

**REGULAR MEETING OF THE PLANNING BOARD
WEDNESDAY – JANUARY 27, 2016
7:30 PM
CITY COMMISSION ROOM
151 MARTIN STREET, BIRMINGHAM**

- A. Roll Call
- B. Review and Approval of the Minutes of the regular meeting of **January 13, 2016**
- C. Chairpersons' Comments
- D. Review of the Agenda
- E. Courtesy Review
 - 1. **Chesterfield Fire Station**
- F. Study Session Items
 - 1. **D5 Gateway District**
 - 2. **Zoning Ordinance Amendments**
 - 3. **2016-2017 Planning Board Action List**
 - 4. **Outdoor Storage**
- G. Meeting Open to the Public for items not on the Agenda
- H. Miscellaneous Business and Communications:
 - a. Communications
 - b. **Administrative Approval** Correspondence
 - c. Draft Agenda for the next Regular Planning Board Meeting (**February 24, 2016**)
 - d. Other Business
- I. Planning Division Action Items
 - a. Staff Report on Previous Requests
 - b. Additional Items from tonight's meeting
- J. Adjournment

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**CITY OF BIRMINGHAM
PLANNING BOARD ACTION ITEMS
OF WEDNESDAY, JANUARY 13, 2016**

Item	Page
<p>1. 1193 Floyd, Vacant Building (former salon) Application for Final Site Plan Review to allow construction of a new 12 unit residential building (postponed from November 11, 2015; request by applicant to postpone to February)</p> <p>Motion by Mr. Williams Seconded by Mr. Koseck to postpone consideration of this item to February 24, 2016.</p> <p>Motion carried, 5-0.</p>	<p>2</p> <p>2</p> <p>2</p>
<p>2. 885 Redding Rd. (existing duplex) 2400 and 2430 E. Lincoln St. (vacant property) Application for Final Site Plan Review to allow construction of two new residential condominiums, each with attached garage</p> <p>Motion by Mr. Williams Seconded by Mr. Koseck to approve the Final Site Plan for 885 Redding with the condition that the applicant address the concerns of all City Departments.</p> <p>Motion carried, 7-0.</p>	<p>2</p> <p>4</p> <p>4</p>
<p>3. 2159 and 2295 E. Lincoln Request for one-year extension of Final Site Plan</p> <p>Motion by Mr. Williams Seconded by Mr. Boyle to request extension of the Final Site Plan for 2159 and 2295 E. Lincoln to August 31, 2016.</p> <p>Motion carried, 7-0.</p>	<p>4</p> <p>4</p> <p>4</p>
<p>1. 856 N. Old Woodward Ave. (vacant land) Application for Community Impact Study and Preliminary Site Plan Review to allow construction of new four-story building with first-floor retail and residential above (postponed from December 9, 2015)</p>	<p>5</p>

Item	Page
Motion by Mr. Share Seconded by Mr. Boyle to accept the CIS with the provision that if the number of units or stories change or there are other significant changes the applicant would have to provide an update to the impacts for administrative approval.	9
Motion carried, 7-0.	9
Motion by Mr. Williams Seconded by Mr. Share to postpone the Preliminary Site Plan Approval for 856 N. Old Woodward Ave. to February 24, 2016.	9
Motion carried, 7-0.	9

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

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

Present: Chairman Scott Clein; Board Members Robin Boyle, Stuart Jeffares, Bert Koseck, Gillian Lazar; Bryan Williams; Alternate Board Member Daniel Share

Absent: Board Member Janelle Whipple-Boyce; Student Representatives Scott Casperson, Andrea Laverty

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

Also Present: Michael Labadie, Fleis and Vandenbrink ("F&V"), City Traffic Consultant

01-01-15

**APPROVAL OF THE MINUTES OF THE REGULAR PLANNING BOARD MEETING
OF DECEMBER 9, 2016**

Mr. Share:

Page 3 - Last paragraph, third line, insert "Danziger" in front of "house."

Motion by Mr. Williams

Seconded by Mr. Boyle to approve the Minutes of December 9, 2016 with the change.

Motion carried, 5-0.

VOICE VOTE

Yeas: Williams, Boyle, Clein, Jeffares, Share

Nays: None

Abstain: Koseck, Lazar

Absent: Whipple-Boyce

01-02-16

CHAIRPERSON'S COMMENTS (none)

01-03-16

APPROVAL OF THE AGENDA

The Agenda heading for 856 N. Old Woodward Ave. should have read that the request is for Community Impact Statement and Preliminary Site Plan Review.

01-04-16

FINAL SITE PLAN REVIEWS

1. **1193 Floyd, Vacant Building** (former salon)
Application for Final Site Plan Review to allow construction of a new 12 unit residential building (postponed from November 11, 2015; request by applicant to postpone to February)

Mr. Chuck Dimaggio with Burton Katzman spoke to represent the property owner, Floyd St., LLC. Postponement to February 24 is requested because they are still working through some issues. They are in the process of re-designing for accessibility.

Motion by Mr. Williams

Seconded by Mr. Koseck to postpone consideration of this item to February 24, 2016.

At 7:38 p.m. there were no comments from the public on the motion.

Motion carried, 5-0.

VOICE VOTE

Yeas: Williams, Koseck, Boyle, Jeffares, Lazar

Nays: None

Abstain: Clein, Share

Absent: Whipple-Boyce

01-05-16

2. **885 Redding Rd.** (existing duplex) **2400 and 2430 E. Lincoln St.** (vacant property)
Application for Final Site Plan Review to allow construction of two new residential condominiums, each with attached garage

Mr. Baka recalled the subject site is a 0.39 acre parcel located on the south side of Redding Rd. between Lakeside Dr. and N. Old Woodward Ave. in the R-4 Zoning District. The applicant is proposing to demolish the existing residential building and build a new two-unit condominium on the 16,988 sq. ft. parcel.

On December 9, 2015, the Planning Board approved the Preliminary Site Plan for the subject site with several conditions. The proposed plan meets all the setback, height, and floor area requirements for an R-4 (Two-Family Residential) development.

Mr. Baka went on to highlight some of the changes since the last meeting. The applicant has shrunk the depth of the building so that the 30 ft. rear setback is maintained, but the building is moved back 11 ft. to be more in line with the neighbor's front setback. The AC units have been taken down from four to two at the Planning Board's suggestion. A 6 ft. brick masonry wall along with six mature trees is proposed on the eastern boundary line. A very extensive landscape plan has been submitted.

Design Review

The proposed two-unit, multi-family house is an English cottage-style using the following building materials:

- Chestnut bronze aluminum gutters and downspouts;
- Glen-Gerry, Anchor Bay Tumble Queen brick – main building face material;
- Course Texture Stucco – accents and trim;
- CertainTeed 'Driftwood' Roof Shingles;
- Jeld-Wen Clad Desert Sand windows; and
- Indiana Limestone – secondary building face material.

Mr. Rick Wiand from Hunter Roberts Homes confirmed that they use natural stucco and not E.F.I.S. Further, he noted they have been working with the Minnas next door to the east who are concerned with their view. The Minnas have requested brick pillars and a wrought iron fence with yews planted along it instead of the brick. Mr. Wiand indicated they are agreeable to that.

Motion by Mr. Williams

Seconded by Mr. Share to receive and file e-mail correspondence from Fred Capaldi, Capaldi Building Co. dated January 11, 2016; and correspondence dated January 14, 2016 from Mike Minna.

Motion carried, 7-0.

VOICE VOTE

Yeas: Williams, Share, Boyle, Clein, Jeffares, Koseck, Lazar

Nays: None

Absent: Whipple-Boyce

The chairman took comments from the public at 7:50 p.m.

Ms. Kathleen Devereaux, 1019 Rivenoak, said that Zillow indicates the house that will be demolished to make room for the proposed development was designed by Wallace Frost. Mr. Baka clarified that it is not a designated historic property. Mr. Wiand stated that he does not believe this is a Wallace Frost home.

In response to Mr. Williams' inquiry about parking along Redding, Ms. Ecker indicated the applicant has met their parking requirements. If a parking problem develops along the street, people could apply for resident only parking.

Motion by Mr. Williams

Seconded by Mr. Koseck to approve the Final Site Plan for 885 Redding with the condition that the applicant address the concerns of all City Departments.

There were no public comments at 7:55 p.m.

Motion carried, 7-0.

VOICE VOTE

Yeas: Williams, Koseck, Boyle, Clein, Jeffares, Lazar, Share,

Nays: None

Absent: Whipple-Boyce

01-06-16

**3. 2159 and 2295 E. Lincoln
Request for one-year extension of Final Site Plan**

Ms. Ecker explained the applicant, Lincoln Birmingham Properties, LLC submitted a letter requesting a one-year extension of the Final Site Plan that was approved on February 25, 2015. They are currently in the process of evaluating their financing options for the project and need an extension to continue this process beyond February 25, 2015.

There was no one present for the applicant.

Mr. Koseck thought 12 months seems like a long time and others agreed. Mr. Williams commented that is not going to be any easier to get financing in the next few months.

Motion by Mr. Williams

Seconded by Mr. Boyle to request extension of the Final Site Plan for 2159 and 2295 E. Lincoln to August 31, 2016.

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

Motion carried, 7-0.

VOICE VOTE

Yeas: Williams, Boyle, Clein, Jeffares, Koseck, Lazar, Share

Nays: None

Absent: Whipple-Boyce

01-07-16

COMMUNITY IMPACT STUDY ("CIS") AND PRELIMINARY SITE PLAN REVIEWS

1. **856 N. Old Woodward Ave.** (vacant land)
Application for Community Impact Study and Preliminary Site Plan Review to allow construction of new four-story building with first-floor retail and residential above (postponed from December 9, 2015)

Ms. Ecker stated that the site has a total land area of .56 acres and is located on the east side of N. Old Woodward Ave. south of Oak St. The site has been vacant over a decade.

At this time, the applicant is proposing to construct a four-story mixed-use building. The lower level of the building will have parking and residential storage spaces. The first floor is proposed to contain parking fronted by retail space and a residential lobby. The second, third and fourth floors will contain 27 residential units. On-street parking will be provided on N. Old Woodward Ave. The building will have an approximate total of 106,513.7 gross sq. ft. Thus, the applicant was required to prepare a Community Impact Study in accordance with Article 7, section 7.27(E) of the Zoning Ordinance as they are proposing one new building containing more than 20,000 sq. ft. of gross floor area.

On December 9, 2015, the applicant appeared before the Planning Board for a review of the CIS and Preliminary Site Plan. After much discussion, the Planning Board voted to postpone consideration of the CIS and Preliminary Site Plan to January 13, 2016 to allow the applicant to provide additional information with regards to the height of the building, to address traffic concerns, and to provide additional information regarding potential MDEQ issues.

The proposed building contains one extra floor of residential above what was recommended in the 2016 Plan. Although it is four stories, the building conforms to the maximum height limit of 56' in the D-2 Zone of the Overlay District. The Building Official has now provided an interpretation that although the building does not exceed the maximum height of 56 ft. in the D-2 District, it does exceed three stories. Further, the Building Official has indicated that the proposed underground parking level does not meet the definition of basement in the Zoning Ordinance, and is therefore considered a story. The underground level is not more than 50% below grade. ***Thus, the applicant must obtain a variance for two additional stories.***

The applicant has submitted a summary letter from PM Environmental dated January 7, 2016 that outlines the geology, hydrology and contamination issues on the existing site. This letter also outlines in detail construction mitigation measures, response activities and the applicant's due care obligations to deal with the on-site contamination.

The applicant has now shown all proposed utility lines and connections on the civil plans and provided written confirmation that all utilities will be buried to comply with City regulations.

The applicant will be required to provide the City with a public access easement for the western portion of the site that is proposed for public parking and a public sidewalk. The applicant has advised in writing that they will provide a 22.5 ft. wide public access easement.

The applicant submitted a revised traffic study dated December 30, 2015 and new SYNCHRO data to the City's transportation consultant, Fleis and Vandenbrink ("F&V"), to address all of the issues previously raised. The traffic consultant noted several concerns that he outlined in a letter presented today.

The CIS shows a total of 70 parking spaces including those in the right-of-way. The drawings now confirm 17 parking spaces on the first level behind the retail, 37 spaces in the underground parking level, 9 on-street spaces on private property, and 7 more in the public right-of-way. They have 63 spaces, not including those in the right-of-way. The requirement is for 66 spaces. Given the improvements proposed in the right-of-way, the applicant may be entitled to include the 3 parking spaces in the right-of-way in their parking counts with approval by the City Commission.

Motion by Mr. Williams

Seconded by Mr. Jeffares to include the letter from Michael Labadie dated January 13, 2016.

Motion carried, 7-0.

VOICE VOTE

Yeas: Williams, Jeffares, Boyle, Clein, Koseck, Lazar, Share

Nays: None

Absent: Whipple-Boyce

Mr. Labadie summarized his findings. He pointed out that the right turn lane queue heading north along N. Old Woodward Ave. onto Oak blocks the site driveway during peak hours. If the right-of-way parking is used, there is not enough sight distance. To reduce the problem he suggested modifying the driveway operation to make it right-in/right-out only.

Mr. Frank Filochoto, Stonefield Engineering and Design, Inc., summarized how they have worked with F&V over the past couple of months in regards to resolving some of the traffic related issues. The reality is the queue will back up past the driveway during peak hours. However, this use is not intensive from a trip generation standpoint. They are looking at about forty trips during peak hours, combined retail and residential. The driveway cannot be moved to the south. They think the streetscape they are providing is consistent with and enhances the area. The minor negatives of sight distance and loss of storage in the right turn lane are mitigated by the benefit given back to the community of seven on-street parking spaces and streetscape enhancements. He doesn't think there is enough traffic to warrant right-in/right-out and therefore he disagrees. Parking demand will be offset because the retail uses will not be parking at night when the residents are home.

Mr. Tim Ponton, also with Stonefield Engineering and Design, Inc., thought they could potentially make up the area being given back for public benefit by adding one story that is still within the allowable height of 56 ft. Additionally, they disagree with the Building Official's interpretation of a basement. Approximately eighty-five percent of the overall perimeter of their structure meets the exact definition of a basement.

Chairman Clein questioned how four stories above the N. Old Woodward plane fits into context with the surroundings. Mr. Ponton replied it is important to note that they are still within the building height from a zoning perspective. When you look at the whole big picture of what they are giving back in terms of parking for the City and that this is completely in line with the 2016 Plan, they think they are right there.

With respect to the basement level, Mr. Koseck thought there is a case to be made for unique circumstance.

In response to Mr. Boyle, Mr. John Marusich, the architect, talked about the size of the units they are hoping to construct which will be 1,500 to 1,700 sq. ft. with two bedrooms. They will be upscale, moderate units.

Mr. Bret Donaldson with J.B. Nelson and Co. explained their plan for staging trucks and equipment. They hope to make an arrangement with the property owner to the east to load off the parking lot that fronts on Woodward Ave. If they can't, they will ask the City for a permit to close some of the pavement on Woodward Ave. If they can't get the lots, they will have to park somewhere else and shuttle back to the site.

At 9:04 p.m. the chairman offered members of the public an opportunity to comment.

Mr. Fred Najor who owns a couple of properties to the south of the site spoke in support of the project.

Ms. Carolyn Butcher, who works for Mr. Norman Ziegelman, owner of the adjacent building to the south, said she will be happy to see the Carrie Lee hole built on. She questioned a four-story building in an area where the other buildings are two stories. Parking in this area is very difficult and she doesn't understand how more retail can be added in Birmingham without providing parking. There is no parking for employees. She has a parking permit, but it is impossible to find a space.

Mr. Drew Dutley, 740 Brookside, echoed the concerns about the size and mass of the building. It doesn't really fit into the context of the neighborhood. Looking from the southeast, the building is 67 ft. high; not 56 ft. Second, the parking and the traffic will be a problem. Further, given the condition of the soil, it is important of keep the water and air quality up.

Mr. Boyle received clarification that the stop for bus rapid transit would be in the vicinity of Oak and Woodward Ave. Therefore, he noted this parcel will be right in the middle of a Transit Oriented Development area. Within about two years this site might become extremely important in terms of accessing parking and getting a stop for the bus service. Ms. Ecker added that a certain percentage of people may choose to take the bus rapid transit to the site rather than driving.

Mr. Share indicated he does not understand the extent to which remediation is going to happen with regard to the heavy metals and some of the volatile organic compounds ("VOCs"). Mr. Jamie Entenovich, Engineer with PM Environmental, talked about hazards to residents and users of the site and adjacent area. Seven thousand cubic

yards of fill coming out will address a lot of the VOCs. Also, when the property is developed the surface cover will also be a barrier. Nothing will go off the property during construction before it is covered. The volatiles are not a direct contact concern. Construction will be conducted in a manner not to exacerbate the existing issues of the property. Ground water will be addressed in a manner that will not make it worse as far as how the building and utilities are put in. Based on what has been identified, additional steps will not be needed to prevent migration of metals down into the Rouge River. Mr. Entenovich thought the property owner along with the design team are more than willing to commit to having the environmental team present during construction to ensure that all local, state and DEQ regulations are met. The owner intends to submit a Brownfield Plan for the site.

In response to Ms. Lazar, Mr. Entenovich clarified that a slurry wall will be constructed on the property boundary as a barrier to prevent migration of contamination from the dry cleaner onto this property.

Mr. Williams said he is uncomfortable with moving on when the building is two floors out of compliance with D-2 zoning. He objects to the process where the Planning Board is forced to make a preliminary determination on a jurisdictional issue they don't have control over. He feels the legal process in Birmingham is flawed and the City Commission should address the issue.

The chairman said he tends to think the traffic impact can be resolved. However, he is not supportive of the Site Plan as presented, related to traffic. Ms. Lazar asked if the board accepts the CIS as it is, how many stories would they be accepting it for. Mr. Koseck thought that only allowing three floors may have been a density control. Mr. Boyle said the CIS allows the board to look in detail at the impact of the development on the environment. Mr. Jeffares said it seems that everything that will be looked at can only get better by becoming less intense.

Chairman Klein said he is not satisfied that the traffic and the parking situation is adequately addressed in the CIS. He has serious concerns about the proximity of the entry into the garage that close to the intersection with Oak. In that regard, he is not in a position to vote favorably on a Preliminary Site Plan. Mr. Boyle thought there is value in concluding the conversation on the CIS, but that doesn't mean they should immediately approve the site plan.

Motion by Mr. Share

Seconded by Mr. Boyle to accept the CIS with the provision that if the number of units or stories change or there are other significant changes the applicant would have to provide an update to the impacts for administrative approval.

Motion carried, 7-0.

ROLLCALL VOTE

Yeas: Share, Boyle, Klein, Jeffares, Koseck, Lazar, Williams

Nays: None

Absent: Whipple-Boyce

Motion by Mr. Williams

Seconded by Mr. Share to postpone the Preliminary Site Plan Approval for 856 N. Old Woodward Ave. to February 24, 2016.

There were no public comments related to the motion at 9:38 p.m.

Motion carried, 7-0.

VOICE VOTE

Yeas: Williams, Share, Boyle, Clein, Jeffares, Koseck, Lazar

Nays: None

Absent: Whipple-Boyce

01-08-16

PRE-APPLICATION DISCUSSION

**1. 191 Chester
First Church of Christ, Scientist**

Mr. Rick Rattner, Attorney, 380 N. Old Woodward Ave., was present with the building owner, Mr. Sam Surnow, and Ms. Kelly Allen, Attorney. Mr. Rattner introduced Mr. Bill Ludwig, 520 Willits, the applicant. Mr. Ludwig showed a PowerPoint.

Mr. Ludwig said he was the CEO of Campbell Ewald up until two years ago. For the last two years of his administration he studied collaborative work environments. His intention was to create Forced Collisions of Collaboration. In retirement, he envisions surrounding himself in a collaborative work space with like-minded, affluent, visionary and accomplished people. He and his partners want to build in Birmingham and they found space in the church on the corner of Willits and Chester.

They hope to re-purpose the existing iconic church and will market to entrepreneurs, solopreneurs, corporatepreneurs, and retiredpreneurs. These are people who will demand world class hospitality and service and want to surround themselves with like minded people. The working title for this is Menlo Park 2020. They will have food and beverage as a compliment to the work/meet environment. Intellectually enlightening events will be held for the members and some will be open to the public.

Partners in this proposal are Mr. Campion Platt, Architect, who builds world-class hospitality environments; Mr. Abbasi Nima, Attorney and consultant for Price Waterhouse and luxury brands; and Ms. Kim Dent, interior designer. Mr. Ludwig expressed his excitement about providing a service that does not exist today in Michigan.

Ms. Kelly Allen explained the plan would be to introduce a bistro concept into Mr. Ludwig's idea of a collaborative work space. They will get in line for the bistro selection in April. The bistro would be a public space in cooperation with the cooperative workplace. Ms. Ecker advised there are no applications yet for the April deadline. Professional Office is not allowed in this T-1 Residential District. Prior to that this

property was zoned R-2. The Overlay District incorporates this parcel and it is zoned C for Community Use because it was a church.

Mr. Boyle said this is not new. There are examples of religious buildings that have been adapted to make them work today. Chairman Clein noted this is a Transitional Zone parcel that some neighbors may not be excited about. Mr. Rattner thought the neighbors will be very excited by this. From the standpoint of zoning he did not think it is that big a leap. This is a modern use that is needed and has been successful in other places.

Board members were in favor of the concept.

01-09-16

MEETING OPEN TO THE PUBLIC FOR ITEMS NOT ON THE AGENDA (none)

01-10-16

MISCELLANEOUS BUSINESS AND COMMUNICATIONS

a. Communications

- Long-Range Planning Meeting January 16, 2016
 - Downtown parking structure planning
 - Master Plan discussion
 - Regional projects
 - Bistro License Program review
- The City Commission has established a new Ad Hoc Rail District Committee to study parking, streetscape, sidewalks, bikes, bike lanes on S. Eton. One of the requirements is that there be a member from the Planning Board. It was decided to nominate Janelle Whipple-Boyce if she agrees.

b. Administrative Approval Correspondence and 2015 Report

Mr. Baka advised that Sidecar next to Rojo has decided they would like to propose a change to the front fascia from a Nana Wall to two large 180 degree doors. The HDC approved the change on the condition that the Planning Board is okay with it. All were in favor.

c. Draft Agenda for the Regular Planning Board Meeting on January 27, 2016

- Action List for the upcoming year;
- D-5;
- List of Zoning Ordinance Amendments that need clarification;
- Outdoor storage;
- Planning Board and BZA process and order.

- d. Other Business (not discussed)

01-11-16

PLANNING DIVISION ACTION ITEMS

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

01-12-16

ADJOURNMENT

No further business being evident, board members motioned to adjourn at 10:25 p.m.

Jana Ecker
Planning Director

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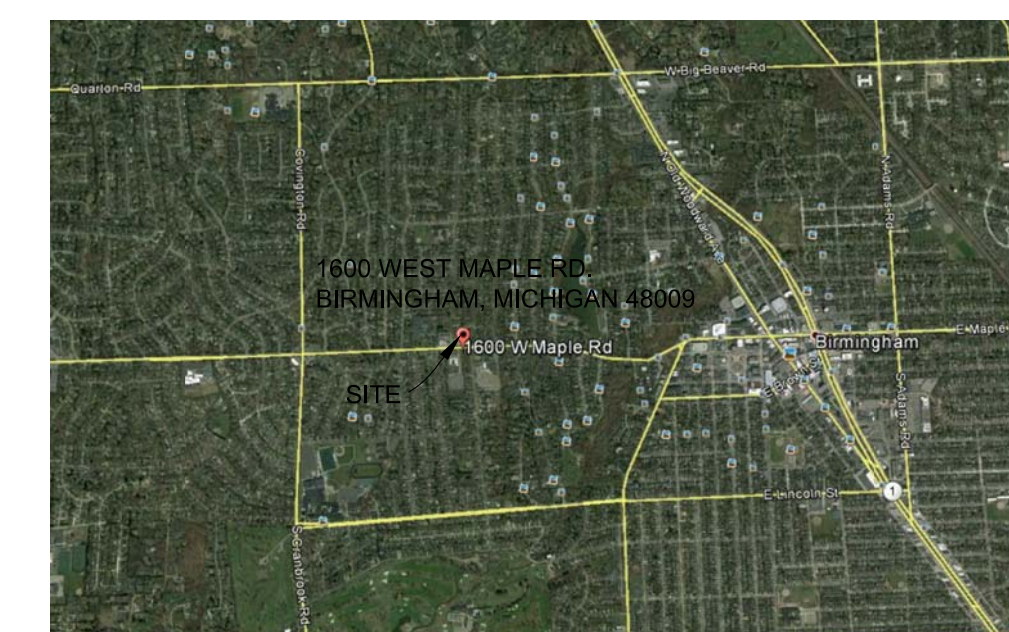
Key Plan: No Scale

Client:
CITY OF BIRMINGHAM

Project:
CHESTERFIELD
FIRE STATION

Seal:

SHEET INDEX			
NO.	SHEET TITLE	DATE	BY
GENERAL			
CS-001	COVER SHEET	01/22/16	SIDOCK GROUP
CIVIL			
TS-001	TOPOGRAPHIC SURVEY	09/22/15	NOWAK & FRAUS
C-000	CIVIL GENERAL NOTES	01/22/16	SIDOCK GROUP
C-101	DEMOLITION PLAN	01/22/16	SIDOCK GROUP
C-200	PROPOSED SITE PLAN	01/22/16	SIDOCK GROUP
C-400	ENLARGED PLAN	01/22/16	SIDOCK GROUP
C-800	DETAILS - PAVING	01/22/16	SIDOCK GROUP
ARCHITECTURAL			
A-210	FLOOR PLAN	01/22/16	SIDOCK GROUP
A-301	EXTERIOR ELEVATIONS	01/22/16	SIDOCK GROUP



 SITE LOCATION MAP
SCALE: NO SCALE

Date	Issued For
01/20/16	OWNER REVIEW
01/22/16	SPA REVIEW

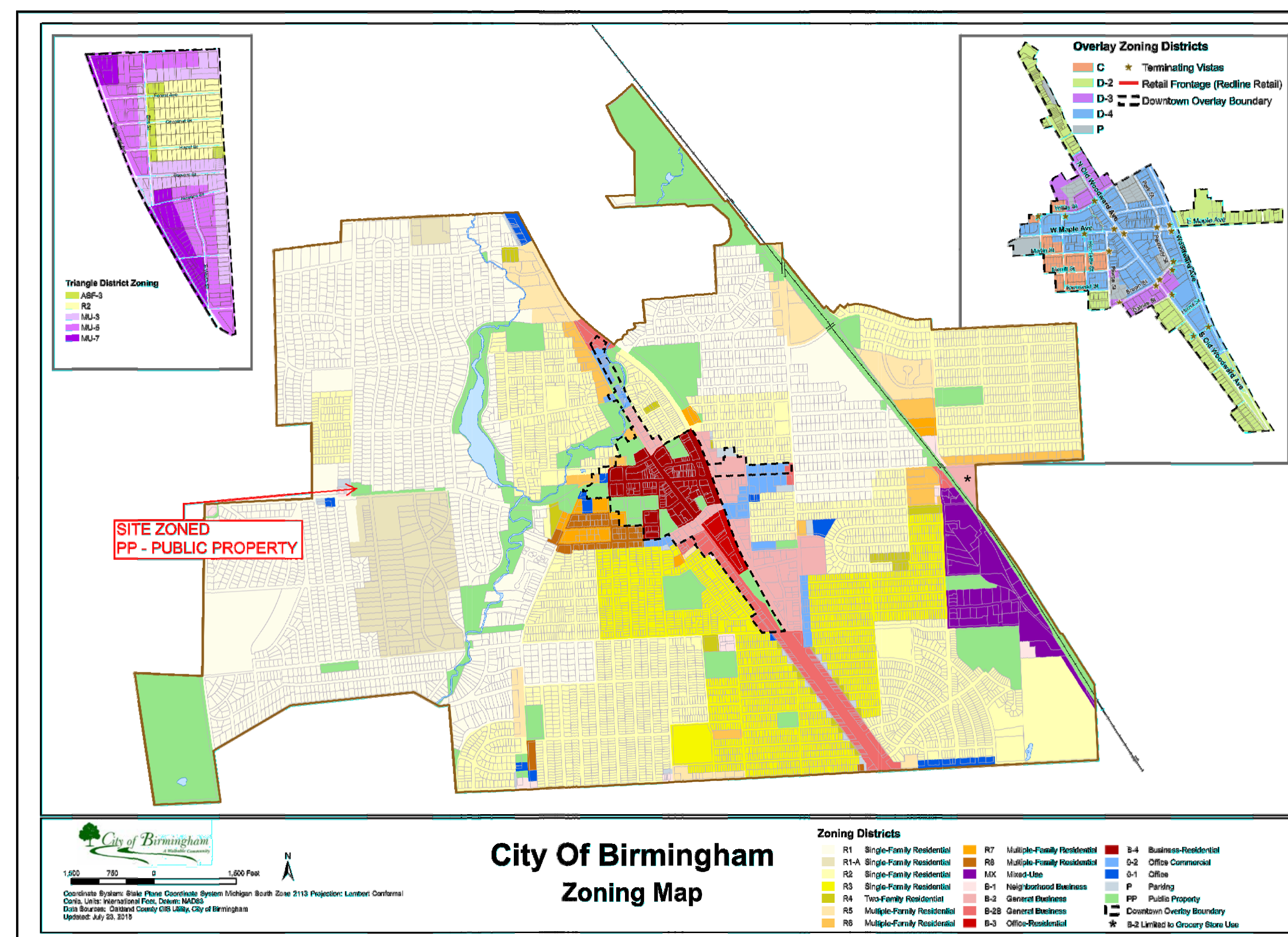
Drawn:	SJ
Checked:	CL
Approved:	SP

Sheet Title:
COVER SHEET

Project Number: 15566

Sheet Number: **CS-001**

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ENGINEERS • ARCHITECTS • CONSULTANTS • PROJECT MANAGERS

Tree Information

Tree #	Botanical Name	Common Name	Dia.	Condition	Comments
1	Acer saccharinum	Silver Maple	28	Good	
2	Acer platanoides	Norway Maple	15	Fair	Some trunk decay, heavy branch ends, sparse crown
3	Malus spp.	Crabapple spp.	9	Fair	In-rolled trunk seam with some decay
4	Tilia americana	Basswood	15	Good	
5	Abies concolor	White Fir	13	Good	
6	Picea abies	Norway Spruce	22	Fair	Being choked by ivy vines
7	Pinus strobus	Eastern White Pine	22	Good	Being choked by ivy vines
8	Rhamnus cathartica	Common Buckthorn	10	Fair	Numerous crooks in trunk, marginal form
9	Morus alba	White Mulberry	15	Good	
10	Rhamnus cathartica	Common Buckthorn	8	Poor	Extensive trunk decay, 30% dead
11	Acer platanoides	Norway Maple	6	Fair	Very restrictive and unbalanced crown
12	Acer platanoides	Norway Maple	20	Good	
13	Ulmus americana	American Elm	14	Good	Being choked by vines
14	Morus alba	White Mulberry	16	Fair	Flux, being choked by vines
15	Acer platanoides	Norway Maple	9	Good	
16	Gleditsia triacanthos	Honeylocust	28	Good	
17	Celtis occidentalis	Northern Hackberry	4	Good	Mower damage to trunk base
18	Gleditsia triacanthos	Honeylocust	28	Good	
19	Gleditsia triacanthos	Honeylocust	9	Good	
20	Gleditsia triacanthos	Honeylocust	16	Good	
21	Gleditsia triacanthos	Honeylocust	14	Good	
22	Acer platanoides	Norway Maple	15	Good	
23	Ulmus americana	American Elm	9	Good	Hybrid
24	Acer platanoides	Norway Maple	15	Good	
25	Acer platanoides	Norway Maple	13	Good	
26	Acer platanoides	Norway Maple	9	Good	
27	Ulmus americana	American Elm	12	Good	Hybrid
28	Acer saccharinum	Silver Maple	16	Fair	Terminal leader dead, unbalanced crown
29	Acer saccharinum	Silver Maple	22	Good	
30	Crataegus spp.	Hawthorn apple	8	Good	
31	Acer saccharinum	Silver Maple	28	Good	



**CIVIL ENGINEERS
LAND SURVEYORS
LAND PLANNERS**

PROJECT
Chesterfield Fire Station
1600 W. Maple
Birmingham, MI



CLIENT
Engineering Department
151 Martin Street
Birmingham, MI 48012

PROJECT LOCATION
Part of the SE 1/4 of
Sections 26, Town 2 North,
Range 10 East, City of
Birmingham, Oakland
County, Michigan

SHEET
Boundary / Topography
Survey

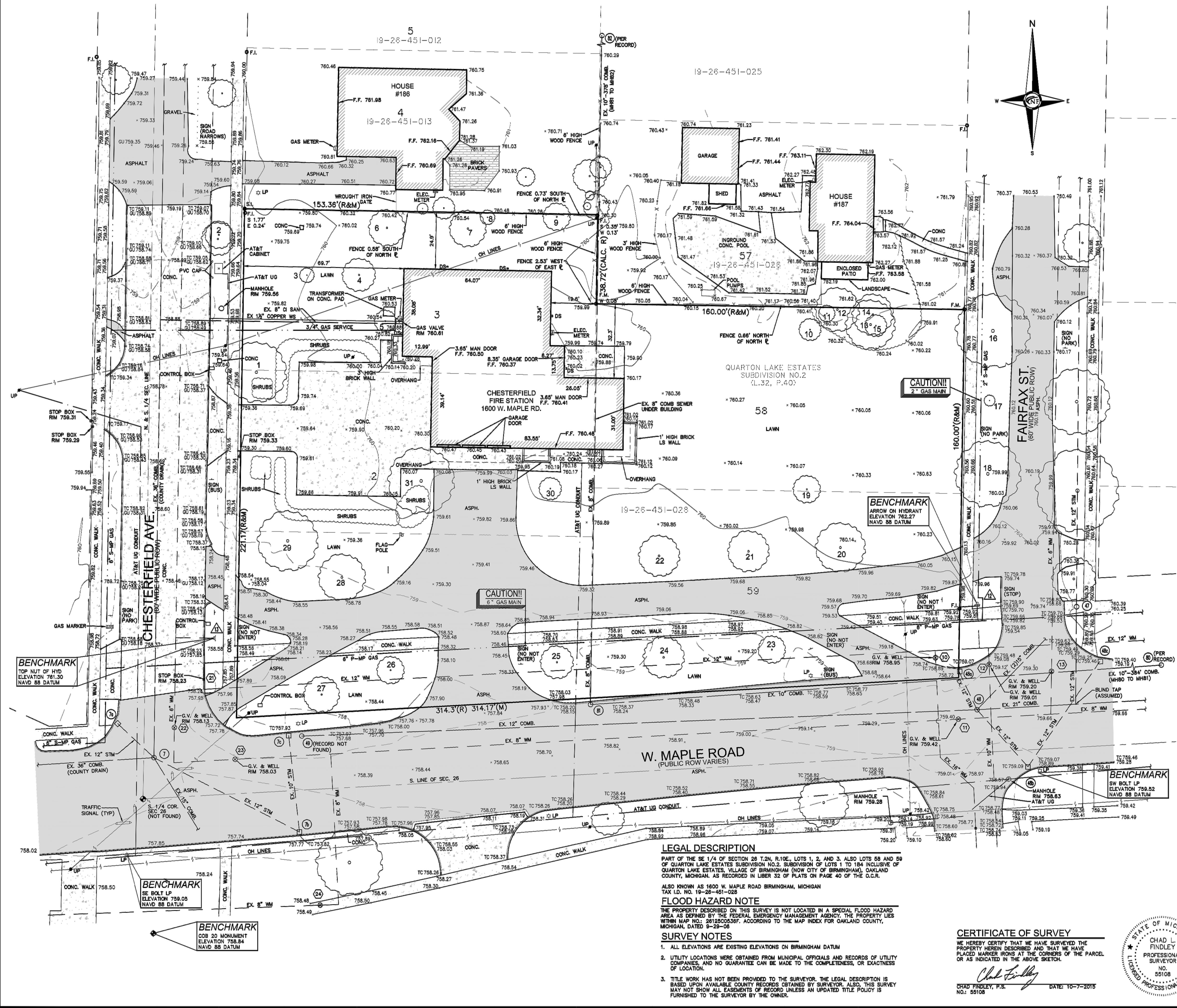


Know what's below
Call before you dig.

REVISIONS
9-21-15 Issued Draft to Architect
10-07-15 Issued Final Survey

DRAWN BY:
RP
DESIGNED BY:
BB
APPROVED BY:
BB/GY
DATE:
9-22-15

SCALE: 1" = 20'
20 10 0 10 20 30
NFE JOB NO. 1757 **SHEET NO.** TS-001



LEGAL DESCRIPTION

PART OF THE SE 1/4 OF SECTION 26 T.2N, R.10E, LOTS 1, 2, AND 3, ALSO LOTS 58 AND 59 OF QUARTON LAKE ESTATES SUBDIVISION NO.2, SUBDIVISION OF LOTS 1 TO 184 INCLUSIVE OF QUARTON LAKE ESTATES, VILLAGE OF BIRMINGHAM (NOW CITY OF BIRMINGHAM), OAKLAND COUNTY, MICHIGAN, AS RECORDED IN LIBER 32 OF PLATS ON PAGE 40 OF THE G.C.R.

ALSO KNOWN AS 1600 W. MAPLE ROAD BIRMINGHAM, MICHIGAN
TAX ID. NO. 19-26-451-028

FLOOD HAZARD NOTE

THE PROPERTY DESCRIBED ON THIS SURVEY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA AS DEFINED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY. THE PROPERTY LIES WITHIN MAP NO. 26125C0538F, ACCORDING TO THE MAP INDEX FOR OAKLAND COUNTY, MICHIGAN, DATED 9-28-09

SURVEY NOTES

- ALL ELEVATIONS ARE EXISTING ELEVATIONS ON BIRMINGHAM DATUM
- UTILITY LOCATIONS WERE OBTAINED FROM MUNICIPAL OFFICIALS AND RECORDS OF UTILITY COMPANIES, AND NO GUARANTEE CAN BE MADE TO THE COMPLETENESS, OR EXACTNESS OF LOCATION.
- TITLE WORK HAS NOT BEEN PROVIDED TO THE SURVEYOR. THE LEGAL DESCRIPTION IS BASED UPON AVAILABLE COUNTY RECORDS OBTAINED BY SURVEYOR. ALSO, THIS SURVEY MAY NOT SHOW ALL EASEMENTS OF RECORD UNLESS AN UPDATED TITLE POLICY IS FURNISHED TO THE SURVEYOR BY THE OWNER.

CERTIFICATE OF SURVEY

WE HEREBY CERTIFY THAT WE HAVE SURVEYED THE PROPERTY HEREIN DESCRIBED AND THAT WE HAVE PLACED MARKER IRONS AT THE CORNERS OF THE PARCEL OR AS INDICATED IN THE ABOVE SKETCH.

CHAD FINLEY, P.S.
NO. 55108
DATE: 10-7-2015



LEGEND

08	CATCH BASIN	12	WALL MOUNTED LIGHT
09	REAR YARD BASIN	13	SIGN
10	STORM SEWER MANHOLE	14	GUARD POST/BOLLARD
11	END SECTION	15	PARKING METER
12	DOWNSPOUT	16	MAIL BOX
13	SANITARY SEWER MANHOLE	17	ROCK/BOULDER
14	CLEAN OUT	18	SPRINKLER VALVE BOX
15	COMBINED SEWER MANHOLE	19	SPRINKLER HEAD
16	GATE VALVE & WELL	20	LANDSCAPED AREA
17	HYDRANT	21	FOUND PROPERTY MARKER
18	WATER SHUT OFF	22	SET PROPERTY MARKER
19	WELL	23	FOUND PK. NAIL
20	NOT FOUND	24	FOUND MONUMENT
21	ELECTRIC MANHOLE	25	FOUND SECTION CORNER
22	TELEPHONE MANHOLE	26	CONCRETE PAVEMENT
23	UTILITY POLE	27	ASPH. PAVEMENT
24	GUY POLE	28	FLOODWAY AREA
25	GUY WIRE	29	STORM SEWER
26	LIGHT POLE	30	SANITARY SEWER
27	PUBLIC TELEPHONE	31	WATER MAIN
28	ELECTRIC METER	32	GAS MAIN
29	GAS METER	33	OVERHEAD CABLES
30	GAS VALVE	34	UNDERGROUND CABLES
31	GAS MARKER		
32	HANDICAP PARKING SPACE		
33	FLAS POLE		

GENERAL CIVIL NOTES

- PRIOR TO SUBMITTING PROPOSAL, VERIFY ALL CONDITIONS GOVERNING OR AFFECTING THE CIVIL WORK; OBTAIN AND VERIFY THE PROPER FIT AND LOCATION OF THE CIVIL WORK. TAKE ADDITIONAL DIMENSIONS AS REQUIRED; REPORT TO THE ENGINEER ANY AND ALL CONDITIONS WHICH MAY INTERFERE WITH OR OTHERWISE AFFECT OR PREVENT THE PROPER EXECUTION AND COMPLETION OF THE WORK; FAMILIARIZE YOURSELF WITH THE ACTUAL CONDITIONS OF THE CIVIL WORK, ACCESS TO THE SITE, AVAILABLE STORAGE SPACE, FACILITIES AND OBSTRUCTIONS THAT MAY BE ENCOUNTERED DURING THE PROGRESS OF WORK.
- CONTRACTOR TO FURNISH ALL NECESSARY LABOR, MATERIAL, EQUIPMENT AND FACILITIES TO FURNISH, FABRICATE AND PERFORM THE REQUIRED CIVIL WORK.
- ANY EXISTING CONSTRUCTION TO BE MODIFIED AS A PART OF THIS CONTRACT SHALL BE REBUILT AS REQUIRED TO THE SATISFACTION OF THE OWNER/ENGINEER.
- EXISTING CONSTRUCTION NOT UNDERGOING ALTERATION IS TO REMAIN UNDISTURBED, WHERE SUCH CONSTRUCTION IS DISTURBED AS A RESULT OF THE OPERATIONS OF THIS CONTRACT, THE EXISTING CONSTRUCTION SHALL BE REPAIRED OR REPLACED BY THE CONTRACTOR AS REQUIRED AND TO THE SATISFACTION OF THE OWNER/ENGINEER.
- ALL WORK SHOWN ON THESE DRAWINGS MAY BE CHECKED BY AN INDEPENDENT TESTING AGENCY RETAINED BY OWNER TO ENSURE COMPLIANCE WITH THE REQUIREMENTS SHOWN ON THE DRAWINGS. THE CONTRACTOR SHALL PROVIDE ACCESS AS REQUIRED FOR TESTING PURPOSES.
- CONTRACTOR SHALL MAKE ALL NECESSARY FIELD VISITS FOR INSPECTION, MEASUREMENTS AND VERIFICATION OF EXISTING CONDITIONS.
- THE GENERAL CIVIL NOTES ARE INTENDED TO AUGMENT THE DRAWINGS AND SPECIFICATIONS. SHOULD CONFLICTS EXIST BETWEEN THE DRAWINGS, SPECIFICATION, AND/OR THE GENERAL CIVIL NOTES, THE STRICTEST PROVISION AS DETERMINED BY THE ENGINEER SHALL GOVERN.
- WORK THE CIVIL DRAWINGS IN CONJUNCTION WITH THE ARCHITECTURAL, MECHANICAL, STRUCTURAL, AND ELECTRICAL DRAWINGS.
- ALL WORK SHALL CONFORM TO APPLICABLE STATE AND LOCAL CODES.
- SOIL BORINGS: SOILS INFORMATION WILL BE AVAILABLE FROM THE CIVIL ENGINEER (SIDOCK ARCHITECTS). THE REPORT WILL BE BY TESTING & ENGINEERING CONSULTANTS, INC., DATED _____, 2016. THE BORING LOGS SHOW SUBSURFACE CONDITIONS AT THE DATES AND LOCATIONS INDICATED, AND IT IS NOT WARRANTED THAT THEY ARE REPRESENTATIVE OF SUBSURFACE CONDITIONS AT OTHER LOCATIONS AND TIMES.
- THE CONTRACTOR SHALL COMPLY WITH THE CONSTRUCTION SAFETY STANDARDS AND THE OCCUPATIONAL SAFETY STANDARDS (OSHA) AS ISSUED BY THE U.S. DEPARTMENT OF LABOR AND THE MICHIGAN DEPARTMENT OF LABOR (MIOSHA). THE CONTRACTOR SHALL ALSO COMPLY TO REQUIREMENTS OF THE CITY OF BIRMINGHAM SPECIFIC SAFETY PLAN.
- MATERIALS AND WORKMANSHIP SHALL COMPLY WITH CITY OF BIRMINGHAM STANDARDS AND SPECIFICATIONS AND OTHER APPLICABLE CODES, SPECIFICATIONS, LOCAL ORDINANCES, INDUSTRY STANDARDS AND UTILITY COMPANY REGULATIONS.
- THE CONTRACTOR SHALL FAMILIARIZE THEMSELVES WITH ALL THE EXISTING CONDITIONS AT THE SITE INCLUDING UTILITIES, SERVICES, ETC. AND SHALL BE FULLY RESPONSIBLE FOR ANY DAMAGES THEY CAUSE TO BOTH EXISTING, NEW CONSTRUCTION, PROPERTY AND ANY UNAUTHORIZED DISRUPTION TO ADJACENT OWNERS NORMAL USE OF UTILITIES, SERVICES AND THE SURROUNDING FACILITIES.
- THE CONTRACTOR SHALL OBTAIN AUTHORIZATION PRIOR TO MAKING CHANGES TO, OR INTERRUPTIONS OF UTILITIES AND SHALL COMPLY WITH SPECIAL INSTRUCTIONS FROM THE OWNER TO MINIMIZE THE EFFECT ON THEIR OPERATIONS. PRIOR TO ANY EXCAVATION, EARTH MOVING WORK OR REMOVAL OR REMOVAL OF ANY PIPE FROM SERVICE, THE CONTRACTOR SHALL REVIEW WITH THE OWNER'S REPRESENTATIVE THE LOCATION OF THE UNDERGROUND UTILITIES, SERVICE AND STRUCTURES IN THE AREA WHERE THE WORK IS BEING PERFORMED. PROVIDE FULL TIME SUPERVISION DURING ALL EXCAVATION AND EARTH MOVING OPERATIONS AND TAKE ALL RESPONSIBLE PRECAUTIONS TO PROTECT EXISTING UTILITIES, SERVICES AND OPERATIONS FROM DAMAGE OR DISRUPTION.
- PROVIDE BARRIER PROTECTION FOR VEHICULAR AND PEDESTRIAN TRAFFIC AT EXCAVATIONS, TEMPORARY FENCING, BARRICADING AND PEDESTRIAN ROUTING SHALL BE COORDINATED WITH AND APPROVED BY THE OWNER'S REPRESENTATIVE PRIOR TO CONSTRUCTION.
- FOR PROTECTION OF UNDERGROUND UTILITIES THE CONTRACTOR SHALL CALL "MISS DIG" AT 800-482-7171 OR 811, A MINIMUM OF THREE DAYS PRIOR TO EXCAVATION ON THE SITE. ALL "MISS DIG" PARTICIPATING MEMBERS WILL THUS ROUTINELY BE NOTIFIED. THIS DOES NOT RELIEVE THE CONTRACTOR OF NOTIFYING UTILITY OWNER'S WHO MAY NOT BE A PART OF THE "MISS DIG" ALERT SYSTEM.
- DISPOSE OF ALL EXCAVATED SOILS AND WASTE MATERIALS (NEW AND EXISTING) OFF SITE IN A LEGAL MANNER.
- PERFORM FINAL CLEANUP OF WORK AREAS.

CONTROL

- TOPOGRAPHIC INFORMATION: EXISTING INFORMATION IS BASED ON A TOPOGRAPHIC SURVEY BY NOWAK & FRAUS ENGINEERS DATED 10-07-15. SUPPLEMENTED BY FIELD OBSERVATIONS.
- VERTICAL CONTROL: ELEVATIONS SHOWN ARE BASED ON USGS/NAVOD8 DATUM. THE BENCH MARKS USED ARE IDENTIFIED ON THE TOPOGRAPHIC & BOUNDARY SURVEY SHEET.
- LAYOUT: LOCATE BUILDING ADDITIONS BY MEASUREMENTS FROM CONNECTING AREAS OF EXISTING BUILDINGS, & SURVEY. CONFIRM HORIZONTAL AND VERTICAL CONTROL POINTS PRIOR TO CONSTRUCTION. COORDINATES ARE FOR UTILITY LOCATIONS AND OVERALL COORDINATION ONLY.

CLEARING, GRUBBING, & EARTHWORK

- AT THE START OF EARTHWORK OPERATIONS, ALL SURFACE VEGETATION SHALL BE CLEARED AND THE EXISTING TOPSOIL AND ANY OTHER ORGANIC SOILS SHALL BE REMOVED IN THEIR ENTIRETY FROM BELOW THE PROPOSED BUILDING AND PAVEMENT AREAS. EXISTING RANDOM CONCRETE AND OTHER DEBRIS SHALL BE REMOVED FROM WITHIN THE BUILDING AREA. REMOVE STUMPS TO 12 INCHES BELOW FINAL GRADE. DISPOSE OF VEGETATIVE MATTER AND DEBRIS OFFSITE.
- THE SUB-GRADE SHOULD BE THOROUGHLY PROOF-ROLLED WITH A HEAVY RUBBER-TIRED VEHICLE SUCH AS A LOADED SCRAPER OR LOADED DUMP TRUCK. ANY AREAS THAT EXHIBIT EXCESSIVE PUMPING AND YIELDING DURING PROOF-ROLLING SHOULD BE STABILIZED BY AERATION, DRYING AND COMPACTION IF WEATHER CONDITIONS ARE FAVORABLE, OR REMOVAL AND REPLACEMENT WITH ENGINEERED FILL.
- ALL EXCAVATIONS ARE SUBJECT TO THE APPROVAL OF THE OWNER'S REPRESENTATIVE WHO SHALL BE CONSULTED WHEN POOR SOIL, WATER, OBSTRUCTIONS, PIPING, EXISTING FOOTINGS, EXCAVATIONS, ETC., ARE ENCOUNTERED.
- CONTRACTOR SHALL FURNISH ALL REQUIRED DEWATERING EQUIPMENT TO MAINTAIN A DRY EXCAVATION UNTIL BACKFILL IS COMPLETE.
- MATERIAL FOR BACKFILL OR ENGINEERED FILL REQUIRED TO ACHIEVE DESIGN GRADES SHOULD CONSIST OF NON-ORGANIC SOILS. THE ON-SITE SOILS THAT ARE FREE OF ORGANIC MATTER AND DEBRIS MAY BE USED FOR ENGINEERED FILL WITH ENGINEER'S APPROVAL.
- BACKFILL MATERIAL SHALL BE COMPACTED TO 95% OF ITS' MAXIMUM DENSITY AS DETERMINED BY THE MODIFIED PROCTOR METHODS (ASTM D1557), IN LIFTS NOT EXCEEDING 12-INCHES IN LOOSE THICKNESS.
- FROZEN MATERIAL SHALL NOT BE USED AS FILL, NOR SHALL FILL BE PLACED ON FROZEN SUB-GRADE.
- DO NOT PLACE BACKFILL AGAINST FOUNDATION WALLS UNTIL BASEMENT FLOOR LEVEL AND FIRST FLOOR LEVEL SLABS ARE IN PLACE AND HAVE REACHED 75% OF THEIR SPECIFIED DESIGN STRENGTH. SHORE AND BRACE WALLS AS REQUIRED IF BACKFILLING OPERATIONS ARE TO BE CARRIED OUT PRIOR TO PLACEMENT OF FLOOR SLABS.
- PLACE BACKFILL AGAINST BOTH SIDES OF GRADE BEAMS AND FOUNDATIONS AT EQUAL ELEVATIONS OF FILL, EXCEPT AS SHOWN ON THE DRAWINGS.
- CRUSHED SLAG USED AS BACKFILL SHALL BE AGED, ENVIRONMENTALLY SAFE PROCESSED BLAST FURNACE SLAG.
- CONSTRUCTION DRAINAGE: STORM WATER ACCUMULATED IN THE PROJECT SITE EXCAVATIONS IS TO DRAIN BY NATURAL PERCOLATION.

CLEARING, GRUBBING & EARTHWORK CONT.

- SLOPE SMOOTHLY BETWEEN INDICATED ELEVATIONS TO ACHIEVE POSITIVE DRAINAGE. SLOPE ALL EARTH BANKS 4:1 OR FLATTER.
- NEW GRADES SHOWN ARE FINISHED GRADES AND INCLUDES TOP OF TOPSOIL OR SURFACES SUCH AS PAVEMENTS AND WALKS.
- PROVIDE 6 INCHES OF TOPSOIL, SEED AND MULCH AT DISTURBED LAWN AREAS, EXCEPT AS NOTED OTHERWISE.
- TREES: TREES NOT INDICATED TO BE REMOVED OR TRANSPLANTED SHALL BE FENCED OFF WITH 4' HIGH ORANGE CONSTRUCTION FENCE 10' FROM THE DRIP LINE OF THE TREE. TREES INDICATED TO BE REMOVED, SHALL BE TRANSPLANTED WHERE SHOWN ON THE PLANS AND AS DIRECTED BY THE OWNER'S REPRESENTATIVE.
- GREAT CARE SHALL BE TAKEN BY CONTRACTOR'S TO AVOID DAMAGE TO VEGETATION OUTSIDE THE LIMITS OF CONSTRUCTION AND TO KEEP THE CONSTRUCTION AREAS TO A MINIMUM. DRIVING SHALL NOT BE PERMITTED OUTSIDE THE LIMITS OF CONSTRUCTION.
- TOPSOIL (REUSE EXISTING) SEED, FERTILIZE AND MULCH LAWN AREAS DISTURBED BY NEW CONSTRUCTION. MATCH EXISTING LAWN SPECIES OR SEE LANDSCAPING PLANS/SPECS.

UTILITIES

- MINIMUM COVER OF UNDERGROUND UTILITIES:

WATER	5.5 FT
NATURAL GAS	2.5 FT
SANITARY SEWERS	3.0 FT
ALL OTHERS	2.5 FT

PRESSURE UTILITIES MAY BE LAID APPROXIMATELY PARALLEL TO FINISH GRADE, EXCEPT AS INDICATED, WITH LOCAL DEEPENING TO AVOID OTHER UTILITIES OR OBSTRUCTIONS. MAINTAIN COVER BELOW DITCHES AND SURFACE DEPRESSIONS. PROVIDE TEMPORARY PROTECTION AS REQUIRED UNTIL COVER IS COMPLETED. INFORM OWNER'S REPRESENTATIVE IF AVAILABLE COVER, AT INDICATED ELEVATIONS, IS LESS THAN MINIMUM. VERTICAL CLEARANCE FOR ALL PIPES SHALL BE 18" MINIMUM FROM THE OUTSIDE OF PIPE.

- EXISTING UTILITIES: INFORMATION HAS BEEN OBTAINED FROM EXISTING AVAILABLE DRAWINGS AND SURFACE FEATURES SHOWN ON THE TOPOGRAPHIC SURVEY. VERIFY THE INFORMATION BEFORE CONSTRUCTION. NOTIFY THE OWNER'S REPRESENTATIVE OF DISCREPANCIES OR INTERFERENCES.
- WATER MAIN RESTRAINTS: PROVIDE ANCHORAGE AS INDICATED AND AS REQUIRED TO RESTRAIN PIPING AND APPURTENANCES DURING PRESSURE TEST AND SERVICE. RODS AND CLAMPS SHALL BE PROVIDED AS INDICATED AND MAY BE USED ELSEWHERE FOR OPTIONAL ANCHORAGE, BUT SHALL NOT BE SUBSTITUTED FOR THRUST BLOCKS AND ANCHORED DEFLECTIONS.
- ADJUST THE FRAME AND COVER OF CATCH BASINS AND MANHOLES THAT ARE NOT INDICATED TO BE ABANDONED OR REMOVED, TO FINISH GRADE ELEVATION. ADJUSTMENTS SHALL BE MADE USING PRECAST GRADE RINGS.
- THE LOCATIONS AND ELEVATIONS OF EXISTING UNDERGROUND UTILITIES AS SHOWN ON THESE DRAWINGS ARE ONLY APPROXIMATE. NO GUARANTEE IS EITHER EXPRESSED OR IMPLIED AS TO THE COMPLETENESS OR ACCURACY THEREOF. THE CONTRACTOR SHALL BE EXCLUSIVELY RESPONSIBLE FOR DETERMINING THE EXACT UTILITY LOCATIONS AND ELEVATIONS PRIOR TO THE START OF CONSTRUCTION.
- PRIOR TO CONSTRUCTION, EXISTING UTILITIES AT PROPOSED CONNECTIONS AND CROSSINGS SHALL BE FIELD EXCAVATED TO VERIFY LOCATIONS, ELEVATION AND SIZE. THE OWNER'S REPRESENTATIVE MAY CONFIRM, ADJUST OR REVISE DESIGN ELEVATIONS OF THE PROPOSED UTILITIES.
- UNDERDRAIN: PROVIDE TYPICAL UNDERDRAIN UNDER PAVEMENT AT NEW CATCH BASINS OR MANHOLES RECEIVING SURFACE DRAINAGE. UNDERDRAIN SHALL HAVE A MINIMUM OF 2'-6" COVER AND A MINIMUM SLOPE OF 0.5%. SEE DETAIL ON THE CONSTRUCTION PLANS.
- PROVIDE A VALVE AND BOX ON FIRE HYDRANT ASSEMBLIES.

GENERAL PAVING NOTES

- ALL HOT MIX ASPHALT & CONCRETE PAVEMENT SHALL CONFORM TO THE 2012 MDOT SPECIFICATIONS FOR CONSTRUCTION.
- SURFACE RESTORATION: RESTORE PAVEMENT & OTHER SURFACES DISTURBED BY CONTRACT OPERATIONS TO THEIR ORIGINAL CONDITION OR BETTER.
- PAVEMENT STRIPING: PROVIDE 4 INCH WIDE WHITE PAINT STRIPING FOR PARKING SPACES. ALL PAVEMENT MARKINGS SHALL MEET THE REQUIREMENTS SET FORTH IN THE MDOT 2012 STANDARD SPECIFICATION FOR PAVEMENT. DRY PAINT MARKINGS, RAILROAD SYMBOLS, LANE MARKINGS, "ONLY" SYMBOLS, STOP BARS, ETC. SHALL BE COLD PLASTIC, ALSO CONFORMING WITH THE MDOT SPECIFICATION. ANY CURING COMPOUND ON THE NEW CONCRETE PAVEMENT SURFACE MUST BE REMOVED PRIOR TO APPLICATION OF ANY MARKINGS. ALL PAINT SHALL BE LEAD FREE, & APPLIED PER MANUFACTURERS RECOMMENDATIONS.
- PROVIDE TEMPORARY INTERMITTENT MARKING FOR NEW PARKING AREA WHILE PAVEMENT CURES AND SEALING COATING IS APPLIED.
- EXISTING PAVEMENT TO BE REMOVED SHALL BE SAW CUT, FULL DEPTH, & RECTANGULAR.
- EXISTING MARKING INDICATED FOR REMOVAL SHALL BE SAND BLASTED OR POWER WIRE BRUSHED.
- WHEN PLACING NEW PAVEMENTS, MAINTAIN SLOPE OF EXISTING SURROUNDING SURFACES.

ASPHALT

- AFTER FINAL ROLLING, PROTECT PAVEMENT FROM VEHICULAR TRAFFIC UNTIL THE SURFACE HAS COOLED SUFFICIENTLY TO ELIMINATE SURFACE ABRASION.

CAST-IN-PLACE CONCRETE

- ALL CONCRETE WORK SHALL CONFORM TO THE REQUIREMENTS OF ACI 301- LATEST REVISION, "SPECIFICATIONS FOR STRUCTURAL CONCRETE FOR BUILDING", EXCEPT AS MODIFIED BY STRUCTURAL REQUIREMENTS NOTED ON THE DRAWINGS.
- ALL CONCRETE SHALL HAVE A MINIMUM 28-DAY COMPRESSIVE STRENGTH AS NOTED BELOW:
A. INTERIOR FOOTINGS AND FOUNDATIONS: 3500 psi
B. INTERIOR SLAB ON GRADE: 4000 psi
C. INTERIOR SUPPORTED SLABS: 4000 psi
D. EXTERIOR CONCRETE EXPOSED TO WEATHER: 4500 psi
E. EXTERIOR FOUNDATIONS NOT EXPOSED TO WEATHER: 3500 psi
F. GRADE WALLS: 4000 psi
- ALL EXTERIOR CONCRETE INCLUDING WALLS SHALL BE AIR ENTRAINED 5% +/- 1%.
- ALL EXTERIOR CONCRETE EXPOSED TO WEATHER SHALL HAVE A MAXIMUM WATER TO CEMENTITIOUS RATIO OF 0.45.
- UNLESS NOTED OTHERWISE, MINIMUM CONCRETE COVER SHALL BE:
CONCRETE CAST AGAINST EARTH 3-INCHES
CONCRETE EXPOSED TO EARTH OR WEATHER 2-INCHES
CONCRETE NOT EXPOSED EARTH OR WEATHER 3/4-INCHES
- THE CONTRACTOR SHALL SUBMIT THE CONCRETE MIX DESIGN(S) TO THE ENGINEER FOR REVIEW. PROPORTION MIX DESIGNS AS DEFINED IN ACI 301 SECTION 4. THE SUBMITTAL SHALL INCLUDE AS A MINIMUM CEMENT TYPE AND SOURCE, CEMENT CUBE STRENGTH, AGGREGATE GRADATIONS, WATER TESTS, AD-MIXTURE CATALOG INFORMATION AND CYLINDER STRENGTH TEST RESULTS FOR THE CONCRETE.
- ALL REINFORCEMENT TO BE DETAILED, FABRICATED AND ERECTED ACCORDING TO THE ACI STANDARDS: "DETAILS AND DETAILING OF CONCRETE REINFORCEMENT", ACI 315 - LATEST REVISION AND "MANUAL OF ENGINEERING AND PLACING DRAWINGS FOR REINFORCED CONCRETE STRUCTURES", ACI 315R - LATEST REVISION.
- LAPS, ANCHORAGES AND SPLICES SHALL COMPLY WITH THE REQUIREMENTS OF ACI 318-LATEST REVISION, SECTIONS 12.2 AND 12.15. LOCATIONS AND SPLICES SHALL BE IN ACCORDANCE WITH THE CONSTRUCTION JOINT LOCATIONS, DETAILS AND AS SHOWN ON THE REINFORCING STEEL SHOP DRAWINGS.
- PROVIDE DOWELS OF SAME SIZE AND SPACING AS VERTICAL REINFORCEMENT AT ALL COLUMNS AND WALLS.

CAST-IN-PLACE CONCRETE CONT.

- UNLESS OTHERWISE SHOWN OR NOTED, AS A MINIMUM, PROVIDE TWO #5 BARS (ONE EACH FACE) AROUND UNFRAMED OPENINGS IN SLABS AND WALLS. PLACE BARS PARALLEL TO SIDES OF OPENINGS AND EXTEND THEM 24 INCHES BEYOND CORNERS.
- ALL CONSTRUCTION JOINTS SHALL BE FURNISHED WITH KEYWAY CENTERED ON MEMBERS, WHERE THE SIZE OF KEY IS NOT SHOWN ON THE DRAWINGS, THE KEY DEPTH SHALL BE 10% OF THE CROSS SECTION DIMENSION OF THE MEMBER - MINIMUM 3/4".
- LOCATE ALL SLEEVES, OPENINGS, EMBEDDED ITEMS, ETC., AS INDICATED ON THE DRAWINGS. THE CONCRETE CONTRACTOR SHALL CHECK WITH ALL OTHER TRADES TO MAKE SURE THE SLEEVES, OPENINGS AND EMBEDDED ITEMS THAT ARE TO BE PROVIDED AND SET BY THEM ARE IN PLACE PRIOR TO PLACING OF CONCRETE IN THE AREA INVOLVED.
- CONTRACTORS SHALL OBTAIN APPROVAL FROM THE ENGINEER, PRIOR TO PLACING OPENINGS OR SLEEVES, NOT SHOWN ON THE DRAWINGS, THROUGH ANY STRUCTURAL MEMBERS, ROOF, WALLS OR FOUNDATIONS. REVIEW ARCHITECTURAL, MECHANICAL AND ELECTRICAL DRAWINGS FOR BASES, OPENINGS, SLEEVES, ANCHORS, INSERTS, CONDUITS, RECESSES AND OTHER DEVICES IN CONCRETE WORK BEFORE CASTING CONCRETE.
- PROVIDE POCKETS OR RECESSES IN CONCRETE WORK FOR STEEL COLUMNS AND BEAMS AS REQUIRED AND/OR AS CALLED FOR IN THE SPECIFICATIONS EVEN IF NOT SHOWN ON THE DRAWINGS. PROVIDE CONCRETE FILL AFTER STEEL ERECTION TO SEAL OPENINGS.
- REFER TO ARCHITECTURAL DRAWINGS FOR SLAB RECESSES AND/OR FLOOR FINISH MATERIALS.
- WELDING OF REINFORCING STEEL IS PROHIBITED UNLESS SPECIFICALLY DETAILED. WELDING SHALL CONFORM TO AWS D1.4 SPECIFICATION.
- THE CONCRETE SHALL BE THOROUGHLY COMPACTED BY VIBRATION SUPPLEMENTED BY SPADING, PUDDLING OR AGITATION, TO PREVENT HONEYCOMBING AND TO INSURE THE ELIMINATION OF VOIDS. VIBRATION MUST BE DIRECT ACTION IN THE CONCRETE AND NOT AGAINST FORMS OR REINFORCEMENT. HONEYCOMBING, VOIDS AND LARGE AIR POCKETS WILL NOT BE ACCEPTABLE.

SOIL EROSION AND SEDIMENTATION CONTROL

- COMPLY WITH THE REQUIREMENTS OF THE OAKLAND COUNTY DRAIN COMMISSION EROSION & SEDIMENTATION CONTROL PERMIT ALONG WITH ALL APPLICABLE FEDERAL, STATE, COUNTY, AND CITY LAWS, CODES, AND REGULATIONS PERTAINING TO THE IMPLEMENTATION, MAINTENANCE, AND DOCUMENTATION OF SEDIMENTATION AND EROSION CONTROL PRACTICES.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR IMPLEMENTATION, MAINTENANCE, AND DOCUMENTATION OF SEDIMENTATION AND EROSION CONTROL AND STORMWATER QUALITY ISSUES RELATED TO THE PROJECT, AS REQUIRED AND AS NECESSARY TO COMPLY WITH APPLICABLE LAWS, CODES, AND REGULATIONS.
- INSPECTIONS SHALL BE MADE WEEKLY AND AFTER RAIN EVENTS TO DETERMINE THE EFFECTIVENESS OF EROSION AND SEDIMENT CONTROL MEASURES. ANY NECESSARY IMPROVEMENTS OR REPAIRS SHALL BE PERFORMED WITHOUT DELAY.
- SEDIMENT AND EROSION FROM ALL WORK AREAS SHALL BE CONTAINED ON THE SITE, AWAY FROM WETLANDS, OUTFALLS, WATERWAYS, AND ENVIRONMENTALLY SENSITIVE AREAS. WATERWAYS INCLUDE BOTH NATURAL AND MAN-MADE OPEN DITCHES, STREAMS, STORM DRAINS, LAKES, AND PONDS.
- MAINTAIN EROSION CONTROL MEASURES UNTIL CONSTRUCTION IS COMPLETE AND LAWN AREAS ARE FULLY DEVELOPED.
- PROVIDE JUTE MATTING OR NETTED MULCH ON TEMPORARY SLOPES 2:1 OR STEEPER. SEED AND MULCH OTHER SLOPES TO REMAIN UNFINISHED FOR MORE THAN 14 DAYS.

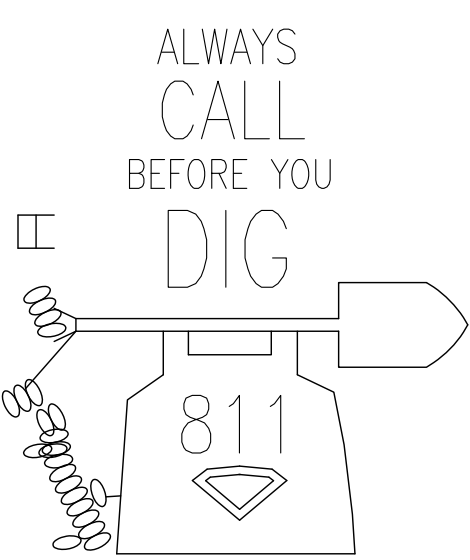
- REMOVE SEDIMENTATION AND EROSION CONTROL MEASURES UPON COMPLETION OF PROJECT.

SEQUENCE OF EROSION AND SEDIMENTATION CONTROL OPERATIONS:

- A PERIMETER DEFENSE WILL BE INSTALLED PRIOR TO CONSTRUCTION TO CONTAIN RUNOFF FROM ALL PROPOSED DISTURBED AREAS. SEDIMENT CONTROL WILL BE INITIATED WHICH WILL CONSIST OF MAINTAINING ALL EXISTING VEGETATION AND DIRECTING ALL RUNOFF ON SITE.
- DURING CONSTRUCTION THE ENDS OF ALL OPEN PIPES WILL BE PROTECTED BY FILTER FABRIC, STONE FILTERS OR OTHER APPROVED MEANS.
- ANY REMAINING DENUDED AREA SHALL BE SEEDED AND MULCHED DAILY, UPON COMPLETION OF FINAL GRADING.
- AT THE COMPLETION OF THE CONSTRUCTION, TEMPORARY CONTROL MEASURES WILL BE REMOVED AND CONVERTED TO PERMANENT CONTROLS. FINAL GRADING WILL BE COMPLETED AND THE GROUND WILL BE PERMANENTLY STABILIZED. FILTER FABRIC FENCES SHALL BE REMOVED AND ANY BARE SPOTS WILL BE SEEDED. CATCH BASINS AND DRAIN INLETS WILL BE CAREFULLY UNCOVERED AND ANY SEDIMENT OR DEBRIS WILL BE REMOVED.
- CONTRACTOR IS TO SEED CRITICAL AREAS IDENTIFIED BY OWNER OR OWNER'S REPRESENTATIVE DAILY, WHEN THOSE AREAS ARE SUBJECT TO EARTH CHANGES. CONTRACTOR IS ALSO RESPONSIBLE FOR REGULAR MAINTENANCE OF PLANT COVER IN THESE AREAS. COVER SHALL BE MAINTAINED SO AS TO CONTROL SOIL EROSION.
- AT THE CONCLUSION OF CONSTRUCTION, THE OWNER WILL ASSUME THE RESPONSIBILITY FOR PERMANENT MAINTENANCE OF THE EROSION AND SEDIMENTATION CONTROL MEASURES.
- PROVIDE DUST CONTROL WITH AN ON-SITE WATER WAGON. WATER SHALL BE IMPLEMENTED AS NEEDED AND AT THE DIRECTION OF THE CITY AGENT.

CIVIL SYMBOLS LEGENDS

PROPOSED		EXISTING
----- (589) -----	GRADE CONTOUR	----- [589] -----
-----	STORM SEWER	-----
-----	SANITARY SEWER	-----
-----	COMBINATION SEWER	-----
-----	WATER MAIN	-----
----- GAS ----- GAS -----	GAS LINE	----- GAS ----- GAS -----
----- E -----	ELECTRICAL LINE	----- E -----
=====	CURB AND GUTTER	=====
----- x ----- x ----- x -----	FENCE	----- x ----- x -----
----- • -----	CLEAN OUT	----- ○ -----
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SYMBOL LEGEND

DET. SHEET
TITLE
SCALE: X/X" = 1'-0"

TITLE
SCALE: X/X" = 1'-0"

DETAIL REFERENCE

DRAWING REFERENCE

SECTION REFERENCE

PLAN DETAIL



Sidock Group
ARCHITECTS • ENGINEERS • CONSULTANTS

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Novi, Michigan 48374
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Novi, Michigan 48375

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Lansing • Gaylord • Sault Ste. Marie

www.sidockarchitects.com
www.sidockgroup.com

Key Plan: No Scale

Client:
CITY OF BIRMINGHAM

Project:
**CHESTERFIELD
FIRE STATION**

Seal:

Date	Issued For
01/20/16	OWNER REVIEW
01/22/16	SPA REVIEW

Drawn: SJ
Checked: CL
Approved: SP

Sheet Title:
**CIVIL GENERAL
NOTES & LEGENDS**

Project Number: 15566

Sheet Number: **C-000**

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Key Plan: No Scale

Seal:

Date	Issued For
1/20/16	OWNER REVIEW
1/22/16	SPA REVIEW

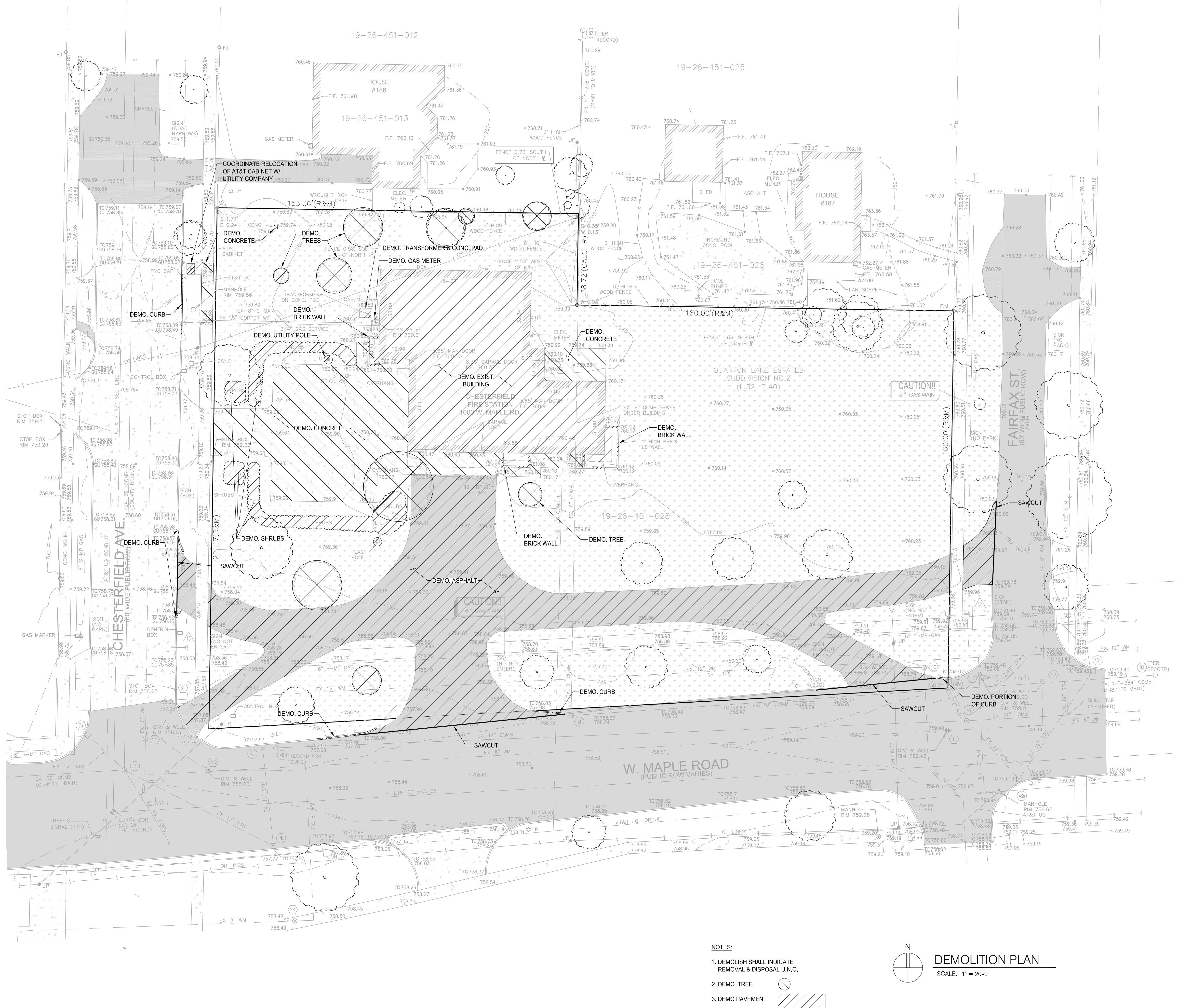
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Approved:	SR

Sheet Title:
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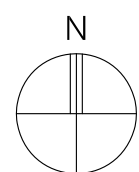
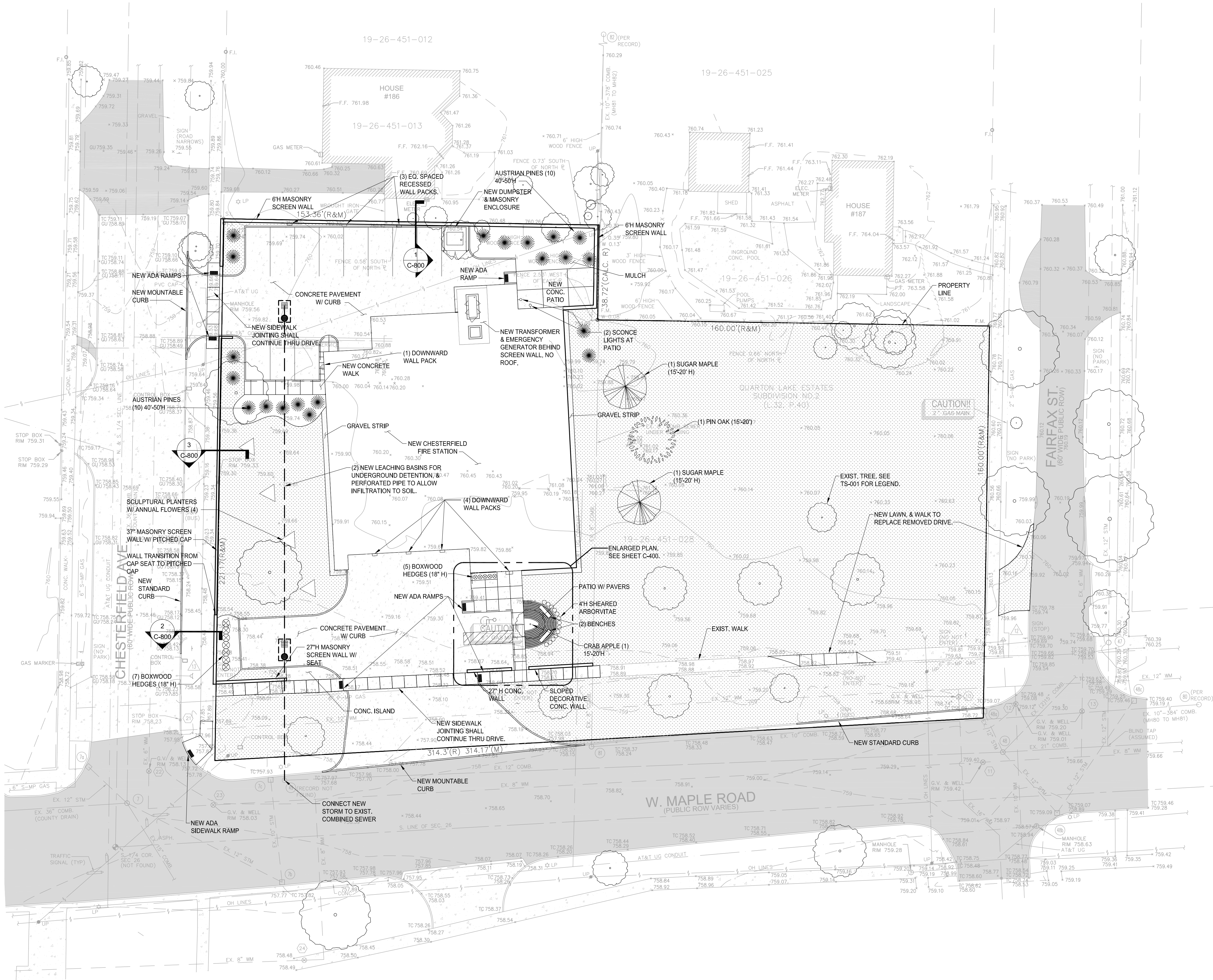
Project Number: 15566

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LANDSCAPING SCHEDULE			
SYMBOL	SPECIES	QUANTITY	MATURE SIZE
⊗	BOXWOOD HEDGE	12	18" HIGH
○	ARBORVITAE	13	4' HIGH
☼	AUSTRIAN PINE	20	40'-50' HIGH
●	CRAB APPLE	1	15'-20' HIGH
⊗	SUGAR MAPLE	2	15'-20' HIGH
⊗	PIN OAK	1	15'-20' HIGH

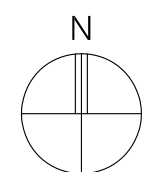


PROPOSED SITE PLAN
SCALE: 1" = 20'-0"



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SCALE: 1" = 5'-0"

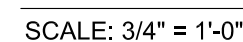
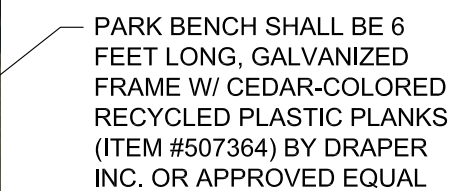
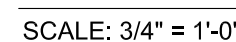
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(SCHEMATIC ONLY)



CITY OF BIRMINGHAM

Project:
CHESTERFIELD
FIRE STATION

Seal:

Date	Issued For
01/20/16	OWNER REVIEW
01/22/16	SPA REVIEW

Drawn:	SJ
Checked:	CL
Approved:	SP

Sheet Title:
SITE PLAN DETAILS

Project Number: 15566

Sheet Number: C-800

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Client:
CITY OF BIRMINGHAM

Project:
**CHESTERFIELD
FIRE STATION**

Seal:

Date	Issued For
12/17/15	OWNER REVIEW
01/20/16	OWNER REVIEW
01/22/16	SPA REVIEW

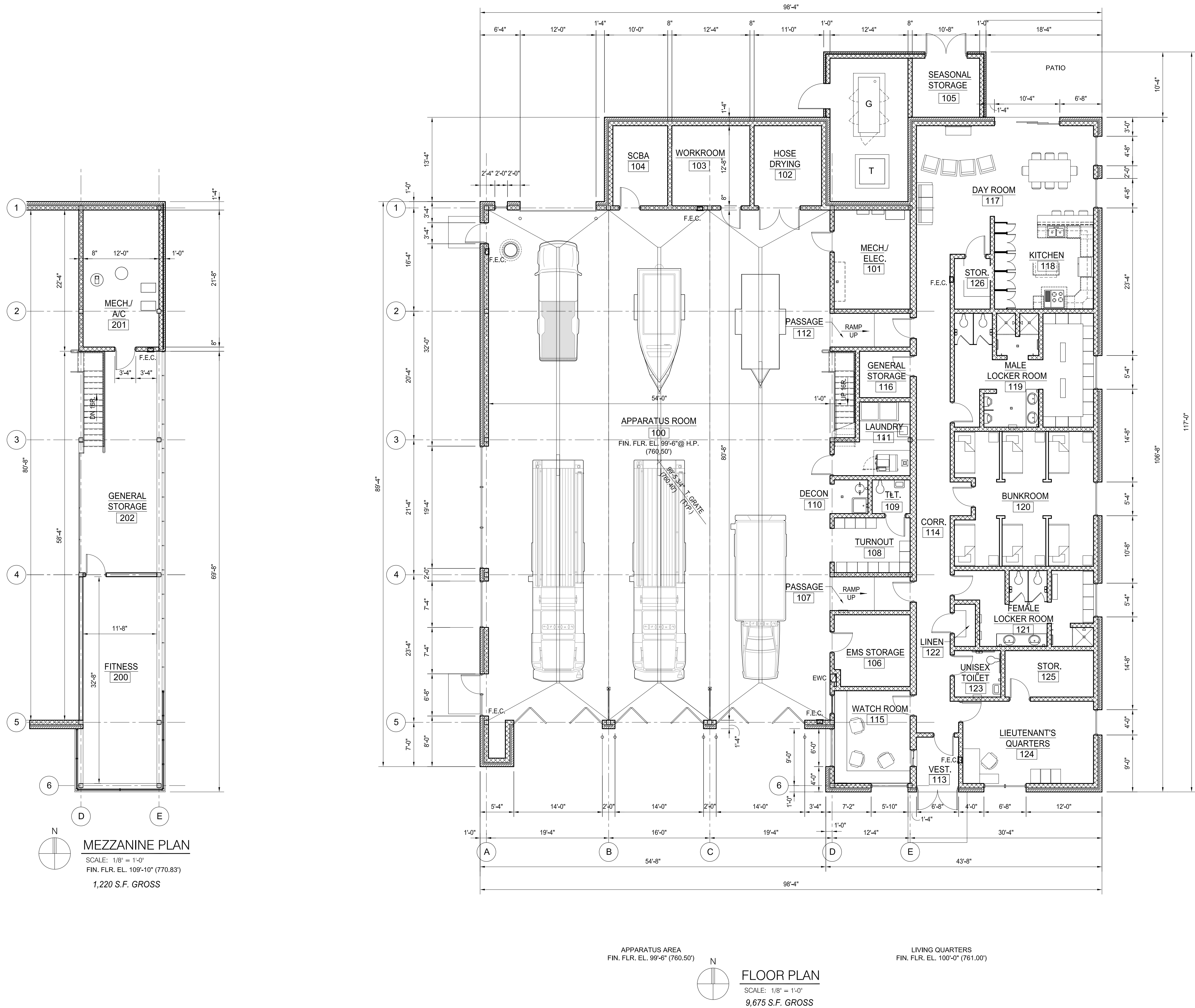
Drawn:	K. GILSON
Checked:	S. PETERSON
Approved:	S. PETERSON

Sheet Title:
FLOOR PLAN

Project Number: 15566

Sheet Number: **A-210**

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Client:
CITY OF BIRMINGHAM

Project:
**CHESTERFIELD
FIRE STATION**

Seal:

Date	Issued For
01/20/16	OWNER REVIEW
01/22/16	SPA REVIEW

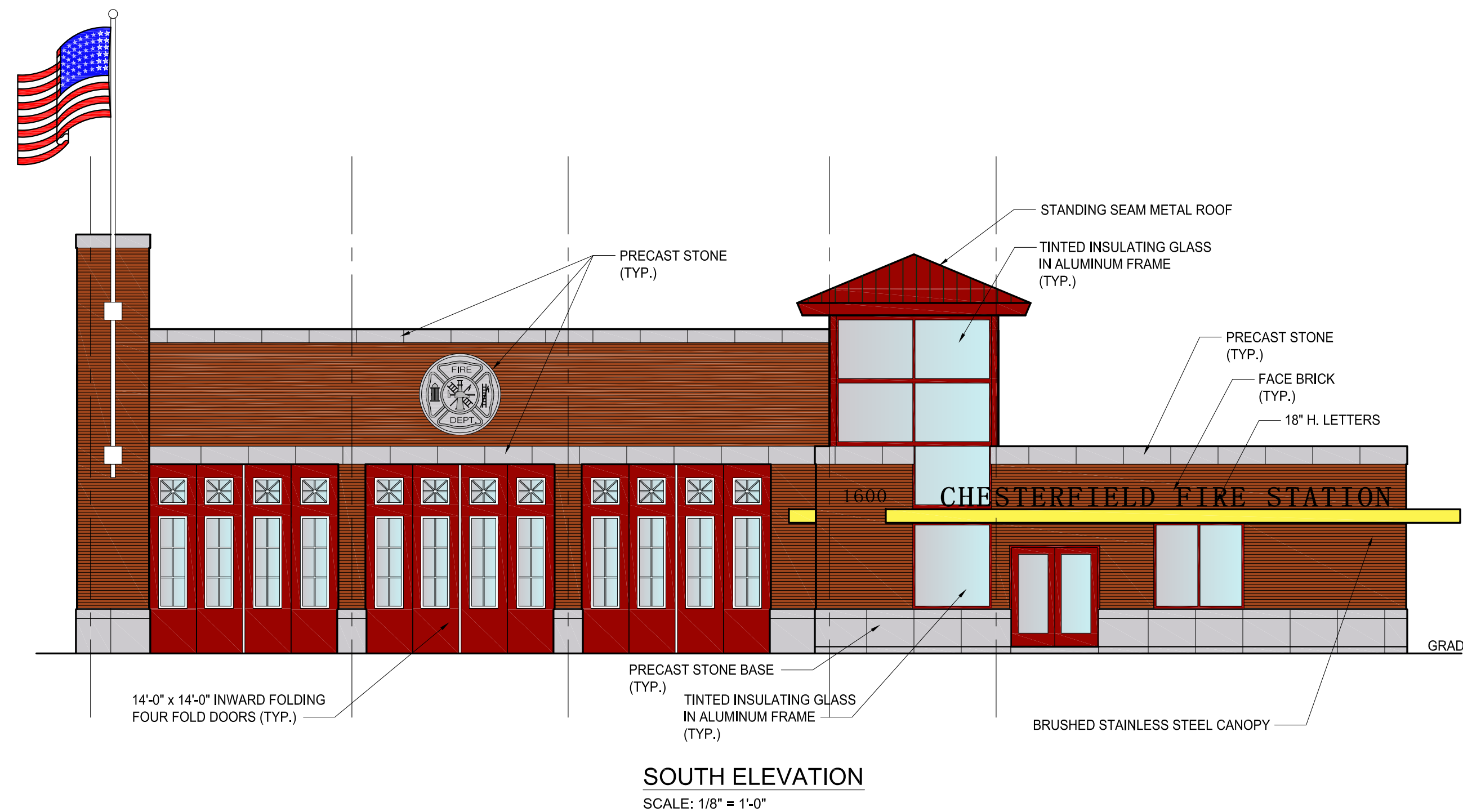
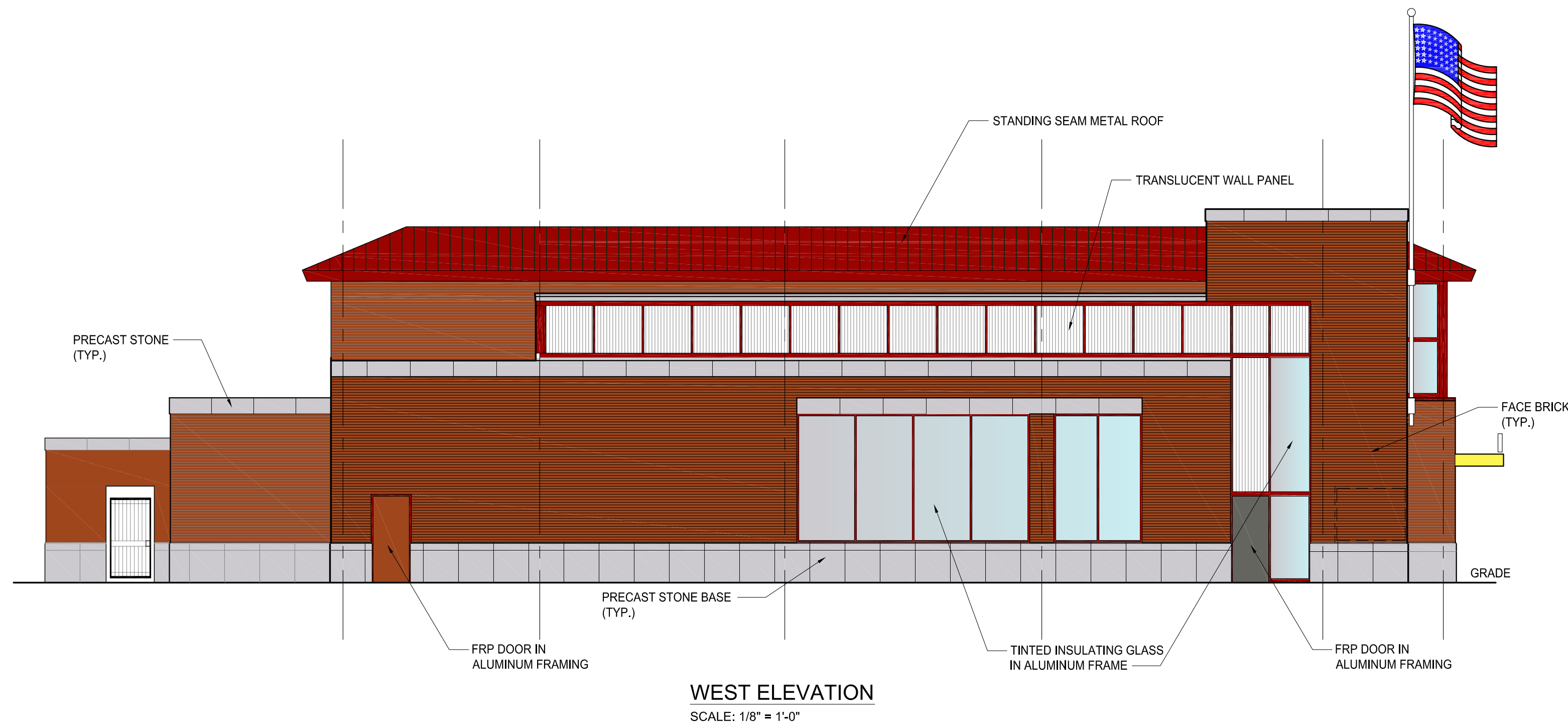
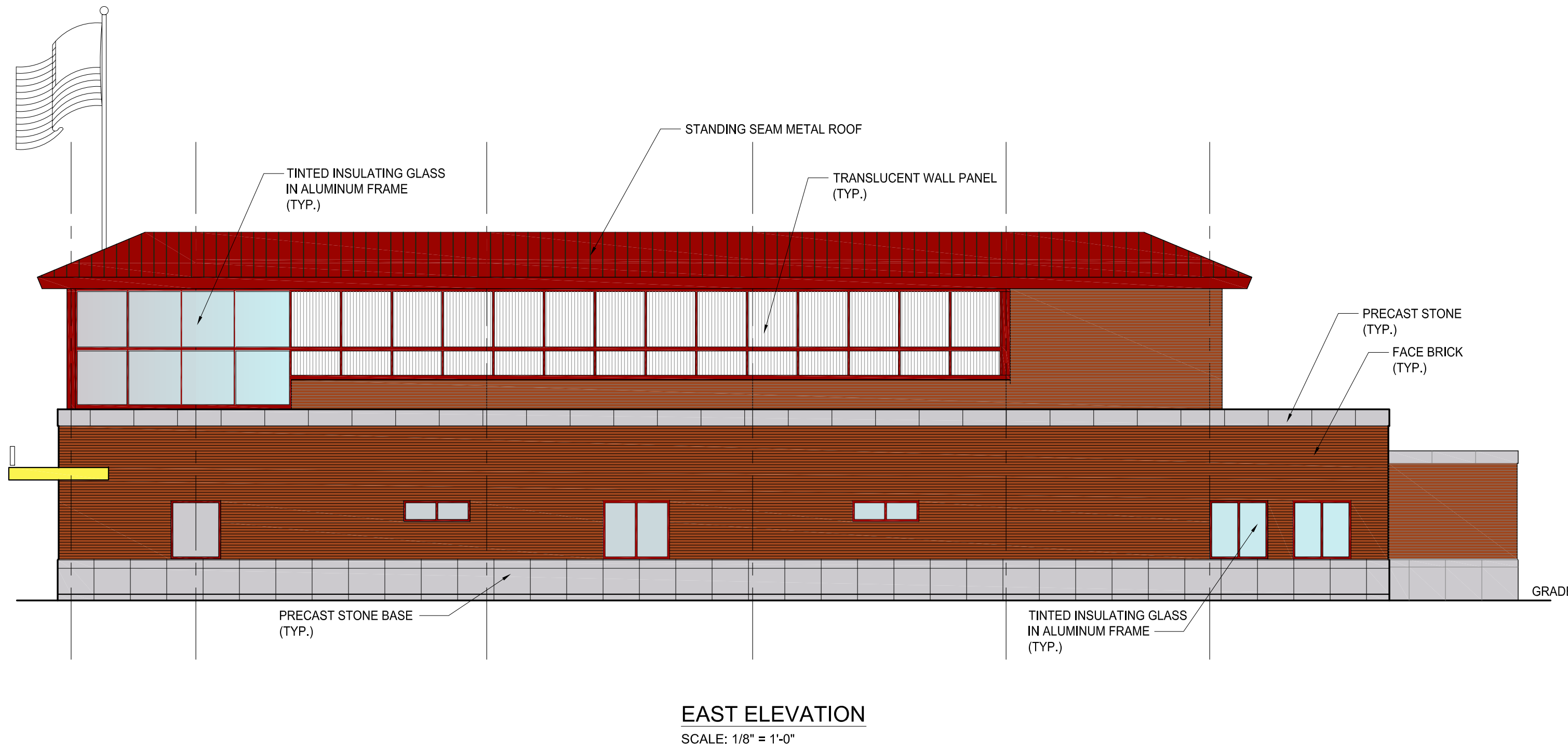
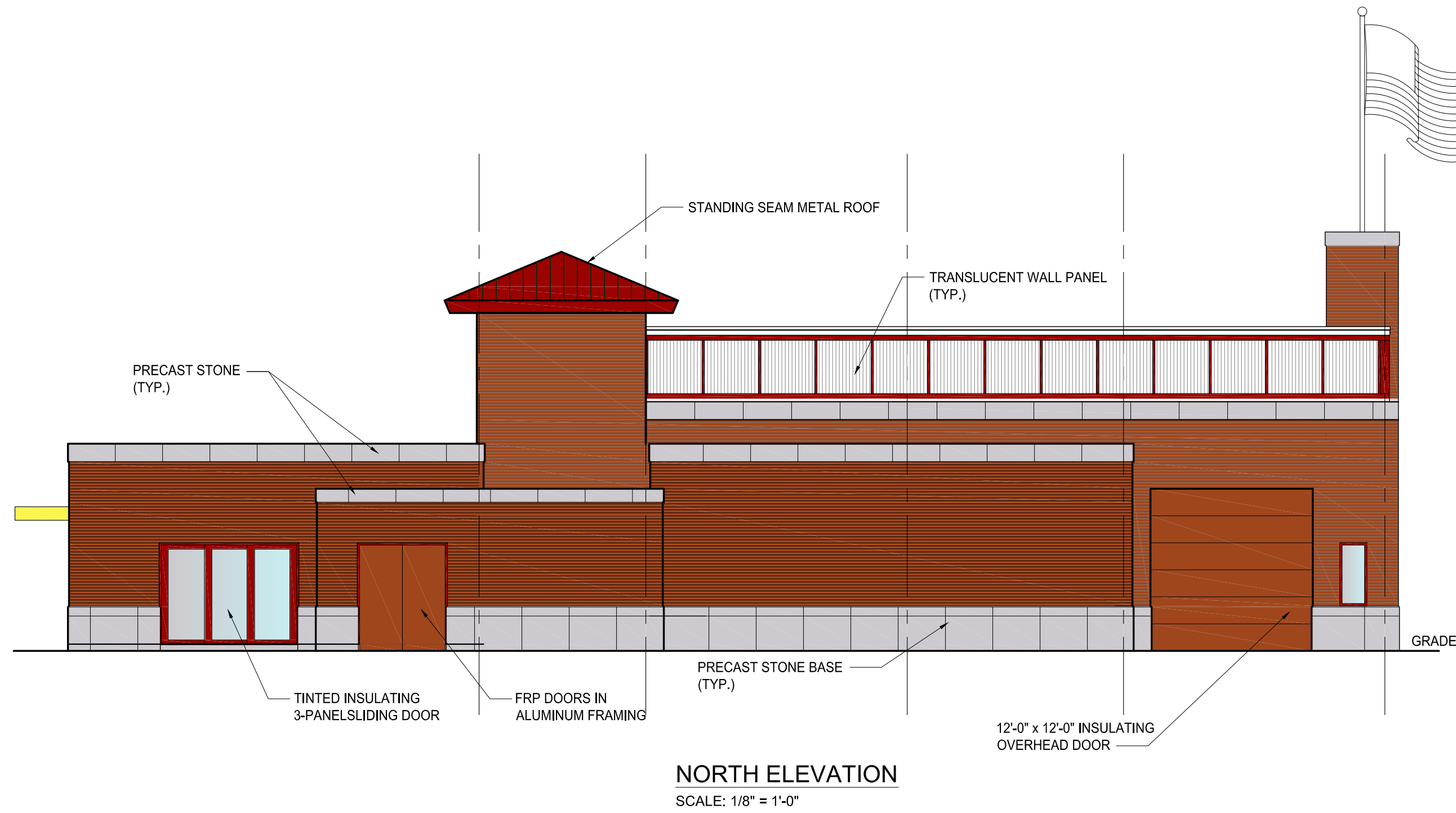
Drawn:	K. GILSON
Checked:	S. PETERSON
Approved:	S. PETERSON

Sheet Title:
**EXTERIOR
ELEVATIONS**

Project Number: 15566

Sheet Number: **A-301**

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

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

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

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

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

11-217-15

**APPROVAL OF THE MINUTES OF THE REGULAR PLANNING BOARD MEETING
OF OCTOER 28, 2015**

Motion by Mr. Williams

Seconded by Ms. Whipple-Boyce to approve the Minutes of October 28, 2015 as presented.

Motion carried, 6-0.

VOICE VOTE

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

Nays: None

Abstain: Share

Absent: Lazar

11-218-15

CHAIRPERSON'S COMMENTS

On this Veteran's Day the chairman thanked the veterans for their service.

Ms. Ecker introduced Sean Campbell, Asst. Planner, who started with the City five weeks ago.

11-219-15

APPROVAL OF THE AGENDA (no change)

11-220-15

PUBLIC HEARINGS

1. **TO AMEND ARTICLE 03 SECTION 3.09 (B) (1) TO REQUIRE GLAZING IN THE TRIANGLE DISTRICT BETWEEN 1 FT. AND 8 FT. ABOVE GRADE ON THE GROUND FLOOR;**
AND
TO AMEND ARTICLE 04, SECTION 4.83 WN-01 (WINDOW STANDARDS) TO SPECIFY THAT THE REQUIRED 70% GLAZING IS BETWEEN 1 AND 9 FT. ABOVE GRADE ON THE GROUND FLOOR IN ALL ZONE DISTRICTS

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

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

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

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

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

Motion by Mr. Boyle

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

Article 04, section 4.83 WN-01

A. Storefront/Ground Floor Windows: Ground floors shall be designed with storefronts that have windows, doorways and signage, which are integrally designed. The following standards apply:

- 1. No less than 70% of the storefront/ground floor facade between 1 and 8 ft. above grade shall be clear glass panels and doorway.**
- 6. Blank walls of longer than 20 ft. shall not face a public street.**

Article 03, section 3.09 (b) (1)

B. Windows and Doors

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

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

Motion carried, 7-0.

VOICE VOTE

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

Nays: None

Absent: Lazar

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

11-221-15

COURTESY REVIEW OF PUBLIC PROPERTY

- 1. Chesterfield Fire Station
Birmingham Fire Dept.**

Ms. Ecker introduced Chief John Connaughton from the Birmingham Fire Dept. Chief Connaughton then introduced Mr. Stacy Peterson, Principal Architect from Sidock Group of Novi. Mr. Peterson noted the replacement fire station will be located on the north side of Maple Rd. between Chesterfield and Fairfax where the present Chesterfield Fire Station presently exists. It is approximately 8,900 sq. ft. which allows for potential development and use of the adjoining site. The building is set back so that the longest piece of apparatus can leave the building and not cross the sidewalk. Right down the property line on the east side there is an 8 in. combined sanitary and storm sewer. The placement of the building will allow that sewer to remain without having to relocate it. Mr. Peterson went on to describe the building. They have elected to go with a blend of a commercial and residential style design for the station using a brick facade and shingled roof.

In response to questions from Mr. Williams, as to what is expected in this type of review, Ms. Ecker indicated that Planning Board should provide their comments with regards to the site plan including the placement of screen walls, the placement and design of the building, layout etc. as they would on a private development. Mr. Peterson established there is 200 ft. from the eastern portion of the building to Fairfax. There are two residences on the north property line. Mr. Williams noticed the houses are not shown on the picture that was provided. Ms. Ecker advised there has not been discussion at the City Commission regarding the use of the vacant parcel to the east.

Mr. Jeffares noted there is 70 ft. of blank wall along Chesterfield, and on the side there is one lone window. The City seems not to hold itself to the same high standards of architecture as it does for private developers. Mr. Williams commented that Chesterfield is quite heavily traveled and Fairfax is wide open.

Mr. Koseck offered the following comments:

- The dumpster is in a bad location. He would make it less visible.
- All elevations of the building need to be designed with some sensitivity.
- The renderings do not show context of the project.
- The west elevation is not attractive. He asked if the building could become a mirror image so the blank wall would be facing the green space.
- There is no screen wall along the parking lot on Chesterfield.
- In his mind there is nothing unique about this fire station, as there should be because it is a civic building.
- The pedestrian entryway seems dwarfed.
- A drive to nowhere comes in off of Fairfax.

Ms. Whipple-Boyce said she feels the board doesn't know what they are supposed to do for a courtesy review. Civic buildings should be held to the same standards as all of the other commercial architecture that the Planning Board reviews. She hopes the City Commission will recognize this time around that a better process is needed for these courtesy reviews.

Mr. Williams questioned how much additional cost there would be to relocate the sewer and water lines to the east. The board would never let this happen with a private developer, particularly with no plans for the east portion of the property.

Mr. Share asked what impact the generator has on the neighboring businesses and residences when it runs. Mr. Peterson answered they have minimized the impact as best they can. It runs once a week. Mr. Share noted further:

- He is troubled by the unbroken mass on the side so close to Chesterfield.
- The parking lot that butts up to Chesterfield without a screen wall and landscaping is a concern.
- Where public buildings are not held to the same high standards as private, there should be a good, well articulated, reason.

Mr. Boyle expressed his opinion that this building is not good enough for Birmingham.

Chairman Clein added his comments:

- No screen wall is called out on the site plan along the north property line. Mr. Peterson said the plan is for an 8 ft. high masonry screen wall.
- He is deeply troubled by the sheer size of the curb cut; it must be doubled from existing.
- This site plan as submitted by a private developer would never be passed. There are too many things related to screening, screening adjacent to residential, placement of the building, massing, windows, connection to the street - in addition to the design elements that Mr. Koseck talked about. Perhaps the City Commission should require all buildings to go through site plan review.

The chairman took comments from the audience at 8:15 p.m.

Mr. J.C. Cataldo, 271 Chesterfield, was concerned that there has been no public notification for a publicly funded project of this size. He would like to know what sets this project apart from all privately funded projects that have to go through multiple levels of scrutiny, as this project does not appear to have satisfied even the basic standards of design. Mr. Cataldo wondered why the Architectural Review Committee wasn't included at the design phase. He questioned if this is the best we can do with a building that will be viewed by thousands per day and admired by future generations? He suggested this project be reviewed with the same requirements and the same attention to detail as all projects of this magnitude.

11-222-15

UNFINISHED BUSINESS

1. Preliminary Site Plan Review

**2400 and 2430 E. Lincoln St., vacant property
Birmingham Senior Living**

Application for Preliminary Site Plan Review to allow construction of two new attached single-family homes (postponed from October 14, 2015)

Mr. Williams announced he has a conflict of interest and will recuse himself from this review.

Mr. Baka noted the subject site, 2400 E. Lincoln St., has a total land area of 3.78 acres. It is located on the south side of E. Lincoln between S. Eton St. and the Grand Trunk Railroad right-of-way.

The applicant is proposing to develop the vacant site with a four-story senior living center, two surface parking lots, a detention basin and nearly 84,000 sq. ft. of landscaped open space. The proposed development will consist of two connected buildings. The east portion is one story and the west portion is four stories. The development will provide 122 residential units (83 assisted living and 39 memory care units) along with building amenities for residents such as a community room, beauty salon, and wellness suite.



Architectural Review Committee

City Hall Lower Level Conference Room, 151 Martin St.

248.530.1880

Tuesday, December 1, 2015

Meeting called to order at 3:38 p.m.

Present: Larry Bertollini, Scott Bonney, Christopher Longe, Stacy Peterson

City Staff: Joe Valentine, City Manager
Jana Ecker, Planning Director
John Donohue, Assistant Fire Chief
Joellen Haines, Assistant to the City Manager

Discussion on the Chesterfield Fire Station Plans

Mr. Stacy Peterson, of Sidock Architects, presented the current architectural plans for the Chesterfield Fire Station, and explained that after looking at three different options/configurations, there was one functional floor plan that was developed. Mr. Peterson described the basic layout and function of the plan. He showed boards detailing the design, elevations, and exterior building concept. Peterson said the idea was to blend the residential feel while trying to hide the 14 foot bay doors.

The Committee discussed several items relating to the plans. The following are the categories discussed:

More institutional and less residential

Chris Longe said the design should incorporate a more institutional and less residential look. Scott Bonney said he thinks the design needs to be monumental, an example of inspiration and pride to honor those who serve. The group also discussed the idea to place the flagpole at the corner of the Chesterfield and Maple entrance and add a landscape element to make it more of a public space. Mr. Bertollini said the public entry needs to have more of a civic feel, possibly creating a plaza and bike rack and placing the flagpole located near the public entrance. Mr. Longe said the public entrance should be scaled to the rest of the building. Mr. Bertollini said the City should look into considering limestone if it is within the budget, in keeping with the idea it is a civic building.

Building

The Committee felt the plan option with the living quarters on the east side was preferred so the windows on the west side of the building would showcase the vehicles in the station. They were in favor of expanding the windows on the west side to enhance this feature and utilize the fire engine as a display feature. The Committee discussed not directed the orientation as it was presented.

Roof

Mr. Longe said he thinks a slate or metal roof should be considered, to give it a sense of longevity and stand the test of time. Mr. Bertollini agreed and thought a metal roof would be more durable.

Windows

All three members discussed the need for adding more windows into the design. Mr. Bonney suggested adding windows along the wall where the trucks park, and sky lighting to provide more light to the apparatus area and add more character. Longe said that adding windows in the apparatus bay area will give the station more transparency. Mr. Bonney said he would like to align the windows strategically so they can line up with where the fire trucks park, so at night, the trucks can be seen from the street. Mr. Bertollini made a suggestion to move the day room and kitchen from an east-west direction to a north-south direction, placing the kitchen to the rear corner of the building to accommodate more windows. Bonney also suggested the need to add 3-5 bigger windows in the day room to provide more lighting and to add a taller ceiling to accommodate larger windows.

Screen walls

Mr. Bertollini said he does not feel the 32-inch screen wall is needed on the Chesterfield side of the station, given that the area in front of it is not used for parking, but for a turning area for the fire trucks. Bonney and Longe agreed that the screen wall was unnecessary and not aesthetically pleasing, and recommended it should be replaced with landscaping as a buffer instead. They discussed how the screen walls to the rear of the building are adequate to prevent truck lights from bothering residents to the rear of the property. It was suggested to look at adding lighting on the screen wall to illuminate this area without impacting the neighbors. They had questions about the screen walls on the patio, and it was recommended that instead of a screen wall, landscaping would be more appropriate to use to screen the area.

Following the discussion, the Architectural Review Committee made the following recommendations:

The design needs to be more institutional and less residential. This can be done by incorporating the following recommendations:

More institutional and less residential

- 1) **Consider limestone material to compliment brick for exterior**
- 2) **Place flagpole near the public entrance**
- 3) **Create a plaza area where the public can gather, with a bike rack**
- 4) **Adjust scale of public entrance to the rest of the building**

Building

- 5) **To utilize the plan option where the living quarters are on the east side and the apparatus is on the west side to allow for the addition of windows to showcase the vehicles in the station.**

Roof

- 6) **Consider slate or metal roof instead of shingled roof for longevity and to achieve a more institutional look and feel**

Windows

- 7) **Add windows on the Chesterfield side of the building**
- 8) **Strategically place more windows in apparatus bay area to align with where**

- trucks are parked
- 9) Add skylights in the apparatus bay area to illuminate the apparatus bay
 - 10) To accommodate more windows, move the kitchen and dayroom to rear corner of the building by changing the configuration from an east-west to a north-south layout, and add a taller ceiling for larger windows if possible.

Screen Walls

- 11) The patio area should use landscaping instead of a screen wall for privacy which would be more aesthetically pleasing
- 12) Remove the 32-inch screen wall on the Chesterfield side of the station for the turning area since it is intended for backing vehicles into the station and not for parking of vehicles. Use landscaping to screen the area instead of a brick wall.
- 13) Add lighting on the screen wall to the rear of the building to illuminate this area without impacting the neighbors.

Motion by Scott Bonney to approve the minutes from the July 17, 2015 meeting, seconded by Chris Longe, 3 yeas, 0 nays. The meeting notes from July 17, 2015 were approved as submitted; 3-0

Meeting was adjourned at 4:59 p.m.



DRAFT – NOT APPROVED

Architectural Review Committee

City Hall Lower Level Conference Room, 151 Martin St.

248.530.1880

Thursday, December 17, 2015

Meeting called to order at 4:03 p.m.

Present: Larry Bertollini, Scott Bonney, Christopher Longe, Stacy Peterson

City Staff: Joe Valentine, City Manager
Jana Ecker, Planning Director
John Donohue, Assistant Fire Chief
Joellen Haines, Assistant to the City Manager

There was discussion by Larry Bertollini regarding approval of the minutes from the December 1, 2015 meeting. Mr. Bertollini said he didn't recall the Committee directing but rather discussing that the floor plan of the station should have the living quarters on the east side. Mr. Bonney said the merits of both plans were discussed, and the group settled on the idea that the living quarters be oriented on the east side. Bertollini wanted to strike that the Committee directed the orientation of the plan, only discussed the orientation as it was presented. Bertollini said he wanted it noted that in the site plan, the reason they recommended taking down the screen wall was because they had concerns that truck maneuvering would be tight, but it was the best that could be done with the size of the site.

Motion by Larry Bertollini to approve the minutes as amended to strike that the Committee directed the orientation of the floor plan from the December 1, 2015 meeting, seconded by Scott Bonney, 3 yeas, 0 nays. The meeting notes from December 1, 2015 were approved as amended; 3-0.

Stacy Peterson presented drawings based on the Dec. 1, meeting of the ARC regarding the Chesterfield Fire Station which addressed the comments from the Planning Board and the Architectural Review Committee. Sidock presented a different style, incorporated a lot more light into the apparatus bays, added additional-sized windows and orientation, improving the day room and the kitchen and dining areas and developed a site plan that addresses a public entry-way with screening and privatization of the patio area.

Scott Bonney noted that this new design suggests flat roofs of all varying heights, and said it suggests that one bay area would have to get taller for clearance to use the mezzanine as an exercise and storage unit. Bonney commented on how this design is quite a bit lower than the original, and said he likes that the design is discreet; with a more modern flair. Chris Longe agreed with him. Bonney said he personally liked the use of the clerestories to get light in, and the flag pole incorporated into the front gives it a classic look and makes a focal point. Bonney

noted that the design proposes incorporating some cast stone into the side brick, which he would encourage as a nice idea. Bonney said he likes idea of a canopy which provides a great place for signage; to him it's classy and feels like a lot of what is done in the downtown for retail signage, and makes it feel a little bit more urban and less suburban.

Bertollini said he thinks Peterson has listened to what the Committee has recommended and appreciates the effort that was put into it. He noted that with the clerestory, the mezzanine area can get light, which makes a real nice entry. Bertollini said with regard to the placement of the parking area, the architects may want to get their pros and cons together if the Planning Board decides to address the idea of moving the entry to the east side. Bertollini said he is more in keeping with the existing scheme, because the fire fighters have a nice corner living space, but if the public visits, visitors have to walk across the bay area in front of the building. Bonney said he doesn't think the public visits to the fire station are a common occurrence. Longe agreed. Bonney said it's not like City Hall; it's for an occasional event held at the fire station that people would be visiting.

Assistant Fire Chief John Donohue commented that when they have large groups, they are brought in through the apparatus bay area which is open, and through the side door. When asked what he thought of the design by the Committee, Donohue said he thought it was a remodel of Chesterfield Fire Station. And the glass that is proposed all the way around has maintenance concerns. The fire station is designed for functionality, housing equipment, housing personnel and has become a place of refuge. By placing glass all the way around, it makes the station not a place of refuge for citizens if they were to come to the station to take shelter. As far as the mezzanine being all glass, trucks are washed three times a day, and on a 93 degree day, the apparatus bay is already hot, not air conditioned, and for that to be a workout area with all that glass, it's going to be 110 degrees, which is unusable. And, if it is going to be glass, he doesn't want his personnel working out in the front of the station and being visible.

Joe Valentine asked for clarification from Peterson about the temperature in the mezzanine which may make the area unusable in the summer area. Peterson said that on a 100 degree day, it would be unusable, but in a normal summer day, 80-90 degrees, there will be a lot of air circulation in that area. It has been done before, but this is not an air-conditioned space.

Donohue said that once those trucks are washed, the humidity rises, and it is already hot and would be unusable space. Longe suggested that all the glass as a design scheme, that the amount of glass does not have to be as grand as it is here. Longe said the amount of glass was probably put in as a result of ARC and Planning Board comments. Longe said the size of the windows in the bay could probably be cut down.

Bertollini asked Donohue to talk about the fire station being a place a refuge. Donohue said it has become a place of refuge when there are tornadoes or power outages, and people come into the station to get information and reassurance, and having that type of glass in there is not desirable for protecting the equipment, the personnel, and citizens seeking refuge at the station.

Longe said that there needs to be more balance. Bonney said he thinks Stacy has captured the idea of the truck being highly visible, but it might not be necessary to do all of it, just focus on one section, and line up one truck with graphics on the side as a feature, as opposed to doing 30 feet or 15 or 10 feet of glass. Bonney said clerestories all the way around the mezzanine seems excessive to him, and one could still capture some of that taller space and have some of it being an opaque metal stripping.

The Committee discussed the idea of creating a nice space through lighting or color and making the ceiling height taller to the clerestory above the mezzanine, but there were some considerations about exhaust getting into the living area.

Valentine asked for solutions to address the specific issue of warm temperatures in the workout area. Paddle fans were suggested to circulate the air. Bertollini questioned why it could not be air conditioned. Peterson said it would have to be sealed off from the apparatus bay to temper it. A wall fan was suggested as well.

The Committee discussed the use of a screen wall between the sidewalk and the parking space using it functionally and as an artistic element, running the wall longer and low.

The Committee made the following recommendations based on each elevation:

South Elevation

1. Add extra height to the clerestory above the mezzanine and add a pitched roof from front to rear with an overhang to shield glass.
2. Parapet capped with metal coping over stone.
3. Extend flagpole further down the building; add additional brackets for appearance and keep the flag height the same.

West Elevation

1. Include a pitched roof with less glass above bays.
2. Remove clerestory glass and leave the corner glass element;
3. Modify the proportion of the first floor window openings into apparatus bay.

North Elevation

1. Remove glass and add metal panels or Kalwall panels above bay.
2. Eliminate glass in garage door.
3. Blend roll up door color with the same color as brick.

East Elevation

1. Include a pitched roof over the clerestory, and leave the corner glass element.
2. Increase landscaping

Landscape Plan

1. Put up a screen wall element, a minimum of 12" thick, that becomes a feature that doubles as seating along the frontage of Chesterfield Road, and wrap around the corner.
2. Enhance the landscaping with big trees on the property.
3. Use high quality barrier free signage for the area in front of the building.

The meeting was adjourned at 5:30 p.m.





CHESTERFIELD FIREFIGHTERS







1600 W Maple Road



CHESTERFIELD FIRE STATION

1600 W Maple Road







MEMORANDUM

Planning Division

DATE: January 21, 2016

TO: Planning Board Members

FROM: Jana L. Ecker, Planning Director

SUBJECT: Study Session on Proposed D5: Downtown Gateway District

Please find attached an application received by the Planning Division from the owners of the 555 S. Old Woodward building to request an amendment to the Zoning Ordinance to create a new D5 zoning classification to the Downtown Birmingham Overlay District.

The owners of the 555 S. Old Woodward building are interested in renovating the existing building, and adding new residential units along S. Old Woodward, as well as adding an addition to the south of the existing residential tower for new retail space and residential units. The Building Official previously ruled that some changes to the existing legal non-conforming building may be permitted. However, the scale and scope of the changes that the property owner would like to implement would exceed what would be permitted as maintenance.

In order to renovate and expand the existing building, the owners of the 555 S. Old Woodward building are requesting a Zoning Ordinance amendment to create a new D-5: Downtown Gateway Over Five Stories zoning classification in the Downtown Birmingham Overlay District. The proposal is then to seek rezoning of the 555 S. Old Woodward properties from the existing D-4 Overlay zoning classification to the proposed D-5 Overlay zoning classification, which would essentially render the existing building at 555 S. Old Woodward as a legal, conforming building that could then be renovated and expanded.

On May 13, 2015, the Planning Board began discussing the applicant's proposal to create a new D-5: Downtown Gateway (Over Five Stories) zoning classification in the Downtown Birmingham Overlay District. Planning Board members discussed the desire to review the proposed amendment within the spirit, vision and context of the entire downtown, and not to create a new zoning classification around a specific building. The Planning Board did, however, recognize the importance of the 555 S. Old Woodward

building and the need to allow renovations and additions to improve its presence at the south end of Downtown Birmingham. Specific concerns raised regarding the existing 555 S. Old Woodward building were the unwelcome facades of the Woodward elevation, the split level concept on the S. Old Woodward elevation, and the exposed structured parking.

At subsequent Planning Board meetings on June 10th, 2015 and July 8th, 2015 the Planning Board further discussed the ways that the building could be modified and improved as a conforming structure and not through the use of variance requests. Planning Board indicated that they would like to craft a zoning classification or overlay expansion that allows the 555 Building to be renovated but also mirrors the development standards in the Triangle District across Woodward, which allows a maximum of 9 stories. It was suggested that this could be accomplished through a combination of the new zoning and a Special Land Use Permit (SLUP).

On September 9, 2015, the Planning Board again discussed the possible creation of a D5 zone in the Downtown Overlay. Board members discussed a revised draft of the proposed D5 zone as submitted by the applicant seeking the rezoning for 555 S. Old Woodward. Board members discussed several of the applicant's requests for exemptions from Overlay standards in the D5 zone and consensus was reached on the following items:

- Drive-through facilities should not be permitted uses, but may be considered in a proposed new overlay zone(s) if governed by a Special Land Use Permit;
- Allowing a height of 168' to make existing buildings conforming with regards to height may be acceptable, but new additions/buildings should be kept lower and consistent with either the Downtown Overlay heights or the Triangle Overlay maximum heights;
- Illuminated signage may be permitted on Woodward elevations in the proposed overlay zone(s), but not on all four sides of buildings;
- All pedestrian-oriented regulations should be mandatory in any proposed overlay zone(s), such as required first floor retail, activated first floors, limitations on exposed first floor parking and loading, required sidewalks etc.; and
- Southern boundary of a new Overlay District should be in line with the southern edge of the Triangle District on the east side of Woodward.

At the September 9, 2015 Planning Board meeting, several questions were also raised by the Planning Board for response by the City Attorney. A copy of the letter received from the City Attorney is attached for your review.

On September 30, 2015, the Planning Board again discussed the issue of creating a D5 zone along Woodward Avenue. Board members continued to agree that any new development or renovations should include pedestrian scaled design and uses on the first floor. There was no consensus on whether only the 555 S. Old Woodward property should be placed in a new overlay classification, or whether this should extend north to Brown Street along Woodward. At least one member stated it should not extend to the block north of Brown Street.

Please find attached a draft ordinance to amend Article 3, section 3.01, 3.02 and 3.04 of the Birmingham Zoning Ordinance for the Planning Board to review and consider. All changes proposed are noted in **bold text** (new language) and ~~strike-through text~~ (language to be removed from ordinance or original draft submitted by the applicant). One area remains highlighted in **purple** from a previous draft that the Planning Board may wish to discuss in greater detail. The latest draft of the proposed ordinance as submitted by the applicant is also attached for your reference outlining their requests.

Suggested Action:

To conduct another study session on proposed amendments to the Downtown Birmingham Overlay District at a future meeting of the Planning Board;

OR

To set a public hearing date on March 9, 2016 to consider amendments to Article 3, section 3.01, 3.02 and 3.04 of the Zoning Ordinance;

AND

To set a public hearing date on March 9, 2016 to consider amendments to the Zoning Map for the following properties:

Address	Known As	Current Overlay Zoning	Proposed Overlay Zoning
34745 Woodward	Jax Car Wash	D4	D5
355 S. Old Woodward	Powerhouse Gym, FMD building	D3 & D4	D3 & D5
401-411 S. Old Woodward	Birmingham Place	D4	D5
469 S. Old Woodward	Mountain King Takeout	D4	D5
479 S. Old Woodward	Talmer Bank building	D4	D5
555 S. Old Woodward	555 Office & Residential	D4	D6

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 03, DOWNTOWN BIRMINGHAM OVERLAY DISTRICT, SECTIONS 3.01 TO 3.04, TO CREATE A NEW D5: DOWNTOWN NINE STORIES DISTRICT, TO CREATE A NEW D6: DOWNTOWN OVER NINE STORIES DISTRICT AND TO ESTABLISH DEVELOPMENT STANDARDS FOR THESE DISTRICTS.

Article 03 shall be amended as follows:

Section 3.01 Purpose

The purposes of the Downtown Birmingham Overlay District are to:

- A. Encourage and direct development within the boundaries of the Downtown Birmingham Overlay District and implement the Downtown Birmingham 2016 Plan;
- B. Encourage a form of development that will achieve the physical qualities necessary to maintain and enhance the economic vitality of Downtown Birmingham and to maintain the desired character of the City of Birmingham as stated in the Downtown Birmingham 2016 Plan;
- C. Encourage the renovation of buildings; ensure that new buildings are compatible with their context and the desired character of the city; ensure that all uses relate to the pedestrian; and, ensure that retail be safeguarded along specific street frontages; and
- D. Ensure that new buildings are compatible with and enhance the historic districts which reflect the city's cultural, social, economic, political, and architectural heritage.
- E. ~~Establish an overlay zone to~~ **To enhance and implement the Downtown Birmingham 2016 Plan concepts and complement the concepts recommended in the Triangle District Urban Design Plan to create the desired character for Birmingham's primary gateway properties along the Woodward Corridor. as stated in the Downtown Birmingham 2016 Plan, as has been applied and updated.**

Section 3.02 Applicability

- A. The Downtown Birmingham Overlay District shall be an overlay district that applies over the existing zoning districts.
- B. Use and development of land within the Downtown Birmingham Overlay District shall be regulated as follows:
 - 1. Any existing use shall be permitted to continue and the use shall be subject to the underlying zoning requirements and not the Downtown Birmingham Overlay District.
 - 2. Where the usage within an existing building is proposed to be expanded by more than 50% of the existing size, the new use shall be subject to the building use standards of the Downtown Birmingham Overlay District to the maximum extent practical, as determined by the Planning Board.
 - 3. Any expansion to an existing building that expands the area of the building by more than 40% of the existing building area shall subject the entire building to the requirements of the Downtown Birmingham Overlay District and shall be brought into compliance with the requirements of the Downtown Birmingham Overlay District to the maximum extent practical, as determined by the Planning Board.
 - 4. Where a new building is proposed, the use and site shall be subject to the requirements of the Downtown Birmingham Overlay District.
- C. Development applications within the Downtown Birmingham Overlay District shall be required to follow the Site Plan Review and Design Review standards contained in Article 7.
- D. A Downtown Birmingham Overlay District Regulating Plan has been adopted that divides the Downtown Birmingham Overlay District into zones. Each zone designated on the Regulating Plan prescribes requirements for building form, height and use as follows:

D2: Downtown Two or Three Stories

D3: Downtown Three or Four Stories

D4: Downtown Four or Five Stories

D5: Downtown Over Five Stories-Nine Stories

D6: Downtown Over Nine Stories

C: Community Use

P: Parking

Comment [Jana1]: Applicant suggests Use be changed to "User".

Section 3.03 General Standards

- A. The design of buildings and sites shall be regulated by the provisions of the Downtown Birmingham Overlay District.
- B. Section 3.01 to Section 3.04 shall govern the design of all privately owned land within the Downtown Birmingham Overlay District.
- C. The provisions of the Downtown Birmingham Overlay District, when in conflict with other articles of the Zoning Ordinance, shall take precedence.
- D. The provisions of the Downtown Birmingham Overlay District shall specifically supersede the floor-area- ratio, maximum height, and minimum setback regulations contained in each two-page layout in Article 2 of the Zoning Ordinance.
- E. The provisions of the building and building regulations Chapter 22 of the Birmingham City Code and the historic preservation regulations in Chapter 62 of the Birmingham City Code, when in conflict with the Downtown Birmingham Overlay District, shall take precedence.
- F. The design of community buildings and improvements shall not be subject to the specific standards of this article, but shall be subject to design review by the Planning Board.
- G. Locations designated on the Regulating Plan for new **public** parking garages and civic buildings shall be reserved for such **development**.

Comment [Jana2]: Applicant suggests new subsection H. that provides a waiver allowing the City Commission to waive any requirement in s. 3.04 if impracticable or unfair burden on petitioner. (Site plans are not generally reviewed by the City Commission unless they are also SLUPs.)

Section 3.04 Specific Standards

- A. Building Height, Overlay: The various elements of building height shall be determined as follows for the various zones designated on the Regulating Plan:
 - 1. D2 Zone (two or three stories):
 - a. Eave line for sloped roofs shall be no more than 34 feet.
 - b. Peak or ridge of any sloped roof shall be no more than 46 feet as measured to the average grade.
 - c. Maximum overall height including the mechanical and other equipment shall be no more than 56 feet.
 - d. A third story is permitted if it is used only for residential.
 - e. All buildings in D2 Zone containing a third story should be designed harmoniously with adjacent structures in terms of mass, scale and proportion, to the best extent possible.
 - f. A third story shall continue in a different plane, beginning at the eave line, not greater than 45 degrees measured to the horizontal or setback 10 feet from any building facade.

- g. All buildings constructed in the D2 Zone must have a minimum eave height or 20 feet.
- 2. D3 Zone (three or four stories):
 - a. Eave line for sloped roofs shall be no more than 46 feet.
 - b. Peak or ridge of any sloped roof shall be no more than 58 feet as measured to the average grade.
 - c. Maximum overall height including the mechanical and other equipment shall be no more than 68 feet.
 - d. A fourth story is permitted if it is used only for residential.
 - e. All buildings in D3 Zone containing a fourth story should be designed harmoniously with adjacent structures in terms of mass, scale and proportion, to the best extent possible.
 - f. The fourth story shall continue in a different plane, beginning at the eave line, no greater than 45 degrees measured to the horizontal or setback 10 feet from any building facade.
 - g. All buildings constructed in a D3 Zone must contain a minimum of 2 stories and must have a minimum eave height of 20 feet.
- 3. D4 Zone (four or five stories):
 - a. Eave line shall be no more than 58 feet.
 - b. Peak or ridge of any sloped roof shall be no more than 70 feet as measured to the average grade.
 - c. Maximum overall height including mechanical and other equipment shall be no more than 80 feet.
 - d. The fifth story is permitted if it is used only for residential.
 - e. All buildings containing a fifth story should be designed harmoniously with adjacent structures in terms of mass, scale and proportion, to the best extent possible.
 - f. The fifth story shall continue in a different plane, beginning at the eave line, no greater than 45 degrees measured to the horizontal or set back 10 feet from any building facade.
 - g. All buildings constructed in the D4 Zone must contain a minimum of 2 stories and must have a minimum eave height of 20 feet.
- 4. D5 Zone (Nine stories) ~~(over 5 stories)~~
 - a. Eave line ~~or roof height~~ of any flat roof building shall be no more than ~~468~~ **106** feet as measured to the average grade.
 - b. Minimum overall height 34 feet and three stories. ~~Peak or ridge of any sloped roof shall be no more than 180 feet as measured to the above average grade.~~
 - c. Maximum overall height including mechanical and other equipment shall be no more than **116** feet and nine stories.

Comment [Jana3]: Applicant suggests 108' in height.

Comment [Jana4]: Applicant suggests 124' in height.

d. All buildings should be designed harmoniously with adjacent structures in ~~the D5 Zone~~ both the Downtown Overlay and the Triangle Overlay in terms of mass, scale and proportion to create a sense of enclosure and urban street walls to improve the desired character of the Woodward Corridor.

Comment [Jana5]: Applicant suggests "harmonious".

5. D6 Zone (Over Nine stories)

a. Minimum overall height 34 feet and three stories.

Comment [Jana6]: Applicant suggests adding a new subsection b. that allows a maximum 168' eave line.

b. Maximum overall height including mechanical and other equipment shall be no more than 168 feet and fourteen stories.

Comment [Jana7]: Applicant suggests 186' in height.

c. All buildings should be designed harmoniously with adjacent structures in both the Downtown Overlay and the Triangle Overlay in terms of mass, scale and proportion to create a sense of enclosure and urban street walls to improve the desired character of the Woodward Corridor.

Comment [Jana8]: Applicant suggests "harmonious".

Comment [Jana9]: Applicant suggests "with respect to".

~~4-6.~~C and P Zones: Downtown Birmingham Overlay District building height shall comply with the underlying height restrictions listed in each two-page layout in Article 2 of the Zoning Ordinance, but may be negotiated by the Planning Board.

~~5-7.~~ Stories at sidewalk level shall be a minimum of 10 feet in height from finished floor to finished ceiling, ~~except this subsection shall not apply to existing buildings in a D56 Zone that do not have stories existing at the sidewalk level.~~ The Planning Board may reduce this standard for renovations to existing buildings that do not meet this standard.

~~6-8.~~A transition line shall be provided between the first and second stories. The transition shall be detailed to facilitate an awning. **The Planning Board may waive this standard for renovations those portions of ~~to~~ existing buildings in a D5 or D6 Zone that do not have a transition line that will facilitate an awning.**

Comment [Jana10]: Applicant suggests leaving this in.

~~7-9~~The maximum width of all dormers per street elevation on buildings may not exceed 33% of the width of the roof plane on the street elevation on which they are located.

B. Building placement. Buildings and their elements shall be placed on lots as follows:

1. Front building facades at the first story shall be located at the frontage line, except the Planning Board may adjust the required front yard to the average front setback of any abutting building, ~~except this subsection shall not apply to renovations to any existing~~

~~building in the D5 Zone where the placement of the building shall not be relocated by the proposed renovations.~~

Comment [Jana11]: Applicant suggests leaving this in with minor wording change.

2. In the absence of a building facade, a screenwall shall be built along the frontage line and aligned with the adjacent building facade. Screen walls shall be between 2.5 and 3.5 feet in height and made of brick, stone or other masonry material matching the building. Upon approval by the Planning Board, screen- walls may be a continuous, maintained evergreen hedge or metal fencing. Screen walls may have openings a maximum of 25 feet to allow vehicular and pedestrian access.
3. Side setbacks shall not be required.
4. A minimum of 10 foot rear yard setback shall be provided from the midpoint of the alley, except that the Planning Board may allow this setback to be reduced or eliminated. In the absence of an alley, the **Planning Board may eliminate the rear setback if the abutting property to the rear is located in an Overlay District.** ~~rear setback shall be equal to that of an adjacent, preexisting building. This subsection 3.04(B)(4) shall not apply to renovations to existing buildings in a D5 Zone where the rear property line abuts a street and the placement of the building shall not be relocated by the proposed renovations.~~
5. First-floor awnings may encroach upon the frontage line and public sidewalk, but must avoid the street trees; provide at least 8 feet of clearance above the sidewalk; and be set back a minimum of 2 feet from the road curb.
6. Upper-floor awnings shall be permitted only on vertically proportioned windows, provided that the awning is only the width of the window, encroaches upon the frontage line no more than 3 feet, and is not used as a backlit sign.
7. Loading docks and service areas shall be permitted only within rear yards. Doors for access to interior loading docks and service areas shall not face a public street. ~~This section shall not apply Where a building faces two or more more than one public streets, the Planning Board may select the appropriate elevation for the placement of service access doors. shall not face the front property line that faces the public street designated as the address of the building.~~
8. All buildings shall have their principal pedestrian entrance **facing the on a frontage line.**

Comment [Jana12]: Applicant suggests no rear setback should be required when the rear property line abuts a public street.

Comment [Jana13]: Applicant suggests adding that service doors shall not be permitted on the elevation facing the street unless the property owner so requests.

- C. Building use. Buildings shall accommodate the following range of uses for the various designations on the Regulating Plan of the Downtown Birmingham Overlay District:

1. Uses shall be limited to those allowed in each underlying zoning district, unless otherwise specifically provided for herein.
2. The following uses and conditions are prohibited:
 - a. Automatic food and drink vending machines outdoors;
 - b. Drive-in facilities or any commercial use that encourages patrons to remain in their automobiles while receiving goods or services, **except that in the D5 or D6 Zones drive-through facilities may be permitted on Woodward Avenue frontage with a valid Special Land Use Permit, if such drive-through facilities are located within the footprint of the building and fully screened;**
 - c. Outdoor advertising.
3. Community uses (C).
4. Those sites designated as parking uses (P) on the Regulating Plan shall be premises used primarily for parking, except retail frontages shall be encouraged at the first floor level.
5. Those sites designated D2 Zone, D3 Zone, ~~or D4 Zone~~, **D5 Zone or D6 Zone** on the Regulating Plan may be used for any commercial, office or residential use as allowed in the underlying zoning district. Upper story uses may be commercial, office or residential, provided that no commercial or office use shall be located on a story above a residential use.
- ~~6. Buildings that have frontage along the required retail frontages, as specified on the Regulating Plan (the red line retail district), shall consist of retail with a minimum depth of 20 feet from the frontage façade line within the first story. Existing buildings in the red line retail district that are not located on the frontage line must contain a minimum retail depth of 20 feet from the façade within the first story. Lobbies for hotels, offices, and multiple-family dwellings may be considered as part of the required retail frontage, provided that any such lobby occupies no more than 50% of the frontage of said building. ~~This subsection 3.04 (C)(6) shall not apply to existing buildings in a D5 Zone where retail does not exist at the front façade line.~~~~
7. Retail, office or residential uses are required to have minimum depth of 20 feet from the frontage line on all stories. The remaining depth may be used for off-street parking. Parking access on a frontage line shall be an opening a maximum of 25 feet wide. Openings for parking garage access shall repeat the same rhythm and proportion as the rest of the building to maintain a consistent streetscape.
8. In any D2 Zone, D3 Zone, or D4 Zone, the first floor shall consist of retail with a minimum depth of 20 feet from the frontage line where

designated on the Regulating Plan as a retail frontage line in conformance with Section 3.04(C)(5) and Section 3.04(C)(6).

9. Office use is limited to one story, except:
 - a. In any D3 Zone or D4 Zone, a two-story building dedicated to office use is permissible; ~~and~~
 - b. In a D4 Zone, two stories may be dedicated to office use when the Planning Board permits a fifth story; ~~and~~
 - c. **In a D5 or D6 Zone, a maximum of 3 stories may be dedicated to office use.**
10. Bistros are permitted with a valid Special Land Use Permit with the following conditions:
 - a. No direct connect additional bar permit is allowed and the maximum seating at a bar cannot exceed 10 seats;
 - b. Alcohol is served only to seated patrons, except those standing in a defined bar area;
 - c. No dance area is provided;
 - d. Only low key entertainment is permitted;
 - e. Bistros must have tables located in the storefront space lining any street, or pedestrian passage;
 - f. A minimum of 70% glazing must be provided along building facades facing a street or pedestrian passage between 1 foot and 8 feet in height. ~~Except in a D5 Zone, this subsection 3.04(C)(10)(f) shall apply only to the building façade facing the front property line for the building, and the 1 foot and 8 foot in height regulation shall not apply to other facades of the building that are not facing the front property line that is adjacent to the public street designated as the address of the building.~~
 - g. All bistro owners must execute a contract with the City outlining the details of the operation of the bistro; and
 - h. Outdoor dining must be provided, weather permitting, along an adjacent street or passage during the months of May through October each year. Outdoor dining is not permitted past 12:00 a.m. If there is not sufficient space to permit such dining on the sidewalk adjacent to the bistro, an elevated, ADA compliant, enclosed platform must be erected on the street adjacent to the bistro to create an outdoor dining area if the Engineering Department determines there is sufficient space available for this purpose given parking and traffic conditions.
11. 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

Comment [Jana14]: Applicant suggests removing this entire provision.

Comment [Jana15]: Applicant suggests leaving this exemption in with minor wording changes.

on those parcels on Woodward Avenue identified on Exhibit 1; Appendix

C. ~~and in a D5 Zone.~~

D. Parking requirements.

1. For all nonresidential uses located within the parking assessment district, parking on the site shall not be required, provided such site is in full compliance with the requirements of the parking assessment district.
2. For all residential uses located within the parking assessment district, the on-site parking requirements contained in Section 4.46, Section 4.49, Section 4.50 and Section 4.51 may be complied with through leasing the required spaces from an off-site parking area, provided the requirements of Section 4.45(G) are met and all parking is supplied on site or within 300 feet of the residential lobby entrance of the building.
3. For all sites located outside of the parking assessment district, off-street parking must be provided in accordance with the requirements of Article 4 for parking, loading and screening.
4. Notwithstanding the above regulations, residential dwelling units within the existing second and third floors of landmark buildings, as defined in Section 62-87 of the Birmingham City Code, located within the central business historic district are exempt from required off-street parking requirements.
5. Off-street parking contained in the first story shall not be permitted within 20 feet of any building facade on a frontage line or between the building facade and the frontage line, ~~except in a D5 Zone this section 3.04(D)(5) shall only apply to the building façade facing the front property line that is adjacent to the public street designated as the address of the building.~~
6. The placement of two abutting off-street parking lots with continuous street frontages shall not be permitted.

E. Architectural standards. All buildings shall be subject to the following physical requirements:

1. At least 90% of the exterior finish material on all facades that face a street shall be limited to the following: glass, brick, cut stone, cast stone, **pre-cast or cast in place concrete**, coarsely textured stucco, or wood. Dryvit or E.F.I.S is prohibited.
2. The primary colors of building exteriors shall be compatible with the colors of adjacent buildings and in character with the surrounding area ~~within the same Downtown Overlay zone~~, although the trim may be of a contrasting color.
3. Blank walls shall not face a public street. Walls facing a public street shall include windows and architectural features customarily found on the front facade of a building, such as awnings, cornice work, edge detailing or decorative finish materials.

Comment [Jana16]: Applicant suggests leaving this in.

4. Storefronts shall be directly accessible from public sidewalks. Each storefront must have transparent areas, equal to **a minimum of 70%** of its portion of the facade, between one and eight feet from the ground. The wood or metal armature (structural elements to support canopies or signage) of such storefronts shall be painted, bronze, or powder-coated.
 5. Storefronts shall have mullion systems, with doorways and signage integrally designed. Mullion systems shall be painted, powder-coated, or stained.
 6. The glazed area of a facade above the first floor shall not exceed 35% of the total area, with each facade being calculated independently.
 7. Glass shall be clear or lightly tinted only **on the ground floors of all buildings in the Downtown Overlay**. Opaque applications shall not be applied to the glass surface **on any floors**.
 8. Facade openings, including porches, windows, and colonnades, shall be vertical in proportion.
 9. Sliding doors and sliding windows are prohibited along frontage lines **on the ground floor of all buildings in the Downtown Overlay, except for residential uses in a D5 Zone above street level**.
 10. (Reserved for future use.) ~~Notwithstanding any regulations set forth in the foregoing subsections, subsections 3.04(E)(3), (5), (6) and (7), in their entirety, do not apply to the existing buildings in a D5 Zone.~~
 11. Cantilevered mansard roofs are prohibited.
 12. Balconies, railings, and porch structures shall be metal, wood, **glass**, cast **in place or preformed** concrete, or stone.
 13. Facades may be supplemented by awnings, which shall be straight sheds without side flaps, not cubed or curved. Awnings shall be between 8 and 12 feet above sidewalk grade at the lower drip edge.
 14. Outside dining tables and chairs shall be primarily metal, wood, or similar material. Plastic outside dining tables and chairs shall be prohibited.
 15. Any building that terminates a view, as designated on the Regulating Plan, shall provide distinct and prominent architectural features of enhanced character and visibility, which reflect the importance of the building's location and create a positive visual landmark.
 16. Flat roofs shall be enclosed by parapets. Rooftop mechanical and other equipment shall be limited, positioned and screened to minimize views from adjacent properties and public rights-of-way in accordance with the regulations set forth in Section 4.16, Section 4.18, and Section 4.53.
- F. Signage Standards. Signage, when provided, shall be as follows:

Comment [Jana17]: Applicant suggests leaving this exemption in the ordinance.

1. Building Sign Design Plan: For all newly constructed or exterior renovated buildings, an overall building sign design plan shall be approved by the appropriate reviewing body.
2. Design: Signage shall be integrally designed and painted with the storefront.
3. Address Numbers: Address numbers shall be a maximum of 8 inches in vertical dimension.
4. Sign Band:
 - a. General: A single external sign band or zone may be applied to the facade of a building between the first and second floors, provided that it shall be a maximum of 1.5 feet in vertical dimension by any horizontal dimension.
 - b. Woodward Avenue Address: The external sign band or zone shall be a maximum of 2 feet in vertical dimension by any horizontal dimension. The sign band or zone may contain multiple individual signs, but all must refer to a tenant of the building whose principal square footage is on the first floor. ~~Except in a D5 Zone where an existing building has retail below grade level, the sign band shall exist either between the below grade level and the next story above the below grade level, and/or above the first story that is above grade.~~
 - c. Lowercase letters with ascenders and descenders that extend beyond the limits of the sign height by a maximum of 50% will not be calculated into total sign area.
 - d. Each business whose principal square footage is on the first story, may have one sign per entry. **Except in a D5 or D6 Zone where an existing building has retail below grade level, each business whose principal square footage is on either a below grade level or the first floor may have one sign per entry.**
 - e. Where the Historic District Commission, Design Review Board or Planning Board has determined that a horizontal sign band is not architecturally feasible based on building design, an alternative design will be considered, provided the following conditions are met:
 - i. The sign must fit within the total sign area allowed for the business;
 - ii. The sign must be compatible with the building's street design and will enhance the streetscape.
 - iii. The sign adheres to the goals of the 2016 Plan.
5. Building Identification:
 - a. **In a D5 or D6 Zone, an illuminated building identification sign may be placed on all sides of the Woodward elevation of a building. The following sections 3.04 (F)(5)(e), (d) and (e) do not apply to buildings in a D5 Zone.**

Comment [Jana18]: Applicant suggests leaving this exemption in with minor wording changes.

Comment [Jana19]: Applicant suggests that 2 signs should be permitted, one on both the Woodward and Old Woodward elevations.

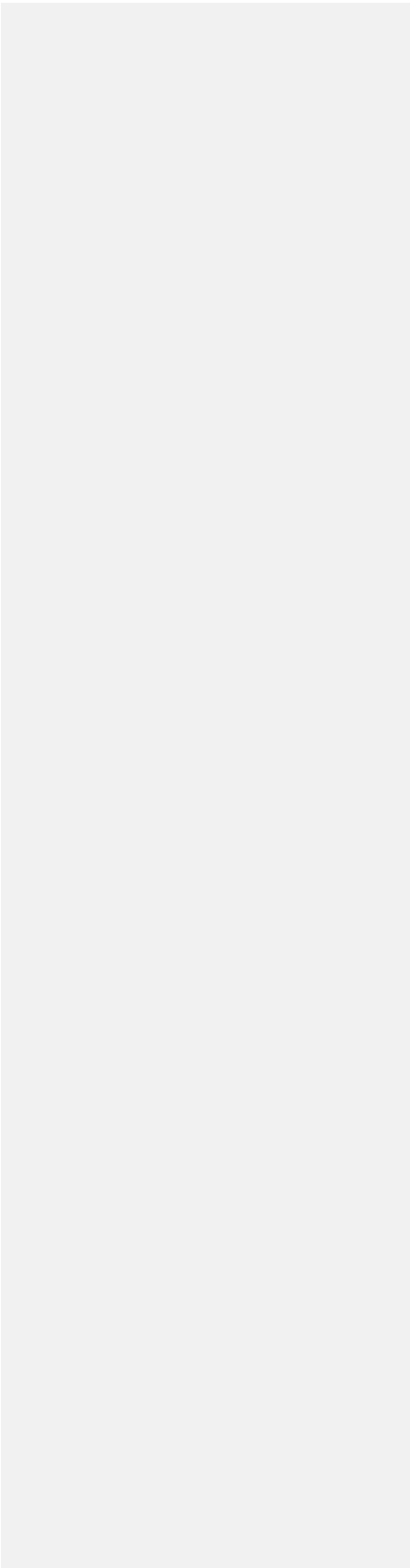
Comment [Jana20]: Applicant suggests this exemption should remain for D5 and D6 properties.

- ~~a-b.~~ Signage identifying the entire structure by a building name may be permitted on the sign band.
- ~~b-c.~~ One sign will be allowed on the principal building frontage.
- ~~e-d~~ Two identical signs will be allowed on each elevation of a corner building.
- ~~d-e~~ Non-illuminated signs identifying the entire structure by a building name may be permitted above the first floor provided the following conditions apply:
 - i. The building must be located on Woodward;
 - ii. A tenant name must have legal naming rights to the building;
 - iii. The sign must be located on the top floor; and
 - iv. Only one Building Identification sign may be located on the principal building frontage.
- 6. Tenant Directory Sign: A directory sign may be comprised of individual nameplates no larger than one square foot each, or a changeable copy board for characters not exceeding one inch in height.
- 7. Additional Signs: Additional pedestrian signs for first floor tenants shall meet the following requirements:
 - a. These signs shall be attached to a building perpendicular to the facade, and extend up to 4 feet from the facade.
 - b. These signs shall be a maximum of 1.5 feet in vertical dimension and 4 feet in horizontal dimension.
 - c. There may be one (1) individual pedestrian sign for each business located on the first floor, provided that such signs are spaced no less than 20 feet apart horizontally; this shall not deny any first floor place of business at least one projecting sign.
- 8. Glass: The storefront glass may be stenciled with signage not to exceed 1.5 feet in vertical dimension and 4 feet in horizontal dimension.
- 9. First Floor Awning: The valance shall not be more than 9 inches in height. The valance of an awning may be stenciled with signage totaling no more than 33% of the valance area.
- 10. Lighting:
 - a. General: External signs shall not be internally illuminated, but may be back lit or externally lit.
 - b. Woodward Avenue Address: External signs may be internally illuminated.

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

Rackeline J. Hoff, Mayor

Laura M. Pierce, City Clerk



**Planning Board Minutes
May 13, 2015**

STUDY SESSION

Proposal to add D-5: Downtown Gateway Over Five Stories to the Downtown Birmingham Overlay District

Ms. Ecker advised that the Planning Division has received an application from the owners of the 555 S. Old Woodward building to request an amendment to the Zoning Ordinance to create a new D-5 zoning classification to the Downtown Birmingham Overlay District.

The building owners are interested in renovating the existing buildings and adding new residential units along S. Old Woodward Ave., as well as adding an addition to the south of the existing residential tower for new retail space and residential units. The building official previously ruled that any changes to the existing legal non-conforming building would increase the non-conformity, and thus be prohibited unless numerous variances were approved. Therefore, the petitioner feels their hands have been tied in terms of making exterior and structural improvements to the building.

Accordingly, the applicant is requesting a Zoning Ordinance amendment to create a new D-5: Downtown Gateway Over Five Stories zoning classification in the Downtown Birmingham Overlay District. Over the past several months, the applicant has reviewed several drafts of the proposed ordinance language with City staff.

Proposed ordinance language to amend Article 3, section 3.01, 3.02 and 3.04 of the Birmingham Zoning Ordinance was presented for the Planning Board to review and consider.

Mr. Rick Rattner, 380 N. Old Woodward Ave., Attorney for the petitioner, was present with a representative of the owner, Mr. Jerry Reinhart; the architect, Mr. Bob Ziegelman; and a landscaper from his office. Mr. Rattner gave a presentation aimed at convincing the Planning Board why the petitioner would like to see the changes made and why it would work in this particular location. Their primary goal is to get the building zoned so that it comes into compliance. They want to do a building that is an icon in the City of Birmingham and a great gateway to the City, along with being completely in line with the 2016 Plan. Included in the presentation was a video depicting Andres Duany's comments when he came to the City in 2014. He stated it is a special building that requires special treatment and it could become incredibly exciting and really cool.

Mr. Koseck said they have not seen a site plan showing the footprint relative to property lines, along with the expansion opportunity. The building needs to be seen in its context. He received confirmation that the tall building is apartments and the other

building contains office space. Ms. Ecker said the way this ordinance is written the commercial side could potentially go up an equivalent height to the apartment side.

Mr. DeWeese thought it would be appropriate for the board to think through, if they were going to allow a building of that scale, what they would want there that fits the spirit and essence of the rest of Downtown. He knows that the back side is not inviting at all from the Woodward Ave. side and the front side is not pedestrian oriented the way it is set up. The lower levels could be made more friendly and the parking garage covered up.

Chairman Clein felt the board should look at the proposed ordinance and decide whether creating a D-5 Zone makes sense. Mr. Williams considered this an iconic structure that is long overdue for attention. The Planning Board has almost totally ignored the south end of town, so let's start with this.

Mr. Koseck noted there are buildings being built today that look a lot like this. They have beautiful high tech glass and he knows what Duany is talking about in terms of lighting it so that it glows. Mr. Williams thought the only practical way to proceed with this study is to set up a sub-committee of this board to work with staff.

Chairman Clein suggested the next step would be to come back to a study session to allow the board to review and provide their input. It was discussed that the board should not create the language of the district around a specific project. Everyone agreed that another study session is in order so that the board can look at all of the implications of the request. June 10 would be the earliest.

Mr. Rattner said it is important to him to put together a package for Ms. Ecker as quickly as they can. Chairman Clein asked for a graphic of an existing site plan so the board knows what parcels are included and what are not. Context should be shown so it is clear what is around the site and how that plays into it. Mr. Koseck added it is about the existing footprint, the applicant's ownership limits, and context within 200 ft.

Mr. Williams stated this is an important building and the board will treat it accordingly.

Planning Board Minutes

June 10, 2015

STUDY SESSION

D-5 - Proposed Gateway Zone in the Downtown Birmingham Overlay District

Mr. Baka explained the owners of the 555 S. Old Woodward Ave. building are interested in renovating the existing building, and adding new residential units along S. Old Woodward Ave., as well as adding an addition to the south of the existing residential tower for new retail space and residential units. The building official previously ruled that any changes to the existing legal non-conforming building would increase the non-conformity, and thus be prohibited unless numerous variances were approved.

Accordingly, the applicant is requesting a Zoning Ordinance amendment to create a new D-5: Downtown Gateway Over Five Stories zoning classification in the Downtown Birmingham Overlay District. Over the past several months, the applicant has reviewed several drafts of proposed ordinance language with City staff. On May 13, 2015, the Planning Board began discussing the applicant's proposal to create a new D-5: Downtown Gateway Over Five Stories zoning classification in the Downtown Birmingham Overlay District.

It was discussed this amendment should be viewed not only as to how it applies to 555 S. Old Woodward Ave., but possibly to other properties as well. Mr. Baka read highlighted areas from the proposed ordinance language to amend Article 3, section 3.01, 3.02, and 3.04 of the Birmingham Zoning Ordinance for the board to review and consider.

The 555 S. Old Woodward Ave. building is 180 ft. in height. Allowable height in the general proximity across Woodward Ave. is 114 ft. maximum. Mr. Koseck thought the board should be looking at the proposed language in a broad way, and not just specific to the 555 S. Old Woodward Ave. property. Chairman Clein advised not to incorporate a number of items for one particular parcel just because that makes it easier. Mr. Share added that if the applicant needs some variances, then the applicant needs some variances.

Mr. Rick Rattner, 380 N. Old Woodward Ave., Attorney for the applicant, was present with Mr. Bob Ziegelman, the architect; and Messrs. Jack Reinhart and Bruce Thal, the building owners. Mr. Rattner noted parts of the proposed ordinance were included because they were important to put into law so that their building could exist and not be doomed to some type of less than satisfactory condition under the current Zoning Ordinance. They hope to make their building the re-invigoration of S. Woodward Ave. In order for this to happen, a Gateway Zone must be established and their building zoned D-5. He went on to describe improvements they hope to make to the building and talked about building height, which would include an elevator shaft 14 ft. above the

roof. If they construct a new building on the property they own to the south of the 555 Building it would comply with the old Overlay Zone Ordinance. They are providing their own parking on-site. With respect to architectural standards, they plan to re-surface and light the existing building as described by Andres Duany. Proposed signage standards allow for identification on all sides of the building. One way or another, the reasonable Zoning Ordinance for this area and the Gateway should be passed in order to benefit the City.

No members of the public wished to come forward to provide comment at this time.

Mr. Share announced he was having trouble conceptualizing why on any of the Gateway sites there would be buildings higher than the nine (9) maximum stories allowed in the Triangle District. Mr. Koseck noted there are all kinds of non-conforming buildings in the City and he doesn't think the goal is that they should all go away and become conforming. That is why the Board of Zoning Appeals exists. He is in favor of improvements being made to the building, but as the applicant makes enhancements he hopes they would go further to be more in compliance with D-4, D-3, D-2, and D-1. It scares him to expand D-5 beyond the limits of this property without further study.

Mr. Jeffares thought the building should be polished so that it stands out like a jewel, and other buildings should be more in context with the nine (9) stories allowed in the Triangle District. Mr. DeWeese was in support of the building enhancement, but he also did not want to see it spreading.

Chairman Clein thought of this as an opportunity to take a look at this building along with several parcels in the context of future development. If Bruce Johnson, Building Official, and Tim Currier, City Attorney, would come to a Planning Board meeting and are on board, he would be in favor of providing some relief in a unique situation; but he just doesn't want to do it capriciously. The Ordinance standards were put in place for a reason and he would be supportive of fitting them into the context of a building that obviously is not going away, in order to help make it better.

Ms. Whipple-Boyce was also in support of helping to make this Gateway building better looking. She thought also that it would be helpful to have Messrs. Johnson and Currier come to a Planning Board meeting. She could not imagine why the Planning Board could not somehow help the applicant to get their building re-skinned in some other way. Further, the ordinance proposal should not include some of the things that the board does not want to have in the City.

Ms. Lazar was in full support, as well, of trying to do something with the building. However, she didn't see how this board could whip up a new ordinance in a short period of time. It concerns her that what might be applied to this building could become applicable to some other sites which would not be appropriate. She would rather try to help the applicant get to where they need to be with this building.

Mr. Share thought another way to get through this problem would be to modify the Ordinance to change the definition of *Dimensional Expansion of Non-Conformity*.

Mr. Jack Reinhart explained that it is difficult to get financing for a non-conforming building.

Mr. Rattner was positive they would get this done, but more work is needed in order to find the right answer. It will come out the right way if everyone works for it.

Chairman Clein suggested when this draft ordinance is brought back with input from tonight that Mr. Johnson; and if possible, Mr. Currier, be present for that study session to walk through the higher level issues and answer questions.

Planning Board Minutes

July 8, 2015

STUDY SESSION

D-5 - Proposed Gateway Zone in the Downtown Birmingham Overlay District

Ms. Ecker provided background. The owners of the 555 S. Old Woodward building are interested in renovating the existing building, and adding new residential units along S. Old Woodward Ave., as well as adding an addition to the south of the existing residential tower for new retail space and residential units.

The applicant is requesting a Zoning Ordinance amendment to create a new D-5: Downtown Gateway Over Five Stories zoning classification in the Downtown Birmingham Overlay District. Over the past several months, the applicant has reviewed several drafts of proposed ordinance language with City staff.

On May 13, 2015, the Planning Board began discussing the applicant's proposal to create a new D-5: Downtown Gateway (Over Five Stories) zoning classification in the Downtown Birmingham Overlay District.

It was discussed that the building official has now ruled the reason for installing a new curtain wall on the 555 Woodward Bldg. would be to maintain the building in good condition, and therefore should be considered maintenance. Accordingly, application to the Board of Zoning Appeals ("BZA") would not be necessary.

Board members talked about considering an ordinance to allow Woodward Ave. frontage parcels up to a certain height between Hazel and Brown. Seven stories would be permitted as of right and an extra two stories for making two of five concessions.

Mr. Williams stated that everyone knows the 555 Bldg. is the gateway to Birmingham and as far as he is concerned it needs improvement and the City should work with the owners to achieve that result. That benefits everybody.

Discussion considered whether the building could be improved without creating a new zoning classification. Mr. Boyle suggested the board try to give the Woodward Ave. frontage parcels a designation that relates to Woodward Ave. Ms. Ecker thought that makes a lot of sense. It relates to more of a holistic view as to what is right for that area - not just one property. Mr. Share agreed. Start out with proper planning for that set of properties as opposed to fixing the 555 Bldg., and incidentally create a new district to do that.

Ms. Whipple-Boyce observed the board hasn't done anything to help the 555 Bldg. Ms. Ecker listed some of the key issues that the board has talked about over the last couple of meetings such as an improved retail frontage; improved street activation; pedestrian

focus and pedestrian scale architecture at the street level on the S. Old Woodward and Woodward Ave. sides; and connectivity improvements - there is no sidewalk along Woodward Ave.

Mr. Rick Rattner, Attorney for the applicants, noted their building is non-conforming and they cannot expand it; all they can do is repair and maintain it. No one will provide a loan to re-skin a non-conforming structure. If they are going to do anything, they have to make it worthwhile in terms of expansion and improvements. He went on to describe the renovations they are considering.

Mr. Jack Reinhart spoke to say they have owned the building since 1982. They are looking at this as a comprehensive redevelopment and he will not do anything on the south end unless they can go all the way up. He doesn't think it is appropriate to go the BZA as there are too many exceptions to be considered.

Mr. Williams observed everyone agrees they want to create something that is conforming; not non-conforming. In his view, there are deficiencies on the Woodward Ave. (east) side. On the S. Old Woodward (west) side he sees retail too far from the street. On the south side he sees a blank wall. Therefore, from his standpoint three of the four sides of the building are not very good and he would like to see them improve. He thinks somehow the board has to craft something that allows for the development of other parcels on Woodward Ave., but at the same time allows improvements to these three geographic areas.

Mr. Boyle thought the board probably can't do everything that the applicants would like because the City Commission may not approve it all. However if some of the proposal is approved and the project is moved forward, then it will go a long way toward helping the applicants get value from their property and do what they want to do.

Mr. Williams summed up the discussion by saying the board wants to go the conforming route and use the SLUP process to do it. Maybe the applicant won't get everything but they can probably get a substantial achievement through the combination of the new MU classification plus SLUP exceptions for what they get as of right and what they get as a bonus. Ms. Ecker noted that is consistent with what the City does in other districts and what has been approved by the City Commission. This is a methodology gives the Planning Board flexibility. It was the consensus that staff should work on crafting something to that effect, taking the 555 Bldg. separately so that it gets through the City Commission.

In response to Mr. Rattner's inquiry, Ms. Ecker explained they can keep their existing height and renovate to maintain and repair it, but if they want to add more height to the building or bring the building to the south and go up higher, then they would have to get a SLUP if new ordinance language is approved.

**Planning Board Minutes
September 9, 2015**

STUDY SESSION

Creation of D-5 Zone in the Birmingham Overlay District

Ms. Ecker explained that in order to renovate and expand the existing building, the owners of the 555 S. Old Woodward Building are requesting a Zoning Ordinance amendment to create a new D-5: Downtown Gateway Over Five Stories zoning classification in the Downtown Birmingham Overlay District. The building official previously ruled that some changes in the existing legal non-conforming building may be permitted. The applicant is seeking to rezone the 555 S. Woodward Ave. properties from the existing D-4 Overlay zoning classification to the proposed D-5 Overlay zoning classification, which would essentially render the existing building as a legal, conforming building that could then be renovated and expanded.

At the Planning Board meetings of May 13, June 10, and July 8, 2015 the Planning Board discussed the ways that the building could be modified and improved as a conforming structure and not through the use of variance requests. The board indicated they would like to craft a zoning classification or overlay expansion that allows the 555 Building to be renovated but also mirrors the development standards in the Triangle District which allows a maximum of nine stories. Since that time, the applicant has submitted their revised draft of the proposed D-5 zone.

In accordance with the direction of the City Manager, the board can craft specific questions for the City Attorney and he will respond in writing.

Mr. Williams suggested creating a D-5 District for the 555 Building and a D-6 District for other locations which might be nine stories. That would not isolate one parcel; but rather it would be a comprehensive approach. Further it would allow the 555 Building to be improved.

Ms. Ecker explained that the applicant has submitted language that has two different sub-zones. They are proposing a sub-zone north of Bowers and a sub-zone south of Bowers. South of Bowers (the tall part of the 555 Building) allows 168 ft. and includes the area they want to expand. That would make the existing residential portion of the 555 Building conforming and would allow them to expand. The sub-zone north of Bowers and south of Hazel allows nine stories.

Mr. Share announced he may be okay with making the existing building conforming but not okay with adding an additional 12 stories to it. However, Mr. Koseck thought it would look odd to have a five-story addition scabbed onto the front of the tower.

Motion by Mr. Share

Seconded by Mr. Koseck to extend the meeting to 11:10 p.m.

Motion carried, 7-0.

Board members suggested having identification signs on the building facade that fronts Woodward Ave. and maybe on the south facade. However, Chairman Clein was nervous about having them on the other facades that look into Downtown and across.

Other aspects of the applicant's submitted language were discussed. The group considered whether it would be feasible to make this building or any building in this condition 100% legally conforming. There are many issues, such as lighting, setbacks, height, uses. Mr. Share said that at some point they approach the problem of spot zoning. Mr. Koseck thought that enhancements and additions should comply with the ordinance. It was agreed that there need to be standards, but that there could be exceptions if certain criteria are met.

The board listed items for the City Attorney's response:

- Does our ordinance create sub-zones with geographic descriptions anywhere else? If we do this do we need to rezone anyway?
- What is the appropriate means to provide exemptions to make non-conformities conforming, other than grandfathering?
- Look at the language that takes juris from the BZA.

Board members continued to discuss sections of the proposed ordinance language. Consensus of board members was not to allow drive-through facilities without SLUPS and they must be internal. A height of 168 ft. might be okay in some instances to make an existing building conforming, but not necessarily for additions. The board is willing to consider illuminated signs on Woodward Ave. elevations only, and is not willing to allow exemptions that would eliminate pedestrian friendly requirements. Board members also agreed that the southern gateway would be the southern point of the Triangle District.

Motion by Mr. Share

Seconded by Mr. DeWeese to extend the meeting 10 minutes to 11:20 p.m.

Motion carried, 7-0.

Mr. Rick Rattner, attorney for the applicant, said that taking variances and assigning them to the Planning Board instead of the Board of Zoning Appeals ("BZA") is a very common method used in PUDs. It is recognized that planning and design control is a lot of what is done in zoning. When variances go to the BZA they are judging the variance by a different standard that has nothing to do with design or form based code. It has to do with whether there is undue hardship or something that necessitates amending the ordinance.

The other thing is he has tried to get the 555 Building in a position where it complies with the 2016 Plan and what Andres Duany said last May. This is an ordinance to put the non-conforming structures into conformance so they can be improved rather than sit there and waste away.

Lastly, the ordinance allows opting in or opting out of the D-4 Overlay District. That could mean something when moving forward to re-do buildings on a form-based code.

Motion by Mr. Williams

Seconded by Mr. Boyle to schedule a public hearing on the consideration of zoning classification D-5 for Wednesday, October 14.

Board members tended to agree they should feel comfortable prior to putting the new zoning classification before the public. That would make for a more efficient hearing.

Motion failed, 2-5.

ROLLCALL VOTE

Yeas: Williams, Boyle

Nays: Clein, DeWeese, Koseck, Lazar, Share

Absent: Whipple-Boyce

Chairman Clein wrapped up by saying this matter will be brought back at the next meeting for a study session with direction from the city manager/city attorney and language from staff.

**Planning Board Minutes
September 30, 2015**

STUDY SESSION

1. Creation of D-5 Zone in the Birmingham Overlay District

Ms. Ecker explained that in order to renovate and expand the existing building, the owners of the 555 S. Old Woodward Building are requesting a Zoning Ordinance amendment to create a new D-5: Downtown Gateway Over Five Stories zoning classification in the Downtown Birmingham Overlay District. The proposal then is to seek rezoning of the 555 S. Woodward Ave. property from the existing D-4 Overlay zoning classification to the proposed D-5 Overlay zoning classification, which would essentially render the existing building as a legal, conforming building that could then be renovated and expanded.

After several prior Planning Board meetings, on September 9, 2015 the Planning Board again discussed the possible creation of a D-5 zone in the Downtown Overlay. Board members talked about a revised draft of the proposed D-5 zone as submitted by the applicant seeking the rezoning for 555 S. Old Woodward. The board discussed several of the applicant's requests for exemptions from Overlay standards in the D-5 zone and consensus was reached on the following items:

- Drive-through facilities should not be permitted as of right in any new zoning district, but maybe they could be allowed with a Special Land Use Permit ("SLUP");
- It might be acceptable to make existing buildings conforming with regards to height, but new additions/buildings should be kept lower and consistent with either the Downtown Overlay heights or the Triangle Overlay maximum heights;
- Illuminated signage may be permitted only on Woodward Ave. elevations;
- All pedestrian-oriented regulations should be mandatory in any proposed overlay;
- The southern boundary of a new Overlay District should be in line with the southern edge of the Triangle District on the east side of Woodward Ave.

Also, there was some discussion about maybe creating two different zones.

The draft ordinance presented this evening covers two new zones, D-5 and D-6. D-5 is Downtown, nine stories as in the Triangle District; and D-6 is Downtown, over nine stories which goes up to 168 ft. and that is what the 555 Woodward Building is now.

Several questions were raised by the Planning Board and responses were received from the City attorney:

- He noted that in certain instances a waiver can be done as part of the planning process. This does not take jurisdiction from the Board of Zoning Appeals on other matters not related to the waiver.

- The Birmingham Zoning Ordinance does create sub-zones with respect to the zoning map. When the ordinance language creates a zone by geographic description, the map should also be amended so they are consistent.
- There is no appropriate means to provide exemptions to make non-conformities conforming, other than grandfathering. If the board wants to make the 555 Woodward Building conforming it must change the height standards and rezone it accordingly.

Mr. Koseck indicated he would make the 555 Woodward Building conforming by creating a D-5 Zone. He would include the piece south that is part of that property and allow it to extend to 168 ft. The Balmoral Building block is fine, and from there south allow 9 stories in height.

Motion by Ms. Whipple-Boyce

Seconded by Mr. Koseck to extend the meeting 15 more minutes to 11:30 p.m.

Motion carried, 7-0.

Chairman Clein thought the Planning Board could make the 555 Woodward Building conforming in some ways and send the applicant to the BZA for the others. Mr. Share didn't like making the height conforming; he would not be supportive of a 12-story building anywhere up and down that corridor; he would leave the question of height to the BZA; and he would certainly not be comfortable with a blank check for a 12-story on the piece to the south.

Ms. Whipple-Boyce said it is important to try to help the applicant have some sort of zoning classification so they can move on with their project. However, she also does not want to see 168 ft. up and down Woodward Ave. She is not sure that looking at the whole area is even appropriate. So maybe just work with this building and give them a zoning classification. Steer the applicant toward having their building conform with the sort of downtown standards that the board hopes to have; which for example, isn't the garden level. If they want to continue to have these when they come forward with a new plan that is when they can go to the BZA.

Mr. Share was in favor of having the applicant first exhaust their remedies. If the BZA doesn't provide them with the relief they need and this board concludes that it is really critical, then maybe the board changes the ordinance, takes the heat for it, and tells everyone it is because they don't want the building to fall down.

Chairman Clein said he is not hearing any clear direction so the board needs to bring this back because it is a complicated issue.

Motion by Mr. Boyle

Seconded by Ms. Whipple-Boyce to extend the meeting 5 more minutes to 11:35.

Motion carried, 7-0.

Mr. Rick Rattner recalled that Andres Duany during his visit to Birmingham said the 555 Woodward building should be redone. The building was built in the early '70s and has since been dezoned. It can't be improved; only maintained. If they are going to maintain it, be able to improve it and put it into the 2016 Plan, this board has the obligation to make a Zoning Ordinance that follows the Plan. This is not spot zoning. The Planning Board has the right to go ahead and grant waivers (which is the same as a zoning variance). In this case the BZA can't do it because their variances are constrained by State law. If a public hearing is set on the ordinance that has been developed, that would be the right thing.

The board's conclusion was to bring this matter back for another study session.

WORKING DRAFT

(A) Showing amendments proposed by City Administration to existing Downtown Birmingham Overlay Ordinance (in bold type); and (B) identifying further proposed amendments to the Ordinance by Property Owner at 555 South Woodward Ave to the Ordinance (additions are underlined and deletions are lined through)

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 03, DOWNTOWN BIRMINGHAM OVERLAY DISTRICT, SECTIONS 3.01 TO 3.04, TO CREATE A NEW D5: DOWNTOWN GATEWAY DISTRICT, AND TO ESTABLISH DEVELOPMENT STANDARDS FOR THIS DISTRICT.

Article 03 shall be amended as follows:

Section 3.01 Purpose

The purposes of the Downtown Birmingham Overlay District are to:

- A. Encourage and direct development within the boundaries of the Downtown Birmingham Overlay District and implement the Downtown Birmingham 2016 Plan;
- B. Encourage a form of development that will achieve the physical qualities necessary to maintain and enhance the economic vitality of Downtown Birmingham and to maintain the desired character of the City of Birmingham as stated in the Downtown Birmingham 2016 Plan;
- C. Encourage the renovation of buildings; ensure that new buildings are compatible with their context and the desired character of the city; ensure that all uses relate to the pedestrian; and, ensure that retail be safeguarded along specific street frontages; and
- D. Ensure that new buildings are compatible with and enhance the historic districts which reflect the city's cultural, social, economic, political, and architectural heritage.
- E. To enhance and implement the Downtown Birmingham 2016 plan concepts and complement the concepts recommended in the Triangle District Urban Design Plan to create the desired character for Birmingham's primary gateway properties along the Woodward Corridor**

WORKING DRAFT

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Section 3.02 Applicability

A. The Downtown Birmingham Overlay District shall be an overlay district that applies over the existing zoning districts.

B. Use and development of land within the Downtown Birmingham Overlay District shall be regulated as follows:

1. Any existing use shall be permitted to continue and the use shall be subject to the underlying zoning requirements and not the Downtown Birmingham Overlay District.
2. Where the usage within an existing building is proposed to be expanded by more than 50% of the existing size, the new use shall be subject to the building use standards of the Downtown Birmingham Overlay District to the maximum extent practical, as determined by the Planning Board.
3. Any expansion to an existing building that expands the area of the building by more than 40% of the existing building area shall subject the entire building to the requirements of the Downtown Birmingham Overlay District and shall be brought into compliance with the requirements of the Downtown Birmingham Overlay District to the maximum extent practical, as determined by the Planning Board.
4. Where a new building is proposed, the use and site shall be subject to the requirements of the Downtown Birmingham Overlay District.

C. Development applications within the Downtown Birmingham Overlay District shall be required to follow the Site Plan Review and Design Review standards contained in Article 7.

D. A Downtown Birmingham Overlay District Regulating Plan has been adopted that divides the Downtown Birmingham Overlay District into zones. Each zone designated on the Regulating Plan prescribes requirements for building form, height and use as follows:

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D2: Downtown Two or Three Stories

D3: Downtown Three or Four Stories

D4: Downtown Four or Five Stories

D5: Downtown Nine Stories

D6: Downtown Over Nine Stories

C: Community Use

P: Parking

Section 3.03 General Standards

- A. The design of buildings and sites shall be regulated by the provisions of the Downtown Birmingham Overlay District.
- B. Section 3.01 to Section 3.04 shall govern the design of all privately owned land within the Downtown Birmingham Overlay District.
- C. The provisions of the Downtown Birmingham Overlay District, when in conflict with other articles of the Zoning Ordinance, shall take precedence.
- D . The provisions of the Downtown Birmingham Overlay District shall specifically supercede the floor-area-ratio, maximum height, band minimum setback regulations contained in each two-page layout in Article 2 of the Zoning Ordinance.
- E. The provisions of the building and building regulations Chapter 22 of the Birmingham City Code and the historic preservation regulations in Chapter 62 of the Birmingham City Code, when in conflict with the Downtown Birmingham Overlay District, shall take precedence.
- F. The design of community buildings and improvements shall not be subject to the specific standards of this article, but shall be subject to design review by the Planning Board.

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G. Locations designated on the Regulating Plan for new **public** parking garages and civic buildings shall be reserved for such development.

H. The requirements of Section 3.04 may be waived by the Commission in the event that one or more of the requirements are impracticable or impose an unfair burden on the petitioner due to: (i) the existing conditions of the property or existing structures on the property, or (ii) the property's and/or its existing or future structure's relationship to the surrounding street or existing conditions of an existing structure located on or adjacent to the property. The Board of Zoning Appeals shall not have jurisdiction over these waivers and the waivers are not deemed to be variances from this Ordinance.

Section 3.04 Specific Standards

A. Building Height, Overlay: The various elements of building height shall be determined as follows for the various zones designated on the Regulating Plan:

1. D2 Zone (two or three stories):

- a. Eave line for sloped roofs shall be no more than 34 feet.
- b. Peak or ridge of any sloped roof shall be no more than 46 feet as measured to the average grade.
- c. Maximum overall height including the mechanical and other equipment shall be no more than 56 feet.
- d. A third story is permitted if it is used only for residential.
- e. All buildings in D2 Zone containing a third story should be designed harmoniously with adjacent structures in terms of mass, scale and proportion, to the best extent possible.
- f. A third story shall continue in a different plane, beginning at the eave line, not greater than 45 degrees measured to the horizontal or setback 10 feet from any building facade.
- g. All buildings constructed in the D2 Zone must have a minimum eave height or 20 feet.

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2. D3 Zone (three or four stories):

- a. Eave line for sloped roofs shall be no more than 46 feet.
- b. Peak or ridge of any sloped roof shall be no more than 58 feet as measured to the average grade.
- c. Maximum overall height including the mechanical and other equipment shall be no more than 68 feet.
- d. A fourth story is permitted if it is used only for residential.
- e. All buildings in D3 Zone containing a fourth story should be designed harmoniously with adjacent structures in terms of mass, scale and proportion, to the best extent possible.
- f. The fourth story shall continue in a different plane, beginning at the eave line, no greater than 45 degrees measured to the horizontal or setback 10 feet from any building facade.
- g. All buildings constructed in a D3 Zone must contain a minimum of 2 stories and must have a minimum eave height of 20 feet.

3. D4 Zone (four or five stories):

- a. Eave line shall be no more than 58 feet.
- b. Peak or ridge of any sloped roof shall be no more than 70 feet as measured to the average grade.
- c. Maximum overall height including mechanical and other equipment shall be no more than 80 feet.
- d. The fifth story is permitted if it is used only for residential.
- e. All buildings containing a fifth story should be designed harmoniously with adjacent structures in terms of mass, scale and proportion, to the best extent possible.
- f. The fifth story shall continue in a different plane, beginning at the eave line, no greater than 45 degrees measured to the horizontal or set back 10 feet from any building facade.
- g. All buildings constructed in the D4 Zone must contain a minimum of 2 stories and must have a minimum eave height of 20 feet.

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4. D5 Zone (Nine stories~~)))~~

- a. Eave line of any flat roof building shall be no more than 108 feet as measured to the average grade.**
- b. Minimum overall height 34 feet and three stories.**
- c. Maximum overall height including mechanical and other equipment shall be no more than 124 feet and nine stories.**
- d. All buildings should be designed harmoniously harmonious with adjacent structures in ~~the D5 Zone both the Downtown Overlay and the Triangle Overlay~~ in terms of with respect to mass, scale and proportion to create a sense of enclosure and urban street walls to improve the desired character of the Woodward Corridor.**

5. D6 Zone (Over Nine stories)

- a. Minimum overall height 34 feet and three stories.**
- b. Eave line of any flat roof building shall be no more than 168 feet as measured to the average grade.**
- c. . Maximum overall height including mechanical and other equipment shall be no more than 186 feet ~~and fourteen~~ stories.**
- c. All buildings should be designed harmoniously harmonious with adjacent structures in both the Downtown Overlay and the Triangle Overlay with respect to ~~in terms of~~ mass, scale and proportion create a sense of enclosure and urban street walls to improve the desired character of the Woodward Corridor.**

4.6.C and P Zones: Downtown Birmingham Overlay District building height shall comply with the underlying height restrictions listed in each twopage layout in Article 2 of the Zoning Ordinance, but may be negotiated by the Planning Board.

5.7. Stories at sidewalk level shall be a minimum of 10 feet in height from

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finished floor to finished ceiling, ~~except this subsection shall not.~~
~~The Planning Board may apply to existing buildings in a D56 Zone that do not have stories existing at the sidewalk level.~~
~~The Planning Board may~~ reduce this standard for renovations to existing buildings that do not meet this standard.

6.8.A transition line shall be provided between the first and second stories.

~~The transition shall be detailed to facilitate an awning.~~ **The Planning Board may waive this standard for renovations those portions of existing buildings in a D5 or D6 Zone that do not have a transition line that will facilitate an awning.**

~~7.9~~The maximum width of all dormers per street elevation on buildings may not exceed 33% of the width of the roof plane on the street elevation on which they are located.

B. Building placement. Buildings and their elements shall be placed on lots as follows:

~~1. Front~~**1.** Except for renovations to any existing building in the D5 and D6 Zones where the placement of the building shall not be relocated by the proposed renovations, the front building facades at the first story shall be located at the frontage line, except the Planning Board may adjust the required front yard to the average front setback of any abutting building, ~~except this subsection shall not apply to renovations to any existing building in the D5 Zone where the placement of the building shall not be relocated by the proposed renovations.~~

2. In the absence of a building facade, a screenwall shall be built along the frontage line and aligned with the adjacent building facade. Screenwalls shall be between 2.5 and 3.5 feet in height and made of brick, stone or other masonry material matching the building. Upon approval by the Planning Board, screen- walls may be a continuous, maintained evergreen hedge or metal fencing. Screenwalls may have openings a maximum of 25 feet to allow vehicular and pedestrian access.

3. Side setbacks shall not be required.

4. A minimum of 10 foot rear yard setback shall be provided from the

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midpoint of the alley, except that the Planning Board may allow this setback to be reduced or eliminated. In the absence of an alley, and the **Planning Board may eliminate the rear setback if the abutting property to the rear is located in an Overlay District**, or rear, if the property to the rear abuts a public street then no rear setback shall be required.

setback shall be equal to that of an adjacent, preexisting building. This subsection 3.04(B)(4) shall not apply to renovations to existing buildings in a D5 Zone where the rear property line abuts a street and the placement of the building shall not be relocated by the proposed renovations.

5. First-floor awnings may encroach upon the frontage line and public sidewalk, but must avoid the street trees; provide at least 8 feet of clearance above the sidewalk; and be set back a minimum of 2 feet from the road curb.

6. Upper-floor awnings shall be permitted only on vertically proportioned windows, provided that the awning is only the width of the window, encroaches upon the frontage line no more than 3 feet, and is not used as a backlit sign.

7. Loading docks and service areas shall be permitted only within rear yards. Doors for access to interior loading docks and service areas shall not face a public street. ~~This section shall not apply Where,~~ **Where a building faces two or more public streets, the Planning Board may select the appropriate elevation for the placement of service access doors;** provided however, that the service access doors shall not be required to building elevation that faces the public street designated as the address of the building unless the property owner requests such a placement.

~~building faces two or more more than one public streets, the Planning Board may select the appropriate elevation for the placement of service access doors. shall not face the front property line that faces the public street designated as the address of the building.~~

8. All buildings shall have their principal pedestrian entrance **facing** ~~the on~~ a frontage line.

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C. Building use. Buildings shall accommodate the following range of uses for the various designations on the Regulating Plan of the Downtown Birmingham Overlay District:

1. Uses shall be limited to those allowed in each underlying zoning district, unless otherwise specifically provided for herein.
2. The following uses and conditions are prohibited:
 - a. Automatic food and drink vending machines outdoors;
 - b. Drive-in facilities or any commercial use that encourages patrons to remain in their automobiles while receiving goods or services, **except that in the D5 or D6 Zones drive-through facilities may be permitted on Woodward Avenue frontage with a valid Special Land Use Permit;**
 - c. Outdoor advertising.
3. Community uses (C).
4. Those sites designated as parking uses (P) on the Regulating Plan shall be premises used primarily for parking, except retail frontages shall be encouraged at the first floor level.
5. Those sites designated D2 Zone, D3 Zone, or D4 Zone, **D5 Zone or D6 Zone** on the Regulating Plan may be used for any commercial, office or residential use as allowed in the underlying zoning district. Upper story uses may be commercial, office or residential, provided that no commercial or office use shall be located on a story above a residential use.
6. Buildings that have frontage along the required retail frontages, as specified on the Regulating Plan **(the red line retail district)**, shall consist of retail with a minimum depth of 20 feet from the frontage ~~façade~~ line within the first story. **Existing buildings in the red line retail district that are not located on the frontage line must contain a minimum retail depth of 20 feet from the façade within the first story.** Lobbies for hotels, offices, and multiple-family dwellings may be considered as part of the required retail front- age, provided that any such lobby occupies no more than 50% of the frontage of said building. ~~This subsection 3.04-(C)(6) shall not~~

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~~apply to existing buildings in a D5 Zone where retail does not exist at the front façade line.~~

7. Retail, office or residential uses are required to have minimum depth of 20 feet from the frontage line on all stories. The remaining depth may be used for off-street parking. Parking access on a frontage line shall be an opening a maximum of 25 feet wide. Openings for parking garage access shall repeat the same rhythm and proportion as the rest of the building to maintain a consistent streetscape.

8. In any D2 Zone, D3 Zone, or D4 Zone, the first floor shall consist of retail with a minimum depth of 20 feet from the frontage line where designated on the Regulating Plan as a retail frontage line in conformance with Section 3.04(C)(5) and Section 3.04(C)(6).

9. Office use is limited to one story, except:

- a. In any D3 Zone or D4 Zone, a two-story building dedicated to office use is permissible; and
- b. In a D4 Zone, two stories may be dedicated to office use when the Planning Board permits a fifth story;

~~c. In a D5 or D6 Zone, a maximum of 3 stories may be dedicated to office use.~~

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

- a. No direct connect additional bar permit is allowed and the maximum seating at a bar cannot exceed 10 seats;
- b. Alcohol is served only to seated patrons, except those standing in a defined bar area;
- c. No dance area is provided;
- d. Only low key entertainment is permitted;
- e. Bistros must have tables located in the storefront space lining any street, or pedestrian passage;
- f. A minimum of 70% glazing must be provided along building facades facing a street or pedestrian passage between 1 foot and 8

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feet in height. ~~Except in a D5 Zone, this subsection~~Provided however, for those existing buildings in the D5 and D6 Zones this subsection 3.04(C) (10) (f) shall apply only to the building façade facing the front property line that is adjacent to the public street designated as the address of the building.

~~3.04(C)(10)(f) shall apply only to the building façade facing the front property line for the building, and the 1 foot and 8 foot in height regulation shall not apply to other facades of the building that are not facing the front property line that is adjacent to the public street designated as the address of the building.~~

g. All bistro owners must execute a contract with the City outlining the

details of the operation of the bistro; and

h. Outdoor dining must be provided, weather permitting, along an adjacent street or passage during the months of May through October

each year. Outdoor dining is not permitted past 12:00 a.m. If there is

not sufficient space to permit such dining on the sidewalk adjacent to

the bistro, an elevated, ADA compliant, enclosed platform must be

erected on the street adjacent to the bistro to create an outdoor

dining area if the Engineering Department determines there is

sufficient space available for this purpose given parking and traffic conditions.

11. 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 on those parcels on Woodward Avenue identified on Exhibit 1; Appendix

C. ~~and in a D5 Zone.~~

D. Parking requirements.

1. For all nonresidential uses located within the parking assessment district, parking on the site shall not be required, provided such site is in full

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compliance with the requirements of the parking assessment district.

2. For all residential uses located within the parking assessment district, the on-site parking requirements contained in Section 4.46, Section 4.49, Section 4.50 and Section 4.51 may be complied with through leasing the required spaces from an off-site parking area, provided the requirements of Section 4.45(G) are met and all parking is supplied on site or within 300 feet of the residential lobby entrance of the building.

3. For all sites located outside of the parking assessment district, off-street parking must be provided in accordance with the requirements of Article 4 for parking, loading and screening.

4. Notwithstanding the above regulations, residential dwelling units within the existing second and third floors of landmark buildings, as defined in Section 62-87 of the Birmingham City Code, located within the central business historic district are exempt from required off-street parking requirements.

5. Off-street parking contained in the first story shall not be permitted within 20 feet of any building facade on a frontage line or between the building facade and the frontage line, ~~except in a D5 Zone this section 3.04(D)(5) shall only apply to the building facade facing the front property line that is adjacent to the public street designated as the address of the building.~~

6. The placement of two abutting off-street parking lots with continuous street frontages shall not be permitted.

E. Architectural standards. All buildings shall be subject to the following physical requirements:

1. At least 90% of the exterior finish material on all facades that face a street shall be limited to the following: glass, brick, cut stone, cast stone, **pre-cast or cast in place concrete**, coarsely textured stucco, or wood. Dryvit or E.F.I.S is prohibited.

2. The primary colors of building exteriors shall be compatible with the colors of adjacent buildings and in character with the surrounding area, within the same Downtown Overlay ~~z~~zZone, although the trim may be of a contrasting color.

3. Blank walls shall not face a public street. Walls facing a public street

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shall include windows and architectural features customarily found on the front facade of a building, such as awnings, cornice work, edge detailing or decorative finish materials.

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

5. Storefronts shall have mullion systems, with doorways and signage integrally designed. Mullion systems shall be painted, powder-coated, or stained.

6. The glazed area of a facade above the first floor shall not exceed 35% of the total area, with each facade being calculated independently.

7. Glass shall be clear or lightly tinted only **on the ground floors of all buildings in the Downtown Overlay**. Opaque applications shall not be applied to the glass surface **on any floors**.

8. Facade openings, including porches, windows, and colonnades, shall be vertical in proportion.

9. Sliding doors and sliding windows are prohibited along frontage lines **on the ground floor of all buildings in the Downtown Overlay**, ~~except for residential uses in a D5 Zone above street level.~~

10. ~~(Reserved for future use.)~~ **Notwithstanding any** ~~Provided however, the regulations set forth in the foregoing subsections, in subsections 3.04 (E)(3), (5), (6) and (7), in their entirety, entirety shall~~ not apply to ~~to the existing~~ buildings in ~~a D5 Zone~~ the D5 and D6 Overlay Zones.

11. Cantilevered mansard roofs are prohibited.

12. Balconies, railings, and porch structures shall be metal, wood, **glass**, cast **in place or preformed** concrete, or stone.

13. Facades may be supplemented by awnings, which shall be straight sheds without side flaps, not cubed or curved. Awnings shall be between 8 and 12 feet above sidewalk grade at the lower drip edge.

14. Outside dining tables and chairs shall be primarily metal, wood, or similar material. Plastic outside dining tables and chairs shall be

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prohibited.

15. Any building that terminates a view, as designated on the Regulating Plan, shall provide distinct and prominent architectural features of enhanced character and visibility, which reflect the importance of the building's location and create a positive visual landmark.

16. Flat roofs shall be enclosed by parapets. Rooftop mechanical and other equipment shall be limited, positioned and screened to minimize views from adjacent properties and public rights-of-way in accordance with the regulations set forth in Section 4.16, Section 4.18, and Section 4.53.

F. Signage Standards. Signage, when provided, shall be as follows:

1. Building Sign Design Plan: For all newly constructed or exterior renovated buildings, an overall building sign design plan shall be approved by the appropriate reviewing body.

2. Design: Signage shall be integrally designed and painted with the storefront.

3. Address Numbers: Address numbers shall be a maximum of 8 inches in vertical dimension.

4. Sign Band:

a. General: A single external sign band or zone may be applied to the facade of a building between the first and second floors, provided that it shall be a maximum of 1.5 feet in vertical dimension by any horizontal dimension.

b. Woodward Avenue Address: The external sign band or zone shall be a maximum of 2 feet in vertical dimension by any horizontal dimension.

The sign band or zone may contain multiple individual signs, but all must refer to a tenant of the building whose principal square footage

is on the first floor. ~~Except in a D5 Zone where an existing~~ Except where an existing building in a D5 and D6 Overlay Zone has retail below grade level, the sign band shall exist either between the below grade level and the next story above that below grade level, and/or above the first story that is above grade ~~building has retail below grade level, the sign band shall exist~~

~~either between the below grade level and the next story above~~

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~~the below grade level, and/or above the first story that is above grade.~~

c. Lowercase letters with ascenders and descenders that extend beyond the limits of the sign height by a maximum of 50% will not be calculated into total sign area.

d. Each business whose principal square footage is on the first story, may have one sign per entry. **Except in a D5 or D6 Zone where an existing building has retail below grade level, each business whose principal square footage is on either a below grade level or the first floor may have one sign per entry.**

e. Where the Historic District Commission, Design Review Board or Planning Board has determined that a horizontal sign band is not architecturally feasible based on building design, an alternative design will be considered, provided the following conditions are met:

- i. The sign must fit within the total sign area allowed for the business;
- ii. The sign must be compatible with the building's street design and will enhance the streetscape.
- iii. The sign adheres to the goals of the 2016 Plan.

5. Building Identification:

a. **In a D5 or D6 Zone, an illuminated building identification sign may be placed on ~~at both~~ sides of the Woodward elevation and Old Woodward elevations** of a building. Sections 3.04 (F)(5) (c), (d) and (e), which follow, apply to buildings in the D1 through D4 Zones only.

~~building. The following sections 3.04 (F)(5)(c), (d) and (e) do not apply to buildings in a D5 Zone.~~

a.b. Signage identifying the entire structure by a building name may be permitted on the sign band.

b.c. One sign will be allowed on the principal building frontage.

c.d Two identical signs will be allowed on each elevation of a corner building.

d.e Non-illuminated signs identifying the entire structure by a building name may be permitted above the first floor provided the following conditions apply:

- i. The building must be located on Woodward;

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- ii. A tenant name must have legal naming rights to the building;
 - iii. The sign must located on the top floor; and
 - iv. Only one Building Identification sign may be located on the principal building frontage.
6. Tenant Directory Sign: A directory sign may be comprised of individual nameplates no larger than one square foot each, or a changeable copy board for characters not exceeding one inch in height.
7. Additional Signs: Additional pedestrian signs for first floor tenants shall meet the following requirements:
- a. These signs shall be attached to a building perpendicular to the facade, and extend up to 4 feet from the facade.
 - b. These signs shall be a maximum of 1.5 feet in vertical dimension and 4 feet in horizontal dimension.
 - c. There may be one (1) individual pedestrian sign for each business located on the first floor, provided that such signs are spaced no less than 20 feet apart horizontally; this shall not deny any first floor place of business at least one projecting sign.
8. Glass: The storefront glass may be stenciled with signage not to exceed 1.5 feet in vertical dimension and 4 feet in horizontal dimension.
9. First Floor Awning: The valance shall not be more than 9 inches in height. The valance of an awning may be stenciled with signage totaling no more than 33% of the valance area.
10. Lighting:
- a. General: External signs shall not be internally illuminated, but may be back lit or externally lit.
 - b. Woodward Avenue Address: External signs may be internally illuminated.

ORDAINED this _____ day of _____, 2015 to become effective 7 days after publication.

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Stuart Lee Sherman, Mayor

Laura Pierce, City Clerk

Woodward Gateway Zones







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Richard D. Rattner
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January 22, 2016

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

Re: Issue of whether a D-5/D-6 proposed Overlay Zone on South Old Woodward might be considered "spot zoning"

Dear Ms. Ecker:

Pursuant to our prior conversation, it is clear that the issue of "spot zoning" has been raised several times in public hearings and discussions at the Planning Board and City Commission. As can be seen in the very brief attached memo, such a rezoning does not qualify as a spot zoning issue.

The current zoning of the area of South Old Woodward contemplated for the D-5/D-6 Overlay Zone is B-3/D-4. The uses in the B-3/D-4 Overlay Zone are the same or similar to the uses proposed in the newly proposed D-5/D-6 Overlay Zones.

The attached memo emphasizes that spot zoning involves a "small zone of inconsistent use within a larger zone." There is no inconsistent use involved with this proposal for a new Overlay Zone. The argument that under Michigan law or planning policies a D-5/D-6 Overlay Zone existing alongside of the current D-2 through D-4 Downtown Birmingham Overlay Zones constitutes "spot zoning" appears unsupportable.

The purpose of the proposed D-5/D-6 Overlay Zone is to accommodate existing structures that were constructed almost half a century ago but remain nonconforming structures under current City ordinances. Such a nonconforming condition does not present an inconsistent use, but rather is consistent with the 2016 Master Plan.

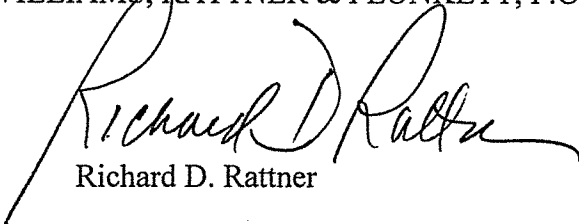
The proposed D-5/D-6 Overlay Zone does not introduce any new or inconsistent uses to the current uses allowed in all other downtown Birmingham Overlay Zones. Therefore, the proposed D-5/D-6 ordinances will serve to allow those structures within the zone the permitted uses which are already existing in the Downtown Birmingham Overlay District.

In summary, this letter and the short memo attached are intended to clarify a term ("spot zoning") that we believe has been consistently misused in the recent discussion of zoning districts and the rezoning of property. We sincerely hope that the information presented in this letter will assist the City in its consideration of the proposal to amend the downtown Birmingham Overlay Zones to add the consistent zones of D-5/D-6 so that the Zoning Ordinance in the City of Birmingham fairly, accurately and reasonably reflects the structures and uses which currently exist and are permitted in both the current zoning ordinances and the 2016 Master Plan.

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

Very truly yours,

WILLIAMS, WILLIAMS, RATTNER & PLUNKETT, P.C.



Richard D. Rattner

RDR/cmc
Enclosure

MEMO

TO: Jana Ecker,
Planning Director
City of Birmingham
FROM: Richard D. Rattner
DATE: January 6, 2015, Attached to letter of January 22, 2016
RE: Spot Zoning

ISSUE: Whether a proposed D-5/D-6 Downtown Birmingham Overlay Zone to accommodate non-conforming structures on South Old Woodward and Woodward Avenue, currently zoned as B-3 or B-4/D-4, is "spot zoning."

ANALYSIS:

"Spot zoning has been recognized by Michigan courts. It involves a small zone of inconsistent use within a larger zone. Courts will scrutinize closely any ordinance which involves spot zoning." *Rogers v. Allen Park*, 186 Mich. App. 33, 39 (1990) (emphasis added, citations omitted).

Rogers is a good illustration of facts which **do not** fall within the spot zoning framework. In *Rogers*, the plaintiffs' (property owners) homes were along Southfield Road and they were unable to sell their homes as residences due to the proximity to the busy roadway. The subject area was zoned residential, but potential buyers wanted the property rezoned. Plaintiffs unsuccessfully petitioned the planning commission to rezone the area to restricted office use. The trial court ruled in favor of the homeowners. *Id.* at 35-36. As it relates to spot zoning, the Michigan Court of Appeals stated: "defendant [City] claims that the [trial] judge erred, because the order creates a spot-zone of nonresidential use within a single-family residential community. *This argument is unpersuasive, both legally and factually...* Defendant's [the City's] reliance on this theory is legally inappropriate, because this case did not involve an ordinance which created a zone of inconsistent use." *Id.* at 39 (Emphasis added).

Further, *Penning v. Owens*, 340 Mich. 355 (1954) serves as a good example of a typical spot zoning condition (court would not allow 2-lot commercial district virtually surrounded by residential area), while *City of Essexville v. Carrollton Concrete Mix, Inc.*, 259 Mich. App. 257 (2003) provides that consistency with a city's master land use plan is an important factor to consider when deciding whether spot zoning occurred.

Here, the area of the City proposed for the newly proposed D-5/D-6 Overlay Zones, is comprised principally of the 555 Old Woodward building (the "555 building"). The current zoning is B-3 zoning district with a D-4 zoning overlay. The new D-5/D-6 Overlay Zone is proposed to accommodate not only the *existing structures*, but to also provide proper zoning for the repair, maintenance, redevelopment and potential new construction planned for that area of the Downtown Overlay District. The plans for this project comply with, and accomplish the goals of the Downtown Birmingham 2016 Plan. The permitted uses in these newly proposed Overlay

Zones are *the same as and consistent with the permitted uses* of both the existing underlying zoning district (B-3) and the current Overlay Zone (D-4) of the property at issue. In fact, the plans for the maintenance and repair part of the project have already been approved by the Design Review Board. Put another way, the argument that the addition of a D-5/D-6 Overlay Zone to the existing Overlay Zones is “spot zoning” appears unsupportable. The newly proposed Overlay Zones *would not constitute a small zone of inconsistent use within a larger zone since the permitted uses for these new Overlay Districts will remain the same or similar to the permitted uses that now exist under current underlying and Overlay zoning.* The term “spot zoning” should not be a part of, or confuse the deliberation surrounding a decision to create the D-5/D-6 Overlay Zones.


RDR

Photo

S Old Woodward Ave

Hazlet

555 S Old Woodward Ave

Bowers St

Spa Mariana

Haynes St

Walgreens

Moosejaw

Papa Joe's Birm

S Old Woodward Ave

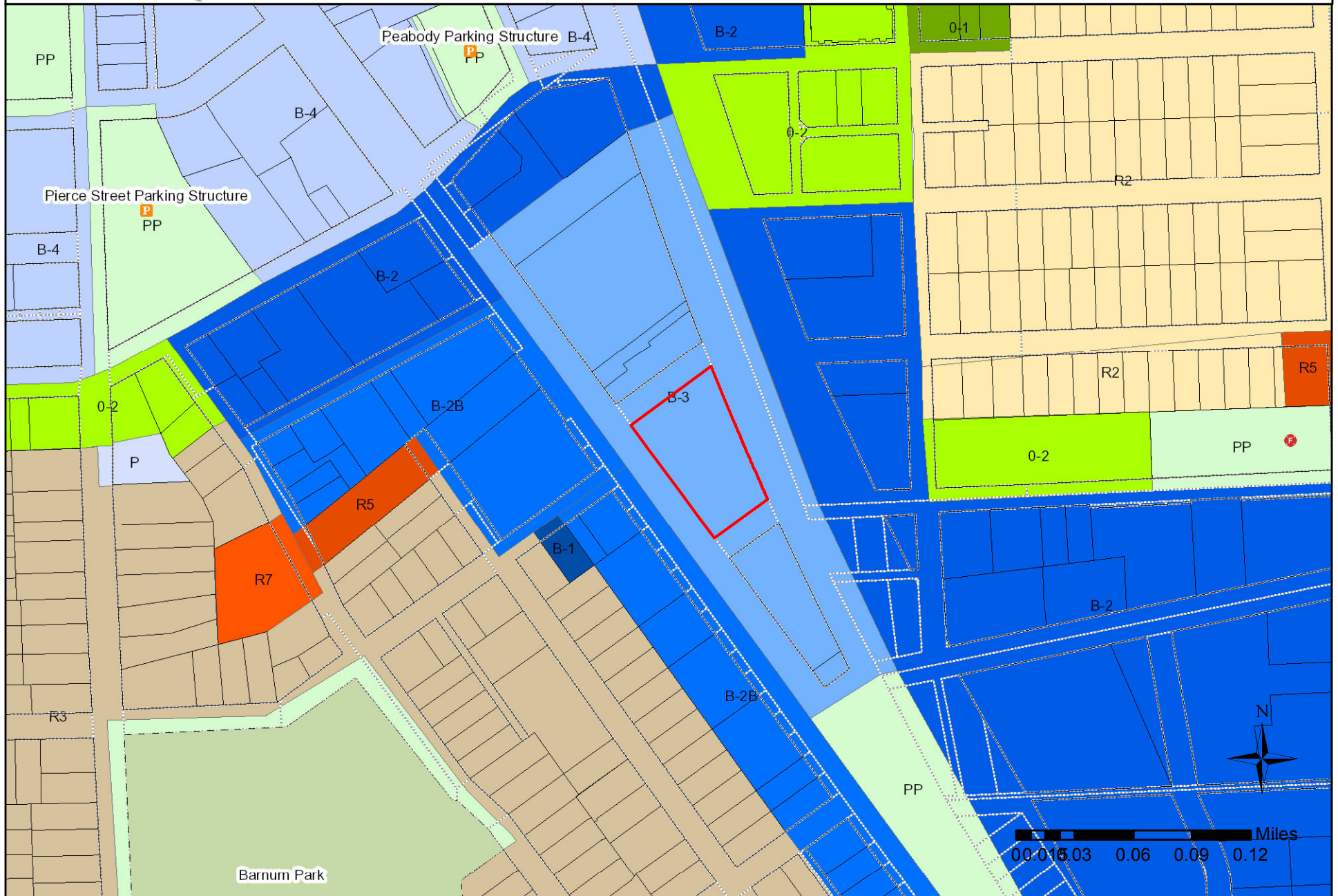
Ann St

S North St

North St

Webst





SPECIFIC PROJECT 7: PIERCE STREET GARAGE

Finding: The Pierce Street Garage creates awkward, under-utilized residual spaces.

Discussion: Two of the residual spaces around the Pierce Street Garage are landscaped as mini-parks, which are redundant given the proximity of Shain Park. A third residual space is an unnecessarily large and duplicative access driveway system. Its three existing driveways could be consolidated into a single system passing underneath a new building. Each of the three residual spaces is large enough to contain an infill building (contiguous with the deck's walls), with first-floor retail and upper-floor apartments.

Recommendation: Sell or lease these three valuable parcels of urban land for development, thereby masking the deck and completing a retail loop. This specific project could create an ongoing source of revenue for the City.

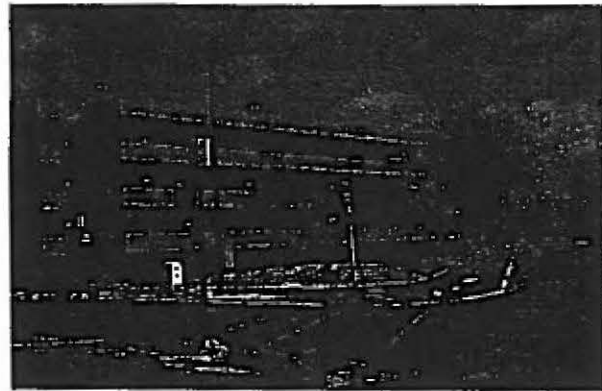
References: This has never been done as a redevelopment project before.

- Appendices G – 1 and G – 8.
- Illus. 57, 58, and 59.

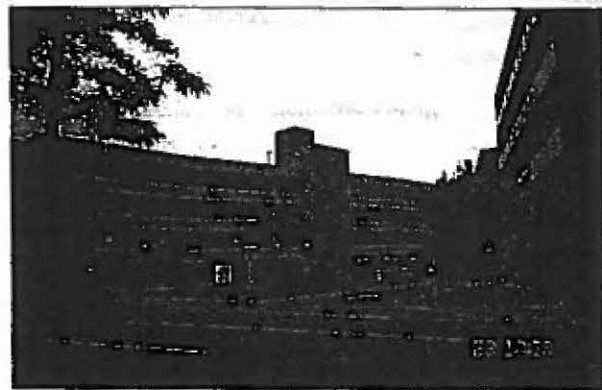
SPECIFIC PROJECT 8: MAPLE GATEWAY

Finding: One of the main entrances to Birmingham's CBD is on Maple Road and Hunter Boulevard, which is currently flanked by two gasoline stations.

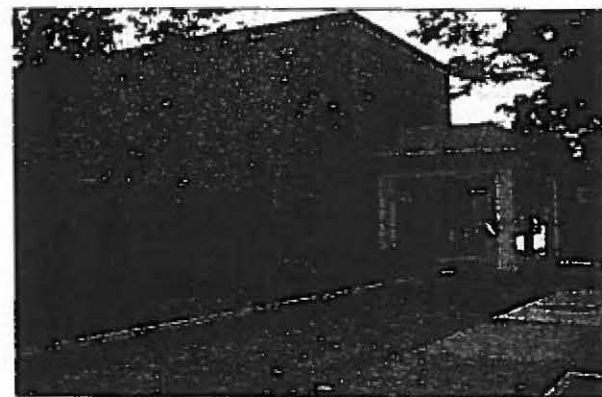
Discussion: As a site for a more urban building, the lot north of Maple is too small to contain its own on-site parking, but the Park Street Garage is near enough to fulfill the need. The site to the south is substantially larger. It is adequate, not only for a habitable building, but for a substantial parking deck. The portions of these sites' buildings which front Maple as a pair could form a significant gateway to downtown. Each building should be designed with reference to the other: they should share a similar height, massing and, as much as possible, architectural syntax.



Illus. 57. Residual areas around the Pierce Street Garage are opportunities for installing liner buildings.



Illus. 58. There are gaps around the Pierce Street garage that commend themselves as excellent building sites.



Illus. 59. This type of glass storefront may be used to mask the Pierce Street Garage, although a multi-story mixed-use building would do better.

Recommendation: The City should attempt to secure and hold the half-block circumscribed by Maple, Brownell, and Hunter, because it is the last block capable of containing a substantial parking deck for downtown expansion. This block and the block to the north (across Maple) should be carefully scrutinized at the time of their development. The City should encourage these developments to have reciprocal buildings, capable of forming a gateway to the CBD.

References: The procedures used to implement the previous generation of parking decks may be dusted off and analyzed for continued applicability.

Concerning the twin buildings proposed: they are so rare in the United States that, if Birmingham were to conjure up a pair like the ones illustrated, they may well become a regional or even a national landmark.

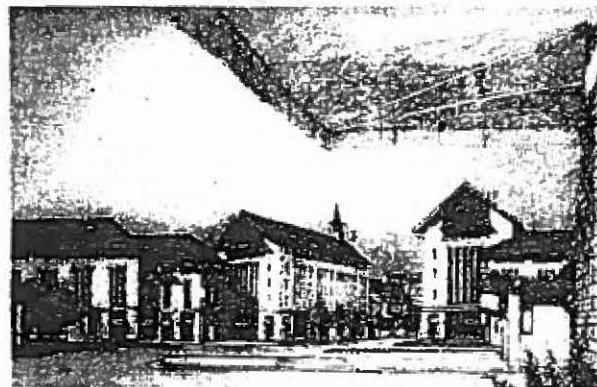
- Appendices G - 1, G - 9, G - 10, and G - 11.
- Illus. 60 and 61.

GENERAL AREA 1: EAST MAPLE

East Maple Road between Adams and Hunter is currently a motley thoroughfare, but has the potential of becoming a respectable commercial area. Now in transition, it has automotive businesses (gas station, car rental agency), outdated commercial buildings (Nos. 745, 690, 700, 746, 1025, and 975), houses halfheartedly converted to commercial use (Nos. 772, 887, and 915), and a few new, handsome, well-landscaped buildings (The Fidelity Bank, Hamilton Funeral Home, and The Eccentric Building). As can be expected from such variety, the existing front-ages differ to the point of urban incoherence. They range from sidewalk build-to lines (about 40 percent) to landscaped front yards (about 20 percent) to strip-style parking lots (about 40 percent). This random, unpredictable mixture fails to create an aesthetic approach to downtown Birmingham, nor does it sustain its own commercial viability. Redevelopment is further complicated by the fact that the lots vary in depth and thus in parking capacity, and by the proximity of small houses at the rear of some lots. In the context of a 20-year Master Plan,

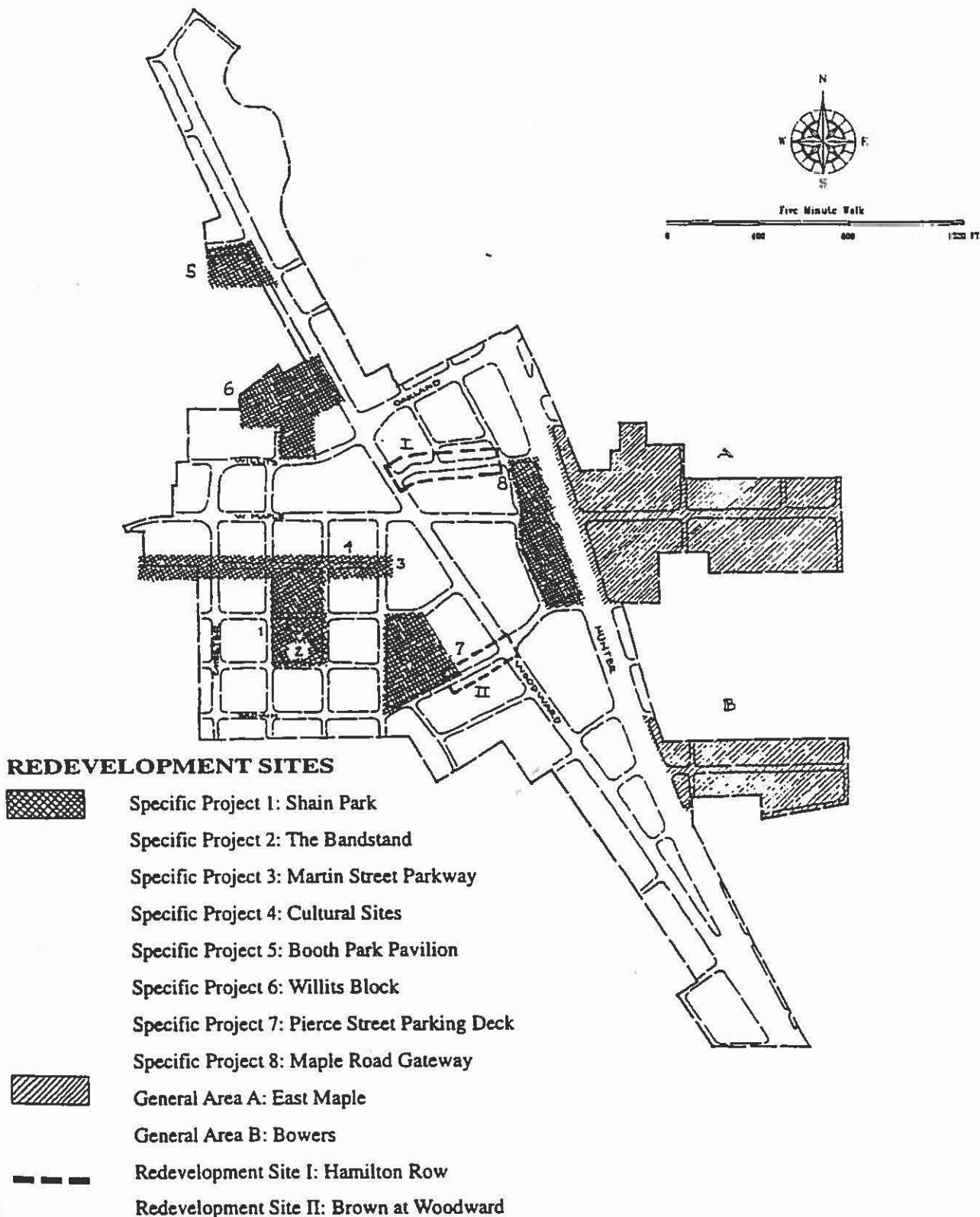


Illus. 60. The current Maple gateway to the CBD is a pair of gasoline stations.

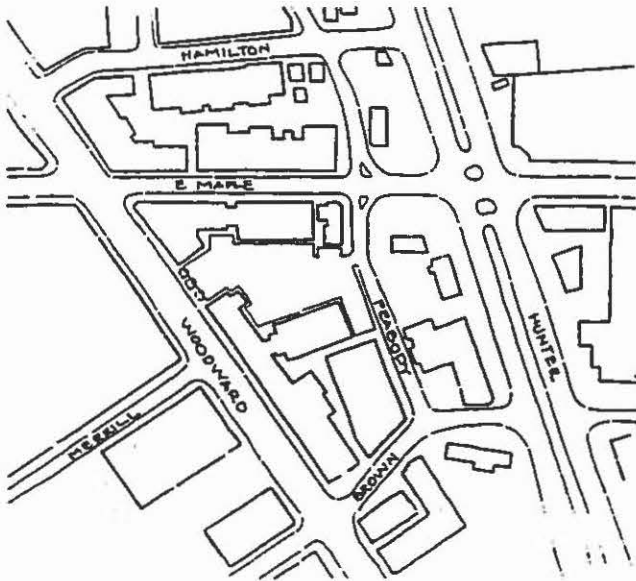


Illus. 61. This pair of buildings replaces the pair of gasoline stations at Maple Road.

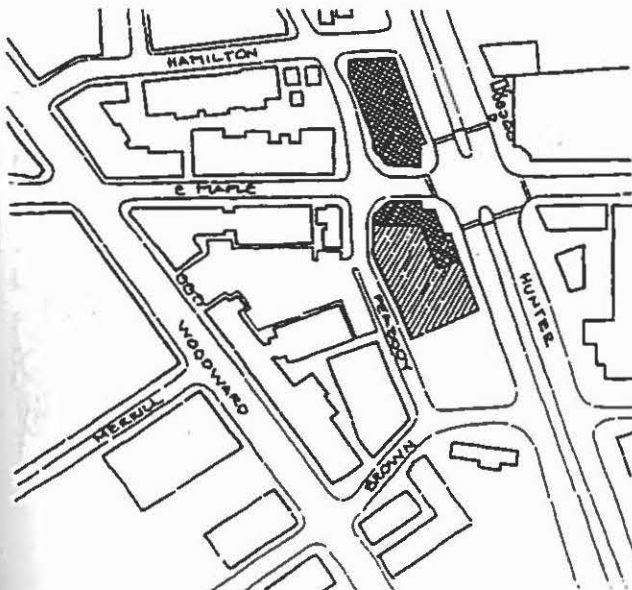
SPECIFIC PROJECTS 1 TO 8 AND GENERAL AREAS 1 & 2



SPECIFIC PROJECT 8: MAPLE ROAD GATEWAY



Plan of Existing Conditions

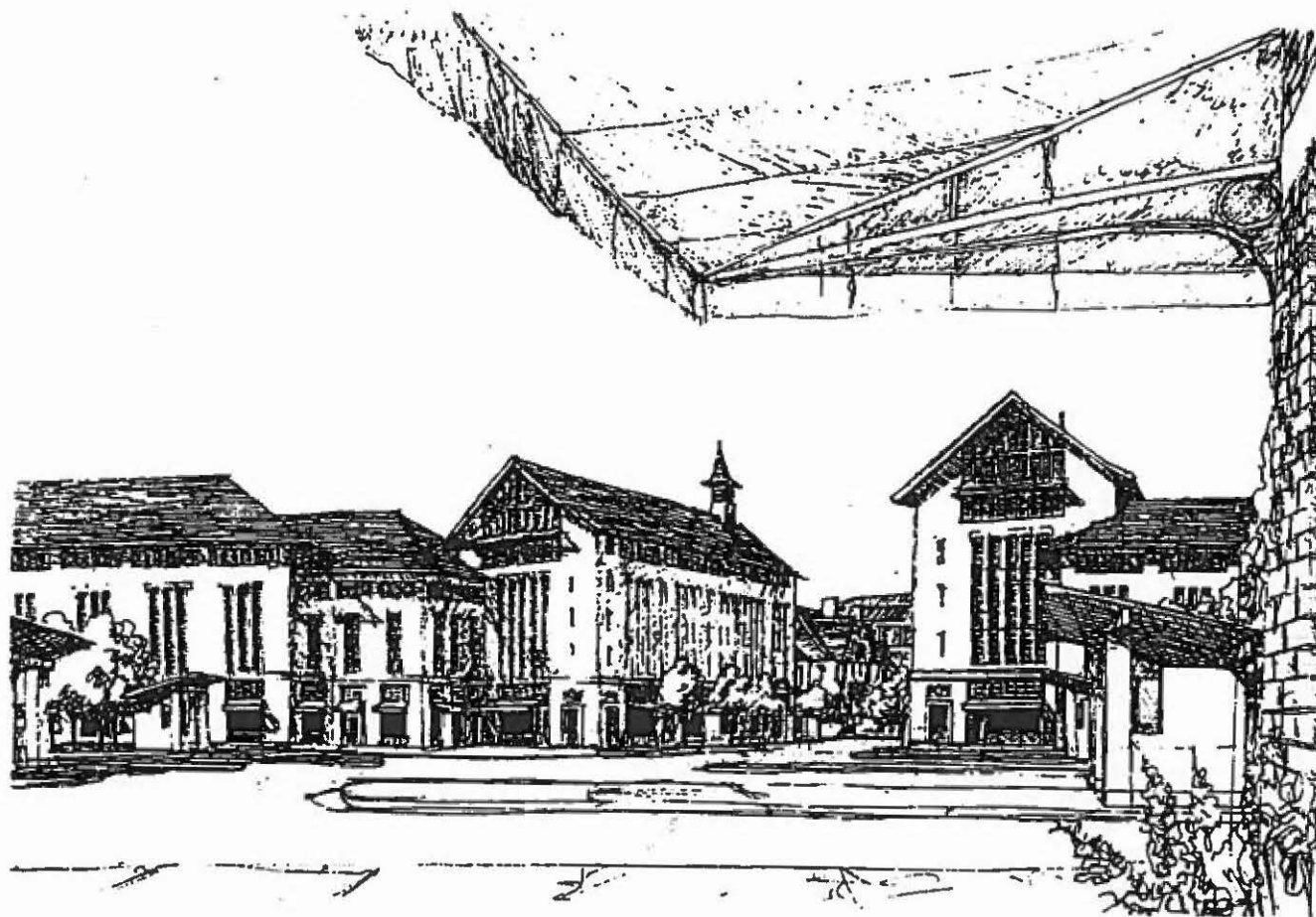


Plan of Proposed Modifications



Parking Deck

Mixed-Use Liner Building



VIEW OF THE EAST MAPLE GATEWAY LOOKING WEST FROM THE KROGER SITE

A Vision for the Triangle

Imagine the Triangle District as a vibrant, mixed-use neighborhood of homes, shops, restaurants, offices and public plazas. There is a mixture of housing ranging from single family homes along tree-lined streets, to brownstones and townhomes along local streets, to apartments and condominiums above offices and storefronts on the primary commercial corridors. The centerpiece of the Triangle is Worth Plaza, south of Bowers Street. As a lively triangle-shaped place it is a metaphor for the District as a whole, lined with shops, residences, and sidewalk dining.

The Triangle District is a walkable neighborhood. It features wide, tree-lined sidewalks along comfortable streets that are safe for pedestrians and bicyclists as well as automobiles. Roadways are designed so traffic flows calmly through the District. Narrow streets are lined with pedestrian-oriented buildings that reveal plazas filled with gathering spaces, greenery and public art.

Instead of acting as a barrier, Woodward Avenue is a grand, tree-lined boulevard, lined with distinctive buildings and a streetscape that welcomes both vehicles and pedestrians. Rather than a hard edge that divides the Triangle from downtown, Woodward is the spine that joins the City together.

The Triangle District is a stage for bold and distinctive architecture that creates a unique identity for the neighborhood and City. Building masses are the primary features, replacing the bleak parking lots that currently dominate the landscape. To accommodate the increase in activity, inefficient surface parking will be replaced by well-organized parking structures integrated into the streetscape.

This vision for the Triangle District creates a vibrant, mixed-use neighborhood filled with interesting destinations that attract people from across the region and provide Birmingham residents with an integrated neighborhood in which to live, work, shop and recreate.



View south down Woodward from Maple



Overview of Triangle District

Goals and Objectives

An analysis of conditions and goals of the community was conducted through a two-day intensive design charrette, with acknowledgement to existing City plans (see sidebar). The process involved the Planning Board, City staff, Triangle District business and property owners, residents and the general public in a public forum that included a walking tour of the District, one-on-one and group interviews, and topic-specific focus groups. The outcome was a set of policy objectives and physical plan concepts to guide public and private decision-making in the Triangle District as follows:

- Improve the visual appearance of the area, its streets, alleys, public spaces, and buildings by establishing guidelines for design and implementation of public and private projects.
- Improve the economic and social vitality by encouraging diversity of use and opportunities for a variety of experiences.
- Better utilize property through more compact, mixed-use development.
- **Link with Downtown across Woodward's high traffic barrier.**
- Improve the comfort, convenience, safety, and enjoyment of the pedestrian environment by create an inviting, walkable, pedestrian neighborhood and setting aside public plazas.
- Organize the parking and street system to facilitate efficient access, circulation, and parking to balance vehicular and pedestrian needs.
- Encourage sustainable development.
- Protect the integrity of established residential neighborhoods.

This plan is intended to provide a general framework for the redevelopment of the Triangle District. While some of the plan graphics show specific road alignments and development scenarios, these are illustrative of desired development form. The plan should be considered flexible in its implementation to reflect and respond to site-specific conditions and opportunities on a case-by-case basis.



Charrette Participants

The goals and objectives of this plan were developed through a process of public participation and are built upon the goals and objectives of the following preceding plans:

- General Village Plan (1929)
- Birmingham Design Plan (1963)
- Urban Design Plan (1993)
- Downtown Birmingham 2016 Plan (1996)
- Eton Road Corridor Plan (1999)





Triangle District Urban Design Plan

Development Plan Summary

Infill development and redevelopment is recommended to create a distinct character for the Triangle District while complementing the Downtown and surrounding neighborhoods. Redevelopment of the Triangle should create an urban environment that is inviting and walkable. There should be mixed-uses within buildings to create a strong synergy of multiple uses with 24-hour/7-day-a-week activity.

The area should become a self-sufficient neighborhood with mutually supportive residential and commercial uses. While commercial uses along Woodward Avenue could be more general, community service, commercial uses in the heart of the Triangle and along Adams should be oriented more towards serving the immediate neighborhood. Residences and offices should be located in the upper floors above the shops and offices at street-level. Attached single-family, live-work, and other residential uses should also comprise a portion of street-level uses, especially along Elm Street and adjacent to existing single family residences. First-floor retail, especially restaurants, bistros, and cafés, should be encouraged but not required in the heart of the District.

Building Design and Placement. Buildings should be designed in a contemporary style and oriented toward their primary street. Designs should incorporate sustainable building elements for the site and the structures. Scale, and size should be compatible with adjacent structures, and facades and rooflines should vary to create relief from continuous surfaces. Pedestrian friendly features should be incorporated.

Building Height. Varied building heights are recommended to properly frame the streets and provide the massing necessary to relate to the scale of the streetscapes. The hierarchy of height ranges from taller mixed-use buildings along Woodward Avenue that are seven stories and higher, medium height mixed-use buildings of 4-5 stories in the District's interior

and along Maple to create a more intimate urban neighborhood, and structures at a smaller scale of three stories when abutting existing residential neighborhoods. Buildings should step back from the street at the higher stories.

Public Open Space. Opportunities are created for integrating public plazas and open space as part of any redevelopment. This includes small plazas on individual sites and larger open spaces that serve as neighborhood focal points. Recommended realignment of Worth Street creates the opportunity for a triangular plaza, referred to as “Worth Plaza,” as the primary focal point for the redevelopment of the Triangle.

Identity and Wayfinding. Architectural designs will differentiate the Triangle from the rest of the City. A coordinated system of public and private signs will uniquely identify and direct visitors around the District. Signs will complement the City’s established Signage and Wayfinding Program.

Circulation. Improvements to streets and intersections highlighted in this plan will help to reduce speeds on local streets, improve safety for vehicles and pedestrians, and ensure proper access to residences and business.

Parking. Parking needs to be provided more efficiently than the current configuration of disjointed surface parking lots. Redevelopment should incorporate multi-level parking structures and maximize the use of on-street parking. More efficient use of shared parking facilities will allow for redevelopment that is more pedestrian oriented and less dominated by parking lots.

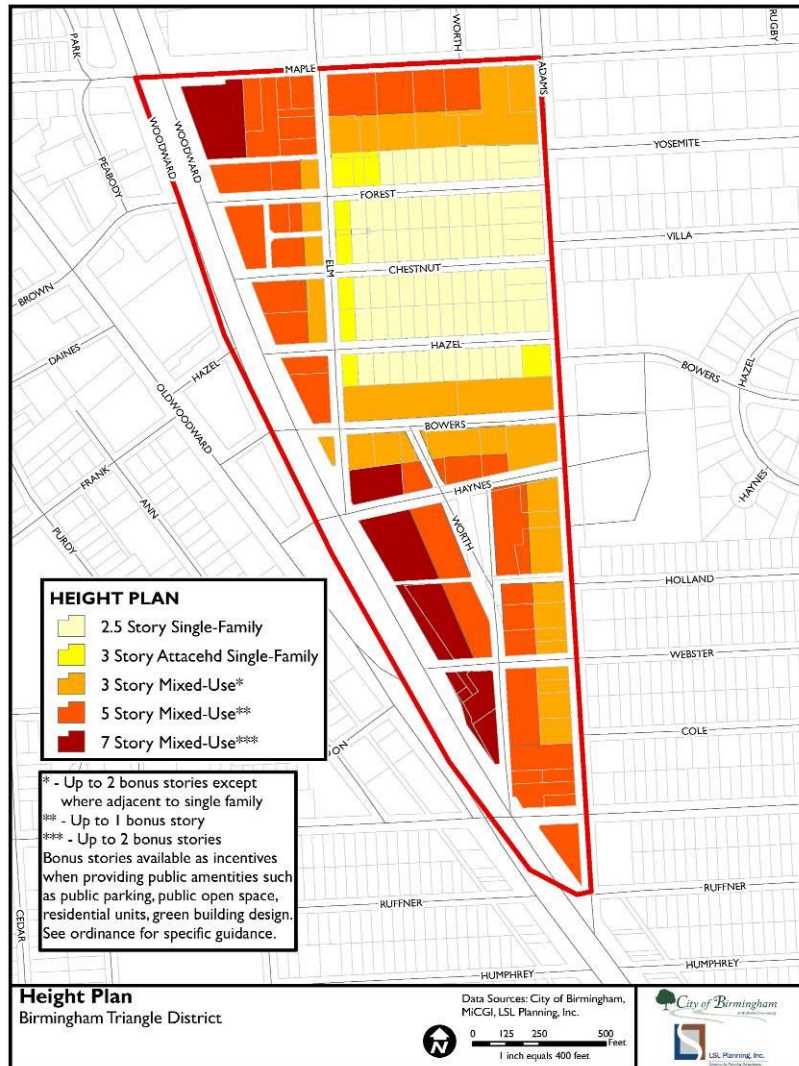
The development plan is a long-term vision for the Triangle District; the pace and order of which is dependent on a variety of factors. To facilitate the orderly and successful implementation of the plan, a phasing plan has been developed. (See the Implementation section.)



Sample Building Design



Sample Townhouse District



Triangle District Height Plan

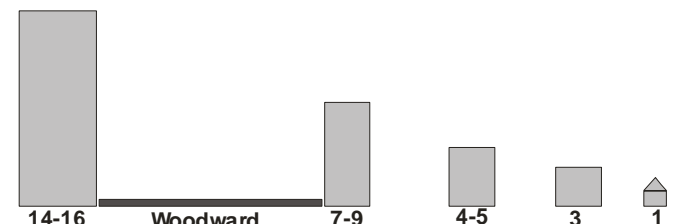
Building Heights

A hierarchy of heights is recommended between Woodward Avenue and the adjacent single-family residential neighborhoods. Taller buildings at least seven stories are needed to properly define the scale of Woodward Avenue's wide right-of-way and the taller buildings on the west side of the road. Building height should then step down to 4-5 stories in the interior of the Triangle District along the narrower streets. Buildings adjacent to single-family residential neighborhoods should be limited to three stories.

Height bonuses of up to an additional two stories will be allowed for developments that offer certain public amenities. These could include making public parking available in private parking structures, providing public open spaces, improvements to the public streetscape or incorporating energy-efficient green building design into structures. Payments to an escrow account designated for off-site amenities should be accepted in lieu of providing them.

New construction should create architectural variety by stepping back upper floors and varying the massing of buildings. Taller building should also be setback from nearby residential neighborhoods.

In order for the Triangle District to efficiently redevelop, parking will need to be provided with multi-level parking structures. The largest public parking structure will be required in the vicinity of Worth Plaza and should be located between the plaza and Woodward to take advantage of the highest allowable heights and best access.



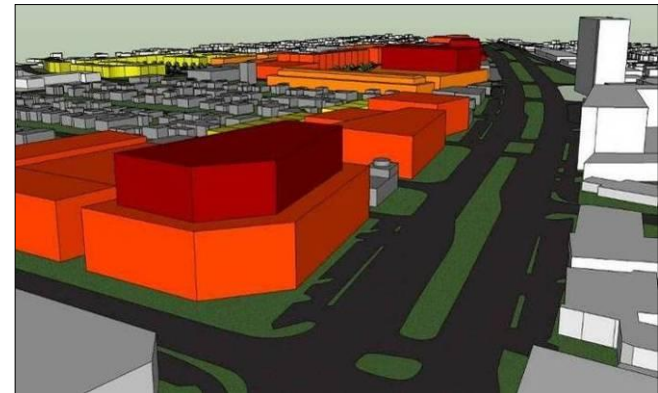
Conceptual Height Cross-Section

Height Defines Streetscape

Recommended building heights will help to define streetscapes and create a strong sense of enclosure. This enclosure is a vital component to creating a more human-scale environment that is inviting to pedestrians and induces automobile traffic to slow down.

Currently, automobiles dominate Woodward Avenue, with its wide right-of-way of approximately 200 feet. This vast expanse of highway is open and uninviting to the pedestrian. The buildings on the west side of Woodward are taller, with the tallest being the 555 building at 15 stories. The plan recommends taller buildings on the east side of Woodward Avenue to create a better sense of enclosure. Buildings should range from between five and nine stories. With the tallest buildings ranging in height between 90 and 114 feet, this is half the distance across Woodward Avenue, which is an appropriate scale to create the desired sense of enclosure.

With the tallest buildings along Woodward Avenue, the heights will transition down to a level more compatible with the single-family residential neighborhoods and more appropriate to create the desired sense of enclosure for the narrower rights-of-way of the Triangle District's internal streets. In most cases, buildings in the interior should range between three and five stories. Those buildings within a minimum distance to existing single-family residential homes are limited to three stories. Shorter building heights are appropriate to frame the smaller scale of single-family residential streets.



Height/Massing Model – South down Woodward



Height/Massing Model – North down Woodward/Adams



Height/Massing Model – West down Bowers

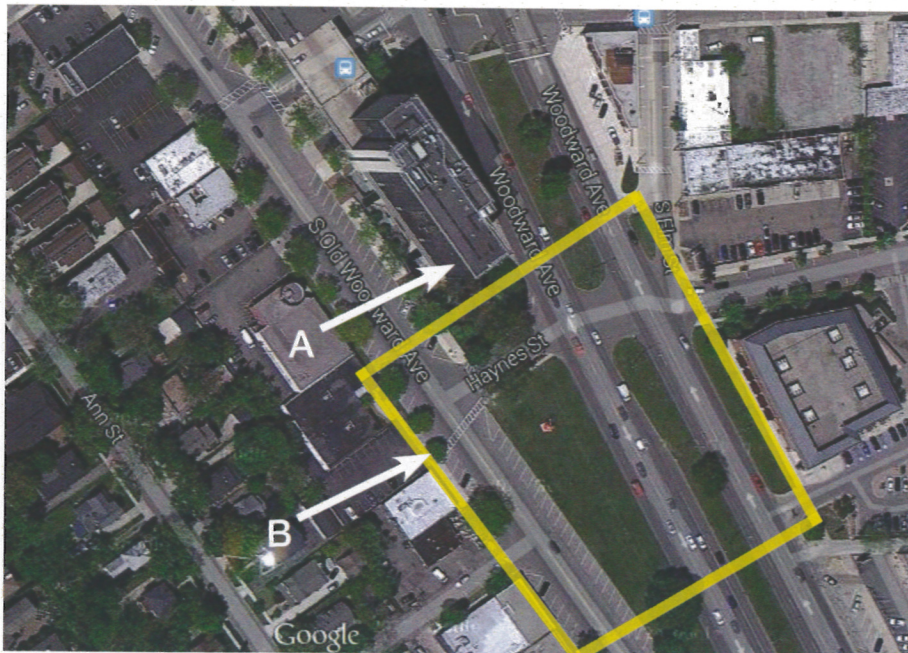
PROJECT 6: GATEWAY TO BIRMINGHAM

Downtown Birmingham has an opportunity to signal its presence on Woodward Avenue by transforming the 534 building on the southern end of Old Woodward as a landmark. As part of the proposed renovation, the 555 building [A] should receive an addition that emphasizes its “flatiron” quality. This addition should be heavily glazed, seen as a glowing beacon (winters being dark). The landscaping at its base should span across the complex pattern of leaves as a single coherent entity.



Above: The 555 Building, poised for transformation into a Birmingham landmark.

Below: Aerial view showing the site's complex junction of thoroughfares.



September 30, 2015

Ms. Jana Ecker
Planning Department
City of Birmingham
151 Martin Street, P.O. Box 3001
Birmingham, MI 48012-3001

**Re: September 23, 2015 Planning Board Question Regarding Proposed D-5 Zone
In Downtown Overlay**

Dear Ms. Ecker:

I am in receipt of your email dated September 23, 2015 which contained the Planning Board meeting questions from September 9, 2015. Those questions and the answers are as follows:

1. Does our Zoning Ordinance create sub-zones with geographic descriptions in the ordinance language anywhere else (ie. area north of Bowers, area south of Bowers in proposed draft)? If we do this do we need to rezone those properties anyway?

ANSWER: The Birmingham Zoning Ordinance does create sub-zones with respect to the zoning map. In fact, the Downtown Overlay has four sub-zones. However, it does not create the sub-zones in the language or text of the Zoning Ordinance. Nevertheless, the creation of sub-zones by use of the map is just as effective. When the ordinance language creates a zone by geographic description, the map should also be amended so they are consistent.

2. What is/are the appropriate means to provide exemptions to make non-conformities conforming, other than grandfathering?

ANSWER: When a property becomes legal non-conforming due to a Zoning Ordinance change, it stays as such until the zoning is changed which it brings back into conformance, or the property itself is brought into conformance with the existing Zoning Ordinance. Grandfathering non-conforming property only categorizes that it is a legal non-conforming use. Grandfathering does not make it conforming.

The only way to make a non-conforming property conforming is to amend the ordinance to eliminate the non-conformities.

3. Look at the language (in the draft ordinance proposed) that takes juris from the BZA.

Beier Howlett

Ms. Jana Ecker
September 30, 2015
Page 2

ANSWER: A waiver is not a variance. We have other ordinances that contain waiver provisions such as the Subdivision Ordinance (102-4). Waivers are used in ordinances as part of the planning process where it is identified that certain requirements may cause unnecessary difficulties or in the case of the proposed ordinance, “impose unreasonable burdens” based on certain conditions that may exist. This does not take jurisdiction from the BZA on other matters not related to the waiver.

I hope the foregoing is helpful.

If you have any questions, please do not hesitate to contact me.

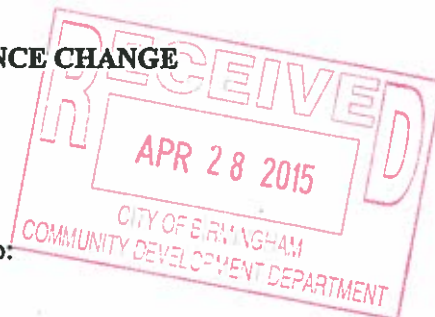
Very truly yours,

BEIER HOWLETT, P.C.

Timothy J. Currier
Birmingham City Attorney

TJC/jc

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:~~ **the Downtown Overlay Zoning District Map as follows: create a new**
Change premises described as: Downtown Overlay Zoning District designated as "D-5
Gateway District".

No.	Street
<hr/>	
Legal Description	
<hr/>	
_____ from its present zoning	
classification of _____ to _____.	

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. See proposed Downtown Overlay Zoning District Text for the "Downtown Overlay Gateway
2. ~~Change premises described as:~~ **District D-5", and the existing Zoning Map showing**
existing Downtown Overlay Districts, attached.

No.	Street
<hr/>	
Legal Description	
<hr/>	
_____ from its present zoning	
classification of _____ to _____.	

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: John J. Reinhart, Manager Tartan Management, Ltd., Managing Member of
555 Residential, LLC

Name of Owner: 555 Residential, LLC

Address and Telephone Number: 555 South Old Woodward, Suite 610
Birmingham, MI 48009
(248) 645-1191

PROPOSED DRAFT – SUBJECT TO FURTHER COMMENTS AND REVISIONS

Downtown Birmingham Overlay District

3.01 Purpose

The purposes of the Downtown Birmingham Overlay District are to:

- A. Encourage and direct development within the boundaries of the Downtown Birmingham Overlay District and implement the Downtown Birmingham 2016 Plan;
- B. Encourage a form of development that will achieve the physical qualities necessary to maintain and enhance the economic vitality of Downtown Birmingham and to maintain the desired character of the City of Birmingham as stated in the Downtown Birmingham 2016 Plan;
- C. Encourage the renovation of buildings; ensure that new buildings are compatible with their context and the desired character of the city; ensure that all uses relate to the pedestrian; and, ensure that retail be safeguarded along specific street frontages; and
- D. Ensure that new buildings are compatible with and enhance the historic districts which reflect the city's cultural, social, economic, political, and architectural heritage.
- E. Establish a gateway overlay zone to enhance and implement the master plan concept and desired character of Birmingham's gateway as stated in the Downtown Birmingham 2016 Plan, as has been applied and updated.

3.02 Applicability

- A. The Downtown Birmingham Overlay District shall be an overlay district that applies over the existing zoning districts.
- B. Use and development of land within the Downtown Birmingham Overlay District shall be regulated as follows:
 - 1. Any existing use shall be permitted to continue and the use shall be subject to the underlying zoning requirements and not the Downtown Birmingham Overlay District.
 - 2. Where the usage within an existing building is proposed to be expanded by more than 50% of the existing size, the new use shall be subject to the building use standards of the Downtown Birmingham Overlay District to the maximum extent practical, as determined by the Planning Board.

3. Any expansion to an existing building that expands the area of the building by more than 40% of the existing building area shall subject the entire building to the requirements of the Downtown Birmingham Overlay District and shall be brought into compliance with the requirements of the Downtown Birmingham Overlay District to the maximum extent practical, as determined by the Planning Board.
 4. Where a new building is proposed, the use and site shall be subject to the requirements of the Downtown Birmingham Overlay District.
- C. Development applications within the Downtown Birmingham Overlay District shall be required to follow the Site Plan Review and Design Review standards contained in Article 7.
- D. A Downtown Birmingham Overlay District Regulating Plan has been adopted that divides the Downtown Birmingham Overlay District into zones. Each zone designated on the Regulating Plan prescribes requirements for building form, height and use as follows:
- D2: Downtown Two or Three Stories
 - D3: Downtown Three or Four Stories
 - D4: Downtown Four or Five Stories
 - D5: Downtown Gateway Over Five Stories
 - C: Community Use
 - P: Parking

3.03 General Standards

- A. The design of buildings and sites shall be regulated by the provisions of the Downtown Birmingham Overlay District.
- B. Section 3.01 to Section 3.04 shall govern the design of all privately owned land within the Downtown Birmingham Overlay District.
- C. The provisions of the Downtown Birmingham Overlay District, when in conflict with other articles of the Zoning Ordinance, shall take precedence.
- D. The provisions of the Downtown Birmingham Overlay District shall specifically supersede the floor-area ratio, maximum height, and minimum setback regulations contained in each two-page layout in Article 2 of the Zoning Ordinance.
- E. The provisions of the building and building regulations Chapter 22 of the Birmingham City Code and the historic preservation regulations in Chapter 62 of the Birmingham City Code, when in conflict with the Downtown Birmingham Overlay District, shall take precedence.

- F. The design of community buildings and improvements shall not be subject to the specific standards of this article, but shall be subject to design review by the Planning Board.
- G. Locations designated on the Regulating Plan for new PUBLIC parking garages and civic buildings shall be reserved for such development.

3.04 Specific Standards

- A. Building Height, Overlay: The various elements of building height shall be determined as follows for the various zones designated on the Regulating Plan:
 - 1. D2 Zone (two or three stories):
 - a. Eave line for sloped roofs shall be no more than 34 feet.
 - b. Peak or ridge of any sloped roof shall be no more than 46 feet as measured to the average grade.
 - c. Maximum overall height including the mechanical and other equipment shall be no more than 56 feet.
 - d. A third story is permitted if it is used only for residential.
 - e. All buildings in D2 Zone containing a third story should be designed harmoniously with adjacent structures in terms of mass, scale and proportion, to the best extent possible.
 - f. A third story shall continue in a different plane, beginning at the eave line not greater than 45 degrees measured to the horizontal or setback 10 feet from any building facade.
 - g. All buildings constructed in the D2 Zone must have a minimum eave height or 20 feet.
 - 2. D3 Zone (three or four stories):
 - a. Eave line for sloped roofs shall be no more than 46 feet.
 - b. Peak or ridge of any sloped roof shall be no more than 58 feet as measured to the average grade.
 - c. Maximum overall height including the mechanical and other equipment shall be no more than 68 feet.
 - d. A fourth story is permitted if it is used only for residential.
 - e. All buildings in D3 Zone containing a fourth story should be designed harmoniously with adjacent structures in terms of mass, scale and proportion, to the best extent possible.
 - f. The fourth story shall continue in a different plane, beginning at the eave line, no greater than 45 degrees measured to the horizontal or setback 10 feet from any building facade.
 - g. All buildings constructed in a D3 Zone must contain a minimum of 2 stories and must have a minimum eave height of 20 feet.
 - 3. D4 Zone (four or five stories):
 - a. Eave line shall be no more than 58 feet.
 - b. Peak or ridge of any sloped roof shall be no more than 70 feet as measured to the average grade.
 - c. Maximum overall height including mechanical and other equipment shall be

no more than 80 feet.

- d. The fifth story is permitted if it is used only for residential.
- e. All buildings containing a fifth story should be designed harmoniously with adjacent structures in terms of mass, scale and proportion, to the best extent possible.
- f. The fifth story shall continue in a different plane, beginning at the eave line, no greater than 45 degrees measured to the horizontal or set back 10 feet from any building facade.
- g. All buildings constructed in the D4 Zone must contain a minimum of 2 stories and must have a minimum eave height of 20 feet.

**4. ~~C and P Zones: Downtown Birmingham Overlay District building height shall~~
D5 Zone (over five stories).**

- a. Eave line or roof height of any flat roof building shall be no more than 168 feet as measured to the average grade.
- b. Peak or ridge of any slope roof shall be no more than 180 feet as measured to the above average grade.
- c. Maximum overall height including mechanical and other equipment shall be no more than 180 feet.
- d. All buildings should be designed harmoniously with adjacent structures in the D5 Zone in terms of mass, scale and proportion to the best extent possible.

5. C and P Zones: Downtown Birmingham Overlay District building height shall comply with the underlying height restrictions listed in each two-page layout in Article 2 of the Zoning Ordinance, but may be negotiated by the Planning Board.

56. Stories at sidewalk level shall be a minimum of 10 feet in height from finished floor to finished ceiling, except this subsection shall not apply to those renovations to existing buildings in the D5 Zone that do not have stories existing at the sidewalk level.

The Planning Board may reduce this standard for renovations to existing buildings that do not meet this standard.

67. A transition line shall be provided between the first and second stories. The transition shall be detailed to facilitate an awning, except this subsection shall not apply to those renovations to existing buildings in the D5 Zone that do not have a transition line that will facilitate an awning.

78. The maximum width of all dormers per street elevation on buildings may not exceed 33% of the width of the roof plane on the street elevation on which they are located.

B. Building placement. Buildings and their elements shall be placed on lots as follows:

- 1. Front building facades at the first story shall be located at the frontage line, except the Planning Board may adjust the required front yard to the average front setback of any abutting building, **except this subsection shall not apply to renovations to any existing building in the D5 Zone where the placement of the building shall not be relocated by the proposed renovations.**

2. In the absence of a building facade, a screenwall shall be built along the frontage line and aligned with the adjacent building facade. Screenwalls shall be between 2.5 and 3.5 feet in height and made of brick, stone or other masonry material matching the building. Upon approval by the Planning Board, screenwalls may be a continuous, maintained evergreen hedge or metal fencing. Screenwalls may have openings a maximum of 25 feet to allow vehicular and pedestrian access.
3. Side setbacks shall not be required.
4. A minimum of 10 foot rear yard setback shall be provided from the midpoint of the alley, except that the Planning Board may allow this setback to be reduced or eliminated. In the absence of an alley, the rear setback shall be equal to that of an adjacent, preexisting building. **This Section 3.04 (B)(4) shall not apply to the D5 Zone where the rear property line abuts a street.**
5. First-floor awnings may encroach upon the frontage line and public sidewalk, but must avoid the street trees; provide at least 8 feet of clearance above the sidewalk; and be set back a minimum of 2 feet from the road curb.
6. Upper-floor awnings shall be permitted only on vertically proportioned windows, provided that the awning is only the width of the window, encroaches upon the frontage line no more than 3 feet, and is not used as a backlit sign.
7. Loading docks and service areas shall be permitted only within rear yards. Doors for access to interior loading docks and service areas shall not face a public street. **Except where a building faces more than one public street, loading docks, service areas and access doors shall not face the front property line that faces the public street designated as the address of the building.**
8. All buildings shall have their principal pedestrian entrance ~~FACING THE~~ ~~on a~~ frontage line.

C. Building use. Buildings shall accommodate the following range of uses for the various designations on the Regulating Plan of the Downtown Birmingham Overlay District:

1. Uses shall be limited to those allowed in each underlying zoning district, unless otherwise specifically provided for herein.
2. The following uses and conditions are prohibited:
 - a. Automatic food and drink vending machines outdoors;
 - b. Drive-in facilities or any commercial use that encourages patrons to remain in their automobiles while receiving goods or services; **except for the D5 Zone where drive-in banks are permitted on the Woodward Avenue frontage;**
 - c. Outdoor advertising.
3. Community uses (C).
4. Those sites designated as parking uses (P) on the Regulating Plan shall be premises used primarily for parking, except retail frontages shall be encouraged at the first floor level.
5. Those sites designated D2 Zone, D3 Zone, ~~or~~ D4 Zone, OR D5 ZONE on the Regulating Plan may be used for any commercial, office or residential use as

allowed in the underlying zoning district. Upper story uses may be commercial, office or residential, provided that no commercial or office use shall be located on a story above a residential use.

6. Buildings that have frontage along the required retail frontages, as specified on the Regulating Plan, shall consist of retail with a minimum depth of 20 feet from the **front façade** line within the first story. Lobbies for hotels, offices, and multiple-family dwellings may be considered as part of

— the required retail

— frontage, provided that any such lobby occupies no more than 50% of the

— frontage of said building. **Except those existing buildings in the D5 Zone where retail does not exist at the front façade line.**

7. Retail, office or residential uses are required to have minimum depth of 20 feet from the frontage line on all stories. The remaining depth may be used for off street parking. Parking access on a frontage line shall be an opening a maximum of 25 feet wide. Openings for parking garage access shall repeat the same rhythm and proportion as the rest of the building to maintain a consistent streetscape.

8. In any D2 Zone, D3 Zone, or D4 Zone, the first floor shall consist of retail with a minimum depth of 20 feet from the frontage line where designated on the Regulating Plan as a retail frontage line in conformance with Section 3.04(C)(5) and Section 3.04(C)(6).

9. Office use is limited to one story, except:

a. In any D3 Zone or D4 Zone, a two-story building dedicated to office use is permissible; and

b. In a D4 Zone, two stories may be dedicated to office use when the Planning Board permits a fifth story; AND

C. in the D5 Zone, a maximum of 3 stories may be dedicated to office use.

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

a. No direct connect additional bar permit is allowed and the maximum seating at a bar cannot exceed 10 seats;

b. Alcohol is served only to seated patrons, except those standing in a defined bar area;

c. No dance area is provided;

d. Only low key entertainment is permitted;

e. Bistros must have tables located in the storefront space lining any street, or pedestrian passage;

f. A minimum of 70% glazing must be provided along building facades facing a street or pedestrian passage between 1 foot and 8 feet in height; **Except in the D5 Zone, this subsection 3.04(C)(10)(f) shall apply only to the building façade facing the front property line for the building, and the 1 foot and 8 foot in height regulation shall not apply to other facades of the building that are not facing the front property line that is adjacent to the public street designated as the address of the building.**

- g. All bistro owners must execute a contract with the City outlining the details of the operation of the bistro; and
 - h. Outdoor dining must be provided, weather permitting, along an adjacent street or passage during the months of May through October each year. Outdoor dining is not permitted past 12:00 a.m. If there is not sufficient space to permit such dining on the sidewalk adjacent to the bistro, an elevated, ADA compliant, enclosed platform must be erected on the street adjacent to the bistro to create an outdoor dining area if the Engineering Department determines there is sufficient space available for this purpose given parking and traffic conditions.
11. 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 on those parcels on Woodward Avenue identified on Exhibit 1; Appendix C AND IN THE D5 ZONE.

D. Parking requirements.

- 1. For all nonresidential uses located within the parking assessment district, parking on the site shall not be required, provided such site is in full compliance with the requirements of the parking assessment district.
- 2. For all residential uses located within the parking assessment district, the on-site parking requirements contained in Section 4.46, Section 4.49, Section 4.50 and Section 4.51 may be complied with through leasing the required spaces from an off-site parking area, provided the requirements of Section 4.45(G) are met and all parking is supplied on site or within 300 feet of the residential lobby entrance of the building.
- 3. For all sites located outside of the parking assessment district, off-street parking must be provided in accordance with the requirements of Article 4 for parking, loading and screening.
- 4. Notwithstanding the above regulations, residential dwelling units within the existing second and third floors of landmark buildings, as defined in Section 62-87 of the Birmingham City Code, located within the central business historic district are exempt from required off-street parking requirements.
- 5. Off-street parking contained in the first story shall not be permitted within 20 feet of any building façade on a frontage line or between the building facade and the frontage line, **except in the D5 Zone this section 3.04(D)(5) shall only apply to the building façade facing the front property line that is adjacent to the public street designated as the address of the building.**
- 6. The placement of two abutting off-street parking lots with continuous street frontages shall not be permitted.

E. Architectural standards. All buildings shall be subject to the following physical requirements:

- 1. At least 90% of the exterior finish material on all facades that face a street shall be limited to the following: glass, brick, cut stone, cast stone, **pre-cast or cast in place concrete**, coarsely textured stucco, or wood. Dryvit or E.F.I.S is prohibited.

2. The primary colors of building exteriors shall be compatible with the colors of adjacent buildings and in character with the surrounding area **WITHIN THE SAME ZONE**, although the trim may be of a contrasting color.

3. Blank walls shall not face a public street. Walls facing a public street shall include windows and architectural features customarily found on the front facade of a building, such as awnings, cornice work, edge detailing or decorative finish materials.

4. Storefronts shall be directly accessible from public sidewalks. Each storefront must have transparent areas, equal to A MINIMUM OF 70% of its portion of the facade, between

—one and eight feet from the ground. The wood or metal armature

—(structural

—elements to support canopies or signage) of such storefronts shall be painted,

—bronze, or powder-coated.

5. Storefronts shall have mullion systems, with doorways and signage integrally

—designed. Mullion systems shall be painted, powder-coated, or stained.

6. The glazed area of a facade above the first floor shall not exceed 35% of the total

—area, with each facade being calculated independently.

7. Glass shall be clear or lightly tinted only. Opaque applications shall not be applied to the glass surface.

8. Facade openings, including porches, windows, and colonnades, shall be vertical in proportion.

9. Sliding doors and sliding windows are prohibited along frontage lines, **except for residential uses in the D5 Zone above street level.**

10. ~~(Reserved for future use.)~~ **Notwithstanding any regulations set forth in the foregoing subsections, subsections 3.04(E)(3), (5), (6) and (7), in their entirety, do not apply to the existing buildings in the D5 Zone.**

11. Cantilevered mansard roofs are prohibited.

12. Balconies, railings, and porch structures shall be metal, wood, GLASS, cast IN PLACE OR PREFORMED concrete, or stone.

13. Facades may be supplemented by awnings, which shall be straight sheds without side flaps, not cubed or curved. Awnings shall be between 8 and 12 feet above sidewalk grade at the lower drip edge.

14. Outside dining tables and chairs shall be primarily metal, wood, or similar material. Plastic outside dining tables and chairs shall be prohibited.

15. Any building that terminates a view, as designated on the Regulating Plan, shall provide distinct and prominent architectural features of enhanced character and visibility, which reflect the importance of the building's location and create a positive visual landmark.

16. Flat roofs shall be enclosed by parapets. Rooftop mechanical and other equipment shall be limited, positioned and screened to minimize views from adjacent properties and public rights-of-way in accordance with the regulations

set forth in Section 4.16, Section 4.18, and Section 4.53.

F. Signage Standards. Signage, when provided, shall be as follows:

1. Building Sign Design Plan: For all newly constructed or exterior renovated buildings, an overall building sign design plan shall be approved by the appropriate reviewing body.
2. Design: Signage shall be integrally designed and painted with the storefront.
3. Address Numbers: Address numbers shall be a maximum of 8 inches in vertical dimension.
4. Sign Band:
 - a. General: A single external sign band or zone may be applied to the facade of a building between the first and second floors, provided that it shall be a maximum of 1.5 feet in vertical dimension by any horizontal dimension.
 - b. Woodward Avenue Address: The external sign band or zone shall be a maximum of 2 feet in vertical dimension by any horizontal dimension. The sign band or zone may contain multiple individual signs, but all must refer to a tenant of the building whose principal square footage is on the first floor.
Except in the D5 Zone where an existing building has retail below grade level, the sign band shall exist either between the below grade level or garden level, and the next story above the garden level, and/or above the first story that is above grade.
 - c. Lowercase letters with ascenders and descenders that extend beyond the limits of the sign height by a maximum of 50% will not be calculated into total sign area.
 - d. Each business whose principal square footage is on the first story, may have one sign per entry. **Except in the D5 Zone, each business whose principal square footage is on either the lower level or the first floor may have one sign per entry.**
 - e. Where the Historic District Commission, Design Review Board or Planning Board has determined that a horizontal sign band is not architecturally feasible based on building design, an alternative design will be considered, provided the following conditions are met:
 - i. The sign must fit within the total sign area allowed for the business;
 - ii. The sign must be compatible with the building's street design and will enhance the streetscape.
 - iii. The sign adheres to the goals of the 2016 Plan.
5. Building Identification:
 - a. **In the D5 Zone, lighted building identification signs may be placed on all sides of the building. The following sections 3.04 (F)(5)(c), (d) and (e) do not apply to the buildings in the D5 Zone.**
 - b. Signage identifying the entire structure by a building name may be permitted on the sign band.
 - c. One sign will be allowed on the principal building frontage.
 - d. Two identical signs will be allowed on each elevation of a corner building.
 - e. Non-illuminated signs identifying the entire structure by a building name may be permitted above the first floor provided the following conditions apply:

- i. The building must be located on Woodward;
 - ii. A tenant name must have legal naming rights to the building;
 - iii. The sign must be located on the top floor; and
 - iv. Only one Building Identification sign may be located on the principal building frontage.
6. Tenant Directory Sign: A directory sign may be comprised of individual nameplates no larger than one square foot each, or a changeable copy board for characters not exceeding one inch in height.
7. Additional Signs: Additional pedestrian signs for first floor tenants shall meet the following requirements:
- a. These signs shall be attached to a building perpendicular to the facade, and extend up to 4 feet from the facade.
 - b. These signs shall be a maximum of 1.5 feet in vertical dimension and 4 feet in horizontal dimension.
 - c. There may be one (1) individual pedestrian sign for each business located on the first floor, provided that such signs are spaced no less than 20 feet apart horizontally; this shall not deny any first floor place of business at least one projecting sign.
8. Glass: The storefront glass may be stenciled with signage not to exceed 1.5 feet in vertical dimension and 4 feet in horizontal dimension.
9. First Floor Awning: The valance shall not be more than 9 inches in height. The valance of an awning may be stenciled with signage totaling no more than 33% of the valance area.
10. Lighting:
- a. General: External signs shall not be internally illuminated, but may be back lit or externally lit.
 - b. Woodward Avenue Address: External signs may be internally illuminated.



MEMORANDUM

Building Division

DATE: July 1, 2013

TO: Zoning Board of Appeals

FROM: Bruce R. Johnson, Building Official

SUBJECT: 555 S. Old Woodward Renovation

This report is to inform the Board of Zoning Appeals of a proposed renovation to the exterior of the existing building complex located at 555 S. Old Woodward. The buildings at this property are legal nonconforming in regards to building height. In response to concerns expressed by the City Commission, Planning Board, and residents of poor visual appearance of the exterior of the buildings, the owners have decided to renovate the exteriors of the buildings. The paragraphs below will discuss the proposed renovation and the attached renderings will visually detail the project. I am seeking confirmation from the Board of Zoning Appeals that the proposed renovation will be considered maintenance not an enlargement.

The existing complex consists of two buildings. The building located on the north side of the property is used for commercial purposes and the building to the South for residential. The commercial building is 7 stories and 77.5 feet tall. The residential building is 15 stories and 141.83 feet in height. If the property were developed utilizing the provisions of the today's ordinance, the provisions of the D4 Overlay District would be applicable. The maximum height for the commercial building would be 4 stories and 58 feet to the surface of the flat roof. The residential building could have 5 stories and 58 feet to the surface of its flat roof. Accordingly, the upper 19.5 feet of the commercial building and the upper 83.83 feet of the residential building are legal nonconforming. Other than their height, both buildings conform to all other ordinance requirements.

Article 06 of the Zoning Ordinance regulates nonconforming buildings. In accordance with Section 6.02, nonconforming buildings are allowed to continue as long as they are maintained in good condition. A previously mentioned, the City has been encouraging the owners of the subject property to maintain their buildings and improve their overall appearance. The owners hired the design firm of Smith Group JJR to develop plans to renovate the exterior of both buildings.

The attached renderings and plan sections were recently presented to me by Brooke Smith of Smith Group JJR. During this meeting it was explained to me that the design concept is to install a new curtain wall system in front of the existing one. The new system will eliminate air and water infiltration the building has been plagued with from the beginning, will bring it into compliance with today's wind load requirements, and will dramatically improve the buildings appearance as suggested by the City. Installing the new curtain wall first will allow the residents/occupants to remain in place during construction. The new system is designed to

properly transfer wind loads through girder beams into the buildings columns. The new system with its contrasting colors adds depth to the façade improving the buildings appearance. Once the new curtain wall is installed, the existing windows will be removed from within each unit and then the opening will be finished and trimmed back to the new curtain wall assembly creating a window box.

The depth of the new window box measured from the existing windows to the new glazing is 16 inches. The depth of the new curtain wall measured from the existing one varies from 16 inches to 20 inches where new brick veneer is utilized. While the new curtain wall system will be installed on the building, it will not increase the usable space within the building itself. In other words, the existing occupancy square footage of the building will remain the same. The question becomes whether or not the new curtain wall can be considered maintenance.

As mentioned earlier, the building complies with all other ordinance provisions except for its height. The new curtain wall will comply with all ordinance regulations including setbacks. The existing curtain wall is at the end of its useful life, does not comply with current wind load requirements, and needs to be replaced. The new curtain wall is designed to a minimum depth to install girder beams to properly transfer the wind loads in accordance with the code. Leaving the existing curtain wall in place provides space for insulation necessary to meet energy code requirements and provides protection to the occupants in the building during construction. All of these facts indicate that the new curtain wall is being installed to maintain the building in good condition and therefore should be considered maintenance. Accordingly, application to the Board of Zoning Appeals would not be necessary.

555 Old Woodward

Exterior Maintenance Program

Birmingham, MI

20 June 2013



555 S. Old Woodward Avenue, 1974-2012

555 South Old Woodward Avenue Birmingham, MI

SMITHGROUP JJR

AGENDA

Design in process

Metal panel and glass façade
No balconies
No eyebrows

Section Development

Three typical sections

Operable window options

Project out awning
Horizontal sliding

Discussion





555 South Old Woodward Avenue Birmingham, MI



555 South Old Woodward Avenue Birmingham, MI



555 South Old Woodward Avenue Birmingham, MI

SMITHGROUP JJR

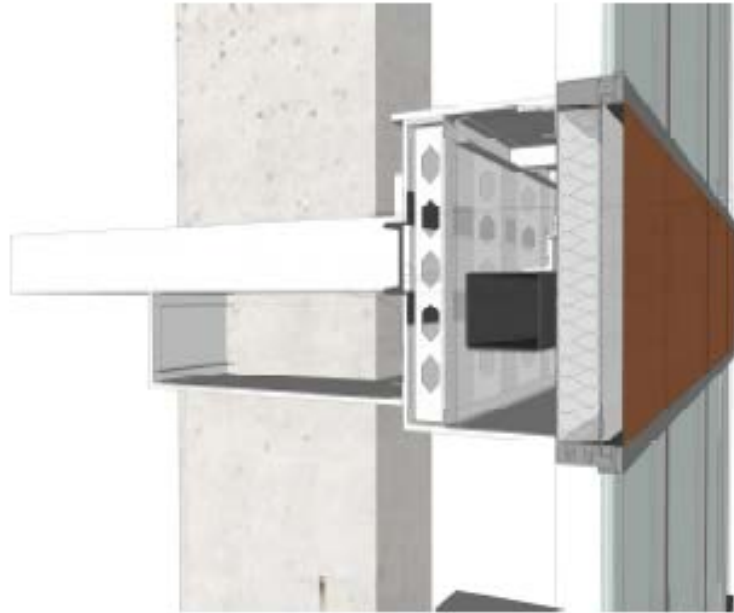
SECTION DEVELOPMENT



Low sill - apartment

There are three typical window sections:

- Low sill - apartment
- High sill - apartment
- Office building



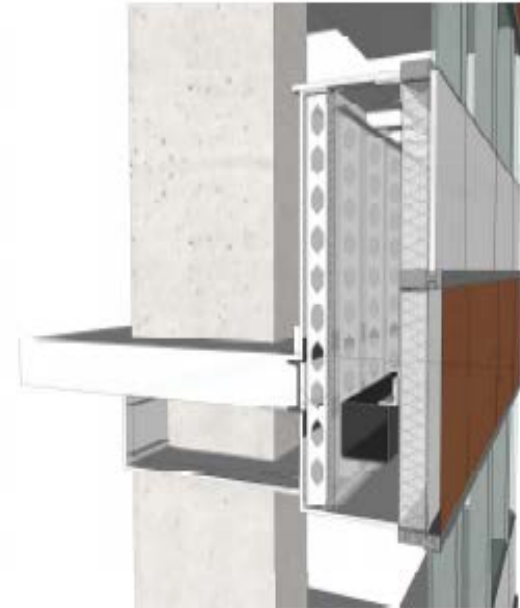
SECTION DEVELOPMENT



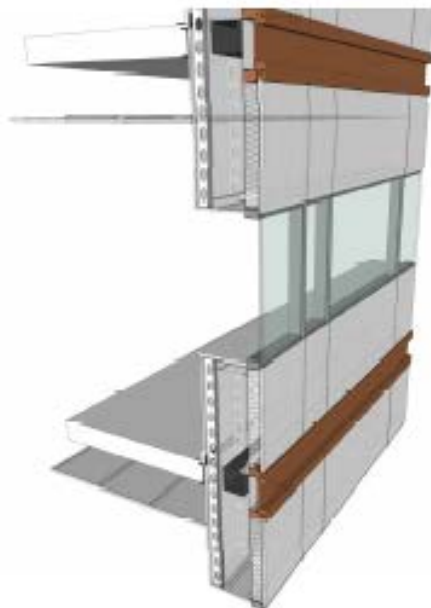
High sill - apartment

There are three typical window sections:

- Low sill - apartment
- High sill - apartment
- Office building



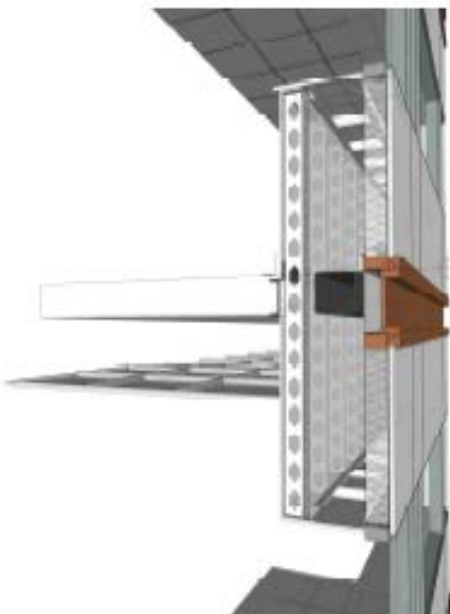
SECTION DEVELOPMENT



Office Building

There are three typical window sections:

- Low sill - apartment
- High sill - apartment
- Office building





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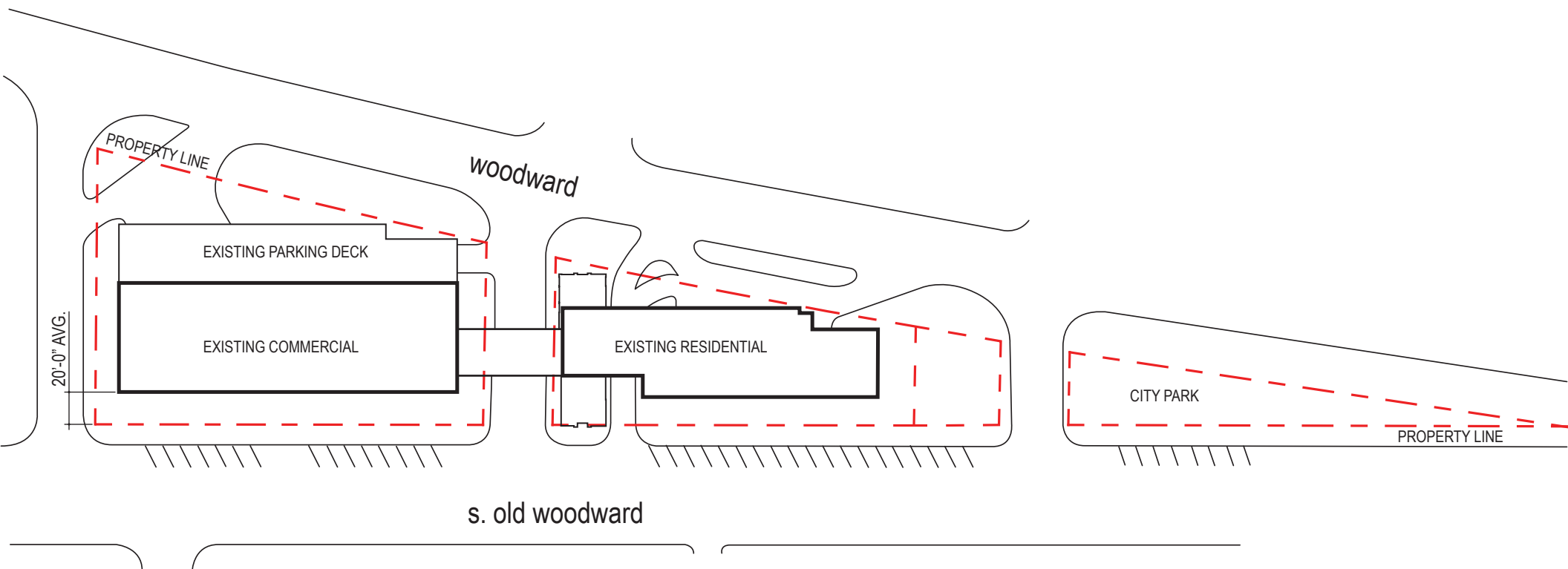


555 S. OLD WOODWARD



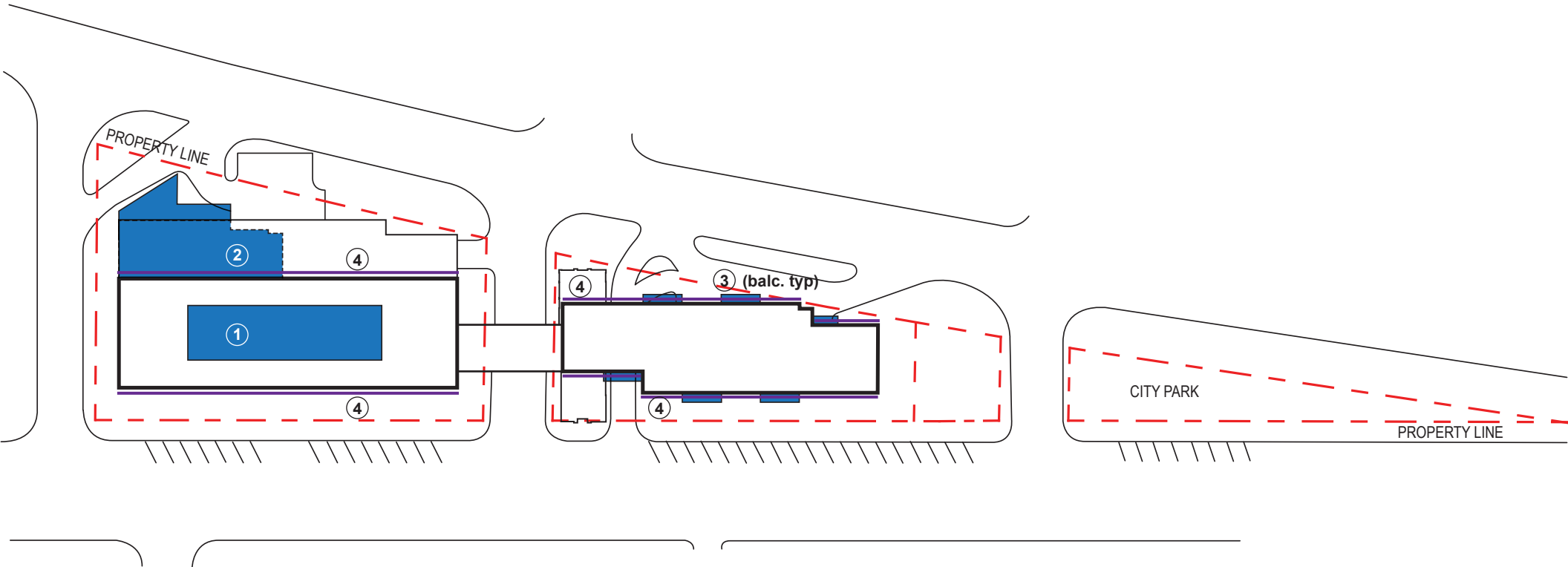


EXISTING



PHASE I

- 1. Roof-top Restaurant
- 2. Commercial/retail
- 3. New Balconies
- 4. New Curtain Walls



Changing the Conversation: **from Building Heights to Place Making:**

- *Walter Chambers*

Discussions about building height limits often turn into a discussion about “human scale”. As the discussion goes, tall buildings are impersonal. Short buildings are more “human”.

To be clear, this discussion is about the buildings that line our streets, and the experience one has when walking down the street. Although people may not know it, the discussion about building heights is really about the way one **FEELS** when experiencing the street. Everyone wants to feel good on the street -- safe, protected, happy, and engaged. When streets feel good, people like to be on them, and having people on the street makes places feel lively, interesting and safe – and that attracts even more people.

Unfortunately, short buildings are no guarantee that a street will feel good. Neither are tall buildings.

So how do you make a street **FEEL** good? By creating a good **Sense of Place**. Streets feel good when there is a strong Sense of Place.

Streets are like rooms. They have a floor, walls, and ceiling. And like a room, they can feel good or bad, depending on their proportions and detail. Have you ever walked into a banquet hall or room with low, tile ceiling? Feels awful doesn't it?

Or how about being the first one to a wedding reception held in a large hotel ball room. The room looks lovely, but you still feel exposed and awkward until the other guests arrive and start filling the space.

A Street requires the same good proportions as any room to make it feel good. It is the “walls” of the street that are key to creating good proportions and a sense of place. The buildings on either side of the street form the walls of the street “room”, and as such are called the “Street Wall”.

So what makes a good street wall? Several factors go into making a good street wall*, but for this conversation about building heights, the focus will be on **Height to Width Proportion**, or HWP.

HWP is the ratio of the Height of the street wall, to Width of the street. For example, if the buildings that form the street wall are 30 feet tall, and the street is 60 feet wide, then the HWP is 1:2. $30:60 = 1:2$. If the buildings (street wall) are 180 feet tall and your street is 60 feet wide, then the HWP is 3:1. $180:60 = 3:1$.

Why does HWP matter? Different HWP ratios invoke different feelings and a different sense of Place. A 3:1 ratio (think major urban downtown) feels different than a 1:4 ratio (think suburban retail strip).

Typically, if an HWP is too low, the street will not have a good sense of place. People will not want to be on that street.. And in urban settings it is people we want to attract. People are the ones who create lively, exciting streets, who fill the sidewalk cafes and stores, and that help trigger economic growth. To quote famous urbanist William H. Whyte, “What attracts people most, it would appear, is other people.”

That’s why low building heights might work on some streets, but not on all streets. If a community is demanding limits on all building heights in its district, then some streets are being set up for failure. And if limits are excessively low (or too high) then the entire district may be set up for failure.

When the conversation changes from building heights to place making, the chance of creating good urban spaces is greatly enhanced. Good place making also triggers economic growth. Talking solely about building heights is to ignore the environment that surrounds the buildings. It is irresponsible. The following real life case demonstrates how focusing on place making is different (and more important) than focusing on building height limits.

Case Study: 301 University – University Avenue @ 3rd Avenue.
The street at University Avenue and 3rd is approximately 40-45 feet wide (two lanes wide, with parallel parking on either side). A proposed new 12 story condominium tower met fierce

community opposition, and perhaps with good reason. At a HWP ratio of 3:1, this building begins to create a sense of place that feels very much like a downtown high-rise urban area. That is not in keeping of the character of the neighborhood. Perhaps a better HWP for this area would be 3:2 (mid-rise urban) or 1:1. A 4-5 story building would create an inviting sense of place, and would be a better height in this location.

However, a just few blocks further east, University Avenue widens significantly. At Richmond Street, University Avenue is approximately 90-100 feet wide (four lanes, center median, and parking either side). Would a 4-5 story building create a good sense of place here? Probably not. At this location, the wide street can easily handle an 8-9 story building without the street looking or feeling overwhelmingly urban. In this location, a 3:2 or 1:1 HWP would also create a good sense of place, and would feel most comfortable to the people on the street.

For University Avenue, a single building height limit is not appropriate. What works at 3rd Avenue, does not work a few blocks away at Richmond Street. That is the reason building height must be based on Place Making, and not on some arbitrarily assigned number applied over an entire district.

In order to achieve good place making, one must start with good walls that are the right height for the “Room”. Below is a sampling of Height to Width Ratios and the sense of place they tend to

create. Many thanks and great appreciation to the St Louis Great Streets Initiative from which the below descriptions have come. I urge you to visit their website and read more: <http://www.greatstreets-stl.org/content/view/417/400/>

HWP Raito and Place making

3:1 or higher: Height to Width Ratio

Sense of spatial definition: strong; may feel like a “concrete canyon” in some settings.

Often seen in larger downtown, urban cores.

3:2 Height to Width Ratio

Sense of spatial definition: strong; clear sense of enclosure.

A good HWP for Medium sized urban downtown, or urban core residential

1:1 Height to Width Ratio

Sense of spatial definition: Excellent. Strong place making potential. May be strongest ratio for good place making. Encouraged minimum for all urban areas, including residential.

1:2 height to Width Ratio

Sense of spatial definition: Good; Sufficient for place making. Considered a minimum for good urban street place making.

1:3 or lower

Sense of spatial definition: Weak; Place making potential is low.

This ratio is often seen in suburban areas where wide streets are lined with 1-2 story retail stores or strip malls. No sense of place to the street.

**Of course, as mentioned earlier in this article, other factors are essential in creating a good Street wall, and those must be taken into consideration.*

Elements of a good street wall include:

- *HWP*
- *Architectural Diversity (old & new, short & tall, frequency of façade changes)*
- *Building should be built to the sidewalk for consistent wall face.*
- *Buildings and the architecture must be engaging and interesting to people at street level and second floor (Including human scale building elements, active engagement such as storefronts or sidewalk cafes, and experience of other people).*
- *Landscaping*

September 29, 2015

Mr. Scott Clein, Chairperson
Birmingham Planning Board
City of Birmingham
151 Martin St.
Birmingham, MI 48009

Dear Mr. Clein and Members of the Planning Board:

We understand that the Planning Board and Planning staff are reviewing the existing D-4 zoning for sites fronting on the west side of Woodward Avenue from Haynes to Brown Street.

While we support this effort to look at a potential increase of height at these sites we would respectfully request that you include additional sites along the west side of Woodward north of Brown Street.

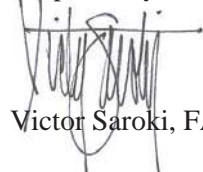
We are currently working with a new owner for two sites along Woodward Avenue, one site being the northwest corner of Maple Road and Woodward Avenue, and the other being the southwest corner of Oak and Woodward Avenue. Both are gateway sites and these sites along with others on Woodward would benefit from being included in the study.

These additional sites share many of the same influences and similar factors of the current sites being considered for the proposed zoning including: fronting on a major road, being a gateway site, providing better traffic calming and improved pedestrian crossings that come with new development.

Many of these sites are across or near the Triangle District which already permits greater density and height. The same type of incentives developed in the Triangle District could also be used and included for the west side of Woodward which would promote better buildings/developments for the City of Birmingham.

We hope you will consider this request.

Respectfully,



Victor Saroki, FAIA

cc: Mr. Jake Porritt



MEMORANDUM

Community Development Department

DATE: December 30, 2015

TO: Planning Board

FROM: Matthew Baka, Senior Planner

SUBJECT: Study Session to review corrections to Chapter 126, Zoning, to reconcile inconsistencies between the Graphic Ordinance and the preceding Text Based Ordinance introduced as clerical errors.

Background

In the year 2003 the City of Birmingham contracted Ground Rules, INC. to overhaul the City's zoning ordinance and convert our text based ordinance to a graphic based ordinance. The contracted overhaul was ordered to strictly address organizational and readability issues and to in no way alter the ordinance language, unless specifically instructed to do so. Although the mandate to Ground Rules, INC. was clear, due to the complexity of the task, the new ordinance provided does include a number of inconsistencies with the original ordinance. These inconsistencies are due strictly to clerical errors. The following proposed corrections address these clerical issues and are intended to reconcile inconsistencies altering the graphic ordinance to match the original text based ordinance.

Current Recommendations

The Planning Department recommends that the Planning forward to the City Commission the following Zoning Ordinance corrections:

TO CORRECT ARTICLE 02, SECTION 2.15, R6 (MULTIPLE-FAMILY RESIDENTIAL) DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES, TO REMOVE "PARKING – OFF STREET" FROM THE USES REQUIRING A SPECIAL LAND USE PERMIT AND PLACE IT IN ACCESSORY PERMITTED USES CATEGORY.

AND

TO CORRECT ARTICLE 02 ZONING DISTRICTS, SECTIONS 2.09 R3 (SINGLE-FAMILY RESIDENTIAL), 2.11 R4 (TWO-FAMILY RESIDENTIAL), 2.13 R5 (MULTIPLE-FAMILY RESIDENTIAL), 2.15 R6 (MULTIPLE-MULTIPLE FAMILY RESIDENTIAL), 2.17 R7 (MULTIPLE-FAMILY RESIDENTIAL), 2.19 R8 (ATTACHED SINGLE-FAMILY RESIDENTIAL), 2.21 01 (OFFICE), 2.23 02 (OFFICE/COMMERCIAL), AND 2.25 P (PARKING), DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES TO REMOVE "SINGLE FAMILY CLUSTER" FROM RESIDENTIAL PERMITTED USES.

AND

TO CORRECT ARTICLE 02 ZONING DISTRICTS, SECTION 2.39, MX (MIXED USE) DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES TO ADD "USES WITH EXPANDED HOURS PAST 7 A.M. TO 11 P. M." AS A USE REQUIRING A SPECIAL LAND USE PERMIT, TO ADD "CATERING" TO COMMERCIAL PERMITTED USES, AND TO ADD "RESIDENTIAL USE COMBINED WITH PERMITTED NON-RESIDENTIAL USE IN THE SAME BUILDING COMPLEX" TO RESIDENTIAL PERMITTED USES.

AND

TO CORRECT ARTICLE 05 USE SPECIFIC STANDARDS, SECTION 5.02, R1A DISTRICT, R1 DISTRICT, R2 DISTRICT, R3 DISTRICT TO EXCLUDE R3 PROPERTIES FROM THE SINGLE FAMILY CLUSTER PROVISION AS CLUSTER DEVELOPMENTS ARE NOT PERMITTED IN R3 DISTRICT.

AND

TO CORRECT ARTICLE 05 USE SPECIFIC STANDARDS, SECTIONS 5.03 R4 DISTRICT, R5 DISTRICT, R8 DISTRICT, 5.04 R6 DISTRICT, 5.05 R7 DISTRICT, 5.06 O1 DISTRICT, 5.07 O2 DISTRICT, AND 5.08 P DISTRICT TO REMOVE THE SINGLE FAMILY CLUSTER PROVISIONS AS THEY DO NOT APPLY.

AND

To correct the Land Use Matrix as follows;

**TO CHANGE B3 CELL OF "BARBER AND BEAUTY SALON" TO PERMITTED USE (P);
TO CHANGE THE MX DISTRICT CELL IN "PHOTOGRAPHY STUDIO" TO PERMITTED (P);**

TO CHANGE THE B2B AND B2C CELLS (INSTITUTIONAL USES) IN "GARAGE, PUBLIC" TO PERMITTED USES (P);

TO CHANGE THE R1A, R1, R2 AND R3 CELLS (RESIDENTIAL) IN "FAMILY DAYCARE FACILITIES" TO PERMITTED ACCESSORY USES (A*)

TO CHANGE "FAMILY DAYCARE FACILITIES" IN RESIDENTIAL CATEGORY TO BE RENAMED TO "FAMILY DAYCARE HOMES";

TO CHANGE THE B4 CELL (OTHER) IN "UTILITY SUBSTATION" TO PERMITTED USE (P);

TO CHANGE THE MX CELL IN "CATERING" TO PERMITTED (P); AND

TO CHANGE THE R3, R4, R5, R6, R7, R8, O1, O2, AND P CELLS IN "SINGLE FAMILY CLUSTER" TO NOT PERMITTED (-).

ORDINANCE NO. _____

THE CITY OF BIRMINGHAM ORDAINS:

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

TO CORRECT ARTICLE 02 ZONING DISTRICTS AND REGULATIONS, SECTION 2.15, R6 (MULTIPLE-FAMILY RESIDENTIAL) DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES TO REMOVE "PARKING – OFF STREET" FROM THE USES REQUIRING A SPECIAL LAND USE PERMIT AND PLACE IT IN ACCESSORY PERMITTED USES CATEGORY.

Article 02, section 2.15 R6 shall be corrected as follows:

2.15 R6

District Intent- Permitted Uses: No changes

Other Use Regulations

Accessory Permitted Uses

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

Uses Requiring a Special Land Use Permit

- assisted living
- church
- community center
- continued care retirement community
- independent hospice facility
- independent senior living
- ~~parking-off-street~~
- public utility building
- publicly owned building
- recreational club
- school - private
- skilled nursing
- social club

ORDINANCE NO. _____

THE CITY OF BIRMINGHAM ORDAINS:

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

TO CORRECT ARTICLE 02 ZONING DISTRICTS, SECTIONS 2.09 R3 (SINGLE-FAMILY RESIDENTIAL), 2.11 R4 (TWO-FAMILY RESIDENTIAL), 2.13 R5 (MULTIPLE-FAMILY RESIDENTIAL), 2.15 R6 (MULTIPLE-MULTIPLE FAMILY RESIDENTIAL), 2.17 R7 (MULTIPLE-FAMILY RESIDENTIAL), 2.19 R8 (ATTACHED SINGLE-FAMILY RESIDENTIAL), 2.21 01 (OFFICE), 2.23 02 (OFFICE/COMMERCIAL), AND 2.25 P (PARKING), DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES TO REMOVE "SINGLE FAMILY CLUSTER" FROM RESIDENTIAL PERMITTED USES.

Article 02, section 2.09 R3 shall be corrected as follows:

Section 2.09 R3

District Intent and Other Use Regulations: No changes

Permitted Uses

Residential Permitted Uses

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

Institutional Permitted Uses

- government office
- school - public

Recreational Permitted Uses

- park

AND

Article 02, section 2.11 R4 shall be corrected as follows:

Section 2.11 R4

District Intent and Other Use Regulations: No changes

Permitted Uses

Residential Permitted Uses

- adult foster care group home(R3)
- dwelling - one-family(R3)
- dwelling - two-family
- ~~single-family cluster(R3)*~~

Institutional Permitted Uses

- government office(R3)
- philanthropic use
- school - public(R3)

Recreational Permitted Uses

- park (R3)

AND

Article 02, section 2.13 R5 shall be corrected as follows:

Section 2.13 R5

District Intent and Other Use Regulations: No changes

Permitted Uses

Residential Permitted Uses

- adult foster care group home(R4)
- dwelling - multiple-family
- dwelling - one-family(R4)
- dwelling - two-family(R4)
- ~~single family cluster(R4)*~~

Institutional Uses

- government office(R4)
- philanthropic use(R4)
- school - public(R4)

Recreational Uses

- park (R4)
- swimming pool - semiprivate

AND

Article 02, section 2.15 R6 shall be corrected as follows:

Section 2.15 R6

District Intent and Other Use Regulations: No changes

Permitted Uses

Residential Permitted Uses

- adult foster care group home (R5)
- dwelling - multiple-family (R5)
- dwelling - one-family (R5)
- dwelling - two-family (R5)
- ~~single family cluster (R5)*~~

Institutional Uses

- government office (R5)
- philanthropic use (R5)
- school - public (R5)

Recreational Uses

- park (R5)
- swimming pool - semiprivate (R5)

AND

Article 02, section 2.17 R7 shall be corrected as follows:

Section 2.17 R7

District Intent and Other Use Regulations: No changes

Permitted Uses

Residential Permitted Uses

- adult foster care group home(R6)
- dwelling - multiple-family(R6)
- dwelling - multiple-family
- dwelling - one-family(R6)
- dwelling - two-family(R6)
- ~~single-family cluster(R6)*~~

Institutional Uses

- government office(R6)
- philanthropic use(R6)
- school - public(R6)

Recreational Uses

- park (R6)
- swimming pool - semiprivate (R6)

AND

Article 02, section 2.19 R8 shall be corrected as follows:

Section 2.19 R8

District Intent and Other Use Regulations: No changes

Permitted Uses

Residential Permitted Uses

- adult foster care group home(R3)
- dwelling - one-family(R3)
- dwelling - single-family attached
- ~~single-family cluster(R3)*~~

Institutional Permitted Uses

- government office(R3)
- school - public(R3)

Recreational Permitted Uses

- park (R3)

AND

Article 02, section 2.21 01 shall be corrected as follows:

Section 2.21 01

District Intent and Other Use Regulations: No changes

Permitted Uses

Residential Permitted Uses

- adult foster care group home
- dwelling - multiple-family
- dwelling - one-family(R5)
- dwelling - two-family
- live/work unit
- ~~single-family cluster*~~

Institutional Uses

- government office
- philanthropic use
- school - public

Recreational Uses

- park
- swimming pool - semiprivate

Commercial Permitted Uses

- barber/beauty salon
- hair replacement establishment
- office
- veterinary clinic*

AND

Article 02, section 2.23 02 shall be corrected as follows:

Section 2.23 02

District Intent and Other Use Regulations: No changes

Permitted Uses

Residential Permitted Uses

- adult foster care group home
- dwelling - multiple-family
- dwelling - one-family(R5)
- dwelling - two-family
- live/work unit
- ~~single-family cluster*~~

Institutional Uses

- government office
- philanthropic use
- school - public

Recreational Uses

- park
- swimming pool – semiprivate

Commercial Permitted Uses

- art gallery
- bakery
- bank without drive-through facility
- barber/beauty salon
- boutique
- clinic
- clothing store
- flower/gift shop
- hair replacement establishment
- interior design shop
- jewelry store
- leather and luggage goods shop
- office
- photography studio
- specialty food store
- specialty home furnishing shop
- tailor
- tobacconist
- veterinary clinic*

AND

Article 02, section 2.25 P shall be corrected as follows:

Section 2.25 P

District Intent and Other Use Regulations: No changes

Permitted Uses

Residential Permitted Uses

- adult foster care group home(R7)
- dwelling - multiple-family(R7)
- dwelling - one-family(R7)
- dwelling - two-family(R7)
- live/work unit
- ~~single-family cluster(R7)*~~

Institutional Uses

- government office(R7)
- parking facility - off-street*
- philanthropic use(R7)
- school - public(R7)

Recreational Uses

- park (R7)
- swimming pool - semiprivate (R7)

ORDINANCE NO. _____

THE CITY OF BIRMINGHAM ORDAINS:

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

TO CORRECT ARTICLE 02 ZONING DISTRICTS, SECTION 2.39, MX (MIXED USE) DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES TO ADD "USES WITH EXPANDED HOURS PAST 7 A.M. TO 11 P. M." AS A USE REQUIRING A SPECIAL LAND USE PERMIT, TO ADD "CATERING" TO COMMERCIAL PERMITTED USES, AND TO ADD "RESIDENTIAL USE COMBINED WITH PERMITTED NON-RESIDENTIAL USE IN THE SAME BUILDING COMPLEX" TO RESIDENTIAL PERMITTED USES.

Article 02, section 2.39, MX shall be corrected as follows:

Section 2.39 MX

Permitted Uses

Residential Permitted Uses

- family day care facility*
- group day care home*
- live/work unit
- **residential use combined with permitted non-residential use in the same building complex**

Institutional Permitted Uses

- bus/train passenger station
- government office
- government use
- publicly owned building

Recreational Permitted Uses

- indoor/outdoor recreational facility
- park
- swimming pool - public, semipublic

Commercial Permitted Uses

- animal medical hospital
- art gallery
- artisan use
- auto rental agency*
- automobile repair and conversion
- bakery
- barber/beauty salon
- boutique
- **catering**
- child care center
- clothing store
- drugstore
- dry cleaning
- flower/gift shop
- food or drink establishment*
- furniture
- greenhouse
- grocery store

- hardware store
- health club/studio
- interior design shop
- jewelry store
- kennel*
- laboratory
- leather and luggage goods shop
- neighborhood convenience store
- office
- pet grooming facility
- photography studio
- shoe store/shoe repair
- specialty food store
- specialty home furnishing shop
- tailor
- tobacconist
- veterinary clinic

Industrial Permitted Uses

- light industrial uses
- warehousing

Other Permitted Uses

- gas regulatory station
- telephone exchange building
- utility substation

Other Use Regulations

Accessory Permitted Uses

- alcoholic beverage sales*
- dwelling - accessory*
- garage - private
- greenhouse - private
- home occupation
- loading facility - off-street*
- outdoor cafe*
- 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
- **uses with expanded hours past 7 A.M. to 11 P.M.**

Liquors, Division 4 - Bistro Licenses

- church
- college
- dwelling - first floor with frontage on Eton Road
- outdoor storage*
- parking structure (not accessory to principal use)
- religious institution
- school - private, 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

ORDINANCE NO. _____

THE CITY OF BIRMINGHAM ORDAINS:

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

TO CORRECT ARTICLE 05 USE SPECIFIC STANDARDS, SECTION 5.02, R1A DISTRICT, R1 DISTRICT, R2 DISTRICT, R3 DISTRICT TO EXCLUDE R3 PROPERTIES FROM THE SINGLE FAMILY CLUSTER PROVISION AS CLUSTER DEVELOPMENTS ARE NOT PERMITTED IN R3 DISTRICT.

Article 05, section 5.02 R1A District, R1 District, R2 District, R3 District shall be corrected as follows:

Section 5.02 R1A District, R1 District, R2 District, R3 District

This Use Specific Standards section applies to the following districts, **except where noted otherwise:**

R1A, R1, R2, R3

The following use specific standards apply:

- A. Family Day Care Home: Family day care homes shall not be considered home occupations for the purpose of this Article and are permitted under the following provisions:
 1. All family day care homes must be licensed with the city. Application for a family day care home shall be made to the City Clerk. An application fee as established by the City Commission and set forth in Appendix C shall be payable upon submitting an application for a family day care home. See Chapter 26 of the Birmingham City Code for licensing procedures.
 2. Only the care provider and his/her immediate family shall reside in the home.
 3. The maximum number of children permitted in a family day care home shall not exceed that permitted by the state.
 4. All outdoor play areas shall be enclosed with a fence of no less than 4 feet nor more than 6 feet in height, capable of containing the children within the play area.
 5. Children (not related to the care provider) shall not be dropped off or picked up between the hours of 8:00 p.m. and 7:00 a.m.
 6. There shall be no signs for the family day care home.
 7. No family day care home shall be located closer than 750 feet from another family day care home or foster care facility except as permitted as follows:
 - a. The Board of Zoning Appeals may approve the location of a family day care home within 750 feet of another family day care home or foster care facility if the Board of Zoning Appeals finds that the concentration of uses will not generate traffic, noise or other nuisances in a volume greater than would normally be expected in a residential neighborhood. The applicant is required to provide the following information to the Board of Zoning Appeals for all family day care homes within 750 feet of another family day care home or foster care facility

- i. Location of parking for parents/guardians and caregivers.
 - ii. Hours of operation.
- b. Any family day care home licensed by the state at the time this section becomes effective and located within 750 feet of another state-licensed family day care home or foster care facility shall be permitted to continue in operation subject to its compliance with the other provisions of this section and the Zoning Ordinance.
- 8. Family day care homes may operate Monday through Saturday only.
- B. Home occupation: A home occupation is subject to the following provisions:
 - 1. No one other than the resident(s) of the dwelling unit shall be employed in the conduct of the home occupation.
 - 2. The home occupation shall not require internal or external alterations or construction features on the dwelling unit, or external equipment or machinery not customary in residential areas.
 - 3. There shall be no exterior indication by sign or otherwise of the home occupation.
 - 4. There shall be no noise, vibration, odor or other nuisance as a result of the home occupation detectable beyond the confines of the dwelling unit, including the transmission through vertical or horizontal party walls.
 - 5. The home occupation shall not generate traffic in a greater volume or consisting of larger vehicle types than would normally be expected in a residential neighborhood.
 - 6. Any parking generated by the conduct of the home occupation shall be met off the street and shall not be met in a required front yard.
 - 7. The home occupation shall not include the direct sale of products off display shelves or racks.
 - 8. No outdoor storage, including equipment, parts or automobiles, associated with the home occupation shall be permitted.
 - 9. Home occupations may be conducted in a permitted accessory building.
 - 10. The home occupation shall not operate earlier than 8:00 a.m. nor later than 10:00 p.m.
 - 11. No more than 25% of the gross area of the building shall be used for such home occupation.
- C. Parking - Public, Off-street: Public off-street parking is permitted in connection with parks, stadiums, government offices, government uses, and public schools.
- D. Renting of Rooms: The renting of rooms is permitted to not more than 2 roomers or boarders per dwelling unit.
- E. Single-family cluster (**applicable only to R1A, R1, and R2 and not applicable to R3 properties**): The intent of the single-family cluster is to provide flexibility in the placement of buildings and implementation of innovative design concepts within single-family residential districts. Cluster developments shall be in accordance with the regulations as set forth in this section and other applicable sections of the Zoning Ordinance. Upon a conflict between the regulations of this section and those of other sections, the regulations set forth below shall apply:
 - 1. *Approval procedure*. Subject to the provisions of this section, the Planning Board may approve of the placement of detached single residences in any single residential district in a manner other than set forth in the two-page layouts in Article 2. Such development, called cluster development in this section, may be permitted by the Planning Board upon its finding that any one or more of the following conditions exist:

- a. The lot contains natural assets such as trees, wildlife habitats, or unusual topographic features that should be preserved.
 - b. Topographic or subsoil conditions make development under other regulations impractical.
 - c. Floodplain covers a portion of the lot.
 - d. The configuration of the lot is odd shaped and not suitable for development under other regulations.
 - e. The lot contains frontage on a major road and development along the road would cause traffic problems which could be alleviated by alternative road designs such as cul-de-sacs or loop streets.
2. *Required findings.* A request for cluster development shall not be approved unless the Planning Board:
 - a. Determines the proposal would not be contrary to the health, safety and welfare of the occupants of adjacent areas;
 - b. Determines the proposal would create a sound and stable residential area
 - c. Determines the request is compatible with the purpose of the cluster option, which is to maintain natural areas and topography, or improve the open space characteristics of a given area; and
 - d. Determines that there has been compliance with all provisions of this section and other pertinent provisions of the Zoning Ordinance.
3. *Objections of abutting property owners.* If written objections have been filed by at least 20% of the owners of all real property abutting or directly across a street or alley from the cluster development lot, the Planning Board may approve a cluster development only upon an affirmative vote of at least 6 members.
4. *Minimum lot area.* The detached single-family cluster option may be utilized in the following single-family districts provided that the minimum lot area is: R1A – 80,000 sq ft, R1 – 36,000 sq ft, R2 – 24,000 sq ft.
5. *Site plan and Design Review.* All cluster developments shall obtain Site Plan and Design approval from the Planning Board in accordance with the regulations as set forth in Article 7.
6. *Area regulations.* Each cluster development shall meet all of the following regulations:
 - a. The total number of dwelling units shall not be more than 20% greater than the lot area divided by the required minimum lot area as set forth in the two-page layouts in Article 2, for the zoning district in which the property is located.
 - b. Land used for streets, alleys or walkways shall not be included in the computation of density.
 - c. All land not intended to be conveyed to individual dwelling unit owners shall be set aside for the use of all occupants of the development. All such lands shall be protected by restrictions or covenants running with the land and must be approved by the City Attorney to assure the following:
 - i. That title to the open space is held in common by the owners of all dwelling units in the detached single-family cluster development.

- ii. A permanent organization for maintenance and management of all such areas shall be assured by legal documents prior to the issuance of the building permit.
- 7. *Setbacks.* There are no setback requirements from any lot line which does not form a boundary line of the cluster development site. Public streets located wholly within the cluster development site shall not be deemed to be boundary lines for the purpose of determining setbacks. The setbacks from all lot lines forming the boundary of the cluster development shall meet the following minimum requirements:
 - a. Setbacks from lot lines abutting a street. Where there are 2 or more existing single-family residential dwellings outside the cluster development on the same side of the street, and within 300 feet of the lot boundaries, the setback of all buildings abutting the street shall be no less than the average distance between the street lot line and the existing residential buildings. In no case shall a setback from a street lot line be less than 25 feet.
 - b. Setbacks from all other lot lines. The setback from any lot other than a lot line abutting a street shall be not less than 15 feet.
- 8. *Distance between buildings.* No dwelling unit shall be located closer than 14 feet to another dwelling unit.
- 9. *Bulk and height requirements.* The bulk and height requirements for a cluster development shall be as set forth in the two-page layouts in Article 2, for the zoning district in which the development is located.
- 10. *Accessory buildings.* Accessory buildings appurtenant in use to all dwelling units may be permitted by the Planning Board within a cluster development.
- 11. *Parking requirements.* A minimum of 2 parking spaces per dwelling unit shall be supplied in a garage attached to or part of the dwelling unit.
- 12. *Access.* The cluster development shall meet all of the following requirements for access:
 - a. The lot shall abut upon a dedicated public street for a distance of at least 50 feet.
 - b. Streets shall be designed to provide means for safe and convenient vehicular traffic both within the cluster development and to and from adjacent areas.
 - c. A dead-end street may be used only where a cul-de-sac or other turnaround is provided.
 - d. The street widths, curves, drainage, cul-de-sac and other design features shall be approved by the Police, Fire and Public Works Departments of the City.
 - e. Streets shall be designed and constructed in accordance with the engineering design standards adopted and published by the City Commission and shall be approved by the City Engineer.
 - f. Private streets are not permitted in cluster developments.
- 13. *Easements and utilities.* Easements shall be provided as required for existing and proposed utility lines. All distribution lines for telephone and electric service shall be placed underground, and such lines shall be placed within private easements or within dedicated public rights-of-way.

ORDINANCE NO. _____

THE CITY OF BIRMINGHAM ORDAINS:

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

TO CORRECT ARTICLE 05 USE SPECIFIC STANDARDS, SECTIONS 5.03 R4 DISTRICT, R5 DISTRICT, R8 DISTRICT, 5.04 R6 DISTRICT, 5.05 R7 DISTRICT, 5.06 O1 DISTRICT, 5.07 O2 DISTRICT, AND 5.08 P DISTRICT TO REMOVE THE SINGLE FAMILY CLUSTER PROVISIONS AS THEY DO NOT APPLY.

Article 05, section 5.03 R4 District, R5 District, R8 District shall be corrected as follows:

Section 5.03 R4 District, R5 District, R8 District

This Use Specific Standards section applies to the following districts:

R4, R5, R8

The following use specific standards apply:

- A. Home Occupation: A home occupation is subject to the following provisions:
 - 1. No one other than the resident(s) of the dwelling unit shall be employed in the conduct of the home occupation.
 - 2. The home occupation shall not require internal or external alterations or construction features on the dwelling unit, or external equipment or machinery not customary in residential areas.
 - 3. There shall be no exterior indication by sign or otherwise of the home occupation
 - 4. There shall be no noise, vibration, odor or other nuisance as a result of the home occupation detectable beyond the confines of the dwelling unit, including the transmission through vertical or horizontal party walls.
 - 5. The home occupation shall not generate traffic in a greater volume or consisting of larger vehicle types than would normally be expected in a residential neighborhood.
 - 6. Any parking generated by the conduct of the home occupation shall be met off the street and shall not be met in a required front yard.
 - 7. The home occupation shall not include the direct sale of products off display shelves or racks.
 - 8. No outdoor storage, including equipment, parts or automobiles, associated with the home occupation shall be permitted.
 - 9. Home occupations may be conducted in a permitted accessory building.
 - 10. The home occupation shall not operate earlier than 8:00 a.m. nor later than 10:00 p.m.
 - 11. No more than 25% of the gross area of the building shall be used for such home occupation.
- B. Parking - Public, Off-street: Public off-street parking is permitted in connection with parks, stadiums, government offices, government uses, and public schools.
- C. Renting of Rooms: The renting of rooms is permitted to not more than 2 roomers or boarders per dwelling unit.

- D. ~~Single-Family Cluster: The intent of the single-family cluster is to provide flexibility in the placement of buildings and implementation of innovative design concepts within single-family residential districts. Cluster developments shall be in accordance with the regulations as set forth in this section and other applicable sections of the Zoning Ordinance. Upon a conflict between the regulations of this section and those of other sections, the regulations set forth below shall apply:~~
1. ~~Approval procedure. Subject to the provisions of this section, the Planning Board may approve of the placement of detached single residences in any single residential district in a manner other than set forth in the two-page layouts in Article 2. Such development, called cluster development in this section, may be permitted by the Planning Board upon its finding that any one or more of the following conditions exist:~~
 - a. ~~The lot contains natural assets such as trees, wildlife habitats, or unusual topographic features that should be preserved.~~
 - b. ~~Topographic or subsoil conditions make development under other regulations impractical.~~
 - c. ~~Floodplain covers a portion of the lot.~~
 - d. ~~The configuration of the lot is odd shaped and not suitable for development under other regulations.~~
 - e. ~~The lot contains frontage on a major road and development along the road would cause traffic problems which could be alleviated by alternative road designs such as cul-de-sacs or loop streets.~~
 2. ~~Required findings. A request for cluster development shall not be approved unless the Planning Board:~~
 - a. ~~Determines the proposal would not be contrary to the health, safety and welfare of the occupants of adjacent areas;~~
 - b. ~~Determines the proposal would create a sound and stable residential area;~~
 - c. ~~Determines the request is compatible with the purpose of the cluster option, which is to maintain natural areas and topography, or improve the open space characteristics of a given area; and~~
 - d. ~~Determines that there has been compliance with all provisions of this section and other pertinent provisions of the Zoning Ordinance.~~
 3. ~~Objections of abutting property owners. If written objections have been filed by at least 20% of the owners of all real property abutting or directly across a street or alley from the cluster development lot, the Planning Board may approve of a cluster development only upon an affirmative vote of at least 6 of its members.~~
 4. ~~Minimum lot area. The detached single-family cluster option may be utilized in the following single family districts provided that the minimum lot area is: R1A — 80,000 sq ft, R1 — 36,000 sq ft, R2 — 24,000 sq ft.~~
 5. ~~Site plan and Design review. All cluster developments shall obtain Site Plan and Design approval from the Planning Board in accordance with the regulations as set forth in Article 7.~~
 6. ~~Area regulations. Each cluster development shall meet all of the following regulations:~~
 - a. ~~The total number of dwelling units shall not be more than 20% greater than the lot area divided by the required minimum lot area as set forth in~~

~~the two-page layouts in Article 2, for the zoning district in which the property is located.~~

- ~~b. Land used for streets, alleys or walkways shall not be included in the computation of density.~~
 - ~~c. All land not intended to be conveyed to individual dwelling unit owners shall be set aside for the use of all occupants of the development. All such lands shall be protected by restrictions or covenants running with the land and must be approved by the City Attorney to assure the following:~~
 - ~~i. That title to the open space is held in common by the owners of all dwelling units in the detached single-family cluster development.~~
 - ~~ii. A permanent organization for maintenance and management of all such areas shall be assured by legal documents prior to the issuance of the building permit.~~
7. ~~*Setbacks.* There are no setback requirements from any lot line which does not form a boundary line of the cluster development site. Public streets located wholly within the cluster development site shall not be deemed to be boundary lines for the purpose of determining setbacks. The setbacks from all lot lines forming the boundary of the cluster development shall meet the following minimum requirements:~~
- ~~a. Setbacks from lot lines abutting a street. Where there are 2 or more existing single-family residential dwellings outside the cluster development on the same side of the street, and within 300 feet of the lot boundaries, the setback of all buildings abutting the street shall be no less than the average distance between the street lot line and the existing residential buildings. In no case shall a setback from a street lot line be less than 25 feet.~~
 - ~~b. Setbacks from all other lot lines. The setback from any lot other than a lot line abutting a street shall be not less than 15 feet.~~
8. ~~*Distance between buildings.* No dwelling unit shall be located closer than 14 feet to another dwelling unit.~~
9. ~~*Bulk and height requirements.* The bulk and height requirements for a cluster development shall be as set forth in the two-page layouts in Article 2, for the zoning district in which the development is located.~~
10. ~~*Accessory buildings.* Accessory buildings appurtenant in use to all dwelling units may be permitted by the Planning Board within a cluster development.~~
11. ~~*Parking requirements.* A minimum of 2 parking spaces per dwelling unit shall be supplied in a garage attached to or part of the dwelling unit.~~
12. ~~*Access.* The cluster development shall meet all of the following requirements for access:~~
- ~~a. The lot shall abut upon a dedicated public street for a distance of at least 50 feet.~~
 - ~~b. Streets shall be designed to provide means for safe and convenient vehicular traffic both within the cluster development and to and from adjacent areas.~~
 - ~~c. A dead-end street may be used only where a cul-de-sac or other turnaround is provided.~~

- d. ~~The street widths, curves, drainage, cul-de-sac and other design features shall be approved by the Police, Fire and Public Works Departments of the City.~~
 - e. ~~Streets shall be designed and constructed in accordance with the engineering design standards adopted and published by the City Commission and shall be approved by the City Engineer.~~
 - f. ~~Private streets are not permitted in cluster developments.~~
13. ~~Easements and utilities.~~ Easements shall be provided as required for existing and proposed utility lines. All distribution lines for telephone and electric service shall be placed underground, and such lines shall be placed within private easements or within dedicated public rights-of-way.

AND

Article 05, section 5.04 R6 District shall be corrected as follows:

Section 5.04 R6 District

This Use Specific Standards section applies to the following district:

R6

The following use specific standards apply:

- A. Home Occupation: A home occupation is subject to the following provisions:
 - 1. No one other than the resident(s) of the dwelling unit shall be employed in the conduct of the home occupation.
 - 2. The home occupation shall not require internal or external alterations or construction features on the dwelling unit, or external equipment or machinery not customary in residential areas.
 - 3. There shall be no exterior indication by sign or otherwise of the home occupation.
 - 4. There shall be no noise, vibration, odor or other nuisance as a result of the home occupation detectable beyond the confines of the dwelling unit, including the transmission through vertical or horizontal party walls.
 - 5. The home occupation shall not generate traffic in a greater volume or consisting of larger vehicle types than would normally be expected in a residential neighborhood.
 - 6. Any parking generated by the conduct of the home occupation shall be met off the street and shall not be met in a required front yard.
 - 7. The home occupation shall not include the direct sale of products off display shelves or racks.
 - 8. No outdoor storage, including equipment, parts or automobiles, associated with the home occupation shall be permitted.
 - 9. Home occupations may be conducted in a permitted accessory building.
 - 10. The home occupation shall not operate earlier than 8:00 a.m. nor later than 10:00 p.m.
 - 11. No more than 25% of the gross area of the building shall be used for such home occupation.
- B. Parking - Public, Off-street: Public off-street parking is permitted in connection with parks, stadiums, government offices, government uses, and public schools.

- C. Renting of Rooms: The renting of rooms is permitted to not more than 2 roomers or boarders per dwelling unit.
- D. Single-Family Cluster: The intent of the single-family cluster is to provide flexibility in the placement of buildings and implementation of innovative design concepts within single-family residential districts. ~~Cluster developments shall be in accordance with the regulations as set forth in this section and other applicable sections of the Zoning Ordinance. Upon a conflict between the regulations of this section and those of other sections, the regulations set forth below shall apply:~~
1. ~~*Approval procedure.*~~ Subject to the provisions of this section, the Planning Board may approve of the placement of detached single residences in any single residential district in a manner other than set forth in the two-page layouts in Article 2. Such development, called cluster development in this section, may be permitted by the Planning Board upon its finding that any one or more of the following conditions exist:
 - a. ~~The lot contains natural assets such as trees, wildlife habitats, or unusual topographic features that should be preserved.~~
 - b. ~~Topographic or subsoil conditions make development under other regulations impractical.~~
 - c. ~~Floodplain covers a portion of the lot.~~
 - d. ~~The configuration of the lot is odd shaped and not suitable for development under other regulations.~~
 - e. ~~The lot contains frontage on a major road and development along the road would cause traffic problems which could be alleviated by alternative road designs such as cul-de-sacs or loop streets.~~
 2. ~~*Required findings.*~~ A request for cluster development shall not be approved unless the Planning Board:
 - a. ~~Determines the proposal would not be contrary to the health, safety and welfare of the occupants of adjacent areas;~~
 - b. ~~Determines the proposal would create a sound and stable residential area;~~
 - c. ~~Determines the request is compatible with the purpose of the cluster option, which is to maintain natural areas and topography, or improve the open-space characteristics of a given area; and~~
 - d. ~~Determines that there has been compliance with all provisions of this section and other pertinent provisions of the Zoning Ordinance.~~
 3. ~~*Objections of abutting property owners.*~~ If written objections have been filed by at least 20% of the owners of all real property abutting or directly across a street or alley from the cluster development lot, the Planning Board may approve of a cluster development only upon an affirmative vote of at least 6 of its members.
 4. ~~*Minimum lot area.*~~ The detached single-family cluster option may be utilized in the following singlefamily districts provided that the minimum lot area is: R1A — 80,000 sq ft, R1 — 36,000 sq ft, R2 — 24,000 sq ft.
 5. ~~*Site plan and Design Review.*~~ All cluster developments shall obtain Site Plan and Design approval from the Planning Board in accordance with the regulations as set forth in Article 7.
 6. ~~*Area regulations.*~~ Each cluster development shall meet all of the following regulations:

- ~~a. The total number of dwelling units shall not be more than 20% greater than the lot area divided by the required minimum lot area as set forth in the two-page layouts in Article 2, for the zoning district in which the property is located.~~
 - ~~b. Land used for streets, alleys or walkways shall not be included in the computation of density.~~
 - ~~c. All land not intended to be conveyed to individual dwelling unit owners shall be set aside for the use of all occupants of the development. All such lands shall be protected by restrictions or covenants running with the land and must be approved by the City Attorney to assure the following:~~
 - ~~i. That title to the open space is held in common by the owners of all dwelling units in the detached single-family cluster development.~~
 - ~~ii. A permanent organization for maintenance and management of all such areas shall be assured by legal documents prior to the issuance of the building permit.~~
- ~~7. *Setbacks.* There are no setback requirements from any lot line which does not form a boundary line of the cluster development site. Public streets located wholly within the cluster development site shall not be deemed to be boundary lines for the purpose of determining setbacks. The setbacks from all lot lines forming the boundary of the cluster development shall meet the following minimum requirements:~~
 - ~~a. Setbacks from lot lines abutting a street. Where there are 2 or more existing single-family residential dwellings outside the cluster development on the same side of the street, and within 300 feet of the lot boundaries, the setback of all buildings abutting the street shall be no less than the average distance between the street lot line and the existing residential buildings. In no case shall a setback from a street lot line be less than 25 feet.~~
 - ~~b. Setbacks from all other lot lines. The setback from any lot other than a lot line abutting a street shall be not less than 15 feet.~~
- ~~8. *Distance between buildings.* No dwelling unit shall be located closer than 14 feet to another dwelling unit.~~
- ~~9. *Bulk and height requirements.* The bulk and height requirements for a cluster development shall be as set forth in the two-page layouts in Article 2, for the zoning district in which the development is located.~~
- ~~10. *Accessory buildings.* Accessory buildings appurtenant in use to all dwelling units may be permitted by the Planning Board within a cluster development.~~
- ~~11. *Parking requirements.* A minimum of 2 parking spaces per dwelling unit shall be supplied in a garage attached to or part of the dwelling unit.~~
- ~~12. *Access.* The cluster development shall meet all of the following requirements for access:~~
 - ~~a. The lot shall abut upon a dedicated public street for a distance of at least 50 feet.~~
 - ~~b. Streets shall be designed to provide means for safe and convenient vehicular traffic both within the cluster development and to and from adjacent areas.~~

- c. ~~A dead-end street may be used only where a cul-de-sac or other turnaround is provided.~~
 - d. ~~The street widths, curves, drainage, cul-de-sac and other design features shall be approved by the Police, Fire and Public Works Departments of the City.~~
 - e. ~~Streets shall be designed and constructed in accordance with the engineering design standards adopted and published by the City Commission and shall be approved by the City Engineer.~~
 - f. ~~Private streets are not permitted in cluster developments.~~
13. ~~Easements and utilities.~~ Easements shall be provided as required for existing and proposed utility lines. All distribution lines for telephone and electric service shall be placed underground, and such lines shall be placed within private easements or within dedicated public rights-of-way.

AND

Article 05, section 5.05 R7 District shall be corrected as follows:

Section 5.05 R7 District

This Use Specific Standards section applies to the following district:

R7

The following use specific standards apply:

- A. Home Occupation: A home occupation is subject to the following provisions:
 - 1. No one other than the resident(s) of the dwelling unit shall be employed in the conduct of the home occupation.
 - 2. The home occupation shall not require internal or external alterations or construction features on the dwelling unit, or external equipment or machinery not customary in residential areas.
 - 3. There shall be no exterior indication by sign or otherwise of the home occupation.
 - 4. There shall be no noise, vibration, odor or other nuisance as a result of the home occupation detectable beyond the confines of the dwelling unit, including the transmission through vertical or horizontal party walls.
 - 5. The home occupation shall not generate traffic in a greater volume or consisting of larger vehicle types than would normally be expected in a residential neighborhood.
 - 6. Any parking generated by the conduct of the home occupation shall be met off the street and shall not be met in a required front yard.
 - 7. The home occupation shall not include the direct sale of products off display shelves or racks.
 - 8. No outdoor storage, including equipment, parts or automobiles, associated with the home occupation shall be permitted.
 - 9. Home occupations may be conducted in a permitted accessory building.
 - 10. The home occupation shall not operate earlier than 8:00 a.m. nor later than 10:00 p.m.
 - 11. No more than 25% of the gross area of the building shall be used for such home occupation.

- B. Parking - Public, Off-street: Public off-street parking is permitted in connection with parks, stadiums, government offices, government uses, and public schools.
- C. Renting of Rooms: The renting of rooms is permitted to not more than 2 roomers or boarders per dwelling unit.
- D. ~~Single-Family Cluster: The intent of the single-family cluster is to provide flexibility in the placement of buildings and implementation of innovative design concepts within single-family residential districts. Cluster developments shall be in accordance with the regulations as set forth in this section and other applicable sections of the Zoning Ordinance. Upon a conflict between the regulations of this section and those of other sections, the regulations set forth below shall apply~~
 - 1. ~~*Approval procedure.* Subject to the provisions of this section, the Planning Board may approve of the placement of detached single residences in any single residential district in a manner other than set forth in the two-page layouts in Article 2. Such development, called cluster development in this section, may be permitted by the Planning Board upon its finding that any one or more of the following conditions exist:~~
 - a. ~~The lot contains natural assets such as trees, wildlife habitats, or unusual topographic features that should be preserved.~~
 - b. ~~Topographic or subsoil conditions make development under other regulations impractical~~
 - c. ~~Floodplain covers a portion of the lot.~~
 - d. ~~The configuration of the lot is odd shaped and not suitable for development under other regulations.~~
 - e. ~~The lot contains frontage on a major road and development along the road would cause traffic problems which could be alleviated by alternative road designs such as cul-de-sacs or loop streets.~~
 - 2. ~~*Required findings.* A request for cluster development shall not be approved unless the Planning Board:~~
 - a. ~~Determines the proposal would not be contrary to the health, safety and welfare of the occupants of adjacent areas;~~
 - b. ~~Determines the proposal would create a sound and stable residential area;~~
 - c. ~~Determines the request is compatible with the purpose of the cluster option, which is to maintain natural areas and topography, or improve the open space characteristics of a given area; and~~
 - d. ~~Determines that there has been compliance with all provisions of this section and other pertinent provisions of the Zoning Ordinance.~~
 - 3. ~~*Objections of abutting property owners.* If written objections have been filed by at least 20% of the owners of all real property abutting or directly across a street or alley from the cluster development lot, the Planning Board may approve of a cluster development only upon an affirmative vote of at least 6 of its members.~~
 - 4. ~~*Minimum lot area.* The detached single-family cluster option may be utilized in the following singlefamily districts provided that the minimum lot area is: R1A— 80,000 sq ft, R1— 36,000 sq ft, R2— 24,000 sq ft.~~
 - 5. ~~*Site plan and Design Review.* All cluster developments shall obtain Site Plan and Design approval from the Planning Board in accordance with the regulations as set forth in Article 7.~~
 - 6. ~~*Area regulations.* Each cluster development shall meet all of the following regulations:~~

- a. ~~The total number of dwelling units shall not be more than 20% greater than the lot area divided by the required minimum lot area as set forth in the two-page layouts in Article 2, for the zoning district in which the property is located.~~
 - b. ~~Land used for streets, alleys or walkways shall not be included in the computation of density.~~
 - c. ~~All land not intended to be conveyed to individual dwelling unit owners shall be set aside for the use of all occupants of the development. All such lands shall be protected by restrictions or covenants running with the land and must be approved by the City Attorney to assure the following:~~
 - i. ~~That title to the open space is held in common by the owners of all dwelling units in the detached single-family cluster development.~~
 - ii. ~~A permanent organization for maintenance and management of all such areas shall be assured by legal documents prior to the issuance of the building permit.~~
7. ~~*Setbacks.* There are no setback requirements from any lot line which does not form a boundary line of the cluster development site. Public streets located wholly within the cluster development site shall not be deemed to be boundary lines for the purpose of determining setbacks. The setbacks from all lot lines forming the boundary of the cluster development shall meet the following minimum requirements:~~
 - a. ~~Setbacks from lot lines abutting a street. Where there are 2 or more existing single-family dwellings outside the cluster development on the same side of the street, and within 300 feet of the lot boundaries, the setback of all buildings abutting the street shall be no less than the average distance between the street lot line and the existing residential buildings. In no case shall a setback from a street lot line be less than 25 feet.~~
 - b. ~~Setbacks from all other lot lines. The setback from any lot other than a lot line abutting a street shall be not less than 15 feet.~~
 8. ~~*Distance between buildings.* No dwelling unit shall be located closer than 14 feet to another dwelling unit.~~
 9. ~~*Bulk and height requirements.* The bulk and height requirements for a cluster development shall be as set forth in the two-page layouts in Article 2, for the zoning district in which the development is located.~~
 10. ~~*Accessory buildings.* Accessory buildings appurtenant in use to all dwelling units may be permitted by the Planning Board within a cluster development.~~
 11. ~~*Parking requirements.* A minimum of 2 parking spaces per dwelling unit shall be supplied in a garage attached to or part of the dwelling unit.~~
 12. ~~*Access.* The cluster development shall meet all of the following requirements for access:~~
 - a. ~~The lot shall abut upon a dedicated public street for a distance of at least 50 feet.~~
 - b. ~~Streets shall be designed to provide means for safe and convenient vehicular traffic both within the cluster development and to and from adjacent areas.~~
 - c. ~~A dead-end street may be used only where a cul-de-sac or other turnaround is provided.~~

- d. ~~The street widths, curves, drainage, cul-de-sac and other design features shall be approved by the Police, Fire and Public Works Departments of the City.~~
- e. ~~Streets shall be designed and constructed in accordance with the engineering design standards adopted and published by the City Commission and shall be approved by the City Engineer.~~
- f. ~~Private streets are not permitted in cluster developments.~~
- 13. ~~*Easements and utilities.* Easements shall be provided as required for existing and proposed utility lines. All distribution lines for telephone and electric service shall be placed underground, and such lines shall be placed within private easements or within dedicated public rights-of-way.~~
- E. Special-purpose housing: The following regulations shall apply to all special-purpose housing developments. In the event of a conflict between the following regulations and those of the R7 district, the regulations set forth below shall apply:
 - 1. *Minimum lot area.* A minimum of 60,000 square feet of total land area.
 - 2. *Maximum number of units.* A maximum of 160 dwelling units.
 - 3. *Required minimum lot area in square feet per dwelling unit.*
 - a. Efficiency and one-bedroom dwelling unit: 400 square feet.
 - b. Two-bedroom dwelling unit: 625 square feet.
 - 4. *Required minimum usable floor area in square feet per dwelling unit.*
 - a. Efficiency and one-bedroom dwelling unit: 500 square feet.
 - b. Two-bedroom dwelling unit: 700 square feet.
 - 5. *Maximum building heights.* 50 feet or 5 stories (see Section 4.17 for accessory buildings and Section 4.16(C) for exceptions to height limitations).
 - 6. *Setbacks:*
 - a. Front. Minimum of 15 feet or half of the building height, whichever is greater.
 - b. Side. Each side setback shall be 12 feet or half of the building height, whichever is greater, subject to the limitations set forth in Article 4 for accessory buildings.
 - 7. *Open space.* A minimum of 50% of the total land area shall be maintained as landscaped open space.
 - 8. *Site plan review.* Every special purpose housing project shall receive Site Plan and Design Review from the appropriate reviewing body as provided for in Article 7.

AND

Article 05, section 5.06 01 District shall be corrected as follows:

Section 5.06 01 District

This Use Specific Standards section applies to the following district:
01

The following use specific standards apply:

- A. Bistros: Bistros are permitted with a valid Special Land Use Permit with the following conditions:
 - 1. No direct connect additional bar permit is allowed and the maximum seating at a bar cannot exceed 10 seats;

2. Alcohol is served only to seated patrons, except those standing in a defined bar area;
 3. No dance area is provided;
 4. Only low key entertainment is permitted;
 5. Bistros must have tables located in the storefront space lining any street, or pedestrian passage;
 6. A minimum of 70% glazing must be provided along building facades facing a street or pedestrian passage between 1 foot and 8 feet in height;
 7. All bistro owners must execute a contract with the City outlining the details of the operation of the bistro; and
 8. Outdoor dining must be provided, weather permitting, along an adjacent street or passage during the months of May through October each year. Outdoor dining is not permitted past 12:00 a.m. If there is not sufficient space to permit such dining on the sidewalk adjacent to the bistro, an elevated, ADA compliant, enclosed platform must be erected on the street adjacent to the bistro to create an outdoor dining area if the Engineering Department determines there is sufficient space available for this purpose given parking and traffic conditions.
- B. Kennel: A kennel is permitted in conjunction with veterinary clinics when completely enclosed within a building (see Sections 18-86, 18-87, 18-88 of the Birmingham City Code)
- C. Laboratory: A laboratory is permitted when incidental to a medical or dental office located within the same building.
- D. Loading Facility: A loading facility is permitted provided such facilities are screened according to Section 4.53.
- E. Parking Facility - Off-street: A parking facility is permitted provide such facilities are screened according to Section 4.53.
- F. Pharmacy: A pharmacy is permitted when incidental to a medical or dental office located within the same building.
- G. ~~Single-family Cluster: The intent of the single-family cluster is to provide flexibility in the placement of buildings and implementation of innovative design concepts within single-family residential districts. Cluster developments shall be in accordance with the regulations as set forth in this section and other applicable sections of the Zoning Ordinance. Upon a conflict between the regulations of this section and those of other sections, the regulations set forth below shall apply:~~
1. ~~Approval procedure. Subject to the provisions of this section, the Planning Board may approve of the placement of detached single residences in any single residential district in a manner other than set forth in the two-page layouts in Article 2. Such development, called cluster development in this section, may be permitted by the Planning Board upon its finding that any one or more of the following conditions exist:~~
 - a. ~~The lot contains natural assets such as trees, wildlife habitats, or unusual topographic features that should be preserved.~~
 - b. ~~Topographic or subsoil conditions make development under other regulations impractical.~~
 - c. ~~Floodplain covers a portion of the lot.~~
 - d. ~~The configuration of the lot is odd shaped and not suitable for development under other regulations.~~

- e. ~~The lot contains frontage on a major road and development along the road would cause traffic problems which could be alleviated by alternative road designs such as cul-de-sacs or loop streets.~~
2. ~~*Required findings.* A request for cluster development shall not be approved unless the Planning Board:~~
 - a. ~~Determines the proposal would not be contrary to the health, safety and welfare of the occupants of adjacent areas;~~
 - b. ~~Determines the proposal would create a sound and stable residential area;~~
 - c. ~~Determines the request is compatible with the purpose of the cluster option, which is to maintain natural areas and topography, or improve the open space characteristics of a given area; and~~
 - d. ~~Determines that there has been compliance with all provisions of this section and other pertinent provisions of the Zoning Ordinance.~~
3. ~~*Objections of abutting property owners.* If written objections have been filed by at least 20% of the owners of all real property abutting or directly across a street or alley from the cluster development lot, the Planning Board may approve of a cluster development only upon an affirmative vote of at least 6 of its members.~~
4. ~~*Minimum lot area.* The detached single-family cluster option may be utilized in the following singlefamily districts provided that the minimum lot area is: R1A — 80,000 sq ft, R1 — 36,000 sq ft, R2 — 24,000 sq ft.~~
5. ~~*Site plan and Design Review.* All cluster developments shall obtain Site Plan and Design approval from the Planning Board in accordance with the regulations as set forth in Article 7.~~
6. ~~*Area regulations.* Each cluster development shall meet all of the following regulations:~~
 - a. ~~The total number of dwelling units shall not be more than 20% greater than the lot area divided by the required minimum lot area as set forth in the two-page layouts in Article 2, for the zoning district in which the property is located.~~
 - b. ~~Land used for streets, alleys or walkways shall not be included in the computation of density.~~
 - c. ~~All land not intended to be conveyed to individual dwelling unit owners shall be set aside for the use of all occupants of the development. All such lands shall be protected by restrictions or covenants running with the land and must be approved by the City Attorney to assure the following:~~
 - i. ~~That title to the open space is held in common by the owners of all dwelling units in the detached single-family cluster development.~~
 - ii. ~~A permanent organization for maintenance and management of all such areas shall be assured by legal documents prior to the issuance of the building permit.~~
7. ~~*Setbacks.* There are no setback requirements from any lot line which does not form a boundary line of the cluster development site. Public streets located wholly within the cluster development site shall not be deemed to be boundary lines for the purpose of determining setbacks. The setbacks from~~

~~all lot lines forming the boundary of the cluster development shall meet the following minimum requirements:~~

- ~~a. Setbacks from lot lines abutting a street. Where there are 2 or more existing single-family residential dwellings outside the cluster development on the same side of the street, and within 300 feet of the lot boundaries, the setback of all buildings abutting the street shall be no less than the average distance between the street lot line and the existing residential buildings. In no case shall a setback from a street lot line be less than 25 feet.~~
- ~~b. Setbacks from all other lot lines. The setback from any lot other than a lot line abutting a street shall be not less than 15 feet.~~
8. ~~*Distance between buildings.*~~ No dwelling unit shall be located closer than 14 feet to another dwelling unit.
9. ~~*Bulk and height requirements.*~~ The bulk and height requirements for a cluster development shall be as set forth in the two-page layouts in Article 2, for the zoning district in which the development is located.
10. ~~*Accessory buildings.*~~ Accessory buildings appurtenant in use to all dwelling units may be permitted by the Planning Board within a cluster development.
11. ~~*Parking requirements.*~~ A minimum of 2 parking spaces per dwelling unit shall be supplied in a garage attached to or part of the dwelling unit.
12. ~~*Access.*~~ The cluster development shall meet all of the following requirements for access:
 - ~~a. The lot shall abut upon a dedicated public street for a distance of at least 50 feet.~~
 - ~~b. Streets shall be designed to provide means for safe and convenient vehicular traffic both within the cluster development and to and from adjacent areas.~~
 - ~~c. — A dead-end street may be used only where a cul-de-sac or other turnaround is provided. —~~
 - ~~d. The street widths, curves, drainage, cul-de-sac and other design features shall be approved by the Police, Fire and Public Works Departments of the City.~~
 - ~~e. Streets shall be designed and constructed in accordance with the engineering design standards adopted and published by the City Commission and shall be approved by the City Engineer.~~
 - ~~f. — Private streets are not permitted in cluster developments.~~
13. ~~*Easements and utilities.*~~ Easements shall be provided as required for existing and proposed utility lines. All distribution lines for telephone and electric service shall be placed underground, and such lines shall be placed within private easements or within dedicated public rights-of-way.
- H. Veterinary Clinic: A veterinary clinic is permitted when completely enclosed within a building.

AND

Article 05, section 5.07 O2 District shall be corrected as follows:

Section 5.07 O2 District

This Use Specific Standards section applies to the following district:
O2

The following use specific standards apply:

- A. Bistros: Bistros are permitted with a valid Special Land Use Permit with the following conditions:
 - 1. No direct connect additional bar permit is allowed and the maximum seating at a bar cannot exceed 10 seats;
 - 2. Alcohol is served only to seated patrons, except those standing in a defined bar area;
 - 3. No dance area is provided;
 - 4. Only low key entertainment is permitted;
 - 5. Bistros must have tables located in the storefront space lining any street, or pedestrian passage;
 - 6. A minimum of 70% glazing must be provided along building facades facing a street or pedestrian passage between 1 foot and 8 feet in height;
 - 7. All bistro owners must execute a contract with the City outlining the details of the operation of the bistro; and
 - 8. Outdoor dining must be provided, weather permitting, along an adjacent street or passage during the months of May through October each year. Outdoor dining is not permitted past 12:00 a.m. If there is not sufficient space to permit such dining on the sidewalk adjacent to the bistro, an elevated, ADA compliant, enclosed platform must be erected on the street adjacent to the bistro to create an outdoor dining area if the Engineering Department determines there is sufficient space available for this purpose given parking and traffic conditions.
- B. Food or drink establishment: A food or drink establishment is permitted excluding drive-in facilities.
- C. Kennel: A kennel is permitted in conjunction with veterinary clinics when completely enclosed within a building (see Sections 18-86, 18-87, 18-88 of the Birmingham City Code).
- D. Laboratory: A laboratory is permitted when incidental to a medical or dental office located within the same building.
- E. Loading Facility: A loading facility is permitted provided such facilities are screened according to Section 4.53.
- F. Parking Facility - Off-street: A parking facility is permitted provide such facilities are screened according to Section 4.53.
- G. Pharmacy: A pharmacy is permitted when incidental to a medical or dental office located within the same building
- H. ~~Single family Cluster: The intent of the single family cluster is to provide flexibility in the placement of buildings and implementation of innovative design concepts within single-family residential districts. Cluster developments shall be in accordance with the regulations as set forth in this section and other applicable sections of the Zoning Ordinance. Upon a conflict between the regulations of this section and those of other sections, the regulations set forth below shall apply:~~

1. ~~*Approval procedure.*~~ Subject to the provisions of this section, the Planning Board may approve of the placement of detached single residences in any single residential district in a manner other than set forth in the two-page layouts in Article 2. Such development, called cluster development in this section, may be permitted by the Planning Board upon its finding that any one or more of the following conditions exist:
 - a. ~~The lot contains natural assets such as trees, wildlife habitats, or unusual topographic features that should be preserved.~~
 - b. ~~Topographic or subsoil conditions make development under other regulations impractical.~~
 - c. ~~_____ Floodplain covers a portion of the lot.~~
 - d. ~~The configuration of the lot is odd shaped and not suitable for development under other regulations.~~
 - e. ~~The lot contains frontage on a major road and development along the road would cause traffic problems which could be alleviated by alternative road designs such as cul-de-sacs or loop streets.~~
2. ~~*Required findings.*~~ A request for cluster development shall not be approved unless the Planning Board:
 - a. ~~Determines the proposal would not be contrary to the health, safety and welfare of the occupants of adjacent areas;~~
 - b. ~~Determines the proposal would create a sound and stable residential area;~~
 - c. ~~_____ Determines the request is compatible with the purpose of the cluster option, which is to maintain natural areas and topography, or improve the open space characteristics of a given area; and~~
 - d. ~~Determines that there has been compliance with all provisions of this section and other pertinent provisions of the Zoning Ordinance.~~
3. ~~*Objections of abutting property owners.*~~ If written objections have been filed by at least 20% of the owners of all real property abutting or directly across a street or alley from the cluster development lot, the Planning Board may approve of a cluster development only upon an affirmative vote of at least 6 of its members.
4. ~~*Minimum lot area.*~~ The detached single-family cluster option may be utilized in the following single family districts provided that the minimum lot area is: R1A—80,000 sq ft, R1—36,000 sq ft, R2—24,000 sq ft.
5. ~~*Site plan and Design Review.*~~ All cluster developments shall obtain Site Plan and Design approval from the Planning Board in accordance with the regulations as set forth in Article 7.
6. ~~*Area regulations.*~~ Each cluster development shall meet all of the following regulations:
 - a. ~~The total number of dwelling units shall not be more than 20% greater than the lot area divided by the required minimum lot area as set forth in the two-page layouts in Article 2, for the zoning district in which the property is located.~~
 - b. ~~Land used for streets, alleys or walkways shall not be included in the computation of density.~~
 - c. ~~_____ All land not intended to be conveyed to individual dwelling unit owners shall be set aside for the use of all occupants of the development. All such lands shall be protected by restrictions or covenants running with~~

~~the land and must be approved by the City Attorney to assure the following:~~

- d. ~~That title to the open space is held in common by the owners of all dwelling units in the detached single-family cluster development.~~
 - i. ~~A permanent organization for maintenance and management of all such areas shall be assured by legal documents prior to the issuance of the building permit.~~
7. *Setbacks.* ~~There are no setback requirements from any lot line which does not form a boundary line of the cluster development site. Public streets located wholly within the cluster development site shall not be deemed to be boundary lines for the purpose of determining setbacks. The setbacks from all lot lines forming the boundary of the cluster development shall meet the following minimum requirements:~~
 - a. ~~Setbacks from lot lines abutting a street. Where there are 2 or more existing single-family residential dwellings outside the cluster development on the same side of the street, and within 300 feet of the lot boundaries, the setback of all buildings abutting the street shall be no less than the average distance between the street lot line and the existing residential buildings. In no case shall a setback from a street lot line be less than 25 feet.~~
 - b. ~~Setbacks from all other lot lines. The setback from any lot other than a lot line abutting a street shall be not less than 15 feet.~~
8. *Distance between buildings.* ~~No dwelling unit shall be located closer than 14 feet to another dwelling unit.~~
9. *Bulk and height requirements.* ~~The bulk and height requirements for a cluster development shall be as set forth in the two-page layouts in Article 2, for the zoning district in which the development is located.~~
10. *Accessory buildings.* ~~Accessory buildings appurtenant in use to all dwelling units may be permitted by the Planning Board within a cluster development.~~
11. *Parking requirements.* ~~A minimum of 2 parking spaces per dwelling unit shall be supplied in a garage attached to or part of the dwelling unit.~~
12. *Access.* ~~The cluster development shall meet all of the following requirements for access:~~
 - a. ~~The lot shall abut upon a dedicated public street for a distance of at least 50 feet.~~
 - b. ~~Streets shall be designed to provide means for safe and convenient vehicular traffic both within the cluster development and to and from adjacent areas.~~
 - c. ~~———— A dead-end street may be used only where a cul-de-sac or other turnaround is provided.~~
 - d. ~~The street widths, curves, drainage, cul-de-sac and other design features shall be approved by the Police, Fire and Public Works Departments of the City.~~
 - e. ~~Streets shall be designed and constructed in accordance with the engineering design standards adopted and published by the City Commission and shall be approved by the City Engineer.~~
 - f. ~~———— Private streets are not permitted in cluster developments.~~

13. ~~Easements and utilities.~~ Easements shall be provided as required for existing and proposed utility lines. All distribution lines for telephone and electric service shall be placed underground, and such lines shall be placed within private easements or within dedicated public rights-of-way.

- I. Veterinary Clinic: A veterinary clinic is permitted when completely enclosed within a building.

AND

Article 05, section 5.08 P District shall be corrected as follows:

Section 5.08 P District

This Use Specific Standards section applies to the following district:

P

The following use specific standards apply:

- A. Bistros: Bistros are permitted with a valid Special Land Use Permit with the following conditions:
1. No direct connect additional bar permit is allowed and the maximum seating at a bar cannot exceed 10 seats;
 2. Alcohol is served only to seated patrons, except those standing in a defined bar area;
 3. No dance area is provided;
 4. Only low key entertainment is permitted;
 5. Bistros must have tables located in the storefront space lining any street, or pedestrian passage;
 6. A minimum of 70% glazing must be provided along building facades facing a street or pedestrian passage between 1 foot and 8 feet in height;
 7. All bistro owners must execute a contract with the City outlining the details of the operation of the bistro; and
 8. Outdoor dining must be provided, weather permitting, along an adjacent street or passage during the months of May through October each year. Outdoor dining is not permitted past 12:00 a.m. If there is not sufficient space to permit such dining on the sidewalk adjacent to the bistro, an elevated, ADA compliant, enclosed platform must be erected on the street adjacent to the bistro to create an outdoor dining area if the Engineering Department determines there is sufficient space available for this purpose given parking and traffic conditions.
- B. Home Occupation: A home occupation is subject to the following provisions:
1. No one other than the resident(s) of the dwelling unit shall be employed in the conduct of the home occupation.
 2. The home occupation shall not require internal or external alterations or construction features on the dwelling unit, or external equipment or machinery not customary in residential areas.
 3. There shall be no exterior indication by sign or otherwise of the home occupation.

4. There shall be no noise, vibration, odor or other nuisance as a result of the home occupation detectable beyond the confines of the dwelling unit, including the transmission through vertical or horizontal party walls.
 5. The home occupation shall not generate traffic in a greater volume or consisting of larger vehicle types than would normally be expected in a residential neighborhood.
 6. Any parking generated by the conduct of the home occupation shall be met off the street and shall not be met in a required front yard.
 7. The home occupation shall not include the direct sale of products off display shelves or racks.
 8. No outdoor storage, including equipment, parts or automobiles, associated with the home occupation shall be permitted.
 9. Home occupations may be conducted in a permitted accessory building.
 10. The home occupation shall not operate earlier than 8:00 a.m. nor later than 10:00 p.m.
 11. No more than 25% of the gross area of the building shall be used for such home occupation.
- C. **Parking Facility Private Off-street:** An off-street parking facility is permitted for the parking of self-propelled vehicles for periods not exceeding 24 hours at any 1 time with no commercial use, storage or service connected therewith.
- D. **Parking - public, off-street:** Public off-street parking is permitted in connection with parks, stadiums, government offices, government uses, and public schools.
- E. **Renting of Rooms:** The renting of rooms is permitted to not more than 2 roomers or boarders per dwelling unit.
- F. **Shelter Building:** A shelter building is permitted for attendant or attendants provided such building is no larger than 50 square feet in area and no higher than 8 feet.
- G. **Single-family Cluster:** ~~The intent of the single-family cluster is to provide flexibility in the placement of buildings and implementation of innovative design concepts within single-family residential districts. Cluster developments shall be in accordance with the regulations as set forth in this section and other applicable sections of the Zoning Ordinance. Upon a conflict between the regulations of this section and those of other sections, the regulations set forth below shall apply:~~
1. ~~Approval procedure. Subject to the provisions of this section, the Planning Board may approve of the placement of detached single residences in any single residential district in a manner other than set forth in the two-page layouts in Article 2. Such development, called cluster development in this section, may be permitted by the Planning Board upon its finding that any one or more of the following conditions exist:~~
 - a. ~~The lot contains natural assets such as trees, wildlife habitats, or unusual topographic features that should be preserved.~~
 - b. ~~Topographic or subsoil conditions make development under other regulations impractical.~~
 - c. ~~———— Floodplain covers a portion of the lot.~~
 - d. ~~The configuration of the lot is odd shaped and not suitable for development under other regulations.~~
 - e. ~~The lot contains frontage on a major road and development along the road would cause traffic problems which could be alleviated by alternative road designs such as cul-de-sacs or loop streets.~~

2. ~~Required findings.~~ A request for cluster development shall not be approved unless the Planning Board:
 - a. ~~Determines the proposal would not be contrary to the health, safety and welfare of the occupants of adjacent areas;~~
 - b. ~~Determines the proposal would create a sound and stable residential area;~~
 - c. ~~Determines the request is compatible with the purpose of the cluster option, which is to maintain natural areas and topography, or improve the open space characteristics of a given area; and~~
 - d. ~~Determines that there has been compliance with all provisions of this section and other pertinent provisions of the Zoning Ordinance.~~
3. ~~Objections of abutting property owners.~~ If written objections have been filed by at least 20% of the owners of all real property abutting or directly across a street or alley from the cluster development lot, the Planning Board may approve of a cluster development only upon an affirmative vote of at least 6 of its members.
4. ~~Minimum lot area.~~ The detached single-family cluster option may be utilized in the following singlefamily districts provided that the minimum lot area is: R1A — 80,000 sq ft, R1 — 36,000 sq ft, R2 — 24,000 sq ft.
5. ~~Site plan and Design Review.~~ All cluster developments shall obtain Site Plan and Design approval from the Planning Board in accordance with the regulations as set forth in Article 7.
6. ~~Area regulations.~~ Each cluster development shall meet all of the following regulations:
 - a. ~~The total number of dwelling units shall not be more than 20% greater than the lot area divided by the required minimum lot area as set forth in the two-page layouts in Article 2, for the zoning district in which the property is located.~~
 - b. ~~Land used for streets, alleys or walkways shall not be included in the computation of density.—~~
 - c. ~~All land not intended to be conveyed to individual dwelling unit owners shall be set aside for the use of all occupants of the development. All such lands shall be protected by restrictions or covenants running with the land and must be approved by the City Attorney to assure the following:~~
 - i. ~~That title to the open space is held in common by the owners of all dwelling units in the detached single-family cluster development.~~
 - ii. ~~A permanent organization for maintenance and management of all such areas shall be assured by legal documents prior to the issuance of the building permit.~~
7. ~~Setbacks.~~ There are no setback requirements from any lot line which does not form a boundary line of the cluster development site. Public streets located wholly within the cluster development site shall not be deemed to be boundary lines for the purpose of determining setbacks. The setbacks from all lot lines forming the boundary of the cluster development shall meet the following minimum requirements:
 - a. ~~Setbacks from lot lines abutting a street. Where there are 2 or more existing single-family residential dwellings outside the cluster~~

development on the same side of the street, and within 300 feet of the lot boundaries, the setback of all buildings abutting the street shall be no less than the average distance between the street lot line and the existing residential buildings. In no case shall a setback from a street lot line be less than 25 feet.

- b. Setbacks from all other lot lines. The setback from any lot other than a lot line abutting a street shall be not less than 15 feet.
8. ~~*Distance between buildings.*~~ No dwelling unit shall be located closer than 14 feet to another dwelling unit.
9. ~~*Bulk and height requirements.*~~ The bulk and height requirements for a cluster development shall be as set forth in the two-page layouts in Article 2, for the zoning district in which the development is located.
10. ~~*Accessory buildings.*~~ Accessory buildings appurtenant in use to all dwelling units may be permitted by the Planning Board within a cluster development.
11. ~~*Parking requirements.*~~ A minimum of 2 parking spaces per dwelling unit shall be supplied in a garage attached to or part of the dwelling unit.
12. ~~*Access.*~~ The cluster development shall meet all of the following requirements for access:
 - a. The lot shall abut upon a dedicated public street for a distance of at least 50 feet.
 - b. Streets shall be designed to provide means for safe and convenient vehicular traffic both within the cluster development and to and from adjacent areas.
 - c. ——— A dead-end street may be used only where a cul-de-sac or other turnaround is provided.
 - d. The street widths, curves, drainage, cul-de-sac and other design features shall be approved by the Police, Fire and Public Works Departments of the City.
 - e. Streets shall be designed and constructed in accordance with the engineering design standards adopted and published by the City Commission and shall be approved by the City Engineer.
 - f. ——— Private streets are not permitted in cluster developments.
13. ~~*Easements and utilities.*~~ Easements shall be provided as required for existing and proposed utility lines. All distribution lines for telephone and electric service shall be placed underground, and such lines shall be placed within private easements or within dedicated public rights of way.

AND

ORDINANCE NO. _____

THE CITY OF BIRMINGHAM ORDAINS:

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

TO CORRECT THE FOLLOWING ERRORS IN APPENDIX A, LAND USE MATRIX,

TO change B2B and B2C cells of "auto sales agency" to permitted uses (P);

To change B3 cell of "Barber and Beauty Salon" to permitted use (P);

To change the MX district cell in "photography studio" to Permitted (P);

To change the B2B and B2C cells (Institutional Uses) in "garage, public" to permitted uses (P);

To change the R1A, R1, R2 and R3 cells (Residential) in "family daycare facilities" to permitted accessory uses (A*)

To change "family daycare facilities" in residential category to be renamed to "family daycare homes";

To change the B4 cell (other) in "utility substation" to permitted use (P);

To change the MX cell in "catering" to permitted (P); and

To change the R3, R4, R5, R6, R7, R8, O1, O2, and P cells in "single family cluster" to not permitted (-).

Appendix A, Land Use Matrix shall be corrected as follows:

Land Use Matrix

Land Use Matrix

Appendix A

	PP	R1A	R1	R2	R3	R4	R5	R6	R7	R8	O1	O2	P	B1	B2	B2B	B2C	B3	B4	MX
Commercial Uses																				
adult bookstore	-	-	-	-	-	-	-	-	-	-	-	-	-	-	R*	R*	R*	-	-	R*
adult motion picture theater	-	-	-	-	-	-	-	-	-	-	-	-	-	-	R*	R*	R*	-	-	R*
alcoholic beverage sales	-	-	-	-	-	-	-	-	-	-	-	-	-	-	A*	-	-	-	-	A*
alcoholic beverage sales (off-premise consumption)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	A*	A*	A*	-	-
alcoholic beverage sales (on-premise consumption)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	S	S	S	S	S
animal medical hospital	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P
any use incidental to principal use	-	A	A	A	A	A	A	A	A	A	-	-	A	-	-	-	-	-	-	-
art gallery	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	P	-	P
artisan use	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P
auto laundry	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	S	S	-	-	-
auto rental agency	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P*
auto sales agency	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	S	S	-	P	-
auto show room	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-
automobile repair and conversion	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P
bakery	-	-	-	-	-	-	-	-	-	-	-	P	-	P	P	P	P	-	P	P
bank (with drive-through facilities)	-	-	-	-	-	-	-	-	-	-	-	S	-	-	-	-	-	-	-	-
bank (without drive-through facilities)-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	P	P	P	P	P	-
barber shop/beauty salon	-	-	-	-	-	-	-	-	-	-	P	P	-	P	P	P	P	P	P	P
bathing establishment	-	-	-	-	-	-	-	-	-	-	-	-	-	-	R*	R*	R*	-	-	R*
bistro	-	-	-	-	-	-	-	-	-	-	S*	S*	S*	-	S*	S*	-	-	-	-
boutique	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	-	-	P
commercial or office use incidental to principal use	-	-	-	-	-	-	-	-	-	-	-	A	-	-	-	-	-	-	-	-
catering	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	P	P
child care center	-	-	-	-	-	-	-	-	-	-	-	-	-	S	P	P	P	-	P	P
clinic	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	-	-	-
clothing store	-	-	-	-	-	-	-	-	-	-	-	P	-	-	P	P	P	P	P	P
coffee	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-
dance hall	-	-	-	-	-	-	-	-	-	-	-	-	-	-	R*	R*	R*	-	-	R*
delicatessen	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	-
department store	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	P	P	-
drive-in facility	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S*	S	S	S	-	-
drug store	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P*	P
dry cleaning	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P
electronic video game	-	-	-	-	-	-	-	-	-	-	-	-	-	-	R*	R*	R*	-	-	R*
family day care home	-	A*	A*	A*	A*	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
food or drink establishment	-	-	-	-	-	-	-	-	-	-	-	S*	-	-	P*	P*	P*	-	P*	P*
funeral home	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	S	S	-	-	-
furniture	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	P	P
gasoline full service station	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S*	S*	S*	-	-	-
gasoline service station	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	S	S	-	-	-
gift shop/flower shop	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P
greenhouse	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	P	P
greenhouse - private	-	A	A	A	A	A	A	A	A	A	-	-	A	-	-	-	-	-	-	A

P = Permitted Use

A = Accessory Use

S = Special Land Use Permit Required

R = Regulated Use

C = City Commission Approval Required

* = Use Specific Standards Apply

() = Shall Meet the Development Standards for the District Indicated

PP R1A R1 R2 R3 R4 R5 R6 R7 R8 O1 O2 P B1 B2 B2B B2C B3 B4 MX

Commercial Uses																										
grocery store	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	-	-	P	P	-	-	-	-	-
hair replacement establishment	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-	-	-	-	-	-	-	-
hardware store	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	-	-	P	P	-	-	-	-
health club/studio	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	-
home occupation	-	A*	A*	A*	A*	A*	A*	A*	A*	A*	-	-	A*	-	-	-	-	-	-	-	-	-	-	-	-	A
hotel	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	-	-	-	-
interior design shop	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	-	-	-	-	-	-	-	-	P
jewelry store	-	-	-	-	-	-	-	-	-	-	-	P	-	-	P	P	P	P	P	P	P	P	-	-	-	P
kennel	-	-	-	-	-	-	-	-	-	-	A*	A*	-	A*	A*	A*	A*	A*	-	-	-	-	-	-	-	P*
laboratory - medical/dental	-	-	-	-	-	-	-	-	-	-	A*	A*	-	A*	A*	A*	A*	A*	A*	A*	A*	-	-	-	-	P
laundry	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
leather and luggage goods shop	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	-	-	-	-	-	-	-	P
massage facility or massage school	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	R*	R*	R*	-	-	-	-	-	-	R*
mechanical amusement device	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	R*	R*	R*	-	-	-	-	-	-	R*
motel	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	P	-	-	-	-
motorcycle sales or rental agency	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	R*	R*	R*	-	-	-	-	-	-	R*
neighborhood convenience store	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	-	-	P	P	-	-	-	P
nightclub	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	R*	R*	R*	-	-	-	-	-	-	R*
office	-	-	-	-	-	-	-	-	-	-	-	P	P	-	P	P	P	P	P	P	P	P	-	-	-	P
outdoor café	-	-	-	-	-	-	-	-	-	-	A*	A*	-	-	-	-	A*	A*	A*	A*	A*	A*	-	-	-	A*
outdoor display of goods	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	A*	A*	A*	-	-	A*	-	-	-	A*
outdoor sales	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	A*	A*	A*	-	-	A*	-	-	-	A*
outdoor storage	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	A*	A*	A*	-	-	-	-	-	-	S*
paint	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	P	-	-	-	-
party store	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	P	-	-	-	-
pawnshop	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	R*	R*	R*	-	-	-	-	-	-	R*
pet grooming facility	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P
pharmacy	-	-	-	-	-	-	-	-	-	-	-	A*	A*	-	-	-	-	-	-	-	-	-	-	-	-	P
photography studio	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	-	-	-	-	-	-	-	-
billiard games	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	R*	R*	R*	-	-	-	-	-	-	R*
regulated uses	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	R*	R*	R*	-	-	-	-	-	-	C*
renting of rooms	-	A*	A*	A*	A*	A*	A*	A*	A*	A*	-	-	A*	-	-	-	-	-	-	-	-	-	-	-	-	A*
restaurant	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-
retail fur sales cold storage facility	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	A	-	-	-	-	A	-	-	-	-
retail photocopying	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	-	-	-	-
school-business	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	-	-	-	-
shelter building	-	-	-	-	-	-	-	-	-	-	-	-	A*	-	-	-	-	-	-	-	A*	-	-	-	-	-
shoe store/shoe repair	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	-	-	-	-
showroom of electricians/plumbers	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
sign	-	A	A	A	A	A	A	A	A	A	-	-	A	A	A	A	A	A	A	A	A	A	-	-	-	-
specialty food store	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	-	-	-	-	-	-	-	P
specialty home furnishing shop	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	-	-	-	-	-	-	-	P

P = Permitted Use
A = Accessory Use
S = Special Land Use Permit Required
R = Regulated Use

C = City Commission Approval Required
* = Use Specific Standards Apply
() = Shall Meet the Development Standards for the District Indicated

	PP	R1A	R1	R2	R3	R4	R5	R6	R7	R8	O1	O2	P	B1	B2	B2B	B2C	B3	B4	MX
Commercial Uses																				
tailor	-	-	-	-	-	-	-	-	-	-	-	P	-	P	P	P	P	-	P	P
tattoo parlor	-	-	-	-	-	-	-	-	-	-	-	-	-	-	R*	R*	R*	-	-	R*
theater	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P*	P*	P*	-	P*	-
tractor and garden vehicle sales or rental agency	-	-	-	-	-	-	-	-	-	-	-	-	-	-	R*	R*	R*	-	-	R*
trailer camp	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	S	S	-	-	-
tobacconist	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	-	-	P
veterinary clinic	-	-	-	-	-	-	-	-	-	-	P*	P*	-	-	-	-	-	-	-	P

	PP	R1A	R1	R2	R3	R4	R5	R6	R7	R8	O1	O2	P	B1	B2	B2B	B2C	B3	B4	MX
Industrial																				
light industrial uses	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P
warehousing	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P

	PP	R1A	R1	R2	R3	R4	R5	R6	R7	R8	O1	O2	P	B1	B2	B2B	B2C	B3	B4	MX
Institutional																				
auditorium	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
bus/train passenger station and waiting area	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	S	S	P	-	P
cemetery	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
church	-	S	S	S	S	S	S	S	S	-	S	-	S	P	P	P	P	-	P	S
college	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S
community center	-	-	-	-	-	-	-	S	S	-	-	-	S	P	P	P	P	-	P	-
essential services	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
garage - community	-	-	-	-	-	-	-	-	-	-	-	-	A	-	-	-	-	-	-	-
garage - private	-	A	A	A	A	A	A	A	A	A	-	-	A	-	-	-	-	-	-	A
garage, public	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	P	-
government office	P	P	P	P	P	P(R3)	P(R4)	P(R5)	P(R6)	P(R3)	P(R5)	P(R5)	P(R7)	P	P	P	P	-	P	P
government use	P	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	-	P	P
loading facility - off-street	-	-	-	-	-	-	-	-	-	-	A*	A*	A	A*	P/A	P/A	P/A	A	P/A	A*
medical rehabilitation facility	-	S	S	S	S	S	-	-	-	-	-	-	-	-	-	-	-	-	-	-
parking (accessory) - public, off-street	-	S	S	S	S	S	S	-	-	-	-	-	-	-	-	-	-	-	-	-
parking facility - off-street	P	-	-	-	-	-	-	S	S	-	A*	A*	P*	A*	P/A	P/A	P/A	A	P/A	A*
parking - off-street	-	-	-	-	-	-	-	-	-	-	-	-	S	-	-	-	-	-	-	-
parking facility - private off-street	-	A	A	A	A	A	A	A	A	A	-	-	A	-	-	-	-	-	-	-
parking - public, off-street	-	A*	A*	A*	A*	A*	A*	A*	A*	A*	-	-	A	-	-	-	-	-	-	-
parking structure	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	A	-	A/S*
parking structure (not accessory to principal use)																				
philanthropic use	-	S	S	S	S	P	P(R4)	P(R5)	P(R6)	-	P(R5)	P(R5)	P(R7)	-	-	-	-	-	-	-
publicly owned building	-	S	S	S	S	S	S	S	S	-	-	-	S	-	-	-	-	-	-	P
public utility building	-	S	S	S	S	S	S	S	S	-	-	-	S	-	-	-	-	-	-	-
religious institution	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S
school - private	P	S	S	S	S	S	S	S	S	-	-	-	S	P	P	P	P	-	P	S
school - public	P	P	P	P	P	P(R3)	P(R4)	P(R5)	P(R6)	P(R3)	P(R5)	P(R5)	P(R7)	P	P	P	P	-	P	S
social club	-	-	-	-	-	-	-	S	S	-	-	-	S	P	P	P	P	-	P	-

P = Permitted Use
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	PP	R1A	R1	R2	R3	R4	R5	R6	R7	R8	O1	O2	P	B1	B2	B2B	B2C	B3	B4	MX
Recreational																				
bowling alley	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	P	-
indoor/outdoor recreational facility	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P
outdoor amusement	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P*	P*	P*	-	P*	-
park	P	P	P	P	P	P(R3)	P(R4)	P(R5)	P(R6)	P(R3)	P(R5)	P(R5)	P(R7)	-	-	-	-	-	-	P
recreational club	-	-	-	-	-	-	-	S	S	-	-	-	S	P	P	P	P	-	P	-
stadium	-	-	-	-	-	-	-	-	-	-	-	P(R5)	-	-	-	-	-	-	-	-
swimming pool - private	-	A	A	A	A	A	A	A	A	A	-	-	A	-	-	-	-	-	-	A
swimming pool - public	P	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	A	P	P
swimming pool - semiprivate	-	-	-	-	-	-	P	P(R5)	P(R6)	-	P(R5)	P(R5)	P(R7)	P	P	P	P	-	P	P

	PP	R1A	R1	R2	R3	R4	R5	R6	R7	R8	O1	O2	P	B1	B2	B2B	B2C	B3	B4	MX
Residential																				
adult foster care group home	-	P	P	P	P	P(R3)	P(R4)	P(R5)	P(R6)	P(R3)	P(R5)	P(R5)	P(R7)	-	-	-	-	-	-	-
assisted living	-	S	S	S	S	S	S	S	S	S	S	S	S	-	S	S	-	S	S	S
continued care retirement community	-	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	-	S	S	S
dwelling - accessory	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	A*
dwelling - first floor with frontage on Eton Road	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P
dwelling - multiple-family	-	-	-	-	-	-	P	P(R5)	P(R6)	-	P(R5)	P(R5)	P(R7)	-	P	P	P	P	P	-
dwelling - one-family	-	P	P	P	P	P(R3)	P(R4)	P(R5)	P(R6)	P(R3)	P(R5)	P(R5)	P(R7)	-	P*	P*	P*	-	P*	-
dwelling - two-family	-	-	-	-	-	P	P(R4)	P(R5)	P(R6)	-	P(R5)	P(R5)	P(R7)	-	P*	P*	P*	-	P*	-
family day care facility home	-	A*	A*	A*	A*	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P*
group day care home	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P*
independent hospice facility	-	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	-	S	S	S
independent senior living	-	S	S	S	S	S	S	S	S	S	S	S	S	-	S	S	-	S	S	S
livework unit	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P
residential with nonresidential if frontage on Eton Road	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S
single-family attached	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	-	-	-	-	-
single-family cluster	-	P*	P*	P*	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
skilled nursing facility	-	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	-	S	S	S
special-purpose housing	-	-	-	-	-	-	-	S*	-	-	-	-	-	-	-	-	-	-	-	-

	PP	R1A	R1	R2	R3	R4	R5	R6	R7	R8	O1	O2	P	B1	B2	B2B	B2C	B3	B4	MX
Other																				
gas regulatory station	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P
telephone exchange building	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P
utility substation	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	-	P	P
water tower	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
well	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-

P = Permitted Use
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MEMORANDUM

Building Department

DATE: January 5, 2016
TO: Bruce R. Johnson, Building Official
FROM: Scott Worthington, Building Inspector
SUBJECT: Ordinance Comparison Residential Districts

A comparison review of the current zoning ordinance standards for the residential zoned districts to the provisions just before it was reformatted in 2005 has been completed. The following differences were discovered:

1. Setbacks

The schedule of regulations (Article XIX Sec 126-446) in the prior ordinance states the front yard setback in the R1-A / R-1 / R-2 / R-3 is calculated with the following text:

Where there are 2 or more existing single family residential buildings on the same side of the street in the same block and within 200 feet of the lot, such setback shall be the average distance from the street lot line to such buildings. When the average distance cannot be established, as stated herein, said setback shall be a minimum of 25 feet except as provided elsewhere in this chapter. (See sections 126-468 and 126-599)

The current Zoning Ordinance states the calculation for the front yard setback in the R1-A / R-1 / R-2/ R-3 is as follows (Article 2, 2 page layouts):

Average of homes within 200 feet, if no homes within 200 feet, then 25 feet

2. Setbacks

The schedule of regulations (Article XIX Sec 126-446) in the prior ordinance states the front yard setback in the R-7 / R-8 is calculated with the following text:

25 feet except where there are 2 or more existing residential buildings on the same side of the street in the same block and within 200 feet of the lot, then such setback shall be the average distance from the street lot line to such buildings

The current Zoning Ordinance states the calculation for the front yard setback in the R-7 / R-8 Is as follows (Article 2, 2 page layouts):

Average setback of residential buildings within 200 feet, otherwise 25 feet

3. Distance Between

Article 4, 4.69 SS-01 section C should only apply to the residential lots, not the other zoning districts, *see Article XX Division 1 Sec 126-469*.

4. Height

Article 4, Height Standards 4.16 HT-01 D should not apply to residential lots as referenced above.

5. Permitted Uses

Article 2, 2.17 R-7 under Permitted Uses lists:

Dwelling – multiple family (R6)

Dwelling – multiple family

6. Graphics

The picture in Article 2, 2.04 R1A (last picture) is indicating the pool as lot coverage and also implies the driveway/sidewalk is counted in lot coverage. (See page 1)

The picture in Article 2, 2.06 R1 (last picture) is indicating pool, driveway and sidewalk are lot coverage. (See page 2)

The picture in Article 2, 2.08 R2 (last picture) is indicating pool and rear patio in lot coverage and implies driveway and sidewalk also are lot coverage. (See page 3)

The picture in Article 2, 2.10 R3 (last picture) is indicating sidewalk counts in lot coverage and implies the driveway is also counted in lot coverage. (See page 4)

The picture in Article 2, 2.12 R4 (last picture) is indicating the driveway/sidewalk is lot coverage. (See page 5)

The picture in Article 2, 2.14 R5 (last picture) is indicating the parking lot/driveway/sidewalk count as lot coverage. (See page 6)

The picture in Article 2, 2.16 R6 (last picture) is indicating the parking lot/driveway/sidewalk count as lot coverage. (See page 7)

The picture in Article 2, 2.18 R7 (last picture) is indicating the parking lot/driveway/sidewalk count as lot coverage. (See page 8)

The picture in Article 2, 2.20 R8 (last picture) is indicating the driveway and sidewalk count as lot coverage. (See page 9)

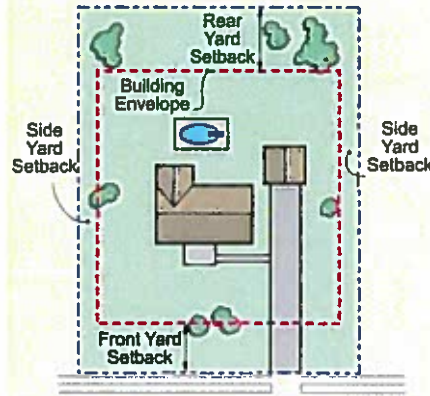
The pictures in Article 9 Definitions, Lot Corner: does not show a rear yard and shows multiple front yards. (See page 10)

R1A District

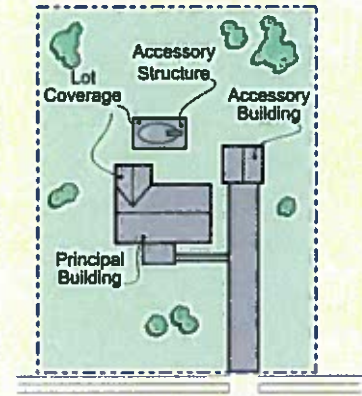
2.04 R1A (Single-Family Residential) District Development Standards



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Minimum Lot Area:

- 20,000 sq ft per unit

Minimum Open Space:

- 40%

Maximum Lot Coverage:

- 30%

Minimum Front Yard Setback:

- average of homes within 200 feet, if no homes within 200 feet, then 25 feet

Minimum Rear Yard Setback:

- 30 feet

Minimum Combined Front and Rear Setback:

- 55 feet

Minimum Side Yard Setback:

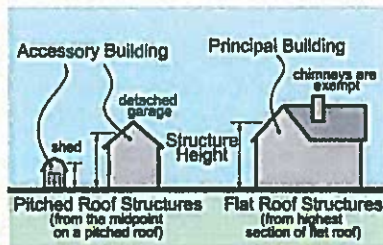
- 9 feet or 10% of total lot width whichever is larger for one side yard
- 14 feet or 25% of total lot width whichever is larger for both side yards
- no side yard shall be less than 5 feet

Minimum Floor Area Per Unit:

- 1,500 sq ft

Maximum Total Floor Area:

- n/a



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Maximum Building Height:

- Lots > 9,000 sq. ft. in Area:
30 feet to midpoint for sloped roofs; 24 feet for flat roofs only; 2 stories; 24 feet for eaves.
- Lots < 9,000 sq. ft. in Area:
28 feet to midpoint for sloped roofs; 24 feet for flat roofs only; 2 stories; 24 feet for eaves.

Additional Development Standards that Apply

Accessory Structure (AS)

- AS-01 Page 4-3
- AS-02 Page 4-3

Drainage (DN)

- DN-01 Page 4-6

Essential Services (ES)

- ES-01 Page 4-7

Fences (FN)

- FN-01 Page 4-8

Floodplain (FP)

- FP-01 Page 4-9
- FP-02 Page 4-11

Height (HT)

- HT-01 Page 4-12

Loading (LD)

- LD-01 Page 4-22

Lot (LO)

- LO-01 Page 4-24

Open Space (OS)

- OS-01 Page 4-25
- OS-02 Page 4-25

Parking (PK)

- PK-01 Page 4-30
- PK-02 Page 4-32

Screening (SC)

- SC-01 Page 4-36

Setback (SB)

- SB-01 Page 4-39
- SB-02 Page 4-39

Storage and Display (SD)

- SD-01 Page 4-40

Structure (SS)

- SS-01 Page 4-42
- SS-02 Page 4-42

Temporary Use (TU)

- TU-01 Page 4-45
- TU-03 Page 4-46

Vision Clearance (VC)

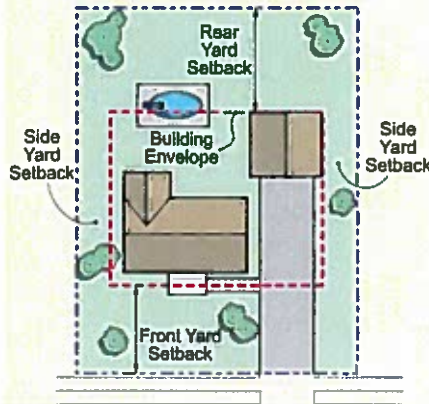
- VC-01 Page 4-50

R1 District

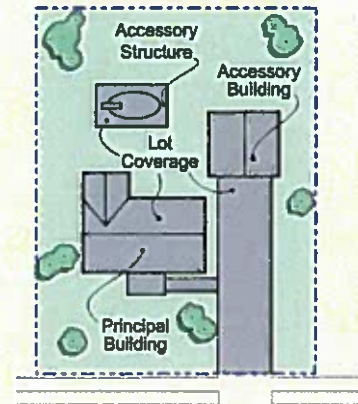
2.06 R1 (Single-Family Residential) District Development Standards



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Minimum Lot size:

- 9,000 sq ft per unit

Minimum Open Space:

- 40%

Maximum Lot Coverage:

- 30%

Minimum Front Yard Setback:

- average of homes within 200 feet, if no homes within 200 feet, then 25 feet

Minimum Rear Yard Setback:

- 30 feet

Minimum Combined Front and Rear Setback:

- 55 feet

Minimum Side Yard Setback:

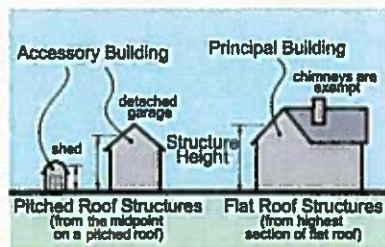
- 9 feet or 10% of total lot width whichever is larger for one side yard
- 14 feet or 25% of total lot width whichever is larger for both side yards
- no side yard shall be less than 5 feet

Minimum Floor Area Per Unit:

- 1,500 sq ft

Maximum Total Floor Area:

- n/a



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Maximum Building Height:

- Lots > 9,000 sq. ft. in Area:
30 feet to midpoint for sloped roofs; 24 feet for flat roofs only; 2 stories; 24 feet for eaves.
- Lots < 9,000 sq. ft. in Area:
28 feet to midpoint for sloped roofs; 24 feet for flat roofs only; 2 stories; 24 feet for eaves.

Additional Development Standards that Apply**Accessory Structure (AS)**

- AS-01 Page 4-3
- AS-02 Page 4-3

Drainage (DN)

- DN-01 Page 4-6

Essential Services (ES)

- ES-01 Page 4-7

Fences (FN)

- FN-01 Page 4-8
- FN-02 Page 4-8

Floodplain (FP)

- FP-01 Page 4-9
- FP-02 Page 4-11

Height (HT)

- HT-01 Page 4-12

Loading (LD)

- LD-01 Page 4-22

Lot (LO)

- LO-01 Page 4-24

Open Space (OS)

- OS-01 Page 4-25
- OS-02 Page 4-25

Parking (PK)

- PK-01 Page 4-30
- PK-02 Page 4-32

Screening (SC)

- SC-01 Page 4-36

Setback (SB)

- SB-01 Page 4-39
- SB-02 Page 4-39

Storage and Display (SD)

- SD-01 Page 4-40

Structure (SS)

- SS-01 Page 4-42
- SS-02 Page 4-42

Temporary Use (TU)

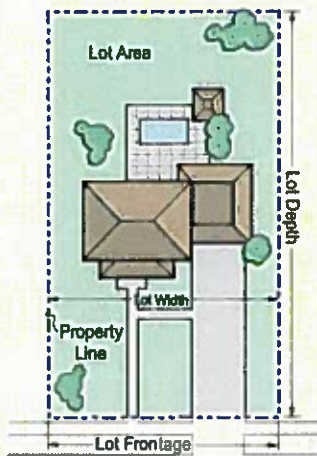
- TU-01 Page 4-45
- TU-03 Page 4-46

Vision Clearance (VC)

- VC-01 Page 4-50

R2 District

2.08 R2 (Single-Family Residential) District Development Standards



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Minimum Lot Area:

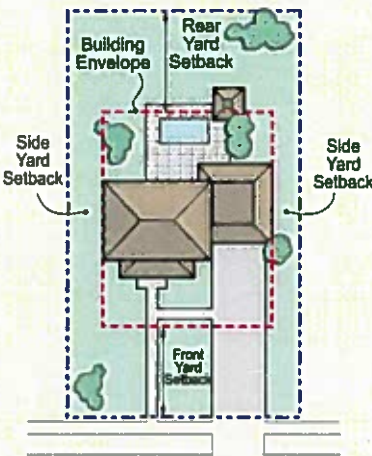
- 6,000 sq ft per unit

Minimum Open Space:

- 40%

Maximum Lot Coverage:

- 30%



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Minimum Front Yard Setback:

- average of homes within 200 feet, if no homes within 200 feet, then 25 feet

Minimum Rear Yard Setback:

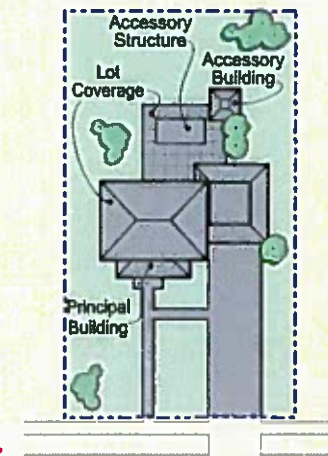
- 30 feet

Minimum Combined Front and Rear Setback:

- 55 feet

Minimum Side Yard Setback:

- 9 feet or 10% of total lot width whichever is larger for one side yard
- 14 feet or 25% of total lot width whichever is larger for both side yards
- no side yard shall be less than 5 feet



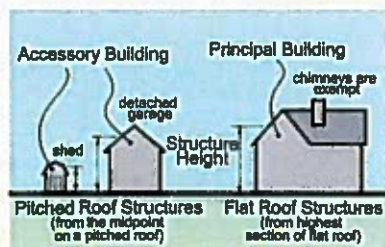
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Minimum Floor Area Per Unit:

- 1,000 sq ft (one story)
- 1,200 sq ft (> one story)

Maximum Total Floor Area:

- n/a



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Maximum Building Height:

- Lots > 9,000 sq. ft. in Area:
30 feet to midpoint for sloped roofs; 24 feet for flat roofs only; 2 stories; and 24 feet for eaves.
- Lots 6,000 sq. ft. - 9,000 sq. ft. in Area:
28 feet to midpoint for sloped roofs; 24 feet for flat roofs only; 2 stories; and 24 feet for eaves.
- Lots < 6,000 sq. ft. in Area:
26 feet to midpoint for sloped roofs; 24 feet for flat roofs only; 2 stories; and 24 feet for eaves.

Additional Development Standards that Apply**Accessory Structure (AS)**

- AS-01 Page 4-3
- AS-02 Page 4-3

Drainage (DN)

- DN-01 Page 4-6

Essential Services (ES)

- ES-01 Page 4-7

Fences (FN)

- FN-01 Page 4-8
- FN-02 Page 4-8

Floodplain (FP)

- FP-01 Page 4-9
- FP-02 Page 4-11

Height (HT)

- HT-01 Page 4-12

Loading (LD)

- LD-01 Page 4-22

Lot (LO)

- LO-01 Page 4-24

Open Space (OS)

- OS-01 Page 4-25
- OS-02 Page 4-25

Parking (PK)

- PK-01 Page 4-30
- PK-02 Page 4-32

Screening (SC)

- SC-01 Page 4-36

Setback (SB)

- SB-01 Page 4-39
- SB-02 Page 4-39

Storage and Display (SD)

- SD-01 Page 4-40

Structure (SS)

- SS-01 Page 4-42
- SS-02 Page 4-42

Temporary Use (TU)

- TU-01 Page 4-45
- TU-03 Page 4-46

Vision Clearance (VC)

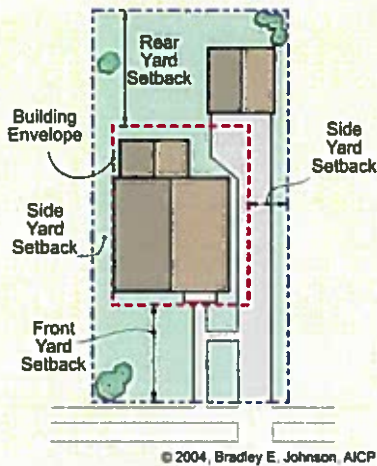
- VC-01 Page 4-50

R3 District

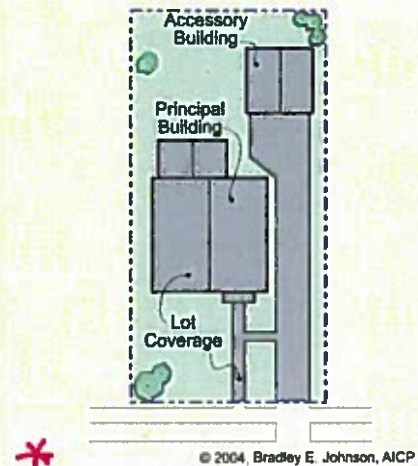
2.10 R3 (Single-Family Residential) District Development Standards



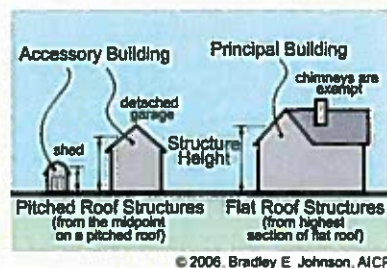
- Minimum Lot Area:**
- 4,500 sq ft per unit
- Minimum Open Space:**
- 40%
- Maximum Lot Coverage:**
- 30%



- Minimum Front Yard Setback:**
- average setback of homes within 200 feet, if not homes within 200 feet, then 25 feet
- Minimum Rear Yard Setback:**
- 30 feet
- Minimum Combined Front and Rear Setback:**
- 55 feet
- Minimum Side Yard Setback:**
- 9 feet or 10% of total lot width whichever is larger for one side yard
 - 14 feet or 25% of total lot width whichever is larger for both side yards
 - no side yard shall be less than 5 feet



- Minimum Floor Area Per Unit:**
- 800 sq ft (one story)
 - 1,000 sq ft (> one story)
- Maximum Total Floor Area:**
- n/a



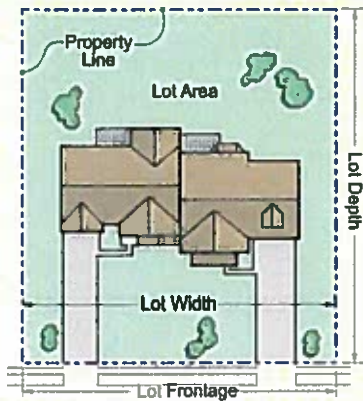
- Maximum Building Height:**
- Lots > 6,000 sq. ft. in Area:
28 feet to midpoint for sloped roofs, 24 feet for flat roofs only; 2 stories; 24 feet for eaves.
 - Lots 4,500 sq. ft. - 6,000 sq. ft. in Area:
26 feet to midpoint for sloped roofs; 24 feet for flat roofs only; 2 stories; 24 feet for eaves.
 - Lots < 4,500 sq. ft. in Area:
24 feet to midpoint for sloped roofs; 24 feet for flat roofs only; 2 stories; 24 feet for eaves.

Additional Development Standards that Apply

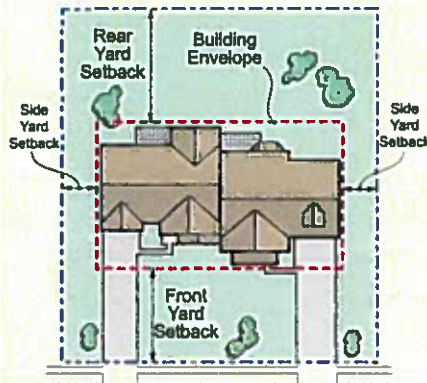
Accessory Structure (AS)	Open Space (OS)	Vision Clearance (VC)
• AS-01 Page 4-3	• OS-01 Page 4-25	• VC-01 Page 4-50
• AS-02 Page 4-3	• OS-02 Page 4-25	
Drainage (DN)	Parking (PK)	
• DN-01 Page 4-6	• PK-01 Page 4-30	
Essential Services (ES)	• PK-02 Page 4-32	
• ES-01 Page 4-7	Screening (SC)	
Fences (FN)	• SC-01 Page 4-36	
• FN-01 Page 4-8	Setback (SB)	
• FN-02 Page 4-8	• SB-01 Page 4-39	
Floodplain (FP)	• SB-02 Page 4-39	
• FP-01 Page 4-9	Storage and Display (SD)	
• FP-02 Page 4-11	• SD-01 Page 4-40	
Height (HT)	Structure (SS)	
• HT-01 Page 4-12	• SS-01 Page 4-42	
Loading (LD)	• SS-02 Page 4-42	
• LD-01 Page 4-22	Temporary Use (TU)	
Lot (LO)	• TU-01 Page 4-45	
• LO-01 Page 4-24	• TU-03 Page 4-46	

R4 District

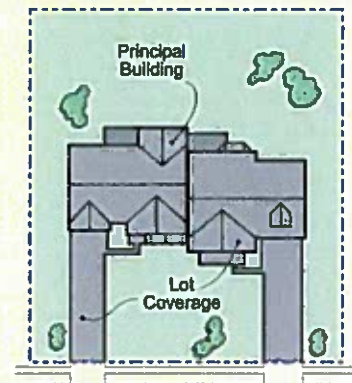
2.12 R4 (Two-Family Residential) District Development Standards



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Minimum Lot Area:

- 3,000 sq ft per unit

Minimum Open Space:

- n/a

Maximum Lot Coverage:

- n/a

Minimum Front Yard Setback:

- 25 feet

Minimum Rear Yard Setback:

- 30 feet

Minimum Combined Front and Rear Setback:

- n/a

Minimum Side Yard Setback:

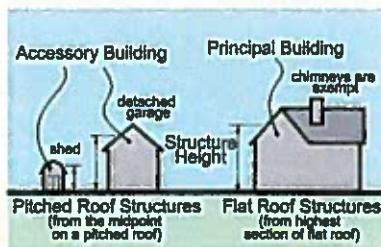
- 9 feet or 10% of total lot width whichever is larger for one side yard
- 14 feet or 25% of total lot width whichever is larger for both side yards
- 10 feet for one side yard when lot width is >100 feet
- 25 feet for both side yards when lot width is >100 feet
- no side yard shall be less than 5 feet

Minimum Floor Area Per Unit:

- 800 sq ft

Maximum Total Floor Area:

- 40% of lot area



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Maximum Building Height:

- 35 feet
- 2.5 stories

Additional Development Standards that Apply**Accessory Structure (AS)**

- AS-01..... Page 4-3
- AS-02..... Page 4-3
- AS-03..... Page 4-4

Essential Services (ES)

- ES-01..... Page 4-7

Fences (FN)

- FN-01..... Page 4-8
- FN-02..... Page 4-8

Floodplain (FP)

- FP-01..... Page 4-9
- FP-03..... Page 4-11

Height (HT)

- HT-01..... Page 4-12

Landscaping (LA)

- LA-01..... Page 4-14

Lighting (LT)

- LT-01..... Page 4-18
- LT-02..... Page 4-21

Loading (LD)

- LD-01..... Page 4-22

Lot (LO)

- LO-01..... Page 4-24

Open Space (OS)

- OS-01..... Page 4-25

Parking (PK)

- PK-01..... Page 4-30
- PK-02..... Page 4-32
- PK-03..... Page 4-32

Screening (SC)

- SC-01..... Page 4-36

Setback (SB)

- SB-01..... Page 4-39
- SB-02..... Page 4-39

Storage and Display (SD)

- SD-01..... Page 4-40

Structure (SS)

- SS-01..... Page 4-42

Temporary Use (TU)

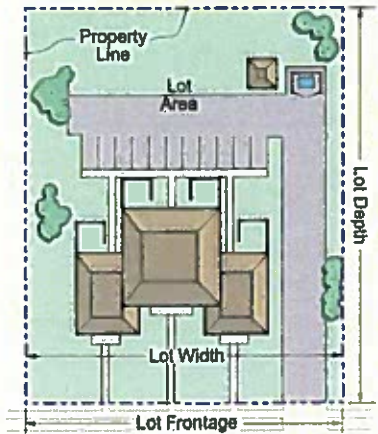
- TU-01..... Page 4-45
- TU-03..... Page 4-46

Vision Clearance (VC)

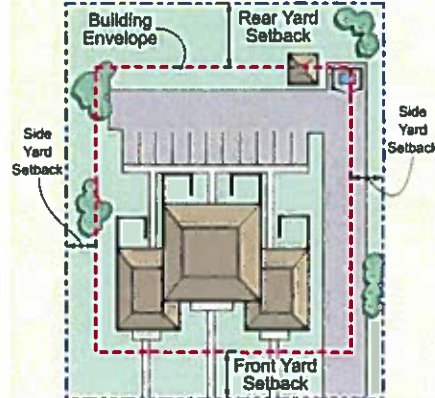
- VC-01..... Page 4-50

R5 District

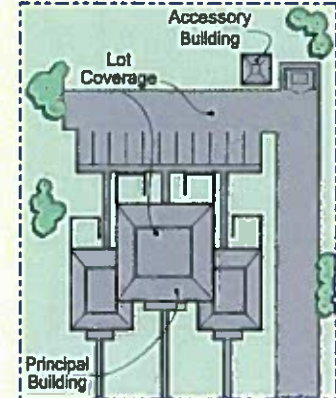
2.14 R5 (Multiple-Family Residential) District Development Standards



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Minimum Lot Area Per Unit:

- 1,500 sq ft (one bedroom)
- 2,000 sq ft (two bedroom)
- 2,500 sq ft (three or more bedrooms)

Minimum Open Space:

- n/a

Maximum Lot Coverage:

- n/a

Minimum Front Yard Setback:

- 25 feet

Minimum Rear Yard Setback:

- 30 feet

Minimum Combined Front and Rear Setback:

- n/a

Minimum Side Yard Setback:

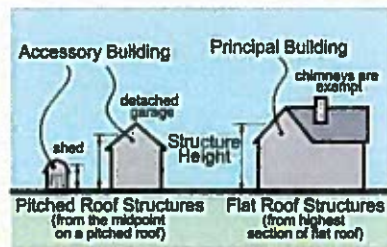
- 9 feet or 10% of total lot width whichever is larger for one side yard
- 14 feet or 25% of total lot width whichever is larger for both side yards
- 10 feet for one side yard when lot width is >100 feet
- 25 feet for both side yards when lot width is >100 feet
- no side yard shall be less than 5 feet

Minimum Floor Area Per Unit:

- 600 sq ft (one bedroom)
- 800 sq ft (two bedroom)
- 1,000 sq ft (three or more bedrooms)

Maximum Total Floor Area:

- 40% of lot area



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Maximum Building Height:

- 30 feet
- 2 stories

Additional Development Standards that Apply

Accessory Structure (AS)

- AS-01..... Page 4-3
- AS-02..... Page 4-3
- AS-03..... Page 4-4

Essential Services (ES)

- ES-01..... Page 4-7

Fences (FN)

- FN-01..... Page 4-8
- FN-02..... Page 4-8
- FN-03..... Page 4-8

Floodplain (FP)

- FP-01..... Page 4-9
- FP-03..... Page 4-11

Height (HT)

- HT-01..... Page 4-12
- HT-02..... Page 4-12

Landscaping (LA)

- LA-01..... Page 4-14

Lighting (LT)

- LT-01..... Page 4-18
- LT-02..... Page 4-21

Loading (LD)

- LD-01..... Page 4-22

Lot (LO)

- LO-01..... Page 4-24

Open Space (OS)

- OS-01..... Page 4-25

Parking (PK)

- PK-01..... Page 4-30
- PK-02..... Page 4-32
- PK-03..... Page 4-32

Screening (SC)

- SC-01..... Page 4-36

Setback (SB)

- SB-01..... Page 4-39
- SB-02..... Page 4-39

Storage and Display (SD)

- SD-01..... Page 4-40

Structure (SS)

- SS-01..... Page 4-42

Temporary Use (TU)

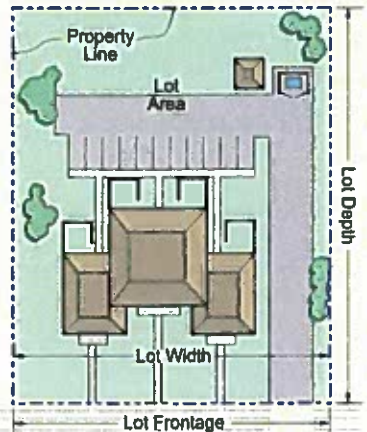
- TU-01..... Page 4-45
- TU-03..... Page 4-46

Vision Clearance (VC)

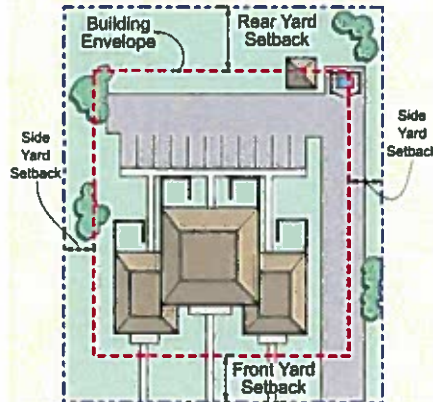
- VC-01..... Page 4-50

R6 District

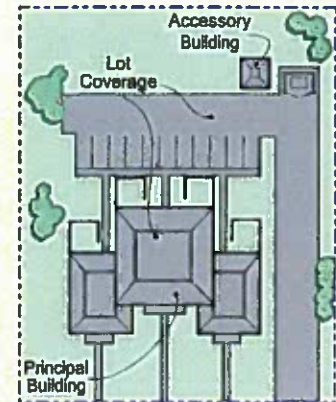
2.16 R6 (Multiple-Family Residential) District Development Standards



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Minimum Lot Area Per Unit:

- 1,375 sq ft (one bedroom)
- 1,750 sq ft (two bedroom)
- 2,250 sq ft (three or more bedrooms)

Minimum Open Space:

- n/a

Maximum Lot Coverage:

- n/a

Minimum Front Yard Setback:

- 25 feet

Minimum Rear Yard Setback:

- 30 feet

Minimum Combined Front and Rear Setback:

- n/a

Minimum Side Yard Setback:

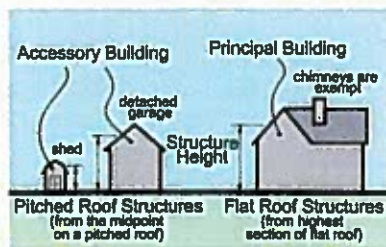
- 9 feet or 10% of total lot width whichever is larger for one side yard
- 14 feet or 25% of total lot width whichever is larger for both side yards
- 10 feet for one side yard when lot width is >100 feet
- 25 feet for both side yards when lot width is >100 feet
- no side yard shall be less than 5 feet

Minimum Floor Area Per Unit:

- 600 sq ft (one bedroom)
- 800 sq ft (two bedroom)
- 1,000 sq ft (three or more bedrooms)

Maximum Total Floor Area:

- n/a



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Maximum Building Height:

- 40 feet
- 3 stories

Additional Development Standards that Apply

Accessory Structure (AS)

- AS-01 Page 4-3
- AS-02 Page 4-3
- AS-03 Page 4-4

Essential Services (ES)

- ES-01 Page 4-7

Fences (FN)

- FN-01 Page 4-8
- FN-02 Page 4-8

Floodplain (FP)

- FP-01 Page 4-9
- FP-03 Page 4-11

Height (HT)

- HT-01 Page 4-12
- HT-02 Page 4-12

Landscaping (LA)

- LA-01 Page 4-14

Lighting (LT)

- LT-01 Page 4-18
- LT-02 Page 4-21

Loading (LD)

- LD-01 Page 4-22

Lot (LO)

- LO-01 Page 4-24

Open Space (OS)

- OS-01 Page 4-25
- OS-03 Page 4-26

Parking (PK)

- PK-01 Page 4-30
- PK-02 Page 4-32
- PK-03 Page 4-32

Screening (SC)

- SC-01 Page 4-36

Setback (SB)

- SB-01 Page 4-39
- SB-02 Page 4-39

Storage and Display (SD)

- SD-01 Page 4-40

Structure (SS)

- SS-01 Page 4-42

Temporary Use (TU)

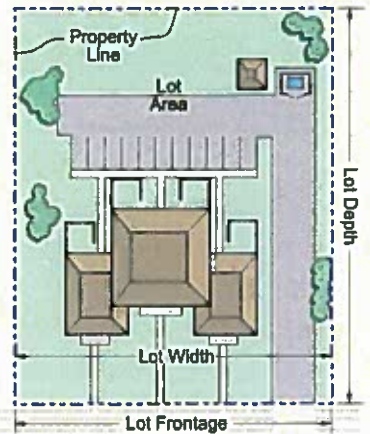
- TU-01 Page 4-45
- TU-03 Page 4-46

Vision Clearance (VC)

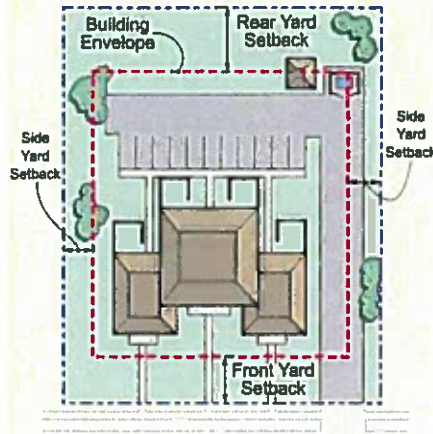
- VC-01 Page 4-50

R7 District

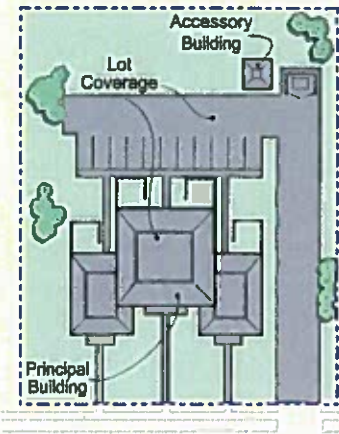
2.18 R7 (Multiple-Family Residential) District Development Standards



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Minimum Lot Area Per Unit:

- 1,280 sq ft

Minimum Open Space:

- n/a

Maximum Lot Coverage:

- n/a

Minimum Front Yard Setback:

- average setback of residential buildings within 200 feet, otherwise 25 feet

Minimum Rear Yard Setback:

- 30 feet

Minimum Combined Front and Rear Setback:

- n/a

Minimum Side Yard Setback:

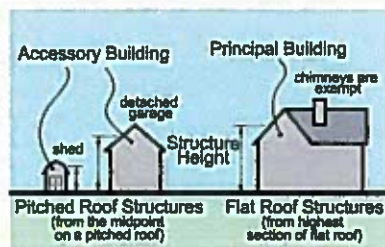
- 1/2 the building height per side yard

Minimum Floor Area Per Unit:

- 500 sq ft (efficiency or one bedroom)
- 700 sq ft (two bedroom)
- 900 sq ft (three or more bedrooms)

Maximum Total Floor Area:

- n/a



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Maximum Building Height:

- 50 feet
- 4 stories

Additional Development Standards that Apply

Accessory Structure (AS)

- AS-01..... Page 4-3
- AS-02..... Page 4-3
- AS-03..... Page 4-4

Essential Services (ES)

- ES-01..... Page 4-7

Fences (FN)

- FN-01..... Page 4-8
- FN-02..... Page 4-8

Floodplain (FP)

- FP-01..... Page 4-9
- FP-03..... Page 4-11

Height (HT)

- HT-01..... Page 4-12
- HT-02..... Page 4-12

Landscaping (LA)

- LA-01..... Page 4-14

Lighting (LT)

- LT-01..... Page 4-18
- LT-02..... Page 4-21

Loading (LD)

- LD-01..... Page 4-22

Lot (LO)

- LO-01..... Page 4-24
- LO-02..... Page 4-24

Open Space (OS)

- OS-01..... Page 4-25
- OS-04..... Page 4-26

Parking (PK)

- PK-01..... Page 4-30
- PK-02..... Page 4-32
- PK-03..... Page 4-32

Screening (SC)

- SC-01..... Page 4-36
- SC-02..... Page 4-38

Setback (SB)

- SB-01..... Page 4-39
- SB-02..... Page 4-39

Storage and Display (SD)

- SD-01..... Page 4-40

Structure (SS)

- SS-01..... Page 4-42

Temporary Use (TU)

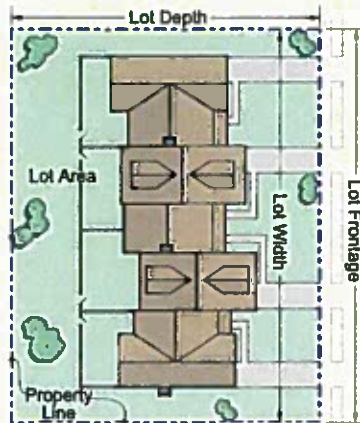
- TU-01..... Page 4-45
- TU-03..... Page 4-46

Vision Clearance (VC)

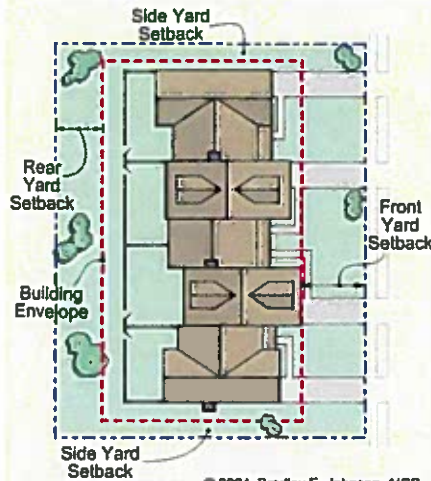
- VC-01..... Page 4-50

R8 District

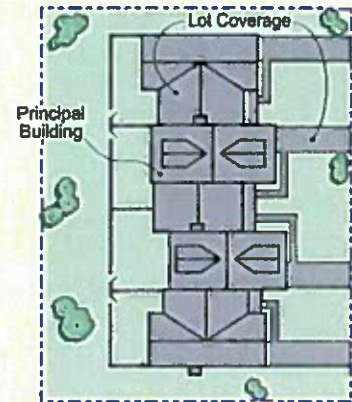
2.20 R8 (Attached Single-Family Residential) District Development Standards



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Minimum Lot Area Per Unit:

- 3,000 sq ft

Minimum Open Space:

- n/a

Maximum Lot Coverage:

- n/a

Minimum Front Yard Setback:

- average setback of residential buildings within 200 feet, otherwise 25 feet

Minimum Rear Yard Setback:

- 20 feet

Minimum Combined Front and Rear Setback:

- n/a

Minimum Side Yard Setback:

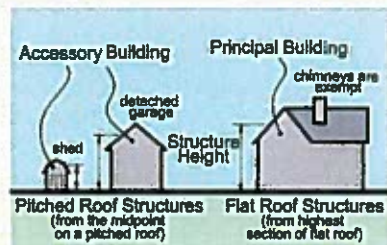
- 7 feet for interior lots
- 10 feet for corner lots
- 14 feet or 25% of total lot width whichever is larger, between principal residential buildings on adjacent lots

Minimum Floor Area Per Unit:

- 900 sq ft

Maximum Total Floor Area:

- n/a



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Maximum Building Height:

- 30 feet
- 2.5 stories

Additional Development Standards that Apply

Accessory Structure (AS)

- AS-01 Page 4-3
- AS-02 Page 4-3
- AS-03 Page 4-4
- AS-04 Page 4-4

Essential Services (ES)

- ES-01 Page 4-7

Fences (FN)

- FN-01 Page 4-8
- FN-02 Page 4-8

Floodplain (FP)

- FP-01 Page 4-9
- FP-03 Page 4-11

Height (HT)

- HT-01 Page 4-12
- HT-02 Page 4-12

Landscaping (LA)

- LA-01 Page 4-14

Lighting (LT)

- LT-01 Page 4-18
- LT-02 Page 4-21

Loading (LD)

- LD-01 Page 4-22

Lot (LO)

- LO-01 Page 4-24
- LO-03 Page 4-24

Open Space (OS)

- OS-01 Page 4-25
- OS-05 Page 4-26

Parking (PK)

- PK-01 Page 4-30
- PK-02 Page 4-32
- PK-03 Page 4-32
- PK-04 Page 4-32

Screening (SC)

- SC-01 Page 4-36
- SC-03 Page 4-38

Setback (SB)

- SB-01 Page 4-39
- SB-02 Page 4-39
- SB-03 Page 4-39

Storage and Display (SD)

- SD-01 Page 4-40

Structure (SS)

- SS-01 Page 4-42

Temporary Use (TU)

- TU-01 Page 4-45
- TU-03 Page 4-46

Vision Clearance (VC)

- VC-01 Page 4-50

Definitions

Hotel: A building containing apartments, each composed of bedroom, bathroom and closet space but without cooking facilities with the apartment units, with the exception of the units occupied by the management staff, being used only for the accommodation of transients and no cooking being permitted therein (see Motel).

IESNA: Illuminating Engineering Society of North America, a non-profit professional organization of lighting specialists that has established recommended design standards for various lighting applications.

Illuminance: The quantity of light measured or calculated at a point or series of points.

Impervious Surface: Any material which prevents the infiltration of surface water, such as concrete, blacktop, asphalt, brick, stone or a similar material, but excluding sidewalks 3 feet or less in width.

Independent Senior Living: A living arrangement in which elderly or senior adults over the age of 55 live in individual dwelling units, and may receive hospitality services as a benefit of lease or purchase of the dwelling unit. Independent senior living does not include the receipt of custodial or medical services to occupants as a benefit of lease or purchase of the dwelling unit.

Interior Planting Area: Any area containing natural materials and live plantings that extends into, or is within a parking area.

Lamp: The component of the luminaire that produces the actual light including luminous tube lighting.

Landscape Lighting: Lighting which accentuates and enhances ornamental landscape features and plant materials.

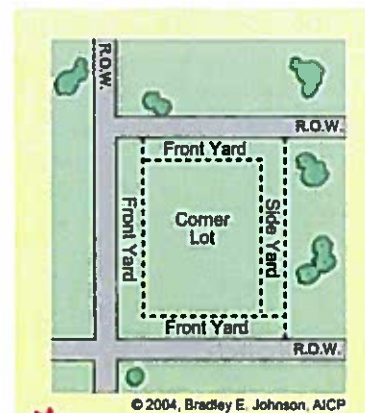
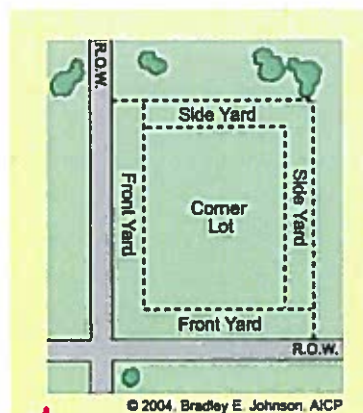
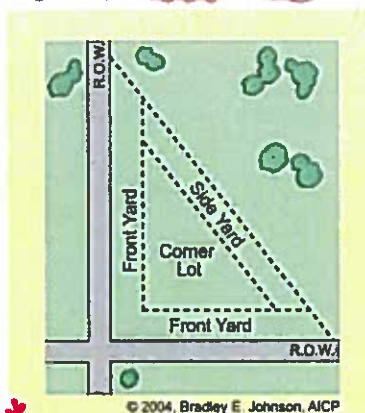
Light Nuisance: Detrimental illuminance within the visual field, that is sufficiently greater than the illuminance to which the eyes are adapted that causes annoyance, discomfort, and is otherwise distressful to surrounding property occupants.

Light Trespass: Light that crosses any property line at a level that exceeds those set forth in the Birmingham city ordinance.

Live/Work Unit: A combined live/work space or an integrated living unit and working space with an internal connection between the living unit and working space, occupied and utilized by a single family, in a commercial or mixed use zoning district.

Lot: A lot of record or parcel of land including, in addition to the land required to meet the regulations of this chapter, all of the land area shown in a request for a Certificate of Occupancy and use or Zoning Ordinance Compliance Permit, occupied or intended to be occupied by a principal and accessory building or use (see Lot of record).

Lot, Corner: A lot where the corner interior angle at the intersection of 2 streets is less than 135 degrees. A lot abutting a curved street or streets shall be considered a corner lot for the purpose of the Zoning Ordinance if tangents to the curve at the 2 points where the lot lines meet the curve form an interior angle of less than 135 degrees (see Street and Lot).



Lot Coverage, Percent: The area of a lot that is covered by buildings and structures divided by the total lot area, excluding those items listed in 4.30(C), Projections into Required Open Spaces.

AGENDA

Action Items 2014-2015					
	Topic	Study Session	Public Hearing	Status	Notes
1	S. Woodward Avenue Gateway Plan (Woodward Corridor Lincoln to 14 Mile Road)(To be done in conjunction with number 7 on this list)	2/27/08 9/24/08 10/20/08 (PB/CC) 2/10/09 (LRP) 10/17/2011 (Joint with CC) 1/22/2012 (LRP)		In Progress	Develop Gateway Plan Woodward/Lincoln intersection improvements for 2012 Study current impediments to redevelopment along this corridor (parking) LSL/Hamilton Anderson contracted to lead master plan process Subcommittee formed to guide master plan process in 2013 - Charette held in May of 2013 Draft plan expected from LSL early in 2014
2	Zoning Transition Overlay	2/27/2013		In Progress	Directed by CC to review and make recommendations for appropriate zoning - LSL Planning was contracted to develop a subarea plan - Incorporated into Transition zoning overlay
4	Review Regulated Uses	8/22/2012	5/20/13(CC)	Completed	Directed by CC to review regulated uses and make recommendation for any possible changes

	Topic	Study Session	Public Hearing	Status	Notes
6	Prepare and/or recommend a proposal for consideration by the City Commission to undertake a new comprehensive master plan for the City of Birmingham	10/28/2013		On Hold	Mentioned at LRP (1/21/2012) - Discussed at LRP 2013 Discussed in conjunction with a review of the 2016 Plan
9	Triangle District Implementation (Parking, Streetscape, Road Improvements, Corridor Improvement Authority, Branding)	9/12/2007 11/14/2007 1/23/2008 2/27/08 3/12/08 6/9/08 (CC) 7/7/08 (CC) 7/14/08 8/25/08 (CC) 9/8/08 (CC) 9/10/08 10/13/08 (CC) 12/15/08 (CC) 1/14/09 1/20/09 (CIA) 2/10/09 (LRP) 7/8/096/2/09(CIA) 9/22/09(CIA) 1/23/10(LRP) 8/22/2011 (CC)	8/25/08 (CC-CIA)	On Going	Met with MDOT to discuss improvements Selected streetscape elements Formed CIA to address need for public parking in Triangle District Need to determine future plan for the east side of Adams LSL hired to study potential parking lot locations

	Topic	Study Session	Public Hearing	Status	Notes
10	Rail District Implementation (Public Spaces, Eton St. crossings, Cole St. sidewalks)	3/12/08 6/11/08 1/14/08 3/12/08 1/14/09 2/10/09 (LRP) 2/23/09 (CC) 2/25/09 5/11/2011 8/22/2011 (CC)	9/14/09 (CC – Cole Street Sidewalks) 12/20/2010 (Phase I Cole St. CC) 1/10/2011 (Cole St. Sidewalks CC)	On Going	Formed Rail District Sub-committee to address area needs Created logo w/input from Rail District committee Streetscape Standards Selected Phase I of Sidewalk Plan implemented (Eton) Phase II of Sidewalk Plan implemented (Cole and Lincoln) Cole St. sidewalks - Phase I
12	Consider outdoor storage and display	4/10/13 4/24/13 8/28/13		On Going	Develop standards for Outdoor storage
13	Review fence standards in all districts				
14	Consider looking at principal uses allowed and add flexibility("and other similar uses")				
15	Review parking standards throughout town				
17	Sustainable Urbanism – Green building standards, impervious surface, solar and wind ordinances, deconstruction, geothermal, native plants, low impact development etc.	2/09/2005 7/11/2007 8/08/2007 9/12/2007 1/9/2008 9/10/08 1/14/09 1/28/09 2/10/09 (LRP) 5/13/09 8/12/09 11/11/09 1/23/10 (LRP) 5/12/2010 6/9/10	2/25/09 (PB - Solar) 1/13/10 (PB-Wind) 2/10/10 (PB-Wind) 6/14/2010 (CC-Wind)	Solar ordinance completed; Wind ordinance completed	Incentive option in Triangle District Guest speakers in LEED Certification, Pervious Concrete, LED Lighting, Wind Power, Deconstruction Sustainability website & Awards Native plant brochure
18	2016 Implementation: min eave height downtown, parking space striping, entrance on frontage line conflicts with Code	2/9/05 4/13/2005 6/08/2005 7/13/2005 8/8/2007 9/12/2007 10/10/2007 2/10/09(LRP) 1/23/10(LRP) 5/12/2010 6/21/10	1/11/2010 (CC)	Minimum Eave Height to Public Hearing 8/22/2005 Mandatory Downtown Overlay completed	Lower priority on Action List; part of 2016 Plan

	Topic	Study Session	Public Hearing	Status	Notes
19	Alleys and Passages (Pedestrian & Aesthetic Improvements & Wayfinding); Vendors	8/8/07 9/12/07 10/10/07 8/13/08 4/8/09 1/23/10 (LRP) 4/14/2010 (PB) 1/22/2011 (LRP) 2/9/2011 (PB) 9/21/2011 9/21/11 2/8/12		Completed	Conceptual Plans Developed Studied conditions of existing alleys and passageways in City Sub-committee created March 2009 - Ordinance Amendment adopted 11.12.2012
20	Noise Ordinance Review	1/13/2010 (PB)			Discussed during Broadcast media device study
21	Wayfinding			On Hold	Implement way finding plan
22	Potential residential zoning changes: max. front setback, hot tub proximity, R-8 side setbacks, MF & MX garage doors, garage house standards			No Action Taken	
23	Miscellaneous:				
	(a) Consider altering the definition of impervious surface to include ribbon driveways			No Action Taken	
	(b) Consider adding architectural standards for single family residential structures (including side wall articulation)			No Action Taken	

Action Items 2011-2012

	Topic	Study Session	Public Hearing	Status	Notes
1	Annual Review of Need (Catering, Liquor Licensing, Bistro)	5/10/2006 6/14/2006 10/11/2006 12/13/2006 1/10/2007 2/14/2007 6/13/2007 12/21/09 (CC) 1/13/10 (PB) 1/27/10 (PB) 2/10/10 (PB)	3/14/2007 (PB) 4/16/2007 (CC)	Ongoing	
2	Complete Streets:Identify gaps in pedestrian network; create implementation plan for CS process, create more comfortable ped/bike conditions along targeted thoroughfares; accessibility; crosswalks,M1 Crossings	10/13/2010 (PB) 1/23/2011 (LRP)		In Progress	
3	O1 and O2 Zoning Amendments (Clarify mixed use is permitted & ID dev standards for mixed use)	2/25/08 (CC) 3/12/08 6/11/08 9/8/08 (CC) 7/8/09 8/12/09 9/9/09 10/14/09 4/14/2010 5/12/2010 6/9/10	2/13/08 (PB) 8/13/08 (PB) 10/20/08 (CC) 4/8/09 (PB) 6/14/2010 (CC)	On Going	City Commission directed Planning Board to inventory all O1 and O2 properties and reconsider Survey of O1/O2 properties Sub-committee created May 2010
4	Consider outdoor storage and display				
5	Change ordinance to require submittal of floor plans with application				

6	Consider looking at principal uses allowed and add flexibility("and other similar uses")				
6	Review fence standards in all districts				
7	Re-examine a workable model for higher buildings especially on Woodward Ave.				
8	Review parking standards throughout town				
9	Transit Center District & Joint Planning with Troy	9/10/08 9/22/08 (JWT) 10/29/08 (JWT) 12/2/08 (JWT) 12/15/08 (CC) 1/14/09 2/10/09 (LRP) 2/23/09 (CC) 2/25/09 4/16/09 (JWT) 7/14/09 (JWT) 8/26/09 (JWT) 1/27/10(JWT) 4/24/2010 (PB) 6/23/10 (PB) 7/14/2010 (PB/CC) 7/14/2010 (JWT) 9/8/2010 (JWT)		In Progress	Design and Funding of Transit Center Hired Clark Hill to assist with funding Joint planning with Troy Charrette held June 2009 Creation of Transit Center District HRC hired to complete construction drawings Funding awarded \$1.3 million federal funding \$8.5 million grant award
10	Alleys and Passages (Pedestrian & Aesthetic Improvements & Wayfinding); Vendors	8/8/07 9/12/07 10/10/07 8/13/08 4/8/09 1/23/10 (LRP) 4/14/2010 (PB)		In Progress	Studied conditions of existing alleys and passageways in City Approval of outdoor café in passageway Sub-committee created March 2009

11	Woodward Avenue (Lincoln to 14 Mile Road)	2/27/08 9/24/08 10/20/08 (PB/CC) 2/10/09 (LRP)		In Progress	Study current impediments to redevelopment along this corridor (parking) Streetscape Elements Planning directed by CC to prepare maintenance ordinance for MDOT ROW
12	Sustainable Urbanism – Green building standards, impervious surface, solar and wind ordinances, deconstruction, geothermal, native plants, low impact development etc.	2/09/2005 7/11/2007 8/08/2007 9/12/2007 1/9/2008 9/10/08 1/14/09 1/28/09 2/10/09 (LRP) 5/13/09 8/12/09 11/11/09 1/23/10 (LRP) 5/12/2010 6/9/10	2/25/09 (PB - Solar) 1/13/10 (PB-Wind) 2/10/10 (PB-Wind) 6/14/2010 (CC-Wind)	Solar ordinance completed; Wind ordinance completed	Incentive option in Triangle District Guest speakers in LEED Certification, Pervious Concrete, LED Lighting, Wind Power, Deconstruction Sustainability website & Awards Native plant brochure
13	Triangle District Implementation (Parking, Streetscape, Road Improvements, Adams Square, Corridor Improvement Authority, Branding)	9/12/2007 11/14/2007 1/23/2008 2/27/08 3/12/08 6/9/08 (CC) 7/7/08 (CC) 7/14/08 8/25/08 (CC) 9/8/08 (CC) 9/10/08 10/13/08 (CC) 12/15/08 (CC) 1/14/09 1/20/09 (CIA) 2/10/09 (LRP) 7/8/096/2/09(CIA) 9/22/09(CIA) 1/23/10(LRP)	8/25/08 (CC-CIA)	On Going	Met with MDOT to discuss improvements Selected streetscape elements Formed CIA to address need for public parking in Triangle District Need to determine future plan for the east side of Adams LSL hired to study potential parking lot locations
14	2016 Implementation: min eave height downtown, parking space striping, entrance on frontage line conflicts with Code, mandatory Overlay	2/9/05 4/13/2005 6/08/2005 7/13/2005 8/8/2007 9/12/2007 10/10/2007 2/10/09(LRP) 1/23/10(LRP) 5/12/2010 6/21/10	1/11/2010 (CC)	Minimum Eave Height to Public Hearing 8/22/2005 Mandatory Downtown Overlay completed	Lower priority on Action List; part of 2016 Plan

15	Rail District Implementation (Public Spaces)	3/12/08 6/11/08 1/14/08 3/12/08 1/14/09 2/10/09 (LRP) 2/23/09 (CC) 2/25/09	9/14/09 (CC – Cole Street Sidewalks) 12/20/2010 (Phase I Cole St. - CC)	On Going	Formed Rail District Sub-committee to address needs of area Created logo w/input from Rail District committee Streetscape Standards Selected Phase I of Sidewalk Plan implemented (Eton St.) Phase II of Sidewalk Plan implemented (Cole St. and Lincoln St.) Cole St. sidewalks - Phase I
16	Noise Ordinance Review	1/13/2010 (PB)			Discussed during Broadcast media device study
17	Wayfinding			On Hold	Implement way finding plan
18	Potential residential zoning changes: max. front setback, hot tub proximity, R-8 side setbacks, MF & MX garage doors, garage house standards			No Action Taken	
19	Prepare and/or recommend a proposal for consideration by the City Commission to undertake a new comprehensive master plan for the City of Birmingham			On Hold	

20	Miscellaneous: (a) Consider altering the definition of impervious surface to include ribbon driveways (b) Consider adding architectural standards for single family residential structures (including side wall articulation)			No Action Taken No Action Taken	
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Completed Action Items 2010-2011

	Topic	Study Session	Public Hearing	Status	Notes
1	Liquor Licensing –Economic Development Option	5/10/2006 6/14/2006 10/11/2006 12/13/2006 1/10/2007 2/14/2007 6/13/2007 12/21/09 (CC) 1/13/10 (PB) 1/27/10 (PB) 2/10/10 (PB) 2/24/2010 (PB) 4/14/2010 (PB)	3/14/2007 (PB) 4/16/2007 (CC) 3/24/2010 (PB) 5/10/2010 (CC)	Completed	Approved by City Commission on 5/10/2010
2	Aging in Place: Senior Living Options	5/13/09 7/8/09 9/9/09 10/14/09 11/11/09 12/9/09 1/23/10 (LRP) 3/10/2010 (PB)	3/10/2010 (CC)	Completed	Approved by City Commission on 5/10/2010
3	Bistros in MX	8/11/2010 6/14/2010 (CC-PB) 7/14/2010 (PB)	9/8/2010 (PB)	Completed	Approved by City Commission on 10/11/2011

4	Wind Ordinance	2/09/2005 7/11/2007 8/08/2007 9/12/2007 1/9/2008 9/10/08 1/14/09 1/28/09 2/10/09 (LRP) 5/13/09 8/12/09 11/11/09 1/23/10 (LRP)	2/25/09 (PB - Solar) 1/13/10 (PB-Wind) 2/10/10 (PB-Wind) 3/10/2010 (PB-Wind) 4/18/2010 (PB-Wind) 6/14/2010 (CC-Wind)	Completed	Approved by City Commission on 6/14/2011 (Wind)
5	Triangle District Implementation (Parking, Streetscape, Branding)	9/12/2007 11/14/2007 1/23/2008 2/27/08 3/12/08 6/9/08 (CC) 7/7/08 (CC) 7/14/08 8/25/08 (CC) 9/8/08 (CC) 9/10/08 10/13/08 (CC) 12/15/08 (CC) 1/14/09 1/20/09 (CIA) 2/10/09 (LRP) 7/8/096/2/09(CIA) 9/22/09(CIA) 1/23/10(LRP)	8/25/08 (CC-CIA)	Completed	
6	Rail District Implementation (Sidewalk Plan – Phase II , Streetscape, Branding)	3/12/08 6/11/08 1/14/08 3/12/08 1/14/09 2/10/09 (LRP) 2/23/09 (CC) 2/25/09 10/19/2010 (Sidewalk Plan)	9/14/09 (CC – Cole Street Sidewalks) 12/10/2010 (CC - Cole St. sidewalks Phase I)	Completed	Approved by City Commission on 4/20/2009 (Streetscape)10/25/10 Approved by City Commission on (Sidewalk Plan)
7	Assess Ring Road system	6/08/2005 9/27/2006 12/13/2006 2/28/2007 1/9/2008 5/13/09 7/8/09 1/23/10(LRP)		Completed	Discussed during Hilton Hotel Site Plan & LaSalle Bank Site Plan Reviewed Willits / Chester intersection Removed signage

8	Draft a lighting standards ordinance to create and address site lighting within the City	2003 3/10/2004 4/14/2004 3/09/2005 4/13/2005 5/11/2005 6/08/2005 7/13/2005 8/10/2005 11/9/2005 7/12/2006 4/11/2007 5/9/2007 6/13/2007 11/14/2007 1/9/2008 2/25/08(CC) 11/11/09(PB)	12/14/05 (PB) 8/6/2007 (CC) 9/24/2007 (CC) 2/13/08 (PB) 3/17/08(CC) 1/13/10(PB) 2/22/10(CC)	Completed	Approved Joint review of proposed ordinance by PB and DRB City Commission approved new lighting ordinance Lighting amendment proposed for variation ratio.
9	Update of Zoning Map	10/10/2007 11/14/2007 1/28/08 (CC) 2/25/08 (CC) 3/12/08 6/9/08 (CC)	12/12/07 (PB) 2/13/08 (PB) 4/9/08 (PB) 5/14/08 (PB) 7/14/08 (CC)	Completed	Approved Worked jointly with GIS Division Updated overlay districts, corrected inconsistencies between official maps - now one official Zoning Map with Downtown and Triangle Overlays
10	Sign Standards in the Overlay	4/8/2009	2/13/08 (PB) 8/13/08 (PB) 12/10/08 (PB) 2/23/09 (CC)	Completed	City Commission approved 2/23/09
11	Strengthening Retail – Phase 1 (First floor retail and vacant spaces) & Phase 2 (Lower levels and second floor space & City Demographics)	3/1/2007 (PSD)		Completed	Worked jointly with the Principal Shopping District and GIS Division Won an IMAGIN award for Phase 1 of Market Analysis Mapping
12	Mandatory Downtown Overlay	7/8/09 8/12/09 9/9/09 11/11/09	10/14/09 12/9/09	Completed	
13	Review of Historic Districts in SLUPs	4/8/2009	8/13/08 (PB) 12/10/08 (PB) 2/23/09 (CC)	Completed	City Commission approved 2/23/09

14	Solar ordinance amendment	1/14/09(PB)	2/25/09(PB) 3/23/09(CC)	Completed	City Commission approved 3/23/09
15	Triangle streetscape & Logo	2/27/08(PB) 3/12/08(PB) 5/1/08 (JWPSD) 5/19/08 (CC) 6/16/08(JWCC)		Completed	Approved by the City Commission 9/08/08
16	Rail District streetscape & Logo	2/25/09(PB)		Completed	

	TOPIC	STUDY SESSION	PUBLIC HEARING	STATUS	NOTES
1	D5 Overlay District	5/13/2015, 6/10/2015, 7/08/2015, 9/09/2015, 9/30/2015		In Progress	Consideration of a new D5 overlay zone requested by the owners of the 555 Building.
2	Zoning Transition Overlay	2/27/13, 4/10/13 4/24/13, 5/8/13 5/22/13, 6/12/13 7/24/13, 8/28/13 9/11/13, 11/13/13 1/8/14, 3/12/14 10/8/14, 2/25/15 4/08/15, 5/15/15	10/9/13 2/26/14 4/9/14 4/23/14 6/24/15 PB 08/24/15 CC	In Progress	CC approved rezoning of parcels to the TZ1 and TZ3 zoning classification on 8.24.15. TZ2 sent back to the Planning Board for further study of permitted uses.
3	Consider outdoor storage and display standards	4/10/13 4/24/13 6/12/13 8/14/13 8/28/13 1/22/14		In Progress	Develop standards for Outdoor storage and displays
4	Glazing Standards	8/28/2013, 3/11/2015, 4/22/2015, 10/14/2015	9/11/13, 9/25/13, 1/27/14, 11/11/2015 PB, 11/23/15 CC	In Progress	CC approved changes to the Triangle Overlay and Article 04 of the Z. O. on 11.23.15 to be consistent with the DB Overlay by measuring Glazing between 1 and 8 feet above grade. Further changes to be considered at future study sessions.
5	Ordinance adjustments and corrections			On Going	Review current Zoning Ordinance for inconsistencies.
6	Consider looking at principal uses allowed and add flexibility("and other similar uses")				
7	Comprehensive Master Plan				Discussed at the long range planning meeting.
8	Potential residential zoning changes: MF & MX garage doors, garage house standards, dormers	1/22/2014, 11/14/14, 1/28/15, 2/11/15	3/11/2015	In Progress	Ordinance Amendment recommended for approval to City Commission at PH
9	Dormer regulations in SF zones				Requested by the Building Official
10	Implement Alleys and Passages (Pedestrian & Aesthetic Improvements & Wayfinding); Vendors	8/8/07 9/12/07 10/10/07 8/13/08 4/8/09 1/23/10 (LRP) 4/14/2010 (PB) 1/22/2011 (LRP) 2/9/2011 (PB) 9/21/2011 9/21/11 2/8/12 1/22/14 2/1/14 (LRP)		On Going	Completed

11	Triangle District Implementation (Parking, Streetscape, Road Improvements, Corridor Improvement Authority, Branding)	9/12/2007 11/14/2007 1/23/2008 2/27/08 3/12/08 6/9/08 (CC) 7/7/08 (CC) 7/14/08 8/25/08 (CC) 9/8/08 (CC) 9/10/08 10/13/08 (CC) 12/15/08 (CC) 1/14/09 1/20/09 (CIA) 2/10/09 (LRP) 7/8/09 6/2/09(CIA) 9/22/09(CIA) 1/23/10(LRP) 4/20/10 (CIA) 8/22/2011 (CC) 11/15/11 (CIA) 1/23/14 (CIA)	8/25/08 (CC-CIA) 1/22/15(CIA) 3/16/15 (CC)	On Going	Met with MDOT to discuss improvements Selected streetscape elements Formed CIA to address need for public parking in Triangle District Need to determine future plan for the east side of Adams LSL hired to study potential parking lot locations PH on Dev. & TIF plan 1/22/15 @ CIA & 3/16/15 @ CC
12	S. Woodward Avenue Gateway Plan (Woodward Corridor Lincoln to 14 Mile Road)	2/27/08 9/24/08 10/20/08 (PB/CC) 2/10/09 (LRP) 10/17/2011 (Joint with CC) 1/22/2012 (LRP) 4/24/13 5/8/13		In Progress	LSL/Hamilton Anderson contracted to lead master plan process - Subcommittee formed to guide master plan process in 2013 - Charette held in May of 2013 Draft plan received from LSL early in 2014 - Project postponed in summer of 2014 due to staff shortage and pending projects
13	Sustainable Urbanism – Green building standards, impervious surface, solar and wind ordinances, deconstruction, geothermal, native plants, low impact development etc.	2/09/2005 7/11/2007 8/08/2007 9/12/2007 1/9/2008 9/10/08 1/14/09 1/28/09 2/10/09 (LRP) 5/13/09 8/12/09 11/11/09 1/23/10 (LRP) 5/12/2010 6/9/10	2/25/09 (PB - Solar) 1/13/10 (PB-Wind) 2/10/10 (PB-Wind) 6/14/2010 (CC-Wind)	Solar ordinance completed; Wind ordinance completed	Incentive option in Triangle District Guest speakers in LEED Certification, Pervious Concrete, LED Lighting, Wind Power, Deconstruction Sustainability website & Awards Native plant brochure
14	Regional Planning Projects	6/12/13 10/9/13 11/13/13 2/1/14 (LRP)		Ongoing	Woodward Complete Streets and Woodward Alternatives Analysis
15	Wayfinding			On Hold	Implement way finding plan
16	Medical Marijuana	2/25/2015		On Hold	



MEMORANDUM

Planning Division

DATE: January 22, 2016
TO: Planning Board
FROM: Matthew Baka, Senior Planner
SUBJECT: Outdoor Display and Storage

In 2013, the Planning Board added the issue of outdoor sales and storage to the annual Action List. To commence the study of outdoor display, sales and storage, a review of the current ordinance regulations was conducted in April of 2013. The chart below summarizes the zone districts that specifically permit outdoor display, sales and/or storage and indicate if there are any standards or regulations related to these uses.

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

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

Thus, the Planning Department has provided definitions for the Planning Board to consider for the terms outdoor display and/or outdoor sales and outdoor storage. Once the definitions of each have been clarified, ordinance amendments should clearly state in which zone districts each, all or none of these uses are permitted, and clear standards for such uses should be considered.

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

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

On August 28, 2013, the Planning Board reviewed the updated draft ordinance language which included several revisions from the previous discussions. The changes that were made from the previous draft are as follows:

1. The general 20% of the interior square footage limit on the outdoor display area was eliminated in favor of allowing the limited use of parking spaces instead. This would allow the business owners to provide unlimited display on private property with the exception of the parking area.
2. The parking lot displays would not be counted against the parking requirement as currently drafted.
3. Display furniture material standards similar to those for outdoor dining have also been added.
4. The outdoor storage section was revised to prohibit outdoor storage in the front open space, and to only allow long term storage such as ice machines and propane on the side or rear of buildings.

The attached draft ordinance language in this memo was originally presented at the January 22, 2014 Planning Board meeting. It was drafted to reflect the comments listed above. Other factors the Planning Board may wish to consider are whether outdoor storage and/or display should be permitted in the O1, B1, or B3 zones. As currently drafted, neither activity is permitted in those zones. Also included with this report for reference are examples of ordinance language from two other communities that regulate outdoor storage and displays.

Recommendation

If the Planning Board is satisfied with the draft language contained in this report then the Planning Department recommends that the Board set a public hearing in order to move the ordinance amendments forward to the City Commission.

ORDINANCE NO. _____

THE CITY OF BIRMINGHAM ORDAINS:

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

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

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

Accessory Permitted Uses

- **Outdoor display**

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

Rackline Hoff, Mayor

Laura Pierce, Clerk

ORDINANCE NO. _____

THE CITY OF BIRMINGHAM ORDAINS:

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

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

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

Accessory Permitted Uses

- Outdoor display of ~~goods~~
- ~~Outdoor sales~~
- Outdoor storage

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

Rackline Hoff, Mayor

Laura Pierce, Clerk

ORDINANCE NO. _____

THE CITY OF BIRMINGHAM ORDAINS:

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

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

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

Accessory Permitted Uses

- Outdoor display of goods
- ~~Outdoor sales~~
- Outdoor storage

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

Rackline Hoff, Mayor

Laura Pierce, Clerk

ORDINANCE NO. _____

THE CITY OF BIRMINGHAM ORDAINS:

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

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

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

Accessory Permitted Uses

- Outdoor display of ~~goods~~
- Outdoor sales
- Outdoor storage

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

Rackline Hoff, Mayor

Laura Pierce, Clerk

ORDINANCE NO. _____

THE CITY OF BIRMINGHAM ORDAINS:

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

TO AMEND SECTION 2.31, B4 (BUSINESS RESIDENTIAL) DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES TO AMEND THE ACCESSORY PERMITTED USES.

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

Accessory Permitted Uses

- Outdoor display of ~~goods~~
- Outdoor ~~sales~~

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

Rackline Hoff, Mayor

Laura Pierce, Clerk

ORDINANCE NO. _____

THE CITY OF BIRMINGHAM ORDAINS:

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

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

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

Accessory Permitted Uses

- ~~Outdoor sales or display of goods~~
- **Outdoor storage**

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

Rackline Hoff, Mayor

Laura Pierce, Clerk

ORDINANCE NO. _____

THE CITY OF BIRMINGHAM ORDAINS:

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

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

Section 4.12 FN-03

B2 B2B B2C

The following fence standards apply:

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

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

Rackline Hoff, Mayor

Laura Pierce, Clerk

ORDINANCE NO. _____

THE CITY OF BIRMINGHAM ORDAINS:

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

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

Section 4.57

This ~~Structure~~ Screening Standards section applies to the following districts:

O2 B2 B2B B2C B4 MX

A. Unchanged.

B. Screening of Outdoor Storage: All outdoor storage areas shall be fully screened from view on all sides. Screening shall be constructed of wood or masonry materials compatible with the principal building. Wire fences with inserted strips of metal, plastic and similar materials shall not be substituted for the required screening. The screen shall not be less than the maximum height of the product being stored.

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

Rackline Hoff, Mayor

Laura Pierce, Clerk

ORDINANCE NO. _____

THE CITY OF BIRMINGHAM ORDAINS:

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

TO AMEND SECTIONS 4.63 TO 4.65, AND 4.68, STORAGE AND DISPLAY STANDARDS, TO AMEND THE OUTDOOR DISPLAY AND STORAGE STANDARDS IN O1, O2, B2, B2B, B2C, B4 AND MX.

~~Section 4.63 SD-02~~ _____ ~~O1~~

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

~~Section 4.64 SD-03~~ _____ ~~O2~~

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

~~Section 4.65 SD-04~~ _____ ~~B2 B2B B2C MX~~

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

~~Section 4.663 SD-052~~ Unchanged.

~~Section 4.674 SD-063~~ Unchanged.

~~Section 4.68 DD-07~~ _____ ~~B4~~

The following storage and display standards apply:

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

- ~~4. The City Commission shall have the authority to waive any permit fees, requirements, or licenses in those instances where a community function, sponsored by a charitable, civic or community organization, has been approved by the City Commission.~~

Section 4.65 SD-04

This Outdoor Display Standards section applies to the following districts:

O2 B2 B2B B2C B4 MX

- A. Outdoor Display: Outdoor display is permitted in conjunction with a permitted retail use, subject to the following standards:**
- 1. Outdoor displays shall be permitted only as accessory uses on the same lot as a permitted or Special Land Use, and shall not be operated as a separate business;**
 - 2. Outdoor display areas may be located on concrete, asphalt, or paved areas and shall not be located on lawn areas or landscaping areas;**
 - 3. Furniture or shelving used to display goods outside must be made of finished metal or wood or a material of comparable quality and maintained in a good condition;**
 - 4. Where an outdoor display is located on a sidewalk and/or walkway, an unobstructed portion of the sidewalk and/or walkway measuring not less than five feet in width shall be continuously maintained for pedestrian access and no point of access or egress from any building or any individual unit within any building shall be blocked at any time;**
 - 5. Seasonal or temporary outdoor display areas may occupy 3 parking spaces or 20% of the parking lot, whichever is more. Outdoor display areas shall not be located within handicapped-accessible parking spaces or loading areas;**
 - 6. Parking spaces used for seasonal or temporary displays shall not be subtracted from the required parking calculation;**
 - 7. All outdoor display areas must be kept clean, orderly, and maintained;**

8. Temporary outdoor display of goods that are stored indoors every night is permitted for goods that are sold on a regular basis from within the principal building on the same lot, provided that all other requirements of this section are complied with; and
9. Permanent or seasonal outdoor display is permitted for goods that are sold on a regular basis from within the principal building on the same lot, with administrative approval in accordance with Article 7, Section 7.14.

Section 4.66 SD-05

This Outdoor Storage Standards section applies to the following districts:

B2 B2B B2C MX

A. Outdoor Storage: Outdoor storage is permitted with an Outdoor Storage Permit, subject to the following standards:

1. Outdoor storage shall be permitted only as an accessory use on the same lot as a permitted or Special Land Use, and shall not be operated as a separate business;
2. Outdoor storage areas shall be limited to 20 percent of the gross floor area of the primary building or tenant space to which the outdoor storage area is accessory;
3. Outdoor storage shall not be permitted in the front open space of any property
4. Outdoor storage may be located on concrete, asphalt, or paver areas and shall not be located on lawn areas or landscaping areas;
5. Outdoor storage may not be located on public property or in the right-of-way;
6. Outdoor storage may be located within existing parking spaces behind the principal structure only, if there are a sufficient number of other parking spaces available to meet the minimum parking requirements of the use(s) on the property. Outdoor storage areas shall not be located within handicapped-accessible parking spaces or loading areas;

- 7. All outdoor storage must be screened in accordance with Article 4, Section 4.57;**
- 8. All outdoor storage areas must be kept clean, orderly, and maintained;**
- 9. Temporary outdoor storage of goods for periods of no more than 30 consecutive days is permitted with an approved Temporary Use Permit; and**
- 10. Permanent outdoor storage is permitted for goods that are sold on a regular basis from within the principal building on the same lot, with administrative approval in accordance with Article 7, Section 7.14.**

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

Rackline Hoff, Mayor

Laura Pierce, Clerk

ORDINANCE NO. _____

THE CITY OF BIRMINGHAM ORDAINS:

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

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

A – I Unchanged

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

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

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

~~M.~~J. Unchanged.

~~N.~~K. Unchanged.

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

Rackline Hoff, Mayor

Laura Pierce, Clerk

ORDINANCE NO. _____

THE CITY OF BIRMINGHAM ORDAINS:

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

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

A – H Unchanged

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

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

~~K. I.~~ Unchanged

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

Rackline Hoff, Mayor

Laura Pierce, Clerk

ORDINANCE NO. _____

THE CITY OF BIRMINGHAM ORDAINS:

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

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

A – G Unchanged

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

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

~~J.~~**H.** Unchanged

~~K.~~**I.** Unchanged

~~L.~~**J.** Unchanged

~~M.~~**K.** Unchanged

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

Rackline Hoff, Mayor

Laura Pierce, Clerk

ORDINANCE NO. _____

THE CITY OF BIRMINGHAM ORDAINS:

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

TO AMEND ARTICLE 9, SECTION 9.02, DEFINITIONS, TO ADD DEFINITIONS FOR OUTDOOR DISPLAY AND OUTDOOR STORAGE

Article 9, Section 9.02

Outdoor Display– The placement of any item(s) outside a building for decorative display and accessible to the public, in a non-residential zoning district for the purpose of sale, rent, lease or exhibit, excluding outdoor dining.

Outdoor Storage –The placement of any materials outside a building in a non-residential zoning district for storage 24 hours a day that is not decorative in nature. Outside placement includes storage in a structure that is open or not entirely enclosed.

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

Rackline Hoff, Mayor

Laura Pierce, Clerk

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

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

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

Absent: Student Representative Arshon Afrakhteh

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

04-62-13

STUDY SESSION

Outdoor Display and Storage

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

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

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

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

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

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

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

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

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

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

151 Martin Street, Birmingham, Michigan

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

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

Absent: Bert Koseck

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

04-73-13

STUDY SESSION

Outdoor Display and Storage

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

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

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

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

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

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

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

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

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

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

This discussion will be continued at a future meeting.

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

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

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

Absent: Board Member Scott Clein; Student Representative Arshon Afrakhteh

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

08-149-13

STUDY SESSION

Outdoor Display and Storage

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

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

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

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

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

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

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

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

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

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

Absent: Board Member Bert Koseck; Student Representative Arshon Afrakhteh

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

01-18-14

**STUDY SESSION
Outdoor Storage**

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

Chapter 7. General Development Standards | Article 7.5. Outdoor Display and Storage
Sec. 7.5.1. Applicability

Article 7.5. Outdoor Display and Storage

Sec. 7.5.1. Applicability

- A. The requirements of this Article apply to any site where merchandise, material or equipment is stored outside of a completely enclosed building.
- B. Where merchandise, material or equipment is stored outside of a completely enclosed building in an AP District and the storage area lies more than 100 feet from any street right-of-way or property line, the provisions of this Article do not apply.
- C. Where allowed, the outdoor sale, lease or rental of motor vehicles and heavy equipment as part of a properly permitted use are not subject to the provisions of this Article, but must be screened along the street edge by a Type C3 street protective yard as set forth in *Sec. 7.2.4.B.*

Sec. 7.5.2. Outdoor Display

A. Defined

1. Outdoor display is the outdoor display of products actively available for sale. The outdoor placement of propane gas storage racks, ice storage bins, soft drink or similar vending machines is considered outdoor display.
2. Outdoor display does not include merchandise or material in boxes, in crates, on pallets or other kinds of shipping containers (see outdoor storage).

B. Standards

Outdoor display is permitted with any nonresidential use in a RX-, OP-, OX-, NX-, CX-, DX- and CMP district following approval of a site plan illustrating the extent of the permitted area for outdoor display. The area for outdoor display must meet the standards below.

1. Outdoor display must be removed and placed inside a fully-enclosed building at the end of each business day, except propane gas storage racks, ice storage bins, soft drink or similar vending machines may remain outside overnight.
2. Outdoor display is permitted adjacent to the primary facade with the

3. Outdoor display may not impair the ability of pedestrians to use the sidewalk or parking areas.

Sec. 7.5.3. Outdoor Storage

A. Limited Outdoor Storage

1. Defined

Limited outdoor storage includes, but is not limited to:

- a. Overnight outdoor storage of vehicles awaiting repair;
- b. Outdoor storage of merchandise or material in boxes, in crates, on pallets or other kinds of shipping containers;
- c. Outdoor sales area for building supplies, garden supplies or plants;
- d. Outdoor storage of fleet vehicles; and
- e. Outdoor storage of vehicles, boats, recreational vehicles or other similar vehicles at a storage facility.

2. Standards

Limited outdoor storage is permitted in the OP-, OX-, NX-, CX-, DX-, IX-, AP, IH and CMP districts following approval of a site plan illustrating the extent of the permitted area for limited outdoor storage and provided it meets the standards below.

- a. Limited outdoor storage may not be more than 12 feet in height and must be fully screened from view from the public right-of-way, public parking areas and abutting properties by an evergreen living fence that covers at least two-thirds of the surface area of the fence at the time of maturity or by a Type C1 or C2 street protective yard as set forth in *Sec. 7.2.4. B.*
- b. Limited outdoor storage cannot be located in an A or B neighborhood transition zone.
- c. Vehicles awaiting repair may be stored up to 14 days within the screened storage area.

principal customer entrance, but cannot extend more than 8 feet from the facade and occupy no more than 30% of the horizontal length of the facade.

B. General Outdoor Storage

1. Defined

General outdoor storage includes, but is not limited to, the outdoor storage of contractors equipment, lumber, pipe, steel, salvage or recycled materials and other similar merchandise, material or equipment.

2. Standards

General outdoor storage is permitted in the -IH District following review of a site plan illustrating the extent of the permitted area for general outdoor storage and provided it meets the standards below.

- a. All general outdoor storage must be located at least 15 feet from the public right-of-way and must be screened by a Type C1 street protective yard as set forth in *Sec. 7.2.4.B*.
- b. General outdoor storage may be located in the side or rear setback and must be screened by a Type B1 or B2 transitional protective yard as set forth in *Sec. 7.2.4.A*. when abutting a Residential, Mixed Use or Special District.
- c. General outdoor storage cannot be located in an A or B neighborhood transition zone.



CITY OF OCEANSIDE

PLANNING DEPARTMENT

OUTDOOR DISPLAY OF RETAIL MERCHANDISE

March 1997

The City's zoning ordinances have been modified to include standards for outdoor display of retail merchandise. These modification are found in Section 3020A.2 and are excerpted below for your information. These standards and their implementation within the commercial districts of the City will be reviewed by the City Council after a six month period.

Outdoor display of retail merchandise is allowed within Commercial (C), Industrial (I) and Downtown (D) districts if the outdoor display is in conformance with the standards listed below.

If the proposed outdoor display does not meet the standards listed below, the business owner may apply for an Alternate Outdoor Display Permit. This Alternate Outdoor Display Permit requires specific findings to be made and the approval of the Building Director and the Planning Director or Redevelopment Director. An application for the permit may be obtained from the Planning Department or Redevelopment Department.

STANDARDS

- (a) An application is not required if the proposed Outdoor Merchandise Display is consistent with the standards listed below. An application is required for an Alternative Outdoor Display. See (r) below for additional information on processing an Alternative Outdoor Display application.
- (b) The outdoor display area shall not exceed 50% of the building frontage length. If a store fronts on more than one street, only one frontage may be used to display the items. Displayed items shall be identical to items sold within the building onsite. Displays shall be temporary and removed at the end of each business day. Displayed items shall be located within 5 feet of the front building wall.
- (c) Parking lot circulation and required parking spaces shall remain unobstructed at all times. Private sidewalks, courtyards, or entries shall provide a minimum four foot wide pedestrian area clear and unobstructed. Additionally, all fire, building and disabled access requirements shall be met.
- (d) Displayed merchandise shall not impede sight distance requirements.
- (e) Display of merchandise is permitted only by the tenant/owner of an existing business on the site. Display of merchandise on vacant property is prohibited.
- (f) No display of merchandise from cars, trucks, or other vehicles is permitted.
- (g) Signs associated with the display of merchandise are not permitted.
- (h) All displays shall be located within hardscape areas. Displays are not permitted on landscaped or areas not hard-surfaced.

- (i) Displayed merchandise shall not obscure or interfere with any official notice, public safety sign or device.
- (j) All merchandise displayed shall be maintained in a state of order, security, safety and repair. No damaged merchandise shall be displayed.
- (k) No single item taller than 12 feet is permitted. No more than two items may be stacked. Stacking of items above 6 feet is prohibited.
- (l) Items shall not be displayed in bins, boxes or on racks.
- (m) Food and beverage sales are prohibited.
- (n) Lighting of outdoor merchandise displays is prohibited. No electricity shall be utilized by an outdoor merchandise display.
- (o) No noise shall be generated by an outdoor merchandise display.
- (p) The tenant shall maintain the sidewalk and parkway area adjacent to the building in good order and repair and shall keep the area clean.
- (q) Outdoor merchandise displays may be allowed on public property subject to the above standards and the following specific requirements:
 - (1) Display of merchandise within the public right-of-way is permissible only after approval of an encroachment permit issued by the City Engineer.
 - (2) Displayed merchandise shall only be allowed within the four feet of public right-of-way nearest the property line and parallel to the curb in front of the business to which it relates.
 - (3) A minimum four foot wide sidewalk area, clear of any obstructions and in conformance with all fire, building and disabled access requirements, shall be maintained in front of the displayed merchandise.
- (r) Alternatives to the above restrictions may be proposed. Applications for Alternative Outdoor Display shall be submitted on forms provided by the City. The proposed Alternative Outdoor Display is subject to the review and approval of the Building and Planning Director, or Redevelopment Director for alternatives proposed in the Redevelopment Project Area. The alternative shall be renewed at time of business license renewal or issuance. The following findings must be made by the Building and Planning Director, or the Building and Redevelopment Director for projects in the Redevelopment Project Area, to approve the proposed alternative:
 - (1) There is reasonable justification for the alternative proposed.
 - (2) The public health, safety and general welfare are not compromised by the proposed alternative.
 - (3) The alternative is tasteful and assists in creating a top quality shopping environment.

PLOT PLAN: Please provide a fully dimensioned plot plan, to scale, of the site and outdoor display area.

CONDITIONS: The owner/lessee of the business shall comply with all regulations of the Section 3020A.2 of the Zoning Ordinance (unless specifically modified by this permit) and the additional conditions as listed below:

APPROVALS

PLANNING DEPT/
REDEVELOPMENT DEPT

APPROVED BY:

DATE:

BUILDING DEPARTMENT

APPROVED BY:

DATE:

CITY OF OCEANSIDE
PLANNING DEPARTMENT
REDEVELOPMENT DEPARTMENT
BUILDING DEPARTMENT

APPLICATION
OUTDOOR DISPLAY
ALTERNATE PERMIT

3/97

Permit No.	
Business Address:	Date of Application:
Business Name:	APN:
Business Owner /Lessee:	Phone:
Property Owner:	Phone:
Property Owner Address:	
Description of Alternate Display Request:	

JUSTIFICATION LETTER REQUIRED : An alternative to the outdoor display standards of Section 3020A.2 of the Zoning Ordinance may be applied for with this Alternate Outdoor Display Permit. The proposed Alternative Outdoor Display is subject to review and approval by the Building Director and the Planning or Redevelopment Director. The following findings must be made by the City to approve the Alternative Outdoor Display :

1. There is reasonable justification for the alternative proposed.
2. The public health, safety and general welfare are not compromised by the proposed alternative.
3. The alternative is tasteful and assists in creating a top quality shopping environment.

PLEASE PROVIDE A JUSTIFICATION LETTER ADDRESSING THE NEED FOR THE ALTERNATE PERMIT AND THE REQUIRED FINDINGS.

PLOT PLAN REQUIRED: Please provide a plot plan on the back of this form showing property lines, structures, doorways, public utilities, sidewalk, parking and landscape areas, proposed display area and all dimensions.

I have read the outdoor display and alternate display standards and agree to comply with them and any specific conditions for my permit at all times. I shall renew my Alternate Display Permit at the time of Business License Renewal. **Signature:** _____ **Date:** _____

Ms. Ecker,

My name is Mike Minna and I live at 857 Redding directly adjacent to the property under final site plan review. You may recall that I spoke at the previous commission meeting during which the preliminary site plan was approved.

Since the last meeting, Rick Wiand and his team at Hunter Roberts Homes have been very receptive of my concerns. Rick and his team have been great to work with and have exceeded my expectations with their final site plan. I am confident that the proposed project will address my concerns. I really appreciate their plan to plant a variety of mature trees, which will nicely fit into the surrounding community.

Overall, the proposed development is a significant improvement over the existing home and I look forward to the completion of this project.

Sincerely,

Mike Minna



Jana Ecker <jecker@bhamgov.org>

Fwd: Walkable City

1 message

Joe Valentine <jvalentine@bhamgov.org>

Tue, Jan 19, 2016 at 5:33 PM

To: "Andrew M. Harris" <aharris@bhamgov.org>, Carroll DeWeese <cdeweese@bhamgov.org>, Mark Nickita <mnickita@bhamgov.org>, Pat Bordman <pbordman@bhamgov.org>, Pierre Boutros <pboutros@bhamgov.org>, Racky Hoff <rackyhoff@hotmail.com>, Stuart Sherman <ssherman@bhamgov.org>, Tim Currier <tcurrier@bhlaw.us.com>

Cc: Bruce Johnson <Bjohnson@bhamgov.org>, Don Studt <Dstudt@bhamgov.org>, Jana Ecker <Jecker@bhamgov.org>, Joellen Haines <jhaines@bhamgov.org>, John Connaughton <Jconnaughton@bhamgov.org>, John Heiney <Jheiney@bhamgov.org>, Laura Pierce <Lpierce@bhamgov.org>, Lauren Wood <Lwood@bhamgov.org>, Leslie Pielack <LPielack@bhamgov.org>, Mark Gerber <Mgerber@bhamgov.org>, Paul O'Meara <Pomeara@bhamgov.org>, Yvonne Taylor <ytaylor@bhamgov.org>

fyi -

By copy to staff, I will ask them to share this with their respective boards noted below.

----- Forwarded message -----

From: **Carroll DeWeese** <carrolldeweese@comcast.net>

Date: Tue, Jan 19, 2016 at 2:24 PM

Subject: Walkable City

To: Joe Valentine <jvalentine@bhamgov.org>

I just read an excellent book Walkable City: How Downtown Can Save America, One Step at a Time by Jeff Speck. The book is now available in print, digital, and audio format. It is one of the best books that I have read on all aspects of walkability. I recommend it to you, staff, city commission, planning board, multi-modal board, traffic and safety, engineering, and anyone that wants to understand how to facilitate walkability and useful walking.

The book covers many topics related to achieving a walkable city: the need for urbanism, mixed uses, parking, transit, protecting pedestrians, welcoming bikes, shaping spaces, planting trees, making walks interesting, and more. Walkability is not just a goal, but a measure of a successful and dynamic city.

Jeff Speck is a city planner and architectural designer. He has a broad background, including spending ten years as Director of Town Planning at Duany Plater-Zyberk and Co., where he led or managed more than forty of the firm's projects. He is the co-author of Suburban Nation: The Rise of Sprawl and the Decline of the American Dream as well as The Smart Growth Manual. Mayor Pro Tem Mark Nickita has worked on projects with Jeff Speck.

—
Joseph A. Valentine

City Manager

City of Birmingham

151 Martin Street

Birmingham, MI 48009

(248) 530-1809 Office Direct

(248) 530-1109 Fax
jvalentine@bhamgov.org

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MEMORANDUM

Planning Division

DATE: December 23, 2015

TO: Joseph A. Valentine, City Manager

FROM: Jana L. Ecker, Planning Director

SUBJECT: Status of Bistro Program

The intent of the bistro program is to encourage smaller, eclectic restaurants to open in Downtown Birmingham, and to activate the street with the addition of outdoor dining and activity in the storefront windows.

Article 9, section 9.02 of the Zoning Ordinance defines a bistro as a “restaurant with a full service kitchen with interior seating for no more than 65 people and additional seating for outdoor dining.” With the requirement for mandatory outdoor dining, much more life has been infused into the streets during the warmer months. Bistros are permitted with a Special Land Use Permit (SLUP) with the following conditions:

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

Timeline

In spring of 2007, the City Commission approved amendments to the City Code to allow for the creation of bistros in downtown Birmingham and the Triangle District. The table below provides a summary of all bistros approved by the City Commission since 2007.

Year	# Of Licenses Granted	Name of Bistro	District	Type of Food	Status
2007	6	Bistro Joe's	Triangle	American Cuisine	Open
		Café Via	Downtown	New American Cuisine	Open
		Cosi	Downtown	Eclectic	Open
		Elie's Mediterranean Grill	Downtown	Mediterranean	Open
		Forest Grill	Downtown	New American	Open
		Salvatore Scallopini	Downtown	Italian	Open
2008	1	Toast	Downtown	Eclectic	Open
2009	2	Luxe Bar & Grill	Downtown	New American	Open
		Tallulah Wine Bar & Bistro	Downtown	Seasonal American	Open
2010	1	Bella Piatti	Downtown	Italian	Open
2011	2	Churchill's	Downtown	Eclectic	Open
		Townhouse	Downtown	New American	Open
2012	2	Market North End	Downtown	New American	Open
		Social Kitchen	Downtown	New American	Open
2013	2	Birmingham Sushi	Downtown	Sushi Bar/Japanese	Open
		What Crêpe?	Downtown	French Crêperie	Closed
2014	1	Mad Hatter	Downtown	New American	Open
2015	1	La Strada	Downtown	European Style Coffee Shop	Open
Total	18				

Please see attached spreadsheet for more details on approved bistros and other restaurants in the City, and see attached map of bistro locations.

In accordance with the bistro ordinance amendments adopted in 2007, the City Commission established a requirement for an annual review of the previously approved bistro licenses and

their impact on the City. Chapter 10, Alcoholic Liquors, of the City Code, Division 4 – Bistro Licenses, Section 10-82, states:

- (a) Annual review of need. **Every year for the first three years after the passage of this amendment, and every three calendar years thereafter,** the city commission shall perform a review of the previously approved Bistro license(s), if any, and the impact of those decisions on the city. A time for public comment shall be provided. Based on the city commission review and comment by the public, the city commission shall determine whether they will consider applications for license transfers for existing establishments and/or new establishments, up to the maximum in each category.

Accordingly, the City Commission was required to conduct an annual review of the seven bistros approved over the first three years of the bistro program (2007 – 2010), and the impact, if any, of these on the City. A time for public comment was also required pursuant to chapter 10-82, Division 4 – Bistros, of the City Code. This annual review was conducted by the City Commission in 2008, 2009, 2010 as required by the City Code, and was conducted each year since as a part of the annual liquor license review. On October 13, 2014, a comprehensive review of the bistro program was conducted, which included a review of the bistro selection process, a map of existing bistros, previous tenant information for bistro locations, a spreadsheet with details of all restaurants in Birmingham, and a detailed market analysis on the downtown tenant mix. A copy of the City Commission report and all attachments is included for your review, along with an updated spreadsheet and bistro map for 2015.

Since the last review conducted in early 2015, the City Commission approved La Strada's SLUP to permit a bistro on September 21, 2015. While inspections for 2015 have been conducted for all other bistros, La Strada will have to undergo one by the Planning Division and Police Department in 2016.

Market North End was found in violation of the SLUP on December 12, 2015 after the Police Department found more than 10 stools at the bar. At this time, there were 12 stools. The owner has since removed them. All other establishments have been found to be in conformance to their respective SLUPs.

Program Summary

In summary, the bistro program has yielded a total of 17 bistros; ten of which were new establishments at the time of bistro license approval and seven of which were established prior bistro license approval. In 2014, What Crêpe? closed its operation after one year as a bistro. An overwhelming majority of the bistros are located downtown, as opposed to the Triangle and Rail Districts. Similarly, a majority of the establishments serve American/New American cuisine.

Moving forward, the City may wish to encourage a more diverse selection of food establishments, and encourage any new bistros to locate in the Triangle and Rail Districts.



MEMORANDUM

Community Development Department

DATE: October 8, 2014

TO: Joseph A. Valentine, City Manager

FROM: Jana L. Ecker, Planning Director

SUBJECT: Bistro Program

As requested by the City Manager, please find attached the following documents that provide detailed information on the bistro program, licensed established in the City and the mix of uses in Downtown Birmingham for comparison purposes:

- Resolution Outlining Procedure for Bistro Selection;
- Map of Existing Bistro Locations;
- Previous Tenant Information on Existing Bistro Locations;
- 2014 List of all Birmingham Restaurants; and
- Market Analysis on Downtown Tenant Mix (2006 and 2012).

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

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

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

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

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

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

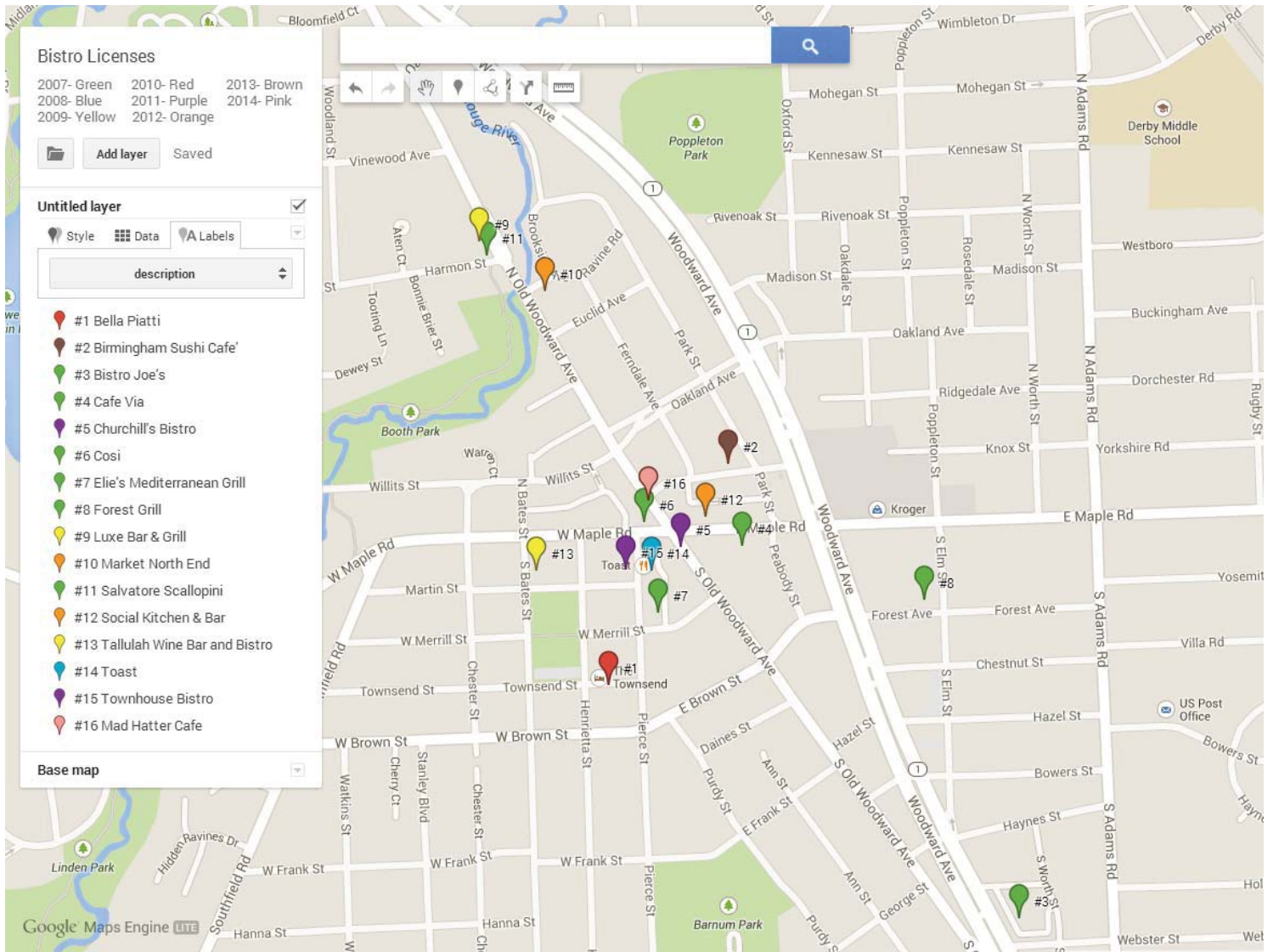
1. All bistro applications for the upcoming calendar year must be submitted for initial review on or before October 1st of the preceding year.
2. Beginning January 1, 2012, all bistro applications submitted for initial review must contain only the following information in 5 pages or less:
 - A brief description of the bistro concept proposed, including type of food to be served, price point, ambience of bistro, unique characteristics of the operation, if any, and an explanation of how this concept will enhance the current mix of commercial uses in Birmingham;
 - Proposed location, hours of operation and date of opening;
 - Name of owner/operator and outline of previous restaurant experience; and
 - Evidence of financial ability to construct and operate the proposed bistro.
3. All bistro applications received by the deadline will be reviewed by the City Commission within 30 days of the deadline for prioritization based on the proposed bistro concept, proposed location within the City, potential impact on the City, and the capability of the proposed owner/operator. Each applicant will be given a time limit to present their concepts to the City Commission.

4. The City Commission will prioritize all initial applications received, and will direct the top applications to the Planning Board for a detailed site plan and design review and Special Land Use Permit review.
5. All bistro applications forwarded to the Planning Board for detailed review must be supplemented with additional information as required for site plan and design review, including a site plan, elevation drawings, floor plan, landscaping plan, photometric plan and material samples. Additional information as required for review of the bistro as a SLUP includes sample menus, interior design details, evidence of financial capability, as well as any other information requested by the Planning Board.
6. All detailed applications directed to the Planning Board from the City Commission must be received within 90 days of the City Commission's initial review. All detailed applications will then be reviewed during public hearings conducted during a single Planning Board meeting.
7. All bistro applications will be evaluated by the Planning Board based on the criteria set forth in Chapter 10, Alcoholic Liquors, Division 4, Selection Criteria, and up to two applications will be recommended for approval to the City Commission. All applications will be assigned a priority ranking by the Planning Board.
8. All bistro applications reviewed by the Planning Board will be forwarded to the City Commission for a detailed review and approval/denial in the order of the ranking assigned by the Planning Board.
9. The City Commission will conduct public hearings to review the selected bistro applications and determine which, if any, bistros to approve for the calendar year, up to a maximum of two approvals.
10. In the event that two bistro approvals are not granted as a result of the fall review period, the City will accept additional bistro applications for the current calendar year on or before **April 1st**.
11. All bistro applications received in this second round will be reviewed and ranked by the Planning Board using the same review process noted in steps 2 through 9 above.

BE IT FURTHER RESOLVED, Except as herein specifically provided, all bistro applicants and their heirs, successors and assigns shall be bound by all ordinances of the City of Birmingham in effect at the time of the issuance of this resolution, and as they may be subsequently amended.

I, Laura Broski, City Clerk of the City of Birmingham, Michigan, do hereby certify that the foregoing is a true and, correct copy of the resolution adopted by the Birmingham City Commission at its regular meeting held on September 26, 2011.

Laura Broski, City Clerk



Birmingham Bistros

City SLUP	MLCC		Address	Neighborhood	Previous Occupant	Previous Use	Current Status
	Year	Issue Date					
2007	03/21/08	Townhouse	180 Pierce St	Downtown Birmingham	Simply Wine (closed 2011)	Retail/Packaged Wine	Open
2007		Luxe Bar and Grill	525 N Old Woodward Ave	Downtown Birmingham	Aunt Olive's Good Food 2 Go (retail/food closed 2008)	Retail/Packaged foods	Open
2007		Bella Piatti	167 Townsend St	Downtown Birmingham	Cameron Scott Gallery (closed 2010)	Retail/Gallery	Open- New Owner
2007		Churchill's Bistro/Cigar Bar	116 S Old Woodward Ave	Downtown Birmingham	Jennifer Convertibles (closed 2010)	Retail/Furniture	Open
2007	08/04/08	Cosi	101 N Old Woodward Ave	Downtown Birmingham	Gap (closed in 2003)	Retail	Open
2007	02/05/09	Toast	203 Pierce St	Downtown Birmingham	Gerich's Graziella Ltd. (retail closed 2008)	Retail	Open
2008	10/17/08	Tallulah Wine Bar & Bistro	155 S Bates St	Downtown Birmingham	Kaput Kapot (retail closed 2004)	Retail	Open
2009	02/19/10	Market	474 N Old Woodward Ave	Downtown Birmingham	Root and Sprout (retail closed 2011)	Retail	Open
2009	08/09/10	Birmingham Sushi Café	377 Hamilton Row	Downtown Birmingham	Festivities (closed 2010)	Retail	Incomplete
2010	09/26/11	Debonair	825 Bowers St.	Triangle District	Shore Mortgage, prior to this Bakers Square	office	Incomplete
2010		N/A Bistro Joe's	34244 Woodward Ave	Triangle District	New Construction	N/A	Open
2011	08/05/11	Forest Avenue Bistro	735 Forest Ave	Triangle District	New Construction	N/A	Open
2011	06/21/12	Café Via	310 E Maple Rd	Downtown Birmingham	New Construction	N/A	Open
2012	06/13/12	Cole Street Kitchen	2010 Cole St	Rail District	N/A	N/A	Open
2012		Elie's	263 Pierce St	Downtown Birmingham	Elie's	food or drink establishment	Incomplete
2013		Salvatore Scallopini	505 N Old Woodward Ave	Downtown Birmingham	Previously non-liquor license establishment	food or drink establishment	Closed 2/14
2013		Social Kitchen and Bar	225 E Maple Rd	Downtown Birmingham	Tokyo Sushi (closed 2012)	food or drink establishment	Incomplete
2014		What Crepe?	172 N Old Woodward Ave	Downtown Birmingham	Sandella's Flatbread Café (closed 2011)	food or drink establishment	Incomplete-Closed
		Mad Hatter	185 N Old Woodward	Downtown Birmingham	Quizno's (closed 2013)	food or drink establishment	Open

3 Properties were new construction

5 properties were previously food or drink establishments

9 Properties have converted from Retail to Bistro

	A	B	C	D	E	F	G	H	I	J	K	L
							Seats for Outdoor Dining on Public Sidewalk	Seats for Outdoor Dining on Platform	Outdoor Dining Seats on Private Property	Total Outdoor Dining Seats for Establishment	Eisenglass	Rooftop Seating / Dining
1	Restaurant Name	Address	Liquor License	Size Sq Ft.	Seats for dining	Total Occupancy						
2	Bella Piatti	167 Townsend Street	Bistro LL	1,598	55	70	8	20		28	N	N
3	Birmingham Sushi Cafe'	377 Hamilton Row	Bistro LL			65		24		24	N	N
4	Bistro Joe's	34244 Woodward Avenue	Bistro LL	1,798	55	65			60	60	Y	N
5	Cafe' Via	310 East Maple Road	Bistro LL	1,700	56	65			55	55	Y	N
6	Churchill's Bistro & Cigar Bar	116 South Old Woodward Avenue	Bistro LL	2466	55	65	12			12	N	N
7	Cosi	101 North Old Woodward Avenue	Bistro LL	2,336	61	65	12			**	N	N
8	Elie's Mediterranean Grill/Bar	263 Pierce Street	Bistro LL	1,724	56	65		26		26	N	N
9	Forest Grill	735 Forest Avenue	Bistro LL	3,038	55	80	42			42	N	N
10	Luxe Bar & Grill	525 North Old Woodward Avenue	Bistro LL	1,590	40	50	12			12	N	N
11	Market North End	474 North Old Woodward Avenue	Bistro LL		55	65			44	44	Y	N
12	Salvatore Scallopini	505 North Old Woodward Avenue	Bistro LL	2,880	58	75		38		38	N	N
13	Social Kitchen & Bar	225 East Maple Road	Bistro LL		54	64	56			Alleyway 56	Y	29
14	Tallulah Wine Bar and Bistro	155 South Bates Street	Bistro LL	2,600	65	75		40		40	N	N
15	Toast	203 Pierce Street	Bistro LL	3,300	55	65	24			24	N	N
16	Townhouse Bistro	180 Pierce Street	Bistro LL	1,166	44	65		70		70	N	N
17	Closed before Bistro License was used											
18	What Crepe	172 North Old Woodward	Bistro LL		42	65	8	8		16	N	N
19	Licenses Approved but not yet in use											
20	Mad Hatter Café	185 North Old Woodward	Bistro LL		60	65		22		22	N	N
21	220 Restaurant	220 East Merrill Street	Quota LL	6,107	170	170			68	68	N	N
22	Cameron's Steakhouse	115 Willits Street	Quota LL*	6,692	214	230				None		N
23	Corner Bar	100 Townsend Street	Quota LL				18			18	N	N
24	Dick O' Dow's	160 West Maple Road	Quota LL	5,575	180	170		22		22	N	N
25	Fleming's Prime Steakhouse & Wine Bar	323 North Old Woodward Avenue	Quota LL	8,399	222	332				None	N	N
26	Hyde Park Prime Steakhouse	201 South Old Woodward Avenue	Quota LL				12			12, 2 Sofas	N	
27	Mitchell's Fish Market	117 Willits Street	Quota LL*	7,832	250	300				None	N	N
28	Peabody's Dining & Spirits	34965 Woodward Avenue	Quota LL	5,560	275	331				None	N	N
29	Phoenicia	588 South Old Woodward Avenue	Quota LL	3,153	90	96	10			10	N	N
30	Rojo Mexican Bistro	250 East Merrill Street	Quota LL		156	166			24	24	N	N
31	Streetside Seafood	273 Pierce Street	Quota LL	1,350	50	70		18		18	N	N
32	The Bird and the Bread	210 South Old Woodward	Quota LL		155	175			42	42	Y	N
33	The Community House Cafe'	380 South Bates Street	Quota LL								Y	N
34	The Rugby Grille	100 Townsend Street	Quota LL		137	138	22			22	N	N
35	Outside PSD											
36	Big Rock (outside PSD)	245 S Eton	Quota LL	6,000	340	397			97	97	N	N
37												
38	Griffin Claw	575 S. Eton	Brewer						104	104	N	N
39	Licenses Not In Use											
40	Buca Di Beppo	270 North Old Woodward	Quota LL									
41	Chen Chow	260 North Old Woodward	Quota LL									
42	Barrio	203 Hamilton Row	Quota LL									
43	* = Mitchell's and Camerons are sharing one license. The other license is being held by the company.											
44												

	A	B	C	D	E	F	G	H	I	J	K	L
45	Economic Development Licenses											
46	The Stand Gastro Bistro	34977 Woodward Avenue	Development LL		207	218				None	N	N
47	Triple Nickel/555	555 South Old Woodward	Development LL		125	142	28		80	108	Y	N
48												
49	Non-Liquor Establishment											
50	Beyond Juice	270 West Maple Road	n				4			4	N	N
51	Brooklyn Pizza	111 Henrietta Street	n				39			39	N	N
52	Commonwealth Cafe	300 Hamilton Row	n					20		20	N	N
53	Cucina Medoro	768 North Old Woodward Avenue	n							None	N	N
54	Cupcake Station	136 North Old Woodward	n				18			18	N	N
55	Einstein Bros. Bagels	176 South Old Woodward Avenue	n							None	N	N
56	Greek Islands Coney Restaurant	221 Hamilton Row	n							None	N	N
57	Hunter House Hamburgers	35075 Woodward Avenue	n							None	N	N
58	Leo's Coney Island	154 South Old Woodward Avenue	n							None	N	N
59	Liquid Lunch Cafe' (Inside Be Well)	750 South Old Woodward Avenue	n							None	N	N
60	Mountain King Chinese Restaurant	469 South Old Woodward Avenue	n							None	N	N
61	New Bangkok Thai Bistro	183 North Old Woodward Avenue	n							None	N	N
62	Panera Bread	100 North Old Woodward Avenue	n				17			17	N	N
63	Pita Cafe	239 North Old Woodward Avenue	n							None	N	N
64	Primo's Pizza	996 South Adams Road	n							None	N	N
65	Qdoba	795 East Maple Road	n						60	60	N	N
66	Sanders	167 North Old Woodward	n				6			6	N	N
67	Shish Kabob Express	34186 Woodward Avenue	n							None	N	N
68	Stacked Deli	233 North Old Woodward Avenue	n							None	N	N
69	Starbucks	135 South Old Woodward	n				8			8	N	N
70	Subway	126 South Old Woodward Avenue	n							None	N	N
71	Succo Fresco Café	600 North Old Woodward	n							None	N	N
72	Sweet Earth	141 W. Maple	n				4			4	N	N
73	Sy Thai Cafe'	315 Hamilton Row	n							None	N	N
74	Toss-Ups	34623 Woodward Avenue	n							None	N	N
75	Touch of India Cuisine	297 East Maple Road	n							None	N	N
76	Try it Raw	213 East Maple Road	n							None	N	N
77												
78	** Did not renew Outdoor Dining License in 2014											

2006 PSD Market Study Report

most prevalent are Food Services and Drinking Places at 13.5% and Miscellaneous Store Retailers at 11.9% of the total establishments.

RETAIL BUSINESS MIX

We have classified Downtown Birmingham retail establishments within the following broad categories:

- Shopping Goods
- Food/Liquor/Services/Restaurants
- Food/Grocery/Convenience
- Drug & HBA (Health and Beauty Aids)
- Personal Services
- Entertainment
- Other (Motor Vehicle Parts, Gasoline Stations, Building Materials & Supplies Dealers, Rental and Repair, etc.).

The most frequently found retail categories in the Birmingham Downtown District are Shopping Goods at 37.4%, Personal Services at 22.9%, Other Retail at 17.2%, and Food/Liquor Services/Restaurants at 16.8%.

RETAIL BUSINESS MIX NUMBER OF ESTABLISHMENTS

Retail Category	Downtown Birmingham
Shopping Goods	37.4%
Food/Liquor/Services/Restaurants	16.8%
Food/Grocery/Convenience	3.7%
Drug & HBA	0.7%
Personal Services	22.9%
Entertainment	1.3%
Other Retail	17.2%
Total	100.0%
Number of Retail Establishments	297

Source: The Strategic Edge, Inc., Birmingham PSD.

	% Retail, Food Services, & Personal Services	Retail, Food Services, & Personal Services		
		% Retail Trade	% Food Services & Drinking Places	% Personal & Laundry Services
Birmingham MI - Directory	76%	51%	20%	5%
<i>Birmingham MI – Directory - 2012</i>	<i>76%</i>	<i>49%</i>	<i>23%</i>	<i>3%</i>
Birmingham MI – PSD/The Strategic Edge	67%	37%	14%	17%
<i>Birmingham MI – PSD/The Strategic Edge -2012</i>	<i>69%</i>	<i>38%</i>	<i>16%</i>	<i>15%</i>
Greenwich CT	86%	67%	14%	6%
Hinsdale IL	80%	50%	18%	12%
Minneapolis France Ave.	84%	54%	19%	11%
Naperville IL	90%	47%	36%	7%
Royal Oak MI	85%	39%	37%	8%
Winnetka Hubbard Woods	77%	56%	14%	8%
Average – Directory Numbers Only	83%	52%	23%	8%

Sources: Directory of Retail Shopping Districts, Birmingham PSD, The Strategic Edge






In order to focus on the retail tenant mix exclusive of the non-retail establishments, The Strategic Edge recalibrated the above table to include only retail, food services, and personal services. So, the mix below considers those tenants to be 100%.

	% Retail, Food Services, & Personal Services	Retail, Food Services, & Personal Services		
		% Retail Trade	% Food Services & Drinking Places	% Personal & Laundry Services
Birmingham MI - Directory	100%	68%	26%	6%
<i>Birmingham MI – Directory - 2012</i>	<i>100%</i>	<i>65%</i>	<i>31%</i>	<i>4%</i>
Birmingham MI – PSD/The Strategic Edge	100%	55%	20%	25%
<i>Birmingham MI – PSD/The Strategic Edge -2012</i>	<i>100%</i>	<i>55%</i>	<i>23%</i>	<i>22%</i>
Greenwich CT	100%	77%	16%	7%
Hinsdale IL	100%	63%	22%	15%
Minneapolis France Ave.	100%	64%	23%	14%
Naperville IL	100%	53%	40%	8%
Royal Oak MI	100%	46%	44%	10%
Winnetka Hubbard Woods	100%	72%	18%	10%
Average – Directory Numbers Only	100%	63%	27%	10%

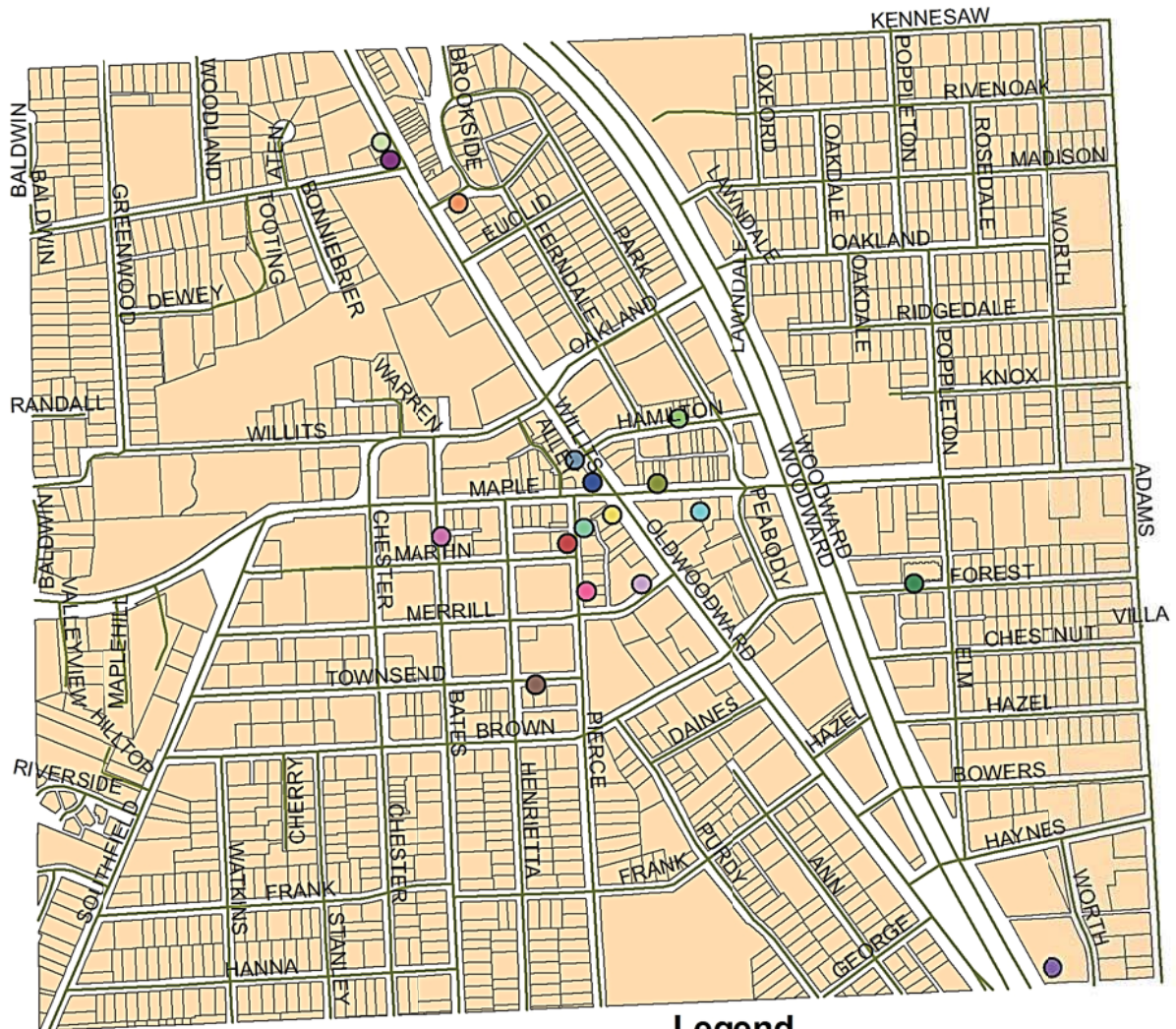
Sources: Directory of Retail Shopping Districts, Birmingham PSD, The Strategic Edge

	A	B	C	D	E	F	G	H	I	J	K	L
							Seats for Outdoor Dining on Public Sidewalk	Seats for Outdoor Dining on Platform	Outdoor Dining Seats on Private Property	Total Outdoor Dining Seats for Establishment	Total Seating for Establishment	Eisenglass
1	Restaurant Name	Address	Liquor License	Size Sq Ft.	Seats for dining	Total Occupancy						
2	Bella Piatti	167 Townsend Street	Bistro LL	1,598	55	70	8	20		28		83 N
3	Birmingham Sushi Café	377 Hamilton Row	Bistro LL		65	95		24		24		89 N
4	Bistro Joe's	34244 Woodward Avenue	Bistro LL	1,798	55	65			60	60		115 Y
5	Cafe` Via	310 East Maple Road	Bistro LL	1,700	56	65			55	55		111 Y
6	Churchill's Bistro & Cigar Bar	116 South Old Woodward Avenue	Bistro LL	2466	55	65	12			12		67 N
7	Cosi	101 North Old Woodward Avenue	Bistro LL	2,336	61	65	12		**	12		61 N
8	Elie's Mediterranean Grill/Bar	263 Pierce Street	Bistro LL	1,724	56	65		26		26		82 N
9	Forest Grill	735 Forest Avenue	Bistro LL	3,038	55	80	42			42		97 N
10	La Strada Caffè	243 E. Merrill Street	Bistro LL		52	70	10	0		10		62 N
11	Luxe Bar & Grill	525 North Old Woodward Avenue	Bistro LL	1,590	40	50	12			12		52 N
12	Mad Hatter Café	185 North Old Woodward	Bistro LL		60	65		22		22		82 N
13	Market North End	474 North Old Woodward Avenue	Bistro LL		55	65			44	44		99 Y
14	Salvatore Scallopini	505 North Old Woodward Avenue	Bistro LL	2,880	58	75		38		38		96 N
15	Social Kitchen & Bar	225 East Maple Road	Bistro LL		54	64	24		30	54		108 Y
16	Tallulah Wine Bar and Bistro	155 South Bates Street	Bistro LL	2,600	65	75		40		40		105 N
17	Toast	203 Pierce Street	Bistro LL	3,300	55	65	28			28		83 N
18	Townhouse	180 Pierce Street	Bistro LL		54	60		76		76		130 N
19	Closed before Bistro License was used											
20	What Crepe?	172 North Old Woodward	Bistro LL		42	65	8	8		16		58 N
21	Quota licenses											
22	220 Restaurant	220 East Merrill Street	Quota LL	6,107	170	170			68	68		238 N
23	Au Cochon	260 N. Old Woodward	Quota LL		90	101	6	0	0	33		123 N
24	Arthur Avenue	270 N. Old Woodward	Quota LL		172	190	6	0	0	33		205 N
25	The Bird and the Bread	210 South Old Woodward	Bistro LL		175	325			36	36		211 Y
26	Cameron's Steakhouse	115 Willits Street	Quota LL*	6,692	214	230			None			214
27	Corner Bar	100 Townsend Street	Quota LL				18			18		18 N
28	Community House	380 S. Bates										0
29	Dick O' Dow's	160 West Maple Road	Quota LL	5,575	180	170		22		22		202 N
30	Imagine Theatre & Ironwood Grill	250 N. Old Woodward	Quota LL	31,000	198	788	0	0	0	0		198 N
	Fleming's Prime Steakhouse & Wine											
31	Bar	323 North Old Woodward Avenue	Quota LL	8,399	222	332			None			222
32	Hyde Park Prime Steakhouse	201 South Old Woodward Avenue	Quota LL				12		12, 2 Sofas			0 N
33	Mitchell's Fish Market	117 Willits Street	Quota LL*	7,832	250	300			None			250
34	Peabody's Dining & Spirits	34965 Woodward Avenue	Quota LL	5,560	275	331			None			275
35	Phoenicia	588 South Old Woodward Avenue	Quota LL	3,153	90	96	10			10		100 N
36	Rojo Mexican Bistro	250 East Merrill Street	Quota LL		156	166			24	24		180 N
37	Sidecar Slider Bar	280 Merrill	Quota LL		75		16			16		91 N
38	Springdale Golf Course	316 Strathmore	Quota LL									0
39	Streetside Seafood	273 Pierce Street	Quota LL	1,350	50	70		18		18		68 N
40	The Community House Cafe`	380 South Bates Street	Quota LL									0
41	The Rugby Grille	100 Townsend Street	Quota LL		137	138	22			22		159 N
42	Outside PSD											
43	Big Rock	245 S Eton	Quota LL	6,000	340	397			97	97		437 N
44	Springdale Golf Course	316 Strathmore	Development LL									0
45	Lincoln Hills Golf Course	2666 West 14 Mile Road	Quota LL									0
46	Griffin Claw	575 S. Eton	Brewer		261	234	0	0	104	104		365 N
47	Licenses Not In Use											
48	Palladium (Barrio)	201 Hamilton Row	Quota LL									0
49	RHG Fish Market	115 Willits	Quota LL									0
	* = Mitchell's and Camerons are sharing one license. The other license is being held by the company.											
50												
51	Economic Development Licenses											
52	All Seasons	111 Elm	Development LL		189	281			None			189 N
53	The Stand Gastro Bistro	34977 Woodward Avenue	Development LL		207	218			None		4	207 N

	A	B	C	D	E	F	G	H	I	J	K	L
54	Triple Nickel	555 South Old Woodward	Development LL		125	142	28			80	108	233 Y
55												
56												
57	Non-Liquor Establishment											
58	Beyond Juice	270 West Maple Road	n				4				4	4 N
59	Brooklyn Pizza	111 Henrietta Street	n				39				39	39 N
60	Commonwealth Cafe	300 Hamilton Row	n					20			20	20 N
61	Cucina Medoro	768 North Old Woodward Avenue	n							None		0
62	Cupcake Station	136 North Old Woodward	n				18				18	18 N
63	Einstein Bros. Bagels	176 South Old Woodward Avenue	n							None		0 N
64	Greek Islands Coney Restaurant	221 Hamilton Row	n							None		0
65	Hunter House Hamburgers	35075 Woodward Avenue	n							None		0
66	Leo's Coney Island	154 South Old Woodward Avenue	n							None		0
67	Liquid Lunch Cafe` (Inside Be Well)	750 South Old Woodward Avenue	n							None		0
68	Mountain King Chinese Restaurant	469 South Old Woodward Avenue	n							None		0
69	New Bangkok Thai Bistro	183 North Old Woodward Avenue	n							None		0
70	Panera Bread	100 North Old Woodward Avenue	n				17				17	17 N
71	Pita Cafe	239 North Old Woodward Avenue	n							None		0
72	Primo's Pizza	996 South Adams Road	n							None		0
73	Qdoba	795 East Maple Road	n							60	60	60 N
74	Sanders	167 North Old Woodward	n				6				6	6 N
75	Shish Kabob Express	34186 Woodward Avenue	n							None		0
76	Stacked Deli	233 North Old Woodward Avenue	n							None		0
77	Starbucks	135 South Old Woodward	n				8				8	8 N
78	Subway	126 South Old Woodward Avenue	n							None		0
79	Succo Fresco Café	600 North Old Woodward	n		18		18				16	34 N
80	Sweet Earth	141 W. Maple	n				4				4	4 N
81	Sy Thai Cafe'	315 Hamilton Row	n							None		0
82	Toss-Ups	34623 Woodward Avenue	n							None		0
83	Touch of India Cuisine	297 East Maple Road	n							None		0 N
84	Try it Raw	213 East Maple Road	n							None		0 N
85												
86	** Did not renew Outdoor Dining License in 2014											
87												
88												
89												
90												
91												
92												
93												
94												

Legend	
	Bistro License
	Quota License
	License not in use
	Economic Development License
	Non-Liquor Establishment

Birmingham Bistro Map



Legend

Bistros

- | | |
|--------------------------------|------------------------------|
| Bella Piatti | La Strada Caffè |
| Birmingham Sushi Café | Luxe Bar & Grill |
| Bistro Joe's | Mad Hatter Café |
| Cafe' Via | Market North End |
| Churchill's Bistro & Cigar Bar | Salvatore Scallopini |
| Cosi | Social Kitchen & Bar |
| Elie's Mediterranean Grill/Bar | Tallulah Wine Bar and Bistro |
| Forest Grill | Toast |
| | Townhouse |



0 250 500 1,000 1,500 2,000 Feet



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

DOWNTOWN BIRMINGHAM AUTO PARKING SYSTEM



**Planning
for
Future Public
Parking Needs**

January 16, 2016

AUTO PARKING SYSTEM

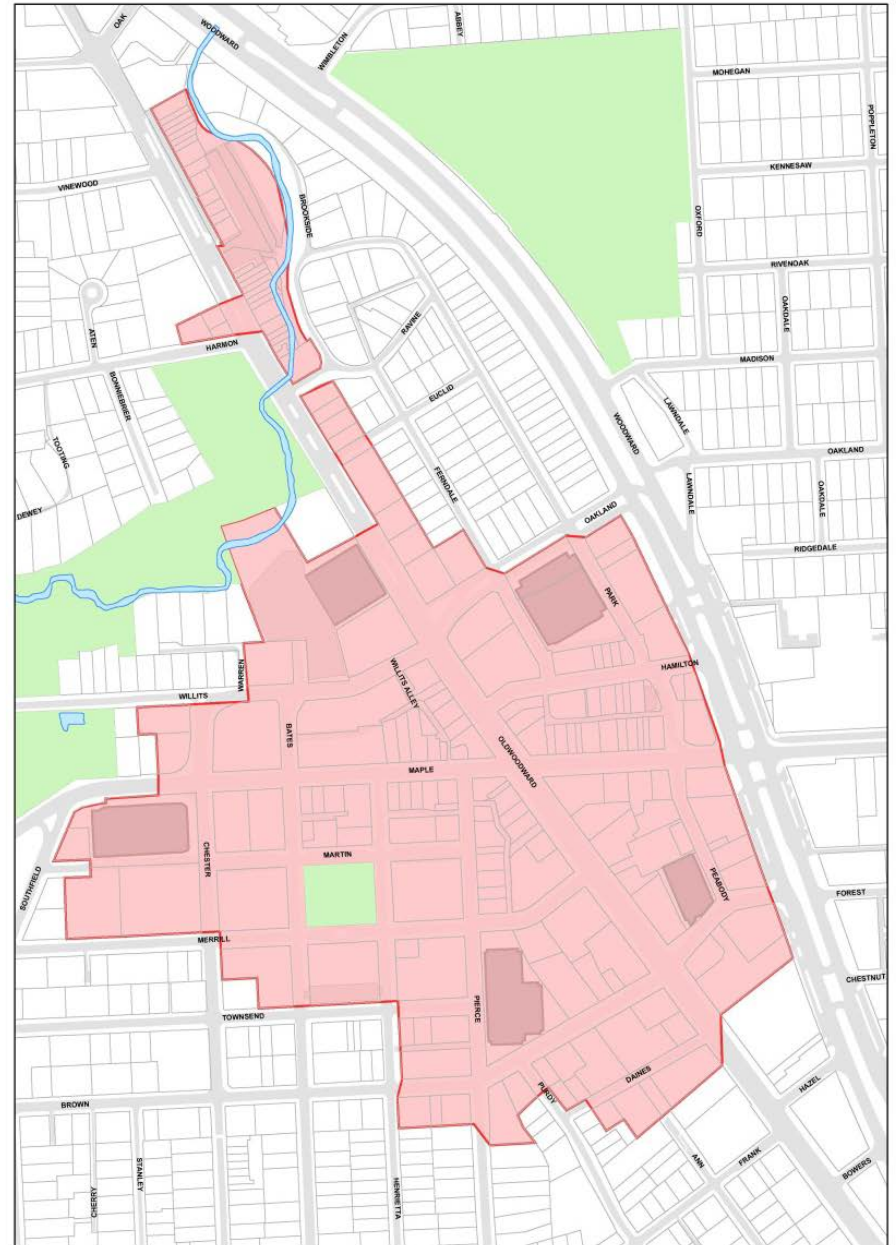
A BRIEF HISTORY

- 1940's – First Parking Meters are Installed
- 1955 – 1973 – Eight parcels purchased for parking lots
- 1966 – N. Old Woodward Ave. Parking Structure built
- 1968 – Pierce St. Parking Structure built
- 1970 – Parking Lot #2 split for Ring Road construction
- 1974 – Park St. Parking Structure built
- 1984 – Peabody St. Parking Structure built
- 1989 – Chester St. Parking Structure built
- 2009 – Parking Lot #7 reduced for Shain Park expansion
- 2013 – Parking demand increases
- 2014 – Parking study conducted to help determine needs
- 2015 – Ad Hoc Parking Development Committee formed

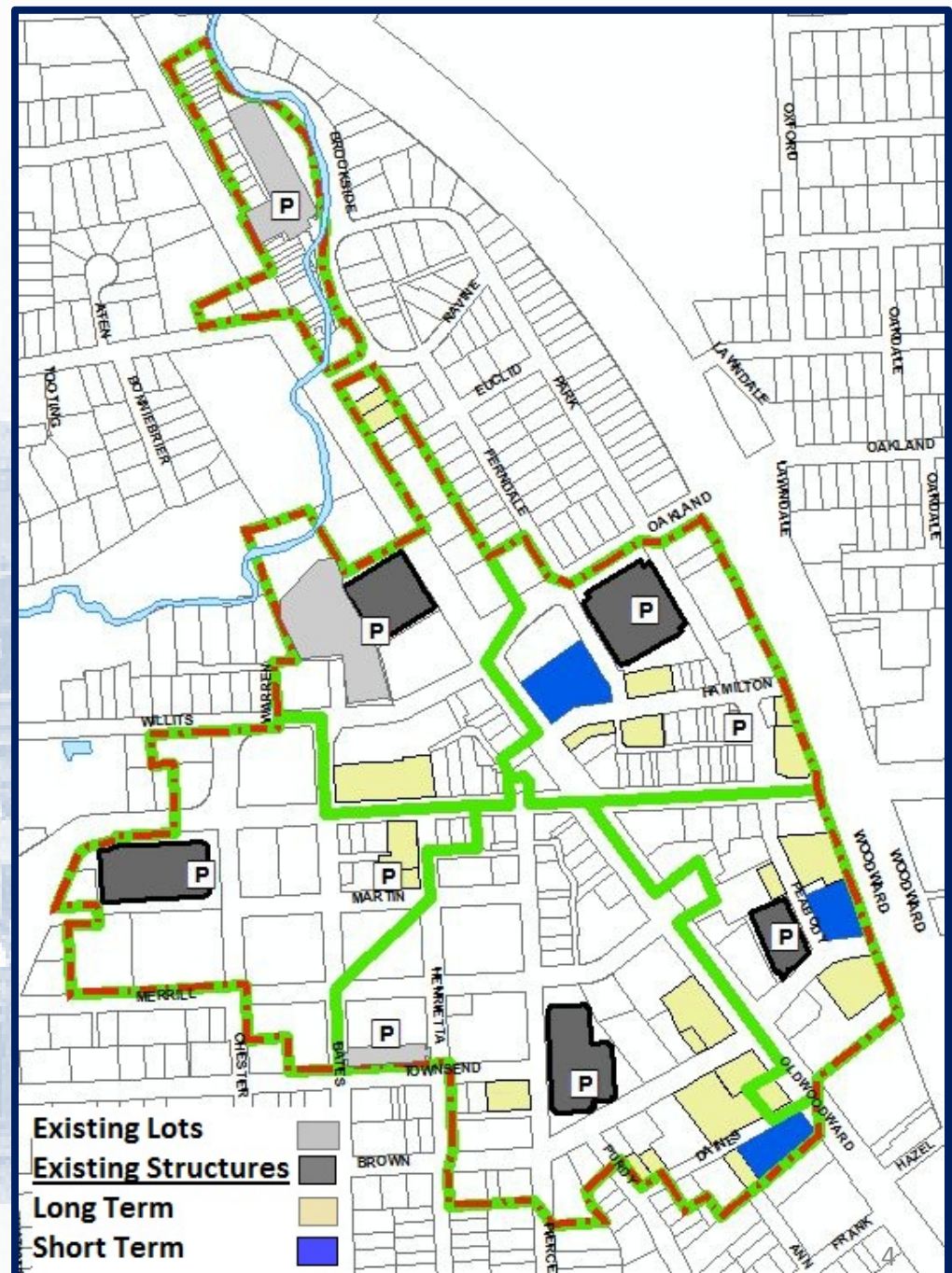
DOWNTOWN PARKING ASSESSMENT DISTRICT

AUTO PARKING SYSTEM

0 150 300 600 900 Feet

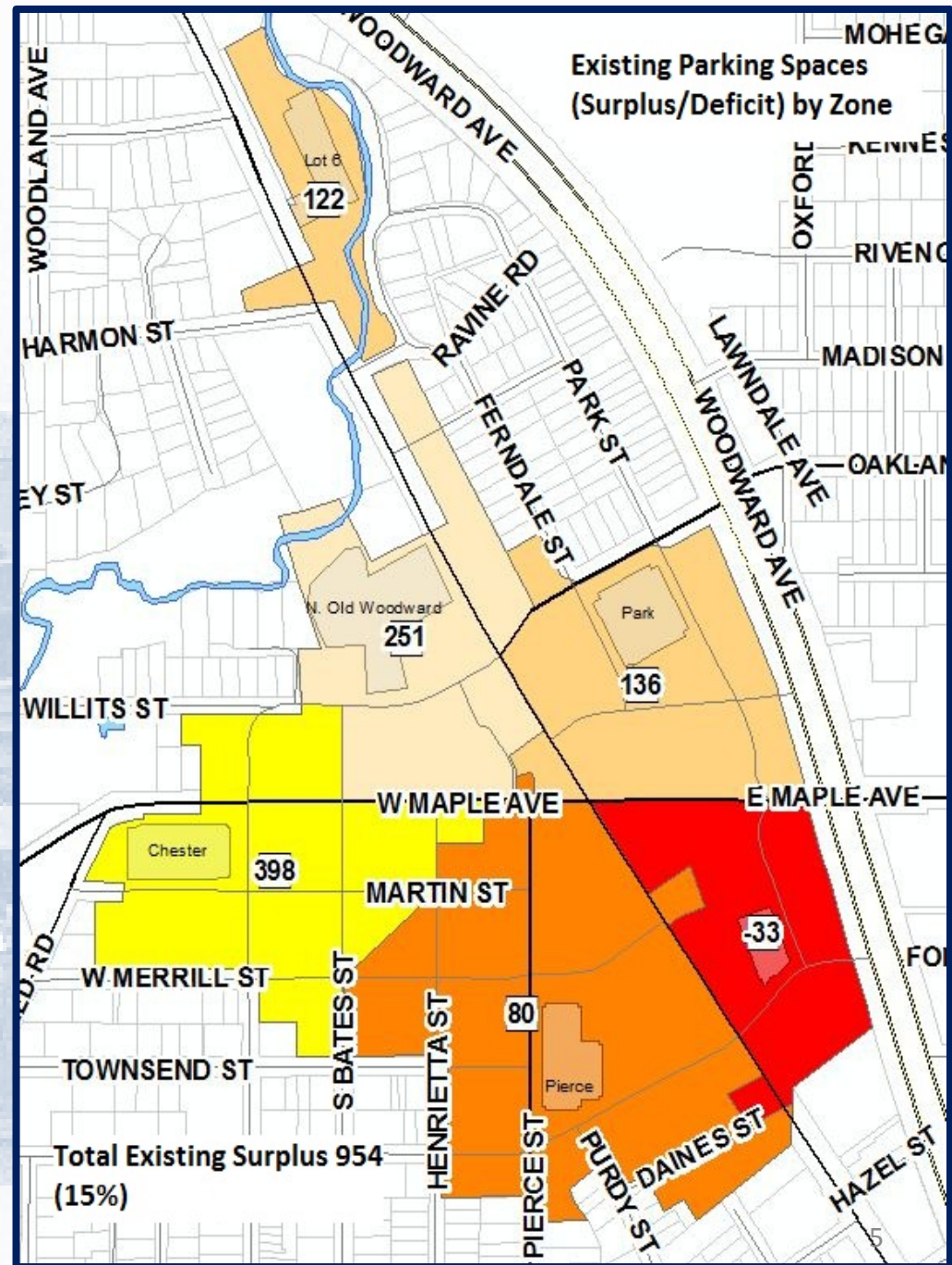


SHORT TERM & LONG TERM DEVELOPMENT PROJECTIONS AUTO PARKING SYSTEM

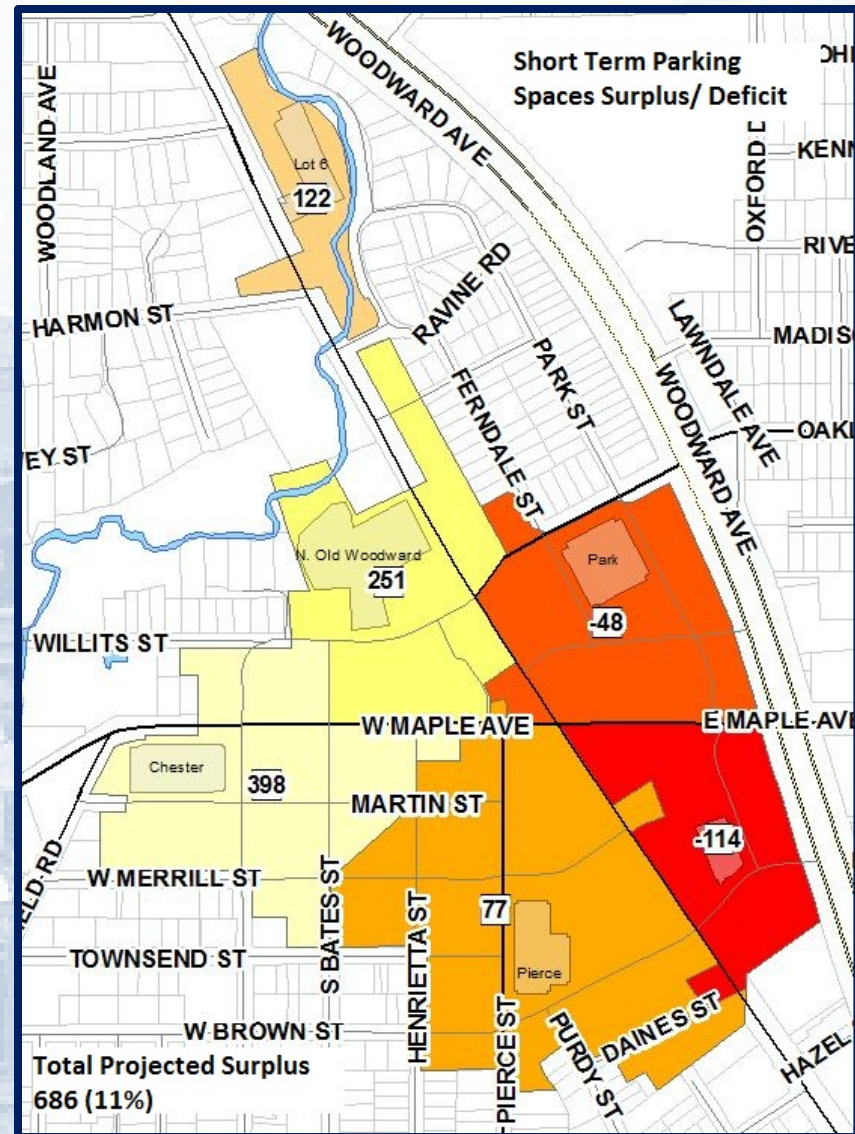


EXISTING PARKING SPACES SURPLUS/ DEFICIT BY ZONE

BASED ON 1 PARKED
VEHICLE FOR EVERY 564
GROSS SQ.FT. OF
COMMERCIAL SPACE.

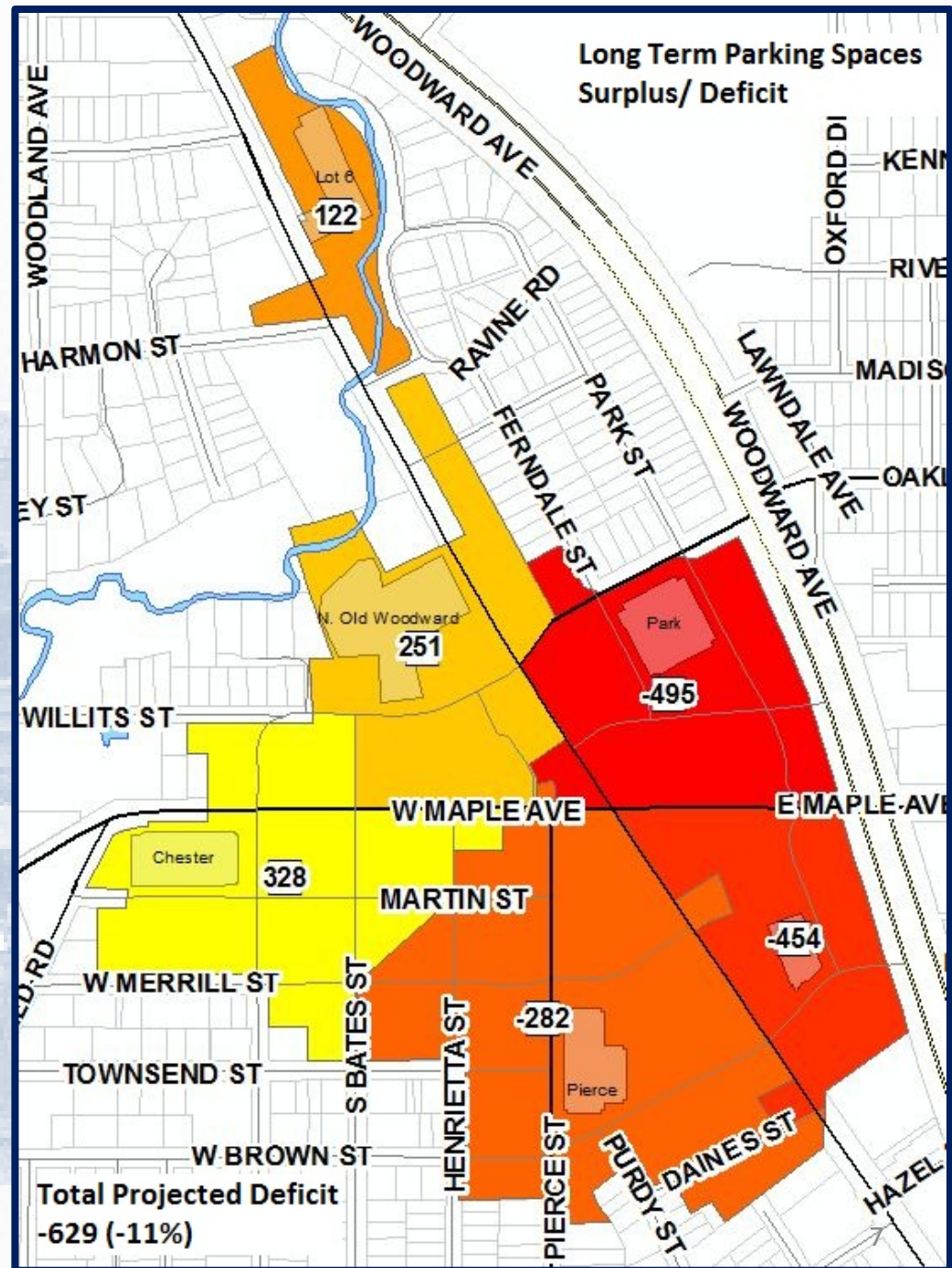


FUTURE PARKING SPACES (SHORT TERM) SURPLUS/DEFICIT



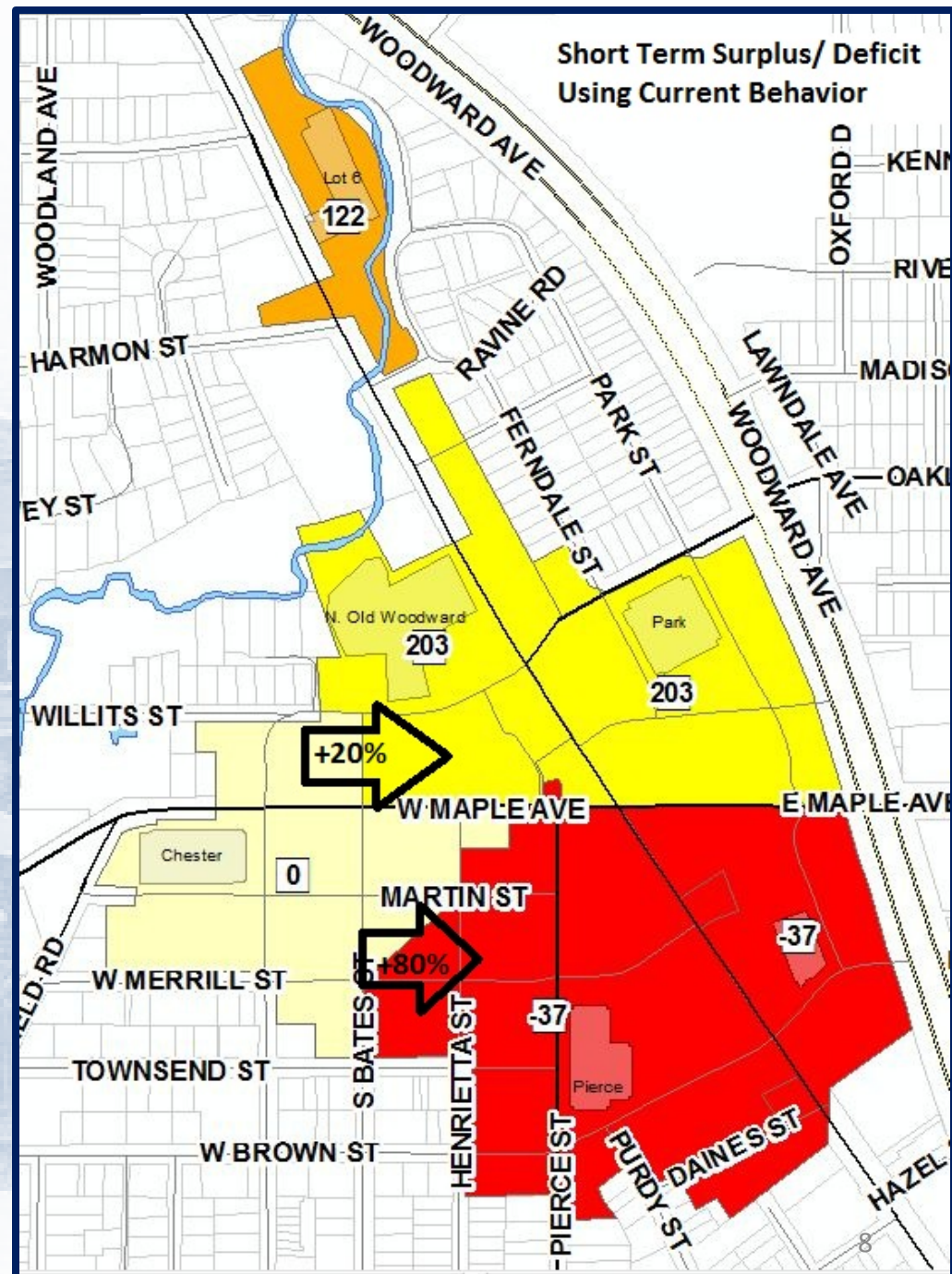
FUTURE PARKING SPACES

(LONG TERM)
SURPLUS/DEFICIT



FUTURE PARKING SPACES

**SURPLUS/DEFICIT (SHORT TERM)
USING CURRENT BEHAVIORS**



AD HOC PARKING DEVELOPMENT COMMITTEE

Members:

Richard Astrein – Principal Shopping District Rep.
Scott Clein – Planning Board Rep.
Rackeline Hoff – City Commissioner
Terry Lang – Resident with Financial Background
Mark Nickita – City Commissioner
Judith Paskiewicz – Advisory Parking Committee Rep.
Vacant – Resident with Development Background

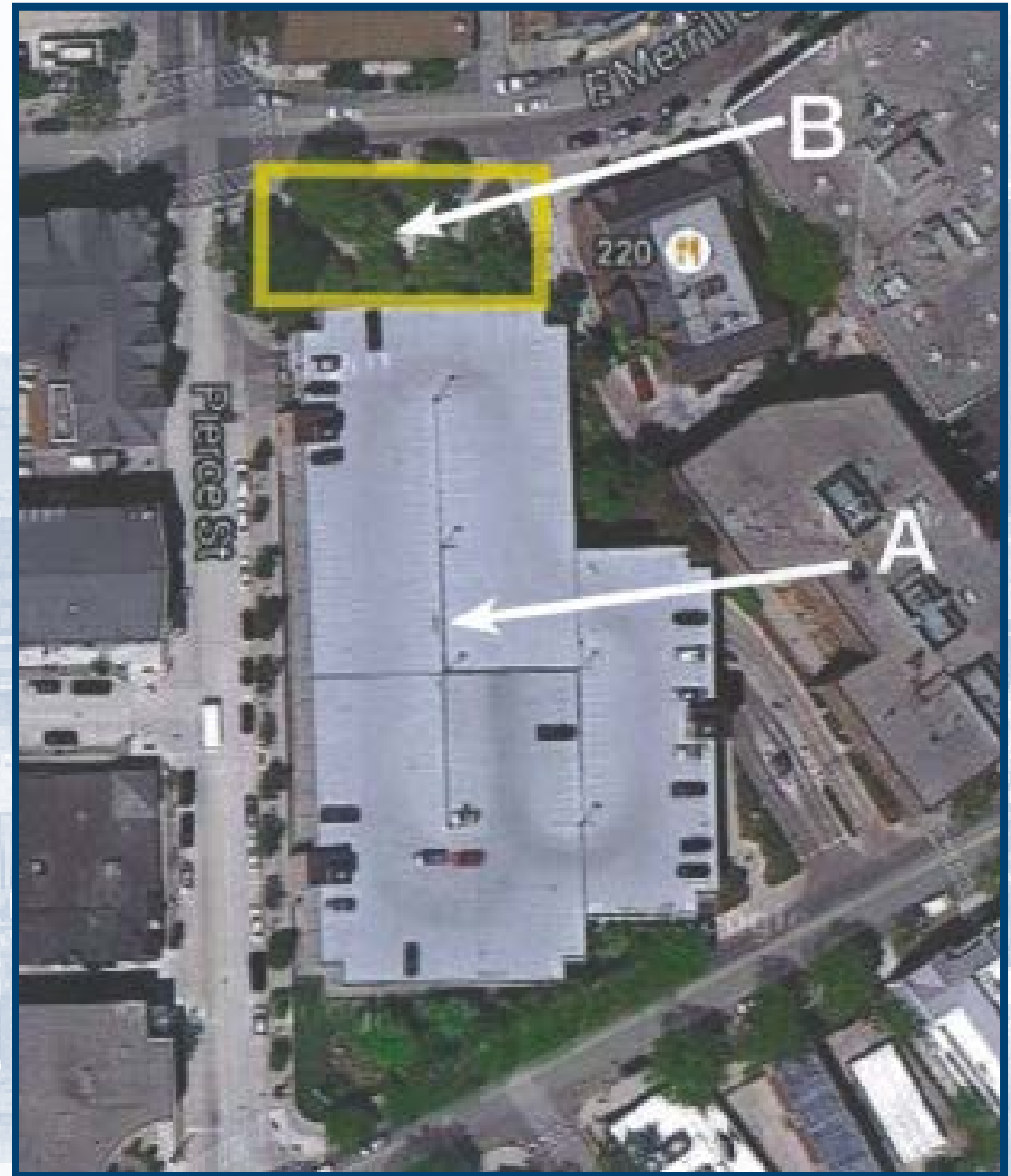
Assisted by Consulting Team:
Saroki Architects / Carl Walker Parking
Consultants / LSL Planning

PIERCE STREET OPTION:

EXPAND
PIERCE STREET
STRUCTURE



DPZ 1996



PIERCE STRUCTURE PRELIMINARY WORK: EXISTING SITE PLAN



Existing Parking Summary:

Surface Total Spaces:	0 spaces
5 Level Structure Total Spaces:	720 spaces
Existing Combined Total Spaces:	720 spaces

SAROKI
ARCHITECTURE

Carl Walker

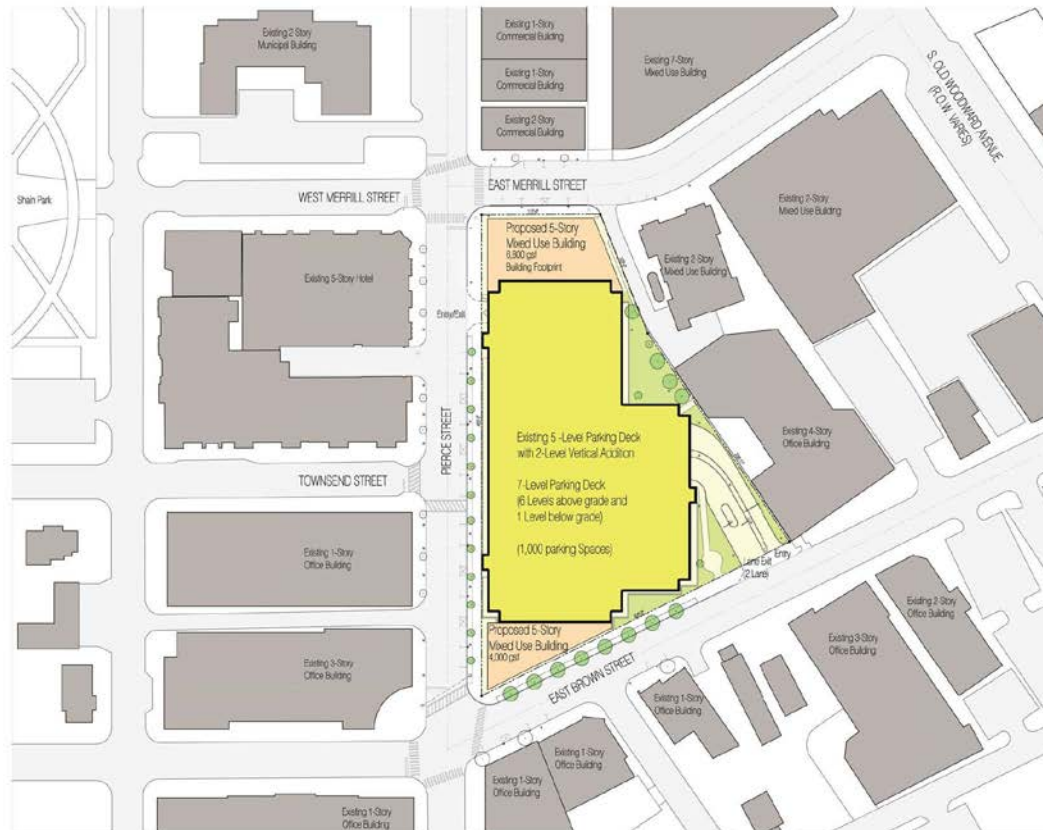
Existing Site Plan
(333 Pierce St.)

Birmingham Parking Expansion
333 Pierce Street
Birmingham, MI
City of Birmingham
Site Plan
Scale 1" = 30'
December 8, 2015



PIERCE STRUCTURE PRELIMINARY WORK:

SCHEME 1- VERTICAL ADDITION



Key Site Elements:

Existing parking structure to remain with a new (2) level vertical addition.
New Mixed Use Building at East Merrill.
New Mixed Use Building at Brown Street.

Proposed Parking Summary:

Current Total Parking at Existing Site: 720 spaces

Desired Total Site Parking: 1147 spaces
(desired 427 additional spaces to south half of the central business district)

Surface Total Spaces: 0 spaces

7 Level Structure Total Spaces: 1,000 spaces

Total Added Parking Spaces over the existing count of 720 spaces: 280 Spaces

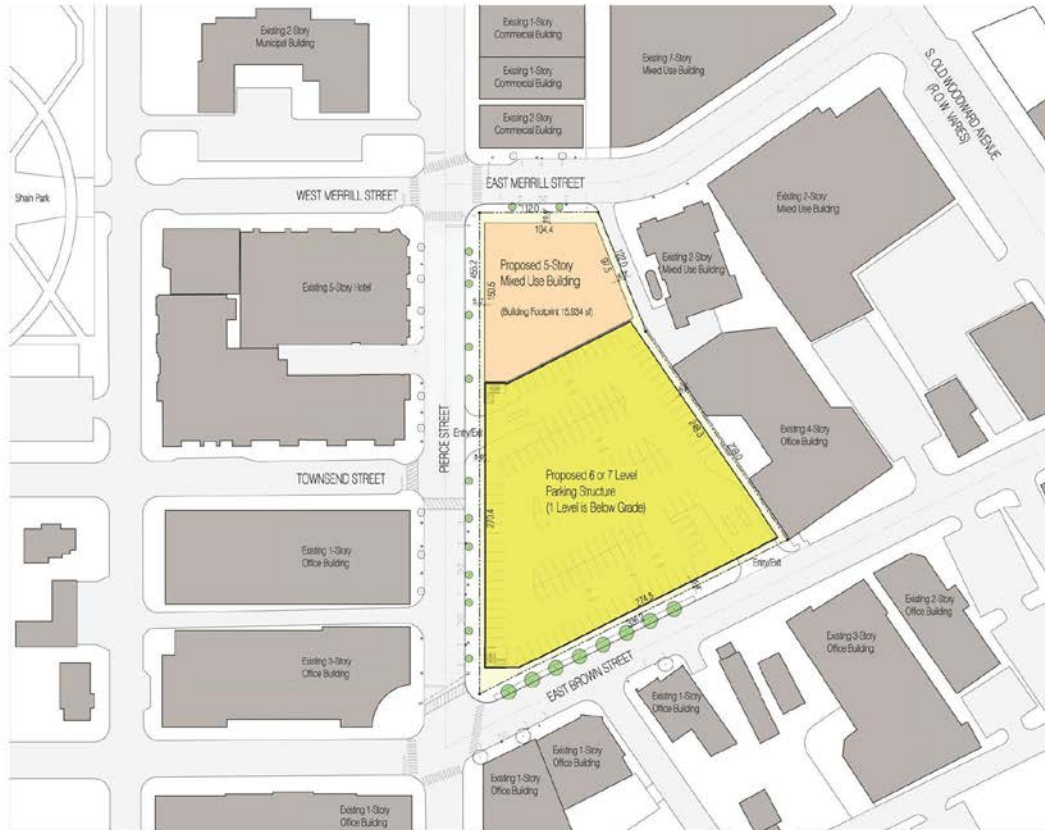
SAROKI
ARCHITECTURE

Carl Walker

333 Pierce Street
Existing Structure with Vertical Addition
Scheme 1

Birmingham Parking Expansion
135 Pierce Street
Birmingham, MI
City of Birmingham
Site Plan
Scale 1" = 30'
December 9, 2015





Key Site Elements:

New Parking Structure.
New Mixed Use Building at East Merrill.
(With parking below grade).

Proposed Parking Summary:

Current Total Parking
at Existing Site: 720 spaces

Desired Total Site Parking: 1147 spaces
(desired 427 additional spaces to south half
of the central business district)

Surface Total Spaces: 0 spaces

6 Level Structure
Total Spaces: 1,000 spaces

7 Level Structure	
Total Spaces	1,173 spaces

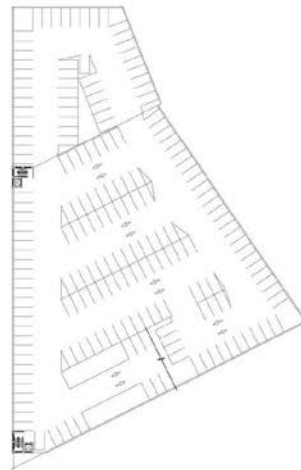
Total Added Parking Spaces over the existing count of 720 spaces: 453 Spaces

333 Pierce Street
Proposed New Structure
SCHEME 2

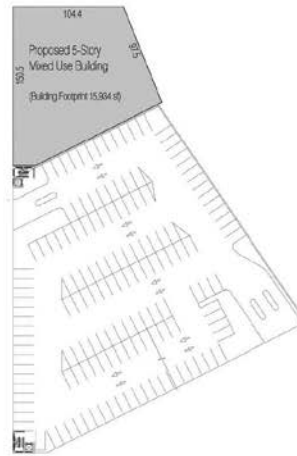
Birmingham Parking Expansion
133 Pierce Street
Birmingham, MI
City of Birmingham
Site Plan
Scale 1" = 30'
December 9, 2015

PIERCE STRUCTURE PRELIMINARY WORK:

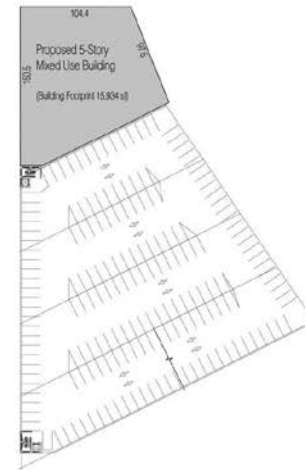
SCHEME 2- PROPOSED NEW STRUCTURE



Level B1
(193 spaces)



Level 1
(147 spaces)



Levels 2-6(7)
(172 spaces)

SAROKI
ARCHITECTURE

Carl Walker

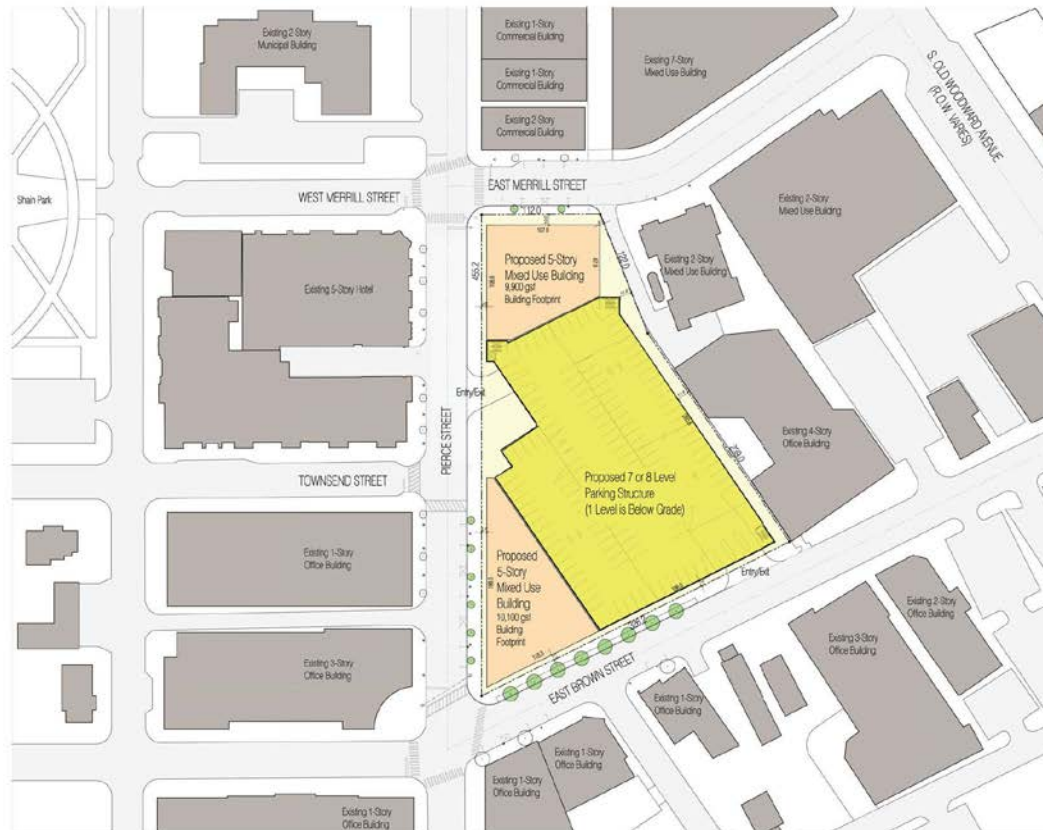
333 Pierce Street
Proposed New Structure - Floor Plans
SCHEME 2

Birmingham Parking Expansion
125 Rouse Street
Birmingham, MI
City of Birmingham
Site Plan
Scale 1" = 30'
December 9, 2015



PIERCE STRUCTURE PRELIMINARY WORK:

SCHEME 3- PROPOSED NEW STRUCTURE



Key Site Elements:

- New Parking Structure.
- New Mixed Use Building at East Merrill.
(With parking below grade)
- New Mixed Use Building at Brown Street.
(With parking below grade)

Proposed Parking Summary:

Current Total Parking at Existing Site:	720 spaces
Desired Total Site Parking: (desired 427 additional spaces to south half of the central business district)	1147 spaces
Surface Total Spaces:	0 spaces
7 Level Structure Total Spaces:	970 spaces
8 Level Structure Total Spaces:	1,100 spaces
Total Added Parking Spaces over the existing count of 720 spaces:	380 spaces

SAROKI
ARCHITECTURE

Carl Walker

333 Pierce Street
Proposed New Structure
Scheme 3

Birmingham Parking Expansion
125 Pierce Street
Birmingham, MI
City of Birmingham
Site Plan
Scale 1" = 30'
December 9, 2015

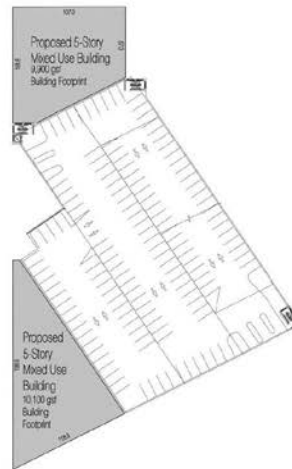


PRELIMINARY WORK:

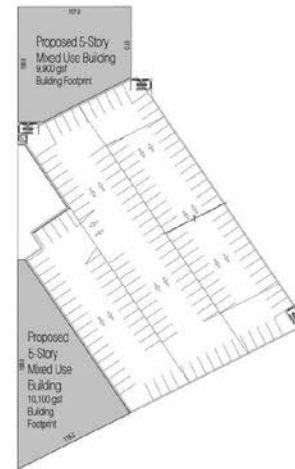
SCHEME 3- PROPOSED NEW STRUCTURE



Level B1
(170 spaces)



Level 1
(130 spaces)



Levels 2-6(7)
(141 spaces)

SAROKI
ARCHITECTURE

Carl Walker

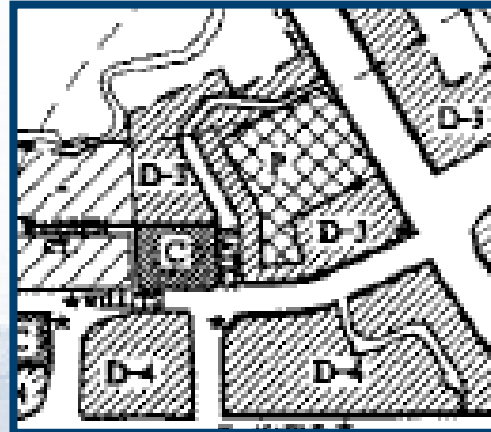
333 Pierce Street
Proposed New Structure - Floor Plans
Scheme 3

Birmingham Parking Expansion
125 1/2 Block Street
Birmingham, MI
City of Birmingham
Site Plan
Scale 1" = 30'
December 8, 2015



N. OLD WOODWARD OPTION:

PARKING LOT #5 N. OLD WOODWARD AVE. STRUCTURE



SPECIFIC PROJECT 6: THE WILLITS BLOCK

Finding: The superblock behind the North Woodward Garage has development potential.

Discussion: Behind the North Woodward Garage is a large site overlooking the Rouge River Park that is now used as a surface parking lot. It has the potential for expanding the existing parking deck by a contiguous addition (avoiding the need for additional ramps). But it is too beautiful a site, facing the park as it does, to reserve entirely for parking.

The site could be edged with apartments or townhouses facing the park, facing the Baptist Church, and facing Willits Street, masking the parking deck in the process. This housing could be built before the parking expansion, because the Woodward Garage is under-utilized.

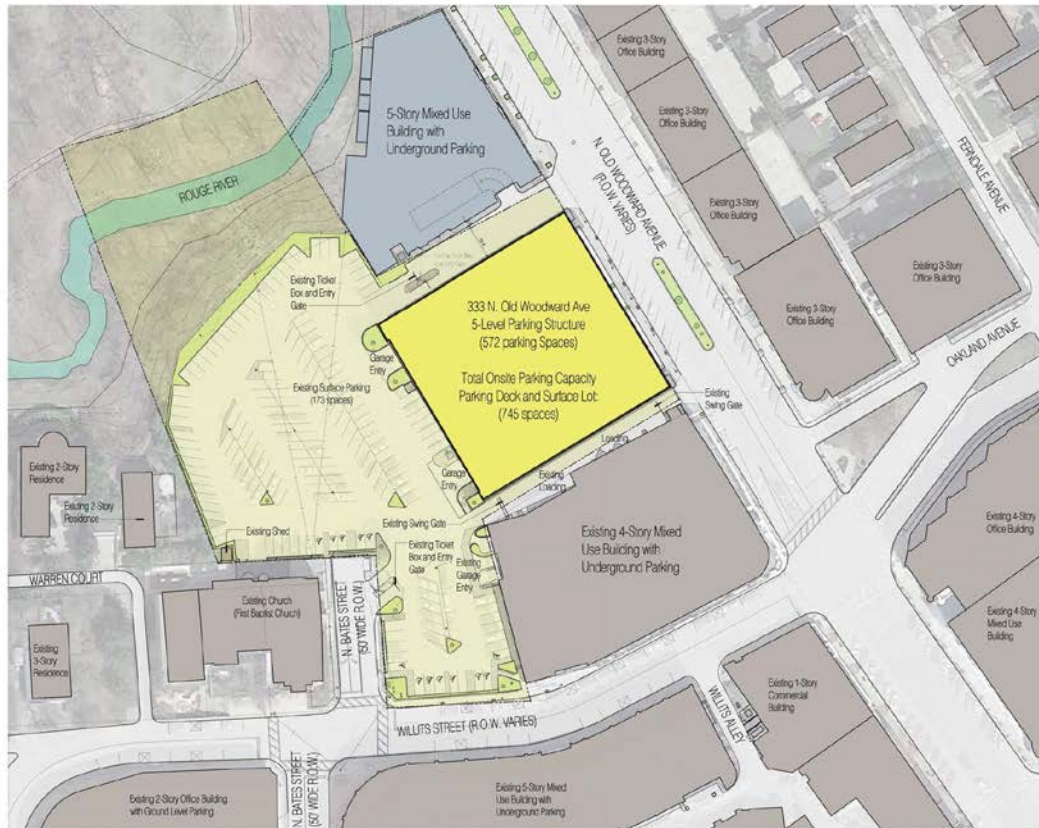
The street formed by the new housing would be an extension of Bates Street and would continue on to Old Woodward by occupying the deck's north-side service road. The sale of these edge parcels for housing would create a one-time fund for the City (perhaps to be used for the Shain Park and Martin Street Specific Projects.)

Recommendation: Sell the edges of the Willits site, perhaps no deeper than 30 feet, to a housing developer, and retain the rest for the parking deck expansion. When sold for development, this special project has the potential of raising a substantial one-time revenue for the City.

References:

- Precedent: Some successful and very shallow townhouses screening parking decks at Mizner Place, Boca Raton, Florida.
- Appendices G - I and G - 7.
- Illus. 56.

WOODWARD STRUCTURE PRELIMINARY WORK: EXISTING SITE PLAN



Existing Parking Summary:

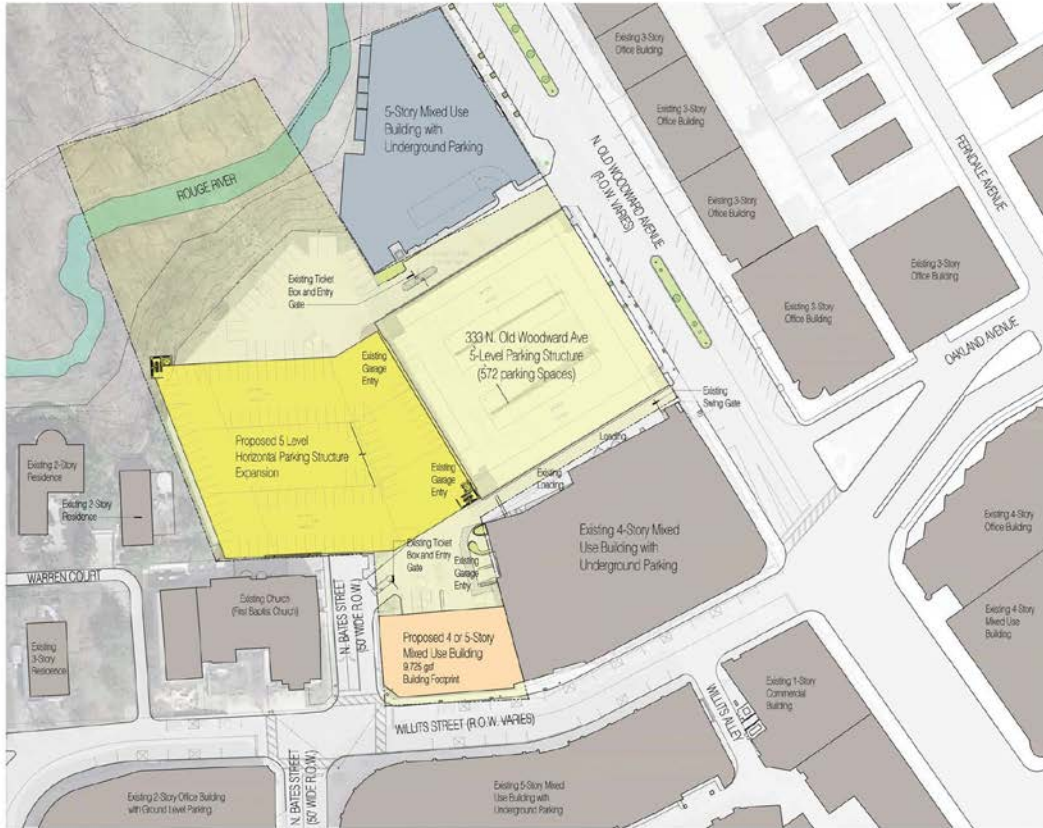
Surface Total Spaces:	179 spaces
5 Level Structure Total Spaces:	572 spaces
Existing Combined Total Spaces:	745 spaces

SAROKI
ARCHITECTURE

Carl Walker

Existing Site Plan
(333 N. Old Woodward)

Birmingham Parking Expansion
333 N. Old Woodward Avenue
Birmingham, HI
City of Birmingham
Scale 1" = 30'
December 8, 2015



Key Site Elements:

New Horizontal Parking Structure Expansion
New Mixed Use Building at Willits

Proposed Parking Summary:

Current Total Parking
at Existing Site: 745 spaces

Desired Total Site Parking: 1023 spaces
(desired 278 additional spaces to north half
of the central business district)

Surface Total Spaces: 31 spaces

5 Level Existing Structure
Total Spaces: 566 spaces
(6 spaces lost at tie-in
with new structure)

4 Level Horizontal
Expansion Structure
Total Spaces: 495 spaces

Proposed Combined
Total Spaces: 1092 Spaces

Total Added Parking Spaces over the existing count of 745 spaces: 347 Spaces

SAROKI
ARCHITECTURE

Carl Walker

333 N. Old Woodward
Existing Structure With Horizontal Expansion
Scheme 1

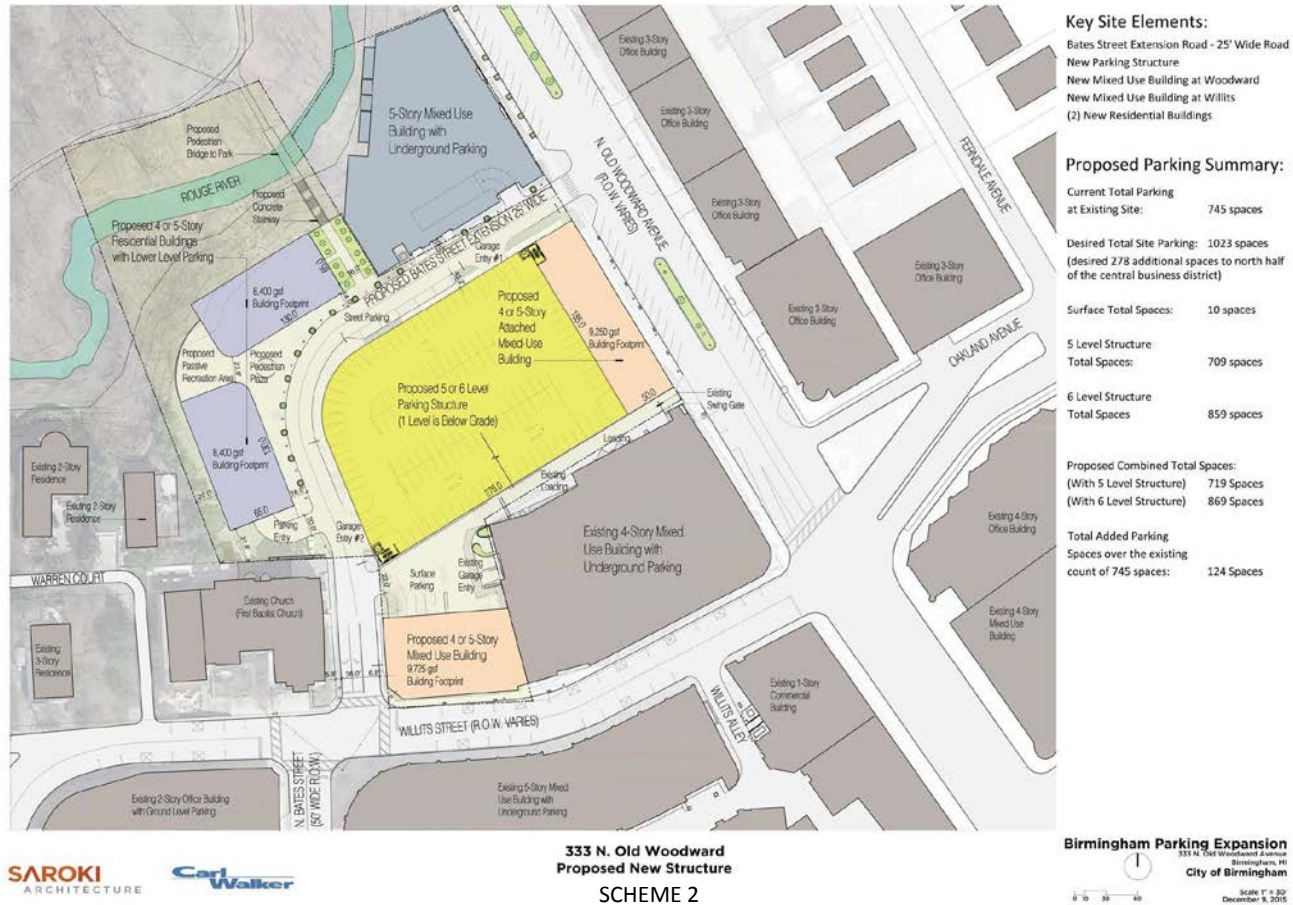
Birmingham Parking Expansion
333 N. Old Woodward Avenue
Birmingham, MI
City of Birmingham

0 10 30 40

Scale 1" = 30'
December 9, 2015

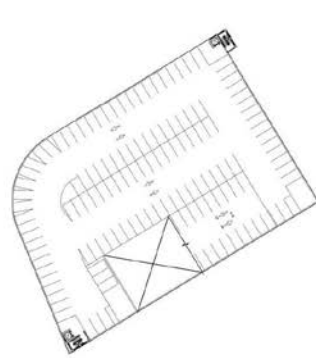
WOODWARD STRUCTURE PRELIMINARY WORK:

SCHEME 2- PROPOSED NEW STRUCTURE

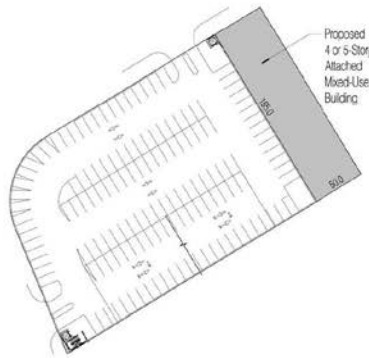


WOODWARD STRUCTURE PRELIMINARY WORK:

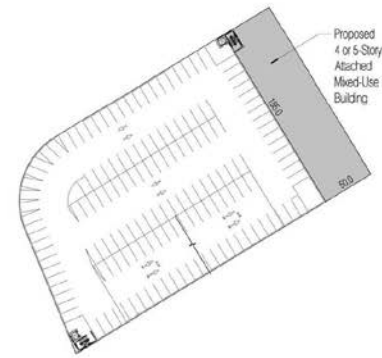
SCHEME 2- PROPOSED NEW STRUCTURE



Level B1
(132 spaces)



Level 1
(140 spaces)



Typical Level
(150 spaces)

SAROKI
ARCHITECTURE

Carl Walker

333 N. Old Woodward
Proposed New Structure - Floor Plans
SCHEME 2

Birmingham Parking Expansion
333 N. Old Woodward Avenue
Birmingham, HI
City of Birmingham
Floor Plans
Scale 1" = 30'
December 5, 2015



WOODWARD STRUCTURE PRELIMINARY WORK:

SCHEME 3- PROPOSED NEW STRUCTURE



Key Site Elements:

- Bates Street Extension Road - 25' Wide Road
- New Parking Structure
- New Commercial Building at Woodward
- New Mixed Use Building at Willits
- (2) New Residential Buildings

Proposed Parking Summary:

Current Total Parking at Existing Site:	745 spaces
Desired Total Site Parking: (desired 278 additional spaces to north half of the central business district)	1023 spaces
Surface Total Spaces:	10 spaces
5 Level Structure Total Spaces:	776 spaces
6 Level Structure Total Spaces:	954 spaces
Proposed Combined Total Spaces: (With 5 Level Structure)	786 Spaces
(With 6 Level Structure)	964 Spaces
Total Added Parking Spaces over the existing count of 745 spaces:	219 Spaces

Note:
The Commercial Building at N. Woodward Avenue results in a reduction of approximately 72 Parking Spaces. Without this commercial building the total added parking comes to 291 spaces.

SAROKI
ARCHITECTURE

Carl Walker

**333 N. Old Woodward
Proposed New Structure
SCHEME 3**

Birmingham Parking Expansion
333 N. Old Woodward Avenue
Birmingham, HI
City of Birmingham
Scale 1" = 30'
December 9, 2015

QUESTIONS?



NATIONAL STUDY OF BRT DEVELOPMENT OUTCOMES

Final Report

NITC-UU-14-650

by

Arthur C. Nelson
Joanna Ganning

University of Utah

for

National Institute for Transportation and Communities (NITC)
P.O. Box 751
Portland, OR 97207



November 2015

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Technical Report Documentation Page			
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		6. Performing Organization Code	
7. Author(s) Arthur C. Nelson, Joanna Ganning, Martin Buchert, Keuntae Kim, Dejan Eskic, Mercedes Beaudoin		8. Performing Organization Report No.	
9. Performing Organization Name and Address Arthur C. Nelson and Joanna Ganning Metropolitan Research Center University of Utah 375 South 1530 East Room 235, Salt Lake City, Utah 84112		10. Work Unit No. (TRAIS)	
		11. Contract or Grant No. NITC-UU-14-650	
12. Sponsoring Agency Name and Address National Institute for Transportation and Communities (NITC) P.O. Box 751 Portland, Oregon 97207		13. Type of Report and Period Covered Final Report	
		14. Sponsoring Agency Code	
15. Supplementary Notes			
16. Abstract <p>Bus rapid transit (BRT) is poised to become the “next big thing” in public transit. From virtually no systems a generation ago, there are now 19 lines operating with at least seven under construction and more than 20 in the planning stages. BRT is gaining popularity because of its combination of low capital cost and potential for high levels of benefits. But are BRT systems effective in attracting development?</p> <p>To answer this and many more trending BRT questions, the Metropolitan Research Center (MRC) reviewed multiple studies using data from the United States Census Bureau, Longitudinal Employer-Household Dynamics, and CoStar data in a quasi-experimental, compare-and-contrast research design to compare jobs, population and households, and housing units before and after BRT station construction relative to control stations and the stations’ metropolitan context. Our units of analysis will be 2010 census blocks and their assemblages as data allow within 0.25 mile buffers.</p> <p>The final products of the MRC’s research include case studies of each BRT and meta-assessments of whether and to what extent BRT systems attract development. Some of the studies answer the following questions: What are the effects of BRT on sectoral employment change in the United States? How does BRT affect housing location affordability? What is the relationship between BRT and its surrounding area’s wage-related job change? These answers can provide MPOs with information to aid in the decision-making process in terms of economic development and transportation planning options.</p>			
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EXECUTIVE SUMMARY

Public transit systems are often promoted as offering a plethora of social, economic and environmental benefits to urban populations by transforming urban forms from auto-centric designs into more sustainable ones. The “next big thing” in public transit is bus rapid transit (BRT) systems. From virtually no systems a generation ago, there are now nearly 20 lines operating with at least seven under construction and more than 20 in the planning stages. Part of this recent popularity in BRT stems from its more affordable capital investment costs and its

potential to be utilized by municipal planning organizations as an economic development tool. Yet, research observing the extent of economic development potential between BRT types remains nascent. So, are BRT systems effective in attracting development?



Figure A. The MAX is a BRT run by the Utah Transit Authority

To answer this and many more trending BRT questions, the Metropolitan Research Center has reviewed multiple studies using data from the United States Census Bureau, Longitudinal Employer-Household Dynamics, and CoStar data in a quasi-experimental, compare-and-contrast research design to compare jobs, population and households, and housing units before and after BRT station construction relative to control stations and the stations’ metropolitan context. Our units of analysis are the 2010 census blocks and their assemblages into block groups as data allow within 0.25-mile buffers.

Our research was designed to gather information and data about a number of relevant questions related to BRT and economic development. The evaluation sought to answer the following questions:

- How does BRT influence development patterns?
- What are the effects of BRT on sectoral employment change in the United States?
- How does BRT affect housing location affordability?
- What is the relationship between BRT and its surrounding area’s wage-related job change?
- Does the type of BRT system technology make a difference in economic development outcomes?

This report includes case studies of each BRT and meta-assessments of whether and to what extent BRT systems attract development. We summarize our research in eight areas as follows, first with economic development outcomes and then with respect to social well-being outcomes.

Development Patterns

We analyzed new development patterns within 0.50 mile of BRT corridors between the periods 2000 and 2007, before the Great Recession, and 2008 to 2015 covering the recession and recovery. We find that for metropolitan counties with BRT systems, transit corridors increased their share of new office space by a third, from 11.4 percent to 15.2 percent. We also find that although new multifamily apartment construction within 0.50 mile of BRT was small, its share has more than doubled since 2008. We observe that BRT corridors appear to be gaining share of new offices and multifamily apartments.

Profiles in Bus Rapid Transit and Economic Development with Special Reference to BRT Technology

We use shift-share analysis to compare pre-recession (2002/2004-2007) and recovery (2008-2011) periods for the BRT station areas compared to their central county. As in other studies, we controlled for the counter-factual. For most but not all systems, we find the BRT station areas gained share of central county jobs at a faster pace or even at the expense of the rest of the central county. We further find circumstantial evidence suggesting that more technologically advanced BRT systems may contribute to positive economic development outcomes.

Sectoral Employment Change

We studied 0.25-mile buffer areas around BRT stations on nine lines opened in the mid-2000s across the U.S., and equally sized areas around control points, to estimate the effects of BRT stations on employment growth for sectors. We find that while our model adequately predicts overall employment change regardless of BRT, BRT is found to influence employment change in only one sector—manufacturing. We believe this finding should be encouraging to economic development planners, as manufacturing provides an employment base for a broad spectrum of income levels and represents a significant share of industrial recruitment activity.

Bus Rapid Transit and Office Rents

Using a commercial real estate service, we evaluate the association between office properties located within 0.50 mile of a BRT line and asking rents. We find evidence of an office rent premium for location within a BRT corridor for most metropolitan areas studied.

Express Busways and Economic Development: Case Study of the South Miami-Dade Busway

A growing body of literature is showing important associations between several forms of fixed-guideway public transit systems and economic development; yet, there exists no assessment of the economic development contributions of express bus service. To help close this gap in literature, we evaluate the change in jobs and share of jobs within 0.50 mile of the express bus stations comprising the South Miami-Dade Busway over the period 2002 through 2011. As for

the BRT and wage-related job change analysis, we controlled for the counter-factual. We again used shift-share analysis to assess development outcomes before and after the recession with respect to these counter-factual locations and compared outcomes to Express Bus stations. We find important economic development outcomes with respect to the South Miami-Dade Busway.

Bus Rapid Transit and Location Affordability

Literature shows transportation costs as a share of household income increase with respect to distance from downtowns and freeway interchanges, but it is silent on the relationship with proximity to BRT stations. Using ordinary least squares regression analysis, we evaluate block-group data for all 12 BRT lines operating in the U.S. in 2010. We use the quadratic transformation of the central business district (CBD) and BRT distance variables to estimate the extent to which distance effects are found. We find that household transportation costs as a share of budgets increase with respect to CBD distance to about 19 miles and about eight miles with respect to BRT stations.

Bus Rapid Transit and Wage-Related Job Change

Literature suggests fixed-guideway transit systems attract more lower-wage jobs near transit stations. We evaluate this proposition in the context BRT. To help control for the counter-factual—that is, the shift in jobs by wage group would have occurred anyway—we devised an algorithm to identify 10 alternative locations having comparable attributes to each existing station at the beginning of our study period. We used shift-share analysis to assess the shift in jobs based on wage categories before and after the Great Recession with respect to these counter-factual locations and compared outcomes to BRT station areas. We find that before the recession, the shift in jobs for all wage groups was about the same between BRT station areas and counter-factual locations. During the recovery, however, BRT station areas saw larger shifts compared to counter-factual locations for lower-wage and upper-wage jobs. However, BRT station areas were associated with the largest positive shift in the share of upper-wage jobs during economic recovery while the share of lower-wage jobs in BRT station areas fell, both compared to their central counties and counter-factual locations.

The Relationship between Bus Rapid Transit and the Location of People and Housing

Because of their novelty, little research has addressed whether and the extent to which BRT systems influences the location of people and housing. We help close this gap in research. We find little difference in BRT study area performance compared to their metropolitan areas in terms of influencing population and residential patterns. However, we find indirect evidence that BRT systems choosing higher-quality design and technology options tended to enjoy better population and housing outcomes than those that chose lesser options.

We conclude that, on the whole, BRT systems are associated with positive development and job location outcomes, though not necessarily population or housing outcomes.

1.0 INTRODUCTION

1.1 PURPOSE OF THE REPORT

Bus rapid transit (BRT) is poised to become the “next big thing” in public transit. From virtually no systems a generation ago, there are now more than 20 true BRT lines operating in more than a dozen metropolitan areas with dozens more lines planned or under construction. BRT is gaining popularity because of its combination of low capital cost and potential for high levels of benefits. But are they effective in attracting development? And, given the variation in design between systems, do development outcomes along BRT corridors and at stations vary by type of system? To answer these questions, we conducted a national study of all 13 BRT systems in place as of 2011 and operating since at least 2009. Our research methods, findings and implications are presented in this report.

We are motivated in this report to provide the systematic evidence decision-makers and the general public need to understand the nature of development outcomes associated with BRT investments. To the extent data allow, we aim also to indicate differences in outcomes to different levels of BRT quality. Unlike rail transit, BRT systems can vary in design considerably, as we will note later in this introduction.

Our central interest is learning the extent to which BRT lines and stations attract jobs and associated nonresidential development, as well as people and associated residential development. At the time we started our research, the Transportation Research International Documentation (TRID) database reported only seven relevant publications since 2009. Only one study reported statistical analysis associating BRT stations with jobs and that is ours (Nelson et al., 2013). It showed that, for certain sectors, Eugene-Springfield’s BRT system attracted jobs yet repelled jobs in others. Their research was limited to just one BRT flavor (Bronze—described later in the introduction) in just one metropolitan area.

A 2012 study by the U.S. General Accountability Office (GAO) provided descriptive information about ridership and a combination of descriptive and anecdotal information on new jobs and development activity for some BRT systems. It provided no statistically rigorous assessment, however, nor did it offer evidence on the extent to which jobs and development vary by type of BRT system.

We also found that two published studies used hedonic analysis to show that single-family residential property values rise with respect to BRT station proximity in Pittsburgh (Perk et al., 2010) and in Boston (Perk et al., 2012). Neither reported hedonic analysis of nonresidential and apartment residential development.

We found three other works reported in TRID worth noting. Davis (2013) offered general observations of the growth and prospects of BRT to shape metropolitan development patterns, and he includes planning implications. Panero et al. (2012) reported peer-to-peer observations about the planning, design, implementation and management of existing and new BRT systems.

The National Bus Rapid Transit Institute (NBRTI, 2009) provided an overview of planning, design and implementation issues. In 2013, the Institute for Transportation and Development Policy (ITDP) issued a report providing background information for BRT, light rail and streetcar systems nationally (Hook, Lotshaw and Weinstock, 2013). Except for two case studies, it did not evaluate development outcomes with respect to transit investments, however. Its two BRT case studies – Cleveland and Pittsburgh – described development that has occurred along the BRT lines, but neither offered statistical evidence that BRT made a difference relative to controls. Moreover, neither case study provided the kind of rigorous statistical analysis we used for the research presented in this report.

In short, previous research does not comprehensively address whether and the extent to which BRT lines and stations are associated with residential and job change along with residential development. And, if so, whether variations in development outcomes are associated with differences in BRT features. This is the purpose of our national study.

1.2 THEORETICAL OVERVIEW

Public transit systems are often promoted as offering many social, economic and environmental benefits to urban populations, in part by transforming urban forms from auto-centric designs into more sustainable, transit-accessible ones. There is a sound theoretical foundation for this.

Fixed-guideway transit systems include heavy or “fifth” rail, such as the New York subway; light rail, such as provided in Charlotte and San Diego; non-tourist-related streetcar, such as seen in Portland and Tampa; and bus rapid transit, such as the world’s second-oldest system operated in Pittsburgh. Fixed-guideway systems reinvent the idea of agglomeration economies, which is a cornerstone of urban economic development. In this section, we review the role of agglomeration economies in economic development, assess how the advantages of agglomeration economies are undermined by automobile dependency, and summarize the role of fixed-guideway transit systems in recreating those economies.

Cities are formed and grow in large part by creating agglomeration economies (Glaeser, 2011). Annas, Arnott and Small (1998) define the term as “the decline in average cost as more production occurs within a specified geographical area” (p. 1,427). They arise specific to certain economic sectors, however. As more firms in a related sector cluster together, costs of production fall as productivity increases. These economies can spill over into complementary sectors (Holmes, 1999). Cities can become ever larger as economies of agglomeration are exploited (Ciccone and Hall, 1996). If cities get too large, however, congestion occurs, which leads to diseconomies of scale. The result may be relocation of firms, but this can weaken economies of scale (Bogart, 1998). Highways connecting the city to outlying areas can induce firms to relocate, thereby reducing agglomeration diseconomies of scale through sacrificing some economies, though overall economic improvement is debatable (Boarnet, 1997). Cities thus spread out, and although the urban area may contain more people and jobs, the advantages of agglomeration economies are weakened.

One way to preserve agglomeration economies and reduce diseconomies is to improve transportation systems; this is a role of fixed-guideway transit systems. Within about 0.25 to 0.50

miles from transit stations accessing these systems, firms maximize the benefits of agglomeration economies (Cervero et al., 2004). Moreover, some firms can also benefit from expanded access to the labor force residing within walking distance of transit stations, wherever they are located (Belzer, Srivastava and Austin, 2011).

There is another aspect of agglomeration economies identified by Chapman and Noland (2011). Although transit systems can lead to higher-density development by shifting new jobs and population to station areas, it could lead, instead, to the redistribution of existing development even in the absence of growth.

In part because of their role in facilitating agglomeration economies, there is a growing body of research showing that rail-based public transit facilitates underlying agglomeration economies and thereby enhances economic development (see Nelson et al., 2009). Those economies are facilitated when they improve accessibility between people and their destinations (Littman, 2009) by reducing travel time and the risk of failing to arrive at a destination (Weisbrod and Reno, 2009). At the metropolitan scale, adding rail transit corridors in built-up urban areas increases aggregate economic activity (Graham, 2007). But do these theories and findings apply as well to bus rapid transit systems?

1.3 BRIEF ORIENTATION TO BUS RAPID TRANSIT SYSTEMS

BRT systems are described as bus services with advanced operational features distinct from other local bus services (Levinson et al., 2003). BRTs typically include separate priority lanes, faster passenger boarding, off-vehicle fare collection, and branding. Branding provides a BRT identity and style (GAO, 2012; Thole and Samus, 2009; Hook et.al, 2013; Urban Land Institute, 2011). Such features provide BRT a sense of permanence, which fixed-rail investments typically signify (Polzin and Baltes, 2002; Graham, 2007; Cervero and Dai, 2014). These features are illustrated in Figure 1.1. Although we address some details of BRT system design and technology in individual chapters, we provide an overall orientation here.

Kittelson & Associates (2007) pose an ideal set of features that differentiate BRT systems from regular bus service, if not rail transit options. They are:

1. Physically separated, exclusive BRT-use lanes or roadways;
2. Distinctive lines with frequent, reliable service and regular headways at all daily hours;
3. Distinctive, protected and closely-spaced (300-600 meters) stops;
4. Specially designed buses with large door-to-capacity ratios, low floors and/or high platforms;
5. Signalized intersection priority; and
6. Use of intelligent transportation technology to maximize vehicle movements, passenger information, and fare collection.

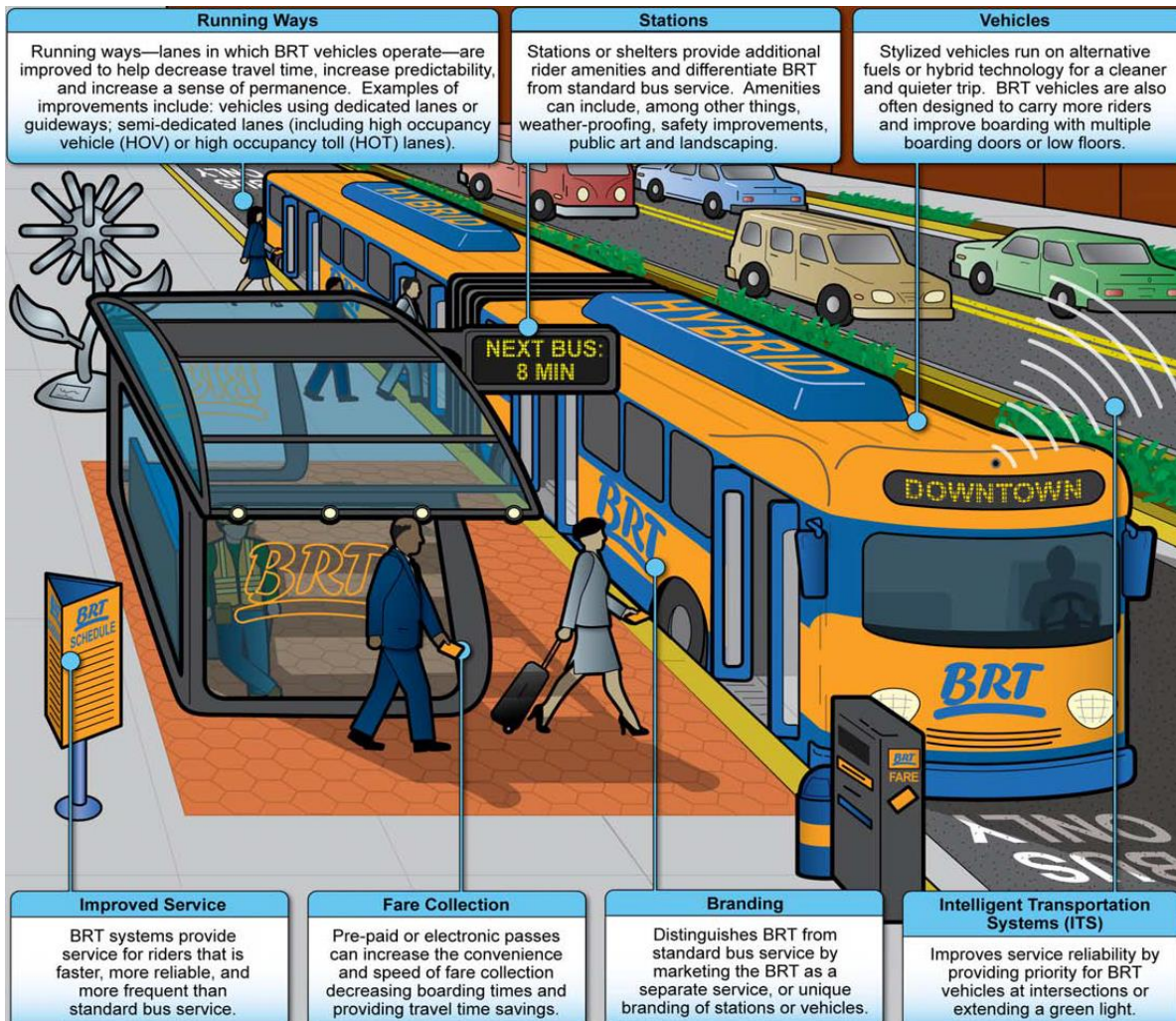


Figure 1.1 Characteristics of Bus Rapid Transit

Source: United States Government Accountability Office (2012). *BUS RAPID TRANSIT: Projects Improve Transit Service and Can Contribute to Economic Development*.

Vuchic, Stanger and Bruun (2012) note, however, that no BRT system in the world includes all those elements. In their view, BRT systems should have most of them. They also note the most important element is for a BRT system to be comparable in as many ways as possible to light rail transit (LRT) systems, especially in terms of dedicated right-of-way and operating speed. This is not an inexpensive proposition according to Hoffman (2008). Indeed, it is possible that along any given segment, BRT capital costs can be more than LRT costs. We adapt Vuchic, Stanger and Bruun's comparison of BRT and LRT planning, design, operational and cost features (p. 1,881) as follows:

1. Separate ROW (B or A) for LRT is easier to achieve because LRT uses rail tracks instead of roadway lanes, and due to its different technology requires no physical protection and police enforcement, as do busways.
2. LRT has better vehicle performance than BRT because of its electric traction.
3. LRT produces no exhaust along the line and much lower noise than BRT.
4. LRT is often designed to serve as the central element for access and image of pedestrian areas in central cities; BRT with high-frequency services is much less compatible with “pedestrianized” areas.
5. LRT can use tunnels while BRT cannot.
6. LRT vehicles are more spacious and comfortable than BRT buses.
7. LRT has a stronger brand leading it to attract more riders.
8. LRT has a stronger positive impact on urban development than BRT—though we note that research has yet to support this conclusively.
9. Investment costs for LRT are higher, often far higher, than those for BRT.

Several tables synthesize insights offered by Vuchic, Stanger and Bruun which compare regular bus (RB), BRT and LRT systems. To some extent, streetcar systems can be considered a form of LRT for purposes of comparing rail to BRT options. Table 1.1 compares RB, BRT and LRT systems in terms of system components, operational features of service lines, and overall system characteristics. For the most part, it is easy to see that BRT functions essentially in the middle between RB and LRT services.

Table 1.2 compares RB, BRT, LRT and rapid rail transit services. Rapid rail transit is sometimes called “heavy” rail since its cars hold more passengers and its travel speeds are higher than LRT, and also sometimes called “third rail” since many rapid rail systems are powered by an electrified track closely paralleling one of the two main load-bearing tracks. Comparisons are made based on observed data from Los Angeles, which has examples of all these systems; the BRT example is explicitly the Orange Lin, which is also among the highest rated BRT lines in the nation (this will be discussed later). Here we see that for the most part BRT, or at least Los Angeles’ Orange Line BRT, has the greater cost-effectiveness outcomes.

Table 1.3, also adapted from Vuchic, Stanger and Bruun, attempts to compare RB, BRT and LRT systems in terms of costs, environmental implications and effects on urban form. For the most part, LRT appears to be the preferred choice, but this assumes implicitly that planning, design and cost features are the same between the options. Of course they are not. Moreover, the implicit assumption is that LRT per se will influence development outcomes to a greater extent than LRT. Although we do not make many direct comparisons in our report, we believe we make enough to warrant reconsideration of this assumption.

Because BRT systems vary considerably in their planning, design, operational and cost features, the next section reviews a way in which these different systems can be compared based on their differences.

Table 1.1 Bus, BRT and Light Rail Transit Systems Compared

Mode	Regular Bus (RB)	Bus Rapid Transit	Light Rail Transit
System Components			
Travel Lane	Road	Road	Rail
Guidance	Steered	Steered	Guided
Propulsion	ICE	ICE	Electric
Transit unit (TU) control	Driver/Visual	Driver/Visual	Driver/Signal
Vehicle capacity (spaces)	80-120	80-120	100-250
Maximum transit unit size	Single Vehicle	Single Vehicle	1-4 car trains
Maximum TU capacity	80-120	80-120	4 x 180 = 720
Lines/Operational Elements			
Lines	Many	Few	Few
Headways	Long/Medium/Short	Long/Medium/Short	Medium/Short
Urban Stop Spacing (meters)	80-250	200-400	250-600
Transfers	Few	Some/Many	Many
System Characteristics			
Investment cost/km	Low	High	Very High
Operating cost/space	Medium	Medium	Low
System brand	Variable	Good	Excellent
Passenger attraction	Limited	Good	Strong
Impacts on land use and livability	Least	Moderate	Strongest
Note: ICE means internal combustion engine			

Source: Adapted from Vuchic, Stanger and Bruun (2012).

Table 1.2 Bus, BRT and Light Rail Transit Operating Features and Costs Compared

Mode	Regular Bus	Orange Line BRT	Light Rail Transit	Rapid Rail Transit
Feature				
Ave. peak hour speed km/hour	20.6	29.3	41.4	51.8
Ave. trip length	5.7	9.4	11.3	8.0
Daily riders: Observed	30,000	25,000	84,000	140,000
Daily riders: Capacity	30,000	35,000	100,000	300,000
Capital cost/km (millions)	na	\$17.3 (2005)	\$38.9 (2003)	\$130 (2000)
Operating costs per passenger km	\$0.60	\$0.30	\$0.31	\$0.27
Operating subsidy per passenger km	\$0.47	\$0.22	\$0.25	\$0.20

Source: Adapted from Vuchic, Stanger and Bruun (2012).

Table 1.3 Bus, BRT and Light Rail Transit Service Quality, Economic, Environmental and Planning Aspects Compared

Mode	Regular Bus	Bus Rapid Transit	Light Rail Transit	Preference
Feature				
Investment cost	Medium	High	Very High	RB
Implementation complexity/time	Short	Medium	Long	RB
Operating cost	Lower for low volumes	Lower for low volumes	Lower for high volumes	No Clear Choice
Operating speed	Medium	High	High	No Clear Choice
Flexibility for operating options	Low	Some with 4-lane stops	Low except with 4-track stops	BRT
Capacity	Low	Medium	High	LRT
Energy & traction	ICE	ICE	Electric	LRT
Vehicle performance	Good	Good	Excellent	LRT
Air pollution	Poor	Poor	No local pollution	LRT
Noise	Poor	Poor	Some	LRT
System brand, attraction	Fair	Good	Excellent	LRT
Potential to influence development	Limited	Fair	Very good	LRT
Contribution to livability	Some	Limited	Excellent	LRT

Source: Adapted from Vuchic, Stanger and Bruun (2012).

1.4 RATING BUS RAPID TRANSIT SYSTEMS

Our study includes all 13 BRT systems operating (one being technically a regional express bus service—Miami-Dade—that we will discuss later) as of 2011 for which data are available no later than 2009. Key features of those systems are reviewed in Table 1.4. We remind readers that technologies used for BRT systems vary much more than other fixed-guideway transit systems. Rail and streetcar transit systems, for instance, operate on rails with specially designed platforms serving riders. Conventional buses involve buses using regular travel lanes with few specially designed platforms serving riders. According to Nikitas and Karlsson (2015), BRT systems have several uniquely varying features such as the following (adapting from their work):

- ***Unique buses*** that contribute significantly to BRT’s image and identity;
- ***Stops, stations, terminals and corridors*** that clearly define the BRT operating area;
- ***Variety of rights-of-way*** such as intersection signalization priority, dedicated lanes, and potentially separation from other surface street traffic;
- ***Pre-board fare collection*** that economizes on boarding time;
- ***Information and communication technologies*** that improve the rider experience both at the platform and on the bus;
- ***Substantial service during the day*** ideally being no less than 16 hours per day with peak frequencies of no more than 10 minutes; and
- ***Brand identity*** that distinguishes BRT from all other forms of transit.

To help in differentiating BRT systems based on their differences, Weinstock et al. (2011) devised an objective rating scheme to classify them. It was adapted by the Institute for Transportation and Development Policy (2013). For its part, the ITDP rates BRT systems worldwide as Gold, Silver, Bronze, Basic or “Unrated” (which is our term). Based on this rating scheme, technically, unrated systems are not defined as true BRT systems. Semantics aside, we consider all BRT systems in the U.S. that transit authorities say are BRT systems to be such. Whether economic development performance differs by overall rating of BRT systems is unknown, however. We report the ITDP ratings for U.S. BRT systems in Table 1.5. Systems not on this table are considered “unrated” for our purposes.

Using information provided in tables 1.4 and 1.5 we are able to estimate the differential capital costs per BRT system mile between BRT levels. They are:

Silver	\$23.7 million per mile
Bronze	\$22.9 million per mile
Basic	\$28.5 million per mile
Unrated	\$3.0 million per mile

In other words, while there is not much difference in the cost per system-mile of BRT systems that are rated, those that are unrated are about a full magnitude (one-tenth) less costly. We will use this finding in our overall assessment of how BRT systems affect development outcomes with special reference to overall system quality.

Table 1.4 General Features of U.S. BRT Systems Evaluated

Place	Line	Year	Miles	Stations	Buses	Corridor Cost (millions 2015\$)	Corridor Cost/Mile (millions 2015\$)	Average Weekday Ridership
Cleveland OH	HealthLine	2008	9.4	58	24	\$222.0	\$23.7	10,500
Eugene-Springfield OR	Emerald Express	2007	4.0	10	6	\$25.3	\$6.3	6,000
Kansas City MO	Main Street	2005	6.0	47	14	\$28.1	\$4.7	4,800
Las Vegas NV	Strip and Downtown (SDX)	2010	9.0	na	na	\$51.6	\$5.7	14,000
Los Angeles	901 Metro Orange Line	2005	14.4	28	23	na	na	23,156
Los Angeles	910 Silver Line	2009	26.7	38	16	na	na	7,269
Miami-Dade FL	South Miami-Dade Busway	1996	20.0	30	57	\$81.2	\$4.1	25,000
New York City - Bronx NY	Fordham Rd/ Pelham Parkway	2008	9.0	18	25	\$11.7	\$1.3	35,000
Phoenix AZ	Main Street LINK	2009	13.0	15	8	\$22.2	\$1.7	1,174
Pittsburgh PA	MLK East Busway	1983	9.1	10	na	\$274.9	\$30.2	25,000
Pittsburgh PA	West Busway	2000	8.1	6	na	\$451.3	\$55.7	na
Pittsburgh PA	South Busway	1977	4.3	10	na	\$106.1	\$24.7	13,000
Salt Lake County UT	3500 South BRT (MAX)	2008	10.0	12	10	\$7.8	\$0.8	4,400

Source: Data from National Bus Rapid Transit Institute. Corridor costs adjusted by authors.

Table 1.5 Ratings of U.S. Bus Rapid Transit Systems, 2013

		Cleveland OH HealthLine	Eugene OR EmX Green Line	Pittsburgh PA Martin Luther King Jr. East Busway	Pittsburgh PA West Busway	Pittsburgh PA South Busway	Las Vegas Strip & Downtown Express	Los Angeles Orange Line
<i>Corridor length, km</i>		15.0	12.5	14.6	8.2	6.9	2.0	23.0
Metric	Points							
BRT Basics - Minimum score of 18 points needed	33	29	20	20	20	20	23	25
Busway alignment	7	7	4	7	7	7	6	7
Dedicated right-of-way	7	7	4	7	7	7	6	7
Off-board fare collection	7	6	6	0	0	0	3	6
Intersection treatments	6	3	0	6	6	6	3	5
Platform-level boarding	6	6	6	0	0	0	5	0
Service Planning	24	16	11	13	12	11	12	13
Multiple routes	4	4	0	4	4	4	4	0
Peak frequency	3	1	0	2	1	0	0	3
Off-peak frequency	2	0	2	0	0	0	0	2
Express, limited, and local services	3	0	0	2	2	2	0	0
Control center	3	3	3	0	0	0	2	3
Located in top ten corridors	2	2	2	2	2	2	2	0
Demand Profile	3	3	3	0	0	0	0	3
Hours of operations	2	2	1	2	2	2	2	2
Multi-corridor network	2	1	0	1	1	1	2	0
Infrastructure	14	8	5	11	10	10	5	9
Passing lanes at stations	4	2	0	4	4	4	0	4
Minimizing bus emissions	3	2	2	2	1	1	3	3
Stations set back from intersections	3	1	1	3	3	3	1	0
Center stations	2	1	0	0	0	0	0	0
Pavement quality	2	2	2	2	2	2	1	2

Table 1.5 Ratings of U.S. Bus Rapid Transit Systems, 2013 – continued

Metric		Cleveland OH HealthLine	Eugene OR EmX Green Line	Pittsburgh PA Martin Luther King Jr. East Busway	Pittsburgh PA West Busway	Pittsburgh PA South Busway	Las Vegas Strip & Downtown Express	Los Angeles Orange Line
Station Design and Station- bus Interface	10	9	7	5	7	7	6	5
Distances between stations	2	2	2	0	2	2	2	0
Safe and comfortable stations	3	3	2	1	1	1	1	1
Number of doors on bus	3	3	3	3	3	3	3	3
Docking bays and sub-stops	1	1	0	1	1	1	0	1
Sliding doors in BRT stations	1	0	0	0	0	0	0	0
Quality of Service & Passenger Information Systems	5	5	5	0	0	0	4	5
Branding	3	3	3	0	0	0	3	3
Passenger information	2	2	2	0	0	0	1	2
Integration and Access	14	9	10	7	2	2	7	8
Universal access	3	3	3	2	1	1	3	3
Integration with other public transport	3	1	3	2	0	0	1	0
Pedestrian access	3	3	2	2	1	1	2	1
Secure bicycle parking	2	1	1	1	0	0	0	2
Bicycle lanes	2	1	1	0	0	0	1	2
Bicycle-sharing integration	1	0	0	0	0	0	0	0
TOTAL 100	100	76	58	56	51	50	57	65
BRT BASICS (MINIMUM NEEDED 18)	33	29	20	20	20	20	23	25

Table 1.5 Ratings of U.S. Bus Rapid Transit Systems, 2013 – continued

		Cleveland OH HealthLine	Eugene OR EmX Green Line	Pittsburgh PA Martin Luther King Jr. East Busway	Pittsburgh PA West Busway	Pittsburgh PA South Busway	Las Vegas Strip & Downtown Express	Los Angeles Orange Line
Point Deductions		-36	-3	0	0	0	-3	0
Commercial Speeds		-10	-3	0	0	0	0	0
Peak passengers per hour per direction (pphpd) below 1,000		-5	0	0	0	0	0	0
Lack of enforcement of right- of-way		-5	0	0	0	0	0	0
Significant gap between bus floor and station platform		-5	0	0	0	0	-3	0
Overcrowding		-3	0	0	0	0	0	0
Poorly-maintained Busway, Buses, Stations and Technology Systems		-8	0	0	0	0	0	0
Total Score:		100	55	56	51	50	54	65
Gold	85-100							
Silver	72-84	Silver						
Bronze	55-71		Bronze	Bronze				Bronze
Basic	18-54				Basic	Basic	Basic	

Source: Adapted from Institute for Transportation and Development Policy (2014)

1.5 RESEARCH OBJECTIVES

The overall objective of this research is to evaluate the type and extent of economic impacts of BRT stations in the United States. This research examines 12 BRT systems located in 10 areas: Pittsburgh, PA; Las Vegas, NV; Los Angeles, CA; Kansas City, MO; Eugene-Springfield, OR; Cleveland, OH; Bronx, NY; Phoenix, AZ; Miami, FL; and West Valley City, UT. Each of the BRTs observed in this research possess different technologies and quality rankings, and are set in diverse cultural contexts.

Our research was designed to gather information and data about a number of relevant questions related to BRT and economic development. The evaluation sought to answer the following questions:

- How does BRT influence development patterns?
- What are the effects of BRT on sectoral employment change in the United States?
- How does BRT affect housing location affordability?
- What is the relationship between BRT and its surrounding area's wage-related job change?
- Does the type of BRT system technology make a difference in economic development outcomes?

These questions are addressed in eight chapters.



Figure 1.2 The Eugene-Springfield Emerald Express (EmX) BRT system

1.6 BRT SYSTEMS EVALUATED

Here we profile the BRT systems operating in the 10 metropolitan areas that are evaluated in this report. We review them chronologically from the metropolitan areas with the oldest system, including its subsequent systems.

1.6.1 Pittsburgh, Pennsylvania

Pittsburgh launched the South Line (earning a Basic rating) in 1977, just three years after the world's first system in Curitiba, Brazil, to be the U.S.'s first BRT system. The South Line's 4.3 miles of exclusive bus lanes encompass previously underserved areas from the western suburbs to the downtown area. Funding for the system came from U.S. DOT, the State of Pennsylvania, and Allegheny County. The Port Authority of Allegheny County operates the system. By 1983, Pittsburgh started the East Line (rated Bronze with 6.8 miles) connecting eastern suburbs to downtown. In 2000, the West Line (rated Basic) was initiated.

1.6.2 Las Vegas, Nevada

In 2004, the BRT system called MAX launched to operate on a northeasterly radial corridor (7.5 miles) between downtown Las Vegas and Nellis Air Force Base. The BRT service is intertwined with regular bus service. Much of the BRT system serves areas already substantially developed as low to modest intensities, and is an important connector between the City of North Las Vegas and Nellis AFB. The line is owned by the Regional Transportation Commission of Southern Nevada and operated by Veolia Transportation.

1.6.3 Los Angeles, California

During the study period, Los Angeles opened two BRT systems: the Orange Line (in 2005—rated Bronze) serving the San Fernando Valley north of the City of Los Angeles and the Silver Line serving areas south of the city (2009 – unrated). The Orange Line is 18 miles of exclusive right-of-way, and the Silver Line is 26 miles but does not operate exclusively in a right-of-way. Both are operated by the Los Angeles County Metropolitan Transportation Authority.

1.6.4 Kansas City, Missouri

Kansas City began operating its Main Street Line in 2005. It connects downtown to the Crown Center Plaza along a six-mile route, nearly four miles of which are dedicated lanes. It has proven to be moderately successful in attracting economic development within a slow-growing metropolitan area. The BRT currently hosts 87 stations and is operated by the Kansas City Area Transportation Authority, which is planning for more routes to expand the line.

1.6.5 Eugene-Springfield, Oregon

The Emerald Express (EmX) BRT system serving the Eugene-Springfield metropolitan area was put into service in 2007. It connects downtown Springfield to downtown Eugene with stops at the University of Oregon. One unique feature affecting this metropolitan area is the presence of an urban growth boundary designed to steer jobs away from lower-density areas into more

central ones especially served by transit. EmX was extended in 2011 to connect northward from the east to the Gateway Mall and Sacred Heart Medical Center at RiverBend.

1.6.6 Cleveland, Ohio

Cleveland's HealthLine BRT system, the nation's highest-rated BRT system according to the Institute for Transportation and Development Policy, started operations in 2008. The HealthLine connects downtown Cleveland to the medical centers to the east. Features of the HealthLine include 24 hybrid-electric vehicles, doors on both sides, bike lanes, landscaping/hardscape treatment with 1,500 irrigated trees, and integrated/stand-alone public art. The 36-station, 9.2-mile BRT corridor is operated by the Greater Cleveland Regional Transit Authority.

1.6.7 The Bronx, New York

New York City initiated the Pelham Parkway BRT Line in 2008, substantially serving Bronx County which is also the central county used in our analysis. The Fordham Road-Pelham Parkway BRT offers transfer opportunities to subway lines and to the Metro-North Commuter Railroad lines. The BRT is operated by the New York City Department of Transportation.

1.6.8 Phoenix, Arizona

In 2008, the Valley Metro Transit serving Maricopa County, the central county of the Phoenix metropolitan area, opened its Main Street Line. The 11-mile, 25-station Main Street Line has since connected to include several other BRTs, including the Arizona Avenue BRT.

1.6.9 West Valley City, Utah

Yet another BRT system initiated in 2008, the MAX runs along the Wasatch Front in suburban West Valley City in Salt Lake County. The Max is run by the Utah Transit Authority to operate in a dedicated guideway separate from regular traffic. Future routes are being planned along 5600 West in Salt Lake County and along University Parkway in Utah County.

1.6.10 Miami-Dade, Florida

The South Miami-Dade Busway began in 1997 and is an eight-mile, two-lane roadway designed for use by buses and emergency vehicles along a former railroad right-of-way running parallel from US-1. Now, the busway is a 20-mile, dedicated bus-only facility operating 24 hours a day, seven days a week. Currently six local and limited-stop bus routes operate on the busway.

1.7 ORGANIZATION OF REPORT

We report our results in eight chapters. A final chapter synthesizes our findings and offers implications for transit and land use planning.

In the first part of our research findings, we report physical and economic development outcomes. We start in **Chapter 2** with a review of BRT and physical development patterns. In this chapter we report the limited academic literature on physical development outcomes

associated with BRT. **Chapter 3** goes into considerable detail comparing the share and shift in share of jobs within BRT corridors before the recession and since. It also addresses the extent to which differences in BRT technology help explain the magnitudes of share changes seen between those periods. In **Chapter 4** we note that while there would seem to be a positive relationship between BRT and economic development there is little research on it. One way to measure BRT outcomes is to assess the extent to which market-based office rents respond to being within BRT corridors; this is done in **Chapter 5**. In **Chapter 6** we report a separate analysis of the South Miami-Dade Busway, which may not technically be considered a true BRT system. We include it because its results are remarkably similar to those we found for BRT systems, suggesting both versions of non-traditional bus investments can have positive economic development outcomes.

The second part of our report addresses relationships between BRT and population settlement patterns. We devote two chapters to the association between BRT and social outcomes. In **Chapter 4** we address the association between BRT and location affordability, while in **Chapter 5** we explore the relationship between BRT and the change in the distribution of jobs based on low-, middle- and upper-wage categories. Last but not least, we report in **Chapter 9** the extent to which BRT may influence the shifting of people and housing. We synthesize our research findings and offer implications for BRT system planning in **Chapter 10**.