



Plymouth City Commission

Regular Meeting Agenda

Tuesday, January 17, 2023 7:00 p.m.
Plymouth City Hall & Online Zoom Webinar

City of Plymouth
201 S. Main
Plymouth, Michigan 48170-1637

www.plymouthmi.gov
Phone 734-453-1234
Fax 734-455-1892

Join Zoom Webinar: <https://us02web.zoom.us/j/85453353923>

Passcode: 525552

Webinar ID: 854 5335 3923

1. **CALL TO ORDER**
 - a. Pledge of Allegiance
 - b. Roll Call
2. **APPROVAL OF MINUTES**
 - a. January 3, 2023 City Commission Regular Meeting Minutes
3. **APPROVAL OF THE AGENDA**
4. **ENACTMENT OF THE CONSENT AGENDA**
5. **CITIZEN COMMENTS**
6. **COMMISSION COMMENTS**
7. **OLD BUSINESS**
 - a. Impervious Pavement Ordinance – Second Reading
8. **NEW BUSINESS**
 - a. Police Radio Purchase
 - b. Appeal of Administrative Decision on Tree Ordinance
9. **REPORTS AND CORRESPONDENCE**
 - a. Liaison Reports
 - b. Appointments – if needed
10. **ADJOURNMENT**

Citizen Comments - This section of the agenda allows up to 3 minutes to present information or raise issues for 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 Monday through Friday from 8:00 a.m.- 4:30 p.m., 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.

City of Plymouth Strategic Plan 2022-2026

GOAL AREA ONE - SUSTAINABLE INFRASTRUCTURE

OBJECTIVES

1. Identify and establish sustainable financial model(s) for major capital projects, Old Village business district, 35th District Court, recreation department, and public safety
2. Incorporate eco-friendly, sustainable practices into city assets, services, and policies; including more environmentally friendly surfaces, reduced impervious surfaces, expanded recycling and composting services, prioritizing native and pollinator-friendly plants, encouraging rain gardens, and growing a mature tree canopy
3. Partner with or become members of additional environmentally aware organizations
4. Increase technology infrastructure into city assets, services, and policies
5. Continue sustainable infrastructure improvement for utilities, facilities, and fleet
6. Address changing vehicular habits, including paid parking system /parking deck replacement plan, electric vehicle (EV) charging stations, and one-way street options

GOAL AREA TWO – STAFF DEVELOPMENT, TRAINING, AND SUCCESSION

OBJECTIVES

1. Create a 5-year staffing projection
2. Review current recruitment strategies and identify additional resources
3. Identify/establish flex scheduling positions and procedures
4. Develop a plan for an internship program
5. Review potential department collaborations
6. Hire an additional recreation professional
7. Review current diversity, equity, and inclusion training opportunities
8. Seek out training opportunities for serving diverse communities

GOAL AREA THREE - COMMUNITY CONNECTIVITY

OBJECTIVES

1. Engage in partnerships with public, private and non-profit entities
2. Increase residential/business education programs for active citizen engagement
3. Robust diversity, equity, and inclusion programs
4. Actively participate with multi-governmental lobbies (Michigan Municipal League, Conference of Western Wayne, etc.)

GOAL AREA FOUR - ATTRACTIVE, LIVABLE COMMUNITY

OBJECTIVES

1. Create vibrant commercial districts by seeking appropriate mixed-use development, marketing transitional properties, and implementing Redevelopment Ready Communities (RRC) practices
2. Improve existing and pursue additional recreational and public green space opportunities and facilities for all ages
3. Develop multi-modal transportation plan which prioritizes pedestrian and biker safety
4. Improve link between Hines Park, Old Village, Downtown Plymouth, Plymouth Township, and other regional destinations
5. Maintain safe, well-lit neighborhoods with diverse housing stock that maximizes resident livability and satisfaction
6. Modernize and update zoning ordinance to reflect community vision
7. Implement Kellogg Park master plan



City of Plymouth
City Commission Regular Meeting Minutes
Tuesday, January 3, 2023, 7:00 p.m.
Plymouth City Hall 201 S. Main St. Plymouth, MI

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201 S. Main
Plymouth, Michigan 48170-1637

www.plymouthmi.gov
Phone 734-453-1234
Fax 734-455-1892

1. CALL TO ORDER

Mayor Moroz called the meeting to order and led the Pledge of Allegiance.

a. Roll Call

Present: Mayor Moroz, Mayor Pro Tem Suzi Deal, Commissioners Linda Filipczak, Jennifer Kehoe, Alanna Maguire, Kelly O'Donnell, and Marques Thomey

Also present: Assistant City Manager Chris Porman, Attorney Bob Marzano and various members of the City administration

2. APPROVAL OF MINUTES

Maguire requested to be recused from voting because she wasn't in attendance at the December 19, 2022 meeting. O'Donnell offered a motion, seconded by Moroz to allow Maguire to abstain.

There was a voice vote.

MOTION PASSED

Thomey offered a motion, seconded by O'Donnell, to approve the minutes of the December 19, 2022, City Commission meeting.

There was a voice vote.

MOTION PASSED

3. APPROVAL OF THE AGENDA

Filipczak offered a motion, seconded by Maguire, to approve the agenda for Tuesday, January 3, 2023.

There was a voice vote.

MOTION PASSED

4. ENACTMENT OF THE CONSENT AGENDA

a. Special Event: Spring Artisan Market – Saturday, April 22, 2023

Filipczak offered a motion, seconded by Deal to approve the consent agenda for January 3, 2023.

There was a voice vote.

MOTION PASSED

5. CITIZEN COMMENTS

There were no citizen comments.

6. COMMISSION COMMENTS

Maguire wished all a happy new year.

Moroz offered congratulations to the following staff members for their work anniversaries: Dee Dee Perino-1 year; Greg DiMaio-1 year; Samantha Jost-1 year; Scott Hockenberry-6 years; Al Cox-25 years.

7. OLD BUSINESS

There was no old business.

8. NEW BUSINESS

a. Annual State Highway Permit - 2023

The following resolution was offered by Thomey and seconded by Filipczak

RESOLUTION 2023-01

Michigan Department
of Transportation
2207B (05/21)

PERFORMANCE RESOLUTION FOR MUNICIPALITIES

Page 1 of 2

This Performance Resolution (Resolution) is required by the Michigan Department of Transportation for purposes of issuing to a Municipality an "Individual Permit for Use of State Highway Right of Way", and/or an "Annual Application and Permit for Miscellaneous Operations within State Highway Right of Way".

RESOLVED WHEREAS, the _____ CITY OF PLYMOUTH
(County, City, Village, Township, etc.)

hereinafter referred to as the "MUNICIPALITY," periodically applies to the Michigan Department of Transportation, hereinafter referred to as the "DEPARTMENT," for permits, referred to as "PERMIT," to construct, operate, use and/or maintain utilities or other facilities, or to conduct other activities, on, over, and under State Highway Right of Way at various locations within and adjacent to its corporate limits;

NOW THEREFORE, in consideration of the DEPARTMENT granting such PERMIT, the MUNICIPALITY agrees that

1. Each party to this *Resolution* shall remain responsible for any claims arising out of their own acts and/or omissions during the performance of this *Resolution*, as provided by law. This *Resolution* is not intended to increase either party's liability for, or immunity from, tort claims, nor shall it be interpreted, as giving either party hereto a right of indemnification, either by Agreement or at law, for claims arising out of the performance of this Agreement.
2. If any of the work performed for the MUNICIPALITY is performed by a contractor, the MUNICIPALITY shall require its contractor to hold harmless, indemnify and defend in litigation, the State of Michigan, the DEPARTMENT and their agents and employees, against any claims for damages to public or private property and for injuries to person arising out of the performance of the work, except for claims that result from the sole negligence or willful acts of the DEPARTMENT, until the contractor achieves final acceptance of the MUNICIPALITY. Failure of the MUNICIPALITY to require its contractor to indemnify the DEPARTMENT, as set forth above, shall be considered a breach of its duties to the DEPARTMENT.
3. Any work performed for the MUNICIPALITY by a contractor or subcontractor will be solely as a contractor for the MUNICIPALITY and not as a contractor or agent of the DEPARTMENT. The DEPARTMENT shall not be subject to any obligations or liabilities by vendors and contractors of the MUNICIPALITY, or their subcontractors or any other person not a party to the PERMIT without the DEPARTMENT'S specific prior written consent and notwithstanding the issuance of the PERMIT. Any claims by any contractor or subcontractor will be the sole responsibility of the MUNICIPALITY.
4. The MUNICIPALITY shall take no unlawful action or conduct, which arises either directly or indirectly out of its obligations, responsibilities, and duties under the PERMIT which results in claims being asserted against or judgment being imposed against the State of Michigan, the Michigan Transportation Commission, the DEPARTMENT, and all officers, agents and employees thereof and those contracting governmental bodies performing permit activities for the DEPARTMENT and all officers, agents, and employees thereof, pursuant to a maintenance contract. In the event that the same occurs, for the purposes of the PERMIT, it will be considered as a breach of the PERMIT thereby giving the State of Michigan, the DEPARTMENT, and/or the Michigan Transportation Commission a right to seek and obtain any necessary relief or remedy, including, but not by way of limitation, a judgment for money damages.
5. The MUNICIPALITY will, by its own volition and/or request by the DEPARTMENT, promptly restore and/or correct physical or operating damages to any State Highway Right of Way resulting from the installation construction, operation and/or maintenance of the MUNICIPALITY'S facilities according to a PERMIT issued by the DEPARTMENT.

- 6. With respect to any activities authorized by a PERMIT, when the MUNICIPALITY requires insurance on its own or its contractor's behalf it shall also require that such policy include as named insured the State of Michigan, the Transportation Commission, the DEPARTMENT, and all officers, agents, and employees thereof and those governmental bodies performing permit activities for the DEPARTMENT and all officers, agents, and employees thereof, pursuant to a maintenance contract.
- 7. The incorporation by the DEPARTMENT of this Resolution as part of a PERMIT does not prevent the DEPARTMENT from requiring additional performance security or insurance before issuance of a PERMIT.
- 8. This Resolution shall continue in force from this date until cancelled by the MUNICIPALITY or the DEPARTMENT with no less than thirty (30) days prior written notice provided to the other party. It will not be cancelled or otherwise terminated by the MUNICIPALITY with regard to any PERMIT which has already been issued or activity which has already been undertaken.

BE IT FURTHER RESOLVED that the following position(s) are authorized to apply to the DEPARTMENT for the necessary permit to work within State Highway Right of Way on behalf of the MUNICIPALITY.

Title and/or Name:

- Chris Porman and/or Director of Municipal Services
- Dave Cirilli and/or Operations Foreman
- Adam Gerlach and/or Assistant Director Municipal Services
- Mike Brindley and/or Foreman
- Al Cox and/or Director of Public Safety
- Paul Sincock and/or City Manager

I HEREBY CERTIFY that the foregoing is a true copy of a resolution adopted by

the CITY COMMISSION
(Name of Board, etc.)

of the CITY OF PLYMOUTH of WAYNE
(Name of MUNICIPALITY) (County)

at a CITY COMMISSION meeting held on the 3rd day
of JANUARY A.D. 2023.


 Signed

CITY CLERK
Title
 MAUREEN A. BRODIE
Print Signed Name

There was a voice vote.

MOTION PASSED

b. Impervious Pavement Ordinance First Reading

The following motion was offered by Kehoe and seconded by O'Donnell.

MOTION 2023-02

WHEREAS The City of Plymouth has zoning ordinances that from time to time need to be updated; and

WHEREAS The City Commission had a one-year objective within the strategic plan to explore/create an impervious surface ordinance; and

WHEREAS The Planning Commission had a one-year goal to explore an impervious surface ordinance; and

WHEREAS The Planning Commission held a public hearing on the proposed changes on September 14, 2022.

NOW THEREFORE BE IT RESOLVED THAT the City Commission of the City of Plymouth does hereby direct that the Code of Ordinances of the City of Plymouth, Michigan Section 78 is to be amended as attached at the first reading of the proposed changes.

- Section 78-21 – Define landscape area and permeable pavement.
- Section 78-190 – Add content
- Section 78-191 – Add new subsection (x).
- Section 78-203 – Add, delete, and amend content in subsection (5). Add subsection (6).
- Section 78-219 – Add content in subsection (3).
- Section 78-270 – Fix typo in subsection (a)(2).
- Section 78-273 – Add, delete, and amend content in subsection (1). Delete subsection (2).

Commission members discussed the resolution and asked Community Development and Planning Director Greta Bolhuis questions about the landscaping requirements in the proposed ordinance changes, particularly the prohibited species of plants. There were also questions about potential consequences, enforceability, and other potential ramifications.

Moroz offered a motion, seconded by Deal, to table the motion pending additional information. There was a roll call vote.

YES: Deal, Filipczak, Moroz

NO: Kehoe, Maguire, O'Donnell, Thomey

MOTION FAILED

There was a roll call vote on Resolution 2023-02.

YES: Deal, Filipczak, Kehoe, Maguire, O'Donnell, Thomey, Moroz

MOTION PASSED

9. REPORTS AND CORRESPONDENCE

a. Liaison Reports

Filipczak said the Historic District Commission would be meeting on January 4.

O'Donnell said the Planning Commission would be meeting on January 11.

Moroz said the DDA would be meeting on January 9.

Kehoe said the Zoning Board of Appeals would be meeting on January 5.

10. ADJOURNMENT

A motion to adjourn was offered by Filipczak and seconded by Thomey at 7:34 p.m.

There was a voice vote.

MOTION PASSED

NICK MOROZ
MAYOR

MAUREEN A. BRODIE, CMC, MiPMC
CITY CLERK



Planning Commission Recommendation

City of Plymouth
201 S. Main
Plymouth, Michigan 48170-1637

www.plymouthmi.gov
Phone 734-453-1234
Fax 734-455-1892

To: Mayor & City Commission
From: Paul J. Sincock, City Manager
CC: S:\Manager\Sincock Files\Memorandum - Impervious Surface Ordinance Amendments Final Reading 01-17-22.docx
Date: January 12, 2023
RE: Final Reading Zoning Ordinance Amendments (Impervious Surface)

Background

The City Commission adopted as part of their one-year tasks to “explore/create an impervious surface ordinance.” The Planning Commission has taken this matter up and has made a recommendation to the City Commission related to proposed changes in the City’s Zoning Ordinance.

The Zoning Ordinance is Chapter 78 of the Plymouth City Code. The purpose of this chapter is to promote, protect, regulate, restrict and provide for the use of land and buildings within the City of Plymouth; to meet the needs of the state's residents for places of residence, recreation, industry, trade, service, and other uses of land; to insure that uses of the land shall be situated in appropriate locations and relationships; to limit the inappropriate overcrowding of land and congestion of population and transportation systems and other public facilities; to facilitate adequate and efficient provision for transportation systems, sewage disposal, water, energy, education, recreation, and other public service and facility needs; and to promote public health, safety, and welfare.

The Planning Commission is recommending doing edits to existing ordinances to help provide some limits on driveways, and to require landscaping in specific areas. There are also changes to the planting lists. However, it should be noted that there may be areas in the City where we are not able to provide “ample space” for street trees, due to narrow tree lawn areas.

We have attached a four-page outline of all of the proposed changes, further we have provided a 44 page showing the update of the entire Ordinance. We have also attached a memorandum from Planning Director Greta Bolhuis which further outlines this issue.

Recommendation

The Planning Commission has recommended to the City Commission changes in Section 78 of the City’s Code of Ordinances. The Planning Commission has previously held a public hearing on this matter. 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.



Administrative Recommendation

City of Plymouth
201 S. Main
Plymouth, Michigan 48170

www.plymouthmi.gov
Phone 734-453-1234
Fax 734-455-1892

To: Paul J. Sincock, City Manager
From: Greta Bolhuis, AICP, Planning and Community Development Director
Date: January 4, 2023
Re: Impervious Surface Ordinance Edits

Background:

The City Commission adopted their five-year strategic plan with a goal area of Sustainable Infrastructure. One of the one-year tasks under this goal area was to “Explore/create an impervious surface ordinance”. The Planning Commission created their own goals for 2022. One of their goals was to “Explore an impervious surface ordinance”. The proposed ordinance amendments are the result of the Planning Commission’s research and discussions.

Proposed Single-Family Changes:

- Require a minimum landscape area of 35%
- Require a minimum of 60% of the front yard to be landscape area
- Permeable pavement, as defined, may qualify as landscape area. If 1,500 square feet of landscape area is required, then 75 square feet of that requirement is permitted to be permeable pavement. The remaining 1,425 square feet must be landscape area.
- The right-of-way (AKA the boulevard or tree lawn) adjacent to residential property shall be landscaped with live plant material
- When a grading certificate is required, the landscape area should be shown on the certificate
- Minimum driveway size is 9-feet
- Maximum driveway size at property line is 24-feet
- The required one-foot buffer adjacent to new driveways shall be landscaped area
- One driveway is permitted per lot
- One curb cut is permitted per lot. A second curb cut is permitted on a public alley.
- Driveways should be relocated so they do not abut each other
- A legal, non-conforming driveway can be repaved or reconstructed if it was established legally, with permits
- Parking is only permitted on a driveway in the front yard

Proposed Non-Residential Changes:

- Add Zelkova, Sycamore, Tuliptree, Kentucky Coffeetree, and Blackgum as suggested large, deciduous trees
- Remove “Hard Maples” as suggested large, deciduous trees
- Remove “Honeysuckle” and “Border Privet” as suggested large shrubs
- Add Common Witchhazel, Blackhaw Viburnum, Highbush Cranberry, and American Elderberry as suggested large shrubs
- Remove “Regal Privet” and “Compact Burning Bush” as suggested medium to small shrubs

- Add Red Chokeberry, Michigan Holly, Common Ninebark, Arrowwood Viburnum, New Jersey Tea, and Buttonbush as suggested medium to small shrubs
- Change "trees not suggested" to "trees not permitted"
- Remove "Horsechestnut" as a tree not permitted
- Add/clarify that all Maples and Siberian Elms are not permitted trees

The Planning Commission held a public hearing on this issue on September 14, 2022. The meeting minutes are attached for your reference. The City Attorney has reviewed the proposed changes.

Should you have any questions, please don't hesitate to contact me directly.

PROPOSED EDITS:

Sec. 78-21 – Definitions

Landscape area means an area of ground surface that is planted with live plant material such as turf grass, ground cover, trees, shrubs, hedges, vines, flowers, and other live plant material. Landscape areas may also include other incidental natural materials such as woodchips, boulders, and mulch provided in combination with live plant material.

Permeable pavement means paving material that absorbs water or allows water to infiltrate through the paving material and then drains directly into the ground. This definition includes permeable pavers, porous concrete, permeable interlocking concrete pavers, concrete grid pavers, porous asphalt, and other material with similar characteristics.

Sec. 78-190 – Limiting height, bulk, density and area by zoning district.

Zoning District	Minimum Landscape Area Percentage of Lot
R-1 One-Family Residential	35 (x)
RT-1 Two-Family Residential	35 (x)
RM-1 Multi-Family Residential	35 (x)
RM-2 Multi-Family Residential	35 (x)
MU—Mixed Use	35 (x)
B-1 Local Business District	35 (x)

Sec. 78-191 – Notes to schedule.

(x) Landscape area shall be required only for single-family residential buildings in all zoning districts that they are located. A minimum of 60% of the front yard shall be landscape area. Up to 5% of the total landscape area may be permeable pavement.

Sec. 78-203. Plant material and landscaping requirements.

(5) *Suggested plant materials.*

a. *Evergreen trees:*

Pine (White)

Douglas-Fir

Fir

Hemlock

Spruce

b. *Narrow evergreens:*

Red Cedar

Arborvitae

Junipers

c. *Large deciduous trees:*

Zelkova

Sycamore

Tuliptree

Kentucky Coffeetree

Blackgum

Oaks

Ginkgo (male)

Birch
Linden
~~Hard Maples~~
Beech
Honey locust (seedless & thornless)

d. *Small deciduous trees:*

Hornbeam
Hawthorn
Magnolia
Mountain Ash
Redbud
Flowering Dogwood
Flowering Crabapples (disease resistant varieties)

e. *Large shrubs:*

1. Deciduous:

~~Honeysuckle~~
Lilac
Forsythia
~~Border Privet~~
Staghorn Sumac
Pyracantha
~~Barberry~~
Flowering Quince
Sargent Crabapple
Dogwood (*Silky, Red Osier, Grey*)
Cotoneaster (*Pekin, Spreading*)
Common Witchhazel
Blackhaw Viburnum
Highbush Cranberry
American Elderberry

2. Evergreen:

Irish Yew
Hicks Yew
Mugo Pine
Pfitzer Juniper
Savin Juniper

f. *Medium to Small shrubs:*

1. Deciduous:

~~Regal Privet~~
Fragrant Sumac
Japanese Quince
Potentilla
~~Compact Burning Bush~~
Cotoneaster (*Cranberry, Rockspray*)
Red Chokeberry
Michigan Holly
Common Ninebark

Arrowwood Viburnum

New Jersey Tea

Buttonbush

2. Evergreen:

Dwarf Mugo Pine

Big Leaf Winter Creeper

Arborvitae

Low Spreading Junipers (Andora, Hughes, Tamarack, etc.)

Spreading Yews (Dense, Brown²s, Ward, etc.)

g. ~~Trees not suggested~~ permitted:

Box Elder

Ash Trees

Willows

~~Soft-Maples (Silver)~~

Poplars

Siberian Elms

~~Horse Chestnut (nut bearing)~~

Tree of Heaven

~~-Russian Olive~~

(6) Right-of-way landscaping requirements.

The right-of-way adjacent to residentially used properties shall be landscaped with live plant material such as turf grass, ground cover, trees, vines, flowers, and other live plant material. Exceptions are made for sidewalks approaches to crosswalks, and approaches to driveways.

Sec. 78-219. Grading, drainage and building grades.

- (1) The ground areas outside the walls of any building or structure hereafter erected, altered, or moved shall be so designated that surface water shall flow away from the building walls in such a direction and with such a method of collection that inconvenience or damage to adjacent properties will not result. Where property is developed adjacent to existing properties previously developed, existing grades of adjacent properties shall have priority. Grades around houses or structures shall meet existing grades in the shortest possible distance, as determined by the building official, but under no circumstances shall exceed 1:4 slopes or 25 percent grades.
- (2) To minimize impacts on contiguous, previously developed, single-family residential property and ensure compatibility for new projects in established residential neighborhoods, the first story elevation height of new structures shall be consistent with the first floor elevation height of contiguous residences, in conformance with other requirements of this ordinance. Any property owner/developer who intends to add fill above the height of the existing contiguous grades shall demonstrate to the building official's satisfaction, that additional fill is not detrimental to surrounding properties in terms of compatibility and drainage.
- (3) A certificate of occupancy will not be issued until final grades are approved by the city building official. A certificate of grading shall be completed by the applicant. When possible, the certificate of grading should show landscaping areas. The building official shall require a certified copy of the grading plan to be submitted by a registered civil engineer or land surveyor.

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 78-2732.

(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 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.

Sec. 78-273. – Residential driveways.

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

(a) Shall be a minimum of nine feet wide in width and clear of encumbrances such as columns or curbs.

(b) Shall be a maximum of 24 feet wide at the property line.

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

(c) The edge of the driveway including any necessary curbs shall be located at least one foot from of the side property line. The one-foot buffer area between the driveway edge and property line should be landscape area shall be landscaped with appropriate plant material such as turf grass, perennials or shrubs.

(d) One driveway is allowed per lot and one curb cut is allowed per driveway. A second curb cut is permitted only if connected to a public alley.

(e) Driveways that abut each other shall be relocated if possible.

(f) Any legal, non-conforming driveway may be repaved or reconstructed in the same location and in the same manner if it was established legally and with necessary permits.

(g) Parking is not permitted in any front yard except on a 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~~

Current Ordinance

ARTICLE XVII. SCHEDULE OF REGULATIONS

Sec. 78-190. Limiting height, bulk, density and area by zoning district.

The following table indicates the height, bulk, density and area limitations by zoning district:

Zoning District	Minimum Size Lot Per Dwelling Unit		Maximum Height of Structures		Minimum Yard Setback (Per Lot in Feet)			Minimum Floor Area Per Unit (sq. ft.)	Maximum % Lot Area Covered By All Buildings	Maximum Floor Area Ratio		Minimum Landscape Area Percentage of Lot
	Area in sq. ft.	Width	In stories	In feet	Front	Sides Least one Total of two						
R-1 One-Family Residential	7,200	60	2	25 (b)	25 (m, o)	6 (a)	12	35	950	35 (v)	.40	35 (x)
RT-1 Two-Family Residential	3,500	30	2	25 (b)	25 (m, o)	10 (a)	20	35	780	30 (v)	.40 (w)	35 (x)
RM-1 Multi-Family Residential	(c, l)	—	2	25 (b)	25 (d)	10 (d)	20 (d)	35 (d)	—	—	.40 (w)	35 (x)
RM-2 Multi-Family Residential	(c, l)	—	4	—	25 (d)	10 (d, e)	20 (d, e)	35 (d)	—	—	.40 (w)	35 (x)
O-1 Office	—	—	2	30	20 (o)	(f)	(f)	20 (g, j)	—	—	—	
O-2 Office	15,000	75	3	45	50 (o)	(f)	(f)	20 (g, j)	—	—	—	
B-1 Local Business	—	—	2	25	10	(f)	(f)	35 (g, j)	—	—	—	35 (x)
B-2 Central Business	—	—	3	40 (n)	—	(f)	(j)	(j)	—	—	—	
B-3 General Business	—	—	2	30	—	(f)	(f)	10 (g, j)	—	—	—	

ARC Ann Arbor Road Corridor	-	-	2	30 (p)	10 (q)	10 (r, s, t)	20 (s)	20	—	—	—	
ARC Ann Arbor Road Corridor [78-161(c)(24)] (applicable to Plymouth Township)	—	—	—	35	50	20 (y)	40	20	—	—	—	
MU— Mixed Use	3,500 (c, l)	30	2	25 (b)	15 (o)	10 (f)	20 (f)	35 (g, j)	—	35	.40 (w)	35 (x)
I-1 Light Industry	—	—	—	45	25 (h)	10 (i, k)	20 (i, k)	10 (i, k)	—	—	—	
I-2 Heavy Industry	—	—	—	60	50 (h)	20 (i, k)	40 (i, k)	20 (i, k)	—	—	—	

(Ord. of 10-6-03; Ord. No. 2012-04, § 9, 11-5-12; Ord. No. 2015-04, § 4, 7-6-15; Ord. No. 2017-01, § 2, 1-3-17)

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 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, 1/2 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, 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.
- (i) An obscuring screen shall be provided in accordance with the provisions of section 78-206. The greenbelt planting plan shall be reviewed and approved in conformity with section 78-203.
- (j) Off-street loading space shall be provided in the rear yard in the ratio of at least one space per each establishment and shall be provided in addition to any required off-street parking area. Off-street loading space shall further meet the requirements of section 78-273. This provision shall not apply in the CBD district as defined and encompassed by Wing, Harvey, Church, Deer and Union Streets. In those instances where properties abut an alley such alley may be substituted for off-street loading requirements in business districts. In office districts off-street loading may take place in undesignated places in parking lots provided such loading is of a short-term nature.
- (k) For side or rear yards which border on a residential district, there shall be provided a setback of not less than 20 feet in the I-1, light industrial district and 40 feet in the I-2, heavy industrial district. The side yard requirement on an interior side yard abutting an industrial district may be waived by the planning commission providing that the combined total side yard requirement of 20 feet in the I-1 district and 40 feet in the I-2 district is located on the other side and provided further that the planning commission finds that such a building location on the lot line shall not adversely affect existing and/or potential development patterns in the area and that the building location and construction are acceptable to the city building and fire departments.
- (l) A minimum lot size of not less than 10,000 square feet shall be provided for any multiple dwelling sites.
- (m) Parking shall not be allowed in a front yard setback area other than in the driveway.
- (n) Per the overlay district map for the central business district, building heights are limited to 40 or 50 feet for specified areas of the downtown.
- (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 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.
- (p) The planning commission shall have the authority to approve an increase in building height up to a maximum of 38 feet, provided that the building does not exceed two stories and conforms with one of the following criteria:

- (1) The additional height is necessary to achieve two stories due to the particular nature and functions of the approved use.
 - (2) The additional height is necessary to accommodate architectural features that enhance the character of the building and the district.
- (q) When parking is furnished between the building and the street, a front yard of not less than 75 feet shall be provided.
- (r) When a side yard is adjacent to a residential use, a side yard of not less than 20 feet shall be provided.
- (s) Side yards are not required along an interior side parcel line, where all walls of buildings abutting such interior side parcel line are wholly without other openings and are of fireproof construction, but if the side wall is not of fireproof construction, a side yard of not less than ten feet shall be provided. When an interior business parcel abuts a residential parcel, a side yard of not less than 20 feet shall be required in addition to the required screening and land use buffer.
- (t) When parking is furnished in the side yard on the street side of a corner parcel, a side yard of not less than seven feet shall be provided.
- (u) When such a use is adjacent to a residential district and not separated there from by a street, a side yard and/or a rear yard of not less than 75 feet shall be provided.
- (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.
- (w) Floor area ratio (FAR) shall be applied to single-family and two-family residential buildings only. For two-family buildings, the total building floor area, as defined, shall be used to calculate the total FAR for the lot. For mixed use projects, FAR shall apply to single-family and two-family residential buildings only.
- (x) Landscape area shall be required only for single-family residential buildings in all zoning districts that they are located. A minimum of 60% of the front yard shall be landscape area. Up to 5% of the total landscape area may be permeable pavement.

(Ord. of 10-6-03; Ord. No. 2014-05, § 3, 6-2-14; Ord. No. 2015-04, § 5, 7-6-15; Ord. No. 16-02, § 2, 7-18-16 ; Ord. No. 2017-01, § 2, 1-3-17)

Secs. 78-192—78-199. Reserved

ARTICLE XVIII. MISCELLANEOUS PROVISIONS

Sec. 78-200. Conflicting regulations.

Whenever any provision of this chapter imposes more stringent requirements, regulations, restrictions or limitations than are imposed or required by the provisions of any other law or ordinance, then the provisions of this chapter shall govern. Whenever the provisions of any other law or ordinance impose more stringent requirements than are imposed or required by this chapter then the provisions of such other provision shall govern.

(Ord. of 10-6-03)

Sec. 78-201. Scope.

No building or structure, or part thereof, shall hereafter be erected, constructed or altered and maintained, and no new use or change shall be made or maintained of any building, structure or land, or part thereof, except in conformity with the provisions of this chapter.

(Ord. of 10-6-03)

Sec. 78-202. Performance standards.

No use otherwise allowed shall be permitted within any district which does not conform to the following standards of use, occupancy, and operation, which standards are hereby established as the minimum requirements to be maintained within such area:

(1) *Smoke.*

- a. *Density.* It shall be unlawful for any person to permit the emission of any smoke from any source whatever to a density greater than that density described as No. 1 of the Ringlemann Chart.
- b. *Exception.* Smoke, the shade or appearance of which is equal to but not darker than No. 2 of the Ringlemann Chart for a period, or periods, aggregating four minutes in any 30 minutes shall be permitted.
- c. *Method of measurement.* For the purpose of grading the density of smoke, the Ringlemann Chart, as now published and used by the United States Bureau of Mines, which is hereby made a part of this chapter, shall be the standard. However, the Unbrascopes readings of smoke densities may be used when correlated with Ringlemann's Chart.
- d. Emission from fireplaces used for non-commercial or purpose shall be exempt.

(2) *Dust, dirt and fly ash.*

- a. *Quantity.* No person shall operate or cause to be operated, maintained or cause to be maintained, any process for any purpose, or furnace combustion device for the burning of coal or other natural or synthetic fuels, without maintaining and operating, while using such process or furnace or combustion device, recognized and approved equipment, means, method, device or contrivance to reduce the quantity of gasborne or airborne solids of fumes emitted into the open air, which is operated in conjunction with said process, furnace, or combustion device so that the quantity of gasborne or airborne solids shall not exceed 0.20 grains per cubic foot of the carrying medium at a temperature of 500 degrees Fahrenheit or as regulated the Michigan Department of Environmental Quality MDEQ.
- b. *Method of Measurement.* For the purpose of determining the adequacy of such devices these conditions are to be conformed to when the percentage of excess air in the stack does not exceed 50 percent at full load. The foregoing requirement shall be measured by the A.S.M.E. Test Code for dust-separating apparatus. All other forms of dust, dirt and fly ash shall be completely eliminated insofar as escape or emission into the open air is concerned. The building official may require such additional data as is deemed necessary to show that adequate and approved provisions for the prevention and elimination of dust, dirt and fly ash have been made.

- (3) *Open storage.* The open storage of any industrial equipment, vehicles and all materials including wastes, shall be provided with an obscuring screen in accordance with the provisions of section 78-296. The extent of such obscuring screen may be determined by the planning commission depending upon the nature of the material to be stored.

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- (4) *Glare and radioactive materials.* Glare from any process (such as or similar to arc welding or acetylene torch cutting) which emits harmful ultraviolet rays shall be performed in such a manner as not to be seen from any point beyond the property line and as not to create a public nuisance or hazard along lot lines. Radioactive materials and waste, including electromagnetic radiation such as X-ray machine operation, shall not be emitted to exceed quantities established as safe by the U.S. Bureau of Standards, when measured at the property line.
- (5) *Fire and explosive hazards.*
- a. In the I-1 and I-2 districts the storage, utilization or manufacture of materials or products ranging from incombustible to moderate burning, as determined by the fire marshal, is permitted, subject to compliance with the performance standards in subsections (1) through (4) of this section.
 - b. The storage, utilization, or manufacture of materials, goods, or products ranging from free or active burning to intense burning, as determined by the fire marshal, is permitted subject to compliance with all other yard requirements and performance standards in subsections (1) through (4) of this section, and providing that the following conditions are met:
 1. Such materials or products shall be stored, utilized, or produced within completely enclosed buildings or structures having incombustible exterior walls, which meet the requirements of the building code of the city.
 2. All such buildings or structures shall be set back at least 40 feet from lot lines, or in lieu thereof, all such buildings or structures shall be protected throughout by an automatic sprinkler system complying with installation standards prescribed by the National Fire Protection Association.
 3. The storage and handling of flammable liquids, liquefied petroleum gases, and explosives shall comply with the state rules and regulations as established by Act No. 207 of the Public Acts of Michigan of 1941 (MCL 29.1 et seq., MSA 4.559(1) et seq.), as amended.
- (6) *Noise.* Objectionable sounds, including those of an intermittent nature, shall be controlled in accordance with the City of Plymouth Noise Ordinance.
- (7) *Odor emissions.* No person, wherever located, shall cause or allow the emission of odorous air contaminants from any single source such as to result in detectable odors which are measured in excess of the following limits:
- a. For areas used predominately for residential or commercial purposes, it is a violation if odors are detected after the odorous air has been diluted with seven or more volumes of odor-free air.
 - b. In all other land-use areas, it is a violation if odors are detected after the odorous air has been diluted with 15 or more volumes of odor-free air.
 - c. When the source is a manufacturing process, no violation of (7)a., and b., herein shall be cited by the city, provided that the best practical treatment, maintenance, and control currently available shall be utilized in order to maintain the lowest possible emission of odorous gases, and, where applicable, in determining the best practical control methods, the city shall not require any method which would result in an arbitrary and unreasonable taking of property or in the practical closing of any lawful business or activity if such would be without corresponding public benefit.
 - d. For all areas, it is a violation when odors are detected after the odorous air has been diluted with 127 or more volumes of odor-free air, in which case provisions of (7)c. herein shall not be applicable.
- (8) *Wastes.*

- a. No waste shall be discharged in the public sewer system which is dangerous to the public health and safety. The following standards shall apply at the point wastes are discharged into the public sewer.
- b. Acidity or alkalinity shall be neutralized within an average pH range of between 5½ to 7½ as a daily average on the volumetric basis, with a temporary variation of pH 4.50 to 10.0.
- c. Wastes shall contain no cyanides. Wastes shall contain no chlorinate solvents in excess of 0.1 ppm; no fluorides shall be in excess of ten ppm; and shall contain no more than five ppm of hydrogen sulphide and shall contain not more than ten ppm of sulphur dioxide and nitrates; and shall contain no more than 25 ppm of chromates.
- d. Wastes shall not contain any insoluble substance in excess of 10,000 ppm or exceed a daily average of 500 ppm or fail to pass a number eight standard sieve or have a dimension greater than ¼ inch.
- e. Wastes shall not have chlorine demand greater than 15 ppm.
- f. Wastes shall not contain phenols in excess of 0.05 ppm.
- g. Wastes shall not contain any grease or oil or any oily substance in excess of 100 ppm or exceed a daily average of 25 ppm.

(Ord. of 10-6-03)

Sec. 78-203. Plant material and landscaping requirements.

Whenever in this chapter a greenbelt or planting is required, it shall be planted to completion within three months, and no later than November 30, from the date of issuance of a certificate of occupancy if such certificate is issued during the April 1 to September 30 period; if the certificate is issued during the October 1 to March 31 period, the planting shall be completed no later than the ensuing May 31; plantings shall thereafter be reasonably maintained, including permanence and health of plant materials, to provide a screen to abutting properties and including the absence of weeds and refuse. Spacing, as required by this Section, shall be provided in any greenbelt or planting. A permanent certificate of occupancy shall only be issued after inspection and approval of such planting by the city.

(1) *Plant material spacing and size.*

- a. Plant material shall not be located within four feet of the property line.
- b. Where plant materials are placed in two or more rows, plantings shall be staggered.
- c. Evergreen trees shall not be less than seven feet in height. When planted informally, they shall be spaced not more than 20 feet on centers. When planted in rows, they shall be spaced not more than 12 feet on centers.
- d. Narrow evergreen trees shall not be less than five feet in height. When planted informally, they shall be spaced not more than 20 feet on centers. When planted in rows, they shall be spaced not more than 12 feet on centers.
- e. Large shrubs shall not be less than 30 inches in height. When planted informally, they shall be spaced not more than six feet on centers. When planted in rows, they shall not be more than four feet on centers.
- f. Small shrubs shall not be less than 30 inches in spread. They shall be planted not more than four feet on centers.

- g. Large deciduous trees shall not be less than 2½ inches in caliper. When placed informally, they shall be planted not more than 30 feet on centers.
- h. Small deciduous trees shall not be less than 1½ inches in caliper. When planted informally, they shall be spaced not more than 15 feet on centers.

(2) *Mixture of materials.* A mixture of plant materials (evergreen and deciduous trees and shrubs) is required in all landscape plans as a protective measure against disease and insect infestation. Plant materials used together informally shall meet the on-center minimum spacing requirements:

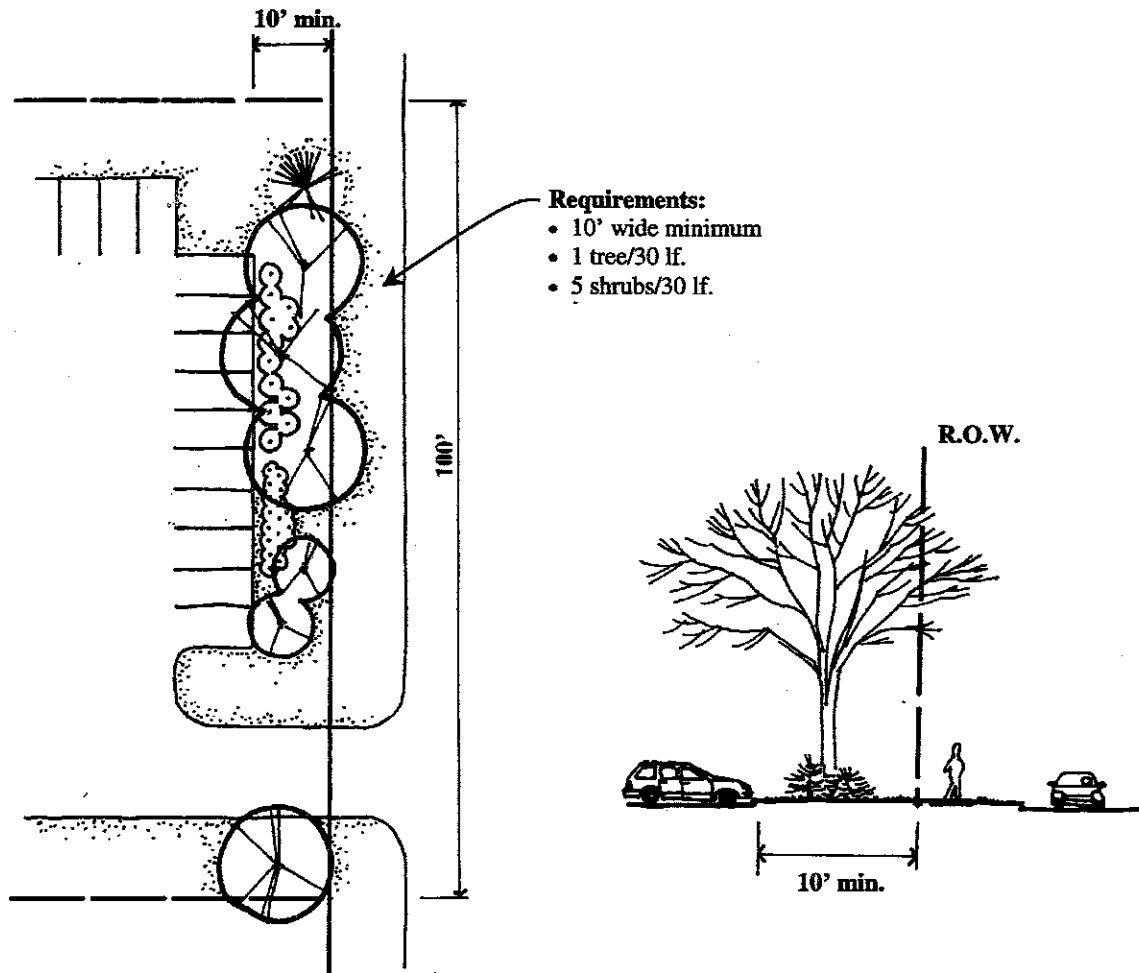
Minimum Recommended Distances Between Plant Materials

Plant Material Types	Evergreen Trees (Feet)	Narrow Evergreen Trees (Feet)	Large Deciduous Trees (Feet)	Small Deciduous Trees (Feet)	Large Shrubs (Feet)	Small Shrubs (Feet)
Evergreen Trees	Min. 10	Min. 12	Min. 20	Min. 12	Min. 6	Min. 5
Narrow Evergreen Trees	Min. 12	Min. 5	Min. 15	Min. 10	Min. 5	Min. 4
Large Deciduous Trees	Min. 20	Min. 15	Min. 20	Min. 15	Min. 5	Min. 3
Small Deciduous Trees	Min. 12	Min. 10	Min. 15	Min. 8	Min. 6	Min. 3
Large Shrubs	Min. 6	Min. 5	Min. 5	Min. 6	Min. 4 Max. 6	Min. 5
Small Shrubs	Min. 5	Min. 4	Min. 3	Min. 3	Min. 5	Min. 3

(3) *Parking lot landscaping and screening.*

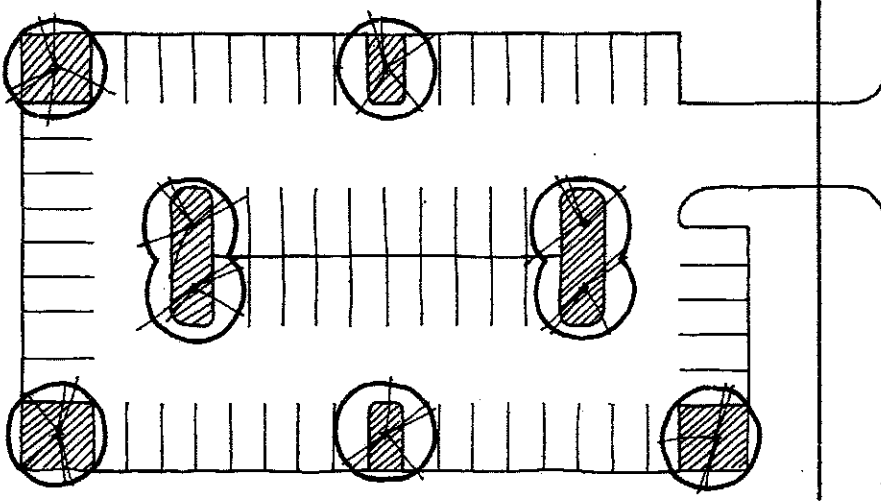
- a. Parking lots which are visible from a public right-of-way (excluding a public alley) shall have the following landscaping between the parking lot and the right-of-way:
 1. A landscaped strip at least ten feet in width or wider as may be required.
 2. One tree for every 30 feet or fraction thereof of street frontage of the parking lot.
 3. Five shrubs for every 30 feet or fraction thereof of street frontage of the parking lot.

Parking Lot Screening from Roadway



Parking Lot Screening From Roadway

- b. Parking lots of greater than 5,000 square feet shall meet the following landscaping requirements for the interior of the parking lot:
1. Within the interior of the parking lot there shall be one square foot of landscaped area for each 15 square feet of the parking lot. Greenbelt areas, buffers or landscape strips required in other sections of this chapter shall not be counted towards the requirement of interior parking lot landscaping.
 2. Each interior landscaped area shall have at least 150 square feet.
 3. The landscaped areas shall be located in a manner that breaks up the expanse of paving throughout the parking lot. Parking lot islands shall be a minimum width of six feet in any direction.
 4. There shall be at least one deciduous tree for each 300 square feet or fraction thereof of interior landscaped area. Each individual landscaped area shall contain at least one tree.

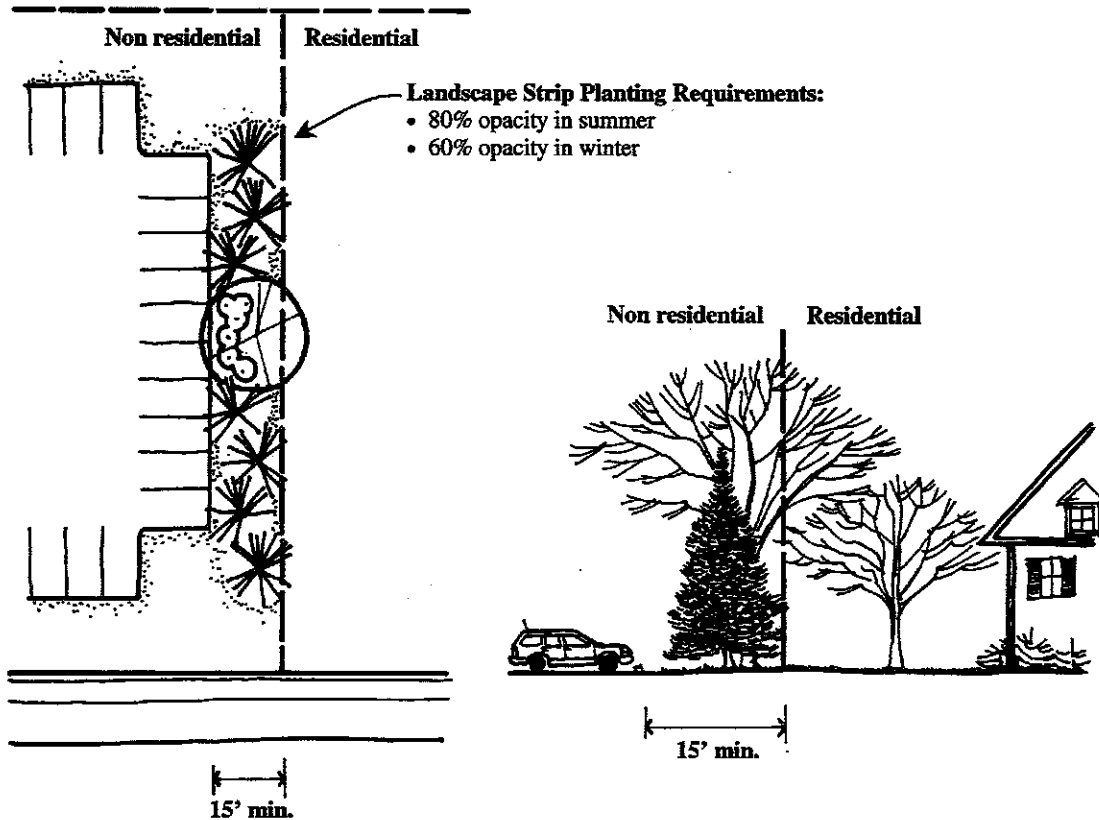


Requirements:

- 1 sq. ft. landscaped area/15 sq. ft. of parking lot
- 150 sq. ft. minimum size landscaped area
- 1 tree/300 sq. ft. landscaped area

Interior Parking Lot Landscaping

- c. Parking lots of greater than 5,000 square feet, but less than 10,000 square feet, shall have interior landscaping located within the lot or around its perimeter. Perimeter landscaping shall follow the requirements of section 78-203 and walls required in section 78-206 may be replaced by suitable screening or landscaping.
- d. A parking lot of an office, commercial or industrial use adjacent to a public park facility or land principally used or zoned for residential purposes shall have a landscape strip at least 15 feet wide between it and all areas of such park or residential land, as required in section 78-206.



Landscape Strip

(4) *Landscape planting plan review and field inspection.*

- a. Whenever in this chapter plantings are required, a plan for planting and landscaping shall be provided showing materials, their location, spacing, size and number as required by this section and other sections of this chapter.
- b. In developments providing open space such as multiple housing developments, open space subdivisions, and cluster housing developments, a plan for landscaping shall include the development proposals for the open space as well as proposals for planting.
- c. Final landscaping and planting plans shall be submitted for review by the city within 60 days of the date of approval of the site plan for the proposed development. A building permit will not be issued until landscaping and planting plans are approved.
- d. Review fees for landscaping and planting plans shall be charged to the applicant in accord with fees established from time to time by resolution of the city commission.

(5) *Suggested plant materials.*

- a. *Evergreen trees:*
 - Pine (White)
 - Douglas-Fir
 - Fir

Hemlock
Spruce

b. *Narrow evergreens:*

Red Cedar
Arborvitae
Junipers

c. *Large deciduous trees:*

Zeikova
Sycamore
Tuliptree
Kentucky Coffeetree
Blackgum
Oaks
Ginkgo (male)
Birch
Linden
~~Hard Maples~~
Beech
Honey Locust (seedless & thornless)

d. *Small deciduous trees:*

Hornbeam
Hawthorn
Magnolia
Mountain Ash
Redbud
Flowering Dogwood
Flowering Crabapples (disease resistant varieties)

e. *Large shrubs:*

1. Deciduous:

Honeysuckle
Lilac
Forsythia
~~Border Privet~~
Staghorn Sumac
Pyracantha
~~Barberry~~
Flowering Quince
Sargent Crabapple
Dogwood (Silky, Red Osier, Grey)
Cotoneaster (Pekin, Spreading)
Common Witchhazel
Blackhaw Viburnum
Highbush Cranberry
American Elderberry

2. Evergreen:

Irish Yew
Hicks Yew
Mugo Pine
Pfitzer Juniper
Savin Juniper

f. Medium to Small shrubs:

1. Deciduous:

~~Regal Privet~~
Fragrant Sumac
Japanese Quince
Potentilla
~~Compact Burning Bush~~
Cotoneaster (Cranberry, Rockspray)
Red Chokeberry
Michigan Holly
Common Ninebark
Arrowwood Viburnum
New Jersey Tea
Buttonbush

2. Evergreen:

Dwarf Mugo Pine
Big Leaf Winter Creeper
Arborvitae
Low Spreading Junipers (Andora, Hughes, Tamarack, etc.)
Spreading Yews (Dense, Brown's, Ward, etc.)

g. Trees not permitted-suggested:

Box Elder
Ash Trees
Willows
~~Soft-Maples (Silver)~~
Poplars
Siberian Elms
~~Horse Chestnut (nut bearing)~~
Tree of Heaven
~~Russian Olive~~

(6) Right-of-way landscaping requirements. The right-of-way adjacent to residentially used properties shall be landscaped with live plant material such as turf grass, ground cover, trees, vines, flowers, and other live plant material. Exceptions are made for sidewalks, approaches to crosswalks, and approaches to driveways.

(Ord. of 10-6-03)

(Supp. No. 59)

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Sec. 78-204. Exterior lighting.

(a) *Residential lighting standards.*

- (1) All outdoor lighting in residential use districts used to light the general area of a site shall be shielded or directed in a manner which reduces glare and shall be so arranged as to reflect objectionable lights away from all adjacent residential districts or adjacent residences.

(b) *Non-residential lighting standards.*

- (1) *Time period.* Required lighting shall be turned off daily from ½ hour before sunrise to ½ hour after sunset.
- (2) *Permitted lighting.* Only non-glare, color-corrected lighting shall be permitted. In commercial and industrial districts, full cutoff shades are required for light sources higher than 15 feet so as to direct the light onto the site and away from adjoining properties. The lighting source shall not be directly visible from adjoining properties. Lighting shall be shielded so that it does not cause glare for motorists.

(3) *Intensity.*

- a. *Site lighting.* Lighting for uses adjacent to residential properties shall be designed and maintained such that illumination levels do not exceed 0.1 foot-candles along property lines. Lighting for uses adjacent to non-residential properties shall be designed and maintained such that illumination levels do not exceed 0.3 foot-candles along property lines. The light intensity provided at ground level shall be a minimum of 0.3 foot-candle anywhere in the area to be illuminated. Light intensity shall average a minimum of 0.5 foot-candle over the entire area, measured five feet above the surface.
- b. *Parking lots.* Parking lot illumination levels shall conform to the following standards:
 1. For residential uses, churches, schools and child care facilities, all parking lots must be illuminated at levels of at least 0.4 but not exceed 0.6 foot-candles.
 2. For non-residential uses, illumination levels shall be a function of the size of the parking lot:

Size	Minimum Illumination
Small (5—10 spaces)	0.4
Medium (11—99 spaces)	0.6
Large (100+ spaces)	0.9

- (4) *Height.* Except as noted below, lighting fixtures shall not exceed a height of 25 feet or the height of the building, whichever is less, measured from the ground level to the centerline of the light source. Fixtures should provide an overlapping pattern of light at a height of seven feet above ground level (See attached diagram). The planning commission may modify these height standards in the commercial and industrial districts, based on consideration of the following: the position and height of buildings, other structures, and trees on the site; the potential off-site impact of the lighting; the character of the proposed use; and, the character of the surrounding land use. In no case shall the lighting exceed the maximum building height in the district in which it is located. More specifically, in industrial districts the height of lighting fixtures may be equal to the height of the principal building on the site on which the lighting is located, provided that such lighting does not exceed 30 feet and is located at least 200 feet from any residential district.
- (5) *Sign lighting.* Signs shall be illuminated in accordance with the regulations set forth in the adopted sign ordinance, article XIX.

- (6) *Site plan requirements.* All lighting, including ornamental lighting, shall be shown on site plans in sufficient detail with appropriate photometric studies to allow determination of the effects of such lighting upon adjacent properties, traffic safety, and overhead sky glow. The objective of these specifications is to minimize undesirable off-site effects. Building or roof mounted lighting intended to attract attention to the building and/or use and not strictly designed for security purposes shall not be permitted. Temporary holiday lighting and decorations are exempt from the aforementioned provisions.

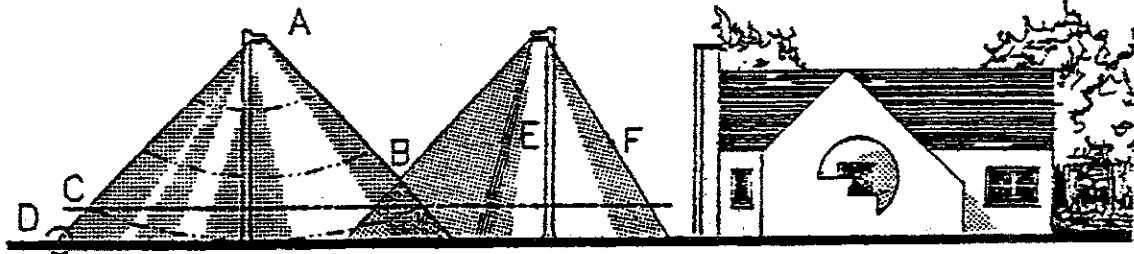


Diagram Notes

- A. Non-glare, color corrected lighting with full cutoff shades for commercial and industrial sites, on daily from a ½ hour after sunset to a ½ hour before sunrise.
- B. Overlapping light pattern at approximately seven feet.
- C. Average minimum light intensity: 0.5 foot-candle, not to exceed a maximum of 20 foot-candles, measured five feet above the surface.
- D. Minimum light intensity at ground level, anywhere on site: 0.3 foot-candle.
- E. Maximum height: Twenty-five feet or height of building, whichever is less, unless modified by planning commission.
- F. Light directed away from adjoining properties. Uses adjacent to residential properties must maintain illumination levels not to exceed 0.1 foot-candles at the property line, and uses adjacent to non-residential properties must maintain levels not to exceed one foot-candle.
- G. For residential uses, churches, schools, and child care facilities, all parking lots must maintain illumination levels of at least 0.4 but not exceed 0.6 foot-candles. For non-residential uses, illumination levels shall be a function of the size of the parking lot (see section 78-204(b)(3)b.)

(Ord. of 10-6-03)

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, 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.

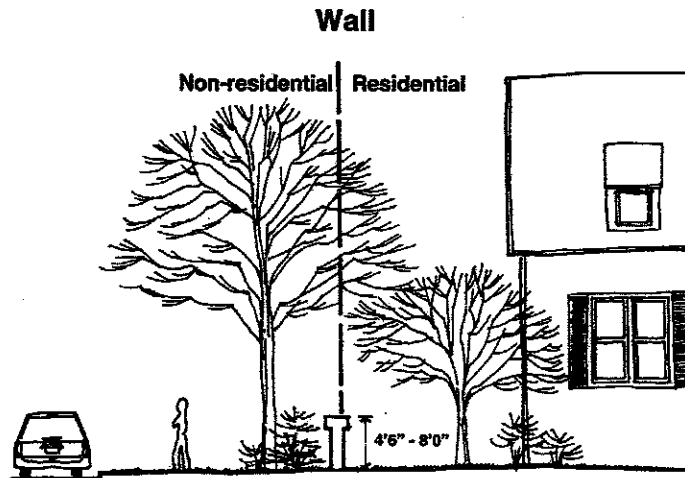
(Ord. of 10-6-03)

Sec. 78-206. Walls and berms.

- (a) For the use districts and uses listed below, there shall be provided and maintained on those sides abutting or adjacent to a residential district, a screening wall, fence, landscaped berm or landscape strip as required below. The height of the fence, wall, or berm shall be measured from the surface of the parking area or land on the nonresidential side of the wall.

	Use	Height Requirements
(1)	RM, RM-1 and RM-2 districts (on those sides adjacent to one-family residential districts)	4½ feet to 6½ feet
(2)	P-1 vehicular parking districts	4½ feet
(3)	Off-street parking area (other than vehicular parking districts)	4½ feet
(4)	O-1, O-2, B-1, B-2 and B-3 districts	4½ feet to 6½ feet
(5)	I-1 and I-2 districts	4½ feet to 8 feet
(6)	Utility buildings, stations and/or substations	6½ feet

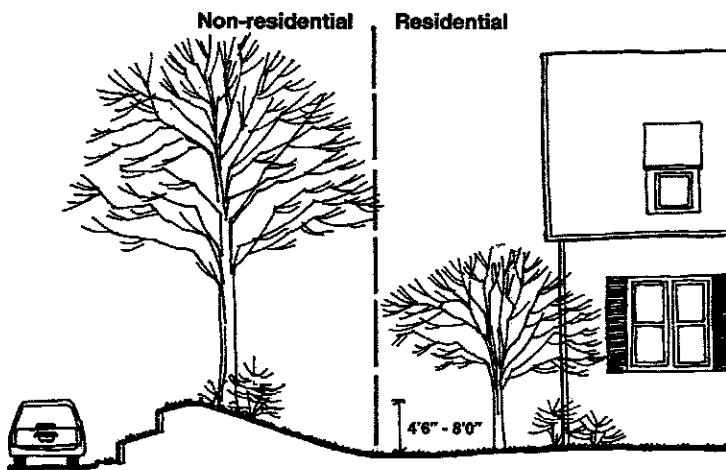
- (b) In the case of variable wall, fence or berm height requirements such as in subsections (a)(1), (4), and (5) of this section, the extent of the obscuring wall, fence, or berm shall be determined by the planning commission on the basis of land usage, provided further that no wall, fence or berm shall be less than the above required minimum.
- (c) Required walls shall be located on the lot line except where underground utilities interfere and except in instances where this chapter requires conformance with yard setback lines. Required walls may, upon approval of the zoning board of appeals, be located on the opposite side of an alley right-of-way from a nonresidential zone that abuts a residential zone when mutually agreeable to affected property owners. The continuity of the required wall on a given block will be a major consideration of the zoning board of appeals in reviewing such request.
- (1) Required walls shall have no openings for vehicular traffic or other purposes, except as otherwise provided in this chapter and except as may be approved by the building official. All walls herein required shall be constructed of face brick or comparable nonporous facing materials and shall be durable, weather resistant, rust-proof and easily maintainable. Wood screen walls or fences shall be cedar, wolmanized or treated wood and may only be used in areas not adjoining parking lots or roadways, and which will not be subject to damage from vehicular traffic. Fences shall comply with the City of Plymouth Fence Ordinance. Solid stockade fences shall be prohibited. Open weave or shadow box style fences which permit air flow shall be permitted.
- (2) Plant materials along a wall or fence shall include at least one tree for each 20 feet or fraction thereof, and shall form a continuous screen from four feet, six inches in height to eight feet in height as required in section 78-206(a).



- (d) Required berms shall be constructed as landscaped earth mounds with a crest area at least two feet in width. The exterior face of the berm shall be constructed as an earthen slope. The interior face of the berm may be constructed as an earthen slope, or retained by means of a wall, terrace or other means acceptable to the building official. Whenever an earthen slope is provided, it shall be constructed with an incline not to exceed one foot of vertical rise to three feet of horizontal distance.
- (1) Berm slopes shall be protected from erosion by sodding or seeding. If slopes are seeded, they shall be protected with erosion control methods until the seed germinates and a permanent lawn is established. The berm area shall be kept free from refuse and debris and shall be planted with shrubs, trees or lawn and shall be maintained in a healthy, growing condition.
 - (2) Plant materials within the berm area shall include at least one tree for each 20 feet or fraction thereof, and shall form a continuous screen from four feet, six inches in height to eight feet in height as required in section 78-206(a). A planting plan and grading plan shall be prepared for the berm and shall be reviewed by the planning commission.

Berms

Berms—Cont'd.



Berms-2

- (e) If a landscape strip is used as a buffer between conflicting uses, the landscape strip shall be at least ten feet in width. The landscape strip shall be planted with dense foliage in such manner as to provide a minimum opacity of 80 percent in summer and 60 percent in winter.

Landacape Strip

- (f) The planning commission may waive or modify the foregoing requirements of section 78-206, where cause can be shown that no good purpose would be served and that the waiver or modification would neither be injurious to the surrounding neighborhood nor contrary to the spirit and purpose of this chapter provided that in no instance shall a required wall or berm be permitted to be less than four feet, six inches in height. In those instances where suitable screening will be achieved, the planning commission may allow planting, earth berms, or treated wood walls in place of masonry walls.
- (1) In consideration of request to waive wall or berm requirements between residential and nonresidential districts, or as otherwise required herein, the planning commission shall consider:
- a. Whether or not the residential district is considered to be an area in transition and will become nonresidential in the future based on the adopted master plan.
 - b. Whether or not the existing use of land adjacent thereto is such that the obscuring effect of a wall or berm would achieve no substantial screening function.
 - c. Whether or not the ground elevation of the site in question and the land adjacent thereto is such that a wall or berm would not be required to provide the required obscuring effect.
- (2) The planning commission may temporarily waive wall or berm requirements for an initial period not to exceed 12 months. Granting of subsequent waivers shall be permitted, provided that the planning commission shall make a determination as hereinbefore described for each subsequent waiver.
- (g) The city may require that suitable maintenance guarantee be provided for the continued maintenance of walls required under this chapter.
- (h) The requirement for an obscuring wall between off-street parking areas, outdoor storage areas, and any abutting residential districts may not be required when such areas are located more than 200 feet distant from such abutting residential district.

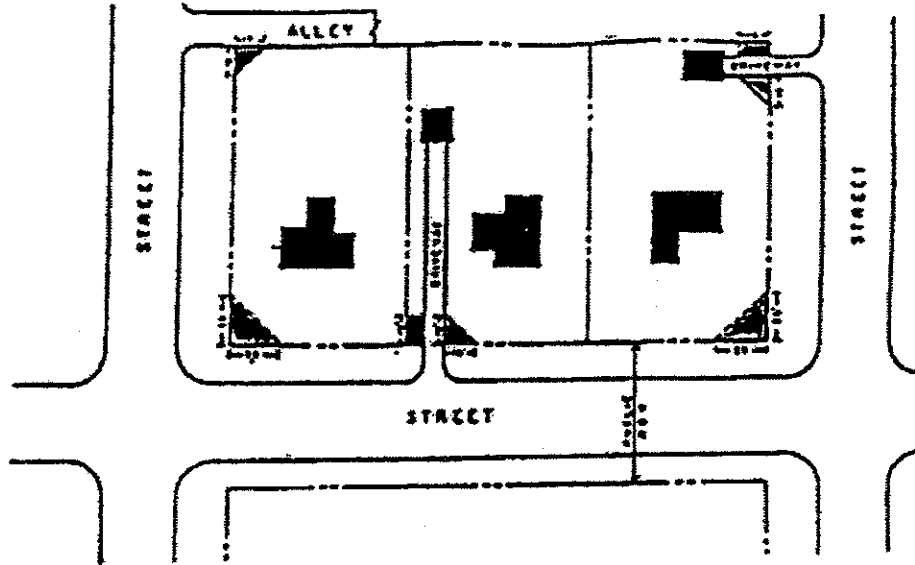
(Ord. of 10-6-03; Ord. No. 2011-03, § 1, 1-17-11)

Sec. 78-207. Corner clearance.

- (a) A clear vision area shall be established within the triangular area formed at the intersection of any street right-of-way lines by a straight line drawn between such right-of-way lines at a distance along each line of 25 feet from their point of intersection. Walls, fences, berms, shrubs, hedges or other plantings (excluding trees) and signs in this area shall not exceed 30 inches in height above the average gutter grade adjacent to this area. Trees planted or signs erected within this same area shall not have branches or portions of the sign area lower than eight feet above the average gutter grade.
- (b) The planning commission may require adequate sight visibility, corner clearance and building setback within the B-2 zoning district. This may be required at the intersection of driveways and a public right-of-way in a manner to aid vehicular and pedestrian traffic. A triangular area of unobstructed vision for motorists and pedestrians shall be maintained at the intersection of the street right of way and driveway. The triangular

area shall comply with Section 78-207 or as modified by the Building Official or Planning Commission for sites where strict compliance is impractical.

CORNER CLEARANCE



(Ord. of 10-6-03; Ord. No. 2007-01, § 5, 5-21-07)

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 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, 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 of the district and no fence shall project into this area. (See Figures 1, 2, and 3)

Figure 1. Fence Location

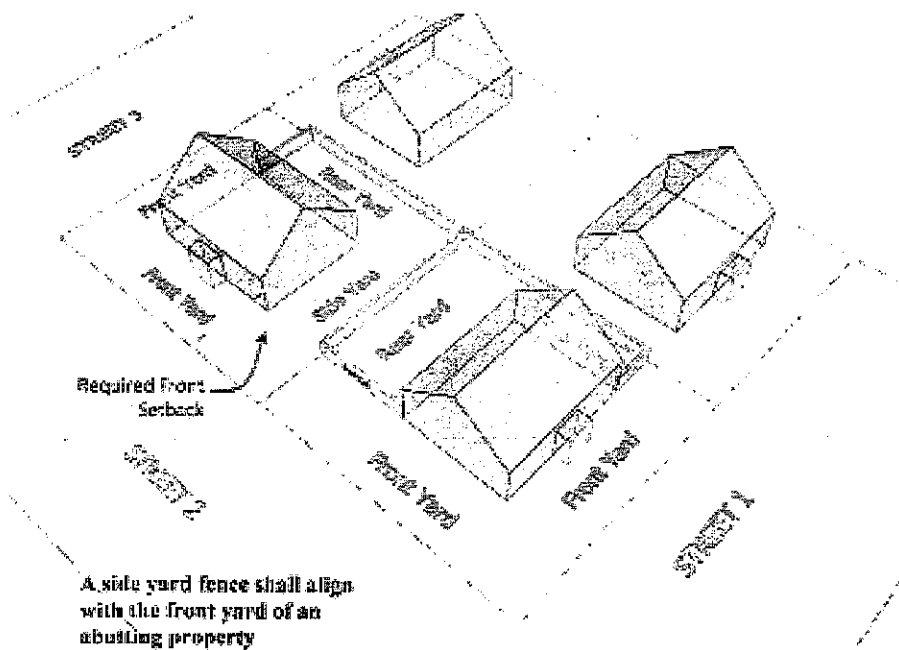


Figure 2. Fence Location

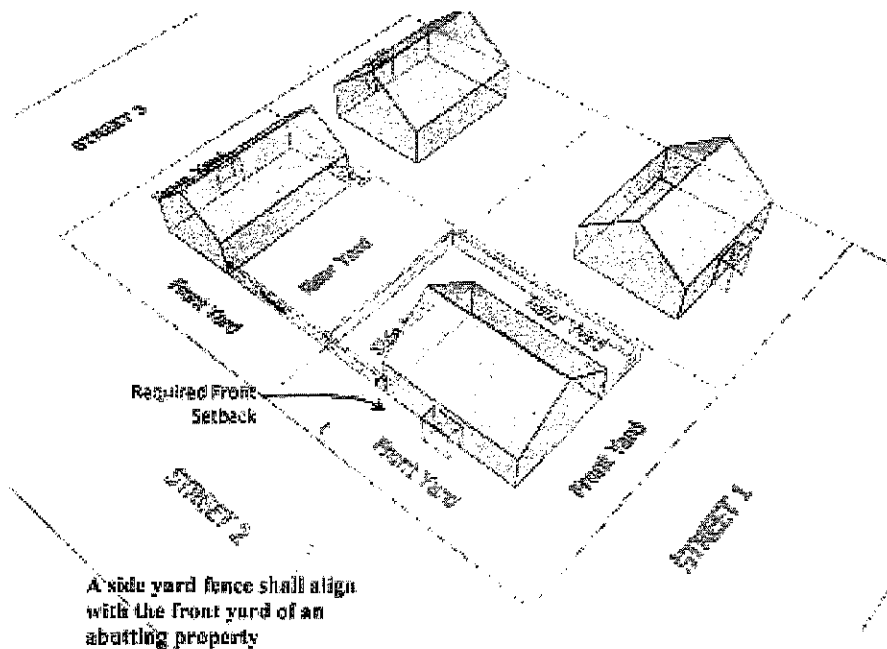
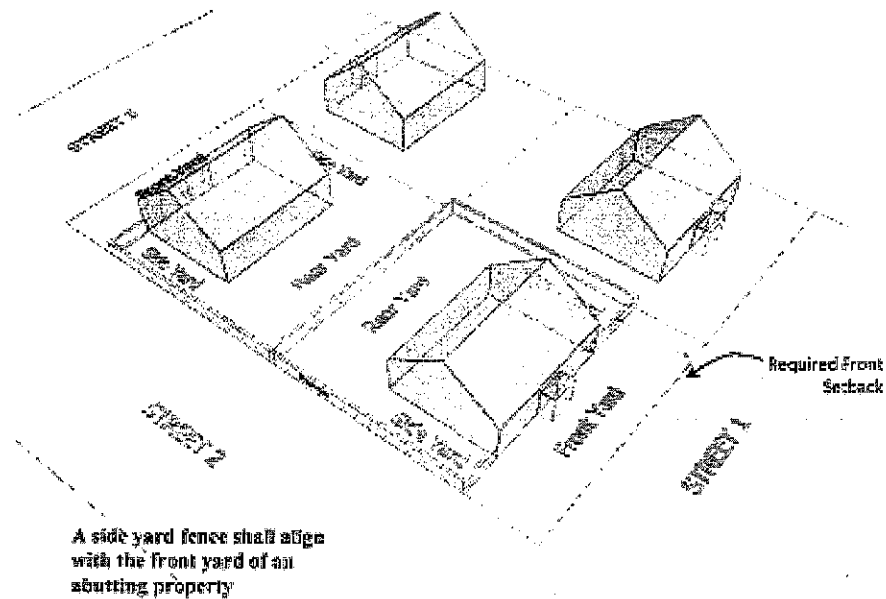


Figure 3. Fence Location



- (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 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 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.

(Ord. of 10-6-03; Ord. No. 2011-03, § 2, 1-17-11)

Sec. 78-209. Industrial fences.

Fences are permitted in industrial districts as follows:

- (1) Fences shall not be allowed within the front yard of any industry on sites of less than ten acres in size. Fences may be allowed in front yards of sites of ten acres or more after review and approval of the planning commission.
- (2) Fences not to exceed eight feet in height shall be permitted in side and rear yards. Barbed wire shall be allowed on fences not less than eight feet in height in not more than three strands mounted in a "Y" at the top of the fence and shall be permitted provided such "Y" is located to project over the property being fenced.

(Ord. of 10-6-03)

Sec. 78-210. Street access.

- (a) Any lot created after the effective date of this chapter shall have frontage upon a public street right-of-way or legally recorded access easement at least 60 feet in width, unless a private road of lesser width has been approved by the city commission.

(Ord. of 10-6-03)

Sec. 78-211. Temporary buildings and structures.

Temporary buildings and structures, including trailers, incidental to construction work on a lot, may be placed on such lot, subject to the following restrictions:

- (1) Temporary buildings and structures may only be used for the storage of construction materials, tools, supplies and equipment, for construction management and supervision offices, and for temporary on-site sanitation, solid waste or fuel facilities, related to construction activity on the same lot.
- (2) No temporary building or structure shall be used as a dwelling unit.
- (3) A building permit for such building or structure shall be issued by the building official prior to installation.
- (4) Temporary buildings and structures shall be removed from the lot within 15 days after an occupancy permit is issued by the building official for the permanent structure on such lot, or within 15 days after the expiration of a building permit issued for construction on such lot.

(Ord. of 10-6-03)

Sec. 78-212. Home occupations.

A home occupation, defined as an occupation or profession carried on in the home by resident members of the household where such use is clearly incidental and secondary to the principal use of the dwelling as a residence, shall meet the following criteria:

- (1) That such home occupation shall be carried on within the dwelling or within a building accessory thereto.
- (2) That the character or appearance of the residence shall not change and that the home occupation shall not generate more traffic from cars or trucks than normally associated with a residential dwelling.

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- (3) That no article shall be sold or offered for sale on the premises, except such as is produced within the dwelling or accessory building or is provided incidental to the service or profession conducted within the dwelling or accessory building.
 - (4) The home occupation shall not display or create outside the building any external evidence of the operation of the home occupation, except that there may be one unlighted wall sign, that is not an awning, changeable copy or channel letter sign, not to exceed three square feet in area. Home occupations shall not be permitted freestanding signs.
 - (5) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 25 percent of the floor area of the dwelling unit shall be used in the conduct of the home occupation.
 - (6) That there shall be no exterior storage of materials or equipment.
 - (7) That no nuisance shall be generated by any heat, glare, noise, smoke, vibration, noxious fumes, odors, vapors, gases, chemicals, or matter at any time.
 - (8) That no hazard of fire, explosion, or radioactivity shall exist at any time.
 - (9) That only members of the household occupying the dwelling shall be employed in the dwelling or accessory building.

(Ord. of 10-6-03; Ord. No. 2012-04, § 10, 11-5-12; Ord. No. 2020-01, 3-2-20)

Sec. 78-213. Mechanical equipment.

Any mechanical equipment, including water and gas meters, elevator housings, stairways, tanks, heating, ventilation and air conditioning equipment (HVAC), and other similar equipment, located on the roof and any part of a building shall comply with the following standards:

- (1) All such equipment shall be screened by a solid wall, fence, landscaping and/or architectural feature that is compatible in appearance with the principal building.
- (2) Roof-mounted equipment shall not exceed a height of ten feet above the surrounding roof surface, and shall occupy no more than 15 percent of the total roof area.

(Ord. of 10-6-03)

Sec. 78-214. Essential public services.

The erection, construction, alteration or maintenance of essential public services shall be permitted in any zoning district; it being the intention thereof to exempt such erection, construction, alteration or maintenance from the application of this chapter. Essential services shall be subject to site plan review, article XVII, unless waived by the building official.

(Ord. of 10-6-03)

Sec. 78-215. Condominium development standards.

The intent of this section is to provide regulatory standards for condominiums and condominium subdivisions similar to those required for projects developed under other forms of ownership.

- (1) *General requirements.*

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- a. Each condominium lot shall be located within a zoning district that permits the proposed use.
 - b. Each condominium lot shall front on and have direct access to a public street or a private street approved by the planning commission. Approval for a private street may be conferred by the planning commission in conjunction with article XX, site plan review.
 - c. All condominium project plans shall conform to the plan preparation requirements, design, layout, and improvements standards and all other requirements as established in the City of Plymouth Subdivision Regulations.
 - d. For the purposes of this ordinance, each condominium lot shall be considered equivalent to a single lot and shall comply with all regulations of the zoning district in which it is located.
- (2) *Site plan approval required.* Approval of the site plan and condominium documents by the planning commission shall be required as a condition to the right to construct, expand or convert a site condominium project. Preliminary and final approval shall not be combined.
- a. *Approval process.*
 1. A site plan pursuant to the standards and procedures set forth in article XX of this chapter shall be submitted to the planning commission for review.
 2. The applicant shall submit the condominium documents and master deed to the city staff and consultants for review. The condominium documents shall be reviewed with respect to all matters subject to regulation by the city including without limitation; ongoing preservation and maintenance of drainage, stormwater retention, wetlands, woodlands, and other natural features; maintenance of private roads, if any; and maintenance of stormwater, sanitary, and water facilities and utilities.

All review comments shall be submitted to the building official who shall compile the findings prior to consideration of the site plan for approval by the planning commission.
 3. Following receipt of preliminary approval, the applicant shall also submit to the building official plans in sufficient detail for the city, along with appropriate consultants, to determine compliance with applicable laws, ordinances and design standards for construction of the project.

All review comments shall be submitted to the building official who shall compile the findings prior to consideration of the site plan for approval by the planning commission.
 4. Upon completion of the review of the condominium documents and plans and receipt of the recommendations and findings from city staff and consultants, the site plan shall be submitted to the planning commission for review in accordance with article XX of this chapter.
 5. If the site plan, condominium documents and/or plans conform in all respects to applicable laws, ordinances and design standards, approval shall be granted by the planning commission.
 6. If the site plan, condominium documents and/or engineering plans fail to conform to the ordinance or development standards, final approval shall be denied by the planning commission.
 7. In the interest of insuring compliance with this article and protecting the health, safety and welfare of the residents of the city, the planning commission, as a condition of approval of the site plan, may require the applicant to deposit a performance guarantee as set forth in the zoning code for the completion of improvements associated with the proposed use.

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- b. *Information required prior to occupancy.* Prior to the issuance of occupancy permits for any condominium units, the applicant shall submit the following to the city:
 - 1. A copy of the recorded condominium documents (including exhibits).
 - 2. A copy of any recorded restrictive covenants.
 - 3. A copy of the site plan on laminated photostatic copy or mylar sheet.
 - 4. Evidence of completion of improvements associated with the proposed use including two copies of an "as-built survey".
 - c. *Revision of site condominium plan.* If the site condominium subdivision plan is revised, the site plan shall be revised accordingly and submitted for review and approval or denial by the planning commission before any building permit may be issued, where such permit is required.
 - d. *Amendment of condominium documents.* Any amendment to a master deed or bylaws that affects the approved site plan or any conditions of approval of a site plan shall be reviewed and approved by the city staff or consultants and planning commission before any building permit may be issued, where such permit is required. The planning commission may require its review of an amended site plan if, in its opinion, such changes in the master deed or bylaws require corresponding changes in the original site plan.

(Ord. of 10-6-03)

Sec. 78-216. Wireless communication.

(a) *Purpose and intent.*

- (1) It is the policy of the city to minimize the overall number of newly established locations for wireless communication facilities and wireless communication support structures within the community, and encourage the use of existing structures for attached wireless communication facility purposes. It is further the purpose and intent of the city to provide for such authorization in a manner which will protect the public health, safety, and welfare and retain the integrity of neighborhoods and the character and aesthetic quality of the community at large. This policy is consistent with the Federal Telecommunications Act of 1996 and PA 110 of 2006, as amended (MCL 125.3514).

(b) *Authorization.* Wireless telecommunication facilities may be permitted within the City of Plymouth as either a permitted use subject to administrative review, permitted use subject to site plan approval, or as a special use according to the following regulations:

- (1) Wireless communication equipment as a permitted use subject to administrative review.

A proposal for attached wireless communication facilities that satisfies the following criteria does not require special use or site plan approval. Confirmation that these criteria are satisfied shall be determined by an administrative review by the building Official prior to issuance of any construction code permits. Such proposals shall also be reviewed for compliance with the standards and conditions in subsection (c), General regulations, with the certification to identify any items of noncompliance. The wireless facility shall also comply with the following:

- a. The existing wireless communications support structure and/or wireless communications equipment compound are in compliance with this section and, if not, are in compliance with a prior approval under this section.
- b. The proposal will not increase the height of the wireless communications support structure by more than 20 feet or ten percent of its original height (as first erected without any later additions), whichever is greater.

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- c. The proposal will not increase the width of the wireless communications support structure by more than necessary to the stated and documented purpose of the increase.
 - d. The proposal will not increase the area of the existing wireless communications equipment compound to more than 2,500 square feet.
- (2) *As a permitted use subject to site plan approval.* In the I-1 and I-2 zoning districts, a wireless communication facility shall be a permitted use subject to the standards and conditions of this section. The following wireless communication facilities shall also be considered a permitted use:
- a. A proposed collocation upon a wireless communication support structure which has been approved by the city for such collocation but which is not permitted by administrative review under subsection (b)(3).
 - b. Wireless communication equipment on an existing utility pole structure located within a right-of-way and not previously approved and used as a wireless communications support structure, where there will be no substantial change in physical dimensions of the existing pole.
- (3) *As a special use.*
- a. A collocation on an existing structure which does any of the following: increases the height of the support structure by more than 20 feet or ten percent of its original height, increase the width of the support structure or increases the area of the equipment compound greater than 2,500 square feet.
 - b. Subject to the standards and conditions set forth in this section, new wireless communication facilities shall be considered as a special use in any areas outside of the I-1 and I-2 zoning districts.
 - c. If it is demonstrated by an applicant that a wireless communication facility, in order to operate, is required to be established outside of I-1 and I-2 districts and that existing structures are not available for collocation in other parts of the city, such wireless communication facilities shall be considered elsewhere in the city as a special land use, subject to the following:
 - 1. At the time of the submittal, the applicant shall demonstrate that alternative locations cannot reasonably meet the coverage and/or capacity needs of the applicant.
 - 2. Where feasible, wireless communication facilities shall be of a design such as a steeple, bell tower, water tower, or other form which is compatible with the existing character of the proposed site, neighborhood and general area, as approved by the city.
 - 3. Locations outside of the I-1 and I-2 districts may only be considered at the following locations, subject to application of all other standards contained in this section:
 - i. Municipally-owned sites.
 - ii. Other governmentally owned sites.
 - iii. Religious or other institutional sites.
 - iv. Public or private school sites.
 - v. Public utility sites.
 - 4. If sites are not available in the I-1 or I-2 district, or on parcels identified above in subsection 2(c)(iii), other locations where there is a demonstrated need for service can be considered.
 - 5. All other criteria and standards set forth below in Subsection c. and d. are met as follows:

(c) *General regulations.*

- (1) *Standards and conditions applicable to all facilities.* All applications for wireless communication facilities shall be reviewed in accordance with the following standards and conditions, and, if approved, shall be constructed and maintained in accordance with such standards and conditions.
- a. Facilities shall not be demonstrably injurious to neighborhoods or otherwise detrimental to the public safety and welfare.
 - b. Facilities shall be located and designed to be compatible with the existing character of the proposed site and harmonious with surrounding areas.
 - c. Applicants shall demonstrate an engineering justification for the proposed height of the structures and an evaluation of alternative designs which might result in lower heights.
 - d. The following additional standards shall be met:
 1. The maximum height of the new or modified support structure and antenna shall not exceed height limits provided in Table 216-1, and shall be the minimum height demonstrated to be necessary for reasonable communication by the applicant and by other entities to collocate on the structure.

Table 216-1
Support Structure Height Limits by Zoning District

Zoning District	Height Limit
R-1, RT-1, RM-1, RM-2, O-1, O-2, B-1, B-2, B-3, ARC, P-1	145 feet
I-1, I-2	180 feet

Additional height over that which is provided in Table 216-1 may be permitted, in the sole discretion of the planning commission, when it can be demonstrated by the applicant that additional height is required to permit collocation. Evidence of collocation shall be provided by the applicant if additional height over that which is provided in Table 216-1 is requested. The accessory building contemplated to enclose such things as switching equipment shall be limited to the maximum height for accessory structures within the respective zoning district.

2. The setback of the support structure and accessory structures shall be 200 feet from the boundary of any residentially zoned property. Otherwise, the setback of the support structure and accessory structures shall be 100 feet or a distance equal to one hundred and 125 percent of the height of the support structure (whichever is greater) from an adjacent property boundary and all existing or proposed rights-of-way.
3. There shall be unobstructed access to the support structure, for police, fire and emergency vehicles, and for operation, maintenance, repair and inspection purposes, which may be provided through or over an easement.
4. The city shall review and approve the architecture and color of the support structure and all accessory buildings so as to minimize distraction, reduce visibility, maximize aesthetic appearance, and ensure compatibility with surroundings. It shall be the responsibility of the applicant to maintain the wireless communication facility in a neat and orderly condition. If lighting is required by the Federal Aviation Administration, Federal Communications Commission, Michigan Aeronautics Commission, or other governmental agencies, it shall be red between sunset and sunrise, white between sunrise and sunset, and shall blink or flash at the longest permitted intervals, unless otherwise required.

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5. The support system shall be constructed in accordance with all applicable building codes and shall include the submission of a soils report from a geotechnical engineer, licensed in the State of Michigan. This soils report shall include soil borings and statements indicating the suitability of soil conditions for the proposed use. The requirements of the Federal Aviation Administration, Federal Communication Commission, and Michigan Aeronautics Commission shall be submitted by the applicant in the original application for approval. The applicant shall furnish a written certification from the manufacturer or designer of the support system that the support system has been evaluated by a registered professional engineer and that the support system can safely accommodate attached antennas under expected weather conditions.
- (2) *Standards and conditions applicable to special land use facilities.* Applications for wireless communication facilities which shall be approved as special land uses shall be reviewed, and if approved, constructed and maintained, in accordance with the standards and conditions of this section and in accordance with the following standards:
- a. The applicant shall demonstrate the need for the proposed facility based upon one or more of the following factors:
 1. Proximity to an interstate or major thoroughfare.
 2. Areas of population concentration.
 3. Concentration of commercial, industrial, and/or other business centers.
 4. Areas where signal interference has occurred due to tall buildings, masses of trees, or other obstructions.
 5. Topography of the proposed facility location in relation to other facilities with which the proposed facility is to operate.
 6. A demonstrated need, including deficiency of service, proof of dropped calls, and/or inadequate capacity to accommodate call volume. The city may seek the advice of experts in the field or independent third parties for technical assistance regarding radio frequency engineering.
 - b. The proposal shall be reviewed in conformity with the collocation requirements of this section.
- (d) *Application requirements.*
- (1) Building permit applications shall be required for wireless facilities proposed as a permitted use subject to administrative review.
 - (2) A site plan and special use application shall be required for wireless facilities proposed as a special use, in accordance with Article XX and Article XXIII.

For wireless facilities subject to special use application, a site plan shall also include a detailed landscape plan prepared in accordance with section 78-203. The purpose of landscaping is to provide screening and aesthetic enhancement for the structure base, accessory buildings and enclosure. In all cases, fencing of a minimum of six feet in height shall be required for protection of the support structure and security from children and other persons who may otherwise access facilities.
 - (3) An application shall include a description of security to be posted at the time of receiving a building permit to ensure removal of the facility when it has been abandoned or is no longer needed, as provided in subsection (f). In this regard, the security shall be posted and maintained in the form of: (1) cash; (2) irrevocable letter of credit; or, (3) other security arrangement found acceptable by the city manager.

(e) *Procedures.*

(1) *Review and administrative actions on special land use and site plan approval applications.*

- a. The building official shall promptly review special land use and site plan approval applications to determine if they are administratively complete by inclusion of all information required in subsection (d). If the application is not complete, no later than 14 business days after receiving it the building official shall provide a written or electronic notice to the applicant specifying the information necessary to complete the application. Such initial review for completeness by the building official shall be on behalf of the planning commission for special land use and site plan approvals.
- b. The building official shall review supplemental information submitted in response to an incomplete application notice and notify the applicant of any remaining deficiencies.
- c. An application shall be administratively complete upon the building official's determination or the expiration of 14 business days from receipt of the application without a notice to the applicant of deficiencies.
- d. Upon a special use or site plan approval application being administratively complete, the building official shall promptly schedule it for a planning commission meeting that will allow for a planning commission site plan decision or special land use decision after the required public hearing within the time periods in subsection (e)(2) below.
- e. If the applicant has disclosed professional opinions supporting the application and the building official or planning commission has determined that independent professional review for the city of any such opinion should be performed, the reasonable costs of such review may be assessed to the applicant by a written notice from the building official as a professional review cost to be paid in accordance with the notice.

(2) *Decisions on special use and site plan approval applications.*

- a. The planning commission shall approve or deny a special land use application for a new wireless communications support structure not more than ninety (90) days after it is administratively complete.
- b. For all special use, site plan applications, and applications subject to administrative review, other than new wireless communications support structures, the planning commission shall approve or deny the application not more than 60 days after it is administratively complete.

(3) *Post-approval costs, fees, and administrative actions.* Zoning permits to implement and grant the authority allowed by a special land use or site plan approval for wireless communication facilities, and zoning certificates of use and occupancy for such facilities, shall be issued subject to and conditioned on all of the following:

- a. Any conditions of the special land use or site plan approval.
- b. Payment of any outstanding professional review costs as described in subsection e.1)(e).
- c. Payment of permit fees in an amount established by or in accordance with a Resolution of city commission.

(f) *Removal.*

- (1) A wireless communication facility must furnish reasonable evidence of ongoing operation at any time after the construction of an approved tower.
- (2) A condition of every approval of a wireless communication facility shall be adequate provision for removal of all or part of the facility by users and owners upon cessation of operation.

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>			
Air conditioning condensers	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
<i>Roof Area:</i>			
Cornices, eaves, overhangs, brackets, soffits (excluding gutters)	2 feet	2 feet	2 feet
Dormers	¹ 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.

(Ord. of 10-6-03; Ord. No. 16-02, § 2, 7-18-16)

Sec. 78-218. Foundation walls.

- (1) The exposed foundation wall between the average of finished grades at the center of all walls of the building and the highest portion of the first floor shall not exceed 36 inches from the average grade plane. In case walls are parallel to and within five feet of a sidewalk, the above ground level (average grade plane) for that wall shall be measured at the sidewalk, unless otherwise defined herein. This height limit shall not include areas for walk out basements, window wells or other portions of exposed foundation wall which cannot be reasonably lowered or covered as determined by the building official.
- (2) Elevation measurements of the top of the basement footings shall be provided to the building official by a licensed engineer or surveyor before a backfill inspection can be conducted to confirm that the actual elevations meet the submitted plans.

(Ord. No. 16-06, § 2, 10-17-16)

Sec. 78-219. Grading, drainage and building grades.

- (1) The ground areas outside the walls of any building or structure hereafter erected, altered, or moved shall be so designated that surface water shall flow away from the building walls in such a direction and with such a method of collection that inconvenience or damage to adjacent properties will not result. Where property is developed adjacent to existing properties previously developed, existing grades of adjacent properties shall have priority. Grades around houses or structures shall meet existing grades in the shortest possible distance, as determined by the building official, but under no circumstances shall exceed 1:4 slopes or 25 percent grades.
- (2) To minimize impacts on contiguous, previously developed, single-family residential property and ensure compatibility for new projects in established residential neighborhoods, the first story elevation height of new structures shall be consistent with the first floor elevation height of contiguous residences, in conformance with other requirements of this ordinance. Any property owner/developer who intends to add fill above the height of the existing contiguous grades shall demonstrate to the building official's satisfaction, that additional fill is not detrimental to surrounding properties in terms of compatibility and drainage.
- (3) A certificate of occupancy will not be issued until final grades are approved by the city building official. A certificate of grading shall be completed by the applicant. When possible, the certificate of grading should show landscaping areas. The building official shall require a certified copy of the grading plan to be submitted by a registered civil engineer or land surveyor.

(Ord. No. 16-06, § 2, 10-17-16)

ARTICLE XXII. PARKING, LOADING REQUIREMENTS

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 78-273~~2~~.
 - (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 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.
 - (4) Any area once designated as required off-street parking shall not be changed to any other use unless and until equal facilities are provided elsewhere.
 - (5) Off-street parking existing at the effective date of this chapter in connection with the operation of an existing building or use shall not be reduced to an amount less than hereinafter required for a similar new building or use.
 - (6) Two or more buildings or uses may collectively provide the required off-street parking, in which case the required number of parking spaces shall not be less than the sum of the requirements for the several individual uses computed separately.
 - (7) In the instance of dual function of off-street parking spaces where operating hours of buildings do not overlap, the zoning board of appeals may grant a variance from the parking requirements of this chapter.
 - (8) The storage of merchandise, motor vehicles for sale, trucks, or the repair of vehicles is prohibited.
 - (9) For those uses not specifically mentioned, the requirements for off-street parking facilities shall be in accord with a use which is similar in type as noted in section 78-271 below.

Units and methods of measurement. For the purpose of determining off-street parking requirements, the following units of measurement shall apply:

- a. *Floor area:* Where floor area is the unit for determining the required number of off-street parking spaces, said unit shall mean the gross floor area, except that floor area's within the principal

building used for parking, incidental service and storage, housing of mechanical equipment, heating systems and similar uses need not be included.

- b. *Employees:* For requirements stated in terms of employees, the calculation shall be based upon the maximum number of employees likely to be on the premises during the largest shift.
- c. *Places of assembly:* In stadiums, sports arenas, churches and other places of assembly in which those in attendance occupy benches, pews, or other similar seating facilities, each 24 inches of such shall be counted as one seat. In cases where a place of assembly has both fixed seats and open assembly area, requirements shall be computed separately for each type and added together.
- d. *Fractional requirements.* When units or measurements determining number of required parking spaces result in requirement of a fractional space, any fraction shall require one parking space.

(10) Parking requirements within the B-2 central business district.

- a. Within the B-2 central business district only, parking required for principal uses permitted or special land uses permitted (Sections 78-101 and 78-102) shall be based upon a parking rate according to the following schedule:

Residential	Two (2) spaces for each dwelling unit
Retail	One space for each 500 sq. ft. of gross floor area
Office	One space for each 500 sq. ft. of gross floor area
Medical Office	One space for each 250 sq. ft. of gross floor area
Restaurant	One space for each 250 sq. ft. of gross floor area

The above parking schedule and requirements for off-street parking shall be required for all new development. For existing development where there is a proposed intensification of use which requires additional parking, a property owner or developer will be responsible for that portion which is greater than the parking required for the current use. For example, an existing retail use which is being converted to a restaurant use shall require additional parking for that portion of restaurant parking over and above what is previously credited for retail use.

The planning commission and/or city commission may also consider previously assigned parking credits established by payment in lieu of parking or by other previously approved parking arrangements recognized by the city. It is the responsibility of the property owner or applicant to provide written documentation on the existence of prior parking credits. These credits or payments in lieu of parking may be considered for fulfilling all or a portion of the off-street parking requirements of subsection 78-270(10).

- b. Uses other than those listed above shall meet the parking requirements of section 78-271.
- c. The planning commission or city commission may, at their discretion, modify the numerical requirements for off-street parking, based on evidence provided by the applicant that indicates that another standard would be more reasonable because of the level of current or future employment and/or the level of current or future customer traffic. The planning commission or city commission may also consider parking standards such as the Institute Of Transportation Engineers (ITE) or other documented parking standards or studies, including shared parking/collective parking arrangements and/or peak/non-peak parking demand. The planning commission or city commission may also consider prior arrangements or written agreements established before December 31, 2011, which satisfies required parking for the downtown or B-2 zoning district.

- d. Within the B-2 central business district only, for all buildings which include a mix of uses, the total number of parking spaces required by each separate use shall be divided by a sharing factor according to the following matrix:

	Re s i d e n t i a l	R e t a i l	O f f i c e
Residential	1	1.2	1.4
Retail/Restaurant	1.2	1	1.2
Office	1.4	1.2	1

(modified from SmartCode)

For projects involving more than two land uses, the sharing factor shall be based upon the highest sharing factor of all land uses. A minimum floor area of at least twenty-five (25%) percent of the total building area for each shared land use shall be required in order to be eligible for a sharing factor.

- e. In the interest of creating a viable central business district and to enhance the goal of separation of pedestrian and vehicular requirements, it is the goal of the City of Plymouth to encourage development of strategically located parking lots. These strategically located parking lots are developed largely out of public support to discourage the indiscriminate location or small dysfunctional parking spaces and the creation of a compatible and aesthetic arrangement of land uses. In keeping with this policy, the provision of off-street parking requirements as herein provided may be waived or modified by resolution of the city commission.

In lieu thereof, the city commission may determine that the number of spaces normally required at the time of erection, enlargement or change of use of any building or structure requiring off-street parking space pursuant to section 78-270(a)(10), may be provided in the form of lease payments, special assessments, or other forms of payment in lieu of parking according to policies established by resolution of the city commission. In establishing such policy, the city commission shall take into account the current inventory and future needs of B-2 parking, as well as the benefit to the private owners and to the public from such parking which would subsequently be provided by the city. In implementing such policy, the city commission shall assure that the future needs for parking in the B-2 shall be adequately met by such alternative fee arrangements in lieu of parking. Payments in lieu of parking requirements are non-refundable.

- f. Requirements for off-street parking may be waived or modified as part of a planned unit development (PUD).
- g. Parking within the B-2 zoning district shall comply with barrier free/accessible parking requirements of the State Construction Code.
- h. Within the B-2 zoning district, a change of use or an intensification of land use which requires additional parking shall not be entitled to the non-conforming use status as provided in section 78-352 or section 78-353 and assumed parking exemptions. Such change of use shall be required to provide parking in accordance with this section.

- (b) 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. When any required off-street parking is provided, not upon the same lot, but a lot within 300 feet of the building it is intended to serve, documentation meeting the requirements for recording at the register of deeds, shall be provided reflecting that the ownership of the realty (upon which parking is located) has given to the owner of the realty (upon which the building requiring the parking is located), a permanent right of use for the required number of parking spaces.

(Ord. of 10-6-03; Ord. No. 2007-01, § 6, 5-21-07; Ord. No. 2012-02, §§ 4—6, 1-3-12; Ord. No. 2012-04, § 13, 11-5-12)

Sec. 78-271. Schedule.

The minimum number of off-street parking spaces by type of use shall be determined in accordance with the following schedule:

Use		Number of Minimum Parking Spaces Per Unit of Measure
(1)	<i>Residential:</i>	
a.	Residential, one-family and two-family	Two for each dwelling unit.
b.	Residential within the B-2 central business district	One for each dwelling unit, plus one for each bedroom in excess of one per unit.
c.	Residential, multiple-family	Two for each dwelling unit having two or less bedrooms and 2½ for each dwelling unit having three or more bedrooms, plus five for any office building or club house facility.
d.	Housing for the elderly	One for each two units and one for each employee. Should units revert to general occupancy, then two spaces per unit shall be provided. A minimum of one visitor space shall be required for each six dwelling units.
e.	Mobile home park	Two for each mobile home site and one for each employee of the mobile home park.
f.	Rooming houses and rooming units	One for each bedroom or room which could be so used.
(2)	<i>Institutional:</i>	
a.	Churches, temples, or places of worship.	One for each two seats or four feet of pews in the main unit of worship, plus any additional spaces needed for any day care, school, recreational facilities, meeting rooms, offices, and other uses determined by calculation by other section. An operations plan shall be submitted to support the amount of parking provided.
b.	Hospitals	Two for each one bed plus parking for related uses.
c.	Convalescent and/or nursing homes	One for each four beds.
d.	Municipal recreation centers	Five spaces per 1,000 sq. ft. of floor area, plus parking required for outdoor facilities, or ½ parking space per person of permitted capacity whichever is greater.
e.	Elementary and junior high schools	One for each one teacher, employee, or administrator in addition to the requirements of the auditorium.
f.	Senior high schools trade school, colleges and universities.	One for each one teacher, employee or administrator and one for each ten students,

			in addition to other applicable requirements, i.e. auditorium, etc.
	g.	Private clubs or lodge halls	One for each three persons allowed within the maximum occupancy load as established by local, county or state fire, building or health codes.
	h.	Private golf clubs, swimming pool clubs, tennis clubs or other similar uses	One for each two member families or individuals plus spaces required for each accessory use such as a restaurant or bar.
	i.	Golf courses, including par-3, open to the general public, except miniature courses	Six for each one golf hole and one for each one employee, plus spaces required for each accessory use, such as a restaurant or bar.
	j.	Fraternity or sorority	One for each five permitted active members, or one for each two beds, whichever is greater.
	k.	Stadium, sports arena or similar place of outdoor assembly	One for each three seats six feet of benches, (bleachers), whichever is greater.
	l.	Theaters and auditoriums	One for each three seats plus one for each two employees.
	m.	Nursery school, day nurseries or child care centers	One for each 150 square feet of usable floor area.
	n.	Library and museums	One for each 150 square feet of usable floor area.
	o.	Post office	One for each 100 square feet of lobby area plus one for each employee.
(3)	<i>Business and commercial:</i>		
	a.	Planned commercial or shopping center	One for each 100 square feet of usable floor area for the first 15,000 square feet.
			One for each 125 square feet for the next 15,001 to 450,000 square feet of usable floor area.
	b.	Club warehouse	One for each 150 square feet for that area in excess of 450,000 square feet of usable floor area.
			Six spaces per 1,000 square feet of usable floor area.
	c.	Auto wash (automatic)	One for each one employee. In addition, reservoir parking spaces equal in number to ten times the minimum capacity of the auto wash. Maximum capacity of the auto wash shall mean the greatest number of automobiles possible undergoing some phase of washing at the same time, which shall be determined by dividing the length in feet of each wash line by 20.
	d.	Auto wash (self-service or coin-operated)	Four for each washing stall in addition to the stall itself.

	e.	Beauty parlor or barbershop	Three spaces for each of the first two beauty or barber stations, and 1½ spaces for each additional station.
	f.	Bowling alleys	Five for each one bowling lane plus parking for accessory uses.
	g.	Dance halls, pool or billiard parlors, rolling skating rinks, exhibition halls and assembly halls without fixed seats	One for each two persons allowed within the maximum occupancy load as established by local, county or state fire, building or health codes.
	h.	Drive-in restaurant	One for each employee and one for each 25 square feet of usable floor area.
	i.	Drive-thru restaurant	One for each employee and five stack-up spaces for each drive through window or station.
	j.	Carry-out restaurant (with no eating on premises)	One for each employee and one for each 30 square feet of usable floor area with a minimum of six spaces.
	k.	Establishment for sale and consumption on the premises of beverages, food and refreshments	Outside of the downtown development district: One for each 75 square feet of usable floor area or one for each three persons allowed within the maximum occupancy load as established by local, county or state fire, building or health codes, whichever is greater.
			Within the downtown development district: Effective May 1, 1994: One for each 150 square feet of usable floor space; and effective January 1, 1997: One for each 75 square feet of usable floor area or one for each three persons allowed within the maximum occupancy load as established by local, county or state fire, building or health codes, whichever is the greater.
	l.	Furniture and appliance or household equipment repair shops, showroom of a plumber, decorator, electrician, or similar trade, shoe repair, and other similar uses	One for each 800 square feet of usable floor area. (For that floor area used in processing, one additional space shall be provided for each two persons employed therein).
	m.	Gasoline service stations (full service)	Two for each lubrication stall, rack or pit; and one for each gasoline pump stand; and one for each vehicle used as part of the equipment of the gasoline service station and one for each employee.
	n.	Gasoline filling stations (self-service)	1½ for each fuel nozzle. In addition, one parking space shall be provided for each 50 square feet of usable floor area in the cashier's and office areas. In no instance shall such a facility provide less than three parking spaces. In no instance shall a required parking space or its maneuvering

			area conflict with vehicles being fueled or awaiting fuel.
	o.	Convenience store, with or without gasoline service.	Four spaces per 1,000 square feet of usable floor area, plus spaces required for an auto service station activities or gasoline sales.
	p.	Custom workshops such as furniture refinishing or custom designed furniture manufacturing.	One space for each 800 square feet of gross floor area.
	q.	Dry cleaners.	Two spaces per each 1,000 square feet of usable floor area plus two stacking spaces for each drive-through lane.
	r.	Food stores.	One space for each 250 square feet of gross floor area.
	s.	Furniture/carpet store.	1½ spaces per 1,000 square feet of usable floor area.
	t.	Motor vehicle sales and service establishments.	One space for each 200 square feet of usable floor space of salesroom and two spaces for each one auto service stall in the service room.
			The areas devoted to customer service and employee parking shall be clearly delineated on the parking plan and reserved for that purpose. Parking space is exclusive of the requirement for new vehicle storage and display.
	u.	Oil change facility.	A minimum of three spaces for employees, but not less than two for each lubrication stall, rack, pit, or similar service area. In addition, two waiting spaces for each service area shall be provided.
	v.	Swimming pool.	One space per each three persons of capacity authorized by the building code.
	w.	Video rental establishments.	15 spaces per 1,000 square feet of usable floor area, with a minimum of six spaces provided.
	x.	Ice skating or roller rink	One for each seat or six feet of benches, or one for each 150 square feet of skating area, whichever is greater.
	y.	Laundromats and coin-operated dry cleaners	One for each two washing and dry-cleaning machines.
	z.	Miniature golf courses	Two for each one hole plus one for each one employee.
	aa.	Mini-storage rental units	One space for each employee and one space for each 50 storage rental units.
	bb.	Mortuary establishments	One for each 50 square feet of viewing room floor area.
	cc.	Motel, hotel or other commercial lodging establishments, including bed and breakfast inn.	One for each one occupancy unit plus one for each one employee plus one space for

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			each three seats used for food, beverage, banquet and/or meeting room area.
	dd.	Retail stores except as otherwise specified herein	One for each 200 square feet of usable floor space.
	ee.	Public utility structures	One for each employee on the maximum work shift.
	ff.	Indoor tennis or racquetball facility	Four for each court plus spaces as required for each accessory use such as a full service bar or restaurant.
	gg.	Amusement arcade	One for each one game table and one for each amusement device.
	hh.	Athletic clubs, exercise establishments, health studios, sauna baths, judo clubs and other similar uses	One parking space for each three persons allowed within the maximum occupancy load as established by local, county or state fire, building or health codes plus one space per employee, or one space for each 1½ clothing lockers, whichever is greater.
(4)	<i>Offices:</i>		
	a.	Branch bank, credit union or savings and loans.	One space per each 200 square feet of usable floor area plus two spaces per each 24-hour teller, plus two stacking spaces for each drive-up teller.
	b.	Business offices or professional offices, except as indicated in subsection (4)d of this section.	One for each 300 square feet of usable floor space.
	c.	Professional offices of doctors, dentists or similar professions	One for each 75 square feet of usable floor area in waiting rooms, and one for each examining room, dental chair, office, laboratory, x-ray therapy room or similar use area plus one for each one employee.
	d.	Courts (city, county, district or state)	One space for each two seats in court rooms, plus four spaces for each conference room, plus one space per employee.
(5)	<i>Industrial:</i>		
	a.	Industrial or research establishments and related accessory offices	Five plus one space for every 1½ employees in the largest working shift or one for each 450 square feet of usable floor area in those instances where shift size is not known. Space on the site shall also be provided for all construction workers during periods of plant construction.
	b.	Wholesale and warehouses establishments and related accessory offices (non-retail warehouse)	One for every one employee in the largest working shift, or one for every 1,700 square feet of usable floor space, whichever is greater.
(6)	<i>Handicapped (all districts):</i>		Off-street parking facilities shall provide spaces for the handicapped in accord with the provisions of Act No. 230 of the Public

		Acts of Michigan of 1972 (MCL 125.1501 et seq., MSA 5.2949(1) et seq.), as amended.
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(Ord. of 10-6-03)

Sec. 78-272. Space layout, standards, construction and maintenance.

Whenever the off-street parking requirements in section 78-271 require the building of an off-street parking facility, or where P-1 vehicular parking districts are provided, such off-street parking lots shall be laid out, constructed and maintained in accordance with the following standards and regulations:

- (1) No parking lot shall be constructed unless and until a permit therefore is issued. Applications for a permit shall be submitted with two sets of site plans for the development and construction of the parking lot showing that the provisions of this Section will be fully complied with.
- (2) Off-street parking space layout, standards, maneuvering lane.

Parking Lot Dimensions

Parking Pattern in degrees	Maneuvering Lane Width (feet)	Parking Space Width (feet)	Parking Space Length (feet)	Total Width of 1 Tier of Parking Spaces Plus Maneuvering Lane (feet)	Total Width of 2 Tiers of Parking Spaces Plus Maneuvering Lane (feet)
0° (Parallel parking)	12	8	23	20	28
30° to 53°	15	9	20	35	55
54° to 74°	15	9	20	35½	58
75° to 90°	20	9	20	40	60

The parking lot dimensions may be required to be increased in those instances where fire or safety apparatus is required to utilize the maneuvering lane.

- (3) All spaces shall be provided adequate access by means of maneuvering lanes. Backing directly onto a street shall be prohibited.
- (4) Adequate ingress and egress to the parking lot shall be provided and approved by the city engineer and the chief of police, who shall have full power to regulate and determine the places of ingress and egress so that traffic on the streets and highways of the city shall be controlled, regulated and coordinated and to require the installation and maintenance of suitable barriers to ensure the safety of pedestrians passing any such parking lot, in order to provide for the greatest possible public safety and welfare. Such necessary directional signs and controls as are required by the chief of police shall be established and maintained by the owner or lessee of the parking lot. All drives and parking areas shall be surfaced in a manner equivalent to that which is provided for the parking areas under section 78-147 et seq.
- (5) Each entrance to and exit from any off-street parking lot located in an area zoned for other than single-family residential use shall be at least 25 feet distant from adjacent property located in any single-family residential district.

- (6) The off-street parking area shall be provided with a continuous and obscuring wall not less than four feet, six inches in height measured from the surface of the parking area. This wall shall be provided on all sides where the next zoning district is designated as a residential district. When a front yard setback is required, all land between such wall and the front property line or street right-of-way line shall be kept free from refuse and debris and shall be landscaped with deciduous shrubs, evergreen material and ornamental trees. The ground area shall be planted and kept in lawn. All such landscaping and planting shall be maintained in a healthy, growing condition, neat and orderly in appearance.
- (7) The entire parking area, including parking spaces and maneuvering lanes required under this section, shall be provided with asphaltic or concrete surfacing in accordance with specifications approved by the city. All drives shall be surfaced in a manner equivalent to that which is provided for the parking areas under section 78-147. Screening and landscaping and lighting shall be provided in keeping with the requirements of sections 78-203 and 78-204. Plans for the layout of parking lot shall show a total dimension across two tiers of spaces and one aisle (maneuvering lane) of at least the standards as required in section 78-272.
- (8) All lighting used to illuminate any off-street parking area shall be so installed as to be confined within and directed onto the parking area only.
- (9) In all cases where a wall extends to an alley which is a means of ingress and egress to an off-street parking area, it shall be permissible to end the wall not more than ten feet from such alley line in order to permit a wider means of access to the parking area.
- (10) The planning commission, upon application by the property owner of the off-street parking area, may modify the yard or wall requirements where, in unusual circumstances, no good purpose would be served by compliance with the requirements of this section.
- (11) The parking area shall be so designed as to provide a landscape plan in accord with section 78-203.
- (12) To facilitate adequate turning radius within parking lots, interior landscape islands shall be a maximum of 18 feet as measured from the center of the parking isle. Interior parking lot isles at the end of a "double row" of parking shall be no more than 36 feet in length total.
- (13) Curbing or bumper blocks shall be provided where parking spaces abut landscaping or sidewalks. If sidewalks and integrated curbing are used, the sidewalk abutting a parking stall shall be a minimum of seven feet in width. No more that two feet of the seven-foot wide sidewalk may be counted towards the length of a parking stall in order to accommodate for the front overhang of vehicles.

(Ord. of 10-6-03)

Sec. 78-273. Residential driveways.

- (1) New driveways constructed for single-family residential access within the R-1 and RT-1 Districts shall meet all the following standards:
 - (a) Shall be a minimum of nine feet wide in width and clear of encumbrances such as columns or curbs.
 - (b) Shall be a maximum of 24 feet wide at the property line. Shall be located on the side of the new dwelling that is opposite any existing driveway on an adjacent parcel, when possible.
 - (c) The edge of the driveway including any necessary curbs shall be located at least one foot from off the side property line. The one-foot buffer area between the driveway edge and property line shall be landscape area shall be landscaped with appropriate plant material such as turf grass, perennials or shrubs.

(d) One driveway is allowed per lot and one curb cut is allowed per driveway. A second curb cut is permitted only if connected to a public alley.

(e) Driveways that abut each other shall be relocated if possible.

(f) Any legal, non-conforming driveway may be repaved or reconstructed in the same location and in the same manner if it was established legally and with necessary permits.

(g) Parking is not permitted in any front yard except on a 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.~~

(Ord. of 10-6-03; Ord. No. 16-02, § 2, 7-18-16)

Sec. 78-274. Off-street loading and unloading.

On the same premises with every building, structure, or part thereof, involving the receipt or distribution of vehicles or materials or merchandise, there shall be provided and maintained on the lot adequate space for standing, loading and unloading in order to avoid undue interference with public use of dedicated rights-of-way. Such space shall be provided as follows:

- (1) Within an I-1 or I-2 district, all spaces shall be laid out in the dimension of at least ten by 50 feet, or 500 square feet in area, with a clearance of at least 14 feet in height. Loading dock approaches shall be provided with a pavement having an asphaltic or Portland cement binder so as to provide a permanent, durable and dustless surface. All spaces in I districts shall be provided in the following ratio of spaces to floor area:

Gross Floor Area in Square Feet	Loading and Unloading Space Required
0— 1,400	None
1,401— 20,000	One space
20,001—100,000	One space plus one space for each 20,000 square feet in excess of 20,001 square feet
100,001 and over	Five spaces

- (2) All loading and unloading in the I-1 and I-2 districts shall be provided off-street in the rear yard or interior side yard, and shall in no instance be permitted in a front yard except as follows:
 - a. *I-1 districts.* Permit off-street loading and unloading at a front facade truck entrance to a structure, and in the front yard, when the front facade of the industrial operation portion of the structure is set back at least 65 feet from the front property line, and provided further that the office portion of the structure is constructed forward of the industrial operation so as to be situated between the minimum front yard setback line of 50 feet and the industrial operation.
 - b. *I-2 districts.* Permit off-street loading and unloading as a front facade truck entrance to the structure, and in the front yard, when such front facade is set back sufficiently to permit truck maneuvering on the property behind a greenbelt screen planting berm or wall set back at least 40 feet from the front lot line and so constructed as to totally obscure the loading and unloading operation.

(Ord. of 10-6-03)

Sec. 78-275. Parking of mobile homes and recreational vehicles.

The parking of a mobile home or recreational vehicle not owned by a resident of the city for periods exceeding 24 hours on lands not approved for said vehicles shall be expressly prohibited, except that the City Police Department may extend temporary permits allowing the parking of such vehicles in a rear yard on private property, not to exceed a period of two weeks. All mobile homes or recreational vehicles owned by residents of the city and stored on their individual lots shall be allowed for periods exceeding 24 hours with no permit required, and shall be stored only within the confines of the rear yard, except for temporary loading and unloading, and shall further respect the requirements applicable to Article XXI, Accessory Buildings, section 78-260, Regulations, insofar as distance from principal structures, lot lines and easements are concerned. For the purpose of this article, the area occupied by the stored mobile home or recreational vehicle shall be computed as lot coverage and shall not exceed the maximum coverage permitted under section 78-190 and 78-191. All such vehicles parked or stored on lands not approved for storage or parking shall not be connected to sanitary facilities or any utilities, except for repair or servicing, and shall not be occupied.

Secs. 78-276—78-279. Reserved.

Resolution

The following resolution was offered by _____ and seconded by _____

- WHEREAS The City of Plymouth has zoning ordinances that need to from time to time needs to be updated, and
- WHEREAS The City Commission had a one-year objective within the Strategic Plan to explore/create an impervious surface ordinance, and
- WHEREAS The Planning Commission had a one-year goal to explore an impervious surface ordinance, and
- WHEREAS The Planning Commission held a public hearing on the proposed changes on September 14, 2022, and
- WHEREAS The City Commission held a first reading on January 3, 2023 where the ordinance amendments were approved unanimously.

NOW THEREFORE BE IT RESOLVED THAT the City Commission of the City of Plymouth does hereby direct that the Code of Ordinances of the City of Plymouth, Michigan Section 78 is to be amended after the Second Reading and publication.

- Section 78-21 – Define landscape area and permeable pavement.
- Section 78-190 – Add content.
- Section 78-191 – Add new subsection (x).
- Section 78-203 – Add, delete, and amend content in subsection (5). Add subsection (6).
- Section 78-219 – Add content in subsection (3).
- Section 78-270 – Fix typo in subsection (a) (2).
- Section 78-273 – Add, delete, and amend content in subsection (1). Delete subsection (2).



Administrative Recommendation

City of Plymouth
201 S. Main
Plymouth, Michigan 48170-1637

www.plymouthmi.gov
Phone 734-453-1234
Fax 734-455-1892

To: Mayor & City Commission
From: Paul J. Sincock, City Manager
CC: S:\Manager\Sincock Files\Memorandum - Authorization for the purchase of Police Radios - 01-17-23.docx
Date: January 12, 2022
RE: Police Radio Purchase

Background

The City of Plymouth needs to start a phased replacement of portable radios for the Police Department in 2023. The new radios are replacing radios that were purchased in 2011 and are now on the no longer serviced radio list. Last time we replaced portable radios was 2011 through 2013 and the current radios have an anticipated life of 10 to 12 years. The portable radios are the ones that have the hardest life in the field with officers.

Director of Public Safety Al Cox has recommended purchasing a first phase total of five (5) radios at a cost of \$13,446.00. Funding will come from the Police Department Budget in the General Fund. We are using the State of Michigan MiDeal group purchasing plan for the new radios.

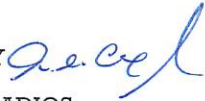
We have attached a memorandum from Director Cox, which outlines the radio purchases further and indicates that these are being purchased through the State of Michigan Bid Program and meet the required State of Michigan Radio requirements.

RECOMMENDATION:

The City Administration recommends that the City Commission authorize the purchase of five (5) Kenwood VP-6430 radios and accessories in the amount of \$13,446.00. Funding for this purchase should be authorized from the General Fund.

We have prepared a 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 either Al Cox or myself.

PLYMOUTH POLICE DEPARTMENT MEMORANDUM

TO: PAUL SINCOCK, CITY MANAGER
FROM: A.L. COX, DIRECTOR OF PUBLIC SAFETY 
SUBJECT: REPLACEMENT OF PORTABLE POLICE RADIOS
DATE: 1/11/2023

BACKGROUND

In 2011, portable radio replacement of our initial 800 MHz radios that had put us on the Michigan Public Safety Communications System (MPSCS) began. Over the course of 2011-2013, we replaced all radios in our inventory.

The radios purchased between 2011-2013 were Kenwoods, model TK-5410. The life expectancy of these radios at the time of purchase was approximately twelve years. As predicted, this was a reasonable expectation, but we are beginning to experience end of life issues with the earliest of the purchased radios. We were also recently informed that our radio model, while still compatible on the system, can no longer be programmed by MPSCS. For these reasons, it is necessary to begin replacing our portable radios

Radio replacement is a timely process of purchase, template creation, and template programming before they can be brought onto the MPSCS. It can take anywhere from a few weeks to six months to put radios on the street from the time of purchase. It should also be noted that radio replacement is an expensive process that requires purchases being made in increments rather than all at once.

There are several different manufacturers and models of radios that are compatible on the MPSCS. Over time we have looked at many of these, but for various reasons such as price, reliability, and service locations, we have decided upon the Kenwood Viking 6430.

RECOMMENDATION

A quote was received from Digicom Global Inc. for the purchase of five (5) Kenwood VP-6430 700/800 MHz radios at a cost of \$13,446. Due to the mission critical nature of portable radios within the police department, I respectfully request that the City Commission authorize the purchase of five (5) Kenwood Viking 6430 radios at the quoted price. This is State Contract pricing, and the current police department budget will support this expenditure.

If you have any questions or concerns, please let me know. Thank you for your time and attention in this matter.

Digicom Global Inc.

3911 Rochester Rd.
Troy, Mi. 48083

QUOTE

Date	QUOTE #
12/28/2022	3982

Bill To:
City of Plymouth Police Dept 201 South Main Street Plymouth, Mi 48170-1688

Ship To:
City of Plymouth Police Dept 201 South Main Street Plymouth, Mi 48170-1688

Rep	Project
TH	

Description	Qty	Rate	Total
PRICING GOOD UNTIL 1/31/23 8% increase 2/1/23			
VP6430BKF2 762-806 and 806-870 MHz P25 Model 2 Standard Keypad, Top Display, Front Full Color Display, 3 watts, 1024 Channels, 255 Zones, IP 67 & Mil Spec C/D/E/F/G. 3 Year Warranty. DES & ARC4 / ADP Encryption Radio ONLY.	5	1,808.00	9,040.00
VIK 8322000002 License key for P25 conventional for VP-6000 series	5	280.00	1,400.00
VIK 8322000005 License key for P25 Phase 1 trunking for VP-6000 series EFJ 8322000005	5	100.00	500.00
KRA-32K 700 800 megahertz antenna	5	28.80	144.00
KNB-L3M Li-ion 3400 mAh (High Capacity) battery. Smart Battery	5	146.40	732.00
KSC-32 CHARGER (RAPID) for VP line and NX 5000	5	65.60	328.00
OPTIONAL			
KMC-70M Mil Spec IP67 (Immersion) Intrinsically safe speaker mic with Active Noise Reduction, 3 programmable buttons and 3.5 mm audio jack \$106.40 each.	5	106.40	532.00
VIK 2990600013 EFJ 2 year extended warranty	5	150.00	750.00
Shipping	1	20.00	20.00
MiDeal Pricing per EFJ / Kenwood Michigan State Contract # 210000000896 or (21*896). This State Contract Number must be listed somewhere on the PO.		0.00	0.00
MPSCS Customer will pay the \$250.00 per radio one time programming fee directly to the state. This is good for the life of the radio.	1	0.00	0.00
		Subtotal	\$13,446.00
		Sales Tax (6.0%)	\$0.00
		Total	\$13,446.00

RESOLUTION

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

WHEREAS The City of Plymouth uses a variety of two way radios in order to help protect the
Public health, safety and welfare, and

WHEREAS From time to time these radios need to be replaced, and

WHEREAS The State of Michigan requires certain types and models of radios to be used on
Their system and they offer special state pricing for new radios.

NOW THEREFORE BE IT RESOLVED THAT the City Commission of the City of Plymouth does
hereby authorize the purchase of five (5) Kenwood VP-6430 radios and accessories in the total
amount of \$13,446.00.



Administrative Recommendation

City of Plymouth
201 S. Main
Plymouth, Michigan 48170-1637

www.plymouthmi.gov
Phone 734-453-1234
Fax 734-455-1892

To: Mayor & City Commission
From: Paul J. Sincock, City Manager
CC: S:\Manager\Sincock Files\Memorandum - Tree Ordinance Appeal to City Commission - 01-17-23.docx
Date: January 13, 2023
RE: Appeal of Administrative Decision on Tree Ordinance

Background

The City Commission adopted a tree ordinance in 2019 and the Department of Municipal Services administers the tree program for the city. This includes investigations, and site visits in response to tree planting and tree removal permit applications. This is an extremely time-consuming ordinance as it requires staff to make site visits, author reports and then follow up on applications.

Within the ordinance the City Administration is required to make several decisions, especially related to tree removals. The ordinance provides for an appeal of the administrative decision, we have never dealt with this issue since the ordinance was adopted in 2019. We believe that the intent of the ordinance is that the appeal process is to go to the City Commission. As for an appeal form, we requested a simple email from the person requesting the appeal.

The City Commission can overturn the administrative decision or they can confirm the administrative decision. If the City Commission confirms the administrative decision, the property owner can then take his appeal to circuit court.

We have attached a significant amount of background information, including the application for removal and the reports from the site visits, which indicate that the administration has attempted to work with the property owner to bring this to a conclusion.

Recommendation

The City Administration recommends that the City Commission review the attached documents and then **adopt one of two proposed resolutions**. Resolution #1 confirms the administrative decision and requires payment to the tree fund. Resolution #2 determines that the administrative decision was not correct and NO payment to the tree fund is required.

If you have any questions in advance of the meeting, please feel free to contact me.



Administrative Recommendation

City of Plymouth
201 S. Main
Plymouth, Michigan 48170

www.plymouthmi.gov
Phone 734-453-1234
Fax 734-455-1892

To: Paul J. Sincock, City Manager
From: Greta Bolhuis, AICP, Planning and Community Development Director
Adam Gerlach, Assistant Director of Municipal Services *AGB*
Date: January 12, 2023
Re: 940 Fairground Tree Removal Report Appeal

Background:

The City Commission adopted a tree ordinance in 2019 to provide for the protection, preservation, and reforestation of the City of Plymouth tree canopy, trees, and woodlands. The Department of Municipal Services administers the tree program for the city, which includes investigations and site visits in response to tree planting and tree removal permit applications.

Section 34-18 states that each heritage tree that is removed shall be replaced at a sliding scale rate set by the City Commission. The ordinance does not prevent or restrict any tree from being removed for any reason.

Section 34-27 of the tree ordinance allows the administration's determination to be appealed to the City Commission. The ordinance references that appeals must be submitted in writing within 21 days of the administration's determination.

City staff have conducted over 150 site visits to investigate trees to be removed since the adoption of the ordinance. Staff have conducted at least five site visit follow-ups in response to receipt of the tree report. This is the first appeal we have received to any tree report.

Mr. Baker, owner of 940 Fairground, submitted a tree removal permit application indicating that two rear yard trees were planned for removal. On the application, dated November 30, 2022, Mr. Baker indicated that the Silver Maple was dead, diseased, or dying due to "splitting" and the Norway Maple was not checked as dead, diseased, or dying. The Silver Maple was listed as 125 inches in circumference, which is 39.7 inches in diameter. The Norway Maple was listed as 101 inches in circumference, which is 32.1 inches in diameter.

The tree investigation team of Adam Gerlach and myself conducted a site visit on December 9. We measured four trees on the property: one street tree, one front yard tree, and two rear yard trees. The Silver Maple was found to be 37 inches in diameter and in very good condition. The Norway Maple was found to be 29 inches in diameter and in very good condition. The Silver Maple had evidence that it had been professionally cared for, including pruning and cabling. The "splitting" was found to be growth of included bark. It was evident that the pruning wounds were closing rapidly, another indication of good health. Similarly, the Norway Maple appeared to have been cared for professionally. There was no apparent canopy dieback or obviously dead branches. A report was published and sent to Mr. Baker on December 9 along with the payment information to pay for the permit. The \$25 permit fee was paid by credit card on December 9.

Mr. Baker called on December 9 to follow up on the report and ask about the next steps. The phone call resulted in scheduling a site visit with Mr. Baker for December 12. In working with Mr. Baker, we acknowledged the trees were between very good and good in the health portion of the matrix in the tree ordinance, so we reached consensus and changed the trees' condition to good. In our professional opinion, there was no evident safety issue. We also reviewed the trees' location(s). The tree removal application was not submitted in association with a building permit for any construction, therefore, the location classification is primarily based on the existing conditions. During our follow up site visit on December 12, we discussed the location portion of the matrix with Mr. Baker. We again reached consensus and determined that the trees' locations could potentially be within the building envelope and the report was revised to reflect such.

We drafted a revised report that was sent to Mr. Baker on December 13. No correspondence had been received until the email dated Sunday, January 8, 2023, was sent. In that email, Mr. Baker stated that the tree ordinance violates his property rights and amounts to unnecessary government interference. He further stated that he does not believe that the trees are healthy, although no additional evidence to support that claim was provided.

Recommendation:

We recommend the City Commission uphold the City Administration's determination that the trees are in good condition and require 17-inches of replacement or payment into the tree fund at a total price of \$2,550.00. No evidence has been provided contrary to our findings. In addition, we also recommend the City Commission uphold the City Administration's determination as the appeal is outside the 21-day appeal window as indicated in the ordinance.

Should you have any questions, please don't hesitate to contact us directly.

ARTICLE I. - TREES

Tree Ordinance

Footnotes:

-- (2) --

Editor's note— Ord. No. 2019-01, adopted July 15, 2019, repealed art. I, div. 1 in its entirety, and enacted new provisions to read as herein set out. Former art. I, div. 1, §§ 34-1—34-9, pertained to the tree ordinance, and derived from Ord. No. 17-06, adopted Oct. 16, 2017.

DIVISION 1. - GENERALLY

Sec. 34-1. - Intent.

The purpose of this chapter is to provide for the protection, preservation, and reforestation of the City of Plymouth's tree canopy, trees, and woodlands.

(Ord. No. 2019-01, 7-15-19; Ord. No. 2020-06, 12-21-20)

Sec. 34-2. - 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:

Dead tree means any tree that has no visible growth (within the appropriate growing season for all deciduous trees), no visible buds, twigs that do not exhibit flexibility, and twigs that do not appear green at the cambium layer when outer bark has been physically removed.

Diameter breast height (DBH) means the diameter, in inches, of a tree measured at four and one-half feet above the existing grade.

Dripline means the imaginary vertical line, which extends downward from the outermost tips of the tree branches to the ground.

Front yard tree means any tree located in the 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 foundation of the main building.

Heritage tree means any tree that meets the size and species requirements in the table below, or any tree not listed in the table below that is 18 inches DBH or greater.

Common Name	Scientific Name	DBH
Arborvitae	Thuja occidentalis	18"

Ash	Fraxinus species	18"
American Basswood (Linden)	Tilia americana	18"
American Beech	Fagus grandifolia	18"
American Chestnut	Castanea dentata	8"
American Elm	Ulmus americana	18"
Birch	Betula species	18"
Black Alder	Alnus glutinosa	12"
Black Tupelo	Nyssa sylvatica	12"
Black Walnut	Juglans nigra	18"
White Walnut	Juglans cinerea	18"
Buckeye (Horse Chestnut)	Aesculus species	18"
Cedar, Red	Juniperus species	12"
Crabapple (Cultivar)	Malus species	12"
Douglas Fir	Pseudotsuga menziesii	18"
Eastern Hemlock	Tsuga canadensis	12"
Flowering Dogwood	Cornus florida	8"
Ginkgo	Ginkgo biloba	18"
Hickory	Carya, species	18"
Kentucky Coffeetree	Gymnocladus dioicus	18"

Larch/Tamarack	Larix laricina (Eastern)	12"
Locust	Gleditsia triacanthos	18"
Sycamore (London plane tree)	Platanus species	18"
Maple	Acer species (except negundo)	18"
Oak	Quercus species	18"
Pine	Pinus species	18"
Sassafras	Sassafras albidum	15"
Spruce	Picea species	18"
Tulip Tree	Liriodendron tulipifera	18"
Wild Cherry	Prunus species	18"

Large tree means any tree larger than 40 feet in height at maturity.

Licensed tree professional means a nurseryman or an ISA certified arborist.

Medium tree means any tree between 25 feet and 40 feet in height at maturity.

Park tree means any tree located in public parks having individual names, and all publicly owned land, or to which the public has free access as a park.

Private tree means any tree located on land that is owned by an individual or group having a vested or financial interest in the subject property.

Protected area means the area contained within the dripline of the tree.

Protective barrier means a physical obstruction that encloses the protected area of a tree and limits vehicular, material, and equipment access.

Small tree means any tree less than 25 feet in height at maturity.

Street tree means any trees planted or located within a public street or road right-of-way.

Topping means the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the trees.

Transplant means the digging up of a tree and the planting of that tree in another place on the same property or off-site property.

Tree means a woody perennial plant, typically having a single stem or trunk which at maturity is 13 feet or more in height and which has a definite crown of foliage.

Tree fund means the budget account located in the solid waste/recycling fund to be used for activities associated with public tree inventory, protection, maintenance, and planting.

Tree planting permit means the permit application reviewed and approved by the administration that shows the location, species, and size of trees that will be planted or transplanted.

Tree protection plan means the plan reviewed and approved by the administration that shows how trees will be protected from construction activities.

Tree removal permit means the permit application reviewed and approved by the administration that shows the location, species, and size of trees that will be removed.

Tree replacement plan means the permit application reviewed and approved by the administration that shows how the requirement for replacing removed tree(s) will be satisfied.

(Ord. No. 2019-01, 7-15-19; Ord. No. 2020-06, 12-21-20)

Sec. 34-3. - Prohibited trees.

The following trees are prohibited to be planted or replanted:

Common Name	Scientific Name
Ash	Fraxinus species
Autumn and Russian-Olive	Elaeagnus species
Boxelder	Acer negundo
Buckthorn	Rhamnus species
Mulberry	Morus species
Poplar	Populus species

Siberian Elm	Ulmus pumila
Silver Maple	Acer saccharinum
Tree of Heaven	Ailanthus altissima
Willow	Salix species

(Ord. No. 2019-01, 7-15-19)

Sec. 34-4. - Tree care.

- (a) All trees shall be planted, pruned, maintained, and removed, as may be necessary to ensure public safety or to preserve or enhance the symmetry and beauty of such public grounds.
- (b) The city reserves the right to remove or cause to be removed, any tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines, or other public improvements, is blocking street or sidewalk clearance, or is blocking the spread of light or view of traffic control devices.
- (c) If any owner, occupant or person having charge of any land within the city shall refuse or neglect to resolve public safety issues caused by private trees as provided in this chapter, then the city manager or his/her designee shall cause the land to be entered upon by city employees or a city contractor for the purpose of pruning, or removing said trees at the sole cost to the property owner and such entering upon shall not be deemed a trespass.

(Ord. No. 2019-01, 7-15-19)

Sec. 34-5. - Pruning.

Trees shall be pruned so that branches do not obstruct the light from any street light or obstruct the view of any street intersection. A clear space of 15 feet above the surface of the street and eight feet above the surface of the sidewalk shall be maintained. The city shall have the right to prune or cause to be pruned any tree or shrub on private property when it interferes with the proper spread of light along the street from a street light or interferes with visibility of roadway, sidewalk, traffic control devices, and/or signs.

(Ord. No. 2019-01, 7-15-19)

Sec. 34-6. - Corner clearance.

Within the required corner clearance area as defined in section 78-207, all trees and limbs, including dead, diseased or dangerous trees or broken or decayed limbs which constitute a menace to the safety of the public, shall be removed by the property owner upon which the tree is located.

(Ord. No. 2019-01, 7-15-19)

Sec. 34-7. - Tree topping.

It shall be prohibited for any person to top any tree. Trees severely damaged by storms, an act of God, or other causes out of the city's or property owner's control, may be exempted from this section at the determination of the city manager or his/her designee. This section does not apply to a utility company who may be required to top a tree for purposes of public safety or valid equipment issues.

(Ord. No. 2019-01, 7-15-19)

Sec. 34-8. - Removal of stumps.

All stumps of street, park, and front yard trees shall be removed below the surface of the ground so that the top of the stump shall not project above the surface of the ground. The stump excavation site shall be backfilled to match existing grade as defined in section 78-21.

(Ord. No. 2019-01, 7-15-19)

Sec. 34-9. - Tree fund.

This section establishes the city's tree fund. The purpose of the tree fund shall be to maintain and reestablish the city's public tree canopy. The city commission shall review the rate structure annually as part of their budget process.

(Ord. No. 2019-01, 7-15-19)

Sec. 34-10. - Installation and planting.

All trees shall be planted according to ANSI Standards A300.

(Ord. No. 2019-01, 7-15-19)

Sec. 34-11. - Maintenance provisions.

All trees shall be maintained in a safe, healthy, neat and orderly state free from refuse and debris.

(Ord. No. 2019-01, 7-15-19)

DIVISION 2. - PUBLIC TREES

Sec. 34-12. - Permitted street trees.

The following list constitutes the official street tree species for the city. No species other than those included in this list may be planted unless approved, in writing, by city manager or his/her designee.

(1) *Small trees:*

Common Name	Scientific Name
Cherry, Flowering	Prunus species and hybrids
Crabapple, Flowering	Malus species and hybrids
Dogwood	Cornus species and hybrids
Goldenrain Tree	Koelreuteria paniculata
Hawthorn	Crataegus species
Lilac, Japanese Tree	Syringa reticulata
Magnolia	Magnolia hybrids
Magnolia, Star	Magnolia stellata
Maple, Amur	Acer ginnala
Maple, Paperbark	Acer griseum
Maple, Tatarian	Acer tataricum
Maple, Trident	Acer buergeranum
Peach, Flowering	Prunus species and hybrids
Plum, Flowering	Prunus species and hybrids

Redbud, Eastern	<i>Cercis canadensis</i>
Serviceberry	<i>Amelanchier</i> species and hybrids

(2) *Medium trees:*

Common Name	Scientific Name
Amur Maackia	<i>Maackia amurensis</i>
Corktree, Amur, Fruitless Male	<i>Phellodendron amurense</i>
Hophornbeam, American	<i>Ostrya virginiana</i>
Hornbeam, American	<i>Carpinus caroliniana</i>
Hornbeam, European	<i>Carpinus betulus</i>
Horsechestnut, Red	<i>Aeculus x carnea</i>
Maple, Bigtooth	<i>Acer grandidentatum</i>
Maple, Hedge	<i>Acer campestre</i>
Maple, Shantung	<i>Acer truncatum</i>
Mountain Ash	<i>Sorbus</i> species
Mulberry, Red Fruitless Male	<i>Morus rubra</i> , fruitless varieties
Osageorange, Thornless Male	<i>Maclura pomifera</i>
Pagodatree (Scholartree)	<i>Styphnolobium (Sophora) japonicum</i>
Paw Paw	<i>Asimina triloba</i>
Pear, Flowering	<i>Pyrus</i> species and hybrids

Sassafras	Sassafras albidum
Yellowwood	Cladrastis kentukea

(3) *Large trees:*

Common Name	Scientific Name
Baldcypress	Taxodium distichum
Beech, American	Fagus grandifolia
Beech, European	Fagus sylvatica
Blackgum (Tupelo)	Nyssa sylvatica
Catalpa, Northern	Catalpa speciosa
Chestnut	Castanea hybrids
Coffeetree, Kentucky	Gymnocladus dioicus
Elm, American Dutch Elm resistant varieties	Ulmus hybrids
Filbert, Turkish	Corylus colurna
Ginkgo (Maidenhair Tree), Fruitless Male	Ginkgo biloba
Hackberry	Celtis occidentalis
Hardy Rubber Tree	Eucommia ulmoides
Hickory	Carya species
Honeylocust	Gleditsia triacanthos
Horsechestnut	Aesculus species

Katsura Tree	<i>Cercidiphyllum japonicum</i>
Linden, American	<i>Tilia Americana</i>
Linden, Littleleaf	<i>Tilia cordata</i>
Linden, Silver	<i>Tilia tomentosa</i>
Maple, Black	<i>Acer nigrum</i>
Maple, Freeman Hybrid	<i>Acer x freemanii</i>
Maple, Miyabe	<i>Acer miyabei</i>
Maple, Norway	<i>Acer platanoides</i>
Maple, Red	<i>Acer rubrum</i>
Maple, Sugar	<i>Acer saccharum</i>
Maple, Sycamore	<i>Acer pseudoplatanus</i>
Oak, Bur	<i>Quercus macrocarpa</i>
Oak, Chinkapin	<i>Quercus muehlenbergii</i>
Oak, English	<i>Quercus robur</i>
Oak, Northern Red	<i>Quercus rubra</i>
Oak, Pin	<i>Quercus palustris</i>
Oak, Sawtooth	<i>Quercus acutissima</i>
Oak, Scarlett	<i>Quercus coccinea</i>
Oak, Shingle	<i>Quercus imbricaria</i>

Oak, Shumard	Quercus shumardii
Oak, Swamp White	Quercus bicolor
Oak, White	Quercus alba
Planetree, London	Platanus x acerifolia
Redwood, Dawn	Metasequoia glyptostroboides
Sweetgum	Liquidambar styraciflua
Sycamore	Platanus occidentalis
Tuliptree	Liriodendron tulipifera
Walnut, Black	Juglans nigra
Zelkova	Zelkova serrata

(Ord. No. 2019-01, 7-15-19)

Sec. 34-13. - Distance from street corners, driveways, curbs, and sidewalks.

No tree shall be planted closer than 35 feet of any street corner, measured from the point of nearest intersecting curbs or curb lines. No tree shall be planted closer than ten feet from any driveway or approach. Trees planted in the area between the curb or curb lines and sidewalks shall be in accordance with the three species size classes listed in section 34-12. No trees may be planted within any area between the curb or curb line and sidewalk other than the following: small trees: two feet; medium trees: three feet; and large trees: four feet.

(Ord. No. 2019-01, 7-15-19; Ord. No. 2020-06, 12-21-20)

Editor's note— Ord. No. 2020-06, adopted Dec. 21, 2020, changed the title of § 34-13 from "Distance from street corners and fire hydrants" to read as herein set out.

Sec. 34-14. - Distance from utilities, signs, and hydrants.

No trees, other than those species listed as small trees in section 34-12(1), may be planted under or within ten lateral feet of any overhead utility wire, or over or within five lateral feet of any underground water line, sewer line, transmission line, or other utility. No trees shall be planted closer than ten feet from any manhole structure. No tree shall be planted closer than ten feet from any hydrant. No tree shall be planted closer than ten feet from any streetlight pole. No tree shall be planted closer than ten feet from any traffic control device.

(Ord. No. 2019-01 , 7-15-19; Ord. No. 2020-06 , 12-21-20)

Editor's note— Ord. No. 2020-06 , adopted Dec. 21, 2020, changed the title of § 34-14 from "Distance from curb and sidewalk" to read as herein set out.

Sec. 34-15. - Distance between trees.

Trees shall be planted a sufficient distance away from other trees. The distance between small trees as listed in section 34-12(1) shall be 20 feet. The distance between medium trees as listed in section 34-12(2) shall be 30 feet. The distance between large trees as listed in section 34-12(3) shall be 40 feet.

(Ord. No. 2019-01 , 7-15-19; Ord. No. 2020-06 , 12-21-20)

Editor's note— Ord. No. 2020-06 , adopted Dec. 21, 2020, changed the title of § 34-15 from "Distance from utilities" to read as herein set out.

Sec. 34-16. - Tree size.

The minimum size for a street tree or park tree shall be one and one-half inches in caliper DBH. All trees planted must be of the tree form variety, have a single stem with branching limbs, and branches must be at least eight feet off the ground at maturity, as predicated by the size definitions in section 34-2.

(Ord. No. 2019-01 , 7-15-19)

Sec. 34-17. - Removal and replacement of street trees.

- (a) Should a property owner wish to have the street tree adjacent to his or her property removed, he or she shall submit a request, in writing, to the city manager or his/her designee. Within ten business days of the receipt of the request an ISA certified arborist, provided by the city, will perform a condition and risk assessment. The cost for this service shall be borne by the property owner making the request. Following the condition and risk assessment by the ISA certified arborist, if the street tree is found to be dead, diseased, or dying the city shall remove the street tree at the city's cost. Following the condition and risk assessment by the ISA certified arborist, if the street tree is not found to be dead, diseased, or dying, the tree shall remain.

- (b) Only in extenuating circumstances, as determined by the city manager or his/her designee, shall a healthy street tree be removed or caused to be removed. Such extenuating circumstances shall include but are not limited to catastrophic event, repair, replacement, or maintenance of underground utilities, or an act of God.
- (c) When a street tree is removed every effort shall be made to replace the tree within one year of removal with one replacement tree that meets the requirements in sections 34-12 through 34-16 above.

(Ord. No. 2019-01 , 7-15-19; Ord. No. 2020-06 , 12-21-20)

Editor's note— Ord. No. 2020-06 , adopted Dec. 21, 2020, changed the title of § 34-17 from "Removal of street trees" to read as herein set out.

DIVISION 3. - PRIVATE TREES

Sec. 34-18. - Removal and replacement of heritage trees.

This section shall apply to all private heritage trees. Each heritage tree that is removed shall be replaced in a manner consistent with the following subsections.

- (1) Heritage trees shall be replaced at a sliding scale rate set by the city commission annually for each tree removed. Replacement tree(s) shall be located on the parcel(s) where each heritage tree is removed or in the right-of-way adjacent to the affected property. The city manager or his/her designee may consider alternate locations on a case by case basis. Replacement trees shall be shown on a tree replacement plan.
- (2) If trees cannot be reasonably planted on the property, the property owner shall pay into the tree fund at a rate defined by the city commission and stated on the rate card, rounded up to the nearest one inch of DBH required to be replaced by section 34-18(1).
- (3) If the requirements of section 34-18(1) and (2) cannot be met, a combination of paying into the tree fund and replacement trees shall be used. Replacement trees shall be shown on a tree replacement plan.
- (4) When required, a tree replacement plan shall be submitted within 90 days of the removal of heritage tree(s). The city manager or his/her designee may consider an extension on a case by case basis.
- (5) When a tree from the subject property is transplanted and saved from removal, that DBH shall be added as a credit to the property owner's replacement requirements. Trees shall be relocated by a licensed tree professional. The property owner shall ensure the tree's successful establishment in new location.

(6)

Trees that are dead, diseased, or dying with no visible growth as determined by an ISA certified arborist are exempt from replacement requirements.

- (7) The minimum size for a replacement tree shall be one and one-half inches in caliper DBH. All trees planted must be of the tree form variety.

(Ord. No. 2019-01, 7-15-19; Ord. No. 2020-06, 12-21-20)

Sec. 34-19. - Removal and replacement of front yard trees.

This section shall apply to any front yard trees with a DBH of six inches or greater but less than the heritage tree standard for that species. Each tree that is removed shall be replaced in a manner consistent with the following subsections.

- (1) Front yard trees shall be replaced at a sliding scale rate set by the city commission annually for each tree removed. Replacement front yard tree(s) shall be located on the front yard of the parcel(s) where each front yard tree is removed or in the right-of-way adjacent to the affected property. The city manager or his/her designee may consider alternate locations on a case by case basis. Replacement trees shall be shown on a tree replacement plan.
- (2) If trees cannot be reasonably planted on the property, the property owner shall pay into the tree fund at a rate defined by the city commission and stated on the rate card, rounded up to the nearest one inch of DBH required to be replaced by section 34-19(1).
- (3) If the requirements of section 34-19(1) and (2) cannot be met, a combination of paying into the tree fund and replacement trees shall be used. The city manager or his/her designee may consider alternate locations on a case by case basis. Replacement trees shall be shown on a tree replacement plan.
- (4) When required, a tree replacement plan shall be submitted within 90 days of the removal of a front yard tree(s). The City manager or his/her designee may consider an extension on a case by case basis.
- (5) When a tree from the subject property is transplanted and saved from removal, its DBH shall be added as a credit to the property owner's replacement requirements. Trees shall be relocated by a licensed tree professional. The property owner shall ensure the tree's successful establishment in new location.
- (6) Front yard trees that are dead, diseased, or dying with no visible growth as determined by an ISA certified arborist are exempt from replacement requirements.
- (7) The minimum size for a replacement tree shall be one and one-half inches in caliper DBH. All trees planted must be of the tree form variety.

(Ord. No. 2019-01, 7-15-19; Ord. No. 2020-06, 12-21-20)

Editor's note— Ord. No. 2020-06, adopted Dec. 21, 2020, changed the title of § 34-19 from "Electively removed trees" to read as herein set out.

Sec. 34-20. - Dead tree removal on private property.

The city shall have the right to cause the removal of any dead tree on private property within the city when such trees constitute a hazard to life or property. The city will notify, in writing, the owners of such trees. Removal shall be done by such owners at their own expense within 30 days after the date of service of notice. Upon the owner's failure to comply with such provisions, the city shall have the authority to remove such trees at a rate set by the city commission. The city manager or his/her designee shall keep an accurate account of expense incurred for each lot or parcel of land in carrying out the provisions of this section and such expense shall be charged against such lot or parcel and collected by giving notice thereof to the owner of the lot or parcel. If such expense or charge shall not be paid the same shall be assessed against the lot or parcel and collected as provided by section 12.22 of the city Charter.

(Ord. No. 2019-01, 7-15-19)

Sec. 34-21. - Diseased trees on private property.

The city shall have the right to cause the removal or treatment of any diseased tree on private property within the city when such tree constitutes a hazard to life or property or harbors deadly insects or disease which constitutes a potential threat to other trees within the city. Treatment of a diseased tree shall include chemical treatment to render the disease or affliction non-threatening to any affected tree. The city will notify, in writing, the owners of such trees. Treatment or removal shall be done by such owners at their own expense within 30 days after the date of service of notice. Upon failure of owners to comply with such provisions, the city shall have the authority to treat or remove such trees and charge the cost of treatment or removal at a rate set by the city commission. The city manager or his/her designee shall keep an accurate account of expense incurred for each lot or parcel of land in carrying out the provisions of this section and such expense shall be charged against such lot or parcel and collected by giving notice thereof to the owner of the lot or parcel. If such expense or charge shall not be paid the same shall be assessed against the lot or parcel and collected as provided by section 12.22 of the city Charter.

(Ord. No. 2019-01, 7-15-19)

Sec. 34-22. - Installation of street trees for new residential construction.

- (a) Residential property owners shall install a minimum of one new street tree at the effected property when a new construction home is built. If the right-of-way adjacent to the residential property is not suitable for the long-term health requirements of a tree based on sections 34-13 through 34-15, the property owner shall pay into the tree fund at a rate set by the city commission.

- (b) Residential property owners must choose one of the following tree replacement processes from the following three options:
- (1) Plant a tree before any certificate of occupancy is issued.
 - (2) Pay into the tree fund prior to the issuance of any certificate of occupancy at a rate approved by the city commission.
 - (3) Property owner plans to plant a tree within one year of final certification of occupancy issuance. Property owner pays a cash bond at a rate approved by the city commission before any certificate of occupancy is issued. The bond will be refunded once the tree is planted and the property owner notifies the city in writing of planting. If the tree is not planted within one year, the bond is forfeited to the tree fund.

(Ord. No. 2019-01, 7-15-19; Ord. No. 2020-06, 12-21-20)

Sec. 34-23. - Tree protection standards during construction.

- (a) When a building permit is required for work including accessory structure, addition, approach/drive, carport/porte cochere, deck, demolition, egress window, fence, foundation, land division/combination/reconfiguration, new construction, patio, parking lot, pergola, porch, pool, ground sign, or any other changes the lot coverage or floor area ratio of the property, existing front yard and heritage trees shall be indicated on a boundary survey to include property boundaries, topography, and tree size, location, and species, and existing and proposed structure(s) and building envelop. The survey shall be submitted to the city in a compatible digital format.
- (b) During construction, a protective barrier shall be placed at the drip line of the street, park, and/or front yard or heritage private tree(s). The ground area within the drip line shall be maintained undisturbed from its pre-construction state.
- (c) Vehicles, materials, and equipment are prohibited from being stored in, staged in, or driven through the protected area of the front yard or heritage tree. Practical difficulties shall be dealt with by the administration on a case-by-case basis.
- (d) If the protected area of the front yard or heritage tree falls within the building envelop, every precaution shall be taken to preserve and protect the affected tree(s).

(Ord. No. 2019-01, 7-15-19; Ord. No. 2020-06, 12-21-20)

DIVISION 4. - ADMINISTRATION AND ENFORCEMENT

Sec. 34-24. - Permits required.

- (a) A tree removal permit is required when any tree is planned for removal.

- (1) Permits shall be obtained from the department of municipal services (DMS) on a form provided.
 - (2) DMS shall review the application for compliance with this chapter.
 - (3) DMS shall perform a site visit to measure and document the affected tree(s).
 - (4) DMS shall provide a report to the applicant detailing the trees planned for removal and any required replacement.
 - (5) After review, DMS shall issue a permit to applications that meet the requirements of this chapter.
 - (6) If replacement trees are required see [subsection] (c).
- (b) A tree planting permit is required when trees are transplanted or planted.
- (1) Permits shall be obtained from the department of municipal services (DMS) on a form provided. The application shall include a scaled site plan or boundary survey or scaled drawing that shows all property lines, pavement, hard surfaces, and the size, species, and location of the proposed tree(s) to be planted.
 - (2) DMS shall review the application for compliance with this chapter.
 - (3) After review, DMS shall issue a permit to applications that meet the requirements of this chapter.
- (c) A tree replacement plan is required when replacement trees are required to be planted after tree(s) have been removed.
- (1) Permits shall be obtained from the department of municipal services (DMS) on a form provided. The application shall include a scaled site plan or boundary survey or scaled drawing that shows all property lines, pavement, hard surfaces, and the size, species, and location of the proposed tree(s) to be planted.
 - (2) DMS shall review the application for compliance with this chapter.
 - (3) DMS shall provide a report to the applicant detailing how the replacement requirement shall be met.
 - (4) After review, DMS shall issue a permit to applications that meet the requirements of this chapter.
- (d) A tree protection plan is required when a qualifying construction project is planned for a property.
- (1) Permits shall be obtained from the department of municipal services on a form provided.
 - (2) The tree protection plan shall be submitted at the time that building plans are submitted to the community development department for review. The tree protection plan shall include a topographic boundary survey that shows which tree(s) are being protected during

construction and the location and type of protective barrier that will be used to protect the trees throughout construction.

- (3) After review, DMS shall issue a permit to applications that meet the requirements of this chapter.
- (4) No building permit shall be issued until an approved tree protection plan permit has been issued.
- (e) No tree shall be removed, replaced, transplanted, or planted unless a tree permit has been first issued for such work.
- (f) When a building permit is required for any work that includes changes to lot coverage, floor area ratio, or hardscaping of the property, existing front yard and heritage trees shall be indicated on a boundary survey. The boundary survey shall include property boundaries; topography; the size, location, and species of each tree; existing and proposed structure(s); and building envelop. The survey shall be submitted to the city in a compatible digital format.
- (g) The permit fees shall be set and reviewed annually by the city commission.

(Ord. No. 2019-01, 7-15-19; Ord. No. 2020-06, 12-21-20)

Sec. 34-25. - Notice.

The city manager or his/her designee shall notify, by first class mail or by posting notice in a conspicuous location on the property, the owner, agent or occupant of any lands on which a violation of this chapter is found to exist. Such notice shall require that the person having charge of such land to resolve any violations of this chapter; and shall contain a summary of the provisions of this chapter. Failure of the city manager or his/her designee 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 chapter. If the property is not in compliance with this article at the end of the period specified in the notice of violation, an appearance ticket may be issued.

(Ord. No. 2019-01, 7-15-19)

Sec. 34-26. - Penalty and enforcement.

- (a) The city shall have the right to enter property to investigate the removal of front yard or heritage trees on private property. The penalty for removal of front yard or heritage tree(s) without a required permit shall be a civil infraction plus a \$500.00 fine, per tree. In addition to the fine, the offender shall pay fair market replacement per front yard or heritage tree removed based on a minimum size of 18-inch DBH.
- (b) A person who violates any provision of this chapter 34 or the terms or conditions of a permit is responsible for municipal civil infraction; and shall be subject to payment of not less than

\$500.00, plus costs and other sanctions, for each infraction.

- (c) Discretionally removed trees or trees that are intentionally damaged that are not replaced according to the provisions of this chapter require payment into the tree fund at the rate established by the city commission.

(Ord. No. 2019-01, 7-15-19; Ord. No. 2020-06, 12-21-20)

Sec. 34-27. - Appeals.

Any appeals to this chapter shall be submitted, in writing, on a form provided by the city manager or his/her designee within 21 days of the administration's determination. Appeals cannot be made when a determination includes a healthy, safety, welfare concern.

(Ord. No. 2019-01, 7-15-19)

Sec. 34-28. - Severability.

The various parts, sentences, paragraphs, sections, and clauses of this chapter 34 are hereby declared to be severable. If any part, sentence, paragraph, section, or clause of this chapter 34 is adjudged unconstitutional or invalid by any court or administrative agency of competent jurisdiction, the unconstitutionality or invalidity shall not affect the constitutionality or validity of any remaining provisions of this chapter 34.

(Ord. No. 2019-01, 7-15-19)

Secs. 34-29—34-41. - Reserved.

Tree Removal Application

Permit #

CITY OF PLYMOUTH TREE REMOVAL

1231 Goldsmith Plymouth, MI 48170
Ph. 734-453-7737 ext. 224
www.plymouthmi.gov

I. Site/Project Information

Site Address(es) <p style="text-align: center; font-size: 1.2em;">940 Fairground St, Plymouth MI 48170</p>	Date of Application <p style="text-align: center; font-size: 1.2em;">11-30-22</p>
---------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------

Name of Property Owner <p style="text-align: center; font-size: 1.2em;">Isaac Baker</p>	Phone Number <p style="text-align: center; font-size: 1.2em;">231-429-2703</p>	Email Address (Required) <p style="text-align: center; font-size: 1.2em;">ikebaker20@gmail.com</p>		
Mailing Address <p style="text-align: center; font-size: 1.2em;">940 Fairground St</p>	City <p style="text-align: center; font-size: 1.2em;">Plymouth</p>	State <p style="text-align: center; font-size: 1.2em;">MI</p>	Zip Code <p style="text-align: center; font-size: 1.2em;">48170</p>	

II. Applicant and Contact Information

Indicate Who the Applicant Is. If Property Owner, Skip to Section III.		<input checked="" type="checkbox"/> Property Owner	<input type="checkbox"/> Contractor	<input type="checkbox"/> Tenant/Lessee
Contractor Company Name		Applicant's Name		
Phone Number		Email Address (Required)		
Contractor Company Address		City	State	Zip Code

III. Type of Tree Removal

Indicate the Type of Tree(s) being Removed	<input type="checkbox"/> Street Trees	<input type="checkbox"/> Private Trees	Use additional sheets if required.	
Tree Species	Location (Street or Front/Side/Rear Yard)	Check if Tree is Dead, Diseased, or Dying	Diameter of tree at 4.5 feet above grade (in inches)	
Silver Maple	Rear Yard	<input checked="" type="checkbox"/> (splitting)	125	
Norway Maple	Rear Yard	<input type="checkbox"/>	101	
		<input type="checkbox"/>		
		<input type="checkbox"/>		
		<input type="checkbox"/>		
		<input type="checkbox"/>		
		<input type="checkbox"/>		

IV. Applicant Signature

By signing below, I hereby certify all information is true and accurate to the best of my knowledge and is in accordance with applicable City Ordinances. I authorize the City or a City Contractor to enter my property to inspect, take photos, and review the information provided in this application and collect information on all trees on the subject property.	
Signature of Applicant 	Date <p style="text-align: center; font-size: 1.2em;">11-29-22</p>
Signature of Property Owner (If different from Applicant)	Date

V. Fee Schedule

Rate Description	Cost
Tree removal permit	\$25.00
Tree planting or tree replacement plan	\$25.00
Heritage tree replacement	\$150.00 per inch required to be replaced
Non-heritage tree replacement	\$100.00 per inch required to be replaced
Trees removed without first obtaining a permit	Depending on the location: Up to 125% of the DBH removed plus \$500 fine
Discretionally removed or damaged trees	Depending on the location: Up to 125% of the DBH removed plus \$500 fine

Sliding Scale (For Trees that Require Replacement)

		Tree Condition			
		Excellent	Very Good	Good	Fair/Poor
Tree Location	Within Building Envelop	50%	50%	25%	25%
	Outside Buildable Envelop	100%	75%	50%	25%
	Outside Required Setbacks	125%	100%	75%	50%

VI. For Office Use Only

Address: 940 Fairground	Date: 12/9/2022	Inspectors: AGT GIB
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Tree Identification/Species	Location (Street or Front/Side/Rear Yard)	Location (Building envelope/setback)	Tree Condition (Excellent, Very Good, Good, Fair/Poor, D3)	DBH
Little leaf Linden	street			24"
Red hybrid maple	front	Outside		22" 32"
Norway maple	rear	outside	very good outside bldg envelope	29"
Silver maple	rear	w/ setbacks	very good w/ bldg envelope	37"
narrow crown w/ a lot of included limbs				



CITY OF PLYMOUTH

201 S. Main
Plymouth, Michigan 48170

www.plymouthmi.gov

Phone 734-453-1234
Fax 734-455-1892

December 9, 2022

Isaac Baker
940 Fairground
Plymouth, MI 48170

Administrative Report from first mtg w/resident

City Staff Present: Adam Gerlach, Greta Bolhuis

This tree investigation report has been drafted in response to the tree removal permit application. The following report summarizes the findings after the investigation of trees present at 940 Fairground on December 9, 2022:

Street Trees

1. Little Leaf Linden – 24 inches

Front Yard Trees

1. Red Maple – 39 inches, multi-stem

Rear Yard Trees

1. Norway Maple – 29 inches
 - a. This tree is protected as a heritage tree.
 - b. This tree appears to be in very good condition.
 - c. This tree appears to be outside the required setbacks.
 - d. This tree is planned for removal.
 - e. Twenty-nine (29) inches of replacement trees are required.
2. Silver Maple – 37 inches
 - a. This tree is protected as a heritage tree.
 - b. This tree appears to be in very good condition.
 - c. This tree appears to be outside the buildable envelope.
 - d. This tree is planned for removal.
 - e. Twenty-eight (28) inches of replacement trees are required.

Summary

The submitted tree removal application indicates that two trees are to be removed. The trees described on the application are rear yard Silver Maple and Norway Maple. Fifty-seven (57) inches of replacement trees are required to be placed on the property. If trees cannot be reasonably placed on the property, then the remaining inches shall be paid into the tree fund at a price of \$150.00 per inch for heritage trees. Please be advised any new trees planted must meet the ordinance requirements for size, species, location, and spacing. See the tree ordinance, Sec. 34-1 through 34-28 for additional information.

Next Steps

As of this writing a replacement tree plan has not been identified. A replacement plan is required to be submitted within 90 days of the removal of the trees.



CITY OF PLYMOUTH

201 S. Main
Plymouth, Michigan 48170

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Replacement Options

There are three options available to meet the requirements of replacing trees removed from the property:

- a. Plant a minimum of 57 caliper inches in new trees (minimum size 1.5 inches in caliper) on the property, in the adjacent right-of-way, or in another location approved by the City. The species must be approved by the City at time of planting. Trees planted cannot be a prohibited tree as listed in Section 34-3. See the ordinance for spacing requirements and other planting specifics.
- b. Pay into the tree fund at a total price of \$8,550.00.
- c. Plant new trees and pay the remaining amount into the tree fund. For example, subtract the total caliper inches of trees planted on the property from the total replacement inches required and multiply the remaining inches by \$150.00 if heritage tree to determine what shall be paid into the tree fund.

Tree Replacement Plan

If replacement trees are going to be planted on the property, submit a permit application that includes a site plan and/or grade certificate that meets ordinance requirements for size, species, location, and spacing to the Department of Municipal Services (DMS). The planting plan is then reviewed by DMS. After the approved planting plan is executed, City staff will verify tree size, species, and location.

Next Steps

As of this writing a replacement tree plan has not been identified. A replacement plan is required to be submitted within 90 days of the removal of the trees.

Replacement Options

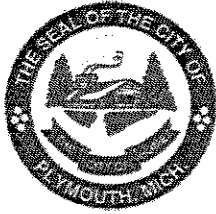
There are three options available to meet the requirements of replacing trees removed from the property:

- a. Plant a minimum of 57 caliper inches in new trees (minimum size 1.5 inches in caliper) on the property, in the adjacent right-of-way, or in another location approved by the City. The species must be approved by the City at time of planting. Trees planted cannot be a prohibited tree as listed in Section 34-3. See the ordinance for spacing requirements and other planting specifics.
- b. Pay into the tree fund at a total price of \$8,550.00.
- c. Plant new trees and pay the remaining amount into the tree fund. For example, subtract the total caliper inches of trees planted on the property from the total replacement inches required and multiply the remaining inches by \$150.00 if heritage tree to determine what shall be paid into the tree fund.

Appeals

The property owner has the option to appeal the administration's decision written in this report to the City Commission within 21 days.

If you have any questions or if your intentions change or differ from the stated application, please contact us as soon as possible.



CITY OF PLYMOUTH

201 S. Main
Plymouth, Michigan 48170

www.plymouthmi.gov

Phone 734-453-1234
Fax 734-455-1892

		Tree Condition			
		Excellent	Very Good	Good	Fair/Poor
Tree Location	Within Building Envelope	50%	50%	25%	25%
	Outside Buildable Envelope	100%	75%	50%	25%
	Outside Required Setbacks	125%	100%	75%	50%

Rate Description	Cost
Heritage tree replacement (Sec. 34-18(a))	\$150.00 per inch required to be replaced
Non-heritage tree replacement (Sec. 34-19(a))	\$100.00 per inch required to be replaced
Dead tree removal on private property, if owner fails to comply with requirements, after proper notification (Sec. 34-20)	Cost of work plus \$500 fine
Diseased tree removal or treatment on private property if owner fails to comply with requirements, after proper notification (Sec. 34-21)	Cost of work plus \$500 fine
Installation of street tree for new construction (Sec. 34-22(a))	\$400.00
Cash bond to ensure street tree planting for new construction (Sec. 34-22(b)(3))	\$400.00
Trees removed without first obtaining a permit (Sec. 34-26)	Depending on the location: Up to 125% of the DBH removed plus \$500 fine
Tree removal permit (Sec. 34-24)	\$25.00
Tree planting permit (Section 34-24)	\$25.00
Tree replacement plan (Section 34-24)	\$25.00
Tree protection plan permit (Section 34-24)	\$25.00
Discretionally removed or damaged trees (Section 34-26)	Depending on the location: Up to 125% of the DBH removed plus \$500 fine



CITY OF PLYMOUTH

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Plymouth, Michigan 48170

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Phone 734-453-1234
Fax 734-455-1892

December 13, 2022

Isaac Baker
940 Fairground
Plymouth, MI 48170

Administrative Report from SECOND mtg w/resident

City Staff Present: Adam Gerlach, Greta Bolhuis

This tree investigation report has been drafted in response to the tree removal permit application. The following report summarizes the findings after the investigation of trees present at 940 Fairground on December 9, 2022 and on December 12, 2022:

Street Trees

1. Little Leaf Linden – 24 inches

Front Yard Trees

1. Red Maple – 39 inches, multi-stem

Rear Yard Trees

1. Norway Maple – 29 inches
 - a. This tree is protected as a heritage tree.
 - b. This tree appears to be in good condition.
 - c. This tree appears to be within the building envelope.
 - d. This tree is planned for removal.
 - e. Seven and one-half (7.5) inches of replacement trees are required.
2. Silver Maple – 37 inches
 - a. This tree is protected as a heritage tree.
 - b. This tree appears to be in good condition.
 - c. This tree appears to be within the building envelope.
 - d. This tree is planned for removal.
 - e. Nine and one-half (9.5) inches of replacement trees are required.

Summary

The submitted tree removal application indicates that two trees are to be removed. The trees described on the application are rear yard Silver Maple and Norway Maple. Seventeen (17) inches of replacement trees are required to be placed on the property. If trees cannot be reasonably placed on the property, then the remaining inches shall be paid into the tree fund at a price of \$150.00 per inch for heritage trees. Please be advised any new trees planted must meet the ordinance requirements for size, species, location, and spacing. See the tree ordinance, Sec. 34-1 through 34-28 for additional information.

Next Steps

As of this writing a replacement tree plan has not been identified. A replacement plan is required to be submitted within 90 days of the removal of the trees.



CITY OF PLYMOUTH

201 S. Main
Plymouth, Michigan 48170

www.plymouthmi.gov

Phone 734-453-1234
Fax 734-455-1892

Replacement Options

There are three options available to meet the requirements of replacing trees removed from the property:

- a. Plant a minimum of 17 caliper inches in new trees (minimum size 1.5 inches in caliper) on the property, in the adjacent right-of-way, or in another location approved by the City. The species must be approved by the City at time of planting. Trees planted cannot be a prohibited tree as listed in Section 34-3. See the ordinance for spacing requirements and other planting specifics.
- b. Pay into the tree fund at a total price of \$2,550.00.
- c. Plant new trees and pay the remaining amount into the tree fund. For example, subtract the total caliper inches of trees planted on the property from the total replacement inches required and multiply the remaining inches by \$150.00 if heritage tree to determine what shall be paid into the tree fund.

Tree Replacement Plan

If replacement trees are going to be planted on the property, submit a permit application that includes a site plan and/or grade certificate that meets ordinance requirements for size, species, location, and spacing to the Department of Municipal Services (DMS). The planting plan is then reviewed by DMS. After the approved planting plan is executed, City staff will verify tree size, species, and location.

Next Steps

As of this writing a replacement tree plan has not been identified. A replacement plan is required to be submitted within 90 days of the removal of the trees.

Replacement Options

There are three options available to meet the requirements of replacing trees removed from the property:

- a. Plant a minimum of 17 caliper inches in new trees (minimum size 1.5 inches in caliper) on the property, in the adjacent right-of-way, or in another location approved by the City. The species must be approved by the City at time of planting. Trees planted cannot be a prohibited tree as listed in Section 34-3. See the ordinance for spacing requirements and other planting specifics.
- b. Pay into the tree fund at a total price of \$2,550.00.
- c. Plant new trees and pay the remaining amount into the tree fund. For example, subtract the total caliper inches of trees planted on the property from the total replacement inches required and multiply the remaining inches by \$150.00 if heritage tree to determine what shall be paid into the tree fund.

Appeals

The property owner has the option to appeal the administration's decision written in this report to the City Commission within 21 days.

If you have any questions or if your intentions change or differ from the stated application, please contact us as soon as possible.



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		Tree Condition			
		Excellent	Very Good	Good	Fair/Poor
Tree Location	Within Building Envelope	50%	50%	25%	25%
	Outside Buildable Envelope	100%	75%	50%	25%
	Outside Required Setbacks	125%	100%	75%	50%

Rate Description	Cost
Heritage tree replacement (Sec. 34-18(a))	\$150.00 per inch required to be replaced
Non-heritage tree replacement (Sec. 34-19(a))	\$100.00 per inch required to be replaced
Dead tree removal on private property, if owner fails to comply with requirements, after proper notification (Sec. 34-20)	Cost of work plus \$500 fine
Diseased tree removal or treatment on private property if owner fails to comply with requirements, after proper notification (Sec. 34-21)	Cost of work plus \$500 fine
Installation of street tree for new construction (Sec. 34-22(a))	\$400.00
Cash bond to ensure street tree planting for new construction (Sec. 34-22(b)(3))	\$400.00
Trees removed without first obtaining a permit (Sec. 34-26)	Depending on the location: Up to 125% of the DBH removed plus \$500 fine
Tree removal permit (Sec. 34-24)	\$25.00
Tree planting permit (Section 34-24)	\$25.00
Tree replacement plan (Section 34-24)	\$25.00
Tree protection plan permit (Section 34-24)	\$25.00
Discretionally removed or damaged trees (Section 34-26)	Depending on the location: Up to 125% of the DBH removed plus \$500 fine

Bolhuis, Greta

From: Isaac Baker <ikebak@umich.edu>
Sent: Sunday, January 8, 2023 5:57 PM
To: Bolhuis, Greta; Gerlach, Adam
Subject: 940 Fairground Tree Removal Report - Appeal
Attachments: 940 Fairground Tree Removal Report-Revised.pdf

Greta,

I am appealing the Tree Removal Report on 12/14/22.

I recognize I am appealing out of time due to the holidays and an unfortunate stay in the emergency room during my appeal window.

As a resident of Plymouth, MI, I strongly disagree with the city's rules on trees and green spaces on private property. I believe that these rules violate my property rights and amount to unnecessary government interference and amount to unlawful taking.

I understand that the city may have good intentions with these rules, such as protecting a more aesthetically pleasing community; however, I believe that these goals can be achieved without infringing on the rights of property owners.

It is imperative that I remove these trees for the safety of my house and those of my neighbors.

I am appealing the findings of the Tree Removal Report on 12/14/22. I do not believe that these trees are healthy and the proposed fees are just and reasonable.

Thank you,
Isaac Baker

Resident's Appeal

Resolution #1

The following resolution was offered by _____ and seconded by _____

WHEREAS The City of Plymouth City Commission adopted Chapter 34, Article I - Trees known as the "Tree Ordinance" in 2019, and

WHEREAS The Department of Municipal Services administers the tree program for the City, and

WHEREAS Section 34-27 of the tree ordinance allows the administration's determination to be appealed to the City Commission.

NOW THEREFORE BE IT RESOLVED THAT the City Commission of the City of Plymouth does hereby uphold the administration's determination.

NOW THEREFORE BE IT FURTHER RESOLVED THAT the two rear yard trees located at 940 Fairground are in good condition and require 17-inches of replacement or payment into the tree fund at a total price of \$2,550.00.



Resolution #2

The following resolution was offered by _____ and seconded by _____

WHEREAS The City of Plymouth City Commission adopted Chapter 34, Article I - Trees known as the "Tree Ordinance" in 2019, and

WHEREAS The Department of Municipal Services administers the tree program for the City, and

WHEREAS Section 34-27 of the tree ordinance allows the administration's determination to be appealed to the City Commission.

NOW THEREFORE BE IT RESOLVED THAT the City Commission of the City of Plymouth does hereby reverse the administration's determination.

NOW THEREFORE BE IT FURTHER RESOLVED THAT the two rear yard trees located at 940 Fairground are not in good condition and do not require 17-inches of replacement nor require payment into the tree fund at a total price of \$2,550.00.

