

Chapter 3.50

DESIGN STANDARDS FOR SCREENING AND LANDSCAPING

The Planning Department is assigned responsibility for administration of these design standards.

Section 1. OBJECTIVE

To achieve a desirable and a permanent landscape screen which will, with a minimum amount of maintenance, provide a buffer to minimize the visual effect of adjacent incompatible land uses, land uses substantially different, and similar land uses of different character, and to protect the health, safety and welfare of the general public.

Section 2. DEFINITION OF LANDSCAPE SCREEN

A visual buffer consisting of plant material, masonry, wood, other material approved by the Planning Director, and differences in land surface elevations or a combination of these elements. (Slats in a chain link fence shall not be acceptable.)

Section 3. GENERAL REQUIREMENTS

1. The requirements of this chapter shall apply to all new construction of structures and/or parking lots and to construction of new additions to existing buildings and/or parking lots provided that the screening and landscaping requirements shall only apply to the area of expansion for building additions and parking lot additions. Notwithstanding the above, when lot area or setbacks are reduced as the result of any conveyance to the federal government, state of Nebraska, any natural resources district, any county, the city, or any village within the zoning jurisdiction of the city under the threat of eminent domain any screening or landscaping required to bring the existing structure and/or parking lot located on the remaining portion of the lot into compliance with these design standards shall automatically be waived and the lot shall be deemed to be in compliance with these design standards.
2. Where required by conditions of approval of a plat, special permit, Planned Unit Development, or use permit the developer shall submit to the City for review and approval, a detailed and accurately scaled plan clearly showing the location, height and design of the fence screen, earth berm or excavation and clearly showing the location and identifying the plant material in the plant material screen. A plant material list including the common name, botanical name, quantity, mature height and spread, planting size and method of handling shall be shown on the plan. The plan shall also show the total square feet of the parking lot or addition, including driving aisles, the square feet of the building or addition and the zoning of the lot. Any existing parking areas or buildings shall be shown and labeled as existing.

3. Where screening is required by Title 27 between incompatible land uses, or around parking lots, the owner or builder of a structure or parking lot shall submit a landscape plan showing the location, height, and design of the fence screen, earth berm, or excavation and clearly showing the location and identifying the plant material in the plant material screen. A plant material list including the common name, botanical name, quantity, mature height and spread planting size, and method of handling shall be shown on the landscape plan. The plan shall also show the total square feet of the parking lot or addition, including driving aisles and the zoning of the lot. Any existing parking areas or buildings shall be shown and labeled as existing. Such plan shall be submitted and approved prior to the issuance of a final building permit with a structure or parking lot; provided, however, limited construction as permitted by Section 106.4.1 of the Building Code, may proceed without submittal or approval of the landscape plan.
4. Fences shall be installed during construction of the project or as soon as weather permits and shall be inspected and approved prior to permitting initial occupancy of the property. Plant material shall be installed within one year following completion of the development and initial occupancy of the property unless phase development is permitted or otherwise specified by the Planning Director.
5. Screens over thirty inches (30") in height shall not be installed in the triangular open space required for sight distance for vehicles entering and exiting the property.
6. Screens shall be maintained in a neat appearance and repaired or replaced to the original state if damaged, destroyed, or in need of repair; masonry and wood fences shall be replaced within a period of thirty (30) days, or as soon as weather permits; plant material shall be replaced in the next appropriate planting season (spring or fall, depending on the particular plan material), in accordance with the approved landscape plan. If the screen is totally destroyed by an "Act of God," the replacement period may be extended with a written request approved by the Planning Director.
7. The landscape design and the selection of plant material should:
 - (a) Allow the sun to shine on habitable buildings and recreation areas, streets, roadways, parking lots, sidewalks and other traveled ways in winter for solar heat radiation to aid in melting of the snow and ice.
 - (b) Provide shade on habitable buildings, recreation areas, streets, roadways, parking lots, sidewalks, and other traveled ways in summertime to reduce solar heat radiation to aid in the reduction of heat and glare.
 - (c) Not increase the drifting of snow onto streets, roadways, parking lots, sidewalks and other traveled ways.

8. Trees shall not count toward required screening of the surface from the ground to a height of ten feet (10').
9. Concrete and metal fences may be used in the screening of salvage and scrap processing operations. Chain link fencing may be used for security or other purposes but is not acceptable screen material with or without slats.

(Resolution A-84549, September 24, 2007; prior Resolution A-83782, March 20, 2006)

Section 4. PLANT MATERIAL FOR SCREENING AND LANDSCAPING

1.
 - (a) At least one-half (1/2), but no more than three-quarters (3/4) of the screen shall be coniferous or a variety of plant material that will retain its leaves through the winter months, except as otherwise provided in this chapter. An exception would be allowed if in conflict with paragraph 7 of the general requirements. Where the number of deciduous plants is increased to provide a year around screen the Planning Director may approve a reduction in the amount of coniferous plants or plants that retain their leaves in the winter. The branching characteristics of the plant will be considered when considering the reduction. This reduction cannot be approved for salvage yards and scrap processing operations.
 - (b) The sole use of plants to screen salvage yards and scrap processing operations is not acceptable.
2. A list of acceptable plant material shall be available upon request in the Office of the Planning Department. This list will specifically list the size, method of handling, and design spread diameter for each variety of plant material. However, other plant material may be used and added to the list upon meeting the requirements in subparagraph 3 below and with the approval of the Planning Director. If anyone chooses to add a plant to the list, they should submit information such as its mature spread and height, rate of growth and other information as requested by the Planning Director for consideration.
3. The variety of plant material used shall be reasonably:
 - (a) Free from litter and offensive odors;
 - (b) Resistant to breakage by wind and winter storms;
 - (c) Resistant to disease, insect attack and weather stresses;
 - (d) Long lived;
 - (e) Adaptable to City conditions;
 - (f) Easily transplanted and grown.
4. The installation of the plant material shall be by a certified landscape contractor as approved by the Parks and Recreation Department and shall conform to the approved landscape plan and the general requirements of the City of Lincoln Specifications for

Street Trees. These specifications shall be on file at the Planning Department, Parks and Recreation Department, Department of Building and Safety, and City Clerk. The installation may be inspected by the City.

5. The land owner agrees to promote vigorous growth of the required plants by performing continuous and properly timed maintenance. The maintenance responsibility consists of watering, weeding, fertilizing, controlling diseases and insects, pruning, removing the stakes and wires used to secure the plant when planting and removing and replacing unhealthy, damaged and/or dead plants. The replacement plant must be the same species, size and in the same location as shown on the approved landscape plan and planted during the next appropriate planting season. Substitute plants may be permitted by submitting a request to the Director of Planning.

(Resolution A-84549, September 24, 2007; prior Resolution A-83782, March 20, 2006).

Section 5 FENCE SCREENS

1. Shall be installed to withstand wind pressures and in accordance with the acceptable practices and the installation shall be inspected by the City as provided in Section 3, "General Requirements," subparagraph 4.
2. Plant material may be combined along with the masonry or wood fence.
3. Fences do not need to be completely opaque.
4. The height of fences shall conform to Title 27 of the Lincoln Municipal Code.
5. Generally, fences should not slope with the ground, but should be built on level lines. (See attached sketch).
6. The color of the fences should be in the neutral range of colors.

Section 6. BERM AND EXCAVATION

1. The side slopes shall not exceed three to one (horizontal to vertical) without the use of retaining material.
2. The land surface shall be protected to prevent erosion. The means of protection shall be either (a) sodding, to be done as soon as weather permits; (b) seeding with grass if permitted, depending on erosion control measures and the steepness of the slope; or (c) planting with an approved permanent ground cover.
3. Retaining walls shall be constructed in accordance with acceptable engineering standards.

Section 7. HOW MUCH IS TO BE SCREENED AND WHERE THE SCREENS ARE TO BE LOCATED ON THE PROPERTY:
(See Attached Sketch)

If plant material is used for part of the screen, the design size and shape of the plant material shall be used in computing the opacity of the screen.

7.1 Parking Lots, Parking Areas, and Driving Aisles and Motorized Vehicle Sales Display Area

Comment [CJE1]: Required screening for automobile dealerships is being added.

It is the intention of the screening standards for parking lots and parking areas to provide an adequate, aesthetic visual screen of the facility while not seriously impairing observation of the lot from public ways for the sake of security.

- (a) General: The screen shall be located adjacent to the barrier surrounding the parking lot or parking area but far enough from the barrier so as to be protected from the bumpers of other vehicles.
- (b) Driveway throats/driveway curb cuts shall be excluded from the required screen.
- (c) The screen shall be evenly distributed horizontally and may vary in height.

(d) The sides of parking lots, parking areas and driving aisles shall be screened from the ground to three feet (3') above the surface of the lot within a minimum six foot (6') landscape strip. The screen shall be at least ninety percent (90%) when the parking lot, parking areas and driving aisles are set back less than thirty-five feet (35') from the lot line or edge of pavement on private streets; at least sixty percent (60%) when the parking lot, parking areas and driving aisles are set back thirty-five to fifty feet (35' - 50') from the lot line or edge of pavement on private streets; and at least thirty percent (30%) when the parking lot, parking areas and driving aisles are set back more than fifty feet (50') from the lot line or edge of pavement on private streets. Fences may not be used to meet this screening requirement adjacent to a public street or private roadway. ~~When there is less than five feet (5') between the parking lot, parking areas and driving aisles and the street or alley right of way, one (1) deciduous tree shall be required for parking lots, parking areas and driving aisles less than five thousand (5,000) square feet and one (1) additional deciduous tree shall be required for each additional five thousand (5,000) square feet or fraction of five thousand (5,000) square feet.~~

Comment [CJE2]: This section causes confusion because a 6 foot area is required for all parking lot screening.

~~(e) In the B-1, B-3, H-1, H-2 and H-3 zoning districts, the front six (6) feet of the required front yard shall be entirely devoted to landscaping in accordance with parking lot design standards.~~

Comment [CJE3]: The H-1 zoning district is being eliminated from the Zoning Ordinance.

EXCEPTIONS:

- ~~(1) No screen shall be required in the area needed for the necessary paving of walkways and driveways to reach parking and loading areas.~~
- ~~(2) No screen shall be required in the front yard for a parking lot, parking area or driving aisle on lots that have less than an average lot depth of 150 feet.~~
- ~~(3) On corner lots, the front six feet landscape area shall be required along each street unless the distance between the street right of way and the opposite lot line is less than 150 feet.~~

- (f) No screen shall be required between abutting parking lots.
- (g) No screen shall be required between the parking lot and the building being served by that parking lot.
- (h) If plant material is used, the density percentage is calculated at plant maturity.
- (i) For all parking lots which equal or exceed 62,000 square feet in paved area, there shall be planted within that paved area one shade tree. There shall be planted one shade tree for each additional 6,000 square ~~feet of~~ parking lot paving. For example, for parking lots which have between 26,000 to 48,999 square feet of paved area, ~~one two~~ shade ~~tree~~s would be required; whereas, for parking lots which have between 49,000 square feet to 157,999 square feet of paved ~~area~~, ~~two~~ area, three shade trees would be required. The unpaved planting area around each tree shall be not less than 50 square feet and shall be constructed in such a manner as to prevent intrusion of vehicles into said planting area. Shade trees may be planted along the perimeter of the parking lot within eight feet (8') of the paved area. Each tree planted along the perimeter of the parking lot may be used for one-half (1/2) of the required one shade tree for each 6,000 square feet of parking lot paving or portion in excess thereof. Such landscaping shall be in conformance with *Lincoln Municipal Code Section 14.44.010* and the *Design Standards for Screening and Landscaping*. Motorized vehicle sales display lots are excluded from this requirement.

- (j) Trees in or along the perimeter of a parking lot that are required to meet the screening provisions of Section 7.5 may be counted toward these parking lot tree requirements.

(Resolution A-84549, September 24, 2007; prior Resolution A-83782, March 20, 2006).

7.2 Mobile Home Courts and Mobile Home Subdivisions Approved by Special Permit

Comment [CJE4]: Eliminate exemptions for smaller lots. Smaller lots are often in redeveloping areas and are in need of screening to enhance the pedestrian environment.

Comment [CJE5]: Increase by 1 tree to the existing standard for parking lot trees.

Comment [CJE6]: reForm proposes to add additional taller screening between residential and commercial districts. This screening includes trees that can count for both parking lot trees and screening in some instances.

The screen shall be evenly distributed horizontally; however, it may vary in height as to screen at least sixty percent (60%) of the surface from the ground to a height of ten feet (10') above the adjacent ground elevation of the mobile home court and mobile home subdivision. This screen is required along each side of the mobile home court and mobile home subdivision and shall be located within the fifty foot (50') exterior open space or between the mobile homes and the exterior boundary. Entrance roadways and the required open space for sight distance associated with intersections shall be excluded from the required screen.

7.3 Multiple Family Dwellings Approved by Special Permit, Planned Unit Development, and Use Permit

(a) The screen shall be evenly distributed horizontally: It may vary in height so as to screen at least fifty percent (50%) of the surface area of a vertical plane extending along the property line from six feet to fifteen feet (6' to 15') above the adjacent ground elevation of multiple dwelling structures, garages, maintenance buildings, etc. This screen shall be located between the structures and the adjacent property line. (*Resolution A-86877; July 9, 2012; Resolution A-83782, March 20, 2006*).

(b) When a multi-family dwelling is permitted above the zoning district height adjacent to an existing or planned single or two family dwelling, the additional setback area for such multi-family dwelling, except as provided in Section 7.3.c below, shall be devoted only to trees, shrubs, and grasses. The screen shall be evenly distributed horizontally: It may vary in height so as to screen at least fifty percent (50%) of the surface area of a vertical plane extending along the property line from six feet to twenty-five feet (6' to 25') above the adjacent ground elevation of the multiple dwelling. This screen shall be located between the multi-family dwelling and the adjacent property line. (*Resolution A-86877; July 9, 2012*).

(c) When garages, driveways or other accessory buildings for the multi-family dwelling are permitted in the setback area required in 7.3.b. above, the screening shall be increased as follows – the screen shall be evenly distributed horizontally. It may vary in height so as to screen at least seventy-five percent (75%) of the surface area of a vertical plane extending along the property line from six feet to twenty-five feet (6' to 25') above the adjacent ground elevation of the garage and/or other accessory building. This screen shall be located between such buildings and the adjacent property line. (*Resolution A-86877; July 9, 2012*).

7.4 Residential Lots Backing Onto Major Streets and Railroads

The screen shall be evenly distributed horizontally; however, it may vary in height so as to screen at least sixty percent (60%) of the surface area of a vertical plane extending along the entire length of the street or railroads abutting the lots and from the ground elevation at the lot line to ten feet (10') above the surface elevation of the street or railroad. This screen may be located in the street right of way when the right-of-way is 120 feet or greater. If the street right-of-way is less than 120 feet, the screen shall be

located on private property and along the lot line. Open space for sight distance associated with street intersections shall be excluded from the required screen.

If fences are used for the screen, they must be used in conjunction with plants. The plants shall be evenly distributed horizontally and may vary in height so as to screen at least twenty percent (20%) of the surface area of a vertical plane extending along the entire length of the fence from the ground to a height of ten feet (10') above the ground elevation. The plants shall be located on the street side of the fence. An opening in the fence (one per lot or joint access for two lots) is required for access to maintain the major street right-of-way, unless a property owners association is made responsible for the maintenance. (*Resolution A-84549, September 24, 2007; prior Resolution A-83782, March 20, 2006*).

7.5 Adjacent Land Uses and Zoning Districts of Substantially Different Character: B-1, B-2, B-3, H-1, H-2, H-3, H-4, B-5, O-2, I-1, I-2, I-3 Abutting Residential Districts
In the B-2, H-3, H-4, B-5, I-1, I-2, and I-3 zoning districts the screen shall be evenly distributed horizontally, however, it may vary in height so as to screen at least sixty percent (60%) of the surface area of a vertical plane extending along the entire length of the property line and from the ground elevation to a height of ten feet (10') above the adjacent ground elevation. This screen shall generally be located adjacent to the property line abutting the different uses. (*Resolution A-83782, March 20, 2006*).

In the B-1, B-3 and H-2 zoning districts the screen shall consist of a 6 foot opaque fence and trees planted to screen one hundred percent (100%) of a vertical plane from 6 feet to 25 feet in height.

When the abutting residential district is across an alley from the above-listed zoning districts and the commercial and/or industrial uses in said district take a driveway access from the alley, the screen shall be located adjacent to the property line of the commercial and/or industrial use along that portion of the alley not utilized for the driveway approach(es). The screen that would otherwise be required along that portion of the alley used as a driveway shall be located on the abutting residential property with the permission of the owner; provided that this portion of the screen is not required if the abutting residential property owner refuses to grant permission for the screen to be installed on his/her property. (*Resolution A-84549, September 24, 2007*).

Comment [CJE7]: Additional screening between commercial and residential in redeveloping zoning districts. All commercial zoning districts require a 6' fence between commercial and residential. These three districts require a 6' fence and trees at least 25' tall.

7.6 Required Yards, Open Space Areas, Malls and Around Proposed Buildings in the O-3, B-2, B-5, I-2 and I-3 Districts and Churches in R-1 through R-4 Residential Districts

For all buildings which equal or exceed 10,000 square feet of building coverage, there shall be provided for each 10,000 square feet of building coverage, three (3) deciduous shade trees and four hundred (400) square feet of ornamental grasses or shrub coverage. Ornamental trees may be used in lieu of deciduous shade trees, but are only credited one-half (1/2) of a deciduous shade tree. For example, for buildings which are between 10,000 to 19,999 square feet in building coverage, three (3) trees and four hundred (400) square feet of ornamental grasses or shrubs would be required; whereas for buildings which are between 20,000 to 29,999 square feet of building coverage, six (6) trees and eight hundred (800) square feet of ornamental grasses or shrubs would be required.

(Resolution A-84549, September 24, 2007; prior Resolution A-83782, March 20, 2006).

7.7 Salvage Yards

7.7.1 The area outside a building used for the storage of salvage material in connection with the operation of a salvage yard shall be screened. The screen shall be evenly distributed horizontally, but may vary in height and openness provided that it screens at least ninety percent (90%) of the surface area of a vertical plane from the ground elevation to a height of six feet (6') above the ground elevation. The screen shall be installed along the entire perimeter of the outdoor storage area, except where such area abuts the outside storage area of another salvage yard screened in accordance with a landscape screen approved by the City. If such screening is ineffective because of the topography of the premises or surrounding area or the presence of a public street viaduct, the ninety percent (90%) screen shall be extended to the height necessary to obstruct the view of the salvage material or vehicles waiting repair. The screen below a height of six feet (6') shall be accomplished by fences or differences in land surface elevations. *(Resolution A-86876; June 25, 2012).*

7.8 Day Care Centers and Preschools Approved by Special Permit

The screen shall be evenly distributed horizontally; however, it may vary in height so as to screen at least 90 percent (90%) of the surface area of a vertical plane from the ground elevation to six feet (6') in height. The screen shall be installed along the periphery of the outdoor play area.

7.9 Broadcast Towers

Broadcast towers except those mounted on the top of existing structures:

Deciduous and coniferous evergreen trees shall be planted around the tower to screen the tower from adjacent properties, of 70 percent (70%) from the ground to eight (8) feet. Fifty percent (50%) or more of the trees should grow to a mature height of thirty-five feet (35') or more.

7.10 R-T District Screening

The screen shall be evenly distributed horizontally; however, it may vary in height so as to screen at least sixty percent (60%) of the surface area of a vertical plane extending along the entire length of each side and rear lot line adjacent to a residential district from the ground to a height of ten feet (10') above the adjacent ground elevation. Fences may not be used to meet more than fifty percent (50%) of this screening requirement.

7.11 Outdoor Storage and/or Display of Merchandise for Service/Repair Facilities Including Motorized Vehicle Service and Repair Facilities and/or Contractor Services, Outdoor Refuse Areas, Recycling Bins, Open Storage, Loading Areas, and Ground Level Mechanical Equipment.

The area outside a building used for storage and/or display of merchandise for service/repair facilities (including motorized vehicle service and repair facilities) and/or contractor services, and outdoor refuse areas, recycling bins, open storage, loading areas, and ground level mechanical equipment associated with all uses shall be screened if they are located within 150 feet of street right-of-way and within the public view or abutting a residential district. The screen shall be evenly distributed horizontally; however, it may vary in height provided that it screens at least sixty percent (60%) of the surface area of a vertical plane from the ground elevation to a height of ten feet (10'). Fences shall be softened by landscaping to screen at least thirty percent (30%) of the surface area of a vertical plane from the ground elevation to a height of ten feet (10'). *(Resolution A-87209; February 11, 2013; Resolution A-86876; June 25, 2012; Resolution A-83782, March 20, 2006).*

Section 8. PROCEDURES

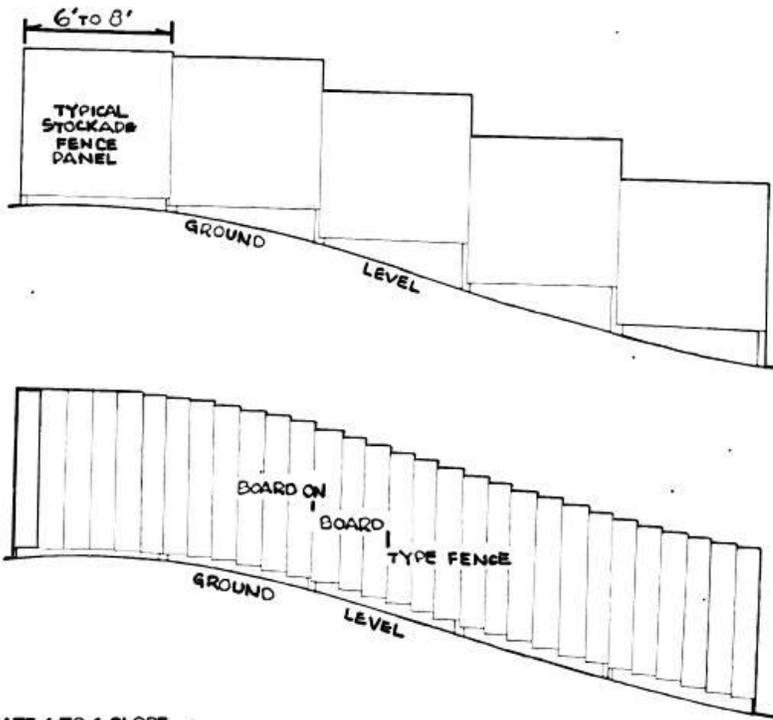
All plans and documents required to be submitted by the developer hereunder shall be filed with the Building Official. Three (3) copies of each of a detailed and accurately scaled layout showing the screening and landscaping shall be submitted for review and approval by the Planning Director. The Building Official shall serve as the coordinating agency for the reviews and approvals required by the various departments hereunder.

No certificate of occupancy for new construction of structures and/or parking lots or for the construction of new additions to existing buildings and/or parking lots shall be issued until the applicant has submitted or caused to be submitted to the Building Official an application from a certified landscape contractor for a landscape permit to install the landscaping required by these design standards. The landscape contractor shall file a certificate of completion certifying that the landscaping required by these design standards has been installed. The certificate of completion shall be filed with the Building Official within one year following final inspection of the work performed under the building permit. If the certificate of completion is not timely filed, the Building Official may revoke the certificate of occupancy.

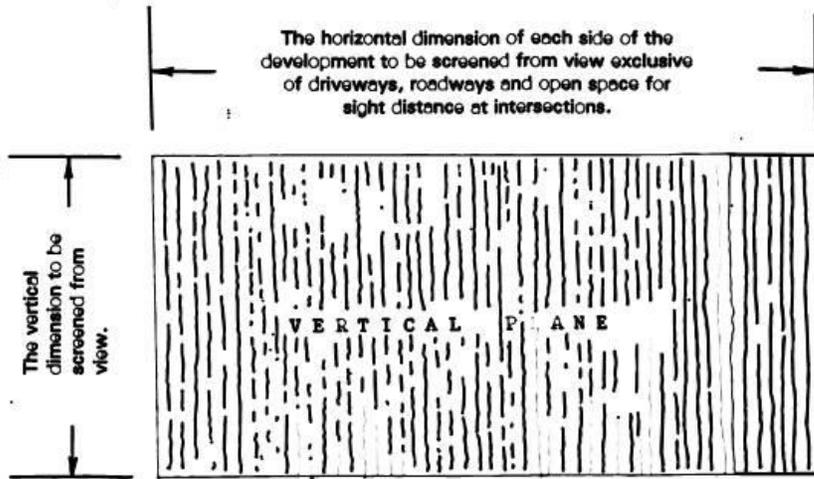
Before the City issues the Certificate of Occupancy, the owner(s) shall sign an agreement to continuously maintain the required landscape screen and landscaping by performing the maintenance responsibilities described in Section 4, subparagraph (5) of these standards.

(Resolution A-84549 , September 24, 2007: prior Resolution A-83782, March 20, 2006).

SKETCH #1



APPROXIMATE 4 TO 1 SLOPE
 $3/16" = 1"$



(Sketch indicates 100% of the vertical plane screened)

VERTICAL PLANE - vertical dimension x horizontal dimension

AREA TO BE SCREENED - vertical plane x % to be screened from view

