WORKSHOP SESSION
This will be considered a workshop session. No formal decisions will be made. The purpose of this workshop format is to focus on problem definition and desired outcomes. Each commissioner will have an opportunity to share their perspective and thoughts on problems and possible solutions and engage the Planning Board for input. Citizens will have an opportunity to make public comment at the end of the workshop meeting.

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE
   Andrew M. Harris, Mayor

II. ROLL CALL
    Cheryl Arft, Deputy City Clerk

III. ITEMS FOR DISCUSSION
   A. Current Issues:
      1. Parking Standards
      2. Retail Ordinance Review
      3. Sign Ordinance Review
      4. Front Yard Fences
      5. Astro Turf Lawns

IV. PUBLIC COMMENT

V. ADJOURN

NOTICE: Individuals requiring accommodations, such as mobility, visual, hearing, interpreter or other assistance, for effective participation in this meeting should contact the City Clerk's Office at (248) 530-1880 (voice), or (248) 644-5115 (TDD) at least one day in advance to request mobility, visual, hearing or other assistance.

Las personas que requieren alojamiento, tales como servicios de interpretación, la participación efectiva en esta reunión deben ponerse en contacto con la Oficina del Secretario Municipal al (248) 530-1880 por lo menos el día antes de la reunión pública. (Title VI of the Civil Rights Act of 1964).
MEMORANDUM
Planning & Building Divisions

DATE: June 13, 2018
TO: Joseph A. Valentine, City Manager
FROM: Jana L. Ecker, Planning Director
Bruce R. Johnson, Building Official
SUBJECT: Current Planning Issues for Discussion

Topic 1: Parking Standards

Currently, parking is required to be provided for residential uses on all properties, whether or not they are located within a Parking Assessment District. However, there is one exemption in the Zoning Ordinance that eliminates the parking requirement for residential units located within the existing second and third floors of landmark buildings located within the Central Business Historic District as defined in Chapter 62 of the City Code.

A desire to reduce or eliminate parking standards for all residential units has been raised in order to reduce the cost of development, thus reducing the amount charged for the sale or lease of residential units. The Planning Board has discussed this issue several times over the past 10 years, and has reduced the parking requirements for senior living options, and removed the parking requirement for outdoor dining areas. Both of these decisions were made to encourage senior living developments and outdoor dining options in the City, and this strategy has successfully attracted both as desired. The elimination of parking standards for residential units may attract smaller unit sizes and lower sale or lease rates for units as developers will not be required to build the cost of parking facilities into their development costs.

Discussion:
Discuss sending the attached Zoning Ordinance amendments to the Planning Board for review to consider the removal of all residential parking requirements;

OR

Consider updating the scope of work for Nelson Nygard, the City’s existing parking consultant, to include a review of residential parking needs and requirements, and to have Nelson Nygard prepare recommendations and ordinance amendment to address their findings.
THE CITY OF BIRMINGHAM ORDAINS: AN ORDINANCE TO AMEND CHAPTER 126, ZONING, OF THE CODE OF THE CITY OF BIRMINGHAM:

TO AMEND ARTICLE 4, DEVELOPMENT STANDARDS, TABLE A: PARKING STANDARDS, TO AMEND THE PARKING REQUIREMENTS FOR RESIDENTIAL UNITS.

Table A: Required Off-Street Parking Spaces

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Number of Off-Street Parking Spaces Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential Uses in PP, R1A, R1, R2, R3, R4, R5, R6, R7, O1, O2, P and B1</td>
<td></td>
</tr>
<tr>
<td>Residential occupancy - 2 or less room unit</td>
<td>1.5 spaces per unit None</td>
</tr>
<tr>
<td>Residential occupancy - 3 or more room unit</td>
<td>2 spaces per unit None</td>
</tr>
<tr>
<td>Special purpose housing</td>
<td>0.5 spaces per unit None</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Number of Off-Street Parking Spaces Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential Uses in R1, R2, R3, R4, R5, R6, R7, R8, O1, O2, P, B2, B2B, B3, B4 &amp;MX</td>
<td></td>
</tr>
<tr>
<td>Assisted living*</td>
<td>0.25 spaces per bed plus 1 space per employee (on maximum shift) plus 1 space / 5 beds for visitors</td>
</tr>
<tr>
<td>Skilled Nursing Facility*</td>
<td>0.25 spaces per bed plus 1 space per employee (on maximum shift) plus 1 space / 5 beds for visitors</td>
</tr>
<tr>
<td>Continuing Care Retirement Community*</td>
<td>0.25 spaces per bed plus 1 space per employee (on maximum shift) plus 1 space / 5 beds for visitors</td>
</tr>
<tr>
<td>Independent Hospice Facility*</td>
<td>0.25 spaces per bed plus 1 space per employee (on maximum shift) plus 1 space / 5 beds for visitors</td>
</tr>
<tr>
<td>Independent Senior Living*</td>
<td>0.50 spaces per unit None</td>
</tr>
</tbody>
</table>

*Off-street parking shall be provided within 300' of the building being served. On-street parking shall be allowed on all street frontages, where permitted by the Traffic and Safety Board Multi-Modal Transportation Board. On-street parking located along a lot’s frontage may be credited towards meeting the parking requirements for the use, provided the streetscape is improved as required by the Planning Board.
<table>
<thead>
<tr>
<th>Land Use</th>
<th>Number of Off-Street Parking Spaces Required</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Residential Uses in R8</strong></td>
<td></td>
</tr>
<tr>
<td>Residential occupancy</td>
<td>2-spaces-per-unit None</td>
</tr>
<tr>
<td><strong>Residential Uses in B2, B2B, B3 &amp; MX</strong></td>
<td></td>
</tr>
<tr>
<td>Residential occupancy – 2 or less room unit</td>
<td>1-spaces-per-unit None</td>
</tr>
<tr>
<td>Residential occupancy – 3 or more room unit</td>
<td>1.25-spaces-per-unit None</td>
</tr>
<tr>
<td><strong>Residential Uses in B4</strong></td>
<td></td>
</tr>
<tr>
<td>Residential occupancy – 2 or less room unit</td>
<td>1.25-spaces-per-unit None</td>
</tr>
<tr>
<td>Residential occupancy – 3 or more room unit</td>
<td>1.5-spaces-per-unit None</td>
</tr>
</tbody>
</table>

ORDAINED this ______ day of __________, 2018 to become effective 7 days after publication.

____________________________
Andrew Harris, Mayor

____________________________
Cherilynn Mynsberge, City Clerk
**Topic 2: Downtown Retail Requirements**

**Background:**
The definition of retail within the Redline Retail District has been discussed at previous joint meetings between the City Commission and the Planning Board. On November 13th, 2017, the City commission formally adopted the definition for personal services drafted by the Planning Board, and then directed the Planning Board to continue studying issues related to retail in Birmingham. Specifically, the Planning Board was directed to evaluate the current geographic boundary of the Retail District for possible modification, to evaluate current properties in the Retail District that were not built to support first floor retail uses, and to evaluate prohibition of desks, workstations, and office related equipment in the first floor.

In relation to these issues, the Planning Board has reviewed maps categorizing the range of uses throughout the District, evaluated the distribution of asking rents, vacancy locations, and examined images of building frontages. The Planning Board has also reviewed maps of storefronts' proximity to metered parking and structured parking. Supplementary market data from Buxton Retail Consultants and a retail market report by Deloitte were included for review as well. The collection of this data was used in an effort to help gauge whether or not there is enough demand to justify the current 3.25 linear miles of Redline Retail in downtown Birmingham.

The Planning Board has recently been considering a tiered system of permissible uses and with proposed boundaries for each tier. The Board has reviewed five different suggestions with various boundaries for each tier. There appears to be some consensus at this time that areas in the D4-D5 Overlay zones should be strictly retail while areas in the D2-D3 Overlay zones should allow a broader range of uses including personal services. There is still some debate related to a third tier allowing first floor office and medical as to where this could be permitted.

**Issue:**
The Planning Board was directed to evaluate the current geographic boundary of the Redline Retail District, but feels that it does not have the necessary professional market information related to retail in Birmingham, nor does it have enough information related to trends in the retail industry.

**Discussion:**
Is there interest by the City Commission to allow the Planning Board to hire a consultant to research the state of Birmingham's retail market in order to help guide future policy?
Option 1: No Change
Option 2: Overlay Zoning Based + General Greenline on N & S
Option 3: Mixed Categories

Figure 11
Option 4: Mixed Categories

Figure 12

- Redline Retail
- Blueline Business
- General Greenline
Option 5: Redline Retail or General Greenline
Topic 3: Sign Ordinance / Downtown Overlay Signage Standards Review

There are multiple issues to consider with regards to signage. Three current issues are outlined below for discussion and consideration.

(a) Overlay Sign Standards

Background:
The City of Birmingham has two sets of standards that are used to regulate signage throughout the City. There is the standard Sign Ordinance which governs most of the City, and there are also sign standards in the Downtown Overlay District regulations in the Zoning Ordinance that regulate signage on buildings that were constructed under the Downtown Overlay development standards.

The amount of signage permitted by the Sign Ordinance provisions is based on the amount of building frontage. The width of the building determines the amount of square footage that can be used for signage. The allowable signage can be divided among any of the building tenants regardless of which floor they are located on provided that they meet all other provisions of the Sign Ordinance.

In contrast to the Sign Ordinance, the Downtown Overlay District sign regulations do not limit the amount of signage or the number of signs. Instead, the number of signs permitted is dictated by the number of entrances and only tenants whose primary square footage is located on the first floor may have a sign. In addition to the differing restrictions listed above, there are also subtle differences between the two ordinances which make interpretation confusing for business owners and sign companies. In an attempt to illustrate the differences planning staff has created a chart that outlines the main differences between the ordinance sections and how they affect the use of signage in the City.

Issue:
Over the past year the Board of Zoning Appeals has heard several variance requests for exceptions from the Downtown Overlay District signage standards. The primary cause of these requests has resulted from the difference between what is permitted by the Sign Ordinance and the Downtown Overlay District sign standards. The two provisions of the Downtown Overlay District that have initiated the majority of the variance requests for signage are the following:

- The number of signs permitted being determined by the number of entrances; and
- Signage for upper floor commercial tenants being prohibited.

The commercial tenants on the upper floors of buildings developed under the Downtown Overlay are not currently permitted signage as they otherwise would be if they were located in a building not constructed under the Downtown Overlay standards. In addition, the limitation of one sign per entry does not take into consideration businesses that occupy a corner space.
Discussion:
The Sign Ordinance regulates signage by the size and location of the building and allows tenants/property owners to divide the allowable signage between tenants as they see fit. The successful variance requests that have been heard recently have argued that it is a hardship for the signage options to be limited in ways that are afforded to the majority of properties in the City.

Is it necessary to have two separate sets of sign regulations in the City?
<table>
<thead>
<tr>
<th>Total Area</th>
<th>General Sign Ordinance</th>
<th>Downtown Overlay Sign Ordinance</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>• Combined sign area shall not exceed 1 ft² (1.5 ft² for Woodward addresses) for each linear foot of principal building frontage.</td>
<td>• Each business, whose principal square footage is on the first story, may have one sign per entry.</td>
</tr>
<tr>
<td></td>
<td>o Ground sign: 30 ft² per side, 60 ft² total</td>
<td>o Not addressed in Overlay Sign Ordinance</td>
</tr>
<tr>
<td></td>
<td>o Projecting wall signs: 7.5 ft² per side, 15 ft² total</td>
<td>o Pedestrian sign: 1.5 ft. vertical by 4 ft. horizontal</td>
</tr>
<tr>
<td></td>
<td>o Window signs: 12 ft² per side, 18 ft² on Woodward</td>
<td>o Window signs: may not exceed 1.5 ft. in vertical dimension and 4 ft. in horizontal dimension.</td>
</tr>
<tr>
<td>Sign Height</td>
<td>• Name letter signs: 24 in., 36 in. for Woodward addresses</td>
<td>• Sign band shall be a maximum of 1.5 ft. in height, 2 ft. for Woodward addresses.</td>
</tr>
<tr>
<td></td>
<td>• Wall signs: 3 ft., 4 ft. for Woodward addresses</td>
<td>• Not addressed in Overlay Sign Ordinance</td>
</tr>
<tr>
<td></td>
<td>• Ground signs: 8 ft. maximum above street level</td>
<td>• Not addressed in Overlay Sign Ordinance</td>
</tr>
<tr>
<td>Corner Buildings</td>
<td>• Business may locate multiple signs on differing facades of the building provide they stay within the parameters permitted by ord. regarding height and area</td>
<td>• Buildings are permitted one sign per entrance regardless of the number of frontages a given business may have.</td>
</tr>
<tr>
<td>Upper Floor Tenant Signage and Above</td>
<td>• Any Business that operates on site may locate multiple signs on differing facades of the building provided they stay within the parameters permitted by ord. regarding height and area.</td>
<td>• Each business, whose principal square footage is on the first story, may have one sign per entry.</td>
</tr>
<tr>
<td>Wall Mounted Blade Signs</td>
<td>• Signs must have a 6 inch minimum separation from the wall face, and may not project more than 30 inches beyond the property line.</td>
<td>• Maximum of 1.5 feet in vertical dimension and 4 feet in horizontal dimension.</td>
</tr>
<tr>
<td>Building Identification</td>
<td>• Building Identification: Non-illuminated signs identifying the entire structure by a building name may be permitted above the first floor.</td>
<td>• One sign will be allowed on the principal building frontage.</td>
</tr>
<tr>
<td></td>
<td>• Signs identifying the entire structure by a building name may be permitted on the sign band.</td>
<td></td>
</tr>
</tbody>
</table>
(b) Window Signage

Background:
Window signage in the City of Birmingham is currently limited to 12 square feet per frontage (per storefront façade facing a street) or 18 square feet per frontage on “Big” Woodward.

Issue:
The window signage throughout town is inconsistent and often exceeds the allowable amounts permitted by ordinance. Complaints have been received about the quality of materials used for window signage and the fact that such signage is simply taped to the windows. While code enforcement is sent out periodically to site specific complaints and the Planning Division sends out literature to all businesses in town on a regular basis, the problem persists.

Discussion:
Should changes be made to the regulations that control window signage to regulate materials used and attachment methods?

(c) Window Treatments

Background:
Multiple sections of the Zoning Ordinance regulate the practice of blocking or tinting windows. The Zoning Ordinance was recently amended to require clear glazing on all first floor facades. The ordinance also states that windows are not allowed to be blocked by opaque materials, the backs of shelving or signs. This has been interpreted to mean that the view into windows may not be permanently obscured but does not specifically prohibit drapes, blinds or other window treatments.

Issue:
First floor tenants in commercial spaces often desire window treatments for a variety of reasons. These include protection from the sun or excessive heat, aesthetics or privacy. Sometimes first floor tenants continuously keep window treatments closed, which is akin to permanently obscuring views into windows.

Discussion:
Should the Zoning Ordinance regulate the type and / or usage of window treatments that are not affixed to the glazing, including blinds, shades, drapes and other such interior amenities?
**Topic 4: Front Yard Fences**

**Background:**
The Zoning Ordinance has regulated the construction of fences in the City for many years. The maximum fence height in residential districts has been limited since 1947. Fencing in a rear or side open space can be installed to a maximum height of six feet and fences located in a front open space can be installed up to three feet in height. There are two conditions when a fence located in a front open space can exceed three feet in height. When the fence is in the front open space, but behind the front of the home; and when the fence is immediately adjacent to the rear lot line of a corner lot, then the fence shall not exceed six feet in height. These height provisions have basically remained the same since 1947.

**Issue:**
A resident recently raised a concern regarding a fence their neighbor proposed installing along the side property line separating their lots. The resident’s driveway is located along the side property line and they are concerned that the installation of the portion of the fence in the front open space alongside their driveway will limit their ability to enter and exit vehicles. The proposed fence meets the requirements of the Zoning Ordinance.

**Discussion:**
Fences are almost always installed at the edge of property lines. Driveways are often installed along side property lines, especially to access detached garages in the rear open space on narrower lots. The concern in this case is the placement of a proposed fence in the front open space alongside an existing driveway. Should a review of the applicable fence standards in the Zoning Ordinance be conducted in consideration of the concerns raised?
Bruce Johnson <bjohnson@bhamgov.org>

Fwd: Pierce Street Fence
1 message

Joe Valentine <jvalentine@bhamgov.org>  Thu, Jun 14, 2018 at 8:38 AM
To: Bruce Johnson <bjohnson@bhamgov.org>

-------- Forwarded message --------
From: Pierre Boutros <pboutros@bhamgov.org>
Date: Mon, Jan 29, 2018 at 10:06 AM
Subject: Fwd: Pierce Street Fence
To: Joseph Valentine <jvalentine@bhamgov.org>
Cc: ciam63@aol.com

Good morning Christina,

I’m in receipt of your email. I had copied our city manager Joe Valentine on it. We will make sure it will be shared with the rest of the commissioners. Thank you for taking the time on writing and sharing your thoughts and concerns with us.

Regards,

Pierre Boutros
Birmingham City Commissioner

Begin forwarded message:

From: Christina Munro <ciam63@aol.com>
Date: January 25, 2018 at 11:00:05 AM EST
To: pboutros@bhamgov.org
Subject: Pierce Street Fence

Good morning Mr. Boutros,

Our mutual friend David Williams suggested I write to you regarding the City of Birmingham's fence ordinance. The property addresses in question are 1421 Pierce Street and 1415 Pierce Street. Please read my attached letter, and thank you for your time.

Regards, Christina

Christina Munro-Baldwin
ciam63@aol.com

--
Joseph A. Valentine
City Manager
City of Birmingham
151 Martin Street
Birmingham, MI 48009
(248) 530-1809  Office Direct
(248) 530-1109  Fax
jvalentine@bhamgov.org
Twitter: @JoeValentine151

To get the latest information regarding the City of Birmingham, please sign up for our communication tools by clicking here [www.bit.ly/bhamnews](http://www.bit.ly/bhamnews).

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3 attachments

- [SnowFence.jpeg](attachment:SnowFence.jpeg)
  - 262K

- [Letter.pdf](attachment:Letter.pdf)
  - 541K

- [AppraiserLetter.pdf](attachment:AppraiserLetter.pdf)
  - 29K
January 25, 2018

Mr. Pierre Boutros, City Commission Member
City of Birmingham
151 Martin Street
Birmingham, MI 48009

Dear Mr. Boutros,

My name is Christina Munro-Baldwin, and I have lived at 1421 Pierce Street for nearly 23 years. In fact, I have lived on Pierce Street since I was 9 months old. My husband is John Baldwin. He has lived here since 2008.

Over a year ago our northern neighbor was granted a permit to install a six foot privacy fence along the length of her house and to extend a three foot fence on the property line as far as possible to the sidewalk. We have no objection to a privacy fence along her house as it would look much more attractive than what she currently has in place as you can see from the attached photo. This is her “snow fence” which the city allows to stay up 365 days a year.

If the three foot section of fence is installed almost to the sidewalk as proposed, we, and any visitors, will not be able to use our driveway in front of our house to exit and enter our vehicles in the usual manner. She was asked in a letter to set this portion back so we could continue to use our driveway like we have for 23 years. She has no intention of setting it back.

We cannot understand how the City of Birmingham, for all of its rules and regulations, allows this. Why would the ordinance allow a fence to abut a neighbor’s property and clearly interfere with the “quiet enjoyment” to which all citizens are entitled? I have researched several surrounding communities’ fence ordinances. Most do not allow front yard fencing. If they do, there is a setback rule to prevent any interference with a neighbors’ property.

Anecdotally, we walk our dog all over our area. Of the few front yard fences we have seen, none prevent the neighboring property from using their driveway as it is meant to be used.

In 2009, we renovated our home, much to the chagrin of our northern neighbor. I am not going to go into the detail of how many complaints she made throughout that process and afterward. I will say this: all of her concerns about alleged damage to her property were corrected at significant cost to us.

We attempted to attend a council meeting in December with a presentation of our concerns, but were quickly told that this was not the forum for such matters. We were directed to City Manager Joe Valentine. We had a short meeting with him that evening and he got back with my husband the
following day to let us know nothing could be done. The permit was approved. Even if the ordinance changed the next day, the permit would be grandfathered in.

We have resorted to legal action, based on the element of prescriptive easement, to prevent this fence from being erected. This is not something we wanted to do, but there is absolutely no reasoning with our neighbor. As part of the legal process, I had an appraiser come to our home to see what effect this would have on our property value. That letter is attached.

We would hope that the City would see this fence for what it is, and we are asking you to please bring this to the attention of your fellow council members and amend the fence ordinance in the City of Birmingham. While apparently nothing can be done for us, we think that this should not happen to someone else in the future. This has become a very ugly and costly situation that we believe could have been prevented through prudent review of her proposed project.

I look forward to speaking with you.

Sincerely,

[Signature]

Christina Munro-Baldwin
Property Valuation Group, LLC
1250 Library St.
Suite 32
Detroit, MI 48226
www.marketvaluenow.net

January 17, 2018

Christina Munro
1421 Pierce St
Birmingham, MI 48009

To Whom It May Concern,

This letter has been provided to comment on the effect of adding fencing along the northern property line of 1421 Pierce St. The addition of a fence at this property line would restrict access to automobiles. Occupants of vehicles parked on the driveway along this fence line would not have adequate room for entry and exit. Any restriction to driveway access and/or use, would adversely affect marketability. Therefore, an addition of a fence along this property line would adversely impact the market value of this property.

Sincerely,

Matthew Diskin
License # 1201070062
Topic 5: Use of Astro Turf / Non-Natural Materials as Landscaping

Background:
Currently, the Zoning Ordinance requires a minimum 40% open space be maintained on all lots in single family zoned districts. Open space is defined in the ordinance as all areas of a lot except the areas occupied by a building, structure or impervious surface. The ordinance has definitions for building, structure and impervious surface. A building is any structure that has a roof, a structure is anything constructed or erected which requires location on the ground and impervious surface is any material which prevents the infiltration of surface water, such as concrete, blacktop, asphalt, brick, stone or similar materials.

The Building Department in the past would receive an occasional inquiry regarding artificial grass asking if it could be installed in place of typical lawns and count as open space. The department’s position has been that artificial turf would not count as open space since it can be considered a structure as it is installed as a system. Further, while the mat the artificial grass is woven into does have drainage holes, the water enters a drainage layer of stone under the turf where it was directed to a drain or outlet to prevent the mat from floating. The artificial turf system was considered impervious since the majority of the water was being drained away rather than soaking into the ground.

Issue:
The number of requests to use artificial turf has increased over the last few years. Improvements are being made to the turf systems that allow more surface water to be absorbed into the ground rather than being drained away.

Discussion:
Artificial turf is gaining popularity and with continued improvements to the systems and installation methods they could soon be considered open space as currently defined in the Zoning Ordinance. Should a review of the open space definition in the Zoning Ordinance be conducted in response to improved artificial turf technologies?