

CITY OF PLYMOUTH
PLANNING COMMISSION – REGULAR MEETING
WEDNESDAY, FEBRUARY 10, 2016
7:00 P.M.

Planning Commission Mission Statement:

The Planning Commission considers the development and current and future land use within the City of Plymouth so as to preserve the health, safety and welfare of our residents and business owners. We are an unpaid volunteer body of City residents appointed by the City Commission. We act as an advisory body considering land use, zoning and planned developments making recommendations for the City Commission to vote upon to become policy.

Meeting called to order at _____ P.M.

1. PLEDGE OF ALLEGIANCE

ROLL CALL

| | | |
|-------------------|----------------|----------------|
| Jennifer Frey | Jim Frisbie | Jennifer Kehoe |
| Charles Myslinski | Joseph Philips | Conrad Schewe |
| Scott Silvers | Jim Mulhern | |

2. CITIZEN COMMENTS

3. APPROVAL OF MINUTES
Regular Meeting – January 13, 2016

4. APPROVAL OF AGENDA

5. PUBLIC HEARINGS

PUBLIC HEARING FOR ZONING ORDINANCE AMENDMENT OF:

1. Zoning Ordinance 78-21, Definitions
2. Zoning Ordinance 78-217, Projections into Yards

6. NEW BUSINESS: - Discussion

1. Zoning Ordinance Amendments 78-43 and 78-53, Front Porches in front setback (new and existing homes)
2. Ordinance Revision- Adjacent Driveways
3. Ordinance Revision- Porte Cocheres

4. Ordinance Revision- Sec. 58 Solid Waste
5. Ordinance Revision- Noxious Weeds- Division 3
6. Ordinance Revision- Sidewalks to be Cleared- Sec. 62. Chpts. 89-90
7. OLD BUSINESS:

Zoning Ordinance Amendments 78-21-Definitions, 78-191- Notes to Schedule, 78-205-Residential Entranceway, 78-208- Residential Fences, 78-260- Regulations, 78-270-Off –Street Parking Requirements, and 78-291, Automobile Car Wash.
(Required Yard and Non-Required Yard modified to setback)
8. REPORTS AND CORRESPONDENCE:

Master Plan Review Update
9. COMMISSIONER COMMENTS:
10. MOTION TO ADJOURN

City of Plymouth
2016 Goals

The City Commission met on January 4th to conduct a formal goals setting session for 2016. These goals were formally adopted on January 18th. Below are the goals adopted by the City Commission for all City Boards, Commissions and Administration members.

- * Resolve Last Issues Regarding Dissolution of Plymouth Community Fire Department Agreement (Primarily Pension issues)
- * Work Collaboratively with Plymouth Arts & Recreation Complex (PARC) organization, the Plymouth Canton School Board, and the greater Plymouth Community to continue the repurposing of Central Middle School into a high quality Arts & Recreation Complex.
- * Developing a succession plan for the city's key employees, especially considering the long tenures of many of our senior staff.
- * Develop funding plan for future capital improvements
- * Work collaboratively with the DDA, community leaders, and other organizations to plan for Plymouth's 150th Birthday in 2017. This includes obtaining funding for new Kellogg Park Fountain and Kellogg Park upgrades.

**PLANNING COMMISSION NOTICE
CITY OF PLYMOUTH, MICHIGAN
CITY HALL, 201 S. MAIN
WEDNESDAY, FEBRUARY 10, 2016
7:00 PM
(734) 453-1234**

PUBLIC HEARING FOR ZONING ORDINANCE AMENDMENT OF:

1. Zoning Ordinance 78-21, Definitions
2. Zoning Ordinance 78-217, Projections into Yards

All interested persons are invited to attend.

In accordance with the Americans with disabilities Act, the City of Plymouth will provide necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audiotapes of printed materials being considered at the meeting/hearing, to individuals with disabilities. Requests for auxiliary aids or services may be made by writing or calling the following:

Maureen Brodie, ADA Coordinator
201 S. Main Street
Plymouth, Michigan 48170
(734)453-1234, Ext. 206

Published: Thursday, January 28, 2016



CITY OF PLYMOUTH
201 S. Main
Plymouth, MI 48170
www.ci.plymouth.mi.us
PLANNING COMMISSION - REGULAR MEETING MINUTES
Wednesday, January 13, 2016

The regular meeting was called to order at 7:00 P.M. by Chairperson Mulhern.

1. ROLL CALL

MEMBERS PRESENT: Jennifer Frey, Jim Frisbie, Jennifer Kehoe, Charles Myslinski, Joseph Philips, Conrad Schewe, Scott Silvers and Jim Mulhern

OTHERS PRESENT: John Buzuvis, Community Development Director
Sally Elmiger, City of Plymouth Planner
Mike Wright, City Commissioner

2. CITIZEN COMMENTS:

None.

Mayoral Proclamation:

Comm. Wright presented, on behalf of the City Commission, a Mayoral Proclamation honoring Keith MacDonald for his eleven years of commitment and service with the City of Plymouth Planning Commission.

3. ELECTION OF CHAIRPERSON

John Buzuvis asked for nominations for Chairperson

Comm. Frisbie nominated Comm. Mulhern as Chairperson.

John Buzuvis asked for any other nominations. There being no other nominations, the nominations were closed and there was a unanimous vote of approval for Comm. Mulhern as Chairperson.

MULHERN RE-ELECTED UNANIMOUSLY.

ELECTION OF VICE-CHAIRPERSON

Chairperson Mulhern asked for nominations for Vice-Chairperson

Comm. Frisbie nominated Comm. Frey as Vice-Chairperson.

Chairperson Mulhern asked for any other nominations. There being no other nominations the nominations were closed and there was a unanimous vote of approval for Comm. Frey as Vice-Chairperson.

FREY RE-ELECTED UNANIMOUSLY.

4. APPROVAL OF MINUTES

A motion was made by Comm. Philips supported by Comm. Frisbie, to approve the meeting minutes from the December 9, 2015, as amended.

MOTION CARRIED UNANIMOUSLY.

5. APPROVAL OF AGENDA:

A motion was made by Comm. Frisbie supported by Comm. Schewe, to add the "Mayoral Proclamation" to the agenda.

MOTION CARRIED UNANIMOUSLY.

6. PUBLIC HEARINGS:

None.

7. NEW BUSINESS:

1. Welcome New Planning Commissioner

Chair Mulhern welcomed new Planning Commissioner Charles Myslinski to the board.

2. Planning Commission 2016 Goal Setting

Chair Mulhern went over the proposed goals:

1. To deliver to the City Commission a great revised Master Plan.
2. To increase Street Trees within the City.
3. Residential, Single Family Ordinance changes have been reviewed, assessed and completed.
 - a.) The impacts of the Massing Ordinance, and whether to proceed with the next steps.
4. Capital Improvement as it relates to the Master Plan.
5. Planning Commission Training
6. Lighting Ordinance
7. Wayne County Grant Program, (as part of complete streets), with pathways tying into Hines Park.

Planning Commissioners Comments:

Comm. Frey and Chair Mulhern suggested that the Planning Commission sub-committee along with the DDA would like to give feedback on the Capital Improvement plan in the future.

Sally Elmiger stated that the Capital Improvement Plan must be done and also be a part of the Master Plan, working together.

John Buzuvis spoke of training in March for the various boards, and would be mostly regarding their roles and conflicts of interest, etc. The training through Carlisle/Wortman and Associates has subject matter training items specific to each board.

8. OLD BUSINESS:

1. Zoning Ordinance 78-217, Amendment Projections into Yards

Sally Elmiger-Carlisle Wortman, Planner, spoke about Zoning Ordinance 78-21 Amendment - Projections into Yards.

Ms. Elmiger proposed revisions to the ordinance language as follows:

1. Under the Table- into Rear Yard setback, Deck & Porch, uncovered- to extend twelve feet into the rear yard setback, but limited to three feet in height.

Brent Strong, Building Inspector was consulted and Mr. Strong felt all the items removed from the side yard setback were fine, except for chimneys. Mr. Strong would like the board to consider adding this as an allowed projection 18 inches or two feet into the side yard setback.

Planning Commissioners Comments:

Comm. Kehoe, suggested changing the definition of chimney, to prevent the direct vent/metal box vents that project into the setback.

Comm. Myslinski and Comm. Silvers discussed chimney projections remaining inside the Home and therefore not encroaching on the side yard setback.

Public Comments opened at 7:47 PM

Matt Thurber, 641 S. Harvey, spoke about clarification and expressed concern on purchasing new lots if they will not conform to the new Ordinance changes. Mr. Thurber expressed confusion on the unknown variables. Mr. Thurber explained that all builders maximize the "lot coverage", without including a deck, and he felt when the new homeowner moves in they will not be permitted to build a deck on their property, due to the maximum coverage having been met. Some of the Commissioners explained this Ordinance has been in place, nothing has changed with lot coverage. The Commissioners further explained lot coverage is not only the home it is also other items that are listed in the definition. Comm. Frisbie explained at grade decks made of masonry can be constructed without exceeding the lot coverage.

Section 78-21, Definitions, Lot Coverage Lot coverage means the part or percent of the lot occupied by buildings including accessory buildings and including but not limited to decks, terraces, pools, outdoor enclosures and similar structures.

Mr. Thurber had further questions regarding porches on new homes and Ms. Elmiger directed him to the Zoning Ordinance, Section 78-43,(11), single-family dwelling unit standards. Mr. Thurber also asked about existing non-conforming side yard setbacks and it was explained to him that the new proposed Ordinance changes being discussed were for encroachments into setbacks, not just setbacks. Comm. Philips explained the new Ordinance incentive for detached garages built in the rear yard would allow a front porch to encroach four feet into the front yard setback without being included within the lot coverage.

Marie Everitt, 1240 Fairground, was concerned about the new Ordinances not being fair to the existing home with garages. Comm. Philips explained the Commissioners are looking to address existing homes by allowing homes with an existing attached or detached rear garage to build a front porch that will be allowed to be a width of 80 % of the width of the home with a six foot encroachment into the front yard setback. If the garage is attached and located in the front and the owner has a unique circumstance or practical hardship, they may go before the Zoning Board of Appeals asking for a variance request.

Public Comments closed at 8:15 PM

A motion was made by Comm. Frisbie, seconded by Comm. Schewe, to schedule a Public Hearing for Zoning Ordinance 78-21 & 78-217 Definitions & Projections into Yards Amendments, for next month's meeting.

MOTION CARRIED UNANIMOUSLY.

9. Reports and Correspondence:

Master Plan Review Update

Sally Elmiger, Planner, prepared a work plan to address the areas of the Master Plan and suggested a meeting with the Master Plan sub-committee one hour before each regularly scheduled Planning Commission meeting to discuss each topic and potential revisions.

Ms. Elmiger provided a outline of the topics and the proposed dates for them.

Comm. Kehoe would like the Master Plan to be more user friendly.

Comm. Frisbie would like each item to be presented to the Planning Commission as it moves through the process and is approved.

Comm. Frey suggested and asked if one of the City Commissioners could also be part of the sub-committee Master Plan process for input.

Comm. Silvers asked if item number six could be moved up the list to an earlier process.

Chair Mulhern would like street trees and re-foresting the City added for discussion of inclusion into the Master Plan.

Mr. Buzuvis suggested Ms. Elmiger and the sub-committee members meet prior to the first meeting to address and fine tune the scope of work, tying back for budget approval by the City Commission.

Public Comments:

Michael Vaz, 1075 Roosevelt, asked about the master plan language and form-based codes as it interacts with the standard Zoning Ordinance and Comm. Silvers explained to Mr. Vaz the process. Mr. Vaz had further questions but did not seem to be standing before the microphone and his comments were not audible. Chair Mulhern explained the level of detail the Master Plan and Ordinance will contain.

10. Commissioner Comments:

Comm. Schewe spoke about a recent DDA packet that contained a comment about the Downtown patio tents. Comm. Schewe was not in favor of these tents going over public sidewalk areas and narrowing the public sidewalks. Mr. Buzuvis explained the sidewalk café policy is under the DDA's purview and anything approved by the DDA would then go before the City Commission for their approval as well.

Comm. Silvers spoke about the downtown sidewalks not always being ADA compliant, due to the sidewalk cafes. Mr. Buzuvis stated that Adam Gerlach, Ordinance Officer inspects them regularly and sometimes will need to remind patio operators to move the tables and chairs that are encroaching on the sidewalks, back into place.

Comm. Philips and Chair Mulhern spoke about Pods and portable library stands for Ordinance consideration.

11. MOTION TO ADJOURN

A motion was made by Comm. Frisbie and supported by Comm. Myslinski to adjourn.

Meeting adjourned at 8:45 PM.

Respectfully Submitted,
Marleta S. Barr,
Community Development Department,
Office Manager

CITY OF PLYMOUTH

ORDINANCE NO. 2015-02 _____

AN ORDINANCE TO AMEND CHAPTER 78, THE CITY OF PLYMOUTH ZONING ORDINANCE IN THE CODE OF ORDINANCES OF THE CITY OF PLYMOUTH FOR THE PURPOSE OF REGULATING PROJECTIONS IN SETBACKS.

Section 1 Modify Section 78-21

Section 78-21. - Definitions.

Architectural feature means belt courses, sills, lintels, and similar ornaments used to exclusively provide a decorative function and not increase living space within the building.

Balcony means an exterior cantilevered platform located above the ground that projects from the façade of a building and is surrounded by a railing, balustrade, or parapet.

Deck means an uncovered floor or platform structure primarily used for outdoor residential living activities, the height of which is six inches or more above the average grade, and constructed on an elevated foundation which may include joists, beams or posts

Lot coverage means the part or percent of the lot occupied by buildings including accessory buildings and including but not limited to covered porches (enclosed or unenclosed), decks, terraces, pools, outdoor enclosures and similar structures. Lot coverage is measured from exterior wall to exterior wall, including all structural projections containing floor area.

Outdoor enclosure means a permanent covered structure used for outdoor activities, such as a gazebo, porch, or screened enclosure.

Patio means a hard-surfaced, floor-type area used for outdoor residential living activities, the height of which is less than six inches above the average grade and constructed directly on the surface of the ground.

Porch means a covered or uncovered floor or platform structure primarily used to allow entry to a building, the height of which is six inches or more above the average grade.

Terrace means a hard surfaced, floor-type area used for outdoor residential living activities, the height of which is six inches or more above the average grade, and constructed directly on the surface of the ground with an earth embankment or a retaining wall.

Yard means the open spaces on the same lot with a main building unoccupied and unobstructed from the ground upward except as otherwise provided in this chapter, and as follows:

- (1) *Front yard* means an open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the main building.

- (2) *Rear yard* means an open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the main building. In the case of a corner lot, the rear yard may be opposite either street frontage.
- (3) *Side yard* means an open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point on the side lot line to the nearest point of the main building.

Section 2 Modify Section 78-217

Section 78-217. - Projections into Setbacks.

Projections into setbacks shall be permitted as follows:

| Projection... | ...Into Front Yard Setback | ...Into Side Yard Setback | ...Into Rear Yard Setback |
|---|---|--|--|
| At or Below Grade: | | | |
| Egress window/areaway recess* | Not permitted | 3 feet from face of structure (interior dimension) | 3 feet from face of structure (interior dimension) |
| Stairs from basement | Not permitted | Not permitted | 4 feet (interior dimension) |
| Patios | 4 feet, but no closer than 10 feet from the front property line | Not permitted | 10 feet from property line |
| Above Grade but Below Roof: | | | |
| Architectural features, as defined | 4 inches | 4 inches | 4 inches |
| Awning/canopy | 3 feet | Not permitted | 3 feet |
| Balcony | 4 feet | Not permitted | 4 feet |
| Bay window (limited to 8 feet in width; maximum 2 per side) | 2 feet | Not permitted | 2 feet |
| Cantilevered floor area (Box Out) | 2 feet | Not permitted | 2 feet |
| Cellar door | Not permitted | Not permitted | 8 feet |
| Chimney (limited to 8 feet in width) | 1 foot | Not permitted | 1 foot |
| Mechanical equipment (i.e. air conditioning condensers, generators) | Not permitted | Not permitted | 4 feet |
| Deck** | Not permitted | Not permitted | 12 feet, but limited to three feet high |
| Porch, uncovered | 6 feet | Not permitted | 12 feet, but limited to three feet high |
| Roof Area: | | | |
| Cornices, eaves, overhangs, brackets, soffits (excluding gutters) | 2 feet | 2 feet | 2 feet |
| Dormers | Not permitted | Not permitted | Not permitted |

*Areaway construction can project above grade no more than 12 inches.

**The portion of a deck which occupies the rear yard setback shall not be converted into any enclosed habitable spaces.

- (1) Projections containing floor area, including decks, shall be included in the lot coverage calculation. See Sections 78-43 and 78-53 for the front porch exclusion from lot coverage.

Section 3 Rights and Duties

Rights and Duties which have matured, penalties which have incurred, proceedings which have begun and prosecution for violations of law occurring before the effective date of this ordinance are not affected or abated by this ordinance.

Section 4 Validity

Should any section, clause or paragraph of this ordinance be declared by a Court of competent jurisdiction to be invalid, the same will not affect the validity of the ordinance as a whole or part therefore, other than the part declared invalid.

Section 5 Ordinances Repealed

All other ordinances inconsistent with the provisions of this ordinance are to the extent of such inconsistencies hereby repealed.

Section 6 Effective Date

This ordinance shall become effective one day after publication.

Introduced x-xx-2016
Enacted: (Date)
Published: (Date)
Effective: (Date)



CARLISLE

WORTMAN
associates, inc.

605 S. Main Street, Ste. 1
Ann Arbor, MI 48104

(734) 662-2200
(734) 662-1935 Fax

MEMORANDUM

TO: City of Plymouth Planning Commission

FROM: Don Wortman
Sally M. Elmiger

DATE: February 2, 2016

RE: Single-Family Residential Dwelling Standards

Per our conversation at the December, 2015 Planning Commission meeting, we have prepared draft ordinance language to address the following topics:

- Allowing porte cocheres in the side yard setback of single-family residential lots.
- Modifying the front porch exception to allow a porch on new homes where the owner retains an existing garage at the rear of the lot.
- Adding the front porch exception for existing single-family dwellings that have an existing garage or new garage at the rear of the lot.
- Adding new driveway provisions to prohibit driveways directly next to each other, and other requirements.

We look forward to discussing this with you further.

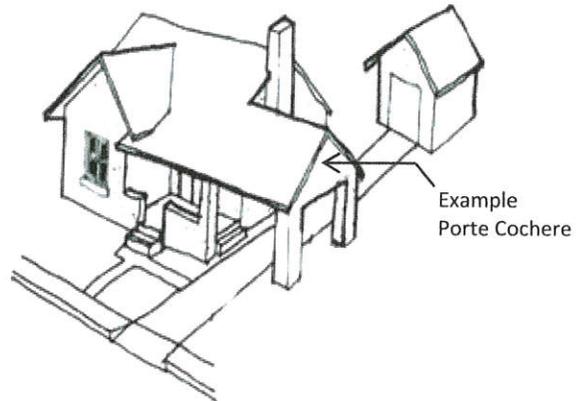
CARLISLE/WORTMAN ASSOC., INC.
R. Donald Wortman, PLA, AICP
Principal

CARLISLE/WORTMAN ASSOC., INC.
Sally M. Elmiger, AICP, LEED AP
Principal

cc: John Buzuvis

ARTICLE II. – DEFINITIONS

Porte Cochere means a roofed structure located on the same lot, which extends from the principal building over an adjacent driveway that is designed to let vehicles pass under and used for the shelter of those getting in and out of vehicles.



ARTICLE IV. – R-1 SINGLE-FAMILY RESIDENTIAL DISTRICTS

[No changes proposed to Sections 78-40 through 78-42]

Sec. 78-43. - Single family dwellings unit standards.

No residential structure, garage (attached or detached), mobile home, manufactured home, modular home or prefabricated home shall be built unless the dwelling unit has been reviewed by the building official subject to the following conditions:

- (1) Dwelling units shall conform to all applicable city codes and ordinances and state and federal requirements with respect to the construction of the dwelling.
- (2) Dwelling units shall be permanently attached to a perimeter foundation. In instances where the applicant elects to set the dwelling on piers or other acceptable foundations which are not at the perimeter of the dwelling, then a perimeter wall shall also be constructed. Any such perimeter wall shall be constructed of durable materials and shall also meet all local requirements with respect to materials, construction and necessary foundations below the frost line. Any such wall shall also provide an appearance which is compatible with the dwelling and other homes in the area.
- (3) Dwelling units shall be provided with exterior finish materials similar to the dwelling units on adjacent properties or in the surrounding residential neighborhood.
- (4) Dwelling units shall be provided with roof designs and roofing materials similar to the dwelling units on adjacent properties or in the surrounding residential neighborhood.
- (5) Dwelling units shall be provided with an exterior building wall configuration which represents an average width to depth or depth to width ratio which does not exceed three to one, or is in reasonable conformity with the configuration of dwelling units on adjacent properties or in the surrounding residential neighborhood.
- (6) The dwelling shall contain storage capability in a basement located under the dwelling, in an attic area, in closet areas, or in a separate structure of standard construction similar to or of better quality than the principal dwelling, which storage area shall be equal to ten percent of the square footage of the dwelling or 100 square feet, whichever is less.
- (7) The building official may request a review by the planning commission of any dwelling unit with respect to subsections (3), (4), and (5) of this section. The building official or planning commission shall not seek to discourage architectural variation, but shall seek to promote the reasonable compatibility of the character of dwelling units, thereby protecting the economic welfare and property value of surrounding residential uses and the city at large. In reviewing any such proposed dwelling unit, the building official may require the applicant to furnish such plans, elevations and similar documentation as is deemed necessary to permit a complete review and evaluation of the proposal. When comparing the proposed dwelling unit to similar types of dwelling areas, consideration shall be given to comparable types of homes within 300 feet. If the area within 300 feet does not contain any such homes, then the nearest 25 similar type dwellings shall be considered.
- (8) Attached garages that face the street are allowed on lots that are 60 feet wide or greater.
- (9) The total width of a garage attached to a single family dwelling shall:
 - a. Not exceed 50 percent of the width of the entire front façade of the residential dwelling; and
 - b. Is a minimum of 22 feet wide, measured from the exterior of the garage walls.
- (10) Attached garages shall not protrude more than six feet in front of the front façade or covered porch of the living area for the residential dwelling.

(11) **Front Porch Exception for New Single-Family Dwellings:**

New single family homes are encouraged to positively contribute toward neighborhood enhancement and the walkability of the city. Walkability is the extent to which walking is readily available as a safe, connected, accessible and pleasant mode of transport. One way to accomplish walkability is to locate garages at the rear of a lot. Garages at the rear of a lot (whether attached to the home or as a free-standing detached garage) help to support walkability by:

- a. Minimizing the width of the driveway at the front of the house, allowing more space in the front yard for trees and vegetation, and more space along the street for street trees;
- b. Minimizing the potential of parked cars left in front of the garage door to block the sidewalk;
- c. Allowing space on the home's front façade for windows and other human-scaled architectural elements; and
- d. Allowing space on the home's front façade for a porch, where residents can interact with neighbors on the sidewalk and observe activities on the street.

To encourage locating garages at the rear of a lot, new single family residential projects that locate the garage in the rear, or retain an existing garage at the rear, may also locate a covered front porch in the front yard setback by up to four feet. In addition, the area that the covered front porch occupies in the front yard setback shall not be considered in calculating lot coverage. To be eligible for this exception, the proposed construction must meet all of the following standards:

- a. The project includes construction of a new single family residence on the lot; and
- b. The project includes construction of a new garage which is located either in the rear of the new building (attached) or in the rear third of the lot (detached), or retains an existing detached garage for future use as a garage which is located in the rear third of the lot; and Projects that do not include a new garage are not eligible for the front yard porch exception.
- c. The front porch that is located in the front yard setback must be:
 1. Single-story in height, no higher than fifteen (15) feet, and as measured per the procedures described in section 78-21 of the zoning ordinance for building height; and
 2. No less than four inches or more than eight and one-quarter inches from the elevation of the front door (i.e., at-grade decks and patios are not eligible for the front yard porch exception); and
 3. A minimum of six feet in depth (distance between the front exterior wall of the residence and the edge of the porch deck); and
 4. Covered with a roof; and
 5. Unenclosed by walls, windows or other enclosure at the time it is constructed or at any time in the future. This standard does not include open railings and balustrades.
- d. The front setback line used to determine where the front porch can be located on the lot shall equal the setback required by sections 78-190 and 78-191.
- e. On corner lots, porches may be constructed on either or both front facades, or built as one wraparound porch as long as the porch(s) meets the requirements in "a" through "d" above.

(12) **Front Porch Exception for Existing Single-Family Dwellings**

To support walkability throughout the city as described in (11) above, existing single-family homes which construct a new garage in the rear, or have an existing garage in the rear, may also locate a covered front porch in the front yard setback by up to six feet. In addition, the

area that the covered front porch occupies in the front yard setback shall not be considered in calculating lot coverage. To be eligible for this exception, the proposed construction must meet all of the following standards:

- a. The project includes construction of a new garage which is located either in the rear of the existing residential building (attached) or in the rear third of the lot (detached), or retains an existing detached garage for future use as a garage which is located in the rear third of the lot; and
- b. The front porch that is located in the front yard setback shall be:
 1. Single-story in height, no higher than fifteen (15) feet, and as measured per the procedures described in section 78-21 of the zoning ordinance for building height; and
 2. No less than four inches or more than eight and one-quarter inches from the elevation of the front door (i.e. at-grade decks and patios are not eligible for the front yard porch exception); and
 3. A minimum of six feet in depth (distance between the front exterior wall of the residence and the edge of the porch deck); and
 4. Covered with a roof; and
 5. Unenclosed by walls, windows or other enclosure at the time it is constructed or at any time in the future. This standard does not include open railings and balustrades, and
 6. Not exceed 80 percent of the width of the existing front elevation of the dwelling.
- c. The front setback line used to determine where the front porch can be located on the lot shall be established using all of the following standards:
 1. The front setback line shall equal the setback required by sections 78-190 and 78-191; and
 2. Front yard setback averaging, as described in section 78-191(o) shall not apply; and
 3. For existing dwellings whose front exterior wall closest to the street is greater than the minimum front yard setback required in Section 78-190, then the distance between the front setback line and the exterior wall shall be subtracted from the width of porch allowed in the front setback. For example, if a residential dwelling is setback 27-feet (or two-feet more than the 25-foot minimum front yard setback), then two feet shall be subtracted from the porch width allowed within the front yard setback. This results in a maximum width porch in the front yard setback of four feet.
- d. On corner lots, porches may be constructed on either or both front facades, or built as one wraparound porch as long as the porch(s) meets the requirements in "a" through "c" above.
- e. Existing residential buildings with an existing attached garage that faces the street are not eligible for this front porch exception.

(13) Porte-Cocheres on Single-Family Residential Dwellings

One porte cochere, as defined by this ordinance, may be attached to a single-family dwelling over a driveway to provide shelter for passengers entering and existing vehicles parked in the driveway. A porte cochere shall be included in the lot coverage calculation and shall be constructed to meet all of the following standards:

- a. The porte cochere shall not be greater than 250 square feet in area.
- b. The porte cochere shall meet the front yard setback requirement, and shall be located no closer than two feet from the side property line.
- c. The clearance between the ground and the ceiling of the porte cochere shall be a minimum of 8 feet.
- d. The maximum overall height to the top of the roof shall not exceed 11 feet, but shall be no taller than the finished floor elevation of the second floor. The roof structure shall be no more than two feet deep.
- e. The porte cochere shall be entirely open and shall be supported only by the residential dwelling on one side and modest columns on the other. It shall not be enclosed in any way by walls or other barriers other than the residential dwelling wall.
- f. The roof of the porte cochere shall not be enclosed with railings, shall not be accessible from an opening in the residential dwelling, and shall not be used as a porch, balcony, or similar use.
- g. On corner lots, only one porte cochere is allowed per lot.

ARTICLE V. – RT-1 TWO-FAMILY RESIDENTIAL DISTRICTS

[No changes proposed to Sections 78-50 through 78-52]

Sec. 78-53. - Single family dwellings unit standards.

No residential structure, garage (attached or detached), mobile home, manufactured home, modular home or prefabricated home shall be built unless the dwelling unit has been reviewed by the building official subject to the following conditions:

- (1) Dwelling units shall conform to all applicable city codes and ordinances and state and federal requirements with respect to the construction of the dwelling.
- (2) Dwelling units shall be permanently attached to a perimeter foundation. In instances where the applicant elects to set the dwelling on piers or other acceptable foundations which are not at the perimeter of the dwelling, then a perimeter wall shall also be constructed. Any such perimeter wall shall be constructed of durable materials and shall also meet all local requirements with respect to materials, construction and necessary foundations below the frost line. Any such wall shall also provide an appearance which is compatible with the dwelling and other homes in the area.
- (3) Dwelling units shall be provided with exterior finish materials similar to the dwelling units on adjacent properties or in the surrounding residential neighborhood.
- (4) Dwelling units shall be provided with roof designs and roofing materials similar to the dwelling units on adjacent properties or in the surrounding residential neighborhood.
- (5) Dwelling units shall be provided with an exterior building wall configuration which represents an average width to depth or depth to width ratio which does not exceed three to one, or is in reasonable conformity with the configuration of dwelling units on adjacent properties or in the surrounding residential neighborhood.
- (6) The dwelling shall contain storage capability in a basement located under the dwelling, in an attic area, in closet areas, or in a separate structure of standard construction similar to or of better quality than the principal dwelling, which storage area shall be equal to ten percent of the square footage of the dwelling or 100 square feet, whichever is less.
- (7) The building official may request a review by the planning commission of any dwelling unit with respect to subsections (3), (4), and (5) of this section. The building official or planning commission shall not seek to discourage architectural variation, but shall seek to promote the reasonable compatibility of the character of dwelling units, thereby protecting the economic welfare and property value of surrounding residential uses and the city at large. In reviewing any such proposed dwelling unit, the building official may require the applicant to furnish such plans, elevations and similar documentation as is deemed necessary to permit a complete review and evaluation of the proposal. When comparing the proposed dwelling unit to similar types of dwelling areas, consideration shall be given to comparable types of homes within 300 feet. If the area within 300 feet does not contain any such homes, then the nearest 25 similar type dwellings shall be considered.
- (8) Attached garages that face the street are allowed on lots that are 60 feet wide or greater.
- (9) The total width of a garage attached to a single family dwelling shall:
 - a. Not exceed 50 percent of the width of the entire front façade of the residential dwelling; and
 - b. Is a minimum of 22 feet wide, measured from the exterior of the garage walls.
- (10) Attached garages shall not protrude more than six feet in front of the front façade or covered porch of the living area for the residential dwelling.

(11) **Front Porch Exception for New Single Family Dwellings**

New single family homes are encouraged to positively contribute toward neighborhood enhancement and the walkability of the city. Walkability is the extent to which walking is readily available as a safe, connected, accessible and pleasant mode of transport. One way to accomplish walkability is to locate garages at the rear of a lot. Garages at the rear of a lot (whether attached to the home or as a free-standing detached garage) help to support walkability by:

- a. Minimizing the width of the driveway at the front of the house, allowing more space in the front yard for trees and vegetation, and more space along the street for street trees;
- b. Minimizing the potential of parked cars left in front of the garage door to block the sidewalk;
- c. Allowing space on the home's front façade for windows and other human-scaled architectural elements; and
- d. Allowing space on the home's front façade for a porch, where residents can interact with neighbors on the sidewalk and observe activities on the street.

To encourage locating garages at the rear of a lot, single family residential projects that locate the garage in the rear, or retain an existing garage at the rear, may also locate a covered front porch in the front yard setback by up to four feet. In addition, the area that the covered front porch occupies in the front yard setback shall not be considered in calculating lot coverage. To be eligible for this exception, the proposed construction must meet all of the following standards:

- a. The project includes construction of a new single family residence on the lot; and
- b. The project includes construction of a new garage which is located either in the rear of the new building (attached) or in the rear third of the lot (detached), or retains an existing detached garage for future use as a garage which is located in the rear third of the lot; and. Projects that do not include a new garage are not eligible for the front yard porch exception.
- c. The front porch that is located in the front yard setback must be:
 1. Single-story in height, no higher than 15 feet, and as measured per the procedures described in section 78-21 of the zoning ordinance for building height; and
 2. No less than four inches or more than eight and one-quarter inches from the elevation of the front door (i.e., at-grade decks and patios are not eligible for the front yard porch exception); and
 3. A minimum of six feet in depth (distance between the front exterior wall of the residence and the edge of the porch deck); and
 4. Covered with a roof; and
 5. Unenclosed by walls, windows or other enclosure. This standard does not include open railings and balustrades.
- d. The front setback line used to determine where the front porch can be located on the lot shall equal the setback required by section 78-190 and 78-191.
- e. On corner lots, porches may be constructed on either or both front facades, or built as one wraparound porch as long as the porch(s) meets the requirements in "a" through "d" above.

(12) **Front Porch Exception for Existing Single-Family Dwellings**

To support walkability throughout the city as described in (11) above, existing single-family homes which construct a new garage in the rear, or have an existing garage in the rear, may also locate a covered front porch in the front yard setback by up to six feet. In addition, the

area that the covered front porch occupies in the front yard setback shall not be considered in calculating lot coverage. To be eligible for this exception, the proposed construction must meet all of the following standards:

- a. The project includes construction of a new garage which is located either in the rear of the existing residential building (attached) or in the rear third of the lot (detached), or retains an existing detached garage for future use as a garage which is located in the rear third of the lot; and
- b. The front porch that is located in the front yard setback shall be:
 1. Single-story in height, no higher than fifteen (15) feet, and as measured per the procedures described in section 78-21 of the zoning ordinance for building height; and
 2. No less than four inches or more than eight and one-quarter inches from the elevation of the front door (i.e. at-grade decks and patios are not eligible for the front yard porch exception); and
 3. A minimum of six feet in depth (distance between the front exterior wall of the residence and the edge of the porch deck); and
 4. Covered with a roof; and
 5. Unenclosed by walls, windows or other enclosure at the time it is constructed or at any time in the future. This standard does not include open railings and balustrades, and
 6. Not exceed 80 percent of the width of the existing front elevation of the dwelling.
- c. The front setback line used to determine where the front porch can be located on the lot shall be established using all of the following standards:
 1. The front setback line shall equal the setback required by sections 78-190 and 78-191; and
 2. Front yard setback averaging, as described in section 78-191(o) shall not apply; and
 3. For existing dwellings whose front exterior wall closest to the street is greater than the minimum front yard setback required in Section 78-190, then the distance between the front setback line and the exterior wall shall be subtracted from the width of porch allowed in the front setback. For example, if a residential dwelling is setback 27-feet (or two-feet more than the 25-foot minimum front yard setback), then two feet shall be subtracted from the porch width allowed within the front yard setback. This results in a maximum width porch in the front yard setback of four feet.
- d. On corner lots, porches may be constructed on either or both front facades, or built as one wraparound porch as long as the porch(s) meets the requirements in "a" through "c" above.
- e. Existing residential buildings with an existing attached garage that faces the street are not eligible for this front porch exception.

(13) Porte-Cocheres on Single-Family Residential Dwellings

One porte cochere, as defined by this ordinance, may be attached to a single-family dwelling over a driveway to provide shelter for passengers entering and existing vehicles parked in the driveway. A porte cochere shall be included in the lot coverage calculation and shall be constructed to meet all of the following standards:

- a. The porte cochere shall not be greater than 250 square feet in area.
- b. The porte cochere shall meet the front yard setback requirement, and shall be located no closer than two feet from the side property line.
- c. The clearance between the ground and the ceiling of the porte cochere shall be a minimum of 8 feet.
- d. The maximum overall height to the top of the roof shall not exceed 11 feet, but shall be no taller than the finished floor elevation of the second floor. The roof structure shall be no more than two feet deep.
- e. The porte cochere shall be entirely open and shall be supported only by the residential dwelling on one side and modest columns on the other. It shall not be enclosed in any way by walls or other barriers other than the residential dwelling wall.
- f. The roof of the porte cochere shall not be enclosed with railings, shall not be accessible from an opening in the residential dwelling, and shall not be used as a porch, balcony, or similar use.
- g. On corner lots, only one porte cochere is allowed per lot.

ARTICLE XVII. – SCHEDULE OF REGULATIONS

[No changes proposed to Sections 78-190]

Sec. 78-191. – Notes to schedule.

[No changes proposed to Sub-sections (a) through (u)]

- (v) For projects that meet the standards listed in section 78-43(11) or (12), or section 78-53(11) or (12) and construct an eligible front porch, the area of the eligible front porch located in the front yard setback shall be excluded from the lot coverage calculation.

ARTICLE XVIII. – MISCELLANEOUS PROVISIONS

[No changes proposed to Sections 78-200 – 78-216]

Sec. 78-217. – Projections into setbacks.

Projections into setbacks shall be permitted as follows:

| Projection... | ...Into Front Yard Setback | ...Into Side Yard Setback | ...Into Rear Yard Setback |
|---|---|--|--|
| <i>At or Below Grade:</i> | | | |
| Egress window/areaway recess* | Not permitted | 3 feet from face of structure (interior dimension) | 3 feet from face of structure (interior dimension) |
| Stairs from basement | Not permitted | Not permitted | 4 feet (interior dimension) |
| Patios | 4 feet, but no closer than 10 feet from the front property line | Not permitted | 10 feet from property line |
| <i>Above Grade but Below Roof:</i> | | | |
| Architectural features, as defined | 4 inches | 4 inches | 4 inches |
| Awning/canopy | 3 feet | Not permitted | 3 feet |
| Balcony | 4 feet | Not permitted | 4 feet |
| Bay window (limited to 8 feet in width; maximum 2 per side) | 2 feet | Not permitted | 2 feet |
| Cantilevered floor area (Box Out) | 2 feet | Not permitted | 2 feet |
| Cellar door | Not permitted | Not permitted | 8 feet |
| Chimney (limited to 8 feet in width) | 1 foot | Not permitted | 1 foot |
| Deck** | Not permitted | Not permitted | 12 feet, but limited to three feet high |
| Mechanical equipment (i.e. air conditioning condensers, generators) | Not permitted | Not permitted | 4 feet |
| Porch, uncovered | 6 feet | Not permitted | 12 feet, but limited to three feet high |
| <u>Porte cochere</u> | <u>Not permitted</u> | <u>2 feet from property line</u> | <u>Not permitted</u> |

| Roof Area: | | | |
|---|----------------|---------------|---------------|
| Cornices, eaves, overhangs, brackets, soffits (excluding gutters) | 2 feet | 2 feet | 2 feet |
| Dormers | 1Not permitted | Not permitted | Not permitted |

*Areaway construction can project above grade no more than 12 inches.

**The portion of a deck which occupies the rear yard setback shall not be converted into any enclosed habitable spaces.

- (1) Projections containing floor area, including decks, shall be included in the lot coverage calculation. See Sections 78-43 and 78-53 for the front porch exclusion from lot coverage.

ARTICLE XXII. – PARKING, LOADING REQUIREMENTS

[No changes proposed to Sections 78-270 – 78-272]

Sec. 78-273. - Residential driveways.

(1) ~~Driveways used~~New driveways constructed for residential access within the R-1 and RT-1 Districts shall meet all the following standards:

- a. ~~be~~ Shall be a minimum of nine feet in width.
- b. Shall be located on the side of the new dwelling that is opposite any existing driveway on an adjacent parcel.
- c. Shall be located at least one foot from the side property line. The one-foot buffer area shall be landscaped with appropriate plant material such as turf grass, perennials or shrubs.
- d. To block stormwater runoff from discharging onto the neighboring property, a curb shall be installed along the outer edge of the driveway.

(2) Existing driveways within the R-1 and RT-1 Districts may be reconstructed in the same location. Where two existing driveways abut one another, they may continue but shall be relocated if possible; continuation of this condition is discouraged.



CARLISLE

WORTMAN
associates, inc.

605 S. Main Street, Ste. 1
Ann Arbor, MI 48104

(734) 662-2200
(734) 662-1935 Fax

MEMORANDUM

TO: City of Plymouth Planning Commission

FROM: Don Wortman
Sally M. Elmiger

DATE: February 3, 2016

RE: Required and Non-Required Yards

As requested, we have searched the Zoning Ordinance and identified all the areas where it refers to "required yard" and "non-required yard." (Note that the term "unrequired yard" was never used.) We have proposed modifications to this language to add the term "setback" to identify this area. The proposed language has been provided for your consideration.

We look forward to discussing this with you further.

CARLISLE/WORTMAN ASSOC., INC.
R. Donald Wortman, PLA, AICP
Principal

CARLISLE/WORTMAN ASSOC., INC.
Sally M. Elmiger, AICP, LEED AP
Principal

cc: John Buzuvis

Richard K. Carlisle, *President* Douglas J. Lewan, *Executive Vice President*

R. Donald Wortman, *Principal* John L. Enos, *Principal* David Scurto, *Principal* Benjamin R. Carlisle, *Principal* Sally M. Elmiger, *Principal*
Brian Oppmann, *Associate* Laura K. Kreps, *Associate*

Sec. 78-21. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Accessory use or accessory means a use which is clearly incidental to, customarily found in connection with, and located on the same zoning lot, unless otherwise specified, as the principal use to which it is related. When the word "accessory" is used in this text, it shall have the same meaning as accessory use. An accessory use includes, but is not limited to, the following:

- (1) Garages, storage sheds, radio/television antennae.
- (2) Outdoor swimming pools, hot tubs and saunas for the use of the occupants of a residence, or their guests.
- (3) Domestic or agricultural storage in a barn, shed, tool room or similar accessory building or other structure.
- (4) Storage of merchandise normally carried in stock in connection with a business or industrial use, unless such storage is excluded in the applicable district regulations.
- (5) Storage of goods used in or produced by industrial uses or related activities, unless such storage is excluded in the applicable district regulations.
- (6) Accessory off-street parking spaces, open or enclosed, subject to the accessory off-street parking regulations for the district in which the zoning lot is located.
- (7) Uses clearly incidental to a main use such as but not limited to: offices of an industrial or commercial complex located on the site of the commercial or industrial complex.
- (8) Accessory off-street loading, subject to the off-street loading regulations for the district in which the zoning lot is located.
- (9) Accessory signs, subject to the sign regulations for the district in which the zoning lot is located.
- (10) Common household gardening in a residential district when located only in the rear yard and/or ~~non-required~~ side yard areas outside of the side yard setback. For purposes of this chapter, common household gardening shall include the growing of fruits and vegetables for consumption solely by members of the family residing in the dwelling unit located on the same zoning lot.
- (11) Solar panels, private wind energy conversion systems, television reception antennas and air conditioning units, and satellite dish antennas.

[No other changes are proposed to this section.]

Sec. 78-191. - Notes to schedule.

- (a) The side yard abutting upon a street shall not be less than eight feet for R-1 districts or 12 feet for RT-1 districts when there is a common rear yard. In case of a rear yard abutting a side yard of an adjacent lot, the side abutting a street shall not be less than the required front yard setback of that district.
- (b) The height of any main building may exceed the maximum permitted height by one foot for each additional one foot by which the width of each yard exceeds the minimum yard requirement with a maximum height not to exceed five feet above the maximum height permitted.

The building height of a single-family home in the R-1 zoning district shall be limited to 25 feet or as otherwise permitted in this section. Loft areas or finished attics in the R-1 district, which have a floor area

of less than 1/3 of the floor area of the floor below, shall also be restricted to a total building height of 25 feet and shall be required to have a minimum side yard of 12 feet and a minimum lot width of 60 feet.

- (c) The total number of rooms in a multiple dwelling structure of two stories or less shall not be more than the area of the parcel, in square feet, divided by 1,300. The total number of rooms in a multiple dwelling of over two stories but not exceeding four stories shall not be more than the area of the parcel, in square feet, divided by 900. Not more than ten percent of the units on any given parcel may be of an efficiency apartment type. For the purpose of computing rooms, the following shall control:

| | | |
|---------------------------|---|---------|
| Efficiency apartment unit | = | 1 room |
| One-bedroom unit | = | 2 rooms |
| Two-bedroom unit | = | 3 rooms |
| Three-bedroom unit | = | 4 rooms |
| Four-bedroom unit | = | 5 rooms |

Plans presented showing one-, two-, or three-bedroom units and including a den, library, or other extra room shall count such extra rooms as a bedroom for the purpose of computing density.

The area used for computing density shall be the total site area exclusive of any dedicated public right-of-way of either interior or bordering streets.

- (d) In RM districts the minimum front and rear yards shall be equal to the height of the building, except that where a front lot line abuts a street, ½ the width of the right-of-way of such street may be considered as front yard setback, but in no instance shall any front or rear yard setback be less than 25 feet.
- (1) In all RM-1 and RM-2, Multiple-Family Residence Districts, the minimum amount of usable open space or recreation area per dwelling unit (exclusive of a required front yard setback, parking areas or driveways) shall be equal to 150 square feet of lot area per bedroom.
- (2) If more than one building shall be constructed on the same site the following requirements shall also apply. Minimum distance between buildings shall be:
- a. Seventy feet when front to rear.
 - b. Seventy feet when front to front.
 - c. Seventy feet when rear to rear.
 - d. Twenty-five feet end to end.
 - e. Fifty feet end to front.
 - f. Fifty feet end to rear.
- (e) For each story in excess of two stories, a side yard of 2½ feet for each additional story shall be provided, in addition to the minimum ten foot requirement. The distance between buildings on the

same lot shall be regulated by the building distance formula specified in subsection (d) of this section.

- (f) No side yards are required along the interior side lot lines, except as otherwise specified in the building code. On the exterior side yard which borders on a residential district, there shall be provided a setback of not less than ten feet on the side or residential street. If walls of structures facing interior lot lines contain windows or other openings, side yards of not less than ten feet shall be provided. The setback shall be measured from the nearest side of the existing and/or proposed right-of-way lines, whichever is greater.
- (g) One-half the width of alleys at the rear of the lot may be considered in computing rear yard setbacks.
- (h) Parking shall be permitted in a required front yard setback.

[No other changes are proposed to this section.]

Sec. 78-205. - Residential entranceway.

In all residential districts, entranceway structures including but not limited to walls, columns and gates marking entrances to single-family subdivisions or multiple housing projects may be permitted and may be located in a required yard setback, except as provided in section 78-207, provided that such entranceway structures shall comply with all codes of the city, and shall be approved by the building department and a permit issued.

Sec. 78-208. - Residential fences.

Fences or walls are permitted, subject to the paramount provisions of the City of Plymouth Fence Ordinance (Chapter 18, Building Regulations Article X, Fences 18-371—18-380) and subject to the further provisions of this section. If any of the provisions of this section should conflict with the City of Plymouth Fence Ordinance, such provisions shall be controlling on the question of fences. It is the intent, however, that the following provisions be construed harmoniously with the fence ordinance where possible.

- (1) Fences on all lots of record in all residential districts which enclose property and/or are within a required side or rear yard setback shall not exceed six and one-half feet in height, measured from the surface of the ground, and shall not extend toward the front of the lot nearer than the front of the house or the required minimum front yard setback, whichever is greater. In the case of a rear yard abutting a side yard, the side yard abutting a street shall be continuation of the required front setback on the lot to the rear, and no fence shall project into this area. When side yards abut on frontages across a common street, the side yard abutting a street shall not be less than the required front yard setback of the district and no fence shall project into this area. (See Figures 1, 2, and 3)

Figure 1. Fence Location

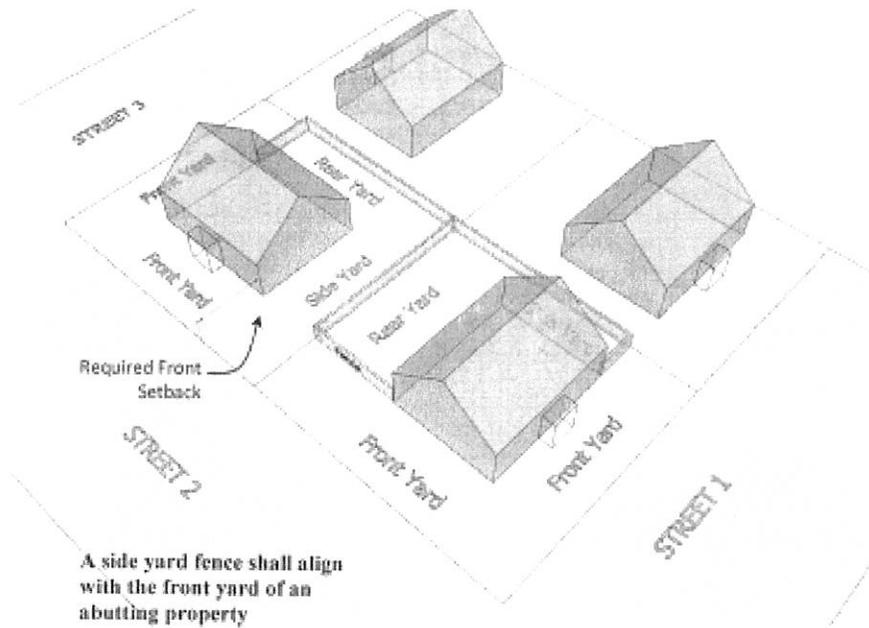


Figure 2. Fence Location

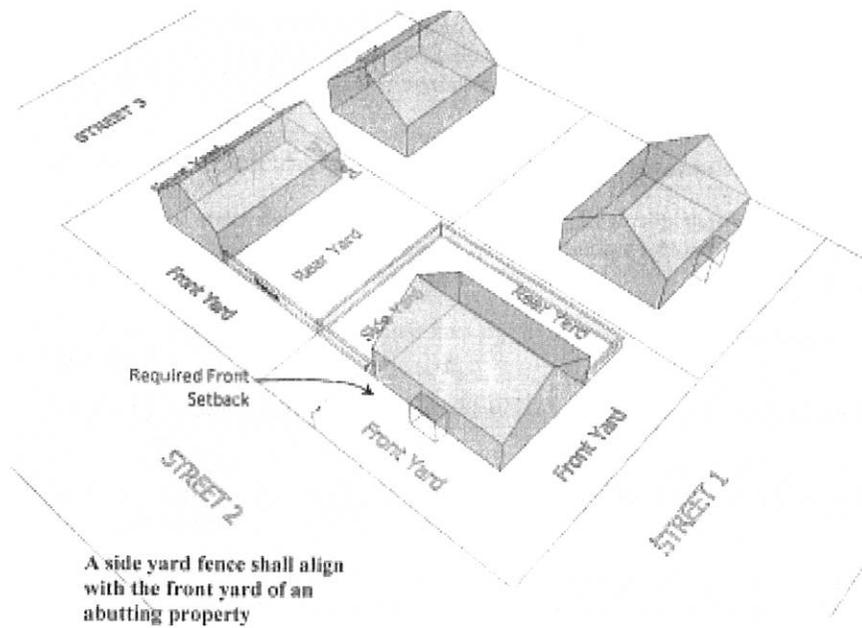
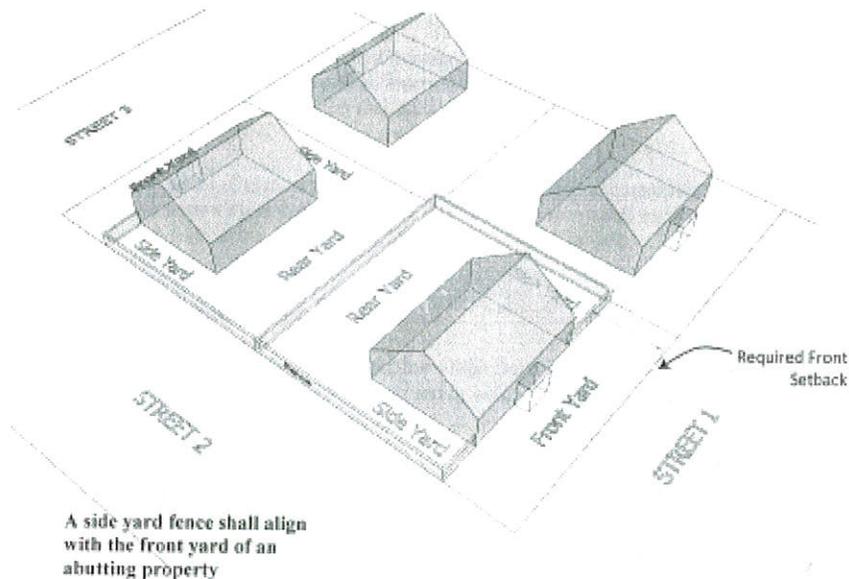


Figure 3. Fence Location



- (2) Recorded lots having a lot area in excess of two acres and a frontage of at least 200 feet, and acreage or parcels not included within the boundaries of a recorded plat, in all residential districts, are excluded from these regulations.
- (3) Fences on lots of record shall not contain barbed wire, electric current, or charge of electricity. This shall exclude underground electric fences used for pet containment.
- (4) All fences or walls shall be constructed with the finished side exposed to neighboring properties, the support posts placed on the inside, and in a manner which serves to enhance the aesthetic appearance of the neighborhood or surrounding area.
- (5) Posts and finials may extend no more than six inches above the maximum permitted height of a fence.
- (6) Fences for swimming pools shall comply with the regulations of the state construction code.
- (7) No fence, wall, or plantings shall interfere with visibility from a driveway, alley or intersection. All fences, walls, or plantings shall comply with the corner clearance requirements of section 78-207.
- (8) Fences which enclose public or institutional parks, playgrounds, or public landscaped areas, situated within an area developed with recorded lots, shall not exceed eight feet in height measured from the surface of the ground, and shall not obstruct vision to an extent greater than 25 percent of their total area.
- (9) Fences or walls within a required front yard setback area shall be decorative style only consisting of wrought iron, metal, or picket fences and masonry or stone walls. Decorative fences or walls placed within a front yard shall not exceed 30 inches in height. A decorative fence or wall shall contribute to the identification and beauty of the principal building. Chain link fences are not allowed within a required front yard setback area.
- (10) Walls constructed of masonry, stone or pre-cast materials and constructed within a side or rear yard shall have a maximum height of 30 inches. This shall exclude screening walls constructed between conflicting land uses as specified in section 78-206.

Sec. 78-260. - Regulations.

Accessory buildings, structures, and uses except as otherwise permitted in this chapter, shall be subject to the following regulations:

- (1) Where the accessory building is structurally attached to a main building, it shall be subject to, and must conform to, all regulations of this chapter applicable to the main building.
- (2) An accessory building shall not be erected in any front or required yard setback except as allowed by this article.
- (3) No accessory building, structure or use may be placed on a lot without a principal building.
- (4) The height of the accessory structure having a dormer(s), which occupies ten percent or more of the total roof area, shall be determined by measuring the average height between the eaves and the ridge of the dormer(s).
- (5) No more than two detached accessory buildings in residential districts shall be permitted on any lot.
- (6) No detached accessory building in residential districts shall be located closer than three feet to any side or rear lot line. In those instances where the rear lot line is coterminous with an alley right-of-way, the accessory building shall be no closer than one foot to such rear lot line. In no instance shall an accessory structure be located within a dedicated easement right-of-way.
- (7) All accessory buildings, structures and uses combined shall cover no more than 35 percent of any required rear yard setback.
- (8) No detached accessory building in any residential district shall exceed 1½ stories or 15 feet in height. The minimum eave height for an accessory building shall not be less than seven feet from the average grade. Where an accessory structure is located on sloping terrain, the eave height shall be measured from the average ground level of the grade at building walls.
- (9) When an accessory building is located on a corner lot, the side lot line of which is substantially a continuation of the front lot line of the lot to its rear, such building shall not project beyond the front yard line required on the lot in rear of such corner lot. When an accessory building is located on a corner lot the side lot line of which is substantially a continuation of the side lot line of the lot to its rear, such building shall not project beyond the side yard line of the lot in the rear of such corner lot.

Figure 1. Accessory Building Location for Corner Lots with Front-Side Yard Situation

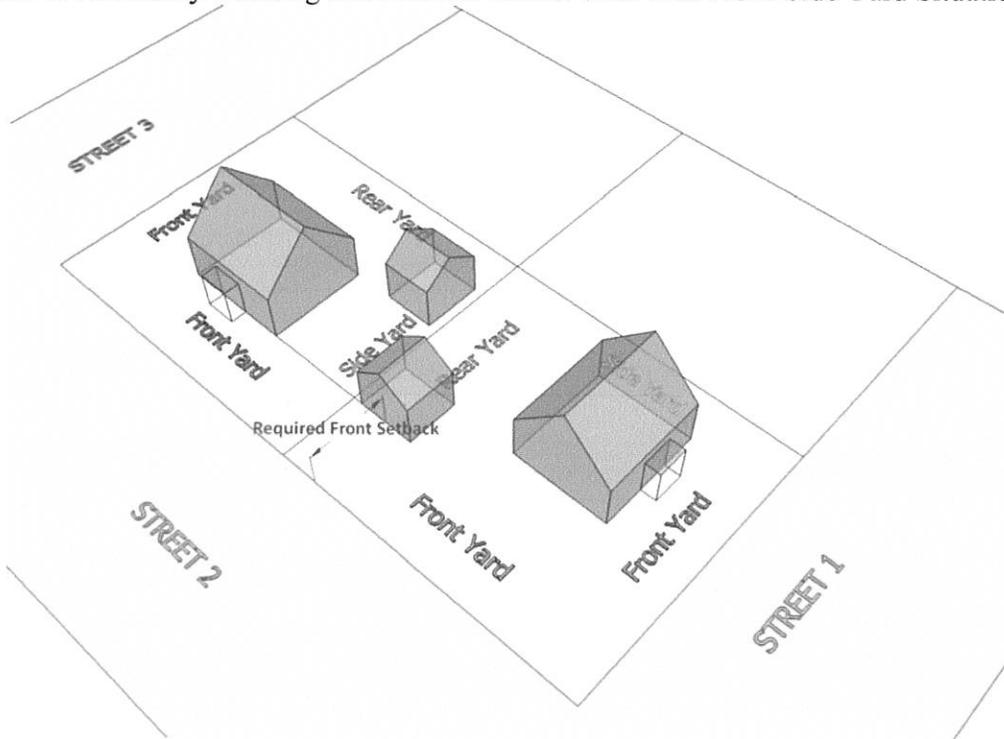
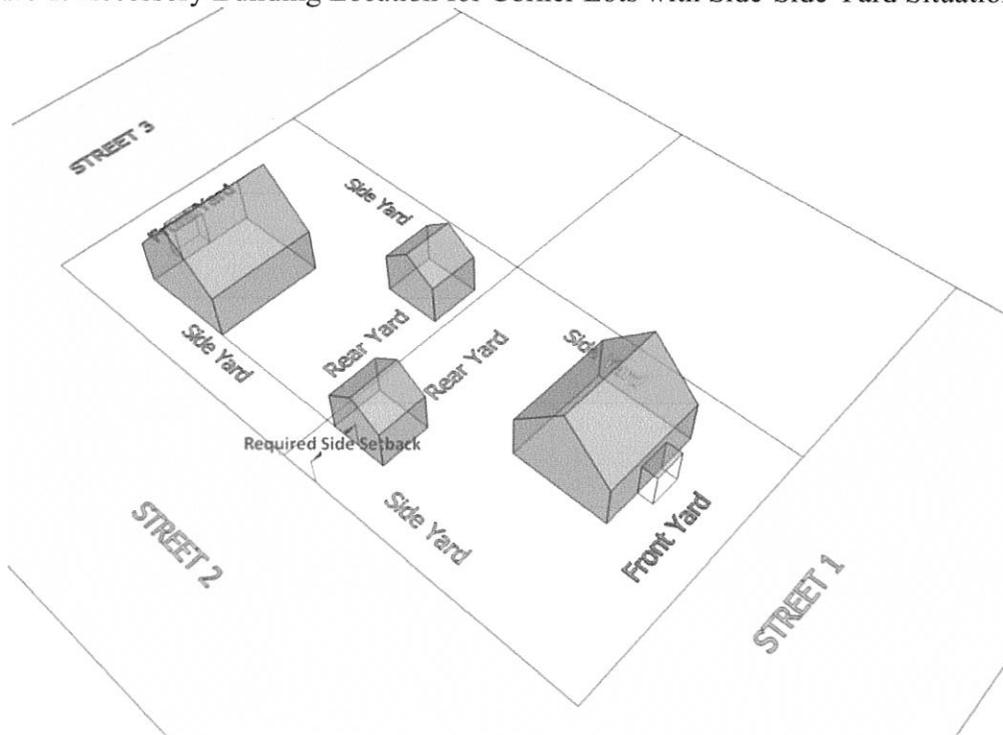


Figure 2. Accessory Building Location for Corner Lots with Side-Side Yard Situation



- (10) Accessory buildings within all other nonresidential districts shall comply with applicable setback and height restrictions specified for the zoning district wherein the accessory use or structure is located.
- (11) Detached accessory buildings shall not be used as habitable space.
- (12) Detached accessory structures must be located a minimum of ten feet from the principle structure on site.
- (13) Private wind energy conversion systems shall be subject to regulations contained in section 78-261.
- (14) No detached accessory building in any residential district shall be constructed with an attached deck or balcony which exceeds thirty-two (32) square feet.

Sec. 78-270. - Off-street parking requirements.

- (a) There shall be provided in all districts at the time of erection or enlargement of any main building or structure, automobile off-street parking space with adequate access to all spaces. The number of off-street parking spaces, in conjunction with all land or building uses, shall be provided prior to the issuance of a certificate of occupancy, as hereinafter prescribed.
 - (1) Off-street parking for other than residential use and other than those spaces accommodated by payment in lieu of parking as approved by the city commission shall be either on the same lot or within 300 feet of the building it is intended to serve, measured by public right-of-way from the nearest point of the building to the nearest point of the off-street parking lot. Ownership of the parking lot must be the same as the building. Spaces may be leased from municipal lots or other lots controlled by the city or downtown development authority (DDA), provided such spaces are within 300 feet of the building and the lease is not in default. Rate and terms of the leased spaces shall be determined by the city commission. Default of a parking lease agreement will constitute a violation and enforcement by the city.
 - (2) Residential off-street parking spaces shall consist of parking spaces, driveways, garage, or combination thereof and shall be located on the premises they are intended to service, and subject to the provisions of section 78-272.
 - (3) Unless otherwise provided herein, off-street parking shall not be permitted in any ~~required or non-required~~ front yard, except for use of the driveway. Off-street parking shall be permitted within the required side or rear yard setbacks, provided that the following requirements are met:
 - a. For parking lots serving uses other than single-family residential: a-A minimum five foot setback is maintained between off-street parking and the side and rear lot lines of all adjoining properties. This requirement may be waived or modified by the planning commission for sites where there is limited land area available to meet the strict requirements of this section or for sites where it is possible to provide additional landscaping or screening to buffer parking from adjoining uses and a public road right-of-way.
 - b. For single-family residential uses, the location of parking is subject to the provisions of section 78-272.

Sec. 78-291. - Automobile car wash.

Automobile car wash subject to the following:

- (1) All buildings shall have a front yard setback of not less than 40 feet.
- (2) All washing facilities shall be within a completely enclosed building.
- (3) Vacuuming and drying areas may be located outside the building but shall not be in the required front yard setback and shall not be closer than 100 feet from any residential district. Noise from vacuuming or blow drying equipment shall be controlled by appropriate enclosures or sound barrier walls. All noise from such equipment shall comply with the city's noise ordinance.
- (4) All cars required to wait for access to the facilities shall be provided space off the street right-of-way and parking shall be provided in accordance with sections 78-271 and 78-272.
- (5) Ingress and egress points shall be located at least 60 feet from the intersection of any two streets.
- (6) All off-street parking and waiting areas shall be paved with concrete and dust free.
- (7) All lighting shall be shielded and directed away from adjacent residential districts.
- (8) A four-foot, six-inch completely obscuring wall shall be provided where abutting to a residential district.

Sec. 78-336. - ~~Residential yard fences~~Reserved.

~~Fences or walls in residential districts may be constructed within a required rear or side yard, or along such property line as provided in accordance with City Code, Chapter 18, Article 10.~~

(Ord. of 10-6-03)

Administrative Recommendation

To: City of Plymouth Planning Commission
From: John Buzuvis, Community Development Director
CC: S:\DDA\Shared Files\John\Community Development\Planning Commission\Administrative Recommendations
Date: 2/5/2016
Re: Solid Waste Ordinance Amendments

BACKGROUND:

In an effort to maintain the most up-to-date property maintenance requirements the administration, in conjunction with the Planning Commission Chairman, has begun reviewing several of the ordinances related to property maintenance. As part of that process the administration is suggesting several amendments to the Solid Waste portion of the City Code of Ordinances (Chapter 58 Sections 1-47). The amendments are 'housekeeping' in nature and are aimed at clarifying definitions, removing outdated information and procedures for trash/recycling pick-up, department titles and who can enforce (i.e. Code Enforcement Officer). This ordinance has not been amended since 1990.

RECOMMENDATION:

The administration recommends that the Planning Commission set a public hearing for their next regularly scheduled meeting to take public comment on the attached ordinance amendments.

A draft of the amendments to Chapter 58 Sec. 1-47 is attached as well as a sample resolution for the Planning Commission to consider.

Please feel free to contact me should you have any questions in advance of the meeting.

Chapter 58 - SOLID WASTE^[1]

ARTICLE I. - IN GENERAL

Sec. 58-1. - Purpose and intent.

It is the intent of the city commission that this chapter be liberally construed for the purpose of providing a sanitary and satisfactory method of preparation, collection and disposal of solid waste, and recyclable materials, as well as the maintenance of public and private property in a clean, orderly and sanitary condition, for the health, safety and welfare of the community, and to provide for a reasonable system of user fees to defray the cost incurred by the city in collecting and administering waste removal. The city commission recognizes that in order to conserve our natural resources, as well as to control the ever increasing cost of solid waste disposal, that the separation, collection and sale of recyclable materials will reduce the amount of solid waste to be disposed of, reduce the cost of landfilling solid waste, extend the life of the existing and future landfills and protect and conserve our limited natural resources. All citizens are encouraged to voluntarily recycle and to make use of the facilities there for provided by the city.

(Ord. No. 90-3, § 1(2.2), 8-20-90)

Sec. 58-2. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Aluminum means all products made of aluminum including aluminum cans, foil, wrappers, containers for prepared dinners or other foods, screen frames and lawn chairs excluding redeemable aluminum cans.

Brush means small trees and shrubs.

Building means a structure used in whole or in part for human habitation, manufacturing, sales, or other purposes.

City designated waste or recyclable collection and transfer facility means a facility which the city has identified from time to time as an approved location for the collection and transfer of solid waste, leaves, yard waste, and/or recyclable materials.

City solid waste bag means a bag sold by the city as a suitable container for the purposes of solid waste collection. Solid waste bags shall be of a distinctive color or material and printed with the city seal or other appropriate words which indicate the bags contain solid waste.

City solid waste cart means a city specified cart provided by one of the city's designated solid waste collector's as a container for residential and/or small commercial solid waste.

City solid waste tag means a tag sold by the city which may be attached to an acceptable solid waste container for the purpose of solid waste collection. Solid waste tags shall be of a distinctive color or material and printed with the city seal or other appropriate words which indicate the acceptable containers contain solid waste.

City yard waste bag means a bag sold by the city as a suitable container for the purpose of yard waste collection. Yard waste bags shall be of a distinctive color or material and printed with the city seal or other appropriate words which indicate the bags contain yard waste.

City yard waste tag means a tag sold by the city which may be attached to an acceptable refuse container for the purpose of yard waste. Yard waste tags shall be of a distinctive color or material and printed with the city seal or other appropriate words which indicate the acceptable containers contain yard waste.

Commercial solid waste means the miscellaneous waste material resulting from the operation of mercantile enterprises, and includes garbage and rubbish and excludes all hazardous waste.

Commercial solid waste collection means solid waste pickup from all commercial, business, institutional, condominium development, and multiunit residential establishments (those consisting of three or more dwelling units).

Construction materials means waste from building, street or other construction, alteration or repair, including dirt from excavation.

Demolition debris means refuse which is incidental to the demolition of buildings, other structures or appurtenances on a premises.

Department means the department of ~~public works~~ municipal services of the city.

Designated collector means a licensed collector who has been issued a contract from the city to collect solid waste, leaves, yard waste and/or recyclable materials within the city.

Director of the department of ~~public works~~ municipal services means the director of ~~public works~~ municipal services of the city or his duly authorized representative.

Domestic solid waste means the waste materials resulting from the usual routine of housekeeping, and includes garbage and rubbish and excludes all hazardous waste.

Dwelling unit has the same meaning as residential unit.

Garbage means all waste animal, fish, fowl, fruit or vegetable matter incident to the use, preparation and storage of food for human consumption. This term does not include food processing wastes from canneries, slaughterhouses, packinghouses or similar industries, which shall be classified as industrial refuse or hazardous waste.

Hazardous waste means any material that has been identified by state or federal regulation to be unsuitable for disposal in a Type II sanitary landfill.

Industrial solid waste means all waste materials resulting from industrial or manufacturing operations or processes of every nature whatsoever, including organic wastes from canneries, slaughterhouses, packinghouses and other industrial food processing operations. The term includes refuse material resulting from cleaning up in connection with such industrial or manufacturing operations, and refuse material resulting from offices, stores, lunch rooms, warehouses or other operations established in conjunction with such industrial or manufacturing operations as well as garbage and rubbish and excludes hazardous waste.

Inspector means a person designated or appointed by the city manager to have charge or control of a waste or recyclable collection and transfer site and/or the authority to enforce this chapter.

Leaves means foliage from plants, shrubs and trees.

Leaf collection season means a period during the fall of each year as scheduled by the city manager during which a leaf collection service is provided in specified areas of the city.

Licensed collector means a collection agent who has received a material collection license from the city.

Material collection license means a license issued by the city to a collection agent, which would allow the collection agent the privilege to provide a specific type of solid waste, yard waste and/or recyclable material collection service.

Medical waste means any material that has been identified by state or federal regulation to be medical, biohazardous or pathological waste and subject to special handling and disposal regulations.

Multiple residential means residential establishments consisting of three or more dwelling units.

Municipal solid waste means rubbish and garbage consisting of certain discarded products incidental to housekeeping and mercantile enterprises that are not recyclable. It shall be classified as either domestic, commercial or industrial solid waste and excludes hazardous waste.

Person in charge means the owner, proprietor, occupant, or agent in charge of any premises, whether an individual, partnership or corporation.

Premises means a parcel of land, including any buildings, structures or appurtenances within the city, which includes the adjoining street, right-of-way or legal easement, separated from adjacent parcels of land by legal description.

Recyclable material means materials specifically designated, in accordance with the provisions of this chapter to be separated from solid waste for the express purpose of preparation for and delivery to a secondary market or other use.

Refuse has the same meaning as solid waste.

Residential solid waste has the same meaning as domestic solid waste.

Residential solid waste collection means weekly solid waste pickup from residential buildings with no more than two dwelling units and from small commercial establishments which regularly generate less than one cubic yard of solid waste per week.

Residential unit means a building, or portion thereof, designed for occupancy exclusively by one family for residential purposes and having cooking facilities and separate sanitary facilities.

Rubbish means the miscellaneous waste materials resulting from housekeeping and ordinary mercantile enterprises, and includes material such as packing boxes, cartons, excelsior paper, ashes, cinders, glass, metal, plastic and rubber, and excludes hazardous waste.

Small commercial establishments means commercial establishments which regularly generate less than one cubic yard of solid waste per week.

Solid waste means garbage, rubbish and ashes. Solid waste does not include human body waste, liquid waste, materials that have been separated either at the source or a processing site for the purpose of reuse, recycling or composting, or any material that has been identified by state or federal regulation to be unsuitable for disposal in a Type II sanitary landfill.

Special refuse means furniture, washers, dryers, refrigerators and other household appliances, ~~brush, large tree limbs~~ and other bulky refuse items, and excluding construction and demolition debris, that are unsuitable for regular solid waste collection services.

Special refuse tag means a tag sold by the city which shall be attached to special refuse. Special refuse tags shall be of a distinctive color or material and printed with the city seal or other appropriate words which indicate the use of the tag.

Type II sanitary landfill shall have the same meaning as defined in Act No. 641 of the Public Acts of Michigan of 1978 (MCL 299.401 et seq., MSA 13.29(1) et seq.), as amended.

Yard waste means grass clippings, leaves, weeds, hedge clippings, garden waste, and twigs.

Yard waste collection season means a period each year as scheduled by the city manager during which a yard waste collection service is provided in specified areas of the city.

Yard waste collection container/bag means a brown kraft paper bag, other compostable bag, or a 32-gallon container marked "compost only" or with a large "X". Any container must be manageable by one individual and not exceed 50 pounds in weight.

(Ord. No. 90-3, § 1(2.3), 8-20-90)

Cross reference— Definitions generally, § 1-2.

Sec. 58-3. - Enforcement.

(a) The director of the department of ~~public works-municipal services~~, code enforcement officer, inspectors and the police department are hereby authorized and directed to enforce this chapter.

(b) The city manager is hereby authorized to employ inspectors to have the care and control of established collection and transfer sites and to enforce this chapter. Such inspector may be empowered with police power and duly authorized to issue tickets and shall enforce the rules that are or may hereafter be promulgated for the government and control of solid waste and recyclables.

(Ord. No. 90-3, § 1(2.17), 8-20-90)

Sec. 58-4. - Rules and regulations.

The city manager is authorized and directed to establish and promulgate reasonable rules and regulations as to the manner, days and times for the collection of waste or recyclables in accordance with the terms hereof. Such regulations shall be effective upon promulgation in the case of waste or recyclables specifically enumerated herein, and upon promulgation but subsequent to the date of the passage of resolution by the city commission for subsequently added waste or recyclables. The city commission may, by majority vote, change, modify, repeal or amend any portion of such rules and regulations.

(Ord. No. 90-3, § 1(2.2), (2.17), (2.19), 8-20-90)

Sec. 58-5. - Penalty for violation.

Any person who violates or neglects to comply with any provisions of this chapter, or any regulation promulgated pursuant thereto, shall, upon conviction thereof, be punishable by a fine not to exceed

\$500.00 and the cost of prosecution, except that the maximum fine for failure to comply with this chapter, and rules and regulations issued pursuant thereto, shall not exceed \$100.00 for an initial violation, and the cost of prosecution or in default of the payment thereof, by imprisonment at the discretion of the court. Each day that a violation is permitted to exist shall constitute a separate offense. The imposition of any sentence shall not exempt the offender from compliance with the requirements herein.

(Ord. No. 90-3, § 1(2.18), 8-20-90)

Sec. 58-6. - General obligations.

It shall be mandatory for all persons to dispose of their solid waste and to segregate such items provided herein, or as specified by the subsequent resolution of the city commission, from all other solid waste produced and to separately bundle or contain such items for proper disposal, collection and/or recycling, in accordance with the provisions herein.

(Ord. No. 90-3, § 1(2.4), 8-20-90)

Sec. 58-7. - Accumulation of solid waste.

(a) No person in charge of a residential dwelling unit, commercial establishment, or industrial facility shall permit the accumulation of refuse, rubbish or garbage upon their premises for a period that would pose a health hazard, subject adjacent property occupants to an unreasonably offensive odor, or become a public nuisance. The accumulation of refuse, rubbish or garbage in excess of seven days shall be prima facie evidence of posing a health hazard and creating a public nuisance.

(b) Leaves, yard waste and vegetable waste may be ~~stored~~ retained on the producer's property for composting purposes in a manner which will not harbor rodents, subject adjacent property owners to an unreasonably offensive odor, or become a public nuisance. Composting activities shall be conducted only on private property in the rear yard.

(c) In the case of any alley or lawn extension (the area between the sidewalk and the street) where any refuse, rubbish, garbage or yard waste shall exist or be, or has been deposited, it shall be the duty of every owner or occupant of any lot or premises to remove from the one-half of such alley adjoining such lot or premises or the entire lawn extension adjoining such lot, all such substances.

(Ord. No. 90-3, § 1(2.5), 8-20-90)

Sec. 58-8. - Unauthorized dumping and littering.

It shall be unlawful to throw or deposit any refuse upon or into any street, right-of-way, alley, portable container, nonportable container, or any other property or premises, public or private, without the permission of the owner, proprietor, occupant, or agent in charge of that premises.

(Ord. No. 90-3, § 1(2.6), 8-20-90)

Sec. 58-9. - Precollection requirements; separation; containers.

(a)

All persons within the city who shall place for disposal, removal, or collection, the following items shall do so in strict conformity with the following regulations:

(1) *Solid waste* shall be separated and contained in a city solid waste bag, or in any other acceptable solid waste container (as provided in section 58-41 et seq.), ~~clearly marked with a city solid waste tag.~~

(2) *Yard waste* shall be separated and contained in a city yard waste bag, or in any other acceptable yard waste container (as provided in section 58-41 et seq.), ~~clearly marked with a city yard waste tag,~~ provided that during the leaf collection season, leaves may also be placed at the curb for the city bulk leaf collection services.

(3) *Special refuse.* All special refuse shall be separated and must be removed using an approved method. Approved methods shall be limited to:

a.

Arrangements with a licensed collector;

- b. Transport to a city-designated ~~collector~~ collection and transfer site; or

- c. By tagging the debris with a city special refuse tag.

(4) ~~*Bulk rubbish.* All bulk rubbish, such as cardboard containers, wooden crates and similar rubbish shall be separated and shall be flattened and tied in bundles or packed in suitable containers of a size that may be readily handled by one collector, and in no case shall such bundle or container be larger than three feet by three feet by four feet, nor weigh more than 50 pounds and clearly marked with a city special refuse tag.~~

Bulk cardboard. All bulk cardboard shall be cut to size to fit in the approved recycling receptacle or transported to a city-designated collection and transfer site

(5) *Brush.* All brush shall be separated and placed at the curb without being bound.

(6) *Industrial solid waste.* All industrial solid waste shall be collected by licensed collectors privately contracted for by the industrial user, and shall otherwise comply with this chapter.

(7) *Construction and demolition debris.* All construction and demolition debris shall be separated and collected by licensed contractors privately contracted for by the person who produced the waste, and shall otherwise comply with this chapter.

(8) *Hazardous waste.* All hazardous waste shall be separated and collected by licensed collectors privately contracted for by the person who produced the waste, and shall otherwise comply with this chapter.

(9) *Medical waste.* All medical waste shall be separated and disposed of in accordance with any and all applicable state and federal regulations, and shall be collected by licensed contractors privately contracted for by the person who produced the waste, and shall otherwise comply with this chapter.

(b) ~~Items not put in a prepaid city bag or tagged with a prepaid city tag will not be picked up unless otherwise provided herein. The collection of municipal solid waste or recyclables is conditioned upon the observance of all provisions of this chapter. Collection is subject to weather and other conditions beyond the city's control.~~

(Ord. No. 90-3, § 1(2.7), 8-20-90)

Sec. 58-10. - City bag and tag specifications.

(a) Specifications for city bags and/or tags and their use shall be promulgated by the city manager.

(b) The prices for the various bags and tags shall be determined by resolution of the city commission.

(c) The city or its authorized representative may sell city solid waste ~~or yard waste~~ bags and/or tags to individuals and/or to participating retail sales establishments. Participating sales establishments shall sell the bags or tags for not more than the price specified by the city commission. However, the appropriate sales tax may be charged by the retail establishment if so required by state or federal law.

(d) The gross weight of the solid waste or yard waste bags, when filled with waste, shall not exceed 50 pounds.

(Ord. No. 90-3, § 1(2.8), 8-20-90)

Sec. 58-11. - Ownership of wastes.

From the time of placement at the curb for collection any leaves, yard waste or recyclable material required to be separated from the residents solid waste in accordance with this chapter for the purposes of collection shall be the property of the city or its authorized agent. No person shall take, collect, or transport any leaves, yard waste or recyclable material from any street, right-of-way, alley or dumpster of this city, without a material collection license authorizing such activity.

(Ord. No. 90-3, § 1(2.10), 8-20-90)

Sec. 58-12. - Sale of recyclable materials permitted.

Anything in this chapter to the contrary notwithstanding, any person may donate or sell recyclables to any other person, whether that person operates for profit or not for profit. Under no circumstances, however, may the transferred recyclables be picked up from curbside regardless whether or not such recyclables are placed at curbside on or immediately preceding the regular curbside collection.
(Ord. No. 90-3, § 1(2.11), 8-20-90)

Sec. 58-13. - Transportation.

(a) *Manner.* The transportation of all garbage, offal, rubbish or other waste materials through the streets, alleys or thoroughfares of the city shall be conducted in such a manner as to create no nuisance. It shall be unlawful for any person to transport, cart, carry or convey through or over any of the streets, alleys or public places of the city any garbage, unwashed refuse or unwashed food containers without the written consent of the city manager. Whenever such permission is granted, the vehicle used for such purposes shall be watertight and provided with a suitable covering. It shall be unlawful for any person to transport or otherwise convey through or over any of the streets or public places of the city, any rubbish or other waste material except under written regulations or with the written consent of the city manager except rubbish or waste material accumulating on property owned or controlled by him and then only by approved methods of conveyance.

(b) *Vehicles.* Vehicles conveying waste must be of such construction and so operated that contents shall not spill upon the public streets, alleys, or into the air or otherwise create a nuisance.

(Ord. No. 90-3, § 1(2.13), 8-20-90)

Sec. 58-14. - Removal of accumulated wastes.

(a) The city manager or his agent is hereby authorized and empowered to notify, in writing, the owner, proprietor, occupant, agent and/or tenant of any premises, to remove solid waste, yard waste, special refuse and/or recyclables accumulated and not disposed of in compliance with this chapter on such premises (unless the same is on the abutting public property, or public rights-of-way in which no notice is required). Such notice shall be by hand delivery or first class mail, addressed to such owner and/or tenant at his last known address.

(b) If solid wastes are not removed from the premises within ~~six~~ seven days after the date of mailing such notice, or if the waste or recyclables are on abutting public property or public rights-of-way, the owner, proprietor, occupant, agent and/or tenant of the premises shall be subject to penalties set for the violation of this chapter. The city manager is also hereby authorized and empowered to contract and pay for the removal of the waste or recyclable or to order the removal by the city.

(c) When the city has effected the removal of such waste or recyclables or has paid for its removal, ~~the actual cost thereof, plus accrued interest at the rate of one percent per month from the date of removal,~~ shall be charged to the fee owner of the premises and forwarded to such owner by the city. Such charge shall be due and payable upon receipt. The city manager or his agent shall cause to be kept an accurate account of expense incurred for each lot or parcel of land in carrying out the provisions of section 58-14 and such expense shall be charged against such lot or premises and collected by giving notice thereof to the owner of the premises. If such expense or charge shall not be paid the same shall be assessed against the premises and collected as provided by section 12.22 of the city Charter.

(d) ~~Where cost of removal is not paid by an owner within 60 days after the removal of such waste or recyclable as set forth in subsections (b) and (c) of this section, the city manager shall cause to be recorded in the treasurer's office the date and premises on which removal was done. The recording of such statement shall constitute a lien on the property and shall remain in full force and effect for the amount due in principal and interest until final payment has been made and shall be collected in the manner provided by law for the collection of taxes; further, the total amount shall be subject to a delinquent penalty of one percent per month if the same is not paid in full on or before the date of the tax bill upon which such charge appears becomes delinquent. Such sworn statements, recorded in accordance with the provisions hereof, shall be notice to every person concerned that the amount of the~~

~~statement, plus interest, constitutes a charge against the premises described in the statement that the same is due.~~

(Ord. No. 90-3, § 1(2.14), 8-20-90)

Sec. 58-15. - Prohibited waste.

(a) It shall be unlawful to place in any container or receptacle any material that might endanger the collection personnel, nor deposit or deliver any hazardous waste or any such waste or recyclable to a disposal site which would be detrimental to the normal operation of collection, incineration, recycling or disposal, for example: gaseous, solid or liquid poison, dead animals, ammunition, explosives, inflammable liquid undrained garbage of a liquid or semiliquid nature, whether in containers or not, concrete, dirt, auto, or equipment parts, or any material that possesses heat sufficient to ignite any other collected materials. No motor vehicle shall be dumped or abandoned at any disposal site.

(b) It shall be unlawful to place leaves, yard waste or recyclables specifically required herein, or by city commission resolution, to be separated from solid waste, in a refuse container for the purposes of refuse collection, removal or disposal, nor otherwise dispose of the item except in conformance with this chapter.

(Ord. No. 90-3, § 1(2.15), 8-20-90)

Sec. 58-16. - Waste or recyclable collection and transfer sites.

(a) *Selection of sites.* The city manager, with the approval of the city commission, is hereby authorized to select and locate such waste or recyclable collection and transfer sites as he may deem necessary, upon any land owned or leased by the city or upon land privately owned, subject to consent having first been secured by the city from the owner.

(b) *Scavengers.* It shall be unlawful to take, remove or carry away anything deposited on such disposal site nor in any other way interfere therewith, except by permission of the city manager.

(c) *Unauthorized dumping.* It shall be unlawful to dump or deposit any waste or recyclable in any place in the city except in a collection and transfer site duly designated as such by the city manager, as provided by subsection (a) of this section.

(d) *Licenses.* The city manager, with the approval of the city commission, is authorized to license the use of private property within the city as a private collection and transfer site subject to such reasonable terms and regulations as he may deem necessary for the protection of the public, which rules and regulations shall at all times be subject to revision, cancellation, alteration or amendment by the city commission; provided, however, that any such permit shall be revocable at any time without cause and without previous notice by the city manager or by the city commission.

(e) *Use permits.* It shall be unlawful to dump or deposit waste or recyclables in any collection and transfer site without permission of the city manager or his agents, which permission shall state the time the disposal site is open for use, and shall be issued upon the payment of such charges as the city commission by resolution prescribes.

(Ord. No. 90-3, § 1(2.16), 8-20-90)

Secs. 58-17—58-40. - Reserved.

ARTICLE II. – RECEPTACLES

Sec. 58-41. - Required.

The person in charge of any building, house or structure where refuse accumulates, shall provide and maintain proper refuse receptacles, and shall place or cause to be placed in such receptacles, all refuse accumulating on such premises; provided, that bulk rubbish may be stored in a condition properly prepared for collection as specified in this chapter.

(Ord. No. 90-3, § 1(2.9(A)), 8-20-90)

Sec. 58-42. - Residential and small commercial.

The person in charge of every single- or two-family building or small commercial establishment where refuse accumulates, shall provide, keep clean and in place, proper receptacles of a portable type to house their bagged solid waste.

(Ord. No. 90-3, § 1(2.9(B)), 8-20-90)

Sec. 58-43. - Commercial, industrial and multiple residential.

The person in charge of every building consisting of three or more dwelling units, and every building used for a commercial or industrial business, shall provide, keep clean and in place proper receptacles of a portable type; provided that where the city manager determines that portable receptacles are not practical for multiple dwellings, commercial or industrial businesses, he may authorize the use of nonportable receptacles of the type that can be mechanically hoisted by a refuse collection vehicle, and with specifications established and approved by him.

(Ord. No. 90-3, § 1(2.9(C)), 8-20-90)

Sec. 58-44. - Portable receptacles.

Portable receptacles for municipal refuse shall be of metal, fiberglass, plastic or other substantial construction approved by the city manager or his agent, shall have handles or bails and tightfitting covers; they shall not exceed 30 gallons each in capacity and not exceed 50 pounds in weight when intended to be emptied using manual collection methods. In the event of automated collection only the approved cart and/or container provided by the city or the contractor shall be used for said automated collection system. ~~Provided that receptacles are used exclusively for yard waste they need not have covers; and provided further, that the city manager or his agent may approve the use of plastic bags of a capacity and quality specified by him for the storage and disposal of solid and/or yard waste. In no event shall the gross weight of receptacle, and the waste it contains, exceed 50 pounds.~~

(Ord. No. 90-3, § 1(2.9(D)), 8-20-90)

Sec. 58-45. - Nonportable receptacles.

Nonportable receptacles for solid waste shall be of substantial metal construction, shall have a capacity of not more than eight cubic yards, and shall meet all specifications established by the city manager on the basis of the requirements of the solid waste collection equipment being used by the city or a licensed collector, and the necessities of health and safety. All garbage shall be properly wrapped or within a closed plastic bag before placing it in the nonportable receptacle.

(Ord. No. 90-3, § 1(2.9(E)), 8-20-90)

Sec. 58-46. - Nonconforming receptacles.

Receptacles that are badly broken or otherwise fail to meet the requirements of this chapter may be classified as rubbish and, after due notice to the owner, may be collected as rubbish by the department.

(Ord. No. 90-3, § 1(2.9(F)), 8-20-90)

Sec. 58-47. - Location of receptacles.

(a) All nonportable receptacles shall be placed and collected in the location designated by the city manager. Furthermore, they shall be so located that the licensed collectors will not have to trespass on private property in order to pick up such receptacles. In no event shall nonportable receptacles be placed in or upon public property, or public rights-of-way, without first obtaining the city manager approval in writing.

(b) All portable receptacles located on residentially zoned property shall be stored in a garage or other enclosed area where possible or within the side or rear yards of the premises shielded from the view from any public ROW the property fronts and not be set out for collection prior to 12:00 noon preceding the day of collection, and after the receptacles are emptied they shall be returned to their place of storage on the same day collections are made. Points of collection shall be determined by the city manager. (Ord. No. 90-3, § 1(2.9(G)), 8-20-90)

Sample Resolution

The following resolution was made by Commissioner _____ and seconded by
Commissioner _____.

WHEREAS The Administration has recommended several amendments to Chapter 58 Sec. 1-47 of
the City Code of Ordinances, and

WHEREAS The Planning Commission has reviewed the suggested ordinance amendments, and

WHEREAS A public hearing is required to be held to receive public comment on the proposed
ordinance amendments,

NOW THEREFORE BE IT RESOLVED THAT the Planning Commission does hereby set a public
hearing to take public comment on amendments to Chapter 58 Sec. 1-47 at their next
regularly scheduled meeting

Administrative Recommendation

To: City of Plymouth Planning Commission
From: John Buzuvis, Community Development Director
CC: S:\DDA\Shared Files\John\Community Development\Planning Commission\Administrative Recommendations
Date: 2/5/2016
Re: Noxious Weeds Ordinance Amendments

BACKGROUND:

In an effort to maintain the most up-to-date property maintenance requirements the administration, in conjunction with the Planning Commission Chairman, has begun reviewing several of the ordinances related to property maintenance. As part of that process the administration is suggesting several amendments to the Noxious Weeds portion of the City Code of Ordinances (Division 3 Sec. 18-751-775). The amendments are 'housekeeping' in nature and are aimed at clarifying dates, who can enforce and who can cut/remove, or cause the weeds and grass cut/removed and cost of remediation. Sections of this ordinance have been amended as recently as 2006 and other sections have not been amended since 1963.

RECOMMENDATION:

The administration recommends that the Planning Commission set a public hearing for their next regularly scheduled meeting to take public comment on the attached ordinance amendments.

A draft of the amendments to Division 3 Sec. 18-751-775 is attached as well as a sample resolution for the Planning Commission to consider.

Please feel free to contact me should you have any questions in advance of the meeting.

- **DIVISION 3. - NOXIOUS WEEDS**

- **Sec. 18-751. - Definitions.**

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Noxious weeds includes Canada thistle (*Cirsium arvense*), dodders (any species of *Cuscuta*), mustards (Charlock, black mustard and Indian mustard; species of *Brassica*, or *Sinapis*), wild carrot (*Daucus carota*), bindweed (*Convolvulus arvensis*), perennial sowthistle (*Sonchus arvensis*), hoary alyssum (*Berteroa incana*), quack-grass (*Syropyron repens*), crab-grass (*Digitaria sanguinalis*), poison ivy (*Rhus toxicodendron*), poison sumac (*Rhus vernie*), ragweed, goldenrod, and all weeds or grasses over eight inches in height, on the average, or other plants or grasses which, in the opinion of the city commission, shall be regarded as a common nuisance.

(Code 1982, § 9.61; Ord. No. 86-3, § 1, 3-17-86; Ord. No. 2006-2, § 2, 7-17-06)

Cross reference— Definitions generally, § 1-2.

- **Sec. 18-752. - Duty to cut.**

It shall be the duty of every owner, occupant, or person having charge of any land within the city to cut down or cause to be cut down and destroyed all noxious weeds ~~prior to May 15~~ in each year and to again destroy same ~~prior to August 1~~, and as often as may be necessary to prevent same from going to seed or exceeding a height of eight inches, on the average.

(Code 1982, § 9.62; Ord. No. 86-3, § 2, 3-17-86; Ord. No. 2006-2, § 2, 7-17-06)

- **Sec. 18-753. - Cutting by city.**

If any owner, occupant or person having charge of any land within the city shall refuse or neglect to cut and destroy all noxious weeds as provided in this division, then the city manager shall cause the land to be entered upon by city employees or a city contractor for the purpose of cutting and destroying such weeds and such entering upon shall not be deemed a trespass.

(Code 1982, § 9.63)

- **Sec. 18-754. - Costs.**

The city manager or his agent shall cause to be kept an accurate account of expense incurred for each lot or parcel of land in carrying out the provisions of section 18-753 and such expense shall be charged against such lot or premises and collected by giving notice thereof to the owner of the

premises. If such expense or charge shall not be paid the same shall be assessed against the premises and collected as provided by section 14.26 12.22 of the city Charter.

(Code 1982, § 9.64)

- **Sec. 18-755. - Notice.**

It shall be the duty of the city manager or his agent to post notices in not less than three conspicuous places within the city and to publish a copy of the notice issued under this division at least once in a newspaper of general circulation within the city, ~~not less than ten days prior to the time when such weeds must be cut~~ each calendar year, prior to the growing season. In the alternative, the city manager or his agent shall notify by certified first class mail or by posting notice in a conspicuous location on the property, ~~with return receipt requested~~, the owner, agent or occupant of any lands on which noxious weeds are found growing. Such notice shall require that the person having charge of such land cut down or cause to be cut down and destroyed all noxious weeds within ~~ten~~ seven days, and shall contain a summary of the provisions of this division. Failure of the city manager or his agent to give notice shall not, however, constitute a defense to any action to enforce the payment of any penalty provided for, or debt created under, the provisions of this division.

(Code 1982, § 9.65; Ord. No. 86-3, § 3, 3-17-86)

- **Sec. 18-756. - Penalty.**

Any owner, occupant, or person having charge of a lot or parcel of land, who shall refuse or neglect to cut down or cause to be cut down all noxious weeds shall, upon conviction, be subject to a fine not to exceed \$100.00 for the first offense, \$150.00 for the second offense, and \$200.00 for the third and each subsequent offense in the given growing season. Such amounts as are paid to the city under the provisions of this division shall be deposited into a special purpose fund to be known as the Noxious Weed Control Fund.

(Code 1982, § 9.66; Ord. No. 86-3, § 4, 3-17-86)

- **Secs. 18-757—18-775. - Reserved.**

CITY CHARTER

Section 12.22. Assessments On Single Lots.

When any expense shall be incurred by the City for sidewalks or upon or in respect to any separate or single lot, parcel of land or lands, or premises, which by the provisions of this Charter the Commission is authorized to charge and collect as a special assessment against the same, which is not of the class of special assessments required to be made pro rata upon several lots or parcels of land in a special assessment district, an account of the labor or services for which such expense was incurred, verified by the City Manager, with a description of the lot, and the name of the owner or person, if known, chargeable therewith, shall be reported to the Commission in such manner as it prescribes. The Commission shall determine what amount or part of the cost of any such expense shall be charged, and the person, if known, against whom, and the premises upon which, the same shall be levied as a special assessment. As often as the Commission shall deem it expedient, it shall require all of the several amounts so reported and determined, and the several persons chargeable therewith respectively to be notified by the Clerk either by first class mail, sent to their last known address as shown on the assessment roll of the City or by publication in a newspaper which is published or of general circulation in the City and by posting upon three or more of the official designated public posting boards of the City. Such notice shall state the basis of the assessment, the cost thereof, and shall give a reasonable time, which shall not be less than thirty days, in which payment shall be made. In all cases where payment is not made within the time limit, the same shall be reported by the Clerk to the Assessor who shall spread such amounts against the several persons or descriptions of real property chargeable therewith on the next tax roll for the collection of City taxes. The provisions of the preceding sections of this chapter, with reference to special assessments generally, and the proceedings necessary to be had before making the improvement shall not apply to assessments to cover the expenses incurred in respect to that class of improvements contemplated in this section.

Section 12.23. Additional Procedures.

In any case where the provisions of this chapter may prove to be insufficient to carry into full effect the making of any special assessment, and the financing thereof, the Commission shall provide by ordinance any additional steps or procedures required to effect the improvement by special assessment procedures.

Section 12.24. Special Assessment Accounts.

Except as otherwise provided in this Charter, moneys raised by special assessment to defray the cost of any local improvement shall be held in a special fund to pay such cost or to repay any money borrowed or advanced therefore. Except as otherwise provided in this chapter, each special assessment account must be used only for the purposes of the improvement project for which the assessment was levied.

Section 12.25. Nuisances.

The Commission may, by ordinance, declare acts or conditions which are or may be dangerous to the health, safety, or welfare of the inhabitants of the City to constitute hazards or nuisances, and shall, in such ordinance or ordinances, provide for the abatement thereof and may also provide that the costs of such abatement be charged against the real property on which the hazard or nuisance is located and the owner thereof, as a special assessment.

Section 12.26. Hazards Constituting Nuisances.

When any lot, building, or structure within the City, because of accumulation of refuse, or debris, the uncontrolled growing of noxious weeds, or of age or dilapidation, or because of any other condition or happening, becomes, in the opinion of the Commission, a public hazard or nuisance which is dangerous to the health, safety, or welfare of the inhabitants of the City or of those residing or habitually going near such lot, building, or structure, the Commission may, after

Sample Resolution

The following resolution was made by Commissioner _____ and seconded by
Commissioner _____.

WHEREAS The Administration has recommended several amendments to Division 3 Sec. 18-751-775 of the City Code of Ordinances, and

WHEREAS The Planning Commission has reviewed the suggested ordinance amendments, and

WHEREAS A public hearing is required to be held to receive public comment on the proposed ordinance amendments,

NOW THEREFORE BE IT RESOLVED THAT the Planning Commission does hereby set a public hearing to take public comment on amendments to Division 3 Sec. 18-751-775 at their next regularly scheduled meeting

Administrative Recommendation

To: City of Plymouth Planning Commission
From: John Buzuvis, Community Development Director
CC: S:\DDA\Shared Files\John\Community Development\Planning Commission\Administrative Recommendations
Date: 2/5/2016
Re: Sidewalks to be Cleared Ordinance Amendments

BACKGROUND:

In an effort to maintain the most up-to-date property maintenance requirements the administration, in conjunction with the Planning Commission Chairman, has begun reviewing several of the ordinances related to property maintenance. As part of that process the administration is suggesting several amendments to the following sections of the Code of Ordinances: Sidewalks to be Cleared (Sec. 62-89) and Expense of clearing (Sec. 62-90). The amendments are 'housekeeping' in nature and are aimed at clarifying ambiguous parts of the ordinance to better reflect code enforcement best practices. These ordinances have not been amended since 1982. Below is a brief overview of what the amendments will accomplish

Sidewalks to be Cleared (Sec.62-89):

- Clarify language requiring the clearing of sidewalks of snow, ice, dirt and/or debris

Expense of Clearing (Sec.62-90)

- Clarify the billing time frame for property owners to pay the expense of the city having caused the sidewalks to be cleared

RECOMMENDATION:

The administration recommends that the Planning Commission set a public hearing for their next regularly scheduled meeting to take public comment on the attached ordinance amendments.

A draft of the amendments to Sec. 62-89 and Sec. 62-90 is attached as well as a sample resolution for the Planning Commission to consider.

Please feel free to contact me should you have any questions in advance of the meeting.

- **Sec. 62-89. - Sidewalks to be cleared.**

Every owner or occupant of any lot or parcel of land adjoining any Right-of-Way street or public place in the city along ~~or across~~ which there shall be is a sidewalk shall, within 24 hours after the same has fallen or formed, remove ~~or cause to be removed~~ any snow or ice which may have fallen or accumulated or dirt or debris on such sidewalks ~~in front of or along any such lot, land or premises~~ and in case of neglect or refusal ~~so~~ to do so the city manager or his agent may forthwith cause the removal of same and the expense thereof shall be a lien upon such premises.

(Code 1982, § 4.53)

- **Sec. 62-90. - Expense of clearing.**

~~Report of snow or ice or dirt or debris removals shall be made promptly to the clerk by the superintendent of public works, setting forth the names of the owner or occupant of each lot or parcel from the sidewalks of which snow or ice or dirt or debris has been removed, together with the expense thereof. Upon receiving such report the clerk shall give notice of such expense to the owner of the premises and demand payment thereof to the treasurer within 35 days. Such notice shall be given by first class mail sent to the last known address of the owner and occupant (as shown on the assessment roll of the city) or by publication. Where payment is not made within such time limit the clerk shall report this fact to the assessor who shall spread such amounts charged against the several persons or descriptions of real property chargeable therewith on the next tax roll for the collection of city taxes.~~

The city manager or his agent shall cause to be kept an accurate account of expense incurred for each lot or parcel of land and such expense shall be charged against such lot or premises and collected by giving notice thereof to the owner of the premises. If such expense or charge shall not be paid the same shall be assessed against the premises and collected as provided by section 12.22 of the city Charter.

CITY CHARTER

Section 12.22. Assessments On Single Lots.

When any expense shall be incurred by the City for sidewalks or upon or in respect to any separate or single lot, parcel of land or lands, or premises, which by the provisions of this Charter the Commission is authorized to charge and collect as a special assessment against the same, which is not of the class of special assessments required to be made pro rata upon several lots or parcels of land in a special assessment district, an account of the labor or services for which such expense was incurred, verified by the City Manager, with a description of the lot, and the name of the owner or person, if known, chargeable therewith, shall be reported to the Commission in such manner as it prescribes. The Commission shall determine what amount or part of the cost of any such expense shall be charged, and the person, if known, against whom, and the premises upon which, the same shall be levied as a special assessment. As often as the Commission shall deem it expedient, it shall require all of the several amounts so reported and determined, and the several persons chargeable therewith respectively to be notified by the Clerk either by first class mail, sent to their last known address as shown on the assessment roll of the City or by publication in a newspaper which is published or of general circulation in the City and by posting upon three or more of the official designated public posting boards of the City. Such notice shall state the basis of the assessment, the cost thereof, and shall give a reasonable time, which shall not be less than thirty days, in which payment shall be made. In all cases where payment is not made within the time limit, the same shall be reported by the Clerk to the Assessor who shall spread such amounts against the several persons or descriptions of real property chargeable therewith on the next tax roll for the collection of City taxes. The provisions of the preceding sections of this chapter, with reference to special assessments generally, and the proceedings necessary to be had before making the improvement shall not apply to assessments to cover the expenses incurred in respect to that class of improvements contemplated in this section.

Section 12.23. Additional Procedures.

In any case where the provisions of this chapter may prove to be insufficient to carry into full effect the making of any special assessment, and the financing thereof, the Commission shall provide by ordinance any additional steps or procedures required to effect the improvement by special assessment procedures.

Section 12.24. Special Assessment Accounts.

Except as otherwise provided in this Charter, moneys raised by special assessment to defray the cost of any local improvement shall be held in a special fund to pay such cost or to repay any money borrowed or advanced therefore. Except as otherwise provided in this chapter, each special assessment account must be used only for the purposes of the improvement project for which the assessment was levied.

Section 12.25. Nuisances.

The Commission may, by ordinance, declare acts or conditions which are or may be dangerous to the health, safety, or welfare of the inhabitants of the City to constitute hazards or nuisances, and shall, in such ordinance or ordinances, provide for the abatement thereof and may also provide that the costs of such abatement be charged against the real property on which the hazard or nuisance is located and the owner thereof, as a special assessment.

Section 12.26. Hazards Constituting Nuisances.

When any lot, building, or structure within the City, because of accumulation of refuse, or debris, the uncontrolled growing of noxious weeds, or of age or dilapidation, or because of any other condition or happening, becomes, in the opinion of the Commission, a public hazard or nuisance which is dangerous to the health, safety, or welfare of the inhabitants of the City or of those residing or habitually going near such lot, building, or structure, the Commission may, after

