

## **ARTICLE XXVIII. HOD Highway Overlay District**

### **§ 205-164. Intent.**

The Highway Overlay District recognizes the strategic importance of the Highway 370 corridor as an entrance to Papillion from Interstate 80 and as a key development corridor. The overlay district augments Design Guidelines for residential, commercial, and industrial development with special criteria designed to create a cohesive and attractive corridor. The requirements of the Highway Overlay District promote the general health, safety and welfare of the residents within the zoning jurisdiction of Papillion by providing for quality design and construction, and supporting the value of past and future investment within the overlay district. The criteria contained herein are intended to encourage creative solutions that will enhance the city's visual appearance, preserve taxable values, and promote the public health, safety, and welfare.

### **§ 205-165. Area of application.**

The Highway Overlay District applies to an area within the City of Papillion's zoning jurisdiction described as:

- A. One-fourth mile on either side (generally north and south) of the center line of Highway 370, measured perpendicular from the center line of Highway 370, and;
- B. One-fourth mile on either side (generally east and west) of the center line of Highway 50, measured perpendicular from the centerline of Highway 50, and;
- C. One-half mile on either side of the right-of-way of Interstate 80, measured from the edge of the right-of-way and perpendicular to the centerline.

### **§ 205-166. Criteria for application.**

- A. The provisions of the overlay district shall apply to all new development on each lot or site, including applications for plats, zoning changes, site plan review, and building permits.
- B. Requests for preliminary plats, final plats, and/or zoning changes shall meet the zoning requirements for a Planned Unit Development (PUD) or Mixed Use District (MU). The PUD or MU process and rezoning shall be in conjunction with preliminary and final plat review and approval.
- C. The provisions of the overlay district shall apply to additions or enlargements of existing uses or structures that increase floor area or impervious coverage, but only to that portion where the new development occurs.

### **§ 205-167. Prohibited or conditional land uses.**

- A. The following land uses are not permitted in the Highway Overlay District:
  - (1) Adult entertainment business, establishment, service or use, except as in compliance with Chapter 126 of the Papillion Code, which is considered a part of this Zoning Ordinance.

- (2) Car wash operations that constitute the principal use.
- (3) Correctional institutions.
- (4) Hazardous waste storage, as a principal use.
- (5) Heavy industrial uses, such as but not limited to meatpacking, oil refining, mining, electric and gas production, etc.
- (6) Mobile or modular home sales (not including recreational vehicles).
- (7) Mobile home parks.
- (8) Pawn shops.
- (9) Salvage services.
- (10) Telecommunications towers and equipment in residential areas within the Highway Overlay District. In all other areas, except in areas designated Mixed Use 2 or Industrial by the city's comprehensive development plan, telecommunications towers and equipment should be located on or within a structure or be an architectural component of a building. Freestanding communications towers up to 200 feet in height may be considered by special use permit in areas designated for Mixed Use 2 or Industrial Uses.
- (11) Tow lots, as a principal use.
- (12) Storage (Convenience), except by special use permit in areas designated for MU2 or Industrial future land uses by the Comprehensive Plan and not visible from Highway 370, Highway 50 or I-80.
- (13) Truck, trailer, or equipment sales and/or rental, and repair, except in areas designated for Industrial or MU2 future land uses by the Comprehensive Plan.
- (14) Truck terminals, except in areas designated for Industrial or MU2 future land uses by the Comprehensive Plan.
- (15) Residential development in any AG Agricultural District along Interstate 80 is permitted only by approval of a special use permit.

**§ 205-168. Mandatory Site Design Criteria.**

- A. All new development within the Highway Overlay District shall comply with the Design Guidelines for multi-family residential, commercial, and industrial development set forth by Articles XXX, XXXI, and XXXII.

**§ 205-169. Discretionary Site Design Guidelines.**

- A. All new development within the Highway Overlay District should utilize these guidelines to direct site design. All new development must comply with at least one of these guidelines and demonstrate compliance in its development application.
- (1) Natural physical features, including existing vegetation and mature trees, should be incorporated into the site design of new developments. These areas should be accessible for public use from other parts of the development.
  - (2) Office, business park, commercial and residential uses should incorporate decorative site elements and streetscape elements such as pedestrian open spaces, public art, monuments, water features, clock towers, landscape lighting, and special paving surfaces into the project design to provide visual continuity throughout the development and to define special purpose areas.
  - (3) Site design should include prominently located building sites, including terminations of street views and high points. Buildings on such sites should include distinctive architectural designs and features that capitalize on strategic site locations.
  - (4) Stormwater detention areas, if required, should be incorporated into overall site design and should create high quality focal points or entrance features.
  - (5) Decorative architectural accent lighting, landscape lighting, and pedestrian light poles shall be located throughout business park, mixed use, commercial, and residential developments.

**§ 205-170. Mandatory building design and material criteria.**

- A. All new development within the Highway Overlay District shall comply with the Design Guidelines for multi-family residential, commercial, and industrial development set forth by Articles XXX, XXXI, and XXXII.
- B. Building facades or walls that face a public street shall not have a blank, uninterrupted length exceeding 100 feet without including at least two of the following design elements: a change in plane, a change in texture or masonry pattern, or an equivalent element, such as accent materials or windows that subdivide the wall into human-scale proportions.
- C. Large buildings shall be articulated to provide scale through the use of smaller scale masses and forms and architectural elements such as canopies or porticos, arcades, colonnades, street-level window displays, raised landscape planters, pedestrian-level lighting, and special building material treatments at the base of the building.
- D. Roof design shall provide variations in roof lines to add interest to and reduce the scale of buildings. Parapet walls shall be used to conceal flat roofs. The city may approve exceptions to this standard in areas designated Industrial or Mixed Use 2 in the Comprehensive Development Plan. Such an exception shall include a clear written finding by the approving agencies, stating the functional considerations that required the exception.

- E. Intense, bright, or fluorescent colors shall not be used as the predominant color on any wall or roof of any principal or accessory structure. These colors may be used as the building accent colors but shall not constitute more than 10% of the area of each building façade. Permitted signs shall be exempt from this calculation.
- F. Highly reflective or glare producing glass with a reflectance factor of .25 or higher is prohibited on all façades. Such prohibition shall apply whether the glass is used in windows or spandrel areas.

**§ 205-171. Discretionary building design and material criteria.**

- A. All new development within the Highway Overlay District should utilize these guidelines to direct site design. All new development must comply with at least one of these guidelines and demonstrate compliance in its development application.
  - (1) Window canopies and awnings, where used, shall be constructed of materials consistent with the overall building design. Materials should not have a synthetic or plastic appearance. Windows and canopies should be indirectly illuminated and should not be backlit.
  - (2) Within each planned development, consistent architectural design, including building materials and colors, should be incorporated into all buildings. Designs should provide visual interest and variety within the unity of an overall theme or architectural vocabulary.

**§ 205-172. Landscaping design criteria.**

The following special landscaping requirements apply within the Highway Overlay District. These criteria are intended to increase the compatibility of adjacent land uses by requiring a buffer or screen between uses to minimize the harmful impact of noise, dust, debris, motor vehicle headlight glare, or other artificial light intrusions, and other objectionable activities or impacts conducted or created by an adjoining or nearby use.

- A. All plans submitted in support of a plat application, rezoning application, site plan review, building permit or other development proposal shall include a landscape and screening plan demonstrating compliance with the provisions of this section. The landscape and screening plan shall include the information required by § 205-226 of this chapter.
- B. 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.
- C. Residential development buffer. Residential developments adjacent to Highway 370 or Highway 50 shall provide, in addition to the requirements of the underlying zoning district, a twenty-five-foot landscaped buffer yard adjacent to Highway 370 or Highway 50. Residential development adjacent to Interstate 80 shall provide a 100 foot landscaped bufferyard along the interstate in addition to the requirements of the underlying zoning district. Bufferyard requirements may be increased or decreased as part of the conditions of any change of zone application in order to promote the health, safety, and welfare of the community.

- (1) Plant materials shall be planted in staggered rows, shall provide a screen of 70% opacity, and shall attain a minimum height of six feet within four years.
- (2) Plant materials shall include a combination of deciduous and coniferous or evergreen trees with a minimum placement of one tree every 30 feet. This shall be credited toward satisfaction of the street tree requirement set forth by § 205-234.
- (3) A landscaped earth berm not exceeding six feet in height may be used in combination with the plant materials.

D. Commercial, civic, office, and industrial development i-80 buffer. Lots within a Commercial, Civic, Office or Industrial Development that abut the I-80 right-of-way shall provide a 50 foot landscape bufferyard between the building or the parking lot edge and the I-80 right-of-way. Bufferyard requirements may be increased or decreased as part of the conditions of any change of zone application in order to promote the health, safety, and welfare of the community.

- (1) Planting requirement shall be consistent with §205-234A with a minimum placement of one tree every 30 feet. This shall be credited toward satisfaction of the street tree requirement set forth by § 205-234.

**§ 205-173. Parking and vehicular use areas.**

A. All parking areas within the overlay district shall comply with the following requirements that complement regulations normally required for development under Section 205-241. Exceptions may be considered for industrial uses with heavy truck traffic.

B. Parking areas shall contain the following landscaping requirements. These provisions, in many cases, require more landscaping than otherwise required by Article XXXV.

- (1) Lots having five to 50 stalls: A minimum of 6% of the gross parking area shall be landscaped.
- (2) Lots having 51 to 99 stalls: A minimum of 7% of the gross parking area shall be landscaped.
- (3) Lots having 100 or more stalls: A minimum of 8% of the gross parking area shall be landscaped.
- (4) One tree which provides shade or is capable of providing shade at maturity shall be provided for every 200 square feet of required landscaped area.

C. Screening fences or walls, when utilized, shall be constructed of attractive, permanent finished materials, compatible with those used in the construction of the principal structure. The recommended fencing material for display areas is wrought iron. Chain link fencing and plastic sheeting are prohibited.

**§ 205-174. Fences.**

- A. Fencing around the perimeter of each development within the Highway Overlay District shall be of uniform design and material.
- B. Deer or Snow Fence. Any deer or snow fence constructed by the Nebraska Department of Roads shall be exempt from any fence regulation.

**§ 205-175. Design review process.**

- A. All development within the Highway Overlay District shall require approval subject to the following processes.
  - (1) Pre-application conference. A pre-application conference with city staff is required to give the applicant an opportunity to discuss plans before a great deal of time or money is expended.
  - (2) Application for design review. The applicant will submit a site plan review application, filing fee, all required documents and information. Applications will not be processed until a complete submittal has been received.
  - (3) Design review. The City of Papillion staff will review the submitted documents for compliance. The Papillion City Council may amend the design review process to include representatives from Sarpy County through an interlocal agreement to provide consistency in application of the guidelines in the corridor, in conformance with the Comprehensive Development Plan.
  - (4) Factors for evaluation. The following factors and characteristics, which affect the appearance of a development, will govern the evaluation of a design submission: Conformance to the building, site and landscape design criteria; logic of design; exterior space utilization; architectural character, attractiveness of material selection; harmony and compatibility; circulation, vehicular and pedestrian; maintenance.
  - (5) Stamp of approval. Approved site plans will receive a stamp of approval by the Planning Department. An originally stamped site plan must be included with the building permit application in order to receive a building permit.
  - (6) Appeals. The applicant may appeal a denied site plan application to the City Council. The City Council must find that the application is consistent with the Comprehensive Plan, the intent of the overlay district, and does not detract from the overall district.
  - (7) Certificate of occupancy. All design requirements must be completed as approved prior to receiving a certificate of occupancy for a building permit.
  - (8) Fees. Fees may apply to each individual step as established in the Master Fee Schedule.

**§ 205-176. (Reserved)**