

## **ARTICLE XXXV. Landscaping and Screening Regulations**

### **§ 205-224. Purpose.**

The landscaping and screening regulations provide additional guidance on the development of sites within Papillion by addressing landscaping and screening requirements. They are designed to improve the appearance of the community; buffer potentially incompatible land uses from one another; and conserve the value of properties within the City of Papillion.

### **§ 205-225. Applicability.**

The provisions of this article shall apply to all new development on each lot or site upon application for a building permit, except for the following:

- A. Reconstruction or replacement of a lawfully existing use or structure following a casualty loss.
- B. Remodeling, rehabilitation or improvements to existing uses or structures which do not substantially change the location of structures, parking or other site improvements.
- C. Additions or enlargements of existing uses or structures which increase floor area or impervious coverage area by less than 20%. Where such additions or enlargements are 20% or greater, these provisions shall apply only to that portion where the new development occurs.

### **§ 205-226. Landscaping plan review procedure.**

#### A. Administration and enforcement.

- (1) The Planning Director shall administer and enforce this chapter. The City Council may direct other persons to assist him/her.
- (2) If the Planning Director or his/her designee shall find that any of the provisions of this chapter are being violated, he/she shall notify, in writing, the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He/she shall take action authorized by this chapter to ensure compliance with or to prevent violation of its provisions.

#### B. Landscaping plan review required.

- (1) Landscaping plan review is required for all developments requesting actions regarding a change of zone, building or other development permits, and minor and major subdivisions. The review will be performed by the Planning Director or his/her designee.
- (2) Landscaping plan review is initiated at the time of application for a change of zone, a plat or permit. Compliance with these landscape requirements must be complete prior to issuance of a certificate of zoning compliance or certificate of occupancy for the structure.

- (3) No building or grading permit shall be issued by the Planning Director or his/her designee except in conformity with the provisions of this chapter, unless he/she receives a written order from the Board of Adjustment in the form of an administrative review, special exception or variance as provided by this chapter.

C. Submittal for landscaping plan approval. Submittal shall include the following information:

- (1) Drawings at a scale no smaller than 1 inch = 50 feet. Drawings shall include north arrows, scale, street address, street names, and the name and address of the person or firm preparing the plan.
- (2) Calculations of the entire site area, the area required for landscaping by this ordinance, including Street Landscape Borders, streetyards, public right-of-way, bufferyards, and perimeter and interior parking lot landscaping; and the required quantities of trees, shrubs, ground cover, and other materials required within these landscaped areas.
- (3) Overall site plan, indicating location of major site features, structures, parking, site circulation, public streets and rights-of-way, pedestrian circulation, site amenities, and other features.
- (4) Existing plant materials, including location, size, species, and condition, and indication whether existing materials will remain or be removed.
- (5) Planting plan, including location of all materials, size, and scientific and common name of each material. The planting plan includes the location and type of all ground covers, including non-living materials, and all other landscape features and structures.
- (6) Location and design of all screening elements required by this ordinance.
- (7) Grading plan showing berms, landforms, and stormwater management facilities, with contours shown at no less than two-foot intervals.
- (8) A development obligation statement that establishes the responsibility of the developer to install landscaping and irrigation according to these regulations.

**§ 205-227. Landscaping requirements.**

Landscaping shall be required adjacent to each street property line and within street yards and street side yards as set forth below.

## Required Landscaped Area in Streetyards

Zoning District	Street Landscape Border	Minimum % of Area of first 100 feet of Streetyard to be Landscaped
AG	35 feet	80% of entire street yard
RE	35 feet	75% of entire street yard
R-1	20 feet	65% of entire street yard
R-2	20 feet	55% of entire street yard
R-3	20 feet	50% of entire street yard
R-4	15 feet	50% of entire street yard
MH	35 feet*	65% of entire street yard
O	15 feet	25%
LC	15 feet	25%
CC	10 feet	25%
CBD	No requirement	20%
GC	10 feet	20%
LI	10 feet	15%
GI	No requirement	10%

\* The Street Landscape Border is 20 feet for permitted uses other than Mobile Home Park.

NOTE: Paving is not permitted within required side yard setbacks of a lot.

### § 205-228. Landscaping materials and installation standards.

- A. Official List of Recommended and Prohibited Plant Materials. Plantings shall be used in any required landscaped areas or bufferyards consistent with the City of Papillion Landscaping Standards, provided through the Planning Department. All plant materials shall conform in size, species and spacing with this section of the ordinance.
- B. Use of inorganic landscaping materials. No artificial trees, shrubs, plants or turf shall be used to fulfill the minimum requirements for landscaping. Inorganic materials, such as stone or decorative pavers, may be used, provided that such material does not comprise more than 35% of the minimum required landscaped area. Other concrete and/or asphalt pavement

surfaces may not be used within the minimum required landscaped area, except for walkways less than five feet in width.

C. Supplements to the recommended list of plant materials. The Recommended List of Plant Materials has been compiled using the latest research data available. Plants other than those listed may be used to fulfill minimum landscaping requirements as approved by the Planning Director. To be considered for approval, a proposed plant material must be submitted for review with the following information:

- (1) Common name and scientific name of plant material.
- (2) Habitat, geographic climate range and whether plant is native to this region.
- (3) Growing characteristics, including evergreen or deciduous, height and spread at maturity.
- (4) Suitability for different landscape uses and applications.
- (5) Susceptibility to disease and tolerance of environment: heat, drought, pollution stress.
- (6) Fruit-bearing characteristics which may be hazardous in pedestrian and parking area.

D. Encouragement of native landscaping materials. The use of suitable native plant materials is encouraged to fulfill landscaping requirements. Native plants, or those plants which occur naturally in this region, have shown greater adaptability to the seasonal and climate changes which occur in this region.

E. Installation standards.

(1) Basic plant materials standards shall include the following:

- (a) Evergreen trees: minimum height of six feet.
- (b) Shrubs: minimum two-gallon size container, or the equivalent height and/or spread.
- (c) Ground cover shrubs: minimum spacing upon installation of 18 inches on center.
- (d) Deciduous shade trees: minimum caliper (diameter) of two inches as measured six inches above the ground.
- (e) Ornamental deciduous trees: minimum caliper (diameter) of two inches as measured six inches above the ground.

(2) All other specifications shall conform to the American Standards for Nursery Stock, published by the American Association of Nurserymen for that type of tree or shrub at the time of installation.

(3) All plant material shall be installed free of disease and in a manner that ensures the availability of sufficient soil and water to sustain healthy growth.

- (4) All plant material shall be planted with a minimum of six inches of organic soil and mulched to a depth of three inches.

F. Minimum spacing of plant materials shall be as follows:

- (1) Tree spacing along streets: minimum of one tree for every 50 linear feet of street frontage.
- (2) Spacing of trees: spacing consistent with generally accepted species spread dimension at maturity defined by American Standards for Nursery Stock, or a minimum of one tree for every 50 feet, whichever is less.
- (3) Ground cover shrubs: minimum spacing upon installation of 18 inches on center.
- (4) Ground cover turf: immediate and complete coverage of area within the season.
- (5) Ground cover, creeping: spacing adequate to provide complete coverage in three years.

G. Supplemental installation requirements for shrubs.

- (1) Shrubs shall be installed in a manner that promotes ease of maintenance and quality appearance.
- (2) All shrubs shall be installed in designed beds or naturalized settings containing a minimum of three inches of organic or inorganic mulch, contained by some form of edging, with an underlayment of landscape fabric.
- (3) Shrub installations beyond mere shrub beds, such as may contain ground covers, native perennials or seasonal annuals, may be approved without these features at the discretion of the Planning Director, upon demonstration of quality design and a maintenance contract/commitment.

**§ 205-229. Maintenance responsibility.**

The owner of the property, his/her successors, heirs, assigns shall be responsible for the proper maintenance of all required landscaped areas. Landscaping shall be maintained continuously, including all necessary watering, weeding, pruning, pest control and replacement of dead or diseased plant material. Replacement of dead and diseased material shall be of the same type and size set forth on the approved landscaping plan. Replacement shall occur within the present planting season or may be deferred to the next planting season by the Planning Director to accommodate unfavorable weather conditions. In no case shall replacement time exceed one year.

**§ 205-230. Performance guaranties and surety.**

As a condition of issuance of a certificate of occupancy and/or certificate of zoning compliance, the City Council shall require and accept the following:

- A. A landscaping performance bond, letter of credit, cash escrow or other guaranty filed with the Planning Director or designee in a form acceptable to the city, in an amount of 120% of the estimated cost of the landscape improvement or erosion control installation. Exemptions to this requirement include single-family dwellings and duplex units exclusively.
- B. The performance guaranty amount and requirement, along with the permitted time for installation, shall be included as a condition for final occupancy of the structure. The time period may be extended by the City Council, upon the recommendation by the Planning Director.
- C. If said improvement is not installed within one year of issuance of certificate of occupancy or commencement of operations, the developer or owner shall grant the City of Papillion permission to enter upon the land to install required landscaping and/or screening, and the city shall retain said surety.
- D. Prior to the release of any surety, the developer/owner shall sign an agreement to maintain all required landscaped areas, bufferyards and screening, as provided by the city.
- E. Failure to install necessary soil erosion control measures devices prior to site development activity may result in the Planning Director, Chief Building Official, or their designee revoking the grading permit to stop site work.

**§ 205-231. Bufferyard provisions.**

These provisions apply when a use is established in a more intensive zoning district (District A) which is adjacent to a less intensive zoning district (District B). The owner, developer or operator of the use within District A shall install and maintain a landscaped bufferyard on his/her lot or site, as set forth in this section. Bufferyard requirements apply only to those districts indicated in the Bufferyard Requirements Table.

- A. The bufferyard dimensions set forth in this section apply to zoning districts which share a common lot line or are adjacent but separated by an intervening alley.
- B. When a street separates adjacent zoning districts requiring a bufferyard, the size of the bufferyard shall be ½ the required bufferyard set forth in this section
- C. Each required bufferyard must be entirely landscaped and free of paved areas, accessways, storage or other disturbances.

## Bufferyard Requirements (feet)

		District B: Less Intensive Adjacent District					
		AG	RE	R-1	R-2, R-3	R-4	MH
District A  More Intensive District	R-4	30	30	30	20	NA	NA
	O, LC	15	15	15	15	10	10
	CC	30	40	40	30	20	20
	GC	30	30	40	30	20	20
	LI	30	30	40	30	30	30
	GI	50	50	50	50	50	50

*Note 1:* Buffer requirements do not apply to single-family or duplex residential uses established in District A.

*Note 2:* Buffer requirements adjacent to AG and RE districts apply only when the AG and RE districts have residential uses established either by use or approved subdivision, or are designated for residential uses by the city's comprehensive plan.

*Note 3:* When an alley separates adjacent zoning districts requiring a bufferyard, the size of the bufferyard shall be one-half the required bufferyard set forth in the table above.

*Note 4:* Each required bufferyard must be entirely landscaped in accord with the provisions of Section 205-231, and otherwise free of paved areas, access ways, storage, or other disturbances.

### § 205-232. Screening standards.

#### A. Application

Screening is required between adjacent zoning districts indicated in the Bufferyard Requirements when one or more of the following conditions in the more intensive zoning district is directly visible from and faces either the boundary of the less intensive zoning district or a public right-of-way:

- (1) Outdoor storage areas or storage tanks, unless otherwise screened.
- (2) Loading docks, refuse or trash collection points or dumpsters, and other service areas.
- (3) Major machinery or areas housing a manufacturing process.
- (4) Major on-site traffic circulation areas or truck and/or trailer parking.
- (5) Sources of glare, noise, or other environmental effects.
- (6) Bailing or stockpiling of cardboard or other shipping or packaging materials.

- B. Screen Design. A screen of at least six feet in height, including walls, fences, berming, or landscaping shall be provided that prevents direct visibility of the conditions listed in this section from less intensive uses or public streets. The screen may include the following:
- (1) A wood, brick, stone, concrete masonry, PVC, stucco, concrete fence or wall at least six feet in height, with a minimum opacity of 75%.
  - (2) A vegetative screen, using evergreen and/or deciduous materials, capable of providing a substantially opaque, hedge-like barrier and attaining a minimum height of six feet within four years of planting.
  - (3) An alternative vegetative screen that provides two overstory deciduous trees and four evergreen trees per 100 linear feet of property line.
  - (4) A landscaped earth berm with a maximum slope of three to one that, if used alone, rises to no less than six feet above the existing grade of the lot line separating the zoning districts.
  - (5) Any combination of these methods that achieves a cumulative height of six feet.
- C. Screening shall not adversely affect surface water drainage.
- D. The finished side of any fence or wall providing screening shall always be oriented toward the public street or adjacent property.
- E. Screening may be interrupted to provide access drives to service areas or for loading purposes to buildings. Such breaks or interruptions shall not exceed 20% of the length of the required screened area.

**§ 205-233. Parking facility landscaping.**

Unless otherwise noted, each parking facility shall comply with the following regulations:

- A. Each parking lot shall provide a minimum landscaped buffer of ten feet along any street property line.
- B. Each parking structure shall be considered a structure and subject to the setback and landscaping requirements for its respective zoning district.
- C. Each parking facility that abuts a residential district without an intervening street or alley shall provide a ten foot landscaped buffer along its common property line with the residential district.
- D. Any non-residential parking facility that abuts property in a residential district shall provide a landscape screen, or earth berm not less than six feet in height, but otherwise compliant with the provisions of Article XXXV, for the length of the common boundary. A grade change, terrace, or other site or design feature which blocks the sight line of headlights into a

residential property may satisfy this requirement, subject to the determination of the Planning Director.

- E. Each unenclosed parking facility of over 6,000 square feet shall provide interior landscaped area equal to no less than 5 percent of the total paved area of the parking facility. No more than 200 continuous feet of parking may be provided in a single row without an intervening planting bed or island. Planting beds may also be used to define pedestrian or vehicular traffic flows within the lot. The minimum sizes of a planting bed or landscaped island shall be 8 feet by 17 feet, or 150 total square feet. Parking facilities within the LI and GI Districts shall be exempt from any interior landscaping requirement. Licensed automobile dealerships are not considered to be unenclosed parking facilities for the purposes of this ordinance, and therefore do not require interior landscaping as set forth in this section.
- F. Parking lots providing over 400 stalls shall be broken into blocks or units defined by landscaping that include no more than 200 stalls per block.
- F. Interior landscaping shall be credited toward the satisfaction of overall landscaping requirements set forth in this section.
- G. Landscaping or screening installed in any required landscaped area shall not obstruct the view from the off-street parking facility to any driveway approach, street, alley, or sidewalk. Landscaping shall further not obstruct any views among parking spaces and circulation ways, or visibility between vehicles and pedestrians.

#### **§ 205-234. Planting requirements.**

This section establishes the amount of landscaping required in each of the landscape situations set forth by this ordinance.

- A. Street Landscape Border: One deciduous tree and five shrubs; one deciduous tree and one evergreen tree; or 1.5 deciduous trees for each 500 square feet of required area.
- B. First 100 feet of Streetyard Landscaping: One deciduous tree and five shrubs; one deciduous tree and one evergreen tree; or two deciduous trees for each 1,000 square feet of required area. All landscaping within the Street Landscape Border shall be credited toward satisfying this requirement.
- C. Street Trees along Public Arterial and Collector Rights-of-Way: One tree for every 50 linear feet of right-of-way. At least 50% of all trees planted shall be deciduous trees.
- D. Bufferyard: One deciduous tree and two evergreen trees for each 1,000 square feet of required area. Vegetative screens shall be credited toward satisfaction of this requirement.
- E. Parking Lot Peripheral and Bufferyard Landscaping: One deciduous tree and five shrubs; one deciduous tree and one evergreen tree; or two deciduous trees for each 500 square feet of required area.
- F. Parking Lot Interior Landscaping: One deciduous tree for each 20 parking spaces within the parking lot.

- G. Residential Development: Two deciduous shade or evergreen trees, one in the front yard and one in the rear yard, shall be installed per single-family, townhouse, duplex, attached single-family or two-family dwelling unit. The trees shall be installed within two years of the start of construction.
- H. Multifamily (high-density residential areas) developments shall provide one deciduous shade or evergreen tree, or two ornamental trees, and three shrubs for every dwelling unit. These requirements are in addition to street yard or buffer yard landscaping requirements.
- I. Variety of Landscaping: A variety of tree and shrub species shall be utilized to provide visual, four-season interest. Not more than 1/3 of the required number of trees and shrubs may be comprised of any one species and at least 1/3 of the required plants should be a coniferous or evergreen species.

**§ 205-235. Tree replacement.**

Each landscaping plan shall include an inventory of existing trees on the site. Each tree of an approved species shall be replaced by another approved tree according to the following schedule. All replacement trees shall be consistent with the requirements of this Article.

**Tree Replacement Schedule**

Caliper measurement of removed tree	Required number of replacement trees for each removed tree
2 to 3 inches	1 tree
3.1 to 6 inches	2 trees
6.1 to 9 inches	3 trees
Over 9 inches	4 trees

**§ 205-236. General landscape provisions.**

- A. Obstruction of view. Landscaping or screening installed in any landscaped area shall not obstruct the view from or to any driveway approach, street, alley or sidewalk.
- B. Earth berm locations. All earth berm locations shall be reviewed by the Public Works Director or his/her designee to determine the effect of the berms on drainage and public utilities.
- C. Exceptions. A development may continue to comply with the bufferyard and screening requirements in effect at the time of issuance of its original permit, regardless of whether an adjacent lot or site is subsequently rezoned to a less intensive district that would otherwise require compliance with bufferyard or screening provisions.

**§ 205-237. (Reserved)**

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