. He also said the document the Board is not recorded, and that whatever is approved must be recorded so subsequent owners are bound.

Mr. Jeffares wondered whether the City might want there to be design consistency between the proposed on-site bicycle racks and benches and the bicycle racks and benches found elsewhere in the City. Mr. Jeffares also stated that if the project goes forward developers will have installed 22 City-standard lamp posts on one side of the street, and the City will have installed zero lamp posts on the other side of the street. Mr. Jeffares observed that the City has lowered its tax rate five years in a row while saying it does not have sufficient funds to perform these and similar installations.

Vice-Chairman Williams said it would be presumptive for the Board to recommend this site for an economic development license when the Commission has not decided how to proceed regarding a potential economic development district expansion. He said he was in favor of the project while not being in favor of the timing of the request. He stated he would not vote in favor of the proposal during the evening's meeting. Vice-Chairman Williams explained he was most in favor of considering the zoning issue for the area both separately and prior to considering the issue of a specific economic development license (EDL).

Vice-Chairman Williams invited the applicant to address the Board.

Curt Catallo of Union Joints addressed the Board and said he was present with Union Joints co-owner and lead designer Ann Stevenson, Eric Lyons, Matt Leone as lead project manager, Tony Yearego as project manager for the Lincoln Yard project, Jeff Klatt from Krieger Klatt, and Katherine Aboud from Armstrong White.

Mr. Catallo proceeded to thank City Planner Brooks and Planning Director Ecker for their work presenting the project to the Board. He then explained:

- In contrast with the project Union Joints proposed two years prior in Birmingham, this project is not seeking a bistro license.
- Typically if another developer were to come into the same space, they would propose tearing down a cinderblock building. Union Joints prefers to repurpose buildings and provide communities with a type of establishment the community does not already have.
- In response to concerns raised by Mr. Share and Vice-Chairman Williams regarding whether the proposed shared parking arrangements would provide adequate parking spaces during the day, that the hours the Armstrong White lot would have the most spaces available directly match Lincoln Yard's and Little Yard's needs. During lunch when there are more cars in the Armstrong White lot, only Little Yard will be open and it will be providing primarily grab and go service. When Lincoln Yard is open in the evenings for dinners, the Armstrong White lot will be entirely available for Lincoln Yard patrons.
- Union Joints emphasized solving potential parking issues at this site from the outset by choosing to develop in a very walkable area and by providing ample on-site parking.
- On site Little and Lincoln Yards have 42 times more spots than any restaurant Mr. Catallo could walk to from the City's municipal building at 151 Martin Street.
- It is appropriate for the parking lot availability to be reciprocal so that Armstrong White also has access to the Lincoln Yard lot, but Mr. Catallo does not anticipate that Armstrong White will generally utilize spaces in the Lincoln Yard lot.
- Union Joints anticipates many people will be walking or cycling to both Little and Lincoln Yards because designers at Armstrong White will be able to leave their cars in the Armstrong White and grab a quick meal, or people utilizing the ice rink or other local facilities would already be parked in the municipal lot.

City Planner Cowan summarized that there are 49 parking spaces on site at Lincoln Yards, nine parking spaces on street, and an additional 16 parking spaces through the proposed shared parking agreement with Armstrong White. The City requires that 65 parking spaces be available on-site.

Mr. Boyle cautioned the Board that concerns over a lack of seven parking spaces, in an area with extensive parking available, should not be the determining factor in the Board's decision regarding this proposed \$3 million development.

Planning Director Ecker explained that under City ordinance the Board would not deduct the Lincoln Yard spaces that may be reciprocally available to Armstrong White. All those spaces may remain part of the Lincoln Yard parking space total. She also reminded the Board that the City performed a parking study in the Rail District approximately two years ago and found 2,483 parking spaces at that time. She stressed that there is ample parking in the Rail District, and especially in the south end of the Rail District where Lincoln Yard is proposed.

Mr. Jeffares said:

- He drives through the area frequently and has never seen an overflow of cars parked in the area. He added that a few days prior to the present meeting he drove by the ice rink and noted there were no cars parked in the rink's lot.
- If the Board's concern is having sufficient parking available during the lunch hour during the week, when school is in session the entire ice rink parking lot is empty. When school is not in session, the City melts the ice and puts in six pickleball courts, which will also not fill up the ice rink's parking lot during the day.
- The Board received letters of support from people who live in the neighborhood of Lincoln Yard saying they would be inclined to walk to the establishment.
- The Rail District is the largest neighborhood in Birmingham in terms of density which means that walking to Lincoln Yard will be an attractive option for many members of the community.
- He agreed with Mr. Boyle, saying that to stymie this project over seven parking spaces would be a mistake on the Board's part.

Mr. Koseck broached the architecture of the site, asking whether there was a way to increase the feeling of this building being connected to the street and therefore more of a pedestrian dominant area. He said that since the building cannot be moved his approach would be to increase the connectivity through changes to the hardscape and landscape. He said he would make a more heavily greenscaped area by moving the landscaping forward and one parking space back in order to make a more pronounced entry for pedestrians.

Mr. Catallo agreed, saying Lincoln Yards could only benefit from making the changes Mr. Koseck was recommending.

Mr. Koseck continued, suggesting that the curb cut should be moved to align with the eastern-most drive aisle. He said he would do this to pull the driveway away from the pedestrian linkage which will also lead to cars slowing down. This would also provide Lincoln Yard's trash collectors a straight entrance to the establishment's dumpster instead of having to drive through the parking lot. He said he would like to see the pedestrian entryway emphasized more possibly with a bench and some lighting as well. Mr. Koseck said that would be an opportunity for Lincoln Yard to brand itself.

Mr. Catallo concurred, saying that Union Joints has made a number of changes since their first appearance in front of the Board with this project two years prior, but that there is more room to make changes to the layout of the parking lot.

In reply to Ms. Whipple-Boyce's question regarding meeting the 70% glazing requirement, Mr. Catallo explained:

- Lincoln Yards goes above the City's required glazing band but that it does not help the glazing calculations.
- The view from the street would include a lot of glazing that is not in the glazing calculation because it is a stand alone building. Observing that the City's glazing requirements are based off of storefronts, Mr. Catallo said the Lincoln Yards building stands in contrast to that since there is glazing at all four corners of the building.
- A driver would see incalculable glazing since they would see the glazing on the opposite side of the building which is not factored into the site's glazing requirements.
- Union Joints hopes their proposal satisfies the intention of the City's glazing requirement

by providing an open, airy feeling. When they looked at changing the glazing so that it matched the City's requirements without needing calculations of the side windows and the side doors, it ended up looking like an auto repair establishment instead of a restaurant.

- Ms. Stevenson has worked very hard to celebrate the original intent of the building, and Union Joints believes their proposal maintains the glassiness of the building even if it does not meet the glazing requirement.

Mr. Jeffares drew the Board's attention to the fact that the Board reviewed this project on August 14, 2019 and in 2017. He said that the Board is usually good about not perseverating on an issue they have reviewed multiple times before and that the bottom line is that this is an excellent project. He said changing the glazing would make the building less aesthetically appealing than the submitted plans, and that holding the plans up over seven parking spaces would ignore the abundant parking available in the area. Mr. Jeffares maintained that the Board should not get lost in the details to the detriment of the overall proposal. He allowed that there may be some minor tweaks that would benefit the project, but that overall the project is of exceptional benefit and value to the City.

Mr. Boyle agreed with Mr. Jeffares, adding only that during the August 14, 2019 review he was eager to enhance pedestrians' ability to access the site. He said that he walked by three Birmingham restaurants recently which he was able to access via alleyways. He said he would love to be able to walk from Cole Street to Lincoln Yard as well.

Mr. Catallo said Union Joints is passionate about increasing access to the Lincoln Yard, and would be interested in making the boundaries between Lincoln Yard and any of its neighbors more walkable should the neighbors be interested in doing that.

Mr. Boyle said that if pedestrian access is not discussed at the Board level then it often does not occur. He said he was very serious about the benefit to Lincoln Yards that would follow from better pedestrian access to and from Cole. Mr. Boyle also urged the City to help make this area more walkable.

Vice-Chairman Williams invited public comment.

Katherine Aboud of Armstrong White addressed Board Members' concerns regarding available parking spaces at Armstrong White. Noting Mr. Share observed a nearly full parking lot at Armstrong White earlier on September 25, 2019 and was concerned about space availability, Ms. Aboud clarified that Armstrong White did have an event that morning that led to unusually high parking lot utilization. Speaking as someone at Armstrong White every weekday and sometimes on weekends, Ms. Aboud stressed that the Armstrong White lot, and the area in general, has a great deal of available parking. She said there is not high density parking use in the area. She concluded by reiterating her enthusiasm for the Lincoln Yard project, and said she hoped the Board would move the project forward.

Mr. Share said he accepted Ms. Aboud's report of the parking situation in the area and that he did not now see a need for a parking study.

Motion by Mr. Share

Seconded by Mr. Boyle that based on a review of the plans submitted, as the Planning Board finds that all of the requirements of Article 7, Section 7.27 and Article 7, Section 7.34 have been met, the Planning Board recommends approval to the City Commission of the Special Land Use Permit for 2159 E. Lincoln – Lincoln Yard to the City Commission, with the following conditions:

- 1. The applicant obtain zoning amendment approval for the subject property to be eligible for an Economic Development Liquor License according to Chapter 126, Zoning Ordinance Appendix C, Exhibit 1, and Chapter 126, Zoning Ordinance Article 2, Section 2.39 MX Uses Requiring a Special Land Use Permit.**
- 2. The applicant provide details regarding what type of liquor license they will transfer into the City, who owns it, who it was purchased from, and whether or not they have endorsements attached to the liquor license.**
- 3. That the cross-parking agreement should allow cross parking during all hours the facilities are open.**
- 4. That the instrument recorded with the Oakland County Registrar of Deeds.**
- 5. That it be a breach of the SLUP if a parking agreement is not in effect.**
- 6. That the SLUP prohibit the relocation of ingress/egress drives without SLUP amendment.**

Motion carried, 6-1.

VOICE VOTE

Yeas: Share, Boyle, Whipple-Boyce, Ramin, Jeffares, Koseck

Nays: Williams

In reply to Vice-Chairman Williams, Mr. Koseck confirmed he would be comfortable with City staff approving enhancing the pedestrian entrance, increasing the landscaping, lighting and benches at the pedestrian entrance, and moving the ingress/egress to the east. He said staff should determine if moving the ingress/egress to the east can or cannot be done. He said he sees these as safety issues. Mr. Koseck also emphasized that he is enthusiastic about the project in general.

Mr. Emerine spoke as an engineer and a member of the public. He said that moving the entrance to the east would be safer for a shorter garbage truck, but not as safe for a longer delivery truck with a 40' trailer. He said shifting the entrance would make it impossible for the delivery trucks to access the loading docks. He noted that if a truck shows up in the late morning then it would be forced to make complicated maneuvers in order to use the lot while there are pedestrians walking to the restaurant. Mr. Emerine recommended shifting the entrance over so it lines up with the 21' radius to make the entrance line up north and south or staggering the curb to make a bit more room for the truck's end. He said he was more concerned about trucks hitting pedestrians than slow cars.

In reply to Ms. Whipple-Boyce, Mr. Emerine said he agreed that the safety of the left-hand turn into the lot should be fine since cars will be driving very slow in making the turn and looking for a space.

In reply to Vice-Chairman Williams, Mr. Emerine confirmed Union Joints could consider signage that indicates pedestrians will be crossing or any other number of enhancements to increase the safety of the area.

Motion by Mr. Koseck

Seconded by Mr. Boyle that based on a review of the plans submitted, as the Planning Board finds that all of the requirements of Article 7, Section 7.27 and Article 7, Section 7.34 have been met, the Planning Board recommends approval to the City Commission of the Final Site Plan and Design Review for 2159 E. Lincoln – Lincoln Yard to the City Commission, with the following conditions:

- 1. The applicant obtain zoning amendment approval for the subject property to be eligible for an Economic Development Liquor License according to Chapter 126, Zoning Ordinance Appendix C, Exhibit 1, and Chapter 126, Zoning Ordinance Article 2, Section 2.39 MX Uses Requiring a Special Land Use Permit.**
- 2. The applicant indicates a color for the city standard benches and trash receptacles.**
- 3. The applicant provides window details demonstrating an 80% VLT or greater.**
- 4. The applicant provide location and design specifics for the outdoor dining refuse containers.**
- 5. The applicant provides details regarding the material, size and height of the signs, as well as how they are attached to the wall.**
- 6. The applicant provides an operations floor plan.**
- 7. The applicant provide details regarding what type of liquor license they will transfer into the City, who owns it, who it was purchased from, and whether or not they have endorsements attached to the liquor license.**
- 8. The landscape zone south of the main entrance to the building be increased in width by reducing one parking space to the west of said landscape zone and increasing the parking lot to the east by one space to compensate to increase both the linkage to the pedestrian right of way and to increase safety.**
- 9. The applicant shall meet with adjacent property owners to explore pedestrian access on the north side of the proposed restaurant and report the results to City staff.**

Motion carried, 6-1.

VOICE VOTE

Yeas: Koseck, Boyle, Share, Whipple-Boyce, Ramin, Jeffares

Nays: Williams



A street map of the area around the proposed site. The map shows a grid of streets including S. Adams Rd., E. Lincoln St., S. Ruffner Ave., S. Humphrey Ave., S. Bennaville Ave., S. Chapin Ave., S. Emmons Ave., S. Davis Ave., S. Smith Ave., S. Bird Ave., Cole St., E. Lincoln St., Troy St., Tawnton Rd., Banbury Ave., S. Eton St., S. Ely Rd., S. Sheffield Rd., S. Bradford Rd., S. Mansfield Rd., S. Melton Rd., S. Durable St., and Fourteen Mile Road. A brown rectangular area labeled 'SITE' is located at the intersection of S. Ruffner Ave. and S. Eton St. A north arrow is also present.

The above setback & height requirements were obtained from the City of Birmingham Zoning Ordinance.

GRAPHIC SCALE 1"=20'

Kevin Navaroli, P.S.
No 53503
Dated: 10-17-2012
Rev. 10-18-2012



10-17-2012 ORIGINAL SURVEY
10-18-2012 REV. PARCELS

NFE JOB NO

SHEET NO.

Architectural Site / Landscape Plan
1" = 20'-0"

Union Joints
90 N. Main St.
Clarkston, MI 48346

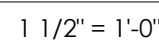
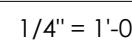
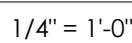
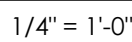
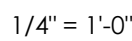
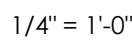
Lincoln Yard
2159 E. Lincoln Ave.
Birmingham, MI 48009

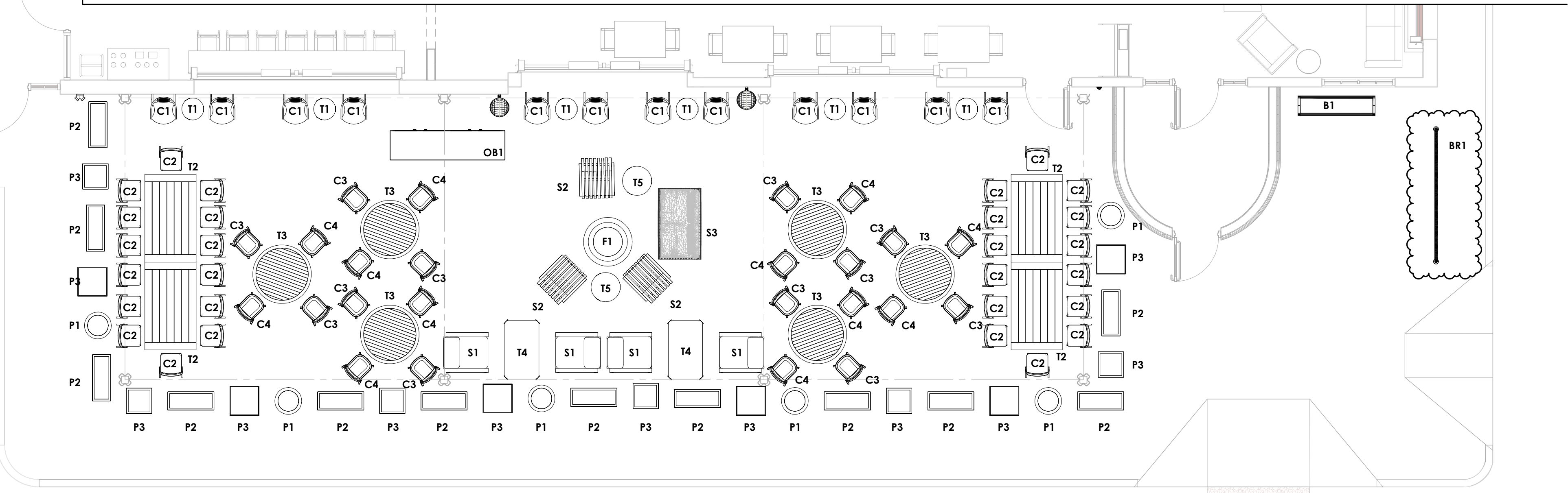
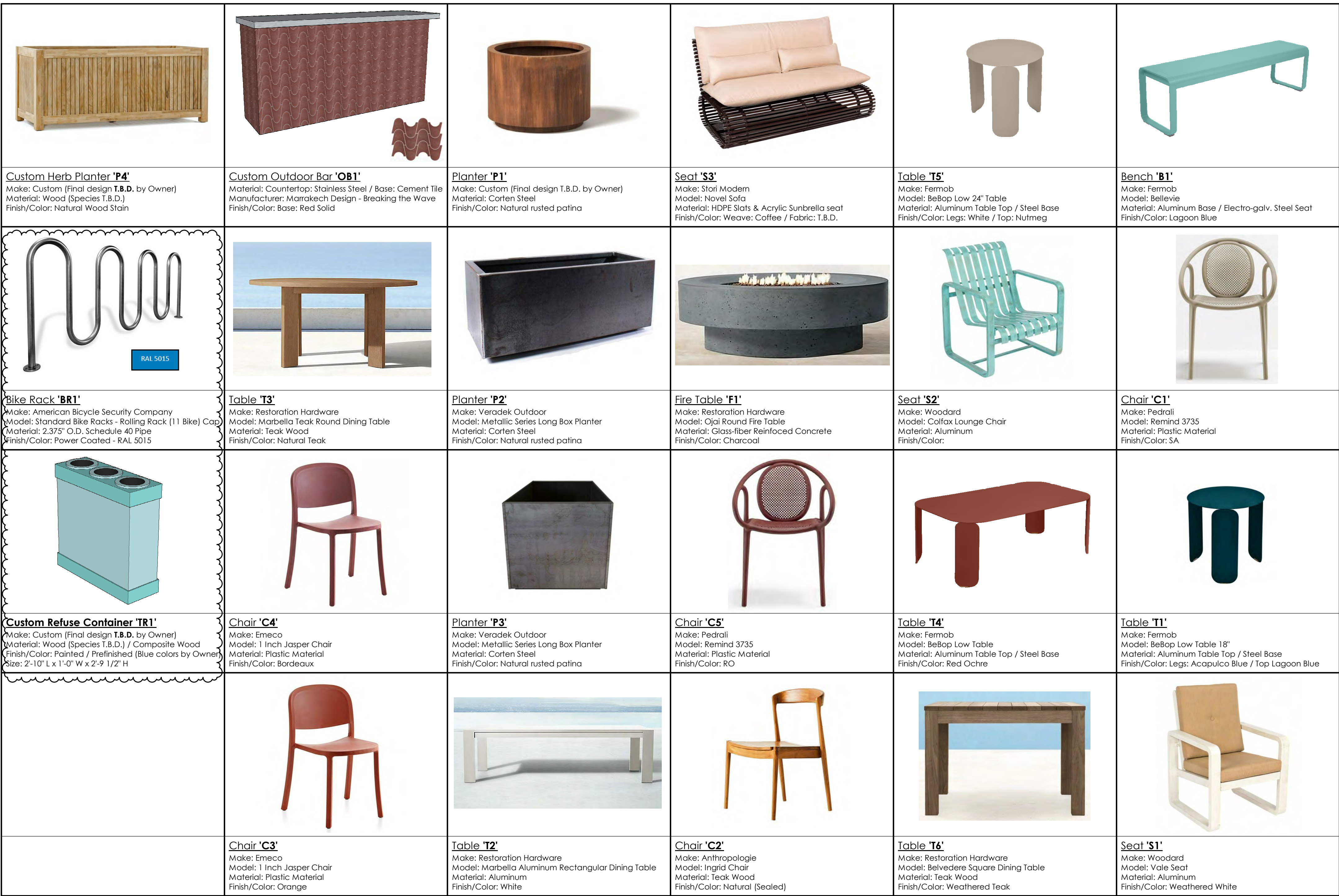
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Do not scale drawings. Use
calculated dimensions only.
Verify existing conditions in field.

19-064

C.101

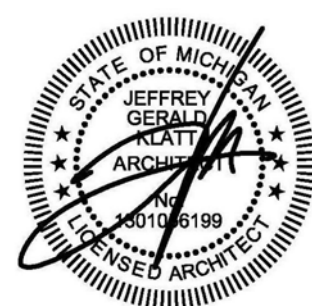




Outdoor Furniture Plan

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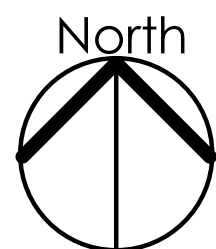
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Note:

Do not scale drawings. Use
calculated dimensions only.
Verify existing conditions in field.

North Arrow:












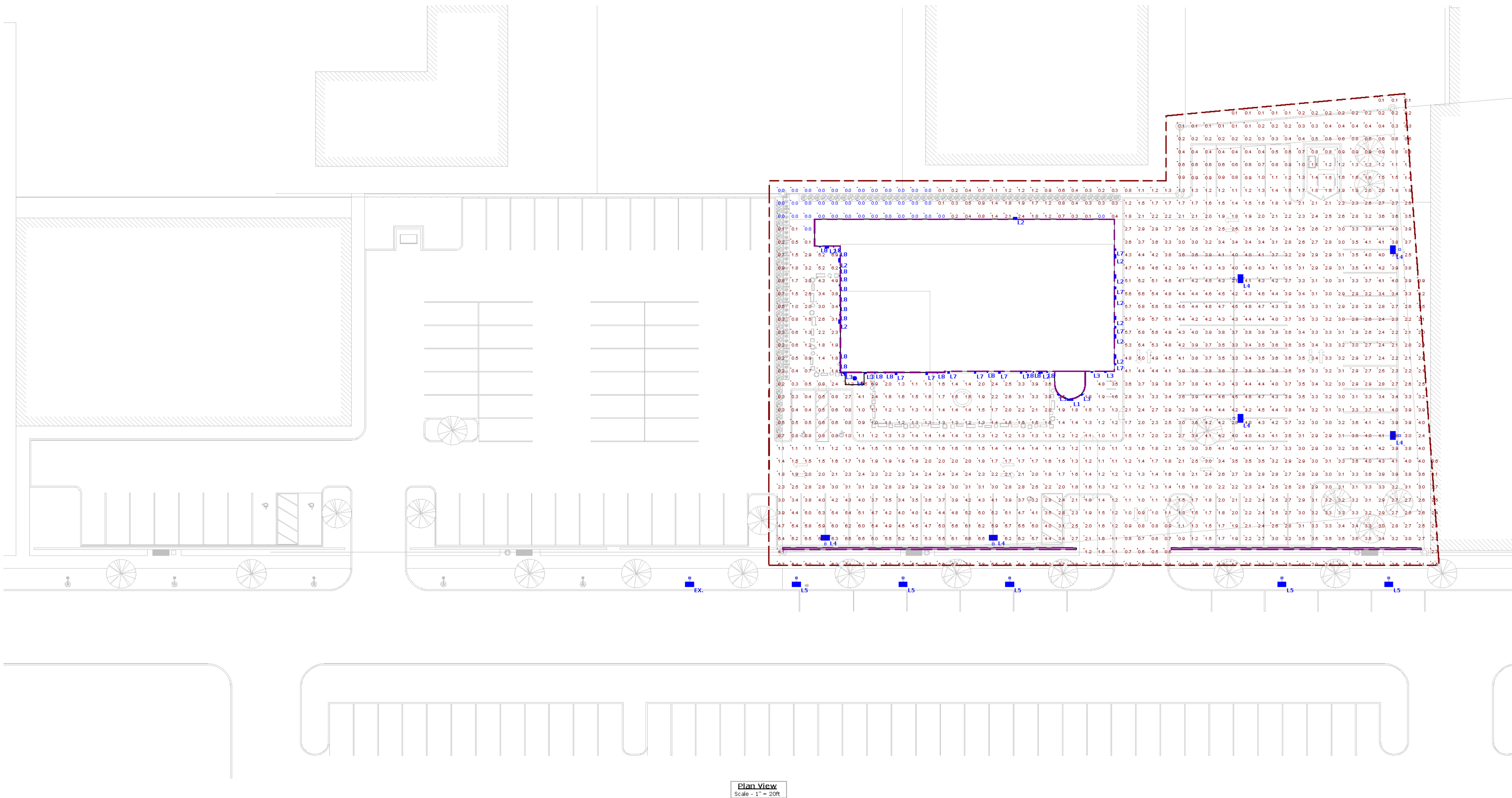
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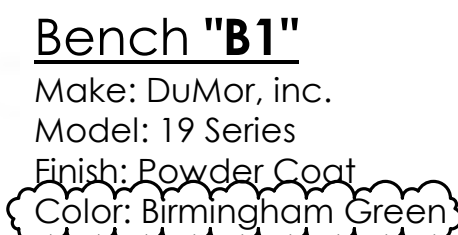
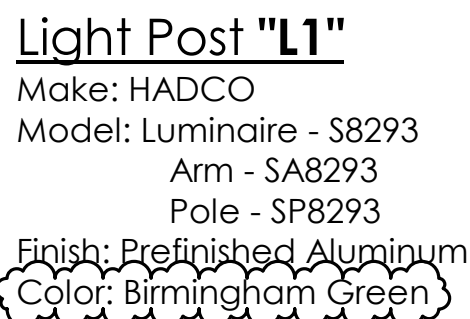
Project Number:
19-064

Sheet Number:
C.103

Statistics						
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PARKING	+	3.2 fc	6.3 fc	0.4 fc	15.8:1	8.0:1
SITE AT 6'	+	2.8 fc	15.6 fc	0.0 fc	N/A	N/A
SITE AT GROUND LEVEL	+	2.6 fc	15.5 fc	0.0 fc	N/A	N/A

Schedule										
Symbol	Label	Quantity	Manufacturer	Catalog Number	Description	Lamp	Number Lamps	Lumens Per Lamp	Light Loss Factor	Wattage
	L1	1	LIGHTLOGY	HIN820523	FOUNDRY OUTDOOR 16inch DOME SHADE HOOK ARM WALL LIGHT	100W INCANDESCENT/LED EQUIVALENT	1	1503	0.8	13.3
	L2	11	LIGHTLOGY	HIN820503	FOUNDRY OUTDOOR 12inch DOME SHADE HOOK ARM WALL LIGHT	LED	1	1503	0.7	13.3
	L3	6	LIGHTLOGY	CRY592002	CAPSULE OUTDOOR WALL LIGHT	43W INCANDESCENT/LED EQUIVALENT	1	491	0.8	14.3
	L4	6	Lithonia Lighting	DSX0 LED P6 40K TSM MVOLT	DSX0 LED P6 40K TSM MVOLT MOUNTING HEIGHT: 16FT.	LED	1	16575	0.8	134
	L5	5	HADCO		HADCO CITY STREET POLE MOUNTING HEIGHT: 12FT.	100W HPS	1	9410	0.8	72
	L6	1	Lithonia Lighting	LDN6 35/15 LOGAR LD	6IN LDN, 3500K, 1500LM, 80CRI, CLEAR, MATTE DIFFUSE REFLECTOR	LED	1	1365	0.8	20.48
	L7	10	GUZZINI		SPACE AGE GREEN VINTAGE OUTDOOR PLASTIC GLOBE WALL LAMPS BY GUZZINI, 1970S ITALY (E27 SOCKET)	60W INCANDESCENT/LED EQUIVALENT	1	522	0.8	8.93
	L8	19	BOCCI	14S/SP	SURFACE MOUNTED, 2.2" MOUNTING PLATE OR 4.5" PAINTABLE MOUNTING PLATE	LED	1	87	0.45	3
	EX.	1	HADCO		EXISTING STREET POLE	100W HPS	1	9410	0.8	72





[illegible]

Seal: _____



Note:

Do not scale drawings. Use
calculated dimensions only.
Verify existing conditions in field.

North Arrow:

Sheet Title:

Existing Site &
Building
Photographs

Project Number: 19-064

Sheet Number:
C.105



Client:
Union Joists
90 N. Main St.
Clarkston, MI 48346

Project:
Lincoln Yard
2159 E. Lincoln Ave.
Birmingham, MI 48009

[illegible]

Seal: _____



Note:

Do not scale drawings. Use
calculated dimensions only.
Verify existing conditions in field

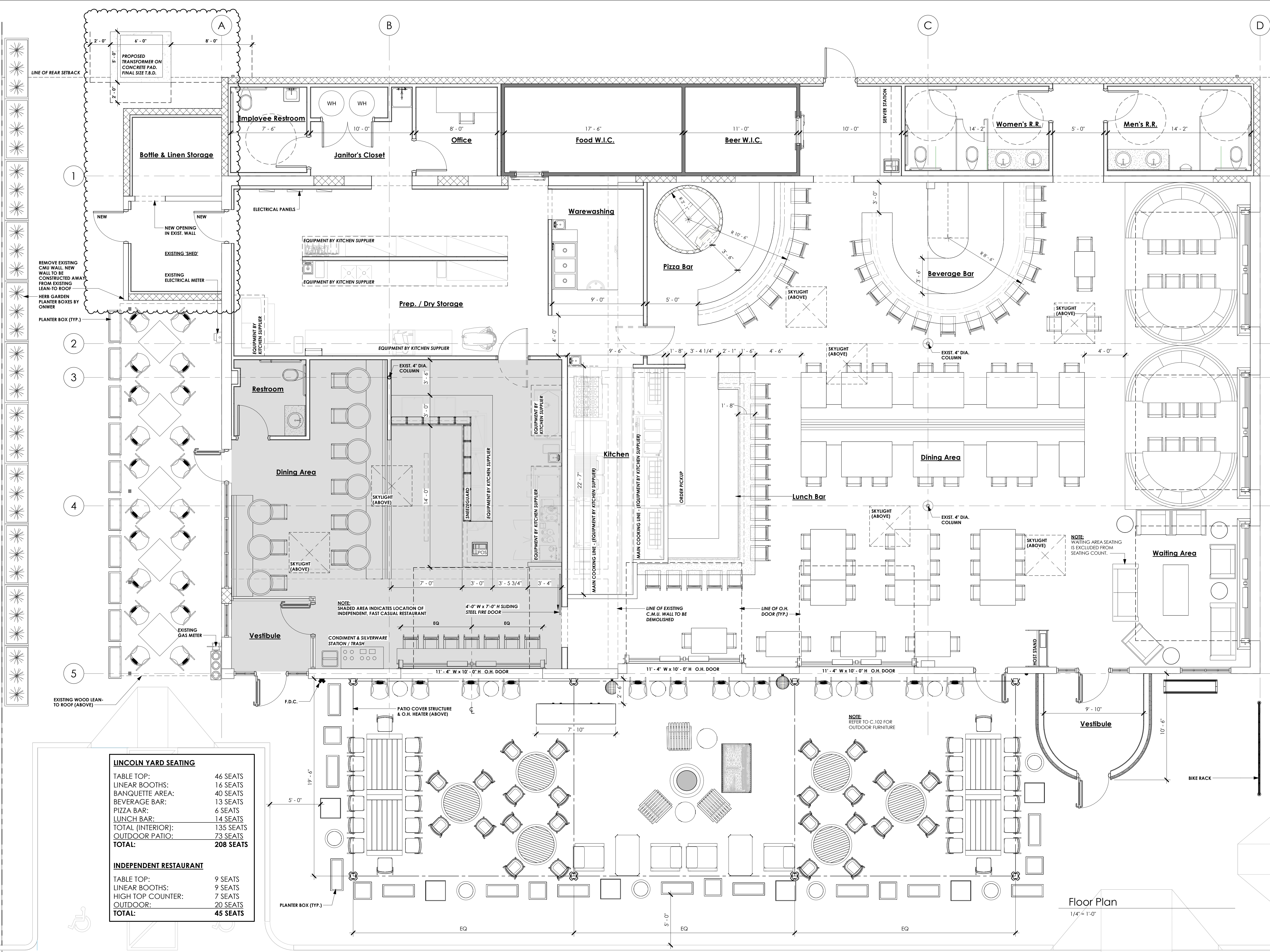
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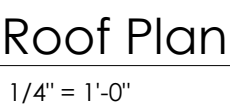
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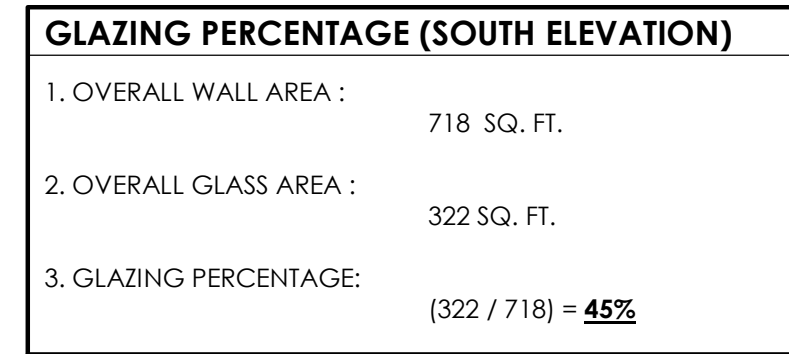
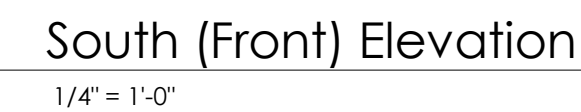
Existing
Surrounding Site
Photographs

Project Number:
19-064


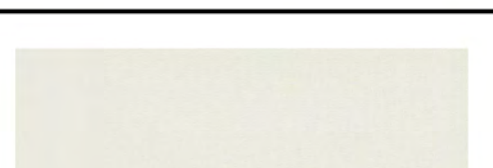

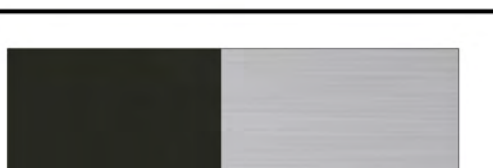

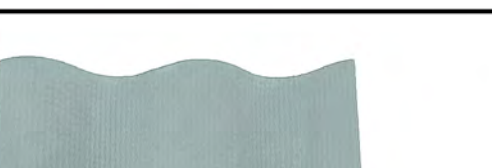
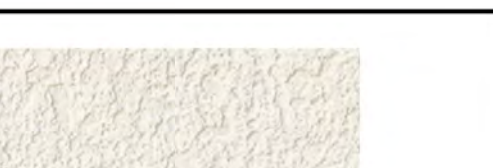
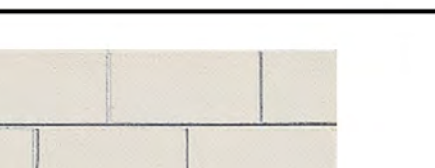
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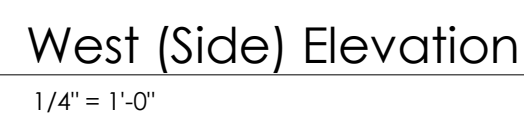
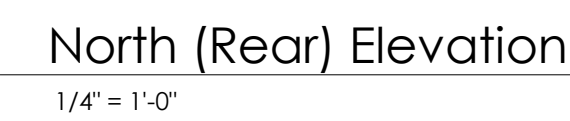






East (Side) Elevation
1/4" = 1'-0"

							
<p>Roof Panel 'M-8'</p> <p>Make: Suntuf</p> <p>Model: 26" x 6' Polycarbonate Roof Panel</p> <p>Material: Corrugated Polycarbonate</p> <p>Finish/Color: Sea Green</p>	<p>Patio Cover 'M-7'</p> <p>Make: Sunbrella</p> <p>Model: Sunbrella Shade Collection</p> <p>Material: Sunbrella Acrylic</p> <p>Finish/Color: Natural Plus</p>	<p>Prefinished Aluminum 'M-6'</p> <p>Make: Overhead Doors, Window Frames/Mullions</p> <p>Model: T.B.D.</p> <p>Material: Prefinished Aluminum</p> <p>Finish/Color: Red Oxide</p>	<p>Prefinished Aluminum 'M-5'</p> <p>Make: Doors</p> <p>Model: T.B.D.</p> <p>Material: Prefinished Aluminum</p> <p>Finish/Color: Doors-Black & Door Frames-Clear Anodized</p>	<p>Corrugated Metal Panel 'M-4'</p> <p>Make: T.B.D.</p> <p>Model: T.B.D.</p> <p>Material: Corrugated Metal Panel</p> <p>Finish/Color: Paint - Reflecting Pool (SW 6486)</p>	<p>Fiber Cement Board 'M-3'</p> <p>Make: Foundry Service & Supplies</p> <p>Model: Cembrit C5</p> <p>Material: Fiber Cement Board</p> <p>Finish/Color: Paint - Aquaverde (SW 9051)</p>	<p>Plaster 'M-2'</p> <p>Make: T.B.D.</p> <p>Model: T.B.D.</p> <p>Material: Plaster</p> <p>Finish/Color: Paint - Roman Column (SW 7562)</p>	<p>Concrete Masonry Unit 'M-1'</p> <p>Make: Existing to remain & new to match existing</p> <p>Model: Existing to remain</p> <p>Material: Concrete Masonry Unit</p> <p>Finish/Color: Paint - Roman Column & Danube (Accent)</p>

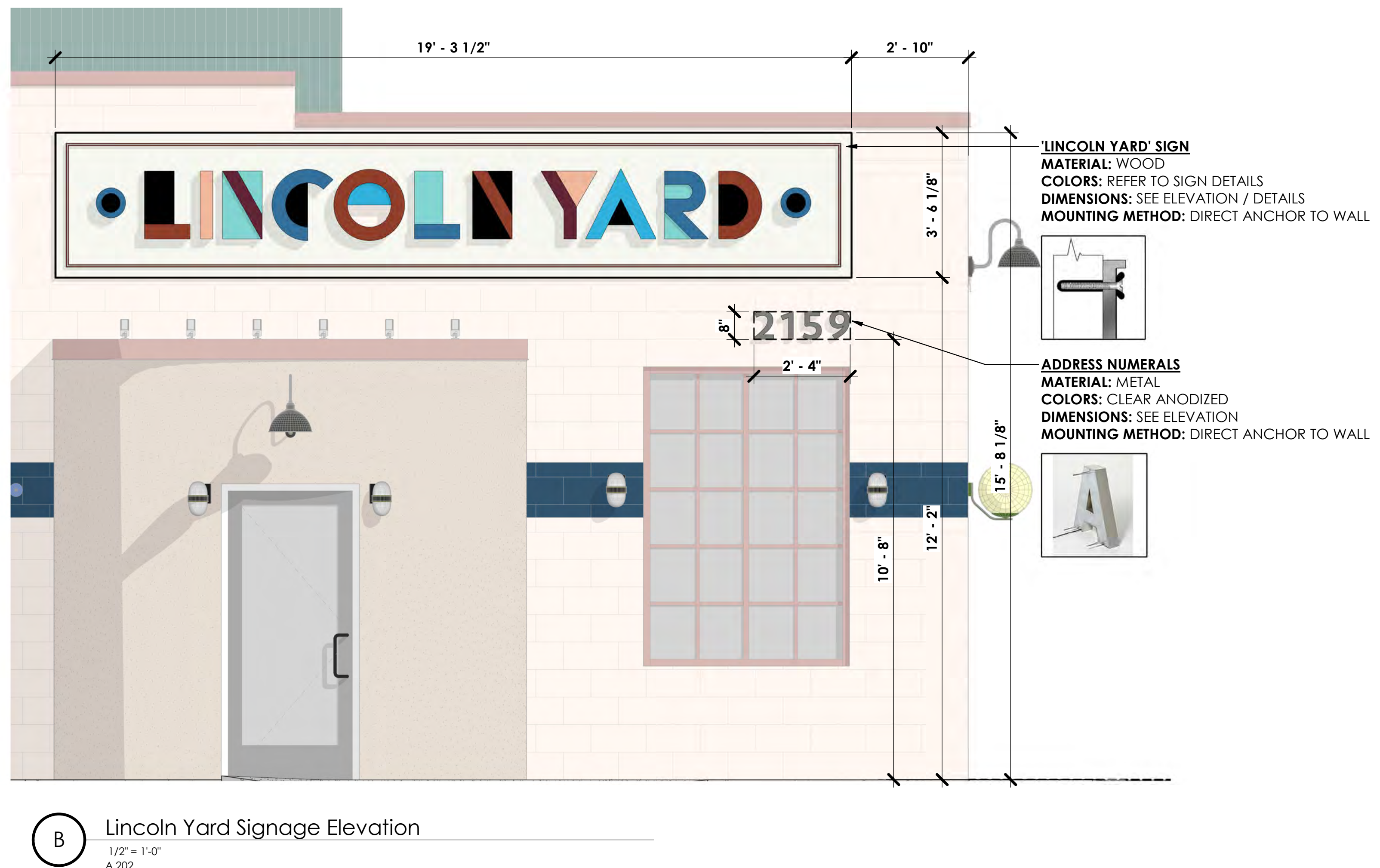


NOTE: FIXTURES L4 & L5 ARE NOT IDENTIFIED ON ELEVATIONS. REFER TO SITE LIGHTING PHOTOMETRIC PLAN.

NOTE: FIXTURES L10 & L11 ARE INTENDED FOR SIGNAGE LIGHTING. FINAL FIXTURE SELECTIONS FOR SIGNAGE LIGHTING MAY VARY.

Sheet Title: _____
Signage
Elevations

Sheet Number: A.202



Client:

Union Joints
90 N. Main St.
Clarkston, MI 48346

Project:

Lincoln Yard
2159 E. Lincoln Ave.
Birmingham, MI 48009

[illegible]

Seal:



Note:

Do not scale drawings. Use
calculated dimensions only.
Verify existing conditions in field.

North Arrow:

Sheet Title:

Exterior Renderings

Project Number:

19-064

Sheet Number:

A.300



View of Lincoln Yard main entrance and patio



View of future independent restaurant entrance



View from E. Lincoln Ave.



Bird's eye view from the West



Special Land Use Permit Application – Economic Development License
Planning Division

Form will not be processed until it is completely filled out.

1. Applicant

Name: Bus Bar LLC
Address: 90 N. Main Street, Clarkston, MI 48346
Phone Number: 248.795.2483
Fax Number: 248.795.2549
Email address: thakady@unionadworks.com

2. Property Owner

Name: 2159 E. Lincoln LLC
Address: 90 N. Main Street, Clarkston, MI 48346
Phone Number: 248.795.2483
Fax Number: 248.795.2549
Email address: thakady@unionadworks.com

3. Applicant's Attorney/Contact Person

Name: Neil Wallace
Address: 39 S. Main Street, #20
Clarkston, MI 48346
Phone Number: 248.625.1800
Fax Number: 248.620.7477
Email address: Newall@aol.com

4. Project Designer/Developer

Name: Krieger Klatt Architects (Contact: Jeff Klatt, R.A.)
Address: 2120 E. 11 Mile Rd. Royal Oak, MI 48067
Phone Number: 248.414.9270
Fax Number: 248.414.9275
Email address: jeff@kriegerklatt.com

5. Required Attachments

- I. Two (2) paper copies and one (1) digital copy of all project plans including:
 - i. A detailed Existing Conditions Plan including the subject site in its entirety, including all property lines, buildings, structures, curb cuts, sidewalks, drives, ramps and all parking on site and on the street(s) adjacent to the site, and must show the same detail for all adjacent properties within 200 ft. of the subject sites property lines;
 - ii. A detailed and scaled Site Plan depicting accurately and in detail the proposed construction, alteration or repair;
 - iii. A certified Land Survey;
 - iv. Interior floor plans;
 - v. A Landscape Plan;
 - vi. A Photometric Plan;
 - vii. Colored elevation drawings for each building elevation;
- II. Specification sheets for all proposed materials, light fixtures and mechanical equipment;
- III. Samples of all proposed materials;
- IV. Photographs of existing conditions on the site including all structures, parking areas, landscaping and adjacent structures;
- V. Current aerial photographs of the site and surrounding properties;
- VI. Warranty Deed, or Consent of Property Owner if the applicant is not the owner;
- VII. Any other data requested by the Planning Board, Planning Department, or other City Departments.

6. Project Information

Address/Location of the property: 2159 E. Lincoln, Birmingham, MI 48009

Name of development: Lincoln Yard
Sidwell #: Part of 20-31-401-006
Current Use: Unoccupied (Past Use: F-1)
Proposed Use: Restaurant (Assembly A-2)
Area of Site in Acres: 0.81 acres
Current zoning: MX (Mixed Use)
Is the property located in the floodplain? no
Name of Historic District Site is Located in: n/a
Date of Historic District Commission Approval: n/a

Date of Application for Preliminary Site Plan: n/a
Date of Preliminary Site Plan Approval: n/a
Date of Application for Final Site Plan: n/a
Date of Final Site Plan Approval: T.B.D.
Date of Application for Revised Final Site Plan: n/a
Date of Revised Final Site Plan Approval: n/a
Date of Design Review Board Approval: n/a
Is there a current SLUP in effect for this site? no
Date of Application for SLUP: 07.22.2019
Date of SLUP Approval: T.B.D.
Date of Last SLUP Amendment: n/a

7. Details of the Proposed Development (attach separate sheet if necessary)

Renovation to convert existing, single story, 5,175 SF building into a new restaurant (112 SF will be demolished). An additional 1,104 SF building addition is proposed at the rear (North) side of the building as well as a 109 SF building addition at the front (South) street side of the building. The total proposed building footprint will be 6,276 SF. The new restaurant (Lincoln Yard) will occupy 5,204 SF of the building. There is an outdoor patio area at grade level in the front (South) yard. The remainder of the interior space will be used for an independent, fast casual restaurant. This restaurant will contain 1,072 SF and will share a kitchen with Lincoln Yard. This independent restaurant will contain an outdoor patio area at grade level in the side (West) yard. The remainder of the site will be utilized for required parking and green space.

8. Buildings and Structures

Number of Buildings on Site: 1
Height of Buildings & # of Stories: 17'-2" +/- (existing to remain) & 1 Story

Use of Buildings: Restaurant
Height of Rooftop Mechanical Equipment: TBD (to comply w/ordinance)

9. Floor Use and Area (in Square Feet)

Structures:

Restaurant Space: 5,204 SF (Lincoln Yard); 1,072 SF (Independent Restaurant)
Office Space: n/a
Retail Space: n/a

Number of Residential Units: n/a
Rental or Condominium? n/a
Total Floor Area: 6,276 SF

10. Proposed Restaurant Operation

Number of Indoor Seats: 135 (Lincoln Yard); 25 (Independent Restaurant)
Number of Outdoor Seats: 73 (Lincoln Yard); 20 (Independent Restaurant)
Entertainment Proposed: no
Previous LCC Complaints? no
Number of Tables along Street Façade: 10 (Formal dining tables)
Type of Cuisine: Elevated American Comfort Food

Bar Area? yes
Number of Seats at Bar: 13
Full Service Kitchen? yes
Percentage of Glazing Proposed: 14% (building overall)
Years of Experience in Birmingham: none
Years of Experience Outside Birmingham: 24 years

11. Proposed Setbacks

Required Front Setback: 0
Required Rear Setback: 10.0'
Required Total Side Setback: 0

Proposed Front Setback: 59.4'
Proposed Rear Setback: 10.0'
Proposed Total Side Setback: Existing to remain

12. Outdoor Dining Facility

Location (sidewalk right-of-way or on-street parking space): Front of building (south elevation)
Hours of Operation: 7:00 AM to 11:00 PM
Width of unobstructed sidewalk between door and café? (5 ft. required): 5'-0"
Platform Proposed: none (outdoor patio proposed)
Trash Receptacles: none (server clears tables)

Number of Tables/Chairs: 73 Chairs/20 Tables (Lincoln); 20 Chairs/5 Tables (Indep.Rest.)
Material of Tables/Chairs: Varies (refer to C.102)
Tables Umbrellas Height & Material: n/a
Number and Location of Parking Spaces Utilized: 58 spaces (East & South ends of lot)
Screenwall Material: Planters (Refer to plans)
Enclosure Material: Refer to elevations

13. Required and Proposed Parking

Required number of parking spaces: 65
Location of parking on site: East & South ends of lot
Screenwall material: Hedgerow (South)

Shared Parking Agreement? yes (Armstrong White)
Location of parking off site: Adjacent parking lot (Armstrong White)
Height of screenwall: 32" min. (to comply w/ordinance)

14. Landscaping

Location of landscape areas: Refer to site plan on sheet C.100

Proposed landscape material: Sod

15. Streetscape

Sidewalk width: 5'-0"
Number of benches: 2 proposed
Number of planters: 0
Number of existing street trees: 0
Number of proposed street trees: 5
Streetscape plan submitted? yes

Description of benches or planters:
Proposed benches are per city standards

Species of existing trees: American Hornbeam (assumed)

Species of proposed trees: American Hornbeam (to match Armstrong White)

16. Loading

Required number of loading spaces: 1
Typical angle of loading spaces: 90 degrees
Screenwall material: -
Location of loading spaces on site: adjacent to East side of building

Proposed number of loading spaces: 1

Typical size of loading spaces: 12'-0" x 40'-0"

Height of screenwall: -

Typical time loading spaces are used: Varies by delivery

17. Exterior Waste Receptacles

Required number of waste receptacles: none (server clears tables)
Location of waste receptacles: none
Screenwall material: n/a

Proposed number of waste receptacles: none

Size of waste receptacles: n/a

Height of screenwall: n/a

18. Mechanical Equipment

Utilities and Transformers:

Number of ground mounted transformers: 1
Size of transformers (L•W•H): T.B.D. (approx. 5'-2" x 5'-2" conc. pad)
Number of utility easements: 6.0'
Screenwall material: Plantings

Location of all utilities & easements: Refer to ALTA survey

Height of screenwall: Height to conceal transformer

Ground Mounted Mechanical Equipment:

Number of ground mounted units: 0
Size of ground mounted units (L•W•H): n/a
Screenwall material: n/a

Location of all ground mounted units: n/a

Height of screenwall: n/a

Rooftop Mechanical Equipment:

Number of rooftop units: 4 (currently)
Type of rooftop units: Air handling unit & make-up air unit
Screenwall material: Pre-finished metal panels
Location of screenwall: At all roof top units

Location of all rooftop units: n/a (at roof)

Size of rooftop units (L•W•H): final dimensions T.B.D.

Percentage of rooftop covered by mechanical units:

Height of screenwall: Final hgt. T.B.D. w/final hgt. of units. (to comply w/ord.)

Distance from rooftop units to all screenwalls: Required clearance per final selected rooftop units to be provided

19. Accessory Buildings

Number of accessory buildings: 0
Location of accessory buildings: n/a

Size of accessory buildings: n/a

Height of accessory buildings: n/a

20. Building Lighting

Number of light standards on building: 35
Size of light fixtures (L•W•H): Sizes vary by fixture
Maximum wattage per fixture: Refer to photometric plan
Light level at each property line: Refer to photometric plan

Type of light standards on building: Wall mounted

Height from grade: Varies (Refer to elevations)

Proposed wattage per fixture: Refer to photometric

21. Site Lighting

Number of light fixtures: 6
Size of light fixtures (L•W•H): Refer to photometric
Maximum wattage per fixture: Refer to photometric
Light level at each property line: Refer to photometric

Type of light fixtures: Pole mounted

Height from grade: Refer to photometric

Proposed wattage per fixture: Refer to photometric

Holiday tree lighting receptacles: n/a

22. Adjacent Properties

Number of properties within 200 ft.: 6

Property #1

Number of buildings on site: 1
Zoning district: MX (Mixed-Use)
Use type: Office
Square footage of principal building: Unknown
Square footage of accessory buildings: n/a
Number of parking spaces: 58

Property #2

Number of buildings on site: 1
Zoning district: MX (Mixed-Use)
Use type: Office (assumed)
Square footage of principal building: Unknown
Square footage of accessory buildings: n/a
Number of parking spaces: 30 +/-

Property #3

Number of buildings on site: 1
Zoning district: MX (Mixed-Use)
Use type: Unknown
Square footage of principal building: Unknown
Square footage of accessory buildings: n/a
Number of parking spaces: 3 +/-

Property #4

Number of buildings on site: 1
Zoning district: MX (Mixed-Use)
Use type: Office
Square footage of principal building: Unknown
Square footage of accessory buildings: n/a
Number of parking spaces: Unknown

Property #5

Number of buildings on site: 2
Zoning district: MX (Mixed-Use)
Use type: Mixed-use
Square footage of principal building: Unknown
Square footage of accessory buildings: n/a
Number of parking spaces: Unknown

Property #6

Number of buildings on site: 1
Zoning district: PP (Public Property)
Use type: Park
Square footage of principal building: Unknown
Square footage of accessory buildings: Unknown
Number of parking spaces: 251

Property Description: Armstrong White

2125 E. Lincoln Ave.
20-31-401-007

North, south, east or west of property? West

Property Description: _____

2010 Cole St.
20-31-252-010

North, south, east or west of property? North

Property Description: _____

2182 Cole Ave.
20-31-252-006

North, south, east or west of property? North

Property Description: _____

2254 Cole Ave.
20-31-252-007

North, south, east or west of property? North

Property Description: _____

2295 E. Lincoln Ave.
20-31-401-003

North, south, east or west of property? North & East

Property Description: _____

2300 E. Lincoln Ave.
20-31-403-028

North, south, east or west of property? South

The undersigned states the above information is true and correct, and understands that it is the responsibility of the applicant to advise the Planning Division and / or Building Division of any additional changes made to an approved site plan. The undersigned further states that they have reviewed the procedures and guidelines for Site Plan Review in Birmingham, and have complied with same. The undersigned will be in attendance at the Planning Board meeting when this application will be discussed.

Signature of Owner:  Date: _____

Print Name: _____

Signature of Applicant:  Date: _____

Print Name: _____

Signature of Architect:  Date: 7/22/2019

Print Name: JEFF KLATT, AIA

Office Use Only

Application #: _____ Date Received: _____ Fee: _____

Date of Approval: _____ Date of Denial: _____ Accepted by: _____



Notice Signs - Rental Application Community Development

1. Applicant

Name: Bus Bar LLC
Address: 90 N. Main Street, Clarkston, MI 48346
Phone Number: -
Fax Number: -
Email address: thakady@unionadworks.com

Property Owner

Name: 2159 E. Lincoln LLC
Address: 90 N. Main Street, Clarkston, MI 48346
Phone Number: -
Fax Number: -
Email address: thakady@unionadworks.com

2. Project Information

Address/Location of Property: 2159 E. Lincoln
Name of Development: Lincoln Yard
Area in Acres: 0.81

Name of Historic District site is in, if any: n/a
Current Use: Unoccupied (Past Use: F-1)
Current Zoning: Mixed Use (MX)

3. Date of Board Review

Board of Building Trades Appeals: n/a
City Commission: -
Historic District Commission: n/a
Planning Board: -

Board of Zoning Appeals: n/a
Design Review Board: n/a
Housing Board of Appeals: n/a

The undersigned states the above information is true and correct, and understands that it is the responsibility of the applicant to post the Notice Sign(s) at least 15 days prior to the date on which the project will be reviewed by the appropriate board or commission, and to ensure that the Notice Sign(s) remains posted during the entire 15 day mandatory posting period. The undersigned further agrees to pay a rental fee and security deposit for the Notice Sign(s), and to remove all such signs on the day immediately following the date of the hearing at which the project was reviewed. The security deposit will be refunded when the Notice Sign(s) are returned undamaged to the Community Development Department. Failure to return the Notice Sign(s) and/or damage to the Notice Sign(s) will result in forfeiture of the security deposit.

Signature of Applicant:  Date: -

Office Use Only

Application #: - Date Received: - Fee: -
Date of Approval: - Date of Denial: - Reviewed by: -

10.11.2019

Jana L. Ecker, Planning Director
Brooks Cowan, City Planner
City of Birmingham
Planning Department

Re: 2159 E. Lincoln (Lincoln Yard) – Review Comments

Thank you for your review of the Lincoln Yard project dated 09.13.2019. This letter is to address the following review comments below.

1. *An operations floor plan has yet to be submitted.*

The applicant has provided an operations plan in this submission as a separate attachment.

2. *The applicant has yet to provide the City with information regarding the type of liquor license they intend to transfer into the City, who owns said liquor license, who it was purchased from, and whether said license is accompanied by any endorsements.*

The applicant will provide the associated LLC documentation as a separate attachment.

3. *The applicant must indicate the color of the proposed benches and trash receptacles.*

**The color of the proposed streetscape benches and trash receptacles will be 'Birmingham Green'.
Noted on Sheet C.104.**

4. *The applicant has not indicated the location and type of refuse containers for their outdoor dining.*

The south facing Lincoln Yard patio will be bussied by employees. The west facing patio for Little Yard will have one custom refuse container for trash & recycling. The design & location of the refuse container is provided on Sheet C.102.

5. *The Planning Division recommends outdoor seating be provided for Little Yard patrons from 7am to 11am while Lincoln Yard is not open.*

The west facing patio area is intended for Little Yard patrons.

6. *Also, the applicant has not provided window details demonstrating a visual light transmittance (VLT) of 80% or higher.*

Clear glazing for a visible light transmittance of 62% has been proposed for this project. Details for clear glazing Guardian SunGuard SNX 62/27 has been included in this submission as a separate attachment. A higher VLT, such as 80%, provides a deficient performance value that decreases the efficiency of the building HVAC systems & does not meet the currently adopted energy codes.

7. *The applicant must provide details regarding size of each sign, the elevation of each sign in relation to the ground floor, and how the sign is attached to the wall before obtaining final approval.*

Additional signage details including sizes, mounting height above ground floor, & attachment methods have been added on Sheet A.202.

Suggested September 25th Planning Board Revisions made to plans

1. Site Plan

- a. **Aligned curb cut with building walk curb (C.100)**
- b. **Expanded landscape area at street side in front of building; resulted in the loss of one parking space (G.001, C.100)**
- c. **Revised landscaping area calculations (G.001)**
- d. **Revised lot coverage information (G.001)**
- e. **Revised landscape legend (C.100)**
- f. **Revised streetscape screening layout (C.104)**

Other applicant revisions to drawing set from 9.11.2019 (not apart of city comments)

1. Floor Plan

- a. **Revised location of linen & bottle storage room (A.100)**
- b. **Added portion of existing west C.M.U. 'shed' back into the project (A.100)**
- c. **Revised square footage numbers/calculations (G.001)**

Site Plan

- a. **Revised transformer location to accommodate floor plan revisions (C.100, A.100)**

2. Bicycle rack design revised from (5) 'hoop' racks to (1) wave style bike rack - 11 bike capacity. (C.102)

3. Signage lighting has been added. (A.200, A.201, A.202)

4. Updated renderings to reflect revisions above. (G.001, A.300)

If you have any further comments, concerns, or questions; please do not hesitate to contact me.

Thank you,



Jeff Klatt, AIA
Krieger Klatt Architects, Inc.

Lincoln Yard (2159 E. Lincoln) Operations Plan

Lincoln Yard Serving Staff and Paths

- Servers enter from the outside through the North West side door
- If they need to change or use the bathroom it is immediately to the left as you walk in the door
- Lockers will be along the north wall of prep area to put away belongings
- Walk onto floor through door by pizza station
- Clock in at POS on north side of lunch counter
- Walk to section and prep appropriate tables
- Help other servers/bartenders set up their sections
- Wait in server station by horseshoe bar for first table
- Walk back to server station or north side of lunch counter to enter orders / make non-alcoholic drinks
- Pick up alcoholic drinks at drink station on west side of horseshoe bar
- Pick up food from hot line or pizza station and take to tables
- Take dirty dishes from floor to dish tank through door by pizza station
- Help other servers or wait in server station for next table

RE: Bus Bar

1 message

Laura Peters <LPeters@anafirm.com>
To: "Jana Ecker (Jecker@bhamgov.org)" <Jecker@bhamgov.org>
Cc: Kelly Allen <KAllen@anafirm.com>

Thu, Oct 17, 2019 at 9:57 AM

Jana

Here is the information you need:

Seller is BEAR DEN GRILLE, INC. it is a Resort Class C and SDM license coming from Wexford County, 6080 E M 115 Cadillac, MI 49601-8716. This is what the MLCC calls a 550 license and can be transferred anywhere in the State of Michigan.

Licenses and Permits:

Class C

SDM-beer and wine to go

Sunday Sales AM and PM

Outdoor Service area

Entertainment Permit

Email or call if you have any questions or need additional information.

Laura

Laura Peters

Legal Assistant to Kelly Allen

Adkison, Need, Allen, & Rentrop, PLLC

[39572 Woodward Ave, Suite 222](#)

[Bloomfield Hills, MI 48304](#)

(248) 540-7400 (Telephone)

(248) 540-7401 (Facsimile)

LPeters@ANAFirm.com

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*"If, and to the extent, this message contains advice concerning one or more Federal tax issues, it is not a formal legal opinion and may **not** be relied upon or used by any person for the avoidance of Federal tax penalties."*

From: Laura Peters
Sent: Wednesday, October 16, 2019 12:50 PM
To: Jana Ecker (Jecker@bhamgov.org) <Jecker@bhamgov.org>
Cc: Kelly Allen <kallen@anafirm.com>
Subject: Bus Bar

Jana

Can you call me when you have a minute to discuss this file?

Thanks

Laura Peters

Legal Assistant to Kelly Allen

Adkison, Need, Allen, & Rentrop, PLLC

[39572 Woodward Ave, Suite 222](#)

[Bloomfield Hills, MI 48304](#)

(248) 540-7400 (Telephone)

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LPeters@ANAFirm.com

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*"If, and to the extent, this message contains advice concerning one or more Federal tax issues, it is not a formal legal opinion and may **not** be relied upon or used by any person for the avoidance of Federal tax penalties."*

Project: _____

Fixture Type: _____ Quantity: _____

Customer: _____

LED MODULE SPECIFICATIONS

LED	CCT	Typical Luminous Flux	System Wattage	Typical Efficacy
9W	2700K	850	11W	97
	3000K	850	11W	97
	3500K	850	11W	97
	4000K	850	11W	97
10W	2700K	1250	12W	125
	3000K	1250	12W	125
	3500K	1250	12W	125
	4000K	1250	12W	125
12W	2700K	750	12W	65
	3000K	750	12W	65
	3500K	750	12W	65
	4000K	750	12W	65

MODULE SPECIFICATION:

- Efficacy 65-125 lumens per watt
- Life: L70 50,000 hours
- Color temp: 2700K, 3000K, 3500K and 4000K
- CRI: >90

MODULE DRIVER SPECIFICATION:

- Input Voltage: 120-277 Volts; 50/60Hz
- Dimmable down to 1%
- 0-10V, TRIAC and ELV dimming protocols are standard. (12w is 120v and TRIAC dimming only)
- Output Current: Constant Current; 440mA to 940mA (model dependent)
- Driver Efficiency > 80%; Power Factor > 0.9
- Integral Surge Protection in conformance to ANSI C62.41 Category A

MODULE LISTINGS

- Fully compliant with the RoHS Directive
- Certifications: CE/UL

WARRANTY

See www.ANPlighting.com for complete fixture warranty.

LED warranty information

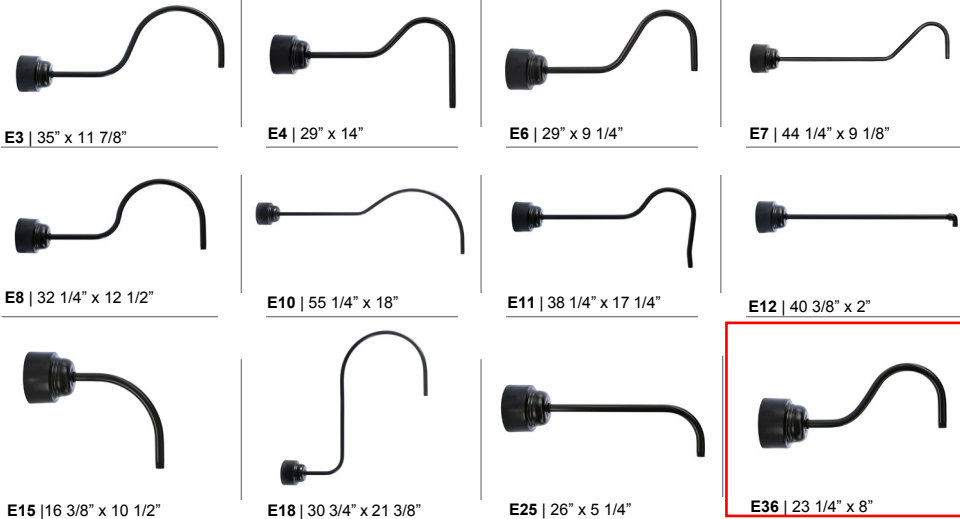
- 5 year limited warranty*

*Limited Warranty: A typical year is defined as 4380 hours of operation.

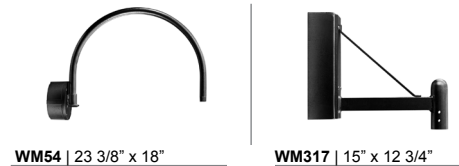
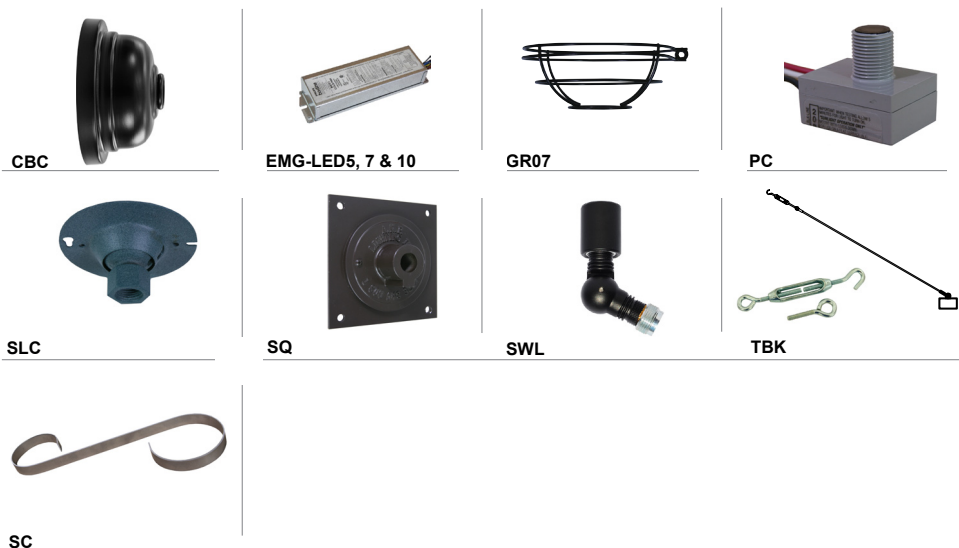
Project: _____

Fixture Type: _____ Quantity: _____

Customer: _____

ARM MOUNTS | Dimensions are Projection x Height | CB included with all arms**Driver Housing**

	RTC (5 5/8" x 6 1/2")
	RTCNC (2 5/8" x 5 7/8")
	SRTC (2 7/8" x 6")

WALL MOUNTS | Dimensions are Projection x Height**ACCESSORIES**

DATE	PROJECT	FIRM	TYPE
------	---------	------	------

RISE IS A SYSTEM OF BEAUTIFULLY DESIGNED OUTDOOR RATED LUMINAIRES THAT PROVIDE EFFICIENT AND POWERFUL LIGHT USING THE LATEST IN LED TECHNOLOGY. RISE F080 SINGLE IS A POWERFUL AND COMPACT LED LIGHT FIXTURE, DELIVERING UP TO 745 LUMENS, THAT CAN BE USED IN SPOT, ACCENT, LANDSCAPE AND FLOODLIGHT APPLICATIONS. ITS UNIQUE MACRO[™] LOCK FEATURE ALLOWS FOR FULL 180 DEGREE TILT AND 360 DEGREE PAN AIMABILITY USING ONLY ONE TWIST.

FEATURES :

- POWERFUL CBCP
- ONLY 5° LASER SPOT
- EXTREMELY COMPACT
- POWERFUL OUTPUT 300-745LMS
- MACRO[™] LOCK - 180° TILT AND 360° PAN
- 11 UNIQUE BEAM ANGLES
- MULTIVOLT (110V-277V)
- 8 CCTS: 2200K THROUGH 6500K
- 80+ AND 90+ CRI
- DIMMABLE TO 5%
- IP66 RATED



FIXTURE MODEL	FIXTURE CONFIG.	POWER/LUMEN OUTPUT*	CCT/COLOR	CRI	BEAM ANGLE	FINISHES	ACCESSORIES	WIRING AND MOUNTING
F080	1S - Single Head	LO - Low Output MO - Medium Output HO - High Output	22 - 2200K 25 - 2500K 27 - 2700K 30 - 3000K 35 - 3500K 40 - 4000K 50 - 5000K 65 - 6500K RD - Red GR - Green BL - Blue AM - Amber	8 - 80 9 - 90* X - For RD, GR, BL, AM *90 CRI not available in 2200K, 2500K, 5000K, and 6500K	05 - Laser Spot (5°) 10 - Very Narrow Spot (10°) 15 - Narrow Spot (15°) 20 - Spot (20°) 40 - Flood (40°) 60 - Wide Flood (60°) 80 - Very Wide Flood (80°) E1 - Elliptical 1 (15°x60°) E2 - Elliptical 2 (30°x60°) E3 - Elliptical 3 (60°x15°) E4 - Elliptical 4 (60°x30°)	K - Black Z - Bronze S - Silver W - White C - Custom* Provide RAL #	X - No Accessory H - Half Snoot F - Full Snoot Will ship as X if not specified	A - 19" Flying Leads - Internal Cable IC; Bottom Exit; 1/2" NPT ; UL/CE Rated B* - 10' External Cable Side Exit; Surface Mount ; UL/CE Rated C* - 10' External Cable Bottom Exit; Surface Mount - 1/2" NPT ; UL/CE Rated Will ship as A if not specified

EXAMPLE: F080-1S-LO-22-8-05-S-X-A

*See Photometry Chart for Lumen Data

PERFORMANCE	WATTS	POWER	LUMEN OUTPUT	OPTIC	EFFICACY	CBCP
	4	Low Output	309	5°	77	22,017
	7.5	Medium Output	531	5°	71	37,812
	11.5	High Output	744	5°	65	52,991

ALL LUMEN DATA IS FROM 4000K 80CRI FIXTURES. PLEASE SEE PHOTOMETRY SPEC SHEET FOR ADDITIONAL LUMEN DATA.

COLOR RENDERING INDEX
COLOR CONSISTENCY

80+, 90+
3-STEP MACADAM ELLIPSE

LUMEN DEPRECIATION

WATTS	L70 @ 25C	L70 @ 50C	L90 @ 25C	L90 @ 50C
LOW	>60,500* >(109,000)**	>60,500* >(109,000)**	>60,500* >(109,000)**	>60,500* >(109,000)**
MEDIUM	>60,500* >(109,000)**	>60,500* >(109,000)**	>60,500* >(109,000)**	>60,500* >(109,000)**
HIGH	>60,500* >(181,000)**	>36,300* >(181,000)**	>60,500* >(69,800)**	>33,200*

* ENERGY STAR REPORTED TESTING HOURS TO DATE. CALCULATIONS FOR LED FIXTURES ARE BASED ON MEASUREMENTS THAT COMPLY WITH IES LM-80 TESTING PROCEDURES AND IES TM-21 CALCULATOR
** ESTIMATED HOURS

NOTE: Information on this Spec Sheet is subject to change, please visit ecosenselighting.com/downloads/raise for the most updated information.

DATE	PROJECT	FIRM	TYPE
ELECTRICAL	WATTAGE POWER FACTOR THD OPERATING VOLTAGE DRIVER STARTUP TEMPERATURE OPERATING TEMPERATURE STORAGE TEMPERATURE	LOW OUTPUT = 4W; MEDIUM OUTPUT = 7.5W; HIGH OUTPUT = 11.5W >0.9 for 120V (HO, MO, LO), 230V (HO, MO), 277V (HO) <0.2 for 120V (HO, MO, LO), 230V (HO, MO), 277V (HO) MULTIVOLT: 110-277VAC, 50/60 Hz INTEGRAL TO FIXTURE; DE-RATED POWER AND SYNCHRONOUS START-UP AT FULL BRIGHTNESS -40°F TO 122°F (-40°C TO 50°C) -40°F TO 122°F (-40°C TO 50°C) -40°F TO 176°F (-40°C TO 80°C)	
CONTROL	DIMMING	110-277VAC, ELV TYPE, REVERSE PHASE, TRAILING EDGE	
PHYSICAL	DIMENSIONS HOUSING/LENS WEIGHT ENVIRONMENT MOUNTING OPTIONS WIRING TOOLS WIND LOAD (EPA) CORROSION RESISTANT	W 2.49" x H 8.13" x L 6.97" ; (63.33mm x 206.45mm x 177.05mm) EXTRUDED ALUMINUM; UV STABILIZED POLYCARBONATE; STAINLESS STEEL FASTENERS 1.25LBS / 0.56KG OUTDOOR • UL CERTIFIED FOR WET LOCATIONS IP66 IMPACT RATED TO IK10 MEETS 3G ANSI C136.31 VIBRATION STANDARD FOR BRIDGE APPLICATIONS A - FLYING LEADS - INTERNAL CABLE IC; BOTTOM EXIT; 1/2" NPT ; UL/ CE RATED B - EXTERNAL CABLE SIDE EXIT; SURFACE MOUNT ; UL/CE RATED SURFACE MOUNT PLATE INCLUDED C - EXTERNAL CABLE BOTTOM EXIT; 1/2" NPT ; UL/CE RATED SURFACE MOUNT PLATE INCLUDED LENGTH OF FLYING LEADS 19" (482.6mm) LENGTH OF EXTERNAL CABLE 10' (3.05m) 2.5mm HEX KEY AND PHILLIPS #0 SCREWDRIVER FOR INTERCHANGEABLE LENS + SNOOTS 4mm HEX KEY FOR AIMING 5mm HEX KEY FOR MAIN TILT ARM EFFECTIVE PROJECTED AREA 0.14ft² RISE HAS A HIGH-PERFORMING, CORROSION-RESISTANT FINISH THAT USES HIGH DURABILITY TRIGLYCIDYL ISOCYANURATE (TGIC) POWDER COATINGS SPECIFICALLY DESIGNED FOR EXTERIOR AND WEATHER EXPOSURE. THIS FINISH HAS BEEN TESTED AND APPROVED TO MARINE GRADE CORROSION RESISTANCE STANDARD IN UL1598A, ASTM B117 SALT FOG TEST FOR 200 HOURS.	
FIXTURE RATING & CERTIFICATIONS	CE, UL CERTIFIED RoHS COMPLIANT, IK10	   	
LIMITED WARRANTY	5 YEARS		

O-10V CONTROL OPTIONS
100-120VAC / 277VAC Linear Dimming Control Module 0-10V - Plenum Rated LDCM-PL-120-277-010V-GR
All products come standard with ELV dimming capabilities. 0-10V Control options required for operation at 0-10V.

OPTIONAL ACCESSORIES			
Snoots			
Half Snoot, Color Finish (K=Black, Z=Bronze, S=Silver, W=White, C=Custom)			F080-H-(K,Z,S,W,C)
Full Snoot, Color Finish (K=Black, Z=Bronze, S=Silver, W=White, C=Custom)			F080-F-(K,Z,S,W,C)
Interchangeable Lens			
5 Degree			F080-LENS-05
10 Degree			F080-LENS-10
15 Degree			F080-LENS-15
20 Degree			F080-LENS-20
40 Degree			F080-LENS-40
60 Degree			F080-LENS-60
80 Degree			F080-LENS-80
15x60 or 60x15 Degree			F080-LENS-E1E3
30x60 or 60x30 Degree			F080-LENS-E2E4
Full Set of Beam Angle Lens Degree (5, 10, 15, 20, 40, 60, 80, 15x60 or 60x15, 30x60 or 60x30)			F080-LENS-FULLSET
Honeycomb Louver			
Honeycomb Louver F080.....			F080-LV-HComb

Canopy Plate (Not for use with wire Option B - External Cable Side Exit)
RISE Canopy Plate (K=Black, Z=Bronze, S=Silver, W=White, C=Custom) RISE-CANOPY-04-(K,Z,S,W,C)

NOTE: Information on this Spec Sheet is subject to change, please visit ecosenselighting.com/downloads/rise for the most updated information.

DATE	PROJECT	FIRM	TYPE
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Color Filters

Red	F080-FILTER-RED
Blue	F080-FILTER-BLUE
Green	F080-FILTER-GREEN
Amber	F080-FILTER-AMBER

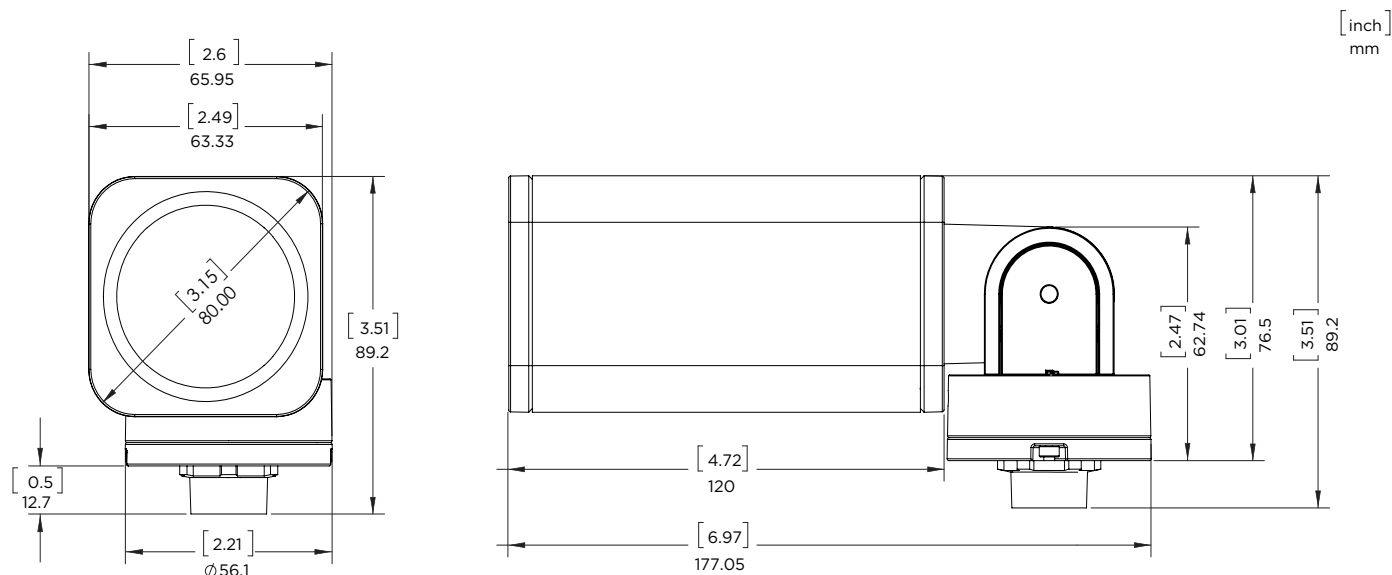
F080 Wall Mount Arm (for use only with Wiring Option C - External Cable Bottom Exit and not for use with multi-up fixtures)

Wall Mount Arm, 6 inch, Color Finish (K=Black, Z=Bronze, S=Silver, W=White, C=Custom)	F080-WMA-06-(K,Z,S,W,C)
Wall Mount Arm, 12 inch, Color Finish (K=Black, Z=Bronze, S=Silver, W=White, C=Custom)	F080-WMA-12-(K,Z,S,W,C)
Wall Mount Arm, 18 inch, Color Finish (K=Black, Z=Bronze, S=Silver, W=White, C=Custom)	F080-WMA-18-(K,Z,S,W,C)
Wall Mount Arm, 24 inch, Color Finish (K=Black, Z=Bronze, S=Silver, W=White, C=Custom)	F080-WMA-24-(K,Z,S,W,C)

Ground Stake (for use only with Wiring Option C - External Cable Bottom Exit and not for use with multi-up fixtures)

Landscape Stake, 12in (for use with F080 Single Head only, not for use with multi-fixture units)	F080-LS-1S-STK-12
--	-------------------

DIMENSIONS



NOTE: Information on this Spec Sheet is subject to change, please visit ecosenselighting.com/downloads/raise for the most updated information.

ECOSENSE LIGHTING INC.
837 NORTH SPRING STREET
SUITE 103
LOS ANGELES, CA 90012

P • 310.496.6255
F • 310.496.6256
T • 855.632.6736
855.6.ECOSEN

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VISIT [ECOSENSELIGHTING.COM](https://ecosenselighting.com) FOR THE MOST CURRENT SPECIFICATIONS.
FOR A LIST OF PATENTS VISIT [ECOSENSELIGHTING.COM/IP-PORTFOLIO/](https://ecosenselighting.com/ip-portfolio/)
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RISE, **SLIM COVE**, **FREEDOM TO CREATE**, **MACRO**, **FLIP-TO-FLAT** ARE TRADEMARKS OF ECOSENSE LIGHTING INC.

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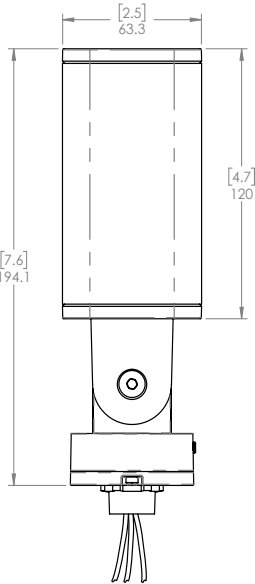
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DATE	PROJECT	FIRM	TYPE
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WIRING GUIDE

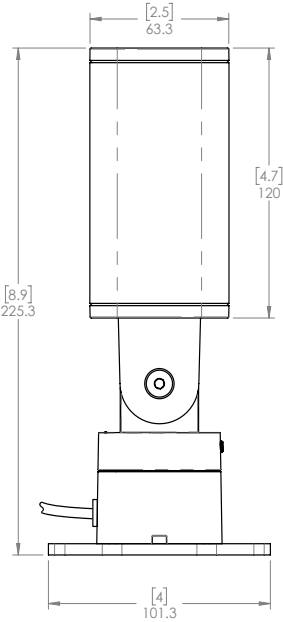
RISE is and exterior rated (IP66) fixture that is available in three different wiring options:

Flying Leads - Internal Cable
(UL + CE Rated)



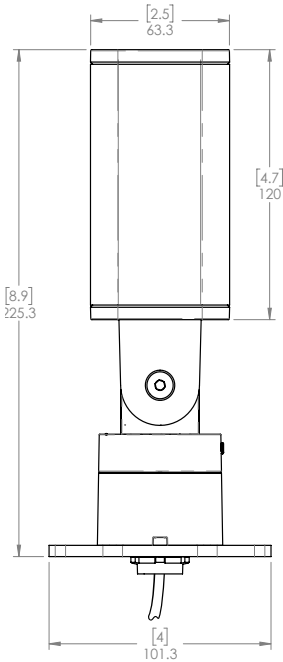
- For use with standard junction boxes
- 1/2" NPT Taper, Cable Length is 19"
- Compatible with EcoSense Canopy junction Box Cover
- 18 AWG Stranded Copper Cable - 3 Conductors

External Cable Side Exit
(UL + CE Rated)



- For use when external, exterior rated cable is required to run to remote junction box or mains
- Cable exits the side of the base
- Comes with a Surface Mount Plate, for mounting direct to surface
- Cable Length is 10' (3.05m)

External Cable Bottom Exit
(UL + CE Rated)



- For use when external, exterior rated cable is required to run to remote junction box or mains
- Cable exits the bottom for use with various accessories such as Wall Mount Arm and Ground Stake
- 1/2" NPT taper for mounting
- Comes with a Surface Mount Plate, for mounting direct to surface
- Cable Length is 10' (3.05m)

NOTE: Information on this Spec Sheet is subject to change, please visit ecosenselighting.com/raise for the most updated information.

SuperNeutral® SNX

SunGuard® SNX 62/27 and SNX 51/23

TRIPLE-SILVER LOW-E TECHNOLOGY.

The next generation in glass performance is SunGuard SNX coated glass — with three powerful layers of silver to improve the U-factor and reduce solar heat gain. SNX 51/23 and SNX 62/27 are available on seven float glass substrates to help architects and designers find the right look with the performance needed to meet modern building codes. SNX provides the best in high-performance glass.



BUILD WITH LIGHT®

SNX 51/23

- Superior solar control: 0.23 SHGC.
- Attractive neutral/blue reflected color.
- Best combination of visible light transmission and solar heat gain.
- Highest visible light transmission in its class.
- Developed to meet the most stringent energy codes in North America.

SNX 62/27

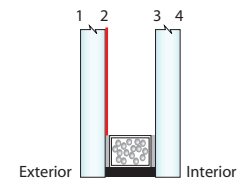
- High light transmission: 62%.
- Neutral reflected & transmitted color.
- SunGuard's highest light-to-solar-gain ratio: LSG 2.31.
- Solar control: 0.27 SHGC.

Both SNX products help projects qualify for LEED credits. SunGuard products are produced at multiple U.S. locations and are distributed through Guardian's independent network of Select Fabricators. To locate a Select Fabricator, visit www.SunGuardGlass.com.

SunGuard SNX 51/23

522 Lady Street, Columbia, SC

To learn more, call us at
1-866-GuardSG (482-7374) or visit us online
www.SunGuardGlass.com



SuperNeutral® SNX Insulating Glass Data

Product	Outboard - Inboard Substrate	Appearance	Transmittance			Reflectance			U-Value Winter Nighttime		Relative Heat Gain	Solar Heat Gain Co-efficient	Light to Solar Gain (LSG)	
			Visible Light %	Ultra-violet %	Solar Energy %	Visible Light Out %	Visible Light In %	Solar Energy Out %	Air	Argon				
SuperNeutral			Coating #2 Surface - unless noted (#3)									6 mm/12.7 mm a.s./6 mm		
SNX 62/27	UltraClear - UltraClear	Ultra Clear	64	8	24	11	13	51	0.29	0.24	65	0.27	2.40	
	Clear - Clear	Clear	62	6	23	11	12	39	0.29	0.24	65	0.27	2.31	
	Green - Clear	Green	52	3	18	9	12	10	0.29	0.24	59	0.24	2.13	
	CrystalGray - Clear	Light Gray	44	3	16	8	11	19	0.29	0.24	54	0.22	1.98	
	Gray - Clear	Gray	31	3	12	6	11	19	0.29	0.24	45	0.18	1.71	
	CrystalBlue - Clear	Blue	40	4	15	7	11	25	0.29	0.24	51	0.21	1.91	
SNX 51/23	UltraClear - UltraClear	Light Blue	53	14	20	14	14	46	0.29	0.24	57	0.23	2.28	
	Clear - Clear	Light Blue	51	11	19	14	14	36	0.29	0.24	57	0.23	2.19	
	Green - Clear	Blue-Green	43	5	15	11	13	10	0.29	0.24	52	0.22	1.99	
	CrystalGray - Clear	Light Gray	36	6	14	9	13	18	0.29	0.24	48	0.20	1.85	
	Gray - Clear	Gray	26	5	10	7	13	17	0.29	0.24	41	0.16	1.57	
	CrystalBlue - Clear	Blue	33	7	13	9	13	23	0.29	0.24	46	0.19	1.78	
Surface #3 Coating														
SNX 62/27 (#3)	Bronze - Clear	Bronze	37	2	14	7	10	17	0.29	0.24	64	0.26	1.41	
	Green - Clear	Green	52	3	18	10	10	11	0.29	0.24	75	0.31	1.66	
	CrystalGray - Clear	Light Gray	44	3	16	8	10	20	0.29	0.24	72	0.30	1.48	
	Gray - Clear	Gray	31	3	12	7	10	20	0.29	0.24	59	0.24	1.27	
	CrystalBlue - Clear	Blue	40	4	15	8	10	26	0.29	0.24	69	0.29	1.39	

- The performance values shown are nominal and subject to variations due to manufacturing tolerances.
- Guardian performance data are calculated for center-of-glass only (no spacer or framing) in accordance with the LBNL Window 7 program.
- A slight shift in visible light reflectance or transmission may be noticed after heat-treatment.
- Relative Heat Gain, Solar Heat Gain Coefficient and/or LSG may change slightly when using argon gas fill.
- Guardian reserves the right to change product performance characteristics without notice or obligation.

* Notes related to coatings designed for #3 surface applications:

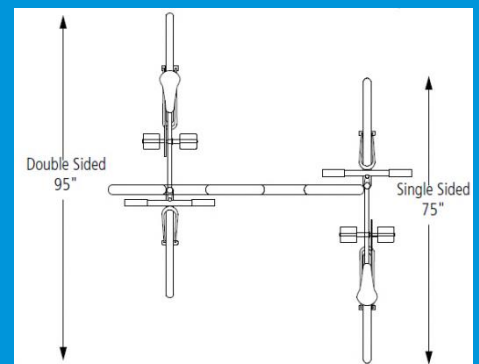
- The SunGuard coatings that can be used on the #3 surface are SN 68, SNX 62/27 and Neutral 78/65.
- Guardian recommends a tinted or coated outboard lite when these coatings (except Neutral 78/65) are used on the #3 surface.
- All other SunGuard coatings are not recommended for use on the #3 surface.



Rolling Rack



The graceful design and high security of the Rolling Rack has made this type of bike rack a standard for many schools and communities. The Rolling Rack can be used as a single-sided or double-sided bike rack. This rack uses thick pipe construction and allows for one of the wheels and frame to be secured using a u-style bike lock.



American Bicycle Security Company

P.O. Box 7359

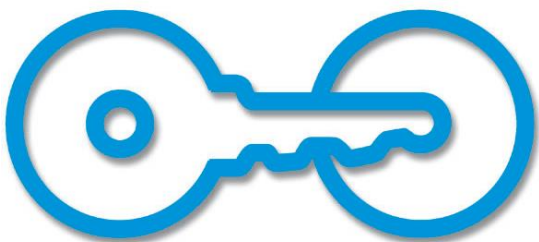
Ventura, CA 93006

Ph: (800) 245-3723 or (805) 933-3688

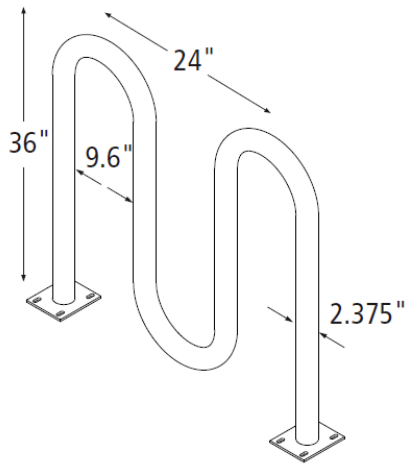
Fax: (805) 933-1865

www.ameribike.com

Email: turtle@ameribike.com



Rolling Rack

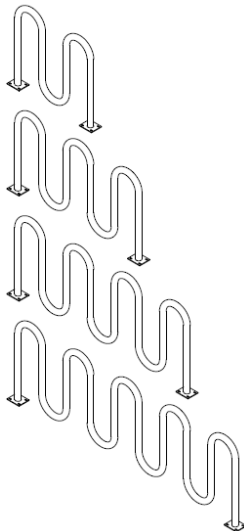


RR2H - 38"
Parks 5 Bikes

RR3H - 63"
Parks 7 Bikes

RR4H - 87"
Parks 9 Bikes

RR5H - 111"
Parks 11 Bikes



Example of rack in use

Product Rolling Rack

Capacity *Capacities are based on a double sided configuration. If racks are placed up against a wall you will lose half of the capacity.

RR2H: 5 Bikes
RR3H: 7 Bikes
RR4H: 9 Bikes
RR5H: 11 Bikes

Materials 2.375" OD Schedule 40 pipe

Finishes Standard options: Galvanized Or Powder Coated



RAL 9005	Flat Black	RAL 9003	RAL 2004	RAL 1023	Bright Yellow
RAL 6016	RAL 6018	RAL 6005	RAL 5005	RAL 5015	Purple
RAL 7011	RAL 7042	RAL 9007	RAL 1001	RAL 8014	Bronze
RAL 3003	RAL 3005				

Also available in Thermoplastic or Stainless steel upon request.

Installation Methods **In ground mount** is embedded into concrete base. Specify in ground mount for this option.

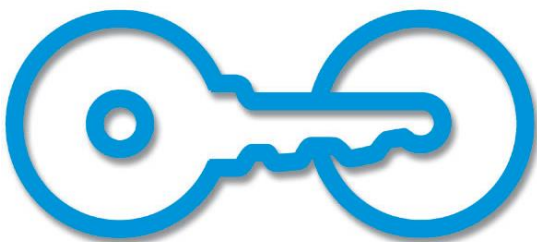
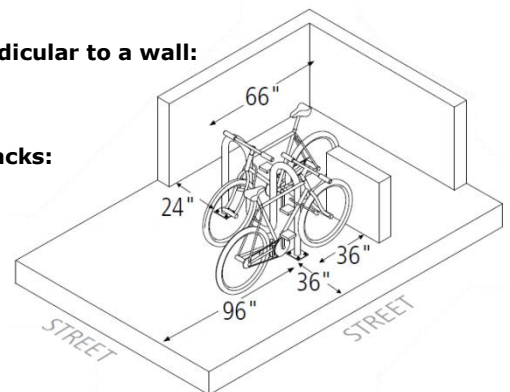
Foot Mount has two 5.25" x 5.5" foot plates with 4 anchors per foot. Specify foot mount for this option.

Space Use & Setbacks **Wall Setbacks:**
For racks set parallel to a wall:
Minimum: 36"
Recommended: 90"

For racks set perpendicular to a wall:
Minimum: 24"
Recommended: 36"

Distance Between Racks:
Minimum: 24"
Recommended: 36"

Street Setbacks:
Parallel to street: 24"
Perpendicular to street: 36"



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P.O. Box 7359

Ventura, CA 93006

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Rolling Rack

Surface Mounted Installation



*Tools Needed for Installation

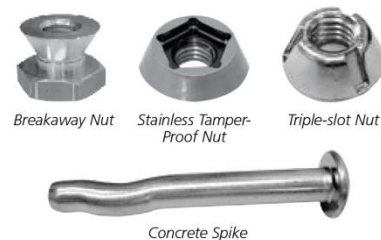
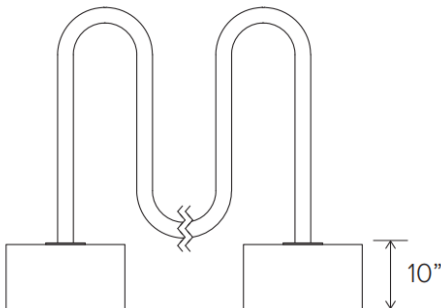
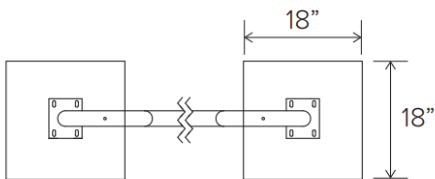
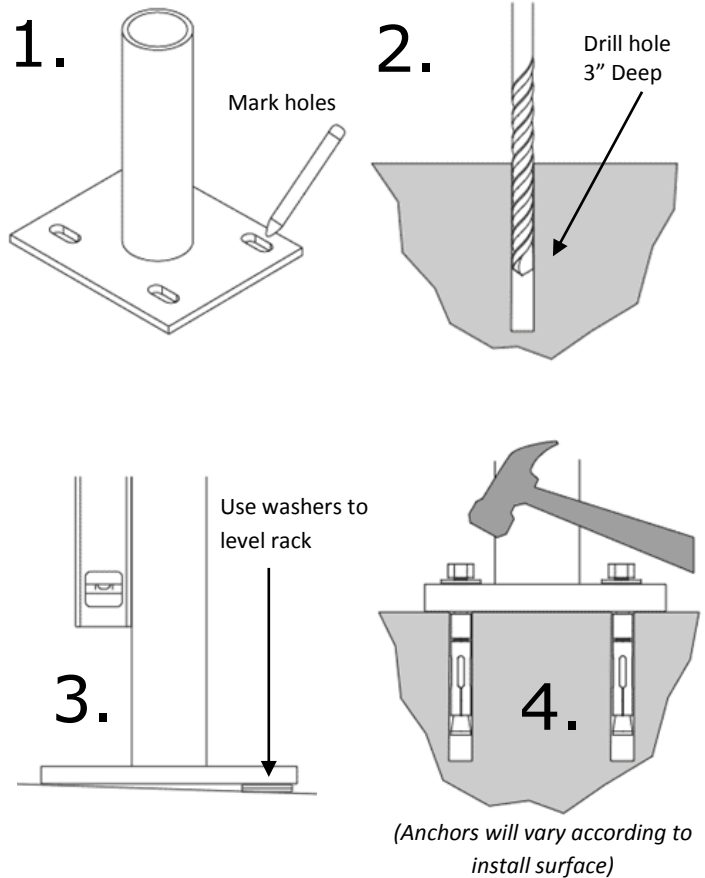
- Tape Measure
- Marker or Pencil
- Masonry Drill Bit
- Drill (*Hammer drill recommended*)
- Hammer
- Wrench 9/16"
- Level

Recommended Base materials:

Solid concrete is the best base material for installation. Ask your American Bicycle Security representative which anchor is appropriate for your application to ensure the proper anchors are shipped with your rack. Be sure nothing is underneath the base material that could be damaged by drilling.

Installation:

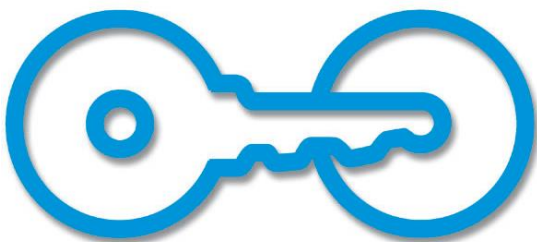
3/8" anchors are shipped with the rack. Place the rack in the desired location. Use a marker or pencil to outline the holes of the flange onto the base material. Drill the holes in accordance with the specifications shipped with the anchors. Make sure the holes are at least 6" away from any cracks in the base material.



The concrete spike is a permanent anchor. The top of the wedge anchor can also be pounded sideways after installation so that it cannot be removed. Other tamper resistant fasteners are also available for purchase.

When using the special tamper resistant nuts, always set and first tighten the anchors. Once the rack is installed, replace two nuts from the bracket (opposite sides from each other) with the tamper resistant fastener.

DO NOT OVERTIGHTEN the tamper resistant nut.



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P.O. Box 7359

Ventura, CA 93006

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Rolling Rack

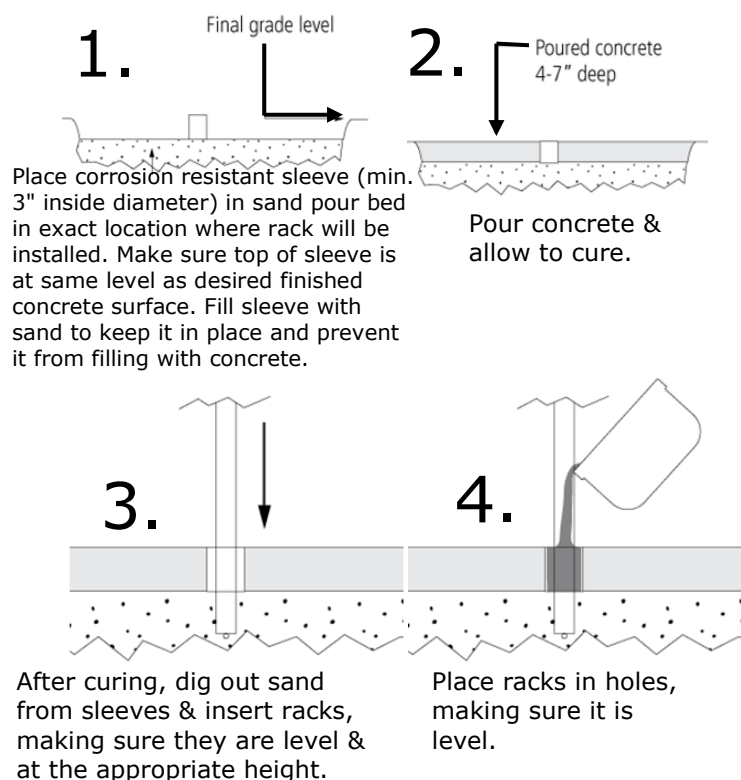
In-Ground Mounted Installation



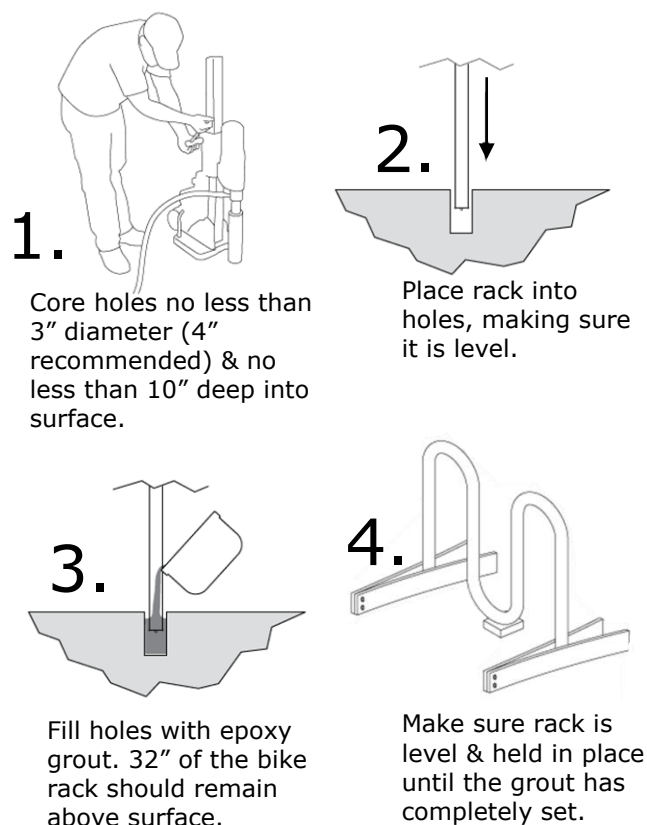
*Tools Needed for Installation

- Level
- Cement mixing tub
- Shovel
- Trowel
- Hole coring machine with 4" bit
- Access to water hose
- Materials to build brace

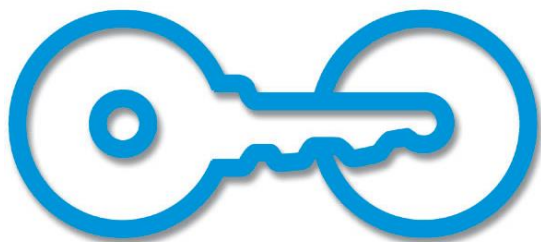
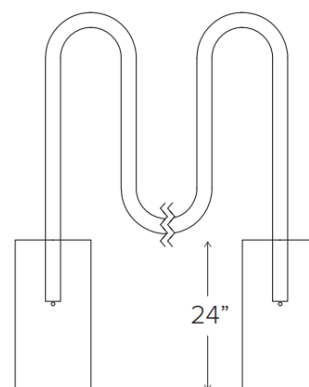
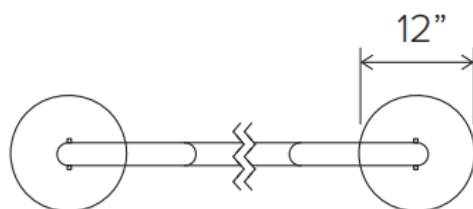
Installing into New Concrete



Installing into Existing Concrete



*An easy way to brace the rack while the grout sets is to bolt two 1x4" boards together at one end and clamp them onto the legs of the rack like a clothes pin.



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P.O. Box 7359

Ventura, CA 93006

Ph: (800) 245-3723 or (805) 933-3688

Fax: (805) 933-1865

www.ameribike.com

Email: turtle@ameribike.com



90 N MAIN STREET
CLARKSTON MI 48346

248.795.2483 ph

248.795.2549 fax

October 16, 2015

Planning Board

City of Birmingham

As requested by the Planning Board, Union Joints has reached out to our adjacent neighbors to express the desire to increase walkability in the Rail District.

We hand delivered, emailed or mailed packets to our adjacent neighbors.

Armstrong and Young 2125 E Lincoln-hand delivered.

Quality Coach Collision 2295 E Lincoln-emailed

The Michigan Law Firm-2254 Cole-emailed

2182 Cole-mailed

To date we have not heard back from our first go around and will circle back to the above the week of October 21st.

Sincerely,

Tony Yearego

Union Joints.



MEMORANDUM

Planning Department

DATE: September 25th, 2019

TO: Planning Board

FROM: Brooks Cowan, City Planner

APPROVED: Jana Ecker, Planning Director

SUBJECT: 2159 E Lincoln Street SLUP and Final Site Plan Review

Executive Summary

The applicant is proposing a full service restaurant at 2159 E. Lincoln Street titled "Lincoln Yard". The applicant has applied to renovate the existing vacant building into a 6,276 square foot space that includes an independent fast casual restaurant and the dine-in restaurant Lincoln Yard that serves American comfort food. Lincoln Yard will have 135 indoor seats and 73 outdoor seats. The independent, fast casual restaurant is proposed to connect to Lincoln Yard via a sliding door and offer a carry-out option.

The applicant is seeking a Special Land Use Permit (SLUP) for the use of an Economic Development Liquor License to engage in the sale and consumption of alcohol on premise and to occupy a building more than 6,000 square feet in the MX Zone. At this time, this subject property is not within the boundaries identified in Appendix C, Exhibit 1 of the Zoning Ordinance to qualify for an Economic Development Liquor License, though the applicant has applied for a zoning amendment to have this property added to Appendix C, Exhibit 1.

On August 14th, 2019, the Planning Board reviewed the Final Site Plan application for 2159 E. Lincoln Street. After some initial discussion the Planning Board motioned to postpone recommendation until it had reviewed the subject's application to be incorporated into the parcels eligible for an Economic Development License.

On September 11th, 2019, The Planning Board considered the application to amend the Zoning Ordinance to include 2159 E. Lincoln Street as a property eligible for an Economic Development Liquor License. The Planning Board considered the intent of the Economic Development License, the goals of the Eton Road Corridor Plan, and the current conditions of the southern portion of the Rail District. Based upon review, the Planning Board motioned to recommend that 2159 E. Lincoln Street, as well as surrounding properties on E. Lincoln Street and Cole Street in the southern portion of the Rail District be added to Appendix C, Exhibit 1 of the Zoning Ordinance. The reasoning for the recommendation of additional properties is that the Planning Board wanted to consider the southern portion of the Rail District as a whole and not one property at a time. The Planning Board felt that the entire southern portion of the Rail District could benefit from substantial investment opportunities.

The subject property must receive final approval from City Commission to be added to Appendix C, Exhibit 1 of the Zoning Ordinance to be eligible for an Economic Development License SLUP. Principal uses in the MX District with a total floor area greater than 6,000 square feet must apply for a Special Land Use Permit as well.

1.0 Land Use and Zoning

- 1.1 Existing Land Use – The existing land use is commercial, vacant.
- 1.2 Existing Zoning – The property is currently MX, Mixed-Use. The existing use and surrounding uses appear to conform to the permitted uses.
- 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
Existing Land Use	Commercial Retail Industrial	Public Property Ice Arena/ Skate Park	Commercial Retail	Commercial Retail
Existing Zoning District	MX, Mixed-Use	PP, Public Property	MX, Mixed-Use	MX, Mixed-Use

2.0 Economic Development Liquor License Use

The applicant is requesting approval of a SLUP to allow the use of an Economic Development Liquor License in a building greater than 6,000 square feet at 2159 E Lincoln Street. Establishments operating with a liquor license obtained under Chapter 10, Alcoholic Liquors, Article II, Division 3, Licenses for Economic Development are permitted with a valid Special Land Use Permit only for those properties identified on the map in Appendix C, Exhibit 1, of the Zoning Ordinance. At this time, the subject property has not been designated as a parcel eligible for an Economic Development Liquor License in Appendix C, Exhibit 1, of the Zoning Ordinance, though the applicant has applied for an amendment to include the subject property on this map.

If the applicant is successful in having the property approved as an area that qualifies for an Economic Development Liquor License, the applicant must satisfy the requirements of Chapter

10, Alcoholic Liquors, Article II, Division 3, Licenses for Economic Development in order to qualify for approval.

Chapter 10, Alcoholic Liquors, Article II, Division 3, Licenses for Economic Development Section 10-60 States:

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 the request is deemed to constitute a substantial economic development and benefit to the city, to establish criteria for selecting applicants, and to provide limitations on the influx of new liquor licenses and to insure controlled growth and development regarding liquor licenses and to evaluate the impact of increased liquor licenses on the city.

Meanwhile Chapter 10, Alcoholic Liquors, Article II, Division 3, Licenses for Economic Development Section 10-61 outlines requirements an applicant must meet for persons desiring to transfer a liquor license into the City for economic development purposes. The applicant's responses to such requirements are as follows:

Chapter 10.61 of the Municipal Code:

(1) Utilization of said liquor licenses and details on the number of quota liquor licenses in escrow at the time of application.

The applicant has advised that all quota liquor licenses are currently in use, with the exception of the following, which are currently in escrow for use by future tenants of the buildings where they are held:

1. PEABODY OWNER, LLC, 34965 Woodward
2. WILLITS CO-LICENSE LLC / MITCHELL'S ENTERTAINMENT, INC., 117 Willits
3. WILLITS CO-LICENSE LLC / MITCHELL'S ENTERTAINMENT, INC., 115 Willits
4. THE PALLADIUM OF BIRMINGHAM, LLC, 201 Hamilton Row

(2) Proposed site plan of the property, building floor plan and an operations floor plan.

The Site Plan and building floor plan were submitted with the application. **An operations floor plan has yet to be submitted.** The hours of operations for the carryout portion of Little Yard will be from 7am to 8pm daily while Lincoln Yard will be open from 11am to 12am daily. **The applicant has yet to provide the City with information regarding the type of liquor license they intend to transfer into the City, who owns said liquor license, who it was purchased from, and whether said license is accompanied by any endorsements.**

(3) An economic impact analysis.

The applicant has indicated that benefits to the City include:

1. Number of permanent new jobs created: from 85-95

2. Number of temporary contraction and trade jobs: from 40-50
3. Construction participation will be primarily provided by trades within 20-30 miles of the site.
4. Total investment in the project: approximately \$3 million.
5. Increase in assessed value for City: from 5-10x current estimate of assessed value.

(4)A copy of the special land use permit application and supporting documentation submitted by the applicant.

SLUP application submitted with Site Plan Application.

(5)All documentation submitted to the LCC requesting the transfer.

At this point the applicant has submitted nothing to the MLCC and are awaiting SLUP approval.

(6)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 state 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 substantial economic development proposed by the applicant, including the approximate dollar amount of the investment to be made, number of jobs to be created and other benefits to the city. The city deems projects resulting in a 500 percent increase in assessed value post-development over the pre-development assessed value of the parcel and/or projects with an investment of more than \$10,000,000.00, whichever is less, to be substantial. However, special circumstances may warrant flexibility on the minimum investment at the sole discretion of the City Commission.

The applicant has no identification and history pertaining to the license proposed to be transferred. The principals of Bus Bar LLC, the operator of Lincoln Yard, Curt Catallo and K.C. Crain, operate Vinsetta Garage which has no open complaints or actions taken by any person or entity to suspend revoke deny or denial of renewal of that license. None of the other six Union Joints operations have had any action to suspend, revoke deny or denial of renewal of those licenses.

The applicant is investing approximately \$3 million in the design, engineering and construction of the interior (including kitchen) and exterior of this 6,276 square foot restaurant.

The applicant expects to create approximately 85-95 permanent jobs and approximately 40-50 construction jobs at the site.

The property public records show this property is currently assessed at \$182,740 indicating a market value of \$365,480. Just considering the investment of approximately \$3 million, there will be an 820% increase in value. However, it is

anticipated the actual increase in value will eventually exceed this percentage of improvement.

(7) Information detailing how the proposed operation will create a more eclectic mix of restaurants in the city.

Lincoln Yard will compliment the vibrant and ever-expanding dining scene in Birmingham...specifically in the Rail District. The robust restaurant scene along the Eton Corridor is bookended by a highly regarded and established steakhouse and bustling brewery. Lighter offerings from the likes of Beyond Juice and the breakfast-centric Whistle Stop are ideally suited for specific times of the day. Union Joints' offerings at Lincoln Yard will both fill the gaps in service by offering prepared foods throughout the day (Little Yard) and our characteristic brand of originally interpreted American comfort food. The main dining room in Lincoln Yard will feature fare made brighter and fresher with an emphasis on roasted meats and fish and elevated vegetarian offerings. Little Yard will allow for a healthy and hearty grab-and-go which will be wholly unique to the area.

In regards to what the City deems to be a substantial economic improvement, it is of note that the last sentence of Municipal Code Chapter 10-61(6) states **"However, special circumstances may warrant flexibility on the minimum investment at the sole discretion of the City Commission."**

In regards to a 500% increase from the current assessed value of \$182,740, the required assessed value post development is \$913,700 (a market value of \$1.8 million). In regards to factors considered in assessments, the Oakland County assessing data indicates the current owners and applicants purchased this property in 2016 for \$825,000. The property was in poor condition at the time and the approximately \$3 million of investments intended for improvements have yet to be made. Comparable uses nearby also become a factor in determining the assessed value. Examples of restaurants in the Rail District include The Reserve which is a 6,825 SF banquet hall assessed at \$783,830. The Big Rock Chophouse which is an 11,737 SF historic building assessed at \$1,116,190, and Griffin Claw which is a 15,366 SF brewery assessed at \$1,518,790. These restaurants are not exactly like the proposal for Lincoln Yard but may provide a gauge of how establishments with liquor licenses are assessed in this portion of the City.

It is of note that the metrics used in the Municipal Code 10-61(6) to determine a substantial economic improvement, including a 500% increase in assessed value or \$10 million in investments only considers the individual property. These metrics of improvement do not take into consideration the catalytic benefits one project or use may have on the surrounding area.

When reviewing the application to have the subject property included as a property eligible for an Economic Development License, the Planning Board discussed the positive economic impact a full service restaurant would have on all properties in the southern portion of the Rail District. The Planning Board chose to consider the area as whole and not one property at a time.

Chapter 10, Alcoholic Liquors, Section 10-62 of the Municipal Code outlines the following requirements for transferring a liquor license into the City for economic development purposes.

- (a) **Selection criteria.** In addition to the usual factors and criteria used by the city commission for liquor license requests, including those listed in [section 10-42](#), 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:
- (1) The applicant's demonstrated ability to finance the proposed project.**
 - (2) The applicant's track record with the city including responding to city and/or citizen concerns.**
 - (3) Whether the applicant has an adequate site plan to handle the proposed liquor license activities.**
 - (4) Whether the applicant has adequate health and sanitary facilities.**
 - (5) The establishment's location in relation to the determined interest in development.**
 - (6) The extent that the cuisine offered by applicant is represented in the city.**
 - (7) The percentage of proceeds from the sale of food products as compared to the sale of alcoholic beverages.**
 - (8) Whether the applicant has outstanding obligations to the city (i.e. property taxes paid, utilities paid, etc.).**
- (b) **Maximum number of economic development licenses.** The city commission may approve a maximum of two economic development licenses each calendar year in addition to the existing quota licenses otherwise permitted by state law.
- (c) **Annual review of need.** Every three calendar years, the city commission shall perform a review of the previously approved economic development license(s), if any, and the impact of those decisions on the city's downtown. A time for public comment shall be provided.
- (d) **If any new transfers of licenses for economic development 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.**

The applicant has indicated that bank financing necessary for the project is already in place. The applicant has not previously operated in Birmingham though they have indicated they intend to efficiently respond to the City and/or citizen concerns and serve Birmingham's residential and business community. All of the health and safety facilities will be in compliance with all local, state, and federal laws, and they aim to exceed these requirements as a part of what their audience has come to expect.

The applicant believes their service to the residential, recreational, and business neighborhood will enhance it and help redevelop the area. Birmingham has a variety of specialized cuisine offerings and Union Joints strives to provide diners with something familiar and surprising at the same time, with menus designed to deliver something easily understood in an accent that is exciting and inventive. The applicant has also indicated that they build restaurants with good

bars, not bars that serve some food. They have indicated that Lincoln Yard will be 75% food and 25% alcohol.

There are no known outstanding obligations to the City.

3.0 Setback and Height Requirements

The attached summary analysis provides the required and proposed bulk, area, and placement regulations for the proposed project. The applicant meets all of the bulk, height, area and placement requirements for the MX Zoning District, with the exception that a SLUP is required as the building area is greater than 6,000 square feet.

Please see the attached Zoning Compliance Summary Sheet for detailed zoning compliance information.

4.0 Screening and Landscaping

- 2.1 Parking Lot Screening – The applicant has proposed a hedgerow three feet in height of Sprinter Boxwood to provide screening for parking along the southern portion of the property facing E. Lincoln Street. An herb garden and box planters are proposed for screening on the western portion of the property abutting the 2125 E. Lincoln Street property, which currently has an evergreen screen wall in place. A five foot hedgerow of Sky Pencil Holly trees is also proposed along a portion of the rear lot line for screening. No screening is proposed along the east property line which abuts a building. Article 4, Section 4.81(6) permits screenwalls in the MX District to be a continuous evergreen hedge upon approval by the Planning Board.

Dumpster Screening - The applicant has proposed a 6'4" masonry screenwall surrounding the dumpster area on three sides. The dumpster gates are proposed to consist of opaque cedar wood attached to concrete bollards which will be painted to match the building. The submitted plan indicates a lockable gate.

Mechanical Screening – Plans indicate the rooftop mechanical equipment will be screened with a metal corrugated material in reflecting pool colored blue in accordance with the ordinance. Details regarding rooftop mechanical equipment locations and cut sheets have been provided. The plans also indicate a ground mounted mechanical transformer in the northwest corner of the property which will be screened by planters that surround the outdoor patio.

- 2.2 Landscaping – The applicant has proposed additional landscaping along the street frontage on E. Lincoln, the southeast corner of the property, and the northeast corner of the property. Five street trees are required along E. Lincoln based upon the applicant's linear street frontage. The plans indicate five American Hornbeam trees for the right-of-way along E. Lincoln.

The parking lot is 19,000 square feet, therefore 5% of the parking lot area is required to be landscaped, which totals 950 square feet. The applicant has proposed landscaped area of 1,674 square feet which meets the ordinance requirements.

One canopy tree is required for each 150 square feet of interior planting area required for parking lots. The applicant is required to provide six canopy trees, and has proposed seven Cleveland Select Pear Trees with one at the entrance, one in the parking lot, three at the southeast corner, and two in the northeast corner. The plans indicate the trees will be 3 inches in caliper, and all interior planting areas exceed 150 square feet which satisfies the Zoning Ordinance.

As previously mentioned, a combination of Sprinter Boxwoods and Sky Pencil Holly landscaping has been proposed to serve as screening.

5.0 Parking, Loading, Access, and Circulation

- 3.1 Parking – The applicant is required to provide 65 parking spaces for both restaurants. The applicant has proposed 58 parking spaces on site and an additional 16 parking spaces through a shared parking agreement with the neighbor at 2125 E. Lincoln Street (Armstrong White), totaling 74. The applicant has provided legal documentation of the shared parking agreement between the owners of 2159 and 2125 E. Lincoln Street for the remaining 16 spaces required.

The adjacent property indicated in the shared parking agreement, 2125 E Lincoln, is a 9,600 square foot commercial building currently used by Armstrong White which is an advertising agency. 2125 E. Lincoln Street is required to provide 32 parking spaces for its current use. The property has 60 spaces on site which is 28 spaces more than is required. Because the property has 28 extra spaces and the applicant has indicated an agreement for 16 of those parking spaces, the Planning Department does not recommend the need for a peak parking demand study.

- 3.2 Loading – The subject building is between 5,000 and 20,000 square feet, thus one loading space is required. One loading space is proposed adjacent to the east side of the building. The space is 12' x 40' and is screened by the building.
- 3.3 Vehicular Access & Circulation – The site plan indicates one existing curb cut that is 20 feet wide at the site for ingress and egress on the subject property. The applicant has also indicated the removal of existing fencing in the southwest corner of the property and a parking lot connection to the 2125 E. Lincoln Street parking lot. The 2125 E. Lincoln Street property also has one curb cut for ingress and egress.
- 3.4 Pedestrian Access & Circulation – Pedestrians will be able to access the restaurants from E. Lincoln via two entry doors, one on the eastern portion of the southern façade and one on the western portion of the southern façade. Patrons may enter Lincoln Yard from the outdoor patio as well. The applicant has proposed an improved walkway connecting from the public sidewalk to the southeast entrance.

This includes red tinted concrete for a pedestrian crosswalk connecting the southeast building entrance to the public walk at East Lincoln Street.

- 3.5 Streetscape – The applicant has indicated that there will be 5 feet of unobstructed pedestrian right of way along E. Lincoln Street. Five American Hornbeam trees are proposed for the public right-of-way, along with five new City street lights. The street trees and city street lights are spaced 20 feet apart and satisfy the Zoning Ordinance requirements of one street tree and City light per 40 feet of frontage.

The site plan indicates two city standard benches facing the public sidewalk along E. Lincoln, one at the southeast corner and the other near the southwest corner of the property. Each public bench is accompanied by a city standard trash receptacle. **The applicant must indicate the color of the proposed benches and trash receptacles.**

6.0 Lighting

The applicant has provided a photometric plan and spec sheet for proposed light fixtures. The site plan indicates six pole mounted light fixtures for the parking lot. The applicant has indicated the height of the pole mounted light fixtures will be 16 feet, meeting the ordinance height requirement. The parking lot circulation area foot-candle variation ratio is 15.8:1 which satisfies the 20:1 ratio requirement.

The applicant has also proposed 35 wall mounted light fixtures on the exterior of the building. The LF3, LF4, and LF5 wall light fixtures indicated on the plans do not appear to be full cutoff or cutoff luminaires. **Article 4, Section 4.21(D)(1) requires that all luminaires be full cutoff or cutoff as defined in Section 9.02, and positioned in a manner that does not unreasonably invade abutting or adjacent properties.**

The applicant is requesting that the Planning Board waive the requirement that all luminaires be full cutoff or cutoff as defined in Section 9.02. According to the applicant, the lights are meant to be decorative in manner, are consistent with the building and do not adversely affect other uses and buildings in the neighborhood.

Article 4, Section 4.21(D)(1) also states that exceptions to cutoff luminaires can be made at the discretion of the Planning Board under any of the following conditions:

- a. **The distribution of upward light is controlled by means of refractors or shielding to the effect that it be used solely for the purpose of decorative enhancement of the luminaire itself and does not expel undue ambient light into the nighttime environment.**
- b. **The luminaire is neither obtrusive nor distracting, nor will it create a traffic hazard or otherwise adversely impact public safety, with appropriate methods used to eliminate undesirable glare and/or reflections.**
- c. **The luminaire is consistent with the intent of the Master Plan, Urban Design Plan(s), Triangle district plan, Rail district plan and/or Downtown Birmingham 2016 Report, as applicable.**

- d. **The scale, color, design or material of the luminaire will enhance the site on which it is located, as well as be compatible with the surrounding buildings or neighborhood.**
- e. **Lighting designed for architectural enhancement of building features (i.e. architectural enhancement lighting). Appropriate methods shall be used to minimize reflection and glare.**
- f. **The site lighting meets all requirements set forth in this ordinance including, but not limited to, light trespass and nuisance violations.**

If the Planning Board does not approve an exception to the cutoff luminaire policy, the applicant must submit new plans with lights that meet the Zoning Ordinance, or apply for a variance from the Board of Zoning Appeals.

7.0 Departmental Reports

- 5.1 Engineering Division – Comments will be received by September 25th, 2019.
- 5.2 Department of Public Services – Comments will be received by September 25th, 2019.
- 5.3 Fire Department –
 - The entire building will require fire suppression (A-2 Occupancy).
 - An FDC (fire department connection) to be located on the street side of the building, in an approved, unobstructed location.
 - The building will require a fire alarm system with occupant notification.
 - The proposed fire table will need to be equipped with an attached, study mesh cover to prevent contact with open flames, final approval by the fire marshal.
 - The entire enclosed canopy area with the fire table feature will be required to have fire suppression coverage, due to combustible materials, and an open ignition source.
- 5.4 Police Department – Comments will be received by September 25th, 2019.
- 5.5 Building Department –
 - A fire sprinkler system will be required throughout the building and within the covered outdoor dining areas.
 - It appears that a single unisex toilet room is proposed in the independent restaurant area. The Michigan Plumbing Code will require separate men's and women's toilet rooms in this area due to the occupant load.

8.0 Design Review

Exterior:

The applicant has proposed modifications to the existing building that includes new windows, an outdoor patio, and an addition of 1,104 square feet. The south facing patio will have a canopy constructed of corrugated blue metal panels and a white acrylic patio cover. The patio seating will be surrounded by planters made of wood and corten steel.

The building exterior is proposed to remain concrete masonry that is painted white with a blue stripe. The new windows will have prefinished aluminum framing in a red oxide color.

Outdoor Dining:

Outdoor dining must comply with the site plan criteria as required by Article 04, Section 4.44 OD-01, Outdoor Dining Standards. Outdoor dining in the MX Zone is permitted immediately adjacent to the principal use and is subject to site plan review and the following conditions:

1. Outdoor dining areas shall provide and service refuse containers within the outdoor dining area 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, whichever is earlier.
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 12:00 a.m., whichever is earlier.
4. All tables and chairs provided in the outdoor dining area shall be constructed primarily of metal, wood, or material of comparable quality.
5. 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.

The outdoor seating will be on the south and west sides of the building with a mixture of benches, chairs, couches and a fire pit. **The applicant has not indicated the location and type of refuse containers for their outdoor dining.** In regards to hours of operation, Lincoln Yard will be open from 11am to 12am, therefore outdoor dining may be occupied for their use during this time. The hours of operation for Little Yard will be 7am to 8pm. Little Yard is intended for carryout only, therefore the applicant has not indicated outdoor dining for the carry-out patrons for the purpose of maintaining seating for Lincoln Yard patrons. **The Planning Division recommends outdoor seating be provided for Little Yard patrons from 7am to 11am while Lincoln Yard is not open.**

According to 4.44(A)(3), tables and chairs shall be constructed primarily of metal, wood or similar material. **The applicant has indicated that chairs C1, C3, C4, and C5 are made out of plastic that come in colors white, orange, Bordeaux, and red ochre.** The remaining chairs, tables, and benches are composed of either wood or aluminum. The bright hues of orange, red and blue for the outdoor furniture appear to compliment each other and appear to become accentuated by the contrasting white background of the building.

Glazing:

Article 4, Section 4.90(A)(1) states that no less than 70% of the storefront/ground floor façade between 1 and 8 feet above grade shall be clear glazing. **Currently, the applicant has a glazing percentage of 45% for the southern elevation façade, which does not meet the ordinance requirement. Also, the applicant has not provided window details demonstrating a visual light transmittance (VLT) of 80% or higher.**

Meanwhile, Article 4.90(D) for Storefront/Ground Floor Windows was adopted by City Commission on July 24th, 2017 stating:

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

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

The Planning Board may wish to allow flexibility in design for this building and maintain its proposed glazing level at 45%.

Signage:

A name letter sign is proposed to read "LINCOLN YARD" to comply with the Sign Ordinance. A second name letter sign is proposed to read "LITTLE YARD" for the independent fast casual space with "EVERYDAY TAKEAWAY" below it. The applicant has 102 of building frontage, therefore 102 square feet of available sign space. The Lincoln Yard sign is proposed to be 67 square feet, and 12 feet above grade. The letters project 3 inches in total. The Little Yard sign is 21 SF with letters that project 2 inches, though the applicant has not indicated the height from ground level for this sign. Specifics regarding the signage for "EVERYDAY TAKEAWAY". **The applicant must provide details regarding size of each sign, the elevation of each sign in relation to the ground floor, and how the sign is attached to the wall before obtaining final approval.**

9.0 Approval Criteria

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.

10.0 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.

11.0 Suggested Action

Based on a review of the site plans submitted, the criteria listed in Article 7, Section 7.27 and 7.34 of the Zoning Ordinance, the Planning Board recommends APPROVAL of the applicant's request for Final Site Plan and SLUP Review for 2159 E. Lincoln – Lincoln Yard to the City Commission, with the following conditions:

1. The applicant obtain zoning amendment approval for the subject property to be eligible for an Economic Development Liquor License according to Chapter 126, Zoning Ordinance Appendix C, Exhibit 1, and Chapter 126, Zoning Ordinance Article 2, Section 2.39 MX Uses Requiring a Special Land Use Permit.
2. The applicant indicates a color for the city standard benches and trash receptacles.
3. The applicant provides window details demonstrating an 80% VLT or greater.
4. The applicant provide location and design specifics for the outdoor dining refuse containers.

5. The applicant provides details regarding the material, size and height of the signs, as well as how they are attached to the wall.
6. The applicant provides an operations floor plan.
7. The applicant provide details regarding what type of liquor license they will transfer into the City, who owns it, who it was purchased from, and whether or not they have endorsements attached to the liquor license.

OR

Based on a review of the site plans submitted, the criteria listed in Article 7, Section 7.27 and 7.34 of the Zoning Ordinance, the Planning Board recommends POSTPONE of the applicant's request for Final Site Plan and SLUP Review for 2159 E. Lincoln – Lincoln Yard to the City Commission, for the following reasons:

1. _____
2. _____
3. _____

OR

Based on a review of the site plans submitted, the criteria listed in Article 7, Section 7.27 and 7.34 of the Zoning Ordinance, the Planning Board recommends DENIAL of the applicant's request for Final Site Plan and SLUP Review for 2159 E. Lincoln – Lincoln Yard to the City Commission, for the following reasons:

1. _____
2. _____
3. _____

Zoning Compliance Summary Sheet
2159 E. Lincoln Street

Existing Site:

Zoning: MX

Land Use: Vacant commercial/industrial building

Existing Land Use and Zoning of Adjacent Properties:

	North	South	East	West
Existing Land Use	Commercial Retail Industrial	Public Property Ice Rink Skate Park	Commercial Retail	Commercial Retail
Existing Zoning District	MX, Mixed-Use	PP, Public Property	MX, Mixed-Use	MX, Mixed-Use

Land Area: existing: 35,337 SF
proposed: Same as existing

Minimum Lot Area: required: N/A
proposed: N/A

Minimum Floor Area: required: N/A
proposed: Retail N/A

Maximum Total Floor Area: required: N/A
proposed: 6,276 SF.
Principle uses with a floor area greater than 6,000 SF in the MX zone must apply for a SLUP.

Minimum Open Space: required: N/A
proposed: N/A

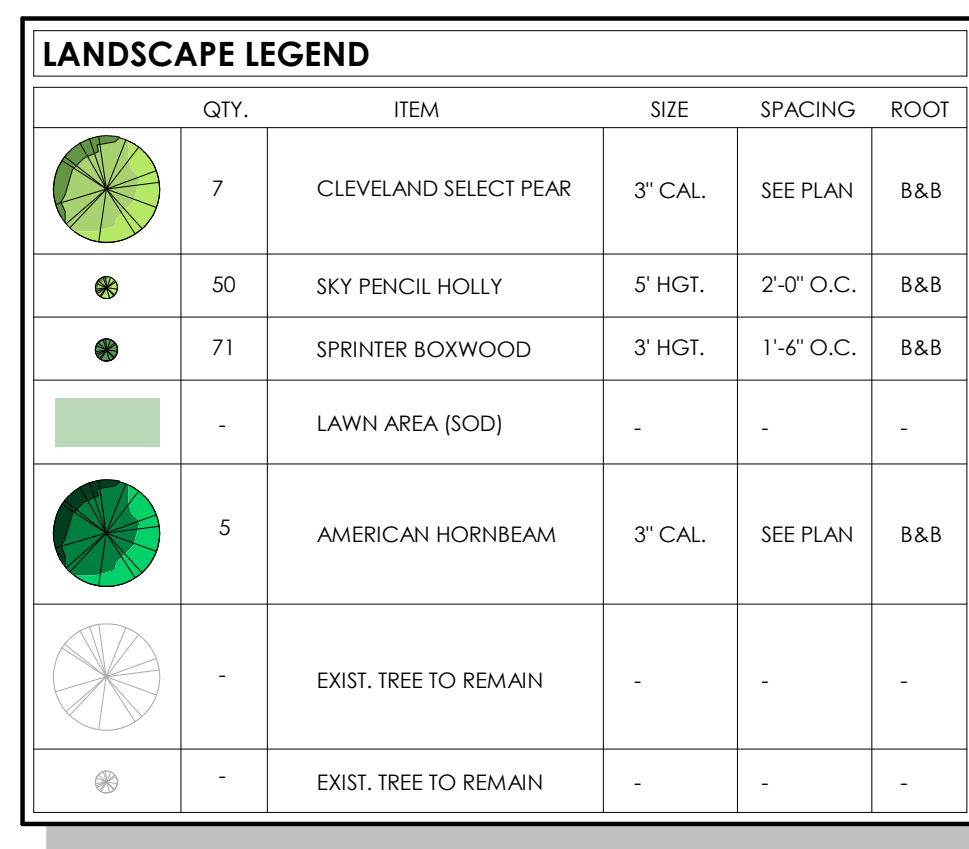
Maximum Lot Coverage: required: N/A
proposed: N/A

Front Setback: required: N/A
proposed: 59'5"

Side Setbacks:	required:	N/A
	proposed:	111' (to East) 12' (to West)
Rear Setback:	required:	10' when adjacent to MZ Zone
	proposed:	10'
Max. Bldg. Height:	permitted:	45'
	proposed:	17'2"
Minimum Eave Height:	required:	N/A
	proposed:	N/A
Parking:	required:	65 spaces
	proposed:	58 on site space spaces, 16 shared with 2125 E. Lincoln Street for 74 total.
Loading Area:	required:	1 space
	proposed:	1 spaces
Screening:		
<u>Parking:</u>	required:	32" screen wall
	proposed:	36" sprinter boxwoods
<u>AC/Mech. units:</u>	required:	Obscure the equipment from public view
	proposed:	corrugated metal paneling
<u>Dumpster:</u>	required:	6' high capped masonry wall with wooden gates
	proposed:	6'4" masonry screen wall with cedar wood gates



G.001



Union Joints
90 N. Main St.
Clarkston, MI 48346

Lincoln Yard
2159 E. Lincoln Ave.
Birmingham, MI 48009

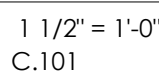
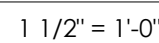
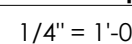
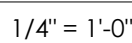
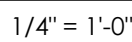
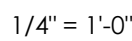
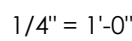
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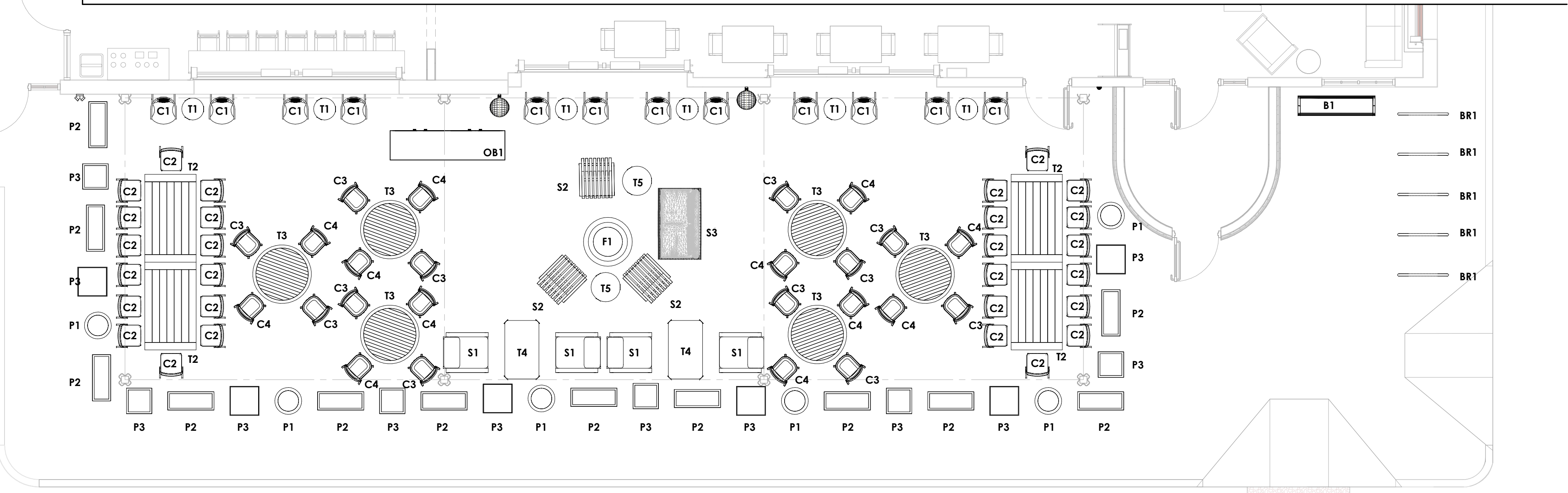
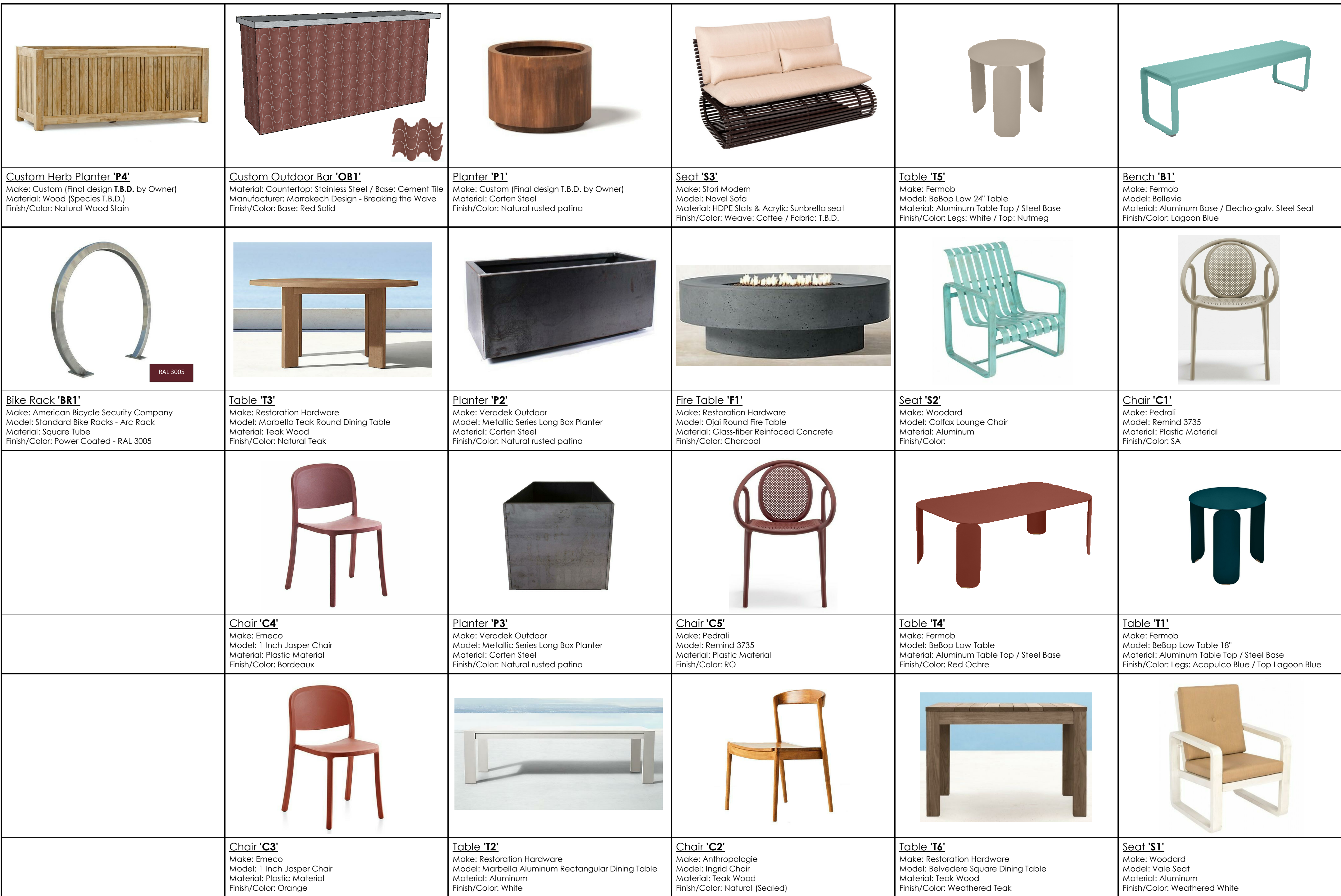
Do not scale drawings. Use
calculated dimensions only.
Verify existing conditions in field.

Site Details

19-064

C.101

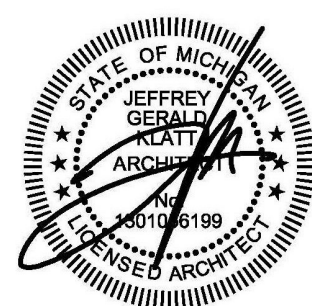




Outdoor Furniture Plan

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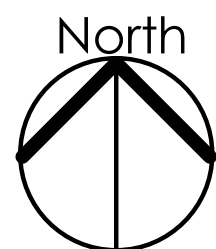
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Note:

Do not scale drawings. Use
calculated dimensions only.
Verify existing conditions in field.

North Arrow:












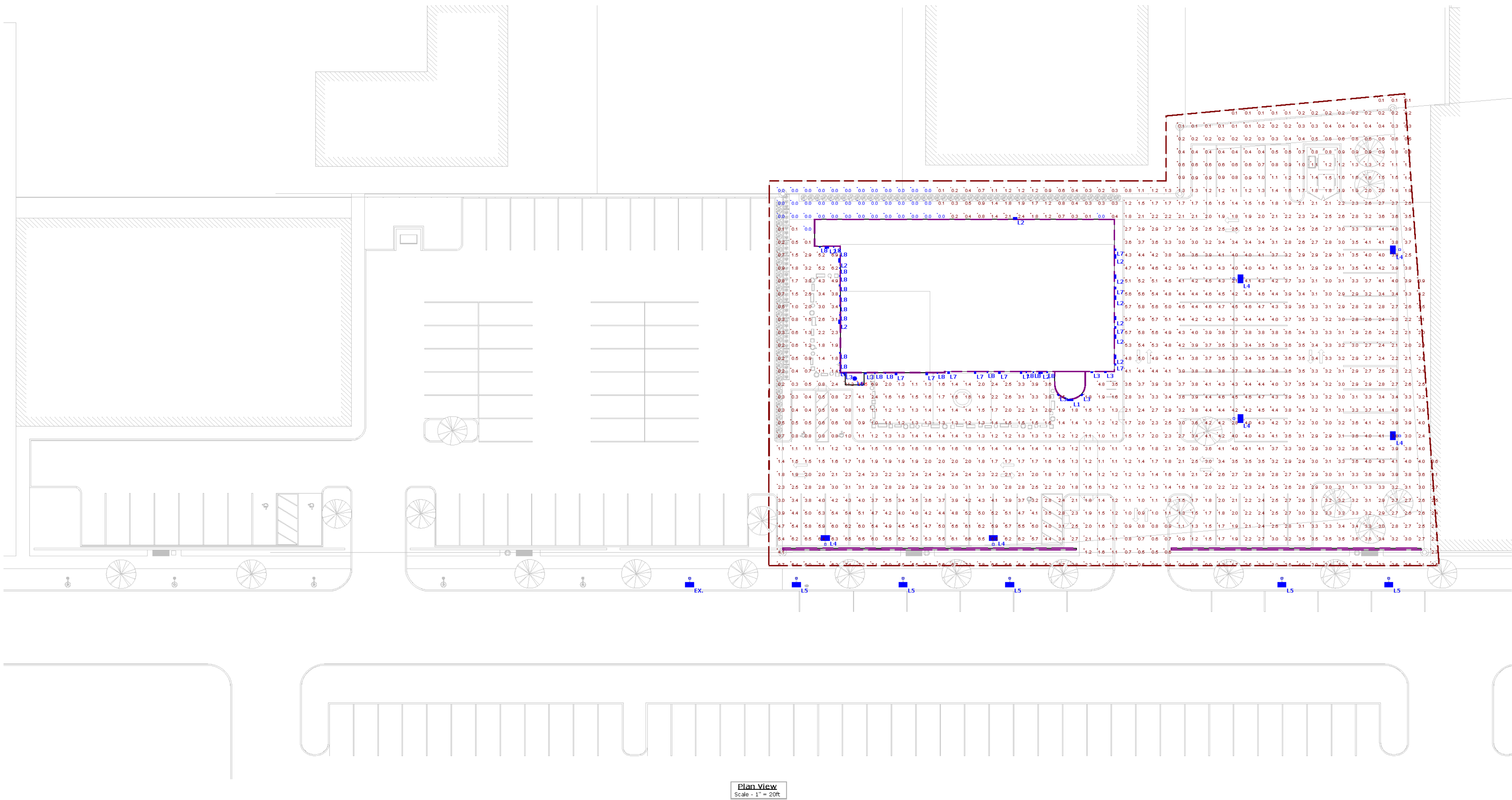
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Photometric Plan

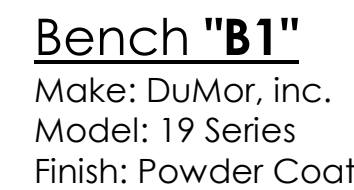
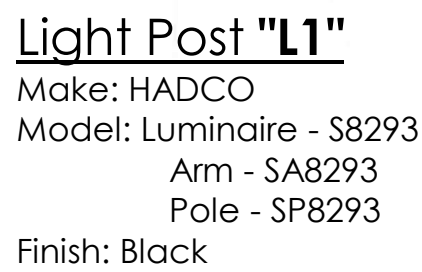
Project Number:
19-064

Sheet Number:
C.103

Statistics						
Description	Symbol	Avg	Max	Min	Max/Min	Avg/Min
PARKING	+	3.2 fc	6.3 fc	0.4 fc	15.8:1	8.0:1
SITE AT 6'	+	2.8 fc	15.6 fc	0.0 fc	N/A	N/A
SITE AT GROUND LEVEL	+	2.6 fc	15.5 fc	0.0 fc	N/A	N/A

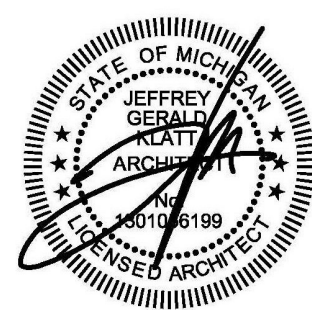
Schedule										
Symbol	Label	Quantity	Manufacturer	Catalog Number	Description	Lamp	Number Lamps	Lumens Per Lamp	Light Loss Factor	Wattage
	L1	1	LIGHTLOGY	HIN820523	FOUNDRY OUTDOOR 16inch DOME SHADE HOOK ARM WALL LIGHT	100W INCANDESCENT/LED EQUIVALENT	1	1503	0.8	13.3
	L2	11	LIGHTLOGY	HIN820503	FOUNDRY OUTDOOR 12inch DOME SHADE HOOK ARM WALL LIGHT	LED	1	1503	0.7	13.3
	L3	6	LIGHTLOGY	CRY592002	CAPSULE OUTDOOR WALL LIGHT	43W INCANDESCENT/LED EQUIVALENT	1	491	0.8	14.3
	L4	6	Lithonia Lighting	DSX0 LED P6 40K TSM MVOLT	DSX0 LED P6 40K TSM MVOLT MOUNTING HEIGHT: 16FT.	LED	1	16575	0.8	134
	L5	5	HADCO		HADCO CITY STREET POLE MOUNTING HEIGHT: 12FT.	100W HPS	1	9410	0.8	72
	L6	1	Lithonia Lighting	LDN6 35/15 LOGAR LD	6IN LDN, 3500K, 1500LM, 80CRI, CLEAR, MATTE DIFFUSE REFLECTOR	LED	1	1365	0.8	20.48
	L7	10	GUZZINI		SPACE AGE GREEN VINTAGE OUTDOOR PLASTIC GLOBE WALL LAMPS BY GUZZINI, 1970S ITALY (E27 SOCKET)	60W INCANDESCENT/LED EQUIVALENT	1	522	0.8	8.93
	L8	19	BOCCI	14S/SP	SURFACE MOUNTED, 2.2" MOUNTING PLATE OR 4.5" PAINTABLE MOUNTING PLATE	LED	1	87	0.45	3
	EX.	1	HADCO		EXISTING STREET POLE	100W HPS	1	9410	0.8	72





[illegible]

Seal: _____



Note:

Do not scale drawings. Use
calculated dimensions only.
Verify existing conditions in field

North Arrow:

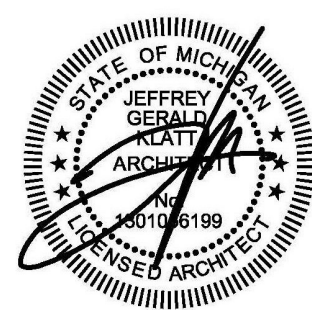
Sheet Title:
Existing Site &
Building
Photographs

Project Number:
19-064

Sheet Number:
C.105

[illegible]

Seal: _____



Note:

Do not scale drawings. Use
calculated dimensions only.
Verify existing conditions in field

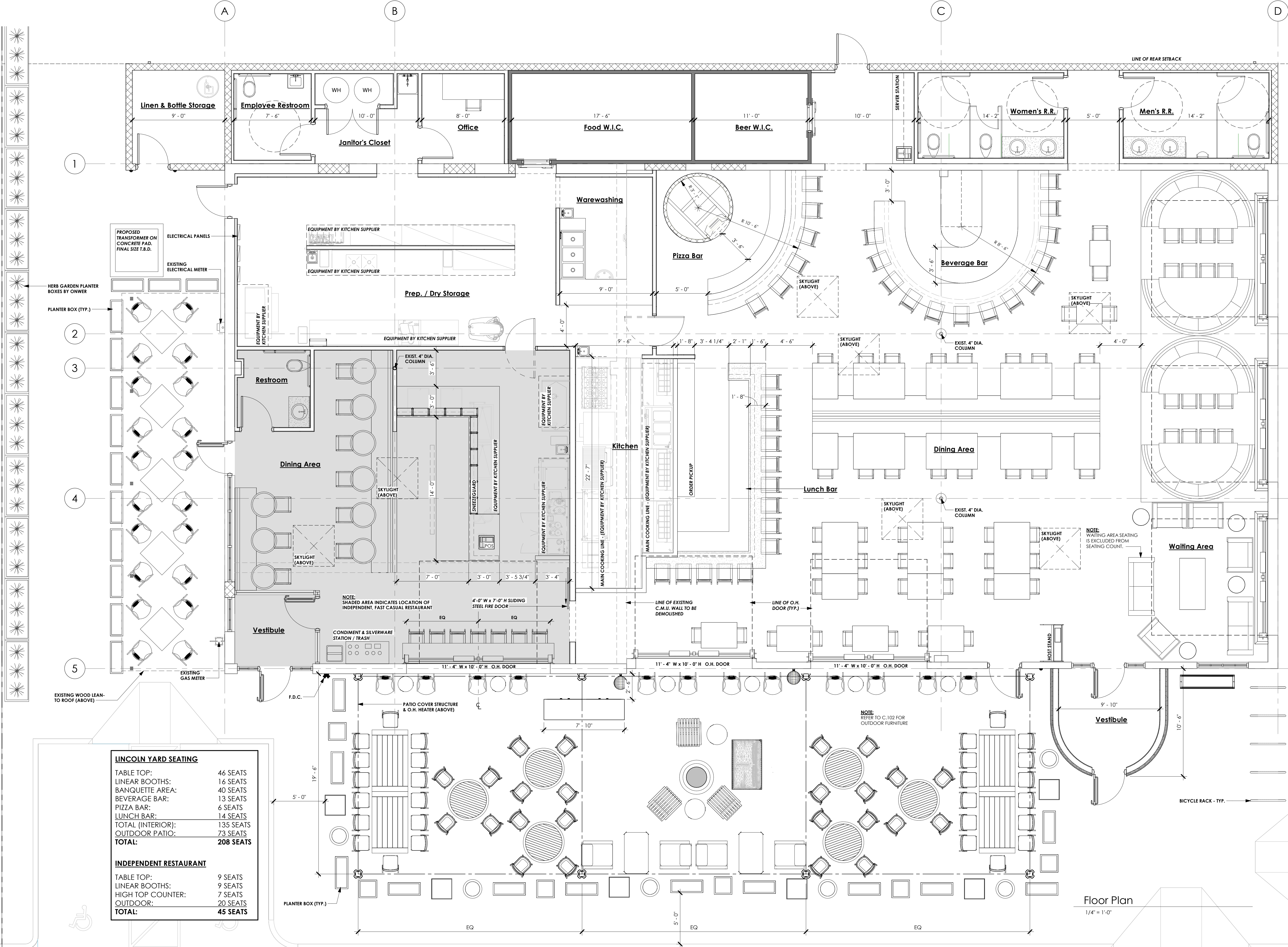
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Sheet Title:

Existing
Surrounding Site
Photographs

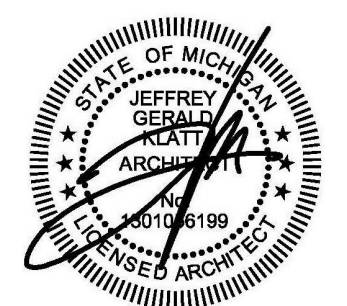
Project Number:
19-064

Sheet Number: C.106



[illegible]

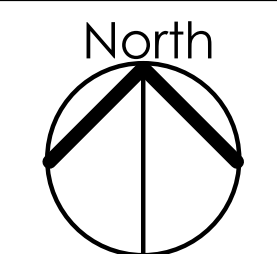
Seal:



Note:

Do not scale drawings. Use
calculated dimensions only.
Verify existing conditions in field.

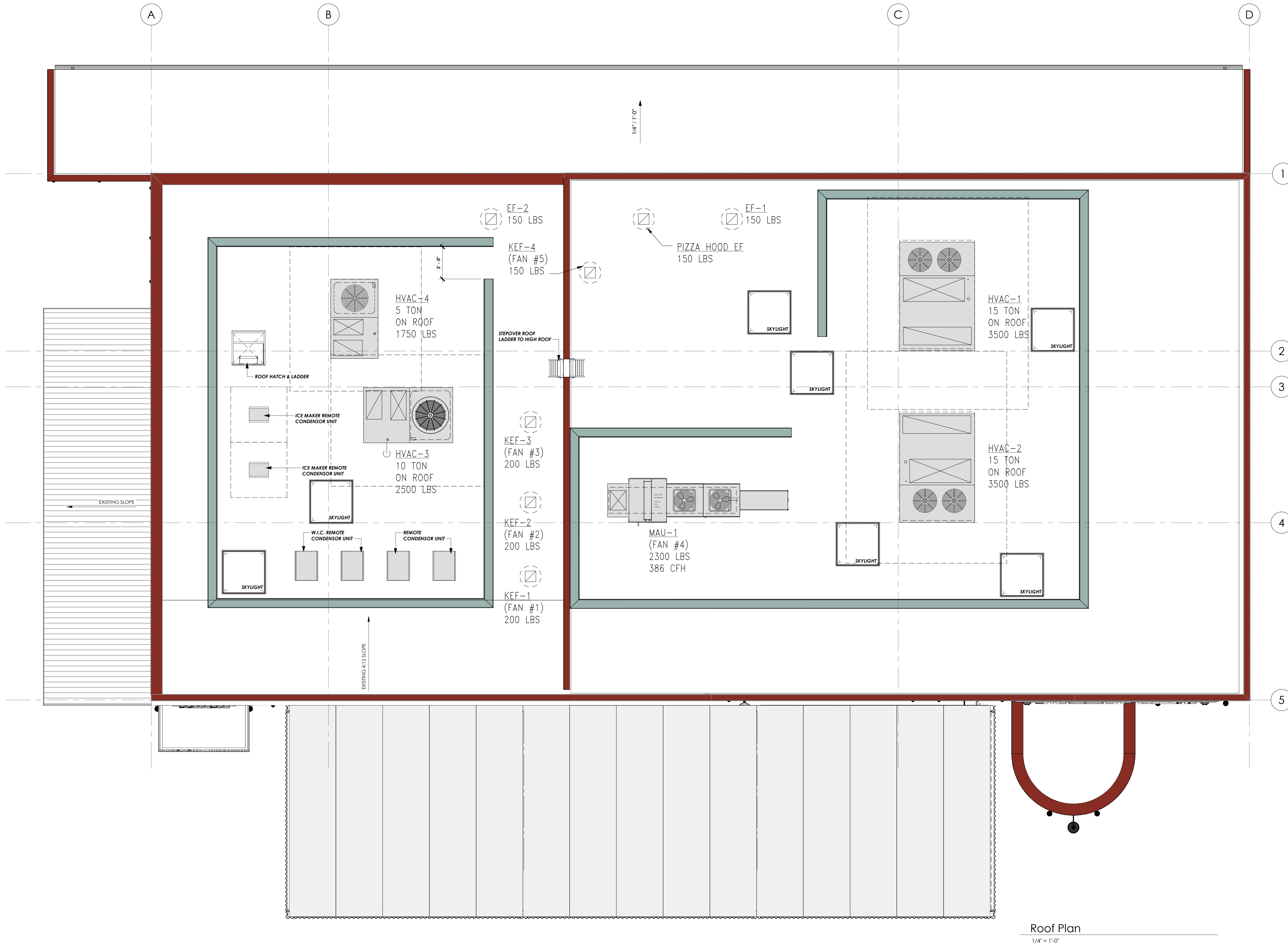
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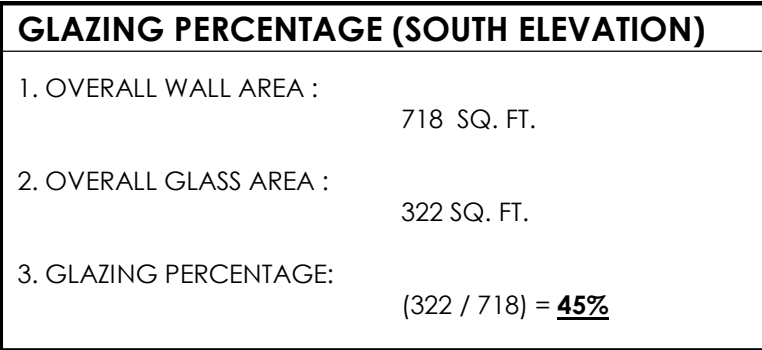
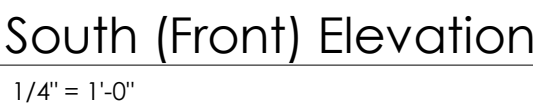
Sheet Title:
Roof Plan

Project Number: 19-064


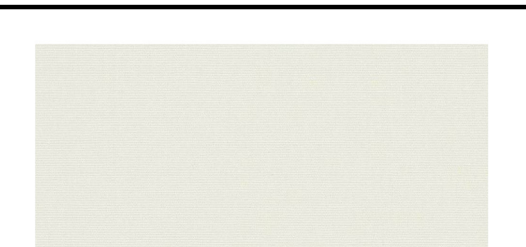

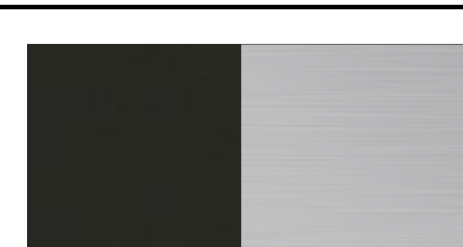

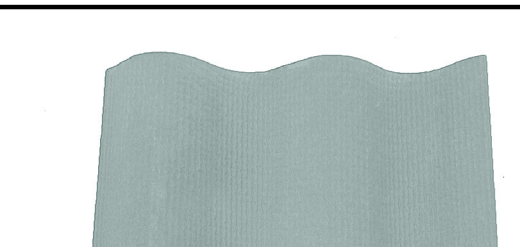
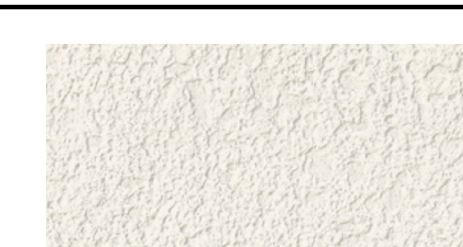

Sheet Number:
A.102

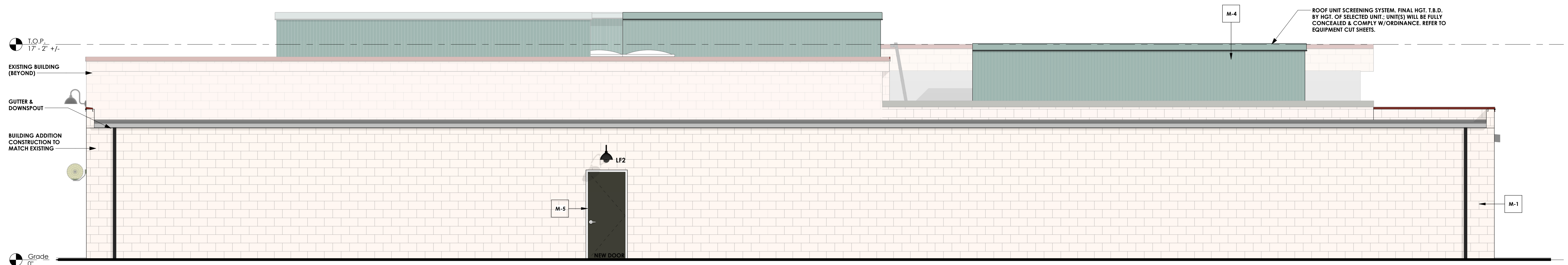


Roof Plan

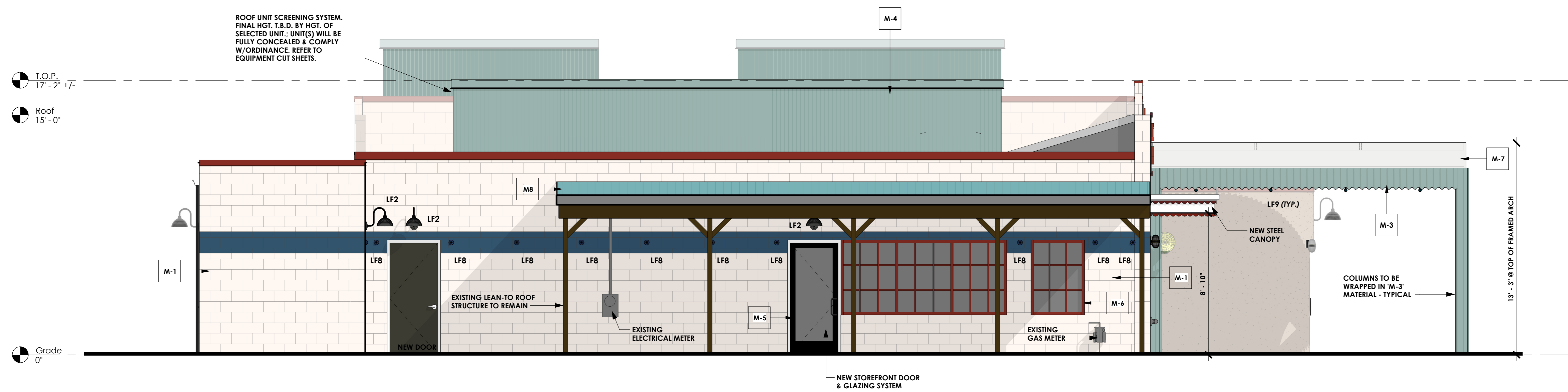


East (Side) Elevation
1/4" = 1'-0"

							
<p><u>Roof Panel 'M-8'</u> Make: Suntuf Model: 26" x 6' Polycarbonate Roof Panel Material: Corrugated Polycarbonate Finish/Color: Sea Green</p>	<p><u>Patio Cover 'M-7'</u> Make: Sunbrella Model: Sunbrella Shade Collection Material: Sunbrella Acrylic Finish/Color: Natural Plus</p>	<p><u>Prefinished Aluminum 'M-6'</u> Make: Overhead Doors, Window Frames/Mullions Model: T.B.D. Material: Prefinished Aluminum Finish/Color: Red Oxide</p>	<p><u>Prefinished Aluminum 'M-5'</u> Make: Doors Model: T.B.D. Material: Prefinished Aluminum Finish/Color: Doors-Black & Door Frames-Clear Anodized</p>	<p><u>Corrugated Metal Panel 'M-4'</u> Make: T.B.D. Model: T.B.D. Material: Corrugated Metal Panel Finish/Color: Paint - Reflecting Pool (SW 6486)</p>	<p><u>Fiber Cement Board 'M-3'</u> Make: Foundry Service & Supplies Model: Cembrit C5 Material: Fiber Cement Board Finish/Color: Paint - Aquaverde (SW 9051)</p>	<p><u>Plaster 'M-2'</u> Make: T.B.D. Model: Existing to remain Material: Plaster Finish/Color: Paint - Roman Column (SW 7562)</p>	<p><u>Concrete Masonry Unit 'M-1'</u> Make: Existing to remain & new to match existing Model: Existing to remain Material: Concrete Masonry Unit Finish/Color: Paint - Roman Column & Danube (Accent)</p>



North (Rear) Elevation
1/4" = 1'-0"



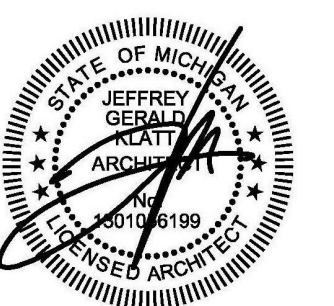
West (Side) Elevation

A small, round, red ceiling-mounted light fixture with a clear glass globe and a visible filament bulb.	A circular, silver-colored wall-mounted light fixture with a clear glass globe and a visible filament bulb.	A large, round, yellow-green wall-mounted light fixture with a green base and a visible filament bulb.	A square, silver-colored wall-mounted light fixture with a clear glass globe and a visible filament bulb.	A round, white wall-mounted light fixture with a black base and a visible filament bulb.	A large, black, dome-shaped wall-mounted light fixture with a black base and a visible filament bulb.	A large, black, dome-shaped wall-mounted light fixture with a black base and a visible filament bulb.
<p>Ceiling Mounted Light Fixture 'LF9'</p> <p>Make: Commune Design Model: Commune Light Socket Material: Porcelain Finish/Color: Red</p>	<p>Wall Mounted Light Fixture 'LF8'</p> <p>Make: Bocci Model: 14s Surface Light Material: Cast Glass & Metal Mounting Plate Finish/Color: Seamed Glass/White Powder Coated Plate</p>	<p>Wall Mounted Light Fixture 'LF7'</p> <p>Make: Guzzini Model: Space Age Green Vintage Globe Wall Lamp Material: Cast Aluminum & Plastic Finish/Color: Green</p>	<p>Wall Mounted Light Fixture 'LF6'</p> <p>Make: Lithonia Lighting Model: LDN6 (6" LED Round Downlight) Material: Matte Diffuse Reflector Trim Color: Clear</p>	<p>Wall Mounted Light Fixture 'LF3'</p> <p>Make: Lightology Model: Capsule Outdoor Wall Light Material: Glass - Frosted Finish/Color: Matte Black / Textured Gold / Glass - Opal</p>	<p>Wall Mounted Light Fixture 'LF2'</p> <p>Make: Lightology Model: Foundary 12" Dome Shade Hook Arm Wall Light Material: Aluminum Finish/Color: Textured Black</p>	<p>Wall Mounted Light Fixture 'LF1'</p> <p>Make: Lightology Model: Foundary 14" Dome Shade Hook Arm Wall Light Material: Aluminum Finish/Color: Museum Bronze</p>

NOTE: FIXTURES L4 & L5 ARE NOT IDENTIFIED ON ELEVATIONS. REFER TO SITE LIGHTING PHOTOMETRIC PLAN.

[illegible]

Seal:



Note:

Do not scale drawings. Use
calculated dimensions only.
Verify existing conditions in field.
North Arrow:

Sheet Title:

Exterior Renderings

Project Number:

19-064

Sheet Number: _____

A.300



View of Lincoln Yard main entrance and patio



View of future independent restaurant entrance



View from E. Lincoln Ave.



Bird's eye view from the West

LINCOLN YARD

2159 E. LINCOLN AVE.

ROOFTOP EQUIPMENT CUT SHEETS



COOK

EF-1
EF-2
100 lbs

ACED-EC

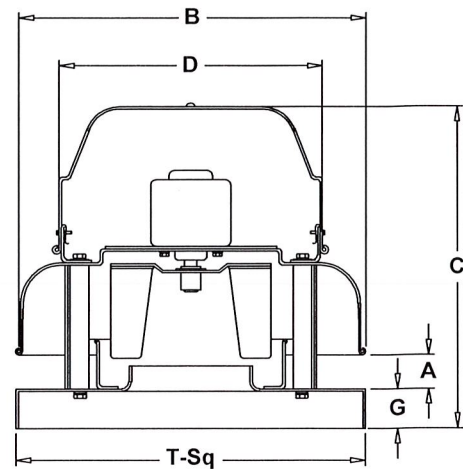
90C17DEC

Downblast Centrifugal

Exhaust Ventilator

Roof Mounted/Direct Drive

Electronically Commutated Vari-Flow® Motor



Dimensions are in inches.

A	2-1/2
B O.D.	18-3/4
C	16-13/16
D O.D.	16-3/4
G	2
T Sq.	18
Roof Open. Sq.*	13-1/2



HVAC-1
HVAC-2
3500 Lbs

Dimensional Data

Figure 11. Cooling with optional electric heat and gas/electric models—15–25 tons high efficiency

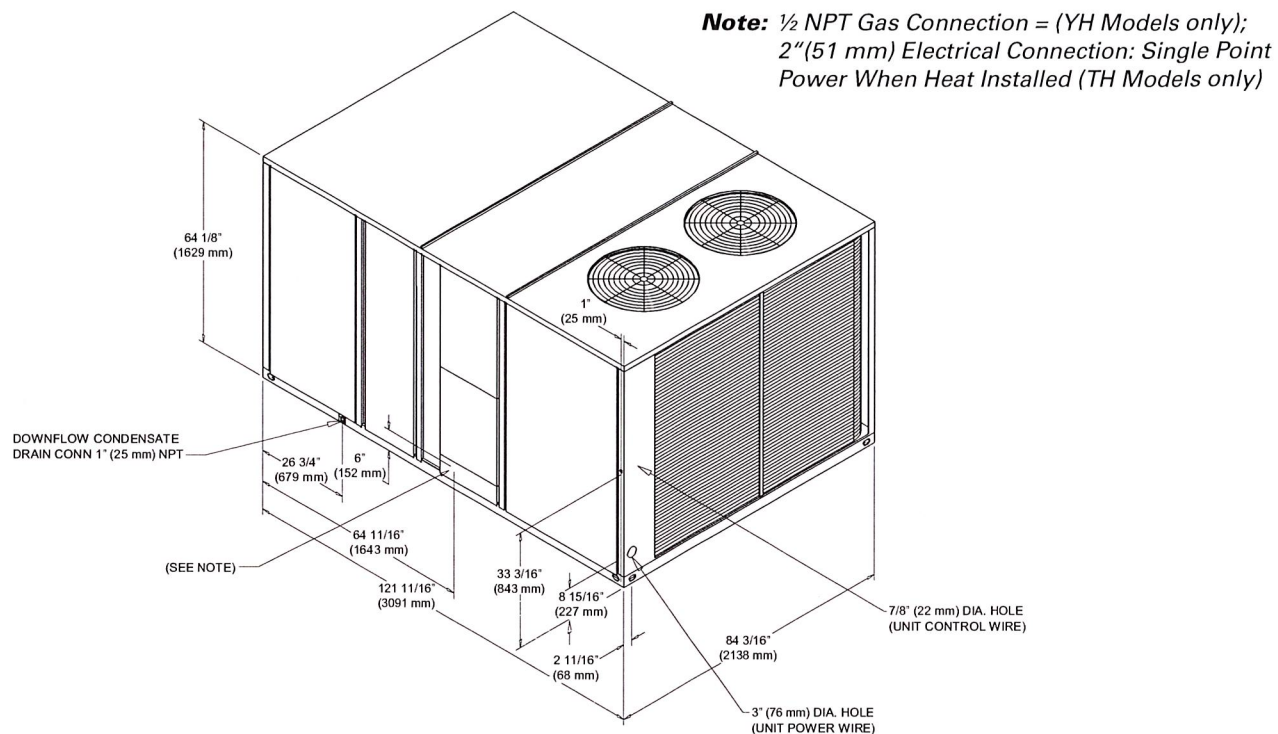


Figure 12. Cooling with optional electric heat and gas/electric models—15–25 tons standard efficiency, 12½–25 tons high efficiency—unit clearance and horizontal unit supply/return

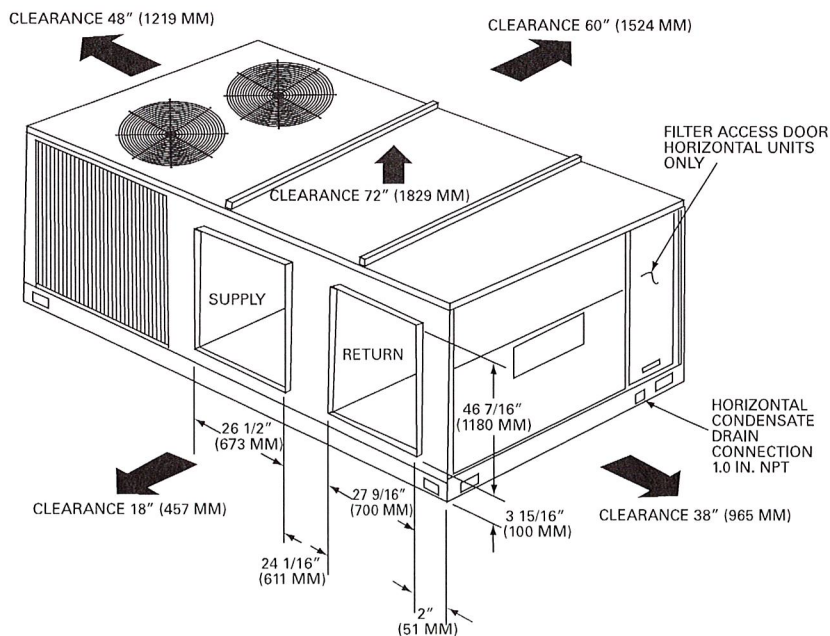


Figure 13. Cooling with optional electric heat and gas/electric models—15–25 tons standard efficiency, 12½–25 tons high efficiency—roof curb

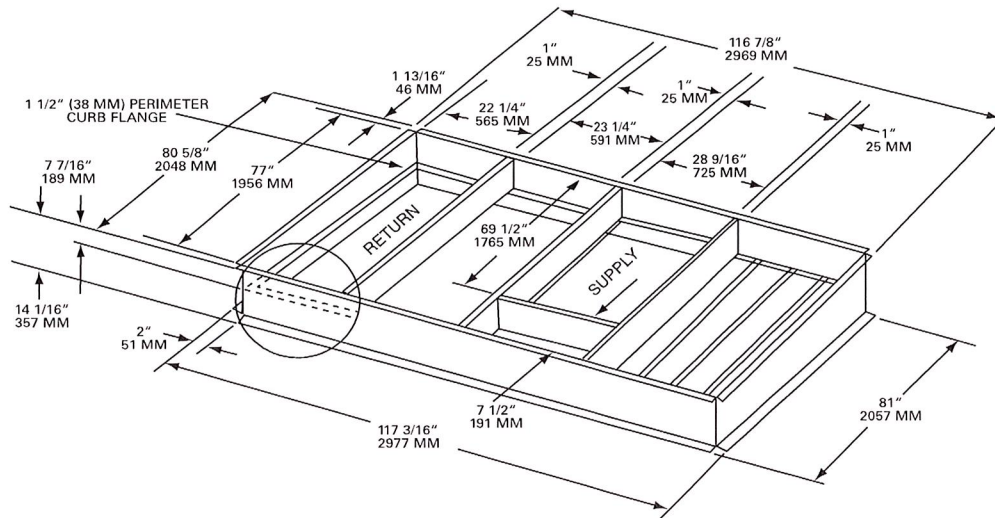
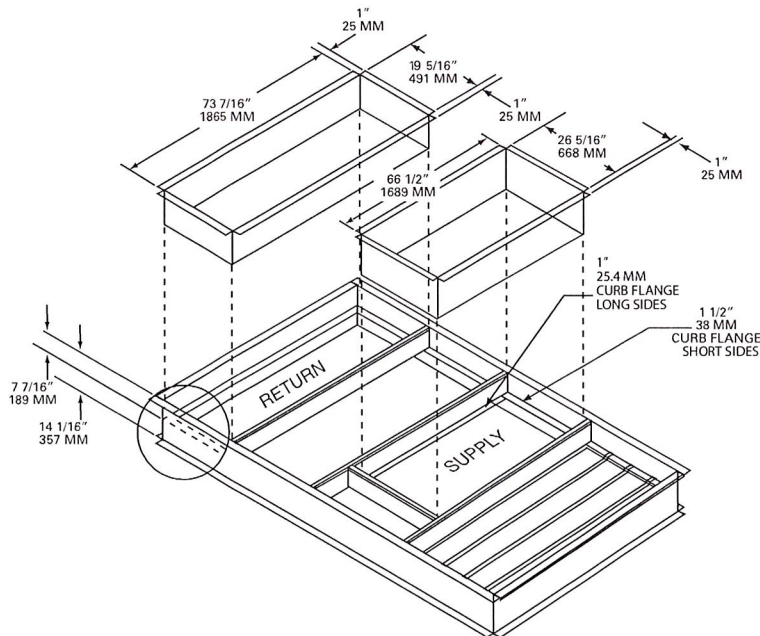


Figure 14. Cooling with optional electric heat and gas/electric models—15–25 tons standard efficiency, 12½–25 tons high efficiency—downflow duct connections—field fabricated



Notes:

- Duct flanges mount 7-7/16" down inside the curb on the 1-1/2" curb flanges.
- Roofcurb is intended for downflow use only.

HVAC-3
2500 Lbs



Dimensional Data

Figure 28. Cooling and gas/electric - 6 to 10 tons standard efficiency, 4 to 6 tons high efficiency, 7½ to 8½ tons high efficiency; economizer, manual or motorized fresh air damper

Note: All dimensions are in inches/millimeters.

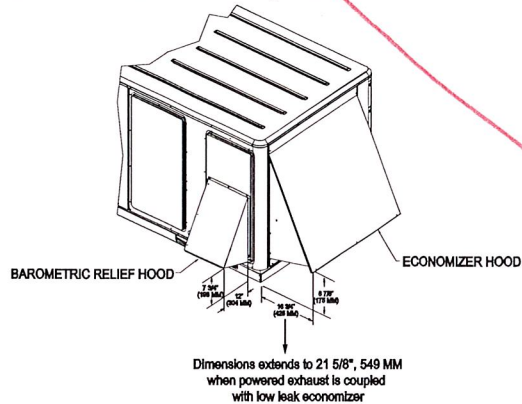


Figure 29. Gas/electric - 6 to 10 tons standard efficiency, 4 to 6 tons high efficiency, 7½ to 8½ tons high efficiency; height of gas pipe required from inside base of unit to gas shut off assembly (factory provided) - Y_C models only

Note: All dimensions are in inches/millimeters.

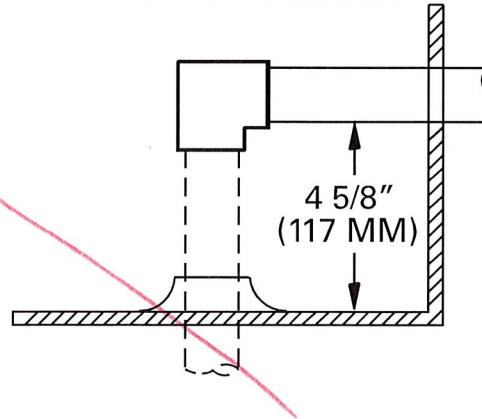
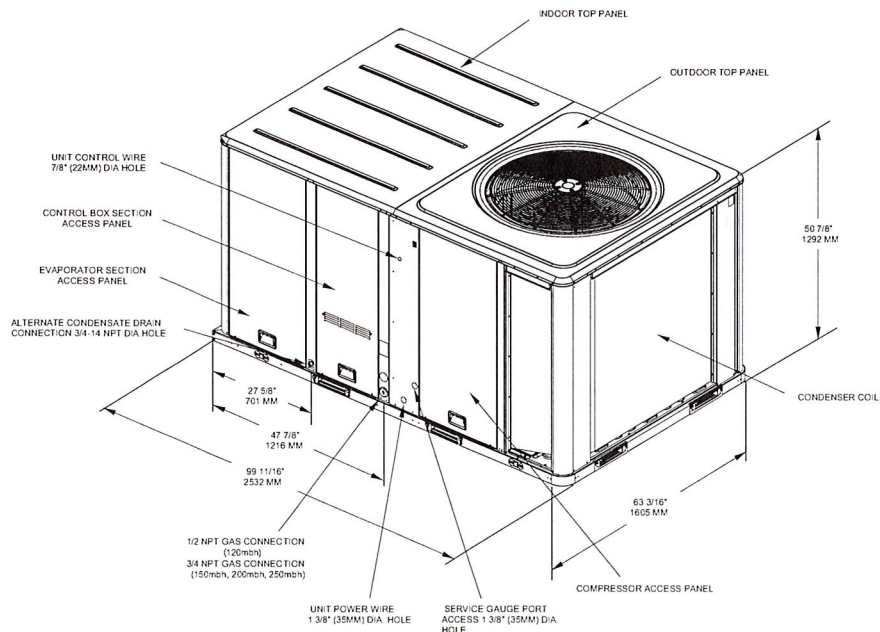


Figure 30. Cooling and gas/electric - 10 tons high efficiency

Notes:

1. All dimensions are in inches/millimeters.
2. ½ or ¾ NPT Gas Connection = (Y_C Models only); 2" Electrical Connection: Single Point Power When Heat Installed (T_C Models only.)



Dimensional Data

Figure 31. Cooling and gas/electric - 10 tons high efficiency; downflow airflow supply/return, through-the-base utilities

Notes:

1. All dimensions are in inches/millimeters.
2. $\frac{1}{2}$ or $\frac{3}{4}$ NPT Gas Connection = (Y_C Models only); 2" Electrical Connection: Single Point Power When Heat Installed (T_C Models only.)

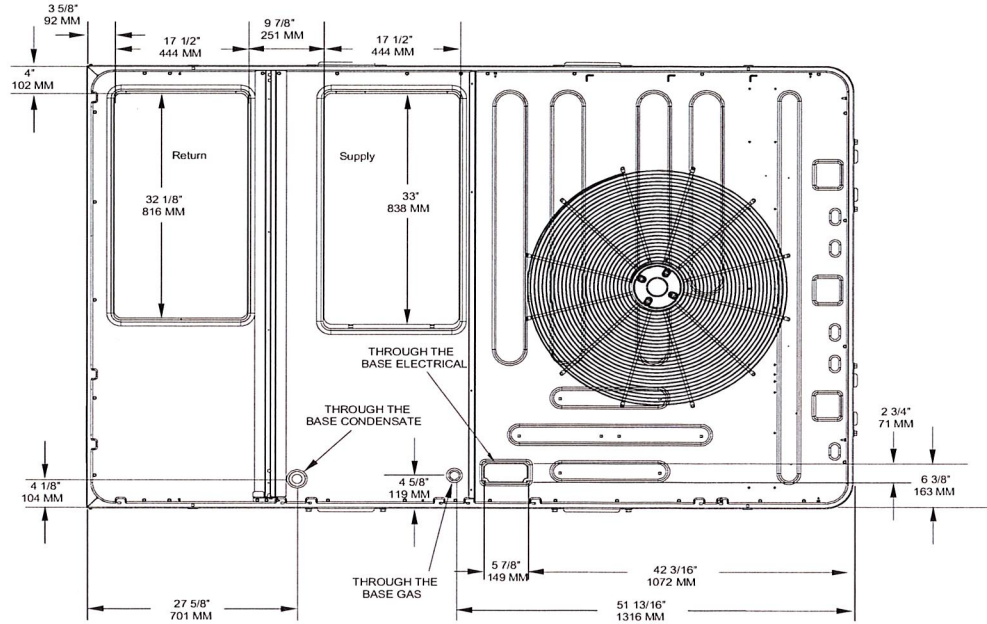
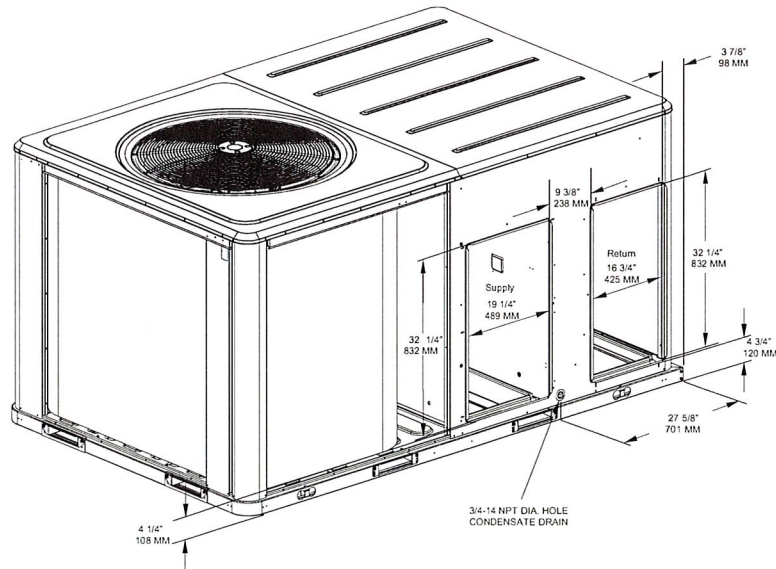


Figure 32. Cooling and gas/electric - 10 tons high efficiency; horizontal airflow supply/return

Notes:

1. All dimensions are in inches/millimeters.
2. $\frac{1}{2}$ or $\frac{3}{4}$ NPT Gas Connection = (Y_C Models only); 2" Electrical Connection: Single Point Power When Heat Installed (T_C Models only.)



HVAC-4
1750 LBS



Dimensional Data

Figure 10. Cooling and gas/electric models - 3 to 5 tons standard efficiency, 3 tons high efficiency, swing diameter for hinged door(s) option

Note: All dimensions are in inches/millimeters.

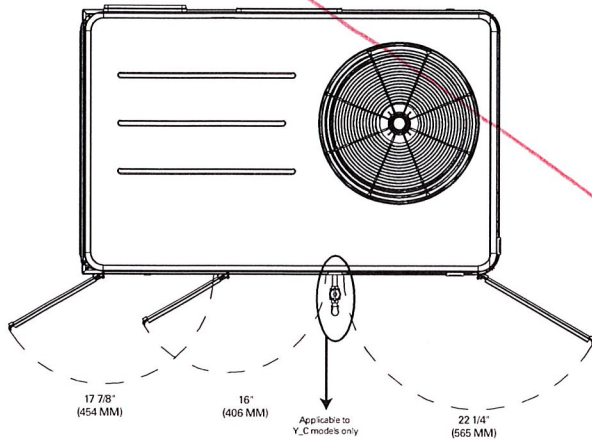


Figure 11. Gas/electric models - 3 to 5 tons standard efficiency, 3 tons high efficiency height of gas pipe required from inside base of unit to gas shut off assembly (factory provided) - Y_C models only

Note: All dimensions are in inches/millimeters.

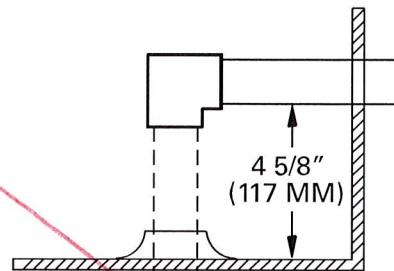
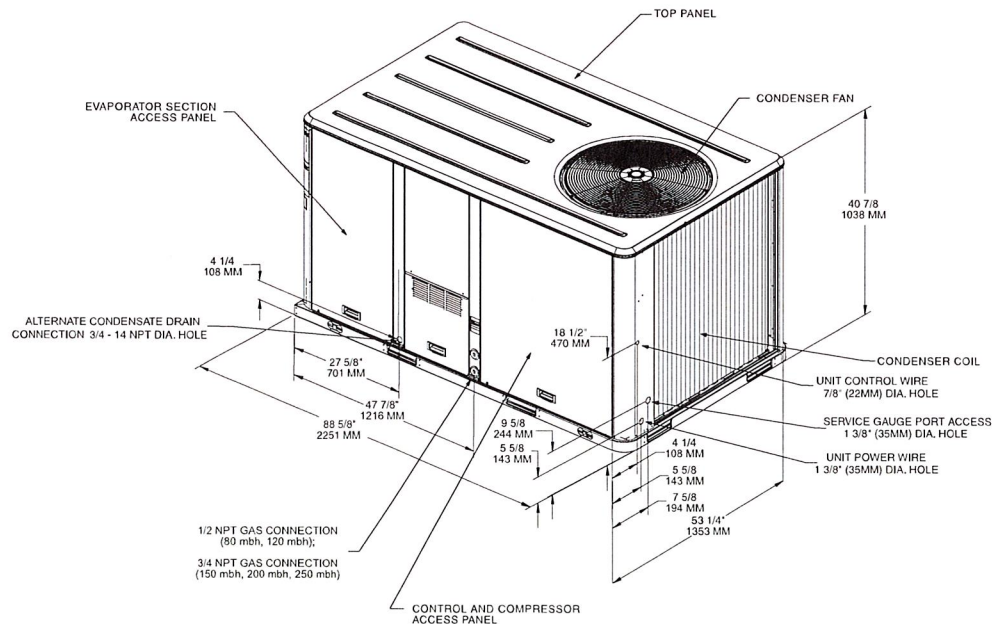


Figure 12. Cooling and gas/electric - 6, 7½ (single) tons standard efficiency, 4 to 5 tons high efficiency

Note: All dimensions are in inches/millimeters.





Dimensional Data

Figure 13. Cooling and gas/electric - 6, 7½ (single) tons standard efficiency, 4 to 5 tons high efficiency downflow airflow supply/return - through-the-base utilities

Note: All dimensions are in inches/millimeters.

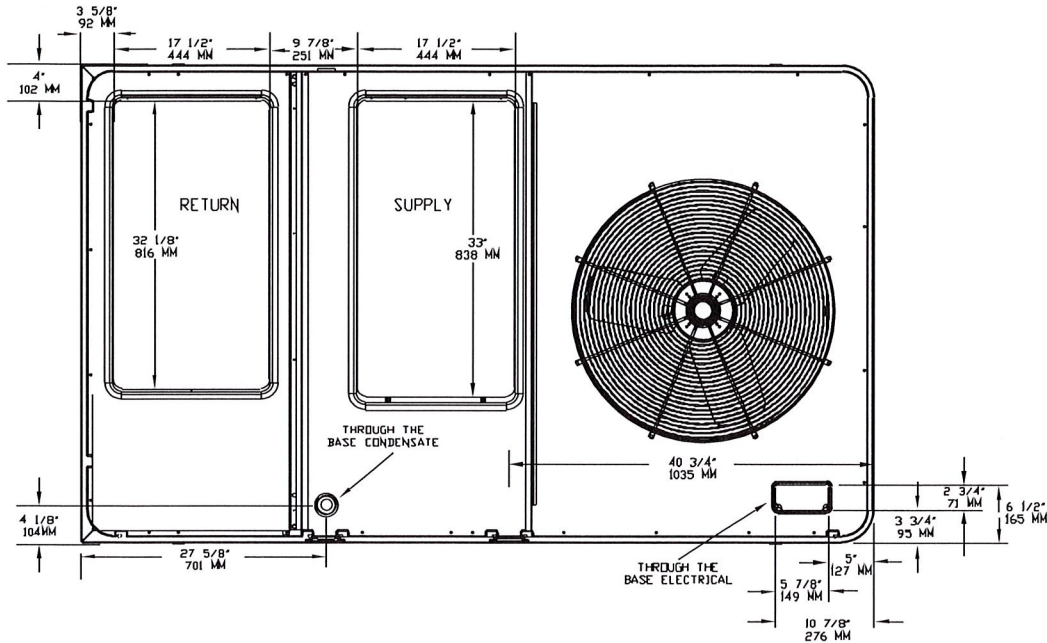
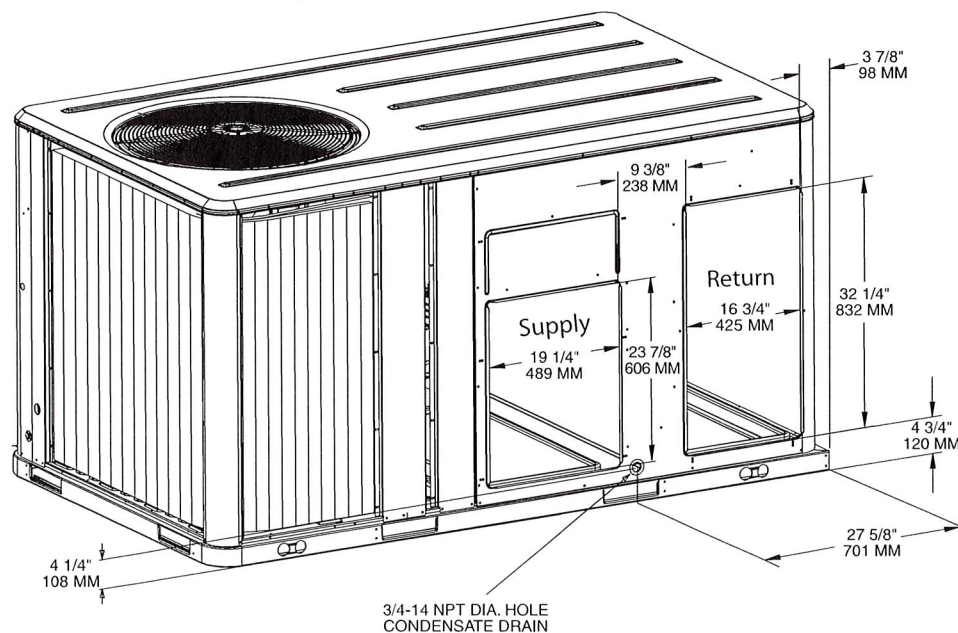


Figure 14. Cooling and gas/electric - 6, 7½ (single) tons standard efficiency, 4-5 tons high efficiency horizontal airflow supply and return

Note: All dimensions are in inches/millimeters.





URC(-F)/SRC/SRK(-H/-J)

REMOTE CONDENSER SERIES



URC(-F)/SRC/SRK(-H/-J)
07/05/19
Item # 13084

Ice Machines		Shipping Weight	Line Sets - PRE-CHARGED		
			20' Length	35' Length	55' Length
URC-5F	KM-520MRJ, KM-660MRJ, KMD-530MRJ, FD-650MRJ-C, F-1002MRJ, FD-1002MRJ-C	60 Lbs.	R404-2046-2	R404-3546-2	N/A
URC-9F	KML-700MRJ, KMD-860MRJ,	95 Lbs.	R404-2068-2	R404-3568-2	R404-5568-2
URC-14F	KM-901MRJ(3), KM-1100MRJ, KM-1301SRJ(3), KM-1340MRJ(3) F-1501MRJ(-C)	110 Lbs.	R404-2068-2	R404-3568-2	R404-5568-2
URC-22F	KM-1601MRJ(3), KM-1601SRJ(3), KM-1900SRJ(3) KM-2200SRJ3, KMH-2100SRJ(3), F-2001MRJ(3)(-C)	165 Lbs.	R404-20610	R404-35610	R404-55610
URC-26J	KM-2600SRJ3	273 Lbs.	R404-20610	R404-35610	R404-55610

			Line Sets - BRAZING REQUIRED		
			25' Length	35' Length	55' Length
SRC-10J	FS-1001MLJ-C, FS-1022MLJ-C	210 Lbs.	HS-5299*	HS-5300*	HS-5301*
SRC-14J	FS-1500MLJ-C	235 Lbs.	HS-5323*	HS-5324*	HS-5325*
SRK-10J	KMS-822MLJ, KMS-830MLJ	226 Lbs.	HS-0250*	HS-0251*	HS-0252*
SRK-12J SRK-12J3	KMS-1122MLJ	275 Lbs.	HS-0250*	HS-0251*	HS-0252*
SRK-15J SRK-15J3	KMS-1402MLJ	275 Lbs.	HS-0250*	HS-0251*	HS-0252*
SRK-20J SRK-20J3	KMS-2000MLJ	325 Lbs.	HS-0243*	HS-0244*	HS-0245*

* Line sets require Refrigerant



URC-9F



SRK-15J

- Remote condensers for KM Series Cubers and F Series Flakers / Cubelets
- Quiet operation
- Improved efficiency; Energy savings
- Weather resistant cabinet for longer life
- May be installed outdoors up to 55 feet from icemaker using a pre-charged tubing kit
- For installations exceeding 55 feet, contact Factory Service Department

Warranty

Valid in United States, Canada, Puerto Rico, & U.S. Territories.
Contact factory for warranty in other countries

When used with KM Series Cubers:

Three Year - Parts & Labor on entire unit.

Five Year - Parts on; air-cooled condenser coil.

Five Year - Parts on; SRK Compressor

When used with F Series Flakers:

Three Year - Parts & Labor on entire unit.

Five Year - Parts on; air-cooled condenser coil.

Five Year - Parts on; SRC Compressor

Hoshizaki reserves the right to change specifications without notice.





URC(-F)/SRC/SRK(-H/-J)

REMOTE CONDENSER SERIES



URC(-F)/SRC/SRK(-H/-J)
07/05/19
Item # 13084

Electrical & Operating Limits

URC-5F / URC-9F / URC-14F / URC-22F / URC-26J

- 115V/60/1 (Connection to icemaker)
- Ambient Temp Range -20° - 122°F
- Voltage Range 104 - 127V

SRK-10J / SRK-12J(3) / SRK-15J(3) / SRK-20J(3)

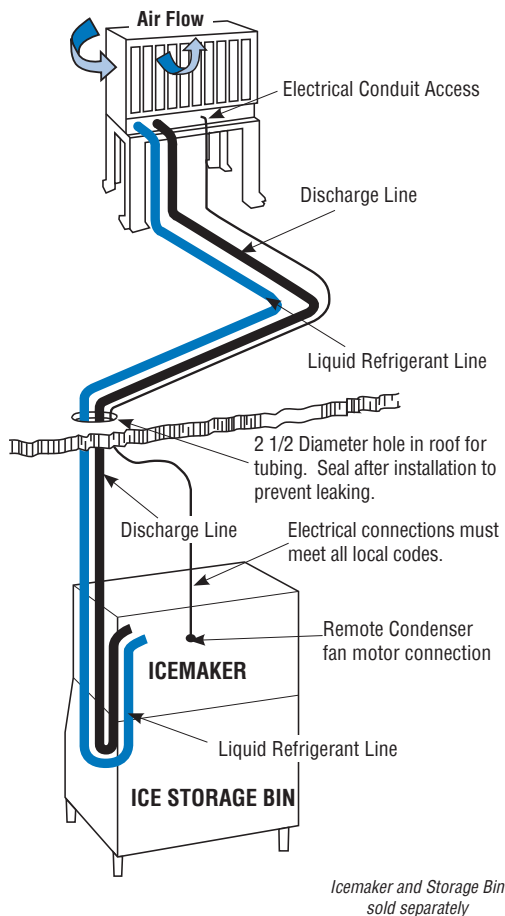
- 208-230V/60/1 (Connection to icemaker)
- 208-230V/60/3 (Connection to icemaker)
- Ambient Temp Range -20° - 122°F
- Voltage Range 187 - 253V

SRC-10J / SRC-14J

- 208-230V/60/1 (Connection to icemaker)
- Ambient Temp Range -4° - 122°F
- Voltage Range 187 - 253V

REMOTE CONDENSER INSTALLATION ON ROOF

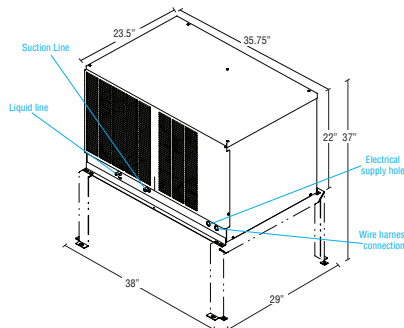
For best performance allow 24 inch clearance for air circulation. Remote condenser should not be more than 33 feet above the KM Icemaker or no more than 10 feet below it. These distances are measured from fitting to fitting.



Tubing Kits

(Sold Separately)

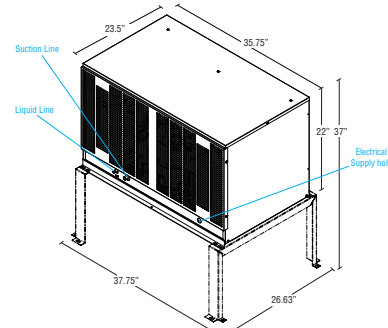
Refer to SPECIFICATIONS table to determine appropriate Tubing Kit Number for Remote Condenser Unit Specified.



SRC-10J / SRK-10J

35³/₄ x 23¹/₂ x 37

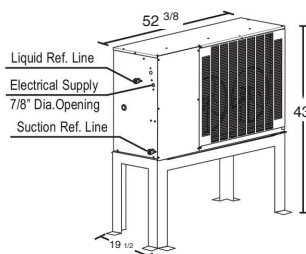
W x D x H (including legs/feet)



SRC-14J

37³/₄ x 26⁵/₈ x 37

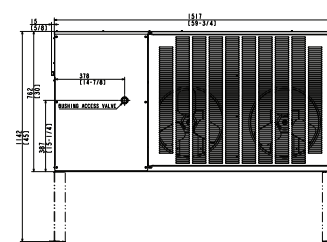
W x D x H (including legs/feet)



SRK-12J(3) / SRK-15J(3)

52³/₈ x 19¹/₂ x 43

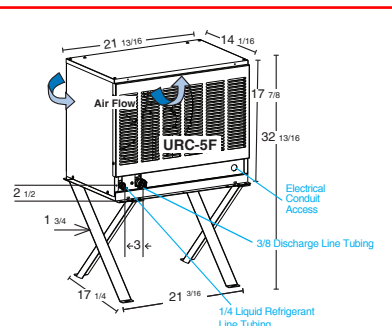
W x D x H (including legs/feet)



SRK-20J(3)

62 x 21 x 45

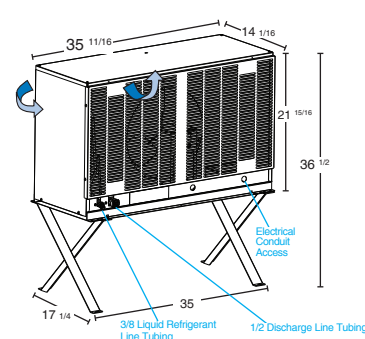
W x D x H (including legs/feet)



URC-5F

21¹³/₁₆ x 14¹/₁₆ x 32¹³/₁₆

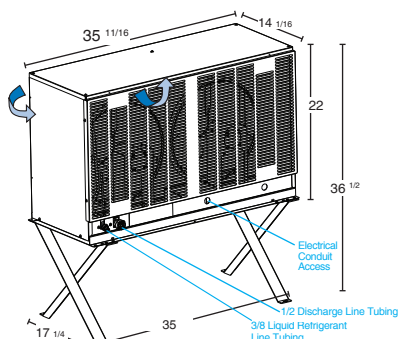
W x D x H (including legs/feet)



URC-9F

35¹¹/₁₆ x 14¹/₁₆ x 36¹/₂

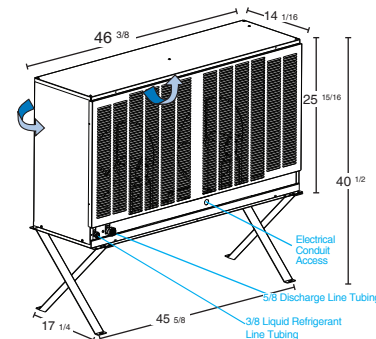
W x D x H



URC-14F

35¹¹/₁₆ x 14¹/₁₆ x 36¹/₂

W x D x H (including legs/feet)



URC-22F / URC-26J

46³/₈ x 14¹/₁₆ x 40¹/₂

W x D x H (including legs/feet)

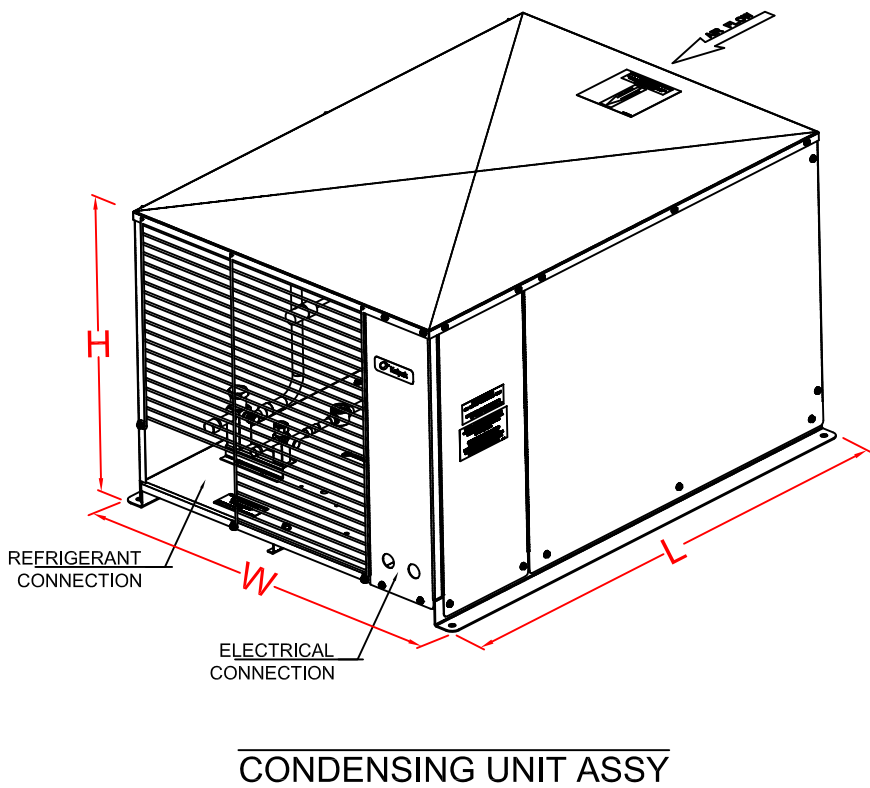
Discharge and liquid refrigerant lines dimensions refer to the line set tubing.



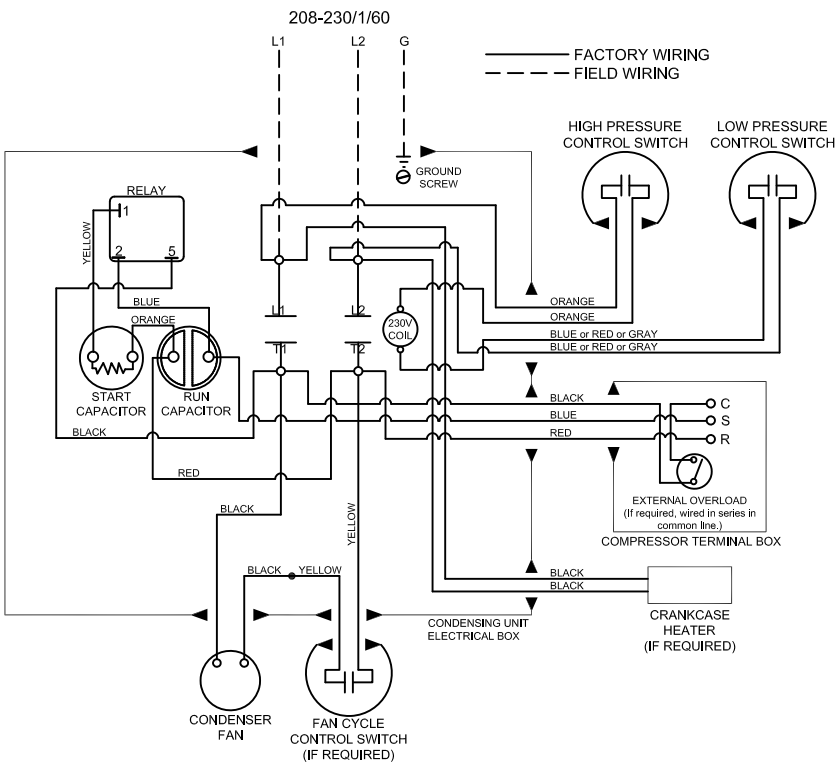
KOLPAK®

A Welbilt Brand

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CONNECT INCOMING POWER LEADS FROM DISCONNECT SWITCH TO L1, AND L2, CONSISTANT WITH NAMEPLATE VOLTAGE AND FREQUENCY. USE COPPER CONDUCTORS ONLY.



WIRING DIAGRAM 208-230/1/60

PC149MOP-2EP AIR COOLED CONDENSING UNIT

GENERAL INFORMATION

Refrigerant	Voltage	Ph	Hz	Compressor Type	Compressor Model	HP	Total Heat Rejected BTUH	Cond Unit BTUH
R404A	208-230	1	60	Hermetic	CF04K6E	1.5	23,780	14,700 @ 25°F SST

PHYSICAL DIMENSIONS & WEIGHT DATA

GPM (85° Ent Water Temp)	Pressure Drop (psig)	Max. Water Press (psig)	Length (L)	Width (W)	Height (H)	Ship Weight (lbs.)
N/A	N/A	N/A	33.0"	25.5"	19.25"	163

CONDENSING UNIT ELECTRICAL DATA

Compressor RLA	Compressor LRA	Cond Fan Mtr FLA	Total Cond Unit Amps	MCA	MOPD (Max Fuse)
9.6	59.2	1.1	10.9	13.3	20

CONNECTION SIZES

Suction Line	Liquid Line
7/8" OD	3/8" OD

ITEMS SERVED

Item Number(s)	Description

ITEMS PROVIDED INCLUDE:

1. Air Cooled Condensers
2. PSC Cond Fan Motors
3. Liquid Line Sight Glass
4. Liquid Line Filter Drier
5. Head Pressure Control Valve
6. Hermetic Compressors-Copeland
7. Crankcase Heaters-230V
8. Hi/Lo Pressure Controls
9. Outdoor Housing-Galvanized Steel

HOOD INFORMATION -- Job#3949201

HOOD NO.	TAG	MODEL	LENGTH	MAX. COOKING TEMP.	APPLIANCE DUTY	DESIGN CFM/ft	TOTAL EXH. CFM	EXHAUST PLENUM							TOTAL SUPPLY CFM	HOOD CONSTRUCTION	HOOD CONFIG.	
								RISER(S)									END TO END	ROW
								WIDTH	LENG.	HEIGHT	DIA.	CFM	VEL.	S.P.				
1	V1	6024 PK-ND-2 Q-SB-F	13' 11"	600 Deg.	Heavy	251	3500		4"	14"	1750	1637	-0.404"	2675	430 SS Where Exposed	LEFT	ALONE	
2	V1	6024 PK-ND-2 Q-SB-F	8' 5"	600 Deg.	Heavy	202	1700		4"	14"	1700	1590	-0.311"	1725	430 SS Where Exposed	RIGHT	ALONE	

HOOD INFORMATION

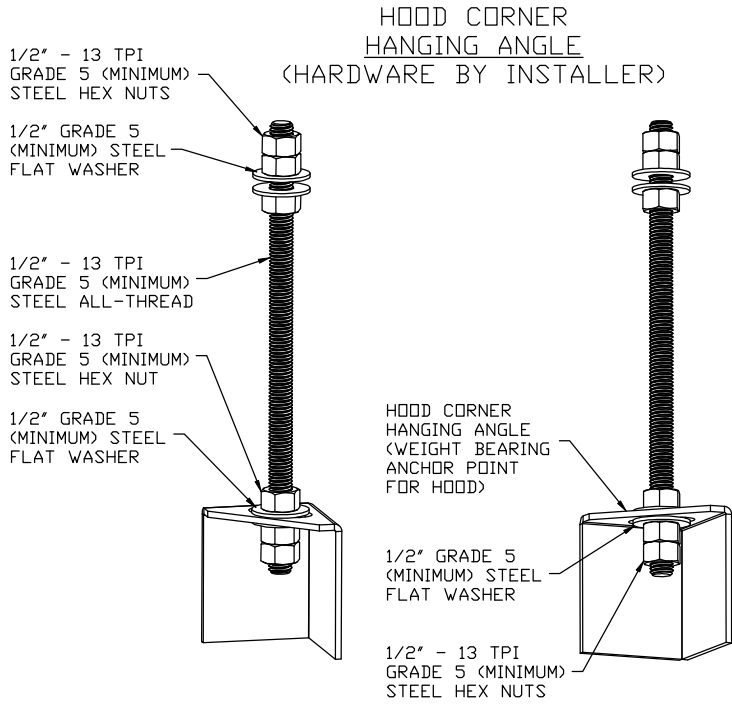
HOOD NO.	TAG	FILTER(S)					LIGHT(S)			UTILITY CABINET(S)					FIRE SYSTEM PIPING	HOOD HANGING W/GHT	
		TYPE	QTY.	HEIGHT	LENGTH	EFFICIENCY @ 7 MICRONS	QTY.	TYPE	WIRE GUARD	LOCATION	SIZE	FIRE SYSTEM		ELECTRICAL			SWITCHES
												TYPE	SIZE	MODEL #			QUANTITY
1	V1	SS Baffle with Handles	10	20"	16"	30%	4	L55 Series E26	NO							NO	639 LBS
2	V1	SS Baffle with Handles	6	20"	16"	30%	3	L55 Series E26	NO	Right	12"x60"x24"			SC-331110FP	1 Light 1 Fan	NO	626 LBS

HOOD OPTIONS

HOOD NO.	TAG	OPTION			
1	V1	BACKSPLASH	80.00"	High	X 281.00" Long 430 SS Vertical
		LEFT SIDESPLASH	80.00"	High	X 60.00" Long 430 SS Vertical
		LEFT END STANDOFF (FINISHED)	1" Wide	60" Long	Insulated
2	V1	RIGHT VERTICAL END PANEL	27"	Top Width,	21" Bottom Width, 80" High Insulated 430 SS

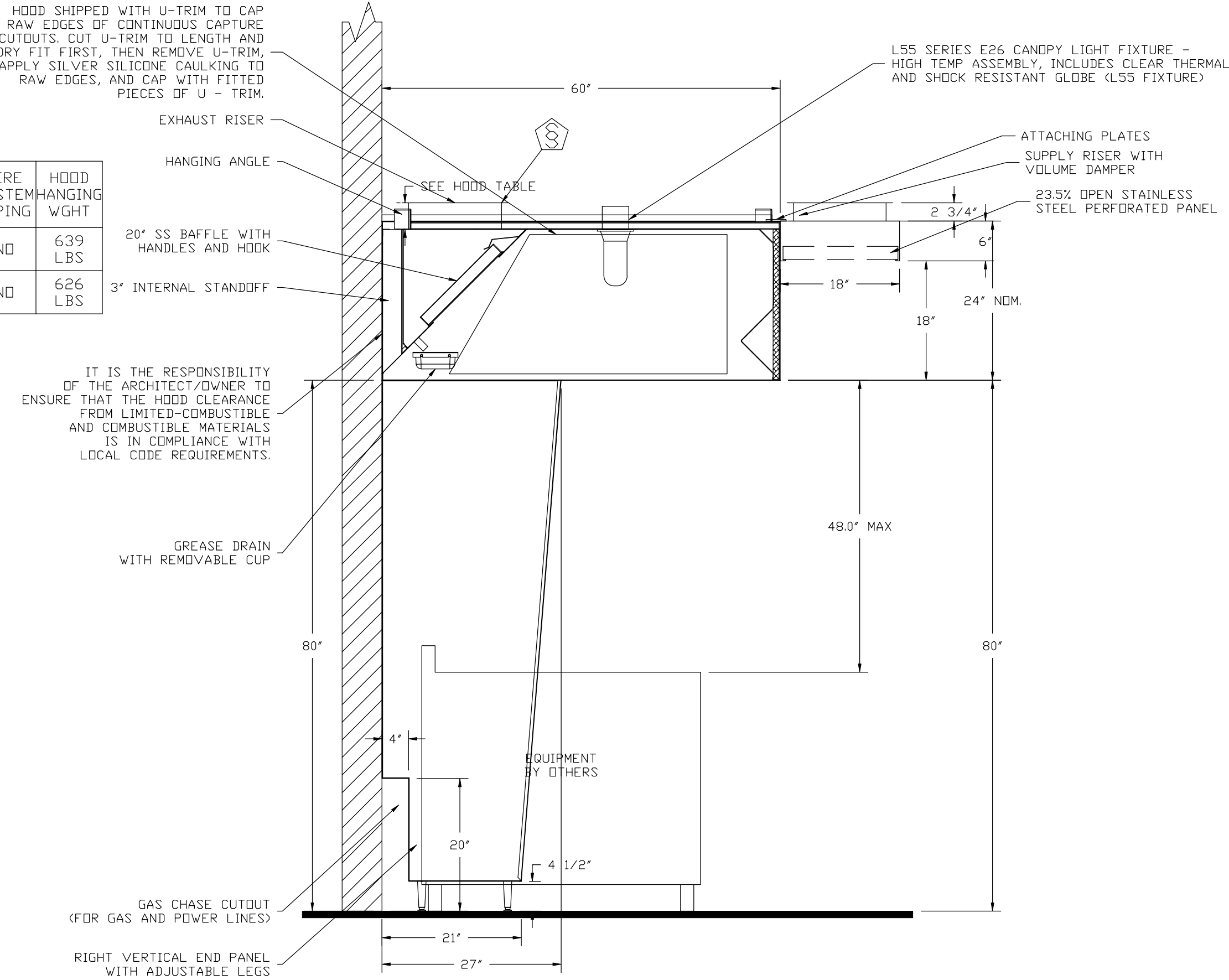
PERFORATED SUPPLY PLENUM(S)

HOOD NO.	TAG	POS.	LENGTH	WIDTH	HEIGHT	TYPE	RISER(S)			
							WIDTH	LENG.	DIA.	S.P.
1	V1	Front	168"	18"	6"	MUA	12"	20"		0.237"
						MUA	12"	20"		0.237"
						MUA	12"	20"		0.237"
						MUA	12"	20"		0.237"
						MUA	12"	28"		0.237"
2	V1	Front	113"	18"	6"	MUA	12"	28"		0.237"
						MUA	12"	28"		0.237"



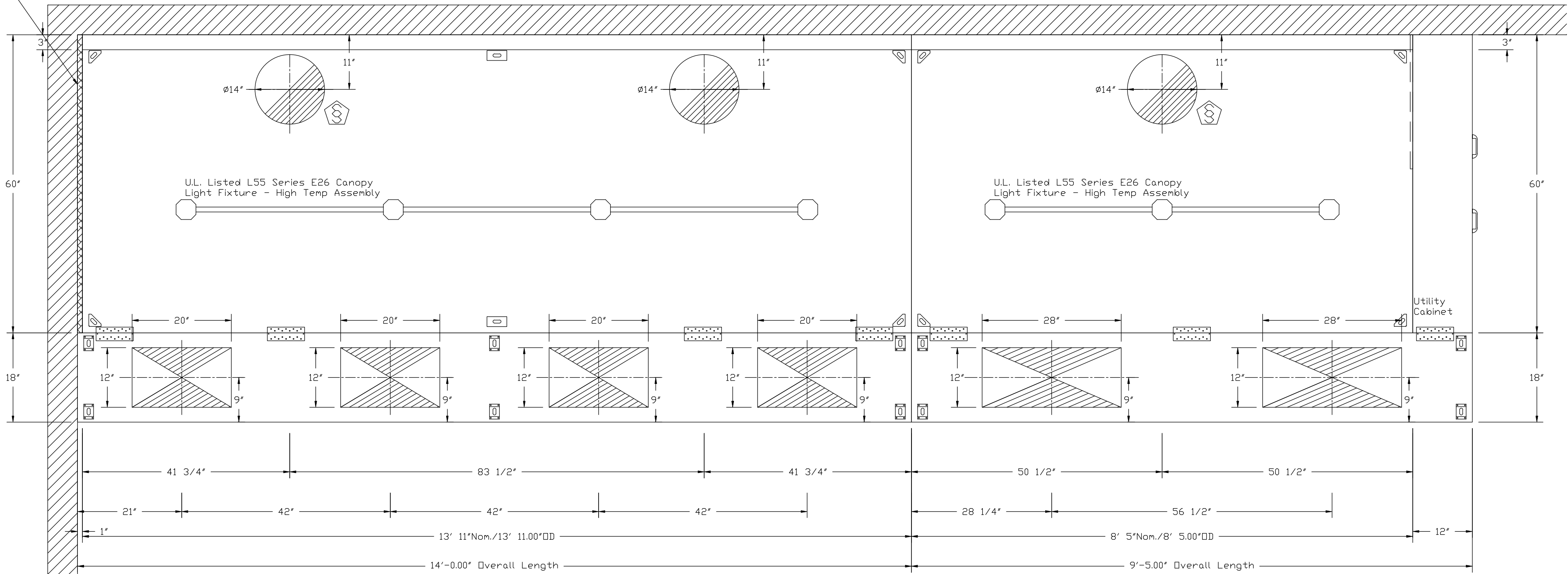
ASSEMBLY INSTRUCTIONS

HANGING ANGLE MUST BE SUPPORTED WITH 1/2" - 13 TPI GRADE 5 (MINIMUM) ALL-THREAD. SANDWICH HANGING ANGLES AND CEILING ANCHOR POINTS WITH 1/2" GRADE 5 (MINIMUM) STEEL FLAT WASHERS AND 1/2" - 13 TPI GRADE 5 (MINIMUM) HEX NUTS AS SHOWN. MUST USE DOUBLED HEX NUT CONFIGURATION BENEATH HOOD HANGING ANGLES AND ABOVE CEILING ANCHORS. MAINTAIN 1/4" OF EXPOSED THREADS BENEATH BOTTOM HEX NUT. TORQUE ALL HEX NUTS TO 57 FT-LBS.



SECTION VIEW -- MODEL 6024PK-ND-2 Q-SB-F
HOOD -- #2 (V1)

1" LAYER OF INSULATION
FACTORY INSTALLED IN
1.00" END STANDOFF MEETS
0" REQUIREMENTS CLEARANCE
TO COMBUSTIBLE SURFACES.



PLAN VIEW -- Hood #1 (V1)
13' 11.00" LONG 6024PK-ND-2 Q-SB-F
NOTE: Additional hanging angles provided for hoods 12" and longer.

PLAN VIEW -- Hood #2 (V1)
8' 5.00" LONG 6024PK-ND-2 Q-SB-F

Continuous Capture	
Hood No.	Location
1	Right
2	Left

REVISIONS

DESCRIPTION	DATE:

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Lincoln Yard
BIRMINGHAM, MI, 48012

DATE: 8/19/2019
DWG.#:
3949201
DRAWN BY: DKC
SCALE:
3/4" = 1'-0"
MASTER DRAWING

SHEET NO.
1

EXHAUST FAN INFORMATION – Job#3949201

FAN UNIT NO.	TAG	FAN UNIT MODEL #	CFM	ESP.	RPM	H.P.	B.H.P.	Ø	VOLT	FLA	DISCHARGE VELOCITY	WEIGHT (LBS.)	SONES
1	V1	BDU15K	1750	0.750	1075	0.750	0.4090	3	208	2.5	554 FPM	122	10.8
2	V1	BDU15K	1750	0.750	1075	0.750	0.4090	3	208	2.5	554 FPM	122	10.8
3	V1	BDU15K	1700	0.750	1064	0.750	0.3960	3	208	2.5	538 FPM	122	10.4
5	V6	BDU13K	750	0.500	973	0.333	0.1720	1	115	5.8	285 FPM	99	6.7

CONDENSER DETAILS

FAN UNIT NO.	TAG	FAN UNIT MODEL #	CONDENSER NO.	TONNAGE	VOLTAGE	PHASE	FREQUENCY	MCA	RLA	MAX. FUSE SIZE	MIN. WIRE SIZE	SEER
4	V1	K-A2-D.500-G15-MPU	1	5	208-230	3 PHASE	60 Hz	21.4 Amps	17.4 Amps	30 Amps	10 AWG	14
			2	5	208-230	3 PHASE	60 Hz	21.4 Amps	17.4 Amps	30 Amps	10 AWG	14

MUA FAN INFORMATION – Job#3949201

FAN UNIT NO.	TAG	FAN UNIT MODEL #	BLOWER	HOUSING	MIN CFM	DESIGN CFM	ESP.	RPM	H.P.	B.H.P.	Ø	VOLT	FLA	COOLING COIL ENTERING DB TEMP.	COOLING COIL ENTERING WB TEMP.	COOLING COIL LEAVING DB TEMP.	COOLING COIL LEAVING WB TEMP.	COOLING COIL TOTAL CAPACITY	COOLING COIL SENSIBLE CAPACITY	COOLING COIL LATENT CAPACITY	WEIGHT (LBS.)	SONES	BURNER EFFICIENCY(%)
4	V1	K-A2-D.500-G15-MPU	G15-PB	A2-D.500	2500	4400	0.450	1138	5.000	3.4460	3	208	15.0	88.0°F	73.0°F	73.5°F	66.7°F	98.0 MBH	65.2 MBH	32.8 MBH	1785	23	92

GAS FIRED MAKE-UP AIR UNIT(S)

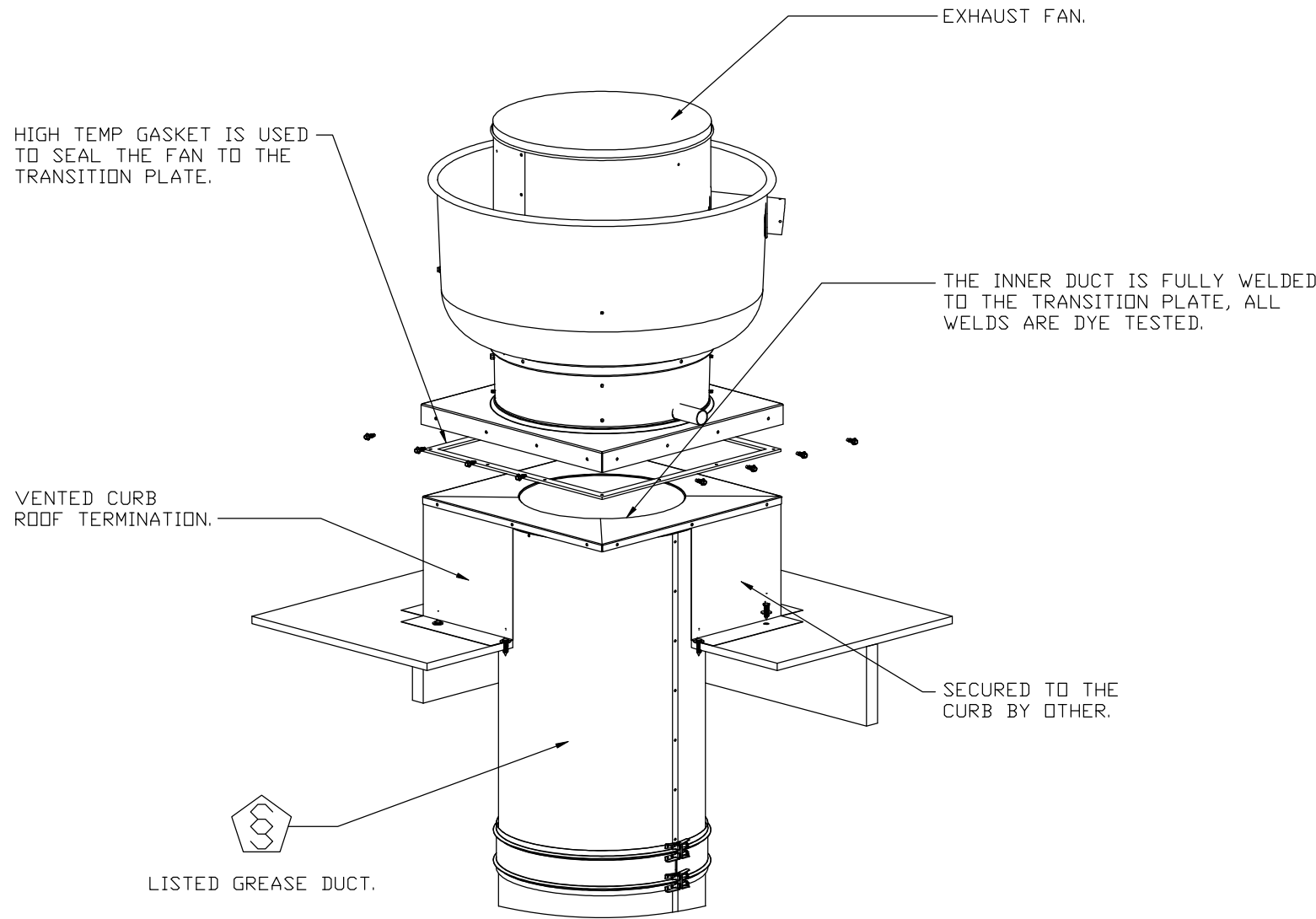
FAN UNIT NO.	TAG	INPUT BTUs	OUTPUT BTUs	TEMP. RISE	REQUIRED INPUT GAS PRESSURE	GAS TYPE
4	V1	386282	355379	80 deg F	7 in. w.c. – 14 in. w.c.	Natural

FAN OPTIONS

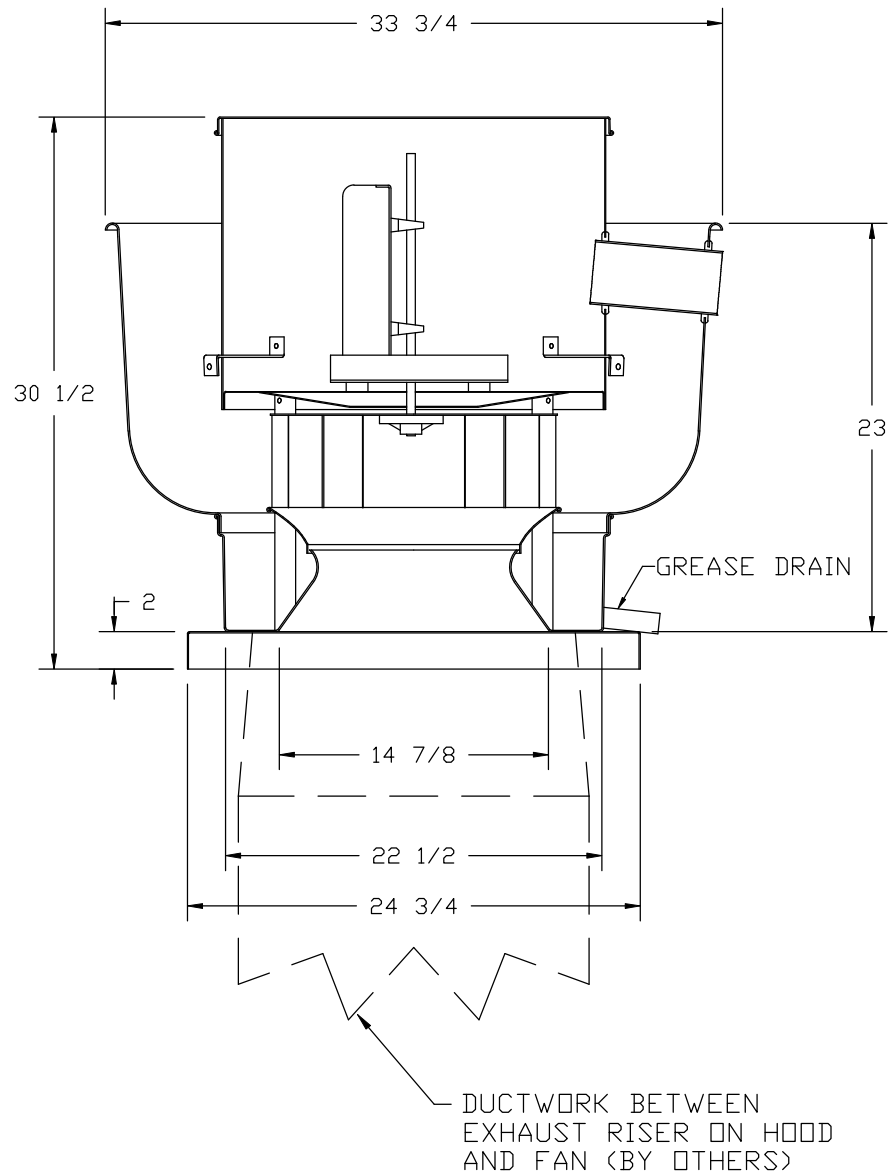
FAN UNIT NO.	TAG	OPTION (Qty. – Descr.)
1	V1	1 – Grease Box
2	V1	1 – Grease Box
3	V1	1 – Grease Box
4	V1	1 – AC Interlock Relay – 24VAC Coil
		1 – Motorized Backdraft Damper for A2-D Housing
		1 – Low Fire Start
		1 – Inlet Pressure Gauge, 0-35"
		1 – Manifold Pressure Gauge, -5 to 15" wc
		1 – 10 Ton 2 Circuit (5/5) Modular Packaged Cooling Option for Size 2 MUA (3,600 to 5,000 cfm), 208V/230V, 3 phase. Cooling Thermostat or Programmable Stat Required for Proper Operation.
		1 – Downturn Plenum for Size 2 DX Coil Module
		1 – Cooling Thermostat and Relay (Not req for evap)
		1 – Separate 120V Wiring Package (Required and used only for DCV or Prewire with VFD) – Three Phase Only

CURB ASSEMBLIES

NO.	ON FAN	TAG	WEIGHT	ITEM	SIZE
1	# 1	V1	41 LBS	Curb	23.000"W x 23.000"L x 24.000"H Vented Hinged
2	# 2	V1	41 LBS	Curb	23.000"W x 23.000"L x 24.000"H Vented Hinged
3	# 3	V1	41 LBS	Curb	23.000"W x 23.000"L x 24.000"H Vented Hinged
4	# 4	V1	172 LBS	Curb	31.000"W x 145.000"L x 20.000"H Insulated
5	# 5	V6	27 LBS	Curb	19.500"W x 19.500"L x 20.000"H Vented



FANS #1 (V1), #2 (V1), #3 (V1) – BDU15K EXHAUST FAN



FEATURES:

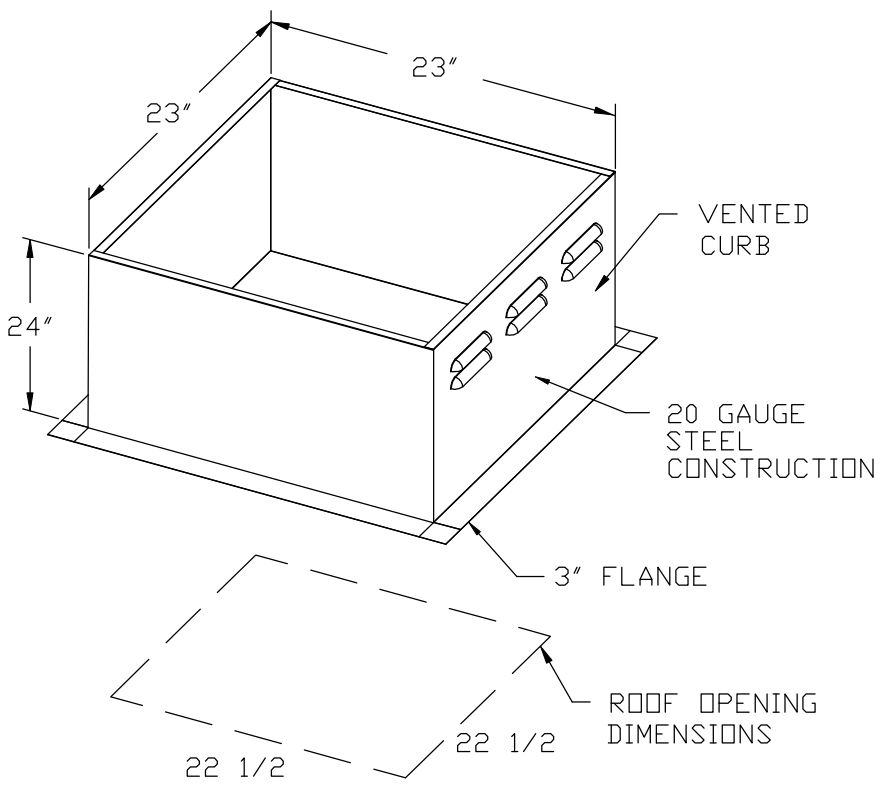
- ROOF MOUNTED FANS
- RESTAURANT MODEL
- UL705 AND UL762 AND ULC-S645
- AMCA SOUND AND AIR CERTIFIED
- WIRING FROM MOTOR TO DISCONNECT SWITCH
- WEATHERPROOF DISCONNECT
- HIGH HEAT OPERATION 300°F (149°C)
- GREASE CLASSIFICATION TESTING

NORMAL TEMPERATURE TEST
EXHAUST FAN MUST OPERATE CONTINUOUSLY WHILE EXHAUSTING AIR AT 300°F (149°C) UNTIL ALL FAN PARTS HAVE REACHED THERMAL EQUILIBRIUM, AND WITHOUT ANY DETERIORATING EFFECTS TO THE FAN WHICH WOULD CAUSE UNSAFE OPERATION.

ABNORMAL FLARE-UP TEST
EXHAUST FAN MUST OPERATE CONTINUOUSLY WHILE EXHAUSTING BURNING GREASE VAPORS AT 600°F (316°C) FOR A PERIOD OF 15 MINUTES WITHOUT THE FAN BECOMING DAMAGED TO ANY EXTENT THAT COULD CAUSE AN UNSAFE CONDITION.

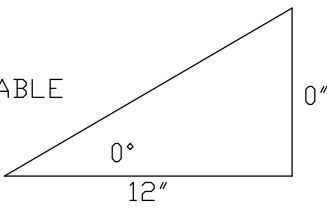
OPTIONS

GREASE BOX.

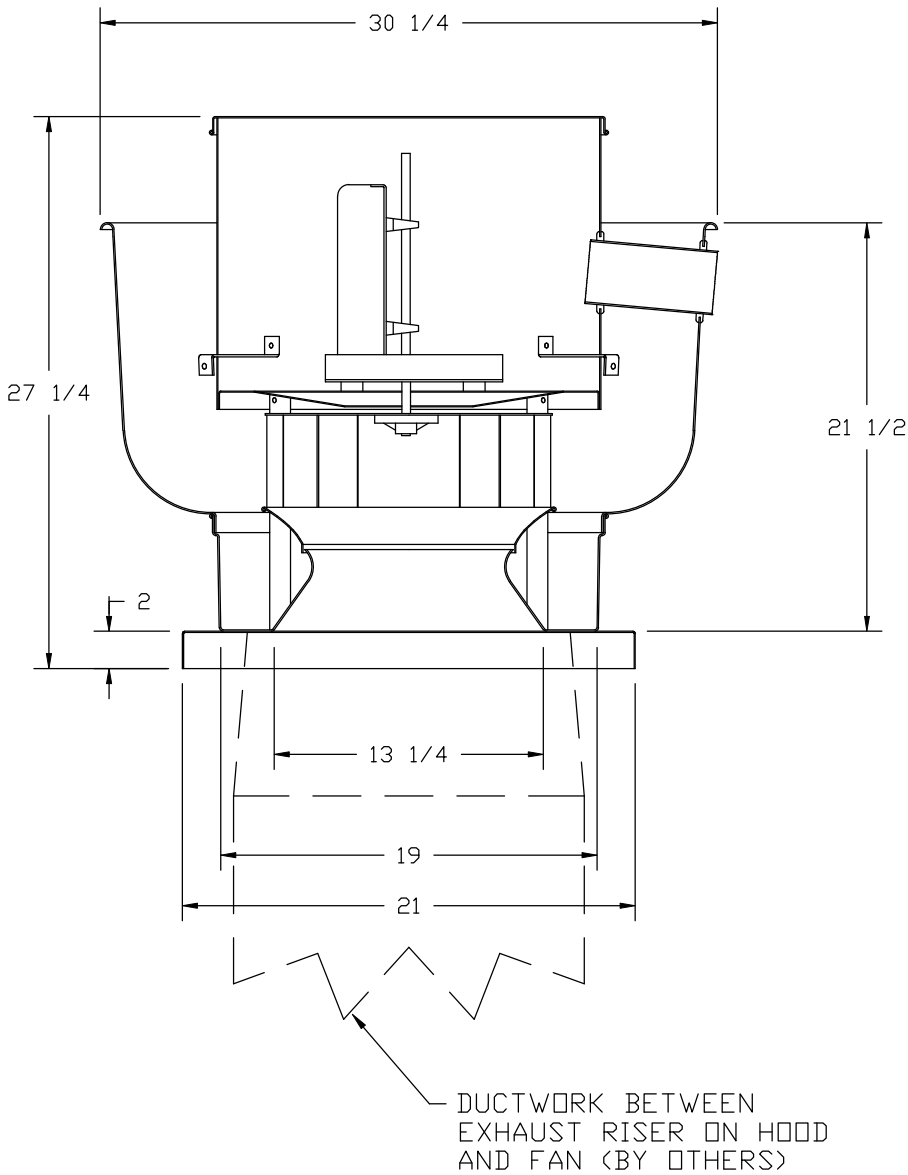


PITCHED CURBS ARE AVAILABLE FOR PITCHED ROOFS.

SPECIFY PITCH:
EXAMPLE: 7/12 PITCH = 30° SLOPE



FAN #5 BDU13K – EXHAUST FAN (V6)

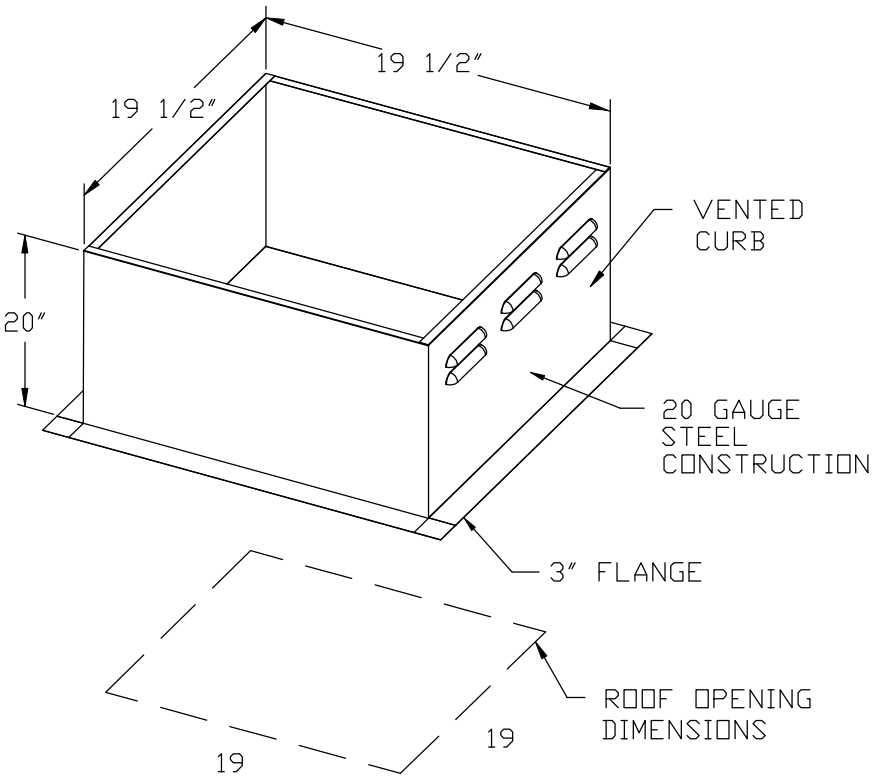


FEATURES:

- ROOF MOUNTED FANS
- RESTAURANT MODEL
- UL705 AND UL762 AND ULC-S645
- AMCA SOUND AND AIR CERTIFIED
- WIRING FROM MOTOR TO DISCONNECT SWITCH
- WEATHERPROOF DISCONNECT
- HIGH HEAT OPERATION 300°F (149°C)
- GREASE CLASSIFICATION TESTING

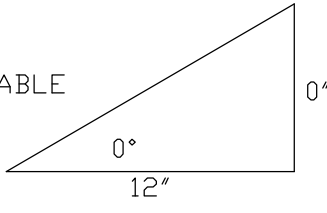
NORMAL TEMPERATURE TEST
EXHAUST FAN MUST OPERATE CONTINUOUSLY WHILE EXHAUSTING AIR AT 300°F (149°C) UNTIL ALL FAN PARTS HAVE REACHED THERMAL EQUILIBRIUM, AND WITHOUT ANY DETERIORATING EFFECTS TO THE FAN WHICH WOULD CAUSE UNSAFE OPERATION.

ABNORMAL FLARE-UP TEST
EXHAUST FAN MUST OPERATE CONTINUOUSLY WHILE EXHAUSTING BURNING GREASE VAPORS AT 600°F (316°C) FOR A PERIOD OF 15 MINUTES WITHOUT THE FAN BECOMING DAMAGED TO ANY EXTENT THAT COULD CAUSE AN UNSAFE CONDITION.



PITCHED CURBS ARE AVAILABLE FOR PITCHED ROOFS.

SPECIFY PITCH:
EXAMPLE: 7/12 PITCH = 30° SLOPE



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3

KEE

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Lincoln Yard

BIRMINGHAM, MI, 48012

DATE: 8/19/2019

DWG.#: 3949201

DRAWN BY: DKC

SCALE: 3/4" = 1'-0"

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SHEET NO.

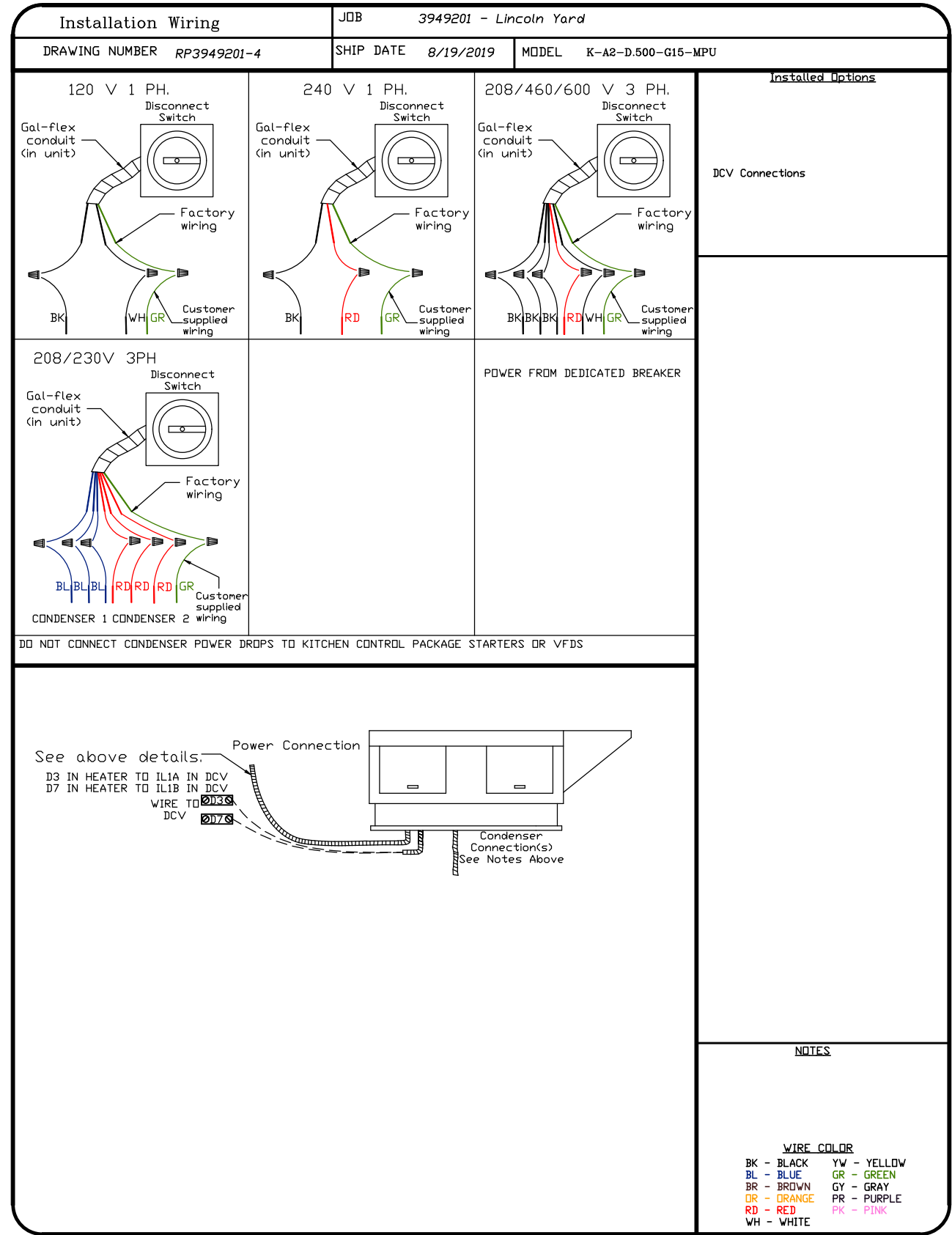
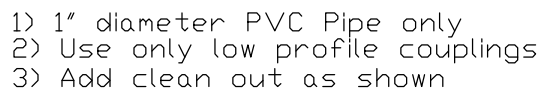
2

*NOTE: SUPPLY DUCT MUST BE INSTALLED TO MEET SMACNA STANDARDS. A MINIMUM STRAIGHT DUCT LENGTH MUST BE MAINTAINED DOWNSTREAM OF UNIT DISCHARGE AS OUTLINED IN AMCA PUBLICATION 201. DO NOT RELY ON UNIT TO SUPPORT DUCT IN ANY WAY. FAILURE TO PROPERLY SIZE DUCTWORK MAY CAUSE SYSTEM EFFECTS AND REDUCE PERFORMANCE OF THE EQUIPMENT. SUGGESTED STRAIGHT DUCT SIZE IS 20" x 20"

```

WINTER TEMPERATURE = 6°F.    TEMP. RISE = 80°F.
BTUs CALCULATED OFF ACTUAL    AIR DENSITY
OUTPUT BTUs AT ALTITUDE OF 0.0 ft. = 368475
INPUT BTUs AT ALTITUDE OF 0.0 ft. = 400516
OUTPUT BTUs AT ALTITUDE OF 998 ft. = 355379
INPUT BTUs AT ALTITUDE OF 998 ft. = 386281

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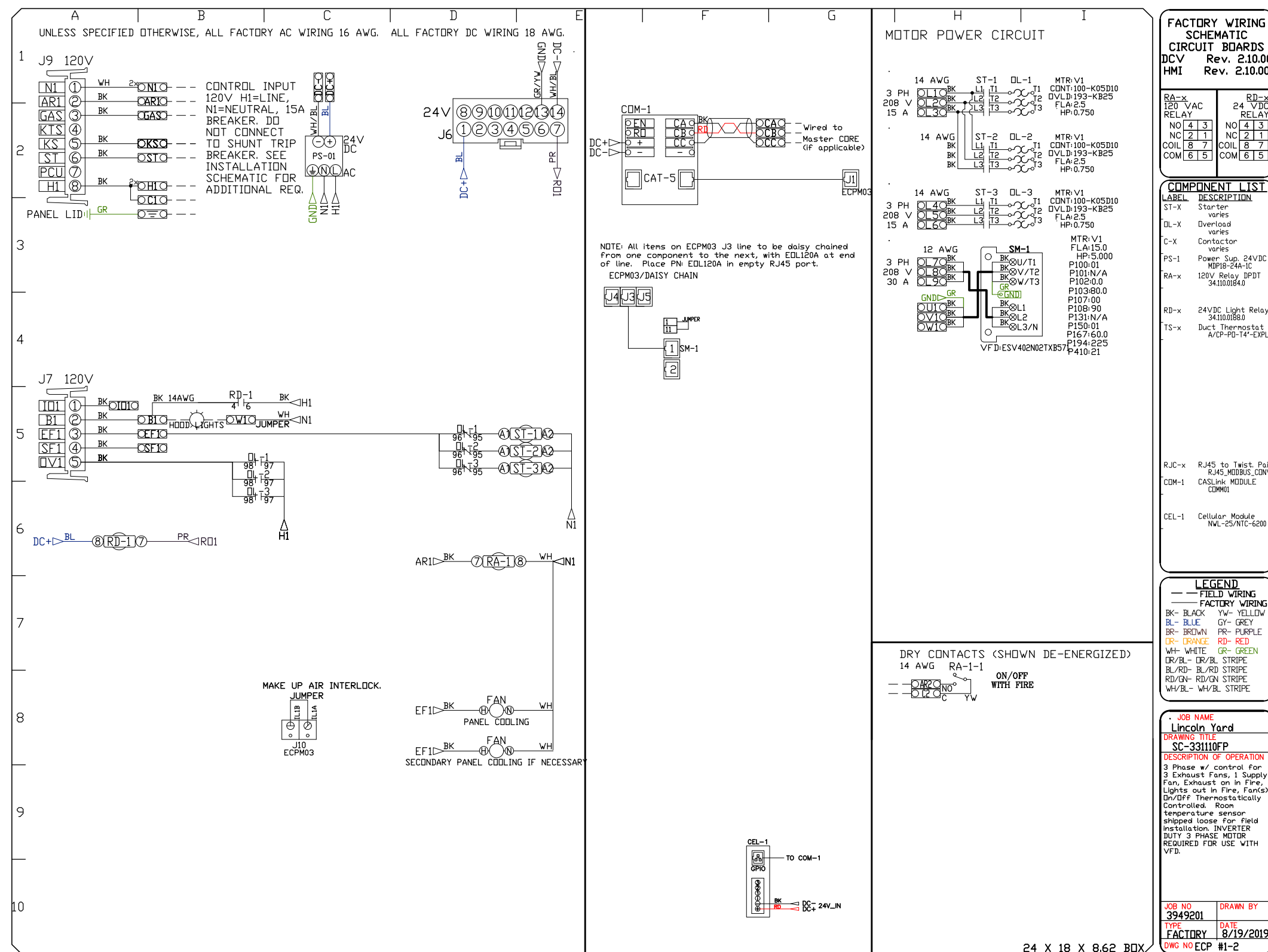
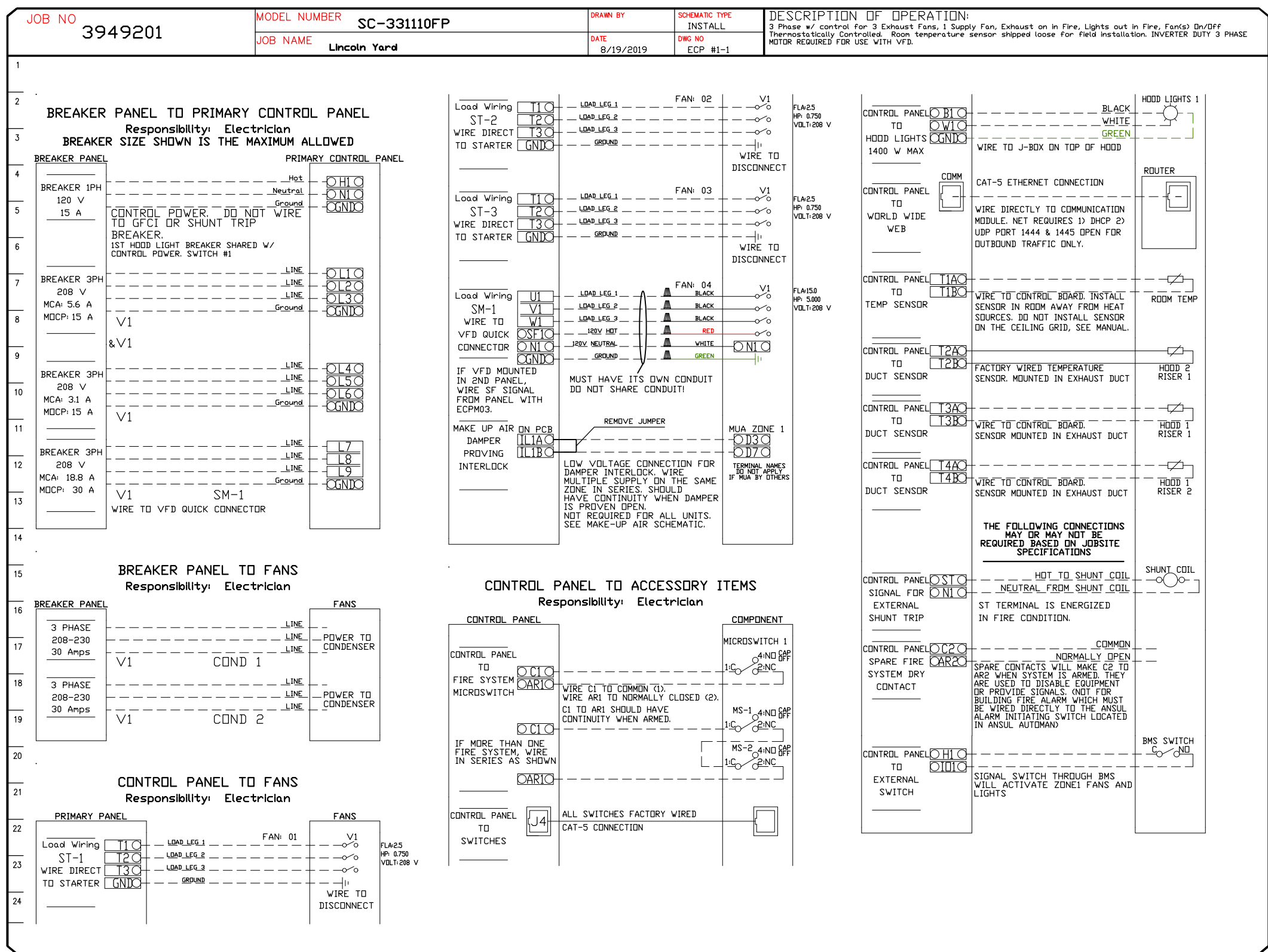
3

NO.	TAG	PACKAGE #	LOCATION	SWITCHES		OPTION	FANS CONTROLLED					
				LOCATION	QUANTITY		FAN TAG	TYPE	Φ	H.P.	VOLTS	FLA
1		SC-331110FP	Utility Cabinet Right	04 - Utility Cabinet Right	1 Light	Smart Controls Thermostatic Control	V1	Exhaust	3	0.750	208	2.5
							V1	Exhaust	3	0.750	208	2.5
							V1	Exhaust	3	0.750	208	2.5
							V1	Supply	3	5.000	208	15.0



- ### MONITORING AND CONTROL POINTS LIST

SCV Packages	Function	SC Packages	Function
Room Temperature	MONITOR	Room Temperature(s)	MONITOR
Duct Temperature(s)	MONITOR	Duct Temperature(s)	MONITOR
MUA Discharge Temperature	MONITOR	MUA Discharge Temperature	MONITOR
Kitchen RTU Discharge Temperature	MONITOR	Kitchen RTU Discharge Temperature	MONITOR
Fan Speed	MONITOR	Controller Faults	MONITOR
Fan Amperage	MONITOR	Fan Faults	MONITOR
Fan Power	MONITOR	Fan Status	MONITOR
VFD Faults	MONITOR	PCU Faults	MONITOR
Controller Faults	MONITOR	PCU Filter Clog Percentages	MONITOR
Fan Faults	MONITOR	Fire Condition	MONITOR
Fan Status	MONITOR	CDRE Fire System	MONITOR
PCU Faults	MONITOR	Bulding Pressures	MONITOR
PCU Filter Clog Percentages	MONITOR	Fans Button(s)	MONITOR & CONTROL
Fire Condition	MONITOR	Lights Button(s)	MONITOR & CONTROL
CDRE Fire System	MONITOR	Vash Button	MONITOR & CONTROL
Bulding Pressures	MONITOR		
Prep Time Button	MONITOR & CONTROL		
Fans Button	MONITOR & CONTROL		
Lights Button	MONITOR & CONTROL		
Vash Button	MONITOR & CONTROL		



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Lincoln Yard
BIRMINGHAM, MI, 48012

DATE: 8/19/2019

DWG.#:
3949201

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SCALE:
4" = 1'-0"

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SHEET NO.

DuctWork #1 Parts – Job#3949201

Tag	Part #	CFM	S.P.	Weight	Velocity	QTY	Description
P1	DW1445DWASY-2R-S	1750	-0.0438	19.87	1637.02	1	Double Wall Duct - 14" Inner 45 Duct - 2 Layers Reduced Clearance - 18" Stainless Steel Outer Shell.
P2	DW1445DWASY-2R-S	1750	-0.0625	19.87	1637.02	1	Double Wall Duct - 14" Inner 45 Duct - 2 Layers Reduced Clearance - 18" Stainless Steel Outer Shell.
P3	DW1447DWLT-2R-S	1750	-0.0188	62.39	1637.02	1	Double Wall Duct - 14" Inner Duct, 47' long - 2 Layers Reduced Clearance - 18" Stainless Steel Outer Shell.
P4 Assembled w/P5	DW1447DWAJDP-2R-S	1750	-0.0172	93.06	1637.02	1	Double Wall Adjustable Duct Transition Plate - 14" Inner Duct, 47' long - 2 Layers Reduced Clearance - 18" Stainless Steel Outer Shell. Min Length = 11' / Max Length = 48.5' / Adjustment = 30.5' / Adjustable Section May Need To Be Cut.
P5 Assembled w/P4 System at P5	DW23514TPDBEX	1750	0	8.00	1637.02	1	Includes single and double wall "V" Clamps. Duct to Curb Transition 3/4' Down Turn, 23.50' Curb to 14' Duct, 16 GA Aluminized. Used on BDU15 and DU85. Transition Plate DD is 23.5' Designed For Use With Exhaust Fan. Non-Standard Part.
P6	DW1445DWASY-2R-S	1750	-0.0438	19.87	1637.02	1	Double Wall Duct - 14" Inner 45 Duct - 2 Layers Reduced Clearance - 18" Stainless Steel Outer Shell.
P7	DW1445DWASY-2R-S	1750	-0.0625	19.87	1637.02	1	Double Wall Duct - 14" Inner 45 Duct - 2 Layers Reduced Clearance - 18" Stainless Steel Outer Shell.
P8	DW1447DWLT-2R-S	1750	-0.0188	62.39	1637.02	1	Double Wall Duct - 14" Inner Duct, 47' long - 2 Layers Reduced Clearance - 18" Stainless Steel Outer Shell.
P9 Assembled w/P10	DW1447DWAJDP-2R-S	1750	-0.0172	93.06	1637.02	1	Double Wall Adjustable Duct Transition Plate - 14" Inner Duct, 47' long - 2 Layers Reduced Clearance - 18" Stainless Steel Outer Shell. Min Length = 11' / Max Length = 48.5' / Adjustment = 30.5' / Adjustable Section May Need To Be Cut.
P10 Assembled w/P9 System at P10	DW23514TPDBEX	1750	0	8.00	1637.02	1	Includes single and double wall "V" Clamps. Duct to Curb Transition 3/4' Down Turn, 23.50' Curb to 14' Duct, 16 GA Aluminized. Used on BDU15 and DU85. Transition Plate DD is 23.5' Designed For Use With Exhaust Fan. Non-Standard Part.
	DW18DWRISER-2R-S			8.15		1	Double Wall Riser Cover - Used On 14" Inner Riser, 4' long - 2 Layers Reduced Clearance - 18" Stainless Steel Outer Riser Shell Assembly. Includes Insulation & Single V Clamps For Inner & Outer Connections.
	DW18DWRISER-2R-S			8.15		1	Double Wall Riser Cover - Used On 14" Inner Riser, 4' long - 2 Layers Reduced Clearance - 18" Stainless Steel Outer Riser Shell Assembly. Includes Insulation & Single V Clamps For Inner & Outer Connections.
	3M-2000PLUS			0.80		3	Duct - 3M Fire Barrier 2000 Plus Silicone - Used as sealant to Seal Duct Joints.
	DW14DWCLASY-2R-S			7.21		4	Duct - 14" Duct - 18" Double "V" Clamp - 2R Insulation & Single "V" Clamp Included - Reduced Clearance.
Total Weight				453.92			

SINGLE WALL FACTORY BUILT DUCTWORK

- ALL DUCTWORK IS REQUIRED TO BE INSTALLED WITH THE MAXIMUM SUPPORT SPACING LISTED BELOW.
- FOR A COMPLETE LIST OF APPROVED SUPPORT METHODS, SEE THE INSTALLATION AND OPERATION MANUAL.
- DUCTWORK SHALL SLOPE NOT LESS THAN 1/16" PER LINEAR FOOT TOWARDS THE HOOD OR AN APPROVED GREASE COLLECTION RESERVOIR.
- WHERE HORIZONTAL DUCTS EXCEED 75 FEET IN LENGTH, THE SLOPE SHALL NOT BE LESS THAN 3/16" PER LINEAR FOOT.

DUCT DIAMETER	HORIZONTAL SUPPORT (ft)	VERTICAL WALL SUPPORT (ft)	VERTICAL CURB SUPPORT (ft)
8"	10'	10'	24'
10"	10'	10'	24'
12"	10'	10'	24'
14"	10'	10'	24'
16"	10'	10'	24'
18"	10'	10'	24'
20"	10'	10'	24'
22"	10'	10'	24'
24"	10'	10'	24'

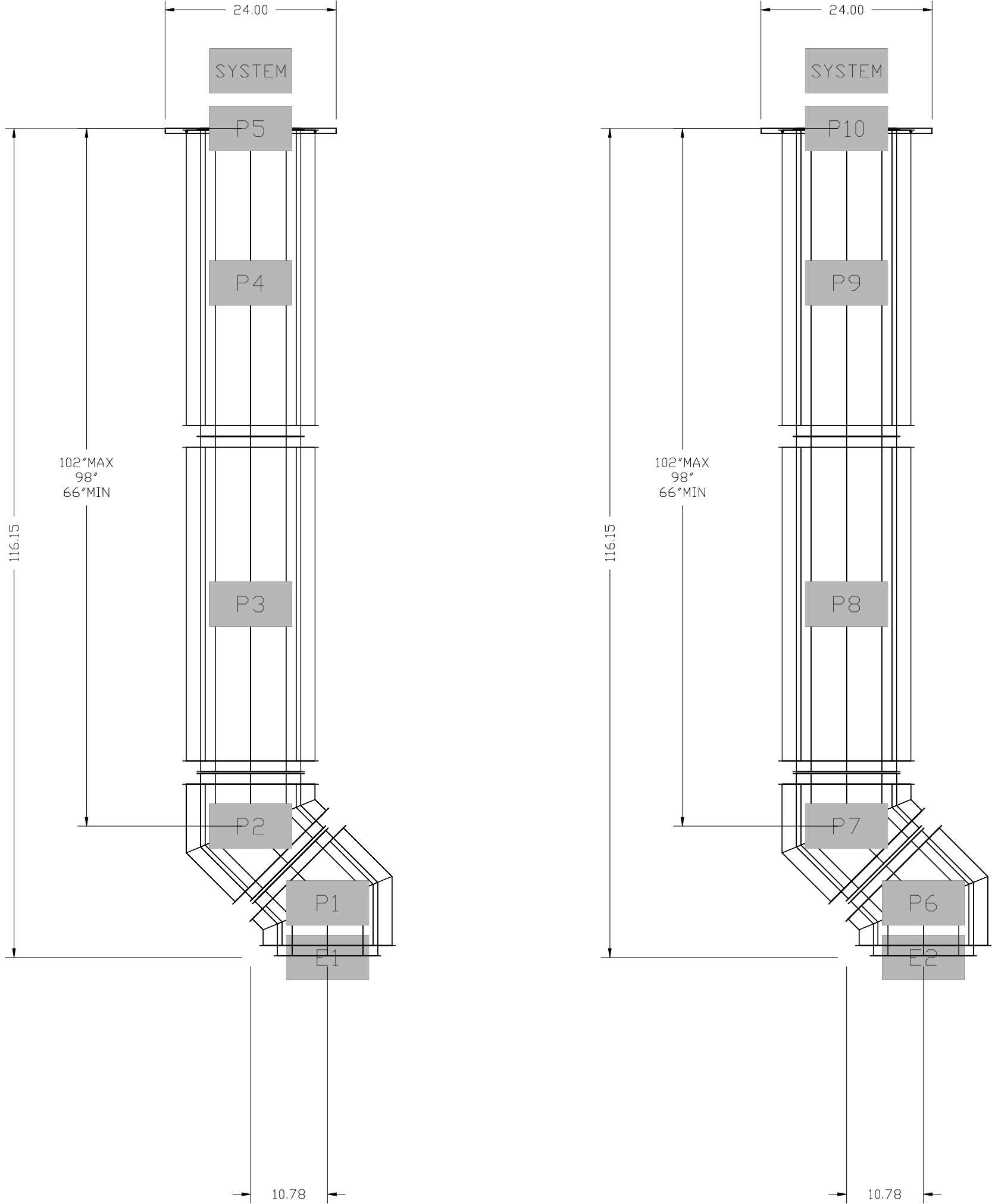
DOUBLE WALL FACTORY BUILT DUCTWORK

- ALL DUCTWORK IS REQUIRED TO BE INSTALLED WITH THE MAXIMUM SUPPORT SPACING LISTED BELOW.
- FOR A COMPLETE LIST OF APPROVED SUPPORT METHODS, SEE THE ENTIRE INSTALLATION AND OPERATION MANUAL
- DUCTWORK SHALL SLOPE NOT LESS THAN 1/16" PER LINEAR FOOT TOWARDS THE HOOD OR AN APPROVED GREASE COLLECTION RESERVOIR.
- WHERE HORIZONTAL DUCTS EXCEED 75 FEET IN LENGTH, THE SLOPE SHALL NOT BE LESS THAN 3/16" PER LINEAR FOOT.

HORIZONTAL	
DUCT DIAMETER	SUPPORT SPACING (ft)
8"	7'
10"	7'
12"	7'
14"	7'
16"	7'
18"	5'
20"	5'
22"	5'
24"	5'

VERTICAL			
TYPE	WALL SUPPORT (ft)	CURB SUPPORT (ft)	FLOOR SUPPORT (ft)
2R & 2R HT	20'	24'	24'
3R	10'	24'	24'
3Z	10'	24'	24'

DuctWork #1 Front View



REVISIONS

DESCRIPTION	DATE:

www.muckierktech.com

Michigan Office

3876 East Paris Ave SE, Suite 18, Grand Rapids, MI 49512 PHONE: (616) 942-9881 FAX: (616) 942-9884 EMAIL: reg77@ktechhoods.com

Lincoln Yard

BIRMINGHAM, MI, 48012

DATE: 8/19/2019

DWG.#: 3949201

DRAWN BY: DKC

SCALE: 3/4" = 1'-0"

MASTER DRAWING

SHEET NO. 5

DuctWork #2 Parts - Job#3949201

Tag	Part #	CFM	S.P.	Weight	Velocity	QTY	Description
P1	DW1445DWASY-2R-S	2000	-0.0578	19.87	1870.88	1	Double Wall Duct - 14" Inner 45 Duct - 2 Layers Reduced Clearance - 18" Stainless Steel Outer Shell.
P2	DW1445DWASY-2R-S	2000	-0.0825	19.87	1870.88	1	Double Wall Duct - 14" Inner 45 Duct - 2 Layers Reduced Clearance - 18" Stainless Steel Outer Shell.
P3	DW1447DWLT-2R-S	2000	-0.0245	62.39	1870.88	1	Double Wall Duct - 14" Inner Duct, 47" long - 2 Layers Reduced Clearance - 18" Stainless Steel Outer Shell.
P4 Assembled w/P5	DW1447DWAJDTP-2R-S	2000	-0.0225	93.06	1870.88	1	Double Wall Adjustable Duct Transition Plate - 14" Inner Duct, 47" long - 2 Layers Reduced Clearance - 18" Stainless Steel Outer Shell. Min Length = 11" / Max Length = 48.5" / Adjustment = 30.5" / Adjustable Section May Need To Be Cut.
P5 Assembled w/P4 System at P5	DW23514TPDBEX	2000	0	8.00	1870.88	1	Includes single and double wall "V" Clamps. Duct to Curb Transition 3/4" Down Turn, 23.50" Curb to 14" Duct, 16 GA Aluminized. Used on BDU15 and DUB5. Transition Plate OD is 23.5" Designed For Use With Exhaust Fan. Non-Standard Part.
		2000	-0.5983				
	DW18DWRISE-2R-S			8.15		1	Double Wall Riser Cover - Used On 14" Inner Riser, 4' long - 2 Layers Reduced Clearance - 18" Stainless Steel Outer Riser Shell Assembly. Includes Insulation & Single V Clamps For Inner & Outer Connections.
	3M-2000PLUS			0.80		2	Duct - 3M Fire Barrier 2000 Plus Silicone - Used as sealant to Seal Duct Joints.
	DW14DWCLASY-2R-S			7.21		2	Duct - 14" Duct - 18" Double "V" Clamp - 2R Insulation & Single "V" Clamp Included - Reduced Clearance.
Total Weight				227.36			

SINGLE WALL FACTORY BUILT DUCTWORK

- ALL DUCTWORK IS REQUIRED TO BE INSTALLED WITH THE MAXIMUM SUPPORT SPACING LISTED BELOW.
- FOR A COMPLETE LIST OF APPROVED SUPPORT METHODS, SEE THE INSTALLATION AND OPERATION MANUAL.
- DUCTWORK SHALL SLOPE NOT LESS THAN 1/16" PER LINEAR FOOT TOWARDS THE HOOD OR AN APPROVED GREASE COLLECTION RESERVOIR
- WHERE HORIZONTAL DUCTS EXCEED 75 FEET IN LENGTH, THE SLOPE SHALL NOT BE LESS THAN 3/16" PER LINEAR FOOT.

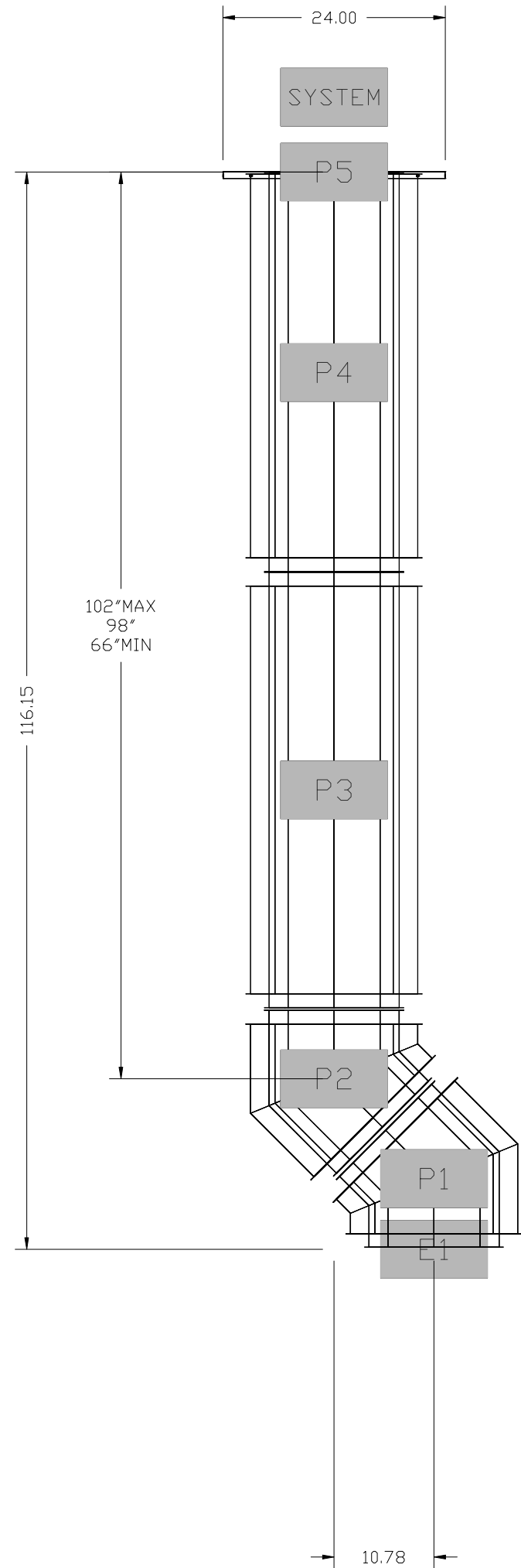
DUCT DIAMETER	HORIZONTAL SUPPORT (ft)	VERTICAL WALL SUPPORT (ft)	VERTICAL CURB SUPPORT (ft)
8"	10'	10'	24'
10"	10'	10'	24'
12"	10'	10'	24'
14"	10'	10'	24'
16"	10'	10'	24'
18"	10'	10'	24'
20"	10'	10'	24'
22"	10'	10'	24'
24"	10'	10'	24'

DOUBLE WALL FACTORY BUILT DUCTWORK

- ALL DUCTWORK IS REQUIRED TO BE INSTALLED WITH THE MAXIMUM SUPPORT SPACING LISTED BELOW.
- FOR A COMPLETE LIST OF APPROVED SUPPORT METHODS, SEE THE ENTIRE INSTALLATION AND OPERATION MANUAL
- DUCTWORK SHALL SLOPE NOT LESS THAN 1/16" PER LINEAR FOOT TOWARDS THE HOOD OR AN APPROVED GREASE COLLECTION RESERVOIR
- WHERE HORIZONTAL DUCTS EXCEED 75 FEET IN LENGTH, THE SLOPE SHALL NOT BE LESS THAN 3/16" PER LINEAR FOOT.

HORIZONTAL	
DUCT DIAMETER	SUPPORT SPACING (ft)
8"	7'
10"	7'
12"	7'
14"	7'
16"	7'
18"	5'
20"	5'
22"	5'
24"	5'

VERTICAL			
TYPE	WALL SUPPORT (ft)	CURB SUPPORT (ft)	FLOOR SUPPORT (ft)
2R & 2R HT	20'	24'	24'
3R	10'	24'	24'
3Z	10'	24'	24'



DuctWork #2 Front View

Lincoln Yard
BIRMINGHAM, MI, 48012

BIRMINGHAM, MI, 48012

www.mucklerktech.com

Michigan Office

3876 East Paris Ave SE, Suite 18, Grand Rapids, MI, 49512 PHONE: (616) 942-9881

REVISIONS		
	DESCRIPTION	DATE:
△		
△		
△		
△		

SHEET NO.

6

Lincoln Yard - 2159 E. Lincoln

Applicant provided tinted concrete example photos for proposed pedestrian crosswalk that connects the southeast building entrance to the public walk at East Lincoln Street.

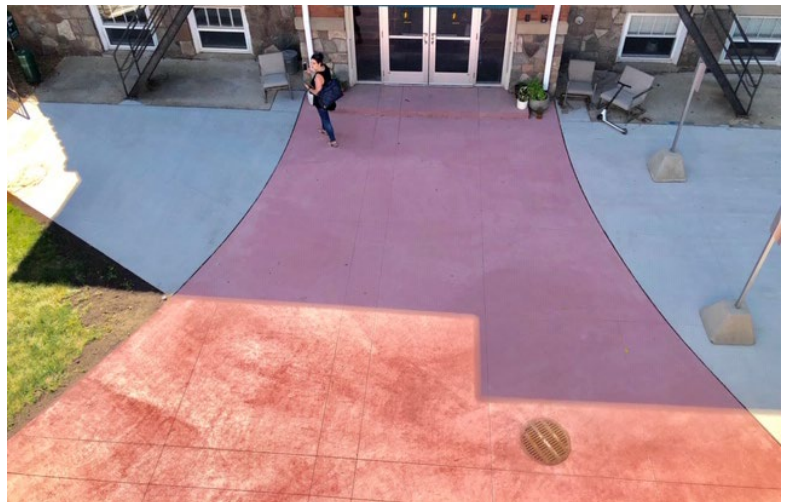
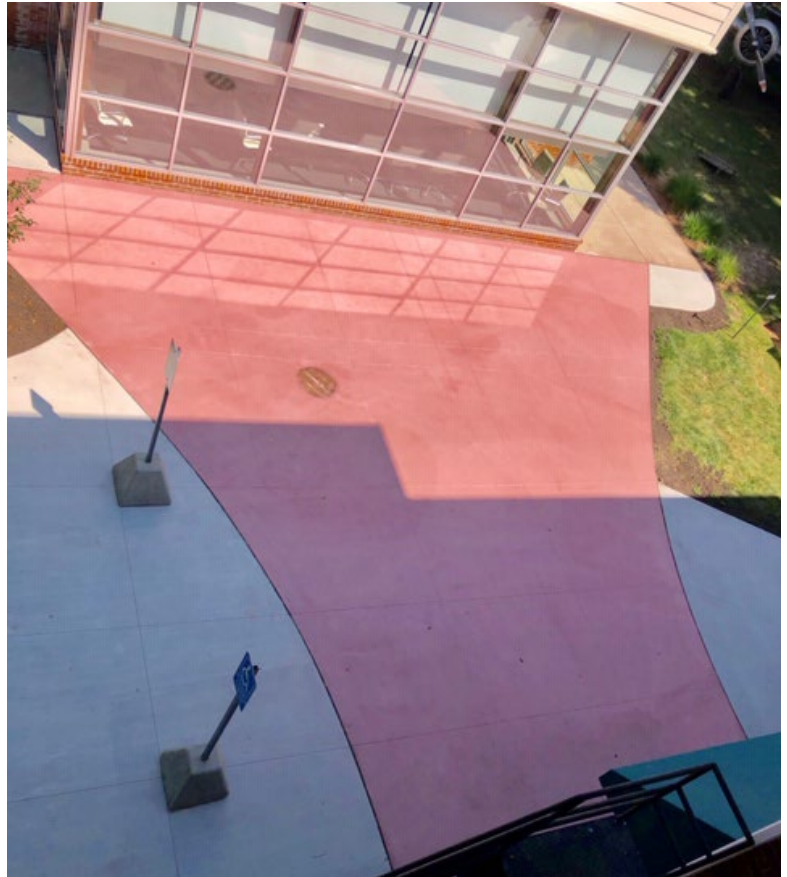


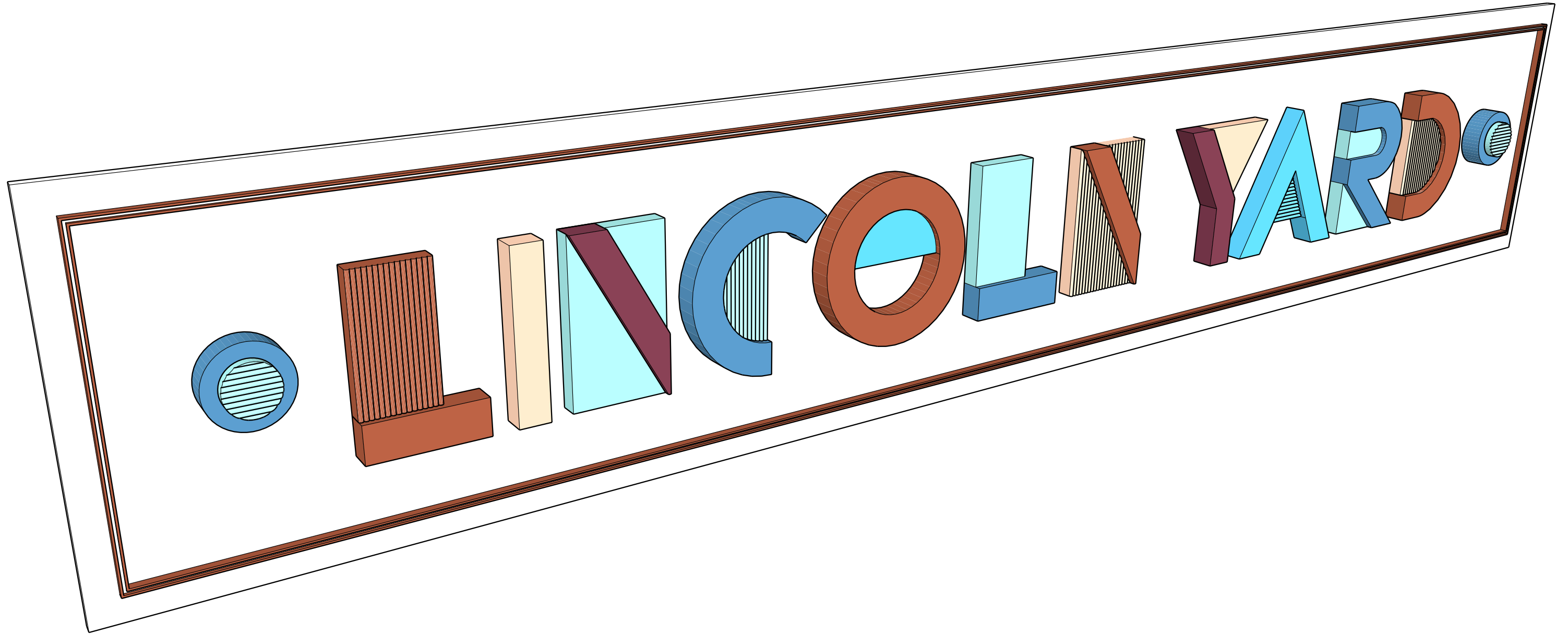
Photo location:
90 N Main St, Clarkston, MI

LINCOLN YARD

2159 E. LINCOLN AVE.

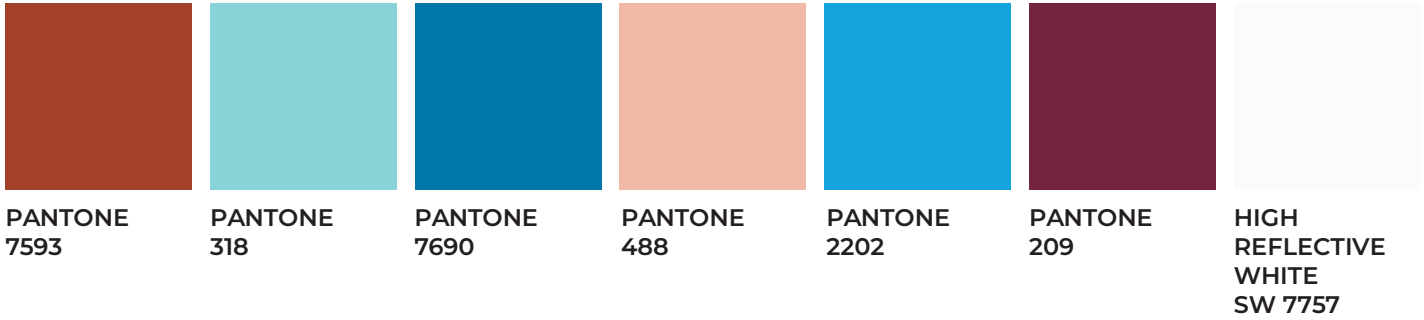
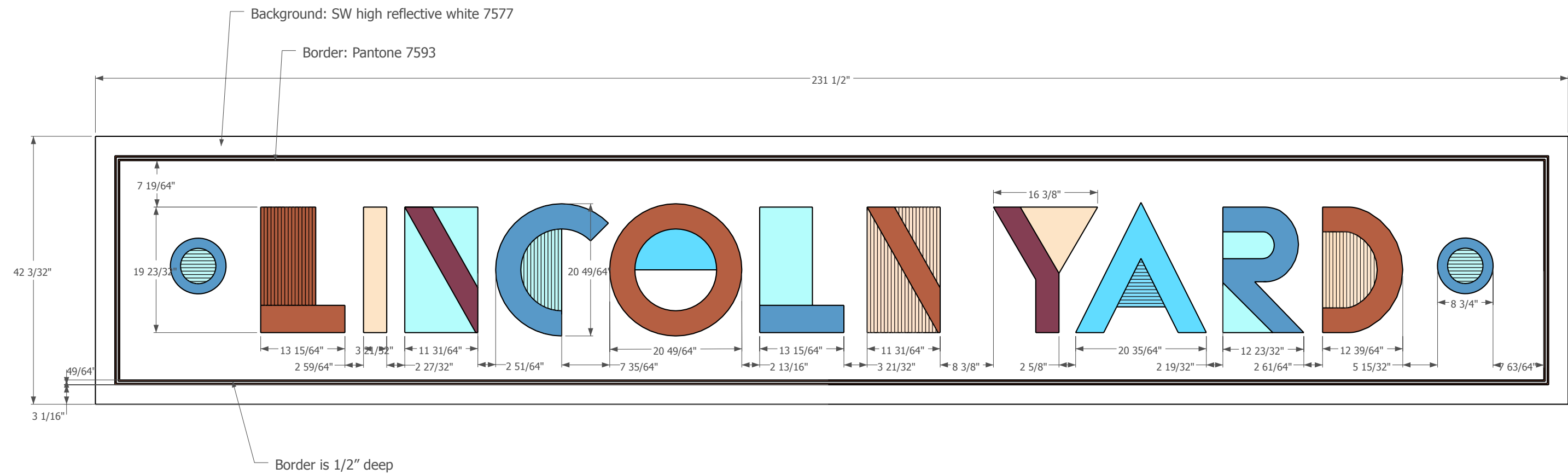
SIGNAGE DETAILS

LINCOLN YARD SIGNAGE
MAIN ENTRANCE SIGN
DETAILS



LINCOLN YARD SIGN

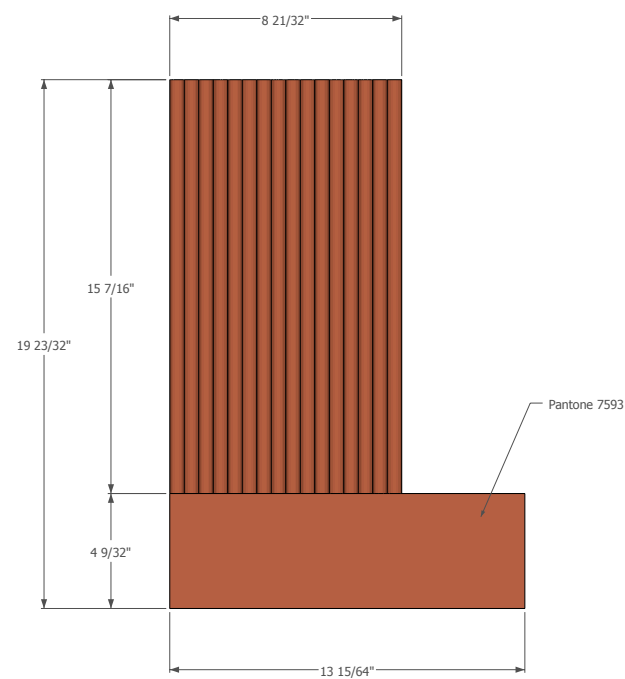
OVERALL ELEVATION



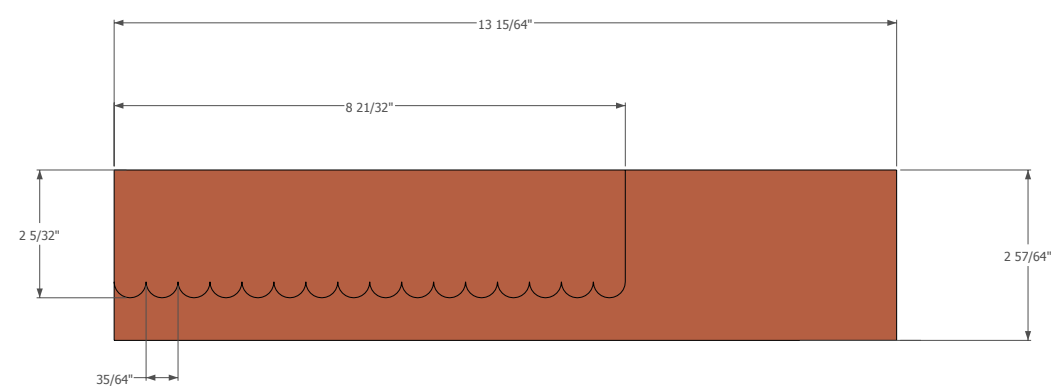
LINCOLN YARD SIGN

LETTER DETAILS

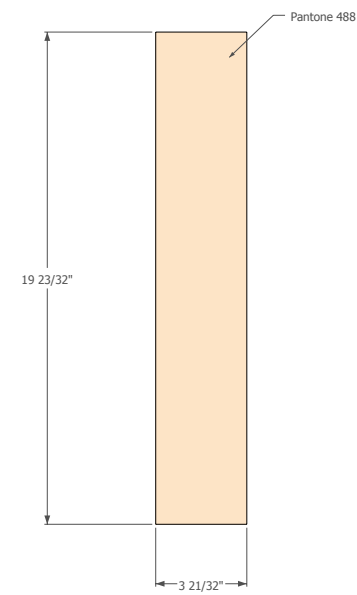
L1 - ELEVATION



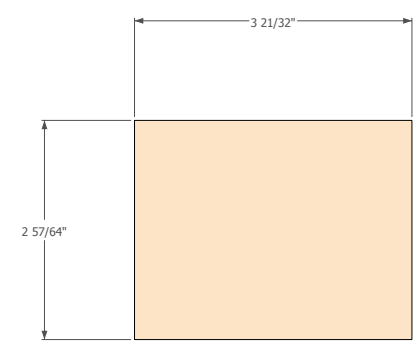
L1 - PLAN VIEW



I - ELEVATION

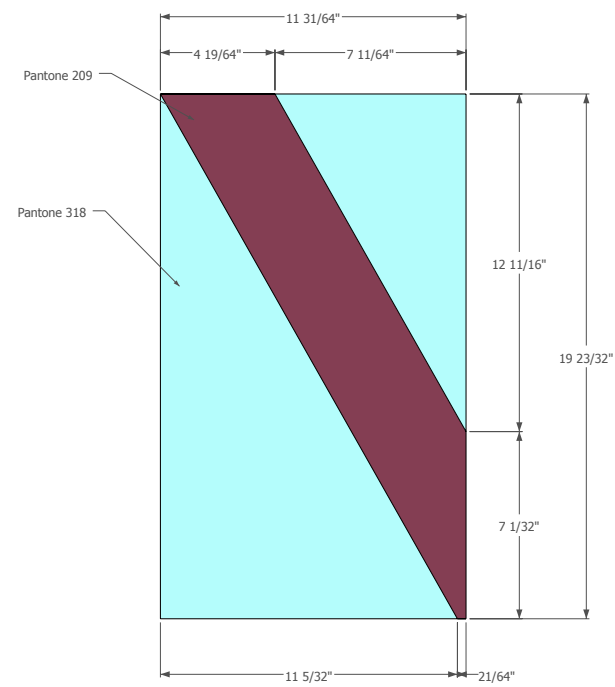


I - PLAN VIEW

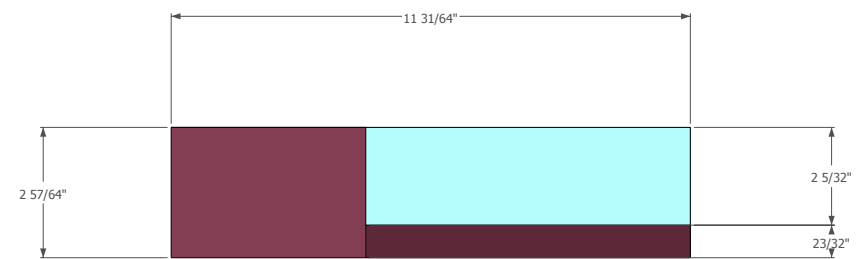


LINCOLN YARD SIGN LETTER DETAILS

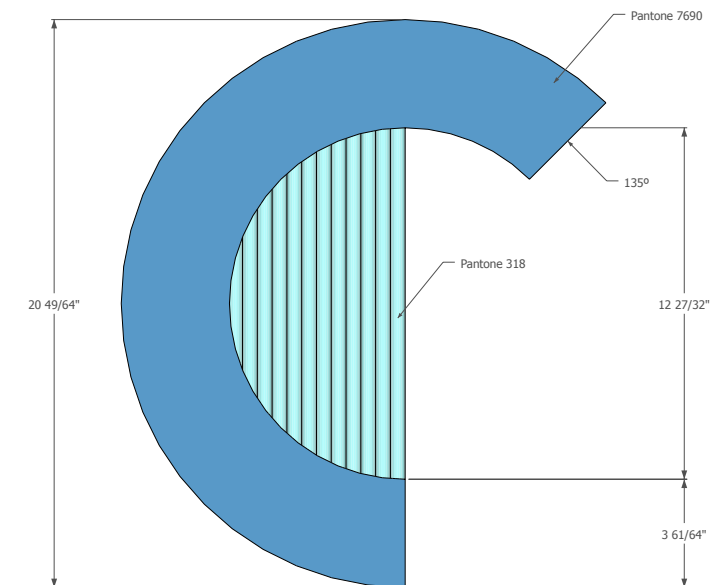
N1 - ELEVATION



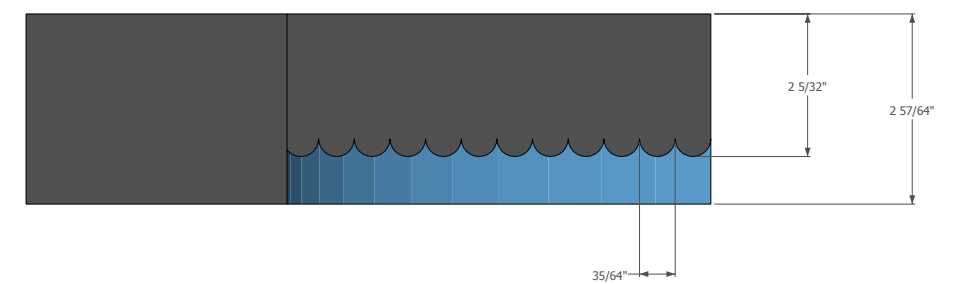
N1 - PLAN VIEW



C - ELEVATION

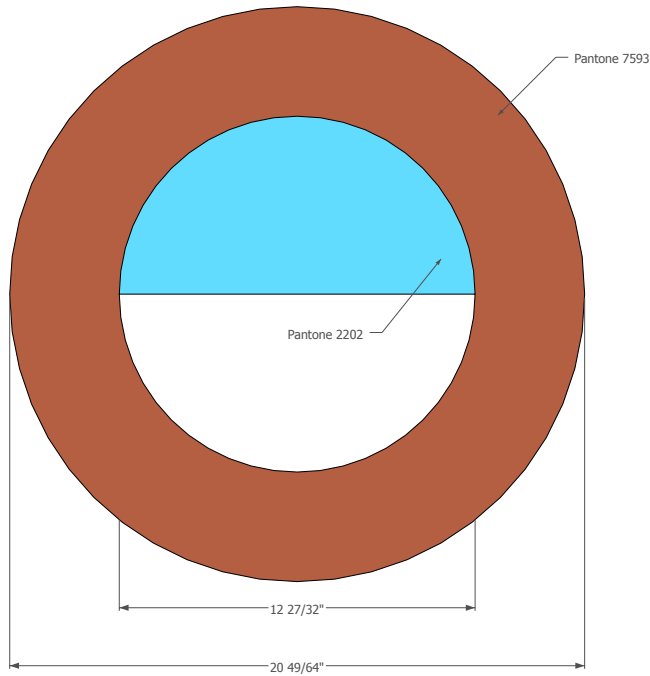


C - PLAN - SECTION VIEW



LINCOLN YARD SIGN
LETTER DETAILS

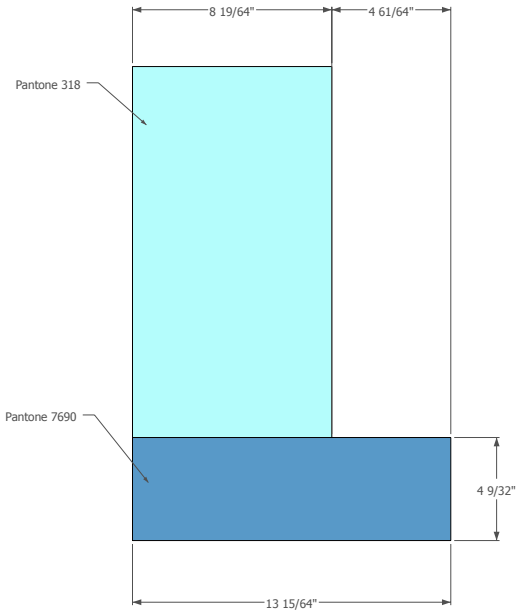
O - ELEVATION



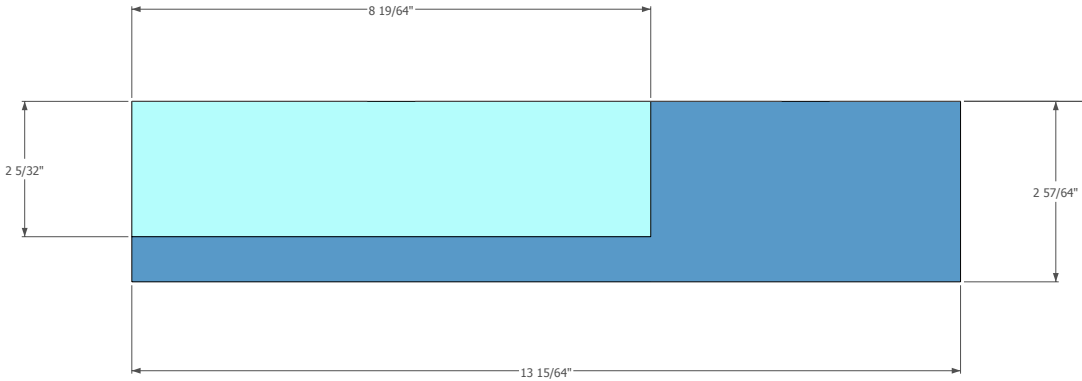
O - PROFILE - SECTION VIEW



L2 - ELEVATION



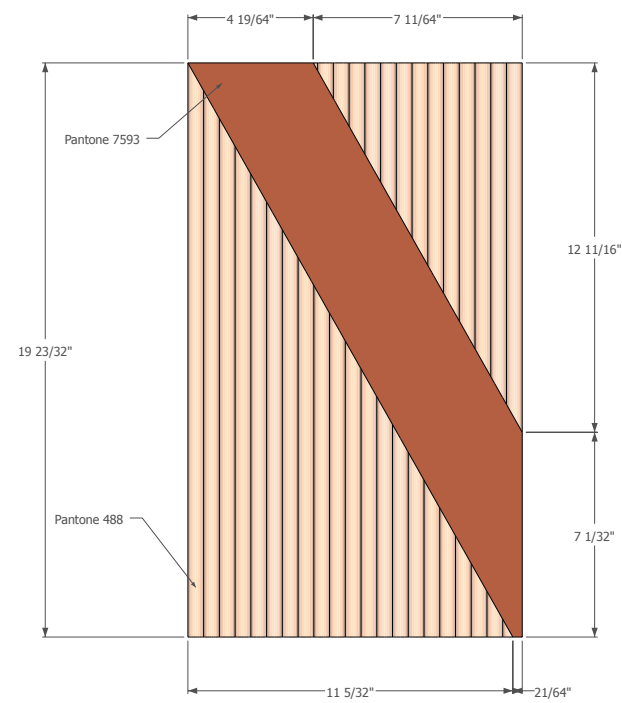
L2 - PLAN VIEW



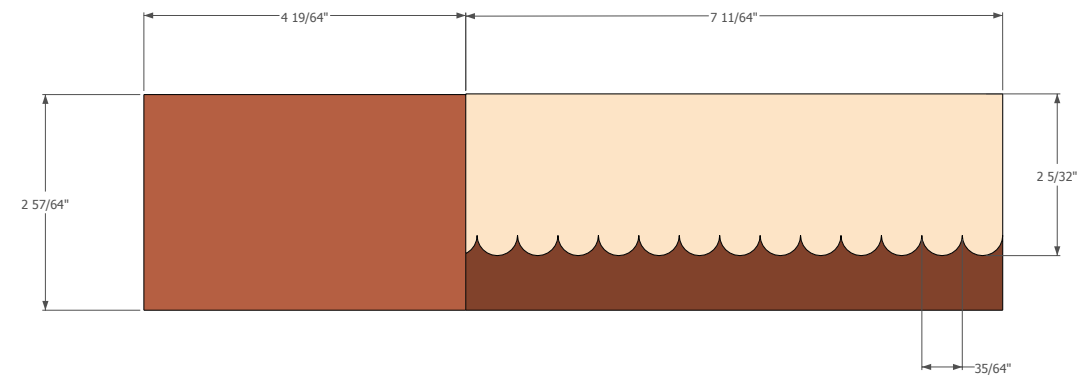
LINCOLN YARD SIGN

LETTER DETAILS

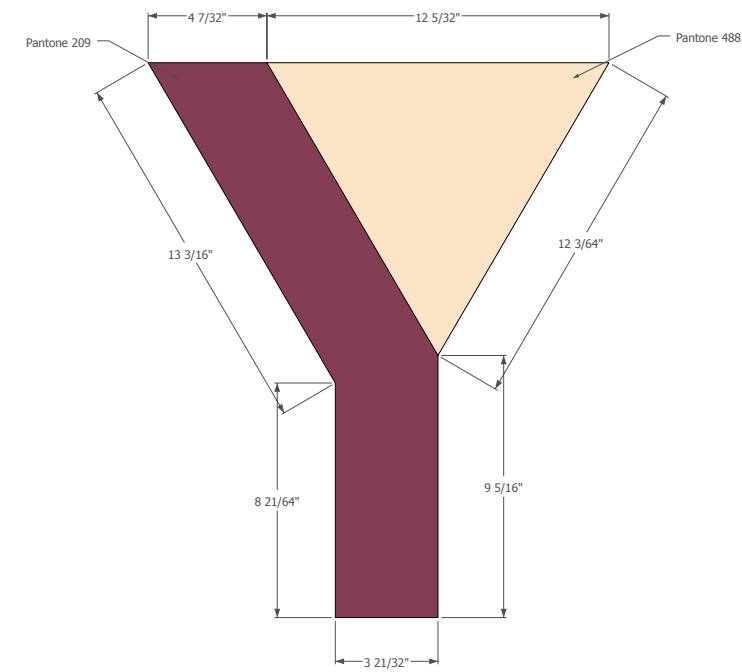
N2 - ELEVATION



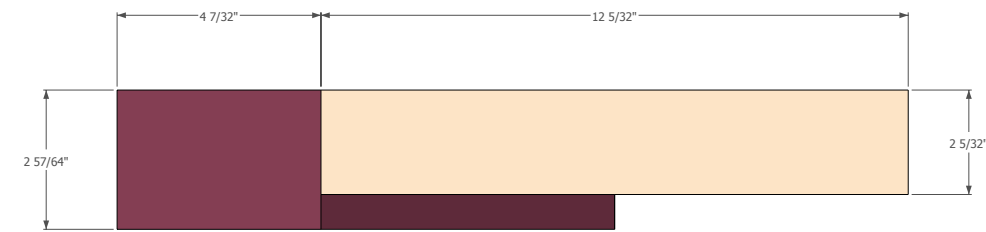
N2 - PLAN VIEW



Y - ELEVATION

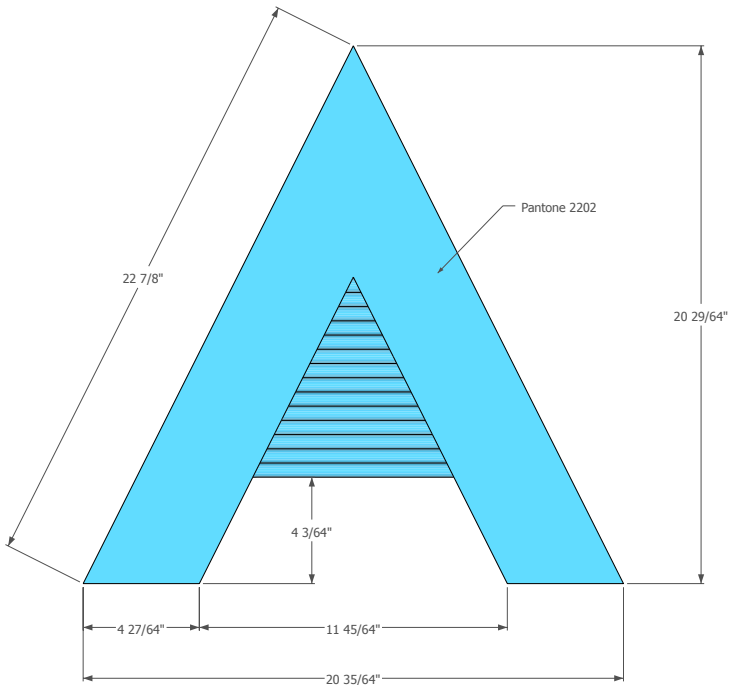


Y - PLAN VIEW

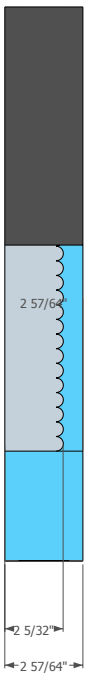


LINCOLN YARD SIGN
LETTER DETAILS

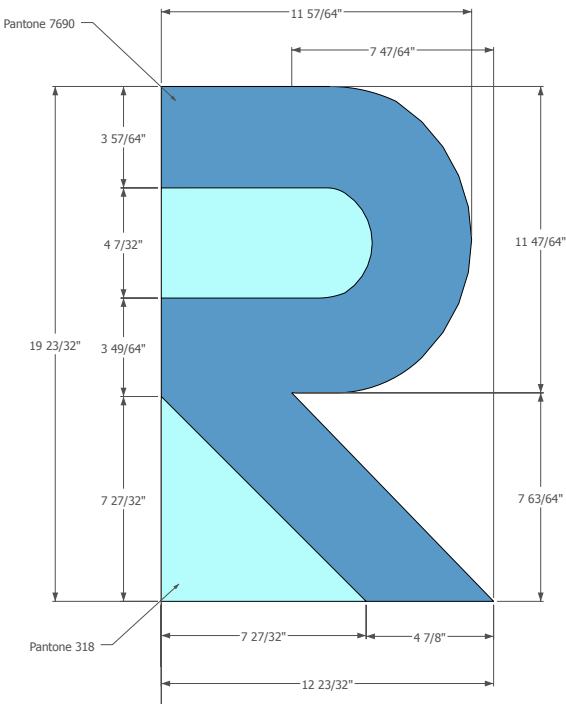
A - ELEVATION



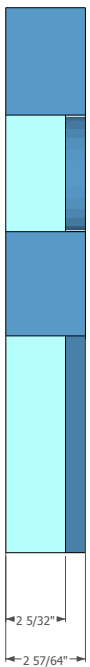
A - PROFILE - SECTION VIEW



R - ELEVATION

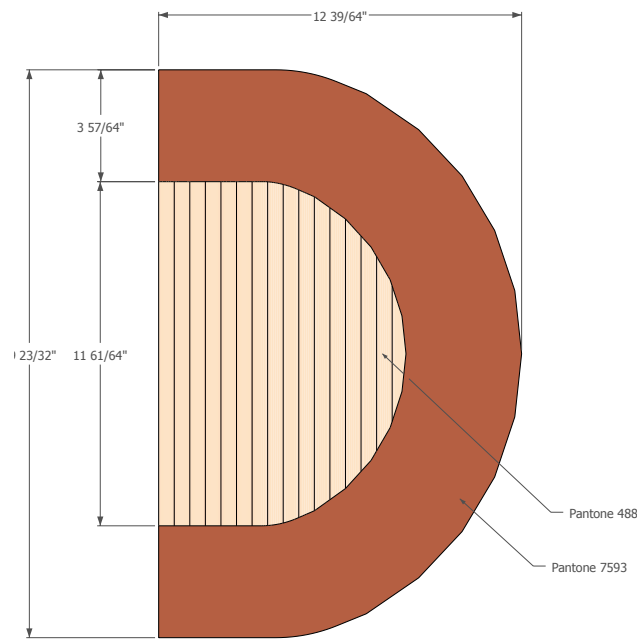


R - PROFILE VIEW

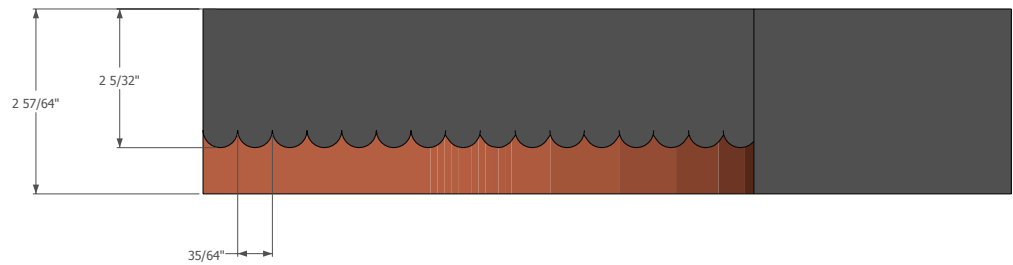


LINCOLN YARD SIGN
LETTER DETAILS

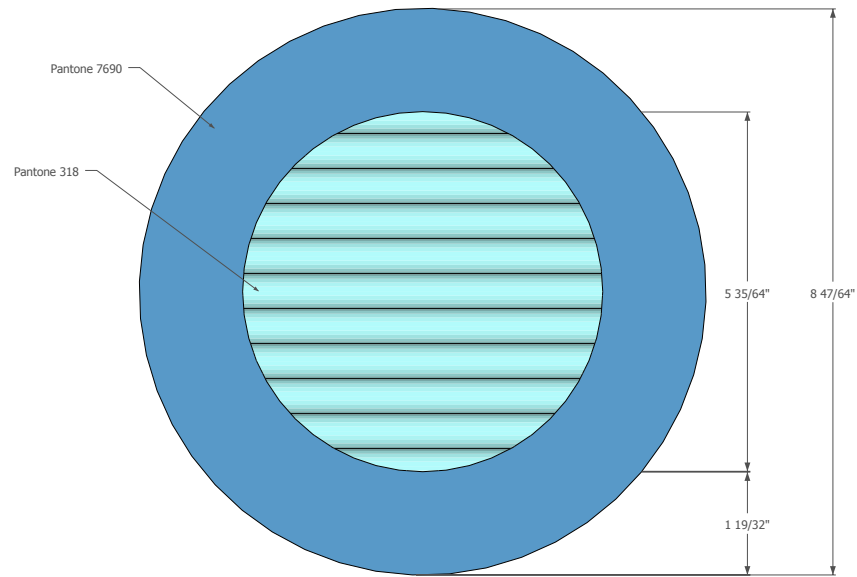
D - ELEVATION



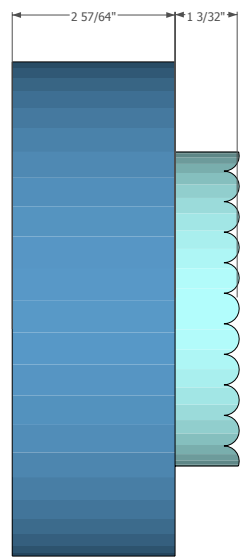
D - PLAN - SECTION VIEW



DOT - ELEVATION



DOT - PROFILE VIEW

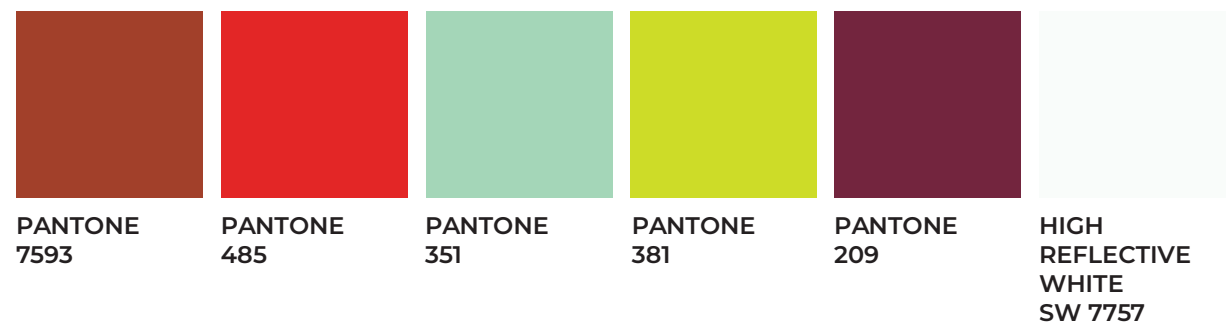


LINCOLN YARD SIGNAGE
LITTLE YARD ENTRANCE SIGN
DETAILS



LITTLE YARD ENTRANCE SIGN

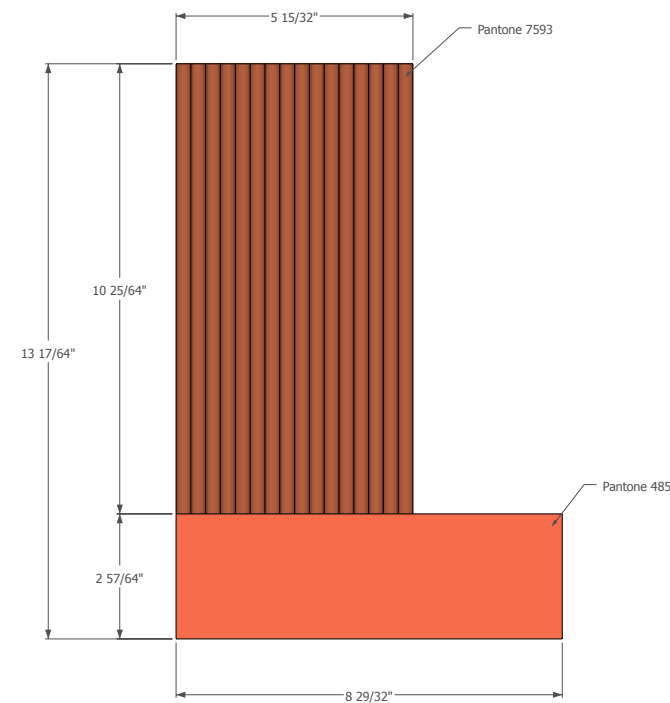
OVERALL ELEVATION



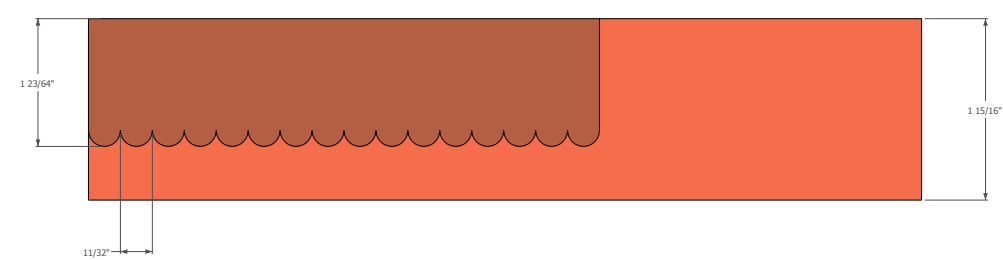
LITTLE YARD SIGN

LETTER DETAILS

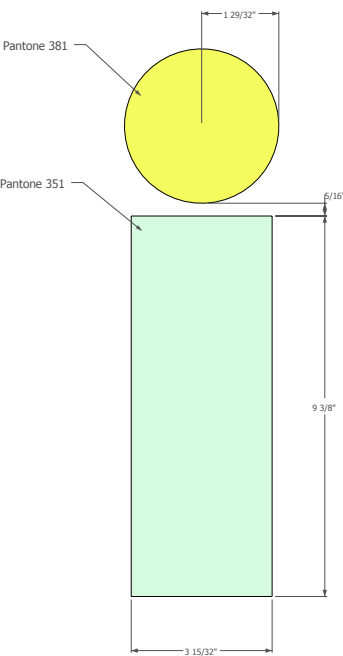
L1 - ELEVATION



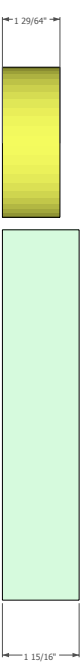
L1 - PLAN VIEW



I - ELEVATION

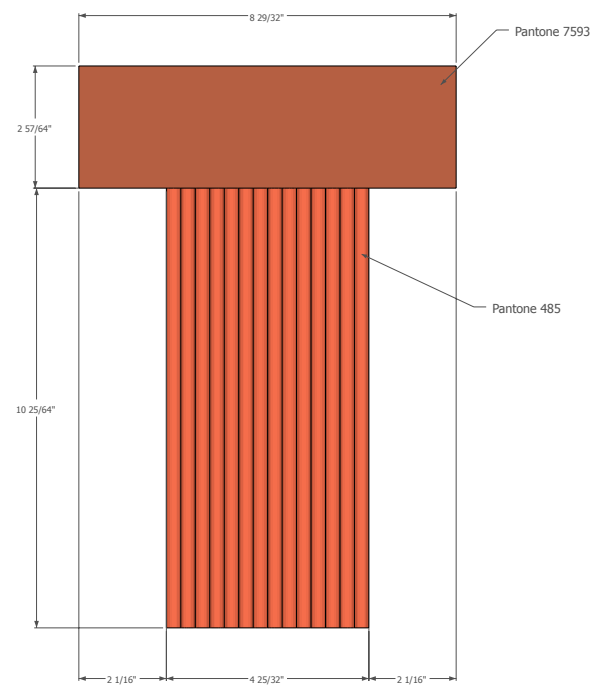


I - PROFILE VIEW

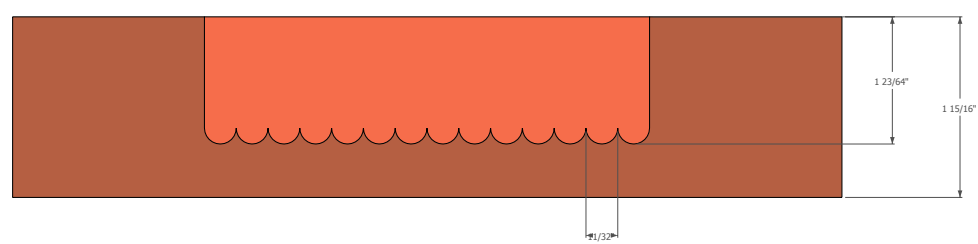


LITTLE YARD SIGN
LETTER DETAILS

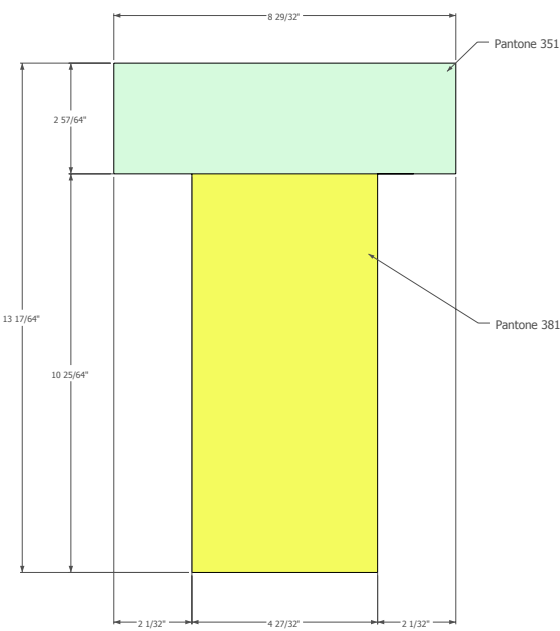
T1 - ELEVATION



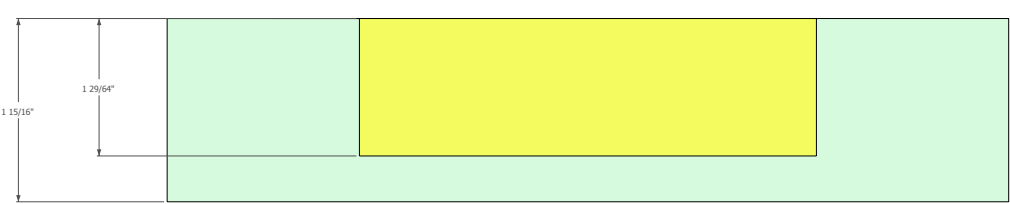
T1 - PLAN VIEW



T2 - ELEVATION



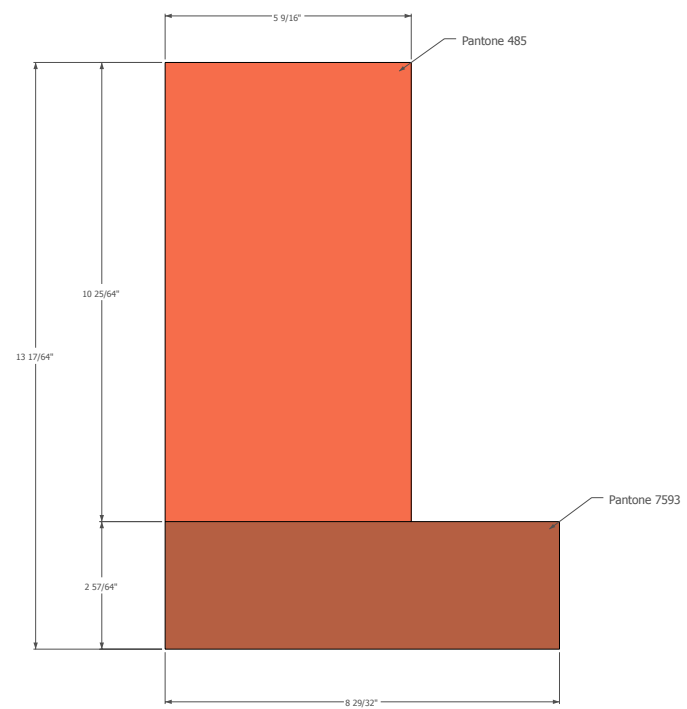
T2 - PLAN VIEW



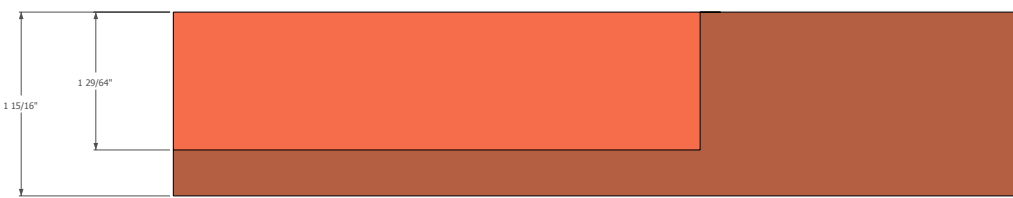
LITTLE YARD SIGN

LETTER DETAILS

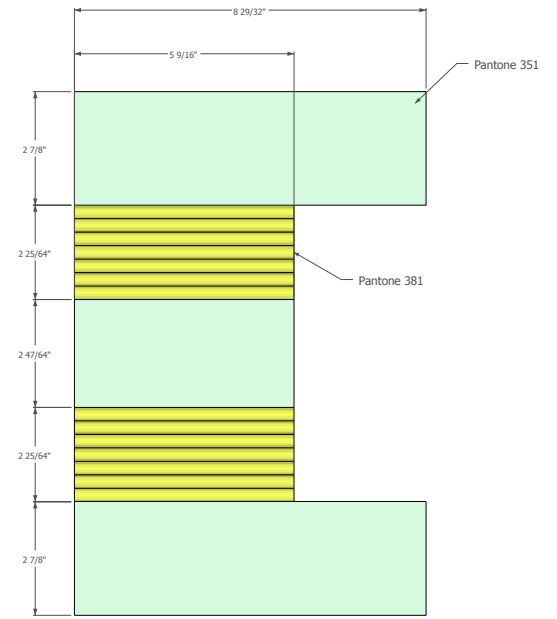
L2 - ELEVATION



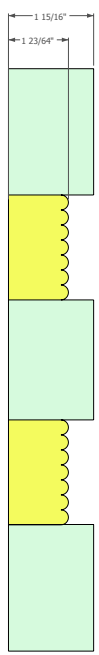
L2 - PLAN VIEW



E - ELEVATION

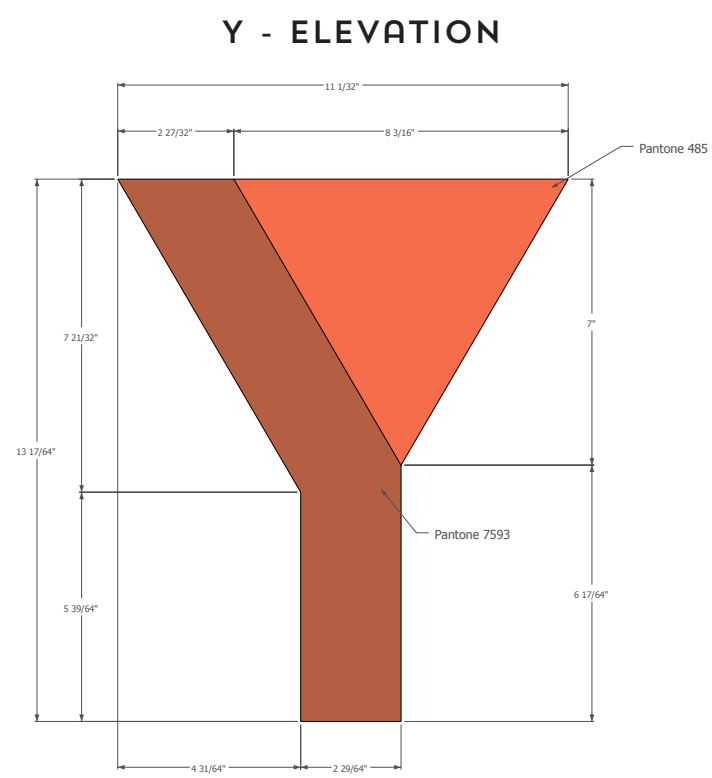


E - PROFILE VIEW

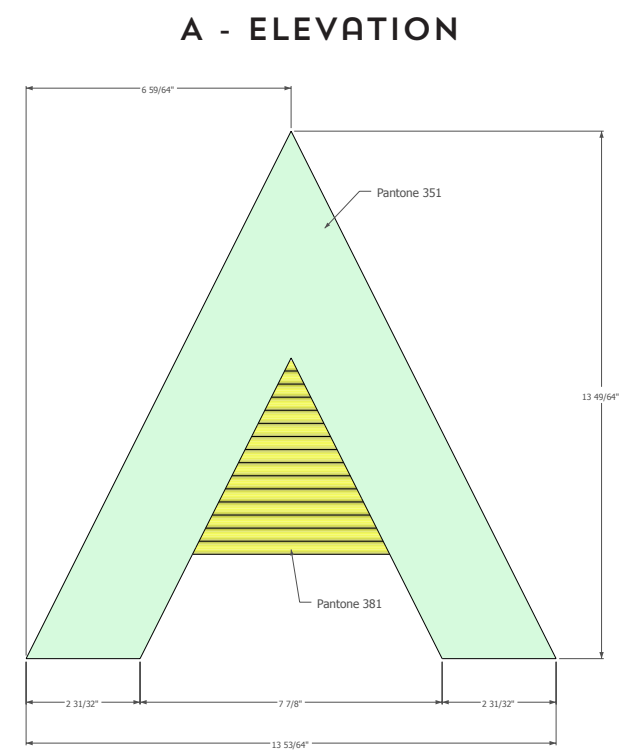
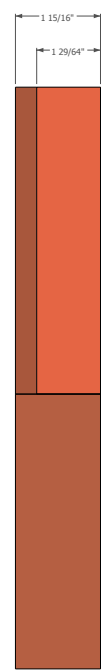


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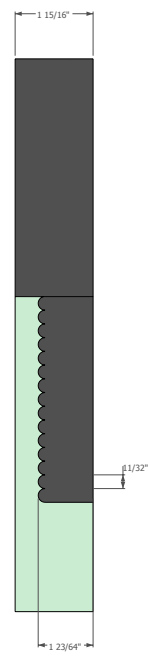
LETTER DETAILS



Y - PROFILE VIEW

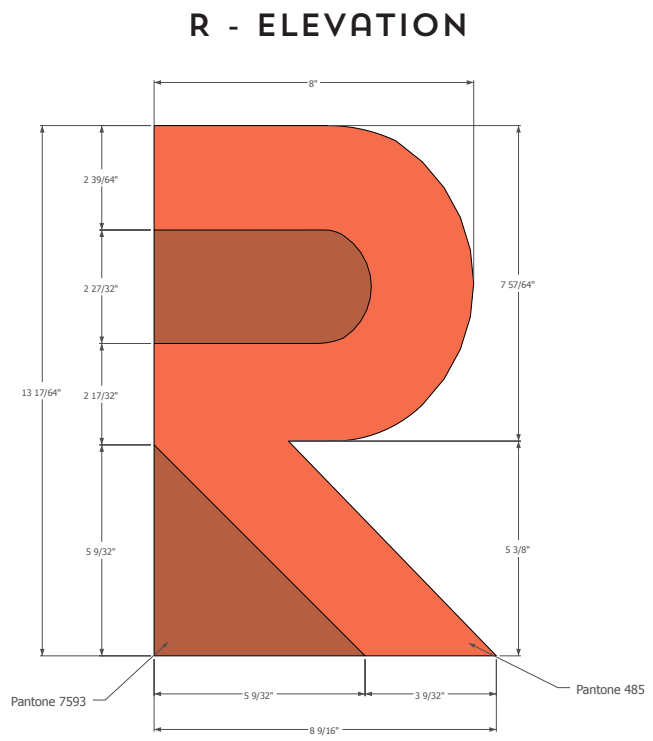


A - PROFILE - SECTION VIEW

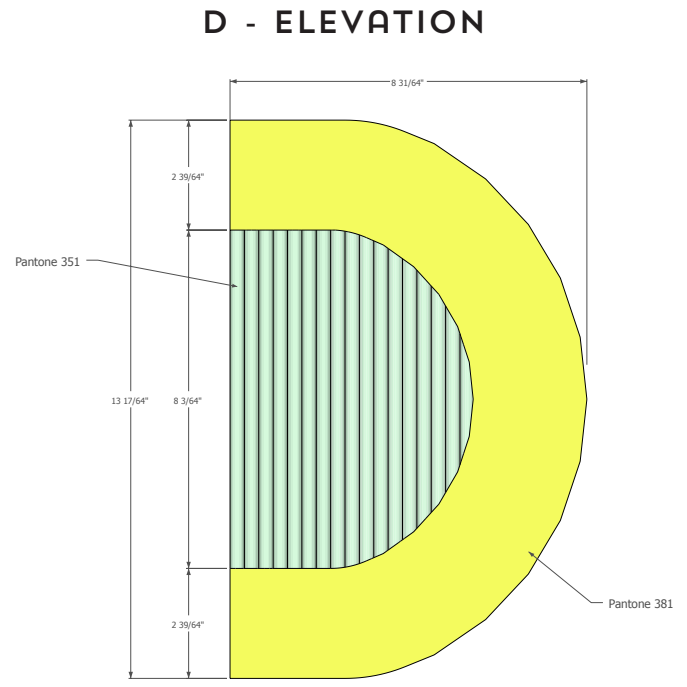
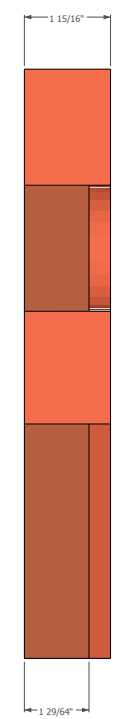


LITTLE YARD SIGN

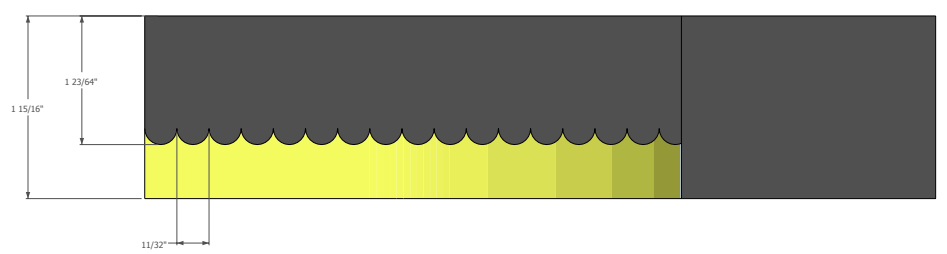
LETTER DETAILS



R - PROFILE VIEW



D - PLAN - SECTION VIEW



LINCOLN YARD

2159 E. LINCOLN AVE.

EXTERIOR CUT SHEETS



Ingrid Chair

\$298.00

Or 4 interest-free installments of \$74.50

Online Exclusive
Weather-Resistant



No Reviews

COLOR: NATURAL



Details

Style No. 49812944 ; Color Code: 014

Crafted in a simple, Danish-inspired design from natural teak wood that will beautifully patina over time, this petite perch is a welcome respite for your sun room or shady veranda.

For ordering assistance and more, please [contact us](#). For aesthetic advice and tips to help decorate your space, enjoy our complimentary home styling services.

Hide

- Teak wood
- Sealed for protection
- Wipe clean with soft, damp cloth
- This piece is suitable for indoor or outdoor use
- Cover or store indoors during inclement weather or when not in use
- No assembly required
- Imported

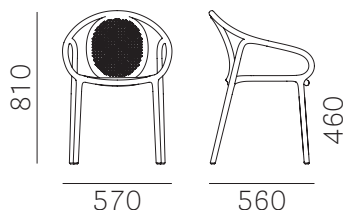
Dimensions

- Overall: 31"H, 22"W, 22"D
- Seat Height: 17.25"
- Seat Depth: 19"

Remind 3735

PEDRALI
THE ITALIAN ESSENCE

DESIGN
Eugeni Quitllet



4,5 kg

0,40 mc

max 8 pcs

max 8 pcs

All dimensions are expressed in millimeters.
Tutte le dimensioni sono espresse in millimetri.

Remind armchair made in polypropylene charged with glass fibres

Poltrona Remind in polipropilene caricato fibra vetro / Armlehnstuhl Remind aus Polypropylen mit Glasfaser / Rückenlehne Remind en polypropylène chargé de fibre de verre / Sillón Remind de polipropileno reforzado con fibra de vidrio

MATERIALS

Materiali
Materialien
Matériaux
Materiales

• CHAIR - SEDIA - STUHL - CHAISE - SILLA

SINGLE MATERIAL, PP - Polypropylene, fiberglass charged, antistatic, UV resistant

Monomaterica - Polipropilene, caricato fibra di vetro, antistatico, anti-UV / Einheitlichem material - Polypropylen, mit Fiberglas verstärkt, Antistatisch, Anti-UV / Monomatiere - Polypropylène, renforcé en fibre de verre, antistatique, anti-UV / Material único - Polipropileno, en fibra de vidrio, antiestático, anti-UV

TECHNOLOGY - TECNOLOGIA - TECHNOLOGIE - TECHNOLOGIE - TECNOLOGÍA

Gas-air moulding

Stampaggio ad iniezione con gas / Gas-Spritzgießen / Moulage sous injection de gaz / Molde de inyección con gas

COLOURS - COLORI - FARBEN - COLORIS - COLORES

Hammered surface

Superficie goffrata / Gaufrierte Oberfläche / Surface gaufrée / Superficie microtexturada



NE



BE



GR



SA



RO



VE

ACCESSORIES

Accessori
Zubehörteile
Accessoires
Accesorios

code 775.100__AL

Trolley

Carrello / Wagen / Chariot / Carrito

REGULATIONS AND CERTIFICATES

Normative e Certificazioni
Bestimmungen und Zertifikat
Normatives et certifications
Normativas y certificados

According to EN 1728:2013 level 2, extreme

EN di riferimento 16139:2013 livello 2, extreme

Seat and back static load test EN 1728:2012+AC:2013

Carico statico sul sedile e schienale EN 1728:2012+AC:2013

Seat and back fatigue test, 200.000 cycles EN 1728:2012+AC:2013

Resistenza a fatica del sedile-schienale, 200.000 cicli EN 1728:2012+AC:2013

CATAS CERTIFICATE - CERTIFICATO CATAS

Test report 264526

Rapporto di prova 264526 / Testbericht 264526 / Rapport d'essai 264526 / Prueba n° 264526

Seating durability test, 20.000 cycles - ANSI-BIFMA X5.1-2017/10

Test di resistenza del sedile, 20.000 cicli - ANSI-BIFMA X5.1-2017/10

Back durability test, 120.000 cycles - Type II and III ANSI-BIFMA X5.1-2017/15

Test di resistenza dello schienale, 120.000 cicli - Tipo II e III ANSI-BIFMA X5.1-2017/15

Backrest strenght test - Static ANSI-BIFMA X5.1-2017/6

Test di resistenza dello schienale - Statico ANSI-BIFMA X5.1-2017/6

Stability test ANSI-BIFMA X5.1-2017/11

Test di stabilità ANSI-BIFMA X5.1-2017/11

CATAS CERTIFICATE - CERTIFICATO CATAS

Test report 266692

Rapporto di prova 266692 / Testbericht 266692 / Rapport d'essai 266692 / Prueba n° 266692

100% demountable product - 100% recyclable material

Prodotto 100% disassemblabile - 100% materiali riciclabili / Produkt 100% demontierbar - 100% Material recyclingfähig / Produit 100% démontable - 100% recyclable / Producto 100% desmontable - 100% materiales reciclables



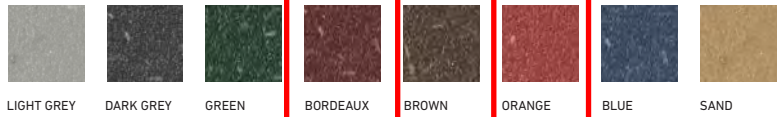
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1 INCH RECLAIMED BY JASPER MORRISON, 2018



90% reclaimed wood polypropylene.
All colors suitable for outdoor use.
Stacks 10.

W:20.6" D:20.9" H:31.1" SH:18"
W:52cm D:53cm H:79cm SH:46cm
WT: 11.5lb WT:5.2kg
STACKS 10 HIGH



LIGHT GREY DARK GREY GREEN BORDEAUX BROWN ORANGE BLUE SAND

1 INCH CAFÉ TABLE BY JASPER MORRISON, 2017



1 INCH CAFÉ TABLE 24"

W/D: 24" H: 28.4"
W/D: 60cm H: 72cm
WT: 24lb WT: 10.9kg Aluminum top
WT: 21lb WT: 9.5kg Ash, Walnut top

1 INCH CAFÉ TABLE 30"

W/D: 30" H: 28.4"
W/D: 76cm H: 72cm
WT: 27lb WT: 12.2kg Aluminum top
WT: 24lb WT: 10.9kg Ash, Walnut top

1 INCH CAFÉ TABLE 36"

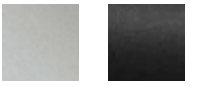
W/D: 36" H: 28.4"
W/D: 91cm H: 72cm
WT: 34lb WT: 15.4kg Aluminum top
WT: 31lb WT: 14.1kg Ash, Walnut top

TOPS IN RECYCLED ALUMINUM/SOLID WOOD



CLEAR ANODIZED ASH WALNUT

FRAMES IN RECYCLED ALUMINUM



CLEAR ANODIZED BLACK POWDER COATED

1 INCH BAR TABLE BY JASPER MORRISON, 2017



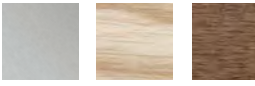
1 INCH BAR TABLE 24"

W/D: 24" H: 43"
W/D: 60cm H: 109cm
WT: 26lb WT: 11.8kg Aluminum top
WT: 23lb WT: 10.4kg Ash, Walnut top

1 INCH BAR TABLE 30"

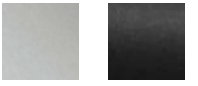
W/D: 30" H: 43"
W/D: 76cm H: 109cm
WT: 29lb WT: 13.2kg Aluminum top
WT: 26lb WT: 11.8kg Ash, Walnut top

TOPS IN RECYCLED ALUMINUM/SOLID WOOD



CLEAR ANODIZED ASH WALNUT

FRAMES IN RECYCLED ALUMINUM



CLEAR ANODIZED BLACK POWDER COATED



THE NOVEL COLLECTION

The Novel Collection from Stori Modern is a study in contradictions. Dark wicker slats invite you in for a closer look like open window blinds. You know you shouldn't, but...why not? Closer inspection reveals that each piece has been meticulously woven to a tubular steel frame, which curves seductively beneath your legs as you sink deeper into the supple cushions. "Have these been here the whole time?", you wonder. They look so new and yet...like they belong here. If only furniture could talk, you think as you kick your other shoe into the pool.

FURNITURE MADE FOR CONVERSATION



Novel - Lounge Chair
38.5w x 36.25d x 33.25h / 19 seat
Woven HDPE / 47 lbs
\$1,129



Novel - Ottoman
38w x 35.5d x 12.75h / 19 seat
Woven HDPE / 28 lbs
\$679

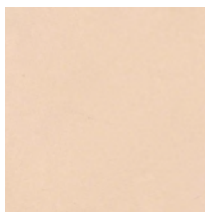


Novel - Loveseat
60.2w x 36.25d x 33.25h / 19 seat
Woven HDPE / 65 lbs
\$1,569

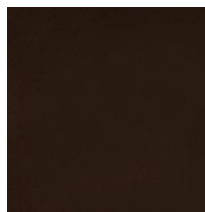


Novel - Coffee Table
38w x 35.5d x 13.125h
Woven HDPE / 52 lbs
\$589

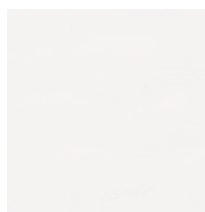
FRAME COLORS



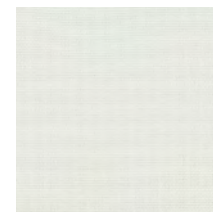
Beige



Coffee



White



Sailcloth Salt



Chartres Flax



Pique Gravel

FABRIC COLORS

Woodard™



VALE DINING ARM CHAIR
7D0401

Arm Height: 26"

Material: Aluminum
Height: 37.5"
Width: 27.25"
Depth: 30.25"
Seat Height: 19.5"



Colfax Lounge Chair

7K0406

Material: Aluminum
Height: 33.25"
Width: 28.5"
Depth: 31"
Seat Height: 15.25"
Arm Height: 24.25"



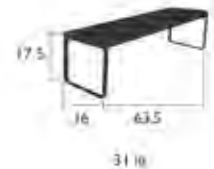
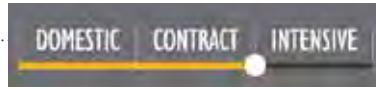
BELLEVIE

8410 - BENCH

DESIGN BY PAGNON ET PELHAÏTRE



Electro-galvanized steel seat
Aluminum base
Weight: 31 lbs

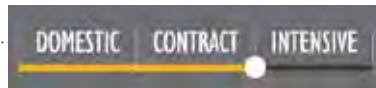


8415 - BENCH WITH BACKREST

DESIGN BY PAGNON ET PELHAÏTRE



Electro-galvanized steel seat
Aluminium backrest
Aluminum base
Weight: 40 lbs

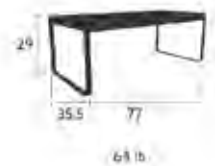
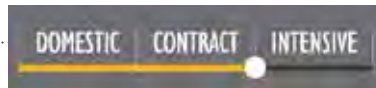


8420 - TABLE (35.5 X 77 IN.)

DESIGN BY PAGNON ET PELHAÏTRE



Aluminum frame
Aluminum base
Weight: 64 lbs
Product enhancement: Table block provided to encourage water to drain and to reduce the build up of dirt and limescale



8450 - LOW TABLE

DESIGN BY PAGNON ET PELHAÏTRE



Aluminum table top
Aluminum base
Weight: 31 lbs



BEBOP

5619 - LOW TABLE 35X35 IN. - H. 11 IN.

DESIGN BY TRISTAN LOHNER

NEW

DOMESTIC CONTRACT INTENSIVE



Aluminum table top
Steel base
Aluminum tube supporting cross-beam under the table top
Weight: 23 lbs



5624 - LOW TABLE 35X35 IN. - H. 17 IN.

DESIGN BY TRISTAN LOHNER

NEW

DOMESTIC CONTRACT INTENSIVE



Aluminum table top
Steel base
Aluminum tube supporting cross-beam under the table top
Weight: 29 lbs



5622 - LOW TABLE 48X28 IN. - H. 11 IN.

DESIGN BY TRISTAN LOHNER

NEW

DOMESTIC CONTRACT INTENSIVE



Aluminum table top
Steel base
Aluminum tube supporting cross-beam under the table top
Weight: 25 lbs



5626 - LOW TABLE 48X28 IN. - H. 17 IN.

DESIGN BY TRISTAN LOHNER

NEW

DOMESTIC CONTRACT INTENSIVE



Aluminum table top
Steel base
Aluminum tube supporting cross-beam under the table top
Weight: 31 lbs



BEBOP

5610 - LOW TABLE Ø 18 IN.

DESIGN BY TRISTAN LOHNER



Aluminum table top
Steel base
Aluminum tube supporting cross-beam under the table top
Weight: 14 lbs



NEW

DOMESTIC

CONTRACT

INTENSIVE



FURNITURE

5613 - LOW TABLE Ø 24 IN.

DESIGN BY TRISTAN LOHNER



Aluminum table top
Steel base
Aluminum tube supporting cross-beam under the table top
Weight: 15 lbs



NEW

DOMESTIC

CONTRACT

INTENSIVE



5616 - LOW TABLE Ø 31 IN.

DESIGN BY TRISTAN LOHNER



Aluminum table top
Steel base
Aluminum tube supporting cross-beam under the table top
Weight: 17 lbs



NEW

DOMESTIC

CONTRACT

INTENSIVE



MARBELLA ALUMINUM RECTANGULAR DINING TABLE

\$1895 - \$2740 REGULAR

\$1212 - \$2055 MEMBER



HIDE DETAILS -

- Crafted of durable, rustproof aluminum
- 72" table seats up to 8
- 84" table seats up to 10
- 96" table seats up to 10
- 108" table seats up to 12
- 120" table seats up to 14
- Our custom-fit outdoor covers are strongly recommended to protect furniture from the elements and minimize aging. [Learn more.](#)

HIDE DIMENSIONS -

72" Table: 72"L x 42"W x 30½"H
Top Thickness: 1½"
Clearance Under Apron: 26"
Space Between Legs at Ends: 39½"
Space Between Legs at Sides: 59½"
Weight: 45 lbs.

84" Table: 84"L x 42"W x 30½"H
Top Thickness: 1½"
Clearance Under Apron: 26"
Space Between Legs at Ends: 39½"
Space Between Legs at Sides: 71½"
Weight: 50 lbs.

96" Table: 96"L x 42"W x 30½"H
Top Thickness: 1½"
Clearance Under Apron: 26"
Space Between Legs at Ends: 39½"
Space Between Legs at Sides: 83½"
Weight: 55 lbs.

108" Table: 108"L x 42"W x 30½"H
Top Thickness: 1½"
Clearance Under Apron: 26"
Space Between Legs at Ends: 39½"
Space Between Legs at Sides: 95½"
Weight: 61 lbs.

120" Table: 120"L x 42"W x 30½"H
Top Thickness: 1½"
Clearance Under Apron: 26"
Space Between Legs at Ends: 39½"
Space Between Legs at Sides: 107½"

Armchair: 26"W x 23¼"D x 32"H (overall); 17¼"H (seat); 3½"W x 23¾"H (arm); 12 lbs.

Side Chair: 21"W x 23¼"D x 32"H (overall); 17¼"H (seat); 9 lbs.

MARBELLA TEAK ROUND DINING TABLE

\$2595 - \$4595 REGULAR

\$1946 - \$3446 MEMBER



HIDE DETAILS -

- Crafted of sustainably harvested, premium Grade-A teak using mortise-and-tenon joinery
- Teak is naturally durable and impervious to sun, rain, frost and snow
- If left uncovered, Weathered Teak finish will wear away with exposure to the elements. Once the finish has worn off, the furniture will begin to acquire the beautiful silvery-grey patina that is typical of untreated teak.
- 48" table seats up to 6
- 60" table seats up to 8
- 72" table seats up to 10
- Our custom-fit outdoor covers are strongly recommended to protect furniture from the elements and minimize aging. [Learn more.](#)

HIDE DIMENSIONS -

48" diam., 29½"H
Overhang: 8"
Top Thickness: 1½"
Clearance Under Apron: 28"
Space Between Legs: 16"

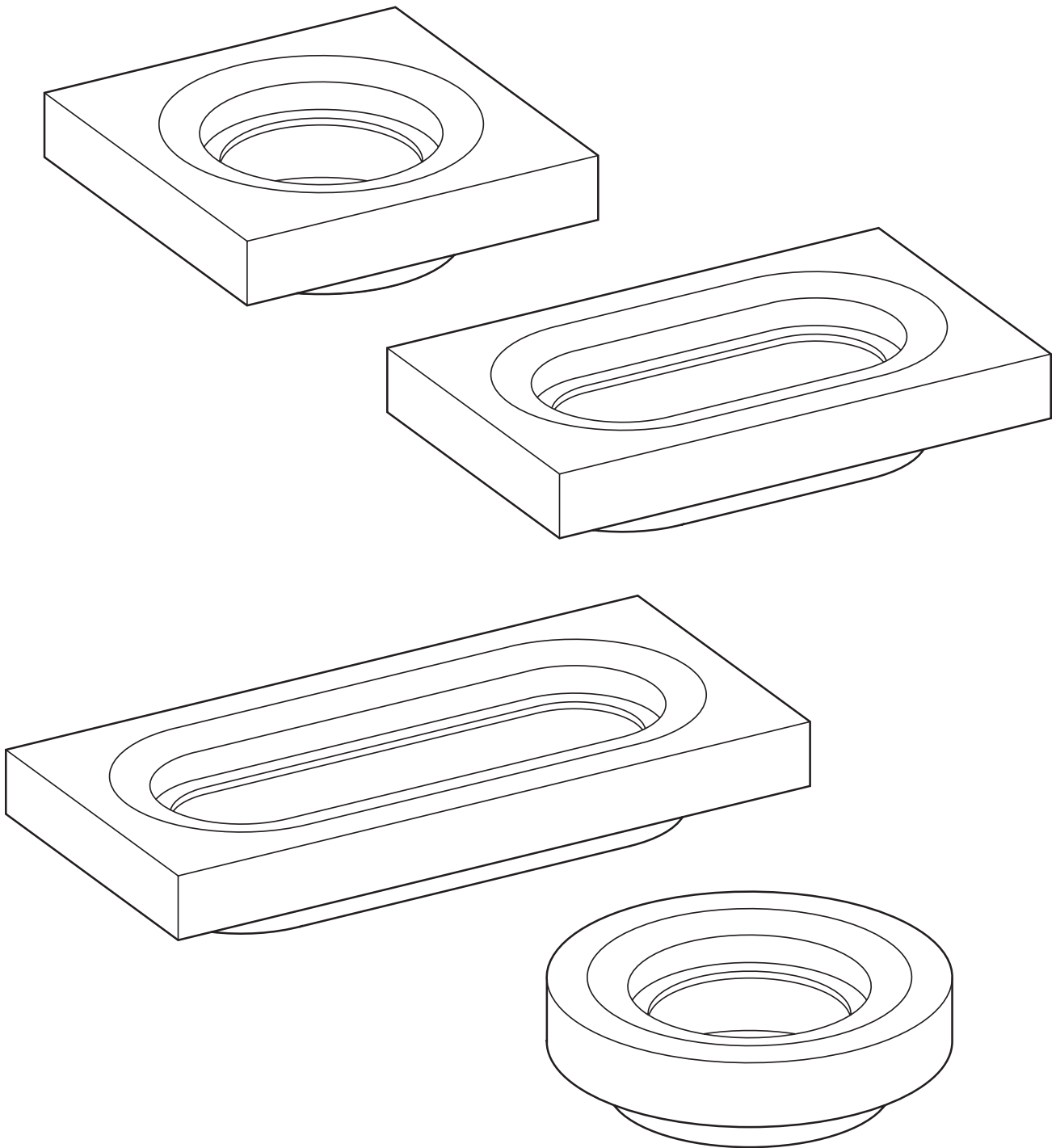
60" diam., 29½"H
Overhang: 10"
Top Thickness: 1½"
Clearance Under Apron: 28"
Space Between Legs: 21"

72" diam., 29½"H
Overhang: 12"
Top Thickness: 1½"
Clearance Under Apron: 28"
Space Between Legs: 24"

RH

OJAI FIRE TABLE OWNER'S MANUAL

MODELS 10007764-10010585



Ojai Fire Tables are manufactured under license by Eldorado Stone®
For repair and replacement parts, contact Eldorado Stone at 800-925-1491.

Burners comply with:
ANSI Z21.97/CSA 2.41-2014 *Outdoor Decorative Gas Appliances*



Tested by RADCO, an independent third party testing laboratory, and certified by ICC-ES® an accredited certification body.
The burners in this fire table have been evaluated and certified for both Canadian and USA Markets (CSA Standards). The
following information regarding safe operation and maintenance of this appliance is a result of the tests performed by
RADCO and certified by ICC-ES.

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SAFETY INSTRUCTIONS

⚠ WARNING

Do not store or use gasoline, or other flammable vapors and liquids, in the vicinity of this or any other appliance.

An LP-cylinder not connected for use shall not be stored in the vicinity of this or any other appliance.

⚠ DANGER

If you smell gas:

- Shut off gas to the appliance.
- Extinguish any open flame.
- If odor continues, keep away from the appliance and immediately call your gas supplier or fire department.

⚠ WARNING

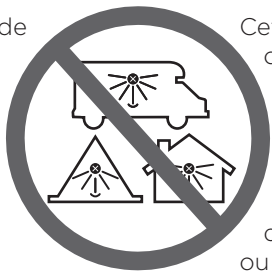
FOR OUTDOOR USE ONLY.

⚠ DANGER

CARBON MONOXIDE HAZARD

This appliance can produce carbon monoxide which has no odor. Using it in an enclosed space can kill you.

Never use this appliance in an enclosed space such as a camper, tent, car or home.



⚠ WARNING

Improper installation, adjustment, alteration, service or maintenance can cause injury or property damage. Read all the installation, operating and maintenance instructions thoroughly before installing or servicing this equipment.

⚠ AVERTISSEMENT

Ne pas entreposer ne utiliser de l'essence ni d'autres vapeurs ou liquides inflammables dans le voisinage de l'appareil, ne de tout autre appareil. Une bouteille de propane qui n'est pas raccordée en vue de son utilisation, ne doit pas être entreposée dans le voisinage de cet appareil ou de tout autre appareil.

⚠ AVERTISSEMENT

S'il y a une odeur de gaz:

- Coupez l'admission de gaz de l'appareil.
- Éteindre toute flamme nue.
- Si l'odeur persiste, éloignez-vous de l'appareil et appelez immédiatement le fournisseur de gaz ou le service d'incendie.

⚠ AVERTISSEMENT

POUR USAGE À L'EXTÉRIEUR SEULEMENT.

⚠ AVERTISSEMENT

MONOXYDE DE CARBONE

Cette appareil peut produire du monoxyde de carbone, un gaz inodore.

L'utilisation de cet appareil dan des espaces clos peut entrainer la mort.

Ne jamais utiliser cet appareil dans un espace clos comme un véhicule de camping, une tente, une automobile ou une maison.

⚠ AVERTISSEMENT

Une installation, un ajustement, une modification, une réparation ou un entretien inapproprié peuvent être la cause de blessure ou de dommages. Veuillez lire attentivement les instructions d'installation, d'utilisation et d'entretien avant d'installer ou de réparer ce matériel.

⚠ WARNING

Failure to follow all instructions exactly may result in fire or explosion causing property damage, personal injury or loss of life.

We recommend installation is completed by professionals that are locally licensed by the authority having jurisdiction in gas piping. Follow all local codes.

We suggest that our products be serviced annually by a professional certified in the US by the National Fireplace Institute (NFI) as NFI Gas Specialist.

The burner must be replaced prior to the appliance being put into operation if there is evidence of the burner being damaged. Only use a replacement burner from the original manufacturer.

Failure to position the parts in accordance with diagrams or failure to use only parts specially approved with this appliance may result in property damage or personal injury.

Only use gas/fuel type specified for fire bowl. Verify correct gas/fuel type and pressure by checking label on back side of burner assembly pan. Never use an alternative fuel to include bio-fuel, ethanol, lighter fluid or any other fuel.

CALIFORNIA PROPOSITION 65 WARNING:

Chemicals known to the State of California to cause cancer, birth defects or other reproductive harm are found in and/or created by the combustion of natural gas, propane, butane and other fuels. Always operate this unit as described in the owner's manual and in well ventilated areas.

⚠ CAUTION

Do not remove the metal data plates attached to the underside of the fire table burner. These plates contain important information.

Do not use charcoal or other solid fuel in gas burning appliances.

Do not use your fire table for cooking. Do not heat any unopened glass or metal container of food in the fire table. Pressure may build up and cause the container to burst, possibly resulting in serious personal injury or damage to the fire table.

Never use the fire table in windy conditions. If used in a consistently windy area, a windbreak will be required. Always adhere to the specified clearances listed in this manual.

Never allow clothing or other flammable materials to come in contact with any hot surface until it has fully cooled. Never wear loose fitting or hanging garments while using your fire table. Fabric may ignite and result in personal injury.

When handling propane gas line and connectors, do not allow them to come in contact with any metal surfaces. Do not drop propane connectors.

⚠️ GAS SAFETY

In the event that a burner goes out, turn burner knobs to the full **OFF** position and let the space air out. Do not attempt to use the fire table until the gas has had time to dissipate.

Propane gas source to the fire table must be regulated. Do not operate if regulator has been removed. Fire or explosion can occur.

⚠️ BURN HAZARD

While the fire table is operating, the outside surface may reach high temperatures which may cause burns.

Never leave children unattended in the area where the fire table is being used. Close supervision of children is necessary when any appliance is used near children. Never leave the fire table unattended when in use.

When using the fire table, do not touch the rock, fire screen, or immediate surroundings, as these areas become extremely hot and could cause burns.

Do not reach over your fire table when hot or in use.

Do not store items of interest to children around or below the fire table.

Never allow children to sit or stand on any part of the fire table.

⚠️ SAFETY

Keep all electrical supply cords away from the heated areas of the fire table.

Clothing or any other flammable materials should not be hung from the appliance, or placed on or near the appliance.

Installation and repair should be done by a qualified service person. The appliance should be inspected before use and at least annually by a qualified service person. More frequent cleaning may be required as necessary. It is imperative that the control compartment, burner and circulating air passageways of the appliance be kept clean.

It is the installer’s responsibility to ensure a safe installation and to educate the end user as to proper operation of the burner unit. Installer must leave the owner’s manual, metal plate with operating instructions, and valve key with the end user.

Read this section before installation. It explains what you need to know about liquid propane and natural gas prior to setting up your fire table.

LIQUID PROPANE

Your fire table is not provided with a propane tank. You will need to provide one. Use the following specifications for purchasing your propane tank.

SPECIFICATIONS

The 2 lb. propane gas supply cylinder is constructed and marked in accordance with the specifications for propane gas cylinders as required by the U.S. Department of Transportation (DOT), *Specifications for LP-Gas Cylinders* or the *Standard for Cylinders, Spheres and Tubes for Transportation of Dangerous Goods and Commission*, CAN/CSA B339, as applicable.

Manifold Pressure: For plumbed-in liquid propane installation, use a regulator.

Supply Pressure: Maximum line pressure for plumbed-in propane is 14" W.C. psi (3.5 kPa). Minimum line pressure for propane is 11" W.C.

Pressure Regulator: The unit must be used with the supplied gas pressure regulator and hose assembly. The regulator will control and maintain a uniform gas pressure in the manifold. The burner orifice has been sized for the gas pressure delivered by the regulator. Replacement pressure regulator and hose assemblies must be those specified in this manual.

Cylinder Specification: Any propane gas supply cylinder used with this fire table must be approximately 12" in diameter and 18" high. The maximum fuel capacity is 20 lbs. of propane, or 5 gallons. Full cylinder weight should be approximately 38 lbs. (43.7 lbs. nominal water capacity.) Always use the cylinder dust cap on the cylinder valve outlet during transport and when the cylinder is not connected to the fire table. The 20 lb. propane gas cylinder used must include a collar to protect the cylinder valve.

Filler Valve: If you do not have an updated filler valve on your existing propane tank, you will need to purchase one at your local hardware store, as you will not be allowed to refill the tank at any filling station.

Transporting Gas Cylinder: Only one cylinder should be transported at a time. Transport cylinder in an upright and secure manner with control valve turned off and the dust cap in place.

NATURAL GAS

Ensure that the service supplying the fire table is fitted with a conveniently positioned shut off valve with easy access. The shut-off valve MUST NOT be inside the appliance!

REQUIREMENTS

Always check the rating plate to make sure the gas supply you are hooking up to is the gas type the fire table is manufactured for.

The installation of this appliance must conform with local codes or, in the absence of local codes, to the *National Fuel Gas Code*, ANSI Z223.1, NFPA 54; *National Fuel Gas Code; Natural Gas and Propane Installation Code*, CSA B149.1; or *Propane Storage and Handling Code*, CSA B146.2, as applicable. Natural gas connection must be performed by a licensed contractor or local gas company representative.

Ensure that the service supplying the fire table is fitted with a conveniently positioned shut off valve with easy access.

PRESSURE	NATURAL GAS	LIQUID PROPANE
MINIMUM	3.5" W.C.	8.0" W.C.
NOMINAL	7.0" W.C.	11.0" W.C.
MAXIMUM	½ psi (14.0" W.C.)	½ psi (14.0" W.C.)

*** PRESSURE TESTING**

If this fire table is installed with a fixed fuel piping system and equipped with an appliance gas pressure regulator, the fire table and its individual shut-off valve must be disconnected from the gas supply piping system during any pressure testing of the system at test pressures in excess of ½ psi (3.5 kPa).

The fire table must be isolated from the gas supply piping system by closing its individual manual shut-off valve during any pressure testing of the gas supply piping system at test pressures equal to or less than ½ psi (3.5 kPa).

SET-UP

Set-up of your Ojai fire table consists of 4 easy steps:

- 1. Place Fire Table in Desired Location
- 2. Connect Gas Line
 - 2.1 Connection for Liquid Propane
 - 2.2 Connection for Natural Gas
- 3. Perform a Leak Test
- 4. Place Decorative Stone in Fire Table

If you use natural gas, you are responsible for ensuring that a gas line is installed and safe for use. We recommend that a licensed contractor install your fire table.

This appliance, when installed, must be electrically grounded in accordance with local codes or, in the absence of local codes, with the National Electrical Code, ANSI/NFPA 70; or the Canadian Electrical Code, CSA C22.1, if applicable.

1 PLACE FIRE TABLE IN DESIRED LOCATION

OJAI FIRE TABLES ARE DESIGNED FOR OUTDOOR USE ONLY.

Never locate this appliance in a building, garage or other enclosed room, under a sealed overhead structure, or in any enclosed area such as a shed or breezeway. Keep clear of trees and shrubs.

Do not place fire table under or near windows or vents that can be opened into your home.

Maintain sufficient distance as to not overheat any overhead combustible material such as a patio cover. The area surrounding your fire table should be kept clean and free from flammable liquids and other combustible materials such as mops, rags or brooms, as well as solvents, cleaning fluids, and gasoline.

Place your fire table on a flat and stable surface in an outdoor location such as a patio deck. Maintain the following clearances to combustible materials:

- Sides & Back48 inches (122 cm)
measured from side
- Top120 inches (305 cm)
measured from hearth
- Rubber Feet½ inch (1.27 cm)
measured from bottom of fire table to flooring surface (for ventilation)

Do not block the vents located near the base of your fire table as gas may build up in case of leak and cause serious damage.

Do not locate appliance where it can get excessively wet. Do not use this appliance if any part has been underwater. Immediately call a qualified service technician to inspect the unit and to replace any part of the control system and any gas control which has been underwater.

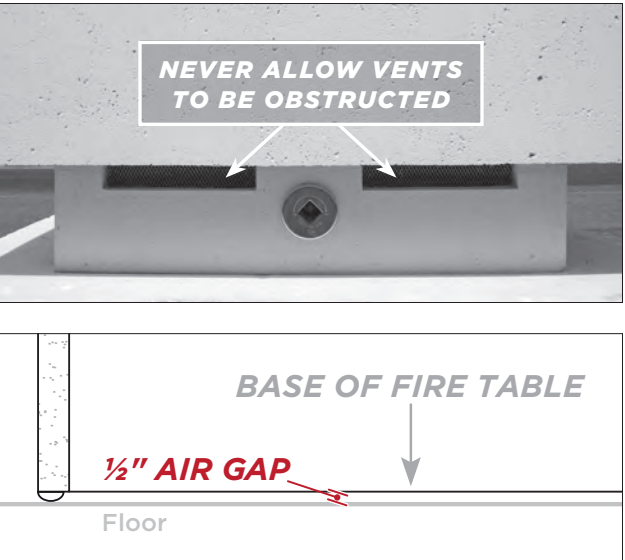
ASSEMBLING FIRE TABLE

- Please use caution when placing your fire table in its final location. Damage can occur if fire table unit is improperly handled during installation.
- Place fire table base in desired location and ensure unit is level.
 - Uncoil gas flex lines secured for shipping and lay flat in the center of the fire table base so they are accessible once the top unit is set in place.
 - Slide the provided rubber bumpers over the top edge of the fire table base. These bumpers have been provided to create a cushion between the base and top of the fire table unit. Space bumpers equally around the top of the base with the higher end on the outside edge and the sloped surface of the cushion facing inward to the inside of the table base.
 - Gently lower the fire table top unit onto the base.
 - Center the top on the base and ensure that its level.

VENTILATION

Fresh air must be able to pass though installed vents to safeguard against residual gas accumulation. Failure to allow proper ventilation may cause fire or explosion. Place the fire table on a solid platform such as concrete to allow air flow through vents located on the side of fire table or underneath the base of the fire table unit. The vents must never be allowed to be obstructed.

Maintain a ½” clearance from the bottom of the fire table to the flooring surface. See figures at right.



2 CONNECT A GAS LINE

LOCATION OF GAS INLET

THIS APPLIES TO BOTH LIQUID PROPANE & NATURAL GAS INSTALLATION.

Your fire table will arrive with the burner and burner plate set in the fire table as shown in *Figure A*. You will need to lift it up to access the gas inlet.

The gas line between the burner and the gas valve located on the side of the fire table will need to be connected. Flared fittings/compression fittings do not require thread sealant. All gas connections must be completed by a licensed gas plumber and leak tested once connections have been completed.

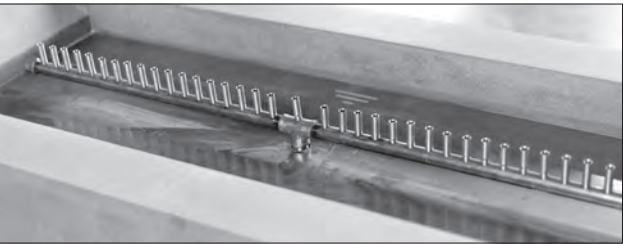


Figure A

2.1 CONNECTION FOR LIQUID PROPANE

We recommend installation is completed by professionals that are locally licensed by the authority having jurisdiction in gas piping. Follow all local codes.

Unless you have a permanent liquid propane gas line installed, you will need to run the black liquid propane gas line under the base of the fire table through the air gap space that is located in between the base of the unit and flooring surface. See *Figure B*.

Using a licensed gas plumber, connect the flex line that runs from the gas valve to the burner. Next, connect the propane line from the gas valve to the propane tank, as shown in *Figure C*.

Perform a leak test before replacing the burner plate. (See *page 11*.)

Connect the black liquid propane hose to a gas cylinder. Use a OCC-1 propane connector with a regulator. (See *page 7* for description.)

When you connect the regulator to the tank valve, hand tighten the black OCC-1 nut clockwise. *DO NOT* use a wrench to tighten.

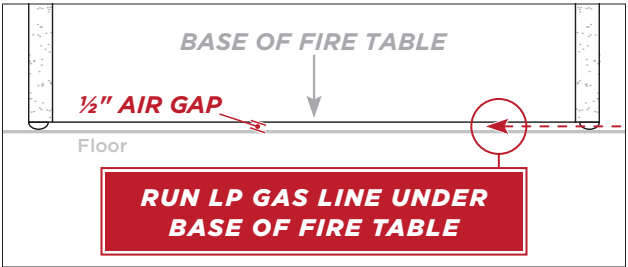


Figure B

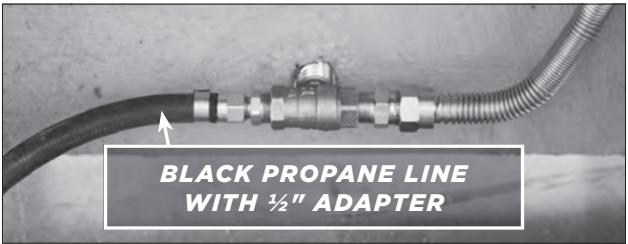


Figure C

2.2 CONNECTION FOR NATURAL GAS

We recommend installation is completed by professionals that are locally licensed by the authority having jurisdiction in gas piping. Follow all local codes.

Using a licensed gas plumber, connect the flex line that runs from the gas valve to the burner.

Next, connect the natural gas line from the gas valve to the gas source, as shown in the *Figure D*.

Perform a leak test before you replace the burner plate. (See *page 11*.)

Connect to the gas source.

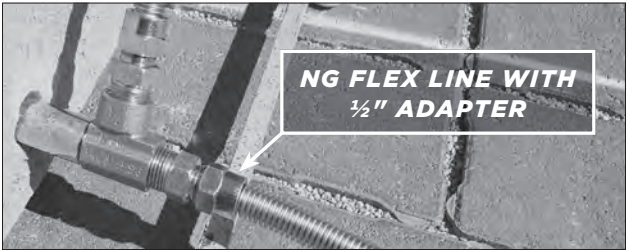


Figure D

3 PERFORM A LEAK TEST

Perform a leak test at least once a year whether the gas supply cylinder has been disconnected or not. In addition, whenever the gas cylinder is connected to the regulator or whenever any part of the gas system is disconnected or replaced, perform a leak test.

As a safety precaution, remember to always leak test your fire table outdoors in a well-ventilated area. Never smoke or permit sources of ignition in the area while doing a leak test. Do not use a flame, such as a lighted match to test for leaks. Use a solution of soapy water.

1. Prepare a leak testing solution of soapy water by mixing in a spray bottle one part liquid soap to one part water.
2. Make sure all the control knobs are in the **OFF** position.
3. Turn on the gas.
4. Apply the leak-testing solution by spraying it on joints of the gas delivery system. Blowing bubbles in the soap solution indicates that a leak is present.

5. Stop a leak by tightening the loose joint or by replacing the faulty part with a replacement part recommended by the manufacturer. Do not attempt to repair the cylinder valve if it is damaged. The cylinder must be replaced.
 6. Turn the control knob back to the full **OFF** position.
- If you are unable to stop a leak:
7. Turn the control knob back to the full **OFF** position.
 8. Shut off the gas supply to the fire table and release pressure in the hose and manifold.
 9. On propane systems, remove the cylinder from the fire table.
 10. Call an authorized gas appliance service technician or an liquid propane gas dealer.

Do not use the appliance until the leak is corrected.

4 PLACE DECORATIVE STONE IN FIRE TABLE

After you have completed all plumbing installation, you can fill the fire table with the decorative filler material provided.

Type of filler placement, such as lava rock, decorative stone or glass, is entirely your choice according to your preferences, but it needs to be rated for use with fire. It will not affect the operation of the fire table in any way. You can place the filler material on the burner, but no higher than 1" thick. Excessive filler material may impede gas flow and cause gas build-up and potentially cause an explosion.



OPERATING THE FIRE TABLE

WARNING: DO NOT USE SOLID FUEL, SUCH AS WOOD OR CHARCOAL, IN GAS FUELED FIRE TABLES.

Upon completing the gas line connection, a small amount of air will be in the lines. When first lighting the burner, it will take a few seconds for the lines to purge themselves of this air.

Once the purging is complete, the burner will light and operate as indicated in the instruction manual. Subsequent lighting of the appliance will not require purging unless the gas supply has been disconnected.

Inspect the gas hose before each use of the fire table. If the hose shows evidence of excessive abrasion or wear or if the hose is damaged, it must be replaced before using the fire table.

Inspect the burner before each use of the appliance. If there is any evidence that the burner is damaged, it must be replaced before operating.

Never allow the ON/OFF valve to remain in the open position without placing a burning match on top of the burner *FIRST!*

You must have clear and easy access to the ON/OFF valve *AFTER* the appliance is installed and connected to the gas supply in order to safely turn of the burner.

Make sure the burner is in place prior to using the appliance. If the burner is damaged, install a replacement burner as specified by the manufacturer.

FOR YOUR SAFETY, READ BEFORE LIGHTING

- Before operating the fire table, smell around the appliance area for gas odors. Be sure to smell the surrounding floor area as some gases are heavier than air and will settle on the ground.
- Use only your hand to turn the manual gas control valve. Never use tools. If the valve will not turn by hand, do not try to repair it. Call a qualified service technician. Force or attempted repair may result in a fire or explosion.

LIGHTING INSTRUCTIONS

1. Turn the ON/OFF valve located on the side of fire table completely to the **ON** position.
2. Make sure fuel supply (LP or NG) is properly connected and turned on at the source. This will be either the LP tank or the NG valve.
3. When you hear gas flowing, use either a long stem wooden match or a butane fireplace lighter to place a flame near the burner.
4. If the burner does not light, does not stay lit, or the flame is very low, shut off the gas supply and wait five minutes to allow all fumes to clear. Start again from *Step 1*, making sure all gas valves are completely opened.

TURNING OFF GAS

For NG Units: Turn the ON/OFF valve to the **OFF** position at the unit for natural gas unit, then close the valve at the NG source.

For Propane Units: Turn the ON/OFF valve to the **OFF** position at the unit and then close the valve on the propane tank.

NOTE

The propane regulator in this appliance is equipped with a low flow protection device. Unless the propane cylinder valve is opened before the valve, the gas flow will be reduced resulting in a very small flame.

To reset this device, shut off the valve, disconnect the hose from the cylinder to relieve the pressure, then close the propane cylinder valve.

TROUBLESHOOTING

PROBLEM	POSSIBLE CAUSES	REMEDY
Will not light	Air in gas line	If new install, may take several attempts to purge air
	Debris in gas line	Confirm gas line is clear (no insulation, dirt, plastic, excessive pipe sealer, etc.)
	Improper gas pressure	Confirm proper gas pressure
Will not stay lit	Improper gas pressure	Confirm proper gas pressure
	Improperly applied media	Review media application
Noise <i>Note: The movement and combustion of gas will create low, unavoidable levels of noise.</i>	Passage of air/gas across irregular surfaces	Remove any tight bends or kinks in gas supply line
	Excessive gas pressure on natural gas units	Check or reset gas regulator pressure
Unit is smoking/sooting excessively <i>Note: It is natural and unavoidable for appliance sets to produce moderate levels of carbon (soot) where flames contact the media</i>	Poor fuel quality	Contact local natural gas company
	Excessive flame impingement or blockage	Separate the media to allow more flame passage
	Improper fuel and/or air mixture	Remove any foreign items from the flame pattern and check for proper orifice sizing
Burner flame is too low or too high	Incorrect gas supply or pressure	Check for proper gas supply pressure
	Blocked burner orifice or burner ports	Free burner orifice and burner ports of any debris or blockage
	Improper burner orifice size	Verify proper burner orifice sizing
Unit produces unwanted odors	Gas leak, see <i>Warning Statement</i>	Check for and seal all gas leaks

CLEANING, MAINTENANCE & STORAGE

CLEANING

Inspect the appliance before initial use. Clean the appliance at least annually and have it inspected by a qualified field service person.

Periodically examine the burner. If the burner is dirty, clean it with a soft wire brush. Also examine the area around the burner air shutter. Remove any dirt or debris in this area. This will ensure long life and trouble-free operation.

The easiest way to clean the fire table burner is to let it cool completely and spray the enclosure off with water. *DO NOT* spray water directly onto the burner.

For routine cleaning of the fire table, wipe down with a damp cloth or sponge. Avoid using any cleaners as they may contain chemicals or color that could cause discoloration. To remove stains, use a Marble or Granite stain remover available at any home improvement store.

When not in use and after cooling, cover your fire table with a full length cover. The cover will help protect your fire table from detrimental effects of weather and environmental pollutants.

Before placing the cover on the fire table, make sure the unit is shut off, the gas lines are disconnected and that the unit has had sufficient time to cool. Install the cover and use the tie-down straps to secure it tightly to the unit to prevent wind from blowing it off.

More frequent cleaning may be required as necessary. It is imperative the control compartment, burner and circulation air passageways of the appliance be kept clean and free of obstruction.

MAINTENANCE

Periodically check the hose connecting the propane gas cylinder to ensure it is not cracked or damaged in any way. All natural gas hook-ups should be serviced and inspected only by qualified installers.

Spiders and insects can nest in the burners and block the gas and airflow to the burner ports. This creates a dangerous condition that can result in a fire from behind the valve panel. Inspect and clean the burners periodically.

Any guard or other protective device removed for servicing must be replaced prior to operating the appliance.

If it is evident there is excessive abrasion or wear of any of the components, or if the fuel supply hose is cut or cracked, the damaged part must be replaced prior to the appliance being put into operation.

Inspect the fuel supply connection for signs of leakage (including the hose for propane models) before each use of the appliance.

Do not repair or replace any part of your fire table. Have a qualified technician perform all service. Any repairs made by a non-approved service technician will void your warranty.

STORAGE

When your fire table is not in use, turn off the gas at the source.

This appliance can be stored indoors only if it has been disconnected from its fuel supply.

Store propane cylinders outdoors in a well-ventilated area out of reach of children. Disconnected cylinders must have threaded valve plugs tightly installed and must not be stored in a building, garage, or any other enclosed area.

To extend the life of your fire table, protect and cover it from the elements when not in use. Ensure the appliance has ample time to cool off after use and prior to installing storage cover. Damage caused to storage cover due to heat or burns are not covered by warranty.

WARRANTY

FIRE TABLE

The fire table is warranted to be free from defects in material and workmanship for one year from the date of purchase.

If a part proves to be defective under normal use, the part will be repaired or replaced. Our obligation under this warranty is to repair or replace defective parts at our discretion. If we determine that repair of a covered item is not feasible, we reserve the right to replace the defective merchandise with merchandise equal in value to the original purchase price. Warranty repair or replacement is the sole discretion of Eldorado Stone and this warranty does not cover costs therein, including but not limited to: freight, removal, re-installation, etc.

There will be no charge for parts on a covered item; however, cost of labor is the responsibility of the owner. Shipping and handling charges will apply to all warranted replacement parts. The service agent may assess a reasonable travel or mileage charge per service call.

This limited warranty applies only to fire tables normally used for personal, family, or household purposes and specifically excludes rental or commercial applications.

This warranty is non-transferable.

Decorative stones and decorative glass are not covered by this warranty.

This warranty is void if the fire table has been subject to negligence, alteration, misuse, repairs, dings, dents, scratches, or incorrect and/or prohibited applications as specified in the owner's manual.

Natural gas lines must be installed by a licensed plumber only or local gas company agent.

The original purchaser acknowledges and agrees that this product is a handmade, hand-finished product. Each piece is unique. Any samples provided are typical of texture, finish, individual characteristics, and color but they should not be considered exact representations of the final product. There can be up to a 15% variation in color and texture from piece to piece. In addition, shape detail can vary as much as ¼" in size. The texture created by entrapped air ranges from smooth to randomly indented. Minor chipping, water staining, and non-structural hairline cracks are also traditional characteristics of this product. As with natural stone, color will vary on individual orders and among individual pieces in the same order. As with natural stone, excessive heat exposure may cause discoloration. As fire tables age, color may lighten or darken according to specific field or storage conditions such as humidity, temperature, and exposure to sunlight.

BRASS BURNER

Manufacturer warrants the burner to be free from defective material and workmanship for 10 years from the date of purchase. The burner warranty covers manufacturing defects only and does not cover defects due to normal wear and tear; it does not warrant any product or part that has been altered, accidentally damaged, damaged in shipping, disassembled, modified, misused, neglected, failure to maintain, not installed, or not kept in continuous service after installation. Manufacturer's liability shall be restricted to the purchase price of the product only and makes no other warranty, express or implied, but not limited to, the implied warranties of salability and appropriateness for a specified purpose, with respect to its products and parts, whether used along or in combination with others. Manufacturer is free of liability for any damages caused by the unit, as well as inconvenience expenses, material or labor charges incurred by any service call, repair, removal or re-installation of any unit. Incidental or consequential damages are not covered by this warranty. All burners must be covered when not in use or warranty is null and void. Warranty does not cover damage to systems due to debris in the gas lines or damage to system due to water.

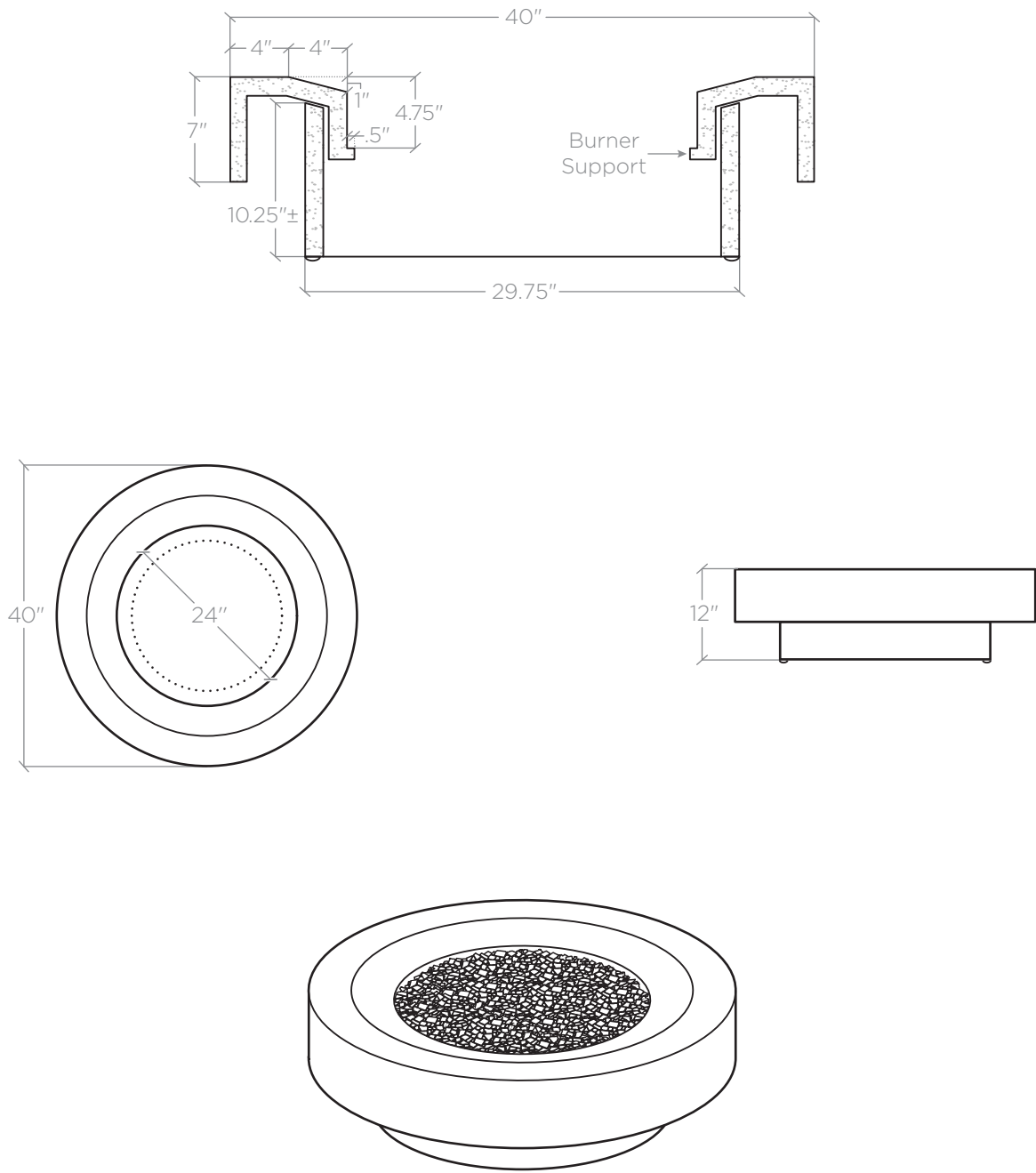
Owner is responsible for reading and understanding warranty for full terms and conditions. Manufacturer, at its discretion, agrees to repair or replace defective product if returned to manufacturer within the warranty period. The respective warranty time periods are effective from the original date of purchase. The warranty is non-transferable and applies only to the original purchaser. In addition, this warranty is automatically void if the unit's serial number has been removed or altered in any way.

No dealer, distributor, or other person has the authority to represent or warrant burner product beyond the terms contained within this warranty, and manufacturer assumes no liability for such warranty representations. Any questions concerning this warranty should be directed to the manufacturer's corporate office.

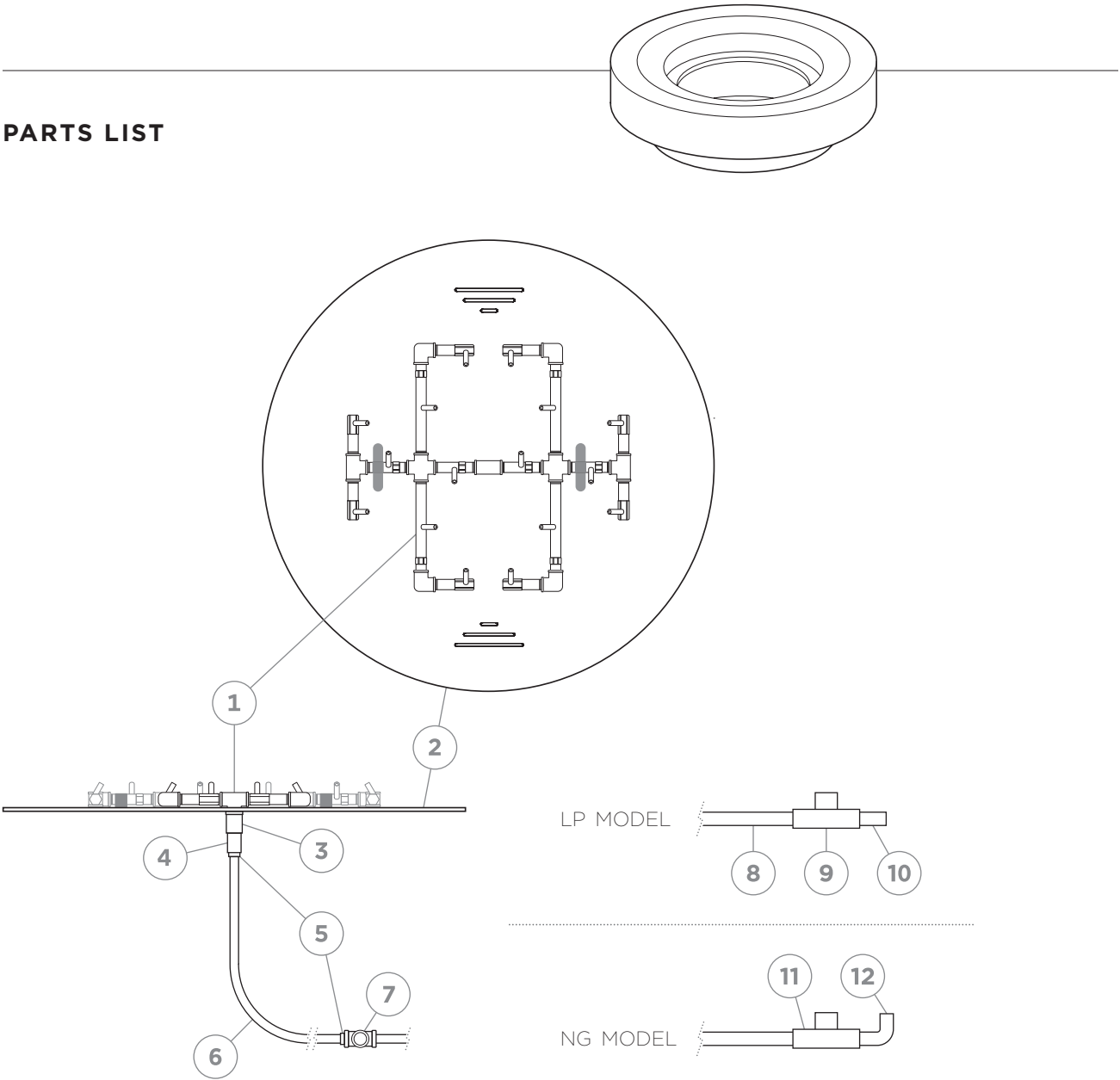
RETURN POLICY OF BURNER PRODUCT

Any burner product deemed by manufacturer as defective and covered by the warranty may be returned to manufacturer for assessment to determine if repair or replacement is necessary. In order to return a product, you must have a Return Merchandise Authorization number (RMA#). Please contact a manufacturer representative at the corporate office to obtain an RMA#. All returned merchandise must have the RMA# clearly printed on the outside of the package. Return shipping costs are the purchaser's responsibility. Manufacturer is not responsible for product damaged or lost in transit. It is recommended that return items are shipped via a delivery service that can be tracked and/or insured to confirm receipt.

DIMENSIONS



PARTS LIST



ITEM NO.	PART	QTY.
1	14¾" × 13" Burner	1
2	23⅝" Diameter Burner Plate	1
3	½" Coupling	1
4	2" Orifice Fitting	1
5	½" Male Flared Fitting	2
6	½" Flex Hose—3' Length	1
7	Key Valve	1
—	72" × 36" Fire Table	1
—	Gas Valve Key	1

ITEM NO.	PART	QTY.
—	Lava Rock	1
—	Vinyl Cover	1
LP MODEL ONLY		
8	⅝" Propane Hose—10' Length	1
9	70,000BTU LP Regulator	1
10	½" Quick-Connect Fitting	1
NG MODEL ONLY		
11	70,000BTU NG Regulator	1
12	Street 90	1



Veradek Metallic Series Long Box Planter - Corten Steel

by [Veradek](#)

Specifications

Assembly	No Assembly Required
Brand	Veradek
Capacity	14 gal. 21 gal. 37 gal.
Color	Orange Gray
Commercial Grade	Yes
Design Style	Industrial
Dimensions	24" x 11 1/2" x 14 1/2" 24" x 11 1/2" x 14 1/2" 24" x 14 1/2" x 14 1/2"
Drainage Hole	No
Feature	Drainage Hole
Finish	Black Powder Coat Rust
Height (in.)	16 11
Material	Corten Steel
Shape	Rectangle
Specialty	Planters
Style	Commercial Trough
Usage	Indoor Outdoor
Weight	20 lbs. 30 lbs. 15 lbs.
Width (in.)	10 15 11

Corten Steel Planter Box



Weights & Dimensions

16" Size

Overall Height - Top to Bottom	16"
Overall Product Weight	27 lb.

20" Size

Overall Height - Top to Bottom	20"
Overall Product Weight	37 lb.

Foundry Outdoor 16 inch Dome Shade Hook Arm Wall Light



Description:

Decidedly industrious, the Foundry Wall Mount Lantern is reinventing purposeful lighting. Focused and direct, the sturdy aluminum shade features knurled brass details to offset the Gloss White, Museum Bronze, or Textured Black finish while casting a uniform light. The simple, understated form plants a vintage aesthetic for both inside and outside spaces. Mounting hardware is hidden on the backplate to ensure a clean silhouette. Back plate: 6 inch diameter. Optional Clear Seedy glass shade available, sold separately.

Shown in: Museum Bronze

List Price: \$461.25
Our Price: \$369.00

Shade Color: N/A
Body Finish: Museum Bronze
Lamp: 1 x A19/Medium (E26)/100W/120V Incandescent
Wattage: 100W
Dimmer: Incandescent
Dimensions: 16"W x 23.75"H x 27"D

Fax: (773) 883-6131

Phone: 866-954-4489

Address: 1718 W. Fullerton Ave. Chicago IL 60614

www.Lightology.com

Product Number: **HIN820523**

Company:		Fixture Type:		Date:	Jul 15, 2019
Project:		Approved By:			

Foundry Outdoor 12 inch Dome Shade Hook Arm Wall Light



Description:

Decidedly industrious, the Foundry Wall Mount Lantern is reinventing purposeful lighting. Focused and direct, the sturdy aluminum shade features knurled brass details to offset the Gloss White, Museum Bronze, or Textured Black finish while casting a uniform light. The simple, understated form plants a vintage aesthetic for both inside and outside spaces. Hooked arm available in 2 heights. Mounting hardware is hidden on the backplate to ensure a clean silhouette. Back plate: 6 inch diameter. Optional Clear Seedy glass shade available, sold separately.



Shown in: Textured Black

List Price: \$323.75
Our Price: \$259.00

Shade Color: N/A
Body Finish: Textured Black
Lamp: 1 x A19/Medium (E26)/100W/120V Incandescent
Wattage: 100W
Dimmer: Incandescent
Dimensions: 12"W x 17"H x 20"D

Fax: (773) 883-6131

Phone: 866-954-4489

Address: 1718 W. Fullerton Ave. Chicago IL 60614

www.Lightology.com

Product Number: HIN820503			
Company:		Fixture Type:	Date: Jul 15, 2019
Project:		Approved By:	

Capsule Outdoor Wall Light



Description:

The Capsule Outdoor Wall Light has an egg shaped design that will add a unique statement to your outdoor space. Features an Opal frosted White glass globe with a Matte Black finish and Textured Gold band. Available in three sizes. Small: One 60 watt, 120 volt A19 type medium base bulb is required, but not included. 6 inch width x 10 inch height x 7.25 inch depth. Medium: Two 60 watt, 120 volt A19 type medium base bulbs are required, but not included. 6 inch width x 11.25 inch height x 7.25 inch depth. Large: Two 60 watt, 120 volt A19 medium base bulbs are required, but not included. 8 inch width x 13.5 inch height x 9.25 inch height. UL rated for wet locations.

Shown in: Matte Black / Textured Gold / Opal

List Price: \$212.50
Our Price: \$170.00

Shade Color: Opal
Body Finish: Matte Black / Textured Gold
Lamp: 1 x A19/Medium (E26)/43W/120V Incandescent
Wattage: 43W
Dimmer: Incandescent
Dimensions: 6"W x 10"H x 7.25"D

Fax: (773) 883-6131

Phone: 866-954-4489

Address: 1718 W. Fullerton Ave. Chicago IL 60614

www.Lightology.com

Product Number: **CRY592002**

Company:		Fixture Type:		Date:	Jul 15, 2019
Project:		Approved By:			



Space Age Green Vintage Outdoor Plastic Globe Wall Lamps by Guzzini, 1970s Italy

\$608.71 per item

About

These eleven green vintage plastic globe wall lamps were designed and executed by Guzzini (Gernsmeier), Italy, 1970s.

The wall lamps were made of green lacquered cast aluminum. Furthermore the globes were made of plastic.

Easy to fix on the wall with two screws.

Very good vintage condition with signs of age and use.

Each lamp shows one E 27 socket.

Approximate measures:

Diameter: 40 cm

Width: 40 cm

Depth: 48 cm

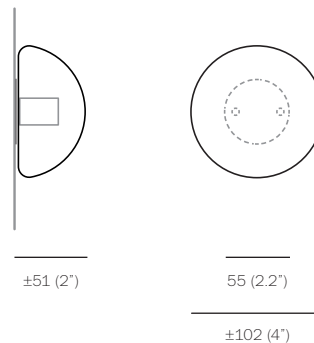
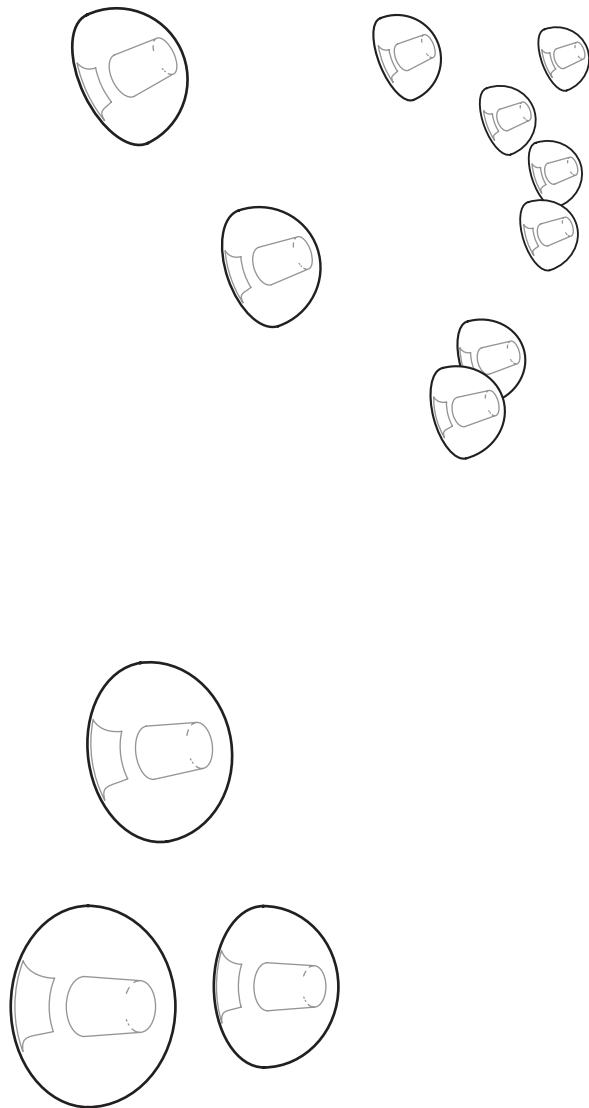
Height: 42 cm

Eleven pieces are available.

[READ LESS](#) ↗

Details

CREATOR	DATE OF MANUFACTURE	CONDITION	SELLER LOCATION
GuzziniManufacture.com	1970s	Good	Vienna, AT
OF THE PERIOD	PERIOD	WEAR	REFERENCE NUMBER
Space Age	1970-1999	Wear consistent with age and use.	LJNDBBE19140551
PLACE OF ORIGIN	MATERIALS AND TECHNIQUES	DIMENSIONS	
Italy	Cast Aluminum , Plastic	H: 16.54" in. x W: 15.75" in. x D: 18.9" in. H: 42 cm x W: 40 cm x D: 48 cm	



approx 1kg (2lb)

PENDANTS: one
 MOUNTING: white powder coated metal mounting plate 55mm (2.2") in diameter
 LAMPING: 1.5w LED or 10w xenon
 INSTALLATION: threaded on - wall or ceiling mount
 MATERIALS: cast glass, electrical components, metal mounting plate
 WEIGHT: approximately 1kg (2lb)
 TRANSFORMERS: remote mounted.

DESCRIPTION

The 's' designation in this variation on the 14 refers to it being surface-mounted, with transformers mounted remotely. This surface light has a discrete 55mm (2.2") mounting plate designed for installation on walls or ceilings. It is also IP65 designated meaning that the 14s can be used outdoors and in other wet environments.

The 14s is an articulated, seamed cast glass hemisphere with a frosted cylindrical void that houses a low voltage lamp. Individual pendants are visually quite subtle, but gain tremendous strength when multiplied and clustered in large groups.

NOTES

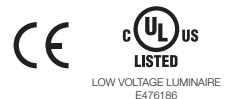
- + Purchase replacement lamps online at www.bocci.ca/lamps
- + Unless otherwise noted when ordering, all chandeliers will be outfitted to be xenon compatible.
- + Unless otherwise specified, a single class 2 transformer will be sent for every 5 xenon fixtures or every 12 LED fixtures

US Patent # D556, 361
 EU Patent # 000518394-0001

Made in Vancouver, Canada

Vancouver
sales@bocci.ca
www.bocci.ca

Berlin
europa@bocci.ca
www.bocci.ca



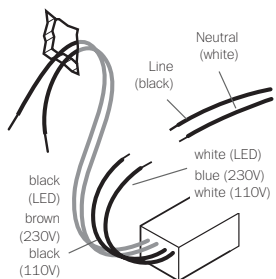
SURFACE LIGHT

14s

Design by Omer Arbel
 PRODUCT SPECIFICATION

© 2018, Bocci Design and Manufacturing Inc. All rights reserved. Any inquiries should be directed to: info@bocci.ca

BOCCI



1

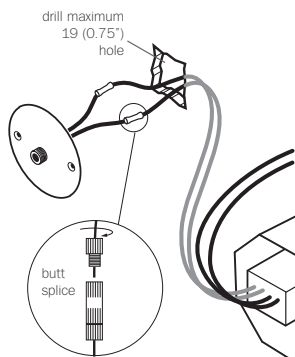
Mount transformer remotely and route output wiring from transformer to surface mounted light location.

Xenon (110V) or LED: connect the black wire to black and white wire to white wire.

Xenon (230V): connect black wire to brown wire and white wire to blue wire.

For multiple surface mount installations, ensure that the braided outer wires are all connected to one 12V output wire and all inner insulated wires are connected to the other or a short will occur.

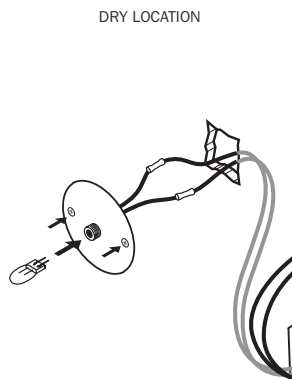
Note: Standard junction boxes are not compatible with the 14s. The surface mounted light cover plate mounts directly to the wall. Transformers must be remote mounted in a close by, accessible and hidden location for ease of long term maintenance. Installation to be done by certified personnel to ensure code compliance.



2

Drill a maximum 19mm (0.75") diameter hole.

Join transformer wiring to back plate wiring using #16 butt splices, provided (stagger the splices).



3

For dry location, tuck wiring into wall opening and affix the back plate with fasteners provided.

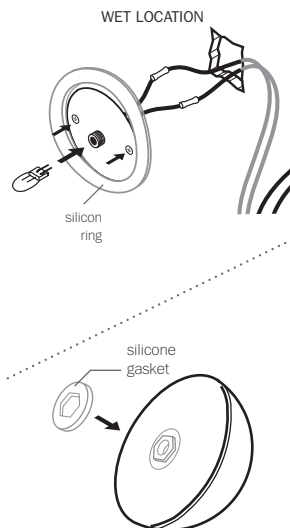
Stagger the provided connectors so that they can be passed through the hole.

Bocci LED or xenon lamps included.

Plug the lamp into the socket.

Do not touch the lamp with your bare hands.

Note: when using a dimmer use only low voltage electronic dimmer.



4

For wet location, install the silicone ring by slightly stretching it to fit around the back plate.

Tuck wiring into wall opening and affix the back plate with fasteners provided.

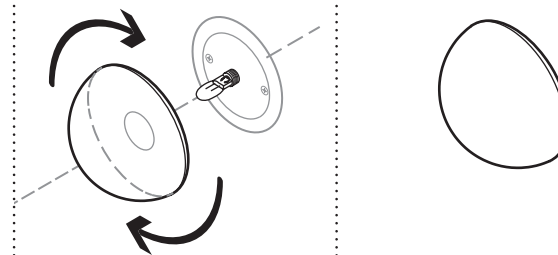
Stagger the provided connectors so that they can be passed through the hole.

Bocci LED or xenon lamps included.

Plug the lamp into the socket.

Do not touch the lamp with your bare hands.

Note: when using a dimmer use only low voltage electronic dimmer.



5

Gently thread cast glass hemisphere onto cover plate. Do not tighten past the point of contact.

6

Clean fingerprints from glass surfaces.

Turn fixture on.

For additional assistance, please contact Bocci:

Vancouver
sales@bocci.ca
www.bocci.ca

Berlin
europe@bocci.ca
www.bocci.ca

US Patent # D556, 361
EU Patent # 000518394-0001

Made in Vancouver, Canada



SURFACE LIGHT

14s

Design by Omer Arbel
PRODUCT INSTALLATION INSTRUCTIONS

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BOCCI

Commune Light Socket

\$45.00

Share

Commune Light Socket: Our favorite light fixture...a porcelain socket custom colorized by Commune. Always right. Available in assorted colors. Fits 3 1/4 " - 4" Ceiling Boxes * Light bulb not included

Red

Purchase



Home / Monica Förster Design Studio / Breaking the Wave / Solid Red



Breaking the Wave / Solid Red

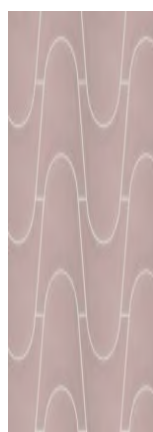
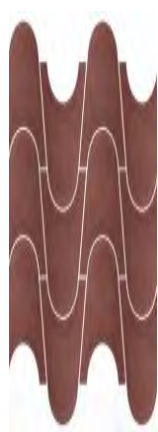
1,200 SEK

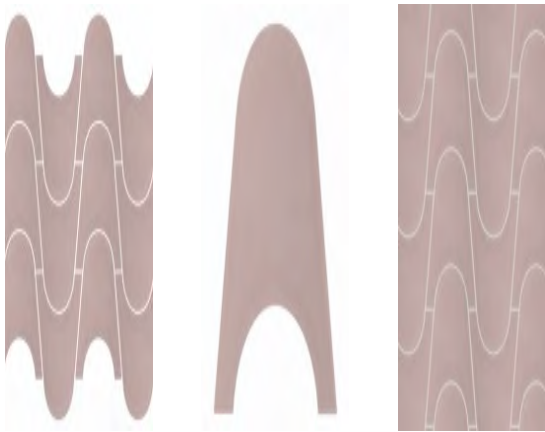
20x18cm, 16mm thick

Sold in boxes of 0,375sqm, 12 tiles. Price
per box is 450 SEK, including VAT.

Category: [Monica Förster Design Studio](#)

Related products





FOUR ELEMENTS / Long Green

1,500 SEK

FOUR ELEMENTS / Stripes Red

1,500 SEK

Search

Suntuf 

26 in. x 6 ft. Polycarbonate Roof Panel in Sea Green



Specifications

Dimensions

Coverage Area (sq. ft.)	12 ft ²	Product Thickness (in.)	.032 in
Product Length (in.)	72 in	Product Width (in.)	26 in

Details

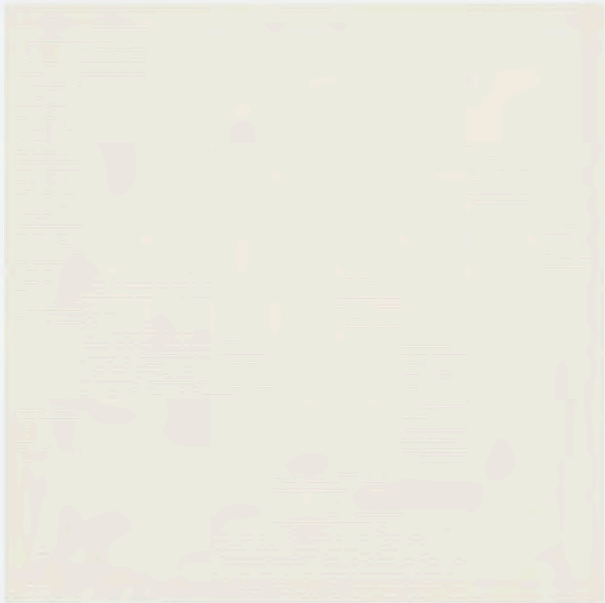
Color Family	Green	Returnable	90-Day
Color/Finish	Green	Roof Panel Type	Corrugated Panel
Material	Polycarbonate	Roofing Product Type	Polycarbonate Panel
Product Weight (lb.)	3 lb		

Warranty / Certifications

Manufacturer Warranty	Lifetime Limited Warranty / 10-year Hail Damage Warranty	
-----------------------	--	--



Natural Plus 8404-0000 Detailed View



NATURAL PLUS



8404-0000

100% Sunbrella Acrylic
60" / 152 cm width
Selvedge is Left / Right

COLLECTIONS

[2017-2018 Sunbrella Shade Collection](#)

CERTIFICATIONS



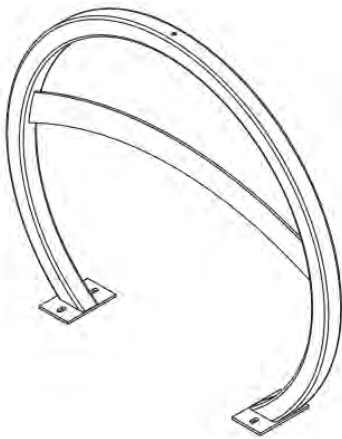
AVAILABLE WIDTHS AND FINISHES

Custom logo option available

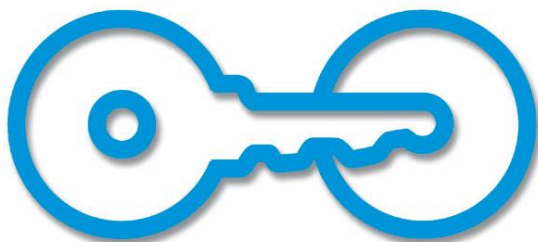
Arc Rack



Clean, simple, elegant and practical: the Arc Rack parks bicycles with additional flair when more than a plain rack is needed. Square tubing provides function and style with clean geometric lines and resistance to pipe-cutters – a tool of choice among bike thieves.



*Optional Lean Bar available upon request.



American Bicycle Security Company

P.O. Box 7359

Ventura, CA 93006

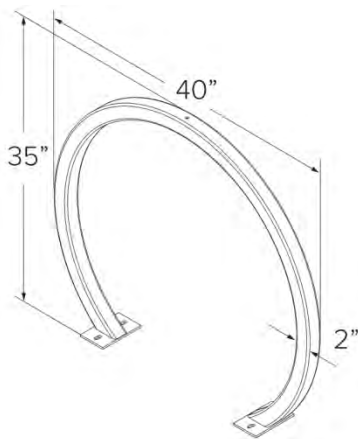
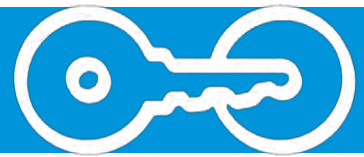
Ph: (800) 245-3723 or (805) 933-3688

Fax: (805) 933-1865

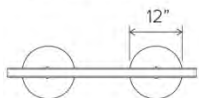
www.ameribike.com

Email: turtle@ameribike.com

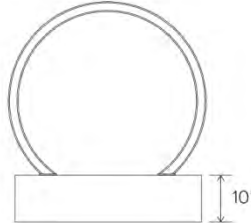
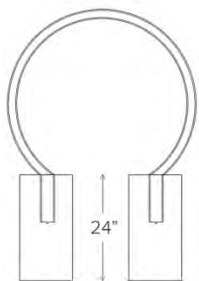
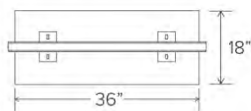
Arc Rack



IN-GROUND MOUNT



SURFACE MOUNT



Example of rack in use

Product Arc Rack
Capacity 2 Bikes
Materials 2" x 2" x 11g square tube
Finishes Standard options: Galvanized Or Powder Coated



RAL 9005	Flat Black	RAL 9003	RAL 2004	RAL 1023	Bright Yellow
RAL 6016	RAL 6018	RAL 6005	RAL 5005	RAL 5015	Purple
RAL 7011	RAL 7042	RAL 9007	RAL 1001	RAL 8014	Bronze
RAL 3003	RAL 3005				

Also available in Thermoplastic or Stainless steel upon request.

Installation Methods **In ground mount** is embedded into concrete base. Specify in ground mount for this option.

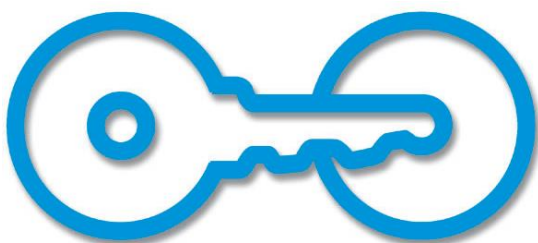
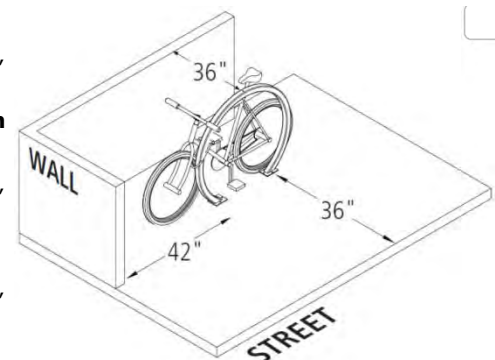
Foot Mount has two 3.5"x6"x.25" feet with two anchors per foot. Specify foot mount for this option.

Space Use & Setbacks **Wall Setbacks:**
For racks set parallel to a wall:
Minimum: 24"
Recommended: 36"

For racks set perpendicular to a wall:
Minimum: 28"
Recommended: 42"

Distance Between Racks:
Minimum: 24"
Recommended: 36"

Street Setbacks:
Minimum: 24"
Recommended: 36"



American Bicycle Security Company

P.O. Box 7359

Ventura, CA 93006

Ph: (800) 245-3723 or (805) 933-3688

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Arc Rack

Surface Mounted Installation



*Tools Needed for Installation

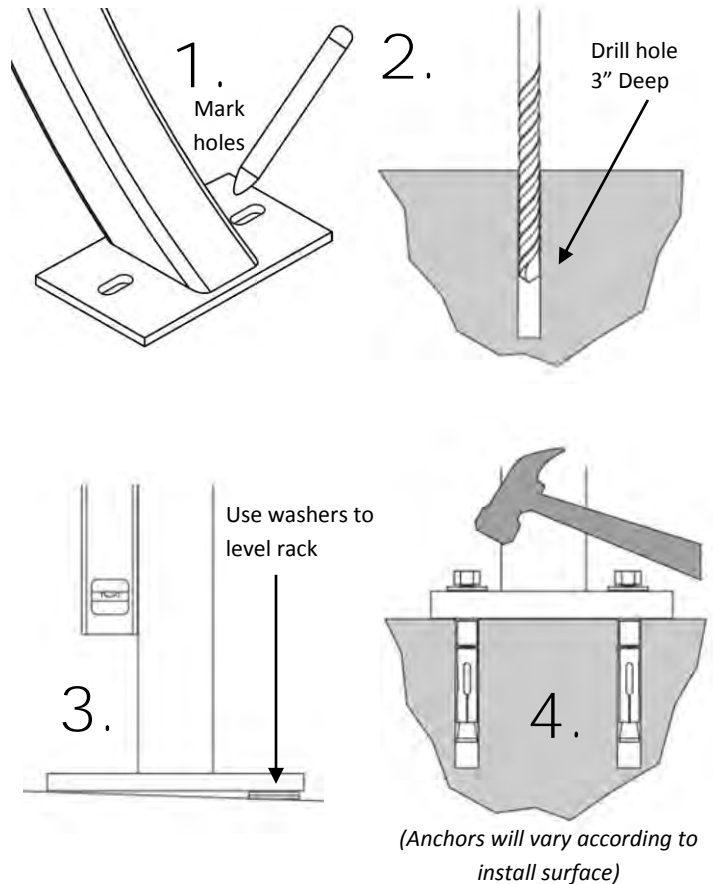
- Tape Measure
- Marker or Pencil
- Masonry Drill Bit
- Drill (*Hammer drill recommended*)
- Hammer
- Wrench 9/16"
- Level

Recommended Base materials:

Solid concrete is the best base material for installation. To ensure the proper anchors are shipped with your rack, ask your American Bicycle representative which anchor is appropriate for your application. Be sure nothing is underneath the base material that could be damaged by drilling.

Installation:

3/8" anchors are shipped with the rack. Place the rack in the desired location. Use a marker or pencil to outline the holes of the flange onto the base material. Drill the holes in accordance with the specifications shipped with the anchors. Make sure **the holes are at least 3" away** from any cracks in the base material. Use washers to level rack if necessary. Tap in anchors and follow your specific anchor instructions provided with the rack.

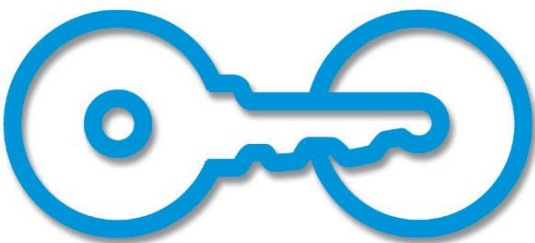
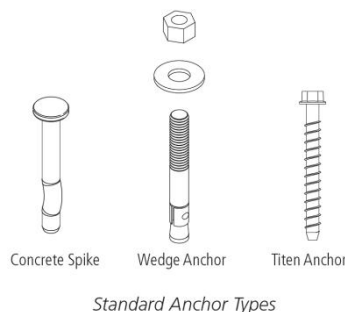


Tamper Resistant Hardware

The concrete spike is a permanent anchor. The top of the wedge anchor can also be pounded sideways after installation so that it cannot be removed. Other tamper resistant fasteners are also available for purchase.

When using the special tamper resistant nuts, always set and first tighten the anchors. Once the rack is installed, replace two nuts from the bracket (opposite sides from each other) with the tamper resistant fastener.

DO NOT OVERTIGHTEN the tamper resistant nut.



American Bicycle Security Company

P.O. Box 7359

Ventura, CA 93006

Ph: (800) 245-3723 or (805) 933-3688

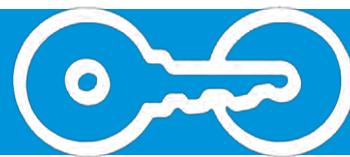
Fax: (805) 933-1865

www.ameribike.com

Email: turtle@ameribike.com

Arc Rack

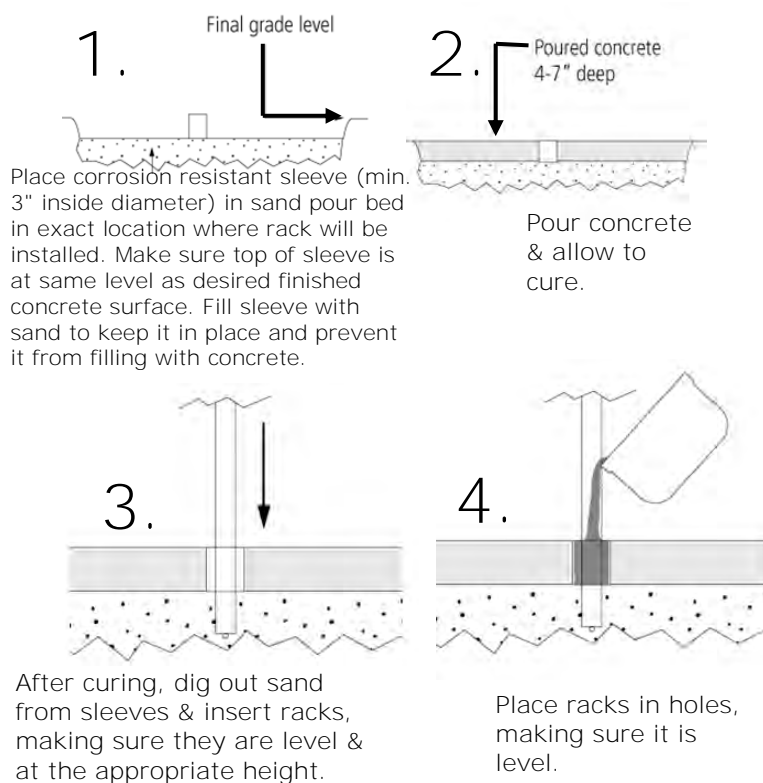
In-Ground Mounted Installation



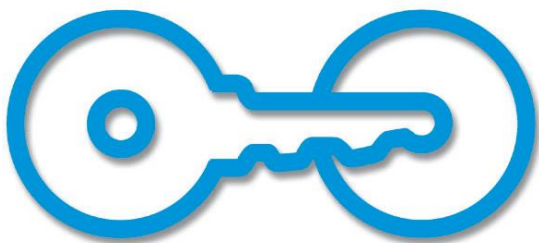
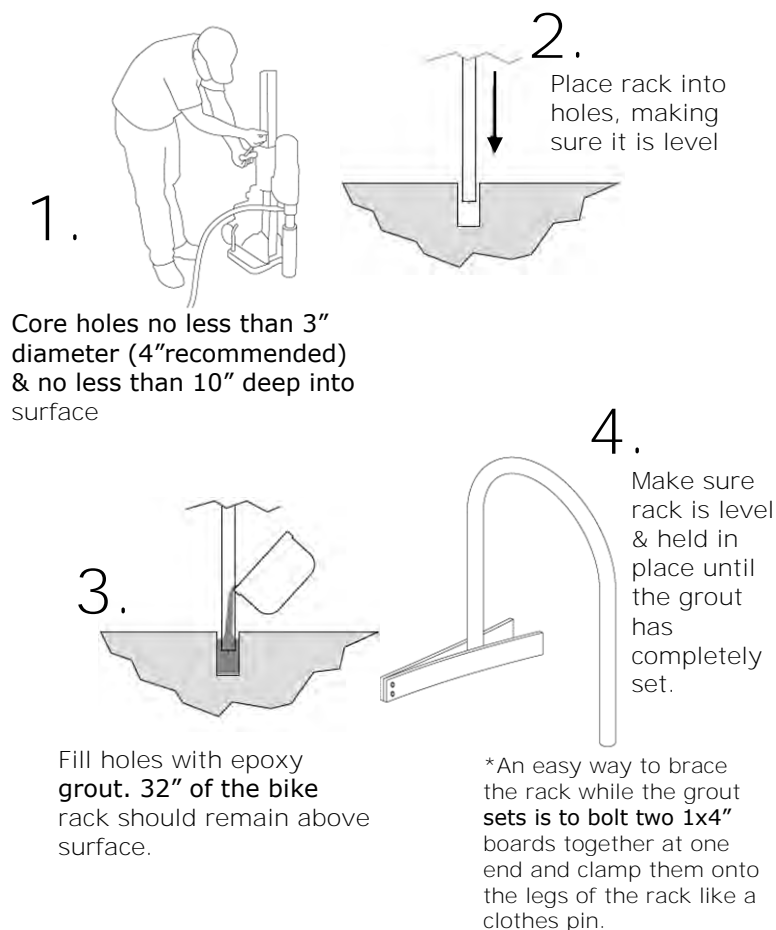
*Tools Needed for Installation

- Level
- Cement mixing tub
- Shovel
- Trowel
- Hole coring machine with 4" bit
- Access to water hose
- Materials to build brace

Installing into New Concrete



Installing into Existing Concrete



American Bicycle Security Company

P.O. Box 7359

Ventura, CA 93006

Ph: (800) 245-3723 or (805) 933-3688

Fax: (805) 933-1865

www.ameribike.com

Email: turtle@ameribike.com

COVENANT DEED

This Covenant Deed is made as of March 28, 2019, by LINCOLN STATION LLC, a Michigan limited liability company ("Grantor"), whose address is 2125 East Lincoln St., Birmingham, Michigan 48009, and 2159 E. LINCOLN LLC, a Michigan limited liability company ("Grantee"), whose address is 90 North Main St., Clarkston, Michigan 48346.

Grantor, for the consideration of \$1.00 and other good and valuable consideration (Transfer Valuation Affidavit filed), grants and conveys to Grantee certain real property situated in the City of Birmingham, Oakland County, Michigan, and described as follows ("Premises"):

Lot 499 (except the West 14.81 feet of Lot 499), also all of Lots 500 through 504, also that part of the vacated Lincoln Avenue adjacent to same, SHEFFIELD ESTATE NO. 1, according to the plat thereof, as recorded in Liber 44, Page 40 of Plats, Oakland County Records.

Commonly known as 2159 East Lincoln St., Birmingham, Michigan 48009

Tax Parcel No.: 20-31-401-008

subject to any and all easements, restrictions and other matters of record and lien of taxes not yet due and payable (collectively, "Permitted Exceptions").

TO HAVE AND TO HOLD the Premises unto Grantee forever, and Grantor does hereby covenant and agree with Grantee that Grantor has not heretofore done, committed or willingly suffered to be done or committed, any act, matter or thing whatsoever whereby the Premises is or shall be charged or encumbered in the title, estate, or otherwise, howsoever except for the Permitted Exceptions, and Grantor hereby binds itself and its successors and assigns to defend the Premises conveyed unto the Grantee, its successors and assigns, forever, against the claims and demands of all persons claiming by, from, or under the Grantor, but against no other claims or persons.

The Premises may be located within the vicinity of farm land or a farm operation. Generally accepted agricultural and management practices which may generate noise, dust, odors, and other associated conditions may be used and are protected by the Michigan Right to Farm Act.

The Grantor grants to the Grantee the right to make ZERO division(s) under section 108 of the Land Division Act, Act No. 288 of the Public Acts of 1967.

[signature and notary page follows]

IN WITNESS WHEREOF, the undersigned has duly executed this Deed as of March 28, 2019.

Lincoln Station, LLC,
a Michigan limited liability company

By: _____

Name: John D. Gaber

Title: Authorized Agent

STATE OF MICHIGAN)
) SS.
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me on March 28, 2019, by John D. Gaber, the Authorized Agent of Lincoln Station, LLC, a Michigan limited liability company, on behalf of the company.



Notary Public, _____ County, MI

My Commission Expires: _____

Acting in _____ County, MI

When Recorded, Return To: John D. Gaber, Esq. 380 N. Old Woodward, Suite 300 Birmingham, Michigan 48009 (248) 642-0333		Send Subsequent Tax Bills To: Grantee		Drafted By: John D. Gaber, Esq. 380 N. Old Woodward, Suite 300 Birmingham, Michigan 48009 (248) 642-0333	
Tax Parcel:	Recording Fee: \$	State Transfer Tax:		County Transfer Tax:	

CROSS ACCESS AND PARKING EASEMENT AGREEMENT

THIS CROSS ACCESS AND PARKING EASEMENT AGREEMENT ("**Agreement**") is made as of March 28, 2019, by and between Lincoln Rail, LLC, a Michigan limited liability company ("**Lincoln Rail**"), whose address is 2525 E. Lincoln, Birmingham, Michigan 48009, and 2159 E. Lincoln LLC, a Michigan limited liability company ("**2159 E. Lincoln**"), whose address is 90 N. Main Street, Clarkston, Michigan 48346. Lincoln Rail and 2159 E. Lincoln are referred to herein collectively as the "**Parties**" and individually as a "**Party**."

RECITALS:

A. Lincoln Rail is the owner of improved real property with an office building located at 2525 E. Lincoln, Birmingham, Michigan 48009, legally described on the attached **Exhibit A**, which is incorporated herein by reference ("**Lincoln Rail Parcel**").

B. 2159 E. Lincoln is the owner of real property located at 2159 E. Lincoln, Birmingham, Michigan 48009, immediately east of and adjacent to the Lincoln Rail Parcel, legally described on the attached **Exhibit B**, which is incorporated herein by reference ("**2159 E. Lincoln Parcel**"). The Lincoln Rail Parcel and the 2159 E. Lincoln Parcel are referred to herein collectively as the "**Parcels**" and individually as a "**Parcel**."

C. 2159 E. Lincoln seeks to redevelop the 2159 E. Lincoln Parcel as a restaurant with a liquor license, which will require the approval of a Special Land Use Permit from the City of Birmingham ("**SLUP**").

D. The uses of the Parcels are complimentary with respect to the parking needs of the Parcels, as the parking demand for an office use is typically during the weekdays, while the parking demand for a restaurant use is primarily in the evenings and on weekends.

E. In connection with the redevelopment of the 2159 E. Lincoln Parcel, the Parties have determined that it is in their best interest to grant cross access and cross parking rights to each other to better facilitate the use of their Parcels, on the terms and conditions set forth herein.

NOW, THEREFORE, for and in consideration of the agreements, covenants and easements contained herein, and Ten Dollars (\$10.00) and other good and valuable consideration, the sufficiency of which is hereby acknowledged, the Parties hereto do hereby agree as follows:

OK-AB

1. **Cross Access Easements.** Lincoln Rail and 2159 E. Lincoln, for the benefit of the present and future owners of the Lincoln Rail Parcel and the 2159 E. Lincoln Parcel, and their respective successors, assigns, mortgagees, lessees, employees, agents, licensees and invitees, hereby grant to each other a perpetual, non-exclusive easement for vehicular passage in, on, over and across the driveways on their respective Parcels, as such driveways exist from time to time, for ingress and egress to and from East Lincoln. The owner of each Parcel reserves the right to build or construct any buildings, structures or improvements or to otherwise redevelop or reconfigure its Parcel and to relocate the driveways on its Parcel from time to time.

2. **Cross Parking Easements.**

A. Lincoln Rail, for the benefit of the present and future owners of the 2159 E. Lincoln Parcel, and its respective successors, assigns, mortgagees, lessees, employees, agents, licensees and invitees, hereby grants to 2159 E. Lincoln a perpetual, non-exclusive easement for vehicular parking on sixteen (16) parking spaces on the Lincoln Rail Parcel as shown and labeled as “**Shared Parking Spaces**” on the site plan attached at **Exhibit C**. 2159 E. Lincoln agrees that this parking easement may be used only for parking by employees, customers, and invitees of the owner or occupant of the 2159 E. Lincoln Parcel during the normal hours of operation of the business located on the 2159 E. Lincoln Parcel, which shall be after 5:00pm on weekdays and anytime on weekends. The owner of the Lincoln Rail Parcel reserves the right to build or construct any buildings, structures or improvements or to otherwise redevelop or reconfigure the Lincoln Rail Parcel and to relocate the Shared Parking Spaces on the Lincoln Rail Parcel from time to time, provided that the same number of Shared Parking Spaces are maintained on the Lincoln Rail Parcel. Such easement shall not materially interfere with the use of the Lincoln Rail Parcel by its owners, tenants, or their employees or other invitees.

B. 2159 E. Lincoln, for the benefit of the present and future owners of the Lincoln Rail Parcel, and its respective successors, assigns, mortgagees, lessees, employees, agents, licensees and invitees, hereby grants to Lincoln Rail a perpetual, non-exclusive easement for vehicular parking on sixteen (16) parking spaces on the 2159 E. Lincoln Parcel as shown and labeled as “**Shared Parking Spaces**” on the site plan attached at **Exhibit C**. Lincoln Rail agrees that this parking easement may be used only for parking by employees, customers, clients and invitees of the owner or occupant of the Lincoln Rail Parcel during the normal hours of operation of the business located on the Lincoln Rail Parcel, which shall be from 8:00am to 5:00pm on weekdays. The owner of the 2159 E. Lincoln Parcel reserves the right to build or construct any buildings, structures or improvements or to otherwise redevelop or reconfigure the 2159 E. Lincoln Parcel and to relocate the Shared Parking Spaces on the 2159 E. Lincoln Parcel from time to time, provided that the same number of Shared Parking Spaces are maintained on the 2159 E. Lincoln Parcel. Such easement shall not materially interfere with the use of the 2159 E. Lincoln Parcel by its owners, tenants, or their employees or other invitees.

3. **Term/Termination.** The term of this Agreement and the easements granted herein shall automatically expire, without any further action being required by either Party, in ten (10) years after the date of this Agreement, unless extended by the mutual agreement of the Parties. In

the event the use of the 2159 E. Lincoln Parcel changes in the future such that it no longer requires a SLUP from the City of Birmingham for a restaurant use, then Lincoln Rail may elect to terminate this Agreement by unilaterally executing and recording a termination with the Oakland County Register of Deeds.

4. **Maintenance.** Each Party shall be responsible for Maintenance, at its own cost, of the driveways and parking spaces on its Parcel, in accordance with all laws and otherwise in good condition. For purposes of this Section 4, "**Maintenance**" includes (but is not limited to) sweeping, washing and removal of trash, litter and refuse, removal of snow and ice, painting and striping of parking areas, repair and replacement of paving as necessary. Paved areas shall be maintained in a level, smooth and evenly-covered condition with the type of surfacing material originally installed or such substitute as shall be comparable in quality, use, and durability.

5. **Dispute Resolution.** In the event one Party believes the other Party is overutilizing the easements granted herein to the detriment of the aggrieved Party, then the aggrieved Party may deliver a written notice to the other Party specifying the claims of the aggrieved Party, and the Parties shall meet within 15 days to attempt to resolve their differences. If the Parties are unable to resolve their differences within the following 15 days, then at the request of the aggrieved Party, the Parties shall submit their claim to mediation pursuant to the commercial mediation rules of the American Arbitration Association, and the Parties shall equally share the cost of the mediator. If the Parties are unable to resolve their differences within the following 60 days, then either party may file an action with the Oakland County Circuit Court for injunctive or other equitable relief only.

6. **Covenants Run With Land.** Subject to the provisions of Section 3 above, this Agreement shall run with the land and shall benefit and be binding upon the Parties, and their successors and assigns. This Agreement shall be recorded with the Oakland County Register of Deeds.

7. **No Dedication To Public; No Implied Easements.** Nothing contained in this Agreement shall be deemed to be a gift or dedication of any portion of any Parcel to the general public or for any public use or purpose whatsoever, it being the intention of the parties hereto that this Agreement be for the exclusive benefit of the Parties and any other owners and occupants of the Parcels and that nothing herein, express or implied, shall confer upon any person, other than the Parties and their successors and assigns, any rights or remedies under or by reason of this Agreement. No easements, except those expressly set forth herein shall be implied by this Agreement.

8. **Modification.** This Agreement (including exhibits) may be modified or canceled only by mutual agreement of all Parties as set forth in a written document and which shall be effective upon recording with the appropriate recording office.

9. **Severability.** If any provision of this Agreement or the application thereof to any person or circumstances shall, to any extent, be held invalid, inoperative or unenforceable, the remainder of this Agreement, or the application of such provision, to any other person or

circumstance shall not be affected thereby; the remainder of this Agreement shall be given effect as if such invalid or inoperative portion had not been included.

10. **Applicable Law.** This Agreement shall be construed in accordance with the laws of the State of Michigan.

11. **Entire Agreement.** This Agreement, the Exhibits attached hereto set forth the entire agreement between the Parties governing the Parcels. There are no statements, promises, representations or understandings, oral or written, not herein expressed.

12. **Transfer Taxes.** This instrument is exempt from Michigan real estate transfer tax pursuant to MCL 207.526(a). This instrument is exempt from county real estate transfer tax pursuant to MCL 207.505(a).

13. **Indemnification.** Each Party (“**Indemnifying Owner**”) shall defend, indemnify and hold harmless the other Party (“**Indemnified Owner**”) and its members, managers, shareholders, partners, directors, officers, employees, agents and representatives (collectively, the “**Indemnified Owner Parties**”) from and against any and all liabilities, damages, penalties, judgments, actions, suits, proceedings, claims, demands, assessments, costs and expenses, including without limitation reasonable legal fees and expenses, in connection with injury to person or property sustained by anyone in and about the Indemnified Owner’s Parcel resulting from the use of the easements granted hereby over the Indemnified Owner’s Parcel by the Indemnifying Owner or its tenants, licensees, employees, vendors, contractors, consultants or invitees, unless arising from the wrongful or negligent actions or omissions of the Indemnified Owner.

[signatures on following pages]

The parties execute this Cross Access and Parking Easement Agreement as of the date set forth above.

Lincoln Rail, LLC,
a Michigan limited liability company

By: 

Name: John D. Gaber

Title: Authorized Agent

STATE OF MICHIGAN)
) ss.
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this 28th day of March, 2019, by John D. Gaber, the Authorized Agent of Lincoln Rail, LLC, a Michigan limited liability company, on behalf of the company.





, Notary Public

Oakland County, Michigan

Acting in Oakland County, Michigan

My commission expires: 5/16/2020

2159 E. Lincoln, LLC,
a Michigan limited liability company

By: [Signature]

Name: NEIL WALLACE

Title: Authorized Agent

STATE OF MICHIGAN)
) ss.
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this 28th day of March, 2019, by Neil Wallace, the Authorized Agent of 2159 E. Lincoln, LLC, a Michigan limited liability company, on behalf of the company.

[Signature]
_____, Notary Public

Oakland County, Michigan

Acting in Oakland County, Michigan

My commission expires: 5/16/2020

Drafted by and when recorded return to:

John D. Gaber
Williams, Williams, Rattner & Plunkett, P.C.
380 N. Old Woodward Avenue, Suite 300
Birmingham, Michigan 48009

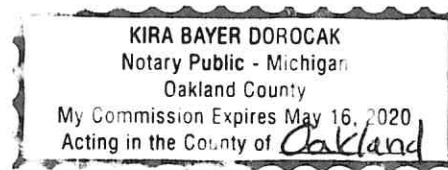


EXHIBIT A
Lincoln Rail Parcel

The following property in the City of Birmingham, Oakland County, Michigan:

The East ½ of Lot 492, also Lots 493 to 498 inclusive, and the West 14.81 feet of Lot 499, also part of vacated Lincoln Avenue adjacent to Lot 499 as vacated by resolutions in Liber 3029, Page 152 and Liber 3029, Page 154, inclusive, of Sheffield Estates No. 1, as recorded in Liber 44, Page 40, Oakland County Records.

Tax Parcel No: 20-31-401-007

Commonly known as: 2525 E. Lincoln, Birmingham, MI 48009

EXHIBIT B

2159 E. Lincoln Parcel

The following property in the City of Birmingham, Oakland County, Michigan:

Lot 499 (except for the West 14.81 feet of Lot 499), also all of Lots 500 through 504 inclusive, also part of vacated Lincoln Avenue as vacated by resolutions in Liber 3029, Page 152 and Liber 3029, Page 154, inclusive, of Sheffield Estates No. 1, as recorded in Liber 44, Page 40, Oakland County Records.

Tax Parcel No: 20-31-401-008

Commonly known as: 2159 E. Lincoln, Birmingham, MI 48009

EXHIBIT C

Site Plan

See attached

09.13.2019

Jana L. Ecker, Planning Director
Brooks Cowan, City Planner
City of Birmingham
Planning Department

Re: 2159 E. Lincoln (Lincoln Yard) Special Land Use – Review Comments

Thank you for your review of the Lincoln Yard project dated 07.22.2019. This letter is to address the following review comments below.

1. *The applicant must apply for a zoning amendment to the parcels eligible for an Economic Development Liquor License in Appendix C, Exhibit 1, and to have Economic Development Liquor Licenses added to Article 2, Section 2.39 MX District, Uses Requiring a Special Land Use Permit of the Zoning Ordinance.*

The applicant applied for a zoning amendment to the parcels eligible for an Economic Development Liquor License in Appendix C, Exhibit 1 and to have Economic Development Liquor Licenses added to Article 2, Section 2.39 MX District on August 14, 2019. The Planning Board recommended the zoning amendment request on September 11, 2019.

2. *Details regarding the type and placement of rooftop mechanical equipment must be submitted for Final Site Plan Review.*

A roof plan drawing (Sheet A.102) which indicates the placement of rooftop mechanical equipment has been provided in this resubmission. Specification sheets of the proposed equipment have also been provided in this resubmission as a separate attachment.

3. *The applicant will need to provide written legal evidence to the Planning Board that the owner of 2125 E. Lincoln Street has agreed to the shared parking agreement with Lincoln Yard for 16 spaces.*

The legal documentation for the shared parking agreement between Lincoln Yard & 2125 E. Lincoln St. has been included as a separate document in this resubmission.

4. *The applicant has not indicated the height of the pole mounted light fixtures. Pole mounted luminaires shall not exceed 16 feet in height.*

The pole mounting height is 16'-0" for all L4 fixtures, for the L5 street poles they are mounted at 12'-0" to match the existing. Refer to the photometric plan. (Sheet C.103)

5. *Article 4, Section 4.21(D)(1) requires that all luminaires be full cutoff or cutoff as defined in Section 9.02, and positioned in a manner that does not unreasonably invade abutting or adjacent properties. The applicant must submit new plans with lights that meet the Zoning Ordinance, or apply for a variance from the Board of Zoning Appeals.*

The applicant is requesting the Planning Board to waive the requirement that all luminaires be full cutoff or cutoff as defined in Section 9.02 in order to allow flexibility in the proposed architectural design. The proposed building lighting scale, color, design and material quality are consistent with the building/site and does not adversely affect other uses & buildings in the neighborhood.

6. *The patio design indicates the LF6 ceiling mounted light fixture as the main luminaire. This light must be at or above the bottom edge of the canopy's valance. A full review of the lighting and photometric plan will be done for Final Site Plan Review.*

The LF6 will be a recessed light fixture installed into the underside of the canopy soffit. Refer to the photometric plan.

7. *The entire building will require fire suppression (A-2 Occupancy).*

Acknowledged.

8. *An FDC (fire department connection) to be located on the street side of the building, in an approved, unobstructed location.*

The location for the FDC is proposed in an unobstructed area on the street side of the building near the entrance to the independent restaurant. (Sheet A.200)

9. *The building will require a fire alarm system with occupant notification.*

Acknowledged.

10. *The proposed fire table will need to be equipped with an attached, study mesh cover to prevent contact with open flames, final approval by the fire marshal.*

Acknowledged.

11. *The entire enclosed canopy area with the fire table feature will be required to have fire suppression coverage, due to combustible materials, and an open ignition source.*

Acknowledged.

12. *A fire sprinkler system will be required throughout the building and within the covered outdoor dining areas.*

Acknowledged.

13. *It appears that a single unisex toilet room is proposed in the independent restaurant area. The Michigan Plumbing Code will require separate men's and women's toilet rooms in this area due to the occupant load.*

The users of the independent restaurant space will have shared restroom access with the Lincoln Yard restrooms.

14. *The applicant will need to provide glazing calculations for Final Site Plan review that demonstrate the building meets the Zoning Ordinance Requirements of 70% glazing and 80% VLT for the ground floor façade between 1 and 8 feet above grade.*

The proposed glazing percentage on the front street elevation from the ground floor façade between 1 and 8 feet above grade is 45%. The applicant is requesting that the 70% glazing Ordinance requirement be waived by the Planning Board to allow flexibility in the proposed architectural design. (Sheet A.200)

15. *A full signage review will be completed for Final Site Plan Review.*

Additional detailed building signage information has been provided in this submission for both restaurant spaces as a separate attachment.

Responses to the August 14th Meeting Minutes

- A. *Mr. Share said there must be ample warning to drivers looking to park at Lincoln Yard to be mindful of the pedestrian crossing near the building. He recommended adding a tint to the aggregate to emphasize the crossing. Mr. Jeffares and Planning Director Ecker suggested raising the crosswalk a bit to resemble a speed table could also be beneficial. Mr. Catallo shared enthusiasm for tinting the concrete of the crosswalk and said he would be concerned about snowplows if the crosswalk were raised. He said they just poured tinted concrete at another site and have been pleased with the results. Mr. Catallo said he would bring a photo of the tinted concrete to his next meeting with the Planning Board.*

The pedestrian crossing that connects the public walk to the southeast entrance was changed from an exposed aggregate to a tinted colored concrete. The applicant provided example photos of the tinted concrete. See separate attachment, Sheet C.100 & A.300.

- B. *Chairman Clein said he was glad to see this project returning. He recommended Lincoln Yard talk to its neighbors to create community cohesion, and recommended Lincoln Yard be prepared to talk about the economic impact of the project in its application process for the economic development license. Mr. Boyle said that whatever Lincoln Yard or the City could do to facilitate the removal of some of the fences along the block would likely help increase the business' foot traffic. He said it is currently difficult to navigate on foot due to the high number of fences. Mr. Catallo concurred with Mr. Boyle, said his business had good relationships with its neighbors and would be interested in pursuing the removal of some of those fences. Ms. Whipple-Boyce concurred with Mr. Boyle, saying she was glad the project was back and would be enthusiastic about increasing walkability in that area. She also said the design of the project, down to the furniture, was cool and innovative. She said she anticipated the design would bring a lot of people out to check out the space and that she was excited to have the space in Birmingham.*

The applicant is currently in the process of reaching out to the local neighbors in order to improve the walkability connections between adjacent properties.

If you have any further comments, concerns, or questions; please do not hesitate to contact me.

Thank you,

A handwritten signature in black ink, appearing to be 'Jeff Klatt', with a stylized, flowing script.

Jeff Klatt, AIA
Krieger Klatt Architects, Inc.



AT 2159 E. LINCOLN, BIRMINGHAM





Imagine the kind of comfort food you'd have grown up with

if your mom lived on a commune outside San Diego and your dad was a biker who raised chickens. There, you've got the picture. Now, imagine that it's in a bustling district of Birmingham that leverages the light-industrial buildings that lined the streets that flanked the rail line on the city's border. Bingo. You've got something that you can only find here: a light-industrial building that serves light-industrial food in a neighborhood that's truly charming. Welcome to Lincoln Yard. This is a joint born from a local restaurant group that was built to repurpose. This is the kind of place that's wide open: in structure ... in menu ... and in attraction. The parents looking for dinner after dropping their Birmingham bantam off for practice? Check.

The digital artist who's looking to take a muffin and a pour-over coffee back to her desk before pouring over the data that awaits her? Check. The kid who bet his best friend a smoothie that he could land an ollie off a transition at the skate park? Check. The couple who met at Midtown Cafe on a Thursday night in '85 and still make it a date every Thursday night? Check, please. This is a former bus garage that has what it takes to be a stop in itself.

THIS IS LINCOLN YARD.



LINCOLN YARD RESTAURANT

There's nothing quite like finding something real. In today's dining scene, the majority of patrons find themselves eating in chain restaurants on concrete pad sites or in the mall's corridors. But people want something different: something real. People deserve something that they can call their own, not something that belongs to a home office back in Phoenix. Metro Detroit's burgeoning independent restaurant movement is testament to the ever expanding tastes of American restaurant-goers; and our Joints have been feeding that appetite nonstop since 1995.

Lincoln Yard's restaurant will embody all we've learned from every dish we've served for nearly 25 years: food that is familiar and surprising at the same time. The kind of food that's brought us this far — honest American comfort food with unbridled influence that's all-around real. It's the kind of food that's built for a setting as authentic as Lincoln Yard. From the main area that would serve as the restaurant, to the trelliced patio and grab-and-go area, everything about this undertaking is designed to give the neighborhood a space and experience that feels as if it's been part of the fabric all along.

LITTLE YARD

The separate entrance to this on-the-go setup reveals a welcoming spot to pick up orders to bring to the rec center across the street or to grab a coffee and house-baked goods in the morning. This is healthy, hearty, real food that you won't feel guilty grabbing after a yoga class or giving to your kids before the game. This is walk up, take-away that's been crafted with hearty care with an emphasis on honest ingredients, simplicity and accessibility. This is the kind of food that delivers to the busy men, women and children of Birmingham. This is to-go for those on-the-go.



MEET THE CHEF

PATRICK MACWHORTER

He arrives with chops that are sharper than his knife kit and run deeper than the cuts his tools deliver. Lured to Union Joints to run point as Lincoln Yard and Little Yard's Chef de Cuisine; Patrick's journey to Metro Detroit has seen him expand the influence of an upbringing that exposed him to a myriad of cultures thanks to the ever-changing assignments of a father who was Air Force brass. Soon enough, he put his own prowess to practice sautéing as Sous Chef for the likes of Oakley's Bistro of Indianapolis, Seattle's Café Pressé and Estilo in Richmond, VA. Chef Patrick's most recent stint saw him alongside Chef Jonathan Brooks (*Food and Wine's* Best New Chef, 2015; Chef of *Bon Appetit's* Best New Restaurant, 2015) at the highly regarded Beholder in Indy.

Chef Par Excellence
TASTE OF ELEGANCE INDIANA 2018

***IT'S A TWO-HOUR HOCKEY PRACTICE ON A TUESDAY. HIS SISTER'S ALREADY
ASKING FOR DINNER. YOU'VE GOT AN INBOX LITTERED WITH BLUE DOTS.
PULLING OUT ONTO LINCOLN YOU SPOT SOME FRIENDS WITH A FULL
BOTTLE OF ROSE AND AN EMPTY SEAT AT THEIR PATIO TABLE.
HERE'S TO TWO-HOUR HOCKEY PRACTICES.***



THE VIBES:

WARM, AIRY & RUSTIC

Casual, bright, open-format dining includes plenty of natural light, high ceilings, and vast garage doors. A charming activation of wooden tables, natural textures and vibrant tiles lend warmth to salvaged industrial materials befitting a garage structure. The small, organic herb garden will add to the menu offerings in a sustainable way. An open trellis patio with overhead heaters extends Michigan's coveted warm season.

THE GOODS:

\$\$ AMERICAN/TRADITIONAL

As our team develops the menu, some of our traditional Joints' comfort-food items, as well as a fair share of vegetarian and gluten-free options, will be included. Unique to this location will be a focus on light, clean eating with a variety of locally sourced, seasonal specials, featuring Lincoln Yard's own harvest offerings in addition to local farmer's market goods. Pricing will be comparable to other Union Joints, with mid-range pricing that yields to an active family. There will be starters, sides, a kids menu, and the traditional Joints' Mac & Cheese. A pick-up area will serve grab-and-go coffee, pastries, and dinner for the family at home or the rec center across the street.

THE HOURS:

LITTLE YARD - 7AM TO 8PM
LINCOLN YARD - 11AM TO 12AM

Opening date is TBD, based on project approval, construction and permits. Experience has shown, our team will be prepared to open within one year of building acquisition and final architectural plans.

THE CONCEPT IS STRAIGHTFORWARD

*PREPARED FOODS PREPARED REAL TIME.
WITH AN EMPHASIS ON **REAL**; EVEN WHEN YOU DON'T HAVE MUCH TIME.*



CASE STUDY

AN INDEPENDENT JOINT CAN DELIVER ECONOMIC IMPACT BEYOND ITS INCOME

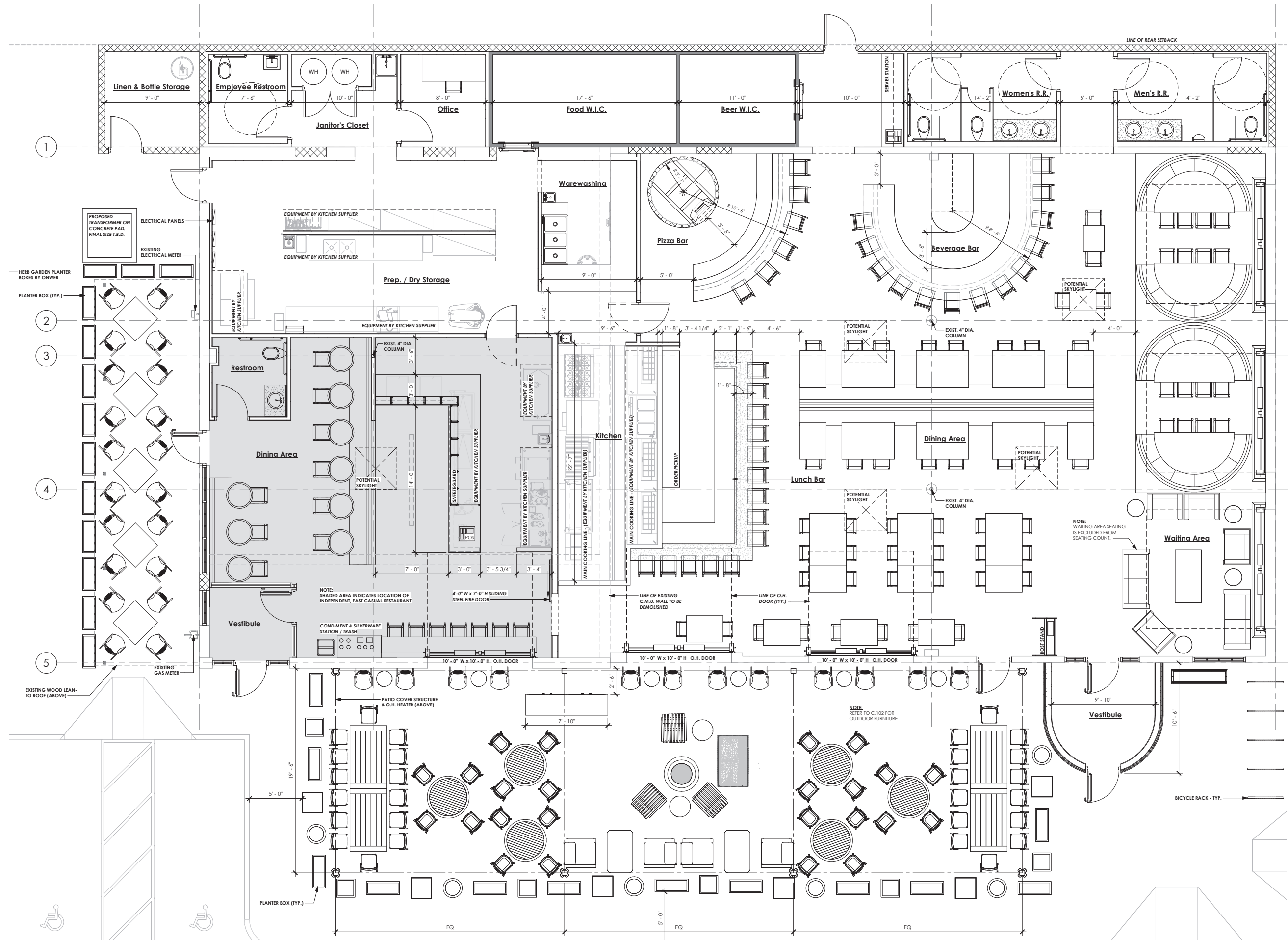
Union Joints employs over 400 hard-working, income-earning staff in Metro Detroit with 1/3 residing in the zip code of the location they work. Since opening in 2012, Vinsetta Garage has provided over \$6.2M in income to its 165 staffers alone.

THIS IS A TEAM BUILT WITH FRANCHISE PLAYERS AND A CULTURE OF CARING

Most of our chefs started as dishwashers and our servers stay for the long haul. We offer competitive wages, health insurance and a retirement savings plan to our employees.

THE BEST THING ABOUT WORKING TO GET AHEAD IS IT ALLOWS YOU TO GIVE BACK.

Union Joints is highly active in charitable causes from SCAMP to AFG to Detroit Public Theater and all points in between, contributing to local organizations, food drives, and much more. Always quietly. Always without question.



FEILD NOTES

MOST MACKED MAC & CHEESE:

Union Joints is the little house that Mac & Cheese built.
We've sold more than 2-million Mac & Cheese
orders Joints wide — more than 1,116,320 Macs
at the Clarkston Union alone
since opening in 1995.

COMMUNITY SERVICE:

When you bring a 130-year-old building back
to life — and up to code — you have given the
community something in return before
you even open the doors for business.
We won't forget that this building was
built to service the Birmingham community,
one safe school bus ride at a time.

NO VALET REQUIRED:

The most exclusive part about this joint is the
shared-parking arrangement only we will have
with our good friends and neighbors
at Armstrong-White.

IT'S A CALLING FOR US

Today, we are not in the restaurant business; the restaurant business is in us. We are restorers, preservationists, and business people. And when it comes to restoring buildings, we are gluttons for punishment. It's a calling that's practically paramount to the restaurant business itself. There's something to be said about re-purposing — reinventing, reinvigorating and restoring — a historic building with our on-staff contractor, that provides a level of satisfaction that exceeds anything that completing a new construction could give you.

For us, restaurants are the perfect vehicle to ensure that historic buildings will continue making history and serving as structural icons of their communities. To us, at the end of the day, that's what it's all about.



ABOUT US

CURT CATALLO

Co-Owner/President

Union Joints LLC/Union AdWorks

Catallo, entered the restaurant world by re-purposing a former Clarkston church on Main Street in 1995 — a fitting foray for one who grew up in a nearby restored church. Opened with an emphasis on “broad shouldered American comfort food with a Mediterranean twist” and quickly became known for the Mac & Cheese. It’s the cornerstone item of a group that employs over 400 and has grown into seven restaurants, one outdoor theater venue, an ice cream ‘stand’ in a former pump house, and a general store in a former parsonage. The group shares its Clarkston campus with Union AdWorks, a 70-person marketing and advertising agency that Catallo heads, which services the Joints among their long-standing auto clients. Catallo and wife, Ann Stevenson, cohabit above the general store parsonage with two children, a bird and a sassy French bulldog.

ERICH LINES

Managing Partner

Union Joints LLC

A graduate of Albion College and dorm mate from Catallo’s Cranbrook days, Lines has worked for Union Joints since its inception with the Clarkston Union. From his roles managing special events to General Manager and Managing Partner for the group, his dedication to the growth of the restaurant operation, front to back of the house, is unparalleled. From hiring the restaurant’s staff to promoting the business, his capacity to get the lights on in time through the development and launch of five new joints is nothing short of impossible. As purveyor of the Joints’ culture, as well as serving as host to 19 consecutive Clarkston Oktoberfests, has made him a local celebrity to hungry and thirsty gatherers far and wide.

ANN STEVENSON

Co-Owner/Design & Development

Union Joints LLC

An Art & Design graduate of Bennington College, Stevenson has worked for over 20 years in commercial, restaurant, office and retail interior design. She has been the owner/operator of Clarkston Union’s sister store, Union General while concurrently developing each new Union Joint spot. Stevenson works on concept, menu and structure with the Joints’ chefs while her business Ann Stevenson Studios manages the interior design projects for the Union restaurants and agency. In 2013, she received The Detroit Home Magazine design awards for the Commercial Interiors of Vinsetta Garage and Union AdWorks, as well as named Metro Times editor’s choice in 2014 for Best Re-use of an Existing Building for Vinsetta Garage. Recently, Stevenson was named a winner for the 2018 Detroit Home Design Awards for the Restaurants/Bars and Children’s Room/Play Space categories. Stevenson is responsible for the idea, overall look and vibe of each Union business.

KC CRAIN

Managing Partner

Vinsetta Garage

KC Crain is President and Chief Operating Officer for Crain Communications Inc, overseeing the day-to-day operations of Crain Communications, as well as the company’s family of brands including Automotive News and Advertising Age. Previously, he held roles of Executive Vice President and Director of Corporate Operations, Vice President, and Group Publisher. He started at Crain as a reporter for Automotive News. Active in a number of civic and business activities, KC is Board Chair for the Detroit Children’s Fund. He also sits on the boards of the Karmanos Cancer Institute, the Young Presidents Organization, and the College for Creative Studies. In addition to keen interests and influential connections throughout the automotive, tech and publishing industries, KC is dedicated to Detroit’s economic development with investments and partnerships in real estate and restaurant ventures. He and his wife, Ashley, live in Bloomfield Hills, Mich., with their four young children.

OVERVIEW OF ORGANIZATION

THE BONES OF OUR BUILDINGS HAVE SOUL.

CLARKSTON UNION

Restaurant, Clarkston, MI – 1995

www.clarkstonunion.com

DETROIT NEWS

MAC & CHEESE TASTE PANNEL WINNER

FOOD NETWORK

DINERS, DIVE-INS, AND DIVES

MLIVE

MICHIGANS BEST MAC & CHEESE

USA TODAY

ONE OF THE BEST IN THE COUNTRY

WALL STREET JOURNAL

MAC & CHEESE RECIPIE THEFT

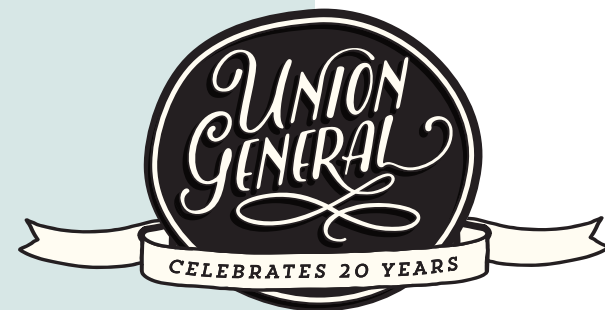
Like any organization, the story begins with a desire to serve a purpose in its own community. For us, it starts in a location that serves as a beacon of hope and gathering to a sleepy, semi-shuttered historic district surrounded by burgeoning suburbs. The irony that it's born in an 1847 church, a building that needed to be saved, has never escaped our mission.

The magnitude of its purpose is one that can only be viewed decades later, as it serves as the anchor of a downtown reborn. The Clarkson Union with its casual New American menu, itself became anchored by the quintessential dish that became Metro Detroit's favorite.

With the Mac and Cheese as its undisputed foundation, the first Union Joint surprises devout regulars and waves of first-timers with a scratch-built menu and weekly specials of seasonal, locally sourced comfort food. Repurposing structures and districts is paramount to our calling as we've expanded into seven locations; each its own spin on the spot, like Vinsetta Garage or the Fenton Fire Hall. Each replicating the Mac and tossing in ingredients that make it stand out on its own. From events and retail to our menus and catering, each of our digs and at every gig, the Joints brings the same group that grew it from the beginning.



FOOD AND WINE
BEST CUPCAKES IN THE U.S.
REAL DETROIT WEEKLY
RETAIL WITH DETAIL
THE DAILY MEAL
BEST CUPCAKE IN MI
DELISH.COM
BEST CUPCAKES IN AMERICA
MSN
101 BEST CUPCAKES



THE UNION GENERAL
Botique & Bakery, Clarkston, MI - 1997
uniongeneralstore.com

Housed in the 1850s building that served as parsonage for the First Baptist Church of Clarkston, Union General is more than the Clarkston Union's store next door. It is a true standalone destination. From baked goods that have the most loyal following to coffee, our own house-made liquid nitrogen custard along with Michigan classic Ray's ice cream, bath and body products, stationary, books, toys, gifts and goods, Union General is a one-of-a-kind store that surprises customers with a rare combination of old-school charm and curiosities edited with a whimsical yet focused eye.



DETROIT FREE PRESS
RESTAURANT OF THE YEAR

THRILLIST.COM

BEST BBQ IN MICHIGAN

SOUTHERN LIVING MAGAZINE

GREAT AMERICAN BBQ BUCKET LIST



THE UNION WOODSHOP

Restaurant, Clarkston, MI - 2009
unionwoodshop.com

Opened in 2009, the Union Woodshop is a handcrafted joint that delivers big time small-town BBQ. The Woodshop immediately made its mark as a joint that put out the most legitimate kind of BBQ with the highest level of culinary care. The care was recognized by the Detroit Free Press, where the Woodshop was honored with the prestigious Restaurant of the Year for 2011. Featured in Food & Wine magazine and on the Food Network, this Joint wasted little time making a big name for itself where the team takes down-home food very seriously.



COOKING CHANNEL
BITE THIS WITH NADIA G
DESTINATION AMERICA CHANNEL
UNITED STATES OF BACON
ESQUIRE
BEST BARS IN AMERICA
FOOD CHANNEL CHINA
BUICK AROUND U.S.
FOOD NETWORK CANADA
YOU GOTTA EAT HERE
COOKING CHANNEL
CHEAP EATS

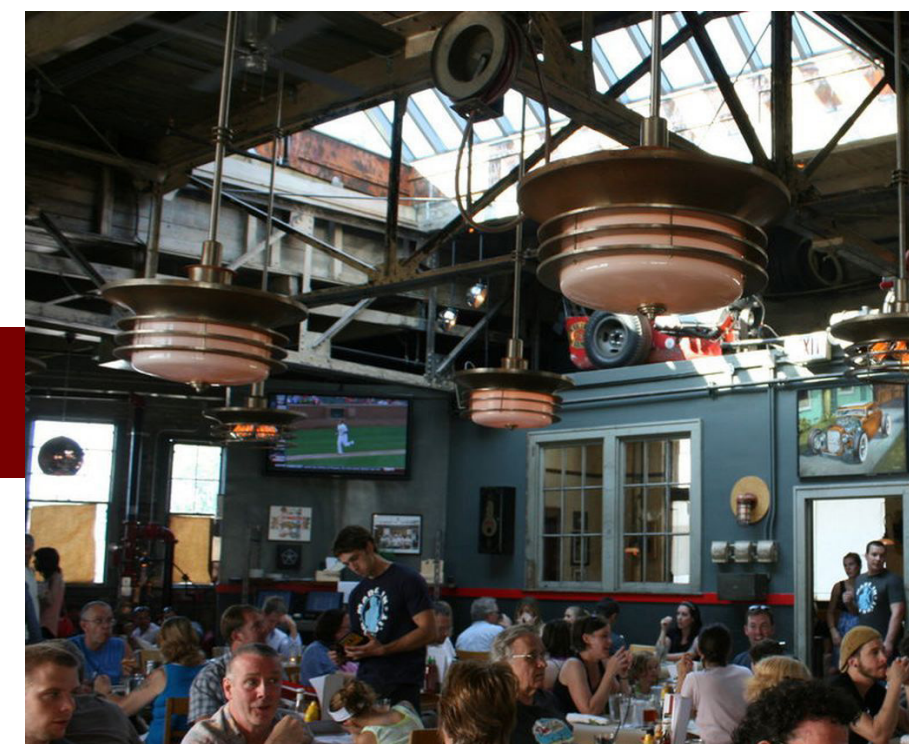


VINSETTA GARAGE

Restaurant, Berkley, MI – 2012

www.vinsettagarage.com

Partnering with KC Crain of Crain Communications, Vinsetta Garage took in its first customers in July 2012. The space that once housed the oldest garage east of the Mississippi began bustling with a new kind of custom work. Original at every level, this joint sets the stage: a car place that now turns its skills to cooking with the same seriousness and handcrafted care. While the mechanics have long since moved their tools out of the station, the menu is built on the kind of custom Detroit eats they would have called their own back in the day. With burgers, Union Mac & Cheese, coal-fired pies and the like, the crew works to keep the legend of Woodward Avenue alive. Still a mainstay for classic cars, whose owners vie to line up along the property front line, Vinsetta maintains the Cruise enthusiasm year round. Like other small-town, big-personality eateries, the influx of patrons eagerly awaiting an open table brings a few parking headaches, which we've adeptly dispensed antidotes for, such as the purchase of nearby surface lots for complimentary valet parking service.



MLIVE
THIRD BEST MAC AND CHEESE
MICHIGAN MUNICIPAL LEAGUE
COMMUNITY EXCELLENCE AWARD



FENTON FIRE HALL
Restaurant, Fenton, MI – 2013
www.fentonfirehall.com

In 2012, as part of Fenton's DDA initiative, Union Joints was awarded the Fire Hall by the city to bestow the landmark to a worthy business. We restored the 1938 landmark into a full restaurant with rooftop dining that also pays homage to its original purpose.

Throughout construction and since opening in December 2013, the Fenton Fire Hall Taproom and Kitchen has been out to deliver the kind of grub that's as honest as the building it's served in. A wood-fired grill, 48 beers on tap and all the care that the Union Joints can put into a place. The Fire Hall was awarded the regional prize for the Michigan Municipal League in 2014.



OAKLAND PRESS
BEST NEW RESTAURANT
DTE ENERGY MUSIC THEATRE
HONCHO OUTPOST
DETROIT HOME AWARD
RESTAURANT / BAR DESIGN



HONCHO

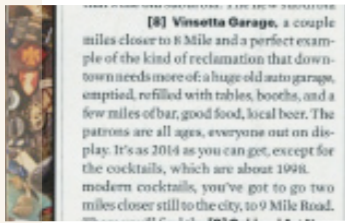
Restaurant, Clarkston, MI - 2016
eathoncho.com

Its kitchen takes something from one culinary continent and smashes it into another: Latin food that speaks with an Asian accent. It was conceived at the markets and ended up here on Main Street; and it's at home at Honcho. Construction began early 2016 on the old mechanic's station, combining two separately functioning garages to create two businesses under one roof — Honcho Restaurant and Honcho Coffeehouse. With each passing first season since, business bustles inside and out along the downtown Clarkston strip. Patrons can pop in for house-roasted brewed and pour-over coffee, pastries and juices; others saddle up to the circular bar for full kitchen service, drinks and margarita sloshies. The main restaurant dining room offers table, booth or counter seating for full lunch and dinner service or to grab a taco and a sack of homemade donuts hot out of the fryer.





Esquire



THE HUFFINGTON POST

THE UNION VOICE CARRIES

CHEAP EATS | VINSETTA GARAGE

DETROIT FREE PRESS | UNION WOODSHOP

DINERS, DRIVE INS, AND DIVES | UNION WOODSHOP

ESQUIRE | VINSETTA GARAGE

FOOD CHANNEL CHINA | VINSETTA GARAGE

FOOD & WINE | UNION WOODSHOP

HOUR DETROIT | CLARKSTON UNION

HUFFINGTON POST | VINSETTA GARAGE

METROPOLITAN DETROIT | CLARKSTON UNION

MLIVE | FENTON FIRE HALL

OAKLAND PRESS | HONCHO

THRILLIST | UNION WOODSHOP

TRAVEL CHANNEL | VINSETTA GARAGE

SOUTHERN LIVING | UNION WOODSHOP

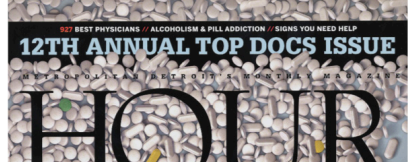
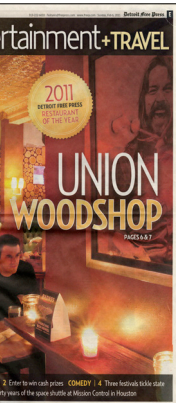
USA TODAY | CLARKSTON UNION

UNITED STATES OF BACON | VINSETTA GARAGE

WALL STREET JOURNAL | CLARKSTON UNION

FSR MAGAZINE | UNION JOINTS

A Michigan Restaurant Group is Out to Give History New Life





FINANCIAL VIABILITY

Union Joints LLC is a multimillion-dollar revenue-generating restaurant group.
The group currently operates five restaurants.
Individual financial statements are available upon your request.
Financial inquiries may be made to the following:

Anil Thakady
CHIEF FINANCIAL OFFICER UNION JOINTS/
UNION ADWORKS

Curt Catallo
OWNER, PRESIDENT UNION JOINTS/
UNION ADWORKS

GOVERNMENT CONTACTS

THE CITY OF THE VILLAGE OF CLARKSTON
Mayor, Eric Haven – 248-625-1559
City Manager, Jonathan Smith – 248-625-1559

CITY OF BERKLEY
Mayor, Dan Terbrack – 248-658-3350
City Manager, Matthew Baumgarten – 248-658-3350

CITY OF FENTON
Mayor, Sue Osborn – 810-629-2261
City Manager, Lynn Markland – 810-629-2261





***UNION JOINTS BELIEVES THAT A FORMER
BUS GARAGE HAS WHAT IT TAKES TO DELIVER:***

***AN EXPERIENCE; A SETTING; A MENU AND
OFFERINGS THAT YOU WILL ONLY FIND AT
LINCOLN YARD AND THAT CLEARLY***

BELONGS IN BIRMINGHAM.

THANKS MUCH!



Re: Lincoln Yard Project

1 message

Jana Ecker <Jecker@bhamgov.org>

Wed, Aug 14, 2019 at 1:29 PM

To: Ryan Tate <ryan.c.tate@gmail.com>

Cc: Marci Hensley <marcihensley@hotmail.com>

Thank you both for your emails. I received them, and will pass your comments along at the Planning Board meeting tonight.

Jana Ecker

On Wed, Aug 14, 2019 at 10:02 AM Ryan Tate <ryan.c.tate@gmail.com> wrote:

Jana,

We know a committee meeting is happening today, so we wanted to pass along our support for the project before that meeting.

Thanks

Ryan Tate

Sent from my iPhone

On Aug 14, 2019, at 8:44 AM, Marci Hensley <marcihensley@hotmail.com> wrote:

Dear Jana,

We recently learned that the Vinsetta group has resurrected their plan to build out a new restaurant in the old school bus garage on Lincoln. We couldn't be more excited, especially after looking at the renderings! As frequent patrons of Big Rock, Whistle Stop, and Griffin Claw, we're looking forward to having another walkable dining spot in the neighborhood. I'm sure some in the community have concerns about traffic/parking – but having lived at the corner of Eton/Hazel for the past 5+ years, we have never found it to be an issue. The Rail District has so much potential, and businesses like Lincoln Yard (in our opinion) will help to make the area more desirable.

Thank You,

Marci Hensley & Ryan Tate

1999 Hazel St.

Birmingham

--

Jana L. Ecker

*Planning Director
City of Birmingham
248-530-1841*

Lincoln Yard

1 message

Alicia Birach <alicia.birach@gmail.com>

Wed, Sep 11, 2019 at 6:54 AM

To: "Jecker@bhamgov.org" <Jecker@bhamgov.org>

Cc: Alexander Jerome <asjerome@gmail.com>

Hello,

My husband and I live in the Rail District at [1845 Hazel Street, Birmingham, MI](#). We are writing in SUPPORT of Lincoln Yard. We have young children and believe this will be another family friendly restaurant in walking distance to our home. We frequently enjoy the other restaurants on Eton and Cole with our children (dinners at Griffin Claw and smoothies from Beyond Juice on our walks to the park). It is the walkability of this community and the easy access to amenities, including restaurants and shops, that make Birmingham unique and attractive to young families. It is why we live here as opposed to other more quiet, less trafficked, communities nearby.

Also, the group opening Lincoln Yard has a fantastic and established track record in Metro Detroit of opening well thought out, aesthetically pleasing, restaurants with exceptional food (plus this one also has a grab-n-go option which is desperately needed and lacking in this area... can't wait to grab a sandwich before walking to the park). I believe this is a perfect fit for our neighborhood that adds value to the residents of the Rail District. It would be a missed opportunity to not approve Lincoln Yard.

We are looking forward to welcoming them to the neighborhood and enjoying their services!

Sincerely,

Alicia Birach and Alexander Jerome
(248) 842-7432/(248) 417-6833

Lincoln Yard Support

1 message

Bryan Anderson <anderson1239@yahoo.com>

Wed, Sep 11, 2019 at 1:26 PM

To: jecker@bhamgov.org

Good Afternoon,

I live on Hazel St. two houses in from Eton St. I am in full support of Lincoln Yard coming into our neighborhood as we are in need of another bar and grill. We are regular patrons at both Big Rock and Griffin Claw, and we would truly enjoy an additional walking choice given the fact Big Rock and Griffin Claw are often full to capacity.

Thank you for your consideration.

Bryan Anderson

Lincoln Yard Restaurant Plan

1 message

Alexis Catherine Pollock <alexisp@umich.edu>

Wed, Sep 11, 2019 at 4:19 PM

To: Jana Ecker <Jecker@bhamgov.org>

Dear Jana:

I'm unable to attend this evening's meeting, but as a resident in the Rail District (on Hazel), I want to lend my voice of enthusiasm to the possibility of another fine establishment within walking distance.

Curt Catallo and Ann Stevenson consistently create restaurants with high quality food and service, and my neighbors on Hazel (many of whom you've heard from, or will) and I, who all frequently patronize The Whistle Stop, Griffin Claw and Big Rock, are so excited about having another casual, delicious, and creative dining experience available to us in our neighborhood.

Since our street has become a Permit Parking street, we have not been bothered at all by having the above restaurants near us. We are happy to have them as the good neighbors they are, and look forward to Lincoln Yard as yet another.

Thank you for your time.

Best,
-acp

Alexis C. Pollock | 1962 Hazel Street
English Tutor | Educational and Writing Consultant
Principal, ACP Educational Consulting, LLC
<http://acpeducation.com>
alexisp@umich.edu
248.703.8889



Jana Ecker
Planning Director
City of Birmingham
151 Martin Street
Birmingham, MI 48009

September 12, 2019

Dear Ms. Ecker & the Birmingham Planning Commission,

My name is Chris McCuiston, and I am the owner of Goldfish Swim School, located at 2388 Cole Street, Suite 101. I am writing on behalf of Union Joints regarding their plan to open the Lincoln Yard restaurant on Lincoln Street. As a local business owner, I am in full support of a company like Union Joints moving into our neighborhood. With their strong history of establishing high-quality, successful restaurants, I have no doubt that their addition to our community will benefit the surrounding businesses and the city of Birmingham as a whole. I would ask that you grant Union Joints and Lincoln Yard an economic development license to open their doors.

Sincerely,



Chris McCuiston

Owner
Goldfish Swim School, LLC

Lincoln Yard

1 message

Rebecca Taylor <bekah1311@icloud.com>

Fri, Sep 13, 2019 at 9:12 PM

To: Jecker@bhamgov.org

Hi!

Just wanted to let our excitement about the possibility of the new restaurant addition to the rail district be known. We live at Hazel & Columbia and would love to have another restaurant in our area!!!

Rebecca Taylor BSN, RN, CPN

Residents supporting Lincoln Yard

1 message

Britt-Marie Fleury <dacbmo@gmail.com>

Tue, Sep 17, 2019 at 8:49 AM

To: Jecker@bhamgov.org

Cc: AAA ICE Todd Fleury ♥ <toddfleury1979@gmail.com>

Good morning,

Please accept this email as our support of the proposed Lincoln Yard restaurant on Lincoln Rd.

My husband's family has owned our property on Hazel Street for 20+ years and we rebuilt our new home here five years ago. We're raising our children here now and love the growth and development we've seen in just the last few years. We frequent Big Rock, Whistlestop and Griffin Claw on the very regular basis and love the idea of adding another restaurant to our neighborhood.

We have reviewed the proposal for Lincoln Yard and appreciate the group's vision for the restaurant. We particularly like that the owners are a VERY well established and knowledgeable restaurant group; this isn't a little start up that might make it- this is a well oiled machine that will only add to the appeal (and value) of the rail district we call home. We trust our city officials and the restaurant owners to make sure the details of street traffic, parking, noise, etc. are aligned with keeping the neighborhood safe and family-friendly.

We are very much in favor and support of Lincoln Yard opening. Thank you!

Kind regards,

Britt-Marie and Todd Fleury
1863 Hazel Street
313.218.5544

Sent from BMF's iPhone



Brooks Cowan <bcowan@bhamgov.org>

A note in support of a new Union Joints restaurant in Birmingham

1 message

Sarah Winkler <sarahwinkler@detroitpublictheatre.org>

Mon, Sep 23, 2019 at 10:56 PM

To: Jecker@bhamgov.org, bcowan@bhamgov.org

Dear Birmingham City Commission,

My name is Sarah Winkler and I live at [1000 Shirley Road](#) in Birmingham. I'm writing to express my enthusiastic support of the Lincoln Yard restaurant located at 2159 East Lincoln Street. I'm so very excited about the prospect of a Union Joints restaurant in the rail district. Not only are the Union Joints restaurants some my whole family's favorites in our area, but the proposed Birmingham location of their newest one will bring them right into our community and would be an amazing addition to our community. My family uses the park across the street regularly and the idea of having a restaurant to head to after ice skating, skateboarding, or a game in the park is just thrilling for me, my husband and our three children.

Thank you so much for your consideration! My family and so many people we know would enjoy this addition to our community more than I can say!.

Sincerely,

Sarah

--

Sarah Winkler

Producing Artistic Director

Detroit Public Theatre

Check out what the New York Times has to say about Detroit Public Theatre! - <https://mobile.nytimes.com/2017/10/25/theater/putting-detroits-finest-in-detroit-public-theater.html?referer=https://www.google.com/>

www.detroitpublictheatre.org

sarahwinkler@detroitpublictheatre.org

(313) 974-7918 office (917) 687-1165 mobile

facebook.com/detroitpublictheatre

Twitter: @DetPubTheatre

Instagram: DetPubTheatre

Lincoln Yard Restaurant

2 messages

Annie VanGelder <annievangelder@bbartcenter.org>

Mon, Oct 14, 2019 at 2:25 PM

To: Jecker@bhamgov.org

Dear Ms. Ecker,

I am writing a quick note to encourage the Planning Board to approve of the exciting opportunity to have Lincoln Yard in the Rail District.

I want to mention that both Curt Catallo and Ann Stevenson are true community partners - generous to the community they serve and Birmingham would greatly benefit having them as our "neighbors" . In addition, their reuse of old buildings is something that is unique and would add another flavor to the area not to mention their wonderful offerings that are unique at every venue.

Thank you for your consideration.

Best,
Annie

--

Annie VanGelder

President/CEO

Birmingham Bloomfield Art Center

248.644.0866 x 108

BBArtCenter.org

Jana Ecker <Jecker@bhamgov.org>

Mon, Oct 21, 2019 at 1:27 PM

Draft

[Quoted text hidden]

--

Jana L. Ecker

Planning Director

City of Birmingham

248-530-1841



cheryl arft <carft@bhamgov.org>

Fwd: Lincoln Yard

1 message

Jana Ecker <Jecker@bhamgov.org>
To: Joe Valentine <Jvalentine@bhamgov.org>
Cc: cheryl arft <carft@bhamgov.org>

Thu, Oct 24, 2019 at 8:17 AM

FYI...this letter came in after the Lincoln Yard memo to CC was submitted. This is one of three letters that came in after the memo was submitted. Two more to follow....

Jana

----- Forwarded message -----

From: **Patience Wright** <itsysbitsies@aol.com>
Date: Tue, Oct 22, 2019 at 4:24 PM
Subject: Lincoln Yard
To: <jecker@bhamgov.org>

Ms. Ecker,

I am writing to express my support for Lincoln Yard. I live in the area and look forward to the restoration and new restaurant. I'm familiar with Union Joints restaurant and am excited to see one of their spots in the area.

Sincerely,

Patience Wright

--
Jana L. Ecker

Planning Director
City of Birmingham
248-530-1841

 **LY.pdf**
16772K



cheryl arft <carft@bhamgov.org>

Fwd: Lincoln Yard

1 message

Jana Ecker <Jecker@bhamgov.org>

Thu, Oct 24, 2019 at 8:17 AM

To: Joe Valentine <Jvalentine@bhamgov.org>, cheryl arft <carft@bhamgov.org>

Second of three letters on Lincoln Yard....

----- Forwarded message -----

From: **Patty Giftos** <ptygiftos@comcast.net>

Date: Tue, Oct 22, 2019 at 4:36 PM

Subject: Lincoln Yard

To: <jecker@bhamgov.org>

Dear Jana,

We are aware of the current proposal for a new restaurant in the railroad district called Lincoln Yard. We frequent many of this restaurant group's locations and are always extremely pleased with the food and service. We would be thrilled if they opened a new restaurant close to our home!

Thank you and take care.

Sincerely,

Patty Giftos

855 Rivenoak Street

Birmingham

Sent from my iPhone

Jana L. Ecker

Planning Director
City of Birmingham
248-530-1841



cheryl arft <carft@bhamgov.org>

Fwd: Lincoln Yard

1 message

Jana Ecker <Jecker@bhamgov.org>

Thu, Oct 24, 2019 at 8:18 AM

To: Joe Valentine <Jvalentine@bhamgov.org>, cheryl arft <carft@bhamgov.org>

Third of three letters....

----- Forwarded message -----

From: **Tom Giftos** <tgiftos@nacllc.com>

Date: Wed, Oct 23, 2019 at 5:48 PM

Subject: Lincoln Yard

To: jecker@bhamgov.org <jecker@bhamgov.org>

Jana

I am a Birmingham Resident and am writing regarding the Lincoln Yard project that is up for consideration. I met Curt Catallo and Ann Stevenson a few years back when our sons became friends in school. But I knew "of" them long before that. I am in the restaurant business and have always been fond of their brands and the way they operate them. I feel like they are an organized, successful, hard-working, and community-oriented company. They have a strong management team that pays attention to the details. Their concepts are cool, relevant in the marketplace, and always a good fit for their location and environment. They are well designed. They strive to make their spaces an experience, and I believe they succeed. I don't know much about the specifics regarding this project and proposal – but what I do know is that they will do what they say, deliver on any promises to the community, and that their establishment will be vibrant and successful. I would certainly support and patronize their restaurant, and feel confident that if the City were to award them a spot they would ultimately be proud of that decision and soon discover that they partnered with a winning team.

Yours truly,

Tom Giftos

[855 Rivenoak](#)

--

Jana L. Ecker**Planning Director**
City of Birmingham
248-530-1841

DATE: September 27, 2019

TO: Joseph A. Valentine, City Manager

FROM: Jana Ecker, Planning Director

SUBJECT: Public Hearing for SLUP & Final Site Plan & Design Review—
298 S. Old Woodward – Daxton Hotel

INTRODUCTION:

The applicant, Woodward Brown Ventures, LLC / Aparium Hotel Group, is applying for a Special Land Use Permit (SLUP) to operate a hotel with restaurant facilities serving alcoholic liquors. The applicant is requesting approval to use a new Class B - Hotel Resort Economic Development license under the new ordinance allowing a hotel or movie theater to operate with a liquor license. Woodward Brown Ventures, LLC / Aparium Hotel Group is owned by several entities controlled by Mario Tricoci, Kevin Robinson and Howard Silverman. In addition to owning and operating the Daxton Hotel, all three are members of the LLC that owns/operates the Detroit Foundation Hotel and the Apparatus Room restaurant in Downtown Detroit.

BACKGROUND:

The Final Site Plan & Design Review for the Daxton Hotel was approved by the City in 2018, and the hotel is currently under construction. Since approval, the applicant has submitted a Special Land Use Permit and site plan application to operate the hotel under a Class B liquor license. The applicant is proposing to license the entire hotel to cover alcohol service for banquets, the restaurant, bar and pre-function areas and for room service. On September 25, 2019, the Planning Board reviewed the SLUP and corresponding site plan review, and voted unanimously to recommend approval to the City Commission for 298 S. Old Woodward, the Daxton Hotel, with the following conditions:

1. The applicant must correct all plan sheets for consistency and submit revised operations plan prior to appearing before the City Commission for final approval;
2. The applicant must provide all signage details prior to appearing before the City Commission for final approval;
3. The applicant must comply with the requests of all departments; and
4. The motion reflects the approval of the paper packet of plans received by the Planning Board on September 25, 2019.

The draft Planning Board minutes from September 25, 2019 are attached. Please note that all of comments raised in the staff memo dated September 19, 2019 relating to outdoor dining are now moot. The applicant is not proposing any outdoor dining at this time.

LEGAL REVIEW:

The City Attorney has reviewed the documentation and has no concerns.

FISCAL IMPACT:

There are no fiscal impacts based on the approval of the SLUP and Final Site Plan for the Daxton Hotel.

PUBLIC COMMUNICATIONS:

As discussed above, a public hearing was held on September 25, 2019 at the Planning Board. In accordance with the City's public notice requirements, postcards were mailed to all property owners and tenants within 300' of the site, a public notice sign was posted on the property, and an advertisement was placed in a newspaper of local circulation.

SUMMARY:

The applicant is seeking approval for a SLUP and Final Site Plan & Design Review to operate a hotel serving alcohol using a new Class B - Hotel Resort Economic Development license under the ordinance allowing a hotel or movie theater to operate with a liquor license within the B4 zone district. The applicant is not proposing any exterior changes to the building at this time, nor any outdoor dining.

ATTACHMENTS:

- SLUP Resolution
- Special Land Use Permit Application
- Planning Board Staff Report and DRAFT Planning Board Minutes
- Site Plans & Material Specification Sheets
- Police Department Liquor Investigation Memo

SUGGESTED RESOLUTION:

To approve a Special Land Use Permit and Final Site Plan and Design Review for 298 S. Old Woodward to allow the operation of the Daxton Hotel with the service of alcoholic liquors, in accordance with Article 7, Section 7.34 of the Zoning Ordinance;

AND

To authorize the City Clerk to sign the MLCC Local Government Approval Report (MLC 436.1510) and to approve the liquor license request of Aparium Hotel Group, LLC that requests a B-Hotel Liquor License be issued under MCL 436.1521(4), SDM License with Outdoor Service (1 Area) Sunday Sale Permit (AM)(PM), Dance-Entertainment Permit, Catering Permit, Eight (8) Additional Bar Permits, Specific Purpose Permit for Hotel Operations located and a Participation Permit in the name of Woodward Brown Ventures, LLC located at 298 S Old Woodward, Birmingham, Oakland County, MI 48009.

**DAXTON HOTEL
SPECIAL LAND USE PERMIT
2019**

WHEREAS, Daxton Hotel filed an application pursuant to Article 7, section 7.34 of Chapter 126, Zoning, of the City Code to operate a hotel serving alcoholic liquor under Class B – Hotel Resort Economic Development license;

WHEREAS, The land for which the Special Land Use Permit is sought is located on the west side of Old Woodward at the corner of Brown Street;

WHEREAS, The land is zoned B-4, Business Residential, and is located within the Downtown Birmingham Overlay District, which permits hotels serving alcoholic liquor with a Special Land Use Permit;

WHEREAS, Article 7, section 7.34 of Chapter 126, Zoning requires a Special Land Use Permit 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 Planning Board on September 25, 2019 reviewed the application for a Special Land Use Permit and Final Site Plan and Design Review for the proposed Daxton Hotel to permit the service of alcoholic liquor using a Class B – Hotel Resort Economic Development license and recommended approval with the following conditions:

1. The applicant must correct all plan sheets for consistency and submit revised operations plan prior to appearing before the City Commission for final approval;
2. The applicant must provide all signage details prior to appearing before the City Commission for final approval;
3. The applicant must comply with the requests of all departments; and
4. The motion reflects the approval of the paper packet of plans received by the Planning Board on September 25, 2019.

WHEREAS, The applicant has complied with all of the conditions noted by the Planning Board;

WHEREAS, The Birmingham City Commission has reviewed the Daxton Hotel Special Land Use Permit 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 Daxton Hotel's application for a Special Land Use Permit authorizing the service of alcoholic liquors using a Class B – Hotel Resort Economic Development license at 298 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 is granted to allow the Daxton Hotel at 298 S. Old Woodward to serve alcoholic liquors with the following conditions:

1. The applicant must correct all plan sheets for consistency and submit revised operations plan prior to appearing before the City Commission for final approval;
2. The applicant must provide all signage details prior to appearing before the City Commission for final approval;
3. The applicant must comply with the requests of all departments;
4. The motion reflects the approval of the paper packet of plans received by the Planning Board on September 25, 2019;
5. Daxton Hotel shall abide by all provisions of the Birmingham City Code; and
6. The Special Land Use Permit may be canceled by the City Commission upon finding that the continued use is not in the public interest including, but not limited to, violations of the state law or Birmingham City Code.

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, Daxton Hotel 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 Daxton Hotel to comply with all the ordinances of the city may result in the Commission revoking this Special Land Use Permit.

I, Cheryl Arft, 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 October 28, 2019.

Cheryl Arft, Acting City Clerk



Williams Williams Rattner & Plunkett, P.C.
Attorneys and Counselors
380 North Old Woodward Avenue
Suite 300
Birmingham, Michigan 48009
Tel: (248) 642-0333
Fax: (248) 642-0856

August 26, 2019

Richard D. Rattner
rdr@wwrplaw.com

Planning Board
City of Birmingham
151 Martin Street
Birmingham, MI 48009

Re: *Special Land Use Permit Application – Liquor License for Theaters and Hotels in the B4 District for the Daxton Hotel at 298 S. Old Woodward Ave., Birmingham, MI 48009.*

Dear Members of the Planning Board:

This letter accompanies the Application of the Daxton Hotel (“Daxton” or “Hotel”) for a Special Land Use Permit (“SLUP”) to operate an establishment with a liquor license obtained under the recently amended Chapter 10, Article II, Division 5 “Licenses for Theaters and Hotels.” The Applicant will be applying to the State of Michigan for a new B-Hotel Resort Economic Development Liquor License (“License”) under MCL 436.1531(4) for the Hotel. The License has the same privileges as a traditional B-Hotel license, although it is a direct issue liquor license and is non-transferrable to any other location.

This SLUP will allow this exciting new Hotel operated by Aparium Hotel Group to have a street-level restaurant, grill and bar, event space for weddings, parties, and conferences, and a wine bar (collectively, the “Restaurant Facilities”). These new amenities will attract Birmingham residents and visitors to the South Old Woodward area of the central business district (“CBD”), consistent with the 2016 Plan for Birmingham. The application for SLUP and all site plan requirements relevant to this presentation are submitted with this letter.

The following outline demonstrates that this new hotel fulfills all ordinance and planning requirements for a Special Land Use Permit for a Liquor License for Theaters and Hotels, as well as the requirements to transfer a license into the city.

I. Requirements for Special Land Use Permit (Section 126, Article 7, Section 7.36(A)(1-6).

- A. 7.336(A)(1).** “The use is consistent with and will promote the intent and purpose of this Zoning Ordinance.”

A review of the Daxton project clearly demonstrates that this newly proposed hotel is

consistent with and will promote the intent and purpose of the Zoning Ordinance.

First, with respect to the zoning district, the subject property is zoned B-4, Business-Residential, and D-4 in the Downtown Overlay District. The Daxton will be a new structure that is located on the corner of Brown Street and Old Woodward Avenue. The B-4 District specifically permits “establishments operated with a liquor license obtained under the amended Chapter 10, Alcoholic Liquors, Article II, Division 5, Licenses for Theaters and Hotels” with a valid special use permit.

Second, Section 7.36(A)(1) provides that a Special Land Use Permit shall be consistent with the “. . . intent and purpose . . .” of the zoning ordinance. The intent and purpose of the zoning ordinance of the City of Birmingham as set forth at Article 1, Section 1.04 of the Zoning Ordinance, is to “. . . guide the growth and development of the City in accordance with the goals, objectives and strategies stated within the Birmingham Master Plan and Downtown Birmingham 2016 Plan.”

1. Intent and goals of the Downtown Birmingham 2016 Plan (“2016 Plan”).

This area of the CBD is identified in the 2016 Plan as the “Retail 1” area and is discussed at pages 26-27 of the 2016 Plan (attached for your reference). The Daxton also is consistent with all the relevant recommendations and fits every one of the relevant bullet points set forth in the “Downtown Birmingham Vision Statement” discussed at page 181 of the 2016 Plan (attached for your reference).

a. Relevant recommendations of the 2016 Plan for the “Retail 1” South Woodward CBD.

- i. The first bullet point recommendation set forth at page 26 of the 2016 Plan, recommends that the City “enlarge the CBD shopping district area by merging it with the South Woodward... [area].”

The new Hotel, with its street-level Restaurant Facilities, event space for weddings, parties and conferences, and retail space, will bring significant patronage to the southern point of the CBD, helping to extend the CBD and pedestrian traffic into the South Woodward area.

- ii. The second relevant bullet point recommends that the City “connect all areas to each other by reducing apparent and actual physical barriers, by connecting discontinuous retail frontages, and, in some cases, by installing the recommended streetscape and signage improvements.”

The subject site consists of two now demolished and formerly vacant office buildings and a

surface parking lot. These buildings and surface lot were barriers to street-level retail and failed to inspire a pedestrian-friendly activated sidewalk, leaving a pedestrian “dead zone” at Brown and S. Old Woodward. The Daxton and its amenities will combine these frontages into one attractive, pedestrian-friendly structure with first floor restaurant and retail activities. Pursuant to the City’s site plan approval, the Hotel also will comply with all recommended streetscape and signage improvements consistent with the South Woodward street reconstruction improvements.

The presence of the Daxton on the south end of the CBD is consistent with both of these goals for the Retail 1 area under the 2016 Plan. The Daxton will add economic vitality with its Restaurant Facilities, retail destinations and a via along the northern property line. These uses encourage pedestrian traffic, activate the sidewalk, and help to connect the CBD with the South Woodward neighborhood. No other hotels with Special Land Use Permits for Theaters and Hotels exist in the South Woodward CBD. The Daxton’s application encourages redevelopment of the southern CBD and South Woodward corridor area while at the same time satisfying the planning amenities envisioned in the 2016 Plan.

b. “The Downtown Birmingham Vision Statement” in the 2016 Plan.”

At Page 181 of the 2016 Plan (attached), 17 bullet points are identified as being a brief summary of the vision for downtown Birmingham. Again, the Daxton Hotel has the advantage of being consistent with all of the relevant bullet points presented in that 2016 Plan.

i. “Ensure the economic viability of downtown business community.”

The development of the Daxton at this location is continues the revitalization of economic activity toward the South Woodward area. It increases the availability of luxury hotel accommodations and banquet facilities in Downtown, attracting visitors and events to Birmingham. The hotel’s first floor Restaurant Facilities, plus sidewalk redesign, will extend the walkability of the CBD and provide pedestrian destinations. A hotel of the caliber of the Daxton cannot provide these amenities and compete in the luxury boutique hotel segment without a liquor license. The alternative without a license is a flagship hotel/motel like the Holiday Inn located on the M1.

Furthermore, The Daxton’s restaurant, bar and event space are designed in conjunction with and will be operated by Aparium Hotel Group, the same group responsible for the Detroit Foundation Hotel and the Apparatus Room restaurant. The Foundation Hotel was recently named “one of the best new hotels in the world” by Condé Nast Traveler, as reported in The Detroit News. A copy of the article is attached to this letter. The Aparium Hotel Group has the potential to create a similar boutique hotel experience and renowned restaurant in Downtown Birmingham, but not without a liquor license.

- ii. “New development should be designed for safety, comfort, convenience and enjoyment of pedestrians, rather than vehicular traffic.”

The Daxton Hotel provides a unique experience for both out-of-town guests and residents of Birmingham alike. The proposed plan includes a multi-level underground parking garage for guests, residents and patrons of the Daxton, which lessens the reliance on current parking. The building, with retail and Restaurant Facilities on the first floor is designed to appeal to pedestrians walking from the CBD towards South Woodward. It can be accessed by pedestrians without use of a car. All the residents living in or near the south area of the CBD and frequent the South Woodward CBD will be able to walk to the Hotel. This pedestrian-friendly location and use is particularly appropriate for the City of Birmingham and the “treasured heritage” of the City as a walkable community. These new and attractive Restaurant Facilities within the Hotel extend the CBD and support the CBD as an integral part in the lives of Birmingham residents.

The streetscape design includes widened sidewalks with trees and raised planters, placed to enhance the pedestrian experience, as well as pedestrian-level lighting and hanging planters. The design also includes benches, receptacles, and four bicycle racks to further encourage multi-modal traffic flow. The main entrance is welcoming and inviting to pedestrians, with large first floor windows and a canopied doorway.

- iii. “Strengthen the spatial and architectural character of the downtown area and ensure buildings are compatible, in mass and scale, with their immediate surroundings and the downtown’s traditional two- to four-story buildings.”

This new hotel is designed by the renowned Chicago architecture firm, Booth Hansen. The design meets the zoning criteria for the D-4 and Downtown Overlay Districts. The Hotel is a 5-story mixed use building that is consistent with the mass and scale of the surrounding, predominantly office, buildings. The subject site is currently the site of two vacant office buildings and a surface parking lot. The Hotel building, with its mix of bar/restaurant, residential, hotel and retail uses, will significantly strengthen the architectural and spatial character of the current lot and the structures thereon.

- iv. “Ensure good land use transitions and structural compatibility in form and mass to the traditional, residential neighborhoods surrounding downtown.”

The location of the Daxton offers a unique opportunity for restaurant, bar and hotel, retail, and event facilities to be developed which will be convenient to, and an amenity for, all the residents living in the residential single-family areas surrounding the CBD and South Woodward. One of the visions of the 2016 Plan is to extend the CBD into the South Woodward area to provide services needed by Birmingham residents, and the Daxton will provide a transition point which will extend the CBD into the South Woodward area. The

Daxton is the continuation of such pedestrian-oriented development in this area and would bring more foot traffic towards the South Woodward area. The Daxton will offer these residents uses that will encourage increased social and retail activities and inspire future development in and around the southern area of the CBD.

- v. “Create and reinforce identifiable districts within the downtown to provide a sense of place and a variety of experiences.”

The redevelopment of the South Woodward retail area depends upon the development of new and exciting retail and restaurant uses. This redevelopment works to increase and encourage the development necessary to create and strengthen the identifiable districts of the CBD and the South Woodward retail area.

- vi. “Encourage a diverse mix of uses including retail, commercial, entertainment, cultural, civic, and especially residential.”

The Daxton Hotel is the epitome of a mixed-use space. It combines retail, Restaurant Facilities, banquet facilities, meeting rooms, residential space, and a hotel, plus underground parking, all in a single building.

- vii. “Encourage first floor retail businesses, services, and other activities which are required for everyday living.”

The Daxton’s Restaurant Facilities and retail space are all at street level. The street level entrances (two entrances on Old Woodward and a separate wine bar entrance on the via at the north property line) are all accessible from the sidewalk, inviting pedestrians and creating the atmosphere encouraged by the 2016 Plan. The Daxton will bridge the current gap in the ambiance of the northern part of the CBD to the southern part.

- viii. “Provide easily accessible, identifiable, and convenient parking in an amount to support downtown density and use.”

The Daxton is located within the Parking Assessment District, so no further on-site parking is required for commercial use. Nonetheless, the Daxton is in a unique position to offer easily accessible parking. The multi-level underground garage allows hotel guests and residents of the residential floors to be parked underneath the building, removing those cars from public parking and allowing patrons of the Hotel restaurant and bar who choose not to walk to have more street parking options. Further, the Daxton will offer a valet service for patrons (and the public), which will assist to ease any burden on parking. Over 70 vehicles can be parked in the underground garage during peak times, which is a significant aspect of the Daxton’s Major Event Traffic Plan as approved by the City.

The foregoing is a discussion of several of the more relevant bullet points which are set forth in the Downtown Birmingham Vision Statement. As can be seen, the introduction of the Daxton Hotel's restaurant and bar into this area complies with the 2016 Plan and its vision for Downtown Birmingham.

- B. 7.36(A)(2).** "The use will be compatible with adjacent uses of land, the natural environment, and the capabilities of the public services and facilities effected by the land use."

As stated above, the Daxton Hotel is compatible with adjacent uses of land and sets the stage for a more pedestrian-friendly and environmentally conscious streetscape on the south end of the CBD. The Daxton will not present any issues for added public services or facilities for the land use. All existing facilities and services in this area will easily serve the Daxton.

- C. 7.36(A)(3).** "The use is consistent with public health, safety and welfare of the city."

The use of a B- Hotel liquor license for this exciting new hotel and its amenities in this area is not only consistent with the health, safety and welfare of the community, but because of the services it provides, it is a benefit to the residents of this area and the City at large. As stated above, the widened sidewalks, underground parking and proposed valet service are consistent with the health, safety and welfare of the residents of the City. The Hotel has been designed to result in no interference with traffic.

- D. 7.36(A)(4).** "The use is in compliance with all other requirements of the zoning ordinance."

The site plan and building plans presented demonstrate that the Daxton Hotel complies with the ordinances of the City of Birmingham, in addition to being clearly consistent with the 2016 Plan as set forth in this letter.

- E. 7.36(A)(5).** "The Use Will Not Be Injurious to the Surrounding Neighborhood."

There is no activity of the Daxton Hotel which will be injurious to surrounding neighbors. In fact, this restaurant and bar, and the entirety of the Hotel's facilities, will be beneficial to its neighbors. This location is immediately adjacent to other commercial and office uses. It offers a new restaurant, hotel, retail and event services operated by a world-class operator, to which pedestrians can easily walk. It adds to the diversity of the uses in the neighborhood, which presently are dominated by offices, and sets the stage for further attractive and consistent development. Note that the Hotel does not border on areas zoned single family residential.

F. 7.36(A)(6). The Daxton Hotel is not in violation of any State or Federal Statutes.”

The Daxton Hotel is designed and will be operated in a manner which is intended to comply with all relevant laws and regulations of the local, state and federal authorities.

II. Birmingham City Code

Two sections of the City Code are relevant to this SLUP proposal.

A. Sec. 10-101. - 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 shall make an application to the city commission and pay the applicable theater liquor license transfer review fee as set forth in appendix A of this Code. In addition to those items and conditions set forth in section 10-42¹, the application shall set forth in detail its proposed project, including, but not limited to”:

1. **10-101(1):** “Utilization of said liquor licenses and details on the number of quota liquor licenses in escrow at the time of application.”

Applicant is applying to the State of Michigan for a B-Hotel Resort Economic Development Liquor License under MCL 436.1531(4). With respect to quota licenses, there are no quota on-premises liquor licenses available for issuance in the City of Birmingham.

¹ Section 10-42:

1. **10-42(1):** “An applicant will be given consideration only if he proposes to provide and continues to provide for the service of meals to be consumed on the premises.” The Daxton Hotel will have a grill and restaurant that will provide superior service to all of its patrons.
2. **10-42 (2):** “The location proposed and methods of operation must not detrimentally and unreasonably impact nearby property owners, businesses and residents.” The location and methods of operation will benefit nearby property owners, businesses, and residents by increasing pedestrian traffic to the South Old Woodward area of the CBD and providing residents with another dining and entertainment option that can be accessed without a car.
3. **10-42 (3):** “All applicable health and safety codes and ordinances, including zoning, must be met.” The Daxton Hotel plans to meet all safety codes and ordinances.
4. **10-42 (4):** “Applicants will be required to submit a detailed plan of proposed operation as part of their application for transfer, which shall include a plot plan of the site, a plan for any proposed change in exterior and interior design, lay-out of any proposed change to ancillary facilities and a general operational statements outlining the proposed manner in which the establishment will be operated, including a schedule of the hours of operation, crowd control plans, use of the facility, parking provisions and the estimated cost of any proposed improvements.” Please see final site plan submission made with this application for Special Land Use Permit – Licenses for Theaters and Hotels.

With respect to escrow licenses, the following 4 liquor licenses are in escrow in Birmingham, but to the Applicant's knowledge they are not available for purchase; they are controlled by landlords or are being transferred to future tenants of the buildings where they are held:

0261553 PEABODY OWNER, LLC
34965 Woodward Ave., Birmingham, MI 48009-0931

110557 WILLITS CO-LICENSE LLC / MITCHELL'S ENTERTAINMENT, INC.
117 Willits St., Birmingham, MI 48009-3317

240015 WILLITS CO-LICENSE LLC / MITCHELL'S ENTERTAINMENT, INC.
115 Willits St., Birmingham, MI 48009-3317

238851 THE PALLADIUM OF BIRMINGHAM, LLC
201 Hamilton Row, Birmingham, MI 48009-3455

2. **10-101(2):** "Proposed and/or existing site plan of the property, building floor plan and an operations floor plan."

Please see final site plan submission made with this application for Special Land Use Permit – Licenses for Theaters and Hotels.

3. **10-101(3):** "An economic impact analysis."

There is a significant positive economic impact on the City by the Daxton Hotel project. The City benefits economically by each of the following effects:

- i. Number of permanent new jobs created: 175 new, permanent positions will be created with the opening of the hotel and retail operations.
- ii. Number of temporary construction and trade jobs: approximately 300 construction jobs are created by the project during the approximate two-year construction period.
- iii. Almost all the construction and trade impact will be within 20 to 30 miles of the site.
- iv. Total investment in the project: approximately \$76 Million Dollars.

- v. Increase in assessed value for the City: an anticipated increase of at least 11.4 times the current estimate of assessed value.
- 4. **10-101(4)**: “A copy of the special land use permit application and supporting documentation submitted by the applicant.”

Please see the Special Land Use application submitted with this letter.

- 5. **10-101(5)**: “All documentation submitted to the LCC requesting the transfer.”

Applicant’s LLC application has been filed with the City Police Department.

- 6. **10-101(6)**: “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 state liquor control commission (LCC) or actions taken by any municipality or the LCC to suspend, revoke or deny the non-renewal of said license and all other documentation setting forth the detail of the existing theater or hotel or proposed theater or hotel by the applicant, including the approximate dollar amount of the investment to be made, number of jobs to be created, minimum of 150 seats for a theater and minimum of 100 guest rooms for a hotel and other benefits to the city.”
 - a. Applicant has no identification and history pertaining to the license proposed to be transferred, and no complaints or other actions taken by any person or entity to suspend, revoke, deny or denial of renewal of said license.
 - b. The applicant is investing approximately \$76,000,000 in the design, engineering, approval and construction of the interior (including kitchens) and exterior of this 25, 182 square foot Hotel and amenities.
 - c. Applicant expects to create approximately 175 permanent jobs, and approximately 300 construction jobs at the site.
- 7. **10-101(7)**: “Information detailing how the proposed operation will create or sustain development in the city consistent with the master plan.”

See Section I of the Requirements for SLUP contained in this letter.

- 8. **10-101(8)**: “Such other items deemed necessary by city administration.”

The Daxton will provide further items deemed necessary by the City administration.

B. Sec. 10-102. - Application for transfer of liquor license into the city for theater purposes.

“10-102(a) Selection criteria: In addition to the usual factors and criteria used by the city commission for liquor license requests, including those listed in section 10-42², 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”:

1. **10-102(1):** “The applicant's demonstrated ability to finance the proposed project.”

Submitted with SLUP application documents is a letter from the Applicant demonstrating its financial capability of constructing the Hotel with both personal liquidity and financing through Flagstar Bank.

2. **10-102(2):** “The applicant's track record with the City including responding to City and/or citizen concerns.”

The Daxton’s developers have already promptly and properly addressed City and citizen concerns with other aspects of development and will continue to do so. The applicant intends to promptly respond to all the City and/or citizen concerns.

3. **10-102(3):** “Whether the applicant has an adequate site plan to handle the proposed liquor license activities.”

The attached site plan shows in detail that the Restaurant Facilities are designed by restaurant professionals. There are adequate facilities, including parking, to handle vehicular outcomes of the business as well as the expected pedestrian traffic from the Birmingham residential clientele.

4. **10-102(4):** Whether the applicant has adequate health and sanitary facilities.

All the health and safety facilities at the premises will be in compliance with local, state and federal laws.

5. **10-102(5):** “The percentage of proceeds from room rental fees, charges for special events and food sales as compared to the sale of alcoholic beverages.”

The Daxton’s main function is as a hotel. Therefore, it is expected that a majority of its proceeds will be from room rental and event fees, not liquor. The liquor sales will most likely be the smallest percentage of sales when compared to the room rental fees, food, and event fees of the gross revenue. The Applicant will present a more focused economic breakdown to the City

² Please see a discussion of the 10-42 requirements in Footnote 1.

Commission which is based upon the operator's many years of experience operating hotels that serve food and alcoholic beverages.

6. **10-102(6)**: "Whether the applicant has outstanding obligations to the city (i.e. property taxes paid, utilities paid, etc.).

The applicant has no known outstanding obligations to the City.

III. Conclusion

The foregoing sections of this letter have concentrated on the zoning ordinances, the Master Plan and 2016 Plan, Special Land Use Permit – Licenses for Theaters and Hotels. This review clearly demonstrates that the Daxton's proposed Hotel and Restaurant Facilities all satisfy the requirements, guidelines, and goals established in the 2016 Plan and City ordinances. The location of the Daxton in the south CBD Retail 1 area makes this proposal especially attractive, since it will extend pedestrian interest and foot traffic into an area of the CBD that presently is less activated than other CBD areas. In addition, it will greatly expand the dining, hotel and event space in the City.

Accordingly, the Applicant respectfully requests the Planning Board to favorably recommend this Application for Special Land Use Permit – License for Theaters and Hotels to the City Commission, with the hope that the City Commission will grant the Daxton Hotel a Special Land Use Permit – License for Theaters and Hotels.

Should you have any further questions or comments regarding any of the above, please do not hesitate to call. With kind regards, I am,

Very truly yours,
WILLIAMS, WILLIAMS, RATTNER & PLUNKETT, P.C.



Richard D. Rattner

RDR/cmc
Enclosure-SLUP Application



Special Land Use Permit Application

Planning Division

Form will not be processed until it is completely filled out.

1. Applicant

Name: Woodward Brown Ventures, LLC/Aparium Hotel Group
Address: 102 Pierce Street
Birmingham, MI 48009
Phone Number: (248) 247-3814
Fax Number: _____
Email address: david@lorientcap.com

2. Property Owner

Name: Woodward Brown Ventures, LLC
Address: 102 Pierce Street
Birmingham, MI 48009
Phone Number: (248) 247-3814
Fax Number: _____
Email address: david@lorientcap.com

3. Applicants Attorney/Contact Person

Name: Richard D. Rattner, Esq.
Address: 380 N. Old Woodward Ave., Ste. 300
Birmingham, MI 48009
Phone Number: (248) 642-06333
Fax Number: _____
Email address: rdattner@wwrplaw.com

4. Project Designer/Developer

Name: Booth Hansen Architects
Address: 333 Desplaines Street
Chicago, Illinois 60661
Phone Number: (312) 869-5000
Fax Number: _____
Email address: cstetson@boothhansen.com

5. Required Attachments

- Required fee (see Fee Schedule for applicable amount)
- Two (2) folded copies of scaled plans including:
 - Certified land survey
 - Color elevations showing all materials
 - Site plan (including property lines, buildings and structures for the subject site as well as all adjacent properties within 200 ft. of the property line)
 - Landscape plan
 - Photometric plan
 - Interior floor plan
- Photographs of existing site and/or building.
- Warranty Deed with legal description of property.
- Current aerial photos of the subject site, including all adjacent properties within 200 ft.
- An itemized list of all changes for which approval is requested.
- Samples of all materials to be used.
- Catalog sheets for all proposed lighting, mechanical equipment and outdoor furniture.
- A signed letter from DTE approving the location of all electrical transformers and electrical equipment.
- Completed Checklist.
- Digital copy of plans.
- Additional information as required.

6. Project Information

Address/Location of the property: 298 S. Old Woodward
and 325 E. Brown, Birmingham, MI
Name of development: Daxton Hotel
Sidwell #: 19-36-202-009 and 19-36-202-016
Current Use: Vacant
Proposed Use: Hotel; 5th floor residential
Area of Site in Acres: 0.62 acres
Current zoning: B-4/O-4
Is the property located in the floodplain? No
Name of Historic District Site is Located in: Downtown
Overlay
Date of Historic District Commission Approval: 06/21/2017
Date of Application for Preliminary Site Plan: 04/26/2017
Date of Preliminary Site Plan Approval: 05/24/2017

Date of Application for Final Site Plan: 06/28/2017
Date of Final Site Plan Approval: 08/09/2017
Date of Application for Revised Final Site Plan: 01/31/2019
Date of Revised Final Site Plan Approval: 04/28/2018
Date of Design Review Board Approval: N/A
Is there a current SLUP in effect for this site? No
Date of Application for SLUP: N/A
Date of SLUP Approval: N/A
Date of Last SLUP Amendment: N/A
Will proposed project require the division of platted lots? No

Will proposed project require the combination of platted lots?
Yes; Lot combination approved 04/23/2018

7. Details of the Proposed Development (attach separate sheet if necessary)

5 story mixed use commercial/residential building with 2 levels underground parking. Ground (street level) is proposed to be a restaurant, commercial space, and hotel lobby. Mezzanine level is proposed for meeting rooms; levels 2-4 are proposed hotel rooms. Level 5 proposed to be long term stay residential units

8. Buildings and Structures

Number of Buildings on Site: 1
Height of Buildings & # of Stories: 70 feet / 5 stories

Use of Buildings: commercial/residential
Height of Rooftop Mechanical Equipment: 79.50 feet

9. Floor Use and Area (in Square Feet)

Proposed Commercial Structures:

Total basement floor area: 50,364 SQ (2 levels)
Number of square feet per upper floor: 25,182 SF
Total floor area: 159,597 SF (including basement levels)
Floor area ratio (total floor area ÷ total land area): 5.92

Open space: 1,753 SF

Percent of open space: 6.5%

Proposed Residential Structures:

Total number of units: 17 - at 5th floor only
Number of one bedroom units: 9
Number of two bedroom units: 8
Number of three bedroom units: 0
Open space: _____
Percent of open space: _____

Proposed Additions:

Total basement floor area, if any, of addition: _____
Number of floors to be added: _____
Square footage added per floor: _____
Total building floor area (including addition): _____
Floor area ratio (total floor area ÷ total land area): _____
Open Space: _____
Percent of open space: _____

Office Space: 1,587 SF
Retail Space: 11,539 SF
Industrial Space: N/A
Assembly Space: 7,446 SF
Seating Capacity: 497
Maximum Occupancy Load: 1,384 (includes office, retail, assembly, and hotel)

Rental units or condominiums? Rental
Size of one bedroom units: 600 SF to 818 SF
Size of two bedroom units: 664 SF to 823 SF
Size of three bedroom units: N/A
Seating Capacity: N/A
Maximum Occupancy Load: 76 (includes 5th Fl residences only)

Use of addition: _____
Height of addition: _____
Office space in addition: _____
Retail space in addition: _____
Industrial space in addition: _____
Assembly space in addition: _____
Maximum building occupancy load (including addition): _____

10. Required and Proposed Setbacks

Required front setback: 0'
Required rear setback: 0'
Required total side setback: 0'
Side setback: 0'

Proposed front setback: 0'
Proposed rear setback: 0'
Proposed total side setback: 10'
Second side setback: 0'

11. Required and Proposed Parking

Required number of parking spaces: 1.25 x 9 + 1.5 x 8 = 24 spaces
Typical angle of parking spaces: 90 degree / 45 degree
Typical width of maneuvering lanes: varies-see plans
Location of parking on site: basement
Location of parking off site: none
Number of light standards in parking area: _____
Screenwall material: _____

Proposed number of parking spaces: 56
Typical size of parking spaces: 10' x 18' or larger
Number of spaces <180 sq. ft.: 0
Number of handicap spaces: 2
Shared parking agreement? no
Height of light standards in parking area: _____
Height of screenwall: _____

12. Landscaping

Location of landscape areas: _____
Planters at Via and Old Woodward
4" Shade Trees

Proposed landscape material: Raised planters with steel edge at Via. Birmingham standard along Old Woodward.
See landscape plan.

Regal Prince Oak and Triumph Elm Caliper shade trees.

13. Streetscape

Sidewalk width: 17' at Old Woodward; 10' at Via
Number of benches: 6
Number of planters: 4 at Via; 4 at Old Woodward
Number of existing street trees: 6
Number of proposed street trees: 9
Streetscape plan submitted? Yes

Description of benches or planters: Raised planter with steel edge at Via. Birmingham standard at Old Woodward
Species of existing trees: _____

Species of proposed trees: _____

14. Loading

Required number of loading spaces: (3) 40' x 12' x 14' H
Typical angle of loading spaces: 90 degrees
Screenwall material: Ornamental Metal Gate
Location of loading spaces on site: Loading doors open toward rear yard

Proposed number of loading spaces: 1

Typical size of loading spaces: 40' x 12' x 14'H

Height of screenwall: Ornamental Metal Gate

Typical time loading spaces are used: morning

Proposed number of waste receptacles: located indoors

Size of waste receptacles: located indoors

Height of screenwall: located indoors

Location of all utilities & easements: refer to civil

utility plan

Height of screenwall: N/A

Location of all ground mounted units: _____

Height of screenwall: _____

Location of all rooftop units: refer to rooftop plan

Size of rooftop units (L•W•H): MAU 22' x 11" x 8' H

Percentage of rooftop covered by mechanical units: 33%

Height of screenwall: 11' - 0 "

Distance from rooftop units to all screenwalls: varies

Size of accessory buildings: _____

Height of accessory buildings: _____

15. Exterior Waste Receptacles

Required number of waste receptacles: located indoors
Location of waste receptacles: located indoors
Screenwall material: _____

16. Mechanical Equipment

Utilities and Transformers:

Number of ground mounted transformers: 0

Size of transformers (L•W•H): _____

Number of utility easements: _____

Screenwall material: _____

Ground Mounted Mechanical Equipment:

Number of ground mounted units: 0

Size of ground mounted units (L•W•H): _____

Screenwall material: _____

Rooftop Mechanical Equipment:

Number of rooftop units: (2) MAU 50 tons each

Type of rooftop units: (30) air cooled VRF condensers; (1) kitchen exhaust fan; (11) toilet exhaust fans

Screenwall material: perforated corrugated metal panel

Location of screenwall: 5th floor rooftop

17. Accessory Buildings

Number of accessory buildings: N/A

Location of accessory buildings: _____

18. Building Lighting

Number of light standards on building: 18
Size of light fixtures (L•W•H): vaires - see plan
Maximum wattage per fixture: see fixture certs
Light level at each property line: see photometric study

Type of light standards on building: varies-see cert sheets

Height from grade: refer to elevations
Proposed wattage per fixture: _____

19. Site Lighting

Number of light fixtures: 4
Size of light fixtures (L•W•H): 11" x 4" x 12' 9"
Maximum wattage per fixture: 89 watts
Light level at each property line: N/A

Type of light fixtures: Luminaire LCC 30 LED
Height from grade: 12' 9.5"
Proposed wattage per fixture: 89 watts
Holiday tree lighting receptacles: N/A

20. Adjacent Properties

Number of properties within 200 ft.: 6

Property #1

Number of buildings on site: 1
Zoning district: Business Residential B-4
Use type: Office/Commercial
Square footage of principal building: _____
Square footage of accessory buildings: _____
Number of parking spaces: _____

Property Description: 255 S. Old Woodward, Office/Commercial

North, south, east or west of property? _____

Property #2

Number of buildings on site: 1
Zoning district: General Business B-2
Use type: Office
Square footage of principal building: _____
Square footage of accessory buildings: _____
Number of parking spaces: _____

Property Description: 300 S. Old Woodward, Office

North, south, east or west of property? _____

Property #3

Number of buildings on site: 1
Zoning district: General Business B-2
Use type: Office
Square footage of principal building: _____
Square footage of accessory buildings: _____
Number of parking spaces: _____

Property Description: 294 E. Brown, Office

North, south, east or west of property? _____

Property #4

Number of buildings on site: 1
Zoning district: Business Residential B-4
Use type: Office
Square footage of principal building: _____
Square footage of accessory buildings: _____
Number of parking spaces: _____

Property Description: 255 E. Brown, Office

North, south, east or west of property? _____

Property #5

Number of buildings on site: 1
Zoning district: Business Residential B-4
Use type: Restaurant
Square footage of principal building: _____
Square footage of accessory buildings: _____
Number of parking spaces: _____

Property Description: 220 E. Merrill, Restaurant

North, south, east or west of property? _____

Property #6

Number of buildings on site: 1
Zoning district: Business Residential B-4
Use type: Office/Commercial
Square footage of principal building: _____
Square footage of accessory buildings: _____
Number of parking spaces: _____

Property Description: 200 S. Old Woodward, Office/
Commercial

North, south, east or west of property? _____

The undersigned states the above information is true and correct, and understands that it is the responsibility of the applicant to advise the Planning Division and / or Building Division of any additional changes made to an approved site plan. The undersigned further states that they have reviewed the procedures and guidelines for site plan review in Birmingham, and have complied with same. The undersigned will be in attendance at the Planning Board meeting when this application will be discussed.

Signature of Owner:  **Date:** 8-19-19

Print Name: Jeffrey Silverman, Authorized Representative of Woodward Brown Ventures, LLC

Signature of Applicant:  **Date:** 8-19-19

Print Name: Jeffrey Silverman, Authorized Representative of Woodward Brown Ventures, LLC

Signature of Architect: _____ **Date:** 8-19-19

Print Name: Charlie Stetson, AIA, LEED, AP, Principal, Booth Hansen Architecture

Office Use Only

Application #: _____ Date Received: _____ Fee: _____

Date of Approval: _____ Date of Denial: _____ Accepted by: _____

Signature of Co-Applicant:

Aparium Hotel Group, LLC

By: _____
Name: _____
Its: _____

Date: _____

Property #6

Number of buildings on site: 1
Zoning district: Business Residential B-4
Use type: Office/Commercial
Square footage of principal building: _____
Square footage of accessory buildings: _____
Number of parking spaces: _____

Property Description: 200 S. Old Woodward, Office/Commercial

North, south, east or west of property? _____

The undersigned states the above information is true and correct, and understands that it is the responsibility of the applicant to advise the Planning Division and / or Building Division of any additional changes made to an approved site plan. The undersigned further states that they have reviewed the procedures and guidelines for site plan review in Birmingham, and have complied with same. The undersigned will be in attendance at the Planning Board meeting when this application will be discussed.

Signature of Owner: [Signature] Date: 8-19-19

Print Name: Jeffrey Silverman, Authorized Representative of Woodward Brown Ventures, LLC

Signature of Applicant: [Signature] Date: 8-19-19

Print Name: Jeffrey Silverman, Authorized Representative of Woodward Brown Ventures, LLC

Signature of Architect: [Signature] Date: 8-19-19

Print Name: Charlie Stetson, AIA, LEED, AP, Principal, Booth Hansen Architecture

Office Use Only

Application #: _____ Date Received: _____ Fee: _____

Date of Approval: _____ Date of Denial: _____ Accepted by: _____

Signature of Co-Applicant:

Aparium Hotel Group, LLC

By: _____
Name: _____
Its: _____

Date: _____

Property #6

Number of buildings on site: 1
Zoning district: Business Residential B-4
Use type: Office/Commercial
Square footage of principal building: _____
Square footage of accessory buildings: _____
Number of parking spaces: _____

Property Description: 200 S. Old Woodward, Office/Commercial

North, south, east or west of property? _____

The undersigned states the above information is true and correct, and understands that it is the responsibility of the applicant to advise the Planning Division and / or Building Division of any additional changes made to an approved site plan. The undersigned further states that they have reviewed the procedures and guidelines for site plan review in Birmingham, and have complied with same. The undersigned will be in attendance at the Planning Board meeting when this application will be discussed.

Signature of Owner: [Signature] Date: 8-19-19

Print Name: Jeffrey Silverman, Authorized Representative of Woodward Brown Ventures, LLC

Signature of Applicant: [Signature] Date: 8-19-19

Print Name: Jeffrey Silverman, Authorized Representative of Woodward Brown Ventures, LLC

Signature of Architect: _____ Date: 8-19-19

Print Name: Charlie Sletson, AIA, LEED, AP, Principal, Booth Hansen Architecture

Office Use Only

Application #: _____ Date Received: _____ Fee: _____

Date of Approval: _____ Date of Denial: _____ Accepted by: _____

Signature of Co-Applicant:

Aparium Hotel Group, LLC

By: [Signature]
Name: MARCO M. TRICE
Its: (CEO)

Date: _____



Notice Signs - Rental Application Community Development

1. Applicant

Name: Woodward Brown Ventures, LLC/Aparium Hotel Group
Address: 102 Pierce Street
Birmingham, MI 48009
Phone Number: (248) 247-3814
Fax Number:

Property Owner

Name: Woodward Brown Ventures, LLC
Address: 102 Pierce Street
Birmingham, MI 48009
Phone Number: (248) 247-3814
Fax Number:

2. Project Information

Address/Location of Property: 298 S. Old Woodward and
325 E. Brown, Birmingham, MI
Name of Development: Daxton Hotel
Area in Acres: 0.62 acres


Name of Historic District site is in, if any:
Current Use: vacant
Current Zoning: B-4/O-4

3. Date of Board Review

Board of Building Trades Appeals: N/A
City Commission:
Historic District Commission: 06/21/2017
Planning Board: 08/09/2019

Board of Zoning Appeals: N/A
Design Review Board: N/A
Housing Board of Appeals: N/A

The undersigned states the above information is true and correct, and understands that it is the responsibility of the applicant to post the Notice Sign(s) at least 15 days prior to the date on which the project will be reviewed by the appropriate board or commission, and to ensure that the Notice Sign(s) remains posted during the entire 15 day mandatory posting period. The undersigned further agrees to pay a rental fee and security deposit for the Notice Sign(s), and to remove all such signs on the day immediately following the date of the hearing at which the project was reviewed. The security deposit will be refunded when the Notice Sign(s) are returned undamaged to the Community Development Department. Failure to return the Notice Sign(s) and/or damage to the Notice Sign(s) will result in forfeiture of the security deposit.

Signature of Applicant: 

Date: 8/19/19

Jeffrey Silverman, Authorized Representative of Woodward Brown Ventures, LLC

Signature of Co-Applicant: Aparium Hotel Group, LLC

Date:

By:

Name:

Its:

Office Use Only

Application #: Date Received: Fee:

Date of Approval: Date of Denial: Reviewed by:



SPECIAL LAND USE PERMIT APPLICATION CHECKLIST – PLANNING DIVISION

Applicant: Woodward Brown Ventures, LLC/Aparium Hotel Group Case #: _____ Date: _____

Address: 102 Pierce Street, Birmingham, MI 48009 Project: Daxton Hotel

All site plans and elevation drawings prepared for approval shall be prepared in accordance with the following specifications and other applicable requirements of the City of Birmingham. If more than one page is used, each page shall be numbered sequentially. All plans must be legible and of sufficient quality to provide for quality reproduction or recording. Plans must be no larger than 24" x 36", and must be folded and stapled together. The address of the site must be clearly noted on all plans and supporting documentation.

Site Plan for Special Land Use Permit

A full site plan detailing the proposed changes for which approval is requested shall be drawn at a scale no smaller than 1" = 100' (unless the drawing will not fit on one 24" X 36" sheet) and shall include:

- ☒ 1. Name and address of applicant and proof of ownership;
- ☒ 2. Name of Development (if applicable);
- ☒ 3. Address of site and legal description of the real estate;
- ☒ 4. Name and address of the land surveyor;
- ☒ 5. Legend and notes, including a graphic scale, north point, and date;
- ☒ 6. A separate location map;
- ☒ 7. A map showing the boundary lines of adjacent land and the existing zoning of the area proposed to be developed as well as the adjacent land;
- ☒ 8. Aerial photographs of the subject site and surrounding properties;
- ☐ NA 9. A list of all requested elements/changes to the site plan;
- ☐ NA 10. Any changes requested marked in color on the site plans and on all elevations of any building(s);
- ☒ 11. Site plan showing the subject site in its entirety, including property lines, buildings and structures. Site plan must show the same details for all adjacent properties within 200 ft. of the subject sites property lines;
- ☒ 12. A chart indicating the dates of any previous approvals by the Planning Board, Board of Zoning Appeals, Design Review Board, or the Historic District Commission ("HDC");
- ☒ 13. Existing and proposed layout of streets, open space and other basic elements of the plan;
- ☒ 14. Existing and proposed utilities and easements and their purpose;
- ☐ NA 15. Location of natural streams, regulated drains, 100-year flood plains, floodway, water courses, marshes, wooded areas, isolated preserve-able trees, wetlands, historic features, existing structures, dry wells, utility lines, fire hydrants and any other significant feature(s) that may influence the design of the development;
- ☒ 16. General description, location, and types of structures on site;
- ☒ 17. Location of sidewalks, curb cuts, and parking lots on subject site and all sites within 200 ft. of the property line;
- ☒ 18. Details of existing or proposed lighting, signage and other pertinent development features;
- ☒ 19. Elevation drawings showing proposed design;

- ☒ 20. Screening to be utilized in concealing any exposed mechanical or electrical equipment and all trash receptacle areas;
- ☒ 21. Location of all exterior lighting fixtures;
- ☒ 22. A landscape plan showing all existing and proposed planting and screening materials, including the number, size, and type of plantings proposed and the method of irrigation; and
- ☒ 23. Any other information requested in writing by the Planning Division, the Planning Board, or the Building Official deemed important to the development.

Elevation Drawings

Complete elevation drawings detailing the proposed changes for which approval is requested shall be drawn at a scale no smaller than 1" = 100' (unless the drawing will not fit on one 24" X 36" sheet) and shall include:

- ☒ 24. Color elevation drawings showing the proposed design for each façade of the building;
- ☒ 25. List of all materials to be used for the building, marked on the elevation drawings;
- ☒ 26. Elevation drawings of all screenwalls to be utilized in concealing any exposed mechanical or electrical equipment, trash receptacle areas and parking areas;
- ☒ 27. Details of existing or proposed lighting, signage and other pertinent development features;
- ☒ 28. A list of any requested design changes;
- ☒ 29. Itemized list of all materials to be used, including exact size specifications, color, style, and the name of the manufacturer;
- ☒ 30. Location of all exterior lighting fixtures, exact size specifications, color, style and the name of the manufacturer of all fixtures, and a photometric analysis of all exterior lighting fixtures showing light levels to all property lines; and
- ☒ 31. Any other information requested in writing by the Planning Division, the Planning Board, or the Building Official deemed important to the development.

Law Offices of Jeffrey S. Silverman

3340 Bloomcrest
Bloomfield Hills, MI 48304
(248) 910-0678
Email: silvoman@aol.com

August 14, 2019

City of Birmingham Planning Board
151 Martin Street
Birmingham, MI 48012
Attn: Jana Ecker, Planning Director

Dear Ms. Ecker:

I have had the privilege of representing Mark Mitchell in legal matters for over twenty years. I submit this correspondence in connection with the SLUP Application for one of his business entities, Woodward Brown Ventures, LLC ("LLC"), the owner of The Daxton Hotel currently under construction in the City of Birmingham.

The land on which the hotel is being built is owned free and clear by LLC. To date, all construction costs have been funded by the LLC without financing. On today's date, LLC closed a construction loan with Flagstar Bank which will fund construction through completion. Prior to the construction funding commencing, LLC will provide an additional \$9 Million to the project. LLC and Mr. Mitchell have sufficient liquidity to fund the project until the construction financing commences.

Should you require any additional information, please feel free to contact me at the above listed number.

Warmest regards,



Jeffrey S. Silverman

DAXTON HOTEL

CHART OF BOARD REVIEWS AND ACTIONS

<u>DATE</u>	<u>BOARD</u>	<u>ACTION</u>
4/26/2017	Planning Board	First preliminary site plan review. Board postponed vote to 5/24/2017.
5/24/2017	Planning Board	Board approved CIS and preliminary site plan.
8/2/2017	Advisory Parking Committee	APC approved recommendation to remove 8 on-street parking meters for valet at curb.
8/9/2017	Planning Board	Board granted final site plan approval.
10/16/2017	City Commission	City Commission declined to approve license agreement for metered spaces at curb, sending matter back to APC.
3/28/2018	Planning Board	Board approved changes to exterior building materials for 5th floor stucco with exterior color to be approved at later date.
7/19/2018	Planning Board	Board approved design and material changes regarding penthouse exterior color, cast stone for exterior, metal railing, via sidewalk design, and second floor room layout.

OAKLAND COUNTY TREASURER'S CERTIFICATE
This is to certify that there are no delinquent property
taxes as of this date owed to our office on this property.
No representation is made as to the status of any taxes,
tax liens or titles owed to any other entities.

JAN 12 2016

ANDREW E. MEISNER, County Treasurer
Sec. 135, Act 206, 1893 as amended

7224
LIBER 48970 PAGE 673
\$19.00 DEED - COMBINED
\$4.00 REMONUMENTATION
01/13/2016 10:57:08 A.M. RECEIPT# 4719
PAID RECORDED - OAKLAND COUNTY
LISA BROWN, CLERK/REGISTER OF DEEDS

CHECKING COMPLETED
AT REGISTER OF DEEDS

JAN 12 2016

Register of Deeds
Oakland County, MI

COVENANT DEED

THIS INDENTURE is made this 8th day of January, 2016, between **WMSR COMPANY, L.L.C.**, a Michigan limited liability company, whose address is 30150 Telegraph Road, Suite 373, Bingham Farms, Michigan 48025 ("Grantor") and **WOODWARD BROWN VENTURES, LLC**, a Michigan limited liability company, whose address is 102 Pierce Street, Birmingham, Michigan 48009 ("Grantee").

WITNESSETH:

That the Grantor, for and in consideration of the sum disclosed on the Real Estate Transfer Tax Valuation Affidavit filed herewith to it paid by the Grantee, the receipt of which is hereby confessed and acknowledged, has transferred, granted, sold, and conveyed, and by these presents does transfer, grant, sell and convey, unto the Grantee, and to its successors and assigns, forever, all that certain real estate located in the City of Birmingham, County of Oakland, State of Michigan, described on **Exhibit A** attached hereto and incorporated herein, to have and to hold the premises as before described unto the Grantee, its successors and assigns, forever.

And the Grantor, for itself, and its successors, does hereby covenant, promise and agree to and with the Grantee, its successors and assigns, that Grantor will warrant and defend the said premises with the hereditaments and appurtenances unto the Grantee, its successors and assigns, forever against the lawful claims of all persons claiming by, from or under Grantor, but against no other claims or persons.

Subject, however, to easements, zoning ordinances, and restrictions of record, if any and to the exceptions set forth on the attached **Exhibit B**.

The Grantor grants to the Grantee the right to make all divisions legally available to the Property under Section 108 of the Land Division Act, Act No. 288 of the Public Acts of 1967, as amended.

This property may be located within the vicinity of farm land or a farm operation. Generally accepted agricultural and management practices which may generate noise, dust, odors and other associated conditions may be used and are protected by the Michigan Right to Farm Act.

63-15431453-SCM

S-23

REVENUE TO BE AFFIXED
AFTER RECORDING


OK - LG

RECEIVED
OAKLAND COUNTY
REGISTER OF DEEDS
JAN 12 PM 12:49

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51

IN WITNESS WHEREOF, the Grantor has executed this instrument on the date first written above and has declared this conveyance to be binding upon it and its personal representatives, heirs, successors and assigns.

WMSR COMPANY, L.L.C., a Michigan limited liability company


By: 
Mark A. Thomas, Member

By: 
William P. Jamnick, Member

STATE OF MICHIGAN)
) SS.
COUNTY OF Oakland)

The foregoing instrument was acknowledged before me this 8th day of January, 2016, by Mark A. Thomas and William P. Jamnick, the Members of WMSR Company, L.L.C., a Michigan limited liability company, on behalf of said Company.




_____, Notary Public
_____, County, Michigan
Acting in the County of _____
My Commission Expires: _____

Drafted By (And When Recorded, Return To:)

Mary P. Nelson, Esq.
Abbott Nicholson, P.C.
300 River Place, Suite 3000
Detroit, Michigan 48207-4225

Send Subsequent Tax Bills To:

Grantee

Return to: Mark Mitchell, 102 Pierce Street, Birmingham, MI 48009

EXHIBIT A

LEGAL DESCRIPTION

Property located in the City of Birmingham, Oakland County, Michigan more particularly described as:

Part of Lot 21 of Assessor's Plat No. 25, being a Replat of Taber Addition and Lots 1, 2 and 3, Brown's Addition and Plat of the Northeast 1/4 of Sec. 36, Town 2 North, Range 10 East, according to the Plat thereof as Recorded in Liber 54A, Page 73 of Plats, Oakland County Records, described as beginning at the Southeast corner of said Lot 21, thence North 35 degrees 59 minutes 36 seconds West along the east line of said Lot 21 a distance of 80.47 feet, thence South 61 degrees 39 minutes 51 seconds West 34.25 feet, thence South 30 degrees 13 minutes 39 seconds East 79.76 feet to the South line of said Lot 21, thence North 61 degrees 42 minutes 50 seconds East along said South line 42.34 feet to the point of beginning.

RE: 325 E. Brown Street, Birmingham, Michigan 48009

Tax Item No. 19-36-202(09)009

LEGAL DESCRIPTION

Property located in the City of Birmingham, Oakland County, Michigan more particularly described as:

Easterly part of Lot 3 lying adjacent to Lot 24, described as: Beginning at Northwest corner of Lot 24; thence South 35 degrees 30 minutes 00 seconds East 40.51 feet; thence South 61 degrees 32 minutes 15 seconds West 23.77 feet; thence North 36 degrees 25 minutes 04 seconds West 37.09 feet; thence North 53 degrees 16 minutes 30 seconds East 24.19 feet to beginning. Also part of Lot 21, beginning at Southwest corner of Lot 23; thence North 35 degrees 49 minutes 05 seconds West 52.93 feet; thence South 31 degrees 27 minutes 05 seconds East 52.56 feet; thence North 61 degrees 41 minutes 10 seconds East 4.04 feet to beginning. Also all of Lot 22, also Lot 23, except beginning at Northwest lot corner; thence North 61 degrees 32 minutes 15 seconds East 2.35 feet; thence South 31 degrees 27 minutes 05 seconds East 30.56 feet; thence North 35 degrees 49 minutes 05 seconds West 30.78 feet to beginning, also all of Lot 24, "Assessor's Plat No. 25", as recorded in Liber 54A, Page 73 of Plats, Oakland County Records.

RE: 298 South Old Woodward, Birmingham, Michigan 48009

Tax Item No. 19-36-202-016

EXHIBIT B – EXCEPTIONS TO TITLE

1. Any facts, rights, interests, or claims that are not shown by the public records but that could be ascertained by an inspection of the property or by making inquiry of persons in possession of the property.
2. Easements, liens, encumbrances, existing water, mineral, oil and exploration rights, or claims thereof, not shown by the public records.
3. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the title including discrepancies, conflicts in boundary lines, shortage in area, or any other facts that would be disclosed by an accurate and complete land survey of the Land, and that are not shown in the public records.
4. Taxes and assessments not assessed, due or payable as of the date hereof.
5. Subject to the rights of the public and of any governmental agency in any part of the land thereof taken, used or deeded for street, road or highway purposes.



MEMORANDUM

Planning Department

DATE: September 19, 2019
TO: Planning Board
FROM: Jana Ecker, Planning Director
SUBJECT: 298 S. Old Woodward Avenue – Daxton Hotel

The subject site, Daxton Hotel, is a luxury boutique hotel under construction at 298 S. Old Woodward, on the west side of the street on the corner of Brown Street. The property is zoned B-4, Business-Residential and D-4 in the Downtown Overlay District. The applicant, Woodward Brown Ventures, LLC / Aparium Hotel Group, is applying for a Special Land Use Permit (SLUP) to operate a hotel with restaurant facilities serving alcoholic liquors. The applicant is requesting approval to use a new Class B - Hotel Resort Economic Development license under the new ordinance allowing a hotel or movie theater to operate with a liquor license. Woodward Brown Ventures, LLC / Aparium Hotel Group is owned by several entities controlled by Mario Tricoci, Kevin Robinson and Howard Silverman. In addition to owning and operating the Daxton Hotel, all three are members of the LLC that owns/operates the Detroit Foundation Hotel and the Apparatus Room restaurant in Downtown Detroit. The applicant advises that the Detroit Foundation Hotel was recently named one of the best new hotels in the world by Conde Nast Traveler.

Article 2, section 2.37 (B4) of the Zoning Ordinance requires that a hotel or theater seeking to provide alcoholic beverage sales (on-premise consumption) shall obtain a Special Land Use Permit and site plan review. Accordingly, the applicant is required to obtain a recommendation from the Planning Board on the Final Site Plan and Special Land Use Permit, and then obtain approval from the City Commission for the Final Site Plan and Special Land Use Permit.

1.0 Land Use and Zoning

- 1.1 Existing Land Use - The existing site is currently under construction. The five story Daxton Hotel was previously approved for development, including restaurant and banquet facilities, but no liquor license approval was requested. Land uses surrounding the site are retail and commercial.
- 1.2 Existing Zoning – The property is currently zoned B-4, Business-Residential, 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
Existing Land Use	Commercial / Retail	Commercial / Retail	Commercial / Retail	Commercial / Retail
Existing Zoning District	B-4, Business-Residential	B-2, General Business	B-4, Business-Residential	B-4, Business-Residential
Downtown Overlay Zoning	D-4	D-3	D-4	D-4

2.0 Screening and Landscaping

- 2.1 Screening – No changes are proposed.
- 2.2 Landscaping – No changes are proposed.

3.0 Parking, Loading, Access, and Circulation

- 3.1 Parking – As the subject site is located within the Parking Assessment District, the applicant is not required to provide on-site parking for hotel, retail, restaurant or other commercial uses. Parking on site is required for the residential units on the fifth floor, and was reviewed and approved with the original Daxton site plan approval.
 - 3.2 Loading – No changes are proposed.
 - 3.3 Vehicular Access & Circulation - Vehicular access to the building will not be altered from what was previously approved.
 - 3.4 Pedestrian Access & Circulation – No changes are proposed. **However, there are numerous inconsistencies between the plan sheets submitted regarding pedestrian circulation around the building due to different placement of trees, landscaped areas, street lights etc. The applicant will be required to correct all sheets for consistency prior to appearing before the City Commission.**
 - 3.5 Streetscape – The applicant is not proposing to alter the previously approved sidewalk and streetscape plan. **However, there are numerous inconsistencies between the plan sheets submitted due to different placement of trees,**
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landscaped areas, street lights etc. The applicant will be required to correct all sheets for consistency prior to appearing before the City Commission.

4.0 Lighting

No new lighting is proposed at this time.

5.0 Departmental Reports

- 5.1 Engineering Division – The Engineering Dept. has reviewed the package of information submitted on August 26, 2019.

Various versions of the first floor site plan have been included in the package of information. They are not consistent with each other. The inconsistencies that are a concern relative to receiving construction approval of the sidewalk and parking area from the Engineering Dept. are as follows:

1. The site plans on pages 28, 29, 34, and 35 of the package does not include the required City street light located south of the southerly planter box on S. Old Woodward Ave. Page 36 shows the required street light in the best location possible to be consistent with the spacing to the north, as well as provide maximum benefit with respect to consistent lighting. Page 38 shows the light, but located further north in a spot that is not consistent with the landscape scheme that has been built on S. Old Woodward Ave., which could not be approved. We expect that this street light will be constructed as shown on page 36 on the final project to ensure proper lighting of the street and sidewalk in this immediate area.
2. The light distribution plan (page 38) shows a different landscape scheme than the other plans in that an additional planter box and tree has been proposed on the S. Old Woodward Ave. frontage. In addition, the tree spacing has been altered on this plan on the Brown St. frontage. These concepts are inconsistent with the landscape themes that have been approved and built for the streetscapes in the immediate area, and will not be approved.
3. On the site plan shown on page 28, there are notes relative to a hotel drop off and valet area on the street, but there are no details relative to its size. The landscape plan (page 36) also shows a valet drop off area on the street, as well as four angled parking spaces further north. Neither of these concepts have been approved by the City Commission. The applicant will have to return to the City Commission to obtain approval to remove metered parking spaces from across the frontage of the property as shown.
4. Outdoor dining has been shown on the S. Old Woodward Ave. sidewalk just north of the Brown St. intersection on the plan shown on page 35. The grading plan for this project was approved without any indication that this area would be used for outdoor dining, which would require the redirection of the main pedestrian path closer to the street and handicap ramps. The current grading plan has insufficient information available to determine if such an outdoor dining area can be accommodated. Our office will need clarification if this is indeed the proposed use

of this area, and have additional engineering done on the grading plan before a construction permit can be issued.

5.2 Department of Public Services – No comments were received from the DPS.

5.3 Fire Department – No comments were received from the Fire Department.

5.4 Police Department - The Police Department has no concerns.

5.5 Building Division – The Building Division has no concerns.

6.0 Hotel and Theater Liquor License Requirements

In 2017, the City Commission approved amendments to the Zoning Ordinance and Chapter 10, Alcoholic Liquors, to allow the service of liquor at hotels and theaters in the D4 zone district. The purpose of the amendments were to create 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 the request is deemed to constitute a substantial benefit to the city for the continuation and development of theaters and hotels, to establish criteria for selecting applicants, and to evaluate the impact of increased liquor licenses on the city.

The applicant, Woodward Brown Ventures, LLC / Aparium Hotel Group is currently developing the Daxton Hotel which is under construction at 298 S. Old Woodward. The Daxton was approved with 151 hotel and residential units and a first floor restaurant, lounge and banquet facilities. The applicant has advised that it is necessary to the experience and the viability of the hotel to serve alcoholic liquors in order to compete in this market. The entire hotel will be licensed by the MLCC.

Chapter 10, Alcoholic Liquors, section 101 outlines the following requirements when applying for a liquor license for a hotel or theater:

Persons desiring to transfer a liquor license from outside the city limits into the city limits in excess of the city's quota licenses shall make an application to the city commission and pay the applicable theater or hotel liquor license transfer review fee as set forth in appendix A of this Code. In addition to those items and conditions set forth in section 10-42, the application shall set forth in detail its proposed project, including, but not limited to:

- (1) Utilization of said liquor licenses and details on the number of quota liquor licenses in escrow at the time of application.
 - (2) Proposed and/or existing site plan of the property, building floor plan and an operations floor plan.
 - (3) An economic impact analysis.
 - (4) A copy of the special land use permit application and supporting documentation submitted by the applicant.
 - (5) All documentation submitted to the LCC requesting the transfer.
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- (6) 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 state liquor control commission (LCC) or actions taken by any municipality or the LCC to suspend, revoke or deny the non-renewal of said license and all other documentation setting forth the detail of the existing theater or proposed theater by the applicant, including the approximate dollar amount of the investment to be made, number of jobs to be created, minimum of 100 guest rooms for hotels and other benefits to the city.
 - (7) Information detailing how the proposed operation will create or sustain the theaters or hotels in the city.
 - (8) Such other items deemed necessary by city administration.

The applicant has advised that all quota liquor licenses are currently in use, with the exception of the following, which are currently in escrow for use by future tenants of the buildings where they are held:

1. PEABODY OWNER, LLC, 34965 Woodward
2. WILLITS CO-LICENSE LLC / MITCHELL'S ENTERTAINMENT, INC., 117 Willits
3. WILLITS CO-LICENSE LLC / MITCHELL'S ENTERTAINMENT, INC., 115 Willits
4. THE PALLADIUM OF BIRMINGHAM, LLC, 201 Hamilton Row

The applicant has provided a site plan and a floor plan of the first floor of the hotel with the licensed facilities, as well as elevations for the entire hotel. On the first floor, the plans submitted for the SLUP application show the following areas for the service of alcohol:

Licensed Area	Seating Capacity
Banquet Hall	290
Restaurant – Dining Area	94
Restaurant – Bar/Lounge Area	56
Men's Parlor	16
Women's Parlor	14
Wine Room	12
Pre-function Area	12
Outdoor Dining Area	18
TOTAL:	512 seats

The applicant has not provided an operations plan at this time. However, a detailed operations plan for large events was reviewed during the Community Impact Study review when the hotel was originally proposed. **The applicant will be required to verify that this plan will remain in place. The layout of the first floor function space has changed since the final site plan approval for the building as a whole, which will likely affect the operations plan.** Hours of operation for liquor sales will be seven days a week from 7:00 AM to 2:00 AM.

The applicant has submitted an economic impact analysis that indicates that the amount of investment proposed to be made for the construction of the Daxton Hotel is \$76,000,000.

In addition, the application states that 175 permanent jobs will be created once the Daxton Hotel is operational. **The application does not state whether these will be full time or part time jobs created.** The application further states that 300 construction jobs will be sustained during the construction of the Daxton Hotel. Overall, the applicant believes that the economic impact of the Daxton Hotel having a liquor license will be positive for the City, and will likely result in an assessed value more than eleven times greater than the assessed value of the property pre-construction.

The applicant has submitted the required SLUP application and supporting documentation. The applicant has also submitted to the Police Department all documentation submitted to the LCC regarding their application for a new B – Hotel Resort Economic Development license for use at 298. S. Old Woodward.

The applicant has provided information on the proposed license holder, Woodward Brown Ventures, LLC / Aparium Hotel Group, which is owned by several entities controlled by Mario Tricoci, Kevin Robinson and Howard Silverman. Identification and information has been provided on each of these co-owners, and the Police Department has conducted an investigation into each. None of the three principals have a criminal history, nor a history of any liquor violations within the State of Michigan.

The applicant has stated that the Daxton Hotel will provide a total of 151 guest rooms to the hotel market in Birmingham, which has been underserved. The applicant has advised that the service of alcohol is required for the operation of the Daxton Hotel, given market trends and the ability to compete with other hotels in the area, which also provide restaurant and banquet facilities and the service of alcohol. Granting the SLUP to the Daxton Hotel will enable it to serve alcohol and to compete and sustain their business into the future.

Chapter 10, Alcoholic Liquors, Section 102 also establishes the following criteria for reviewing applications for hotel or theater liquor licenses:

- (a) Selection criteria. In addition to the usual factors and criteria used by the city commission for liquor license requests, including those listed in section 10-42, 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:
 - (1) The applicant's demonstrated ability to finance the proposed project.
 - (2) The applicant's track record with the city including responding to city and/or citizen concerns.
 - (3) Whether the applicant has an adequate site plan to handle the proposed liquor license activities.
 - (4) Whether the applicant has adequate health and sanitary facilities.
 - (5) For theaters only, the percentage of proceeds from the sale of tickets and food products as compared to the sale of alcoholic beverages.
 - (6) Whether the applicant has outstanding obligations to the city (i.e. property taxes paid, utilities paid, etc.).
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- (b) Maximum number of theater and hotel licenses. The city commission may approve a maximum of two theater or hotel licenses each calendar year in addition to the existing quota licenses otherwise permitted by state law.
 - (d) If any new transfers of licenses for theaters or hotels 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.

The applicant has advised that they have the ability to finance the Daxton Hotel project and to operate the hotel once constructed. A letter provided from the owner's attorney states that the applicant owns the property free and clear, and that the LLC has provided the funds for the development through August 14, 2019. The letter notes that a construction loan was closed with Flagstar Bank which will fund the remaining construction through completion.

The applicant has a track record of responding to both City and citizen concerns with regards to issues that arose during construction of the Daxton Hotel.

The applicant has demonstrated an adequate site plan and floor plan that will accommodate the proposed service of liquor. The hotel will have adequate health and sanitary facilities for the proposed use.

The applicant does not currently have any outstanding obligations to the City.

In accordance with Chapter 10, section 102, the City Commission may approve a maximum of two theater or hotel licenses each calendar year in addition to the existing quota licenses. The City Commission must set a schedule for the review and consideration of applications for theater and hotel licenses. The Daxton Hotel is the only hotel existing or under construction in the City that is qualified to apply for a hotel liquor license under Chapter 10, Alcoholic Liquors due to its location in the B4 zone district. All existing hotels located in the B4 zone district currently operate with liquor licenses.

6.0 Design Review

The plans submitted for the SLUP application show several interior floor plan changes, specifically in relation to the wine bar placement.

The applicant is proposing no interior or exterior design changes to the building at this time.

The applicant is now proposing the addition of 18 outdoor dining seats along S. Old Woodward near the corner of Brown Street. Outdoor cafes must comply with the site plan criteria as required by Article 04, Section 4.41 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 area 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, whichever is earlier.
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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 12:00 a.m., whichever is earlier.
 4. All tables and chairs provided in the outdoor dining area shall be constructed primarily of metal, wood, or material of comparable quality.
 5. 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.
 6. 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) An elevated, ADA compliant, enclosed platform may be erected on the street adjacent to an eating establishment to create an outdoor dining area if the Engineering Department determines there is sufficient space available for this purpose given parking and traffic conditions.
 - (d) No such facility shall erect or install permanent fixtures in the public right-of-way.
 - (e) Commercial General Liability Insurance must be procured and maintained 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. This coverage shall include an endorsement naming the city, including all elected and appointed officials, all employees, all boards, commissions and/or authorities and board members, as an additional insured. This coverage must be primary and any other insurance maintained by the additional insureds shall be considered to be excess and non-contributing with this insurance, and shall include an endorsement providing for a thirty (30) day advance written notice of cancellation or non-renewal to be sent to the city's Director of Finance.

The applicant has not provided a trash receptacle within the outdoor dining area as required by Article 04, section 4.41 OD-01 of the Zoning Ordinance. In addition, the applicant has not provided the proposed business hours for the outdoor dining area.

The proposed outdoor café is not immediately adjacent to any single-family zoned property.

The applicant has not provided specification sheets for the proposed tables and chairs. **The applicant will be required to submit specification sheets for all outdoor furniture prior to appearing before the City Commission.**

A site plan has been submitted with dimensions that show a 5' clear pedestrian path around the outdoor dining area. However, the outdoor dining area does not include any enclosure system, which will be required by the MLCC if alcohol will be served outside.

The applicant will be required will be required to obtain an Outdoor Dining License from the City if the SLUP is approved by the City Commission.

Signage

All signage for SLUPs must be approved through the SLUP process. The applicant has not submitted any signage for review. However, the elevations clearly show a name letter sign on the canopy over the main entrance doors on the east elevation. **The applicant has not provided any details on the proposed signage materials, lighting, specific dimensions (24" height max), the distance of projection from the building or mounting details, all of which are required to verify compliance with the Sign Ordinance. The applicant will be required to provide all signage details to demonstrate compliance with all requirements of the Sign Ordinance or obtain a variance from the Board of Zoning Appeals.**

The Sign Ordinance requires that combined sign area be calculated based on the principal building frontage, which is defined as the width of the building on the side where the primary entrance to the business is located, which may or may not front a street. The Historic District Commission, Design Review Board or Planning Board may designate an alternate horizontal building width as the principal building frontage for signage purposes. The primary entrances are along the Willits frontage. The S. Old Woodward frontage is approximately 219.58', and thus the applicant is permitted a combined sign area of 1 square foot per each linear foot of principal building frontage or 100', whichever is less. The name letter sign shown on the east elevation appears to be well below the maximum amount permitted.

7.0 Downtown Birmingham 2016 Overlay District

The 2016 Birmingham Master Plan recommended a mix of retail, food services and entertainment in Downtown Birmingham, and encouraged the creation of more residential units to bring people downtown. The proposed hotel will bring many visitors to Downtown Birmingham, as well as residents that may occupy the units on the fifth floor. The use of the first floor for restaurant use is also consistent with the recommendations contained in the 2016 Plan, as restaurants are retail uses.

8.0 Approval Criteria

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.
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- (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 that the Planning Board recommend APPROVAL to the City Commission of the applicant's request for Final Site Plan and a SLUP for 298 S. Old Woodward, Daxton Hotel, subject to the following conditions:

1. The applicant correct all plan sheets for consistency and submit a revised operations plan if required prior to appearing before the City Commission;
 2. The applicant provide a trash receptacle within the outdoor dining area as required or obtain a variance from the Board of Zoning Appeals;
 3. The applicant provide the proposed business hours for the outdoor dining area prior to appearing before the City Commission;
 4. The applicant submit specification sheets for all outdoor furniture prior to appearing before the City Commission;
 5. The applicant provide all signage details to demonstrate compliance with all requirements of the Sign Ordinance or obtain a variance from the Board of Zoning Appeals prior to appearing before the City Commission; and
 6. The applicant comply with the requests of the City Departments.
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11.0 Sample Motion Language

Based on a review of the plans submitted, the Planning Board finds that all of the requirements of Article 7, Section 7.27 and Article 7, Section 7.34 have been met, thus the Planning Board recommends approval to the City Commission of the Special Land Use Permit for 298 S. Old Woodward – The Daxton Hotel, with the following conditions:

1. The applicant correct all plan sheets for consistency and submit a revised operations plan if required prior to appearing before the City Commission;
2. The applicant provide a trash receptacle within the outdoor dining area as required or obtain a variance from the Board of Zoning Appeals;
3. The applicant provide the proposed business hours for the outdoor dining area prior to appearing before the City Commission;
4. The applicant submit specification sheets for all outdoor furniture prior to appearing before the City Commission;
5. The applicant provide all signage details to demonstrate compliance with all requirements of the Sign Ordinance or obtain a variance from the Board of Zoning Appeals prior to appearing before the City Commission; and
6. The applicant comply with the requests of the City Departments.

AND

Based on a review of the plans submitted, the Planning Board finds that all of the requirements of Article 7, Section 7.27 and Article 7, Section 7.34 have been met, thus the Planning Board recommends approval to the City Commission of the Final Site Plan & Design Review for 298 S. Old Woodward – The Daxton Hotel with the following conditions:

1. The applicant correct all plan sheets for consistency and submit a revised operations plan if required prior to appearing before the City Commission;
2. The applicant provide a trash receptacle within the outdoor dining area as required or obtain a variance from the Board of Zoning Appeals;
3. The applicant provide the proposed business hours for the outdoor dining area prior to appearing before the City Commission;
4. The applicant submit specification sheets for all outdoor furniture prior to appearing before the City Commission;
5. The applicant provide all signage details to demonstrate compliance with all requirements of the Sign Ordinance or obtain a variance from the Board of Zoning Appeals prior to appearing before the City Commission; and
6. The applicant comply with the requests of the City Departments.

OR

Motion to POSTPONE the Final Site Plan and SLUP for 298 S. Old Woodward, Daxton Hotel, pending receipt of the following:

1. The applicant correct all plan sheets for consistency and submit a revised operations plan if required prior to appearing before the City Commission;
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2. The applicant provide a trash receptacle within the outdoor dining area as required or obtain a variance from the Board of Zoning Appeals;
 3. The applicant provide the proposed business hours for the outdoor dining area prior to appearing before the City Commission;
 4. The applicant submit specification sheets for all outdoor furniture prior to appearing before the City Commission;
 5. The applicant provide all signage details to demonstrate compliance with all requirements of the Sign Ordinance or obtain a variance from the Board of Zoning Appeals prior to appearing before the City Commission; and
 6. The applicant comply with the requests of the City Departments.

OR

Motion to recommend DENIAL of the Final Site Plan and SLUP to the City Commission for 298 S. Old Woodward, Daxton Hotel for the following reasons:

1. _____
2. _____

Birmingham Planning Board Proceedings September 25, 2019

- 2. 298 S. Old Woodward – Daxton Hotel** – Request for approval of a Special Land Use Permit and Final Site Plan and Design Review to consider granting approval for a hotel liquor license in the B4/D4 zoning district.

Planning Director Ecker presented the item. She noted that conditions two, three and four could be removed from the approval criteria since the applicant indicated they would not be pursuing outdoor dining at this time.

Vice-Chairman Williams conveyed Chairman Clein's concerns about hours of operation and noise levels, specifying that Vice-Chairman Williams believed Chairman Clein's concerns to primarily regard outdoor dining. Vice-Chairman Williams said other residents had also expressed concerns about noise levels since the outdoor dining proposal was included in the agenda materials available to the public. Observing that the fifth floor of the site will be residential, Vice-Chairman Williams ventured that the applicant would also be concerned about noise levels. He concluded that discussions of outdoor dining at this site in the future would entail readdressing concerns about hours and noise levels.

Mr. Jeffares commented that the plans approved in August 2017 included a lighted via with a wine bar, and now the plans describe a storage room for the hotel with a small outdoor space potential for banquet functions. Describing the Townsend's banquet rooms as frequently devoid of activity while facing the street, Mr. Jeffares queried what pedestrians would routinely see when passing by the windows of the Daxton given the proposed changes. He noted that these and other changes are significant, and wondered how they changed so much from the originally reviewed plans.

Planning Director Ecker confirmed for Mr. Share that the parking that would be available would be able to handle the hotel's proposed volume of activity.

Mr. Share said he was not convinced that a hotel would need to be able to serve liquor from 7

a.m. to 11 a.m. in order to remain competitive.

Ms. Whipple-Boyce shared Mr. Jeffares' concerns about the changes in the plans. The Board had been provided with a set of plans to review, and when they arrived at the evening's meeting they were provided with a different set of plans many pages in length. Ms. Whipple-Boyce stressed the unlikelihood that Board Members would be able to pinpoint all the differences between the two lengthy sets of plans during the course of the meeting alone, and said she hoped that the applicant would be able to point out the changes that had been made.

Mr. Koseck agreed with Mr. Jeffares' and Ms. Whipple-Boyce's concerns. He said he noted the window sizes, colors, and other attributes were changing, and that he was not clear whether those changes had been previously accepted or whether those were modifications the Board Members were considering during the present meeting.

Ms. Whipple-Boyce noted the material of the proposed railings had also changed.

In response to one of Mr. Koseck's questions, Vice-Chairman Williams stated the public had not been provided with the documents the Board Members received at the outset of the evening's meeting.

Mr. Boyle agreed with his colleagues' stated concerns. He noted that the 'Previous' and 'Current' plans provided were dated for the same day, which he said was confusing as a reader.

Rick Rattner, attorney for the project, addressed the Board. He said he did not like having to deliver a set of plans the night of a meeting, but that he had tried to make necessary updates as quickly as possible in order to have them available for the Board, and subsequently the Commission. He continued:

- The whole set of plans was re-provided to the Board Members, but that the only changes were the ones noted specifically in Planning Director Ecker's review. He said it was not his or the applicant's intent to provide the Board Members with an unreasonable number of changes to review during the meeting.
- Every one of the documents attached to the SLUP was permitted and approved by the City. The applicant has moved forward with construction based on all the approved plans.
- In a large project like this, it is to be expected that there will be changes to the plans. All those changes were brought to the requisite City department for approval.
- Tim Ugima, president of the developer, Jeffrey Silverman, general counsel and executive vice-president of the developer, Marshall Butler, architect for the project, Pat Howe, the project's liquor attorney, and Aaron Black, the manager of the Daxton, were all in attendance.

In reply to Mr. Koseck's questions regarding the differences between the hardcopy plans provided to the Board and the elevation being shown on the projection screens, Mr. Butler explained that the hardcopies provided represented the accurate plans and the images being projected were preliminary drawings.

Planning Director Ecker explained the approved plans would have gone through the City's permit review process.

Ms. Whipple-Boyce recalled that after original approval the applicant returned to the Board where the metal panel material on the top floor was changed to a lighter-colored stucco, the railing was changed from glass to the present metal, and the residential rooms on the fifth floor have terraces.

Mr. Butler asked that the Board disregard the outdoor furniture specifications that were included in the electronic materials provided for the site, as the applicant is not pursuing outdoor dining at this time.

Ms. Whipple-Boyce asked Mr. Butler to delineate any other differences between the previous electronic materials provided and the accurate hardcopy materials provided regarding the site.

Mr. Butler stated:

- The southernmost streetlamp in front of the entry to the building is included in the hardcopy materials.
- A single story of bump-out is permitted with a long horizontal window as indicated in the hardcopy materials.
- The outdoor dining was removed from the hardcopy materials.

Mr. Butler then replied to Mr. Jeffares' comments regarding the winebar and the via, and to Mr. Boyle's question regarding the difference between a 'wine room' and a 'wine bar'. He explained:

- The applicant's decision to relocate the wine bar was to downsize that aspect of the hotel and tie it to the front of the building on the Old Woodward side.
- The proposed storage room of the via may become something different in future years depending on how the hotel operates.
- The wine room, as proposed, would not be accessible off of the via space. One must enter through the hotel in order to access the wine room. He said he would have to defer to another member of the applicant's team for further answers regarding how the space would be operated.

Aaron Black, general manager of the hotel, said the wine room would not be operated as an ongoing bar business for public access. It could be used as banquet space or for wine storage or display with cabinetry around the room.

Ms. Whipple-Boyce observed that the Board was being asked to approve the floor plan included in the paper packet, which indicated sofas and lounge chairs and decorations in the storage and wine room spaces. Given that Ms. Whipple-Boyce said she was comfortable with those proposed layouts. She also noted that the word 'gallery' does not necessitate retail and could refer to an entryway or vestibule, which she suggested was more likely the intent of the word in the plans. While Ms. Whipple-Boyce said she was sorry to lose the wine room and the outdoor dining from the via, she referenced the previous discussion regarding Lincoln Yard, and stated that such a tremendous and beneficial investment in the City should not be hindered as a result of something as small as moving a wine room off the via.

Mr. Black clarified that the wine room and parlors could be rented both by hotel guests and outside patrons who wanted to use the space. He explained that these spaces being at the front

of the building means they will be show ready at all times in order to create an inviting environment. He explained that the storage rooms off the via are currently unprogrammed space but that it behooves the hotel to find something compelling and attractive to passerby. Mr. Black emphasized that it would be a lost opportunity for the hotel not to leverage that space to positive effect.

Mr. Share asked Mr. Black to consider a way that the Board could include the requirement for that room to remain productive and active within the SLUP requirements.

After being told that the room could not be screened off from the street to use it for storage, Mr. Black said he would need a bit more time to consider what parameters he could suggest to the Board for use of the space.

Vice-Chairman Williams underscored a previous point made by Mr. Jeffares that the Board does not want the storage room to resemble the Maple Road window view of Whole Foods. Vice-Chairman Williams added the window of the former Birmingham Drugs, which is now a CVS, and the window of Triple Nickle facing Woodward are two more windows the applicant should avoid replicating. He recommended the applicant visit those three locations to get a sense of what window views the Board would not look kindly upon.

Mr. Howe updated the Board on the liquor license application process for the hotel. He said the hotel would be applying for permits for portable bars to be used in reception and banquet areas in addition to the license being applied for from the State. The entire hotel would also be licensed from 7 a.m. to 2 a.m. because under state law, if a hotel guest wished to order an alcoholic beverage at time, the hotel bar could pour the drink and bring it up to the guest's room. That being the case, Mr. Howe also said the hotel is sensitive to noise issues and conscious of the fact that it will be a residential hotel.

Mr. Rattner added one comment regarding the via that the hope is still to maintain the area as an outdoor speakeasy with lights. He confirmed this with the owner, and these plans and plans for outdoor dining were included in the establishment's liquor application. He said the intent is that it would develop so that the plans for the via can be implemented appropriately.

Mr. Black confirmed for Vice-Chairman Williams that the Daxton Hotel would be sharing the same management company as the Foundation Hotel and Apparatus Room, both located in downtown Detroit. He stated that the ambience of the Daxton Hotel would be tailored to fit its Birmingham location, just as the ambience of the Foundation Hotel was tailored to fit its energetic downtown environment.

Vice-Chairman Williams replied, opining that the Foundation Hotel and Apparatus Room are fabulous and that while there will be differences between the Foundation and the Daxton, maintaining the same level of quality will be important.

Mr. Howe confirmed for Mr. Boyle that if the Daxton chose to pursue a course towards activating what is currently called the storage room on the plans, the Daxton would not need to return to the State for an update to their liquor license as the whole building will be licensed once their current application is approved.

Vice-Chairman Williams clarified that the applicant would, however, need to return to amend their SLUP should they choose to install a permanent bar in any room not already approved as part of the original SLUP application.

Mr. Koseck addressed his fellow Board Members regarding the concerns raised about the windows of Whole Foods and Triple Nickle. He said that while he was not seeking to defend those establishments, both require a back-of-house which necessitates some of those aspects showing through the windows of their business. He explained the storage room being proposed is about the size of a one-and-a-half car garage which is 50 to 60 feet deep into the via, and pedestrians will pass a long wall where nothing of the interior will be visible. He said that while the storage for the banquet room items should have been determined appropriately prior to this meeting, the Daxton will need a space to store its banquet tables and chairs. Speaking as an architect Mr. Koseck explained that plans for a building tend to evolve right up until an application is approved by the City, and that is to be expected. He said he did not want to see the Board compel the Daxton to run a business in the 300 square feet in the back of the via.

It was clarified for Mr. Koseck that the plans the Board would be approving tonight would include the storage room with transparent windows, as indicated in the plans.

Motion by Ms. Whipple-Boyce

Seconded by Mr. Share that based on a review of the plans submitted, as the Planning Board finds that all of the requirements of Article 7, Section 7.27 and Article 7, Section 7.34 have been met, the Planning Board recommends approval to the City Commission of the Special Land Use Permit for 298 S. Old Woodward – The Daxton Hotel, with the following conditions:

- 1. The applicant correct all plan sheets for consistency and submit a revised operations plan if required prior to appearing before the City Commission;**
- 2. The applicant provide all signage details to demonstrate compliance with all requirements of the Sign Ordinance or obtain a variance from the Board of Zoning Appeals prior to appearing before the City Commission; and**
- 3. The applicant comply with the requests of the City Departments, especially Engineering.**

Motion carried, 7-0.

VOICE VOTE

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

Nays: None

Motion by Ms. Whipple-Boyce

Seconded by Mr. Share that based on a review of the plans submitted, as the Planning Board finds that all of the requirements of Article 7, Section 7.27 and Article 7, Section 7.34 have been met, the Planning Board recommends approval to the City Commission of the Final Site Plan and Design Review based on the submission of September 25, 2019, attached as Exhibit A, for 298 S. Old Woodward – The Daxton Hotel, with the following conditions:

- 1. The applicant correct all plan sheets for consistency and submit a revised operations plan if required prior to appearing before the City Commission;**
- 2. The applicant provide all signage details to demonstrate compliance with all requirements of the Sign Ordinance or obtain a variance from the Board of Zoning Appeals prior to appearing before the City Commission; and**
- 3. The applicant comply with the requests of the City Departments, especially Engineering.**

Motion carried, 7-0.

VOICE VOTE

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

Nays: None

Architecture Interiors Planning
333 South Des Plaines Street
Chicago, Illinois 60661

17	ISSUED FOR CONSTRUCTION	02-01-19
14	ISSUE FOR BID	10-30-18
13	ISSUED FOR 90% CD	09-28-18
11	ISSUED FOR BUILDING PERMIT	08-31-18
5	ISSUED FOR SUPERSTRUCTURE BID	03-15-18
4	ISSUED FOR FOUNDATION PERMIT	02-19-18
3	DESIGN DEVELOPMENT PROGRESS	02-02-18
2	SITE DEMOLITION PERMIT	01-09-18
1	SCHEMATIC DESIGN	8-31-17

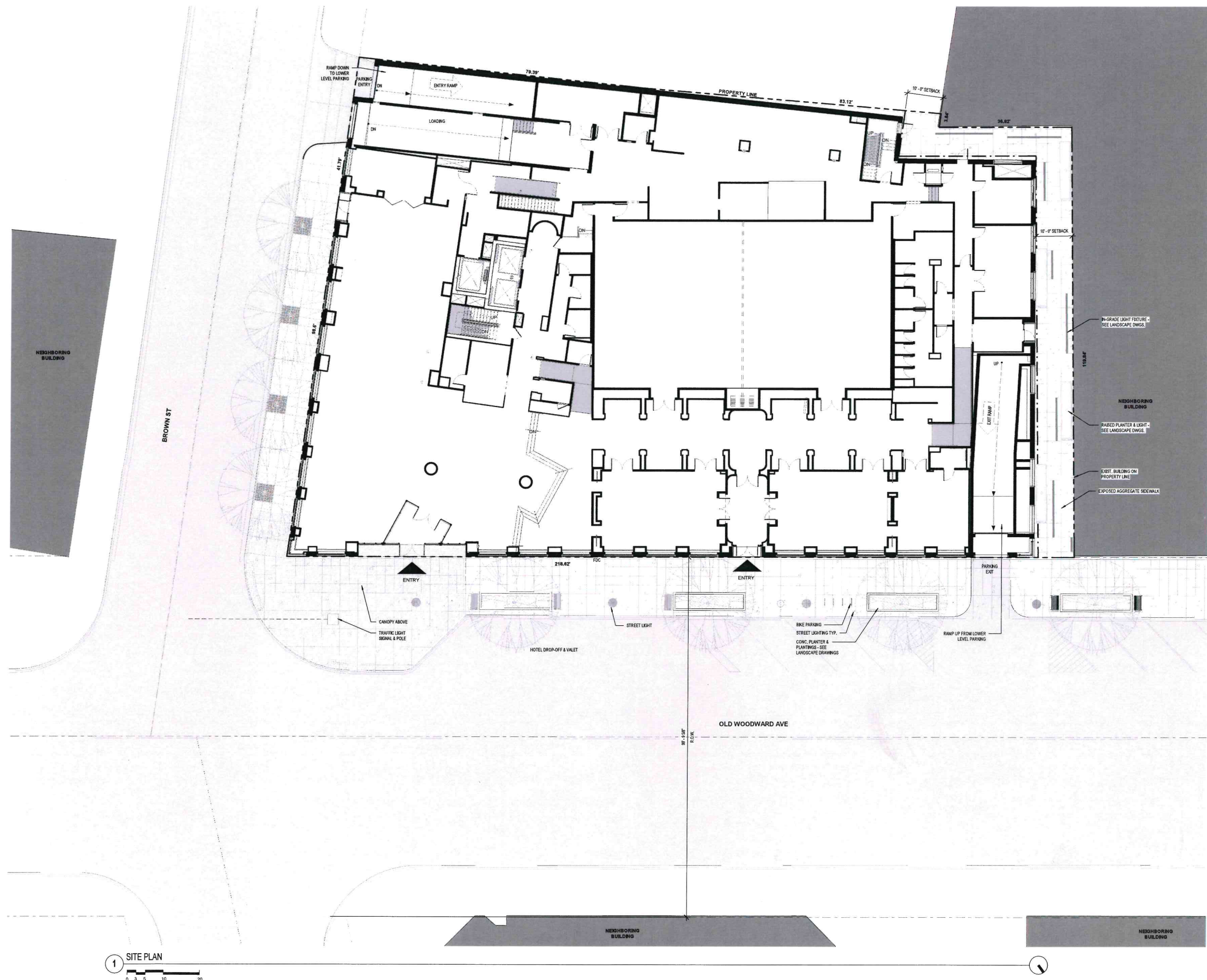
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PROJECT NUMBER	1623
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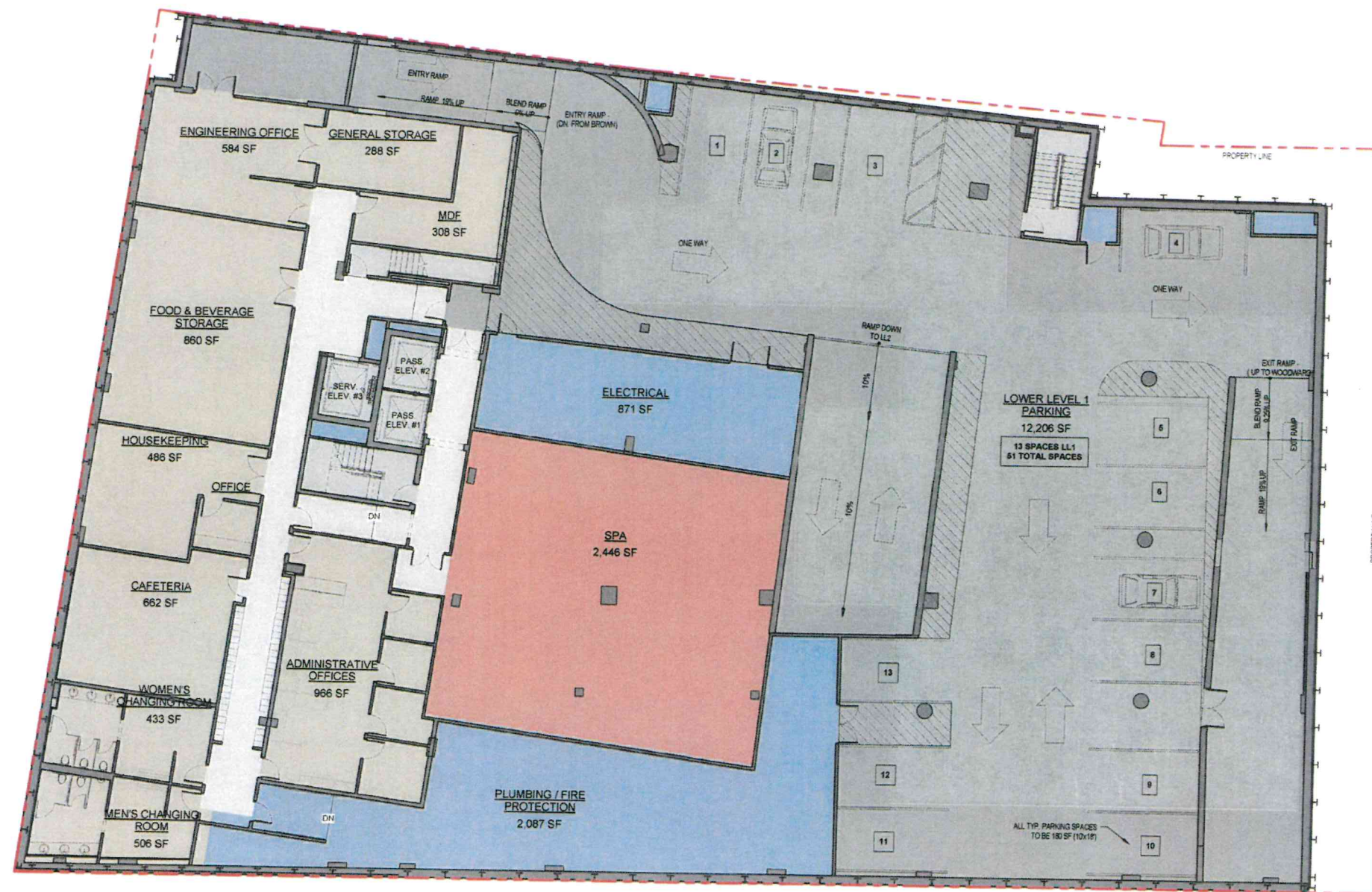
298 S Old Woodward Ave.
Birmingham, MI 48009

A001



M:\Projects\1623 Birmingham Hotel\01 Drawings\02 Local\1623 Birmingham Hotel_dtfurbee.rvt





BOOTH HANSEN

Architecture Interiors Planning
333 South Des Plaines Street
Chicago, Illinois 60661

PLAN GENERAL NOTES

- SEE INTERIOR DESIGN DRAWINGS FOR ENLARGED PLANS, ELEVATIONS, AND DETAILS OF GUESTROOMS AND GUESTROOM BATHROOMS.
- FOR ADDITIONAL INFORMATION ON KITCHEN EQUIPMENT, SEE FOOD SERVICE DRAWINGS.
- SEE A600 FOR EXTERIOR WALL TYPES REFER TO INTERIOR DESIGN DRAWINGS FOR ENLARGED PLANS, INTERIOR ELEVATIONS AND DETAILS OF ALL PUBLIC SPACES.
- PROVIDE METAL CORNER GUARDS AT ALL EXPOSED CMU CORNERS IN BOH SPACES.
- REFER TO FOOD SERVICE DRAWINGS FOR CORNER GUARDS IN FOOD SERVICE AREAS
- REFER TO SHEET A604 DOOR SCHEDULE FOR SCHEDULE OF CASED OPENINGS AND SIZES.
- PROVIDE PLYWOOD BACKING AS REQUIRED IN TELE. CLOSET.
- REFER TO LANDSCAPE DRAWINGS FOR FOR GREEN ROOF PLANTINGS FINAL LOCATIONS OF FIRE EXTINGUISHER CABINETS TO BE REVIEWED/APPROVED BY FIRE DEPARTMENT AND BUILDING OFFICIAL ON SITE.

27	BULLETIN #14	09-13-19
26	BULLETIN #13	07-31-19
22	BULLETIN #09	06-28-19
17	ISSUED FOR CONSTRUCTION	02-01-19
16	BID ADDENDUM #2	11-16-18
15	PERMIT CORRECTIONS	11-16-18
14	ISSUE FOR BID	10-30-18
13	ISSUED FOR 90% CD	09-28-18
12	ISSUED FOR FOUNDATION CONSTRUCTION	09-07-18
11	ISSUED FOR BUILDING PERMIT	08-31-18
5	ISSUED FOR SUPERSTRUCTURE BID	03-15-18
4	ISSUED FOR FOUNDATION PERMIT	02-19-18
3	DESIGN DEVELOPMENT PROGRESS	02-02-18
1	SCHEMATIC DESIGN	8-31-17

NO. DESCRIPTION DATE



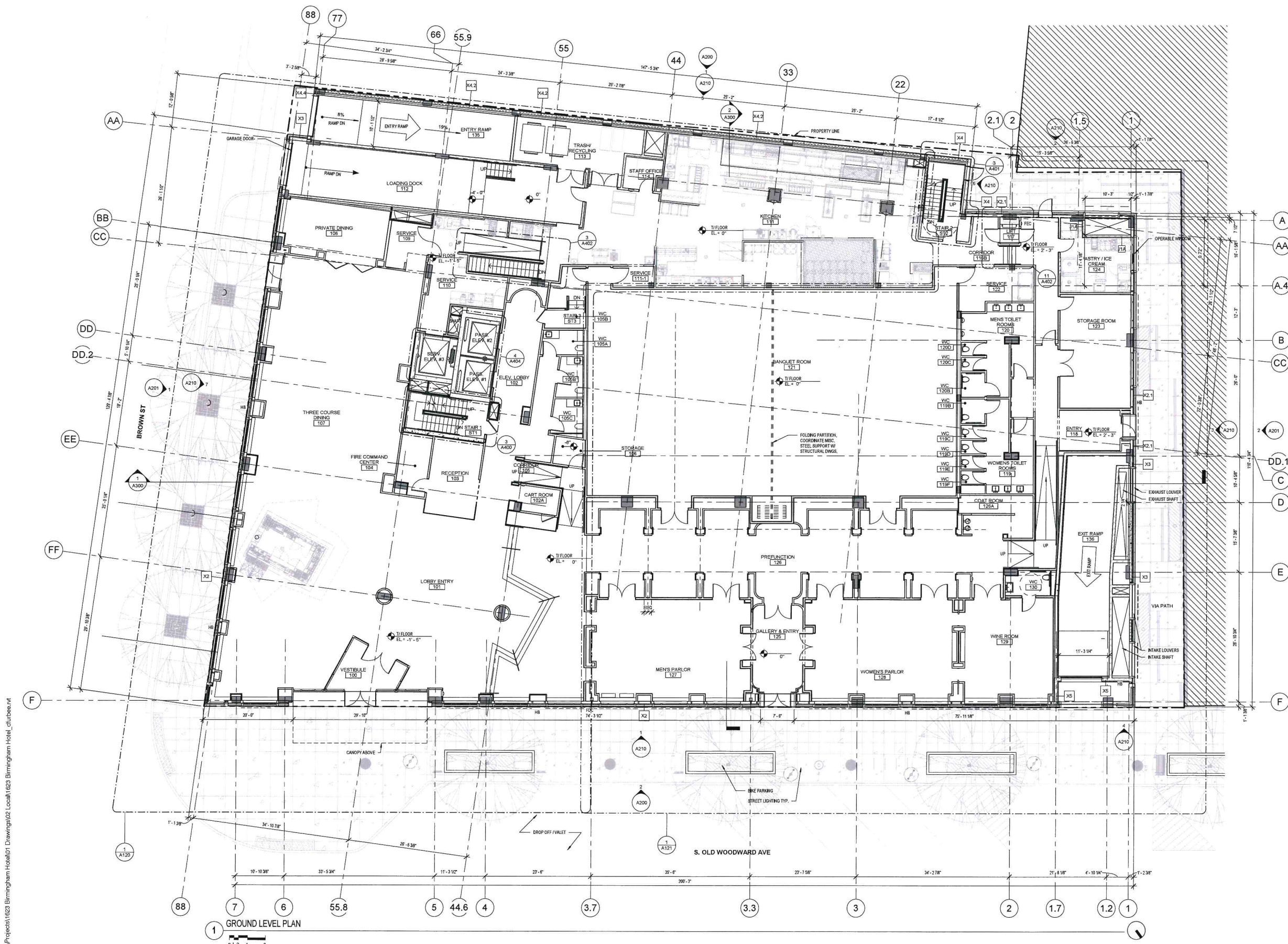
PROJECT NUMBER 1623

Daxton Hotel

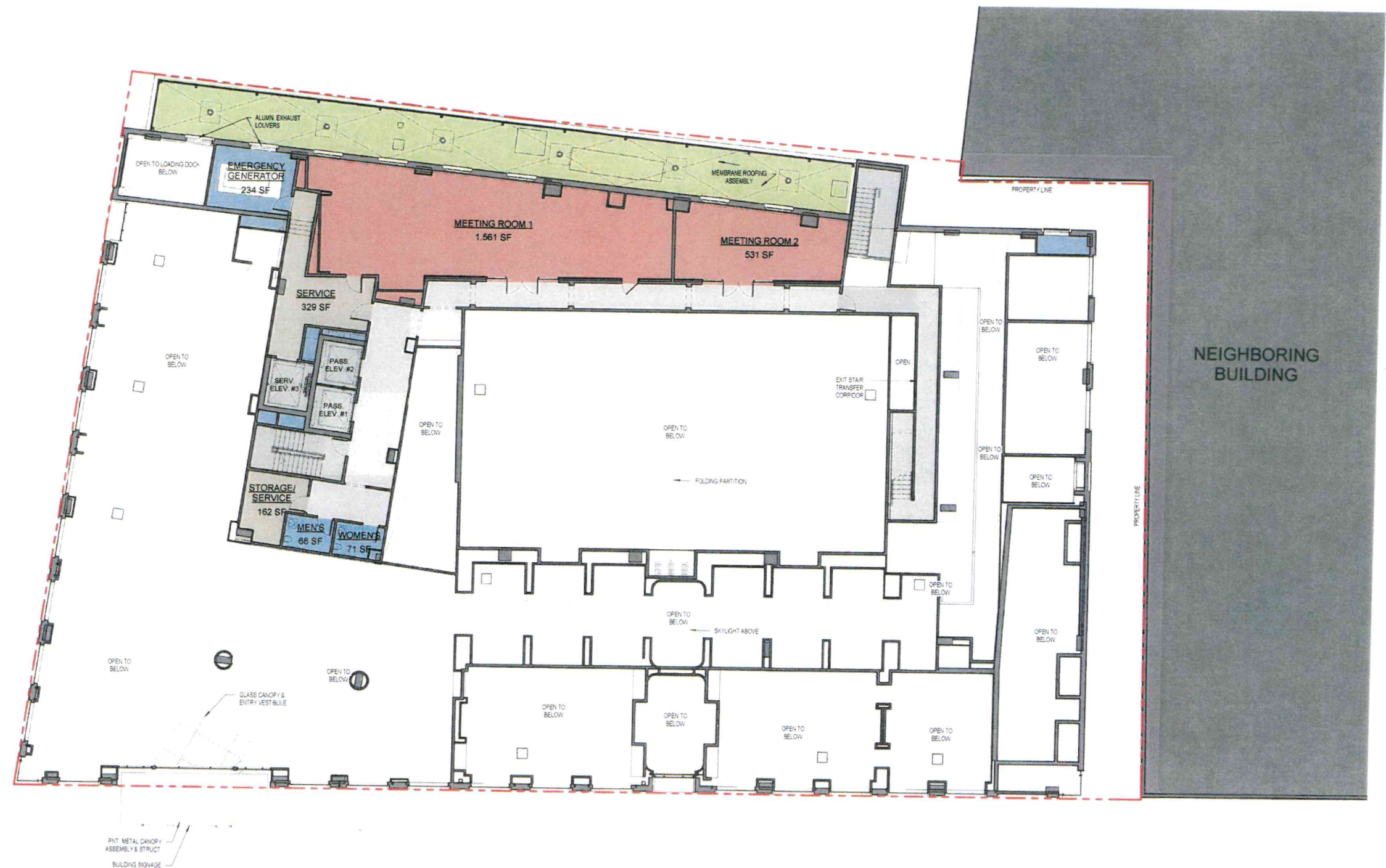
298 S Old Woodward Ave.
Birmingham, MI 48009

GROUND LEVEL PLAN

A101



M:\Projects\1623 Birmingham Hotel\01 Drawings\02 Local\1623 Birmingham Hotel_dftubea.rvt



S | D

SIMONE DEARY DESIGN GROUP
665 N. MICHIGAN AVENUE STE. 350
CHICAGO, IL 60611
312.274.0606
312.274.0707

GENERAL NOTES:

- 1) REFER TO ARCHITECTURAL DRAWINGS FOR BOH AREAS
- 2) ALL DIMENSIONS ARE FROM FINISHED FACE OF WALL TO FINISHED FACE OF WALL, UNLESS NOTED OTHERWISE
- 3) REFER TO ARCHITECTURAL DOOR SCHEDULE FOR DOOR & HARDWARE TYPES
- 4) PROVIDE BLOCKING AT ALL ARTWORK, REFER TO FURNITURE PLAN & 3D ELEVATIONS FOR ARTWORK LOCATIONS
- 5) SEE SCHEDULES FOR BATHROOM ACCESSORIES, PLUMBING & DECORATIVE HARDWARE SPECIFICATIONS
- 6) SC TO PROVIDE IN-WALL BLOCKING FOR ALL WALL AND/OR CEILING MOUNTED MILLWORK PANELS, ARTWORK, SHELVEING, CASEGOODS, EQUIPMENT, ETC. AS REQUIRED, COORDINATE ALL DISCREPANCIES BLOCKING LOCATIONS WITH ARCHITECT PRIOR TO CONSTRUCTION
- 7) SOLID HATCH DENOTES AREAS NOT TO BE CONSTRUCTED
- 8) REFER TO ARCHITECT'S DRAWINGS FOR STAIR, RAMP, & FLOORING INFORMATION

KEY NOTES:

- 1) FURNISH & INSTALL METAL FRAME GEODE STRUCTURE WITH INTEGRATED LIGHTING. REFER TO 3D ELEVATIONS & DETAILS FOR MORE INFORMATION. GEODE FABRICATION TO ENSURE FORM OF GEODE STRUCTURE COMPLIES WITH ADA CODE REQUIREMENTS. COORDINATION REQUIRED WITH CONSULTANT FOR STRUCTURAL SUPPORT, LIGHTING & MEP REQUIREMENTS
- 2) FURNISH & INSTALL BAR MILLWORK AS INDICATED. REFER TO 3D ELEVATIONS & DETAILS FOR MORE INFORMATION. REFER TO KITCHEN CONSULTANT PLANS FOR EQUIPMENT, PROVIDE PLUMBING & POWER/DATA AS REQUIRED
- 3) FURNISH & INSTALL MILLWORK AS INDICATED. REFER TO 3D ELEVATIONS & DETAILS FOR MORE INFORMATION. PROVIDE BLOCKING AS REQUIRED
- 4) REFER TO KITCHEN CONSULTANT PLANS FOR EQUIPMENT, PROVIDE PLUMBING, LIGHTING, POWER/DATA AS REQUIRED
- 5) FLIP-UP MILLWORK COUNTER

ISSUE DATE: 08.12.2019

BULLETIN 14

REVISIONS:

NUMBER	DATE	DESCRIPTION
16	11.10.2018	REV. ADDENDUM 2
17	02.01.2019	ISSUED FOR CONSTRUCTION
18	06.12.2019	BULLETIN 13
19	06.12.2019	BULLETIN 14

DAXTON BIRMINGHAM HOTEL
298 S. OLD WOODWARD AVENUE
BIRMINGHAM, MI

PROJECT NUMBER: 1803

DRAWN BY: SIMONE DEARY DESIGN GROUP

CHECKED BY: UI

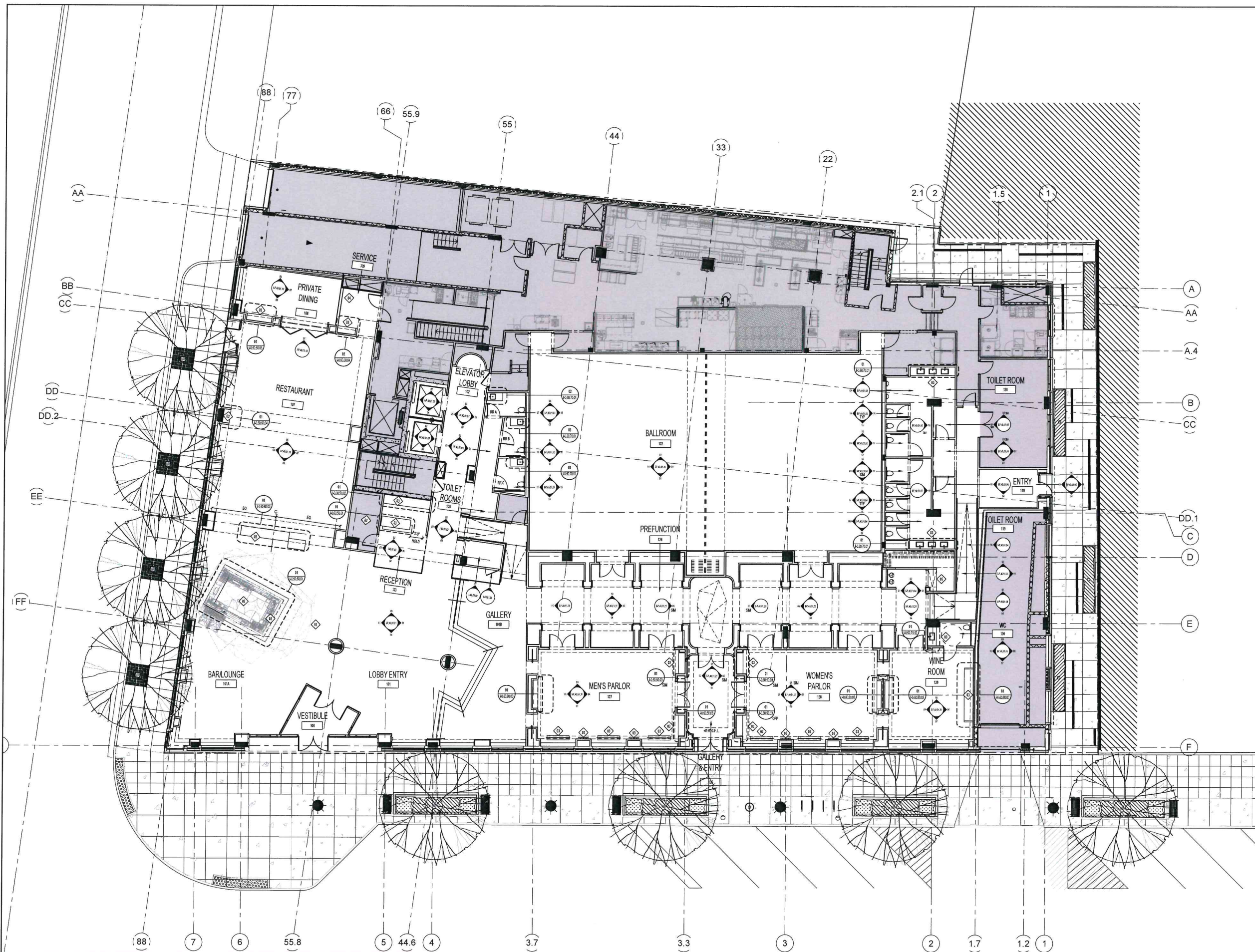
DRAWING TITLE:

1ST FLOOR PLAN

SHEET NUMBER:

I-P.20.01.01

© 2019 SIMONE DEARY DESIGN GROUP



1ST FLOOR PLAN

SCALE: 1/8" = 1'-0"

01

S | D

SIMONE DEARY DESIGN GROUP
855 N. MICHIGAN AVENUE STE 350
CHICAGO IL 60611
312.274.0606
312.274.0707

GENERAL NOTES:

- (1) REFER TO ARCHITECTURAL DRAWINGS FOR ROOM AREAS
(2) PROVIDE BLOCKING AT ALL ARTWORK, TV, MIRRORS AS REQUIRED, TYP.

KEY NOTES:

- (1) PROVIDE BLOCKING AT ALL ARTWORK, TV, MIRRORS AS REQUIRED, TYP.
(2) NEW AREA RUGS AS SPECIFIED. REFER TO FFE SPECIFICATIONS FOR MORE INFORMATION. FLOOR FINISH TO CARRY UNDER AREA RUGS.
(3) COORDINATION REQUIRED WITH FURNITURE & MILLWORK THAT REQUIRES POWER
(4) MULTIFUNCTIONAL SPACE WITH TEMPORARILY MOBILE FURNITURE GROUPINGS

ISSUE DATE: 08.12.2019

REVISIONS:

NUMBER	DATE	DESCRIPTION
05	11.16.2019	PERMIT CORRECTION
07	02.01.2020	REVISED FOR CONSTRUCTION
08	06.22.2020	REVISION 10

DAXTON BIRMINGHAM HOTEL
298 S OLD WOODWARD AVENUE
BIRMINGHAM, MI

PROJECT NUMBER: 1003
DRAWN BY: SIMONE DEARY DESIGN GROUP
CHECKED BY: JJ
DRAWING TITLE:
1ST FLOOR - FURNITURE PLAN

SHEET NUMBER:

I-P.24.01.01

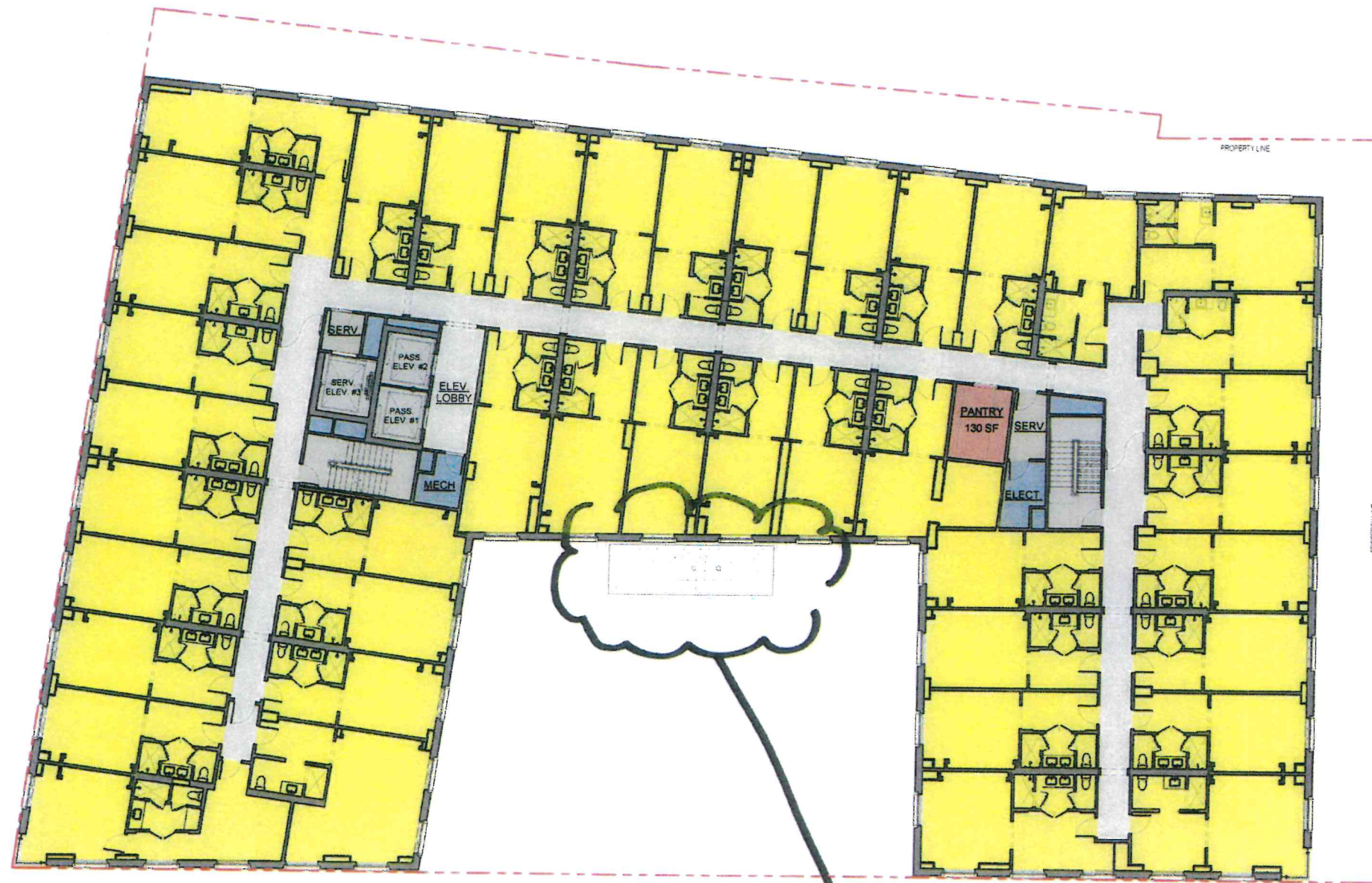
(C) 2019 SIMONE DEARY DESIGN GROUP

1ST FLOOR - FURNITURE PLAN

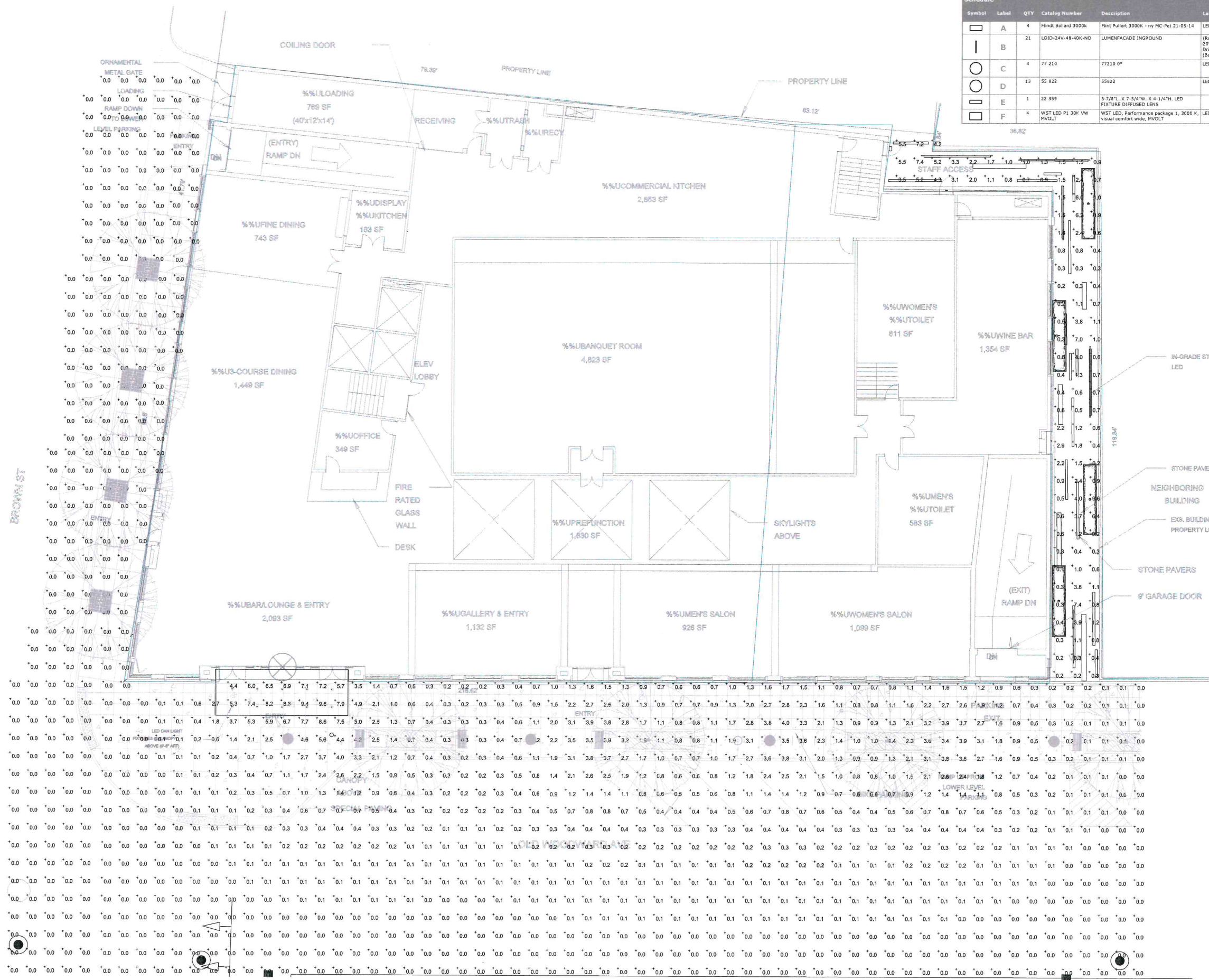
SCALE: 1/8" = 1'-0"

01









Schedule									
Symbol	Label	QTY	Catalog Number	Description	Lamp	Number Lamps	Lumens per Lamp	LLF	Wattage
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	B	21	LOID-24V-48-48K-NO	LUMENFACADE INGROUND	(Row of 5630C LED's) White 20W SSL c/w Meanwell Driver LFP-48-24 @ 120.00V (Based on IES LM-35-1999)	1	811	0.9	18.48
	C	4	77 210	77210 0"	LED 57,4W	1	2869	0.9	66
	D	13	55 822	55822	LED 4,2W	1	290	0.9	6
	E	1	22 359	3-7/8"L X 7-3/4"W X 4-1/4"H LED FIXTURE DIFFUSED LENS		1	331	0.9	14.09
	F	4	WST LED P1 30K VW MVOLT	WST LED, Performance package 1, 3000 K, visual comfort wide, MVOLT	LED	1	1548	0.9	12

Statistics						
Description	Symbol	Avg	Max	Min	Max/Min	Avg/Min
Alley	+	1.8 fc	9.9 fc	0.2 fc	49.5:1	9.0:1
Streetscape	+	0.6 fc	9.8 fc	0.0 fc	N/A	N/A

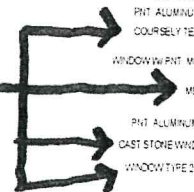
- NOTES:
1. TYPE C ON 12' POLES.
 2. TYPE D MOUNTED AT 9'-6" AFF AT MAIN CANOPY AND AT 8' AFF AT OTHER LOCATIONS.
 3. TYPE E AND F MOUNTED AT 10' AFF.



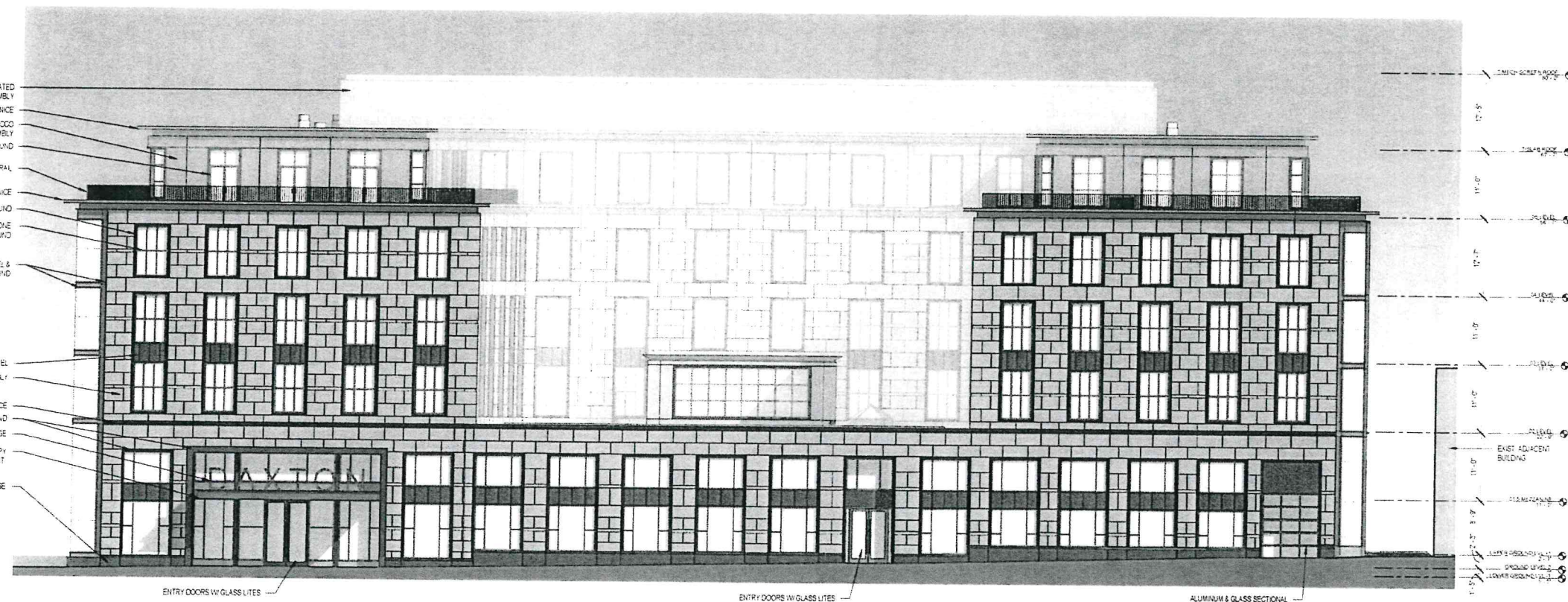
BIRMINGHAM HOTEL

Designer
LAC
Date
6/5/2017
Scale
Not to Scale
Drawing No.
Summary

Revised *

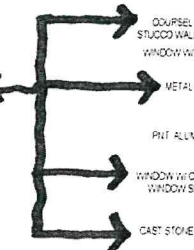


Revised *

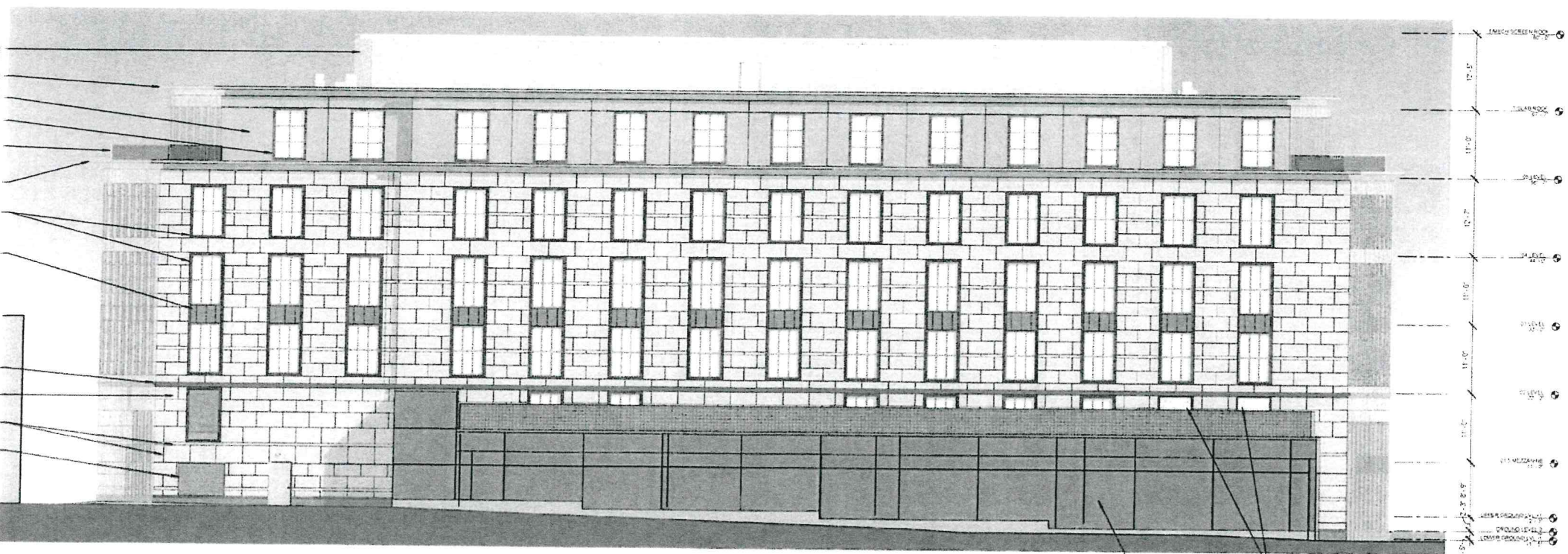


1 EAST ELEVATION

Revised *



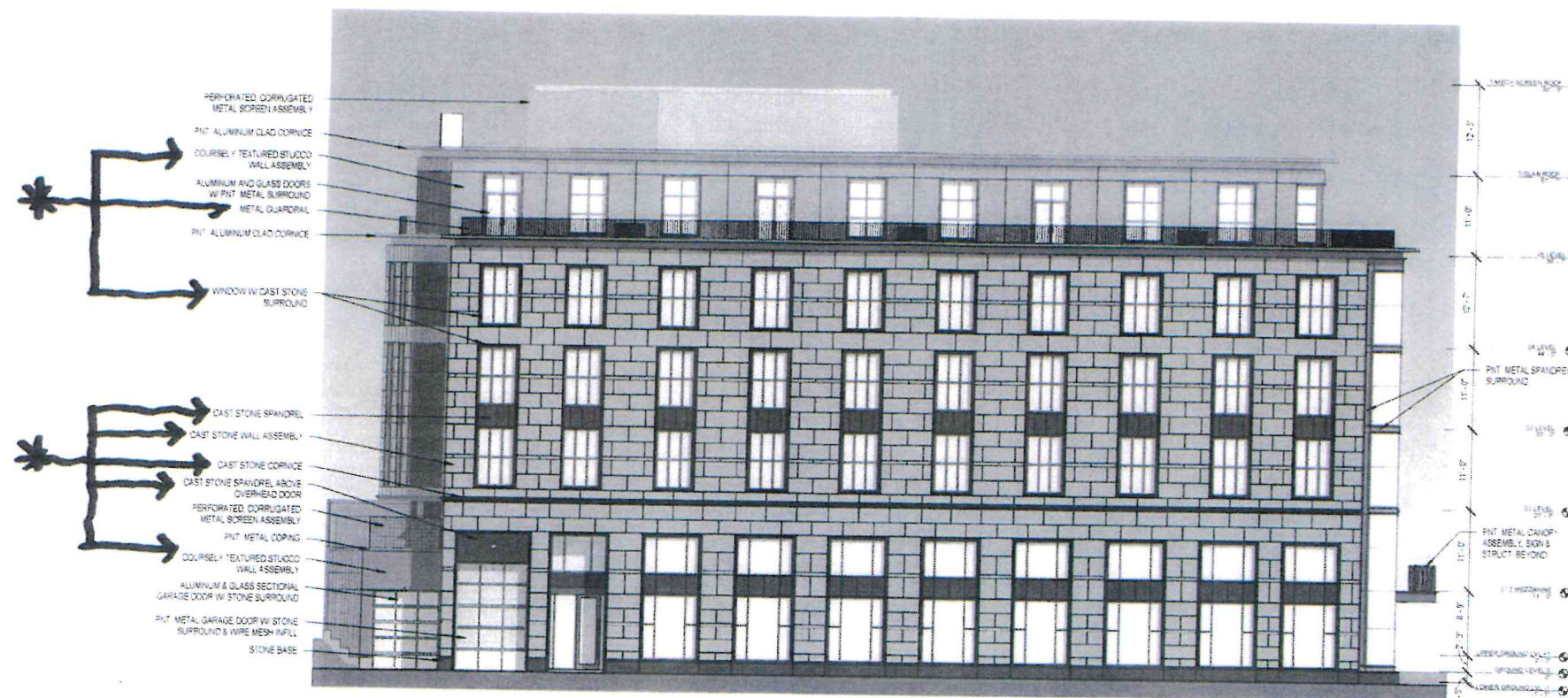
Revised *



2 WEST ELEVATION

Revised

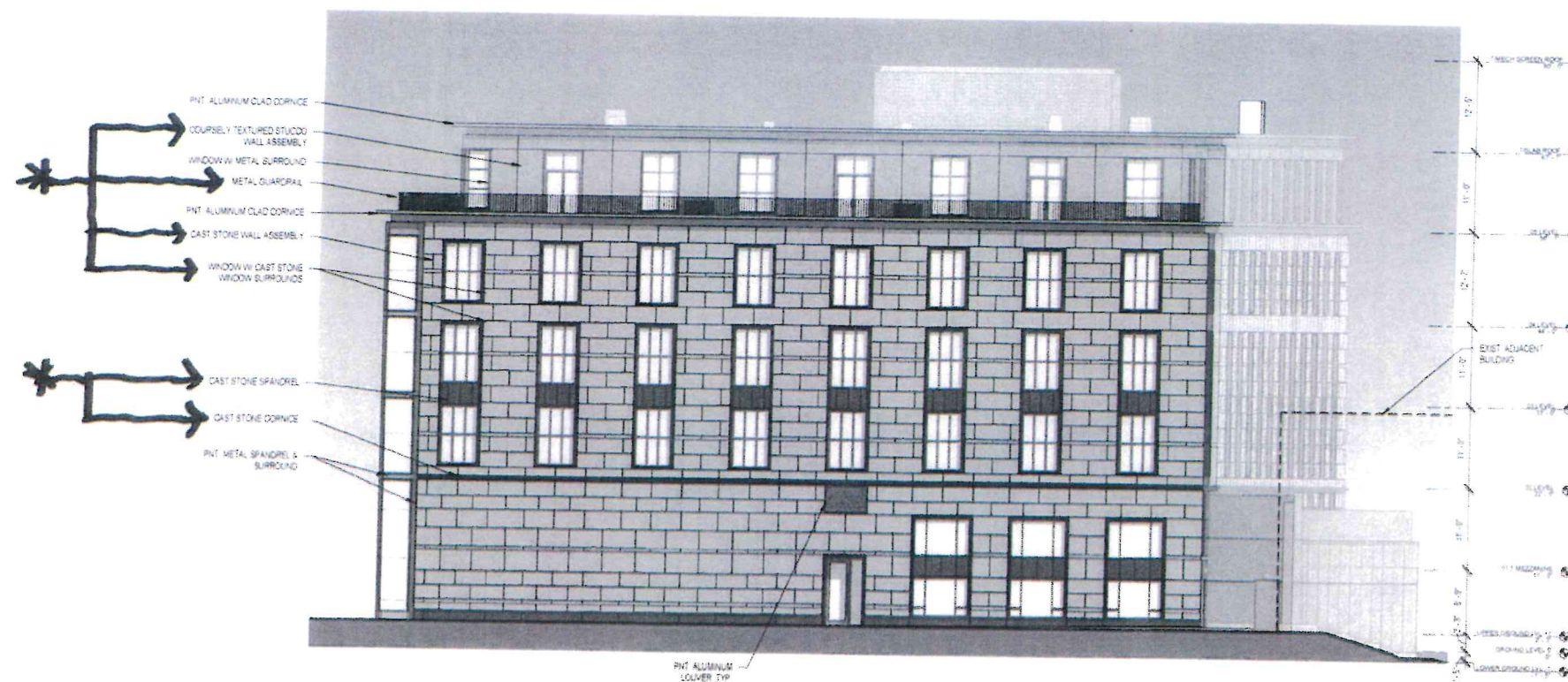
Revised



1 SOUTH ELEVATION

Revised

Revised



2 NORTH ELEVATION





BOOTH HANSEN

PERSPECTIVE - CURRENT

Daxton Hotel
JULY 25, 2018
1623







MEMORANDUM

Police Department

DATE: September 6, 2019

TO: Joseph A. Valentine, City Manager
Jana Ecker, Planning Director

FROM: Chris Busen, Investigative Commander

APPROVED: Mark H. Clemence, Chief of Police

SUBJECT: Aparium Hotel Group, LLC requests a new B-Hotel On-Premise Resort Economic Liquor License, new SDM liquor licenses with Sunday Sale (AM) (PM), Dance-Entertainment Permit, Catering Permit, Eight (8) Additional Bar Permits, Specific Purpose Permit for Hotel Operations, Participation Permit in the name of Woodward Brown Ventures, LLC and an Outdoor Service Permit located at 298 S Old Woodward, Birmingham, Oakland County, Michigan, to be issued pursuant to MCL 436.1521(4).

INTRODUCTION:

The police department has received a request from the Law Offices of JP Howe requesting a new B-Hotel On-Premise Resort Economic Development Liquor License for the Daxton Hotel, to be located at 298 S Old Woodward, Birmingham, Oakland County, MI 48009. Aparium Hotel Group, LLC has paid the initial fee of \$1500 for a business that serves alcoholic beverages for consumption on the premises per section 7.33 of the Birmingham City Code. This application was filed to comply with Section 10-101 of the Birmingham City Code, which allows a hotel to obtain a liquor license in excess of the City of Birmingham's established on premise license quota.

BACKGROUND:

Aparium Hotel Group is proposing to manage and operate a full-service hotel to be located at 298 S Old Woodward, Birmingham, Michigan, which will be known as the Daxton Hotel. Aparium Hotel Group are proposing to name the hotel owner, Woodward Brown Ventures, LLC, as a Participant Permit holder on the Hotel's B-Hotel liquor license, which will allow it to share in the Hotel's revenue. The Daxton will offer a wide array of dining and beverage options, as well as 151 guest rooms. The investment into the Daxton is \$76,000,000. This amount is self-financed by Woodward Brown Ventures, LLC. The funds were available through a MB Financial account out of Chicago, IL.

LEGAL REVIEW:

Non-applicable

FISCAL IMPACT:

The Daxton will be an economic driver in the City of Birmingham and the greater Oakland County Area.

SUMMARY:

The Daxton Hotel will be operated as a first-class hotel that will be an attraction to both residents and guests of the greater Birmingham area. Hours of operation are 24 hours per day, 7 days per week for the hotel operations. Alcoholic beverages will be available for sale at the hotel from 7am-2am seven days per week. Hours of operation for the restaurant and bar venue within the hotel will vary based on the day of the week and volume of guests staying at the hotel during the given time. There will be 45 parking spaces available on site for employee and guest parking. Additional parking will be addressed by nearby parking structures and metered parking spaces.

Aparium Hotel Group Members

Mario Michael Tricoci.....	41%
Kevin Scott Robinson	22.5%
Howard Scott Silverman.....	36.5%

Total 100%

A background check was conducted on Mario Tricoci, Kevin Robinson, and Howard Silverman. Mario Tricoci, Kevin Robinson, and Howard Silverman were checked using the Law Enforcement Information Network (LEIN), the Court's Law Enforcement Management Information System (CLEMIS) and the Middle Atlantic-Great Lakes Organized Crime Law Enforcement Network (MAGLOCLLEN) FBI N-DEX national database. Mario Tricoci, Kevin Robinson, and Howard Silverman have no criminal records and no negative contacts with law enforcement.

The applicants are all from the Chicago, IL area and have never held a liquor license in the State of Michigan. However, the Aparium Hotel Group is a member of the AHG Detroit Licensee, LLC, (DBA) The Foundation Hotel located at 250 W Larned St, Detroit MI 48226. The Foundation Hotel holds a B-Hotel Liquor License and has not received any liquor related violations from the MLCC or the City of Detroit.

As of August 26, 2019 there is a SLUP application pending to operate an establishment with a liquor license obtained under the recently amended Chapter 10, Article II, Division 5 "Licenses for Theaters and Hotels." Aparium has applied with the State of Michigan for a New B-Hotel Resort Economic Development License under MCL 436.1531(4) for the hotel.

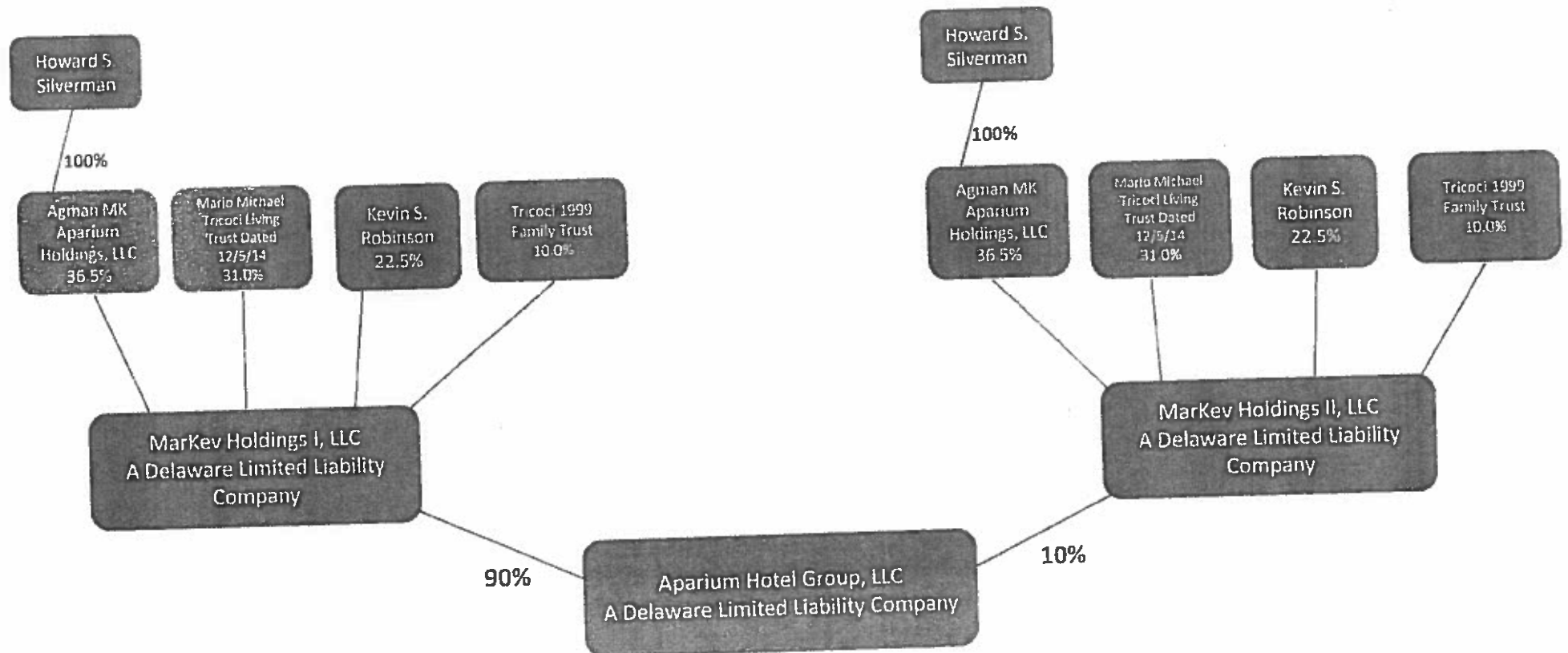
ATTACHMENTS:

Organizational chart for Aparium Hotel Group, LLC.

SUGGESTED RESOLUTION:

To authorize the City Clerk to sign the MLCC Local Government Approval Report (MLC 436.1510) and to approve the liquor license request of Aparium Hotel Group, LLC that requests a B-Hotel Liquor License be issued under MCL 436.1521(4), SDM License with Outdoor Service (1 Area) Sunday Sale Permit (AM)(PM), Dance-Entertainment Permit, Catering Permit, Eight (8) Additional Bar Permits, Specific Purpose Permit for Hotel Operations located and a Participation Permit in the name of Woodward Brown Ventures, LLC located at 298 S Old Woodward, Birmingham, Oakland County, MI 48009.

APARIUM HOTEL GROUP, LLC OWNERSHIP CHART





MEMORANDUM

Finance Department

DATE: October 18, 2019

TO: Joseph A. Valentine, City Manager

FROM: Mark Gerber, Finance Director

SUBJECT: June 30, 2019 Audit Presentation

Douglas Bohrer and Timothy St. Andrew from Plante and Moran will be present at the City Commission meeting on October 28, 2019, to give a presentation and answer any questions pertaining to the audit report.

The audit report and letter to the Commission was provided under separate cover. The audit report is available for inspection at the Clerk's Office as well as on the City's website.

DATE: October 17th, 2019

TO: Joseph A. Valentine, City Manager

FROM: Nicholas Dupuis, City Planner

APPROVED: Jana Ecker, Planning Director

SUBJECT: Public Hearing to Consider Revisions to the Sign Ordinance Involving Electronic Message Centers

INTRODUCTION:

As commercial signage has evolved and diversified in tandem with the varying needs of business owners, the City of Birmingham has taken special care to define and regulate signage for the purpose of reducing visual clutter that is unsightly, confusing and distracting, preserving architectural character of buildings and streetscapes, promoting the use of creative and appropriate signage which will enhance the economic viability of the City, and ensuring the health, safety and welfare of the residents of the City by prohibiting signage that creates a traffic hazard or otherwise adversely impacts public safety.

As a result, City Staff have fielded numerous requests for information and reviews surrounding Electronic Message Center (EMC) signs and how they are regulated in the Sign Ordinance. Electronic Message Center signs are not defined in the City's Sign Ordinance, but research has produced several definitions from other communities, such as:

Collierville, TN: Any sign that displays still images, scrolling images or moving images, including video and animation, utilizing a series or grid of lights that may be changed through electrostatic means, including cathode ray, light emitting diode (LED) display, plasma screen, liquid crystal display (LCD), fiber optic or other electronic media or technology.

Marquette, MI: An electrically activated changeable sign whose variable message and/or graphic presentation capability is electronically programmable. Also known as a digital sign. EMCs typically use light emitting diodes (LEDs) as a lighting source, and liquid-crystal display (LCDs) for light modulation.

Orion Township, MI: A sign that electronically displays and utilizes computer-generated messages or some other means of changing copy.

Woodbury, NJ: An electronically activated changeable-copy sign whose variable message and/or graphic presentation capability can be electronically programmed by the computer from a remote location. EMC's typically use light emitting diodes (LEDs) as a lighting source.

The City of Birmingham does not currently regulate or define EMC's, and EMC sign proposals are not easy or explicit to regulate under the existing ordinance. For example, Section 1.03(A), which outlines illumination requirements, seems to permit EMC signs so long as they are not flashing, blinking, oscillating, rotating, or confusing/obstructive to traffic.

EMC signs also do not fit into the definitions of Light Box Sign or Broadcast Media Device:

Light Box Sign: A permanent wall mounted sign with an exposed frame, a translucent face, and internal illumination.

Broadcast Media Device: An electronic display unit with a screen no larger than 1.5 square feet in size (such as a TV), that broadcasts audio and video designed for viewing by individual customers while purchasing goods and services.

The apparent advantages of EMC signs are visibility and the ability to change the message to suit the business or property owners changing needs. It is apparent from reading through ordinance language from other communities that if permitted, EMC signs would need to be heavily regulated to address illumination and brightness levels (including different day & night levels and automatic adjustments), light source, sign area, transitions and animations, location, color, and other important issues.

BACKGROUND:

The Electronic Message Center sign discussion was brought to the Design Review Board on September 4th, 2019. The Design Review Board unanimously supported the proposed ordinance language, which added Electronic Message Centers to the list of prohibited sign types, as well as created a definition of EMC's and provided for an added benefit of regulating and defining gas station pricing signs.

LEGAL REVIEW:

The City Attorney has reviewed the proposed ordinance amendments and has no concerns at this time.

FISCAL IMPACT:

The proposed ordinance amendments will have no fiscal impact on the City.

PUBLIC COMMUNICATIONS:

The topic was open for discussion at the public meeting of the Design Review Board on September 4th, 2019. No comments were heard from the public during the discussion.

SUMMARY:

The Planning Division is seeking approval from the City Commission to amend the Sign Ordinance to add Electronic Message Centers to the list of prohibited sign types and to add definitions of Electronic Message Centers and Gas Station Price Signs.

ATTACHMENTS:

- Draft Ordinance Language, Staff Reports & Research
- Design Review Board Meeting Minutes

SUGGESTED RESOLUTION:

To approve the following amendments to the Sign Ordinance to add Electronic Message Centers to the list of prohibited sign types:

1. To amend Article 1, Section 1.03, Sign Requirements, to amend the prohibited sign types; and
2. To amend Article 3, Section 3.02, Definitions, to add definitions for Electronic Message Centers and Gas Station Price Signs.

CITY OF BIRMINGHAM

ORDINANCE NO. _____

THE CITY OF BIRMINGHAM ORDAINS:

AN ORDINANCE TO AMEND THE SIGN ORDINANCE OF THE CITY OF BIRMINGHAM:

TO AMEND ARTICLE 1, SECTION 1.03, SIGN REQUIREMENTS, TO AMEND THE PROHIBITED SIGN TYPES.

1.03 Sign Requirements

This Sign Requirements section applies to the following districts:

- A. Illumination. (*No changes*)
- B. Obscene Matter. (*No Changes*)
- C. Obstruction. (*No Changes*)
- D. Painted Signs. (*No Changes*)
- E. Prohibited Sign Types. Billboards, **Electronic Message Centers**, light box signs, pole signs, roof signs, parked vehicle signs and trailer signs are not permitted.
- F. Premises. (*No changes*)

ORDAINED this _____ day of _____, 2019 to become effective upon publication.

Patty Bordman, Mayor

Cheryl Arft, Acting City Clerk

CITY OF BIRMINGHAM

ORDINANCE NO. _____

THE CITY OF BIRMINGHAM ORDAINS:

AN ORDINANCE TO AMEND THE SIGN ORDINANCE OF THE CITY OF BIRMINGHAM:

TO AMEND ARTICLE 3, SECTION 3.02, DEFINITIONS, TO AMEND THE LIST OF DEFINITIONS TO INCLUDE ELECTRONIC MESSAGE CENTERS AND GAS STATION PRICE SIGNS.

3.02 Definitions

Electronic Message Centers: A sign that is capable of displaying words, symbols, figures or images that can be electronically changed by remote or automatic means. This does not include gas station price signs.

Gas Station Price Signs: An LED or manual sign that displays the price per gallon of gasoline. The numbers displayed on Gas Station Price Signs may be no larger than 12 inches in height and are limited to red or green in color.

ORDAINED this _____ day of _____, 2019 to become effective upon publication.

Patty Bordman, Mayor

Cheryl Arft, Acting City Clerk

DATE: August 7th, 2019

TO: Design Review Board

FROM: Nicholas Dupuis, City Planner

SUBJECT: Electronic Message Center Signs – Study Session

Introduction:

The International Sign Association defines an Electronic Message Center (EMC) as a sign that is capable of displaying words, symbols, figures or images that can be electronically changed by remote or automatic means. Other definitions are as follows:

Collierville, TN: Any sign that displays still images, scrolling images or moving images, including video and animation, utilizing a series or grid of lights that may be changed through electrostatic means, including cathode ray, light emitting diode (LED) display, plasma screen, liquid crystal display (LCD), fiber optic or other electronic media or technology.

Marquette, MI: An electrically activated changeable sign whose variable message and/or graphic presentation capability is electronically programmable. Also known as a digital sign. EMCs typically use light emitting diodes (LEDs) as a lighting source, and liquid-crystal display (LCDs) for light modulation.

Orion Township, MI: A sign that electronically displays and utilizes computer-generated messages or some other means of changing copy.

Woodbury, NJ: An electronically activated changeable-copy sign whose variable message and/or graphic presentation capability can be electronically programmed by the computer from a remote location. EMC's typically use light emitting diodes (LEDs) as a lighting source.



Issue:

The City of Birmingham does not currently regulate or define EMC's, and EMC sign proposals are not easy or explicit to regulate under the existing ordinance. For example, Section 1.03(A), which outlines Illumination requirements seem to permit EMC signs so long as they are not flashing, blinking, oscillating, rotating, or confusing/obstructive to traffic.

EMC signs also do not fit into the definitions of Light Box Sign or Broadcast Media Device:

Light Box Sign: A permanent wall mounted sign with an exposed frame, a translucent face, and internal illumination.

Broadcast Media Device: An electronic display unit with a screen no larger than 1.5 square feet in size (such as a TV), that broadcasts audio and video designed for viewing by individual customers while purchasing goods and services.

Although the Design Review Board has the authority to review and approve or deny signs based on the requirements below, it could be advantageous to define and include EMC signs in the Sign Ordinance to make the application process more clear and reviews more streamlined:

Sign review approval shall be granted only upon determining the following:

1. The scale, color, texture and materials of the sign being used will identify the business succinctly, and will enhance the building on which it is located, as well as the immediate neighborhood.
2. The scale, color, texture and materials of the sign will be compatible with the style, color, texture and materials of the building on which it is located, as well as neighboring buildings.
3. The appearance of the building exterior with the signage will preserve or enhance, and not adversely impact, the property values in the immediate neighborhood.
4. The sign is neither confusing nor distracting, nor will it create a traffic hazard or otherwise adversely impact public safety.
5. The sign is consistent with the intent of the Master Plan, Urban Design Plan(s), and/or Downtown Birmingham 2016 Report, as applicable.
6. The sign otherwise meets all requirements of this Chapter.

The advantage of EMC signs are visibility and the ability to change the message to suit the business or property owner's needs. It is apparent from reading through ordinance language from other communities that if allowed, EMC signs would need to be heavily regulated to address illumination and brightness levels (including different day & night levels and automatic adjustments), light source, sign area, transitions and animations, location, color, and other important issues. Examples of different ordinance language regulating EMC signs from other communities is attached for your review. For your convenience, I have highlighted relevant EMC information in yellow.

EMC signs, to the best of our knowledge, do not exist or are extremely rare in the City of Birmingham with the exception of gas station price signs.



While addressing the issue of EMC signs, gas station price signs should be considered either through an added definition, or regulated as their own entity.

Attached are sample ordinance changes to reflect the above issues, which involve adding EMC signs to the list of prohibited signs, as well as adding a definition of both EMC signs and gas station price signs.

Suggested Action:

To consider amendments to the Birmingham Sign Ordinance on September 4, 2019 to prohibit and define Electronic Message Center Signs.

CITY OF BIRMINGHAM

ORDINANCE NO. _____

THE CITY OF BIRMINGHAM ORDAINS:

AN ORDINANCE TO AMEND THE SIGN ORDINANCE OF THE CITY OF BIRMINGHAM:

TO AMEND ARTICLE 1, SECTION 1.03, SIGN REQUIREMENTS, TO AMEND THE PROHIBITED SIGN TYPES.

1.03 Sign Requirements

This Sign Requirements section applies to the following districts:

- A. Illumination. (*No changes*)
- B. Obscene Matter. (*No Changes*)
- C. Obstruction. (*No Changes*)
- D. Painted Signs. (*No Changes*)
- E. Prohibited Sign Types. Billboards, **Electronic Message Centers**, light box signs, pole signs, roof signs, parked vehicle signs and trailer signs are not permitted.
- F. Premises. (*No changes*)

ORDAINED this _____ day of _____, 2019 to become effective upon publication.

Patty Bordman, Mayor

Cherilynn Mynsberge, City Clerk

CITY OF BIRMINGHAM

ORDINANCE NO. _____

THE CITY OF BIRMINGHAM ORDAINS:

AN ORDINANCE TO AMEND THE SIGN ORDINANCE OF THE CITY OF BIRMINGHAM:

TO AMEND ARTICLE 3, SECTION 3.02, DEFINITIONS, TO AMEND THE LIST OF DEFINITIONS TO INCLUDE ELECTRONIC MESSAGE CENTERS AND GAS STATION PRICE SIGNS.

3.02 Definitions

Electronic Message Centers: A sign that is capable of displaying words, symbols, figures or images that can be electronically changed by remote or automatic means. This does not include gas station price signs.

Gas Station Price Signs: An LED or manual sign that displays the price per gallon of gasoline. The numbers displayed on Gas Station Price Signs may be no larger than 12 inches in height and are limited to red or green in color.

ORDAINED this _____ day of _____, 2019 to become effective upon publication.

Patty Bordman, Mayor

Cherilynn Mynsberge, City Clerk

Exhibit A: Collierville, TN
Ordinance 2010-01: New Sign Regulations

SIGN REGULATIONS

§ 151.170 PURPOSE AND INTENT

It is the purpose of this subchapter entitled “Sign Regulations” to promote the public health, safety, and general welfare through reasonable, consistent, and non-discriminatory sign standards. This subchapter is not intended to censor speech or to regulate viewpoints, but instead is intended to regulate, in a content-neutral manner, any secondary effects of speech that may adversely affect aesthetics and traffic and pedestrian safety. The purpose of this subchapter is to:

- (A) Encourage the effective use of signs as a means of communication in the Town;
- (B) Maintain and enhance the aesthetic environment and the Town’s ability to attract sources of economic development and growth;
- (C) Improve pedestrian and traffic safety;
- (D) Minimize the possible adverse effect of signs on nearby public and private property;
- (E) Foster the integration of signage with architectural and landscape designs;
- (F) Allow signs that are compatible with their surroundings and that aid orientation, while precluding the placement of signs that contribute to sign clutter or that conceal or obstruct adjacent land uses or signs;
- (G) Regulate signs in a manner so as to prevent the interference with, the obstruction of the vision of, and/or the distraction of motorists, bicyclists, and/or pedestrians;
- (H) Allow for traffic control devices to promote highway safety and efficiency by providing for the orderly movement of road users on streets and highways, and to notify road users of regulations and provide warning and guidance needed for the safe, uniform, and efficient operation of all elements of the traffic stream;
- (I) Protect property values by precluding sign types that create a nuisance to the occupancy or use of other properties as a result of their size, height, illumination, brightness, or movement;
- (J) Protect property values by ensuring that the types and numbers of signs are in harmony with buildings, neighborhoods, and conforming signs in the area;
- (K) Preserve and enhance the historic character of the Town; and
- (L) Enable the fair and consistent enforcement of these sign regulations.

§ 151.171 DEFINITIONS

The words, terms and phrases set out below, when used in this subchapter, shall have the meaning ascribed to them in this subchapter, except where the context clearly indicates a different meaning.

Artwork

A two- or three-dimensional representation that is expressed in a form and manner as to provide aesthetic enjoyment for the viewer rather than to specifically convey the name of the business or a commercial message about the products or services offered on the property upon which the artwork is displayed. The exterior alteration of commercial buildings in the Historic District for purposes of restoring historic painted murals is not within the scope of this subchapter but is instead regulated under the subchapter pertaining to the Historic District.

Balloon-Type Devices

A stationary or mobile inflated device used to attract attention.

Banner

See “Sign, Banner”

BMA

The Town of Collierville Board of Mayor and Aldermen.

BZA

The Town of Collierville Board of Zoning Appeals.

Building Façade

See “Façade.”

Building Wall

The entire surface area, including windows and floors, of an exterior wall of a building.

Codes Division

The Town of Collierville Codes Enforcement Division of the Development Department.

Commercial

Any nonresidential use of land involving commerce or commercial activity such as wholesale or retail trade, or the provision of services.

Conventional Area

Portions of the town that are appropriate for, or characterized by, development that is typically segregated by use; is two stories or less in height; is primarily or exclusively automobile-oriented; has parking between the building and the street; and is served primarily by curvilinear streets as described in the Collierville Design Guidelines.

Copy

Words, letters, numbers, figures, characters, symbols, logos, or insignia that are used on a sign face.

Copy Area

The smallest geometric shape that encloses all graphics, letters, and logos of the sign face.

Design Compatibility

A condition occurring between two of the same or two different use types where the buildings harmonize together through the use of common scale, setbacks, heights, materials, design treatments, roof forms, orientation, or other features.

DRC

The Town of Collierville Design Review Commission

Electronic Message Board

Any sign that displays still images, scrolling images or moving images, including video and animation, utilizing a series or grid of lights that may be changed through electrostatic means, including cathode ray, light emitting diode (LED) display, plasma screen, liquid crystal display (LCD), fiber optic or other electronic media or technology.

Elevation

The front, side, or rear of a structure.

Façade

The exterior wall on the front, side, or rear elevation of the building regardless of whether the building side faces a street.

Fence

A structure used to delineate a boundary or act as a barrier or means of protection, confinement, or screening.

Flag

Bunting or fabric of distinctive color and design that is used as an emblem, standard, decoration, or symbol and that is hoisted on a permanent flagpole or otherwise displayed from a building.

Glazing

The portion of an exterior building surface occupied by glass or windows.

HDC

The Town of Collierville Historic District Commission

Illumination

The calling of attention to a sign or device by means of brightening or shining with light or a luminous substance.

Menu Board

A structure primarily designed for the display of menu items and prices for the purpose of placing orders for such items in conjunction with a restaurant utilizing drive-through or curbside service.

Multi-phase Development

A development consisting of two or more distinct phases intended to occur in a sequential order.

Multiple Franchise Business

A business that, pursuant to franchise agreements, markets the goods or services of more than one company or manufacturer.

Multiple Tenant Building

A single building that contains two or more distinct occupants internally separated by firewalls or demising walls.

Neon

Lights, tubes, or other devices used to emit neon light.

Nonconforming Sign

See “Sign, Nonconforming”.

Plastic

The general and commonly used term for a wide range of synthetic or semi-synthetic organic amorphous solid materials including, but not limited to, acrylic, sentra and lexan.

Public right-of-way

Property dedicated for public use, usually for a public street, public infrastructure and/or waterway. For the purposes of this subchapter, such public rights-of-way shall be considered to extend a minimum of ten feet from the edge of the pavement, or to the dedicated right-of-way boundary, whichever is farther.

Roof Line

The apex, or highest point of the roof. In a series of roofs, the apex of the lowest roof will be considered.

Scoreboard

A structure that is located within an athletic field and that displays changing scores, related information, and additional content that may include, without limitation, the names and logos of sponsors.

Sign

Any device, fixture, placard, or structure that uses color, form, graphics, illumination, text, symbol, and/or writing to advertise, attract attention to, announce, identify, or identify the purpose of a person or entity, or to communicate information of any kind. The following shall not be considered signs subject to sign regulation: artwork; holiday lighting and decorations, including strips or strings of lights outlining property lines, sales areas, roof lines, doors, windows, wall edges, or other architectural features of a building, displayed between Thanksgiving Day and New Year's Day of each calendar year and fifteen (15) days prior to and after this time period; and memorial plaques, cornerstones, historical tables, and the like.

Sign Area or Sign Face

See sign face calculation in §151.178(B)(6).

Sign, A-Frame (Also a Sandwich Board)

A freestanding upright sign on a rigid supporting frame in the form of a triangle or an inverted V.

Sign, Abandoned

A sign that was lawfully erected on the property in conjunction with a particular use, that use having been subsequently discontinued for a period of 60 days or more; a sign that has been blank for 60 days or more; or a lawfully erected temporary sign for which the time period allowed for display of the sign has expired.

Sign, Animated

Any sign that moves or that appears to move by any means, including fluttering or rotating. Such signs shall also include, but not be limited to, pennants, ribbons, streamers or propellers.

Sign, Attached

A sign that is permanently affixed to or painted on a building, canopy, or wall and that has a permanent or changeable copy face.

Sign, Awning

A sign that is part of or attached to the face or valance of an awning and that is constructed in the same fabric or material as the awning.

Sign, Banner

A sign made of flexible material that advertises a business, an event, or a product for sale.

Sign, Bench

A sign affixed to or painted on a bench.

Sign, Cabinet

An internally illuminated sign structure consisting of a cabinet that holds a display. Cabinet sign also includes, but is not limited to, backlit displays and light boxes.

Sign, Canopy

A sign that is attached to a structure constructed of rigid materials that may be attached to and supported by a building and/or that is also supported by columns, poles, or braces extending to the ground.

Sign, Changeable Copy (Manual)

A sign on which copy is changed manually.

Sign, Changeable Copy (Automatic)

A sign that is electronically controlled.

Sign, Convenience

A sign displayed only for the direction, safety, and convenience of the public. Convenience signs may include, without limitation, address signs, address and name plaques, signs identifying rest rooms, parking area entrances and exits, gas station self-service or full-service pump islands, freight entrances and exits, and other facilities that may require directional signage.

Sign, Development

A sign located at the entrance to a residential development and constructed of masonry or natural materials, except for attached letters or logos.

Sign, Development-in-Progress

A temporary sign that may include, without limitation, the name of the project, the architect, the contractor, the developer, the engineer, the financing institution, or the materials supplier for the site, whose construction is active, or announcing the future development.

Sign, Freestanding (also Ground Mounted)

- (i) A sandwich board sign; or
- (ii) A sign supported by a sign structure that is secured in the ground and that is wholly independent of any building or object, other than the sign structure, for support.

Sign, Government Imitation

A sign that copies, imitates, or in any way approximates an official highway sign or carries the words “Stop” or “Danger.” Also, a sign that obscures a sign displayed by public authority for the purpose of giving traffic instruction or direction, or other public information, including any authorized traffic control sign, signal, or similar device.

Sign, Hand Held

A sign that is held by or otherwise mounted on a person.

Sign, Hanging

A sign mounted on beams, brackets, or poles projecting from a building.

Sign, Home Occupation

A sign erected for the purpose of identifying an allowed home occupation.

Sign, Integral

A sign or plaque carved into stone, concrete, or similar material, or made of bronze, aluminum or other permanent type metal materials, and made an integral part of the structure.

Sign, Menu Board

A structure primarily designed for the display of menu items and prices for the purpose of placing orders for such items in conjunction with a restaurant utilizing drive-through or curbside service.

Sign, Moving

A sign or device that swings, undulates, or otherwise attracts attention through the movement of parts, or through the impression of movement, and includes flashing, fluttering, moving, pennant, revolving, rotating, streamer, windblown, or similar signs or devices.

Sign, Nonconforming

A sign lawfully constructed or erected prior to the effective date of any ordinance or amendment containing provisions with which the sign does not comply, or any sign that was lawfully erected in compliance with the sign regulations in effect at the time it was erected, but that is no longer in compliance.

Sign, Obsolete

See "Sign, Abandoned."

Sign, Parked Vehicle

Signs placed on or affixed to vehicles or trailers that are parked on a right-of-way or on public or private property so as to be visible from a public right-of-way. This term does not include signs that advertise the sale of the vehicles on which they are placed or that are placed on or affixed to vehicles but that are incidental to the primary use of the vehicle or trailer.

Sign, Permanent

A sign that is intended for other than temporary use or a limited period. A permanent sign is usually affixed or attached to the exterior of a building or to a pole or other structure by adhesive or mechanical means or is otherwise characterized by anchoring, construction materials, or a foundation indicative of an intent to display the sign for more than a limited period.

Sign, Political

A temporary sign erected on private property for the purpose of supporting a political candidate or stating a position regarding a political issue or similar purpose.

Sign, Portable

A temporary sign or device that is located on the ground, is easily movable, and is not permanently attached to the ground. Portable signs include, but are not limited to, counterbalance signs, trailer signs, and any variations thereof.

Sign, Project

A sign that displays solely numbers and/or letters and that is erected to display the identity of five or more occupants in a single building, business or office complex with a total of at least 10,000 square feet in the project; with or without individual street frontage; and with a common parking lot or private drive.

Sign, Projecting

See “Sign, Hanging.”

Sign, Public

A sign that is in the public interest and that is erected by, or on the order of, a governmental entity or agency. This term includes, without limitation, safety signs, danger signs, trespassing signs, traffic signs, signs of historical interest, wayfinding signs, signs pertaining to events sponsored or co-sponsored by the Town, and other similar signs.

Sign, Real Estate

A temporary sign pertaining to the sale, lease, or rental of property. This term includes, but is not limited to, real estate directional, open house, and open house directional signs.

Sign, Roof

An attached sign wholly or partially dependent upon the roof of any building for support. A roof does not include a mansard mounted on a parapet wall.

Sign, Sandwich Board (Also an A-Frame Sign)

A freestanding upright sign on a rigid supporting frame in the form of a triangle or an inverted V.

Sign, Snipe

Any sign other than a convenience sign that is affixed by any means to trees, utility poles, fences or other objects.

Sign, Temporary

A sign that is intended for temporary use and a limited period, as allowed by this ordinance. Temporary signs may include, but are not limited to: auction signs, banners, balloons, builder signs, development in progress signs, garage sale signs, grand opening signs, political signs, portable signs, real estate signs, and special event signs.

Sign, Trailer

A sign attached to or painted on a trailer and visible from the public right-of-way for more than 2 consecutive hours or more than 4 total hours between sunrise and sunset.

Sign, Trash Receptacle

A sign affixed to, or painted on, a trash receptacle and containing only the company name or logo of the trash-collecting firm.

Sign, Wall

A sign designating the name of the business, institution, or organization which is attached to, in a rigid manner, and parallel to a building wall or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for or forms the background surface of the sign and which does not extend more than 12 inches from such building or structure.

Sign, Window

A sign placed within, affixed to, in contact with, or located within three feet of a window and intended to be seen from the exterior.

Sign Depth

On an attached sign, the distance from the face of the letters to the surface to which they are attached.

Sign Face

(See §151.178(B)(6) Sign Face Area.)

Sign Surface Area

(See §151.178(B)(6) Sign Face Area.)

Sign Policy, Comprehensive

A plan establishing parameters for the size, location and design of signs in a planned development.

Street Frontage

The distance that a lot line adjoins a public or private street from one lot line intersecting the street to the furthest lot line intersecting the same street.

String Lighting

Lighting used to outline a structure and to attract attention for commercial purposes.

Traditional Area

Portions of the town, including the historic district, that are appropriate for, or characterized by, development that typically includes mixed-uses, or residential and nonresidential uses in proximity to one another, buildings typically more than one story tall and built close to the street, a high level of architectural detailing on the primary building façades, the use of a modified street grid system, pedestrian oriented site design rather than exclusively or predominantly for the automobile, and off-street parking located to the side or rear of buildings as described in the Collierville Design Guidelines.

§ 151.172 APPLICABILITY

This ordinance shall apply within all zoning districts. However, if the Historic District Commission has formulated and the Board of Mayor and Aldermen has approved written sign guidelines for the Historic District that conflict with provisions in this subchapter, then those guidelines shall take precedence within the Historic District. In addition, if the Board of Mayor and Aldermen has approved a comprehensive sign policy as part of a planned development outline plan, then that sign policy shall take precedence within that approved planned development.

§151.173 GENERAL VISUAL QUALITY

Because these regulations can only establish the physical characteristics of signage and not enforce a level of visual quality in sign design, anyone planning a sign is strongly encouraged to consider:

(A) The character of the proposed sign, not only in and of itself, but also in terms of the effects a sign will have upon the character of the surrounding area;

(B) The way in which the sign will be read and whether its size, location, configuration, and character are appropriate to its intended audience or whether a more appropriate sign could better serve its intended purpose and, at the same time, be less visually disruptive; and

(C) The character of the sign structure, (the physical means of supporting the sign,) and whether that structure could be made an integral part of the sign rather than a separate and frequently distracting element.

§151.174 SIGNS PROHIBITED IN ALL ZONING DISTRICTS

The following signs shall be prohibited and may neither be erected nor maintained.

(A) Signs erected in a public right-of-way or on public property, with the exception of hand held signs that do not pose a traffic safety hazard and that do not block or otherwise interfere with pedestrian or vehicular traffic;

(B) Bench signs;

(C) Canopies or awnings with backlighting;

(D) Electronic message boards;

(E) Government-imitation signs;

(F) Inflatable animated characters, lighter than air devices, or similar balloon-type devices;

(G) LED electronic message center window signs;

(H) Moving signs;

(I) Flashing signs;

(J) Signs that are not securely affixed to the ground, or that are not otherwise affixed in a permanent manner to an approved supporting structure, including but not limited to, portable signs; provided however, that temporary signs specifically allowed under this subchapter shall be exempt from this prohibition;

(K) Noisy mechanical devices;

(L) Plastic-faced cabinet signs, with the exception of menu boards that are screened or not visible from the public right-of-way;

(M) Parked-vehicle signs;

(N) Roof signs, including signs painted on roofs or that extend above the highest point of a roof;

(O) Changeable copy signs (manual and automatic);

(P) Signs that contain reflective materials, except that the Development Director shall have the ability to approve decorative metals (e.g., brass, copper) on a case-by-case basis;

(Q) Searchlights;

(R) Strobe lights;

(S) Signs interfering with, or blocking the visibility of, directional, instructional, or warning signs;

(T) Signs on natural features such as trees, other living vegetation, and rocks;

(U) Trailer signs;

(V) Home occupation signs, with an exception for those required by State law;

(W) Snipe signs;

(X) Trash receptacle signs;

(Y) Signs that contain words suggestive of, or pictures depicting those acts or displays described in, § 130.046 NUDITY AND SEXUAL ACTIVITIES.

(Z) Animated signs;

(AA) Hand held signs displayed within the public right-of-way; and

(BB) Obsolete or abandoned signs that are not lawful nonconforming signs

§151.175 EXEMPTIONS

These Sign Regulations do not pertain to the following:

(A) Public signs;

(B) Signs not visible from the public right-of-way, including drive-in restaurant menu boards;

(C) Signs internal to a building set back more than 10 feet from a window;

(D) Flags attached to residential structures in residential zones;

(E) Freestanding flag poles in residential zones per §151.006(D)(7);

(F) Scoreboards;

(G) Decals, numbers, names, addresses, hours, credit information and the like attached to doors or windows and all of which occupy a total area of one square foot or less;

(H) For service stations solely engaged in the retail distribution of petroleum and petroleum products the following signs are exempt:

(1) One non-illuminated permanent price sign per street frontage, the sign not to exceed 2 square feet in face area, and located upon the pump island nearest to the street or upon the face of the station building;

(2) Two non-illuminated self service or full service signs per pump island, the signs not to exceed 2 square feet in sign area nor to be located at a height more than 8 feet from the surrounding grade;

(3) Signs displaying the federal and state stamps, octane ratings, pump use direction, no smoking signs and other signs as required by federal, state and local authorities, provided that the accumulated square footage of same shall not exceed 2 square feet per pump island; and

(I) Other signs and stamps required by state and federal law, provided same are of a size no greater than the minimum requirements of the law and for design, size and lighting is approved by the Development Director.

§151.176 SIGN PERMIT APPLICATION AND ISSUANCE

(A) *Applicability.*

(1) If any temporary or permanent sign is not otherwise exempted in Subsection 151.176(B), it shall be unlawful to construct, alter, or relocate such temporary or permanent sign without a valid sign permit approved by the Development Department and issued by its Construction Codes Division.

(2) A property owner, business occupant, or organization allowed more than one sign shall obtain a separate permit for each sign.

(3) In instances where a sign is proposed for construction, alteration, relocation, or demolition within the Historic District, no sign permit shall be issued by the Construction Codes Division until the project has been submitted to, and received a written Certificate of Appropriateness from, the Historic District Commission.

(4) For any sign with lighting, including ground lighting, the Town requires an electrical permit and inspections pursuant to the provisions of the Electrical Code, as adopted by the Town of Collierville. In cases where an electrical permit is required, it shall be obtained at the same time as the sign permit.

(B) *Exemptions from Sign Permits.*

(1) The following signs may be constructed, altered, relocated, or demolished without a Sign Permit, but shall be subject to all applicable requirements in §§151.170 through 151.183:

- (a) Real estate signs;
- (b) Political signs;
- (c) Convenience signs;
- (d) Integral signs;
- (e) Attached ballfield fence signs;
- (f) Temporary signs permitted by this subchapter except for banners;
- (g) Horizontal directional signs on and flush with paved areas;
- (h) Signs posted in conjunction with door bells or mailboxes, not exceeding 36 square inches in surface area;
- (i) Address signs, not more than one for each street frontage of each principal use on a lot and none exceeding 72 square inches in area, showing only the numerical address designations of the premises upon which they are situated. All address signs shall be prominently displayed and written in contrasting colors to the color of the structure or background against which the signs are placed in order to facilitate emergency identification for public service employees; and
- (j) In buildings located in non-residential zones, signs that are placed greater than three (3) feet behind the interior surface of glass and that are legible from the public right-of-way.

(2) The following activities may be conducted without obtaining a sign permit.

- (a) Cleaning and other normal maintenance and repair of a sign or sign structure, or other customary maintenance performed periodically to a properly permitted sign unless a structural change is made.
- (b) Painting or repainting of a sign or sign structure located outside the Historic District.

(C) *Procedure.* All applications for signage shall be reviewed by the Development Director or his designee prior to the issuance of a sign permit.

(1) *Initiation.* An application for a sign permit shall be initiated by the property owner or other person having authority to file an application.

(2) *Application for a Sign Permit.* An application for a sign permit shall be made in accordance with application requirements established by the Development Department. For signs within the Historic District that must be approved by the Historic District Commission, the issuance of a Certificate of Appropriateness from the Historic District Commission is required prior to approval of the sign permit application.

(3) *Development Department Decision on Sign Permit.* Within thirty (30) days of receiving a complete sign permit application, the Development Department shall review said application and shall approve it, approve it with stated conditions, or reject it.

(D) *Approval Criteria.* The Development Department shall review an application for a sign permit based on the standards set forth in §§151.170 through 151.183.

(E) *Approval for Sign Construction, Alteration, Relocation, or Demolition.* Construction, alteration, relocation, or demolition of a sign or sign structure authorized by a sign permit shall be completed within a period of 180 days of the date of the sign permit approval. Upon written request, one extension of 180 days may be granted by the Development Department if the applicant can show good cause.

(F) *Nullification.* A sign permit shall become null and void if the sign varies in any respect from the approved design or location.

(G) *Fees.* The permit fee for each sign allowed under the requirements of this chapter shall be fixed from time to time by the Board of Mayor and Aldermen.

(H) *Review of Permitting Decisions.* Permit applicants may appeal unfavorable decisions or interpretations rendered pursuant to this subchapter to the Board of Zoning Appeals, as set forth in Section §151.182(B).

§151.177 RESERVED

§151.178 REQUIREMENTS APPLICABLE TO ALL ZONING DISTRICTS

(A) *Illumination.* Sign illumination shall only be achieved through the following standards. The Board of Zoning Appeals shall hear and decide any appeals of staff decisions related to the interpretation of this section.

(1) *General.* All illuminated signage shall be externally lit with the exception of signs containing or consisting of channel letters as allowed in §151.178(A)(3) below.

(2) *External Illumination.*

(a) Signs that are externally illuminated shall have the light source shielded from adjacent buildings and streets, and no sign or device shall produce glare or illumination so as to create a nuisance or a safety hazard to adjacent property owners or to the traveling public. Illumination shall be achieved via a steady, stationary white light of reasonable intensity that is directed solely at the sign. No sign shall have blinking, flashing or fluttering lights or other illuminating device which has a changing light intensity, brightness or color.

(b) Electrical lights and fixtures shall not be attached to a sign unless they are installed in accordance with the current adopted National Electrical Code.

(3) *Internal Illumination.* Only those signs as set forth in § 151.179 may be illuminated internally by either, or both, of the following methods. No other form of internal illumination is permitted.

(a) Individual channel letters shall be permitted but only with the following physical characteristics.

(i) White, translucent plastic (e.g., acrylic, lexan, sentra) faces, aluminum returns, and a white internal light; and

(ii) Black dual color film on white plastic faces, aluminum returns, and a white internal light.

(b) Individual reverse-channel (also know as “halo-lit” or “reverse lit”) aluminum letters with opaque faces and returns of any color and white internal light.

(4) *Prohibited Forms of Illuminated Signage.*

(a) Exposed neon, or technologies such as LED that simulate neon, are prohibited for signs and shall not be incorporated into the design of a principal or accessory structure.

(b) Plastic-faced cabinet signs, whether internally or externally illuminated, with the exception of menu boards not visible from the public right-of-way.

(c) The internal illumination of any sign not expressly allowed pursuant to the provisions of §151.179.

(d) Any form or color of individual channel letters or reverse channel letters not expressly permitted by §151.178(A)(3).

(B) Sign Design; Calculation of Sign Area and Height

(1) *Attached Letters and Graphics.* When separate letters or graphics are attached to, or painted on, a wall, then the sign area shall be determined by the smallest geometric shape that encloses all borders, graphics, and letters as a complete sign.

(2) *Clearance from Electrical Lines.* Signs shall maintain a minimum horizontal clearance of eight feet in addition to the fall radius and a vertical clearance of at least eight feet from electrical lines and in accordance with the provisions of the current adopted National Electrical Code, as revised.

(3) *Double-Faced Signs.* When two signs of the same shape and dimensions are mounted or displayed in a V shape, then all sign faces shall be included in calculating the aggregate sign area.

(4) *Freestanding/Ground Signs.* The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the sign face area. Normal grade shall be construed to be the lower of (1) existing grade prior to construction or (2) the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign. In cases where the normal grade cannot be reasonably determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street.

(a) *Sign base.*

(i) All ground signs shall have a minimum base of two to three feet below the sign.

(ii) The sign base must be solid in appearance with no exposed poles.

(iii) The design and materials of the sign base shall coordinate with the architecture of the building with which it is associated.

(iv) Landscaping of the sign base with planters and/or shrubbery in all directions is required to soften the appearance of the sign and provide a transition to the ground.

(b) *Sign location.* Grounds signs shall be separated from adjacent ground signs by 100 feet, with the exception of project signs that shall be separated by 1,000 feet, when allowed.

(5) *Wall signs.*

(a) Wall signs shall not obstruct or crowd architectural elements and details that define the design of the building.

(b) The sign placement and architectural features of adjacent buildings shall be respected.

(c) Wall signs outside of the Historic District may be painted directly on the surface of masonry walls. Within the Historic District, wall signs shall not be painted directly on the surface of masonry walls if the wall has not been previously painted, unless a Certificate of Appropriateness for a new building has been approved by the Historic District Commission.

(6) *Sign Face Area.* The entire area of a sign face shall be measured by a square, rectangle, semicircle, or parallelogram comprising the entire sign inclusive of any border or trim and all of the elements of the matter displayed, but excluding architectural embellishment, the base, supports, and other structural members. In the case of three-dimensional letters or painted letters directly on the wall surface, the surface area shall be that area encompassing the individual letters themselves, including any trim or border and excluding the background that supports the three-dimensional letters.



Figure 1: Example of how a sign area is determined by drawing a polygon (indicated by the dashed line) around all type and markings associated with the sign.

(7) *Design of Sign Face.* The following provisions shall regulate sign compatibility and physical characteristics.

(a) With the exception of signs within the Historic District where such signs reflect the historic nature of the Downtown area, signs shall not be in the shape of a sponsor name or motif (e.g., soda bottles, hamburgers, boot, and so forth).

(b) Individual, plastic-faced channel letters shall have only white or black faces with aluminum returns of bronze, black or white. Otherwise, color is not regulated if the sign is designed per section 151.178(A) Illumination.

(C) Building Standards for Permanent Signs

(1) Quality and Impact.

(a) Building materials for signs shall be durable, have low maintenance, be of the same or higher quality as the principal structure(s), and shall not adversely impact adjacent uses.

(b) Ground sign materials shall match the materials of the associated building.

(c) Signs shall be designed to be compatible with adjacent land uses and respect the signs of adjacent businesses. Special care is required when locating signage next to residential areas.

(2) *Appropriate Materials.* The following materials are considered to be appropriate for sign backgrounds, frames, supports, and ornamentation for permanent attached or freestanding/ground signs:

(a) Brick;

(b) Natural stone, including panels, or imitation stone;

(c) Stained, split-face block;

(d) Wood;

(e) Exterior insulation and finish systems (EIFS) or similar material in combination with brick, split-face block, or stone;

(f) Metal panels, when used in combination with brick, split-face block, or stone; and

(g) Plastic or other synthetic materials when used in combination with brick, split-face block, or stone. The Development Director or his designee may specify an acceptable alternative to brick, split-face block, or stone that is composed of quality synthetic materials approximating the look and dimensions of authentic brick, split-face block, or stone.

(3) *Prohibited Materials.* The following materials are prohibited for sign backgrounds, frames, supports, and ornamentation:

(a) Exposed metal poles, when not enclosed by a masonry veneer;

(b) Smooth-face concrete blocks, whether painted or unpainted;

(c) Metal panels, when used without brick, split-face block, or stone;

(d) Plastic, or other synthetic materials, when used without brick, split face block, or stone, or an acceptable alternative thereto as specified by the Development Director or his designee; and

(e) Reflective materials.

(4) *Structural Requirements.* All signs constructed or placed within the Town shall comply with all current Building Codes adopted by the Town. An electrical permit must be obtained for installation of any sign requiring electrical service or connection.

(D) Premises and Sign Maintenance

(1) *Premises Maintenance.* Signs and the premises surrounding them shall be maintained in a clean, sanitary, and inoffensive condition, free and clear of obnoxious substances, rubbish, and weeds.

(2) *Structure Maintenance.* Signs, together with their supports, braces, guys, and anchors, shall be kept in good, safe repair and shall be maintained in good and safe condition,

including the periodic application of paint or other weatherproofing materials to prevent rust or other decay.

(3) *Sign Area or Other Maintenance.* The sign shall not be allowed to deteriorate to a broken, torn, peeling, flaking, out of plumb or level, illegible, or otherwise decayed condition.

(4) *Maintenance of Banners and Flags.* Banners and flags shall not be allowed to deteriorate to a tattered, torn, or faded condition and shall be attached and secured properly at all times.

(5) *Removal of Attached Signs.* Upon removal of an attached sign, the wall or face of the building on which the sign was attached shall be repaired or resurfaced to restore the wall or face to its original condition prior to installation of the sign.

(E) Visibility

(1) *No Obstruction.* Signs, including any means of supporting or staying the signs, shall not be placed or constructed so as to obstruct or interfere with any door, window, fire escape or other means of egress, light, or ventilation. Signs shall not be located so that they obscure the view of pedestrian or vehicular traffic in a manner so as to endanger safe movement, particularly at entrances, exits and intersections.

(2) *Protection of Vegetation and Trees.* No person may, for the purpose of increasing or enhancing the visibility of signs, damage, trim, destroy or remove any trees, shrubs, or other vegetation located as follows:

(a) Within public right-of-way, unless the work is done pursuant to the express written authorization of the Town or state, whichever is appropriate; or

(b) On property that is not under the ownership or control of the person conducting or responsible for the work, unless the work is done pursuant to the express authorization of the person owning the property on which the trees or shrubs are located; or

(c) In any area where trees or shrubs are required to remain under an approved development contract.

§151.179 SIGN STANDARDS BY SIGN TYPE AND ZONING DISTRICT

(A) *Allowed Sign Standards Table.* The Table of Allowed Sign Standards sets out the minimum requirements for the physical characteristics of signs in the Town. Additional conditions for some sign types are found in §151.180.

Sign or Device	Zoning District	Maximum Number	Maximum Sign Area by Sign Type (in Sq Ft per Side, Total)	Maximum Height (in Ft)	Minimum Setback (in Ft)	Conditions	Included in Maximum Aggregate Sign Area	Internal Illumination Permitted
ATTACHED								
Ballfield Fence	All	N/A	N/A	Top of fence to which it's attached	N/A	§151.180(A)	No	No
Awning (Permit Required)	All Non-residential	1 per building side facing a street and/or at a main pedestrian entrance(s) to the building	See Conditions	Shall not project above or below awning or roofline; max 16 when located within 200 ft of a residential district	Shall not extend beyond 10 ft from building	§151.180(B)	Yes §151.179(B)	No
Canopy (Permit Required)	All Non-residential	1 per building side facing a street and/or at a main pedestrian entrance(s) to the building	See Conditions	Maximum 30"; shall not project below canopy, or above parapet or roofline; max 16 when located within 200 ft of a residential district;	NA	§151.180(C)	Yes §151.179(B)	No
Convenience	All Non-residential	NA	4.5	6	Outside right-of-way or 10 from back of curb or edge of pavement, whichever is farther	NA	No	Yes
Hanging (Permit Required)	All Non-residential	1 per building side facing a street and/or at a main pedestrian entrance(s) to the building	3, 6	Min 7 from ground; max roofline or 18, whichever is lower	Max 4 ft from building	§151.180(D)	Yes §151.179(B)	No
Window (Permit Required)	All Non-Residential	See Conditions	See Conditions	See Conditions	See Conditions	§151.180(E)	No	No

Sign or Device	Zoning District	Maximum Number	Maximum Sign Area by Sign Type (in Sq Ft per Side, Total)	Maximum Height (in Ft)	Minimum Setback (in Ft)	Conditions	Included in Maximum Aggregate Sign Area	Internal Illumination Permitted
Multiple Franchise Businesses (Permit Required)	All Non-Residential	See Conditions	See Conditions	NA	NA	§151.180 (F)	Yes See also §151.180 (O)	Yes
Wall and attached if not otherwise regulated (Permit Required)	All Non-residential	1 per building side facing a street and/or at a main pedestrian entrance(s) to the building	See §151.179(B)	Shall not project below canopy, or above parapet or roofline; max 16 when located within 200 ft of a residential district		§151.180(G)	Yes §151.179(B)	Yes
FREESTANDING/GROUND								
Development (Residential) (Permit Required)	Residential	2 per entrance	32, 64	6	Outside right-of-way or 10 from back of curb or edge of pavement, whichever is farther	§151.180(H)	Yes	No
Flag (Permit Required)	All Non-residential	3 per lot	¼ (in sq ft) of pole height (e.g. 40 ft pole = max 10 sq ft area)	40 pole height	Outside right-of-way or equal to the height of the pole, whichever is farther	NA	Yes §151.179(B)	No
Convenience	All Non-residential	1 per entrance/exit	4.5, 9	6	Outside right-of-way or 10 from back of curb or edge of pavement, whichever is farther	NA	No	Yes
Menu Board (Permit Required)	SCC, GC, MPO	1 for restaurants with drive-through but no curbside service/1 per bay for restaurants with curbside service	30 for restaurants with drive-through but no curbside service/6 per bay for restaurants with curbside service	6	Shall be contained within the buildable area of the site	§151.180(I)	No	Yes

Sign or Device	Zoning District	Maximum Number	Maximum Sign Area by Sign Type (in Sq Ft per Side, Total)	Maximum Height (in Ft)	Minimum Setback (in Ft)	Conditions	Included in Maximum Aggregate Sign Area	Internal Illumination Permitted
Project Sign (Multiple Tenant) (Permit Required)	All Non-Residential	1 per lot per street for lots w/1000 ft of frontage or less. For lots with > 1000 ft of frontage, one sign per 1000 ft or a portion thereof.	See Conditions	See §151.180(J)	20 from right-of-way	§151.180(J)	No	Yes, but for existing, legally nonconforming signs only
Multiple Franchise Businesses (Permit Required)	All Non-Residential	1	See Conditions	10	20 from right-of-way	§151.180(F)	Yes §151.180 (F)	Yes, but for existing, legally nonconforming signs only
Sandwich Board (Permit Required)	SCC, GC, MPO, CB, NC	1 per business, tenant or occupant	10, 20	4	Outside of required 48" pedestrian sidewalk clearance	§151.180(K)	No	No
Ground signs not otherwise regulated (Permit Required)	All Non-residential	1 per lot per street for lots w/1000 ft of frontage or less. For lots with > 1000 ft of frontage, one sign per 1000 ft or a portion thereof.	32, 64 for sign face area	6	Outside right-of-way or 10 from back of curb or edge of pavement, whichever is farther	§151.180(L)	Yes §151.179(B)	Yes
TEMPORARY								
Development -in-progress (Permit Required)	All	1 per entrance and 1 per phase or section	32, 64	6	No less than 30 from face of curb or edge of pavement	§151.180(M)	No	No
Window	All	See Conditions	See Conditions	See Conditions	See Conditions	§151.180(E)	No	No
Temporary in all residential zoning districts if not otherwise regulated	All Residential	2	6, 12	5	Outside right-of-way or 10 from back of curb or edge of pavement, whichever is farther	§151.180(N)	No	No

Sign or Device	Zoning District	Maximum Number	Maximum Sign Area by Sign Type (in Sq Ft per Side, Total)	Maximum Height (in Ft)	Minimum Setback (in Ft)	Conditions	Included in Maximum Aggregate Sign Area	Internal Illumination Permitted
Temporary in all non-residential zoning districts if not otherwise regulated (For Permits Required See Conditions)	All Non-residential	1	32, 64	6 Unless attached to a building or in a window	See Conditions	§151.180(O)	No	No

(B) Aggregate Sign Area.

(1) Except for multiple franchises or multiple tenant buildings, each nonresidential building is entitled to a maximum aggregate square footage of signage for each visible building side to be calculated as follows:

(a) For the first 100 linear feet of visible frontage, 1.5 square feet of signage for each linear foot; plus

(b) 0.45 square feet of signage for each additional linear foot of building frontage in excess of 100 linear feet.

(2) Notwithstanding the foregoing, the maximum aggregate square footage of signage per building, regardless of the number of visible building sides, shall be 300 square feet.

(3) Visible building side shall mean:

(a) The horizontal length measured from the side of a building on a public or private street frontage of the heated and enclosed structure upon a premises, not including out-buildings or appurtenant structures; or

(b) The horizontal length of a building on the side with a principal pedestrian entrance.

(C) Civic/institutional uses permitted in residential districts or planned developments that cite uses in non-residential districts shall follow the sign regulations for non-residential districts.

§151.180 SIGN-SPECIFIC CONDITIONS

The following conditions supplement the standards set forth in Table 151.179.

(A) Attached Ballfield Fence Signs. The following additional provisions shall apply to all signs attached to ballfield fences:

(1) Signs shall face into the ballfield; and

(2) All backs of ballfield fence signs in a given ballfield shall be the same color.

(B) Attached Awning Signs. The following additional provisions shall apply to all attached awning signs:

(1) Awnings with backlighting are prohibited;

(2) Awning signs shall be placed on the valance area only; and

(3) The minimum space between the edge of the letter and the top and bottom of the valance shall be 1.5 inches.

(C) **Attached Canopy Signs.** The following additional provisions shall apply to all attached canopy signs:

- (1) No illumination shall be allowed for attached canopy signs;
- (2) Maximum letter height shall be 30”;
- (3) Maximum width shall be 25 percent of canopy face;
- (4) Canopy signs shall be placed on the valance area only; and
- (5) The minimum space between the edge of the letter and the top and bottom of the valance shall be 1.5 inches.

(D) **Hanging Signs.** Hanging signs shall be displayed with a minimum distance of 7 feet from bottom of the sign to the ground.

(E) **Window Signs.** All window signage, whether temporary or permanent, shall comply with the following requirements:

- (1) Signs shall be located fully within the interior of the building and attached directly to or mounted within 3 feet of the inside of commercial-type businesses;
- (2) Except as provided in this section, window signage may be painted on the interior of the window with easily removable paint, constructed of vinyl, paper, cloth, or other like material;
- (3) Signs, whether temporary or permanent, shall not exceed 15 percent of the aggregate window and door area. A group of windows on a particular building elevation separated by a distinct architectural feature, other than the window frame, shall be considered a separate contiguous window area and the sign area within each contiguous window area shall not exceed 15 percent. Each building elevation shall be considered separately; and
- (4) LED, or similar technology, electronic message center window signs are prohibited.

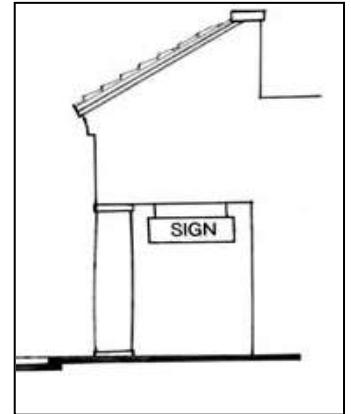


Figure 2: Attached hanging signs are appropriate in pedestrian areas.

(F) **Multiple Franchise Businesses.** The following additional provisions shall apply to all multiple franchise business signs, if not otherwise regulated:

- (1) Businesses shall provide documentation demonstrating that they offer multiple franchises (e.g., “makes” of automobiles) and that there are signage requirements associated with specific franchise agreements.
- (2) The Development Director may approve signs for other types of businesses that contain multiple franchises under these provisions if the franchisee(s) demonstrate that:
 - (a) Its franchise agreement contains specific signage requirements; and
 - (b) Such requirements cannot otherwise be met unless these provisions are utilized.
- (3) One wall sign shall be allowed for the business name with a total of 1 square foot per linear foot of building (sales/showroom/office building only) per street frontage façade;

(4) One wall sign shall be allowed for each franchise with a maximum aggregate sign area not to exceed 200 square feet per building (sales/showroom/office building only) street frontage façade and/or at a main pedestrian entrance to the building;

(5) The aggregate sign area calculated for each building street frontage may be shared among the dealership, or other multiple franchise business, and each of its franchises on the building elevation facing the same street frontage;

(6) One freestanding/ground sign shall be shared by the dealership, or other multiple franchise business, regardless of the number of public streets the property fronts, with a total sign area of 1 square foot per 10 linear feet of street frontage along the property line including multiple street frontages. Maximum allowable sign area for this freestanding/ground sign shall not exceed 75 square feet;

(7) A freestanding ground signs outside of Traditional Areas shall have a 2 foot masonry base;

(8) The face of the freestanding/ground sign shall be rectangular in shape; and

(9) The base of the freestanding/ground sign shall be fully landscaped with planters and/or shrubbery in all directions not less than the dimensional width of the sign.

(G) Wall Signs and Attached Signs, If Not Otherwise Regulated. The following additional provisions shall apply to all attached signs, if not otherwise regulated:

(1) Signs shall not be located closer than two feet from any other business located on the ground floor of the same building; and

(2) Signs shall not be located closer than four feet in any direction from any other business sign.

(H) Freestanding Residential Development Signs. The following additional provisions shall apply to all freestanding residential development signage:

(1) Freestanding residential development signs shall be located within a common open space lot or a private lot with an easement dedicated to a property owners' association.

(2) One residential development sign shall be allowed if located within a central median at an entrance if within a common open space and not within the public right-of-way.

(3) Only one residential development sign shall be allowed on each side of an entrance.

(4) Residential development signs shall be constructed only of masonry or natural materials, except for attached letters or logo, and may include signs constructed within entrance walls; and

(5) With the exception of the Historic District where signs with pole bases are in keeping with historic signs, an encompassing finished masonry frame shall be required:

(a) The base shall not exceed twenty-five percent of the sign face area; and

(b) In no case shall this percentage change the permitted sign face area.

(I) Menu Boards.

(1) For menu boards used in conjunction with a restaurant providing drive-through or curbside services the structure shall be included on a site plan.

(J) Project Signs. The following additional provisions shall apply to all multi-tenant project signs, if not otherwise regulated:

(1) When 5 or more businesses, tenants or occupants are contained with or without individual street frontage with a common parking lot or private drive and a total of at least 10,000 square feet in the project, a project sign shall be installed rather than a ground sign. One parcel with less than 5 tenants that does not qualify for a project sign shall share a single ground sign per §151.180(L);

(2) For developments that qualify for more than one project sign, there shall be a minimum of 1,000 feet between project signs;

(3) The height of the project sign shall be determined as follows;

Table 151.180(J)(3) Maximum Dimensions of Project Signs		
Building Square Footage	Maximum Project Sign Height (in feet)	Maximum Project Sign Width (in feet)
15,000 or less	10	10
15,001 or greater	15	10

(4) Project signs shall be located a minimum of 20 feet from the right-of-way;

(5) The base of the sign shall be fully landscaped with planters and/or shrubbery in all directions not less than the dimensional width of the sign;

(6) The face of the project sign shall be rectangular in shape;

(7) Project signs shall be designed to match the architecture of the building or development;

(8) The base of all project signs shall be 2 feet in height and of masonry or stone construction; and

(9) The project sign shall be on the same parcel as the multiple tenant project.

(K) Sandwich board-type signs. The following additional provision shall apply to all sandwich board-type signs:

(1) Sandwich board-type signs shall be constructed of metal or wood;

(2) Wood signs shall be constructed of medium density overlay (MDO) or a similar quality material, not grained plywood;

(3) Edges shall be covered with molding; and

(4) Erasable slate chalk boards are allowed.

(L) Freestanding/Ground Signs, If Not Otherwise Regulated. The following additional provisions shall apply to all freestanding/ground signs, if not otherwise regulated, including a multiple tenant project sign for one parcel with less than 5 tenants that does not qualify for a project sign..

(1) Freestanding/ground signs shall have a minimum of 100 feet between signs on adjacent lots;

(2) Freestanding/ground signs shall be constructed only of masonry or natural materials, except for attached letters or logo, and may include signs constructed within entrance walls;

(3) The maximum overall area of a freestanding/ground sign, including the finished masonry frame, shall be 100 square feet;

(4) Freestanding/ground signs outside of Traditional Areas shall have a 2 foot masonry base; and

(5) The base of any freestanding/ground sign shall be fully landscaped with planters and/or shrubbery in all directions to soften the appearance of the sign and to provide a transition to the ground.

(M) *Development-In-Progress Signs.* The following additional provisions shall apply to all temporary development-in-progress signs:

(1) Signs in nonresidential projects shall be permitted only for sites with a Town-approved site plan or subdivision plat and only during the period for which there is an active building permit, or development agreement; and

(2) Signs in residential projects shall only be permitted with a Town approved site plan (for multifamily) or recorded subdivision plat under physical construction, or an active development agreement.

(3) A setback of less than 30 feet may be approved by the Development Director under circumstances where there are physical site constraints that would prevent compliance with this section.

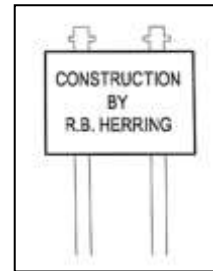


Figure 3: Example of a development-in-progress sign

(N) *Temporary in all residential zoning districts if not otherwise regulated.*

(1) Real estate signs shall be removed within 7 days of the closing of the sale, rental or leasing of the premises, or as determined by the Development Director in the case of multiple lease or rental spaces in a single project;

(2) The display of any single temporary sign, other than a real estate sign or a political sign, shall be limited to 60 days per calendar year.

(O) *Temporary in all non-residential zoning districts if not otherwise regulated.* The following additional provisions shall apply to all temporary signs in non-residential zoning districts, if not otherwise regulated:

(1) The minimum setback for temporary signs in all non-residential zoning districts shall be 30 feet from the back of curb for signs with a sign area between 20 and 32 square feet, 20 feet from the back of curb for signs with a sign area between 7 square feet and 19 square feet, and 10 feet from the back of curb or outside of the right of way, whichever is farther, for signs with a sign area of 6 square feet; and

(2) The display of any single temporary sign, other than a real estate sign or a political sign, shall be limited to 60 days per calendar year and shall require a permit.

§151.181 NONCONFORMING SIGNS.

(A) The utilization of a nonconforming sign and/or sign structure, as defined herein, may continue subject to the conditions and requirements noted below. When the use of a property changes (including but not limited to the redevelopment of the site, a change in the use of the business(es), or a tenancy change requiring the demolition or reconstruction of the sign), the signs on that property must be brought into compliance with the provisions of this subchapter.

(B) The replacement of portions of the removable plastic face on a project sign shall be allowed for signs lawfully constructed prior to (effective date) provided that such new portion utilizes the same size, shape, color and material of the replaced portion.

(C) With the exception of minor repairs and maintenance and alterations allowed pursuant to state law, no alterations to a nonconforming sign/sign structure shall be allowed. Unless otherwise allowed by law, any structural or other substantial improvement to a nonconforming sign (except for those activities as specified in Section 151.176(B)(2)) shall be deemed an abandonment of the nonconforming status and shall result in the reclassification of such sign as a prohibited sign as set forth in Section 151.174.

§151.182 ADMINISTRATION AND PENALTIES.

(A) **Enforcement.** The Department of Development Services, or other departments or officers of the Town designated from time to time by the Board of Mayor and Aldermen, is authorized and directed to enforce all of the provisions of this chapter. Upon presentation of proper credentials, the Development Director or his or her duly authorized representative may enter at reasonable times any building, structure or premises in the Town of Collierville to perform any duty imposed upon him or her by this subchapter. The Development Director shall be authorized to pursue all such remedies as are available under the law and shall not be limited to those remedies listed below.

(1) *Notice of Violation; Repair or Removal.* The Development Director, or his or her duly authorized representative, shall send a letter by certified mail to the owner, agent, and/or person having the beneficial interest in the building or the premises on which the subject sign is located, ordering that such sign be brought into conformance or removed within thirty (30) days of receipt of the letter or such other reasonable period of time as the Development Director may determine to be appropriate under the circumstances. If the sign is not brought into conformity or removed by the end of the thirty-day period, the Development Director may cause the same to be removed or repaired, as the case may be, at the expense of the owner of the sign and the owner of the premises on which the sign is located, each of whom shall be jointly and severally liable for such expense.

(2) *Signs in Public Right-of-Way.* Signs illegally placed in any public right-of-way shall be forfeited to the public and shall be immediately confiscated by the Department of Development Services.

(3) *Unsafe Signs.* The Development Director, or his or her duly authorized representative, may cause any sign or sign structure to be removed immediately upon written

notice at the expense of the owner of the sign and the owner of the premises on which the sign is located if the sign is an immediate hazard to persons or property by virtue of its construction.

(B) *Appeals to Board of Zoning Appeals.* As set forth in §151.308, the Board of Zoning Appeals shall hear and decide appeals from any order, requirement, decision or determination made by the Development Director or any other official charged with the responsibility of enforcing the provisions of this chapter.

(C) *Penalties.* Any person, firm or corporation violating any of the provisions of this subchapter shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than the maximum prescribed by Tennessee law. Each day's continuance of a violation shall be considered a separate offense. The owner of any sign, building or premises, or part thereof, where any matter in violation of this subchapter shall be placed or shall exist, and any person who may have knowingly assisted in the commission of any such violation shall be guilty of a separate offense.

§151.183 SEVERABILITY

(A) *Generally; severability where less speech results.* If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this subchapter is declared or held to be invalid or unconstitutional by any court of competent jurisdiction, such declaration or holding shall not affect any other part, table, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this subchapter, even if such severability would result in less speech, whether by subjecting previously exempt signs to this subchapter's permitting requirements, or otherwise.

(B) *Severability of provisions pertaining to prohibited signs and sign types.* Without diminishing or limiting in any way the declaration of severability set forth above or elsewhere in this subchapter this Ordinance or in any adopting ordinance, if any part, table, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this subchapter or any other law is declared or held to be unconstitutional or invalid by any court of competent jurisdiction, such declaration or holding shall not affect any other part, table, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this subchapter that pertains to prohibited signs.

(C) If any court of competent jurisdiction invalidates the application of any provision of this ordinance to a particular property, structure, or situation, then such judgment shall not affect the application of that provision to any other building, structure, or situation not specifically included in that judgment.

(D) If any court of competent jurisdiction judges invalid any condition attached to the approval of a development review application, then such judgment shall not affect any other conditions or requirements attached to the same approval that are not specifically included in that judgment.

(E) Whenever a condition or limitation is included in an administrative action authorizing regulatory activity, then it shall be conclusively presumed that the authorizing officer, commission, or board considered such condition or limitation necessary to carry out the spirit and intent of this ordinance, and that the officer, commission, or board would not have granted the authorization to which the condition or limitation pertained except in belief that the condition or limitation was lawful.

CHAPTER 82 - SIGN

ORDINANCE

82.1 Short Title. This ordinance shall be known and may be cited as the **City of Marquette Sign Ordinance.**

82.2 Intent. It is the intent of this ordinance to regulate signs in the City of Marquette so as to protect public health and safety and to promote the public welfare. This is accomplished by regulating the size, placement, relationships, construction, illumination, and other aspects of signs in the City. It is determined that such regulation is necessary for several reasons.

- (1) To enable the public to locate goods, services, and facilities without difficulty and confusion.
- (2) To prevent dangerous competition for attention between advertising signs and traffic control signs and signals.
- (3) To prevent signs which are potentially dangerous to the public due to structural deficiencies or disrepair.
- (4) To preserve the mental and physical well being of the public by preventing insistent and distracting demands for attention.
- (5) To assure the continued attractiveness of the community showing special concern for the value of its cultural and natural features.
- (6) To protect property values within the community.

It is further determined that signs which may lawfully be erected and maintained under the provisions hereof are consistent with customary usage and that signs which may not lawfully be erected or maintained under the provisions hereof are not consistent with customary usage, are an abuse thereof, and are an unwarranted invasion of legitimate business interests and of the public.

82.3 Definitions. For the purpose of this ordinance, certain terms or words used herein shall be interpreted as follows:

All words used in the present tense shall include the future; all words in the singular number include the plural number and all words in the plural number include the singular number; and the word "building" includes "structure," "dwelling" includes "residence;" the word "person" includes "corporation," "co-partnership," as well as an "individual;" the word "shall" is mandatory and the word "may" is permissive.

Terms not herein defined shall have the meaning customarily assigned to them; or as defined in the Building Code or City Zoning Ordinance.

Alley: Any dedicated public right-of-way affording a secondary means of access to abutting property, and not intended for general traffic circulation.

Animated Sign: A sign employing actual motion, the illusion of motion, or light and/or color changes achieved through mechanical, electrical, or electronic means. Animated signs, which are differentiated from changeable signs as defined and regulated by this Code, include the following types:

- 1) Environmentally Activated: Animated signs or devices motivated by wind, thermal changes, or other natural environmental input. Includes spinners, pinwheels, pennant strings, and/or other devices or displays that respond to naturally occurring external motivation.
- 2) Mechanically Activated: Animated signs characterized by repetitive motion and/or rotation activated by a mechanical system powered by electric motors or other mechanically induced means.
- 3) Electrically Activated: Animated signs producing the illusion of movement by means of electronic, electrical, or electromechanical input and/or illumination capable of simulating movement through employment of the characteristics of one or both of the classifications noted below:
 - a) Flashing: Animated signs or animated portions of signs whose illumination is

characterized by a repetitive cycle in which the period of illumination is either the same as or less than the period of non-illumination. For the purposes of this ordinance, flashing will not be defined as occurring if one cyclical period of on-off phases of illumination exceeds four (4) seconds.

- b) **Patterned Illusionary Movement:** Animated signs or animated portions of signs whose illumination is characterized by simulated movement through alternate or sequential activation of various illuminated elements for the purpose of producing repetitive light patterns designed to appear in some form of constant motion.

Architectural Projection: Any projection from a building that is decorative and/or functional and not intended for occupancy and that extends beyond the face of an exterior wall of a building but that does not include signs as defined herein. See also: Awning; Back-lit Awning; and Canopy, Attached and Freestanding.

Awning: An architectural projection or shelter projecting from and supported by the exterior wall of a building and composed of a covering of rigid or non-rigid materials and/or fabric on a supporting framework that may be either permanent or retractable.

Awning Sign: A sign displayed on or attached flat against the surface or surfaces of an awning. See also: Wall or Fascia Sign. Only the sign or copy area displayed on an awning shall be used to determine the permitted sign area-the entire awning shall not be included in a Sign Area calculation.

Banner: A flexible substrate on which copy or graphics may be displayed.

Banner Sign: A sign utilizing a banner as its display surface.

Billboard: See Sign, Outdoor Advertising.

Building Code: The building code as currently enforced pursuant to the laws of the State of Michigan.

Building Facade: That portion of any exterior elevation of a building extending vertically from grade to the top of a parapet wall or eaves and horizontally across the entire width of the building elevation.

Building Frontage: The length of an exterior building wall or structure, of a single premise, along either a public street or path; parking lot or other property that it faces. Measured by the distance between two parallel lines, drawn perpendicular to the edge of the right-of-way, which intersect with any part of the building. Where the building is located upon a curve, the lines shall be drawn perpendicular to a tangent drawn through the nearest point of the right-of-way for a convex curve and the furthest point of the right-of-way for a concave curve.

Candela: The basic unit of measurement of light in SI (metric) units.

Candela per square meter (cd/m²): The SI (metric) unit used to describe the luminance of a light source or of an illuminated surface that reflects light. Also referred to as Nits.

Candle or Candlepower: Synonymous with Candela, but in English, not SI, terms.

Canopy (Attached): A multi-sided overhead structure or architectural projection supported by attachment to a building on one or more sides and either cantilevered from such building or also supported by columns at additional points. The surface(s) and/or soffit of an attached canopy may be illuminated by means of internal or external sources of light. Also called a Marquee.

Canopy (Freestanding): A multi-sided overhead structure supported by columns, but not enclosed by walls. The surface(s) and or soffit of a freestanding canopy may be illuminated by means of internal or external sources of light.

Changeable Sign: A sign with the capability of content change by means of manual or remote input, includes the following types:

- 1) **Manually Activated -** Changeable sign whose message copy or content can be changed manually on a display surface.
- 2) **Electrically Activated -** Changeable sign whose message copy or content can be changed by means of remote electrically energized on-off switching combinations of alphabetic or pictographic components arranged on a display surface. Illumination may be integral to the components, such as characterized by lamps or other light-emitting devices; or it may be from an external light source

designed to reflect off the changeable component display. See also: Electronic Message Center.

Cladding: A non-structural covering designed to conceal the actual structural supports of a sign.

Copy: The graphic content or message of a sign.

Display Time: The amount of time a message and/or graphic is displayed on an Electronic Message Sign.

Dissolve: A mode of message transition on an Electronic Message Sign accomplished by varying the light intensity or pattern, in which the first message gradually appears to dissipate and lose legibility with the gradual appearance and legibility of the second message.

Dynamic Frame Effect: An Electronic Message Sign frame effect in which the illusion of motion and/or animation is used.

Electrical Code: The electrical code as currently enforced pursuant to the laws of the State of Michigan.

Electronic Message Center (EMC) Sign: An electrically activated changeable sign whose variable message and/or graphic presentation capability is electronically-programmable. Also known as a digital sign. EMCs typically use light emitting diodes (LEDs) as a lighting source, and liquid-crystal display (LCDs) for light modulation. (See also following terms principally associated with Electronic Message Centers: Display Time, Dissolve, Dynamic Frame Effect, Fade, Frame, Frame Effect, Scroll, Transition, Travel).

Electric Sign: Any sign activated or illuminated by means of electrical energy.

Erected: Includes built, constructed, altered, reconstructed, moved upon or any physical operations on the premise required for construction. Excavation fill, drainage, installation of utilities and the like, shall be considered a part of erection.

Face: The portion of a sign upon, against, or through which the message is displayed or illustrated.

Fascia Sign: See Wall Sign

Flag: A flexible piece of fabric or other material containing the official emblem of any unit or government.

Flashing: Sign illumination characterized by a repetitive cycle in which the period of illumination is either the same as or less than the period of non-illumination. For the purposes of this ordinance, flashing will be defined as occurring if one cyclical period of on-off phases of illumination is less than four (4) seconds.

Flashing Sign: See Animated Sign, Electrically Activated.

Frontage: A property line shall be said to be a property frontage whenever it is coterminous with the boundary of a public right-of-way. Where two or more frontages exist for the same parcel, one shall be selected by the property owner for the purpose of calculating permitted signage.

Grade: The average level of the finished surface of the ground adjacent to all exterior walls of a building or support structure more than five (5) feet from a right-of-way. For buildings closer than five feet to a right-of-way the grade is the curb elevation at the center of the building or support structure. If there is no curb, the City Engineer shall establish the grade.

Historic Sign: A sign that is attached to a building listed on the State and/or National Register of Historic Places, which was attached to the building at the time of said listing; or be at least 50 years old, not significantly altered from its historic appearance, and demonstrates value to the community.

Illuminance: The amount of light falling upon a real or imaginary surface, commonly called "light level" or "illumination". Measured in foot candles (lumens/square foot) in the English system, and lux (lumens/square meter) in the SI (metric) system.

Illuminated Sign: A sign characterized by the use of artificial light, either projecting through its surface(s) [Internally or trans-illuminated]; or reflecting off its surface(s) [Externally illuminated].

Interior Sign: Any sign placed within a building, but not including window signs as

defined by this ordinance. Interior signs, with the exception of window signs as defined, are not regulated by this ordinance.

Lot: For purpose of this ordinance a lot is a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area to provide such yards and other open spaces as are herein required. Such a lot shall have its front line abutting a public street or a private street meeting the standards of an approved PUD and may consist of:

1. A single lot of record;
2. A portion of a lot of record;
3. A combination of complete lots of record, complete lots of record and portions of record, or of portions of lots of record; or
4. A parcel of land described by metes and bounds.

Luminance: The light that is emitted by or reflected from a surface. Measured in units of luminous intensity (candelas) per unit area (square meters in SI measurement units or square feet in English measurement units.) Expressed in SI units as cd/m^2 , and in English units as foot lamberts. Sometimes also expressed as "nits", a colloquial reference to SI units. Can be measured by means of a luminance meter.

Mansard Roof: A roof, or structure on a building imitating a roof, which is at an angle of 60 degrees or greater from the horizontal.

Marquee: See canopy.

Multiple-Faced Sign: A sign containing three (3) or more faces.

Mural: An original painting applied to the surface of a wall. If the mural depicts products for sale, brand names, or services offered at the property, the mural will be considered a sign for purposes of this ordinance.

Nit: A photometric unit of measurement referring to luminance. One nit is equal to one cd/m^2 .

Pennant: A flexible piece of fabric or other material designed to attract attention or convey information by means of lettering, logos, color, or movement.

Plaque, Commemorative: An inscribed tablet of brass or other non-corrosive metal or stone, identifying a place of historical or cultural significance.

Residential Nameplate: A sign identifying a multiple family residential structure or identifying the occupants of one and two family structures.

Scroll: A mode of message transition on an Electronic Message Sign in which the message appears to move vertically across the display surface.

Shopping Center: A shopping center shall mean a unified commercial development occupied by a group of five or more separate retail businesses occupying substantially separate divisions of a building or buildings fronting on a privately owned common mall or parking lot rather than a public street.

SI (International System of Units): The modern metric system of measurement; abbreviated SI for the French term "Le Systeme International d'Unites."

Sign: A name, identification, image, description, display, or illustration which is affixed to or located on, a piece of land, and which directs attention to an institution, organization, or business and which is visible from any street, right-of-way, sidewalk, alley, park, or other public property. Customary displays of merchandise or objects and material placed behind a store window are not signs or parts of signs.

Sign Advertising: Any sign which identifies a product, or service or brand name offered to the public.

Sign, Area of:

1. The entire area within a circle, triangle, or parallelogram enclosing the extreme limits of writing, representation, emblem, or any figure of similar character, together with any frame or other material or color forming an integral part of the display or use to differentiate the sign from the background against which it is placed; excluding the necessary supports or uprights on which such sign is placed.
2. Where a sign has two or more faces, the area of all faces shall be included in determining the area of the sign, except that where two such faces are placed back to back and are at no point more than two feet from one another, the area of the sign shall

be taken as the area of one face if the two faces are of equal size, or as the area of the larger face if the two faces are of unequal size. The spacing between the parallel faces of a ground or pole sign may be increased to three feet where there are only two supports. In no case shall a support have a greater cross sectional width than 36 inches.

3. Where a sign consists solely of lettering or other sign elements printed or mounted on a wall of a building without any distinguishing border, panel or background, any blank rectangular area which is more than ten percent of the area of the sign as otherwise computed shall be disregarded. All of the lettering and other sign elements printed or mounted upon a wall of a building without any distinguishing border, panel, or background and pertaining to the same enterprise shall be treated as a single sign for purposes of area computation.

Sign, Directional: Any sign that is designed and erected for the purpose of providing direction and/or orientation for pedestrians, vehicle or boat operators.

Sign, Directory: A sign that identifies the names and locations of tenants in a multi-tenant building or in a development made up of a group of buildings.

Sign, Flexible: A sign made of fabric, plastic, or other flexible material, two-dimensional in nature.

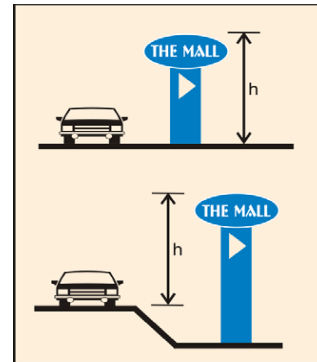
Sign, Freestanding: A sign principally supported by one or more columns, poles, or braces placed in or attached to the ground (e.g. cemented in a post hole or screwed to cement). May also be referenced as a Ground, Pole, Pylon, or Monument sign.

Sign, Ground: A sign supported by one or more uprights or a base, the entire display area of which is no more than eight (8) feet from the ground.

Sign, Height:

1. The height of a freestanding sign shall be measured from the base of the sign or supportive structure at its point of attachment to the ground to the highest point of the sign. A freestanding sign on a man-made base, including a graded earth mound, or that is located in a depression below the adjacent street grade, shall be measured from the grade of the nearest pavement to the highest point of the sign. See diagram at right (h=height).

2. Vertical clearance shall be measured as the smallest distance between the finished grade and the lowest point of the sign, including any framework or other embellishments.



Sign, Identification: Any sign which bears the name of the structure, business or proprietor, on the site on which it is located.

Sign, Illuminated: A sign that provides artificial light through transparent or translucent material or is illuminated by a light from an exterior source.

Sign, Instructional: A sign, placard, or text applied to stationary equipment, used to guide traffic on a site or inform travelers/patrons of pertinent information of a non-advertising nature.

Sign, Off Premise: A sign which advertises goods, services or attractions not available on the same site as the sign.

Sign, On Premise: A sign which advertises only goods, services, facilities, events, or attractions available on the premises where located, or identifies the owner or occupant or directs traffic on the premises. All other signs are off-premise signs.

Sign, Outdoor Advertising: A permanent sign erected, maintained or used in the outdoor environment for the purpose of display of commercial or non-commercial messages not appurtenant to the use of, products sold on, or the sale or lease of, the property on which it is displayed. May also be referenced as an Off-premise Sign or Billboard.

Sign, Permanent: A sign of durable construction and durable materials designed to remain in one location and position either through attachment to a building element or mounting on a standard secured to a below grade footing.

Sign, Pole: A sign supported by one or more uprights or braces in or upon the ground.

Sign, Political: A temporary sign intended to advance a political statement, cause, or

candidate for public office.

Sign, Portable: Any sign not permanently attached to the ground and can be removed without the use of tools.

Sign, Projecting: A sign which is attached directly to the building wall, and which extends more than fifteen (15) inches from the face of the wall.

Sign, Real Estate: A temporary sign advertising the sale, lease, or rental of the property or premises upon which it is located.

Sign, Roof: A sign mounted on the main roof portion of a building or on the uppermost edge of a parapet wall of a building and which is wholly or partially supported by such building. Signs mounted on mansard facades, pent eaves, and architectural projections such as canopies or marquees shall not be considered to be roof signs. This sign is prohibited.

Sign, Sidewalk: A portable sign of A-frame or swinging-style construction used during the hours a business is open and stored inside when not in use.

Sign, Temporary: A sign intended to display either commercial or non-commercial messages of a transitory or temporary nature. Portable signs or any sign not permanently embedded in the ground, or not permanently affixed to a building or sign structure that is permanently embedded in the ground, are considered temporary signs.

Sign, Wall: A sign which is painted on or attached directly to a building wall with the face of the sign parallel to and extending not more than fifteen (15) inches from the face of the wall.

Sign, Wayfinding: A sign, frequently off-premise, specifically designed to provide directional or destination information.

Sign, Window: A sign affixed to, or located behind the surface of a window, with its message intended to be visible to the exterior environment.

Site: One or more lots under the same ownership or control which are proposed to the Zoning Administrator as a whole for the purpose of compliance with the requirements and regulations of the Zoning Ordinance.

Streamer: See pennant.

Transition: A visual effect used on an Electronic Message Sign to change from one message to another.

Zoning Ordinance: A chapter of the City Code of Marquette, Michigan adopted pursuant to the authority and procedure established by Act 207 of Public Acts of 1921 as amended.

82.4 Relationship to Other Laws. Whenever regulations or restrictions imposed by this ordinance are either more or less restrictive than regulations or restrictions imposed by any governmental authority through legislation, rule, or regulation, the regulations, rules or restrictions which are more restrictive or which impose higher standards or requirements shall govern. Regardless of any other provision of this ordinance, no sign shall be erected or maintained in violation of any state or federal law or regulation.

82.5 Severability. This ordinance and the various parts, sections, subsections, and clauses thereof are hereby declared to be severable. If any part, sentence, paragraph, subsection, section, or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of the ordinance shall not be affected thereby. If any part, sentence, paragraph, subsection, section, or clause is adjudged unconstitutional or invalid as applied to a particular property, or other structure, it is hereby provided that the application of such portion of the ordinance to other property, buildings, or structures shall not be affected thereby.

82.6 Application of this Ordinance. No sign or part thereof may be constructed, erected, placed, altered or maintained within the City of Marquette, except as specifically or by necessary implication, authorized by this ordinance.

82.7 Vested Rights. Nothing in this ordinance shall be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular sign and this ordinance is hereby declared to be subject to subsequent amendment, change or modification as may be necessary to preserve or protect the public health, safety, or welfare.

82.8 Effective Date and Repeal of Prior Sign Regulation. This ordinance shall take effect on July 24, 2008, said date being 10 days after adoption by the City Commission and publication. The Sign Ordinance adopted by the City Commission on the 12th day of March 1979 and all amendments thereto are hereby repealed as of the effective date of this ordinance. The repeal of the above ordinance does not affect or impair any act done, offense committed, or right occurring, accrued or acquired, or liability, penalty forfeiture or punishment incurred prior to the time enforces, prosecuted, or inflicted.

82.9 Permits Required:

1. It shall be unlawful for any person to erect, relocate, or structurally alter or repair, any sign or other advertising structure within the City of Marquette, as defined by this ordinance without first obtaining a certificate of compliance. All signs shall be subject to the Building Code, the City of Marquette Zoning Ordinance, and all illuminated signs shall be subject to the provisions of the State Electrical Code. (See Section 15, for maintenance exceptions which do not require a Certification of Compliance.)
2. A Certificate of Compliance shall be obtained from the Sign Official prior to the issuance of a building permit.
3. Application for a Certificate of Compliance shall be made upon forms provided by the Sign Official and shall contain or have attached the following information:
 - A. Name, address, telephone number, and signature of the applicant (person or firm erecting the sign).
 - B. Name, address, telephone number and signature of the owner of the land on which the sign is to be erected.
 - C. A scale drawing showing the position of the sign in relation to nearby buildings, signs, structures, and lot lines. All dimensions are to be included.
 - D. A copy of the plans, specifications and method of construction and attachment to the building or in the ground.
 - E. Upon demand of the Sign Official a copy of stress sheets and calculations showing the structure is designed for dead load and wind pressure in any direction in the amount required by this and all other applicable laws and ordinances.
 - F. Such additional information as required by the Sign Official to show full compliance with this and all other laws and ordinances of the City.
5. The Sign Official shall review all applications for a Certificate of Compliance as expeditiously as possible. Reasons for any denial shall be set forth in writing and shall include any changes which would make the plan acceptable. The applicant may appeal any denial to the Board of Appeals. No more than ten days shall be required to review an application.

82.10 Exemptions. Certificates of Compliance shall not be required for the following signs provided that said signs meet all other requirements of this ordinance, including but not limited to those in Section 11. Approval of the property owner is required prior to the erection of a sign. It is the responsibility of the party erecting the sign to determine if a building permit is required.

1. No more than one real estate sign per site, not to exceed six (6) square feet in residential districts, thirty two (32) squared feet in all other districts, which advertise the sale, rental, lease of the premise upon which the sign is located. The sign shall be removed within five days of the sale or rental.
2. Political campaign signs may be erected up to forty five (45) days before an election.

There shall be no limit in the number of such signs on each site. Such signs shall be removed within 5 days after the election.

3. Residential nameplate not to exceed two (2) square feet in area.
4. Temporary signs identifying construction sites for which a building permit has been issued. One sign per premises shall be permitted not to exceed 10 square feet for single family and two family structures or 64 square feet for all other structures. The sign shall be removed within 5 days after the occupancy of the structure.
 - a. Temporary signs identifying home improvement activities for which no permit is required. One on premise sign per premises not to exceed four (4) square feet, which may be in place while the work is in progress. In no case shall such sign be in place for more than 14 days.
5. Special decorative displays used for holidays, public demonstrations or promotion of civic welfare or charitable purposes, on which there is no commercial advertising, providing the jurisdiction is held harmless for any damage resulting therefrom.
 - a. Special decorative displays may include temporary signs, banners, or balloons.
 - b. Length of use shall not extend more than five (5) days after the event has ended.
6. Any sign or notice required by state, federal or local laws.
7. On premise directional signs when based on the following table:

Site Area	Square Feet of Sign age Per 1000 Square Foot of Site Area	Maximum Size of Any One Sign
Under 50,000 square feet	.75 square feet/1000 square feet	4 square feet
50,000 to 100,000 square feet	.50 square feet/1000 square feet	8 square feet
100,000 to 200,000 square feet	.35 square feet/1000 square feet	16 square feet
Over 200,000 square feet	.15 square feet/1000 square feet	20 square feet

8. Any number of official governmental unit flags may be located on any site. Only one corporate flag or pennant may be displayed. Support structures shall meet the requirements of either pole or projecting signs.
9. Commemorative plaques which are firmly attached to a structure.
10. Portable signs may be permitted upon municipal multi-use paths and/or park property in relation to contracted commercial activity or permitted events within an adjacent park, or authorized commercial uses on property abutting the multi-use path system.
 - A. In municipal parks, one portable sign per event and/or one portable sign per contracted or authorized commercial activity are allowed in a location to be approved by the Zoning Administrator via a sign permit.
 - B. Portable signs located along a multi-use path shall be placed no closer than two (2) feet from the paved edge of the path, between the path and the center of the property; and shall in no case be placed between a paved path and a street.
 - C. For commercial uses adjacent to, and with a direct pedestrian connection to, a multi-use path, the sign placement shall be on the private property frontage.
 - D. Temporary portable signs may be no larger than sixteen (16) feet in area per side, and thirty-two (32) square feet in area on all outward-facing sides.
 - E. An approved portable sign may be displayed on municipal property only during hours and times of operation, for no longer than one-hundred and twenty (120) days per calendar year for contracted commercial activities; and during but no more than 5 days before or after a permitted event.

82.11 Regulations applicable to all signs.

1. It shall be unlawful to place a sign or handbill on any property without the approval of the property owner. No signs or handbills shall be posted on any tree or utility pole.
2. No signs shall be located on any street or street corner which would obscure the vision of drivers using said streets, or conflict with traffic control signs or signals in any location. No sign shall obstruct the vision of drivers at any driveway, parking lot or other route providing access to any land use.

3. No sign shall be illuminated by other than natural, electrical, or electronic means. All flood or spot lighting for illumination of signs shall be directed away from and shall be shielded from any residential districts. Signs that have external illumination, whether the lighting is mounted above or below the sign face or panel, shall have lighting fixtures or luminaries that are fully shielded. Illumination is not to be greater than necessary to meet the needs of the business or use served, and sign lighting shall not be allowed to create hazardous or otherwise problematic glare.
4. No signs shall utilize flashing illumination, exposed bulbs or other illuminating devices which have a changing light intensity or brightness of color, with the exception of historic signs being used in a historical capacity, and electronic message center signs, which shall be permitted in accordance with Section 82.12.10 of this ordinance.
5. Prior to the erection of a sign overhanging a public right-of-way, the person erecting such sign shall receive the approval of the proper governmental agency (city, county, or state) having jurisdiction over such right-of-way.
6. No signs other than traffic control or directional signs erected by a unit of government shall be allowed on any right-of-way. Portable sidewalk signs shall be permitted when they meet the requirements of Section 82.12.6 and 7 except on State Highway right-of-ways, including the Business Routes on South Front Street and West Washington Street.
7. No sign shall be mounted on a roof; a mansard roof shall be considered a wall for the purpose of applying this regulation. (See Section 12 also.)
8. No signs in residential zoning districts may be closer to side or rear lot lines than specified in the minimum yard requirements of the Schedule of Regulations for the district in which they are located. (See City of Marquette Zoning Ordinance and Map.)
9. Swinging movements of signs shall be permitted only on under-canopy signs designed to a pedestrian scale and swinging-style sidewalk signs. The rotation of signs and any form of animation or moving device are prohibited.
10. Portable or moveable signs are prohibited, with the exception of portable/sidewalk signs as permitted in Sections 82.10.10, 82.11.13, and 82.12.6. All other signs must be permanently and securely attached to a below-ground footing.
11. Electric or electronic signs shall not mimic traffic control signals or emergency service vehicle lighting.
12. Any portion of a sign may be of the changeable copy type provided that all changeable characters are securely attached to the face of the sign.
13. Strings of Pennants are prohibited. (See also Section 10.8, Exemptions)
14. A portable, movable sign may be erected for a two week period at the opening of a new business or to identify a construction site. At no time may flashing lights be used on portable signs.

82.12 Regulations Based Upon Sign Type.

1. Pole Signs:
 - A. It shall be unlawful to erect any portion of a pole sign to a height of greater than 30 feet above the level of the nearest street in the general business and industrial districts. The maximum height for all other districts shall be 20 feet above the height of the nearest street.
 - B. There shall be a minimum unobstructed distance of 10 feet between the bottom of any display area and the ground for any sign located at the right-of-way. For every 2.5 feet the sign is set back from the right-of-way, the base of the display area may be lowered by one foot.
 - C. Pole signs in any business, office, or industrial district that are within 100 feet of a residential district must be reduced in height 10% for each 10 feet less than 100 feet they are located from the residential district.
2. Ground Signs:
 - A. No ground sign shall be located closer than 25 feet to any intersection of a right-of-way with another right-of-way or with the pavement of any driveway or alley.
 - B. No sign shall be located closer to a side lot line than the distance specific for side

- yards in that district by the Zoning Ordinance.
- C. For every two square feet of sign, one square foot of planting or lawn must be provided and maintained, at the base of the sign.
 - D. No portion of a ground sign may exceed eight (8) feet in height.
 - E. For every additional ten feet that a sign is set back from the required front yard, the area of the ground sign may be increased by 10%. The required landscaping at the base of the sign must be provided for the increased sign area. This increase in sign size shall not apply to off premise signs.
 - F. Ground signs placed in any business, office or industrial district may not be located within 100 feet of a residential district, measured along right of way lines.
3. Wall Signs:
- A. No wall sign shall cover, wholly or partially, any wall opening nor shall any sign project beyond the ends or top of the wall to which it is attached.
 - B. A wall sign shall not project more than 15 inches from the wall.
4. Projecting Signs:
- A. No portion of a projecting sign shall be less than ten feet above grade.
 - B. The distance between a projecting sign and the wall to which it is attached may not be greater than two feet.
 - C. All projecting signs shall be designed, installed and erected in such a manner that there shall be no visible angle iron or wire support structures above the roof line or parapet.
 - D. A sign may project three inches for each linear foot of distance to the nearest side lot line, provided that in no instance may a sign project more than eight feet from any established curb.
 - E. No sign may project over an alley or private access lane.
 - F. No sign shall be located closer than 10 feet to any intersecting rights-of-ways.
 - G. A projecting sign may not extend above the top of the wall on which it is attached by more than 6 feet, but in no case shall more than 20% of the sign area be above the top of the wall.
5. Canopy and Marquee Signs:
- A. Canopy and marquis signs shall not be placed less than ten feet above the sidewalk and shall not be located closer than two feet, measured horizontally from an established curb.
 - B. Signs attached to the face of a marquee or canopy which are parallel to the flow of traffic shall meet the requirements of wall signs.
 - 1. The sign may not project more than six inches from the face of the canopy.
 - 2. The sign may not exceed three feet in height.
 - C. Signs attached to the sides of a marquee or canopy which are not parallel to the flow of traffic shall meet the requirements of projecting signs.
 - D. Where signs are suspended under canopies or marquees, the following conditions shall apply:
 - 1. Signs shall not be greater than six square feet.
 - 2. There shall not be more than one such sign per business or office.
 - 3. Signs shall be no less than nine feet above the sidewalk not located closer than two feet measures horizontally from any established curb.
 - 4. Signs may swing provided that the distance between the top of the sign and the under side of the canopy or marquee is not greater than four inches.
 - 5. Signs shall be perpendicular to the flow of pedestrians.
6. Sidewalk Signs.
- A. Sidewalk signs shall be permitted during the hours a business is open to the public, but in no instance may a sign be placed on the street earlier than 8:00 a.m. nor later than 9:00 p.m.
 - B. Sidewalk signs shall be of A-frame or swinging-style construction. The maximum height shall be four feet and the sign shall not occupy more than nine square feet of sidewalk. The sign shall be sturdy, stable, and of heavy enough construction on its own to withstand typical winds without flipping over or sliding.

- C. The surfaces of sidewalk signs shall be durable. Copy may be painted or printed on the surface. Loose paper faces shall not be permitted. Sidewalk signs shall not be illuminated by any means except natural light and existing street lights.
 - D. At all times of the year, sidewalk signs shall be placed directly in front of the business holding the permit for the sign, a minimum of two feet from the curb, and shall allow a minimum of five feet of unobstructed sidewalk for pedestrians. Sidewalk signs shall not be placed within 25 feet of an intersection, measured perpendicularly from the intersecting curb. During the winter months, the sidewalk shall be completely clear of snow prior to placement and sidewalk signs shall not be placed on snow banks.
 - E. Signs shall be spaced a minimum of 20 feet from one another. If signs fail to meet the minimum spacing requirements, all improperly placed signs will be considered to be in violation.
 - F. The owner of the sign and the owner of the site upon which it is located must sign a statement assuming all liability for damage and injury caused by the sign.
 - G. Sidewalk signs shall be exempt from the total sign area calculation.
 - H. There shall be one sidewalk sign allowed for each business provided that all of the requirements of this section are met.
7. Flexible Signs.
- A. Signs of fabric, thin plastic, or other flexible material may be erected as pole, ground, or wall signs provided that all requirements for those types of signs are met, and
 - B. The outer perimeter of the flexible sign shall be held taut. No ropes or guy wires may be fastened so as to cause a hazard.
 - C. Flexible signs shall be removed at the first evidence of wear or deterioration.
8. Window Signs:
- A. Permanent window signs shall not exceed twenty-five (25%) percent of the area of a window and the total area of all window signs, including both permanent and temporary, and shall not exceed fifty (50%) percent of the window area.
9. Directional Signs:
- A. Directional signs may be located on public property, including rights-of-way, only by public agencies with jurisdiction over the property where located.
10. Electronic Message Center Signs (EMCs):
- A. Electronic Message Centers, or digital signs, are permitted in the Industrial, General Business, and Gateway Corridor Mixed Use districts.
 - B. EMCs may not be permitted in areas codified and intended as primarily for residential use, and not permitted on any lot fronting Lakeshore Boulevard.
 - C. The face of the EMC may not exceed 15 square feet.
 - D. Copy may not change more than once every four (4) seconds, and no single electronic message is permitted to be repeated more than once every eight (8) seconds.
 - E. Changeable copy by non-electronic means may be utilized on any permitted sign.
 - F. Electronic copy may use amber and/or green colored lighting against a dark, non-illuminated background.
 - G. All EMC signs are required to have automatic dimming capability that adjusts the brightness to the ambient light at all times of the day and night, either by photocell (hardwired) or via software settings.
 - H. The luminance level of an EMC shall be limited by appropriate means to not exceed seven hundred fifty (750) cd/m² or Nits at least one-half hour before Apparent Sunset as determined by the National Oceanic and Atmospheric Administration (NOAA) for the location of Marquette and date. All signs must comply with this maximum luminance level throughout the night, if the sign is energized, until Apparent Sunrise, as determined by NOAA, at which time the sign may resume luminance levels appropriate for daylight conditions.
 - I. Only one (1) EMC sign is permitted on a lot for each street on which the development fronts.

J. Signs may not utilize audio devices to create sound.

K. In the General Business district and Industrial district, all EMC features are permitted with the exception of (a) flashing, and (b) full motion video or film display via an electronic file imported into the EMC software or streamed in real time into the EMC. Background effects of standard EMC software are not prohibited.

L. In the Gateway Corridor Mixed-Use District, transitions between messages may employ fade, dissolve, and or other transition effects; and the following EMC display functions or features are prohibited: continuous scrolling or traveling, flashing, spinning, rotating, and similar moving effects, and all dynamic frame effects or patterns of illusionary movement or simulating movement.

82.13 Signs Permitted by Zoning District. District designations shall be determined from the Official Zoning Map.

1. Residential Districts: (RG, RS, RM)

A. For each residential unit in a single family or general residential district, one name plate not exceeding two square feet shall be permitted.

B. For all conditional uses in the RS and RG districts except home occupations, group day care facilities, and duplexes and for all Class A, non-conforming uses which are not residential there shall be permitted one ground sign and/or one wall sign not to exceed a combined area of 50 square feet. Day care centers in any district shall be permitted to erect a four square foot nameplate.

C. Multiple Family Development: One sign not to exceed two (2) square feet for the purpose of identifying an office located on the site, plus:

1. One sign not exceeding two (2) square feet for each development containing four or fewer dwelling units.

2. For each development containing more than four (4) but fewer than 50 dwelling units, one sign not to exceed ten (10) square feet shall be permitted.

3. For each development containing fifty or more dwelling units, one sign not to exceed 20 square feet shall be permitted for each driveway providing access to the site. Said signs must be within 50 feet of the driveway and any not be within 100 feet of another such sign on the same site.

D. For each subdivision, signs advertising lots for sale may be erected and maintained until 80% of the lots are sold. The sign shall not be erected within 100 feet of an occupied residence.

1. One sign not exceeding 32 square feet in area shall be permitted for subdivisions with 20 or less lots.

2. One or two signs not to exceed 64 square feet total area shall be permitted for subdivisions with more than 20 lots.

E. There shall be no off-premise signs.

2. All Office, Industrial, and Business Districts.

A. Total sign area shall be calculated as follows for establishments located in the OS (Office), BC (Community Business), BG (General Business), CBD (Central Business), and I (Industrial) districts.

1. Where one establishment occupies a site, one square foot of sign area shall be allowed per foot of site frontage.

2. Where two or more establishments occupy the same site, each establishment shall be allocated one square foot of sign area per foot of adjusted site frontage. Adjusted site frontage is the ratio of the floor area occupied by the establishment to the total floor area on the site times the site frontage. In no case, including new establishments being added to previously developed sites, shall the total sign area exceed one square foot per foot of site frontage.

3. For all establishments there shall be permitted 1/100 of a square foot of additional sign area for each of the first 3,000 square feet of floor area and 1/1000 of a square foot of additional sign area for each remaining square foot of floor area.

B. Only on-premise signs shall be permitted in the OS (Office), BC (Community

Business), and CBD (Central Business) districts. Signs in the BG (General Business and I (Industrial) districts may be on-premise or off-premise but must meet all requirements of this ordinance.

- C. In no instance shall an establishment occupying all or part of the floor area of a site be restricted to less than 40 square feet of signage, except that no site occupied by more than one tenant be allowed more than 80 square feet or the total area of signage allowed for the site, whichever is greater.
- D. The following section only applies to the OS (Office), BC (Community Business), CBD(Central Business), and I (Industrial) zoning districts, with the exception of shopping centers or group of stores in the BG district (which is treated in 13.2.F). Signs allocated to tenants of a shopping center shall be restricted to businesses which have a separate entrance providing public access to their premises. The formula for such businesses shall be the same as found in Section 13.2.A. However, these businesses shall be restricted to wall signs and canopy signs. In addition to the signs permitted above, one free standing shopping center identification sign shall be permitted. The area of the sign shall be 1/1000th of a square foot of signage for each square foot of gross leasable floor area in the shopping center. This freestanding identification sign shall not exceed 30 feet in height and in no case shall the area exceed 300 square feet, nor shall the sign be restricted to less than 40 square feet.
- E. For each office structure containing more than one occupant office a directory sign containing the names of all offices may be located at each common public entrance to the structure. Said director signs shall not be larger than two square feet for each establishment, with maximum size of 20 square feet for each directory. Directory and restaurant menu signs not exceeding two (2) square feet shall be exempt from the total sign area calculation.
- F. The following section applies to the BG Zoning District only. In the case of a shopping center or a group of stores or other business uses on a lot held in single and separate ownership, the provisions of this section relating to the total area of signs permitted on a premise shall apply with respect to each building, separate store, separate storefront, or separate use. Only wall signs shall be permitted for individual establishments in a shopping center or on a property with more than one use, entity or business (multi-use or multi-tenant properties). Multi-use or multi-tenant properties may also have one (1) freestanding sign per street frontage).

1. Freestanding Signs:

a) Freestanding signs shall be limited to one (1) per property held in single and separate ownership except for a property that has frontage on more than one (1) street, in which case one (1) such sign shall be permitted for each separate street frontage. If a property has frontage that exceeds five hundred (500) lineal feet on any given roadway one (1) additional such sign on such frontage shall be permitted. Unless otherwise regulated by specific reference herein, the area and height above grade of any freestanding sign shall not exceed the amounts specified in Table 82.13.A below.

b) Additional freestanding signs shall be permitted for each vehicular entrance to the property. Permitted sign area for these additional freestanding signs shall be sixty (60) percent of the sign area permitted for freestanding signs as established in 82.13.F.a., as shown in Table 82.13.A below.

Table 82.13.A - Sign Size Limits in BG Shopping Centers speed limit=miles per hour; area=square feet; height=feet				
Speed Limit	Area	Height	60% Area	60% Height
25	50	20	30	12
35	98	20	58.8	12
45	253	25	151.8	15
55	300	30	180	18

2. Wall Signs:

- a) The maximum sign area is established in relationship to the building or tenant frontage length. However, no wall sign shall have a length greater than eighty (80) percent of the length of the tenant space; or for single tenant buildings, the length of the building frontage.
- b) The maximum sign area is two (2) square feet of sign area per lineal foot of building/tenant frontage.
- c) Each tenant may have multiple wall signs as long as the total wall sign area does not exceed the allowances established for wall signs for that tenant space or use (not including building directories and menu boards as stated in 82.13.2.E).
- d) Additional wall sign area is permitted for a secondary frontage which shall be equal to one-hundred (100) percent of the primary sign area allowance.
- e) Ten (10) square feet of bonus area is permitted on each of the building's primary and secondary frontages for a building with two (2) or more floors. The bonus may be increased by five (5) square feet for each additional floor over two (2) floors. The bonus sign must be placed at the height for which the bonus has been granted.

f) Building and Tenant Frontage Calculation

1. Determining Building Frontages and Frontage Lengths.

- a. The frontage of the tenant space on the first floor shall be the basis for determining the permissible sign area for wall signs. The "building unit" is equivalent to the tenant space.
- b. Primary and Secondary Frontage - The frontage of any building unit shall include the elevation(s) facing a public street, facing a primary parking area for the building or tenants, or containing the public entrance(s) to the building or building units.
 - i. The primary frontage shall be considered the portion of any frontage containing the primary public entrance(s) to the building or building units.
 - ii. The secondary frontage shall include those frontages containing secondary public entrances to the building or building units, and all building walls facing a public street or primary parking area that are not designated as the primary building frontage by subsection "a" above.
- c. Length of Building Frontage.
 - i. The length of any primary or secondary building frontage shall be the sum of all wall lengths parallel, or nearly parallel, to such frontage, excluding any such wall length determined by Zoning Staff as unrelated to the frontage criteria.
- d. For buildings with two or more frontages, the length of the wall and allowable sign area shall be calculated separately for each such building frontage.
 - i. The building frontage for a building unit shall be measured from the centerline of the party walls defining the building unit.

3. Special requirements for Office, Industrial and Business Districts:

A. OS and BC (Office and Community Business)

1. Height and Area:

- a. Pole Signs - not to exceed 20 feet in height nor 40% of the permitted sign area for the site.
- b. Projecting Signs - not to exceed 24 square feet in area.
- c. Ground Signs - not to exceed 50 square feet
- d. Wall Signs - no size restriction except as established in Section 13.2.A.
- e. Sidewalk Signs - width shall not be greater than three feet, height shall not be greater than four feet and the sign shall not occupy more than nine square feet of sidewalk.

2. In no case shall the total area of all signs on a site exceed than permitted in Section.
 3. Number: Not more than one pole, ground, or projecting sign per site. A flexible fabric sign may be erected as a pole, ground, or wall sign.
- B. CBD (Central Business District)
1. Height and Area:
 - a. Pole Signs - not to exceed 20 feet in height nor 50% of the permitted sign area for the site.
 - b. Projecting Signs - not to exceed 24 square feet in area.
 - c. Ground Signs - not to exceed 75 square feet.
 - d. Wall Signs - no size restriction except as established in Section 13.2.A.
 - e. Sidewalk Signs - width shall not be greater than three feet, height shall not be greater than four feet and the sign shall not occupy more than nine square feet of sidewalk.
 2. In no case shall the total area of all signs on a site exceed than permitted in Section I.
 3. Number: Not more than one pole, ground, or projecting sign per site. A flexible fabric sign may be erected as a pole, ground, or wall sign.
- C. BG - In the general business district the size and number of allowed signs shall be as follows:
1. Height and area:
 - a. pole signs - not to exceed 30 feet in height or 300 square feet in area.
 - b. projecting signs - not to exceed 24 square feet in area.
 - c. ground signs - not to exceed 150 square feet in area.
 - d. wall signs - no size restrictions except as established in Section 13.2.A and 13.2.F.2.
 2. In no case shall the area of all signs on a site exceed that permitted in Section I.
 3. Number: Not more than one ground or pole sign per 300 feet of site frontage, not more than three projecting signs, and with no restrictions on the number of wall signs per site. A flexible sign may be erected as a pole, ground, or wall sign, except as described in 13.2.F, for shopping centers or a group of stores.
- D. I (Industrial District) In the industrial district the size and number of allowed signs shall be as follows:
1. Height and Area:
 - a. Pole Signs - not to exceed 30 feet in height or 300 square feet in area.
 - b. Projecting Signs - not to exceed 24 square feet in area.
 - c. Ground Signs - not to exceed 150 square feet in area.
 - d. Wall Signs - no size restrictions except as established in Section 13.2.A.
 2. In no case shall the total area of all on-premise signs on a site exceed that permitted in Section 13.2.A.
 3. Number: Not more than one pole or ground sign per 300 feet of site frontage with not more than three projecting signs, and with no restrictions on the number of wall signs per site.
 4. Standard outdoor advertising structures in addition to the above, which conform to the following regulations.
 - a. No standard outdoor advertising structure may be erected within 200 feet of any public park, recreation ground, lake, stream, school, church or residential lot located on the same side of the street.
 - b. No standard outdoor advertising structure shall be located within 100 feet of any intersection.
 - c. No standard outdoor advertising structure shall be closer than 300 feet to another off-premise sign measured along the right-of-way line.
 - d. Standard outdoor advertising structures may have one or two faces. Said faces may be placed back to back if not more than 36 inches apart, or may be placed in a "V" with a maximum angle of 30 degrees and a maximum separation

- of 30 inches at the vertex.
- e. No standard outdoor advertising structures shall exceed 300 square feet in area.
- f. Standard outdoor advertising structures shall not be placed between the shoreline of Lake Superior and the nearest street or highway pavement.
- g. A conditional sign permit shall be obtained from the City Planning Board using the guidelines of the Zoning Ordinance for determining the appropriateness of the requested location with respect to the residential or non-commercial use of an area and the introduction of signage into areas dominated by recreational/tourist/natural scenic qualities.
- 4. Conservation-Recreation and Deferred Development Districts (CR & DD):
 - A. Business uses in the CR and DD districts shall meet the following sign requirements.
 - 1. Height and area:
 - a. Pole Signs - not to exceed 30 feet in height or 150 square feet in area.
 - b. Projecting Signs - not to exceed 20 square feet in area.
 - c. Ground Signs - not to exceed 150 square feet in area.
 - d. Wall Signs - no size restrictions except as established in Section 13.2.A.
 - 2. In no case shall the area of all advertising signs on a site exceed that permitted in Section 13.2.A.
 - 3. Number: Not more than one pole, ground or projecting sign per site with no restrictions on the number of wall signs per site.
 - B. Signs for residential uses shall meet the requirements for signs in the residential district (See Section 13.1).
 - C. For all non-business and non-residential uses in this district, one of the following shall be permitted, per site:
 - 1. ground signs - not to exceed 20 square feet.
 - 2. pole signs - not to exceed 20 square feet.
 - 3. projecting signs - not to exceed 20 square feet.
 - 4. wall signs - not to exceed 40 square feet.
 - D. There shall be no off-premise signs.
- 5. Planned Unit Development District (PUD): Unless the approved site plan for the Planned Unit Development District specifies otherwise, the following regulations shall apply to each site:
 - A. One sign not to exceed twenty square feet shall be permitted for each street providing access to the site. These signs shall be for identification of the development and its components.
 - B. One residential nameplate not to exceed two square feet shall be permitted for each residential structure.
 - C. For each non-residential use, the sign design and size shall be as specified in the approved PUD Plan (see Section 80.30 of the Marquette City Zoning Ordinance).
- 6. Municipally Owned Outdoor Athletic Facilities in all districts.
 - A. An amateur athletic organization may erect advertising signs on the field where its games are played. Said signs are subject to the following conditions:
 - 1. Height and Area
 - a. Ground signs may not exceed eight (8) feet in height or thirty-six (36) square feet per sign.
 - b. Wall signs may not exceed eight (8) feet in height or thirty-six (36) square feet per sign.
 - c. Pole signs are not permitted.
 - d. Illuminated signs are not permitted.
 - 2. The number of signs may not exceed twenty (20) per field.
 - 3. Only the side of the sign facing the playing field may contain advertising. The other side must be painted a neutral color.
 - 4. Signs may be present only during the season of play of the organization erecting the sign.

B. Exemptions

1. Lighted scoreboards which may be illuminated only during time of organized play. Said scoreboards may not exceed 200 square feet in size and may be no taller than 20 feet in height.
2. The BMX track located in the River Park Sports Complex may have 24 signs which meet the above requirements.

82.14 Non-conforming Signs and Abandoned Signs. Non-conforming signs are those which do not comply with size, placement, construction, or other provisions or regulations of this ordinance but which were lawfully established prior to the adoption of this ordinance. It is the intent of this ordinance to discourage the continuance of non-conforming signs and to encourage their removal by whatever lawful means available.

1. Non-conforming signs shall not be structurally altered or repaired so as to prolong the life of the sign or so as to change the shape or size of the sign.
 - A. Digital signs are exempt from this provision, due to the fragile nature of electronic components and the high cost of the initial investment in the sign, if the following circumstances apply to the sign(s) in question:
 1. The sign was permitted when it was initially installed.
 2. Digital signs that are located in zoning districts that don't allow for them will have to be brought into conformity with section 82.12.10.C.-J. Electronic Message Center Signs, and with other aspects of Chapter 82
 3. The sign will not employ technology including flashing, full motion video/film display, or background effects if those features are not specifically permitted in the zoning district where the sign is located.
 4. An application is submitted for intended structural alterations or repairs.
2. The display face of a non-conforming sign may be modified as necessary to renew or update the message.
 - A. Digital signs modified under section 82.14.1.A are exempt from this provision when the modification is done in conjunction with structural alterations or repairs that are approved by application.
3. Non-conforming signs requiring structural repair to make them safe shall be removed.
4. Abandoned signs shall be removed by the property owner within 30 days.
 - A. Any sign which pertains to an event, time or purpose which has not applied for 30 days shall be deemed to have been abandoned.
 - B. Any sign which is located on property which becomes vacant and unoccupied or is applicable to a business which has been temporarily suspended because of a change in ownership or management, shall not be deemed abandoned unless the property remains vacant or the business remains inactive for a period of six months.
5. Changes or additions shall not be made to any signs on a site so as to increase their total non-conformity.
6. This section does not apply to sidewalk signs due to their temporary nature.

82.15 Maintenance. Every sign shall be maintained in safe structural condition at all times, including the replacement of defective parts and peeling, faded, or broken display faces and structural members.

1. The repainting of any portion of a sign structure, or the periodic changing of a bulletin board or billboard panel or the renewing of copy which has been made unacceptable or unusable by ordinary wear shall be permitted on all signs. No permit shall be required.
2. The replacing or repairing of non-structural portions of a sign shall not require a permit.
3. Structural alteration, repair or replacement shall require a permit.

82.16 Sign Removal.

1. The Sign Official shall order the removal of any sign for which no Certificate of Compliance has been issued or signs erected in violation of this ordinance.

2. The Sign Official shall notify the property owner by first class mail describing the sign and specifying the violation involved.
3. The property owner shall remove said or initiate an appeal within 15 days of receipt of the letter. An appeal stays all proceedings unless the official from whom the appeal is taken certifies to the Board of Appeals that a stay would cause imminent peril to life or property.
4. If at the expiration of the time limit in said notice, the owner has not complied with the requirements thereof, or appealed the decision of the Sign Official, the Sign Official shall carry out the requirements of the notice. The costs of such abatement may be charged against the premises and the owner thereof in accordance with the provisions of Section 22.10 of the City Code.

82.17 Dangerous Signs. In the case of a sign which presents imminent danger to life or property the sign owner, or if he cannot be reached, a responsible city official, must take immediate action as is necessary to remove the danger.

82.18 Administration.

1. The City Manager shall appoint a Sign Official who shall be responsible for the administration of this ordinance. He shall have all administrative powers not specifically assigned to some other officer or body.
2. The Sign Official shall review all Certificate of Compliance applications and site plans for compliance with the provisions of this ordinance or any written order from the Board of Appeals or Planning Board. He shall have no power to vary or waive ordinance requirements.
3. The Sign Official shall keep records of all official actions, all of which shall be a public record.
4. The Sign Official shall have the power to make inspections of buildings and premises necessary to carry out his duties in the enforcement of this ordinance.
5. The Sign Official shall collect such permit and inspection fees as determined by the City Commission.
6. If the Sign Official shall find that any of the provisions of this ordinance are being violated he shall notify in writing the person responsible for such violation indicating the nature and location of the violation and ordering the action necessary to correct it. He shall order discontinuance of any illegal work being done; or shall take any other action authorized by this ordinance to insure compliance with or to prevent violation of the provisions of this ordinance.
7. The Sign Official shall forward an analysis of site factors and other information pertaining to any appeal or request to the appropriate body. The analysis may include a recommendation for action.

82.19 Appeals.

1. The Board of Appeals as provided in the Zoning Ordinance shall constitute the Board of Appeals to pass on matters pertaining to the terms of this ordinance. The term of office, quorum, meetings, records, and procedure shall be as specified in the Zoning Ordinance.
2. Any person aggrieved or the head of any agency of the municipality may take appeal to the Board of Appeals from any decision of the Sign Official.
3. Appeals to the Board of Appeals must be accompanied by such fees as established by resolution of the City Commission. No activity on an application or appeal shall commence until said fee has been paid.
4. Whenever any condition or limitation included in a variance, it shall be "conclusively presumed" that the authorizing Board of Appeals considered such condition or limitation necessary to carry out the spirit and purpose of this ordinance or the requirement of some provision thereof, and to protect the public health, safety, and welfare, and that the board would not have granted the authorization to which the condition or limitation pertains except in the belief that the condition or limitation

was lawful.

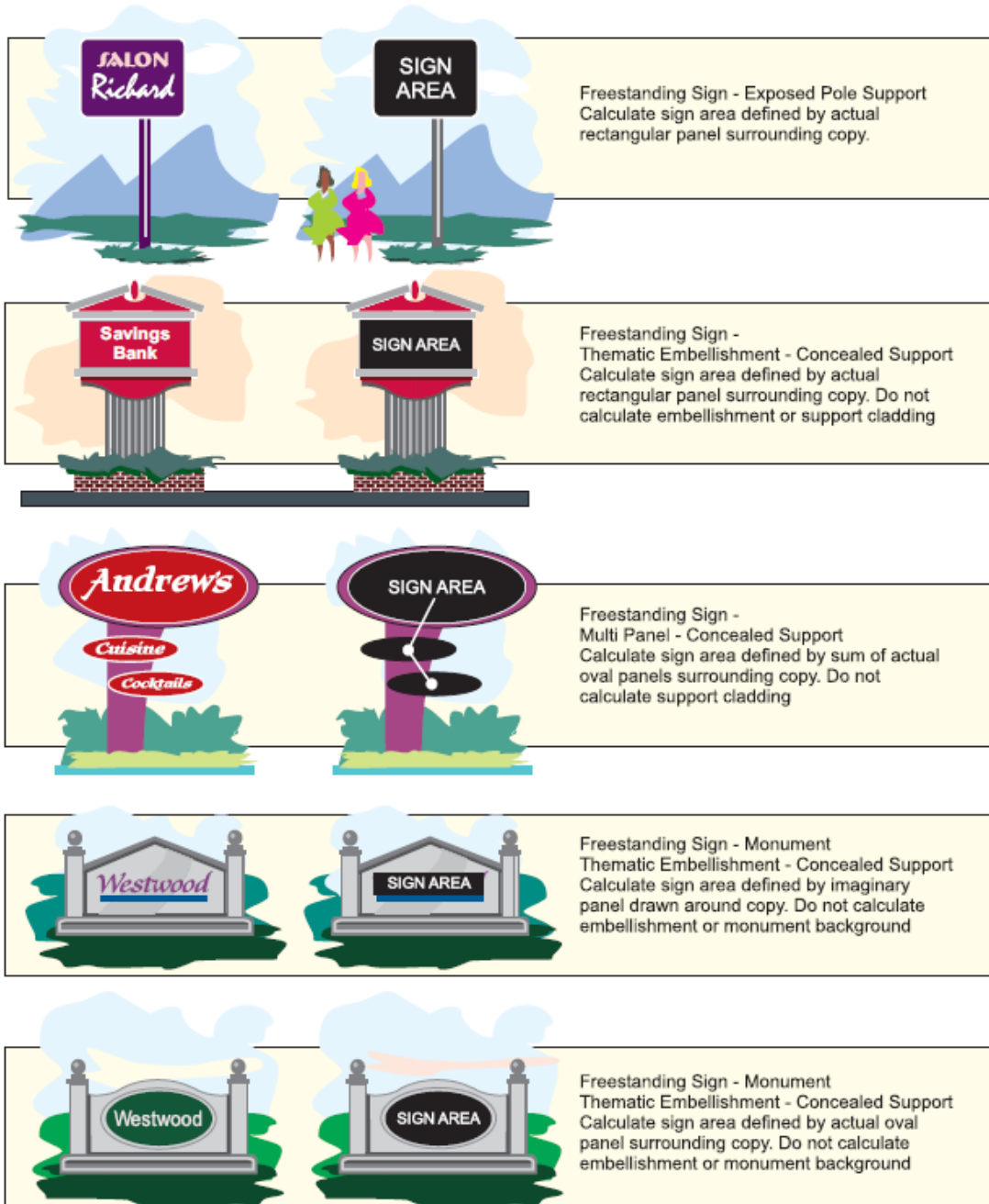
82.20 Enforcement.

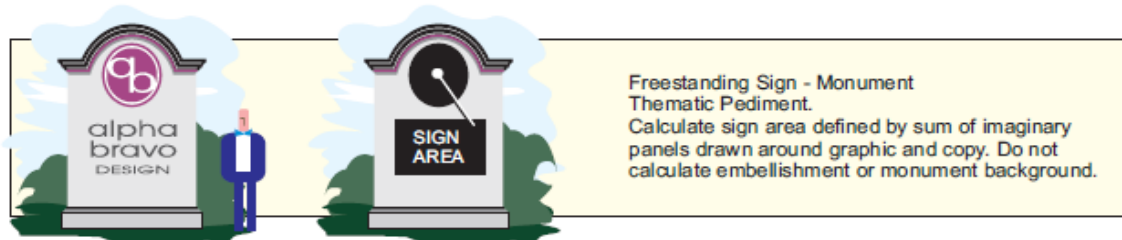
1. False statements. Any sign compliance statement based on any false statement in the application or supporting documents is absolutely void ab initio and shall be revoked. No sign compliance statement shall remain valid if the use or structure it authorizes becomes non-conforming. The Sign Official shall not refuse to issue a sign compliance statement when conditions imposed by this and other City Ordinances are complied with by the applicant despite violations of contracts, such as covenants or private agreements which may occur upon the granting of said permits.
2. Violations and Penalties. Any person who violates any provision of this ordinance or any amendment thereto, or who fails to perform any act required hereunder or does any prohibited act, shall be guilty of a civil infraction. Each and every day on which any violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder. Any violation of this ordinance is hereby declared to be a public nuisance per se.
3. Procedures for reporting violations. Apparent violations may be reported to the Sign Official by any citizen.

Appendix A: Typical On-Premise Sign Types

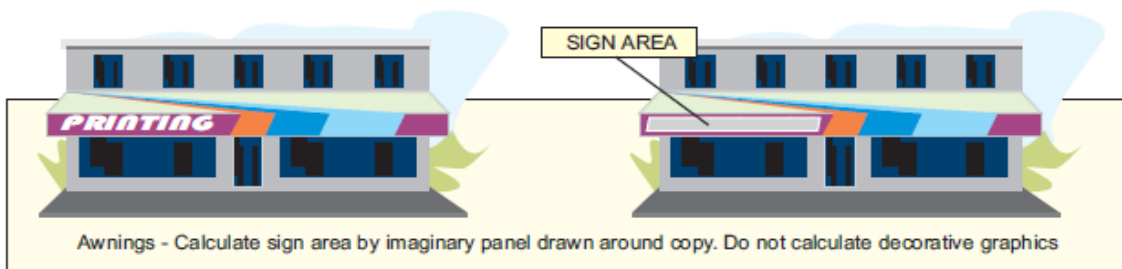
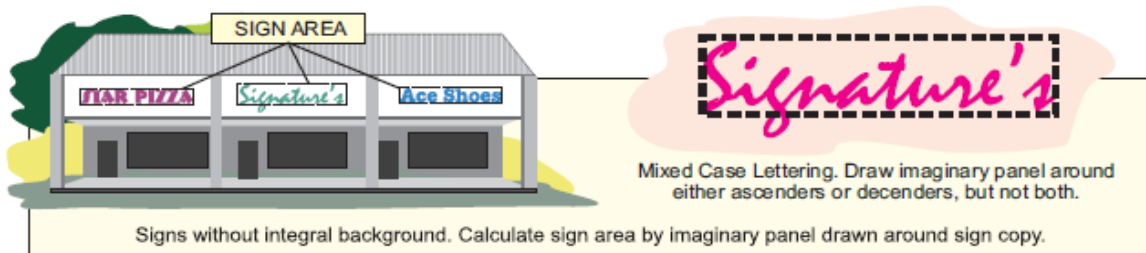


Appendix B: Sign Area Computation Methodology





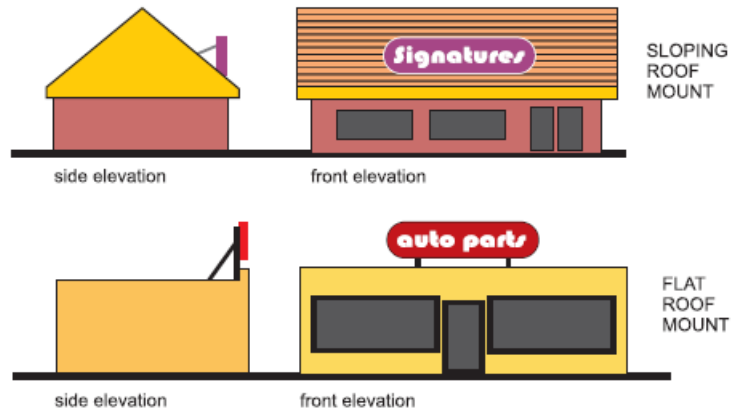
Wall / Fascia Signs



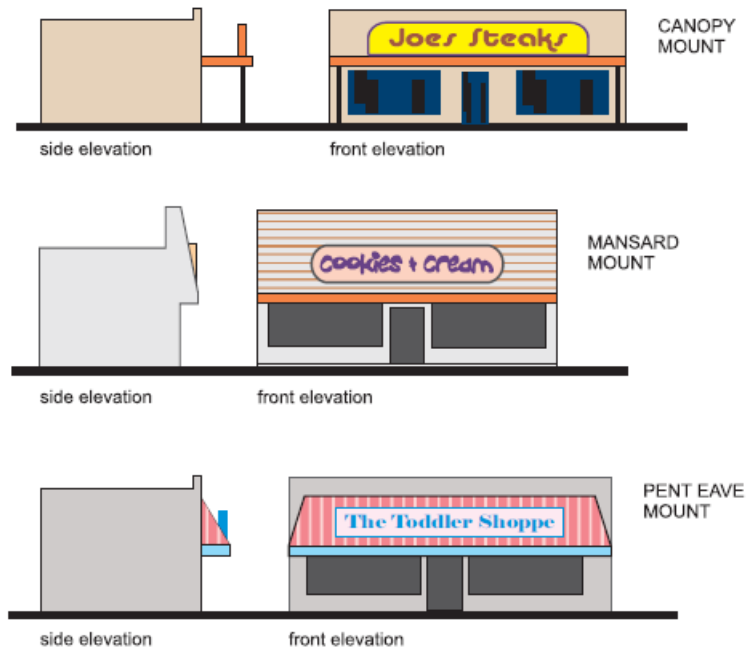
Appendix C: Roof & Wall Sign Distinctions

1.) Roof signs are not permitted.

ROOF SIGNS



Fascia Signs on Roof-Like Projections NOT ROOF SIGNS



Charter Township of Orion

Ordinance No. 153

Sign Ordinance

Adopted July 17, 2017

AN ORDINANCE REGULATING THE SIZE, PLACEMENT, AND LOCATION OF SIGNS IN THE CHARTER TOWNSHIP OF ORION; PROVIDING THE PROCESS FOR APPLICATION, ISSUANCE OF AND FEES FOR SIGN PERMITS; PROVIDING FOR ENFORCEMENT OF THE PROVISIONS OF THIS ORDINANCE, INCLUDING PENALTIES FOR THE VIOLATION OF ITS PROVISIONS; AND PROVIDING FOR THE REPEAL OF ORDINANCE 138 AND ALL ORDINANCES OR PARTS OF ORDINANCES WHICH ARE INCONSISTENT OR IN CONFLICT WITH THIS ORDINANCE.

Section 1 – Short Title

This Ordinance shall be known and may be cited as the Charter Township of Orion “Sign Ordinance,” and it shall be deemed sufficient, in any action for enforcement of any of the provisions hereof, to refer to this Ordinance by this short title or by reference to the number hereof.

Section 2 – Intent and Purpose

Pursuant to the authority granted to the Charter Township of Orion by law, including the Charter Township Act, PA359 of 1947, the Township Zoning Act, PA 184 of 1943, the Michigan Zoning Enabling Act, PA110 of 2006 and the Michigan Planning Enabling Act, PA33 of 2008, the Township hereby enacts the following regulations for the erection and maintenance of temporary and permanent signs in Orion Township.

The intent of this Ordinance is to regulate the location, size, construction, and manner of display of signs and outdoor advertising in order to minimize their harmful effects on the public health, safety and welfare. While this Ordinance recognizes that signs and outdoor advertising are necessary to promote commerce and public information, failure to regulate them may lead to poor identification of individual businesses, deterioration and blight of the business and residential areas of the Township, conflicts between different types of land use, and reduction in traffic safety to pedestrians and motorists.

Regulations are necessary to enhance visual quality of new and older business areas; to enhance and insure the compatibility between outdoor advertising signs and adjacent land uses; to limit the impact of the visual sign clutter and confusion, to ensure appropriate proportional scale with adjacent land uses and adjacent signs.

To achieve its intended purpose, this Ordinance has the following objectives:

- A. To prevent the placement of signs in a manner that will conceal or obscure other signs or adjacent businesses;
- B. To keep the number of signs and messages at the level reasonably necessary to identify a business and its products;
- C. To keep signs within a reasonable scale with respect to the buildings they identify;
- D. To reduce visual distraction and obstructions to motorists traveling along, entering or leaving streets;
- E. To promote a quality manner of display which enhances the character of the Township; and
- F. To prevent the proliferation of temporary signs which might promote visual blight.

Section 3 – Definitions

The following definitions shall apply in the interpretation of this Ordinance:

Ambient light – refers to any source of light that is not explicitly supplied; a source of light already available naturally or artificial light already being used.

Architectural Feature Sign – A wall sign attached to a permanent architectural feature, including masonry or stone walls contained on a Planning Commission approved site plan, at the entrance of residential developments, commercial developments, or industrial parks.

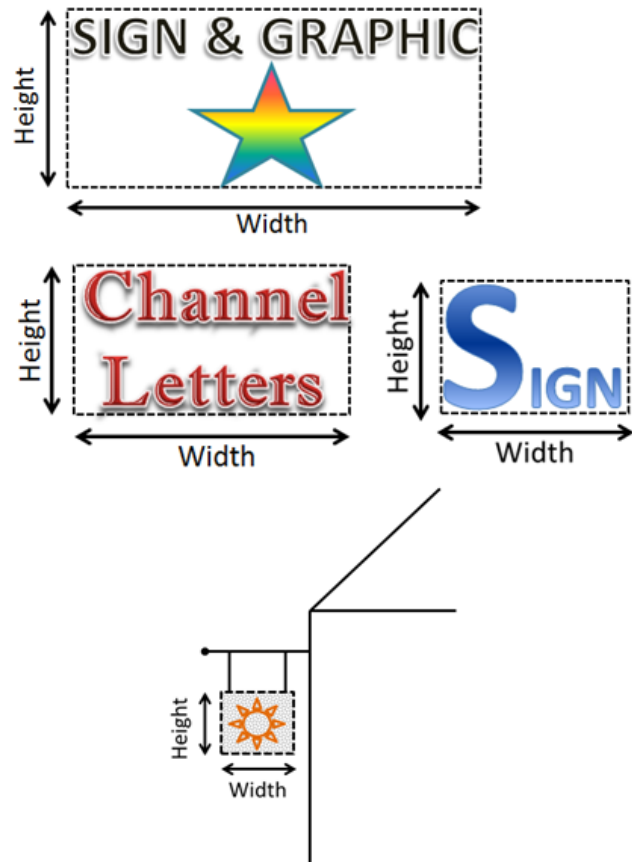
Area of Sign – The entire area within a circle, triangle, parallelogram, or other geometric configuration enclosing the extreme limits of writing, representation, emblem or any figure or similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed, excluding the necessary supports or uprights on which such sign is placed. However, where such a sign has more than one face, the area of all faces shall be included in determining the area of the sign, except that where two such faces are placed back-to-back as a mirror image in size and shape and are at no point more than two (2) feet from one another, the area of the sign shall be taken as the area of one face if the two faces are of equal area, or the area of the larger face if the two faces are of unequal area. For monument signs, the base of a monument sign shall be excluded from the calculation of sign area for a distance of thirty (30) inches above grade. The area of the sign is further calculated as shown:

CALCULATING THE TOTAL AREA OF THE SIGN

FOR A SIGN ON A DEFINED BACKGROUND, such as a board or painted area with a defined edge, the size of the sign shall be measured as the area of the defined background if it is a rectangle, oval or circle. For all other shapes or defined background area, the size of the sign shall be measured as the area of the smallest rectangle, oval or circle which encloses the defined background.



FOR A SIGN WITHOUT A DEFINED BACKGROUND, such as individual letters, decoration or symbols mounted directly on the building wall or incorporated as a projecting sign the size of the sign shall be measured as the area of the smallest rectangle, oval or circle which encloses the letters decoration or symbols.



Awning – A shelter projecting from, and supported entirely by, the exterior wall of a building, constructed of non-rigid materials on a supporting framework.

Awning Sign – A sign painted on, or attached flat against and parallel to the surface of an awning. An awning sign is considered a wall sign and subject to wall sign regulations.

Banner – Any temporary sign printed or displayed upon cloth or other flexible materials, with or without frames.

Billboard – A free-standing permanent sign which is supported by uprights, braces, columns, or other anchor, and which is not attached to any building and is twelve (12) feet or taller measured from grade to the tallest point. Billboards represent a unique competition for the visual attention of drivers and thus, for the health and safety of the Township residents, and to avoid adversely impacting the peace and enjoyment of residential areas, billboards shall be regulated based on traffic levels and patterns within the Township, zoning districts, frequency, distance and location.

Blade Sign – A temporary sign with a support pole securely anchored into the ground, made of fabric, over the support pole.

Building-Attached Sign – A sign attached to the front of a building and parallel to the front face of the building.

Building Official – The Charter Township of Orion Building Official or his or her designee (as approved by Township Supervisor).

Canopy (Building) – A rigid multi-sided structure covered with opaque fabric, metal or other opaque material and supported by a building at one or more points or extremities. The building canopy may be illuminated by external sources.

Canopy (Free-Standing) – A rigid multi-sided structure covered with opaque fabric, metal or other opaque material and supported by columns or posts embedded in the ground. The canopy may be illuminated by external sources.

Canopy Sign – A sign affixed or applied flat against and parallel to the exterior facing surfaces of a building or freestanding canopy. A canopy sign, whether or not supported by a building, is a wall sign and subject to wall sign regulations if the canopy is illuminated or if it contains any print.

Center Identification Sign – A ground sign at the entry to a non-residential center containing more than one (1) business establishment, whether or not under single ownership or management.

Collector Streets – Those streets designated on the Thoroughfare Plan of the adopted Orion Township Master Plan as Collector Streets.

Change of Copy – The replacement of the face of the sign with another on a Sign. Change of copy shall not include modifications to the sign structure or frame, nor shall it include alterations of sign size.

Developer Identification Sign – As required in Zoning Ordinance 78, a temporary sign twenty-four (24) square feet listing the name and contact phone number of the developer.

Directional Sign – A sign indicating the safest route to facilities, services, or activities, which does not exceed two (2) square feet in area. Directional signs may be free-standing or Building-Attached Signs.

Door Sign – Any sign that is placed inside a door or upon the glass panes and is visible from the exterior of the door.

Electronic Message Center (EMC) – A sign that electronically displays and utilizes computer-generated messages or some other means of changing copy.

Façade Area – The wall space (of lease area) of a building measured from grade to the point where the wall and the roof meet. The façade area shall include all window and door areas contained within.

Facing of Surface – The areas of the sign upon, against, or through which the message is displaced or illuminated.

Feather Sign – See “blade sign.”

Flashing, Animated or Moving Sign – A sign that has intermittently reflecting lights, or signs which have movement of any illumination such as intermittent, flashing, scintillating or varying intensity, or a sign that has any visible portions in motion, either constantly or at intervals, whether caused by artificial or natural sources.

Floodlight Illumination – External lighting provided by a floodlight or spotlight.

Foot-candle – a common unit of illumination measurement (equal to 1 lumen per square foot) in the lighting industry used to calculate lighting levels.

Frontage – The length of the street right-of-way line on a zoning lot, which is the same as the front lot line or side street lot line as defined in the Zoning Ordinance No. 78.

Ground Sign – A free-standing, permanent sign or monument sign which is supported by uprights, braces, columns, or other ground anchor, and which is not attached to any building.

Illuminance – A measurement of the amount of light intercepting an object at a given distance from a light source and is measured in foot-candles or its metric equivalent, lux.

Indirect Illumination – A light source concealed or contained within the sign and which becomes visible in darkness through a translucent surface.

Institutional Property – A property occupied by an organization or foundation dedicated to public service (i.e. churches, schools, public buildings, etc.)

Light Pole Signs – Sign attached or affixed to a light pole.

Major Thoroughfare – Those streets designated on the Thoroughfare Plan of the adopted Orion Township Master Plan as Major Thoroughfares, Regional Thoroughfares, or State Trunklines.

Marquee Sign – A wall sign attached to or hung from a canopy or other covered structure projecting from, and supported by, a building.

Memorial Sign – A sign, not exceeding twenty-four (24) inches by twenty-four (24) inches in area, which is permanently affixed to the wall of a building and either carved into the masonry surface of the building wall or consisting of a plaque mounted flush with the wall and permanently affixed to the wall, identifying the date the building was erected, the name of the building, or the name of person in whose memory the building was named.

Monument Sign – A ground sign mounted on a base that is in contact with the ground.



Monument Sign

Monument Sign Base – The lower part of a monument (ground) sign, which may appear as a separate architectural feature, and serves as its ground support.

Multi-Tenant Sign – See Center Identification Sign

Non-Residential Property – Any property not listed as Residential (See Residential property) as identified in Zoning Ordinance #78

Pixel Pitch – The distance from the center of an LED cluster (or pixel) to the center of the next LED cluster/pixel, measured in millimeters.

Planning Commission – The Charter Township of Orion Planning Commission.

Portable Sign – A temporary sign; a free-standing sign not permanently anchored or secured to either a building or the ground.

Projecting Sign – A sign which extends beyond the building wall and is perpendicular or nearly perpendicular to the building surface. A projecting sign shall be considered a wall sign. Both sides of a projecting sign shall be counted towards total sign area.

Pylon or Pole – A type of support for a sign which has its base anchored in the ground and with a specified clear space between the bottom of the face of the sign and the established grade.

Real Estate Sign – A temporary sign placed on property advertising that particular property on which the sign is placed “for sale”, “for lease” or “for rent.”

Residential Property – Property zoned for single-family, multiple family use as identified in Zoning Ordinance No. 78.

Roof Sign – A sign which is erected constructed or maintained upon the roof or parapet of a building.

Shopping Center Sign – See “center identification sign.”

Sign – A structure which includes the name, identification, image, description, display or illustration which is affixed to, painted or represented directly upon a building, structure or parcel of land, and which directs attention to an object, product, place, activity, facility, service, event, attraction, person, institution, organization or business, and which is visible from any street, right-of-way, sidewalk, alley, park or other public property. Customary displays or merchandise or objects and material without lettering placed behind a store window are not signs. This definition includes the base, frame and support members of a sign.

Sign Setback – Where it is specified that a sign must be located a minimum or other certain distance from property lines or public rights-of-way, such distance shall be measured from the portion of the sign structure nearest to such specified line. For the purpose of this measurement, the property lines and public rights-of-way extend vertically and perpendicularly from the ground to infinity.

Temporary Sign – Any sign, regardless of size and materials, which has not been approved by the Township as wall or ground sign, or billboard.

Total Window and Door Area – Includes the combined total window and door areas on the front façade of a building.

Use – The purpose for which land or buildings thereon are designed, arranged, or intended to be occupied or used, or for which they are occupied or maintained.

- (a) **Change of Use** – A discontinuance of an existing use and the substitution of a different kind of class of a use. This may include a change of use for commercial, office, industrial or residential categories or a change of commercial sub-groupings such as retail, office, or restaurant.

Utility Pole – Pole for purpose other than a light pole

Wall Sign – A sign attached to, or placed flush against, the exterior wall or surface of any building wherein no portion of which projects more than twelve (12) inches from the wall.

Window Sign – Any sign that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.

Zoning Board of Appeals – The Zoning Board of Appeals of the Charter Township of Orion.

Zoning Lot – A single tract of land, located within a single block, which at the time of filing for a building or sign permit is designated by its owner or developer as a tract to be used, or built upon as a single unit, under single ownership or control. A zoning lot shall satisfy Zoning Ordinance requirements with respect to area, size, dimensions, and frontage as required in the district in which the zoning lot is located. A zoning lot, therefore, need not coincide with a lot of record as filed with the County Register of Deeds, but may include one (1) or more lots of record.

Section 4 – Exempt Signs

The following types of signs are exempt from the provisions of this Ordinance (unless otherwise specified):

- A. “No Hunting,” “No Trespassing,” and “No Soliciting” signs.
- B. Signs located in the interior of buildings, except as may otherwise be regulated by this Ordinance.
- C. Any residential identification or address sign affixed to a wall, mailbox, post, lamp post, or pillar in a Residential Area, which is not larger than two (2) square feet.
- D. Traffic control or other municipal signs, including, but not limited to, historic site designations, municipal facility directional signs, municipally owned or operated light pole signs, legal notices, railroad crossing signs, danger and other temporary emergency signs, developer identification signs.
- E. Non-Residential Street Address Signs (street numbers) not exceeding three (3) square feet in area.
- F. Memorial signs, as defined in this Ordinance.
- G. Flags bearing the official design of a nation, state or other municipality, educational institution, or philanthropic or other public or private corporation or entity; provided, however, that only one flag bearing the seal or trademark of a private organization may be displayed by an individual establishment. The height of a flagpole for a flag other than that bearing the official design of a nation, state or other municipality shall not exceed 1.5 times the allowed building height in the respective zoning district.
- H. For gasoline service stations, a sign which is deemed customary and necessary to their respective businesses: customary lettering or other insignia on a gasoline pump consisting of brand of gasoline sold, lead warning information, and any other data required by law and not exceeding a total of three (3) square feet on each pump.
- I. Real Estate signs no larger than three (3) square feet in residential zoned areas and no larger than sixteen (16) square feet in non-residential zoned areas.
- J. Directional signs, as defined in this Ordinance, two (2) square feet or less and up to thirty (30) inches in height, a maximum of four (4) per occupant in a single or multi-tenant building. Sites larger than ten (10) acres may request, in writing to the Building Official, additional directional signs. Directional signs may contain the logo or symbol of the business referenced therein.
- K. Customary holiday displays if displayed one month before the national holiday and removed within two (2) weeks after the holiday.
- L. Residential window and door signs.

Section 5 – Prohibited Signs

The following types of signs are prohibited (unless otherwise allowed):

- A. Any sign not expressly permitted may only be allowed by review and approval by the Zoning Board of Appeals as per Section 12 – Variances and Appeals.
- B. Flashing, animated or moving signs shall be permitted only in districts zoned SP-1, and only if the flashing, animated or moving portion of the sign moves at intervals of ten (10) seconds or greater.
- C. Any sign which, by reason of its size, location, content, coloring, or manner of illumination, constitutes a traffic hazard or a detriment to traffic safety by obstructing the vision of drivers, or by obstructing or detracting from the visibility of any traffic control device on public streets and roads. Signs which make use of words such as “STOP”, “LOOK”, “DANGER” or any other words, phrases, symbols or characters in such a manner as to interfere with, mislead, or confuse traffic.
- D. Any sign or sign structure which:
 - 1. Is structurally unsafe.
 - 2. Constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation, or abandonment.
 - 3. Is not kept in good repair.
 - 4. Is capable of causing electric shocks to persons likely to come in contact with it.
 - 5. Has peeling paint on any surface.
 - 6. Has any parts broken, missing letters, or non-operational lights.
- E. Roof signs, as defined in this Ordinance.
- F. Any sign which obstructs free ingress or egress from a required door, window, fire escape, or other required exit way.
- G. Any sign or other structure containing or conveying any obscene, indecent or pornographic material.
- H. Any sign, from the effective date of this Ordinance, which is unlawfully installed, erected or maintained.
- I. Search lights, string lights, twirling signs, balloons or other gas-filled figures.
- J. Signs affixed to utility poles, trees, rocks, shrubs or similar natural features, and or non-municipally owned or operated light poles; provided, signs denoting a site of historical significance may be allowed.
- K. Temporary signs mounted upon trucks, vans, trailers, or other wheeled devices are prohibited. This provision does not apply to signs permanently affixed to door panels of commercial vehicles.
- L. Vehicles utilized for the purpose of being signage as set forth in the sign definition herein are prohibited, where **any** of the following conditions apply: the vehicle is not parked on the property where the business or service is located; the vehicle is not regularly used in the course of such business or service or is non-operational; the vehicle is not parked in a regulation parking space; and the vehicle is kept in the same location for more than 72 hours.

Section 6 – Temporary Signs (see Definitions)

Temporary signs, whether requiring a permit or not, shall conform to the following requirements:

- A. The requirements on permitting, location number, and size of signs are based on the zoning of the property (residential or non-residential) and are per zoning lot.
- B. Temporary signs must be approved by the property owner. It shall be the property owner’s responsibility to coordinate with tenants the sharing of allowed temporary signage as far as number and frequency.
- C. If permission is given by the property owner to allow temporary signs on their property by a tenant or someone who does not own the property, that sign counts against the allowed number of signs for the zoning lot.

- D. Except as otherwise provided in this Ordinance, a temporary sign shall only be allowed to be placed on publicly-owned property, including road rights-of-way, when placed there by and for the benefit of the respective public agency or with the written permission of the public agency.
- E. No temporary sign shall obstruct the vision of drivers.
- F. Temporary signs placed upon property in the Township in violation of this Ordinance may be removed only by Township Ordinance Enforcement Officers, the owner of the sign, or the owner of the property where a sign has been placed, or their designees. Any action taken by the Township under this Paragraph F shall be noticed to the property owner of record. A temporary sign that has been removed by the Township will be kept for one (1) week, at which time the sign may be destroyed or disposed of by the Township.
- G. On-site pennants, search lights, string lights, twirling signs, balloons or other gas-filled fixtures shall require a permit from the Township and shall only be permitted for the opening of a new business in a commercial or industrial district, in residential districts, in conjunction with a new development or model home demonstration conducted by the developer, or to advertise a special event, including a sale, in a commercial district, for a period not to exceed fourteen (14) days. No more than two (2) renewals shall be granted in a calendar year, for a maximum of forty-two (42) days within a calendar year. No more than two (2) permits for on-site pennants, etc., shall be issued on the same parcel for the same time period.

**Temporary Signs
In Residential Zoned Areas
(SF, SE, SR, R-1, R-2, R-3, RM-1, RM-2, MHP, and
BIZ Residential/Institutional in Use Group A)**

<p style="text-align: center;">Temporary Signs</p> <p style="text-align: center;"><u>Individual Residential & Institutional Parcels</u></p> <p style="text-align: center;">These requirements shall govern sign use, area, type, height, numbers, and setbacks, in addition to requirements elsewhere in this Ordinance.</p>					
T E M P O R A R Y S I G N S	Zoning District	SF, SE, SR, R-1, R-2, R-3, RM-1, RM-2, MHP, BIZ - Residential in Use Group A			
	Type of Sign	Portable	A-Frame	Banner	Blade
	Maximum Height	2' from grade	4' from grade	4' from grade	N/A
	Sign Area	3 sq. ft. per side; maximum 6 sq. ft.	8 sq. ft. per side; maximum 16 sq. ft.	32 sq. ft.	N/A
	Duration of Display	No longer than 30 days in a calendar year			N/A
	Permit Necessary to Display	No			N/A
	Location Setback	2' inside the property line, and not less than 10' from road surface and outside of the road right-of-way			N/A
	Number of Signs Displayed	1 portable or 1 A-Frame or 1 Banner per zoning lot			N/A
	Footnotes	1	N/A	N/A	N/A

¹ During an election period an unlimited number of additional portable signs are permitted on a zoning lot. Signs must comply with the chart above. An election period begins thirty (30) days before and ends ten (10) days after any election authorized under federal or state law.

Temporary Signs Approved Residential Developments

These requirements shall govern sign use, area, type, height, numbers, and setbacks, in addition to requirements elsewhere in this Ordinance.

T E M P O R A R Y S I G N S	Zoning District	SF, SE, SR, R-1, R-2, R-3, RM-1, RM-2, MHP BIZ - Residential & Institutional in Use Group A			
	Type of Sign	Portable	A-Frame	Banner	Blade
	Maximum Height	2' from grade	4' from grade	4' from grade	10' from grade including the full length of the support pole
	Sign Area	3 sq. ft. per side; maximum 6 sq. ft.	8 sq. ft. per side; maximum 16 sq. ft.	32 sq. ft.	3.5' in width at the widest point
	Duration of Display	No longer than 30 days in a calendar year			
	Permit Necessary to Display	No			
	Location Setback	2' inside the property line, and not less than 10' from road surface and outside of the road right-of-way			
	Number of Signs Displayed	1 portable or 1 A-Frame or 1 Banner or 1 Blade per development entrance			
	Footnotes	1			

¹ During an election period an unlimited number of additional portable signs are permitted on a zoning lot. Signs must comply with the chart above. An election period begins thirty (30) days before and ends ten (10) days after any election authorized under federal or state law.

**Temporary Signs
In Non-Residential Zoned Areas
(RB, GB, OP, LI, IP, IC, RFY, SP-1, SP-2, REC-1, REC-2
BIZ Use Groups A (Non-Residential), B, C, and D)**

Temporary Signs Non-Residential Zoned Areas

These requirements shall govern sign use, area, type, height, numbers, and setbacks, in addition to requirements elsewhere in this Ordinance.

T E M P O R A R Y S I G N S	Zoning District	RB, GB, LI, IP, IC, RFY, SP-1, SP-2, REC-1, REC-2, BIZ - Use Groups A (Non-Residential), B, C, & D			
	Type of Sign	Portable	A-Frame	Banner	Blade
	Maximum Height	2' from grade	4' from grade	4' from grade	10' from grade & including the full length of the support pole.
	Sign Area	3 sq. ft. per side; maximum 6 sq. ft.	8 sq. ft. per side; maximum 16 sq. ft.	32 sq. ft.	3.5' in width at the widest point
	Duration of Display	No longer than 30 days in a calendar year	30 days plus two 30 day renewals		
	Permit Necessary to Display	Yes			
	Location Setback	2' inside the property line, and not less than 10' from road surface and outside of the road right-of-way			
	Number of Signs Displayed	2 Portable or 2 A-Frame or 2 Banner or 2 Blade (or a combination of) per zoning lot			
	Footnotes	1, 2	2	2	2

¹ During an election period an unlimited number of additional portable signs are permitted on a zoning lot. Signs must comply with the chart above. An election period begins thirty (30) days before and ends ten (10) days after any election authorized under federal or state law.

² The temporary sign permit application must be approved / signed by the site owner. If a site has more than one occupant who wishes to put up signs at the same time, the site owner must determine who may display the sign.

Section 7 – Permitted Ground and Wall Signs by Use

**Ground & Wall Signs
In Residential Zoned Areas
(SF, SE, SR, R-1, R-2, R-3, RM-1, RM-2, MHP, and
BIZ Residential/Institutional in Use Group A)**

Residential Zoned Areas			
Ground Signs			
These requirements shall govern sign use, area, type, height, numbers, and setbacks, in addition to requirements elsewhere in this Ordinance.			
G R O U N D S I G N S	Zoning District	SF, SE, SR, R-1, R-2, R-3, RM-1, RM-2, MHP, BIZ - Residential & Institutional in Use Group A	
	Number of Signs	1 per vehicular entrance to a Subdivision/Site Condominium, multiple-family complex or Mobile Home Park	1 per Institutional establishment (i.e. churches, schools, public buildings, etc.)
	Overall Height	6 ft.	
	Sign Area	35 sq. ft. per side; maximum 70 sq. ft.	
	Setback - shall be measured at existing ROW or as req'd by RCOC	20 ft. from ROW	
	Footnotes	3	

³ The sign area may be increased by one (1) square foot per side for each two (2) feet by which the sign is set back beyond the minimum required setback, provided that the resulting sign area is not more than three (3) times the sign area permitted in the district and is not greater than one hundred and fifty (150) square feet.

Residential Zoned Areas

EMC Ground Signs

To protect the health, safety, peace and enjoyment of Township residents, EMC ground signs are prohibited in residential zoned areas, except for institutional uses (i.e. churches, schools, public buildings etc.), and shall comply with all the requirements and regulations of a non-EMC ground sign in addition to any other requirements set forth in this Ordinance. Further, a residentially zoned EMC ground sign shall also comply with the regulations governing sign use, area, type, height, numbers, and setbacks.

An EMC must be integrated into a ground sign as allowed within the zoning district.

G R O U N D S I G N S	Zoning District	SF, SE, SR, R-1, R-2, R-3, RM-1, RM-2, MHP, BIZ - Residential & Institutional in Use Group A
	Number of Signs	1 sign
	Height	The maximum height of an electronic message center shall conform to the maximum height regulations of signs allowed in each zoning district.
	Sign Area	The maximum area of an electronic message center shall not exceed more than 30% of the total sign area.
	Color	Multiple colors on a black background
	Movement Restrictions	Flashing, animated or moving signs are prohibited. The content of a digital display must transition by changing instantly, with no transitional graphics. Messages may change at intervals of 10 seconds or greater.
	Brightness	See Section 15 - Construction Requirements
	Resolution	Monochrome EMC signs shall have a pixel pitch of 35 mm or less resolution and multi-color EMC signs shall be a pixel pitch of 25mm or less.
	Restrictions	<p>All EMC signs are required to be shut off between the hours of 11 PM and 6 AM.</p> <p>Prior to the issuance of a sign permit, the applicant shall provide written certification from the sign manufacturer that the light intensity has been factory-programmed not to exceed the above listed light levels, and that the intensity level is protected from end-user manipulation by password protected software or other method satisfactory to the Township.</p> <p>The sign shall be equipped with photosensitive equipment which automatically adjusts the brightness and contrast of the sign in direct relation to the ambient outdoor illumination.</p>

Residential Zoned Areas Wall Signs

These requirements shall govern sign use, area, type, and numbers, in addition to requirements elsewhere in this Ordinance.

EMC signs are not permitted in wall signs.

W A L L S I G N S	Zoning District	SF, SE, SR, R-1, R-2, R-3, RM-1, RM-2, MHP, BIZ - Residential & Institutional in Use Group A
	Number of signs	1 wall sign per institutional establishment (i.e. churches, schools, public buildings, etc.) or 1 per vehicular entrance to a Subdivision/Site Condominium, multiple-family complex or Mobile Home Park
	Sign Area	40 sq. ft.
	Footnotes	4

⁴ Wall Signs or Canopy Signs shall include all of the following and shall be further subject to the following regulations:

- a. The entire canopy shall be considered a wall sign when a translucent fabric canopy with signage is internally illuminated.
- b. A projecting sign shall be considered a wall sign. The measurement of such signs shall include both sides.
- c. Signage attached to a permanent architectural feature (as reflected on an approved site plan), including masonry or stone walls at the entrance of residential developments, commercial developments, or industrial parks, shall be measured as a wall sign and shall exclude the surface area of the background wall. See definition of "Sign Area" in Section 3.

**Ground & Wall Signs
In Non-Residential Zoned Areas
(RB, GB, OP, LI, IP, IC, RFY, BIZ Use Groups A (Non-
Residential), B, C, & D, SP-1, SP-2, REC-1/REC-2)**

Non-Residential Zoned Areas											
Ground Signs											
These requirements shall govern sign use, area, type, height, numbers, and setbacks, in addition to requirements elsewhere in this Ordinance. Ground signs shall be subject to all the standards of either Alternate A or Alternate B.											
GROUND SIGNS	Zoning District	RB	GB	OP	LI	IP	IC	RFY	BIZ Use Groups A (Non-Residential), B, C, & D	SP-1 & SP-2	REC-1/ REC-2
	Number of signs	1 per zoning lot, 1 multi-tenant sign or 1 shopping center sign	1 per zoning lot, 1 multi-tenant sign or 1 shopping center sign	1 per zoning lot or 1 multi-tenant sign	1 per zoning lot or 1 multi-tenant sign	1 per zoning lot or 1 multi-tenant sign	1 per zoning lot or 1 multi-tenant sign	1 per zoning lot	1 per zoning lot, 1 multi-tenant sign or 1 shopping center sign	1 per zoning lot	1 per zoning lot
	Sign area <u>Alternate A</u> overall height up to 6 ft.	40 sq. ft. per side; maximum 80 sq. ft.	50 sq. ft. per side; maximum 100 sq. ft.	40 sq. ft. per side; maximum 80 sq. ft.	40 sq. ft. per side; maximum 80 sq. ft.	50 sq. ft. per side; maximum 100 sq. ft.	50 sq. ft. per side; maximum 100 sq. ft.	40 sq. ft. per side; maximum 80 sq. ft.	50 sq. ft. per side; maximum 100 sq. ft.	50 sq. ft. per side; maximum 100 sq. ft.	N/A
	Sign area <u>Alternate B</u> overall height over 6ft up to 8ft.	32 sq. ft. per side; maximum 64 sq. ft.	40 sq. ft. per side; maximum 80 sq. ft.	30 sq. ft. per side; maximum 60 sq. ft.	30 sq. ft. per side; maximum 60 sq. ft.	30 sq. ft. per side; maximum 60 sq. ft.	35 sq. ft. per side; maximum 70 sq. ft.	20 sq. ft. per side; maximum 40 sq. ft.	40 sq. ft. per side; maximum 80 sq. ft.	35 sq. ft. per side; maximum 70 sq. ft.	25 sq. ft. per side; maximum 50 sq. ft.
	Setback - shall be measured at existing ROW or as req'd by RCOC	20 ft. from ROW	30 ft. from ROW	20 ft. from ROW	20 ft. from ROW	20 ft. from ROW	20 ft. from ROW	20 ft. from ROW	30 ft. from ROW	30 ft. from ROW	20 ft. from ROW
Footnotes		3, 5	3, 5, 6	3, 5	3, 5	3, 5	3, 5, 7	3	3, 5, 6	3, 5	3, 5

³ The sign area may be increased by one (1) square foot per side for each two (2) feet by which the sign is set back beyond the minimum required setback, provided that the resulting sign area is not more than three (3) times the sign area permitted in the district and is not greater than one hundred and fifty (150) square feet.

- ⁵ Additional ground signs may be permitted for each zoning lot if the following conditions apply:
- Two (2) ground signs may be permitted on a corner lot that has at least two hundred (200) feet of frontage on each of two (2) thoroughfares or collector streets, provided that only one (1) sign is oriented toward each thoroughfare or street.
 - Two (2) ground signs may be permitted where the zoning lot, not a corner lot, has frontage on two (2) thoroughfares or collector streets and has vehicular access via both such thoroughfares or streets, provided that only one (1) sign is oriented toward each thoroughfare or street.
 - Two (2) ground signs may be permitted on a zoning lot that has over six hundred and fifty (650) feet of frontage on a thoroughfare or collector street.
 - On a zoning lot with over three hundred (300) and less than six hundred and fifty (650) feet of frontage on a thoroughfare or collector street, a second ground sign equal in area to not more than seventy-five percent (75%) of the ground sign area allowed shall be permitted.

⁶ The following additional ground signs may be permitted:

- Drive-in or drive-through restaurants may be permitted two ground signs in addition to the ground signs permitted, provided that the signs are located within twenty (20) feet from the first drive-through window.
- Gasoline service stations may be permitted one (1) additional ground sign indicating only the price of fuel. Such sign shall not exceed twenty-four (24) square feet per side; maximum forty-eight (48) square feet.

⁷ For IC Alternate A only, one (1) additional ground sign is allowed per entrance from a major thoroughfare. The additional sign(s) may have an overall height of six (6) feet, twenty-five (25) square feet per side; maximum fifty (50) square feet and must be setback twenty (20) feet from the road right-of-way.

EMC Ground Signs

Non-Residential Zoned Areas

To protect the health, safety, peace, and enjoyment of Township residents, EMC ground signs shall comply with all of the requirements and regulations of a non-EMC ground sign in addition to any other requirements set forth in this Ordinance.

Further an EMC ground sign shall also comply with the regulations governing sign use, are, type, height, numbers, and setbacks.

An EMC must be integrated into a ground sign as allowed within the zoning district.

G R O U N D S I G N S	Zoning District	RB, GB, OP, LI, IP, IC, RFY, SP-1, SP-2, REC-1, REC-2, BIZ - Use Groups A (Non-Residential), B, C, & D
	Number of Signs	Only 1 unless located on a corner lot, see footnote 5a & 5b only.
	Height	The maximum height of an electronic message center shall conform to the height regulations for signs allowed in each zoning district.
	Sign Area	The maximum area of an electronic message center shall not exceed more than 30% of the total sign area.
	Color	Multiple colors on a black background
	Movement Restrictions	Flashing, animated or moving signs are prohibited. The content of a digital display must transition by changing instantly, with no transitional graphics. Messages may change at intervals of 10 seconds or greater.
	Brightness	See Section 15 - Construction Requirements
	Resolution	Monochrome EMC signs shall have a pixel pitch of 35 mm or less resolution and multi-color EMC signs shall be a pixel pitch of 25mm or less.
	Restrictions	Prior to the issuance of a sign permit, the applicant shall provide written certification from the sign manufacturer that the light intensity has been factory-programmed not to exceed the above listed light levels, and that the intensity level is protected from end-user manipulation by password protected software or other method satisfactory to the Township. The sign shall be equipped with photosensitive equipment which automatically adjusts the brightness and contrast of the sign in direct relation to the ambient outdoor illumination.

⁵ Additional ground signs may be permitted for each zoning lot if the following conditions apply:

- a. Two (2) ground signs may be permitted on a corner lot that has at least two hundred (200) feet of frontage on each of two (2) thoroughfares or collector streets, provided that only one (1) sign is oriented toward each thoroughfare or street.
- b. Two (2) ground signs may be permitted where the zoning lot, not a corner lot, has frontage on two (2) thoroughfares or collector streets and has vehicular access via both such thoroughfares or streets, provided that only one (1) sign is oriented toward each thoroughfare or street.

Non-Residential Zoned Areas Wall Signs

These requirements shall govern sign use, area, type, and numbers, in addition to requirements elsewhere in this Ordinance.

EMC signs are not permitted in wall signs.

W A L L S I G N S	Zoning District	RB	GB	OP	LI	IP	IC	BIZ Use Groups A (Non-Residential), B, C, & D	SP-1/ SP-2	REC-1/ REC-2
	Number of signs	1 wall sign per establishment								
	Sign Area	10% of the façade area on which the sign is to be placed, or 200 sq. ft. per establishment whichever is less.								40 sq. ft.
	Footnotes	4, 8	4, 8	4, 8	4	4	4	4, 8	4	4

*** Note Wall signs are not permitted in RFY**

⁴ Wall Signs or Canopy Signs shall include all of the following and shall be further subject to the following regulations:

- a. The entire canopy shall be considered a wall sign when a translucent fabric canopy with signage is internally illuminated.
- b. A projecting sign shall be considered a wall sign. The measurement of such signs shall include both sides.
- c. Signage attached to a permanent architectural feature (as reflected on an approved site plan), including masonry or stone walls at the entrance of residential developments, commercial developments, or industrial parks, shall be measured as a wall sign and shall exclude the surface area of the background wall. See definition of "Sign Area" in Section 3.

⁸ Buildings and shopping centers shall be permitted a wall sign on the front and rear façade when the architecture is mirrored on both facades and parking is only available at the rear of the building. The wall sign on the rear façade shall be 10% smaller than that which is allowed on the front façade. When abutting a residential zoned or used parcel, rear façade signs shall be turned off at 11:00 pm or close of business whichever is earlier.

Section 8 – Billboard Signs

Billboard Signs		
<p>Billboards represent a unique competition for visual attention of drivers and thus, for health and safety of the Township residents, and to avoid adversely impacting the peace and enjoyment of residential areas, billboards shall be regulated based on traffic levels and patterns within the Township, zoning districts, frequency, distance and location.</p> <p>These requirements shall govern sign use, area, type, height, numbers, and setbacks, in addition to requirements elsewhere in this Ordinance.</p>		
B I L L B O A R D S I G N S	Billboards	All billboards shall adhere to the following:
	Sign Area	600 sq. ft. per side; maximum 1,200 sq. ft.
	Height	A sign no less than 12 ft. and not to exceed 25 ft. in height, measured from grade to the highest point of the billboard.
	General Location	Billboards are prohibited in residential or recreationally zoned or used areas and shall not be located closer than 1,500 ft. to any property zoned or used for residential or recreation. The 1,500 ft. shall be measured from the closest part of the billboard to the nearest property line of the residential/recreational property.
	Distance between billboards	No billboard shall be closer than 2,640 ft. to any other billboard on either side of the right-of-way. Billboards shall be measured using the closest point of the other billboard.
	Distance from Intersection	A billboard must be located at least 1,000 ft. from a traffic controlled intersection.
	Setbacks from property lines	Billboards shall be setback at least 25 ft. from the front, side and rear property lines. For the purpose of determining the distance for setbacks, the distance shall be measured at ground level directly below the farthest protruding portion of the billboard to the subject property line.
	Setback from ROW	20 ft., shall be measured at the existing road right-of-way or as required by Road Commission of Oakland County
	Projections	No portion of the sign display shall project more than 18 inches from any point of the sign.
	Footnotes	9, 10

⁹ The name, address identity, home and business telephone numbers, pager number and email addresses, if any and mobile phone number, if any, of the person to contact for maintenance and other notice purposes must be provided at the time of application. This information shall be kept current by immediate written notice of the Township of any changes.

¹⁰ A maintenance bond shall be required to remove an abandoned and/or vacated billboard. A bond in the amount of \$2,500 shall be held by the Township to secure proper maintenance and removal if required.

<p style="text-align: center;">EMC Billboards</p> <p>To protect the health, safety, peace and enjoyment of Township residents, EMC billboards shall comply with all of the requirements and regulations of a non-EMC billboard in addition to any other requirements set forth in this Ordinance. Further, an EMC billboard shall also comply with the regulations governing signs, use, area, type, height, numbers, and setbacks.</p>	
EMC Billboards	EMC Billboards shall adhere to all Billboard Sign regulations in addition to the following:
Color	Multiple colors on a black background
Movement Restrictions	Flashing, animated or moving signs are prohibited. The content of a digital display must transition by changing instantly, with no transitional graphics. Messages may change at intervals of 10 seconds or greater.
Brightness	See Section 15 - Construction Requirements
Resolution	Monochrome EMC signs shall have a pixel pitch of 35 mm or less resolution and multi-color EMC signs shall be a pixel pitch of 25mm or less.
Restrictions	<p>Prior to the issuance of a sign permit, the applicant shall provide written certification from the sign manufacturer that the light intensity has been factory-programmed not to exceed the above listed light levels, and that the intensity level is protected from end-user manipulation by password protected software or other method satisfactory to the Township.</p> <p>The sign shall be equipped with photosensitive equipment which automatically adjusts the brightness and contrast of the sign in direct relation to the ambient outdoor illumination.</p>

Section 9 – Permitted Interior Window and Door Signs

Window and door signs shall be permitted in non-residential areas. Window and door signs shall not exceed twenty-five (25%) percent of the total window and door area on the front façade of the building. Regulations for window and door signs shall extend back twenty-four (24) inches from the inside of the window surface. A permit from the Building Department shall not be required for interior window and door signs.

Section 10 – Procedure for Obtaining Sign Permits

Permit Application. Permits are required, as provided for in this ordinance except where specifically exempted herein. Application shall be made on forms provided by the Building Department.

A. Planning and Zoning Approval.**1. Permanent Signs.**

- a. Applications for planning and zoning approval for permanent signs shall be made to the Planning and Zoning Coordinator, and shall include the following information:
 - i. Name, address, and telephone number of the applicant and property owner, if different from the applicant. If the applicant is not the property owner, a signed statement from the property owner granting permission to pursue a sign on the latter's property must be included. In all cases, proof of ownership must be provided.
 - ii. A check for planning and zoning review fees per the Fee Schedule adopted by the Township Board.
 - iii. If the proposed permanent sign is a ground sign, the application shall be accompanied by a site plan drawn in accordance with the following requirements:
 - (a) The site plan shall be drawn to a scale no less than fifty (50) feet to the inch.
 - (b) The site plan shall show the location of existing and proposed structures or signs within two hundred (200) feet of the sign.
 - (c) The site plan shall also show the location of existing road rights-of-way, parking areas, entrances, and exits within two hundred (200) feet of the proposed sign.
 - iv. Two (2) color drawings of the proposed sign. If a variance is sought under Section 12(F), fourteen (14) color drawings will be required.
 - v. Drawings of the proposed sign to be erected on the site shall include all of the following detailed information:
 - (a) If a ground sign, the height of the sign above the ground.
 - (b) Surface of the sign (material, color, dimension, etc.).
 - (c) Total area of the sign surface, and total area of the base or support structure, along with the specific dimensions for each.
 - (d) Lettering of sign as it will appear on the erected sign. It need not be in the style of the finished sign, but must be neatly printed in the size and weight of the sign, approximating that of the final constructed sign.
 - (e) Method and color of illumination, if any.
 - (f) Logos, emblems, or additional features.

- (g) Specifications and method of construction and attachment to the building or in the ground.
 - (h) If the proposed sign is a wall sign, measurements of the height and width of the building façade to which the sign will be attached.
 - vi. The name of the person, firm, corporation or association erecting the sign.
 - vii. Such other information as the Building Official or his or her designee shall require to demonstrate full compliance with this Ordinance.
 - b. Following planning and zoning approval, and upon receipt of a completed application for a permanent sign and payment of all required fees, the Building Official or his or her designee shall review the Permit Application and all relevant information within thirty (30) business days for compliance with this Ordinance and the laws of the State of Michigan. If the Building Official or his or her designee finds the Application to meet the requirements of the law, he shall approve the Permit Application.
 - i. The application shall include the following information:
 - (a) Stress sheets and calculations showing that the structure is designed for dead load and wind pressure in any direction in the amount required by this or any other Ordinance of the Charter Township of Orion and all laws of the State of Michigan shall be submitted whenever the Building Official or his or her designee deems it necessary.
 - (b) In all cases where wiring is to be used in connection with the sign, evidence that it will comply with the electrical code adopted by the Charter Township of Orion.
 - ii. Upon approval of the Permit Application, the Building Official or his or her designee shall issue a permit for the erection, alteration or relocation of a permanent sign within the Township.
 - iii. No permanent sign shall be erected, altered or relocated except in compliance with an approved Permit Application.
 - c. Exception – Planned Unit Development Signage.
 - i. From the date of adoption of this Ordinance, the permit and review provisions of this section, along with Section 11, shall not apply to signs proposed as part of a Planned Unit Development (“PUD”) under Section 30.03 of Ordinance No. 78. The Planning Commission shall review all PUD signage in accordance with the requirements of this Ordinance and Section 30.03 of Ordinance No. 78. However, the Zoning Board of Appeals shall retain jurisdiction to hear requests for variances from the strict application of this Ordinance, and shall have the authority to hear appeals from determinations of the Planning Commission with respect to determinations under this Ordinance.
2. Temporary Signs.
- a. Applications for temporary sign permits, if required, shall be made to the Building Department and shall indicate the following:
 - i. The number of temporary signs to be erected and approximate locations.
 - ii. The name, address, and telephone number of the person or group responsible for the sign or signs.
 - b. A permit for a temporary sign shall be issued within five (5) business days following the submission of a complete temporary sign permit application and payment of the required fees. The permit shall be effective for the period of time provided under this Ordinance as stated on the permit. The permit shall be applicable only to the number of temporary signs identified in the application.

- c. Approved temporary signs shall contain the permit number somewhere on the face or rear of the sign.
- d. A record of all current sign permits shall be kept in the Building Department.
- e. Any violations of this Ordinance shall be deemed sufficient cause to administratively revoke a temporary sign permit, to deny renewal, or deny approval of a subsequent temporary sign permit application submitted by the violating applicant, upon written notice to the applicant stating the reasons for such denial or revocation.

Section 11 – Fees

- A. Fees for all signs shall be adopted by resolution of the Township Board and shall be sufficient to cover the cost of administration and the reasonable expenses incurred by and for inspection and review by the Township and its consultants.
- B. The fee schedule shall be posted in the Building Department.
- C. If an applicant does not have adequate funds to pay the fees required under this section, an affidavit of indigency may be filed with the application stating, under oath, that such person does not have and will not have adequate or available funds to pay the required fee.
- D. Whenever a sign is erected prior to obtaining a permit, the fee shall be twice the amount set forth in the fee schedule for the respective sign.

Section 12 – Variances and Appeals

Variances and Appeals. Variances to the requirements of this Ordinance and appeals from decisions of the Building Official or his or her designee may be heard upon application to the Township Zoning Board of Appeals.

- A. The Township Zoning Board of Appeals shall be charged with the responsibility of interpreting and carrying out the provisions of this Ordinance.
- B. Hearings.
 - 1. Any person or entity aggrieved by a notice or order of the Building Official or his or her designee issued in connection with the approval or denial of a sign permit, an alleged violation of this Ordinance or any applicable rules and regulations pursuant to this Ordinance may file with the Zoning Board of Appeals an application setting forth reasons for contesting the approval, denial, notice or order.
 - 2. The application referenced in Subsection (1) shall be filed within thirty (30) days after the denial, notice or order is served on the petitioner, and shall be accompanied by the required fees for a Zoning Board of Appeals application.
 - 3. Within thirty (30) days, or at the first available meeting after receipt of a valid application, the Zoning Board of Appeals shall conduct a public hearing. The Building Official or his or her designee shall set the time and place of the hearing and, at least fifteen (15) days prior to the hearing date, shall serve the applicant and owners of property within three hundred (300) feet of the location of the sign with notice, pursuant to Subsection (G) below.
- C. Action of Zoning Board of Appeals.
 - 1. The Zoning Board of Appeals shall have the power to modify or reverse, wholly or partly, the denial, notice or order given under this Ordinance and may grant an extension of time for the performance of any act required of not more than three (3) additional months, where the Zoning Board of Appeals finds that there is a practical difficulty or undue hardship connected with the performance of this Ordinance and that such extension is in harmony with the general purpose of this Ordinance to secure the public health, safety and welfare.
 - 2. The concurring vote of a majority of the Zoning Board of Appeals shall be necessary to reverse, wholly or partly, or modify any order, requirement, decision, or determination of the Building Official, or Planning Commission in the

case of PUD signs, or to decide in favor of the applicant any matter upon which it is determined to pass or to effect any variation in this Ordinance.

3. No order or variance of the Zoning Board of Appeals permitting the erection or alteration of a sign, except for an interpretation made by the Zoning Board of Appeals, shall be valid for a period longer than six (6) months from the date of approval, unless a permit for such erection or alteration is obtained within such period and such erection and alteration is started and proceeds to completion in accordance with the terms of such permit.
4. A variance granted shall be valid only under a site plan or layout of the property which was considered by the Zoning Board of Appeals.
5. After a variance has been denied in whole or in part by the Zoning Board of Appeals, such application shall not be resubmitted for a period of one (1) year from the date of the last denial. However, a denied variance may be reconsidered by the Zoning Board of Appeals when, in the opinion of the Building Official or the Zoning Board of Appeals, newly discovered evidence or changed conditions warrant such reconsideration.

D. Scope of Hearing.

At the hearing held pursuant to this section, the applicant shall be given an opportunity to show cause why the denial, notice or order should be modified or withdrawn or why the period for compliance should be extended.

E. Stay.

An appeal made under this section shall stay all proceedings in furtherance of the action appealed from unless the Building Official certifies to the Zoning Board of Appeals, after the notice of appeal shall have been filed with him, that because of the facts stated in the certificate an emergency exists, in which case the proceedings shall not be stayed, except by a restraining order or by the Circuit Court, following timely notice of application therefore, to the Building Official.

F. Variances.

1. A variance to the requirements of this Ordinance may be allowed by the Zoning Board of Appeals only in cases involving practical difficulties or unnecessary hardships, as the terms are understood under State of Michigan law, are not created by the applicant, tenant or owner, or their predecessor, and when the evidence in the official records of the appeal supports the following affirmative findings:
 - a. The alleged hardships or practical difficulties or both are exceptional and peculiar to the property of the applicant for the variance and result from conditions which do not exist generally in the Township.
 - b. The alleged hardships and practical difficulties, or both, which will result from a failure to grant the variance, include substantially more than mere inconvenience or mere inability to attain a higher financial return.
 - c. Allowing the variance will result in substantial justice being done, considering the public benefits intended to be secured by this Ordinance, the individual hardships that will be suffered by a failure of the Zoning Board of Appeals to grant a variance, and the rights of others whose property would be affected by the allowance of the variance, and will not be contrary to the purpose and intent of this Ordinance.
2. The findings of fact in Subsection (1) of this section shall be made by the Zoning Board of Appeals, which is not empowered to grant a variance without an affirmative finding of fact in each of the categories listed in Subsection (1) of this section. Each finding of fact shall be supported in the record of the proceedings of the Zoning Board of Appeals.
3. Nothing contained in this section shall be construed to empower the Zoning Board of Appeals to substantially change the terms of this Ordinance or to significantly add to the types of signs permitted on any premises.

G. Appeals.

1. The Zoning Board of Appeals shall give written notice of all hearings on appeals under this Ordinance. The notice shall be given not less than fifteen (15) days before the hearing to all owners of record of real property within three hundred (300) feet of the premises in question. Such notice shall be delivered personally or by mail addressed to the respective owners at the addresses given in the last assessment roll.
2. Appeals shall proceed as set forth in Section 29.03 of Ordinance No. 78 and as required by the Township Zoning Act, PA 184 of 1943. The review by the Zoning Board of Appeals shall be a de novo review where the decision shall be made without reference to the previously determined legal conclusions or assumptions.

Section 13 – Inspections

Any person erecting, altering, or relocating a permanent sign shall notify the Building Department upon completion of the work for which permits are required. All ground and billboard signs shall be subject to a footing inspection. All wall signs shall be subject to a building inspection. Signs in which electricity is used shall have a final inspection by the electrical inspector.

Section 14 – Requirements

- A. **Registration.** A person shall not perform any work or service for any person or corporation on or in connection with the erection, alteration, or relocation of any sign in the Township, unless such person shall first have registered with the Building Department and paid the registration fees provided by the Township.
- B. **Contractor's Insurance.** Every sign contractor shall, before being registered, file with the Township a satisfactory certificate of insurance, with the Township listed as an "additional insured", to indemnify the Township against any form of liability to a minimum of Five Hundred Thousand Dollars (\$500,000) or shall be responsible through any agent or subcontractor. The insurance shall be maintained in full force and effect during the term of the business license and said insurance policy or certificate shall provide that the Township be notified of any cancellation of the insurance not less than thirty (30) days prior to the date of cancellation.
- C. **Installation without Owner's Consent.** A sign shall not be erected, constructed or maintained under this Ordinance without the written consent of the owner or their authorized representatives.

Section 15 – Construction Requirements

- A. **General Construction and Notice Requirements.** All signs shall be designed, constructed and erected in accordance with the adopted Building Code and this Ordinance.
- B. **Obstruction to Ventilation.** A sign shall not be attached in any form, shape or manner which will interfere with any opening required for ventilation, except that a sign may be erected in front of and may cover transom windows when not in violation of the provisions of the building and fire prevention codes.
- C. **Electric Signs.**
 1. All electric signs shall be approved and labeled as conforming to the standards of the Underwriters Laboratories, Inc., or other similar institutions of recognized standing. The full number of illuminating elements thereof shall be kept in satisfactory working condition or immediately repaired or replaced. Signs that are only partially illuminated shall meet all electrical requirements for that portion directly illuminated. All electric signs shall comply with the electrical code adopted by the Township.
 2. In no case shall any sign be illuminated by open spark or flame. Reflectors, lights, and other forms of illumination shall be permitted, but no sign or any part thereof shall move nor shall the illumination thereof be by anything other than a steady, continuously burning bulb or light. The flashing or turning on and off of the sign illumination or any bulb or component part thereof is prohibited.
- D. **Supports and Braces.** All supports and bracing systems shall be designed and constructed to transfer lateral forces to the foundation. For signs on buildings, all loads shall be transmitted throughout the structural frame of the building to the

ground in such a manner as to not overstress any of the elements thereof. Uplift due to overturning shall be adequately resisted by proper anchorage to the ground or the structural frame of the building.

- E. **Wind Loads.** All signs, except those enumerated in Section 4, and those signs which are attached flat against the wall of a building, shall be constructed to withstand wind loads of one hundred (100) miles per hour.
- F. **Protrusions.** No nails, tacks, or wire shall be permitted to protrude from the front of any sign. This shall exclude the use of lock letter electrical reflectors or other devices which may protrude from the front of the sign structure.
- G. **Setbacks from Utilities.** No sign, except for wall signs, may be erected so that any part of it, including cables, guy wires, etc., will be within four (4) feet of any electric light pole, street lamp, or other public utility or standard. The minimum clearance of a sign from public utility conductors shall be not less than four (4) feet from conductors carrying six hundred (600) volts or more. In all cases where a sign is proposed to be installed within ten (10) feet of an electrical conductor carrying a higher voltage than six hundred (600) volts, erection of the sign shall not commence until a representative of the public utility company shall have examined and approved the plans and site plan.
- H. **Clear Vision.** A temporary or permanent sign shall not be located or positioned at the intersection of any street in such a manner as to obstruct free and clear vision or at any location where, by reason of the position, shape, color, lighting, or message, it may interfere with, obstruct the view of, or be confused with, any authorized traffic sign, signal or device.
- I. **Sight Distance.** A sign shall not be located or positioned in such a manner as to interfere with the necessary free and unobstructed view of vehicular or pedestrian traffic.
- J. **Movement.** A sign shall not be erected in such a manner as to permit swinging of the entire sign or any portion or part thereof.
- K. **Maintenance.** A sign shall not be allowed to corrode, rust, peel, break up, or otherwise reach a state of disrepair that creates an unsightly or dangerous condition. Any such sign shall be repaired or removed within ten (10) days after written notice thereof. If the sign is not removed, legal action may be initiated by the Township to compel removal or to obtain such other relief as the Township deems necessary to protect the public health, safety, and welfare.
- L. **Unsafe Signs.** When any sign becomes insecure, in danger of falling, or otherwise unsafe in the opinion of the Building Official or his or her designee, or if any sign shall be unlawfully installed, erected, or maintained in violation of any provision of this Ordinance, the owner thereof or the person or firm responsible for maintaining same, shall immediately repair the sign, make such sign conform to the provisions of this Ordinance, or shall remove it.
- M. **Sign Lighting.**
 - 1. Maximum sign illuminance shall not exceed three-tenths (0.3) foot-candle above the ambient light measurement (day or night) at the nearest residential property line and one (1.0) foot-candle at the nearest non-residential property line; including any internal and/or external sign lighting.

Section 16 – Limitations by Zoning District

Signs shall be permitted only in accordance with the schedules contained in this Ordinance which provide for limitations for height, display area, number of signs.

Section 17 – Nonconforming Signs

- A. Any sign existing on the date of adoption of this Ordinance, or any amendment thereto, which does not comply with all of the sections of this Ordinance, including any amendment, shall be considered nonconforming. Nonconforming signs shall be subject to the following:
 - 1. Any existing nonconforming sign shall not be structurally altered so as to change the shape, size, type or design of the sign.

2. A panel or wording on a sign within the same space on the sign may be changed periodically, except as provided in Subsection (4) below.
 3. An existing nonconforming sign shall not be reestablished and/or must be brought into compliance with the provisions of this Ordinance after damage or destruction, whether by forces of nature or any other cause including an accident.
 4. Nonconforming signs or sign structure shall be removed or brought into conformity with the provisions of this Ordinance when:
 - a. The responsible parties voluntarily change or relocate the nonconforming sign.
 - b. If a sign has been abandoned or vacated.
 - c. The nonconforming sign structure (including support and frame, but excluding panel) is determined by the Building Department to be dilapidated, unsafe or in violation of the Building Code.
- B. Nothing in this section shall relieve the owner or user of a nonconforming sign, or the owner of the property on which the nonconforming sign is located, from maintaining a sign in a safe condition.

Section 18 – Unlawful Signs

A person shall not erect or maintain, or permit the erection or maintenance on any premises owned or controlled by them, any sign which does not comply with the provisions of this Ordinance.

Section 19 – Violations and Penalties

- A. **Municipal Civil Infraction/Payment of Fine.** Any person, firm, or corporation violating a provision of this Ordinance, upon an admission or finding of responsibility for such violation, shall be deemed responsible for a municipal civil infraction, and shall pay a fine.
- B. **Costs.** The person, firm, or corporation ordered to pay a fine under Subsection (A) shall be ordered by the District Court Judge or Magistrate to pay costs of not less than Nine Dollars (\$9) or more than Five Hundred Dollars (\$500), which costs may include all expenses, direct and indirect, to which the Township has been put in connection with the violation of this Ordinance up to the entry of the Court's judgment or order to pay fines and costs.
- C. **Additional Writs and Orders.** A person who admits or is found responsible for violation of this Ordinance shall comply with any order, writ or judgment issued by the District Court to enforce this Ordinance.
- D. **Default on Payment of Fines and Costs.** A default in payment of a civil fine, costs, or damages or expenses ordered under Subsection (A) or (B) or an installment of the fine, costs, or damages as allowed by the Court, may be collected by the Township by a means authorized for the enforcement of a judgment.
- E. **Failure to Comply with Judgment or Order.** If a defendant fails to comply with an order or judgment pursuant to this section within the time prescribed by the Court, the Court may proceed under Subsection (G).
- F. **Failure to Appear in Court.** A defendant who fails to answer a citation or notice to appear in Court for a violation of this Ordinance is guilty of a misdemeanor, punishable by a fine of not more than Five Hundred Dollars (\$500) plus costs and/or imprisonment not to exceed ninety (90) days.
- G. **Civil Contempt.**
 1. If a defendant defaults in the payment of a civil fine, or other damages or expenses, or an installment as ordered by the District Court, upon motion of the Township or upon its own motion, the Court may require the defendant to show cause why the defendant should not be held in civil contempt and may issue a summons, order to show cause, or bench warrant of arrest for the defendant's appearance.

2. If a corporation or an association is ordered to pay a civil fine, costs, or damages or expenses, the individuals authorized to make disbursements shall pay the fine, costs, damages or expenses, and their failure to do so shall be civil contempt unless they make the showing required in this subsection.
3. Unless the defendant shows that the default was not attributable to an intentional refusal to obey the order of the Court or to a failure on their part to make a good faith effort to obtain the funds required for payment, the Court shall find that the default constitutes a civil contempt and may order the defendant committed until all or a specified part of the amount due is paid.
4. If it appears that the default in the payment of a fine, costs, or damages or expenses does not constitute civil contempt, the Court may enter an order allowing the defendant additional time for payment, reducing the amount of each installment, or revoking the fine, costs, damages or expenses.
5. The term of imprisonment on civil contempt for nonpayment of a civil fine, costs, or damages or expenses shall be specified in the order of commitment and shall not exceed one day for each Thirty Dollars (\$30) due. A person committed for nonpayment of a civil fine, costs, or damages or expenses shall be given credit toward payment for each day of imprisonment and each day of detention in default of recognizance before judgment at the rate of Thirty Dollars (\$30) per day.
6. A defendant committed to imprisonment for civil contempt for nonpayment of a fine, costs, damages or expenses shall not be discharged until one of the following occurs:
 - a. Defendant is credited with an amount due pursuant to Subsection (G)(5) above.
 - b. The amount due is collected through execution of process or otherwise.
 - c. The amount due is satisfied pursuant to a combination of subdivisions G(6)(a) and (b) above.
7. The civil contempt shall be purged upon discharge of the defendant pursuant to Section G(6).

H. Lien Against Land, Building, or Structure.

If a defendant does not pay a civil fine or costs or installment ordered under Subsection (A) or (B) within thirty (30) days after the date upon which the payment is due for a violation of this Ordinance involving the use or occupation of land or a building or other structure, the Township may obtain a lien against the land, building, or structure involved in the violation by recording a copy of the court order requiring payment of the fine and costs with the Oakland County Register of Deeds. The court order shall not be recorded unless a legal description of the property is incorporated in or attached to the court order.

1. The lien is effective immediately upon recording of the court order with the Register of Deeds.
2. The court order recorded with the Register of Deeds shall constitute the pendency of the lien. In addition, a written notice of the lien shall be sent by Orion Township by first class mail to the owner of record of the land, building, or structure at the owner's last known address.
3. The lien may be enforced and discharged by Orion Township in the manner prescribed by its Charter, by the General Property Tax Act, Act No. 206 of the Public Acts of 1893, being Section 211.1 *et seq.*, of the Michigan Compiled Laws, or by an ordinance duly passed by the Township. However, property is not subject to sale under Section 60 of Act No. 206 of the Public Acts of 1893, being Section 211.60 of the Michigan Compiled Laws, for non-payment of a civil fine or costs or an installment ordered under Subsection (A) or (B) unless the property is also subject to sale under Act No. 206 of the Public Acts of 1893 for delinquent property taxes.
4. A lien created under this section has priority over any other lien unless one or more of the following apply:
 - a. The other lien is a lien for taxes or special assessments.
 - b. The other lien is created before the effective date of the amended ordinance that added this section.
 - c. Federal law provides the other lien has priority.
 - d. The other lien is recorded before the lien under this section is recorded.

5. The Township may institute an action in a court of competent jurisdiction for the collection of the fines and costs imposed by a court order for a violation of this Ordinance. However, an attempt by the Township to collect the fines or costs does not invalidate or waived the lien upon the land, building, or structure.
6. A lien provided for by this subsection shall not continue for a period longer than five (5) years after a copy of the court order imposing a fine or cost is recorded unless within that time an action to enforce the lien is commenced.

Section 20 – Repeal

Ordinance No. 138 of the Charter Township of Orion, and all other ordinances or parts of ordinances which are inconsistent or in conflict herewith, are hereby repealed to the extent of such inconsistency or conflict.

Section 21 – Severability

The various parts, sections and clauses of this Ordinance are declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected.

Section 22 – Effective Date

This Ordinance shall be published in full in a newspaper of general circulation in the Charter Township of Orion, qualified under State law to publish legal notices, and shall become effective upon publication, as provided by law.

Section 23 – Adoption

This Ordinance is hereby declared to have been adopted by the Board of Trustees of the Charter Township of Orion at a meeting thereof duly called and held on the 17th day of July, 2017, and ordered to be given publication in the manner prescribed by the Charter of the Township of Orion.

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ORDINANCE #2155-12

AN ORDINANCE AMENDING CHAPTER 202, ARTICLE XV, OF THE CODE OF THE CITY OF WOODBURY ENTITLED: **SIGNS**

BE IT ORDAINED AND ENACTED by the Mayor and Council of the City of Woodbury, County of Gloucester and State of New Jersey, as follows:

SECTION I. **PURPOSE.** The Combined Planning/Zoning Board of the City of Woodbury having conducted a review of the City's Ordinance concerning signage in the City of Woodbury, specifically with respect to the increasingly more popular use of "Changeable Copy" signs and having passed Resolution No. 13-2012, on or about January 18, 2012, wherein they recommended to the Mayor and City Council certain changes to the sign Ordinance as contained in said resolution. After careful review of said recommended ordinance changes and after consultation with the City's professionals, the Mayor and City Council have decided the changes recommended by the Planning/Zoning Board should be made to the current Sign Ordinance to allow the use of this more current advertising technology, under provisions which control the location of such changeable copy signs, as well as, the technical aspects of the signs, all while continuing to protect the health, safety and welfare of the citizens of the City of Woodbury.

SECTION II. **AMENDMENT.** The following amendments shall be made to Chapter 202, entitled "Signs":

Article XV. Signs

[Added 8-31-1993 by Ord. No. 1713-93 *Editor's Note: This ordinance also provided for the repeal of original Article XIV, Signs, as amended.]*

§ 202-82. Purpose.

The purpose of this article is to encourage the effective use of signs as a means of communication, to maintain and enhance the aesthetic environment and the City's ability to attract economic development and growth, to improve pedestrian and vehicular safety, to minimize the possible adverse effects of signs on nearby public and private property and to enable the fair and consistent enforcement of the regulations of this article. This article is not designed to limit or prohibit speech, but to regulate the conduct of the message. The City of Woodbury's sign regulations are content-neutral.

§ 202-83. General regulations.

- A. Accessory uses. Signs shall be permitted as accessory uses in all zoning districts, provided that any sign hereafter erected in the City of Woodbury conforms to the provisions of this article and any other ordinance or regulation of the municipality or the state or federal government relating to the erection, alteration or maintenance of signs. In the event of conflicting regulations, the most restrictive shall apply.
- B. Sign permit. A permit shall be required for the installation of all signs, unless exempted from such requirements under Subsection M of this section. The structural safety requirements governing construction and erection of all signs and the issuance of permits therefore shall be controlled by Chapter 73, Construction Codes, Uniform, of the Code of the City of Woodbury, but this chapter shall supersede Chapter 73 with respect to areas wherein signs are erected, their location, size, design and illumination and all the characteristics which relate to the subject of zoning.
- C. Maintenance. All signs shall be kept in a proper state of repair, in accordance with the requirements of Article I of Chapter 144, Maintenance of Commercial Property; Chapter 73, Construction Codes, Uniform; or other property maintenance codes as may be promulgated by the City Council of the City of Woodbury, and other pertinent regulations. Signs which fall into such a state of disrepair as to become unsightly or to pose a threat to public safety may be removed by the City 30 days following notice by certified mail to the owner of record, and the City shall have the right to recover from said owner the full costs of the removal and disposal of such signs.
- D. Rights-of-way. No sign other than traffic control or similar official governmental signs shall be erected within or project over the right-of-way of any public street or sidewalk, except as hereinafter provided.
- E. Imitation of official signs. No sign shall be erected that is of such character, form, shape or color that it imitates or resembles any official traffic sign, signal or device or that has any characteristics which are likely to confuse or dangerously distract the attention of the operator of a motor vehicle on a public street.
- F. Sight triangles. No sign shall be erected at the intersection of any streets improved for vehicular traffic within the triangular area formed by the right of way lines and a line connecting them at points 30 feet from their intersection, unless the topmost portion of said sign is less than 2 1/2 feet high above the average existing grade within 10 feet surrounding the proposed sign location. In no case shall any sign be so erected that it dangerously impedes the vision of motorists or pedestrians, or otherwise endangers their Grand Opening, new ownership or management and going-out-of-business signs.
- G. Prohibited placement. No sign shall be placed on any tree, telegraph, electric light, public utility pole, fence or vacant building (excepting for sale or rent signs), or upon rocks or other natural features.
- H. Permitted uses. No sign shall be erected containing a message that states or implies that a property may be used for any purpose not permitted in the zoning district in which said sign is located under the provisions of this article.
- I. Public property. Any sign installed or placed on public property, except in conformance with the requirements of this article, shall be forfeited to the public and subject to confiscation. In addition to other remedies that may be imposed under this article, the

City shall have the right to recover from the owner or person placing such sign the full costs, including legal costs, of removal and disposal of such sign.

J. Illumination. Signs, exempt from permits in accordance with Subsection M of this section, shall not be illuminated, unless otherwise accepted. Any other sign may be illuminated, unless otherwise prohibited.

K. Computation of sign area. For the purposes of this article, "sign area" shall mean the area, expressed in square feet, within a rectangle enclosing the extreme limits of writing, symbols, logos, letters, figures, emblems or other representations, plus all material or color forming an integral part of the sign or used to differentiate the sign from the background against which it is placed, provided that:

- (1) In the event a sign is designed with more than one face, the area shall be computed by including only the maximum surface display area visible from any one point, provided that the message is the same on each face.
- (2) The supports, uprights or other structure on which any sign is attached shall not be included in the calculation of sign area unless such structure is designed in such a manner as to form an integral part of the sign's message or otherwise conveys meaning.
- (3) The area of lamps, neon tubing or other artificial illumination visible on a sign shall be counted as part of the total allowable sign area.

L. Prohibited signs. Any sign that is not permitted by the provisions of this article is hereby prohibited, with the following signs specifically prohibited:

- (1) Flashing, blinking, twinkling, animated, moving or projected signs of any type.
- (2) Banners, pennants, streamers or similar devices constructed of cloth, light fabric, cardboard or other like material; vehicle signs; mobile signs; umbrella signs, balloon signs or other inflated signs; and searchlights, displayed for the purpose of attracting the attention of pedestrians and motorists; unless otherwise excepted.
- (3) Any sign so erected, constructed or maintained as to obstruct any fire escape, window, door or other opening used as a means of ingress and egress.
- (4) Any message or advertisement which uses a series of two or more signs placed in a line parallel to a street, each of which contains part of such message or advertisement.
- (5) Any signs that emit smoke, vapor, vibration or noise.
- (6) Any sign which, when applying contemporary community standards, has a dominant theme or purpose which appeals to prurient interests.
- (7) Any sign attached to the roof of a building or a facade sign that projects above the lowest level of a roof or beyond the corner of a wall.
- (8) Off-premises signs.

M. Signs exempt from permits, including certificates of appropriateness. The following signs are exempt from the need to secure permits, except as specified in Subsection M(10)(e):

[Amended 7-29-1997 by Ord. No. 1823-97]

- (1) Official governmental signs. Such signs may be illuminated.

- (2) Historical markers. Building markers that may contain the building name, date of construction, restoration award, historical data or other pertinent information, provided that such marker does not exceed two square feet and is made of cast, cut or etched masonry, metal or similar durable material approved by the Historical Preservation Commission.
- (3) Trespassing. Signs that relate to the control of trespassing on property, provided that they do not exceed two square feet in area nor are spaced closer than 50 feet to each other.
- (4) Emergency. Emergency warning signs erected by a governmental agency, public utility, pipeline company or contractor doing such work authorized or permitted by such agency, utility or company. Such signs may be illuminated.
- (5) Public notice. Any public notice required by a valid and applicable federal, state or local law, regulation or ordinance.
- (6) Interior signs. Any sign within a building, not attached to a window or door, that is not legible from the lot line on which is located said building.
- (7) Incidental. Incidental signs shall be permitted, provided that they do not exceed two square feet in area.
- (8) Residential. Residential freestanding signs shall be permitted, provided that the size of the sign does not exceed four square feet in area or three feet in height and shall be set back a minimum of 15 feet from a curblin or edge of cartway.
- (9) Project development. Project development signs shall be permitted where final approval of a site plan or subdivision has been granted by a board of competent jurisdiction and which may indicate the name of the development, developer, financier or major contractor. Such signs shall not exceed 32 square feet in sign area or eight feet in height. No more than two such signs per project shall be permitted. All such signs shall be removed within 14 days of the issuance of a conditional certificate of occupancy that permits the occupation of a building, in the case of a nonresidential development, or when 75% of the dwelling units in a residential development have been issued certificate of occupancy.
- (10) Temporary signs. The following temporary signs only shall be permitted:

 - (a) Banners. Banners, provided that they are temporary in nature and erected by a governmental authority or have been approved by such authority for nonprofit or charitable organizations, except as provided in Subsection M(10)(e)(4) below. Banners may project over a right-of-way. A banner shall not be displayed for more than 10 consecutive days at any one time and for no more than a total of 30 days during the course of a year.

[Amended 12-14-2009 by Ord. No. 2110-09]

- (b) Election signs. Such signs may not exceed 32 square feet in area; may not be erected more than 45 days prior to the date of the election, referendum or other plebiscite; and shall be removed within seven days after such election, referendum or other plebiscite. No more than two signs per street frontage shall be permitted on any one property.
- (c) Real estate and contracting. Temporary real estate signs and signs of contractors, mechanics, painters, paperhangers and/or artisans, on the lot on

which the real estate for rent or sale is located, or the lot on which the contracting work is being performed, shall be permitted. Said signs shall not be larger than six square feet in area nor more than four feet high in residential zones and not larger than 16 square feet in area nor more than eight feet high in commercial, institutional and industrial areas. They shall be removed within seven days of the completion of the sale or rental of the premises or completion of the work to which the sign relates.

[Amended 12-14-2009 by Ord. No. 2110-09]

- (d) Window signs. The total area of all window signs shall not exceed 25% of the glass area of the window in which placed. No window sign with the same message shall be displayed for more than 30 days. Window signs must have the quality of a commercially or professionally prepared sign. Signs of a permanent nature in windows, such as gilded name or neon signs, shall be considered facade signs within the meaning of this article and shall require a sign permit.
- (e) Grand opening, new ownership or management and going-out-of-business signs. Businesses which depend on a high volume of customer activity, including retail sales and retail services [as included in Article XI, C-1 Commercial District, § 202-57, Use regulations, Subsection A(8) and (9)], may utilize temporary grand opening, new ownership or management and going-out-of-business signs in accordance with the following standards:
 - [1] Signs for grand openings for new or relocated businesses, new ownership or management signs, going-out-of-business signs and for sales during those periods may be displayed once for a maximum of 30 days.
 - [2] Signs for such occasions may be paper, cloth, cardboard or other lightweight material but must have the quality of a commercially or professionally prepared permanent sign. They must be securely attached to a structure and kept in good condition. Window signs as regulated by Subsection M(10)(d) may also be used for this purpose.
 - [3] Facade, freestanding and banner presentations may be used. Banners may not cross a street, alley or property line and may not be attached to trees, other landscaping or public property. All signs must be mounted in a way to avoid interfering with visibility needed by motorists or pedestrians.
 - [4] Signs permitted in accordance with this subsection may be as large as 150% of the sign standards for the zone within which they are located.
 - [5] Permits are required for the above-referenced signs.
 - [a] An application as required by the City, along with clear and legible drawings, shall be submitted to the Zoning Officer along with details satisfying the provisions of this section.
 - [b] An administrative fee of \$5 shall also be submitted with the application in conjunction with any other fee required by the City for such activity.
 - [c] The Zoning Officer must act on the application within 10 business days of receipt of a complete application. Failure to act will be considered an approval of the application.

- [d] Approved permits shall indicate the starting and ending dates for the grand opening or special event and must be displayed on the premises in a manner easily visible from the street and the location where the sign is installed.
- [e] All applications shall include the name, address and signature of the owner or an authorized representative of the owner granting permission for the installation of the subject sign.
- [f] Permits will only be issued following the presentation of a refundable security deposit of \$100 which will be forfeited should it be necessary for City officials to remove a sign in violation of these provisions.

N. Nonconforming signs.

- (1) All signs erected prior to the enactment of this article or subsequent amendments, which are not in conformity with the provisions thereof, shall be deemed nonconforming signs. Nonconforming signs may continue, provided that such signs comply with the maintenance standards of § 202-83C.
- (2) Any change in a nonconforming sign or a conforming sign installed prior to the enactment of this article shall be made in strict compliance with the provisions of said article.

O. Abandoned signs. No person shall maintain or permit to be maintained on any premises owned or controlled by him or her, a sign which has been abandoned. An abandoned sign for the purpose of this article is a sign located on and/or related to the use of a property which becomes vacant and unoccupied; any sign which was erected for an occupant or business unrelated to the present occupant or business; or any sign which related to a time, event or purpose which is past. Any such sign shall be abated by the owner or person controlling the property within 30 days of the date of abandonment as herein defined. Any sign identifying an abandoned use, as provided for by this article, shall itself be considered to be abandoned.

P. Changeable Copy Signs

- (1) Changeable copy signs shall be permitted where specifically indicated as a permitted sign type within the district as outlined in § 202-84 through § 202-87. A changeable copy sign for the purpose of this article is a sign with the capability of content change by means of manual or remote input and includes the following types:
 - (a) Manually activated – Changeable sign whose message copy or content can be changed manually on a display surface.
 - (b) Electronically activated – Changeable sign whose message copy or content can be changed by means of remote electrically energized on-off switching combinations of alphabetic or pictographic components arranged on a display surface. Illumination may be integral to the components, such as characterized by lamps or other light-emitting devices; or may be from an external light source designed to reflect off the changeable component display such as an electronic message center (EMC) sign.

- (2) An electronic message center (EMC) sign for the purpose of this article is an electronically activated changeable-copy sign whose variable message and/or graphic presentation capability can be electronically programmed by the computer from a remote location. EMC's typically use light emitting diodes (LEDs) as a lighting source.
- (3) Where permitted, changeable copy or electronic message center (EMCs) sign areas shall be in accordance with the standards as noted in said district.
- (4) A changeable copy or electronic message center (EMC) sign may be a portion of the total permitted sign area.
- (5) A changeable copy sign shall not be used for any off-site advertising or messages, other than public service information approved by the City.
- (6) Changeable copy or electronic message signs, where permitted, shall not obstruct traffic visibility, become a distraction to drivers or traffic hazard.
- (7) Specific standards for electronic message center (EMC) signs.
 - (a) All EMC signs shall have automatic dimming controls, via photo cell or software settings that adjusts the light emitted by the sign during ambient low light conditions and night so that it is compliant with the "sign illumination standards" allowed herein.
 - (b) In residential and historic districts, where permitted, EMC signs shall have a minimum display time of twelve (12) seconds with a transition time between messages and/or message frames limited to one (1) second. All dynamic frame effects or patterns of illusionary movement or similar movement are prohibited.
 - (c) In professional office districts, where permitted, EMC signs shall have a minimum display time of eight (8) seconds with a transition time between messages and/or message frames limited to three (3) seconds. These transitions may use fade, dissolve and/or other transition effects except those listed as prohibited in this article.
 - (d) In commercial and industrial districts where permitted, EMC signs shall have a display time of eight (8) seconds with a transition time between messaged and/or message frames imited to three (3) seconds. These transitions may use fade, dissolve and/or other transition effects except those listed as prohibited in this article.
 - (e) All illuminated signs must comply with a maximum luminance level of seven hundred fifty (750) cd/m² or Nits at least one-half hour before apparent sunset as determined by the National Oceanic and Atmospheric Administration (NOAA), US Department of Commerce for

the City's Geographic location and date. All illuminated signs may resume luminance levels appropriate for daylight conditions at the apparent sunrise, as determined by the NOAA.

- (f) Prior to the issuance of a permit for a changeable copy sign, the applicant shall provide written certification from the sign manufacturer that the light intensity has been factory pre-set not to exceed the levels specified above.
- (g) The following EMC display features and functions are prohibited: continuous scrolling and/or traveling, flashing, spinning, rotating, and similar moving effects.
- (h) All electrical equipment on a newly constructed EMC sign shall be UL listed and labeled.
- (i) All power to an EMC shall be supplied via underground carrier, inside approved conduit and shall be installed in accordance with the electric code.
- (j) EMC signs shall be properly maintained so that inoperative or improperly lighted bulbs do not impair the appearance and legibility of the sign. When malfunctioning, all EMC signs must then be turned off or display a blank screen.

Q. Sign permit procedures. The following procedures shall apply to the issuance of sign permits:

- (1) Application for a sign permit shall be made to the administrative officer on the forms provided by the City.
- (2) The application shall be accompanied by an accurate plot plan of the lot, scaled not greater than one inch equals 10 feet nor less than one inch equals 50 feet, that indicates the location of buildings, parking lots, driveways, landscaped areas and other pertinent data. On the plot plan shall be drawn the location of each existing or proposed sign. A color photograph, not less than three inches by five inches nor larger than eight inches by ten inches, shall be submitted for each sign presently existing on the site. A drawing to scale of each proposed sign, including the dimensions, colors, materials and method of attachment, shall be submitted.
- (3) Signs within a Historic Preservation District or on a historic site not within a district shall require an application for and approval of a certificate of appropriateness from the Planning Board upon recommendation of the Historic Preservation Commission in accordance with this article and Article XIII of this chapter.
- (4) If the sign permit applied for complies with the requirements of this article and has received a certificate of appropriateness, if so required, the administrative officer shall issue such permit within 14 days of application.

§ 202-84. Residential districts.

[Amended 12-14-2009 by Ord. 2110-09]

In all residential districts, the following signs only shall be permitted.

A. Signs for residential and institutional uses.

- (1) One freestanding residential sign shall be permitted per premises provided that such sign does not exceed a total area of four square feet or three feet in height.
- (2) One freestanding sign identifying a multifamily housing development shall be permitted on each street frontage that provides direct access to the property, provided that such sign does not exceed a total sign area along any one street of 32 square feet. Multifamily housing developments which exceed 400 feet of frontage on one street may erect one additional freestanding sign along that frontage, not to exceed 32 square feet.
- (3) One freestanding sign identifying an institutional use shall be permitted on each street frontage that provides direct access to the property, provided that such sign does not exceed a total sign area along any one street of 32 square feet. The freestanding sign may contain a changeable-copy or electronic message center (EMC) sign not to exceed 12 square feet in area, provided that the total sign area does not exceed 32 square feet.

B. Signs in accordance with § 202-83M of this article, excepting window signs.

C. Signs for nonresidential uses. Nonresidential uses in residential districts, excepting institutional uses hereinabove, shall be permitted signs in accordance with § 202-84A of this article.

D. Signs within an historic district or on an historic site shall comply with the design standards of § 202-87B.

E. Changeable copy or EMC signs where permitted, shall be in accordance with § 202-83P.

§ 202-85. Professional office districts.

[Amended 12-14-2009 by Ord. No. 2110-09]

In addition to those signs otherwise allowed in residential districts, the following signs shall be permitted in professional districts:

- A. One sign of six square feet, either freestanding or wall mounted, that identifies the business, profession, occupation or street address, or multiple users therein, of the property within the PO-1 District. The freestanding sign shall be set back at least eight feet from the street line or 12 feet from the curblin, whichever is greater, and such sign shall be set back at least 25 feet from the side property lines and 75 feet from any residential district. If a structure is located on more than one street, one freestanding sign may be erected along each frontage, provided that each meets all requirements of this section.

- B. One sign of eight square feet, either freestanding or wall mounted, that identifies the business, profession, occupation or street address, or multiple users therein, of the property within the PO-2 District. The freestanding sign shall be set back at least eight feet from the street line or 12 feet from the curblane, whichever is greater, and such sign shall be set back at least 25 feet from the side property lines and 75 feet from any residential district. If a structure is located on more than one street, one freestanding sign may be erected along each frontage, provided that each meets all requirements of this section.
- C. One directory sign, not to exceed six square feet and mounted at an entrance to the building that identifies the principals or associates of the firm, provided that no letters exceed three inches in height.
- D. Signs within an historic or on an historic site shall comply with the design standards of § 202-87B.

§ 202-86. Commercial, industrial and medical-hospital districts.

[Amended 11-28-2005 by Ord. No. 2015-05]

In the commercial, industrial and medical-hospital districts not in a historic district or site the following signs only shall be permitted:

- A. Freestanding sign. One freestanding sign may be erected on each street frontage that contains a minimum of 100 feet of lot frontage and with direct vehicular access from that street. The permitted sign area shall be two square feet of sign area for each linear foot of building frontage, or a maximum of 100 square feet, whichever is less. No such freestanding sign shall exceed 15 feet in height. For retail centers with multiple tenants, such freestanding sign shall only identify the center and not the tenants occupying such center. The freestanding sign may contain a changeable copy or electronic message center sign not to exceed 50% of the total sign area, or a maximum of 50 s.f., whichever is less.
- B. Facade sign. One facade sign may be erected facing each street frontage with direct vehicular access from that street. The permitted sign area shall be two square feet of sign area for each linear foot of building frontage, or a maximum of 100 square feet, whichever is less. For retail centers with multiple tenants, each individual store shall be permitted one facade sign not to exceed two square feet of sign area per linear front foot of store or 20 square feet, whichever is less.
- C. Canopy signs. The fascia of canopies erected to shelter exterior equipment may contain up to two signs; each sign shall not exceed 20 square feet in area.
- D. Changeable copy or electronic message center (EMC) signs where permitted, shall be in accordance with § 202-83P and 202-84A(3).
- E. Directional signs shall be permitted, provided that each sign does not exceed three square feet in area.
- F. Directory signs. One directory sign not to exceed six square feet shall be permitted at a main entranceway.
- G. Signs in accordance with § 202-83M of this article.

H. Time-and-temperature signs. Time-and-temperature signs shall be permitted in any district in which commercial uses are permitted, provided that they do not encompass more than 20% of the allowable sign area for the type of sign upon which they are placed. Time and temperature signs shall be permitted in addition to any other allowable signage for the property. Time and temperature signs where permitted, shall be in accordance with § 202-83P.

I. Portable signs shall be permitted only for retail uses. A maximum of one portable sign may be erected in front of a retail business that has direct pedestrian access to a public sidewalk. Portable signs may be within a public right-of-way; however, in no case shall they be farther than one-half (1/2) foot from the front building wall. Said signs shall not exceed three feet in width and four feet in height. In no case shall a portable sign block or impede the free flow of pedestrian traffic on any public sidewalk. Portable signs shall not be internally or externally illuminated.

§ 202-87. Commercial districts within historic district.

In commercial districts in an historic district or on an historic site, the following signs only shall be permitted:

A. Freestanding sign. One freestanding sign may be erected in the front yard of a lot or parcel. No sign shall exceed 12 square feet in area or exceed four feet in height.

B. Facade sign. One facade sign may be erected facing each street frontage. The permitted sign area shall be two square feet of sign area for each linear foot of building frontage, or a maximum of 48 square feet, whichever is less.

C. Changeable copy except for electronic message center (EMC) signs shall be permitted only for institutional uses in accordance with § 202-83P and § 202-86A.

D. Directory signs. One directory sign not to exceed six square feet shall be permitted at a main entranceway, rear entranceway or stair access to upper floors.

E. Projecting signs. One projecting sign per establishment, perpendicular to the building frontage and oriented towards pedestrian traffic, may be erected. Such sign shall be at least eight feet above the sidewalk or front yard and shall not exceed six square feet in area. Projecting signs may overhang a right-of-way.

F. Menu signs. Restaurants or other eating establishments may erect one facade sign for the placement of a menu or other bill of fare, provided that the sign does not exceed four square feet in area.

[Amended 12-14-2009 by Ord. No. 2110-09]

G. Awning signs. Signs on awnings shall be considered facade signs for the purposes of this section. The following standards shall apply:

[Amended 12-14-2009 by Ord. No. 2110-09]

(1) Awnings shall extend no farther than possible as a self-supporting structure (no visible vertical support poles or columns), shall be compatible with the building window treatment and shall not dominate the building elevation where such structure is proposed. All awnings shall be coordinated and compatible with other existing or proposed awnings and canopies on the building. Signage is to be placed

on the front valance portion of the awning structure only; for non-fabric-type canopies, signage may be located along the upper edge of the front portion of the canopy in a manner that is compatible and complementary to the design and appearance of the building on which it is located.

(2) Awning signs shall not be internally illuminated.

(3) Awning signs shall be regularly cleaned and kept free of dust and visible defects.

H. Signs in accordance with § 202-83M of this article.

[Amended 12-14-2009 by Ord. No. 2110-09]

I. Portable signs shall be permitted only for retail uses. A maximum of one portable sign may be erected in front of a retail business that has direct pedestrian access to a public sidewalk. Portable signs may be within a public right-of-way; however, in no case shall they be farther than 1/2 foot from the front building wall. Said sign shall not exceed three feet in width and four feet in height. In no case shall a portable sign block or impede the free flow of pedestrian traffic on any public sidewalk. Portable signs shall not be internally or externally illuminated.

[Amended 12-14-2009 by Ord. No. 2110-09]

§ 202-88. Design guidelines; standards for historic districts.

[Amended 12-14-2009 by Ord. No. 2110-09]

Signs erected in any historic district or on an historic site not located within a district shall conform to the following design guidelines and standards. In this section, guidelines are overall principles to be used in the design of signs. Standards are to be followed in the placement and design of signs unless specifically waived by the Planning Board upon recommendation of the Historic Preservation Commission.

A. Design guidelines.

(1) Signs should strengthen the architectural diversify of the City's buildings. Signs which obscure or ignore a building's architecture should be avoided.

(2) Signs should be appropriate for the era in which the building was constructed.

(3) Signs should not alter the way in which a building functions. Signs should not block light into a building.

(4) Signage should be integrated with a building's architecture in terms of form, materials and size.

(5) Designers should strive for creativity in the form and variety of signage within the size limitations set forth herein.

(6) Designers should include symbols, images and other objects to convey the type of establishment using the sign.

(7) The typeface used to represent words should convey the character of the establishment.

B. Design standards.

(1) Facade sign locations. The following facade sign locations are recommended in the historic district.

(a) Single-story commercial buildings: the parapet wall above the glass storefront.

(b) Two- or more story commercial buildings: the wall above the glass storefront but below the window sills of the second floor. If there are projecting cornices or beltlines separating the first and second stories, the facade sign should be placed below them.

(c) Commercial buildings converted from residences: next to the first-floor doorway or window, below any porch or added mansard roof between the first and second floors.

(2) Freestanding sign location. Freestanding signs should be set back from the sidewalk five feet, or 10 feet from the curb line if there is no sidewalk.

(3) Projecting sign locations. Projecting signs for first-floor establishments should be just below the second-floor windows. Projecting signs for second floor establishments should be located above the second-story windows. Third-story establishments should place projecting signs in the same location as second-story establishments but separated horizontally by at least 15 feet.

(4) Contrast. The contrast of a sign's lettering and symbols with its background should be sharp to convey legibility.

(5) Sign complexity. Facade and freestanding signs oriented towards motorists should convey no more than seven items of information. More complex signage should be limited to projecting signs.

(6) Sign materials.

(a) Sign materials shall relate to the architectural style of the building. Where modern buildings are designed to evoke an earlier era, signage shall reflect that age. The following sign materials are recommended:

[1] Pre-World War I: painted or carved, smooth-surfaced wood; carved stone; cast brass; tinned and smithed metal; and gold-leafed lettering.

[2] World War I to 1940: any of the above, plus individual wood or metal letters on building facade.

[3] 1940 to 1960: any of the above, plus neon signs.

[4] 1960 to present: any of the above, plus internally illuminated individual letters and sandblasted wooden signs.

(b) Consideration will be given to other sign materials or to more modern signage materials for older buildings, provided that the purposes of the design guidelines are maintained.

(7) Illumination. In general, internally illuminated signs are discouraged. Illumination should be accomplished through external floodlights trained on the sign face.

(a) Facade and freestanding signs. Indirect lighting is required. Internally illuminated box signs and individual letter signs with translucent faces are prohibited. Internally illuminated reverse channel letter signs are permitted.

(b) Projecting signs. Internal illumination of a projecting sign is prohibited.

(c) General.

- [1] Any illuminated sign located on any building, which sign is adjacent to a residential use or zone, shall not be illuminated between the hours of 11:00 p.m. and 7:00 a.m.
- [2] Lighting for signage may be on a timer.
- [3] External light sources shall be directed and shielded to limit direct illumination of any object other than the sign.
- [4] Internally illuminated sign boxes or individual letter signs with translucent faces are prohibited. Internally illuminated reverse-channel-letter-type signs are permitted. The use of light-emitting diodes (LEDs) for such signs is encouraged.
- [5] Externally illuminated signs shall be lit only by downward-pointing shielded fixtures where 90% of the light emitted from such fixtures is shone directly on the face of the sign. Wall-mounted gooseneck-type lighting fixtures are encouraged.
- [6] No exposed sign illumination and no floodlighting of signs or storefronts shall be permitted.
- [7] All wiring associated with signs shall be installed and maintained so as not to be in view of the public. Wiring shall, under no circumstances, be installed within conduits attached to the face of any building.
- [8] Any light fixture used to illuminate a sign shall be compatible in design with the architecture of the principal building to which it is attached.
- [9] Upward lighting of signs and canopies or awnings is prohibited.
- [10] Exposed bulbs or tubing, including neon, are prohibited, unless it conforms with building architecture.
- [11] The light from an illuminated sign shall be steady in nature, not flashing, moving or changing in brilliance, character, color, degree, intensity, location and type of illumination, and shall be the minimum necessary to provide for the readability of the proposed sign without shedding further illumination on nearby buildings, especially residential buildings or units in the vicinity of the sign.
- [12] Light sources shall utilize energy-efficient fixtures to the greatest extent possible.
- [13] Burned out lamps, failing ballasts or other necessary electrical components shall be replaced within two weeks.

PASSAGE. This Ordinance shall become effective immediately upon passage and publication as required by law.

THE FOREGOING was introduced by the City Council of the City of Woodbury at its regular meeting held on February 27, 2012. This Ordinance will be considered for adoption at final reading and public hearing to be held on _____ at 7:30 P.M. or at such time as may be determined and announced, in City Hall, Council

Chambers, 2nd Floor, 33 Delaware Street, Woodbury, New Jersey, at which time and place all persons interested will be given the opportunity to be heard concerning said Ordinance. During the time prior to and up to and including the date of such meeting, copies of said Ordinance will be made available at the City Clerk's office to the members of the general public who may request same.

HEATHER S. TIERNEY
President of Council

ATTEST

ROY A. DUFFIELD
Clerk

APPROVED

HARRY R. RISKIE
Mayor

5

Electronic Message Center (EMC) Signs

MCKENNA

SIGNS

Electronic Message Centers

PROBLEM: Many ordinance do not adequately address electronic message center (EMC) signs regarding brightness and message changes

HOW TO ADDRESS:

- Consider permitting EMCs by district
- Frequency of message changes
 - ✓ Once per hour will effectively prohibit EMC's
 - ✓ Once per 8 seconds is permitted by the MHAA
- Message animation limits
- Limits on brightness
- Limits square footage



Add'l References:
Night-time Brightness Level Recommendations for On-Premise EMCs, International Sign Assoc.
<https://www.signs.org/EMCs>
Michigan Sign Guidebook, Scenic Michigan

SIGNS

Electronic Message Centers

LOCATIONS TO CONSIDER PERMITTING:

- Commercial Zoning Districts (will they be prohibited in the central business district?)
- Commercial Corridors (will they be prohibited in historic/downtown areas?)
- Within automobile-oriented areas (e.g., expressways)
- Outside of a certain distance from residential districts
- On property owned by the municipality
- Proximity to other EMCs



SIGNS

Electronic Message Centers

ILLUMINATION LIMITS TO CONSIDER

- **Nits vs. Footcandles** – ISA recommends measuring by footcandles

FOOTCANDLES VS. NITS: WHICH MEASUREMENT IS BETTER?

This document recommends communities adopt illumination measurements in footcandles as compared to nits. Here are a few reasons why more than 200 localities and many state departments of transportation have adopted the footcandle measurement for EMCs:

FOOTCANDLES

Measures illuminance

Accounts for ambient light conditions

Luxmeter measuring device \$100

“Twilight” measurement possible

Measures light impact and appearance

Works with roadway lighting standards

Easier to check and enforce

NITS

Measures luminance

Measures only the amount of brightness emitted

Luminance spectrometer (nit gun) - \$1,000

Does not allow adjustment based on ambient light

Does not measure appearance

Difficult to measure accurately

Difficult to enforce

SIGNS

Electronic Message Centers

ILLUMINATION LIMITS TO CONSIDER (FOOTCANDLES)

- Michigan Highway Advertising Act limits digital billboards at **0.3 footcandles** over ambient light, measured at specific distances.
- ISA also recommends a limit **of 0.3 footcandles** over ambient light. ISA has a recommended formula for measuring footcandles over ambient light for signs less than 300 sq. ft.

Sign Area	Distance at Which to Measure Luminescence
300 sq. ft. or less	150 feet
301-378 sq. ft.	200 feet
379-671 sq. ft.	250 feet
672 sq. ft. or greater	350 feet

Source: Michigan Highway Advertising Act

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Electronic Message Centers

ILLUMINATION LIMITS TO CONSIDER (NITS)

- Many communities limit daytime nits to ambient light levels, but some place a number (e.g., 10,000 nits)
- Nighttime levels can vary by community, but many are generally limited at 700 nits. Some communities adjust nit levels based on color (e.g., lower for red because of visibility)
- Regulating by nits requires the community to be knowledgeable of the technology and diligent about reviewing specifications at the time a sign permit is approved.

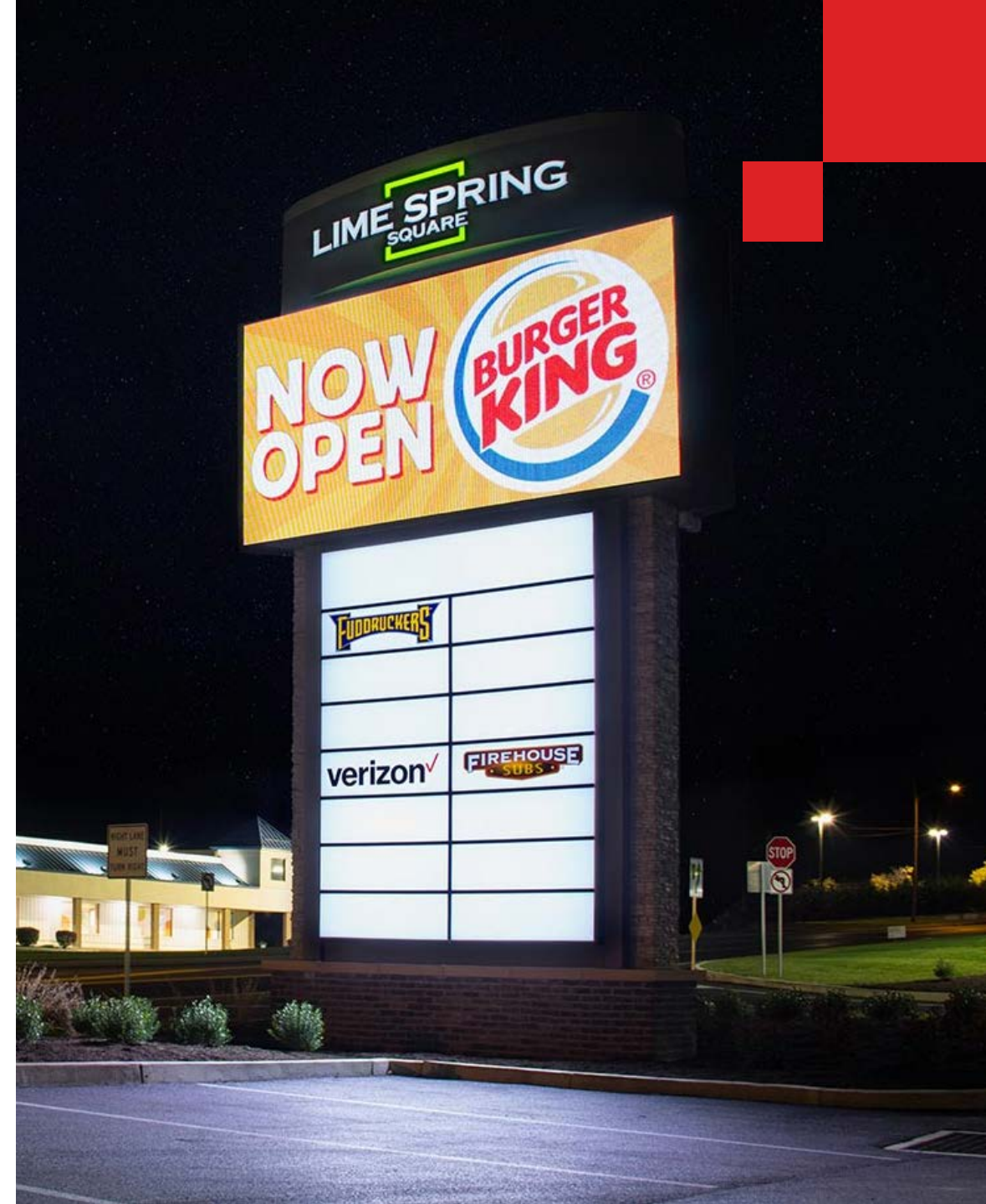


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Electronic Message Centers

LAST THOUGHTS ON ILLUMINATION

- Require all EMC's to be equipped with a **sensor** or other device that automatically determines ambient illumination and programmed to **automatically dim** according to ambient light conditions or a footcandle/nit level.
- Automatic dimming is required by MHAA and recommended by ISA.

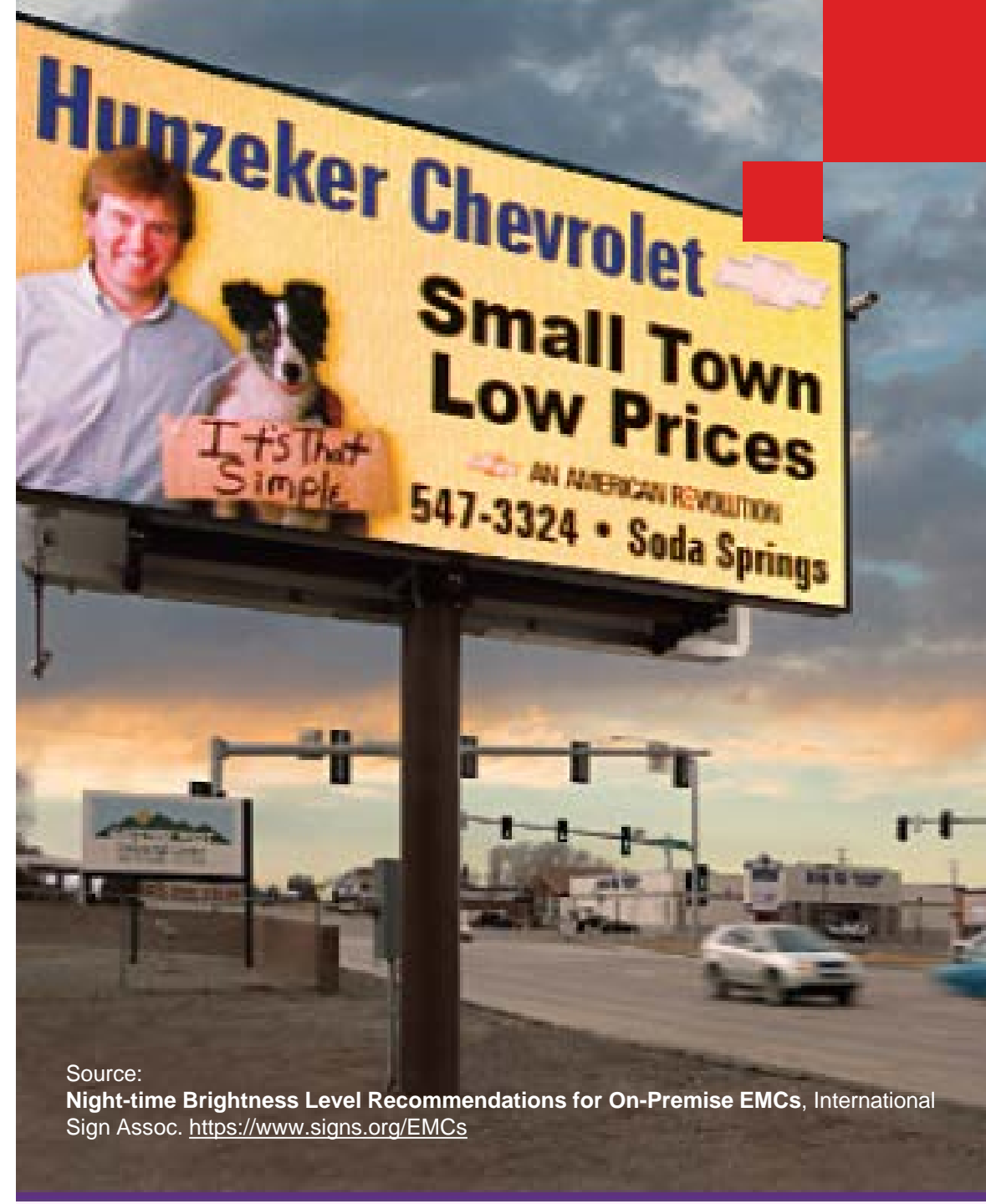


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Electronic Message Centers

CONSIDERATIONS FOR MESSAGE CHANGES:

- Have a **limit on the message change frequency**.
- Michigan Highway Advertising Act allows 1 change per 8 seconds for billboards, with each change being complete in 1 second or less.
- Either require static, instantaneous message change **or** have regulations for flashing, scrolling, fading, dissolving, osculating, spinning, twirling, video display, and other motion.



Source:

Night-time Brightness Level Recommendations for On-Premise EMCs, International Sign Assoc. <https://www.signs.org/EMCs>

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Electronic Message Centers

FINAL THOUGHTS ON EMCS

- Consider limiting to a certain number per lot (e.g., 1 EMC per lot)
- Consider limiting area of a sign to be EMC (e.g., Not more than 50% of a permanent sign may be EMC)
- Consider prohibiting EMCs on certain signs (e.g., EMC's shall be prohibited on wall signs)
- Consider limits on height
- Work with local stakeholders, including business owners, industry representatives, police department, DDA, etc.

Regulating Electronic Message Centers Planning Webcast Series

VITAL SIGNS, VIBRANT COMMUNITIES.

Mike Freeborg - Prismview

James Carpentier, AICP, International Sign Association (ISA)

July 22, 2016

Common Questions

- What are electronics signs?
- How do we strike a balance between their use and community aesthetics?
- How do we allow them without:
 - Looking like Las Vegas?
 - Negatively impacting community safety?
- How do we regulate them in ways that are understandable and enforceable?
- Impact of EMCs and regulation on users?

Key things to know:

- They can operate in a broad range of capabilities
- The software that controls the displays allows the end user to follow local sign codes easily...

Key things to know:

- They can operate in a broad range of capabilities
- The software that controls the displays allows the end user to follow local sign codes easily...

IF

**the sign codes are easy to
understand**

The “That One Sign” Problem

“THAT ONE SIGN”.....

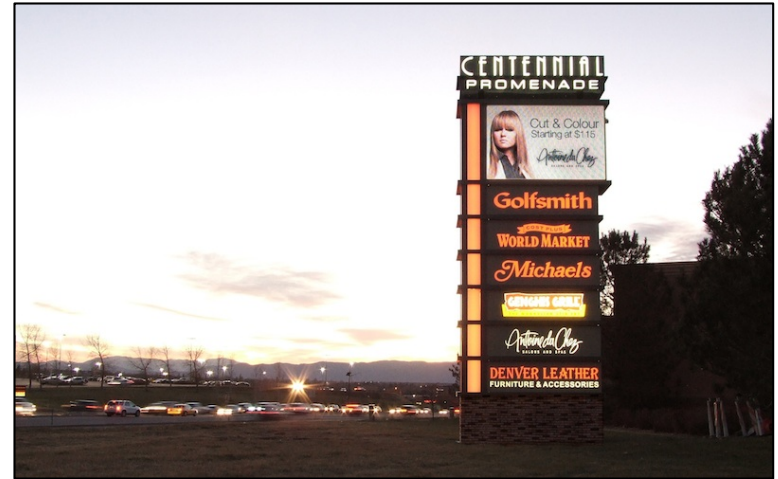
- is too bright
- is too animated
- is too _____.



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Resolving The “That One Sign” Problem



A. Dispel the biggest myths and concerns that drive regulatory decisions around these signs

- B. Understand and Address the Six Key Regulatory Distinctions:
1. **Brightness**
 2. Message hold times
 3. Transition method
 4. Transition duration
 5. Area / Square Footage
 6. Regulating EMCs post Reed vs Town of Gilbert



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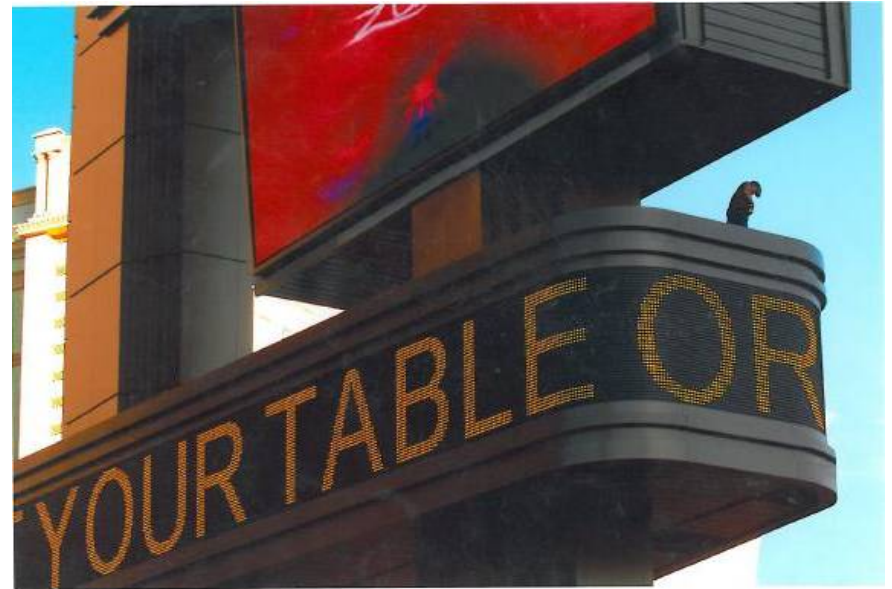
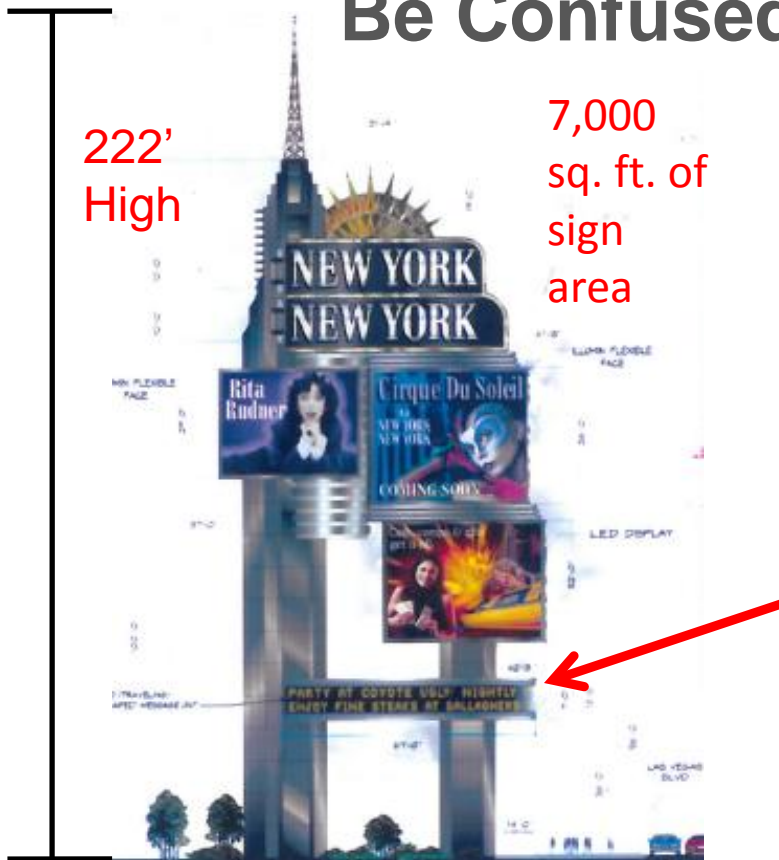


Common Concern #1

“These signs will make our community
look like Las Vegas.”

**There's no comparison.
Let's take a closer look.**

Trust Us: Your Community Will NEVER Be Confused with Las Vegas



New York, New York Pylon
Las Vegas Strip



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Trust Us: Your Community Will NEVER Be Confused with Las Vegas

222'
High

7,000
sq. ft. of
sign
area



New York, New York Pylon
Las Vegas Strip



Harmon: 18,300 sq ft



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Trust Us: Your Community Will NEVER Be Confused with Las Vegas



What's allowed in
your community?

New York, New York Pylon
Las Vegas Strip



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Common Concern #2

“The mere presence of these signs will distract drivers, and cause more accidents.”

The Truth:

Studies show there is NO causal relationship between these signs and accident rates.

Distraction vs. Danger

Statistical Analysis of the Relationship Between On-Premise Digital Signage and Traffic Safety

H. Gene Hawkins, Jr., Ph.D., P.E.

- Associate Professor and Research Engineer,
Zachry Department of Civil Engineering,
Texas A&M University

Statistical Analysis of the Relationship Between On-Premise Digital Signage and Traffic Safety

Background:

- Study examined data over a four-year period at 130 locations in four states.

Key Finding:

- “We did not find a statistically significant impact.”

Study Weblink:

- <http://www.signs.org/planners>

VTTI Study: “Driving Performance and Digital Billboards” - 2007

Key Facts:

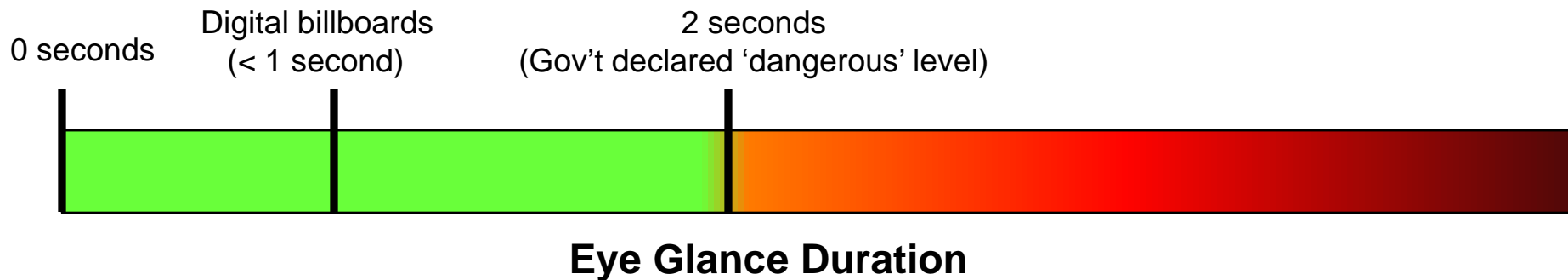
- » Participants drove in instrumented vehicle on a 50 mile loop in Cleveland
- » Participants were not informed about true purpose of test
- » Special equipment measured eye glances toward digital billboards and other comparison targets
- » Goal: Measure duration of eye glances



VTTI Study: “Driving Performance and Digital Billboards” - 2007

Key Findings:

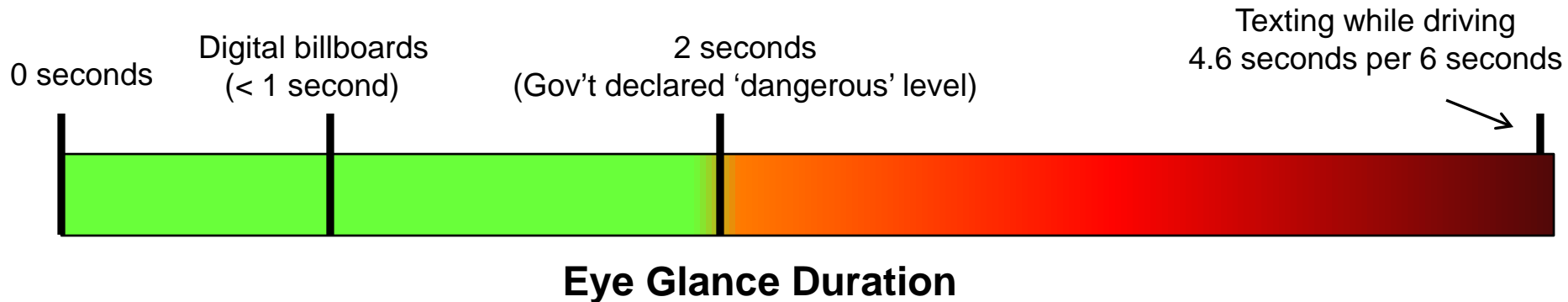
- » The mean glance duration towards digital billboards was less than one second, both day and night



VTTI Study: “Driving Performance and Digital Billboards” - 2007

Key Findings:

- » The mean glance duration towards digital billboards was less than one second, both day and night
- » In comparison: Texting = mean glance duration of 4.6 seconds during 6 second period.



Recently Released FHWA Study

- Intent:
 - Measure possible affects of digital billboards on driver attention, distraction and safety
- Approach:
 - Approached research from a human factors perspective, much like Virginia Tech study
- Release Date:
 - December 27, 2013

FHWA Study

- Key Findings
 - Mean eye glance far less than 1 second
 - “The presence of CEVMS did not appear to be related to a decrease in looking toward the road ahead.”
 - “The results did not provide evidence indicating that CEVMS, as deployed and tested in the two selected cities, were associated with unacceptably long glances away from the road.”

Common Concern #3

“If we DO allow these signs, we should require long message **hold times** (> 1 min), because that is the only way our community will tolerate these signs”

The Truth:

A community's negative emotional reaction is *almost always* more associated with improperly regulated ***brightness***.

Effectiveness of Using Hold Time Examples

- Message hold times are one of the most difficult regulatory distinctions to discuss.
- Recommendation: Use visual examples like the following to demonstrate hold times

SIMULATION OF 30 SECOND
HOLD TIME WITH A
'DISSOLVE' TRANSITION

*Hometown
Grocery*

Large
Avacados
5 \$5
FOR



SIMULATION OF 10 SECOND
HOLD TIME WITH A
'DISSOLVE' TRANSITION

*Hometown
Grocery*

FLU SHOTS

H1N1 shots now available

\$15



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Examples of Different Hold Times

Please visit: www.signs.org/planners
for examples of 30, 10, 5 and 3 second hold times.

Use them for:

- Internal staff discussion
- Planning commission
- Council meetings
- They save time and agony when discussing this topic

Consider other factors like allowable sign size, setbacks, etc when discussing hold times.

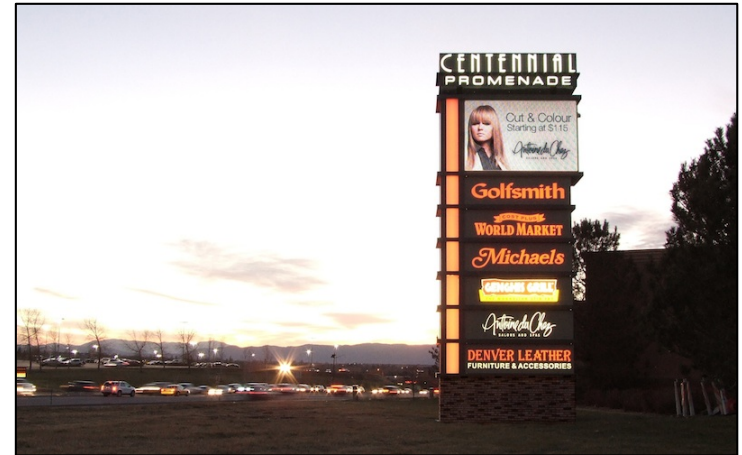
Common Concern #4

“EMCs are way too bright. They will shine in people’s living rooms, cause accidents, etc.”

The Truth:

Only *improperly regulated or unregulated* EMCs are way too bright.

There are now well established brightness guidelines that address this issue. Adopt these guidelines and you will NOT have dancing lights in living rooms.



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Finding Common Ground

- On EMC and Digital Sign Issues

- *Planning and Zoning Considerations*

The Six Key Regulatory Issues

- **Brightness**
- Message Hold Time
 - How long a single message is visible
- Transition Method (a.k.a. the “Frame Effect”)
 - How the message changes to the next
- Transition Duration
 - How long that change takes
- Area or Square Footage of EMC
 - % of allowable sq. ft.
- Regulating EMC’s Post Reed vs. Town of Gilbert
 - Content neutrality

Regulatory Issue #1 – **Brightness**

- Brightness
 - How bright the sign is
- Regulatory Considerations
 - It is all relative....



Brightness

Illuminance

- Measured in **footcandles**; meters are inexpensive (<\$100); easier to check and enforce

Luminance

- Measured in **nits** or candelas per square meter, meters are very expensive (approx \$3,000); difficult to enforce.

ISA's Recommended Brightness Guidelines



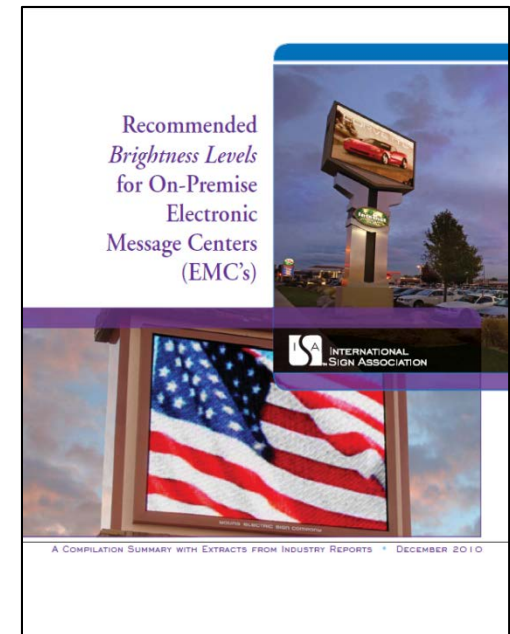
Developed by Dr. Ian Lewin, a renowned lighting expert with over 30 years experience in lighting science.

Developed solely for EMCs and are not applicable for traditional signs

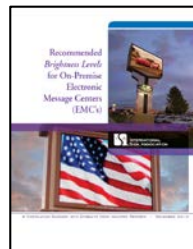
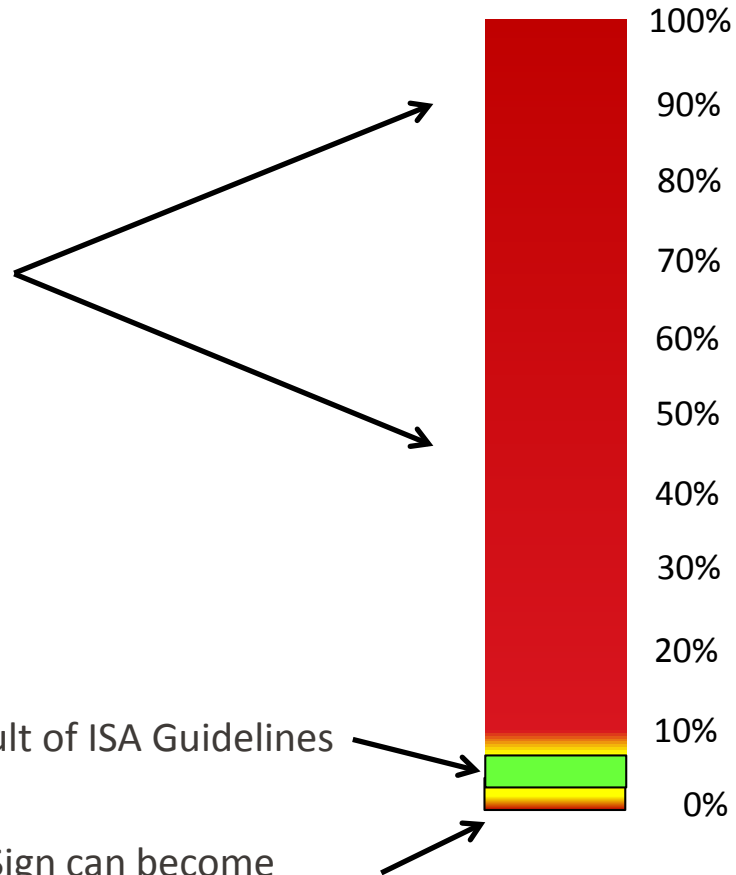
Over 170 jurisdictions (8 state DOT's) have adopted

Brightness

- ***Regulatory Considerations***
 - Auto-dimming is a must:
 - “All EMCs shall be equipped with technology that automatically dims the electronic message center according to ambient light conditions.”
 - Primary Brightness Guideline:
 - “To ensure that EMCs are sufficiently visible but not overly bright, it is recommended that EMCs not exceed **0.3 footcandles** over ambient lighting conditions when **measured at the recommended distance, based on the EMC size.**”



Nighttime Brightness



Result of ISA Guidelines

Sign can become difficult to read



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Daytime Brightness

- Some jurisdictions have adopted daytime brightness limitations that are not effective



Field testing in Pittsburgh
EMC is set at 2500 nits

We do not recommend
daytime brightness
controls

Regulatory Issue #2 – Message Hold Time

- Message Hold Time
 - How long a message must remain fixed in place before it can transition to another message
- Business Impact:
 - The shorter the hold time, the more beneficial for the user/business
 - Allow businesses to ‘cast a wider net’
 - Provide the ability to communicate sequential messages (directions, event times, etc.)



Regulatory Issue #2 – Message Hold Time

Sequential Messages and Hold Times:



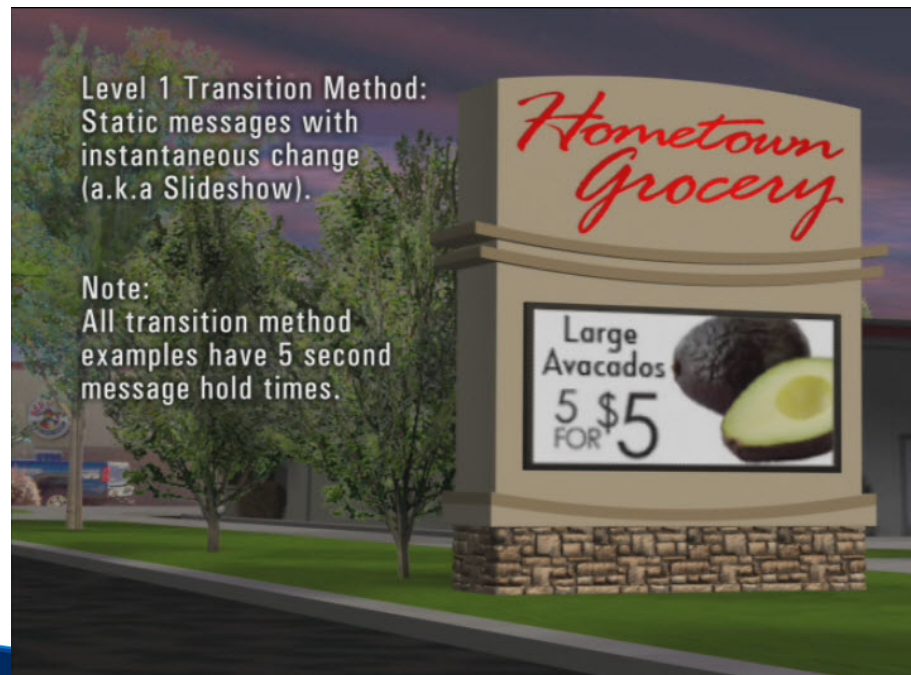
Regulatory Issue #2 – Message Hold Time

- **Business Impact:**
 - Consider what problem you are trying to solve before regulating hold times
 - Retroactively regulating this area may create legal issues
- **Safety Concerns?**
 - Safety studies demonstrate EMC's do not create a safety problem
- **Provide examples...**

Regulatory Issue #3 – Transition Method

- **Transition *Method***
 - How one message transitions to the next message (not a timing issue)

Static/instant
transition:



Level 1 Transition Method:
Static messages with
instantaneous change
(a.k.a Slideshow).

Note:
All transition method
examples have 5 second
message hold times.



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Level 2 Transition Methods:
"Fade" or "Dissolve"

Note:
All transition method
examples have 5 second
message hold times.



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Level 3 Transition Methods:

A display, normally with static images, with messages that appear to move, change in size, or are revealed sequentially.

Note:

All transition method examples have 5 second message hold times.



Level 4 Transition Method:
Full motion video or
constant animation



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Regulatory Issue #3 – Transition Method

- ***Regulatory Considerations***
 - After evaluating options, have a discussion about what works best for your community
 - Keep in mind that there may be distinctions in permitted transition methods based on zoning districts
 - Downtown Districts
 - General Commercial Districts
 - Highway Commercial Districts



Regulatory Issue #3 – Transition Method

- ***Regulatory Considerations***

- Use definitions when describing permitted or prohibited transition methods

E. TRANSITION METHOD or FRAME EFFECT – a visual effect applied to a MESSAGE to transition from one MESSAGE to the next. TRANSITION METHODS include, but are not limited to the following:

(i) DISSOLVE – a Frame Effect accomplished by varying the light intensity or pattern, where the first Frame gradually appears to dissipate and lose legibility simultaneously with the gradual appearance and legibility of the second Frame.

- Be careful to revise traditional language that may conflict with the proposed EMC sign provisions



Regulatory Issue #4 – Transition Duration

- Transition Duration
 - How long it takes the transition method/frame effect to go from one message to the next.
- Regulatory Considerations
 - Keep transition to one second or less to minimize community complaints.

Regulatory Issue # 5 - Area of EMC

- Some jurisdictions choose to limit the square footage of EMCs differently than static signs
- This is often a result of a 'That One Sign' concern

Regulatory Issue # 5 - Area of EMC

Considerations

- Same as static signs
- Vary the allowable square footage based on the zoning district
 - Neighborhood districts more restrictive
 - General Business less restrictive



Regulatory Issue # 5 - Area of EMC



Usually at least 50% or more is needed to allow for logo, call to action & imagery.

Regulatory Issue # 6 – Regulating EMC's post Reed vs. Town of Gilbert

- Content neutrality is essential now
 - Color limitations
 - Alphanumeric limitations
 - Sequential messaging



- Time, Place and Manner



Another Key Consideration: *Where EMCs Are Allowed*

- Restrictions are almost always based on 'That One Sign' concerns
- Consider the zoning district:
 - What EMC regulation will change based on district (are they allowed at all, size, use)?
 - Will the sign be across from or adjacent to residential areas?
- If brightness is *properly* regulated, digital can be within a few hundred feet of residential with no 'dancing lights'

Proximity to Residential Zones

- This example: 200' to nearest residential lot, 150' to adjacent lot



General Considerations

- **The community must engage businesses and users as much as residents.**
- **Education and visualization is key for community education on EMCs.**
 - Utilize images and videos (good and bad)
 - Use local or regional examples as much as possible
 - Have information on the various studies on safety
 - Economic studies / impacts of regulation

Initiating Change

- **A business may be the one to get the ball rolling**
- **Take a proactive approach**
 - Meet with businesses and sign representatives
 - Find out what are the issues (brightness, timing, appearance, etc.?)
 - Offer to facilitate an educational meeting with the elected and planning officials and/or the public
 - Important to engage a stakeholders group on sign changes

Planning and Zoning Considerations

- **Education and illustration**
 - Easiest way to dispel most EMC misunderstandings and engage the public
 - Use videos and illustrations as much as possible
- **Understand the issues**
 - Focus on the sticking points for EMCs
 - Most likely related to the issues discussed today
- **Consider the zoning district:**
 - What EMC regulation will change based on district?
 - Context

Planning and Zoning Considerations

- **Do not suggest copying legislation outright**
 - Every community is different – cannot copy and paste
- **Model regulations are available**
 - While a community should not copy outright, they are full of useful definitions and guidance for drafting new regulations
- **Recommend special administration options**
 - Prior to permit issuance signed affidavit

Planning and Zoning Considerations

- **Avoid color-based or text-based regulations**
 - Could be 1st Amendment/Reed issues related to content neutrality
 - Lanham Act/Trademark infringement issues



Finding Common Ground

- *Understanding the Impact on Digital Sign Users*

Economic Impacts of LED Signs



Understanding The Economic Value of On-Premise Signs

Presented at National Signage Research and Education
Conference (NSREC) – October, 2012

Economic Impacts of LED Signs



Chuck Anderson



- Car dealer outside of Kansas City
- Added EMC March, 2011
- Goals:
 - Increase auto sales, and increase service work
 - Enhance dealership's reputation in the community
- Signage strategy:
 - 70% advertising for new car sales and service
 - 30% civic event promotion
- Economic Impact:
 - 30% increase in auto sales
 - 80% increase in service work

Impact on Multi-Tenant Retail



- Gives better visibility to *all* tenants.
- Makes sign easier to read
- Makes shopping center retail space more marketable.



The Impact of EMCs: City of Centennial, CO



The city of Centennial, CO began to allow digital signs in 2011.
Learn of their experience in a video you can find at
www.signs.org/planners.



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Community-at-Large Benefits

- 1.They increase sales tax revenue.
- 2.They reduce blight by making businesses more viable.
- 3.They can reduce sign clutter.



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Community-at-Large Benefits



- 1.They increase sales tax revenue.
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- 3.They can reduce sign clutter.
- 4.They make unreadable signs readable.
- 5.They almost always look better than static readerboards.

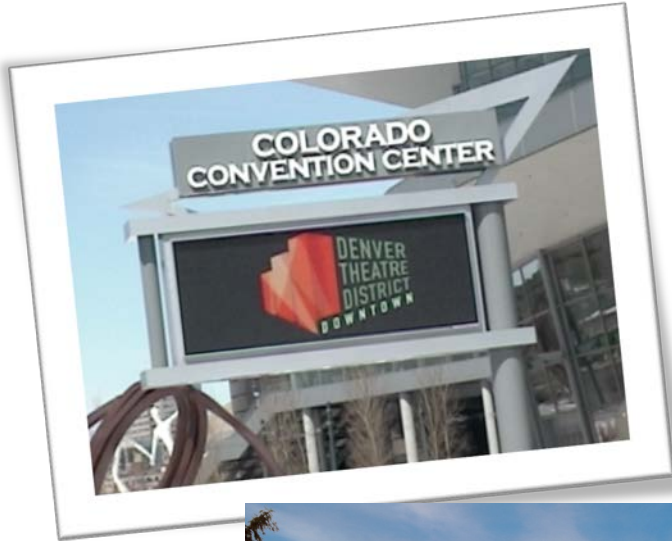


Community-at-Large Benefits



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- 6.They can communicate Public Service Announcements (PSA's).

Community-at-Large Benefits



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- 3.They can reduce sign clutter.
- 4.They make unreadable signs readable.
- 5.They almost always look better than static readerboards.
- 6.They can communicate Public Service Announcements (PSA's).
- 7.They can be a symbol of community vitality.





Questions?

Contact:

Mike Freeborg

Prismview

(303) 748-6712

mfreeborg@prismview.com

James Carpenter, AICP

International Sign Association (ISA)

(480) 773-3756

James.carpentier@signs.org



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DESIGN REVIEW BOARD
MINUTES OF SEPTEMBER 4, 2019
Municipal Building Commission Room
151 Martin, Birmingham, Michigan

Minutes of the regular meeting of the Design Review Board ("DRB") held Wednesday, September 4, 2019. Chairman John Henke called the meeting to order at 7:00 p.m.

1) ROLL CALL

Present: Chairman John Henke; Vice-Chairman Keith Deyer; Board Members Gigi Debbrecht, Natalia Dukas, Patricia Lang, Joseph Mercurio (joined at 7:20 p.m.), Michael Willoughby; Student Representative Klea Ahmet

Absent: Alternate Board Members Dulce Fuller, Alexander Jerome

Administration: Nicholas Dupuis, City Planner
Laura Eichenhorn, Transcriptionist

09-32-19

2) Approval Of Minutes

DRB Minutes of August 7, 2019 and August 21, 2019

Motion by Ms. Dukas

Seconded by Ms. Debbrecht to approve the DRB Minutes of August 7, 2019 and August 21, 2019 as submitted.

Motion carried, 6-0.

VOICE VOTE

Yeas: Dukas, Debbrecht, Deyer, Henke, Lang, Willoughby

Nays: None

09-33-19

3) Public Hearing

None.

09-34-19

4) Design Review

A. 525 W. Merrill (former dental office / residential building)

City Planner Dupuis and Kevin Biddison, architect for the project, presented the item.

In reply to Chairman Henke, Mr. Biddison said that in previous conversations Planning Director Ecker raised no concerns about the canopy on the east side of the building effecting the building's setbacks in a way that would necessitate Planning Board review.

City Planner Dupuis solicited Board feedback regarding the applicant's potential plans for an elevator. He clarified that the Board could specify what changes vis-a-vis this project could be administratively approved and what changes would have to return for Board review.

Motion by Mr. Willoughby

Seconded by Ms. Lang to approve the plans for 525 Merrill as submitted, with permission for the elevator plans to be administratively approved as long as the plans are essentially the plans the Board reviewed this evening.

Motion carried, 6-0.

VOICE VOTE

Yeas: Willoughby, Lang, Dukas, Debbrecht, Deyer, Henke

Nays: None

09-35-19

5) Sign Review

None.

09-36-19

6) Study Session

A. Electronic Message Centers

City Planner Dupuis presented the item.

Chairman Henke and Vice-Chairman Keith Deyer commended City Planner Dupuis on his preparation of the item.

Motion by Vice-Chairman Deyer

Seconded by Ms. Debbrecht to recommend the presented information be forwarded to the City Commission for their consideration.

Motion carried, 6-0.

VOICE VOTE

Yeas: Deyer, Debbrecht, Willoughby, Lang, Dukas, Henke

Nays: None

09-37-19

7) Miscellaneous Business And Communications

A. Staff Reports

1. Administrative Approvals
2. Proposed Work at 700 N. Old Woodward

City Planner Dupuis explained this was a preliminary review of the proposed work in order to decide what the appropriate application process would be. He said that one question would be whether the DRB would consider metal a high-quality material as required by ordinance.

Chairman Henke said he would like the project submitted for Board review due to the number of items involved in the planned work.

City Planner Dupuis confirmed he would work with 700 N. Old Woodward to make sure they submit a complete application in preparation for a Board review.

B. Communications

09-38-19

Adjournment

No further business being evident, the board motioned to adjourn the meeting at 7:31 p.m.

Nicholas Dupuis
City Planner



MEMORANDUM

Office of the City Manager

DATE: October 21, 2019

TO: Joseph A. Valentine, City Manager

FROM: Tiffany J. Gunter, Assistant City Manager

SUBJECT: Advisory Parking Committee Resolution: Board Member Composition Change

INTRODUCTION:

The role of the Advisory Parking Committee is to provide guidance to the City Commission regarding parking in the downtown, appropriate pricing, creating/maintaining attractive facilities that are safe, and while recognizing parking requirements in the assessment district make plans to address future parking needs. Parking is one of the most critical issues the City must address. However, it has been challenging to maintain a full complement of committee members over the years. Recently, the committee has received applications to fill a resident and an alternate vacancy. The resident position was confirmed earlier this month and the alternate applications are being reviewed at this evening's Commission meeting. If the alternate position is confirmed there will be two open positions remaining. They are:

- Building Owner
- Restaurant Owner

The Building owner position has not been occupied since September 2015. It has been recommended that the resolution creating the Advisory Parking Committee be amended to change the board composition and allow the Building Owner position to be removed and replaced with a Birmingham Shopping District Board member. The BSD Board would select their representative to participate with the committee for a term of three years consistent with the original APC resolution.

The original resolution also identified the City Engineer as the non-voting, ex-officio member of the Committee. The City Engineer no longer holds this responsibility. Staff recommends further amending the resolution to identify the City Manager or his/her designee as the non-voting, ex-officio member of the Committee.

BACKGROUND:

N/A

LEGAL REVIEW:

The proposed resolution was drafted by the City Attorney's office.

FISCAL IMPACT:

N/A

PUBLIC COMMUNICATIONS:

N/A

SUMMARY:

The Advisory Parking Committee is working to develop comprehensive parking solutions both now and into the future. The BSD Board member role will bring a breadth and depth of expertise and understanding of the downtown that will continue to add more value to the current committee roster. Many of the existing members have faithfully served on this committee for many years and continue to be reappointed. The City is grateful for their dedication and commitment.

ATTACHMENTS:

- Resolution creating the Advisory Parking Committee
- Proposed Amendment to the Resolution that created the Advisory Parking Committee

SUGGESTED ACTION:

To adopt the resolution to amend Advisory Parking Committee membership to remove the Building Owner position and replace it with a board member of the Birmingham Shopping District and to remove the City Engineer (non-voting, ex-officio) position and to replace this position with the City Manager, or his/her designee.

CITY OF BIRMINGHAM
RESOLUTION TO AMEND ADVISORY PARKING COMMITTEE MEMBERSHIP

Moved by: _____

Seconded by: _____

WHEREAS, the Advisory Parking Committee seeks to remove the Building Owner and City Engineer positions from its membership.

NOW, THEREFORE, BE IT RESOLVED that the Building Owner position shall be replaced with a board member of the Birmingham Shopping District and the City Engineer position as a non-voting, ex-officio member shall be replaced with the City Manager or his/her designee.

AYES:

NAYS:

ABSENT:

MOTION CARRIED.

I, Cheryl Arft, Acting Clerk of the City of Birmingham, certify that the foregoing is a true and compared copy of a Resolution duly made and passed by the Birmingham City Commission at a meeting held on _____, 2019.

Cheryl Arft, Acting City Clerk

Referred to the Traffic and Safety Board for review of meters in the following locations to determine if they are still appropriate in view of the change in the entrance to the Baldwin Library: twelve 30-minute meters on Martin between Bates and Chester; five 15-minute meters on Bates between Maple and Martin; three 15-minute meters on Bates near the former entrance on Martin Street to the library.

8:07

08-881-84: CITY COMMISSIONER REPORTS

Commissioner Miller reported that the Otsu Children's Choir will sing at the Community House at 2:00 P.M., Saturday, August 11, 1984. She also commented that AAA will provide transportation for the children to Bob-Lo.

Mayor Appleford reported that he attended a reception in Ann Arbor last week for the Governor of Shiga Province.

8.08

08-882-84: **ADVISORY PARKING COMMITTEE ESTABLISHED**

MOTION: Motion by Miller, supported by Hockman:

To receive the report of the City Manager re: Advisory Parking Committee; to establish an Advisory Parking Committee as follows:

PURPOSE: There is hereby established an Advisory Parking Committee to provide guidance to the Birmingham City Commission in the management of the Birmingham Auto Parking System that will: recognize parking requirements of the various interests in the Central Business District (CBD); fairly assess the costs of the parking system to users of the facility; create the least possible traffic impact on the CBD and the immediately abutting residential areas; provide for attractive, well-maintained, safe facilities; include plans for an orderly and responsive answer to future parking needs.

MEMBERS: The Birmingham City Commission shall appoint the Advisory Parking Committee, consisting of seven (7) members, each to be appointed for a term of three (3) years, but in the first instance, two (2) members shall be appointed for terms expiring on the first Monday in September, 1985, two (2) members shall be appointed for terms expiring on the first Monday in September, 1986, and three (3) members shall be appointed for terms expiring on the first Monday in September, 1987.

The majority of the members shall be residents and there shall be one member representing each of the following:

I. Downtown Commercial Representatives -

- A. Retail - Two (2) members
- B. Professional Firm - One (1) member
- C. **Building Owner - One (1) member**

II. Downtown Employee Representative - One (1) member

III. Residential - Two (2) members who do not qualify under any of the above categories.

Members of the Committee can be removed for cause determined at a public hearing at any time by the City Commission. Vacancies occurring shall be filled for the unexpired term by the City Commission.

ORGANIZATION: The Committee shall elect a Chairperson from its membership annually at its first meeting after the first Monday of September. The City Engineer shall be a non-voting, ex-officio member of the Committee and shall serve as the coordinating link between the Committee and various City Departments. A secretary shall be furnished by the City for the purpose of keeping Minutes of Committee meetings.

MEETINGS: The Committee shall hold at least one (1) regular public meeting in each quarter on such date and at such time and place as may be established by resolution of the Committee. Special meetings may be called by the Chairperson of the Committee or by request of any three (3) members of the Committee. There shall be at least a two (2) day notice for any special meeting. The Committee shall adopt such rules for the conduct of its business as it may from time to time adopt by resolution. The Committee shall keep a written or printed record of its proceedings which shall be a public record and property of the City.

EXPENDITURES: The Committee shall have the power to expend such funds as may from time to time be appropriated to it by the City Commission for the purpose of carrying out the powers and duties of the Committee. Funds expended by the Committee shall be processed through regular City channels and be accounted for in the Auto Parking Fund budget.

POWERS AND DUTIES: The Committee shall recommend:

1. A proper rate relationship between the charges for street meters, parking lot fees (short term and long term), and permit fees.
2. Parking fees that, while maintaining the financial integrity of the system, are still attractive to users.
3. The proper ratio between the number of short term, long term, and permit parkers in the attendant-operated lots and structures.
4. The area in each structure that should be assigned for short term, long term, and permit parking.
5. An equitable method of assigning permit parking spaces.
6. Financial objectives that reflect the requirements of ordinances and the need for information on the revenue received from specific users of the system.
7. A public relations program that will educate the public to the location of parking facilities, their ease of use, their close proximity to many fine stores offering a great variety of merchandise and the benefits of validated parking.
8. Corrective steps if the level of either maintenance or policing of the system facilities is inadequate.
9. Specific ordinance changes that will encourage private off-street parking in the CBD and/or help to improve the system operation as a whole.

REPORTS: The Committee shall make and submit to the City Commission an annual report in January regarding the general activities, operations and accomplishments of the Committee for the preceding year. The Committee shall, from time to time as occasion requires, advise the City Commission in writing on recommendations for the improvement of the Auto Parking System.

BUDGET: Not later than the first day of February of each year, the Committee shall present to the City Commission a request for funds which the Committee believes necessary to carry out its function as an advisory committee.

VOTE: Yeas, 6 Nays, None Absent, Sights

MOTION: Motion by Kain, supported by Jeske:
That the Ad Hoc Parking Committee be dissolved.

VOTE: Yeas, 6 Nays, None Absent, Sights

Resumes for membership on the Committee are to be submitted by August 27, 1984, and Commissioners are to submit names to the Mayor by the first meeting in September. They are also to advise the Mayor if they have a particular area in which they are interested.

MOTION: Motion by Hockman, supported by Miller:
That resumes for appointment to the Advisory Parking Committee be submitted by August 27, 1984, for consideration by the City Commission at its September 4 meeting.

VOTE: Yeas, 6 Nays, None Absent, Sights

8:50

08-883-84: BORDERLINE TREES

MOTION: Motion by Jeske, supported by Jensen:
To receive the report of the City Engineer and the City Manager re: Borderline Trees; to direct the Administration to draft an ordinance whereby sidewalks damaged by trees which are entirely or partly in the public right-of-way will be City responsibility.

MOTION: Motion by Kain, supported by Hockman:
To amend the previous Motion by directing that the proposed ordinance state that the cost of sidewalk replacement resulting from damage caused by borderline trees be borne equally by the City and the property owner.

VOTE ON AMENDMENT: Yeas 3 (Hockman, Kain, Miller)
Nays, 3
Absent, Sights

AMENDING MOTION FAILED

VOTE ON MAIN MOTION: Yeas, 3 (Appleford, Jensen, Jeske)
Nays, 3
Absent, Sights

MOTION FAILED



MEMORANDUM

Engineering Department

DATE: October 22, 2019
TO: Joseph A. Valentine, City Manager
FROM: Austin W. Fletcher, Assistant City Engineer
SUBJECT: Amend Fee Schedule – Water Permits

INTRODUCTION:

Recently, the testing results (90th percentile value) from our annual sampling exceeded the State's Action Level threshold of 15 part per billion (ppb). This exceedance is not a violation; however, it does trigger other requirements under the administrative rules promulgated under the Michigan Safe Drinking Water Act, 1976 PA 399, as amended. One of these requirements is public education.

BACKGROUND:

Under the current Lead & Copper Rule, each local municipality is required to provide the State with an inventory of all known and suspected lead water services within their community by December 31, 2019. The Engineering Department has been and is currently assembling this information by reviewing the individual records for approximately 9,000 properties. At this time, it is estimated that there are between 500-600 properties within the City that do or may have a lead water service.

Once the inventory is completed, the State is requiring that each municipality provide a written plan on how they will completely eliminate lead water services (main to meter) by 2040 (at a minimum of 5-7% a year).

Because the City's recent testing results (exceeded the 90th percentile value threshold), the City is required by the State to provide additional public education. Over the past two (2) weeks, the Engineering Department has received over 1,600 phone calls from residents inquiring about the material of their individual water service for their property.

Several of the residents that our office has spoken with that have a known or suspected lead water service have indicated that they would like to replace their service sooner than later, even if they have to pay for it (not wanting to wait for the City to perform the work at a currently unspecified date). Some have asked if the City is reimbursing the costs or if there are any incentives provided by the City.

It is our understanding that a full replacement of the water service can cost in the range of \$4,000 - \$8,000 (depending on length, existing landscaping, location of water meter, etc...) plus permit fees.

The Engineering Department is requesting that the City Commission amend the current fee schedule (see attached) to allow for the associated water permit fees to be waived for those residents wishing to replace their lead service prior to the City performing the work. Typically, this type of project would require a Right-of-way and a plumbing permit issued which consist of the following costs:

\$50 Right-of-way permit fee
\$900 Trench Maintenance fee
\$400 Inspection fee
and a \$115 Plumbing permit

The associated refundable cash deposit would still be collected and the Geo-technical engineer inspection requirement will remain in place.

LEGAL REVIEW:

No legal review required as the fee schedule may be amended by resolution of the City Commission.

FISCAL IMPACT:

The costs associated with amending the fee schedule as described above equates to approximately \$1,465 per property that chooses to replace their water service prior to the City performing the work. Since the City is now obligated to replace all lead services in the City's system at its own expense, encouraging this work to be done sooner at private expenses will ultimately save the City in achieving this mandate.

PUBLIC COMMUNICATIONS:

Once approved, individuals wishing to replace their known or suspected lead service will be informed of the change. In addition, once the City's list of known or suspected lead service locations has been finalized, the City must notify all owners of this fact, and send them related drinking water quality information. At that time, information will be provided to every property owner to let them know that these fees have been waived.

SUMMARY:

To amend the current fee schedule to allow residents wishing to replace their known or suspected lead water service prior to the City performing the work.

ATTACHMENTS:

Current Fee Schedule

SUGGESTED RESOLUTION:

To amend the Fees, Charges, Bonds, Insurance Schedule to allow all associated water permit fees (ROW Permit, Plumbing Permit, Trench Maintenance and Inspection Fees) to be waived for individuals that wish to replace their lead water services.



FEES, CHARGES, BONDS, INSURANCE

The fee required to be paid and the amount of any bond required to be posted, or insurance required to be carried, to obtain any license to engage in the operation, conduct or carrying on of any trade, profession, business or privilege for which a license is required by the provisions of the Code of the City of Birmingham code shall be as hereinafter provided. These fees may be amended by resolution of the City Commission.

Adopted by Resolution #02-18-10 by the Birmingham City Commission at a regular meeting held February 8, 2010, effective February 14, 2010.

Nancy M. Weiss

City Clerk

<u>DATE AMENDED</u>	<u>RESOLUTION NUMBER</u>	<u>SECTION</u>
2/22/2010	02-30-10	Police - Parking Offenses and Fines
3/8/2010	03-44-10	Engineering - Schedule of Parking Fees
3/8/2010	03-48-10	Fire - EMS Transportation Fees
3/22/2010	03-37-10	Community Development - Vacant Property Registration Fee
5/10/2010	05-118-10	DPS - Water; Finance - Sewer Service Rates
6/14/2010	06-150-10	Engineering - Bidding Document Fee and Private Building Sewer Investigation Program Fee
6/28/2010	06-172-10	DPS - Sewer Lateral Fee
2/14/2011	02-38-11	Clerk - Voter Information Fees, Valet Parking Fee Museum - Research Fee Police - Non-metered zone, Precious Metal Dealer Fee
3/21/2011	03-72-11	DPS - Annual Dog Park Pass
4/11/2011	04-89-11	Clerk - Vendor and Peddler Fees
5/23/2011	05-141-11	DPS & Finance - Water/Sewer Rates
6/27/2011	06-172-11	DPS - Wedding Ceremony Fees
7/25/2011	07-190-11	DPS - Water and Sewer Connection Fees
3/19/2012	03-74-12	Clerk - Alcoholic Beverages for Consumption on the Premises Fee, Animal License Fee, Annual Licenses Criminal Background Check Fee, Frozen Confection Vendor Insurance Requirements Community Development - Lot Division Fee, Temporary Use Permit Fee, Zoning Ordinance Fees, Zoning Complinance Fees DPS - Water and Sewer Connection Fees, Wedding Rental (Parks) Fee Fire - EMS Transport Service Fee, Fire Code Operational Permits
6/11/2012	06-163-12	DPS - Water; Finance - Sewer Service Rates
9/10/2012	09-257-12	Museum - Allen House Event Request
12/17/2012	12-356-12	Clerk - Cemetery Fees
3/18/2013	03-100-13	DPS - Water and Sewer Connection Fees Community Development - Contractor Registration Fees, Bond Range
5/20/2013	05-163-13	DPS & Finance - Water/Sewer Rates (effective 7/1/13)
7/8/2013	07-203-13	Clerk - Special Event Fees
7/22/2013	07-211-13	DPS - Water/Sewer Connection Fees
12/16/2013	12-356-13	DPS - Water Meter Opt Out Plan Fees
4/28/2014	04-98-14	Community Development - Lot Division Fees, Mechanical & Refrigeration Permit Fees, Zoning Ordinance Fees Fire - EMS Transport Fees, Water Fee, Permit Fee, DPS - Frozen Water Line Fee, Water & Sewer Connection Fees, Water Disconnection Fee Police - Investigation Fees
5/19/2014	05-118-14	DPS - Water; Finance - Sewer Service Rates (effective 7/1/14)
7/28/2014	07-187-14	DPS - Grass & Noxious Weeds Civil Infraction
3/30/2015	03-63-15	Clerk - background check fees, DPS - Refuse Collection & Water and Sewer Connection fees, Fire - Hydrant Use fees
4/27/2015	04-86-15	Engineering - Monthly Parking Permit Rates (effective 7/1/15)
5/18/2015	05-112-15	DPS - Water; Finance - Sewer Service Rates (effective 7/1/15)
8/10/2015	08-174-15	Clerk - Cemetery Fees

9/10/2015	09-191-15	Police - Pedicabs & Quadricycle Fees
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3/28/2016	03-99-16	Fire - BLS Transportation & Loaded Mile Fees, move Hydrant Fees to DPS section. Building - swimming pool & replacement window bonds & lawn sprinkler and water heater update
6/6/2016	06-183-16	Engineering - Daily Parking Rate at all parking structures (effective 7/1/16)
6/27/2016	06-203-16	DPS - Water; Finance - Sewer Service Rates (effective 7/1/16)
8/8/2016	08-252-16	Community Development - Lot Division Fee for Combination of Platted Lot
12/5/2016	12-364-16	Engineering (DPS) Trench maintenance fee;
12/5/2016	12-364-16	Community Development -Text change; Vents and Exhaust Fans (under 1500 C.F.M.) fee change
12/12/2016	12-376-16	Fire Department - Non-electronic reporting Administrative fee
2/27/2017	02-50-17	Engineering - Storm Water Utility Fees & Credits
5/22/2017	05-140-17	Engineering-\$.50 increase in all parking meter rates; Police-Daily Meter Bag Fee; City Clerk-Outdoor Dining Café Platform Fees, Removal/restoration of parking meter housings, valet parking Bag Meter Fee
6/26/2017	06-180-17	DPW & Finance - Water/Sewer Rate Changes for 2017-2018
12/11/2017	12-339-17	Clerk-Removal of Taxicabs due to State law. Community Development-increases in Site Evaluation fees & text change to include impervious surfaces
2/26/2018	02-057-18	Community Development - Adding Construction Site Maintenance Violations (Sec. 50-29)
6/25/2018	06-188-18	Water/Sewer Rate Changes for 2018-2019. Effective July 1, 2018.
9/17/2018	09-256-18	City Clerk-Addition, under Alcoholic Beverages Consumption on the Premises, of Administrative Applicant Review fee.
1/28/2019	01-026-19	Clerk: remove passport fee; increase application fee. Building: increase Site Evaluation fees. Community Development: Cross Connections relocated to Department of Public Services section; remove clause at end of section regarding reduced SLU permit fees. Engineering: remove Private Building Sewer Investigation Program; increase Trench Maintenance ROW fee; add Small Cell Monthly License fees. Fire Dept.: increase transport fees. Museum: Limited use fees specified for Allen House; limited use fees added for Parks/Grounds.

STANDARD INSURANCE REQUIREMENTS

Where insurance is required to be carried to make application for a permit or license, the applicant shall procure and maintain the following coverages and limits unless otherwise specified in this

Workers' compensation insurance. Workers' compensation insurance, including employers' liability coverage, in accordance with all applicable statutes of the state.

Commercial general liability (CGL) insurance. 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 broad form general liability extensions or equivalent.

Motor vehicle liability insurance. 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.

Additional insured. Commercial general liability insurance 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 employees 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 be primary,

Professional liability. Professional liability insurance with limits of not less than \$1,000,000 per claim if providing service that is customarily subject to this type of coverage.

Cancellation notice. Thirty days advance written notice of insurance cancellation, non-renewal and/or reduction or material change in coverage shall be provided to the city. Notice of cancellation, material change or reduction shall be attached to the certificate of insurance, or otherwise evidenced as in effect under the policy listed.

Proof of insurance coverage. The city shall be provided with certificates of insurance evidencing the coverages outlined above.

Expiration. If any of the above coverages expire, renewal certificates and/or policies must be provided to the city at least ten days prior to the expiration date.

Acceptability of insurance company. All coverages shall be with insurance carriers licensed to do business in the state. All coverages shall be with carriers acceptable to the city.

FEE SCHEDULE

CITY CLERK'S OFFICE		EXISTING FEE
<u>Alcoholic beverages for consumption on the premises</u>		
Initial fee		\$ 1,500.00
Administrative Applicant Review		\$ 350.00
Annual renewal		\$ 350.00
Transfer fee		\$ 1,500.00
Annual criminal background check - per person (to be provided by applicant using the Michigan State Police ICHAT system)		
<u>Animals (18-1)</u>		
Stray animal fines: See Police		
Pet dog and cat licenses:		
license for one year or less	\$	5.00
license for two years	\$	10.00
license for three years	\$	12.00
license obtained 30 days after expiration	\$	20.00
Kennels:		
Annual fee	\$	300.00
Plus for each dog in excess of ten	\$	10.00
<u>Auctions (See Initial Merchants)</u>		
<u>Bicycle Rental Agencies (122-26) annual fee</u>	\$	5.00
Insurance: Motor vehicle liability insurance conforming with Michigan Vehicle Code § 520: \$20,000 per person/\$40,000 per accident for bodily injury claims/\$10,000 for property damage per occurrence.		
<u>Charitable Solicitations (38-1)</u>		No charge
Annual criminal background check - per person (to be provided by applicant using the Michigan State Police ICHAT system)		
<u>Child Care Facilities (58-106)</u>		
Annual criminal background check - per person (to be provided by applicant using the Michigan State Police ICHAT system)		
Child Care Center annual fee	\$	150.00
Initial investigation fee	\$	100.00
Day care home, family annual fee	\$	100.00
Initial investigation fee	\$	100.00
Day care home, group annual fee	\$	100.00
Initial investigation fee	\$	100.00
<u>Christmas Tree Sales (26-88)</u>		
December 1 through December 25 - non-profit corporations and merchants assessed for personal property		No charge
All others	\$	100.00
Deposit for clean up of lot (forfeited if not cleaned up by January 1st.)	\$	300.00

CITY CLERK'S OFFICE

EXISTING FEE

Dancing Schools (26-201)

Investigation and annual fee \$ 50.00

Day Care (See Child Care Facilities)

Electronic Video Game (14-106)

Each game, annual fee (subject to additional fees and requirements for regulated use) \$ 50.00

FOIA fees - See public records policy (attached)

Fumigation (58-141)

Fumigation Contractor, annual fee \$ 50.00

Fumigation permit, per event \$ 25.00

Insurance (58-144): Standard insurance requirements plus environmental impairment/pollution liability coverage

Garage Public (54-26) - Annual Fee \$ 50.00

Going out of Business (State Law)

Up to 30 days \$ 50.00

Limit two renewals, each \$ 50.00

Greenwood Cemetery (126-26)

Grave space accommodating one full burial or three cremations \$ 3,000.00

Additional Rights of Burial for cremated remains, each \$ 750.00

Grave space accommodating two cremated remains 2,000.00

Grave space accommodating one cremated remains 1,000.00

Administrative fee for transfer of grave ownership \$ 150.00

Interment and disinterment fees:

Cremation \$ 750.00

Full Burial \$ 1,200.00

Foundation charges for markers & monuments:

Foundation Installment - per linear foot \$ 125.00

Marker or monument resets:

Foundation installation charge as per above schedule, plus an hourly charge for removal of old foundation

Weekend, holiday, and overtime interments. This fee in addition to the normal interment fee charged during regular working hours. \$ 400.00

Horse Drawn Carriages (122-71)

Company, annual fee \$ 50.00

Carriage, each vehicle annual fee \$ 50.00

Insurance: Standard insurance requirement, with coverage to include premises liability; personal injury liability; products liability; and horse or horses liability. (122-75)

Hotels/Motels annual fee \$ 75.00

1-50 Rooms \$ 300.00

50+ Rooms \$ 500.00

CITY CLERK'S OFFICE		EXISTING FEE
<u>Initial Merchants: (All types including transfers)</u>	\$	100.00
<u>Kennels (See Animals)</u>		
<u>Lumberyard annual fee</u>	\$	50.00
<u>Marriage Ceremony Fee</u>	\$	10.00
<u>Mechanical Amusement Device each device annual fee</u>	\$	50.00
(Subject to additional fees and requirements for regulated use.)		
<u>Motor vehicle rentals (122-26)</u>		
Annual fee	\$	50.00
Insurance: Motor vehicle liability insurance conforming with Michigan Vehicle Code § 520: \$20,000 per person/\$40,000 per accident for bodily injury claims/\$10,000 for property damage per occurrence.		
<u>Open Parking Stations annual licenses (26-428)</u>		
Lots accommodating 25 cars or less	\$	100.00
Lots accommodating 26-50 cars	\$	125.00
Lots accommodating 51-75 cars	\$	150.00
Lots accommodating 76 cars or more	\$	200.00
<u>Outdoor Amusements (14-161)</u>		
Annual fee	\$	25.00
Surety bond or cash deposit	\$	1,000.00
<u>Outdoor Dining license annual fee</u>	\$	200.00
Additional flat fee for off-season	\$	200.00
(subject to additional fees for use of city right of way)		
Insurance:		
<i>Workers' Compensation Insurance</i> , including Employer's Liability Insurance, in accordance with all acceptable statutes of the State of Michigan.		
<i>Commercial General Liability Insurance</i> on an occurrence basis with the limits of liability of not less than \$1,000,000 per occurrence and aggregate of \$2,000,000 for combined single limit personal injury and property damage, and shall include independent contractor's coverage and broad form general liability coverages.		
Liquor Liability Insurance (if liquor is to be served) on an occurrence basis with limits of liability of not less than \$1,000,000 per occurrence.		
<i>Additional Insured:</i> Commercial General Liability Insurance (and Liquor Liability, if applicable) shall name the City of Birmingham as additional insured for all activities connected with this Agreement and shall include an endorsement stating the following as: "Additional Insureds: The City of Birmingham , all elected and appointed officials, all employees and volunteers, all boards, commissions, and/or authorities and their board members, including employees and volunteers thereof. This		

CITY CLERK'S OFFICE

EXISTING FEE

coverage shall be primary to the additional insureds, and not contributing with any other insurance or similar protection available to the additional insured, whether said other available coverage be primary, contributory or excess, The authorized representative of the insurance carrier acknowledges that it has read the insurance provisions of the agreement between the City of Birmingham and the insured."

Cancellation Notice, Thirty (30) days advance written notice of cancellation, non-renewal, reduction of material change in coverage, will be provided to the City of Birmingham by the insurance carrier.

Proof of Insurance Coverage. The city shall be provided with certificates of insurance evidencing the coverages outlined above.

Acceptability of insurance company. All coverages shall be with insurance carriers licensed to do business in the state. All coverages shall be with carriers acceptable to the city.

Outdoor Dining Café Platform Meter Fees - Seasonal

\$1.00 Per Hour Meter Areas	\$ 2,280.00
\$1.50 Per Hour Meter Areas	\$ 3,420.00
Removal of parking meter housing and/or posts - minimum fee (cost)	\$ 88.29
Removal of parking meter housing and/or posts - 1 meter space (cost)	\$ 264.87
Removal of parking meter housing and/or posts - 2 meter spaces (cost)	\$ 441.45

Outdoor Dining Café Platform Meter Fees - Pro-Rated

\$1.00 Per Hour Meter Areas (per space, per day)	\$ 12.00
\$1.50 Per Hour Meter Areas (per space, per day)	\$ 18.00

Passports

Acceptance of passport application	\$ 35.00
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Pawnshops

Annual licensing fee	\$ 500.00
Annual criminal background check - per person (to be provided by applicant using the Michigan State Police ICHAT system)	

Peddlers and Commercial Vendors (Chapter 26)

Annual criminal background check - per person (to be provided by applicant using the Michigan State Police ICHAT system)	
Special Event and School Vendor/Athletic Vendor in City Park	
Application Fee (per event/application)	\$ 50.00
Daily Fee (per day/location)	\$ 10.00
50% discount for Birmingham licensed merchants	
Frozen Confection Vendor	
Application Fee	\$ 80.00
Amendment to the Application	\$ 26.00
Annual License Fee	\$ 500.00
Insurance: Standard Insurance Requirements	

CITY CLERK'S OFFICE

EXISTING FEE

Peddling

Application Fee (per event/application)	\$ 50.00
Amendment to the Application	\$ 16.00
Daily Fee Option (per day/location)	\$ 10.00
Yearly Fee Option (calendar year)	\$ 1,825.00

Poolroom, each billiard or pool table annual fee

\$ 50.00

(subject to additional fees for regulated use)

Refuse Collector: (Chapter 90)

Annual fee first truck	\$ 150.00
Each additional truck	\$ 75.00
Insurance: Proof of workers compensation coverage, motor vehicle liability insurance and the VIN number of each vehicle must be provided to the city prior to obtaining a license.	

Regulated Uses not otherwise listed Chapter 26:

Application fee	\$ 1,000.00
Annual licensing fee	\$ 200.00

Rollerskating rinks annual fee (Chapter 14)

\$ 50.00

Special Events (98-140) non-refundable application fee

Annual Application fee	\$ 165.00
First Time Event Application fee	\$ 200.00

Additional permit fees as determined by administrative staff due two weeks prior to event with insurance documents.

Insurance: Standard insurance requirements

Telecommunications

Application fee	\$ 500.00
Annual maintenance fee as determined by the Metro Authority pursuant to Act 48 of the Public Acts of 2002	

Theatres annual fee 14.26

\$ 50.00

Valet Parking

Annual criminal background check - per person (to be provided by applicant using the Michigan State Police ICHAT system)

Initial application fee	\$ 1,000.00
Annual license fee	\$ 500.00
One Day Valet Permit fee	\$ 50.00
Valet parking card deposit, per card	\$ 20.00

Fees per car:

1-100 cars, pre-paying for six months in advance, per month	\$ 500.00
101-200 cars, pre-paying for six months in advance, per month	\$ 750.00
201 and above cars, pre-paying for six months in advance, per month	\$ 1,000.00

Valet Parking Meter Bag Fees - (Monthly)

\$ 216.00

Insurance: Workers' compensation insurance, including employers'

CITY CLERK'S OFFICE

EXISTING FEE

liability coverage, in accordance with all applicable statutes of the state.

Garage liability insurance with limits of liability of not less than \$1,000,000 per occurrence; or commercial general liability insurance endorsed to provide the equivalent of this coverage.

Garage keepers legal liability insurance with limits of liability of not less than \$100,000.00 per occurrence; or commercial general liability insurance endorsed to provide the equivalent of this coverage.

Additional insured. Garage liability and garage keepers legal liability insurance, as described above, shall name the city as additional insured for all activities connected with the valet parking service and shall include an endorsement stating the following as "additional insured": the city, all elected and appointed officials, all employees and volunteers, all boards, commissions, and/or authorities and their board members, including employees and volunteers thereof. This coverage shall be primary to the additional insureds, and not contributing with any other insurance or similar protection available to the additional insured, whether said other available coverage be primary, contributing or excess.

Cancellation notice. Thirty (30) days advance written notice of insurance cancellation, nonrenewal, and/or reduction in material change in coverage must be provided to the city. Notice of cancellation material change or reduction must be attached to the certificate of insurance, or otherwise evidenced as in effect under the policy listed.

Proof of insurance coverage. The following certificates and policies shall be provided to the city:

1. Two copies of certificate of insurance for workers' compensation insurance.
2. Two copies of certificate of insurance for garage liability insurance.
3. Two copies of certificate of insurance for garage keepers legal liability insurance.
4. If so requested, certified copies of all policies mentioned above will be furnished.

Expiration. If any of the above coverages expire, renewal certificates and/or policies must be provided to the city at least ten days prior to the expiration date.

Acceptability of insurance company. All coverages shall be with insurance carriers licensed to do business in the state. All coverages shall be with carriers acceptable to the city.

Voter Information

Daily Absentee Voter List	\$	15.00
Voter Information List	\$	5.00

FEE SCHEDULE

COMMUNITY DEVELOPMENT DEPT.		EXISTING FEE
<u>Administrative approval (Planning Department)</u>	\$	100.00
<u>Brownfield Developments</u>		
Application fee non-refundable and non-reimbursable	\$	1,500.00
Outside consultant fees reimbursement:		
Where a review of applications, plans, construction documents, Brownfield development documents or any other documents is performed by outside consultants engaged by the city, a review fee shall be charged at 1.05 times the actual cost. Payment shall be in advance of the review based on estimated cost.		
<u>Building Permits (Chapter 22)</u>		
(a) Building permit fees:		
The building permit fee is determined from the total construction value as shown in the most recent edition of the ICC Building Evaluation Data Square foot construction costs. For all use groups except one and two family residential, the minimum square foot construction cost is 100% of the value shown in construction costs table; for renovations the minimum square foot construction costs is 50% of the value shown in the table. For residential one and two family structures, the minimum square foot construction cost is \$125.		
(b) Total Construction Valuation:		
Permit fees are computed at \$85.00 for the first \$1,000 of construction valuation; \$10.00 for each additional \$1,000 (or fraction thereof) up to \$100,000 of construction valuation; and \$15.00 for each additional \$1,000 (or fraction thereof) over \$100,000 of construction valuation.		
(c) Refunds:		
Refunds of any permit fees are subject to a minimum of 25 percent for administrative services with no construction work commencing. After construction has started, fees will be refunded proportionately as determined by the building official. Any permit fee for construction that is 75 percent or more completed will not be refunded.		
(d) Plan examination fees:		
When a plan is required to be submitted, a plan review fee must be paid at the time of submitting plans and specifications for review. The review fee shall be \$85.00 for projects up to \$10,000 in construction value; all other plan examination fees shall be computed as shown below:		
Construction value up to \$10,000	\$	85.00
Construction Value from \$10,001 to \$500,000		Construction value multiplied by 0.0020 \$150.00 minimum

COMMUNITY DEVELOPMENT DEPT.

EXISTING FEE

Construction Value over \$500,000

\$1,000 plus
construction value
multiplied by
0.0010

The building plan review fee shall be multiplied by 1.25 when MEAP reviews are required.

An administrative fee equal to the permit fee may be charged in addition to the permit fee, when work is started and/or completed without first obtaining the permit. Plan review fees are not refundable.

(e) Construction Bonds

In addition to the required building permit fee, a cash bond must be posted at the time the permit is issued in accordance with the following schedule:

Construction value between \$0-\$10,000	\$	100.00
Construction value between \$10,001-\$50,000	\$	200.00
Construction value between \$50,001-\$100,000	\$	300.00
Construction value between \$100,001-\$500,000	\$	500.00
Construction value of \$500,001 and up	\$	1,000.00
<u>Swimming Pools</u>	\$	1,000.00
<u>Window Permits</u>	\$	500.00

Upon satisfactory completion of all final inspections required, and the issuance of a certificate of occupancy, if applicable, the construction bond will be returned upon request without interest.

(f) A reinspection fee may be required by the building official \$ 50.00

(g) Bonding requirements for a temporary certificate of occupancy:

When a temporary certificate of occupancy is issued prior to completion of the entire work covered by the permit, a cash bond shall be posted in an amount as determined by the building official up to \$10,000 for residential dwellings and \$100,000 for commercial buildings or spaces based on the cost of completing all remaining and outstanding work.

(h) Bonding requirements for maintenance and replacements costs of public right-of-way facilities:

A bond shall be posted prior to the issuance of a building permit for new construction in the amount of \$5,000 to assure that the public right-of-way is properly maintained at all times during construction. This includes the replacement of city sidewalk, curb and gutter, and the re-establishment of green space in the public right-of-way.

Board of Building Trades Appeals

Single family residential	\$	310.00
All other construction	\$	510.00

Construction Site Maintenance Violations (Sec. 50-29)

Municipal Civil Infraction Penalty	\$	100.00
First Offense	\$	250.00

COMMUNITY DEVELOPMENT DEPT.**EXISTING FEE**

Second Offense	\$	500.00
Subsequent Offenses	\$	500.00
Building Permit Holders		
Five or more violations at same site within one calendar month	\$	500.00

Contractor Annual Registration Fees

Building Contractor	\$	25.00
Electrical Contractor	\$	25.00
Mechanical Contractor	\$	5.00
Plumbing Contractor	\$	15.00

Demolition of Buildings

Less than 3,000 cubic feet	\$	125.00
3,000 to 50,000 cubic feet	\$	200.00
More than 50,000 cubic feet	\$	300.00
Performance cash bond:		
Minimum (as determined by the building official)	\$	100.00
Maximum (as determined by the building official)	\$	50,000.00

Electrical Installation (Chapter 22)

Base fee	\$	50.00
Reinspection Fee	\$	50.00
120 volt or 277 volt first circuit	\$	15.00
120 volt or 277 volt each additional circuit	\$	8.00
Each 208V, 240V, 480V branch circuits	\$	20.00
First 25 lights, receptacles and switches	\$	20.00
Each additional set of 20	\$	15.00
First sign	\$	50.00
Feeders/Buss Ducts:		
First 100 feet	\$	25.00
Over 100 feet	\$	15.00
Commercial fire alarms:		
Fire alarm panel	\$	30.00
Each alarm device	\$	10.00
Residential smoke detectors up to 8 units, 120 volts	\$	20.00
Low voltage smoke alarm with panel	\$	50.00
Residential smoke alarm system less than 50 volts with panel	\$	50.00
Services or transformers:		
30 AMP to 200 AMP	\$	35.00
201 AMP to 400 AMP	\$	50.00
Over 401 AMP	\$	100.00
A/C Interrupt service	\$	20.00
Temporary service up to 200 AMP	\$	40.00
Sub panel: Sidewalk inspection req:		
Each additional sign	\$	20.00

COMMUNITY DEVELOPMENT DEPT.

EXISTING FEE

Each residential A/C	\$	35.00
Furnace/unit heaters	\$	20.00
Pools/hot tubs/spas	\$	50.00
Appliances/disposal/dishwashers	\$	10.00
Commercial HVAC:		
5 ton or less ach	\$	50.00
Over 5 ton each	\$	75.00
Motors - Commercial only:		
1/4 HP up to 10 HP each	\$	25.00
Over 10 HP to 30 HP each	\$	40.00
Over 30 HP each	\$	60.00

New house construction minimum of four inspections requires

An administrative fee equal to the permit fee may be charged in addition to the permit fee when work is started and/or completed without first obtaining the permit.

Equipment installation permit fee \$ 10.00

Final site inspection fee (Planning Dept.) \$ 100.00

Housing:

Housing Board of Appeals Fee:

Residential dwelling unit	\$	310.00
Other - Commercial	\$	510.00

Housing Inspections Owner Authorized:

One and two-family dwellings:

Building structure fee per dwelling unit	\$	200.00
Electrical fee per dwelling unit	\$	100.00
Plumbing fee per dwelling unit	\$	100.00
Heating and refrigeration fee per dwelling unit	\$	100.00

Landlord Licenses (See Rental Properties)

Lot Division (Chapter 102):

Fee per parcel created from each platted or unplatted lot (lot splits)	\$	200.00
Boundary Adjustment for single family dwelling:		
Separation of platted lots (fee per each lot)	\$	200.00
Combination of platted lots (fee per each lot)	\$	200.00

Massage Permits (26-251):

Investigation fee to operate massage facility (subject to additional fees for regulated use)	\$	250.00
Investigation fee to perform massage service	\$	25.00
Change of location (subject to additional fees for regulated use)	\$	100.00

Mechanical Permits:

Base Fee	\$	50.00
Gas/oil furnace/boilers, etc:		
100,000 BTU or less	\$	60.00

COMMUNITY DEVELOPMENT DEPT.**EXISTING FEE**

Over 100,000	\$	70.00
Over 500,000	\$	80.00
Ductwork	\$	50.00
V.A.V. boxes (variable air volume) each	\$	30.00
Humidified or air cleaner	\$	30.00
Mfg, fireplace (gas or solid fuel), stoves (solid fuel) includes chimney	\$	30.00
Gas or oil space heaters	\$	30.00
Automatic flue damper	\$	25.00
as part of furnace	\$	10.00
Gas piping - first two openings	\$	30.00
additional openings each	\$	5.00
Air handling systems:		
Vents & Exhaust Fans:		
Under 1,500 c.f.m. each	\$	15.00
1,500 to 10,000 c.f.m. each	\$	35.00
Over 10,000 c.f.m. each	\$	55.00
Heat Pumps:		
To 50,000 BTU	\$	30.00
To 200,000 BTU	\$	40.00
To 500,000 BTU	\$	50.00
Over 500,000 BTU	\$	75.00
Fire Suppression Systems:		
Standpipe systems:		
2-1/2" thru 4"	\$	50.00
Over 4"	\$	70.00
Fire pumps & connections	\$	75.00
Fire sprinkler system:		
First head up to 20 heads	\$	50.00
Each additional head	\$	3.00
Hood and duct fire suppression systems:		
Each establishment system- minimum	\$	75.00
Each additional system at same establishment	\$	30.00
Refrigeration:		
Self contained refrigeration systems	\$	40.00
Remote refrigeration systems:		
Up to 10 HP	\$	50.00
10 HP up to 50 HP	\$	70.00
Over 50 HP	\$	95.00
Water heater	\$	30.00
Chimney liner	\$	20.00
Hydronic Floor Heat:		
Up to 2,000 square feet	\$	50.00

COMMUNITY DEVELOPMENT DEPT.

EXISTING FEE

Over 2,000 square feet	\$	60.00
Geo Thermal:		
Up to 100,000 BTU	\$	75.00
Over 100,000 BTU	\$	90.00
Additional reinspection	\$	50.00
Reinspection fee	\$	50.00
An administrative fee equal to the permit fee may be charged in addition to the permit fee, when work is started and/or completed without first obtaining the permit.		

Newsracks (90-160)

Review fee for each newsrack box	\$	50.00
Annual registration for each newsrack box	\$	50.00

Plumbing Permits

* Base Fee	\$	50.00
Automatic washer	\$	15.00
Backflow preventer	\$	25.00
Bathtub	\$	15.00
Catchbasin	\$	50.00
Dental Chair	\$	15.00
Dishwasher	\$	20.00
Drains to 6 inches	\$	25.00
Drains over 6 inches	\$	40.00
Drinking fountain	\$	15.00
Floor drain	\$	15.00
Garbage disposal	\$	15.00
Grease trap	\$	30.00
Hose bibbs	\$	15.00
Humidifier	\$	15.00
Inside drain (weep tile)	\$	15.00
Laundry tray	\$	15.00
Lavatory	\$	15.00
Lawn sprinkler - including Backflow Device	\$	50.00
Miscellaneous equipment	\$	15.00
Reinspection fee	\$	50.00
Roof sump	\$	15.00
Safe waste	\$	15.00
Sewers to 6 inches	\$	50.00
Sewers to 8 inches	\$	60.00
Sewers to 10 inches	\$	75.00
Sewers to 12 inches	\$	100.00
Sewers over 13 inches	\$	100.00
Shower trap	\$	15.00

*** Fees waived for properties with confirmed or suspected lead services based on current City records that wish to replace their lead water service.**

COMMUNITY DEVELOPMENT DEPT.

EXISTING FEE

Stacks, conductors	\$	15.00
Stand pipe	\$	15.00
Sump w. pump	\$	30.00
Urinal	\$	15.00
Water closet	\$	15.00
Water distribution:		
3/4 inch	\$	30.00
1 inch	\$	30.00
1 1/4 inch and 1 1/2 inch	\$	35.00
2 inches	\$	45.00
3 inches	\$	60.00
4 inches	\$	70.00
Over 4 inches	\$	75.00
Water heater	\$	30.00
Water service:		
* 1 inch	\$	65.00
* 1 1/2 inch	\$	65.00
* 2 inches	\$	65.00
Over 2 inches	\$	125.00
Additional inspection	\$	50.00
Reinspections	\$	50.00

An administrative fee equal to the permit fee may be charged in addition to the permit fee, when work is started and/or completed without first obtaining the permit.

Production filming fees 114-168:

Permit application fee (non-refundable):		
Motion picture, television, or video on private property only	\$	125.00
Motion picture, television, or video on public property	\$	225.00
Still photography only on private property	\$	50.00
Still photography only on public property	\$	100.00
Additional fee for expedited processing if less than normal processing time is required. (Late application processed at the discretion of the city manager or his/her designee)	\$	150.00
Daily public property use fee (from prep to clean-up time):		
Motion picture, television, or video, per day	\$	75.00
Public property location holding - per day	\$	75.00
On-street base camp - per day (if approved)	\$	25.00
Parking space rental - per day		current rate
Extended hours of permitted filming activity:		
Any film permitted activity beyond 7:00 a.m. to 7:00 p.m. or driving scenes on major, minor, or neighborhood roads requiring special barricades, noticing, and/or public safety personnel (hourly rates for staff time to be calculated and charged separately).	\$	75.00

* Fees waived for properties with confirmed or suspected lead services based on current City records that wish to replace their lead water service.

COMMUNITY DEVELOPMENT DEPT.

EXISTING FEE

Security deposit:

A refundable security deposit may be required to cover any unanticipated city staff costs, clean-up costs, refund fees to user groups affected by the film permit activities, and/or other expenses not included/anticipated in the initial film permit fee calculation.

\$ 500.00

Staff costs:

Monitoring fee for additional police, fire, ordinance enforcement, public works, recreation and parks, or other staff as determined by the city manager or his/her designee; fee will be estimated based on hours needed and scheduled. Staff time to be based on most current city overtime rate schedule and calculated and paid in advance of film permit activities.

Insurance: (Sec 14-172 (5) (6) (8) Standard insurance requirement plus limits of liability of not less than \$5,000,000 per occurrence in the event motor vehicles, aircraft, helicopters, explosives or pyrotechnics are used in the activity. Also, the permittee shall execute a hold-harmless agreement as provided by the city prior to the issuance of any permit.

Rental Properties

Fee for rented or leased premises:

First unit \$ 125.00

For properties containing more than one unit:

Add, per additional unit or common/exterior area, to the one-unit fee \$ 40.00

Additional re-inspection fee for rental properties requiring additional inspections, plus \$25.00 for each additional unit beyond the first unit. \$ 75.00

The fee shall be increased by 50 percent for any application received more than 30 days after the required renewal date.

Signs (Chapter 86)

Construction \$ 50.00

Temporary - non-residential zone districts - permit per 30 square feet or fraction 86-133 \$ 50.00

Temporary - churches in residential zone districts 86-70 \$ 25.00

Marquee and roof annual fee \$ 200.00

Others:

Permit per square foot \$ 2.00

Minimum \$ 100.00

Inspection fee every three years \$ 50.00

Removal fee 86-59 86-111 \$ 50.00

Sign impound fee, per sign \$ 25.00

Sign inspection bonds per required inspection \$ 200.00

Sign Erectors (Chapter 86)

Original license \$ 25.00

Renewal - annual fee \$ 15.00

Bond \$ 5,000.00

COMMUNITY DEVELOPMENT DEPT.

EXISTING FEE

<u>Sign Removal: Failure to comply with notice to remove, daily fine to commence on 31st day after notice to remove is issued.</u>	\$	25.00
<u>Site Evaluation</u>		
New house	\$	250.00
Addition, accessory structure and impervious surfaces	\$	125.00
<u>Special Land Use Permits (See Zoning)</u>		
<u>Subdivision plats (Chapter 102)</u>		
Tentative preliminary plat approval		
Fee		\$2,500.00
Plus per lot		\$10.00
Final preliminary plat approval		
Fee		\$1,000.00
<u>Temporary Structure (Tents, Canopies, etc)</u>		
Original permit	\$	100.00
Renewal	\$	25.00
Plan checking fee	\$	50.00
Temporary Use Permit	\$	100.00
<u>Vacant Property Registration Fee</u>		
Residential	\$	100.00
Commercial	\$	100.00
Safety and maintenance inspection	\$	75.00
Administrative costs: Inspector per hour	\$	55.00
Support staff per hour	\$	45.00
Sanctions, remedies, penalties:		
First offense	\$	150.00
Second offense and any other subsequent offense	\$	500.00
<u>Zoning Ordinance Fees</u>		
Board of Appeals		
Single family residential	\$	310.00
All others	\$	510.00
Community Impact Review	\$	2,050.00
Design review fee	\$	350.00
Historic district review		
Single family residential district	\$	-
All other zone districts	\$	350.00
Public notice signs for land development applications		
Fee	\$	50.00
Deposit	\$	100.00
Site Plan Review		
R-4 through R-8 zone districts fee	\$	850.00
Plus, per dwelling unit affected by minor construction or minor site plan changes, as determined by the planning director	\$	50.00

COMMUNITY DEVELOPMENT DEPT.

EXISTING FEE

Or, plus, for each dwelling unit in the entire complex for all other site plan changes, as determined by the planning director	\$	50.00
Non-residential districts fee	\$	1,050.00
Plus per acre or fraction thereof	\$	50.00
Special Land Use Permits		
*Special land use	\$	800.00
Plus, site plan review	\$	1,050.00
Plus, design review	\$	350.00
Plus, publish of legal notice	\$	450.00
Annual renewal fee	\$	200.00
Temporary Use Permit	\$	100.00
Zoning Compliance Letters	\$	50.00
Zoning Compliance Permit Fees		
Accessory Structures Under 200 Square Feet	\$	125.00
Fence Permit - <i>Single Family Zoned Districts</i>	\$	50.00
Impervious Surface (driveway, patio, etc.) <i>Single Family Zoned Districts</i>	\$	125.00
Zoning Ordinance Interpretation (Formal Report)		
One & two family zone districts		\$125.00
All other zone districts		\$175.00

THE FEES FOR DESIGN REVIEW, SITE PLAN REVIEW, HISTORIC DISTRICT REVIEW AND SPECIAL LAND USE PERMITS SHALL BE DOUBLE THE LISTED AMOUNTS IN THE EVENT THE PROPOSED PROJECT IS COMMENCED PRIOR TO FILING OF AN APPLICATION FOR REVIEW BY THE CITY.

* Special Land Use permit fees may be waived at the discretion of the City Manager where an amendment is sought by the applicant to change the name of the establishment, or remove parties from the permit when it involves a liquor license associated SLUP.

FEE SCHEDULE

DEPARTMENT OF PUBLIC SERVICES		EXISTING FEES
<u>Cross Connections Inspections/Re-Inspections (114-122)</u>		
Fee	\$	50.00
Plus, a per hour charge, to be charged at 1/4 hour increments, per city employee or city representative for the time spent on such inspections or re-inspections concerning a particular water consumer.		
Device test report review, per report	\$	10.00
<u>Dog Park Annual Pass:</u>		
Resident	\$	50.00
Non-Resident	\$	200.00
<u>Golf Course Fees - Adjusted annually by resolution of City Commission with recommendation of Parks and Recreation Board</u>		
<u>Grass & Weed Violations (118-66 to 118-68)</u>		
Cutting charge for properties less than or equal to 50 feet wide	\$	135.00
Cutting charge for properties greater than 50 feet wide	\$	200.00
Municipal Civil Infraction Fine (in addition to cutting charge):		
First Offense	\$	50.00
Second Offense	\$	100.00
Third Offense	\$	200.00
All violations after the third offense in a calendar year	\$	200.00
<u>Hydrant Use</u>		
Deposit (if required as determined by Fire Chief)	\$	100.00
Permit Fee	\$	160.00
Water Charge	\$	64.75
Includes 5000 gallons at standard charge. Water charge in excess of 5000 gallons will be charged at double rate \$25.90 per thousand gallons.		
This rate may be revised every year effective July 1st.	\$	25.90
<u>Hydrant Repair</u>		
To be calculated by DPS, Will include labor, equipment, material		
<u>Ice Arena Fees - Annual evaluation at budget</u>		
<u>Leisure Activity Pass:</u>		
First year	\$	15.00
Revalidate/Replace for subsequent seasons	\$	10.00
<u>Recycle Bins</u>		current cost
<u>Refuse collection charges (Chapter 90) Fill-A-Dump</u>	\$	300.00
<u>Snow Removal from Sidewalks (98-66 - 98-68) - minimum charge</u>	\$	100.00
<u>Tree Preservation (Chapter 118)</u>		
Registration for tree service business	\$	100.00
Sanctions, remedies, penalties:		
First offense, per tree	\$	500.00
Second offense, per tree	\$	1,000.00

DEPARTMENT OF PUBLIC SERVICES

EXISTING FEES

Water

Customer requested service, emergency, 2 hr. minimum plus equipment and materials if applicable	\$ 200.00
Meter department service fee, plus equipment and materials if applicable	\$ 80.00
Meter department service fee for no show appointment	\$ 40.00
Final meter reading without 24 hour notice	\$ 150.00
Stop box construction deposit (includes \$100 inspection \$400 refundable	\$ 500.00
Curb box and lid repair (done by city)	\$ 500.00
Opt Out Plan Meter Reading Fee	\$ 12.02
Frozen water service line thaw - first visit	no charge
Frozen water service line thaw - second visit and beyond (\$200 minimum)	time & material (\$200 minimum)

Water

Additional charge for water used:

For each 1,000 gallons or part thereof	\$ 4.87
Service of notice of intent to discontinue service for non-payment of charges (114-303)	\$ 50.00
Meter department service fee	\$ 80.00
Meter department service fee for no show appointment	\$ 40.00
Final meter reading without 24 hour notice	\$ 150.00
Stop box construction deposit (includes \$100 inspection \$400 refundable)	\$ 500.00
Curb box and lid repair (done by city)	\$ 500.00

Water Rates

Meter Size

5/8" Quarterly fixed charge	\$ 5.00
5/8" Monthly fixed charge	\$ 1.67
1" Quarterly fixed charge	\$ 8.00
1" Monthly fixed charge	\$ 2.67
1 1/2" Quarterly fixed charge	\$ 12.00
1 1/2" Monthly fixed charge	\$ 4.00
2" Quarterly fixed charge	\$ 16.00
2" Monthly fixed charge	\$ 5.33
3" Quarterly fixed charge	\$ 24.00
3" Monthly fixed charge	\$ 8.00
4" Quarterly fixed charge	\$ 32.00
4" Monthly fixed charge	\$ 10.67
6" Quarterly fixed charge	\$ 48.00
6" Monthly fixed charge	\$ 16.00
8" Quarterly fixed charge	\$ 64.00
8" Monthly fixed charge	\$ 21.33

DEPARTMENT OF PUBLIC SERVICES

EXISTING FEES

Special charges to the city

Annual charge for fire hydrants \$ 18.50

Annual charge for drinking fountains \$ 20.00

Water & Sewer Connections (Chapter 114):

Water Service Only - Single Trench

Easement 1":

Service Install \$ 1,790.00

Water Meter, MTU, Brass Meter Spuds, and Trip \$ 657.00

Water for Construction \$ 50.00

Total \$ 2,497.00

Easement 1 1/2":

Service Install \$ 2,010.00

Water Meter, MTU, Brass Meter Flanges, and Trip \$ 1,850.00

Water for Construction \$ 70.00

Total \$ 3,930.00

Easement 2":

Service Install \$ 2,210.00

Water Meter, MTU, Brass Meter Flanges, and Trip \$ 2,060.00

Water for Construction \$ 95.00

Total \$ 4,365.00

All Paved Surfaces 1":

Service Install \$ 3,950.00

Water Meter, MTU, Brass Meter Spuds, and Trip \$ 657.00

Water for Construction \$ 50.00

Total \$ 4,657.00

All Paved Surfaces 1 1/2":

Service Install \$ 4,270.00

Water Meter, MTU, Brass Meter Flanges, and Trip \$ 1,850.00

Water for Construction \$ 70.00

Total \$ 6,190.00

All Paved Surfaces 2":

Service Install \$ 4,630.00

Water Meter, MTU, Brass Meter Flanges, and Trip \$ 2,060.00

Water for Construction \$ 95.00

Total \$ 6,785.00

Water for construction rates on larger services:

3" \$ 120.00

4" \$ 190.00

6" \$ 330.00

8" \$ 465.00

DEPARTMENT OF PUBLIC SERVICES		EXISTING FEES
(Prices on water services over 2" in size will be determined by (DPS) on a time and material basis. A deposit will be made for the estimated cost as determined by DPS.)		
5/8" meter		\$ 120.00
1" meter		\$ 180.00
1 1/2" meter		\$ 1,320.00
2" meter		\$ 1,525.00
(Price to be obtained from meter department for any water meter larger than 2")		
Meter Transceiver Unit (MTU)		\$ 135.00
1" Brass Meter Spuds		\$ 22.00
1.5" Brass Meter Flanges		\$ 75.00
2" Brass Meter Flanges		\$ 80.00
* Inspection fee when trenching not done by DPS per service		\$ 400.00
Water disconnection fee:		
Water service disconnection at property line if service will be reused (1" or larger copper water services only)		\$ 1,000.00
2" service or smaller		\$ 1,850.00
4" service or greater to be determined individually by the DPS		
* Fees for trench maintenance		\$ 800.00
Refundable deposit		\$ 1,000.00
<u>Wedding Rental (Parks)</u>		\$ 100.00
Shain Park (weekdays/weekends)		
Resident		\$ 200.00
Non-Resident		\$ 400.00
Security Deposit		\$ 100.00
Birmingham Historical Museum Park (John West Hunter Park) (weekdays/weekends)		
Resident		\$ 200.00
Non-Resident		\$ 400.00
Security Deposit		\$ 100.00
All other City Parks (weekdays/weekends)		
Resident		\$ 70.00
Non-Resident		\$ 140.00
Security Deposit		\$ 50.00
<u>Well Permit</u>		\$ 100.00

* Fees waived for properties with confirmed or suspected lead services based on current City records that wish to replace their lead water service.

FEE SCHEDULE

ENGINEERING		EXISTING FEE	PROPOSED FEE	CHANGE CODE	Staff
<u>Bidding Document Fee</u>					
Large Set - Paper Copy		\$ 50.00			
Small Set - Paper Copy		\$ 30.00			
CD Copy (any size)		\$ 15.00			
(Copy fee waived for Plan Room and Advertising Services)					
<u>Cable Communications Permit (30-133 (j))</u>					
Cable Franchise Insurance: Standard Insurance requirements plus excess liability insurance (or umbrella policy) on an "occurrence basis", with limits of liability not less than \$5,000,000 per occurrence; and indemnification provisions (see Section 30-190)					
<u>Curb Closings (See Streets & Sidewalks)</u>					
<u>Driveways (See Streets & Sidewalks)</u>					
<u>Parking Meters</u>					
High Demand (Areas Inside Central Core of Business District)		\$ 1.50	per hour		
Lower Demand (Areas Outside Central Core of Business District)		\$ 1.00	per hour		
<u>Parking Structures</u>					
Less than 2 hours		free			
Less than 3 hours		\$ 2.00			
Less than 4 hours		\$ 4.00			
Less than 5 hours		\$ 6.00			
Less than 6 hours		\$ 8.00			
Over 6 hours		\$ 10.00			
Over 7 hours		\$ 10.00			
Over 8 hours		\$ 10.00			
Maximum Fee After 10:00PM		\$ 5.00			
Permit Parking - Chester St. Structure		\$ 50.00			
Permit Parking - All Others		\$ 70.00			
<u>Parking Structure Permit Parking Activation Fee</u>					
Deposit (any cards returned after six-months not eligible for refund)		\$ 20.00			
Activation fee per AVI card		\$ 30.00			
Returned checks		\$ 30.00			
<u>Permit Parking At Meters (3 Months)</u>					
Lot 6 - Regular		\$ 210.00			
Lot 6 - Restricted		\$ 150.00			
Ann St. North		\$ 180.00			
South Old Woodward		\$ 120.00			
Lot 11 - NW Corner Maple & Woodward		\$ 180.00			
Lot 12 - SE Corner Maple & Woodward		\$ 180.00			
<u>Right-of-Way Permits</u>					
* Permit Fee		\$ 50.00			
* Trench Maintenance		\$ 900.00			
* Water Service Inspection Fee		\$ 400.00			
Sewer Service Inspection Fee		\$ 400.00			
Cash Bond (Refundable)		\$ 1,000.00			
<u>Sidewalks (See Streets & Sidewalks)</u>					
<u>Soil erosion and sediment control permit fees:</u>					
Less than 1 acre site		\$ 50.00			
1-2 acre site		\$ 100.00			
2-3 acre site		\$ 150.00			
The permit fee shall increase for every acre or portion thereof in excess of the above examples.					
Inspection desposits:					
Less than 1 acre site		\$ 1,560.00			
1-2 acre site		\$ 3,120.00			
2-3 acre site		\$ 4,680.00			
The inspection deposit shall increase \$1,560.00 per additional acre or portion thereof in excess of the above examples.					

* Fees waived for properties with confirmed or suspected lead services based on current City records that wish to replace their lead water service.

ENGINEERING			EXISTING FEE	PROPOSED FEE	CHANGE CODE	Staff
<u>Soil Filling Permit (Chapter 50)</u>						
Application fee			\$ 600.00			
Permit fee, per cubic yard			\$ 0.20			
<u>Small Cell Monthly License</u>						
Tier 1 - Per Month Per Pole			\$75.00			
Tier 2 - Per Month Per Pole			\$150.00			
Performance Bond			\$10,000.00			
Administrative Fee			\$500.00			
<u>Stormwater runoff (Chapter 114)</u>						
Permit per acre of affected area			\$ 100.00			
Minimum			\$ 50.00			
<u>Storm Water Utility Fee Related Charges</u>						
Storm Water Utility Fee Credit Application or Renewal			\$ 50.00			
Low Impact Development Determination			\$ 50.00			
Storm Water Utility Appeals Board Application			\$ 50.00			
<u>Storm Water Utility Fee - Credit Schedule</u>						
<u>CREDIT</u>	<u>APPLIES TO</u>	<u>ANNUAL VALUE</u>	<u>RENEWAL PERIOD</u>			
<u>Rain Barrels</u>	SFR/Non-SFR	\$15	2 years			
<u>Rain Garden/Bio-Swale</u>	SFR.Non-SFR	\$20 *	5 years			
<u>Infiltration Trench/Dry Well</u>	SFR/Non-SFR	\$25 *	5 years			
<u>Cistern</u>	SFR/Non-SFR	\$25 *	10 years			
<u>Pervious Pavement</u>	SFR/Non-SFR	\$10 (200-300 Sq. Ft.) \$20 (300-400 Sq. Ft.) \$30 (>400 Sq. Ft.)	10 years			
<u>Disconnect Footing Drain</u>	SFR/Non-SFR	\$40	10 years			
<u>LID Building Measures</u>	Non-SFR	ESWU reduction	N/A			
<u>LID Site Measures</u>	Non-SFR	ESWU reduction	N/A			
<u>Enhanced Retention</u>	Non-SFR	ESWU reduction	N/A			
Those credits marked with an asterisk (*) will be multiplied by the relative size of the parcel the improvement makes on the property, provided that the improvement truly captures at least 50% of the impervious area that is draining directly to the sewer system, according to the following schedule:						
	<u>SFR CLASS</u>	<u>CREDIT MULTIPLICATION FACTOR</u>				
	Classes A & B	1				
	Class C	1.6				
	Class D	2.4				
	Class E	3.2				
	Class F	4.6				
<u>Streets & Sidewalks:</u>						
There shall be a minimum charge of \$85.00 for all curb closing, curb, cuts, driveways and sidewalk permits.			\$ 85.00			
Curb closings (98-91):						
	Permit per linear foot		\$ 3.00			
	Minimum		\$ 30.00			
Curb cuts (98-91):						
	Permit per linear foot		\$ 3.00			
	Minimum		\$ 30.00			
Driveways (98-91):						
	Permit		\$ 30.00			
Sidewalks (98-57):						
	Permit, per square foot		\$ 0.40			
	Minimum		\$ 20.00			
Excavations (98-26):						
	Permit		\$ 50.00			
	Plus deposit to be determined by city engineer to cover estimated cost of possible city expenses, minimum					
Moving buildings (98-3 - 98-28):						

ENGINEERING		EXISTING FEE	PROPOSED FEE	CHANGE CODE	Staff
Obstructions (98-26):	Permit	\$ 50.00			
	Plus deposit to be determined by city engineer to cover estimated cost of possible city expenses, minimum	\$ 1,000.00			
	harmless				
	agreement				
	Permit	\$ 50.00			
	Plus deposit to be determined by city engineer to cover estimated cost of possible city expenses, minimum	\$ 1,000.00			

FEE SCHEDULE

FINANCE DEPARTMENT

EXISTING
FEE

Sewer Service Rates (Chapter 114)

For each 1,000 gallons or part thereof

\$ 7.56

Storm Water Utility Fee (Chapter 114)

Property Type	SFR Class	Average Runoff Potential	ESWU
Single-Family Residential, 0-125 acres or less	Class A	3,166	0.7
Single-Family Residential, 0-126 acres - 0.250 acres	Class B	4,317	1
Single-Family Residential, 0.251 acres - 0.500 acres	Class C	6,716	1.6
Single-Family Residential, 0.501 acres - 0.750 acres	Class D	10,552	2.4
Single-Family Residential, 0.751 acres-1,000 acres	Class E	13,094	3.2
Single-Family Residential, 1,001 acres or larger	Class F	20,496	4.6

Non-Single Family ESWU. The storm water utility fee for non-single family lots shall equal the number ESWU'S for a given lot, multiplied by the annual rate established by the City Commission per ESWU per year. The formula for determining the number of ESWU'S per non-single family lot shall be calculated from the amount of pervious and impervious lot area as follows:

Number of ESWU'S = "0.15 (TA-1A + 0.90 (IA))"/4317 s.f./ESWU

where TA=total area of each lot (reported in square feet);

IA=impervious area of each lot (reported in square feet).

Evergreen-Farmington Sewage Disposal District:

For each Equivalent Storm Water Unit (ESWU)

Quarterly fixed fee

\$48.75

Monthly fixed fee

\$16.25

Southeast Oakland County Sewage Disposal District:

For each Equivalent Storm Water Unit (EWSU)

Quarterly fixed fee

\$61.25

Monthly fixed fee

\$20.42

Industrial Surcharge (Chapter 114)

An industrial surcharge shall be levied against industrial and commercial customers contributing sewage to the system with concentrations of pollutants exceeding the levels described as follows:

Amounts of Industrial Surcharge - Total Charge per pound of excess pollutants

Biochemical oxygen demand (BOD), over 275 mg/l	\$ 0.483
Total suspended solids (TSS), over 350 mg/l	\$ 0.490
Phosphorus (P), over 12 mg/l	\$ 7.228
Fats, oils, grease (FOG) over 100 mg/l	\$ 0.465

Industrial Waste Control IWC (Chapter 114)

An industrial waste control charge shall be levied against all non-residential properties, in accordance with rates established by resolution.

Meter Size - Quarterly Charge

5/8"	\$ 10.65
3/4"	\$ 16.02
1"	\$ 26.67
1 1/2"	\$ 58.68
2"	\$ 85.32
3"	\$ 154.65
4"	\$ 213.30
6"	\$ 319.92
8"	\$ 533.22
10"	\$ 746.52
12"	\$ 853.14
14"	\$ 1,066.44
16"	\$ 1,279.74
18"	\$ 1,493.01
20"	\$ 1,706.31
24"	\$ 1,919.58
30"	\$ 2,132.88
36"	\$ 2,346.18
48"	\$ 2,559.45

Effective July 1, 2018

FEE SCHEDULE

FIRE DEPARTMENT		EXISTING FEE
<u>EMS Transport Service Fees (Chapter 54)</u>		
ALS Emergency Transport II		\$ 770.00
ALS Emergency Transport I		\$ 585.00
ALS Non-Emergency Transport		\$ 585.00
BLS Emergency Transport		\$ 475.00
BLS Non-Emergency Transport		\$ 475.00
Loaded Mile (scene to hospital fee per mile)		\$ 14.00
<u>Fire Code Operational Permits</u>		
As listed in the International Fire Code		\$ 50.00
<u>Hydrant Use & Hydrant Repair - See DPS</u>		
<u>Open Fires Permit (includes inspection)</u>		\$ 50.00
<u>Pyrotechnics displays Permit</u>		\$ 50.00
<u>Administrative Fee-Non-electronic reporting (inspections/testing/maintenance)</u>		\$ 50.00

FEE SCHEDULE

MUSEUM

EXISTING FEE

Limited Use Fee-Allen House

Cleaning Deposit, returnable	\$100.00
2 hrs. of approved private use - Allen House, first floor only, with event specific rider and agreement	\$550.00
Insurance: Standard Insurance Requirements and Hold Harmless Agreement	

Limited Use Fee-Park/Grounds

Security Deposit, returnable	\$100.00
Up to 20 people- resident	\$250.00
Up to 20 people- non resident	\$500.00
21-100 people- resident	\$400.00
21-100 people-non- resident	\$800.00
Over 100 people returnable	additional fees will apply
Over 100 people	\$250.00
Insurance: Standard Insurance Requirements and Hold Harmless Agreement	

Research Requests

First hour	\$25.00
Each additional hour	\$15.00

FEE SCHEDULE

POLICE DEPARTMENT		EXISTING FEE
<u>*Alcohol:</u>		
Specially Designated Distributor		\$ 500.00
Specially Designated Merchant		\$ 500.00
<u>False Alarm fees (74-31):</u>		
First false alarm per calendar year		no charge
All subsequent false alarms per calendar year		\$ 50.00
<u>Fingerprints</u>		
Full set of fingerprints; said fee shall be in addition to any license or permit fee which requires fingerprints to be taken and/or submitted to the Michigan State Police or the Federal Bureau of Investigation		\$ 10.00
<u>Meter Bags - Daily Fee</u>		\$ 18.00
<u>Outdoor Dining Café Platform Meter Fees</u>		
(See City Clerk's Office Fee Schedule)		
<u>Parking Permits (110-136 - 110-150)</u>		
Residential parking permit per household (includes 2 resident and 3 visitor permits for a two-year period)		\$ 8.00
<u>Parking Offenses & Fines (If paid before 10 days/If paid after 10 days)</u>		
Expired meter: first seven offenses in calendar		\$10/20
Expired meter: eight offenses or more in calendar year		\$30/40
Overtime in non-metered zone		\$10/20
Overtime in a time zone: less than 2 hours		\$15/25
Overtime in a time zone: 2 hours or longer		\$30/40
Stopping, standing or parking where prohibited		\$30/40
Parking over the meter line		\$10/20
Back into parking lot space		\$10/20
Keys in ignition or ignition unlocked		\$30/40
Other illegal parking		\$30/40
No parking here to corner		\$30/40
Handicap zone		\$100/125
Violation of snow emergency parking ordinance		\$50/75
Illegal parking in permit area		\$30/40
Illegal parking on private property		\$30/45

FEE SCHEDULE

POLICE DEPARTMENT		EXISTING FEE
<u>Pedi-cabs & Commercial Quadricycles</u>		
Annual Application Fee		\$ 50.00
<i>Insurance: The owner of every pedicab or commercial quadricycle shall procure and file with the city clerk a liability insurance policy or similar proof of insurance issued by an insurance company authorized to do business in the state. The amount of such liability insurance for each pedicab or commercial quadricycle shall be as follows: An amount of not less than \$2,000,000 because of bodily injury to or death of any one person; in an amount of \$2,000,000 because of bodily injury of two or more persons in any one accident; in an amount of not less than \$2,000,000 in medical coverage for each passenger. Such policy of insurance may be in the form of a separate policy for each pedicab or commercial quadricycle, or may be in the fleet policy covering all pedicabs or commercial quadricycles operated by such owner; provided, however, that such a policy provide for the same amount of liability for each pedicab or commercial quadricycle operated. Provided further, such policy shall name the City of Birmingham as an additional insured, and no such policy as required above may be cancelled until the expiration of 30 days after notice of intent to cancel has been given in writing to the city clerk of the City by registered mail or personal delivery of such notice and a provision to that effect is made a part of such policy.</i>		
<u>Precious Metals Dealers 26-161</u>		
Annual License Fee		\$ 500.00
Annual criminal background check - per person (to be provided by applicant using the Michigan State Police ICHAT system)		
<u>Preliminary breath test (PBT) each</u>		\$ 10.00
<u>Stray Animal Fines:</u>		
Licensed pet properly immunized first offense		\$ 25.00
Second offense within twelve month period		\$ 50.00
<u>Vehicle Identification Number Inspection Fee</u>		\$ 25.00
<u>Vehicle Impounding Fee</u>		\$ 25.00
<u>Vehicle Inspection Fee</u>		\$ 25.00
*Fee for liquor license inspection may be waived at the discretion of the City Manager where an applicant seeks to change the liquor license by the removal of a licensee from the license and the licensed establishment is not in operation.		

FEE SCHEDULE

TREASURER'S OFFICE		EXISTING FEE
<u>Returned Check fees (15.1 - 15.3)</u>	\$	25.00
<u>Treasurer's certificate</u>	\$	10.00



NOTICE OF INTENTION TO APPOINT TO THE MULTI-MODAL TRANSPORTATION BOARD

At the regular meeting of Monday, December 9, 2019, the Birmingham City Commission intends to appoint one Regular member to the Multi-Modal Transportation Board with Urban Planning/Architecture/Design Education/Experience to serve a three-year term to expire March 24, 2022, and one Alternate member to serve a three-year term to expire October 27, 2022.

Interested citizens may submit an application available at the City Clerk's office or online at www.bhamgov.org/boardopportunities. Applications must be submitted to the City Clerk's office on or before noon on Wednesday, December 4, 2019. 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.

In so far as possible, the seven member committee shall be composed of the following: one pedestrian advocate member; one member with a mobility or vision impairment; one member with traffic-focused education and/or experience; one bicycle advocate member; one member with urban planning, architecture or design education and/or experience; and two members at large living in different geographical areas of the City. Applicants for this position do not have to be a qualified elector or property owner in Birmingham.

Duties of the Multi-Modal Transportation Board

The purpose of the Multi-Modal Transportation Board shall be to assist in maintaining the safe and efficient movement of motorized and non-motorized vehicles and pedestrians on the streets and walkways of the city and to advise the City Commission on the implementation of the Multi-Modal Transportation Plan, including reviewing project phasing and budgeting.

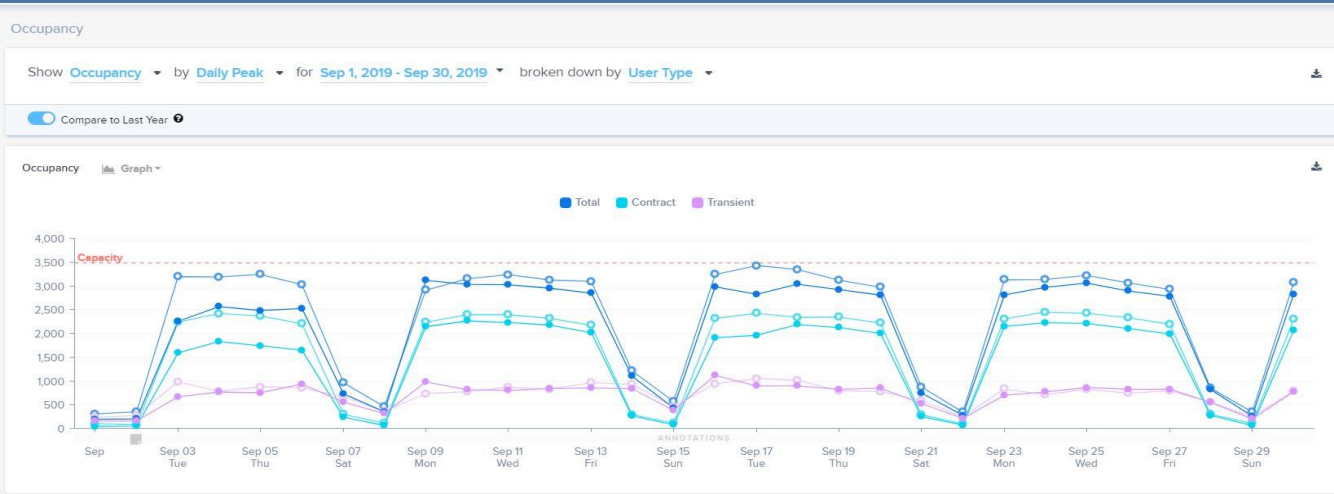
Criteria/Qualifications of Open Position	Date Applications Due (by noon)	Date of Interview
In so far as possible, members shall represent pedestrian advocacy, mobility or vision impairment, traffic-focused education/experience, bicycle advocacy, urban planning, architecture or design education/experience, or different geographical areas of Birmingham. Members may or may not be electors (registered voter) or property owners of the City of Birmingham.	12/4/2019	12/11/2019

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.

City of Birmingham Parking Utilization Dashboard – September 2019

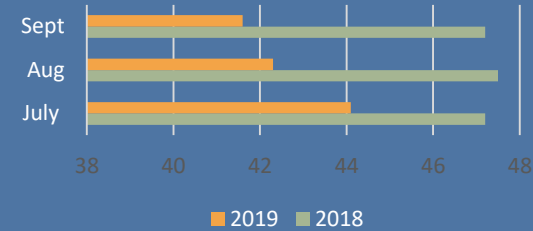
Parking Garages

OCCUPANCY

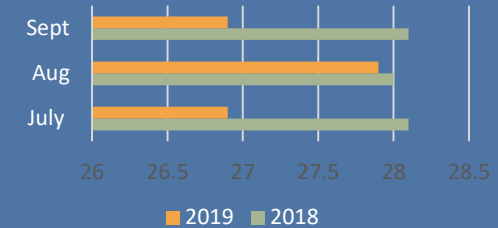


Parking Meters

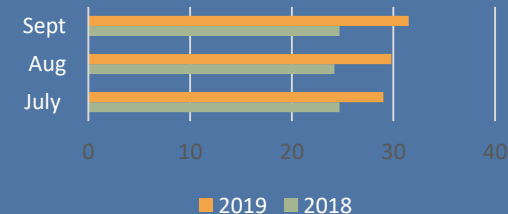
Coin



Credit



ParkMobile



DURATION



Roof Top Valet

September 2018	September 2019	Percentage Change
40	94	135%

MONTHLY PARKING PERMIT REPORT

For the month of: September 2019

Date Compiled: October 8, 2019

	Pierce	Park	Peabody	N.Old Wood	Chester	Lot #6/\$210	Lot #6/\$150	South Side	Lot B	35001 Woodward	Lot 12	Total
1. Total Spaces	706	811	437	745	880	174	79	8	40	40	150	4070
2. Daily Spaces	370	348	224	359	425	N/A	N/A	N/A	N/A	N/A	N/A	1726
3. Monthly Spaces	336	463	213	386	560	174	79	8	30	40	150	2439
4. Monthly Permits Authorized	550	750	400	800	1140	150	40	8	30	50	225	4143
5. Permits - end of previous month	550	750	400	800	1140	150	40	8	30	50	225	4143
6. Permits - end of month	550	750	400	800	1140	150	40	8	30	50	205	4123
7. Permits - available at end of month	0	0	0	0	0	0	0	0	5	0	20	25
8. Permits issued in month includes permits effective 1st of month	1	0	1	4	3	0	0	0	0	0	0	9
9. Permits given up in month	1	0	1	4	3	0	0	0	0	0	0	9
10. Net Change	0	0	0	0	0	0	0	0	0	0	0	0
11. On List - end of month* **On List-Unique Individuals	1299	1431	1258	1587	1134	27	0	0	0	22	0	6758 3869
12. Added to list in month	54	5	67	11	14	0	0	0	0	0	0	151
13. Withdrawn from list in month (w/o permit)	0	0	0	0	0	0	0	0	0	0	0	0
14. Average # of weeks on list for permits issued in month	143	82	141	126	57	0	0	0	0	0	0	109.8
15. Transient parker occupied	239	230	112	161	56	N/A	N/A	N/A	N/A	N/A	N/A	798
16. Monthly parker occupied	302	563	286	536	622	N/A	N/A	N/A	N/A	N/A	N/A	2309
17. Total parker occupied	541	793	398	697	678	N/A	N/A	N/A	N/A	N/A	N/A	3107
18. Total spaces available at 1pm on Wednesday 9/11	165	18	39	48	202	N/A	N/A	N/A	N/A	N/A	N/A	472
19. "All Day" parkers paying 5 hrs. or more A:Weekday average. B:*Maximum day	223 N/A*	234 N/A*	116 N/A*	152 N/A*	83 N/A*	N/A N/A	N/A N/A	N/A N/A	N/A N/A	N/A N/A	N/A N/A	808 0
20. Utilization by long term parkers	N/A*	N/A*	N/A*	N/A*	N/A*	N/A	N/A	N/A	N/A	N/A	N/A	#DIV/0!

(1) Lot #6 does not have gate control, therefore no transient count available

(2) (Permits/Oversell Factor + Weekday Avg.) / Total Spaces

* Average Maximum day not available currently in Skidata

** Unique individuals represent the actual number of unique people on the wait list regardless of how many structures they have requested.

**Birmingham Parking System
Transient & Free Parking Analysis
Months of September 2018 & September 2019**

September 2018

GARAGE	TOTAL CARS	FREE CARS	CASH REVENUE	% FREE
PEABODY	15,659	8,661	\$54,768.00	55%
PARK	17,298	7,235	\$40,562.00	42%
CHESTER	7,662	2,669	\$56,122.00	35%
WOODWARD	12,333	6,615	\$34,448.00	54%
PIERCE	25,661	11,840	\$68,858.00	46%
TOTALS	78,613	37,020	\$254,758.00	47%

September 2019

GARAGE	TOTAL CARS	FREE CARS	CASH REVENUE	% FREE
PEABODY	16,416	8,944	\$ 32,504.01	54%
PARK	18,896	7,365	\$ 57,043.01	39%
CHESTER	6,578	2,688	\$ 44,843.01	41%
WOODWARD	12,925	6,322	\$ 37,848.01	49%
PIERCE	23,170	10,524	\$ 65,904.01	45%
TOTALS	77,985	35,843	\$ 238,142.05	46%

BREAKDOWN:	TOTAL CARS	-1%
	FREE CARS	-3%
	CASH REVENUE	-7%



MEMORANDUM

Finance Department

DATE: October 18, 2019

TO: Joseph A. Valentine, City Manager

FROM: Mark Gerber, Director of Finance/Treasurer

SUBJECT: First Quarter Financial Reports

Background

Chapter 7, section 3(b) of the City charter requires the Director of Finance to report on the condition of the City quarterly. Quarterly reports are prepared for the first 3 quarters of the year with the annual audit serving as the 4th quarter report. Only the following funds are reported quarterly because by state law they require a budget: General Fund, Greenwood Cemetery Perpetual Care Fund, Major and Local Street Funds, Solid Waste Fund, Community Development Block Grant Fund, Law and Drug Enforcement Fund, Baldwin Public Library Fund, Principal Shopping District Fund, Brownfield Redevelopment Authority Fund, Triangle District Corridor Improvement Authority Fund, and the Debt Service Fund.

Overview

Attached is the first quarter 2019-2020 fiscal year financial reports. The reports compare budget to actual for the current fiscal year and the prior fiscal year for the same quarter. This allows comparisons between fiscal years as well as percentage of budget received/spent for the year. The budget categories used for each fund are the same ones approved by the Commission when they adopted the budget. Budget discussions that follow will focus on each fund individually.

At this point, 25% of the fiscal year has lapsed.

General Fund

Overall, the activity in the General Fund for fiscal year 2019-2020 is comparable to the prior fiscal year. Revenues are approximately \$1.1 million higher than last year as a result of an increase in property tax revenue. The increase in property tax revenue is the result of an increase in taxable value from the prior year. Licenses and Permits are down approximately \$200,000 from the previous year primarily as a result of large commercial permit fees received in the first quarter of 2018-2019 compared to 2019-2020. This decrease was offset by increases in other revenue categories.

Total current year-to-date expenditures for the General Fund are slightly higher than the prior year by \$240,000, or 3%. All functional areas are reasonable compared to the prior year. Transfers Out is over 25% of budget as a result of 2 quarterly payments made to the 48th District Court in this quarter.

Greenwood Cemetery Fund

Quarterly revenue from cemetery plot sales was not received until after September 30th. No expenditures have been made so far this fiscal year.

Major Street Fund

Total revenues are approximately \$200,000 more than the prior year as a result of higher budgeted transfers from the General Fund.

Overall expenditures are slightly higher than the previous year by approximately \$150,000 due to an increase in construction expenditures.

Local Street Fund

Total revenues for the year are approximately the same as the prior year.

Total expenditures are approximately \$600,000 more than the prior year mainly as a result of higher construction expenditures of \$800,000 as a result of street work in the Quarton Lake area. These costs were partially offset by a reduction in street maintenance costs of \$200,000 as a result of cape seal work performed in the 1st quarter of FY 2018-2019.

Solid Waste Fund

Revenues are approximately \$60,000 higher than the previous year as a result of higher property tax revenue.

Expenditures are approximately the same as the prior fiscal year.

Brownfield Redevelopment Authority Fund

Revenues are approximately \$350,000 lower compared to the prior year as a result of a decrease in property taxes captured. The taxes on the Balmoral project is no longer being captured as the developer has been paid their environmental costs.

Expenditures are approximately \$220,000 higher than the prior year as a result of reimbursing developers in September this fiscal year versus October in fiscal year 2018-2019. Expenditures are over budget as a result of the settlement with 2400 Lincoln, LLC. This budget variance will be addressed at year-end.

Principal Shopping District

Total revenues and expenditures are comparable to the previous fiscal year.

Community Development Block Grant Fund

Expenditures are lower in the current fiscal year as a result of work performed on the exterior ADA door to the police department in FY 2018-2019.

Triangle District Corridor Improvement Authority

Development opportunities are ongoing with private land owners and developers in the Triangle District.

Law and Drug Enforcement Fund

Expenditures are higher in the current fiscal year as a result of the purchase of the Watchguard video system for the patrol vehicles.

Baldwin Library

Revenue has increased approximately \$135,000. This is the result of an increase in the property tax revenue as a result of an increase in taxable value.

Expenditures are approximately \$330,000 higher than the prior fiscal year as a result of building improvements of \$265,000 and increase in personnel costs of \$43,000.

Debt Service Fund

Revenues and expenditures are slightly higher as a result of scheduled debt service costs for the year compared to the previous year. Expenditures are at 94% spent for the year as a result of making a principal payment in September.

CITY OF BIRMINGHAM
 QUARTERLY BUDGET REPORT
 GENERAL FUND
 QUARTER ENDED: SEPTEMBER 30, 2019 AND SEPTEMBER 30, 2018
 % OF FISCAL YEAR COMPLETED: 25%

	2019-2020			2018-2019		
	AMENDED BUDGET	YEAR-TO-DATE ACTUAL	% OF BUDGET USED	AMENDED BUDGET	YEAR-TO-DATE ACTUAL	% OF BUDGET USED
REVENUES:						
USE OF FUND BALANCE	1,242,304	-	0%	2,312,470	-	0%
TAXES	26,114,630	26,038,332	100%	24,941,490	24,903,918	100%
LICENSES AND PERMITS	3,053,720	593,885	19%	3,173,150	778,294	25%
INTERGOVERNMENTAL	2,157,650	55,839	3%	2,130,740	4,485	0%
CHARGES FOR SERVICES	3,403,470	730,323	21%	3,356,410	686,766	20%
FINES AND FORFEITURES	1,776,140	317,500	18%	1,838,990	303,251	16%
INTEREST AND RENT	621,090	111,163	18%	398,230	91,645	23%
OTHER REVENUE	418,820	45,606	11%	536,410	7,260	1%
TRANSFERS IN	200,000	50,000	25%	100,000	25,000	25%
TOTAL REVENUES	<u>38,987,824</u>	<u>27,942,648</u>	<u>72%</u>	<u>38,787,890</u>	<u>26,800,619</u>	<u>69%</u>
EXPENDITURES:						
GENERAL GOVERNMENT	6,194,447	1,225,401	20%	5,991,678	1,104,120	18%
PUBLIC SAFETY	14,315,018	3,168,299	22%	13,671,162	3,059,555	22%
COMMUNITY DEVELOPMENT	3,288,445	669,562	20%	3,487,024	615,720	18%
ENGINEERING AND PUBLIC SERVICES	6,917,200	1,201,276	17%	7,127,859	1,039,744	15%
TRANSFERS OUT	8,202,987	2,293,049	28%	8,510,150	2,498,408	29%
TOTAL EXPENDITURES	<u>38,918,097</u>	<u>8,557,587</u>	<u>22%</u>	<u>38,787,873</u>	<u>8,317,547</u>	<u>21%</u>

CITY OF BIRMINGHAM
 QUARTERLY BUDGET REPORT
 GREENWOOD CEMETERY FUND
 QUARTER ENDED: SEPTEMBER 30, 2019 AND SEPTEMBER 30, 2018
 % OF FISCAL YEAR COMPLETED: 25%

	2019-2020			2018-2019		
	AMENDED BUDGET	YEAR-TO-DATE ACTUAL	% OF BUDGET USED	AMENDED BUDGET	YEAR-TO-DATE ACTUAL	% OF BUDGET USED
REVENUES:						
CHARGES FOR SERVICES	80,000	-	0%	80,000	-	0%
INTEREST AND RENT	16,800	5,171	31%	12,000	3,510	29%
TRANSFERS IN	<u>-</u>	<u>-</u>	0%	<u>-</u>	<u>-</u>	0%
TOTAL Revenues	<u>96,800</u>	<u>5,171</u>	5%	<u>92,000</u>	<u>3,510</u>	4%
EXPENDITURES:						
ENGINEERING AND PUBLIC SERVICES	<u>20,000</u>	<u>-</u>	0%	<u>-</u>	<u>-</u>	0%
TOTAL EXPENDITURES	<u>-</u>	<u>-</u>		<u>-</u>	<u>-</u>	

CITY OF BIRMINGHAM
 QUARTERLY BUDGET REPORT
 MAJOR STREETS
 QUARTER ENDED: SEPTEMBER 30, 2019 AND SEPTEMBER 30, 2018
 % OF FISCAL YEAR COMPLETED: 25%

	2019-2020			2018-2019		
	AMENDED BUDGET	YEAR-TO-DATE ACTUAL	% OF BUDGET USED	AMENDED BUDGET	YEAR-TO-DATE ACTUAL	% OF BUDGET USED
REVENUES:						
USE OF FUND BALANCE	2,361,614	-	0%	1,188,682	-	0%
INTERGOVERNMENTAL	1,457,100	144,443	10%	1,205,910	135,268	11%
INTEREST AND RENT	40,950	14,075	34%	12,980	8,312	64%
OTHER REVENUE	-	-	0%	1,850	-	0%
TRANSFERS IN	<u>3,246,000</u>	<u>811,500</u>	25%	<u>2,500,000</u>	<u>625,000</u>	25%
 TOTAL REVENUES	 <u>7,105,664</u>	 <u>970,018</u>	 <u>14%</u>	 <u>4,909,422</u>	 <u>768,580</u>	 <u>16%</u>
EXPENDITURES:						
ADMINISTRATIVE	20,510	5,002	24%	18,980	6,578	35%
TRAFFIC CONTROLS & ENGINEERING	1,006,609	33,656	3%	839,453	50,095	6%
CONSTRUCTION OF ROADS & BRIDGES	4,930,315	319,096	6%	1,931,416	135,874	7%
MAINTENANCE OF ROADS & BRIDGES	422,489	108,517	26%	485,804	132,766	27%
STREET CLEANING	157,670	43,658	28%	158,549	45,317	29%
STREET TREES	266,271	50,647	19%	255,670	40,856	16%
SNOW AND ICE REMOVAL	<u>301,800</u>	<u>11,504</u>	4%	<u>322,820</u>	<u>11,399</u>	4%
 TOTAL EXPENDITURES	 <u>7,105,664</u>	 <u>572,080</u>	 <u>8%</u>	 <u>4,012,692</u>	 <u>422,885</u>	 <u>11%</u>

CITY OF BIRMINGHAM
 QUARTERLY BUDGET REPORT
 LOCAL STREETS
 QUARTER ENDED: SEPTEMBER 30, 2019 AND SEPTEMBER 30, 2018
 % OF FISCAL YEAR COMPLETED: 25%

	2019-2020			2018-2019		
	AMENDED BUDGET	YEAR-TO-DATE ACTUAL	% OF BUDGET USED	AMENDED BUDGET	YEAR-TO-DATE ACTUAL	% OF BUDGET USED
REVENUES:						
USE OF FUND BALANCE	1,179,975	-	0%	1,265,988	-	0%
INTERGOVERNMENTAL	592,300	58,698	10%	492,550	54,966	11%
INTEREST AND RENT	26,460	10,715	40%	35,030	7,796	22%
OTHER REVENUE	395,120	2,698	1%	644,970	2,525	0%
TRANSFERS IN	<u>2,500,000</u>	<u>625,000</u>	25%	<u>2,500,000</u>	<u>625,000</u>	25%
 TOTAL REVENUES	 <u>4,693,855</u>	 <u>697,111</u>	 <u>15%</u>	 <u>4,938,538</u>	 <u>690,287</u>	 <u>14%</u>
EXPENDITURES:						
ADMINISTRATIVE	28,980	7,120	25%	26,730	8,515	32%
TRAFFIC CONTROLS & ENGINEERING	70,790	17,300	24%	70,020	19,299	28%
CONSTRUCTION OF ROADS & BRIDGES	1,626,103	851,733	52%	2,549,569	30,324	1%
MAINTENANCE OF ROADS & BRIDGES	1,169,943	242,972	21%	1,072,179	456,188	43%
STREET CLEANING	186,190	45,852	25%	180,272	49,527	27%
STREET TREES	526,799	119,450	23%	517,359	104,628	20%
SNOW AND ICE REMOVAL	<u>165,030</u>	<u>9,678</u>	6%	<u>181,670</u>	<u>9,790</u>	5%
 TOTAL EXPENDITURES	 <u>3,773,835</u>	 <u>1,294,105</u>	 <u>34%</u>	 <u>4,597,799</u>	 <u>678,271</u>	 <u>15%</u>

CITY OF BIRMINGHAM
 QUARTERLY BUDGET REPORT
 SOLID WASTE
 QUARTER ENDED: SEPTEMBER 30, 2019 AND SEPTEMBER 30, 2018
 % OF FISCAL YEAR COMPLETED: 25%

	2019-2020			2018-2019		
	AMENDED BUDGET	YEAR-TO-DATE ACTUAL	% OF BUDGET USED	AMENDED BUDGET	YEAR-TO-DATE ACTUAL	% OF BUDGET USED
REVENUES:						
USE OF FUND BALANCE	95,840	-	0%	84,293	-	0%
TAXES	1,935,000	1,939,919	100%	1,875,000	1,880,043	100%
INTERGOVERNMENTAL	4,200	-	0%	4,450	-	0%
CHARGES FOR SERVICES	18,000	4,384	24%	17,600	4,991	28%
INTEREST AND RENT	31,820	5,521	17%	20,890	3,822	18%
OTHER REVENUE	-	78	0%	-	-	0%
	<u>-</u>	<u>78</u>		<u>-</u>	<u>-</u>	
TOTAL REVENUES	<u>2,084,860</u>	<u>1,949,902</u>	<u>94%</u>	<u>2,002,233</u>	<u>1,888,856</u>	<u>94%</u>
EXPENDITURES:						
PERSONNEL COSTS	187,380	22,924	12%	162,820	19,245	12%
SUPPLIES	12,000	908	8%	12,000	948	8%
OTHER CHARGES	1,869,480	358,397	19%	1,809,138	351,474	19%
CAPITAL OUTLAY	16,000	4,762	30%	18,275	900	5%
	<u>16,000</u>	<u>4,762</u>		<u>18,275</u>	<u>900</u>	
TOTAL EXPENDITURES	<u>2,084,860</u>	<u>386,991</u>	<u>19%</u>	<u>2,002,233</u>	<u>372,567</u>	<u>19%</u>

CITY OF BIRMINGHAM
 QUARTERLY BUDGET REPORT
 BROWNFIELD REDEVELOPMENT FUND
 QUARTER ENDED: SEPTEMBER 30, 2019 AND SEPTEMBER 30, 2018
 % OF FISCAL YEAR COMPLETED: 25%

	2019-2020			2018-2019		
	AMENDED BUDGET	YEAR-TO-DATE ACTUAL	% OF BUDGET USED	AMENDED BUDGET	YEAR-TO-DATE ACTUAL	% OF BUDGET USED
REVENUES:						
USE OF FUND BALANCE	-	-	0%	-	-	0%
TAXES	264,870	264,870	100%	609,040	609,040	100%
CHARGES FOR SERVICES	1,500	-	0%	1,500	-	0%
INTEREST AND RENT	11,340	524	5%	1,620	924	57%
OTHER REVENUE	20,000	-	0%	20,000	1,685	8%
TRANSFERS IN	-	-	0%	-	-	0%
	<u>297,710</u>	<u>265,394</u>	<u>89%</u>	<u>632,160</u>	<u>611,649</u>	<u>97%</u>
TOTAL REVENUES	<u>297,710</u>	<u>265,394</u>	<u>89%</u>	<u>632,160</u>	<u>611,649</u>	<u>97%</u>
EXPENDITURES	<u>189,280</u>	<u>237,890</u>	<u>126%</u>	<u>531,760</u>	<u>15,614</u>	<u>3%</u>

CITY OF BIRMINGHAM
 QUARTERLY BUDGET REPORT
 PRINCIPAL SHOPPING DISTRICT
 QUARTER ENDED: SEPTEMBER 30, 2019 AND SEPTEMBER 30, 2018
 % OF FISCAL YEAR COMPLETED: 25%

	2019-2020			2018-2019		
	AMENDED BUDGET	YEAR-TO-DATE ACTUAL	% OF BUDGET USED	AMENDED BUDGET	YEAR-TO-DATE ACTUAL	% OF BUDGET USED
REVENUES:						
USE OF FUND BALANCE	96,320	-	0%	116,300	-	0%
CHARGES FOR SERVICES	150,000	-	0%	-	-	0%
SPECIAL ASSESSMENTS	1,054,970	-	0%	897,300	600	0%
INTEREST AND RENT	13,700	2,202	16%	6,390	1,863	29%
OTHER REVENUE	<u>190,000</u>	<u>48,382</u>	25%	<u>190,000</u>	<u>74,271</u>	39%
 TOTAL REVENUES	 <u>1,504,990</u>	 <u>50,584</u>	 <u>3%</u>	 <u>1,209,990</u>	 <u>76,734</u>	 <u>6%</u>
 EXPENDITURES	 <u>1,504,990</u>	 <u>322,154</u>	 <u>21%</u>	 <u>1,209,990</u>	 <u>298,341</u>	 <u>25%</u>

CITY OF BIRMINGHAM
 QUARTERLY BUDGET REPORT
 COMMUNITY DEVELOPMENT BLOCK GRANT
 QUARTER ENDED: SEPTEMBER 30, 2019 AND SEPTEMBER 30, 2018
 % OF FISCAL YEAR COMPLETED: 25%

	2019-2020			2018-2019		
	AMENDED BUDGET	YEAR-TO-DATE ACTUAL	% OF BUDGET USED	AMENDED BUDGET	YEAR-TO-DATE ACTUAL	% OF BUDGET USED
INTERGOVERNMENTAL REVENUE	<u>54,830</u>	<u>750</u>	<u>1%</u>	<u>63,177</u>	<u>1,244</u>	<u>2%</u>
EXPENDITURES	<u>54,830</u>	<u>11,350</u>	<u>21%</u>	<u>63,177</u>	<u>32,401</u>	<u>51%</u>

CITY OF BIRMINGHAM
 QUARTERLY BUDGET REPORT
 TRIANGLE DISTRICT CORRIDOR IMPROVEMENT AUTHORITY
 QUARTER ENDED: SEPTEMBER 30, 2019 AND SEPTEMBER 30, 2018
 % OF FISCAL YEAR COMPLETED: 25%

	2019-2020			2018-2019		
	AMENDED BUDGET	YEAR-TO-DATE ACTUAL	% OF BUDGET USED	AMENDED BUDGET	YEAR-TO-DATE ACTUAL	% OF BUDGET USED
REVENUES:						
USE OF FUND BALANCE	-	-	0%	-	-	0%
PROPERTY TAXES	-	-	0%	-	-	0%
INTEREST AND RENT	<u>470</u>	<u>70</u>	15%	<u>290</u>	<u>60</u>	21%
 TOTAL REVENUES	 <u><u>470</u></u>	 <u><u>70</u></u>	 <u>15%</u>	 <u><u>290</u></u>	 <u><u>60</u></u>	 <u>21%</u>
 EXPENDITURES	 <u><u>-</u></u>	 <u><u>-</u></u>	 <u>0%</u>	 <u><u>-</u></u>	 <u><u>-</u></u>	 <u>0%</u>

CITY OF BIRMINGHAM
 QUARTERLY BUDGET REPORT
 LAW & DRUG ENFORCEMENT FUND
 QUARTER ENDED: SEPTEMBER 30, 2019 AND SEPTEMBER 30, 2018
 % OF FISCAL YEAR COMPLETED: 25%

	2019-2020			2018-2019		
	AMENDED BUDGET	YEAR-TO-DATE ACTUAL	% OF BUDGET USED	AMENDED BUDGET	YEAR-TO-DATE ACTUAL	% OF BUDGET USED
REVENUES:						
USE OF FUND BALANCE	61,760	-	0%	26,200	-	0%
FINES & FORFEITURES	35,000	-	0%	35,000	-	0%
INTEREST AND RENT	1,100	557	51%	1,620	368	0%
OTHER REVENUE	-	-	0%	-	2,750	0%
	<u> </u>	<u> </u>		<u> </u>	<u> </u>	
TOTAL REVENUES	<u>97,860</u>	<u>557</u>	<u>1%</u>	<u>62,820</u>	<u>3,118</u>	<u>5%</u>
EXPENDITURES:						
PUBLIC SAFETY	-	-	0%	-	-	0%
CAPITAL OUTLAY	<u>97,860</u>	<u>97,854</u>	100%	<u>62,820</u>	<u>59,594</u>	95%
	<u> </u>	<u> </u>		<u> </u>	<u> </u>	
TOTAL EXPENDITURES	<u>97,860</u>	<u>97,854</u>	<u>100%</u>	<u>62,820</u>	<u>59,594</u>	<u>95%</u>

CITY OF BIRMINGHAM
 QUARTERLY BUDGET REPORT
 BALDWIN LIBRARY
 QUARTER ENDED: SEPTEMBER 30, 2019 AND SEPTEMBER 30, 2018
 % OF FISCAL YEAR COMPLETED: 25%

	2019-2020			2018-2019		
	AMENDED BUDGET	YEAR-TO-DATE ACTUAL	% OF BUDGET USED	AMENDED BUDGET	YEAR-TO-DATE ACTUAL	% OF BUDGET USED
REVENUES:						
USE OF FUND BALANCE	1,677,170	-	0%	-	-	0%
TAXES	3,370,950	3,385,810	100%	3,234,870	3,249,944	100%
INTERGOVERNMENTAL	1,029,190	-	0%	1,001,380	-	0%
CHARGES FOR SERVICES	81,150	19,705	24%	82,600	22,485	27%
INTEREST AND RENT	52,290	11,837	23%	36,920	6,773	18%
OTHER REVENUE	-	-	0%	-	-	0%
	<u>6,210,750</u>	<u>3,417,352</u>	<u>55%</u>	<u>4,355,770</u>	<u>3,279,202</u>	<u>75%</u>
TOTAL REVENUES						
	<u>6,210,750</u>	<u>1,212,187</u>	<u>20%</u>	<u>3,729,790</u>	<u>883,030</u>	<u>24%</u>
EXPENDITURES						

CITY OF BIRMINGHAM
 QUARTERLY BUDGET REPORT
 DEBT SERVICE FUND
 QUARTER ENDED: SEPTEMBER 30, 2019 AND SEPTEMBER 30, 2018
 % OF FISCAL YEAR COMPLETED: 25%

	2019-2020			2018-2019		
	AMENDED BUDGET	YEAR-TO-DATE ACTUAL	% OF BUDGET USED	AMENDED BUDGET	YEAR-TO-DATE ACTUAL	% OF BUDGET USED
REVENUES:						
USE OF FUND BALANCE	-	-	0%	-	-	0%
TAXES	1,609,500	1,609,433	100%	1,579,260	1,579,299	100%
INTERGOVERNMENTAL	3,660	-	0%	3,950	-	0%
INTEREST AND RENT	<u>2,990</u>	<u>3,066</u>	103%	<u>4,290</u>	<u>277</u>	6%
TOTAL REVENUES	<u>1,616,150</u>	<u>1,612,499</u>	<u>100%</u>	<u>1,587,500</u>	<u>1,579,576</u>	<u>100%</u>
EXPENDITURES	<u>1,610,300</u>	<u>1,506,000</u>	<u>94%</u>	<u>1,584,000</u>	<u>1,451,500</u>	<u>92%</u>



MEMORANDUM

Finance Department

DATE: October 18, 2019
TO: Joseph A. Valentine, City Manager
FROM: Mark Gerber, Director of Finance/Treasurer
SUBJECT: September 2019 Investment Report

Public Act 213 of 2007 requires investment reporting on the City's general investments to be provided to the City Commission on a quarterly basis. This information is also required to be provided annually, which the City has and will continue to include within the audited financial statements.

General investments of the City are governed by state law and the City's General Investment Policy approved by the City Commission. The services of an outside investment advisor are utilized to assist the treasurer in determining which types of investments are most appropriate and permitted under the investment policy, maximize the return on the City's investments within investment policy constraints and provide for cash flow needs.

The two primary objectives for investment of City funds are the preservation of principal and liquidity to protect against losses and provide sufficient funds to enable the City to meet all operating requirements that might be reasonably anticipated. Investment activities include all City funds except the retirement and retiree health-care funds as follows:

- General Fund
- Permanent Funds
- Special Revenue Funds
- Capital Projects Fund
- Enterprise Funds
- Debt Service Funds
- Component Unit Funds
- Internal Service Funds

Overall, the City has \$91.5 million invested in various securities according to its general investment policy as of September 30, 2019.

The City has two pooled funds (CLASS Pool and J-Fund), which are used to meet payroll, contractor and other accounts payable needs. As indicated on the attached schedule, there is approximately \$21.2 million invested in pooled funds at the end of September. A maximum of 50% of the portfolio may be invested in pooled funds that meet state guidelines. The amount currently invested in pooled funds is 23%.

The City also holds approximately \$26.5 million, or 29%, of its investments in government securities, which are obligations of the United States. The maximum amount of investments that may be held in government securities is 100%.

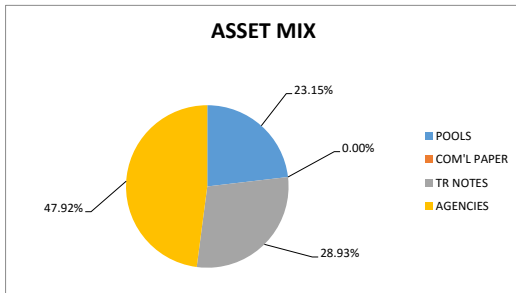
Investments in federal agencies total approximately \$43.8 million, or 48%, of the City's investments. The maximum amount of the portfolio that may be invested in federal agencies is 75%.

The Investment Policy requires that the average maturity of the portfolio may not exceed two and one-half years. The current average maturity of the portfolio is 1.2 years.

**CITY OF BIRMINGHAM
GENERAL INVESTMENT PORTFOLIO SUMMARY**

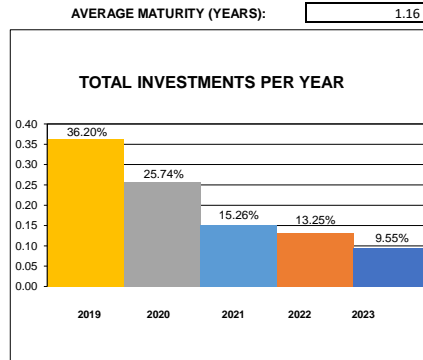
9/30/2019

YEAR	MATURITY DATE	DESCRIPTION	% YIELD	*	BROKER	PAR VALUE	COST	CURRENT MARKET VALUE	YEARLY TOTAL	% OF TOTAL
2019	9/30/2019	CLASS POOL	2.130%	CITY	MICHIGAN CLASS	2,133,687.99	2,133,687.99	2,133,687.99	33,139,208.89	36.20%
	9/30/2019	J FUND	2.290%	CITY	COMERICA BANK	19,053,584.90	19,053,584.90	19,053,584.90		
	10/21/2019	AGENCY	1.626%	INSIGHT	JEFFERIES LLC - F1	1,500,000.00	1,496,295.00	1,499,715.00		
	10/28/2019	AGENCY	1.360%	INSIGHT	JEFFERIES LLC - F1	1,500,000.00	1,497,300.00	1,499,460.00		
	10/28/2019	AGENCY	1.257%	INSIGHT	MIZUHO SECURITIES	2,000,000.00	1,999,600.00	1,998,940.00		
	10/30/2019	AGENCY	2.000%	INSIGHT	JEFFERIES LLC - FI	1,500,000.00	1,500,000.00	1,500,090.00		
	11/15/2019	TR NOTE	2.531%	INSIGHT	U.S./MERRILL LYNCH PIERCE FENNER & SMITH	1,450,000.00	1,465,406.25	1,451,289.42		
	11/15/2019	TR NOTE	2.673%	INSIGHT	JP MORGAN SECURITIES LLC	2,000,000.00	2,015,631.70	2,004,161.58		
	12/31/2019	TR NOTE	1.385%	INSIGHT	MERRILL LYNCH PIERCE FENNER & SMITH	1,000,000.00	1,007,226.56	999,140.00		
	12/31/2019	TR NOTE	1.377%	INSIGHT	RBC CAPITAL MARKETS LLC US	1,000,000.00	1,008,787.77	999,140.00		
2020	1/17/2020	AGENCY	1.459%	INSIGHT	MERRILL LYNCH PIERCE FENNER & SMITH	1,750,000.00	1,751,680.00	1,747,865.00	23,565,425.75	25.74%
	1/21/2020	AGENCY	1.084%	INSIGHT	MORGAN STANLEY & CO LLC	1,500,000.00	1,526,535.00	1,498,695.00		
	1/29/2020	AGENCY	2.721%	INSIGHT	TD SECURITIES (USA) LLC - FI	1,000,000.00	988,229.66	1,000,080.00		
	2/15/2020	TR NOTE	2.733%	INSIGHT	JP MORGAN SECURITIES LLC	2,000,000.00	2,024,147.33	2,012,340.00		
	3/27/2020	AGENCY	1.010%	INSIGHT	WELLS FARGO SECURITIES	2,000,000.00	2,044,860.00	1,996,880.00		
	3/31/2020	TR NOTE	1.448%	INSIGHT	MERRILL LYNCH PIERCE FENNER & SMITH	1,000,000.00	997,773.44	997,540.00		
	4/6/2020	AGENCY	1.396%	INSIGHT	MORGAN STANLEY & CO> LLC	1,500,000.00	1,507,725.00	1,498,260.00		
	4/30/2020	TR NOTE	2.784%	INSIGHT	JP MORGAN SECURITIES LLC	1,000,000.00	993,671.88	1,002,850.00		
	5/8/2020	AGENCY	1.166%	INSIGHT	RAYMOND JAMES & ASSOCIATES	2,000,000.00	2,026,400.00	1,996,020.00		
	6/30/2020	AGENCY	1.300%	INSIGHT	WELLS FARGO SECURITIES	1,500,000.00	1,500,000.00	1,493,160.00		
	7/31/2020	TR NOTE	2.798%	INSIGHT	MORGAN STANLEY & CO LLC	2,000,000.00	1,993,756.70	2,012,420.00		
	10/13/2020	AGENCY	1.398%	INSIGHT	WELLS FARGO SECURITIES	1,325,000.00	1,322,018.75	1,319,050.75		
	10/26/2020	AGENCY	1.762%	INSIGHT	MERRILL LYNCH PIERCE FENNER & SMITH	1,500,000.00	1,499,490.00	1,498,335.00		
	11/30/2020	AGENCY	1.224%	INSIGHT	MERRILL LYNCH PIERCE FENNER & SMITH	2,000,000.00	2,021,902.00	1,992,920.00		
	12/31/2020	TR NOTE	1.601%	INSIGHT	MERRILL LYNCH PIERCE FENNER & SMITH	1,500,000.00	1,507,382.81	1,499,010.00		
2021	2/15/2021	TR NOTE	2.856%	INSIGHT	MERRILL LYNCH PIERCE FENNER & SMITH	2,000,000.00	2,043,121.51	2,050,540.00	13,964,609.25	15.26%
	2/23/2021	AGENCY	2.791%	INSIGHT	KEYBANC CAPITAL MARKETS	2,000,000.00	1,995,800.00	2,024,140.00		
	3/15/2021	TR NOTE	2.754%	INSIGHT	JP MORGAN SECURITIES LLC - F1	1,175,000.00	1,165,315.43	1,185,469.25		
	5/15/2021	TR NOTE	2.829%	INSIGHT	JP MORGAN SECURITIES LLC - F1	1,500,000.00	1,510,610.49	1,533,105.00		
	9/10/2021	AGENCY	3.030%	INSIGHT	MORGAN STANLEY & CO LLC - F1	1,500,000.00	1,498,830.00	1,536,750.00		
	10/12/2021	AGENCY	3.003%	INSIGHT	MORGAN STANLEY & CO LLC - F1	1,500,000.00	1,499,955.00	1,539,765.00		
	11/15/2021	TR NOTE	2.438%	INSIGHT	JP MORGAN SECURITIES LLC - F1	2,000,000.00	2,022,421.88	2,050,780.00		
	12/15/2021	TR NOTE	2.469%	INSIGHT	DEUTSCHE BANK SECURITIES INC. - F1	2,000,000.00	2,008,444.20	2,044,060.00		
2022	1/5/2022	AGENCY	1.533%	INSIGHT	CITIGROUP GLOBAL MARKETS INC -F1	2,000,000.00	2,021,480.00	2,014,320.00	12,129,140.00	13.25%
	1/13/2022	AGENCY	2.209%	INSIGHT	MIZUHO SECURITIES USA LLC - F1	1,000,000.00	1,004,248.61	1,015,400.00		
	3/11/2022	AGENCY	2.433%	INSIGHT	MORGAN STANLEY & CO LLC - F1	1,000,000.00	1,001,850.00	1,020,600.00		
	3/14/2022	AGENCY	1.932%	INSIGHT	MORGAN STANLEY & CO LLC - FI	1,000,000.00	997,830.00	1,004,410.00		
	6/10/2022	AGENCY	1.882%	INSIGHT	NATWEST MARKET SECURITIES INC US - F1	1,500,000.00	1,510,635.00	1,524,068.35		
	6/10/2022	AGENCY	1.930%	INSIGHT	TD SECURITIES (USA) LLC - F1	2,000,000.00	2,011,248.00	2,020,276.65		
	8/5/2022	AGENCY	1.497%	INSIGHT	WELLS FARGO SECURITIES LLC - F1	2,000,000.00	2,020,180.00	2,011,600.00		
	10/31/2022	TR NOTE	1.854%	INSIGHT	MORGAN STANLEY 7 CO. LLC-F1	1,500,000.00	1,506,977.68	1,518,465.00		
2023	2/21/2023	AGENCY	1.491%	INSIGHT	MORGAN STANLEY & CO LLC - F1	2,000,000.00	2,004,653.94	1,996,580.00	8,739,035.00	9.55%
	3/31/2023	TR NOTE	1.421%	INSIGHT	DEUTSCHE BANK SECURITIES INC - F1	1,500,000.00	1,556,430.81	1,547,175.00		
	6/19/2023	AGENCY	1.851%	INSIGHT	TD SECURITIES (USA) LLC-F1	1,500,000.00	1,550,467.50	1,560,645.00		
	9/8/2023	AGENCY	1.466%	INSIGHT	MIZUHO SECURITIES USA LLC - F1	2,000,000.00	2,070,800.00	2,057,700.00		
	10/31/2023	TR NOTE	1.423%	INSIGHT	BNP PARIBAS SECURITIES CORP - F1	1,500,000.00	1,587,954.24	1,576,935.00		
			2.006%			90,887,272.89	91,472,347.03	91,537,418.89	91,537,418.89	100.00%



POOLS	\$21,187,272.89	23.15%
COM'L PAPER	\$0.00	0.00%
TR NOTES	\$26,484,420.25	28.93%
AGENCIES	\$43,865,725.75	47.92%
TOTAL	\$91,537,418.89	100.00%

COMPARATIVE RETURNS			
	City Portfolio	1-Yr TR	2-Yr TR
Current Month	2.01%	1.80%	1.56%
Previous Month	1.94%	1.80%	1.56%
1 Year Ago	1.79%	2.52%	2.64%

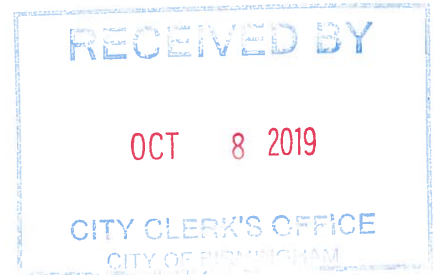


* INSIGHT:	\$70,350,146.00	76.85%
*ASSIGNED TO CITY:	\$21,187,272.89	23.15%
	\$91,537,418.89	100.00%



October 2, 2019

Ms. Cherilynn Mynsberge, Clerk
City of Birmingham
151 Martin St.
Birmingham, MI 48012-3001



Re: Xfinity TV Channel Updates

Dear Ms. Mynsberge:

We are committed to keeping you and our customers informed with Xfinity TV changes and enhancements. Below we share details regarding new programming that we are launching and the drop of a channel from our line-up.

New Channel Effective October 29, 2019

For our customers who subscribe to the Xfinity Latino package, on October 29 we will begin offering a new Spanish-language channel, Kanal D Drama. Kanal D Drama is a Spanish-language network featuring telenovelas and series. We are communicating this change to our affected customers through a bill message.

Loss of Channel Effective December 5, 2019

We also wanted to inform you that MVStv will be dropped from Xfinity Latino on December 5. We are communicating this change to our affected customers through a bill message.

We are excited about the addition to our robust entertainment offerings and for the opportunity to continue enhancing our Xfinity TV product.

Please feel free to contact me at 734-359-2308 if you have any questions. Please note, this a new phone number for me, update your records accordingly.

Sincerely,

Kyle W. Mazurek
Manager of External Affairs
Comcast, Heartland Region
41112 Concept Drive
Plymouth, MI 48170

INFORMATION ONLY