

Text Amendment to Zoning Ordinance

# Article I General Provisions

## 154.009 Parcel Regulations

(A) Buffering

(1) The intent and purpose of the buffer zone is to protect residential uses from the negative impacts associated with nonresidential uses where residential and nonresidential uses abut. These negative impacts include noise, debris, odors, dust, dirt, traffic, soil erosion, rain water runoff and in some cases visible aspects of the abutting use. The buffer zone is also intended to prevent and improve blight in both residential and business areas by encouraging improvements to uses that abut residential districts.

(a) The objectives of this approach are:

1. To give the Planning Commission and the proponent as much opportunity to achieve the regulations by any suitable means; and
2. To encourage business owners to continue to invest in commercial improvements, including relocating on lots where a strict interpretation of the distance requirement cannot be met.

(b) Buffers are required on ~~properties in the D-MU, B, and I Zoning Districts~~ ~~business or industrial property~~ on the side that abuts residentially zoned property. Buffers are required even when the adjacent lot is unimproved. A buffer will be required when any parcel used for ~~mixed-use~~ business or industrial purposes is expanded by way of an addition or demolition or a special land use approval is requested or a site plan review is requested. Buffers are not required on business lots that are already developed as such.

(c) A buffer may consist of both a physical distance separation and a physical sight, sound and odor separation as described in this chapter by a fence, wall, berm or screen. In all cases, the buffer plan shall incorporate the equivalent of one canopy tree and one evergreen tree per 30 lineal feet or fraction of buffer area length.

(d) The Planning Commission shall determine the character of the buffer based on the following criteria:

1. Traffic impact;
2. Increased building and parking lot coverage;
3. Increased outdoor sales, display and manufacturing area;
4. Physical characteristics of the site and surrounding area such as topography, vegetation and the like;
5. Visual, noise and air pollution levels; and
6. Health, safety and welfare of the city.

(2) Buffer options:

(a) Buffer area width: a greenbelt alone may serve as a buffer. In lieu of trees, shrubs, berms, fences or walls, the table below shows the distances required between zones, in addition to the required yard on the side on which a residential district abuts a business or industrial district:

<i>District</i>	<i>Distance from R-1, <del>R-2</del>, R-3 Zones</i>
I	45 feet
B	30 feet
<u>D-MU</u>	<u>20 feet</u>

(b) In this buffer zone, all areas outside of planting beds shall be covered with grass or other living ground cover; and

(c) Continuous rolling screen six feet in height comprised of plant material, berming, screen walls or fences or any combination of these elements is required.

## (3) Construction standards:

- (a) If a screen wall or fence is used for all or part of the buffer area, then:
  - 1. The equivalent of two shrubs are required per 30 feet of wall or fence with at least 50% being 24 inches high at the time of planting and none being less than 12 inches at the time of planting; and
  - 2. All required plants shall be placed on the side facing the exterior.
- (b) If a berm is used for part of the buffer, the guiding principle for berms is that if they do not provide six feet of screening by themselves, then plant material, screen walls or fences shall bring the screen to a minimum of six feet above grade. If a berm is used for all or part of the buffer zone, all required plant material shall be placed on top and side slopes facing the exterior of the site.
  - 1. Berms shall be constructed so as to maintain a side slope not to exceed one foot rise to three foot run ratio.
  - 2. Berm areas not containing planting beds shall be covered with grass or living ground cover maintained in a healthy growing condition.
  - 3. Berms shall be constructed in such a manner so as not to alter drainage patterns on site or adjacent properties or obstruct vision for reasons of safety, ingress or egress.
  - 4. If a berm is constructed with a retaining wall or by terracing, the earthen slope shall face the exterior of the site.
- (c) If berming is used for all or part of the buffer zone, all required plant material shall be placed on top and side slopes facing the exterior of the site.
- (d) Buffers are required to extend into the front yard area but shall not be closer to a road right-of-way than 15 feet. The Planning Commission may require the buffer to extend to the road right-of-way if it deems it necessary to accomplish the intent of this chapter.
- (e) All plantings including grass must be maintained in good healthy condition and must be replaced if they should die at any time.
- (f) Buffer areas may be required to be designed by a person who is a licensed landscaper, certified landscape designer, engineer or architect. A drawing of all required landscaping, top and side profile, must be submitted to the Planning Commission for review prior to site plan approval.
- (g) The Planning Commission may require a performance bond, cash, irrevocable letter of credit or other similar financial assurance satisfactory to the city. All financial deposits must be deposited with the city prior to the issuance of a building permit, in the amount of the Planning Commission's estimated cost of installing landscaping on a parcel and shall be held until all approved landscaping is installed. If landscaping is not installed in accordance with the approved site plan as determined solely by the city, the deposited financial assurance may be used to install the required landscaping and only any unused portion thereof will be returned.

# Article II District Regulations

Section 154.031 Dimensions Table

District	R-1	R-3	B	D-MU	I
<b>Lot area Minimum</b>	8,500 s.f.	7,500 s.f. for first two units plus 2,000 s.f for each add unit	None	None	8,000 s.f.
<b>Lot width Minimum</b>	80'	60'	None	None	40'
<b>Front yard Minimum for lots of &gt; 8,500 s.f.</b>	25'	25'	10'	None	25'
<b>Front yard Minimum for lots of 5,000 - 8,500 s.f.</b>	18'	20'	10'	None	10'
<b>Front yard Minimum for lots of 1,600 – 4,999 s.f.</b>	10' See footnote B.	15' See footnote B.	10'	None	10'
<b>Rear yard Minimum</b>	30'	25'	8'	8'	None
	Accessory structures: 5'	Accessory structures: 5'	<a href="#">See Sec. 154.009</a>	<a href="#">See Sec. 154.009</a>	<a href="#">See Sec. 154.009</a>
<b>Side yard, Minimum each, lots &gt;8,500 s.f.</b>	10'	8'	8'	None	10'
	Acc. Structures: 8'	5' for detached garages	<a href="#">See Sec. 154.009</a>	<a href="#">See Sec. 154.009</a> 8' if adjacent to an R-1, or R-3 zoning district, otherwise none	<a href="#">See Sec. 154.009</a>
<b>Side yard Minimum for lots of 5,000 - 8,500 s.f.</b>	8'	5' for detached garages	None	None	None
			<a href="#">See Sec. 154.009</a>	<a href="#">See Sec. 154.009</a> 8' if adjacent to an R-1, or R-3 zoning district, otherwise none	<a href="#">See Sec. 154.009</a>
<b>Side yard Minimum for lots of 1,600 – 4,999 s.f.</b>	6'	5' for detached garages	None	None	None
			<a href="#">See Sec. 154.009</a>	<a href="#">See Sec. 154.009</a> 8' if adjacent to an R-1, or R-3 zoning district, otherwise none	<a href="#">See Sec. 154.009</a>
<b>Corner Lot Minimum yards for principal and accessory structures</b>	25' on outside yard, 4' interior side yard	25' on outside yard, 4' interior side yard	25' on outside yard, 4' interior side Yard	None on outside yard, 8' interior side yard if adjacent to an R-1, or R-3 zoning district, otherwise none	25' on outside yard, 4' interior side Yard
			<a href="#">See Sec. 154.009</a>	<a href="#">See Sec. 154.009</a> for interior side yard	<a href="#">See Sec. 154.009</a>
<b>Minimum housing unit one family</b>	1,000 s.f.	1,000 s.f.	Permitted above first floor. See footnote A. for sq. ft. by type.	See Sec. 308	Permitted above first floor. See footnote A. for sq. ft. by type.
<b>Minimum housing unit two family</b>	1,500 s.f.	1,500 s.f.	Permitted above first floor. See footnote A. for sq. ft. by type.	See Sec. 308	Permitted above first floor. See footnote A. for sq. ft. by type.
<b>Minimum housing unit multifamily</b>	Not permitted	See footnote A.	Permitted above first floor. See footnote A. for	<b>See Error! Reference source not found.</b>	Permitted above first floor. See footnote A. for

District	R-1	R-3	B	D-MU	I
			sq. ft. by type.		sq. ft. by type.
<b>Maximum structure height</b>	35' or 2.5 stories	35' or 2.5 stories	45' or 3.0 stories*	45' or 3.0 stories*	45' or 3.0 stories*
<b>Maximum lot Coverage</b>	35%	50%	None	None	None
<b>Accessory Buildings &amp; Structures</b>	See Error! Reference source not found. Error! Reference source not found.	See Sec. Error! Reference source not found. Error! Reference source not found.	See Error! Reference source not found. Error! Reference source not found.	See Error! Reference source not found. Error! Reference source not found.	See Error! Reference source not found. Error! Reference source not found.

\* Any proposed structure adjacent to a parcel zoned R-1 or R-3, or adjacent to an existing residential use must be setback from the residential property line a distance equal to the height of the structure. For example, a 45 foot-tall structure must be setback at least 45 feet from any adjacent residential zoning district boundary, or property line on which there is a residential use. The Planning Commission may reduce this setback upon finding that the development has incorporated other means of reducing impact on the adjacent properties, utilizing architectural, landscaping, or other site design features.

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