

BIRMINGHAM CITY COMMISSION MINUTES
AUGUST 5, 2019
MUNICIPAL BUILDING, 151 MARTIN
7:30 P.M.

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Mayor Patty Bordman called the meeting to order at 7:30 PM.

II. ROLL CALL

Present: Mayor Bordman
Mayor Pro Tem Boutros
Commissioner DeWeese
Commissioner Harris
Commissioner Hoff
Commissioner Nickita
Commissioner Sherman

Absent: None

Administration: City Manager Valentine, City Attorney Currier, Police Chief Clemence, Planning Director Ecker, Brooks Cowan, Paul O'Meara, Chief Clemence, James Gallagher, Lauren Wood, Ben Myers, Kevin Byrnes, Matt Bartolino Former Deputy Chief

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

08-195 -19 ANNOUNCEMENTS

- Introduction of James Gallagher, Assistant to the City Manager.
- On Thursday, August 8 at 7:00 PM, the jointly sponsored Summer Lecture Series of the Birmingham Museum and Baldwin Public Library will conclude with "Birmingham at the Movies," a look at how Birmingham has contributed to the film industry, presented by movie buff and museum staff MEMBER, Kyle Phillips.
- The City of Birmingham has an election tomorrow, August 6, 2019. The polls will be open from 7:00 a.m. until 8:00 p.m. Qualified residents who are not yet registered to vote may register tomorrow in person at the City Clerk's Office with proof of residency and will then be eligible to vote.
- In The Park Summer Concert Series continues this week on Wednesday, August 7, 2019 with Magic Bus (A journey to Woodstock Late 1960's) at 7:00 PM in Shain Park.

Next week we have our last two concerts, afternoon performance Surf Zup (Surf Guitar Band) on Wednesday, August 14th beginning at Noon - 2:00 PM; and the 7:00 PM band is Nobody's Business (Rockabilly/Roots Rock) in Shain Park.

08-196-19

APPOINTMENT OF FIRE CHIEF, PAUL WELLS

MOTION: Motion by Commissioner Sherman, Second by Commissioner Hoff:
To concur in the City Manager’s appointment of Paul Wells as City of Birmingham Fire Chief.

VOTE: Yeas, 7
 Nays, 0

City Clerk Mynsberge administered the Oath of Office to Fire Chief Wells.

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.

08-197-19

APPROVAL OF CONSENT AGENDA

The following item was removed from the Consent Agenda:

Commissioner Hoff: Item M - Resolution approving the Agreement for Local Agency Highway-Railway Bridge Improvements with the Railroad Company in the amount not to exceed \$114,605.00 for painting and rehabilitation work of the Maple Road Railroad Bridge.

MOTION: Motion by Commissioner Sherman, seconded by Commission Harris:
To approve the Consent Agenda, excluding Items M, which was pulled from consent.

ROLL CALL VOTE: Ayes: Mayor Bordman
 Mayor Pro Tem Boutros
 Commissioner DeWeese
 Commissioner Harris
 Commissioner Hoff
 Commissioner Nickita
 Commissioner Sherman
 Nays: None

- A. Resolution approving the Regular City Commission meeting minutes of July 22, 2019.
- B. Resolution approving the warrant list, including Automated Clearing House payments, dated July 31, 2019 in the amount of \$ 881,404.65.
- C. Resolution approving the warrant list, including Automated Clearing House payments, dated July 24, 2019 in the amount of \$ 7,327,657.57.

- D. Resolution approving the street light agreement between the City of Birmingham and DTE Energy Co. regarding the installation of streetlights at 2254 Cole Ave. Further, to direct the Mayor to sign the agreement on behalf of the City. All costs relative to this agreement will be charged to the adjacent owner.
- E. Resolution approving the street light agreement between the City of Birmingham and DTE Energy Co. regarding the installation of street lights on Park Street and to charge those costs to account number 401-901.010-981.0100; to direct the Mayor to sign the agreement on behalf of the City; and approve the appropriation and amendment to the FY 2019-2020 Capital Projects Fund budget as follows:

Capital Projects Fund:

Revenues:

Draw from Fund Balance	401-000.000-400.0000	\$60,501
Special Assessment	401-901.010-672.0888	<u>6,723</u>
Total Revenues		\$67,224

Expenditures:

Capital Improvements	401-901.010-981.0100	<u>\$67,224</u>
Total Expenditures		\$67,224

- F. Resolution approving the City Manager to cast a vote, on the City's behalf, for the three incumbent members of the Michigan Municipal League Workers' Compensation Fund Board of Trustees for four year terms, beginning October 1, 2019.
- G. Resolution approving the Piano in the Park timeline to be extended beyond August 31, 2019 to sometime before December 25, 2019, depending on weather and coordination with Professional Movers.
- H. Resolution approving the purchase of the replacement motor for the Shain Park plaza fountain pump from Roman Fountains in the amount not to exceed \$6,996.00. Funds are available from the Parks Operating Supplies account #101-751.000-729.0000. Further, to waive the normal bidding requirements as Roman Fountains is a sole source provider.
- I. Resolution approving a special event permit as requested by Birmingham Bloomfield Chamber of Commerce to hold the annual Halloween Parade and Pumpkin Patch in Shain Park and streets surrounding the park on October 27, 2019 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.
- J. Resolution approving a special event permit as requested by Piety Hill Chapter, NSDAR to hold the Veterans Day Wreath Laying Ceremony in Shain Park November 11, 2019 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.
- K. Resolution approving the purchase of a traffic signal modernization for the intersection of Derby and Adams from the Road Commission for Oakland County in the amount of

\$143,226.23; further to waive normal bidding requirements and to authorize this expenditure from account number 202-303.001-971.0100; and further to approve the appropriation and amendment to the 2019-20 Major Street Fund as follows:

Major Street Fund Revenues:		
Draw from Fund Balance	202-000.000-400.0000	<u>\$13,960</u>
Total Revenue		\$13,960
Expenditures:		
Traffic Controls-Police	202-303.001-971.0100	
	(Machinery & Equipment)	<u>\$13,960</u>
Total Expenditures		\$13,960

- L. Resolution approving the following improvements at the Maple Rd. and Southfield Rd. intersection, as an interim measure to improve pedestrian safety prior to the reconstruction of the intersection in 2020:
 1. Modification of the traffic signal timing to add a 4-second LPI for those using the north/south crosswalk located on the east leg of the intersection.
 2. Installation of an R10-15(R) sign stating TURNING VEHICLES YIELD TO PEDS sign for the northbound right turn lane.

- N. Resolution to receive the petition submitted requesting the paving of Lakeview Avenue from Harmon Street to Oak Avenue and to adopt the following resolution:

RESOLVED, That this Commission shall meet on Monday, September 16, 2019 at 7:30 P.M., for the purpose of conducting a public hearing of necessity for the improvement proposed herein.

FURTHER RESOLVED, if necessity is determined on September 16, 2019, a hearing to review the assessments and to confirm the roll will be held on September 23, 2019 at 7:30 P.M.

- O. Resolution approving the contract amendment with Buccilli Group, L.L.C. for inspection services, to be charged to the various capital improvement accounts for work being undertaken by the City, and further, to direct the Mayor and City Clerk to sign the agreement on behalf of the City.

- P. Resolution rejecting all bids for the Pierce Alley Paving project and to direct staff to re-bid the project in the winter/spring of 2020 with construction beginning late summer of 2020 after the Maple Road project.

- Q. Resolution approving the purchase of Rink Seal Pro Preventative Solution from Shaler-Rink Seal Pro in the amount not to exceed of \$8,150.00. Funds are available from the Ice Arena - Other Contractual Services account #101-752.000-811.0000.

08-198 -19 (ITEM M) MAPLE RAILROAD BRIDGE PAINTING

Commissioner Hoff asked what would be painted. Ms. Lauren Woods, DPS, explained that everything but the ceiling would be painted a light gray, per railroad requirements.

Mayor Bordman would like to see the gateway to the City enhanced and asked would the railroad company allow for something more creative than gray in color, like a mural, an artist competition, or white tile. Ms. Woods explained that it is owned by CN, and safety would be their main concern; but she would consult with them about available options.

City Manager Valentine commented that this is the first step in a multi-step process of working with the railroad to maintain the bridge. Currently, it needs to be repaired, patched, and cleaned by CN. The proposed Paint job would put it in a position where discussions could be had about further enhancements to the fascia.

MOTION: Motion by Commissioner Hoff, and seconded by Commissioner Nickita: Resolution approving the Agreement for Local Agency Highway-Railway Bridge Improvements with the Railroad Company in the amount not to exceed \$114,605.00 for painting and rehabilitation work of the Maple Road Railroad Bridge, to be funded from Property Maintenance

– Other Contractual Service account #101-441.003-811.0000. In addition, to authorize the Mayor and Clerk to sign the agreement on behalf of the City. Further, to approve the appropriation and amendment to the fiscal year 2019-2020 General Fund budget as follows:

General Fund Revenues:		
Draw from Fund Balance	101-000.000-400.0000	<u>\$114,605.00</u>
Total Revenue:		\$114,605.00
Expenditures:		
Property Maintenance –		
Other Contractual Service	101-441.003-811.0000	<u>\$114,605.00</u>
Total Expenditure:		\$114,605.00

VOTE: Yeas, 7
 Nays, 0

V. UNFINISHED BUSINESS

None

VI. NEW BUSINESS

08-199-19 PUBLIC HEARING TO AMEND ZONING ORDINANCE – ROOFTOP USE STANDARDS

Mayor Bordman opened the public hearing at 7:45 p.m.

City Planner Cowan presented the item.

Commissioner Nickita asked about Item #3, structures excluded. Planning Director Ecker explained definition of building height, downtown height overlay, and rooftop.

Commissioner Hoff asked¹ how does a pool or garden fall into this? City Planner Cowan: Pool would be a structure; garden would be more of an amenity

Mayor Bordman closed the public hearing at 8:09 p.m.

MOTION: Motion by Commissioner Sherman, and seconded by Mayor Pro Tem Boutros: To approve amendments to Article 4, Section 4.18(A) for structures excluded from height standards, 4.19(A) for height standards in the MX Zone, Article 5, Section 5.03, 5.04, 5.05, 5.06, 5.07, 5.08, 5.09, 5.10, 5.11, 5.12, 5.13, 5.14, 5.15, 5.16 for rooftop use standards, and Article 9 Definitions for Building Height, Building Height Overlay, and Rooftop. (*The 17 Ordinances are appended to these minutes as Attachments A-Q.*)

VOTE: Yeas, 7
 Nays, 0

08-200-19 CITY LOGO ADVANCEMENT

City Manager Valentine and Mark Lance, Factory Detroit, presented the item.

Mark Lance, Factory Detroit, presented recommendations for the new City logo befitting a premium luxury municipality based on the following analysis:

- Survey conducted by City of Birmingham
- Reports from previous agency working on logo and their focus groups.
- Minutes from various meetings on this topic.
- Interviews with City Commission, City Manager, and other staff from City Administration.
- Listening session from members of the community.
- Data submitted by creative teams that went into the city with cameras looking for things to use in the process.
- Other municipal logos across the country as well as luxury and premium brands.
- Five rounds of creative development with over 150 unique logo designs.
- Fourteen designs were presented to the City Manager and City Commission to short list the options and add refinements.
- Finally, three simple, easy to understand, professionally designed, and confident logos were submitted based on the City presenting itself as an aspirational, luxury, and premium community within the metro Detroit region.

Concept #1:

- Let the Birmingham name take center stage, displaying confidence, adding the right style to make the right statement.

Concept #2:

- Architecture, hidden iconography, a silhouette representing a mascot for the City that would be displayed in various ways depending on the application.

Concept #3:

- A modern, contemporary, and dynamic version of the current logo. Using the elements of Birmingham's traditional logo the name, a tree, and a curvy path into the walkable community capturing the City's history and future together. The pathway to the future would be the core element.

¹ As corrected August 19, 2019

Commissioner Sherman expressed that the Commission needs time to digest the finalized concepts presented and make a decision on a later agenda.

Commissioner Harris agreed with Commissioner Harris Sherman² and asked for the rationale behind the symbol presented in Concept #3.

- Mark Lance explained, again, that the idea was to take the current logo and reconstruct it. There are three elements to the existing logo, a name, a tree, and a path. In this instance, the elements are not eloquently placed or designed. Merging the existing elements into an abstract streamlined piece would illustrate the path into the future.

Mayor Bordman commented that it will be a hard choice, in a good way, and wants more time to examine the choices and again make the decision on a later agenda.

Commissioner Hoff having been on the logo committee, expressed that the committee have seen many more than the three logos presented. She asked if the Commission would be selecting one of the three. If so, why?

Mayor Bordman responded that unless the commission says we aren't going to have a new logo, then the three concepts presented this evening are what the commission should choose from. She further posed the question to the commissioners: Do you want a new logo after all of this effort? If the answer is "no", there has been a lot of wasted time and resources.

Commissioner Nickita expressed the following:

- The current logo was ill conceived and incredibly below the City's standard.
- He has been strongly in favor of moving forward.
- At this point, any logo is better than the old logo.
- Many people have invested a lot of time and labor. Having designed thousands of logos for clients at my own companies, I know that it is always a challenge.
- The commission should make an effort to study what has been presented and consider moving forward.

Mayor Pro Tem Boutros concurred with Commissioner Nickita that the City spent a lot of time on this effort and is in favor of having a new logo. He also stated that he would like to have more time to study the concepts and a vote should be taken on one concept the next time the commission examines this topic.

Commissioner Hoff agreed that the commission should move forward with a new logo but she did not agree that the commission should go with one of the three concepts presented.

Commissioner Sherman reiterated his previous comment that the commission should accept this report and have time to study and bring it back in a few weeks for discussion.

² As corrected August 19, 2019.

Commissioner DeWeese agreed on taking a few weeks to bring the topic back to agenda; he hopes that members of the public will get back to the commission with their own perspectives.

- The griffins are the oldest public statues in the City
- In terms of the B, there is an English D and everyone knows that it represents the Detroit Tigers also associated with Detroit; demonstrating that something like that has a life independently.
- It is a matter of perspective and this body needs time for themselves and members of the public to express their preferences.
- It is not a decision to be made tonight.

MOTION: Mayor Bordman suggested that the motion be postponed for a later agenda. There were no objections.

08-201-19 RESOLUTION TO MEET IN CLOSED SESSION PURSUANT TO SECTIONS 8(E) AND 8(H) OF THE OPEN MEETINGS ACT

MOTION: Motion by Commissioner Hoff, seconded by Commissioner Sherman:
To meet in closed session pursuant to the Open Meetings Act Section 8(e) regarding 2400 E. Lincoln v. City of Birmingham, TIR Equities v. City of Birmingham, and Baller/Bloom v. City of Birmingham, Schneider v. City of Birmingham and Section 8(h) to consider material exempt from discussion or disclosure by state or federal statute.

(A roll call vote is required and the vote must be approved by a 2/3 majority of the commission. The commission will adjourn to closed session after all other business has been addressed in open session and reconvene to open session, after the closed session, for purposes of taking formal action resulting from the closed session and for purposes of adjourning the meeting.)

ROLL CALL VOTE: Ayes: Mayor Bordman
Mayor Pro Tem Boutros
Commissioner DeWeese
Commissioner Harris
Commissioner Hoff
Commissioner Nickita
Commissioner Sherman

Nays: None

VII. REMOVED FROM CONSENT AGENDA

The item removed from the consent agenda was addressed earlier in the meeting.

VIII. COMMUNICATIONS

None

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

Mayor Bordman set the time limit at the usual 2 minutes.

Clinton Baller, 822 Shirley, addressed the logo by saying that it was an excellent presentation and a perfect example of where the community ought to give input. It is important to reach out to the community and they should be given an opportunity to vote.

Mr. Baller went on to address the lawsuit that the commission would discuss in closed session. This afternoon the federal district judge, Victoria Roberts, issued a temporary restraining order enjoining the city from limiting what we can say and from cutting off the broadcast. It would be followed up by arguments from both sides and a hearing on September 4, 2019. It is important for the community to know that. He also commented that the motivation was to shut down resident opposition to what the Commission wanted. He evidenced that by stating that the contract provided to he and his attorney had no basis for the action taken. Then the rationale shifted to a provision of the Michigan Campaign Finance Act that was ruled invalid. He thanked the commission for an opportunity to speak.

David Bloom, 5091 Stanley, said that 124 W. Allegan is the address of Bojee Tower in Lansing. A garbage truck filled with \$180,000 made a run from the Lansing address to Birmingham. \$10k of that went to a company owned by Mr. Derrick Dickow, who stood before this body advocating for this Woodward based project without disclosing his financial interest. Another \$10,000 went to a company controlled by Bobby Shostack, who also advocated for the project without disclosing his financial interest. The mayor, city manager, and commission did not want to listen to criticism from residents whom opposed this project, so Mr. Currier fabricated facts to shut down public discourse and violated the public's rights. Mr. Currier also untruthfully responded to who worked on the Myth vs. Facts tabloid. It was not all City employees and no one in this room corrected him. The City ordered at least 2,000 extra tabloids at the taxpayer expense. We had a city ignoring its own parking standards to make this project seem better than it was while residents legitimately questioned it. There was Mr. Valentine telling residents that this vote was about a parking deck and then Birmingham "Yes" on August 1 wrote on Facebook that it was not about parking. This was about progress. So the question became, who told the truth? During that time only one commissioner, Commissioner DeWeese spoke out on the public's right to speak at City Commission meetings. We used to have a desirable and inclusive community. We spent 15 minutes reviewing logos that reflect Birmingham as a premium place to live. Look at what we have, a City that is so much worse enabled by this commission and administration in order to get this project approved.

X. REPORTS

08-202-19 COMMISSIONER REPORTS

The City Commission will appoint three (3) regular members to the Design Review Board on September 16, 2019 to serve three-year terms to expire September 25, 2022.

The City Commission will appoint four (4) regular members to the Historic District Commission September 16, 2019 to serve three-year terms to expire September 25, 2022.

XI. ADJOURN

Mayor Bordman adjourned the meeting to closed session at 9:00 p.m.

J. Cherilynn Mynsberge, City Clerk
/vc

CITY OF BIRMINGHAM
ORDINANCE NO.

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

TO AMEND ARTICLE 4, SECTION 4.18(A), HEIGHT STANDARDS, TO REGULATE ROOFTOP ITEMS EXCLUDED FROM HEIGHT STANDARDS.

This Height Standards section applies to the following districts: O1, O2, P, B1, B2, B2B, B2C, B3, B4, TZ1, TZ3, **MX**

The following height standard applies:

A.) Structures Excluded:

- 1.) The maximum height limit set forth in the two-page layout in Article 2 shall not apply to any **mechanical** penthouses, **stair enclosures, elevator shafts, elevator lobbies**, rooftop screening, rooftop mechanical equipment and/or other rooftop mechanical appurtenances, **provided the mechanical appurtenances** are screened in accordance with Section 4.54.
- 2.) **An elevator shaft may exceed the maximum height limit by no more than 16 feet.**
- 3.) **An elevator lobby may exceed the maximum height limit by no more than 16 feet provided that it is no larger in area than the area of the elevator shaft which it abuts, measured to the exterior walls.**
- 4.) **Stair enclosures, rooftop screening, rooftop mechanical equipment and/or other rooftop mechanical appurtenances may exceed the maximum height limit by no more than 10 feet.**
- 5.) **Rooftop amenities such as pergolas, trellises, furniture and other similar items may exceed the maximum height limit by no more than 10 feet, provided they meet the requirements of Rooftop Use Standards in Article 5.**

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

Patty Bordman, Mayor

Cherilynn Mynsberge, City Clerk

CITY OF BIRMINGHAM
ORDINANCE NO.

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

TO AMEND ARTICLE 4, SECTION 4.19(A), HEIGHT STANDARDS, TO ALLOW ROOFTOP USE AND AMENITIES IN THE MX ZONE DISTRICT.

The following height standards apply:

- A. Roofs:
1. Flat roofs shall be no more than 45 feet.
 2. Eave line for sloped roofs shall be no more than 40 feet.
 3. Peak or ridge of any sloped roof shall be no more than 50 feet as measured to the average grade at the sidewalk at the frontage line.
 - ~~4. Maximum overall height including the mechanical and other equipment shall be no more than 50 feet.~~
 5. Sloped roofs no greater than 45 degrees measured to the horizontal shall be permitted for the screening of mechanical and other equipment.
 - ~~6. Any other use or occupancy above 40 feet shall be prohibited.~~
 7. Maximum of 4 stories.

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Cherilynn Mynsberge, City Clerk

**CITY OF BIRMINGHAM
ORDINANCE NO.**

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

TO AMEND ARTICLE 5.03 R4 DISTRICT, R5 DISTRICT, R8 DISTRICT, USE SPECIFIC STANDARDS, TO ALLOW ROOFTOP USE AND AMENITIES.

D. Rooftop Use Standards:

- 1. Rooftop amenities such as pergolas, trellises and other similar items are permitted on a rooftop, provided:**
 - i. They are set back at least 5 feet from the eave line.**
 - ii. They are of sufficient weight or anchored to the building to resist anticipated wind loads.**
 - iii. They do not have full enclosures.**
 - iv. They do not include eisenglass or similar enclosure materials.**
- 2. Rooftop structures and amenities may not contain habitable space.**

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Cherilynn Mynsberge, City Clerk

CITY OF BIRMINGHAM
ORDINANCE NO.

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

**TO AMEND ARTICLE 5.4 R6 DISTRICT, USE SPECIFIC STANDARDS,
TO ALLOW ROOFTOP USE AND AMENITIES.**

D. Rooftop Use Standards:

- a. Rooftop amenities such as pergolas, trellises and other similar items are permitted on a rooftop, provided:**
 - i. They are set back at least 5 feet from the eave line.**
 - ii. They are of sufficient weight or anchored to the building to resist anticipated wind loads.**
 - iii. They do not have full enclosures.**
 - iv. They do not include eisenglass or similar enclosure materials.**
- b. Rooftop structures and amenities may not contain habitable space.**

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CITY OF BIRMINGHAM
ORDINANCE NO.

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

**TO AMEND ARTICLE 5.5 R7 DISTRICT, USE SPECIFIC STANDARDS,
TO ALLOW ROOFTOP USE AND AMENITIES.**

D. Rooftop Use Standards:

- a. Rooftop amenities such as pergolas, trellises and other similar items are permitted on a rooftop, provided:**
 - i. They are set back at least 5 feet from the eave line.**
 - ii. They are of sufficient weight or anchored to the building to resist anticipated wind loads.**
 - iii. They do not have full enclosures.**
 - iv. They do not include eisenglass or similar enclosure materials.**
- b. Rooftop structures and amenities may not contain habitable space.**

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

**TO AMEND ARTICLE 5.6 01 DISTRICT, USE SPECIFIC STANDARDS,
TO ALLOW ROOFTOP USE AND AMENITIES.**

G. Rooftop Use Standards:

- a. Rooftop amenities such as pergolas, trellises and other similar items are permitted on a rooftop, provided:**
 - i. They are set back at least 5 feet from the eave line.**
 - ii. They are of sufficient weight or anchored to the building to resist anticipated wind loads.**
 - iii. They do not have full enclosures.**
 - iv. They do not include eisenglass or similar enclosure materials.**
- b. Rooftop structures and amenities may not contain habitable space.**

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

**TO AMEND ARTICLE 5.7 02 DISTRICT, USE SPECIFIC STANDARDS,
TO ALLOW ROOFTOP USE AND AMENITIES.**

G. Rooftop Use Standards:

- a. Rooftop amenities such as pergolas, trellises and other similar items are permitted on a rooftop, provided:**
 - i. They are set back at least 5 feet from the eave line.**
 - ii. They are of sufficient weight or anchored to the building to resist anticipated wind loads.**
 - iii. They do not have full enclosures.**
 - iv. They do not include eisenglass or similar enclosure materials.**
- b. Rooftop structures and amenities may not contain habitable space.**

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CITY OF BIRMINGHAM
ORDINANCE NO.

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

**TO AMEND ARTICLE 5.08 P DISTRICT, USE SPECIFIC STANDARDS,
TO ALLOW ROOFTOP USE AND AMENITIES.**

F. Rooftop Use Standards:

- a. Rooftop amenities such as pergolas, trellises and other similar items are permitted on a rooftop, provided:
 - i. They are set back at least 5 feet from the eave line.
 - ii. They are of sufficient weight or anchored to the building to resist anticipated wind loads.
 - iii. They do not have full enclosures.
 - iv. They do not include eisenglass or similar enclosure materials.
- b. Rooftop structures and amenities may not contain habitable space.

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

**TO AMEND ARTICLE 5.09 B1 DISTRICT, USE SPECIFIC STANDARDS,
TO ALLOW ROOFTOP USE AND AMENITIES.**

H. Rooftop Use Standards:

- a. Rooftop amenities such as pergolas, trellises and other similar items are permitted on a rooftop, provided:**
 - i. They are set back at least 5 feet from the eave line.**
 - ii. They are of sufficient weight or anchored to the building to resist anticipated wind loads.**
 - iii. They do not have full enclosures.**
 - iv. They do not include eisenglass or similar enclosure materials.**
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THE CITY OF BIRMINGHAM ORDAINS: AN ORDINANCE TO AMEND CHAPTER 126, ZONING, OF THE CODE OF THE CITY OF BIRMINGHAM:

TO AMEND ARTICLE 5.10 B2 DISTRICT, B2B DISTRICT, B2C DISTRICT, USE SPECIFIC STANDARDS, TO ALLOW ROOFTOP USE AND AMENITIES.'

N. Rooftop Use Standards:

- c. Rooftop amenities such as pergolas, trellises and other similar items are permitted on a rooftop, provided:**
 - i. They are set back at least 5 feet from the eave line.**
 - ii. They are of sufficient weight or anchored to the building to resist anticipated wind loads.**
 - iii. They do not have full enclosures.**
 - iv. They do not include eisenglass or similar enclosure materials.**
- d. Rooftop structures and amenities may not contain habitable space.**

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Patty Bordman, Mayor

Cherilynn Mynsberge, City Clerk

CITY OF BIRMINGHAM
ORDINANCE NO.

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

**TO AMEND ARTICLE 5.11 B3 DISTRICT, USE SPECIFIC STANDARDS,
TO ALLOW ROOFTOP USE AND AMENITIES.**

F. Rooftop Use Standards:

- e. Rooftop amenities such as pergolas, trellises and other similar items are permitted on a rooftop, provided:**
 - i. They are set back at least 5 feet from the eave line.**
 - ii. They are of sufficient weight or anchored to the building to resist anticipated wind loads.**
 - iii. They do not have full enclosures.**
 - iv. They do not include eisenglass or similar enclosure materials.**
- f. Rooftop structures and amenities may not contain habitable space.**

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

Patty Bordman, Mayor

Cherilynn Mynsberge, City Clerk

CITY OF BIRMINGHAM
ORDINANCE NO.

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

**TO AMEND ARTICLE 5.12 B4 DISTRICT, USE SPECIFIC STANDARDS,
TO ALLOW ROOFTOP USE AND AMENITIES.**

K. Rooftop Use Standards:

- g. Rooftop amenities such as pergolas, trellises and other similar items are permitted on a rooftop, provided:**
 - i. They are set back at least 5 feet from the eave line.**
 - ii. They are of sufficient weight or anchored to the building to resist anticipated wind loads.**
 - iii. They do not have full enclosures.**
 - iv. They do not include eisenglass or similar enclosure materials.**
- h. Rooftop structures and amenities may not contain habitable space.**

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**CITY OF BIRMINGHAM
ORDINANCE NO.**

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

TO AMEND ARTICLE 5.13 MX DISTRICT, USE SPECIFIC STANDARDS, TO ALLOW ROOFTOP USE AND AMENITIES.

N. Rooftop Use Standards:

- i. Rooftop amenities such as pergolas, trellises and other similar items are permitted on a rooftop, provided:
 - i. They are set back at least 5 feet from the eave line.**
 - ii. They are of sufficient weight or anchored to the building to resist anticipated wind loads.**
 - iii. They do not have full enclosures.**
 - iv. They do not include eisenglass or similar enclosure materials.****
- j. Rooftop structures and amenities may not contain habitable space.**

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**CITY OF BIRMINGHAM
ORDINANCE NO.**

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

TO AMEND ARTICLE 5.14 TZ1 DISTRICT, USE SPECIFIC STANDARDS, TO ALLOW ROOFTOP USE AND AMENITIES.

B. Rooftop Use Standards:

- k. Rooftop amenities such as pergolas, trellises and other similar items are permitted on a rooftop, provided:
 - i. They are set back at least 5 feet from the eave line.**
 - ii. They are of sufficient weight or anchored to the building to resist anticipated wind loads.**
 - iii. They do not have full enclosures.**
 - iv. They do not include eisenglass or similar enclosure materials.****
- l. Rooftop structures and amenities may not contain habitable space.**

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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 5.15 TZ2 DISTRICT, USE SPECIFIC STANDARDS, TO ALLOW ROOFTOP USE AND AMENITIES.

B. Rooftop Use Standards:

- a. Rooftop amenities such as pergolas, trellises and other similar items are permitted on a rooftop, provided:**
 - i. They are set back at least 5 feet from the eave line.**
 - ii. They are of sufficient weight or anchored to the building to resist anticipated wind loads.**
 - iii. They do not have full enclosures.**
 - iv. They do not include eisenglass or similar enclosure materials.**
- b. Rooftop structures and amenities may not contain habitable space.**

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Cherilynn Mynsberge, City Clerk

**CITY OF BIRMINGHAM
ORDINANCE NO.**

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

TO AMEND ARTICLE 5.16 TZ3 DISTRICT, USE SPECIFIC STANDARDS, TO ALLOW ROOFTOP USE AND AMENITIES.

B. Rooftop Use Standards:

- c. Rooftop amenities such as pergolas, trellises and other similar items are permitted on a rooftop, provided:
 - v. They are set back at least 5 feet from the eave line.**
 - vi. They are of sufficient weight or anchored to the building to resist anticipated wind loads.**
 - vii. They do not have full enclosures.**
 - viii. They do not include eisenglass or similar enclosure materials.****
- d. Rooftop structures and amenities may not contain habitable space.**

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CITY OF BIRMINGHAM
ORDINANCE NO.

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

TO AMEND ARTICLE 9, DEFINITIONS TO DEFINE BUILDING HEIGHT, BUILDING HEIGHT- DOWNTOWN OVERLAY, BUILDING HEIGHT, TRIANGLE OVERLAY, ROOFTOP, AND ROOFTOP TERRACE.

Building Height: The Vertical distance measured from existing grade to the highest point of the roof surface for flat roofs; to the deck line of mansard roofs, and to the midpoint for gable, hip, gambrel, barrel, and shed roofs. In a building having a flat roof, the parapet, if provided, may exceed the maximum building height by up to ~~3 feet~~ **42 inches**.

Building Height, **Downtown** Overlay: The vertical distance from the average grade at the sidewalk at the frontage line to the highest point of the roof surface in a flat roof and the eaves/eave line for a gable, hip, gambrel, or mansard roof. Height limits do not apply to ~~parapet walls, belfries, steeples or flagpoles, skylights, chimneys, or roof structures for the housing of elevators, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain the building.~~

Rooftop: The external upper covering of a building.

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