

## CHAPTER 20

### FENCING / SCREENING / LANDSCAPING

#### SECTION:

- 10-20-1: Purpose
- 10-20-2: Fences
- 10-20-3: General Landscaping and Maintenance
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**10-20-1: PURPOSE:** The purpose of this chapter is to establish standards for the installation of fencing, screening, and landscaping as may be required by other chapters of this Ordinance and to protect the general health, safety, and welfare of the City.

**10-20-2: FENCES:** Fences shall be permitted in all yards subject to the following:

- A. **General Standards:** All fences shall be located on private property, not within the public right-of-way, and outside of wetland buffers.
- B. **Permit Required:** It is unlawful for any person to construct or cause to be constructed any fence without first making an application for and securing a fence permit.
- C. **Locations:** All boundary line fences shall be located entirely upon the private property of the person constructing or causing the construction of such fence. The building official may require any applicant for a fence permit to establish the boundary of a person's property by a survey thereof to be made by a registered land surveyor. The location of the fence is subject to the following:
  - 1. Fences may be placed along the property line provided no physical damage of any kind results to the abutting property and permission is granted in writing from the abutting property owner and submitted with the application.
  - 2. In the urban residential districts, fences on or within two (2) feet of the property line shall require a certificate of compliance stating that the property owner constructing the fence shall maintain both sides of said fence, unless a written agreement has been entered into with the abutting property owner(s) and is on file with the City.

3. All posts or similar supporting instruments used in the construction of fences shall be faced inward toward the property being fenced.
4. All fences shall not obstruct natural drainage.

**D. District Standards:**

1. In the RR, ML-PUD, R-1, R-2, R-3, and R-4 Districts, fencing shall be restricted to a height of six (6) feet for side and rear yards and a height of four (4) feet within the front yard setback. All fences shall be residential in nature such as chain link, wrought iron, vinyl, split-rail, or board and picket. Barbed wire, electric, and other agricultural fences may be used in the RR District in conjunction with a legally permitted use in Section 8-3-2 (Animals and Fowl, Keeping, Transporting, Treatment, Housing) of the City Code. (Ord. 190, Effective 1/18/14)
2. In the A-1, A-2, and A-3 Districts, all fencing for non-agricultural purposes shall be no taller than six feet in height.
3. In the B-1 and B-2 Districts, fencing is not allowed between the principal structure and any public right-of-way. Fences shall be no greater than six (6) feet in height. Fences no greater than four (4) feet in height may be permitted with a conditional use permit in front of the principal structure. (Ord. 190, Effective 1/18/14)
4. In the B-3, I-1, I-2, and I-3 Districts, fences shall be no greater than eight (8) feet in height. Fences greater than four (4) feet in height shall not be placed in the front yard. Fences greater than eight (8) feet in height may be permitted with a conditional use permit when meeting all district setbacks. (Ord. 190, Effective 1/18/14)
5. Fences up to sixteen (16) feet in height may be allowed in any district provided the fence is used as an enclosure for a tennis or sport facility.
6. Erosion control fences are permitted in all districts in conjunction with a permitted activity.
7. It is unlawful for any person to erect or maintain a barbed wire fence upon his property, which fence is less than six (6) feet above the ground and within three (3) feet of a sidewalk or public right-of-way except in those areas in which the owners are permitted to keep, stable or board animals under the provisions of the City Code.

**10-20-3: GENERAL LANDSCAPING AND MAINTENANCE:**

- A. All exposed ground areas, including street boulevards, and areas not devoted to off-street parking, drives, sidewalks, patios or other such improvements shall be landscaped with grass, shrubs, trees or other ornamental landscape materials within one year following the date on which the certificate of occupancy is issued.
- B. All landscaped areas shall be maintained by the property owner and kept neat, clear and uncluttered, and where landscaping is required as part of City approvals, any plant material which is diseased or dies shall be replaced with like kind of the original size.
- C. Fences and/or plantings placed upon utility easements are subject to removal by the City or utility company if required for maintenance or improvement of the utility. In such case, costs for removal and replacement shall be the responsibility of the property owner. Trees on utility easements containing overhead wires shall not exceed fifteen (15) feet in height, and such trees shall be the property owner's responsibility to maintain.

**10-20-4: REQUIRED LANDSCAPING: (Ord. 171, SS, 9/10/12)**

- A. Landscape Plan Required. All new residential subdivisions with three (3) or more lots, residential structures with three (3) or more dwelling units, commercial uses, industrial uses, and institutional uses shall be subject to minimum landscaping and planting material specification requirements outlined in this Section. A landscape plan shall be developed with an emphasis upon the boundary of the subject site, parking lots, and foundation of the principal structure, in accordance with the information requirements outlined in Section 10-9-6 of this Ordinance.
- B. Design Standards and Criteria. All landscaping incorporated in the landscape plan shall conform to the following standards and criteria:
  - 1. Types of New Trees. Trees suitable for complying with this Chapter shall include those specified below or similar, if deemed acceptable by the Zoning Administrator:
    - a. Deciduous Trees. Required plantings of deciduous trees shall be of the following type: White Oak, Northern Red Oak, Eastern Pin Oak, Swamp White Oak, Kentucky Coffee Tree, Basswood, Littleleaf Linden, Redmond Linden, Hybrid Elm, Sugar Maple, Red Maple, Norway Maple, or Black Cherry.
    - b. Evergreen Trees. Required plantings of evergreen trees shall be of the following type: Douglas Fir, White Fir, Hemlock, Austrian Pine,

White Pine, Ponderosa Pine, Norway Pine, Scotch Pine, Eastern Red Cedar, Black Hills Spruce, Norway Spruce, and White Spruce.

- c. Ornamental Trees. Required plantings of ornamental trees shall be of the following type: River Birch, Chokecherry, Crabapple, Dogwood, Flowering Crabs, Hawthorn, Mountain Ash, Plum, Russian Olive, or Serviceberry.

- 2. Minimum Size. All plants shall at least equal the following minimum sizes: (NOTE: Type and mode are dependent upon time of planting season, availability, and site conditions (soils, climate, ground water, manmade irrigation, grading, etc.)

	<u>Potted/Bare Root or Balled or Burlapped</u>
Shade trees	2 inch diameter
Ornamental trees	2 inch diameter
Evergreen trees	4 feet
Tall shrubs and hedge material (evergreen or deciduous)	3 to 4 feet
Low Shrubs	
- Deciduous	24 to 30 inches
- Evergreen	24 to 30 inches
- Spreading evergreens	18 to 24 inches

- 3. Spacing.
  - a. Plant material centers shall not be located closer than three (3) feet from the fence line or property line and shall not be planted to conflict with public plantings, sidewalks, trails, fences, parking areas, and driveways based on the judgment of the Zoning Administrator.
  - b. Where plant materials are planted for screening purposes in two (2) or more rows, plantings shall be staggered in rows unless otherwise approved by the Zoning Administrator.
  - c. Evergreen trees intended for screening shall be planted not more than fifteen (15) feet apart.

- d. Where massing of plants or screening is intended, large deciduous shrubs shall be planted four (4) feet on center or closer, and/or, evergreen shrubs shall be planted three (3) feet on center or closer.
4. Design (except for pond slopes which shall be subject to the review and approval of the City Engineer):
- a. The landscape plan shall show some form of designed site amenities (i.e., composition of plant materials, and/or creative grading, decorative lighting, exterior sculpture, etc.) which are largely intended for aesthetic purposes.
  - b. All areas within the property lines (or beyond, if site grading extends beyond) shall be treated. All exterior areas not paved or designated as roads, parking, or storage shall be planted into ornamental vegetation (lawns, ground covers, or shrubs) unless otherwise approved by the Zoning Administrator.
  - c. Turf slopes in excess of three to one (3:1) are prohibited.
  - d. All ground areas under the building roof overhang shall be treated with a decorative mulch and/or foundation planting.
  - e. All buildings shall have an exterior water spigot or irrigation system to ensure that landscape maintenance can be accomplished.
  - f. Trees and shrubs shall not be planted in the right-of-way except as approved by the City Council.
  - g. All plants required as part of an approved landscaping plan shall be maintained and kept alive. Dead plants shall be replaced in accordance with the approved landscape plan.
5. Minimum Required Plantings.
- a. Single and Two-Family Residential. All new single family residences or duplex units shall follow the sodding and ground cover requirements found in Section 10-20-4.C and two (2) deciduous trees, of which one shall be placed in the front yard.
  - b. Multi-Family, Institutional, Commercial, and Industrial.
    - (1) In order to achieve landscaping which is appropriate in scale with the size of a building site, the minimum number of caliper inches of trees required shall be determined by dividing the total gross square footage of all floors of a

building by three hundred twenty (320). A single story building in excess of twenty (20) feet in height shall be considered a two story building for the purposes of determining its total gross footage. A mixture of plant material sizes shall be required.

- (2) The complement of trees fulfilling the requirement in Section 10-20-4.B.5.b(1) shall not be less than twenty-five (25) percent deciduous, twenty-five (25) percent evergreen, and ten (10) percent ornamental. For the purposes of this ordinance, a four (4) foot tall evergreen tree is equal to two (2) caliper inches.
  - (3) Deciduous and evergreen trees shall be of more than one species each.
  - (4) Planting islands may be required where necessary to visually break-up expanses of hard surface parking areas, for safe and efficient traffic movement, and to define rows of parking. Planting islands may occupy up to at least five (5) percent of the required parking area.
  - (5) All parking, loading, service, utility, and outdoor storage areas shall be screened from all public roads and adjacent differing land uses. The screening shall consist of any combination of the following: earth mounds, walls, fences, evergreen trees, tall shrubs, or low shrubs. The height and depth of the screening shall be consistent with the height and size of the areas for which screening is required. When natural materials, such as trees and hedges, are used to meet the screening requirements of this section, density and species of planting shall be such to achieve seventy-five (75) percent opacity year round.
  - (6) These standards may be waived for properties in the B-1 and I-2 Districts by the Zoning Administrator, provided steps are taken to lessen the impact of the development on adjacent residential properties.
6. Existing Trees. All existing, preserved trees or other vegetation on site that are suitable for the purpose intended by this Ordinance in the opinion of the Zoning Administrator may count towards any required plantings provided the trees are in good condition and disease free.
- C. Sodding and Ground Cover. All open areas of site not occupied by building, parking, or storage shall be either seeded or sodded.

1. The developer shall assure that the front and side yards of each lot are properly graded, three (3) inches of top soil added, sod laid to complete front yard (including right-of-way), and seeding or sodding has been added to the remainder of the disturbed area of the lot. Seeding will be allowed in the front yard if a sprinkler system is also installed.
  2. If a house or project is completed when weather conditions do not allow sodding or seeding, the developer or home builder shall submit to the City the following:
    - a. A temporary certificate of occupancy granted for the building during the non-growing season provided that the owner establishes a cash escrow with the city equal to one and one-half (1½) times the estimated cost of ground cover or a minimum of three thousand dollars (\$3,000.00) whichever is more, plus a seventy-five dollar (\$75.00) non-refundable administrative fee. Upon satisfactory installation of the ground cover, the escrow will be returned to the owner and a certificate of occupancy issued.
    - b. If the ground cover is not installed by June 1<sup>st</sup> of the following year, the owner will forfeit the escrowed funds and be required to vacate the property until the certificate of occupancy can be issued when ground cover has been installed. The cost to install the ground cover shall be at the homeowner's expense.
- D. Landscape Guarantee. All new plants shall be guaranteed for twelve (12) months from the time planting has been completed. All plants shall be alive, of good quality, and disease free at the end of the warranty period or be replaced. Any replacements shall be warranted for twelve (12) months from the time of planting. Prior to the issuance of a Certificate of Occupancy, the City may require a Performance Bond, with a corporation approved by the City as surety thereon, or other guarantee acceptable to the City, in an amount to be determined by the City, but for not less than one and one-half (1½) times and no more than two (2) times the amount estimated by the City as the cost of completing said landscaping and screening.

**10-20-5: REQUIRED LANDSCAPE SCREENING:** All commercial, industrial, or institutional uses shall provide screening along the boundary of any abutting residential district or when the side or rear of the use (as determined by the Zoning Administrator) is separated from any residential district by a public right-of-way. All screening required by this Section shall be subject to Section 10-16-7 of this Ordinance and is to consist of a green belt strip as provided below:

- A. A green belt planting strip shall consist of evergreen trees and/or deciduous trees and plants and shall be a minimum of twenty (20) feet in width and of a sufficient density to provide a visual screen and reasonable buffer. This planting strip shall be designed to provide visual screening to a minimum height of six (6) feet. The grade for determining height shall be the grade elevation of the building or use for which the screening is providing protection, unless otherwise established by the Zoning Administrator. The planting plan and type of plantings shall require the approval of the Zoning Administrator.
  
- B. A fence may also be installed, but not in lieu of the green belt planting strip. The fence shall be constructed of masonry, brick, or wood, except as otherwise provided herein. Such fence shall provide a solid screening effect and shall be a minimum of six (6) feet in height but shall not exceed eight (8) feet in height. The grade for determining height shall be the grade elevation of the building or use for which the screening is providing protection, unless otherwise established by the Zoning Administrator. The design and materials used in constructing a required screening fence shall be subject to the approval of the Zoning Administrator.

**10-20-6: SCREENING OF MECHANICAL EQUIPMENT:** All rooftop and ground-mounted mechanical equipment for residential buildings having five (5) units or more and for non-residential buildings shall comply with the following standards:

- A. All rooftop and ground-mounted mechanical equipment shall be screened so as to mitigate noise in compliance with Section 10-16-12 of this Ordinance.
  
- B. All rooftop and ground-mounted mechanical equipment shall be designed (including exterior color) and located so as to be aesthetically harmonious and compatible with the building. Screening of and landscaping around the equipment may be required where the design, color, and location of the equipment are found to not effectively buffer noise or provide aesthetic harmony and compatibility. Screening shall be constructed of durable materials which are aesthetically compatible with the structure and which may be an integral part of the structure.
  
- C. Rooftop mechanical equipment less than three (3) feet in height may be exempt from screening requirements by the Zoning Administrator.