



# City of Plymouth Planning Commission

## Working Session Meeting Agenda

Wednesday, February 1, 2023 – 6:00 p.m.  
City Hall & Online Zoom Webinar

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City of Plymouth  
201 S. Main  
Plymouth, Michigan 48170  
Fax 734-455-1892

[www.plymouthmi.gov](http://www.plymouthmi.gov)  
Phone 734-453-1234

<https://us02web.zoom.us/j/83499976925>

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1. **CALL TO ORDER**
  - a) Roll Call
  
2. **WORKING SESSION**
  - a) Zoning audit discussion
  
3. **ADJOURNMENT**

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

Persons with disabilities needing assistance with this should contact the City Clerk's office at 734-453-1234 x 234 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.



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ASSOCIATES, INC.

117 NORTH FIRST STREET SUITE 70 ANN ARBOR, MI 48104 734.662.2200 734.662.1935 FAX

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**TO:** City of Plymouth Planning Commission  
**FROM:** Megan Masson-Minock, AICP  
**DATE:** November 8, 2022  
**RE:** Zoning Audit

The purpose of this report is to deliver the findings of the zoning audit we have conducted. The purpose of the audit is to identify:

- Inconsistencies with the Master Plan and Future Land Use Map.
- Ordinance language that is inconsistent with other laws.
- Outdated ordinance language.

We also approached the audit with the knowledge that the City would like to adopt form-based regulations for portions of the City in the future. We will meet with you at your December 14, 2022 meeting to review this report.

The audit is part of a larger process with the following steps:

- Zoning Audit Implementation Report: The report will prioritize action items from the zoning audit, based input from the Planning Commission and City staff.
- Form-Based Code Amendment: For a single area in the City, a form-based zoning district will be developed. The proposed zoning regulations will be applied to a test case property in the proposed district.

As you read the attached zoning audit, please keep the above process in mind. Please come prepared to share your opinion on:

- Which items identified in the audit should be pursued immediately?
- Which items identified in the audit do you need more information about?
- What is missing from the audit?
- What would you like to see in the next steps of this process?

The report has the following sections:

- Inconsistencies Between the Future Land Use and Zoning Maps
- Inconsistencies Between the Master Plan Goals and the Zoning Ordinance
- Updates Needed to Comply with State Law
- Zoning Ordinance Recommendations

At the end of this report, maps showing the differences between the Future Land Use and Zoning Maps are attached. The maps are organized by future land use category.

### **Inconsistencies Between the Future Land Use and Zoning Maps**

We identified a number of inconsistencies between the Future Land Use and Zoning Maps for the following reasons:

- Uses were classified differently between the two maps;
- Properties are planned for different uses than they are currently zoned; and
- Properties are planned for mixed use but designated as a single use zoning district. A form-based code approach may be the best solution in some of these cases.

We understand from staff that when the Future Land map was developed, the existing zoning was not a deciding factor. Where the two maps disagree, the Future Land Use Map should prevail.

#### *Difference due to Use Classifications*

The Future Land Use Map has an Institutional category, where the Zoning Map does not have an associated “Institutional” zoning district. These areas are primarily planned in the R-1 zoning district, which allows institutional uses (such as religious institutions, schools, etc.) as either permitted uses or special land uses. However, a few large parcels are planned institutional in the Central Business Zoning District. Municipal buildings and government buildings are permitted uses in the B-2, but religious institutions are not an allowed use.

*Recommendation:* In next Master Plan update, eliminate the institutional future land use category, and either plan for a new use on currently institutionally used parcels to address situations where the institutional use ceases, or outline a process to do so. Parks, government buildings, and parking lots should be noted on regulating plans in any future form-based district(s).

#### *Mixed Use Low and High Density Future Land Use and the MU (Mixed Use) Zoning District*

The Master Plan lays out two types of mixed use future land use categories, while the Zoning Ordinance has a single Mixed Use District. The Mixed Use zoning district essentially functions as residential district since most commercial uses in the MU district require Planning Commission approval. Commercial uses have more strenuous regulations than the same uses located elsewhere in the city which may block redevelopment or re-use of historical homes. The Mixed Use: Low Density Future Land Use category is planned in the Old Village area, which is more suited to a form-based code.

The Mixed Use High Density future land use category is planned as a large corridor along North Main Street. It is intended to connect the Old Village and Downtown areas. This area is generally zoned B-3 (General Business) with a few parcels zoned O-1 or PUD. The Mixed Use: High Density Future Land Use Category calls for a variety of uses and a streetscape more similar to the Downtown than the Old Village. A new zoning district is needed to implement the vision for this future land use category and the South Mill Sub Area Plan in the Master Plan.

If the City chooses to use a form-based zoning approach, this area and the Old Village should be unique form-based districts that reflect the land use patterns and vision for each of these different areas.

*Recommendation:* A form-based analysis should be done for the Old Village area and the area planned for Mixed Use High Density. The analysis would include a building type inventory, analysis of street types, and categorization of those areas as centers, corridors, neighborhoods or districts. In a subsequent Zoning Ordinance update, separate form-based zoning districts would be created for these two areas.

The Planning Commission should examine the principal uses in the MU district and determine if the additional regulations have produced the desired results in the Old Village area. The Zoning Ordinance should be amended accordingly.

#### Central Business District (CBD) Future Land Use and the B-2 (Central Business) Zoning

The CBD Future Land Use designation and the B-2 (Central Business) zoning district have slightly different boundaries.

In the Downtown Sub Area Plan in the Master Plan, building fronts are planned to be placed at the ROW line or no more than 12 feet from the ROW line. The Schedule of Regulations has no defined front yard setback for the B-2 Zoning District, which, if interpreted as a “zero” setback, is consistent with the ROW placement indicated in the Master Plan. However, the schedule does not address the maximum 12-foot setback.

*Recommendation:* Update the Schedule of Regulations to specifically define a zero foot minimum front yard setback and 12 foot maximum for the B-2 District. Also, a build-to line with a requirement for a percentage of the building to be on that line could be added.

#### Single-Family Low & Medium Density Future Land Uses and the R-1 (Single-Family Residential) Zoning

The Single-Family Low Density and Single-Family Medium Density Future Land Use categories encompass the R-1 Zoning District. The Single-Family Low Density area is not associated with a zoning district in the Zoning Plan (page 44 of the Master Plan) and has a larger minimum lot size (12,000 square feet) than the R-1 Zoning District (7,200 square feet).

*Recommendation:* In the next Zoning Ordinance update, create a low density single-family zoning district with the appropriate lot width and size to protect the character of those neighborhoods planned for single-family low density.

*Multi-Family Low Density Future Land Use and the RT-1 (Two-Family Residential) Zoning*

The Multi-Family Low Density Future Land Use designation does not correspond in all instances to the RT-1 Zoning District. When a property's future land use differs from the zoning, a lower or higher density zoning district is present.

The uses allowed in the RT-1 zoning district does not include triplexes. The multi-family low density future land use is described in the Master Plan as "located in areas where existing duplex and triplex units are currently located, with a desired density of up to a maximum of 12 units per acre." The zoning, including types of housing and density, should be updated to match the Master Plan.

*Recommendation:* In the next Master Plan update, the appropriate density and building form for each area should be decided and then mapped accordingly.

In the next Zoning Ordinance update, consider expanding the RT-1 zoning district to allow triplexes as a principal permitted use or creating a RT-2 zoning district that allows a breadth of "missing middle" housing. Maximum densities should be clear and not use formulas (i.e., number of rooms based on site area) for a baseline.

*Multi-Family Medium & High Density Future Land Uses and the RM-1 & RM-2 (Multiple-Family Residential) Zoning Districts*

The Multi-Family Medium and High Density Future Land Use designations do not correspond to the RM-1 and RM-2 Zoning Districts in all instances. When a property's future land use differs from the zoning, lower or higher density residential future land use is present, often showing a single-family future land use.

The density of the RM districts is regulated essentially by footnote (c) in the Schedule of Regulations. The density is determined by a formula based on the number and type of rooms in a multiple-family building, based on lot size. This approach may not consistently enforce or allow the maximum densities noted in the Master Plan: 18 units/acre for RM-1, and 27 dwelling units/acre for RM-2, respectively. Height, front and rear yards, usable open space or recreation area are regulated by footnotes (d) and (e). These regulations could be simplified and then consolidated in a separate section.

Both zoning districts allow a long list of housing types as principal permitted uses: multiple-family dwellings, duplexes, triplexes, quadplexes, sixplexes, stacked flats, townhomes/rowhouses and attached single-family units. The Multi-Family Residential – Medium Density Future Land Use category calls for "townhouse, row house, multiplexes, and various other styles of housing that mimic the pattern of single family residential uses, but in a higher density of 12-18 dwelling units per acre, with maximum building heights of 2.5 stories." In contrast, The Multi-Family Residential – High Density Future Land Use category specifies that traditional apartment building forms should be in these areas, so allowances for duplexes, triplexes, quadplexes, sixplexes, stacked flats, townhomes/rowhouses and attached single-family units does not match the Master Plan. A separate list of uses, and perhaps building forms, for each zoning district would implement the specifications in the Master Plan.

*Recommendations:* In the next Master Plan update, determine the existing multiple-family building types that work best in the context of the City and then design zoning regulations based on those examples. Part of the analysis should be whether two distinct districts are needed and if a form-based approach is warranted.

In the next Zoning Ordinance update, the minimum lot size and maximum density should be clear, without formulas to determine a baseline. Those formulas could be used for exceptions if it were needed. Form-based regulations could eliminate the need for the sliding scales currently used.

*Office Service Future Land Use and the O-1 (Office-Service) Zoning*

The Office Service Future Land Use designation generally corresponds to the O-1 Zoning District, with two exceptions: O-1 zoned parcels on North Main Street and Starkweather Street. If the City decides to use a form-based zoning approach, the parcels on North Main Street will likely be incorporated into a mixed-use corridor zoning district.

*Recommendations:* In the next Master Plan update, examine whether the O-1 zoned parcels on North Main Street could be incorporated into the planned mixed use area.

*Industrial/Research Future Land Use and the I-1 & I-2 (Light & Heavy Industrial) Zoning Districts*

The areas planned for Industrial/Research generally correspond to the I-1 and I-2 Zoning Districts. However, several areas currently zoned I-1 or I-2 are planned for either Mixed Use High Density or Multiple-Family. The change of land use from industrial could lead to less tax base, depending on the value of the personal property for the industrial users as opposed to the value of the multiple-family or mixed use property. We understand that some of the areas currently zoned I-1 or I-2 are not suitable for industrial use.

*Recommendations:* In the next Master Plan update, examine the sites where Industrial zoning is planned to become another type of land use, with the tax base impacts in mind.

**Inconsistencies Between the Master Plan Goals and the Zoning Ordinance**

We identified a number of inconsistencies between the goals of the Master Plan and the regulations in the Zoning Ordinance.

*Purpose of the Zoning Ordinance and the Goals of the Master Plan*

The purpose of the Zoning Ordinance in Section 78-2 does not reflect the goals of quality of life, financial stability, economic vitality and service infrastructure in the Master Plan and developed at the City's Strategic Planning Session, which is completed every five years.

*Recommendation:* In the next Zoning Ordinance update, review the past two rounds of the goals from the City's Strategic Planning Session and Section 78-2. If appropriate, update Section 78-2 to include goals from those sessions.

### Complete Streets and Non-Motorized Goals and Zoning Regulations

The Transportation section of the Master Plan sets goals for the City of Plymouth to have complete streets and a non-motorized network. The regulations in the Zoning Ordinance can be updated to implement these goals.

*Recommendations:* In the next Zoning Ordinance update, add the following regulations: site plan review and special land use standards for cyclist and pedestrian circulation and safety, bicycle parking requirements, and requirements for sidewalks, bicycle lanes and pathways, as appropriate.

### **Updates Needed to Comply with State Law**

The following items need to be updated to comply with the Michigan Zoning Enabling Act:

- Change the notice requirements for special land use to not less than 15 days before the date of the hearing to comply with the Michigan Zoning Enabling Act. We recommend deleting the hearing requirements in Section 78-281 (b)(2) and replacing those provisions with a cross-reference to the public hearing written notice regulations in Section 78-377.
- Section 78-377, item (c) needs to be updated to state that “Public hearings for an amendment to this title, or the zoning map, that affects more than ten ***adjacent*** properties shall only require notice in a newspaper”, with the added text in bold, italicized font. The Michigan Zoning Enabling Act allows a single notice for “any group of adjacent properties numbering 11 or more that is proposed for rezoning.”
- Section 78-379 needs to be updated to refer to Section 301 of the Michigan Zoning Enabling Act.
- Section 78-406 for Notices for the Zoning Board of Appeals must reference the not less than 15 day window by mail and in the newspaper. We recommend substituting a cross reference to Section 78-377 in lieu of the current text.

### **Zoning Ordinance Recommendations**

We recommend the Planning Commission consider the following recommendations to update the City’s Zoning Ordinance with case law and best practices.

#### Consider Additional Uses

We recommend the Planning Commission consider adding the following uses, perhaps with specific regulations. In our experience, these uses have been often requested in client communities:

- Micro-brewery, vintner, or distiller, with consideration for an accessory tasting room
- Pet day-care (can be added to commercial kennel use)
- Extended stay hotels
- Incidental sales and services
- Accessory dwelling units

- Short-term rentals (may be better as stand-alone licensing ordinance)

Replace References to Road Designations in the City's Master Plan with National Functional Classifications

A number of uses are required to “be located only on major or collector thoroughfares as designated in the city's master plan.” However, the Master Plan no longer has those designations, and it is not a state requirement to have a map of that nature in a Master Plan. The reason for the requirement is to ensure that a use which generates significant traffic is on a road that can manage the volume. We recommend using the National Functional Classification, which is maintained by the State of Michigan and updated based on road width and traffic volumes.

Use Square Footage Instead of Number of Employees to Control Size

In the B-3 and MU Zoning Districts, service establishments of an office-showroom or workshop nature are limited to no more than five persons at one time in the creation or repair of goods. The limitation on the number of employees is difficult to enforce as it requires the enforcement officer to remain at the site for a long period of time, discern who is a customer and who is an employee, and the business may be operational outside of the normal hours for the officer. A restriction on the square footage of the use can also control the size and therefore level of activity for a use. If the square footage changes, the business would need a building permit and the change would trip a zoning review by the City.

Consolidate Dimensional Requirements in a Single Article and/or Embed in Zoning Districts

The Schedule of Regulations and Section 78-217 – Projections into setbacks are separate Articles. For ease of use, the dimensional requirements should be consolidated into the same article, preferably moving Section 78-217 to Article XVII – Schedule of Regulations.

If the Zoning Ordinance is anticipated to be rewritten with both form-based and use-based zoning districts, we recommend embedding the height, bulk, density and area regulations within the use-based zoning districts and then regulating by form, with different regulations for each building type, in the form-based districts.

Codify Zoning Use Matrix and/or Switch to Use Categories

Currently, uses are in each zoning district article as principal uses or special land uses, but the City maintains a Zoning Use Matrix. The Zoning Use Matrix could be included in the Zoning Ordinance instead of the lists in each zoning district article. Also, if using a form-based approach, general categories of uses can be drawn and then allowed in different zoning districts. Some communities use a hybrid approach, with a Zoning Use Matrix for use-based zoning districts and use categories for form-based districts.

Consider Allowance for Underlying Plat to Determine Lot Size

The R-1 Zoning District has various lot widths, ranging from 40 feet to 120 feet. The R-1 Zoning District currently requires a minimum of 60 feet in lot width and 7,200 square feet in lot area. When larger parcels are redeveloped or transitioned to single-family that are adjacent to existing neighborhoods with non-conforming lot sizes, the current regulations do not allow for the continuation of the existing pattern. In the next Master Plan update, the Planning Commission may want to identify those areas



where this mismatch could potentially occur and plan for either a form-based approach or a new single-family residential zoning district. Ultimately, the zoning would be changed to allow for smaller than 60-foot wide lots to continue the existing pattern of residential development.

*Update the B-2 Zoning District Based on What Has Worked and Change What Has Not*

The B-2 Zoning District has excellent design standards and an appropriate mixture of uses. We recommend the Planning Commission retain those standards and consider the following recommendations:

- Change the name of the zoning district from B-2 to CBD or DT. In many other communities, B-2 is a neighborhood or community-wide retail district instead of a mixed-use, downtown district.
- Update the Section 78-100 - Intent to reflect the description of the Central Business District Future Land Use Category in the Master Plan. The intent currently does not mention upper story residential or recognize the downtown as the central gathering spot of the community.
- Eliminate the premiums but retain the regulations for arcades and other pedestrian amenities. Allow for increased height (one-half to a full story) when pedestrian amenities meeting those requirements are provided.
- Examine parking options and update the regulations. Most downtown zoning districts do not require minimum parking for all uses, or only require parking for residential uses. With that action, the City, usually in coordination with the DDA, makes a commitment to provide, maintain and manage the parking for the Downtown. The lease agreements currently required, specifically for changes in use, can be a block to redevelopment.
- Preserve the character of each street by using either architectural regulations or a form-based code approach. The character of the streets surrounding Kellogg Park are different from those on the edge of the B-2 district, such as the houses adaptively re-used on Harvey and Church.
- If using a form-based code approach, designate on the regulating plan where parking and public open space will be. If the public parking lots are designated on the regulating plan, then the parking as a principal use could be eliminated or pegged to certain parcels.
- Designate specific sign and landscaping requirements for the Downtown, based on what is working now in the Downtown.

*Consider whether Restrictions on Interior Display are still needed in the O-1 Zoning District*

Section 78-73 prohibits any interior display from being visible from the exterior of the building, and that any interior display be limited to less than 25 percent of the usable floor area of a story. We question whether this requirement is still needed.

*Update the Uses in the I-1 and I-2 Zoning Districts*

The uses in the I-1 and I-2 zoning districts should be updated to reflect more modern uses and uses in the City. The Planning Commission should consider the following:

- Consolidate listings of types of manufacturing.
- Update principal and special land uses based on 21<sup>st</sup> century industries. Some uses, such as photographic studio and equipment sales and service, no longer use chemicals nor require as much space. Other uses, such as greenhouses, should be updated to reflect the use within, such as growing of food within a building or aquaculture.
- Removing banks and credit unions (with or without drive-throughs) from the I-1 and I-2 districts as a special land use.
- Removing indoor recreation and commercial kennels from the 1-2 district as a special land use and permitted use, respectively. These uses have daily visitors and may not be appropriate next to the more obnoxious uses allowed in the I-2. If the Planning Commission felt that more room was needed for these uses, we have seen them work well on form-based corridors, with proper design parameters.

We also recommend converting Section 78-133 – Uses Prohibited into performance standards or a required sign off from the Fire Department.

#### *Simplify the Footnotes to the Schedule of Regulations*

The Schedule of Regulations has regulations that should be in other articles. It also includes suburban-style requirements that could be simplified or better expressed using a form-based approach. We recommend the following:

- Evaluate whether the height relief for residential buildings in footnote (b) is needed, in light of the FAR requirements. Also, consider using a form-based code approach that requires larger setbacks for larger lots with greater height allowances.
- Change the regulations in footnotes (c), (d), (e), and (l) for multiple-family uses based on the design that has best worked in the City. Consider moving these out of the Schedule of Regulations to a more visible place. If using a form-based approach, a building form for townhouses and multiple-family buildings should be developed.
- Allow the one-half of the alley for the rear yard setback in O-1, O-2, & B-1 to be across all zoning districts if the alleys are not regularly used.
- Move parking requirements in footnotes (h), (j), (m) and (t) to the section on parking.
- Move landscaping requirements in footnotes (i) to the section on landscaping requirements.
- Add two rows to the Schedule of Regulations table for adjacent to residential uses in the I-1 and I-2 districts, leaving the exception in footnote (k).
- Add two rows to the Schedule of Regulations table for the downtown height requirements in footnote (n) or regulate using street types in a form-based code approach.
- Consider using a build-to line for streets or blocks, rather than the averaging in footnote (o). The creation of those build-to lines would be time-intensive. Since the front yard averaging has worked well in neighborhoods, the build-to line may not be appropriate in the R-1 zoning district.

- Consider moving footnotes (p), (q), (r), (s), and (t) to the ARC zoning district.
- Consider porch regulations within form-based codes for house building form, if using a form-based approach.
- Consider whether FAR should be used to regulate bulk for other building types.
- Ensure that FAR regulates in zoning districts where single-family residential is a special land use.

*Allow for e-commerce options in the B-1, B-2, ARC and MU Zoning Districts*

In the B-1, B-2, ARC and MU zoning districts, the principal use allowing similar uses has a restriction that, “All businesses establishments shall be retail or service establishments dealing directly with consumers. All goods produced on the premises shall be sold at retail from the premises where produced.” The last sentence could be construed to not allow e-commerce to be part of the business. We recommend that e-commerce be allowed as accessory use in these districts.

*Consider Eliminating Vehicular Parking District or Removing Off-Street Parking Lots as a Principal Use*

Off-street parking lots are a principal use in the O-1, O-2, B-1, B-3, and P-1 zoning districts. The P-1 zoning district permits solely off-street parking lots contiguous to O-1, O-2, B-1, B-2, I-1, or I-2 districts. On the zoning map, the P-1 district is primarily in the Downtown area. The Zoning Ordinance is very permissive in terms of allowing parking lots as permitted, principal uses. The Planning Commission may want to limit off-street parking to only serve a permitted use on the same site.

In the Master Plan Implementation Matrix, the three actions dealing with Site Design mention parking: concise requirements, encouraging shared parking and location behind buildings, and flexible parking standards.

*Consider a Residential Development Options Article*

Different residential development options are scattered throughout the Zoning Ordinance. A best practice is to consolidate these into a separate article. Potential sections for such an article would be:

- Site Condominiums
- Multiple Family Developments (with updates)
- Adult dependent housing or assisted living facilities (with updates)

*Evaluate Larger Minimum Lot Sizes and Setbacks by use*

In several instances, the Zoning Ordinance requires a larger minimum lot size and/or setbacks for specific uses than those in the Schedule of Regulations. While an effective method to minimize negative impacts, especially to adjacent residential uses, the dimensions required are often large and suburban in nature. While Plymouth has areas with a suburban character, it also has areas where the character is much more urban. Also, the minimum lot size may be prohibitively large. We recommend evaluating the required lot sizes and setbacks for the following uses:

- Private non-commercial recreational areas, institutional or community recreation centers or non-profit swimming pool clubs
- Universities

- Hospitals
- Convalescent or nursing homes
- Religious Institutions

*Update Landscaping Requirements and Place in a More Visible Spot*

The current landscaping requirements are adequate but could be enhanced. We recommend the following:

- Move all landscaping regulations into this section. This section could also be in its own Article or part of a Site Development Standards Article in a rewrite of the Zoning Ordinance.
- Update the formatting for current regulations for one idea per sub-section with a title for each sub-section.
- Require the landscape plan to be designed and sealed by a registered landscape architect. Landscape plans designed by landscape architects are usually of a higher quality than a civil engineer.
- Convert the list of “Trees not suggested” to a prohibited tree list and update the list using current scientific understanding.
- Review “suggested plant materials” list and eliminate invasive species currently listed.
- Require native and low-maintenance landscaping materials, unless waived by the Planning Commission.
- Require the landscaping have a variety of species, e.g., not more than 25% of any one genus or 10% of any one species.
- Review the landscaping provisions in the ARC District to see if they are appropriate to apply elsewhere in the City.
- Require street trees for all new development.
- Encourage rainwater collection and green infrastructure, such as rain gardens and bioswales.
- Include Section 78-206 - Walls and berms with landscaping regulations.
- Add allowances for existing trees or landscaping to count towards landscaping requirements.
- Add regulations for tree preservation during construction.
- Add a waiver by Planning Commission with standards and findings.

*Update Exterior Lighting Requirements for Current Technology and Consolidate Regulations*

The Zoning Ordinance has lighting requirements by use scattered throughout. We recommend consolidating those regulations into a single section, with the appropriate cross-references.

Also, in addition to regulations on lighting levels, we recommend regulation of the intensity of color using kelvins in order to control for the color intensity of LED lights.

Consolidate Site Design Standards in a Single Article

We recommend consolidating the following regulations that apply to site design for most site plans into a single article:

- Landscaping
- Trash containers
- Equipment screening
- Lighting

Consolidate Overall Regulations into a General Provisions Article

We recommend combining Miscellaneous Provisions and General Exceptions into a single General Provisions Article. The following sections, which have regulations that apply across all properties, should be included in that article:

- Conflicting Regulations
- Scope
- Performance Standards (could be its own Article as well)
- Residential Entranceways
- Corner Clearance
- Street Access
- Temporary Buildings and Structures
- Mechanical equipment (could move to schedule of regulations)
- Essential public services
- Essential services
- Projections into setbacks (could move to schedule of regulations)
- Foundation walls (could move to schedule of regulations)
- Grading, drainage and building grades
- Voting place
- Height limit (could move to schedule of regulations)
- Lot area

Update Temporary Building and Structures Regulations

Section 78-211 - Temporary Buildings and Structures deals solely with temporary buildings associated with construction. It does not address the breadth of temporary uses typically occurring in a calendar year. Those temporary use can range from seasonal outdoor sales (fireworks or Christmas trees), food trucks, to sidewalk sales and other exterior display and sale of merchandise.

We recommend separate provisions be added to the Zoning Ordinance to allow accessory outdoor sales, on an intermittent or permanent basis, and a zoning permit for special events or other temporary uses, such as food trucks or seasonal sales.

Update Site Plan Process based on Current Procedures and Best Practices

The site plan article does not always follow current procedures or best practices. We recommend the Planning Commission consider the following:

- Eliminate references to preliminary and final site plan. Based on current procedures, the City has a single phase site plan review process and the references to preliminary and final site plan can be confusing.
- Consolidate Sections 78-242 through 78-244 and Section 78-251 into two sections: one section that details items subject to site plan approval by the Planning Commission and one section that allows administrative site plan or zoning compliance approval. Less information can be required for an administrative site plan and should be listed accordingly.
- Allow for an optional, non-binding pre-application meeting with City staff, consultants and/or sub-committee of the Planning Commission, similar to the required pre-application meeting for a PUD.
- Update process in Section 78-245 to allow staff to determine completeness of an application and require resubmittals, per current procedure. Also, update the process for the Planning Commission to outline their options when making a decision, similar to the process in for the PUD preliminary and final approvals.
- Update application requirement to include an electronic version. If the fourteen hard copies are not needed, revise the requirement accordingly.
- Update site plan review checklist so that it requires needed information for compliance with all zoning requirements. The site plan review checklist should be reviewed by all departments and consultants involved in site plan review. The PUD application requirement could be used as a starting point. We recommend adding the following items, at a minimum: proof of ownership; all easements on site; all driveways on either side of the street within 50 feet of the site; FAR if applicable; location, size, species and condition of existing trees, location of any natural features on-site and within 50 feet of the site; height and details of all proposed exterior lighting; photometric plan; method of screening trash receptacles; location of any outdoor display or storage; and, if required by the Community Development Director, traffic study, environmental assessment, noise study or any other additional studies.
- Replace the “Factors Considered” in Section 78-249 with broader site plan review standards. Those standards should connect to health, safety and welfare; the City Master Plan; and the requirements of the Zoning Ordinance.
- Move the exceptions or discretion for requirements by the Planning Commission should be moved to those sections of the Zoning Ordinance. For instance, item (4), which allows the Planning Commission to require a marginal access drive, should be moved to Article XXII – Parking and Loading Requirements.
- Add the ability for site plan approvals to be extended beyond one year in Section 78-250 – Duration of Approval.
- Consider regulations for phased site plans in Section 78-250 – Duration of Approval. Some communities require the next phase to start within a certain number of years and invalidates the approved site plan if the timeframe is not met, unless good cause can be shown for the delay.
- Eliminate Section 78-252 – Grading, which allows foundation work to start in between preliminary and final site plan.

- Include regulations for amendments to an approved site plan, with two levels of potential review: minor site plan amendments where the intensity is not increased and can be approved by staff, and major site plan amendments where the applicant would need to return the Planning Commission for approval.

#### Expand Article XXI. Accessory Buildings and Use

Article XXI has regulations primarily on buildings within residential districts. However, based on the regulations and the illustrations, we assume these regulations are targeted at single-family residential uses and/or building forms within the residential districts. We recommend that the Planning Commission consider the following:

- Include accessory building regulations that apply to non-residential uses permitted in residential zoning districts. For instance, the picnic shelter that a religious institution has on its property may need different regulations than a detached garage for a single-family home.
- Include regulations for non-residential zoning districts. If using a form-based approach, the location of detached accessory structures would be determined by building form. For other districts, such as the I-1 and I-2, requirements for location and height would be adequate.
- Evaluate if the height measurement of a detached accessory building with dormers maintains the desired character of neighborhoods. These regulations have the potential to allow taller structures and/or to encourage dormers, not in keeping with the surrounding area, in order to legally achieve a taller accessory building.
- Consider allowances for detached accessory dwelling units.
- Consider including regulations for accessory solar energy (attached and/or detached), and electric vehicle charging stations in parking lots or street rights-of-way.

#### Update Parking and Loading Regulations

We recommend that the parking regulations in Article XXII be updated as follows:

- Allow for more flexibility in Section 78-270 by:
  - Allowing shared parking agreements for parking lots within 300 feet of a building.
  - Allowing for designated parking areas to be converted to another use if proof can be provided that the parking need is less than when the lot was created.
  - Allowing payment in lieu of parking available in all districts
  - Considering parking reduction when bicycle parking is provided
  - Considering a reduction of parking for complementary mixed-uses
  - Preventing “employee only” parking signage
  - Allow the Planning Commission to waive or reduce parking requirements in all districts.
- Place the requirements for the B-2 or Downtown into a separate section.
- Update the schedule of the minimum number of parking spaces using the ITE Fifth Generation Parking Manual.

- Consider eliminating mobile home park from the schedule of the minimum number of parking spaces, after consultation with the City Attorney, since a mobile home park is not an allowed use.
- Expand the regulations for handicapped parking spaces to include number, dimensions and signs.
- Include the requirements for parking lot surfacing in Section 78-272. The P-1 Zoning District could be eliminated and, if the surfacing information is not copied into another section, then those regulations might be lost.
- Require that the parking lot meet all regulations in Section 78-203, in lieu of the current requirement for submittal a landscape plan.
- Require pedestrian pathways to be placed in the parking lots, linking the parking lot to the sidewalk, to the main entrance(s) of the principal building, and to pedestrian infrastructure on adjacent properties.
- Require vehicular connections between parking lots, where appropriate, such as cross-access easements and service drives.
- Consider the following best practices:
  - If parking is managed with parking meters or enforced time limits, remove minimums and only regulate by maximum number of parking spaces.
  - Include parking maximums.
  - Require bicycle parking.
  - Allow 10-15 percent of parking spaces to be compact vehicle spaces with smaller dimensions.
  - Allow permeable paving in parking areas.
  - Allow motorcycle, scooter, or bicycle parking spaces to replace vehicle parking spaces on a 2:1 ratio.
- Consider including standards for commercial and industrial driveways, or a cross-reference to the City's engineering standards.
- Update loading requirements to require loading spaces for commercial or office uses for vans or delivery trucks, based on the size and intensity of the use. These loading areas can be "pull-off" spaces in side setback.

*Split "Special Use" Article into "Special Land Use Regulations" and "Specific Use Provisions" Articles*

Article XXIII-Special Uses has essentially two sets of regulations: special land use application and procedures, and the regulations for specific special land uses. Meanwhile, regulations for uses only allowed as principal uses have additional regulations in Article XVIII-Miscellaneous Provisions or Zoning District Articles. We recommend that the two sets of regulations be placed in separate articles.

The following sections could be moved to a "Specific Use Provisions" Article:



- Sections 78-282 through Section 78-297 in Article XXIII
- Single family dwelling unit standards (Sec. 78-43, 78-53)
- Private non-commercial recreational areas, institutional or community recreation centers or non-profit swimming pool clubs (Sec. 78-42.6, 78-52.6)
- Home occupations (Sec. 78-212)
- Wireless Communication (Sec. 78-216)

In the “Specific Use Provisions” Article, we recommend the following regulations by use be updated:

- Update “Adult Regulated Uses” regulations to cite current case law to be more defensible.
- Expand “Drive-in or Drive-through Restaurants” to be standards for all drive-in or drive-through uses. Consider decreasing the 50-foot setback from the public right-of-way or property line. If the drive-through facilities are in the rear, the building could have the same setback as other uses within the zoning district. The side and rear yards should be big enough to minimize the potential nuisance. A schedule of minimum number of stacking spaces should be included. The language on drive-through uses in the ARC Zoning District could be used as a model.
- Eliminate requirement for full service islands or attendant filling services in “Automobile service stations/automobile convenience marts” regulations.
- Consider eliminating the prohibition on kitchen or cooking facilities in guest rooms for motels and hotels, since extended stay motels in the B-3 zoning district directly cross-references these regulations. While extended stay facilities used to be associated with crime, the modern version often provides accommodations for business travelers. A separate use could be defined and used.
- Consider decreasing the required 40 foot front yard setback for automobile car washes. With proper design regulations and stacking requirements, the building could be subject to the front yard setbacks for the underlying zoning district.
- Consider whether “Amusement parks and arcades” still warrant the additional regulation, particularly the 500 feet from the property line of a similar business or residential district.
- Evaluate the regulations for “adult foster group homes” regulations for this use with state licensing requirements and retain the regulations that are within the City’s purview and ability to enforce.
- Make the following changes to the requirements for “Religious Institutions”, due to the Religious Land Use and Institutionalized Persons Act (RLUIPA) and associated case law which requires religious land use to be treated similar to private assembly uses like banquet halls or fraternal lodges:
  - Evaluate whether the lot width, lot area, building setbacks, frontage and access requirements are enforceable and fit within the context of the City of Plymouth for existing as well as new religious institutions.
  - Provide cross reference to relevant landscaping requirements or eliminate item (6).
  - Consult with the City Attorney as to whether item (7) is enforceable under RLUIPA case law.

- Examine allowance of meeting halls and related services in the O-1 district. To comply with RLUIPA, meeting halls should subject to the same or stricter regulations than religious land uses.
- Examine allowance of private clubs and lodge halls as principal use in the B-3, where religious land uses are not allowed. Again, to comply with RLUIPA, these uses must be subject to the same or stricter regulations than religious land uses.

#### Update Processes for Special Uses

We recommend the following changes in terms of process for special land uses:

- Change the annual approval of rooftop dining by the City Commission to stand-alone licensing ordinance, rather than a special land use in the Zoning Ordinance. The revocation or non-renewal of roof-top dining is more defensible as a license, than as a special land use.
- Consult with the City Attorney as to whether the Child Care Center and Group Day Care homes with an annual compliance permit is allowed under current state regulations. Also, evaluate the regulations for this use with state licensing requirements and retain the regulations that are within the City's purview and ability to enforce. Due to special consideration for group day care homes in the Michigan Zoning Enabling Act, any amendments should be drafted with input from the City Attorney.
- Consider allowing instances where a plot plan, instead of a full site plan application, could be submitted. For instance, the re-use of an existing building for a special land use likely would not necessitate the level of detail required for a site plan application.
- For uses that require site plan approval in the associated regulations, list those uses as requiring site plan review in Article XX.

#### Consider Development Agreements

Many communities require development agreements for their Special Land Uses, Conditional Rezonings or PUD's. The Planning Commission should consider whether a recorded document, listing the agreements for the development would be warranted. The "approved statement of conditions" used for conditional rezonings can be used as a starting point.

#### Consider Expanding Non-Conforming Regulations Beyond the General to Include Waivers with Standards

The exceptions listed in Standards for Review for driveways, sidewalks, parking, screening, landscaping, and lighting may be more visible and nimbler outside of the nonconformance article as waivers or exceptions within their own sections or articles.

#### Place Amendments in its own Article with Specific Standards and Process Descriptions

We recommend that the regulations for Amendments be in a separate article, with specific standards for amendments in general, rezonings (map amendments), text amendments and conditional rezonings. We also recommend that conditional rezonings be described in a unique section within the Amendments Article.

We recommend the following sections for the Article overall:

- Intent
- Initiation of amendments
- Amendment request
- Amendment procedure
- Criteria for amendment to the Zoning Map
- Criteria for amendment to the Zoning Ordinance Text
- Conditional Rezoning of Land (Current Section 78-387)
- Restrictions on Resubmittal of Rezoning Request

Also, we recommend that Section 78-388, which requires a sign for a zoning map change, conditional rezoning, or PUD be cross-referenced in this Article as well as in Article XXIV – Planned Unit Development.

*Pivot Section 78-385 to a Description of Planning Commission Powers*

Section 78-385 – Planning Commission Approval describes the abilities of the Planning Commission to investigate, require information from applicants, place conditions, and the time limitation of their approvals.

We recommend that the requirements for information from applicants, the Planning Commission’s ability to investigate, require information, place conditions and the time limitation of their approval be woven into updated regulations for site plan, special land use and nonconformance approvals, so it is explicit what the Planning Commission’s abilities are in each instance. We recommend that this section is combined with Section 78-379 to describe where the Planning Commission is enabled in state law, its duties and responsibilities.

This section should also outline the following items detailed in the Michigan Planning Enabling Act:

- The number of and process for appointing Planning Commission members
- Officers
- Bylaws
- Meetings
- Annual Report
- Compliance with Open Meetings Act
- Preparation of a Master Plan

*Consider Eliminating Use Variances*

Best planning practices call for the elimination of use variances. The Zoning Board of Appeals can compromise a municipality’s ability to implement its Master Plan through use variances. We recommend changing the uses via amendments to the Zoning Ordinance and Zoning Map instead.

Move Parks and Open Space District to Article close to other Zoning Districts

If the Zoning Ordinance is rewritten, the Parks and Open Space District should be grouped with other zoning district articles. Also, we recommend considering yard setbacks and lot coverage for buildings.

Update Inconsistent or Improper Terms

The following term needs to be used consistently:

- “Special land use” instead of “special use”

To be consistent with state regulations and federal law, the following terms should be used:

- “Michigan Department of Environment, Great Lakes, and Energy” or “EGLE” instead of “Michigan Department of Environmental Quality” or “MDEQ”
- “Religious institution” instead of “church”

To be consistent with current City practices, the following term should be used:

- “Community Development Director” instead of “Building Official”. There may be a few instances when the Building Official is the appropriate person, such as issuing building permits or certificates of occupancy.

Update Definitions

The following actions should be taken regarding definitions:

- Review all definitions for consistent usage. For instance, “Average Grade” and “Usable Floor Area” are used in a number of different contexts. The definition for each term needs to be the same throughout and work in all regulations.
- Review definitions to match, where appropriate, those in other City ordinances, with the assistance of the City Attorney. For instance, the definition of nuisance seems antiquated and may need to be removed or updated.
- Update all definitions for modern understanding. For instance, “video rental establishments” could be consolidated into a service use or eliminated.
- Remove regulatory language from definitions where possible, such as:
  - Convenience grocery store: remove the reference to “one-story”
  - Townhome/rowhouse: remove reference to “separated from each other by a firewall”
- Remove definitions not used outside of Article II – Definitions, including:
  - Billboard
  - Delicatessen
  - Mechanical amusement device
  - Rooming house (mentioned in parking regulations, but not elsewhere)

- Mobile home park/manufactured home community (due to exceptions per state law for this use, consultation with the City Attorney is recommended)
- Use graphics to simplify definitions when possible.
- Add form-based definitions with graphics, if using that approach.

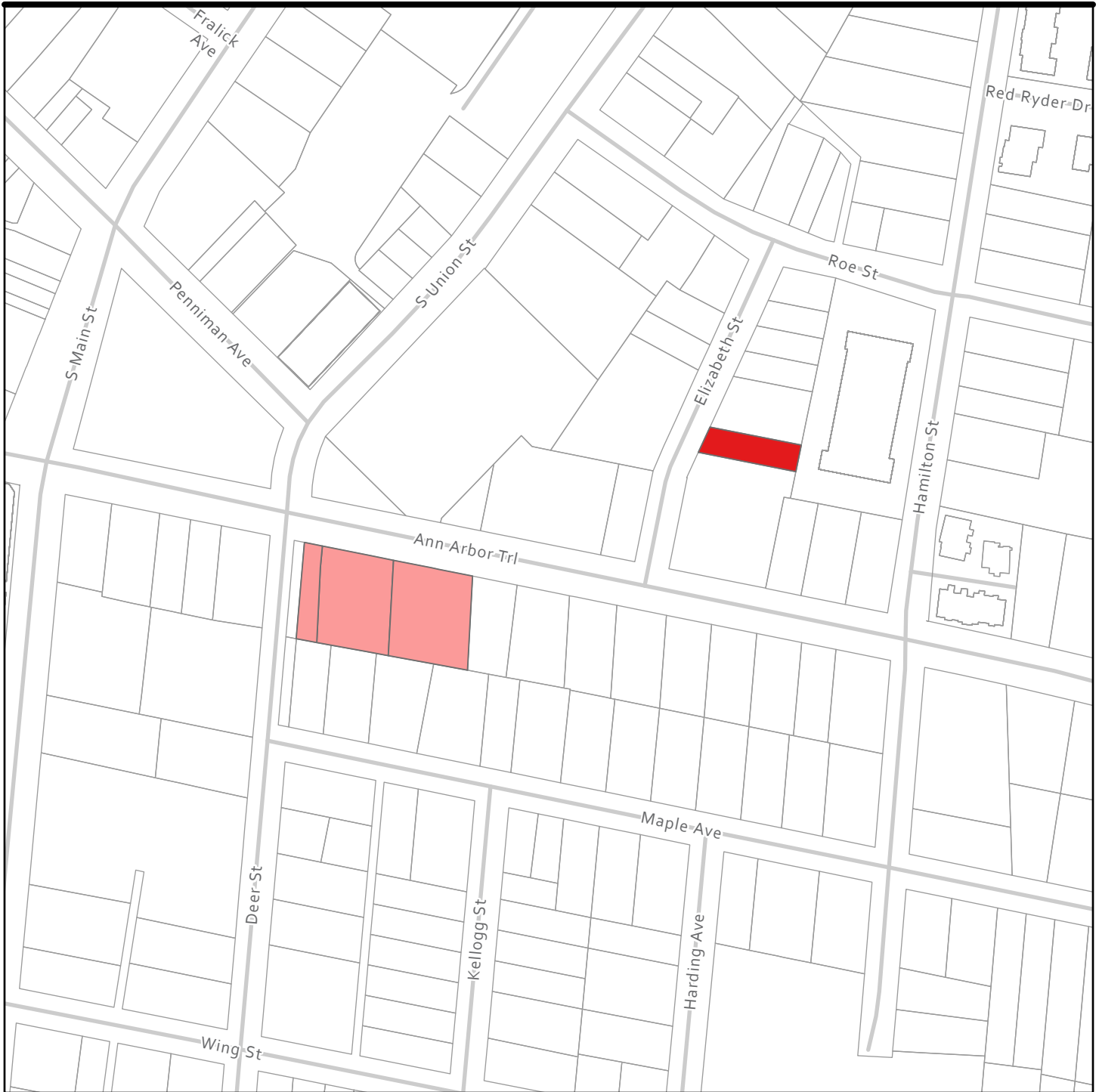
*Technical Inconsistencies & Frequent Variance Requests*

The following items are inconsistencies that should be updated:

- Eliminate “tavern” from item (11) in Section 78-111 – Principal uses permitted in the B-3 Zoning District. Bars, lounges and restaurants serving alcohol are special land uses in this district and tavern can be interpreted as allowing alcohol. The Zoning Ordinance does not define “tavern” and it is only used in this instance.
- Consolidate all fence regulations into a single place, with these sections of Zoning Ordinance or the City’s Fence Ordinance.
- Consolidate the “Vested Right” sections in Article I and Article XXVII.

Per staff, variances have frequently been requested for generator locations requirements in Section 78-217 – Projections into setbacks. The Planning Commission should examine those variance requests and decide if amendments are needed.





**Planned FLU, FLU from Export, Zoning from Export**

- Central Business District, Mixed Use High Density, B-2
- Central Business District, Single-Family Medium Density, B-2

**Current and Planned Future Land Use Category Analysis**

City of Plymouth, Michigan

"Planned FLU" is the future land use category planned to correspond with a property's current zoning.

"FLU from Export" is a property's future land use category as listed in the "FutureLand" field from the City's FLU export shapefile.

"Zoning from Export" is a property's zoning designation as listed in the "Zoning\_Typ" field from the City's Zoning export shapefile.









**Planned FLU, FLU from Export, Zoning from Export**

- Local Business, Mixed Use High Density, B-1
- Local Business, Mixed Use Low Density, B-1
- Local Business, Multi Family Low Density, B-1

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City of Plymouth, Michigan

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**Planned FLU, FLU from Export, Zoning from Export**

 Mixed Use Low Density, Light Industrial, MU

**Current and Planned Future Land Use Category Analysis**

City of Plymouth, Michigan

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"Zoning from Export" is a property's zoning designation as listed in the "Zoning\_Typ" field from the City's Zoning export shapefile.





**Planned FLU, FLU from Export, Zoning from Export**

- Multi Family High Density, Multi Family Low Density, RM-2
- Multi Family High Density, Multi Family Medium Density, RM-2

**Current and Planned Future Land Use Category Analysis**

City of Plymouth, Michigan

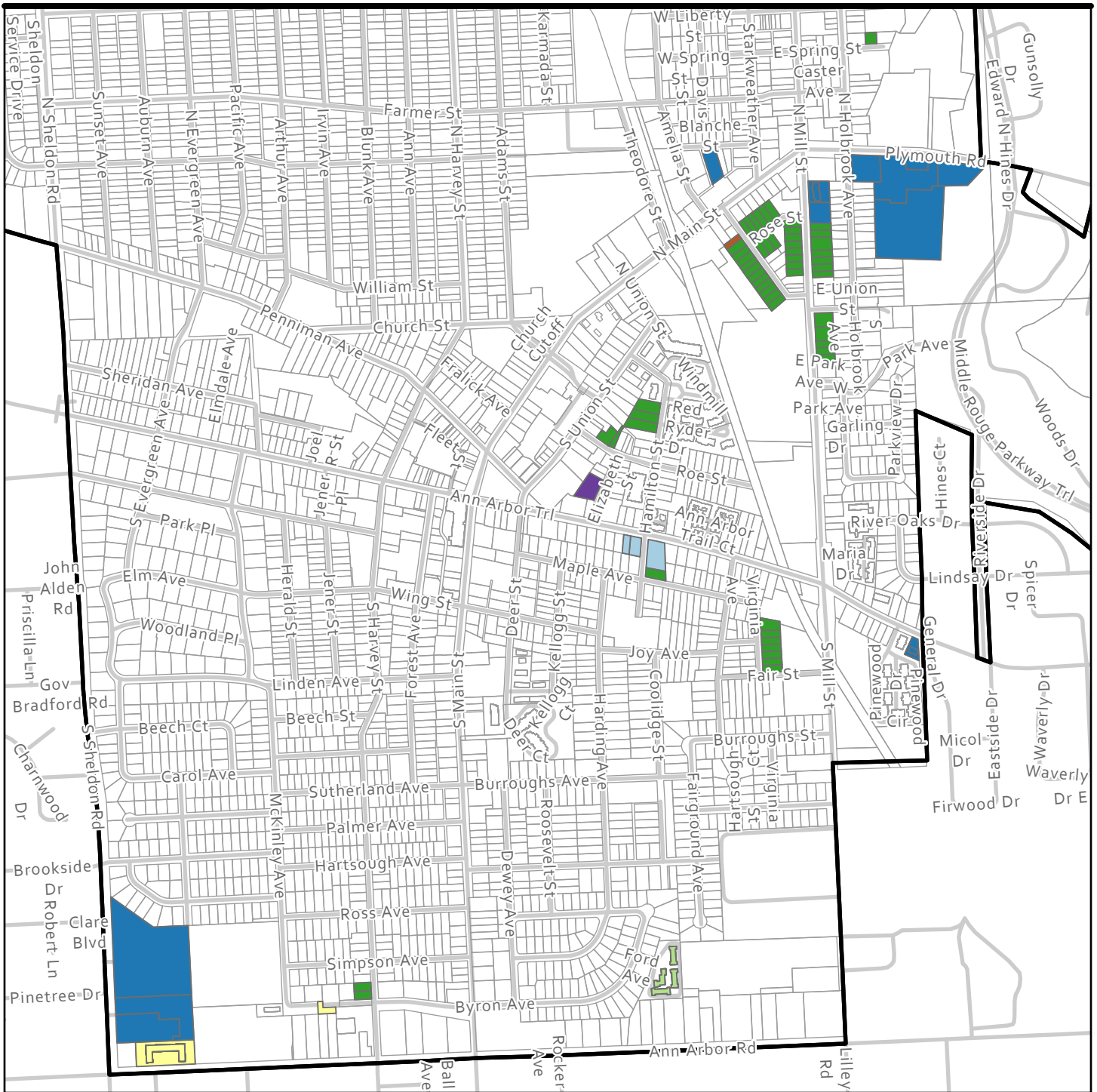
"Planned FLU" is the future land use category planned to correspond with a property's current zoning.

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"Zoning from Export" is a property's zoning designation as listed in the "Zoning\_Typ" field from the City's Zoning export shapefile.







**Planned FLU, FLU from Export, Zoning from Export**

- Multi Family Medium Density,Central Business-Retail,RM-1
- Multi Family Medium Density,General Business-Retail/Service,RM-1
- Multi Family Medium Density,Mixed Use High Density,RM-1
- Multi Family Medium Density,Mixed Use Low Density,RM-1
- Multi Family Medium Density,Multi Family High Density,RM-1
- Multi Family Medium Density,Multi Family Medium Density,RM-1
- Multi Family Medium Density,Single-Family Medium Density,RM-1

**Current and Planned Future Land Use Category Analysis**

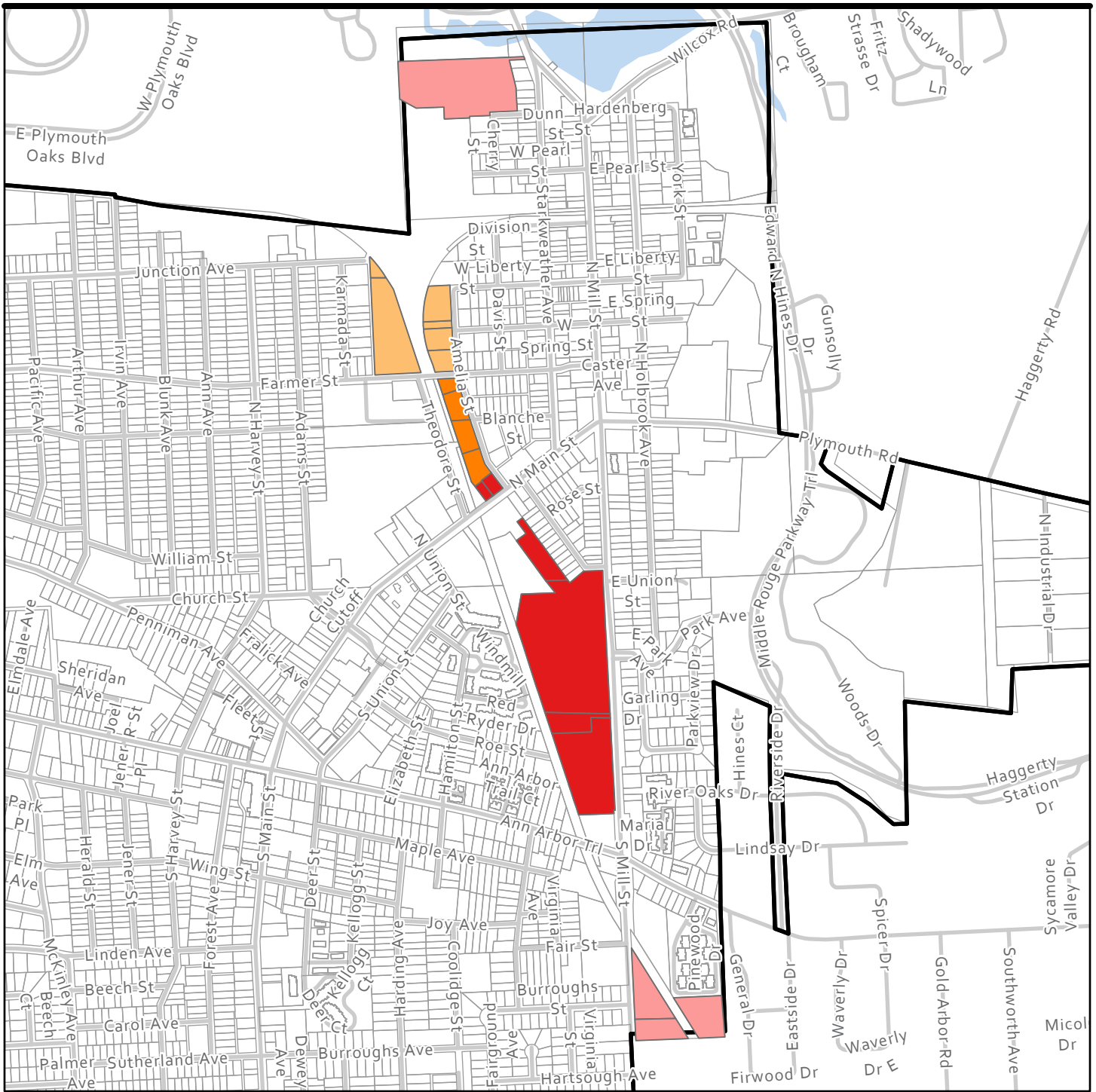
City of Plymouth, Michigan

"Planned FLU" is the future land use category planned to correspond with a property's current zoning.

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"Zoning from Export" is a property's zoning designation as listed in the "Zoning\_Typ" field from the City's Zoning export shapefile.





**Planned FLU, FLU from Export, Zoning from Export**

- N/A, Light Industrial, I-2
- N/A, Mixed Use High Density, I-2
- N/A, Mixed Use Low Density, I-2
- N/A, Multi Family High Density, I-2

**Current and Planned Future Land Use Category Analysis**

City of Plymouth, Michigan

"Planned FLU" is the future land use category planned to correspond with a property's current zoning.

"FLU from Export" is a property's future land use category as listed in the "FutureLand" field from the City's FLU export shapefile.

"Zoning from Export" is a property's zoning designation as listed in the "Zoning\_Typ" field from the City's Zoning export shapefile.





**Planned FLU, FLU from Export, Zoning from Export**

- Office, Mixed Use High Density, O-1
- Office, Multi Family Medium Density, O-1
- Office, Single-Family Medium Density, O-1

**Current and Planned Future Land Use Category Analysis**

City of Plymouth, Michigan

"Planned FLU" is the future land use category planned to correspond with a property's current zoning.

"FLU from Export" is a property's future land use category as listed in the "FutureLand" field from the City's FLU export shapefile.

"Zoning from Export" is a property's zoning designation as listed in the "Zoning\_Typ" field from the City's Zoning export shapefile.





**Planned FLU, FLU from Export, Zoning from Export**

- Single-Family Medium Density, Light Industrial, R-1
- Single-Family Medium Density, Mixed Use Low Density, R-1
- Single-Family Medium Density, Multi Family Low Density, R-1
- Single-Family Medium Density, Multi Family Medium Density, R-1

**Current and Planned Future Land Use Category Analysis**

City of Plymouth, Michigan

"Planned FLU" is the future land use category planned to correspond with a property's current zoning.

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**Carlisle | Wortman**  
ASSOCIATES, INC.

117 NORTH FIRST STREET SUITE 70 ANN ARBOR, MI 48104 734.662.2200 734.662.1935 FAX

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**TO:** City of Plymouth Planning Commission  
**FROM:** Megan Masson-Minock, AICP  
**DATE:** December 2, 2022  
**RE:** Zoning Audit Additions due to Changes in State Law

The following changes to the Michigan Zoning Enabling Act and the Child Care Licensing Act have become effective, which would necessitate changes to the City of Plymouth's Zoning Ordinance:

- The amendment to the MZEA added residential treatment programs for up to 10 individuals as a residential use, which must be allowed as a permitted use like family day care homes. A residential treatment program provides 24/7 care for children using a "trauma informed treatment model", provides after care services for up to 6 months, and must be accredited, per the definition in Child Care Organizations Act. A detention facility, forestry camp, training school, or other facility used to primarily detain minor children found to be delinquent are not residential treatment programs.
- The Child Care Licensing Act was amended to allow "increased capacity" in family day care homes and group day care homes, allowing an additional one or two children for care, respectively. These facilities are automatically eligible for the increased capacity if they hold a current license, have held a license for 48 months, and cared for at least one (1) minor child.

Please note that the following items will need to be updated in addition to the items listed in the "Updates Needed to Comply with State Law" section in the previously submitted Zoning Audit:

- Add a definition of "residential treatment program" to Sec. 78-21
- Update the definitions of "family day care home" and "group day care home" in Sec. 78-21
- Add "residential treatment program" to Table 9-2, as a permitted use in the R-1, RT-1, RM-1, and RM-2 Zoning Districts, which are the zoning districts where family day care homes are principal uses permitted.

I look forward to meeting you at your December 14, 2022 meeting to review and discuss the Zoning Audit.

Sincerely,

**CARLISLE/WORTMAN ASSOC., INC.**  
**Megan Masson-Minock, AICP**  
**Senior Associate**