PLYMOUTH CITY COMMISSION
REGULAR MEETING AGENDA

LIONS PARK - BURROUGHS & FAIRGROUND

Monday, July 18, 2016 - 7:00 p.m.

201 S. MAIN ST., PLYMOUTH, MI 48170 Ph (734) 453-1234 Fax (734) 455-1892 http://www.ci.plymouth.mi.us

1) **CALL TO ORDER**
   a) Pledge of Allegiance
   b) Roll Call

2) **CITIZENS COMMENTS**

3) **APPROVAL OF THE AGENDA**

4) **ENACTMENT OF THE CONSENT AGENDA**
   a) Approval of July 5, 2016 City Commission Regular Meeting Minutes
   b) Approval of June, 2016 Bills
   c) Special Event: Stanley Cup Event, 8/14/16

5) **COMMISSION COMMENTS**

6) **OLD BUSINESS**
   a) Zoning Ordinance Update - Front Porches - 2nd Reading

7) **NEW BUSINESS**
   a) Sidewalk/Snow Removal Ordinance Amendments - 1st Reading
   b) Grass/Weed Ordinance Ordinance Amendments - 1st Reading

8) **REPORTS AND CORRESPONDENCE**

9) **ADJOURNMENT**

Citizen Comments - This section of the agenda allows up to 3 minutes to present information or raise issues regarding items not on the agenda. Upon arising to address the Commission, speakers should first identify themselves by clearly stating their name and address. Comments must be limited to the subject of the item.

Persons with disabilities needing assistance with this should contact the City Clerk's office at 734-453-1234 Mon-Fri from 8:00am -4:30pm, at least 24 hours prior to the meeting. An attempt will be made to make reasonable accommodations.

Consent Agenda- The items on the Consent Agenda will be approved by one motion as Agenda Item #4. There will be no separate discussion of these items unless a Commissioner or Citizen so requests, in which case that item will then be placed on the regular agenda.

PLEASE NOTE MEETING LOCATION

City of Plymouth 2016 Goals

- Resolve Last Issues Regarding Dissolution of Plymouth Community Fire Department Agreement (Primarily Pension issues) ***Champions: Dalton, Dwyer, Valenti***

- 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. ***Champions: Dalton, Deal, Dwyer***

- Developing a succession plan for the city's key employees, especially considering the long tenures of many of our senior staff. ***Champions: Deal, Pobur, Valenti***

- Develop funding plan for future capital improvements ***Champions: Pobur, Wolcott, Wright***

- 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. ***Champions: Deal, Wolcott, Wright***

CITY OF PLYMOUTH

CITY COMMISSION MEETING MINUTES

TUESDAY, JULY 5, 2016, 7:00 p.m.

CALL TO ORDER:

PRESENT: Mayor Daniel Dwyer (arrived at 7:22 p.m.), Mayor Pro-tem Oliver Wolcott (presided over the meeting); Commissioners Mike Wright, Daniel Dalton, Suzie Deal

ABSENT: Commissioners Colleen Pobur and Joe Valenti, excused

Also present was City Manager Paul Sincock, and sitting in for City Attorney Robert Marzano was Macia Abdulla. Various City Department Heads were also present.

CITIZEN COMMENTS: None

APPROVAL OF THE AGENDA:

3. A motion was made by Commissioner Dan Dalton and seconded by Commissioner Mike Wright for approval of the Agenda for Tuesday, July 5, 2016.

MOTION PASSED

ENACTMENT OF THE CONSENT AGENDA:

4a. Approval of the June 20, 2016 City Commission Regular Meeting Minutes
4b. Special Event: Bumpers, Bikes & Bands, Sunday, 7/17/2016

A motion was made by Commissioner Mike Wright and seconded by Commissioner Suzie Deal for approval of the Consent Agenda for Tuesday, July 5, 2016.

MOTION PASSED

COMMISSION COMMENTS: None

OLD BUSINESS- None

NEW BUSINESS:

7a. Zoning Ordinance Update – Front Porches -

RES. #2016-63

WHEREAS, The City Commission of the City of Plymouth has had a First Reading of proposed amendments to the Definitions, Single Family, Two Family, Schedule of Regulations, Miscellaneous Provisions (projections into setbacks) and Parking, Loading Requirements; and

WHEREAS, The City of Plymouth Planning Commission has drafted the proposed language and held a Public Hearing to take public comments on the amended language on May 11, 2016; and

WHEREAS, The City of Plymouth Planning Commission voted to forward the proposed text amendments to the Definitions, Single Family, Two Family, Schedule of Regulations, Miscellaneous Provisions and Parking, Loading Requirements and further authorizes the above noted text amendments be scheduled for a second reading at the next regularly scheduled City Commission meeting.

A motion was made by Commissioner Dan Dalton and seconded by Commissioner Mike Wright for approval of the resolution.

MOTION PASSED

7b. Sidewalk and Utility Patch Repair Contract –

RES. #2016-64

WHEREAS, It is the goal of the City Commission to Improve Public Spaces and the Infrastructure of the City; and

WHEREAS, There is a need to inspect sidewalks around the City to insure that they are safe and City shall inspect one-quarter of the City each year; and

WHREAS, There is a need to repair utility patches in the roadway or sidewalks that were a result of the City doing utility work; and

NOW THEREFORE BE IT RESOLVED THAT the City Commission of the City of Plymouth does hereby authorize an extension of the unit based bid of Rotondo

Construction, Inc. of Farmington Hills, Michigan not to exceed $85,073.75 based on their bid submittal:

*Remove and Replace 4" Concrete Sidewalk	$5.25 per S.F.
*Remove and Replace 6" concrete drive approach and 6" sidewalk	$6.25 per S.F.
*Remove and Replace 6" sidewalk ramps (MDOT)	$9.00 per S.F.
*Remove and Replace concrete curb and gutter for curb drop	$29.00 per L.F.
*Remove and Replace 8" concrete pavement and integral curb	$58.50 per S.Y.
*Remove and Replace bituminous pavement/cold patch & replace w/8" concrete pavement	$59.85 per S.Y.
*Adjust Structure (up to 1 foot)	$75.00 each
*Reconstruct Structure	$75.00 V.F.
*Replaster Structure	$75.00 each

BE IT FURTHER RESOLVED THAT the City Commission of the City of Plymouth does hereby establish the following criteria for sidewalk repairs.

- SETTLEMENT/HEAVING – A rise or drop of approximately ¾ of an inch or more between any two (2) sections of sidewalk.
- CRACKING – More than two (2) cracks of one-quarter (1/4) inch in width or more in any two (2) lineal feet of sidewalk section.
- SCALING – If, in any five (5) foot lineal section of sidewalk, more than twenty-five (25%) percent of the surface area has scaled off to a depth of one-quarter (1/4) inch or greater, that section of sidewalk shall be replaced
- TOO FLAT – The concrete has dipped to allow water to pond to a depth of three-quarters (3/4) of an inch or more.
- CITY REPAIRS – The City of Plymouth shall be responsible for expenses related to the installation of new-handicapped ramps at the corners and for any sidewalk flags that have manhole covers in them. In addition, the City shall attempt to locate the responsible party for damage caused to sidewalks by utility dig ups. The City shall NOT be responsible for raised sidewalks due to tree roots and it remains the policy of the City NOT to remove live healthy trees.

A motion was made by Commissioner Mike Wright and seconded by Commissioner Suzie Deal for approval of the resolution.

MOTION PASSED

7c. Parking Policy Update – extend Parking Enforcement to 11:00 p.m. –

RES. #2016-65

WHEREAS, The City Commission established a Parking Policy in November of 2004; and

WHEREAS, From time to time the Parking Policy needs to be updated and most recently the City Administration is recommending changes to the Parking Policy related to overnight on street parking.

NOW THEREFORE BE IT RESOLVED THAT THE City Commission of the City of Plymouth does hereby adopt the following highlighted sections to the Parking Policy.

CENTRAL. PARKING LOT/STRUCTURE PARKING TIME LIMITS

All parking spaces on the lower level of the Central Parking Lot shall be limited to THREE HOUR parking (70-116). All parking time limit restrictions shall be enforced between the hours of 9:00 a.m. to 11:00 p.m. Monday through Saturday, except designated holidays.

Signs shall be posed at the entrance to the lower level to indicate the time restrictions for all spaces (70-116).

The upper level of the parking deck shall be limited to eight hour parking and residential parking with permits. The upper level of the parking deck shall have time limits enforced between the hours of 6:00 a.m. to 11:00 p.m., Monday through Saturday, expect designated holidays.

ON STREET OR PUBLIC PARKING LOT MARKED PARKING SPACES (Commercial Areas):

On Street Parking Spaces and public parking lots in the Old Village Commercial Area shall be limited to Two (2) Hour maximum parking times. On Street Parking in the downtown commercial district, also known as the Downtown Development District shall be limited to a two (2) hour maximum parking time.

Parking in the Penniman Parking Surface Lot shall be limited to either three or eight hour parking in designated areas as determined by the City Manager. Parking restrictions in these areas of the City shall be enforced Monday through Saturday between the hours of 9:00 a.m. and 11:00 p.m. except designed holidays.

Signs shall indicate the parking time restriction as well as the enforcement times.

A motion was made by Commissioner Dan Dalton and seconded by Commissioner Mike Wright for approval of the resolution.

MOTION PASSED

7d. Charter Amendment – Election Filing Timing –

RES. #2016-66

WHEREAS, There is a need to amend the Charter for the City of Plymouth from time to time to bring certain areas into compliance with State Law.

WHEREAS, State Elections supersedes the charter language for the City of Plymouth and therefore the City of Plymouth needs to amend Chapter 10, Section 10.9, Nomination Petitions to appear on the ballot for November 8, 2016 as follows:

CITY OF PLYMOUTH CHARTER AMENDMENT

The purpose of the proposed amendment to Section 10.9 of the Plymouth City Charter is to make it consistent with state law. The City Charter currently requires candidates to file petitions by the 12th Tuesday before the August Primary. A recent change in state law now requires candidates to file petitions by the 15th Tuesday before the August Primary.

Section 10.9 – Nominating Petitions

> **Persons desiring to qualify as candidates for any office under this Charter shall file an official petition therefore with the clerk signed by not less than forty (40) or more than one-hundred (100) registered electors of the City. Such petitions shall be filed with the Clerk, along with such affidavit of identity that may be required by State Law by no later than the deadline date and time as provided by State Law.**

Shall Chapter 10, Section 10.9 of the Plymouth City Charter be amended to eliminate the current filing deadline time frame and change the filing dates to the date compliant with State Law?

YES _____

NO _____

NOW, THEREFORE BE IT RESOLVED that pursuant to MCL 117.21(1) an amendment to an existing City Charter may be proposed by the legislative body, the amendment

"shall" be submitted to the electors of the City at the next regular municipal or general state election, which would be November 8, 2016. An Amendment being proposed will need to have a 3/5 vote of the members-elect. The language was changed by legislature and beginning January 1, 2014 the various county, township and city clerk's shall receive nominating petitions or filing fees filed under State Election Law, Section 551, under this act up to 4 p.m., eastern standard time, of the fifteenth Tuesday before the August Primary.

THEREFORE, The City Commission is proposing an amendment to Charter Section 10.9, Nominating Petitions, of the City Charter and requesting that the City Attorney and City Clerk proceed with the ballot language to be forwarded to the City Election Commission, the State and County to be approved for the ballot for November 8, 2016 election.

A motion was made by Mayor Daniel Dwyer and seconded by Commissioner Mike Wright for approval of the resolution.

MOTION PASSED

8. REPORTS AND CORRESPONDENCE: None

9. ADJOURNMENT:

Hearing no further business, a motion was made by Commissioner Dan Dalton and seconded by Mayor Daniel Dwyer for adjournment of the meeting at 7:28 p.m.

MOTION PASSED

DANIEL DWYER
MAYOR

LINDA LANGMESSER
CITY CLERK

City of Plymouth
SPECIAL EVENT APPLICATION

>> FEES WILL BE CHARGED FOR ALL SPECIAL EVENTS <<

Complete this application in accordance with the City of Plymouth Special Events Policy, and return it to the City Manager's Office at least 21 Calendar days prior to the starting date of the event.

Sponsoring Organization's Legal Name Kevin Porter

Ph# (734)560-8256 Fax# _____ Email Kports11@gmail.com Website _____

Address 1067 Linden St City Plymouth State MI Zip 48170

Sponsoring Organization's Agent's Name Kevin Porter **Title** _____

Ph# _____ Fax# _____ Email _____ Cell# _____

Address _____ City _____ State _____ Zip _____

Event Name Stanley Cup Event

Event Purpose Allow local residents to see and have their picture taken with the Stanley Cup

Event Date(s) Sunday August 14th

Event Times 10am - 12pm

Event Location Kellogg Park

What Kind Of Activities? _____

What is the Highest Number of People You Expect in Attendance at Any One Time? Unknown

Coordinating With Another Event? YES ☐ **NO** ☑ **If Yes, Event Name:** _____

Event Details: (Provide a detailed description of all activities that will take place. Attach additional sheets if necessary.)

I would like to bring the Stanley Cup to Kellogg Park on Sunday August 14th from 10am to 12pm. The event will be free to the public. This includes autographs and photographs with the Stanley Cup. I would like to encourage people to donate to my Cousin Emma Ostrowski's medical expense fund. Emma is a 13 year old who is battling a rare Cancer (GIST). For the event we would like to use the band Shell. I envision people entering the stage from the west end stairs and exiting down the east end stairs. I will need a table and Chairs Center Stage for the Cup to sit on and for me to sit at to sign autographs. I would also like a donation table at either end of the Stage for Emma. I will arrive approximately 10-15 minutes before 10am to set up and be ready for visitors by 10am. I will be leaving promptly at noon. I would like this to be a co-sponsored event, it gives the City and residents of Plymouth a rare chance to see and take photographs with the Stanley Cup. I feel that having the Stanley Cup in Plymouth is good for the City's public image and is of general interest to the public.

1. **TYPE OF EVENT:** Based on Policy 12.2, this event is: *(Weddings Ceremonies – Please Review Section 12.2 f.)*

City Operated ☐ Co-sponsored Event ☑ Other Non-Profit ☐ Other For-Profit ☐ Political or Ballot Issue ☐

2. **ANNUAL EVENT: Is this event expected to occur next year? YES ☐ NO ☑**

If Yes, you can reserve a date for next year with this application (see Policy 12.15). To reserve dates for next year, please provide the following information:

Normal Event Schedule (e.g., third weekend in July): _____

Next year's specific dates: _____

****See section 12.13 for license & insurance requirements for vendors****

3. **FOOD VENDORS/ CONCESSIONS?** YES ☐ NO ☑ **OTHER VENDORS?** YES ☐ NO ☑

4. **DO YOU PLAN TO HAVE ALCOHOL SERVED AT THIS EVENT?** YES ☐ NO ☑

5. **WILL ALCOHOL BE SERVED ON PRIVATE PROPERTY AS PART OF THIS EVENT?** YES ☐ NO ☑

6. **WILL YOU NEED ELECTRICITY AND/OR WATER?** _____ YES ☐ NO ☑

CITY SERVICES REQUIRED? If needed, please attach a letter indicating all requests for City Services. *(see Attachment B)*

_____

_____

_____

7. **AN EVENT MAP IS ☐ IS NOT ☐** attached. If your event will use streets and/or sidewalks (for a parade, run, etc.), or will use multiple locations, please attach a complete map showing the assembly and dispersal locations and the route plan. Also show any streets or parking lots that you are requesting to be blocked off.

8. **EVENT SIGNS:** Will this event include the use of signs? **YES ☐ NO ☑**
If Yes, refer to Policy 12.8 for requirements, and describe the size and location of your proposed signs: **Please complete a sign illustration / description sheet and include with the application.**

Signs or banners approved by the City of Plymouth for Special Events shall be designed and made in an artistic and workman like manner. THE CITY MANAGER MUST APPROVE ALL SIGNS. SIGNS CANNOT BE ERECTED UNTIL APPROVAL IS GIVEN.

Signs and/or Banners may be used during the event only. Please refer to Special Event Policy for information related to the installation of banners on Downtown Street Light Poles in advance of event. NO SIGNS ARE ALLOWED IN THE PARK IN ADVANCE OF THE EVENT.

9. **UNLIMITED PARKING:** Are you requesting the removal of time limits on parking (see Policy 12.5)?
YES ☐ NO ☑
If Yes, list the lots or locations where/why this is requested:

_____

_____

10. **CERTIFICATION AND SIGNATURE:** I understand and agree on behalf of the sponsoring organization that

a. A Certificate of Insurance must be provided which names the City of Plymouth as an additional named insured party on the policy. (See Policy 12.10 for insurance requirements)

b. Event sponsors and participants will be required to sign Indemnification Agreement forms (refer to Policy 12.12).

c. All food vendors must be approved by the Wayne County Health Department, and each food and/or other vendor must provide the City with a Certificate of Insurance which names the City of Plymouth as an additional named insured party on the policy. (See Policy 12.13)

d. The approval of this Special Event may include additional requirements and/or limitations, based on the City's review of this application, in accordance with the City's Special Event Policy. The event will be operated in conformance with the Written Confirmation of Approval.
(see Policy 12.11 and 12.16)

e. The sponsoring organization will provide a security deposit for the estimated fees as may be required by the City, and will promptly pay any billing for City services which may be rendered, pursuant to Policy 12.3 and 12.4.

As the duly authorized agent of the sponsoring organization, I hereby apply for approval of this Special Event, affirm the above understandings, and agree that my sponsoring organization will comply with City's Special Event Policy, the terms of the Written Confirmation of Approval, and all other City requirements, ordinance and other laws which apply to this Special Event.

7/8/2016
Date

Kevin Porter
Signature of Sponsoring Organization's Agent

RETURN THIS APPLICATION at least twenty (21) days prior to the first day of the event to:

City Manager's Office
City Hall
201 S. Main Street
Plymouth MI 48170

Phone: (734) 453-1234 ext. 203

11. INDEMNIFICATION AGREEMENT

INDEMNIFICATION AGREEMENT

The Kevin Porter *(organization name)* agree(s) to defend, indemnify, and hold harmless the City of Plymouth, Michigan, from any claim, demand, suit, loss, cost of expense, or any damage which may be asserted, claimed or recovered against or from the Stanley Cup Event *(event name)* by reason of any damage to property, personal injury or bodily injury, including death, sustained by any person whomsoever and which damage, injury or death arises out of or is incident to or in any way connected with the performance of this contract, and regardless of which claim, demand, damage, loss, cost of expense is caused in whole or in part by the negligence of the City of Plymouth or by third parties, or by the agents, servants, employees or factors of any of them.

Signature Kevin Porter Date 7/8/2016

Witness John C Porter Date 7-8-16

EVENT REVIEW **EVENT NAME:** STANLEY CUP EVENT

(note: all fees are only initial estimates and can increase upon assessment of services after the close of the event).

MUNICIPAL SERVICES: **Approved** ☒ **Denied** ☐ (list reason for denial) **Initial** CP

1 FTE @ $61/HR = $244
TRUCK $15/HR = $60
OPEN / close BANDSHELL

$250 Bathroom Cleaning Fee Per Day of Event? **YES** ☐ **NO** ☒

Regular Time Costs: $ Overtime Costs: $ Equipment & Materials Costs: $

POLICE: **Approved** ☒ **Denied** ☐ **(list reason for denial)** **Initial**

1 OFFICER @ 3 HOURS = $228.00

Regular Time Costs: $ Overtime Costs: $ Equipment & Materials Costs: $

FIRE: **Approved** ☒ **Denied** ☐ (list reason for denial) **Initial** JR

~~No Services Needed~~
2 Firefighters

Regular Time Costs: $ 90.00 Overtime Costs: $ Equipment & Materials Costs: $

HVA: **Approved** ☐ **Denied** ☐ (list reason for denial) **Initial**

DDA: **Approved** ☒ **Denied** ☐ (list reason for denial) **Initial** SBP

Regular Time Costs: $ Ø Overtime Costs: $ Equipment & Materials Costs: $

RISK MANAGEMENT: **Approved** ☒ **Denied** ☐ (list reason for denial) **Initial** MB

Class I – Low Hazard ☐
Class II – Moderate Hazard ☒ NEED CERT OF INS. NAMING CITY
Class III – High Hazard ☐ AS ADDITIONAL INSURED
Class IV – Severe Hazard ☐

APPROVED: **NOT APPROVED:** **DATE:**

1/2 Pre-payment - Prior to event.

CITY OF PLYMOUTH
201 S. MAIN
PLYMOUTH, MI 48170
www.ci.plymouth.mi.us

ADMINISTRATIVE RECOMMENDATION

To: Mayor & City Commission

From: Paul J. Sincock – City Manager

CC: *S:\MANAGER\Sincock Files\Memorandum - Zoning Ordinance Updates Final Reading Front Porches 07-18-16.doc*

Date: 7/14/2016

Re: Updates to Zoning Ordinance - Front Porches

BACKGROUND:

The City Planning Commission has been working on a number of updates to the City's Zoning Ordinances. Several updates involve sizing and mass of new homes. This update is related to front porches and has been reviewed by the Planning Commission.

We have attached a copy of a memorandum from our Community Development Director John Buzuvis which outlines the changes that the Planning Commission is requesting.

The Planning Commission held a Public Hearing on these proposed changes on May 11, 2016 and we have attached those meeting Minutes as well for additional background information.

This will be the second Reading and final action on this item by the City Commission. The First Reading of this proposed Ordinance took place before the City Commission on July 5, 2016. The Public Hearing has been held by the Planning Commission, so there is no requirement for additional Hearing Notices to be published.

RECOMMENDATION:

The City Planning Commission has recommended to the City Commission a number of changes in the Zoning Ordinances. The changes are highlighted in the attached documents and we have provided a proposed Resolution for the Second and Final Reading for the City Commission to consider.

Should you have any questions in advance of the meeting please feel free to contact either John Buzuvis or myself.

CITY OF PLYMOUTH
201 S. MAIN
PLYMOUTH, MI 48170
www.ci.plymouth.mi.us

ADMINISTRATIVE RECOMMENDATION

To: Paul J. Sincock, City Manager

From: John Buzuvis, Community Development Director

CC: S:\DDA\Shared Files\John\Community Development\Ordinances

Date: 7/14/2016

Re: Zoning Ordinance Text Amendment-First Reading-Front Porches/Porte Cocheres/Projections into Setbacks/Driveway Standards

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BACKGROUND:

As you are aware the City Commission completed a first reading of zoning ordinance amendments related to incentive front porches for existing homes with detached garages, porte cochere standards, projections into setbacks and driveway standards at their July 5th meeting. At the conclusion of the first reading of the enclosed ordinance text amendments the City Commission approved the amended language and scheduled a second reading of the amendments for their July 18, 2016 regular meeting.

The referenced zoning amendments are a result of the Planning Commission's continued discussion(s) related to the subject of home sizing/massing. The Planning Commission is committed to creating/amending ordinances to encourage a built environment that is conducive to walkability.

The enclosed text amendments have been reviewed and recommended by the Planning Commission for approval and enactment by the City Commission. Generally speaking the enclosed amendments accomplish the following:

- Allow front porches to encroach into front yard setbacks on existing homes if the garage is in the rear yard
- Require any new front-facing attached garages to be placed behind the front wall of the house
- Define what a porte cochere is and provide standards for the same on single family homes only (in both single and two family zoning districts)
- Prohibit generators in any required residential setback
- Clarify projections allowed into required front, side and rear yard setbacks (i.e. - balconies, bay windows, porches, decks, egress windows etc.)
- Add standards for residential driveways

The Planning Commission held a public-hearing on these amendments at their May 11, 2016 meeting. In addition the City Commission has approved the enclosed amendments after a first reading at their July 5, 2016 meeting. The City Attorney has reviewed these amendments and with a couple minor adjustments (already completed) is comfortable with the enactment of the same. Enclosed please find the ordinance amendments as recommended by the Planning Commission as well as the meeting minutes from the May 11, 2016 Public Hearing held by the Planning Commission.

RECOMMENDATION:

The administration would recommend that the City Commission hold a second reading to review the attached draft language. The administration would further recommend that the City Commission adopt the language at the conclusion of the second reading and authorize the City Clerk to publish the amendments which is the final required step to codifying the proposed amendments.

Attached please find a copy of the draft language and a sample resolution for the commission to consider. Should you have any questions in advance of the meeting please feel free to contact me.

PUBLIC HEARING MEETING MINUTES MAY 11, 2016

CITY OF PLYMOUTH
201 S. Main
Plymouth, MI 48170
www.ci.plymouth.mi.us

PLANNING COMMISSION - REGULAR MEETING MINUTES
Wednesday, May 11, 2016

The regular meeting was called to order at 7:05 P.M. by Chairperson Mulhern.

1. ROLL CALL

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

MEMBERS ABSENT: Conrad Schewe and Karen Sisolak

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

2. CITIZEN COMMENTS:

Adam Szymczak, 333 Sunset, was in favor of the goals for walkability but would like some leniency in variances for the new Ordinances taking place and for some who may be in the middle of plans that may need to be changed to abide by these new Ordinances. Mr. Szmczak asked for clarification of limitation of widths of porches in new construction verses existing homes, and the Commissioners decided to address this question during the Public Hearing portion on Ordinance amendments.

Paulette Longe, 690 Forest, spoke about larger homes built on small parcels. Ms. Longe would like to maintain the diversity within the City, but by also keeping in mind what size of home fits on a certain sized property.

Ed Krol, 1108 Beech, asked what the definition of height for a home is. Comm. Philips explained the height of a home is 25 feet, and is measured by the average of the eave to the ridge and this Ordinance has been in place for over thirty years.

3. APPROVAL OF MINUTES

A motion was made by Comm. Frisbie supported by Comm. Myslinski, to approve the meeting minutes from the April 13, 2016, as presented.

MOTION CARRIED UNANIMOUSLY.

4. APPROVAL OF AGENDA:

A motion was made by Comm. Frisbie supported by Comm. Philips, to approved the agenda adding Residential Vision onto Number 8. Report and Correspondence.

MOTION CARRIED UNANIMOUSLY.

PUBLIC HEARING MEETING MINUTES MAY 11, 2016

5. PUBLIC HEARINGS:

PUBLIC HEARING FOR ZONING ORDINANCE AMENDMENTS OF:

1. 78-21-Definitions,
2. 78-43, Single Family Dwelling Unit Standards
3. 78-53, Two Family Dwelling Unit Standards
4. 78-191- Notes to Schedule,
5. 78-217 - Projections into Setbacks
6. 78-273 - Residential Driveways

78-21-Definitions
Sally Elmiger, Planner, explained to the audience that the Code of Ordinances is located on the City's Website and can be used to look up any definition. Ms Elmiger explained the changes made to the Definitions portion of the ordinance, per her Memo dated, May 4th.

Comm. Philips wanted to clarify Mr. Szymczak's question regarding the width of porches in new construction verses existing homes. This proposed Ordinance is for existing single-family dwellings when constructing a new garage in the rear yard or have an existing garage in the rear to give them some relief on the construction of a front covered porch as an incentive to support walkability throughout the City. Comm. Philips explained the incentive Ordinance for new residential porches was created and then it was decided to extend some relief to the existing homes as well, but so that there were no unintended consequences, it was decided the widths of existing home porches would be allowed to have an 80 % coverage (width) across the front of the home and to encroach six feet into the required front yard setback without being calculated into the lot coverage.

Ms. Elmiger explained that the Planning Commission will make a recommendation to the City Commission to adopt these Ordinances.

Chairperson Mulhern Opened the Public Hearing at 7:26 PM
Adam Szymczak, 333 Sunset, asked about various percentages for encroachments. Comm. Philips answered that he felt unintended consequences could possibly arise and the Zoning Board of Appeals could determine if it was a reasonable request of the applicant. Mr. Szmczak also asked if the 80 % width would include just the floor area or all architectural elements including roof overhang. Ms Elmiger responded that it does not include the overhang just the main body of the porch.
Ed Krol, 1108 Beech, felt the smaller lot homes would be penalized and he would like the 80% dropped from the limitations and 100% put in instead, and this would also minimize the ZBA requests
Matt Thurber, 641 S. Harvey, spoke about his approved ZBA variance and was in agreement with the 100% for full width residential front porches. Mr. Thurber also spoke about the homeowner's having new additions on homes wanting large front porches.

There was discussion on existing homes regarding the 80% limitations of covered porches verses the 100% to promote the porches and walkability. Ms. Elmiger stressed that equity is important. Comm. Silvers explained the need of having a hardship when applying to the ZBA for variances.

Ms. Elmiger suggested modifying the Ordinance- For new home and existing home porches going into the required front yard setback, but exempting only the four foot of lot coverage for both.

78-43, Single Family Dwelling Unit Standards
78-53, Single Family Dwelling Unit Standards
Ms. Elmiger explained the changes made to two zoning districts R-1 and RT-1 standards. There was discussion on including photos or providing examples for Port Cocheres.

78-191- Notes to Schedule
78-217 - Projections into Setbacks
78-273- Residential Driveways
Ms. Elmiger explained the changes made to the Notes to Schedule, Projections into Setbacks and Residential Driveways portions of the Ordinance.
There was discussion on the 90 % averaging Ordinance on front yards. Front Yard averaging can be done in residential, RT-1, Office and Mixed Use zoning districts. The 90% front yard averaging Ordinance has a minimum averaged front yard setback for the incentive porch that shall not be less than 15 feet.
Chairperson Mulhern Closed the Public Hearing at 8:20 PM

A motion was made by Comm. Frisbie, supported by Comm. Frey to recommend to the City Commission for adoption:

1. **Section 78-21-Definitions,**
2. **78-43- Single Family Dwelling Unit Standards**
3. **78-53- Single Family Dwelling Unit Standards**
4. **78-191- Notes to Schedule,**
5. **78-217- Projections into Setbacks**
6. **78-273- Residential Driveways**

with the discussed revision changes.
YES FREY, FRISBIE, KEHOE, MYSLINSKI, SILVERS AND MULHERN.
NO PHILIPS
MOTION PASSES.

6. NEW BUSINESS:

1. SITE PLAN REVIEW FOR:

SP16-03 Cross Fit Forgiven
770 Davis
Zoned: B-1, Local Business
Applicant: Brent Gostomski

CITY OF PLYMOUTH
ZONING ORDINANCE
ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF PLYMOUTH TO DEFINE PORTE COCHERE, ALLOW A FRONT PORCH IN THE FRONT YARD SETBACK ON AN EXISTING RESIDENTIAL DWELLING IF THE GARAGE IS PLACED IN THE REAR YARD, REQUIRE FRONT FACING GARAGES TO BE PLACED BEHIND THE FRONT FACE OF THE DWELLING, PROVIDE STANDARDS FOR PORTE COCHERES ON SINGLE FAMILY DWELLINGS, PROHIBIT GENERATORS IN ANY RESIDENTIAL SETBACK, ALLOW PORTE COCHERES IN THE SIDE YARD SETBACK ON CERTAIN SIZED LOTS, AND ADD STANDARDS FOR RESIDENTIAL DRIVEWAYS.

Section 1. The City of Plymouth Ordains

Chapter 78-1 "Zoning" in the Code of Ordinances of the City of Plymouth is hereby amended by adding the following described text revisions:

Section 2. Modify the following articles **(additions are <u>underlined</u>, deletions are ~~struck-thru~~).**

ARTICLE II. – DEFINITIONS

[Modify Section 78-21 DEFINITIONS]

<u>Porte Cochere means an unenclosed, roofed structure located on the same lot, which extends from the principal dwelling 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.</u>

RECOMMENDED ORDINANCE AMENDMENTS

ARTICLE IV. – R-1 SINGLE FAMILY RESIDENTIAL DISTRICTS

[Modify Section 78-43 SINGLE FAMILY DWELLING UNIT STANDARDS]

Sec. 78-43. - Single family dwelling 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 unit shall conform to all applicable city codes and ordinances and state and federal requirements with respect to the construction of the dwelling.

(2) Dwelling unit 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~~ dwellings in the area.

(3) Dwelling unit shall be provided with exterior finish materials similar to the dwelling unit on adjacent properties or in the surrounding residential neighborhood.

(4) Dwelling unit shall be provided with roof designs and roofing materials similar to the dwelling unit on adjacent properties or in the surrounding residential neighborhood.

(5) Dwelling unit 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 unit 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 unit, 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~~ dwellings within 300 feet. If the area within 300 feet does not contain any such ~~homes~~dwellings, 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~~be located at least four feet ~~in front of~~behind the front façade ~~or covered porch~~ of the front exterior wall of the residential dwelling, but in no case shall be closer than thirty (30) feet from the front property line.

RECOMMENDED ORDINANCE AMENDMENTS

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

New single family ~~homes~~ dwellings 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~~ dwelling or as a free-standing detached garage) help to support walkability by:

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

a. 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~~1. The project includes construction of a new single family ~~residence~~ dwelling on the lot; and

~~b~~2. The project includes construction of a new garage which is located either in the rear of the new ~~building~~ dwelling (attached) or in the rear third of the lot (detached), or retains an existing detached garage for continued 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~~3. The front porch that is located in the front yard setback must be:

~~i~~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

~~ii~~2. No ~~less than four inches or~~ more than eight and one-quarter inches from the elevation of the ~~front door~~finished first floor (i.e., at-grade decks and patios are not eligible for the front yard porch exception); and

~~iii~~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

~~iv~~4. Covered with a roof; and

~~v~~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

~~d~~4. 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~~5. 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 "1" through "4" above.

6. The final Certificate of Occupancy for the residential dwelling shall not be issued until construction of the qualifying garage is complete.

(12) Front Porch Exception for Existing Single Family Dwellings

To support walkability throughout the city as described in (11) above, existing single family dwellings 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 existing dwelling must be occupied as of the date of adoption of this ordinance. Also, 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 dwelling (attached) or in the rear third of the lot (detached), or retains an existing detached garage for continued 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 more than eight and one-quarter inches from the elevation of the finished first floor (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

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. The qualifying existing garage or new garage must be constructed before constructing the front porch.

f. Existing residential dwellings with an existing attached garage that faces the street are not eligible for this front porch exception.

(13) **Porte-Cocheres on Single Family 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 may only be attached to a residential dwelling if the residential dwelling is set back a minimum of thirteen (13) feet from the side property line. A porte cochere shall be included in the lot coverage calculation and shall be constructed to meet all of the following standards:

a. Only one porte cochere is allowed per lot.

b. The porte cochere shall not be greater than 250 square feet in area.

c. The porte cochere shall meet the front yard setback requirement.

d. The porte cochere may be located within a side yard setback if the following requirements are met:

i. The existing lot width is sixty (60) feet wide or less, and

ii. The porte cochere is placed over a driveway that has a minimum width of nine (9) feet, and

i. The minimum distance between the dwelling wall and the opposite porte-cochere columns shall be 9.5 feet.

iv. No element of the porte cochere is located closer than two feet from the side property line, including overhangs and similar elements, but excluding gutters.

v. Columns located in the side yard setback shall not be greater than 18 inches square in size.

e. The clearance between the ground and the ceiling of the porte cochere shall be a minimum of eight (8) feet.

f. The maximum height to the top of the roof shall be no taller than the finished floor elevation of the second floor. The roof structure shall not exceed a 3/12 pitch.

g. 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 be unenclosed by walls, windows or other enclosure at the time it is constructed or at any time in the future.

h. 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.

i. The porte cochere shall be constructed of materials consistent with the main structure.

ARTICLE V. – RT-1 TWO FAMILY RESIDENTIAL DISTRICTS

[Modify Section 78-53 SINGLE FAMILY DWELLING UNIT STANDARDS]

Sec. 78-53. - Single family dwelling 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 unit shall conform to all applicable city codes and ordinances and state and federal requirements with respect to the construction of the dwelling.

(2) Dwelling unit 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~~ dwellings in the area.

(3) Dwelling unit shall be provided with exterior finish materials similar to the dwelling unit on adjacent properties or in the surrounding residential neighborhood.

(4) Dwelling unit shall be provided with roof designs and roofing materials similar to the dwelling unit on adjacent properties or in the surrounding residential neighborhood.

(5) Dwelling unit 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 unit 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~~ dwellings within 300 feet. If the area within 300 feet does not contain any such ~~homes~~dwellings, 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~~be located at least four feet ~~in front of~~behind the front façade ~~or covered porch~~ of the ~~living area for~~front exterior wall of the residential dwelling, but in no case shall be closer than thirty (30) feet from the front property line.

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

New single family ~~homes~~ dwellings 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~~ dwelling or as a free-standing detached garage) help to support walkability by:

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

a. 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~~1. The project includes construction of a new single family residence on the lot; and

~~b~~2. The project includes construction of a new garage which is located either in the rear of the new ~~building~~ dwelling (attached) or in the rear third of the lot (detached), or retains an existing detached garage for continued 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~~3. The front porch that is located in the front yard setback must be:

~~1~~i. 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~~ii. No ~~less than four inches or~~ more than eight and one-quarter inches from the elevation of the ~~front door~~finished first floor (i.e., at-grade decks and patios are not eligible for the front yard porch exception); and

~~3~~iii. 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~~iv. Covered with a roof; and

~~5~~v. 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

~~d~~4. 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.

e5. 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 "1" through "4" above.

6. The final Certificate of Occupancy for the residential dwelling shall not be issued until construction of the qualifying garage is complete.

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

To support walkability throughout the city as described in (11) above, existing single family dwellings 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 existing dwelling must be occupied as of January 1, 2016. Also, 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 dwelling (attached) or in the rear third of the lot (detached), or retains an existing detached garage for continued 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

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. The qualifying existing garage or new garage must be constructed before constructing the front porch.

f. Existing residential dwellings with an existing attached garage that faces the street are not eligible for this front porch exception.

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a. Only one porte cochere is allowed per lot.

b. The porte cochere shall not be greater than 250 square feet in area.

c. The porte cochere shall meet the front yard setback requirement.

d. The porte cochere may be located within a side yard setback if the following requirements are met:

i. The existing lot width is sixty (60) feet wide or less, and

ii. The porte cochere is placed over a driveway that has a minimum width of nine (9) feet, and

iii. The minimum distance between the dwelling wall and the opposite porte-cochere columns shall be 9.5 feet.

iv. No element of the porte cochere is located closer than two feet from the side property line, including overhangs and similar elements, but excluding gutters.

v. Columns located in the side yard setback shall not be greater than 18 inches square in size.

e. The clearance between the ground and the ceiling of the porte cochere shall be a minimum of eight (8) feet.

f. The maximum height to the top of the roof shall be no taller than the finished floor elevation of the second floor. The roof structure shall not exceed a 3/12 pitch.

g. 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 be unenclosed by walls, windows or other enclosure at the time it is constructed or at any time in the future.

h. 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.

i. The porte cochere shall be constructed of materials consistent with the main structure.

ARTICLE XVII. – SCHEDULE OF REGULATIONS

[Modify Section 78-191 NOTES TO SCHEDULE]

Sec. 78-191. – Notes to schedule.

(o) The established front setbacks for structures within established R-1, RT-1, MU, O-1 and O-2 zoning districts shall be at least 90 percent of the average front yard setback of surrounding buildings. The average setback and front building line shall be determined by examining existing buildings located on the same side of the street and within 200 feet of the subject parcel. If the resulting setback is less than 15 feet, then the allowed setback shall be no less than the allowed setback average. For a single family residential project that meets the "front porch exception" standards listed in 78-43(11) or (12), or 78-53(11) or (12), the average front setback shall be calculated using the front wall of the surrounding ~~buildings~~ dwellings rather than the edge of any existing porches. In any case, the minimum average front yard setback for an incentive porch shall not be less than fifteen (15) feet. The building official may exclude structures used in calculating average front setbacks when the structure deviates by more than 25 feet forward or back from the average setbacks of other structures found within 200 feet.

[No changes proposed to Sub-sections (p) 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

[Modify Section 78-217 PROJECTIONS INTO SETBACKS]

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
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:			
~~Mechanical equipment (i.e. a~~Air conditioning condensers~~. generators)~~	Not permitted	~~Not permitted~~4 feet	4 feet
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
Generators	Not permitted	Not permitted	Not permitted
Porch, uncovered	6 feet	Not permitted	12 feet, but limited to three feet high
Porte cochere (excluding gutters)	Not permitted	2 feet from property line	Not permitted
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

[Modify Section 78-273 RESIDENTIAL DRIVEWAYS]

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. Shall be a minimum of nine feet in width and clear of encumbrances such as columns.

b. Shall be located on the side of the new dwelling that is opposite any existing driveway on an adjacent parcel, when possible.

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.

(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.

RESOLUTION

The following Resolution was offered by Commissioner _____ and seconded by Commissioner _____.

WHEREAS The City Commission of the City of Plymouth has held a first and second reading of proposed amendments to the Definitions, Single Family, Two Family, Schedule of Regulation, Miscellaneous Provisions (projections into setbacks) and Parking, Loading Requirements of the City of Plymouth Zoning Ordinance, and

WHEREAS The City of Plymouth Planning Commission has drafted the proposed language and held a Public Hearing to take public comments on the amended language on May 11, 2016, and

WHEREAS The City of Plymouth Planning Commission voted to forward the proposed text amendments to the Definitions, Single Family, Two Family, Schedule of Regulations, Miscellaneous Provisions and Parking, Loading Requirements to the City Commission for review, approval, adoption and enactment,

NOW THEREFORE BE IT RESOLVED THAT the City Commission of the City of Plymouth does hereby adopt the following text amendments to the Definitions, Single Family, Two Family, Schedule of Regulations, Miscellaneous Provisions and Parking, Loading Requirements of the City of Plymouth Zoning Ordinances and further authorizes the City Clerk to publish the text amendments which is the final step to codify the language.

CITY OF PLYMOUTH
201 S. MAIN
PLYMOUTH, MI 48170
www.ci.plymouth.mi.us

ADMINISTRATIVE RECOMMENDATION

To: Mayor & City Commission

From: Paul J. Sincock – City Manager

CC: *S:\MANAGER\Sincock Files\Memorandum - Snow Removal Ordinance Amendments 1st Reading 07-18-2016.doc*

Date: 7/15/2016

Re: Ordinance Amendment - 1st Reading Sidewalks to be Cleared

---

BACKGROUND:

From time to time it is necessary to update our Ordinances. Our person who works part of his day on Code Enforcement issues has been doing it for over a year now and has suggested a few "housekeeping" changes to the Sidewalks to be cleared Ordinance or more commonly known as snow removal is required Ordinance. Probably the most significant change is updating how we will bill the property owner. Again, some of our "regular" violators attempt to avoid paying due to the process of billing. The revised language makes it much easier for our Ordinance Enforcement person to obtain compliance and spend less time on the phone discussing the issue with our "regulars."

There is an attachment memorandum from Code Enforcement Officer Adam Gerlach and John Buzuvis attached which will provide some additional background information.

We will schedule the required Public Hearing on these "housekeeping" changes for the next regular meeting of the City Commission along with the second reading of the Ordinance.

RECOMMENDATION:

The City Administration recommends that the City Commission adopt the 1st Reading of the Amendments to the Sidewalks to be Cleared Ordinance. The City Administration will then schedule a Public Hearing to be held before the City Commission along with a Second Reading of the Ordinance Changes.

Again, this will be the First Reading of the Ordinance Changes and we have attached a proposed Resolution for the City Commission to consider regarding this matter. Should you have any questions in advance of the meeting please feel free to contact me.

CITY OF PLYMOUTH
201 S. MAIN
PLYMOUTH, MI 48170
www.ci.plymouth.mi.us

Administrative Recommendation

To: Paul J. Sincock, City Manager

From: John Buzuvis, Community Development Director
Adam Gerlach, Code Enforcement Officer

CC: S:\DDA\Shared Files\John\Community Development\Planning Commission\Administrative Recommendations

Date: 7/15/2016

Re: Sidewalks to be Cleared

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 City 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 City Commission to consider.

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

PROPOSED ORDINANCE LANGUAGE

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.

RESOLUTION

The following Resolution was offered by Comm. _____ and seconded by Comm. _____.

WHEREAS From time to time it is necessary for the City to update some of its Ordinances and

The City Administration has recommended that the City Commission update what is

is commonly known as the Noxious Weeds Ordinance,

NOW THEREFORE BE IT RESOLVED THAT the City Commission of the City of Plymouth does hereby establish a Public Hearing for public comment on the proposed Ordinance Changes on the Sidewalks to be cleared Ordinance for the next regularly scheduled City Commission meeting on August 1, 2016.

BE IT FURTHER RESOLVED THAT the City Commission of the City of Plymouth does hereby adopt Amendments to the Code of Ordinances for the City of Plymouth, Sections 62-89 through 62-90 at their First Reading before the City Commission.

CITY OF PLYMOUTH
201 S. MAIN
PLYMOUTH, MI 48170
www.ci.plymouth.mi.us

ADMINISTRATIVE RECOMMENDATION

To: Mayor & City Commission

From: Paul J. Sincock – City Manager

CC: [Click **here** and type name]

Date: 7/15/2016

Re: Ordinance Amendment - 1st Reading Noxious Weeds

BACKGROUND:

From time to time it is necessary to update our Ordinances. Our person who works part of his day on Code Enforcement issues has been doing it for over a year now and has suggested a few "housekeeping" changes to the Noxious Weeds Ordinance. Probably the most significant change is removing the May 15th and August 1st dates, which some of our "regular" violators of the Ordinance take as they only have to mow the lawns twice a year.

There is an attachment memorandum from Code Enforcement Officer Adam Gerlach and John Buzuvis attached which will provide some additional background information.

We will schedule the required Public Hearing on these "housekeeping" changes for the next regular meeting of the City Commission along with the second reading of the Ordinance.

RECOMMENDATION:

The City Administration recommends that the City Commission adopt the 1st Reading of the Amendments to the Noxious Weeds Ordinance. The City Administration will then schedule a Public Hearing to be held before the City Commission along with a Second Reading of the Ordinance Changes.

Again, this will be the First Reading of the Ordinance Changes and we have attached a proposed Resolution for the City Commission to consider regarding this matter. Should you have any questions in advance of the meeting please feel free to contact me.

CITY OF PLYMOUTH
201 S. MAIN
PLYMOUTH, MI 48170
www.ci.plymouth.mi.us

Administrative Recommendation

To: City of Plymouth Planning Commission

From: John Buzuvis, Community Development Director
Adam Gerlach, Code Enforcement Officer

CC: S:\DDA\Shared Files\John\Community Development\Planning Commission\Administrative Recommendations

Date: 7/15/2016

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 City 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 City Commission to consider.

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

PROPOSED ORDINANCE LANGUAGE

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 (Circium 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 grass and/or 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 grass and/or noxious weeds as provided in this division, then the city manager or his agent shall cause the land to be entered upon by city employees or a city contractor for the purpose of cutting and destroying such grass and/or 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~~ keep 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.

PROPOSED ORDINANCE LANGUAGE

(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 grass and/or 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 grass and/or noxious weeds within ~~ten days~~ 24 hours, 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 grass and/or 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.

RESOLUTION

The following Resolution was offered by Comm. _____ and seconded by Comm. _____.

WHEREAS From time to time it is necessary for the City to update some of its Ordinances and

The City Administration has recommended that the City Commission update what is

is commonly known as the Noxious Weeds Ordinance,

NOW THEREFORE BE IT RESOLVED THAT the City Commission of the City of Plymouth does hereby establish a Public Hearing for public comment on the proposed Noxious Weeds Ordinance Changes for the next regularly scheduled City Commission meeting on August 1, 2016.

BE IT FURTHER RESOLVED THAT the City Commission of the City of Plymouth does hereby adopt Amendments to the Code of Ordinances for the City of Plymouth, Division 3, Sections 18-751 through 18-756 at their First Reading before the City Commission.