

CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
FEBRUARY 16, 2016 AGENDA

Subject:	Type:	Submitted By:
ZONING TEXT AMENDMENTS — PLANNED UNIT DEVELOPMENT OVERLAY DISTRICT, PARKING & LANDSCAPING	RESOLUTION ◆ ORDINANCE RECEIVE/FILE	ANN BIRCH COMMUNITY DEVELOPMENT DIRECTOR

SYNOPSIS

A public hearing has been scheduled and an ordinance prepared to amend Section 5.15, PUD Planned Unit Development (Overlay District), Section 7.07, Off-Street Parking, and Section 7.17, Landscaping Requirements, of the Zoning Ordinance.

FISCAL IMPACT

N/A.

RECOMMENDATION

Approve.

BACKGROUND

A public hearing has been scheduled to consider amendments to Section 5.15, PUD Planned Unit Development (Overlay District), Section 7.07, Off-Street Parking, and Section 7.17, Landscaping Requirements, of the Zoning Ordinance.

La Vista's PUD District currently has an approval process which consists of two parts – approval of a preliminary PUD plan and a final PUD plan. Since a PUD plan is a site plan, there is generally no reason to review it twice. This two-step process extends the time required for site plan approval without any discernable benefit. In an effort to increase efficiency, staff has drafted the attached amendments to the PUD section of the Zoning Ordinance which would condense the requirements into a single PUD plan application, and make other minor revisions. The additional edits to the parking and landscaping regulations were needed to remove references to a preliminary or final PUD plan.

A red-line copy of the proposed amendments is attached.

The Planning Commission held a public hearing on January 21, 2016, and recommended approval of the proposed amendments by a vote of seven in favor and one opposed.

Memorandum



To: Planning Commission

From: Christopher Solberg, City Planner

Date: 2/10/2016

Re: Public Hearing regarding text amendments to the Zoning Ordinance – Sections 5.15 (Planned Unit Development District), 7.07 (Off-Street Parking: Shared Parking), and 7.17 (Landscaping Requirements).

La Vista's Planned Unit Development (PUD) application process currently has two parts - a preliminary application and a final application. This separation causes an undue extension of the process without any discernible benefit. In an effort to increase efficiency, staff has edited Section 5.15 (PUD), Section 7.07 (Parking), and Section 7.17 (Landscaping) to eliminate the need for a Preliminary PUD application and a Final PUD application. The requirements have been condensed into a single PUD application.

Additional edits to Section 5.15 (PUD) of the Zoning Ordinance were added to clean up the language of the section, providing for better interpretation and implementation.

Redline copies of the aforementioned sections are attached.

STAFF RECOMMENDATION:

Staff recommends approval of the proposed amendments.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission held a public hearing on January 21, 2016 and recommended, through a vote of 7 in favor and 1 against, amendments to Sections 5.15, 7.07, and 7.17 of the Zoning Ordinance.

Section 5.15 PUD PLANNED UNIT DEVELOPMENT DISTRICT (Overlay District)

5.15.01 Intent: The intent of the PUD District is to encourage ~~the creative design of new living and retail areas, as distinguished from subdivisions of standard lot sizes, in order to permit such creative design~~ in buildings, open space, and their inter-relationship while protecting the health, safety, and general welfare of existing and future residents of surrounding neighborhoods.

The PUD District is an overlay zone. Although the specific conditions within this district are predetermined, the location of a proposed district must be carefully reviewed to assure that these conditions can be met.

5.15.02 Recommendation, findings of fact and development sizes

The planning commission, in its minutes, shall set forth its reasons for recommendation of approval or denial of the application for a PUD District, along with specific evidence and facts showing that the proposal meets or does not meet the following conditions.

- 5.15.02.01 Said planned unit development shall be in general conformity with the provisions of the La Vista Comprehensive Plan.
- 5.15.02.02 Said planned unit development shall not have a substantially adverse effect on the development of the neighboring area.
- 5.15.02.03 The minimum size allowed for a PUD District shall be 3 acres.
- 5.15.02.04 Permitted uses, lot sizes, Hheight limits, bulk, density, parking, and setback requirements may be varied so as to promote an efficient and creative PUD District.

5.15.03 Use regulations.

In the PUD District no building, structure, land, or premises shall be used, and no building shall be erected, constructed, or altered, except for mixed-use development or any use permitted in R-1 through R-4 Districts inclusive and C-1 through C-3 Districts, and I-1 and I-2 Districts. All uses in the underlying zoning district may be permitted or conditionally permitted, unless certain uses are limited by City Council. Additionally, other uses (outside the underlying zoning district) may be allowed by City Council to promote mixed-use development.

5.15.04 Standards and conditions for development.

A planned unit development shall ~~not be inconsistent with the following general standards for use of land, and the use, type, bulk, and location of buildings, the density or intensity of use, open space, and public facilities, and the development by geographic division of the state.~~

- 5.15.04.01 The applicant shall submit a schedule of construction. The proposed construction shall begin within a period of twelve (12) months following the approval of the ~~final~~ application by the City Council. A minimum of fifty (50) percent of the total planned construction shown on the final plan shall be completed within a period of five (5) years following such approval or the ~~Final~~ PUD plan shall expire. The period of time established for the completion of the development may be modified from time to time by the City Council upon review and recommendation by the Planning Commission upon the showing of good cause by the developer.
- 5.15.04.02 The developer shall provide and record easements and covenants, shall make such other arrangements, and shall furnish such performance bonds, escrow deposit, or other financial guarantees for public improvements as may be determined by the City Council to be reasonably required to assure performance in accordance with the development plan and to protect the public interest in the event of abandonment of said plan before completion.
- 5.15.04.03 The site shall be accessible from public roads and/or private roads that are adequate to carry the traffic that will be imposed upon them by the proposed development. The streets and driveways on the site of the proposed development shall be adequate to serve the residents or occupants of the proposed development.
- 5.15.04.04 The development shall not impose an undue burden on public services and facilities, such as fire and police protection.
- 5.15.04.05 The entire tract or parcel of land to be occupied by the planned unit development shall be held in single ownership or control, or if there are two (2) or more owners, the application for such planned unit development shall be filed jointly by all owners.
- 5.15.04.06 The location and arrangement of structures, parking areas, walks, lighting, and appurtenant facilities shall be compatible with the surrounding land uses, and any part of a planned unit

development not used for structures, parking and loading areas, or access ways shall be landscaped or left as common open space.

5.15.04.07 Adequate parking shall be provided for each building and use. Planned Unit Development (PUD) plans may reduce the minimum parking requirements, in Section 7.06, if parking is shared by more than one land use or business.

5.15.04.08 ~~When a commercial or industrial use within a PUD District abuts a residential district, a solid or semi-solid fence or wall at least six (6) feet high, but not more than eight (8) feet high, and having a density of not less than eighty (80) percent per square foot, shall be provided adjacent to any adjoining residential district, except in the event the adjacent residential district and the commercial developer are separated by a street right of way. If a fence or wall is constructed, then pedestrian connections shall be installed where appropriate to allow pedestrian movements from the residential district to the commercial uses. PUD Districts shall abide by Section 7.17 (Landscaping Requirements) of this ordinance to ensure suitable screening between developments is maintained.~~

5.15.04.09 All residential, commercial, and industrial buildings shall set back not less than twenty-five (25) feet from the right-of-way of any street and ten (10) feet from any district boundary lines that do not abut a street right-of-way. Additional setback from a heavily traveled thoroughfare may be required, when found reasonable by the Planning Commission and City Council for the protection of health, safety, and general welfare.

5.15.04.10 Building coverage shall not exceed the following percentages of the net developable area of each individual parcel of the total development for each type of planned unit development:

Residential, forty (40) percent maximum.

Commercial, sixty (60) percent maximum. (*Ordinance No. 882, 11-19-02*)

Industrial, sixty-five (65) percent maximum. (*Ordinance No. 882, 11-19-02*)

5.15.04.11 A minimum of thirty (30) percent of the net area of that part of a planned unit development reserved for residential use shall be provided for open space as defined by these regulations under Section 5.15.04.16 below. Common open space for the leisure and recreation shall be maintained, through a homeowner's association or other approved entity. (*Ordinance No. 950, 3-1-05*) Open space as defined under this zoning district shall mean land area of the site not covered by buildings, parking, structures, or accessory structures, except recreational structures. Common open space as defined under this zoning district shall mean open space which is accessible and available to all occupants or their guests.

5.15.04.12 The PUD District shall include such provisions for the ownership and maintenance of the common open spaces as are reasonably necessary to insure its continuity, care, conservation, and maintenance, and to insure that remedial measures will be available to the City Council if the common open space is permitted to deteriorate, or is not maintained in a condition consistent with the best interests of the planned unit development or of the entire community.

5.15.04.13 No single family residential lot shall have direct access onto an arterial street.

5.15.04.14 All commercial areas must have access via a collector or arterial street; however, no individual commercial use may have direct access onto collector or arterial streets, unless the access is shared among more than one lot or building.

5.15.04.15 Sidewalks shall be built to City specifications along all public and private streets; however, an alternative pedestrian and sidewalk plan may be required which provides pedestrian access between each building or use in the planned unit development.

5.15.04.16 When a developer intends to design a new concept development, the Planning Commission and City Council may grant lesser front, side, and rear yard setbacks, including zero (0) lot line setbacks.

5.15.04.17 Architectural design and style are not restricted; however architectural style should be consistent throughout the PUD District. See Gateway Corridor District Design Guideline Booklet for examples of developments considered meeting this concept. Evaluation of the appearance of a project shall be based on the quality of its design and relationship to surroundings.

5.15.04.18 Building materials shall be selected for suitability to the type of buildings and the design in which they are used. Buildings shall have the same materials, or those that are architecturally harmonious, used for all building walls and other exterior building components wholly or partly visible from public ways.

5.15.04.19	All building within the PUD District shall use harmonious colors and shall use only compatible accents.
5.15.04.20	Monotony of design in single or multiple building projects shall be avoided. Variation of detail, form, and siting shall be used to provide visual interest. In multiple building projects, variable siting of individual buildings may be used to prevent a monotonous appearance.
5.15.04.21	Exterior lighting, when used, shall enhance the building design and the adjoining landscape. Building fixtures shall be of a design and size compatible with the building and adjacent areas. Lighting shall be directed downward and excessive brightness avoided. Lighting shall be designed to a standard that does not impact adjoining properties, especially residential areas (i.e. Dark Sky compliant.)
5.15.05 Application for approval of <u>Preliminary PUD plan</u>.	
5.15.05.01	An application for a PUD shall be handled in the same manner prescribed for amending this Ordinance. The same requirements for notice, advertisement of public hearing, protests, and adoption shall be required as zoning changes.
5.15.05.02	The applicant shall prepare the <u>preliminary</u> PUD plan for review and approval by the planning commission. Said <u>preliminary</u> PUD plan shall include a site plan showing: <ol style="list-style-type: none"> Contours at intervals of two (2) feet or spot elevations on a one hundred (100) foot grid shall be required on flat land; Location, size, height, and use of all proposed structures in conformance with the yard requirements; All points of ingress and egress, driveways, circulation aisles, parking lots, parking spaces, and service areas; All pedestrian sidewalks and walkways for internal circulation among buildings within the PUD as well as existing and proposed perimeter sidewalks. All streets adjoining subject property and the width of the existing right-of-way; Areas set aside for public and private open space with the type of recreational facilities planned for each; Designation of individual parcels if the proposed development is to be set up in separate construction phases; Designation of individual lots if such lots are proposed to be sold to individual owners; Location of required screening; Location of natural features such as ponds, tree clusters, <u>and</u> drainageways, <u>and</u> <u>rock outcroppings</u>; Existing development on adjacent properties within two hundred (200) feet. The above-described site plan shall also include a section designated as "general provisions," and said section shall include the following when, said items are applicable: <ol style="list-style-type: none"> Net area in square feet or acres. (Note: Net area does not include land dedicated or necessary to be dedicated for public street right-of-way. If more than one parcel is proposed, designate net area by parcel as well as total net area.) Density of dwelling units per acre of the total dwelling units for the entire plan. Building coverage of the net area of the planned unit development by individual parcel or total development. The percentage of the development plan provided for common open space as defined by this regulation. If more than one parcel is proposed, a statement relating to the sequence of development shall be included. Required number of off-street parking spaces. Gross floor area proposed for commercial buildings. <u>All proposed land uses shall be listed by parcel.</u>
5.15.05.04	A statement or adequate drawings shall be included describing the manner for the disposition of sanitary waste and storm water.
5.15.05.05	The full legal description of the <u>boundaries parcels</u> of the property or properties shall be included in the planned unit development.

5.15.05.06 A vicinity map, shall be included, showing the general arrangement of streets within an area of one thousand (1,000) feet from the boundaries of the proposed planned unit development.

5.15.05.07 A rendering or drawing of the general characteristics of the proposed buildings shall be submitted.

5.15.05.08 When a planned unit development includes provisions for common space, or recreational facilities, a statement describing the provision that is to be made for the care and maintenance for such open space be owned and/or maintained by any entity other than a governmental authority, copies of the proposed articles of incorporation and bylaws of such entity shall be submitted.

5.15.05.09 Copies of any restrictive covenants that are to be recorded with respect to property included in the planned development district.

5.15.05.10 The Planning Commission shall hold a Public Hearing on the ~~preliminary~~ PUD after the PUD has been reviewed by City of La Vista staff after giving notice as required by Statute for hearings.

5.15.05.11 Said public hearing may be adjourned from time to time and, within a reasonable period of time after the conclusion of said public hearing, the Planning Commission shall prepare and transmit to the City Council and the applicant specific findings of fact with respect to the extent which the ~~preliminary~~ PUD plan complies with those regulations, together with its recommendations in respect to the action to be taken on the ~~preliminary~~ PUD.

5.15.05.12 The City Council may or may not approve the ~~preliminary~~ PUD plan ~~and authorize the submitting of the final PUD plan.~~

5.15.05.13 Substantial or significant changes in the ~~preliminary~~ PUD shall only be made after rehearing and re-approval.

5.15.05.14 ~~After approval of a plan by the City Council, the applicant may apply for a building permit. The building permit shall include the same information as the plan.~~

5.15.05.15 ~~The Planning Department shall review the building permit for compliance with the approved plan.~~

5.15.05.16 ~~In the event that the building permit submitted contains substantial changes from the approved development plan, the applicant shall resubmit the original plan. This development plan shall be modified in the same manner prescribed in this division as for original approval.~~

5.15.06 Final approval.

5.15.06.01 After approval of a preliminary plan and prior to the issuance of any building permit, the applicant shall submit an application for final approval. Said final application may include the entire PUD District or may be for a unit or section thereof as set forth in the approval of the preliminary PUD plan. The application shall include drawings, specifications, covenants, easements, conditions, and a form of performance guarantee as set forth in the approval of the preliminary PUD plan and in accordance with the conditions established in this Ordinance for a PUD District. The final PUD plan shall include the same information as the preliminary PUD plan except the following shall also be provided:

1. ~~Provide a Final Plat consistent with the City of La Vista's Subdivision Regulations, if applicable, otherwise provide a site development plan for use as the PUD plan.~~
2. ~~A waiver of claim by the applicant for damages occasioned by the establishment of grades or the alteration of the surface of any portion of streets and alleys to conform to grades established.~~
3. ~~A PUD plan submitted for final approval shall be deemed to be in substantial compliance with the plan previously given tentative approval, provided any modification of the plan by the landowner is tentatively approved does not:~~
 - A. ~~Vary the proposed gross residential density or intensity of use by more than five (5) percent or involve a reduction in the area set aside for common open space, nor the substantial relocation of such area; nor~~
 - B. ~~Increase by more than five (5) percent the floor area proposed for non-residential use; nor~~
 - C. ~~Increase by more than five (5) percent the total ground area neither covered by buildings nor involve a substantial change in the height of buildings.~~

D. Substantially change the design of the plan so as to significantly alter:

- (1) Pedestrian or vehicular traffic flow.
- (2) The juxtaposition of different land uses.
- (3) The relation of open space to residential development.
- (4) The proposed phasing of construction.
- (5) Proposed use of one or more buildings to a more intensive use category as delineated in this Ordinance.

5.15.06.02 A public hearing with the Planning Commission need not be held for the approval of a final PUD plan if it is in substantial compliance with the approved preliminary PUD plan. After the City Planner has reviewed the final PUD plan, said final PUD plan shall be filed with the City Council for final approval and acceptance.

5.15.06.03 In the event that the final PUD plan submitted contains substantial changes from the approved preliminary PUD plan, the applicant shall resubmit the preliminary PUD plan for a public hearing with Planning Commission. This preliminary PUD plan shall be modified in the same manner prescribed in this division as for original approval.

5.15.07 Density Bonuses

5.15.07.01 The use of the PUD District, in conjunction with Conservation Easements, will allow a developer of a Planned Unit Development (PUD) to institute Density Bonuses.

5.15.07.02 Density Bonuses may be awarded in direct proportion to the amount of the proposed Subdivision that is placed within a Conservation Easement.

For example:

If a developer places 30% of the proposed Subdivision into a Conservation Easement, then the required Lot Area may be reduced by 30% in order to maintain the same number of buildings or dwelling units that would have been allowed by the minimum lot size of the Zoning District.

Conventional Development

- A developer has 10 acres of land to develop = 435,600 square feet
- Minimum lot area of the Zoning District = 10,000 square feet
- Total lots (minus streets) = 43.56

Development with Conservation Easements

- Same site of 10 acres = 435,600 square feet
- 30% of site is placed in a Conservation Easement = 130,680 square feet
- Density Bonus allows total lots of 43.56
- New minimum lot area for Subdivision = 7,000 square feet

5.15.07.03 Density Bonuses shall not be a means for a developer to lower the Minimum Lot Area within a Subdivision to below three (3) acres, when said lots are on private wells and septic systems. All lots shall be required to meet the criteria established for wells and septic systems as regulated by the Nebraska Department of Environmental Quality.

5.15.06 Enforcement

The approved PUD site plan is binding and shall be a restriction on development which runs with the land. Any unauthorized deviation therefrom shall be punishable and enforceable as a violation of this title.

5.15.08 Enforcement and modification of plan.

To further the mutual interest of the residents and owners of the planned unit development and of the public in the preservation of the integrity of the PUD plan, as finally approved, and to insure that modifications, if any, in the plan shall not impair the reasonable reliance of the said residents and owners upon the provisions of the plan, nor result in changes that would adversely affect the public interest, the enforcement and modification of the provisions of the plan as finally approved, whether recorded by plan, covenant, easement or otherwise, shall be subject to the following provisions:

5.15.08.01 The provisions of the plan relating to:

1. The use of land and the use, bulk, and location of buildings and structures; and

2. The quality and location of common space; and
3. The intensity of use or the density of residential units shall run in favor of the City and shall be enforceable in law or in equity, by the City, without limitation on any powers or regulation otherwise granted by law.

5.15.08.02 All provisions of the plan shall run in favor of the residents and owners of the planned unit development, but only to the extent expressly provided in the plan and in accordance with the terms of the plan, and to the extent said provisions, whether recorded by plat, covenant, easement, or otherwise, may be enforced at law or equity by said residents and owners acting individually, jointly, or through an organization designated in the plan to act on their behalf; provided, however, that no provisions of the plan shall be implied to exist in favor of residents and owners of the planned unit development except as to those portions of the plan which have been finally approved by City Council.

5.15.09 Amendments.

The PUD District ordinance or an approved ~~preliminary or final~~-PUD plan may be amended in the same manner prescribed in this section for approval of a ~~final~~-PUD plan. Application for amendment may be made by the homeowner's association or fifty-one (51) percent of the owners of the property within the PUD District.

5.15.10 Platting.

~~For unplatted tracts or tracts being re platted, the approval of the preliminary PUD shall be considered as the approval of a preliminary PUD plan. To complete the platting process, the applicant need only submit a final plat. Said final plat shall be in accordance with the subdivision regulations, except the scale shall be either one hundred (100) feet, fifty (50) feet, or twenty (20) feet to the inch.~~

5.15.11 Fees.

For the following applications, the indicated fees shall be paid to the City:

1. ~~Preliminary PUD; as set in the Master Fee Schedule.~~
- 2.1. ~~Final PUD; as set in the Master Fee Schedule.~~

~~These fees are separate and do not include any Preliminary and Final Plat Fees required by the City of La Vista. (Ordinance No. 882, 11-19-02)~~

Section 7.07 Off-street Parking: Shared Parking requirements

- 7.07.01 Notwithstanding the provisions of Section 7.06, in cases of shopping centers having 400,000 or more square feet of gross floor area and where parking and building patterns are such that overlapping uses of a majority of the total number of parking spaces in the center is likely to occur, compliance with the standard retail parking ratios may be decreased by the Planning Commission and City Council. Said request for a decrease in parking spaces shall be accompanied by a rezoning to a Planned Unit Development (PUD-+) and the request is made during the ~~Preliminary~~-PUD application process. All regulations of the PUD-+ District shall be adhered to within the development.
- 7.07.02 Where convention centers, conference centers, assembly halls, ballrooms, or other similar facilities are built in conjunction with a hotel, office park, or shopping center, the Planning Commission and City Council may permit the construction of fewer parking spaces, due to overlapping usage of a portion of the parking spaces. Said request for a decrease in parking spaces shall be accompanied by a rezoning to a Planned Unit Development (PUD-+) and the request is made during the ~~Preliminary~~-PUD application process. All regulations of the PUD-+ District shall be adhered to within the development.

Section 7.17 Landscaping Requirements

7.17.01 Intent:

The intent of the landscaping requirements are to improve the appearance of lot areas and soften paved areas and buildings; to provide a buffer between differing land uses; to minimize the adverse effect of uses from one another; to minimize the effect of heat, noise and glare; to conserve the value of property and neighborhoods within the community; and to enhance the physical environment within the City of La Vista by ensuring that yards, open spaces, parking lots and those areas abutting public rights-of-way are designed, installed and maintained in accordance with the provisions of this section.

Property development shall consider and respect land capabilities and constraints, minimize erosion and destruction of natural amenities and provide a buffer between differing land uses.

7.17.02 Application and Scope:

The provisions of the section shall apply to all new construction and development including, but not limited to, structures, dwellings, buildings, parking lots, residential subdivisions, office parks, shopping centers, and redevelopment for which either a building or zoning permit approval is required, except the following:

- 7.17.02.01 Agricultural buildings, structures and uses.
- 7.17.02.02 Replacement of lawfully existing structures or uses.
- 7.17.02.03 Additions, remodeling or enlargements of existing uses or structures provided that the enlargement of surface parking is more than 4,000 square feet shall not be accepted. Where such enlargement is less than 4,000 square feet, the provisions of this section shall apply only to that portion of the lot or site where the enlargement occurs.
- 7.17.02.04 Where there is more than one lot or site being developed together as one unit with common property lines, the entire site shall be treated as one lot or site for the purpose of conforming to the requirements of this section.
 - 1. When a lot or site with more than one ownership has been partially developed at the time of the adoption of this section. The application of the requirements of this section shall be determined by the City.

7.17.03 Landscaping Requirements:

Landscaping shall be required and provided as follows:

- 7.17.03.01 Single-family and two-family dwellings shall provide and maintain a minimum of thirty percent (30%) of lot area as a permeable and uncovered surface that contains living material. Single-family and two-family dwellings shall be exempt from all other requirements of this section.

7.17.03.02 Street Frontage:

A landscaped area having a minimum depth of fifteen feet (15') from the property line shall be provided along the street frontage of all lots or sites including both street frontage of corner lots.

- 1. The required landscaped area fifteen feet (15') may be reduced to ten feet (10') if an equal amount of square feet of landscaped area, exclusive of required side and rear yard landscaped areas, is provided elsewhere on the site.
- 2. Exclusive of driveways and sidewalks not more than twenty five percent (25%) of the surface of the landscaped area shall have inorganic materials such as brick, stone, concrete, asphalt, aggregate, metal or artificial turf.
- 3. A minimum of one (1) tree shall be planted for every forty lineal feet (40') or fraction thereof.

7.17.03.03 Side Yard:

A landscaped area having a minimum depth of ten feet (10') from the property line shall be provided along the side yard abutting any Residential District.

1. Exclusive of driveways and sidewalks, not more than ten percent (10%) of the surface of the landscaped area shall be inorganic materials such as brick, stone, concrete, asphalt, aggregate, metal or artificial turf. If the slope of ground within the landscape area exceeds 2:1, not more than fifty percent (50%) of the surface shall be inorganic material.
2. Landscaping shall include a hedge screen or a random or informal screen of plant materials substantially blocking the views and attaining a minimum height of six feet (6') within four (4) years. A landscaped earth berm not exceeding six feet (6') in height may be used in combination with the plant materials.
3. A six foot (6') solid wood and/or masonry fence or wall, may be used in lieu of or in combination with the plant materials required in section 7.17.03.03 (1), provided that such fence is at least five feet (5') from the property line.

7.17.03.04

Rear Yard:

A landscaped area having a minimum depth of ten feet (10') from the property line shall be provided along the rear yard abutting any Residential District or Transitional Agriculture District.

1. The landscape requirements for the rear yard shall be the same as for the side yard described in section 7.17.03.03.

7.17.03.05

Off-Site Parking Lots:

Parking lots not located on the property where the use served is located, shall conform to this section provided that a parking lot with an area of four thousand (4,000) square feet or less shall be exempt from the requirements of this section.

7.17.03.06

Parking Area Interior Landscaping:

Off-street parking lots, as defined in 7.17.03.05, and other vehicular use areas shall have at least ten (10) square feet of interior landscaping for each parking space excluding those spaces abutting a perimeter for which landscaping is required by other sections of this Ordinance, and excluding all parking spaces which are directly served by an aisle abutting and running parallel to such perimeter.

The front of a vehicle may encroach upon any interior landscaped area when said area is at least four (4) feet in depth per abutting parking space and protected by curbing. Two (2) feet of said landscaped area may be part of the required depth of each abutting parking space. No more than two (2) drive aisles shall be placed parallel to one another without an intervening planter aisle of at least four (4) feet in width; eight (8) feet is required if parking spaces overlap the curbs of the aisle.

7.17.03.07

Perimeter Landscaping:

All commercial office and industrial developments, buildings, or additions thereto shall provide perimeter landscaping to include a minimum of one (1) tree for each forty (40) lineal feet of street frontage or fraction thereof. Such landscaped area shall consist of sufficient area for the species of tree to be planted. Other perimeter landscaping shall require approval of the City.

7.17.03.08

Plant Materials:

Landscape living plant materials shall consist of trees, shrubs, ground covers, vines, grasses, flowers, and any other plants.

1. The plant nomenclature shall conform with the recommendations and requirements of the "American Standard for Nursery Stock", as amended, published by the American Association of Nurserymen, Inc.
2. Size. The minimum size of plant materials to be installed shall be as follows:
 - A. Deciduous trees having a mature height of twenty feet (20') or less shall have a minimum caliper of one and one-fourth inches (1-1/4").

- B. Deciduous trees having a mature height of more than twenty feet (20') shall have a minimum caliper of one and one-half inches (1-1/2").
- C. Evergreen (conifer) trees shall have a minimum height of three feet (3').
- D. Deciduous shrubs shall have a minimum height of eighteen inches (18").
- E. Evergreen shrubs shall have a minimum spread of eighteen inches (18").

7.17.03.09

Planting Schedule:

The plant materials shall be installed prior to the issuance of the certificate of occupancy. If, because of seasonal reasons, the landscaping cannot be installed, a surety satisfactory to the City of La Vista equal to the contract cost shall be submitted to the City. The City shall release the surety when the plant materials have been installed. If the plant materials have not been installed within twelve (12) months of the effective date of the certificate of occupancy, the City may install the required landscaping.

7.17.03.10

Required Plans:

Upon application of a building permit, a landscape-planting plan shall be submitted to the City of La Vista for review and approval.

- 1. Three copies of the plan shall be submitted.
- 2. The plan shall include, but not be limited to, the following:
 - A. Property lines and other physical features necessary to show the proposed installation of plants.
 - B. The location and spacing of plant materials.
 - C. The scientific name, common name, plant size, quantity and planting method.
 - D. The plan shall have a scale of not more than one-inch (1") equals one hundred feet (100').
 - E. When necessary, existing and proposed contours shall be provided.

7.17.04 Screening Requirements

- 7.17.04.01 All parking areas or vehicular use areas abutting a residential district or public right-of-way shall be screened from grade level to a height not less than three (3) feet.
- 7.17.04.02 All commercial and industrial uses that abut residential or office districts shall provide screening not less than six (6) feet in height along the abutting property line(s).
- 7.17.04.03 Screening required by this section shall be equivalent to the following:
 - 1. Solid fences or walls as approved by the City on the final development plan.
 - 2. Hedges, shrubs, or evergreen trees of thirty-six (36) inches in height at planting spaced appropriately to provide a solid screen within three (3) years after planting.
 - 3. Berms of not less than three (3) feet in height and that provide a maximum slope of 3:1 for easy maintenance. Such berms may be used in conjunction with plantings to achieve the solid visual screen as described in 7.17.04.03 (1) above.
 - 4. All projects except one-and-two family dwellings shall include a detailed drawing on the landscape plan indicating the method of enclosure and screening to be used on trash dumpsters. All dumpsters or trash bins shall maintain a solid six (6) foot enclosure around each unit. Said enclosure shall be of complementary materials.
 - 5. All plant material used for screening shall meet the standards in section 7.17.03.08.

7.17.05 Installation and Maintenance of Landscaping and Screening:

7.17.05.01

Installation:

All landscaping shall be installed in a sound workmanship like manner and according to accepted good planting procedures. Landscaped areas shall require protection from

vehicular encroachment. The Building Inspector shall inspect all landscaping and no certificates of occupancy or similar authorization will be issued unless the landscaping meets the requirements herein provided. Temporary occupancy permits may be issued due to weather related conditions upon approval by the Building Inspector.

7.17.05.02

Maintenance:

The owner, developer, tenant and/or their agent, if any, shall be jointly and severally responsible for the maintenance of all landscaping. All required landscaping shall be maintained in a healthy condition by necessary and appropriate measures. When replacement is necessary all plants and other non-living landscape materials shall be equal in size, density and appearance, at maturity, to those items requiring replacement when feasible. Underground sprinkler systems are encouraged to serve all landscaped areas except individual one and two family dwellings unless an equivalent watering system is approved by the Building Inspector.

All required screening and fencing shall be maintained and, whenever necessary, replaced with materials that provide equivalent size, density, and appearance. All landscaping and screening shall be kept free from refuse and debris so as to present a healthy, neat and orderly appearance. Turf grass shall be maintained on all areas not covered by other landscaping, parking, drives, buildings, or similar structures. Existing yards shall be maintained with grass or other approved ground cover.

7.17.06 **Preliminary Plan Approval**

A landscape plan indicating both proposed and existing landscaping and screening shall be submitted, with the preliminary plat, ~~preliminary~~-PUD, or preliminary site plan for development, for review and recommendation by City Staff. Said Plan shall be in sufficient detail to provide the City with a reasonable understanding of what is being proposed. Site calculations used in computing quantities shall also be submitted which are proposed to be used to satisfy the required amounts of landscaping.

7.17.07 **Final Plan Approval**

A detail listing of all plant materials to be used, quantities, size, and spacing shall be submitted to the City on separate sheets for review and recommendation and approval by the City Staff along with a planting schedule at final development plan submission.

7.17.08 **Parking Lot Plan Approval**

A final site development plan shall be submitted to the Building Inspector with the necessary landscaping and screening required herein for each of the following types of parking lot improvements:

- 7.17.08.01 New construction.
- 7.17.08.02 Expansion of existing facilities.
- 7.17.08.03 Maintenance of existing facilities where an overlay is proposed at which time the landscaping and screening shall be required. Modifications to the required parking lot landscaping and screening may be granted by the Planning Commission after review of submitted plans and in consideration of surrounding uses.
- 7.17.08.04 No parking lot shall be exempted from these regulations; unless previously exempted.