

CHAPTER 1020

FENCING / SCREENING / LANDSCAPING

SECTION:

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1020-1: 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.

1020-2: FENCES: Fences shall be permitted in all yards subject to the following:

A. **Permit Required:** No person except on a farm and related to agricultural uses, but not including hobby farms, shall construct any fence without first making an application for and securing an administrative permit for fences not exceeding six feet (6') in height, and a building permit for fences exceeding six feet (6') in height.

B. **Locations;** Boundary Line Fences:

1. A fence that requires periodic maintenance shall be located no closer than two feet (2') from any side or rear yard lot line on the property of the person constructing said fence. An exception to this may be allowed by administrative permit provided that an agreement addressing construction, maintenance, and repair responsibilities, as well as trespass rights, is established between the adjoining property owners and said agreement is determined acceptable to the City Attorney and filed with the Wright County Recorder against the titles of the respective properties. The fence agreement shall provide for amendment or cancellation only upon written approval from the Zoning Administrator.
2. A fence that is maintenance free, such as a chain link of steel, plastic or vinyl, and is acceptable as such to the zoning administrator, may be constructed up to the side or rear yard property line.

3. The City may require the owner of the property upon which a fence now exists, or may require any applicant for a fence permit to establish the boundary lines of the property by a survey thereof to be made by any land surveyor.
4. No fences shall be placed on or extend into public rights of way or onto public property.

C. Construction and Maintenance:

1. Every fence shall be constructed in a substantial, workmanlike manner and of substantial material reasonably suited for the purpose for which the fence is proposed to be used. 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 Zoning Administrator shall commence proper proceedings for the abatement thereof.
2. That side of any fence considered to be its "face" (i.e., the finished side having no structural supports) shall face abutting property or street right-of-way.
3. Electric fences shall only be permitted in the UR District when related to agriculture, and on farms in other districts when related to agricultural purposes, but not as boundary fences.
4. Barbed wire fences shall only be permitted on farms related to agriculture except as provided for by Section 1020-2.H.3 of this Ordinance.

D. Solid Walls: Solid walls up to eight feet (8') in height that are not part of buildings may be constructed and maintained only within the buildable area of a lot.

E. Traffic Sight Visibility Triangle: On corner lots, no fence or screen shall be permitted within the traffic sight visibility triangle specified by Section 1016-7 of this Ordinance.

F. Residential Fencing and Screening:

1. Except as provided herein, fences shall be at least five percent (5%) open for passage of air, light, and drainage.
2. Except as provided herein, fences may not exceed six feet (6') in height.

3. Fences extending across front yards and side yards abutting a public right-of-way shall not exceed forty-eight inches (48") in height and shall be at least seventy five percent (75%) open space for passage of air and light and shall conform to the traffic visibility triangle requirements of Section 1016-7 of this Ordinance.

G. Swimming Pool Protection:

1. All in-ground pools regardless of capacity and all aboveground swimming pools that exceed five thousand (5,000) gallons shall require a building permit before installation.
2. Each application for a building permit (to construct a swimming pool) shall be accompanied by plans of sufficient detail to illustrate:
 - a. The proposed location of the pool and its relationship to the principal building on the lot.
 - b. The size of the pool.
 - c. Fencing and other fixtures existing and proposed on the lot, including utility location and trees.
 - d. The location, size, and types of equipment to be used in connection with the pool, including, but not limited to, filter unit, pump fencing, and the pool itself.
 - e. The requirements contained in Sections 1020.G.2 and 1020.G.3 of this Ordinance will be satisfied including submission and approval of a site plan.
3. All swimming pools for which a permit is required shall be provided with safeguards to prevent children from gaining uncontrolled access. This can be accomplished with fencing, screening or other enclosure, or any combination thereof, of sufficient density as to be impenetrable. If fences are employed, they shall be at least four feet (4') in height. The bottoms of the fences shall not be more than four inches (4") from the ground nor shall any open space in the fence be more than four inches (4"). Fences shall be of a non-corrosive material and shall be constructed as to be not easily climbable. All fence openings or points of entry into the pool enclosure shall be equipped with gates or doors. All gates or doors to swimming pools shall be equipped with self-closing and self-latching devices placed at a sufficient height so as to be inaccessible to all small children. The fencing requirements of this Section need only be provided around the means of access on aboveground pools which have four feet (4') high, vertical or outward inclined side walls. Prior to filling the pool, the

approved fence and/or screen shall be completely in place and inspected and approved by the City Building Official.

4. In all residential districts, swimming pools shall be set back ten feet (10') from all adjoining lots and, except for fences and pump enclosures, shall be located at least ten feet (10') away from any other building or structure on the same lot and shall not be located within a drainage or utility easement. Swimming pools shall not be permitted in a front yard or in the area between the street right-of-way and the minimum required building side yard setback line.

H. Business and Industrial Fencing:

1. No fence shall be allowed in the front yard of a business use except by conditional use permit.
2. Except in a required front yard, business and industrial fences may be erected up to eight feet (8') in height. Fences in excess of eight feet (8'), not located in a required front yard, shall require a conditional use permit.
3. Business and industrial fences with barbed wire security arms shall be erected a minimum of six feet (6') in height (measured without the security arm). The security arm shall be angled in such a manner that it extends only over the property of the permit holder and does not endanger the public. Security fencing shall be prohibited within a required front yard or when located along a property line abutting a residential use.

- I. **Special Purpose Fences:** Fences for special purposes and fences differing in construction, height or setback that are not constructed within a required front yard may be permitted in any district as a conditional use permit subject to Chapter 1005 of this Ordinance.

1020-3: 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 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 feet (15') in height, and such trees shall be the property owner's responsibility to maintain.

1020-4: REQUIRED LANDSCAPING: All new residential subdivisions with three (3) or more lots, residential structures with four (4) 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 Required.** 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 1009-6.D 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:

<u>Botanical Name</u>	<u>Common Name</u>
Quercus (varieties)	Oak
Acer platanoides (and Varieties)	Norway Maple (and Schwedler, Emerald Queen, etc.)
Acer saccharum	Sugar Maple
Celtis occidentalis	Hackberry
Betula (varieties)	Birch
Gleditsia triacanthos	Honeylocust (Imperial, Majestic, Skyline, Sunburst & Thornless)
Tilia cordata (and Varieties)	Little Leaf Linden and Redmond, Greenspire, etc.
Tilia Americana	Basswood (American Linden)

Fraxinus Pennsylvania Green Ash (and Summit, Marshall's)
Lanceolata

Ginkgo biloba (male Ginkgo
Tree only)

Guymnocladus dioicus Kentucky Coffee Tree

- b. 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.)

Potted/Bare Root or
Balled or Burlapped

Shade trees 2¹/₂ inch diameter

Ornamental trees 2 inch diameter
(flowering crabs, Russian
olive, hawthorn, etc.)

Evergreen trees 6 feet

Tall shrubs and hedge 3 to 4 feet
material
(evergreen or deciduous)

Low Shrubs
- Deciduous 24 to 30 inches
- Evergreen 24 to 30 inches
 24 to 30 inch
- Spreading evergreens 18 to 24 inches

- c. Spacing:

(1) Plant material centers shall not be located closer than three feet (3') 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.

(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) Deciduous trees intended for screening shall be planted not more than forty feet (40') apart. Evergreen trees intended for

screening shall be planted not more than fifteen feet (15') apart.

- (4) Where massing of plants or screening is intended, large deciduous shrubs shall be planted four feet (4') on center or closer, and/or, evergreen shrubs shall be planted three feet (3') on center or closer.

d. Design (except for pond slopes which shall be subject to the review and approval of the City Engineer):

- (1) 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.
- (2) 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.
- (3) Each single family lot is to be provided a minimum of two (2) shade trees.
- (4) Turf slopes in excess of three to one (3:1) are prohibited.
- (5) All ground areas under the building roof overhang shall be treated with a decorative mulch and/or foundation planting.
- (6) All buildings shall have an exterior water spigot or irrigation system to ensure that landscape maintenance can be accomplished.
- (7) Trees and shrubs shall not be planted in the right-of-way except as approved by the City Council.
- (8) 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.

C. **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.

1020-5: REQUIRED LANDSCAPE SCREENING:

A. 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 1016-7 of this Ordinance (traffic visibility) and is to consist of a green belt strip as provided below:

1. A green belt planting strip shall consist of evergreen trees and/or deciduous trees and plants and shall be a minimum of twenty feet (20') 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 feet (6'). 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.
2. 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 feet (6') in height but shall not exceed eight feet (8') 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.

B. Residential Buffer Yards:

1. Lot Depth Requirements: Except for lots of record and preliminary platted lots having legal standing on the effective date of this Ordinance, double frontage residential lots shall have an additional depth of at least twenty feet (20'), designated as an additional drainage and utility easement, in order to allow space for buffering/screen planting along the back lot line.
2. Lot Width Requirements: Except for lots of record and preliminary platted lots having legal standing established on the effective date of this Ordinance, lots which border major collector or arterial streets on a side yard shall have an additional width of at least ten feet (10'), designated as

an additional drainage and utility easement in order to allow space for buffering and screening plantings along the lot line bordering such streets.

3. Screening Plan Required: For applicable subdivisions, a comprehensive screening plan shall be submitted. The plan shall identify all proposed buffer screening in both plan and sectional view.
4. Timing/Responsibility of Installation: Weather permitting, all buffer, bermings, and/or plantings shall be constructed or planted prior to the issuance of a final certificate of occupancy.
5. Design Standards:
 - a. Plantings: All designated buffer yards shall be seeded or sodded except in areas of steep slopes where natural vegetation is acceptable as approved by the Zoning Administrator. All plantings within designated buffer yards shall adhere to the following:
 - (1) Plant material centers shall not be located closer than three feet (3') 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 feet (4') on center, and/or evergreen shrubs shall not be planted more than three feet (3') on center.
 - (4) Deciduous trees intended for screening shall be planted not more than forty feet (40') apart. Evergreen trees intended for screening shall be planted not more than fifteen feet (15') apart.
 - b. Walls And Fences: All walls and fences erected within designated buffer yards shall adhere to the following:
 - (1) Only walls and fences formally approved as part of the subdivision and site plan process shall be permitted within the buffer yard.
 - (2) At least fifty percent (50%) of the street side of a screening fence shall be landscaped with plant materials. Plant materials shall be at least equal to the fence height.

- (3) Exposed fences shall run a maximum length of fifty feet (50') between landscaping areas or clusters.
- (4) Fences and landscaping shall not be located within the traffic visibility triangle defined by Section 1016-7 of this Ordinance.

c. 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 feet (4') in height shall be installed in all designated buffer yards.
- (2) Shall not exceed a three to one (3:1) slope unless approved by the City Engineer.
- (3) Shall contain no less than four inches (4") of topsoil.

6. Maintenance:

- a. Maintenance of the buffer strip planting and/or fence shall be the responsibility of the individual property owners or, if applicable, the homeowners' association.
- b. All repairs to the fence or wall shall be consistent with the original fence design in regard to location and appearance.
- c. Replacement of landscape materials or plantings in a buffer yard area shall be consistent with the original screen design.
- d. All repair or plant replacement shall be done within forty five (45) days of written notification from the Zoning Administrator or if applicable, the homeowners' association.

1020- 6: 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 requirements as outlined in the Subdivision Ordinance and shall be subject to the review and approval of the City Engineer and Zoning Administrator. The City may exempt an applicant from the submission of a tree preservation plan upon demonstration by the applicant that such a plan is not considered relevant to the site in question.

1020-7: 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 1016-12 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 feet (3') in height may be exempt from screening requirements by the Zoning Administrator.