

**AGENDA
CITY OF SWARTZ CREEK
PLANNING COMMISSION
PAUL D. BUECHE MUNICIPAL BUILDING
VIRTUAL (ZOOM) MEETING AVAILABLE FOR GENERAL PUBLIC
TUESDAY, SEPTEMBER 2, 2024, 7:00 P.M.
CALL TO ORDER:**

1. PLEDGE OF ALLEGIANCE:

2. ROLL CALL: Binder, Branoff, Campbell, Grimes, Henry, Krueger, Melen, Sturgess,
Wyatt

3. APPROVAL OF AGENDA:

4. APPROVAL OF MINUTES:

5. CORRESPONDENCE:

- A. Resolutions
- B. Minutes: February 4, 2025
- C. Meeting Letter
- D. Landscaping Ordinance

6. MEETING OPENED TO PUBLIC (NON-PUBLIC HEARING ITEMS):

7. BUSINESS:

- A. Review/Training of Landscaping Ordinance

8. MEETING OPENED TO THE PUBLIC:

9. REMARKS BY PLANNING COMMISSION MEMBERS:

10. ADJOURNMENT:

**RESOLUTIONS
CITY OF SWARTZ CREEK
PLANNING COMMISSION
PAUL D. BUECHE MUNICIPAL BUILDING
TUESDAY, SEPTEMBER 2, 2025, 7:00 P.M.**

Resolution No. 250902-01

AGENDA OF SEPTEMBER 2, 2025

Motion by Planning Commission Member: _____

I Move the Swartz Creek Planning Commission approves the agenda for the September 2, 2025 Planning Commission meeting.

Second by Planning Commission Member: _____

Voting For: _____

Voting Against: _____

Resolution No. 250902-02

MINUTES OF FEBRUARY 4, 2024

Motion by Planning Commission Member: _____

I Move the Swartz Creek Planning Commission approves the Minutes for the February 4, 2024 Planning Commission meeting.

Second by Planning Commission Member: _____

Voting For: _____

Voting Against: _____

Resolution No. 250902-04

ADJOURN

Motion by Planning Commission Member: _____

I Move the Swartz Creek Planning Commission adjourns the September 2, 2025 Planning Commission meeting.

Second by Planning Commission Member: _____

Voting For: _____

Voting Against: _____

**CITY OF SWARTZ CREEK
VIRTUAL PLANNING COMMISSION BOARD MEETING
ACCESS INSTRUCTIONS
TUESDAY, SEPTEMBER 2, 7:00 P.M.**

The Planning Commission meeting of September 2, 2025 at 7:00 p.m. will be conducted as a hybrid meeting, with commissioners, staff, consultants, petitioners, and public attending in-person. The meeting will also be held virtually (online and/or by phone) to non-commissioners.

To comply with the **Americans with Disabilities Act (ADA)**, any citizen requesting accommodation to attend this meeting, and/or to obtain the notice in alternate formats, please contact Renee Kraft at 810.635.4464 48 hours prior to meeting,

Zoom Instructions for Participants

To join the conference by phone:

1. On your phone, dial the teleconferencing number provided below.
2. Enter the **Meeting ID** number (also provided below) when prompted using your touch-tone (DTMF) keypad.

Before a videoconference:

1. You will need a computer, tablet, or smartphone with speaker or headphones. You will have the opportunity to check your audio immediately upon joining a meeting.
2. Details, phone numbers, and links to videoconference or conference call is provide below. The details include a link to **“Join via computer”** as well as phone numbers for a conference call option. It will also include the 9-digit Meeting ID.

To join the videoconference:

1. At the start time of your meeting, enter the link to join via computer. You may be instructed to download the Zoom application.
2. You have an opportunity to test your audio at this point by clicking on “Test Computer Audio.” Once you are satisfied that your audio works, click on “Join audio by computer.”

You may also join a meeting without the link by going to join.zoom.us on any browser and entering the Meeting ID provided below.

If you are having trouble hearing the meeting, you can join via telephone while remaining on the video conference:

1. On your phone, dial the teleconferencing number provided below.
2. Enter the **Meeting ID number** (also provided below) when prompted using your touchtone (DTMF) keypad.
3. If you have already joined the meeting via computer, you will have the option to enter your participant ID to be associated with your computer.

Participant controls in the lower left corner of the Zoom screen:



Using the icons in the lower left corner of the Zoom screen you can:

- Mute/Unmute your microphone (far left)
- Turn on/off camera (“Start/Stop Video”)
- Invite other participants
- View participant list-opens a pop-out screen that includes a “Raise Hand” icon that you may use to raise a virtual hand during Call to the Public
- Change your screen name that is seen in the participant list and video window
- Share your screen

Somewhere (usually upper right corner on your computer screen) on your Zoom screen you will also see a choice to toggle between “speaker” and “gallery” view. “Speaker view” show the active speaker.

Topic: City of Swartz Creek Planning Commission Meeting

Time: September 2, 2025, 7:00 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/83096401128>

Meeting ID: 830 9640 1128

One tap mobile

+13017158592,,83096401128# US (Washington DC)

+13126266799,,83096401128# US (Chicago)

Dial by your location

+1 301 715 8592 US (Washington DC)

+1 312 626 6799 US (Chicago)

+1 929 205 6099 US (New York)

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 669 900 6833 US (San Jose)

Meeting ID: 830 9640 1128

If you have any further questions or concern, please contact 810-429-2766 or email rkraft@cityofswartzcreek.org. A copy of this notice will be posted at City Hall, 8083 Civic Drive, Swartz Creek, Michigan.

CITY OF SWARTZ CREEK VIRTUAL (ELECTRONIC) MEETING RULES AND PROCEDURES

In order to conduct an effective, open, accessible, and professional meeting, the following protocols shall apply. These protocols are derived from the standard practices of Swartz Creek public meetings, Roberts Rules of Order, and city board & commission procedures. These procedures are adopted to govern participation by staff, councilpersons and members of the public in all City meetings held electronically pursuant to PA 228 of 2020. Note that these protocols do not replace or eliminate established procedures or practices. Their purpose is to augment standing expectations so that practices can be adapted to a virtual meeting format.

The following shall apply to virtual meetings of the city's public bodies that are held in accordance with the Open Meetings Act.

1. Meetings of the City Council, Planning Commission, Zoning Board of Appeals, Downtown Development Authority, Park Board, or committees thereunder may meet electronically or permit electronic participation in such meetings insofar as (1) the Michigan Department of Health and Human Services restricts the number of persons who can gather indoors due to the COVID-19 pandemic; (2) persons have an illness, injury, disability or other health-related condition that poses a risk to the personal health or safety of members of the public or the public body if they were to participate in person; or (3) there is in place a statewide or local state of emergency or state of disaster declared pursuant to law or charter by the governor or other person authorized to declare a state of emergency or disaster.
2. All meetings held hereunder must provide for two-way communication so that members of the public body can hear and respond to members of the general public, and vice versa.
3. Members of the public body who participate remotely must announce at the outset of the meeting that he/she is in fact attending the meeting remotely and by further identifying the specific physical location (by county, township, village and state) where he/she is located. The meeting minutes must include this information.
4. Notice of any meeting held electronically must be posted at the City Offices at least 18 hours before the meeting begins and must clearly explain the following:
 - (a) why the public body is meeting electronically;
 - (b) how members of the public may participate in the meeting electronically, including the specific telephone number, internet address or similar log-in information needed to participate in the meeting;
 - (c) how members of the public may contact members of the public body to provide input or ask questions on any business that will come before the public body at the meeting;
 - (d) how persons with disabilities may participate in the meeting.
5. The notice identified above must also be posted on the City's website homepage or on a separate webpage dedicated to public notices for non-regularly scheduled or electronic public meetings that is accessible through a prominent and conspicuous link on the website's homepage that clearly describes the meeting's purpose.

6. The City must also post on the City website an agenda of the meeting at least 2 hours before the meeting begins.
7. Members of the public may offer comment only when the Chair recognizes them and under rules established by the City.
8. Members of the public who participate in a meeting held electronically may be excluded from participation in a closed session that is convened and held in compliance with the Open Meetings Act.

MAINTAINING ORDER

Public body members and all individuals participating shall preserve order and shall do nothing to interrupt or delay the proceedings of public body.

All speakers shall identify themselves prior to each comment that follows another speaker, and they shall also indicate termination of their comment. For example, "Adam Zettel speaking. There were no new water main breaks to report last month. That is all."

Any participants found to disrupt a meeting shall be promptly removed by the city clerk or by order of the Mayor. Profanity in visual or auditory form is prohibited.

The public body members, participating staff, and recognized staff/consultants/presenters shall be the only participants not muted by default. All other members must request to speak by raising their digital hand on the Zoom application or by dialing *9 on their phone.

MOTIONS & RESOLUTIONS

All Motions and Resolutions, whenever possible, shall be pre-written and in the positive, meaning yes is approved and no is defeated. All motions shall require support. A public body member whom reads/moves for a motion may oppose, argue against or vote no on the motion.

PUBLIC ADDRESS OF BOARD OR Commission

The public shall be allowed to address a public body under the following conditions:

1. Each person who wishes to address the public body will be first recognized by the Mayor or Chair and requested to state his / her name and address. This applies to staff, petitioners, consultants, and similar participants.
2. Individuals shall seek to be recognized by raising their digital hand as appropriate on the digital application.
3. Petitioners are encouraged to appropriately identify their digital presence so they can be easily recognized during business. If you intend to call in only, please notify the clerk in advance of your phone number.
4. The city clerk shall unmute participants and the members of the public based upon the direction of the mayor or chair. Participants not recognized for this purpose shall be muted by default, including staff, petitioners, and consultants.
5. Individuals shall be allowed five (5) minutes to address the public body, unless special permission is otherwise requested and granted by the Mayor or Chair.
6. There shall be no questioning of speakers by the audience; however, the public body, upon recognition of the Mayor or Chair, may question the speaker.

7. No one shall be allowed to address the public body more than once unless special permission is requested, and granted by the Mayor or Chair.
8. One spokesperson for a group attending together will be allowed five (5) minutes to address the public body unless special permission has been requested, and granted by the Mayor or Chair.
9. Those addressing the public body shall refrain from being repetitive of information already presented.
10. All comments and / or questions shall be directed to and through the Mayor or Chair.
11. Public comments (those not on the agenda as speakers, petitioners, staff, and consultants) are reserved for the two "Public Comment" sections of the agenda and public hearings.

VOTING RECORD OF PUBLIC BODIES

All motions, ordinances, and resolutions shall be taken by "YES" and "NO" voice vote and the vote of each member entered upon the journal.

**CITY OF SWARTZ CREEK
SWARTZ CREEK, MICHIGAN
MINUTES OF PLANNING COMMISSION MEETING
February 4, 2025**

Meeting called to order at 7:00 p.m. by Commissioner Wyatt

Pledge of Allegiance.

ROLL CALL:

Commissioners present: Binder, Campbell, Sturgess, Grimes, Krueger, Henry, Wyatt.

Commissioners absent: Branoff, Melen

Staff present: Adam Zettel, City Manager.

Others present: James Barclay

Others Virtually Present: Lania Rocha

APPROVAL OF AGENDA:

Resolution No. 250204-01

(Carried)

Motion by Planning Commission Member Binder
Second by Planning Commission Member Krueger

I Move the Swartz Creek Planning Commission approves the agenda for the February 4, 2025, Planning Commission meeting.

Unanimous Voice Vote
Motion Declared Carried

MINUTES OF DECEMBER 6, 2024

Resolution No. 250204-02

(Carried)

Motion by Planning Commission Member Krueger
Second by Planning Commission Member Binder

I Move the Swartz Creek Planning Commission approves the Minutes for the December 3, 2024, Planning Commission meeting.

Unanimous Voice Vote
Motion Declared Carried

MEETING OPENED TO THE PUBLIC: None.

BUSINESS:

SELECTION OF CHAIRPERSON, VICE CHAIRPERSON AND SECRETARY:

Resolution No. 250204-03

(Carried)

Motion by Planning Commission Member Krueger
Second by Planning Commission Member Grimes

I Move the Swartz Creek Planning Commission approves the re-election of the current officers: Tom Wyatt as Chairperson, Nate Henry as Vice Chairperson and Betty Binder as Secretary.

YES: Grimes, Krueger, Henry, Wyatt, Binder, Sturgess, Campbell

NO: None. Motion Declared Carried.

RESOLUTION TO APPROVE THE 2024 ANNUAL REPORT:

Resolution No. 250204-04

(Carried)

Motion by Planning Commission Member Henry
Second by Planning Commission Member Grimes

I Move the Swartz Creek Planning Commission approves the 2024 Annual Report as submitted.

Unanimous Voice Vote
Motion Declared Carried

HOLLAND SQUARE AND OLD METHODIST CHURCH UPDATES:

The DDA has taken the lead on these projects. Holland Square needs to be cleaned up. Discussion ensued. City Council owns the old Methodist Church and must approve the updates before we can proceed, but they would like the input of Planning Commission to make that decision. Depending on fund-raising, construction is planned for late summer, early fall of 2025 as the best-case scenario, with Spring of 2026 the certainty. Funding will start in April.

MEETING OPENED TO THE PUBLIC:

Lania Rocha: Regarding Social District - City has to have two-three businesses that sell alcohol within the district.

REMARKS BY PLANNING COMMISSION:

Commissioner Binder stated that a house was built on the property of one of the ponds on Miller Road and it is very nice looking.

Commissioner Krueger: We have six more weeks of winter.

Commissioner Sturgess stated she doesn't believe we need EV charging stations at Holland Square.

Commissioner Grimes requested an update on Miller and Elms. They have one owner and they are thinking about doing some retail there, but they are moving slow.

Commissioner Wyatt: Discussed the Mega-site in Mundy Township.

Adjourn

Resolution No. 250204-04

(Carried)

Motion by Planning Commission Member Henry
Second by Planning Commission Member Campbell

I Move the Swartz Creek Planning Commission adjourns the February 4, 2025, Planning Commission meeting.

Unanimous Voice Vote
Motion Declared Carried

Meeting adjourned at 8:14 p.m.

Betty Binder, Secretary



Adam Zettel, AICP

City Manager

azettel@cityofswartzcreek.org

Date: August 27, 2025

To: Planning Commissioners
From: Adam Zettel, AICP
RE: September 2, 2025 Planning Commission

Hello everyone,

We will be meeting at 7:00 p.m. on Tuesday, September 2, 2025. Commissioners MUST attend in-person. However, we shall be conducting the meeting using the Zoom application for the benefit of the public. If you cannot attend, please let me know.

The purpose of this meeting will be to conduct a brief training/review of the landscaping section of the zoning ordinance. This is likely to be one of three review sessions we will look to have before the holidays. We are looking to cover some sections of the zoning code for a few reasons. First, we have a mandate to meet four times a year, and business has been so slow. This will give us purpose. Second, we have some new members that could certainly benefit from a detailed look at the code. Lastly, we are all probably a little rusty on site plan review, especially under the relatively newer code.

With that said, I think we will cover some procedural sections in future meetings, such as Site Plan Review or Special Land Uses. For now, I think Landscaping is something that is readily understood, practical, and tangible as a site plan feature. I am including the ordinance in the packet, and we will look to informally cover this in more detail at the meeting.

Note that I am not planning to have additional handouts or a presentation. I think we can benefit from some general guidance and legislative intent perspectives, with a verbal walk through at the meeting.

If you have any comments or questions, please contact me directly.

September 2, 2025
Planning Commission

Sincerely,

A handwritten signature in blue ink that reads "Adam Zettel". The signature is fluid and cursive, with the first name "Adam" and the last name "Zettel" clearly distinguishable.

Adam H. Zettel, AICP
City Manager
City of Swartz Creek
azettel@cityofswartzcreek.org

ARTICLE 20. - LANDSCAPING

Footnotes:

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Editor's note— Ord. No. 440, § 10, adopted June 10, 2019, renumbered Art. 28 §§ 28.00—28.08 as Art. 20 §§ 20.00—20.08, as set out herein.

See editor's note at Art. 13 pertaining to renumbering the former Art. 20.

Section 20.00. - Intent and scope of requirements.

- A. *Intent.* Landscaping enhances the visual image of the city, improves property values and alleviates the impact of noise, traffic, and visual distraction associated with certain land uses. Screening is important to protect less intensive uses from the noise, light, traffic, litter and other impacts of more intensive, non-residential uses. Accordingly, these provisions are intended to set minimum standards for the design and use of landscaping, greenbelts, and screening, and for the protection and enhancement of the city's environment. More specifically, the intent of these provisions is to:
1. Improve the appearance of off-street parking areas, vehicular use areas, and property abutting public rights-of-way, and
 2. Protect and preserve the appearance, character, and value of the neighborhoods that abut non-residential areas, parking areas, and other intensive use areas, thereby protecting the public health, safety and welfare.
- B. *Scope of application.* No site plan shall be approved unless it contains landscaping that meets or exceeds the requirements of this article. No building permit shall be issued by the zoning administrator until the required landscape plan is submitted and approved, and no certificate of occupancy shall be granted unless provisions of this section have been met or a performance guarantee has been posted which may be in an amount equal to the value of outstanding landscaping improvements.
- C. *Minimum requirements.* The requirements in this article are minimum requirements. Under no circumstances shall they preclude the installation of more extensive landscaping. Applicants are encouraged to provide additional landscaping to improve the function, appearance and value of the property.
- D. *Design creativity.* Creativity in landscape design is encouraged. In several instances, the standards are intentionally flexible to encourage flexibility and creative design. Accordingly, required trees and shrubs may be planted at uniform distances, randomly, or in groupings, depending on the designer's desired visual effect and, equally important, the intent of the city to coordinate landscaping on adjoining properties.
- E. *Exceptions to landscaping requirements.* Notwithstanding the requirements of the article, planning commission may approve alternative landscaping standards when it is satisfied that the alternative standards will result in more creative or effective landscaping.

(Ord. No. 440, § 10, 6-10-19)

Section 20.01. - Definitions.

For the purpose of this section, the following definitions shall apply:

- A. *Berm.* A continuous, raised earthen mound with flattened top and sloped sides, capable of supporting live landscaping materials, and with a height, width, and slope which complies with the requirements of this ordinance.
- B. *Buffer zone.* A strip of land often required between certain zoning districts reserved for plant material, berms, walls or fencing to serve as a visual barrier.
- C. *Common open space.* Designated areas unoccupied and unobstructed from the ground upward except for living plant material, recreational facilities, sidewalks, bike paths and necessary drives within a PUD, PMSHDD, single-family cluster option projects, subdivision or condominium projects designed and intended for the use and enjoyment of the public or residents of the development and/or for the protection of natural features.
- D. *Grass.* Any family of plants with narrow leaves normally grown as permanent lawns in Southern Michigan.
- E. *Greenbelt.* A strip of land of definite width and location reserved for the planting of a combination of shrubs, trees and ground cover to serve as an obscuring screen or buffer for noise or visual enhancement, in accordance with the requirements of this ordinance. In some cases a wall or fence may be permitted as part of the greenbelt.
- F. *Ground cover.* Low-growing plants (including grass) that form a dense, extensive growth after one complete growing season, and tend to prevent weeds and soil erosion.

- G. *Shrub*. A woody plant of one to 13 feet in height with several erect, spreading stems and a general bushy appearance.
- H. *Tree*. A woody plant with an erect perennial trunk, which at maturity is 13 feet or more in height, which has a more or less definite crown of foliage. For purposes of this ordinance the following definitions of types of trees shall apply:
 - 1. *Deciduous tree*: A tree which has foliage that is shed at the end of the growing season.
 - 2. *Evergreen tree*: A tree which has foliage that persists and remains green throughout the year.
 - 3. *Ornamental tree*: A deciduous tree which is typically grown because of its shape, flowering characteristics, or other attractive features, and which grows to a mature height of 25 feet or less.
 - 4. *Canopy tree*: A deciduous tree which has a mature crown spread of greater than 15 feet and a mature height of 40 or more feet in southern Michigan, and which has a trunk with at least five feet of clear stem at maturity.

(Ord. No. ~~440~~, § 10, 6-10-19)

Section 20.02. - General landscaping requirements.

- A. *General site requirements*. All developed portions of the site shall conform to the following general landscaping standards, except where specific landscape elements, such as a greenbelt, berms, or screening are required:
 - 1. All unpaved portions of the site shall be planted with grass, ground cover, shrubbery, or other suitable live plant material, and shall extend to any abutting street pavement edge.
 - 2. A mixture of evergreen and deciduous trees shall be planted on the unpaved open portions of non-residential parcels where specific landscaping minimums are not required within this article. Based upon the overall appearance of the proposed site and the amount of landscaping provided elsewhere on the site, the total number of trees required shall be approved at the time of site plan review. Required trees may be planted at uniform distances, randomly, or in groupings.
- B. *Landscaping adjacent to roads and road rights-of-way*. Landscaping adjacent to roads and road rights-of-way shall comply with the following planting requirements:
 - 1. *Minimum requirements*.
 - a) The landscaping area adjacent to roads or road rights-of-way shall consist of a minimum depth of 15 feet, except in situations where the minimum building or parking lot setbacks are less than 15 feet. In such cases, the landscaping area adjacent to roads or road rights-of-way shall consist of a minimum depth of ten feet. This landscaped area shall exclude approved openings for vehicle and pedestrian access. Through lots or corner lots shall provide such landscaping along all adjacent road rights-of-way.
 - b) The planning commission may permit all or a portion of the landscaped area to be located within a road right-of-way or elsewhere within the front setback area, provided that the planning commission finds that all of the following conditions exist regarding the proposed relocation:
 - 1) The relocation is justified because of the physical characteristics of the site, the location of existing easements, sidewalks, or landscaping, the configuration of existing parking, the need to maintain emergency vehicle access, or because of other public health or safety concerns.
 - 2) The landscaped area will not result in less landscaped area than would be required if the landscaped area had been located on private property contiguous to the road right-of-way.
 - 3) The landscaped area is consistent with the intent of this section.
 - 4) The landscaped area will not jeopardize traffic safety or the general planning of the city.
 - 2. *Required plantings*.

Type	Requirements
Deciduous tree*	1 canopy tree per 40 lineal ft. (rounded upward) of road frontage
*The planning commission may approve substitution of evergreen trees for up to 50 percent of the required trees.	

For the purposes of computing length of road frontage, openings for driveways and sidewalks shall not be counted. Trees and

shrubs may be planted at uniform distances, randomly, or in groupings.

3. *Location.*

a) Where planted, trees shall comply with the following minimum setbacks, as measured from the center of the tree:

Location	Minimum Required Setback
from edge of road	10 feet
from fire hydrant	5 feet
from vehicular drive or sidewalk	5 feet
from fence line or property line	4 feet

b) When planted, shrubs shall comply with the following minimum setbacks, as measured from the edge of the shrub:

Location	Minimum Required Setback
from edge of road	5 feet
from fire hydrant	5 feet
from fence line or property line	4 feet

C. *Berms.* Where required, berms shall conform to the following standards:

1. *Dimensions.* Unless otherwise indicated or appropriate, required berms shall be measured from the grade of the parking lot or first ground adjacent to the berm, and shall be constructed with slopes no steeper than one foot vertical for each three feet horizontal (33 percent slope), with at least a two-foot flat area on top. Berms may undulate in height, subject to review and approval of berm design as shown on the site plan. Unless otherwise indicated, the maximum height of required berms shall be three feet.
2. *Protection from erosion.* Any required 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, and other types of construction materials to retain the shape and height of a berm shall be prohibited unless specifically reviewed and approved as part of a site plan by the planning commission.
3. *Required plantings.*
 - a) Berms located in the front yard of non-residential parcels. Berms located in the front yard of non-residential parcels shall be landscaped in accordance with the requirements for landscaping adjacent to roads, [section 20.03](#), subsection B.
 - b) Berms used for screening other than in the front yard. Berms used for screening other than in the front yard shall be landscaped in accordance with the requirements for screening, [section 20.03](#), subsection D.
4. *Measurement of berm length.* For the purpose of calculating required plant material, berm length shall be measured along the exterior edge of the berm.

D. *Screening, obscuring walls and fences.*

1. *Obscuring walls and fences.* There shall be provided on those sides abutting or adjacent to a residential district a completely obscuring wall or fence. The height of such wall or fence shall be determined by the zoning administrator; provided, however, that he shall require only such height as shall be necessary to obscure the use within the fence from adjoining residential uses and in any

event such wall or fence not exceed 12 feet from ground level.

- a) Required walls or fences 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. Required walls or fences may, upon approval of the zoning board of appeals, be located on the opposite side of an alley right-of-way from non-residential district that abuts a residential district when mutually agreeable to affected property owners. The continuity of the required wall or fence on a given block will be a major consideration of the zoning board of appeals in reviewing such request.
 - b) Such walls and screening barrier shall have no openings for vehicular traffic or other purposes, except such openings as may be approved by the chief of police and the zoning administrator. All walls herein required shall be constructed of masonry materials approved by the zoning administrator. Walls shall be erected on a concrete foundation which shall have a minimum depth of 42 inches below a grade approved by the zoning administrator and shall be not less than four inches wider than the wall to be erected.
2. *General screening requirements.* Unless otherwise specified, wherever an evergreen or landscaped screen is required, screening shall consist of closely-spaced evergreen plantings (no farther than 15 feet apart) that can be reasonably expected to form a complete visual barrier that is at least six feet above ground level within three years of planting. Deciduous plant materials may be used provided that a complete visual barrier is maintained throughout the year.
3. *Screening of equipment.* Mechanical equipment, such as air compressors, pool pumps, transformers, sprinkler pumps, satellite dish antennae, and similar equipment shall be screened on at least three sides by evergreen trees or shrubs planted three feet on-center. As practical, said screening shall exceed the vertical height of the equipment being screened by at least six inches within two years of planting.
- E. *Parking lot landscaping.* In addition to required screening, all off-street parking areas with more than 25 spaces shall also provide landscaping as follows:
1. *Dispersed landscaping.* Landscaping shall be dispersed throughout the parking lot in order to break up large expanses of pavement and assist with vehicular and pedestrian flow.
 2. *Required parking lot trees.* At least one canopy tree shall be provided per eight parking spaces provided.
 3. *Location of parking lot trees.* All of the required parking lot trees shall be placed within the parking lot envelope as described by the area including the parking lot surface and extending ten feet from the edge of the parking lot. A minimum of one-third of the required parking lots trees shall be placed within the interior of the parking area.
 4. *Size of islands.* Parking lot islands shall be curbed and be at least 100 square feet in area. The length of the island shall be two feet shorter than an adjacent parking space.
 5. *Other plantings in islands.* Only shrubs, grass or other living ground cover shall be used to supplement trees within parking lot islands.
 6. *Pedestrian connections through parking lots.* The design and layout of the parking lots shall provide appropriate pedestrian circulation and connections to perimeter pedestrian connections.
 7. *Other landscaping.* Required landscaping elsewhere on the parcel shall not be counted in meeting the parking lot landscaping requirements.
- F. *Buffers.*
1. A buffer shall be provided between the subject site and all adjacent properties in accordance with the table below. The planning commission shall determine whether landscaping, a wall, a berm, or combination of these elements is needed to attain the intended screening. The use of canopy trees and associated understory are encouraged while walls and berms are discouraged.
 2. At a minimum, the width of the buffer shall be equal to the required setback. However when a wall or berm are used, a larger buffer width may be required to accommodate both the required plant material and the wall or berm. All walls and berms shall be designed in accordance with the standards contained herein. (Note: Exceptions may be granted as outlined in [section 20.08](#))

Buffer Type	Required Plantings in Buffers (as noted in following Chart)
Type A buffer	Two canopy trees and four shrubs, or one canopy tree, one evergreen and four shrubs per 20 linear feet along the property line, rounded upward.

Type B Buffer	One canopy tree and four shrubs, or one evergreen tree and four shrubs per 20 linear feet along the property line, rounded upward.
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Zoning or Proposed Use of Subject Site	Zoning or Use of Adjacent Site									
	One- or Two-Family (R-1, R-2, R-3, R-4)	Multiple-Family (RM-1, RM-2)	Office (O-1)	Municipal or Institutional	Central Business District (CBD)	Other Commercial (NBD, GBD)	Industrial (I-1, I-2)	Outdoor Storage Areas in any District	Public Utility Buildings & Structures	Parking Lots
One- or Two-Family	none	Type B	Type B	Type A	Type A	Type A	Type A	Type A	Type A	Type A
Multiple-Family	Type B	none	Type B	Type A	Type A	Type A	Type	Type A	Type A	Type A
Office	Type B	Type B	none	Type B	Type B	Type B	Type B	Type B	Type A	Type B
Municipal or Institutional	Type A	Type A	Type B	none	Type B	Type B	Type A	Type B	Type A	Type B
Central Business District	Type A	Type A	Type B	Type B	none	Type B	Type A	Type A	Type A	Type B
Commercial	Type A	Type A	Type B	Type B	Type B	none	Type A	Type A	Type A	Type B
Industrial	Type A	Type A	Type B	Type A	Type A	Type A	none	Type B	Type B	Type B
Outdoor Storage Areas in any District	Type A	Type A	Type B	Type B	Type A	Type A	Type B	none	Type B	Type B
Public Utility Buildings & Structures	Type A	Type A	Type A	Type A	Type A	Type A	Type B	Type B	none	Type B

Parking Lots	Type A	Type A	Type B	Type B	Type B	Type B	Type B	Type B	Type B	none
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- G. *Landscaping of rights-of-way.*
- Public rights-of-way located adjacent to required landscaped areas and greenbelts shall be planted with grass or other suitable live ground cover, and shall be maintained by the owner or occupant of the adjacent property as if the rights-of-way were part of the required landscaped areas or greenbelts.
 - Trees and shrubs shall not be planted in the road right-of-way without first obtaining approval from the agency that has jurisdiction over the road.
 - Trees and shrubs shall be planted no closer to the edge of the road pavement than the distances specified in the following chart:

Road Setback Requirements for Plantings (from edge of road)	
Trees	10 feet (measured from center of tree)
Shrubs	5 feet (measured from perimeter of shrub)

- H. *Maintenance of unobstructed visibility for drivers.* No landscaping shall be established or maintained on any parcel or in any parking lot that will obstruct the view of drivers. Accordingly, all landscaping shall comply with the provisions set forth in section [19.11, Corner clearance].
- I. *Potential damage to utilities and public facilities.* Landscaping material shall not be planted in a manner that will interfere with or cause damage to underground utility lines, public roads, or other public facilities. Species of trees whose roots are known to cause damage to public roadways, sewers, or other utilities shall not be planted closer than 15 feet from any such roadways, sewers, or utilities. Trees shall be setback from overhead utility lines as indicated in the following chart:

Utility Setback Requirements for Plantings	
Potential Tree Height	Minimum Distance from Center of Trunk to Nearest Utility Line
Up to 15 feet	10 ft.
15 to 25 feet	20 ft.
Over 25 feet	30 ft.

- J. *Landscaping of divider medians.* Where traffic on driveways, maneuvering lanes, private roads, or similar means of vehicular access is separated by a divider median, the median shall be curbed (six-inch non-mountable curb) and have a minimum width of ten feet. A minimum of one deciduous or evergreen tree shall be planted for each 30 lineal feet or portion thereof of median. Trees may be planted at uniform distances, randomly, or in groupings, but in no instance shall the center-to-center distance between trees exceed 60 feet.
- K. *Irrigation.* Each landscaped area shall have water access available. The site plan shall indicate the proposed method of providing water to landscaped areas. Although not required, installation of an in-ground irrigation or sprinkler system is encouraged, particularly in front yards.
- L. *Sight distance.* The landscape plan shall be approved by the planning commission in consideration of sight distance, size of planting

area, location of sidewalks, maintenance of adequate overhead clearance, accessibility to fire hydrants, visibility to approved signs and compatibility with the visual character of the surrounding area. Plantings within 15 feet of a fire hydrant shall be no taller than six inches.

(Ord. No. 440, § 10, 6-10-19)

Section 20.03. - Specific landscaping requirements for zoning districts.

- A. *Requirements for Business, Office, and Industrial Districts.* All lots or parcels of land located in Office, Commercial, or Industrial Zoning Districts shall comply with the following landscaping requirements:
1. *General site landscaping.* Exclusive of parking lot requirements, at least six percent of the total area of the site shall be maintained as landscaped open area. All such open areas shall conform to the general site requirements in section 20.03, subsection A., except where specific landscape elements are required.
 2. *Landscaping adjacent to road or road right-of-way.* All business, office, and industrial developments shall comply with the requirements for landscaping adjacent to the road or road right-of-way in section 20.03, subsection B.
 3. *Berm requirements.* A berm may be used to screen off-street parking from view of the road, in which case the berm shall be a maximum of three feet in height, and shall be planted in accordance with section 20.03, subsection C. The berm shall be located entirely on private property, adjacent to the road right-of-way. Parking lot landscaping may be reduced if a berm is constructed to screen off-street parking, in accordance with section 20.03, subsection C.
 4. *Screening.* Landscaped screening or a wall shall be required wherever a non-residential use in a Business, Office, or Industrial District abuts land zoned for residential purposes. Landscaped screening shall comply with the requirements in section 20.03, subsection D.
 5. *Parking lot landscaping.* Off-street parking areas containing greater than 25 spaces shall comply with the requirements for parking lot landscaping in section 20.03, subsection E.
- B. *Requirements for Central Business District.* The purpose of this section is to promote development and redevelopment in the Central Business District in a manner that creates a safe and attractive environment for specified uses as well as cultivate an attractive gateway to the city.
1. *Pedestrian related design features.* Direct pedestrian access shall be provided from the principal entrance of the building to the sidewalk on Miller Road, Morrish Road or side street, if any. Pedestrian access shall be provided from rear parking facilities to the ground floor uses, either through rear or side building entrances, pedestrian ways along the perimeter of buildings, or by pedestrian throughways which connect the rear parking lots to the sidewalks along Miller and Morrish Roads. Pedestrian throughways may be located between buildings or may be incorporated in the interior design of a structure. Pedestrian throughways shall be a minimum of six feet wide (where practical), well lighted and visually accessible from either the interior of the building or street and parking areas. The intention is to provide a safe and aesthetically pleasing environment.
- Parking, vehicular service areas, and all pedestrian areas shall be well lighted to provide both a secure and aesthetically pleasing environment. Lighting shall be directed away from adjacent residential properties and roadways.
- Combined ground floor and second floor building frontage on all front yards shall contain a minimum of 20 percent transparent or translucent materials per gross area of frontage.
2. *Optional crime prevention through environmental design (CPTED) review requirements.* The planning commission may require a CPTED review for rezoning petitions, special land use petitions, and site development plans for all sites located in the Central Business District. The CPTED development plan review must be completed and signed by one law enforcement and one designated CPTED trained planning commission member or zoning administrator assigned to the petition prior to the petition being scheduled before the planning commission. The development plan presented to the planning commission and city council by the petitioner shall respond to all concerns noted by the CPTED reviewers.
- It is the intent of the guidelines listed below to assist in the creation and maintenance of a built environment that decreases the opportunity for crime and increases the perception of safety. The CPTED review performed by the individuals listed above shall encompass but not be limited to the following principles:
- a) *Provision of natural surveillance:*
 - 1) The placement and design of physical features to maximize visibility. This will include building orientation, windows, entrances and exits, parking lots, walkways, guard gates, landscape trees and shrubs, fences or walls, signage and any other

physical obstructions.

- 2) The placement of persons and/or activities to maximize surveillance possibilities.
- 3) Lighting that provides the nighttime illumination of parking lots, walkways, entrances and exits.

b) *Provision for natural access control:*

- 1) The use of sidewalks, pavement, lighting and landscaping to clearly guide the public to and from entrances and exits.
- 2) The use of fences, walls or landscaping to prevent and/or discourage public access to or from dark and/or unmonitored areas.

c) *Provision of territorial reinforcement:*

- 1) The use of pavement treatments, landscaping, art, signage, screening and fences to define and outline ownership of property.

d) *Maintenance:*

- 1) The use of low-maintenance landscaping and lighting treatment to facilitate the CPTED principles of natural surveillance, natural access control and territorial reinforcement.

C. *Requirements for Multiple-Family District.* All lots or parcels of land located in the Multiple-Family Zoning District shall comply with the following landscaping requirements:

1. *General site landscaping.* A minimum of two (rounded upward) deciduous or evergreen trees, PLUS, four shrubs shall be planted per dwelling unit. Unless otherwise specified, required landscaping elsewhere in the multiple-family development shall not be counted in meeting these requirements for trees.
2. *Landscaping adjacent to road or road right-of-way.* All multiple-family developments shall comply with the requirements for landscaping adjacent to the road or road right-of-way in [section 20.03](#), subsection B.
3. *Berm requirements.* A berm may be used to screen off-street parking from view of the roadway or other public property, in which case the berm shall be a maximum of three feet in height, and shall be planted in accordance with [section 20.03](#), subsection C. The berm shall be located totally on private property, adjacent to the road right-of-way. Parking lot landscaping may be reduced if a berm is constructed to screen off-street parking, in accordance with [section 20.03](#), subsection C.
4. *Screening.* Landscaped screening or a wall shall be required on all sides of a multiple-family development, except on sides facing a road. Landscaped screening shall comply with the requirements in [section 20.03](#), subsection D. A wall may be used instead of landscaping adjacent to non-residential districts.
5. *Parking lot landscaping.* Off-street parking areas containing greater than 15 spaces shall comply with the requirements for parking lot landscaping in [section 20.03](#), subsection E.
6. *Privacy screen.* Where multiple-family dwellings are designed so that open common areas or individual patio areas abut a public street, a landscaped privacy screen shall be provided. The screen may consist of a combination of trees, shrubs, and landscaped berms, subject to site plan review and approval by the planning commission.

D. *Requirements for non-residential uses in residential districts.* All non-residential uses developed in residential zoning districts shall comply with the following landscaping requirements:

1. *General site landscaping.* At least ten percent of the site shall be maintained as landscaped open area. All such open areas shall conform to the general site requirements in [section 20.03](#), subsection A., except where specific landscape elements are required.
2. *Landscaping adjacent to road or road right-of-way.* All non-residential developments located in residential districts shall comply with the requirements for landscaping adjacent to the road or road right-of-way in [section 20.03](#), subsection B.
3. *Berm requirements.* A berm may be used to screen off-street parking from view of the road, in which case the berm shall be a maximum of three feet in height, and shall be planted in accordance with [section 20.03](#), subsection C. The berm shall be located entirely on private property, adjacent to the road right-of-way. Parking lot landscaping may be reduced if a berm is constructed to screen off-street parking, in accordance with [section 20.03](#), subsection C.
4. *Screening.* Landscaped screening or a wall shall be required wherever a non-residential use abuts properties zoned for residential purposes obscuring walls, fences and landscaped screening shall comply with the requirements in [section 20.03](#), subsection D.
5. *Parking lot landscaping.* Off-street parking areas containing greater than 15 spaces shall comply with the requirements for parking lot landscaping in [section 20.03](#), subsection E.

(Ord. No. [440](#), § 10, 6-10-19)

Section 20.04. - Standards for landscape materials.

Unless otherwise specified, all landscape materials shall comply with the following standards:

- A. *Plant quality.* Plant materials shall be nursery grown, free of pests and diseases, hardy in Genesee County, in conformance with the standards of the American Association of Nurserymen, and shall have passed inspections required under state regulations.
- B. *Non-living plant material.* Plastic and any other non-living plant materials shall not be acceptable to meet the landscaping requirements of this ordinance. Upon approval of the planning commission through site plan review, water bodies, boulder groupings, landscape furniture, and manmade landscape ornaments, singly or in combination may account for a maximum of 30 percent of the ground area to be landscaped.
- C. *Recommended plant material.* Use of the following plant materials is recommended because of their resilience and adoption to environmental conditions of Southeast Michigan.

RECOMMENDED PLANT MATERIALS	
COMMON NAME	GENUS
Deciduous Canopy Trees	
1. Oaks	Quercus
2. Hard Maples (Except Japanese)	Acer
3. Hackberry	Celtis
4. Planetree (Sycamore)	Platanus
5. Birch	Betula
6. Beech	Fagus
7. Gingko (male)	Ginkgo
8. Honeylocust (Thornless Cultivars only)	Gleditsia
9. Sweetgum	Liquidambar
10. Hophornbeam (Ironwood)	Ostrya
11. Linden	Tilia
12. Hickory	Carya
13. Hornbeam (Blue Beech)	Carpinus
Please note: Although the use of ashes is suggested, due to recent disease and pest problems associated with ashes in the area, it is recommended that more disease resistant ash cultivars be used and that no one cultivar be planted as the dominant tree type.	
Deciduous Ornamental Trees	
1. Amelanchier	Amelanchier

2. Redbud	Cercis
3. Dogwood (Tree Form)	Cornus
4. Hawthorn	Crataegus
5. Flowering Crabapple (Disease Resistant Cultivars)	Malus
6. Flowering Plum (Tree Form)	Prunus
7. Flowering Pear	Pyrus
8. Magnolia	Magnolia
9. Hornbeam	Carpinus
10. Rose of Sharon	Hibiscus
Evergreen Trees	
1. Fir	Abies
2. Hemlock	Tsuga
3. Spruce	Picea
4. Pine	Pinus
5. Douglas Fir	Pseudotsuga
Please note: Dwarf, Globe, Pendulous species/Cultivars are not permitted.	
Narrow Evergreens	
1. Juniper	Juniperus
2. Arborvitae	Thuja
Please note: Dwarf, Globe, Spreading Species/Cultivars are not permitted.	
Large Shrubs	
1. Deciduous	
a. Dogwood (Shrub Form)	Cornus
b. Cotoneaster	Cotoneaster
c. Forsythia	Forsythia
d. Mock-Orange	Philadelphus

e. Sumac	Rhus
f. Lilac	Syringa
g. Viburnum	Viburnum
h. Witchhazel	Hamamelis
i. Euonymus	Euonymus
j. Privet	Ligustrum
k. Ninebark	Physocarpus
2. Evergreens	
a. Juniper (Hetz, Pfitzer, Savin)	Juniperus
b. Yew (Pyramidal Japanese)	Taxus
Small Shrubs	
1. Deciduous	
a. Barberry	Berberis
b. Boxwood	Buxus
c. Quince	Chaenomeles
d. Cotoneaster	Cotoneaster
e. Euonymus	Euonymus
f. Forsythia	Forsythia
g. Hydrangea	Hydrangea
h. Holly	Ilex
i. Privet	Ligustrum
j. Potentilla	Potentilla
k. Currant	Ribes
l. Lilac	Syringa
m. Viburnum	Viburnum
n. Weigela	Weigela

2. Evergreens	
a. Fir	Abies
b. False Cypress	Chamaecyparis
c. Juniper (Low Spreading)	Juniperus
d. Spruce	Picea
e. Pine	Pinus
f. Yew (Globe, Spreading, Upright)	Taxus
g. Arborvitae (Globe/Dwarf)	Thuja

D. *Prohibited plant material.* Use of the following plant materials (or their clones or cultivars) is prohibited because of susceptibility to storm damage, drainage conflicts, disease, and other undesirable characteristics.

1. Ash;
2. Box Elder;
3. Soft Maples (Silver);
4. Elms (American, Siberian, slippery, red, and Chinese);
5. Poplars;
6. Willows;
7. Horse Chestnut (nut bearing);
8. Tree of Heaven;
9. Catalpa;
10. Ginkgo (female);
11. Cottonwood;
12. Black Locust;
13. Mulberry;
14. Honey Locust (with Thorns).

The planning commission, however, may allow generally prohibited trees from the above list when associated with an appropriate ecosystem, such as a wetland area.

(Ord. No. 440, § 10, 6-10-19)

Section 20.05. - Installation and maintenance.

The following standards shall be observed where installation and maintenance of landscape materials are required:

- A. *Installation.* Landscaping shall be installed in a sound, workmanlike manner to ensure the continued growth of healthy plant material. Trees, shrubs, hedges, and vines shall be generously mulched at the time of planting.
1. The required landscaping shall be planted with permanent living plant materials within six months from the date of occupancy and shall be continuously maintained in a sound, healthy, and vigorous growing condition.
 2. The selection, spacing, and size of plant material shall be such as to create, within a five-year period from the date of planting, a horizontal obscuring effect for the entire length of the required greenbelt area, and a vertical obscuring effect of such height as is determined adequate by the planning commission for proper screening between land uses.

3. If the development is completed, at such time that the requirements of subsection A.1. above, cannot be complied with, the owner shall provide a performance guarantee to ensure installation of required landscaping in the next planting season, in accordance with [section 20.03](#).

SUMMARY OF PLANT MATERIAL SPECIFICATIONS				
	Minimum Caliper	Minimum Height	Minimum Spread	Minimum Length
Deciduous Trees	2 in. [1]	4 ft. first branch [4]		
Ornamental Trees	1 in. [2]	4 ft. first branch		
Evergreen Trees		6 ft.	2 ft.	
Shrubs		2 ft.	2 ft.	
Hedges		4 ft. [5]		
Vines				30 inches [3]

Footnotes:

- [1] Measured 12 inches above grade.
 - [2] Measured six inches above grade. Clumped trees (i.e., Birch) shall have a minimum height of six feet above grade.
 - [3] After one season.
 - [4] Trees planted along pedestrian routes (i.e., sidewalks, plazas, etc.) shall not have branches (lower than eight feet). Trees planted within street lines and sidewalks and planted along bikeways shall maintain a vertical clearance to obstructions of a minimum of ten feet.
 - [5] Hedges shall be planted and maintained so as to form a continuous, unbroken, visual screen within two years after planting, barring unusual growing conditions, such as drought or disease.
 - [6] Ground cover used in lieu of turf grasses in whole or in part shall be planted in such a manner as to present a finished appearance and reasonably complete coverage after one complete growing season.
 - [7] Grass area shall be planted using species normally grown as permanent lawns in Genesee County. Grass, sod, and seed shall be clean and free of weeds, pests, and diseases. Grass may be sodded, plugged, sprigged or seeded. When grass is to be established by a method other than complete sodding or seeding, nurse grass seed shall be sown for immediate effect and protection until complete coverage is otherwise achieved. Straw or other mulch shall be used to protect newly seeded areas.
 - [8] Mulch used around trees, shrubs, and vines shall be a minimum of four inches deep, and installed in a manner as to present a finished appearance.
- B. *Spacing.* Planting in formal groupings to create a naturalistic appearance is desirable whenever possible, plant materials shall not be placed closer than four feet from the fence line or property line. Plant materials used together in informal groupings shall meet the on-center spacing requirements:

Plant Material Types	Evergreen	Narrow Evergreen Trees	Large Deciduous Trees	Small Deciduous Trees	Large Shrubs	Small Shrubs

Evergreen Trees	Min. 10' Max. 20'	Min. 12'	Min. 20'	Min. 12'	Min. 6'	Min. 5'
Narrow Evergreen Trees	Min. 12'	Min. 5' Max. 10'	Min. 15'	Min. 10'	Min. 5'	Min. 4'
Large Deciduous Trees	Min. 20'	Min. 15'	Min. 20' Max. 30'	Min. 15'	Min. 5'	Min. 3'
Small Deciduous Trees	Min. 12'	Min. 10'	Min. 15'	Min. 8' Max. 15'	Min. 6'	Min. 3'
Large Shrubs	Min. 6'	Min. 5'	Min. 5'	Min. 6'	Min. 4' Max. 6'	Min. 5'
Small Shrubs	Min. 5'	Min. 4'	Min. 3'	Min. 3'	Min. 5'	Min. 3' Max. 4'

- C. *Mixing of species.* The overall landscape plan shall not contain more than 33 percent of any one plant species. The use of trees native to the area and Southeast Michigan, and mixture of trees from the same species associates, is encouraged. Botanical genera containing trees native to Southeast Michigan are identified with an asterisk (*) in the Table of Recommended Plant Materials.
- D. *Protection from vehicles.* All landscaped areas shall be protected from vehicles through use of curbs or wheel stops. All landscape areas shall be elevated above the pavement to a height adequate to protect the plants from snow removal, salt, and other hazards.
- E. *Off-season planting requirements.* If development is completed during the off-season when plants cannot be installed, the owner shall provide a performance guarantee to the city to ensure installation of required landscaping in the next planting season.
- F. *Maintenance.* Landscaping required by this ordinance or as approved by planning commission through site plan review shall be maintained in a healthy, neat, and orderly appearance, free from refuse and debris. All unhealthy and dead plant material shall be replaced immediately upon notice from the zoning administrator, unless the season is not appropriate for planting, in which case such plant material shall be replaced at the beginning of the next planting season.
- G. All landscaped areas shall be provided with a readily available and acceptable supply of water, with at least one spigot located within 300 feet of all plant material to be established and maintained. Trees, shrubs, and other plantings and lawn areas shall be watered regularly throughout the growing season.
- H. All constructed or manufactured landscape elements, such as but not limited to benches, retaining walls, edging, and so forth, shall be maintained in good condition and neat appearance. Rotted, deteriorated, or damaged landscape elements shall be repaired, replaced, or removed upon notice from the zoning administrator.

(Ord. No. 440, § 10, 6-10-19)

Section 20.06. - Treatment of existing plant material.

The following regulations shall apply to existing plant material:

- A. *Consideration of existing elements in the landscape design.* In instances where healthy plant material exists on a site prior to its development, the planning commission may permit substitution of existing plant material in lieu of part or all of the requirements in this section, provided that such substitution is in keeping with the spirit and intent of this article and the ordinance in general.

Existing hedges, berms, walls, or other landscape elements may be used to satisfy the requirements set forth previously, provided

that such existing elements conform to the requirements of this section.

- B. *Preservation of existing plant material.* Site plans shall show all existing trees that are located in the portions of the site that will be built upon or otherwise altered, and are five inches or greater in caliper, measured 12 inches above grade.

Such trees shall be clearly labeled "To Be Removed" or "To Be Saved" on the site plan. For trees labeled "To Be Saved" on the site plan, protective measures must be implemented during construction, such as the placement of fencing or stakes at the dripline around each tree. No vehicle or other construction equipment shall be parked or stored within the dripline of any tree or other plant material intended to be saved nor shall the grade of the soil within the dripline be changed as a result of the construction.

In the event that existing healthy plant materials that are intended to meet the requirements of the ordinance are removed, damaged or destroyed during construction, the plant material shall be replaced with the same species as the damaged or removed tree, in accordance with the following schedule:

CALIPER MEASURED 12 INCHES ABOVE GRADE		
Damaged Tree	Replacement Tree	Replacement Ratio
Less than 6 inches	2½ to 3 inches	1 for 1
More than 6 inches	2½ to 3 inches	1 replacement tree for each 6 inches in caliper or fraction thereof of damaged tree

(Ord. No. [440](#), § 10, 6-10-19)

Section 20.07. - Modifications to landscape requirements.

In consideration of the overall design and impact of a specific landscape plan, and in consideration of the amount of existing plant material to be retained on the site, the planning commission may modify the requirements of this article, provided that any adjustment maintains the intent of this article and the ordinance in general. In granting a modification, the planning commission shall make a finding of the following:

- A. The public benefit intended by the landscape regulations will be better-achieved with a plan that varies from the strict requirements of the ordinance; and
 - 1. Topographic features or other unique features of the site create conditions such that strict application of the landscape regulations would result in a less effective screen than an alternative landscape design; or
 - 2. Parking, vehicular circulation, or land use are such that required landscaping would not enhance the site or result in the desired screening effect; and
- B. Need for security; and
- C. Abutting district or existing use; and
- D. That extending the existing natural vegetation provides the desired screening; and
- E. Building heights and views in relation to existing topography and vegetation as well as from adjacent uses.

(Ord. No. [440](#), § 10, 6-10-19)

Section 20.08. - Trash enclosure screening.

All trash enclosures shall be located to have easy access for removal and not to interfere with traffic patterns of the parking lot and adjoining streets. All trash enclosures shall be enclosed and screened by a combination of the following: fence or wall and/landscape material as approved by the planning commission. A solid screen of a minimum height equal to the height of the trash enclosure shall be erected around three sides of the trash enclosure excluding the side for access. Access to the dumpster shall be screened by a solid gate and shall remain closed and secured at all times excluding the loading and unloading of material within said enclosure. No trash enclosure shall be located in the front yard or right-of-way

of any parcel.

(Ord. No. 440, § 10, 6-10-19)