

9.5 **INSTALLATION AND MAINTENANCE**

All plant materials shall be nursery grown and conform to the requirements described in the latest edition of the American Standard for Nursery Stock, as amended from time to time by the American Association of Nurserymen.

9.5.1 **Trees**

All trees planted as part of a required landscaping plan shall conform to the following standards and provisions at the time of planting:

- A. Caliper measurements shall be taken six (6) inches above grade for trees under four (4) inches in diameter and twelve (12) inches above grade for trees four (4) inches or larger in diameter.
- B. Minimum branching height for all shade trees shall be four (4) feet.
- C. Minimum size for shade trees shall be two and a half (2 1/2) inches in caliper.
- D. Minimum size for ornamental trees shall be one and one half (1 1/2) inches in caliper
- E. Minimum size for evergreen trees shall be four (4) feet in height.

9.5.2 **Responsible party**

For the purposes of administering and enforcing this Ordinance, the owner of the property shall be responsible for the maintenance, repair, and replacement of all landscaping materials on the premises. The owner shall further be responsible for ensuring that all landscaped areas are kept free of refuse and debris, and that any fence, wall or barrier that is required by this Ordinance is maintained in good repair.

9.5.3 **Dead, dying or damaged plant materials**

All plant materials that die shall be replaced with plant materials which conform to the standards of this Chapter within thirty (30) days of the plant material's death. If weather conditions inhibit installation of new plant materials the required landscaping shall be replaced with plant materials which conform to the standards of this Chapter within six (6) months of the plant material's death. Extensions of time may be granted by the Executive Director on a case-by-case basis.

9.6 **FENCING**

Anyone with the intentions to install a fence whose property is located in a Flood Hazard Area, regardless of zoning district or use, must obtain a permit from the Department of Natural Resources in addition to complying with the requirements of this Section.

Fences are allowed within any zoning district, provided that they are in conformance with the provisions of this Section. When not located in a Flood Hazard Area, fences used in conjunction with farming activities, parks or utilities shall be exempt from these

9.6.1 Construction materials

Unless otherwise specified by this Ordinance, all fences shall be constructed of wood, vinyl, wrought iron, chain link, stone/rock or masonry materials. In no instance shall a barb wire or electric fence be allowed in a residential district.

9.6.2 Height

Unless otherwise specified in this Ordinance, no fence shall exceed six (6) feet six (6) inches in height as measured from any grade point to the top of the fence or fence structure at that point.

9.6.3 Front yard limitations for residential uses

No fence taller than three and one half (3 ½) feet may be placed between the front of the primary structure, (the side where the address is required to be posted), and the road right-of-way. No fence that is more than fifty percent (50%) opaque may be placed within a front setback buffer. In the case of a lake area property, this front yard limitation applies only to the property lines which abut a road.

9.6.4 Decorative fences for residential uses

Fencing which is intended for decorative purposes only may be allowed on any part of a parcel, provided that it does not exceed three (3) feet in height.

9.6.5 Non-residential fences

1) Fences intended for use in conjunction with a business or industrial operation or for use by a branch of government and not exempted elsewhere in this Section, shall comply with Subsections 9.6.1, 9.6.2 & 9.6.3 of this section except that the fence must not encroach a front setback requirement.

2) Security Fences: Fences in a business (B-1, B-2, B-3 and B-4), industrial (I-1 and I-3) district or used by a branch of government, that are intended for security purposes shall only be allowed under the following conditions:

A. Such fences shall be allowed within a side or rear yard area, but shall be prohibited in a front yard setback;

B. The property owner or occupant must provide to the Executive Director, in writing, a justification of the need for a Security fence;

D. Security fences shall be of common chain link construction and may not be more than fifty (50) percent opaque (other materials may be used upon written approval by the Executive Director if, in the opinion of the Director, such materials are needed to accomplish the security objectives of the property owner or occupant and do not create an unsafe or nuisance condition);

E. Security fences shall not exceed eight (8) foot four (4) inches in height; and,

F. Barbed wire use shall not be allowed.

3) Fences for security purposes in an I-2 district may be placed in a rear, side or required front yard area subject to the following provisions:

- A. The fence is a minimum of fifteen (15) feet from the front property line;
- B. In no instance shall the fence exceed eight (8) feet four (4) inches in height, with the exception of fences with barbed wire. Fences with barbed wire may add up to three (3) strands of barbed wire on top of the fence for a total maximum fence height of eleven (11) feet; and,
- C. Security fences shall be of common chain link construction (other materials may be used upon written approval by the Executive Director if, in the opinion of the Director, such materials are needed to accomplish the security or nuisance objectives of the property owner or occupant) and may not be more than fifty (50) percent opaque

Security fences shall not be allowed in any R-1, R-2, R-3, R-4 or L-1 zoning district except in cases where the property is used by a branch of government.

9.6.6 Municipal Regulations

Any fence constructed on a property located within a City or Town boundary or within the defined limits of Buffalo or Idaville is, in addition to the requirements provided for elsewhere in this Section, required to comply with the following:

- A. Prior to initiating construction of any fence, other than those exempted in Section 9.6, a property owner or contractor must obtain an improvement location permit from the Area Plan Department;
- B. If your property all or partially lies within a Special Flood Hazard Area, you are required to obtain a permit from the Indiana Department of Natural Resources in addition to the local permit required by Subsection 9.6.6 A;
- C. Any fence on a property used for any purpose, other than single or two-family residential purposes, may not place any portion of the fence within a front yard setback unless specifically provided for elsewhere in this Chapter;
- D. Any fence or portion of a fence extending into a front yard setback may not be taller than three and one-half (3 ½) feet tall; and,
- E. No fence or portion of a fence extending into a front yard setback may be more than fifty (50) percent opaque.