



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

The City continues to recommend the public wear masks while attending City meetings per CDC guidelines. The cases of COVID-19 are increasing in the area. All City employees, commissioners, and board members must wear a mask while indoors when 6-feet of social distancing cannot be maintained. This is to ensure the continuity of government is not affected by an exposure to COVID-19 that can be prevented by wearing a mask. The City continues to provide KN-95 respirators and triple-layered masks for all in-person meeting attendees.

- A.** Roll Call
- B.** Review and Approval of the Minutes of the Regular Meeting of **October 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 – Study Session**
- K.** Miscellaneous Business and Communications:
 - 1. Pre-Application Discussions
 - i. **300 S. Old Woodward – RH**
 - 2. Communications
 - 3. Administrative Approval Correspondence
 - i. **October 26, 2022 – November 9, 2022**
 - 4. Draft Agenda – **December 14, 2022**
 - 5. Action List - 2022
 - 6. 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**](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).

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

Minutes of the regular meeting of the City of Birmingham Planning Board held on October 26, 2022. Chair Clein convened the meeting at 7:30 p.m.

A. Roll Call

Present: Chair Scott Clein; Board Members Robin Boyle, Stuart Jeffares, Daniel Share, Janelle Whipple-Boyce (left at 8:18 p.m.), Bryan Williams; Alternate Board Members Jason Emerine; Student Representatives Mackinzie Clein, Andrew Fuller

Absent: Board Member Bert Koseck; Alternate Board Member Nasseem Ramin

Staff: Planning Director Dupuis; City Planner Blizinski, Senior Planner Cowan, City Transcriptionist Eichenhorn

F&V: Julie Kroll

B. Approval Of The Minutes Of The Regular Planning Board Meeting of September 28, 2022

10-159-22

Motion by Mr. Share

Seconded by Mr. Williams to approve the minutes of the Regular Planning Board meeting of September 28, 2022 as amended.

Motion carried, 7-0

VOICE VOTE

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

Nays: None

C. Chair's Comments

Chair Clein welcomed everyone to the meeting and reviewed the meeting's procedures.

D. Review Of The Agenda

It was recommended that the Outdoor Dining Study Session be postponed to November 9, 2022, and to continue the Board's practice of voting in advance to have meetings that encompass both site plans and study sessions.

Messrs. Williams and Jeffares recommended the Board consider making the November and December meetings combined meetings on an ongoing basis since each month only has one meeting.

10-160-22

Motion by Mr. Williams

Seconded by Ms. Whipple-Boyce to postpone the Outdoor Dining Study Session to Wednesday, November 9, 2022.

Motion carried, 7-0

VOICE VOTE

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

Nays: None

E. Unfinished Business/Courtesy Review

F. Rezoning Applications

G. Community Impact Studies

1. 34350 Woodward – Lavery Porsche – Request for Community Impact Study review for new 3-story auto sales agency.

SP Cowan presented the item.

SP Cowan and Ms. Kroll answered informational questions from the Board.

In reply to the Chair, Ms. Kroll confirmed that the development only raised concerns in terms of the multi-modal aspects of the Elm intersection. She confirmed that she did not see that the trip generations would cause any undue burden on the adjacent roadway network.

In reply to Ms. Whipple-Boyce, SP Cowan confirmed that the applicant, at their expense, would still be expected to provide the required trees along the sidewalk whether or not the City elects to transplant the trees from the site to the sidewalk.

Fred Lavery, owner, spoke on behalf of the project.

In reply to inquiry from the Board, Mr. Lavery explained:

- The project would be financially necessary due to requirements from Porsche;
- The general contractor would be required to file a due care plan to protect workers and the public from potential environmental issues;
- The site would be inspected for vapors as well, the report would be provided to City Staff, and vapor barriers would be installed if vapors are determined to be an issue; and,

- He was willing to work with City Staff and the Multi-Modal Transportation Board to determine the appropriate location for the driveway off Elm.

Board members' comments were as follows:

- The development itself was not found by Ms. Kroll to cause issues in terms of traffic intensity or trips;
- The CIS could be accepted without the final traffic study in this case because the issues regarding the Elm intersection would be addressed during the final site plan and design review;
- Improvements at the Elm intersection could be challenging if MDOT involvement is required. In that case, it might be most appropriate to design a crosswalk that gains approval from Ms. Kroll and is as well-designed as possible given present circumstances;
- The Elm intersection is presently dangerous and should be improved;
- While the Triangle Plan makes a recommendation, the Plan does not require on-site residential;
- Some stipulations should be added about the environmental aspects of the project; and,
- Making the crosswalk more visible might be appropriate.

Mr. Boyle asked whether the Board felt comfortable with the abbreviated CIS provided by Staff. He said he thought it worked well.

Mr. Share concurred with Mr. Boyle. He stated that Planning Staff provided him with the full-length environmental report at his request before the present meeting. He said that Staff would have likely done the same thing with any other documentation Board members may have requested.

10-161-22

Motion by Mr. Share

Seconded by Mr. Williams to accept the Community Impact Study as provided by the applicant for the proposed development at 34350 Woodward Ave and 909-911 Haynes Street with the following conditions:

- 1. The applicant resolve all issues related to the Transportation Impact Study as requested by the City's traffic consultants;**
- 2. The applicant obtain site plan review and recommendation from the Multi-Modal Transportation Board (MMTB) related to vehicular and pedestrian traffic safety features for the intersection of Haynes Street, Elm Street, and Woodward Ave;**
- 3. The applicant provide the Planning Department with copies of any existing due care plans, plans developed in connection with the construction of the project, information about the existence of any vapors during the process of construction, and plans for remediation of any hazardous vapors identified; and,**

4. The applicant comply with all requests from City Departments.

Motion carried, 6-0

VOICE VOTE

Yeas: Jeffares, Clein, Emerine, Boyle, Williams, Share

Nays: None

H. Special Land Use Permits

I. Site Plan & Design Reviews

1. 34350 Woodward – Lavery Porsche – Request for Preliminary Site Plan review for new 3- story auto sales agency.

SP Cowan presented the item and answered informational questions from the Board.

Mr. Lavery, owner, spoke on behalf of the project.

In reply to inquiry from the Board, Mr. Lavery explained:

- Aside from one vintage, pre-owned car, the rest of the new and pre-owned inventory will be parked in the structure and not outside;
- How the different entrances and exits to the site would function for the different site uses;
- The electronic vehicle charging stations would be open to the public and would charge for electricity use;
- It might be possible to create a shared parking arrangement for the few extra parking spaces during the day, but would likely not be permitted by Porsche at night; and,
- This project would allow Porsche to terminate its lease of the parking area directly to the north of the property, and its lease of the top floor of the 555 Building's parking deck.

Board members' comments were as follows:

- The streetscape would be greatly improved by the project;
- There was some concern about not yet knowing how the Elm intersection would be ultimately laid out;
- The crosswalk could be moved further from Woodward;
- It is unlikely that the Elm intersection as a whole would be redesigned in a timeframe that would allow for this project. Therefore, the crosswalk and other conditions need to be changed within the broader context of the intersection's existing conditions;
- The Board should at least ask the applicant to work with the City's Planning and Engineering Departments and MDOT to see what improvements might be possible for the Elm intersection as a whole, even if improvements beyond the crosswalk are not mandated by the Board. The conclusions from that process could then be reviewed by the Board at the final site plan and design review; and,
- Screening should also be reviewed at final site plan and design review.

10-162-22

Motion by Mr. Share

Seconded by Mr. Williams to approve the Preliminary Site Plan for 34350 Woodward Ave & 909-911 Haynes Street with the following conditions:

- 1. The applicant obtain site plan review and recommendation from the MMTB related to vehicular and pedestrian traffic safety features for the intersection of Haynes Street, Elm Street, and Woodward Ave;**
- 2. The applicant provide sidewalks along Elm Street, Woodward Ave, and Haynes Street that are a minimum of 12 feet wide;**
- 3. The applicant comply with all department requests.**

Mr. Share noted that the most significant reason for this project to be reviewed by the MMTB is to solicit recommendations for the proper placement of the crosswalk at the Elm intersection.

The Chair reiterated that the applicant, MMTB, and Staff should also look at what improvements might be possible for the Elm intersection as a whole.

Motion carried, 5-1

VOICE VOTE

Yeas: Jeffares, Clein, Emerine, Boyle, Williams

Nays: Share

Mr. Lavery noted that three of the four proposed designs in the Triangle Plan for the Elm intersection would not interfere with his project as-proposed. He explained that meant that even if the Board were to approve his project at the final site plan and design review, the Board would not foreclose on opportunities to later improve the intersection.

Mr. Williams said he looked forward to the project and that it was a better result than the previously proposed project for the site.

J. Study Session

K. Miscellaneous Business and Communications

- 1. Pre-Application Discussions**
- 2. Communications**
- 3. Administrative Approval Correspondence**
- 4. Draft Agenda**

10-163-22

Motion by Mr. Williams

Seconded by Mr. Share to designate a change in the rules of procedure so that Wednesday, November 9, 2022 and Wednesday, December 14, 2022, be allowed to consider both site plans and study session items should they occur.

Motion carried, 6-0

VOICE VOTE

Yeas: Jeffares, Clein, Emerine, Boyle, Williams, Share

Nays: None

5. Action List - 2022

6. Other Business

Staff explained that the commencement of the Master Plan draft review would be delayed by a month since there was a delay in getting the Plan out for the 63-day comment period. It was confirmed that the City's messaging was updated to reflect the change.

L. Planning Division Action Items

a. Staff Report on Previous Requests

b. Additional Items from tonight's meeting

M. Adjournment

No further business being evident, the Chair adjourned the meeting at 9:21 p.m.



Nick Dupuis
Planning Director



Laura Eichenhorn
City Transcriptionist



MEMORANDUM

Planning Division

DATE: November 9, 2022

TO: Planning Board Members

FROM: Nicholas Dupuis, Planning Director

SUBJECT: Outdoor Dining Ordinance – Study Session #13

On December 7, 2020 ([Agenda](#) – [Minutes](#)), 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 21, 2021 ([Agenda](#) – [Minutes](#)), 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 23, 2021 ([Agenda](#) – [Minutes](#)), 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 14, 2021 ([Agenda](#) – [Minutes](#)), 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 11, 2021 ([Agenda](#) – [Minutes](#)), 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 9, 2021 ([Agenda](#) – [Minutes](#)), the Planning Board discussed a 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 23, 2021 ([Agenda](#) – [Minutes](#)), 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 27, 2021 ([Agenda](#) – [Minutes](#)), 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 8, 2021 ([Agenda](#) – [Minutes](#)), 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 ([Agenda](#) – [Minutes](#)), the Planning Board discussed the several questions posed in the previous study session and came 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 Summary

On February 9, 2022 ([Agenda](#) – [Minutes](#)), the Planning Board worked on fine-tuning a set of ordinance amendments to try to finalize a few of their discussion points, and make sure the intent of the original direction of the City Commission was met. The Planning Board made several revision requests that were aimed at clarifying different aspects of the proposed ordinance, but especially relating to the barriers and enclosure regulations. In addition, the Planning Board made some requests to review various site plans from approved outdoor dining patios in the City to help guide the final discussions on the placement of patios, and other design limitations.

Study Session #9 Summary

On March 9, 2022 ([Agenda](#) – [Minutes](#)), the Planning Board took another long look at the proposed ordinance language and offered several minor changes to the text in an attempt to offer further clarity and consistency throughout the ordinance. In addition, the Planning Board discussed the remaining issues that were in need of direction. In short, the Planning Board decided that they did not wish to restrict outdoor dining patios to one contiguous patio, but did express interest in restricting platform dining to the street with no impingement on the furniture zone. Additionally, the majority of the Planning Board did not feel as though fixed awnings were appropriate over outdoor dining platforms, and sought additional language to restrict overhead weather protection to umbrellas on platforms. Finally, the Planning Board did not feel as though the numbers of platforms per block should be restricted.

Public Hearing #1 Summary

On March 9, 2022, the Planning Board moved to set a public hearing date of April 13, 2022 for a final review and recommendation to be forwarded to the City Commission. Due to a noticing issue, the Planning Board reset the public hearing to May 11, 2022 ([Agenda](#) – [Minutes](#)). At the public hearing, the Planning Division provided finalized ordinance language based on Planning Board comments, but also re-circulated the language to each department, as well as the City

Attorney to ensure that the language addressed their concerns, and would provide consistent and enforceable regulation. Ultimately, a motion to recommend approval to the City Commission failed 3-4. The driving factors behind the failed vote were concerns over the impact of the amended ordinance language on existing establishments, and some lingering design questions

Joint Meeting Summary

On June 20, 2022 ([Agenda](#) – [Minutes](#)), the Planning Board and City Commission held a joint meeting to discuss a few remaining policy considerations related to the overall outdoor dining study, as well as give the Commission a progress report. Three main questions were posed to the group:

1. Does the Commission wish to engage in any additional public input on the outdoor dining ordinance?
2. Does the Commission wish to consider a cap on the number of outdoor dining platforms permitted in the public rights-of-way by block, by area, or overall?
3. Should the Planning Board require additional documents and plans regarding the integration of valet operations and outdoor dining?

During the meeting, there was consensus that the City should use its constant contact email service to help inform the public of the upcoming outdoor dining study session. In addition, the group was in agreement that a non-conformity or sunset provision would be appropriate based on the nature of some of the larger changes proposed. Finally, it was unanimously accepted that a valet operations plan be included wherever outdoor dining facilities and valet operations coexist.

Study Session #10 Summary

On July 13, 2022 ([Agenda](#) – [Minutes](#)), the Planning Board discussed at length the final major design considerations that were unresolved, which included outdoor dining facilities in the furnishing zone, overhead weather protection, and windbreaks.

Study Session #11 Summary

On August 10, 2022 ([Agenda](#) – [Minutes](#)), the Planning reviewed revised ordinance language to reflect an adjustment to outdoor dining facility placement, the allowance of canopies and awnings on platforms, and other minor improvements.

Study Session #12 Summary

On September 14, 2022 ([Agenda](#) – [Minutes](#)), the Planning Division provided the minor revisions requested from the Planning Board from the previous meeting. The Planning Board discussed each section and provided staff with comments and requests for minor changes. At that time, the Planning Board indicated that the nonconforming section of the ordinance is the final hurdle, and provided commentary on what type of language best suited the outdoor dining ordinance based on the number of outdoor dining facilities and the time horizon for changes.

Study Session #13

At this time, the Planning Division has provided all of the requested changes and has worked with the City Attorney to provide language for nonconforming outdoor dining facilities that may be applied evenly and fairly across all types of establishments. In addition, the City Attorney also reviewed the text as a whole and recommended several minor changes that are included in the attached language.

Sample Motion Language:

Motion to set a public hearing date of December 14, 2022 to consider amendments to Article 4, Section 4.44, Article 3, Section 3.04, Article 3, Section 3.16, and Article 9, Section 9.02 to provide more clear and enforceable outdoor dining ordinances.

CITY OF BIRMINGHAM

ORDINANCE NO. _____

THE CITY OF BIRMINGHAM ORDAINS:

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF BIRMINGHAM:

TO AMEND ARTICLE 4, SECTION 4.44, OUTDOOR DINING STANDARDS, 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.

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 01 02 TZ3

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.~~
- ~~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 platform may be erected on the street in front of an eating establishment to create an outdoor dining area 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.~~

The following outdoor dining standards apply:

- A. Purpose and Intent: The purpose of this section is to provide harmonious outdoor dining design in order 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 and abutting the principal use, subject to review by the Planning Board, or by the Planning Division at the discretion of the Planning Board, and the conditions below. For the purposes of this section, outdoor dining facility shall mean patios and/or platforms.
 - 1. All outdoor activity including cleaning, maintenance and closing procedures must cease at the close of business or as noted in subsection 2.

2. When an outdoor dining facility is immediately adjacent to and abutting 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. Reviews of outdoor dining facilities 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, entertainment, valet operations, and any other adjacent neighboring outdoor dining facilities.
4. Outdoor dining facilities may be permitted to extend in front of neighboring properties or tenant spaces with the written permission of the property owners(s) affected and with Planning Board approval. Written permission must be renewed annually and submitted with the Outdoor Dining Permit application(s) for each outdoor dining facility affected.
5. Outdoor dining facilities may be permitted on public property only with a valid annual Outdoor Dining License, provided that the following conditions are met:
 - i. Approval of an Outdoor Dining License shall be contingent upon compliance with all current city codes and ordinances, including any conditions required by the City or the Planning Board in conjunction with Site Plan approval.
 - ii. Operators of outdoor dining facilities shall be responsible for snow and ice removal, and shall remove snow and ice in a manner consistent with the regulations of the Department of Public Services.
 - iii. All outdoor dining facility elements such as railings, planters, tables, chairs, heaters, umbrellas, and the like 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 has vehicular traffic are only permitted April 1 through December 31.
 - v. An ADA compliant platform may be erected in the on-street parking space(s) immediately in front of a food or drink establishment to create an outdoor dining facility from April 1 through December 31, subject to an additional review by the Advisory Parking Committee.
6. All outdoor facilities 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 facilities are subject to the following design standards:

1. All outdoor dining elements, fixtures and furnishings must be constructed of high quality and durable materials that are compatible with the establishment and the environment in which the outdoor dining facility is located.

2. Outdoor dining facilities shall provide and service refuse containers within the outdoor dining facility and maintain the area in good order. Public trash receptacles are not permitted to be utilized by outdoor dining facilities.
3. Outdoor dining facilities shall not contain enclosures as defined in Article 9, Section 9.02 of the Zoning Ordinance.
4. 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 ft.
5. Placement of outdoor dining patios shall be limited to either the area immediately adjacent to the building in which an establishment resides, or in the furnishing zone, but not both. Limited exceptions to the placement of outdoor dining patios as noted in this subsection may be made by the Planning Board where the streetscape conditions demonstrate sufficient space to permit adequate pedestrian passage, and as permitted in Article 4, Section 4.44(B)(4).
6. Outdoor dining platforms within the adjacent street or parking space(s) shall be designed to be flush with the curb, and may not extend beyond the curb into the furnishing zone except to accommodate accessibility requirements.
7. No such establishment shall erect or install permanent fixtures in the public right-of-way.
8. Overhead weather protection such as umbrellas, awnings or canopies are subject to the following conditions:
 - i. Overhead weather protection shall not impede sight lines into a retail establishment, obstruct pedestrian flow within the outdoor dining facility, obstruct pedestrian or vehicular traffic flow outside the outdoor dining facility, or contain signage or advertising.
 - ii. **Overhead weather protection on outdoor dining platforms must measure a minimum of 8 ft. from the finished floor of an outdoor dining platform, and shall not exceed 10 ft. in overall height;**
9. Barriers defining outdoor dining facilities shall be constructed of a quality and durable material, and shall be maintained and placed in a consistent and organized fashion. Barriers may not exceed 42 inches in height measured from grade or the finished floor of an outdoor dining platform.
10. Windbreaks are permitted within outdoor dining facilities and shall be affixed to, or integrally designed within a barrier. The total combined height of a barrier and windbreak shall not exceed 42 inches as measured from grade or the finished floor of an outdoor dining platform. Windbreaks must be constructed of a clear, rigid and durable material such as Plexiglas, glass or acrylic. Eisenglass and other vinyl-based materials are prohibited.
11. Portable heating elements must be maintained and kept in an orderly fashion and in accordance with all applicable fire codes. 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.

12. All service functions and ancillary elements including, but not limited to, trash receptacles, service stations or host/hostess stands must be located within the approved outdoor dining facility, 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.

D. Nonconforming Outdoor Dining Facilities: Any outdoor dining facility existing at the time of the enactment of this ordinance, or any amendments thereto, that does not conform to the requirements of the district in which it is located may be continued or maintained subject to the following provisions, provided the facilities remain in compliance with the approved site plan and maintain a valid annual Outdoor Dining License:

1. **If a nonconforming outdoor dining facility is destroyed, it shall be repaired, reconstructed or replaced, in conformity with all the provisions of the current applicable codes and ordinances, and any remnants of the former outdoor dining facility shall be removed from the property.**
2. **At the time that a non-conforming outdoor dining facility is replaced, moved, renovated, or otherwise changed, the facility must be brought into compliance with the requirements of the current applicable codes and ordinances. Routine maintenance, including changing chairs and tables, umbrellas, waste receptacles, or other non-integral features is permitted for all existing outdoor dining facilities.**
3. **In no case shall an outdoor dining facility that does not conform to the requirements of this ordinance or any amendments thereto be continued beyond December 31, 2028.**

ORDAINED this _____ day of _____, 2023 to become effective 7 days after publication.

Therese Longe, Mayor

Alex Bingham, City Clerk

CITY OF BIRMINGHAM

ORDINANCE NO. _____

THE CITY OF BIRMINGHAM ORDAINS:

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF BIRMINGHAM:

TO AMEND ARTICLE 3, SECTION 3.04 (C), SPECIFIC STANDARDS, TO REDUCE REDUNANCY AND PROVIDE CONSISTENT OUTDOOR DINING REGULATIONS.

Article 3, Section 3.04 – Specific Standards (Downtown Overlay District)

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. ...
2. ...
3. ...
4. ...
5. ...
6. ...
7. ...
8. ...
9. ...

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. **If the storefront area is not feasible for outdoor dining, alternative outdoor dining facility placement may be considered by the Planning Board;**
- f. **All outdoor dining facilities are subject to the requirements located in Article 4, Section 4.44 of this Ordinance;**
- g. 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; **and**

- h. All bistro owners must execute a contract with the City outlining the details of the operation of the bistro.; and
- ~~i. 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.~~
- ~~j. Enclosures facilitating year round dining outdoors are not permitted.~~
- ~~k. Railings, planters or similar barriers defining outdoor dining platforms may not exceed 42" in height.~~
- ~~l. 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.~~

ORDAINED this _____ day of _____, 2023 to become effective 7 days after publication.

Therese Longe, Mayor

Alex Bingham, City Clerk

CITY OF BIRMINGHAM

ORDINANCE NO. _____

THE CITY OF BIRMINGHAM ORDAINS:

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF BIRMINGHAM:

TO AMEND ARTICLE 3, SECTION 3.16, SPECIFIC STANDARDS, TO REDUCE REDUNANCY AND PROVIDE CONSISTENT OUTDOOR DINING REGULATIONS, AND TO PERMIT OUTDOOR DINING IN ACTIVE VIAS.

Article 3, Section 3.16 – Specific Standards (Via Activation Overlay District

- A. Permitted and Prohibited Uses: To enhance the amenity and character of vias, **and** 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. Outdoor Dining;**
4. Art display; and
5. Community Gardens.

In addition, the following ~~uses are~~ **use is** 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. ...

C. ...

ORDAINED this _____ day of _____, 2023 to become effective 7 days after publication.

Therese Longe, Mayor

Alex Bingham, City Clerk

CITY OF BIRMINGHAM

ORDINANCE NO. _____

THE CITY OF BIRMINGHAM ORDAINS:

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF BIRMINGHAM:

TO AMEND ARTICLE 9, SECTION 9.02, DEFINITIONS, TO ADD DEFINITIONS FOR ENCLOSURE, OUTDOOR DINING PATIO, AND PERMANENT FIXTURE.

Article 9, Section 9.02 – Definitions

Enclosure (outdoor dining): A vertical wall, panel, or other material that extends above 60 in. in height which provides extended relief from weather and impedes physical and/or visual access to the outdoor dining space. For the purposes of this definition, enclosure does not include exterior building walls.

Furnishing Zone: The area between the sidewalk and the curb where streetscape amenities such as planter boxes, streetlights, and tree wells are typically located.

~~**Outdoor Café:** An outdoor area accessory to an existing restaurant operation designated for consumption of food prepared within the restaurant and subject to the provisions of this ordinance.~~

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.

Outdoor Dining Platform: A defined outdoor area accessory to an existing food and drink establishment designated for consumption of food and/or drink prepared within the establishment that is located in a parking space and/or street 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.

Windbreaks: Temporary, seasonal elements in an outdoor dining facility provided to reduce the effect of harsh weather conditions for seated patrons.

ORDAINED this _____ day of _____, 2023 to become effective 7 days after publication.

Therese Longe, Mayor

Alex Bingham, City Clerk

To: Nicolas Dupuis - Director
City of Birmingham Planning Dept.,
City Commission

From: Michael Lang
Partner
Market North End

Re: Proposed outdoor dining ordinance
Isinglass removal

Date: 11.03.22

The City of Birmingham in response to its citizens overwhelming demand for more outdoor dining options (82% in favor per a city survey) has initiated an effort to expand and refine the outdoor dining ordinance. While the intention is in response to this demand the proposed ordinance will have unintended consequences to a very small minority of restaurant operators.

The process in which to be chosen for a bistro license in the city is purpose driven based on the areas the city wishes to activate and by the types of operations the city desires. This process by its very nature is subjective to say the least which is why it is a long and arduous road to final approval. All applicants are looked at carefully on a case by case basis. This process insures two things, the city gets what it wants and the applicants get clear direction on design and site plan.

Market North End completed this process more than 10 years ago. At the explicit direction of and approval by the planning department and the city commission. We designed a European inspired bistro with an indoor/outdoor open floor plan that included five large custom wood sliding glass doors with the purpose of bringing the outside in and the vibrancy out. As a result of this concept we purposed the use of isinglass as to not expose our entire restaurant to whims of the Michigan weather. Since the whole restaurant was designed to be open to the outside the isinglass removal component to the purposed ordinance would fundamentally change the entire function of our establishment.

We fully understand that city ordinances are living breathing documents meant to be changed over time as the needs of the city change. The citizens have spoken and the city is responding.

My concern is that the city is throwing all the establishments into one basket and telling them to all act the same. While I understand why the city would like this idea as it creates a "fare" environment from which all operators are held to the same standard therefore creating an ease of use for the enforcement branch of the planning department. The fact is we were not all created the same and we were not all created in the same environment.

When Market North End invested one million plus dollars into the city of Birmingham's bistro license program we were given clear and specific direction on our design. To change that direction ten years later is punitive. To have a process that is judged in a case by case basis and then ten years later say you are to all now act the same is unreasonable and creates an unintended hardship to just a few older operators.

We ask that the city grandfather in establishments that were long ago granted this isinglass design element or at the very least look at this issue in a case by case basis. While a sunset clause would kick the pain down the road five years it does not alleviate the future hardship. Growth and change is not a straight line, it is met with many curves and hills and sometimes mountains. While the city is taking an eye to the future let's not forget to honor the commitments made to our stakeholders from the past.

Thank you for your consideration,
Michael Lang



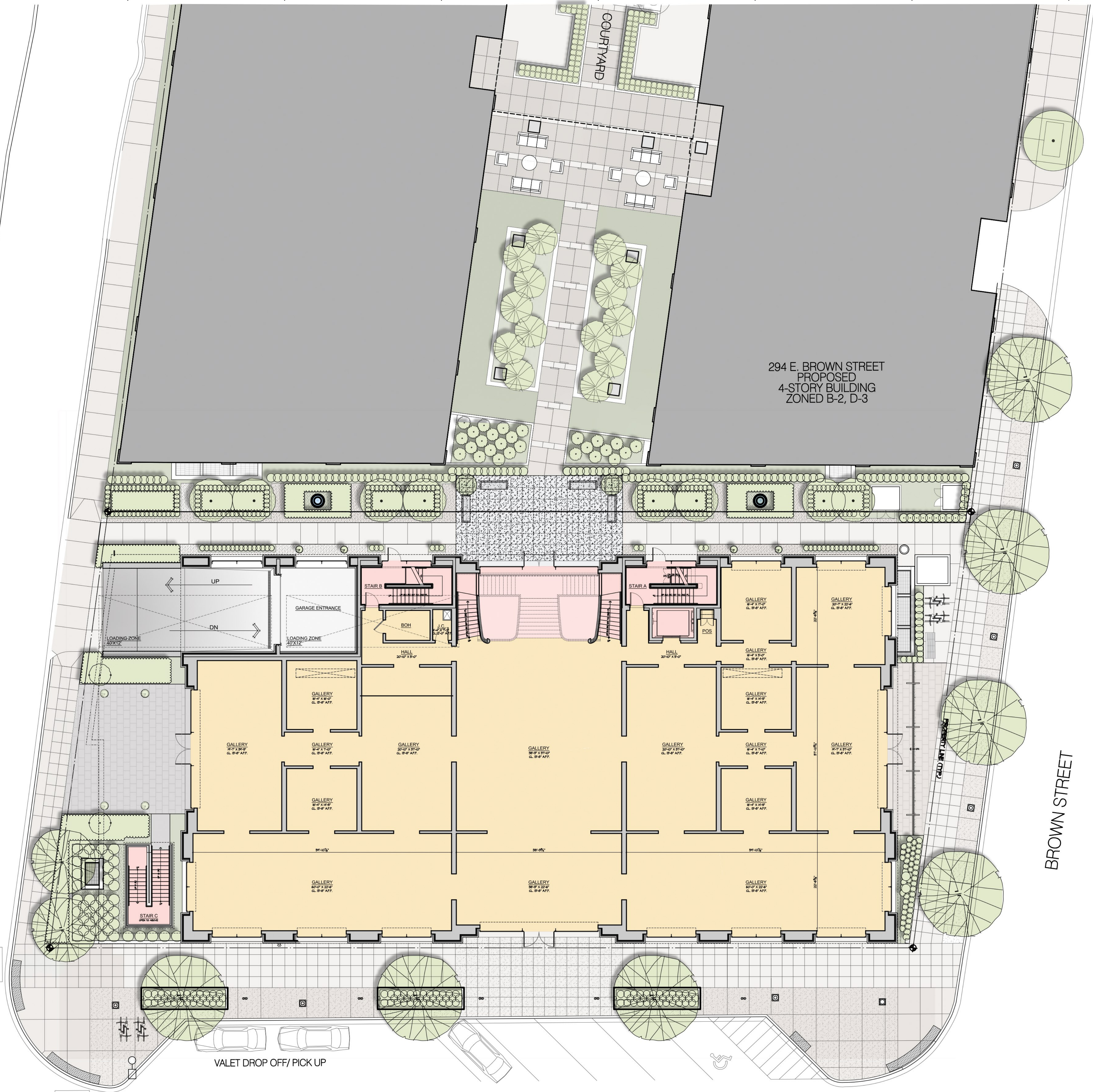
RH

A
B
C
D
E
F
G
H

1 2 3 4 5 6 7 8 9 10

ZONED B-2B, D-2

DAINES STREET

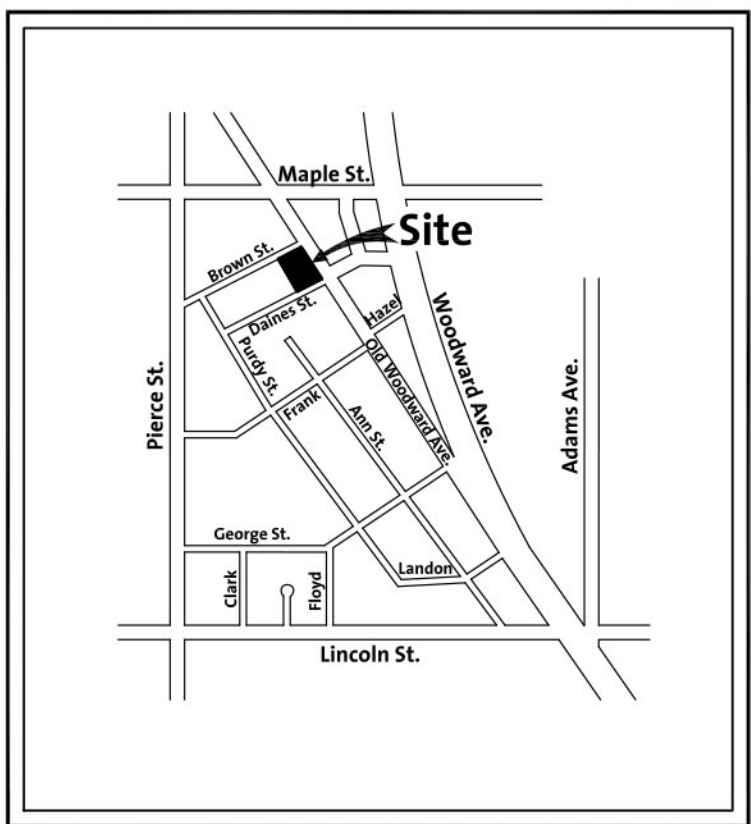


OLD WOODWARD AVENUE

VALET DROP OFF/ PICK UP

Architectural Site Plan
SCALE: 3/16" = 1'-0"

BUILDING SQUARE FOOTAGE TOTALS	
FOURTH LEVEL:	8,704 SF (Seat Count - 188)
THIRD LEVEL:	13,502 SF
SECOND LEVEL:	13,590 SF
FIRST LEVEL:	13,817 SF
TOTAL:	49,613 SF
LOWER LEVEL:	16,531 SF (24 Parking Spaces)



Site Location Map:
Not To Scale

ZONED B-4, D-4

SAROKI
ARCHITECTURE
430 N. OLD WOODWARD
BIRMINGHAM, MI 48009
P. 248.258.5707
F. 248.258.5515
SarokiArchitecture.com

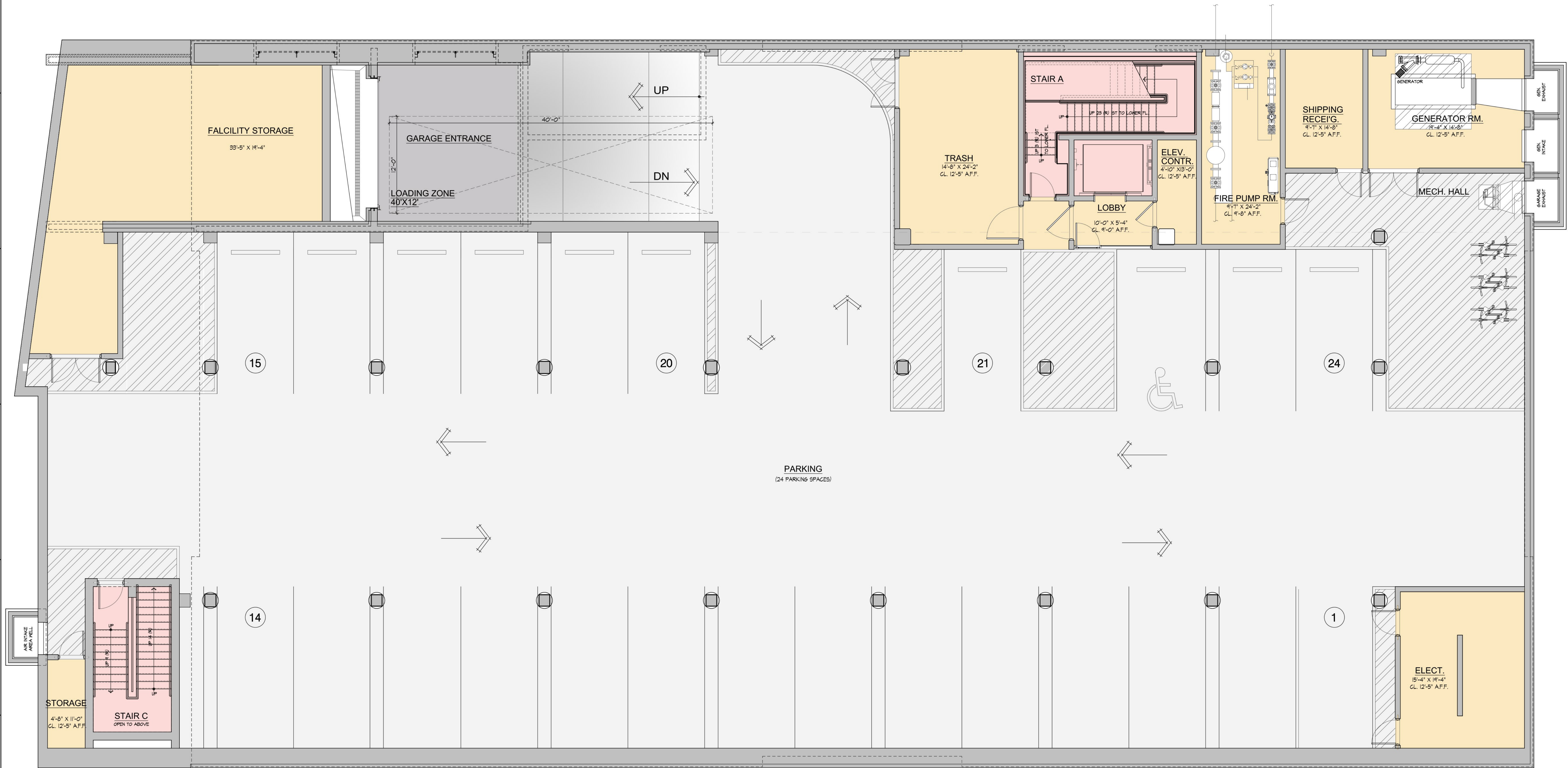
Project:
RH / Mixed-Use
300 S Old Woodward
Birmingham, MI 48009

Date: Issued For:

11-09-2022 Pre-App.

SP01
Architectural Site Plan

A
B
C
D
E
F
G
H



1

2

3

4

5

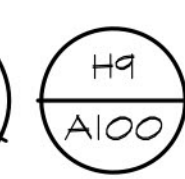
6

7

8

9

10



Lower Level Parking Garage Floor Plan

SCALE: 3/16" = 1'-0"

SAROKI
ARCHITECTURE

430 N. OLD WOODWARD
BIRMINGHAM, MI 48009

P. 248.258.5707
F. 248.258.5515

SarokiArchitecture.com

Project:
RH / Mixed-Use
300 S Old Woodward
Birmingham, MI 48009

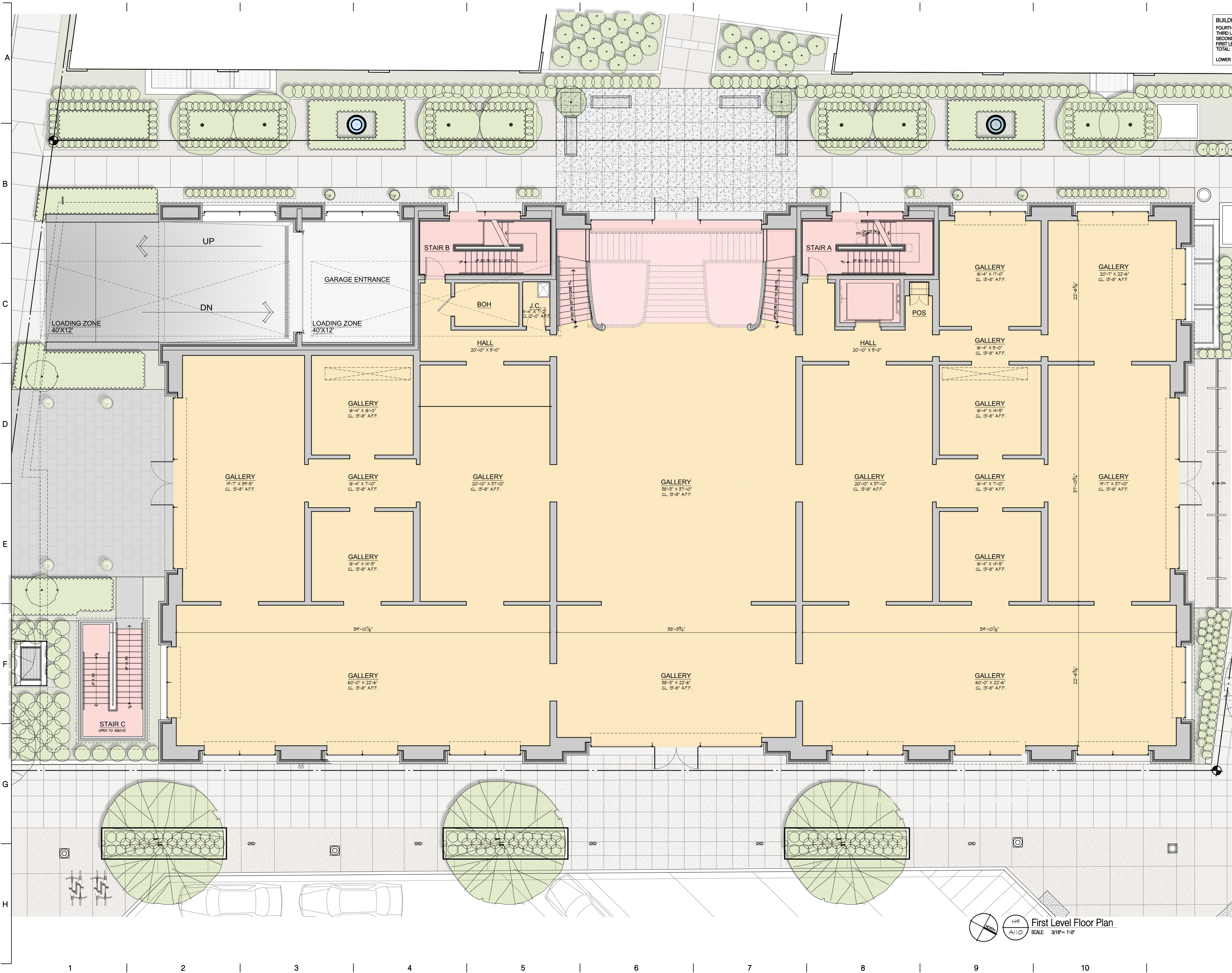
Date: Issued For:

11-08-2022 Pre-App.

A100

Lower Level Parking Garage
Floor Plan

BUILDING SQUARE FOOTAGE TOTALS	
FOURTH LEVEL:	8,704 SF (Seat Count - 188)
THIRD LEVEL:	13,502 SF
SECOND LEVEL:	13,592 SF
FIRST LEVEL:	13,817 SF
TOTAL:	46,615 SF
LOWER LEVEL:	16,531 SF (24 Parking Spaces)



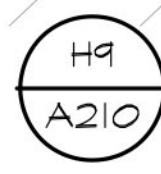
SAROKI
ARCHITECTURE
430 N. OLD WOODWARD
BIRMINGHAM, MI 48009
P. 248.258.5707
F. 248.258.5515
SarokiArchitecture.com

Project:
RH / Mixed-Use
300 S Old Woodward
Birmingham, MI 48009

Date: Issued For:
11-09-2022 Pre-App.

H9
A110
SCALE: 3/16" = 1'-0"

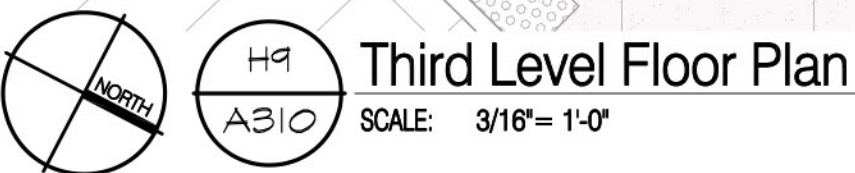
A110
First Level Floor Plan



SCALE: 3/16" = 1'-0"

A210

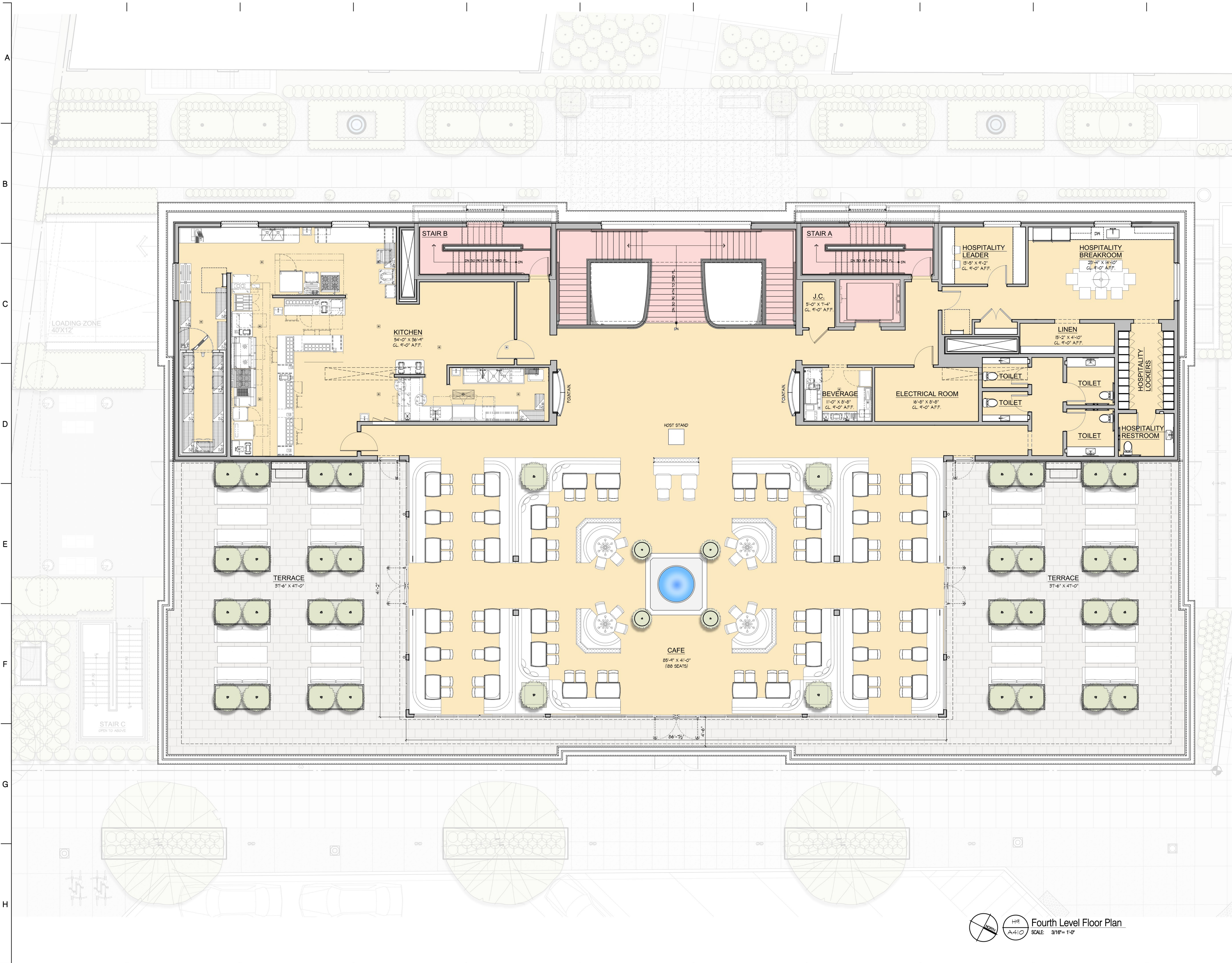
Second Level Floor Plan



11-09-2022 Pre-App.

A310

Third Level Floor Plan



SAROKI
ARCHITECTURE
430 N. OLD WOODWARD
BIRMINGHAM, MI 48009
P. 248.258.5707
F. 248.258.5515
SarokiArchitecture.com

Project:
RH / Mixed-Use
300 S Old Woodward
Birmingham, MI 48009

Date: Issued For:
11-09-2022 Pre-App.

 H9
A410
Fourth Level Floor Plan
SCALE: 3/16" = 1'-0"

A410
Fourth Level Floor Plan

H

A200
EAST EXTERIOR ELEVATION

B

C

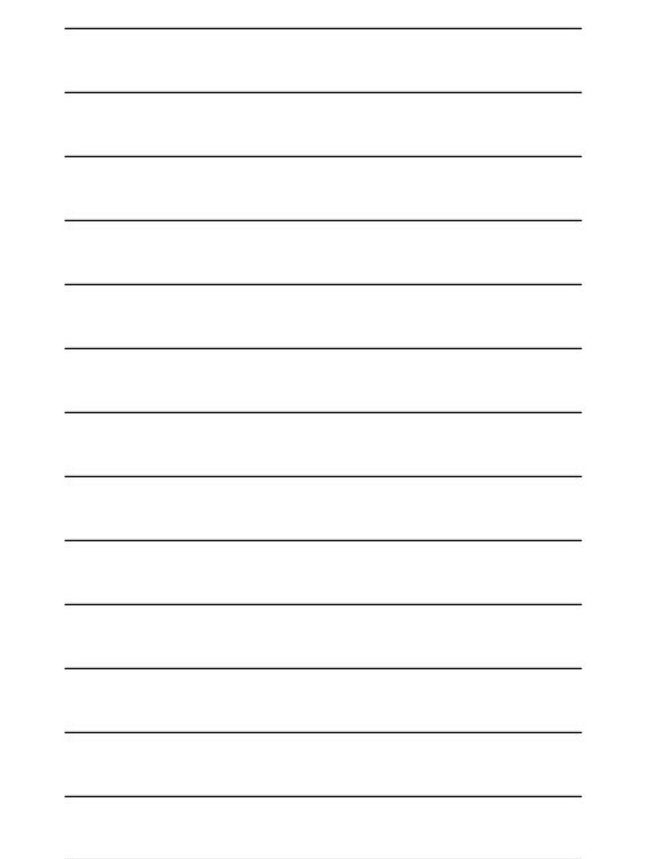
D

E

F

G

H



A201
NORTH EXTERIOR ELEVATION

H



SAROKI
ARCHITECTURE
130 N. OLD WOODWARD
BIRMINGHAM, MI 48009
P. 248.258.5707
F. 248.258.5515
SarokiArchitecture.com

Project:
RH / Mixed-Use
 100 S Old Woodward
 Birmingham, MI 48009

Date: 1-09-2022 Issued For: Pre-App.

[illegible]


 H10 West Exterior Elevation
 A202 SCALE: 1/8" = 1'-0"

A202

WEST EXTERIOR ELEVATION

B

C

D

E

F

G

H



2

3

4

5

6

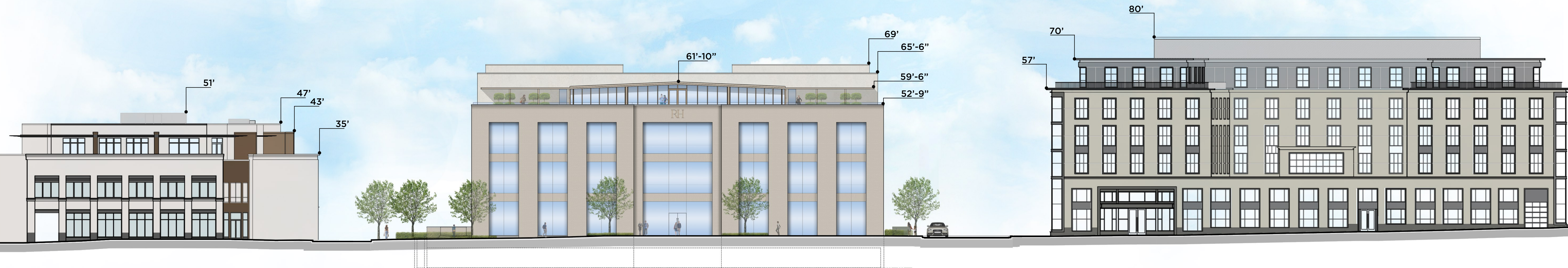
7

8

9

10

A
B
C
D
E
F
G
H



H9
A204
StreetView Elevation
SCALE: 1/16" = 1'-0"

SAROKI
ARCHITECTURE
430 N. OLD WOODWARD
BIRMINGHAM, MI 48009
P. 248.258.5707
F. 248.258.5515
SarokiArchitecture.com

Project:
RH / Mixed-Use
300 S Old Woodward
Birmingham, MI 48009

Date: 11-09-2022 Issued For: Pre-App.

Sheet No.:
A204
EXTERIOR ELEVATION

1 2 3 4 5 6 7 8 9 10

RH DETROIT

300 S Old Woodward
Birmingham, MI 48009



BLUESTONE PAVER



WOOD TRELLIS



STEEL AND GLASS ROOFTOP RESTAURANT



ARCHITECTURAL BRICK



STUCCO FINISH







ADMIN APPROVAL - DRB

App Date	Case #	Scope of Work	Property Address	Status
11/01/2022	PAA22-0128	Replace glass block with clear glass in rear of building, replace rear door.	670 S OLD WOODWARD AVE	IN PROGRESS

Total Processes For Type:1

ADMIN APPROVAL - HDC

App Date	Case #	Scope of Work	Property Address	Status
11/02/2022	PAA22-0130	int/exterior reno of office space	132 N OLD WOODWARD AVE	IN PROGRESS

Total Processes For Type: 1

ADMIN APPROVAL - PB

App Date	Case #	Scope of Work	Property Address	Status
10/26/2022	PAA22-0123	Replace driveway and approach with exposed aggregate concrete. Same footprint as existing driveway.	487 WILLITS ST	IN PROGRESS
10/27/2022	PAA22-0124	New wood gate for existing dumpster enclosure	444 S CHESTER ST CHESTER MAIN	IN PROGRESS
10/27/2022	PAA22-0126	Approval of minor changes observed during final inspection including repainted real patio line, new lights, new door, and planters at edge of front patio.	160 W MAPLE RD	COMPLETED - APPROVED
10/28/2022	PAA22-0127	New RTUs and associated screening.	299 W MAPLE RD	IN PROGRESS
11/02/2022	PAA22-0129	New RTU and associated screening	129 E MAPLE RD	IN PROGRESS

Total Processes For Type:	5
---------------------------	---



AGENDA
REGULAR MEETING OF THE BIRMINGHAM PLANNING BOARD
WEDNESDAY JANUARY 11, 2023 – 7:30 PM
151 MARTIN ST., CITY COMMISSION ROOM 205, BIRMINGHAM MI*

The City continues to recommend the public wear masks while attending City meetings per CDC guidelines. The cases of COVID-19 are increasing in the area. All City employees, commissioners, and board members must wear a mask while indoors when 6-feet of social distancing cannot be maintained. This is to ensure the continuity of government is not affected by an exposure to COVID-19 that can be prevented by wearing a mask. The City continues to provide KN-95 respirators and triple-layered masks for all in-person meeting attendees.

- A.** Roll Call
- B.** Review and Approval of the Minutes of the Regular Meeting of **December 14, 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. **The Birmingham Plan 2040 – Final Draft & Review of Notice Period Comments**
- K.** Miscellaneous Business and Communications:
 - 1. Pre-Application Discussions
 - 2. Communications
 - 3. Administrative Approval Correspondence
 - i. **December 14, 2022 – January 11, 2023**
 - 4. Draft Agenda – **January 25, 2023**
 - 5. Action List - 2022
 - 6. 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).



AGENDA
REGULAR MEETING OF THE BIRMINGHAM PLANNING BOARD
WEDNESDAY DECEMBER 14, 2022 – 7:30 PM
151 MARTIN ST., CITY COMMISSION ROOM 205, BIRMINGHAM MI*

The City continues to recommend the public wear masks while attending City meetings per CDC guidelines. The cases of COVID-19 are increasing in the area. All City employees, commissioners, and board members must wear a mask while indoors when 6-feet of social distancing cannot be maintained. This is to ensure the continuity of government is not affected by an exposure to COVID-19 that can be prevented by wearing a mask. The City continues to provide KN-95 respirators and triple-layered masks for all in-person meeting attendees.

- A.** Roll Call
- B.** Review and Approval of the Minutes of the Regular Meeting of **November 9, 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 – Public Hearing**
- K.** Miscellaneous Business and Communications:
 - 1. Pre-Application Discussions
 - 2. Communications
 - 3. Administrative Approval Correspondence
 - i. **November 9, 2022 – December 14, 2022**
 - 4. Draft Agenda – **January 11, 2022**
 - 5. Action List - 2022
 - 6. 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 (Approved)

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)	☒	☐
Window Standards (Glazing)	Update window standards to help support building renovation and the Energy Code requirements.	☐	1 st (January-March)	☐	☒
Barrier-Free Ramps	Reduce unintentional restrictions on handicap ramps in the front setbacks.	☐	2 nd (April-June)	☐	☒
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)	☐	☒
Lighting Standards	Remove conflicting regulations regarding photometric plans.	☐	3 rd (July-September)	☐	☐
Impervious Surface Definition	Clarify definition to promote the infiltration of storm water.	☐	4 th (October-December)	☐	☐
Health Club/Studio Use	Consider allowing health/fitness type activities in more areas of the City.	☐	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.	☐	-	☐	☐
Medical Marijuana & CBD	Update the Zoning Ordinance to help regulate Medical Marijuana and CBD through ordinance language.	☐	-	☐	☐
Sustainability Initiatives	Prepare a sustainability agenda to increase Birmingham's resilience.	☐	-	☐	☐
Lighting Standards	Review lighting standards for residential districts to reduce light pollution and nuisance.	☐	-	☐	☐
Landscaping Standards	Consider amendments to permit synthetic planting materials.	☐	-	☐	☐
Social Districts	Study the state regulations and the City to help draw district boundaries.	☒	-	☐	☐
Food Trucks	Study the application of food trucks in the City in terms of locations, restrictions, etc.	☒	-	☐	☐
Leaf Blowers	Study the potential to restrict leaf blowers in regards to noise/pollution	☒	-	☒	☐

Mixed-Use Requirements for Bonus-Stories in the Triangle District	Define the mixed-use requirements in the Triangle District to receive bonus-stories.	☐	-	☐	☐
---	--	--------------------------	---	--------------------------	--------------------------