

## **§7.9 BUFFER YARD REQUIREMENTS**

### **7.9.1 Purpose of Buffer Yards**

Certain uses or zoning districts, because of their character and/or intensity, may create adverse impacts when developed abutting other less intensive uses or zoning districts. A buffer yard provides a transition between these uses and/or zoning districts that minimizes adverse impacts.

### **7.9.2 Required Buffer Yard**

**A.** Table 7.9.2.A Required Buffer Yard Class indicates when and which class of buffer yard is required. Table 7.9.2.B: Buffer Yard Class describes the width and design of each class of buffer yard. Where a use has use standards that require a specific class and/or design of buffer yard, those conditions control over this Section.

**B.** Buffer yards are located within rear and interior side setbacks along the lot lines when indicated in Table 7.9.2.A. Where a rear setback is located along an alley, the required buffer yard may be reduced to a D Class buffer yard per Table 7.9.2.B.

**C.** Buffer yards must be reserved for planting material and screening as required by this section. No parking spaces, loading spaces, or accessory structures and facilities, such as refuse containers or storage, are permitted within the required buffer yard.

**D.** When a buffer yard is required by this section, and a site does not have a buffer yard or the existing buffer yard on the site does not meet the standards of this section, a buffer yard shall be installed when any of the following actions occur:

1. New construction of a principal building, including construction of additional principal buildings within an existing development.
2. Any increase in ground level area by 1,000 square feet or more of existing structures up to 10,000 square feet, or any increase in the floor area by 10% or more of existing structures greater than 10,000 square feet.
3. Destruction of more than 50% of an existing nonconforming structure, as defined by Section 9.4, whose reconstruction does not qualify for an exception under Section 9.2.1.E, shall comply with all buffer yard requirements and shall be treated as new development. If destruction is less than 50%, compliance is not required unless the ground level floor area is increased as described in item c above.

**E.** In the overlay districts of Article 6, buffer yards are to be provided according to the underlying zoning district, unless specifically modified by the overlay district.

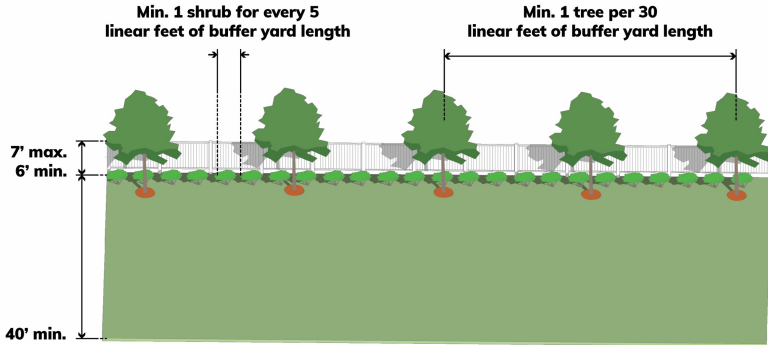
**F.** Certain uses may be required to provide a specific buffer yard as per the use standards of Article 5. Such specific use standards control over the standards of this section.

**G.** In order to determine compliance with this Section, an application for a building permit for property that requires a buffer yard shall include a landscaping plan identifying the planting schedule, buffer yards, and buffer yard features. Landscaping plans shall be submitted as required by Section 7.3.

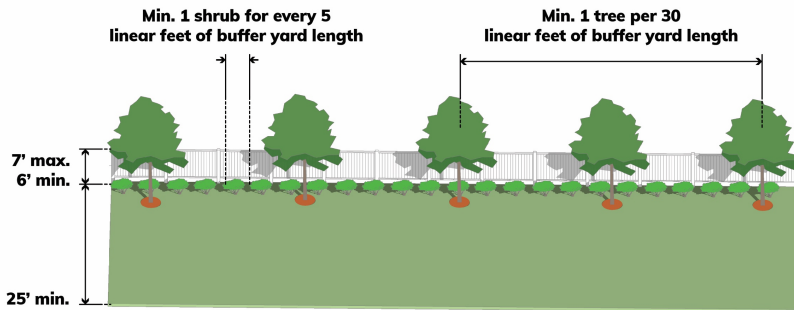
Table 7.9.2.A: Required Buffer Yard Class			
Zoning District of Property Under Development	Development Type Required to Install Buffer Yard	Buffer Yard Required for Development When:	Buffer Yard Class Required
FR, SF-E, SF-12.5, SF-6, SF-4.5	Nonresidential development	Abutting residential use	C
2F	Nonresidential development	Abutting residential use	C
TH	Nonresidential development	Abutting residential use	C
	Townhouse development	Abutting single-family or two-family use	D
MF-1, MF-2	Nonresidential development	Abutting residential use	C
	Townhouse or multi-family development	Abutting single-family or two-family use	C
RP	Nonresidential development	Abutting residential use	C
	Townhouse development	Abutting single-family or two-family use	D
NO, NC	Development in the zoning district	Abutting single-family (Section 4.3) or multi-family (Section 4.4) district	C
	Development in the zoning district	Abutting single-family or two-family use	C
CMU, RMU	Development in the zoning district	Abutting single-family (Section 4.3) or multi-family (Section 4.4) district	C
	Development in the zoning district	Abutting single-family or two-family use	C
RC, RCB	Development in the zoning district	Abutting single-family (Section 4.3) or multi-family (Section 4.4) district	C
	Development in the zoning district	Abutting single-family or two-family use	C
GC, CC	Development in the zoning district	Abutting single-family (Section 4.3) or multi-family (Section 4.4) district	C
	Development in the zoning district	Abutting single-family or two-family use	C
CBD	Development in the zoning district	Abutting single-family (Section 4.3) or multi-family (Section 4.4) district	C
	Development in the zoning district	Abutting single-family or two-family use	C
LI, CI	Development in the zoning district	Abutting any other zoning district except LI, HI, CI Zoning District	B
HI	Development in the zoning district	Abutting any other zoning district except LI, HI, CI Zoning District	A
	Development in the zoning district - required for area along a street frontage	When located across the street from a single-family (Section 4.3) or multi-family (Section 4.4) district	C

Table 7.9.2.B: Buffer Yard Class				
Requirements	Buffer Yard Class			
	A	B	C	D
Width of Buffer Yard	40'	25'	10'	5'
Shrubs	1 shrub per 5 linear feet	1 shrub per 5 linear feet	1 shrub per 3 linear feet	1 shrub per 3 linear feet
Trees	1 tree per 30 linear feet	1 tree per 30 linear feet	1 tree per 50 linear feet	1 tree per 50 linear feet
Fence/Wall Required	Solid fence or wall	Solid fence or wall	Solid fence or wall	Solid fence or wall
Fence/Wall Height	6' min./7' max.	6' min./7' max.	6' min./7' max.	6' min./7' max.

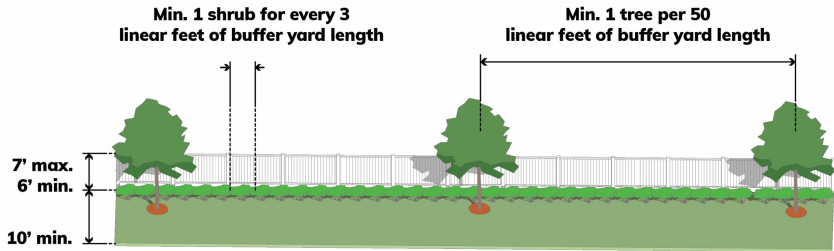
**BUFFER YARD CLASS A**



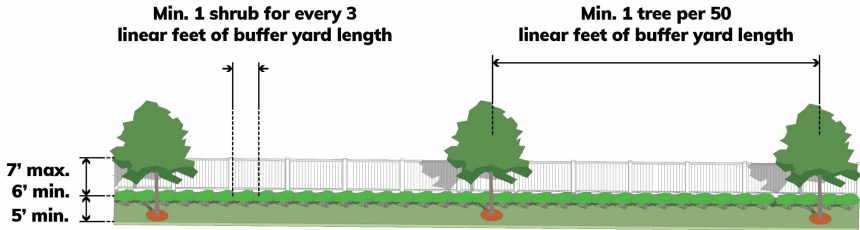
**BUFFER YARD CLASS B**



**BUFFER YARD CLASS C**



**BUFFER YARD CLASS D**



### 7.9.3 Alternative Compliance

Buffer yard requirements may be modified by the Director of Development Services upon findings that a modification would be consistent with the purpose of this Code and the Comprehensive Plan; that such modification would not adversely affect the land use compatibility or public interest; and that the modified buffer complies with one or more of the following criteria:

- A. The zoning buffer yard is parallel and adjacent to an existing utility or drainage easement of at least 50 feet in width.
- B. The zoning district buffer yard is between uses that are to be developed under the control of a common master development plan or series of development plans.
- C. The zoning district buffer yard is adjacent to a property that has a joint use agreement with the subject parcel.
- D. The buffer is parallel and adjacent to an existing railroad right-of-way.
- E. The buffer is parallel and adjacent to an existing jurisdictional wetland.

### 7.9.4 Buffer Yard Design Standards

#### A. Landscape and Design Requirements

In addition to the requirements above, the following also apply:

- 1. The remainder of the buffer yard shall be planted with groundcover or shall contain pervious inorganic material.
- 2. The landscaping shall be protected from vehicular encroachment by curbs, railroad ties, concrete retainers, and other permanent barriers.
- 3. Trees and shrubs may be permitted in underground utility easements with approval from the Director of Development Services, provided a root-barrier system is placed a minimum of two feet from the nearest utility line and to a depth of at least equal to or greater than the depth of the underground utility.
- 4. Where such trees and shrubs are planted, the property owner shall be responsible for replacement of such required vegetation if maintenance or other utility requirements require their temporary removal.
- 5. Canopy trees shall be located no closer than five feet from any structure. Under story trees shall be planted no closer than three feet from any structure.
- 6. Where the adjacent use has an existing fence or wall that is maintained in good condition, a fence or wall is not required in the buffer yard. However, if such fence is removed or falls into disrepair, a fence must be installed by the use required to install the buffer yard within the buffer yard.

#### C. Additional Permitted Uses of Buffer Area

- 1. A buffer may be used for passive recreation and picnic facilities and may contain pedestrian or bike trails, provided:
  - a. No existing plant material shall be eliminated, other than nuisance exotics.
  - b. The total width of the buffer shall be maintained.
  - c. All other requirements of this Section shall be met.
- 2. Other appurtenances which require high visibility and easy access, such as fire hydrants, public and emergency telephones, mailboxes, and bus shelters or benches, also are permitted in a buffer. No screening of such appurtenances shall be required.

3. A buffer is encouraged to retain areas of native habitat and may incorporate water resources including stormwater detention or retention facilities.
4. The buffer may be included as part of the calculation of any required open space or tree preservation.

**D. Use of Walls Within Buffer Yards**

1. Where walls are built within any required buffer yard, they shall meet the following requirements:
  - a. No wall shall be located within any required drainage, utility, or similar easement.
  - b. The applicant shall be required to demonstrate provision for access to and maintenance of landscaping and the wall structure at the time of landscape plan approval.
  - c. Pedestrian connections through walls that connect to adjacent neighborhoods or other uses are encouraged.
2. For visual continuity, the height, materials and appearance of a wall or fence, must match existing wall or fence located along the same block face and/or sides.

**E. Maintenance and Irrigation of Zoning District Buffers**

1. Landscape structural features such as walls, fences, or water features shall be maintained in a safe and attractive condition.
2. Other permitted uses and structures, including pedestrian, bike, or other trails, within a buffer yard shall be maintained to provide for their safe use.
3. In the event that any owner of a zoning district buffer yard fails to maintain the buffer according to the standards of this Section, the City shall have the right to recover the cost of enforcement, including reasonable attorney fees. The City may also, following reasonable notice and a demand that deficiency of maintenance be corrected, enter the zoning district buffer yard to take maintenance action. The cost of such maintenance shall be charged to the party having the primary responsibility for maintenance of the buffer yard.

**7.9.5 Ownership of Buffers**

Buffers and landscaped areas may remain in the ownership of the original applicant; they may be subjected to restrictive covenants and subsequently be freely conveyed; or they may be transferred to any consenting grantees, such as a park or forest preserve, the City, open space held by association (home owners, etc.), or conservation group. Any such conveyance shall guarantee the protection and maintenance of the buffer in accordance with the provisions of this Section.