

memorandum

DATE: February 22, 2023
TO: Mayor Kelly Garrett and Lathrup Village City Council
FROM: Jill Bahm & Eric Pietsch, Giffels Webster
SUBJECT: Zoning Amendment – Waste and Rubbish

Introduction

What prompted this amendment?

When a tenant space of an existing, commercial facility proposes a new occupancy or change of use, the zoning code requires a plan for solid waste disposal and removal. Not all existing commercial sites provide or have a need, or space for a dumpster enclosure, or an indoor space to store solid waste and refuse, as required by the ordinance. Many commercial uses, whether stand-alone or as part of a strip facility, do not produce significant waste that would require the use of a dumpster, nor might they have the capacity to provide indoor storage for solid waste. When comparing the zoning code to the general code, the general code provides simplicity and direction for how the zoning code should establish the handling of solid waste and rubbish at commercial sites of varying size.

Current Ordinance

The site development standards of Article 5 include waste and rubbish under Section 5.3, which allows for the special permitted use of commercial refuse containers (dumpsters) under a list of reasonable conditions. An additional standard requires every building in every district, except R1 and R2, to provide within the building, a fire protected waste and refuse storage space measuring at least 225 cubic feet.

Section 5.3.2 states: Every building in every district other than R1 and R2 shall provide within the building a fire protected waste and refuse storage space or spaces measuring five cubic feet for each 100 square feet of building floor area, but at least 225 cubic feet. To be acceptably fire protected, the waste and refuse storage space must be in an enclosure or room with a one-hour fire rated construction with self-closing fire door and must have sprinkler heads installed and maintained in working order. The heating furnace may not be located in the waste and refuse storage space.

Considerations

What are the appropriate options for commercial solid waste and rubbish storage and removal?

After considering an amendment to Section 5.3, it is found that the layout of the standards is generally suitable to determine what is required of a site seeking building permit approval. We recommend the following:

In lieu of removing the requirement to provide a minimum of 225 cubic feet of indoor waste storage from the ordinance, this standard should be changed from “shall provide” to “may provide”. This would allow for the indoor storage of waste as an option for commercial development, where appropriate. The language,

as written, would maintain the standards for pursuing this option. Additionally, the primary focus of Section 5.3 relates to outdoor storage and removal of solid waste. The indoor storage option should be relocated to the bottom of Section 5.3 so that the criteria for outdoor storage and pick up has a more seamless flow. See proposed amendment document attached.

Very minor alterations to the language of outdoor storage and pick up are intended to provide clarity and simplicity as to what is expected of proposed commercial uses within the city. These small changes, as reflected in the attached amendment document, are in conjunction with the language of the general code's requirements and are thought to present common sense and effective solid waste standards for all types of commercial development in the city.

The general code may be referenced pertaining to solid waste under Chapter 54, Sections 1 through 71.

Summary / Recommendation

At the February 21, 2023 meeting, the Planning Commission moved to amend the zoning ordinance to provide clarity to the requirements of waste removal from residential and non-residential properties and forward the amendment draft to City Council for adoption. The attached draft outlines the proposed changes that may be considered.

As mentioned above, these include the keeping of covered rubbish containers in inconspicuous locations out of public view (Sec. 5.3.1) and allowing interior, fire protected storage space of waste as an option rather than a requirement (Sec. 5.1.3).