G. *The requested variance will be in harmony with the purpose and intent of this ULDC and will not be incompatible with the neighborhood or to the general public welfare;*
H. *The special circumstances are not the result of the actions of the applicant;*
I. *The variance requested is the minimum variance that will make possible the legal use of the land or structure;*
J. *The variance is not a request to permit a use of land or structures which are not permitted by right in the zoning district involved;*
K. *The extension of said nonconforming use will not further injure a permitted use on the subject property or on adjacent property;*
L. *The design, construction, and character of the nonconformance is not suitable for uses permitted in a district in which the nonconformance is situated; and*
M. *The nonconforming use is similar to the prior nonconforming use.*

ULDC Chapter 4.07.06

B. Location, Measurement, and Design of buffers

1. Buffers shall be located on the outer perimeter of a lot or parcel, extending to the lot or parcel boundary line. Buffers shall not occupy any portion of an existing, dedicated, or reserved public or private street, or right-of-way.

2. Buffer width is normally measured from the property line; however, design variations are allowed. Average width shall be measured at the two (2) end points of the buffer and two (2) additional points which are each approximately one-third (1/3) of the total linear distance from the end point.

3. Buffer yards shall be located on private property between the property line and any required fence or wall. They shall consist of a minimum four (4) shade trees and twenty-five (25) shrubs per 100 linear feet. Shrubs shall be at least eighteen (18) inches in height at the time of installation. Buffer yards shall be maintained as green open space, consisting of sod or ground cover, along with required plantings and access drives only.

4. The buffer shall be designed to avoid or minimize plantings within drainage, utility, or other easements.

5. Buffers shall be designed taking into consideration the site's soils conditions, topography, and natural resources. Native vegetation shall be used for landscaping and buffering unless the applicant demonstrates that the use of non-native, drought-resistant plants would best serve the site.

6. Buffers shall be established and maintained by the owner of the proposed development site.

Table 4.07.06(C). Buffer Area Standards.

Proposed Land Use	Adjacent Zoning district	Minimum Buffer Area*
Intensive Service or Industrial	E-A, R-A, CON, R-1, R-21, R-10, MAZ Residential	40 feet*
Multi-family, Commercial or Mixed-**use** areas	E-A, R-A, CON, R-1, R-21, R-10, MAZ Residential	30 feet*
Office or Institutional	E-A, R-A, CON, R-1, R-21, R-10, MAZ Residential	20 feet*
* The installation of a 6’ to 8’ opaque fence enables the **buffer** area to be decreased by 50% and the **buffer** landscaping requirement to be decreased by 25%. For example, with the installation of an 8’ fence a 30’ **buffer** area with 4 shade trees and 25 shrubs per 100 linear feet can be reduced to 15 feet with 3 shade trees and 19 shrubs per 100 linear feet.		