
Article 7.15 General Site Development Requirements

7.15.01 Building Appearance

(a) **Intent**

The purpose of this Section is to provide a set of exterior building wall material standards, the intent of which is to enhance the visual environment of the City. Furthermore, the review of exterior building wall design and the consistent administration of standards can help to maintain the City's sense of place by encouraging consistent quality and character when structures are built or redeveloped. All development shall utilize quality architecture to ensure that a building protects the investment of adjacent landowners, blends harmoniously into the streetscape, and maintains a positive image for the City's various multi-family developments, business areas and commercial shopping districts.

(b) **Applicability**

- (1) This Section shall apply to the exterior building walls of all construction, except one-family detached and two-family residential structures and their associated accessory buildings.
- (2) Architecture shall be reviewed by the Planning Commission as a part of site plan review under the requirements of this Section.
- (3) Where additions or remodeling of existing buildings is proposed, the following standards shall apply:
 - a. Where a new wall material is proposed for an existing building wall, only that portion of the building being altered shall be subject to the standards of this Section. However, in considering the proposed alteration, the Planning Commission may modify the material requirements of the Section so it will be consistent with the architecture of the entire building.
 - b. Where an addition is proposed to an existing building, the Planning Commission may allow the use of existing wall materials for the addition provided that the design of the alteration is compatible with the existing building wall design.

(c) **Exterior Building Design**

- (1) Buildings shall possess architectural variety, but enhance the overall cohesive community character. All commercial and office buildings should provide architectural features, details, and ornaments such as archways, colonnades, recesses, projections, wall insets, arcades, window display areas, peaked roof lines, decorative cornices or towers.

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- (2) Building walls and roofs over fifty (50) feet in length shall be broken up with varying building lines, windows, gables, and/or architectural accents such as pilasters, columns, dormers, and awnings.
 - (3) Window area shall make up at least twenty percent (20%) of the exterior wall area facing the principal street(s) from which access is gained. Bars shall not be put over windows and doors that are visible from the street.
 - (4) Overhead doors shall not face a public street or residential district. The Planning Commission or Building Official can modify this requirement upon a determination that there is no reasonable alternative and the visual impact will be moderated through use of building materials, architectural features and landscaping beyond that required in Section 7.15.02.
(Amnd: Effective 06-25-15;-)
 - (5) Additions to existing buildings must complement the current building design with regard to height, proportions, scale, materials, and rhythm of openings.
(Amnd: Effective 06-25-15;-)
- (d) **Building Materials**
- (1) All building materials shall be durable and weather-resistant, provide an attractive, quality appearance, and must be properly maintained by the property owner or tenant at all times.
 - (2) The predominant building materials should be quality materials that are characteristic of Michigan such as earth-toned brick, decorative tilt-up panels, wood, native stone, and tinted/textured concrete masonry units, glass products or other similar material as determined by the Planning Commission.
 - (3) Other materials such as smooth-faced concrete block, undecorated tilt-up concrete EIFS (Exterior Insulation Finishing System) panels, or prefabricated steel panels or other similar metal siding should only be used as accents and not dominate the building exterior of the structure.
 - (4) Metal roofs may be allowed if deemed by the Planning Commission to be compatible with the overall architectural design of the building.
- (e) **Building Colors**
- (1) Exterior colors shall be of low reflectance, subtle, neutral, or earth tone colors. The use of high intensity colors such as neon, metallic, or fluorescent for the facade or roof of the building is prohibited except as approved by the Planning Commission for building trim.
 - (2) The use of trademark colors not meeting this requirement shall require approval by the Planning Commission.

- (3) Mechanical and service features such as gutters, ductwork, service doors, etc. that cannot be screened must be of a color that blends in with the color of the building.
- (f) **Roof Design**
- (1) Roofs shall be designed to reduce the apparent exterior mass of a building, add visual interest, and be appropriate to the architectural style of the building.
 - (2) Variations in architectural style are highly encouraged. Visible roof lines and roofs that project over the exterior wall of a building enough to cast a shadow on the ground are highly encouraged, with a minimum overhang of twelve (12) inches.
 - (3) Architectural methods shall be used to conceal flat rooftops and mechanical equipment.
 - (4) Overhanging eaves, peaked roofs, and multiple roof elements are highly encouraged.
- (g) **Customer Entrances.** Clearly defined, highly visible customer entrances shall be included in the design. Features such as canopies, porticos, arcades, arches, wing walls or integral planters shall be used to identify such entrances.
- (h) **Community Amenities.** Community amenities such as patio/seating areas, water features, artwork or sculpture, clock towers, pedestrian plazas with park benches, or other features located adjacent to the primary entrance to the building(s) are highly encouraged and may be calculated as part of the landscaping requirement.
- (i) **Signs.** Signs shall be in accordance with Article 7.17 Signs. All sign bases shall be constructed of materials compatible with the architecture of the building(s) located on the premises.
- (j) **Natural Features.** Buildings shall be sited to protect existing natural areas such as steep natural grades, trees, significant groupings of healthy vegetation (shrubs and trees), and rock outcroppings. To the extent practical, these areas shall be incorporated into the overall site plan.
- (k) **Building Location and Orientation.** New buildings shall have at least one (1) principal building entrance visible from the front lot line.
- (l) **Administrative Waiver.** The Planning Department may waive the requirements of this Section provided they find the use demonstrates compliance with the following criteria:
- (1) The improvement covered by the waiver still meets the spirit and intent of this section.
 - (2) The waiver is the minimum necessary to ensure equitable treatment to the applicant.
 - (3) The waiver will not have a significant negative impact on the surrounding property.

7.15.02 Landscaping

(a) **Intent**

- (1) The intent of this section is to promote the public health, safety and welfare by establishing minimum standards for the design, installation and maintenance of landscaping as buffer zones between zoning districts, along roadways, between adjacent buildings and in parking lots.
- (2) The standards of this section are intended to guide and encourage the protection and enhancement of the environment through requirements for site design and the use of landscape materials. Applicants are encouraged to provide landscaping in addition to the minimum requirements of this ordinance to further improve the ecological, infrastructural and programmatic functions, appearances and values of their property.

(b) **Applicability**

- (1) The requirements set forth in this article shall apply to all uses for which site plan review is required under *Article 7.18* of this ordinance. No site plan or land use shall be approved unless said site plan provides landscaping consistent with the provisions of this article.
- (2) The Planning Commission may also determine that dimensional conditions unique to the parcel would prevent development of required buffer zones, off street parking area, landscaping or green belts. If such a determination is made, the Planning Commission may grant an exception from the landscaping provisions of this article. In the case of an administrative site plan review, the Planning Department may grant an exception based on the same site conditions.
(Amnd: Effective 06-25-15;-)
- (3) The following landscape information shall be submitted as part of a site plan review. The landscape plan shall include, but not be limited to the following items:
 - a. Minimum scale of one (1) inch to twenty (20) feet.
 - b. Proposed plant location, spacing, size, species (common and botanical name) and necessary descriptions for use within required landscape areas.
 - c. Existing and proposed contours on-site and one hundred (100) feet beyond the site at intervals not to exceed two (2) feet.
 - d. Straight cross section including slope, height and width of berms and type of ground cover, or height and type of construction of wall or fence, including footings.
 - e. Significant construction details to resolve specific site conditions, such as tree wells to preserve existing trees or culverts to maintain existing natural drainage patterns.
 - f. Planting and staking details in either text or drawing form to ensure proper installation and establishment of proposed materials.

- g. Identification of existing trees proposed to be saved including individual tree caliper size and species. Clearly reference on the plan the total number of trees proposed to be preserved, category of preserved tree caliper size and number of trees requested for credit consideration.
- h. Identification of tree protection method for trees proposed to be preserved.
- i. Identification of existing trees over two and one half (2-1/2) inches caliper proposed to be removed.
- j. Identification of grass and other ground cover and method of planting.
- k. Clearly reference on the plan the total number of proposed parking spaces and number of parking lot trees required to be placed within the interior of the parking area.
- l. Site plan review for pre-existing sites shall clearly identify the proposed building and/ or parking expansion and label the net percent site increase and calculated landscape requirement.
(Amnd: Effective 06-25-15;-)
- m. Any of the informational requirements above may be waived by the Planning Commission or Planning Department by general rule or on an individual basis if they determine that the information is not necessary to verify compliance with this ordinance.
(Amnd: Effective 06-25-15;-)

(c) **Replacement of Removed Trees.** A tree survey shall be submitted with any site plan for new development, and for additions to or expansion of existing development. The survey shall identify the location, species and size of existing trees on the proposed site. Existing trees that are greater than eight (8) caliper inches that are planned to be removed shall be replaced on the site in accordance with the following standards:

(Amnd: Effective 06-25-15;-)

- (1) Removed trees between eight (8) and eighteen (18) caliper inches shall be replaced at a rate of fifty percent (50%) of the total diameter breast height (dbh).
- (2) Removed trees greater than eighteen (18) caliper inches shall be replaced at a rate of seventy-five percent (75%) of the total dbh.
- (3) Removed trees greater than thirty (30) caliper inches shall be replaced at a rate of one hundred percent (100%) of the total dbh.
- (4) Trees that are dead or diseased, with no visible growth, as determined by the City Arborist, are exempt from replacement requirements.
- (5) A summary table of existing trees shall be provided, indicating those trees that will be removed.

(d) **Incentives to Preserve Existing Trees.** The standards listed below are intended to encourage the preservation of quality and mature trees within a development area by providing credits toward required landscape components.

(Amnd: Effective 06-25-15;-)

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- (1) Trees intended to be preserved shall be indicated on the site plan.
 - (2) To obtain credit, the preserved trees shall be arranged to meet the intent of this Section, be of high quality, as confirmed by the city, and at least two and one half (2.5) caliper in size for deciduous trees, six (6) feet in height for evergreen trees.
 - (3) Each deciduous tree preserved that is between two and one half (2.5) to seven and nine-tenth (7.9) inch caliper in size and evergreen tree that is between six (6) to nineteen (19) feet shall be calculated as one (1) required tree, two (2) credits for deciduous trees with a caliper of eight inches (8) or greater and evergreen trees greater than nineteen (19) feet.
 - (4) The landscape plan shall include a matrix that lists required trees and credits for preserved trees.
 - (5) During construction, tree protection fencing shall be placed ten (10) feet beyond the drip-line of the tree. Unless space does not allow, in which case they shall at a minimum be placed at the drip line. The ground area within the fence line shall be maintained with vegetative landscape material or pervious surface cover. The Planning Commission may allow pedestrian pathways, driveways or parking within the dripline upon determination that the setback from the trunk of the tree is suitable to reasonably ensure protection of the tree and the public. Storage of soils or other materials within the dripline is prohibited.
 - (6) If trees are lost within three (3) years after completion of the construction, the property owner shall replace with new trees equal to the number of tree credits granted.
 - (7) Tree credits may account for up to fifty percent (50%) of the required trees and be applied anywhere on the site.
- (e) **Greenbelts.** A greenbelt shall be planted or preserved along public right-of-ways. The greenbelt is intended to provide a transition between the roadway and an existing or proposed land use. Greenbelts shall be provided in accordance with the following requirements:
- (1) The green belt plantings shall be planted within the required setback. Such plantings may be placed anywhere within the front yard if there is no front yard parking.
(Amnd: Effective 06-25-15;-)
 - (2) Greenbelts shall include only living materials and planting beds, except for approved sidewalks, bike paths, signs, driveways, and essential services.

- (3) Where sidewalks are located within the greenbelt, plant material shall be provided on each side of the pathway, whenever possible, to provide visual and physical separation between the vehicular and pedestrian circulation.

(Amnd: Effective 06-25-15;-)

- (4) The greenbelt shall contain a minimum of one (1) canopy tree and six (6) upright shrubs per thirty (30) linear feet, or fraction thereof, of street frontage including any openings for driveways, pathways or easements.

Evergreen trees may be substituted for up to fifty percent (50%) of the required canopy trees when appropriate in consideration of the land use and existing character of adjacent uses. A hedgerow with upright shrubs planted two and a half (2 ½) feet on center along the entire road frontage not to exceed three (3) feet in height may also be utilized provided the clear vision requirements of *Section 7.14.05* are met.

(Amnd: Effective 06-25-15;-)

- (5) Ornamental trees may be used to diversify greenbelt planting requirements, provided two (2) ornamental trees shall be provided for each one (1) required canopy tree.
- (6) Greenbelt plantings shall be arranged to simulate a natural setting such as massing or staggered rows, except where the Planning Commission finds a more formal arrangement would be consistent with the established character of the area.
- (7) Greenbelts shall be designed to ensure adequate sight visibility for motorists, adequate clearance for pedestrians and vehicles including compliance with the clear vision requirements of *Section 7.14.05*, clearance from overhead utility lines, adequate separation from underground utilities and accessibility to fire hydrants. Where such conditions prohibit full compliance, the location of the required materials may be adjusted so as long as the design intent is met.

(Amnd: Effective 06-25-15;-)

- (f) **Buffer Zones.** Buffer zones shall be required where a proposed use shares a common lot line with an adjacent use in accordance with *Table 7.15.01*. The buffering requirement is based on the intensity of the proposed use and its potential impact on the adjacent use.

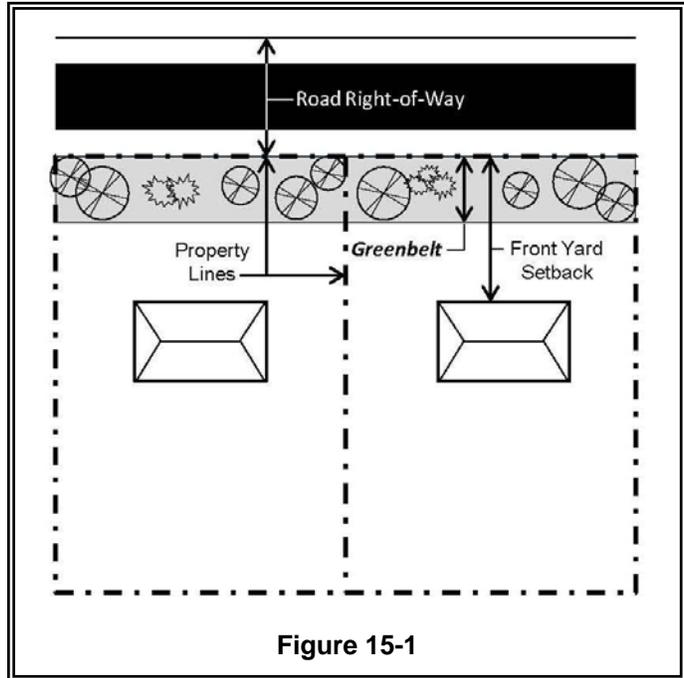


Table 7.15.1: Required Buffer Zones

Proposed Use	Adjacent to Single-Family District or Use	Adjacent to Multiple-Family District or Use	Adjacent to Manufactured Home Park District or Use	Adjacent to Business District or Use	Adjacent to Industrial District or Use
Single-Family Residential	None	B	B	B	A
Multiple-Family Residential	B	None	B	B	A
Manufactured Home Park	B	B	None	B	A
Business	B	B	B	C (1)	B (2)
Industrial	A	A	A	B (2)	C
Institutional	B (2)	B (2)	B (2)	C	C

Buffer Zone Type	Minimum Width (4)	Wall/ Berm (3)	Minimum Plant Materials
A	50 ft.	6 ft. wall or 4 ft. berm	1 canopy tree, 2 evergreen trees & 4 shrubs per 20 linear ft. along the lot line, rounded upward
B	20 ft.	6 ft. wall or 4 ft. berm	1 canopy tree, 1 evergreen tree & 4 shrubs per 30 linear ft. along the lot line, rounded upward
C	10 ft.	None	1 canopy or evergreen tree or 4 shrubs per 20 linear ft. along the lot line, rounded upward

(1) Buffer zone landscaping shall not be required between business uses where shared access, shared parking or service drive connections are provided or where there is a zero lot line setback between uses.

(2) Buffer zone “A” shall be required where the use has outdoor storage or truck loading area adjacent to a dissimilar use.

(3) Walls shall be constructed in accordance with *Section 7.15.03 Fences and Walls* and berms in accordance with *Section 7.15.02(i) Berms*.

(4) Minimum width is required for either wall or berm. In the case of wall, the minimum width will be maintained clear of structures and planted in grass or similar material.

(g) **Parking Lot Landscaping.** Parking lot landscaping shall be provided in accordance with the following standards:

- (1) Landscaping shall be dispersed evenly throughout the parking lot in order to break up large expanses of pavement and assist with vehicular and pedestrian flow.
- (2) At least one (1) canopy tree shall be provided per eight (8) parking spaces.
- (3) All of the required parking lots trees shall be placed within the parking lot envelope as described by the area including the parking lot surface and extending outward ten (10) feet from the edge of the parking lot.
- (4) A minimum of one-third (1/3) of the trees shall be placed within parking islands located inside the perimeter of the parking lot.

- (5) Parking lot islands shall be curbed and be at least one-hundred (100) square feet in area. Islands within parking lots having less than 100 spaces may be a minimum of ten (10) feet in width, parking areas with more than one-hundred (100) spaces shall have islands at least twenty (20) feet in width. The depth of the island shall be two (2) feet shorter than an adjacent parking space.
- (6) Only trees, shrubs, grass or other living ground cover shall be used within parking lot islands.
- (7) Where parking lots are located within the required front yard, a berm, hedge row, three (3) foot high brick wall, or a three (3) foot high wrought iron fence with a continuous evergreen hedge row shall be provided between the parking spaces and the street. The hedge row shall be planted with evergreen or deciduous shrubs, two and a half (2 ½) feet on center. The landscape greenbelt required by Section 7.15.02(e) *Greenbelts* above shall also be provided, except the hedge row plantings may be credited towards the shrub plantings of Section 7.15.02(e)(4).
- (8) Where a parking lot or loading area for a non-residential use abuts a residential district or use a minimum six (6) foot high wall shall be provided between the parking lot and residential lot. Walls shall be constructed of brick or other masonry material compatible with the front façade of the principal building. A privacy fence may be approved where it is more compatible with adjacent residential uses.
(Amnd: Effective 06-25-15;-)
- (h) **Foundation Plantings.** A portion of the on-site landscaping shall abut the walls of the main building so that the vegetation combined with the architectural features significantly reduce the visual impact of the building mass as viewed from the street.
(Amnd: Effective 06-25-15;-)
- (i) **Detention/Retention Pond Landscaping.** Ponds shall be located outside required setbacks and designed to provide a natural appearance. Detention and retention ponds shall be provided in accordance with the following standards:
(Amnd: Effective 06-25-15;-)
 - (1) Side slopes shall be such that the perimeter of the pond shall not need to be fenced.
 - (2) One (1) canopy or evergreen tree and ten (10) shrubs are required per fifty (50) linear feet of pond perimeter, as measured along the top of the bank elevation. The required landscaping shall be planted in a random pattern, not limited to the top of the pond bank.
 - (3) Where a natural landscape is found not to be particularly desirable the Planning Commission may require some type of decorative fencing.
 - (4) An aerator shall be provided in any pond where there will be standing water.

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(j) Berms

(Amnd: Effective 06-25-15;-)

- (1) Where required, berms shall have a slope no greater than 1:3, i.e., one (1) foot of vertical rise for each three (3) feet of horizontal distance on the exterior side facing the street or adjacent land use with at least a two (2) foot flat area on top (measured from the ground adjacent to the berm).
- (2) The berm area shall be planted with grass or other suitable ground cover to ensure that it withstands wind and weather and retains its height and shape.

(k) Plant Material Spacing and Size

(Amnd: Effective 06-25-15;-)

- (1) Plant material shall not be located within four (4) feet of the property line.
- (2) Where plant materials are placed in two (2) or more rows, plantings shall be staggered in rows.
- (3) Creativity in landscape design is encouraged. Accordingly, required trees and shrubs may be planted at uniform distances, at random, or in groupings, depending on the designer's desired visual and functional effect and, equally important, the desire of the city to coordinate landscaping on adjoining properties.
- (4) Minimum plant sizes and spacing at time of installation shall be in accordance with *Table 7.15.2*.

Table 7.15.2: Minimum Plant Size and Spacing

Type of Plant Material	Minimum Plant Sizes	Spacing Requirements
Large Deciduous Trees	2 in. caliper	30 ft. on-center
Small Deciduous/Ornamental Trees	1½ in. caliper 6 ft. height (clump form)	15 ft. on-center
Evergreen Trees	7 ft. height	20 ft. on-center informally 12 ft. on-center in rows
Narrow Evergreen Trees	5 ft. height	10 ft. on-center informally 5 ft. on-center in rows
Large Shrubs	30 in. height	6 ft. on-center informally 4 ft. on-center in rows
Small Shrubs	30 in. spread 2 ½ ft. height	4 ft. on-center

(l) Plant Material Species

(Amnd: Effective 06-25-15;-)

- (1) The overall landscape plan shall not contain more than thirty three percent (33%) of any one (1) plant species. A mixture of plant materials (evergreen and deciduous trees and shrubs) is suggested in all landscape plans as a protective measure against disease and insect infestation.

- (2) The use of trees native to the area, and mixture of trees from the same species association, is encouraged.
- (3) All plants shall conform to the current issue of the American Standard for Nursery Stock published by the American Association of Nurserymen and shall have passed inspections required under state regulations.
- (4) All areas not occupied by building, pavement or storage shall be landscaped with living plant material. Stone or wood chips may be permitted when the maintenance of the living material would be impractical or undesirable due to size, configuration or character of the area or if part of drainage erosion control.
(Amnd: Effective 06-25-15;-)
- (5) Plant materials recommended as part of landscape plans are included in *Table 7.15.3*.

Table 7.15.3: Recommended Plant Materials

Trees	
Evergreen Trees	Fir; Spruce; Pine; Hemlock; Douglas Fir
Narrow Evergreen Trees	Red Cedar; Arborvitae; Juniper
Large Deciduous Trees	Oak; Hard Maple; Beech; Linden; Ginkgo (male only); Honeylocust (seedless and thornless varieties); Birch
Small Deciduous/ Ornamental Trees	Flowering Dogwood; Hawthorn; Redbud; Magnolia; Hornbeam; Russian Olive; Flowering Crabapple (disease-resistant varieties)
Large Shrubs	
Deciduous	Honeysuckle; Lilac; Border Privet; Sumac; Buckthorn; Pyracantha; Flowering Quince; Barberry; Forsythia; Cotoneaster (Peking, Spreading); Sargent Crabapple; Dogwood (Red Osier, Grey)
Evergreen	Irish Yew; Hicks Yew; Mugo Pine; Pfitzer Juniper; Savin Juniper
Small Shrubs	
Deciduous	Compact Burning Bush; Regal Privet; Fragrant Sumac; Japanese Quince; Cotoneaster (Cranberry, Rockspray); Potentilla
Evergreen	Spreading Yews (Dense, Brown's, Ward, etc.); Low Spreading Junipers (Andora, Hughes, Tamarack, etc.); Dwarf Mugo Pine; Big Leaf Wintercreeper

- (6) Plant materials that are not permitted, as they split easily; their wood is brittle and breaks easily; their roots clog drains and sewers; and they are unusually susceptible to disease or insect pests, are included in *Table 7.15.4*.

Table 7.15.4: Prohibited Plant Materials

Trees Not Permitted	
Ash	Mulberry
Box Elder	Poplar
Catalpa	Soft Maple (Red & Silver)
Elms (except disease-resistant American Liberty Elm)	Tree of Heaven
Honey or Black Locust	Willow
Horse Chestnut (nut bearing)	

(m) **Installation and Maintenance Provisions.** All landscaping shall be maintained in a healthy, neat and orderly state free from refuse and debris.

(Amnd: Effective 06-25-15;-)

- (1) In-ground automatic irrigation shall be provided for all landscaped areas.
- (2) All trees required on the site plan must be maintained and shall not be removed unless approved as a site plan amendment or a tree removal permit is obtained from the City Arborist. Any dead or diseased plants shall be removed and replaced.
- (3) Landscaping shall be installed such that, when mature, it does not obscure traffic signs, fire hydrants, lighting, drainage patterns on site or adjacent properties, or obstruct vision for safety of ingress or egress.
- (4) All plantings shall be planted to completion within three (3) months, and no later than November 30, from the date of issuance of a certificate of occupancy if said certificate is issued during the April 1 - September 30 period; if the certificate is issued during the October 1 - March 31 period, the planting shall be completed no later than the ensuing May 31.
- (5) Plantings shall not be located within rights of way or utility line easements.

(n) **Compliance for Existing Sites.** In any case where the building and/or parking area is being increased by at least twenty-five percent (25%) over the originally approved site plan or is being changed to a more intense use, the site shall be brought into full compliance with the landscape standards herein. In instances where the increase in building and/or parking area is less than twenty-five percent (25%) over the original site plan, the extent of new landscaping shall be equal to four percent (4%) of compliance for every one percent (1%) of increase in building or parking footprint. For example, a building or parking area increase of ten percent (10%) requires forty percent (40%) compliance with the landscape standards.

(Amnd: Effective 06-25-15;-)

7.15.03 Fences and Walls

(a) **Required Fences and Walls.** The following standards apply to any fences or walls required under this ordinance or as a condition of zoning approval.

- (1) For those Use Districts and uses listed below there shall be provided and maintained on those sides abutting or adjacent to a residential district an obscuring wall as required in *Table 7.15.5*, except otherwise required in *Section 7.15.03(a)(6)* or *7.15.03(b)(6)* below, and further subject to corner clearance requirements in *Section 7.14.05*.

(Amd: Effective 05-17-12;-)

Table 7.15.5: Wall Requirements

Use	Requirements
P-1 Vehicular Parking District	4' - 6" high wall
Off-Street Parking Area (Other than P-1 Districts unless a greater wall is required by Table 7.14.01)	
OS-1, B-1, CBD and B-2 Districts	See Table 7.15.1 requirements
I-1 and I-2 Districts - open storage areas loading or unloading areas, service areas	6' to 8' high wall or fence (Height shall provide the most complete obscuring possible.)
Auto wash, drive-in restaurants	6'-0" high wall
Hospital - ambulance and delivery areas	
Utility buildings, stations and/or substations	

- (2) Chain link or other wire fence utilizing metal, plastic or wood slats shall not be considered an obscuring wall for the purpose of this ordinance. The City may in its review of site plans for specific uses allow or require the provision of a greenbelt planting consisting of trees and shrubs to serve as an obscuring wall, where such obscuring walls are required under this ordinance, and where conditions are such that a more effective and harmonious development with abutting or neighboring land uses would result. Review and approval shall be required by the city of types of plant materials and their location in such greenbelt.
- (3) Required walls shall be located on the lot line except where underground utilities interfere and except in instances where this ordinance requires conformance with front yard setback lines in abutting Residential Districts. Upon review of the site plan, the Planning Commission may approve an alternate location for the wall or may waive the wall requirement if in specific cases it would not serve the purposes of screening the parking area effectively. Required walls may, upon approval of the Board of Appeals, be located on the opposite side of an alley right-of-way from a nonresidential zone that abuts a residential zone when mutually agreeable to affected property owners. The continuity of the required wall on a given block will be a major consideration of the Zoning Board of Appeals in reviewing such request.
- (4) Walls and screening barrier shall have no openings for vehicular traffic or other purposes, except as otherwise provided in this ordinance and except such openings as may be approved by the Planning Commission during site plan review.
- (5) Walls shall be constructed of materials approved by the Building Official to be durable, weather resistant, rustproof and shall be maintained by the property owner or tenant at all times equal in condition to the completed structure at the time of initial installation. Wood or wood products, when utilized, shall be treated and/or painted and shall be so maintained at all times. The finished side of the wall shall face the exterior of the property.
- (6) Walls may be constructed with openings which do not in any square section (height and width) exceed twenty (20%) percent of the surface. Where walls are so pierced, the openings shall be so spaced as to maintain the obscuring character required, and shall not reduce the minimum height requirement. The arrangement

of the openings shall be reviewed and approved by the Planning Commission during site plan review.

(b) **Non-required Fences.** The installation, erection and/or maintenance of a fence is hereby prohibited except in strict compliance with the requirements herein. If the work authorized under a Zoning Compliance Permit for Fencing has not been completed within six months of the date of issuance, said permit shall become null and void.

(1) A permit shall be required prior to the construction of any fence over three (3) feet in height or over sixteen (16) feet in total length.

(2) **Location**

a. Non required fences may be located along the property line.

b. In the case of adjoining properties, only one fence between the two properties may be erected.

c. The City shall not be responsible for the determination of the location of any fence to be erected on a lot line.

(3) **Height and Design**

a. Fences on all lots of record in all zoning districts which enclose property and/or are within a required side or rear yard shall not extend toward the front of the lot nearer than the front of the principal structure or the required minimum front yard, whichever is greater; and shall comply with the following height limitations, measured from the surface of the ground:

1. In Residential and Office Districts, not to exceed six (6) feet in height.

2. In Commercial and Industrial Districts, not to exceed eight (8) feet in height.

3. Fences which enclose public or institutional parks, playgrounds, or public landscaped areas, situated within an area developed with recorded lots, shall not exceed eight (8) feet in height, measured from the surface of the ground, and shall not obstruct vision to an extent greater than twenty five (25%) percent of their total area.

(Amd: Section a., Effective 05-17-12;-)

b. Ornamental fences not exceeding three and one half (3 1/2) feet in height are permitted within front yards. Ornamental fences are to be constructed of approved materials as specified in section (4) below, of a design as to be non sight obscuring and of a fence type listed below:

1. Post and rail

2. Split rail

3. Picket

4. Wrought iron

5. Other types of ornamental fences must be approved by the Planning Commission or Planning Department prior to placement in a front

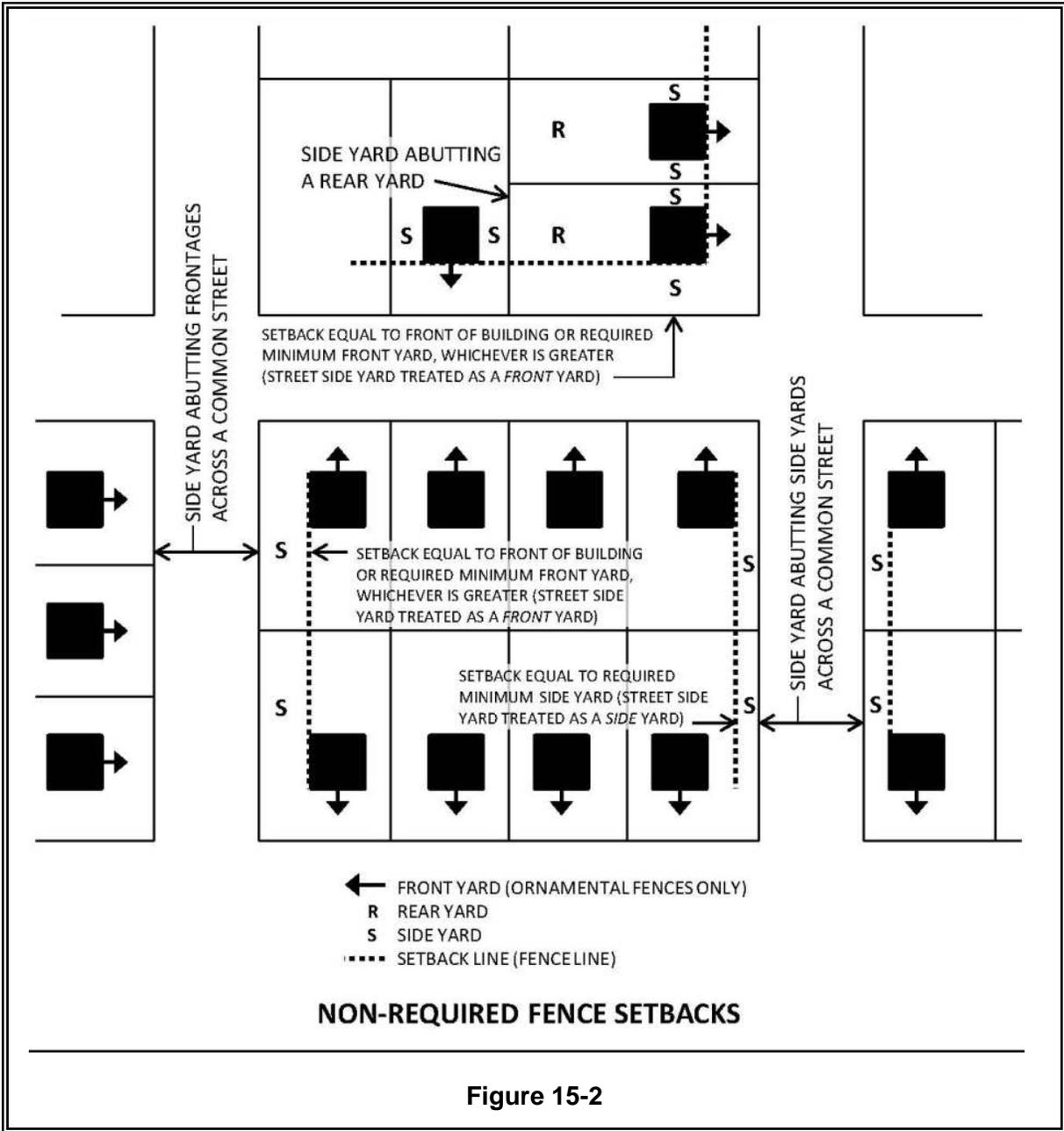
yard area.

- c. If a fence is constructed of pickets, such pickets must be made of not less than one inch by three inch materials and shall have an angle at the top of not less than ninety (90) degrees.
- d. Fences shall match the design of those previously installed on an abutting parcel(s); however, the Planning Commission or Planning Department may waive this requirement upon a finding that it would detract from or be inconsistent with, the style or materials of the single family dwelling unit contained on the same zoning lot.

(4) **Materials and Construction**

- a. Fences, including fence posts, shall be constructed with cedar, redwood, pressure treated material, wrought iron or vinyl. Chain link is permitted in rear and interior side yards only. Upon Planning Commission or Planning Department approval, brick or stone may be used as an accent material, comprising not more than twenty five (25%) percent of the surface area of the fence.
- b. Dimensional lumber used in fence construction shall have a minimum thickness of three quarter (3/4) inch, and fence posts shall be three and one half (3½) inch by three and one half (3½) inch or larger.
- c. Fences shall not contain barbed or razor wire, electric current or charge of electricity.

- d. All fences shall be constructed in such a manner that all structural members, including braces, posts, poles and other projections shall be on the interior side of the fence.



(5) **Maintenance**

- a. All fences shall be maintained in a good condition, in an upright position and shall not constitute an unreasonable hazard. Any fence which is not maintained in accordance with this ordinance shall be removed or replaced (any required fence shall be replaced.)
- b. The City shall not be responsible for the enforcement of any agreements relative to the mutual or separate payments of the cost of construction,

maintenance or repair of fences.

(6) **Exceptions**

- a. Fences which serve as architectural or decorative landscaping and are not used to enclose property and/or are not placed on common lot lines, may be erected within the provisions of the minimum yard requirements in each district.
- b. Recorded lots having a lot area in excess of two (2) acres and a frontage of at least two hundred (200) feet, and acreage or parcels not included within the boundaries of a recorded plat, in all residential districts, are excluded from these regulations.

7.15.04 Sidewalks and Paths

Sidewalks and pathways shall be installed by the developer within the dedicated street right-of-way, private road access easements or special easement where grades or other factors prevent placement within the right-of-way or access easement.

(a) **Sidewalks.** Any development shall provide sidewalks meeting the following requirements:

- (1) **Where required.** Sidewalks shall be required by the Planning Commission on one or both sides of the street or road in consideration of factors such as the density of development, age characteristics of the expected residents, expected traffic volumes along the street, proximity to other sidewalk systems and proximity to schools, parks and public institutions. Sidewalks shall also be required to be constructed where shown on the City's Non-Motorized Transportation Plan.
- (2) **Sidewalk Width.** All sidewalks shall be a minimum five (5) feet wide concrete and constructed in accordance with City Construction Specifications, and specifications of the American Association of State Highway and Transportation Officials (AASHTO.) Sidewalks abutting parking areas shall be a minimum of seven (7) feet to accommodate vehicle overhang.

(b) **Pathways.** Any development shall provide pathways meeting the following requirements:

- (1) **Where Required.** Pathways shall be required to be constructed where shown on the City's Non-Motorized Transportation Master Plan, and where a connection to the City's Non-Motorized Transportation system is identified during the site plan review process.
- (2) **Pathway Width.** Pathways shall be at least ten (10) feet wide asphalt and constructed in accordance with City Construction Specifications, and the specifications of the AASHTO.

(c) **Boardwalks.** The Planning Commission may permit wooden boardwalks in open space areas or areas with sensitive environmental features instead of paved sidewalks or

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pathways. The boardwalk shall meet the minimum width requirements as stated in the above sections or greater if required by AASHTO, MDOT, or other applicable agency.

(d) Other requirements

- (1) **Crosswalks.** Crosswalk pavement markings and signs may be required.
- (2) **Barrier Free.** All non-motorized accommodations shall comply with Michigan Barrier Free requirements.
- (3) Additional requirements as outlined in the City of Lapeer Construction Specifications may apply.

7.15.05 Lighting Standards

- (a) **Intent.** The purpose of the following standards is to protect the health, safety and welfare of the public by recognizing that buildings and sites need to be illuminated for safety, security and visibility for pedestrians and motorists. To do so, the standards provide for various forms of lighting that will: minimize light pollution; maintain safe nighttime driver performance on public roadways; preserve the restful quality of nighttime by eliminating intrusive artificial light and lighting that unnecessarily contributes to “sky glow”; reduce light pollution and light trespass from light sources onto adjacent properties; conserve electrical energy; and curtail the degradation of the nighttime visual environment.
- (b) **Applicability.** The standards shall apply to any light source that is visible from any property line, or beyond, for the site from which the light is emanating. The Building Official may review any building or site to determine compliance with the requirements under this Section. Whenever a person is required to obtain a building permit, electrical permit for outdoor lighting or signage, a special land use approval, subdivision approval or site plan approval from the city, the applicant shall submit sufficient information to enable the Planning Department and/or Planning Commission to determine whether the proposed lighting will comply with the standards.
- (c) **Submittal Requirements.** The following information must be included for all site plan submissions. Where site plan approval is not required, some or all of the items may be required by the Planning Department prior to lighting installation:
 - (1) Location of all freestanding, building-mounted and canopy light fixtures on the site plan and building elevations.
 - (2) Photometric grid overlaid on the proposed site plan indicating the overall light intensity throughout the site (in foot candles.)
 - (3) Specifications and details for the type of fixture being proposed including the total lumen output, type of lamp and method of shielding.
 - (4) Use of the fixture proposed.

- (5) Any other information deemed necessary by the Building Official/Planning Department to determine compliance with provisions of this Section.
- (d) **Lighting Standards.** Unless granted a variance under the provisions of Section 7.23.04, all lighting must comply with the following standards:
- (1) **Freestanding Pole Lighting**
- a. All parking lots shall be illuminated. Fixtures shall be high pressure sodium lamps or metal halide. Photocells or other approved equipment are required on all fixtures. No wiring shall be exposed. Wiring shall be UL listed for wet locations.
 - b. Exterior lighting shall be fully shielded and directed downward to prevent off-site glare. Fixed (not adjustable), downward directed, metal halide shoebox fixtures shall be used in an effort to maintain a unified lighting standard throughout the city and prevent "sky glow."
 - c. Lighting intensities shall average 1 foot candle measured at the surface of the parking area. Service drives shall have a lower intensity averaging 0.5 foot candles measured at the ground surface. At any property line abutting a residential use, the maximum intensity shall be 0.1 foot-candles.
 - d. The Planning Commission may approve decorative light fixtures as an alternative to shielded fixtures when it can be proven that there will be no off-site glare and the proposed fixtures are necessary to preserve the intended character of the site.
 - e. The maximum height of parking lot light fixtures shall be twenty (20) feet, except that the Planning Commission may permit a maximum height of thirty (30) feet within commercial, industrial, and office zoning districts and for institutional uses in residential districts when the poles are no closer than one hundred fifty (150) feet to a residential district or use.
 - f. Parking lot poles shall be located in parking lot islands or in the periphery parking lot area. Light poles shall be prohibited in parking spaces.
- (2) **Building-Mounted Lighting**
- a. Commercial and Industrial buildings are required to have adequate lighting at sides of the building with entries and exits.
 - b. Building-mounted lighting shall be fully shielded and directed downward to prevent off-site glare. Fixed (not adjustable), downward directed, metal halide fixtures shall be used in an effort to maintain a unified lighting standard throughout the city and prevent "sky glow."
 - c. The intensity of light within a site shall not exceed ten (10) foot-candles within any site or one (1) foot-candle at any property line, except where it abuts a service drive or other public right-of-way. Foot-candles abutting a residential district or use can be a maximum of 0.5 foot-candles at the property line.
 - d. The Planning Commission may approve decorative light fixtures as an alternative to shielded fixtures when it can be proven that there will be no off-site glare and the proposed fixtures will improve the appearance of the site.

- e. Luminous tube and exposed bulb fluorescent lighting is prohibited as an architectural detail on all buildings, such as along roof eaves and around windows, etc. The Planning Commission may approve internally illuminated architectural bands when it can be shown that the treatment will enhance the appearance of the building or is necessary for security purposes.

(3) Window Lighting

- a. Any light fixtures visible through a window must be shielded to prevent glare at the property line.
- b. Luminous tube and exposed bulb fluorescent lighting (visible from the property line) is prohibited unless it is part of a sign that meets the requirements of *Article 7.17 Signs*.

(4) Residential Street Lighting

- a. In residential developments, substantial completion of street lighting shall be constructed once 50% of build out has occurred.
- b. The developer may be required to furnish a surety in an acceptable form (cash, bond, etc.) in an amount determined by the City to ensure completion of street light installation.

(5) Other Lighting

- a. The internal illumination of building-mounted canopies is prohibited.
- b. Indirect illumination of signs, canopies and buildings is permitted provided a maximum 125 watt bulb is utilized and there is no glare.
- c. Ground lighting (up-lighting) used for the purpose of illuminating signs, landscaping and architectural details shall be shielded away from public view, directed solely at the object to be lit, and screened with landscaping as necessary.
- d. The use of a laser light source, search lights or any similar high intensity light for outdoor advertisement or entertainment is prohibited.
- e. Lighting shall not be of a flashing, moving or intermittent type.
- f. Luminous tube and exposed bulb fluorescent lighting is permitted as part of a sign meeting the requirements of *Article 7.17 Signs* of this ordinance.

- (e) **Exemptions.** The following are exempt from the lighting requirements of this Section, except that the Planning Department may take steps to eliminate the impact of the exempted items when deemed necessary to protect the health, safety and welfare of the public:

- (1) Sports field lighting, in use no later than 10:00 p.m., provided they are located at least 1000 feet away from any existing residential zone or use. Other sports field lighting may be approved by the Planning Commission after a determination that compliance with the standards in this Article have been met to the greatest extent possible, and that all efforts possible were made to minimize any negative impacts to surrounding uses.

- (2) Swimming pools.
 - (3) Holiday decorations.
 - (4) Window displays without glare.
 - (5) Shielded pedestrian walkway lighting.
 - (6) Residential lighting with no off-site glare.
 - (7) Street lights.
- (f) **Lamp or Fixture Substitution.** Should any light fixture regulated under this Section, or the type of light source therein, be changed after the permit has been issued, a change request must be submitted to the Planning Department for approval, together with adequate information to assure compliance with this ordinance, which must be received prior to substitution.

7.15.06 Waste Receptacles

- (a) Waste receptacles, including dumpsters and compactors, shall be required in all multiple family and nonresidential developments unless indoor facilities are provided as determined by the Planning Commission. These requirements do not apply to single family residences.
- (b) All waste receptacles must be located within an enclosure meeting the following standards:
 - (1) Waste receptacles shall have an enclosing lid or cover and be enclosed on three (3) sides with a gate on the fourth side. The enclosure shall be constructed of brick or decorative masonry block material consistent with the principal building with a maximum height of six (6) feet or at least one (1) foot higher than the waste receptacle and spaced at least three (3) feet from the waste receptacle. Suggested timber materials for the gate include Cedar, No. 2 Cedar rough sawn seasoned, Redwood, No. 2 Common Finish (S4S), Douglas Fir-larch or Southern Pine. Chain link fencing with vinyl or wood strips is not acceptable screening material.
 - (2) Waste receptacle enclosures shall be located in the rear yard or non-required side yard, at least ten (10) feet from any non-residential property line, combustible walls, or combustible roof eaves and in no case be less than twenty (20) feet from any residential district.
 - (3) Waste receptacle enclosures shall be easily accessed by refuse vehicles without potential to damage automobiles parked in designated parking spaces.
 - (4) The waste receptacle enclosure base shall be at least nine (9) feet by six (6) feet, constructed of six (6) inches of reinforced concrete pavement. The base shall

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extend six (6) feet beyond the waste receptacle pad or gate to support the front axle of a refuse vehicle.

- (5) No refuse or trash shall be permitted to be stored higher than the waste receptacle enclosure.

7.15.07 Mechanical Equipment

- (a) Mechanical equipment and utilities, including but not limited to blowers, ventilating fans, heating, ventilation and air conditioning units (HVAC), water and gas meters, elevator housing, and tanks shall meet the following standards:
 - (1) Such equipment and utilities shall not be located in any front yard and shall be placed not closer than three (3) feet to any lot line in the CBD Central Business District, and not closer than twelve (12) feet to any lot line in all other districts.
 - (2) All such equipment shall be screened by a solid wall, fence, landscaping and/or architectural feature that is compatible in appearance with the principal building.
- (b) Roof-mounted equipment shall not exceed a height of ten (10) feet above the surrounding roof surface, and shall occupy no more than fifteen (15%) percent of the total roof area.
- (c) All roof-mounted mechanical units must be screened so they are not visible from ground level; even if not specifically addressed as part of site plan review.