

Article IX. Buffers and Screening*

Sec. 36-520. Purpose and Intent.

(a) This article is designed to provide for the establishment of minimum livability, green open space and maximum required visual screening between dissimilar uses and public thoroughfares. Further, it is intended to promote the safety and welfare of the general public. This article establishes standards for the placement, retention or replacement of areas designated as foliage, including trees, shrubs, grasses and other ground covers, together with fences or man-made structures appropriate for a land use and its activity areas.

(b) Specifically, the purposes of this article are to encourage:

- (1) Superior development and redevelopment through introduction of enhanced design criteria.
- (2) Provision of more effective landscaping and buffering of nonresidential uses.
- (3) Minimum disruption of neighborhoods through introduction of visual and physical barriers.
- (4) Better utilization of sites with physical or geographic constraints or special features.
- (5) Preservation of large trees and other natural vegetation.

(Ord. No. 18,360, § 1, 9-26-00)

Sec. 36-521. General provisions.

(a) The provisions of this article are intended to be harmonious, compatible and supportive of those included within the landscape, land alteration and stormwater management ordinances of the city. All plans for the provision of required buffer areas shall incorporate the design standards set forth within these several ordinances.

(b) These regulations are not intended to be additive in any respect, but shall overlay the area specified by the landscape, stormwater management and land alteration ordinances.

(c) The areas designated on a plan for buffers shall be designed and developed utilizing the following elements:

- (1) Plantings, trees, ground cover and ornamental or structural embellishments as may be required by the landscape ordinance.
- (2) Stormwater detention areas, floodways, major drainage easements and hillside buffers, as defined in the stormwater management ordinance, so long as these areas are not hard-surfaced.

(3) Surfacing materials that are impervious to the passage of water shall be prohibited except as may be authorized by the landscape ordinance.

(4) All applications submitted for planning commission review as a conditional use permit, planned development or site plan review process shall submit a general plan for treatment of the areas required as buffers. This plan may be general with respect to variety and quantity of trees or shrubs but shall include a sketch grading plan.

(d) These provisions shall extend to include the development or redevelopment of all properties currently classified as multifamily, office, commercial or industrial.

(e) The right-of-way of any dedicated public thoroughfare or private street authorized by the planning commission shall not be used in computing the depth or area of any buffer.

(f) A minimum of seventy (70) percent of the land use buffer shall be undisturbed. The right-of-way of any utility easement shall not be used in computing the depth or area of land use buffer in developments abutting property used or zoned for single-family or two-family use under R-1, R-2, R-3, R-4, PRD and PDR. (Ord. No. 18,360, § 1, 9-26-00; Ord. No. 18,369, § 2, 10-10-00)

***Editor's note-Section 1 of Ord. No. 18,360, adopted Sept. 26, 2000, deleted Art. IX in its entirety and enacted similar new provisions to replace §§ 36-520-36-526. Former Art. IX derived from Ord. No. 16,832, adopted April 3, 1990; Ord. No. 16,832, adopted March 21, 1995; Ord. No. 18, 228, adopted March 7, 2000; Ord. No. 18,324, adopted Aug. 1, 2000.**

Cross references-Landscaping and tree protection, Ch. 15; landscape ordinance, § 15-81 et seq.; landscaping requirements, § 15-131 et seq.; Stormwater management and drainage, Ch. 29; stormwater management and drainage plans. § 29-61 et seq.; land alteration regulations, § 29-166 et seq.

Sec. 36-522. Buffers required.

(a) This section is designed to provide standards for buffers in multifamily, office, commercial and industrial zones while specifically omitting requirements for buffers or screening by single-family or duplex uses.

- (1) Single-family or duplex uses shall not be required buffering or screening.

- (2) The city official may grant not more than a twenty-five (25) percent reduction of the buffer requirements of this chapter within developments in areas designated mature in chapter 15 of this Code.
- (3) Street buffers shall be a minimum of thirty (30) feet in width when abutting an expressway except within mature area.
- (4) A map of matured areas is available at the department of planning and development.

(b) The following shall constitute the standards for provision of buffers:

(1) *Multifamily uses:* These uses shall provide land use buffers only where abutting single-family and duplex use or zoning. Street buffers shall be required in all instances.

a. *Land use buffer.* All sites developed, modified or enlarged shall provide a land use buffer(s) as follows:

- 1. Side property lines at six (6) percent of the average width of the lot on both sides;
- 2. Rear property lines at six (6) percent of the average depth of the lot;
- 3. The minimum dimension shall be nine (9) feet in all instances;
- 4. The maximum dimension required shall be fifty (50) feet in all instances.

b. *Street buffer.* All sites developed, modified or enlarged shall provide street buffers as follows:

- 1. All street property lines at six (6) percent of the average depth of the lot;
- 2. Street buffers shall not be required for alley frontage;
- 3. The minimum dimension shall be one-half (1/2) the full width requirement but in no case less than nine (9) feet.
- 4. The maximum dimension required shall be fifty (50) feet.

(2) *Office uses:* These uses shall provide land use buffers only where abutting multifamily, duplex or single family usage or zoning. Street buffers shall be required in all instances.

a. *Land use buffer.* All sites developed, modified or enlarged shall provide a land use buffer(s) as follows:

- 1. Side property lines at six (6) percent of the average width of the lot on both sides;
- 2. Rear property lines at six (6) percent of the average depth of the lot;
- 3. The minimum dimension shall be nine (9) feet in all instances;
- 4. The maximum dimension required shall be fifty (50) feet in all instances.

b. *Street use buffer.* All sites developed, modified or enlarged shall provide street buffers as follows:

- 1. All street property lines at six (6) percent of the average depth of the lot;
- 2. Street buffers shall not be required for alley frontage;
- 3. The minimum dimension shall be one-half (1/2) the full width requirement but in no case less than nine (9) feet.
- 4. The maximum dimension required shall be fifty (50) feet in all instances.

(3) *Commercial uses:* These uses shall provide buffers where abutting any use or zoning except office, commercial or industrial. Street buffers shall be required in all instances.

a. *Land use buffer.* All sites developed, modified or enlarged shall provide a land use buffer(s) as follows:

- 1. Side property lines at six (6) percent of the average width of the lot on both sides;
- 2. Rear property lines at six (6) percent of the average depth of the lot;
- 3. The minimum dimension shall be nine (9) feet in all instances;
- 4. The maximum dimension required shall be

fifty (50) feet in all instances.

one-half (1/2) the full width requirement but in no case less than nine (9) feet.

4. The maximum dimension required shall be fifty (50) feet in all instances.

b. *Street buffer.* All sites developed, modified or enlarged shall provide street buffers as follows:

(Ord. No. 18,360, § 1, 9-26-00)

1. All street property lines at six (6) percent of the average depth of the lot;
2. Street buffers shall not be required for alley frontage;
3. The minimum dimension shall be one-half (1/2) the full width requirement but in no case less than nine (9) feet.
4. The maximum dimension required shall be fifty (50) feet.

Sec. 36-523. Screening required.

(a) As a component of all land use buffer requirements, opaque screening, whether a fence or other device, a minimum of six (6) feet in height shall be required to be placed upon the property line side of a buffer.

(b) Where practical and the terrain permits, the required screening shall extend the *full* length of a property where any outside activity is located for a distance often (10) feet on either side of such activity.

(c) The activities to be screened include, but are not limited to, parking lots, drives, sanitation areas, commercial static display of merchandise, loading docks, utility service facilities and heating and air conditioning equipment.

(d) Dumpsters or trash containment areas shall be screened and the screen shall exceed the height of the dumpster or trash containment area by at least two (2) feet not to exceed eight (8) feet total height. This requirement may be modified as to location within the buffer when a circumstance unique to a site indicates that the screening will not serve its intended purpose and may, in some fashion, be inappropriate.

(e) The city official shall review all requests for modification of location and make a determination of appropriateness. The city official shall not have authority to waive a requirement in its entirety.

(Ord. No. 18,360, § 1, 9-26-00)

Sec. 36-524. Exceptions and modifications.

The provisions of this article may be modified and trade-offs permitted with respect to dimension or location within a property boundary. Permitted forms of modification are identified within the landscape ordinance and as follows:

- (1) For purposes of application of this article, no buffer or screening requirement located on an adjacent property may be utilized as a portion of a required buffer, nor allowed to be used in a trade off or modification of a standard.
- (2) Lots or tracts of land unique or unusual in shape, location or access may be permitted to reduce the land use buffers set forth in this article to dimensions not less than the required building setback lines from side and rear property lines.

(4) *Industrial uses:* These uses shall provide land use buffers where abutting any use or zoning except industrial. Street buffers shall be required in all instances.

a. *Land use buffer.* All sites developed, modified or enlarged shall provide a land use buffer(s) as follows:

1. Side property lines at six (6) percent of the average width of the lot on both sides;
2. Rear property lines at six (6) percent of the average depth of the lot;
3. The minimum dimension shall be nine (9) feet in all instances;
4. The maximum dimension required shall be fifty (50) feet in all instances.

b. *Street use buffer.* All sites developed, modified or enlarged shall provide street buffers as follows:

1. All street property lines at six (6) percent of the average depth of the lot;
2. Street buffers shall not be required for alley frontage;
3. The minimum dimension shall be

- (3) The redevelopment of a site utilizing all or parts of an existing building(s) shall not be required to provide land use or street buffers except as follows:
 - a. When the orientation of the building changes to face another lot line or street frontage.
 - b. When new loading docks or building openings are proposed.
 - c. When outside storage of trash, materials, equipment or products are introduced to the site at new locations.
 - d. When new parking, drives or access to the site is proposed.

In these instances, the buffer standards shall apply to the affected lot line only.

- (4) For purposes of lots containing nonconforming building(s) setback(s), the owner/ developer may delete from the required buffer area that area in conflict with the existing building.
- (5) Lots or tracts of land abutting the right of way of a railroad zoned for residential use and held by title separate from, all abutting lands shall not be required to provide land use buffers along the common property line.
- (6) In those instances where a developer proposes to erect a solid wall of face brick or other approved finish on a lot side or rear property line requiring a buffer, the buffer may be reduced when each of the following are applied:
 - a. Not less than the required building setback line established by the zoning ordinance.
 - b. All surface area between the proposed wall and the property line be landscaped as provided within the landscape ordinance.
 - c. The wall to have no openings, doors or signage except as may be required by the building code or fire department as a safety device.
 - d. The wall shall not exceed twenty-six (26) feet in height including the parapet or other roof line structure.

- e. The elevator penthouse and HVAC systems to meet the original buffer dimension, whether roof or building mounted.

- (7) In those instances where a development site abuts a public park or other permanent public open space and where at least one hundred (100) feet of undisturbed natural foliage exists along the common lot line, a buffer requirement along the common property line may be reduced to the minimum landscaping and screening required by the landscape ordinance. Activity areas on the development site along the common line shall be screened as provided in section 36-523 of this article.
- (8) Up to twenty-five (25) percent of a required land use buffer can be moved from one (1) property line to another for purposes of improving visual esthetics or for other appropriate environmental or design concerns. This shall be permitted only when used in concert with tradeoffs in the landscape ordinance.
- (9) For purposes of trade-off, an irregular land area may be substituted for the required parallel street buffer, when the designed intent is to preserve existing trees, foliage or land features. In all instances, the total required land area within the street buffer remain the same.
- (10) For purposes of this section, the city official shall have the authority to interpret the language and specifics of application of the several exceptions. Appeals of the decisions of the city official shall be filed with the board of adjustment.
(Ord. No. 18,360, § 1, 9-26-00)

Sec. 36-525. Permanency of buffer area.

It shall be the responsibility of the landowner to maintain all designated buffer areas in the manner established by the approved plan.
(Ord. No. 18,360, § 1, 9-26-00)

Sec. 36-526. Variance.

Requests for a variance from the standards of this article may be filed with the board of adjustment. The basis for relief and the procedure for filing shall be the same as that established for zoning district variances.
(Ord. No. 18,360, § 1, 9-26-00)

Secs. 36-527-36-529. Reserved.