



# City of Plymouth Planning Commission Sub-Committee Meeting Agenda Wednesday, January 28, 2026 – 7:00 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 December 17, 2025 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

### 2025 Planning Commission Goals

1. Adopt the master plan
2. Complete “quick” zoning ordinance amendments (zoning audit)
3. Complete the multi-family/housing ordinance amendments (MSHDA Grant)
4. Work toward completing a residential compatibility ordinance

### Quick Zoning Ordinance Update



# **Plymouth Planning Commission Sub-Committee Meeting Minutes Wednesday, December 17, 2025 – 7:00 p.m. Plymouth City Hall 201 S. Main**

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City of Plymouth  
Plymouth, Michigan 48170-1637

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

## **1. CALL TO ORDER**

Vice-Chair Medaugh called the meeting to order at 7:00 p.m.

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

Excused: Commissioner Trish Horstman

Also present: Planning and Community Development Director Greta Bolhuis

## **2. CITIZENS COMMENTS**

None.

## **3. APPROVAL OF THE MINUTES**

a. Medaugh made a motion, seconded by Rossie, to approve November 19, 2025 meeting minutes.

There was a voice vote

MOTION PASSED UNANIMOUSLY

## **4. ZONING AUDIT DISCUSSION**

The sub-committee discussed their progress. They decided to have the e-commerce amendments brought back to the full commission unless the change is substantive. They wanted to see the affected zoning districts as a header to contextualize the changes. Add a note for material vs. clerical changes. Include the NFC maps for discussion so all can see which roads are applicable. Reminder that special land use approvals are still discretionary.

- Change "article" to "section in (6) (b)
- Capitalize "Planning Commission"
- Change "modify" to "reduce"
- Delete "may recommend" in (c)
- Add recreation section as special land use in RM-1/RM-2
- Delete "convalescent" in other sections of the ordinance
- Review definitions of adult foster care and assisted living
- Explain RLUIPA with case law references

The next step is to present Task #11 to the full Planning Commission with context.

## **5. ADJOURNMENT**

Schroeder offered a motion, seconded by Rossie, to adjourn the meeting at 9:27 p.m.

There was a voice vote

MOTION PASSED UNANIMOUSLY

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 2023 Zoning Audit Report.

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.*

- Anticipate introduction to Sub-Committee in February/March 2026

*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 6.*
  - [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
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 6.*
  - [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
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 6.*
  - [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
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 16-17.*
  - Anticipate introduction to Sub-Committee in February/March 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 17.*
  - Anticipate introduction to Sub-Committee in February/March 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 7.*
  - **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
7. Convert Section 78-133 – Uses Prohibited into performance standards or a required sign off from the Fire Department. *Page 9.*
  - **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
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 19.*
  - **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
  - Please note that the change from “Building Official” to “Community Development Director” in anticipated to be introduced in February/March 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 20.*
  - **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

*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 10.*

- **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
- Discussed by Planning Commission 1/14/2026
- Please note that updating language for e-commerce in the ARC District is currently in discussion with Plymouth Township and will continue into 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 10-11.*

- *Sec. 78-42 (Page 28-29), Sec. 78-52 (Page 34-35), Sec. 78-62 (Page 40-41)*
- Introduction to Sub-Committee 8/18/2025
- Discussed by Sub-Committee 9/22/2025
- Discussed by Sub-Committee 12/17/2025

*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 17.*

- **Sec. 78-247 through 78-248 (Page 181-182)**
- Introduction to Sub-Committee 8/18/2025
- Discussed by Sub-Committee 9/22/2025
- Anticipate discussion by Sub-Committee 1/28/2026

13. List those special uses which require site plan review in Article XX. *Page 17.*

- Anticipate introduction to Sub-Committee in February/March 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 17.*

- **Sec. 78-424 through 78-427 (Page 250-255)**
- Introduction to Sub-Committee 8/18/2025
- Discussed by Sub-Committee 9/22/2025
- Anticipate discussion by Sub-Committee 1/28/2026

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 18.*

- Anticipate introduction to Sub-Committee in February/March 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 18.*

- Anticipate introduction to Sub-Committee in February/March 2026

*Update definitions:*

17. Review all definitions for consistent usage, including “average grade” and “usable floor area.” *Page 19.*
  - Anticipate introduction to Sub-Committee in February/March 2026
18. Review definitions such as “nuisance” to match, where appropriate, those in other City ordinances, with the assistance of the City Attorney. *Page 19.*
  - Anticipate introduction to Sub-Committee in February/March 2026
19. Update all definitions for modern understanding. For instance, “video rental establishments” could be consolidated into a service use or eliminated. *Page 19.*
  - Anticipate introduction to Sub-Committee in February/March 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 19.*
  - 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
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 19-20.*
  - 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
22. Use graphics to simplify definitions when possible. *Page 20.*
  - Anticipate discussion by Sub-Committee in February/March 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 20.*
  - **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 - postponed
  - Discussed by Sub-Committee 1/28/2026
24. Consolidate the “Vested Right” sections in Article I and Article XXVII. *Page 20.*
  - **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
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 8.*
  - Anticipate introduction to Sub-Committee in January 2026

## Task #12 of 26

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 17.*

- Sec. 78-247 through 78-248 (Page 181-182)
- Introduction to Sub-Committee 8/18/2025
- Discussed by Sub-Committee 9/22/2025
- Anticipate discussion by Sub-Committee 12/17/2025

### From the Zoning Audit Page 17:

#### "Update Processes for Special Uses

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

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

### Sub-Committee Discussion Summary:

Clean up the sections to group like items. Add language to allow properly dimensioned plot plan and floor plans to be submitted when an existing building is being reused rather than requiring a full blown site plan documents as permitted by the Community Development Director.



## Current Ordinance:

### Sec. 78-247. Information required.

The following information shall be included on the site plan in addition to those items specified in the application for site plan review:

- (1) A scale of not less than one inch equals 50 feet if the subject property is less than three acres, and one inch equals 100 feet if three acres or more.
- (2) Date, north point and scale.
- (3) The dimensions of all lot and property lines showing the relationship of the subject property to abutting properties.
- (4) The location of all existing and proposed structures on the subject property and all existing structures within 100 feet of the subject property.
- (5) The location of all existing and proposed drives and parking areas.
- (6) The location and right-of-way widths of all abutting streets and alleys.
- (7) The names and addresses of the architect, planner, designer, engineer or person responsible for the preparation of the site plan.
- (8) All requirements of the city's application for site plan review, dated August 1989 shall be complied with including the following site plan review checklist below.

### Sec. 78-248. Site plan review checklist.

		YES	NO	N/A
1.	Correct scale	[ ]	[ ]	[ ]
2.	Name of person preparing plan*	[ ]	[ ]	[ ]
3.	Date, north point	[ ]	[ ]	[ ]
4.	Property line dimension	[ ]	[ ]	[ ]
5.	Street right-of-way widths	[ ]	[ ]	[ ]
6.	Existing utilities (sewer, water, gas, etc.)	[ ]	[ ]	[ ]
7.	Show adjacent property and buildings	[ ]	[ ]	[ ]
8.	Existing topography, trees and other features	[ ]	[ ]	[ ]
9.	Off-site ground, parking lot, roadway, driveway and/or structure elevations for minimum distance of 50 feet	[ ]	[ ]	[ ]
10.	On-site grid of maximum 100 feet intervals each way (closer where rolling terrain warrants) and minimum 2.0 feet contours	[ ]	[ ]	[ ]
11.	Location of new structures including side and front yard setbacks and building length and width (show a general floor plan)	[ ]	[ ]	[ ]
12.	Number of dwelling units per building	[ ]	[ ]	[ ]
13.	Height of structure	[ ]	[ ]	[ ]
14.	Percent one room apartments (efficiencies)	[ ]	[ ]	[ ]
15.	Total number of rooms if multiple-family	[ ]	[ ]	[ ]
16.	Parking requirements met	[ ]	[ ]	[ ]
17.	Number of units and bedrooms each building	[ ]	[ ]	[ ]
18.	Parking lot layout (showing paved area) including ingress and egress and service area	[ ]	[ ]	[ ]
19.	Parking lot space dimensions	[ ]	[ ]	[ ]
20.	Loading and unloading space	[ ]	[ ]	[ ]
21.	Site grading and drainage plan (on-site elevations for pavements, drives, parking lots, curbs, sidewalks and finish grade at bldg.)	[ ]	[ ]	[ ]
22.	Utility connections (sanitary sewer, water, storm sewers)	[ ]	[ ]	[ ]
23.	On-site storm water retention	[ ]	[ ]	[ ]
24.	Fire hydrants (on- and off-site)	[ ]	[ ]	[ ]
25.	Sidewalks and elevations	[ ]	[ ]	[ ]
26.	Sedimentation and erosion control plan	[ ]	[ ]	[ ]

27.	Landscape plan showing plant materials to be used	[ ]	[ ]	[ ]
28.	Sign requirements met	[ ]	[ ]	[ ]
29.	Require walls and fences or greenbelts	[ ]	[ ]	[ ]
30.	Corner clearance	[ ]	[ ]	[ ]
31.	Service drive needed	[ ]	[ ]	[ ]
32.	Acceleration lanes and traffic pattern	[ ]	[ ]	[ ]
33.	Trash receptacle locations	[ ]	[ ]	[ ]
34.	Mail box locations	[ ]	[ ]	[ ]
35.	Air conditioner unit locations	[ ]	[ ]	[ ]
36.	Special site features (play areas, pools, etc.)	[ ]	[ ]	[ ]
37.	Handicapped facilities	[ ]	[ ]	[ ]
38.	Building elevation drawings	[ ]	[ ]	[ ]

\*Where property line surveys, topography, sewer, water or storm drains are shown, the name of the registered engineer or land surveyor preparing such elements of the plan shall be indicated on the plan.

## Proposed Ordinance (Redlined):

### Sec. 78-247. ~~Exceptions~~~~Information required~~.

~~When an application proposes reusing or reoccupying an existing building, a plot plan and floor plans that are properly dimensioned and drawn-to-scale may be accepted instead of a site plan. Items on the site plan review checklist may be required by Community Development Director to review the application. This exception is allowed at the discretion of the Community Development Director.~~

~~The following information shall be included on the site plan in addition to those items specified in the application for site plan review:~~

- ~~(1) A scale of not less than one inch equals 50 feet if the subject property is less than three acres, and one inch equals 100 feet if three acres or more.~~
- ~~(2) Date, north point and scale.~~
- ~~(3) The dimensions of all lot and property lines showing the relationship of the subject property to abutting properties.~~
- ~~(4) The location of all existing and proposed structures on the subject property and all existing structures within 100 feet of the subject property.~~
- ~~(5) The location of all existing and proposed drives and parking areas.~~
- ~~(6) The location and right-of-way widths of all abutting streets and alleys.~~
- ~~(7) The names and addresses of the architect, planner, designer, engineer or person responsible for the preparation of the site plan.~~
- ~~(8) All requirements of the city's application for site plan review, dated August 1989 shall be complied with including the following site plan review checklist below.~~

### Sec. 78-248. Site plan review checklist.

~~The following information shall be included on the site plan in addition to those items specified in the application for site plan review:~~

- ~~(1) A scale of not less than one inch equals 50 feet if the subject property is less than three acres, and one inch equals 100 feet if three acres or more.~~
- ~~(2) Date, north point and scale.~~
- ~~(3) The dimensions of all lot and property lines showing the relationship of the subject property to abutting properties.~~
- ~~(4) The location of all existing and proposed structures on the subject property and all existing structures within 100 feet of the subject property.~~
- ~~(5) The location of all existing and proposed drives and parking areas.~~
- ~~(6) The location and right-of-way widths of all abutting streets and alleys.~~
- ~~(7) The names and addresses of the architect, planner, designer, engineer or person responsible for the preparation of the site plan.~~
- ~~(8) All requirements of the city's application for site plan review, dated August 1989 shall be complied with including the following site plan review checklist below.~~

		YES	NO	N/A
1.	Correct scale	[ ]	[ ]	[ ]
2.	Name of person preparing plan*	[ ]	[ ]	[ ]
3.	Date, north point	[ ]	[ ]	[ ]
4.	Property line dimension	[ ]	[ ]	[ ]
5.	Street right-of-way widths	[ ]	[ ]	[ ]
6.	Existing utilities (sewer, water, gas, etc.)	[ ]	[ ]	[ ]

7.	Show adjacent property and buildings	[ ]	[ ]	[ ]
8.	Existing topography, trees and other features	[ ]	[ ]	[ ]
9.	Off-site ground, parking lot, roadway, driveway and/or structure elevations for minimum distance of 50 feet	[ ]	[ ]	[ ]
10.	On-site grid of maximum 100 feet intervals each way (closer where rolling terrain warrants) and minimum 2.0 feet contours	[ ]	[ ]	[ ]
11.	Location of new structures including side and front yard setbacks and building length and width (show a general floor plan)	[ ]	[ ]	[ ]
12.	Number of dwelling units per building	[ ]	[ ]	[ ]
13.	Height of structure	[ ]	[ ]	[ ]
14.	Percent one room apartments (efficiencies)	[ ]	[ ]	[ ]
15.	Total number of rooms if multiple-family	[ ]	[ ]	[ ]
16.	Parking requirements met	[ ]	[ ]	[ ]
17.	Number of units and bedrooms each building	[ ]	[ ]	[ ]
18.	Parking lot layout (showing paved area) including ingress and egress and service area	[ ]	[ ]	[ ]
19.	Parking lot space dimensions	[ ]	[ ]	[ ]
20.	Loading and unloading space	[ ]	[ ]	[ ]
21.	Site grading and drainage plan (on-site elevations for pavements, drives, parking lots, curbs, sidewalks and finish grade at bldg.)	[ ]	[ ]	[ ]
22.	Utility connections (sanitary sewer, water, storm sewers)	[ ]	[ ]	[ ]
23.	On-site storm water retention	[ ]	[ ]	[ ]
24.	Fire hydrants (on- and off-site)	[ ]	[ ]	[ ]
25.	Sidewalks and elevations	[ ]	[ ]	[ ]
26.	Sedimentation and erosion control plan	[ ]	[ ]	[ ]
27.	Landscape plan showing plant materials to be used	[ ]	[ ]	[ ]
28.	Sign requirements met	[ ]	[ ]	[ ]
29.	Require walls and fences or greenbelts	[ ]	[ ]	[ ]
30.	Corner clearance	[ ]	[ ]	[ ]
31.	Service drive needed	[ ]	[ ]	[ ]
32.	Acceleration lanes and traffic pattern	[ ]	[ ]	[ ]
33.	Trash receptacle locations	[ ]	[ ]	[ ]
34.	Mail box locations	[ ]	[ ]	[ ]
35.	Air conditioner unit locations	[ ]	[ ]	[ ]
36.	Special site features (play areas, pools, etc.)	[ ]	[ ]	[ ]
37.	Handicapped facilities	[ ]	[ ]	[ ]
38.	Building elevation drawings	[ ]	[ ]	[ ]

\*Where property line surveys, topography, sewer, water or storm drains are shown, the name of the registered engineer or land surveyor preparing such elements of the plan shall be indicated on the plan.

## Proposed Ordinance (Clean Copy):

### Sec. 78-247. Exceptions.

When an application proposes reusing or reoccupying an existing building, a plot plan and floor plans that are properly dimensioned and drawn-to-scale may be accepted instead of a site plan. Items on the site plan review checklist may be required by Community Development Director to review the application. This exception is allowed at the discretion of the Community Development Director.

### Sec. 78-248. Site plan review checklist.

The following information shall be included on the site plan in addition to those items specified in the application for site plan review:

- (1) A scale of not less than one inch equals 50 feet if the subject property is less than three acres, and one inch equals 100 feet if three acres or more.
- (2) Date, north point and scale.
- (3) The dimensions of all lot and property lines showing the relationship of the subject property to abutting properties.
- (4) The location of all existing and proposed structures on the subject property and all existing structures within 100 feet of the subject property.
- (5) The location of all existing and proposed drives and parking areas.
- (6) The location and right-of-way widths of all abutting streets and alleys.
- (7) The names and addresses of the architect, planner, designer, engineer or person responsible for the preparation of the site plan.
- (8) All requirements of the city's application for site plan review, dated August 1989 shall be complied with including the following site plan review checklist below.

		YES	NO	N/A
1.	Correct scale	[ ]	[ ]	[ ]
2.	Name of person preparing plan*	[ ]	[ ]	[ ]
3.	Date, north point	[ ]	[ ]	[ ]
4.	Property line dimension	[ ]	[ ]	[ ]
5.	Street right-of-way widths	[ ]	[ ]	[ ]
6.	Existing utilities (sewer, water, gas, etc.)	[ ]	[ ]	[ ]
7.	Show adjacent property and buildings	[ ]	[ ]	[ ]
8.	Existing topography, trees and other features	[ ]	[ ]	[ ]
9.	Off-site ground, parking lot, roadway, driveway and/or structure elevations for minimum distance of 50 feet	[ ]	[ ]	[ ]
10.	On-site grid of maximum 100 feet intervals each way (closer where rolling terrain warrants) and minimum 2.0 feet contours	[ ]	[ ]	[ ]
11.	Location of new structures including side and front yard setbacks and building length and width (show a general floor plan)	[ ]	[ ]	[ ]
12.	Number of dwelling units per building	[ ]	[ ]	[ ]
13.	Height of structure	[ ]	[ ]	[ ]
14.	Percent one room apartments (efficiencies)	[ ]	[ ]	[ ]
15.	Total number of rooms if multiple-family	[ ]	[ ]	[ ]
16.	Parking requirements met	[ ]	[ ]	[ ]
17.	Number of units and bedrooms each building	[ ]	[ ]	[ ]
18.	Parking lot layout (showing paved area) including ingress and egress and service area	[ ]	[ ]	[ ]
19.	Parking lot space dimensions	[ ]	[ ]	[ ]
20.	Loading and unloading space	[ ]	[ ]	[ ]
21.	Site grading and drainage plan (on-site elevations for pavements, drives, parking lots, curbs, sidewalks and finish grade at bldg.)	[ ]	[ ]	[ ]

22.	Utility connections (sanitary sewer, water, storm sewers)	[ ]	[ ]	[ ]
23.	On-site storm water retention	[ ]	[ ]	[ ]
24.	Fire hydrants (on- and off-site)	[ ]	[ ]	[ ]
25.	Sidewalks and elevations	[ ]	[ ]	[ ]
26.	Sedimentation and erosion control plan	[ ]	[ ]	[ ]
27.	Landscape plan showing plant materials to be used	[ ]	[ ]	[ ]
28.	Sign requirements met	[ ]	[ ]	[ ]
29.	Require walls and fences or greenbelts	[ ]	[ ]	[ ]
30.	Corner clearance	[ ]	[ ]	[ ]
31.	Service drive needed	[ ]	[ ]	[ ]
32.	Acceleration lanes and traffic pattern	[ ]	[ ]	[ ]
33.	Trash receptacle locations	[ ]	[ ]	[ ]
34.	Mail box locations	[ ]	[ ]	[ ]
35.	Air conditioner unit locations	[ ]	[ ]	[ ]
36.	Special site features (play areas, pools, etc.)	[ ]	[ ]	[ ]
37.	Handicapped facilities	[ ]	[ ]	[ ]
38.	Building elevation drawings	[ ]	[ ]	[ ]

**Task #14 of 26**

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 17.*

- Sec. 78-424 through 78-427 (Page 250-255)
- Introduction to Sub-Committee 8/18/2025
- Discussed by Sub-Committee 9/22/2025
- Anticipate discussion by Sub-Committee 12/17/2025

**From the Zoning Audit Page 17:**

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

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

**Sub-Committee Discussion Summary:**

Created new article, restructured sections, and cleaned up some outdated language.

## **Current Ordinance:**

### **Sec. 78-380. Changes and amendments.**

All amendments to the zoning ordinance must be reviewed by the city planning commission. Amendments may be initiated by the city commission, planning commission, staff initiated recommendations, or individual petitions, for either zoning text or zoning district boundary changes. In any event, the planning commission shall hold a public hearing as required in Public Act 110 of 2006 as amended. After the public hearing has been closed, or at a subsequent meeting, the planning commission shall submit a recommendation to the city commission on the proposed change.

Notification for public hearings shall be in accordance with section 78-377.

Petitions for zoning ordinance amendments or conditional zoning amendments shall be submitted to the building department on standard forms provided by the third Tuesday of each month, before the next regularly scheduled planning commission meeting. If the planning commission or building department determines that the application is administratively complete, the planning commission shall set a date for a public hearing to receive public comment. The standard forms shall be completed in the manner prescribed and such documents, as required by the ordinance, shall be filed with the building department. A fee schedule, as provided by resolution of the city commission, shall be levied against each petition to cover the costs of administering the application, advertising public hearings, consultant review, and other incidental costs relative to said petition. The building department shall transmit the application to the planning commission.

In reviewing any petition for a zoning map amendment, the planning commission shall evaluate all factors relevant to the petition and shall make its recommendations for disposition of the petition to the city commission following a public hearing.

The factors to be considered by the planning commission may include, but shall not be limited to, the following:

- (a) Whether the rezoning is consistent with the policies and uses proposed for that area in the city's master land use plan. If conditions have changed since the master plan was adopted, the consistency with recent development trends in the area as well as other factors or conditions which may have changed.
- (b) Whether there are substantial reasons why the property cannot be reasonably used as currently zoned.
- (c) Whether adequate sites are available elsewhere that are already zoned to accommodate the proposed use.
- (d) Whether the rezoning would constitute a spot zone granting a special privilege to one landowner not available to others.
- (e) Whether all of the uses allowed under the proposed rezoning would be compatible with other zones and uses in the surrounding area.
- (f) Whether any public services, facilities, traffic flow, or natural features would be significant and adversely impacted by a development or use allowed under the requested rezoning.
- (g) Whether the uses allowed under the proposed rezoning would be equally or better suited to the area than uses allowed under the current zoning of the land.
- (h) Whether the condition and/or value of property in the city or in adjacent communities would be significantly and adversely impacted by a development or use allowed under the requested rezoning.
- (i) Whether or not the requested zoning change is justified by a change in conditions since the original ordinance was adopted or by an error in the original ordinance.
- (j) Whether precedents might result from approval or denial of the petition, and the possible effects of such precedents.

### **Sec. 78-387. Conditional rezoning.**

- (a) *Intent.* It is recognized that there are certain instances where it would be in the best interests of the city, as well as advantageous to property owners seeking a change in zoning classification, that certain conditions could be proposed by property owners as part of a request for rezoning. This is especially true since the city must consider all potential uses which may be made of property when considering a traditional rezoning request, some of which may be inappropriate for a particular piece of property considering items such as, but not limited to, the surrounding land uses, the city master plan, available infrastructure and utilities, and natural features. It is the intent of this section to provide a process consistent with the provisions of section 405 of the Michigan Zoning Enabling Act, Public Act No. 110 of 2006 as amended, MCL 125.3101 et seq., by which an owner seeking a rezoning may voluntarily propose conditions regarding the use and/or development of land as part of the rezoning request.



- (b) *Application and offer of conditions.* An owner of land may voluntarily offer in writing conditions relating to the use and/or development of land for which a conditional rezoning is requested. This offer may be made either at the time the application for conditional rezoning is filed, or additional conditions may be offered at a later time during the conditional rezoning process as set forth below.
- (1) *General procedure.* A request for a conditional rezoning shall be commenced by filing an application with the building department, on the required forms, accompanied by the specified fees. The application and process for considering a conditional rezoning request will be the same as that for considering a rezoning request without any conditions, except as modified by this section. The application shall explicitly describe the proposed conditional rezoning and shall be signed by the owner of the property. Applications for conditional rezoning of a specific site shall be accompanied by a plot plan or survey, as well as a conceptual plan showing the specific proposed use of the property. The conceptual plan shall contain the following details:
- A scaled map or drawing of the property.
  - Existing and proposed uses, buildings, and structures.
  - Proposed parking arrangements and on-site circulation.
  - Relationship of the site to adjoining parcels.
  - Proposed landscape screens, walls, or buffers.
  - Detailed information regarding topography, site engineering, building architecture, or other items not relevant to the zoning decision may be waived by the planning commission.
- (2) *Pre-application conference.* Prior to filing a formal request for a conditional rezoning, and prior to a public hearing, the applicant is encouraged to meet with the city building official, city planning consultant, and other representatives as deemed necessary by the city, to discuss the proposed development. The pre-application conference is intended to be informative and advisory in nature, and affords the applicant the opportunity to discuss the land use and planning policies of the City of Plymouth.
- The applicant must present a conceptual plan for the contemplated conditional rezoning at or before the pre-application conference. Any and all statements made by the representatives of the city at the pre-application conference have no legal force and are not legal and binding promises, commitments, or contracts.
- (c) *Review procedures.* The owner's offer of conditions may not purport to authorize uses or developments not permitted in the requested new zoning district. The owner's offer of conditions shall bear a reasonable and rational relationship to the property for which the conditional rezoning is requested.
- (1) *Other required approvals by the City of Plymouth.*
- Any use or development proposed as part of an offer of conditions that would require a special land use permit under the terms of this chapter may only be commenced if a special land use permit for such use or development is ultimately granted in accordance with the provisions of this chapter.
  - Any use or development proposed as part of an offer of conditions that would require a variance under the terms of this chapter may only be commenced if a variance for such use or development is ultimately granted by the zoning board of appeals in accordance with the provisions of this chapter.
  - Any use or development proposed as part of an offer of conditions that would require site plan approval under the terms of this chapter may only be commenced if site plan approval for such use or development is ultimately granted in accordance with the terms of this chapter.
- (2) *Amendment of conditions.* The offer of conditions may be amended during the process of conditional rezoning consideration, provided that any amended or additional conditions (other than minor or technical adjustments) are entered voluntarily by the owner, and confirmed in writing. An owner may withdraw in writing all or part of its offer of conditions any time prior to final rezoning action of the city commission provided that, if such withdrawal or change occurs subsequent to the planning commission's public hearing on the original rezoning request, then the rezoning application may be referred back to the planning commission for a new public hearing with appropriate notice and a new recommendation, if such change is deemed to be significant.
- (d) *Planning commission review.* The planning commission, after public hearing and consideration of the factors for rezoning set forth in section 78-380, may recommend approval, approval with recommended changes, or denial of the rezoning; provided, however, that any recommended changes to the offer of conditions are acceptable to and thereafter offered by the owner in writing.

- (e) *City commission review.* After receipt of the planning commission's recommendation, the city commission shall review the planning commission's recommendation and deliberate upon the requested conditional rezoning, and may approve or deny the conditional rezoning request. If the applicant initiates additional or different conditions not considered by the planning commission subsequent to the recommendation of the planning commission, then the city commission shall refer such proposed additional or different conditions to the planning commission for report thereon within a time specified by the city commission, and the city commission shall thereafter proceed to deny or approve the conditional rezoning.
- (f) *Approval.* If the city commission finds the conditional rezoning request and offer of conditions acceptable, the offer of conditions shall be incorporated into a formal written statement of conditions acceptable to the owner and conforming in form to the provisions of this section. The statement of conditions shall be incorporated by attachment or otherwise as an inseparable part of the ordinance adopted by the city commission to accomplish the requested conditional rezoning. The statement of conditions shall:
- (1) Be prepared in a form recordable with the county register of deeds;
  - (2) Contain a legal description of the land to which it pertains;
  - (3) Contain a statement acknowledging that the statement of conditions runs with the land, and is binding upon successor owners of the land;
  - (4) Incorporate by attachment the conceptual plan which formed the basis of the conditional rezoning;
  - (5) Contain the notarized signatures of all the owners of the property proceeded by a statement attesting to the fact that they are the only parties having an interest in the property, and that they voluntarily offer and consent to the provisions contained within the statement of conditions;
  - (6) The statement of conditions may be reviewed and approved by the city attorney, with the applicant to pay all costs associated with such review and approval.

The approved statement of conditions shall be filed by the owner with the county register of deeds within 30 days after approval of the conditional rezoning. the owner shall provide the city with a recorded copy of the statement of conditions within 60 days of receipt. The city commission shall have the authority to waive this requirement if it determines that, given the nature of the conditions and/or the time frame within which the conditions are to be satisfied, the recording of the statement of conditions would be of no material benefit to the city or to any subsequent owner of the land; and

Upon the conditional rezoning taking effect, the zoning map shall be amended to reflect the new zoning classification, together with a designation that the land was a conditional rezoning with a statement of conditions. Upon the conditional rezoning taking effect, and after the required recording of the statement of conditions, unless waived, use of the land so rezoned shall conform thereafter to all the requirements regulating use and development within the new zoning district as modified by any more restrictive provisions contained in the statement of conditions.

- (g) *Compliance with conditions.* Any person who establishes development or commences a use upon land that has been conditionally rezoned shall continuously operate and maintain the development or use in full compliance with all the conditions set forth in the statement of conditions. Any failure to comply fully with the conditions contained within the statement of conditions shall constitute a violation of this chapter and be punishable accordingly. Additionally, any such violation shall be deemed a nuisance per se and subject to judicial abatement as provided by law.
- (h) *Time period for establishing development or use.* The approved development and/or use of the land pursuant to building and other required permits must be commenced upon the land within 18 months after the effective date by publication of the conditional rezoning action, and must thereafter proceed diligently to completion. This time limitation may, upon written request, be extended by the city commission if:
- (1) It is demonstrated that there is a strong likelihood that the development and/or use will commence within the period of extension and proceed diligently thereafter to completion; and
  - (2) The city commission finds that there has not been change in circumstances that would render the conditional rezoning with statement of conditions incompatible with other zones and uses in the surrounding area or otherwise inconsistent with sound zoning policy.
- (i) *Reversion of zoning.* If the approved development and/or use of the rezoned land does not occur within the time frame specified under subsection (h) above, then the land shall revert to its former zoning classification as set forth in MCL 125.3405(2). The reversion process shall be initiated by the city commission, and proceed pursuant to section 78-380. Reversion to a different zoning classification may also be considered by the city.
- (j) *Subsequent rezoning of land.* When land that is conditionally rezoned with the statement of conditions is thereafter rezoned to a different zoning classification, or to the same zoning classification but with a different or no statement of conditions,

whether as a result of a reversion of zoning pursuant to subsection (i) above, or upon application of the landowner, or otherwise, the Statement of Conditions imposed under the former zoning classification shall cease to be in effect. Upon the owner's written request, the city clerk shall record with the county register of deeds a notice that the statement of conditions is no longer in effect.

- (k) *Amendment of conditions.* During the time period for commencement of an approved development or use specified pursuant to subsection (h) above, or during any extension thereof granted by the city commission, the city shall not add to or alter the conditions in the statement of conditions. The statement of conditions may be amended thereafter in the same manner as was prescribed for the original conditional rezoning and statement of conditions.
- (l) *City right to rezone.* Nothing in the statement of conditions nor in the provisions of this section shall be deemed to prohibit the city from rezoning all or any portion of land that is subject to a statement of conditions to another zoning classification. Any rezoning shall be conducted in compliance with this chapter and the Michigan Zoning Enabling Act, Public Act No. 110 of 2006 as amended, MCL 125.3101 et seq.
- (m) *Failure to offer conditions.* The city shall not require an owner to offer conditions as a requirement for rezoning. The lack of an offer of conditions shall not affect an owner's rights under this chapter.

## Sec. 78-388. Required signage.

- (a) *Required signage.* An applicant requesting a zoning map change, conditional rezoning or PUD shall construct and install a sign indicating the requested change of zoning. City-initiated rezonings involving eleven or more parcels shall be exempt from the signage requirements. The sign shall be installed no less than 15 days prior to the scheduled public hearing. The sign shall be installed on the parcel(s) requested for rezoning and shall be clearly visible from an adjoining roadway. The sign shall not be placed within a public right-of-way, nor shall the sign obstruct clear vision for motorists.

The sign shall comply with the following sign specifications:

- Black letters on white background.
- Size: minimum 4 feet (vertical) by 6 feet (horizontal).
- Signs face must be exterior plywood, aluminum, or similar material.
- Wording shall be as follows:

	This Property is Proposed for Zoning Change	(min. 8" high letters)
	Current Zoning	(min. 3" high letters)
	Proposed Zoning	(min. 3" high letters)
	For more information call:	(min. 3" high letters)
	City of Plymouth	(min. 3" high letters)
	Building Department	(min. 3" high letters)
	(734) 453-1234	(min. 3" high letters)

- Sign support system must be structurally sound and mounted with 4" x4"s or "u" channel steel posts. The posts shall be set in the ground at least 30 inches below the surface. The bottom of the sign shall be no less than three feet above the ground level.

Rezoning or PUD signs shall be removed within:

- Seven days of action by city commission.
- Seven days of withdrawing rezoning or PUD application.
- Failure to remove sign within this period may result in removal of the sign by the city, following notice and an opportunity to remove the sign, at the owner's expense.

## Proposed Ordinance (Redlined):

### ARTICLE XXX. - AMENDMENTS

#### Sec. 78-424. In general.

- (a) All amendments to the zoning ordinance must be reviewed by the city planning commission. Amendments may be initiated by the city commission, planning commission, staff initiated recommendations, or individual petitions, for either zoning text or zoning district boundary changes. In any event, the planning commission shall hold a public hearing as required in Public Act 110 of 2006 as amended. After the public hearing has been closed, or at a subsequent meeting, the planning commission shall submit a recommendation to the city commission on the proposed change.

~~Notification for public hearings shall be in accordance with section 78-377.~~

- (b) ~~Petitions~~ Applications for zoning ordinance amendments ~~or conditional zoning amendments~~ shall be submitted to the community development ~~building~~ department on standard forms provided ~~by the third Tuesday of each month, before the next regularly scheduled planning commission meeting.~~ If the planning commission ~~or building community development~~ department determines that the application is administratively complete, ~~the planning commission shall set a date for a public hearing~~ shall be set to receive public comment. ~~Notification for public hearings shall be in accordance with section 78-377. The standard forms shall be completed in the manner prescribed and such documents, as required by the ordinance, shall be filed with the building department.~~ A fee ~~schedule~~, as provided by resolution of the city commission, shall be levied against each application ~~petition~~ to ~~covers cover~~ the costs of administering the application, advertising public hearings, consultant review, and other incidental costs relative related to said application ~~petition~~. ~~The building department shall transmit the application to the planning commission.~~
- (c) ~~(a)~~ Required signage. An applicant requesting a zoning map change, conditional rezoning or PUD shall construct and install a sign indicating the requested change of zoning. City-initiated rezonings involving eleven or more adjacent parcels shall be exempt from the signage requirements. The sign shall be installed no less than 15 days prior to the scheduled public hearing. The sign shall be installed on the parcel(s) requested for rezoning and shall be clearly visible from an adjoining roadway. The sign shall not be placed within a public right-of-way, nor shall the sign obstruct clear vision for motorists.

The sign shall comply with the following sign specifications:

- Black letters on white background.
- Size: minimum 4 feet (vertical) by 6 feet (horizontal).
- Signs face must be exterior plywood, aluminum, or similar material.
- Wording shall be as follows:

	This Property is Proposed for Zoning Change	(min. 8" high letters)
	Current Zoning	(min. 3" high letters)
	Proposed Zoning	(min. 3" high letters)
	For more information call:	(min. 3" high letters)
	City of Plymouth	(min. 3" high letters)
	Building Department	(min. 3" high letters)
	(734) 453-1234	(min. 3" high letters)

- Sign support system must be structurally sound and mounted with 4" x4"s or "u" channel steel posts. The posts shall be set in the ground at least 30 inches below the surface. The bottom of the sign shall be no less than three feet above the ground level.

Rezoning or PUD signs shall be removed within:

- Seven days of action by city commission.
- Seven days of withdrawing rezoning or PUD application.

- Failure to remove sign within this period may result in removal of the sign by the city, following notice and an opportunity to remove the sign, at the owner's expense.

### **Sec. 78-425. Rezoning and Map Amendments.**

In reviewing any petition for a zoning map amendment, the planning commission shall evaluate all factors relevant to the petition and shall make its recommendations for disposition of the petition to the city commission following a public hearing.

The factors to be considered by the planning commission may include, but shall not be limited to, the following:

- (a) Whether the rezoning is consistent with the policies and uses proposed for that area in the city's master land use plan. If conditions have changed since the master plan was adopted, the consistency with recent development trends in the area as well as other factors or conditions which may have changed.
- (b) Whether there are substantial reasons why the property cannot be reasonably used as currently zoned.
- (c) Whether adequate sites are available elsewhere that are already zoned to accommodate the proposed use.
- (d) Whether the rezoning would constitute a spot zone granting a special privilege to one landowner not available to others.
- (e) Whether all of the uses allowed under the proposed rezoning would be compatible with other zones and uses in the surrounding area.
- (f) Whether any public services, facilities, traffic flow, or natural features would be significant and adversely impacted by a development or use allowed under the requested rezoning.
- (g) Whether the uses allowed under the proposed rezoning would be equally or better suited to the area than uses allowed under the current zoning of the land.
- (h) Whether the condition and/or value of property in the city or in adjacent communities would be significantly and adversely impacted by a development or use allowed under the requested rezoning.
- (i) Whether or not the requested zoning change is justified by a change in conditions since the original ordinance was adopted or by an error in the original ordinance.
- (j) Whether precedents might result from approval or denial of the petition, and the possible effects of such precedents.

### **Sec. 78-426. Conditional Rezoning.**

- (a) *Intent.* It is recognized that there are certain instances where it would be in the best interests of the city, as well as advantageous to property owners seeking a change in zoning classification, that certain conditions could be proposed by property owners as part of a request for rezoning. This is especially true since the city must consider all potential uses which may be made of property when considering a traditional rezoning request, some of which may be inappropriate for a particular piece of property considering items such as, but not limited to, the surrounding land uses, the city master plan, available infrastructure and utilities, and natural features. It is the intent of this section to provide a process consistent with the provisions of section 405 of the Michigan Zoning Enabling Act, Public Act No. 110 of 2006 as amended, MCL 125.3101 et seq., by which an owner seeking a rezoning may voluntarily propose conditions regarding the use and/or development of land as part of the rezoning request.
- (b) *Application and offer of conditions.* An owner of land may voluntarily offer in writing conditions relating to the use and/or development of land for which a conditional rezoning is requested. This offer may be made either at the time the application for conditional rezoning is filed, or additional conditions may be offered at a later time during the conditional rezoning process as set forth below.
  - (1) *General procedure.* A request for a conditional rezoning shall be commenced by filing an application with the building department, on the required forms, accompanied by the specified fees. The application and process for considering a conditional rezoning request will be the same as that for considering a rezoning request without any conditions, except as modified by this section. The application shall explicitly describe the proposed conditional rezoning and shall be signed by the owner of the property. Applications for conditional rezoning of a specific site shall be accompanied by a plot plan or survey, as well as a conceptual plan showing the specific proposed use of the property. The conceptual plan shall contain the following details:
    - a. A scaled map or drawing of the property.
    - b. Existing and proposed uses, buildings, and structures.
    - c. Proposed parking arrangements and on-site circulation.

- d. Relationship of the site to adjoining parcels.
- e. Proposed landscape screens, walls, or buffers.
- f. Detailed information regarding topography, site engineering, building architecture, or other items not relevant to the zoning decision may be waived by the planning commission.

- (2) *Pre-application conference.* Prior to filing a formal request for a conditional rezoning, and prior to a public hearing, the applicant is encouraged to meet with the city building official, city planning consultant, and other representatives as deemed necessary by the city, to discuss the proposed development. The pre-application conference is intended to be informative and advisory in nature, and affords the applicant the opportunity to discuss the land use and planning policies of the City of Plymouth.

The applicant must present a conceptual plan for the contemplated conditional rezoning at or before the pre-application conference. Any and all statements made by the representatives of the city at the pre-application conference have no legal force and are not legal and binding promises, commitments, or contracts.

- (c) *Review procedures.* The owner's offer of conditions may not purport to authorize uses or developments not permitted in the requested new zoning district. The owner's offer of conditions shall bear a reasonable and rational relationship to the property for which the conditional rezoning is requested.

- (1) *Other required approvals by the City of Plymouth.*

- a. Any use or development proposed as part of an offer of conditions that would require a special land use permit under the terms of this chapter may only be commenced if a special land use permit for such use or development is ultimately granted in accordance with the provisions of this chapter.
- b. Any use or development proposed as part of an offer of conditions that would require a variance under the terms of this chapter may only be commenced if a variance for such use or development is ultimately granted by the zoning board of appeals in accordance with the provisions of this chapter.
- c. Any use or development proposed as part of an offer of conditions that would require site plan approval under the terms of this chapter may only be commenced if site plan approval for such use or development is ultimately granted in accordance with the terms of this chapter.

- (2) *Amendment of conditions.* The offer of conditions may be amended during the process of conditional rezoning consideration, provided that any amended or additional conditions (other than minor or technical adjustments) are entered voluntarily by the owner, and confirmed in writing. An owner may withdraw in writing all or part of its offer of conditions any time prior to final rezoning action of the city commission provided that, if such withdrawal or change occurs subsequent to the planning commission's public hearing on the original rezoning request, then the rezoning application may be referred back to the planning commission for a new public hearing with appropriate notice and a new recommendation, if such change is deemed to be significant.

- (d) *Planning commission review.* The planning commission, after public hearing and consideration of the factors for rezoning set forth in section 78-380, may recommend approval, approval with recommended changes, or denial of the rezoning; provided, however, that any recommended changes to the offer of conditions are acceptable to and thereafter offered by the owner in writing.

- (e) *City commission review.* After receipt of the planning commission's recommendation, the city commission shall review the planning commission's recommendation and deliberate upon the requested conditional rezoning, and may approve or deny the conditional rezoning request. If the applicant initiates additional or different conditions not considered by the planning commission subsequent to the recommendation of the planning commission, then the city commission shall refer such proposed additional or different conditions to the planning commission for report thereon within a time specified by the city commission, and the city commission shall thereafter proceed to deny or approve the conditional rezoning.

- (f) *Approval.* If the city commission finds the conditional rezoning request and offer of conditions acceptable, the offer of conditions shall be incorporated into a formal written statement of conditions acceptable to the owner and conforming in form to the provisions of this section. The statement of conditions shall be incorporated by attachment or otherwise as an inseparable part of the ordinance adopted by the city commission to accomplish the requested conditional rezoning. The statement of conditions shall:

- (1) Be prepared in a form recordable with the county register of deeds;
- (2) Contain a legal description of the land to which it pertains;
- (3) Contain a statement acknowledging that the statement of conditions runs with the land, and is binding upon successor owners of the land;

- (4) Incorporate by attachment the conceptual plan which formed the basis of the conditional rezoning;
- (5) Contain the notarized signatures of all the owners of the property preceded by a statement attesting to the fact that they are the only parties having an interest in the property, and that they voluntarily offer and consent to the provisions contained within the statement of conditions;
- (6) The statement of conditions may be reviewed and approved by the city attorney, with the applicant to pay all costs associated with such review and approval.

The approved statement of conditions shall be filed by the owner with the county register of deeds within 30 days after approval of the conditional rezoning. The owner shall provide the city with a recorded copy of the statement of conditions within 60 days of receipt. The city commission shall have the authority to waive this requirement if it determines that, given the nature of the conditions and/or the time frame within which the conditions are to be satisfied, the recording of the statement of conditions would be of no material benefit to the city or to any subsequent owner of the land; and

Upon the conditional rezoning taking effect, the zoning map shall be amended to reflect the new zoning classification, together with a designation that the land was a conditional rezoning with a statement of conditions. Upon the conditional rezoning taking effect, and after the required recording of the statement of conditions, unless waived, use of the land so rezoned shall conform thereafter to all the requirements regulating use and development within the new zoning district as modified by any more restrictive provisions contained in the statement of conditions.

- (g) *Compliance with conditions.* Any person who establishes development or commences a use upon land that has been conditionally rezoned shall continuously operate and maintain the development or use in full compliance with all the conditions set forth in the statement of conditions. Any failure to comply fully with the conditions contained within the statement of conditions shall constitute a violation of this chapter and be punishable accordingly. Additionally, any such violation shall be deemed a nuisance per se and subject to judicial abatement as provided by law.
- (h) *Time period for establishing development or use.* The approved development and/or use of the land pursuant to building and other required permits must be commenced upon the land within 18 months after the effective date by publication of the conditional rezoning action, and must thereafter proceed diligently to completion. This time limitation may, upon written request, be extended by the city commission if:
  - (1) It is demonstrated that there is a strong likelihood that the development and/or use will commence within the period of extension and proceed diligently thereafter to completion; and
  - (2) The city commission finds that there has not been change in circumstances that would render the conditional rezoning with statement of conditions incompatible with other zones and uses in the surrounding area or otherwise inconsistent with sound zoning policy.
- (i) *Reversion of zoning.* If the approved development and/or use of the rezoned land does not occur within the time frame specified under subsection (h) above, then the land shall revert to its former zoning classification as set forth in MCL 125.3405(2). The reversion process shall be initiated by the city commission, and proceed pursuant to section 78-380. Reversion to a different zoning classification may also be considered by the city.
- (j) *Subsequent rezoning of land.* When land that is conditionally rezoned with the statement of conditions is thereafter rezoned to a different zoning classification, or to the same zoning classification but with a different or no statement of conditions, whether as a result of a reversion of zoning pursuant to subsection (i) above, or upon application of the landowner, or otherwise, the Statement of Conditions imposed under the former zoning classification shall cease to be in effect. Upon the owner's written request, the city clerk shall record with the county register of deeds a notice that the statement of conditions is no longer in effect.
- (k) *Amendment of conditions.* During the time period for commencement of an approved development or use specified pursuant to subsection (h) above, or during any extension thereof granted by the city commission, the city shall not add to or alter the conditions in the statement of conditions. The statement of conditions may be amended thereafter in the same manner as was prescribed for the original conditional rezoning and statement of conditions.
- (l) *City right to rezone.* Nothing in the statement of conditions nor in the provisions of this section shall be deemed to prohibit the city from rezoning all or any portion of land that is subject to a statement of conditions to another zoning classification. Any rezoning shall be conducted in compliance with this chapter and the Michigan Zoning Enabling Act, Public Act No. 110 of 2006 as amended, MCL 125.3101 et seq.
- (m) *Failure to offer conditions.* The city shall not require an owner to offer conditions as a requirement for rezoning. The lack of an offer of conditions shall not affect an owner's rights under this chapter.

### **Sec. 427. Text Amendments**

Consideration of an amendment to this chapter may be initiated upon presentation of a ~~n application~~ petition for amendment by the owner or lessee of real estate affected. Such ~~petition~~ application shall be accompanied by a fee, the amount of which shall be set by resolution of the city commission and shall be used to defray the expense of publishing the required notices of public hearings, and the expenses of such public hearing. A period of not less than six months is required between presentation of application ~~petitions~~ for ~~a change or~~ amendments applying to a specific piece of property, where such petition was denied in the first instance.



## Proposed Ordinance (Clean Copy):

### ARTICLE XXX. - AMENDMENTS

#### Sec. 78-424. In general.

- (a) All amendments to the zoning ordinance must be reviewed by the city planning commission. Amendments may be initiated by the city commission, planning commission, staff initiated recommendations, or individual petitions, for either zoning text or zoning district boundary changes. In any event, the planning commission shall hold a public hearing as required in Public Act 110 of 2006 as amended. After the public hearing has been closed, or at a subsequent meeting, the planning commission shall submit a recommendation to the city commission on the proposed change.
- (b) Applications for zoning ordinance amendments shall be submitted to the community development department on standard forms provided. Community development department determines that the application is administratively complete, a public hearing shall be set to receive public comment. Notification for public hearings shall be in accordance with section 78-377. A fee, as provided by resolution of the city commission, shall be levied against each application to cover the costs of administering the application, advertising public hearings, consultant review, and other incidental costs related to said application.
- (c) *Required signage.* An applicant requesting a zoning map change, conditional rezoning or PUD shall construct and install a sign indicating the requested change of zoning. City-initiated rezonings involving eleven or more adjacent parcels shall be exempt from the signage requirements. The sign shall be installed no less than 15 days prior to the scheduled public hearing. The sign shall be installed on the parcel(s) requested for rezoning and shall be clearly visible from an adjoining roadway. The sign shall not be placed within a public right-of-way, nor shall the sign obstruct clear vision for motorists.

The sign shall comply with the following sign specifications:

- Black letters on white background.
- Size: minimum 4 feet (vertical) by 6 feet (horizontal).
- Signs face must be exterior plywood, aluminum, or similar material.
- Wording shall be as follows:

	This Property is Proposed for Zoning Change	(min. 8" high letters)
	Current Zoning	(min. 3" high letters)
	Proposed Zoning	(min. 3" high letters)
	For more information call:	(min. 3" high letters)
	City of Plymouth	(min. 3" high letters)
	Building Department	(min. 3" high letters)
	(734) 453-1234	(min. 3" high letters)

- Sign support system must be structurally sound and mounted with 4" x4"s or "u" channel steel posts. The posts shall be set in the ground at least 30 inches below the surface. The bottom of the sign shall be no less than three feet above the ground level.

Rezoning or PUD signs shall be removed within:

- Seven days of action by city commission.
- Seven days of withdrawing rezoning or PUD application.
- Failure to remove sign within this period may result in removal of the sign by the city, following notice and an opportunity to remove the sign, at the owner's expense.

#### Sec. 78-425. Rezonings and Map Amendments.

In reviewing any petition for a zoning map amendment, the planning commission shall evaluate all factors relevant to the petition and shall make its recommendations for disposition of the petition to the city commission following a public hearing.

The factors to be considered by the planning commission may include, but shall not be limited to, the following:

- (a) Whether the rezoning is consistent with the policies and uses proposed for that area in the city's master land use plan. If conditions have changed since the master plan was adopted, the consistency with recent development trends in the area as well as other factors or conditions which may have changed.
- (b) Whether there are substantial reasons why the property cannot be reasonably used as currently zoned.
- (c) Whether adequate sites are available elsewhere that are already zoned to accommodate the proposed use.
- (d) Whether the rezoning would constitute a spot zone granting a special privilege to one landowner not available to others.
- (e) Whether all of the uses allowed under the proposed rezoning would be compatible with other zones and uses in the surrounding area.
- (f) Whether any public services, facilities, traffic flow, or natural features would be significant and adversely impacted by a development or use allowed under the requested rezoning.
- (g) Whether the uses allowed under the proposed rezoning would be equally or better suited to the area than uses allowed under the current zoning of the land.
- (h) Whether the condition and/or value of property in the city or in adjacent communities would be significantly and adversely impacted by a development or use allowed under the requested rezoning.
- (i) Whether or not the requested zoning change is justified by a change in conditions since the original ordinance was adopted or by an error in the original ordinance.
- (j) Whether precedents might result from approval or denial of the petition, and the possible effects of such precedents.

## **Sec. 78-426. Conditional Rezoning.**

- (a) *Intent.* It is recognized that there are certain instances where it would be in the best interests of the city, as well as advantageous to property owners seeking a change in zoning classification, that certain conditions could be proposed by property owners as part of a request for rezoning. This is especially true since the city must consider all potential uses which may be made of property when considering a traditional rezoning request, some of which may be inappropriate for a particular piece of property considering items such as, but not limited to, the surrounding land uses, the city master plan, available infrastructure and utilities, and natural features. It is the intent of this section to provide a process consistent with the provisions of section 405 of the Michigan Zoning Enabling Act, Public Act No. 110 of 2006 as amended, MCL 125.3101 et seq., by which an owner seeking a rezoning may voluntarily propose conditions regarding the use and/or development of land as part of the rezoning request.
- (b) *Application and offer of conditions.* An owner of land may voluntarily offer in writing conditions relating to the use and/or development of land for which a conditional rezoning is requested. This offer may be made either at the time the application for conditional rezoning is filed, or additional conditions may be offered at a later time during the conditional rezoning process as set forth below.
  - (1) *General procedure.* A request for a conditional rezoning shall be commenced by filing an application with the building department, on the required forms, accompanied by the specified fees. The application and process for considering a conditional rezoning request will be the same as that for considering a rezoning request without any conditions, except as modified by this section. The application shall explicitly describe the proposed conditional rezoning and shall be signed by the owner of the property. Applications for conditional rezoning of a specific site shall be accompanied by a plot plan or survey, as well as a conceptual plan showing the specific proposed use of the property. The conceptual plan shall contain the following details:
    - a. A scaled map or drawing of the property.
    - b. Existing and proposed uses, buildings, and structures.
    - c. Proposed parking arrangements and on-site circulation.
    - d. Relationship of the site to adjoining parcels.
    - e. Proposed landscape screens, walls, or buffers.
    - f. Detailed information regarding topography, site engineering, building architecture, or other items not relevant to the zoning decision may be waived by the planning commission.
  - (2) *Pre-application conference.* Prior to filing a formal request for a conditional rezoning, and prior to a public hearing, the applicant is encouraged to meet with the city building official, city planning consultant, and other representatives as deemed necessary by the city, to discuss the proposed development. The pre-application conference is intended to be

informative and advisory in nature, and affords the applicant the opportunity to discuss the land use and planning policies of the City of Plymouth.

The applicant must present a conceptual plan for the contemplated conditional rezoning at or before the pre-application conference. Any and all statements made by the representatives of the city at the pre-application conference have no legal force and are not legal and binding promises, commitments, or contracts.

- (c) *Review procedures.* The owner's offer of conditions may not purport to authorize uses or developments not permitted in the requested new zoning district. The owner's offer of conditions shall bear a reasonable and rational relationship to the property for which the conditional rezoning is requested.
- (1) *Other required approvals by the City of Plymouth.*
- a. Any use or development proposed as part of an offer of conditions that would require a special land use permit under the terms of this chapter may only be commenced if a special land use permit for such use or development is ultimately granted in accordance with the provisions of this chapter.
  - b. Any use or development proposed as part of an offer of conditions that would require a variance under the terms of this chapter may only be commenced if a variance for such use or development is ultimately granted by the zoning board of appeals in accordance with the provisions of this chapter.
  - c. Any use or development proposed as part of an offer of conditions that would require site plan approval under the terms of this chapter may only be commenced if site plan approval for such use or development is ultimately granted in accordance with the terms of this chapter.
- (2) *Amendment of conditions.* The offer of conditions may be amended during the process of conditional rezoning consideration, provided that any amended or additional conditions (other than minor or technical adjustments) are entered voluntarily by the owner, and confirmed in writing. An owner may withdraw in writing all or part of its offer of conditions any time prior to final rezoning action of the city commission provided that, if such withdrawal or change occurs subsequent to the planning commission's public hearing on the original rezoning request, then the rezoning application may be referred back to the planning commission for a new public hearing with appropriate notice and a new recommendation, if such change is deemed to be significant.
- (d) *Planning commission review.* The planning commission, after public hearing and consideration of the factors for rezoning set forth in section 78-380, may recommend approval, approval with recommended changes, or denial of the rezoning; provided, however, that any recommended changes to the offer of conditions are acceptable to and thereafter offered by the owner in writing.
- (e) *City commission review.* After receipt of the planning commission's recommendation, the city commission shall review the planning commission's recommendation and deliberate upon the requested conditional rezoning, and may approve or deny the conditional rezoning request. If the applicant initiates additional or different conditions not considered by the planning commission subsequent to the recommendation of the planning commission, then the city commission shall refer such proposed additional or different conditions to the planning commission for report thereon within a time specified by the city commission, and the city commission shall thereafter proceed to deny or approve the conditional rezoning.
- (f) *Approval.* If the city commission finds the conditional rezoning request and offer of conditions acceptable, the offer of conditions shall be incorporated into a formal written statement of conditions acceptable to the owner and conforming in form to the provisions of this section. The statement of conditions shall be incorporated by attachment or otherwise as an inseparable part of the ordinance adopted by the city commission to accomplish the requested conditional rezoning. The statement of conditions shall:
- (1) Be prepared in a form recordable with the county register of deeds;
  - (2) Contain a legal description of the land to which it pertains;
  - (3) Contain a statement acknowledging that the statement of conditions runs with the land, and is binding upon successor owners of the land;
  - (4) Incorporate by attachment the conceptual plan which formed the basis of the conditional rezoning;
  - (5) Contain the notarized signatures of all the owners of the property proceeded by a statement attesting to the fact that they are the only parties having an interest in the property, and that they voluntarily offer and consent to the provisions contained within the statement of conditions;
  - (6) The statement of conditions may be reviewed and approved by the city attorney, with the applicant to pay all costs associated with such review and approval.

The approved statement of conditions shall be filed by the owner with the county register of deeds within 30 days after approval of the conditional rezoning. the owner shall provide the city with a recorded copy of the statement of conditions within 60 days of receipt. The city commission shall have the authority to waive this requirement if it determines that, given the nature of the conditions and/or the time frame within which the conditions are to be satisfied, the recording of the statement of conditions would be of no material benefit to the city or to any subsequent owner of the land; and

Upon the conditional rezoning taking effect, the zoning map shall be amended to reflect the new zoning classification, together with a designation that the land was a conditional rezoning with a statement of conditions. Upon the conditional rezoning taking effect, and after the required recording of the statement of conditions, unless waived, use of the land so rezoned shall conform thereafter to all the requirements regulating use and development within the new zoning district as modified by any more restrictive provisions contained in the statement of conditions.

- (g) *Compliance with conditions.* Any person who establishes development or commences a use upon land that has been conditionally rezoned shall continuously operate and maintain the development or use in full compliance with all the conditions set forth in the statement of conditions. Any failure to comply fully with the conditions contained within the statement of conditions shall constitute a violation of this chapter and be punishable accordingly. Additionally, any such violation shall be deemed a nuisance per se and subject to judicial abatement as provided by law.
- (h) *Time period for establishing development or use.* The approved development and/or use of the land pursuant to building and other required permits must be commenced upon the land within 18 months after the effective date by publication of the conditional rezoning action, and must thereafter proceed diligently to completion. This time limitation may, upon written request, be extended by the city commission if:
  - (1) It is demonstrated that there is a strong likelihood that the development and/or use will commence within the period of extension and proceed diligently thereafter to completion; and
  - (2) The city commission finds that there has not been change in circumstances that would render the conditional rezoning with statement of conditions incompatible with other zones and uses in the surrounding area or otherwise inconsistent with sound zoning policy.
- (i) *Reversion of zoning.* If the approved development and/or use of the rezoned land does not occur within the time frame specified under subsection (h) above, then the land shall revert to its former zoning classification as set forth in MCL 125.3405(2). The reversion process shall be initiated by the city commission, and proceed pursuant to section 78-380. Reversion to a different zoning classification may also be considered by the city.
- (j) *Subsequent rezoning of land.* When land that is conditionally rezoned with the statement of conditions is thereafter rezoned to a different zoning classification, or to the same zoning classification but with a different or no statement of conditions, whether as a result of a reversion of zoning pursuant to subsection (i) above, or upon application of the landowner, or otherwise, the Statement of Conditions imposed under the former zoning classification shall cease to be in effect. Upon the owner's written request, the city clerk shall record with the county register of deeds a notice that the statement of conditions is no longer in effect.
- (k) *Amendment of conditions.* During the time period for commencement of an approved development or use specified pursuant to subsection (h) above, or during any extension thereof granted by the city commission, the city shall not add to or alter the conditions in the statement of conditions. The statement of conditions may be amended thereafter in the same manner as was prescribed for the original conditional rezoning and statement of conditions.
- (l) *City right to rezone.* Nothing in the statement of conditions nor in the provisions of this section shall be deemed to prohibit the city from rezoning all or any portion of land that is subject to a statement of conditions to another zoning classification. Any rezoning shall be conducted in compliance with this chapter and the Michigan Zoning Enabling Act, Public Act No. 110 of 2006 as amended, MCL 125.3101 et seq.
- (m) *Failure to offer conditions.* The city shall not require an owner to offer conditions as a requirement for rezoning. The lack of an offer of conditions shall not affect an owner's rights under this chapter.

## **Sec. 427. Text Amendments**

Consideration of an amendment to this chapter may be initiated upon presentation of an application for amendment by the owner or lessee of real estate affected. Such application shall be accompanied by a fee, the amount of which shall be set by resolution of the city commission and shall be used to defray the expense of publishing the required notices of public hearings, and the expenses of such public hearing. A period of not less than six months is required between presentation of application for amendments applying to a specific piece of property, where such petition was denied in the first instance.

**Task #23 of 26**

Consolidate all fence regulations into a single place, with the fence section of the Zoning Ordinance or the City's Fence Ordinance. *Page 20.*

- Sec. [78-21, 78-208 – 78-209](#)
- [Chapter 18, Article 10](#)
- 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 - postponed
- Discussed by Sub-Committee 1/28/2026

**From the Zoning Audit Page 20:**

"The following items are inconsistencies that should be updated:

- Consolidate all fence regulations into a single place, with these sections of Zoning Ordinance or the City's Fence Ordinance."

**Sub-Committee Discussion Summary:**

Delete Chapter 18, Article 10 – Fences and integrate into Chapter 78-21, 78-208, and 78-209 of the Zoning Ordinance.

## **Current Ordinance:**

### **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 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.

(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. 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) 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) 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) Similar restrictions as above shall be required in a 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) 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 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.

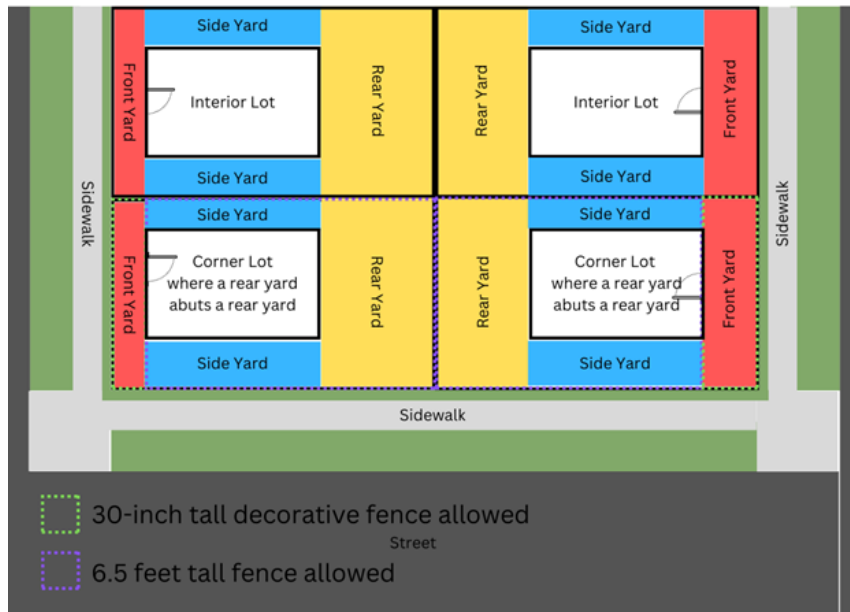
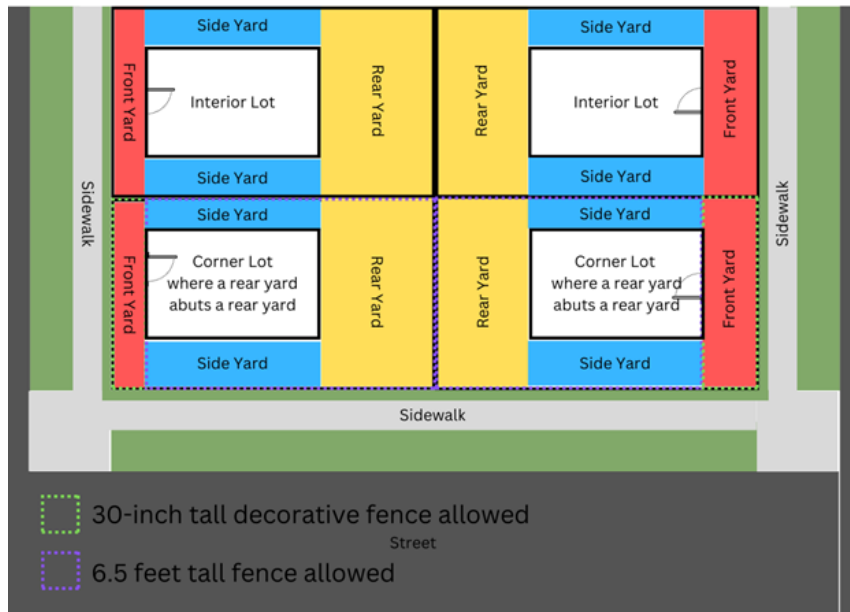


Figure 2.





- (f) In business zoned areas, fences and walls should not exceed a height above ground level of more than six and one-half feet. 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.
- (g) In industrial zoned areas, fences and walls 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.

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

## Secs. 18-381—18-400. Reserved.

## CHAPTER 78

### Sec. 78-21. Definitions.

*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.

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

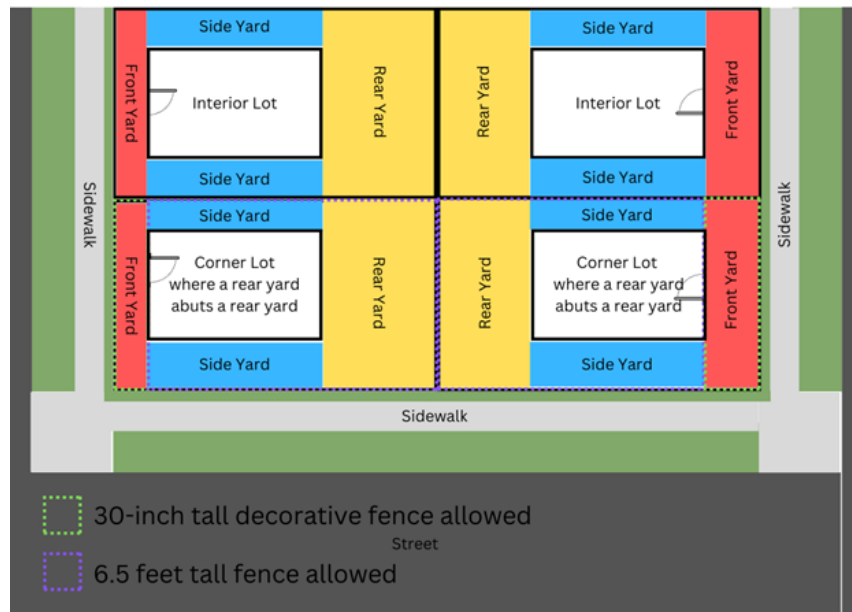
### Sec. 78-208. Residential fences.

Fences or walls are permitted, subject to the paramount provisions of the City of Plymouth Fence Ordinance (Chapter 18, Building Regulations Article X, Fences 18-371—18-380) and subject to the further provisions of this section. If any of the provisions of this section should conflict with the City of Plymouth Fence Ordinance, the stricter provision shall prevail. It is the intent, however, that the following provisions be construed harmoniously with the fence ordinance where possible.

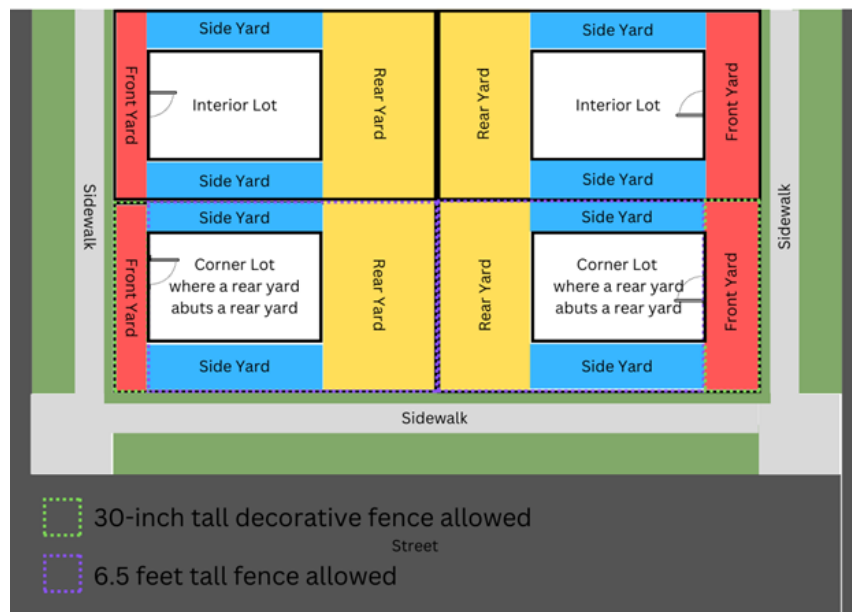
- (1) Fences on all lots of record in all residential districts which enclose property and/or are within a required side or rear yard shall not exceed six and one-half feet in height, measured from the surface of the ground, and shall not extend toward the front of the lot nearer than the front of the 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.**

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)

## Proposed Ordinance (Redlined):

### Sec. 78-21. 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. ~~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.~~

*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.

*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. 78-208. ~~Residential fences~~General Fence Requirements.

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 and purpose of this section 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,; however, that the following provisions be construed harmoniously with the fence ordinance where possible.~~

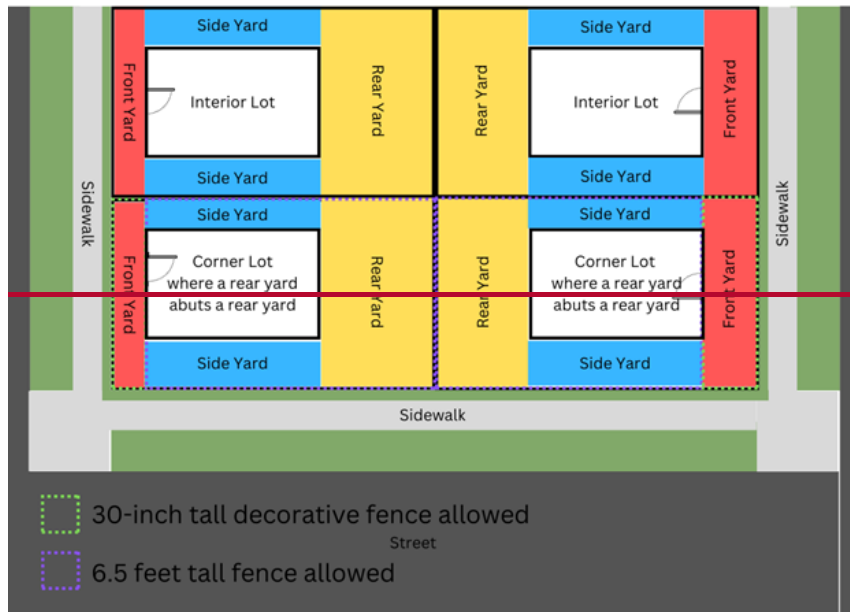
#### (1) General fence requirements and provisions.

- a. No fence, border or wall shall have 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.
- b. Any wall shall be capped with a peaked coping of sufficient pitch to discourage walking.
- c. 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.
- d. 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.
- e. 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.

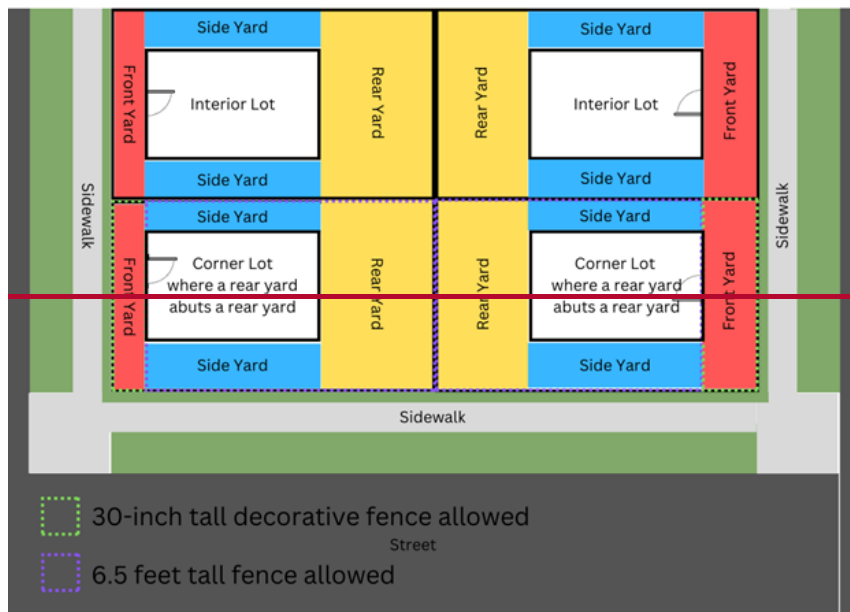
- f. Any person desiring to construct, or cause to be constructed a fence or wall upon property in the city shall first apply to the building department of the city for a permit, for which there shall be a fee, the amount of which shall be set by resolution of the city commission. Such permit shall be 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.
- g. 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.
- h. Borders may be planted in any yard area subject to the following provisions:
  - (1) 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) 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) Similar restrictions as above shall be required in a 15-foot corner triangle formed at the intersection of any driveway and alley or any driveway and street right-of-way line.
- i. 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.
- j. Fences shall be setback a minimum of one foot away from the sidewalk line.
- k. Solid masonry walls shall be erected on continuous foundations at least 42 inches below grade.
- l. 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.

~~(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.~~

- ~~(32)~~ 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.
- ~~(43)~~ Posts and finials may extend no more than six inches above the maximum permitted height of a fence.
- ~~(54)~~ Fences for swimming pools shall comply with the regulations of the state construction code.
- ~~(65)~~ 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.
- ~~(76)~~ 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.~~
- (97) 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.

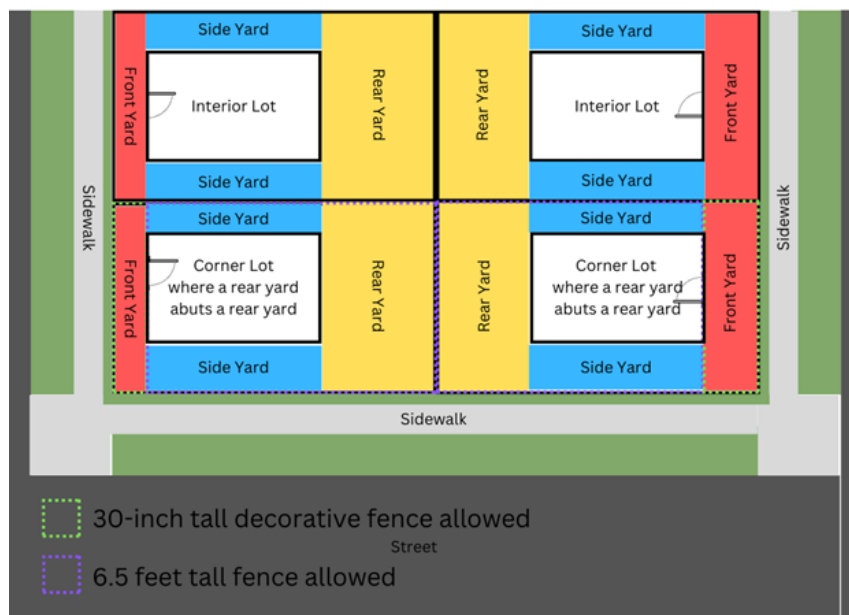
(Ord. of 10-6-03; Ord. No. 2011-03, § 2, 1-17-11; Ord. of 8-7-23)

## Sec. 78-209. ~~Industrial fences~~Fences and Walls.

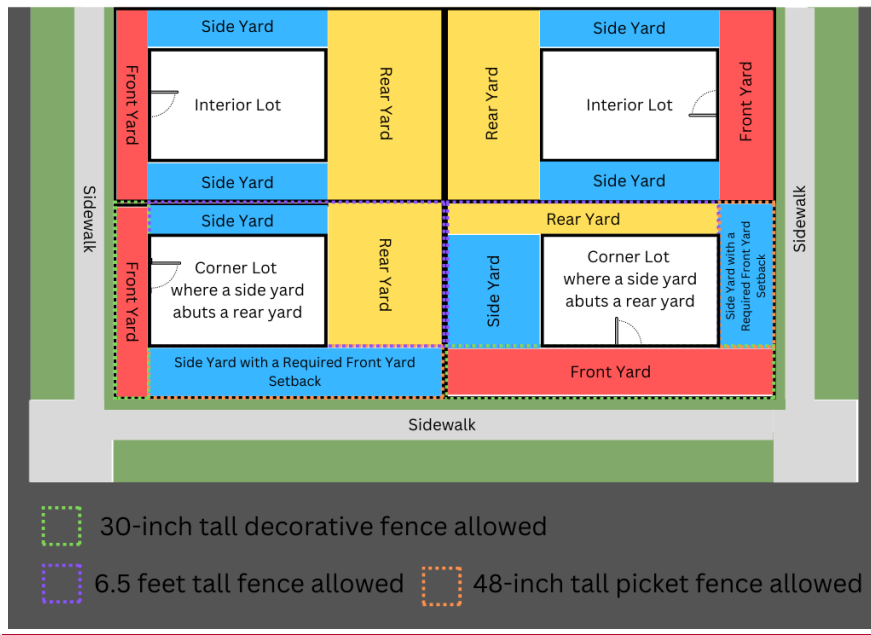
### (1) Fences are permitted in residential districts as follows:

- a. 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.**



- b. 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.
- c. 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.

(2) Fences are permitted in business districts as follows:

a. Fences and walls should not exceed a height above ground level of more than six and one-half feet. 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.

(3) Fences are permitted in industrial districts as follows:

a. ~~(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)~~ b. 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.

c. Fences and walls 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.



## Proposed Ordinance (Clean Copy):

### Sec. 78-21. 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.

*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. 78-208. General Fence Requirements.

Fences or walls are permitted, subject to the provisions of this section. It is the intent and purpose of this section 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.

#### (1) General fence requirements and provisions.

- a. No fence, border or wall shall have 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.
- b. Any wall shall be capped with a peaked coping of sufficient pitch to discourage walking.
- c. 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.
- d. 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.
- e. 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.
- f. 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.

- g. 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.
- h. Borders may be planted in any yard area subject to the following provisions:
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  - (3) Similar restrictions as above shall be required in a 15-foot corner triangle formed at the intersection of any driveway and alley or any driveway and street right-of-way line.
- i. 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.
- j. Fences shall be setback a minimum of one foot away from the sidewalk line.
- k. Solid masonry walls shall be erected on continuous foundations at least 42 inches below grade.
- l. 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.
- (2) 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.
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- (7) 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. Fences and Walls.**

- (1) Fences are permitted in residential districts as follows:
  - a. 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, 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.**

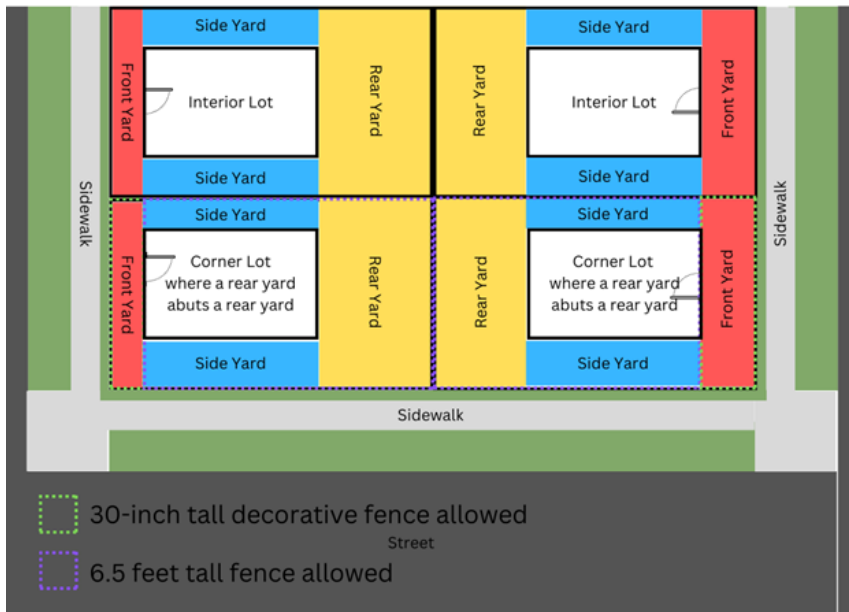
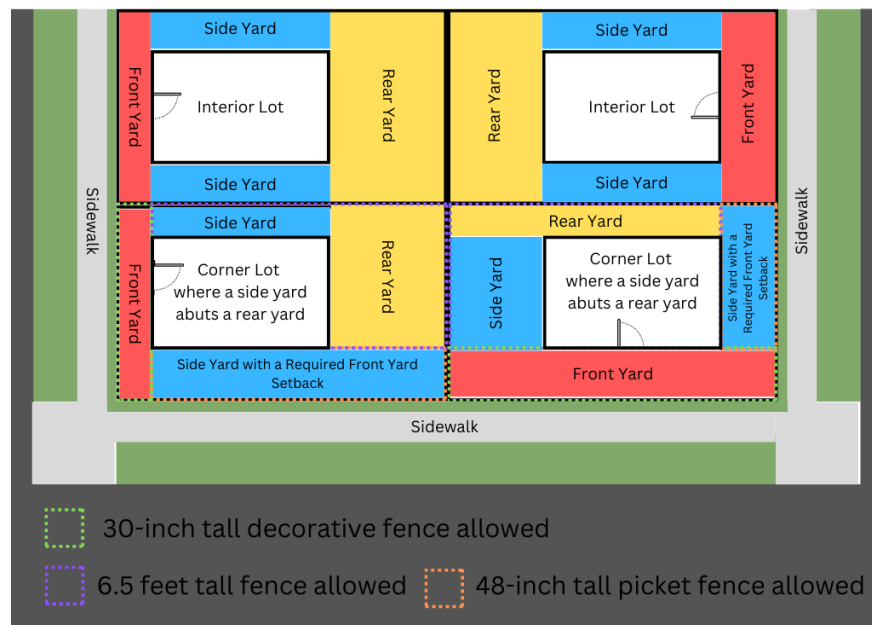


Figure 2.



- b. 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.
- c. 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.

(2) Fences are permitted in business districts as follows:

- a. Fences and walls should not exceed a height above ground level of more than six and one-half feet. 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.

(3) Fences are permitted in industrial districts as follows:

- a. 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.
- b. 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.
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## Task #26 of 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 7.*

- Anticipate introduction to Sub-Committee in January 2026

### From the Zoning Audit Page 7:

*"Improve organization and navigability:*

- 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."

### Current Ordinance:

#### Sec. 78-100. Intent.

The B-2, central business district is designed to serve the entire municipal area by providing prime retail frontage for a variety of retail stores and personal service establishments. The district regulations are designed to promote convenient pedestrian shopping and the stability of retail development by encouraging a continuous retail frontage and by prohibiting automotive related services and non-retail uses which tend to break up such continuity.

(Ord. of 10-6-03; Ord. No. 22-04, 12-19-22)

### Proposed Ordinance (Redlined):

#### Sec. 78-100. Intent.

~~The B-2, central business district is designed to serve the entire municipal area by providing prime retail frontage for a variety of retail stores and personal service establishments. The district regulations are designed to promote convenient pedestrian shopping and the stability of retail development by encouraging a continuous retail frontage and by prohibiting automotive related services and non-retail uses which tend to break up such continuity.~~

The B-2, central business ~~area-district~~ provides the central gathering place and commercial area of the city, accommodating pedestrian access to local businesses, restaurants, and entertainment, as well as office and upper-level residential uses ~~at a density of eighteen (18) to twenty-seven (27) units per acre~~. It serves the retail, office, convenience, and service needs of the entire City. The central business area promotes uses which provide convenient pedestrian shopping and services along a continuous retail frontage. Much of the area is served by centralized parking under the City's control.

### Proposed Ordinance (Clean Copy):

The B-2, central business district provides the central gathering place and commercial area of the city, accommodating pedestrian access to local businesses, restaurants, and entertainment, as well as office and upper-level residential uses. It serves the retail, office, convenience, and service needs of the entire City. The central business area promotes uses which provide convenient pedestrian shopping and services along a continuous retail frontage. Much of the area is served by centralized parking under the City's control.