

City of Pleasant Ridge
23925 Woodward Avenue
Pleasant Ridge, Michigan 48069

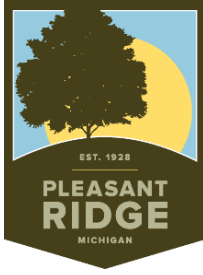
Regular Planning Commission Meeting
Monday, October 28, 2019

Members of the Planning Commission, and Residents: This shall serve as your official notification of the Regular Meeting of the Planning Commission to be held Monday, October 28, 2019, 7:00 P.M., at the Pleasant Ridge Community Center, 4 Ridge Rd, Pleasant Ridge, Michigan 48069. The following items are on the Agenda for your consideration:

REGULAR PLANNING COMMISSION MEETING-7:00 P.M.

1. Meeting Called to Order.
2. Roll Call.
3. Minutes:
 - a. Regular Planning Commission Meeting held Monday, July 22, 2019.
4. **PUBLIC DISCUSSION** – Items not on the Agenda.
5. Ordinance recommendation to amend the City of Pleasant Ridge City Code Chapter 82, Zoning and Chapter 34, Environment regarding placement of residential air conditioning units.
 - a. **PUBLIC HEARING** - Ordinance to amend the City of Pleasant Ridge City Code Chapter 82, Zoning and Chapter 34, Environment regarding placement of residential air conditioning units.
 - b. Ordinance recommendation to amend the City of Pleasant Ridge City Code Chapter 82, Zoning and Chapter 34, Environment regarding placement of residential air conditioning units.
6. City Manager's Report.
7. Other Business.
8. Adjournment.

In the spirit of compliance with the Americans with Disabilities Act, individuals with a disability should feel free to contact the City at least seventy-two (72) hours in advance of the meeting, if requesting accommodations.



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**Planning Commission Meeting
July 22, 2019**

Having been duly publicized, Chairman Treuter called the meeting to order at 7:04pm.

Present: Commissioners Corrigan, Wilkinson, McCoy, Bellak, Martin-Campbell, McAuliffe (7:05), Treuter.
Also Present: City Manager Breuckman, City Commission liaison Perry.
Absent: Commissioners Stiffman, McCutcheon.

Minutes

PC-2019-1559

Motion by Commissioner Corrigan, second by Commissioner Wilkinson, that the minutes of the Regular Planning Commission meeting held Monday, April 22, 2019, be approved.

Adopted: Yeas: Commissioners Corrigan, Wilkinson, Bellak, Martin-Campbell, McAuliffe, McCoy, Treuter.
Nays: None

Establishing a public hearing, Monday, October 28, 2019 – Zoning Ordinance Amendment

Manager Breuckman explained the need for the proposed amendment. A recurring issue that staff has dealt with is the lack of detailed standards for air conditioner compressor units and permanent generators in the Zoning Ordinance. This lack of standards leads to occasional neighbor disputes over location and noise. The attached proposed ordinance would establish clear and administratively enforceable location and noise level limits and would build in a neighbor consultation process. Currently the City considers air conditioner compressors and permanent generators (hereafter referred to as “units”) to be accessory structures for the purposes of ordinance compliance. This is not explicitly specified in the ordinance, but rather has been an administrative determination. The ordinance also does not have specific noise standards for such units, only general nuisance standards. This results in the City having to determine what is an appropriate noise level on a case by case basis, which is not an easy administrative task.

The proposed ordinance includes two components:

1. An amendment that requires all units to be in the rear yard unless approval is granted by the adjacent neighbor for the unit to be in a side yard. This will require a notarized letter signed by the neighbor. The amendment also includes requirements for screening and establishes that units may not be located closer than 2 feet to a side property line if permission is granted.



City of Pleasant Ridge

James Breuckman, City Manager

From: Jim Breuckman, City Manager
To: Planning Commission
Date: October 24, 2019
Re: Zoning Ordinance Amendment – Air Conditioner Compressor Standards

Overview

A recurring issue that staff has dealt with is the lack of detailed standards for air conditioner compressor units and permanent generators in the Zoning Ordinance. This lack of standards leads to occasional neighbor disputes over location and noise. The attached ordinance would establish clear and administratively enforceable location and noise level limits and would build in a neighbor consultation process.

Background

Currently the City considers air conditioner compressors and permanent generators (hereafter referred to as “units”) to be accessory structures for the purposes of ordinance compliance. This is not explicitly specified in the ordinance, but rather has been an administrative determination. The ordinance also does not have specific noise standards for such units, only general nuisance standards. This results in the City having to determine what is an appropriate noise level on a case by case basis, which is not an easy administrative task.

The proposed ordinance includes two components:

1. An amendment that requires all units to be in the rear yard unless approval is granted by the adjacent neighbor for the unit to be in a side yard. This will require a notarized letter signed by the neighbor. The amendment also includes requirements for screening and establishes that units may not be located closer than 2 feet to a side property line if permission is granted.
2. The addition of specific noise standards to Section 34-52, Nuisances of the City Code of Ordinances. The amendment establishes 60 dBA as the sound limit as measured 6 feet above grade at a property line.

The ordinance is modeled after similar ordinances in Huntington Woods and Farmington which require neighbor permission to locate units in a side yard.

The noise standards were based on a survey of other community’s noise standards. Most cities have a noise limit of 55 or 60 dBA at a property line in residential districts.

Process

This is a Zoning Ordinance amendment which requires a public hearing before the Planning Commission, who will then make a recommendation to the City Commission. The City Commission then makes the final decision on the proposed amendment.

Requested Action

Planning Commission consideration of the proposed amendment after the public hearing, including a recommendation to the City Commission.

CITY OF PLEASANT RIDGE
Ordinance No ____

AN ORDINANCE TO AMEND THE CITY OF PLEASANT RIDGE CODE OF ORDINANCES, CHAPTER 82 – ZONING and CHAPTER 34 - ENVIRONMENT.

THE CITY OF PLEASANT RIDGE ORDAINS:

Section 1.

The following sections of Chapter 82, Zoning, of the Pleasant Ridge City Code are amended as follows:

Section 82-193 of the Pleasant Ridge Zoning Ordinance is amended to add a new subsection (9) as follows:

- (9) Air Conditioners and Power Generators. Refrigeration or cooling equipment (used for central air conditioning purposes) or power generators (used as a source of interim power) installed outside of a dwelling or main building shall be:
- a. Screened from view from a public right of way with approved fencing or landscaping.
 - b. Located in the rear yard of the dwelling or main building, and no closer to the side property line than the principal structure. The City Manager may authorize installation in a side yard behind the front building line if site conditions make it impossible to install in a rear yard, or upon the receipt of notarized written approval of such installation from the owner of the adjacent neighboring property. If a side yard installation is allowed under this section, air conditioner compressors or generator units shall be set back at least two (2) feet from any property line.
 - c. In compliance with sound emission standards as set forth in Section 34-52(14).
 - d. In the case of corner lots, the City Manager may authorize installation toward the side lot line adjacent to the street in instances where site conditions make it impossible to install in a rear yard.

Section 2.

Section 34-52 of the Pleasant Ridge City Code is amended to add a new subsection (14) as follows:

- (14) The operation of mechanical equipment, including but not limited to air conditioning, air handling devices, refrigeration devices or other condensers causing a sound level more than 60 dBA measured 6 feet above grade at any property line in residential areas. This subsection shall not apply if the sound from the equipment creates less than a three dBA increase in the sound level that exists in the absence of such sound.

Section 3. Severability.

Should any provision or part of this Article be declared by any court of competent jurisdiction to be invalid or unenforceable, the same shall not affect the validity or enforceability of the balance of this Article, which shall remain in full force and effect.

Section 4. Repealer.

All other ordinances or parts of ordinances in conflict with this ordinance are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 5. Savings clause.

Nothing in this Article shall be construed to affect any suit or proceeding pending in any court or any rights acquired or any liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 8 of this Ordinance; nor shall any just or legal right or remedy of any character be lost, impaired, or affected by this Ordinance.

Section 6. Effective Date.

This Ordinance shall become effective seven days after publication of a notice of adoption, as provided by law.

Section 7. Adoption.

This Ordinance is hereby declared to have been adopted by the Commission of the City of Pleasant Ridge at a meeting duly called and held on the ___ day of _____, 2019, and ordered to be given publication in the manner prescribed by law.

Amy M. Drealan, City Clerk

Planning Commission Public Hearing: October 28, 2019
Planning Commission Recommendation:
City Commission Introduction:
City Commission Public Hearing:
City Commission Adoption:
Published:
Effective: