

# Memorandum



Date: April 8, 2026  
To: Planning Commission Members  
From: Kristen Gundersen, Planning and Community Development Director  
Subject: **Discussion #2 - Unified Development Code – Buffering, Landscaping and Trees, Fencing**

## Background

The Planning Commission began hearing concerns regarding Sections 71-26 Buffering, 71-28 Tree Preservation and Landscaping standards and 71-29 Fencing standards during the March 10<sup>th</sup> meeting. The concerns were discussed and the Planning Commission directed staff to move forward to address the concerns.

In drafting the proposed changes, staff reviewed ordinances from cities of Holland, Benton Harbor, New Buffalo, Niles, South Haven, St Joseph, and the village of Bridgman. Both Holland and Bridgman utilize a unified development code similar to the city’s adopted code from December 2025.

Please disregard formatting. Once a final draft document is completed, proper formatting will take place along with review by the city attorney before a final recommendation is taken by the planning commission. In cases where there is a list of items, information will be provided in alphabetical order when appropriate.

Fencing. Section 71-29 Fencing. Attached is the existing language and proposed changes associated with fencing and walls. Staff also reviewed the old fence regulations. For ease, staff deleted the current language and started over as there appeared to be some standard information missing. Following is a summary of the proposed changes:

General standards. Includes basic information: permit is required; how fencing is measured; setbacks; clear sight line; gates; pools; placement in easements.

Fence design, types, materials and maintenance. Information includes good side of fence faces out; describes open, solid, public recreational use and protective measure fencing. Materials for fencing that are allowed and prohibited. Maintenance including general language.

Fence height. A table was created to provide the regulations for fence requirements.

In addition, changes are proposed to Section 71-36 Table 71-V and Section 71-36D Variances to add language associated with fence modifications

Article V Definitions included a new definition for Fence and defining the different “Yards”.

Proposed changes that require review and discussion:

- The current code prohibits the use of chain link, which is a large change from the previous code which allowed chain link. The draft language allows chain link in the side and rear yards.
- Allowing the anchor posts to extend not more than 6” above the fence. Standard in many places.
- Requiring the “good side” of fence to face out. This is standard practice.
- Allowing city staff to administratively approve “protective fencing” to be taller than 6’ and to allow protective measures under certain conditions.
- Referencing fencing materials allowed and prohibited. Creating a process for approval of alternative fence material. New language
- Fence height. Maintain allowed height of 4’ for fencing in the front yard when “open” and decreasing height to 3’ for solid fence. New language.
- Within Section 71-36 created fence modification process for fencing that does not meet the requirements. Decreases the standards for review and eliminates a public hearing notice but still provides notice to property owners and would have a lower application fee.

Lighting. This is new language proposed to be incorporated into the UDC. Staff have not found reference to lighting in the UDC. Review of the old zoning ordinance found a simple reference to parking lot lighting being directed away from residential properties as not to create a nuisance. The section referenced for additional information leads to floodplain regulations. New language is basic and includes:

Intent statement, exceptions to the regulations, need for lighting plan. Provides maximum height of pole and wall mounted lighting, regulates maximum foot-candle reading at 0.5 of the lot line and 15 on the property and exempts properties in the D District.

Screening. Section 71-27.H.1.b under Loading standards provides basic language for off-street loading and refuse collection. Staff is proposing changes to this language and expansion which related mechanical equipment, outdoor storage and refuse-containers. This section would exclude one and two-family dwellings from the regulations. The term “mechanical equipment” is defined.

Landscaping. After reviewing the Code of Ordinances – Chapter 106 Vegetation which regulates public or street trees and Sections 71-26 Buffering and 71-28 Tree preservation and landscape standards it appeared there was some overlap regarding planting in the tree lawn. Several city staff also discussed the regulations found in Section 71-28 which involves the need for tree survey, permitting removal of trees of a certain size and the need for replacement plantings. These regulations affect private property owners. Staff is recommending the removal of tree preservation on private property and trees located in the public right-of-way/tree lawn would continue to follow the regulations found in Chapter 106 of the Code of Ordinances.

Attached is the draft document which is broken down into the following sections:

A. Purpose which includes information regarding the intent and purpose of the Section.

B. General Requirements. This outlines the intent for design creativity, when a landscape plan is required, what is included in a landscape plan, general standards for landscaping (needs more work) and will incorporate prohibited and permitted species list along with ongoing maintenance of landscaping.

Staff attended the Tree Board/Friends meeting on April 8<sup>th</sup> with a proposed list of prohibited species which expands on the current list available. There was also discussion of using the permitted list and breaking it into small, medium and large tree species for easier use. A final draft list likely will not be available until June.

C. Tree lawns and public trees. This refers the reader to the code of ordinance for the use of this area.

D, E, F would relate to Lighting, Screening and Fencing which for this discussion are separate draft documents.

G. Berms. Provides standards on basic construction of a berm if used.

H. Retaining walls. Basic information provided and specifically calls out as landscaping and not a fence/wall.

I. Green infrastructure. This area could be expanded to provide more language but states the use of rain gardens, bioretention and vegetated swales as allowed.

J. Perimeter landscaping, parking lot landscaping, foundation plantings and transitional buffer strips. This section combines the intent of Section 71-26 and 71-28 and establishes the following:

1. when landscaping is required – established a tiered approach for improvements on a non-one or two-family parcel.
2. provides a table with minimum plant sizes at time of planting.
3. establishes the perimeter landscaping of trees/evergreens.
4. establishes foundation landscaping.
5. establishes parking lot landscaping requirements.
6. establishes transitional buffer strips for a nonresidential use abuts a one-two family use (simplifies existing language in Section 71-26. The current regulations also include a 25' minimum buffer area which could be difficult for many properties to meet. The proposed draft language establishes one dimension for the buffer area and allows the use of fencing to accomplish the goal.

In recommending these changes, staff reviewed two properties under the current regulations determined the following would be needed:

Taco Bell – if new construction. Parcel is 135 x 266 or 35,910 square feet in size which requires 5,386.5 square feet of green space.

Existing:

- Green space 15% of lot area for 5,386.5 sf. Within the area 2 shrubs for each 250 sf of area is required for 40 shrubs plus 2 trees for each 500 sf of green space are required for 20 trees
- Buffering to the south would require a 10' strip with 1 tree per 40' or 4 trees and a hedge being 6' high at maturity, planted 30" on center or 54 plants. It is unclear if there is an existing 20 wide area with existing vegetation

Proposed:

- Perimeter landscaping: 10 trees 1/70'
- Foundation landscaping: 2' along the front/north side of the building. Based on 35' width of building 10 shrubs would be required.
- Parking lot landscaping: a 5' landscape area would be required along the front lot line where there is no curb cut. This area would be approximately 90 feet of frontage which requires 5 shrubs/5' of frontage or 18 shrubs/ornamental grasses there is also an option for ornamental tree which 1 tree could replace 5 shrubs or 4 trees could be planted. There site would likely not require landscape islands in the parking lot as there would be less than 20 parking spaces in a row.
- Transitional buffer strip. Along the south lot line the property abuts a multiple-family development. A 10' buffer strip would be required. With the buffer strip a 6' fence could be installed or evergreens 1 tree every 15 feet for 9 evergreen.

### Next Steps

Review the draft changes and direct staff to make changes.

# Excerpt – Unified Development Code – 71-29 Fencing standards

## Sec. 71-29 Fencing and wall standards

- ~~A. Construction of a fence requires a zoning compliance permit issued by the zoning administrator prior to construction.~~
- ~~B. When erected on a lot line, all of the fence and any of its supporting structures must be contained within the lot.~~
- ~~C. Chain link, barbed wire, razor wire, and electrically charged fences are not permitted.~~
- ~~D. Fences may not exceed four feet in height in the front yard and may not exceed six feet in height in all other yards.~~
- A. General standards. These standards shall apply to fences as an accessory structure in all zoning districts.
  - 1. Permits Required. Construction of a fence shall require issuance of a permit issued by the City, prior to construction or installation of any fence.
  - 2. Measurement of Fence Height. Fence height is measured from the grade below the fence, to the top of the fence. Anchor posts may be up to 6 inches above the fence. There will be an additional tolerance of not more than 3 inches due to grade changes along the fence.
  - 3. Setbacks. All portions of the fencing including support posts must be installed on the parcel and cannot extend over the lot line. It is the responsibility of the property owner to determine the location of the lot lines.
  - 4. Clear Sight Lines. All fencing shall comply with the Clear sight lines regulations found in Section 71-16G.
  - 3. Gates. Shall not swing over public rights-of-way or onto an adjacent property.
  - 4. Pools. Fences that serve as enclosure for a swimming pool shall meet the permit requirements and standards of the State of Michigan Building Code.
  - 5. Placement in recorded easements. Fencing may be approved within recorded easements, however, those with easement rights may need to remove the fence.
- B. Fence design, types, materials and maintenance. These standards shall apply to a fences in all zoning districts.
  - 1. Finished Side Out. All fences shall be constructed to present a finished outside fence appearance to adjacent property and public rights-of-way by either:
    - a. Symmetrical construction having identical inside and outside appearance, including anchor posts and frame members.
    - b. Offset construction with anchor posts and horizontal and vertical frame members visible on inside face only and horizontal and vertical members or materials mounted on outside surface of frame and anchor post members.
  - 2. Fence Types.
    - a. Open Fence. An open fence is more than 50% open when viewed from an angle perpendicular to the fence. Examples of open fences include split rail, vinyl coated chain link, picket, metal open fences.
    - b. Solid Fence. A solid fence is 50% or less open when viewed from an angle perpendicular to the fence. The fence may also provide sound blocking. Examples of solid fences include vinyl privacy fencing, brick walls, wood stockade fencing and board on board fencing.
    - c. Public Recreational Use Fence. An open fence is used to keep recreational equipment within a confined area. Typically installed around the perimeter of tennis or pickleball courts or baseball fields or basketball courts.
    - d. Protective Measure Fence. A protective measure fence is used to protect utility and public service installations, other uses or facilities as determined necessary. The zoning administrator, city manager and police or fire chief will determine if the property requires a protective measure fence.
      - i. An exception to increase the maximum allowable height of a fence maybe granted not to exceed 12' in height.
      - ii. A protective measures fence may incorporate barbed wire, concertina wire, razor wire or electrically

charged fencing or incorporate jagged or sharp materials, so long as these materials are at least 8' above grade.

iii. A protective measures fence shall be placed to protect only the authorized facilities and a reasonable adjacent area that is necessary to provide access to the authorized facilities or that is impractical to separate from the authorized facilities. The specific location and design of the protective measure fence shall be subject to approval by the zoning administrator, city manager, police and fire chief.

### 3. Materials.

a. Fences shall be constructed of pressure-treated wood, wrought iron, brick, masonry, high quality vinyl, vinyl coated chain link or other materials designed for permanent outdoor fencing.

b. Wood fences shall be constructed of cedar, redwood, or other decay-resistant wood.

c. Alternative materials such as scrap or "recycled" materials such as recycled doors, sheet metal, corrugated metal, wood pallets, siding, filing cabinets, tires, plywood, and similar materials must be reviewed and approved by the Zoning Board of Appeals in accordance with Section prior to any permit being issued.

c. Prohibited materials. The following materials are prohibited barbed wire, concertina wire, razor wire or electrically charged fencing. The use of slats in chain link or the use of chicken wire, fabric, tarps and materials not traditionally used for fencing is prohibited.

### 4. Maintenance.

a. Fences shall be maintained in good repair and safe condition.

b. Peeling, flaking, and chipped coating shall be eliminated and surfaces shall be recoated.

c. Damaged boards or panels shall be replaced.

d. Nonconforming fencing may not be replaced.

## C. Fence Height Maximums

	N, NE, GN, NC – One and Two-Family Residential Uses	N, NE, GN, NC – Three-Family or more Residential Uses or Non-Residential Uses	D	SC	I
Front Yard	4' – open excluding chain-link 3' - solid	4' – open excluding chain-link 3' - solid	N/A	4' – open excluding chain link	4' – open or solid excluding chain link
Secondary Front Yard – Behind front face of building	6'	6'	6'	6'	6'
Side Yard – Behind front face of building	6'	6'	6'	6'	6'
Rear Yard	6'	6'	6'	6'	6'
Public Recreational Use Fencing	6'	12'	N/A	N/A	12'

**Sec. 71-36 Specific standards for development approval.**

A. General. [Table 71-V](#) summarizes the development review procedures for all types of applications.

TABLE 71-V DEVELOPMENT REVIEW PROCEDURES						
Procedure	Authority					Notices
	Staff	PC	ZBA	CC	DRC	
Text amendments	R	[R]		[DM]		N
Zoning map amendment	R	[R]		[DM]		W, N
Special use permit	R	[DM]				W, N
Variance	R		[DM]			W
Fence Modification	R		[A]			W
Appeals of administrative decision			[DM]			W
Administrative adjustments	DM		[A]			
Site plan review	DM					
Sign permit	DM		[A]			
Temporary use permit	DM		[A]			
Certificate of zoning compliance	DM					
Downtown application	R				DM	
Interpretations	DM		[A]			

TABLE 71-V DEVELOPMENT REVIEW PROCEDURES						
Procedure	Authority					Notices
	Staff	PC	ZBA	CC	DRC	
<b>Key</b>						
Planning Commission	PC					
Zoning Board of Appeals	ZBA					
City Commission	CC					
Design Review Committee	DRC					
Review & Recommendations	R					
Decision Making Body	DM					
Appellate Body	A					
Public Hearing Required	[ ]					
Published Notice	N					
Written Notice	W					

D. Variances

1. Purpose

- a. General. There are ~~two~~ three types of variances allowed under the terms of this chapter: dimensional variances, ~~and~~ use variances and fence modifications.
- b. Dimensional variances. Dimensional variances are deviations from the height, setback, yard, lot coverage, parking, landscaping and signage standards of this chapter, when special conditions make the literal enforcement of the provisions of this Ordinance result in peculiar difficulties to the owners of the land, and the deviation would not be contrary to the public interest.

c. Use variances. Use variances are variations from the schedule of permitted uses in a zone district when unnecessary hardship uniquely associated with the property, this chapter unreasonably restricts the property owner's access to permitted uses.

d. Fence modifications. Fence modifications are deviations from Section      Fence and Wall Standards from height, setback, yard, or alternative materials when special circumstances of the property which are not the reasonably foreseeable result of the actions of the property owner, and the strict enforcement of Section      would unreasonably deprive the owner of the lawful use and enjoyment of the property or would be contrary to the spirit and purpose of these provisions or the public interest.

2. Authority. The zoning board of appeals is authorized to review and approve, approve with conditions or disapprove an application for a variance.

3. Standards.

a. Dimensional variance. The zoning board of appeals will approve a dimensional variance on finding there is evidence that all of the following standards are met:

- i. There are special circumstances that are peculiar to the property for which the variance is sought, that is not applicable to other land in the same zone district.
- ii. The special circumstances are not the result of the actions of the applicant or titleholder of the land.
- iii. The literal interpretation of the terms and provisions of this chapter would deprive the applicant of rights commonly enjoyed by other land in the same zone district.
- iv. The variance will not adversely affect adjacent land in a material way.
- v. The variance is generally consistent with the purposes and intent of this chapter.

b. Use variance. The zoning board of appeals will approve a use variance on a finding there is evidence that all of the following standards are met:

- i. The literal interpretation of the terms and provisions of this chapter would deprive the applicant from using the property for a permitted use which is a right commonly enjoyed by other land in the same zone district.
- ii. There is unnecessary hardship based on special circumstances that are peculiar to the property for which the variance is sought that is not applicable to other land or structures in the same zone district.
- iii. The special circumstances are not the result of the actions of the applicant.
- iv. The variance will not adversely affect adjacent land in a material way.
- v. The variance will be generally consistent with the purposes and intent of this chapter.

c. Fence modification. The zoning board of appeals may approve a fence modification on a finding there is evidence of the following:

- i. There are special circumstances of the property which are not the reasonably foreseeable result of the actions of the property owner, and the strict enforcement of Section      would unreasonably deprive the owner of the lawful use and enjoyment of the property or would be contrary to the spirit and purpose of these provisions or the public interest.

ii. The applicant has demonstrated the proposed alternative materials are appropriate for the location and how they will be maintained as not to become a nuisance per se.

- c. Conditions of approval. The zoning board of appeals may impose conditions on the proposed use as necessary to ensure compliance with the standards in this section.
  - d. Recording. The zoning board of appeals may require the applicant to record the variance with the County Register of Deeds. The variance is binding upon the landowners, their successors and assigns.
  - e. Expiration. Unless specified in the variance, an application for a construction permit must be applied for and approved within one year of the date of the approval of the variance, otherwise the variance becomes invalid. Permitted time frames do not change with successive owners.
  - f. Extension. Upon written request, one extension of six months may be granted by the zoning board of appeals for good cause.
- B. Appeals of administrative decisions.
1. Authorization. Any person effected by any decision made by the zoning administrator may appeal the decision to the zoning board of appeals.
  2. Procedure.
    - a. Initiation of appeal. An appeal must be initiated by filing within 30 days of the date of the decision.
    - b. Contents of appeal. The written appeal of the administrative decision must include a statement of the error, the date of that decision, and all materials related to the decision. A nonrefundable filing fee as set by resolution of the city commission must also be submitted.
    - c. Scheduling of notice and hearing. The zoning administrator will schedule a hearing at the next regularly scheduled zoning board of appeals meeting.
    - d. Action by zoning board of appeals. At the hearing on the appeal, the appellant must state the grounds for the appeal and identify any materials or evidence from the record to support the appeal. The zoning administrator will be given an opportunity to respond. After the conclusion of the hearing, the zoning board of appeals will affirm, partly affirm, modify, or reverse the decision.
  3. Standards. A decision will not be reversed or modified unless there is substantial evidence in the record that the decision fails to comply with either the procedural or substantive requirements of this chapter, state law, or the federal or state constitutions.
  4. Conditions. The zoning board of appeals may impose conditions upon an affirmative decision to ensure the requirements and purposes of this chapter are followed.
- C. Administrative adjustments.
1. General. This section sets out the procedures and standards for administrative adjustments, which are modifications of 10% or less of any numeric dimensional standard of this chapter.
  2. Procedure.
    - a. Action by the zoning administrator. Within 30 days after the application is determined sufficient, the zoning administrator will review the application and approve, approve with

conditions, or disapprove the administrative adjustment.

3. Standards. The zoning administrator may approve an administrative adjustment upon a finding that all of the following standards are met:
  - a. General. The requested adjustment eliminates an unnecessary inconvenience to the applicant, is consistent with the character of development in the surrounding area and will not result in incompatible land uses;
  - b. Mitigates adverse impacts. Any adverse impacts resulting from the administrative adjustment will be mitigated to the maximum extent feasible; and
  - c. Technical nature. The administrative adjustment is of a technical nature and is required to compensate for some unusual aspect of the site or the proposed development that is not shared by landowners in general.
4. Conditions of approval. The zoning administrator may impose restrictions and conditions on an approval as are determined are required to ensure compliance with the general goals, objectives, and policies of this chapter.

## ARTICLE V. DEFINITIONS

This Section provides definitions for terms in this chapter that are technical in nature or that may not reflect a common usage of the term.

**Fence:** a permeable metal or wooden wall, independent of a building. A barrier, railing, buffer or other upright structure, typically of wood, metal or vinyl, enclosing an area of ground, marking a boundary, screening an activity, or creating a visual barrier. A retaining wall is not a fence. Plant material is considered landscaping and not fencing.

**Front Setback:** the distance from the lot line to the point where a building may be constructed. This area must be maintained clear of permanent structures with the exception of encroachments.

**Frontage:** the area between a building facade and the vehicular lanes, inclusive of its built and planted components.

**Frontage, Primary:** corner lots have two frontages. The primary frontage faces the street of the property address.

**Frontage, Secondary:** the frontage facing the non-addressed street on a corner.

**Frontage Line:** a lot line bordering a public frontage.

**Lot:** a parcel of land accommodating a building or buildings under single ownership.

**Lot Coverage:** the percentage of a lot that is covered by buildings and other roofed structures.

**Lot Line:** the boundary that legally and geometrically demarcates a lot.

**Lot Width:** the length of the principal frontage line of a lot.

**Planter:** the element of the right-of-way which accommodates street trees, whether continuous or individual.

**Porch:** an open air room appended to a building, with floor and roof but no walls on the sides facing streets.

**Rear Setback:** the distance from the rear lot line to the point where a building may be constructed. This area must be maintained clear of permanent structures with the exception of encroachments.

**Setback:** the area of a lot measured from the lot line to a building facade or elevation that is maintained clear of permanent structures, with the exception of encroachments. (Syn: build-to-line.)

**Yard:** the open area between a building and a property line, as determined by the actual construction on a property. Depending on the footprint of the building, the yard may not be rectangular in shape.

Front Yard: the open space extending the full width of the lot between the wall of the building and the front lot line.

Front Secondary Yard: the open space between the wall of the building and the secondary front lot line.

Rear Yard: the open space extending the full width of the lot between the wall of the building and the rear lot line.

Side Yard: the open space between the building and the side lot line.

UDC – New Language - lighting

A. Lighting

1. Intent. The following regulations are intended to require sufficient lighting for parking areas, walkways, driveways, building entrances, loading areas, and common areas to ensure security of property and safety of individuals on both residential properties and non-residential properties. The regulations are also intended to prevent the adverse effects of inappropriate lighting, including glare, light trespass onto adjoining properties, light pollution and energy waste.

2. Exceptions. The following types of outdoor lighting shall not be subject to this Ordinance; however, no lighting shall cause a disturbance on private property.

a. Residential decorative lighting such as porch, low level lawn lights, and seasonal lights.

b. Ground lights that illuminate flags and lights that are incorporated as architectural accent features shall be placed so that lighting or glare is not directed toward streets or adjacent properties, and fixtures shall be located, aimed, or shielded to minimize light spilling into the night sky.

c. Internally and externally illuminated signage as regulated in Section 71-30 of this Ordinance.

d. Lighting necessary for road work, utility work or emergency work.

e. Lighting for a permitted temporary event such as carnival, fair or city approved event.

f. Motion sensitive security lighting.

g. Fossil fuel light. Fossil fuel light produced directly or indirectly from the combustion of natural gas or other utility-type fossil fuels (i.e., gas lamps) is exempt from the provisions of this section.

h. Streetlights located within the public right-of-way.

3. Lighting Plan and manufacturer lighting details. A lighting plan with manufacturer lighting information is required if exterior lighting is required. The plan will include placement of lighting equipment and foot-candle readings along lot lines and location of highest foot-candle readings.

4. Lighting requirements.

a. Maximum height

i. Light Pole Height. The maximum height of light pole shall be 20' as measured from the ground to the top of the pole or light fixture, except for approved outdoor recreation area lighting associated with ballfields, tennis courts or stadiums.

ii. Wall Mounted Light Height. A wall mounted light shall not extend above the wall or be located on a roof.

iii. Lighting under a canopy shall be fully recessed

b. Maximum light levels. The maximum light level at any lot line shall be 0.5 foot-candles. The maximum light level anywhere else on the property is 15 foot-candles. Buildings located in the D Downtown District and built at the lot line are exempt from the foot-candle levels.

c. Shielding. All exterior light shall be shielded, hooded and or louvered to provide a glare free area from all lot lines. 100% of the light shall be cut off above the horizontal plane at the lowest part of the light source.

d. Design. All exterior lighting shall be downward facing to reduce glare and arranged to direct and deflect light away from adjacent properties.

e. Ground lighting. Ground lighting shall not produce glare on adjacent properties.

f. Maintenance. Light fixtures shall be maintained in good working order. Bulbs and fixtures shall be promptly replaced as needed as not to become a hazard or nuisance.

## Screening

### Section 71-27.H Loading standards

b. ~~Off-street loading and refuse collection must be located and screened so it is not visible from adjacent streets, or residential uses.~~ Required off-street loading shall be located and screened in accordance with Section \_\_\_\_\_.

#### New Section created:

1. Intent. The following screening requirements are established to protect the environment and ensure compatibility between land uses of differing intensity or impact. The regulations enhance the visual environment, protect property values, lessen the impact of noise and minimize the visual impact of loading areas, storage, mechanical equipment and refuse containers.

2. Exceptions to screening requirements. One and two-family dwellings are excluded from the screening requirements following.

3. Mechanical equipment. Screening is required at time of installation of new or the replacement of existing mechanical equipment.

a. Rooftop mechanical equipment. All rooftop mechanical equipment shall be screened from ground-level view at the property line with the use of a concealing roof line, a parapet, a screening wall, or grillwork constructed of the same building material as the building directly surrounding the equipment, other alternatives may be approved by both the zoning administrator and city manager. All mechanical equipment shall be sufficiently setback from the façade edge to be concealed from street-level view or where roofs are visible from abutting and adjacent properties shall be covered. Any screening material shall be no taller than necessary to achieve the required screening.

b. Ground mounted equipment. All ground mounted equipment shall be screened from view by fencing or landscaping of sufficient height to screen the equipment.

4. Outdoor storage. All stored materials, supplies, equipment, or other similar materials, including any vehicle, trailers, commercial vehicles, boats (or similar), recreational vehicles, or similar materials that are not on display for direct sale, rental or lease to the ultimate consumer or user must be screened by landscaping or fencing or wall with a minimum height of 6' at time of installation. If outdoor storage materials exceed the height of the allowable fence, then a combination of berming, fencing and landscaping shall be used to accomplish appropriate screening.

5. Refuse containers. With the exception of one and two-family dwellings and properties located in the D Downtown District, refuse containers including recycling and grease containers shall be installed as follows:

a. Location. Refuse containers shall be located in the side or rear yards of the property and at least 5' from any principal building. To the greatest extent possible, the door side of the enclosure shall be situated as to not face an abutting property, sidewalk, or street. Properties abutting residential uses shall place the refuse containers as far away as possible from the residential use. Refuse containers may not be placed in the front yard.

b. Access. Refuse containers shall be accessible by the waste hauler to prevent damage to vehicles and buildings.

c. Screening. Refuse containers shall be enclosed by a fence or wall on three sides with a gate for the refuse hauler to gain access.

d. Base. Refuse containers must be located on a concrete or asphalt base, designed to support the refuse container. Where grease containers are used, curbing shall be provided around the enclosure base to contain any spillage.

## Article V – Definitions

**Mechanical equipment:** means a system or part of a system installed outside of a structure and utilized to provide control of environmental conditions and related process within a structure. Equipment can include air conditioning units, emergency generators, heat pumps, ductless heat pump (mini-splits), water pumps or other similar things.

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## Section 71-27 LANDSCAPING

### A. Purpose:

1. Intent and Purpose. The intent of this Section is to establish standards for the design, installation, and maintenance of landscaping for the protection and enhancement of the City's environment. Landscaping enhances the visual image of the City, helps to preserve natural features, improve property values, and lessen the impact of noise, traffic and visual distraction associated with certain uses.

These regulations are intended to increase the compatibility of adjacent uses by requiring a buffer or screen between uses, and in doing so, minimize the harmful impact of noise, dust and other debris, motor vehicle headlight glare or other artificial light intrusions, and other objectionable activities or impacts conducted or created by adjoining or nearby uses; reduce topsoil erosion and storm water runoff and replenish ground water supply; reduce energy consumption through windbreak and shade; preserve nesting for birds and wildlife; and control insects.

The standards contained in this Section are considered the minimum necessary to achieve the intent. The standards are intentionally flexible to encourage creative design. Property owners are encouraged to provide additional landscaping beyond the minimum requirements to improve the function, appearance, and value of their property.

### B. General requirements:

1. Design creativity. Creativity in landscape design is encouraged. Accordingly, required trees and shrubs may be planted at uniform intervals, at random, or in groupings, depending on the designer's desired visual effect and, equally important, the intent of the integration with existing landscaping on adjacent properties.

2. Installation. When a landscaping plan is required, it shall be installed as part of the building permit construction process. In the event of building completion in the winter months, an installation bond may be required to guarantee completion of the project.

3. Landscape Plan requirements. When a landscape plan is required pursuant to this Ordinance, the landscaping plan shall clearly describe the location, type, size, height, and spacing of materials. The landscape plan may be incorporated into the site plan.

4. General standards for landscape materials and ground cover NEEDS WORK

a. permitted species – Tree Board/Friends

b. prohibited species – Tree Board/Friends

5. Maintenance. All lot areas not used for buildings, parking, loading, and storage shall be landscaped. Maintenance shall include all reasonable and regular watering, weeding, fertilizing, and pruning. Plant materials that show signs of insect pests, diseases, and/or damage should be removed immediately or as soon as practical under the seasonal conditions existing and according to the approved landscape plan. Any mulch or stone used for ground cover must be maintained and refreshed as needed. Any debris or refuse must be removed as soon as possible. The developer or subsequent owner(s) shall be responsible for maintaining all on-site landscaping in a living condition and shall replace any removed plants required based on the approved landscape plan.

### C. Tree lawns and Public Trees.

1. See Chapter 106 Vegetation in the Code of Ordinances.

D. Lighting -see stand-alone document

E. Screening – see stand-alone document

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F. Fencing – see stand-alone document

G. Berms. A berm is a raised mound of soil designed to enhance both the aesthetic and functional aspects of outdoor spaces. They can be installed improve drainage, provide privacy or create a focal point. Berms shall be constructed as follows:

a. Dimensions. Berms shall be measured from the grade or flat ground adjacent to the berm and shall be constructed with slopes no steeper than one (1) foot vertical for each three (3) feet horizontal (33% slope), with a least two (2) feet of flat area on top. Berms may undulate in height, subject to review and approval of the berm design. The height of a berm should not exceed three (3) feet.

b. Protection from erosion. Any berm shall be planted with sod, ground cover, or other suitable live plant material to protect it from erosion so that it retains its height and shape. The use of railroad ties, cement blocks, or other types of construction materials to retain the shape and height of the berm shall be prohibited.

c. Required plantings. The installation of a berm does not eliminate the landscaping requirements.

H. Retaining walls. A structure designed to restrain the existing natural grade of land or changes to grade associated with mass grading of a parcel where the soil slope would not naturally keep due to steep, near vertical or vertical slopes. A retaining wall is considered landscaping. A retaining wall more than four feet in height when measured from existing grade to the highest point requires a building permit.

I. Green infrastructure. The use of rain gardens or bioretention or vegetated swale facilities may be incorporated into parking lot design.

J. Perimeter Landscaping, Parking Lot Landscaping and Foundation Plantings

1. Applicability.

a. One- and two-family residential properties shall be exempt from providing perimeter landscaping, parking lot landscaping as required as provided in this Section.

b. For all other properties any development activity involving an improved property, such landscaping shall be required when the floor area of any building or structure, or parking areas, or any combination thereof, is increased, as follows:

i. If the total of the existing such area(s) is increased twenty-five percent (25%) or less, no additional landscaping is required.

ii. If the total of the existing such area(s) is increased more than twenty-five percent (25%) but less than fifty percent (50%), such landscaping is required for that portion of the lot which is faced by the expanded area(s).

iii. If the total of the existing such area(s) is increased fifty percent (50%) or more, such landscaping is required for the entire development.

The percentage of increase shall be calculated by combining all increases in floor or parking area(s) after the effective date of this ordinance.

2. Minimum Plant sizes at time of planting. The minimum size of landscape plant material at time of installation shall comply with the following:

Plant Type	Minimum Caliper	Minimum Height	Minimum Spread
Deciduous/Canopy Tree	2" measured 2' above grade	N/A	N/A
Ornamental Tree	1.5 inches measured 2' above grade	N/A	N/A
Evergreen Tree	N/A	5'	2'
Deciduous Shrub	N/A	2'6"	2'
Upright Evergreen Shrub	N/A	3-gallon container or 30" in height whichever is greater	N/A
Spreading Evergreen Shrub	N/A	N/A	2' spread
Ornamental or Native Grasses	N/A	18"	N/A
Perennials	N/A	1-gallon container	N/A

3. Perimeter Landscaping.

- a. Trees: Shade trees or evergreen trees are required based on one (1) tree for each seventy (70) feet of lot line length, exclusive of access drives perpendicular to the lot lines.
- b. Ground Cover: Except where occupied by planting beds and trees, all perimeter landscaping areas shall be sodded or seeded with turf grass.

3. Foundation Landscaping: Foundation plantings shall be located adjacent to all sides of buildings which face a public right-of-way or internal street access drives, excluding buildings that are constructed at the front or street side which are not required to provide foundation landscaping.

- i. The foundation landscaping area shall be a minimum of two (2) feet in width and shall remain open and free of all paving except where interrupted for sidewalks and driveways leading directly into the building as necessary ingress and egress.
- ii. Foundation plantings shall consist of a minimum ratio of one plant for every three (3) linear feet of building length. A combination of deciduous shrubs, evergreens, flowers, ornamental grasses and other native ground covers should be used. All planting areas which are not occupied by trees, shrubs, flowers, ground cover, ornamental grasses or mulch shall be sodded or contain decorative landscape stone. Attention should be paid to providing transitions between the building and ground plane, visual breaks along monotonous building facades, and enhancing walkways, entrances, seating areas or other pedestrian areas.
- iii. At the discretion of the Zoning Administrator and City Manager, required foundation plantings may be relocated elsewhere on site or provided in an alternate manner, such as using above-ground planting containers or boxes.

4. Parking Lot Landscaping.

All parking spaces used by employees and guests shall comply with the required parking lot landscape regulations except for areas specifically designated for the storage of vehicles as follows:

- a. Parking in the front and street side yards.

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i. Where parking stalls and drive aisles abut or face a public street, landscaping shall be required between the parking area and the street right-of-way and shall consist of a landscape strip of land at least five (5) feet in width.

ii. Landscaping consisting of one shrub or ornamental grass for each 5' of street frontage excluding curb cuts. One (1) ornamental tree may be planted instead of 5 shrubs or ornamental grasses. Landscaping installed may be placed in groupings within the required landscape strip.

b. Internal parking lot landscaping and Islands.

i. For every twenty (20) parking spaces, there shall be provided a landscape island at least ten (10) feet in width and eighteen (18) in length. The islands shall be dispersed evenly throughout the parking lot.

ii. Each landscape island shall include one canopy tree and include ground cover, ornamental grasses, annual or perennial flowers or shrubbery. Vegetation planted shall not infringe on access to the adjacent parking spaces.

iv. The landscape island may be used as part of the on-site stormwater management system.

5. Transitional buffer strips.

Transitional buffer strips shall be provided along the interior side and rear yards of a lot where a non-residential use abuts directly upon land zoned or used for one or two family residential. Properties located in the D Downtown District are exempt from providing a transitional buffer strip.

a. A minimum 10' wide transitional buffer strip shall be provided along the shared lot line.

b. Screening within the 10' wide transitional buffer strip may consist of the following:

i. Fence or Wall. A solid 6' fence or wall located 10' from the lot line. The area located outside of the fence must have established grass, ground cover, or other suitable live plant materials and shall be planted over the entire length of the transition buffer strip.

ii. Landscaping. The use of evergreens or a landscape screen is proposed, the plans shall consist of closely spaced evergreen plantings (i.e., no farther than fifteen (15) feet apart) which can be reasonably expected to form a complex visual barrier that is at least eight (8) feet above the ground level within three (3) years of planting. Deciduous plant materials may be used provided that a complete visual barrier is maintained throughout the year.

iii. A berm may be installed to help create the required transitional buffer strip. Landscaping will be required on the berm.