

74SECTION 19

**LANDSCAPING, SCREENING, AND FENCES**

Section

- 20-19-1: Purpose
- 20-19-2: Landscaping
- 20-19-3: Screening
- 20-19-4: Fences

20-19-1: **PURPOSE:** The purpose of this Section is to establish standards for the installation of fencing, screening, and landscaping and as may be required by other Sections of this Chapter to protect the general health, safety, and welfare of the City.

20-19-2: **LANDSCAPING:**

- A. General: Landscaping of all properties shall be installed and maintained in accordance with Section 5-7-3 of the City Code.
- B. New Residential Subdivision, Semi-Public, and All Income Producing Property Uses:
  - 1. Single family dwelling units shall provide a minimum of two (2) deciduous shade trees per lot.
  - 2. All of other uses shall be subject to mandatory landscape plan and specifications with a landscape plan required to be developed and installed with an emphasis upon the following areas:
    - a. The boundary or perimeter of the proposed site at points adjoining other property.
    - b. The immediate perimeter of the structure.
    - c. The perimeter of parking and loading areas.
  - 3. All landscaping incorporated in said plan shall conform to the following standards and criteria:
    - a. Plantings suitable for complying with this Section shall be as approved by the Zoning Administrator.
    - b. All plants must at least equal the following minimum size in conformance with American Nursery Association standards

measured from the top of the ball or container to the top of the tree/shrub or bottom of the evergreen leader:

	Potted/Bare Root or Balled & Burlapped
Shade Trees	2 inch diameter
Ornamental Trees	1-1/2 inch diameter
Evergreen Trees	3 - 4 feet high
Tall Shrubs & Hedge Material (Evergreen or Deciduous)	3 - 4 feet high
Low Shrubs - Deciduous	24 - 30 inches
- Evergreen	24 - 30 inches
- Spreading Evergreens	18 - 24 inches

c. Spacing.

- (1) 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 based on the judgment of the Zoning Administrator.
- (2) Where plant materials are planted in two (2) or more rows, plantings shall be staggered in rows unless otherwise approved by the Zoning Administrator.
- (3) Where massing of plants or screening is intended, large deciduous shrubs shall not be planted more than four (4) feet on center, and/or evergreen shrubs shall not be planted more than three (3) feet on center.

d. Design.

- (1) The landscape plan must 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).
- (2) All areas within the property lines (or beyond, if side grading extends beyond) shall be treated. All exterior areas not paved or designated as drives, parking or storage, must be planted into ornamental vegetation (lawns, ground covers or

shrubs) unless otherwise approved by the Zoning Administrator.

- (3) Turf slopes in excess of 2.1 are prohibited unless approved by the Zoning Administrator.
  - (4) All ground areas under the building roof overhang must be treated with a decorative mulch and/or foundation planting.
  - (5) All buildings must have an exterior water spigot to ensure that landscape maintenance can be accomplished.
- e. Landscape Guarantee: All new plants shall be guaranteed for one (1) year from the time planting has been completed. All plants shall be alive and in satisfactory growth at the end of the guarantee period or be replaced by the property owner.
- f. Tree Preservation: Prior to the issuance of building permits for all new and/or expanded multiple family residential, commercial, industrial and institutional uses, a tree preservation plan shall be submitted. The plan and its implementation shall be in accordance with the City's adopted tree preservation guidelines and requirements as outlined in the Subdivision Ordinance, as may be amended, and shall be subject to review and approval of the City Engineer and Zoning Administrator. The Zoning Administrator may exempt an applicant from the submission of a tree preservation plan upon demonstration that a tree preservation plan is not considered relevant to the site in question.

20-19-3: **REQUIRED SCREENING:**

- A. Non-Residential Uses: Where any non-residential use except agriculture and farming (i.e., structure, parking or storage) abuts property zoned for residential use, that non-residential use shall provide screening along the boundary of the residential property. Screening shall also be provided where a non-residential use is across the street from a residential zone, but not on that side of a non-residential use considered to be the front (as defined by this Chapter). All fencing and screening specifically required by this Section shall be subject to Subsection 20-16-4 of this Chapter regarding traffic visibility and shall consist of either a green belt planting strip, fence or combination thereof) as provided for below:
1. A green belt planting strip shall consist of evergreen trees and/or deciduous trees and plants and shall be of sufficient width and density to provide an effective visual screen. This planting strip shall be designed to provide complete visual screening to a minimum height of eight (8) feet. Earth mounding or berms may be used but shall not be used to achieve

more than three (3) feet of the required screen. The planting plan and type of plantings shall require the approval of the City Council.

2. The City may also require that a fence may be installed, but not in lieu of the greenbelt. A required screening fence shall be constructed of masonry, brick, vinyl or maintenance free composite materials. A required screening fence shall provide a solid screening effect to a minimum of six (6) feet in height but shall not exceed eight (8) feet in height unless allowed by issuance of an interim use permit.

B. Residential Bufferyards.

1. Double frontage lots or corner lots abutting a collector or arterial street, as defined by the Comprehensive Plan, preliminary platted after October 14, 2002 shall have an additional ten (10) feet of depth or width to be overlaid with a drainage and utility easement in order to allow space for screening along the lot line abutting such street rights-of-way.
2. Plan Required. For all applicable subdivisions, a landscape plan shall be submitted. The plan shall identify all proposed buffer screening including plantings, berms, and fences. The development contract shall include a security for the cost of materials and installation of the approved plan.
3. Design Standards.
  - a. Plantings: All designated buffer yards must be seeded or sodded except in areas of steep slopes where natural vegetation is acceptable as approved by the City Engineer. All plantings within designated buffer yards shall adhere to the following:
    - (1) Plant material centers shall not be located closer than three (3) feet from the fence line or property line, and shall not conflict with public plantings, sidewalks, trails, etc.
    - (2) Landscape screen plant material shall be planted in two (2) or more rows. Plantings shall be staggered in rows unless otherwise approved by the Zoning Administrator.
    - (3) Deciduous shrubs shall not be planted more than four (4) feet on center, and/or evergreen shrubs shall not be planted more than three (3) feet on center.
    - (4) Deciduous trees intended for screening shall be planted not more than forty (40) feet apart. Evergreen trees intended for screening shall be planted not more than fifteen (15) feet apart.

- b. Earth Berms:
  - (1) Except in areas of steep slopes or where other topographic features will not permit, as determined by the City Engineer, an earth berm at least four (4) feet in height shall be installed in all designated buffer yards.
  - (2) Earth berms shall not exceed a three to one (3:1) slope unless approved by the City Engineer.
  - (3) Shall contain no less than four (4) inches of topsoil.
- 4. Installation. All buffer plantings, berms, and fences shall be installed or planted prior to release of the security required as part of the development contract.
- 5. Maintenance.
  - a. Maintenance of the buffer strip planting shall be the responsibility of the individual property owners or, if applicable, the homeowners' association.
  - b. Replacement of landscape materials or plantings in a buffer yard area shall be consistent with the original screen design.
  - c. All repair or plant replacement shall be done within forty five (45) days of written notification from the City.

20-19-4: **FENCES:** Fences shall be permitted in all yards subject to the following:

- <sup>77</sup> A. Administrative Permit Required: It is unlawful for any person hereafter to construct or cause to be constructed or erected within the City, any fence within a front yard, within a residential bufferyard, or a property line fence without first making an application for and securing an administrative permit, which shall be treated as a formal agreement as to the construction and location of the proposed fence between the City and applicant in accordance with Section 20-8-4 of the Zoning Ordinance.
- B. Certificate of Survey: An application for fence permit shall be accompanied by a current certificate of survey providing exact lot dimensions, the location of existing building and structures on the lot, and the location of the proposed fence.
- C. Location: All boundary line fences shall be located entirely within the private property of the person, firm or corporation constructing or causing the construction of such fence. The owner of the property on which a fence exists or is proposed to be constructed is responsible for verifying their property lines by:

1. Locating their property irons; or,
2. If the property lines cannot be located:
  - a. The Zoning Administrator may require the owner of property upon which a fence now exists, or may require any property owner proposing to construct a fence to establish the boundary lines of the property by a survey thereof to be made by a registered land surveyor; or,
  - b. The owner of property upon which a fence now exists, or the property owner on which the fence is to be constructed and the owner(s) of the adjoining properties enter into an agreement regarding the location of the fence to be recorded with the titles of the respective properties, subject to approval of an administrative permit.

D. Construction and Maintenance:

1. Every fence shall be constructed in a professional and substantial manner and of substantial material reasonably suitable for the purpose for which the fence is proposed to be used. The materials and design shall also be compatible with other structures in the area in which the fence is located and shall not cause blight or a negative impact.
2. Every fence shall be maintained in a condition of reasonable repair and shall not be allowed to become and remain in a condition of disrepair or danger, or constitute a nuisance, public or private. Any such fence which is or has become dangerous to the public safety, health or welfare is a public nuisance, and the City shall commence proper proceedings for the abatement thereof.
3. All posts or similar supporting instruments used in the construction of fences shall be faced inward toward the property being fenced.
4. Except as specified in this subsection, barbed wire fences and electric fences shall only be allowed in the A-1 and A-2 Districts when related to the keeping of farm animals. On farms in other districts, such fencing shall be allowed when related to farming, but not including electric fences as boundary line fences when abutting platted property.
5. All fences shall be provided with a gate which affords reasonable and convenient access for public safety.

E. Grading and Drainage:

1. All fences shall not obstruct natural drainage.

2. Any modifications to the grade or drainage of a property in conjunction with the construction of a fence shall be subject to Section 20-16-5 of this Chapter.

F. Drainage and Utility Easements:

1. The fence and its design is subject to the approval of the City Engineer.
2. The fence or a portion thereof may be removed at any time for the purpose of utilizing the easement and such action shall be at the property owner's expense.
3. The property owner shall execute an acknowledgement of the easement encroachment that is to be recorded by the City at Wright County with the title of the property.

77

G. Residential District Fences:

1. Except in the case of a side yard on a corner lot which abuts a street, fences along-side property lines shall not be more than six (6) feet in height for the distance commencing from a point on such side property line located along the rear lot line and proceeding thence along such side property line to a point thereon which would be intersected by the front wall line of the existing principal structure on the lot.
2. Fences along or paralleling any rear property line which is also the rear property line of an abutting lot shall not exceed six (6) feet in height.
3. Except in the case of a side yard on a corner lot which abuts a street, fences along a rear property line which line constitutes the side lot line of an abutting lot shall not exceed six (6) feet in height.
4. The required screening provisions for residential districts shall supersede, where applicable, the provisions of this Subsection.
5. Required Front Yards and Side Yards of Corner Lots:
  - a. Fences extending across required front yards or a required side yard that abuts a street on a corner lot shall not exceed forty-eight (48) inches in height and shall be at least seventy-five (75) percent open space for the passage of air and light, except as provided for by Section 20-19-4.G.5.b of this Chapter.
  - b. A fence with a height greater than forty-eight (48) inches and/or less than seventy-five (75) percent open space may be constructed within the required rear yards and side yard of a corner lot abutting collector or arterial street, provided that:

- (1) The fence does not exceed six (6) feet in height.
- (2) The fence is setback ten (10) feet from the lot line abutting a collector or arterial street right-of-way.
- (3) For interior lots, a gate or other opening is to be provided in the fence to allow for maintenance of the street side boulevard.
- (4) The fence along a side lot line abutting a collector or arterial street right-of-way shall not extend into a required front yard and be no closer to the front lot line than a point intersecting the front line of the principal building.
- (5) On lots where no bufferyard has been established pursuant to Section 20-19-3.B of this Chapter, the yard on the street side of the fence shall be grass and landscaped with plant materials that will grow to the height of the fence, subject to the following standards:
  - (a) Plant material centers shall not be located closer than three (3) feet from the fence line or property line, and shall not conflict with public plantings, sidewalks, trails, etc.
  - (b) Deciduous shrubs shall not be planted more than four (4) feet on center, and/or evergreen shrubs shall not be planted more than three (3) feet on center.
  - (c) Deciduous trees shall be planted not more than forty (40) feet apart. Evergreen trees shall be planted not more than fifteen (15) feet apart.

- c. All fences located within any required yard abutting a public right-of-way shall maintain the traffic visibility requirements of Section 20-16-4 of this Chapter.

H. Commercial and Industrial District Fences:

1. Fences extending across a required front yard or a required side yard which abuts a street on a corner lot shall be at least seventy-five (75) percent open for the passage of air and light and shall maintain the traffic visibility requirements of Section 20-16-4 of this Chapter.
2. Fences may be erected up to eight (8) feet in height. Fences in excess of eight (8) feet shall require an interim use permit.

3. Construction:

- a. Fences shall be constructed of non-wood maintenance free materials such as vinyl, stone, brick, split face block, textured or architectural concrete panels, synthetic or composite products, or similar materials as approved by the zoning administrator.
- b. Except for fences accessory to essential services, chainlink fences within commercial districts shall be coated with integral color vinyl and shall not include vinyl, plastic or metal slats within the fence.
- c. The location of gates across driveways accessing the site shall be set back a sufficient distance so as not to cause congestion in the public street.
- d. Fences which are primarily erected as a security measure may have arms projecting into the applicant's property on which barbed wire can be fastened commencing at a point at least seven (7) feet above the ground.

4. The screening provisions for commercial and industrial districts shall supersede, where applicable, the provisions of this Subsection.

- I. Special Purpose Fences: Fences for special purposes and fences differing in construction, height or length may be permitted by the City by issuance of an interim use permit upon a finding by the City Council that that the fence is necessary to protect, buffer or improve the premises for which such fence is intended.