

**Article XV
LANDSCAPING, BUFFERING & FENCING**

Section 15.1 PURPOSE

The purpose of this Article is to provide regulations and requirements for lighting, landscaping, buffering and fencing the perimeter of certain activities in order to protect the character of the surrounding area, discourage theft, stabilize soils, control wind-blown dust and debris, prevent light from glaring onto adjoining properties, reduce stormwater runoff, increase groundwater infiltration and reduce noise.

Section 15.2 LIGHTING REQUIREMENTS

- A. All outdoor lighting above 150 watts, including illuminated signs, shall be placed, and shielded to reduce glare and reflect light away from adjacent Residential Districts and adjacent dwelling units as well as to prevent interference with the vision of persons on adjacent highways.
- B. All freestanding outdoor lighting shall not exceed thirty (30) feet in height except to light a public athletic field, except for lighting located in public rights-of-way used to light public streets.
- C. All off-street commercial parking areas open to the public shall be illuminated by natural or artificial light during all hours of operation, and not more than thirty (30) minutes after the business closes.
- D. All lighting in business districts used for the external illumination of buildings, so as to feature said buildings, shall be placed and shielded so as not to interfere with the vision of persons on adjacent roads and streets or adjacent property.
- E. Illumination of signs shall be directed or shaded downward so as not to interfere with the vision of persons on the adjacent roads and streets or adjacent property.

Section 15.3 RIGHT-OF-WAY PROTECTION AND PUBLIC SAFETY

15.3.1 General: No structures or buildings shall be placed, nor shall any landscaping be planted in the right-of-way of a public road or street.

15.3.2 Clear Vision Areas:

- A. In order to preserve sight distance, an unobstructed view shall be maintained within the triangular areas illustrated on Figures 15-1 and 15-2 and described below:
 - 1. Where the speed limit is less than thirty (30) miles per hour, at the intersection of two streets, or where a street intersects with an alley: a triangle defined by measuring twenty-five (25') feet in length along each street/alley right-of-way line from their point of intersection, the third side being a diagonal line connecting the first two.
 - 2. Where the speed limit is thirty (30) miles per hour or more, at the intersection of two streets, or where a street intersects with an alley: a triangle defined by measuring fifty (50') feet in length along each street/alley right-of-way line from their point of intersection, the third side being a diagonal line connecting the first two.
 - 3. At the intersection of a driveway and a street: Two sides of the triangle defined by measuring twenty (20') feet in length along the edge of the driveway and along

the street right-of-way line and the third side being a diagonal line connecting the first two. Both sides of the driveway shall be protected.

- B. No shrubs, ground covers, boulders, berms, fences, or other material constituting visual obstructions shall exceed a height of thirty (30") inches above grade of the lower roadway or driveway adjacent to the triangular areas.

Figure 15-1
Clear Vision at Corner Lots

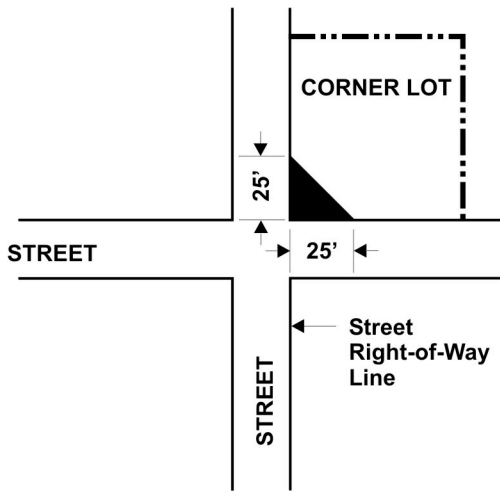
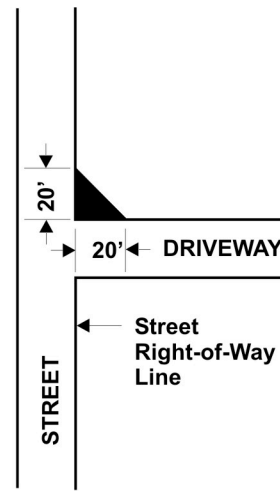


Figure 15-2
Clear Vision at Driveways



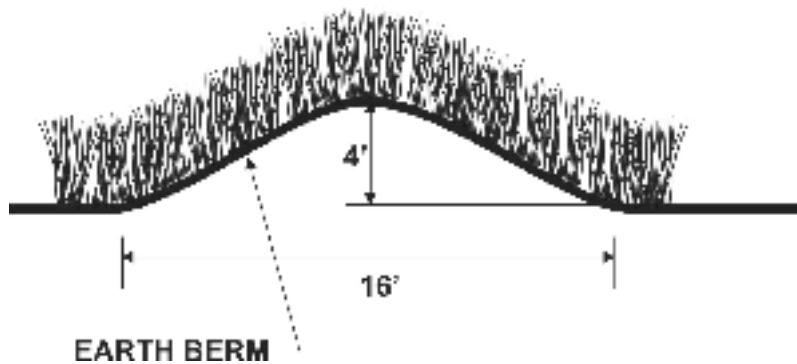
Section 15.4 REQUIRED VEGETATION

15.4.1 Required Vegetation: Except where existing vegetation is adequate to achieve the screening requirements of this Ordinance as determined by the Planning Commission, a greenbelt, buffer strip, or berm when required by this Ordinance or by the Planning Commission as a condition to the approval of a Site Plan, Special Use Permit, Planned Unit Development Permit or variance, shall be installed and maintained in a healthy living condition for the duration of the principal use of property in accordance with the following requirements. Where the Ordinance or Planning Commission does not specify which option to use, the applicant shall choose. Necessary drives and accessways from public rights-of-way through greenbelts, buffer strips or berms may be permitted. This Section does not apply to uses by Right unless there is a variance request which requires consideration of landscaping.

- A. A greenbelt shall consist of an open space strip running along the property line at least thirty (30) feet in width, seeded and maintained as grass or other plant ground cover. Trees or shrubs may be planted at the discretion of the landowner, subject to any applicable County Ordinances.
- B. A buffer strip shall consist of a landscaped strip at least fifteen (15) feet in width containing at least two (2) trees plus one (1) additional tree for each twenty (20) feet in length of the buffer strip. Said trees shall be at least one and three-fourths (1¾) inches in diameter measured six (6) inches above ground level, at the time of planting. Dead or dying trees shall be replaced within eight (8) months. Landscaping, such as grass or other plant ground cover, mulch, or bark or stone, shall completely cover area not planted in trees or shrubs.

- C. A berm shall consist of a linear mound of earthen material rising to a height of at least four (4) feet with a minimum base of sixteen (16) feet covered and maintained as grass or ground cover and constructed in accordance with the diagram below, or with a base of at least four (4) times the desired height of the berm. A berm shall not be higher than a permitted fence in the location. A fence or living fence may be erected on a berm, so long as the combined height of the berm and the fence does not exceed the permitted fence height in the location. The width of a berm may be reduced by up to fifty percent (50%) if a retaining wall is used, but the retaining wall must be on the side of the berm not facing the nearest property line. See Figure 15-3.

**Figure 15-3
BERM DIMENSIONS**



15.4.2 Keep Landscaping in Living Condition: It shall be the owner's responsibility to see that any landscaping installed as a condition of development approval is maintained in a neat, clean, orderly and healthful condition. This includes, among other things, proper pruning, mowing of lawns, weeding, removal of litter, replacement of plants when necessary, and the regular watering of all plants.

15.4.3 Native Vegetation: Planting of landscaping using vegetation native to Keweenaw County is strongly encouraged.

15.4.4. Maintain Native Vegetation: Every property owner is encouraged to protect existing native vegetation along roadways. See guidelines in Section 6.4.

Section 15.5 SCREENING

15.5.1 Transition Zone Between Land Uses and the Street: Any nonresidential land use, plus all hotels, motels, apartment buildings and mobile home parks shall have screening constructed along all adjoining boundaries with residentially zoned or used property and along all public rights-of-way. Either a landscape buffer pursuant to Section 15.4, fence or solid wall pursuant to Section 15.6 may be used.

15.5.2 Mechanical Equipment: When located outside of a building, support equipment including air conditioning and heating devices, but not including plumbing or exhaust

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vents or chimneys, is to be screened to the height of the particular piece of equipment, as follows:

- A. Roof-Mounted or Wall-Mounted Equipment: To be screened by architectural features from the view of pedestrians on abutting streets and parcels.
- B. Other Exterior Equipment: To be screened by landscaping, a solid wall or fencing from the view of pedestrians on abutting streets and parcels. Such equipment is encouraged to be installed on the rear slope of the building.

The above requirement does not apply to single-family residential or two-family residential uses.

15.5.3 Outdoor Storage of Trash or Rubbish: All areas used for the storage of trash or rubbish in dumpsters and other commercial containers shall be screened by a solid fence, wall or dense plant materials no less than six (6) feet in height to keep from the view of pedestrians on abutting streets and parcels. If a fence is used, view obstructing doors at least six (6) feet in height shall be installed and kept closed except when accessing.

15.5.4 Exceptions to Screening and Fencing Requirements:

- A. Required screening or fencing may be omitted along any lot line where a building wall exists immediately abutting the lot line.
- B. Any fence, landscape screen, wall or hedge which does not conform to this Ordinance and which is legally existing at the effective date of this Ordinance may be continued and maintained, provided there is no physical change other than necessary maintenance and repair; unless otherwise regulated by this Ordinance.

Section 15.6 FENCES AND WALLS

- A. 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.
- B. No fence or wall more than six (6) feet in height shall be erected unless a Building Permit has been obtained from the County; no Building Permit is needed for a living fence. A living fence is not limited to the height requirements of other fences.
- C. A fence or wall shall not be constructed in such a manner as to expose structural elements of the fence or wall to adjacent properties while concealing those elements from within the property on which the fence or wall is located. For example, in the case of a picket fence, the pickets must be placed on the side of the fence closest to the nearest adjacent property line. In other words, the finished side of the fence must face the abutting property.
- D. No fence, wall, or structural screen other than plant material shall be erected higher than eight (8) feet in a nonresidential district.
- E. No fence shall be required to be higher than five (5) feet in height between uses within the same District.
- F. Fences located in the front yard or between the front lot line and the building line shall not exceed four (4) feet in height, measured from the surface of the ground. Except in a clear vision area (see Section 15.3) fences in the front yard may be solid for not more than three (3) feet in height. No chain link is permitted in front yards of R-1, R-2, RR or PUD districts. 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. All fences shall be

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constructed so as to allow the passage of air through the fence to an adjacent dwelling.

- G. Fences, walls, or obscuring walls shall not contain barbed wire, electric current or charge of electricity (except in A, TR, M-1 and M-2 Districts), glass, spikes, or other sharp protruding objects. Notwithstanding the foregoing provision, security fences six (6) feet high or more may include up to eighteen (18) inches of barbed wire in an industrial district or ED district, 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.
- H. The Zoning Administrator may require the removal, reconstruction or repair of any fence, wall or screen not in good condition as a condition of any application for approval under this Ordinance.