



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, April 30, 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
 - 1. **168 W. Maple – Teuta – Final Site Plan & Design Review Request for New Outdoor Dining Facility in W. Maple Right-of-Way.**
- 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. **283 Hamilton Row – Marrow—Outdoor Dining**
 - 2. Communications
 - i. **Project Updates**
 - ii. **Joint Meeting – June 16, 2025**
 - 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

*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) 644-3405 (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
April 23, 2025
City Commission Room
151 Martin Street, Birmingham, Michigan

Minutes of the regular meeting of the City of Birmingham Planning Board held on April 23, 2025. The meeting was convened at 7:30 p.m.

A. Roll Call

Present: Chair Scott Clein; Board Members Robin Boyle, Daniel Share, Janelle Whipple-Boyce; Alternate Board Member Nasseem Ramin

Absent: Vice Chair Bryan Williams; Board Members Stuart Jeffares, Bert Koseck; Alternate Board Member Nasseem Ramin; Student Representatives Carter Anderson, Olivia Betanzos

Staff: Planning Director Dupuis; City Transcriptionist Eichenhorn

B. Approval Of The Minutes Of The Regular Planning Board Meeting of April 9, 2025

04-18-25

Motion by Share

Seconded by Boyle to move the approval of the minutes of April 9 with one correction.

Motion carried, 5-0.

VOICE VOTE

Yeas: Clein, Ramin, Whipple-Boyce, Share, Boyle

Nays: None

C. Chair's Comments

The 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. 185 N. Old Woodward – Bell Bistro – Special Land Use Permit Request for New Outdoor Dining Facility in N. Old Woodward Right-of-Way**

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

Randy Dickow, representative for the project, spoke regarding the request.

Board members raised the following points during discussion:

- Treating this outdoor dining area as one works well for the City. Including the bench and adding cushions could be a beneficial change as well.
- This proposed dining area would extend into Paris Baguette's dining area, which could be an issue.
- The owner of Paris Baguette confirmed that he would be amenable to the plan put forth by the owner of Bell Bistro.
- As long as all owners are in agreement, it would be better to proceed with Bell Bistro's present proposal.
- The City Attorney should determine whether any agreement would need to be entered into for the use of the public bench as part of this outdoor dining. There is precedent for the private use of the public bench.
- This could bring more desired activation to the street.
- This proposal should not go before the Commission without congruence between Paris Baguette's and Bell Bistro's outdoor dining plans, and an agreement if necessary with the owner of the building to the south to allow Bell Bistro's outdoor dining to occupy the approximately two feet of space between the buildings.
- If necessary, given the owner's stated willingness, Bell Bistro should give up a few outdoor dining seats if that makes these plans and agreements align better.
- This plan reflects no heaters, fire equipment, or anything else beyond the umbrellas, chairs, tables, and cushions shown. If a change requiring Board approval were to be proposed in the future, the applicant could bring that for Board review at that time.

04-19-25

Motion by Share

Seconded by Whipple-Boyce to adopt the findings of the Planning Department in the report dated April 23, 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 Amendment application for 185 N. Old Woodward – Bell Bistro – subject to the following conditions:

- 1. The applicant must submit revised site plans demonstrating the quantity and placement of all required outdoor dining elements including the trash receptacles;**
- 2. The approval is contingent upon the approval of the outdoor dining plan consistent with the entire proposal shown here for Paris Baguette, including whatever approval is necessary from the owner of the building to the south, if any;**
- 3. The applicant will be required to confirm the approval from the property owner immediately to the south of Bell Bistro pursuant to Article 4, Section 4.44 (B)(4) of the Zoning Ordinance;**
- 4. The applicant must maintain a valid outdoor dining permit; and,**
- 5. The applicant must comply with all requests of City Departments.**

Motion carried, 5-0.

ROLL CALL VOTE

Yeas: Clein, Ramin, Whipple-Boyce, Share, Boyle

Nays: None

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

Discussed during Item I1.

04-20-25

Motion by Share

Seconded by Whipple-Boyce to adopt the findings of the Planning Department in the report dated April 23, 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 and design review application for 185 N. Old Woodward – Bell Bistro – subject to the following conditions:

- 1. The applicant must submit revised site plans demonstrating the quantity and placement of all required outdoor dining elements including the trash receptacles;**
- 2. The approval is contingent upon the approval of the outdoor dining plan consistent with the entire proposal shown here for Paris Baguette, including whatever approval is necessary from the owner of the building to the south, if any;**
- 3. The applicant will be required to confirm the approval from the property owner immediately to the south of Bell Bistro pursuant to Article 4, Section 4.44 (B)(4) of the Zoning Ordinance;**
- 4. The applicant must maintain a valid outdoor dining permit; and,**
- 5. The applicant must comply with all requests of City Departments.**

Motion carried, 5-0.

ROLL CALL VOTE

Yeas: Clein, Ramin, Whipple-Boyce, Share, Boyle

Nays: None

2. 35001 Woodward – Request for site plan approval extension of one year

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

Board members raised the following points during discussion:

- This proposal was acceptable. Another request in a year from now because construction drawings had to be finished for financing might raise some questions.
- Dr. Gayar should let PD Dupuis know once the loan commitment has been secured.
- It was positive that the owner was putting equity into the project.

04-21-25

Motion by Boyle

Seconded by Whipple-Boyce to move that the Planning Board grant an extension of 12 months for the approved site plans for 35001 Woodward.

Motion carried, 5-0.

VOICE VOTE

Yeas: Clein, Ramin, Whipple-Boyce, Share, Boyle

Nays: None

3. 163 W. Maple – Origins Café – Final Site Plan & Design Review Request for New Outdoor Dining Platform in W. Maple Right-of-Way

PD Dupuis provided an overview of the item and answered informational questions from the Board. It was noted that the applicant was not present.

Board members raised the following points during discussion:

- It might make more sense for the platform to take up two parking spaces, plus the non-parking space on each side, in order to make a shallower deck and more room on the street for drivers.
- This applicant has different hours than Dick O'Dow's, which will result in different busy times. This applicant also does not have a liquor license.
- This applicant does good work, and will likely be easy to work with on this application.
- Input from the Engineering Department and possibly the City's traffic engineer could be helpful.
- There are concerns about the ability to maintain the mandatory ADA/pedestrian clear path on the sidewalk with these plans.
- It may be appropriate for the City to review its application requirements.
- The plans submitted by the applicant did not include sufficient detail about the context.
- It makes sense to postpone this item so the applicant can provide the requisite information.

04-22-25

Motion by Whipple-Boyce

Seconded by Share to postpone the Final Site Plan & Design Review application for 163 W. Maple – Origins Cafe to May 28th.

Motion carried, 5-0.

VOICE VOTE

Yeas: Clein, Ramin, Whipple-Boyce, Share, Boyle

Nays: None

4. 185 Oakland – Request for Final Site Plan & Design Review for New Whole-Building Generator at Rear of Property (Postponed from February 26, 2025)

PD Dupuis summarized the request.

04-23-25

Motion by Boyle

Seconded by Share to postpone indefinitely the consideration of the Final Site Plan & Design Review application for 185 Oakland Avenue – Belfor Property Restoration.

Motion carried, 5-0.

VOICE VOTE

Yeas: Clein, Ramin, Whipple-Boyce, Share, Boyle

Nays: None

5. 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

PD Dupuis presented the item. Kim Rasnick spoke on behalf of the project. Both answered informational questions from the Board.

Board members raised the following points during discussion:

- Arborvitae should be added to the west side along the fencing in order to screen the view from the Forest Hills Country Club (FHCC) and the parking area.
- The area to the north west should not be used for burials. If it were permitted, it would surround the FHCC swimming area with burial plots.
- Alternatively, the north west area could be used for burials in the future, but adequate screening is important.
- The present site plan does not contemplate burials in the north west area. Revised site plans would need to be submitted if burials were to occur in that area.
- These plans would have benefitted from more detail.
- The site and landscape plans should be updated for consistency and to reflect the plans to add arborvitae along the west side and anything else that might be added.
- The applicant deserved recognition for its efforts to expand capacity.
- While the area to the south is presently a very wooded area, these changes would result in burials in that area and very few trees.

04-24-25

Motion by Share

Seconded by Whipple-Boyce to adopt the findings of the Planning Department in the report dated April 23, 2025 related to the approval criteria outlined in Article 7, Section 7.27 of the Zoning Ordinance and APPROVE the Final Site Plan & Design Review application for 2425 E. 14 Mile – Clover Hill Park Cemetery – subject to the following conditions:

- 1. The applicant must obtain a use variance from the Board of Zoning Appeals to operate a cemetery use in the R2 and MX zoning districts;**
- 2. The applicant must provide arborvitae screening along the far northwest and easterly return consistent with the arborvitae shown on the plan elsewhere in the new area;**
- 3. The applicant must comply with the requests of all City Departments; and**
- 4. 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.**

Board member comment on the motion was as follows:

- Consideration of a site plan extension is contingent upon efforts to implement the site plan during the intervening year.**
- The plans should be updated to reflect the additional screening and to align with each other.**

Motion carried, 5-0.

VOICE VOTE

Yeas: Clein, Ramin, Whipple-Boyce, Share, Boyle

Nays: None

K. Study Session

L. Miscellaneous Business and Communications

1. Pre-Application Discussions

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

The applicant was not in attendance.

It was Board consensus that more information was necessary and to postpone the pre-application review until the applicant was in attendance.

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

04-25-25

Motion by Clein

Seconded by Boyle to set a public special meeting of the Planning Board for April 30, 2025 for the sole discussion of 400 E. Lincoln.

Motion carried, 5-0.

VOICE VOTE

Yeas: Clein, Ramin, Whipple-Boyce, Share, Boyle

Nays: None

04-26-25

Motion by Share

Seconded by Whipple-Boyce to amend the rules of procedure for the meeting of May 14th, 2025 to allow for the consideration of site plans and study items.

Motion carried, 5-0.

VOICE VOTE

Yeas: Clein, Ramin, Whipple-Boyce, Share, Boyle

Nays: None

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 9:14 p.m.



Nick Dupuis, Planning Director



Laura Eichenhorn, City Transcriptionist

City Of Birmingham
Special Meeting Of The Planning Board
April 30, 2025
City Commission Room
151 Martin Street, Birmingham, Michigan

Minutes of the special meeting of the City of Birmingham Planning Board held on April 30, 2025. The meeting was convened at 5:30 p.m.

A. Roll Call

Present: Chair Scott Clein; Board Members Robin Boyle, Stuart Jeffares, Bert Koseck, Janelle Whipple-Boyce

Absent: Vice Chair Bryan Williams; Board Member Daniel Share; Alternate Board Members Duncan Currie, Nasseem Ramin; Student Representatives Carter Anderson, Olivia Betanzos

Staff: Planning Director Dupuis; Assistant City Manager Clemence, City Manager Ecker, City Transcriptionist Eichenhorn

B. Approval Of The Minutes

C. Chair's Comments

The 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

K. Study Session

L. Miscellaneous Business and Communications

1. Pre-Application Discussions

i. 400 E. Lincoln – Birmingham Senior and Community Center

Jim Stock of Neumann Smith presented the item and answered informational questions from the Board.

Board members raised the following points during discussion:

- Per Ms. Braun, Next's present parking lot reaches capacity during certain special events.
- At its current location, Next had to pave over the adjacent little league field for additional parking. Parking can be an issue for Next.
- The presentation was excellent and should be a model for other development presentations.
- The plans for the site represent a series of compromises in order to fit everything the City wants on the lot. Parking at the neighboring credit union is already challenging, and if

seniors park at the church they would have to walk around the 400 E. Lincoln building to reach the entrance. Concerns arise about parking in the neighborhood. The massing may be too high for the residential context. Buildings in Birmingham tend to have very good materials and traditional design. Concrete slabs may not be appropriate. Next functions well because its space is cohesive. This building's design may not facilitate the same kind of warm culture Next presently has. Traffic and photometric studies should occur. The proposed change to Floyd Street may inconvenience the residents of that street. This is an enormous civic project, and it is not contemplated in the 2040 Plan. The 2040 Plan solicited a significant amount of public input, and it would have been beneficial if residents had been able to comment on this possible project at that time.

- The site is used well, and demonstrates consideration for the surrounding areas. The design makes the area walkable. Improvements to St. James Park would likely be welcomed by neighborhood residents. The internal flow of the building space was well-designed, reflects a lot of consideration of the senior population, and allows for interaction between different user groups. Interactions between seniors and other populations benefit both groups. For the exterior, the height of the building is acceptable for the context and will benefit from the planned landscaping. The setback on Lincoln is appropriate, as there are both commercial and residential uses along Lincoln nearby. The administrative areas might benefit from slightly less glass and higher windows to reduce the likelihood of windows with regularly pulled shades.
- The site plan was well done. The east side of Floyd will still have a pedestrian path. While the use of Floyd is an unusual solution, it is one that fits the context. The height and massing is likely appropriate for the context. It would be helpful to have renderings that show the building within its context. Brick is traditional and can be done in a contemporary way. The amount of glass on the Lincoln facade could cause photometric challenges for the residential neighbors across the street. Signage proposals would be useful at the next presentation to the Board. The density of the programming may result in parking demand issues. Avoiding using part of St. James Park for parking is preferable, but so is reducing parking spillover into the neighborhoods.
- Bright white is not an appropriate color for the exterior. A warm neutral color palette would be more appropriate, recessive, and transitional, which would reduce the visual impact of the height. It would have greater aesthetic longevity and less maintenance demands.
- Some eligible residents may presently not attend Next functions because of its current facility. The higher ceilings and smaller rooms in the proposed facility will likely be valuable to the community. Pedestrian access between St. James Park and the facility should be refined and increased.
- The allotted parking makes sense for this type of facility and the likelihood of multimodal access. The parking agreements being established with adjacent property owners will be helpful. The plans allow for future parking expansion if necessary. Timing of different programmatic demands on parking could help further inform the site design. The drive aisles could possibly be reduced in order to create more space for stronger edges against the building and to the east. It might be appropriate to put a walkway along the building to encourage looking in. This building can function as a transition between a slightly more urban space and the non-urban space of the park. Enhancing the building's integration with that context would be worthwhile. The architecture of the building should be mirrored in the screen wall design along Lincoln. The sidewalk on Lincoln should be concrete, and the plaza in front of the building should be linked as a table to the node of trees in the

island in order to calm vehicular speeds. The promenade to the south should be treated similarly. Entering the park should evoke a sense of arrival. The plaza just south of the building is a great opportunity. There might be opportunities for outdoor programming space to the south. It was appropriate that different uses in the building were designed differently. The site offers opportunities for public art.

- Rather than having drive aisles that widen by a couple of feet, they should be kept the same width and any extra space should be landscaped.
- Sustainability options for the facility will be discussed.

Public Comment

Cris Braun, Executive Director of Next, answered informational questions from the Board.

George Dilgard supported the site plan and commented regarding the setback and landscaping, the glass and color palette, the need for a traffic study, and ways of encouraging shared vehicular or multimodal access of the site.

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

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 6:49 p.m.



Nick Dupuis, Planning Director



Laura Eichenhorn, City Transcriptionist



MEMORANDUM

Planning Department

DATE: May 7, 2025

TO: Planning Board Members

FROM: Leah Blizinski, City Planner

SUBJECT: 168 W. Maple – Teuta – Final Site Plan & Design Review

The subject site is located on the north side of W. Maple between Pierce and Henrietta. The applicant is applying for the addition of an outdoor dining platform in the W. Maple right-of-way with 4 tables and 8 chairs total. There is one other approved outdoor dining platform on the same block on the north side of W. Maple two store front to the east at Dick O’ Dow’s. In addition, there is a second outdoor dining platform that is currently in the application process for Café Origins across the street from Dick O’ Dows, on the south side of W. Maple. There are no other changes proposed to the building or site.

1.0 Land Use and Zoning

- 1.1 Existing Land Use – Single story commercial building.
- 1.2 Zoning – B4 (Business-Residential) & D4 (Downtown Overlay)
- 1.3 Summary of Adjacent Land Use and Zoning –

	North	South	East	West
Existing Land Use	Commercial	Commercial	Commercial	Commercial
Existing Zoning District	B4 (Business Residential)	B4 (Business Residential)	B4 (Business Residential)	B4 (Business Residential)
Overlay Zoning District	D4	D4	D4	D4

2.0 Setback and Height Requirements

No changes are proposed to the footprint of the building.

3.0 Screening and Landscaping

- 3.1 Dumpster Screening – There are no changes proposed to the dumpster or screening on site.
- 3.2 Parking Lot Screening – There are no off-street parking facilities on site.
- 3.3 Mechanical Equipment Screening – There are no changes proposed to the mechanical equipment or screening on site.
- 3.4 Landscaping – There are no changes proposed to the landscaping on site.
- 3.5 Streetscape – There are no changes proposed to the existing streetscape on site.

4.0 Parking, Loading and Circulation

- 4.1 Parking – There are no changes to the parking requirements on site.
- 4.2 Loading – There are no changes proposed to the loading requirements.
- 4.3 Vehicular Circulation and Access – There are no changes proposed to vehicular circulation and access to the site.
- 4.4 Pedestrian Circulation and Access – There are no changes proposed to pedestrian circulation and access to the site.

5.0 Lighting

There are no new light fixtures or changes in lighting proposed that will significantly alter the light intensity on the site at this time.

6.0 Design Review

The proposed outdoor dining platform is subject to several design requirements found in Article 4, Section 4.44 of the Zoning Ordinance. In addition, the platform will be subject to the requirements of Chapter 98, Article II, Sec. 98-38 of the City Code.

Teuta is proposing to have 8 seats at 4 tables, all of which are placed on an outdoor dining platform with nothing located within the amenity zone outside of the footprint of the platform. The outdoor dining platform will occupy one on-street parking space. The applicant proposes trexdeck as the material for the proposed platform deck and proposes to construct the platform flush with the curb as required by the ordinance. **To properly assess the design of the deck, the applicant must submit specification sheets or material samples for the proposed materials. In addition, the applicant must submit details on all proposed outdoor dining elements including, but not limited to, overhead weather protection, heating**

elements, and trash receptacles. The applicant must also submit a scaled side view of the plans, showing the dimensions of the height of the deck railings.

The proposed platform does not impact the pedestrian zone and will maintain the required 5 ft. continuous clear path for pedestrian passage between the building frontage and the outdoor dining furniture. The distance from the building face to the nearest outdoor dining elements is 14' 3".

As is required for all outdoor dining facilities, the applicant will be required to obtain an Outdoor Dining Permit annually. As the proposed platform is located in the public right-of-way, the applicant will be required to enter into a license agreement with the City as well. As a part of the annual outdoor dining permit process, the applicant is expected to pay fees to cover the loss in revenue of two on-street parking spaces as well as a general lease amount for the total square footage of public property that is being utilized.

Finally, as the proposed outdoor dining platform displaces a current ADA on-street parking space, the applicant will be required to reimburse the city's costs for moving the ADA space by one space to the east (if eligible), including signage and parking meter.

7.0 Required Attachments

	Submitted	Not Submitted	Not Required
Existing Conditions Plan	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Detailed and Scaled Site Plan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Certified Land Survey	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Interior Floor Plans	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Landscape Plan	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Photometric Plan	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Colored Elevations	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Material Specification Sheets	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Material Samples	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Site & Aerial Photographs	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

8.0 Department Comments

8.1 Engineering Department – The Engineering Department will require the applicant to provide detailed plans for stormwater runoff as well as will need to confirm the eligibility of the adjacent parking space to be converted for ADA use.

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 outdoor dining platform will not affect the open space requirements of the site, as it is located within the public right-of-way.
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.*
 - There are no buildings proposed as a part of the Final Site Plan & Design Review application submitted.
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.*
 - There are no buildings proposed as a part of the Final Site Plan & Design Review application submitted.
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 proposed outdoor dining platform does not extend beyond the limits of the existing limits of the parking spaces along W. Maple and thus would not create any more of a pinch point or traffic hazard in terms of the projection into the travel lanes of W. Maple. Additionally, there would no longer be vehicles coming in and out of those spaces, which could create a safer condition. However, W. Maple is well traveled by large vehicles such as semi-trucks and buses that may have issues being in such close proximity to patrons on the platform. The platform proposes to displace a current on-street ADA parking space, however, it will need to be relocated nearby if it is determined that the adjacent space can't be made equally accessible (at the applicant's expense).
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.*
 - There are no buildings proposed as a part of the Final Site Plan & Design Review application submitted. Generally speaking, though, outdoor dining facilities are compatible with Downtown Birmingham and promote the spirit and purpose of the Zoning Ordinance.
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.*

- There is no required landscaped open space as a part of this project.

10.0 Recommendation

Based on a review of the site plan submitted and the approval criteria of Article 7, Section 7.27 of the Zoning Ordinance, the Planning Department recommends that the Planning Board **APPROVE** the Final Site Plan/Design Review application for 168 W. Maple – Teuta – subject to the following conditions:

1. The applicant must submit details on the proposed materials;
2. The applicant must submit details on all proposed outdoor dining elements including, but not limited to, overhead weather protection, heating elements, and trash receptacles;
3. The applicant must reimburse the city for all costs associated with moving the ADA space to the adjacent parking space (if eligible); and
4. The applicant must comply with the requests of all City Departments.

11.0 Sample Motion Language

Motion to adopt the findings of the Planning Department in the report dated May 9, 2025 related to the approval criteria outlined in Article 7, Section 7.27 of the Zoning Ordinance and **APPROVE** the Final Site Plan/Design Review application for 168 W. Maple – Teuta – subject to the following conditions:

1. The applicant must submit details on the proposed materials;
2. The applicant must submit details on all proposed outdoor dining elements including, but not limited to, overhead weather protection, heating elements, and trash receptacles;
3. The applicant must reimburse the city for all costs associated with moving the ADA space to the adjacent parking space (if eligible); and
4. The applicant must comply with the requests of all City Departments.

OR

Motion to **POSTPONE** the Final Site Plan & Design Review application for 168 W. Maple – Teuta – pending receipt of the following:

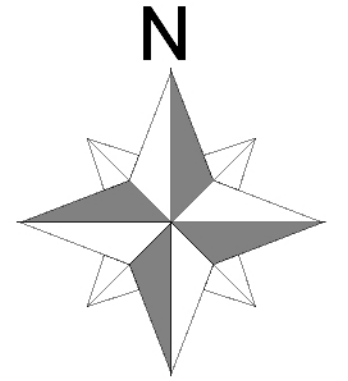
1. _____
2. _____
3. _____

OR

Motion to **DENY** the Final Site Plan & Design Review application for 168 W. Maple – Teuta – for the following reasons:

1. _____
2. _____
3. _____

TEUTA



28'-0"

17'-6"

14'-3"

21'-6"

7'-8"

trexdeck outdoor dining raised platform approx. 6"
to be flush with sidewalk level

TEUTA -RESTAURANT

168 W MAPLE RD , BIRMINGHAM MI

DESIGN BY : MERDITAJ DESIGNS

* NOT TO SCALE

APR 9, 2025



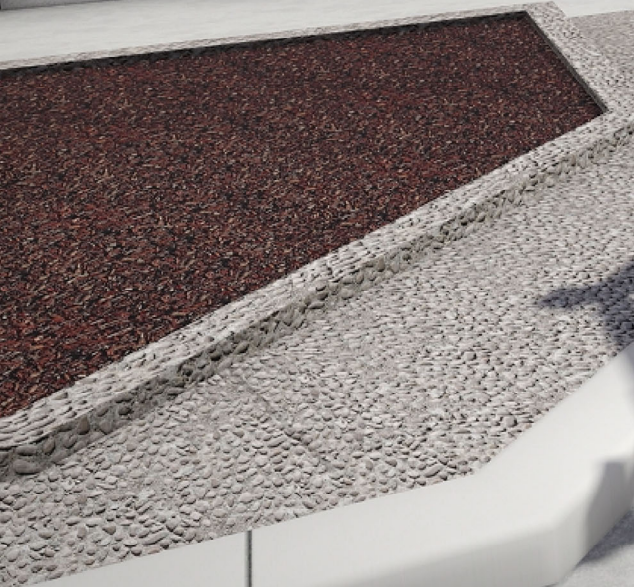
TEUTA



TEUTA



TEUTA



TEUTA





MEMORANDUM

Planning Department

DATE: May 14, 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:

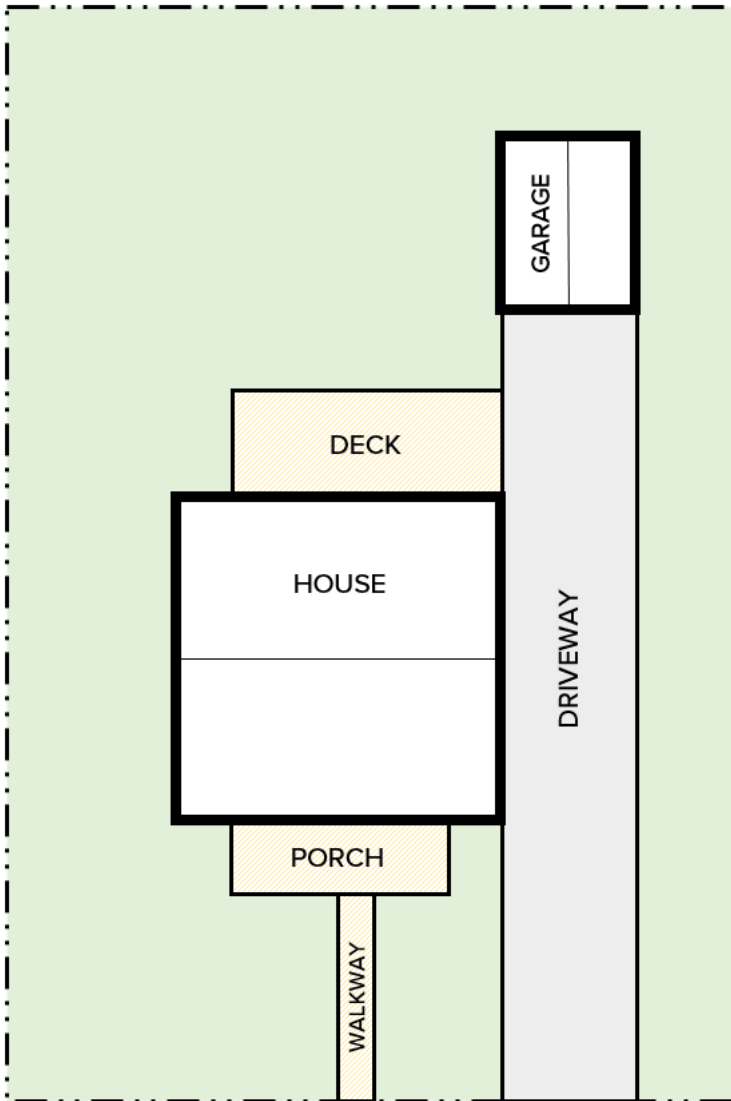
Open Space: All area of a lot except the areas occupied by a building, structure or impervious surface, excluding items listed in [4.30\(C\)](#), Projections into Required Open Spaces.

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%

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

MAXIMUM LOT COVERAGE – 30%

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

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.”

Before picking this study back up after a pause, 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 | [Agenda](#) – [Minutes](#))

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 | [Agenda](#) – [Minutes](#))

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 or 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.

Study Session #3 (May 14, 2025)

The Planning Department has made minor changes based on the discussion at the Planning Board and is requesting that the Planning Board set a public hearing to review the proposed ordinance amendments to Article 4, Section 4.30, Open Space Standards, to add Additional Open Space Standards for single-family residential zoned properties, Article 4, Section 4.31, Open Space Standards, to modify the Paved Surface Limitations in the R1, R1A, R2 and R3 Zoning Districts, and Article 9, Section 9.02, Definitions, to modify the definition for Impervious Surface.

Sample Motion Language

I move that the Planning Board set a public hearing date of June 11, 2025 to review the proposed ordinance amendments to Article 4, Section 4.30, Open Space Standards, to add Additional Open Space Standards for single-family residential zoned properties, Article 4, Section 4.31, Open Space Standards, to modify the Paved Surface Limitations in the R1, R1A, R2 and R3 Zoning Districts, and Article 9, Section 9.02, Definitions, to modify the definition for Impervious Surface.

(This space intentionally left blank)

CITY OF BIRMINGHAM

ORDINANCE NO. _____

THE CITY OF BIRMINGHAM ORDAINS:

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

ARTICLE 4, SECTION 4.30, OPEN SPACE STANDARDS, TO ADD ADDITIONAL OPEN SPACE STANDARDS FOR SINGLE-FAMILY RESIDENTIAL ZONED PROPERTIES

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:

R1 R1A R2 R3

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: May 14, 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. The Planning Board reviewed the ordinance amendments again on April 9, 2025 ([Agenda](#) – [Minutes](#)), and recommended investigation of the state regulations regarding child care centers in more detail before approval.

Group Child Care Homes

Below are the state-mandated requirements for group child care homes (serving 7 to 12 children) as outlined in the Michigan Zoning Enabling Act (MCL 125.3206). These standards are applicable statewide and limit, but do not prohibit, the ability of group child care homes to operate in residential areas.

Key Requirements for Group Child Care Homes

1. Minimum Spacing
 - Must be located at least 1,500 feet from the following facilities:
 - Another licensed group child care home
 - An adult foster care small or large group home
 - A facility offering substance use disorder services to 7 or more people
 - A community correction center, halfway house, or similar facility under the Department of Corrections
 - Distance is measured along public streets or roads, excluding alleys.
2. Hours of Operation
 - May operate no more than 16 hours within a 24-hour period.
3. Signage
 - If signage is used to identify the home, it must comply with local size and appearance standards.
4. Off-Street Parking
 - Off-street parking is required for employees.
5. Fencing
 - Appropriate fencing must be provided to ensure child safety.
6. Property Appearance
 - The home must be maintained in a manner consistent with the visible characteristics of the surrounding neighborhood.
7. Pre-Existing Facilities
 - Licensed or registered group child care homes that operated prior to March 30, 1989 are exempt from some zoning provisions.

The complete law can be found here, [Michigan Zoning Enabling Act \(MCL 125.3206\)](#).

Child Care Centers

As the Planning Board continues to evaluate zoning and land use policy related to child care facilities, this section summarizes the applicable State of Michigan licensing requirements for Child Care Centers under the Michigan Department of Licensing and Regulatory Affairs (LARA). These standards are set forth in the [Michigan Administrative Code, Rules R 400.8101 through R 400.8840](#).

Indoor Space Requirements

- A minimum of 50 square feet per child is required for infants and toddlers (under 30 months).
- A minimum of 35 square feet per child is required for preschool and school-age children.
- This square footage calculation excludes hallways, restrooms, kitchens, storage, and spaces used solely for eating or sleeping (except for infant/toddler programs).
- A floor plan of all child-use areas must be submitted and approved by the Department prior to use.

Outdoor Space Requirements

- A minimum of 1,200 square feet of outdoor play space is required for any center operating 3 or more continuous hours per day.
- Additional outdoor space may be required depending on the center’s licensed capacity.
- If a center does not have adjacent outdoor space:
 - o A nearby park may be approved for use if it is safely accessible
 - o The outdoor area must be inspected before each use and approved in writing by the Department.
 - o The outdoor play area must include shaded areas and be enclosed by a fence or natural barrier at least 48 inches in height.

Staff-to-Child Ratios and Group Sizes

Age Group	Staff-to-Child Ratio	Maximum Group Size
Infants/Toddlers (0–30 mo)	1:4	12
Preschoolers (30–36 mo)	1:8	16
Preschoolers (3–4 yrs)	1:10	30
Preschoolers (4–5 yrs)	1:12	36
School-agers (5–12 yrs)	1:18	36

- Mixed-age groups must follow the youngest child’s ratio unless children are separated by age group and staffed accordingly.

Location and Site Considerations

These state-level requirements, particularly related to outdoor space, fencing, and emergency egress, **significantly constrain the types of parcels and buildings suitable for child care center operation.**

- Outdoor play areas must be safe, well-drained, and provide a natural or constructed barrier between the play area and surrounding uses.
- Emergency exit routes must not pass through hazardous areas (e.g., heating rooms or storage closets).

Upon review 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. Staff also propose that the City Ordinance adopt the same restrictions as the Michigan Zoning Enabling Act, Section 125.3206.

Sample Motion Language:

I move that the Planning Board set a public hearing date of June 11, 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 and replace 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) TO ADD PROVISIONS FOR FAMILY CHILD CARE HOME AND TO ADD SECTION 5.02 (B), 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. Family Child Care Home: Family child care homes shall not be considered home occupations for the purposes of this Article and are permitted under the following provisions:

a. Family child care homes must be licensed by the State and meet State requirements.

b. Family child care homes shall adhere to all requirements applicable to family child care homes as outlined in the Michigan Zoning Enabling Act (MCL 125.3206).

B. 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 child care homes must be located in a single-family dwelling.

b. Group child care homes must be licensed by the State and meet State requirements.

c. Group child care homes shall adhere to all requirements applicable to group child care homes as outlined in the Michigan Zoning Enabling Act (MCL 125.3206).

C. 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 (E) TO ADD PROVISIONS FOR FAMILY CHILD CARE HOME.

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 Child Care Home: Family child care homes shall not be considered home occupations for the purposes of this Article and are permitted under the following provisions:**
 - a. **Family child care homes must be licensed by the State and meet State requirements.**
 - b. **Family child care adhere to all requirements applicable to family child care homes as outlined in the Michigan Zoning Enabling Act (MCL 125.3206).**

~~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 MODIFY ACCESSORY PERMITTED USES AND 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 MODIFY ACCESSORY PERMITTED USES AND 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 ~~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 MODIFY ACCESSORY PERMITTED USES AND 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

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 2.09 R3 (SINGLE FAMILY-RESIDENTIAL), TO MODIFY ACCESSORY PERMITTED USES AND TO ADD "GROUP CHILD CARE HOME" AS AN ACCESSORY PERMITTED USE.

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

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)

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 2.11 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)

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 2.13 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 R5

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

(Ord. No. 2277, 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 2.15 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

(Ord. No. 2278, 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 2.17 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

(Ord. No. 2279, 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 2.19 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 **R8**

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

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 2.21 O1 (OFFICE), TO PERMIT "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

(Ord. No. 2280, 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 2.23 O2 (OFFICE/COMMERCIAL), TO PERMIT "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 "CHILD CARE CENTER" AS A COMMERCIAL PERMITTED USE; PERMIT "FAMILY CHILD CARE HOME" AND "GROUP CHILD CARE HOME" AS AN ACCESSORY PERMITTED USE.

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

A. District Intent

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

B. Permitted Uses

1. Residential Permitted Uses

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

2. Institutional Permitted Uses

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

3. Recreational Permitted Uses

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

- 4. Commercial Permitted Uses**

- a. child care center**

C. Other Use Regulations

1. Accessory Permitted Uses

- a. family child care home**

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

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

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

A. District Intent

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

B. Permitted Uses

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

- k. tailor
- 4. Other Permitted Uses
 - a. utility substation
- C. Other Use Regulations
 - 1. Accessory Permitted Uses
 - a. alcoholic beverage sales*
 - b. kennel*
 - c. laboratory - medical/dental*
 - d. loading facility - off-street*
 - e. outdoor cafe
 - f. outdoor display*
 - g. parking facility - off-street*
 - h. sign
 - 2. Uses Requiring a Special Land Use Permit
 - a. alcoholic beverage sales (off-premise consumption)
 - b. alcoholic beverage sales (on-premise consumption)
 - c. ~~child care center~~
 - d. continued care retirement community
 - e. independent hospice facility
 - f. drive-in facility*
 - g. gasoline full service station*
 - h. skilled nursing facility

* = Use Specific Standards in Section 5.09 Apply

() = Subject to Regulations of the Specified District

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

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 2.29 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 "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" 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)

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 2.45 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



MEMORANDUM

Planning Department

DATE: May 14, 2025

TO: Planning Board Members

FROM: Nicholas Dupuis, Planning Director

SUBJECT: 283 Hamilton Row – Marrow – Pre-Application Discussion

A pre-application discussion has been requested to gather feedback on a proposal to add an outdoor dining platform to the Hamilton Row right-of-way.

The plans submitted demonstrate an outdoor dining platform in the front of Marrow and the neighboring salon in the extent of two on-street public parking space. The plans suggest there will be 5 tables and 20 chairs within the platform which will extend into the furnishing zone only to provide ramp access. No other changes are proposed to the site or building at this time.

As of today, there are 3 other outdoor dining platforms approved and in use within the Hamilton Row right-of-way: Greek Islands (west), Birmingham Sushi (east) and Commonwealth (south).

At this time, the applicant is only requesting feedback to consider while developing an application for Final Site Plan and Design Review. The Planning Department has no additional requests.

marrow provisions outdoor seating deck

283 Hamilton Row
Birmingham, MI 48009

studio ai architects

124 WEST 30TH STREET,
SUITE #205
NEW YORK NY 10001
T: 718 488 6268
www.studioai.com

MECHANICAL ENGINEER:

AERIAL VIEW OF SITE – NOT TO SCALE



SCOPE OF WORK:

1. NO CHANGE TO EXIST. INTERIOR & STOREFRONT AT 283 HAMILTON ROW
2. NO CHANGE TO EGRESS
3. REMOVE X1 PARKING SPOT
4. PROPOSED OUTDOOR SEATING AT 20 PPL
5. EXIST. INTERIOR SEATING AT 25 PPL
6. TOTAL SEATING = 45 PPL

DRAWING LIST

- A1 COVER PAGE + LOCATION MAP + SCOPE GENERAL NOTES
- A2 PLAN + SECTION + ELEVATION OF OUTDOOR DECK

PROJECT INFO

APPROX 1,400 SF UNIT, PART OF A SINGLE-STORY BUILDING LOCATED AT 221 HAMILTON ROW

ADDRESS: 283 HAMILTON ROW
BIRMINGHAM, MI 48009

PARCEL NO: 1925454005

ZONING USE GROUP: B4 – BUSINESS + RESIDENTIAL
RIGHT OF USE:
(M) FOOD + BEVERAGE ESTABLISHMENTS

NO. OF STOREYS: 1–STOREY

UNIT AREA: 19'–4" STREET FRONTAGE X
71'–8" DEPTH

FLOOR AREA RATIO: EXIST – 1
PROPOSED – 1 (NO CHANGE)

SPRINKLER: EXIST – NONE
PROPOSED – NONE

CONSTRUCTION TYPE: TYPE 1B
CMU BEARING WALLS
UNPROTECTED STEEL JOISTS + DECKING

PROJECT:

MARROW BIRMINGHAM
283 HAMILTON ROW
BIRMINGHAM, MICHIGAN 48009

DEPT OF BUILDINGS COMMENTS

PROPOSED MATERIALS:

- DECKING: TREX "ENHANCE NATURALS"
COLOR: ROCKY HARBOR
1 X 6 NOMINAL
- RAILING: PEAK RAILING
BLACK ALUM SYSTEM 42" HIGH
- PLANTERS: PLANTER CRAFT
BLACK ALUM PLANTER
48 X 24 X 42H
- OUTDOOR TABLES: LANCASTER TABLE
EXCALIBUR BISTRO SERIES
- OUTDOOR CHAIRS: LANCASTER TABLE
EXCALIBUR BISTRO SERIES
STACKING ARM CHAIRS
- SIGNAGE PANEL: SAME AS DECKING
- PATIO UMBRELLA: MIDTOWN UMBRELLAS
GRANDE SQUARE 9X9

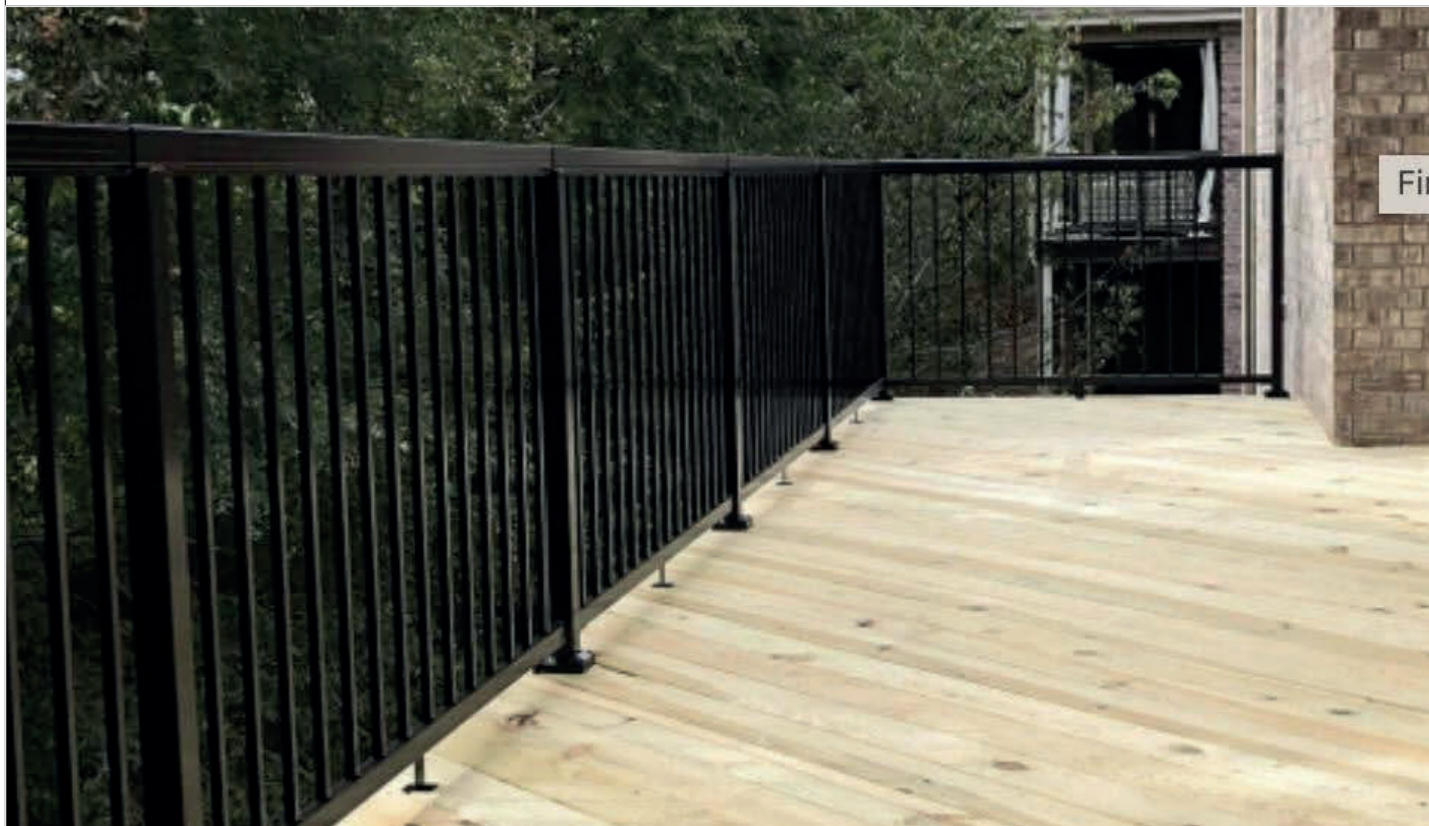
TREX – COMPOSITE DECKING



ALUM PLANTER (BLACK)



PEAK RAILINGS – 42" TALL BLACK ALUM RAILING



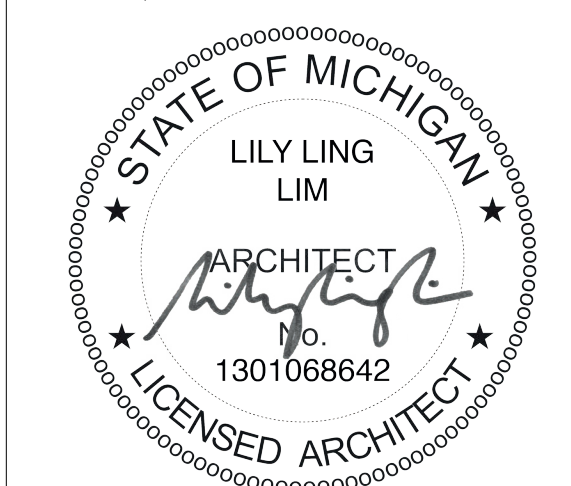
PATIO UMBRELLA (9FT X 9FT)



LANCASTER SEATING & TABLE



ENGINEER/ARCHITECT STAMP:



© COPYRIGHTS RESERVED 2025

PAGES:	1
PHASE:	OUTDOOR SEATING
SCALE:	
DATE:	07 MAY 2025
RE-ISSUE:	

COVER PAGE, DWG LIST &
PROJECT INFORMATION

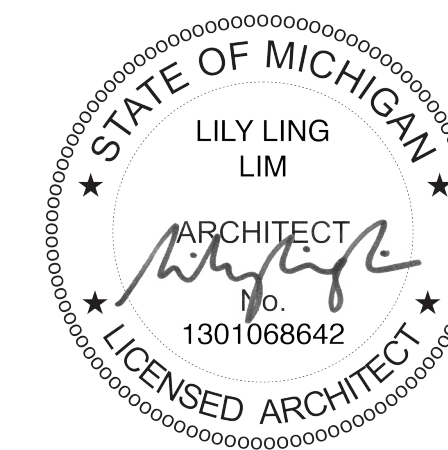
MECHANICAL ENGINEER:

PROJECT:

MARROW BIRMINGHAM
283 HAMILTON ROW
BIRMINGHAM, MICHIGAN 48009

DEPT OF BUILDINGS COMMENTS

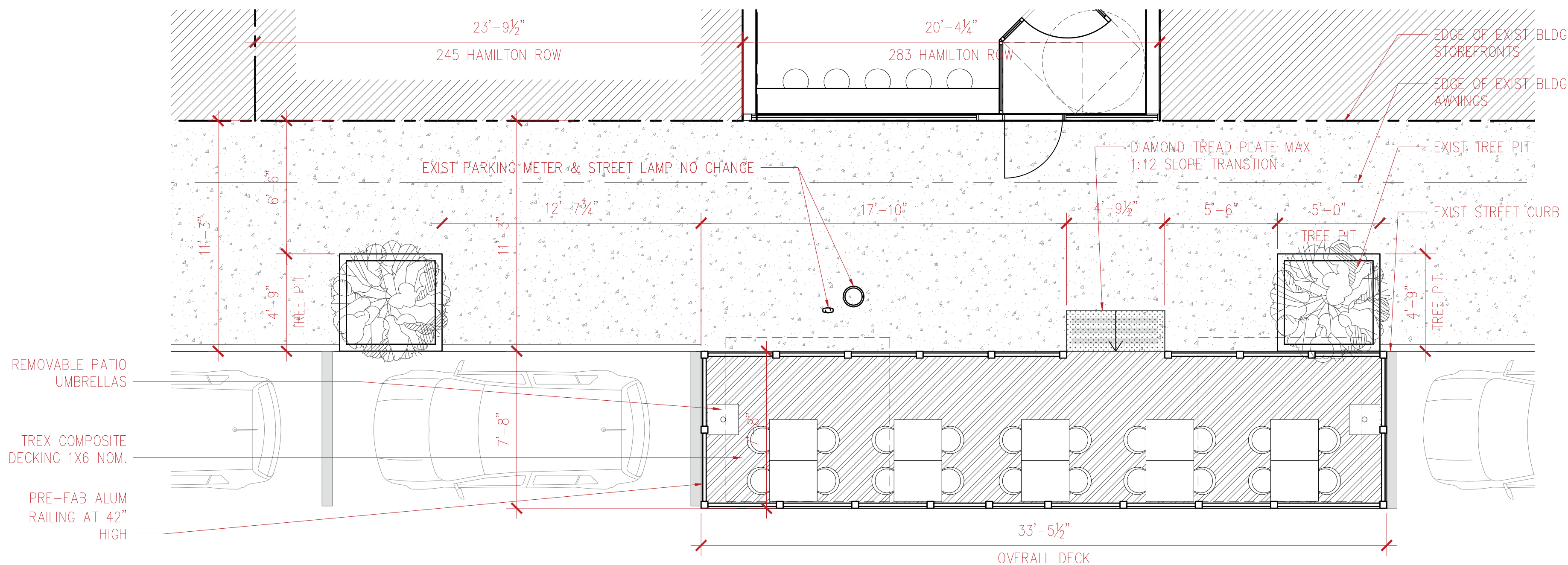
ENGINEER/ARCHITECT STAMP:



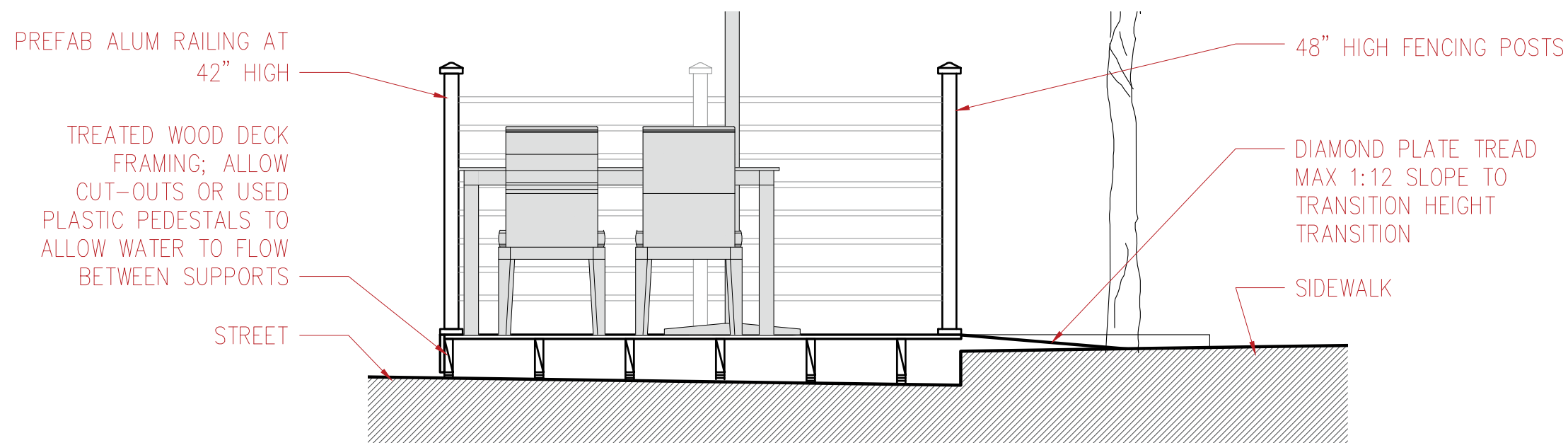
© COPYRIGHTS RESERVED 2025

PAGES:	2
PHASE:	OUTDOOR SEATING
SCALE:	SEE DWGS
DATE:	07 MAY 2025
RE-ISSUE:	

PLAN + SECTION
+ ELEVATIONS

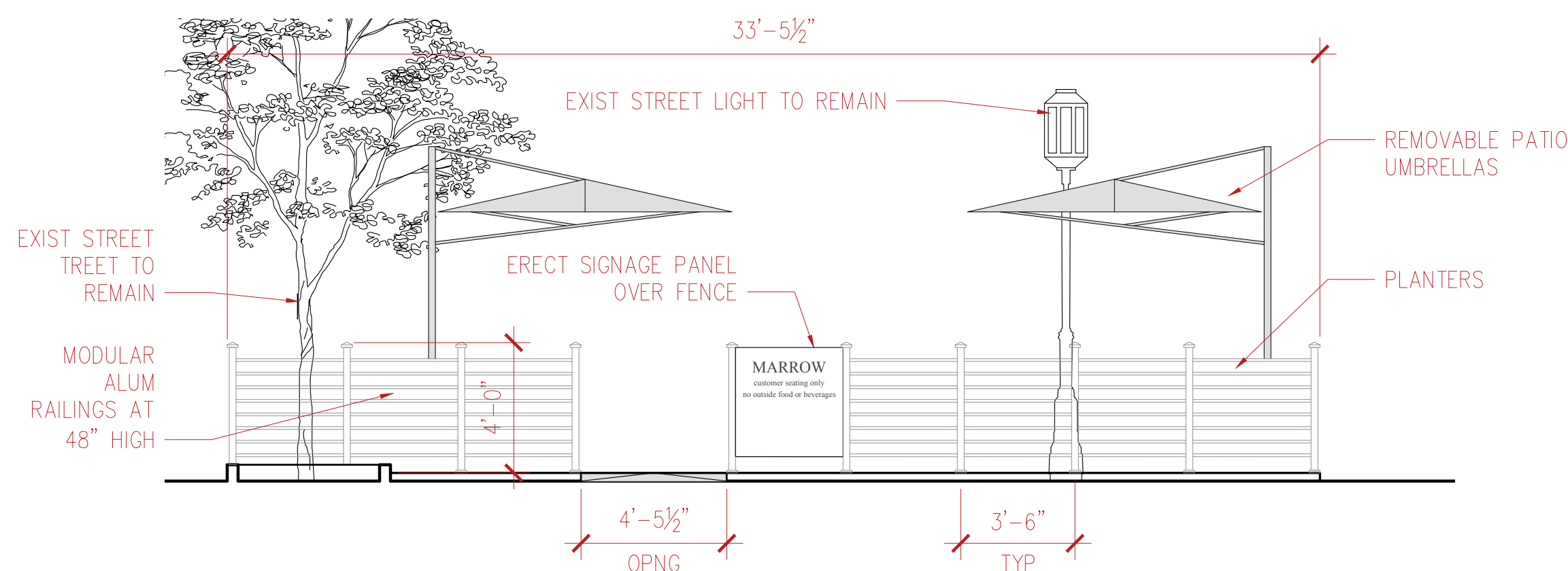


1 SIDE WALK OUTDOOR SEATING DECK PLAN
SCALE: 1/4" = 1'-0"

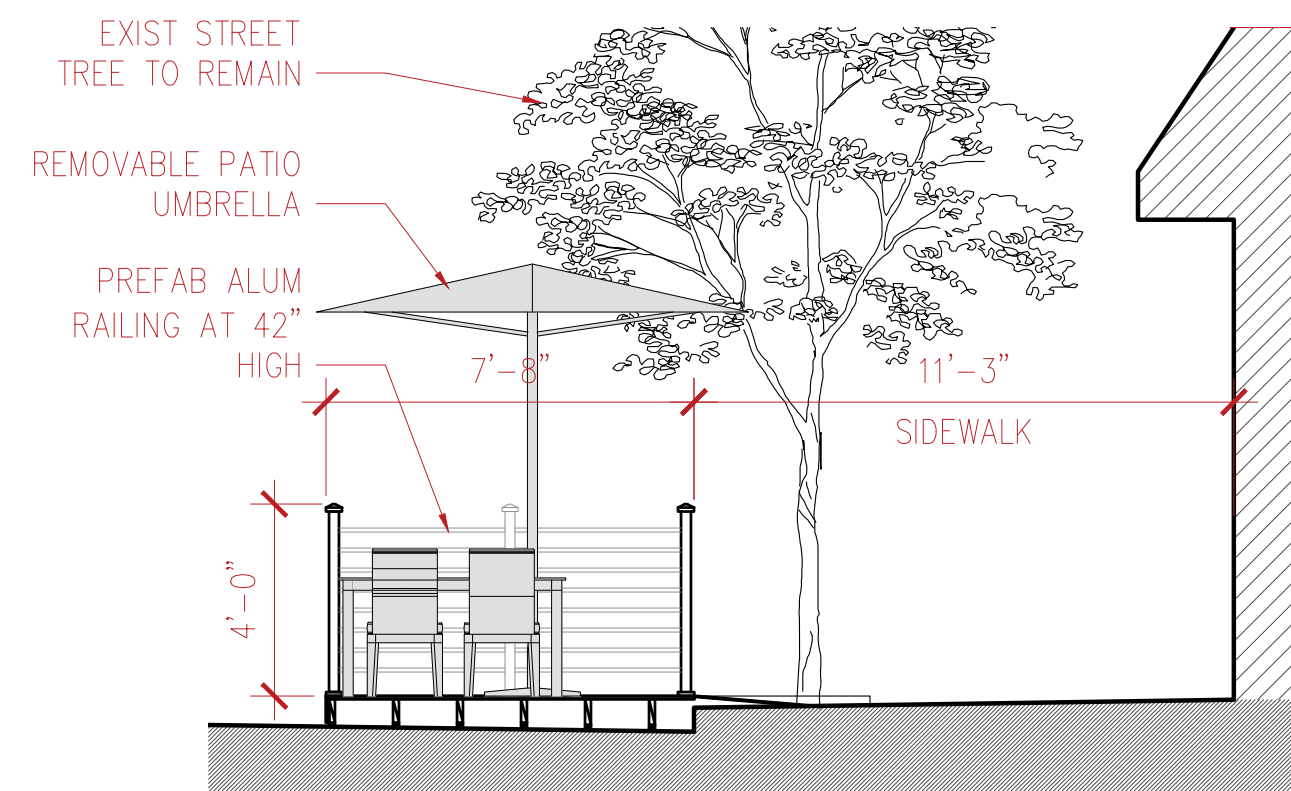


3 DECK SECTION DETAIL
SCALE: 1/2" = 1'-0"

2 REFERENCE PHOTOS
SCALE: 1N.T.S.



4 SIDE WALK OUTDOOR SEATING DECK ELEVATION
SCALE: 1/4" = 1'-0"



5 SIDE WALK OUTDOOR SEATING DECK SECTION
SCALE: 1/4" = 1'-0"



MEMORANDUM

Planning Department

DATE: May 14, 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 April 23, 2025
- 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 – Permitting
- 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

City Commission

- 33278 Woodward – Ducati Detroit – Set Public Hearing (Waiting on Applicant)
- 185 N. Old Woodward – Bell Bistro – Set Public Hearing on May 19, 2025.

Ordinance Amendments/Master Planning

- -

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, permitting

- Historic Preservation Master Plan – In progress.
- National Historic Preservation Month – Wallace Frist

ADMIN APPROVAL - PB

App Date	Case #	Scope of Work	Property Address	Status
04/30/2025	PAA25-0032	Facade replacement	259 E FRANK ST 275 # 283	COMPLETED - APPROVED
05/05/2025	PAA25-0034	Place an outdoor cooler behind building. Cooler size 8ft x 12ft. Not a permanent structure and can be moved at any point. Cooler will be all white and no signage will be on cooler. Will be placed behind building flush with back wall. Will also like to paint building Citrus Zests color from Sherwin Williams.	784 S OLD WOODWARD AVE	COMPLETED - APPROVED
05/06/2025	PAA25-0035	Planning to renovate the front porch. Not changing anything structural about porch, just updating the current structure. Planning to replace the old wood deck and stairs, add balusters, vault the ceiling, wrap the trusses, add new lighting.	587 STANLEY BLVD	COMPLETED - APPROVED

Total Processes For Type: 3



AGENDA

REGULAR MEETING OF THE BIRMINGHAM PLANNING BOARD

WEDNESDAY MAY 28, 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.** Special Land Use Permits
 - 1. **479 S. Old Woodward – Birmingham Towers – Request for Special Land Use Permit to Modify Floor Plans and Seek Approval of a Parking Waiver Pursuant to Article 3, Section 3.04 (D)(3)(a) of the Zoning Ordinance.**
 - I.** Community Impact Studies
 - J.** Site Plan & Design Reviews
 - 1. **479 S. Old Woodward – Birmingham Towers – Request for Special Land Use Permit to Modify Floor Plans and Seek Approval of a Parking Waiver Pursuant to Article 3, Section 3.04 (D)(3)(a) of the Zoning Ordinance.**
 - K.** Study Session
 - L.** Miscellaneous Business and Communications:
 - 1. Pre-Application Discussions
 - 2. Communications
 - i. **Project Updates**
 - ii. **Joint Meeting – June 16, 2025**
 - 3. Administrative Approval Correspondence
 - i. **May 9, 2025 – May 23, 2025**
 - 4. Draft Agenda – **June 11, 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) 644-3405 (para las personas con incapacidad auditiva) por lo menos un día antes de la reunión para solicitar ayuda a la movilidad, visual, auditiva, o de otras asistencias. (Title VI of the Civil Rights Act of 1964).

Planning Board Action List – 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.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Ongoing	<input type="checkbox"/>	<input type="checkbox"/>
Triangle District Bonus Height Requirements	Create a new list of bonus height provisions for the Triangle District	<input type="checkbox"/>	<input type="checkbox"/>	1 st (January-March)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Impervious Surface, Open Space & Lot Coverage	Review and improve standards for impervious surfaces and ensure consistency with open space and lot coverage goals	<input type="checkbox"/>	<input type="checkbox"/>	1 st (January-March)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Public Project Review Process	Develop a comprehensive set of guidelines for the review of public development projects	<input type="checkbox"/>	<input type="checkbox"/>	2 nd (April-June)	<input type="checkbox"/>	<input type="checkbox"/>
“Create a Woodward Safety and Beautification Plan.”	Begin to address the Woodward divide.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	3 rd (July-September)	<input type="checkbox"/>	<input type="checkbox"/>
Ordinance Enforcement	Maintain a vibrant community.	<input type="checkbox"/>	<input type="checkbox"/>	4 th (October-December)	<input type="checkbox"/>	<input type="checkbox"/>