

Article 8
Landscaping, Buffering, and Fencing Regulations

- A. Whenever a use is established or substantially improved in a business district and the lot abuts a residential district, a fence at least six (6) feet in height shall be erected along the common lot by the business use unless the abutting lot owner in the residential district signs a waiver for this requirement and a buffer strip, or berm shall be installed instead.
- B. No fence, wall, or structural screen other than plant material shall be erected higher than eight (8) feet in a B-1 or M-1 district.
- C. No fence shall be required to be higher than five (5) feet in height between uses within the same district, nor higher than six (6) feet between uses in the different districts.
- D. Fences on all lots of record in all residential districts which enclose property and/or are within a required side or rear yard shall not exceed six (6) feet in height, measured from the surface of the ground. Fences located in the front yard or beyond the front of the dwelling unit shall not exceed four (4) feet in height, measured from the surface of the ground and shall have at least a seventy-five percent (75%) open area. No fence, wall, planting or structure shall, within ten (10) feet of any public or private right-of-way, be of such a nature as will impede clear vision of an intersecting sidewalk, street, alley or driveway (see Subsection G below). All fences shall be constructed so as to allow the passage of air through the fence to an adjacent dwelling.
- E. Fences, walls, or obscuring walls shall not contain barbed wire, electric current or charge of electricity (except in an A-1 district), glass, spikes, or other sharp protruding objects. Notwithstanding the foregoing provision, security fences six (6) feet high or more may include up to 18 inches of barbed wire in an industrial area, surrounding a public utility, or around a police or corrections facility. Such barbed wire shall slant inward towards property, or be straight up. Security fences with barbed wire in any other location or surrounding any other use require approval by the Planning Commission.
- F. All fences shall have the finish side facing out, away from the property on which the fence is located.
- G. Fences are structures that may be erected along property lines or within yards, irrespective of the setback requirements of this Ordinance. No site plan review is required for a fence which conforms with Ordinance standards in an R-1A District. The Zoning Administrator may waive site plan review for a fence in any other district if no other structural changes or changes in the design or layout of the site are proposed.
- H. The Zoning Administrator may require the removal, reconstruction or repair of any fence, wall or screen not in good condition

Section 8.15 CLEAR VISION CORNERS

These regulations govern the protection of clear vision site distances on property outside of the road right-of-way and are in addition to the site distance requirements of the County Road Commission.

- A. No fence, wall, sign, screen, any planting, berm, boulder, or other structure shall be erected or maintained in such a way as to obstruct clear vision between a height of three (3) and ten (10) feet within the triangular area formed by the intersection of the street right-of-way lines and a line connecting two (2) points which are located on those intersecting right-of-way lines and a line connecting two (2) points which are located on those intersecting right-of-way lines 30 feet from the point of intersection of the right-of-way lines. The three (3) foot height limit shall be measured from the lowest elevation of the segment of the intersecting roads' centerline which lays between the point of intersection of the other centerline and the extension of line drawn through the points thirty (30) feet from the intersection of the right-of-way lines. (See Figure 8-2).

B. No fence, wall, sign, screen, any planting, berm, boulder, or other structure shall be erected or maintained in such a way as to obstruct vision between a height of three (3) and ten (10) feet within the triangular area formed by the intersection of a street right-of-way line and a driveway and a line connecting two points which are located on the right-of-way line and the driveway twenty (20) feet from the point of intersection of the right-of-way line and driveway. The three (3) foot height limit shall be measured from the lowest elevation of the segment of the intersecting road and the driveways' centerlines which lays between the point of intersection of the centerlines and the extension of the line drawn through the points 20 feet from the intersection of the right-of-way line and driveway. (See Figure 8-3).

Section 8.16 PERFORMANCE GUARANTEE

In all cases the Planning Commission may, due to weather conditions, seasonal availability of plant materials, or other factors, require a performance guarantee equal to the estimated cost of the plant material and installation cost. Such performance guarantee shall be related to the various vegetation or planting plans shown on the site plan. Such performance guarantee shall be processed according to the requirements of Section 16.10.

Section 8.17 WAIVER OF LANDSCAPING, BUFFERING AND FENCING REGULATIONS

A. Planning Commission Modification: Any of the requirements of this Article may be waived or modified through Site Plan approval, provided the Zoning Administrator for minor site plans or the Planning Commission for major site plans, first makes a written finding that specifically identified characteristics of the site or site vicinity would make required landscaping, fencing, buffering or screening unnecessary or ineffective, or where it would impair vision at a driveway or street intersection.

B. Board of Appeals: The Board of Appeals may require or waive any fencing, screening, landscaping or buffering as may be provided for in this Article as a condition of a variance or other authorization in whatever manner necessary to achieve an identified public purpose. The Board of Appeals shall record the reason for the condition and clearly specify what landscaping, buffering or fencing is required in any approval granted

FIGURE 8-2
CLEAR VISION ON CORNER

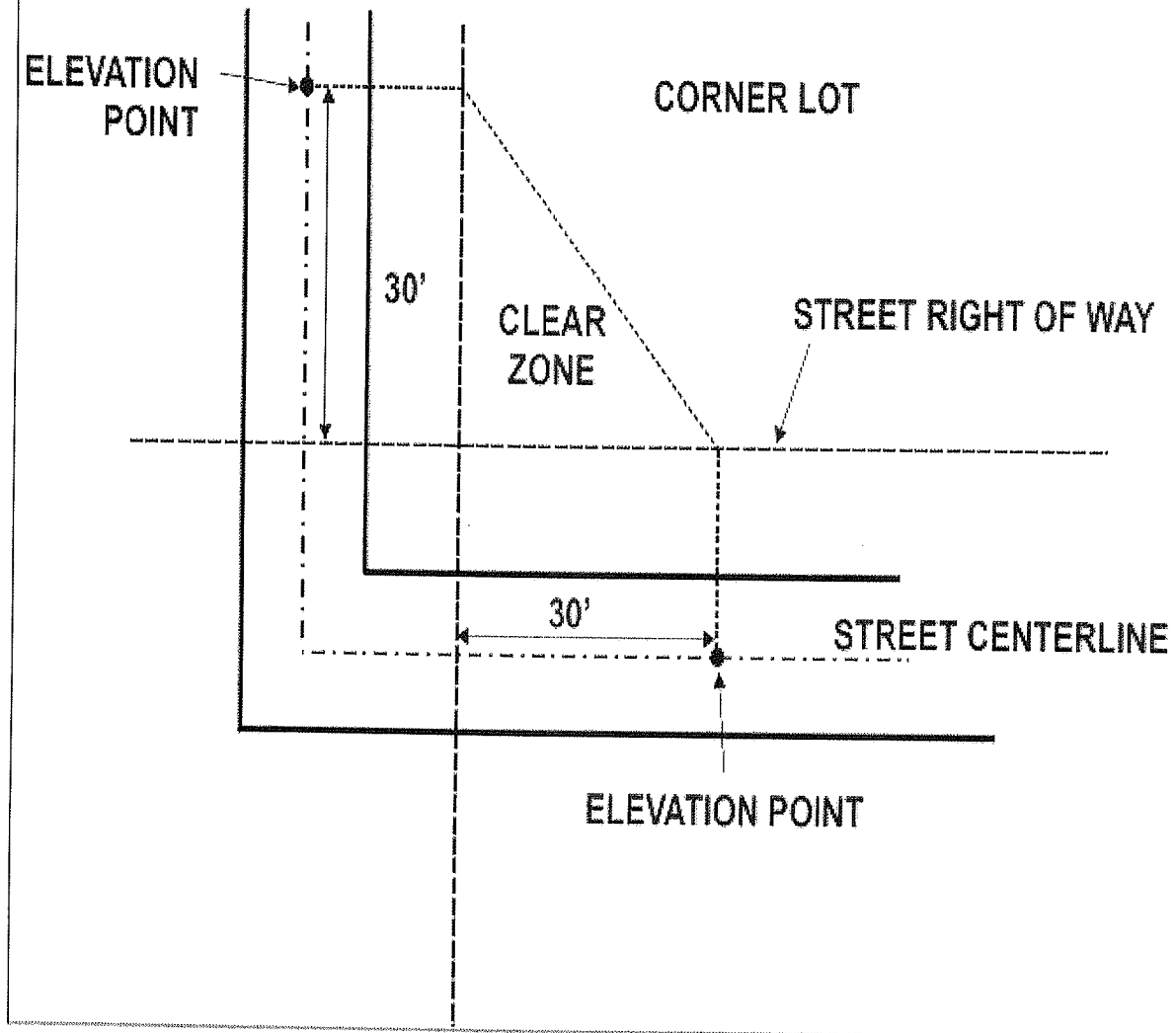


FIGURE 8-3
CLEAR VISION AT DRIVEWAYS

