

AGENDA
REGULAR MEETING OF THE BIRMINGHAM PLANNING BOARD
WEDNESDAY FEBRUARY 9, 2022
151 MARTIN ST., CITY COMMISSION ROOM 205, BIRMINGHAM MI *
*******7:30 pm*******

The highly transmissible COVID-19 Delta variant is spreading throughout the nation at an alarming rate. As a result, the CDC is recommending that vaccinated and unvaccinated personnel wear a facemask indoors while in public if you live or work in a substantial or high transmission area. Oakland County is currently classified as a substantial transmission area. The City has reinstated mask requirements for all employees while indoors. The mask requirement also applies to all board and commission members as well as the public attending public meetings.

- A. Roll Call**
- B. Review and Approval of the Minutes of the Regular Meeting of **January 26, 2022****
- C. Chairpersons' Comments**
- D. Review of the Agenda**
- E. Unfinished Business**
- F. Rezoning Applications**
- G. Community Impact Studies**
- H. Special Land Use Permits**
- I. Site Plan & Design Reviews**
- J. Study Session**
 - 1. **Outdoor Dining (Comprehensive)**
 - 2. **2040 Plan – Chapter 4 (Support Mixed-Use Districts) & Chapter 5 (Advance Sustainability Practices)**
- K. Miscellaneous Business and Communications:**
 - 1. Pre-Application Discussions
 - i. **Sweet Green**
 - 2. Communications
 - i. **City Attorney Memo – Roberts Rules**
 - 3. Administrative Approval Correspondence
 - 4. Draft Agenda – **February 23, 2022**
 - 5. Other Business
 - i. **Action List – 2022**
- L. Planning Division Action Items**
 - 1. Staff Report on Previous Requests
 - 2. Additional Items from Tonight's Meeting
- M. Adjournment**

* Please note that board meetings will be conducted in person once again. Members of the public can attend in person at Birmingham City Hall OR may attend virtually at:

Link to Access Virtual Meeting: [**https://zoom.us/j/111656967**](https://zoom.us/j/111656967)

Telephone Meeting Access: 877-853-5247 US Toll-Free

Meeting ID Code: 111656967

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City Of Birmingham
Regular Meeting Of The Planning Board
Wednesday, January 26, 2022
City Commission Room
151 Martin Street, Birmingham, Michigan

Minutes of the regular meeting of the City of Birmingham Planning Board held on January 26, 2022. Vice-Chair Bryan Williams convened the meeting at 7:30 p.m.

A. Roll Call

Present: Vice-Chair Bryan Williams; Board Members Robin Boyle, Stuart Jeffares, Daniel Share, Janelle Whipple-Boyce; Alternate Board Member Nasseem Ramin (left at 7:37 p.m.)

Absent: Chair Scott Clein; Board Member Bert Koseck; Alternate Board Member Jason Emerine

Administration:

Nick Dupuis, Planning Director
Leah Blizinski, City Planner
Brooks Cowan, Senior Planner
Laura Eichenhorn, City Transcriptionist

F&V: Julie Kroll

01-13-22

B. Approval Of The Minutes Of The Regular Planning Board Meeting of January 12, 2022

The Board made the following amendments to the minutes: on page four, last line, 'context' should be 'neighborhood'; on page five, second paragraph under Outdoor Dining, that 'if the Board were to recommend year-round outdoor dining then' should be added between 'that' and 'more'; on page one, 'previous' should read 'previously'; on page three, second full paragraph down, 'On the same page, he said' should be deleted; on page three, fourth full paragraph down, 'The quoted statute does not support speed limits lower than 25 mph.' should be added; and, on page eight, 'Daxon' should be changed to 'Daxton'.

Motion by Mr. Share

Seconded by Mr. Boyle to approve the minutes of the Regular Planning Board Meeting of January 12, 2022 as amended.

Motion carried, 6-0.

VOICE VOTE

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

Nays: None

01-14-22

C. Chair's Comments

Vice-Chair Williams welcomed everyone to the meeting and reviewed the meeting's procedures.

01-15-22

D. Review Of The Agenda

01-16-22

E. Unfinished Business

None.

01-17-22

F. Rezoning Applications

None.

01-18-22

G. Community Impact Studies

1. 770 S. Adams – Request for a new 4 & 5-story mixed use building

Ms. Ramin recused herself from the item due to a business relationship and departed the meeting at 7:37 p.m.

Vice-Chair Williams and PD Dupuis noted that Chair Klein, Messrs. Koseck and Emerine, and Ms. Ramin each recused themselves from this item due either to business relationships with the ownership team or business relationships with a member (or members) of the development team.

Chris Longe, architect, and Nico Schultz, of Soave Enterprises, spoke on behalf of the project. Mr. Longe noted that the three principals in the project are the Forbes Group, Hunter Pasteur Homes, and Soave Enterprises.

PD Dupuis reviewed the item.

Vice-Chair Williams noted the Board received a letter from Ms. Kroll dated January 25, 2022, and a response from the applicant team dated January 26, 2022. He noted those letters had not yet been made available to the public. He noted the Board also received a summary of the project's preliminary site plan from the City's Engineering Department after the agenda packets were sent out. He stated that the late receipt of materials puts undue pressure on the Board members. He

stated that Board needs to review its procedures in order to ensure that all required materials for a project are included in the agenda packet when it is sent out so the Board and the public have sufficient time for review.

Ms. Kroll reviewed her findings. She noted she received the information late the week of the January 17, 2022 and put together her findings over the weekend. She said that there was not enough information in the traffic study for her to make an informed recommendation on the traffic aspects of the project. Ms. Kroll stated that the remaining traffic items could be addressed prior to final site plan approval.

Mr. Share said the Board would need to better understand the potential impacts of the project on the Lincoln-Adams intersection.

Paul O'Meara, traffic engineer for the applicant team, said he did not think it would take much time for the applicant to resolve the listed items in Ms. Kroll's letter.

Mr. Schultz concurred.

Vice-Chair Williams noted that the applicant's January 26, 2022 memorandum indicated that the developer would provide at least two dedicated parking spaces in the structure for employees.

Mr. Longe stated that the applicant would meet the City's requirements for on-site stormwater detention and for mitigation of dust, noise, and debris.

Mr. Longe noted that accommodating the Worth Street realignment as currently proposed would require the applicant to relinquish a bit over a half an acre of the property, which is equivalent to a third of the entire property, to the City.

Mr. Schultz said the applicant team was willing to have the conversation about Worth Plaza with the City and described a potential alteration to the Worth Plaza plans that he thought might be more appropriate.

Mr. Longe contended that commercial tends not to be successful along S. Adams, especially with limited parking available, and that the applicant's proposal for residential along S. Adams would be a better use.

Mr. Jeffares disagreed with Mr. Longe. He said putting residential on S. Adams would fail to activate the street and expressed concern that this area could end up similar to All Seasons. He said he had not seen a vacancy in Adams Square last longer than a couple of months. He noted this area was sufficiently close to a parking deck to support retail. He noted that he was enthusiastic about the project in general but not about this aspect.

In reply to Mr. Boyle, Mr. Longe noted that there is a minimum requirement for domestic noise suppression per building code, and that this project intends to exceed those requirements.

Public Comment

Mr. Bloom recommended that the City explore jointly expanding the parking offered by this project in order to make some of it accessible to public. He also asked whether the residential on S. Adams would have accessible design that could accommodate potential senior residents.

Motion by Mr. Boyle

Seconded by Ms. Whipple-Boyce to accept the Community Impact Study (CIS) as provided by the applicant for the proposed development at 770 S. Adams with the following conditions:

- 1. The applicant engage with City Staff to discuss the Worth Plaza; and,**
- 2. The applicant in consultation with Staff undertake completion of the transportation requirements as stated in the reports tabled tonight.**

Vice-Chair Williams said he would be more comfortable if the Engineering Department and Ms. Kroll's comments were resolved before advancing the CIS. He said he felt that Mr. Jeffares' comments could be addressed as part of the site plan conversation.

Ms. Whipple-Boyce said she thought the CIS could be advanced even with the remaining issues.

Mr. Share said he was reluctant to advance the CIS since the traffic issue, which was not yet resolved, could impact the site plan review.

Mr. Jeffares said he would be comfortable advancing the motion if the conditions had to be met within a certain amount of time.

Vice-Chair Williams concurred with Mr. Jeffares.

Public Comment

Mr. Longe assured the Board that the applicant could quickly resolve the traffic and engineering issues.

Motion failed, 2-3.

ROLL CALL VOTE

Yeas: Boyle, Jeffares

Nays: Whipple-Boyce, Share, Williams

Motion by Mr. Share

Seconded by Ms. Whipple-Boyce to postpone consideration of the Community Impact Study as provided by the applicant for the proposed development at 770 S. Adams to February 23, 2022.

Vice-Chair Williams noted that this should be a relatively brief discussion at the February 23, 2022 meeting since the traffic and engineering issues are the only remaining ones to be addressed.

Motion carried, 5-0.

ROLL CALL VOTE

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

Nays: None

01-19-22

H. Special Land Use Permits

1. 100 Townsend – Townsend Hotel – Request for a new outdoor dining platform in the Townsend right-of-way

PD Dupuis summarized the request to postpone.

Motion by Mr. Share

Seconded by Ms. Whipple-Boyce to amend the rules of procedure to permit a combined meeting on March 9, 2022 during which study session items and site plan reviews can be conducted.

Motion carried, 5-0.

ROLL CALL VOTE

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

Nays: None

Motion by Mr. Share

Seconded by Mr. Boyle to postpone consideration of the special land use permit and final site plan and design review for 100 Townsend – Townsend Hotel to March 9, 2022.

Mr. Share asked that the Board be provided a schematic that shows all of the parking on Townsend in relation to the location of the other dining deck and in relation to the Townsend's proposed deck.

Motion carried, 5-0.

VOICE VOTE

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

Nays: None

01-20-22

I. Site Plan & Design Reviews

1. 100 Townsend – Townsend Hotel – Request for a new outdoor dining platform in the Townsend right-of-way

Postponed as part of the motion in Item H1.

2. 159 N. Eton – Canelle – Request for new outdoor dining patio and site changes

Motion by Mr. Share

Seconded by Mr. Jeffares to postpone consideration of the site plan and design review for 159 N. Eton – Canelle to March 9, 2022.

Motion carried, 5-0.

VOICE VOTE

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

Nays: None

3. 770 S. Adams – Request for a new 4 & 5-story mixed use building

PD Dupuis reviewed the item.

Mr. Williams said the design of the south side of the building would be important because it would impact a potential development to the south.

Mr. Boyle noted that the low quality of some of the images included made it very difficult to review the plans.

Mr. Longe confirmed that the loading dock would meet the ordinance requirements.

Ms. Whipple-Boyce echoed Mr. Jeffares' previous statement that retail would be better than residential on S. Adams. She said that the current design of the residential on S. Adams could not be less inviting in terms of pedestrian activation. She noted that the excess parking available in the parking garage could help support the retail on S. Adams.

If the applicants were not willing to add retail on S. Adams, Ms. Whipple-Boyce said it would be more beneficial to swap the location of the first-floor amenities and the first-floor residential. Each Board member shared their general agreement with this recommendation, noting that even if some of the amenities were moved to S. Adams, or if some retail and some amenities were located on S. Adams, it would be a better design.

The Board was also not in favor of the drive-through ATM proposal.

Ms. Whipple-Boyce said she had been hoping to see more affordable units, and was sorry to see that the square footage increased per unit from the proposal previously approved for this site. She noted that the corridors are very long, and the distance from the elevators to the units is long. She noted that resulted from the larger-than-required parking garage. She said she found that unfortunate.

In reply to an inquiry from Ms. Whipple-Boyce, Mr. Longe stated that there were three three-bedroom units proposed for the site.

Randy Wertheimer of Hunter Pasteur Homes summarized the rooftop amenities.

Mr. Boyle said this proposal did not have enough residential units for the Triangle, and that this plan gave more room to 'parking tin' instead. He said there was too much attention paid to the rooftop pool which could only be used in warmer weather. He said that the indoor amenities on the ground floor could be made more attractive. He explained that he was glad to see a project proposed for this area and also that he thought improvements could be made.

Mr. Share echoed Mr. Jeffares' concern that S. Adams could resemble All Seasons. Mr. Share said that the plan had a lot of things the City wants, and that allowing this project could possibly encourage more projects that will activate S. Adams in the future. He said he liked the project, and hoped the applicant would take the Board's suggestions to heart to make the project better.

Mr. Jeffares said amenities like a hot tub or a fire pit would get more rooftop use in winter. He encouraged the applicant to work with the City regarding Worth, noting that even if the City's initial plans are not fully implemented it could still be beneficial for both parties. He said that since this is the first development in this area he would be willing to compromise on some things, but that the applicant could still better align the project with the intent of the Triangle Plan.

Ms. Whipple-Boyce asked the applicants to consider installing a sidewalk on their property in the abutting alley.

Vice-Chair Williams said he was not troubled by the proportion of retail to residential proposed, and agreed with Mr. Boyle that the Triangle is the prime area in the City to add multi-family residential.

Ms. Whipple-Boyce noted that the building could be made taller, which could also allow them to remove the residential from S. Adams. She said that in addition to swapping the location of the first-floor amenities and the first-floor residential, the applicant should consider other ways of potentially improving the project during the item's postponement.

Mr. Schultz said the applicant team would take the Board's feedback into consideration. He said that making the building taller would add to the developer's expense, and said that they believed the residences required more than 1.25 parking spaces per unit but less than two, hence the parking in excess of the ordinance requirement.

Motion by Ms. Whipple-Boyce

Seconded by Mr. Jeffares to postpone consideration of the Preliminary Site Plan for the proposed development at 770 S. Adams to February 23, 2022.

Motion carried, 5-0.

ROLL CALL VOTE

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

Nays: None

01-21-22

J. Study Session

None.

01-22-22

The Vice-Chair called for a brief recess at 10:02 p.m.

The meeting reconvened at 10:07 p.m.

K. Miscellaneous Business and Communications

1. Pre-Application Discussion – Gasow Veterinary Hospital

PD Dupuis introduced the request.

Mike Matthys, architect, summarized the request. Mike Bailey, co-owner of the property, and Dan Lorimer, veterinarian, also spoke.

Board members noted that the building's massing and north face would likely receive particular attention at a site plan review.

- 2. Communications**
- 3. Administrative Approval Correspondence**
- 4. Draft Agenda for next meeting**
- 5. Other Business**

Mr. Share suggested the Board re-evaluate how the permitting of an extra floor occurs in the case of LEED certification, since the City could give approval for an additional floor only to find later that LEED certification was not ultimately obtained.

01-23-22

L. Planning Division Action Items

- a. Staff Report on Previous Requests**
- b. Additional Items from tonight's meeting**

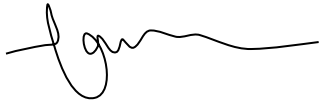
01-24-22

M. Adjournment

No further business being evident, the Vice-Chair adjourned the meeting at 10:26 p.m.



Nick Dupuis
Planning Director



Laura Eichenhorn
City Transcriptionist

DRAFT



MEMORANDUM

Planning Division

DATE: February 9, 2022

TO: Planning Board

FROM: Nicholas Dupuis, City Planner

SUBJECT: Outdoor Dining Ordinance – Study Session #8

On December 7, 2020, the City Commission discussed amending the Zoning Ordinance to consider allowing the enclosure of outdoor dining areas during the winter months. The City Commission asked the Planning Board to consider this issue, and any regulations they may recommend should outdoor dining enclosures be permitted.

On June 21st, 2021, the City Commission and Planning Board met at a joint meeting to further discuss outdoor dining, and to get a clear direction as to what elements of outdoor dining should be addressed. In general, the City Commission and Planning Board discussed several topics spanning from enclosures to private vs. public space, but ultimately asked the Planning Board to take a comprehensive look at the entire outdoor dining ordinance.

On June 23rd, 2021, the Planning Board discussed outdoor dining in further detail based on the joint meeting two days prior. The Planning Board settled on a list of goals that they would like to focus on in the ordinance review process, which includes the following:

- Incentivize outdoor off-season dining;
- Review the placement of decks and enclosures;
- Ensure that additional outdoor off-season dining does not become an extension of the indoor space;
- Solicit feedback from restaurateurs of all types in the City;
- Seek possible ideas from local, national and international examples;
- Review the current ordinance for issues;
- Review tickets that were given out to temporary outdoor dining operations;
- Review photos of the variety of temporary outdoor dining structures that were used around the City;
- Explore options for maintaining permanent aspects of outdoor dining structures even if the parts of the structures come down in different seasons;
- Discuss potential differences in policy for outdoor dining on public versus private property;
- Solicit feedback from Public Services and the BSD;

- Review agreements from temporary outdoor dining to see if any of the temporary policies might be worth integrating;
- Consider aspects like sidewalk widths and snow clearing in writing the policy;
- Maintain the current seating allowances for differently-sized establishments and maintain the differences for establishments holding different kinds of licenses for alcoholic beverage service; and,
- Recommend a permanent solution so that restaurateurs do not have to continue to adapt to changing policies.

Study Session #1 Summary

On July 14th, 2021, the Planning Board reviewed a high-level report on outdoor dining to guide future discussion. The topics included observations as to what constitutes “good” outdoor dining with national and local examples, as well as a local ordinance review for outdoor dining. The Planning Board discussed next steps and emphasized the need to (1) hear from different City Departments (code issues, retail neighbor conflicts, streetscape), (2) review available codes and ordinances from other areas of the country (enclosures, public vs. private, year-round), and (3) analyze information from national downtown associations or other related organizations (trends, social districts, success stories).

Study Session #2 Summary

On August 11th, 2021, the Planning Board reviewed another high-level report in which the Planning Division presented various departmental comments on outdoor dining, a national outdoor dining ordinance review, conversations with local cities, and a study of national organization input and trends. The Planning Division also provided some public feedback from Engage Birmingham, which surveyed the public for their opinion of the COVID-19 temporary outdoor dining expansions, which were overwhelmingly positive. Moving forward, the Planning Board expressed interest in getting into more detail on seasonal/year round dining and its effect on street activation, public versus public space, the potential for regulating different restaurants/licenses differently, and defining and establishing a purpose of outdoor dining in the City.

Study Session #3 Summary

On September 9th, the Planning Board discussed the report which contained comments from the Advisory Parking Committee, common issues with outdoor dining patios, information on the temporary COVID-19 patios, and also discussed the purpose of outdoor dining. In addition, the Planning Board was able to review an example of how the outdoor dining ordinance could look based on comments up to that point. Ultimately, the conversation started to get more granular with specific ordinance-related ideas ranging from an official stance on enclosures to material guidelines to patio placement. There were several other requests for information including a review of Michigan Liquor Control Commission guidelines for outdoor dining, a review of the concept of windbreak versus wall, and the possibility of regulating outdoor dining by zones.

Study Session #4 Summary

On September 23rd, the Planning Board discussed the MLCC rules for outdoor dining patios, the concept of a windbreak and whether or not they should be permitted, and also explored the different zoning districts in which outdoor dining is permitted. These topics led to more conversation about how overhead weather protection will interact with said overhead coverings, and what typed of overhead protection the Planning Board should permit. The Planning Board expressed an interest in taking a deeper dive into overhead weather protection and reviewing different options.

Study Session #5 Summary

On October 27th, 2021, the Planning Board focused much their conversation on overhead weather protection and which types may be considered within the new ordinance language, and what different issues might arise with the different styles. In addition, the Birmingham Fire Chief Paul Wells gave a brief overview of the fire code as it relates to overhead weather protection, and offered some guidance to the Planning Board regarding fire suppression and other aspects of outdoor dining. In addition to overhead weather protection, the Planning Board provided some clear direction on the subjects of windbreaks, year-round dining, and the role of outdoor dining decks.

Study Session #6 Summary

On December 8th, 2021, the Planning Board reviewed comments regarding outdoor dining from the Birmingham Shopping District (BSD). In addition to the BSD comments, the Planning Board also reviewed some updated comments from the Fire Department based on their additional research into the Fire Code. To round out the meeting, the Planning Board outlined several items that they feel need further discussion/decision moving forward:

- Whether establishments with liquor licenses and establishments without liquor licenses should be handled differently;
- Whether there should be on-season and off-season dates for outdoor dining, and what should happen to furniture and other equipment on public property if there are different 'seasons';
- Whether establishments should be permitted outdoor dining on both a sidewalk and a deck if requested, and if not, what the City wants to incentivize instead;
- What types of coverings and equipment should be allowed, and how specific the standards should be in terms of material, location, and other considerations;
- Whether outdoor dining should be permitted to extend beyond the storefront of an establishment, and if so, what the limitations should be;
- Whether outdoor dining decks should be limited to a certain number per block; and,
- Whether outdoor dining in public space and outdoor dining in private space should be regulated differently.

Study Session #7 Summary

On January 12, 2022, the Planning Board discussed the several questions posed in the previous study session and come to a conclusion on most of them. In general, the Planning Board decided on a short extension to the regular outdoor dining season, treating all outdoor dining establishments alike, enhanced material and appearance standards, and allowing expansion of patios with neighbor consent. During this study session, the Planning Board also reviewed seating data for the different outdoor dining establishments, and was provided a map of all outdoor dining

in the City, which is heavily concentrated downtown. Ultimately, the Planning Board asked Staff to take their comments and work them into a new revised set of ordinance amendments to review on February 9, 2022.

Study Session #8

At this point, the Planning Board has indicated that they would like to start working on fine-tuning a set of ordinance amendments over the next meeting or two and forward them to the City Commission for final approval. The Planning Division has prepared ordinance language that reflects the conversation of the board across the following pages. In addition to a review of the amended language, there is an opportunity for the board to discuss the final unanswered questions from previous study sessions, which are as follows:

- Whether establishments should be permitted outdoor dining on both a sidewalk and a deck if requested, and if not, what the City wants to incentivize instead;
- What types of coverings and equipment should be allowed, and how specific the standards should be in terms of material, location, and other considerations; and
- Whether outdoor dining decks should be limited to a certain number per block.

Article 4, Section 4.44 – Outdoor Dining Standards

This Outdoor Dining Standards section applies to the following districts:

B1 B2 B2B B2C B3 B4 MX O1 O2 TZ3

The following outdoor dining standards apply:

- A. Purpose and Intent: The purpose of this section is to provide an appropriate balance for outdoor dining patios across the city, and to encourage better spaces to support public health, activate public space, foster economic development, safeguard the use of public property, and provide flexibility for current trends and future demands for outdoor dining.
- B. Outdoor Dining – General: Outdoor dining is permitted immediately adjacent to the principal use, subject to review by the Planning Board, or by the Planning Division at the discretion of the Planning Director, and the following conditions
 - 1. All outdoor activity must cease at the close of business or as noted in subsection 2 below.
 - 2. When an outdoor dining patio is immediately adjacent to any single-family or multiple-family zoned residential district, all outdoor activity must cease at the close of business or 10:00 p.m., whichever is earlier.
 - 3. The review of outdoor dining patios shall include, but are not limited to, the following elements: tables, chairs, umbrellas, portable heating elements, barriers, service stations, landscaping/plantings, awnings, canopies, lighting, host/hostess stands, and entertainment.
 - 4. Outdoor dining patios may be permitted to extend in the right-of-way in front of neighboring properties or tenant spaces with the written permission of the property owners(s) affected and with Planning Board approval.
 - 5. Outdoor dining may be permitted on public property throughout the year with a valid Outdoor Dining License, provided that the following conditions are met:
 - i. Approval of an Outdoor Dining License shall be contingent on compliance with all city codes, including any conditions required by the Planning Board in conjunction with Site Plan approval.
 - ii. Operators of outdoor dining patios shall be responsible for snow and ice removal, and shall remove snow and ice in a manner consistent with that of the Department of Public Services.
 - iii. Portable patio elements such as tables, chairs, heaters and umbrellas must be stored indoors each night between January 1 and March 31 to allow for complete snow and ice removal.
 - iv. Outdoor dining patios located in an alley or passage that contains vehicular traffic are permitted April 1 through December 31 only.
 - v. An ADA compliant platform may be erected in the on-street parking space(s) in front of an eating establishment to create an outdoor dining patio from April 1 through December 31, subject to an additional review by the Advisory Parking Committee.
 - 6. All outdoor patios shall be designed to meet the requirements of this section, as well as all applicable building and fire codes.

C. Outdoor Dining – Design: All outdoor dining patios are subject to the following design standards:

1. All tables and chairs provided in the outdoor dining patio shall be constructed primarily of metal, wood, or a material of comparable quality as determined by the Planning Board.
2. Outdoor dining patios shall provide and service refuse containers within the outdoor dining patio and maintain the area in good order. Public trash receptacles are not permitted to be utilized by outdoor dining facilities.
3. All outdoor dining elements shall be contained within the defined outdoor dining patio space.
4. Outdoor dining patios shall not contain enclosures as defined in Article 9, Section 9.02 of the Zoning Ordinance.
5. In order to safeguard the flow of pedestrians on the public sidewalk, such uses shall maintain an unobstructed sidewalk width as required by the Planning Board, but in no case less than 6 ft.
6. No such facility shall erect or install permanent fixtures in the public right-of-way.
7. Table umbrellas or other overhead weather protection shall not (1) impede sight lines into a retail establishment, (2) obstruct pedestrian flow in the outdoor dining area, (3) obstruct pedestrian or vehicular traffic flow outside the outdoor dining area, or (4) contain signage or advertising.
8. Barriers defining outdoor patios shall be constructed of a quality and durable material, and shall be maintained and placed in a consistent and organized fashion. Barriers shall be secured to the ground and/or building to maintain an immovable, clearly defined patio space. Barriers may not exceed 42 inches in height with the exception of planting material, or as permitted in subsection 9 below.
9. Windbreaks are permitted within outdoor dining patios and shall be affixed to a barrier. The total combined height of a barrier and windbreak shall not exceed 60 inches. Windbreaks must be constructed of a clear and durable material.
10. Portable heating elements must be maintained and kept in an orderly fashion. Propane or other fuels may not be stored on public property, and are subject to the Storage and Display Standards outlined in Article 4, Section 4.67 of the Zoning Ordinance.
11. Ancillary elements such as service stations or host/hostess stands must be located within the approved outdoor dining patio, contained, and kept in a neat and orderly fashion. Service stations and host/hostess stands may not exceed 4 feet in height. The storage of dirty dishware is prohibited.

Article 9, Section 9.02 – Definitions

Enclosure (outdoor dining): An area that may or may not contain a roof or any wall, panel, or material that provides relief from weather and impedes physical and/or visual access to the space. For the purposes of this definition, enclosure does not include exterior building walls, windbreaks or landscaping.

Outdoor Dining Patio: A defined outdoor area accessory to an existing food and drink establishment designated for consumption of food and/or drink prepared within the establishment and subject to the provisions of this ordinance.

Permanent Fixture (outdoor dining): Any element within an outdoor dining patio containing a foundation or other rigid attachment that prevents removal or that which requires extensive modifications to the public right-of-way.

Outdoor Dining Standards (OD)

Contents:

4.44 OD-01 Outdoor Dining Standards

4.44 OD-01 Outdoor Dining Standards

This Outdoor Dining Standards section applies to the following districts:

B1 B2 B2B B2C B3 B4 MX 01 02 T23

The following outdoor dining standards apply:

- A. Outdoor Dining: Outdoor dining is permitted immediately next to the principal use, subject to Site Plan Review, and the following conditions:
1. Outdoor dining areas shall provide and service refuse containers within the outdoor dining area and maintain the area in good order.
 2. All outdoor activity must cease at the close of business or as noted in subsection 3 below.
 3. When an outdoor dining area is immediately adjacent to any single-family or multiple-family residential district, all outdoor activity must cease at the close of business or 10:00 p.m., whichever is earlier.
 4. Outdoor dining may be permitted on the sidewalk throughout the year with a valid Outdoor Dining License, provided that all outdoor dining fixtures and furnishings must be stored indoors each night between November 16 and March 31 to allow for snow removal.
 5. All tables and chairs provided in the outdoor dining area shall be constructed primarily of metal, wood, or material of comparable quality.
 6. Table umbrellas shall be considered under Site Plan Review and shall not impede sight lines into a retail establishment, pedestrian flow in the outdoor dining area, or pedestrian or vehicular traffic flow outside the outdoor dining area.
 7. For outdoor dining located in the public right-of-way:
 - a. All such uses shall be subject to a license from the city, upon forms provided by the Community Development Department, contingent on compliance with all city codes, including any conditions required by the Planning Board in conjunction with Site Plan approval.
 - b. In order to safeguard the flow of pedestrians on the public sidewalk, such uses shall maintain an unobstructed sidewalk width as required by the Planning Board, but in no case less than 5 feet.
 - c. Outdoor dining is permitted to extend in the right-of-way in front of neighboring properties, with the written permission of the property owner(s) and with Planning Board approval, if such property is vacant or the first floor storefront(s) is/are vacant. Outdoor dining areas may extend up to 50% of the width of the neighboring lot(s) storefront(s), or up to 50% of the lot(s) frontage, if such lot is vacant.
 - d. City Commission approval is also required for outdoor dining extensions onto neighboring property if the establishment making such a request holds a bistro license.
 - e. An elevated, ADA compliant, enclosed platform may be erected on the street in front of an eating establishment to create an outdoor dining area from April 1 through November 15 only if the Engineering Department determines there is sufficient space available for this purpose given parking and traffic conditions.
 - f. No such facility shall erect or install permanent fixtures in the public right-of-way.
 8. Outdoor dining is permitted in a B1 District at a rate of 4 seats for every 12 linear feet of store frontage, with no more than 12 seats total per building; no elevated enclosed platforms on the street are permitted in a B1 District.

Downtown Birmingham Overlay District

Contents:

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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 shall have a minimum eave height of 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 shall 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 shall contain a minimum of 2 stories and must have a minimum eave height of 20 feet.

4. D5 Zone (over 5 stories):

- a. All existing buildings located in the D5 Zone on November 1, 2016 are deemed legal, conforming buildings with regards to setbacks, number of stories and height.
- b. All existing buildings located in this zone district on November 1, 2016 may be extended or enlarged only if the property owner elects to develop the extended or enlarged portion of the building under the provisions of the

Downtown Birmingham Overlay District and the extension or enlargement meets all of the requirements of the Downtown Birmingham Overlay District and the D4 Zone.

- c. New buildings constructed or additions to existing buildings in the D5 Zone must meet the requirements of the Downtown Birmingham Overlay District and the D4 Zone, except that the height of any addition and new construction in the D5 Zone may be over the maximum building height up to, but not exceeding, the height of an existing building on a directly abutting D5 Zone property if the property owner agrees to the construction of the building under the provisions of a Special Land Use Permit. For the purposes of this section, private properties separated by public property (including public right-of-way and public vias), will not be deemed abutting.

5. C and P Zone: 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.
6. Stories at sidewalk level shall be a minimum of 10 feet in height from finished floor to finished ceiling. The Planning Board may reduce this standard for renovations to existing buildings that do not meet this standard.
7. A transition line shall be provided between the first and second stories. The transition shall be detailed to facilitate an awning.
8. 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.
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.
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.
8. All buildings shall have their principal pedestrian entrance 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;
 - 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 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 frontage 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.
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.
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;
 - 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, defined 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.
 - i. Enclosures facilitating year round dining outdoors are not permitted.
 - j. Railings, planters or similar barriers defining outdoor dining platforms may not exceed 42" in height.
 - k. Outdoor rooftop dining is permitted with the conditions that surrounding properties are not impacted in a negative manner and adequate street level dining is provided as determined by the Planning Board and City Commission. Rooftop dining seats will count towards the total number of permissible outdoor dining seats.
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.

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.
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, 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, 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 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. Clear glazing is required on the first floor. Lightly tinted glazing is permitted on upper floors only. Windows shall not be blocked with opaque materials or the back of shelving units or signs.
8. Facade openings, including porches, windows, and colonnades, shall be vertical in proportion.
9. Sliding doors and sliding windows are prohibited along frontage lines.
10. (Reserved for future use.)
11. Cantilevered mansard roofs are prohibited.
12. Balconies, railings, and porch structures shall be glass, metal, wood, cast concrete, or stone. All materials must be compatible with each other and with the building, as determined by the Planning Board, Design Review Board or Historic District Commission.
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 4.54.

(Ord. No. 2242, 07/24/2017; Ord. No. 2307, 02/11/2019; Ord. No. 2310, 09/17/2018; Ord. No. 2322, 06/24/2019; Ord. No. 2342, 01/13/2020)

Effective on: 2/2/2020

Activation Overlay District

Contents:

3.13 Purpose

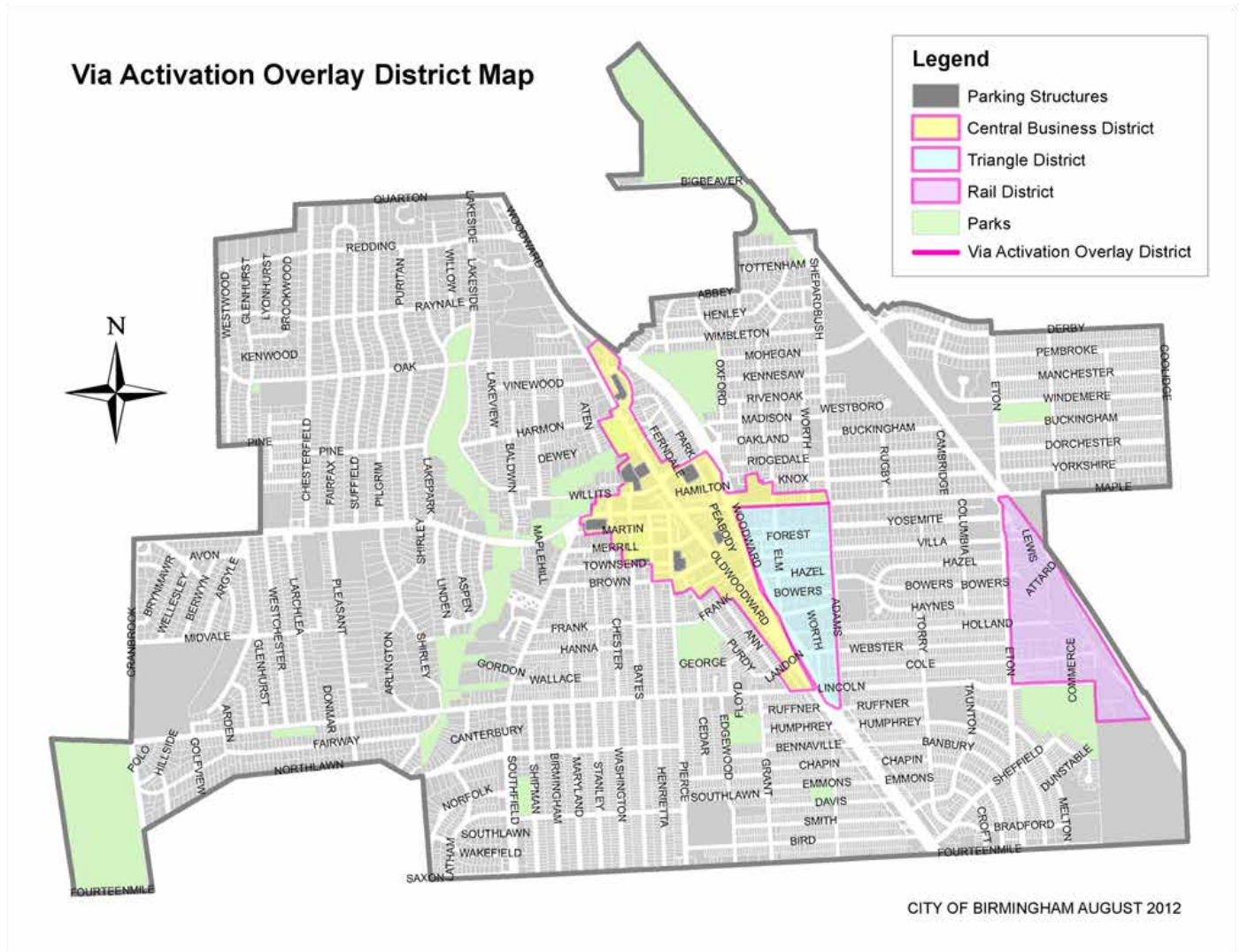
3.14 Applicability

3.15 General Standards

3.16 Specific Standards

3.14 Applicability

- A. The Via Activation Overlay District shall be an overlay district that applies to all existing and future vias in all zoning districts within the areas identified below:



- B. Use and development of land within the Via Activation 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 Via Activation Overlay District.
2. Where an existing use within a building is proposed to be expanded by more than 50% of its size, the use shall be subject to the building use standards of the Via Activation 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 Via Activation Overlay District and shall

be brought into compliance with the requirements of the Via Activation Overlay District to the maximum extent practical, as determined by the Planning Board.

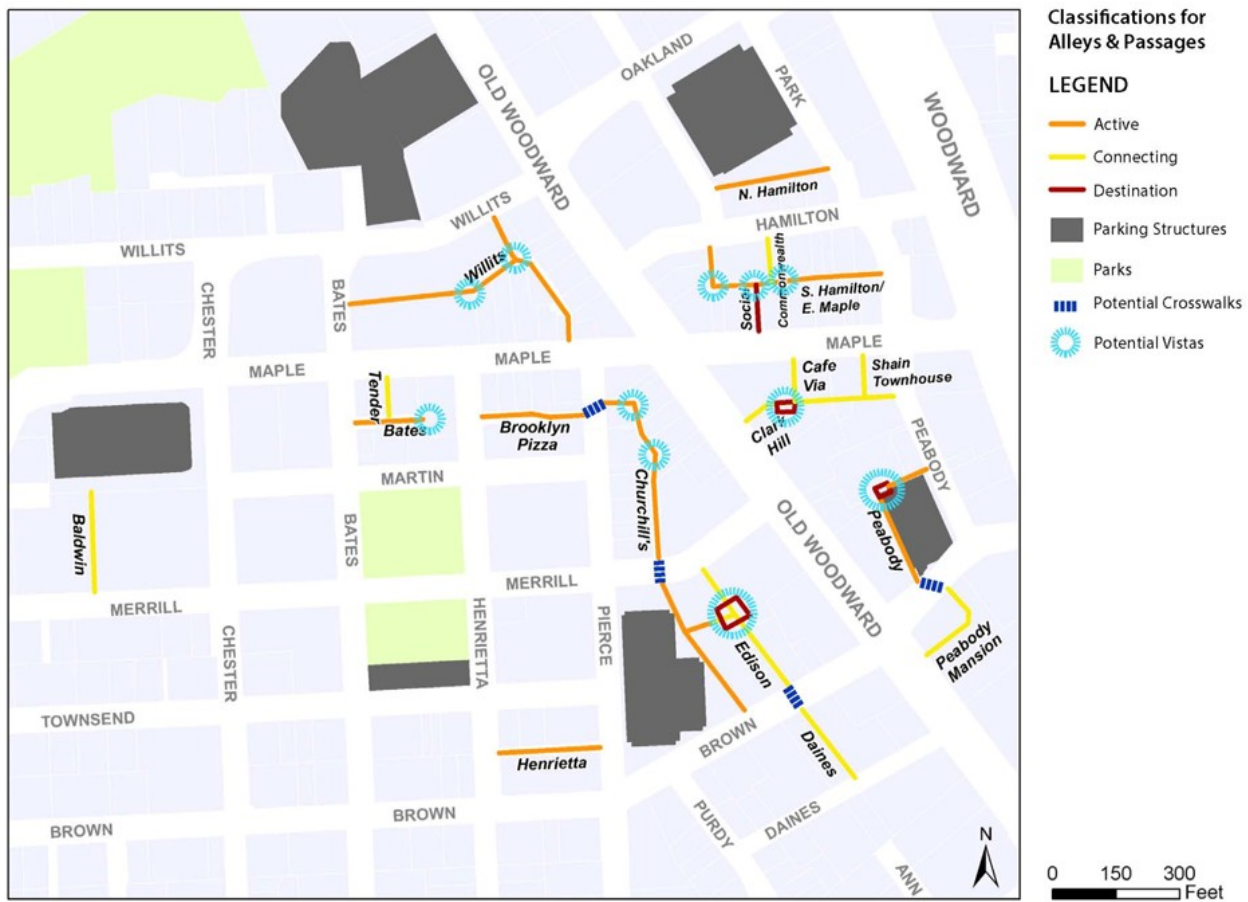
4. Where a new building is proposed, the use and site shall be subject to the requirements of the Via Activation Overlay District.

C. Development applications within the Via Activation Overlay District shall be required to follow the Site Plan Review and Design Review standards contained in [Article 7](#).

D. Activating Urban Space: A Strategy for Alleys & Passages has been adopted that divides Birmingham's alleys and passages into distinct classifications. Each classification designated in the Activating Urban Space: A Strategy for Alleys & Passages, prescribes requirements for building form, design and use as follows:

- Active Via: An alley with a mix of uses and activities used by pedestrians/bicyclists for travel, some commercial activities, pausing for respite, **outdoor dining**, etc. with shared use by service vehicles (deliveries, trash removal, etc.).
- Connecting Via: A passage that provides a through-block connection for pedestrians and/or bicyclists only.
- Destination Via: Alleys or passages that people are drawn to as a destination for participating in cultural activities, commercial activities, recreational activities, special events, and other activities.

Alley and passage classifications for Birmingham's existing network within the Via Activation Overlay District are identified as follows:



E. While not required, any improvements to vias or uses for vias that are permitted in the Via Activation Overlay District regulations are also permitted in existing or future vias located throughout the City in all zoning districts, with approval of the Planning Board.

3.16 Specific Standards

A. Permitted and Prohibited Uses: To enhance the amenity and character of vias, to enhance visual interest and encourage surveillance of urban spaces, active uses should be provided at the ground floor level along the majority of the edges of buildings located adjacent to vias. While buildings should accommodate these

uses, care must be taken to avoid conflict with pedestrian movement in the via. To specifically encourage the activation of vias, the following uses are permitted within Active, Connecting, and Destination Vias:

1. Retail sales and display;
2. Public plazas and informal gathering spaces;
3. Art display; and
4. Community Gardens.

In addition, the following uses are also permitted within Connecting and Destination Vias:

1. Outdoor dining; and
2. Special Events.

The following are specifically prohibited in all vias:

1. Automatic food and drink vending machines outdoors;
2. Drive-in facilities or any commercial use that encourages patrons to remain in their automobiles while receiving goods or services;
3. Unscreened trash receptacles; and
4. Unscreened outdoor storage.

B. Parking Requirements: To encourage active use of vias, the following parking standards apply in vias:

1. Additional parking spaces shall not be required for the square footage of any via used for any of the permitted uses listed in Section 3.16(A) above that extend from inside buildings into a via.
2. Openings for parking garage access from vias shall repeat the same rhythm and proportion as the rest of the building to maintain a consistent look on all facades facing a via.

C. Side and Rear Setbacks: Buildings and their elements shall be placed on lots as follows:

1. Side setbacks shall not be required where side lot lines adjoin a via;
2. A minimum 10 foot rear yard setback must be provided from the midpoint of the via, except that the Planning Board may allow this setback to be reduced or eliminated; and
3. Awnings and/or canopies are encouraged to project into a via, but must provide at least 8 feet of clearance above the via, and may not encroach the clear zone for service vehicles.

D. Multi-Modal Access: To encourage broad use and multi-modal, 24 hour access to vias as corridors for local travel and social interaction, while providing safe travel for all users, the following standards apply:

1. To maintain access for service vehicles, a 10 foot wide clear zone (extending 22 feet in height), must be maintained for all Active Vias;
2. In Active vias, signs must be posted indicating:
 - a. Entire via is a shared access corridor, and
 - b. Maximum speed for motor vehicles is 5 mph (walking pace);
3. In all vias, the use of vehicle parking gates, fencing and other similar barriers to access are prohibited; and
4. The addition of crosswalks is encouraged where vias intersect streets, particularly in locations with another via entry on the other side of the street.

E. Viascape Standards: To enhance the appearance of vias without stifling creative design, the following standards apply:

1. For publicly owned vias:
 - a. Broom finish concrete with exposed aggregate paving accents must be used for visual interest in all vias;
 - b. All furniture and finishes used are required to match the streetscape requirements of the district in which the via is located, except if located within an area leased for private use; and
 - c. Furniture placement should consider available space, potential for use and proximity to activity centers;
2. For privately owned vias:
 - a. Paving materials and furniture may be selected to suit adjacent private development, subject to approval by the appropriate board or commission; and
 - b. Furniture placement should consider available space, potential for use and proximity to activity centers.

3. In all vias, chain link enclosures of stairs, windows, entrances or other features, and other similar barriers are prohibited.

F. Landscaping: To enhance the appearance and drainage of all vias, the following standards apply:

1. The planting of Boston Ivy and /or other climbing vegetation is encouraged on all facades of buildings adjoining a via. Planting pockets must extend a minimum of 9 inches from the edge of all building facades, and must exceed 2 feet in length;
2. The planting of trees and shrubs is required along the edge of vias where the reviewing board or commission determines that sufficient space exists;
3. Where sufficient space is not available for planting beds, the use of planter boxes, trellises and/or green screens are encouraged; and
4. The use of porous concrete and green pavers is encouraged.

G. Lighting: To ensure the use of appropriate lighting for safety, security, visibility, and architectural enhancement, the following standards apply:

1. Via lighting must be provided by adjoining property owners where needed to ensure the safety of pedestrians. The need for such lighting and the type of lighting to be provided will be determined by the reviewing board or commission;
2. Surface lighting of building facades lining a via is encouraged over freestanding pathway lighting;
3. The scale, color, design and material of all luminaires must enhance the via in which it is located, as well as be compatible with the surrounding buildings and urban space; and
4. Where lighting is used for architectural enhancement of building features, art or landscaping, appropriate methods shall be used to minimize reflection and glare.

H. Design Standards: All portions of buildings and sites directly adjoining a via must maintain a human scale and a fine grain building rhythm that provides architectural interest for pedestrians and other users, and provide windows and doors overlooking the via to provide solar access, visual interaction and surveillance of the via. To improve the aesthetic experience and to encourage pedestrians to explore vias, the following design standards apply for all properties with building facades adjoining a via:

1. Blank walls shall not face a via. Walls facing vias 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. Awnings shall be straight sheds without side flaps, not cubed or curved, and must be at least 8 feet above the via at the lowest drip edge;
2. First floor retail, restaurant and office uses are encouraged to be directly accessible to the public from adjoining vias;
3. Glass shall be clear or lightly tinted only. Opaque applications shall not be applied to any glass surfaces facing a via unless specifically approved by the Planning Board to screen electrical, plumbing or mechanical equipment;
4. Creative designs and bold use of color is encouraged; and
5. Any building facade that terminates a view, as designated on the Via Activation Plan, shall provide distinct and prominent architectural features of enhanced character and visibility or artistic elements, which reflect the importance of the building's location and create a positive visual landmark within the via system.

I. Commercial Signage: To encourage creativity, to add color and to activate the urban space in vias, the following sign standards apply for all properties with building facades immediately adjoining alleys or passages:

1. All doors adjoining alleys or passages are required to provide signage identifying the first floor business(es) contained therein;
2. All first floor uses with rear or side entrances onto alleys or passages must provide pedestrian scaled projecting signs mounted perpendicular to the corresponding facade. One projecting sign is required for each facade with an entrance onto a via. Projecting signs may extend no more than 4 feet from the building facade, projecting banners may extend no more than 6 feet from the building facade, and neither may encroach the clear zone for service vehicles;
3. The lowest point of all projecting signage must be a minimum of 8 feet above grade;
4. Alley and passage commercial signage must be reviewed in accordance with the procedure contained in [Article 2](#) of the Birmingham Sign Ordinance (Chapter 86 of the City Code), but is intended to be bolder and more graphic in nature than storefront signage; and
5. The square footage of the required alley and passage commercial signage required in this section will not count against the maximum total signage permitted on the site.

J. Wayfinding Signage: To encourage the use of all urban space by attracting businesses to vias, and by engaging pedestrians to explore vias, the following wayfinding sign standards apply for all properties with building facades immediately adjoining any entrance to a via:

1. A directory sign is required to be mounted on at least one of the building facades adjoining an entrance to a via. Directory signs must identify all businesses contained within or along a via. Where more than one building facade adjoins an entrance to a via, the board or commission reviewing the signage and/or site plan shall select the best facade(s) for this purpose;
2. An approved City-standard passage wayfinding identification sign must be provided at each entrance to a via, and at all connection points where alleys or passages converge, intersect or end.
3. All alley and passage wayfinding signage must be reviewed in accordance with the procedure contained in [Article 2](#) of the Birmingham Sign Ordinance (Chapter 86 of the City Code); and
4. The square footage of the required alley and passage wayfinding signage required in this section will not count against the maximum total signage permitted on site.



MEMORANDUM

Planning Division

DATE: February 9, 2022

TO: Planning Board Members

FROM: Nicholas Dupuis, Planning Director

SUBJECT: The Birmingham Plan 2040 - Review of Chapter Four (Support Mixed-Use Districts) & Chapter 5 (Advance Sustainability Practices)

Introduction/Summary

The City of Birmingham received the second draft of The Birmingham Plan 2040 (“the Plan”) in October 2021 after nearly 2 years of review and input. On October 11th, 2021, the Plan was introduced to the City Commission and Planning Board at a joint meeting. During this meeting, City Staff and Planning Board members outlined a rough review timeline for the second draft that would consist of four meetings at the Planning Board, and at least one joint meeting of the Planning Board and City Commission to finalize the second draft and authorize distribution of the Plan for review by entities as required by state planning law.

On October 13th, 2021, the Planning Board discussed a detailed review timeline for the second draft of the Plan, and requested a new Future Land Use Map document to better guide the four review meetings. At this meeting, the Planning Board adopted the following public review timeline:

- **November 10th, 2021** - Introduction, Future Land Use Map, and Chapter 1 (Connecting the City)
- **December 8th, 2021** – Chapter 2 (Embrace Managed Growth)
- **January 12th, 2022** – Chapter 3 (Retain Neighborhood Quality)
- **February 9th, 2022** – Chapter 4 (Support Mixed-Use Districts) and Chapter 5 (Advance Sustainability Practices)

On November 10th, 2021, the Planning Board started the review of the second draft of the Plan with the Introduction, Future Land Use Map, and Chapter 1. During the review, the Planning Board generally commended the consultant team for addressing many of their directions from the review of draft one. The board also discussed an array of topics including various multimodal issues, suggestions for the Future Land Use Map, and commercial destinations.

On December 8th, 2021, the Planning Board continued the review with Chapter 2. During the review, the Planning Board provided comments on specific areas of the City in regards to seams,

and also provided feedback regarding commercial destinations and ADU's. Several of the new maps provided by City Staff were also discussed in detail.

On January 12, 2021, the Planning Board engaged in a lively discussion around neighborhood quality, and provided many comments to the consultant team ranging from house and site design to sidewalk width.

Chapters 4 (Support Mixed-Use Districts) & 5 (Advance Sustainability Practices)

Similar to the review of other chapters, the Planning Division has included several documents in the packet to aid in the review of Chapter 3. Up to this point, the Planning Division has received no additional public comment to include. The following documents are attached for your reference:

- DPZ summary letter of recommendations from the review of the first draft of the Plan
- Current draft of the Future Land Use Map
- Current Zoning Map
- Map series demonstrating changes from current Zoning Map to Future Land Use Map
- Chapters 4 & 5

In addition to the review of the final chapters, the Planning Division has worked with the consultant team to consider adding a review session at the Planning Board level. The purpose of this his additional session would be to summarize the review of the second draft, and to prioritize the recommendations that are forwarded to the City Commission for the eventual joint meeting before preparation of the third and final draft. At this time, the Planning Division recommends that the Planning Board consider **WEDNESDAY, MARCH 9** for this final Planning Board review.

Master Plan Access and Meeting Participation

As a reminder, digital copies of the first and second draft of the Plan, presentation slides, frequently asked questions, Future Land Use Map, other documents pertaining to the review of the Plan, and a comment submission portal may be found on www.thebirminghamplan.com. In addition, you can find much of the same information, plus an online interactive Future Land Use Map on the Planning Division's [Citywide Master Plan](#) webpage. You may also sign up for news and updates on the Plan (and other City business) through the City of Birmingham [Constant Contact Service](#).

Those who are unable to attend any of the review meeting, or wish to provide any additional comments to the Planning Board are welcome to submit a letter or email to the Planning Director, Nicholas Dupuis (ndupuis@bhamgov.org), who will compile and submit all comments received to the Planning Board at the next available meeting.

Ch 4. Support Mixed-use Districts

Ch 4. Support Mixed-use Districts

Continue Improving the Maple and Woodward District

Continue Improving the Maple and Woodward District

Maple and Woodward (Downtown Birmingham) is a vibrant urban center that is the envy of many other communities. Although its population is only 21,000, Birmingham has a commercial core the size of a city of 200,000. The city's assortment of shops, restaurants, parks, offices, civic buildings, and entertainment venues offers an exciting, safe, and walkable environment and lifestyle to its residents. It also draws people from throughout the region. Like any dynamic urban center, Downtown Birmingham continues to address challenges such as affordability, conflicting commercial and residential interests, rapid growth, adequate parking, and effective traffic management.

Active Sidewalks

Given Downtown's walkability and scale of commercial presence, it has only a moderate amount of weekday pedestrian traffic. During the weekends Birmingham's downtown pedestrian traffic has noticeably fewer visitors than Downtown Royal Oak and Detroit's. Combining offices, services, and housing means that a district can be busy day and night, which provides a more robust customer base during most hours of the day. Increasing housing in downtown will begin to shift the balance, further bolstered by increasing the number of events, improving streetscapes, and activating downtown's open spaces.

Old Woodward, between Hamilton and Merrill Streets, West Maple, and Pierce Streets carry the most pedestrian traffic. This is the core of the Maple and Woodward district. Due to their size and volume of traffic, both Maple and Woodward perform poorly for restaurants compared to smaller streets with intimate outdoor dining experiences, as is found along Merrill and Pierce. Similarly, Hamilton boasts a collection of smaller businesses in a vibrant environment, but is negatively impacted by the bank on the corner, deadening 350 feet

of Hamilton at the most critical retail intersection.

Merrill provides an ideal opportunity to pilot a downtown shared space street, which reduces, but does not eliminate, the car and accommodates and allows dining areas and public seating to extend further into the street during evening hours. Paving generally in the character of Merrill through Shain Park is recommended, where pedestrian movement, clusters of public seating, public art, and bike racks would displace but not eliminate space for cars. Connecting the active portion of Merrill to Shain Park would improve the pedestrian experience, though it is made difficult by the surface parking lot at City Hall and relatively poor frontages along the Townsend Hotel. Liner buildings, small or temporary retail kiosks, food trucks, or similar means of activating the municipal building frontage on Merrill could activate this connection.

The seasonal dining decks proposed in the Downtown Birmingham 2016 plan have successfully expanded the afternoon and early evening street life. The popularity of these decks has increased the demand for downtown parking at the same time that their implementation has decreased the number of parking spaces available to both diners and shoppers. Yet the pandemic has made outdoor dining necessary, a trend likely to continue in good weather, maintaining demand for dining decks. As a result, two solutions should be pursued in parallel: the use of technology to make parking easier to access and locating



Figure 44. Old Woodward following the recent streetscape redevelopment.

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Continue Improving the Maple and Woodward District

other opportunities for outdoor dining that do not displace parking. Technology may relieve some amount of the street parking problem in Downtown by making garages easier to access and adjusting the supply of on-street parking through pricing cues. These technologies are discussed in the following section.

Additional opportunities for outdoor dining in the public realm should be pursued along with technology. Outdoor dining next to the curb or building facade should be encouraged and opportunities to provide this seating without fencing should be explored. Today a few instances of fenced outdoor seating significantly restrict sidewalk width, a minimum 6 foot clear path should be required along the sidewalk even if the sidewalk is not 6 feet wide. Where streetscape projects make curb changes, space at corner and mid-block bulb-outs may be used for dining. And alleys and passageways should be considered where dining in those locations is convenient for an adjacent business.

Old Woodward, being the largest and most trafficked roadway, requires the greatest consistency and quality of storefronts, with more transparency than the smaller streets. The new streetscape is an improvement for pedestrians, but at present it lacks adequate public seating. In fact, throughout the Maple and Woodward area, and in other mixed-use districts, public seating is lacking. New seating installed with the recent streetscape project is out of character with Birmingham and should be replaced by

benches with backs, like those found in Shain Park.

Bike parking and micro-mobility corrals are also lacking throughout the district. As micro-mobility has yet to become a concern locally, addressing bike parking should come first, but micro-mobility will arrive soon. Bike racks are most easily accommodated in bulb-outs at intersections where they can be installed perpendicular to the curb, accommodating 3 or 4 U-racks.

Public Space

Downtown boasts a wide variety of parks from its' collection of pocket parks, to the formal square of Shain Park, and Booth Park and the Rouge Trail. Shain Park is active on a daily basis, due to its variety of amenities and its visibility. Other park spaces in Downtown could be improved with additional amenities and better visibility and connections.

Signage and trail connections would make more existing park spaces accessible from Downtown. Directional signage throughout Downtown should direct people to the area's parks and trails, in addition to key landmarks and institutions. To access these destinations, a few key connections should be added. From Maple and Woodward, Booth Park feels separated, more a part of Market North. The Bates Street Extension recommended in the 1996 plan should be pursued, particularly with a focus on connecting Maple and Woodward to Booth Park and the Rouge River trails. Where the Willits Trail meets Maple at the Birmingham

Museum, the museum's entry with seating and the bell should more clearly connect down the slope and into the trail system.

Seating at both Shain and Booth Parks does not accommodate visitors during peak hours. Shain Park's movable seating has been a good addition which should be expanded. More regular park benches should also be installed around the central loop. In major cities, the central loop would be entirely lined with benches, which is too much for Birmingham's character, but the supply should be greatly increased. Booth Park has



Figure 45. The Pierce-Merrill pocket park.

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a well used set of play structures but very few accommodations beyond that. The entry is underwhelming, an ideal location to get information, a beverage, and to have seating opportunities either in a plaza space towards the entry corner or a more naturalistic setting further into the park and along the Rouge River trail. Shain and Booth Park's lack of food and beverage offerings could be rectified by opening a small café or coffee shop, either of which would enhance park-goers' experiences and draw more people to the parks during the daytime.

Downtown's pocket parks are underutilized during the day and evening. The Old Woodward-Oakland pocket park's size is limited and its use is inhibited by the vehicular turn lane along its South edge. The 1996 master plan recommended removing this south vehicular lane and expanding the park, which would improve the park's appeal, the walkability along Old Woodward, and the pedestrian linkage between the Market District and downtown. Each of these spaces would benefit from additional seating and public art. The Pierce-Merrill space has sufficient public art but no seating, and Pierce-Brown also has no seating. The plaza at the Library's entrance also lacks seating, which could easily be provided along the sloped ramp, a good place for public art as well. In fact the Library entrance plaza pavement should have a surface mural or more compelling paving.

Parking



Figure 46. The Library's entrance plaza.

Many parking issues in the Maple and Woodward District are common to all mixed-use districts where there is an imbalance between housing and commercial uses. Presently, municipal parking downtown is operating at or above 90% occupancy and the district is growing. During its busiest periods, valet services are employed to fully utilize rooftop capacity which is otherwise not preferred by individual drivers. While the roughly 5-10% available capacity seems right-sized for the district, monthly passes for Downtown workers have a significant waiting list and parking continues to spill-over into adjacent neighborhoods.

Continued growth and success Downtown is important for the continued success of the City. In each of the City's major plans, post-1929, increasing parking capacity has been recommended. The City's current insufficient supply is a result of not following those recommendations in a timely manner. During the process of this plan, the deck recommended for the Willits Block in 1996 (the Bates extension) failed to pass a bond measure which may have been unnecessary had a fund been set aside nearly 25 years ago. At present, additional parking is needed, and this site is a prime opportunity, along with increasing the capacity of other existing garages.

The need for more parking capacity is clear. Prior to the pandemic, many people were on the waiting list for monthly permits in the City's garages. The City has considered resident requests to add secure bicycle parking to garages

and spaces for electric vehicle charging. Both of these proposals should be pursued in time. However, there is not sufficient capacity to remove regular vehicle spaces. Some recent trends are likely to reduce future parking demand, like the rise of Transportation Network Companies, re-balancing housing and commercial in the Downtown, and reduced rates of teen driving. Autonomous vehicles (AVs) are also a future consideration, however, at this point in time AVs are still in development and are not likely to see widespread usage until the end of this plan's horizon. At present it

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remains unclear whether AVs will reduce traffic and parking demand or increase it. To address this timing issue, another set of parking analysis will likely be needed in 10 years. In the meantime, more parking is needed and will continue to be needed for at least the next 15 years. The best short-term strategy is to invest in parking, but construct garages that may be converted to other uses in the future.

While parking across Woodward in Haynes Square / Triangle District is somewhat remote, the area is in need of parking investment and may be able to accommodate some Downtown / Maple and Woodward workers. A parking deck here should be pursued immediately in order to jump-start development there and provide some alleviation for parking demand Downtown (as discussed in the sections addressing Haynes Square).

In addition to capacity, the downtown parking district is pursuing a number of technological solutions. In the garages, they intend to test a pay-by-phone near field communication (NFC) system aimed at reducing the lines entering garages. In the broader mixed-use district discussion, smart signage is recommended to direct users towards garages with capacity and away from those at or near capacity. Metered parking has recently been equipped for monitoring and demand or tiered pricing, which allows prices to be adjusted electronically. These systems are used to balance where people park by manipulating meter rates on a per-block basis. This should be pursued and monitored, but rates should not be changed too frequently. Together these technologies will help the existing parking supply feel less constrained.

During the master plan design charrette, numerous attendees stated that the monthly parking pass rates are extremely low in Birmingham, recommending that they be raised. Fees should be set to be competitive with other jurisdictions. The additional funding created by increased fees should be reinvested in building new parking capacity, technological improvements, safety, lighting, and aesthetic improvements.

MASTER PLAN ACTIONS

1. Adopt a policy requiring a minimum 6 foot clear path along the sidewalk be retained throughout mixed-use districts.
2. Expand activities and special events to attract office workers and residents to shop and dine downtown, including weekly food-truck events at Shain Park. This can be pursued by the contemplated Civic Events Board along with the Birmingham Shopping District.
3. Update the Multi-modal Plan to address micro-mobility, increased pedestrian activity due to new downtown housing, and recent experiences with increased outdoor dining. See multi-modal plan update recommendations.
4. Update the Parks and Recreation Master Plan to increase amenities and connections in Downtown's parks. See parks and recreation plan updates.
5. Implement an art-mural program for large blank wall surfaces in key locations.
6. Task the Advisory Parking Committee with a study of tiered parking meter pricing in Downtown. A best practice goal is to achieve an average maximum 85% occupancy all streets.
7. Task the Advisory Parking Committee with a study of tiered parking rates for different garages.
8. Task the Advisory Parking Committee with a study of monthly parking pass fees.
9. Task the Advisory Parking Committee with a study of secure bike parking and electric vehicle charging stations within parking garages.
10. Task the Advisory Parking Committee with a review of master plan parking recommendations in 2030 to evaluate technologies and trends at that time.
11. Pursue technological improvements to ease parking usage, such as parking space occupancy indicators (green and red lights above spaces) to more easily direct users through the garages.
12. Install directional and informational signage. (previously addressed)
13. Convene a committee to study a Merrill Street shared space streetscape retrofit between Old

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Continue Improving the Maple and Woodward District

Woodward and Shain Park. Consider options for activating the rear of City Hall, changes to the wall, small retail kiosks, and other low-impact means of enlivening the block.

14. Build a parking deck in the Triangle District as soon as possible. (addressed previously)
15. Create a detailed plan for the Bates Street Extension ensuring robust public input.

MULTI-MODAL PLAN UPDATES

- a. Install benches with backs and armrests throughout the Downtown area.
- b. Increase bike parking within the public streetscape throughout Downtown, especially at corner and midblock bulb-outs which support multiple racks.
- c. Reserve space for micro-mobility storage at corner and midblock bulb-outs along with bike parking.
- d. Expand the distance of corner curb extensions at street intersections and midblock to accommodate public seating. Permit outdoor dining in these seating areas for abutting businesses.

PARKS AND RECREATION PLAN UPDATES

- a. Increase the amount of seating in Shain, Booth, and the City's pocket parks with benches.
- b. Expand portable café seating in Shain and Booth Parks and on all widened sidewalks.
- c. Open cafés in Shain and Booth Parks with public restrooms and limited food and beverage offerings.
- d. Expand the Oakland – Old Woodward pocket park by removing the south vehicular lane, per the 1996 master plan recommendations.
- e. Add paths and seating to the Pierce-Brown pocket park.
- f. Improve the Library's entrance plaza with seating and murals.
- g. Integrate the Birmingham Museum into the Rouge River trail and park system, including more connections and signage Downtown.
- h. Add green stormwater infrastructure to parks and pocket parks.

Establish Market North as a Distinct District

Historically, the 1/3rd mile-long Market North – Old Woodward retail district has been viewed clearly different from the core Downtown. It has now become a dining and shopping destination of its own. North Old Woodward has transitioned from a collection of fine art galleries into a busy dining district. The district requires its own identity, branding, and focus on its' specific needs independent of other districts. Because it hosts a popular seasonal farmer's market, and following the aptly named Market North End restaurant, it is recommended that the area be called Market North. The future of Market North is bright but it should retain its character of small shops and restaurants, and a street life distinct from Maple and Woodward.

Active Sidewalks

The implementation of the 1996 master plan's traffic-calm-ing design for Old Woodward, which reduced the number of lanes and inserted a landscaped island, has significantly slowed vehicular speeds and improved the area's walkability. But problems still exist such as the pedestrian crossing at Harmon and Old Woodward, which can be dangerous at times. Further north along Old Woodward, traffic increases in speed and pedestrian crossing opportunities are non-existent, clearly missing at Vinewood Ave. North of Harmon St, Old Woodward needs to be redesigned to slow traffic and focus on increasing street parking and pedestrian crossings, especially in anticipation of increasing redevelopment.



Figure 47. Small scale outdoor dining.

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Figure 48. Character of small scale businesses in Market North.

Market North's district character should be reinforced at the connection between the sidewalk and building facades. Currently some storefronts and signage are unattractive and incongruous with Birmingham's upscale character and image. This district is distinct from Maple and Woodward in storefront design, featuring less glazing and more small-scale business facades. Even with new buildings, the storefront scale should be retained with paned windows featuring more traditional muntins above bulkheads and framed door entries. Benches should be encouraged along the building facades, facing towards the street. And streetscape elements like benches, trash cans, and signage should be unique to this district.

Unlike Maple and Woodward where restaurants have large seating areas in dining decks, Market North maintains a character of smaller cafes and even ice cream stores with limited outdoor seating. This treatment should be encouraged in new buildings, with intimate cafe spaces and some outdoor dining along the building and the furnishing zone (See Figure C.3-03). The condition at the Market North End restaurant is also to be encouraged (See Figure C.3-04).

Public Space

Market North is anchored by Booth Park and the farmers market. Booth Park provides direct access to the Rouge River trail system, and occupies nearly 500 feet of Old Woodward frontage which creates a clear distinction

between Maple and Woodward and Market North. As discussed previously, the park lacks adequate seating for its users at peak hours. Additionally the entry corner at Harmon and Old Woodward is too informal for its' setting. Proposed in the Downtown 2016 plan, Booth Park should have a cafe and restrooms within an iconic park building near this entrance in a paved plaza.

The Farmers Market gives the district its name, but has little presence on non-market days. Rather than an afterthought, the district's identity should be reinforced with a

permanent, open-air market pavilion. The pavilion could be located where the market currently takes place, in the portion of municipal parking lot 6 that is open to Old Woodward. Designed appropriately, cars could continue to park under the pavilion awnings on non-market days. (See Figure 49).

Housing

The district's existing housing is mainly in inefficient multi-family buildings along its northwestern edge.



Figure 49. Proposed open air market pavilion.

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Continue Improving the Maple and Woodward District

Redevelopment has begun with new mixed-use buildings on the east side of Old Woodward and development interest beginning on the west. Many of the district's buildings along Old Woodward are prime opportunities for redevelopment as mixed use structures. While some may be nostalgic for the area's garden apartments, their form and deep setbacks from Old Woodward signal that drivers can speed through the area, especially coming from the high speed portions of big Woodward just to the north. Better definition at the streetscape with new buildings will slow cars and reinforce walkability. But improvements are needed along Old Woodward to support additional pedestrians, particularly north of Harmon.

Parking

As the Market North district is seeing redevelopment interest, it has too little parking to support its potential. As in Maple and Woodward, daytime parking is full in Lot 6 while it is empty at night. The Downtown 2016 plan, completed about 25 years ago, recommended that a parking deck be built on Lot 6. This recommendation should be pursued along with the permanent market pavilion, with a low deck, about 2-3 floors total, located behind the existing buildings.

To avoid disturbance to neighbors along Brookside, care should be taken to eliminate any light spill over and to present a pleasant facade to the west, and care also taken to limit impacts on the Rouge River.

MASTER PLAN ACTIONS

1. As part of the zoning code update, extend D2 zoning to the multi-family properties along the west side of Old Woodward up to Quarton.
2. Install way-finding signage throughout the district. (Addressed previously)
3. Update the Multi-modal Plan to support increased pedestrian activity on both sides of North Old Woodward and install streetscape amenities. (See the section on Multi-modal Plan updates)
4. Update the Parks and Recreation Plan to add amenities and a cafe to Booth Park. (See the section on Parks and Recreation Plan updates)
5. Convene a committee to develop branding, special signage, seating, and streetscape elements unique to the Market North district.

CURRENT ZONING WITH OVERLAY



PROPOSED OVERLAY EXTENSION

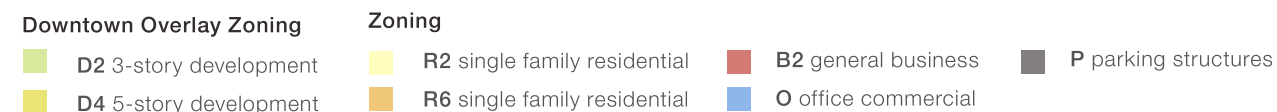


Figure 50. Extension of D2 zoning in Market North.

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Implement Haynes Square



Figure 51. Booth Park's underwhelming entrance.

6. Task the Design Review Board to develop storefront design, signage, and other standards to retain the small-scale business character of Market North.
7. Task the Advisory Parking Committee to study a parking garage in the Lot 6 parking lot.
8. Task the Multi-modal Transportation Board to develop a streetscape plan along North Old Woodward, up to Big Woodward, with a focus on adding on-street parking and pedestrian and bicycle amenities and improving safety.
9. Convene a committee to study a permanent, open-air farmers market pavilion with public restrooms on the portion of Lot 6 that is along Old Woodward.

MULTI-MODAL PLAN UPDATES

- j. Expand pedestrian safety and traffic-calming measures along North Old Woodward.
- k. Install additional pedestrian seating throughout the Market North district.
- l. Install new Market North branded streetscape fixtures throughout the district.

PARKS AND RECREATION PLAN UPDATES

- m. Install ample benches in Booth Park.
- n. Install a small café and public restrooms in Booth Park along with movable tables and chairs.
- o. Create a paved plaza, ideally pervious, at the entrance to Booth Park with signage and seating.

Implement Haynes Square

The Haynes Square plan corrects a dangerous Woodward intersection, activates and elevates the South Old Woodward commercial district, and connects the Triangle District across Woodward to take part in the overall downtown. Details are addressed in the chapter Connect the City. That content will not be repeated here; this is a reminder of its' goal to support the South Old Woodward and Triangle District areas.

Adopt a South Woodward Gateway Plan

The South Woodward Gateway, located along Woodward from 14 Mile to Lincoln, is the most unsophisticated stretch of retail in the City. The southern portion of Woodward presents a sloppy and tired image of the community, which is otherwise active and successful. Woodward's growth and decades of mis-focused transportation policy has divided Birmingham and eroded the quality of the pedestrian and business environments. This Gateway district is Birmingham's first impression to those traveling from the south. Numerous times the Gateway has been defended, suggesting that the quality of Woodward through Royal Oak is worse. Yes, the character of Woodward in Birmingham



Figure 52. Typical character of the gateway.

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Adopt a South Woodward Gateway Plan



Figure 53. Building with potential for sleeve activation.

is better than Royal Oak, but it still is not good and not in keeping with the image of Birmingham. However, the area provides lower cost retail space with excellent exposure to traffic, housing most of the national chain merchants in the City. The Gateway is valuable for Birmingham, it just needs a new and sophisticated image.

Woodward's conversion to an attractive and grand avenue is now supported by the Department of Transportation, however that future remains distant. In the interim, changes can be made on the side of private development to make this area more attractive and functional, paired with near-term improvements to Woodward itself, detailed in the chapter Connect the City. Today, communities to the south are well on their way to improving Woodward's streetscape

but have not yet addressed adjacent building form. While streetscape improvements are needed, and Birmingham should improve median plantings right away, the character of buildings along Woodward establish the area's image.

The low quality of the Gateway is well recognized; in 2013 The Southern Gateway Urban Design Plan was developed. Never adopted, the plan should be revisited, updated, and adopted. With fresh eyes, the Gateway needs a more radical transformation than previously proposed, which focused heavily on public sector improvements, leaving existing buildings as-is. With the right incentives and capacity, the area's aged buildings can be redeveloped in a manner that truly changes the Gateway's character. In addition, the Gateway's interface with the neighborhoods along it should be revisited.

From a neighborhood perspective, the Gateway provides some neighborhood retail services but it continues to encroach into neighborhoods with parking, increases neighborhood cut-through traffic, and is incredibly inconvenient for pedestrians. Many businesses have purchased neighborhood houses beyond the alley, converting these to surface parking. This condition is most prevalent on the west side, but exists on both sides of Woodward. In many cases, this results in neighborhood houses facing onto open parking lots, and many more sharing a side or rear lot with them. As is recognized in the 2013 plan, the triangular parking lots are incredibly inefficient, even larger ones, and are better served by efficient mid-block parking.



Figure 54. Shared-use alley space concept.

The 2013 Southern Gateway Urban Design Plan recommends that alley pavement be improved and made consistent and shared-use to accommodate pedestrians, shoppers, and service vehicles. In addition to the surface treatment of alleys, they require active uses along their edges to be safe and pleasant. Currently businesses face onto Woodward and use alleys for parking and service. For transformational change, businesses should also face onto alleys, creating true shared-use streets. This dual-sided condition is becoming common in the local area, found at Kroger along Maple, along Big Beaver in Troy, and elsewhere throughout the region. In the alley, businesses should be encouraged

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Adopt a South Woodward Gateway Plan



Figure 55. Neighborhood Sleeve configuration which creates small neighborhood-focused nodes along side streets.

to extend outdoor seating and outdoor retail displays into the shared-use alley space (See Figure 54).

Full alley activation requires that both sides of the alley engage to define its character. With parking addressed more efficiently, the triangular parking lots should revert to residential use in order to reduce noise spill over into the neighborhood. Most of the triangular properties can retain yard space, with shallow townhouses lining the alley and side streets. A muse-type townhouse is appropriate along alleys, which has a flush single car garage entry along with the building facade. Common in the United Kingdom, Birmingham has a few townhouse developments that approximate this treatment.

Neighborhood Sleeves

To create a better interface between Gateway retail and surrounding neighborhoods, buildings should provide active facades along side streets. In an ideal condition, as

illustrated, the redevelopment of an entire block face would consolidate parking in the mid-block and face buildings towards side streets. Doing so simplifies parking access, provides more spaces, and provides retail experiences. Presently, facing buildings onto Woodward creates an awkward parking condition and poor pedestrian experience and parking access from Woodward is inefficient.

Each residential street in the Kenning and Pierce neighborhoods terminates on Woodward. Currently, the last 150 feet or more of each residential street is presented with surface parking, an unattractive alley, and typically a long blank wall along the side of buildings that face Woodward. For the neighborhood this is a poor experience by car, and especially walking. Potential exists to face storefronts onto side streets rather than Woodward, like the condition depicted along Benneville (See Figure 53). If this building were a coffee shop, it could have a pleasant outdoor patio nearby neighbors might frequent.

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Develop a North Woodward Gateway Plan

If most buildings faced businesses onto the neighborhood streets rather than Woodward, the end of each street would become a small neighborhood main street with a handful of shops. These Neighborhood Sleeves would benefit neighborhood residents and provide a superior pedestrian experience over Woodward. Limited in size, each Neighborhood Sleeve would create minimal traffic, and further they would encourage neighborhood residents to walk or bike for convenient access.

The 2013 Southern Gateway Urban Design Plan includes two recommendations for reducing traffic speed into neighborhoods. These options - angled parking with bump-outs entering the neighborhood, or parallel parking with chicanes entering the neighborhood - perfectly support Neighborhood Sleeves and pedestrianized alleys.

In a full redevelopment scenario, new buildings could accommodate housing above. Due to the street geometries, buildings could also include a mix of larger and smaller spaces. Should development demand be sufficient, a single parking deck would fit mid-block, allowing for two stories of housing above shops, further activating businesses. Where full redevelopment does not occur, corner properties along the side streets should face onto those streets with active storefronts. Each piece of the Gateway concept - alleys, alley housing, parking consolidation, and sleeves - could develop independently.

Master Plan Actions

1. Revise and adopt the South Woodward Gateway Urban Design Plan. Consider:
 - a. Incorporating the Neighborhood Sleeves concept.
 - b. Piloting a shared-use alley by re-paving the alleyway, moving power poles underground, and opening businesses onto the alley.
 - c. Piloting a Neighborhood Sleeve with existing buildings or through redevelopment, including streetscape improvements on the side streets with chicanes and streetscape details like tree pits, benches, pedestrian-scaled lighting, and trash and recycling receptacles.
2. Incentivize redevelopment through increased zoning capacity and reduced parking requirements.
3. As part of a zoning code rewrite, establish zoning standards to enable Neighborhood Sleeves. This may be done by requiring storefronts along neighborhood streets and other strategies.
4. As part of a zoning code rewrite, establish zoning standards to enable shared-use alleys. This may be done by:
 - a. Requiring storefronts at entries along the alley.
 - b. Permitting attached single-family housing along the neighborhood-side of the alley, limited to 2 stories.
5. As part of a zoning code rewrite, establish zoning standards to encourage redevelopment of South Woodward Gateway properties. This may be done by:
 - a. Permitting multi-family housing on the commercial properties.
 - b. Permitting 2 stories along the alley and 3 or 4 stories between Woodward and 50 feet of the alley.
 - c. Reducing parking requirements and allowing shared parking.

Develop a North Woodward Gateway Plan

The approach to Birmingham from the north is nearly as unimpressive and messy as the approach from the south. Both the North and South Woodward Gateways are important opportunities to showcase Birmingham's character, and play an important role in calming speedy traffic entering the city. While speeding is prevalent everywhere on Woodward, it is especially important to address southbound due to increasingly speedy conditions north of Birmingham. The northern approach is also complicated by a mixed jurisdiction, with Birmingham controlling only half of the road's edge, up to the northern intersection with Old Woodward.

The North Woodward Gateway provides a significant opportunity to calm traffic and change the perception of Birmingham along Woodward, despite only controlling half of the road's edge. Key to this transformation is the northern intersection with Old Woodward. The triangular

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Keep it Loose in the Rail District

green provides a perfect terminated and deflected vista for southbound drivers. Today, drivers are greeted by a gas station advertisement and price list. This should be a grand entry to Downtown with impressive and tall civic art or a signature gateway building. In fact the entire triangular property, which is privately owned, from Oak Ave to the point should be the most impressive structure in the City. Short of transformation, every effort should be made to announce Birmingham's presence, its' character, and the importance of its' Downtown at this location.

Leading to the Old Woodward intersection, streetscape improvements, traffic calming, and frontage improvements should be studied. With consideration for lane reduction, such as in the South Gateway, a glimpse of a multi-way boulevard could come to life between Quarton and Old Woodward. Significant transformation is possible by continuing the slip lane along Colonial Court Terraces to Quarton and Old Woodward, removing the outer travel lane for further landscaping, and accommodating bicycles and parking within the slip lane.

Certainly other opportunities exist to improve the entrance character and slow traffic, which should be studied. Like the South Woodward Gateway, the North Woodward Gateway needs an urban design plan. Yet ahead of a full gateway plan, additional canopy trees should be added to the Woodward median throughout the city.

Master Plan Actions

1. Plant a full and consistent tree canopy along the Woodward median throughout Birmingham, beginning with the northern and southern entries.
2. Develop and adopt a North Woodward Gateway Urban Design Plan to improve the appearance of the northern entrance to Birmingham, slow traffic entering the city, and improve the Old Woodward entrance as a signature gateway to Birmingham and Downtown.

Keep it Loose in the Rail District

The Rail District is divided between what has been envisioned for its future and the utility that it currently provides. This is a place of experimentation for Birmingham, and has been for some time. Layers of history expose incremental changes. Traces of former rail spurs from the Grand Trunk Railroad are evident in odd property divisions, fence lines, and paths of unkempt foliage.

The district's northern edge, at the top of South Eton Rd., has been capped by an upscale restaurant housed in the City's former passenger rail station, now closing. From nearby parking lots, the City's Whole Foods market and large scale commercial in Troy is visible just over the tracks, yet inaccessible. Just below this, the District Lofts illustrate a grand future vision that is formal and neat. Along with the adjacent Iron Gate to the south, the area includes some of the City's most contemporary multi-family offerings. Just east of Iron Gate, also part of the 1999 Eton Road Corridor Plan, is an experiment in live-work units that create a tight urban street grid open for future connections to neighboring properties. The Griffin Claw brewery is next southbound on Eton, a substantial micro brewery with an informal brewpub and outdoor beer garden, especially popular with young families. Next to this, tucked far back from Eton is the Robot Garage, a wonderland of toys and classes for creativity in making, from legos to art to



Figure 56. The District Lofts preview the Rail District's urban future.

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Keep it Loose in the Rail District

robotics. Auto service, a lumber yard, and the City's Public Services Department follow old lines of rail spurs.

The Lower Rail District, south of Palmer Street, consists of small, mostly single-story warehouse buildings occupied with varied businesses including yoga, co-working, dog daycare, art, dance, auto body shops, and more. These are arranged haphazardly among small parking areas, charming in a way that is certainly not suburban. Only the degraded character of the street and lack of trees detract from the area's charm. The southern end of the district is capped by Kenning Park with the City's Ice Rink and skate park, along with a new and quite urban senior retirement development.

The Rail District has no single character but overall it has an intimate charm. Other parts of the City are increasing their refinement, and many lament the loss of the City's artistic and entrepreneurial roots. Yet this is alive in the Rail District.

Plans and zoning for the Rail District point to a heavily urbanized future. A 2017 Ad-hoc Committee report for the Rail District estimated the zoned potential that could be built on properties likely to redevelop in the near future could increase intensity 10-fold, albeit unlikely. Due to the significant disparity between the district's long-term future and the functional and desirable near-term conditions, policies and improvements should permit the district's current condition and success to continue while incrementally preparing it for an intensified future condition.

Near-term Conditions

Many existing buildings within the Lower Rail District are legally non-conforming, disincentivizing investment in existing buildings and continuation of the present condition.

The Lower Rail district is a type of commercial development which is currently emerging nationally. It provides incubator space for businesses at a much lower cost level than the downtown shops. The current code applies standards that

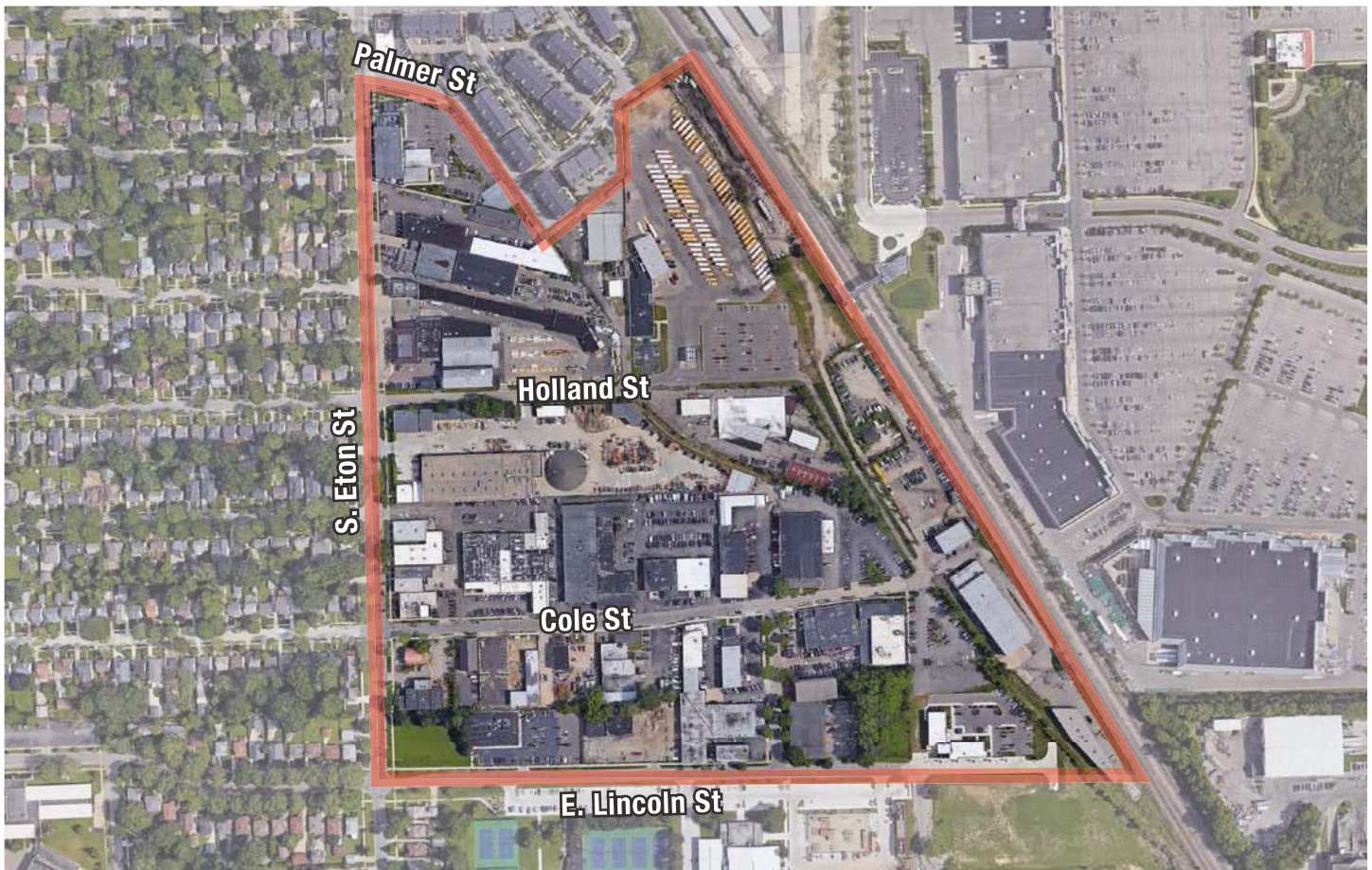


Figure 57. The Lower Rail District.

Ch 4. Support Mixed-use Districts

Keep it Loose in the Rail District



Figure 58. Current conditions in the Lower Rail District.



are appropriate to create pedestrian-oriented streets but as a result is burdensome to existing structures and uses. In the near-term, the Lower Rail District should remain informal and somewhat experimental. This character should be encouraged through zoning, development review, and in the public realm.

Zoning need only be slightly adjusted. These adjustments are the type appropriate for an overlay district which applies only to the Lower Rail District. The overlay should consider allowing the following when existing buildings are improved or expanded, or when new single-story buildings are built:

- Parking to remain between buildings and front lot lines if it already exists.
- Buildings to retain their present setback when renovated, expanded, or reconstructed.
- Parking lots of 70 feet wide or less to be exempted from required trees and landscaping.
- Screening not be required except along lot lines facing Eton Street.

- Small footprint towers of 600 square feet or less should be allowed to exceed one story without causing the overall structure to be interpreted as over one story, invalidating the overlay allowances.

Development review should allow the unique nature of the district to continue when single story structures are improved or expanded, or when new single-story buildings are built, including the following:

- The wall cladding may be any material including raw concrete block, corrugated metal, wood, or brick.
- Awnings and canopies of any size may be used.
- Pavement should be painted or removed where there is no parking. No landscaping should be required.
- Shared-use street conditions with bollards to define sidewalks should be pursued, which requires site specific design interpretation.
- Large expanses of walls should be painted with murals.

Ch 4. Support Mixed-use Districts

Keep it Loose in the Rail District

To support the district's current character and prepare for the future, streetscape improvements should be pursued which work for both. While mentioned in a number of existing contexts in other districts, shared-use streets are ideal for implementation along Cole and Commerce Streets, and Lincoln to the East of Eton. For the current condition, shared-use formalizes the condition that has occurred organically over time, and provides greater importance to pedestrians and cyclists. In the long-term condition, it helps to retain the character of the district, with greater use of shared-use streets than other places in the City.

Long-term Conditions

Many of the City's district-specific plans have become long-range, with investment remaining focused Downtown. Beyond the clear draw of Downtown's reputation, building there removes a \$50,000 per car obligation from

developers. Both the Triangle and Rail Districts suffer from lot patterns that are generally small and include a number of oddly shaped properties. Redeveloping these properties at a high capacity doesn't work when parking must be accommodated. On the other hand, Downtown's small properties are being developed, including the recent hotel at Brown and Old Woodward. Like the Triangle District, the Rail District needs public parking capacity and the ability to use that capacity in lieu of providing parking in mixed-use development projects. As opposed to the Triangle District, the City owns property in the rail district. Most notably, the Public Services Department site is well located to provide parking access to Cole Street. Uses on site are necessary for maintenance of the City, and there are few places to relocate those uses. Even remaining on site, the DPS building is approximately the size of a parking structure, and may be part of a redevelopment plan to accommodate both. Additionally, the School District's underutilized bus lot can easily accommodate structured parking. These are options to be weighed in service of unlocking the area's development potential.

Before the district begins to see more intense development, its standards should be revisited. There are a number of ways that the MX standards differ from the Downtown Overlay standard, despite having similar desired physical outcomes. As discussed previously, zoning districts across the City that are similar in their desired outcome should be consolidated. If not consolidated with Downtown and Triangle District zones, the MX zone should be carefully analyzed. A quick reading of zone standards passes muster, however some details have potential negative consequences. For instance, the zone has tree requirements tied to the number of residential units; because this doesn't account for potentially high lot coverage on these small properties, the tree requirements could be a barrier to development, disincentivizing new housing in the district.

Connectivity is the most significant limitation to the Rail District. The Grand Trunk Railroad limits all modes of connectivity, with crossings only at Maple and 14 Mile, of which the Maple crossing is in poor condition. Additional rail crossings should be studied, mainly for pedestrian and bicycle movement. A vehicular bridge would be logical at Lincoln, like the Derby bridge, though difficult to achieve due to existing buildings. In the further future, with

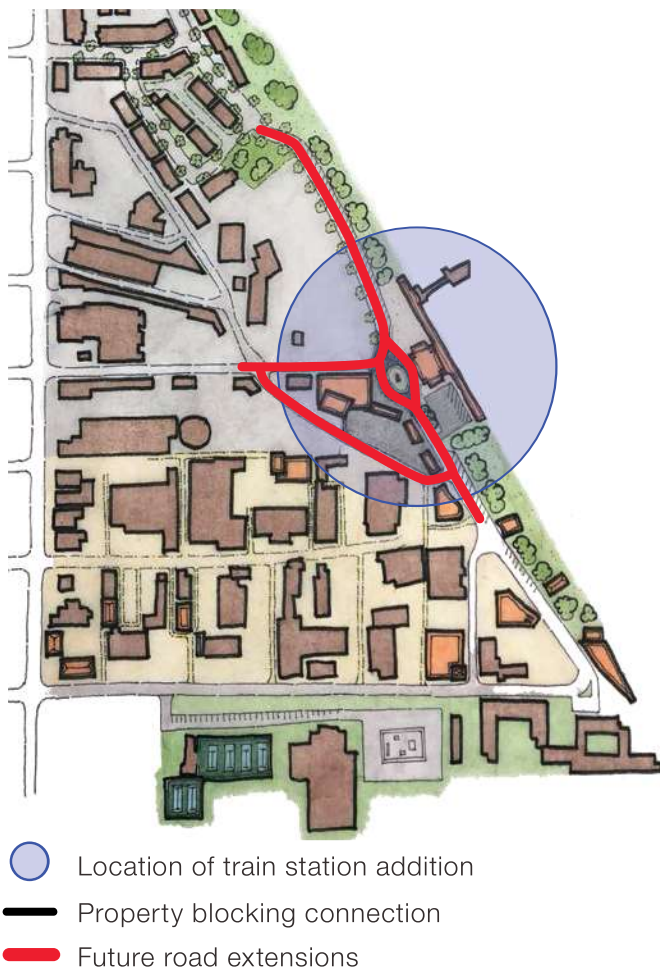


Figure 59. Increased street connectivity and access to Troy Transit Center.

Ch 4. Support Mixed-use Districts

Keep it Loose in the Rail District

significant development in the Rail District, further connections will be necessary. Every effort should be made to avoid increased car trips from new development, providing extensive pedestrian, bicycle, and transit infrastructure instead. Today, right-of-way and access should be reserved to connect Lincoln with Lewis Street, also connecting to Cole and Holland. Additionally the contemplated greenway along the railroad should be pursued for bicycle and pedestrian connectivity.

Over Birmingham's long history, the railroad connection to Detroit has been an important asset. In recent decades, disinvestment in rail and investment in automobiles has reduced the role of rail travel. However, this trend is slowly changing across the country. Into the future, rail's comeback is projected to continue. The City cannot risk being left without a direct connection to passenger rail. Looking forward a few decades, rail access in the Rail District is the most likely economic driver. The City needs to secure a long-term connection to the Troy Transit Center and consider the redevelopment potential this may bring to the district in the future.

Master Plan Actions

1. Develop an Overlay Zoning District for the Lower Rail District that permits the existing, but somewhat improved condition to persist. Consider sunsetting the overlay once public parking is available. See recommendations in the text of this section.
2. Construct a shared-use street section along Cole and Commerce Streets.
3. Update the 1999 Eton Road Corridor Plan for the area south of Palmer Street to permit the existing, but somewhat improved condition to persist. Consider the following amendments:
 - a. So long as the buildings--existing or new--are one story, eliminate all requirements of Section 5 of the Site Design Guidelines p 41-46. of the Eton Road Corridor Plan. These include but are not limited to:
 - Eliminating building frontage and sidewalk requirements.
 - Eliminating parking requirements, except as the on-street parking shall be as determined by the "Immediate Neighbors" of the adjacent Torry or Kenning Neighborhoods.
4. As part of a zoning code update, modify the MX District to enable the urban development envisioned by the plan. Consider the following:
 - a. Exempt LA-01 (E) and (F), as is true in Downtown, or at a minimum that plantings in the MX District are only required within the streetscape and within open areas of the property, but not based on a minimum number of trees per residential unit as currently defined.
 - b. MX District zoning should be carefully analyzed by contracting two or more architects to complete preliminary building designs for mixed-use buildings on existing sites, small and large, with and without on-site parking, attempting to achieve capacity. The architects should be requested to discuss and present challenges and constraints that are faced in the process. While some challenges are part of code design, others may be unknown without testing.
5. Update the 1999 Eton Road Corridor Plan for the area south of Palmer Street to increase vehicular connectivity. Consider the following:
 - a. At the termination of Holland Street, creating a connection to the rail station by purchasing a 30 ft wide corridor or easement.
6. Develop a plan to provide access to the Troy Transit Center and consider the development of surrounding properties, including the School District bus parking lot and the DPS facility.
7. Convene a committee to study redevelopment of the DPS building to occupy a portion of a public parking facility in its place, which services the lower Rail District.
8. Construct the contemplated linear park and trail along the railroad.

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Ch 5. Advance Sustainability Practices

Ch 5. Advance Sustainability Practices

Green the City's Municipal Operations

Green the City's Municipal Operations

In impact, the City should lead by example. Municipal buildings and operational choices should align with environmental goals. New buildings should meet LEED standards, as addressed in the following section. Recycling should be a focus within and around municipal properties. Plastic and styrofoam bottles and containers should not be purchased by the City. Municipal fleet fuel efficiency standards can be increased and converted to Electric Vehicles. Staff may be incentivized to commute to work by bike, public transit, or carpooling. And the City may require its contractors to adopt similar policies.

Master Plan Actions

1. Establish a Sustainability Board to oversee the recommendations of this plan section and other future sustainability initiatives.
2. Task the Sustainability Board to create an action plan to reduce environmental impacts of municipal operations.
3. Install Electric Vehicle charging stations throughout the city at garages, public parking lots, and on-street in Mixed-use Districts.
4. Task the Sustainability Board to study opportunities in Parks and Recreation, such as pollinator gardens, solar panel pavilions, plant species, tree canopy, landscape maintenance processes, and environmental regulations.

Require Green Building in New Construction

Elsewhere in the country, building energy use and production is moving slowly towards neutrality, with some states far ahead of others. Michigan has residential and commercial energy codes which comply with federal mandates, yet leave room for improvement. Detroit and Grand Rapids have adopted 2030 Districts with district goals of reaching net zero energy usage by 2050. With a significant amount of new construction in Birmingham, there is room to incentivize movement towards net zero and use of LEED standards within the City's mixed-use districts.

Master Plan Actions

1. Require adherence to LEED standards within the City's mixed-use districts and municipal buildings.
2. Task the Sustainability Board increasing energy standards for new construction above those of the state energy code, ideally implementing 2030 District goals.

Expand Recycling and Composting

Recycling and composting have been targets of recent policies across the country, aimed at reducing the use of plastics and styrofoam, and reduce the volume of compostable waste in landfills. For residences, recycling programs have been available for some time, but municipal compost has not. Currently yard waste compost is collected in the fall, which may be able to expand to food scraps, which is especially important for restaurant and grocery store waste. Composting potential should be investigated. Concerning normal recycling, commercial standards should be considered along with a greater number of recycling bins in City parks and public spaces. Many area businesses use plastic utensils and styrofoam carryout, along with plastic bags. All of these could be reduced or eliminated either through ordinance or through a Birmingham Shopping District program.

Master Plan Actions

1. Task the Sustainability Board to study the potential for food waste compost service for homes and businesses.
2. Increase the availability of recycling bins in public spaces like parks, public buildings, and along streets with high pedestrian traffic.
3. Task the Sustainability Board and Birmingham Shopping District to recommend the best path towards business operations changes to reduce plastics and styrofoam, either through ordinance or first through a voluntary shopping district program which leads to a future ordinance.

Ch 5. Advance Sustainability Practices

Install Green Stormwater Infrastructure in Neighborhood Streets and Parks

Install Green Stormwater Infrastructure in Neighborhood Streets and Parks

Water quality management has undergone significant improvements in recent years. Birmingham regularly experiences flooding and is situated along a sensitive natural river system. Untreated runoff threatens the Rouge River natural system and damages private properties. Streetside landscape areas, City parks, and other City properties are clear opportunities to provide stormwater solutions, and are plentiful. To address this issue, a new plan should be created which evaluates the issues and problem areas, emerging best practices, and establishes a strategy to implement green infrastructure across the city.

Master Plan Actions

1. Create a Green Infrastructure Plan establishing strategies, design standards, and locations in streets, parks, and other City properties with locating street-side areas where stormwater can be cleaned and retained through bioswales and other means, particularly in areas experiencing flooding.

Improve the Rouge River Natural Area

The Rouge River frontage has been recognized as an important walkway by the City and Oakland County since the 1920s, part of a planned but not fully executed regional park system. The park area is an asset to the City, including diverse wildlife habitats and ecosystems, wooded uplands, prairies, and wetlands. The Rouge borders eight neighborhoods as well as Downtown. Approximately 48% of Birmingham's residents and over 11,000 employees are within a five-minute walk of the Rouge. A midday walk in the summertime along the Rouge trail includes workers, joggers, families enjoying opportunities to get near the river, and diverse wildlife. Many people use the park and recent studies have shown that access to trees, wildlife, and naturalistic settings is important for mental health.

However, the Rouge River natural areas require better management, maintenance, and accommodations for the diverse set of users who value it. The park's natural ecosystem is challenged by invasive plant species, minimal forest management, degraded bank conditions, landscape chemical runoff, and roadway storm-water runoff. Active management of the area is needed, along with stormwater management interventions to clean water before it enters the Rouge.

The Rouge's relatively flat topography is ideal for pedestrians and cyclists of all ability levels. However the condition of trails and access severely limit its use. The existing wood chip and crushed-stone hiking trails are unstable surfaces and sections of the existing Rouge trail traverse steep grades or waterlogged soils. In fact, the Rouge hiking trail is often entirely unusable during heavy rain or freezing conditions. Where the river comes close to property lines, the trail often becomes steep and difficult to traverse. A properly designed, paved walkway could provide an easy alternative to West Maple's steep hill between Baldwin and Southfield Road, as well as link Linden, Seaholm, Quarton and Beverly Hills residents directly to Booth Park. And due to the trail's trajectory, much of the park is completely inaccessible. Additionally, many of the trail heads are unmarked and hidden. The river trail is of both community-wide and regional importance. Access and accommodations are necessary for the health of all Birmingham residents.



Figure 60. A segment of the Rouge trail.

Ch 5. Advance Sustainability Practices

Improve the Rouge River Natural Area

Many sections of the Rouge trail and trail heads lack benches, bicycle racks, lighting, way-finding maps, educational placards, and other basic amenities. Benches are convenient for the enjoyment of the natural area, but also for many older adults who need places to rest along long walks. Lighting and forest management are important for security. Regular surveillance of the trail is difficult for the police and public due to insufficient access, and emergency response vehicles have limited or no access to many segments of the trail.

The needs of pedestrians and cyclists are often aligned, but in the natural areas, multiple facilities are merited. By adding pedestrian and bike bridges at key locations, much more of the natural area would be accessible, and the trail would be able to avoid steep areas if it crossed the river more frequently. Opening up access to the far side of the river would allow for a paved pedestrian and bicycle trail, along with a smaller pedestrian walkway that may be more naturalistic in design and access the river more intimately. Care is needed in designing upgraded trails. The design of trails should endeavor to remain as narrow as practical for the effective use of the facility, in order to minimize the visual and actual impact on the natural area.

Along with amenities and trails, the natural area requires active management and targeted improvements. In many instances, the banks and slopes have been stabilized in a way that intrudes upon the ecosystem, clearing segments

of plants and wildlife access. In others, the banks are not stabilized at all. Along with the edge conditions, plant species and tree health need monitoring and management. Natural areas at the urban interface cannot simply be left to chance.

Master Plan Actions

1. Develop and implement a restoration master plan to restore the Rouge River ecosystem to its natural and sustainable conditions. The plan should consider:
 - a. Retaining environmental scientists to inventory and analyze the Rouge corridor's wildlife, ecology, natural systems, and pollution sources.
 - b. Establishing a phased enhancement time frame to stabilize riverbanks, remove invasive species, reintroduce native ground covers, wildflowers, under-story, and canopy tree species.
 - c. Identifying and mitigating potential pollution or chemical sources, including the existing Springdale snow storage dumping area.
2. Develop and implement a trails and access master plan to improve the Rouge River trails and trail heads. The plan should consider:
 - a. Installing pedestrian linkages to the park's surrounding neighborhoods and commercial districts, including to Quarton Road.
 - b. Securing easements of additional key properties to expand the park area and improve its walkability, for complete ecological restoration, and universal accessibility.
 - c. Coordinating with Bloomfield and Beverly Hills to expand trail access and connections.
 - d. Installing an environmentally sensitive, hard-surfaced pathway for pedestrians and cyclists along the Rouge River.
 - e. Expanding the extent of the trail system, crossing the river at more locations to access large portions of the natural area currently cut off.



Figure 61. A segment of the Rouge trail.

Ch 5. Advance Sustainability Practices

Implement Plan Actions Supporting Sustainability

- f. Installing bridges, ramps, and other enhancements to enable access by all ages and abilities.
 - g. Installing other amenities such as bicycle racks, lighting, markers, seating, and signage at trail heads, and seating, markers, and interpretive features throughout the trail system.
- 3. Establish a “Friends of the Rouge” foundation to oversee, build support, and raise funding for the park’s enhancements. Consider securing corporate or philanthropic funding in exchange for special recognition.
- 4. Provide funding for city staff and resources to permanently preserve and manage the Rouge ecosystem.
- 5. As part of a zoning code overlay, implement policy to ensure that private property construction, fencing, landscaping, lighting, etc., are compatible with the park’s ecology, its restoration master plan, and overall public welfare.

Implement Plan Actions Supporting Sustainability

Many of the plan goals and actions addressed in previous chapters implement public health and environmental sustainability goals. They specifically advance sustainability practices in Birmingham and should be implemented with sustainability in mind. These include:

- Preserving, enhancing, and diversifying the city’s tree canopy in streets and open spaces.
- Infill housing in Mixed-use Districts result in households which on average drive less, use less overall energy in heating and cooling, and use practically no water and fertilizer in landscape maintenance.
- Bicycle and pedestrian multi-modal improvements, and support for neighborhood destinations encourage exercise and more trips taken by foot or bike rather than by car.
- Support for the Farmer’s Market increases connections to food growing, healthy consumption, and food education.

B. Future Land Use

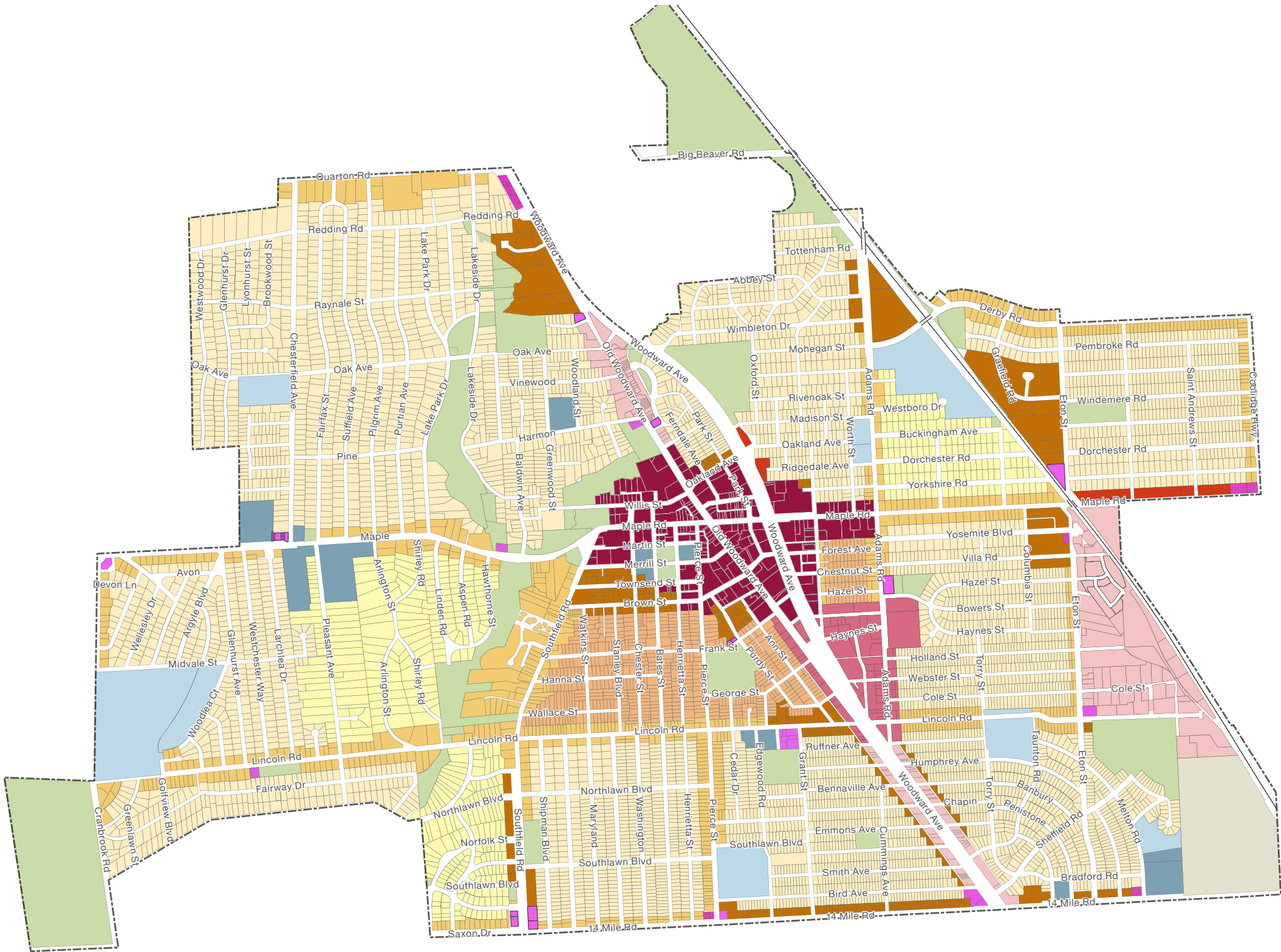


Figure 6. Future Land Use Map.

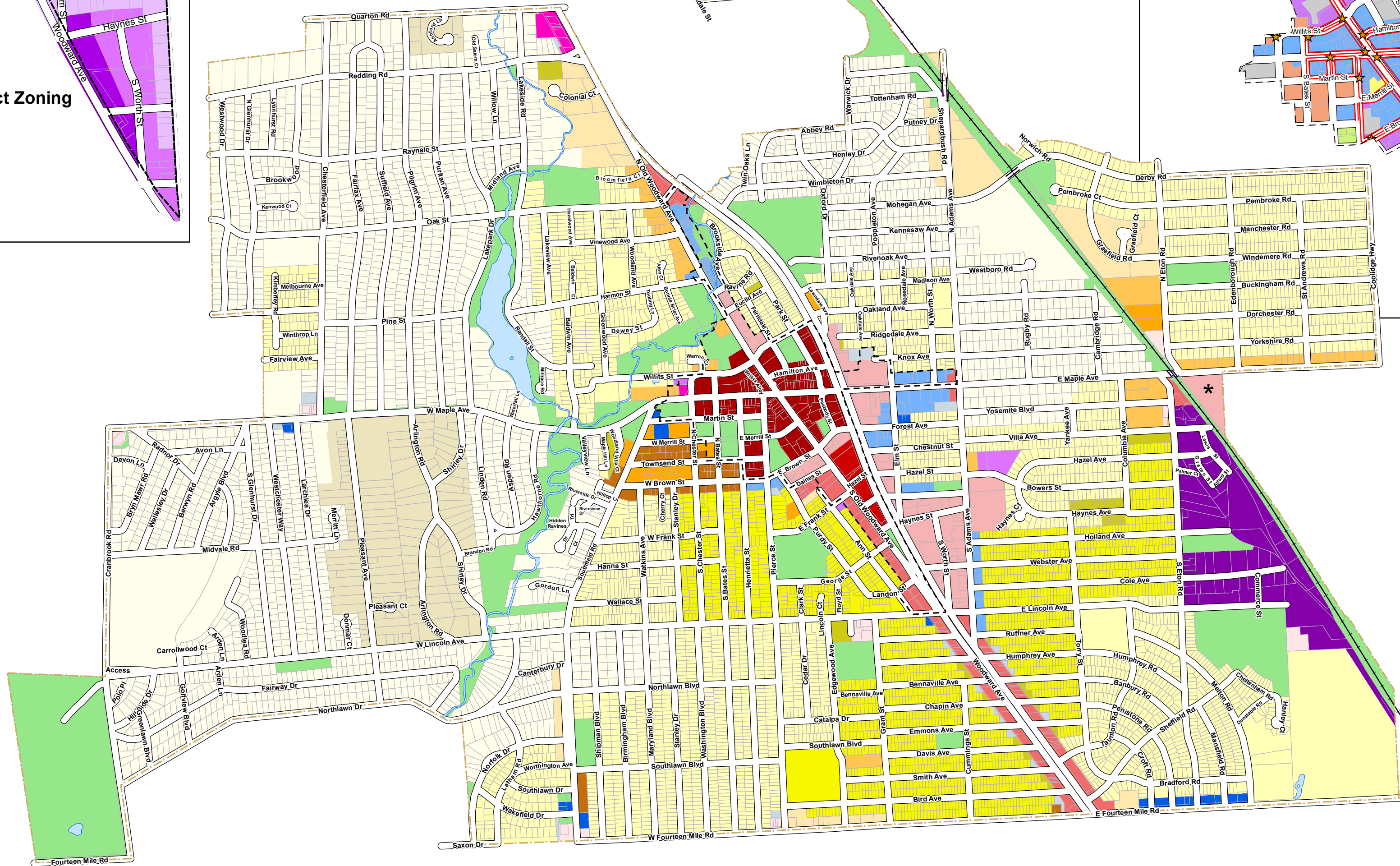
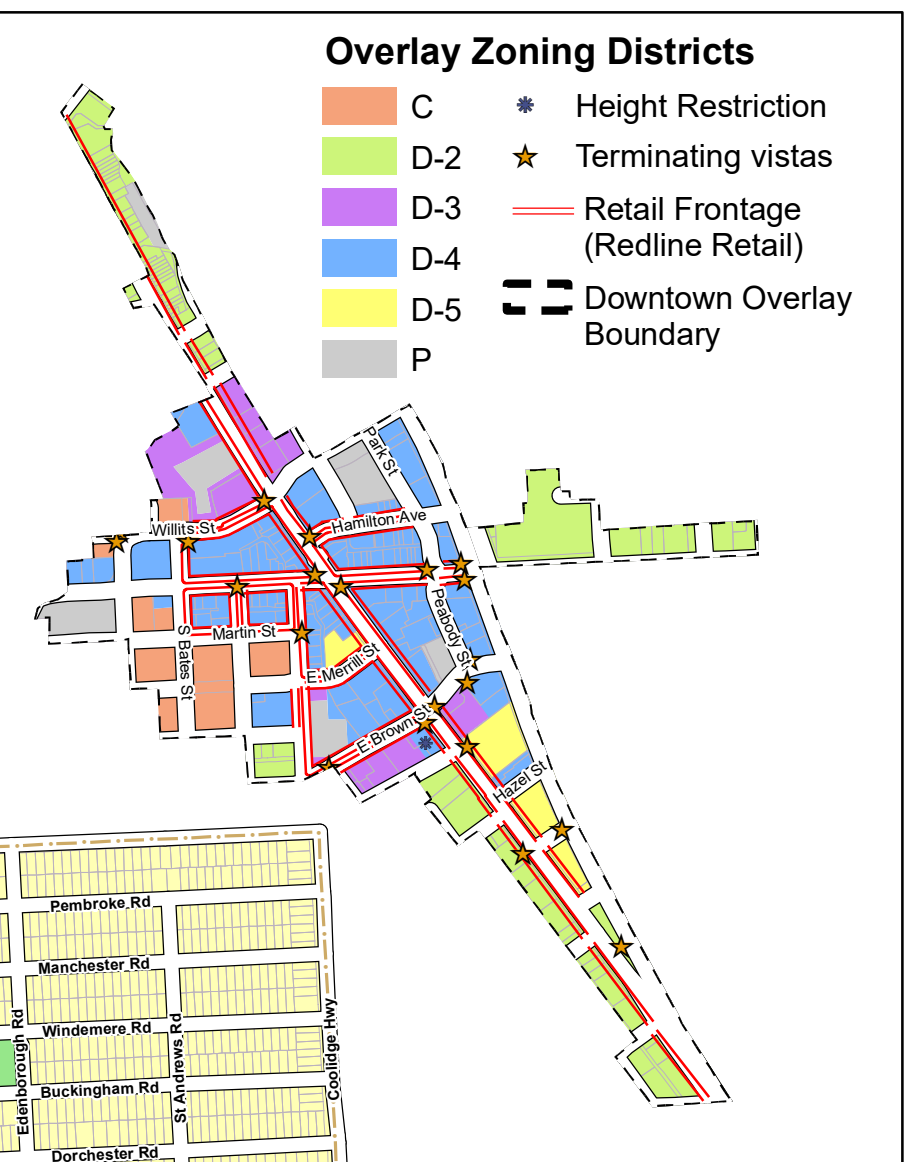
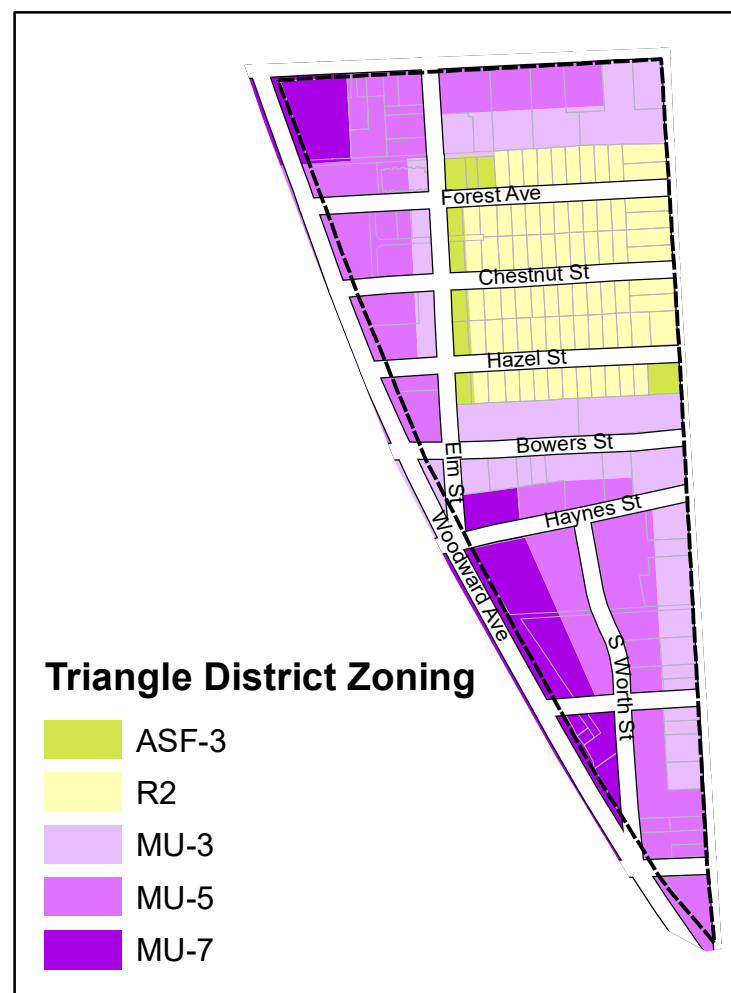
B. Future Land Use

Future Land Use Map

Future Land Use Map

Birmingham’s future land use map is structured by Planning District boundaries within which land uses reinforce the desired future character. This map serves as the basis for zoning, specifying where different uses and intensities are appropriate throughout the City. This Future Land Use Map aims to identify, sustain, and strengthen Birmingham’s neighborhoods and mixed-use districts. The following sections describe each land use in greater detail.

- Boundaries**
 - Planning Districts
- District Destinations**
 - Civic Destination: General
 - Civic Destination: School
 - Civic Destination: Cemetery
 - Recreational Destination
 - Commercial Destination
- Mixed Use District Fabric**
 - High Intensity
 - Medium Intensity
 - Low Intensity
- Neighborhood District Fabric**
 - High Intensity
 - Medium Intensity
 - Low Intensity
- District Seams**
 - High Intensity (TZ-1, TZ-3, R3, R4, R5, R6, R7, R8, and MX)
 - Medium Intensity (TZ-1, R3, R4, R5, R6, and R8)
 - Low Intensity (R1A, R1, R2, R3)



1,500 750 0 1,500 Feet

Coordinate System: State Plane Coordinate System Michigan South Zone 2113 Projection: Lambert Conformal
 Conic, Units: International Feet, Datum: NAD83
 Data Sources: Oakland County GIS Utility, City of Birmingham
 Updated: August 2021



City Of Birmingham Zoning Map

Zoning Districts

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

B. Future Land Use

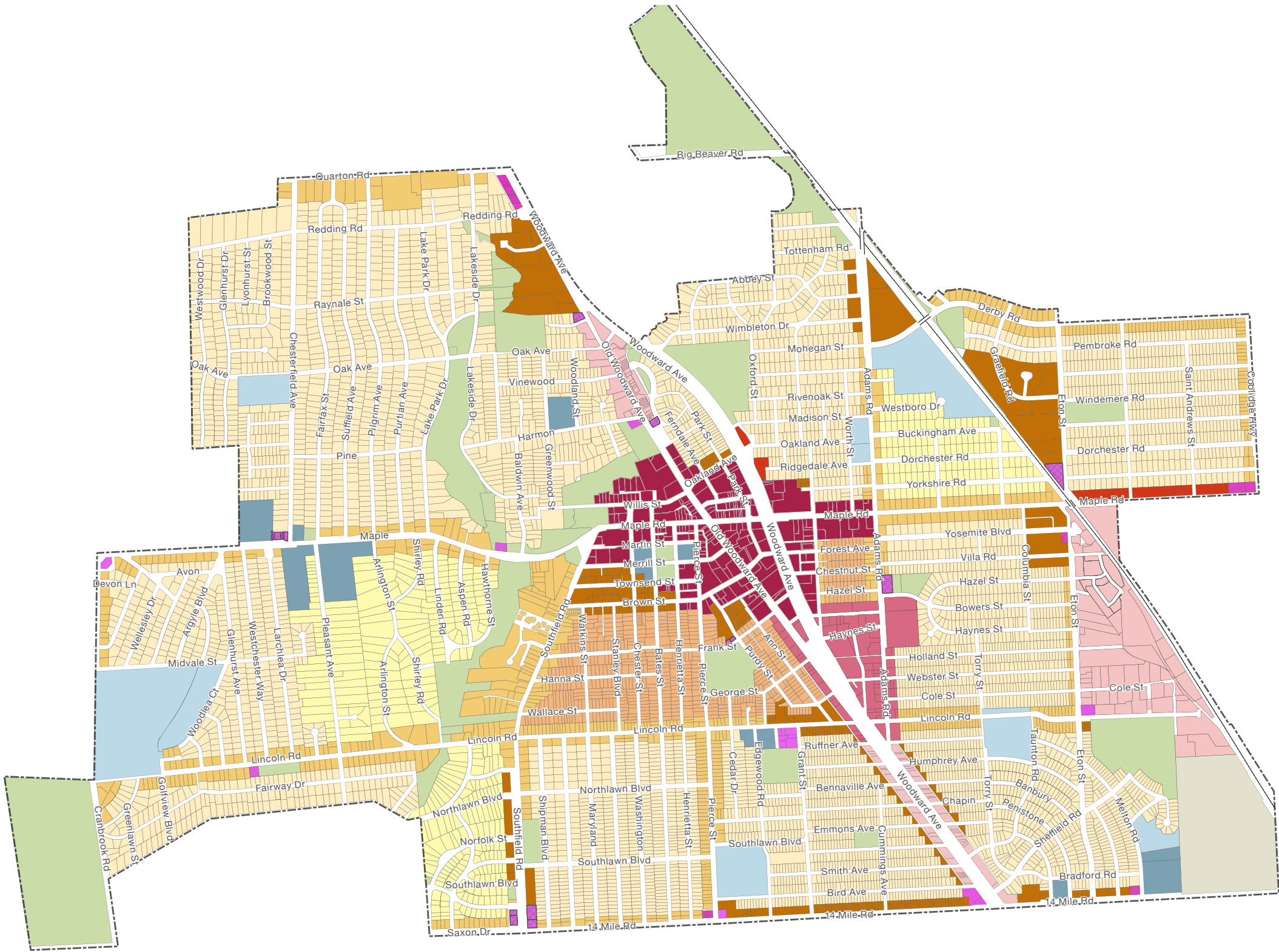


Figure 6. Future Land Use Map.

B. Future Land Use

Future Land Use Map

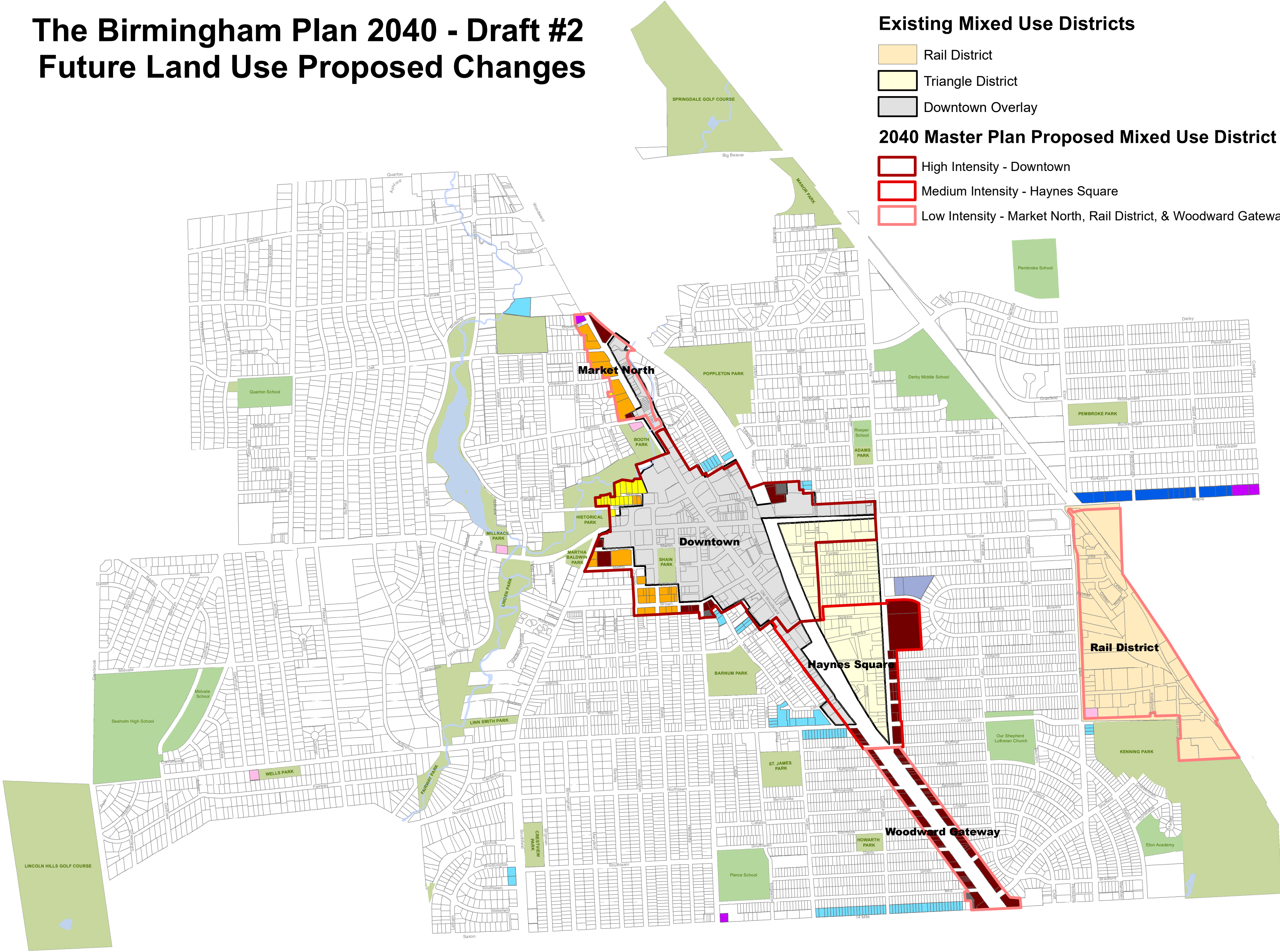
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- Boundaries**
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 - Civic Destination: General
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- Mixed Use District Fabric**
 - High Intensity
 - Medium Intensity
 - Low Intensity
- Neighborhood District Fabric**
 - High Intensity
 - Medium Intensity
 - Low Intensity
- District Seams**
 - High Intensity (TZ-1, TZ-3, R3, R4, R5, R6, R7, R8, and MX)
 - Medium Intensity (TZ-1, R3, R4, R5, R6, and R8)
 - Low Intensity (R1A, R1, R2, R3)

The Birmingham Plan 2040 - Draft #2

Future Land Use Proposed Changes



Existing Mixed Use Districts

- Rail District
- Triangle District
- Downtown Overlay

2040 Master Plan Proposed Mixed Use District Fabric

- High Intensity - Downtown
- Medium Intensity - Haynes Square
- Low Intensity - Market North, Rail District, & Woodward Gateway

Proposed Mixed Use District Fabric Changes

- Office-Business (O1,O2, B2, B2-B) to Mixed Use District*
- Single Family (R2) to Mixed Use
- Multi-Family (R5, R6, R7, R8) to Mixed Use
- Parking (P) to Mixed Use District

*Office-Business zones permit mixed-use however the highlighted properties are not currently included in a defined mixed-use district.

Proposed District Seam Changes

- Medium Intensity Seam: Single Family (R1, R2, R3) to Multi-Family
- High Intensity Seam: Multi-Family (R5, R6, R7, R8) to Mixed-Use

Proposed District Destination Changes

- Transitional Zone (TZ-1) to Recreation (Park)
- City Park with a Commercial Destination (ie. small cafe)
- Multi-Family to Commercial Destination

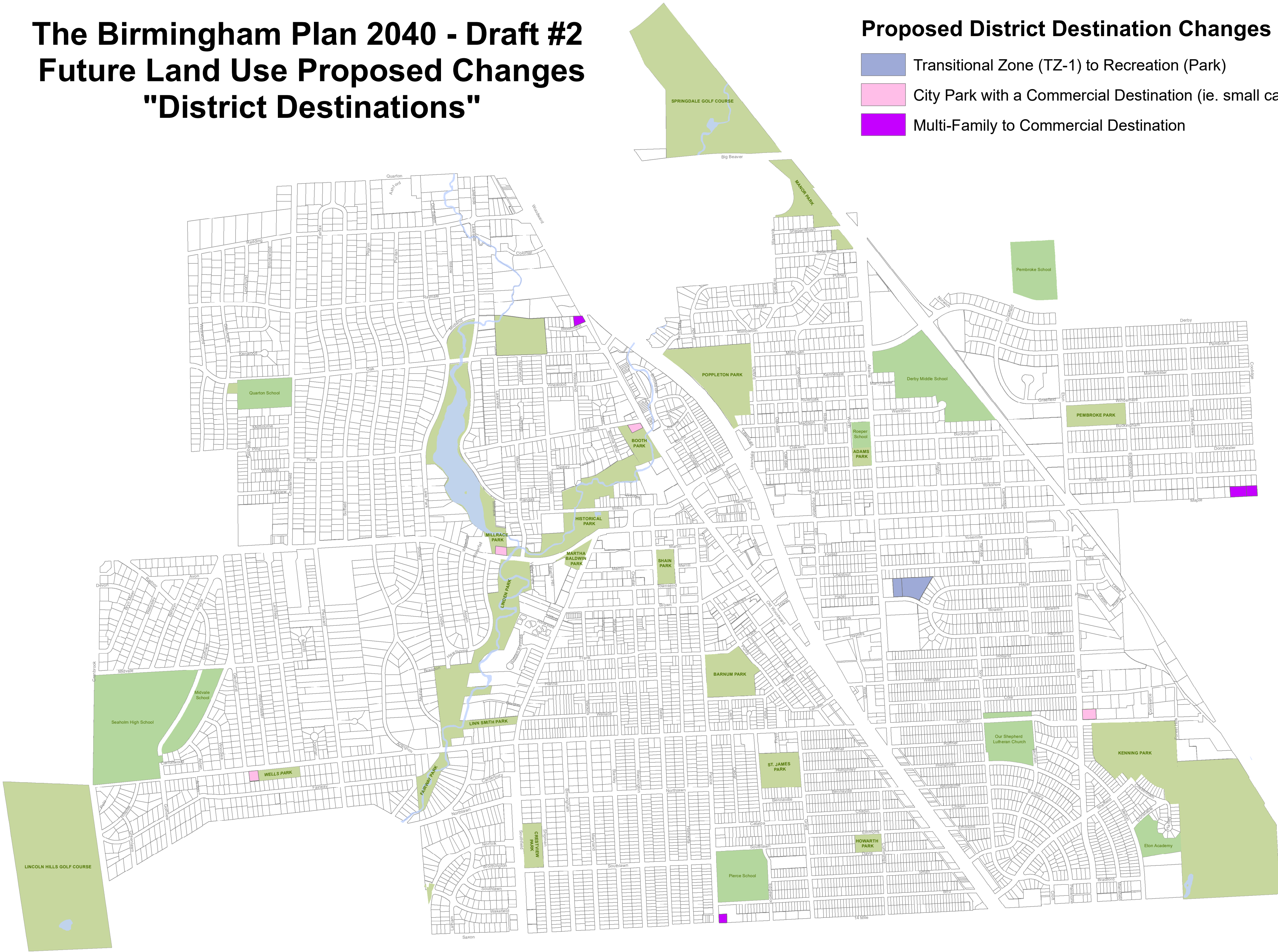
The Birmingham Plan 2040 - Draft #2

Future Land Use Proposed Changes

"District Destinations"

Proposed District Destination Changes

- Transitional Zone (TZ-1) to Recreation (Park)
- City Park with a Commercial Destination (ie. small cafe)
- Multi-Family to Commercial Destination

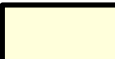


The Birmingham Plan 2040 - Draft #2

Future Land Use Proposed Changes

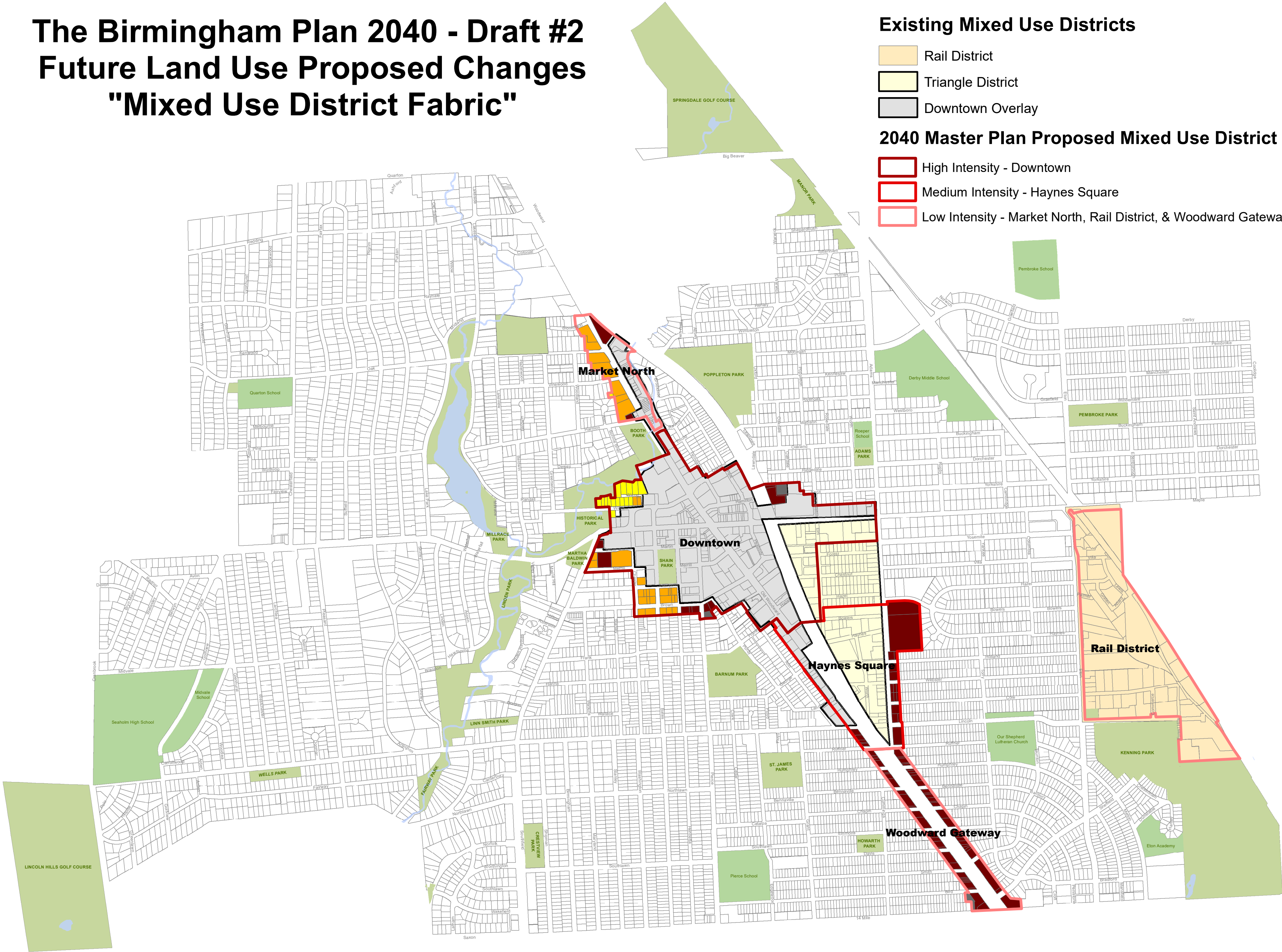
"Mixed Use District Fabric"

Existing Mixed Use Districts

-  Rail District
-  Triangle District
-  Downtown Overlay

2040 Master Plan Proposed Mixed Use District Fabric

-  High Intensity - Downtown
-  Medium Intensity - Haynes Square
-  Low Intensity - Market North, Rail District, & Woodward Gateway



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-  Single Family (R2) to Mixed Use
-  Multi-Family (R5, R6, R7, R8) to Mixed Use
-  Parking (P) to Mixed Use District

*Office-Business zones permit mixed-use however the highlighted properties are not currently included in a defined mixed-use district.

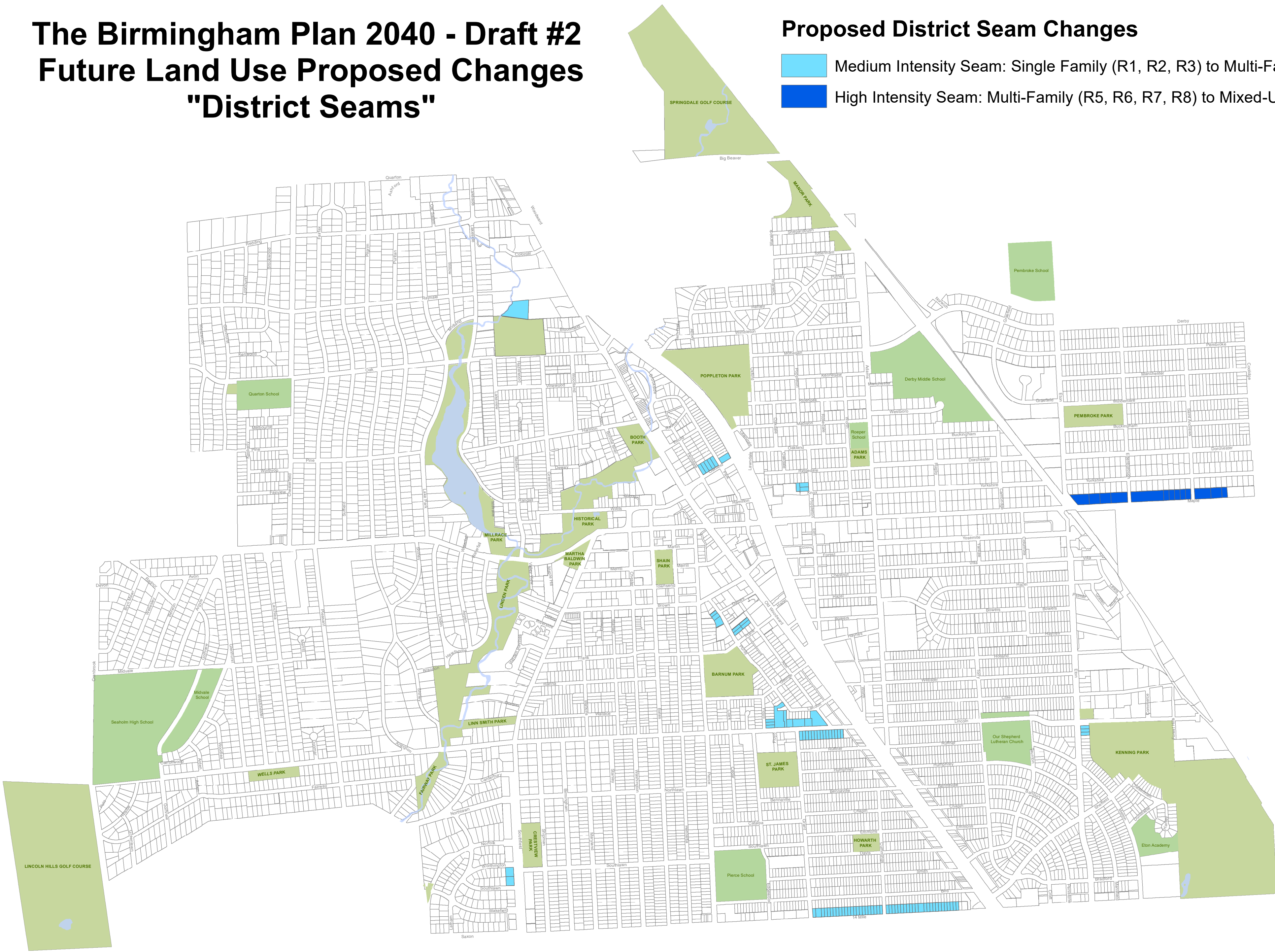
The Birmingham Plan 2040 - Draft #2

Future Land Use Proposed Changes

"District Seams"

Proposed District Seam Changes

- Medium Intensity Seam: Single Family (R1, R2, R3) to Multi-Family
- High Intensity Seam: Multi-Family (R5, R6, R7, R8) to Mixed-Use





April 13, 2021

City Commission Members, Planning Board Members
City of Birmingham
151 Martin St.
Birmingham, MI 48012

1st Draft Master Plan Recommendations, April 19, 2021 Joint City Commission and Planning Board Meeting

Dear City Commission and Planning Board Members,

Following-up upon the brief discussion held during the March 22nd City Commission meeting, this memo provides some additional information concerning the Planning Board's recommendations for changes to the Master Plan First Draft. During the March 22nd City Commission meeting, more detail was desired concerning the recommendations of the Planning Board, both explanatory in nature and recounting the degree to which the recommendation reflects primarily Planning Board direction, primarily public direction, or a combination thereof. The explanatory detail provided below remains brief and can be expanded upon by the consultants as necessary during the upcoming joint meeting.

In addition to the expanded details, a general summary of public input received is included as a separate memo from McKenna.

Further detail concerning the high-level direction from the Planning Board follows, retaining the order and numbering of the prior memo for ease of discussion.

General Direction

These items are not specifically related to a physical location or area of the city and are therefore considered more general in nature.

1. The length of the Master Plan should be significantly reduced.
 - Source: City Commission, Planning Board, and public comment
 - Detail: This item requires no additional explanatory detail.

2. The Master Plan should provide clear prioritization of recommendations, including the Themes created during the review process.
 - Source: Planning Board direction concerning the Themes. Prioritization as direction came from the City Commission, Planning Board, and public comment, specifically in October of 2019.
 - Detail: Further details concerning the direction is not necessary as it is general and clear. However please note that this was discussed as an original goal for the Second Draft by the consultant when presenting the First Draft in 2019. The consultant considers this a step in the process. The First Draft collects and explains all of the recommendations assembled through the Charrette process, to be accepted, rejected, or augmented. The Second Draft organizes and prioritizes the recommendations and timelines.
3. Language should be as plain as possible, where technical language is required, it should be clearly defined. This extends to terms that can be vague like sustainability.
 - Source: City Commission, Planning Board, and public comment
 - Detail: This item is a distillation of comments from the Commission and Board, as well as public comment. It was not presented as a single recommendation originally, rather this is inferred direction across many comments which has been validated by the Planning Board.
4. Adjust and clarify the correction to growth projections (2,000 people not 2,000 units).
 - Source: Consultant, supported by Planning Board and public comment
 - Detail: During the course of review the consultant identified that the growth projection as stated in the First Draft was incorrect. During Planning Board review, the consultant corrected this information publicly. Some public comment specifically referred to the growth projection numbers. That comment in some instances is related to following items concerning the form and location of growth, and other comments sought clarity.

5. Infrastructure should be addressed (the details of this request require discussion).
 - Source: Public comment
 - Detail: This item was brought up through public comment, specifically relating to stormwater, unimproved streets, and sewer capacity. It is identified as requiring further discussion (clarity) by the consultants. At the beginning of this contract the consultants asked for clarity concerning how infrastructure was to be addressed in the Master Plan. The City Manager at the time stated that infrastructure included only the surface, principally the details of streets, and did not include sub-surface infrastructure.
6. Increase the focus on sustainability.
 - Source: Planning Board principally, with some public comment
 - Detail: This item is general in nature as it appears in a few places within the First Draft, along with in the introduction, and touches on natural areas like the Rouge, on streets and stormwater, on public buildings and grounds, on practices like recycling and composting, and on energy use and pollution. These points are spread-out in the First Draft. Some items like reduction of greenhouse gasses from vehicles were not discussed as they are inherent in the physical form of Birmingham inviting walking, and should be discussed along with other stated items in a collected goal of greater sustainability.
7. Acknowledge Covid-19, including a prologue to ground the document in the current condition (occurred after the Master Plan First Draft).
 - Source: Planning Board principally, with some public comment
 - Detail: Concerning the source, Planning Board members discussed physical attributes and concerns in the city related to Covid-19, social distancing, and workplace dynamics. Initially this was brought up through public comment and revisited more than once by the Planning Board. While the current protocols surrounding Covid-19 are temporary there are a number of real items to discuss going forward. Concerning the disease, while it is expected that Covid-19 can be successfully mitigated, infectious diseases of this type

are anticipated to increase in frequency and severity in the future. A number of other recent diseases like H1N1 in 2009 luckily did not reach pandemic levels, but they have come close. Trends indicate that infectious disease has been steadily on the rise. A number of prior pandemics have led to changes in the built environment, including the Spanish Flu, Cholera, and Plague. The statement to acknowledge Covid-19 comes in part that preparing a 20 year plan without at least acknowledging such a significant event is considered a mistake but also that there are serious considerations which Covid-19 brings to a number of Master Plan recommendations. There is a general consensus that office space demand will be reduced going forward, and a greater demand for spaces to work some of the time within the home. Today's response may be an overreaction, with many tech companies abandoning or significantly reducing office space. However the technology available to work and meet more effectively in a remote manner has become well established in the workplace. Some change is anticipated, which may result in office space that should be converted to housing. In Downtown, this further supports the recommendation to allow residential permit parking in garages. In homes it may mean that definitions of home occupation should be revisited. That is one example of many, including allowances for dining decks, shared streets that provide more pedestrian space, and a demand for more seating opportunities in parks. Most of these items are included within the First Draft to some extent, but warrant revisiting the recommendations in consideration of recent experiences. Luckily Birmingham is a good location to weather Covid-19, and for many of the reasons that Birmingham is a great place to live generally.

8. Focus on the bold moves, like Haynes Square and perhaps more aggressive fixes for Woodward, so the plan is forward-looking.

- Source: Planning Board
- Detail: This item is both organizational and directing content. From an organizational perspective, a focus on bold moves can garner support. Recommendations can be organized in many ways - by location (as current), by theme, by goal, by department, by change versus stability, etc. Along with the comment on prioritization, this comment is about making the document motivating. The second piece is being more aggressive on some of the key

items, Woodward in particular. For Woodward, some detail was lost in the large document as comments made by the Board were already covered in the First Draft. But Woodward would also benefit from additional crossing improvements and focus on speeds as was discussed extensively. Other areas like Haynes Square are similar.

9. Schools should be more prominently featured in the plan expressing a shared vision between the City and the School District.

- Source: Planning Board principally, with some public comment
- Detail: Schools came up numerous times in discussion. It was recommended that the consultants coordinate with the School District concerning their future plans, including any considerations needed ahead of potential changes, closures, or expansions. Additionally, aspects of the plan had addressed schools with relation to population diversity and housing options, however the schools were a bullet point within those discussions instead of being the other way around. Schools may be better addressed in a goal-oriented organizational format.

10. The senior center proposal should be more prominently featured in the plan.

- Source: Planning Board
- Detail: The plan included direction to establish a more prominent senior center, as had been discussed at length during the Charrette. As with some other items, this had become a side note to the plan, addressed presently on pages 65 and 66.

11. Further address connections to surrounding communities.

- Source: Planning Board
- Detail: This item requires no additional explanatory detail.

12. Include recommendations for new historic districts and strengthening of existing districts.

- Source: Planning Board, Historic District Commission, and a few public comments

- Detail: This item requires no additional explanatory detail.
13. Ensure all considerations for walkability address older adults and people of varying abilities.
- Source: Planning Board
 - Detail: Aspects of walkability are discussed throughout the First Draft. While aimed at multiple users, they may not clearly address how multiple users should be considered.
14. Growth should be focused in Downtown, the Triangle District, and a small amount in the Rail District.
- Source: Planning Board and public comment
 - Detail: Aspects of this will re-appear later concerning Seams. This was a growth strategy that was discussed across numerous meetings and in reaction to public comment. The recommendation could be stated in the opposite manner, recommending that growth not be focused within or between neighborhoods.
15. More outdoor gathering spaces are needed in light of Covid-19, including covered outdoor spaces in parks.
- Source: Planning Board
 - Detail: Details surrounding this item were covered previously.
16. Increase the focus on connecting across Big Woodward and pedestrian safety.
- Source: Planning Board, and public comment
 - Detail: This item was addressed above concerning bold moves. It is listed separately as it was a common area of concern and discussion among Board members and the public.
17. Big Woodward north of Maple should be further investigated for traffic calming, in addition to the portion between 14 and Maple.
- Source: Planning Board

- Detail: In Board discussions concerning traffic calming on Big Woodward, the higher-speed condition of Big Woodward north of Maple was identified as a condition that requires specific consideration.
18. Retain the reduction of parking regulation complexity, but recommend that it be further studied by committee rather than proposing the solution.
- Source: Planning Board
 - Detail: The general idea of simplifying on-street parking regulation was supported but the Board believes it should be studied by a committee rather than providing a specific solution within the Master Plan. The Master Plan would retain the problem statement and recommend a committee be established to carry on the work.
19. More broadly address the Rouge natural area, including bank restoration, removal of invasive species, improving the natural condition, and trail modifications to increase accessibility without detracting from the natural environment.
- Source: Planning Board principally, with some public comment
 - Detail: The item is clear but note that the character of the trail is an area of conflict. Some members of the public feel that the trail should remain as it is with wood chips. Other members of the public, and the Board, feel that the trail should be accessible to users of all abilities. The direction as stated is to improve the trail but recommend strategies to limit the impact that such improvements would have to the existing natural character.
20. Consider the future of the public golf courses.
- Source: Planning Board
 - Detail: There is no specific direction to this item. The golf courses were not addressed in the First Draft and the recommendation is to consider their potential to remain as is, to improve, or to be used in some other manner.

Direction Related to Mixed-use Districts

1. Generally

1. Consider more shared streets and pedestrian-only areas, including Worth Park as a potential piazza.
 - Source: Planning Board
 - Detail: The First Draft included some shared streets and the Board recommended that the concept be expanded beyond the areas identified in the First Draft. The recommendation also identifies that Worth Park is an opportunity to provide greater variety in open space types by recommending a plaza instead of a green.
2. Consider dining decks in light of Covid-19.
 - Source: Planning Board
 - Detail: This item was discussed previously.
3. EV charging and other similar sustainable strategies should be considered in mixed-use districts.
 - Source: Planning Board
 - Detail: This item is related to a previous discussion point on increasing the focus on sustainability.

2. Downtown

1. Bates Street should be included in recommendations.
 - Source: Planning Board
 - Detail: At the beginning of the Master Plan process, a proposal for the Bates Street extension was going through public review. As such it was not included in the Master Plan. The recommendation is to include a proposal in the Master Plan since the prior measure was rejected.

2. Revisit the pilot parking program for downtown housing in light of Covid-19 changing business demand and potential future office space demand.

- Source: Planning Board
- Detail: This item was discussed previously.

3. Retail district standards (redline) should be lightened on side streets.

- Source: Planning Board
- Detail: The area of very high standards for ground floor uses within Downtown extends to most street frontages. The First Draft recommended that two sets of standards be created, one of higher and one of slightly lower specificity. This recommendation is to expand the slightly lower standards to side streets like Hamilton and Willits.

3. Haynes Square / Triangle District

1. Adams Square should be included in recommendations.

- Source: Planning Board
- Detail: This item requires no additional explanatory detail.

2. Consider live-work buildings.

- Source: Planning Board
- Detail: Live-work buildings are like a townhome with a small business space on the front. They are typically service uses like attorneys. Live-work buildings are common in historic towns and in some newly built neighborhoods but often not allowed in zoning. The recommendation is to consider where, if anywhere, live-work buildings should be allowed or encouraged. The most likely outcome is consideration for the type within the Triangle District and the Adams Square shopping center, in addition to the Rail District where they are currently allowed.

3. Add a pedestrian or vehicular connection from Worth to Bowers.
 - Source: Planning Board
 - Detail: This item requires no additional explanatory detail, however the consultant strongly supports the recommendation.
4. Address how the abandoned portion of Old Woodward south of Haynes should transfer ownership with concern for the existing property owners with frontage on Old Woodward. Also address the City's ability to vacate property by ordinance.
 - Source: Planning Board
 - Detail: This is a process-related detail of the recommendation to terminate Old Woodward at Haynes in order to improve traffic safety and increase the viability of commercial properties south of Haynes.
5. Focus Missing Middle housing principally in Haynes Square and Adams Square.
 - Source: Planning Board
 - Detail: This is related to allowing more townhomes, duplexes, and small multi-family housing units. The recommendation is to encourage these types of housing in limited areas rather than along most Seams.
6. Look more closely at the Haynes / Adams traffic situation with respect to the proposed modifications.
 - Source: Planning Board
 - Detail: The First Draft recommends that southbound Adams traffic be diverted onto Haynes to meet Big Woodward in order to both improve traffic safety and increase the viability of the Triangle District. The recommendation is to add further detail for this condition to ensure that it is viable from a traffic management standpoint.

4. South Woodward Gateway

1. Study the housing proposals along the South Woodward alleys more closely and consider other effective means of noise buffering.

- Source: Planning Board

- Detail: The First Draft recommended townhouse-like housing be located along alleys in the South Woodward Gateway area. The alley proposal is aimed at activating alleys which provide a more comfortable means of walking along Big Woodward than the discontinuous sidewalks. Activating the alleys would increase noise which could affect adjacent homes. The First Draft recommended that housing be used to buffer noise as housing is very effective and doing so. These would be located along the alley where houses have previously been removed for additional parking area. The recommendation is to consider options in addition to housing, and to clarify or reconsider the housing recommendation.

Direction Related to Neighborhoods

1. Revise to define sub-areas of the City as “planning districts” and remove all recommendations related to neighborhood associations.

- Source: Planning Board and public comment

- Detail: There are two items here. The first is to use the term “planning district” rather than neighborhood to refer to the boundaries identified on Page 30. The second is straightforward, to remove any of the remaining details concerning neighborhood associations.

2. Seams should be significantly reduced in location, intensity, and building types allowed, and be thoughtfully located in the limited areas where they may be appropriate.

- Source: Planning Board and significant public comment

- Detail: The recommendations concerning Seams brought significant public pushback. This began early in the review process but

accelerated towards the end of the process as both information and misinformation about the Seams proposal spread throughout the community. Despite attempts at clarifying the concept, the public reaction was strong and emotional. Throughout the Planning Board review sessions, the subject had come up numerous times and the Board's recommendation was to reduce the intensity of Seams and limit the types of housing allowed within them, targeting growth in the mixed-use areas. Towards the end of the review sessions, public comment increased. While some residents welcomed the recommendation, the majority did not. The Board re-affirmed their prior position and strengthened it. The concept of Seams as presented may be applicable in a few limited locations but the addition of housing type diversity along the edge of most planning districts should not be allowed.

3. Accessory Dwelling Units need to be revisited and should be severely limited should they be permitted anywhere.

- Source: Planning Board and public comment
- Detail: Both the Board and public shared concern about accessory dwelling units. Public comment varied from those with specific concerns, such as privacy where existing properties are small, to those with wished to not allow accessory units anywhere. The Board echoed the specific concerns, remaining open to consider conditions that accessory units may be allowed but generally skeptical. The recommendation is to have the consultant consider this input and revise where and to what extent accessory units might be allowed.

4. New neighborhood commercial destination locations should be reduced and thoughtfully considered while existing destinations strengthened; include more clarity on the uses that should be permitted.

- Source: Planning Board
- Detail: Neighborhood commercial destinations were proposed in the First Draft in some areas that merit removal, like at Lincoln and

Southfield. The recommendation is to retain the concept and remove some instances mapped in the First Draft. Additionally, the Board would like additional detail concerning the types of uses that should be allowed, and other regulatory considerations.

5. Torry requires more amenities.

- Source: Planning Board
- Detail: This item requires no additional explanatory detail.

6. Include stronger reference to the Unimproved Streets Committee recommendations (completed after the Master Plan First Draft).

- Source: Planning Board
- Detail: The committee work on unimproved streets paralleled the Master Plan process. The First Draft references the committee which has now completed its study and recommendations. The direction is to include this within the Second Draft. While public comment isn't mentioned in the source, the topic of unimproved streets was brought up by the public multiple times.

7. Completing sidewalks requires more focus and prioritization, could be handled similarly to the committee on Unimproved Streets.

- Source: Planning Board
- Detail: The first draft recommends completing missing sidewalks. The Board feels that it may be lost in other recommendations and wishes to highlight the importance and priority.

8. Provide more detail on green infrastructure opportunities.

- Source: Planning Board
- Detail: Green infrastructure (bio-swales) was briefly addressed in the First Draft. The recommendation is to include more specificity on green infrastructure in the Second Draft.

9. Clarify the neighborhood loop, bicycle boulevards, and protected bike paths by including street sections and greater detail addressing different user types.

- Source: Planning Board
- Detail: This item requests further information concerning street design where new approaches and types are included. The neighborhood loop is one instance where the specific implications on street design are not clear to the Board. Some of the other questions come from items in the multi-modal plan that were included in the Master Plan within maps but detailed street sections were not included in the Master Plan.

10. Clarify the Kenning Park path recommendations concerning both pedestrians and cyclists.

- Source: Planning Board
- Detail: Within the First Draft there is a paved bike path mapped in Kenning Park which was envisioned to be pedestrian and bicycle use but could be read as bicycle only. The Board suggested that it include pedestrian accommodations. This item is a clarification of the First Draft.

11. Increase aggressiveness of tree preservation and replacement recommendations.

- Source: Planning Board
- Detail: Tree preservation and replacement is briefly addressed in the First Draft. This item recommends that the process be prioritized and accelerated, particularly around preservation in consideration of new construction.

12. Provide more detail on non-financial incentives for renovation of homes over new construction and provide greater ability to add 1st floor master bedrooms. This topic is likely to differ between planning districts.

- Source: Planning Board

- Detail: The First Draft recommends incentives be established to encourage home renovations instead of tear-downs. The Board is concerned that this will be construed as financial incentives and recommends that additional detail be provided concerning potential incentives that are not financial.

13. Review lot coverage standards and consider adjustments by lot size.

- Source: Planning Board and public comment
- Detail: Public comment brought up concerns about drainage in new construction and illuminated a concern about impervious lot coverage. The First Draft doesn't address lot coverage in residential districts aside from a note related to incentives mentioned in the previous item.

14. Provide more detail on design controls that may be considered.

- Source: Planning Board
- Detail: The First Draft recommends an approvals process for exterior design and materials for homes, along with a discussion suggesting objective and simple design controls that avoid stylistic restrictions. This item requests more information concerning the types of simple design controls referenced. Note that while the source states only the Planning Board that this was also discussed in the October 2019 joint meeting with the City Commission.

15. Remove lot combination areas but review the existing ordinance to provide better direction.

- Source: Planning Board
- Detail: The lot combination areas were a source of confusion initially because they were mapped along with the Seams. These are areas where lot combinations would be allowed rather than relying on the more subjective process in place today. This item recommends that specific areas for lot combinations be removed and that the existing ordinance be reviewed to produce better outcomes.



We look forward to a discussion of this direction and to revising the Draft Master Plan; thank you.

Regards,

A handwritten signature in black ink, appearing to read "Matthew Lambert". The signature is stylized with a large, sweeping "M" and a long horizontal stroke at the end.

Matthew Lambert

Cc: Jana Ecker, Planning Director; Bob Gibbs, Gibbs Planning Group; Sarah Traxler, McKenna

MEMORANDUM

DATE: January 21, 2022
TO: Nicholas Dupuis
FROM: Mary M. Kucharek
SUBJECT: Board Members Approving Minutes

INTRODUCTION:

The issue is whether members that were not present for a previous meeting precludes them from approving the Minutes from that meeting as drafted. The answer to the question is, “no,” they may approve the Minutes.

Roberts Rules of Order in Chapter 11 at Section 41:10 states that: “A formal motion to approve the Minutes is not necessary although such a motion is not out of order.” Normally, it is asked if there are any corrections to the Minutes, and once corrections are made, the question then is, “Are there are any corrections or further questions to the Minutes?” Then the Chair would say, “There being no corrections, the Minutes stand or are approved.”

If there is a formal vote, Section 41:11 states, “It should be noted that a member’s absence from the meeting for which Minutes are being approved does not prevent the member from participating in their correction or approval.” By voting to approve a set of Minutes, the Board member is not attesting that they were in attendance during the meeting, rather the Board member would be voting to approve the Minutes based on a trusted account of their counterparts and the review of the formatting of those Minutes. Therefore, the Board member is absolutely permitted to vote in favor of approving the Minutes for a meeting even if they were not in attendance.

In conclusion, absent Board members may approve Minutes because they are voting to approve the Minutes based upon trust of the recording person and their counterparts.

AGENDA
REGULAR MEETING OF THE BIRMINGHAM PLANNING BOARD
WEDNESDAY FEBRUARY 23, 2022
151 MARTIN ST., CITY COMMISSION ROOM 205, BIRMINGHAM MI *
*******7:30 pm*******

The highly transmissible COVID-19 Delta variant is spreading throughout the nation at an alarming rate. As a result, the CDC is recommending that vaccinated and unvaccinated personnel wear a facemask indoors while in public if you live or work in a substantial or high transmission area. Oakland County is currently classified as a substantial transmission area. The City has reinstated mask requirements for all employees while indoors. The mask requirement also applies to all board and commission members as well as the public attending public meetings.

- A. Roll Call
- B. Review and Approval of the Minutes of the Regular Meeting of **February 9, 2022**
- C. Chairpersons' Comments
- D. Review of the Agenda
- E. Unfinished Business
- F. Rezoning Applications
- G. Community Impact Studies
 - 1. **770 S. Adams – Request for a new 4 & 5-story mixed use building**
 - 2. **294 E. Brown St. – Request for new 4-story mixed-use building**
- H. Special Land Use Permits
- I. Site Plan & Design Reviews
 - 1. **525 E. Brown – Birmingham Roast – Request for changes to outdoor dining patio (Postponed from September 9, 2021)**
 - 2. **770 S. Adams – Request for a new 4 & 5-story mixed use building**
 - 3. **294 E. Brown St. – Request for new 4-story mixed-use building**
- J. Study Session
- K. Miscellaneous Business and Communications:
 - 1. Communications
 - 2. Administrative Approval Correspondence
 - 3. Draft Agenda – **March 9, 2022**
 - 4. Other Business
- L. Planning Division Action Items
 - 1. Staff Report on Previous Requests
 - 2. Additional Items from Tonight's Meeting
- M. Adjournment

* Please note that board meetings will be conducted in person once again. Members of the public can attend in person at Birmingham City Hall OR may attend virtually at:

Link to Access Virtual Meeting: <https://zoom.us/j/111656967>

Telephone Meeting Access: 877-853-5247 US Toll-Free

Meeting ID Code: 111656967

NOTICE: Due to Building Security, public entrance during non-business hours is through the Police Department—Pierce St. Entrance only. Individuals with disabilities requiring assistance to enter the building should request aid via the intercom system at the parking lot entrance gate on Henrietta St.

Persons with disabilities that may require assistance for effective participation in this public meeting should contact the City Clerk's Office at the number (248) 530-1880, or (248) 644-5115 (for the hearing impaired) at least one day before the meeting to request help in mobility, visual, hearing, or other assistance.

Las personas con incapacidad que requieren algún tipo de ayuda para la participación en esta sesión pública deben ponerse en contacto con la oficina del escribano de la ciudad en el número (248) 530-1800 o al (248) 644-5115 (para las personas con incapacidad auditiva) por lo menos un día antes de la reunión para solicitar ayuda a la movilidad, visual, auditiva, o de otras asistencias. (Title VI of the Civil Rights Act of 1964).

Planning Board Action List - 2022

Topic	General Goals	City Commission Directive?	Quarter	Status	
				In Progress	Complete
2040 Master Plan	Adopt a new comprehensive master plan.	☒	Ongoing	☒	☐
Outdoor Dining	Study the Outdoor Dining Ordinance re: enclosures, expansions, etc.	☒	1 st (January-March)	☒	☐
Handicap Accessible Ramps	Reduce unintentional restrictions on handicap ramps in the front setbacks	☐	1 st (January-March)	☒	☐
Side Yard A/C	Update the ordinance to address issues with side yard a/c units	☐	2 nd (April-June)	☐	☐
Front Setback Rules	Consider revisions to the setback ordinances in R1-R3 to address 200 ft. calculations rule	☐	3 rd (July-September)	☐	☐
Window Standards (Glazing)	Update window standards to help support building renovation and the Energy Code requirements.	☐	3 rd (July-September)	☒	☐
Impervious Surface Definition	Clarify definition to promote the infiltration of stormwater	☐	3 rd (July-September)	☐	☐
Medical Marijuana & CBD	Update the Zoning Ordinance to help regulate Medical Marijuana and CBD through ordinance language.	☐	4 th (October-December)	☐	☐
Sustainability Initiatives	Prepare a sustainability agenda to increase Birmingham's resilience.	☐	4 th (October-December)	☐	☐

Next Up...

Topic	General Goals	City Commission Directive?	Quarter	Status	
				In Progress	Complete
Dumpster Enclosures	Expand the materials permitted/not permitted in dumpster enclosures.	☐	-	☐	☐
Balcony/Terrace Enclosures	Clarify and add regulations for the enclosure of outdoor living space.	☐	-	☐	☐
Lot Combination Process	Review the process for lot combinations to add clarity to approval standards.	☐	-	☐	☐
Mixed Use Requirements	Consider changing the requirements for the stacking of mixed uses	☐	-	☐	☐
Review Processes for Public Projects	Clarify review process for projects on public property.	☐	-	☐	☐
SLUP Application Process	Clarify the SLUP process in terms of the order of board/commission review.	☐	-	☐	☐
Retail Definition	Revisit the retail definition to address any concerns about first floor uses.	☐	-	☐	☐
Lighting Standards	Remove conflicting regulations regarding photometric plans.	☐	-	☐	☐
Health Club/Studio Use	Consider allowing health/fitness type activities in more areas of the City.	☐	-	☐	☐