

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 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 or variance as provided by this chapter.
- (4) No grading permit shall be issued by the Chief Building Official or his/her designee without an inventory of existing trees.

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, legal description, 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.

§ 205-227. Landscaping requirements.

Landscaping shall be required adjacent to each street property line 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 streetyard |
| RE | 35 feet | 75% of entire streetyard |
| R-1 | 20 feet | 65% of entire streetyard |
| R-2 | 20 feet | 55% of entire streetyard |
| R-3 | 20 feet | 50% of entire streetyard |
| R-4 | 15 feet | 50% of entire streetyard |
| MH | 35 feet* | 65% of entire streetyard |
| 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 the required Street Landscape Border unless it complies with §205-228B. Buildings may be located in the street landscape border provided that the building setback requirements are met.

§ 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 such as walkways and driveways may be located within the minimum required landscaped area provided that the landscaping required within such area is installed on another portion of the same lot.
- 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. Landscaping and screening condition alternative.

This section shall provide an alternative to satisfy a landscaping or screening condition of occupancy, a landscaping or screening condition of issuance for a certificate of occupancy, and/or a landscaping or screening condition of issuance for a certificate of zoning compliance, as identified throughout this Article. Accordingly, the City Council shall accept a landscaping or screening letter of credit, cash escrow, or other performance guaranty submitted to the Chief Building Official or designee in a form acceptable to the city in an amount of 120% of the estimated cost of the required landscaping or screening improvement. Any such guaranty shall comply with the following requirements:

- A. The guaranty shall be submitted in a form approved by the Chief Building Official or designee. The guaranty shall be in writing and shall identify the amount of the guaranty, the required terms, and the permitted time allowed for the installation of the required landscaping or screening improvement. The guaranty shall expire in no less than eighteen (18) months from the date of its issuance or as otherwise required by the Chief Building Official or designee.
- B. The permitted time allowed for said installation shall be limited to one year after: (1) occupancy, (2) the issuance of a certificate of occupancy, (3) the issuance of a certificate of zoning compliance, or (4) the commencement of operations, whichever comes first; however, this time period may be extended by the City Council upon written recommendation by the Chief Building Official or designee.
- C. In the event the required landscaping or screening improvement is not installed by the expiration of the permitted time, the developer or owner of the land at issue shall grant the City of Papillion permission to enter upon the land to install the required landscaping or screening, and the city shall retain the corresponding guaranty.

§ 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 street or alley.

- B. When a street or alley separates adjacent zoning districts requiring a bufferyard, the size of the bufferyard shall be ½ the required bufferyard set forth in this section. No bufferyard is required where the separating street right-of-way exceeds 75 feet in width.
- 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 | R-4 | 30 | 30 | 30 | 20 | NA | NA |
| More Intensive District | 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.

§ 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 of at least six feet with a minimum opacity of 75%.

(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. Parking Lot Peripheral Landscaping is required for all parking facilities. Parking Lot Peripheral Landscaping is defined as the continuous landscaped area(s) at the physical edge around the parking facility.

(1) Front/Street Side Yards. Parking facilities may not be located in the Street Landscape Border required by §205-227. If no Street Landscape Border is required, the parking facility shall provide a minimum ten foot peripheral landscape area along all edges of the parking facility that are within or adjacent to a front or street side yard.

(2) Rear Yards/Interior Side Yards. All parking facilities shall provide a minimum 5 foot peripheral landscape area along all edges of the parking facility that are within or adjacent to a rear or interior side yard unless:

- (a) The parking lot is interconnected with a parking lot on an adjoining lot and cross access is permitted.
- (b) The edge of the parking lot abuts the primary access to principal building.
- (c) The edge of the parking lot abuts a bufferyard required by §205-231.
- (d) The parking lot is located behind the principal building's building line that is adjacent to a rear or interior side lot line.

B. Each parking structure shall be considered a structure and subject to the setback and landscaping requirements for its respective zoning district.

C. Parking facilities may not be located in a bufferyard required by §205-231. If no bufferyard is required, each parking facility that abuts a residential use without an intervening street or alley shall provide a ten foot landscaped buffer along its common property line with the residential use.

D. Parking Facility Screening. Any non-residential parking facility that abuts property in a residential district shall provide a screen compliant with the provisions of §205-232B 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. Parking Facility Interior Landscaping. Each unenclosed parking facility of over 5,000 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 size of a planting bed or landscaped island shall 150 square feet. Parking facilities within the LI and GI Districts shall be exempt from any interior landscaping requirement. Licensed automobile dealership display lots 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.

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 Street Landscape Border required by §205-227. A minimum of one tree shall be provided for every 50 linear feet of Arterial and Collector rights-of-way.
- 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 streetyard landscaping. The planting requirement for streetyard landscaping shall be calculated by multiplying the area within the first 100' of the streetyard by the Minimum % of Area of first 100 feet of streetyard to be landscaped established in §205-227. For example, if the area of the first 100' of the streetyard of a lot in the CC District is 10,000 SF, then the calculation is 10,000 SF divided by 1,000 SF, which results in a subtotal of 10 planting units. The 10 planting units are then multiplied by 25% for a total planting unit requirement of 2.5 units. The 2.5 units are then rounded to whole number. As such, the lot is required to provide a total of 3 deciduous trees and five shrubs; three deciduous trees and three evergreen trees; or six deciduous trees.
- C. Bufferyard: One deciduous tree and two evergreen trees for each 1,000 square feet of bufferyard required by §205-231. Vegetative screens shall be credited toward satisfaction of this requirement.
- D. Parking Lot Peripheral Landscaping: One deciduous tree and five shrubs; one deciduous tree and one evergreen tree; or two deciduous trees for each 500 square feet of landscape area required by §205-233A.
- E. Parking Lot Interior Landscaping: One deciduous tree for each 20 parking spaces within the parking lot.
- F. 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 prior to occupancy.
- G. 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.
- H. 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.

I. Credit for Landscaping:

- (1) When a computation of required planting materials results in a fraction of 0.5 or greater, the requirement should be rounded up to the next whole number.
- (2) Landscaping that is credited toward satisfying the First 100 feet of Streetyard Landscaping requirement shall not be credited toward satisfying the Street Landscape Border requirement.
- (3) All landscaping within a required bufferyard that is located within the Street Landscape Border shall be credited toward satisfying the Street Landscape Border requirement.
- (4) All landscaping within a required bufferyard that is located within the First 100 feet Streetyard shall be credited toward satisfying the First 100 feet of Streetyard Landscaping requirements.
- (5) Parking Lot Peripheral and Interior Landscaping areas shall not credit toward satisfying the First 100 feet of Streetyard Landscaping requirements.
- (6) Multi-Family Development landscaping requirements are in addition to Street Landscape Border, streetyard or bufferyard landscaping requirements.
- (7) For Street Landscape Borders and the First 100 Feet of Street Landscaping only, boulders may be substituted for up to 5% of the deciduous tree requirement according to the Boulder Substitution Schedule.

Boulder Substitution Schedule

| Dimension of Boulder | Number of Boulders Required to be Equivalent to One Deciduous Tree |
|-----------------------------|---|
| 12" x 18" | 5 |
| 18" x 24" | 3 |
| 24" x 36" | 2 |
| Over 24" x 36" | 1 |

§ 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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