

ARTICLE 22

LANDSCAPING, BUFFERING, SCREENING & FENCES

SECTION 2200 – Intent

The purpose of this article is to provide landscaping regulations that will enhance the environment and visual character as development occurs within the county limits. The preservation of existing trees and vegetation, and the planting of new trees and vegetation will protect public and private investments, and promote high-quality development. Areas of transition will be created between land uses, in order to minimize adverse visual impacts, noise, light and air pollution. Landscaping will be required to provide separation between parking areas and buildings, which will define pedestrian and vehicular circulation areas and diminish the visual impact of continuous building facades. Therefore, this article requires landscaping to be planted between uses, around buildings, within and around parking lots and along street frontages in order to:

1. Encourage the preservation of existing trees and vegetation and replenish vegetation that is removed;
2. Facilitate the creation of attractive and harmonious communities with the intent to enhance property values;
3. Improve the visual quality of the county by minimizing the negative impacts of development;
4. Reduce environmental impacts, such as, noise, air and light pollution, reduce stormwater runoff and decrease soil erosion, improve water quality, protect wildlife habitat, and reduce heat convection from impervious surfaces;
5. Minimize conflicts between land uses, reduce visual impacts to adjoining properties and public rights-of-way, create a transition between dissimilar land uses, promote and preserve the character and value of an area, and provide a sense of privacy;
6. Establish standards for the location, spacing, quantity, type, size, protection, planting and maintenance of landscape materials in order to accomplish the objectives listed above.

SECTION 2205 – Required Landscape Review

All developments that are subject to Site Plan Review as defined by Article 23 of this ordinance must demonstrate that the requirements of this article will be achieved. No new site development, building or structure shall be constructed, or vehicular use area created or used, unless landscaping is provided as required by this article. Any improvements to an existing development, which includes building additions, vehicular use area expansions, and loading area expansions, shall be required to bring only the new improvements into compliance with this article. Single-family residences and duplexes are not subject to the landscaping requirements of this ordinance.

SECTION 2210 - General Requirements

1. A Landscaping Plan will be required as part of the Site Plan Review process. The information required on this site plan is listed in Article 23, Section 2320, Item 12.
2. The owner of the property is responsible for the maintenance and watering of all landscaping materials, and shall keep all plants in a proper, neat and orderly appearance free from weeds or tall grass, refuse and debris at all times. All unhealthy or dead plant material shall be replaced by the next planting season, or within one year, whichever comes first.
3. All plant material must be installed, according to the approved landscaping plan, no later than the next planting season or within 6 months from the date that a building occupancy permit is issued, season permitting. If no occupancy permit is required all plant material must be installed by the next planting season from the date of approval for the landscaping/site plan.
4. All plant material selected should be able to tolerate their specific planting environment and be easily maintained. Also, all landscaping shall be designed and installed to permit access to any area where repairs, renovations or regular maintenance to site buildings, utilities, etc. are expected.
5. All trees from Plant Type D (See Section 2230) shall be a minimum of six (6) feet (not to include the root ball) in overall height at the time of planting. In addition, all trees from Plant Type A and B shall be a minimum of 2 inches in caliper size (at dbh) and all shrubs from Plant Type E shall be a minimum 24 inches B&B or 3 gallon size at planting.
6. In addition to the designated width of all landscaping strips and the types of plants that are required, some type of ground cover shall be incorporated in the design, which may include any combination of grass, low ground cover, shrubs, flowers, or mulch. Hard surfaces, or gravel, shall not be permitted for use as ground cover.
7. All bufferyards, landscaping strips, and planted areas that adjoin a street; and all vehicular use areas, shall install a minimum six (6) inch high curb along the landscaping strip to protect the planted area from vehicular traffic. If it is determined by the Planning Director or designee that damage from vehicles will not occur, curbing will not be necessary.
8. The Planning Director may require additional landscaping, beyond the requirements of this Article if the developing use will create visual and aesthetic impacts, noise or light impacts, or other negative impacts that will not be reduced by the requirements of this Article.
9. All landscaping shall be located a minimum of 25 feet from the centerline of a public road if the right-of-way is less than fifty (50) feet total or 25 feet half right-of-way. Unless otherwise permitted within this Article or Ordinance the landscaping shall not be permitted within a right-of-way or easement.

SECTION 2215 - Waiver of Requirements

The Planning Director shall have the authority to grant a waiver of any of the requirements in this article upon receipt of a written request that explains the reasoning for the waiver. The Planning Director shall review each written request, and a waiver shall only be granted if an unusual or extreme circumstance exists which causes an unreasonable hardship due to the size or irregular shape of the site and the use being proposed on the site. The Planning Director may also approve an alternative approach if it is determined that the intent and purpose of this article is achieved.

SECTION 2220 – Enforcement

Inspections shall be conducted by the Planning Director, or designee, before and after construction to assure compliance with the submitted and approved Site Plan. Post Development site inspections will be conducted according to Article 23.

SECTION 2225 - Sight Triangles

All required landscaping plans must incorporate sight triangles (see Section 2412) that preserve the visibility of pedestrians and motorists. Any plant material taller than 3½ feet shall not be permitted within sight triangles. Plant material includes trees that are limbed up, because a mature tree trunk can impair motorist visibility.

SECTION 2230 – Plant Types

The Plant Types listed below are arranged by size of plant at maturity and evergreen or deciduous plant types. The height is measured from the surface of the planted area to the top of the plant (does not include the roots of the plant) or by container size. All plants selected from each plant type shall be indigenous to this region or capable of flourishing within the proposed planting area. Information about the proposed plants may be required for review and verification of the plant type from the nursery.

1. Plant Type A Large deciduous trees over 50 feet in height at maturity;
2. Plant Type B Medium sized deciduous tree from 25 to 50 feet in height at maturity;
3. Plant Type C Large shrubs or small trees 10 to 25 feet in height at maturity.
4. Plant Type D Large evergreen trees over 50 feet in height at maturity;
5. Plant Type E Shrubs that include all sizes and ground cover.

SECTION 2235 – Berming

Berming, which is an earthen mound that is designed to provide visual interest, screen undesirable views, and decrease noise, may be used as an effective method of landscaping and

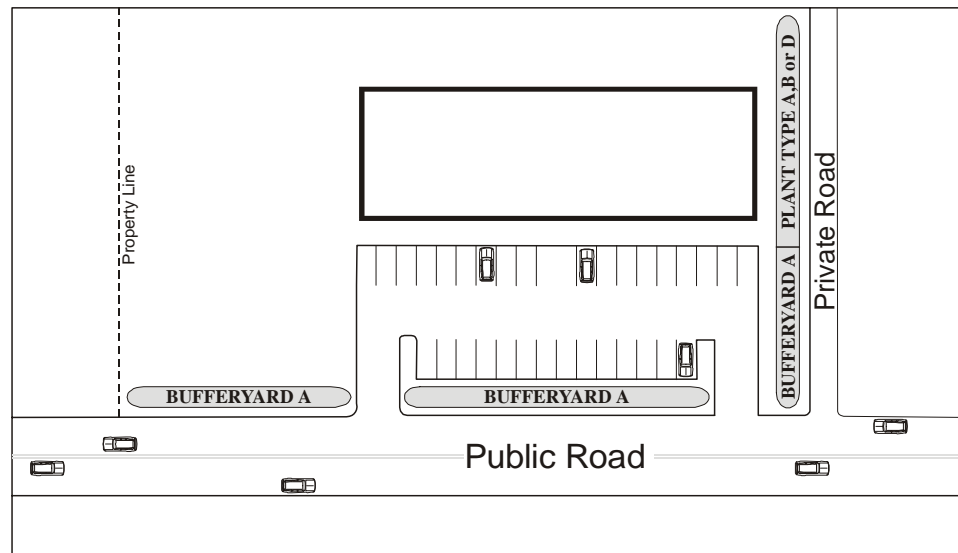
screening in accordance with the following guidelines:

1. The berm shall be located between the right-of-way and the building setback lines;
2. Berming shall generally vary in height, width and length to create a free-form naturalistic effect;
3. The slope of a berm shall not exceed a 2.5:1 ratio;
4. The use of berms may reduce the size and number of plants required by a specific bufferyard, if it is specified in Section 2260;
5. The design of berms shall include provisions for drainage that is tied into entire site system if necessary or applicable.

SECTION 2240 - Landscaping Along Street Frontages

When a developing use adjoins a street, regardless of whether it is public or private, landscaping shall be required from Bufferyard A (See Table 22-2) along the entire street frontage. This landscaping is not required to be placed in a linear design, but shall be required to be dispersed throughout the street frontage and not clustered entirely at the ends of the property. This landscaping will provide screening for vehicular use areas, while also allowing flexibility for uses, which require high visibility from street frontages. If the street frontage (area between the building and the street) does not contain a V.U.A., then only the trees from Plant Type A, B, or D shall be required. The required plants from Plant Type C and E can be reduced by fifty (50) percent if the bufferyard width is increased to twenty (20) feet and eliminated if the bufferyard is increased to thirty (30) feet. However, in all cases the trees from Plant Type A, B, or D shall still be required. The required landscaping is illustrated in *Figure 22.1*.

Figure 22.1 – Street Frontage Landscaping



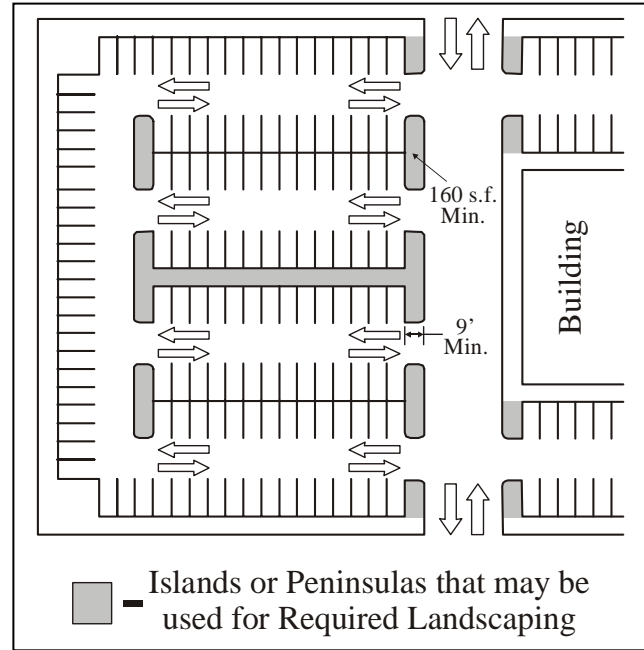
Activities, such as outside storage, loading/unloading areas, parking of semi-trailers and heavy equipment or other unsightly activities or operations which do not require public visibility for the operation of the use, shall be required to provide screening found within Bufferyard C. The width of bufferyards required in this section shall be as identified in *Table 22.2*.

SECTION 2245 - Interior Landscaping for Vehicular Use Areas (VUA)

Landscaping shall be provided for vehicular use areas that contain more than 20 parking spaces, and designed in accordance with Article 21, Article 24, and the following standards:

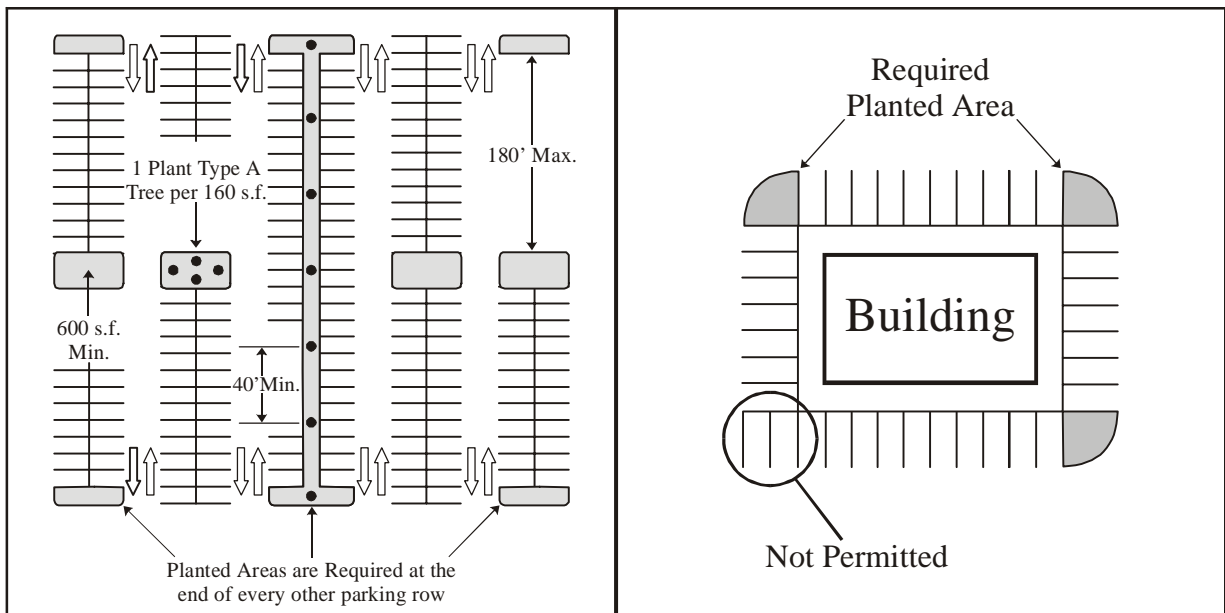
1. A minimum of 5 percent of the total VUA shall be landscaped and the landscaping shall be dispersed throughout the paved area, as illustrated in **Figure 22.2**. This landscaped area cannot be combined into one large planting area, except as permitted by Item 5 of this section. This interior landscaping shall be in addition to any other planting or landscaping required within this article;
2. The VUA landscaping shall contain a variety of trees from Plant Type A and be dispersed in the form of islands or peninsulas throughout the VUA, as illustrated in **Figure 22.2**. The minimum size of planting areas shall be 9 feet in width and 160 square feet in size;

Figure 22.2 - Interior Landscape Measurement & Design



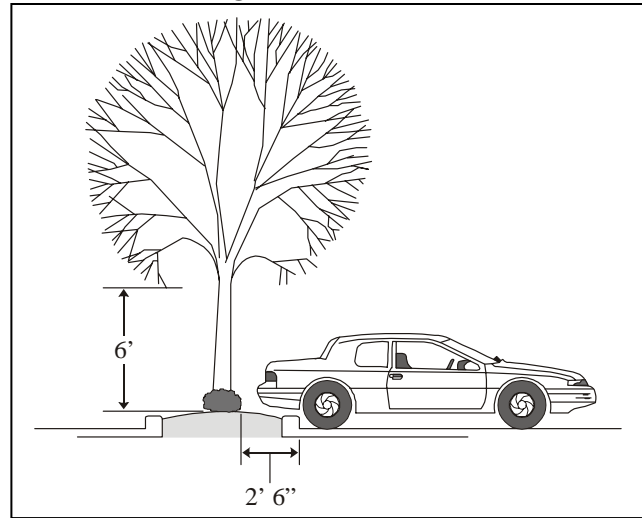
3. Planted areas will be required to have 1 tree from Plant Type A per 160 square feet of area and 1 tree per 40 linear feet (or fraction thereof) if designed as in **Figure 22.3**;

Figure 22.3 - Location & Types of Landscape Islands



4. Planted areas shall be required at the end of every other parking row and when parking adjoins each other at or near right angles as illustrated in **Figure 22.3**. Planting areas that are a minimum of 600 square feet will be required if parking rows are unbroken for 180 linear feet or more as illustrated in **Figure 22.3**;
5. Sites that have large uninterrupted circulation areas for tractor trailers and trucks, such as warehouses and distribution centers, can provide one or more large landscaped islands in order to comply with the required 5 percent landscaped area within the large circulation areas;
6. All planting islands shall be covered with grass, low ground cover, shrubs, flowers, mulch or any combination of these. Hard surfaces or gravel shall not be permitted for use as ground cover;
7. All plant material, other than grass or ground cover, that is located within landscape islands where vehicle overhangs are needed shall be setback, from the edge of pavement or face of curb, a minimum of 2' 6" as is illustrated in **Figure 22.4**.

Figure 22.4 - Landscape Island Where Vehicle Overhangs Are Needed



SECTION 2250 – Building Landscaping

Any building with a blank facade, or blank portion of a facade, that is not used for outdoor display, storage or loading shall be required to provide the following landscaping if the wall is visible from a public right-of-way. Blank facades shall be classified as any wall that does not have windows used for display or entry doors for customers or the general public. Buildings that are 10,000 square feet or smaller shall be exempt from the requirements within this section.

1. The plant types found within Bufferyard A shall be required to break the mass and visual monotony of long blank facades. The landscaping is not required to be placed in a linear design, but shall be dispersed throughout the entire length of the blank facade. If the required bufferyard can be used to adequately reduce the view of the facade from the public right-of-way, no building landscaping shall be required. The Planning Director shall make the determination of whether the required bufferyard can be used for building landscaping;
2. Facades that adjoin a VUA shall have a minimum width of 8 feet for the required planting area. This planting area can be reduced to 4 feet if sidewalks are installed;
3. Landscaping should not be installed in an area that is planned for future expansion and shall not be installed in an area that is used for an emergency exit from the building.

SECTION 2255 – Loading, Storage, Utility & Trash Collection Areas

The loading/unloading areas, storage areas, utility and mechanical equipment and trash collection or compacting areas shall be screened from view of any public street right-of-way and from view of any adjoining residential use. The required screening can be accomplished by a continuous solid closed fence, masonry wall, earthen berm, hedging, evergreen plant materials or combination, which is high enough to effectively screen the items mentioned above from view. Any wall or fence shall be the same or compatible, in terms of texture and quality, with the material and color of the principal building.

SECTION 2260 – Bufferyards

A bufferyard is defined as a planted area that is used to separate uses that are not compatible or provide an aesthetic separation between uses. This planted area should reduce or eliminate noise and light pollution and other adverse impacts, while providing a year-round or partial visual separation. Bufferyards shall consist of a continuous strip of land with screening that shall contain existing vegetation, planted vegetation, a berm, a wall or fence or any combination of these. Bufferyards may be required in addition to any other landscaping requirement defined by this Article except Section 2240. The following are general requirements:

1. The bufferyard shall extend along the entire property line, where the bufferyard is required.
2. A proposed development may reduce the required bufferyard width by one-half if the developing use adjoins an existing use that has an established mature buffer, which meets or exceeds the bufferyard requirements for the adjoining developing use. However, the same quantity of plant material shall still be required within the bufferyard if a healthy planting environment can be provided.
3. The elimination or reduction of bufferyard requirements can be made if a developing site contains healthy mature vegetation. The amount of reduction permitted will depend on the size, type and density of the trees and vegetation that exists on the site. However, the maximum reduction that can be made to the bufferyard width is 50 percent of the required width. The required plant material can be completely eliminated if the existing vegetation accomplishes the type of screening required by the prescribed bufferyard. If this is not accomplished by the existing vegetation, then evergreens, fencing, berming, masonry wall or combination shall be used to supplement the existing screening as required.
4. Bufferyards can be located within building setbacks, and in some circumstances can be located within utility easements or right-of-ways. However, this will require approval by the Planning Director and shall only be permitted if the required amount of plant material can be accommodated in an area in which the plants will be permitted to flourish. Planting within these areas shall require a written agreement from the grantee of the easement or owner of the right-of-way. If the vegetation is removed or damaged because of necessary maintenance or construction, it will be the responsibility of the owner of the property to replace the required vegetation at their expense. No structures or activity can occur within the bufferyard except for ingress and egress to the site (including

driveway connections between adjoining sites), sidewalks, bicycle trails and passive recreation uses. In addition, detention and retention systems can also be located within the required bufferyards if the visual screening requirements are not altered or diminished.

5. The design and exact placement of the bufferyard shall be the decision of the designer or developer, but shall be reviewed during the Site Plan Review process to ensure compliance with this article. Trees and shrubs will be planted a minimum of five (5) feet away from the property line to ensure maintenance access and to avoid encroachment on neighboring property, unless as permitted by Item 7 of this section.
6. When a proposed development adjoins an undeveloped parcel of land the required bufferyard shall be determined by the adjoining property's zoning designation and shall be installed in the time period required by this article as if the adjoining property were developed.
7. Bufferyards A and B, outlined in Table 22-2, can be shared between uses if an easement is provided and recorded which indicates how the maintenance and replacement of unhealthy plants will be accomplished. The width of the shared bufferyard can be reduced by 50 percent from the combined width of the required bufferyards. However, the number of plants required cannot be reduced within the shared bufferyard.

SECTION 2265 - Required Bufferyards

The type of bufferyard that is required is dependent upon the zoning of the use that is being developed and the zoning of the adjoining properties. If the zoning of the developing use is the same as the adjoining property, a bufferyard shall still be required. (See **Table 22.1**) Find the row that corresponds to the use that is being developed, and find the column that corresponds to the zoning of the adjoining property. The type of bufferyard that is required will be denoted in the chart.

SECTION 2270 - Bufferyard Types

Each type of bufferyard is described by the minimum number of plants, and the type of plants, that are required for each 100 linear feet of bufferyard. (See **Table 22.2**) Smaller trees may be replaced with larger trees if desired. The required shrubs within **Table 22.2** shall have a minimum mature height of six (6) feet if not pruned or managed. The number of plants required for a given bufferyard shall be determined by dividing the actual length of the bufferyard by 100, and multiply that number by the number of plants from each plant list required, and rounding to the next higher whole number. A *minimum of two different plant species* that possess similar traits shall be used from each plant type required at an even ratio per 100 linear feet of bufferyard required. Fences or walls that are used within bufferyards shall be located within the center or interior of the bufferyard and the plants shall be installed on both sides of the fence or wall. Fences shall be solid and provide 100 percent opacity. Chain link fences with slats shall not be permitted.

Table 22.1 - Bufferyards Required by Zoning District and Use

Type of Use Being Developed	Zoning of Adjoining Property	Bufferyard Required
MULTI-FAMILY DWELLINGS If the use being developed exceeds 80 dwelling units, and adjoins residential or agricultural zoning then a Bufferyard C is required.	Residential(R) or Agricultural(A)	B
	B-1, B-2 or H-1	B
	M-1, M-2, or M-3	C
MANUFACTURED HOME PARK If the use being developed exceeds 50 home lots, and adjoins a residential or agricultural use, a Bufferyard C is required.	Residential(R) or Agricultural(A)	B
	B-1, B-2 or H-1	B
	M-1, M-2, or M-3	C
B-1, B-2 or H-1 If the developed use exceeds 50,000 square feet, and adjoins a residential or agricultural use, a Bufferyard D is required.	Residential(R) or Agricultural(A)	C
	B-1, B-2 or H-1	A
	M-1, M-2, or M-3	A
M-1, M-2, or M-3	Residential(R) or Agricultural(A)	D
	B-1, B-2 or H-1	B
	M-1, M-2, or M-3	A

Table 22.2 - Bufferyard Types

BUFFERYARD A – 6 FOOT WIDTH
<ul style="list-style-type: none"> • 3 Large, Medium or Evergreen Trees – Plant Type A, B or D • 3 Small Trees – Plant Type C • 20 Shrubs – Plant Type E • Ground Cover is required in all areas not covered with grass or mulch
BUFFERYARD B – 20 FOOT WIDTH
<ul style="list-style-type: none"> • 5 Large, Medium or Evergreen Trees – Plant Type A, B or D • 5 Small Trees – Plant Type C • 40 Shrubs – Plant Type E • Ground Cover is required in all areas not covered with grass or mulch
BUFFERYARD C – 40 FOOT WIDTH
<ul style="list-style-type: none"> • 10 Evergreens – Plant Type D • 5 Large, Medium Trees – Plant Type A or B • 3 Small Trees – Plant Type C • 60 Shrubs – Plant Type E • Ground Cover is required in all areas not covered with grass or mulch <p>Bufferyard C can be reduced to 20 feet wide if a 6 feet high fence, masonry wall or combination is used. If a berm is used, the maximum slope shall not exceed a 2.5 to 1 ratio. The same number of trees, are required but the number of shrubs may be reduced to 30.</p>
BUFFERYARD D – 80 FOOT WIDTH
<ul style="list-style-type: none"> • 20 Evergreens – Plant Type D planted in a double row spaced 10 feet on center in an equal lateral triangle configuration. • 5 Large Trees – Plant Type A or B • 5 Small Trees – Plant Type C • 90 Shrubs – Plant Type E <p>Bufferyard D can be reduced to 40 feet wide if a 6 feet high berm, fence, masonry wall or combination is used. If a berm is used, the maximum slope shall not exceed a 2.5 to 1 ratio. The same number of trees, are required but the number of shrubs may be reduced to 30.</p>

SECTION 2275 – Fences

1. All fences shall have the finished side facing out, with no structural supports visible from adjoining properties, or public street right-of-way unless the fence is designed so that such supports are visible from both sides.
2. Fences shall be permitted within all districts. Fences within Residential Zones shall not exceed six (6) feet in height, and shall be located within the side or rear yards, unless otherwise permitted by item 4 of this section; fences within Business Zones shall not exceed eight (8) feet in height; and fences within Agricultural & Manufacturing Zones shall not exceed twelve (12) feet in height.
3. All fences shall be constructed of durable materials and shall be installed to withstand the natural weather conditions. Fences shall be maintained in good condition at all times.
4. No fence may be located within a public right-of-way nor can it be located in an area which will obstruct the sight triangle for any motorist or pedestrian as defined in Article 24 (*See Figure 24.1*).
5. All fences within front yards—*except those that are established for Agricultural Uses*—shall require a permit. In addition, fences within Residential Districts must be constructed in accordance with the following standards:
 - a. No solid fences may be built to exceed three (3) feet in height, above grade. Fences with “open views” (i.e. with an opacity level of fifty (50) percent or more) may be constructed a maximum of 4 feet in height, above grade (*See Figure 22.5*).
 - b. Fences shall be of a decorative design—chain link, barbed wire, chicken wire and similar type fences are not permitted.
6. In situations where fencing for outside storage is proposed or exists, a site plan must be submitted to, and approved by, the Planning Director or designee (See also Article 25, Section 2578).

Footnotes:

Please refer to Article 25, Section 2546 of the Dearborn County Zoning Ordinance for fencing requirements for pools.

Please refer to Article 25, Section 2554 of the Dearborn County Zoning Ordinance for fencing requirements for ponds.

Please refer to Title 32, Article 26 of the Indiana Administrative Code for state fencing requirements (IC 32-26).

Figure 22.5 – Solid and Open Fences in Residential Districts

