



**Adjacent Residential Property
Masonry Wall Objection Application**
(Please print legibly)

Date: _____

PLANNING

- 1. Property Owner: _____
 Address: _____
 Phone: _____ Email: _____
- 2. Subject property address: _____
- 3. Proposed use of subject property: _____

I, _____, am the property owner of _____
(print name) (street number)
 _____ as shown on the attached map. This property will be improved
(street name)
 with the business, _____ (name of business).

The Zoning Ordinance requires the installation of a residential buffer that includes a 6'-8' tall masonry wall and 1 tree per 25 linear feet (excerpts are below), by the non-residential or multi-family property, adjacent to land used or zoned only for single-family or two family development. The masonry wall can be exempted if a majority of the common property line (measured in length, not number of property owners) opposes the masonry wall.

The subject property has ____ (#) common property lines with land used or zoned for single-family or two family development. I hereby request approval of a modified buffer for ____ (#) of the common property lines as illustrated on the attached Buffer Plan.

Included are the Masonry Wall Objection letters (originals) from property owners for a majority (linear distance) of the common property line segments as illustrated on the Buffer Plan.

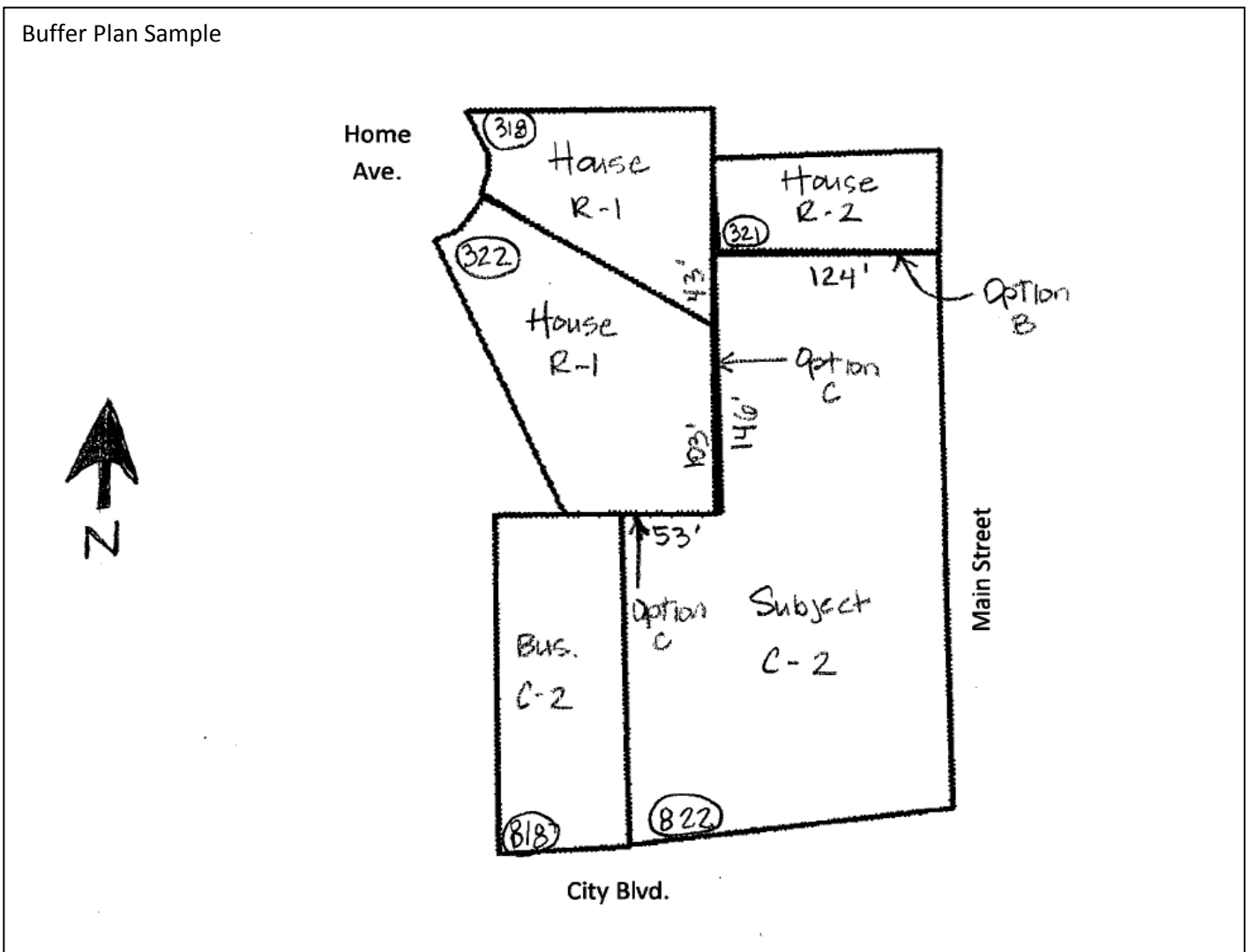
I hereby affirm that all of the information provided herein is true and accurate to the best of my knowledge. I further understand that if the business is changed to a different use, the requirement for the masonry wall will be triggered again and will require the construction of the masonry wall unless a new Masonry Wall Objection application is authorized by the Planning Director.

 Owner of Subject Property

 Planning Director Authorization Date

The Buffer Plan shall include or indicate:

- The street address for the business/multifamily property and all adjacent lots
- The overall common property line lengths adjacent the single- and two-family residential properties
- The address number for each lot (please circle the numbers)
- The lengths of each individual residential property line
- The zoning and use of each adjacent property
- Which buffer option will be used on each common property line segment:
 - A A ___-foot (6 - 8) tall wooden privacy fence, to be maintained by the business owner
 - B A ___-foot (6 - 8) tall chain link fence, to be maintained by the business owner
 - C A ___-foot (6 - 8) tall _____ fence/wall, to be maintained by the business owner
 - D A landscape buffer only (1 tree per 25 feet along the property line)
 - E Compliance with Zoning Ordinance requirement, ___-foot (6 - 8) tall masonry wall, to be maintained by the business owner, with landscape buffer (1 tree per 25 feet along the property line)
- Street names, north arrow and any other relevant information



Excerpts from Zoning Ordinance:

Section 5.3-2(h)

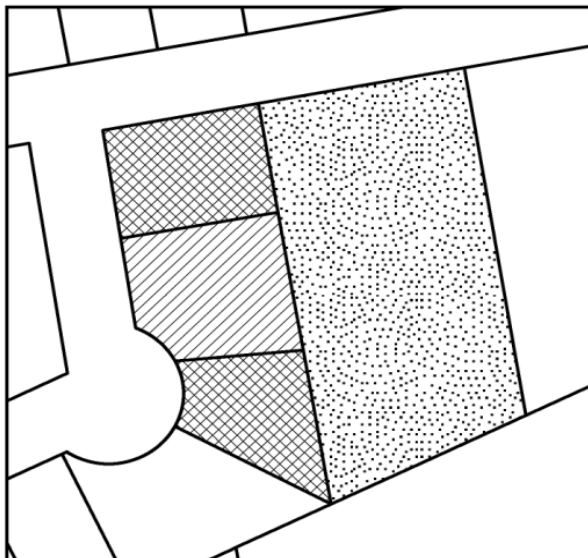
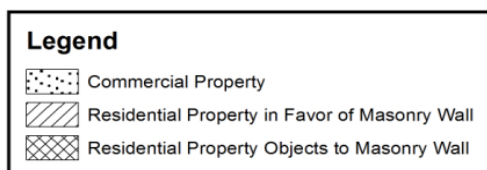
Where a multifamily or non-residential development is adjacent to land used or zoned only for single-family or two family development, a six foot tall (minimum) to eight foot tall (maximum) masonry wall must be installed and maintained by the commercial/multifamily property owner/developer as a buffer between the properties and must be consistent with any pre-existing masonry wall.

Exemption.

- (1) In the event that the owner(s) of the adjacent residential property intended to be protected object to the masonry wall, they may submit their objection in writing to the Planning and Community Development Department. Upon receipt of the written objection, the Planning and Community Development Department will authorize an exemption from the requirement that a masonry wall be erected for that single property line.
- (2) In order to maintain fence design consistency in the event that multiple single- or two-family residential properties abut the multifamily or non-residential development along a single linear property line:
A majority of the adjoining property line (measured in length of shared property line) must be represented by written opposition from the adjoining property owners in order for the masonry wall exemption to be administratively authorized along that linear property line.

Illustration 16 Example of Majority Objection

Example of Majority Objection



- (3) Before a certificate of occupancy (C of O) can be issued for any subsequent commercial/multi-family development, any previous exemption from the masonry wall requirement is voided and must be re-evaluated.

Maintenance. Any fence or wall erected by the commercial or multi-family development, regardless of material used, must be maintained by the commercial or multi-family property owner/developer.

Section 5.3-1(b)(7a5)

Residential buffer.

In addition to the masonry wall requirement in subsection 144-5.3-2(h), at least one tree per 25 linear feet of property, or part thereof, a minimum one and one-half inches (1½") in diameter, shall be planted along the common property line of the single-family or two-family property. Shade trees must be used, unless near utility lines where ornamental trees must be used, as required in subsection 144-5.3-1(b)(6)(vii). All new trees shall be provided with a permeable surface of 60 square feet per tree under the drip line. All planting areas shall be a minimum of five feet in width.