

ARTICLE XXVIII

LANDSCAPING REQUIREMENTS.

Section 28.01 INTENT AND SCOPE OF REQUIREMENTS.

A. Intent.

Landscaping, including screening, green belts, buffers, berms and walls and fences are necessary for the continued protection and enhancement of all land uses. Landscaping is capable of enhancing the visual image of the Township, preserving natural features, improving property values, and alleviating the impact of noise, traffic, and visual distraction associated with certain uses. Landscaping is important to protect less-intensive uses from the noise, light, traffic, litter and other impacts of more intensive, nonresidential uses. Accordingly, these provisions are intended to set minimum standards for the design and use of landscaping, and for the improvement, protection and enhancement of the Township's natural and man-made environments in the interest of the public health, safety and welfare.

- 1) Improve the general appearance of the Township as development occurs.
- 2) Improve the appearance of off-street parking areas, vehicular use areas, and property abutting roads and highway rights-of-way.
- 3) Protect and preserve the appearance, character, and value of residential areas which abut nonresidential areas, parking areas, and other intensive use areas.
- 4) Reduce soil depletion resulting from erosion.
- 5) Increase water retention by pervious soils and thereby helping reduce storm water runoff and flooding.

B. Scope of application.

These requirements shall apply to all uses which are developed, expanded, or changed and to all lots, sites, and parcels which are developed or expanded upon following the effective date of this Article. No site plan shall be approved unless it shows landscaping consistent with the requirements of this Article. Where landscaping is required, a zoning permit shall not be issued until the required landscape plan is submitted and approved as a part of Site Plan Review and a Certificate of Occupancy shall not be issued unless provisions set forth in this Article have been met or a Performance Guarantee has been posted in accordance with the provisions set forth in Section 20.15.

C. **Minimum requirements.**

The requirements in this Article are minimum requirements, and under no circumstances shall they preclude the developer and the Township from agreeing to more extensive landscaping.

D. **Design creativity.**

Creativity in landscape design is encouraged. Accordingly, required trees and shrubs may be planted at uniform intervals, at random, or in groupings, depending on the designer's desired visual effect and, equally important, the intent of the Township to coordinate landscaping on adjoining properties.

Section 28.02 GENERAL SITE REQUIREMENTS.

A. **General site requirements.**

All developed portions of the site shall conform to the following general landscaping standards, except where specific landscape elements, such as green belts, berms, screenings, walls or fences are required:

- 1) All unpaved portions of a site shall be planted with grass, ground cover, shrubbery, or other suitable live plant material, which shall extend to any abutting road pavement edge. Grass areas in the front yard of all nonresidential uses shall be planted with sod, hydroseeding, or mulched or covered seeding.
- 2) A mixture of evergreen and deciduous trees shall be planted on nonresidential parcels at the rate of one (1) tree per 3,000 square feet or portions thereof of any unpaved open area for which specific landscaping requirements do not appear later in this Article. Required trees may be planted at uniform intervals, at random, or in groupings or clusters.

B. **Berms.**

Where required, berms shall conform to the following standards:

- 1) **Dimensions.** Unless otherwise indicated or appropriate, required berms shall be measured from the grade of the adjacent road right-of-way or parking lot adjacent to the berm, whichever is higher, and shall be constructed with slopes no steeper than one (1) foot vertical for each three (3) feet horizontal (33 percent slope), with at least a two (2) foot flat area on top. Berms shall undulate both vertically and horizontally and the landscape plan shall show the proposed contours of the berm.
- 2) **Protection from erosion.** Any required berm shall be planted with sod, hydroseeding, or mulched or covered seeding, ground cover, or other suitable live plant material to protect it from erosion so that it retains its height and shape. The use of railroad ties, cement blocks, and other types of construction materials to retain the shape and height of a berm shall be prohibited unless specifically reviewed and approved by the Planning Commission.

3) Required plantings.

- a) Berms located in the front yard of nonresidential parcels: Berms located in the front yard of nonresidential parcels shall be landscaped in accordance with the requirements for Landscaping Adjacent to Roads, Section 28.03A3.
- b) Berms used for screening other than in the front yard: A minimum of one (1) deciduous shade tree shall be planted for each thirty (30) lineal feet or portion thereof, plus, a minimum of one (1) ornamental tree shall be planted for each fifty (50) lineal feet or portion thereof of required berm, plus, evergreen trees or hedges that are at least six (6) feet high as measured from the top of the rootball, which, upon being planted at fifteen (15) foot staggered intervals, will create a visual barrier for at least fifty percent (50%) of the berm length.

4) **Measurement of berm length.** For the purpose of calculating required plant material, berm length shall be measured along approximate center line of the berm.

C. Parking lot landscaping.

In addition to required screening, all off-street parking areas shall also provide landscaping as follows:

- 1) **Landscaping ratios.** Off-street parking areas containing greater than fifteen (15) spaces shall be provided with at least twenty-five (25) square feet of interior landscaping per parking space, except that only ten (10) square feet of interior landscaping shall be required per parking space located in a parking structure in the MFR, OS, NSC, RSC, HSC, HC, and I Zoning Districts.
- 2) **Minimum area.** Landscaped areas located in parking lots and adjacent to any building wall shall be no less than twelve (12) feet in any single dimension and no less than one hundred fifty (150) square feet in area, except that interior landscaped areas shall measure no less than three hundred (300) square feet in area in the MFR zoning districts, unless otherwise approved by the Planning Commission. In the OS, NSC, RSC, HSC, HC, and I Zoning Districts, any planting island located within a parking lot or located adjacent to a perimeter driveway shall be a minimum of twenty (20) feet in any single dimension and no less than four hundred (400) square feet in area. Wherever possible, parking areas and driveways shall be separated from buildings by a landscaped area. Landscaped areas in or adjacent to driveways and parking lots shall be protected with curbing or other means to prevent encroachment of vehicles.

D. **Screening**

1) **General screening requirements.** Unless otherwise specified, wherever an evergreen or landscaped screen is required, evergreen screening shall consist of closely spaced plantings which can be reasonably expected to form a complete visual barrier that is at least six (6) feet above ground level within five (5) years of planting. Wherever screening is required adjacent to residentially zoned or used property, the screening shall be installed prior to the beginning of site grading and general construction, except where such activity would result in damage to the screening. The minimum width of a screening area shall be fifteen (15) feet.

2) **Screening of utility substation and mechanical equipment.** Mechanical equipment, such as air compressors, pool pumps, transformers, air conditioning units, sprinkler pumps, satellite dish antennae, utility substations and similar equipment shall be screened by evergreens on at least three (3) sides. Insofar as practical, said screening shall exceed the vertical height of the equipment being screened by at least six (6) inches within two (2) years of planting. Specific screening requirements for utility substations will be determined on a case-by-case basis by the Township depending on the particular character of the area where the substation is proposed to be located.

E. **Landscaping of rights-of-way.** Public rights-of-way located adjacent to required landscaped areas and green belts shall be planted with sod, hydroseeding, or mulched or covered seeding or other suitable live ground cover, and shall be maintained by the owner or occupant of the adjacent property as if the right-of-way were part of the required landscaped areas. No plantings except grass or ground cover shall be permitted closer than three (3) feet from the edge of the road pavement.

F. **Maintenance of unobstructed visibility for drivers.** No landscaping shall be erected, established, or maintained on any parcel or in any parking lot which will obstruct the view of drivers. Interior landscaping in parking lots shall not be permitted to obstruct visibility between a height of thirty (30) inches and six (6) feet above the grade level of the parking lot throughout the parking lot.

G. **Potential damage to utilities.** In no case shall landscaping material be planted in a way which will interfere with or cause damage to underground utility lines, public roads, or other public facilities. Species of trees whose roots are known to cause damage to public roadways, sewers, or other utilities shall not be planted closer than fifteen (15) feet from any roadways, sewers, or utilities. A list of such tree species shall be kept on file with the Zoning Administrator, and shall be made available to all interested persons upon request.

H. **Landscaping of divider medians.** Where traffic on driveways, maneuvering lanes, private roads, or similar vehicle access ways is separated by a divider median, the median shall be curbed and have a minimum width of twelve (12) feet as measured from the back of the curb. A minimum of one (1) deciduous or evergreen tree shall be planted for each thirty (30) lineal feet or portion thereof of median. Trees may be planted at uniform intervals at random, or in groupings, but in no instance shall the center-to-center distance between interfacing trees exceed forty (40) feet.

I. **Storm water detention areas and retention ponds.** Detention areas or retention ponds shall be designed as an integral part of the overall site plan and shall be considered a natural landscape feature having an irregular or curvilinear shape. Maximum slopes and depths of such areas or ponds shall conform to the County Drain Commissioner=s requirements. The following standards shall be considered minimum requirements for the landscaping of detention areas or retention ponds:

- 1) **Groundcover:** The side slopes and bottom of the pond shall be sodded or seeded. If seeding is proposed, a seed mat or seed blanket shall be installed to prevent erosion and seed washing. The Township shall withhold a portion of the required landscape financial guarantee equal to the estimated cost of the groundcover until the sides and bottom of the pond have become permanently established.
- 2) **General landscaping:** All proposed detention areas and retention ponds shall be landscaped in accordance with the following standards:
 - a) One (1) deciduous shade or evergreen tree and ten (10) shrubs shall be planted for every fifty (50) lineal feet of the detention areas or retention pond’s perimeter as measured along the top of bank containing the area or pond, or as otherwise approved by the Planning Commission.
 - b) The required trees and shrubs shall be planted in a random pattern or in groupings. Placement of required landscaping may be located on top or slope of the bank of the detention area or retention pond, or as otherwise approved by the Planning Commission.

Section 28.03 SPECIFIC LANDSCAPING REQUIREMENTS FOR ZONING DISTRICTS.

A. **Requirements for commercial and industrial districts.**

In addition to the General Landscaping Requirements set forth in Section 28.02, all lots or parcels of land located in MFR, OS, NSC, RSC, HSC, HC and I Zoning Districts shall comply with the following landscaping requirements:

- 1) **Front yard berm requirements:** Wherever front, side or rear yards adjacent to road right-of-way are used for parking, a berm shall be required to screen the parking from view of the road. The berm shall be located totally on private property, adjacent to the road right-of-way line. The Township encourages undulation in the height and contour of the berm. Required berm height and width shall be related to building setbacks as indicated in the following schedule (see illustration):

| Existing or Required Setback | Required Berm Berm Width | Average Berm Berm Height | Minimum Berm Height |
|------------------------------|--------------------------|--------------------------|---------------------|
| 165 feet or less: | 20 feet | 3 feet | 2 feet |
| More than 165 feet: | 26 feet | 4 feet | 2 feet |

2) **Protective screening requirements:** Protective screening in the form of a berm and plantings shall be required wherever a nonresidential use in a commercial, office, or industrial district abuts directly upon land zoned for residential purposes. Berms shall be a minimum of four (4) feet in height, and shall be planted in accordance with Section 28.02B. An alternate method of screening may be considered by the Planning Commission based on specific site characteristics and compatibility with the character of the surrounding area.

3) **Landscaping adjacent to roads and highways:** All front, side, or rear yards in addition to berms, shall be landscaped in accordance with the following standards:

A minimum of one (1) deciduous shade or evergreen tree shall be planted for each forty (40) lineal feet or portion thereof of road frontage, plus, a minimum of one (1) ornamental tree shall be planted for each one hundred (100) lineal feet or portion thereof of road frontage, plus, a minimum of eight (8) shrubs shall be planted for each forty (40) lineal feet or portion thereof of road frontage. For the purposes of computing length of road frontage, openings for driveways and sidewalks shall not be counted. Trees and shrubs may be planted at uniform intervals, at random, and/or groupings.

4) **Foundation landscaping:** Foundation plantings shall be provided along the front or sides of any buildings which faces a road, is adjacent to a parking lot or other area which provides access to the building(s) by the general public. Foundation planting areas shall contain at a minimum, one (1) ornamental tree and five (5) shrubs per thirty-five (35) lineal feet of applicable building frontage. Individual planting areas shall be at least eight (8) feet in any single dimension and not less than one hundred fifty (150) square feet in area. Planting areas located directly adjacent to a building wall shall be at least ten (10) feet in depth from the building.

B. **Requirements for MFR zoning districts.**

In addition to the General Landscaping Requirements set forth in Section 28.02 above, all lots or parcels of land located in MFR zoning districts shall comply with the following landscaping requirements:

1) **General site landscaping:** A minimum of two (2) deciduous or evergreen trees, plus, four (4) shrubs shall be planted per dwelling unit. Unless otherwise specified, required landscaping elsewhere in the multiple-family residential development shall not be counted in meeting these requirements for trees.

- 2) **Landscaping variety:** In order to encourage creativity in landscaping and to minimize tree loss caused by species-specific disease, a variety of tree species shall be required, as specified in the following schedule:

Landscape Variety Schedule

| Required Number of Trees | Minimum Number of Species |
|--------------------------|---------------------------|
| 5 to 30 | 2 |
| 31 to 60 | 3 |
| 61 to 100 | 4 |
| More than 100 | 5 |

- 3) **Parking lot landscaping:** Multiple family residential uses requiring off-street parking areas containing greater than fifteen (15) spaces shall be provided with at least fifteen (15) square feet of interior landscaping per parking space, excluding those parking spaces abutting a public right-of-way for which landscaping is required by the various provisions of this Ordinance, and also excluding all parking spaces which are directly served by a driveway abutting and running parallel to a public right-of-way. Interior landscaping shall comply with all applicable requirements set forth in Section 28.02C.
- 4) **Protective screening requirements:** Protective screening in the form of a berm and plantings or an obscuring wall shall be required wherever development in a MFR district abuts directly upon land zoned for single family residential purposes. Berms shall be a minimum of four (4) feet in height, and shall be planted in accordance with Section 28.02B. If a wall is used instead of a berm, the wall shall meet the requirements of Section 28.08.
- 5) **Privacy screens:** Where multiple family dwellings are designed so that rear open areas or patio areas front onto a road or highway, a landscaped privacy screen shall be provided. Such screen shall consist of a combination of trees, shrubs, and berms, subject to review and approval by the Planning Commission.
- 6) **Landscaping adjacent to a limited access highway:** Where multiple family dwellings abut a limited access highway, a landscaped buffer shall be provided to screen highway noises and views. The buffer shall consist of a combination of closely spaced evergreens and earth mounding, providing a total minimum design height of eleven (11) feet. The size and placement of plantings shall provide for a complete visual barrier at the desired height within five (5) years of planting. The Planning Commission may modify these requirements where noise mitigation measures such as walls and plantings have been constructed in the highway right-of-way.

- 7) **Landscaping adjacent to roads:** The front, side, or rear yards adjacent to roads shall be landscaped in accordance with the following standards:

A minimum of one (1) deciduous shade or evergreen tree shall be planted for each forty (40) lineal feet or portion thereof of road frontage, plus, a minimum of one (1) ornamental tree shall be planted for each one hundred (100) lineal feet or portion thereof of road frontage, plus, a minimum of eight (8) shrubs shall be planted for each forty (40) lineal feet or portion thereof of road frontage. For the purposes of computing length of road frontage, openings for driveways and sidewalks shall not be counted. Trees and shrubs may be planted at uniform intervals, at random, and/or groupings.

C. **Requirements for nonresidential uses in residential districts.**

In addition to the General Landscaping Requirements set forth in Section 28.02 above, all nonresidential uses developed in residential districts shall comply with the following landscaping requirements:

- 1) **Protective screening requirements:** Protective screening in the form of a berm and plantings or an obscuring wall shall be required wherever a nonresidential use in a residential district abuts directly upon land zoned for residential purposes. Berms shall be a minimum of four (4) feet in height, and shall be planted in accordance with Section 28.02B, above. If a wall is used instead of a berm and plantings, the requirements of Section 28.08 shall be complied with.
- 2) **Screening of off-street parking:** A four (4) foot height obscuring wall shall be required along all sides of any off-street parking or vehicle use area constructed to serve a nonresidential use in a residential district, where said off-street parking or vehicle use area is located within twenty-five (25) feet of any land zoned for residential uses.
- 3) **Landscaping adjacent to roads:** The front, side, or rear yards adjacent to roads and highways shall be landscaped in accordance with the following standards:

A minimum of one (1) deciduous shade or evergreen tree shall be planted for each forty (40) lineal feet or portion thereof of road frontage, plus, a minimum of one (1) ornamental tree shall be planted for each one hundred (100) lineal feet or portion thereof of road frontage, plus, a minimum of eight (8) shrubs shall be planted for each forty (40) lineal feet or portion thereof of road frontage. For the purposes of computing length of road frontage, openings for driveways and sidewalks shall not be counted. Trees and shrubs may be planted at uniform intervals, at random, and/or groupings.

Section 28.04 STANDARDS FOR LANDSCAPE MATERIALS

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

A. Plant quality.

Plant materials used in compliance with the provisions of this Ordinance shall be nursery grown, free of pests and diseases, hardy in Livingston County, in conformance with the standards of the American Association of Nurserymen, and shall have passed inspections required under state regulations.

B. Nonliving plant material.

Plastic and other imitations of plant materials shall not be considered as meeting the landscaping requirements of this Ordinance.

C. Plant material specifications.

The following specifications shall apply to all plant material proposed in accordance with the landscaping requirements of this Ordinance:

- 1) **Deciduous shade trees.** Deciduous shade trees shall be a minimum of two and one-half (2.5) inches in caliper measured twelve (12) inches above grade with the first branch a minimum of four (4) feet above grade when planted.
- 2) **Deciduous ornamental trees.** Deciduous ornamental trees shall be a minimum of one and one-half (1.5) inches in caliper measured six (6) inches above grade with the first branch a minimum height of four (4) feet above grade when planted.
- 3) **Evergreen trees.** Evergreen trees shall be a minimum of six (6) feet in height and a minimum spread of three (3) feet when planted. The diameter of the burlap root ball shall be at least ten (10) times the caliper measured six (6) inches above grade.
- 4) **Shrubs.** Shrubs shall be a minimum of two (2) feet in height when planted. Low growing shrubs shall have a minimum spread of twenty-four (24) inches when planted.
- 5) **Hedges.** Hedges shall be planted and maintained so as to form a continuous, unbroken, visual screen at least two (2) feet in height when planted.
- 6) **Vines.** Vines shall be a minimum of thirty (30) inches in height after one (1) growing season.
- 7) **Ground cover.** Ground cover used in lieu of turf grasses in whole or in part shall be planted in such a manner as to present reasonably dense coverage after one (1) growing season.

- 8) **Grass.** Grass area shall be planted using species normally grown as permanent lawns in Livingston County. Grass, sod, and seed shall be clean and free of weeds, pests, and diseases. Grass may be sodded, plugged, mulched, covered, drilled, sprigged or seeded, in any other acceptable manner approved by the Planning Commission except that sod, hydroseeding, or mulched or covered seeding shall be installed in swales on slopes or other areas that are subject to erosion, and in the front yard areas of all nonresidential uses. When grass is to be established by a method other than complete sodding or seeding, nurse grass seed shall be sown for immediate effect and protection until complete coverage is otherwise achieved. Straw or other types of mulch normally used in landscaping shall be used to protect newly seeded areas.
- 9) **Mulch.** Mulch used around trees, shrubs, and vines shall be a minimum of three (3) inches deep, and installed in a manner as to present a neat, uniform, finished appearance.
- 10) **Sod.** Grass areas in the front yard of all nonresidential uses shall be planted with sod, hydroseeding, or mulched or covered seeding. Types of sods are defined as follows:
- a) **Mineral sod:** Sod extracted by pieces or strips from the surface of grassland containing grass, support soil, and healthy roots, extracted with the intention of replanting in another area for the purpose of establishing lawn areas. The sod shall be grown on mineral soil, commonly referred to as Atopsoil, and must be a minimum of two (2) years old. The grasses permitted for use in sod for landscaped lawns shall be a blend that reflects the current standards in the industry and has been demonstrated to prosper under local conditions in Livingston County.
 - b) **Peat sod:** Sod extracted by pieces or strips from the surface of grassland containing the grass, support soil, and the healthy roots, extracted with the intention of replanting in another area for the purpose of establishing lawn areas. The sod shall be grown on peat and must be a minimum of two (2) years old. The grasses permitted for use in sod for landscaped lawns shall be a blend that reflects the current standards in the industry and has been demonstrated to prosper under local conditions in Livingston County.

Section 28.05 INSTALLATION AND MAINTENANCE

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

- A. **Installation:** Landscaping shall be installed in a sound, workmanlike manner to ensure the continued growth of healthy plant material. Trees, shrubs, hedges and vines shall be generously mulched at the time of planting.
- B. **Protection from vehicles:** Landscaping shall be protected from vehicles through use of curbs. Landscape areas shall be elevated above the pavement to a height adequate to protect the plants for snow removal, salt, and other hazards.

- C. **Off-season planting requirements:** If development is completed during the off-season when plants cannot be installed, the owner shall provide a financial guarantee to ensure installation of required landscaping in the next planting season in accordance with Section 20.15.

- D. **Maintenance:** Landscaping required by this Ordinance shall be maintained in a healthy, neat, and orderly appearance, free from refuse and debris. All unhealthy and dead plant material shall be replaced immediately by the owner/occupant or upon notice from the Zoning Administrator, unless the season is not appropriate for planting, in which case such plant material shall be replaced at the beginning of the next planting season. An automatic irrigation system is required of all proposed developments for all landscaped and/or lawn areas. This requirement may be waived by the Planning Commission if it is determined that the scope of the project is minimal and that the cost of installation of such equipment would be prohibitive to the development of the site. Trees, shrubs, and other plantings and lawn areas shall be watered regularly throughout the growing season. All constructed or manufactured landscape elements such as, but not limited to, benches, retaining walls, edging, and so forth, shall be maintained in good condition and neat appearance. Rotted, deteriorated, or damaged landscape elements shall be repaired or replaced immediately by the owner/occupant or upon notice from the Zoning Administrator.

Section 28.06 TREATMENT OF EXISTING PLANT MATERIAL

The following regulations shall apply to existing plant material:

- A. **Consideration of existing elements in the landscape design.**

In instances where healthy plant material exists on a site prior to its development, the Planning Commission may permit substitution of such plant material in place of the requirements set forth previously in this Article, provided such substitution is in keeping with the spirit and intent of this Article and this Ordinance in general.

Existing hedges, berms, walls, or other landscape elements may be used to satisfy the requirements set forth previously, provided that such existing elements are in conformance with the requirements of this Article.

B. Preservation of existing plant material

Site plans shall show all existing trees which are located on the site which are six (6) inches or greater in diameter, measured at four and one-half (4½) feet above grade, and which will meet the minimum specifications of Section 28.04C.

Existing trees shall be labeled “To Be Removed” or “To Be Saved” on the site plan. If existing plant material is labeled “To Be Saved” on the site plan, protective measures should be implemented, such as the placement of fencing or stakes at the drip line around each tree. No vehicle or other construction equipment shall be parked or stored within the drip line of any tree or other plant material intended to be saved.

In the event that healthy existing plant materials which have been approved to meet the requirements of this Ordinance are damaged or destroyed during construction or die within one (1) year of completion of the project, said plant material shall be replaced with the same or comparable species as the damaged or removed tree, in accordance with the following schedule, unless otherwise approved by the Zoning Administrator based on consideration of the site and building configuration, available planting space, and similar considerations:

DIAMETER MEASURED 4 ½ FEET ABOVE GRADE

| Damaged Tree | Replacement Tree | Replacement Ratio |
|--------------------|------------------|---------------------------------------------------------------------------------------|
| Less than 6 inches | 2 ½ to 3 inches | 1 for 1 |
| More than 6 inches | 2 ½ to 3 inches | 1 replacement tree for each 6 inches in diameter or fraction thereof of damaged tree. |

Section 28.07 MODIFICATIONS TO LANDSCAPE REQUIREMENTS

In consideration of the overall design and impact of a specific landscape plan, and in consideration of the amount of existing plant material to be retained on the site, the Planning Commission may modify the specific requirements outlined herein, provided that any such adjustment is in keeping with the intent of this Article and Ordinance in general. In determining whether a modification is appropriate, the Planning Commission shall consider whether the following conditions exist:

- A. Topographic features or other unique features of the site create conditions such that strict application of the landscape regulations would result in a less effective screen than an alternative landscape design made in consideration of topographic features.
- B. Parking, vehicular circulation, or land use is such that required landscaping would not enhance the site or result in the desired landscaping effect.
- C. The public benefit intended by these landscaping regulations could be better achieved with a plan that varies from the strict requirements of this Article and Ordinance in general.

Section 28.08 OBSCURING WALLS AND FENCES

A. Obscuring wall and fence standards

Where permitted or required by this Article and Ordinance, obscuring walls shall be subject to the following regulations:

- 1) **Location.** Required obscuring walls and fences shall be placed inside the lot line except in the following instances:
 - a) Where underground utilities interfere with placement of the wall or fence on the property line, the wall shall be placed on the utility easement line located nearest the property line.
 - b) Walls and fences, other than those permitted to be located adjacent to property lines or for topographical purposes, shall conform to the road and setback requirements as set forth in other Articles and Sections of this Ordinance.
 - c) When adjacent property owners agree to the construction of walls or fences on their common property line, walls or fences may be constructed on their common property line.
- 2) **Time of construction.** Wherever construction of an obscuring wall or fence is required adjacent to residentially zoned or used property, the wall or fence shall be constructed prior to the beginning of site grading and other on-site construction, except where such grading or construction would result in potential damage to the wall or fence.
- 3) **Corner clearance.** Obscuring walls and fences shall comply with the specifications as set forth in Section 14.18.
- 4) **Substitution.** As a substitute for required obscuring wall or fence, the Planning Commission may, in its review of the site plan, approve the use of other existing and/or proposed natural or man-made landscape features, such as closely spaced evergreens, that would produce substantially the same results in place of walls or fences for durability and permanence. The character of adjoining uses shall be taken into consideration in determining whether any such substitution is appropriate.

5) **Wall specifications.** Required obscuring walls shall comply with the following height requirements, unless otherwise specified in this Ordinance.

| Purpose | Required Height |
|-----------------------------------------------------------------------------------------------------------------------------------|------------------------|
| To screen a use in an OS, NSC, HSC, HC, and I Zoning Districts from adjacent land zoned for Residential. | Six (6) feet |
| To screen a nonresidential use or parking area located in a Residential Zoning District from adjacent land zoned for Residential. | Four (4) feet |

Required walls shall be constructed of masonry material that is architecturally compatible with the materials used on the facade of the principal structure on the site, such as face brick, decorative block, or poured concrete with simulated brick or stone patterns. Concrete block walls with no decorative features are not permitted. Required walls shall be finished on their sides, ends, and tops.

6) **Fence specifications.** Fences erected for screening purposes shall be six (6) feet in height unless otherwise specified in this Ordinance, and shall be constructed of redwood, cedar, or No. L pressure-treated wood. Chain link fences shall not be permitted for screening purposes.

7) Refer to Section 14.35 - Fences.

(Amend. By Ord. No.158 eff. May 25, 2003)

Section 28.09 RESIDENTIAL FENCES AND WALLS

A. General standards.

Fences or walls in Residential Zoning Districts, whether for the purposes of screening or decorative landscaping, shall meet the requirements specified above in Section 28.08.

B. Entranceway structures.

Residential subdivision entranceway structures shall be permitted, subject to the site plan review as landscape features. These structures shall not be considered to be walls or fences.

(Ord. No. 74 eff. Sept. 30, 1998; amend. by Ord. No. 97 eff. Feb. 23, 2000; amend)