

- a. For each established tree that is removed, on-site replacement trees of the same or similar species must be installed for which the combined DBH is equal to or greater than the DBH of the tree that is removed. The replacement trees must be planted within nine months of the date of removal or, if the removal was made to facilitate on-site construction, within nine months of the issuance of a certificate of occupancy.
- b. If the site cannot accommodate the number of trees required as replacements, the replacement trees may be installed off-site so long as the site is within the corporate boundaries of the City of Buffalo.
- c. A replacement tree may be planted in a public park or public right-of-way with the authorization of the Commissioner of Public Works, Parks, and Streets.

**7.1.4 Street Trees**

- A. Street Trees Required.** Any development that involves construction of a new principal building, expansion of an existing principal building by 2,500 square feet or more, or a substantial renovation of an existing principal building, except for single unit dwellings, double unit dwellings, and multiple unit dwellings of six units or less, must include the installation of street trees as follows:
  - 1. A minimum of one street tree must be installed on the adjacent public rights-of-way, excluding alleys, for each 30 feet of right-of-way frontage.
  - 2. All street trees must be installed in accordance with the Street Tree Planting Standards that are on file with the Commissioner of Public Works, Parks, and Streets.
  - 3. All required street trees must be installed within nine months of the issuance of a certificate of occupancy, and maintained in a healthy, growing condition until fully

established, or replaced as necessary.

- B. Exceptions.** The Commissioner of Public Works, Parks, and Streets may grant a waiver to the street tree requirement where:
  - 1. Street trees of the minimum required number are already installed and maintained in a healthy, growing condition.
  - 2. There is already a well-established tree planted on-site and adjacent to the outer edge of the property, whose crown reaches over the public right-of-way area to be planted, and would cause overcrowding of the new street tree, and may result in deforming the symmetry of the street tree crowns as it approaches maturity.
  - 3. The specific location of a curb cut, utility line, underground vault, transit stop or station, or other feature conflicts with the placement of a tree.
- C. Alternative Planting Locations.** The Commissioner of Public Works, Parks, and Streets may require tree installation in alternative locations within the City of Buffalo when installation cannot be accommodated in the immediately adjacent public right-of-way.

**7.1.5 Parking Lot Landscape**

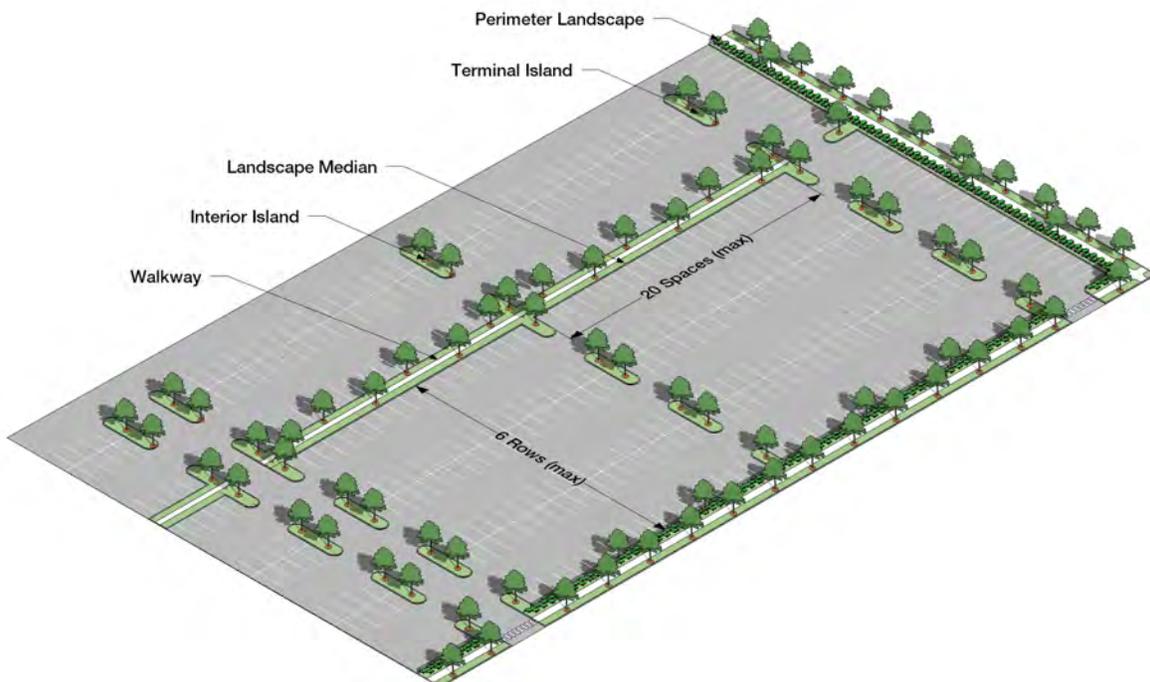
- A.** Any new construction of a parking lot, expansion of an existing parking lot by 20 or more spaces, or reconstruction of an existing parking lot must be landscaped in accordance with this section.
- B. Parking Lot Perimeter.** Parking lot perimeters must be landscaped as follows:
  - 1. Where any parking lot is located along, within 50 feet of, and visible from a public right-of-way other than an alley, the parking lot must be screened by a Type D buffer yard, designed per Section 7.1.6. The following are exceptions:
    - a. In lieu of a Type D buffer yard, a solid masonry wall may be installed at the right-of-way line of between two feet and

three and one-half feet in height.

- b. In lieu of a Type D buffer yard, in the N-1D, N-1C, and N-1S zones only, dedicated spaces for market stalls or mobile food vendors may be provided adjacent to the right-of-way line.
2. Where any parking lot is located along, within 50 feet of, and visible from an interior side or rear lot line that abuts any lot in an N-2R, N-3R, N-4-30, N-4-50, D-R, D-OS, D-OG, or D-ON zone, the parking lot must be screened by a Type C buffer yard, designed per Section 7.1.6.
  3. Parking lot perimeter landscape must be integral, where possible, with on-site stormwater management facilities installed in accordance with Section 7.3.
- C. Parking Lot Interior.** With the exception of parking lots in the D-IL and D-IH zones, the interior of parking lots containing 20 or more parking spaces must be landscaped as follows:
1. At least 10% of the interior of the parking lot, calculated as the total surface area of

all parking spaces, drive aisles, and interior landscape, must be planted with landscape. Parking lot perimeter landscape required by Section 7.1.5.B is not counted toward the minimum interior landscape requirement.

2. At least one shade tree of a minimum caliper of two inches must be installed within the parking lot interior for every 20 parking spaces, and distributed so that no parking space is more than 150 feet from a tree. The following are exceptions to this requirement:
  - a. An existing shade tree may fulfill this requirement, so long as the existing shade tree is a minimum of four inches diameter at breast height, possesses a healthy and full canopy, has an unmolested critical root zone, and has incurred no damage that would undermine its long-term vitality and quality.
  - b. In lieu of one required shade tree, three ornamental trees of a minimum caliper of one and one-half inch may be installed.
3. Landscape islands must be installed as



follows:

- a.** A terminal island must be provided at the beginning and end of each parking row. No more than 40 parking spaces may be located between terminal islands. Interior islands must be used to break up parking spaces into groups of no more than 20 contiguous spaces.
  - b.** Interior islands and terminal islands must extend across the depth of the parking row. An interior or terminal island must be at least eight feet in width and 150 square feet in area in the case of a single parking row or, in the case of a double parking row, at least eight feet in width and 300 square feet in area.
  - c.** At least one shade tree is required in each interior or terminal island that extends the length of a single parking row or, in the case of a double parking row, at least two shade trees are required.
  - d.** Landscape islands may be consolidated or intervals may be adjusted as necessary to preserve existing trees or facilitate stormwater management.
- 4.** Landscape medians must be installed as follows:
- a.** A landscape median must be provided between every six parking rows.
  - b.** A landscape median must be at least seven feet in width and planted with landscape, including at least one shade tree for every 30 feet of median length. In lieu of one shade tree, three ornamental trees may be planted.
  - c.** A landscape median may also serve as the location for a sidewalk connecting the parking and the use served by the parking area, in which case the width must be at least 12 feet.
  - d.** Landscape medians may be

consolidated or intervals may be adjusted where necessary to preserve existing trees or facilitate stormwater management.

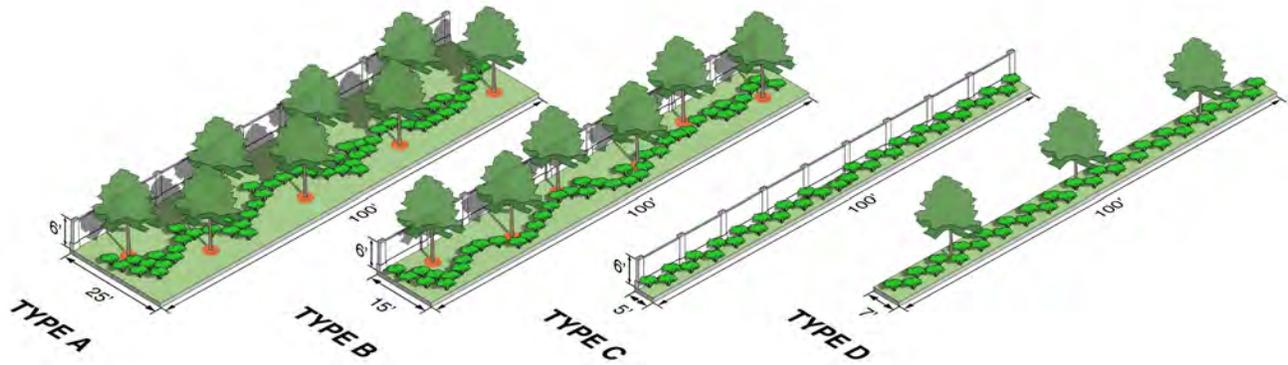
- 5.** Parking lot interior landscape must be integral, where possible, with on-site stormwater management facilities per Section 7.3.
- 6.** All required plant materials within the parking lot interior must be maintained in a healthy, growing condition over their lifetime, or replaced as necessary.

**7.1.6 Buffer Yards**

**A. Required Buffer Yards**

- 1.** A buffer yard must be installed per Table 7A: Buffer Yards, where the below uses are introduced as part of any new development or as the result of a change of use. Refer to the applicable sections for more information.
  - a.** Car wash. Refer to Section 6.1.5.F.
  - b.** Drive-through facility. Refer to Section 6.1.5.I.
  - c.** Gas station. Refer to Section 6.1.5.M.
  - d.** Retail and service, heavy. Refer to Section 6.1.5.U.
  - e.** Self-storage facility. Refer to Section 6.1.5.V.
  - f.** Vehicle rental or sales. Refer to Section 6.1.5.Z.
  - g.** Vehicle Repair, Major. Refer to Section 6.1.5.AA.
  - h.** Industrial, heavy. Refer to Section 6.1.6.B.
  - i.** Industrial, light. Refer to Section 6.1.6.C.
  - j.** Junk/salvage yard. Refer to Section 6.1.6.D.
  - k.** Recycling facility. Refer to Section

TABLE 7A: BUFFER YARDS



	TYPE A	TYPE B	TYPE C	TYPE D
Buffer yard depth (min)	25'	15'	5'	7' or required corner side or front yard depth for the zone, whichever is greater
Fence/wall type	Solid	Solid	Solid	N/A
Fence/wall height (min/max)	6'/10'	6'/8'	6'/7'	N/A
Shade trees (min per 100')	8	6	N/A	3
Ornamental trees (min per 100')	In lieu of planting a required shade tree, 3 ornamental trees may be planted	In lieu of planting a required shade tree, 3 ornamental trees may be planted	N/A	In lieu of planting a required shade tree, 3 ornamental trees may be planted
Shrubs (min per 100')	50	40	33	33

6.1.6.F.

- l.** Storage yard. Refer to Section 6.1.6.H.
- m.** Warehouse/distribution. Refer to Section 6.1.6.I.
- n.** Waste transfer station. Refer to Section 6.1.6.J.
- o.** Truck stop. Refer to Section 6.1.8.O.
- p.** Wireless communication tower. Refer to Section 6.1.9.F.
- q.** Parking lot perimeter. Refer to Section 7.1.5.B.
- r.** Loading areas. Refer to Section 8.3.7.B.

- 2.** Where a proposed project is subject to major site plan review per Section 11.3.7, the City Planning Board, where it finds that the project may have an adverse impact on any adjacent property or the surrounding neighborhood, may require the installation of a buffer yard, of a type described in Table 7A: Buffer Yards, to mitigate such impacts.

**B. Buffer Yard Parameters**

- 1.** A buffer yard is determined exclusive of any required front, corner side, interior side, rear, or waterfront yard. However, the buffer yard may be located wholly or partially within required yards.
- 2.** A buffer yard must be located within the outer perimeter of the lot, parallel to and extending to the applicable lot line. A buffer yard may not be located within the adjacent public right-of-way.
- 3.** Where a fence and landscaping are required within the buffer yard in accordance with Table 7A: Buffer Yards, the fence must be positioned interior to the landscaping, except for buffer yards along an interior side or rear lot line, where fences must be positioned exterior to the landscaping. However, the City Planning Board may adjust the positioning of

a fence within a buffer yard to better mitigate potential impacts between the proposed project and adjacent properties.

- 4.** No building, accessory structure, or vehicle parking, may encroach upon a buffer yard, with the following exceptions:
  - a.** Pedestrian and vehicle access points, plus related signs, may encroach upon a buffer yard.
  - b.** Where a proposed project is subject to major site plan review, per Section 11.3.7, the City Planning Board may allow a building or other structure to be located within a required buffer yard, where it finds the building or other structure would better mitigate potential impacts between the proposed project and adjacent properties. This exception does not allow for the waiver by the City Planning Board of any other required yard, per the applicable zone regulations.
- 5.** A natural, pre-existing grade separation may be conserved, or a man-made berm retained or installed, in lieu of a fence or wall to the extent that the height of the berm or pre-existing grade separation meets the minimum required height of the fence or wall.

**C. Buffer Yard Landscape**

- 1.** Required buffer yard landscape must be of the following dimensions at installation:
  - a.** Shade trees must be of a minimum caliper of two inches.
  - b.** Ornamental trees must be of a minimum caliper of one and one-half inches.
  - c.** Shrubs must be of a five gallon container minimum.
- 2.** Pre-existing, equivalent vegetation that is conserved within the buffer yard may substitute for any required landscape installation, so long as the pre-existing

vegetation is healthy and growing.

3. Any required trees or shrubs may be installed at varying distances to create a naturalistic landscape design, so long as the per linear foot requirement is applied as an average, and the landscape is arranged so as to provide sufficient screening.
4. Buffer yards must be integral, where possible, with on-site stormwater management facilities.
5. All required plant materials within the buffer yard must be maintained in a healthy, growing condition over their lifetime, or replaced where necessary.
6. Except as it relates to the required height of fences and walls for buffer yards, fences and walls must be installed and maintained in accordance with Section 7.2.

## 7.2 FENCES AND WALLS

### 7.2.1 General

- A. The construction of a new fence or wall, or reconstruction of at least 50% of an existing fence or wall, must comply with the standards of this section. The height standards of this section do not apply to fences or walls required for buffer yards, which are addressed by Section 7.1.6.
- B. A fence or wall may encroach upon any required yard, except for a required waterfront yard, so long as the fence or wall is aligned parallel or radial to the adjacent property line. No fence or wall may be erected in a required waterfront yard.
- C. No fence or wall may encroach upon a public right-of-way, conflict with required corner visibility, interfere with any utility line, or obstruct any legally required ingress or egress point.

### 7.2.2 Design and Construction

#### A. Materials

1. Fences and walls must be constructed of permanent, durable materials, such as brick, stone, concrete, textile block, wood, iron, or steel. Vinyl or chain link fence materials are not allowed in the N-1D, N-1C, N-2C, N-2E, N-3C, or N-3E zones.
2. No fence or wall may be constructed of barbed wire, concertina wire, razor wire, electrically charged wire, railroad ties; standard, fluted, or split face concrete masonry units (CMU); scrap metal, tarps, or any other material determined by the Commissioner of Permit and Inspection Services to be detrimental to the public health, safety, and welfare.

#### B. Height

1. The height of all fences and walls is measured from the average ground level within two feet of the base of the fence or wall. An additional one foot of height is allowed, above the maximum permitted height, for posts, columns, light fixtures, or other decorative details.