

## ORDINANCE NO. 39-03

AN ORDINANCE AMENDING THE LANDSCAPING AND SCREENING STANDARDS OF THE UNIFIED LAND DEVELOPMENT ORDINANCE OF THE CITY OF SEWARD; TO ADD A NEW SECTION 11.3307 PROVIDING FOR SCREENING IN PLACE OF BUFFERYARDS ON LOTS WITH A WIDTH OF LESS THAN SIXTY FEET; TO RENUMBER VARIOUS OTHER REGULATIONS WITHIN THE LANDSCAPING AND SCREENING STANDARDS; TO REPEAL ALL ORDINANCES OR PORTIONS OF ORDINANCES PERTAINING TO ZONING AND SUBDIVISION REGULATIONS IN CONFLICT HERewith; TO PROVIDE FOR PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM; TO PROVIDE FOR A TIME WHEN THIS ORDINANCE SHALL TAKE EFFECT.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SEWARD, NEBRASKA:

SECTION 33

---

### LANDSCAPING AND SCREENING STANDARDS

#### 11.3301 Purpose

The Landscaping and Screening Regulations provide additional guidance on the development of sites within Seward 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 Seward and its extra-territorial jurisdiction. The Landscape and Screening provisions are further intended to expedite development approval by including predictable, uniform standards for landscaping.

#### 11.3302 Applicability

The provisions of this section 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 percent of the building established on the site on the effective date of this Ordinance. Where such cumulative additions or enlargements are 20 percent or greater, these provisions shall apply only to that portion where the new development occurs.

#### 11.3303 Landscaping Requirements

Landscaping shall be required adjacent to each street property line and shall extend to a minimum depth inward on private property as set forth in the Development Regulations and summarized in Table 11.3303.

#### 11.3304 Landscaping Materials and Installation Standards

- a. Official List of Recommended and Prohibited Plant Materials

Plantings shall be used in required landscaped areas or bufferyards consistent with the Official List of Recommended and Prohibited Plant Materials, provided through the office of the Zoning Administrator. 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 driveways and walkways.

Table 11.3301: **Required Landscape Depth Adjacent of Street Property Lines**

<b>COLUMN 1 Zoning District</b>	<b>COLUMN 2 Minimum Depth of Landscaping Adjacent to Street Property Lines</b>
AG	35 feet
RR	25 feet
R-1	20 feet
R-2	20 feet
R-3	15 feet
R-4	15 feet
R-5	30 feet
UC	10 feet or 10% of street yard for lots less than 120 feet deep.
C-1	10 feet or 10% of street yard for lots less than 120 feet deep.
C-2	10 feet or 10% of street yard for lots less than 120 feet deep.
CBD	No Requirement
BP	25 feet
I-1	10 feet or 10% of street yard for lots less than 120 feet deep.
I-2	No Requirement

**11.3305 Bufferyard Provisions**

These provisions apply when a use is established in a more intensive zoning district (District A) that 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 Table 11.3302. Bufferyards are not required of single-family, 2-family, duplex, or townhouse use types in the more intensive zoning district.

a. The bufferyard dimensions set forth in Table 11.3302 apply to zoning districts which share a common lot line or are adjacent but separated by an intervening alley.

Table 11.3302: **Bufferyard Requirements (in feet)**

	District B (Less Intensive Adjacent District)		
District A (More Intensive District) Note 3	AG, RR (Note 1)	R-1, R-2, R-3 (Note 1)	R-4 (Note 1)
R-4	20	20	---
UC	15 Note 2	15 Note 2	15 Note 2
CBD	---	---	---
C-1	15	20	20
C-2, BP	25	25	20
I-1	40	40	30
I-2	100	100	100

**Notes to Table 11.3302:**

**Note 1:** Applies only to residential uses or preliminary plats previously established in the zoning district.

**Note 2:** Buffering requirement applies to adjacencies between commercial and office use types and pre-existing residential land uses in adjacent districts. Buffering requirement also applies to a commercial or office use type established in a UC district and adjacent to a pre-existing residential use in the UC District. Vertical screening may also be required as set forth in Section 11.330.

**Note 3:** Buffer requirements do not apply to single-family, duplex, or townhouse residential uses established in District A

b. When a street separates adjacent zoning districts requiring a bufferyard, the size of the bufferyard shall be one-half the required bufferyard set forth in Table 33.1102.

c. Each required bufferyard must be entirely landscaped and free of paved areas, access ways, storage, or other disturbances.

**11.3306 Screening Standards**

a. Application

Screening is required between adjacent zoning districts indicated in Table 11.3302 when one or more of the following conditions in the more intensive zoning district is directly visible from and faces toward the boundary of the less intensive zoning district:

1. Outdoor storage areas or storage tanks, unless otherwise screened.

2. Loading docks, refuse collection points, 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.
7. Surface parking lots with 150 or more stalls directly adjacent to less intensive districts.

b. Opaque Barrier

A six-foot opaque barrier shall be provided which visually screens the conditions listed in Section 11.3306a from less intensive uses as follows:

1. A solid wood, PVC, and/or masonry fence or wall at least six feet in height.
2. A landscaping screen, using evergreen or deciduous materials, capable of providing a substantially opaque, hedge-like barrier and attaining a minimum height of six feet within three years of planting.
3. A landscaped earth berm with a maximum slope of three to one, rising no less than six feet above the existing grade of the lot line separating the zoning districts.
4. Any combination of these methods that achieves a cumulative height of six feet.

c. Screening: Effect on Drainage

Screening shall not adversely affect surface water drainage.

d. Permitted Interruptions of Screening

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.

### **11.3307 Screening in Place of Bufferyards**

On lots of record with a width of less than 60 feet, screening consistent with Section 11.3306 and approved by the Zoning Administrator may be substituted for the bufferyard requirements set forth in Section 11.3305.

### **11.3308 Parking Lot Landscaping**

a. Landscape and Screening Requirements

Unless otherwise noted, each unenclosed parking facility with a paved surface of 6,000 square feet or more shall comply with the following regulations:

1. Each unenclosed parking facility shall provide a minimum landscaped buffer of ten feet

along any street property line.

2. Each parking facility that abuts a residential district shall provide a ten-foot landscaped buffer along its common property line with the residential district.

3. Any parking facility which abuts property in a residential district shall provide a fence, wall, landscape screen, or earth berm not less than four feet in height for the length of the common boundary. A grade change, terrace, or other site feature which blocks the sight line of headlights into a residential property may satisfy this requirement, subject to the determination of the Zoning Administrator.

4. Each unenclosed parking facility of over 6,000 square feet within any street yard shall provide interior landscaped area equal to no less than 5 percent of the total paved area of the parking facility. Parking facilities within the I-1 and I-2 Districts shall be exempt from this requirement.

5. Interior landscaping shall be credited toward the satisfaction of overall landscaping requirements set forth in this section.

6. 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.

#### **11.3309 Tree Plantings**

a. In any landscaped area for commercial uses only required by the Minimum Depth Requirements, the Bufferyard Requirements, or the Parking Lot Interior Landscaping Requirements, one tree of an approved species with a minimum caliper size of two inches shall be planted and maintained for each 500 square feet of required landscaped area. Existing trees approved for preservation shall be counted toward satisfaction of this requirement.

b. Any tree of an approved species planted or maintained with a caliper of three inches or above shall count as 1.5 trees toward the satisfaction of the requirements of this section. An approved existing tree with a caliper of eight inches or above preserved on a site shall count as 2.00 trees toward the satisfaction of the requirements of this section

#### **11.3310 General Provisions**

##### a. Time of Application

The provisions contained in this Section shall be applied for each individual lot or site when an application for a building permit on such lot is made. A Landscape Plan shall be submitted with each application for a building permit. Such plan shall be reviewed by the Zoning Administrator for compliance with the provisions of this section.

##### b. Maintenance of Required Landscaping

1. Upon installation of required landscape materials, each owner shall take appropriate actions to ensure their continued health and maintenance. Required landscaping that does not remain healthy shall be replaced consistent with this section and the approved landscaping plan for the project.

2. Underground irrigation shall be provided for all required landscaped areas in multi-family, commercial, or office developments.

c. 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, and shall be consistent with the provisions of the city's Vision Clearance Zone regulations.

d. Earth Berm Locations

All earth berm locations shall be reviewed by the Zoning Administrator, or his/her designee to determine how the berms shall relate to drainage and public utilities.

e. 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 which would otherwise require compliance with bufferyard or screening provisions.

Section 2. **Repeal.** That all ordinance or portions of ordinances and all amendments thereto in conflict with this ordinance are hereby repealed in their entirety. All previous zoning and subdivision regulations for the City of Seward are hereby repealed and revoked.

Section 3. **Pamphlet form; publication; when operative.** This Ordinance shall be published in pamphlet form and shall be in full force and effect from and after its passage, approval and publication as provided by law and City Ordinance.

Passed and approved this 16 day of December, 2003.

NEBRASKA

THE CITY OF SEWARD,

By:

\_\_\_\_\_

ROGER E. GLAWATZ, Mayor

Attest:

\_\_\_\_\_  
DEBRA SCHAEFER  
City Clerk-Treasurer/  
Administrative Assistant