



CHAPTER 82 LAND USE AND DEVELOPMENT PERMITS [1]

FOOTNOTE(S):

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Cross reference— Buildings and building regulations, ch. 18; development districts, ch. 70; development standards and specifications, ch. 74; floods, ch. 78; manufactured home, and recreational vehicle parks, ch. 86; signs, ch. 98; subdivisions, ch.102; zoning, ch.106.

ARTICLE II. ADMINISTRATION [3]

FOOTNOTE(S):

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Cross reference— Administration, ch. 2.

DIVISION 3. REVIEW STANDARDS

Sec. 82-165. Buffering.

- I. General requirements. A buffer is required between development of different intensities and uses when necessary to achieve compatibility or when the development creates noise, glare, traffic, dust, unsightly views or other negative external effects perceptible off the site.
- II. Requirements for all development. All development shall meet the following requirements:
 - A. Storage and service areas used for storage, loading/unloading and refuse shall be oriented away from adjacent development to the maximum extent feasible. Storage and service areas shall be screened from view from adjacent development by providing opaque barriers, or by using architectural or landscaping treatments which reduce adverse impacts. In addition, service areas shall be designed to minimize noise, vibration, and odors to adjacent development.
 - B. Lighting shall comply with the following standards:
 1. The maximum pole height shall be: 20 feet in height within 50 feet of a lot boundary; 25 feet in height within 50 to 150 feet of a lot boundary; and 30 feet in height in all other locations; and
 2. Light sources shall be shielded and directed away from the lot boundary.



- C. An increased setback shall be used where appropriate to achieve buffering of the use. A change in the location of the use on the site may allow a use to be moved behind a topographic barrier, such as over a hill. In addition, an increased setback, even on a flat site, may provide sufficient distance to lessen noise and other impacts from the site.
 - D. If mitigation requirements identified in this subsection conflict with an outside agency's requirements, alternative measures may be developed.
 - E. Ongoing maintenance shall occur for all required landscaping, including the replacement of dead or unhealthy plantings. Landscaping shall be maintained by the property owner or other legal entity responsible for such plant materials as required and/or approved.
- III. Requirements for development adjacent to single family residential uses and vacant lots. Development located on a property adjacent to a lot with an existing residential dwelling unit, or vacant lot, shall comply with the requirements of this subsection (II). A property is considered adjacent even if separated by an alley or road right-of-way.
- A. An opaque wall, fence or similar screening with a minimum height of four feet and a maximum height of eight feet shall be provided to screen nonresidential, mixed-use, and multi-family uses from the residential property, or residential dwelling unit. Such screening alternatives may be approved by the planning director to meet this requirement, including but not limited to, berms or landscaping. The screening material shall be designed to absorb or block sound. This screening requirement shall not apply to front or street-side yards. An increased setback may be required in addition to any screening.
 - B. For structures located on a property adjacent to a lot containing an existing dwelling unit or vacant lot, the following standards shall apply:
 - 1. The maximum structure height shall not exceed 30 feet within 25 feet of the lot line abutting a lot containing a dwelling unit or vacant lot. Structures may develop to the maximum height permitted, for those portions of the structure 25 feet or more from a lot with a dwelling unit or vacant lot;
 - 2. The development's structures shall be oriented so as to reduce views into an existing dwelling unit; and
 - 3. Balconies shall be oriented away from the dwelling unit on the adjacent lot(s) or use a screening device to reduce views into the rear or side yards of residential lot(s).
 - C. Parking areas or areas with noise and outdoor lighting features (e.g., outdoor patio for restaurant), shall be screened from existing dwelling units by any combination of a wall, fence, and/or landscaping creating an opaque, screened condition. Chain-link fences, and unfinished side, or rough side of fabricated fences must be oriented away from adjacent properties or covered by vegetation.
 - D. Nonresidential uses with outdoor components (e.g., outdoor dining, performance venues) located adjacent to a lot with an existing dwelling unit, or vacant lot, shall cease outdoor activities by 9:00 p.m. Loading or unloading activities shall take place between the hours of 7:00 a.m. and 8:00 p.m.
- IV. Requirements for all other developments. Development that is not located on a property adjacent to a lot with an existing residential dwelling unit or vacant lot shall comply with the standards in this subsection (III). A buffer shall be accomplished through use of a fence, a planted berm, a landscaped area, an increased setback, or a combination of these techniques.



- A. Fences shall be opaque, non-reflective, and at least six feet, but not more than ten feet high.
- B. Landscaped berms shall be at least two feet high and appear natural. Berms shall have a gentle transition to surrounding grade. Berms should not exceed a 3:1 side slope. Berms shall be seeded and planted with tree clusters. Tree clusters shall consist of three or more trees. Evergreens shall be at least six feet in height; deciduous trees shall be a minimum two-inch caliper; and fruit trees shall be a minimum 1.75-inch caliper. Tree plantings shall consist of at least 50 percent evergreens, in order to accomplish a year-round buffer.
- C. Landscaped areas shall be of sufficient intensity and width to buffer the use. This will require significant numbers of trees and shrubs, and may be wholly or partly accomplished by the retention of existing vegetation on the site. The use of minimal cosmetic planting strips shall not be deemed sufficient to accomplish a buffer.
- D. The use of trees or landscaping shall require assurances that these plantings will survive. This obligates the developer to design the buffer to ensure this, and may include an irrigation requirement to accomplish this. A performance guarantee will be required for one year from the time of installation to guarantee the establishment of the vegetation. The planning staff has the option to waive the performance guarantee if a permanent irrigation system is in place or installed. Species which are currently known to survive in the county are required. These include species as recognized to be locally appropriate by the Association of Landscape Contractors.

(LPLUS, § 1.8.5; Res. No. 2014-20, § 1(Exh. A), 4-1-2014, Res. No. 2016-1, Res. No. 2017-11)

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