

We are members of
Birmingham's City Commission's

Builders Code of Conduct

and take pride in the high standards of work
on and around our site.

We Pledge To Be:

Professional
Considerate
Responsible
Orderly
Safe

Partnership and Cooperation are the
keys to our success.

If you have any comments about this site,
please call (248) 644-3869.



Birmingham Building Guide



Visit our Web site at

<http://ci.birmingham.mi.us>

A NEIGHBORHOOD BILL OF RIGHTS

1. **The Right to Use and Enjoy Your Property.** You have the right to improve your home, but you can't violate someone else's rights. Anyone who wants to build has to do it in a way that doesn't abuse their neighbors' property and peace.
2. **The Right to a Safe Neighborhood.** Anyone who wants to build must make sure he's not creating an unsafe neighborhood situation.
3. **The Right to Know What's Going On.** Nothing can be more disturbing than to have the Mystery Project going up next door. Construction information must be readily available, and neighborhoods kept as informed as possible.
4. **The Right to Have Contractors Obey the Law.** Birmingham should be consistent and energetic in enforcement, so scofflaws don't trample on the rights of others.
5. **The Right to Know What the Law Is.** Builders, owners and neighbors alike need to have easy access to law, ordinances, policies and interpretation.
6. **The Right to Keep Your Property Undamaged.** Improvement of one property never justifies damaging or diminishing the value of another.
7. **The Right Not to Pay the Contractor's Costs.** Water, electricity, storage, and access are all issues that a builder must solve before construction begins on his own property. Utility theft and adjacent property trespass are both illegal.
8. **The Right to Have Public Property Respected.** The streets and sidewalks belong to all of us, not the builder.
9. **The Right to Not Pay for Builders Mistakes.** Damaged street paving, broken sidewalks, ruined curbs, and gouged outlaws, cut cables and wires; all public property wear and damage should be paid for by the builder, not by the citizens.
10. **The Right to Live and Let Live.** Builders have rights to and that "developer" may be a neighbor. You may be adding on yourself in a year or two. Disputes should be mediated before tempers flare and damage becomes intolerable.

Who to call

City offices are open
Monday through Friday
8 a.m. to 5 p.m.

General Offices, City Clerk.....	(248) 644-1800
FAX.....	(248) 644-5614
Assessing Department.....	644-3814
Baldwin Public Library.....	647-1700
Birmingham/Bloomfield Chamber of Commerce.....	644-1700
Code Enforcement.....	644-3869
Community Development.....	644-3869
Community Development FAX.....	(248) 540-9757
Engineering Department.....	644-3865
Fire Department.....	(Non-Emergency) 646-1127
.....	(Emergency) 911
Inspection Request.....	988-2926
Manager's Office.....	646-6454
Police Department.....	(Non-Emergency) 644-3405
.....	(Emergency) 911
Parks & Recreation.....	644-0370
Principal Shopping District (PSD).....	433-3550
Rental Licensing Inquiries.....	644-3869
Streets, Sewer & Water.....	644-1807
Treasurer.....	644-3830
Water Billing.....	644-3800

151 Martin Street
P.O. Box 3001
Birmingham, MI 48012

City Staff

City Manager.....	Thomas M. Markus
Community Development Director....	Patricia McCullough
Building Official.....	Mary B. Ferrario
Assistant Building Official.....	Bruce Johnson
Building Inspector.....	Ken Cooper
Building Inspector.....	Scott Worthington
Electrical Inspector.....	Ed Rosette
Plumbing/Mechanical Inspector.....	Michael Labriola
City Planners.....	James Sabo
.....	Jill Bahm
City Assessor.....	Sherry Lee
City Attorney.....	Timothy Currier
City Clerk.....	Nancy Weiss
Director of Eng. &Public Services....	Dennis A. Dembiec
Ass't Director of Engineering....	Paul T. O'Meara
Ass't Director of Public Services.....	Robert Fox
Fire Chief.....	David Edginton
Fire Marshal.....	Timothy Wangler
Police Chief.....	Richard Patterson

RESIDENTIAL CONSTRUCTION CODE OF CONDUCT

1. The Builder* as a Guest in the Community

Builders are guests in an existing residential community. Builders are expected to conduct themselves as guests in an existing residential neighborhood. Existing neighbors have a right to the quiet enjoyment and use of their property. Builders are expected to operate within the confines of the ordinances and should make every reasonable effort to operate in the least disruptive fashion possible as to equipment operation, noise of operations, employee behavior, cleanliness of site and safety of site.

2. Builders Need to Communicate with Their New Neighbors

Builders should communicate with their neighbors explaining their proposed project, expected duration of construction time span, and names of contacts. Additionally, builders should attempt to determine if any problems could be avoided by determining if the adjoining property owner has any particular concerns or problems with the proposed project that could be remedied before the project starts. City staff will provide a weekly listing of newly issued permits on the city's web page and will make the site plans and architectural plans available to the public at city hall pursuant to the public disclosure laws.

3. Builders Must Manage Their Sites and Keep them Safe

Builders need to manage the site so as to minimize safety risks to their neighbors and the public at large. Site management including controlling the material and equipment deliveries so as not to overload the site or the right-of-way is expected. Excavating for footings and foundations are expected to be timed so that construction follows as quickly as possible to minimize the safety risks of open unprotected excavations. Compliance with the city's rigid perimeter fencing requirements and controlled entry gate is expected. Making sure that walkways are kept open and usable is expected. Walkways leading to and from schools and public facilities require extra care to avoid even temporary closure during normal travel time. Placement of portable restroom facilities and solid waste disposal should be placed on the building site so as to minimize impact on neighboring property.

4. Builders Need to Familiarize Themselves with the City Codes

Builders are expected to familiarize themselves with the codes and follow them. The city will not tolerate ignorance of the laws. An aggressive enforcement team is in place to enforce the city ordinance for the protection of our citizens and neighboring property (public and private). The city recognizes that mistakes are made. If a mistake is made, own up to it as soon as it is known so that proper correction action can be approved by the city and the project may progress to completion. The city ordinances and building codes may be accessed through the city's web site at <http://ci.birmingham.mi.us>.

For additional information, please visit the City of Birmingham's Web site at

<http://ci.birmingham.mi.us>

5. Builders are to Exert Care

Builders are to exert extreme care in designing their project and constructing their improvements so as to avoid cutting cable, telephone, power lines, etc. Grading property either temporarily or permanently to avoid drainage problems for a neighbor. Care is to be exercised in grading and excavating so as to prevent damage to trees and shrubs on neighboring property and public right-of-way. Adequate provision for power and water are to be provided on site. No use of neighbor's services or city services will be allowed.

6. Builders are to Preserve and Consider Their Surroundings

Builders are encouraged to preserve natural features on their property including trees and shrubbery. Builders are encouraged to design homes which recognize how they fit into existing neighborhoods. Efforts to blend into existing neighborhoods are encouraged. Builders are encouraged to maintain as much permeable surface as possible to reduce storm water run-off.

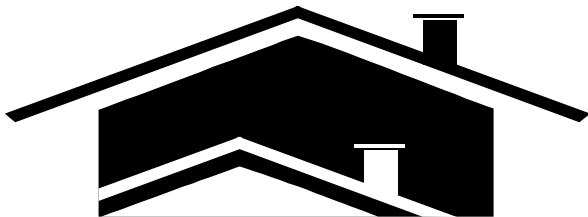
7. Builders are Responsible for Damages

Builders are required to pay the costs of repairing any and all public improvements including curbs/gutters, sidewalks, streets, trees/shrubs, and public utilities. Builders shall promptly clean any debris that is spilled on public property during the course of construction activities.

8. Builders Have Rights Too!

Builders have the right to develop their property consistent with the laws of the City of Birmingham, County of Oakland and State of Michigan. The community recognizes that the right of builders to develop their property within the ordinance of the city but demands that the construction activity occur in a manner which is the least disruptive to the neighborhood. Remember that inconsiderate action on the part of just one builder may result in the passage of laws affecting all builders. Builders are encouraged to police themselves thus reducing the need for added laws and enforcement. Absentee management of building projects is the number one cause of problems leading to enforcement by the city.

*The use of the term Builder throughout the code of conduct includes the existing lot owner, general contractor and all subcontractors.



General Guidelines for New & Existing Businesses



1. Sign Review

Required when adding or changing external building signage. HDDRC reviews sign proposals.

2. Design Review

Required when changing the exterior appearance of a commercial, industrial or multiple family residential buildings without adding square feet. HDDRC reviews design proposals.

3. Site Plan Review

Required when changing the site and/or the exterior of buildings and adding square feet; also required for new construction. Planning Board reviews site plans.

4. Historic Review

Required when changing the site and/or exterior of any designated historic landmark building. HDDRC reviews proposals for historic buildings.

5. Board of Zoning Appeals

To request a variance from the Zoning, Sign, or Historic Ordinance requirements. The BZA hears variance appeals.

6. Special Land Use Permit

Required for a new special land use or to change an existing special land use. Examples of special land uses are outside dining, churches, schools, filling stations, etc.

7. Merchant's License

Required prior to opening a retail business (including a restaurant). The City Clerk's Office issues a merchant's license.

8. Certificate of Occupancy/Compliance

Required for a new structure, or a structure that has undergone a change in use. Verify with Community Development if a new Certificate is required.

9. Annual Fire Inspection

Required for businesses that deal with flammable liquids. Forms are sent out annually. Inspections are handled by the Fire Department.

Boards and Commissions



City Commission	Meets on the 2 nd , 3 rd and 4 th Mondays at 8:00 p.m. Persons wishing to submit an item for the agenda should contact the City Clerk's Office for further information. (248) 644-1800
Planning Board	Meets on the 2 nd and 4 th Wednesday of the month at 7:30 p.m. Site Plan or Special Land Use Permit review applications can be submitted to the Community Development Department for the second meeting of the month. Persons wishing to submit an item for the agenda should contact the Community Development Department for further information. (248) 644-3869
Historic District & Design Review Commission (HDDRC)	Meets on the 1 st and 3 rd Wednesday of the month at 7:30 p.m. Sign, Design and Historic review applications can be submitted to the Community Development Department. The deadline for submittal for HDDRC review is 2 weeks prior to the meeting date at 12:00 p.m.
Board of Zoning Appeals (BZA)	Meets on the 2 nd Tuesday of the month at 8:00 p.m. Appeal applications can be submitted to the Community Development Department. The deadline for submittal is the 21 st of each month. A maximum of 7 appeals are reviewed per meeting.

Please note:

Review and approval by the appropriate board is required prior to the issuance of a building permit.

COMMUNITY DEVELOPMENT DEPARTMENT

1. Who do I call when I have a problem or a complaint in the city regarding building?

The Community Development Department has a complaint program to receive, record and investigate complaints regarding building issues. A Code Enforcement Officer will visit the site to determine whether any violations are occurring and report to the Building Official of their findings. Should a violation be found, the property owner or tenant is contacted to correct the problem. Should the property owner fail to comply, a written notice is sent with a deadline to comply in order to avoid any further penalties. A Court Appearance ticket will be issued for any violation not corrected after due notice.

2. Who do I call when I have a problem or a complaint in the city regarding planning or zoning?

The Community Development Department is comprised of a planning division to handle zoning, lot split, land use, and development projects in the City. All questions concerning how to process a request through the appropriate reviewing body, such as the Planning Board, Historic District and Design Review Commission, or the Board of Zoning Appeals, are answered by the City Planners. Anyone with a problem involving a planning issue can contact the City Planners for information.

PLANNING DIVISION

3. How is my property zoned?

All properties in the City of Birmingham are located on the official zoning map, within an area that has a specific zoning district designation. Generally speaking, each zoning district designation is related primarily to the permitted land use for that area.

Residential properties (such as R-1A through R-8) include single family, attached single family, two family and multiple family uses. There are two Office districts (O), five business districts (B), mixed use district (mx) parking district (P), a public property district (PP), and lastly a Downtown Birmingham Overlay District. The Downtown Overlay District is a contiguous district within primarily the downtown business district and civic center area. The regulations stated in the Downtown Overlay District are intended to implement the recommendations stated within the Downtown Birmingham 2016 Report.

4. What are the permitted uses in the zoning districts?

Permitted principal, accessory and special land use within each of the zoning districts are stated in sections 126-71 through 126-100 and 126-121 through 126-423 of the Zoning Ordinance.

5. What is the process for splitting a lot?

Inquiries involving the splitting or separation of lots are handled in the Community Development Department by the Planning staff in accordance with City regulations governing the subdivision of property in the City. Whether the request involves creating a new lot line, or creating multiple lots, the request is heard by the City Commission at a public hearing. The purpose of the hearing is to consider how the lot split request meets the lot split standards as prescribed in the City Code. In general, there are three conditions to address:

- 1) compliance with the Zoning Ordinance in terms of land area, setbacks, etc.;
- 2) meeting the average lot width of adjoining properties in the same zone district within 300 feet of the subject site; and
- 3) determine that the proposal will not adversely affect the interest of the public or adjoining property owners.

Request for the separation of previously combined platted lots are reviewed by the Community Development Department.

6. What do I need to do to put up a sign?

All signs proposed to be installed for any business, office, private, or institutional use must be reviewed by the Historic District and Design Review Commission for appropriate compliance with the city’s sign ordinance prior to permit. The Commission carefully reviews all proposals and will grant approval to those applicants who meet the provisions of the sign ordinance.

7. What kind of temporary signs are permitted?

Outdoor temporary signs are permitted under many circumstances, such as church and school functions, birth announcements, and holiday greetings. In general, temporary signs are not permitted in the public right-of-way and may be displayed on private property or a period of two-weeks during a six-month period. Contact the Community Development Department for additional information additional requirements.

8. What is a variance and how do I apply for one?

Variances are a “license to engage in an act contrary to a usual rule”. Simply stated, when someone wants to do something that is not allowed by the strict application of the zoning ordinance, they must receive a variance from the Board of Zoning Appeals (BZA) prior to construction or use. The Community Development Department can provide you with an application to have your appeal heard before the BZA. The seven member BZA will review your appeal and determine whether a practical difficulty or hardship exists. Variance requests will be granted or denied on that basis.

Who to call when you have questions about...

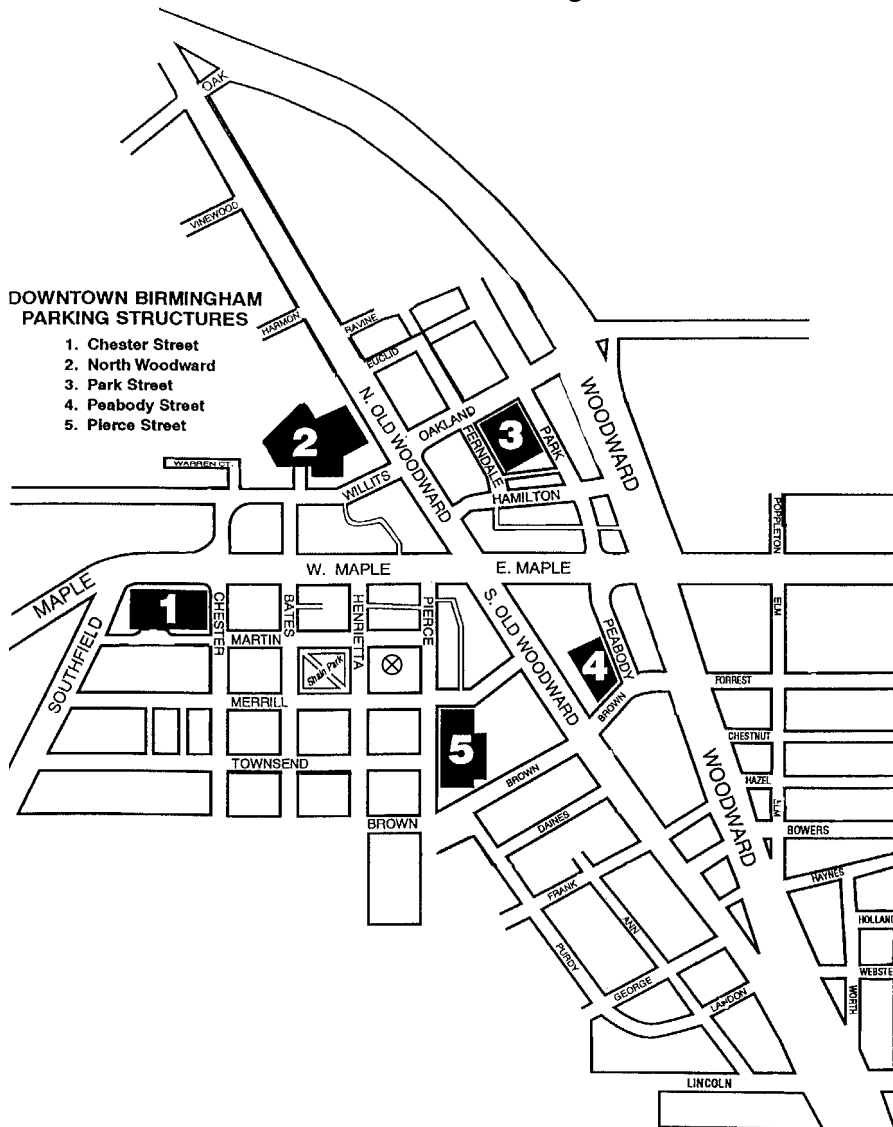


Assessed value of properties.....	Assessing Dept.....	644-3814
Birmingham/Bloomfield Chamber of Commerce.....		644-1700
Board of Zoning Appeals Meetings.....	Community Development.....	644-3869
Building Permits	Community Development.....	644-3869
City Commission Meetings...City Clerk.....		644-1800
Historic Structures in the City.....	Community Development.....	644-3869
Historic District & Design Review Commission Meetings.....	Community Development.....	644-3869
Merchant’s License.....	CityClerk.....	644-1800
Parking Permits.....	National Garages.....	540-9690
Parking Structures.....	National Garages.....	540-9690
Planning Board Meetings.....	Community Development.....	644-3869
Right-of-way work.....	Engineering Dept.....	644-3865
Site Plan Review	Community Development.....	644-3869
Special Assessment Programs.....	Engineering Dept.....	644-3865
Starting up a new business.....	CityClerk.....	644-1800
Street Repairs.....	Public Services.....	644-1807
Trees & Shrubs in the right-of-way.....	Public Services.....	644-1807
Trash pick-up.....	Public Services.....	644-1807
Water Bills.....	Treasurer’s Office.....	644-3800

For additional information, please visit the City of Birmingham’s Web site at

<http://ci.birmingham.mi.us>

Downtown Birmingham



⊗ CITY HALL - 151 Martin Street, P.O. Box 3001, Birmingham, MI 48012

BUILDING DIVISION

9. Why do I have to get a permit and inspection?

Permits are required to verify that the homes in which the citizens of the community reside and the buildings in which they work are designed and constructed to be structurally stable, with adequate means of egress and adequate light and ventilation, and to provide a minimum acceptable level of protection to life and property from fire.

Building Codes are intended to provide regulations that address the public health, safety and welfare in new and existing construction.

10. When is a building permit required?

A permit application shall be submitted to the code official for the following activities, and these activities shall not commence without a permit being issued in accordance with Section 105 of the Michigan Building Code & the Michigan Residential Code.

1. Construct or alter a structure,
2. Construct an addition,
3. Demolish or move a structure,
4. Make a change of occupancy,
5. Install or alter any equipment which is regulated by the BOCA Code & State of Michigan Codes.
6. Move a lot line which affects an existing structure.

11. When is a mechanical permit required?

In general, a permit is required for all activities that are regulated by the code, and these activities cannot begin until the permit is issued.

A mechanical permit is issued for the installation, replacement, alteration, or modification of all mechanical systems and components that are in the scope of applicability of the code. Replacement of an existing appliance or piece of equipment is treated no differently than a new installation in new building construction. Repair work, maintenance procedures and similar work are exempt from the permit requirement provided that such work does not involve the replacement of any system components other than minor parts. The purpose of a permit is to cause the work to be inspected to determine compliance with the intent of the code. The code official will decide if the work does or does not have a potential impact on safety and, therefore, will exercise judgement as to when the work requires a permit.

Information Available at the Community Development Department

12. When is a plumbing permit required?

In general, a permit is required for all activities that are regulated by the code, and these activities cannot begin until the permit is issued. A plumbing permit is issued for the installation, replacement, alteration, or modification of all plumbing systems and components that are in the scope of applicability of the code. Replacement of an existing fixture or piece of equipment or related piping is treated no differently than a new installation in new building construction. Repair work, maintenance procedures and similar work are exempt from the permit requirement provided that such work does not involve the replacement of any system components other than minor parts. The purpose of a permit is to cause the work to be inspected to determine compliance with the intent of the code. The code official will decide if the work does or does not have a potential impact on safety and, therefore, will exercise judgement as to when the work requires a permit. Literally, the only plumbing activities that are exempt from the requirement for a permit are drain cleaning and rodding and the repair or replacement of faucets, ballcocks, flushmeters and similar fixture trim and fittings. Any plumbing work that results in the alteration of disassembly of existing drain, waste, vent and water distribution piping would require a permit. Also, any plumbing work that involves the alteration of a plumbing fixture would require a permit.

13. When is an electrical permit required?

Electric permits are required for all wiring installations, both permanent and temporary. The exception to this rule includes minor repairs not to exceed \$100.00. Minor repairs represents electrical work such as repairing or replacing flush and snap switches, fuses, lamp sockets or receptacles; replacement of fixtures; repairing or taping bare connections; replacing lamps or the connection of portable electrical equipment to suitable permanently installed receptacles.

14. When is a fence permit required?

A fence permit is required any time a fence is being installed on your property.

15. When is sign permit required?

A sign permit is required whenever you are going to change an existing sign in any way, erect a new sign or erect a temporary sign. A sign means any object, devise, logo, display or structure which is intended to advertise, identify, display, or direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means. Signs also include any banners, bulbs or other lighting devises, streamer, pennant, balloon, propeller, flag (other than the official flag of any nation, state or non-profit organization or flag with no commercial advertising on its face

Permits

Building Permit
Electrical Permit
Heating Permit
Plumbing Permit
Refrigeration Permit
Sign Permit

Applications

Building Trades Board Application
Housing Board of Appeals Application
Board of Zoning Appeals (BZA) Application
Fence Application
Design Review Application
Sign Review Application
Site Plan Review Application
Homeowner Affidavit
Sign Application
Special Land Use Permit Application
Rezoning Application
Lot Split Application
Historic Review Application

Regulations / Procedures

Board of Zoning Appeals Procedures
Combined Site Plan Review & Community Impact Study Procedures
Deck, Handrail Information
Fence Regulations
Garage/Accessory Regulation
Planning Board Site Plan & Design Review Procedures
Setback Information
Swimming Pool Regulations
Water/Sewer Installation Procedures

21. Do I need a permit for a roof?

Yes, a complete application is needed when applying for a roof permit. The application must include a contractor's license and MESC number if it applies, and insurance carrier along with the policy number, a copy of your license will also need to be included with the application. A complete material list of what is being put back on the roof needs to be included as well. The city allows only 2 layers maximum to be on the roof. (BOCA-93 regulation).

A roof permit is processed in the same manner as any other building permit which requires an inspection after the job is completed.

22. Are smoke alarms acceptable in residential dwellings connected to a home alarm system?

Yes, if they meet all the requirements of the building codes, such as:

- Power supply must be hard wired not plugged in.
- All detectors must be audible with a minimum decibel rating of 70.
- Detectors must be interlocked so when one unit is activated all units are activated.

Locations of detectors are to be determined by the Building Inspector.

23. Can you tell me what time you will be at my house for an inspection I called for?

If you need a specific time for your inspection you need to speak with the inspector the morning of the inspection between 8:00 and 8:30 a.m.

24. Are inspections required by the City for resale of a home?

The city does not require an inspection for resale of a home.



16. Who can apply for a permit?

An application for a permit can be made by the OWNER or LESSEE of the building or structure or AGENT of either, or by a REGISTERED DESIGN PROFESSIONAL employed in connection with the proposed work. If the application is made by someone other than the OWNER in fee, it must be accompanied by:

- an affidavit of the owner,
- the qualified applicant,
- a signed statement of the qualified applicant witnessed by the code official to the effect that the proposed work is authorized by the owner in fee and the applicant is authorized to make such application.
- the full names and addresses of the OWNER, LESSEE, APPLICANT and the RESPONSIBLE OFFICERS (if the owner or lessee is a corporate body) are required to be on the application.

17. Does the City have a contractor they recommend?

No, the city does not recommend or refer contractors. If you have a contractor the city can tell you if he/she has pulled permits in the past. The city can also tell you if there has been any problems with the contractor in the past. You may also call the State Licensing and Regulations Bureau to check the background on a contractor. (517) 241-9254

18. How many sets of plans are required when submitting for a building permit?

Two (2) sets of plans are required at the time of submittal for a residential building permit. Plans for commercial property must be signed and sealed by an architect or an engineer. Additional sealed sets are required for commercial plans.

19. What are the set backs for my house?

Setbacks vary depending on the zone district and lot width. Please contact the Community Development Department for specific requirements.

20. Will I need a survey?

Yes, a certified survey, sealed by a professional registered land surveyor is required. Check with the Community Development Department for specification requirements of the survey for your project.

Mortgage surveys are not acceptable for construction.