

## S U M M A R Y

This Ordinance amends Chapter 50 of the 2019 Detroit City Code, *Zoning*, to repeal and replace existing fencing and screening standards with new consolidated standards within Article XIV, Division 2, Subdivisions C and D, as well as to add trucking terminals, utilities, wholesaling, warehousing, storage buildings and public storage facilities, very high-impact manufacturing and processing uses, and off-street truck and semi-trailer parking areas to the list of uses that require screening:

by repealing Article XIV, *Development Standards*, Division 2, *Landscaping, Screening, and Fencing*, Subdivision C, *Landscaping and Screening of Off-Street Parking Areas*, Section 50-14-341, *Right-of-way screening*, Section 50-14-342, *Residential screening*, Section 50-14-343, *Interior landscaping*, Section 50-14-344, *Quality*, and Section 50-14-345, *Parking structures*, and Subdivision D, *Landscaping and Screening; Miscellaneous Provisions*, Section 50-14-363, *Screening*, Section 50-14-365, *Screening of open storage areas*, Section 50-14-366, *Screening of loading docks, service yards, and exterior work areas*, Section 50-14-367, *Materials and methods; landscaping, fencing, and screening*, Section 50-14-368, *Fences and walls*, Section 50-14-369, *Topographic changes*, Section 50-14-370, *Buildings*, Section 50-14-371, *Horizontal separation*, Section 50-14-372, *Height*, Section 50-14-373, *Opacity*, Section 50-14-374, *Location of screening*, Section 50-14-375, *Compatibility*, and Section 50-14-381, *Fences*;

by adding Article XIV, *Development Standards*, Division 2, *Landscaping, Screening, and Fencing*, Subdivision C, *Fence and Wall Quality*, Section 50-14-341, *Applicability*, Section 50-14-342, *Material standards*, Section 50-14-343, *Opacity*, and Section 50-14-344, *Height*, and Subdivision D, *Landscaping and Screening; Miscellaneous Provisions*, Section 50-14-365, *Interior parking area landscaping*, Section 50-14-367, *Screening standards for specific uses and site features*, Section 50-14-368, *Buffer Types I and II*, Section 50-14-369, *Buffer Types III and IV*, and Section 50-14-370, *Buffer Types V and VI*; and

by amending Article XI, *Special Purpose Zoning Districts and Overlay Areas*, Division 7, *PR Parks and Recreation*, Section 50-11-151, *Conditional public, civic, and institutional uses*; Article XII, *Use Regulations*, Division 1, *Use Tables*, Subdivision C, *Public, Civic and Institutional Uses*, Section 50-12-51, *Utility, major*, Division 2, *General Use Standards*, Section 50-12-131.1, *Manufacturing and industrial uses – spacing*, Division 3, *Specific Use Standards*, Subdivision B, *Public, Civic, and Institutional Uses*, Section 50-12-192, *Utilities, basic; Utilities; major*, Subdivision D, *Retail, Service and Commercial Uses; Motor Vehicle Filling Stations*, Section 50-12-267, *Motor vehicle filling stations; equipment enclosure and screening and landscaping*, and Section 50-12-270, *Motor vehicle filling stations; screening and landscaping*, Subdivision E, *Retail, Service and Commercial Uses; Generally (Motor Vehicles – Youth Hostels/Hostels)*, Section 50-12-291, *Motor vehicles, new or used; storage lot accessory to a salesroom or sales lot for new or used motor vehicles*, Section 50-12-292, *Motor vehicles, new, salesroom or sales lot*, Section 50-12-293, *Motor vehicles, used, salesroom or sales lot*, Section 50-12-294, *Light duty vehicle repair establishment*, Section 50-12-295, *Light duty vehicle service establishment*, Section 50-12-295.1, *Medium/heavy duty vehicle or equipment repair establishment*, Section 50-12-296, *Motor vehicle washing and steam cleaning*, and Section 50-12-316, *Taxicab dispatch and/or storage facilities*, and Subdivision F, *Manufacturing and Industrial Uses*, Section 50-12-341, *Junkyards*, Section 50-12-343, *Lumber yards*, Section 50-12-344, *Outdoor storage yards; containerized freight yard*, Section 50-12-352, *Towing service storage yards*, Section 50-12-354, *Transfer station for garbage, refuse, or rubbish*, Section 50-12-356,

*Used vehicle parts sales, and Section 50-12-358, Wholesaling, warehousing, storage buildings, or public storage facilities, Division 5, Accessory Uses and Structures, Subdivision A, In General, Section 50-12-461, Accessory outdoor operations—Screening, and Subdivision C, Specific Accessory Use Standards, Section 50-12-517, Motor vehicle salesroom or sales lot; Article XIII, Intensity and Dimensional Standards, Division 1, Tables of Intensity and Dimensional Standards, Subdivision B, General Dimensional Standards for Residential Districts, Section 50-13-22, Traffic safety sight area, and Division 2, Measurements, Requirements, and Exceptions, Section 50-13-226, Features allowed within required setbacks; Article XIV, Development Standards, Division 1, Off-Street Parking, Loading, and Access, Subdivision J, Off-Street Loading Area Design, Section 50-14-261, General design principles, Division 2, Landscaping, Screening, and Fencing, Subdivision B, Landscaping, Quality, Section 50-14-327, Installation, maintenance, and replacement, Subdivision D, Landscaping and Screening; Miscellaneous Provisions, Section 50-14-361, Open space landscaping, Section 50-14-362, Landscaping of required setbacks, Section 50-14-364, Screening of refuse receptacles and waste removal areas, Section 50-14-376, Street trees, Section 50-14-377, Incentives to preserve existing trees, Section 50-14-378, Alternative compliance, Section 50-14-379, Alternative compliance; procedure, and Section 50-14-380, Alternative compliance, review criteria, and Division 3, Architectural and Site Design Standards, Subdivision C, Traditional Main Street Overlay Areas, Section 50-14-433, Site design standards; fencing, and Subdivision E, Large Retail Centers, Section 50-14-474, Landscaping, additional; and Article XVI, Rules of Construction and Definitions, Division 2, Words and Terms Defined, Subdivision Q, Letter “T”, Section 50-16-402, Words and terms (Tn-Tz).*

1 **BY COUNCIL MEMBER \_\_\_\_\_ :**

2 **AN ORDINANCE** to amend Chapter 50 of the 2019 Detroit City Code, *Zoning*, to repeal  
3 and replace existing fencing and screening standards with new consolidated standards within  
4 Article XIV, Division 2, Subdivisions C and D, as well as to add trucking terminals, utilities,  
5 wholesaling, warehousing, storage buildings and public storage facilities, very high-impact  
6 manufacturing and processing uses, and off-street truck and semi-trailer parking areas to the list  
7 of uses that require screening:

8 by repealing Article XIV, *Development Standards*, Division 2, *Landscaping, Screening,*  
9 *and Fencing*, Subdivision C, *Landscaping and Screening of Off-Street Parking Areas*, Section 50-  
10 14-341, *Right-of-way screening*, Section 50-14-342, *Residential screening*, Section 50-14-343,  
11 *Interior landscaping*, Section 50-14-344, *Quality*, and Section 50-14-345, *Parking structures*, and  
12 Subdivision D, *Landscaping and Screening; Miscellaneous Provisions*, Section 50-14-363,  
13 *Screening*, Section 50-14-365, *Screening of open storage areas*, Section 50-14-366, *Screening of*  
14 *loading docks, service yards, and exterior work areas*, Section 50-14-367, *Materials and methods;*  
15 *landscaping, fencing, and screening*, Section 50-14-368, *Fences and walls*, Section 50-14-369,  
16 *Topographic changes*, Section 50-14-370, *Buildings*, Section 50-14-371, *Horizontal separation*,  
17 Section 50-14-372, *Height*, Section 50-14-373, *Opacity*, Section 50-14-374, *Location of screening*,  
18 Section 50-14-375, *Compatibility*, and Section 50-14-381, *Fences*;

19 by adding Article XIV, *Development Standards*, Division 2, *Landscaping, Screening, and*  
20 *Fencing*, Subdivision C, *Fence and Wall Quality*, Section 50-14-341, *Applicability*, Section 50-  
21 14-342, *Material standards*, Section 50-14-343, *Opacity*, and Section 50-14-344, *Height*, and  
22 Subdivision D, *Landscaping and Screening; Miscellaneous Provisions*, Section 50-14-365,  
23 *Interior parking area landscaping*, Section 50-14-367, *Screening standards for specific uses and*

1 *site features, Section 50-14-368, Buffer Types I and II, Section 50-14-369, Buffer Types III and*  
2 *IV, and Section 50-14-370, Buffer Types V and VI; and*

3 *by amending Article XI, Special Purpose Zoning Districts and Overlay Areas, Division 7,*  
4 *PR Parks and Recreation, Section 50-11-151, Conditional public, civic, and institutional uses;*  
5 *Article XII, Use Regulations, Division 1, Use Tables, Subdivision C, Public, Civic and*  
6 *Institutional Uses, Section 50-12-51, Utility, major, Division 2, General Use Standards, Section*  
7 *50-12-131.1, Manufacturing and industrial uses – spacing, Division 3, Specific Use Standards,*  
8 *Subdivision B, Public, Civic, and Institutional Uses, Section 50-12-192, Utilities, basic; Utilities;*  
9 *major, Subdivision D, Retail, Service and Commercial Uses; Motor Vehicle Filling Stations,*  
10 *Section 50-12-267, Motor vehicle filling stations; equipment enclosure and screening and*  
11 *landscaping, and Section 50-12-270, Motor vehicle filling stations; screening and landscaping,*  
12 *Subdivision E, Retail, Service and Commercial Uses; Generally (Motor Vehicles – Youth*  
13 *Hostels/Hostels), Section 50-12-291, Motor vehicles, new or used; storage lot accessory to a*  
14 *salesroom or sales lot for new or used motor vehicles, Section 50-12-292, Motor vehicles, new,*  
15 *salesroom or sales lot, Section 50-12-293, Motor vehicles, used, salesroom or sales lot, Section*  
16 *50-12-294, Light duty vehicle repair establishment, Section 50-12-295, Light duty vehicle service*  
17 *establishment, Section 50-12-295.1, Medium/heavy duty vehicle or equipment repair*  
18 *establishment, Section 50-12-296, Motor vehicle washing and steam cleaning, and Section 50-12-*  
19 *316, Taxicab dispatch and/or storage facilities, and Subdivision F, Manufacturing and Industrial*  
20 *Uses, Section 50-12-341, Junkyards, Section 50-12-343, Lumber yards, Section 50-12-344,*  
21 *Outdoor storage yards; containerized freight yard, Section 50-12-352, Towing service storage*  
22 *yards, Section 50-12-354, Transfer station for garbage, refuse, or rubbish, Section 50-12-356,*  
23 *Used vehicle parts sales, and Section 50-12-358, Wholesaling, warehousing, storage buildings, or*

1 *public storage facilities, Division 5, Accessory Uses and Structures, Subdivision A, In General,*  
2 *Section 50-12-461, Accessory outdoor operations—Screening, and Subdivision C, Specific*  
3 *Accessory Use Standards, Section 50-12-517, Motor vehicle salesroom or sales lot; Article XIII,*  
4 *Intensity and Dimensional Standards, Division 1, Tables of Intensity and Dimensional Standards,*  
5 *Subdivision B, General Dimensional Standards for Residential Districts, Section 50-13-22,*  
6 *Traffic safety sight area, and Division 2, Measurements, Requirements, and Exceptions, Section*  
7 *50-13-226, Features allowed within required setbacks; Article XIV, Development Standards,*  
8 *Division 1, Off-Street Parking, Loading, and Access, Subdivision J, Off-Street Loading Area*  
9 *Design, Section 50-14-261, General design principles, Division 2, Landscaping, Screening, and*  
10 *Fencing, Subdivision B, Landscaping, Quality, Section 50-14-327, Installation, maintenance, and*  
11 *replacement, Subdivision D, Landscaping and Screening; Miscellaneous Provisions, Section 50-*  
12 *14-361, Open space landscaping, Section 50-14-362, Landscaping of required setbacks, Section*  
13 *50-14-364, Screening of refuse receptacles and waste removal areas, Section 50-14-376, Street*  
14 *trees, Section 50-14-377, Incentives to preserve existing trees, Section 50-14-378, Alternative*  
15 *compliance, Section 50-14-379, Alternative compliance; procedure, and Section 50-14-380,*  
16 *Alternative compliance, review criteria, and Division 3, Architectural and Site Design Standards,*  
17 *Subdivision C, Traditional Main Street Overlay Areas, Section 50-14-433, Site design standards,*  
18 *and Subdivision E, Large Retail Centers, Section 50-14-474, Landscaping, additional; fencing;*  
19 *and Article XVI, Rules of Construction and Definitions, Division 2, Words and Terms Defined,*  
20 *Subdivision Q, Letter “T”, Section 50-16-402, Words and terms (Tn-Tz).*

21 **IT IS HEREBY ORDAINED BY THE PEOPLE OF THE CITY OF DETROIT**  
22 **THAT:**

**Section 1.** Chapter 50 of the Detroit City Code, *Zoning*, is amended by repealing Article XIV, Division 2, Subdivision C, Section 50-14-341, Section 50-14-342, Section 50-14-343, Section 50-14-344, and Section 50-14-345, and Subdivision D, Section 50-14-363, Section 50-14-365, Section 50-14-366, Section 50-14-367, Section 50-14-368, Section 50-14-369, Section 50-14-370, Section 50-14-371, Section 50-14-372, Section 50-14-373, Section 50-14-374, Section 50-14-375, and Section 50-14-381; by adding Article XIV, Division 2, Subdivision C, Section 50-14-341, Section 50-14-342, Section 50-14-343, and Section 50-14-344, and Subdivision D, Section 50-14-365, Section 50-14-367, Section 50-14-368, Section 50-14-369, Section 50-14-370; and by amending Article XI, Division 7, Section 50-11-151; Article XII, Division 1, Subdivision C, Section 50-12-51, Division 2, Section 50-12-131.1, Division 3, Subdivision B, Section 50-12-192, Subdivision D, Section 50-12-267, and Section 50-12-270, Subdivision E, Section 50-12-291, Section 50-12-292, Section 50-12-293, Section 50-12-294, Section 50-12-295, Section 50-12-295.1, Section 50-12-296, and Section 50-12-316, and Subdivision F, Section 50-12-341, Section 50-12-343, Section 50-12-344, Section 50-12-352, Section 50-12-354, Section 50-12-356, and Section 50-12-358, Division 5, Subdivision A, Section 50-12-461, and Subdivision C, Section 50-12-517; Article XIII, Division 1, Subdivision B, Section 50-13-22, and Division 2, Section 50-13-226; Article XIV, Division 1, Subdivision J, Section 50-14-261, Division 2, Subdivision B, Section 50-14-327, Subdivision D, Section 50-14-361, Section 50-14-362, Section 50-14-364, Section 50-14-376, Section 50-14-377, Section 50-14-378, Section 50-14-379, and Section 50-14-380, and Division 3, Subdivision C, Section 50-14-433, and Subdivision E, Section 50-14-474; and Article XVI, Division 2, Subdivision Q, Section 50-16-402, as follows:

1                                   **CHAPTER 50. ZONING**

2           **ARTICLE XI. SPECIAL PURPOSE ZONING DISTRICTS AND OVERLAY AREAS**

3                                   **DIVISION 7. PR PARKS AND RECREATION**

4   **Sec. 50-11-151. Conditional public, civic, and institutional uses.**

5           Conditional public, civic, and institutional uses within the PR Parks and Recreation District  
6 are as follows:

- 7           (1)   Outdoor entertainment facility.
- 8           (2)   Water works, reservoir, pumping station, or filtration plant, subject to Section 50-  
9                   12-192 of this Code.

# ARTICLE XII. USE REGULATIONS

## DIVISION 1. USE TABLES

### Subdivision C. Public, Civic, and Institutional Uses

#### Sec. 50-12-51. Utility, major.

Regulations regarding major utility uses are as follows:

Use Category	Specific Land Use	Residential			Business						Industrial			Special and Overlay										Standards General (Art. XII, Div.2) Specific (Art. XII, Div.3)																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																										



## DIVISION 2. GENERAL USE STANDARDS

### Sec. 50-12-131.1. Manufacturing and industrial uses –Spacing.

Regulations regarding spacing of manufacturing and industrial uses are as follows:

Use Type	Minimum Distance from Same Use Type (Existing or Approved)	Minimum Distance from Other Use Types (Existing or Approved)	Comment
<u>Containerized freight yard in the M2 District</u>	N/A	<u>Zoning lot zoned R1, R2, R3, R4, R5, R6, residential PD: 150 radial feet</u>	
Crematory or pet crematory	N/A	Zoning lot zoned R1, R2, R3, R4, R5, R6, residential PD: 150 radial feet	Applicable to both principal and accessory uses
Junkyard	2,000 radial feet	Zoning lot zoned R1, R2, R3, R4, R5, R6, residential PD: 1,000 radial feet; Park, playlot, playfield, playground, recreation center, youth activity center: 1,000 radial feet	Section 50-12-341
<u>Outdoor storage yard</u>	N/A	<u>Zoning lot zoned R1, R2, R3, R4, R5, R6, residential PD: 150 radial feet</u>	<u>Section 50-12-344</u>
Scrap tire storage, processing, or recycling facility	1,000 radial feet	Zoning lot zoned R1, R2, R3, R4, R5, R6, residential PD: 1,000 radial feet	Section 50-12-349
Tires, used; sales and/or service	1,000 radial feet	N/A	Section 50-12-350
Towing service storage yard	1,000 radial feet	N/A	Section 50-12-352
<u>Transfer station for garbage, refuse, or rubbish – storage or processing activities</u>	N/A	<u>Zoning lot zoned R1, R2, R3, R4, R5, R6, residential PD: 500 radial feet</u>	<u>Section 50-12-354</u>

**DIVISION 3. SPECIFIC USE STANDARDS**

**Subdivision B. Public, Civic, and Institutional Uses**

**Sec. 50-12-192. Utilities, basic; utilities, major.**

Basic utility facilities and major utility facilities shall be subject to the following requirements:

(1) ~~Service~~ Outdoor service or storage yards ~~for~~ for any electric transformer station, gas regulator station, telephone exchange building, water work, reservoir, pumping station, or filtration plant, shall not be permitted, except in the B5, B6, M1, M2, M3, M4, M5 and TM Districts;

(2) In the R1, R2, R3, R4, R5, R6, residential PD, PR, and SD1 Districts:

a. Basic utilities shall be permitted only when operating requirements mandate that they be located within the district in order to serve the immediate vicinity; and.

b. Outdoor service or storage yards shall not be permitted;

~~(3) In the SD4 District, the following uses shall be subject to site plan review as provided for in Section 50-3-113(8) of this Code, and subject to review as to the appropriateness of exterior design:~~

~~a. Electric transformer stations;~~

~~b. Gas regulator stations;~~

~~c. Telephone exchange buildings; and~~

~~d. Water works, reservoirs, pumping stations, and filtration plants.~~

(3) In the PR District, the only major utility that shall may be permitted is a pumping station without on-site employees.

(4) Solar generation stations are limited to the ~~PD~~ and industrial and PD zoning districts, ~~except if located in a~~ as well as designated Solar Station Overlay Areas. All solar generation stations are subject to the development standards set forth in Sections 50-14-481 through 50-14-489 of this Code.

#### **Subdivision D. Retail, Service, and Commercial Uses; Motor Vehicle Filling Stations**

##### **Sec. 50-12-267. Motor vehicle filling stations; equipment enclosure ~~and screening and~~ landscaping.**

(a) Hydraulic hoists, and pits, and as well as all lubrication, greasing, automobile washing, ~~or~~ and repairing equipment shall be entirely enclosed within a building.

(b) ~~Any such building, or portion of a building, which faces, abuts, or is adjacent to, or across an alley from, land zoned R1, R2, R3, R4, R5, R6, residential PD, or TM, shall comply with the screening and landscaping requirements of Article XIV, Division 2, of this chapter.~~

##### **Sec. 50-12-270. Motor vehicle filling stations; screening and landscaping.**

(a) ~~In general.~~ A Motor vehicle filling stations located on corner lots shall provide a landscaped area, that measures not less than 150 square feet, shall be provided and that is located at the intersection of two lot lines at a street corner. Where not located on a corner lot, the 150-square-foot landscaped area shall surround Motor vehicle filling stations located on lots other than corner lots shall provide a landscaped area that measures not less than 150 square feet and that is located surrounding the base of the primary business sign. In addition, the site shall be screened and All landscaped areas shall comply with the standards set forth in accordance with Article XIV, Division 2, Subdivision B of this chapter. All motor vehicle filling stations are subject to the screening requirements set forth in Section 50-14-367 of this Code.

(b) ~~Traditional Main Street Overlay Areas. For gas stations~~ Notwithstanding Subsection (a) of this section, for motor vehicle filling stations located on a zoning lot abutting in a Traditional Main Street Overlay Area, the principal building rather than a landscaped area must be placed at the corner. ~~Additionally, on lots abutting a Traditional Main Street, parking~~ Parking areas, vehicular circulation lanes, ~~or~~ and pump queuing areas that are adjacent to a public sidewalk shall be screened with a landscape buffer strip ~~with a minimum width of five feet located~~ between the vehicular area and the sidewalk. The landscape buffer strip shall be not less than five feet in width and shall include:

(1) A wall that forms a continuous screen at least 30 inches, but not more than 36 inches, in height. The screen wall shall be protected with appropriate curbs and bollards, in compliance with Section 50-14-449(a)(2) of this Code. The wall shall be constructed of:

- a. A Brick wall;
- b. A Masonry wall with brick facing;
- c. A Concrete wall with brick design;
- d. A Stone wall; or
- e. Other opaque wall ~~which~~ screen material that, in the determination of the Planning and Development Department, is both suitable for the site and compatible with, and similar to, the building frontages nearest the motor vehicle filling station.

(2) A combination of evergreen and deciduous vegetation, including trees, shrubs, and groundcover, as follows:



(2) Any portion of such storage lots designed or used for the storage of commercial vehicles or semi-trucks shall be located a minimum of 250 radial feet from any lot zoned R1, R2, R3, R4, R5, R6, or residential PD.

(3) All used motor vehicles for sale shall be in operable condition.

(4) All outdoor areas shall be either landscaped, in accordance with Article XIV, Division 2, Subdivision B, of this chapter, or paved.

(5) All lighting shall be directed so as not to shine upon land zoned R1, R2, R3, R4, R5, R6, or residential PD.

(6) The premises shall have proper curb cuts for entrances and exits.

~~(7) The premises shall be screened by six-foot-high opaque walls where adjacent to, or across an alley from, land zoned R1, R2, R3, R4, R5, R6, or residential PD, in accordance with Section 50-14-367 of this Code.~~

**Sec. 50-12-292. Motor vehicles, new, salesroom or sales lot.**

Salesrooms or sales lots for new motor vehicles shall be subject to the following provisions:

(1) The premises shall be located on a major or secondary thoroughfare as indicated in the Master Plan;

~~(2) The premises shall be screened by six-foot-high opaque walls where adjacent to, or across an alley from, land zoned R1, R2, R3, R4, R5, R6, or residential PD, in accordance with Section 50-14-367 of this Code;~~

(2) All lighting shall be directed so as not to shine upon land zoned R1, R2, R3, R4, R5, R6, or residential PD;

(3) All outdoor areas shall be either landscaped, in accordance with Article XIV, Division 2, Subdivision B, of this chapter, or paved;

1       (4)     The premises shall have proper curb cuts for entrances and exits; ~~and,~~

2       ~~(6)     Accessory service facilities and the sale of used motor vehicles shall be permitted~~  
3       ~~as an accessory use. In the event of cessation of new motor vehicle sales, said~~  
4       ~~accessory uses may not continue, except upon issuance of a permit for said uses as~~  
5       ~~the principal use of the land, which is subject to a conditional use public hearing~~  
6       ~~where such is specified in the zoning district's use lists.~~

7     ~~See Section 50-12-517 of this Code for additional regulations of accessory uses.~~

8     **Sec. 50-12-293. Motor vehicles, used, salesroom or sales lot.**

9       Salesrooms or sales lots for used motor vehicles shall be subject to the following:

10      (1)     The ~~facility~~ premises shall be adequate in size for the display and sale of not fewer  
11      than 12 used motor vehicles; ~~\_. All~~ display spaces shall measure not less than nine  
12      feet by 20 feet, exclusive of unusable space and drives or aisles which give access  
13      to the space; ~~\_. Aisles~~ ways that adjoin display spaces shall comply with the  
14      dimensional standards for width as specified in Section 50-14-232 of this Code.

15      (2)     All used motor vehicles for sale shall be in operable condition.

16      (3)     All outdoor areas shall be either landscaped, in accordance with Article XIV,  
17      Division 2, Subdivision B; of this chapter, or paved.

18      (4)     All lighting shall be directed so as not to shine upon land zoned R1, R2, R3, R4,  
19      R5, R6, or residential PD.

20      (5)     The premises shall have proper curb cuts for entrances and exits.

21      ~~(6)     The premises shall be screened by six-foot-high opaque walls where adjacent to, or~~  
22      ~~across an alley from, land zoned R1, R2, R3, R4, R5, R6, or residential PD, in~~  
23      ~~accordance with Section 50-14-367 of this Code.~~

1       (6)   ~~A suitable building of a permanent nature shall be erected, that~~ The premises shall  
2       include a building that is permanent in nature, has at least 200 square feet of gross  
3       floor area, is constructed of wood, masonry, or other approved building material,  
4       and sits on a proper foundation.

5       (7)   Vehicle preparation ~~shall~~ may be permitted only as an accessory use ~~at the time of~~  
6       ~~establishment of the used motor vehicle salesroom or sales lot~~, provided that light  
7       duty vehicle service establishments on the premises of the used motor vehicle  
8       salesroom or sales lot shall only be permitted upon issuance of a permit for the  
9       service facilities as a principal land use in conjunction with the salesroom or sales  
10      lot, ~~which is subject to a conditional use public hearing where such is specified in~~  
11      ~~the zoning districts use lists for said service facilities~~. Light duty vehicle repair  
12      establishments are prohibited on the premises of a used motor vehicle salesroom or  
13      sales lot.

14      (8)   All used motor vehicle salesrooms or sales lots shall be licensed in accordance with  
15      Chapter 41, Article VI, Division 2 of this Code, ~~Secondhand Goods~~.

16      (9)   In the SD4 District, used motor vehicle sales are prohibited, except where incidental  
17      and accessory to a new car dealership.

18      (10)   Used tire sales are prohibited on the premises of a used motor vehicle salesroom or  
19      sales lot.

20      (11)   All used motor vehicle salesrooms or sales lots ~~shall~~ may be established and located  
21      only along a major thoroughfare ~~only~~, as identified in the Master Plan.

22      (12)   It is unlawful for any used motor vehicle salesroom or sales lot to display motor  
23      vehicles on the berm, sidewalk, or elsewhere ~~in~~ the public right-of-way.



1   **Sec. 50-12-294. Light duty vehicle repair establishment.**

2       Light duty vehicle repair establishments shall be subject to the following:

3       (1)   All vehicle repairs shall be conducted entirely within an enclosed building;

4       ~~(2)   The premises shall be screened by six-foot high opaque walls where adjacent to, or~~  
5       ~~across an alley from, land zoned R1, R2, R3, R4, R5, R6, or residential PD, in~~  
6       ~~accordance with Section 50-14-367 of this Code. Said walls shall have no openings,~~  
7       ~~except for one secondary, pedestrian exit door of minimum requirements, where~~  
8       ~~mandated by the Fire Marshal;~~

9       ~~(3)   All open storage of vehicles awaiting repairs or service shall be enclosed by an~~  
10      ~~opaque wall of masonry construction, that is six feet in height and maintained in a~~  
11      ~~neat and orderly fashion at all times;~~

12      (2)   All lighting shall be directed so as not to shine upon land zoned R1, R2, R3, R4,  
13      R5, R6, or residential PD;

14      (3)   All outdoor areas shall be either landscaped, in accordance with Article XIV,  
15      Division 2, Subdivision B, of this chapter, or paved;

16      (4)   Light duty vehicle repair is prohibited on the premises of a used motor vehicle  
17      salesroom or sales lot;

18      (5)   There shall be no external evidence of the service operations, in the form of dust,  
19      odors, or noise, beyond the interior of the service building;

20      (6)   Light duty vehicle repair establishments are prohibited on any zoning lot abutting  
21      a designated Gateway Radial Thoroughfare, ~~nor anywhere and on any zoning lot~~  
22      within the Central Business District; ~~this,~~ This regulation is not appealable to the  
23      Board of Zoning Appeals.

1   **Sec. 50-12-295. Light duty vehicle service establishment.**

2       Light duty vehicle service establishments shall be subject to the following:

3       (1)   All vehicle services shall be conducted entirely within an enclosed building;.

4       ~~(2)   The premises shall be screened by six-foot high opaque walls where adjacent to, or~~  
5       ~~across an alley from, land zoned R1, R2, R3, R4, R5, R6, or residential PD, in~~  
6       ~~accordance with Section 50-14-367 of this Code. Said walls shall have no openings,~~  
7       ~~except for one secondary, pedestrian exit door of minimum requirements, where~~  
8       ~~mandated by the Fire Marshal;~~

9       (2)   All lighting shall be directed so as not to shine upon land zoned R1, R2, R3, R4,  
10       R5, R6, or residential PD;.

11       (3)   All outdoor areas shall be either landscaped, in accordance with Article XIV,  
12       Division 2, Subdivision B, of this chapter, or paved;.

13       (4)   The sale or rental of used motor vehicles, and the storage of such vehicles incidental  
14       to their sale, is prohibited on the premises of a light duty vehicle service  
15       establishment, except upon issuance of a permit for such sale, rental, or storage as  
16       a separate principal land use in conjunction with the vehicle service facility, ~~which~~  
17       ~~is subject to a conditional use public hearing, where such is specified in the zoning~~  
18       ~~districts use lists for said sales, rental, or storage;~~

19       (5)   There shall be no external evidence of the service operations, in the form of dust,  
20       odors, or noise, beyond the interior of the service building;.

21       (6)   Light duty vehicle service establishments at which customers are not required to  
22       exit their vehicles, such as at quick oil change facilities, shall be subject to the

vehicle stacking provisions of Section 50-14-202 and Section 50-14-203 of this Code.

**Sec. 50-12-295.1. Medium/heavy duty vehicle or equipment repair establishment.**

Medium/heavy duty vehicle or equipment repair establishments shall be subject to the following:

(1) All vehicle services and repairs shall be conducted entirely within an enclosed building;

~~(2) The premises shall be screened by six-foot high opaque walls where adjacent to, or across an alley from, land zoned R1, R2, R3, R4, R5, R6, or residential PD, in accordance with Section 50-14-367 of this Code. Such walls shall have no openings, except for one secondary pedestrian exit door of minimum requirements, where mandated by the Fire Marshal;~~

~~(3) All open storage of vehicles awaiting repairs or service shall be enclosed by an opaque wall of masonry construction that is six feet in height and maintained in a neat and orderly fashion at all times;~~

(2) All lighting shall be directed so as not to shine upon land zoned R1, R2, R3, R4, R5, R6, or residential PD;

(3) All outdoor areas shall be either landscaped, in accordance with Article XIV, Division 2, Subdivision B of this chapter, or paved;

(4) The sale or rental of used motor vehicles, and the storage of such vehicles incidental to their sale, is prohibited on the premises of a medium/heavy duty vehicle or equipment repair establishment, except upon issuance of a permit for such sale, rental, or storage as a separate principal land use in conjunction with the repair

1 facility, which is subject to a conditional use public hearing, where such is specified  
2 in the zoning districts use lists for said sales, rental, or storage;.

- 3 (5) There shall be no external evidence of the service operations, in the form of dust,  
4 odors, or noise, beyond the interior of the service building.

5 **Sec. 50-12-296. Motor vehicle washing and steam cleaning.**

6 Motor vehicle washing and steam cleaning shall be subject to the following requirements:

- 7 (1) The lot to be built upon shall be located on a street designated as a major or  
8 secondary thoroughfare and all means of vehicular ingress and egress shall be  
9 located on a major or secondary thoroughfare, and not from an adjoining residential  
10 street or alley. A residential street or alley shall not be used as a maneuvering or  
11 parking area for vehicles using the facility;.

- 12 (2) All portions of each area designed or used for the washing of motor vehicles shall  
13 be located a minimum of 25 feet from the boundaries of residential zoning districts;.

- 14 (3) A hard surfaced driveway of one or more lanes shall be constructed on the property  
15 in such manner as to provide for a continuous movement of vehicles into the wash-  
16 rack (~~See Figure 50-12-296 and Section 50-14-202 of this Code~~) as follows:

- 17 a. The driveway ~~so provided~~ shall be not less than ten feet wide for a single  
18 lane and not less than ten additional feet in width for each additional lane;.
- 19 b. ~~Where only a single lane is provided, the Single-lane driveways~~ shall be  
20 used for no other purpose than to provide access to the wash-rack. All lanes  
21 ~~provided shall be suitably~~ Driveways of any number of lanes shall be  
22 protected from incursions of other traffic;.

- c. The total length of the ~~required stacking lanes so provided~~ driveway shall be determined by the overall length of the wash line, measured along the center-line of the conveyor or wash line from the point that mechanical washing or cleaning begins, to the end of the mechanical washing or drying operation. ~~In any development where the washing operation moves in other than a straight line, the length of the building or wash line for purposes of this section shall be the distance measured along the center line of the conveyor or wash line. The greater of the above measurements shall be used in the determination of the length of the required lane or lanes. The overall length of the required lane or lanes, as measured along the center line, shall be determined in accordance with the following formula: Where~~ If the building or total length of all the longest wash lines is 80 feet or less, in overall length, the total required lane or lanes exclusive of the wash line the length of the driveway shall be not less than 200 feet in length. Where If the building or total length of all the longest wash lines exceed exceeds 80 feet in length, the length of the required lane or lanes exclusive of the wash line driveway shall be increased not less than the sum of 200 feet plus 20 feet for each ten feet, or fraction thereof, by which the building or wash lines exceed driveway exceeds 80 feet in overall length.
- d. Not fewer than two stacking spaces, which measure ten feet by 20 feet, shall be provided for each stall at a self-service/customer-operated car wash. In addition, one stacking space shall be provided between the vehicle exit door and the point of vehicular egress to the right-of-way.

e. Not fewer than two stacking spaces, which measure ten feet by 20 feet, shall be provided for each designated wash area at a "hand car wash";

~~f. The premises shall be screened by six-foot high opaque walls where adjacent to land zoned R1, R2, R3, R4, R5, R6, or residential PD, in accordance with Section 50-14-367 of this Code;~~

~~(4) A barrier, that is a minimum of 18 inches in height, shall be constructed and maintained on all lot lines within nine feet of a required stacking lane, except where the above required masonry wall is constructed on the lot line;~~

(4) The operating equipment shall be located or buffered so as to prevent unreasonably high noise levels at any point on the property boundary;

~~(6) Permitted hours of operation shall be from 7:00 a.m. to 10:00 p.m.;~~

(5) There shall be no aboveground outdoor storage/dispensing tanks on the site;

(6) All washing activities shall be conducted within an enclosed structure, except for a designated wash area for not more than one tall vehicle. Customer-operated "car washes" are exempt from this provision;

(7) Vacuuming activities shall be at least 25 feet from any lot line, except where the property abuts a residential zoning district, in which case a 50-foot separation shall be maintained;

(8) All drains shall be properly connected to a public sewer system;

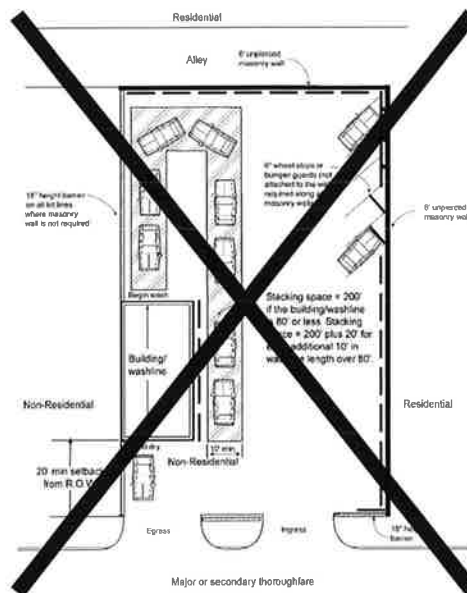
(9) Such uses shall be graded and drained in conformance with the requirements of Chapter 8, Article V, of this Code, ~~Plumbing Code~~, so as to dispose of all surface water accumulation within the parking area;

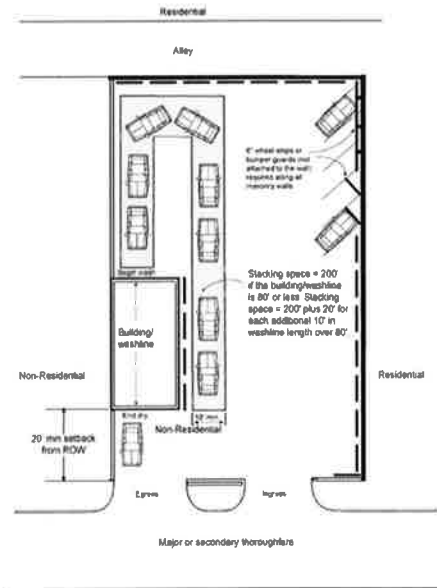
(10) Motor vehicle washing and steam cleaning facilities are also subject to Chapter 9 of this Code, ~~Car Washes~~;

~~(13) In the B4 District, motor vehicle washing and steam cleaning establishments shall not be permitted on any zoning lot abutting a designated Gateway Radial Thoroughfare; and~~

(11) As may be required, landscaping shall be provided in accordance with Article XIV, Division 2<sub>7</sub> of this chapter.

Figure 50-12-296  
(For Informational Purposes Only)  
Motor Vehicle Washing and Steam Cleaning Establishments





## **Sec. 50-12-316. Taxicab dispatch and/or storage facilities.**

Taxicab dispatch and/or storage facilities shall be subject to the following requirements:

- (1) Where taxicabs are stored on the premises, any portion of the storage lot that is visible from a public street shall include a landscape buffer strip with a minimum width of five feet between the storage area and the right-of-way;
- (2) ~~Where required, the landscape buffer shall be landscaped in the manner that is specified in Section 50-14-362 of this Code~~ Landscaping and screening for off-street parking areas shall be provided in accordance with Article XIV, Division 2 of this chapter;
- ~~(3) A screen wall may be required as provided for in Section 50-14-342 of this Code;~~
- (3) Only operable taxicabs, bearing a current license may be stored on the premises. No junk vehicles may be stored unless a permit for a junkyard has been issued by the Buildings, Safety Engineering, and Environmental Department;
- (4) Motor vehicle services may be performed on site only upon receipt of a separate permit from the Buildings, Safety Engineering, and Environmental Department for



said services and subject to Section 50-12-294 of this Code for ~~major motor vehicle services~~ light duty vehicle repair or Section 50-12-295 of this Code for ~~minor motor vehicle services~~ light duty vehicle service; and

- (5) In the B4 District, taxicab dispatch and/or storage facilities shall not be located on any zoning lot abutting a designated Gateway Radial Thoroughfare.

## **Subdivision F. Manufacturing and Industrial Uses**

### **Sec. 50-12-341. Junkyards.**

Junkyards are subject to the following:

- (1) *Minimum size.* The minimum lot or parcel size for junkyards shall be two acres;.

~~(2) Screening. In accordance with the screening provisions of Section 41-1-3 of this Code, Enclosed building or masonry wall required, a masonry wall that is not less than eight feet in height and not more than 12 feet in height shall be constructed and maintained in good condition around any junkyard;~~

- (2) *Setbacks.* All buildings, screening, and junk materials shall be set back at least 20 feet from any lot line abutting a right-of-way;.

~~(4) As required by Section 50-14-361 of this Code, the 20-foot setback area between the masonry wall and the lot line shall be landscaped in accordance with Section 50-14-362 and Section 50-14-365 of this Code;~~

- (3) Adequate parking and unloading facilities shall be provided at the site so that no junk-hauling vehicle stands on a public right-of-way awaiting entrance to the site at any time;.

- (4) All activities shall be confined within the screened area. There shall be no stacking of material above the height of the ~~screening masonry wall~~, except that moveable

equipment used on the site may exceed that height. No equipment or material ~~shall~~  
may be used or stored outside the screened area;.

(5) ~~No Open burning shall be permitted; is prohibited.~~

(6) All lighting shall be directed so as not to shine upon land zoned R1, R2, R3, R4,  
R5, R6, or residential PD;.

(7) All roads, driveways, parking lots, and loading and unloading areas within any  
junkyard shall be paved so as to limit the nuisance caused by wind-borne dust on  
adjoining lots and public roads;.

(8) All fluids shall be drained from vehicles and disposed of in a proper manner prior  
to the vehicles being stored on the site. Any materials listed on the Michigan  
Critical Materials Register, gasoline, and solvents, shall require secondary  
containment and filing of a Pollution Incident Protection Plan (PIPP) filed with the  
Michigan Department of Environment, Great Lakes, and Energy. The owner must  
retain a bound copy of any PIPP on site and provide it to the City upon request;.

#### **Sec. 50-12-343. Lumber yards.**

Lumber yards shall be subject to the following requirements:

~~(1) — All lumber yards with accessory outdoor sales, display, or storage areas shall be  
screened from view of street rights-of-way and land zoned R1, R2, R3, R4, R5, R6,  
or residential PD in accordance with Section 50-14-367 of this Code; and~~

(1) No lumber yard; that is located within 500 feet of a residential or business zoning  
district, ~~shall~~ may receive or dispatch deliveries of lumber or building materials  
between the hours of 10:00 p.m. and 8:00 a.m.

1   **Sec. 50-12-344. Outdoor storage yards; ~~containerized freight yard.~~**

2           (a)   Outdoor storage yards, ~~where operating~~ that operate as the principal use of the land,  
3   are subject to the following ~~provisions~~:

4           (1)   No storage ~~shall~~ may be maintained within 20 feet of any lot line abutting a public  
5                street. ~~Said setback area shall be landscaped in accordance with Section 50-14-362~~  
6                ~~and Section 50-14-367 of this Code;~~

7           (2)   No storage ~~shall~~ may be located upon any required off-street parking or loading  
8                area;.

9           ~~(3) — No storage yard shall be located less than 150 feet from land zoned R1, R2, R3, R4,~~  
10           ~~R5, R6, or residential PD;.~~

11           ~~(3)   All such uses shall be screened from adjacent streets, alleys, and properties by an~~  
12           ~~opaque fence that is not less than six feet high. The height of stored items shall not~~  
13           ~~exceed the height of any fence or wall surrounding such lot;.~~

14           (4)   No storage or accumulation of waste products, including paint, stain, oils, grease,  
15                or other flammable, toxic, or hazardous materials, or stagnant water, ~~shall~~ may be  
16                permitted in any such use;.

17           (5)   An accessory structure up to 400 square feet in area may be permitted;.

18           (6)   There shall be at least one driveway which shall be wide enough to accommodate  
19                two vehicles that are side-by-side;.

20           (7)   Permitted hours of operation shall be 7:00 a.m. to 10:00 p.m.; ~~and~~

21           (8)   A permit for an outdoor storage yard shall be contingent on obtaining and  
22                maintaining all applicable licenses and/or permits from federal, state, and County  
23                agencies and from City departments.

(b) In accordance with Section 50-12-463 of this Code, outdoor storage yards, where located on the same zoning lot as a principal use, are:

(1) Incidental and accessory to the principal use where the outdoor storage yard does not exceed an area equal to ten percent of the gross floor area of the principal building; and

(2) A second principal use of the land, requiring a permit, and limited to the M3, M4, and M5 Districts, where the outdoor storage yard exceeds an area equal to ten percent of the gross floor area of the principal building.

~~(e) On land zoned M2, no containerized freight yard may be located less than 150 feet from land zoned R1, R2, R3, R4, R5, R6, or residential PD.~~

**Sec. 50-12-352. Towing service storage yards.**

(a) Towing service storage yards shall be subject to the following:

(1) All buildings, ~~screening,~~ and stored or abandoned vehicles shall be set back at least 20 feet from any lot line abutting, across the street, or across the alley from land zoned R1, R2, R3, R4, R5, R6, or residential PD;

~~(2) As required by Section 50-14-361 of this Code, the 20-foot setback area between the masonry wall and the lot line, where required, shall be landscaped in accordance with Section 50-14-362 and Section 50-14-367 of this Code;~~

~~(3) A masonry wall that is not less than six feet in height shall be erected:~~

a. ~~Between any storage and the 20-foot setback area specified in Subsection (1) of this section; and~~

b. ~~At any lot line abutting, across the street, or across the alley from land zoned B1, B2, B3, B4, B5, B6, non-industrial PD, P1, PC, PCA, PR, SD1, SD2, SD4, and SD5;~~

(2) All ground surfaces within any towing service storage yard shall be covered with asphalt or concrete paving, or other material to create a firm, level surface ~~(the term "level" as used in this section means free of ruts, potholes, or uneven areas)~~ that is free of ruts, potholes, or uneven areas, that prevents the formation of dust and mud, and that is approved by the Buildings, Safety Engineering, and Environmental Department. Pervious surface treatments are encouraged, except that gravel, slag, cinder, or graded natural surfaces shall not be allowed.

(3) ~~No~~ Vertical stacking of abandoned vehicles shall be permitted; is prohibited.

(4) All lighting shall be directed so as not to shine upon land zoned R1, R2, R3, R4, R5, R6, or residential PD.

(5) Adequate parking and unloading facilities shall be provided at the site so that no ~~junk-hauling~~ vehicle stands on a public right-of-way awaiting entrance to the site at any time; ~~and.~~

(6) All abandoned vehicle storage spaces shall measure not less than nine feet by 20 feet, exclusive of unusable space and drives or aisles which give access to the space; aisle ways that adjoin storage spaces shall comply with the dimensional standards for width as specified in Section 50-14-232 of this Code.

(b) Any use previously classified as a "Police Department authorized abandoned vehicle yard" or a "Police Department authorized abandoned vehicle storage yard" shall be

regulated as a "towing service storage yard" without need for issuance of an additional permit or change of use.

**Sec. 50-12-354. Transfer station for garbage, refuse, or rubbish.**

Transfer stations for garbage, refuse, or rubbish shall be subject to the following requirements:

- (1) No storage or processing ~~shall~~ may be maintained in the open within 20 feet of any lot line abutting a public street. ~~Said setback shall be landscaped in accordance with Section 50-14-362 and Section 50-14-367 of this Code;~~
- (2) No storage or processing ~~shall~~ may be located upon any required off-street parking or loading area;
- ~~(3) No storage or processing shall be located less than 500 feet from land zoned R1, R2, R3, R4, R5, R6, or residential PD;~~
- ~~(4) All such uses shall be screened from adjacent streets, alleys, and properties by a masonry wall that is not less than eight feet high, and not more than 12 feet high;~~
- (3) The height of stored items shall not exceed the height of any fence or wall surrounding such lot;
- (4) Adequate parking and unloading facilities shall be provided at the site so that no truck stands on the public right-of-way awaiting entrance to the site at any time;
- (5) All roads, driveways, parking lots, and loading and unloading areas shall be paved so as to limit the nuisance caused by wind-borne dust on adjoining lots and public roads;
- (6) Permitted hours of operation shall be 7:00 a.m. to 10:00 p.m.;

(7) The applicant shall tender to the Office of Chief Financial Officer an instrument of assurance in the form of a surety bond or an irrevocable letter of credit or a certificate of deposit note, in a sufficient amount, as determined by the Director of the Buildings, Safety Engineering, and Environmental Department for the removal and safe disposal of the maximum amount of material determined to be storable on site and to abate any nuisances remaining in the event of abandonment. Rules governing these instruments of assurance shall be prepared by the Buildings, Safety Engineering, and Environmental Department ~~(see in accordance with Article XIV, Division 8, of this chapter);~~

(8) A permit for a transfer station for garbage, refuse, or rubbish shall be contingent on obtaining and maintaining all applicable licenses and/or permits from federal, state, and County agencies and from City departments.

**Sec. 50-12-356. Used vehicle parts sales.**

Used vehicle parts sales shall be subject to the following:

(1) Such establishments are subject to the licensing provisions of Chapter 41, Article VI, Division 3, of this Code, ~~Secondhand Goods;~~

(2) The dismantling or salvage of vehicles entirely within a building on the premises is permitted where the state has issued a Class C Used Vehicle Parts Dealer license; where such dismantling or salvage is conducted in the open, a "junkyard" permit from the Buildings, Safety Engineering, and Environmental Department is required in addition to the State of Michigan Class C Used Vehicle Parts Dealer license;

(3) All ~~outdoor~~ storage shall be screened ~~by a masonry wall that is not less than eight feet in height and not more than 12 feet in height, shall be constructed and~~

maintained in good condition, and shall be set back at least 20 feet from the property line;

~~(4) As required by Section 50-14-361 of this Code, the 20-foot setback area between the masonry wall and the lot line shall be landscaped in accordance with Section 50-14-362 and Section 50-14-365 of this Code;~~

(4) All lighting shall be directed so as not to shine upon land zoned R1, R2, R3, R4, R5, R6, or residential PD;

(5) Used vehicle parts sales facilities are subject to review by the Solid Waste Facility Review Committee; and

(6) The sale of used vehicle parts requires no separate permit where merely incidental and accessory to a retail store that sells new vehicle parts.

**Sec. 50-12-358. Wholesaling, warehousing, storage buildings, or public storage facilities.**

Wholesaling, warehousing, storage buildings, or public storage facilities are subject to the following requirements:

~~(1) In the B4 District, such facilities shall not be permitted on any zoning lot abutting a designated Gateway Radial Thoroughfare, except Gratiot;~~

(1) Steel warehousing shall be prohibited in all zoning districts except the M2, M3, M4, and M5; zoning districts.

(2) Storage of bulk petroleum or related products, garbage, refuse, rubbish, or scrap tires ~~are~~ is prohibited;

(3) All materials shall be completely enclosed within a building, except ~~as provided for in Subsection (6) of this section;~~ for permitted outdoor accessory storage, subject to Section 50-12-458 of this Code, if placed on asphalt or concrete paved surfaces.



1       (4)     There shall be a minimum of 35 feet, or 45 feet if the driveway is two-way, between  
2             warehouses for driveway, parking, and fire lane purposes. Where no parking is  
3             permitted within the building separation areas, the building separation need only be  
4             25 feet. Traffic direction and parking in such areas shall be designated by signaling  
5             or painting;

6       ~~(6)     Permitted outdoor accessory storage is subject to Section 50-12-458 of this Code~~  
7             ~~and shall be placed only on asphalt or concrete paved surfaces, and screening shall~~  
8             ~~be subject to the applicable provisions of Article XIV, Division 2, Subdivision D,~~  
9             ~~of this chapter;~~

10      (5)     No Storage of hazardous substances, toxic, or explosive materials shall be permitted  
11             is prohibited. Signs shall be posted at the facility describing such restrictions; and  
12             prohibition.

13      (6)     Public storage facilities are subject to the licensing provisions of Chapter 30, Article  
14             II, of this Code, *Public Storage*, and shall comply with the following standards:

15           a.     No Residential use shall be allowed in any public storage unit; and is  
16                 prohibited.

17           b.     No retail, wholesale, fabrication, manufacturing, or service activities shall  
18                 may be conducted from within public storage units; and

19      (7)     In the MKT District, warehousing and storage of food-related products are  
20             permissible by-right and warehousing and storage of nonfood-related products are  
21             permissible conditionally.

1                                   **DIVISION 5. ACCESSORY USES AND STRUCTURES**

2                                                           **Subdivision A. In General**

3   **Sec. 50-12-461. Accessory outdoor operations—Screening.**

4           All accessory outdoor storage areas shall be screened as required under Section ~~50-14-365~~  
5   50-14-367 of this Code.

6                                                           **Subdivision C. Specific Accessory Use Standards**

7   **Sec. 50-12-517. Motor vehicle salesroom or sales lot.**

8           Motor vehicle salesroom and sales lots shall be subject to the following:

9           (1)   *New vehicle sales.* Service facilities that are operated in conjunction with a new  
10           motor vehicle salesroom or sales lot establishment ~~shall~~ may be considered  
11           accessory where such service facilities are located within 300 feet of the zoning lot  
12           on which the motor vehicles are sold.

13           (2)   *New vehicle sales.* Service facilities that are operated in conjunction with a new  
14           motor vehicle sales room or sales lot establishment shall ~~not~~ be considered  
15           accessory, but rather as a separate principal use, where such service facilities are  
16           located farther than 300 feet from the zoning lot on which the motor vehicles are  
17           sold. ~~Establishment of such service facilities as a principal use of the land may~~  
18           ~~require a public hearing.~~

19           (3)   *Used vehicle sales.* Vehicle preparation ~~shall~~ may be considered a permissible  
20           accessory use at a used motor vehicle salesroom or sales lot. ~~Where~~ Light duty  
21           vehicle services ~~are to take place~~ may be performed on the same zoning lot as a  
22           used motor vehicle salesroom or sales lot, if permitted as a separate principal land  
23           use ~~permit must be obtained from the Buildings, Safety Engineering, and~~

~~Environmental Department.~~ Light duty vehicle repair establishments are prohibited on the premises of a used motor vehicle salesroom or sales lot.

(4) *New and used vehicle sales.* Light duty vehicle repair establishments and light duty vehicle service establishments that are operated accessory to a new or used motor vehicle sales establishment are subject to the use regulations for such establishments, as set forth in Section 50-12-294 and Section 50-12-295 of this Code, respectively.

(5) *New vehicle sales.* Service facilities and the sale of used motor vehicles may be permitted only as accessory uses. Upon cessation of new motor vehicle sales, said accessory uses shall discontinue until issuance of a permit for said uses as the principal use of the land.

### **ARTICLE XIII. INTENSITY AND DIMENSIONAL STANDARDS**

#### **DIVISION 1. TABLES OF INTENSITY AND DIMENSIONAL STANDARDS**

##### **Subdivision B. General Dimensional Standards for Residential Districts**

###### **Sec. 50-13-22. Traffic safety sight area.**

In order to provide a clear line of sight for the drivers of approaching motor vehicles, the following requirements shall apply:

(1) On a corner lot in the R1, R2, R3, R4, R5, R6, and residential PD Districts, no opaque fence, wall, hedge, or other structure, shrubbery, mounds of earth or other visual obstruction over 36 inches in height above the nearest street curb elevation shall be erected, placed, planted, or allowed to grow within the "clear vision triangle," as described in Subsection (3) of this section.

(2) Subsection (1) of this section shall not apply to public utility poles; trees trimmed to the trunk to a line at least six feet above the level of the intersection; saplings or plant species of open growth habits and not planted in the form of a hedge, which are so planted and trimmed as to leave a clear and unobstructed cross view during all seasons; supporting members of appurtenances to permanent structures existing on the date this section became effective, which is May 28, 2005; and official warning signs or signals;.

(3) The "clear vision triangle" is that area formed by extending the two curb lines a distance of 45 feet from their point of intersection and connecting these points with an imaginary line, thereby making a triangle;.

(4) In cases where streets do not intersect at approximately right angles, the Department of Public Works Traffic Engineering Division shall have the authority to vary these requirements as it deems necessary to provide safety for both vehicular and pedestrian traffic, provided, that site distance in excess of 275 feet shall not be required.

~~(5) — See Section 50-14-381 of this Code.~~

## **DIVISION 2. MEASUREMENTS, REQUIREMENTS, AND EXCEPTIONS**

### **Sec. 50-13-226. Features allowed within required setbacks.**

Trees, shrubs, flowers, fences, walls, hedges, and other landscape features may be located within any required setback. In addition, the following table lists features that may be located within any required setbacks, subject to the ~~specific limitations that are delineated~~ associated standards:

<b>Feature That May Encroach or Project Into Required Setback</b>	<b><u>Limitation- Standards</u></b>
Driveways leading directly to accessory off-street parking and/or loading areas and/or structures and/or pedestrian pick-up/drop-off areas	No limitations, unless otherwise specified.
Access roads leading to accessory parking and/or loading areas and/or structures and/or pedestrian pick-up/drop-off areas	Does not apply to access roads in R1, R2.
Antennas, including satellite dishes in excess of 36 inches in diameter, amateur licensed radio antennas, and similar personal communication device reception towers and facilities	May project into or encroach upon a required front or side setback area only where prohibition of such devices or facilities would substantially interfere with reception to the extent they are rendered inoperable.
Awnings, patio covers and pergolas (attached)	<del>May not be located less than</del> <u>No portion of the awning, patio, or pergola structure may be located within ten feet from the rear property line and, or within five feet of a rear property line along which a solid masonry wall at least five feet in height is constructed. No portion of the structure may be located within 18 inches from a side property line, measured from the eave, provided, that the roof area does not exceed one-third of the area of the required rear setback. The required setback may be reduced to five feet from the rear property line and 18 inches from a side property line, measured from the eave, provided, that the setback is bounded by a solid masonry fence at least five feet in height. The area of the structure, or portion thereof located within the setback, including any eaves or overhangs, must not exceed one third of the area of the portion of the zoning lot within the setback. (Detached shade structures and carports are treated as "accessory" structures.)</u>
Balconies	May project not more than six feet into a front or rear setback, and three feet into a side setback.
Bay windows	May project not more than 2.5 feet into a required setback.

Carports (attached)	May not be located less than three feet from a side property line, and may not be located in required front setback. In addition, carports shall be designed so as to prevent runoff onto adjacent properties. ( <del>See also Section 50-16-151.</del> )
Chimneys, fireplaces, pilasters, smokestacks, and window air conditioners not exceeding six square feet in area	May project or encroach not more than 16 inches into a required setback.
Clothesline posts	No limitations in side or rear setbacks. May not be located in required front setback.
Cornices, eaves, mechanical equipment, and ornamental features	May project not more than 14 inches into any required side setback.
Curbs, and sidewalks	No limitations.
Fences	<del>See Section 50-14-381</del> <u>Subject to the standards set forth in Article XIV, Division 2, Subdivision C of this chapter.</u>
Fire escapes, stairways, and balconies which are open and unenclosed, and marquees	May project not more than five feet into a required setback.
Flagpoles	No limitations.
Garages and other accessory structures (attached or unattached)	May encroach into the rear setback up to the lot line where an alley provides vehicle access to the property. Where there is no alley, garages and other accessory structures may not be located less than three feet from the rear lot line except for the reconstruction of damaged accessory structures on an existing foundation. Unattached garages and other accessory structures may not be located less than three feet from a side property line except for the reconstruction of damaged accessory structures on an existing foundation, and may not be located in required front setback. Attached garages shall be subject to the setback provisions for the dwellings to which they are attached. In addition, garages and other accessory structures shall be designed so as to prevent runoff onto adjacent properties.

Parking and driveways	Operable private passenger vehicles may be parked on the driveway in only one side setback and the continuation of that side setback into the front setback to the property line. The area shall be maintained in a dust-free condition at all times. No mechanical maintenance or vehicular repairs shall be conducted in this area. <del>(See additional regulations in Article XIV, Division 1, Subdivision K.)</del>
Porches (enclosed)	May project not more than eight feet into required front and rear setbacks, subject to applicable sections of Chapter 8, Article II, of this Code, <del>Building Code</del> , that pertain to such existing porches. <del>(See additional regulations in Section 50-13-226(2)).</del> <u>Additionally subject to regulations set forth in Subsection (1) of this section.</u>
Porches (unenclosed) and decks	May project not more than eight feet into a required front or rear setback. No enclosed porch shall be constructed within any required <u>side</u> setback.
Ramps for persons with disabilities	Subject to <del>applicable section of</del> Chapter 8, Article II, of this Code, <del>Building Code</del> . <del>(See also Section 50-13-226(3)).</del> <u>Additionally subject to regulations set forth in Subsection (2) of this section.</u>
Signs	Regulated in accordance with Chapter 4 of this Code.
Yard and service lighting fixtures, poles	May not be located less than three feet from any lot line.

(1) ~~Fences. See Section 50-14-381 of this Code.~~

(1) ~~Porches (enclosed). Front and rear porches may project not more than eight feet into required front and rear setbacks subject to applicable sections of Chapter 8, Article II, of this Code, Building Code, that pertain to such existing porches:~~

a. ~~Such structures~~ Enclosed porches are subject to the approval of the Buildings, Safety Engineering, and Environmental Department after receipt of a report and recommendation from the Planning and Development Department. Such report and recommendation shall be submitted within 15

1 working days of the receipt of the request from the Buildings, Safety  
2 Engineering Department, after which time the Buildings, Safety  
3 Engineering, and Environmental Department may proceed with or without  
4 said report and recommendation. The Planning and Development  
5 Department may recommend changes and ~~or~~ special conditions to the  
6 proposed structures, and recommend approval of the proposed structure as  
7 adjusted. The Planning and Development Department shall review and  
8 determine the following:

- 9 1. That the proposed structure is compatible with the existing structure  
10 and surrounding area; and
- 11 2. That the proposed structure does not alter or damage significant  
12 architectural elements of the existing residential structure.

13 b. Such structure shall be erected and maintained in accordance with the  
14 following criteria: ~~(Note: Front and rear porches that do not project into a~~  
15 ~~required setback are not subject to the following criteria.)~~

- 16 1. The structure shall be enclosed with screen panels or windows, or a  
17 combination thereof. The structure may be enclosed with kickplates  
18 not exceed 42 inches in height above the floor of the porch. Existing  
19 opaque materials, not exceeding 42 inches in height above the floor  
20 of the existing porch, shall be permitted;
- 21 2. The structure shall not be enclosed in any way by opaque materials,  
22 ~~with the exception of railings, kickplates, or existing opaque~~



1 ~~material, none of which may exceed~~ beyond 42 inches in height  
2 above the porch floor ~~of the existing porch.~~

3 3. The exterior of the entire structure shall be maintained in a color  
4 consistent with the existing residential structure or with the  
5 surrounding residential neighborhood; ~~and.~~

6 4. The structure shall not be weather-insulated, nor have any heating  
7 system installed which makes such structure habitable year round,  
8 or usable as a general living area.

9 (2) *Ramps.* Ramps for persons with disabilities, subject to applicable provisions of  
10 Chapter 8, Article II, of this Code, ~~Building Code~~, are permitted in rear setbacks  
11 and may project into required front and side setbacks ~~by right. In no instance shall~~  
12 ~~any~~ No part of any such ramps may be located nearer ~~than~~ within two feet ~~to~~ of any  
13 property line. Such structures shall be erected and maintained in accordance with  
14 the following criteria:

15 a. Ramps for persons with disabilities, ~~which~~ that project into the required  
16 front or side setbacks and are constructed of material other than masonry,  
17 ~~or~~ concrete, ~~or~~ pressure-treated wood, ~~or~~ pre-treated synthetics, shall be  
18 painted or treated to match the color of the exterior trim or siding of the  
19 principal building or ~~painted~~ to blend with the exterior landscaping of the  
20 lot;

21 b. Open areas underneath ramps for persons with disabilities shall be screened  
22 from view by appropriate shrubbery or raised flower beds or raised berm  
23 areas, or their equivalent; ~~and.~~

c. In addition to handrails or guardrails as required by Chapter 8, Article II, of this Code, ~~Building Code~~, ramps for persons with disabilities shall be provided with a top rail that covers the exposed tops of the support posts or piers.

## ARTICLE XIV. DEVELOPMENT STANDARDS

### DIVISION 1. OFF-STREET PARKING, LOADING, AND ACCESS

#### Subdivision J. Off-Street Loading Area Design

##### Sec. 50-14-261. General design principles.

Except as provided for in Section 50-2-241 of this Code, the location, design, and improvement standards of this subdivision shall apply to all off-street loading areas. ~~(See also Section 50-14-366 of this Code.)~~ The layout of the off-street loading area shall be designed so as to preclude the need to maneuver, ~~or~~ stand, or park a vehicle on the sidewalk or public street in order to allow entry to, or exit of, another vehicle.

### DIVISION 2. LANDSCAPING, SCREENING, AND FENCING

#### Subdivision B. Landscaping, Quality

##### Sec. 50-14-327. Installation, maintenance, and replacement.

The following requirements shall apply with respect to installation, maintenance, and replacement of landscaping:

- (1) *Installation.* All landscaping shall be installed according to sound nursery practices in a manner that is designed to encourage vigorous growth. Shrubs and trees shall not be installed within car overhang or door swing areas. All landscape material shall be healthy and in place prior to issuance of a final Certificate of Occupancy.

A temporary Certificate of Occupancy may be issued prior to installation of

required landscaping where written assurances and financial guarantees are submitted ~~which~~ in accordance with Division 8 of this article to ensure that planting will take place when planting season arrives (~~see also Division 8 of this article~~);

(2) *Maintenance and replacement.* Trees, shrubs, fences, walls, and other landscape features that are depicted on plans approved by the City shall be considered as elements of the project in the same manner as parking, building materials, and other details are elements of the plan. The land owner, or successors in interest, or agent, if any, shall be jointly and severally responsible for the following:

a. Regular maintenance of all landscaping in good condition and in a way that presents a healthy, neat, and orderly appearance. All landscaping shall be maintained free from disease, pests, weeds, and litter. This maintenance shall include weeding, watering, fertilizing, pruning, mowing, edging, mulching, or other maintenance, repair, and replacement of any landscaping required by this division as needed and in accordance with acceptable horticultural practices;

b. The repair or replacement of required landscape structures, including, but not limited to, walls and fences, to a structurally sound condition;

~~c. Where necessary, the regular maintenance, repair, and/or replacement, of any landscaping required by this division; and~~

c. Continuous maintenance of the site;

d. Where constructing new landscape planting areas on surfaces which were previously covered by pavement or structures, all existing asphalt, base rock

1 or other impervious material shall be removed to the depth of the native soil  
2 and clean soil shall be used to backfill the planting area; and

3 e. Trees in, or adjacent to, parking areas and streets shall be salt-resistant.

4 (3) *Visibility and accessibility.* Landscaping materials and arrangement shall ensure  
5 adequate sight visibility for motorists, adequate clearance for pedestrians and  
6 vehicles, and accessibility to fire hydrants. All ~~hedges shrubs and any other type of~~  
7 ~~opaque screening~~ that is are maintained or placed within 20 feet of the front public  
8 sidewalk shall be limited to three feet in height above the grade of the public  
9 sidewalk. ~~For corner lots, see~~ Landscaping of corner lots in residential zoning  
10 districts is additionally subject to Section 50-13-22 of this Code.

11 a. ~~Shrubs and trees shall not be installed within car overhang or door swing~~  
12 ~~areas; and~~

13 b. ~~Trees in, or adjacent to, parking areas and streets shall be salt resistant.~~

14 **~~Subdivision C. Landscaping and Screening of Off-Street Parking Areas REPEALED~~**

15 **~~Sec. 50-14-341. Right-of-way screening.~~**

16 ~~Screening along the right-of-way shall be provided as follows:~~

17 (1) ~~Off-street parking areas that are visible from a public street shall include a~~  
18 ~~landscape buffer strip with a minimum width of five feet between the off-street~~  
19 ~~parking area and the right-of-way, provided, that where the parking area is across a~~  
20 ~~public street, not exceeding 60 feet in width, from a dwelling unit on land zoned~~  
21 ~~residential, the provisions of Section 50-14-342(1)a. of this Code shall supersede.~~

22 ~~The following shall be provided:~~

a. ~~At least one tree shall be provided for each 30 linear feet of landscape buffer. Trees shall be planted in the buffer strip or between the sidewalk and street curb. Trees must have a minimum nonpaved planting area of 18 square feet, with a minimum depth of five feet. In cases where there is an existing pattern of trees along the street, new trees shall be the same species and planted according to the existing tree spacing and pattern to the greatest extent possible, except where such existing trees are included in the list of prohibited tree species in Section 50-14-324 of this Code. Trees provided to meet the standards of this subsection shall not be planted more than 50 feet apart. (See Figure 50-14-341(1)a.)~~

b. ~~Vegetation, a berm, or masonry wall forming a continuous screen at least 30 inches, but not more than 36 inches, in height, shall be located within the landscape buffer that is immediately adjacent to the parking area. Berms shall be constructed with slopes no steeper than one foot vertical for each three feet horizontal (33 percent slope). (See Figure 50-14-341(1)b.)~~

~~Opaque screening, such as the following, is acceptable:~~

- ~~1. A brick wall;~~
- ~~2. A masonry wall with brick facing;~~
- ~~3. A masonry wall with decorative metal fence topping;~~
- ~~4. A concrete wall with brick design;~~
- ~~5. A stone wall;~~

6. ~~Vegetative screening material that is designed to provide 75 percent opacity on a year-round basis beginning one year after planting along the full required height and length of the screening buffer; or~~
7. ~~Other opaque wall which, in the determination of the Planning and Development Department, is both suitable for the site and compatible with, and similar to, the building frontages nearest the parking area.~~

(2) ~~In instances where it is not practical to provide a five-foot landscape buffer strip, a wrought-iron-style ornamental fence may be erected, subject to review and approval by the Planning and Development Department.~~

Figure 50-14-341(1)a  
(For Informational Purposes Only)  
Isometric View of Tree Spacing

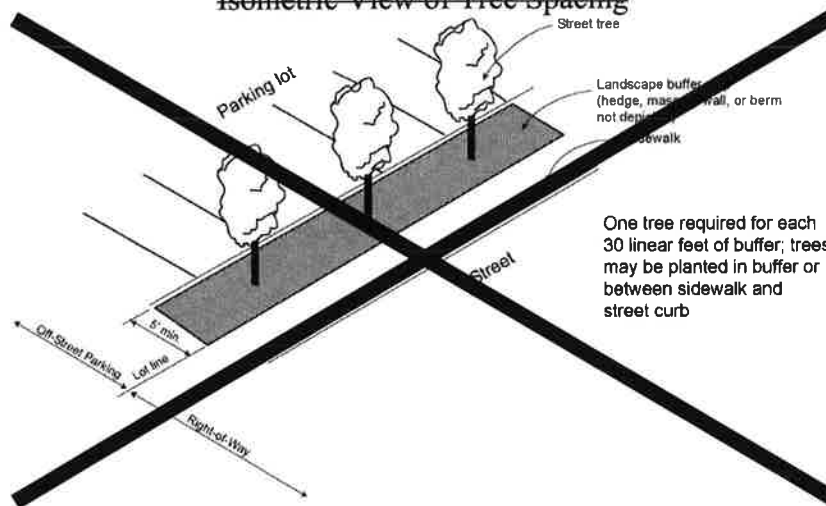
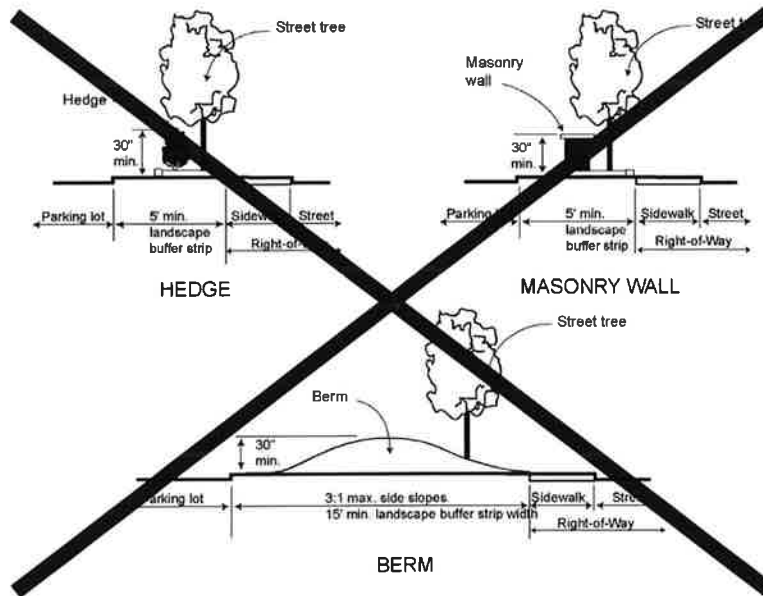


Figure 50-14-341(1)b  
(For Informational Purposes Only)  
Right-of-Way Screening Alternatives



**Sec. 50-14-342. Residential screening.**

Screening from land-zoned residential shall be provided as follows:

(1) *Abutting Residentially zoned lots containing dwelling units.*

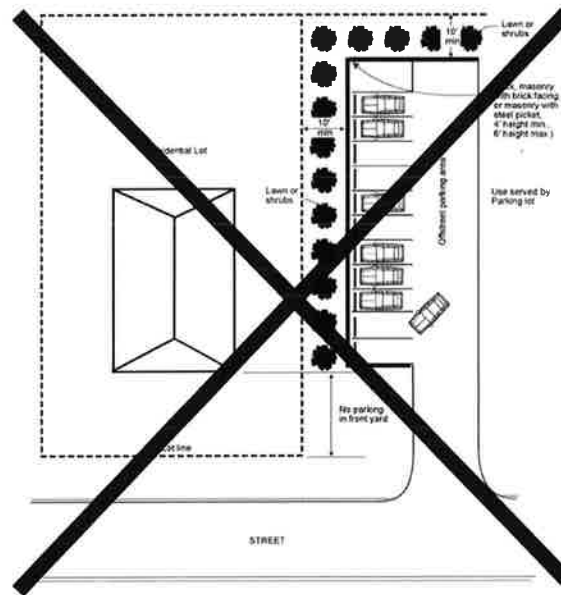
a. Where a zoning lot that has a dwelling unit on land zoned R1, R2, R3, R4, R5, R6, or residential PD and abuts, or is located across an alley or public street not exceeding 60 feet in width from, a parking area visible from the residential lot, an opaque wall shall be placed at the edge of the parking area to screen the parking area. Opaque screening, such as the following, is acceptable:

1. A brick wall;
2. A masonry wall with brick facing;
3. A masonry wall with decorative metal fence topping;
4. A concrete wall with brick design;
5. A stone wall; or

~~6. Other opaque wall which, in the determination of the Planning and Development Department, is both suitable for the site and compatible with, and similar to, the building frontages nearest the parking area.~~

~~b. The nearest parking space, drive aisle, or other paved surface within the parking area shall be located at least ten feet from the abutting residential lot. Said setback area shall be landscaped. (See Figure 50-14-342.)~~

Figure 50-14-342  
(For Informational Purposes Only)  
~~Screening Abutting Residential Lots Containing Dwelling Units~~



(2) *Abutting residentially zoned lots not containing dwelling units.*

a. ~~Where a lot on land zoned R1, R2, R3, R4, R5, R6, or residential PD does not contain a dwelling unit and abuts, or is located across an alley or public street not exceeding 60 feet in width from, a parking area visible from the residential lot, an opaque wall, that is placed at the edge of the parking area,~~



is required to screen the parking area. Opaque screening, such as the following, is acceptable:

1. — A brick wall;
2. — A masonry wall with brick facing;
3. — A masonry wall with decorative metal fence topping;
4. — A concrete wall with brick design;
5. — A stone wall; or
6. — Other opaque wall which, in the determination of the Planning and Development Department, is both suitable for the site and compatible with, and similar to, the building frontages nearest the parking area.

b. — The nearest parking space, drive aisle, or other paved surface within the parking area shall be located at least five feet from the abutting residential lot. Said setback area shall be landscaped.

(3) — *Wall specifications.* All walls or fences that are required under this section shall be at least four feet in height, with a maximum height of six feet, as measured from the surface of the parking area. Walls and fences shall be maintained in a neat and orderly appearance at all times, and shall have only such openings as are required for ingress and egress.

(4) — *Exception.* Where the alley serves as the only direct access to the parking spaces, such as where parking spaces are located between a building wall and the alley, or where the alley provides the required off-street loading area, and the Planning and Development Department determines that the placement of screening would

prevent access to the parking spaces or loading area, the Department may waive the screening or allow it to be pierced as necessary.

**Sec. 50-14-343. Interior landscaping.**

Off-street parking areas for operable, private passenger vehicles, that have a capacity of 25 or more parking spaces, shall contain landscaped areas, located entirely within the edges of the off-street parking area, in accordance with Figure 50-14-343, and that serve to break up the expanse of pavement and manage stormwater. A raised curb must edge the landscaped area, must be at least six inches in height, and must contain inlets at appropriate intervals to allow stormwater infiltration from the open parking area. The following additional requirements apply:

- (1) Within the interior of the off-street parking area, interior landscaped areas shall be provided at the following rate:

Number of Off-Street Parking Spaces	Amount of Landscaped Area Required Per Parking Space
25-100 spaces	18 square feet
101 spaces or more	22 square feet

Note: Area of off-street parking area excludes a paved area that is designed to be used exclusively for vehicle access between the street and the off-street parking area. It shall include the area of all aisles and driveways within the limits of the off-street parking area;

- (2) To be credited toward meeting the requirements of this section, each interior landscaped area shall have a minimum area of at least 150 square feet, a minimum dimension of seven feet in any direction, and include at least one shade tree;
- (3) Any landscaped area located outside the edges of the off-street parking area shall not be counted toward satisfying this interior landscaping requirement; and

(4) The total number of trees required to be planted in the interior of an off-street parking area shall be calculated and provided at a rate of one shade tree for each 250 square feet, or fraction thereof, of required interior landscaped area.

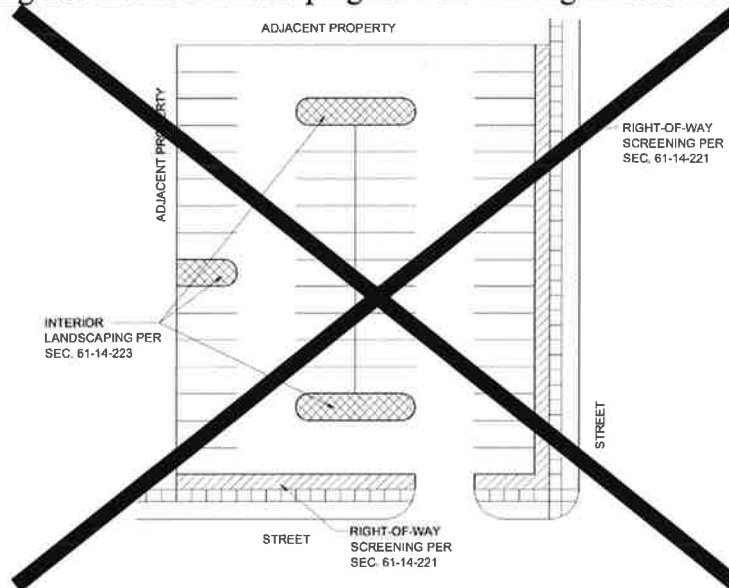
(5) Required interior landscaped areas must maximize effective stormwater management by incorporating:

a. Curbs at the edge of the required interior landscaped areas to protect the plants;

b. Landscaped areas installed at a lower grade than the parking lot pavement; and

c. Curbing with openings to allow drainage from the pavement to enter and percolate into the ground in the landscaped areas.

Figure 50-14-343  
(For Informational Purposes Only)  
Parking Lot Interior Landscaping for Lots Having at Least 25 Spaces



**Sec. 50-14-344. Quality.**

All off-street parking areas that are contained in this subdivision shall adhere to the quality standards of Subdivision B of this division.

**Sec. 50-14-345. Parking structures.**

~~Landscaping shall be provided as part of parking structure design, and be subject to site plan review.~~

**Subdivision C. Fence and Wall Quality**

**Sec. 50-14-341. Applicability.**

(a) The requirements of this subdivision shall apply to all permanent fences and walls. Gates attached to permanent fences or walls shall be considered fences for purposes of this subdivision.

(b) For a fence or wall that is required pursuant to Article XII, Division 3 of this chapter, if any requirements of Article XII, Division 3 are in conflict with the requirements of this division, the requirements of Article XII, Division 3 shall control.

(c) For parcels that are located within a Traditional Main Street Overlay Area, if any requirements of Article XIV, Division 3, Subdivision C of this chapter are in conflict with the requirements of this subdivision, then the requirements of Article XIV, Division 3, Subdivision C shall control.

**Sec. 50-14-342. Material standards.**

(a) Fences and walls shall comply with the following material standards, subject to the additional standards set forth in this section:

<b><u>Fence or Wall Material</u></b>	<b><u>Residential Districts</u></b>	<b><u>Business and Special Districts</u></b>	<b><u>Industrial Districts</u></b>
<u>Attached materials (e.g., fabric, cloth, plastic, or vinyl slats)</u>	<u>Permitted</u>	<u>Prohibited along street rights-of-way and any property line where screening is required</u>	<u>Prohibited along street rights-of-way and any property line where screening is required</u>
<u>Barbed/Razor wire attached</u>	<u>Prohibited</u>	<u>Prohibited</u>	<u>Permitted</u>

<u>Brick/stone masonry</u>	<u>Permitted</u>	<u>Permitted</u>	<u>Permitted</u>
<u>Chain link</u>	<u>Permitted</u>	<u>Prohibited along street rights-of-way and any property line where screening is required</u>	<u>Prohibited along street rights-of-way and any property line where screening is required</u>
<u>Concrete pre-cast/masonry</u>	<u>Permitted</u>		
<u>Discarded or recycled materials (e.g., tires, motor vehicle doors)</u>	<u>Prohibited</u>		
<u>Electrified fencing, attached</u>	<u>Prohibited</u>	<u>Prohibited</u>	<u>Permitted</u>
<u>Fiberglass, polycarbonate, or wood sheets/panels</u>	<u>Prohibited</u>		
<u>Manufactured wood/board, (e.g., plywood, MDF, chipboard, hardboard)</u>	<u>Prohibited</u>		
<u>Metal panels, corrugated, box-ribbed, or smooth</u>	<u>Prohibited</u>		
<u>Movable concrete or plastic barriers</u>	<u>Prohibited</u>		
<u>Ornamental metal (aluminum/steel/iron)</u>	<u>Permitted</u>		
<u>Salvaged or repurposed building materials (e.g. residential doors, shipping containers)</u>	<u>Prohibited</u>		
<u>Vinyl/PVC</u>	<u>Permitted</u>	<u>Prohibited</u>	<u>Prohibited</u>
<u>Welded wire, woven wire, louvered, or die-cut metal panels</u>	<u>Permitted</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>

(b) Non-residential uses in residential districts are subject to the material standards for business and special districts. Basic and major utilities in any zoning district are subject to the material standards for industrial districts.

1       (c) Barbed wire or razor wire is prohibited on all property lines adjacent to single- or  
2 two-family dwellings.

3       (d) Barbed wire or razor wire must be attached to arms or brackets on a wall or fence  
4 that extend inward and are not less than six feet above ground level.

5       (e) Electrified fencing in an industrial district is subject to approval by the Buildings,  
6 Safety Engineering, and Environmental Department.

7       (f) Fence posts and supporting rails must face inward toward the zoning lot being  
8 fenced and the finished face of the fence must be oriented towards adjacent zoning lots or rights  
9 of way, as applicable.

10       (g) All fence materials must be structurally supported by 1 5/8-inch iron pipe, two-inch  
11 angle irons embedded in a subsurface concrete foundation, four-inch wood posts, four-inch  
12 reinforced concrete posts, or any other member of equal stability sunk in the soil at least three feet.

13 **Sec. 50-14-343. Opacity.**

14       (a) A fence shall be considered transparent if its overall opacity is not more than 75  
15 percent. Examples of transparent fences include chain link, aluminum, wrought iron or other  
16 decorative metal fencing, and picket or board fences with sufficiently large spacing between  
17 boards.

18       (b) A fence or wall shall be considered solid or opaque if its overall opacity is more  
19 than 75 percent. Examples of solid fences may include solid brick, masonry, stone, pre-cast  
20 concrete, and picket or board fences with sufficiently narrow spacing between boards. Opaque  
21 walls and fences shall be compatible in color and materials to the primary structure on the site.  
22 Opaque walls or fences shall have no openings, except as necessary for driveways and pedestrian  
23 exit doors, as mandated by the Fire Marshal.

(c) For purposes of this subdivision, opacity is a measurement of overall light transmittance through the vertical area occupied by the fence.

**Sec. 50-14-344. Height.**

(a) The minimum height for all fences and walls in any zoning district is two feet.

(b) The maximum height for fences and walls is as follows, subject to the additional standards set forth in this section:

<b><u>Fence or Wall Opacity</u></b>	<b><u>Residential Districts</u></b>		<b><u>Business and Special Districts</u></b>		<b><u>Industrial Districts</u></b>	
	<b><u>Front</u></b>	<b><u>Side/Rear</u></b>	<b><u>Front</u></b>	<b><u>Side/Rear</u></b>	<b><u>Front</u></b>	<b><u>Side/Rear</u></b>
<u>Transparent Fence or Wall</u>	<u>4'</u>	<u>6'</u>	<u>8'</u>	<u>8'</u>	<u>12'</u>	<u>12'</u>
<u>Opaque Fence or Wall if screening is not required</u>	<u>3'</u>	<u>6'</u>	<u>Prohibited</u>	<u>8'</u>	<u>Prohibited</u>	<u>12'</u>
<u>Opaque Fence or Wall if screening is required</u>	<u>3'</u>	<u>6'</u>	<u>8'</u>	<u>8'</u>	<u>12'</u>	<u>12'</u>

(c) The height of a required fence or wall may be tapered at the edge that is closest to the sidewalk or public street to ensure visibility for pedestrian and vehicular cross-traffic.

(d) Non-residential uses in residential districts are subject to the height standards for business and special districts. Basic and major utilities in any zoning district are subject to the height standards for industrial districts.

(e) Notwithstanding Subsection (b) of this section, the maximum wall height of required opaque fences or walls for off-street parking areas adjacent to street rights-of-way is three feet.

**Secs. 50-14-346 50-14-345—50-14-360. Reserved.**

**Subdivision D. Required Landscaping and Screening; ~~Miscellaneous Provisions~~**

**Sec. 50-14-361. Required Open-space landscaping.**

Any portion of a developed zoning lot that is not ~~used for the location of~~ occupied with buildings, structures, accessory uses, off-street parking, loading areas, sidewalks, or similar features shall be landscaped ~~as provided in Section 50-14-326 of this Code~~ in accordance with Article XIV, Division 2, Subdivision B of this chapter.

**Sec. 50-14-362. Trees required in Landscaping of required setbacks.**

Except as specified otherwise in this chapter, ~~Where certain land uses require~~ if a setback from a public street is required, at least one tree shall be provided ~~for~~ within each 30 ~~linear feet~~ linear-foot portion of lot width. Trees shall be planted in the setback area or, if not practicable, between the sidewalk and street curb. ~~Trees~~ Each tree must have a minimum planting area of 18 square feet. Trees provided to meet this standard shall not be planted more than 50 feet apart.

**~~Sec. 50-14-363. Screening.~~ REPEALED**

~~Screening shall be provided as set out in Section 50-14-364 through Section 50-14-366 of this Code.~~

**~~Sec. 50-14-376~~ 50-14-363. Street trees.**

Notwithstanding the exemption in Section 50-14-303 of this Code, the developer of any new residential subdivision shall install street trees. ~~Such plantings shall be consistent with planting standards that are maintained by the Recreation,~~ subject to review and approval by the General Services Department, ~~which specify soil depth, irrigation requirements, tree grates, staking, and other planting details.~~ Street trees shall be salt-resistant.



1 **Sec. ~~50-14-377~~ 50-14-364. Incentives to preserving existing trees.**

2 The City encourages the preservation of quality and mature trees by providing credits  
3 toward the required landscaping as follows:

4 (1) Trees ~~intended~~ to be preserved shall be indicated with a special symbol on the site  
5 plan and be protected during construction through use of a fence around the drip  
6 line. To obtain credit, the preserved trees shall be of a high quality and at least 2½  
7 inches caliper. Trees to be preserved ~~shall~~ may be counted for credit only where  
8 they are located on the developed portion of the site as determined by the review  
9 body or individual. Credit for existing trees is subject to review and approval by  
10 the ~~Recreation~~ General Services Department; and

11 (2) The credit for preserved trees shall be as follows. Any preserved trees receiving  
12 credit, ~~which~~ that are lost within two years after construction, shall be replaced with  
13 trees of a high quality and at least 2½ inches caliper.

<b>Caliper of Preserved Tree (<u>measured at four feet above natural grade</u>)</b>	<b>Number of Trees Credited</b>
<del>Over 12 inches at 4 feet above natural grade</del> <u>At least 12 inches</u>	3
<del>8 — 11.9 inches at 4 feet above natural grade</del> <u>At least 8 inches and less than 12 inches</u>	2
<del>2.5 — 7.9 inches at 4 feet above natural grade</del> <u>At least 2.5 inches and less than 8 inches</u>	1

14  
15 **Sec. 50-14-365. Interior parking area landscaping.**

16 Off-street parking areas for operable, private passenger vehicles that have a capacity of 25  
17 or more parking spaces shall contain landscaped areas to break up the expanse of pavement and  
18 manage stormwater, subject to the following:

(1) The area within an off-street parking area that is required to be landscaped shall be calculated as follows:

<u>Number of Off-Street Parking Spaces</u>	<u>Required Landscaped Area Per Parking Space</u>
<u>25-100 spaces</u>	<u>18 square feet</u>
<u>101 or more spaces</u>	<u>22 square feet</u>

(2) To be credited toward meeting the requirements of this section, each interior landscaped area shall have a minimum area of at least 150 square feet, a minimum dimension of seven feet in any direction, and include at least one shade tree.

(3) Any landscaped area, or portion thereof, located outside the perimeter of the off-street parking area must not count toward satisfying interior landscaping requirement for the off-street parking area.

(4) Not fewer than one shade tree must be planted for each 250 square feet, or fraction thereof, of required interior landscaped area.

(5) Required interior landscaped areas must maximize effective stormwater management by incorporating:

a. Curbs must be installed along the edges of each interior landscaped area to protect the plants;

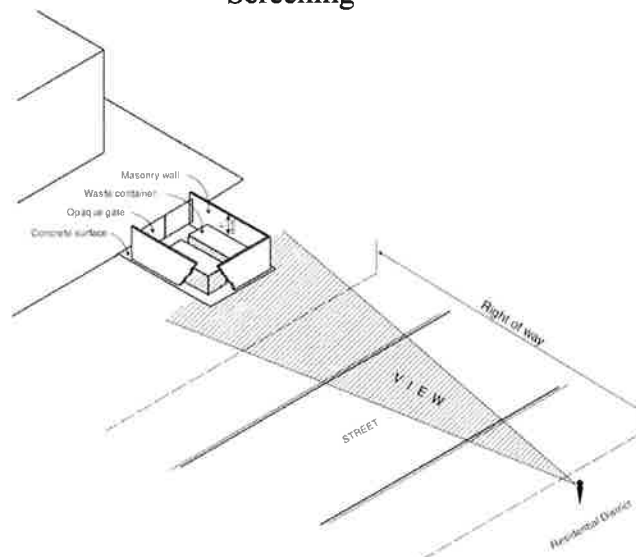
b. Landscaped areas must be installed at a lower grade than the parking lot pavement; and

c. Curbs must have openings to allow drainage from the pavement to enter and percolate into the ground in the landscaped areas.

**Sec. 50-14-364 50-14-366. Screening of refuse receptacles and waste removal areas.**

Refuse receptacles and waste removal areas, including trash cans, trash compactors, and dumpsters, shall be screened from view of street rights-of-way and from view of residential or commercial zoning districts by a masonry wall enclosure with an opaque gate. To the extent possible, the waste removal area shall be located to the rear of the building. The minimum height of the enclosure and gate shall have a minimum height of be at least one foot higher than the height of the refuse receptacles or waste container. All refuse and waste storage areas shall be surfaced with concrete that is not less than six inches in depth. All trash enclosures and other service spaces shall incorporate at least one of the predominant colors that are found on the primary structure of the site and be similar in material. (See Figure 50-14-364.) This provision does not apply to those residential structures using Courville containers as provided in Chapter 42, Article II, Division 3, of this Code, *Placement, Storage, and Maintenance of Approved Containers*.

Figure 50-14-364  
(For Informational Purposes Only)  
Screening



**~~Sec. 50-14-365. Screening of open storage areas. REPEALED~~**

~~Open storage of any goods, materials, products, or equipment shall be screened from view of street rights of way and from view of land zoned R1, R2, R3, R4, R5, R6, and residential PD in accordance with Section 50-14-367 of this Code. Screening is not required for permitted outdoor sales areas. This provision shall not apply to the R1, R2, R3, R4, R5, R6, and B1 Districts, except where involving a prohibited commercial or industrial use under jurisdiction of the Board of Zoning Appeals.~~

**~~Sec. 50-14-366. Screening of loading docks, service yards, and exterior work areas. REPEALED~~**

~~Service yards, loading docks, exterior work areas, and truck maneuvering areas shall be screened from view of street rights of way and from view of land zoned R1, R2, R3, R4, R5, R6, and residential PD, in accordance with Section 50-14-367 of this Code, except where an opening is required for vehicle access.~~

**~~Sec. 50-14-367. Materials and methods; landscaping, fencing, and screening. REPEALED~~**

~~Unless otherwise expressly stated, required screening may be provided in the form of new or existing natural plantings, walls and fences, topographic changes, buildings, horizontal separation, or a combination, according to the provisions of this subdivision, provided, that in all cases screening must block the views of the area being screened. Required screening shall comply with the eight standards that are specified in Section 50-14-368 through Section 50-14-375 of this Code.~~

1    **~~Sec. 50-14-368 Fences and walls. REPEALED~~**

2           ~~The following requirements shall apply with respect to fences and walls:~~

3           ~~(1) Walls or fences shall be opaque, and the finished side of the fence or wall shall be~~  
4           ~~placed on the outside of the screened area;~~

5           ~~(2) Fences, walls, and gates shall be constructed of standard building materials that are~~  
6           ~~customarily used for wall and fence construction, such as brick, stone, concrete~~  
7           ~~masonry, stucco, concrete, or wood. Scrap or "recycled" material shall not be used.~~  
8           ~~Recycled garage doors, sheet metal, and plywood are expressly prohibited as~~  
9           ~~fencing material;~~

10          ~~(3) Razor wire and electric fencing shall not be allowed in any residential, business, or~~  
11          ~~special zoning district classification; and~~

12          ~~(4) See also Section 8-2-20 in Chapter 8, Article II, of this Code, *Building Code*, and~~  
13          ~~Sections 8-15-34, 8-15-107, 8-15-108, 8-15-109, and 8-15-201 in Chapter 8,~~  
14          ~~Article XV, of this Code, *Property Maintenance Code*.~~

15    **~~Sec. 50-14-369. Topographic changes. REPEALED~~**

16           ~~Changes in topography, such as changes in grade or earthen berms, may be used to provide~~  
17    ~~required screening. The slope of the topographical change shall be of a grade that is suitable for~~  
18    ~~maintenance and soil stability. All slopes are to be landscaped.~~

19    **~~Sec. 50-14-370. Buildings. REPEALED~~**

20           ~~Buildings or structures on the same site may be used for screening, as long they are not~~  
21    ~~erected for the sole purpose of screening and meet all other requirements of this chapter.~~

**~~Sec. 50-14-371. Horizontal separation. REPEALED~~**

~~Distance between a use or object to be screened and the adjoining property or public right-of way may be used in combination with landscaping to provide required screening where the intent of this division is met. Horizontal separation alone will rarely provide suitable screening, except on very large zoning lots.~~

**~~Sec. 50-14-372. Height. REPEALED~~**

~~Required screening shall be at least as tall as the object to be screened, and no taller than eight feet, except as may be specified in Section 50-14-341(1)b of this Code. There shall be no maximum height for trees or plants used as screening materials. The height of a required wall may be tapered at the end of said wall that is closest to a public street to ensure visibility of cross traffic.~~

**~~Sec. 50-14-373. Opacity. REPEALED~~**

~~The screen shall be designed and installed so that the object being screened is not visible through the screen.~~

**~~Sec. 50-14-374. Location of screening. REPEALED~~**

~~Any screening required by this division must be located within the property lines of the lot that contains the area that is required to be screened.~~

**~~Sec. 50-14-375. Compatibility. REPEALED~~**

~~For non-residential uses, retaining walls, screening, accessory structures, and other opaque features that provide screening shall incorporate at least one of the predominant colors that is found on the primary structure on the site and be similar in material.~~

1 **Sec. 50-14-367. Screening standards for specific uses and site features.**

2 (a) Applicability.

3 (1) Uses and site features that require screening under this subdivision shall provide  
4 buffering in accordance with the applicable buffer types described in Sections 50-  
5 14-368 through Section 50-14-370 of this Code. Buffers shall be provided along  
6 the entire portions of the boundary of the zoning lot that are adjacent to street rights-  
7 of-way, adjacent to or across alleys from residential districts, and all other property  
8 lines, as specified. Buffers are not required along zoning lot lines adjacent to  
9 industrial districts.

10 (2) For parcels that are located within a Traditional Main Street Overlay Area, if any  
11 requirements of Article XIV, Division 3, Subdivision C of this chapter are in  
12 conflict with the requirements of this subdivision, then the requirements of Article  
13 XIV, Division 3, Subdivision C shall control.

14 (b) Location of buffers. If a buffer and setback are both required for a zoning lot, the  
15 greater of the two shall apply. A buffer may be located within a required setback,  
16 in which case the buffer shall be located adjacent to the property line. Any buffer  
17 required by this Subdivision must be located within the property lines of the zoning  
18 lot to be screened. The buffer depth shall be measured from the property line to the  
19 inside edge of the wall or fence, including footings, or inside edge of the landscaped  
20 area if no wall or fence is provided.

21 (c) Required screening for specific uses. Screening is required for the following uses  
22 in accordance with the following standards:

<b><u>Uses that Require Screening</u></b>			
	<b><u>Permissible Buffer Types</u></b>		
<b><u>Use</u></b>	<b><u>Adjacent to street rights-of-way</u></b>	<b><u>Adjacent to or across an alley from Residential Districts</u></b>	<b><u>Adjacent to all other property lines</u></b>
<u>Containerized freight yard</u>	<u>Type V</u>	<u>Type V</u>	<u>Type III</u>
<u>Junkyard</u>	<u>Type V</u>	<u>Type V</u>	<u>Type III</u>
<u>Light duty vehicle repair establishments</u>	<u>Type I or II</u>	<u>Type III</u>	<u>Screening Not Required</u>
<u>Light duty vehicle services establishments</u>	<u>Type I or II</u>	<u>Type III</u>	<u>Screening Not Required</u>
<u>Lumber yard</u>	<u>Type III or IV</u>	<u>Type V or VI</u>	<u>Screening Not Required</u>
<u>Medium/heavy duty vehicle or equipment repair establishment</u>	<u>Type III</u>	<u>Type III or V</u>	<u>Type III</u>
<u>Motor vehicle filling stations</u>	<u>Type I or II</u>	<u>Type III</u>	<u>Screening Not Required</u>
<u>Motor vehicles, new or used, salesroom or sales lot</u>	<u>Type I or II</u>	<u>Type III</u>	<u>Screening Not Required</u>
<u>Motor vehicles, new or used; storage lot accessory to a salesroom or sales lot for new or used motor vehicles.</u>	<u>Type I or II</u>	<u>Type III</u>	<u>Screening Not Required</u>
<u>Motor vehicle washing and steam cleaning</u>	<u>Type I or II</u>	<u>Type III</u>	<u>Screening Not Required</u>
<u>Outdoor storage yard</u>	<u>Type V</u>	<u>Type V</u>	<u>Type III</u>
<u>Towing service storage yard</u>	<u>Type III</u>	<u>Type V</u>	<u>Type III</u>
<u>Transfer station for garbage, refuse, or rubbish</u>	<u>Type V</u>	<u>Type V</u>	<u>Type III</u>
<u>Trucking terminals, transfer buildings, recreational vehicle storage lots, and parking areas for operable trucks</u>	<u>Type III or IV</u>	<u>Type V or VI</u>	<u>Type III or IV</u>
<u>Utilities, basic and major</u>	<u>Type III or IV</u>	<u>Type V or VI</u>	<u>Type III</u>



<u>Very-high impact manufacturing or processing facilities</u>	<u>Type V</u>	<u>Type V</u>	<u>Type V</u>
<u>Wholesaling, warehousing, storage buildings, or public facilities</u>	<u>Type III or IV</u>	<u>Type V or VI</u>	<u>Type III or IV</u>

(d) Required screening for individual site features. For all uses not identified in Subsection (c) of this section, screening is required for the following individual site features in accordance with the following standards:

<b><u>Individual Site Features Subject to Screening</u></b>			
<b><u>Site Feature</u></b>	<b><u>Permissible Buffer Types</u></b>		
	<b><u>Adjacent to street rights-of-way</u></b>	<b><u>Adjacent to or across an alley from Residential Districts</u></b>	<b><u>Adjacent to all other property lines</u></b>
<u>Loading docks, service yards, exterior work areas, truck maneuvering areas, and open areas for the parking of trucks, semi-trucks, and semi-trailers</u>	<u>Type III or IV</u>	<u>Type V or VI</u>	<u>Type III or IV</u>
<u>Open storage areas, principal or accessory</u>	<u>Type V</u>	<u>Type V</u>	<u>Type III</u>
<u>Off-street parking areas</u>	<u>Type I or II</u>	<u>Type III</u>	<u>Screening Not Required</u>
<u>Off-street parking areas for operable commercial vehicles, not including taxicabs and limousines</u>	<u>Type III or IV</u>	<u>Type III or IV</u>	<u>Screening Not Required</u>

(e) Waiver of alley buffer requirements. If screening for either a use or an individual site feature is required by this section along a zoning lot line adjacent to an alley, the buffer depth and landscaping requirements may be waived by the Buildings, Safety Engineering, and Environmental Department if an opaque wall is installed along the alley.

1       (f) Topographic changes. Changes in topography, such as changes in grade or earthen  
2 berms, may serve as an alternative to a required fence or wall, subject to approval by the Planning  
3 and Development Department. The topographical change must be:

4       (1) Equivalent in height to that of the required fence or wall and

5       (2) Graded to a slope that is suitable for maintenance and soil stability

6       (3) Landscaped on all slopes.

7       (g) Buildings. Buildings or structures not erected for the sole purpose of screening may  
8 be utilized for purposes of compliance with applicable screening requirements if in compliance  
9 with all other requirements of this chapter.

10 **Sec. 50-14-368. Buffer Types I and II.**

11       (a) Type I buffers are characterized by a narrow buffer depth containing a low, solid  
12 wall or fence and deciduous street trees for low impact areas such as parking lots adjacent to streets,  
13 as depicted in Figure 50-14-368(a).

14       (b) Type II buffers are characterized by a narrow buffer depth containing a continuous  
15 row of shrubs and deciduous street trees for low impact areas such as parking lots adjacent to  
16 streets, as depicted in Figure 50-14-368(b).

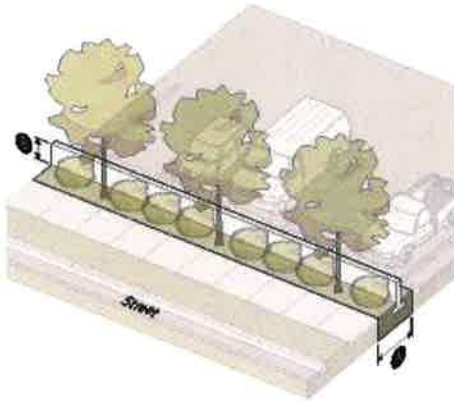


Figure 50-14-368(a): Type I Buffer  
(For Informational Purposes Only)

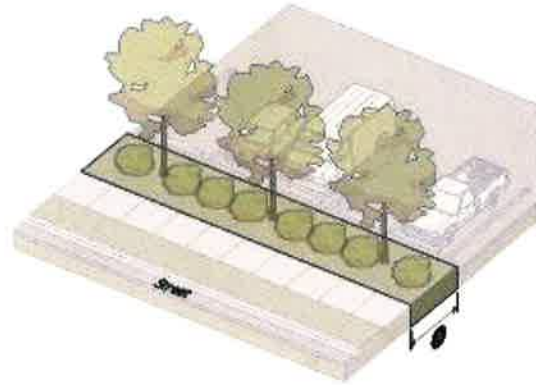


Figure 50-14-368(b): Type II Buffer  
(For Informational Purposes Only)

- 1 (c) Type I and Type II buffers are subject to the following:

	<u>Buffer Type I</u>	<u>Buffer Type II</u>
<u>Minimum Buffer Depth</u>	<u>5 feet, except if not practicable, buffer depth may be reduced to three feet, subject to approval by the Planning and Development Department</u>	
<u>Fence and Wall Standards</u>		
<u>Fence or Wall Requirement</u>	<u>Required</u>	<u>Permissible, Not Required</u>
<u>Material Opacity</u>	<u>Solid Continuous Screen</u>	<u>Transparent</u>
<u>Minimum Height</u>	<u>2.5 feet</u>	<u>Subject to Section 50-14-344(a)</u>
<u>Maximum Height</u>	<u>Subject to Section 50-14-344(b)</u>	
<u>Landscaping Requirements</u>		
<u>Ground Treatment</u>	<u>Subject to Section 50-14-326, except cobblestones/pavers/rocks must not exceed 10% of buffer area</u>	

<u>Deciduous Trees</u>	<u>1 tree within each 30 linear-foot portion of buffer.</u> <u>Trees may be planted outside of buffer area within landscaped</u> <u>portion of right-of-way, subject to approval by Department of</u> <u>Public Works.</u>	
<u>Evergreen Trees</u>	<u>Not Required</u>	
<u>Shrubs</u>	<u>Not Required</u>	<u>1 shrub within each 3 linear-</u> <u>foot portion of buffer. Must</u> <u>form continuous screen year-</u> <u>round within one year after</u> <u>planting.</u>

**Sec. 50-14-369. Buffer Types III and IV.**

(a) Type III buffers are characterized by a modest buffer depth containing a six foot solid wall or fence, a visible row of shrubs, and deciduous trees for low to moderate impact areas that should be fully screened from view at grade, as depicted in Figure 50-14-369(a).

(b) Type IV buffers are characterized by a significant buffer depth containing dense, layered landscaping for low to moderate impact areas that should be screened from view, with or without a transparent fence, as depicted in Figure 50-14-369(b).

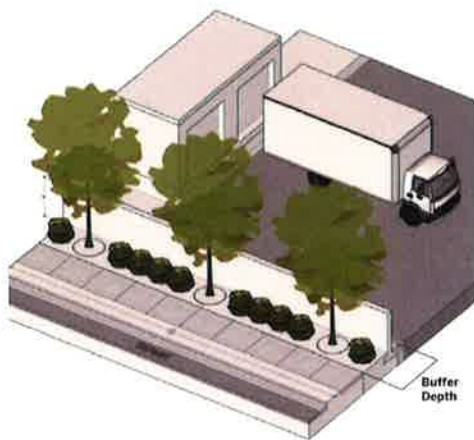


Figure 50-14-369(a): Type III Buffer  
(For Informational Purposes Only)

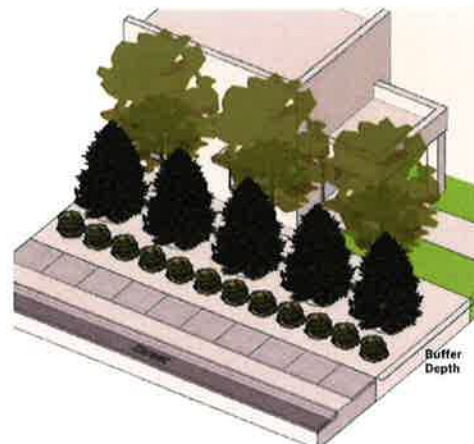


Figure 50-14-369(b): Type IV Buffer  
(For Informational Purposes Only)

(c) Type III and Type IV buffers are subject to the following:

	<u>Buffer Type III</u>	<u>Buffer Type IV</u>
<u>Minimum Buffer Depth</u>	<u>7 feet, except if not practicable, buffer depth may be reduced to three feet, subject to approval by the Planning and Development Department</u>	<u>15 feet</u>
<u>Fence and Wall Standards</u>		
<u>Fence or Wall Requirement</u>	<u>Required</u>	<u>Permissible, Not Required</u>
<u>Material Opacity</u>	<u>Solid Continuous Screen</u>	<u>Transparent</u>
<u>Minimum Height</u>	<u>6 feet</u>	<u>Subject to Section 50-14-344(a)</u>
<u>Maximum Height</u>	<u>Subject to Section 50-14-344(b)</u>	

<b><u>Landscaping Requirements</u></b>		
<u>Ground Treatment</u>	<u>Subject to Section 50-14-326, except cobblestones/ pavers/ rocks must not exceed 10% of buffer area</u>	
<u>Deciduous Trees</u>	<u>1 tree within each 30 linear-foot portion of buffer. Trees may be planted outside of buffer area within landscaped portion of right-of-way, subject to approval by Department of Public Works.</u>	<u>1 tree within each 25 linear-foot portion of buffer</u>
<u>Evergreen Trees</u>	<u>Not Required</u>	<u>1 tree within each 10 linear-foot portion of buffer. Must form a continuous screen.</u>
<u>Shrubs</u>	<u>1 shrub within each 5 linear-foot portion of buffer. Must be planted exterior to the required solid wall or fence and visible from adjacent streets or property.</u>	<u>1 shrub within each 3 linear-foot portion of buffer</u>

**Sec. 50-14-370. Buffer Types V and VI.**

(a) Type V buffers are characterized by a significant buffer depth containing a solid wall or fence, a visible row of shrubs, and deciduous trees for high impact areas that should be fully screened from view at grade, as depicted in Figure 50-14-370(a).

(b) Type VI buffers are characterized by a substantial buffer depth containing dense, layered landscaping for high impact areas that should be screened from view, with or without a transparent fence, as depicted in Figure 50-14-370(b).





Figure 50-14-370(a): Type V Buffer  
(For Informational Purposes Only)

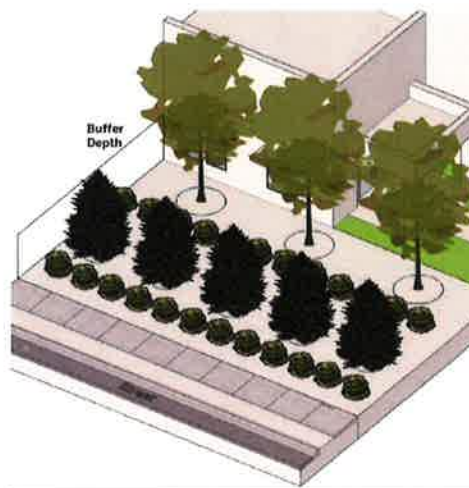


Figure 50-14-370(b): Type VI Buffer  
(For Informational Purposes Only)

(c) Type V and Type VI buffers are subject to the following:

	<u>Buffer Type V</u>	<u>Buffer Type VI</u>
<u>Minimum Buffer Depth</u>	<u>15 feet</u>	<u>30 feet</u>
<u>Fence and Wall Standards</u>		
<u>Fence or Wall Requirement</u>	<u>Required</u>	<u>Permissible, Not Required</u>
<u>Material Opacity</u>	<u>Solid Continuous Screen</u>	<u>Transparent</u>
<u>Minimum Height</u>	<u>8 feet</u>	<u>Subject to Section 50-14-344(a)</u>
<u>Maximum Height</u>	<u>Subject to Section 50-14-344(b)</u>	
<u>Landscaping Requirements</u>		
<u>Ground Treatment</u>	<u>Subject to Section 50-14-326, except cobblestones/ pavers/ rocks must not exceed 10% of buffer area</u>	

<u>Deciduous Trees</u>	<u>1 tree within each 30 linear-foot portion of buffer</u>	<u>1 tree within each 25 linear-foot portion of buffer</u>
<u>Evergreen Trees</u>	<u>Not Required.</u> <u>If provided, must be planted exterior to the required solid wall or fence and visible from adjacent streets or property</u>	<u>1 tree within each 10 linear-foot portion of buffer. Must form a continuous screen</u>
<u>Shrubs</u>	<u>1 shrub within each 5 linear-foot portion of buffer.</u> <u>Must be planted exterior to the required solid wall or fence and visible from adjacent streets or property</u>	<u>1 shrub within each 3 linear-foot portion of buffer. Must form a continuous screen</u>

**Sec. ~~50-14-378~~ 50-14-371. Alternative compliance.**

Applicants who wish to demonstrate that the intent of this division can be more effectively met, in whole or in part, through alternative means, may request approval of an alternative compliance landscape plan in accordance with this subdivision. Where approved, an alternative compliance landscape plan shall be substituted, in whole or in part, for a landscape plan meeting the express terms of this subdivision. Alternative compliance is not a departure, variance or a waiver. The proposed solution must meet or exceed the intended purpose of applicable landscaping and screening requirements.

**Sec. ~~50-14-379~~ 50-14-372. Alternative compliance; procedure.**

Alternative compliance landscape plans shall be prepared and submitted in accordance with the site plan review procedures of Article III, Division 5, of this chapter. The plan shall be clearly labeled as an "Alternative Compliance Landscape Plan," and shall clearly identify the proposed



1 modifications and alternatives. The Landscape Design Unit of the ~~Recreation~~ General Services  
2 Department shall assist in the review of such plans in accordance with Section 50-3-151 of this  
3 Code.

4 **Sec. ~~50-14-380~~ 50-14-373. Alternative compliance; review criteria.**

5 In reviewing proposed alternative compliance landscape plans, favorable consideration  
6 shall be given to exceptional landscape designs that attempt to preserve and incorporate existing  
7 vegetation and to plans that demonstrate innovative design and use of plant materials. Alternative  
8 compliance landscape plans may be approved upon a finding that any of the following  
9 circumstances exist on the proposed building site or surrounding properties:

- 10 (1) Natural land characteristics or existing vegetation on the proposed development site  
11 would achieve the intent of this division; or
- 12 (2) Innovative landscaping or architectural design is employed on the proposed  
13 development site to achieve a screening effect that is equivalent to the screening  
14 standards of this division; or
- 15 (3) The required landscaping or screening would be ineffective at maturity due to  
16 topography or the location of improvements on the site; or
- 17 (4) The proposed alternative represents a plan that is as good or better than a plan  
18 prepared in strict compliance with the other requirements of this division.

19 **~~Sec. 50-14-381. Fences. REPEALED~~**

20 ~~The following requirements shall apply with regard to fences:~~

- 21 ~~(1) *Partition fences between houses.* The respective owners of all lots in the City shall~~  
22 ~~construct and maintain partition fences between their own and next adjoining lots~~  
23 ~~in such manner as stated in this section, except that by mutual consent of adjoining~~

owners such fences between dwellings may be omitted. All owners of lots shall be responsible for the rebuilding, care and upkeep of all fences that are contiguous to, or bordering upon, streets and alleys and also all fences that mark dividing lines between lots as specified in this section. The partition fence, to be erected and maintained, shall mean only that portion between the rear of the house and the alley or rear lot line;

(2) *Materials to be used.* Except for screen walls and opaque walls as may be required in this division, all fences, constructed or reconstructed, shall be of 1 5/8 inch iron pipe or two inch angle irons embedded in concrete in the ground, or four inch wood posts, or four inch reinforced concrete posts or any other member of equal stability sunk in the soil at least three feet and that has a height above the average grade of the two adjoining lots of not less than two feet. On the posts shall be properly fastened woven wire, boards, metal or other approved materials. The junction of the post and boards or wire shall always be considered the lot line. The Buildings, Safety Engineering, and Environmental Department shall not be responsible for the establishing or locating the correct lot line between lots;

(3) *How constructed.* The house numbering system of the City shall govern the side of the fence upon which the posts shall be placed. Posts of all fences shall be placed on the side of the fence leading to the higher number as assigned by the City, except only the fences on East and West Grand Boulevard and Outer Drive shall be governed as though the Grand Boulevard and Outer Drive were numbered as parallel streets. The lot owner upon whose property the posts are located shall be responsible for building and maintaining the front half of the fence to be built, and

1           ~~the rear half of the opposite fence, notwithstanding that any previous ordinances~~  
2           ~~are contrary. The posts of easement fences shall be placed on the side of the fence~~  
3           ~~with the higher street number and the lot owner upon whose property the posts are~~  
4           ~~located shall be responsible for building and maintaining the half of the fence~~  
5           ~~adjacent to the next higher street number;~~

6           ~~(4) — Fence height.~~

7           ~~a. — In general. Fences between adjoining lots and on streets, alleys, and~~  
8           ~~easements shall not be less than two feet in height or more than eight feet in~~  
9           ~~height, except fences enclosing industrial or commercial properties may be~~  
10           ~~12 feet in height; and~~

11           ~~b. — Single and two family dwellings. Notwithstanding Subsection (4)a of this~~  
12           ~~section, the height of any fence that abuts the front yard of a single family~~  
13           ~~dwelling or two family dwelling shall not exceed four feet, except that~~  
14           ~~opaque fences shall not exceed three feet, provided, that in the event a deed~~  
15           ~~restriction or historic district provision, which specifies front yard fencing~~  
16           ~~in excess of four feet in height, a higher fence may be erected as so specified~~  
17           ~~or required. The height of any fence that abuts the side yards or rear yard of~~  
18           ~~a single family dwelling or two family dwelling shall not exceed six feet.~~  
19           ~~Uses, on a lot adjoining the lot of a single family dwelling or two family~~  
20           ~~dwelling, shall observe the preceding height limitations for any fence~~  
21           ~~separating said use from the single or two family dwelling.~~

22           ~~(5) — Barbed wire.~~

a. ~~On land zoned in a business or industrial district classification, fences of six feet or greater in height may have barbed wire attached to arms or brackets which extend inward over private property, but no such barbed wire shall be placed at any point closer to the ground than six feet; and~~

b. ~~Notwithstanding Subsection (5)a of this section, no single family dwelling or two family dwelling may attach barbed wire to any fence. No use, on a lot adjoining the lot of a single family dwelling or two family dwelling, may attach barbed wire to any fence that separates said use from the single or two family dwelling.~~

~~(6) — Razor wire and electrified fencing. Razor wire and electrified fencing shall not be allowed in any residential, business, or special zoning district classification. Where permitted, razor wire shall not be placed at any point closer to the ground than six feet.~~

~~(See also Section 8-2-20 in Chapter 8, Article II, of this Code, *Building Code*, and Sections 8-15-34, 8-15-107, 8-15-108, 8-15-109, and 8-15-201 in Chapter 8, Article XV, of this Code, *Property Maintenance Code*.)~~

**Secs. ~~50-14-382~~ 50-14-374—50-14-390. Reserved.**

### **DIVISION 3. ARCHITECTURAL AND SITE DESIGN STANDARDS**

#### **Subdivision C. Traditional Main Street Overlay Areas**

**Sec. 50-14-433. Site design standards; fencing.**

(a) The objectives of this section are:

(1) To promote the perception of Traditional Main Street Overlay Areas as safe commercial areas;

- (2) To provide for an enjoyable pedestrian experience; and
- (3) To architecturally integrate fences and screens to enhance the design of the main buildings associated with the project to the greatest extent possible.
- (b) To achieve the objectives of this section, the following standards shall apply:
- (1) The use of barbed wire is not permitted for any residential use, for any public, civic, and institutional use, or for any retail, service, and commercial use that is listed in the use table of Article XII, Division 1, of this chapter;
- (2) Fences must allow for a clear view of oncoming vehicular and pedestrian traffic at street corners, driveways, alleys, or similar locations;
- (3) Fences exceeding three feet in height along street frontages at the front lot line are subject to a three-foot wide landscaped area with trees and landscaping between the sidewalk and the fence; unless such fence is being provided per Section 50-14-367(d)(1).
- (4) No fence facing a Traditional Main Street shall exceed six feet in height. Opaque fences or walls facing a Traditional Main Street shall not exceed three feet in height, except as specified for screening purposes according to Section ~~50-14-372~~ 50-14-367 of this Code;
- (5) Fences must be similar or complementary to the colors and finishes of the exterior of the associated building; ~~and.~~
- (6) The following materials and styles are prohibited for fences facing a Traditional Main Street unless the Planning and Development Department determines such to be appropriate and compatible with the building nearest the fence:
- a. Chain link;

- b. Plastic;
- c. Picket-style;
- d. Plywood;
- e. Recycled materials;
- f. Sheet metal; and
- g. Vinyl.

#### **Subdivision E. Large Retail Centers**

#### **Sec. 50-14-474. Landscaping, additional.**

In addition to the provisions of ~~Section 50-14-341(1)a of this Code~~ Article XIV, Division 2, Subdivision D of this chapter, the following landscaping provisions shall apply:

- (1) The width of the required landscaped buffer strip between any off-street parking areas and adjacent public rights-of-way shall be increased to 20 feet;
- (2) In addition to other applicable tree and shrub requirements, a minimum of 30 percent of the buffer shall have plant material, such as flowers and/or ground cover other than grass;
- (3) Where the landscape buffer abuts a right-of-way that separates the large retail center from land zoned R1, R2, R3, R4, R5, R6, or residential PD, the Planning and Development Department may require a deeper landscaped buffer than 20 feet and may require screening in the buffer in excess of 36 inches in height as part of site plan review; and
- (4) The Planning and Development Department may also specify the mixture of plantings in the landscaped area as part of the site plan review.

1                   **ARTICLE XVI. RULES OF CONSTRUCTION AND DEFINITIONS**

2                           **DIVISION 2. WORDS AND TERMS DEFINED**

3                                   **Subdivision Q. Letter "T"**

4   **Sec. 50-16-402. Words and terms (Tn—Tz).**

5           For the purposes of this chapter, the following words and phrases beginning with the letters

6   "Tn" through "Tz," shall have the meaning respectively ascribed to them by this section:

<b>Term</b>	<b>Definition</b>
Tobacco retail store	A retail establishment in which the primary purpose is the retail sale of “tobacco products” and “Smoking paraphernalia” as defined by Section 12601 of the Michigan Smoke-Free Indoor Air Law, PA 188 of <del>2009</del> 2009, being MCL 333.12601, and that is not designated wholly or in part for the on-premises smoking of tobacco products or non-tobacco smoking products or substances. Tobacco retail store does not include smoking lounge, cigar, smoking lounge, other, medical marijuana facilities, or adult-use marijuana establishments, as defined by this article, a tobacco department or section of a larger commercial establishment, or any establishment with any type of liquor, food, or restaurant license.
Towing service storage yard	Any private storage lot or yard of a towing enterprise where inoperable or distressed motor vehicles are temporarily held for retrieval or redemption by their owner, whether such enterprise is a contractor for a Police Department precinct or not. Such storage yards shall not function as a junkyard; no stripping or dismantling or outdoor storage of parts is permitted; no sale of used vehicle parts is permitted; no stacking of vehicles is permitted. Towing service storage yards shall be considered a principal use of the land except when same vehicles are awaiting repairs or service at a facility located on the same zoning lot, in which case they operate as an accessory use of the land. Any land use previously classified as a "Police Department authorized abandoned vehicle storage yard" shall now be considered a "towing service storage yard" without need for issuance of any additional permit or change of use.
Townhouse	One of three or more attached single-family dwelling units, each having its own entrance, and each extending from the basement to the roof and having no side yards except end units which have one side yard.
Toxic substance disposal facility	A facility that disposes of, destroys, or incinerates "PCB," or "PBB" substances, in accordance with the Toxic Substances

	Control Act of 1976, being 15 USC 2601 <i>et seq.</i> , and Section 324.20120a of the Michigan Resources and Environmental Protection Act, being MCL 324.20120a.
Trade services, general	Offices or shops for plumbing, electrical, heating or air conditioning, cabinet-making, <del>carpenter</del> <u>carpentry</u> , and furniture repair or upholstering shops, <u>and</u> furniture <del>and/or</del> , carpet, <del>and/or</del> rug cleaning establishments, and similar uses.
Traditional Main Street Overlay Area	An area, designated by ordinance, as being or having the potential to be, a high quality, pedestrian-scale, walkable area with a traditional urban atmosphere.
Transfer station	An intermediate destination for nonhazardous solid waste materials where refuse awaiting transportation to a disposal site is transferred from one type of vehicle to another. May include the separation of different types of waste and aggregation of smaller shipments with larger ones, and compaction to reduce the bulk of the waste.
Trailer	Every vehicle, without motive power, other than a pole-trailer, which is designed for carrying property or persons and for being drawn by a motor vehicle, and is so constructed that no part of its weight rests upon the towing vehicle.
Transitional housing	Typically refers to rental housing for persons whose most recent address has been a homeless shelter and who anticipate finding a permanent residence after leaving the transitional housing facility and after accumulating funds for a rental security deposit. Unlike residents of emergency shelters who may move after 30 days, transitional housing residents may spend many months before relocating. Transitional housing may differ from typical apartment house living insofar as the residents may be expected or may be able to avail themselves of counseling or life skills training or job training on the premises. When transitional housing offers space for three or more families and provides separate housekeeping and cooking facilities for each, it should be regulated as any other multiple-family dwelling, provided, that when residents are not free to come and go because the program is part of a correctional program, the facility should be regulated as a pre-release adjustment center. When residents require supervision, assistance, protection or personal care, the facility should be regulated as an adult foster care facility. When the facility offers congregate style temporary lodging primarily to the homeless, it should be regulated as an emergency shelter. When the facility offers sleeping quarters in the form of cots or beds in the same room, it should be regulated as a public lodging house. When the transitional housing facility includes a residential substance abuse treatment program, it shall be regulated as a residential substance abuse service facility. When the facility provides



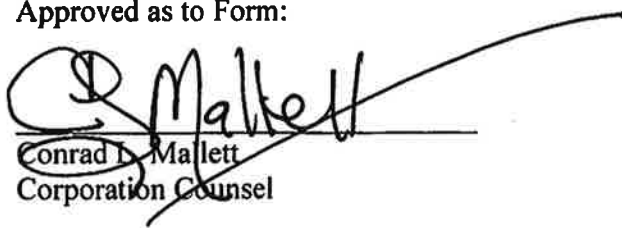
	sleeping accommodations in ten or fewer rooms or dwelling units that lack separate housekeeping and cooking facilities in each unit, it should be regulated as a rooming house.
Transitional surfaces	Transitional surfaces exist adjacent to each runway as indicated on the Flight Obstruction Area Map on file at the Buildings, Safety Engineering, and Environmental Department. These surfaces begin at the centerline of the runways and extend outward, at the elevation of the runway, for 500 feet in the case of instrument runways, and for 250 feet in the case of non-instrument runways, and then slope upward and outward one foot vertically for each seven feet horizontally to the point where they intersect horizontal surface "A." Further, transitional surfaces exist adjacent to all approach surfaces and extend the entire length of the approach surfaces, beginning at the edges and extending upward and outward at the same 1:7 slope ratio to the point where they intersect horizontal surface "A."
Tree	A large woody plant having one or several self-supporting stems or trunks and numerous branches. Trees may be classified as deciduous or evergreen.
Tree farm	Any parcel of land used to raise or harvest more than ten trees for wood products, Christmas trees, or for transplant, where forest products are sold on site or transported to market. A tree farm as a principal use is considered an urban farm.
<u>Truck</u>	<u>Any vehicle designed, used, or maintained primarily for the transportation of goods and other freight, rather than passengers, with a gross vehicle weight rating over 10,000 pounds.</u>
Truck stop	Any premises where diesel fuel for motor vehicles is sold on a retail basis, providing adequate maneuvering room and access for fueling facilities to be simultaneously used by at least three semi-trailer trucks, and which provides at least one of the following: (1) An off-street parking area proportioned for at least three semi-trailer trucks; (2) A motor vehicle washing and steam cleaning facility adequately sized to service tractor trucks; (3) A truck scale; or (4) Commercial shower facilities.
Tunnel plaza and terminal, vehicular	That property immediately contiguous to a vehicular tunnel where motor vehicles enter and exit the tunnel. Certain uses and activities, if oriented and available exclusively to tunnel traffic, shall be considered incidental and accessory to the vehicular bridge plaza and terminal: toll booths, inspection and weigh stations, customs and immigration facilities, duty-free retail stores, motor vehicle filling stations, and uses similar to the preceding.
Two-family dwelling	A structure, located on one lot, containing two dwelling units, each of which is designed for or occupied by one family only, with separate housekeeping and cooking facilities for each.

1           **Section 2.** All ordinances or parts of ordinances in conflict with this ordinance are repealed.

2           **Section 3.** This ordinance is declared necessary for the preservation of the public peace,  
3 health, safety, and welfare of the people of the City of Detroit.

4           **Section 4.** This ordinance shall become effective on the eighth (8<sup>th</sup>) day after publication  
5 in accordance with Section 401(6) of Public Act 110 of 2006, as amended, MCL 125.3401(6), and  
6 Section 4-118, paragraph 3 of the 2012 Detroit City Charter.

Approved as to Form:

  
Conrad D. Mallett  
Corporation Counsel