

ARTICLE 9 COMMON REQUIREMENTS

SECTION 9.0100 BUFFERING AND SCREENING REQUIREMENTS

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General

9.0101 Responsibilities

To reduce the impacts on adjacent conforming uses that are of a different type, buffering and screening will be required. The property owner is responsible for the establishment and maintenance of buffering vegetation and screening in accordance with the requirements of this section unless the abutting use has already provided buffering in compliance with the standards in this Article.

Buffering and Screening Requirements

9.0110 Buffering and Screening Requirements

- A. A buffer consists of a horizontal distance adjacent to the property line. The following standards apply to materials in the buffer:
 1. The following elements are allowed in the buffer: vertical elements such as plants, berms, fences or walls; screening; landscaping materials (including gardens); vegetated stormwater facilities; and garden elements such as arbors, trellises, fountains, ponds, yard accessories and seating. Seating must be at least 5 feet from the abutting property line. Underground, in-ground and overhead utilities are allowed in the buffer. Above-ground installation of mechanical equipment such as for heating, ventilation, renewable energy systems and air conditioning is not allowed in the buffer width.
 2. Unless listed in **Section 9.0110(A)(1)**, projections listed in **Section 9.0901(A)** shall not be allowed in the buffer.
 3. Children's play areas are not allowed in the buffer area.
- B. Buffer tree requirements can count toward yard and site tree requirements. They shall not count toward other requirements such as drive, parking lot and street tree requirements.
- C. For purposes of this section, a vacant lot is a lot that is undeveloped or developed with a non-conforming use. The abutting use of a vacant lot shall be the primarily intended use of the district. Where the adjacent property allows mixed uses, the buffer and screening shall be based on the most

intense conforming use. Least to more intensive uses are as shown in the sequencing in **Table 9.0111(A)**.

1. When the proposed development occurs adjacent to a vacant lot one-half of the buffer and screening shall be provided at the time of the proposed development. The one-half provided by the proposed development shall at least include one-half of the required buffer width and one-half of required buffer shrubs and trees and groundcover. A required fence or wall shall be provided by the more intensive use at the time of its development. The balance of the buffer shall be provided at the time the vacant lot is developed.
2. If the proposed development abuts a property in the LDR-5, LDR-7, TLDR or TR District, the entire buffer shall be provided by the proposed development.
3. If the proposed development is an LDR-5, LDR-7, TLDR or TR District dwelling and abuts vacant land that is primarily intended for a more intensive use, the entire buffer shall be provided by the more intensive use at the time of its development.
4. When a proposed development occurs adjacent to an existing use that has not provided a buffer and screening in accordance to this section, the proposed use shall provide the buffer and screening to the conforming use of the adjacent property.

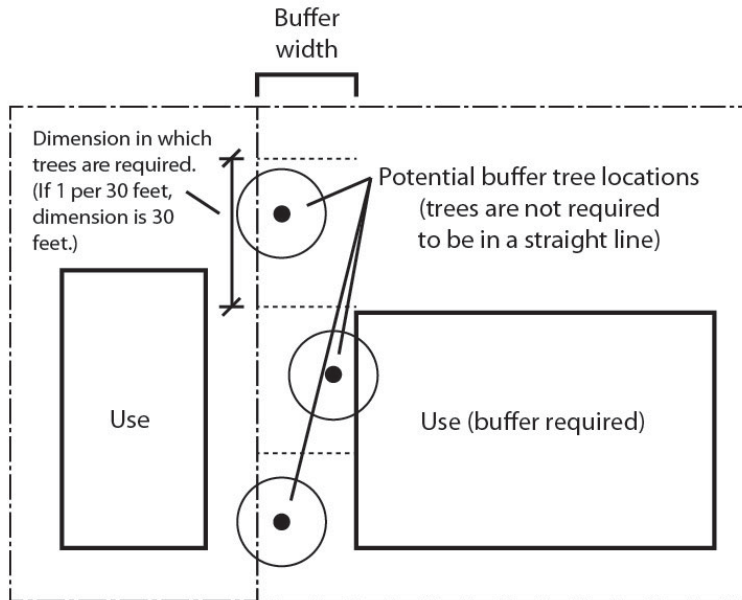
D. Buffers are required across streets only when:

1. Industrial uses are adjacent to single detached dwelling, duplex, triplex, quadplex, townhouse, or cottage cluster uses across streets that have a designated right of way in the Public Works Standards of less than 100 feet. Screening required as part of E or F landscape requirements (as defined in **Table 9.0111(B)**) shall be incorporated. On portions of the site facing the street, the required landscaping shall be oriented toward the right of way.
2. Commercial or Type B (see **Section 9.0111(A)(2)**) uses greater than 10,000 square feet (either in one building or an entire site, including both indoor and outdoor uses) adjacent to single detached dwelling, duplex, triplex, quadplex, townhouse, or cottage cluster uses that are across streets with a designated right of way in the Public Works Standards of 60 feet or less. In this case, screening elements would not be required.

E. Required materials within the buffer, as provided in this Article shall consist of the following:

1. Trees (see **Article 3** for definitions):
 - a. Shade trees capable of at least 25 feet in height and spread at maturity. These trees shall be not less than 10 feet high and 2.5 inches caliper in size at the time of planting and shall be balled and burlapped or container stock. In buffer widths that are less than 15 feet, shade trees shall be capable of reaching a height of at least 25 feet and at least 15 feet of spread at maturity.
 - b. Evergreen trees that are capable of at least 25 feet in height. These must be 8 feet in height at the time of planting and balled and burlapped or container stock.
 - c. At least one tree shall be required to be planted within the area specified in the “Trees” column in **Table 9.0111(B)**. For example, if the standard requires 1 tree per 30 linear feet, at least 1 tree shall be planted in each 30 linear feet. They are not required to be planted in a straight line. See **Figure 9.0110(E)**.

Figure 9.0110(E) Tree Placement in Buffer



2. Evergreen and deciduous shrubs: With the exception of dwarf shrubs such as boxwood, shrubs shall be a minimum of 24 inches high from finished grade and a minimum of 1 gallon size at planting. Shrub selection shall consider which plants will thrive under selected trees and in shade or sun conditions. The shrubs should be planted to obscure the lower portion of any required fence or wall. Hedges required for screening must be a minimum of 6 feet tall at the time of planting.
 3. Ground cover: shall be well rooted in either flats or a minimum of 1 gallon pots. Ground cover selection shall consider which plants will thrive under selected trees and in shade or sun conditions. Ground cover shall cover the balance of the buffer area.
 4. Fences: shall be sight-obscuring so as to provide complete visual separation from the adjacent property. Fences shall be located on or adjacent to the property line unless otherwise indicated in this Article. They also may be proposed for other locations through the alternative buffer plan process.
 5. Walls: shall be a sight-obscuring fence constructed of brick, stone or concrete. Walls shall be located on or adjacent to the property line unless otherwise indicated in this Article. They also may be proposed for other locations through the alternative buffer plan process.
 6. Berms: shall provide a natural appearance through undulating changes in berm height. Berms shall not have a slope greater than 33 percent (1 foot in vertical height for every 3 feet in horizontal distance), except that one side of a berm can be supported by a retaining wall. They shall be landscaped with the required evergreen shrubs and trees from the buffer matrix or additional shrubs and trees. Alternative berm designs can be considered as part of an alternative buffer plan.
- F. Maintenance:** Compliance with the following criteria is required:
1. Inspections. A City representative will perform a final landscape inspection to ensure that the landscape demonstrates equivalent compliance with the approved landscape plan upon completion of the project and before issuance of a Temporary or Final Certificate of Occupancy following a request from the developer.

The inspection time period is from March 1 to November 15. If an inspection is requested between November 16 and the last day of February and the landscaping is not complete, or if the applicant requests a Temporary Certificate of Occupancy to occupy one or more buildings on site prior to the landscaping being completed, a financial guarantee is to be provided based on one hundred and ten percent (110%) of the estimated cost of plant materials and buffer elements (such as walls and fences) and labor for the total landscape plan as indicated in a landscape cost estimate. Beginning March 1, the applicant has 180 days to complete the items or the City will cash in the amount being held and finish the landscape job.

2. Establishment period. The establishment period for the plant material guarantee will begin at the Final Certificate of Occupancy inspection approval to 2 years from that date. All plantings shall be properly planted as to be in a healthy, growing condition at commencement of the establishment period. At the end of the establishment period, any plantings that are 20 percent (20%) dead or greater shall be replaced.
3. Maintenance of required planting by the owner shall be carried out so as to present a healthy, neat and tidy appearance, free from refuse and debris.
4. To ensure proper maintenance and as a condition of Final Site Plan approval, the property owner shall enter into and record with the City a Landscape Maintenance Agreement, or include such provisions as part of the condominium master deed, each of which shall be approved by the City Attorney. Such instrument shall identify the minimum plan of maintenance, the person or entity responsible for maintenance, and shall provide the procedure, authority and finance for City cure of breaches by the responsible entity. Such instrument shall also include: provisions that all unhealthy and dead material shall be replaced within 1 year, or the next appropriate planting period, whichever occurs first; all landscaped areas shall be provided with an operable irrigation system; tree stakes, guy wires and tree wrap are to be removed after 1 winter season; and plantings shall be guaranteed for 2 years after the Final Certificate of Occupancy inspection approval.
5. Responsibility and Certificates of Occupancy. The owner of the property subject to the requirements of this Section shall be responsible for installing and maintaining landscaping per the approved final landscape plan as specified in this Section. Where a person other than the owner occupies the property, the occupant shall also be responsible for maintenance.

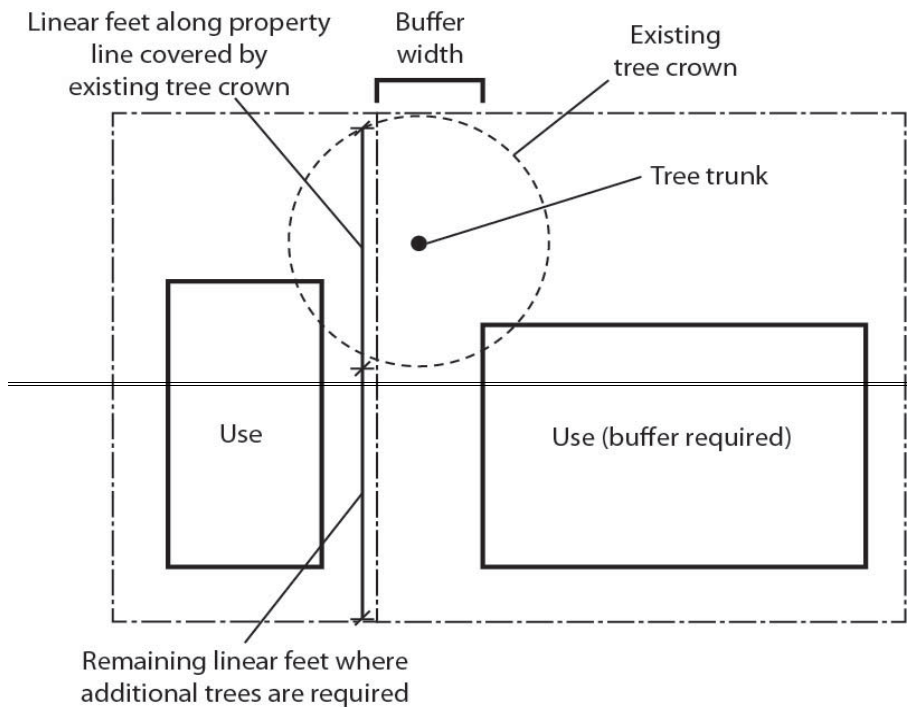
G. When the following situations exist, the buffering and screening may be reduced or eliminated, or alternative means of providing the desired screening may be instituted.

1. Existing buffering and screening: If the subject parcel or abutting use has provided buffering and screening in compliance with this section, the buffering and screening elements already provided (such as trees, fences or walls in good condition, and plant material) may count toward required buffering and screening requirements. For existing trees:
 - a. Existing healthy trees of at least 2.5 inches in diameter breast height that meet the standards of **Section 9.0110(E)(1)** for eventual height and crown at maturity may count toward the trees required in **Table 9.0110(B)**. They shall be protected during construction following the standards in **Section 9.1031**. Existing trees to be counted toward this requirement must be confirmed by a Certified Arborist to be healthy trees.
 - b. If an existing tree or trees counts toward required buffer trees, the tree or trees satisfies buffer tree requirements for the dimension specified in **Table 9.0111(B)** or the entire length of its crown cover along the property line, whichever is larger. To determine

buffer tree requirements along the entire property line, applicants may subtract the linear feet along the property line covered by the existing tree(s) and then determine how many trees are required for the remaining linear feet, as shown in **Figure 9.0110(G)**.

- c. If an existing tree that counts toward required trees is subsequently removed, it shall be replaced according to the standards in **Table 9.0111(B)**.

Figure 9.0110(G) Existing Trees in Buffer



- 2. Alternative plan: In lieu of these buffer width, landscape and screening standards, and at his/her option, the owner may prepare a detailed plan and specifications for landscaping and screening, including plantings, fences, walls, walks, berms and other features designed to afford the degree of desired buffering and screening. Such plans and specifications shall be submitted to the Manager for review. The alternative plan shall comply with the following standards:
 - a. For all uses except single detached dwellings and middle housing, the alternative buffer plan must be prepared and stamped by a licensed Landscape Architect. Landscape plans for stormwater facilities may be designed by either a licensed Landscape Architect or a licensed Civil Engineer; and
 - b. If the alternative plan contains a buffer width narrower than required in **Table 9.0111(B)**, the applicant must demonstrate that the buffer width requirements cannot be met because the applicant desires to protect important natural features (such as a significant or major tree, wetlands, habitat) or because of constrained lot, site or physical conditions; and
 - c. The alternative buffer shall meet the intent of the buffer width, landscaping and screening standards. This includes the proper type, spacing, height, placement and location of required material, including plants, fences and walls. Related to noise, the

applicant shall demonstrate that the materials used will have similar noise absorption or reflection properties, such as by providing Noise Reduction Coefficient ratings or Sound Transmission Class data for barrier materials; and

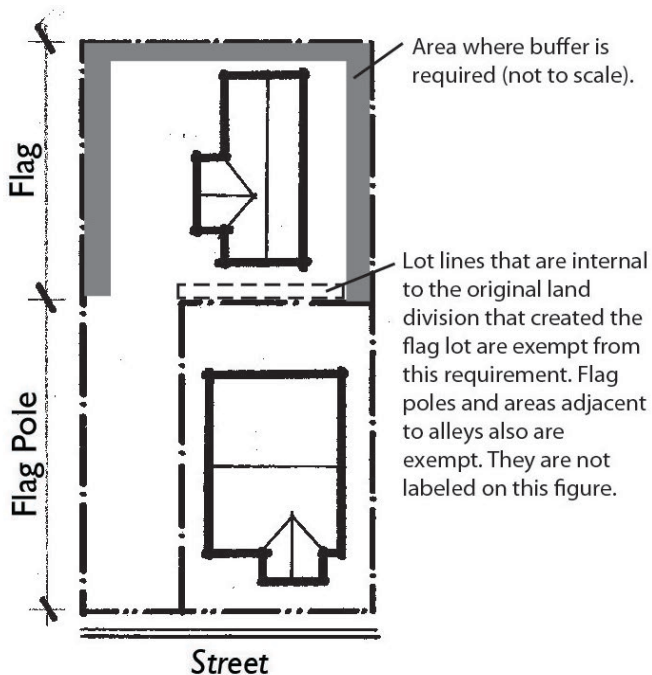
- d. If the buffer width is proposed to be reduced, the number, selection and placement of required materials (such as plants, fences or walls) shall be enhanced to compensate for the reduction in separation to assist in achieving the buffer width, landscape and screening standard's intent.

3. The conversion of hotel or motel to an emergency shelter or to affordable housing under **Section 10.0420** does not require buffering and screening.

H. Development of new residential structures on flag lots shall provide a landscaped area around the perimeter of the flag portion of the flag lot. The flagpole and lot lines that are internal to the original land division that created the flag lot, or adjacent to an alley, are exempt from this requirement (see **Figure 9.0110(H)**).

1. The landscaped area shall be at least 5 feet wide and include a 6-foot evergreen continuous, hedge or a 6-foot fence/wall along the property lines. The landscaped area can overlap with driveway planting strips required in **Section 4.0136**.
2. For lots where the flag portion is greater than 20,000 square feet, the applicant may request to be approved at the Manager's discretion a reduction in the screening (hedge or fence) requirement to limit the fencing to areas where it will address privacy between residential developments near lot lines.

Figure 9.0110(H) Buffers Required on Flag Lots



9.0111 Buffer Matrix

A. Buffer Matrix (**Table 9.0111A** and **B**) Notes:

1. Type A uses are those noise sensitive uses typically subject to a Special Use Review and include:

Elderly Housing, Daycare Facilities, public library, Medical uses, public urban plazas, public neighborhood parks, public community parks, public trails and paths, Religious Institutions and Schools.

2. Type B uses are those uses typically subject to a Special Use Review and are not included as a Type A use. This includes: Commercial Parking, Major Event Entertainment, all Civic Uses except for libraries, Community Services, golf courses, Basic Utilities, and Heliport Facilities.
3. Manufactured dwelling park buffer and screening standards are found in **Section 7.0410** of the Community Development Code.
4. Alternative buffer and screening standards for public trails and paths are found in **Section 8.0117**.

B. Buffer Width. Landscape and Screening Requirements (Table 9.0111(B)) Notes:

1. On lots where the height transition standard of **Section 9.0600** applies and an application will result in structures within 35 feet of the property line that exceed 22 feet in height, the following standards apply:
 - a. If the Buffer Width, Landscape and Screening Requirements provide more than one option, only Option 1 shall be used.
 - b. Alternative buffer plans that reduce buffer width shall not be permitted.

Table 9.0111(A) – Buffer Matrix

	ABUTTING USE								
	Single Detached Dwellings and Middle Housing	Multifamily	Type A Uses	Commercial	Type B Uses	Outdoor Commercial	Auto-Dependent Commercial	Industrial	Springwater Industrial
PROPOSED USE									
Single Detached Dwellings and Middle Housing	-	A	A	A	A	A	A	A	A
Multifamily	C	B	A	C	C	D	D	E	-
Type A Uses	C	A	B	C	C	D	D	E	-
Commercial	C	C	C	-	-	-	-	-	-
Type B Uses	C	C	C	-	-	-	-	-	-
Outdoor Commercial	D	D	D	-	-	-	-	-	-
Auto-Dependent Commercial	D	D	D	-	-	-	-	-	-

Industrial	E	E	E	-	-	-	-	-	-
Springwater Industrial	F	F	-	-	-	-	-	-	-

Table 9.0111(B)–Buffer Width, Landscape and Screening Requirements

(See Figure 9.0111 for buffer illustrations)

Landscaping Standard	Intent	Options	Minimum Buffer Width	Trees	Shrubs	Screening (continuous and site obscuring)
A general landscaping, smallest buffer width	The A standard is applicable where distance is the primary means of buffering. Ground cover is required. Trees and shrubs are encouraged on a voluntary basis.	N/A	10 feet	none	None	None
B high screen, moderate buffer width	The B standard is a landscape treatment that provides physical separation and uses screening to ensure visual separation between uses or development. Physical and visual separation is required.	Option 1	15 feet	1 per 30 linear feet	40 shrubs per 100 linear foot of landscaped area	High shrubs to form a continuous screen a minimum of 6 feet high. (Shrubs must be evergreen); or A minimum 6-foot fence or wall
		Option 2	10 feet	1 per 15 linear feet	40 shrubs per 100 linear feet of landscaped area	A minimum 8-foot fence or masonry wall
C high screen, large buffer width	The C standard is a landscape treatment that provides more physical separation than in the B landscape standard and uses enhanced screening to visual separation. Reduced noise transmission is desired at the ground-floor level.	Option 1	20 feet	1 per 25 linear feet	50 shrubs per 100 linear feet of landscaped area	Multifamily: a minimum 6-foot fence Other uses: A minimum 6-foot masonry wall
		Option 2	15 feet	1 per 15 linear feet	50 shrubs per 100 linear feet of landscaped area	Multifamily: a minimum 6-foot masonry wall Other uses: a minimum 8-foot masonry wall
D high wall, large buffer width	The D standard is a landscape treatment that provides more physical separation than in the B landscape standard. Physical separation is important because the uses involved have more outdoor and noise-producing elements. The D standard also has enhanced screening. Reduced noise transmission is desired at the ground-floor level and is even more important than in the C standard because of the potential for noise-producing activities.	N/A	20 feet	1 per 25 linear feet	50 shrubs per 100 linear feet of landscaped area	A minimum 8-foot masonry wall

Landscaping Standard	Intent	Options	Minimum Buffer Width	Trees	Shrubs	Screening (continuous and site obscuring)
E high wall and larger buffer width	The E standard is a landscape treatment that provides enhanced physical separation in addition to that provided by the C and D standards because of the potential effects of industrial uses. The E standard requires extensive visual screening and reduction of noise transmission at the ground level is required.	N/A	30 feet	1 per 15 linear feet	60 shrubs per 100 linear feet of landscaped area	A minimum 8-foot masonry wall
F high berm and maximum buffer width	The F standard is intended to be used in special instances where the largest physical separation is needed and the most extensive screening of both visual impacts and reduction of noise transmission is needed to protect abutting sensitive uses.	N/A	40 feet	1 per 15 linear feet (trees may be placed on berm)	90 shrubs per 100 linear feet of landscaped area (shrubs may be placed on berm)	A minimum 6-foot berm For berms less than 8 feet, shrubs, trees or a combination of the two landscape elements must be planted at or near the top to ensure the overall 8-foot screen height

Figure 9.011 Buffer Width, Landscape and Screening illustrations

