



# City of Plymouth Planning Commission Sub-Committee Meeting Agenda

Monday, April 13, 2026 – 6:00 p.m.  
City Hall Conference Room

City of Plymouth  
201 S. Main  
Plymouth, Michigan 48170

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

1. CALL TO ORDER
  - a. Roll Call
2. CITIZENS COMMENTS
3. APPROVAL OF THE MINUTES
  - a. Approval of the March 23, 2026 meeting minutes
4. ZONING AUDIT DISCUSSION
5. 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.*

Meetings of the City of Plymouth are open to all without regard to race, sex, color, age, national origin, religion, height, weight, marital status, disability, or any other trait protected under applicable law. Any individual planning to attend the meeting who has need of special assistance under the Americans with Disabilities Act (ADA) should submit a request to the ADA Coordinator at 734-453-1234 ext. 234 at least two working days in advance of the meeting. The request may also be submitted via mail at 201 S. Main St. Plymouth, MI 48170, or email to [clerk@plymouthmi.gov](mailto:clerk@plymouthmi.gov).

# 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, 35<sup>th</sup> 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

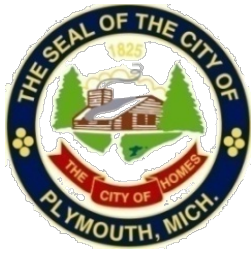
### OBJECTIVES

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



**Plymouth Planning Commission  
Sub-Committee Meeting Minutes  
Monday, March 23, 2026 – 6:00 p.m.  
Plymouth City Hall 201 S. Main**

---

City of Plymouth  
Plymouth, Michigan 48170-1637

www.plymouthmi.gov  
734-453-1234

**1. CALL TO ORDER**

Vice-Chair Medaugh called the meeting to order at 6:02 p.m.

Present: Vice-Chair Medaugh, Commissioners Marni Schroeder, Katie Rossie, and Don Webb

Also present: Planning and Community Development Director Greta Bolhuis and City Commission Liaison Joe Elliott

**2. CITIZENS COMMENTS**

None.

**3. APPROVAL OF THE MINUTES**

a. Rossie made a motion, seconded by Medaugh, to approve February 24, 2026 meeting minutes.

There was a voice vote

MOTION PASSED UNANIMOUSLY

**4. ZONING AUDIT DISCUSSION**

The sub-committee discussed their progress.

- Task #23 Fences: Make regulations for barbed wire fences its own section in Chapter 18. Clarify the definition of fences and screening fences as enclosing property and visually separating property, respectively. Retitle Sec. 78-206 to "Screening between residential and non-residential land uses". Move additions to Sec. 78-206 (a) back to the bottom of the section. Make separate subsections for obscuring wall, obscuring berm, screening fence, and landscape strip. Clarify that there are four options available to meet the screening requirements. Add a preamble with the existing graphics. Include height requirements and basic materials for each option. Add figure numbers to each graphic and delete specific height requirements within the graphic. Clarify that the height of the screening should be measured from the residential side. Delete Sec. 78-206 (d) (2) or refer back to Sec. 78-203. Clarify the exception language. Keep parallel structure with corner clearance requirements in Chapter 18. Create a dumpster screening section with its own standards. Review Sec. 78-293 for other reference to screening.

The next step is to bring the discussed changes back to the sub-committee for further discussion.

**5. ADJOURNMENT**

Schroeder offered a motion, seconded by Medaugh, to adjourn the meeting at 8:01 p.m.

There was a voice vote

MOTION PASSED UNANIMOUSLY

## Quick Zoning Ordinance Update – Last Updated April 10, 2026

Based on the Planning Commission workbooks and discussion, the items below from the Zoning Audit are included in a quick Zoning Ordinance update. The page numbers after each task refer to the page number of the [Zoning Audit Report and Implementation](#) which was last updated in February 2026.

Update the Schedule of Regulations to specifically define a zero foot minimum front yard setback and 12 foot maximum setback for the B-2 District. *Page 3.*

- [Sec. 78-190](#)

*Make the following changes to comply with state laws, federal laws, and case law:*

1. Change the notice requirements for special land use to not less than 15 days before the date of the hearing. *Page 15.*
  - [SEC. 78-281](#)
  - Introduction to Sub-Committee 6/23/2025
  - Discussed by Sub-Committee 9/22/2025
  - Discussed by Sub-Committee 10/27/2025
  - Introduced to Planning Commission 11/12/2025
  - Public Hearing 12/10/2025
  - First reading by City Commission 2/2/2026
  - Second reading by City Commission 2/17/26
  - Published 2/25/2026
  - Effective 2/26/2026
2. Update Section 78-377 by changing item (c) 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. *Page 15.*
  - [SEC. 78-377](#)
  - Introduction to Sub-Committee 6/23/2025
  - Discussed by Sub-Committee 9/22/2025
  - Discussed by Sub-Committee 10/27/2025
  - Introduced to Planning Commission 11/12/2025
  - Public Hearing 12/10/2025
  - First reading by City Commission 2/2/2026
  - Second reading by City Commission 2/17/26
  - Published 2/25/2026
  - Effective 2/26/2026
3. Amend Section 78-406 for Notices for the Zoning Board of Appeals to reference the not less than 15-day window by mail and in the newspaper. *Page 15.*
  - [SEC. 78-406](#)
  - Introduction to Sub-Committee 6/23/2025
  - Discussed by Sub-Committee 9/22/2025
  - Discussed by Sub-Committee 10/27/2025
  - Introduced to Planning Commission 11/12/2025
  - Public Hearing 12/10/2025
  - First reading by City Commission 2/2/2026
  - Second reading by City Commission 2/17/26
  - Published 2/25/2026
  - Effective 2/26/2026
4. Update regulations in Section 78-296 for religious institutions to comply with the Religious Land Use and Institutionalized Persons Act (RLUIPA), by eliminating specific landscaping requirements, confirming with the City Attorney that religious institutions cannot occupy a portion of a multi-tenant building, and examine allowance of meeting halls, private clubs and related services in the O-1 and B-3 zoning districts. *Page 24.*
  - Anticipate introduction to Sub-Committee in March/April 2026
5. Consult with the City Attorney as to whether the Child Care Center and Group Day Care homes with an annual compliance permit is allowed and whether the current regulations for these uses comply with state licensing requirements and the Americans with Disabilities Act. *Page 24.*
  - Anticipate introduction to Sub-Committee in March/April 2026

**Change outdated references:**

6. Change the reference when uses are required to “be located only on major or collector thoroughfares as designated in the city's master plan” to major arterials and major collectors on the National Functional Classification designation, maintained by the State of Michigan. *Page 15.*
  - **SEC. 78-42, 78-52, 78-181**
  - Introduction to Sub-Committee 6/23/2025
  - Discussed by Sub-Committee 9/22/2025
  - Discussed by Sub-Committee 10/27/2025
  - Introduced to Planning Commission 11/12/2025
  - Public Hearing 12/10/2025
  - First reading by City Commission 2/2/2026
  - Second reading by City Commission 2/17/26
  - Published 2/25/2026
  - Effective 2/26/2026
7. Convert Section 78-133 – Uses Prohibited into performance standards or a required sign off from the Fire Department. *Page 17.*
  - **SEC. 78-133**
  - Introduction to Sub-Committee 7/28/2025
  - Discussed by Sub-Committee 9/22/2025
  - Discussed by Sub-Committee 11/19/2025
  - Introduced to Planning Commission 12/10/2025
  - Public hearing 1/14/2026
  - First reading by City Commission 2/17/2026
  - Second reading by City Commission 3/2/2026
  - Published 3/12/2026
  - Effective 3/13/2026
8. Update inconsistent or improper terms including: “special land use” instead of “special use”; “Michigan Department of Environment, Great Lakes, and Energy” or “EGLE” instead of “Michigan Department of Environmental Quality” or “MDEQ”; “religious institution” instead of “church”; and “Community Development Director” instead of “Building Official”, in most instances. *Page 25.*
  - **Special land use: SEC. 78-92, 78-102, 78-112, 78-161, 78-181, 78-216, 78-261, 78-281, 78-282, 78-295, 78-333**
  - **EGLE: SEC. 78-202, 78-313, 78-314**
  - **Religious institution: SEC. 78-21, 78-42, 78-52, 78-62, 78-71, 78-161, 78-163, 78-181, 78-204, 78-242, 78-270, 78-271, 78-282, 78-296, 78-333**
  - Introduction to Sub-Committee 7/28/2025
  - Discussed by Sub-Committee 9/22/2025
  - Discussed by Sub-Committee 11/19/2025
  - Introduced to Planning Commission 12/10/2025
  - Public hearing 1/14/2026
  - First reading by City Commission 2/17/2026
  - Second reading by City Commission 3/2/26
  - Published 3/12/2026
  - Effective 3/13/2026
  - **Please note that the change from “Building Official” to “Community Development Director” in anticipated to be introduced in March/April 2026.**
9. Change “tavern” in Section 78-111 – Principal uses permitted in the B-3 Zoning District to “bar/lounge” since tavern is not used elsewhere. *Page 26.*
  - **SEC. 78-111**
  - Introduction to Sub-Committee 6/23/2025
  - Discussed by Sub-Committee 9/22/2025
  - Discussed by Sub-Committee 10/27/2025
  - Introduced to Planning Commission 11/12/2025
  - Public Hearing 12/10/2025
  - First reading by City Commission 2/2/2026
  - Second reading by City Commission 2/17/26
  - Published 2/25/2026
  - Effective 2/26/2026

*Allow for modern uses:*

10. Allow for e-commerce options in the B-1, B-2, ARC and MU Zoning Districts. In those 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. *Page 18.*
- **SEC. 78-91, 78-101, 78-182**
  - Introduction to Sub-Committee 6/23/2025
  - Discussed by Sub-Committee 9/22/2025
  - Discussed by Sub-Committee 10/27/2025
  - Introduced to Planning Commission 11/12/2025
  - Public Hearing 12/10/2025 – Postponed
  - Please note that updating language for e-commerce in the ARC District is currently in discussion with Plymouth Township and will continue into 2026.
  - Recommended to City Commission 1/14/2026
  - First reading by City Commission 3/2/2026
  - Second reading by City Commission 3/16/26
  - Published X/X/2026
  - Effective X/X/2026

*Eliminate suburban standards:*

11. Decrease large minimum lot sizes and setbacks for specific uses: private non-commercial recreational areas, institutional or community recreation centers or non-profit swimming pool clubs; universities; hospitals; convalescent or nursing homes; and religious institutions. *Page 19.*
- *Sec. 78-42, Sec. 78-52, Sec. 78-62, 78-296*
  - Introduction to Sub-Committee 8/18/2025
  - Discussed by Sub-Committee 9/22/2025
  - Discussed by Sub-Committee 12/17/2025
  - Introduced to Planning Commission 1/14/2026 – postponed 78-62
  - Public hearing for Sec. 78-42, 78-52, and 78-296 3/11/2026
  - First reading by City Commission 4/6/2026 – postponed

*Streamline and clarify processes:*

12. 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 special land use likely would not necessitate the level of detail required for a site plan application. *Page 24.*
- Sec. 78-247 through 78-248
  - Introduction to Sub-Committee 8/18/2025
  - Discussed by Sub-Committee 9/22/2025
  - Discussed by Sub-Committee 1/26/2026
13. List those special uses which require site plan review in Article XX.
- Anticipate introduction to Sub-Committee in March/April 2026
14. Place amendment regulations in its own article with specific standards and process descriptions. Specific sections would include in general, rezonings (map amendments), text amendments and conditional rezonings. *Page 25.*
- Sec. 78-424 through 78-427
  - Introduction to Sub-Committee 8/18/2025
  - Discussed by Sub-Committee 9/22/2025
  - Discussed by Sub-Committee 1/26/2026
15. Pivot section 78-385 to a description of planning commission powers, duties and responsibilities, as enabled by state law. This section should include: the number of and process for appointing Planning Commission members, officers, bylaws, meetings, annual report, compliance with the Open Meetings Act, and preparation of a Master Plan. *Page 25.*
- Anticipate introduction to Sub-Committee in March/April 2026

16. Include the Planning Commission’s ability to investigate, require information, place conditions and the time limitation of their approval into regulations for site plan, special land use and nonconformance approvals. *Page 25.*
  - Anticipate introduction to Sub-Committee in March/April 2026

*Update definitions:*

17. Review all definitions for consistent usage, including “average grade” and “usable floor area.” *Page 26.*
  - Anticipate introduction to Sub-Committee in March/April 2026
18. Review definitions such as “nuisance” to match, where appropriate, those in other City ordinances, with the assistance of the City Attorney. *Page 26.*
  - Anticipate introduction to Sub-Committee in March/April 2026
19. Update all definitions for modern understanding. For instance, “video rental establishments” could be consolidated into a service use or eliminated. *Page 26.*
  - Anticipate introduction to Sub-Committee in March/April 2026
20. Remove regulatory language from definitions where possible, such as removing the reference to “one-story” in the convenience grocery store definition and “separated from each other by a “firewall” from the townhome/rowhouse definition. *Page 26.*

<ul style="list-style-type: none"> <li>• Introduction to Sub-Committee 6/23/2025</li> <li>• Discussed by Sub-Committee 9/22/2025</li> <li>• Discussed by Sub-Committee 10/27/2025</li> <li>• Introduced to Planning Commission 11/12/2025</li> </ul>	<ul style="list-style-type: none"> <li>• Public Hearing 12/10/2025</li> <li>• First reading by City Commission 2/2/2026</li> <li>• Second reading by City Commission 2/17/26</li> <li>• Published 2/25/2026</li> <li>• Effective 2/26/2026</li> </ul>
--	---
21. Remove definitions not used outside of Article II: billboard, delicatessen, mechanical amusement device, rooming house, mobile home park/manufactured home community (due to exceptions per state law for this use, consultation with the City Attorney is recommended). *Page 26.*

<ul style="list-style-type: none"> <li>• Introduction to Sub-Committee 6/23/2025</li> <li>• Discussed by Sub-Committee 9/22/2025</li> <li>• Discussed by Sub-Committee 10/27/2025</li> <li>• Introduced to Planning Commission 11/12/2025</li> </ul>	<ul style="list-style-type: none"> <li>• Public Hearing 12/10/2025</li> <li>• First reading by City Commission 2/2/2026</li> <li>• Second reading by City Commission 2/17/26</li> <li>• Published 2/25/2026</li> <li>• Effective 2/26/2026</li> </ul>
--	---
22. Use graphics to simplify definitions when possible. *Page 26.*
  - Anticipate discussion by Sub-Committee in March/April 2026

*Improve organization and navigability:*

23. Consolidate all fence regulations into a single place, with the fence section of the Zoning Ordinance or the City’s Fence Ordinance. *Page 26.*
  - **SEC. 78-208 – 78-209**
  - Introduction to Sub-Committee 7/28/2025
  - Discussed by Sub-Committee 9/22/2025
  - Discussed by Sub-Committee 11/19/2025
  - Introduced to Planning Commission 12/10/2025
  - Public hearing 1/14/2026
  - Discussed by Sub-Committee 2/24/2026
  - Discussed by Sub-Committee 3/23/2026

24. Consolidate the “Vested Right” sections in Article I and Article XXVII. *Page 26.*

- [SEC. 78-6, 78-386](#)
- Introduction to Sub-Committee 7/28/2025
- Discussed by Sub-Committee 9/22/2025
- Discussed by Sub-Committee 11/19/2025
- Introduced to Planning Commission 12/10/2025
- Public hearing 1/14/2026
- First reading by City Commission 2/17/2026
- Second reading by City Commission 3/2/2026
- Published 3/12/2026
- Effective 3/13/2026

~~25. Examine and update setbacks for generator location requirements in Section 78-217—Projections into setbacks, based on recent variance requests.~~

26. Update the Intent of the B-2 Zoning District to reflect the description of the Central Business District Future Land Use Category in the Master Plan. *Page 16.*

- [SEC. 78-100](#)
- Introduced to Sub-Committee 1/28/2026
- Introduced to Planning Commission 2/11/2026
- Public hearing 3/11/2026
- First reading by City Commission 4/6/2026 – postponed

# REDLINED VERSION

## Article IX. - Swimming Pools.

[...]

Division 3. – Design Requirements

[...]

### Sec. 18-337. ~~Fence.~~ Reserved.

- (a) ~~No temporary or permanent pool 18 inches or deeper shall be constructed or maintained unless such swimming pool is entirely enclosed by a building, wall and/or fence. The minimum height of all parts of the fence or wall, including gates, shall be 48 inches measured on the outside of the fence or wall upward from the highest adjacent ground. All gates shall be equipped with a lock and key. Such fence shall be designed and constructed so that the pool is not readily accessible to children by climbing or entering through the fence openings. Fence material shall not contain openings larger than two inches nominal size nor material that provides ready footing for climbing.~~
- (b) ~~A permanent above ground pool which has a structure intended to provide self fencing shall satisfy the fencing requirements of this article if it provides:~~
  - (1) ~~A walkway not less than 20 inches in width completely around the water's edge and at least three feet above grade.~~
  - (2) ~~The self fencing shall be at least three feet high above the walkway.~~
  - (3) ~~A fold up stairway or gate which must be locked when residents are away from the home or when the pool is not in use.~~

~~The self fencing shall make the pool inaccessible to children by climbing or entering through the fence openings.~~

- (c) ~~No wading pool shall be left unattended unless it is provided with a substantial cover or is surrounded by a fence as provided in this section.~~

(Code 1982, § 8.43(2))

## ARTICLE X. FENCES

### Sec. 18-371. Purpose, intent.

It is the intent and purpose of this article to assure to occupants of all properties adequate light and air adjacent to structures and in yard areas, effective and desirable sight distance from the front of all structures in all directions, the right to provide for their own privacy within their properties, to protect plantings from damage by trespass, and to prevent such construction related thereto as would be hazardous.

(Ord. No. 82-11, § 1(8.21), 8-16-82)

### Sec. 18-372. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Border* means a planting area composed of shrubs, trees, etc., which is utilized as a part of the landscaping of a lot.

*Decorative fence* means a permanent barrier not used for enclosure. Any such fence shall be a part of the overall landscape plan and shall be composed of natural materials such as wood (i.e., split rail fence, picket, etc.) or a decorative metal construction (i.e., aluminum, wrought iron, etc.).

*Fence* means a permanent barrier enclosing a plot of land or portion thereof composed of manmade or processed materials erected on posts, for the purpose of preventing or controlling entrance or to confine within or to mark a boundary.

*Gutter grade* means the lowest point of integral curb and gutter down which water flows, or, when no curb or gutter exists, is the lowest point between the street and sidewalk down which water will flow or drain.

*Picket fence* means a permanent barrier enclosing a plot of land or portion thereof composed of manmade or processed materials erected on posts, for the purpose of preventing or controlling entrance or to confine within or to mark a boundary. A picket fence shall have spaced uprights connected by two or more horizontal rails. The uprights shall not exceed four inches in width. The space between uprights shall be a minimum of two and one-half inches and must not exceed four inches.

*Sidewalk line* means the edge of the constructed public sidewalk that is adjacent or closest to the lot line.

*Wall* means a barrier constructed of masonry or other solid materials on a continuous concrete footing for the purpose of controlling entrance, sound and/or view.

(Ord. No. 82-11, § 1(8.22), 8-16-82; Ord. No. 2011-02, § 1, 1-17-11; Ord. of 8-7-23)

Cross reference(s)—Definitions generally, § 1-2.

### **Sec. 18-373. Prevention of hazards.**

- (a) No fence, border or wall shall have any exposed ~~beneath a height of eight feet any~~ sharp protrusions which would be likely to cause physical or material damage to persons or clothing passing by the fence, border or wall. Barbed wire fences when allowed are exempt from this requirement.
- (b) Any wall shall be capped with a peaked coping of sufficient pitch to discourage walking.

(Ord. No. 82-11, § 1(8.26), 8-16-82; Ord. No. 2011-02, § 1, 1-17-11)

### **Sec. 18-374. Line fences and walls.**

All fences and walls must be located entirely on the private property of the person constructing the same; provided, however, that if adjoining property owners jointly apply for and sign a permit to erect a fence upon their common property line, such fence may be so erected. No temporary type of barrier or temporary fence of any type shall be permitted in the front yard areas.

(Ord. No. 82-11, § 1(8.27), 8-16-82)

### **Sec. 18-375. Electric fences.**

It shall be unlawful for any person to construct or maintain, or to allow to be constructed or maintained upon property owned or occupied by such person, any fence charged or connected with an electrical current in such manner as to transmit such current in the form of shock to persons or animals which might come in contact with such charged fence. This shall exclude underground electric pet containment fences.

(Ord. No. 82-11, § 1(8.28), 8-16-82; Ord. No. 2011-02, § 1, 1-17-11)

**Sec. 18-376. Barbed wire.**

Barbed wire is prohibited except in industrial districts subject to the following provisions:

- (a) Barbed wire shall be not more than three (3) strands mounted in a “Y” at the top of the fence.
- (b) Barbed wire shall be on and within the confines of the private property. Barbed wire shall not project into or over adjacent properties.
- (c) The bottom of the barbed wire shall be not less than eight (8) feet above the adjacent grade level.

**~~Sec 18-376. Appeals~~**

~~If there is believed to be a conflict between the stated intent and any specific provisions of this article, the zoning board of appeals may, in accordance with established procedures, permit modification of such specific provision, while retaining the intent, in such appealed instance.~~

(Ord. No. 82-11, § 1(8.29), 8-16-82)

**Sec. 18-377. Permits.**

- (a) It shall be unlawful for any person to construct, or cause to be constructed, any fence or wall upon any property within the city without first having obtained a permit ~~therefor~~.
- (b) Any person desiring to construct, or cause to be constructed a fence or wall upon property in the city shall first apply to the building department of the city for a permit, for which there shall be a fee, the amount of which shall be set by resolution of the city commission. Such permit shall be issued by the building inspector upon a written application, and shall contain such information as may be required by the inspector in order to determine that such fence or wall will not violate any provision of the City Code or state law.

(Ord. No. 82-11, § 1(8.23), 8-16-82)

**Sec. 18-378. Establishing lot lines.**

The building inspector may require the owner of property upon which a fence is to be constructed to establish lot lines upon such property, through the placing of permanent stakes located by a licensed surveyor. Such lot line shall be established before such fence shall be erected, and the building inspector may withhold the issuance of the required permit until the lot lines are established and permanent stakes are placed.

(Ord. No. 82-11, § 1(8.30), 8-16-82)

**Sec. 18-379. Borders.**

Borders may be planted in any yard area subject to the following provisions:

- ~~(1)~~ (a) Borders shall not be located nearer than two feet to any drive or walkway. Borders are also subject to additional restrictions as specified in this section.
- ~~(2)~~ (b) No border shall obscure visibility within the triangular area formed at the intersection of any street right-of-way lines by a straight line drawn between the right-of-way lines at a distance along each line of 25 feet from their point of intersection. Shrubs or hedges or other plantings (excluding trees) in this area shall not exceed 30 inches in height above the average gutter grade adjacent to this area. Trees planted within this same area shall not have branches lower than eight feet above the average gutter grade. Sight visibility shall be in accordance with section 78-207 of the zoning ordinance.

~~(3) (c) Similar restrictions as above shall be required in a~~ A clear vision area shall be required in the 15-foot corner triangle formed at the intersection of any driveway and alley or any driveway and street right-of-way line.

(Ord. No. 82-11, § 1(8.24), 8-16-82; Ord. No. 2011-02, 1-17-11)

### **Sec. 18-380. Fences and walls.**

- (a) All posts thereof shall be of materials designed to withstand rusting, rotting and other weather-related deterioration for a period of not less than ten years.
- (b) Fences shall be setback a minimum of one foot away from the sidewalk line.
- (c) Solid masonry walls shall be erected on continuous foundations at least 42 inches below grade.
- (d) Fences or walls within a required front yard area shall be decorative style only consisting of wrought iron, metal, or pickets 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.
- (e) 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.
- (f) No fence, wall, or plantings shall interfere with visibility from a driveway, alley or intersection. All fences, walls, and borders shall comply with the corner clearance requirements of section 78-207.
- (g) Posts and finials may extend no more than six inches above the maximum permitted height of a fence.
- (h) 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.
- (i) In residential districts, 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 setback, whichever is greater (see ~~figure~~ Figure 1). In the case of a rear yard abutting a side yard, the side yard abutting a street shall be a continuation of the required front setback on the lot to the rear, and a 48-inch-tall picket fence may project into this area but shall not extend toward the front of the lot nearer than the front of the house (see ~~figure~~ Figure 2).

**Figure 1.**

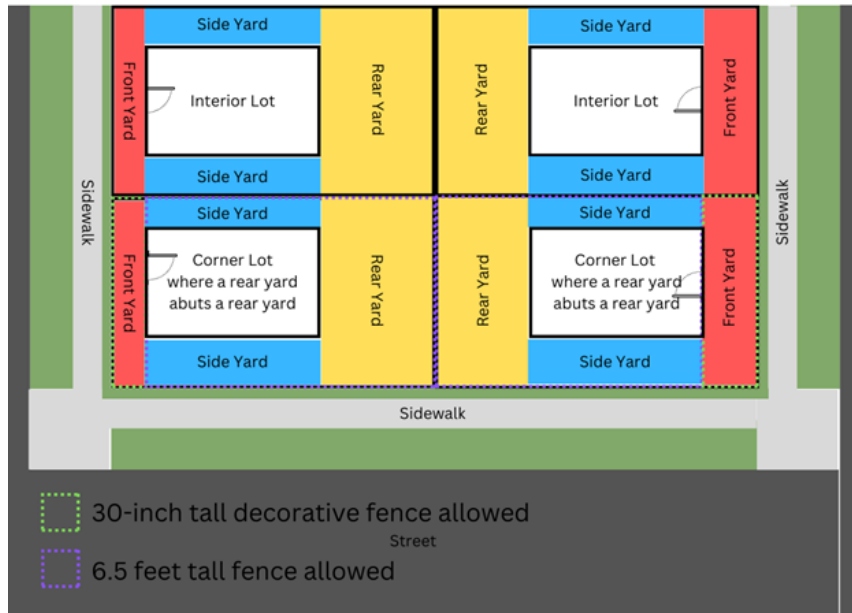
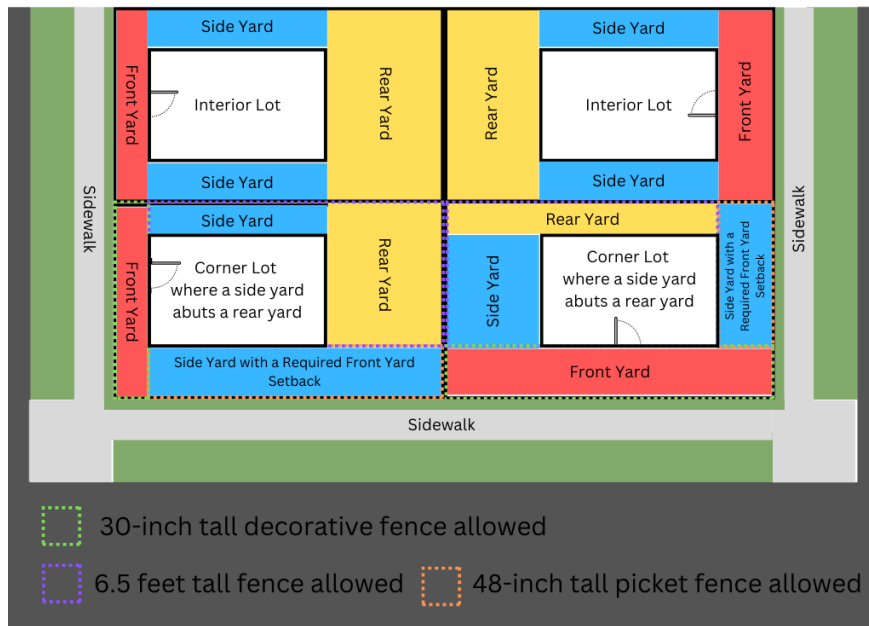
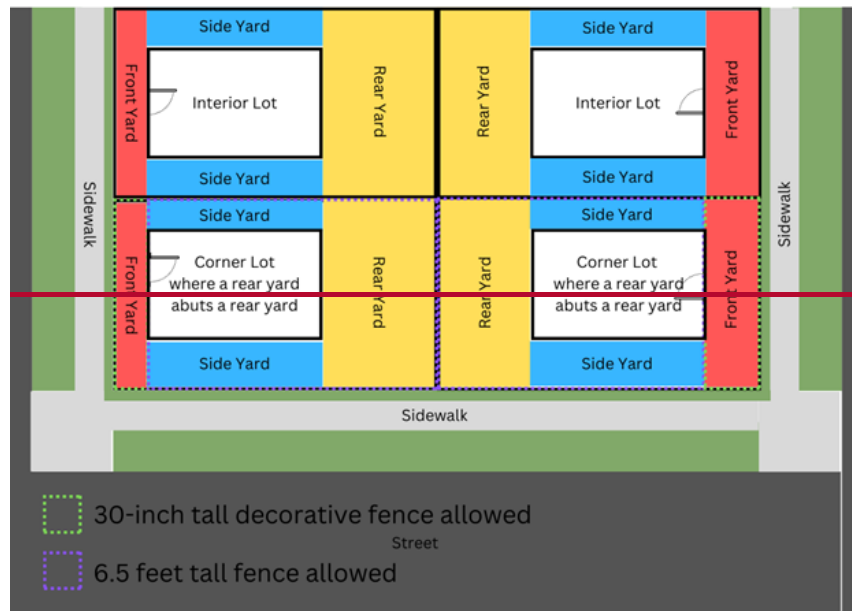


Figure 2.





- (fj) In office and business districts-zoned areas, fences and walls ~~should shall~~ not exceed a height above ground level of more than six and one-half feet in side and rear yards. ~~On corner lots, no fence, wall, shrubbery or other obstruction to vision above a height 30 inches from the established street gutter grades shall be permitted within the triangular area forward at the intersection of any street right of way lines by a straight line drawn between such right of way lines for a distance along each line of 25 feet from their point of intersection.~~
- (kg) In industrial districts-zoned areas, fences and walls shall not exceed ~~may be constructed up to~~ eight feet in height. ~~On corner lots, no fence, wall, shrubbery or other obstruction to vision above a height of 30 inches from the established street gutter grades shall be permitted 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 for a distance along each line of 25 feet from their point of intersection. Barbed wire may be installed on the top of such fences on arms or supports over the private property of the owner of the fence at least eight feet above the adjacent grade level. Fences shall not be allowed within the front yard 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.~~
- (l) 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.
- (m) Fence and wall regulations as required in Chapter 78.

(Ord. No. 82-11, § 1(8.25), 8-16-82; Ord. No. 2011-02, § 1, 1-17-11; Ord. of 8-7-23)

### Sec. 18-38176. Appeals.

If there is believed to be a conflict between the stated intent and any specific provisions of this article, the zoning board of appeals may, in accordance with established procedures, permit modification of such specific provision, while retaining the intent, in such appealed instance.

**Secs. 18-3821—18-400. Reserved.**

## Sec. 78-21. Definitions.

*Berm, obscuring*, means an earthen mound of definite height and location to serve as an obscuring device in carrying out the requirements of this chapter.

*Fence* means a manmade structure constructed for the purpose of or to have the effect of enclosing the area it is constructed upon or as defined in the city Code.

*Screening* means a privacy barrier designed to visually separate, isolate, or conceal properties, hide unsightly areas, and prevent observation.

*Gutter grade* means the lowest point of integral curb and gutter down which water flows, or, when no curb or gutter exists, is the lowest point between the street and sidewalk down which water will flow or drain.

*Wall, obscuring*, means a structure of definite height and location to serve as an obscuring screen in carrying out the requirements of this chapter.

## 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:

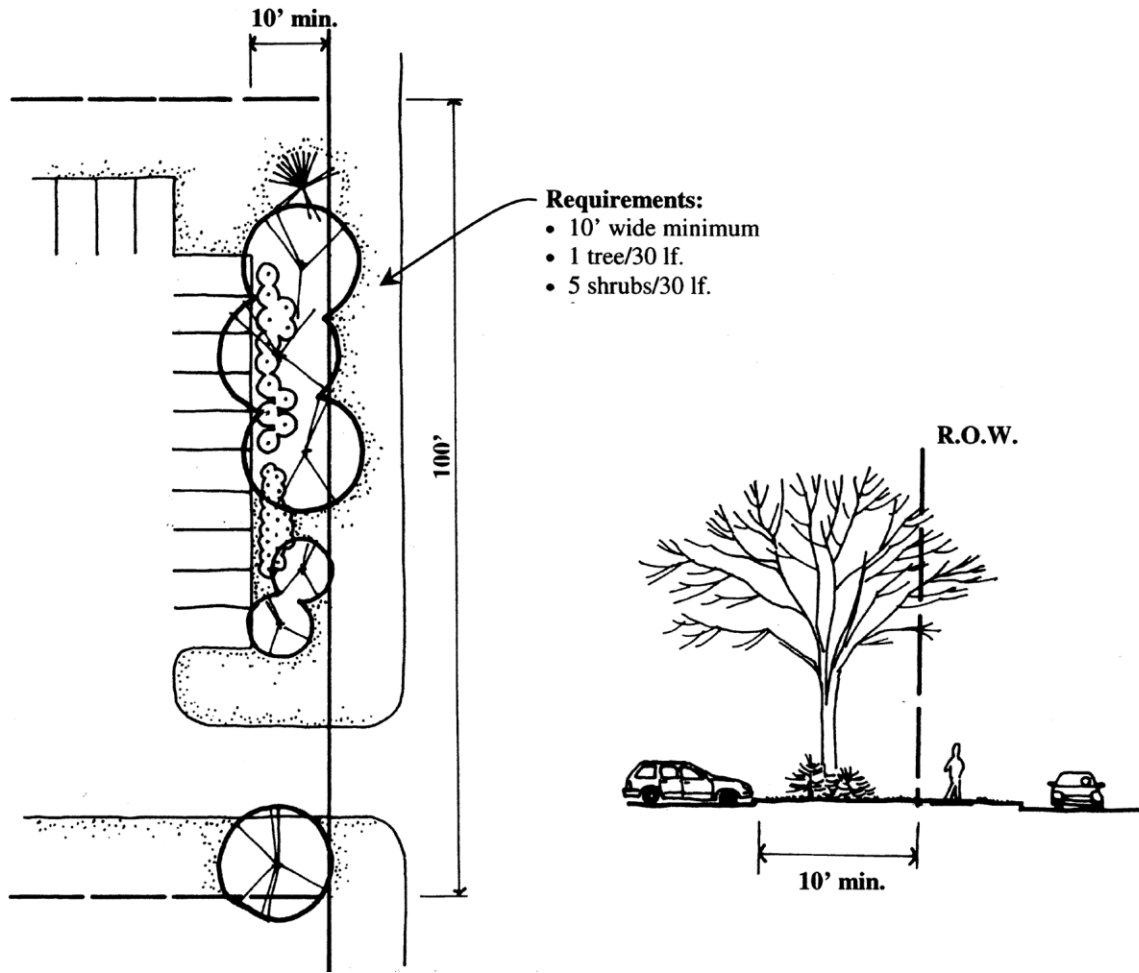
Minimum Recommended Distances Between Plant Materials

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.*

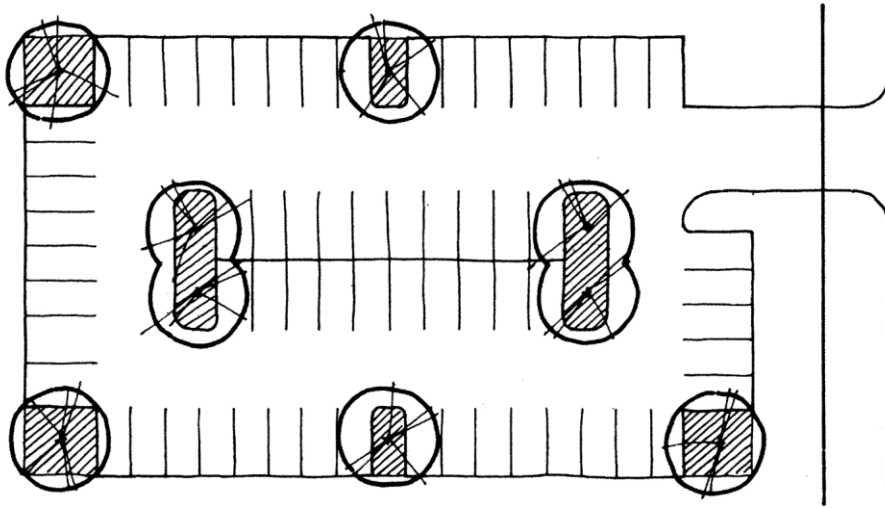
- a. Parking lots which are visible from a public right-of-way (excluding a public alley) shall have the following landscaping between the parking lot and the right-of-way:
  1. A landscaped strip at least ten feet in width or wider as may be required.
  2. One tree for every 30 feet or fraction thereof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



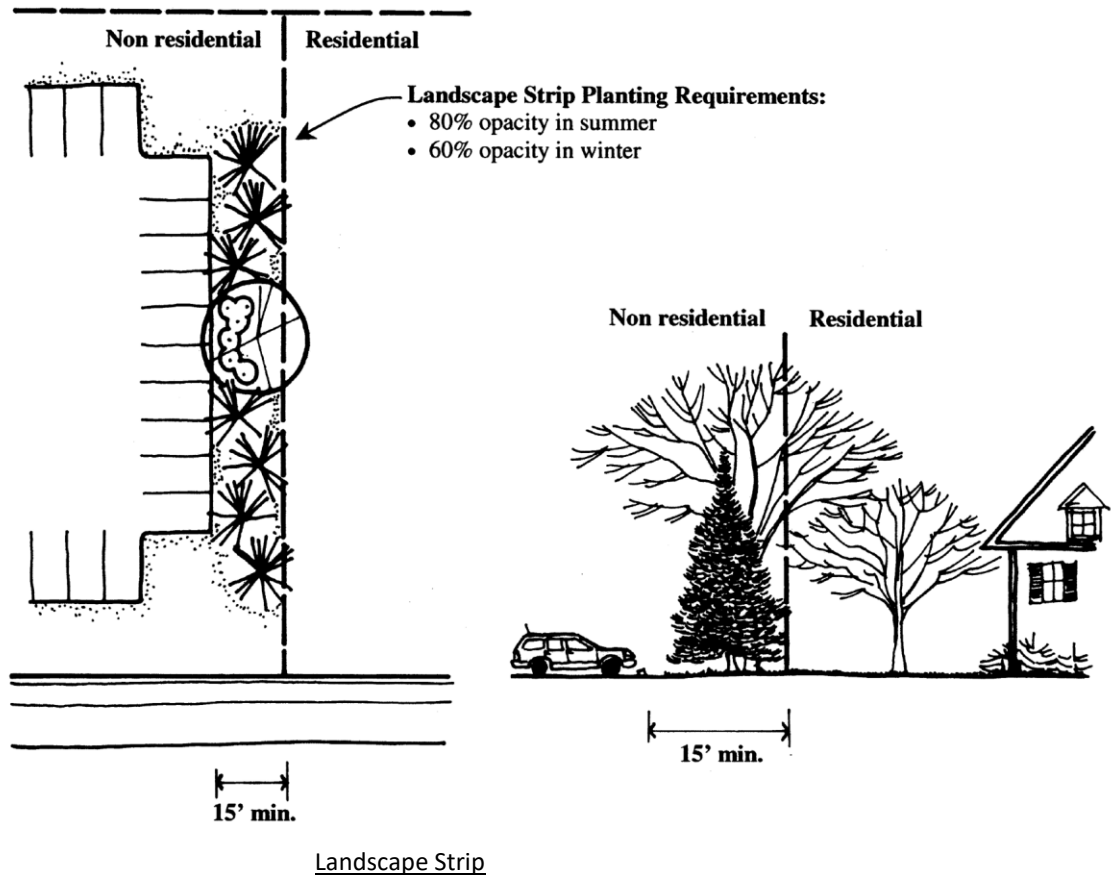
**Requirements:**

- 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.



(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:*
  - Zelkova
  - Sycamore
  - Tuliptree
  - Kentucky coffeetree
  - Blackgum
  - Oaks
  - Ginkgo (male)
  - Birch
  - Linden
  - 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:
    - Lilac
    - Forsythia
    - Staghorn sumac
    - Pyracantha
    - 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:

Fragrant sumac  
Japanese quince  
Potentilla  
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:*

Box elder  
Ash trees  
Willows  
Maples  
Poplars  
Siberian elms  
Tree of heaven  
Russian olive

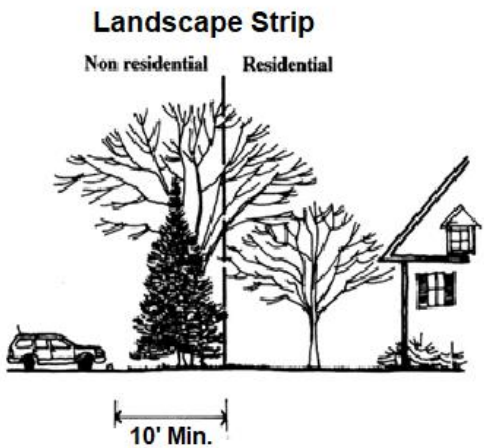
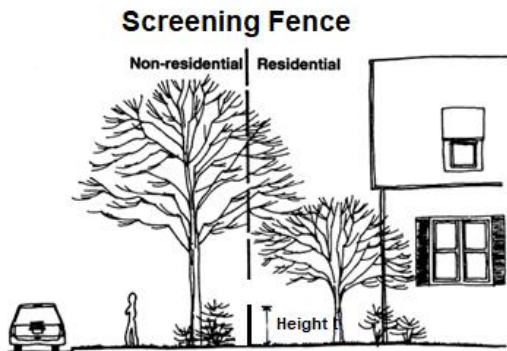
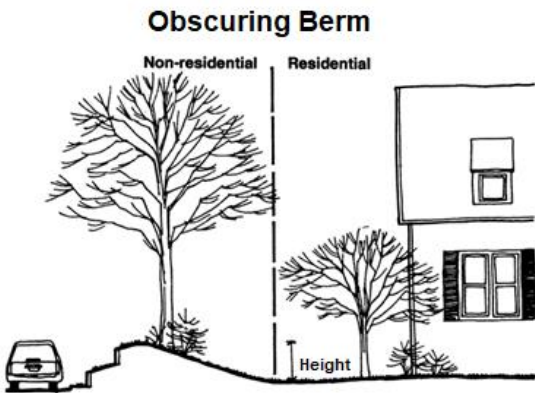
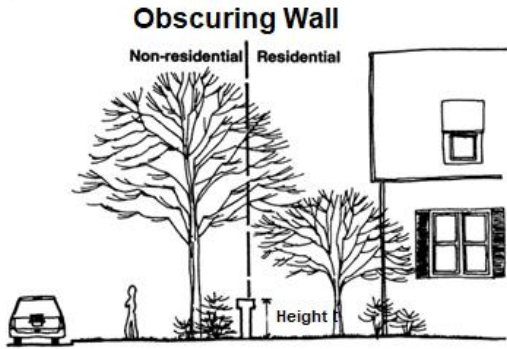
- (6) *Right-of-way landscaping requirements.* The right-of-way adjacent to residentially used properties shall be landscaped with live plant material such as turf grass, ground cover, trees, vines, flowers, and other live plant material. Exceptions are made for sidewalks, approaches to crosswalks, and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

(Ord. of 10-6-03; Ord. No. 23-01, 1-17-23)

**Sec. 78-206. Screening between non-residential and residential land uses.~~Walls and berms.~~**

Whenever in this chapter screening between non-residential and residential land uses is required, the screening shall be constructed and installed according to these standards. Screening shall be an obscuring wall, an obscuring berm, a screening fence, or a landscape strip (Figure 1). The screening shall be constructed of durable, weather resistant, rust-proof materials, and shall be reasonably maintained, including permanence and health of plant materials. The screening shall provide visual separation to abutting properties and shall be kept free from noxious weeds and refuse. The height of the screening shall be measured from the surface of the parking area or land on the non-residential property.

**Figure 1.**



~~(1) For the land uses and zoning districts listed below, screening shall be required on the sides abutting a residential district. In instances of variable allowable height, the planning commission shall determine the required height of the screening based on usage, but in no case shall the height be less than the minimum height listed.~~

~~(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)	<del>Multi-family dwellings</del> 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

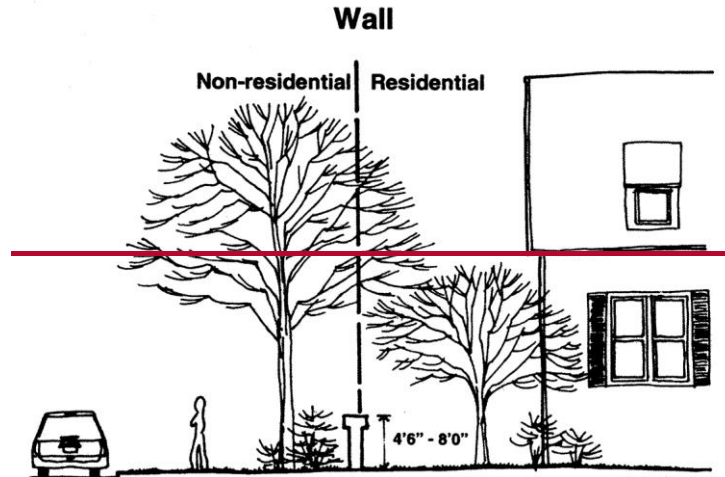
~~(b) In the case of variable wall, fence or berm height requirements such as in subsections (a)(1), (4), and (5) of this section, the extent of the obscuring wall, fence, or berm shall be determined by the planning commission on the basis of land usage, provided further that no wall, fence or berm shall be less than the above required minimum.~~

(2) Required obscuring walls.

~~(a)~~ Required obscuring 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 obscuring walls may, upon approval of the planning commission zoning board of appeals, be located on the opposite side of an alley right-of-way from a non-residential zone-land use that abuts a residential district zone when mutually agreeable to in writing by the affected property owners. The continuity of the required obscuring wall on a given block will be a major consideration of the planning commission zoning board of appeals in reviewing such request.

~~(b)~~ Required obscuring 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 planning commission building official. All obscuring 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.~~

~~(c)~~ Plant materials along an obscuring 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).~~



**(#3) Required obscuring berms.**

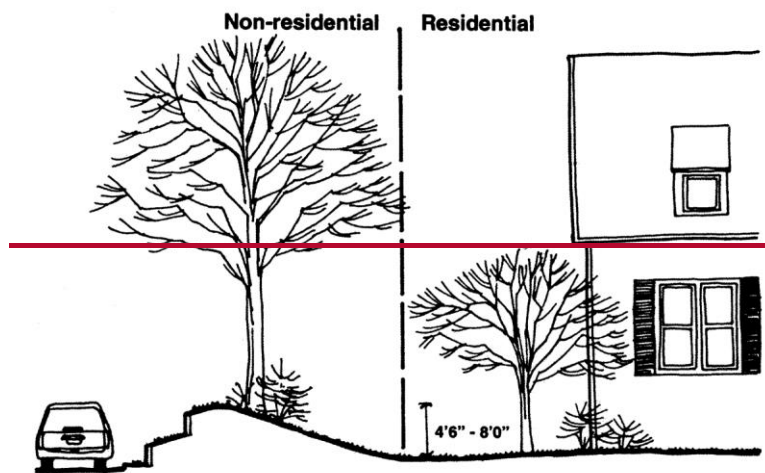
**(a)** Required obscuring berms shall be constructed as landscaped earth mounds with a crest area at least two feet in width. The exterior face of the obscuring berm shall be constructed as an earthen slope. The interior face of the obscuring berm may be constructed as an earthen slope, or retained 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.

**(1b)** Obscuring bBerm 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.

**(2c)** 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 obscuring berm and shall be reviewed by the planning commission.

Berms

**Berms—Cont'd.**



Berms-2

(4) Required screening fences.

- (a) Required screening fences may only be used in areas not adjoining parking lots or roadways so as not to be subject to damage from vehicular traffic. Screening fences 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 screening fences may, upon approval of the planning commission, be located on the opposite side of an alley right-of-way from a non-residential land use that abuts a residential district when mutually agreeable to in writing by the affected property owners. The continuity of the required screening fence on a given block will be a major consideration of the planning commission in reviewing such request.
- (b) Required screening fences shall have no openings, except as otherwise provided in this chapter and except as may be approved by the planning commission. All screening fences shall be constructed of composite material or cedar, wolmanized, or treated wood and shall be durable, weather resistant, rust-proof and easily maintainable. Screening fences shall be shadow box style or a similar style where both sides of the screening fence are finished, and the support posts are integrated into the screening fence.
- (c) Plant materials along a screening fence shall include at least one tree for each 20 feet or fraction thereof.

(5) Required landscape strip.

- (ae) Required landscape strips shall be at least ten (10) feet in width. ~~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

(6f) Modification to required screening.

- (a) 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 ~~required screening a required wall or berm~~ be permitted to be less than four feet, six inches (4.5') 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 modify waive screening wall or berm~~ requirements between residential and non-residential ~~land uses~~ districts, or as otherwise required herein, the planning commission shall consider:
- a1. Whether or not the residential ~~district~~ land use is considered to be an area in transition and will become non-residential in the future based on the adopted master plan.
  - b2. 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.
  - e3. Whether or not the ground elevation of the site in question and the land adjacent thereto is such that an obscuring wall or berm would not be required to provide the required obscuring effect.

(b)

- (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.

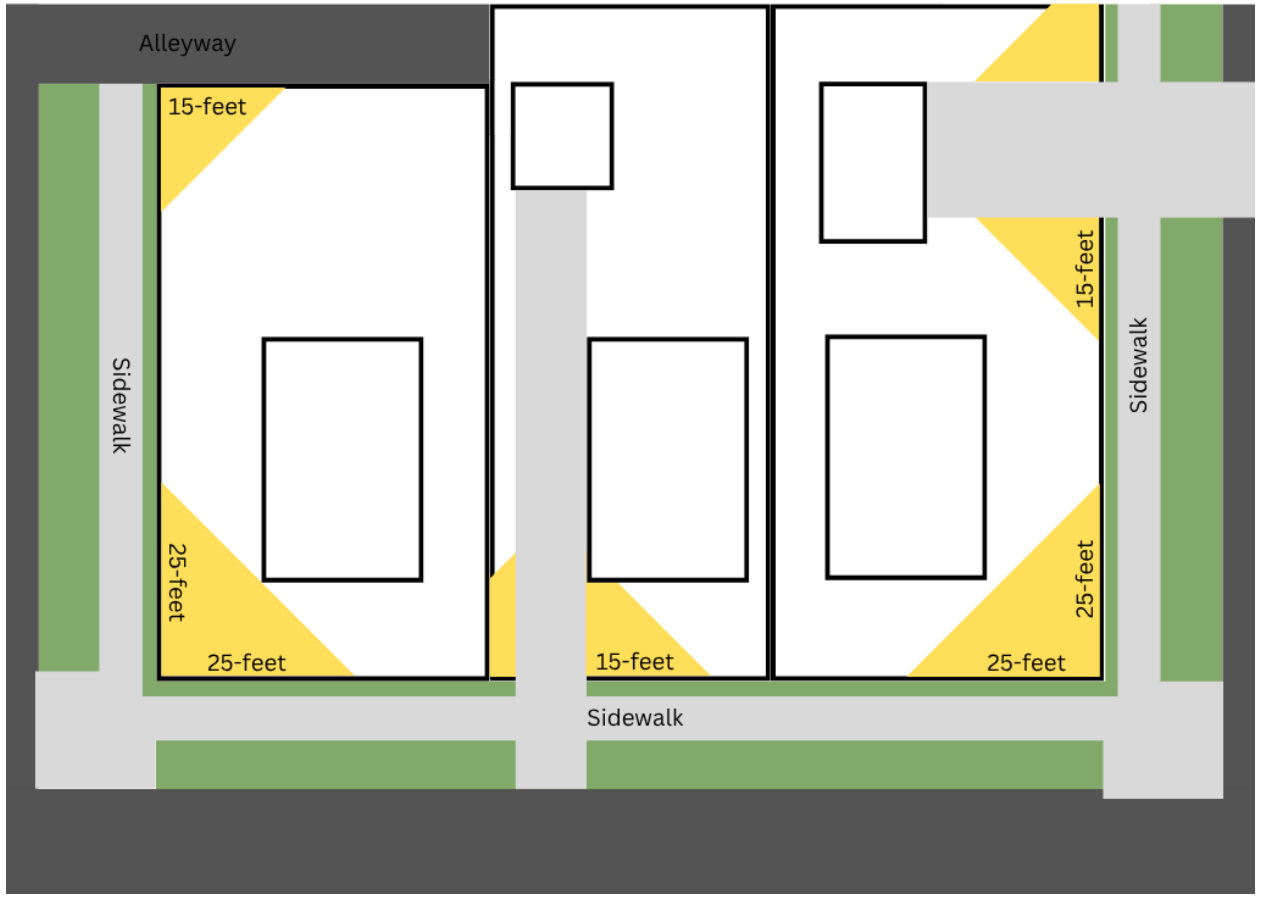
- (~~g7~~) The city may require that suitable maintenance guarantee be provided for the continued maintenance of walls required under this chapter.
- (~~h8~~) The requirement for ~~screening an obscuring wall~~ between off-street parking areas, outdoor storage areas, and any abutting residential districts 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)

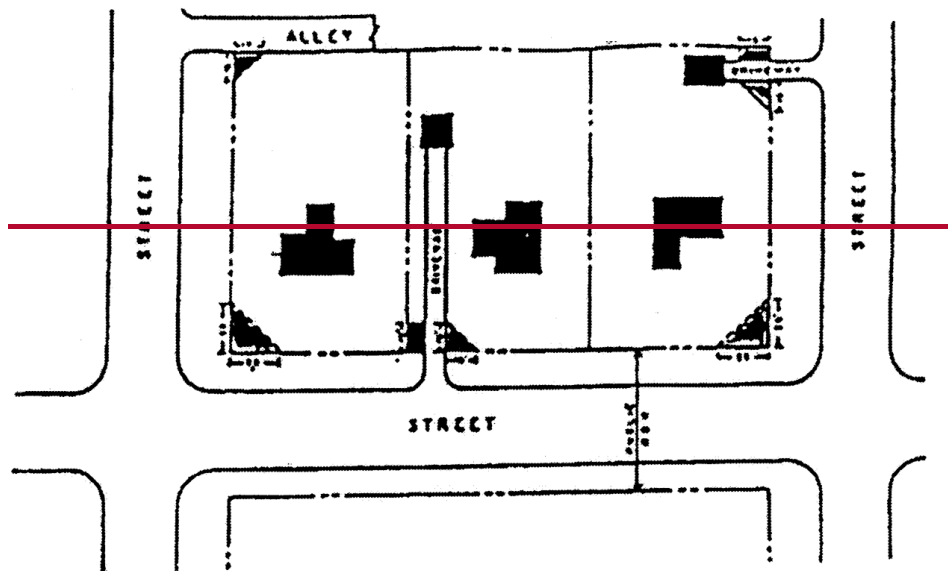
### **Sec. 78-207. Corner clearance.**

- (~~1a~~) 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. A clear vision area shall be required in the 15-foot corner triangle formed at the intersection of any driveway and alley or any driveway and street right-of-way line. See Figure 1.
- (~~2b~~) The planning commission may require a clear vision area as outlined in 78-207 (a) to be established to provide adequate sight visibility, corner clearance, and building setback within the B-2 zoning district. On sites where strict compliance is impractical, the planning commission may modify the required clear vision area. 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.

Figure 1.



### CORNER CLEARANCE

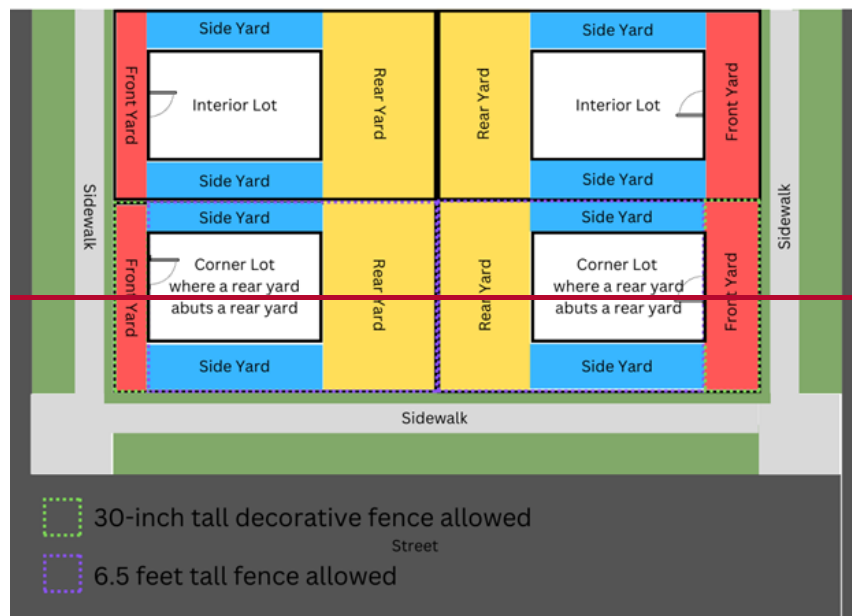


**Sec. 78-208. Residential fences. Standards for trash dumpsters.**

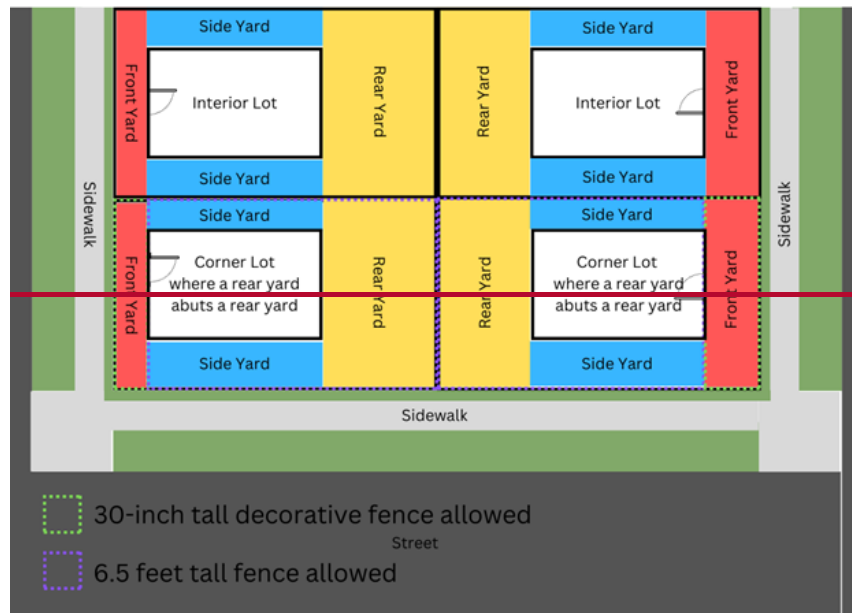
Fences or walls are permitted, subject to the paramount provisions of the City of Plymouth Fence Ordinance (Chapter 18, Building Regulations Article X, Fences 18-371—18-380) and subject to the further provisions of this section. If any of the provisions of this section should conflict with the City of Plymouth Fence Ordinance, the stricter provision shall prevail. 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 (see Figure 1). In the case of a rear yard abutting a side yard, the side yard abutting a street shall be a continuation of the required front setback on the lot to the rear, and a 48-inch tall picket fence may project into this area but shall not extend toward the front of the lot nearer than the front of the house (see Figure 2).

**Figure 1.**



**Figure 2.**



- (2) 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.
- (3) 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.
- (4) Posts and finials may extend no more than six inches above the maximum permitted height of a fence.
- (5) Fences for swimming pools shall comply with the regulations of the state construction code.
- (6) 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.
- (7) 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.
- (8) Fences or walls within a required front yard area shall be decorative style only consisting of wrought iron, metal, or pickets 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.
- (9) 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; Ord. of 8-7-23)

**Sec. 78-209. Industrial fences. Reserved.**

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)~~

(1) Dumpsters shall be permitted in the side or rear yard, provided that no dumpster shall extend closer to the front of the lot than any portion of the principal structure, and provided further that the dumpster shall not encroach on a required parking area, is clearly accessible to servicing vehicles, and is located at least ten feet from any building. Dumpsters shall comply with the setback requirements for the district in which they are located. Dumpsters shall be located as far as practicable from any adjoining residential district.

(2) Dumpsters shall be placed on a concrete pad. The concrete pad should extend a minimum of three feet in front of the dumpster enclosure.

(3) Dumpsters shall be screened from view from adjoining property and public streets and thoroughfares. Dumpsters shall be screened on three sides with a decorative masonry wall, similar in material and/or color to the main structure, not less than six feet in height or at least six inches above the height of the enclosed dumpster, whichever is taller. The fourth side of the dumpster screening shall be equipped with an opaque, lockable metal gate that is the same height as the enclosure around the other three sides. Commercial grade slats are required for a chain link gate. The gate shall remain closed and shall only be opened for the loading and unloading of the dumpster.

(4) Bollards (concrete-filled metal posts) or similar protective devices shall be installed at the opening to prevent damage to the dumpster enclosure.

(5) The location and method of screening of dumpsters shall be shown on all applications and sketch plans submitted for administrative approval or site plans submitted for approval by the planning commission. The planning commission encourages the sharing of dumpsters by businesses.

(6) Exceptions.

(a) The requirements of this section may be modified or waived upon a determination that the location, screening, or removal of refuse will be handled in a manner acceptable to the planning commission or Community Development Director. The planning commission or Community Development Director shall consult with the Public Safety Director and Director of Municipal Services when determining the acceptability of the requested modification or waiver. The planning commission or Community Development Director may require additional landscaping, screening or other site improvements as an alternative to adhering to the requirements of this section. If a requirement for a dumpster is waived, the site plan or sketch plan shall show a future dumpster location to be built when or if the use of the building changes prior to occupancy.

(b) Prior to granting any exception, the property owner shall submit a written request. The owner shall provide a list of all standards requiring a waiver or modification. Any waiver or modification granted shall be limited to the use of the property at the time the request is made and evaluated. Any change in use or development of the site upon which the dumpster is located may require compliance with all standards of this section.

**Sec. 78-336. -- Reserved. Residential yard fences.**

~~Fences or walls in residential districts may be constructed within a required rear or side yard, or along such property line as provided in accordance with City Code, Chapter 18, Article 10.~~

# CLEAN COPY

## Article IX. - Swimming Pools.

[...]

Division 3. – Design Requirements

[...]

Sec. 18-337. Reserved.(Code 1982, § 8.43(2))

## ARTICLE X. FENCES

### Sec. 18-371. Purpose, intent.

It is the intent and purpose of this article to assure to occupants of all properties adequate light and air adjacent to structures and in yard areas, effective and desirable sight distance from the front of all structures in all directions, the right to provide for their own privacy within their properties, to protect plantings from damage by trespass, and to prevent such construction related thereto as would be hazardous.

(Ord. No. 82-11, § 1(8.21), 8-16-82)

### Sec. 18-372. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Border* means a planting area composed of shrubs, trees, etc., which is utilized as a part of the landscaping of a lot.

*Decorative fence* means a permanent barrier not used for enclosure. Any such fence shall be a part of the overall landscape plan and shall be composed of natural materials such as wood (i.e., split rail fence, picket, etc.) or a decorative metal construction (i.e., aluminum, wrought iron, etc.).

*Fence* means a permanent barrier enclosing a plot of land or portion thereof composed of manmade or processed materials erected on posts, for the purpose of preventing or controlling entrance or to confine within or to mark a boundary.

*Gutter grade* means the lowest point of integral curb and gutter down which water flows, or, when no curb or gutter exists, is the lowest point between the street and sidewalk down which water will flow or drain.

*Picket fence* means a permanent barrier enclosing a plot of land or portion thereof composed of manmade or processed materials erected on posts, for the purpose of preventing or controlling entrance or to confine within or to mark a boundary. A picket fence shall have spaced uprights connected by two or more horizontal rails. The uprights shall not exceed four inches in width. The space between uprights shall be a minimum of two and one-half inches and must not exceed four inches.

*Sidewalk line* means the edge of the constructed public sidewalk that is adjacent or closest to the lot line.

*Wall* means a barrier constructed of masonry or other solid materials on a continuous concrete footing for the purpose of controlling entrance, sound and/or view.

(Ord. No. 82-11, § 1(8.22), 8-16-82; Ord. No. 2011-02, § 1, 1-17-11; Ord. of 8-7-23)

Cross reference(s)—Definitions generally, § 1-2.

**Sec. 18-373. Prevention of hazards.**

- (a) No fence, border or wall shall have any exposed sharp protrusions which would be likely to cause physical or material damage to persons or clothing passing by the fence, border or wall. Barbed wire fences when allowed are exempt from this requirement.
- (b) Any wall shall be capped with a peaked coping of sufficient pitch to discourage walking.

(Ord. No. 82-11, § 1(8.26), 8-16-82; Ord. No. 2011-02, § 1, 1-17-11)

**Sec. 18-374. Line fences and walls.**

All fences and walls must be located entirely on the private property of the person constructing the same; provided, however, that if adjoining property owners jointly apply for and sign a permit to erect a fence upon their common property line, such fence may be so erected. No temporary type of barrier or temporary fence of any type shall be permitted in the front yard areas.

(Ord. No. 82-11, § 1(8.27), 8-16-82)

**Sec. 18-375. Electric fences.**

It shall be unlawful for any person to construct or maintain, or to allow to be constructed or maintained upon property owned or occupied by such person, any fence charged or connected with an electrical current in such manner as to transmit such current in the form of shock to persons or animals which might come in contact with such charged fence. This shall exclude underground electric pet containment fences.

(Ord. No. 82-11, § 1(8.28), 8-16-82; Ord. No. 2011-02, § 1, 1-17-11)

**Sec. 18-376. Barbed wire.**

Barbed wire is prohibited except in industrial districts subject to the following provisions:

- (a) Barbed wire shall be not more than three (3) strands mounted in a “Y” at the top of the fence.
- (b) Barbed wire shall be on and within the confines of the private property. Barbed wire shall not project into or over adjacent properties.
- (c) The bottom of the barbed wire shall be not less than eight (8) feet above the adjacent grade level.

(Ord. No. 82-11, § 1(8.29), 8-16-82)

**Sec. 18-377. Permits.**

- (a) It shall be unlawful for any person to construct, or cause to be constructed, any fence or wall upon any property within the city without first having obtained a permit.
- (b) Any person desiring to construct, or cause to be constructed a fence or wall upon property in the city shall first apply to the building department of the city for a permit, for which there shall be a fee, the amount of which shall be set by resolution of the city commission. Such permit shall be issued by the building inspector upon a written application and shall contain such information as may be required by the inspector in order to determine that such fence or wall will not violate any provision of the City Code or state law.

(Ord. No. 82-11, § 1(8.23), 8-16-82)

### **Sec. 18-378. Establishing lot lines.**

The building inspector may require the owner of property upon which a fence is to be constructed to establish lot lines upon such property, through the placing of permanent stakes located by a licensed surveyor. Such lot line shall be established before such fence shall be erected, and the building inspector may withhold the issuance of the required permit until the lot lines are established and permanent stakes are placed.

(Ord. No. 82-11, § 1(8.30), 8-16-82)

### **Sec. 18-379. Borders.**

Borders may be planted in any yard area subject to the following provisions:

- (a) Borders shall not be located nearer than two feet to any drive or walkway. Borders are also subject to additional restrictions as specified in this section.
- (b) No border shall obscure visibility within the triangular area formed at the intersection of any street right-of-way lines by a straight line drawn between the right-of-way lines at a distance along each line of 25 feet from their point of intersection. Shrubs or hedges or other plantings (excluding trees) in this area shall not exceed 30 inches in height above the average gutter grade adjacent to this area. Trees planted within this same area shall not have branches lower than eight feet above the average gutter grade. Sight visibility shall be in accordance with section 78-207 of the zoning ordinance.
- (c) A clear vision area shall be required in the 15-foot corner triangle formed at the intersection of any driveway and alley or any driveway and street right-of-way line.

(Ord. No. 82-11, § 1(8.24), 8-16-82; Ord. No. 2011-02, 1-17-11)

### **Sec. 18-380. Fences and walls.**

- (a) All posts thereof shall be of materials designed to withstand rusting, rotting and other weather-related deterioration for a period of not less than ten years.
- (b) Fences shall be setback a minimum of one foot away from the sidewalk line.
- (c) Solid masonry walls shall be erected on continuous foundations at least 42 inches below grade.
- (d) Fences or walls within a required front yard area shall be decorative style only consisting of wrought iron, metal, or pickets 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.
- (e) 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.
- (f) No fence, wall, or plantings shall interfere with visibility from a driveway, alley or intersection. All fences, walls, and borders shall comply with the corner clearance requirements of section 78-207.
- (g) Posts and finials may extend no more than six inches above the maximum permitted height of a fence.
- (h) 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.
- (i) In residential districts, fences on all lots of record 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 setback, whichever is greater (see Figure 1). In the case of a rear yard abutting a side yard, the side yard abutting a street shall be a continuation of the required front setback on the lot to the rear, and a 48-inch-tall picket fence may project into this area but shall not extend toward the front of the lot nearer than the front of the house (see Figure 2).

Figure 1.

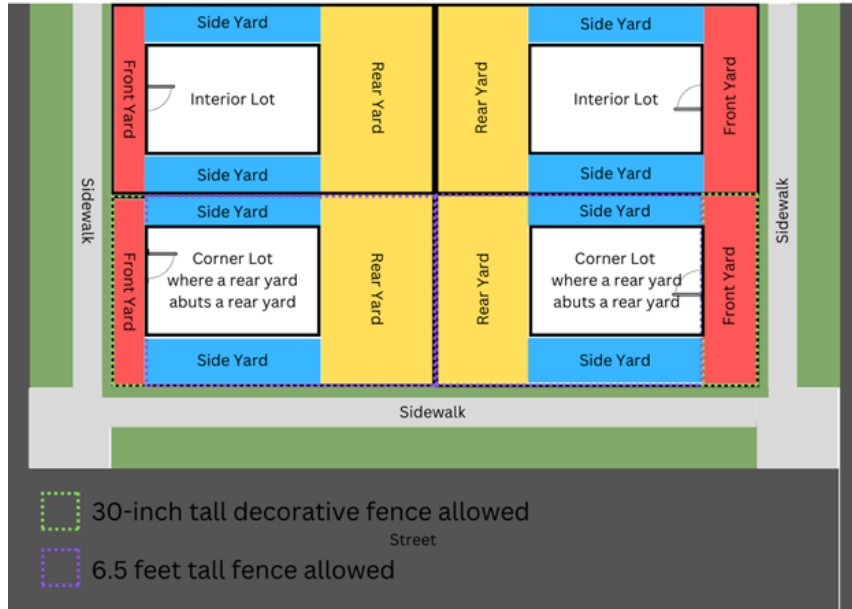
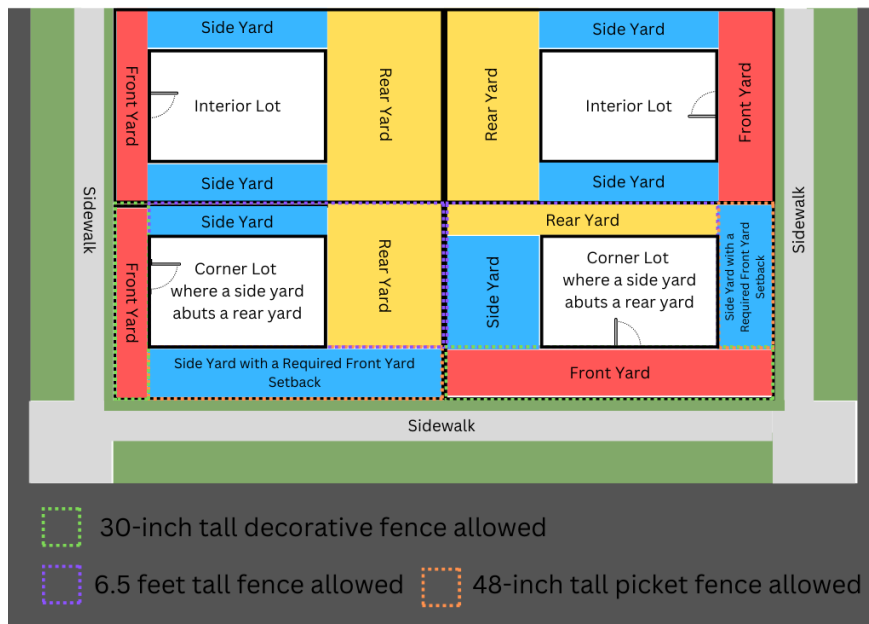


Figure 2.



- (j) In office and business districts, fences and walls shall not exceed a height above ground level of more than six and one-half feet in side and rear yards.
- (k) In industrial districts, fences and walls shall not exceed eight feet in height. Fences shall not be allowed within the front yard 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.
- (l) 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.
- (m) Fence and wall regulations as required in Chapter 78.

(Ord. No. 82-11, § 1(8.25), 8-16-82; Ord. No. 2011-02, § 1, 1-17-11; Ord. of 8-7-23)

**Sec. 18-381. Appeals.**

If there is believed to be a conflict between the stated intent and any specific provisions of this article, the zoning board of appeals may, in accordance with established procedures, permit modification of such specific provision, while retaining the intent, in such appealed instance.

**Secs. 18-382—18-400. Reserved.**

## **Sec. 78-21. Definitions.**

*Berm, obscuring*, means an earthen mound of definite height and location to serve as an obscuring device in carrying out the requirements of this chapter.

*Fence* means a manmade structure constructed for the purpose of or to have the effect of enclosing the area it is constructed upon or as defined in the city Code.

*Screening* means a privacy barrier designed to visually separate, isolate, or conceal properties, hide unsightly areas, and prevent observation.

*Gutter grade* means the lowest point of integral curb and gutter down which water flows, or, when no curb or gutter exists, is the lowest point between the street and sidewalk down which water will flow or drain.

*Wall, obscuring*, means a structure of definite height and location to serve as an obscuring screen in carrying out the requirements of this chapter.

## **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:

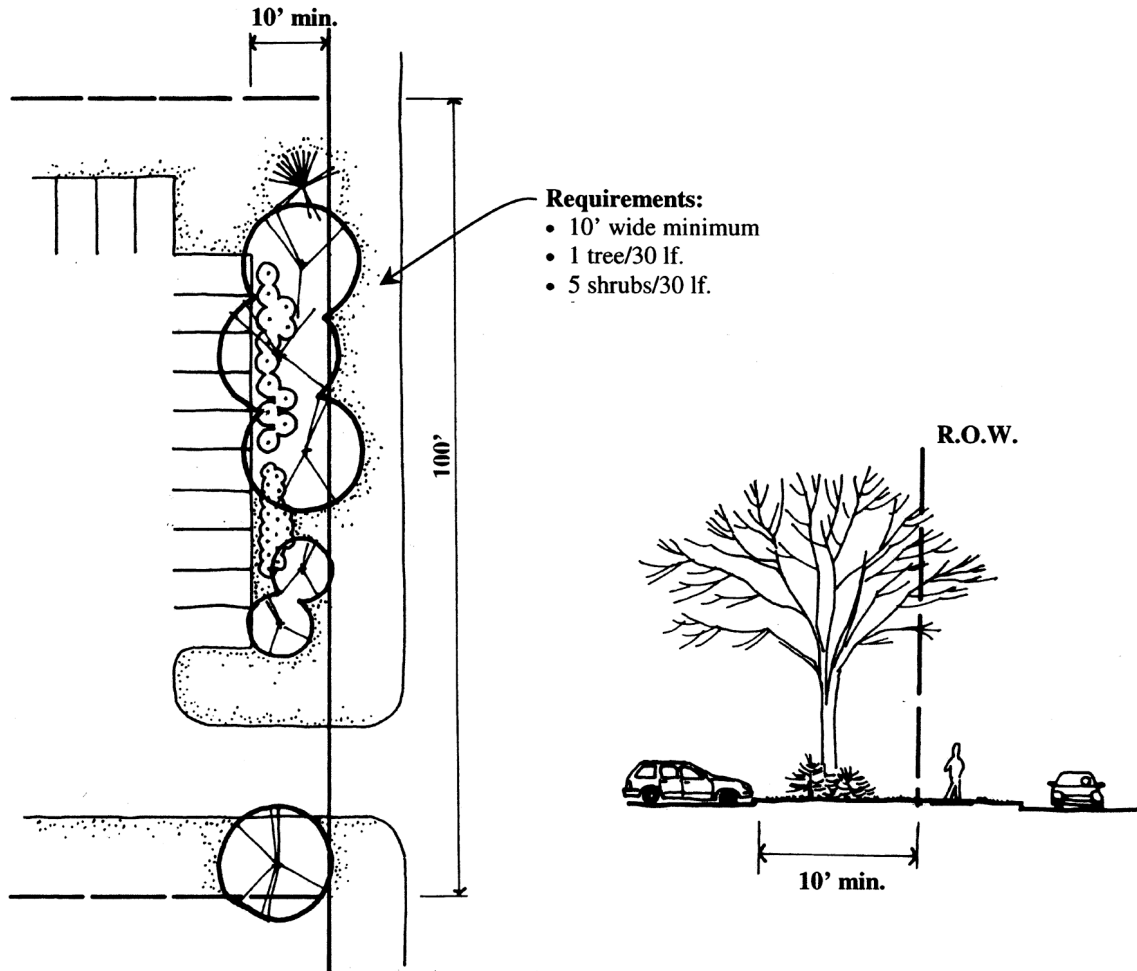
Minimum Recommended Distances Between Plant Materials

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.*

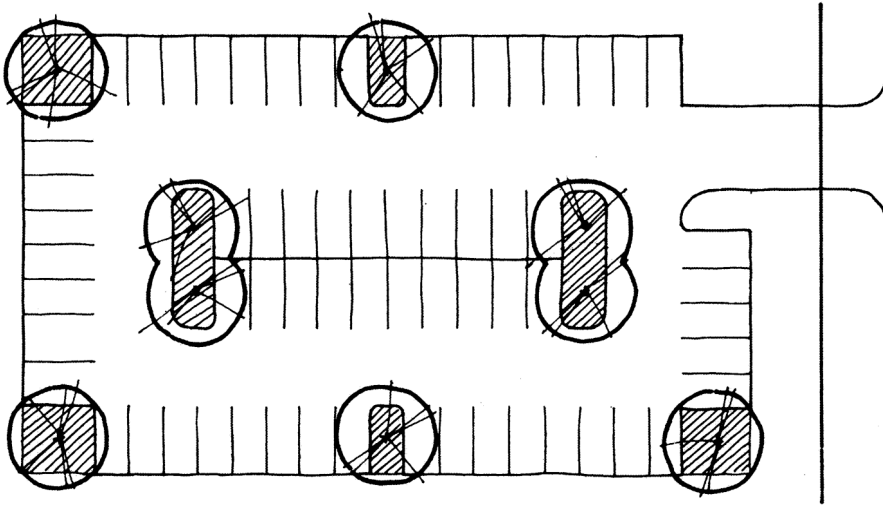
- a. Parking lots which are visible from a public right-of-way (excluding a public alley) shall have the following landscaping between the parking lot and the right-of-way:
  1. A landscaped strip at least ten feet in width or wider as may be required.
  2. One tree for every 30 feet or fraction thereof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



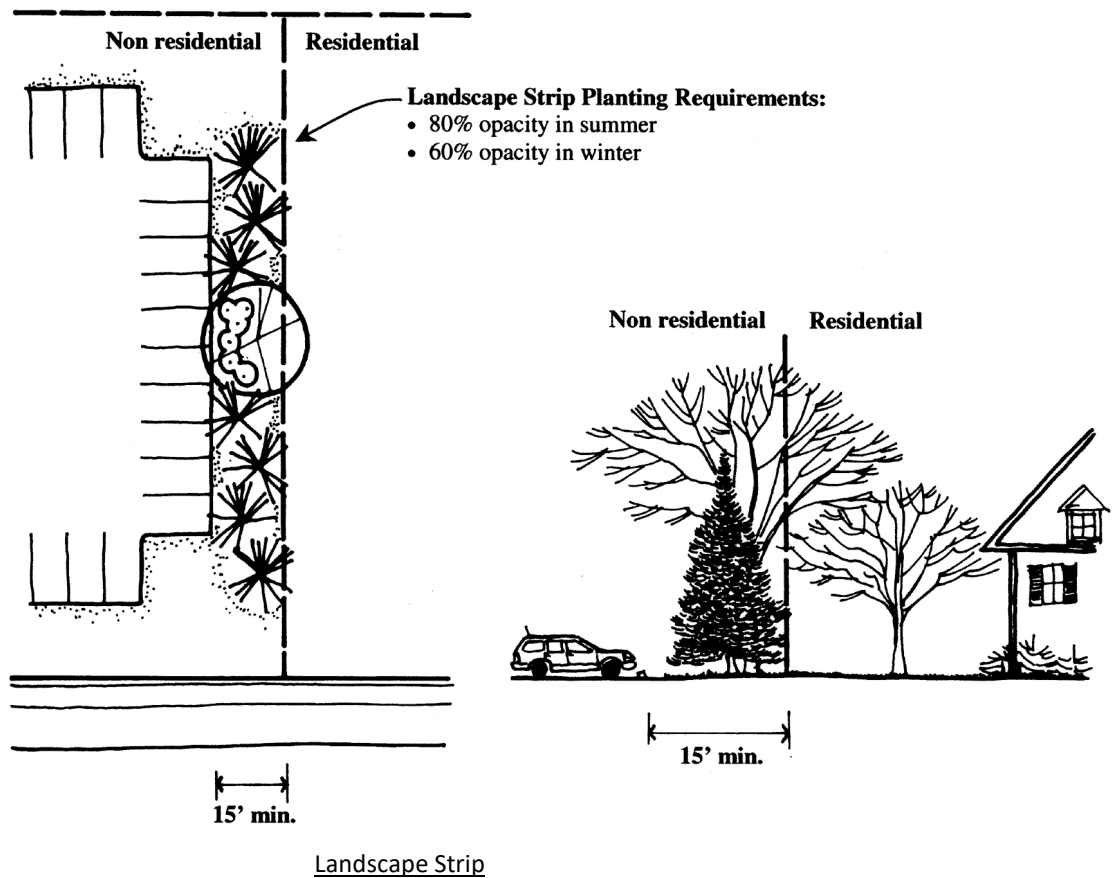
**Requirements:**

- 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.
- 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.



(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:*
  - Zelkova
  - Sycamore
  - Tuliptree
  - Kentucky coffeetree
  - Blackgum
  - Oaks
  - Ginkgo (male)
  - Birch
  - Linden
  - 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:
    - Lilac
    - Forsythia
    - Staghorn sumac
    - Pyracantha
    - 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:

- Fragrant sumac
- Japanese quince
- Potentilla
- 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:*

- Box elder
- Ash trees
- Willows
- Maples
- Poplars
- Siberian elms
- Tree of heaven
- Russian olive

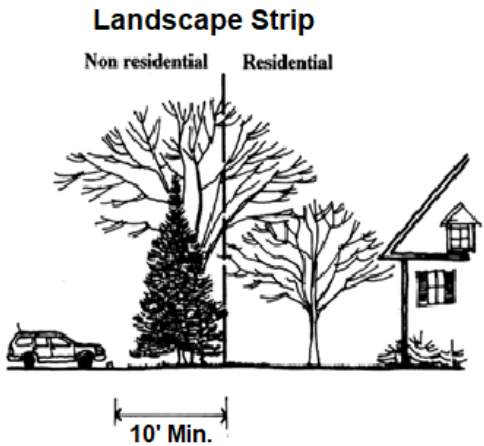
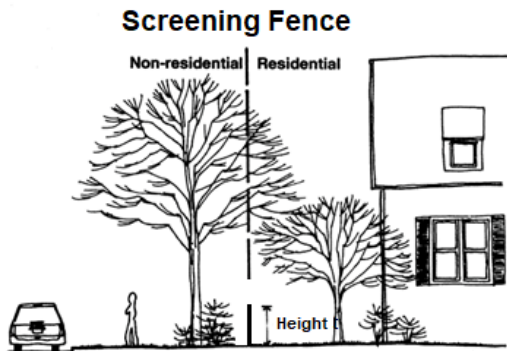
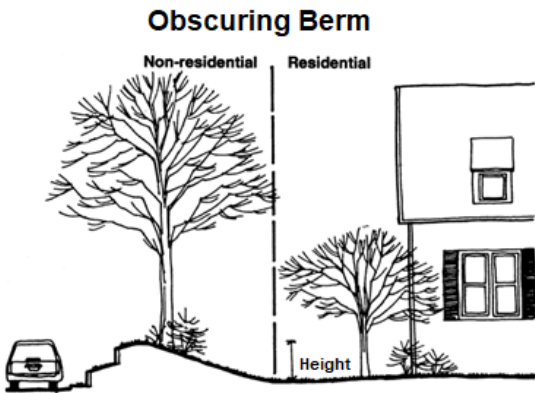
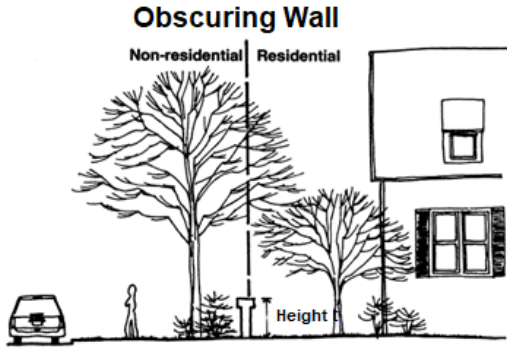
- (6) *Right-of-way landscaping requirements.* The right-of-way adjacent to residentially used properties shall be landscaped with live plant material such as turf grass, ground cover, trees, vines, flowers, and other live plant material. Exceptions are made for sidewalks, approaches to crosswalks, and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

(Ord. of 10-6-03; Ord. No. 23-01, 1-17-23)

**Sec. 78-206. Screening between non-residential and residential land uses.**

Whenever in this chapter screening between non-residential and residential land uses is required, the screening shall be constructed and installed according to these standards. Screening shall be an obscuring wall, an obscuring berm, a screening fence, or a landscape strip (Figure 1). The screening shall be constructed of durable, weather resistant, rust-proof materials, and shall be reasonably maintained, including permanence and health of plant materials. The screening shall provide visual separation to abutting properties and shall be kept free from noxious weeds and refuse. The height of the screening shall be measured from the surface of the parking area or land on the non-residential property.

**Figure 1.**



- (1) For the land uses and zoning districts listed below, screening shall be required on the sides abutting a residential district. In instances of variable allowable height, the planning commission shall determine the required height of the screening based on usage, but in no case shall the height be less than the minimum height listed.

	Use	Height Requirements
(1)	Multi-family dwellings, 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

- (2) Required obscuring walls.

- (a) Required obscuring 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 obscuring walls may, upon approval of the planning commission, be located on the opposite side of an alley right-of-way from a non-residential land use that abuts a residential district when mutually agreeable to in writing by the affected property owners. The continuity of the required obscuring wall on a given block will be a major consideration of the planning commission in reviewing such request.
- (b) Required obscuring 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 planning commission. All obscuring walls shall be constructed of face brick or comparable facing materials and shall be durable, weather resistant, rust-proof and easily maintainable.
- (c) Plant materials along an obscuring wall shall include at least one tree for each 20 feet or fraction thereof.

- (3) Required obscuring berms.

- (a) Required obscuring berms shall be constructed as landscaped earth mounds with a crest area at least two feet in width. The exterior face of the obscuring berm shall be constructed as an earthen slope. The interior face of the obscuring 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.
- (b) Obscuring 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.
- (c) Plant materials within the berm area shall include at least one tree for each 20 feet or fraction thereof. A planting plan and grading plan shall be prepared for the obscuring berm and shall be reviewed by the planning commission.

- (4) Required screening fences.
- (a) Required screening fences may only be used in areas not adjoining parking lots or roadways so as not to be subject to damage from vehicular traffic. Screening fences 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 screening fences may, upon approval of the planning commission, be located on the opposite side of an alley right-of-way from a non-residential land use that abuts a residential district when mutually agreeable to in writing by the affected property owners. The continuity of the required screening fence on a given block will be a major consideration of the planning commission in reviewing such request.
  - (b) Required screening fences shall have no openings, except as otherwise provided in this chapter and except as may be approved by the planning commission. All screening fences shall be constructed of composite material or cedar, wolmanized, or treated wood and shall be durable, weather resistant, rust-proof and easily maintainable. Screening fences shall be shadow box style or a similar style where both sides of the screening fence are finished, and the support posts are integrated into the screening fence.
  - (c) Plant materials along a screening fence shall include at least one tree for each 20 feet or fraction thereof.
- (5) Required landscape strip.
- (a) Required landscape strips shall be at least ten (10) 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.
- (6) Modification to required screening.
- (a) The planning commission may 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. In no instance shall required screening be permitted to be less than four feet, six inches (4.5') in height.
- In consideration of request to modify screening requirements between residential and non-residential land uses, or as otherwise required herein, the planning commission shall consider:
- 1. Whether or not the residential land use is considered to be an area in transition and will become non-residential in the future based on the adopted master plan.
  - 2. 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.
  - 3. Whether or not the ground elevation of the site in question and the land adjacent thereto is such that an obscuring wall or berm would not be required to provide the required obscuring effect.
- (b) 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.
- (7) The city may require that suitable maintenance guarantee be provided for the continued maintenance of walls required under this chapter.
- (8) The requirement for screening 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 from such abutting residential district.

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

**Sec. 78-207. Corner clearance.**

- (1) 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. A clear vision area shall be required in the 15-foot corner triangle formed at the intersection of any driveway and alley or any driveway and street right-of-way line. See Figure 1.
- (2) The planning commission may require a clear vision area as outlined in 78-207 (a) to be established to provide adequate sight visibility, corner clearance, and building setback within the B-2 zoning district. On sites where strict compliance is impractical, the planning commission may modify the required clear vision area.

Figure 1.



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

**Sec. 78-208. Standards for trash dumpsters.**

**Sec. 78-209. Reserved.**

- (1) Dumpsters shall be permitted in the side or rear yard, provided that no dumpster shall extend closer to the front of the lot than any portion of the principal structure, and provided further that the dumpster shall not encroach on a required parking area, is clearly accessible to servicing vehicles, and is located at least ten feet from any building. Dumpsters shall comply with the setback requirements for the district in which they are located. Dumpsters shall be located as far as practicable from any adjoining residential district.
- (2) Dumpsters shall be placed on a concrete pad. The concrete pad should extend a minimum of three feet in front of the dumpster enclosure.
- (3) Dumpsters shall be screened from view from adjoining property and public streets and thoroughfares. Dumpsters shall be screened on three sides with a decorative masonry wall, similar in material and/or color to the main structure, not less than six feet in height or at least six inches above the height of the enclosed dumpster, whichever is taller. The fourth side of the dumpster screening shall be equipped with an opaque, lockable metal gate that is the same height as the enclosure around the other three sides. Commercial grade slats are required for a chain link gate. The gate shall remain closed and shall only be opened for the loading and unloading of the dumpster.
- (4) Bollards (concrete-filled metal posts) or similar protective devices shall be installed at the opening to prevent damage to the dumpster enclosure.
- (5) The location and method of screening of dumpsters shall be shown on all applications and sketch plans submitted for administrative approval or site plans submitted for approval by the planning commission. The planning commission encourages the sharing of dumpsters by businesses.
- (6) Exceptions.
  - (a) The requirements of this section may be modified or waived upon a determination that the location, screening, or removal of refuse will be handled in a manner acceptable to the planning commission or Community Development Director. The planning commission or Community Development Director shall consult with the Public Safety Director and Director of Municipal Services when determining the acceptability of the requested modification or waiver. The planning commission or Community Development Director may require additional landscaping, screening or other site improvements as an alternative to adhering to the requirements of this section. If a requirement for a dumpster is waived, the site plan or sketch plan shall show a future dumpster location to be built when or if the use of the building changes prior to occupancy.
  - (b) Prior to granting any exception, the property owner shall submit a written request. The owner shall provide a list of all standards requiring a waiver or modification. Any waiver or modification granted shall be limited to the use of the property at the time the request is made and evaluated. Any change in use or development of the site upon which the dumpster is located may require compliance with all standards of this section.

**Sec. 78-336. – Reserved.**