



AGENDA
REGULAR MEETING OF THE BIRMINGHAM PLANNING BOARD
WEDNESDAY APRIL 9, 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 **March 26, 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.** Community Impact Studies
- I.** Special Land Use Permits
 - 1. **280 E. Lincoln – Grace Baptist Church – Request for Special Land Use Permit Review for Renovation & Addition to Existing Religious Institution.**
- J.** Site Plan & Design Reviews
 - 1. **280 E. Lincoln – Grace Baptist Church – Request for Final Site Plan & Design Review for Renovation & Addition to Existing Religious Institution.**
- K.** Study Session
 - 1. **Impervious Surface, Open Space & Lot Coverage – Study Session**
 - 2. **Childcare Ordinance – Study Session**
- L.** Miscellaneous Business and Communications:
 - 1. Pre-Application Discussions
 - i. **525 N. Old Woodward – Luxe – Outdoor Dining**
 - 2. Communications
 - i. **Project Updates**
 - 3. Administrative Approval Correspondence
 - i. **March 21, 2025 – April 4, 2025**
 - 4. Draft Agenda – **April 23, 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).

City Of Birmingham
Regular Meeting Of The Planning Board
March 26, 2025
City Commission Room
151 Martin Street, Birmingham, Michigan

Minutes of the regular meeting of the City of Birmingham Planning Board held on March 26, 2025.
The meeting was convened at 7:30 p.m.

A. Roll Call

Present: Vice Chair Bryan Williams; Board Members Robin Boyle, Bert Koseck, Daniel Share, Janelle Whipple-Boyce; Alternate Board Members Duncan Currie, Nasseem Ramin (left 8:23 p.m.)

Absent: Chair Scott Clein; Board Member Stuart Jeffares; Student Representatives Carter Anderson, Olivia Betanzos

Staff: Planning Director Dupuis; City Planner Aldred-Arens, City Planner Blizinski, City Transcriptionist Eichenhorn

B. Approval Of The Minutes Of The Regular Planning Board Meeting of February 26, 2025

03-11-25

Motion by Share

Seconded by Whipple-Boyce to approve the minutes of February 26, 2025 with the corrections noted.

Motion carried, 7-0.

VOICE VOTE

Yeas: Koseck, Currie, Ramin, Whipple-Boyce, Williams, Share, Boyle

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

- 1. 280 E. Lincoln – Grace Baptist Church – Request for Special Land Use Permit Review for Renovation & Addition to Existing Religious Institution**

CP Blizinski presented the item and answered informational questions from the Board.

Craig Hurley, Pastor of Grace Baptist Church, Andrew Walters of Metro Consulting Associates, and members of Grace Baptist Church spoke on behalf of the project.

Board members raised the following points during discussion:

- The parking lots should be modified to improve traffic circulation for the benefit of health, safety, and welfare. The southern parking lot as proposed would be challenging for drivers to exit if all the parking spots were occupied. If a modification is not feasible, a visual demonstration of that would be helpful.
- The Church should not be required to enter into a shared parking agreement with the City. It should be required to enter into negotiations with the City regarding a shared parking agreement.
- The applicant should attempt to improve the safety of the parking lot layout and options should be presented to the Board at its April 9, 2025 meeting.

03-12-25

Motion by Share

Seconded by Boyle to amend the rules of procedure to designate the April 9, 2025 meeting as a hybrid meeting to consider both site plans and study sessions.

Motion carried, 7-0.

VOICE VOTE

Yeas: Koseck, Currie, Ramin, Whipple-Boyce, Williams, Share, Boyle

Nays: None

03-13-25

Motion by Whipple-Boyce

Seconded by Koseck to postpone consideration of the special land use permit and site plan and design review for 280 E. Lincoln to April 9, 2025.

Motion carried, 7-0.

VOICE VOTE

Yeas: Koseck, Currie, Ramin, Whipple-Boyce, Williams, Share, Boyle

Nays: None

J. Site Plan & Design Reviews

- 1. 280 E. Lincoln – Grace Baptist Church – Request for Final Site Plan & Design Review for Renovation & Addition to Existing Religious Institution**

Postponed to April 9, 2025.

- 2. 479 S. Old Woodward – Birmingham Towers – Request for Final Site Plan & Design Review to Modify Floor Plans and Seek Approval of the Collective**

Provisions of the Required Off-Street Parking of the Subject Property and the Birmingham Place Pursuant to Article 4, Section 4.45 (G)(3) of the Zoning Ordinance

The Board took a brief recess, and returned from recess.

Citing a potential business relationship with the applicant resulting in a potential conflict-of-interest, Ms. Ramin recused herself from the item and departed the meeting.

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

Doraid Markus, owner, spoke on behalf of the project.

Public Comment

Pat Hardy commented regarding how Birmingham Towers would impact the view for some 411 S. Old Woodward (Birmingham Place) residents.

Kate MacNevin commented regarding parking concerns in Birmingham Place and the surrounding area and how the view from her condominium within Birmingham Place is impacted by Birmingham Towers.

Heidi George commented regarding how Birmingham Towers impacts the view from her condominium within Birmingham Place.

Mike Preza commented regarding the comparative heights of Birmingham Towers and Birmingham Place.

Bill Kolb commented regarding parking concerns in Birmingham Place and the surrounding area.

Dan Feinberg, attorney for the Birmingham Place residential condominium association, commented regarding a potential parking agreement between Birmingham Towers and Birmingham Place.

Larry Rochkind commented regarding parking concerns in Birmingham Place and a potential parking agreement between Birmingham Towers and Birmingham Place.

Sam McKnight commented regarding the City's approval process for Birmingham Towers, a potential parking agreement between Birmingham Towers and Birmingham Place, and parking concerns in Birmingham Place.

Board members raised the following points during discussion:

- There was no indication presently that Birmingham Place was receptive to a shared parking agreement.
- The Board should postpone evaluating a potential shared parking agreement between Birmingham Place and Birmingham Tower until the legal representation of both entities presented a legally enforceable shared parking proposal.
- 479 S. Old Woodward was zoned to allow a building of this width, depth, and height for many years.

- If the management of Birmingham Towers could provide the Board with data from the parking key fob system, that might help make these deliberations more data-driven.
- Staff should conduct a parking survey of the southern part of S. Old Woodward.
- It would be helpful for the Board to have the definitions of office, commercial, and retail uses and the required parking to square footage ratios.
- Staff should inspect 479 S. Old Woodward to ensure that it remains in compliance with the previously approved site plan.
- The Board needs to consider how any approval might impact the long-term parking situation for both Birmingham Place and Birmingham Towers, as well as the surrounding area.
- The Board must also consider how the intensity of uses and the likelihood of different future uses might impact the parking in both buildings and the surrounding area.
- Birmingham's zoning intended to encourage residential use at Birmingham Towers.
- The Board required clarification as to whether a mixed use building is an 'other than residential purpose building' as mentioned in Article 4, § 4.45 (G) of the zoning ordinance.

03-14-25

Motion by Share

Seconded by Boyle that the matter of the site plan and design review for 479 S. Old Woodward – Birmingham Towers be postponed without date.

Public Comment

Mr. Markus supported the Board voting to approve the final site plan and design review request contingent on a shared parking agreement or a special land use permit.

Mr. Rochkind supported a denial of the final site plan and design review request.

Motion carried, 6-0.

ROLL CALL VOTE

Yeas: Koseck, Currie, Whipple-Boyce, Williams, Share, Boyle

Nays: None

The Board took a brief recess, and returned from recess.

K. Study Session

L. Miscellaneous Business and Communications

1. Pre-Application Discussions

i. 458 N. Old Woodward – Wilders – Outdoor Dining Platform

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

Board members raised the following points during discussion:

- Making the dining platform safer would be beneficial.
- If this proposal were approved, the dining platform would extend three feet less into the road.

- The grade of the street impacts the dining platform's ability to be flush.

There was Board consensus that this proposal would be an improvement versus the present conditions.

Samy Eid, owner of Wilder's, was present on behalf of the request.

ii. 525 N. Old Woodward – Luxe – Outdoor Dining

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

Board members raised the following points during discussion:

- The stanchions with ropes dividing the pedestrian walkway and the outdoor dining are likely to be moved around.
- The ADA requires a five foot minimum clear path along the sidewalk. The distance between the stanchions and either the parking meters or the tree grates may cause that clear path to fall below five feet.
- Previous discussions with this applicant indicated that the Board would not permit outdoor dining both adjacent to the building and in the furnishing zone.
- This proposal raises some concerns. Board concerns could be conveyed to the applicant, and the applicant could address those concerns during another pre-application discussion before submitting a special land use permit revision request.
- It is difficult to walk between the outdoor dining tables.
- Luxe has been responsive to the Board's concerns in the past.

2. Communications

3. Administrative Approval Correspondence

4. Draft Agenda

5. Action List

6. Other Business

The Board congratulated CP Aldred-Arens on her promotion to City Planner, and Mr. Boyle and the Chair on their reappointments to the Board.

M. Planning Division Action Items

- 1. Staff Report on Previous Requests**
- 2. Additional Items from tonight's meeting**

N. Adjournment

No further business being evident, the meeting adjourned at 10:30 p.m.



Nick Dupuis, Planning Director



Laura Eichenhorn, City Transcriptionist



MEMORANDUM

Planning Department

DATE: April 9, 2025

TO: Planning Board Members

FROM: Leah Blizinski, City Planner

SUBJECT: 280 E. Lincoln – Grace Baptist Church – Special Land Use Permit, Final Site Plan and Design Review

The subject site, 280 E. Lincoln, is located in the R2 (Single-Family Residential) zoning district on the south side of Lincoln between Cedar and Edgewood. Grace Baptist Church has inhabited this site since 1957, and has been operating under a Special Land Use Permit (SLUP) since 1987. On February 28th, 2007, the applicant appeared for Preliminary Site Plan review for a request to demolish 3 residential homes and expand their parking lot. A variance application was reviewed at the Board of Zoning Appeals on April 10th, 2007 and then Final Site Plan review at the Planning Board on May 23, 2007. The decisions from those three meetings were voided due to a noticing error. The applicant returned to the Planning Board in June of 2007 to repeat the reviews with proper noticing. On July 10, 2007, the applicant was heard at the Board of Zoning Appeals and received requested dimensional variances for proposed wood fence screening and setback variance for the parking facility to extend into the required front setback. November 19th, 2007, they received approval for a SLUP amendment from City Commission.

At this time, the applicant has submitted a Special Land Use Permit Amendment, Final Site Plan and Design Review application to renovate their church. The proposed alterations include removal of 2,650 sq. ft. of existing building to construct a 4,180 sq. ft. addition along with alteration of portions of the parking lot, walkways and landscaping.

Article 7, Section 7.43 states that Site Plan and Design Review for special land uses shall be considered and acted upon by the City Commission. Prior to its consideration of a special land use application for an initial permit or an amendment to a permit, the City Commission shall refer the Site Plan and the design to the Planning Board for its review and recommendation.

In addition, as required by Article 7, Section 7.37 of the Zoning Ordinance, once a permit for a special land use has been granted as to any parcel of land, no change in that use may be made nor may any addition to or change in the building or improvements on the parcel of land take place until a new request for approval has been filed with the City Commission and the City Commission has approved the request for change.

On March 26, 2025 ([Agenda](#)), the applicant appeared before the planning board for Special Land Use Permit, Final Site Plan and Design Review. The planning board praised the project overall, but expressed concerns about the lack of connection between the North and South parking lots. A decision on the item was postponed to the April 9, 2025 meeting in order for the architect to reconsider the overall parking lot design.

1.0 Land Use and Zoning

- 1.1 Existing Land Use – The existing land use is a religious institution operating under a SLUP.
- 1.2 Existing Zoning – R2 (Single-Family Residential), the existing use is a permitted use with a Special Land Use Permit.
- 1.3 2016 Regulating Plan – The subject site is not located within the Downtown Birmingham Overlay District.
- 1.4 Summary of Adjacent Land Use and Zoning – The following chart summarizes the existing land use and zoning adjacent to and/or in the vicinity of the subject site.

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

2.0 Setback and Height Requirements

There are changes to the bulk, area or placement of the existing building. The site plan proposes to build the addition up to the current closest setback portion of the building front. The existing and proposed front setback is 21.3 ft. The site plan also proposes an exterior stairwell on the east side of the building that would encroach into the required 10 ft. side yard setback. The proposed rear setback for the addition is 131.8' which is well within the ordinance which requires a 30ft. rear setback. **The applicant will be required to meet the 10 ft. side yard setback or receive a variance from the Board of Zoning Appeals.**

Additionally, the site is also currently non-conforming to the open space requirements for the R-2 Zoning District per Article 2.08, which requires a minimum 40% open space.

The current open space of the subject site is 28.8% and the site plan under review proposes 26.78%. **Since this is an expansion of the non-conformity, the applicant will be required to meet the open space requirements or receive a variance from the Board of Zoning Appeals.**

The proposed site plan meets the requirements for maximum lot coverage at 22.1%. The maximum lot coverage requirement per Article 2.08 of the Zoning Ordinance is 30%.

3.0 Screening and Landscaping

- 3.1 Dumpster Screening – There is no existing dumpster enclosure on the site and no proposed dumpster enclosure or changes proposed to waste management onsite as a part of the Special Land Use Permit, Final Site Plan and Design Review application submitted. It is the understanding of the Planning Department that the applicant utilizes the dumpsters located across the street at 400 E. Lincoln. With the new ownership by the City, the City would be amenable to continuing the arrangement through a formal agreement, which would include shared parking as described below.
- 3.2 Parking Lot Screening – There are changes proposed to parking facilities as a part of the Special Land Use Permit, Final Site Plan and Design Review application submitted, however, no changes are proposed to the parking lot screening. A small amount of spaces will be lost due to the restriping, reconfiguration of ADA spaces, additional access drive and pedestrian pathway and the building footprint of the addition. The footprint of the parking lot however is not changing and the existing parking lot screening will remain. Per the Zoning Ordinance Article 4.54 (C)(1), Screening shall be placed along the side or rear line of any parking facility which immediately adjoins the side line of property zoned to a residential district. Per the Zoning Ordinance Article 4.54 (B) (7), Screenwall, as required by this section shall mean: when required, a screenwall of capped masonry. The lot is screened with capped masonry per the ordinance on two sides – the north and east side – which face public streets. **On the west and south sides – bordering residential – the lot is screened with wood privacy fencing, for which the site received a variance on July 10, 2007.** There is landscaping including tall arborvitae and trees on all four sides.
- 3.3 Mechanical Equipment Screening – There is no exterior mechanical proposed to as a part of the Special Land Use Permit, Final Site Plan and Design Review application submitted.

- 3.4 Landscaping – There are changes proposed to the landscaping on site as a part of the Special Land Use Permit, Final Site Plan and Design Review application submitted. None of the proposed plants appear to be on the prohibited species list. Article 4.20 (F) of the Zoning Ordinance requires parking lots greater than 7,500 sq. ft. to include interior landscaping areas that total not less than 5% of the total parking lot interior area. Each interior planting area is required to be at least 150 sq. ft. and not less than 8 ft. in any dimension. One canopy tree is required for each 150 sq. ft. and the interior planting areas shall be located in a manner that breaks up the expanse of paving throughout the parking lot interior. Per Article 4.20 LA-01 of the Zoning Ordinance, the Landscape Standards section does not apply to the R2 Zoning District. The submitted site plans include a landscape plan with 6 interior landscaping areas that comprise over 5% of the total parking lot area. There are 7 trees proposed within interior landscaping areas – 4 Hackberry and 3 Japanese Tree lilacs. **The Planning Board may wish to recommend that the proposed landscaping, with modification as requested by City Staff, be required as a condition of approval of the SLUP amendment.**
- 3.5 Streetscape – There are street trees proposed to the streetscape as a part of the Special Land Use Permit, Final Site Plan and Design Review application submitted. See attached memo from the DPS forestry staff. The applicant will be required to comply with all requests of city departments. Street trees are not required in the R2 Zone. However, the applicant has included street trees in the site plan. **The Planning Board may wish to recommend the proposed street trees, with modification as requested by City Staff, be required as a condition of approval of the SLUP amendment.**

4.0 Parking, Loading and Circulation

- 4.1 Parking – Article 4.46 of the Zoning Ordinance requires one space for every six fixed seats in a religious institution. The church has 266 fixed seats; therefore 44 parking spaces are required on site. There are no changes proposed to the building that require any additional parking or a parking analysis as a part of the Special Land Use Permit, Final Site Plan and Design Review application submitted. The site plan proposes 44 parking spaces on site, 3 of which are barrier free and two of those being barrier free van spaces. The parking proposed meets the 180 sq. ft. size requirement.
- 4.2 Loading – There are no loading spaces required for the religious institution use.
- 4.3 Vehicular Circulation and Access – There are no changes proposed to the vehicular access to the site. Vehicles can access the site via three curb cuts, two on Edgewood and one on Lincoln. **At the request the of Planning Board,**

the applicant has proposed to connect the two lots via a one-way access drive so that vehicles entering the South portion of the lot from Edgewood may exit onto Lincoln through the North portion of the lot.

- 4.4 Pedestrian Circulation and Access – There are very few changes proposed to pedestrian circulation and access of the site. The site will retain the existing pedestrian walkways and main pedestrian entrance. A pedestrian connection between the two halves of the parking lot is proposed to be shifted east to line up with the new proposed rear entrance to the addition.

5.0 Lighting

Existing light poles adjacent to the existing pedestrian walkway within the parking lot are proposed to move along with the pedestrian walkway to the new location. No other changes are proposed to the lighting conditions on site.

6.0 Design Review

As noted above, the addition proposed consists of the removal of 2,650 sq. ft. of the of the existing building (the original church) which will be replaced with a 4,180 sq. ft. addition. The footprint of the addition is larger than the existing building, extending in to a portion of the parking lot to the rear, extending to the front of the remaining structure in the front and with a proposed exterior stairway on the east side of the building.

The west portion of the existing structure and façade will remain the same including the entrance portico off Lincoln St. The façade of the addition is proposed to be brick veneer to match the existing building. The front façade of the addition will have four aluminum clad wood windows with stained glass applique. Additionally, a white aluminum steeple and backlit aluminum cross are proposed. These will match the fascia, vented soffit and gutters and downspouts which will all be white aluminum.

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7.0 Required Attachments

	Submitted	Not Submitted	Not Required
Existing Conditions Plan	☒	☐	☒
Detailed and Scaled Site Plan	☒	☐	☐
Certified Land Survey	☒	☐	☐
Interior Floor Plans	☒	☐	☐
Landscape Plan	☒	☐	☐
Photometric Plan	☐	☐	☒
Colored Elevations	☒	☐	☐
Material Specification Sheets	☐	☒	☐
Material Samples	☐	☐	☒
Site & Aerial Photographs	☒	☐	☐

8.0 Departmental Reports

- 8.1 Engineering Department – The Engineering Department comments that the property is required to meet Oakland County’s Standards for Post-Construction Storm Water Runoff since the site is greater than .5 acres per the city’s new Storm Water Runoff Ordinance adopted by City Commission on May 20,2024. See attached memo from city engineering staff.
- 8.2 Department of Public Services – The Department of Public Services, Forestry and Environment Foreman has several comments and requests. See attached memo.
- 8.3 Fire Department – See attached memo from the Fire Marshal.
- 8.4 Police Department – The Police Department has no concerns at this time.
- 8.5 Building Department – See attached memo from the Building Department for comments.

9.0 Approval Criteria

In accordance with Article 7, section 7.27 of the Zoning Ordinance, the proposed plans for development must meet the following conditions:

- (1) *The location, size and height of the building, walls and fences shall be such that there is adequate landscaped open space so as to provide light, air and access to the persons occupying the structure.*

- The proposed addition maintains most of the existing landscaping with the exception of a small landscaping bed at the front of the addition which will be removed and replaced by the building. Several additional trees are proposed to be planted in the right of way. The addition is not changing the footprint of the facility in any way that will significantly change, air and access other than to improve accessibility in accordance with the Americans with Disabilities Act (ADA).

(2) *The location, size and height of the building, walls and fences shall be such that there will be no interference with adequate light, air and access to adjacent lands and buildings.*

- The existing church building at the corner of two public streets with considerable distance between the church building and all neighboring structures. The proposed footprint, maintains similarly great distances between structures on all sides.

(3) *The location, size and height of the building, walls and fences shall be such that they will not hinder the reasonable development of adjoining property nor diminish the value thereof.*

- The renovations proposed do not appear to hinder the reasonable development of adjoining property nor diminish the value thereof.

(4) *The site plan, and its relation to streets, driveways and sidewalks, shall be such as to not interfere with or be hazardous to vehicular and pedestrian traffic.*

- The site plan will maintain the current curb cuts and pedestrian paths and will not change the site's relation to or interfere with or be hazardous to vehicular or pedestrian traffic.

(5) *The proposed development will be compatible with other uses and buildings in the neighborhood and will not be contrary to the spirit and purpose of this chapter.*

- The proposed development will not change the uses of the building and will continue to be compatible with other uses and buildings in the neighborhood and will not be contrary to the spirit and purpose of the chapter.

(6) *The location, shape and size of required landscaped open space is such as to provide adequate open space for the benefit of the inhabitants of the building and the surrounding neighborhood.*

- This property is not required to provide landscaped open space.

In addition, Article 7, Section 7.36 requires applications for a Special Land Use Permit to meet the following criteria:

(1) *The use is consistent with and will promote the intent and purpose of this Zoning Ordinance.*

- The use as a religious institution is consistent with and will promote the intent and purpose of this Zoning Ordinance.

(2) *The use will be compatible with adjacent uses of land, the natural environment, and the capabilities of public services and facilities affected by the land use.*

- Generally, this use will remain compatible with adjacent uses of land, the natural environment, and the capabilities of public services and facilities affected by the land use.

(3) The use is consistent with the public health, safety and welfare of the city.

- This use is consistent with the public health, safety and welfare of the city. Similar to the previous standard, religious institutions have a long established history of compatibility within neighborhoods.

(4) *The use is in compliance with all other requirements of this Zoning Ordinance.*

- The use as a religious institution in an R2 Zoning District is permitted with a Special Land Use Permit, which the applicant has operated under since 1987. Prior to that, the church has inhabited this site since 1957.

(5) *The use will not be injurious to the surrounding neighborhood.*

- The existing use and renovated addition is not expected to be injurious to the surrounding neighborhood. The use is remaining the same and has existed in this location since 1957. Religious institutions are often considered neighborhood serving uses and it is expected that this proposal will continue and possibly even improve the surrounding neighborhood through its services.

(6) *The use is in compliance with state and federal statutes.*

- To the best of our knowledge, the use is in compliance with state and federal statutes.

10.0 Recommendation

Based on a review of the site plan submitted and the approval criteria of Article 7, Sections 7.36 and 7.27, the Planning Department recommends that the Planning Board recommend **APPROVAL** of the Special Land Use Permit, Final Site Plan/Design Review application for 280 E. Lincoln – Grace Baptist Church – subject to the following conditions:

1. The applicant submits plans that meet the 10 ft. side yard setback or obtain a variance from the Board of Zoning Appeals;
2. The applicant submits plans that meet the minimum open space requirement or obtain a variance from the Board of Zoning Appeals;
3. The applicant is required to implement interior parking lot landscaping as proposed in the site plan with modifications as requested by City Staff;
4. The site plan is required to implement street tree plantings as proposed in the site plan with modifications as requested by City Staff; and
5. The applicant must comply with the requests of all City Departments.

In addition, due to the sites compatibility with the neighboring property along Edgewood owned by the City of Birmingham (currently inhabited by the YMCA), the Planning Department recommends that the Planning Board consider requiring the applicant to enter into a shared parking agreement with the City as a part of their Special Land Use Permit. A shared parking agreement between the two sites will help ensure that limited parking will overflow into the adjacent neighborhoods and will provide users of either site a safe and convenient place to park. The Planning Department has approached the applicant about this and the idea was well received at the time. During this Special Land Use Permit process, the Planning Department will continue to work with the applicant to develop an agreement that is mutually beneficial to both parties.

11.0 Sample Motion Language (*Special Land Use Permit Amendment*)

Motion to adopt the findings of the Planning Department in the report dated March 26, 2025 related to the approval criteria outlined in Article 7, Section 7.36 of the Zoning Ordinance and recommend **APPROVAL** to the City Commission the Special Land Use Permit application for 280 E. Lincoln – Grace Baptist Church – subject to the following conditions:

1. The applicant submits plans that meet the 10 ft. side yard setback or obtain a variance from the Board of Zoning Appeals;
2. The applicant submits plans that meet the minimum open space requirement or obtain a variance from the Board of Zoning Appeals;

3. The applicant is required to implement interior parking lot landscaping as proposed in the site plan with modifications as requested by City Staff;
4. The site plan is required to implement street tree plantings as proposed in the site plan with modifications as requested by City Staff;
5. The applicant must enter into a shared parking agreement with the City of Birmingham to reduce the impact of parking in the neighborhoods;
6. The applicant must comply with the requests of all City Departments; and
7. The applicant understands that site plan approval shall be valid for a period of one year from the date it is granted. Upon request, the appropriate reviewing body may grant an extension of not in excess of one year to the applicant prior to the expiration date in accordance with Article 7, Section 7.28 of the Zoning Ordinance.

OR

Motion to **POSTPONE** the Special Land Use Permit for 280 E. Lincoln – Grace Baptist Church Bar – pending receipt of the following:

1. _____
2. _____
3. _____

OR

Motion to recommend for **DENIAL** to the City Commission the Special Land Use Permit for 280 E. Lincoln – Grace Baptist Church – for the following reasons:

1. _____
2. _____
3. _____

12.0 Sample Motion Language (*Final Site Plan & Design Review*)

Motion to adopt the findings of the Planning Department in the report dated March 26, 2025 related to the approval criteria outlined in Article 7, Section 7.27 of the Zoning Ordinance and recommend **APPROVAL** to the City Commission the Final Site Plan & Design Review application for 280 E. Lincoln – Grace Baptist Church – subject to the following conditions:

1. The applicant submits plans that meet the 10 ft. side yard setback or obtain a variance from the Board of Zoning Appeals;
2. The applicant submits plans that meet the min. open space requirement or obtain a variance from the Board of Zoning Appeals;

3. The applicant is required to implement interior parking lot landscaping as proposed in the site plan with modifications as requested by City Staff;
4. The site plan is required to implement street tree plantings as proposed in the site plan with modifications as requested by City Staff;
5. The applicant must enter into a shared parking agreement with the City of Birmingham to reduce the impact of parking in the neighborhoods;
6. The applicant must comply with the requests of all City Departments; and
7. The applicant understands that site plan approval shall be valid for a period of one year from the date it is granted. Upon request, the appropriate reviewing body may grant an extension of not in excess of one year to the applicant prior to the expiration date in accordance with Article 7, Section 7.28 of the Zoning Ordinance.

OR

Motion to **POSTPONE** the Final Site Plan & Design Review 280 E. Lincoln – Grace Baptist Church – pending receipt of the following:

1. _____
2. _____
3. _____

OR

Motion to recommend for **DENIAL** to the City Commission the Final Site Plan & Design Review for 280 E. Lincoln – Grace Baptist Church – for the following reasons:

1. _____
2. _____
3. _____

Zoning Compliance Summary Sheet
Special Land Use Permit, Final Site Plan and Design Review
280 E. Lincoln – Grace Baptist Church

Existing Site: Religious Institution and associated parking facility

Zoning: R2 (Single-Family Residential)

Land Use: Institutional/Special Land Use

Existing Land Use and Zoning of Adjacent Properties:

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

Land Area:	Existing:	.9 ac
	Proposed:	.9 ac
Dwelling Units:	Existing:	0 units
	Proposed:	0 units
Minimum Lot Area/Unit:	Required:	N/A
	Proposed:	N/A
Min. Floor Area /Unit:	Required:	1,000 sq. ft. (one story) 1,200 sq. ft. (> one story)
	Proposed:	N/A
Max. Total Floor Area:	Required:	N/A
	Proposed:	N/A
Min. Open Space:	Required:	40%
	Proposed:	26.7% (28.8% existing nonconforming)
Max. Lot Coverage:	Required:	30%

	Proposed:	22.1%
Front Setback:	Required:	25 ft.
	Proposed:	21.3 ft. (existing nonconforming)
Side Setbacks	Required:	9 feet or 10% of total lot width whichever is larger for one side yard 14 feet or 25% of total lot width whichever is larger for both side yards no side yard shall be less than 5 feet 10 ft. for corner lot
	Proposed:	35 ft. on west side 5 ft. on east side (variance required)
Rear Setback:	Required:	30 ft.
	Proposed:	131.8 ft.
Min. Front+Rear Setback	Required:	55 ft.
	Proposed:	153.1 ft.
Max. Bldg. Height:	Permitted:	30 ft to midpoint for sloped roofs; 24 feet for flat roofs only; 2 stories
	Proposed:	28 ft. 9.5 inches (midpoint of sloped roof), 1 story
Max. Eave Height:	Required:	24 ft.
	Proposed:	16 ft.
Floor-Floor Height:	Required:	N/A
	Proposed:	N/A
Front Entry:	Required:	N/A
	Proposed:	N/A
Absence of Bldg. Façade:	Required:	N/A
	Proposed:	N/A
Opening Width:	Required:	N/A
	Proposed:	N/A
Parking:	Required:	1/6 persons capacity = 44
	Proposed:	49 off-street spaces
Min. Parking Space Size:	Required:	180 sq. ft.
	Proposed:	180 sq. ft.
Parking in Frontage:	Required:	N/A

	Proposed:	N/A
Loading Area:	Required:	0
	Proposed:	0

Screening:

<u>Parking:</u>	Required:	32 in. capped masonry screen wall
	Proposed:	32 in. capped masonry screen wall and wood fence

<u>Loading:</u>	Required:	Screened from view
	Proposed:	N/A

<u>Rooftop Mechanical:</u>	Required:	Screened from view
	Proposed:	N/A

<u>Elect. Transformer:</u>	Required:	N/A
	Proposed:	N/A

<u>Dumpster:</u>	Required:	Masonry screen wall with wood gates
	Proposed:	N/A

SITE PLAN

GRACE BAPTIST CHURCH

280 EAST LINCOLN STREET, BIRMINGHAM, OAKLAND COUNTY, MI

PROJECT CONTACTS

OWNER/APPLICANT

GRACE BAPTIST CHURCH
280 EAST LINCOLN STREET
BIRMINGHAM, MI 48009
PHONE: 248.646.2000

ARCHITECT/DESIGN BUILDER

GANTHER
CONSTRUCTION/ARCHITECTURE, INC.
CONTACT: ANDREW IVERSON, AIA, ALEP,
LEED AP
4825 COUNTY ROAD A
OSHKOSH, WI 54901
PHONE: 920.426.4774 EXT. 132
EMAIL: AIVERSON@GANTHER.COM

SURVEYOR

SUJAK ENGINEERING, PLC
CONTACT: TEON SUJAK
4031 COOLIDGE HWY
TROY, MI 48068
PHONE: 248.885.8431
EMAIL: SUJAKENGINEERING@COMCAST.NET

ENGINEER

METRO CONSULTING ASSOCIATES, LLC
CONTACT: ANDREW WALTERS, PE
45345 FIVE MILE ROAD
PLYMOUTH, MI 48170
PHONE: 800.525.6016
EMAIL: AWALTERS@METROCA.NET

SITE PLAN PERMITTING

CITY OF BIRMINGHAM
PLANNING DIVISION
CONTACT: NICHOLAS DUPUIS, PLANNING
DIRECTOR
151 MARTIN STREET
BIRMINGHAM, MI 48009
PHONE: 248.530.1850

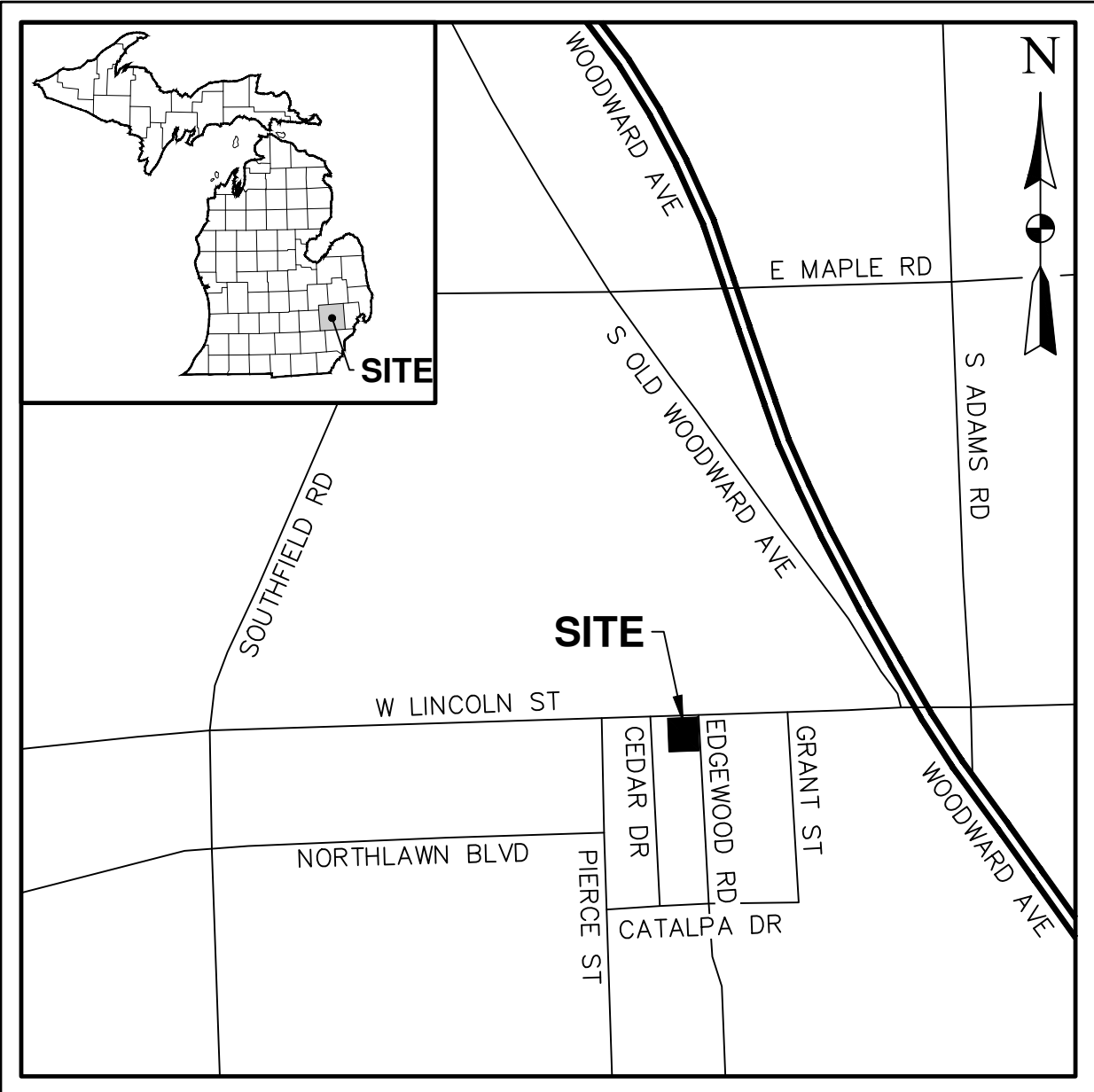
CITY OF BIRMINGHAM
ENGINEERING DEPARTMENT
CONTACT: MELISSA COATTA, PE
151 MARTIN STREET
BIRMINGHAM, MI 48009
PHONE: 248.530.1850
EMAIL: MCOATTA@BHAMGOV.ORG

SURVEY NOTES

- THESE PLANS ARE BASED ON THE TOPOGRAPHIC AND BOUNDARY SURVEY PREPARED BY SUJAK ENGINEERING, PLC DATED NOVEMBER 16, 2024.
- ELEVATIONS PROVIDED ARE ON THE CITY OF BIRMINGHAM DATUM.
- THE SURVEY WAS PERFORMED ON NO KNOWN HORIZONTAL DATUM.
- ACCORDING TO FEMA FIRM MAP 2612C0537F, EFFECTIVE SEPTEMBER 29, 2006, THE SITE IS NOT LOCATED IN AN AREA OF SPECIAL FLOOD HAZARD.



OVERALL AREA MAP



VICINITY MAP
NOT TO SCALE

SHEET INDEX

- | | |
|----|--|
| 01 | COVER SHEET |
| 02 | TOPOGRAPHIC AND BOUNDARY SURVEY |
| 03 | DEMOLITION PLAN |
| 04 | LAYOUT PLAN |
| 05 | GRADING AND UTILITY PLAN |
| 06 | LANDSCAPE PLAN |
| 07 | SOIL EROSION AND SEDIMENTATION CONTROL PLAN |
| 08 | SOIL EROSION AND SEDIMENTATION NOTES AND DETAILS |
| 09 | DETAILS |
| A1 | LOWER LEVEL FLOOR PLAN |
| A2 | MAIN FLOOR PLAN |
| A3 | EXTERIOR ELEVATIONS |
| A4 | EXTERIOR ELEVATIONS |

PROJECT NARRATIVE

GRACE BAPTIST CHURCH IS RESPECTFULLY REQUESTING THE NECESSARY PERMITS AND APPROVALS TO RENOVATE THEIR CHURCH AT 280 EAST LINCOLN STREET IN THE CITY OF BIRMINGHAM, OAKLAND COUNTY, MICHIGAN. THE PROPOSED ALTERATIONS INCLUDE REMOVAL OF 2,650SF OF EXISTING BUILDING TO CONSTRUCT A 4,180SF ADDITION ALONG WITH ALTERATION OF PORTIONS OF THE PARKING LOT AND DRIVE, SIDEWALKS AND LANDSCAPING. ALL WORK INTERNAL TO THE EAST LINCOLN STREET AND/OR EDGEWOOD ROAD RIGHT-OF-WAY WILL BE PERFORMED IN ACCORDANCE WITH THE MOST CURRENT VERSION OF THE CITY OF BIRMINGHAM'S CODE OF ORDINANCES.

WATER: THE EXISTING WATER SERVICE TO THE BUILDING WILL BE UTILIZED. NO NEW CONNECTION TO OR EXTENSION OF THE PUBLIC WATERMAIN IS PROPOSED AS PART OF THIS PROJECT.

SANITARY: THE EXISTING SANITARY SERVICE WILL BE UTILIZED. NO NEW CONNECTION TO OR EXTENSION OF THE PUBLIC SANITARY SEWER IS PROPOSED AS PART OF THIS PROJECT.

STORM SEWER: SOME RUN-OFF FROM THE SITE DRAINS TO AN ON-SITE CATCH BASIN THAT DISCHARGES TO THE SEWER IN EDGEWOOD ROAD. THE MAJORITY OF THE SITE SHEET FLOWS TO THE EAST LINCOLN STREET OR EDGEWOOD ROAD RIGHT-OF-WAY. NO ALTERATION OF THE STORM SEWER IS PROPOSED AS PART OF THIS PROJECT.

SOIL EROSION: A SOIL EROSION PERMIT FROM THE CITY OF BIRMINGHAM WILL BE REQUIRED FOR THE PROJECT.



Know what's below.
Call before you dig.

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CONSTRUCTION SITE SAFETY IS THE RESPONSIBILITY OF THE CONTRACTOR. NEITHER THE OWNER NOR THE ENGINEER SHALL BE EXPECTED TO ASSUME ANY RESPONSIBILITY FOR SAFETY OF THE WORK, OF ANY NEARBY STRUCTURES, OR OF ANY OTHER PERSONS.

Revisions
4/4/2025
PER CITY OF BIRMINGHAM



Project Number	1051-25-13215	Date	3/6/2025
P.M.	AW	Checked by	AW
		Drawn by	WB
		Crew/Book	

Client:
GRACE BAPTIST CHURCH

Project:
GRACE BAPTIST CHURCH

Site Address 280 EAST LINCOLN STREET BIRMINGHAM, MI 48009		
County OAKLAND	Community BIRMINGHAM	
Township 2N	Range 10E	Section 36

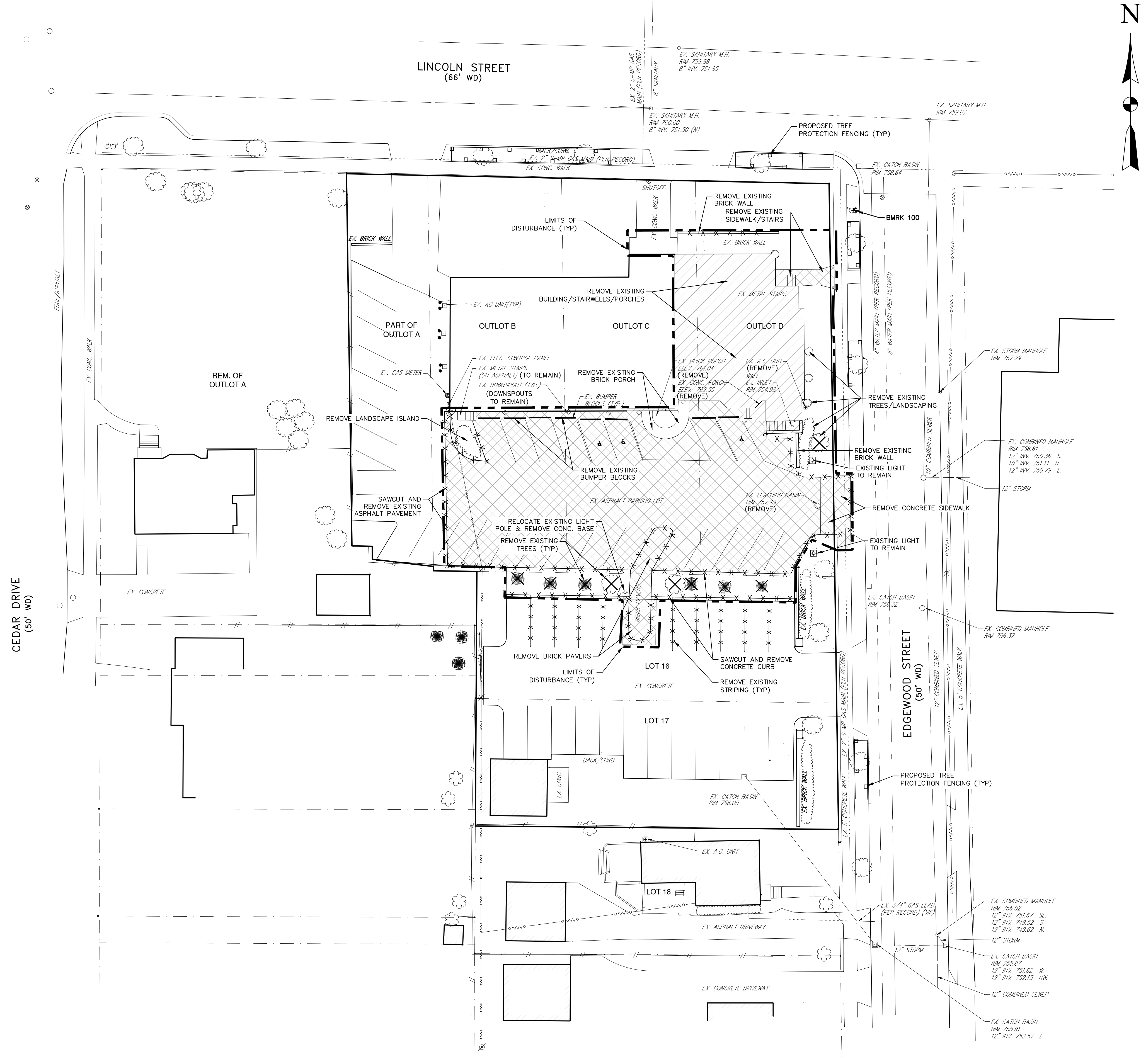


Professional Name ANDREW WALTERS, PE	Date 4/4/2025
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Title
SITE PLAN
COVER SHEET

Drawing Scale 1" = 30'	Sheet Number 01
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BENCHMARK LIST:

BMRK#100
ARROW ON HYDRANT
(CITY OF BIRMINGHAM DATUM)
ELEV = 761.64

BMRK#101
CITY OF BIRMINGHAM
BENCHMARK #2
SOUTHEAST CORNER OF PIERCE AND LINCOLN
ELEV = 767.44

LEGEND

	EX. SPOT ELEVATION
	EX. CONTOUR
	EX. WETLAND LIMITS
	EX. BOUNDARY LINE
	EX. ADJACENT PROPERTY LINE
	EX. RIGHT-OF-WAY
	EX. SECTION LINE
	EX. EASEMENT LINE
	EX. CURB/PAVEMENT
	EX. FENCE
	EX. GRAVEL
	EX. DITCH
	EX. GUARDRAIL
	EX. TREELINE
	EX. TREE (CONIFEROUS)
	EX. TREE (DECIDUOUS)
	EX. SIGN
	EX. MAILBOX
	FOUND IRON PIPE
	FOUND IRON ROD
	FOUND PK NAIL
	FOUND CONC. MONUMENT
	SET IRON ROD
	SET MAG NAIL
	EX. SECTION CORNER
	SOIL BORING
	EX. WATER MAIN
	EX. WATER VALVE
	EX. HYDRANT
	EX. WATER MANHOLE
	EX. WELL
	EX. WATER METER
	EX. STORM SEWER
	EX. STORM INLET/CATCH BASIN
	EX. STORM MANHOLE
	EX. STORM END SECTION
	EX. SANITARY SEWER
	EX. SANITARY MANHOLE
	EX. CLEAN OUT
	EX. UNDERGROUND GAS
	EX. GAS VALVE
	EX. TEST STATION
	EX. GAS METER
	EX. UNDERGROUND CABLE
	EX. UNDERGROUND FIBER
	EX. TELEPHONE MANHOLE
	EX. TELEPHONE RISER
	EX. OVERHEAD ELECTRIC
	EX. UNDERGROUND ELECTRIC
	EX. ELECTRIC MANHOLE
	EX. ELECTRIC METER/TRANSFORMER
	EX. LIGHT POLE
	EX. TRAFFIC SIGNAL POLE
	EX. UTILITY POLE
	EX. GUY WIRE
	EX. TRAFFIC SIGNAL BOX
	EX. UNIDENTIFIED MANHOLE
	PR. SPOT ELEVATION
	PR. CONTOUR
	PR. DRAINAGE ARROW
	PR. EASEMENT LINE
	PR. SETBACK LINE
	PR. CURB/PAVEMENT
	PR. FENCE
	PR. SIDEWALK RAMP
	PR. ASPHALT PAVEMENT
	PR. CONCRETE
	PR. GUARDRAIL
	PR. SIGN
	PR. WATER MAIN
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	PR. WATER VALVE IN MANHOLE
	PR. WELL
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	PR. STORM SEWER
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	PR. STORM MANHOLE
	PR. STORM END SECTION
	PR. SANITARY SEWER
	PR. SANITARY MANHOLE
	PR. CLEANOUT
	PR. UTILITY CROSSING LOCATION
	PR. UNDERGROUND GAS
	PR. GAS VALVE
	PR. LIGHT POLE
	TREE PROTECTION FENCE
	DEMO UTILITY/ CURB
	DEMO BUILDING
	DEMO EXISTING TREE
	PR. SILT FENCE
	LIMITS OF DISTURBANCE
	PR. INLET FILTER
	PR. STONE/ RIP-RAP
	SOIL LIMITS
	SOIL TYPE

DEMOLITION NOTES:

1. THE CONTRACTOR SHALL CALL 811 "MISS DIG" AT LEAST THREE WORKING DAYS PRIOR TO CONSTRUCTION.
2. A SOIL EROSION CONTROL PERMIT FROM THE AUTHORITY HAVING JURISDICTION IS REQUIRED AND SOIL EROSION CONTROL BMP'S SHALL BE IN PLACE PRIOR TO THE COMMENCEMENT OF DEMOLITION ACTIVITIES.
3. THE CONTRACTOR SHALL INDEPENDENTLY VERIFY THE LOCATION AND DEPTH OF EXISTING UTILITIES PRIOR TO DEMOLITION ACTIVITIES.
4. THE CONTRACTOR SHALL BE RESPONSIBLE TO DEMOLISH OR RELOCATE ANY SITE FEATURES AS ACCORDING TO PLAN AND/OR AS APPROPRIATE TO FACILITATE THE CONSTRUCTION OF THE PROPOSED IMPROVEMENTS.
5. PRIOR TO REMOVING, RELOCATING, OR PERFORMING ANY WORK ON A UTILITY, THE CONTRACTOR SHALL COORDINATE WITH THE RESPECTIVE UTILITY OWNER.
6. ALL DEMOLISHED MATERIAL SHALL BE REMOVED FROM THE SITE AND DISPOSED OF IN A LEGALLY DESIGNATED DISPOSAL AREA. PERMITS AND FEES FOR DISPOSAL OF DEMOLITION MATERIAL SHALL BE OBTAINED AND PAID FOR BY THE CONTRACTOR.
7. COORDINATE WITH THE UTILITY PLAN REGARDING DEMOLITION OR RELOCATION OF EXISTING UTILITIES.
8. REMOVE BUILDING FOOTINGS TO A MINIMUM OF TWO FEET BELOW FINISHED GRADE AND, WHERE UNDER PROPOSED BUILDINGS OF PAVED AREAS, BACKFILL WITH ENGINEERED MATERIAL.
9. REMOVAL OF EXISTING LIGHT POLES SHALL INCLUDE THE REMOVAL OF THE POLE BASE AND CONDUIT BETWEEN LIGHTS.
10. REMOVAL OF CONCRETE SIDEWALK AND/OR CURB SHALL BE TO THE NEAREST JOINT UNLESS OTHERWISE NOTED.
11. PAVEMENTS TO BE REMOVED SHALL BE SAW CUT TO THE FULL DEPTH OF THE PAVEMENT. THE CONTRACTOR SHALL TAKE CARE TO MAINTAIN A CLEAN EDGE OF PAVEMENT.



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Revisions

4/4/2025
PER CITY OF BIRMINGHAM



Project Number 1051-25-13215 Date 3/6/2025
P.M. AW Checked by D.W. by W.B. Crew/Book

Client
GRACE BAPTIST CHURCH

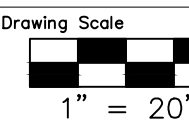
Project
GRACE BAPTIST CHURCH

Site Address
280 EAST LINCOLN STREET
BIRMINGHAM, MI 48009
County OAKLAND Community BIRMINGHAM
Township 2N Range 10E Section 36

Professional Name
ANDREW WALTERS, PE Date 4/4/2025

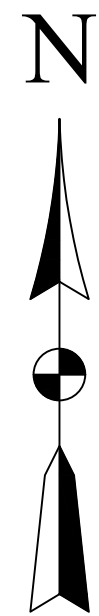
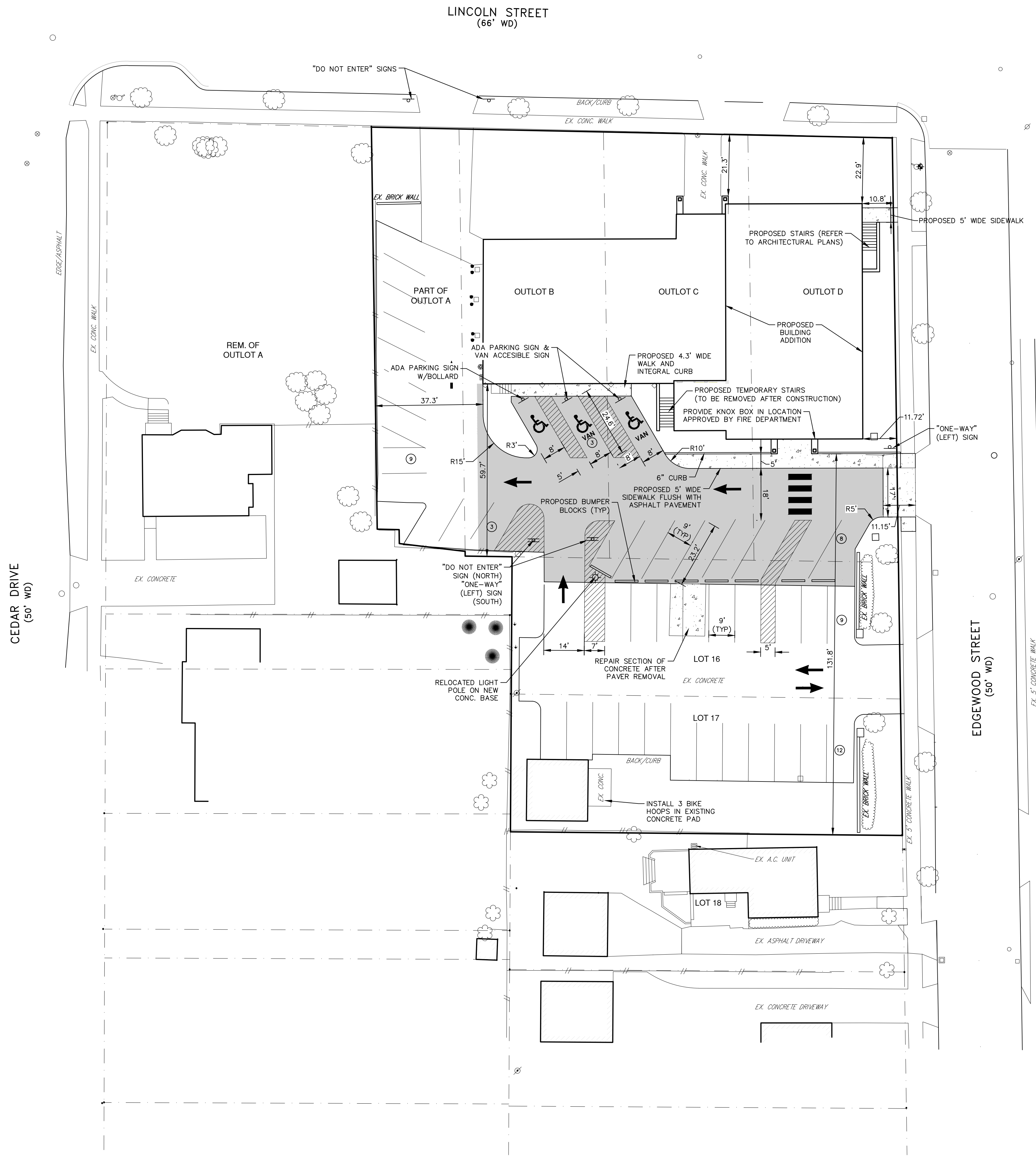
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SITE PLAN

DEMOLITION PLAN



Sheet Number
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LEGEND

EX. SPOT ELEVATION	PR. SPOT ELEVATION
EX. CONTOUR	PR. CONTOUR
EX. WETLAND LIMITS	PR. DRAINAGE ARROW
EX. BOUNDARY LINE	PR. EASEMENT LINE
EX. ADJACENT PROPERTY LINE	PR. CURB/PAVEMENT
EX. RIGHT-OF-WAY	PR. FENCE
EX. SECTION LINE	PR. SIDEWALK RAMP
EX. EASEMENT LINE	PR. ASPHALT PAVEMENT
EX. CURB/PAVEMENT	PR. CONCRETE
EX. FENCE	PR. GUARDRAIL
EX. GRAVEL	PR. SIGN
EX. DITCH	PR. WATER MAIN
EX. GUARDRAIL	PR. WATER VALVE
EX. TRELISE	PR. HYDRANT
EX. TREE (CONIFEROUS)	PR. WATER VALVE IN MANHOLE
EX. TREE (DECIDUOUS)	PR. WELL
EX. SIGN	PR. REDUCER
EX. MAILBOX	PR. STORM SEWER
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FOUND IRON ROD	PR. STORM MANHOLE
FOUND PK NAIL	PR. STORM END SECTION
FOUND CONC. MONUMENT	PR. SANITARY SEWER
SET IRON ROD	PR. SANITARY MANHOLE
SET MAG NAIL	PR. CLEAN OUT
EX. SECTION CORNER	PR. UNDERGROUND GAS
SOIL BORING	PR. GAS VALVE
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EX. WATER VALVE	PR. GAS METER
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EX. WELL	EX. UNDERGROUND TELEPHONE
EX. WATER METER	EX. TELEPHONE MANHOLE
EX. STORM SEWER	EX. TELEPHONE RISER
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EX. STORM END SECTION	EX. ELECTRIC MANHOLE
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EX. UNDERGROUND GAS	EX. UTILITY POLE
EX. GAS VALVE	EX. GUY WIRE
EX. TEST STATION	EX. TRAFFIC SIGNAL BOX
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PR. UTILITY CROSSING LOCATION	
PR. UNDERGROUND GAS	
PR. GAS VALVE	
PR. LIGHT POLE	

LAYOUT NOTES:

- ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE CURRENT STANDARDS, SPECIFICATION, AND GENERAL CONDITIONS OF THE JURISDICTION HAVING AUTHORITY.
- ALL DIMENSIONS ARE MEASURED TO THE PAINT LINE OR FACE OF CURB UNLESS OTHERWISE NOTED.
- ALL PARKING LOT STRIPING SHALL BE IN ACCORDANCE WITH THE "MICHIGAN MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES".
- ALL ACCESSIBLE PARKING, SIGNAGE AND STRIPING SHALL BE IN ACCORDANCE WITH THE "ADA STANDARDS FOR ACCESSIBLE DESIGN", CURRENT EDITION.
- PRIOR TO COMMENCING WORK, THE CONTRACTOR SHALL CONTACT THE OWNER AND/OR ENGINEER SHOULD THERE BE ANY FIELD CONFLICTS WITH THE DESIGN INTENT.
- REFER TO THE ARCHITECTURAL PLANS FOR COORDINATING THE SCOPE OF WORK RELATING TO THE BUILDING ELEVATIONS, INTERIOR, AND APPURTENANCES.
- EXISTING SIDEWALK FLAGS IN THE PUBLIC RIGHT-OF-WAY THAT HAS BEEN HEAVED OR DAMAGED BY TREE ROOTS SHALL BE REMOVED AND REPLACED.

SITE DATA:

GROSS LOT AREA		39,220 SF, 0.90 AC		
NET LOT AREA		0.90 AC		
ZONING		R-2		
LAND USE		RELIGIOUS		
SITE DEVELOPMENT DATA		REQUIRED	EXISTING	PROPOSED
BUILDING SETBACKS	FRONT	25'	21.3'/10.1'	21.3'/10.8'
	SIDE	9' ONE, 14' TOT.	37.3'/59.7'	59.7'/37.3'
	REAR	N/A	N/A	197.13'
BUILDING REQUIREMENTS	FLOOR AREA	N/A	7,081 SF	8,682 SF
	BUILDING HEIGHT	2 Stories/30'	N/A	28.79'
LOT COVERAGE	LOT AREA	6,000 SF MIN.	39,220 SF	39,220 SF
	MIN. OPEN SPACE	40.0%	28.8%	26.78%
	MAX. LOT COVERAGE	30.0%	18.1%	22.1%
PARKING	TOTAL SPACES*	44	54	44
	ADA SPACES	2	3	3
	BICYCLE SPACES**	5	0	6

*BASED ON ONE PARKING SPACE PER SIX SEATS (266 SEATS)

**BASED ON ONE BIKE SPACE PER TEN PARKING SPACES OR 1 BIKE SPACE PER 3,000 SF BLDG. (WHICHEVER IS GREATER)



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Revisions
4/4/2025
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Client
GRACE BAPTIST CHURCH

Project
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280 EAST LINCOLN STREET
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County OAKLAND Community BIRMINGHAM
Township 2N Range 10E Section 36

Professional Name
ANDREW WALTERS, PE Date 4/4/2025

Title
SITE PLAN
LAYOUT PLAN

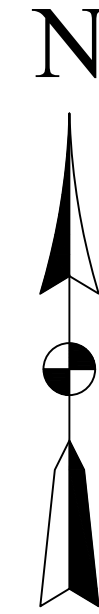
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CEDAR DRIVE
(50' WD)

LINCOLN STREET
(66' WD)

EDGEWOOD STREET
(50' WD)



LEGEND

	EX. SPOT ELEVATION
	EX. WETLAND LIMITS
	EX. BOUNDARY LINE
	EX. ADJACENT PROPERTY LINE
	EX. RIGHT-OF-WAY
	EX. SECTION LINE
	EX. EASEMENT LINE
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	EX. TELEPHONE MANHOLE
	EX. TELEPHONE RISER
	EX. OVERHEAD ELECTRIC
	EX. UNDERGROUND ELECTRIC
	EX. ELECTRIC MANHOLE
	EX. ELECTRIC METER/TRANSFORMER
	EX. LIGHT POLE
	EX. TRAFFIC SIGNAL POLE
	EX. UTILITY POLE
	EX. GUY WIRE
	EX. TRAFFIC SIGNAL BOX
	EX. UNIDENTIFIED MANHOLE
	PR. SPOT ELEVATION
	PR. CONTOUR
	PR. DRAINAGE ARROW
	PR. EASEMENT LINE
	PR. SETBACK LINE
	PR. CURB/PAVEMENT
	PR. FENCE
	PR. SIDEWALK RAMP
	PR. ASPHALT PAVEMENT
	PR. CONCRETE
	PR. GUARDRAIL
	PR. SIGN
	PR. WATER MAIN
	PR. WATER VALVE
	PR. HYDRANT
	PR. WATER VALVE IN MANHOLE
	PR. WELL
	PR. REDUCER
	PR. STORM SEWER
	PR. STORM INLET/CATCH BASIN
	PR. STORM MANHOLE
	PR. STORM END SECTION
	PR. SANITARY SEWER
	PR. SANITARY MANHOLE
	PR. CLEANOUT
	PR. UTILITY CROSSING LOCATION
	PR. UNDERGROUND GAS
	PR. GAS VALVE
	PR. LIGHT POLE

UTILITY NOTES:

GENERAL UTILITY NOTES

- CONTRACTOR IS RESPONSIBLE FOR OBTAINING COPIES OF ALL REQUIRED STATE AND LOCAL PERMITS PRIOR TO THE START OF CONSTRUCTION. COPIES OF THE REQUIRED PERMITS SHALL BE KEPT ON-SITE AT ALL TIMES.
- WHERE THESE PLANS MAY CONFLICT WITH THE REQUIREMENTS OF THE LOCAL JURISDICTION, THE LOCAL JURISDICTIONAL REQUIREMENTS SHALL GOVERN.
- ALL PROPOSED UTILITY MATERIALS AND INSTALLATION PROCEDURES SHALL BE IN ACCORDANCE WITH THE LATEST STANDARDS. SPECIFICATIONS AND CONSTRUCTION DETAILS OF THE AUTHORITY HAVING JURISDICTION.
- REFER TO THE STANDARD DETAILS OF THE AUTHORITY HAVING JURISDICTION REGARDING UTILITY TRENCH BEDDING AND BACKFILL REQUIREMENTS.
- REFER TO THE STANDARD DETAILS OF THE AUTHORITY HAVING JURISDICTION REGARDING REQUIRED MANHOLE AND CASTING DETAILS AND TYPES.
- CONTRACTOR SHALL COORDINATE SCHEDULING AND PROCEDURES WITH THE AUTHORITY HAVING JURISDICTION PRIOR TO PERFORMING THE PROPOSED CONNECTIONS TO THE EXISTING UTILITIES.
- UTILITY TESTING AS REQUIRED SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR AND SHALL BE IN ACCORDANCE WITH THE CURRENT STATE AND LOCAL REQUIREMENTS.
- A MINIMUM VERTICAL SEPARATION OF 18 INCHES SHALL BE MAINTAINED BETWEEN CROSSING UTILITIES, UNLESS OTHERWISE APPROVED.
- A MINIMUM HORIZONTAL SEPARATION OF 10 FEET SHALL BE MAINTAINED BETWEEN SANITARY AND STORM SEWER LINES AND POTABLE WATER LINES.
- THE CONTRACTOR SHALL CALL 811 'MISS DIG' AT LEAST THREE WORKING DAYS PRIOR TO CONSTRUCTION.
- CONTRACTOR SHALL INDEPENDENTLY VERIFY EXISTING UTILITY LOCATIONS AND DEPTHS PRIOR TO CONSTRUCTION.
- CONTRACTOR SHALL COORDINATE WITH ARCHITECTURAL DRAWINGS FOR ALL UTILITY CONNECTIONS TO THE BUILDING(S). CONTRACTOR SHALL CONFIRM ALL BUILDING CONNECTION LOCATIONS AND ELEVATIONS AND NOTIFY THE PROJECT TEAM OF ANY DISCREPANCIES PRIOR TO COMMENCING WORK.
- PRIVATE UTILITIES (INCLUDING ELECTRIC, GAS, PHONE, AND CABLE) SHOWN FOR SCHEMATIC PURPOSES ONLY. ALL PRIVATE UTILITY ROUTING AND INSTALLATION SHALL BE COORDINATED BY THE RESPECTIVE UTILITY COMPANY AND/OR THE CONTRACTOR.

BENCHMARK LIST:

BMRK#100
ARROW ON HYDRANT
(CITY OF BIRMINGHAM DATUM)
ELEV = 761.64

BMRK#101
CITY OF BIRMINGHAM
BENCHMARK #2
SOUTHEAST CORNER OF PIERCE AND LINCOLN
ELEV = 767.44

GRADING NOTES:

- A SOIL EROSION CONTROL PERMIT FROM THE AUTHORITY HAVING JURISDICTION IS REQUIRED PRIOR TO THE COMMENCEMENT OF GRADING ACTIVITIES.
- ALL PROPOSED SPOT GRADES SHOWN AT THE TOP PAVEMENT, UNLESS OTHERWISE NOTED. NOTATION CODES ARE AS FOLLOWS: FF=FINISHED FLOOR, FG=FINISHED GRADE, TC=TOP OF CURB, RM=TOP OF GRATE OR MANHOLE, TW=TOP OF WALK, TWALL=TOP OF WALL, BWALL=BOTTOM OF WALL, EM=EDGE OF METAL.
- REFER TO THE GEOTECHNICAL INVESTIGATION REPORT FOR CONSTRUCTION RECOMMENDATIONS AND REQUIREMENTS REGARDING SUB-SURFACE SOIL CONDITIONS, GROUNDWATER CONDITIONS, SITE PREPARATION, EXCAVATION, PAVEMENT CROSS-SECTIONS, AND MATERIALS TESTING.
- THE PROPOSED SLOPES ARE APPROXIMATE AS SHOWN.
- THE CONTRACTOR IS RESPONSIBLE FOR ENSURING POSITIVE DRAINAGE IN THE POST CONSTRUCTION CONDITIONS AND NO ADVERSE IMPACTS TO NEIGHBORING PROPERTIES DURING AND AFTER COMPLETION OF CONSTRUCTION.
- ANY SOIL RETAINING SYSTEM OR WALL SHALL BE DESIGNED BY A QUALIFIED STRUCTURAL OR GEOTECHNICAL ENGINEER. A DETAIL OF THE RETAINING WALL WITH CALCULATIONS TO BE SUBMITTED TO THE REVIEW AGENCY AS REQUIRED.
- WHEN PAVED AREAS ARE EXCAVATED, ASPHALT AREAS SHALL BE SAW-CUT AND REMOVED TO A DISTANCE EQUAL TO THE DEPTH OF EXCAVATION. CONCRETE SHALL BE REMOVED TO THE FIRST JOINT PAST THE DISTANCE EQUAL TO THE DEPTH OF EXCAVATION. COMPACTED SAND BACKFILL IS REQUIRED IN ALL EXCAVATIONS WITHIN A 1:1 SLOPE OF EXISTING OR PROPOSED PAVEMENT.
- ALL SIDEWALK PLANNED TO BE ACCESSIBLE SHALL BE CONSTRUCTED WITH CROSS SLOPES LESS THAN 2% AND LONGITUDINAL SLOPES LESS THAN 5%.
- ALL SIDEWALK CURB RAMPS SHALL BE CONSTRUCTED PER THE LATEST MICHIGAN DEPARTMENT OF TRANSPORTATION DETAILS AND IN COMPLIANCE WITH THE AMERICAN WITH DISABILITIES ACT.
- CONTRACTOR SHALL ADJUST ALL EXISTING MANHOLE AND/OR CATCH BASIN CASTINGS AFFECTED BY THE PROPOSED WORK. WHERE NECESSARY, DUE TO EXCESSIVE CHANGE IN ELEVATION, CONTRACTOR SHALL RECONSTRUCT THE STRUCTURE TO ACHIEVE THE PROPOSED GRADES.



THE LOCATIONS OF EXISTING UNDERGROUND UTILITIES ARE SHOWN IN AN APPROXIMATE WAY ONLY AND HAVE NOT BEEN INDEPENDENTLY VERIFIED. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ALL EXISTING UTILITIES BEFORE COMMENCING WORK, AND AGREES TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES WHICH MIGHT BE OCCASIONED BY THE CONTRACTOR'S FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL UNDERGROUND UTILITIES.

CONSTRUCTION SITE SAFETY IS THE RESPONSIBILITY OF THE CONTRACTOR. NEITHER THE OWNER NOR THE ENGINEER SHALL BE EXPECTED TO ASSUME ANY RESPONSIBILITY FOR SAFETY OF THE WORK, OF PERSONS ENGAGED IN THE WORK, OF ANY NEARBY STRUCTURES, OR OF ANY OTHER PERSONS.

Revisions

4/4/2025
PER CITY OF BIRMINGHAM



Project Number 1051-25-13215 Date 3/6/2025
P.M. Checked by AW Drawn by AW Crew/Book

Client
GRACE BAPTIST CHURCH

Project
GRACE BAPTIST CHURCH

Site Address
280 EAST LINCOLN STREET
BIRMINGHAM, MI 48009

County OAKLAND Community BIRMINGHAM

Township 2N Range 10E Section 36

Professional Name
ANDREW WALTERS, PE Date 4/4/2025

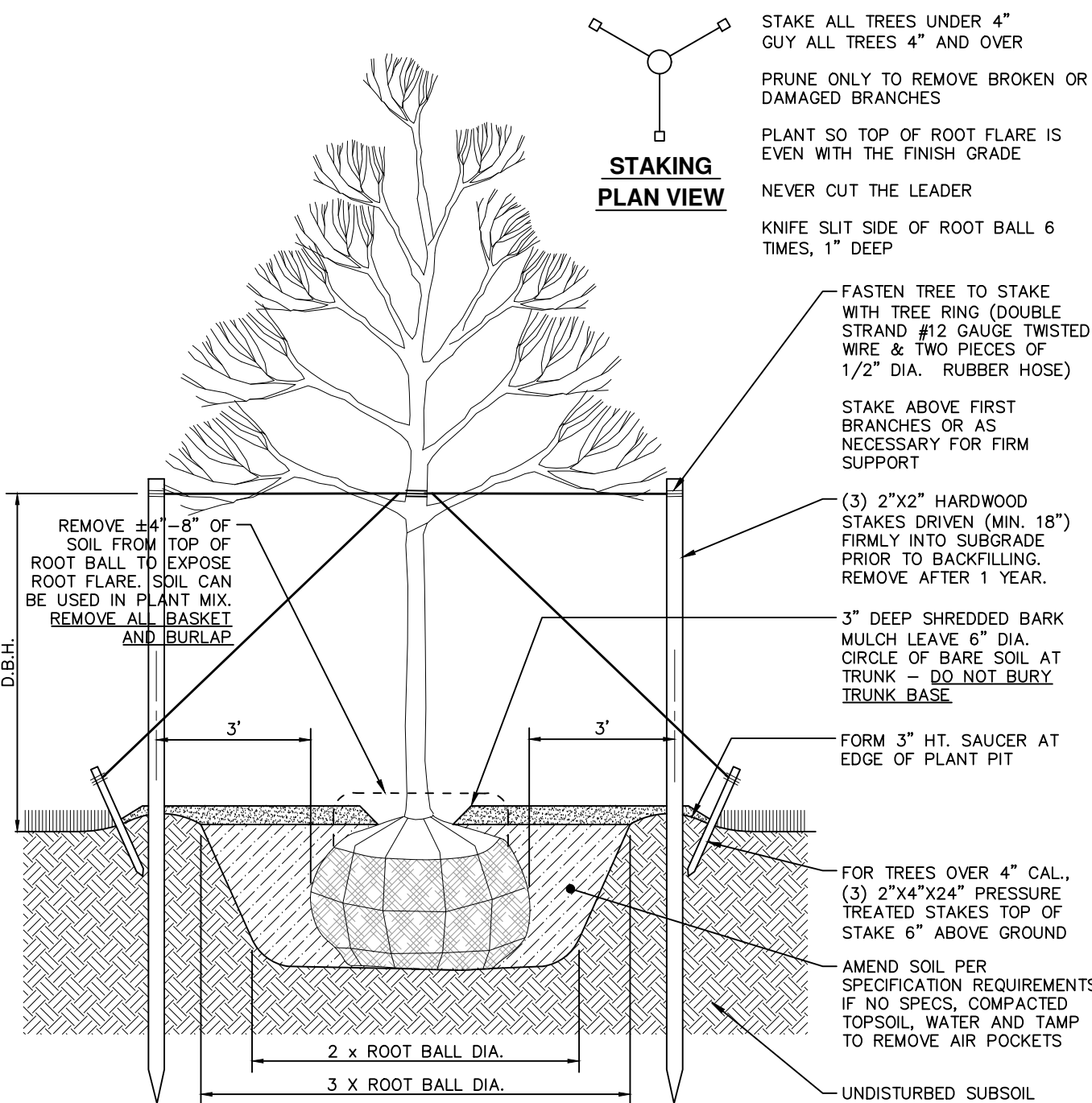
Title
SITE PLAN

GRADING AND UTILITY
PLAN

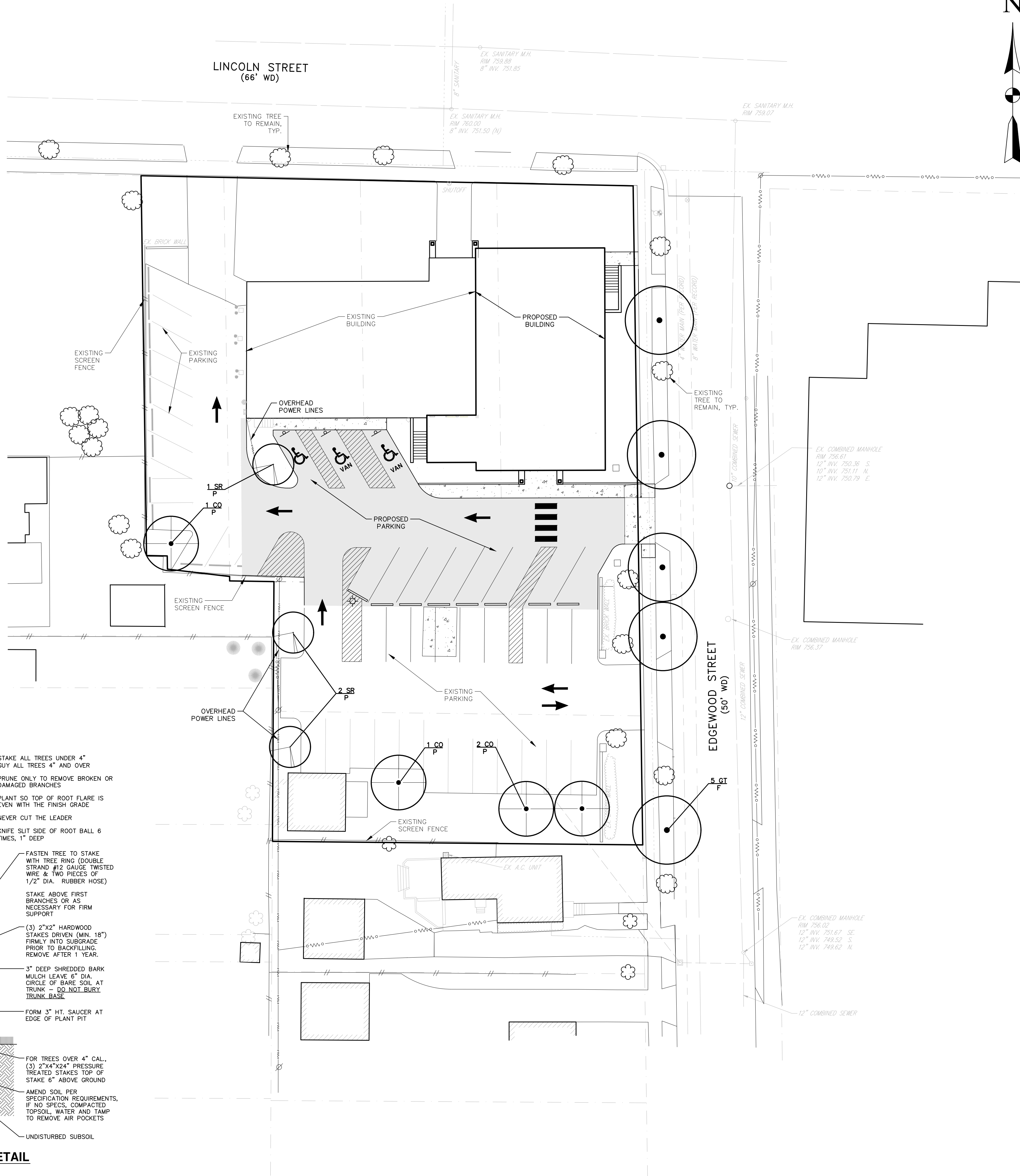
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Sheet Number 05

LANDSCAPE NOTES:

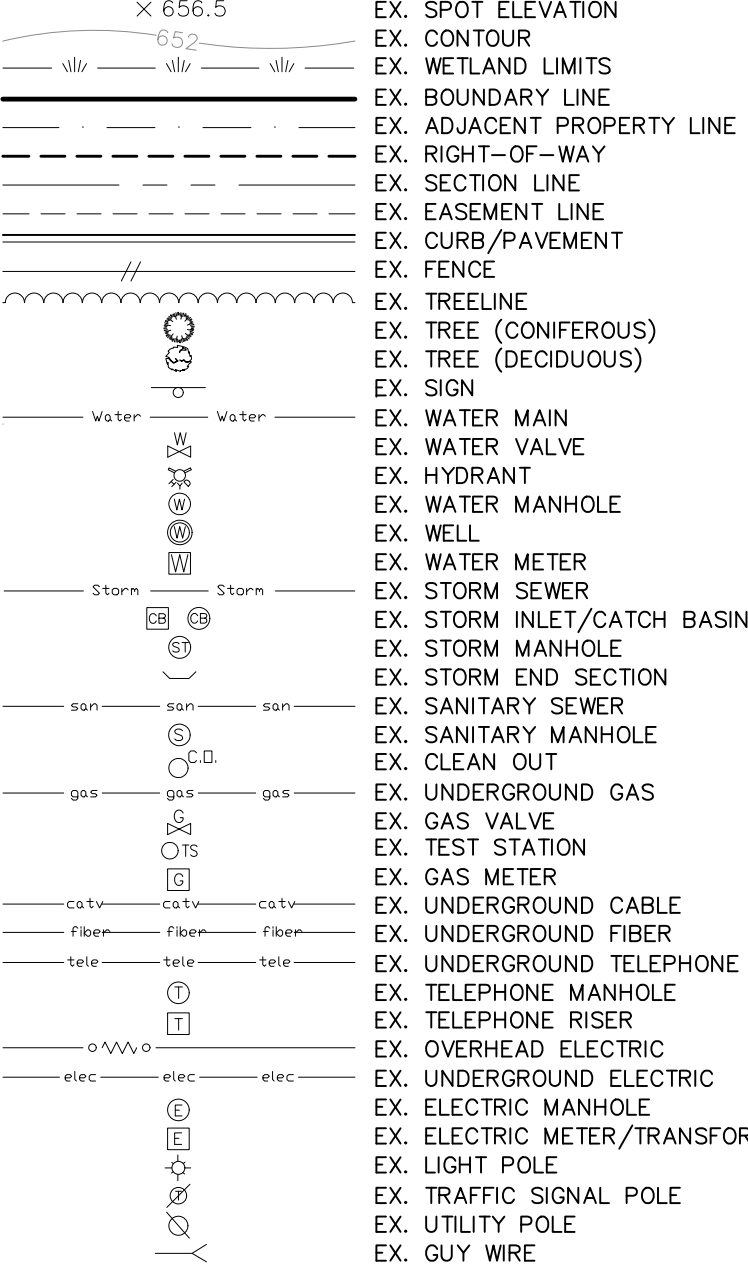
- THIS PLAN IS FOR PLANTING LOCATIONS ONLY.
- SIZES SPECIFIED ARE MINIMUM SIZES TO BE INSTALLED.
- IN THE EVENT THE PLANT LIST DOES NOT MATCH THE PLAN, THE PLAN SHALL TAKE PRECEDENCE.
- ALL PLANTS SHALL CONFORM TO THE CURRENT ISSUE OF THE AMERICAN STANDARD FOR NURSERY STOCK PUBLISHED BY THE AMERICAN ASSOCIATION OF NURSERYMEN AND SHALL HAVE PASSED INSPECTIONS REQUIRED UNDER STATE REGULATIONS.
- ALL LANDSCAPING SHALL BE INSTALLED AND MAINTAINED IN ACCORDANCE WITH BIRMINGHAM STANDARDS IN A NEAT, HEALTHY AND WEED-FREE CONDITION, FREE FROM REFUSE AND DEBRIS. ANY DEAD, DISEASED OR DAMAGED PLANT MATERIAL IS TO BE REPLACED WITHIN SIX MONTHS, OR THE NEXT APPROPRIATE PLANTING PERIOD, WHICHEVER COMES FIRST.
- ALL EXISTING TREES TO REMAIN THAT ARE DAMAGED DURING CONSTRUCTION SHALL BE REPLACED BY THE END OF THE FOLLOWING PLANTING SEASON.
- THE LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFICATION OF ALL UNDERGROUND AND OVERHEAD UTILITIES. PLANT MATERIAL IS TO BE LOCATED SUCH THAT IT WILL NOT INTERFERE WITH ANY UNDERGROUND OR OVERHEAD UTILITIES. PLANTINGS WITHIN 15 FEET OF A FIRE HYDRANT SHALL NOT EXCEED 6 INCHES IN HEIGHT.
- PLANT TREES AND SHRUBS AT THE SAME GRADE LEVEL AT WHICH THEY WERE GROWN IN THE NURSERY. IF HEAVY CLAY SOILS ARE EVIDENT, PLANT TREES AND SHRUBS IN LEVEL AREAS HIGHER, APPROXIMATELY 1/4 OF THE ROOT BALL ABOVE THE GRADE.
- REMOVE ALL TWINE, WIRE, NURSERY TREE GUARDS, TAGS, AND INORGANIC MATERIAL FROM ROOT BALLS. PEEL BACK THE TOP 1/3 OF BURLAP FROM EARTH BALLS AND REMOVE ANY BURLAP AROUND TREE TRUNKS.
- ALL LANDSCAPE AREAS SHALL BE EXCAVATED OF ALL BUILDING / CONSTRUCTION MATERIAL AND POOR SOILS TO A DEPTH OF 18"-24" AND BACKFILLED WITH GOOD, MEDIUM TEXTURED PLANTING SOIL.
- ALL DISTURBED UNPAVED AREAS ARE TO BE SPREAD WITH A MINIMUM 2 INCHES OF TOPSOIL OVER TILLED SURFACES OR MINIMUM 4" TOPSOIL OVER UNTILLED SURFACES, AND SODDED.
- AREAS OF INDIVIDUAL TREES AND LANDSCAPE BEDS ARE TO BE MULCHED WITH A MINIMUM OF 4 INCHES OF SHREDDED HARDWOOD BARK. MULCH SHALL BE SPREAD IN A 5-FOOT DIAMETER CIRCLE AROUND THE BASE OF EACH TREE, LEAVING A 6-INCH RADIUS CIRCLE OF BARE SOIL AROUND THE TRUNK OF THE TREE. ALL AREAS OUTSIDE OF THE MULCH RINGS SHALL BE SODDED.
- IF AN APPROVED SPECIES IS NO LONGER ACCEPTABLE DUE TO SUCH THINGS AS INFESTATION OR DISEASE, A SUITABLE SIMILAR SPECIES SHALL BE USED AS REPLACEMENT. ANY PLANT SUBSTITUTIONS SHALL HAVE BIRMINGHAM APPROVAL PRIOR TO INSTALLATION.
- RECOMMENDED PLANTING DATES ARE MARCH 1 TO MAY 15 FOR ALL MATERIALS AND OCTOBER 15 TO DECEMBER 15 FOR DECIDUOUS MATERIALS. PLANTINGS OUTSIDE THESE DATES SHALL HAVE PRIOR BIRMINGHAM APPROVAL, AND MAY REQUIRE SPECIAL TREATMENT, SUCH AS EXTRA WATERING OR MULCHING, TO INCREASE SURVIVAL POTENTIAL.



DECIDUOUS TREE PLANTING DETAIL
NOT TO SCALE



LEGEND:



LANDSCAPE CALCULATIONS:

Sec. 4.20 LA-01 F. (P) Parking

PARKING LOT AREA 18,497 SF

INTERIOR LANDSCAPE AREAS - MIN. 5%

	REQUIRED	PROVIDED
18,497 SF X 5% =	925 SF	1,188 SF
1 TREE / 150 SF LANDSCAPE AREA		
1,188 SF / 150 SF =	8 EA	8 EA

Sec. 4.20 LA-01 G. (F) Frontage

LINCOLN STREET FRONTAGE = 180 LF
EDGEWOOD ROAD FRONTAGE = 241 LF
TOTAL = 421 LF

	REQUIRED	PROVIDED
1 STREET TREE / 40 LF FRONTAGE		
421 LF / 40 SF =	11 EA	11 EA
	PROPOSED	5 EA
	EXISTING	6 EA

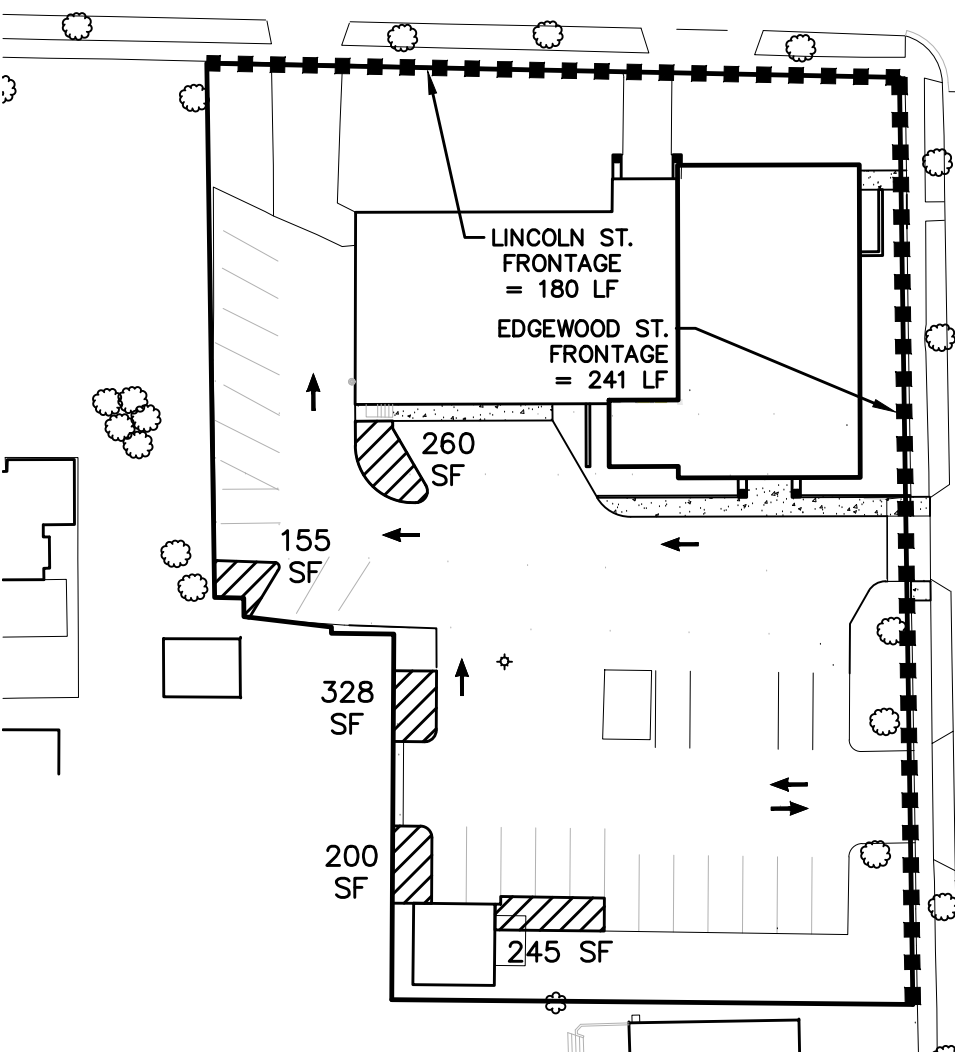
PLANT LIST:

Sec. 4.20 LA-01 F. (P) Parking

KEY	QTY.	SPECIES	MIN. SIZE	SPEC.
CO	4	CELTIS OCCIDENTALIS HACKBERRY	3" CAL	B&B
SR	3	SYRINGA RETICULATA JAPANESE TREE LILAC	3" CAL	B&B

Sec. 4.20 LA-01 G. (F) Frontage

KEY	QTY.	SPECIES	MIN. SIZE	SPEC.
GT	6	GLEDTISIA 'SKYLINE' THORNLESS HONEYLOCUST	3" CAL	B&B



LANDSCAPE REQUIREMENT ILLUSTRATION
SCALE = 1" = 50'

Know what's below.
Call before you dig.

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Revisions

4/4/2025
PER CITY OF BIRMINGHAM

Dynamic. Daring. Diverse. DIFFERENT.

Project Number 1051-25-13215 Date 3/6/2025

P.M. Checked by AW Drawn by AW Crew/Book

Client GRACE BAPTIST CHURCH

Project GRACE BAPTIST CHURCH

Site Address 280 EAST LINCOLN STREET BIRMINGHAM, MI 48009

County OAKLAND Community BIRMINGHAM

Township 2N Range 10E Section 36

Professional Name ANDREW WALTERS, PE Date 4/4/2025

Title SITE PLAN

LANDSCAPE PLAN

Drawing Scale 1" = 20' Sheet Number 06

K: 2025\101 JOB FOLDERS\101-25-13215\Drawings\Plan Sets\Preliminary Site Plan\13215-SEB.dwg

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CEDAR DRIVE
(50' WD)

LINCOLN STREET
(66' WD)

EDGEWOOD STREET
(50' WD)



LEGEND

	EX. SPOT ELEVATION
	EX. CONTOUR
	EX. WETLAND LIMITS
	EX. BOUNDARY LINE
	EX. ADJACENT PROPERTY LINE
	EX. RIGHT-OF-WAY
	EX. SECTION LINE
	EX. EASEMENT LINE
	EX. CURB/PAVEMENT
	EX. FENCE
	EX. GRAVEL
	EX. & DITCH
	EX. GUARDRAIL
	EX. TREELINE
	EX. TREE (CONIFEROUS)
	EX. TREE (DECIDUOUS)
	EX. SIGN
	EX. MAILBOX
	FOUND IRON PIPE
	FOUND IRON ROD
	FOUND PK NAIL
	FOUND CONC. MONUMENT
	SET IRON ROD
	SET MAG NAIL
	EX. SECTION CORNER
	SOIL BORING
	EX. WATER MAIN
	EX. WATER VALVE
	EX. HYDRANT
	EX. WATER MANHOLE
	EX. WELL
	EX. WATER METER
	EX. STORM SEWER
	EX. STORM INLET/CATCH BASIN
	EX. STORM MANHOLE
	EX. STORM END SECTION
	EX. SANITARY SEWER
	EX. SANITARY MANHOLE
	EX. CLEAN OUT
	EX. UNDERGROUND GAS
	EX. GAS VALVE
	EX. TEST STATION
	EX. GAS METER
	EX. UNDERGROUND CABLE
	EX. UNDERGROUND FIBER
	EX. UNDERGROUND TELEPHONE
	EX. TELEPHONE MANHOLE
	EX. TELEPHONE RISER
	EX. OVERHEAD ELECTRIC
	EX. UNDERGROUND ELECTRIC
	EX. ELECTRIC MANHOLE
	EX. ELECTRIC METER/TRANSFORMER
	EX. LIGHT POLE
	EX. TRAFFIC SIGNAL POLE
	EX. UTILITY POLE
	EX. GUY WIRE
	EX. TRAFFIC SIGNAL BOX
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	PR. WATER MAIN
	PR. WATER VALVE
	PR. HYDRANT
	PR. WATER VALVE IN MANHOLE
	PR. WELL
	PR. REDUCER
	PR. STORM SEWER
	PR. STORM INLET/CATCH BASIN
	PR. STORM MANHOLE
	PR. STORM END SECTION
	PR. SANITARY SEWER
	PR. SANITARY MANHOLE
	PR. CLEANOUT
	PR. UTILITY CROSSING LOCATION
	PR. UNDERGROUND GAS
	PR. GAS VALVE
	PR. LIGHT POLE
	TREE PROTECTION FENCE
	DEMO UTILITY/ CURB
	DEMO PAVEMENT AND CURB
	DEMO BUILDING
	DEMO EXISTING TREE
	LIMITS OF DISTURBANCE
	PR. INLET FILTER
	PR. STONE/ RIP-RAP
	SOIL LIMITS
	SOIL TYPE

SITE SOILS INFORMATION

ShbuoB: SHEBEON-URBAN LAND COMPLEX,
0 TO 4 PERCENT SLOPES



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Revisions
4/4/2025
PER CITY OF BIRMINGHAM



Project Number 1051-25-13215 Date 3/6/2025
P.M. Checked by Drawn by Crew/Book

Client
GRACE BAPTIST CHURCH

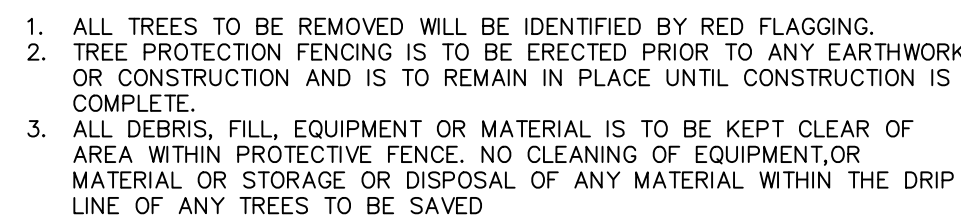
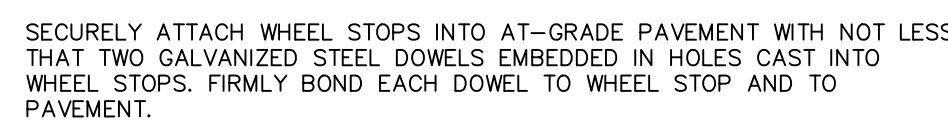
Project
GRACE BAPTIST CHURCH

Site Address
280 EAST LINCOLN STREET
BIRMINGHAM, MI 48009
County OAKLAND Community BIRMINGHAM
Township 2N Range 10E Section 36

Professional Name
ANDREW WALTERS, PE Date 4/4/2025

Title
SITE PLAN
SOIL EROSION AND
SEDIMENTATION CONTROL
PLAN

Drawing Scale
1" = 20'
Sheet Number
07





PROPOSED LOWER LEVEL FLOOR PLAN

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



Ganther Construction
Architecture, Inc.

4825 County Road A
Oshkosh, Wisconsin 54901
tel. 920.426.4774 fax
920.426.4788 www.ganther.com

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PROPOSED PROJECT FOR:

GRACE BAPTIST CHURCH

280 E. LINCOLN STREET, BIRMINGHAM, MI 48009

REVISIONS

#	DATE	

Project Number 24-1037

Date 3/5/2025

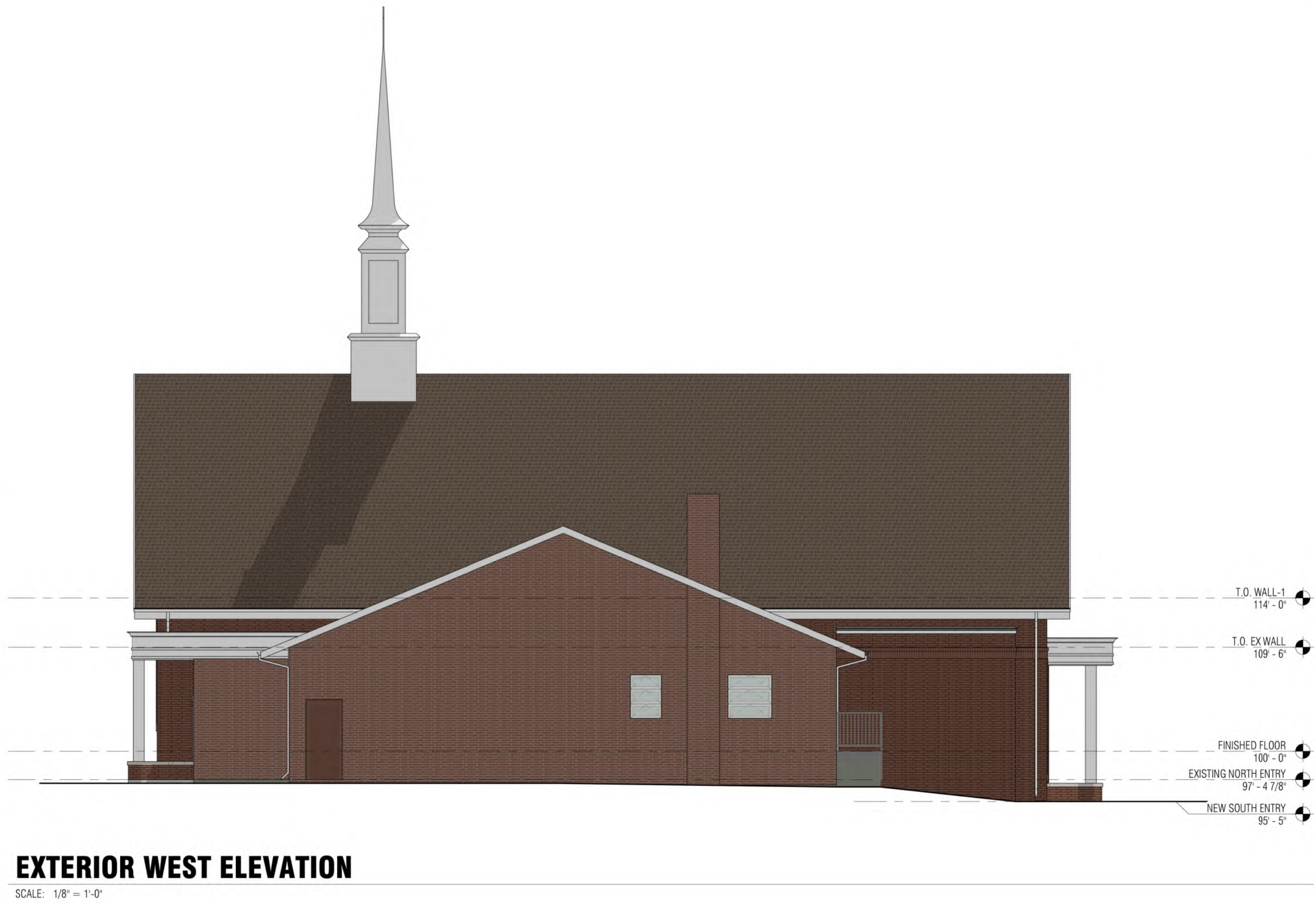
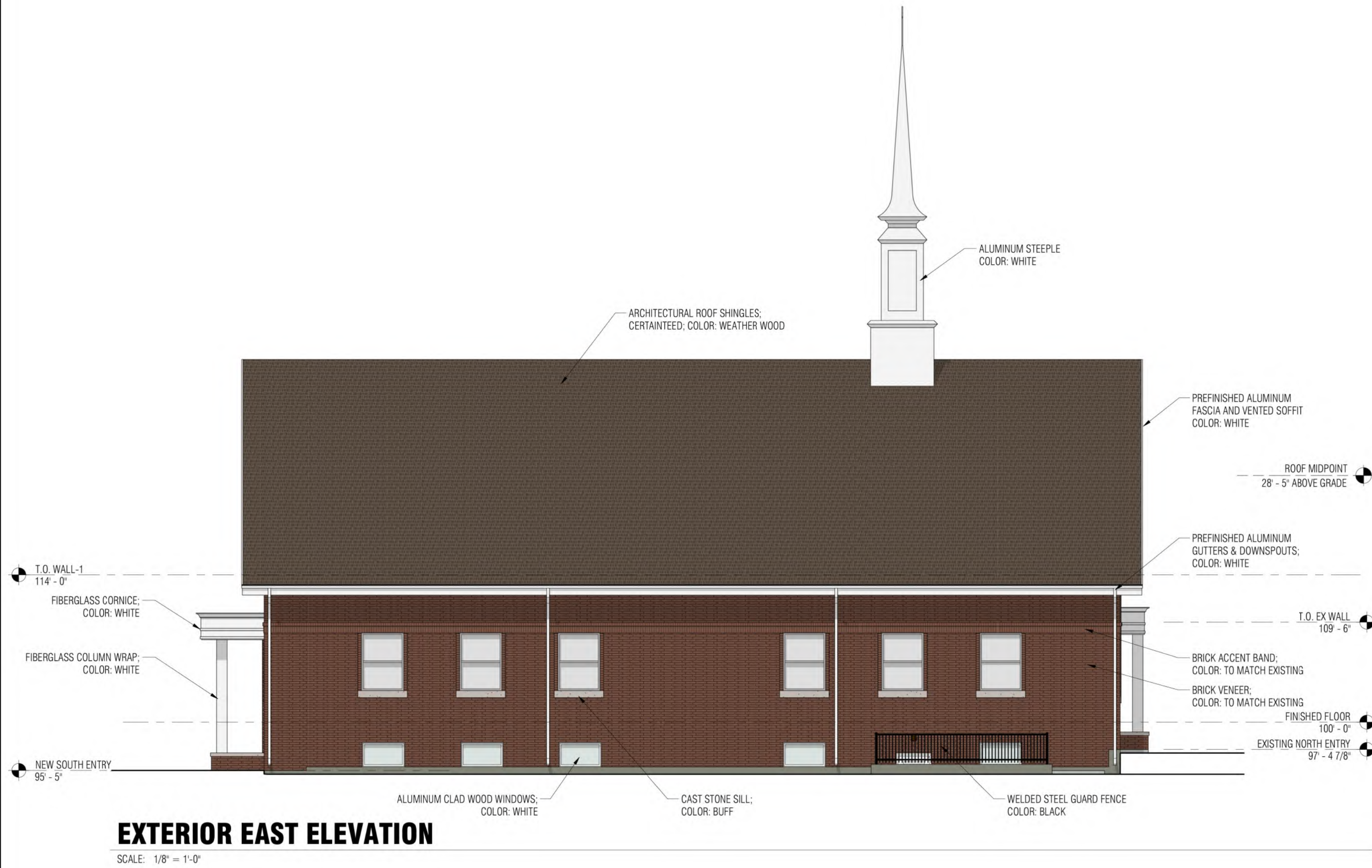
Drawn By JJR

Checked By AHI

PROPOSED LOWER LEVEL
FLOOR PLAN

A1

FINAL SITE PLAN REVIEW



**Ganther Construction
Architecture, Inc.**
4825 County Road A
Oshkosh, Wisconsin 54901
tel. 920.426.4774 fax
920.426.4788 www.ganther.com

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PROPOSED PROJECT FOR:

GRACE BAPTIST CHURCH

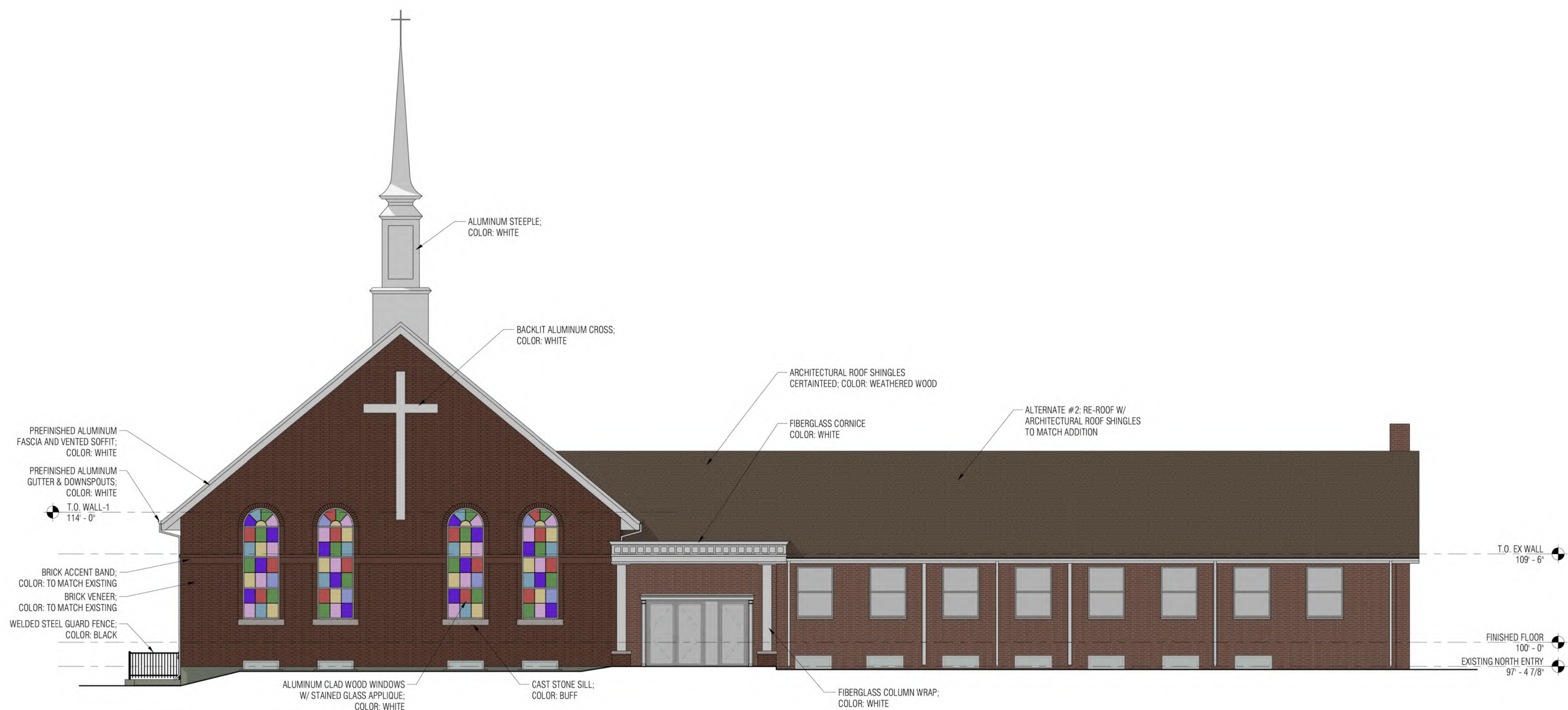
280 E. LINCOLN STREET, BIRMINGHAM, MI 48009

REVISIONS	
#	DATE

Project Number	24-1037
Date	3/5/2025
Drawn By	JJR
Checked By	AHI

EXTERIOR ELEVATIONS

A4



EXTERIOR NORTH ELEVATION

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



EXTERIOR SOUTH ELEVATION

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



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PROPOSED PROJECT FOR:

GRACE BAPTIST CHURCH

280 E. LINCOLN STREET, BIRMINGHAM, MI 48009

REVISIONS

#	DATE

Project Number 24-1037

Date 3/5/2025

Drawn By JJR

Checked By AHI

EXTERIOR ELEVATIONS

A3

FINAL SITE PLAN REVIEW



MEMORANDUM

Planning Department

DATE: April 9, 2025

TO: Planning Board Members

FROM: Nicholas Dupuis, Planning Director

SUBJECT: Impervious Surfaces, Open Space and Lot Coverage – Study Session

Recently, the Planning Board has begun to work through some perceived issues with the City's current definition of impervious surface. The remediation of these issues align with the current policy direction of the City related to reducing extreme weather impacts on the community, in this case through the mitigation of stormwater. Over several months in 2024, the Planning Board reviewed a variety of definitions and ultimately determined that a broader approach is warranted to achieve the goals of the City. It was discussed that at this point, the broader approach should include open space and impervious surfaces, but should also consider lot coverage, which are all integrally related zoning issues. It is worth noting that in the City of Birmingham, minimum open space and maximum lot coverage standards only exist for single family developments (R1A – R3). In all multifamily and commercial zoning districts, minimum open space and maximum lot coverage is not applicable. The major applicable definitions found in Article 9, Section 9.02 of the Zoning Ordinance are as follows:

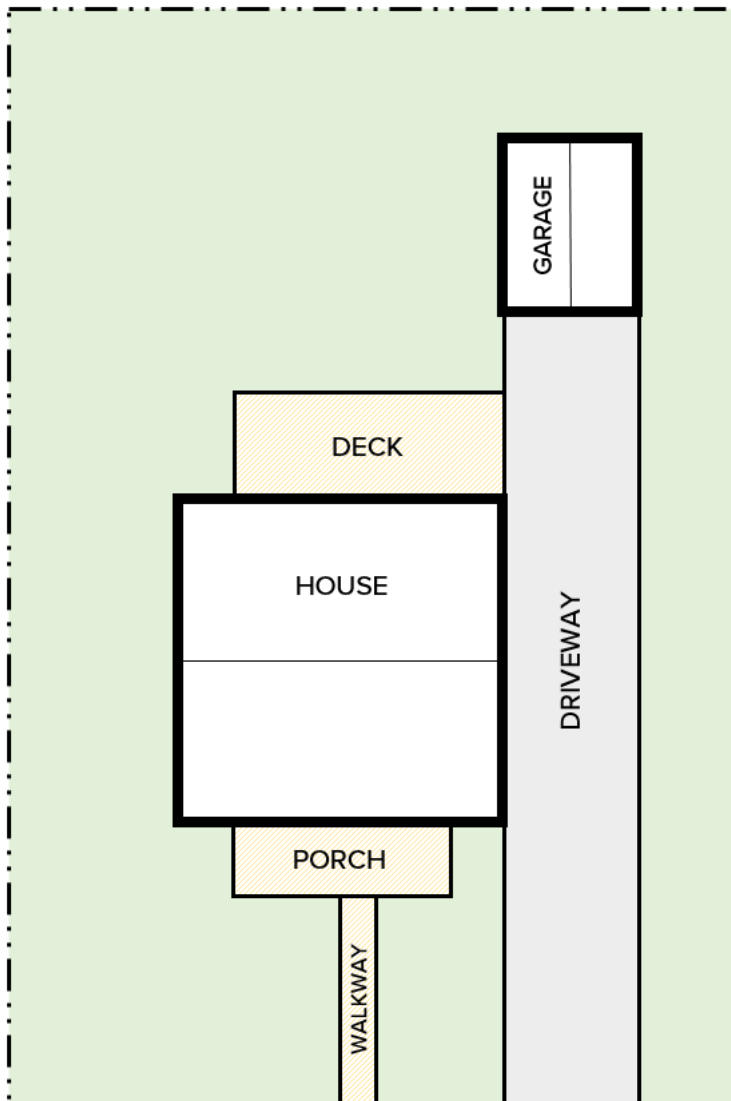
Open Space: All area of a lot except the areas occupied by a building, structure or impervious surface, excluding items listed in [4.30\(C\)](#), Projections into Required Open Spaces.

Open Space, Percent: The total area of open space divided by the total area of a lot in which the open space is located. Items listed in [4.30\(C\)](#), Projections into Required Open Space, shall be included as open space.

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.

Lot Coverage, Percent: The area of a lot that is covered by buildings and structures divided by the total lot area, excluding those items listed in 4.30(C), Projections into Required Open Spaces.

To help understand how these three basic components of zoning are related, please see the following illustration:



LEGEND

-  PROPERTY LINE / AREA
-  OPEN SPACE
-  IMPERVIOUS SURFACE
-  LOT COVERAGE
-  EXCLUSIONS / EXCEPTIONS

ZONING RESTRICTIONS: R1A – R3

MINIMUM OPEN SPACE – 40%

$$\left(\text{Property Line} - \text{Impervious Surface} - \text{Lot Coverage} \right) / \text{Property Line} = 40\%$$

MAXIMUM LOT COVERAGE – 30%

$$\left(\text{House} + \text{Garage} \right) / \text{Property Line} = 30\%$$

In addition to these basic concepts and definitions, there are specific standards relating to open space in Article 4, Sections [4.30](#) and [4.31](#) of the Zoning Ordinance. Particularly consequential are the paved surface limitations outlined in 4.31, which cap paved surfaces in the front open space at 35%. Paved surface is not defined in the Zoning Ordinance, but is described in this section as “concrete, blacktop, gravel, brick or a similar material.”

The Planning Board last discussed the issue of the definition of impervious surfaces on December 11, 2024 ([Agenda](#) – [Minutes](#)).

STUDY SESSION #1 (February 12, 2025)

At this point, the Planning Department is seeking feedback from the Planning Board on where a solution may fit within the context of open space, impervious surface, and lot coverage. Summarizing feedback from previous meetings, the Planning Board has indicated that although they do not feel as though stone is impervious, there was a general consensus that the board did not want to see entire yards covered in stone. At this point, although lot coverage is a related issue, the definition is rather specific and may not lend itself well to tackling this specific issue. Rather, it seems prudent to either redefine Open Space, introduce a new term, create a purpose and intent, modify the specific standards in 4.31, or any combination thereof.

In addition to the definitions provided in previous meetings (December 11, 2024), please find additional definitions for consideration at this time:

[ROYAL OAK, MI](#)

Lot Coverage: The percentage of the lot area covered by the building area.

[FERNDALE, MI](#)

Lot Coverage: The percentage of the lot occupied by buildings, including accessory structures.

Yard: An open space, unoccupied and unobstructed from the ground upward, and being on the same lot with a building. The measurement of a yard is the minimum horizontal distance between the lot line and the building or structure.

Additional District Standards for Single Family Residential (R-1 and R-2): For all residential uses: 50% of the front yard and 50% (of the total) of the two side yards must be maintained as landscaped, green space. Permeable pavers or other semi-hardscape materials are not considered a landscaped, green space.

[ANN ARBOR, MI](#)

Open Space: The unenclosed portion of a lot that is devoted to space for recreation, greenery, and household activities. Open space area may include, but shall not be limited to, lawns, landscaping and gardens, wooded areas, sidewalks and walkways, active and passive recreational areas, unenclosed accessory structures used for recreation purposes, permanent or seasonal water surfaces, and protected natural areas. It shall not include areas covered by parking lots, driveways, refuse facilities, or enclosed accessory structures.

CANTON, MI

Lot Coverage: The part or percent of the lot that is occupied by buildings or structures.

Open Space: That part of a zoning lot, including courts and/or yards, which is open and unobstructed from its lowest level to the sky, and is accessible to all residents upon the zoning lot.

EAST LANSING, MI

Open Space: Open space means an area of land associated with and located on the same tract of land as a major building or group of buildings, in relation to which it serves to provide light and air or scenic, recreational, or similar purposes. Such space shall be suitably improved for its intended use. Such space shall, in general, be of such a location, shape, and character suitable for entry and use by the occupants of the building or buildings involved, but may include a limited proportion of space so located and treated as to enhance the amenity of the development by providing landscaping features, screening for the benefit of the occupants of those in neighboring areas, or a general appearance of openness. Open space area may include, but shall not be limited to lawns, decorative plantings, wooded areas, landscaped areas covering structures that are not more than 12 feet above ground level, sidewalks and walkways, active and passive recreational areas, and permanent water surfaces that comprise not more than 20 percent of the total open space area. It shall not include parking lots or other vehicular surfaces or accessory buildings other than swimming pools.

MARQUETTE, MI

Impervious Surface: Any surface that cannot be effectively and easily penetrated by water, thereby resulting in runoff. Examples include, but are not limited to, "Lot Coverage" (as defined in this Ordinance) and any material (asphalt, concrete, compacted stone and gravel, etc.) used in roads, driveways, decks, terraces, patios, porches, or sidewalks that cannot be effectively and easily penetrated by water. Impervious surfaces shall exclude roads, driveways, and sidewalks that are composed of materials that will allow infiltration and prevent runoff, such as permeable pavers, permeable pavement, or crushed stone or pea stone that does not bind. The definition of an impervious surface shall also exclude decks, terraces, patios, or porches that are composed of pervious materials and/or designed to allow for easy infiltration and underlain with materials that will allow infiltration and prevent runoff. Natural and artificial water bodies, including swimming pools, shall not be classified as impervious surfaces.

Open Space: Open space is the part of a parcel (which includes required yards) that is open and unobstructed from its lowest level to the sky, except for specific permitted obstructions and access ways, and that is accessible to and usable by all persons that have rights to use the property.

[STERLING HEIGHTS, MI](#)

Impervious Surface: A surface consisting of impervious material that prevents or hinders the absorption or infiltration of water, or that causes reduced quality of runoff water, or causes water to runoff in greater quantities or at greater flow rates than the natural surface. It includes but is not limited to grade-level surfaces such as hard-surfaced driveways, service walks, patios and decks, pool decks, gazebo floors, recreational vehicle or equipment storage pads, vehicle parking or turn-around pads, or outdoor sports courts, if constructed of impervious materials that do not contain substantial spaces that allow drainage of water.

Impervious Material: A hard-surfaced material through which water cannot penetrate or through which fluid does not readily pass due to low porosity, very small individual pores, or pores that are disconnected.

Lot Coverage: That part or percentage of lot occupied by principal and accessory buildings.

Open Space: Land required by this ordinance to remain as open space to be used for recreation, resource protection, amenity or other specified purpose.

[NOVI, MI](#)

Open Space: An area of land that remains primarily undeveloped and in its natural state. For the purpose of this Ordinance, open space may include park lands and park facilities so long as they are provided as a part of an open space area.

Lot Coverage: The part or percent of the lot occupied by buildings including accessory buildings.

[TRAVERSE CITY, MI](#)

Impervious Surface: Impervious surface means any material which prevents, impedes or slows infiltration or absorption of storm water directly into the ground at the rate of absorption of vegetation bearing soils, including building, asphalt, concrete, gravel and other surfaces.

[ROCHESTER HILLS, MI](#)

Lot Coverage: The part or percentage of the lot occupied by buildings, including accessory buildings.

Yard: An open space other than a courtyard located on the same lot as a main building or use, unoccupied and unobstructed from the ground upward, except as otherwise provided herein. In measuring to determine the width of a yard, the minimum horizontal distance between the lot line and the main building shall be used.

Study Session #2 (April 9, 2025)

The Planning Department has developed new language based on a new strategy, which is to modify slightly the Open Space Standards of [Article 4, Section 4.30](#) and [Article 4, Section 4.31](#) of the Zoning Ordinance. This strategy focuses on the desired composition of open space, which is predominantly natural living vegetation, while also providing flexibility for property owners to add a pervious material like stone or gravel in places where that type of material may be more suitable. Please see the attached language for consideration.

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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

This Open Space Standards section applies to the following districts:



The following open space standards apply:

- A. Minimum Open Space: The minimum open space shall be as per each two-page layout in Article 2.
 - 1. **Additional Open Space Standards for Single-Family Residential (R1A – R3)**: The required open space for all single-family development must consist of a minimum of 75% vegetated open space. Permeable pavers or other semi-hardscape materials are not considered vegetated open space.
- B. Maximum Lot Coverage: The maximum lot coverage shall be as per each two-page layout in Article 2.
- C. Projections into Required Open Space: Projections into the open spaces required by each two-page layout in Article 2, shall be permitted as follows:
 - 1. An unenclosed, covered or uncovered, concrete, masonry or wooden porch, deck and/or steps may project into a front open space for a maximum distance of 10 feet. The floor of a porch, deck or top step shall not be higher than the floor of the first story. This provision shall not reduce the required front set- back to less than 10 feet. Said porches and decks shall not project into the required side open space, except as provided elsewhere in this Article. Said porches and decks shall be restricted to 1 story in height.

2. Roof overhangs, cornices, eaves, gutters, lintels, planter boxes, chimneys, bay windows and similar projections may extend or project into a required open space not more than 2 inches for each 1 foot of width of such required open space provided that such extensions may not project more than 2 feet into the front or rear open space, except as provided elsewhere in this Article.
3. Patios, terraces, porches or decks may not project into the required side open space except that steps leading to an entrance, patio, terrace, porch or deck may project into the required side open space. Such steps shall project not more than 3 inches for each 1-foot width of such required open space up to a maximum of 3 feet. Where the side open space is required by this chapter for parking or driveway purposes, the projection shall not reduce the drivable or usable area for those purposes to less than 7 feet in width.
4. Basement window wells may project into the required side open space and rear open space a maximum of 3 feet measured to the inside of the well opening. Basement window well structures may not project more than 8 inches above grade, excluding the height of an approved guard rail. Basement window wells that project into the required side open space or rear open space shall not exceed 6 feet in width and must be covered at grade with a suitable covering capable of sustaining the weight of not less than 500 pounds or be enclosed with a guard rail in accordance with the current applicable edition of the Michigan Residential Building Code or the Michigan Building Code.
5. A porch, deck and/or steps may project into a rear open space for a maximum distance of 15 feet. The floor of said porch, deck or top step shall not be higher than the floor of the first story. This provision shall not reduce the required rear setback to less than 15 feet. Said porches and decks shall not project into the required side open space, except as provided elsewhere in this Article. Said porches and decks shall be restricted to 1 story in height.
6. When no exterior staircase exists for an accessory structure, a bonus of 75 square feet of area is permitted in the accessory structure if used for an interior fixed and stationary staircase.
7. Accessible ramps and structures for disabled persons are permitted to project into the front and rear open space the minimum distance and width required to accommodate the ramp or structure per the residential building code and to allow uninhibited access to a dwelling unit.
 - a. A permit application is required, without an associated fee, to erect an accessible ramp or structure into the front or rear open space to ensure that

the ramp or structure is erected in accordance with the Residential Building Code.

- b. It is required that the accessible ramp or structure which has been erected, be removed after the disabled person no longer needs the accommodation, or vacates the property, whichever occurs first.

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

Therese Longe, Mayor

Alex Bingham, City Clerk

CITY OF BIRMINGHAM

ORDINANCE NO. _____

THE CITY OF BIRMINGHAM ORDAINS:

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

TO AMEND ARTICLE 4, SECTION 4.31, OPEN SPACE STANDARDS, TO MODIFY THE PAVED SURFACE LIMITATIONS IN THE R1, R1A, R2 AND R3 ZONING DISTRICTS.

This Open Space Standards section applies to the following districts:



The following open space standards apply:

A. Paved Impervious Surface Limitations:

1. A minimum of 65% of the front open space in all single-family districts shall be **vegetated open space** free of ~~paved surfaces (i.e., concrete, blacktop, gravel, brick or a similar material), excluding encroachments, uncovered porches, sidewalks 3 feet in width or less, and handicap access ramps~~ **impervious surfaces**.
2. Motor vehicles are only permitted within the front open space on a paved surface in conformity with the requirements of Chapter 110 of the Birmingham City Code.

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

Therese Longe, Mayor

Alex Bingham, City Clerk

CITY OF BIRMINGHAM

ORDINANCE NO. _____

THE CITY OF BIRMINGHAM ORDAINS:

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

TO AMEND ARTICLE 9, SECTION 9.02, DEFINITIONS, TO 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, pavers, highly compacted soils, artificial turf, and other similar material, but excluding sidewalks 3 feet or less in width located in the front open space.

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

Therese Longe, Mayor

Alex Bingham, City Clerk



MEMORANDUM

Planning Department

DATE: April 9, 2025

TO: Planning Board Members

FROM: Summer Aldred-Arens, City Planner

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 evaluation for childcare readiness. This evaluation 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 evaluation for child care readiness, as well as a report on zoning recommendations. The review aimed to help the City ensure compliance with the Michigan Zoning and Enabling Act, PA 110 of 2006, as amended (MZEa). The recommendations provided by McKenna are attached for your review. These recommendations were initially translated by the Planning Department staff into ordinance amendments that were reviewed by the Planning Board on December 11, 2025 ([Agenda](#) – [Minutes](#)) where the proposals were postponed to permit City Staff time to review the state law as it relates to the recommendations from McKenna.

Upon careful review and consideration by the City Attorney and the Planning Department, staff are proposing new amendments to the City Zoning Ordinance that only consider portions of the McKenna recommendations. At this time, the City does not feel as though it needs to be held to the strict standards of the recommendations, but feels as though there is room to still improve the current ordinance. The attached language is aimed at improving current conditions for childcare including consistent definitions, the removal of Special Land Use Permit requirements, and other minor changes.

Sample Motion Language:

I move that the Planning Board set a public hearing date of May 7, 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 and replace 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 CHILD CARE HOME" AND "GROUP CHILD CARE HOME", RESPECTIVELY TO ENSURE ALIGNMENT WITH MICHIGAN DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS (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.

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

Therese Longe, Mayor

Alex Bingham, City Clerk

CITY OF BIRMINGHAM

ORDINANCE NO. _____

THE CITY OF BIRMINGHAM ORDAINS:

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

TO AMEND ARTICLE 5, SECTION 5.02 A, FAMILY DAY CARE HOME, TO REMOVE AND REPLACE WITH SECTION 5.02 A, GROUP DAY CARE HOME.

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. Group Child Care Home: Group child care homes shall not be considered home occupations for the purposes of this Article and are permitted under the following provisions:

a. Group Day Care homes must be located in a one-family dwelling.

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

1. No one other than the resident(s) of the dwelling unit shall be employed in the conduct of the home occupation.
2. The home occupation shall not require internal or external alterations or construction features on the dwelling unit, or external equipment or machinery not customary in residential areas.
3. There shall be no exterior indication by sign or otherwise of the home occupation.
4. There shall be no noise, vibration, odor or other nuisance as a result of the home occupation detectable beyond the confines of the dwelling unit, including the transmission through vertical or horizontal party walls.
5. The home occupation shall not generate traffic in a greater volume or consisting of larger vehicle types than would normally be expected in a residential neighborhood.
6. Any parking generated by the conduct of the home occupation shall be met off the street and shall not be met in a required front yard.
7. The home occupation shall not include the direct sale of products off display shelves or racks.
8. No outdoor storage, including equipment, parts or automobiles, associated with the home occupation shall be permitted.
9. Home occupations may be conducted in a permitted accessory building.

10. The home occupation shall not operate earlier than 8:00 a.m. nor later than 10:00 p.m.
11. No more than 25% of the gross area of the building shall be used for such home occupation.

...REMAINING SECTIONS REMAIN UNCHANGED

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

Therese Longe, Mayor

Alex Bingham, City Clerk

CITY OF BIRMINGHAM

ORDINANCE NO. _____

THE CITY OF BIRMINGHAM ORDAINS:

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

TO AMEND ARTICLE 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

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

Therese Longe, Mayor

Alex Bingham, City Clerk

CITY OF BIRMINGHAM

ORDINANCE NO. _____

THE CITY OF BIRMINGHAM ORDAINS:

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

TO AMEND ARTICLE 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

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

Therese Longe, Mayor

Alex Bingham, City Clerk

CITY OF BIRMINGHAM

ORDINANCE NO. _____

THE CITY OF BIRMINGHAM ORDAINS:

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

TO AMEND ARTICLE 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

- 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

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

Therese Longe, Mayor

Alex Bingham, City Clerk

CITY OF BIRMINGHAM

ORDINANCE NO. _____

THE CITY OF BIRMINGHAM ORDAINS:

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

TO AMEND ARTICLE 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

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Therese Longe, Mayor

Alex Bingham, City Clerk

CITY OF BIRMINGHAM

ORDINANCE NO. _____

THE CITY OF BIRMINGHAM ORDAINS:

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

TO AMEND ARTICLE 2, SECTION 2.09 R3 (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)

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Therese Longe, Mayor

Alex Bingham, City Clerk

CITY OF BIRMINGHAM

ORDINANCE NO. _____

THE CITY OF BIRMINGHAM ORDAINS:

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

TO AMEND ARTICLE 2, SECTION 2.11 R4 (TWO-FAMILY RESIDENTIAL), TO ADD "FAMILY 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. home occupation*
- e. parking facility - private off-street
- f. parking - public, off-street*
- g. renting of rooms*
- h. sign
- i. swimming pool - private
- j. 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)

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Therese Longe, Mayor

Alex Bingham, City Clerk

CITY OF BIRMINGHAM

ORDINANCE NO. _____

THE CITY OF BIRMINGHAM ORDAINS:

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

TO AMEND ARTICLE 2, SECTION 2.13 R5 (MULTIPLE-FAMILY RESIDENTIAL), TO ADD "FAMILY 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. home occupation*
- e. parking facility - private off-street
- f. parking - public, off-street*
- g. renting of rooms*
- h. sign
- i. swimming pool - private
- j. 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

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Therese Longe, Mayor

Alex Bingham, City Clerk

CITY OF BIRMINGHAM

ORDINANCE NO. _____

THE CITY OF BIRMINGHAM ORDAINS:

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

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

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

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. home occupation*
- e. parking facility - private off-street
- f. parking - public, off-street*
- g. renting of rooms*
- h. sign
- i. swimming pool - private
- j. 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

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Therese Longe, Mayor

Alex Bingham, City Clerk

CITY OF BIRMINGHAM

ORDINANCE NO. _____

THE CITY OF BIRMINGHAM ORDAINS:

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

TO AMEND ARTICLE 2, SECTION 2.17 R7 (MULTIPLE-FAMILY RESIDENTIAL), TO ADD "FAMILY 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. home occupation*
- e. parking facility - private off-street
- f. parking - public, off-street*
- g. renting of rooms*
- h. sign
- i. swimming pool - private
- j. 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

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Therese Longe, Mayor

Alex Bingham, City Clerk

CITY OF BIRMINGHAM

ORDINANCE NO. _____

THE CITY OF BIRMINGHAM ORDAINS:

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

TO AMEND ARTICLE 2, SECTION 2.19 R8 (ATTACHED SINGLE-FAMILY RESIDENTIAL), TO ADD "FAMILY 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. home occupation*
- e. parking facility - private off-street
- f. parking - public, off-street*
- g. renting of rooms*
- h. sign
- i. swimming pool - private
- j. 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

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Therese Longe, Mayor

Alex Bingham, City Clerk

CITY OF BIRMINGHAM

ORDINANCE NO. _____

THE CITY OF BIRMINGHAM ORDAINS:

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

TO AMEND ARTICLE 2, SECTION 2.21 O (OFFICE), TO PERMIT BY RIGHT "CHILD CARE CENTER" AS A COMMERCIAL PERMITTED USE; PERMIT "FAMILY 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. kennel*

- c. laboratory - medical/dental*
- d. loading facility - off-street*
- e. parking facility - off-street*
- f. pharmacy*
- g. 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

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Therese Longe, Mayor

Alex Bingham, City Clerk

CITY OF BIRMINGHAM

ORDINANCE NO. _____

THE CITY OF BIRMINGHAM ORDAINS:

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

TO AMEND ARTICLE 2, SECTION 2.23 O2 (OFFICE/COMMERCIAL), TO PERMIT BY RIGHT "CHILD CARE CENTER" AS A COMMERCIAL PERMITTED USE; PERMIT "FAMILY 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. kennel*
- c. laboratory - medical/dental*
- d. loading facility - off-street*
- e. parking facility - off-street*
- f. pharmacy*
- g. outdoor cafe*
- h. outdoor display*
- i. 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

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

Therese Longe, Mayor

Alex Bingham, City Clerk

CITY OF BIRMINGHAM

ORDINANCE NO. _____

THE CITY OF BIRMINGHAM ORDAINS:

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

TO AMEND ARTICLE 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

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. home occupation*
- f. parking facility - private off-street

- g. parking - public, off-street*
- h. renting of rooms*
- i. shelter building*
- j. sign
- k. swimming pool - private
- l. 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)

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Therese Longe, Mayor

Alex Bingham, City Clerk

CITY OF BIRMINGHAM

ORDINANCE NO. _____

THE CITY OF BIRMINGHAM ORDAINS:

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

TO AMEND ARTICLE 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

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Therese Longe, Mayor

Alex Bingham, City Clerk

CITY OF BIRMINGHAM

ORDINANCE NO. _____

THE CITY OF BIRMINGHAM ORDAINS:

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

TO AMEND ARTICLE 2, SECTION 2.29 B2 (GENERAL BUSINESS), PERMIT "FAMILY 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. kennel*
- d. laboratory - medical/dental*
- e. loading facility - off-street
- f. outdoor cafe*
- g. outdoor display*
- h. outdoor storage*
- i. parking facility - off-street

- j. retail fur sales cold storage facility
- k. 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

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

Therese Longe, Mayor

Alex Bingham, City Clerk

CITY OF BIRMINGHAM

ORDINANCE NO. _____

THE CITY OF BIRMINGHAM ORDAINS:

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

TO AMEND ARTICLE 2, SECTION 2.31 B2B (GENERAL BUSINESS), PERMIT "FAMILY 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. kennel*
- d. laboratory - medical/dental*
- e. loading facility - off-street
- f. outdoor cafe*
- g. outdoor display*
- h. outdoor storage*

- i. parking facility - off-street
 - j. retail fur sales cold storage facility
 - k. 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

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

Therese Longe, Mayor

Alex Bingham, City Clerk

CITY OF BIRMINGHAM

ORDINANCE NO. _____

THE CITY OF BIRMINGHAM ORDAINS:

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

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

2.33 B2C (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. 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. kennel*
- d. laboratory - medical/dental*
- e. loading facility - off-street
- f. outdoor cafe*
- g. outdoor display*
- h. outdoor storage*
- i. parking facility - off-street

- j. 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)

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

Therese Longe, Mayor

Alex Bingham, City Clerk

CITY OF BIRMINGHAM

ORDINANCE NO. _____

THE CITY OF BIRMINGHAM ORDAINS:

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

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

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

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. laboratory - medical/dental*
 - c. loading facility - off-street
 - d. outdoor cafe*
 - e. outdoor display*
 - f. outdoor storage*
 - g. parking facility - off-street
 - h. parking structure
 - i. shelter building*
 - j. sign
 - k. 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

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

Therese Longe, Mayor

Alex Bingham, City Clerk

CITY OF BIRMINGHAM

ORDINANCE NO. _____

THE CITY OF BIRMINGHAM ORDAINS:

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

TO AMEND ARTICLE 2, SECTION 2.37 B4 (BUSINESS-RESIDENTIAL), PERMIT "FAMILY 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. laboratory - medical/dental*
- d. loading facility - off-street
- e. outdoor cafe*
- f. outdoor display*
- g. parking facility - off-street
- h. retail fur sales cold storage facility
- i. 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)

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

Therese Longe, Mayor

Alex Bingham, City Clerk

CITY OF BIRMINGHAM

ORDINANCE NO. _____

THE CITY OF BIRMINGHAM ORDAINS:

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

TO AMEND ARTICLE 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. Home occupation
- g. Loading facility - off-street*
- h. Outdoor cafe*
- i. Outdoor sales or display of goods*
- j. Parking facility - off-street*
- k. Parking Structure*
- l. Renting of Rooms*
- m. Sign
- n. 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

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

Therese Longe, Mayor

Alex Bingham, City Clerk

CITY OF BIRMINGHAM

ORDINANCE NO. _____

THE CITY OF BIRMINGHAM ORDAINS:

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

TO AMEND ARTICLE 2, SECTION 2.41 TZ1 (TRANSITION ZONE), TO ADD "FAMILY 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. home occupation*
- c. parking facility - private off-street
- d. 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

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

Therese Longe, Mayor

Alex Bingham, City Clerk

CITY OF BIRMINGHAM

ORDINANCE NO. _____

THE CITY OF BIRMINGHAM ORDAINS:

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

TO AMEND ARTICLE 2, SECTION 2.43 TZ2 (TRANSITION ZONE), TO PERMIT BY RIGHT "CHILD CARE CENTER" AS A COMMERCIAL 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. home occupation*
- c. 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)

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Therese Longe, Mayor

Alex Bingham, City Clerk

CITY OF BIRMINGHAM

ORDINANCE NO. _____

THE CITY OF BIRMINGHAM ORDAINS:

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

TO AMEND ARTICLE 2, SECTION 2.45 TZ3 (TRANSITION ZONE), TO PERMIT BY RIGHT "CHILD CARE CENTER" AS A COMMERCIAL 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. home occupation
- c. 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)

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

Therese Longe, Mayor

Alex Bingham, City Clerk

CITY OF BIRMINGHAM

ORDINANCE NO. _____

THE CITY OF BIRMINGHAM ORDAINS:

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

TO AMEND APPENDIX A LAND USE MATRIX TO REFLECT CHANGES.

Commercial

	PP	RIA	R1	R2	R3	R4	R5	R6	R7	R8	O1	O2	P	B1	B2	B2B	B2C	B3	B4	MX	TZ1	TZ2	TZ3
child care center	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	P	P	P	-	P	P
Family day child care home	-	A	A	A	A	A	A	A	A	A	A	A	A	-	A	A	A	A	A	A	A	A	A
Group day child care home	-	A	A	A	A	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-

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

Therese Longe, Mayor

Alex Bingham, City Clerk

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> 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.
Art. 4	Development Standards	



MEMORANDUM

Planning Department

DATE: April 9, 2025

TO: Planning Board Members

FROM: Nicholas Dupuis, Planning Director

SUBJECT: 525 N. Old Woodward – Luxe – Pre-Application Discussion

A pre-application discussion has been requested to gather feedback on a proposal to modify the currently approved outdoor dining facility in the N. Old Woodward right-of-way in front of the existing Luxe Bistro.

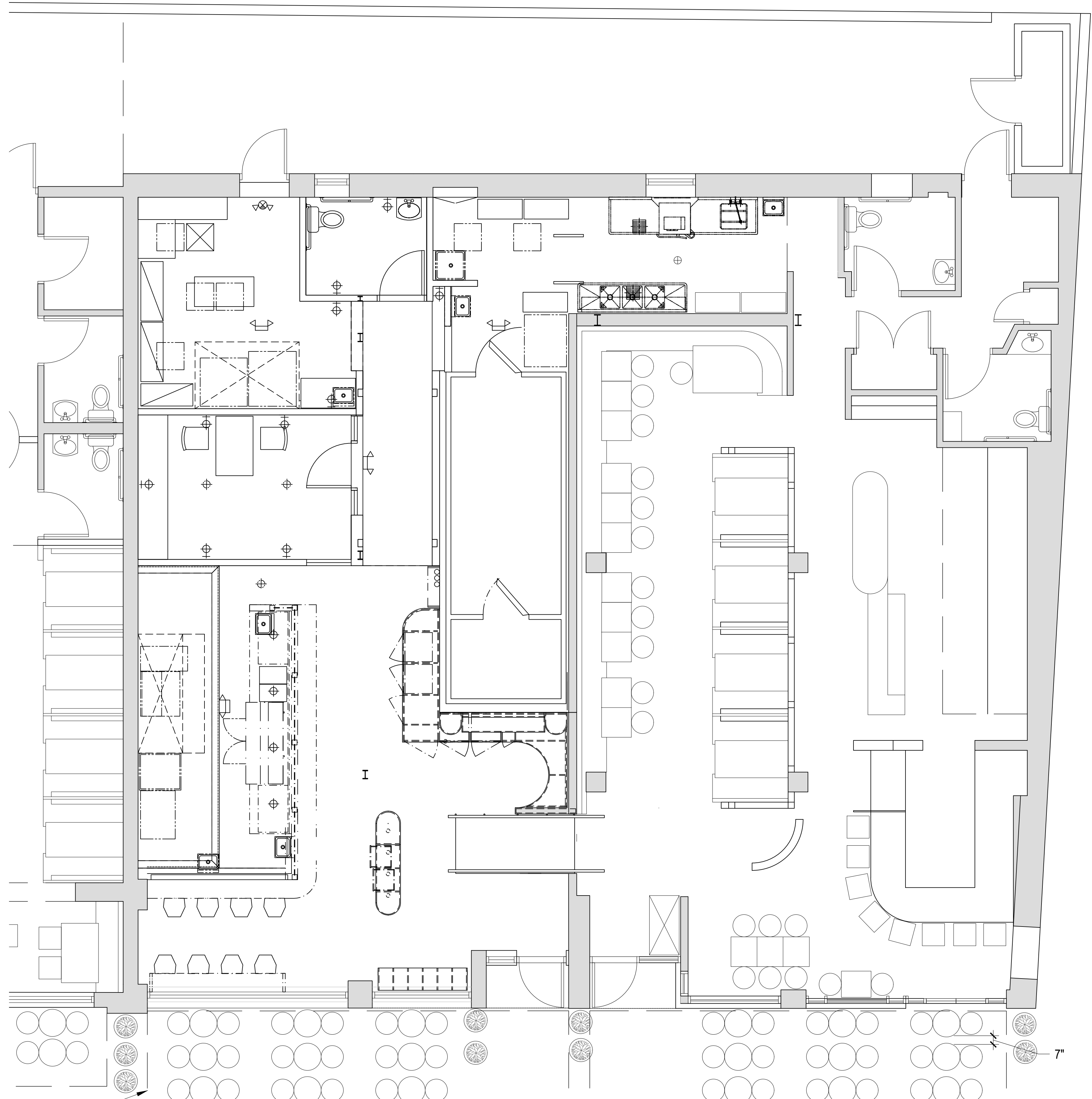
On August 26, 2020 ([Agenda](#) – [Minutes](#)), the Planning Board reviewed and recommended approval for a Special Land Use Permit, Final Site Plan & Design Review for Luxe to expand into the tenant space to the south and also modify their outdoor dining facility. The approved plans contain outdoor dining on both sides of the sidewalk; 28 against the building and 20 in the furnishing zone.

On May 10, 2023 ([Agenda](#) – [Minutes](#)), the owner of Luxe submitted plans for a pre-application discussion that involved adding a retractable awning to the building. The request to direct the Planning Department to review the plans administratively were rejected, mostly due to conditions of significant encroachment into the required 5 ft. walking path observed by the Planning Board in this area.

The plans submitted for the pre-application discussion include two distinct proposals: (1) the addition of retractable awnings and (2) the redesign of the outdoor dining facility to remove seats from the furnishing zone and reduce outdoor dining seats from 48 to 36.

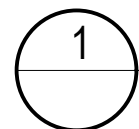
Should the Planning Board find the proposal to meet the intent of the outdoor dining standards, the Planning Department is requesting that the Planning Board permit this redesign to be administratively approved by Planning Department staff as opposed to a full site plan review.

No other changes are proposed to the site or building at this time.



PROPOSED STANCHIONS AND ROPE WITH PLANTERS BELOW

REPLACED TREE MOVED 10'-0" TO SOUTH;
ADD TREE GRATE



1 EXISTING PROPOSED PLAN

scale: 1/4" = 1'-0"

NORTH

PROPOSED RETRACTABLE AWNINGS

EXISTING TREE TO REMAIN;
ADD TREE GRATE

APPROXIMATE OVERHAND OF PROPOSED RETRACTABLE AWNING

39" TALL STANCHIONS WITH 4' ROPE, TYP.

22"Ø CAFE TABLES

PROPOSED CAFE SEATING:

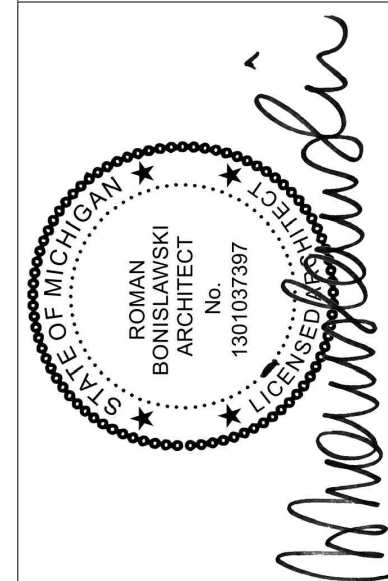
INDOOR: 65
OUTDOOR: 36

TOTAL: 101

LUXE FRONT IMPROVEMENTS
NEW AWNINGS AND OUTDOOR DINING
523 North Old Woodward, Birmingham, MI 48009

R O M A N
architects et al.
276 E. Frank St. Birmingham, MI 48009
o) 248.723.5790 f) 248.723.5795

Seal:



Issue Date:

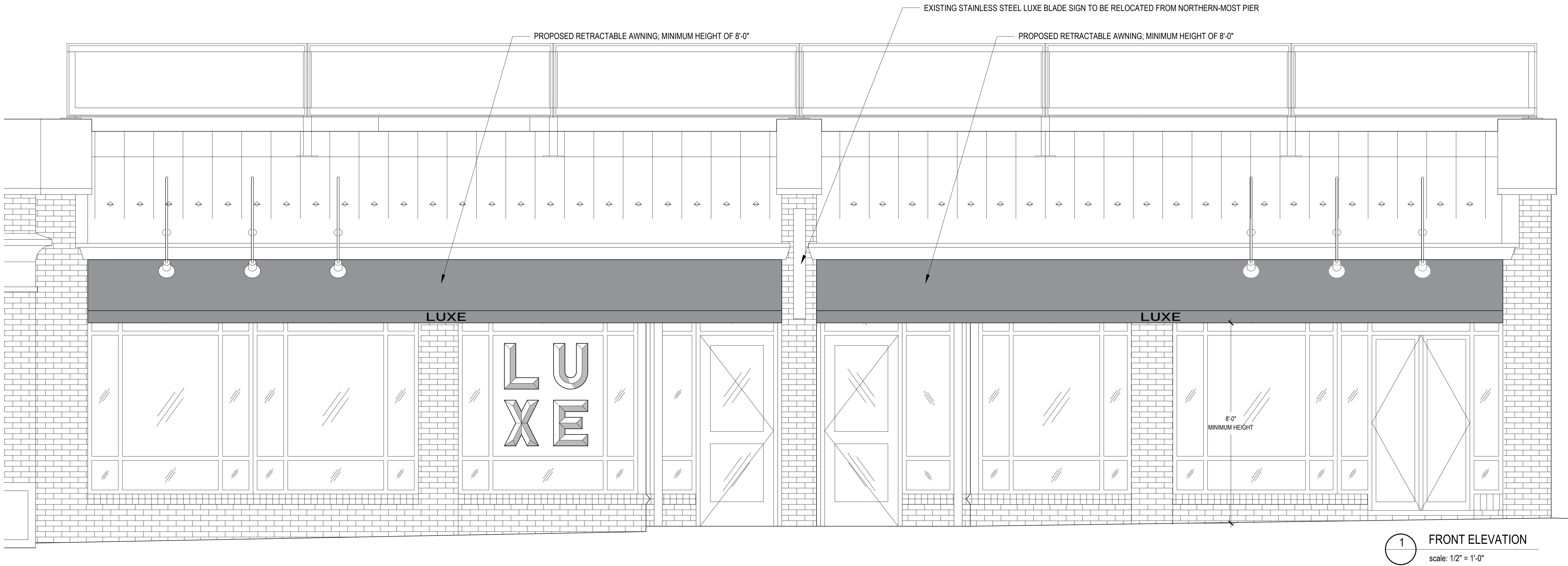
ADMIN

Sheet Title:

FRONT
ELEVATION

Sheet Number:

AA101





MEMORANDUM

Planning Department

DATE: April 9, 2025

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
- 300 S. Old Woodward – Restoration Hardware – Under construction
- 707 S. Worth – Under construction, Final Inspections
- 243 Merrill – La Strada – Final inspections
- 320 Martin – Birmingham Post Office – Design Development
- 295 Elm St. – Forest Townhomes – **Site Plan Approval Expired**
- 34350 Woodward – Fred Lavery Porsche – Design Development, site plan extension request granted on March 26, 2025.
- 479 S. Old Woodward – Birmingham Tower – Under construction
- 245 S. Eton – Big Rock – Under construction
- 33866 Woodward – The Vault – Permitting
- 370 E. Brown – Under construction
- 33816 Woodward – Auto Europe – **Site Plan Approval Expired**

City Commission

- 33278 Woodward – Ducati Detroit – Set Public Hearing (Waiting on Applicant)
- 225 E. Maple – Social Kitchen & Bar – Special Land Use Permit Amendment, Final Site Plan & Design Review:
 - Board of Zoning Appeals (3/11/25) – Board of Zoning Appeals moved to deny the variance requests.
 - City Commission – Public Hearing (4/21/25)
-

Ordinance Amendments/Master Planning

- Generator Ordinance – Public Hearing (3/24/25) – **COMPLETE**

Non-Planning Board Projects

- 185 Oakland – Belfor – Façade renovations, permitting
- 33680 Woodward – Petrucci Studio – Under construction
- 138 W. Maple – Blakeslee Building – Façade renovations, permitting
- 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.

ADMIN APPROVAL - PB

App Date	Case #	Scope of Work	Property Address	Status
03/13/2025	PAA25-0020	Install (2) EV charging stations shell proposes: 2 standard parking stalls are to be converted into 2 standard electric vehicle (EV) parking stalls. 2 non-media electric vehicle charging stations are to be installed in concrete islands adjacent to the EV parking stalls. Electric conduits will be extended from the existing building to the electric vehicle charging stations. Shell will also paint and mark all EV charging parking stalls and install necessary parking signs.	685 E MAPLE RD	COMPLETED - APPROVED

Total Processes For Type: 1



AGENDA

REGULAR MEETING OF THE BIRMINGHAM PLANNING BOARD

WEDNESDAY APRIL 23, 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 **April 9, 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
 - 1. **185 N. Old Woodward – Bell Bistro – Special Land Use Permit Request for New Outdoor Dining Facility in N. Old Woodward Right-of-Way.**
 - I.** Community Impact Studies
 - J.** Site Plan & Design Reviews
 - 1. **185 N. Old Woodward – Bell Bistro – Final Site Plan & Design Review Request for New Outdoor Dining Facility in N. Old Woodward Right-of-Way.**
 - 2. **163 W. Maple – Origins Café – Final Site Plan & Design Review Request for New Outdoor Dining Platform in W. Maple Right-of-Way.**
 - 3. **185 Oakland – Request for Final Site Plan & Design Review for New Whole-Building Generator at Rear of Property (Postponed from February 26, 2025)**
 - 4. **2425 E. 14 Mile – Clover Hill Park Cemetery – Request for Final Site Plan & Design Review for renovation to north side of property for a nonconforming use.**
 - K.** Study Session
 - 1. **Triangle District Bonus Height Requirements Phase 2 – Study Session**
 - 2. **Impervious Surface, Open Space & Lot Coverage – Study Session**
 - 3. **Childcare Ordinance – Study Session**
 - L.** Miscellaneous Business and Communications:
 - 1. Pre-Application Discussions
 - 2. Communications
 - i. **Project Updates**
 - 3. Administrative Approval Correspondence
 - i. **April 4, 2025 – April 18, 2025**
 - 4. Draft Agenda – **May 14, 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 MAY 14, 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 **April 23, 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.** Community Impact Studies
- I.** Special Land Use Permits
- J.** Site Plan & Design Reviews
- K.** Study Session
 - 1. **Triangle District Bonus Height Requirements Phase 2 – Study Session**
 - 2. **Impervious Surface, Open Space & Lot Coverage – Study Session**
 - 3. **Childcare Ordinance – Study Session**
- L.** Miscellaneous Business and Communications:
 - 1. Pre-Application Discussions
 - 2. Communications
 - i. **Project Updates**
 - 3. Administrative Approval Correspondence
 - i. **April 18, 2025 – May 9, 2025**
 - 4. Draft Agenda – **May 28, 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

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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	☐	☐
Triangle District Bonus Height Requirements	Create a new list of bonus height provisions for the Triangle District	☐	☐	1 st (January-March)	☒	☐
Impervious Surface, Open Space & Lot Coverage	Review and improve standards for impervious surfaces and ensure consistency with open space and lot coverage goals	☐	☐	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 address the Woodward divide.	☐	☒	3 rd (July-September)	☐	☐
Ordinance Enforcement	Maintain a vibrant community.	☐	☐	4 th (October-December)	☐	☐