



AGENDA
REGULAR MEETING OF THE BIRMINGHAM PLANNING BOARD
WEDNESDAY DECEMBER 11, 2024 – 7:30 PM
151 MARTIN ST., CITY COMMISSION ROOM 205, BIRMINGHAM MI*

- A.** Roll Call
 - B.** Review and Approval of the Minutes of the Regular Meeting of **November 13, 2024**
 - C.** Chairpersons' Comments
 - D.** Review of the Agenda
 - E.** Meeting Open to the Public for Items Not on the Printed Agenda
 - F.** Unfinished Business
 - G.** Rezoning Applications
 - H.** Community Impact Studies
 - I.** Special Land Use Permits
 - J.** Site Plan & Design Reviews
 - K.** Study Session
 - 1. **Generator Ordinance – Study Session**
 - 2. **400 E. Lincoln Property – Public Project Review Guidelines**
 - 3. **Impervious Surface – Study Session**
 - 4. **Childcare Ordinance – Study Session**
 - L.** Miscellaneous Business and Communications:
 - 1. Pre-Application Discussions
 - i. **180 S. Chester – Chester St. Parking Deck**
 - 2. Communications
 - i. **Project Updates**
 - 3. Administrative Approval Correspondence
 - i. **November 8, 2024 – December 6, 2024**
 - 4. Draft Agenda – **January 8, 2025**
 - 5. Action List – **2024/2025**
 - 6. Other Business
 - M.** Planning Division Action Items
 - 1. Staff Report on Previous Requests
 - 2. Additional Items from Tonight's Meeting
 - N.** 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 248-644-3405 (TDD) 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
November 13, 2024
City Commission Room
151 Martin Street, Birmingham, Michigan

Minutes of the regular meeting of the City of Birmingham Planning Board held on November 13, 2024. The meeting was convened at 7:30 p.m.

A. Roll Call

Present: Vice Chair Bryan Williams; Board Members Robin Boyle, Stuart Jeffares, Bert Koseck, Daniel Share, Janelle Whipple-Boyce; Alternate Board Member Jason Emerine

Absent: Chair Scott Clein; Alternate Board Member Nasseem Ramin

Staff: Planning Director Dupuis; City Transcriptionist Eichenhorn, Fire Marshal Scaife

KMG: Brian Deming

B. Approval Of The Minutes Of The Regular Planning Board Meeting of October 9, 2024
11-42-24

Motion by Share

Seconded by Emerine to approve the minutes of the Regular Planning Board meeting of October 9, 2024.

Motion carried, 7-0.

VOICE VOTE

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

Nays: None

C. Chair's Comments

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

D. Review Of The Agenda

E. Meeting Open to the Public for Items Not on the Printed Agenda

F. Unfinished Business

G. Rezoning Applications

H. Community Impact Study and Site Plan Review

I. Special Land Use Permits

J. Site Plan & Design Reviews

1. 35001 & 35075 Woodward – Request for One Year Extension of Final Site Plan

PD Dupuis summarized the item. Kevin Biddison, architect, and Hesham Gayar, owner, spoke on behalf of the request and answered informational questions from the Board.

Board member comments were as follows:

- Since more information would likely be available at the end of February 2025, a shorter extension than the requested year might be more appropriate.
- The applicant could request another extension in the future if necessary.
- If the legal situation is resolved prior to the end of the extension period, the Board would welcome an earlier update on the project's status.

11-43-24

Motion by Share

Seconded by Koseck that the Planning Board grant an extension of the final site plan approval for 35001 through 35075 Woodward for a period of six months from today.

Motion carried, 7-0.

ROLL CALL VOTE

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

Nays: None

L. Miscellaneous Business and Communications (moved from usual order)

1. Pre-Application Discussions

i. 225 E. Maple – Social Kitchen & Bar

PD Dupuis introduced the item. Representatives from the applicant's team spoke on behalf of the proposal and answered informational questions from the Board.

Board consensus was that the proposal was aesthetically pleasing and that a formal submission would be appropriate.

K. Study Session

1. Generator Ordinance – Study Session

PD Dupuis and FM Scaife presented the item and answered informational questions from the Board.

Board member comments were as follows:

- These restrictions might be too prohibitive for R3 zoned homes.
- It might be more appropriate to allow a generator to be within 18 inches of a structure, but require it be five or more feet from any possible entry into the house, including dryer vents, soffits, or similar features.
- Many deaths from carbon dioxide from generators occur at night, and prohibiting running them at night might increase safety and reduce noise during the evening hours.
- Residents installing generators should be required to notify their neighbors in writing of the installation. The notification should recommend the neighboring properties purchase carbon dioxide monitors.

- The City should also recommend the purchase of a carbon dioxide monitor for any home with a new generator.
- Easements may also make generators more difficult to install in certain residential zones.
- 'Occupiable' or a similar word should be added before 'structure' in the ordinance, and 'occupied' should be changed to 'occupiable'.
- The ordinance should only opine on the location and distance for the generator exhaust, and not for the generator intake.
- It makes sense to defer to the Fire Marshal's opinion on the safest option for generator locations.
- Locating the generator in the rear of a home makes sense.
- This item should be returned for further review.

2. 400 E. Lincoln Property – Public Project Review Guidelines

PD Dupuis presented the item. PD Dupuis and Mr. Deming answered informational questions from the Board.

Board members raised the following points during discussion:

- The Fire Marshal's determination of occupancy limits should not be used to estimate the necessary number of parking spaces.
- These criteria will be useful for reviewing public projects. Inevitably, there will also be unique aspects to this project that will require some flexibility on certain criteria, including entrance locations and parking amounts.
- It would be more appropriate to dispense with the use of public property as a zoning classification, and to judge any public building according to the zoning that would otherwise apply. Any requested variances should be pursued at the Board of Zoning appeals, as would be required of any private project.
- There is insufficient time to apply the private project review process to this project since Next has a deadline for vacating Midvale.
- Midvale may not be as strict on forcing Next to move as the agreement would imply because seniors are a significant voting demographic.
- These criteria will serve as targets or guides, and not as strict requirements. This process represents a significant improvement over courtesy reviews.
- A pre-application discussion with the next project architect would be beneficial.
- If necessary, a special meeting should be scheduled for this review process.
- Design standards like glazing should be added.

3. Triangle District Bonus Height Requirements Phase 2 – Study Session

PD Dupuis presented the item and answered informational questions from the Board.

Board members raised the following points during discussion:

- The original intent of the Triangle vis-a-vis mixed use and commercial should be among the higher study priorities.
- Commercial may or may not be necessary in all spaces, and may or may not be an appropriate reason to grant extra floors.
- Public parking should be another high priority.

- The Commissioners prioritized public amenities, green space, and attainable and affordable housing at the last Commission-Planning Board joint meeting. It might be appropriate to start with the Commission's priorities, and then to add the Planning Board's priorities.
- Sustainability may need to be another priority.
- Buildings should focus on being adaptable for potential future uses.
- Promoting neighborhood-relevant commercial uses could be more appropriate than more general commercial uses.
- Including the map that addressed potential mixed use locations in future discussions would be helpful.
- Staff should consult with the Historic District Committee about whether preserving transfer of development rights is a priority.
- Mixed use and public amenities should be discussed at the next meeting.

4. Impervious Surface – Study Session

PD Dupuis presented the item and answered informational questions from the Board.

Board members raised the following points during discussion:

- Gravel, as a general category, should not be listed as an impervious surface. Doing so would allow the City to determine which gravel is pervious and which is impervious for a given project.
- The differences in gravel and perviousness are so technical that it would be difficult to describe pervious and impervious gravel in the ordinance.
- This definition should mimic SEMCOG's low impact design manual.
- SEMCOG's manual had more input from sustainability-oriented Ann Arbor professionals than Oakland County's manual.
- It would be useful to have clarity about how gravel can or cannot be used within open space per the ordinance.
- This item should be returned for further review.

5. Planning Board Rules of Procedure

The Board discussed brief updates to the Rules of Procedure. PD Dupuis integrated updates into the draft during the discussion. All updates were added by Board consensus.

The following Board comments did not result in immediate revisions to the draft, but were discussed for later revisions:

- One type of vote may require five affirmative votes as opposed to four.

11-44-24

Motion by Share

Seconded by Boyle that, subject to confirmation that Section 2(E) is consistent with state law, the Planning Board adopts the amended Rules of Procedure as presented on this date.

Motion carried, 7-0.

VOICE VOTE

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

Nays: None

L. Miscellaneous Business and Communications (continued)

- 2. Communications**
- 3. Administrative Approval Correspondence**
- 4. Draft Agenda**
- 5. Action List**
- 6. Other Business**

M. Planning Division Action Items

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

N. Adjournment

No further business being evident, the meeting was adjourned at 10:09 p.m.



Nick Dupuis, Planning Director



Laura Eichenhorn, City Transcriptionist



MEMORANDUM

Planning Division

DATE: December 11, 2024

TO: Planning Board Members

FROM: Nicholas Dupuis, Planning Director
Paul A. Wells, Fire Chief
Bruce Johnson, Building Official
Jeff Scaife, Fire Marshal

SUBJECT: Emergency Standby Generators in Single-Family Zoned Districts

Home whole-house generators produce large amounts of carbon monoxide (CO); a silent killer that is a colorless, odorless, and toxic gas produced when carbon-containing materials are incompletely combusted. Over the last three years, the Fire Department has responded to more than a dozen CO incidents involving these generators. Typically, the calls originate during heavy storms where power outages occur, causing a strain on the Fire Department response due to multitudes of emergency calls for downed wires, downed trees, and occasionally structure fires. On June 19, 2024 an extremely strong storm came through our area and generated over 300 calls to Birmingham's dispatch center during the first hour. During this period the Fire Department responded to 3 homes with deadly levels of CO from whole house generators.

Additionally, these home generators produce a sizable amount of noise while operating, resulting in citizen complaints that have been filed with the Building Department and the City Commission. There have been 39 generator permits filed with the City through July of this year. The previous year saw over 100. With an unstable electrical grid/infrastructure, permit numbers will likely rise with time due to the increase in powerful storms.

Substantial storm cells have been increasing steadily over the past few years. These storms bring with them numerous occasions where electrical power has been halted by downed power lines or blown transformers. Three years ago the Fire Department and the Building Department began tracking and investigating home generators that produced CO inside residential homes. Year-to-

date both departments have investigated over a dozen homes that were found to have very high levels of CO. These readings ranged from 30 parts per million (ppm) to over 100 ppm with four-gas meters used by responding fire crews. Several times the levels peaked over 100 ppm and fire crews had to don their self-contained breathing apparatus (SCBA) to safely enter the dwelling. The World Health Organization recognizes the following CO levels and exposure times for residential homes:

- 9–10 parts per million (ppm): For no more than 8 hours
- 25–35 ppm: For no more than 1 hour
- 90–100 ppm: For no more than 15 minutes

Some home generators are placed in the side yard approximately 18 inches from the structure and 5 feet from window/door openings. This installation is according to manufacturer recommendations. However, in the environment of Birmingham with tight side yards and buildings within several feet of each other, this is not always proving to be safe. This placement has resulted in a dense concentration of CO where there is limited air movement on the side of the structure allowing the CO to seep into cracks, crevasses, and soffit vents, among other areas. Furthermore, with these units being placed between homes there is an additional concern where home 'A' could be on generator backup, and the neighboring home 'B' does not have a generator and elected to open their windows in the summer months allowing CO to enter into home 'B' through open windows. The Fire Department has responded multiple times to this exact type of incident.

Carbon monoxide has not been the only concern; noise pollution has been a topic of complaint recently received at both the Building Department and City Commission levels. The complaints received almost always involve generators installed in side yards between two houses.

At this time, the Planning Department has worked with the Fire and Building Departments to draft new ordinance language that aims to address the life safety concerns that are detailed above while also being sensitive to other requirements of the Zoning Ordinance. Please see the attached proposed amendments to Article 4, Section 4.03 of the Zoning Ordinance.

Sample Motion Language

I move that the Planning Board set a public hearing date of January 8, 2025 to review amendments to Article 4, Accessory Structure Standards, Section 4.03, to add provisions for standby generators.

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, ACCESSORY STRUCTURE STANDARDS, SECTION 4.03, TO ADD PROVISIONS FOR STANDBY GENERATORS

4.03 AS-02

This Accessory Structure Standards section applies to the following districts:



The following accessory structure standards apply:

- A. Front and Side Open Space Limitations: No accessory buildings or structures shall be erected in the required front open space or side open space, except as may otherwise be provided in this section.
- B. Rear Open Space Limitations: Accessory buildings or structures may occupy a portion of the rear open space. They shall be at least 3 feet from any lot line, except as otherwise provided in this Article. If a lot has frontage on 2 streets so that the rear lot line abuts the street, accessory buildings or structures shall be set back from the rear lot line the same distance required in each two-page layout in Article 2, as a front setback for lots fronting on the street. An accessory building is not permitted closer to a principal building on an adjoining lot than the sum of the minimum required side setbacks as determined in Section 4.74(C).
- C. Corner Lots: On corner lots where a rear open space abuts a front or side open space, accessory buildings or structures on a corner lot shall have a minimum setback of 5 feet from the rear lot line.

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M. Air Conditioning Units: All new and existing air conditioning units shall not count against lot coverage calculations. Non-conforming air conditioning units located within required side yard setbacks may be continued, maintained and replaced provided:

1. The area occupied or devoted to such use is of similar size and location;
2. The nonconforming unit(s) must be screened from street view and the abutting property by privacy fence, landscaping or landscape fence.

N. Standby Generators: All new and replacement standby generators are subject to the following requirements:

1. The placement of standby generators shall be limited to the rear open space only at a location that is not less than 5 feet from any principal building or accessory building with habitable space as defined in the current Michigan Residential Code including any overhang or projection and subject to the requirements of the open space limitations of subsections A and B of this section.
2. Standby generator exhaust outlets:
 - a. Shall be directed into the rear open space; and
 - b. Shall not directed towards any principal building or accessory building with habitable space as defined in the current Michigan Residential Code located within 20 feet.
3. Standby generators shall be used only when the normal power source of the residence has been disrupted. As soon as normal power has been restored, the owner must cease operation of the generator.
4. A permit must be obtained for the installation of any standby generator on such forms as required by the Community Development Department.
5. All standby generators shall be maintained in good working order. Property owners are responsible for maintaining and operating the standby generator and complying with all applicable code requirements. Automatic maintenance exercise testing is limited to not more than fifteen (15) minutes once a week, Monday-Friday, between the hours of 7:00 a.m. to 5:00 p.m.
6. Non-conforming standby generators may be continued and maintained provided:
 - a. The non-conforming standby generator shall meet the requirements of subsection 5 of this section;

b. In the event a generator is deemed to be unsafe by the Fire Department due to carbon monoxide readings are measured in a dwelling as a result of the operation of the generator, the Fire Department may issue a cease and desist order for the usage of the generator unit and issue an order for the generator to be relocated to the rear yard in accordance with the standards in this section.

ORDAINED this _____ day of _____, 2025 to become effective 7 days after publication.

Therese Longe, Mayor

Alex Bingham, City Clerk



Fire Department
Building Department
Planning Department

Presented by: Jeff Scaife,
Fire Marshal

Date: December 11, 2024

Standby Generators

Planning Board Presentation



Every year, more than 100,000 Americans visit the emergency room, more than 14,000 are hospitalized and more than 400 die due to carbon monoxide (CO) poisoning, according to the CDC

Recap

How did we get here?

- 16 CO calls caused by home generators in 3 years.
- 6 calls in the last 3 months, with elevated CO levels.
- 1 resident treated for CO symptoms and thankfully was ok after the incident.
- Each CO call takes *significant* time to ensure the home is safe for residents to occupy.

Municipalities with similar generator codes

- Madison Heights – Rear yard only
- Grosse Pointe Woods – (Sec. 8-463) Rear yard only
- Northville – (Zoning Ord) Rear yard, within 8 feet of the principal structure
- Dearborn – (Sec. 2.22) Rear yard only
- Southfield – Shall not be located within any of the required front or side yard setbacks
- Chesterfield Twp. – (Section 5.41.C.1 - 5.41.E.4) Rear yard only

Manufacture Recommendation's?

“Manufacturer's Recommendations means the instructions, procedures, and *recommendations* which are issued by the manufacturer of any equipment used at the Facility relating to the operation, maintenance, or repair of such equipment, and any revisions or updates thereto from time to time issued by the manufacturer.”

Law Insider. (n.d.). *Manufacturer's Recommendations definition*. Retrieved from Law Insider:
<https://www.lawinsider.com/dictionary/manufacturers-recommendations#:~:text=Manufacturer's%20Recommendations%20means%20the%20instructions,time%20issued%20by%20the%20manufacturer.>

Typical Manufacture Recommendation's

- NFPA 37 Requirements
- 5ft. from openings in walls (operable windows, doors, vents, window wells, or openings in the wall).
- 18 in. of clearance from the back of the generator to a stationary wall or building (based on testing done by the Southwest Research Institute or SwRI).
- 5 ft. of clearance above the generator.
- **3 ft. of clearance at the front and both ends.** This *includes trees, shrubs, and bushes*. Vegetation not in compliance could obstruct airflow and exhaust fumes could inhibit plant growth.

Generator Safety

July 1, 2021 | News & Headlines

GENERATOR SAFETY



Always keep generators at least **20 feet away** from your home



Always use **grounded cords** and inspect cords for damage prior to use



Never operate a generator in an **enclosed space**



Use the **proper cord** for the wattage being used



Make sure the generator has **3-4 feet** of clear space above and on all sides for proper ventilation



Always use **GFCI protection**

When used properly, portable and **standby generators** are a great option to provide backup power during **brownouts** or **blackouts**. Learn how to use generators safely with the following tips:

Location

- Always keep generators at least 20 feet away from your home
- Never operate a generator in an enclosed space
- Make sure the generator has 3-4 feet of clear space above and on all sides for proper ventilation

Use

- Always use grounded cords and inspect cords for damage prior to use
- Use the proper cord for the wattage being used
- Always use **GFCI protection**

Transfer Switches

GENERATOR SAFETY

USE BACKUP POWER SAFELY

When used properly, portable and standby generators are a great option to provide backup power during brownouts or blackouts.

Learn how to use generators safely with the following tips:

GENERATORS

Location



Always keep generators at least **20 feet away** from your home



Never operate a generator in an **enclosed space**



Make sure the generator has **3-4 feet** of clear space above and on all sides for proper ventilation



Keep generators **away** from doors, windows, and vents



Always **direct exhaust away** from your home

Use



Always use **grounded cords** and inspect cords for damage prior to use



Use the **proper cord** for the wattage being used



Always use **GFCI protection**



Make sure to start / stop generators when **no electrical loads** are connected



Keep generators dry, **do not operate when wet**, and refuel when cool

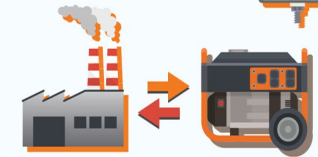
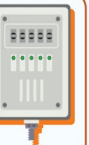


Do not overload generators



Do not plug a generator directly into your home, connect items being powered **directly to the generator**

TRANSFER SWITCHES



Transfer switches, whether manual or automatic, allow you to choose between **utility power** or **backup generator power**

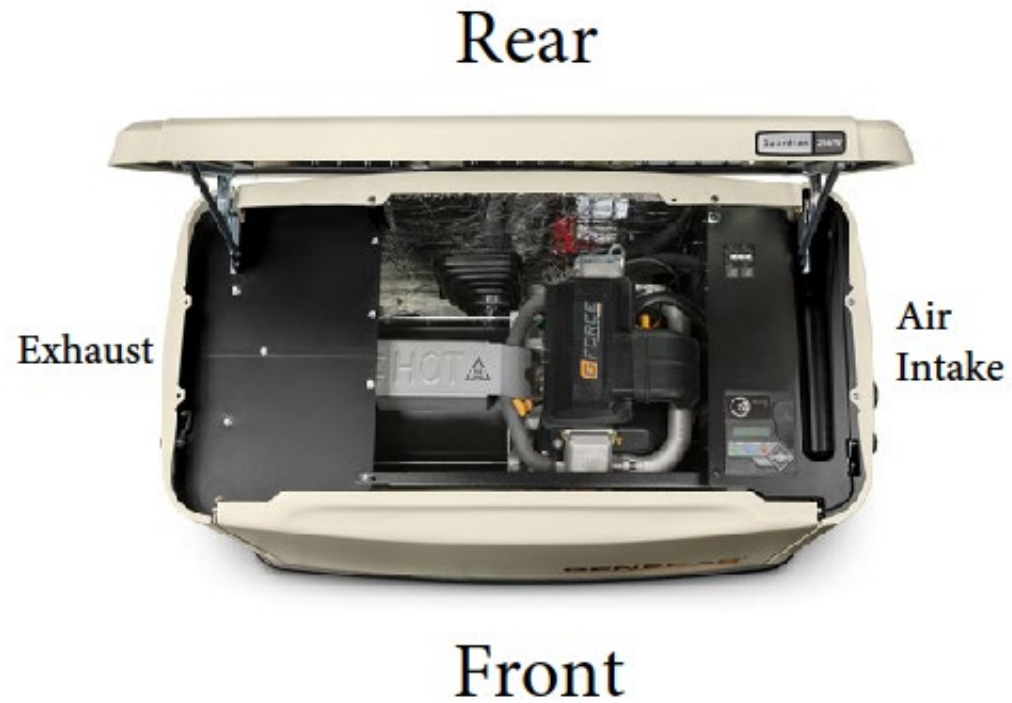


Transfer switches are the only way to **safely power** your home's electrical system



Using a transfer switch **prevents backfeeding**. This occurs when your generator becomes a power source for the **surrounding area** and can damage your home, your neighbor's homes, and injure workers trying to restore power

Typical Layout of Generator's

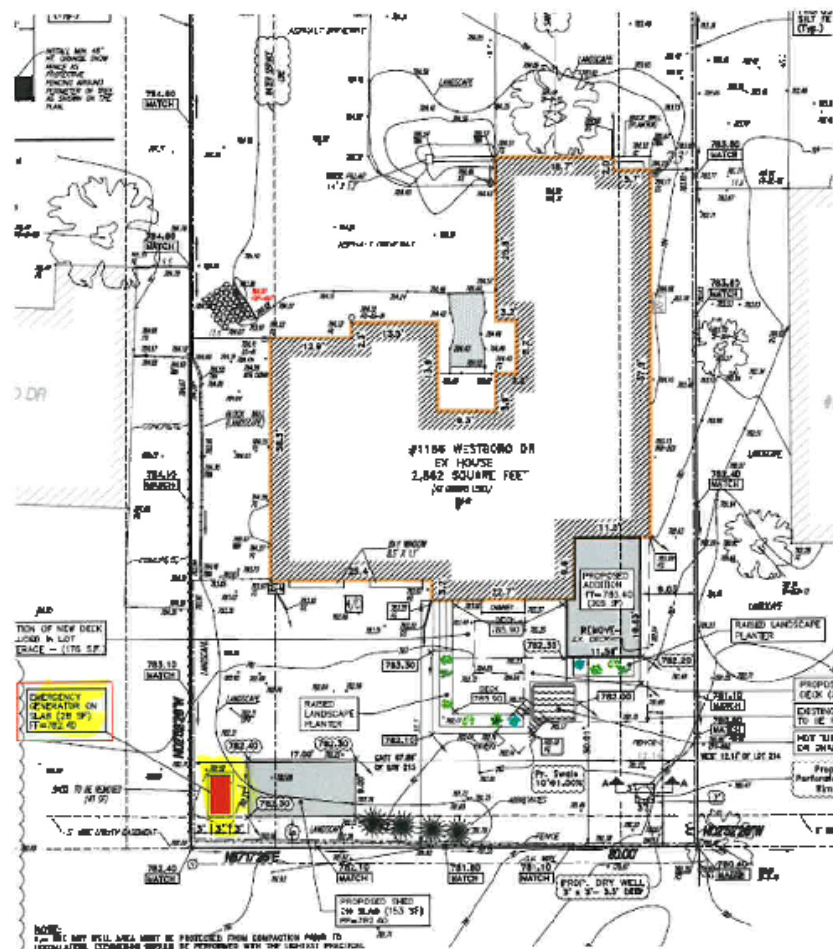


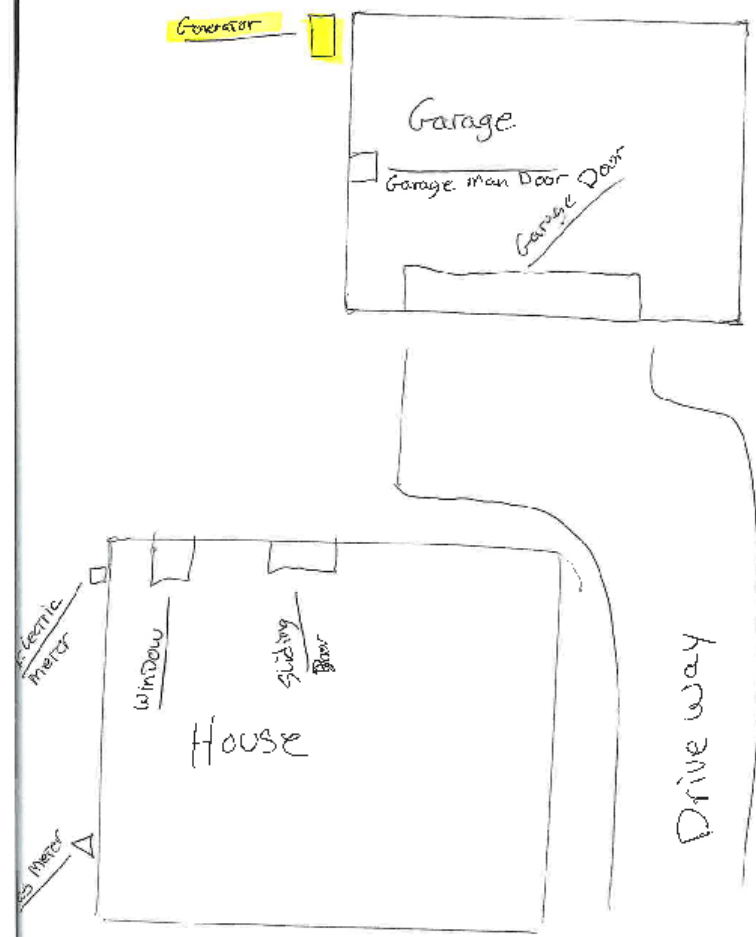
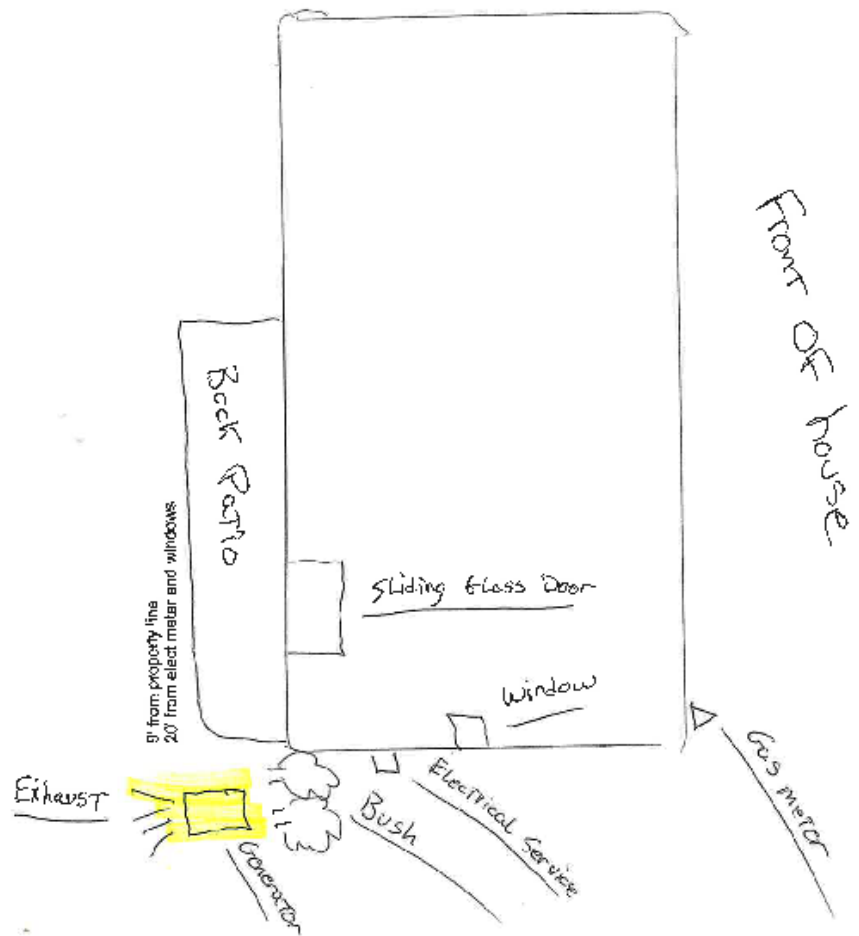
Last months plan submissions...

- 1815 Fairway 5' from rear of the house
- 2154 Windemere 5' from rear of the house
- 898 Pilgrim 5' from rear of the house
- 1538 Henrietta Rear property line
- 2154 Avon 5' from rear of the house
- 1540 Pierce 10' from window/ 5' from AC rear of the house
- 1259 Cedar 5' from rear of the house
- 1563 Sheffield Rear property line
- 1321 Pierce 20' from windows, rear of the house
- 216 Hawthorne 5' from rear of the house

Oct. 31, 2024 to Nov. 26, 2024 Seventeen reviews were completed, several were disapproved for nothing Other than poor submittal plans.

Site Plan Submissions



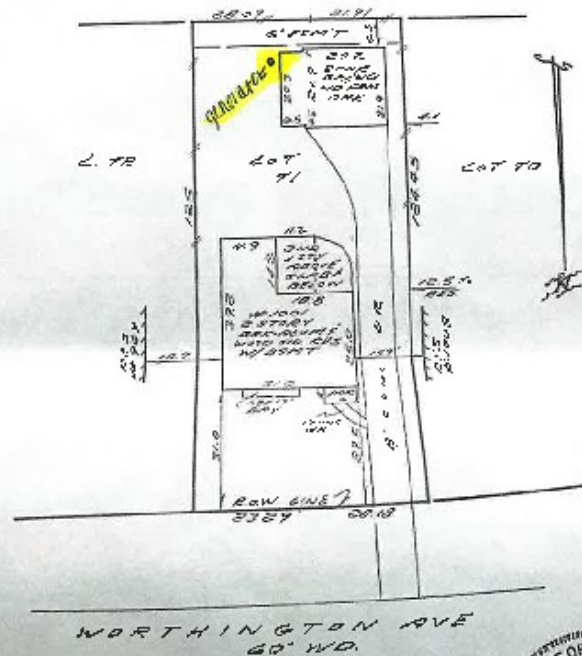


MORTGAGE CERTIFICATE

CONFIRMED BY THE BOARD OF TRUSTEES, STANDARD FIDELITY BANK

Applicant: **MARY E. AND HARRY E. HENRY**

Property Description:
Lot 71 of 4, 636 BAKER CO'S BIRMINGHAM HILLS SUBDIVISION, City of Birmingham,
Oakland County, Michigan, as recorded in Liber 64 of Plans, Page 46 of Oakland County
Records.



We hereby certify that the mortgage location shown (as recommended) is located on the premises described that the improvements are shown with lot lines and that there are no encumbrances upon the premises recorded by the improvements of any adjoining parties except as indicated. We further certify that the mortgage location was compared to construction plat(s) for the lot(s) in connection with a new mortgage, with 30 days of the date shown and is not to be used to establish property lines, easements, or other rights-of-way. Building lines, easements, or other rights-of-way, or other encumbrances shall comply with all. Easements as shown are for recorded plat areas, easements, and driveway easements shown are appropriate to establish local laws, easements, and property corners as certified (see Survey (State Survey) is recommended.

LEGAL DESCRIPTION PROVIDED BY OTHERS:

OR NO. 95-10207 SCALE 1"=30'

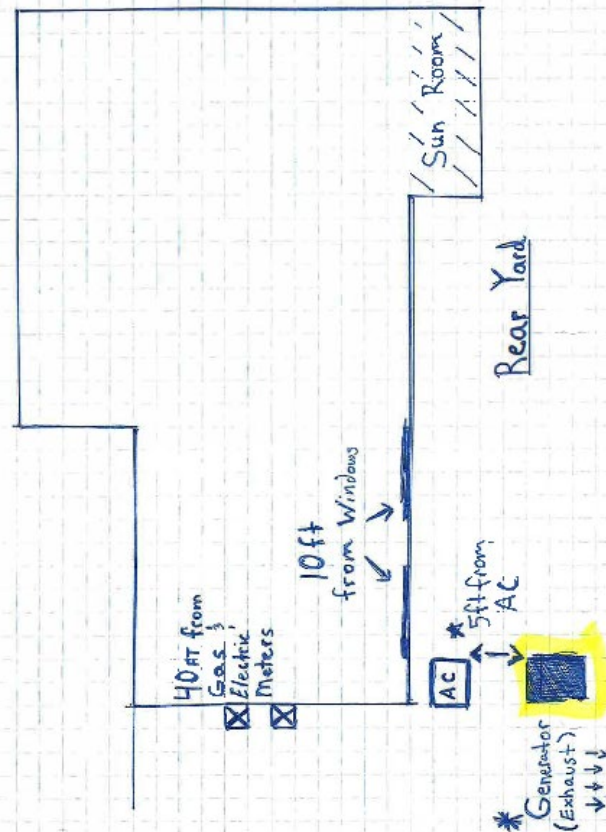
DATE 9-12-95 BY: *Michael J. Yambor*

MICHAEL J. YAMBOR & ASSOCIATES, INC.

Licensed Land Surveyors
1810 244-0854 • Telefax (810) 244-8410
and Oliver, Troy, Michigan 48064

1 PIERCE ST

Front







What we are asking...

- In an effort to keep residents safe to place the Standby Generators
 - No less than five (5) feet from the rear edge of the principal dwelling.
 - Position generator where exhaust will dispel towards the rear of the yard.
 - Strongly recommend the principal dwelling has working CO Detection on all floors.

Generators are trending to the rear yards as we have seen over the past several months. This allows for ample air flow to assist in dissipating the CO, as well can reduce the noise pollution between neighbors.

Questions?



MEMORANDUM

Planning Department

DATE: December 11, 2024

TO: Planning Board Members

FROM: Nicholas Dupuis, Planning Director

SUBJECT: 400 E. Lincoln – Development Guidelines

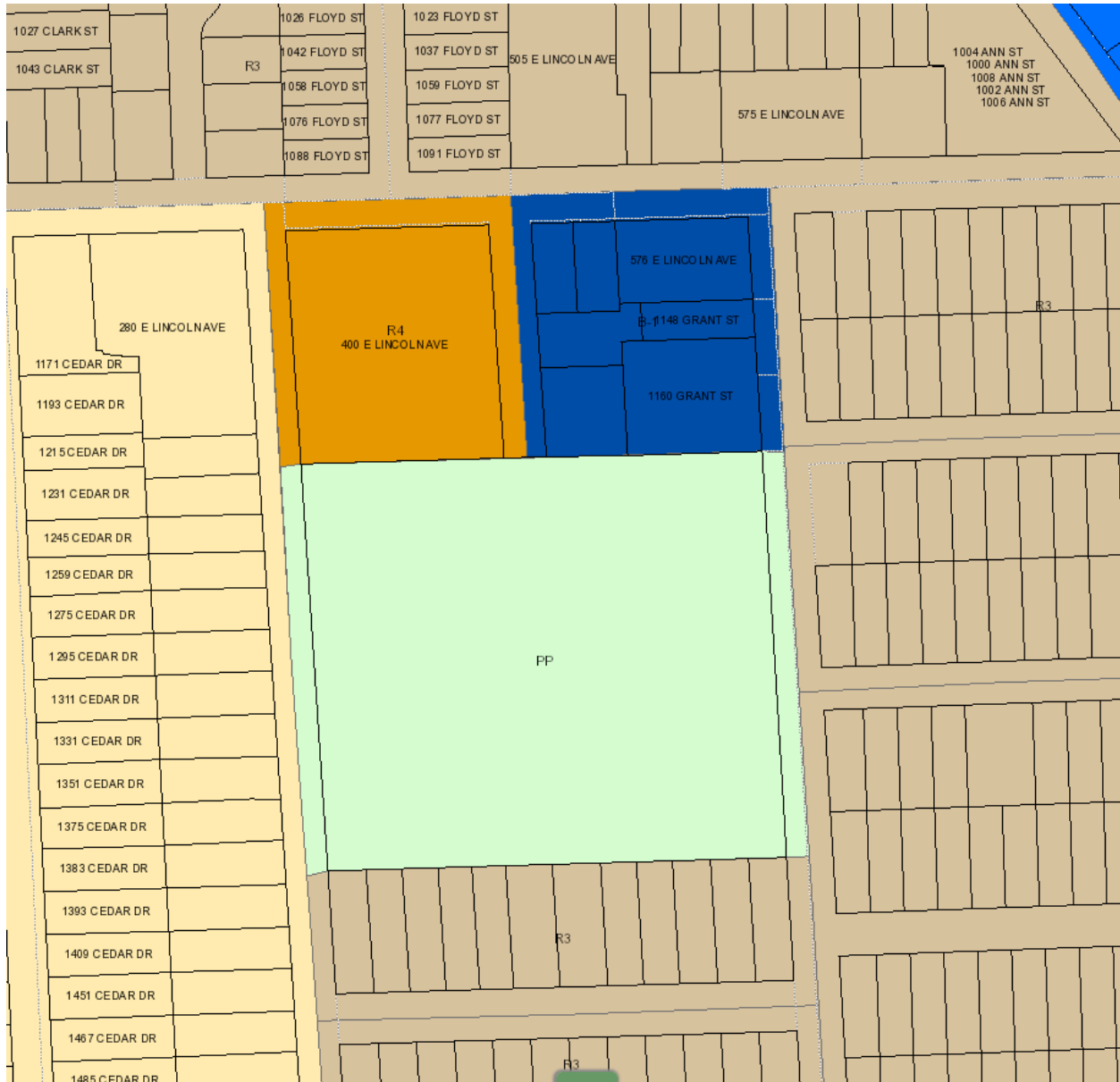
The City of Birmingham purchased the parcel at 400 E. Lincoln in the summer of 2023. At the time of purchase, it was the intention of the City to re-model or replace the existing structure (the current Birmingham YMCA) to create a permanent home for senior services (provided by Next) with an additional recreational component for all community members. The City is now in the early planning stages of replacing the existing building with a new senior/recreation center.

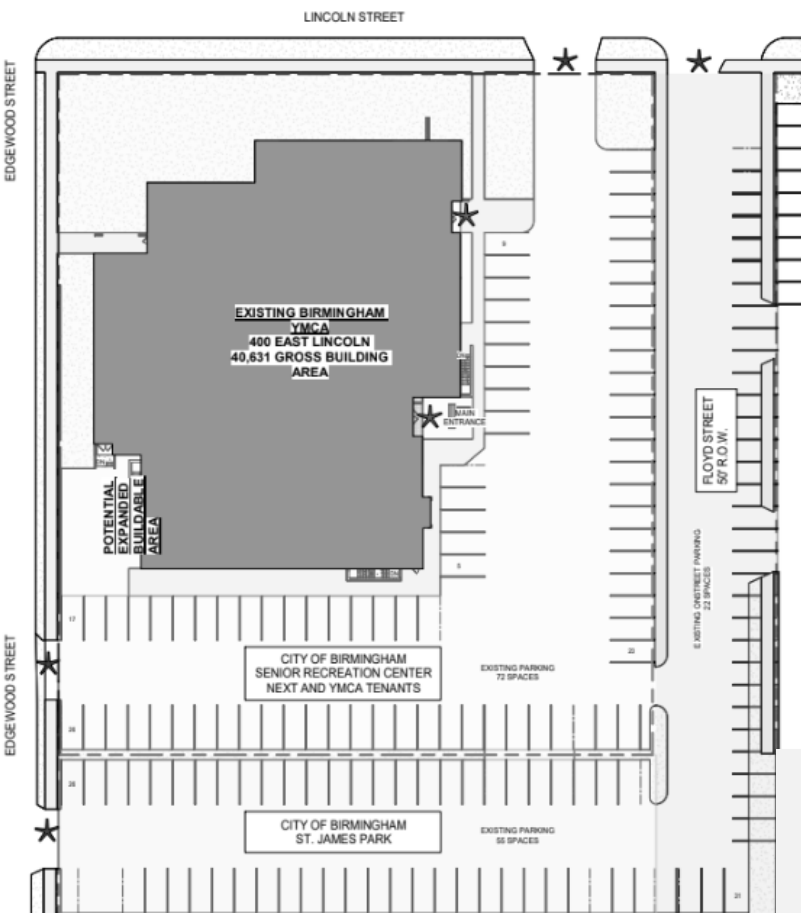
On October 9, 2024 ([Agenda](#)), the Planning Board reviewed a rezoning application for 400 E. Lincoln and after reviewing the request and supporting documentation, applicable master plan documents and development trends in the area, the Planning Board adopted the findings of fact contained in the staff report dated October 9, 2024 and recommended approval to the City Commission for the rezoning of 400 E. Lincoln to change the zoning designation of the entire parcel from R4 (Two-Family Residential) to PP (Public Property).

On October 28, 2024 ([Agenda](#) – [Minutes](#)), the City Commission moved to adopt the findings of fact contained in the October 9, 2024 staff report to the Planning Board and approve the rezoning of 400 E. Lincoln to change the zoning designation of the entire parcel from R4 (Two-Family Residential) to PP (Public Property).

In the background of the 400 E. Lincoln project and all of the progress it has made since the City acquired the property in 2023, the Planning Board has long desired to formalize a process for the review of public projects in the City. These desires recently culminated into conversations at two joint meetings of the Planning Board on June 10, 2024 ([Agenda](#) – [Minutes](#)) and October 21, 2024 ([Agenda](#)). During these meetings, the City Commission shared their opinions of the potential for a new process and ultimately provided a positive response to the Planning Board's plans to develop a broad guideline for the review of public development projects, but also a set of guidelines for the project at 400 E. Lincoln.

At this time, the Planning Department has developed a draft guideline based on the Zoning Ordinance and surrounding area that it believes will suit the development as well as provide a scale that is sensitive to the context and character of the area.





Public Property Development Guidelines 400 E. Lincoln St. Senior/Recreation Center

Birmingham Planning Board
December 11, 2024

Public Property Development Guidelines

400 E. Lincoln St. – Senior/Recreation Center

NARRATIVE

Over the years, the Planning Board has reviewed several public projects at a courtesy level including the recent library expansions and Birmingham Fire Station 2. Overall, Planning Board has expertise and experience that lends itself to the review of these types of projects that can be leveraged to ensure that public development projects aspire to meet similar standards as private development to ensure a harmonious and consistent urban environment.

In addition, City's current comprehensive master plan, the [Birmingham Plan 2040](#) ("2040 Plan"), provides several recommendations for public building projects that may be found in the sections which discuss Civic Destinations. In the 2040 Plan, Civic Destinations are described as including civic institutions and outdoor spaces in institutional uses. Civic buildings offer neutral, aspirational places for citizens and community leaders to exchange ideas, form community associations, or simply socialize. Located in a neighborhood setting, these institutions encourage neighborhood interaction. They also tend to draw people from other nearby neighborhoods, cross-pollinating the City's social structures. Civic buildings and landscapes should be grand and iconic, and be distinct from residential construction to avoid confusing public and private uses.

The 2040 Plan provides a recommendation to establish policy to continue the tradition of constructing Birmingham's civic buildings and parks as iconic structures and landscapes to the highest standards and at a civic scale.

Generally, the goals of the 2040 plan align well with the vision of the Senior/Recreation Center project that has been embarked upon by the community:

"Create a welcoming and dynamic hub where all the members of the community can gather in an environment that promotes socialization, physical activity and lifelong learning that enhance both personal and community wellness."

This document was developed by the Planning Board to help guide the development of the Senior/Recreation Center. In developing these guidelines, the Planning Board considered the unique criteria of the site and any flexibility that might be needed, the surrounding neighborhood, and current best practices. The guidelines utilize standards in a compatible zoning district while also considering other standards that may be beneficial to the project in its neighborhood context. In presenting these guidelines, the Planning Board acknowledges that they are to be considered as targets or guiderails, not as strict requirements.

EXISTING CONDITIONS:

Existing Site: City of Birmingham/YMCA Facility

Zoning: PP (Public Property)

Land Use: Government Use

Existing Land Use and Zoning of Adjacent Properties:

	North	South	East	West
Existing Land Use	Single-Family Residential	Public Property	Commercial	Single-Family Residential
Existing Zoning District	R3 (Single-Family Residential)	PP (Public Property)	B1 (Neighborhood Business)	R2 (Single-Family Residential)
Overlay Zoning District	N/A	N/A	N/A	N/A



SUGGESTED DEVELOPMENT STANDARDS: B1 (NEIGHBORHOOD BUSINESS)

Land Area:	Existing:	1.28 ac.
Min Front Setback:	Suggested:	N/A
Side Setbacks	Suggested:	0 ft.
Rear Setback:	Suggested:	20 ft.
Max. Bldg. Height:	Suggested	30 ft., 2 stories
Front Entry:	Suggested:	A main entrance that is located on at least one (1) street front
Parking:	Suggested:	1 space for each six person of capacity as determined by the Fire Marshal
Min. Parking Space Size:	Suggested:	180 ft ²
Parking in Frontage:	Suggested:	Not recommended
Parking Lot Landscaping	Suggested:	Recommended (Follow Section 4.20 (F))
Loading Area:	Suggested:	None
Screening:		
	<u>Parking:</u> Suggested:	32 in. masonry screenwall
	<u>Loading:</u> Suggested:	None
	<u>Rooftop Mechanical:</u> Suggested:	Full screening to compliment the building
	<u>Elect. Transformer:</u> Suggested:	Fully screened from public view
	<u>Dumpster:</u> Suggested:	6 ft. high capped masonry wall
Streetscape:		
	<u>Street Trees:</u> Suggested:	At least 1 street tree for each 40 linear feet of frontage
	<u>Benches:</u> Suggested:	Yes

Bike Racks: Suggested: Yes

Trash Receptacles: Suggested: Yes

Streetlights: Suggested: No

Architectural Standards:

Glazing: Suggested: No less than 70% of a storefront/ground floor façade between 1 and 8 feet above grade shall be clear glazing. Mirrored glass is prohibited.

Building Materials: Suggested: Building elevations on the ground floor that do not face a frontage line but contain a public entrance shall be no less than 30% clear glazing between 1 and 8 feet above grade. To the greatest extent practical, the exterior finish material on all facades shall be limited to the following: glass, brick, cut stone, cast stone, coarsely textured stucco, metal or wood.



MEMORANDUM

Planning Department

DATE: December 11, 2024

TO: Planning Board Members

FROM: Nicholas Dupuis, Planning Director

SUBJECT: Impervious Surfaces Definition Study Session

In the City of Birmingham, impervious surfaces are currently regulated as a part of required open space, which plays a vital role in the preservation of natural and/or green space and has implications for public health, environmental sustainability, and urban heat island effects, among others. Impervious surfaces are defined in Article 9, Section 9.02 of the Zoning Ordinance as:

"Any material which prevents the infiltration of surface water, such as concrete, blacktop, asphalt, brick, stone or a similar material, but excluding sidewalks 3 feet or less in width."

At this time, the Planning Board has indicated a desire to study this definition to identify any areas for improvement, in particular to the "stone" element. Additional considerations include the proliferation of pervious pavements that could be considered brick.

Study Session #1 (September 11, 2024 – [Agenda](#) – [Minutes](#))

At this time, the Planning Department is seeking direction from the Planning Board on which aspects of the impervious surface definition warrant redress, and to have a conversation around the broader implications on amending this definition on the City's sustainability and development goals.

An initial concern that should be discussed when it comes to addressing the issue of stone in the form of river rock, landscaping stone, chip rocks or similar materials is the maintenance concerns, which could also be expanded to surfaces such as pervious pavement. Poor maintenance could transition a pervious surface to an impervious surface over time.

Local Definitions of Impervious Surface or other related definitions:

[SOUTHFIELD MI](#)

Impervious Surface: a surface that prevents the infiltration of water into the ground such as roofs, streets, sidewalks, driveways, and parking lots.

[ROYAL OAK MI](#)

Pavement, Impervious: A surface material for parking lots, maneuvering aisles, driveways, loading areas, sidewalks, pedestrian pathways, and other areas which prevents the infiltration of surface water, including, but not limited to, asphalt, concrete, brick, stone, or similar materials.

Pavement, Pervious or Permeable: A surface material for parking lots, maneuvering aisles, driveways, loading areas, sidewalks, pedestrian pathways, and other areas which allows the infiltration, treatment, and/or storage of surface water, including, but not limited to, porous asphalt, pervious concrete, permeable interlocking pavers, reinforced turf, or similar materials.

[FERNDALE, MI](#)

Impervious Surface: Man-made material that covers the surface of land and substantially reduces the infiltration of storm water to a rate of five percent or less. Impervious surfaces include, but are not limited to, pavement, buildings and structures.

Paved: An impervious surface constructed out of asphalt, concrete or similar material.

[TROY, MI](#)

Open Space: A parcel or area of land that is intended to provide light and air, and is designed for resource protection, aesthetic, or recreational purposes. Open space uses may include, but are not limited to lawns, decorative plantings, walkways, active and passive recreation areas, land use buffers, playgrounds, fountains, woodlands, wetlands and bio-retention facilities. Open space shall not include streets, driveways, parking lots, or other surfaces designed or intended for vehicular traffic.

[NORTHVILLE, MI](#)

Pavement: A material, permeable or impermeable, that covers the surface of the ground, such as concrete, blacktop, asphalt, pavers, brick, stone, gravel, or other similar material. Handicap access ramps are excluded from this definition.

Study Session #2 (November 13, 2024 – [Agenda](#) – Minutes)

Based on the requests of the Planning Board, the Planning Department has provided two additional items to help guide the discussion:

1. Other Definitions discussed during the meeting:

[OAKLAND COUNTY STORMWATER STANDARDS](#)

Impervious Surface: A surface that prevents the infiltration of water into the ground such as all roofs, streets, sidewalks, driveways, parking lots, highly compacted soils, and gravel. (pg. 95)

[SEMOG LOW INCOME DEVELOPMENT MANUAL](#)

Impervious Surface: A surface that prevents the infiltration of water into the ground such as roofs, streets, sidewalks, driveways, parking lots, and highly compacted soils. (pg. 416)

***Impervious Surface:** Surface that does not allow stormwater runoff to slowly percolate into the ground. (pg. 491)

** As a distinction that need to be clarified from the 9/11/24, this definition discussed was from a section of the LID Manual that was a "Sample Ordinance." The first definition listed above is the true definition in the LID Manual.*

2. Residential survey for Open space/impervious surface analysis

Attached is a recent survey from a home at 572 Stanley that is used by the City's Building Department to calculate required open space, lot coverage and other zoning related issues to ensure that the new development meets the requirements of the ordinance.

Study Session #3 (December 11, 2024 – Agenda – Minutes)

The Planning Department has received direction from the Planning Board that suggests that the adoption of the Oakland County Stormwater Standards definition is amenable so long as the phrase "and gravel" be struck. However, there have been consistent concerns about striking "gravel" (or "stone" in the current definition) due to the possibility of unintended consequences such as gravel lots/yards. At this time, City Staff will still be recommending that gravel remain in the definition of impervious surface due to its relationship with open space.

(CITY STAFF RECOMMENDATION)

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 MODIFY THE DEFINITION FOR IMPERVIOUS SURFACE

~~Impervious Surface: Any material which prevents the infiltration of surface water, such as concrete, blacktop, asphalt, brick, stone or a similar material, but excluding sidewalks 3 feet or less in width.~~

Impervious Surface: A surface that restricts the infiltration of water into the ground such as all roofs, streets, sidewalks, driveways, parking lots, highly compacted soils, artificial turf, and gravel.

ORDAINED this _____ day of _____, 2024 to become effective 7 days after publication.

Therese Longe, Mayor

Alex Bingham, City Clerk

(PLANNING BOARD RECOMMENDATION)

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 MODIFY THE DEFINITION FOR IMPERVIOUS SURFACE

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Impervious Surface: A surface that prevents the infiltration of water into the ground such as all roofs, streets, sidewalks, driveways, parking lots, and highly compacted soils.

ORDAINED this _____ day of _____, 2024 to become effective 7 days after publication.

Therese Longe, Mayor

Alex Bingham, City Clerk



MEMORANDUM

Planning Department

DATE: December 6, 2024

TO: Planning Board Members

FROM: Summer Aldred-Arens, Planning Intern

APPROVED: Nick Dupuis, Planning Director

SUBJECT: Proposed Childcare Ordinance Amendments

The City of Birmingham recognizes that accessible and affordable child care is a cornerstone for fostering community well-being and economic growth. A robust child care system supports working families, attracts and retains residents, and enhances the quality of life for all community members.

In August of 2024, city staff became aware of an opportunity to partner with McKenna to receive a zoning audit for child care readiness. This audit was provided to the city at no cost through a grant McKenna received in partnership with Pulse at the W.E. Upjohn Institute for Employment Research, with funding from Early Childhood Investment Corporation.

McKenna provided the City with a zoning audit for child care readiness, as well as a report on zoning recommendations. The audit is an evaluation of the City's zoning regulations to assess child care readiness by identifying possible provision or standards that may enable or hinder child care development. The audit also aims to help the City ensure compliance with the Michigan Zoning and Enabling Act, PA 110 of 2006, as amended (MZEa). These recommendations are attached below. Upon careful review and consideration, staff are proposing the attached amendments to the City Zoning Ordinance.

Sample Motion Language:

I move that the Planning Board set a public hearing date of January 8, 2025 to review proposed amendments to Article 2, Section 2.03-2.46, App. A, Article 5, Section 5.02 A, Section 5.13 E, and Article 9, Section 9.02, to update the definitions for "family day care home" and "group child care home", to remove Section 5.02 A, to remove Section 5.13 E, and amend Article 2, Section 2.03-2.46.

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 CHANGE THE TERMINOLOGY "DAY CARE, FAMILY HOME" AND "DAY CARE, GROUP HOME" TO "FAMILY DAY CARE HOME" AND "GROUP CHILD CARE HOME", RESPECTIVELY TO ENSURE ALIGNMENT WITH LARA DEFINITIONS.

ARTICLE 9: DEFINITIONS

9.02 Definitions

~~Day Care, Family Home: A dwelling in which a permanent occupant of the dwelling provides for the care of fewer than 7 minor children unrelated to the care provider for periods of fewer than 24 hours a day, for more than four weeks in a calendar year unattended by the children's parents or legal guardians, and must be licensed and/or registered by the state.~~

Family Child Care Home: A private home in which 1 to 7 minor children are received for care and supervision for compensation for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the household.

~~Day Care, Group Home: A dwelling in which a permanent occupant of the dwelling provides for the care of fewer than 13 minor children unrelated to the care provider for periods of fewer than 24 hours a day, for more than 4 weeks in a calendar year, unattended by the children's parents or legal guardians, and must be licensed and/or registered by the state~~

Group Child Care Home: A private home in which 8 to 14 minor children are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian, except children related to an adult member of the household. Group child care home includes a home in which care is given to an unrelated minor child for more than 4 weeks during a calendar year. Group child care home includes a private home with increased capacity.

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 5, SECTION 5.02 A, FAMILY DAY CARE HOME, TO REMOVE SECTION 5.02 A.

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

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

The following use specific standards apply:

~~A. Family Day Care Home: Family day care homes shall not be considered home occupations for the purpose of this Article and are permitted under the following provisions:~~

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

~~required to provide the following information to the Board of Zoning Appeals for all family day care homes within 750 feet of another family day care home or foster care facility:~~

~~i. Location of parking for parents/guardians and caregivers.~~

~~ii. Hours of operation.~~

~~b. Any family day care home licensed by the state at the time this section becomes effective and located within 750 feet of another state-licensed family day care home or foster care facility shall be permitted to continue in operation subject to its compliance with the other provisions of this section and the Zoning Ordinance.~~

~~8. Family day care homes may operate Monday through Saturday only.~~

A. Home occupation: A home occupation is subject to the following provisions:

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

...REMAINING SECTIONS REMAIN UNCHANGED

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 5, SECTION 5.13 MX DISTRICT E, FAMILY DAY CARE HOME, TO REMOVE SECTION 5.13 E.

5.13 MX District

This Use Specific Standards section applies to the following district: 

The following use specific standards apply:

- A. Alcoholic Beverage Sales: Alcoholic beverage sales for consumption off the premises in conjunction with grocery stores, drugstores, party stores and delicatessens is permitted.
- B. Automobile Rental Establishment: An automobile rental establishment is permitted provided all vehicles are stored in a public or private parking garage.
- C. Bistros: Bistros are permitted with a valid Special Land Use Permit with the following conditions:
 - 1. No direct connect additional bar permit is allowed and the maximum seating at a bar cannot exceed 15 seats
 - 2. Alcohol is served only to seated patrons, except those standing in a defined bar area;
 - 3. No dance area is provided;
 - 4. Only low key entertainment is permitted;
 - 5. Bistros must have tables located in the storefront space lining any street, or pedestrian passage;
 - 6. A minimum of 70% glazing must be provided along building facades facing a street or pedestrian passage between 1 foot and 8 feet in height;
 - 7. All bistro owners must execute a contract with the City outlining the details of the operation of the bistro; and
 - 8. Outdoor dining must be provided, weather permitting, along an adjacent street or passage during the months of May through October each year. Outdoor dining is not permitted past 12:00 a.m. If there is not sufficient space to permit such dining on the sidewalk adjacent to the bistro, an elevated, ADA compliant, 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.
 - 9. Enclosures facilitating year round dining outdoors are not permitted.
 - 10. Railings, planters or similar barriers defining outdoor dining platforms may not exceed 42" in height.
 - 11. 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.

D. Dwelling - Accessory: Residential units located in accessory structures are permitted provided that the residential units meet the minimum unit requirements identified in each two-page layout in Article 2. Where there is a conflict between this provision and the requirements of Section 4.02, this section shall take precedent.

~~E. Family Day Care Home: Family day care home shall be state licensed and meet the following family day care home provisions:~~

- ~~1. All family day care homes must be licensed with the city. Application for a family day care home shall be made to the City Clerk on such forms as shall be provided. An application fee as established by the City Commission and set forth in Appendix C shall be payable upon submitting an application for a family day care home. See Chapter 26 of the Birmingham City Code for licensing procedures.~~
- ~~2. Only the care provider and his/her immediate family shall reside in the home.~~
- ~~3. The maximum number of children permitted in a family day care home shall not exceed that permitted by the state.~~
- ~~4. All outdoor play areas shall be enclosed with a fence of no less than 4 feet nor more than 6 feet in height, capable of containing the children within the play area.~~
- ~~5. Children not related to the care provider shall not be dropped off or picked up between the hours of 8:00p.m. and 7:00 a.m.~~
- ~~6. There shall be no signs for the family day care home.~~
- ~~7. No family day care home shall be located closer than 750 feet from another family day care home or foster care facility except as permitted as follows:~~
 - ~~a. The Board of Zoning Appeals may approve the location of a family day care home within 750 feet of another family day care home or foster care facility if the Board of Zoning Appeals finds that the concentration of uses will not generate traffic, noise or other nuisances in a volume greater than would normally be expected in a residential neighborhood. The applicant is required to provide the following information to the Board of Zoning Appeals for all family day care homes within 750 feet of another family day care home or foster care facility:~~
 - ~~b. Location of parking for parents/guardians and caregivers.~~
 - ~~c. Hours of operation.~~
 - ~~d. If the Board of Zoning Appeals gives approval to an additional family day care home within 750 feet of another family day care home or foster care facility, such approval is valid for 2 years from the date of approval.~~
 - ~~e. Any family day care home licensed by the state at the time this section becomes effective and located within 750 feet of another state licensed family day care home or foster care facility shall be permitted to continue in operation subject to its compliance with the other provisions of this section and the Zoning Ordinance.~~
- ~~8. Family day care homes shall operate Monday through Saturday only.~~

F. Food or Drink Establishment: A food or drink establishment is permitted excluding drive-in facilities.

...REMAINING SECTION REMAINS UNCHANGED

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 2, SECTION 2.03 R1A (SINGLE FAMILY-RESIDENTIAL), TO ADD "GROUP CHILD CARE HOME" AS AN ACCESSORY PERMITTED USE.

2.03 R1A (Single-Family Residential) District Intent, Permitted Uses, and Special Uses

A. District Intent

1. A district intent is not available for this zoning district.

B. Permitted Uses

1. Residential Permitted Uses

- a. adult foster care group home
- b. dwelling - one-family
- c. single-family cluster*

2. Institutional Permitted Uses

- a. government office
- b. school - public

3. Recreational Permitted Uses

- a. park

C. Other Use Regulations

1. Accessory Permitted Uses

- a. family **child day** care home
- b. garage - private
- c. greenhouse – private
- d. group child care home**
- e. home occupation*
- f. parking facility - private off-street
- g. parking - public, off-street*
- h. renting of rooms*
- i. sign
- j. swimming pool - private
- k. any use customarily incidental to the permitted principal use

2. Uses Requiring a Special Land Use Permit

- a. assisted living
- b. continued care retirement community
- c. independent hospice facility
- d. independent senior living

- e. medical rehabilitation facility
- f. parking (accessory) - public, off-street
- g. philanthropic use
- h. public utility building
- i. publicly owned building
- j. religious institution
- k. school - private
- l. skilled nursing facility

* = Use Specific Standards in Section [5.02](#) Apply

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 2, SECTION 2.05 R1 (SINGLE FAMILY-RESIDENTIAL), TO ADD "GROUP CHILD CARE HOME" AS AN ACCESSORY PERMITTED USE

2.05 R1 (Single-Family Residential) District Intent, Permitted Uses, and Special Uses **R1**

A. District Intent

1. A district intent is not available for this zoning district.

B. Permitted Uses

1. Residential Permitted Uses

- a. adult foster care group home
- b. dwelling - one-family
- c. single-family cluster*

2. Institutional Permitted Uses

- a. government office
- b. school - public

3. Recreational Permitted Uses

- a. park

C. Other Use Regulations

1. Accessory Permitted Uses

- a. family-day ~~day~~ **child** care home
- b. garage - private
- c. greenhouse – private
- d. group child care home**
- e. home occupation*
- f. parking facility - private off-street
- g. parking - public, off-street*
- h. renting of rooms*
- i. sign
- j. swimming pool - private
- k. any use customarily incidental to the permitted principal use

2. Uses Requiring a Special Land Use Permit

- a. assisted living
- b. continued care retirement community
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- e. medical rehabilitation facility
- f. parking (accessory) - public, off-street
- g. philanthropic use
- h. public utility building
- i. publicly owned building
- j. religious institution
- k. school - private
- l. skilled nursing facility

* = Use Specific Standards in Section [5.02](#) Apply

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 2, SECTION 2.07 R2 (SINGLE FAMILY-RESIDENTIAL), TO ADD "GROUP CHILD CARE HOME" AS AN ACCESSORY PERMITTED USE.

2.07 R2 (Single-Family Residential) District Intent, Permitted Uses, and Special Uses **R2**

A. District Intent

1. A district intent is not available for this zoning district.

B. Permitted Uses

1. Residential Permitted Uses

- a. adult foster care group home
- b. dwelling - one-family
- c. single-family cluster*

2. Institutional Permitted Uses

- a. government office
- b. school - public

3. Recreational Permitted Uses

- a. park

C. Other Use Regulations

1. Accessory Permitted Uses

- a. family ~~day~~ **child** care home*
- b. garage - private
- c. greenhouse – private
- d. group child care home**
- e. home occupation*
- f. parking facility - private off-street
- g. parking - public, off-street*
- h. renting of rooms*
- i. sign
- j. swimming pool - private
- k. any use customarily incidental to the permitted principal use

2. Uses Requiring a Special Land Use Permit

- a. assisted living
- b. continued care retirement community
- c. independent hospice facility
- d. independent senior living

- e. medical rehabilitation facility
- f. parking (accessory) - public, off-street
- g. philanthropic use
- h. public utility building
- i. publicly owned building
- j. religious institution
- k. school - private
- l. skilled nursing facility

* = Use Specific Standards in Section [5.02](#) Apply

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 2, SECTION 2.09 R2 (SINGLE FAMILY-RESIDENTIAL), TO ADD "GROUP CHILD CARE HOME" AS AN ACCESSORY PERMITTED USE.

2.09 R3 (Single-Family Residential) District Intent, Permitted Uses, and Special Uses

A. District Intent

1. A district intent is not available for this zoning district.

B. Permitted Uses

1. Residential Permitted Uses
 - a. adult foster care group home
 - b. dwelling - one-family
2. Institutional Permitted Uses
 - a. government office
 - b. school - public
3. Recreational Permitted Uses
 - a. park

C. Other Use Regulations

1. Accessory Permitted Uses
 - a. family ~~day~~ **child** care home*
 - b. garage - private
 - c. greenhouse – private
 - d. group child care home**
 - e. home occupation*
 - f. parking facility - private off-street
 - g. parking - public, off-street*
 - h. renting of rooms*
 - i. sign
 - j. swimming pool - private
 - k. any use customarily incidental to the permitted principal use
2. Uses Requiring a Special Land Use Permit
 - a. assisted living
 - b. continued care retirement community
 - c. independent hospice facility
 - d. independent senior living
 - e. medical rehabilitation facility

- f. parking (accessory) - public, off-street
- g. philanthropic use
- h. public utility building
- i. publicly owned building
- j. religious institution
- k. school – private
- l. skilled nursing facility

* = Use Specific Standards in Section [5.02](#) Apply

(Ord. No. [2275](#), 10/08/2018)

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 2, SECTION 2.11 R4 (TWO-FAMILY RESIDENTIAL), TO ADD "FAMILY CHILD CARE HOME" AND "GROUP CHILD CARE HOME" AS AN ACCESSORY PERMITTED USE.

2.11 R4 (Two-Family Residential) District Intent, Permitted Uses, and Special Uses

A. District Intent

1. A district intent is not available for this zoning district.

B. Permitted Uses

1. Residential Permitted Uses

- a. adult foster care group home (R3)
- b. dwelling - one-family (R3)
- c. dwelling - two-family

2. Institutional Permitted Uses

- a. government office (R3)
- b. philanthropic use
- c. school – public (R3)

3. Recreational Permitted Uses

- a. park (R3)

C. Other Use Regulations

1. Accessory Permitted Uses

- a. family child care home**

- b. garage - private
- c. greenhouse – private

- d. group child care home**

- e. home occupation*
- f. parking facility - private off-street
- g. parking - public, off-street*
- h. renting of rooms*
- i. sign
- j. swimming pool - private
- k. any use customarily incidental to the permitted principal use

2. Uses Requiring a Special Land Use Permit

- a. assisted living
- b. continued care retirement community
- c. independent hospice facility

- d. independent senior living
- e. parking (accessory) - public, off-street
- f. philanthropic use
- g. public utility building
- h. publicly owned building
- i. religious institution
- j. school - private
- k. skilled nursing facility

* = Use Specific Standards in Section [5.03](#) Apply

() = Subject to Regulations of the Specified District
(Ord. No. [2276](#), 10/08/2018)

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 2, SECTION 2.13 R5 (MULTIPLE-FAMILY RESIDENTIAL), TO ADD "FAMILY CHILD CARE HOME" AND "GROUP CHILD CARE HOME" AS AN ACCESSORY PERMITTED USE.

2.13 R5 (Multiple-Family Residential) District Intent, Permitted Uses, & Special Uses

A. District Intent

1. A district intent is not available for this zoning district.

B. Permitted Uses

1. Residential Permitted Uses

- a. adult foster care group home (R4)
- b. dwelling - multiple-family
- c. dwelling - one-family (R4)
- d. dwelling - two-family (R4)

2. Institutional Permitted Uses

- a. government office (R4)
- b. philanthropic use (R4)
- c. school – public (R4)

3. Recreational Permitted Uses

- a. park (R4)

C. Other Use Regulations

1. Accessory Permitted Use

- a. family child care home**

- b. garage - private
- c. greenhouse – private

- d. group child care home**

- e. home occupation*
- f. parking facility - private off-street
- g. parking - public, off-street*
- h. renting of rooms*
- i. sign
- j. swimming pool - private
- k. any use customarily incidental to the permitted principal use

2. Uses Requiring a Special Land Use Permit

- a. assisted living
- b. continued care retirement community

- c. independent hospice facility
- d. independent senior living
- e. parking (accessory) - public, off-street
- f. philanthropic use
- g. public utility building
- h. publicly owned building
- i. religious institution
- j. school - private
- k. skilled nursing facility

* = Use Specific Standards in Section 5.03 Apply

() = Subject to Regulations of the Specified District

(Ord. No. 2277, 10/08/2018)

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 2, SECTION 2.15 R6 (MULTIPLE-FAMILY RESIDENTIAL), TO ADD "FAMILY CHILD CARE HOME" AND "GROUP CHILD CARE HOME" AS AN ACCESSORY PERMITTED USE.

2.15 R6 (Multiple-Family Residential) District Intent, Permitted Uses, & Special Uses

A. District Intent

1. A district intent is not available for this zoning district.

B. Permitted Uses

1. Residential Permitted Uses

- a. adult foster care group home (R5)
- b. dwelling - multiple-family (R5)
- c. dwelling - one-family (R5)
- d. dwelling - two-family (R5)

2. Institutional Permitted Uses

- a. government office (R5)
- b. philanthropic use (R5)
- c. school – public (R5)

3. Recreational Permitted Uses

- a. park (R5)
- b. swimming pool - semiprivate (R5)

C. Other Use Regulations

1. Accessory Permitted Uses

a. family child care home

- b. garage - private
- c. greenhouse – private

d. group child care home

- e. home occupation*
- f. parking facility - private off-street
- g. parking - public, off-street*
- h. renting of rooms*
- i. sign
- j. swimming pool - private
- k. any use customarily incidental to the permitted principal use

2. Uses Requiring a Special Land Use Permit

- a. assisted living
- b. community center
- c. continued care retirement community
- d. independent hospice facility
- e. independent senior living
- f. philanthropic use
- g. public utility building
- h. publicly owned building
- i. religious institution
- j. school - private
- k. skilled nursing facility
- l. social club

* = Use Specific Standards in Section 5.04 Apply

() = Subject to Regulations of the Specified District

(Ord. No. 2278, 10/08/2018)

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 2, SECTION 2.17 R7 (MULTIPLE-FAMILY RESIDENTIAL), TO ADD "FAMILY CHILD CARE HOME" AND "GROUP CHILD CARE HOME" AS AN ACCESSORY PERMITTED USE.

2.17 R7 (Multiple-Family Residential) District Intent, Permitted Uses, & Special Uses

A. District Intent

1. A district intent is not available for this zoning district.

B. Permitted Uses

1. Residential Permitted Uses

- a. adult foster care group home (R6)
- b. dwelling - multiple-family (R6)
- c. dwelling - multiple-family
- d. dwelling - one-family (R6)
- e. dwelling - two-family (R6)

2. Institutional Permitted Uses

- a. government office (R6)
- b. philanthropic use (R6)
- c. school – public (R6)

3. Recreational Permitted Uses

- a. park (R6)
- b. swimming pool - semiprivate (R6)

C. Other Use Regulations

1. Accessory Permitted Uses

a. family child care home

- b. garage - private
- c. greenhouse – private

d. group child care home

- e. home occupation*
- f. parking facility - private off-street
- g. parking - public, off-street*
- h. renting of rooms*
- i. sign
- j. swimming pool - private
- k. any use customarily incidental to the permitted principal use

2. Uses Requiring a Special Land Use Permit

- a. assisted living
- b. community center
- c. continued care retirement community
- d. independent hospice facility
- e. independent senior living
- f. parking - off-street
- g. public utility building
- h. publicly owned building
- i. religious institution
- j. school - private
- k. skilled nursing facility
- l. social club
- m. special-purpose housing*

* = Use Specific Standards in Section 5.05 Apply

() = Subject to Regulations of the Specified District

(Ord. No. 2279, 10/08/2018)

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 2, SECTION 2.19 R8 (ATTACHED SINGLE-FAMILY RESIDENTIAL), TO ADD "FAMILY CHILD CARE HOME" AND "GROUP CHILD CARE HOME" AS AN ACCESSORY PERMITTED USE.

2.19 R8 (Attached Single-Family Residential) District Intent, Permitted Uses, and Special Uses 

A. District Intent

1. A district intent is not available for this zoning district.

B. Permitted Uses

1. Residential Permitted Uses
 - a. adult foster care group home (R3)
 - b. dwelling - one-family (R3)
 - c. dwelling - single-family attached
2. Institutional Permitted Uses
 - a. government office (R3)
 - b. school – public (R3)
3. Recreational Permitted Uses
 - a. park (R3)

C. Other Use Regulations

1. Accessory Permitted Uses
 - a. family child care home**
 - b. garage - private
 - c. greenhouse – private
 - d. group child care home**
 - e. home occupation*
 - f. parking facility - private off-street
 - g. parking - public, off-street*
 - h. renting of rooms*
 - i. sign
 - j. swimming pool - private
 - k. any use customarily incidental to the permitted principal use
2. Uses Requiring a Special Land Use Permit
 - a. assisted living
 - b. church

- c. continued care retirement community
- d. independent hospice facility
- e. independent senior living
- f. skilled nursing facility

* = Use Specific Standards in Section 5.03 Apply

() = Subject to Regulations of the Specified District

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 2, SECTION 2.21 O (OFFICE), TO PERMIT BY RIGHT "CHILD CARE CENTER" AS A COMMERCIAL PERMITTED USE; PERMIT "FAMILY CHILD CARE HOME" AND "GROUP CHILD CARE HOME" AS AN ACCESSORY PERMITTED USE.

2.21 O1 (Office) District Intent, Permitted Uses, and Special Uses 01

A. District Intent

1. The O1 (Office) District is established to accommodate a mix of residential, office and public uses which are compatible with nearby residential uses.

B. Permitted Uses

1. Residential Permitted Uses
 - a. adult foster care group home
 - b. dwelling - multiple-family
 - c. dwelling - one-family (R5)
 - d. dwelling - two-family
 - e. live/work unit
2. Institutional Permitted Uses
 - a. government office
 - b. philanthropic use
 - c. school – public
3. Recreational Permitted Uses
 - a. park
 - b. swimming pool – semiprivate
4. Commercial Permitted Uses
 - a. barber shop/beauty salon
 - b. child care center**
 - c. hair replacement establishment
 - d. office
 - e. veterinary clinic*

C. Other Use Regulations

1. Accessory Permitted Uses
 - a. family child care home**
 - b. group child care home**
 - c. kennel*
 - d. laboratory - medical/dental*

- e. loading facility - off-street*
 - f. parking facility - off-street*
 - g. pharmacy*
 - h. outdoor cafe*
2. Uses Requiring a Special Land Use Permit
- a. assisted living
 - b. bistro (only permitted in the Triangle District)*
 - c. continued care retirement community
 - d. independent hospice facility
 - e. independent senior living
 - f. religious institution
 - g. skilled nursing facility

* = Use Specific Standards in Section 5.06 Apply

() = Subject to Regulations of the Specified District

(Ord. No. 2280, 10/08/2018)

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 2, SECTION 2.23 O2 (OFFICE/COMMERCIAL), TO PERMIT BY RIGHT "CHILD CARE CENTER" AS A COMMERCIAL PERMITTED USE; PERMIT "FAMILY CHILD CARE HOME" AND "GROUP CHILD CARE HOME" AS AN ACCESSORY PERMITTED USE.

2.23 O2 (Office/Commercial) District Intent, Permitted Uses, and Special Uses 02

A. District Intent

1. The O2 (Office/Commercial) District is established to accommodate a mix of residential, office, public and small scale commercial uses which are compatible with nearby residential uses.

B. Permitted Uses

1. Residential Permitted Uses
 - a. adult foster care group home
 - b. dwelling - multiple-family
 - c. dwelling - one-family (R5)
 - d. dwelling - two-family
 - e. live/work unit
2. Institutional Permitted Uses
 - a. government office
 - b. philanthropic use
 - c. school – public
3. Recreational Permitted Uses
 - a. park
 - b. swimming pool – semiprivate
4. Commercial Permitted Uses
 - a. art gallery
 - b. bakery
 - c. bank without drive-through facility
 - d. barber shop/beauty salon
 - e. boutique
 - f. child care center**
 - g. clinic
 - h. clothing store
 - i. flower/gift shop
 - j. hair replacement establishment

- k. interior design shop
- l. jewelry store
- m. leather and luggage goods shop
- n. office
- o. photography studio
- p. specialty food store
- q. specialty home furnishing shop
- r. tailor
- s. tobacconist
- t. veterinary clinic*

C. Other Use Regulations

1. Accessory Permitted Uses

a. family child care home

b. group child care home

c. kennel*

d. laboratory - medical/dental*

e. loading facility - off-street*

f. parking facility - off-street*

g. pharmacy*

h. outdoor cafe*

i. outdoor display*

j. commercial or office uses which are customarily incidental to the permitted principal uses of the same lot

2. Uses Requiring a Special Land Use Permit

a. assisted living

b. bank with drive-through facility

c. bistro (only permitted in the Triangle District)*

d. continued care retirement community

e. display of broadcast media devices (only permitted in conjunction with a gasoline service station)

f. establishments operating with a liquor license obtained under Chapter 10, Alcoholic Liquors, Article II, Division 3, Licenses for Economic Development (only permitted on those parcels within the Triangle District identified on Exhibit 1; Appendix C)

g. food or drink establishment*

h. independent hospice facility

i. independent senior living

j. skilled nursing facility

* = Use Specific Standards in Section 5.07 Apply

() = Subject to Regulations of the Specified District

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 2, SECTION 2.25 P (PARKING), TO PERMIT BY RIGHT "CHILD CARE CENTER" AS A COMMERCIAL PERMITTED USE; PERMIT "FAMILY CHILD CARE HOME" AND "GROUP CHILD CARE HOME" AS AN ACCESSORY PERMITTED USE.

2.25 P (Parking) District Intent, Permitted Uses, and Special Uses P

A. District Intent

1. A district intent is not available for this zoning district.

B. Permitted Uses

1. Residential Permitted Uses

- a. adult foster care group home (R7)
- b. dwelling - multiple-family (R7)
- c. dwelling - one-family (R7)
- d. dwelling - two-family (R7)
- e. live/work unit

2. Institutional Permitted Uses

- a. government office (R7)
- b. parking facility – off-street*
- c. philanthropic use (R7)
- d. school – public (R7)

3. Recreational Permitted Uses

- a. Park (R7)
- b. swimming pool – semiprivate (R7)

4. Commercial Permitted Uses

a. child care center

C. Other Use Regulations

1. Accessory Permitted Uses

a. family child care home

- b. garage - community
- c. garage - private
- d. greenhouse – private

e. group child care home

- f. home occupation*
- g. parking facility - private off-street
- h. parking - public, off-street*

- i. renting of rooms*
 - j. shelter building*
 - k. sign
 - l. swimming pool - private
 - m. any use customarily incidental to the permitted principal use
2. Uses Requiring a Special Land Use Permit
- a. assisted living
 - b. bistro (only permitted in the Triangle District)*
 - c. community center
 - d. continued care retirement community
 - e. independent hospice facility
 - f. independent senior living
 - g. parking - off-street
 - h. publicly owned building
 - i. public utility building
 - j. recreational club
 - k. religious institution
 - l. school - private
 - m. skilled nursing facility
 - n. social club

* = Use Specific Standards in Section 5.08 Apply

() = Subject to Regulations of the Specified District

(Ord. No. 2281, 10/08/2018)

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 2, SECTION 2.27 B1 (NEIGHBORHOOD BUSINESS), TO PERMIT BY RIGHT "CHILD CARE CENTER" AS A COMMERCIAL PERMITTED USE, AND REMOVE "CHILD CARE CENTER" AS A USE REQUIRING A SPECIAL LAND USE PERMIT.

2.27 B1 (Neighborhood Business) District Intent, Permitted Uses, and Special Uses **B1**

A. District Intent

1. The B1 (Neighborhood Business) District is established for the convenience of shopping for persons residing in adjacent residential areas to permit only such uses as are necessary to satisfy those limited basic shopping and/or service needs which by their very nature are not related to the shopping pattern of the general business district.

B. Permitted Uses

1. Institutional Permitted Uses
 - a. community center
 - b. government office
 - c. government use
 - d. religious institution
 - e. school - private
 - f. school - public
 - g. social club
2. Recreational Permitted Uses
 - a. recreational club
 - b. swimming pool – semiprivate
3. Commercial Permitted Uses
 - a. bakery
 - b. barber shop/beauty salon
 - c. child care center**
 - d. drugstore
 - e. dry cleaning
 - f. grocery store
 - g. hardware store
 - h. neighborhood convenience store
 - i. office
 - j. shoe store/shoe repair
 - k. tailor

4. Other Permitted Uses

- a. utility substation

C. Other Use Regulations

1. Accessory Permitted Uses

- a. alcoholic beverage sales*
- b. kennel*
- c. laboratory - medical/dental*
- d. loading facility - off-street*
- e. outdoor cafe
- f. outdoor display*
- g. parking facility - off-street*
- h. sign

2. Uses Requiring a Special Land Use Permit

- a. alcoholic beverage sales (off-premise consumption)
- b. alcoholic beverage sales (on-premise consumption)
- c. ~~child care center~~
- d. continued care retirement community
- e. independent hospice facility
- f. drive-in facility*
- g. gasoline full service station*
- h. skilled nursing facility

* = Use Specific Standards in Section 5.09 Apply

() = Subject to Regulations of the Specified District

(Ord. No. 2282, 10/08/2018)

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 2, SECTION 2.29 B2 (GENERAL BUSINESS), PERMIT "FAMILY CHILD CARE HOME" AND "GROUP CHILD CARE HOME" AS AN ACCESSORY PERMITTED USE.

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

A. District Intent

1. A district intent is not available for this zoning district.

B. Permitted Uses

1. Residential Permitted Uses

- a. dwelling - multiple-family
- b. dwelling - one-family*
- c. dwelling - two-family*
- d. live/work unit

2. Institutional Permitted Uses

- a. community center
- b. garage - public
- c. government office
- d. government use
- e. loading facility - off-street
- f. parking facility - off-street
- g. religious institution
- h. school - private
- i. school - public
- j. social club

3. Recreational Permitted Uses

- a. bowling alley
- b. outdoor amusement*
- c. recreational club
- d. swimming pool - public & semiprivate

4. Commercial Permitted Uses

- a. bakery
- b. bank
- c. barber shop/beauty salon
- d. catering
- e. child care center

- f. clothing store
- g. delicatessen
- h. department store
- i. drugstore
- j. dry cleaning
- k. flower/gift shop
- l. food or drink establishment*
- m. furniture
- n. greenhouse
- o. grocery store
- p. hardware store
- q. hotel
- r. jewelry store
- s. motel
- t. neighborhood convenience store
- u. office
- v. paint
- w. party store
- x. retail photocopying
- y. school-business
- z. shoe store/shoe repair
- aa. showroom of electricians/plumbers
- bb. tailor
- cc. theater*

5. Other Permitted Uses

- a. utility substation

C. Other Use Regulations

1. Accessory Permitted Uses

- a. alcoholic beverage sales (off-premise consumption)*
- b. family child care home**
- c. group child care home**
- d. kennel*
- e. laboratory - medical/dental*
- f. loading facility - off-street
- g. outdoor cafe*
- h. outdoor display*
- i. outdoor storage*
- j. parking facility - off-street
- k. retail fur sales cold storage facility

- l. sign
- 2. Uses Requiring a Special Land Use Permit
 - a. alcoholic beverage sales (on-premise consumption)
 - b. assisted living
 - c. auto laundry
 - d. auto sales agency
 - e. bistro (only permitted in the Triangle District or Rail District)*
 - f. bus/train passenger station and waiting facility
 - g. continued care retirement community
 - h. display of broadcast media devices (only permitted in conjunction with a gasoline service station)
 - i. drive-in facility
 - j. establishments operating with a liquor license obtained under Chapter 10, Alcoholic Liquors, Article II, Division 3, Licenses for Economic Development (only permitted on those parcels identified on Exhibit 1; Appendix C)
 - k. funeral home
 - l. gasoline full service station*
 - m. gasoline service station
 - n. independent hospice facility
 - o. independent senior living
 - p. skilled nursing facility
 - q. trailer camp
- 3. Uses Requiring City Commission Approval
 - a. regulated uses*

* = Use Specific Standards in Section 5.10 Apply

() = Subject to Regulations of the Specified District

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 2, SECTION 2.31 B2B (GENERAL BUSINESS), PERMIT "FAMILY CHILD CARE HOME" AND "GROUP CHILD CARE HOME" AS AN ACCESSORY PERMITTED USE

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

A. District Intent

1. A district intent is not available for this zoning district.

B. Permitted Uses

1. Residential Permitted Uses

- a. Residential Permitted Uses
- b. dwelling - multiple-family
- c. dwelling - one-family*
- d. dwelling - two-family*
- e. live/work unit

2. Institutional Permitted Uses

- a. community center
- b. garage - public
- c. government office
- d. government use
- e. loading facility - off-street
- f. parking facility - off-street
- g. religious institution
- h. school - private
- i. school - public
- j. social club

3. Recreational Permitted Uses

- a. bowling alley
- b. outdoor amusement*
- c. recreational club
- d. swimming pool - public & semiprivate

4. Commercial Permitted Uses

- a. auto sales agency
- b. bakery
- c. bank
- d. barber shop/beauty salon

- e. catering
- f. child care center
- g. clothing store
- h. delicatessen
- i. drugstore
- j. dry cleaning
- k. flower/gift shop
- l. food or drink establishment*
- m. furniture
- n. greenhouse
- o. grocery store
- p. hardware store
- q. hotel
- r. jewelry store
- s. motel
- t. neighborhood convenience store
- u. office
- v. paint
- w. party store
- x. retail photocopying
- y. school-business
- z. shoe store/shoe repair
- aa. showroom of electricians/plumbers
- bb. tailor
- cc. theater*

5. Other Permitted Uses

- a. utility substation

C. Other Use Regulations

1. Accessory Permitted Uses

- a. alcoholic beverage sales (off-premise consumption)*
- b. family child care home**
- c. group child care home**
- d. kennel*
- e. laboratory - medical/dental*
- f. loading facility - off-street
- g. outdoor cafe*
- h. outdoor display*
- i. outdoor storage*
- j. parking facility - off-street

- k. retail fur sales cold storage facility
- l. sign
- 2. Uses Requiring a Special Land Use Permit
 - a. alcoholic beverage sales (on-premise consumption)
 - b. assisted living
 - c. auto laundry
 - d. bistro (only permitted in the Triangle District or Rail District)*
 - e. bus/train passenger station and waiting facility
 - f. continued care retirement community
 - g. display of broadcast media devices (only permitted in conjunction with a gasoline service station)
 - h. drive-in facility
 - i. establishments operating with a liquor license obtained under Chapter 10, Alcoholic Liquors, Article II, Division 3, Licenses for Economic Development (only permitted on those parcels identified on Exhibit 1; Appendix C)
 - j. funeral home
 - k. gasoline full service station*
 - l. gasoline service station
 - m. independent hospice facility
 - n. independent senior living
 - o. skilled nursing facility
 - p. trailer camp
- 3. Uses Requiring City Commission Approval
 - a. regulated uses*

* = Use Specific Standards in Section 5.10 Apply

() = Subject to Regulations of the Specified District

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 2, SECTION 2.33 B2C (GENERAL BUSINESS), PERMIT "FAMILY CHILD CARE HOME" AND "GROUP CHILD CARE HOME" AS AN ACCESSORY PERMITTED USE.

2.33 B2C (General Business) District Intent, Permitted Uses, and Special Uses B2C

A. District Intent

1. A district intent is not available for this zoning district.

B. Permitted Uses

1. Residential Permitted Uses

- a. dwelling - multiple-family
- b. dwelling - one-family*
- c. dwelling - two-family*
- d. live/work unit

2. Institutional Permitted Uses

- a. community center
- b. garage - public
- c. government office
- d. government use
- e. loading facility - off-street
- f. parking facility - off-street
- g. religious institution
- h. school - private
- i. school - public
- j. social club

3. Recreational Permitted Uses

- a. bowling alley
- b. outdoor amusement*
- c. recreational club
- d. swimming pool - public & semiprivate

4. Commercial Permitted Uses

- a. auto sales agency
- b. bakery
- c. bank
- d. barber shop/beauty salon
- e. catering

- f. child care center
- g. clothing store
- h. delicatessen
- i. drugstore
- j. dry cleaning
- k. flower/gift shop
- l. food or drink establishment*
- m. furniture
- n. greenhouse
- o. grocery store
- p. hardware store
- q. hotel
- r. jewelry store
- s. motel
- t. neighborhood convenience store
- u. office
- v. paint
- w. party store
- x. retail photocopying
- y. school-business
- z. shoe store/shoe repair
- aa. showroom of electricians/plumbers
- bb. tailor
- cc. theater*

5. Other Permitted Uses

- a. utility substation

C. Other Use Regulations

1. Accessory Permitted Uses

- a. alcoholic beverage sales (off-premise consumption)*
- b. family child care home**
- c. group child care home**
- d. kennel*
- e. laboratory - medical/dental*
- f. loading facility - off-street
- g. outdoor cafe*
- h. outdoor display*
- i. outdoor storage*
- j. parking facility - off-street
- k. sign

2. Uses Requiring a Special Land Use Permit
 - a. alcoholic beverage sales (on-premise consumption)
 - b. auto laundry
 - c. bus/train passenger station and waiting facility
 - d. drive-in facility
 - e. funeral home
 - f. gasoline full service station*
 - g. gasoline service station
 - h. trailer camp

3. Uses Requiring City Commission Approval
 - a. regulated uses*

* = Use Specific Standards in Section 5.10 Apply
(Ord. No. 2285, 10/08/2018)

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 2, SECTION 2.35 B3 (OFFICE RESIDENTIAL), TO PERMIT BY RIGHT "CHILD CARE CENTER" AS A COMMERCIAL PERMITTED USE; PERMIT "FAMILY CHILD CARE HOME" AND "GROUP CHILD CARE HOME" AS AN ACCESSORY PERMITTED USE.

2.35 B3 (Office-Residential) District Intent, Permitted Uses, and Special Uses

A. District Intent

1. A district intent is not available for this zoning district.

B. Permitted Uses

1. Residential Permitted Uses

- a. dwelling - multiple-family
- b. dwelling - multiple-family combined with commercial uses in the same building complex
- c. live/work unit

2. Institutional Permitted Uses

- a. Bus/train passenger waiting facility

3. Commercial Permitted Uses

- a. art gallery
- b. auto show room
- c. bank
- d. barber shop/beauty salon
- e. child care center**
- f. clothing store
- g. coffee shop
- h. delicatessen
- i. department store
- j. drugstore
- k. dry cleaning*
- l. flower/gift shop
- m. health club/studio
- n. hotel
- o. jewelry store
- p. laundry*
- q. office
- r. retail photocopying

- s. restaurant*
- t. school - business
- u. shoe store/shoe repair
- 4. Other Permitted Uses
 - a. utility substation
- C. Other Use Regulations
 - 1. Accessory Permitted Uses
 - a. family child care home**
 - b. group child care home**
 - c. laboratory - medical/dental*
 - d. loading facility - off-street
 - e. outdoor cafe*
 - f. outdoor display*
 - g. outdoor storage*
 - h. parking facility - off-street
 - i. parking structure
 - j. shelter building*
 - k. sign
 - l. swimming pool - public
 - 2. Uses Requiring a Special Land Use Permit
 - a. alcoholic beverage sales (on premise consumption)
 - b. assisted living
 - c. continued care retirement community
 - d. independent hospice facility
 - e. independent senior living
 - f. skilled nursing facility

* = Use Specific Standards in Section [5.11](#) Apply

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 2, SECTION 2.37 B4 (BUSINESS-RESIDENTIAL), PERMIT "FAMILY CHILD CARE HOME" AND "GROUP CHILD CARE HOME" AS AN ACCESSORY PERMITTED USE.

2.37 B4 (Business-Residential) District Intent, Permitted Uses, and Special Uses

A. District Intent

1. A district intent is not available for this zoning district.

B. Permitted Uses

1. Residential Permitted Uses

- a. dwelling - multiple-family
- b. dwelling - one-family*
- c. dwelling - two-family*
- d. live/work unit

2. Institutional Permitted Uses

- a. community center
- b. garage - public
- c. government office
- d. government use
- e. loading facility - off-street
- f. parking facility - off-street
- g. religious institution
- h. school - private
- i. school - public
- j. social club

3. Recreational Permitted Uses

- a. bowling alley
- b. outdoor amusement*
- c. recreational club
- d. swimming pool - public & semiprivate

4. Commercial Permitted Uses

- a. auto sales agency
- b. bakery
- c. bank
- d. barber shop/beauty salon
- e. catering

- f. child care center
- g. clothing store
- h. delicatessen
- i. department store
- j. drugstore
- k. dry cleaning
- l. flower/gift shop
- m. food or drink establishment*
- n. furniture
- o. greenhouse
- p. grocery store
- q. hardware store
- r. hotel
- s. jewelry store
- t. motel
- u. neighborhood convenience store
- v. office
- w. paint
- x. party store
- y. retail photocopying
- z. school-business
- aa. shoe store/shoe repair
- bb. showroom of electricians/plumbers
- cc. tailor
- dd. theater*

5. Other Permitted Uses

- a. utility substation

C. Other Use Regulations

1. Accessory Permitted Uses

- a. alcoholic beverage sales (off-premise consumption)*
- b. family child care home**
- c. group child care home**
- d. laboratory - medical/dental*
- e. loading facility - off-street
- f. outdoor cafe*
- g. outdoor display*
- h. parking facility - off-street
- i. retail fur sales cold storage facility
- j. sign

2. Uses Requiring a Special Land Use Permit
 - a. alcoholic beverage sales (on-premise consumption)
 - b. assisted living
 - c. continued care retirement community
 - d. establishments operated with a liquor license obtained under Chapter 10, Alcoholic Liquors, Article II, Division 5, Licenses for Theaters and Hotels
 - e. independent hospice facility
 - f. independent senior living
 - g. skilled nursing facility
3. Uses Requiring City Commission Approval
 - a. regulated uses*

* = Use Specific Standards in Section 5.12 Apply

(Ord. No. 2269, 05/14/2018; Ord. No. 2286, 10/08/2018)

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 2, SECTION 2.39 B4 (BUSINESS-RESIDENTIAL), PERMIT "FAMILY CHILD CARE HOME" AND "GROUP CHILD CARE HOME" AS AN ACCESSORY PERMITTED USE; REMOVE "FAMILY DAY CARE HOME" AND "GROUP DAY CARE HOME" FROM RESIDENTIAL PERMITTED USES.

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

A. District Intent

1. The MX (Mixed Use) District is established to:
 - a. Encourage and direct development within the boundaries of the Eton Road Mixed Use District and implement the Eton Road Corridor Plan.
 - b. Encourage residential and nonresidential uses that are compatible in scale with adjacent residential neighborhoods.
 - c. Encourage the retention, improvement, and expansion of existing uses that help define the Eton Road Corridor.
 - d. Allow mixed use developments including residential uses within the Eton Road Corridor.
 - e. Minimize the adverse effects of nonresidential traffic on the adjacent residential neighborhood.

B. Permitted Uses

1. Residential Permitted Uses
 - a. ~~family day care home*~~
 - b. ~~group day care home*~~
 - c. live/work unit
 - d. residential use combined with permitted nonresidential use in the same building complex
2. Institutional Permitted Uses
 - a. bus/train passenger station
 - b. government office
 - c. government use
 - d. publicly owned building
3. Recreational Permitted Uses
 - a. indoor/outdoor recreational facility
 - b. park
 - c. swimming pool - public, semipublic
4. Commercial Permitted Uses

- a. animal medical hospital
 - b. art gallery
 - c. artisan use
 - d. auto rental agency*
 - e. automobile repair and conversion
 - f. bakery
 - g. barber shop/beauty salon
 - h. boutique
 - i. catering
 - j. child care center
 - k. clothing store
 - l. drugstore
 - m. dry cleaning
 - n. flower/gift shop
 - o. food or drink establishment*
 - p. furniture
 - q. greenhouse
 - r. grocery store
 - s. hardware store
 - t. health club/studio
 - u. interior design shop
 - v. jewelry store
 - w. kennel*
 - x. laboratory
 - y. leather and luggage goods shop
 - z. neighborhood convenience store
 - aa. office
 - bb. pet grooming facility
 - cc. photography studio
 - dd. shoe store/shoe repair
 - ee. specialty food store
 - ff. specialty home furnishing shop
 - gg. tailor
 - hh. tobacconist
 - ii. veterinary clinic
5. Industrial Permitted Uses
- a. light industrial uses
 - b. warehousing
6. Other Permitted Uses

- a. gas regulatory station
- b. telephone exchange building
- c. utility substation

C. Other Use Regulations

1. Accessory Permitted Uses

- a. Alcoholic beverage sales*
- b. Dwelling - accessory*
- c. family child care home**
- d. Garage - private
- e. Greenhouse – private
- f. group child care home**
- g. Home occupation
- h. Loading facility - off-street*
- i. Outdoor cafe*
- j. Outdoor sales or display of goods*
- k. Parking facility - off-street*
- l. Parking Structure*
- m. Renting of Rooms*
- n. Sign
- o. Swimming Pool - private

2. Uses Requiring a Special Land Use Permit

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

3. Uses Requiring City Commission Approval

- a. assisted living

- b. continued care retirement community
- c. independent hospice facility
- d. independent senior living
- e. regulated uses*
- f. skilled nursing facility

* = Use Specific Standards in Section 5.13 Apply

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 2, SECTION 2.41 TZ1 (TRANSITION ZONE), TO ADD "GROUP CHILD CARE HOME" AS AN ACCESSORY PERMITTED USE.

2.41 TZ1 (Transition Zone) District Intent, Permitted Uses, and Special Uses

A. District Intent

1. The TZ1 (Transition Zone) District is established to:
 - a. Provide for a reasonable and orderly transition from, and buffer between commercial uses and predominantly single family residential areas or for property which either has direct access to a major traffic road or is located between major traffic roads and predominantly single-family residential areas.
 - b. Develop a fully integrated, mixed-use, pedestrian-oriented environment between residential and commercial districts by providing for graduated uses from the less intense residential areas to the more intense commercial areas.
 - c. Plan for future growth of transitional uses which will protect and preserve the integrity and land values of residential areas.
 - d. Regulate building height and mass to achieve appropriate scale along streetscapes to ensure proper transition to nearby residential neighborhoods.
 - e. Regulate building and site design to ensure compatibility with adjacent residential neighborhoods.
 - f. Encourage right-of-way design that calms traffic and creates a distinction between less intense residential areas and more intense commercial areas.

B. Permitted Uses

1. Residential Permitted Uses
 - a. dwelling - attached single family
 - b. dwelling - multiple-family
 - c. dwelling - one-family (R3)

C. Other Use Regulations

1. Accessory Permitted Uses
 - a. family **child** day care home
 - b. group child care home**
 - c. home occupation*
 - d. parking facility - private off-street
 - e. parking - off-street
2. Uses Requiring a Special Land Use Permit
 - a. assisted living

- b. independent hospice facility
- c. independent senior living
- d. skilled nursing facility

* = Use Specific Standards in Section [5.13](#) Apply

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 2, SECTION 2.43 TZ2 (TRANSITION ZONE), TO PERMIT BY RIGHT "CHILD CARE CENTER" AS A COMMERCIAL PERMITTED USE, AND ADD "GROUP DAY CARE HOME" AS AN ACCESSORY PERMITTED USE.

2.43 TZ2 (Transition Zone) District Intent, Permitted Uses, and Special Uses

A. District Intent

1. Provide for a reasonable and orderly transition from, and buffer between commercial uses and predominantly single-family residential areas or for property which either has direct access to a major traffic road or is located between major traffic roads and predominantly single-family residential areas.
2. Develop a fully integrated, mixed-use, pedestrian-oriented environment between residential and commercial districts by providing for graduated uses from the less intense residential areas to the more intense commercial areas.
3. Plan for future growth of transitional uses which will protect and preserve the integrity and land values of residential areas.
4. Regulate building height and mass to achieve appropriate scale along streetscapes to ensure proper transition to nearby residential neighborhoods.
5. Regulate building and site design to ensure compatibility with adjacent residential neighborhoods.
6. Encourage right-of-way design that calms traffic and creates a distinction between less intense residential areas and more intense commercial areas.

B. Permitted Uses

1. Residential Permitted Uses
 - a. dwelling – attached single family
 - b. dwelling – single family (R3)
 - c. dwelling – multi-family
2. Commercial Permitted Uses
 - a. art gallery
 - b. artisan use
 - c. barber/beauty salon
 - d. bookstore
 - e. boutique
 - f. child care center**
 - g. drugstore
 - h. gift shop/flower shop

- i. hardware
- j. jewelry store
- k. neighborhood convenience store
- l. office
- m. tailor

C. Other Use Regulations

1. Accessory Permitted Uses

- a. family **child** ~~day~~ care home
- b. group child care home**
- c. home occupation*
- d. parking – off-street

2. Uses Requiring a Special Land Use Permit

- a. any permitted commercial use with interior floor area over 3,000 sq. ft. per tenant
- b. assisted living
- c. bakery
- d. bank/credit union with drive-thru
- e. coffee shop
- f. essential services
- g. food and drink establishment
- h. government office/use
- i. grocery store
- j. health club/studio
- k. independent hospice facility
- l. independent senior living
- m. religious institution
- n. school – private and public
- o. skilled nursing facility
- p. specialty food shop

(Ord. No. 2237, 06/12/2017; Ord. No. 2288, 10/08/2018)

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 2, SECTION 2.45 TZ3 (TRANSITION ZONE), TO PERMIT BY RIGHT "CHILD CARE CENTER" AS A COMMERCIAL PERMITTED USE, AND ADD "GROUP DAY CARE HOME" AS AN ACCESSORY PERMITTED USE.

2.45 TZ3 (Transition Zone) District Intent, Permitted Uses, and Special Uses

A. District Intent

1. The TZ3 (Transition Zone) District is established to:
 - a. Provide for a reasonable and orderly transition from, and buffer between commercial uses and predominantly single family residential areas or for property which either has direct access to a major traffic road or is located between major traffic roads and predominantly single-family residential areas.
 - b. Develop a fully integrated, mixed-use, pedestrian-oriented environment between residential and commercial districts by providing for graduated uses from the less intense residential areas to the more intense commercial areas.
 - c. Plan for future growth of transitional uses which will protect and preserve the integrity and land values of residential areas.
 - d. Regulate building height and mass to achieve appropriate scale along streetscapes to ensure proper transition to nearby residential neighborhoods.
 - e. Regulate building and site design to ensure compatibility with adjacent residential neighborhoods.
 - f. Encourage right-of-way design that calms traffic and creates a distinction between less intense residential areas and more intense commercial areas.

B. Permitted Uses

1. Residential Permitted Uses
 - a. dwelling - attached single family
 - b. dwelling - multiple-family
 - c. dwelling - one-family (R3)
2. Commercial Permitted Uses
 - a. art gallery
 - b. artisan use
 - c. barber shop/beauty salon
 - d. bookstore
 - e. boutique
 - f. child care center**
 - g. drugstore

- h. gift shop/flower shop
- i. hardware store
- j. health club/studio
- k. jewelry store
- l. neighborhood convenience store
- m. office
- n. tailor

C. Other Use Regulations

1. Accessory Permitted Uses

- a. family **child day** care home
- b. group child care home**
- c. home occupation
- d. parking – off-street

2. Uses Requiring a Special Land Use Permit

- a. any permitted commercial use with interior floor area over 4,000 sq. ft. per tenant
- b. assisted living
- c. bakery
- d. bank/credit union with drive-thru
- e. coffee shop
- f. delicatessen
- g. dry cleaning
- h. essential services
- i. food or drink establishment
- j. government office
- k. government use
- l. grocery store
- m. independent hospice facility
- n. independent senior living
- o. parking structure
- p. religious institution
- q. school - private
- r. school - public
- s. skilled nursing facility
- t. specialty food store
- u. veterinary clinic

(Ord. No. 2239, 06/12/2017; Ord. No. 2289, 10/08/2018)

ORDINANCE NO. _____

TO AMEND APPENDIX A LAND USE MATRIX TO REFLECT CHANGES.

[illegible]

Zoning Audit for Child Care Readiness

City of Birmingham, Michigan

August 22, 2024

Zoning Audit conducted by:



MCKENNA

235 East Main Street, Suite 105
Northville, Michigan 48167

This audit was conducted in conjunction with Pulse at the W.E. Upjohn Institute for Employment Research, with funding from Early Childhood Investment Corporation.



Introduction



BACKGROUND

A robust child care system, which meets the needs of all families requiring child care services, is an economic development issue and critical to a community's quality of life. A child care ready community is:

- Informed of the need for child care facilities.
- Organized to address identified short falls.
- Connected to people and organizations that provide support.
- Supportive of the unique needs of vulnerable groups. The community understands that it is only child care ready if everyone in the community has access to good, affordable child care close to home and work.

REPORT ORGANIZATION

This audit is an evaluation of the City of Birmingham's zoning regulations to assess child care readiness by identifying provisions and standards that may either enable or hinder child care development and operation. In a zoning ordinance, there are often three main sections where barriers to establishing and/or expanding child care facilities are found. Each of these sections will be addressed individually. This audit will also help Birmingham ensure compliance with the Michigan Zoning and Enabling Act, PA 110 of 2006, as amended (MZEA).

This zoning audit addresses these key sections:

Part 1: Definitions

Part 2: Permitted Uses

Part 3: Specific Use
Standards

Part 4: Appendix and
References

This zoning ordinance audit is a first step to identifying barriers in Birmingham's zoning regulations to become more child care ready!

Zoning is a key tool for implementation and action!

A zoning ordinance is a living document, which means that it must evolve to changes within the community as well as changes outside of the community, such as amendments in the law or court decisions that create new precedents.

Zoning is one of the primary tools the community can use to implement access to quality child care.

Part 1:

Definitions

Zoning ordinance definitions are crucial as they offer clarity and precision in communication, ensuring that everyone interprets a particular term or concept in the same way.

ZONING AUDIT OBSERVATIONS

Audit Questions	Yes	No
1. Does your zoning ordinance define child care facilities?	X	
2. Do your definitions differentiate child care facilities by type? (ex: family group home vs. child care center).	X	
3. Do your definitions align with LARA definitions?		X

SUMMARY OF RECOMMENDED ORDINANCE AMENDMENTS

Changes	Rationale
Art. 9.02 Change definitions terminology from “day care, family home” and “day care, group home” to “family child care home” and “group child care home”, respectively.	To ensure alignment with LARA definitions
Art. 9.02 Change language in definition of family child care home and group child care home from “a dwelling” to “a private home”.	To ensure compliance with LARA definitions.
Art. 9.02 Update definitions to align with LARA and State Legislation (Group child care homes can care for 8 to 14 children, if they meet Public Act 106 of 2022 increased capacity standards).	To ensure alignment with LARA and State Law.
Art. 9.02 Update definitions to align with LARA and State Legislation (Family child care homes can care for 1 to 7 minor children).	To ensure alignment with LARA and State Law.

Part 2:

Permitted Uses

In zoning ordinances, *permitted land uses* are allowed by right without the need for additional approvals, while *special land uses* require additional review and approval due to their potential impact on the community. The appendix at the end of this report details MZEA requirements for family and group child care home locations. The table below details where child care facilities are permitted currently in the community.

ZONING AUDIT OBSERVATIONS

	Birmingham Zoning Districts											
	PP Public Property	R1A Single Family Residential	R1 Single Family Residential	R2 Single Family Residential	R3 Single Family Residential	R4 Two-Family Residential	R5 Multiple-Family Residential	R6 Multiple-Family Residential	R7 Multiple-Family Residential	R8 Attached Single-Family Residential	O1 Office	O2 Office/Commercial
Family Child Care Homes		A*	A*	A*	A*							
Group Child Care Homes												
Child Care Centers												

P = Permitted by Right, S = Permitted by Special Land Use, A = Accessory Use (* = with Specific Standards)

	Birmingham Zoning Districts (cont.)										
	P Parking	B1 Neighborhood Business	B2 General Business	B2B General Business	B2C General Business	B3 Office-Residential	B4 Business-Residential	MX Mixed Use	TZ1 Transitional Zone 1	TZ2 Transitional Zone 2	TZ3 Transitional Zone 3
Family Child Care Homes								P*	A	A**	A
Group Child Care Homes								P*			
Child Care Centers		S	P	P	P		P	P			

P = Permitted by Right, S = Permitted by Special Land Use, A = Accessory Use (* = with Specific Standards), ** = Land Use Matrix (App. A) and District Regulations (Art. 2) do not align

SUMMARY OF RECOMMENDED ORDINANCE AMENDMENTS

Changes	Rationale
Art. 2 App. A Change terminology from “family day care home”, and “group day care home”, to “family child care home”, and “group child care home”, respectively, in Appendix A Land Use Matrix and throughout district regulations (Art. 2).	To ensure alignment with LARA definitions (see Part 1)
App. A Ensure family child care home, group child care home, and child care center are all explicitly listed in Appendix A Land Use Matrix. (Add group child care home to commercial land use category)	To clarify where child care facilities are permitted.
App. A Art. 2.03-2.20 Permit family child care homes by right in every residential district (R1A, R1, R2, R3, R4, R5, R6, R7, R8)	To ensure compliance with MZEA (2006 PA 110, MCL 325.32016).
App. A Art. 2.03-2.20 Permit group child care homes by right in every residential district (R1A, R1, R2, R3, R4, R5, R6, R7, R8)	As a best practice for allowing increased capacity for in-home child care.
App. A, Art. 2.20-2.46 Permit child care centers by right in all commercial districts (O-1, O2, P, B1, B2, B2B, B2C, B3, B4, MX, TZ1, TZ2, TZ3).	To allow for child care centers by right in districts designed for commercial and mixed-use businesses.

Part 3:

Specific Use Standards

Use standards in a zoning ordinance define specific criteria and regulations that must be met for the development, operation, or modification of specific uses, such as child care facilities. The appendix at the end of this report details LARA standards for common child care facility use standards. This can be helpful to determine if the City of Birmingham's ordinance is more restrictive than LARA standards.

ZONING AUDIT OBSERVATIONS

Audit Questions	Yes	No
1. Does your ordinance allow child care facilities to operate at all hours? <i>Ordinance language that may hinder child care facilities includes limitations on operable hours (ex: only from 6:00 AM – 10:00 PM) or duration limits (ex: no more than 12 hours per day).</i>		X
2. Does your ordinance align with LARA's outdoor space minimum requirements? <i>Ordinance language that may hinder child care facilities includes requirements for outdoor play areas that exceed LARA's outdoor space minimums (Ex: over 400 sq. ft. for family child care homes, over 600 sq. ft. for family group homes, over 1,200 for child care centers).</i>	X	
3. Does your ordinance allow child care facilities anywhere in permitted districts? <i>Ordinance language that may hinder child care facilities includes buffering standards (Ex: 1,500 ft from another child care facility or other use) or location requirements (Ex: only permitted on a major thoroughfare or on corner lots).</i>		X
4. Does your ordinance allow any amount of parking for child care facilities? <i>Ordinance language that may hinder child care facilities includes parking minimums (Ex: 1 space for every 4 children) and drop-off/pick-up zone requirements (Ex: 5 stacking spaces for drop-offs and pick-ups).</i>	X	
5. Are your ordinance's general lighting standards the same as lighting standards for child care facilities? <i>Ordinance language that may hinder child care facilities includes requiring additional lighting above the general lighting requirements (Ex: requiring lighting when not in operation).</i>	X	
6. Are your ordinance's general screening standards the same as screening standards for child care facilities? <i>Ordinance language that may hinder child care facilities includes requiring certain types of screening for child care facilities (Ex: requiring masonry wall screening) or excessive screening (EX: requiring the entire lot to be screened, rather than just the outdoor play areas).</i>		X
7. Are your ordinance's sign standards the same as sign standards for child care facilities? <i>Ordinance language that may hinder child care facilities includes limitations on signage permitted (Ex: only allowing a ground sign or a wall sign) or limitations on home occupation signage (Ex: limiting or prohibiting home occupation signage).</i>		X
8. Are your ordinance's noise standards the same as noise standards for child care facilities? <i>Ordinance language that may hinder child care facilities includes imposing additional noise standards on child care facilities (Ex: specifying that noise must not exceed certain decibels or requiring noise mitigating measures)</i>	X	
9. If your ordinance has architectural standards, are they objective rather than subjective? <i>Ordinance language that may hinder child care facilities includes discretionary architectural standards (Ex: requiring consistency with the character of the existing neighborhood).</i>		X

SUMMARY OF RECOMMENDED ORDINANCE AMENDMENTS

Changes		Rationale
Remove Art. 5.02.A	Remove Art. 5.02.A.1	To eliminate the fee for family child care homes, which may cause a financial barrier for these child care facilities.
	Remove Art. 5.02.A.2	To eliminate a redundant standard that LARA already requires.
	Remove Art. 5.02.A.3	To eliminate a redundant standard that LARA already requires.
	Remove Art. 5.02.A.4	To eliminate standards that exceed the LARA requirements.
	Remove Art. 5.02.A.5	To eliminate hours of operation, which may not allow for child care for those working non-standard hours.
	Remove Art. 5.02.A.6	To allow for signage for family child care homes so that families, visitors, and emergency services can locate the family child care home.
	Remove Art. 5.02.A.7	To remove excessive buffering standards.
	Remove Art. 5.02.A.8	To eliminate hours of operation, which may not allow for child care for those working non-standard hours.
Remove Art. 5.13.E	Remove Art. 5.13.E.1	To eliminate the fee for family child care homes, which may cause a financial barrier for these child care facilities.
	Remove Art. 5.13.E.2	To eliminate a redundant standard that LARA already requires.
	Remove Art. 5.13.E.3	To eliminate a redundant standard that LARA already requires.
	Remove Art. 5.13.E.4	To eliminate standards that exceed the LARA requirements.
	Remove Art. 5.13.E.5	To eliminate hours of operation, which may not allow for child care for those working non-standard hours.
	Remove Art. 5.13.E.6	To allow for signage for family child care homes so that families, visitors, and emergency services can locate the family child care home.
	Remove Art. 5.13.E.7	To remove excessive buffering standards.
	Remove Art. 5.13.E.8	To eliminate hours of operation, which may not allow for child care for those working non-standard hours.
Add "Child Care Centers" to Art. 7.08 to exempt from Design Review.		To exempt child care centers from design review, which is cost prohibitive and subjective.

Part 4:

Appendix and References

MZEA PROVISIONS FOR FAMILY AND GROUP CHILD CARE HOME LOCATIONS

The chart below details the MZEA regulations, which permit family child care homes by right, and not requiring special land use or additional approvals, in all residential districts for all municipalities. Additionally, group child care homes are permitted by right in every city or village residential district. While group child care homes may be subject to special land use or additional approvals in counties or townships, they must be approved if they conform to the standards provided by the MZEA. **Counties and townships also do not have to subject group child care homes to special land use or additional approvals.**

Child Care Facility Type	City / Village	County / Township
Family Child Care Homes	Must be permitted by right in every residential district	Must be permitted by right in every residential district
Group Child Care Homes	May be permitted by special land use in residential districts	Must be permitted as special land use if the following criteria are met: 1,500-feet away from: - Another licensed group child care home - An adult foster care small group home or large group home - A facility offering substance use disorder services to 7 or more people - A community correction center, resident home, or halfway house - Has appropriate fencing for the safety of the children in the group child care home as determined by the local unit of government - Maintains the property consistent with the visible characteristics of the neighborhood. - Does not exceed 16 hours of operation during a 24-hour period. - Meets regulations, if any, governing signs. - Meets regulations, if any to provide off-street parking accommodations for his or her employees.

Michigan Zoning Enabling Act (2006 PA 110, MCL 325.32016).

LARA CHILD CARE PROVISIONS

Below is a chart detailing LARA's regulation on use standards commonly found in zoning ordinances. Many of the additional use standards found in zoning ordinances are not required by LARA. Eliminating excessive use standards will not compromise the safety of child care facilities, as they remain under the licensure of LARA. The standards, along with inspections, have been evaluated by the State to ensure the safety of these facilities.

Use Standards of a Typical Zoning Ordinance	LARA Standards		
	Family Child Care Home	Group Child Care Home	Child Care Center
Outdoor Space	400 sq.ft. min.	600 sq.ft. min.	1,200 sq.ft. min.* *More than 1,200 sq.ft. of outdoor play area may be required when the minimum amount is not adequate for the number of children for which the center is licensed.
Hours of Operation	None		
Separation Standards	None		Child care centers in multi-unit buildings may not be in close proximity of hazardous or intensive use.
Screening / Fencing	Barriers must exist to prevent children from gaining access to any swimming pool, drainage ditch, well, natural or constructed pond, or other body of open water located on or adjacent to the property where the child care home is located. Barriers must be a minimum of 4 feet in height and appropriately secured to prevent children from gaining access to such areas.		Outdoor play areas must be protected from hazards, when necessary, by a fence or natural barrier that is at least 48-inches in height.
Parking	None		
Lighting	None		When nighttime care is provided, all exit signs shall be illuminated, and emergency lighting provided at the interior and exterior of the exits.
Design Guidelines	None		
Noise Standards	None		

Zoning Recommendations for Child Care Readiness

City of Birmingham, Michigan

August 22, 2024

Zoning Recommendations provided by:



MCKENNA

235 East Main Street, Suite 105
Northville, Michigan 48167

This report was created in conjunction with Pulse at the W.E. Upjohn Institute for Employment Research, with funding from Early Childhood Investment Corporation.



Introduction



BACKGROUND

A robust child care system, which meets the needs of all families requiring child care services, is an economic development issue and critical to a community's quality of life. A child care ready community is:

- Informed of the need for child care facilities.
- Organized to address identified short falls.
- Connected to people and organizations that provide support.
- Supportive of the unique needs of vulnerable groups. The community understands that it is only child care ready if everyone in the community has access to good, affordable child care close to home and work.

Building on the Zoning Audit, this document offers text amendment recommendations. These recommendations represent best practices for removing barriers to child care and encouraging child care development. However, it is essential to determine if these recommendations align with your community's goals and priorities.

REPORT ORGANIZATION

This report contains the following key sections:

Part 1: Incentives Background

Part 2: Policy and Procedure
Recommendations

Part 3: Zoning Ordinance Text
Amendment Recommendations

These suggestions should be used to propose and adopt zoning ordinance changes but may be adjusted when discussing them with the planning commission, city council, city staff, or other stakeholders.

Zoning is a key tool for implementation and action!

A zoning ordinance is a living document, which means that it must evolve to changes within the community as well as changes outside of the community, such as amendments in the law or court decisions that create new precedents.

Zoning is one of the primary tools the community can use to implement access to quality child care.

Part 1:

Incentives Background

Using incentives can actively promote child care development by offering tangible benefits to developers, making it more attractive for them to include child care facilities in their projects. **While eliminating barriers in the zoning ordinance is crucial, combining this with incentives creates a proactive approach that not only removes obstacles but also motivates investment in child care infrastructure.**

ZONING INCENTIVES

Zoning incentives that could be implemented to encourage child care development include:

- **Density Bonuses:** Provide additional unit or square foot bonuses in a mixed-use development or planned unit development (PUD), or other flexible development tools available in your community.
- **Dimensional Standards Adjustments:** Allow for increases to the minimum or maximum dimensional standards (such as setbacks, building heights, lot coverage percentages, etc.) for sites and facilities that accommodate child care facilities.
- **Parking and Space Flexibility:** Adjusting parking requirements and allowing shared spaces to make it easier to integrate child care facilities into existing developments.

Offering development incentives within the zoning ordinance will encourage not only the development of new child care facilities, but also the inclusion of child care facilities in new and existing projects.

PROCEDURAL INCENTIVES

Procedural incentives that could be implemented to encourage child care development include:

- **Municipal Fees:** Reduce or waive local fees for child care facilities.
- **Streamlined Process:** Encourage and offer free pre-development meetings for child care facilities. This allows potential child care providers to receive feedback from different municipal departments early in the process.

Incentivizing child care by reducing fees and offering free development review meetings can spur development and retain population, even with a small financial setback. These incentives create a family-friendly environment, attracting and retaining residents, and fostering long-term economic growth and community stability.

Part 2:

Policy and Procedure Recommendations

This section outlines the policy and procedural recommendations for removing barriers to child care facilities. These recommendations are closely related to the zoning ordinance but exist outside of it.

FEE SCHEDULE

Below are recommendations for fee schedule adjustments to encourage the development of child care facilities.

Development Fee	Current Fee	Proposed Change	Rationale
Site Plan Review	\$1,400 + \$50/acre	Exempt child care facilities (child care centers, group child care homes, and family child care homes) from the site plan fee or reduce the fee for these facilities.	Removing or reducing this fee for child care facilities will help encourage the development of child care facilities.
Special Land Use Permit	\$3,650 (SLU review, site plan review, design review, public hearing notice) \$200 annual renewal fee	Exempt child care facilities (child care centers, group child care homes, and family child care homes) from the special sand use permit fee and annual renewal fee or reduce the fee for these facilities.	While allowing child care facilities by right across more zoning districts will help alleviate the \$3,650 special use fee, allowing a waiver for child care facilities that may still need special land use approvals, will help incentivize the development of child care facilities. Additionally, removing the annual renewal fee will help incentivize child care.
Child Care Facility Investigation Fee	\$100	Remove this fee	Removing this fee for child care facilities will help encourage the development of child care facilities. Additionally, it will help Birmingham by eliminating redundant checks, as LARA ensures regulation applicable regulations.
Annual Fees	\$150 for child care centers \$100 for family child care homes \$100 for group child care homes	Remove this fee.	Removing this fee for child care facilities will help encourage the operation of child care facilities. In particular, this will help family and group child care homes that do not have the capital that commercial child care centers may possess.

Development Fee	Current Fee	Proposed Change	Rationale
Building Inspections	<i>Varies</i>	Offer building inspection waivers for reduced building inspection fees for child care facilities (child care centers, group child care homes, and family child care homes)	Waiving this fee for child care facilities will help encourage the development of child care facilities. This incentive will primarily help child care centers, as they will have more building inspections required. Child care centers have a higher capacity for children who can be enrolled, and thus have greater potential to positively impact Birmingham's child care market.

Based on Birmingham's 2024 Fiscal Year Fee Schedule

PROCEDURAL BEST PRACTICES

Pre-Development Meetings: Birmingham should advertise and offer free pre-development meetings for applicants interested in opening child care facilities (child care centers, group child care homes, and family child care homes). This allows applicants to be better prepared and will assist in the development process.

Provide Clear Steps for Applicants: Create a comprehensive Application Process Packet that clearly details all the necessary steps and requirements for opening or expanding a child care facility, including obtaining a child care business license (if applicable in your community). This packet should include application forms, guidelines, and any required supporting documentation. Ensure the packet is easily accessible both online and in physical form to streamline the application process for potential business owners and providers.

Ongoing Review of the Application Process: Regularly assess and update the application process to stay in line with evolving regulations, industry standards, and community needs. Leverage technology to streamline and accelerate the process, including options for online submissions. Continue refining user-friendly application forms and instructions to enhance accessibility and ease of use for applicants.

Publicly Accessible Resources: Establish a dedicated page on the municipal website to ensure information is easily accessible to community members, entrepreneurs, and policymakers. This fosters a collaborative and informed approach to overcoming barriers.

Annual Reporting: Conduct an annual review of child care facilities and municipal efforts in this area. This creates a feedback loop, allowing the community to reflect on progress, make data-driven decisions, and adapt new strategies as needed.

Part 3:

Zoning Ordinance Text Amendment Recommendations

REMOVING BARRIERS TO CHILD CARE

This section outlines the proposed zoning ordinance text amendments for eliminating barrier to child care development.

Current Section	Current Zoning Ordinance Provision	Recommended Text Amendment
Art. 9.02	Day Care, Family Home: A dwelling in which a permanent occupant of the dwelling provides for the care of fewer than 7 minor children unrelated to the care provider for periods of fewer than 24 hours a day, for more than four weeks in a calendar year unattended by the children's parents or legal guardians, and must be licensed and/or registered by the state	Family Child Care Home: private home in which 1 to 7 minor children are received for care and supervision for compensation for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the household. <i>Replace all references to "day care, family home" with "family child care home" throughout zoning ordinance.</i>
Art. 9.02	Day Care, Group Home: A dwelling in which a permanent occupant of the dwelling provides for the care of fewer than 13 minor children unrelated to the care provider for periods of fewer than 24 hours a day, for more than 4 weeks in a calendar year, unattended by the children's parents or legal guardians, and must be licensed and/or registered by the state.	Group Child Care Home: A private home in which 8 to 14 minor children are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian, except children related to an adult member of the household. Group child care home includes a home in which care is given to an unrelated minor child for more than 4 weeks during a calendar year. Group child care home includes a private home with increased capacity. <i>Replace all references to "day care, group home" with "group child care home" throughout zoning ordinance.</i>
Art. 5.02.A	Family Day Care Home: Family day care homes shall not be considered home occupations for the purpose of this Article and are permitted under the following provisions: ...	<i>Remove</i>

Current Section	Current Zoning Ordinance Provision	Recommended Text Amendment
Art. 5.13.E	<u>Family Day Care Home</u> : Family day care homes shall not be considered home occupations for the purpose of this Article and are permitted under the following provisions: ...	<i>Remove</i>
App. A	Appendix A Land Use Matrix	Add "Group Child Care Home" as a land use under the Commercial category.
App. A	Appendix A Land Use Matrix	<i>See Recommended Amendments to Land Use Matrix (page 8 of this report).</i> <i>Family and Group Child Care Homes should be permitted by right in every district, regardless if it is a residential district. This is to account for any residential uses in non-residential districts. LARA still requires family and group homes to be private homes.</i> <i>Child Care Centers should be permitted in every commercial district, and where schools are permitted, as this is a similar use.</i>

RECOMMENDED AMENDMENTS TO LAND USE MATRIXS

	Birmingham Zoning Districts											
	PP Public Property	R1A Single Family Residential	R1 Single Family Residential	R2 Single Family Residential	R3 Single Family Residential	R4 Two-Family Residential	R5 Multiple-Family Residential	R6 Multiple-Family Residential	R7 Multiple-Family Residential	R8 Attached Single-Family Residential	O1 Office	O2 Office/Commercial
Family Child Care Homes	P	P	P	P	P	P	P	P	P	P	P	P
Group Child Care Homes	P	P	P	P	P	P	P	P	P	P	P	P
Child Care Centers	P	P	P	P	P	P	P	P	P	P	P	P

P = Permitted by Right, S = Permitted by Special Land Use, A = Accessory Use (= with Specific Standards)*

	Birmingham Zoning Districts (cont.)										
	P Parking	B1 Neighborhood Business	B2 General Business	B2B General Business	B2C General Business	B3 Office-Residential	B4 Business-Residential	MX Mixed Use	TZ1 Transitional Zone 1	TZ2 Transitional Zone 2	TZ3 Transitional Zone 3
Family Child Care Homes	P	P	P	P	P	P	P	P	P	P	P
Group Child Care Homes	P	P	P	P	P	P	P	P	P	P	P
Child Care Centers	P	P	P	P	P	P	P	P	P	P	P

P = Permitted by Right, S = Permitted by Special Land Use, A = Accessory Use (= with Specific Standards)*

INCENTIVIZING CHILD CARE

This section outlines the proposed zoning ordinance text amendments for incentivizing child care development.

Current Section	Current Zoning Ordinance Provision	Recommended Text Amendment
Art. 7.08	“...Those items not requiring Design Review by the Design Review Board are as follows:...”	Add “Child Care Centers” to the items not requiring Design Review.
Art. 2.02- Art 2.46	Zoning Districts and Regulations	<i>Requires discussion with Planning Commission, City Council, and Staff to determine the extent of increases / decreases.</i>
Art. 4	Development Standards	Allow for increases to the minimum or maximum dimensional standards (such as setbacks, building heights, lot coverage percentages, etc.) for sites and facilities that accommodate child care facilities.



MEMORANDUM

Planning Department

DATE: December 11, 2024

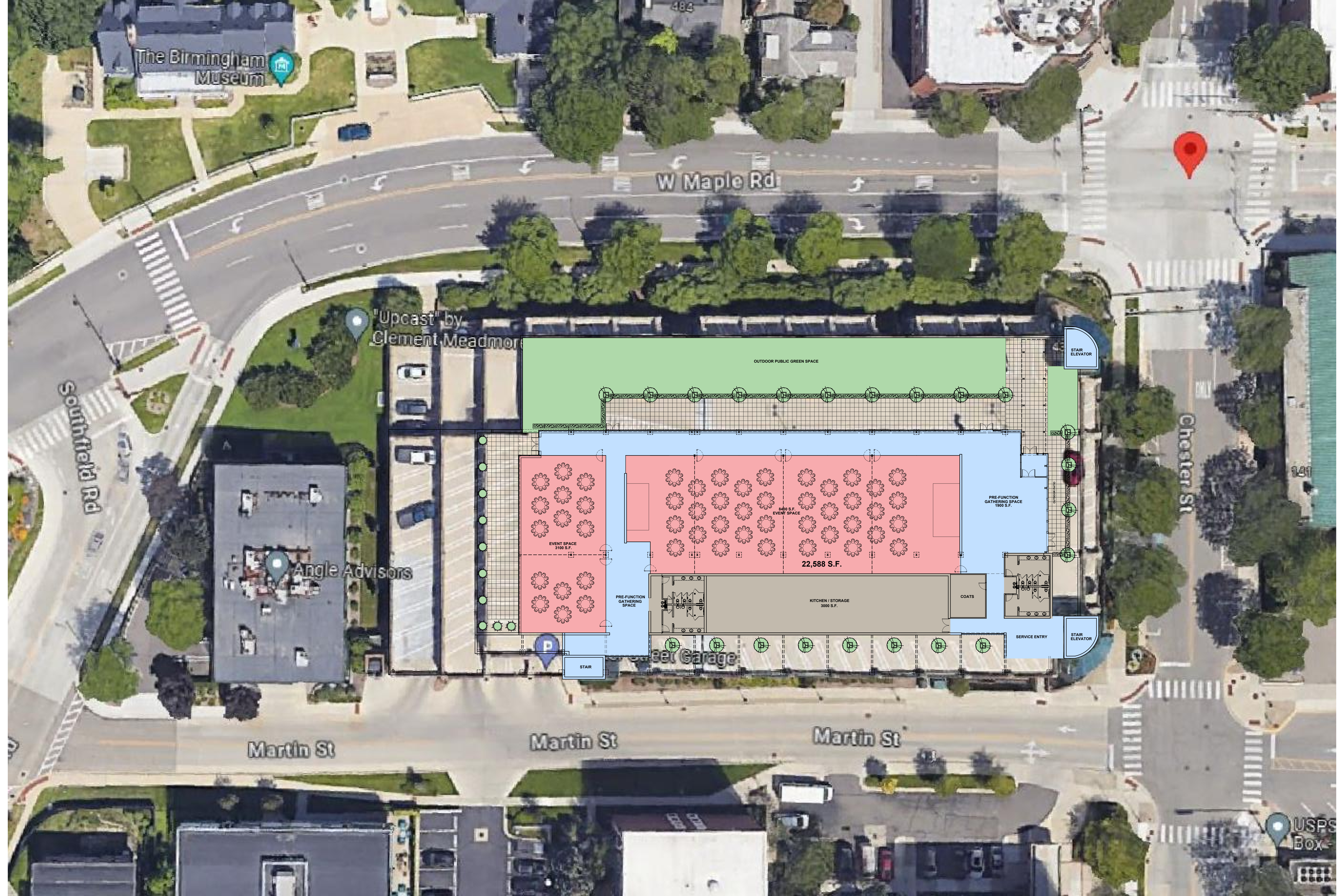
TO: Planning Board Members

FROM: Nicholas Dupuis, Planning Director

SUBJECT: 180 Chester – Chester St. Parking Deck – Pre-Application Discussion

A pre-application discussion has been requested to gather feedback on a unique proposal to add an event center type use to the top of the existing Chester Street Parking Structure.

The Planning Department is requesting that the Planning Board provide preliminary feedback to the applicant in an effort to prepare them for the Site Plan process that will be required for this project to move forward.



The Birmingham Museum

W Maple Rd

"Upcast" by Clement Meadmore

Southfield Rd

Angle Advisors

Chester St

Martin St

Martin St

Martin St

USPS Box

OUTDOOR PUBLIC GREEN SPACE

STAIR ELEVATOR

EVENT SPACE 3100 S.F.

8400 S.F. EVENT SPACE

22,588 S.F.

PRE-FUNCTION GATHERING SPACE 1900 S.F.

PRE-FUNCTION GATHERING SPACE

KITCHEN / STORAGE 3000 S.F.

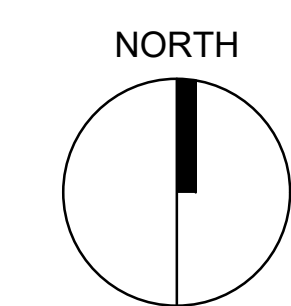
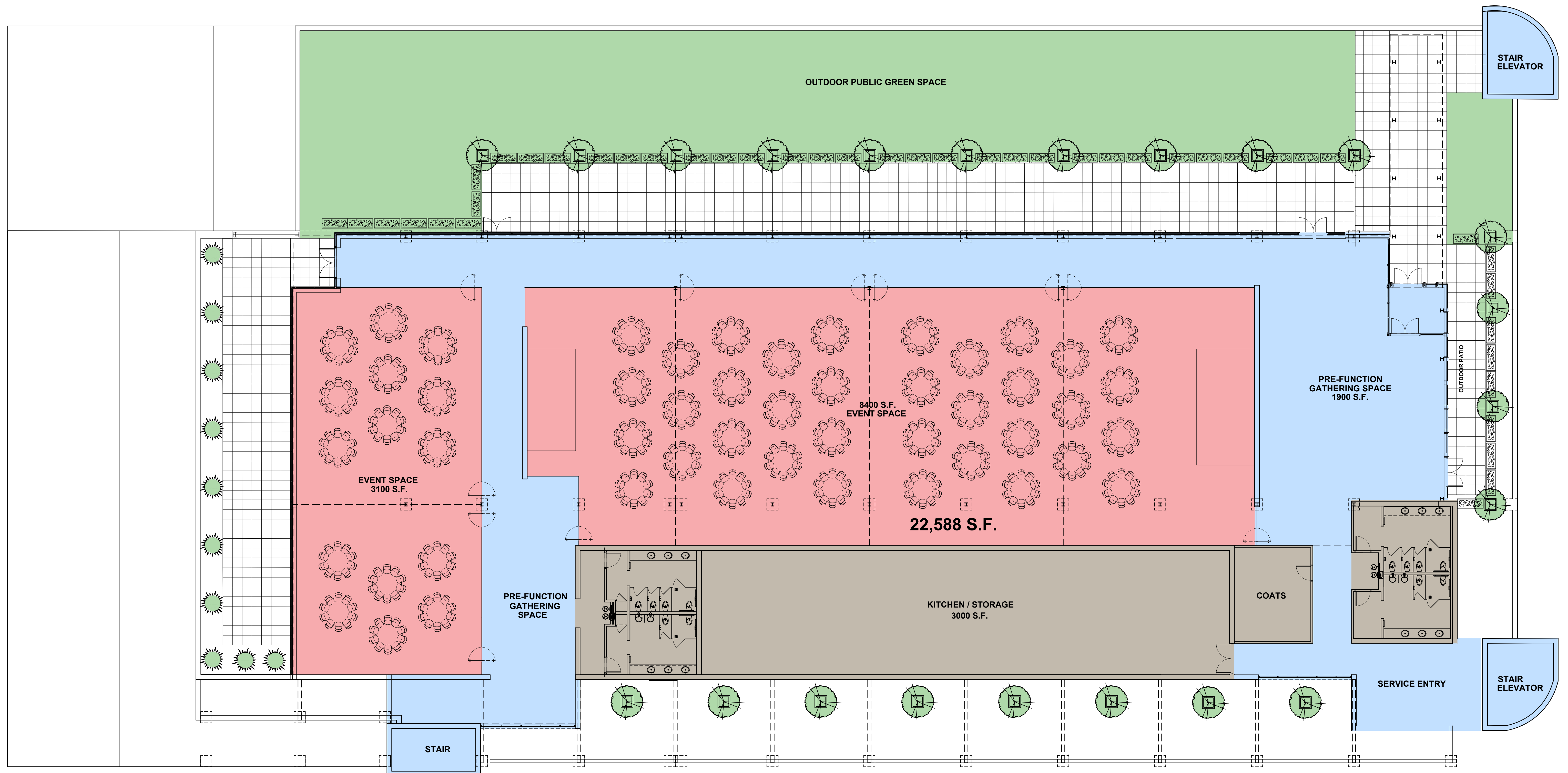
COATS

SERVICE ENTRY

STAIR ELEVATOR

STAIR

Steel Garage



PRELIMINARY FLOOR PLAN

SCALE: 1/8"=1'-0"





















MEMORANDUM

Planning Department

DATE: December 11, 2024

TO: Planning Board Members

FROM: Nicholas Dupuis, Planning Director

SUBJECT: Project Updates & Information

The following report contains the most recent updates on projects that have completed by the Planning Board and are on to the next steps of approval. In addition, other significant development-related projects that have been reviewed or embarked upon by boards/commissions such as the Historic District Commission, Design Review Board, Multi-Modal Transportation Board, or similar bodies have been included for reference as well.

Site Plan & Design Reviews

- 2159 E. Lincoln – Lincoln Yard – Temporary Certificate of Occupancy has been issued
- 35001 Woodward – Land lease executed by City Commission/Design development, site plan extension granted on November 13, 2024
- 239 N Old Woodward – Bloom Bistro – Under Construction
- 707 S. Worth – Under construction
- 36877 Woodward – Gasow Veterinary Hospital – Temporary Certificate of Occupancy issued
- 243 Merrill – La Strada – Final inspections
- 320 Martin – Birmingham Post Office – Design Development
- 185 N. Old Woodward – Bell Bistro – **COMPLETE**
- 460 N. Old Woodward – Wilders – **COMPLETE**
- 295 Elm St. – Forest Townhomes – Building permits under review
- 34350 Woodward – Fred Lavery Porsche – Design Development
- 479 S. Old Woodward – Birmingham Tower – Under construction
- 245 S. Eton – Big Rock – Under construction
- 33866 Woodward – Polestar – Permitting/Design development
- 370 E. Brown – Under construction
- 33816 Woodward – Auto Europe – Design development

City Commission

- 2211 & 2243 Cole – Dobi – **APPROVED** on November 18, 2024.
- 33278 Woodward – Ducati Detroit – Set Public Hearing on December 16, 2024
- Triangle District Phase 1 Ordinance Amendments – **APPROVED** on November 25, 2024

Ordinance Amendments/Master Planning

- -

Non-Planning Board Projects

- 185 Oakland – Belfor – Façade renovations, permitting
- 33680 Woodward – Petrucci Studio – Under construction
- 163 W. Maple – The Last Bean – **COMPLETE**
- 138 W. Maple – Blakeslee Building – Façade renovations, permitting
- 172 N. Old Woodward – National Bank Building – **COMPLETE**
- 151 N. Eton – Façade and screening improvements, final inspections
- 34500 Woodward – Golling Fiat – Façade renovations, design development
- 106 S. Old Woodward – O’Neal Building – Façade renovations, design development

- Historic Preservation Master Plan – In progress.

Sustainability & Climate Action Plan/Greenhouse Gas Emissions Inventory

- Greenhouse Gas Emissions inventory – COMPLETE
- Sustainability and Climate Action Plan – COMPLETE

ADMIN APPROVAL - PB

App Date	Case #	Scope of Work	Property Address	Status
10/11/2024	PAA24-0081	Requesting to paint exterior of building to gray color (Sherwin Williams - Dovetail). Requesting signage to be installed on exterior of building above windows, below roof line. Size and length to be compliant with City regulations. New Sign - "Beutilab" Proposed Wall Sign - 15 sq. ft. Total proposed combined sign area - 15 sq. ft.	2275 COLE ST	COMPLETED - APPROVED
11/11/2024	PAA24-0097	2 generators are to be added to the roof of the existing market square Birmingham. The existing roof has several existing screen walls that are to remain.	1964 SOUTHFIELD RD	COMPLETED - APPROVED
11/19/2024	PAA24-0100	Installation of a permanent generator	36877 WOODWARD AVE	COMPLETED - APPROVED
11/20/2024	PAA24-0102	Request for minor modifications to site/building	245 TOWNSEND ST	IN PROGRESS
11/27/2024	PAA24-0109	New a/c mini split units	33202 WOODWARD AVE	IN PROGRESS
12/04/2024	PAA24-0111	As-built update to interior floor plans and reorganized seating. Seating total remains at the permitted 65 maximum.	458 N OLD WOODWARD AVE	COMPLETED - APPROVED



AGENDA
REGULAR MEETING OF THE BIRMINGHAM PLANNING BOARD
WEDNESDAY JANUARY 8, 2025 – 7:30 PM
151 MARTIN ST., CITY COMMISSION ROOM 205, BIRMINGHAM MI*

- A.** Roll Call
- B.** Review and Approval of the Minutes of the Regular Meeting of **December 11, 2024**
- C.** Chairpersons' Comments
- D.** Review of the Agenda
- E.** Meeting Open to the Public for Items Not on the Printed Agenda
- F.** Unfinished Business
- G.** Rezoning Applications
- H.** Community Impact Studies
- I.** Special Land Use Permits
- J.** Site Plan & Design Reviews
- K.** Study Session
 - 1. **Generator Ordinance – Public Hearing**
 - 2. **Impervious Surface – Public Hearing**
 - 3. **Childcare Ordinance – Public Hearing**
 - 4. **Triangle District Bonus Height Requirements Phase 2 – Study Session**
- L.** Miscellaneous Business and Communications:
 - 1. Pre-Application Discussions
 - 2. Communications
 - i. **Project Updates**
 - 3. Administrative Approval Correspondence
 - i. **December 6, 2024 – January 3, 2025**
 - 4. Draft Agenda – **January 22, 2025**
 - 5. Action List – **2025**
 - 6. Other Business
- M.** Planning Division Action Items
 - 1. Staff Report on Previous Requests
 - 2. Additional Items from Tonight's Meeting
- N.** 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 248-644-3405 (TDD) 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 JANUARY 22, 2025 – 7:30 PM
151 MARTIN ST., CITY COMMISSION ROOM 205, BIRMINGHAM MI*

- A.** Roll Call
- B.** Review and Approval of the Minutes of the Regular Meeting of **January 8, 2025**
- C.** Chairpersons' Comments
- D.** Review of the Agenda
- E.** Meeting Open to the Public for Items Not on the Printed Agenda
- F.** Unfinished Business
- G.** Rezoning Applications
- H.** Special Land Use Permits
- I.** Community Impact Studies
- J.** Site Plan & Design Reviews
- K.** Study Session
 - 1. **Triangle District Bonus Height Requirements Phase 2 – Study Session**
- L.** Miscellaneous Business and Communications:
 - 1. Pre-Application Discussions
 - 2. Communications
 - i. **Project Updates**
 - 3. Administrative Approval Correspondence
 - i. **January 3, 2025 – January 17, 2025**
 - 4. Draft Agenda – **February 12, 2025**
 - 5. Action List – **2025**
 - 6. Other Business
- M.** Planning Division Action Items
 - 1. Staff Report on Previous Requests
 - 2. Additional Items from Tonight's Meeting
- N.** 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:

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Planning Board Action List – 2024

Topic	General Goals	City Commission Directive?	2040 Plan	Quarter	Status	
					In Progress	Complete
Comprehensive Zoning Ordinance Update	Update the Zoning Ordinance based on recommendations of the 2040 Plan.	☐	☒	Ongoing	☐	☐
Mixed Use Requirements	Consider changing the requirements for mixed use in the Triangle District.	☐	☐	1 st (January-March)	☒	☐
“Encourage renovations to expand existing houses rather than the construction of new houses.”	Support neighborhoods.	☐	☒	2 nd (April-June)	☐	☐
“Create a Woodward Safety and Beautification Plan.”	Begin to bridge the Woodward divide.	☐	☒	3 rd (July-September)	☐	☐
Ordinance Enforcement	Maintain a vibrant community.	☐	☐	4 th (October-December)	☒	☐

Planning Board Action List – 2025

Topic	General Goals	City Commission Directive?	2040 Plan	Quarter	Status	
					In Progress	Complete
Comprehensive Zoning Ordinance Update	Update the Zoning Ordinance based on recommendations of the 2040 Plan.	☐	☒	Ongoing	☐	☐
Mixed Use Requirements	Create a new list of bonus height provisions for the Triangle District	☐	☐	1 st (January-March)	☒	☐
Public Project Review Process	Develop a comprehensive set of guidelines for the review of public development projects	☐	☐	2 nd (April-June)	☐	☐
“Create a Woodward Safety and Beautification Plan.”	Begin to bridge the Woodward divide.	☐	☒	3 rd (July-September)	☐	☐
Ordinance Enforcement	Maintain a vibrant community.	☐	☐	4 th (October-December)	☐	☐