

# AGENDA IV.A. UNFINISHED BUSINESS

Addressing the proposed text amendment to amend Chapter 50 of the 2019 Detroit City Code, Zoning, by repealing, adding, altering and consolidating various provisions under Article XII, Article XIV and Article XVI, to provide new Landscaping, Screening and Buffering provisions.

# Background

## PDD Request

PDD and BSEED have been working on guidelines that require zoning ordinance updates:

- Industrial Design Guidelines
- Commercial Corridor Design Principles

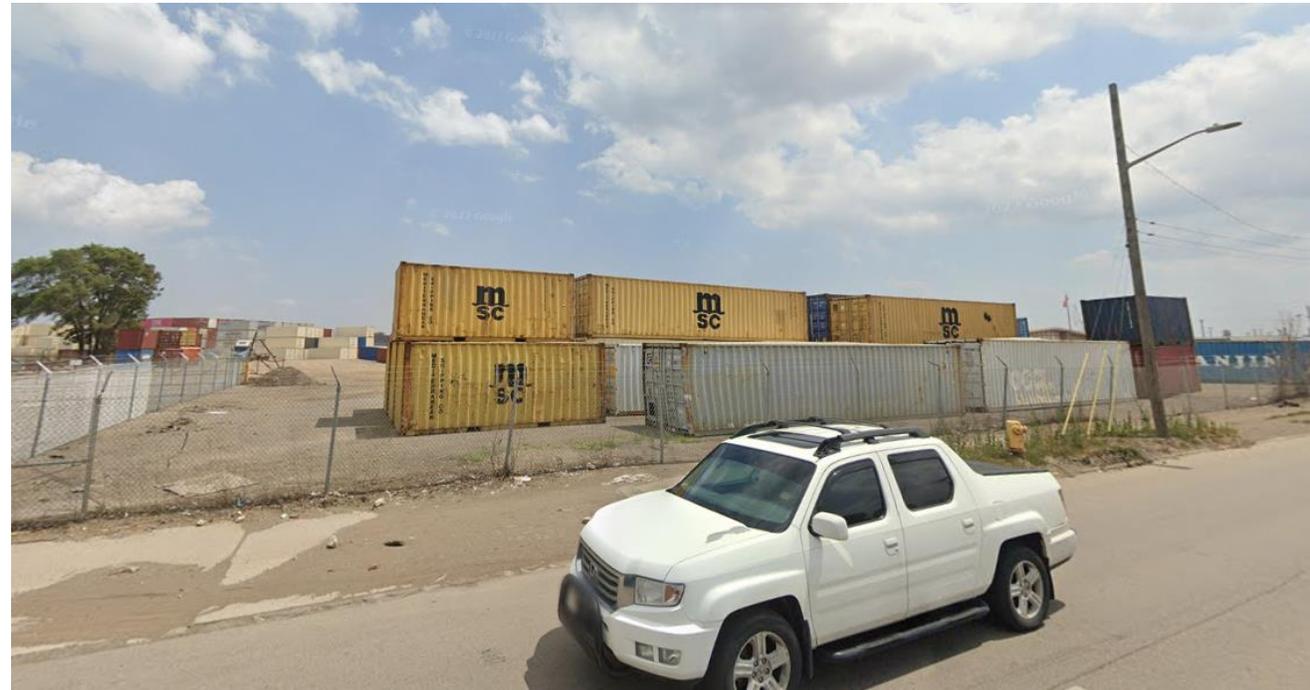
## Previous CPC Discussions

- 9/29 (Fences) and 10/20 (Screening)
- Following discussion, Commission requested additional public outreach



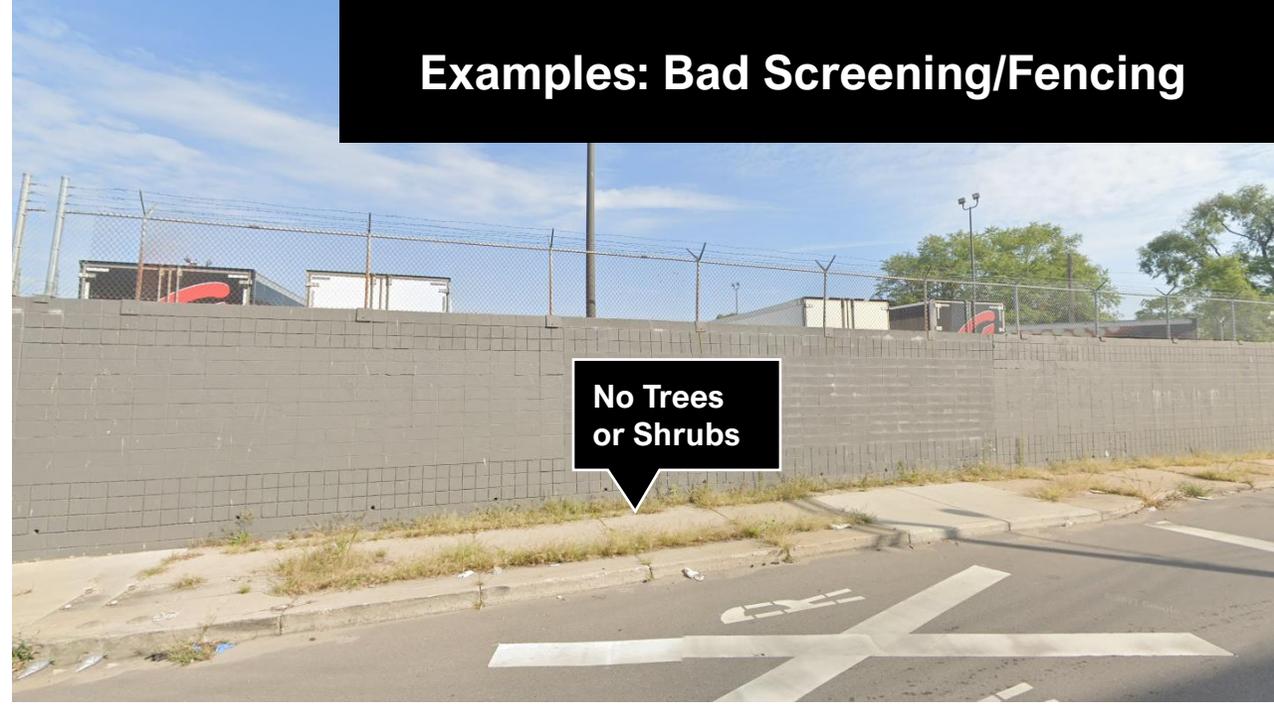
# Background

- Appearance of commercial and industrial properties has become a noticeable issue city-wide
- Frequent complaints from residents
- Many uses are not subject to screening or are continually noncompliant
- Current standards are vague or in conflict between sections



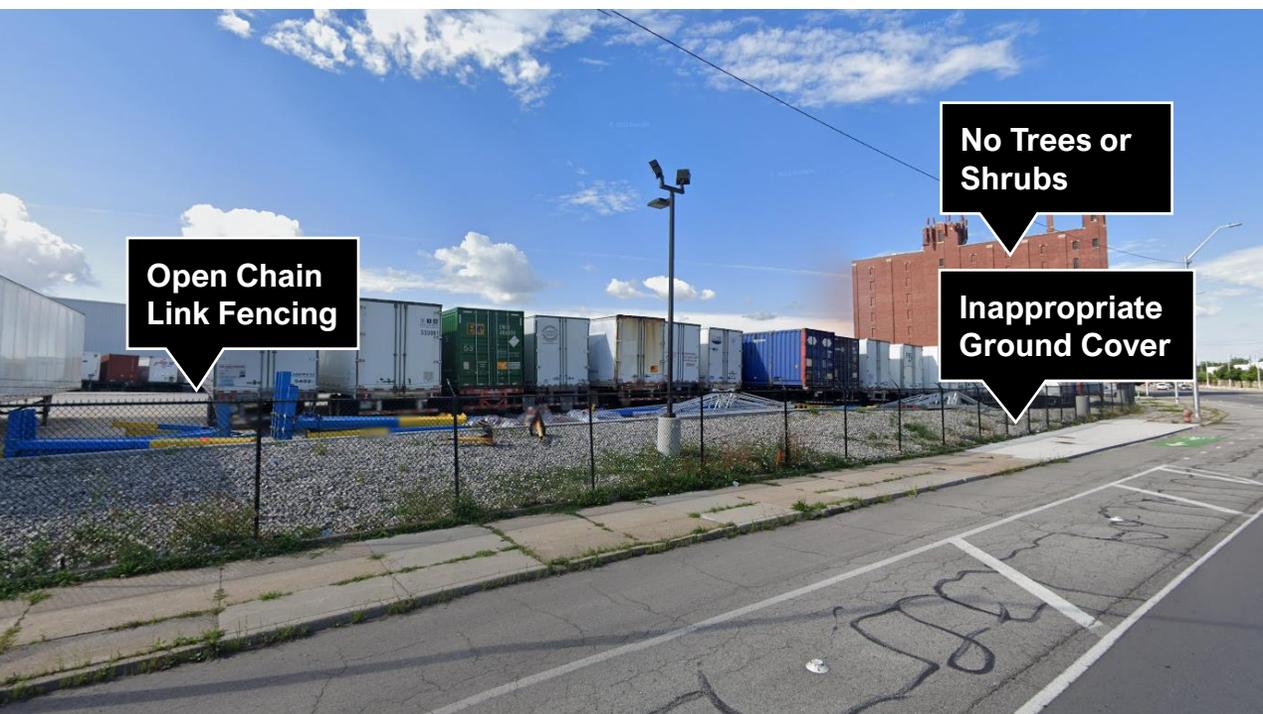


**Mesh fabric does not block views, hard to keep looking good/neat**



**No Trees or Shrubs**

**Examples: Bad Screening/Fencing**



**Open Chain Link Fencing**

**No Trees or Shrubs**

**Inappropriate Ground Cover**



**Illegal fence material**

**Screening is not tall enough**

# Public Engagement

## Two virtual meetings prior to this meeting, coordinated with DON/DEGC:

- City-wide DONCast (11/28) – 140 attendees
- District 3 Meeting (12/13) – 91 attendees

## Common feedback:

- Supportive of changes, illegal/poorly maintained fencing and lack of buffering is definitely an issue that should be fixed
- Will the city help pay for new fencing/screening when required
- When would changes impact my property/business

# Current Zoning Ordinance

CURRENT LANDSCAPING & SCREENING STANDARDS

# Overview

## Article XII – Specific Use Standards

- Contains specific screening standards for auto uses, outdoor storage, and scrapyards, but not many industrial uses

## Article XIV – Landscaping & Screening

- Includes screening requirements for open storage areas, dumpsters, and loading docks but not truck parking

## Section 50-14-367 – Screening Requirements

- Does not contain clear, quantitative standards

## Sections 50-14-368 & 50-14-381 – Fences

- No clear permitted or prohibited material standards
- Height standards are confusing or in conflict with other sections of the ordinance

# Proposed Amendments

SCREENING & FENCE STANDARDS

# Guiding Principles

## With these changes, we hope to:

- Make rules that govern screening clearer
- Beautify street frontages
- Enhance landscape buffering between certain uses and neighborhoods
- Provide specific standards for appropriate walls and fences
- Give property owners options for compliance with new rules



# Scope of Amendments

- Screening applies to limited number of commercial and industrial properties (currently require or should require it)
- Some restrictions for fence materials along public streets (apply to commercial/industrial properties only)
- No substantive changes to regulations for residential fences

# Uses that Require Screening

## EXISTING

### Uses that require screening:

- *Containerized freight*
- *Junkyard*
- *Lumberyard*
- *Motor vehicle filling stations*
- *Motor vehicle sales*
- *Motor vehicle service*
- *Outdoor storage yard*
- *Tow yards*
- *Transfer stations*

### Site features that require screening:

- *Open storage areas*
- *Loading docks and truck maneuvering areas*

## NEW:

### Uses that require screening:

- *Trucking terminals*
- *Utilities (e.g., substations)*
- *Warehouses*
- *Very-high impact manufacturing & processing*

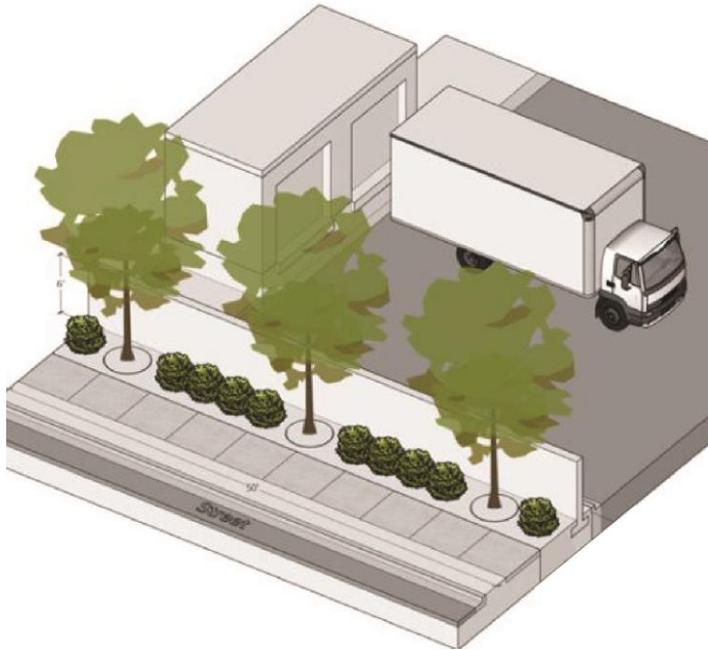
### Site features that require screening:

- *Truck and semi-trailer parking*
- ***Bus and other commercial vehicle parking***

# Screening Standards

## Types I, III

Narrower buffer with solid wall and decorative landscaping



## Types II, IV

Wider buffer with or without a decorative fence and dense landscaping



- *Introduce buffer types with clear standards for: depth (setback), number of plantings, wall opacity*
- *Easier to know what's required*
- *Clearer standards = faster reviews*
- *More attractive commercial corridors/  
better industrial neighbors*

# Screening Standards

<b>Required Screening for Specific Uses</b>			
	<b>Permitted Buffer Type(s)</b>		
<b>Use</b>	<b><u>Adjacent to street rights-of-way</u></b>	<b><u>Adjacent to or across an alley from Residential Districts<sup>1</sup></u></b>	<b><u>Adjacent to all other property lines<sup>2</sup></u></b>
<u>Containerized freight yard</u>	<u>Type III</u>	<u>Type III</u>	<u>Type I</u>
<u>Junkyard</u>	<u>Type III</u>	<u>Type III</u>	<u>Type I</u>
<u>Lumber</u>	<b><u>All Other Uses - Site Features That Require Screening</u></b>		
	<b>Permitted Buffer Type(s)</b>		
<b>Motor vehicle</b>	<b><u>Adjacent to street rights-of-way</u></b>	<b><u>Adjacent to or across an alley from Residential Districts<sup>1</sup></u></b>	<b><u>Adjacent to all other property lines<sup>2</sup></u></b>
<b>Motor vehicle</b>	<b><u>Site Feature</u></b>		
<u>Motor vehicle</u>	<u>Loading docks, service yards, exterior work areas, and truck/semi-trailer parking areas</u>	<u>Type I or II</u>	<u>Type III or IV</u>
<u>Motor vehicle</u>	<u>Open storage areas</u>	<u>Type III</u>	<u>Type I</u>

- *Standards consolidated into one section, based on buffer types*
- *Screening by use OR site features if use is not listed*
- *No screening required between industrial properties*
- *Standards from existing ordinance carried over where applicable*

# Fence Height

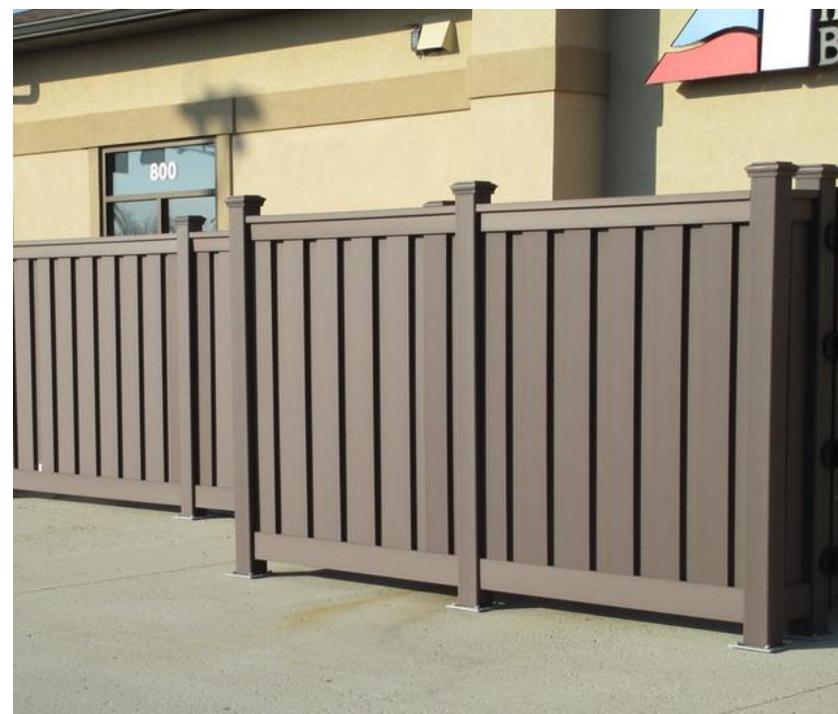
<u>Maximum Height Permitted by District</u>						
<u>Fence or Wall</u> <u>Opacity</u>	<u>Residential</u> <u>Districts<sup>1</sup></u>		<u>Business and</u> <u>Special Districts</u>		<u>Industrial</u> <u>Districts</u>	
	<u>Maximum heights within yards<sup>2</sup></u>					
	<u>Front</u>	<u>Side/Rear</u>	<u>Front</u>	<u>Side/Rear</u>	<u>Front</u>	<u>Side/Rear</u>
<u>Transparent (&lt;75% Opacity)</u> <u>Fence or Wall Materials</u>	<u>4'</u>	<u>6'</u>	<u>8'</u>	<u>8'</u>	<u>12'</u>	<u>12'</u>
<u>Opaque (&gt;75% Opacity)</u> <u>Fences or Walls, where screening</u> <u>is not required</u>	<u>3'</u>	<u>6'</u>	<u>Prohibited</u>	<u>8'</u>	<u>Prohibited</u>	<u>12'</u>
<u>Opaque (&gt;75% Opacity)</u> <u>Fences or Walls, where screening</u> <u>is required</u>	<u>3'</u>	<u>6'</u>	<u>3'/8'<sup>3</sup></u>	<u>8'</u>	<u>12'</u>	<u>12'</u>

- *Simplifying heights by district*
- *Restrict opaque walls along the ROW unless required for screening*

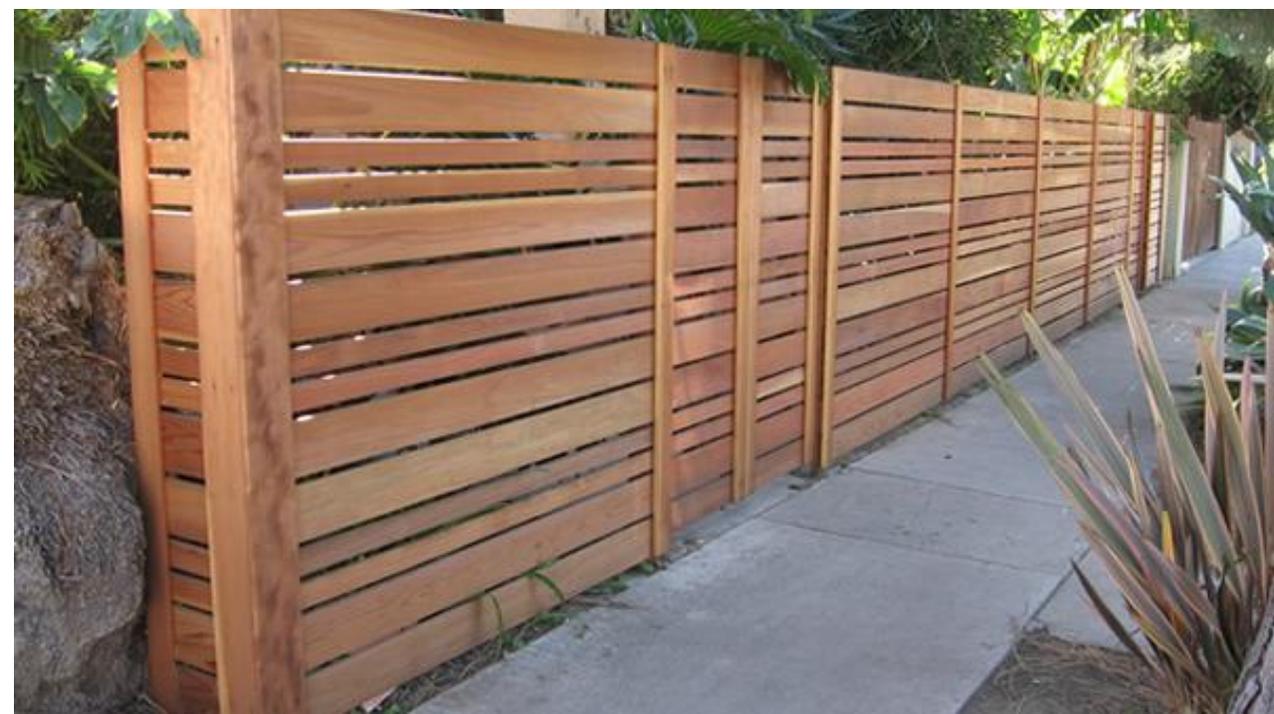
# Fence Materials

<u>Permitted Fence and Wall Materials by District</u>			
<u>Fence or Wall Material</u>	<u>Residential Districts<sup>1</sup></u>	<u>Business and Special Districts</u>	<u>Industrial Districts</u>
<u>Welded/Woven wire<sup>2</sup> (e.g., chain link)</u>	<u>Permitted</u>	<u>Prohibited along street rights-of-way</u>	<u>Prohibited along street rights-of-way</u>
<u>Attached materials (e.g., fabric, cloth, plastic or vinyl slats)<sup>3</sup></u>	<u>Permitted</u>	<u>Prohibited along a street right-of-way, except where screening is required</u>	<u>Prohibited along a street right-of-way, except where screening is required</u>
<u>Louvered or die-cut metal panels</u>	<u>Permitted</u>	<u>Permitted</u>	<u>Permitted</u>
<u>Barbed/Razor wire attached<sup>4</sup> (see Section 50-14-383(4))</u>	<u>Prohibited</u>	<u>Prohibited</u>	<u>Permitted</u>
<u>Vinyl/PVC</u>	<u>Permitted</u>	<u>Prohibited</u>	<u>Prohibited</u>
<u>Wood boards/slats (e.g. cedar)</u>	<u>Permitted</u>	<u>Permitted</u>	<u>Prohibited</u>
<u>Wood-like composite materials</u>	<u>Permitted</u>	<u>Permitted</u>	<u>Prohibited</u>
<u>Ornamental metal (aluminum/steel/iron)</u>	<u>Permitted</u>	<u>Permitted</u>	<u>Permitted</u>
<u>Brick/stone masonry</u>	<u>Permitted</u>	<u>Permitted</u>	<u>Permitted</u>
<u>Concrete pre-cast/masonry</u>	<u>Permitted</u>	<u>Permitted</u>	<u>Permitted</u>

- *Clarify permitted and prohibited materials*
- *Restrict chain link fences along ROWs in business and industrial districts*
- *Permit barbed wire, razor wire, and electric fences in industrial districts only*
- *No changes to residential*
- *Provides flexibility for business's needs/budget*



## Examples: Permitted Transparent Fences for Street Frontages



# When is compliance required?

Property owners may be required to comply with new screening and fencing requirements if doing one of the following:

- New construction
- Addition, expansion, or alteration greater than:
  - 10% of existing building or 2,000 square feet
  - 60% of assessed value in renovation cost
- New/modified parking lot (>5 spaces)
- Change to a more intensive use, controlled use, or special land use

# FAQs

- **What if my fence becomes nonconforming?**

*If your fence is currently legal, it can remain until you need to apply for building permits/site plan review in most cases. In some cases, your fence may comply with the new standards and require no changes.*

- **How does this impact residential properties?**

*Standards for residential properties are not changing other than permitted/prohibited fence materials being expanded.*

- **What about the cost for fencing and screening?**

*Many new screening options are cheaper than what is currently required (masonry wall only). The wide variety in fence types permitted should allow for solutions that fit most budgets and we are not changing fence types for residential.*

# Updates from Jan. 5 CPC Meeting

PUBLIC HEARING

# Commissioner Discussion

## Financial Impacts

- CPC asked if there are any existing financial incentives available for site improvements
- *Staff is not aware of any specific incentives, standard financial assistance that reduces overall project costs could be factored*
- CPC requested an estimated cost breakdown of the buffer types
- *Staff is still finalizing and will present during the meeting*

## Compliance and Permitting

- General discussion related to fences that may be failing
- PH Speaker 2 requested that businesses currently in violation be required to correct violations using the proposed standards
- *Property Maintenance Code is a frequent violation for fences required to be in “good repair/condition”*
- *Code intentionally separates Property Maintenance from Zoning*

# Commissioner Discussion

## Other

- CPC asked if staff knows the number of sites affected
- *Staff does not believe an accurate total number of sites could be provided based on city records*
- *Non-auto-uses are not as closely tracked by location as auto uses*
- *Required screening for site features also complicates the total number of sites*

## ZO Summary

- *5 Use Categories with at least 240 Specific Land Uses*
- *Of these 240 uses, only 9 currently require screening*
- *Proposal would add 4 uses for a total of 13 uses out of 240 (5%) that would require screening*
- *These 13 uses occupy a significant portion of commercial/industrial zoned land within the city*

# Commissioner Discussion

## Other

- CPC noted an opportunity for the city to lead by example with the proposed standards
- *First completed segment of Joe Louis Greenway utilizes upgraded fencing that would meet proposed material standards*
- CPC also requested that the city be proactive with notification of the proposed standards
- *Staff agrees and will explore*



# Public Hearing

## Speaker 1

- Stated their primary concern is what's occurring behind fences
- *CPC requested staff meet with speaker to understand their concerns, contact info provided*

## Speaker 3 – Ordinance Update

- Requested two additional transportation-related uses be added to required screening
- *Staff agrees and has added*

## Speaker 4

- Asked how proposal would affect gas stations and highway screening
- *Gas stations currently require screening and this is maintained*
- *The text amendment would not impact or require screening within highway rights-of-way as these areas are exempt from zoning*
- *Other city efforts are being made to improve highway appearance*

# Conclusion

Based on the staff report analysis and consistent with the approval criteria of Section 50-3-49 of the ZO, CPC staff recommends **APPROVAL** of the rezoning request.

The proposed text amendment:

- Would substantially update and modernize current screening requirements
- Would substantially update fence and wall standards without altering or negatively impacting standards for residential uses
- Was drafted in line with goals of P&DD and BSEED
- Was informed by the in-progress Zone Detroit and Vibrant Blocks for Businesses
- Is supported by the purpose of the SPR process and criteria for approval

**Thank You**

**City of Detroit**  
CITY PLANNING COMMISSION