



Date: September 22, 2026

To: Buchanan City Commission

From: Kristen Gundersen, Planning and Community Development Director

Subject: **Consideration of an Amendment - Unified Development Code – New Section 71-28 Fencing, Lighting, Screening and Landscaping Standards and deletion of Sections 71-26 Buffering, 71-28 Tree preservation and landscape standards and 71-29 Fencing standards – First Reading of Ordinance**

Background

The Unified Development Code was adopted in late 2025. Staff have been using the document daily to better understand it and to answer questions. In March 2026, staff brought several concerns to the Planning Commission associated with Sections 71-26 Buffering, 71-28 Tree preservation and landscape standards and 71-29 Fencing standards and the Planning Commission directed staff to work on amendments.

Draft language was reviewed, discussed and modified during the April, May and August Planning Commission meetings and the public hearing is scheduled for September 8th. Staff also worked with the Tree Friends Board to create an improved list of appropriate species for planting. Following are some of the changes made:

- Sections 71-26 buffering, 71-28 tree preservation and landscape standards and 71-29 fencing standards have been deleted in their entirety.
- All new language associated with fencing, screening and landscaping have been consolidated into one section and language was added for lighting.
- Changes are proposed to Section 71-27F.7 off-street parking standards – landscaping for parking lots along with H.1.b off-street loading and refuse screening.
- A purpose statement was added explaining the intent of the regulations.
- Within Article IV Administration (Sections 71-32.B4, 71-33.D and G, 71-34.K.3, 71-36.A and D) new language was added to allow the Zoning Board of Appeals to grant fence modifications.

Fencing changes include:

- Language was added regarding measurement, use of gates, reference to clear sight lines and having the good side of the fence face out toward the adjacent properties.
- Defined open and closed fences and limit location of fencing. UDC prohibits the use of chain-link fencing, draft language allows chain-link under certain conditions.

- Incorporated language for public recreational and protective measure fences to be taller under certain conditions.
- Established list of allowable and prohibited materials.
- Added a Fence Height Maximum chart for the different zoning districts.
- Added language for the Zoning Board of Appeals to grant modifications to the fence regulations with different standards for review and requiring written notice to property owners.

Lighting regulations were added:

- Established basic standards to help prevent glare and establishes a 0.5 foot-candle for lighting levels at lot lines other than in the D Downtown District.

Screening standards replace “buffering”:

- Establishes minimum standards for mechanical equipment, outdoor storage, refuse containers and loading areas.
- Provides for use of fencing or berming where appropriate.

Landscaping and buffering standards changes include:

- Removed language associated with tree preservation.
- Updated recommended species list after consulting with Tree Friends.
- Included simple reference to Code of Ordinances for Tree lawns and public trees.
- Provided design guidance for berms, retaining walls and green infrastructure.
- Regulations established for perimeter landscaping, parking lot landscaping, foundation plantings and transitional buffers strips.
- Minimum plant size table created for easy reference.
- Exceptions made for existing structures and residential uses.

Article V Definitions

- Modified the definition of “Fence” and defined “yards and mechanical equipment”.

Planning Commission Recommendation

The Planning Commission conducted a public hearing on the requested text changes during their September 8th meeting. No audience members spoke and the Planning Commission unanimously recommended approval of the request.

Standards for Review

Section 71-36 Specific standards for development approvals and within 71-36.B.2 standards for Amendments to text or the zoning map are stated. The Planning Commission needs to review and discuss the standards before a motion is made. Following is the language from Section 71-36.B.2 of the Unified Development Code:

2. Standards. The advisability of amending the text of this chapter or making an amendment to the zoning map is a matter committed to the legislative discretion of the city commission. In determining whether to adopt or disapprove the proposed amendment, the city commission must consider the following factors:
 - a. Consistent with master plan and vision plan. Whether and the extent to which the proposed amendment is consistent with the master plan and the vision plan.
 - b. Changed conditions. Whether and the extent to which there are changed conditions that require an amendment.
 - c. Community need. Whether and the extent to which the proposed amendment addresses a demonstrated community need.
 - d. Compatible with surrounding uses. Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject land, and is the appropriate zone district for the land, or the proposed amendment to the text of this chapter will maintain or improve compatibility among uses and will ensure efficient development within the City.
 - e. Development patterns. Whether and the extent to which the proposed amendment would result in a logical and orderly development pattern.

Recommendation

The public hearing was conducted earlier in the meeting. Please deliberate the request, review the factors stated above from Section 71.36.B.2 before making a motion. If the Commission concurs with the Planning Commission's recommendation a motion could be stated as "Move to approve the first reading of an ordinance relating to the deletion of Article III Zoning Sections 71-26 Buffering, 71-28 Tree Preservation and Landscaping and 71-29 Fencing standards and the establishment of Section 71-28 Fencing, Lighting, Screening and Landscaping along with amendments to Article IV Administration Sections 71-27.H.1.b, 71-32.B.4, 71-33D and G, 71-34.K.3, 71-36.A and D allowing fence modifications to be granted by the Zoning Board of Appeals under certain conditions and Article V Definitions and any other sections of the Unified Development Code that may be necessary as the proposed amendment is consistent with the factors for a text amendment as found in Section 71.36.B.2 of the Unified Development Code and to schedule the second reading of the ordinance and public hearing for October 26, 2026."

DRAFT PROPOSED ORDINANCE

09282026

**CITY OF BUCHANAN
FENCING, LIGHTING, SCREENING AND LANDSCAPING ORDINANCE
UNIFIED DEVELOPMENT CODE
ORDINANCE NO. 2006.10/458**

AN ORDINANCE TO REPEAL REGULATIONS FOUND IN SECTIONS 71-26 BUFFERING, 71-28 TREE PRESERVATION AND LANDSCAPE STANDARDS AND 71-29 FENCING REGULATIONS IN THEIR ENTIRETY AND TO ESTABLISH NEW REGULATIONS IN SECTION 71-28 PERTAINING TO FENCING, LIGHTING, SCREENING AND LANDSCAPING ALONG WITH SECTIONS 71-27.H.1.b, 71-32.B.4, 71-33.D. and G, 71-34.K.3, 71-36.A and D TO ALLOW FENCE MODIFICATIONS BY THE ZONING BOARD OF APPEALS AND ARTICLE V DEFINITIONS TO ADD NEW TERMS IN THE UNIFIED DEVELOPMENT CODE OF THE CITY OF BUCHANAN TO PROVIDE CLEAR AND CONCISE REVIEW STANDARDS AND TO PROTECT PUBLIC HEALTH, SAFETY, AND WELFARE OF THE COMMUNITY.

IT IS HEREBY ORDAINED BY THE CITY OF BUCHANAN, BERRIEN COUNTY, MICHIGAN:

SECTION 1. Article III Zoning, Sections 71-26 Buffering and 71-29 Fencing standards are hereby repealed as the language is being removed entirely as follows:

Article III Zoning, Sections 71-26 Buffering and 71-29 Fencing standards are hereby repealed in their entirety.

SECTION 2. Article III Zoning – Section 71-27.H.1.b is hereby amended to read as follows:

Sec. 71-27 Parking and loading standards

H. Loading standards.

1. b. Required off-street loading shall be located and screened in accordance with Section 71-28.

SECTION 3. Article III Zoning Section 71-28 Tree preservation and landscape standards is hereby repealed as the language is being removed entirely and replaced with the following new language as follows:

Section 71-28 Fencing, Lighting, Landscaping and Screening Standards

A. Intent and Purpose

The intent and purpose of this section is to provide regulations and requirements for fencing, lighting, landscape and screening of certain uses and perimeters while protecting the character of surrounding areas, enhancing the visual environment, lessening the impact of differing intensity and

use of adjacent properties, securing property, providing safety for individuals, stabilizing soils, controlling blowing dust and debris, preventing the glaring of lighting on adjacent properties, reducing stormwater runoff, and reducing noise.

B. Fencing and wall standards

1. These standards shall apply to fences as an accessory structure in all zoning districts.
 - a. Permits Required. Construction of a fence shall require issuance of a permit issued by the City, prior to construction or installation of any fence.
 - b. 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.
 - c. 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.
 - d. Clear Sight Lines. All fencing shall comply with the Clear sight lines regulations found in Section 71-16G.
 - e. Gates. Shall not swing over public rights-of-way or onto an adjacent property.
 - f. Pools. Fences that serve as enclosure for a swimming pool shall meet the permit requirements and standards of the State of Michigan Building Code.
 - g. Placement in recorded easements. Fencing may be approved within recorded easements, however, those with easement rights may need to remove the fence.
2. Fence design, types, materials and maintenance. These standards shall apply to fences in all zoning districts.
 - a. 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:
 - ii. Symmetrical construction having identical inside and outside appearance, including anchor posts and frame members.
 - ii. 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.
 - b. Fence Types.
 - i. 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, chain link, picket, or metal open fences.
 - ii. 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, 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.

d. 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.

4. Table 71-Q Fence Height Maximums

Table 71-Q Fence Height Maximums					
	<u>N, NE, GN, NC – One and Two- Family Residential Uses</u>	<u>N, NE, GN, NC – Three-Family or more Residential Uses or Non- Residential Uses</u>	<u>D</u>	<u>SC</u>	<u>I</u>
<u>Front Yard</u>	<u>4' – open excluding chain-link 3' - solid</u>	<u>4' – open excluding chain- link 3' - solid</u>	<u>N/A</u>	<u>4' – open excluding chain link</u>	<u>4' – open or solid excluding chain link</u>
<u>Secondary Front Yard – Behind front face of building</u>	<u>6'</u>	<u>6'</u>	<u>6'</u>	<u>6'</u>	<u>6'</u>
<u>Side Yard – Behind front face of building</u>	<u>6'</u>	<u>6'</u>	<u>6'</u>	<u>6'</u>	<u>6'</u>
<u>Rear Yard</u>	<u>6'</u>	<u>6'</u>	<u>6'</u>	<u>6'</u>	<u>6'</u>
<u>Public Recreational Use Fencing</u>	<u>6'</u>	<u>12'</u>	<u>N/A</u>	<u>N/A</u>	<u>12'</u>

C. Lighting standards

1. The standards shall apply to all exterior lighting found in any zoning district.
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 fixtures 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.

D. Screening standards

1. These standards apply to all uses and zoning districts where mechanical equipment, outdoor storage and refuse containers are found on the exterior of the building.
2. Exceptions to screening requirements. One to four-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.
6. Loading areas. All new exterior loading areas shall be placed at the rear of the building when possible.
 - a. Loading areas visible from the street shall be screened with a wall or landscaping sufficient height to screen equipment and vehicles.

E. Landscaping and Buffering standards

1. 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.
2. General requirements
 - a. 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.
 - b. 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
- a. Table 71-R Permitted species. Following is a list of permitted species of trees to be planted. Species not listed are either prohibited or must be reviewed and approved by the zoning administrator after review of the updated MDNR Recommended Trees for Community Planting and/or discussions with the Buchanan Tree Friends Board prior to installation.

Table 71- R Permitted species						
<u>Common Name</u>	<u>Botanical Name</u>	<u>Size</u>	<u>Native</u>	<u>Street Sidewalk Friendly</u>	<u>Riparian Friendly</u>	<u>Park or Utility Friendly</u>
<u>Serviceberry</u>	<u>Amelanchier spp.</u>	<u>Small</u>	<u>Yes</u>	<u>Yes</u>	<u>No</u>	<u>No</u>
<u>Eastern Redbud</u>	<u>Cercis canadensis</u>	<u>Small</u>	<u>Yes</u>	<u>Yes</u>	<u>No</u>	<u>No</u>
<u>Pagoda Dogwood</u>	<u>Cornus alternifolia</u>	<u>Small</u>	<u>Yes</u>	<u>Yes</u>	<u>No</u>	<u>No</u>
<u>Flowering Dogwood</u>	<u>Cornus florida</u>	<u>Small</u>	<u>Yes</u>	<u>No</u>	<u>No</u>	<u>No</u>
<u>Kousa Dogwood</u>	<u>Cornus kousa</u>	<u>Small</u>	<u>Yes</u>	<u>No</u>	<u>No</u>	<u>No</u>
<u>Hawthorn (Thornless)</u>	<u>Crataegus spp. Var. inermis</u>	<u>Small</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>No</u>
<u>Star Magnolia</u>	<u>Magnolia stellata</u>	<u>Small</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>No</u>
<u>Saucer Magnolia</u>	<u>Magnolia x soulangiana</u>	<u>Small</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>No</u>
<u>Red Horsechestnut</u>	<u>Aesculus x carnea</u>	<u>Medium</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>No</u>
<u>River Birch – single stem only</u>	<u>Betula nigra</u>	<u>Medium Large</u>	<u>Yes</u>	<u>No</u>	<u>No</u>	<u>No</u>
<u>European Hornbeam</u>	<u>Carpinus betulus</u>	<u>Small Medium</u>	<u>Yes</u>	<u>No</u>	<u>No</u>	<u>No</u>
<u>American Hornbeam</u>	<u>Carpinus Carolina</u>	<u>Small Medium</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>
<u>Yellowwood</u>	<u>Cladrastis kentukea</u>	<u>Medium</u>	<u>Yes</u>	<u>Yes</u>	<u>No</u>	<u>No</u>
<u>Turkish Filbert – Turkish Hazel</u>	<u>Corylus colurna</u>	<u>Medium</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>No</u>

<u>Ginkgo (male only)</u>	<u>Ginkgo biloba</u>	<u>Medium Large</u>	<u>No</u>	<u>Yes</u>	<u>No</u>	<u>Yes</u>
<u>Thornless Honeylocust</u>	<u>Gleditsia triacanthos var. inermis</u>	<u>Medium Large</u>	<u>Yes</u>	<u>No</u>	<u>No</u>	<u>No</u>
<u>American Tamarack</u>	<u>Larix laricina</u>	<u>Medium</u>	<u>Yes</u>	<u>Yes</u>	<u>No</u>	<u>No</u>
<u>Hop-Hornbeam Ironwood</u>	<u>Ostrya virginiana</u>	<u>Small medium</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>
<u>Sourwood</u>	<u>Oxydendrum arboreum</u>	<u>Small medium</u>	<u>Yes</u>	<u>No</u>	<u>No</u>	<u>No</u>
<u>Persian Parrotia</u>	<u>Parrotia persica</u>	<u>Small medium</u>	<u>Yes</u>	<u>No</u>	<u>No</u>	<u>No</u>
<u>Ohio Buckeye</u>	<u>Aesculus glabra</u>	<u>Large</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>No</u>
<u>Bitternut Hickory</u>	<u>Carya cordiformis</u>	<u>Large</u>	<u>Yes</u>	<u>No</u>	<u>No</u>	<u>No</u>
<u>Red Maple</u>	<u>Acer rubrum</u>	<u>Large</u>	<u>Yes</u>	<u>Yes</u>	<u>No</u>	<u>Yes</u>
<u>Sugar Maple</u>	<u>Acer saccharum</u>	<u>Large</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>
<u>Pignut Hickory</u>	<u>Carya glabra</u>	<u>Large</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>No</u>
<u>Shagbark Hickory</u>	<u>Carya ovata</u>	<u>Large</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>No</u>
<u>Catalpa</u>	<u>Catalpa spp.</u>	<u>Large</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>No</u>
<u>Hackberry</u>	<u>Celtis occidentalis</u>	<u>Medium Large</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>No</u>
<u>Katsura</u>	<u>Cercidiphyllum japonicum</u>	<u>Medium Large</u>	<u>Yes</u>	<u>No</u>	<u>No</u>	<u>no</u>
<u>American Beech</u>	<u>Fagus grandifolia</u>	<u>Large</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>No</u>
<u>Kentucky Coffeetree</u>	<u>Gymnocladus dioica</u>	<u>Large</u>	<u>Yes</u>	<u>Yes</u>	<u>No</u>	<u>No</u>
<u>Tulip Tree</u>	<u>Liriodendron tulipifera</u>	<u>Large</u>	<u>Yes</u>	<u>Yes</u>	<u>No</u>	<u>No</u>
<u>Dawn Redwood</u>	<u>Metasequoia glyptostroboides</u>	<u>Large</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>No</u>
<u>Sycamore</u>	<u>Platanus occidentalis</u>	<u>Large</u>	<u>Yes</u>	<u>Yes</u>	<u>No</u>	<u>No</u>

London Planetree	Platanus _____ x acerifolia	Large	Yes	No	No	no
White Pine	Pinus strobus	Large	Yes	No	No	No
White Oak	Quercus alba	Large	Yes	Yes	No	No
Swamp White Oak	Quercus bicolor	Large	Yes	Yes	Yes	No
Shingle Oak	Quercus imbricaria	Large	Yes	No	No	No
Bur Oak	Quercus macrocarpa	Large	Yes	Yes	No	No
Chinkapin Oak	Quercus muehlenbergli	Large	Yes	Yes	No	No
Red Oak	Qauercus rubra	Large	Yes	Yes	No	No
Baldcypress	Taxodium distichum	Large	Yes	Yes	No	no
American Linden Basswood	Tilia americana	Large	Yes	Yes	No	No
Littleleaf Linden	Tilia cordata	Large	Yes	No	No	No
Silver Linden	Tilia tomentosa	Large	Yes	No	No	No
American Elm	Ulmus americanan x Hybrids	Large	Yes	Yes	Yes	No
Zelkova	Zelkova serrata	Large	No	No	No	no

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.

F. Tree lawns and Public Trees.

See Chapter 106 Vegetation in the Code of Ordinances.

G. Berms

1. 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 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. Standard design principles shall be incorporated into the facility.

J. Perimeter Landscaping, Parking Lot Landscaping, Foundation Plantings and Transitional Buffer Strips

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. Table 71-S Minimum Plant sizes at time of planting. The minimum size of landscape plant material at time of installation shall comply with the following:**

Table 71-S Minimum Plan Sizes at Time of Planting			
Plant Type	Minimum Caliper	Minimum Height	Minimum Spread
<u>Deciduous/Canopy Tree</u>	<u>2" measured 2' above grade</u>	<u>N/A</u>	<u>N/A</u>
<u>Ornamental Tree</u>	<u>1.5 inches measured 2' above grade</u>	<u>N/A</u>	<u>N/A</u>
<u>Evergreen Tree</u>	<u>N/A</u>	<u>5'</u>	<u>2'</u>
<u>Deciduous Shrub</u>	<u>N/A</u>	<u>2'6"</u>	<u>2'</u>
<u>Upright Evergreen Shrub</u>	<u>N/A</u>	<u>3-gallon container or 30" in height whichever is greater</u>	<u>N/A</u>
<u>Spreading Evergreen Shrub</u>	<u>N/A</u>	<u>N/A</u>	<u>2' spread</u>
<u>Ornamental or Native Grasses</u>	<u>N/A</u>	<u>18"</u>	<u>N/A</u>
<u>Perennials</u>	<u>N/A</u>	<u>1-gallon container</u>	<u>N/A</u>

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.

4. 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.

- a. 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.
- b. 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.

- c. 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.

5. 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.
 - 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.
 - iii. The landscape island may be used as part of the on-site stormwater management system.

6. 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 four family dwellings. 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.

SECTION 4. Article IV Administration, Section 71-32.B.4 is hereby amended as follows:

4. Removing or damaging required landscaping without approval of a revised site and landscape plan.

SECTION 5. Article IV Administration, Section 71-33.D is hereby amended with additional new language as follows:

c. Fence modifications. To review, hear, consider and approve, approve with conditions or disapprove modification.

Section 6. Article IV Administration, Section 71-34.G – Table 71-U Timing Notice is hereby amended with the following additional language as follows:

TABLE 71-U NOTICE TIMING		
Application	Notice Required	
	Written	Published
Fence Modification	Not less than 15 days prior to meeting date	None

SECTION 7. Article IV Administration, Section 71-34.K3 Review of applications by decision making bodies is hereby amended to add the following new language:

a. Fence Modification. After the submission of an application for a fence modification, the zoning board of appeals will conduct a public hearing on the application. After the close of the public hearing, the zoning board of appeals will either approve, approve with conditions, or disapprove the application based on the relevant review standards.

SECTION 8. Article IV Administration, Section 71-36.A Table 71-V Development Review Procedures is hereby amended to add the following:

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	
Fence Modification	R		[A]			W

SECTION 9. Article IV Administration, Section 71-36.D Variances is hereby amended to add new language as follows:

D. Variances

1. Purpose

- a. General. There are three types of variances allowed under the terms of this chapter: dimensional variances, use variances and fence modifications.
- d. Fence modifications. Fence modifications are deviations from Section 71-28.B 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 71.28.B 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.

3. Standards

- 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 71.28.B 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.
- d. Conditions of approval...
- e. Recording....
- f. Expiration...
- g. Extension...

Section 0. Article V. Definitions is amended to add or modify the following definitions:

Berm: 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

Fence: a barrier, railing, buffer or other fixed 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.

Mechanical equipment: 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.

Retaining wall: 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.

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.

Streetside Yard: the open space between the wall of the building street side 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.

Effective Date

This Ordinance shall become effective fifteen (15) days after its adoption and publication as required by Section 7.4 of the City Charter.

MADE, PASSED, AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF BUCHANAN, BERRIEN COUNTY, MICHIGAN ON THE __ DAY OF APRIL 2026 AND IT WAS PUBLISHED IN THE BERRIEN COUNTY RECORD NEWSPAPER ON DAY__ OF APRIL 2026 BY

MARK WEEDON, MAYOR _____

KALLA LANGSTON, CITY CLERK _____

CERTIFICATION, I hereby certify that the above is a true and complete copy of an ordinance adopted by the City Commission of the City of Buchanan, County of Berrien, State of Michigan, at a regular meeting held on the __day of April 2026, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with Act No. 267, Public Acts of Michigan, 1976 as required by said act.

Kalla Langston, City Clerk



Text Amendment (Changing Language in Unified Development Code – zoning ordinance) Application

Please print legibly. All portions must be completed. Do not leave any section blank, use N/A. Incomplete forms will be returned. If additional space is needed, please use additional sheets of paper.

Property Information

Applicable Section of Zoning Ordinance that amendment is requested: Sections 71-26 Buffering, 71-28 Tree preservation and landscape standards, 71-29 Fencing standards - see redline for smaller items.

Briefly Explain Request: Three sections will be deleted in entirety and new language has been added to provide clear intent, inclusion of standards language and consolidating into one section.

Are there other requests associated with application?: If yes, explain: No, please see attached redline and draft language.

Applicant Information

In case of trust, provide the name, address and telephone numbers of all trustees and beneficiaries of the trust. An LLC or corporation must provide a copy of Articles of Incorporation. In case the applicant is not the property owner, written permission from the property owner is required.

Name of Applicant: City of Buchanan - Kristen Gundersen

Relationship to Property Owner: staff

Mailing Address: 302 N Redbud Trail

City: Buchanan State: MI Zip Code: 49107

Telephone Number: 269.695.3844 Emergency Number: _____

E-mail Address: kgundersen@cityofbuchanan.com

Attorney: Butzel

Mailing Address: _____

City: _____ State: _____ Zip Code: _____

Telephone: _____ E-mail Address: _____

Engineer or Architect: N/A

Mailing Address: _____

City: _____ State: _____ Zip Code: _____

Telephone: _____ E-mail Address: _____

Proposed Language Change (please use additional paper if needed)

Existing section and language from Zoning Ordinance: See attached

Proposed new language for the Zoning Ordinance: See attached

Explain how the proposed new language supports the goals and objectives of the adopted Master Plan: The draft changes will help to ensure the development review process is simple, efficient, predictable and easily accessible (4-1) by consolidating the location of similar regulations. Removes tree preservation regulations as there is not qualified staff to coordinate process. Will help to improve appearance of properties when redeveloped by having consistent, easy to understand regulations (4-6)

Text Amendment Standards

If needed use additional sheets of paper to respond to Standards.

Section 71-35.B.2 Standards. The advisability of amending the text of this chapter or making an amendment to the zoning map is a matter committed to the legislative discretion of the City Commission. In determining whether to adopt or disapprove d the proposed amendment, the City Commission must consider the following factors:

- a. Consistent with master plan and vision plan. Whether and the extent to which the proposed amendment is consistent with the master plan and the vision plan. Proposed amendments are consistent with 4-1 to ensure the development review process is simple, efficient, predictable and easily accessible. The proposed amendments consolidate similar regulations into one section.
-
-

- b. Changed conditions. Whether and the extent to which there are changed conditions that require an amendment. The existing language had a very detailed tree removal process and there is no qualified staff to administer such a program. The fencing regulations did not include standard design requirements typical to fence requirements. It was unclear if creening was required for refuse disposal containers, loading areas, or mechanical equipment. Trees listed are not desired in the area.
-

- c. Community need. Whether and the extent to which the proposed amendment addresses a demonstrated community need.

There are no existing regulations associated with on-site lighting requirements. The Unified Development Code needs to provide easy to understand regulations while improving the built environment and limiting negative impacts on the surrounding area.

- d. Compatible with surrounding uses. Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject land, and is the appropriate zone district for the land, or the proposed amendment to the text of this chapter will maintain or improve compatibility among uses and will ensure efficient development within the City.

The proposed text amendment pertains to properties or uses described in the language. It is believed the proposed amendment creates, clear and concise regulations.

- e. Development Patterns. Whether and the extent to which the proposed amendment would result in a logical and orderly development pattern.

Properties relying on the proposed amendment for improvements to private property will help to maintain a logical and orderly development pattern.

TEXT AMENDMENT APPLICATION CERTIFICATION

The Applicant certifies and acknowledges and agrees that:

- A. The statements contained in this application are true and correct to the best of the Applicant's knowledge and belief. The owner of the subject property, if different from the applicant, states that they consent to the filing of the application and that all information contained is true and correct to the best of their knowledge;
- B. The Applicant understands that an incomplete or nonconforming application will not be considered. In addition, the Applicant understands that the City may require additional information prior to the consideration of this application;
- C. The Applicant shall make the property that is subject of this application available for inspection by the City at reasonable times;
- D. If any information provided in this application changes or becomes incomplete or inapplicable for any reason following submission of this application, the Applicant shall submit a supplemental application or other acceptable written statement containing the new or corrected information as soon as practicable but not less than ten (10) days following the change, and that failure to do so shall be grounds for denial of the application;
- E. The Applicant understands that if the application is approved with conditions, those conditions will need to be met as part of any permit issued; and
- F. The Applicant understands they are responsible for all application fees. Fees are non-refundable and there is no guarantee the application will be approved or permits issued. There should be no outstanding monies owed to the City (i.e., water bill or taxes).

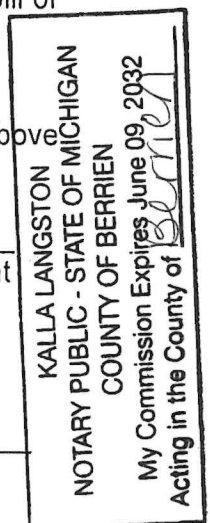
On the 10th, day of August, 2026, I/We have read the above certification, understand it, and agree to abide by its conditions.

[Signature], City of Buchanan Kristen Gundersen
Signature of Applicant or Authorized Agent Name of Applicant or Authorized Agent

SUBSCRIBED AND SWORN

To before me this 10 day of
Aug, 2026

[Signature]
Notary Public



NOTE: Language to be deleted shown with strikethrough. New language shown with highlight. Additional formatting will take place with creation of adopting ordinance.

Section 71-26 Buffering (delete in entirety)

Sec. 71-26 Buffering

Buffering is required between industrial and commercial development and adjacent uses.

- A. Transition with landscape buffers. A landscape buffer is required along shared lot lines where different zoning districts abut, as specified in [Table 71-L Buffer Requirements](#).
- B. Buffers must meet the configuration standards in [Table 71-M Buffer Types](#).
- C. Landscape buffers must:
 - 1. Be located on the newly developing property;
 - 2. Include continuous evergreen hedges with one row per five feet of buffer width;
 - 3. Include ground cover to cover all exposed soil; and
 - 4. Allow two understory trees to substitute for one canopy tree, up to 30 percent of the required tree count;
 - 5. Natural drainage ways or existing vegetation may be substituted for required buffers when:
 - a. The feature is at least 20 feet wide.

TABLE 71-L BUFFER REQUIREMENTS							
Proposed Zoning	Existing Adjacent Zoning						
	N	NE	GN	NC	D	SC	I
N							
NE				A	B	C	C
GN				A	B	B	C
NC	C	B	A				B
D	C	B	A				B
SC	C	C	C	B	B		
I	C	C	C	C	C	B	

TABLE 71-M BUFFER TYPES			
Type	Width of Buffer	Hedge	Canopy Trees
A	6' minimum	6' high at maturity, planted 30 inches on center, minimum.	1 per each 50 linear ft.
B	10' minimum		1 per each 40 linear ft.
C	25' minimum		2 per each 50 linear ft.

~~Sec. 71-28 Tree preservation and landscape standards~~

(delete in entirety)

~~A. Purpose:~~

- ~~1. Preserve and increase Buchanan's urban tree canopy for public health, safety, welfare, storm-water management, heat-island mitigation, habitat, community character, and economic development.~~
- ~~2. Implement the Buchanan Tree Maintenance Program, including its risk-based priorities, seven-year pruning cycle, planting targets, and species-diversity goals.~~
- ~~3. Satisfy Tree City USA eligibility and the MEDC "Development-Ready Communities" Best Practice 2.6 for Green Infrastructure.~~
- ~~4. Provide plain, prescriptive standards that is simple to administer, with direction from the Tree Board (formerly Buchanan Tree Friends) as needed.~~

~~B. Applicability:~~

- ~~1. All new construction, site-plan, or subdivision applications in every zoning district.~~
- ~~2. Any removal of a Protected Tree (≥ 8 in. diameter at breast height (DBH)) or Landmark Tree (≥ 24 in. DBH or on the City's "special-status" list).~~
- ~~3. Public trees in rights-of-way, parks, civic spaces, and City facilities.~~
- ~~4. Routine single- or two-family yard activity that does not remove a Protected or Landmark Tree is exempt from subsections ~~E-G~~.~~

~~C. Administration:~~

- ~~1. The community development director (or designee) is the approving authority.~~
- ~~2. Tree Work / Tree Removal Permits are one-page forms; compliant applications are approved administratively within 5 working days.~~
- ~~3. The community development director may consult a certified arborist, the Tree Board, or the City's on-call engineer; reasonable review costs may be charged to the applicant.~~
- ~~4. A Tree Fund is hereby created; in-lieu fees, fines, and donations are used solely for public-tree planting, maintenance, or inventory updates.~~
- ~~5. Tree Board designation. The volunteer organization known as Buchanan Tree Friends is hereby designated as the Buchanan Tree Board for the purposes of this Code, Tree City USA, and grant eligibility.~~

~~D. Public tree care:~~

- ~~1. Street- and park-tree pruning must follow a 6- to 7-year cycle; young trees (< 6 in. DBH) must receive structural training every 3 years.~~

2. High-risk trees identified in the Buchanan Tree Maintenance Program are treated first, then moderate-risk, then routine maintenance.
3. Any contractor working on a public tree must hold ISA Certified Arborist credentials and obtain a permit.

E. Tree preservation in development:

1. Tree survey. Site plans must show location, species, and DBH of all existing trees ≥ 6 in. DBH.
2. Preservation priority. Designs must avoid Landmark Trees. The Administrator may waive preservation if no prudent and feasible alternative exists.
3. Protection during construction. Preserved trees must be fenced at the dripline or ≥ 10 ft. radius, whichever is greater; no grading, trenching, storage, or vehicle traffic is permitted inside the fence.
4. Credits for preservation. Each healthy tree ≥ 8 in. DBH retained counts toward new-tree requirements, per [Table 71-Q](#).

TABLE 71-Q TREE PRESERVATION CREDITS	
Existing Tree Diameter at Breast Height (DBH)	Count As
8 to 17 in.	2 new trees
18 to 23 in.	3 new trees
≥ 24 in. (Landmark trees)	4 new trees

F. Tree removal and replacement:

1. Removal of any Protected or Landmark Tree requires a permit.
2. Replacement is calculated on total diameter removed:
 - a. Protected Trees — replace 50% of removed DBH (inch-for-inch).
 - b. Landmark Trees — replace 100% of removed DBH.
1. Replacement stock: deciduous 2.5-in. caliper minimum; evergreen 8 ft. tall minimum.
2. If the site cannot physically accept all required inches, pay an in-lieu fee of \$200 per 2.5-in. caliper (or equivalent) to the Tree Fund.

G. Landscape planting standards:

1. Front-yard planting by zoning district:
 - a. NE: ≥ 2 understory trees or 1 understory tree + 10 shrubs.
 - b. GN & NP-M: ≥ 1 understory tree or 10 shrubs.
 - c. Existing healthy trees may satisfy these counts.
2. Suburban Commercial (SC) & Industrial (I) Districts
 - a. Minimum landscaped area: 15% of gross lot area.

b. Minimum 2 shrubs per 250 sq. ft. and 2 trees per 500 sq. ft. of required landscape area; cover beds 100% with living groundcover or mulch.

c. At least 25% of landscaping must lie along lot lines if abutting a different zoning district.

d. Outdoor storage and waste areas within 15 ft. of a lot line must be screened by a continuous 6-ft. opaque fence, wall, or evergreen hedge.

3. Street trees, parking lots, and internal landscaping.

a. Street frontage. 1 canopy tree per 40 linear ft. of new public or private street.

b. Parking lots. 1 landscape island with a canopy tree per 12 spaces; islands minimum 9 × 18 ft. and curbed with openings for infiltration.

c. Internal plantings may count toward the lot-wide tree totals.

Clearances between trees and objects are required per [Table 71-R](#).

TABLE 71-R TREE CLEARANCES	
Horizontal	
2 ft.	from walks and curbs (in wells or planters)
3 ft.	from swales
5 ft.	from underground utilities
6 ft.	from one-story eaves
8 ft.	from two-story eaves
Vertical	
8 ft.	above walks
13 ft.	above drives and streets

4. Prohibited material.

a. Plants with hazardous thorns within 2 ft. of front or side-street lot lines.

b. Artificial plants or artificial turf except on athletic fields.

c. Species listed as “invasive or noxious” by the State of Michigan or subsection [L](#).

H. Exemptions:

1. Dead or imminently hazardous trees (documented by photo or arborist letter).

2. Species classified as invasive by the State of Michigan.

3. Emergency work by public utilities.

4. Active commercial orchards or Christmas-tree farms.

5. Routine pruning that follows ANSI A300 and removes ≤ 25% of live crown in one season.

I. Species selection and diversity.

1. Follow the Recommended Species List in subsection [M](#), excerpted from the Tree Maintenance Program, as amended by resolution.

2. ~~Diversity goal: no more than 20% of any one genus or 10% of any one species within a development phase.~~
3. ~~To reduce over-representation, no additional maples may be planted until the citywide maple share falls below 30%.~~

J. ~~Maintenance and warranty.~~

1. ~~Applicants must guarantee survival of new plant material for two growing seasons; dead plantings must be replaced at the applicant's cost.~~
2. ~~For large projects requiring financial guarantees, the City shall inspect replacements before releasing any bond or letter of credit.~~

K. ~~Enforcement and penalties.~~

1. ~~Violation is a municipal civil infraction; fines per municipal Schedule of Fees plus required tree replacement.~~
2. ~~Illegal removal of a Landmark Tree requires 200% inch-for-inch replacement or equivalent in-lieu fee.~~
3. ~~The Administrator may issue stop-work orders for continued non-compliance.~~

L. ~~Prohibited species list.~~

1. ~~The following species shall not be planted within the City and, if present, should be removed when practical:~~
 - a. ~~Tree-of-Heaven (Ailanthus altissima)~~
 - b. ~~Black Locust (Robinia pseudoacacia)~~
 - c. ~~Common Buckthorn (Rhamnus cathartica)~~
 - d. ~~Glossy Buckthorn (Frangula alnus)~~
 - e. ~~Cattery/Bradford Pear (Pyrus calleryana)~~
 - f. ~~Norway Maple (Acer platanoides)~~
 - g. ~~Russian Olive (Elaeagnus angustifolia)~~
 - h. ~~Any species listed as "Prohibited" or "Restricted" under Michigan's Natural Resources and Environmental Protection Act, Part 413.~~

M. Recommended species list:

1. The recommended species list is in [Table 71-S](#). The City Commission may, by resolution, add to or revise this list to address pests, climate trends, or inventory data without amending the text of this section.

TABLE 71-S—RECOMMENDED SPECIES LIST

COMMON NAME	BOTANICAL NAME	CULTIVAR	NATIVE	SHAPE	MATURE SPREAD (FT.)	MATURE HEIGHT (FT.)
American Elm	Ulmus americana	Valley Forge; Princeton	Yes	Vase	50 to 70	70 to 90
American Hornbeam	Carpinus caroliniana		Yes	Upright	20 to 30	20 to 30
American Linden	Tilia americana		Yes	Rounded	30 to 50	50 to 80
American Yellowwood	Cladrastis kentukea		No	Rounded/ Vase	20 to 50	40 to 50
Bald Cypress	Taxodium distichum		No	Pyramidal	25 to 35	60 to 80
Blackgum	Nyssa sylvatica		No	Pyramidal/ Oval	25 to 35	65 to 75
Bur Oak	Quercus macrocarpa		Yes	Upright Oval/ Spreading	40 to 60	60 to 70
Cockspur Thornless Hawthorn	Crataegus crusgalli var inermis		Yes	Rounded	10 to 25	10 to 15
Crabapple	Malus spp.	Sugar Tyme; Prairie Fire; Various	No	Rounded	20 to 25	20 to 25

TABLE 71-S RECOMMENDED SPECIES LIST

COMMON NAME	BOTANICAL NAME	CULTIVAR	NATIVE	SHAPE	MATURE SPREAD (FT.)	MATURE HEIGHT (FT.)
Cucumbertree magnolia	Magnolia acuminata	Various	No	Pyramidal	20 to 35	40 to 70
Dawn Redwood	Metasequoia glyptostroboides		No	Upright Pyramidal	20 to 30	60 to 80
Eastern Hackberry	Celtis occidentalis		Yes	Rounded	40 to 50	60 to 70
European Hornbeam	Carpinus betulus	Fastigiata; Various	No	Oval	20 to 30	40 to 30
Ginkgo	Ginkgo biloba	male trees only	No	Round / Pyramidal	30 to 60	50 to 75
Golden Raintree	Koelreuteria paniculata		No	Rounded	30 to 40	30 to 40
Green hawthorn	Crataegus viridis	Winter King	No	Upright Vase to Spreading	15 to 20	10 to 15
Hybrid Elm	Ulmus X	Patriot; Triumph; Accolade	No	Vase	30 to 45	40 to 60
Japanese Tree Lilac	Syringia reticulata	Ivory Silk	No	Oval to Rounded	15 to 20	20 to 30
Katsura tree	Cercidiphyllum japonicum		No	Upright to Pyramidal	30 to 40	30 to 40
Kentucky Coffeetree	Gymnocladus dioica		No	Upright to Rounded	40 to 70	50 to 70
Kousa dogwood	Cornus kousa		No	Rounded / Vase	15 to 30	15 to 30
Little-leaf Linden	Tilia cordata	Greenspire	No	Pyramidal to Rounded	30 to 40	40 to 60
London Planetree	Platanus x acerifolia	Bloodgood; Various	No	Pyramidal / Rounded	50 to 70	75 to 90
Northern Red Oak	Quercus rubra		Yes	Rounded	60 to 80	50 to 60
Pin Oak	Quercus palustris		Yes	Upright Pyramidal / Oval	40 to 50	60 to 80

TABLE 71-S — RECOMMENDED SPECIES LIST

COMMON NAME	BOTANICAL NAME	CULTIVAR	NATIVE	SHAPE	MATURE SPREAD (FT.)	MATURE HEIGHT (FT.)
Red Horsechestnut	Aesculus x carnea	Briotti; Ft. McNair	Hybrid	Upright / Oval	30 to 40	60 to 80
Redbud	Cercis canadensis	Various	Yes	Rounded	15 to 25	15 to 30
River Birch	Betula nigra		Yes	Upright / Oval	30 to 40	40 to 60
Serviceberry or Juneberry	Amelanchier x grandiflora	Autumn Brilliance; Princess Diana	Hybrid	Rounded	10 to 15	10 to 25
Silver Linden	Tilia tomentosa		No	Broad Columnar	30 to 50	50 to 70
Swamp White Oak	Quercus bicolor		Yes	Upright Oval / Rounded	50 to 60	50 to 70
Sweetgum	Liquidambar styraciflua		Yes	Pyramidal / Oval	35 to 50	60 to 75
Sycamore	Platanus occidentalis		Yes	Pyramidal / Rounded	50 to 70	75 to 90
Thornless Honeylocust	Gleditsia triacanthos var inermis	Various	Yes	Rounded	30 to 70	30 to 70
Tuliptree	Liriodendron tulipifera		Yes	Pyramidal / Oval	35 to 50	70 to 90
Zelkova	Zelkova serrata	Green Vase; Village Green	No	Vase	40 to 50	60 to 80

~~Sec. 71-29 Fencing standards~~ (Delete in entirety)

- ~~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.~~

Section 71-28 Fencing, Lighting, Landscaping and Screening Standards

A. Intent and Purpose

The intent and purpose of this section is to provide regulations and requirements for fencing, lighting, landscape and screening of certain uses and perimeters while protecting the character of surrounding areas, enhancing the visual environment, lessening the impact of differing intensity and use of adjacent properties, securing property, providing safety for individuals, stabilizing soils, controlling blowing dust and debris, preventing the glaring of lighting on adjacent properties, reducing stormwater runoff, and reducing noise.

B. Fencing and wall standards

1. These standards shall apply to fences as an accessory structure in all zoning districts.
 - a. Permits Required. Construction of a fence shall require issuance of a permit issued by the City, prior to construction or installation of any fence.
 - b. 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.
 - c. 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.
 - d. Clear Sight Lines. All fencing shall comply with the Clear sight lines regulations found in Section 71-16G.
 - e. Gates. Shall not swing over public rights-of-way or onto an adjacent property.
 - f. Pools. Fences that serve as enclosure for a swimming pool shall meet the permit requirements and standards of the State of Michigan Building Code.
 - g. Placement in recorded easements. Fencing may be approved within recorded easements, however, those with easement rights may need to remove the fence.
2. Fence design, types, materials and maintenance. These standards shall apply to a fences in all zoning districts.
 - a. 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:
 - ii. Symmetrical construction having identical inside and outside appearance, including anchor posts and frame members.
 - ii. 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.
 - b. Fence Types.
 - i. 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, chain link, picket, metal open fences.
 - ii. 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 may be 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, 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.

d. 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.

5. 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'

C. Lighting standards

1. The standards shall apply to all exterior lighting found in any zoning district.
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.

D. Screening standards

1. These standards apply to all uses and zoning districts where mechanical equipment, outdoor storage and refuse containers are found on the exterior of the building.
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 as follows:
 - 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 to four-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.
6. Loading areas. All new exterior loading areas shall be placed at the rear of the building when possible.
 - a. Loading areas visible from the street shall be screened with a wall or landscaping sufficient height to screen equipment and vehicles.

E. Landscaping and Buffering standards

1. 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.

2. General requirements

- a. 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.
- b. 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.

- a. Permitted species. Following is a list of permitted species of trees to be planted. Species not listed are either prohibited or must be reviewed and approved by the zoning administrator after review of the updated Michigan Department of Natural Resources (MDNR) Recommended Trees for Community Planting and/or discussions with the Buchanan Tree Friends Board prior to installation.

Common Name	Botanical Name	Size	Native	Street Sidewalk Friendly	Riparian Friendly	Park/Utility Friendly
Serviceberry	Amelanchier spp.	Small	Yes	Yes	No	No
Eastern Redbud	Cercis canadensis	Small	Yes	Yes	No	No
Pagoda Dogwood	Cornus alternifolia	Small	Yes	Yes	No	No
Flowering Dogwood	Cornus florida	Small	Yes	No	No	No
Kousa Dogwood	Cornus kousa	Small	Yes	No	No	No
Hawthorn (Thornless)	Crataegus spp. Var. inermis	Small	No	No	No	No
Star Magnolia	Magnolia stellata	Small	No	No	No	No
Saucer Magnolia	Magnolia x soulangiana	Small	No	No	No	No
Red Horsechestnut	Aesculus x carnea	Medium	No	No	No	No

River Birch – single stem only	Betula nigra	Medium Large	Yes	No	No	No
European Hornbeam	Carpinus betulus	Small Medium	Yes	No	No	No
American Hornbeam	Carpinus Carolina	Small Medium	Yes	Yes	Yes	Yes
Yellowwood	Cladrastis kentukea	Medium	Yes	Yes	No	No
Turkish Filbert – Turkish Hazel	Corylus colurna	Medium	No	No	No	No
Ginkgo (male only)	Ginkgo biloba	Medium Large	No	Yes	No	Yes
Thornless Honeylocust	Gleditsia triacanthos var. inermis	Medium Large	Yes	No	No	No
American Tamarack	Larix laricina	Medium	Yes	Yes	No	No
Hop-Hornbeam Ironwood	Ostrya virginiana	Small medium	Yes	Yes	Yes	Yes
Sourwood	Oxydendrum arboreum	Small medium	Yes	No	No	No
Persian Parrotia	Parrotia persica	Small medium	Yes	No	No	No
Ohio Buckeye	Aesculus glabra	Large	No	No	No	No
Bitternut Hickory	Carya cordiformis	Large	Yes	No	No	No
Red Maple	Acer rubrum	Large	Yes	Yes	No	Yes
Sugar Maple	Acer saccharum	Large	Yes	Yes	Yes	Yes
Pignut Hickory	Carya glabra	Large	No	No	No	No
Shagbark Hickory	Carya ovata	Large	No	No	No	No
Catalpa	Catalpa spp.	Large	No	No	No	No
Hackberry	Celtis occidentalis	Medium Large	Yes	Yes	Yes	No
Katsura	Cercidiphyllum japonicum	Medium Large	Yes	No	No	no
American Beech	Fagus grandifolia	Large	No	No	No	No
Kentucky Coffeetree	Gumnocladus dioicus	Large	Yes	Yes	No	No
Tulip Tree	Liriodendron tulipifera	Large	Yes	Yes	No	No
Dawn Redwood	Metasequoia glyptostroboides	Large	No	No	No	No
Sycamore	Platanus occidentalis	Large	Yes	Yes	No	No
London Planetree	Platanus acerifolia x	Large	Yes	No	No	no
White Pine	Pinus strobus	Large	Yes	No	No	No
White Oak	Quercus alba	Large	Yes	Yes	No	No

Swamp White Oak	Quercus bicolor	Large	Yes	Yes	Yes	No
Shingle Oak	Quercus imbricaria	Large	Yes	No	No	No
Bur Oak	Quercus macrocarpa	Large	Yes	Yes	No	No
Chinkapin Oak	Quercus muehlenbergli	Large	Yes	Yes	No	No
Red Oak	Quercus rubra	Large	Yes	Yes	No	No
Baldcypress	Taxodium distichum	Large	Yes	Yes	No	no
American Linden Basswood	Tilia americana	Large	Yes	Yes	No	No
Littleleaf Linden	Tilia cordata	Large	Yes	No	No	No
Silver Linden	Tilia tomentosa	Large	Yes	No	No	No
American Elm	Ulmus american x Hybrids	Large	Yes	Yes	Yes	No
Zelkova	Zelkova serrata	Large	No	No	No	no

5. Maintenance. 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.

6. Tree lawns and Public Trees.
See Chapter 106 Vegetation in the Code of Ordinances.

F. 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 to improve drainage, provide privacy or create a focal point. Berms shall be constructed as follows:

1. 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.
2. 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.

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

G. 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.

H. Green infrastructure.

The use of rain gardens or bioretention or vegetated swale facilities may be incorporated into parking lot design. Standard design principles shall be incorporated into the facility.

I. Perimeter Landscaping, Parking Lot Landscaping, Foundation Plantings and Transitional Buffer Strips

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.

Perimeter landscaping shall be provided as follows

- 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.

4. Foundation Landscaping.

Foundation plantings shall be located adjacent to all sides of buildings which face a public right-of-way, internal street or access drive, and shall exclude buildings that are constructed at the front or street side lot lines which are not required to provide foundation landscaping. Landscaping is required as follows:

- a. 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.
- b. 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.
- c. 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.

5. 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.

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

6. 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 to four 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.

Sec. 71-27 Parking and loading standards

F. Off-street parking standards

7. Parking lots shall be screened designed in accordance with Section 71-28 Fencing, Lighting, Landscaping and Screening Standards must be screened along front and side street lot lines by one or more of the following methods:

a. Buildings. A minimum of 70% of parking lot width must be screened;

b. A masonry wall no less than 4 feet in height; or

c. A metal fence with a hedge or other landscape element no less than four feet in height.

H. Loading standards

1.b Off-street loading shall be screened and designed in accordance with Section 71-28 Fencing, Lighting, Landscaping and Screening Standards and refuse collection must be located and screened so it is not visible from adjacent streets, or residential uses.

Sect. 71-32 Enforcement

B. Violations.

4. Removing or damaging protected trees or required landscaping without approval of a revised site and landscape plan.

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	
Key						
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 and Fence Modifications

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**.

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 **or fence modification**.

3. Standards.

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.

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.

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.

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.

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