

# **City of Scottsbluff, Nebraska**

**Monday, March 7, 2022**

**Regular Meeting**

## **Item Resolut.2**

**Council to consider the first reading of the Ordinance repealing the GG-O Gateway Green Overlay Requirements and amending the landscaping provisions beginning in Chapter 25 Article 22 Section 1, incorporating prior GG-O Gateway Green Overlay Requirements into the landscaping sections.**

**Staff Contact: Zachary Glaubius, Planning Administrator**

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF SCOTTSBLUFF, NEBRASKA, REPEALING THE GG-O GATEWAY GREEN OVERLAY REQUIREMENTS FOUND IN THE MUNICIPAL CODE AT CHAPTER 25-3-22.01 AND AMENDING THE LANDSCAPING PROVISIONS BEGINNING IN CHAPTER 25 ARTICLE 22 SECTION 1, INCORPORATING PRIOR GG-O GATEWAY GREEN OVERLAY REQUIREMENTS INTO THE LANDSCAPING SECTIONS, PROVIDING FOR AN EFFECTIVE DATE AND PROVIDING FOR PUBLICATION IN PAMPHLET FORM.

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

Section 1. Section 25-3-22.01 entitled GG-O Gateway Green Overlay is now repealed in its totality.

Section 2. Section 25-22-1 through 25-22-11 is now revised and amended to read as follows:

“ARTICLE 22: LANDSCAPING.

Section

- 25-22-1 Intent
- 25-22-2 Definitions
- 25-22-3 Applicability
- 25-22-4 Materials, Installation, and Maintenance Standards
- 25-22-5 Tree Plantings
- 25-22-6 Street Yard Landscape Provisions
- 25-22-7 Bufferyard & Screening Provisions
- 25-22-8 Parking Lot Landscaping
- 25-22-9 Nature-Based Stormwater Best Management Practices (BMPs)
- 25-22-10 Performance Guarantee
- 25-22-11 General Provisions

§ 25-22-1 INTENT.

The provisions of this article provide guidance on the development of sites within the City of Scottsbluff by addressing landscaping and screening requirements. The provisions in this article 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 Scottsbluff and its extra-territorial jurisdiction.

§ 25-22-2 DEFINITIONS.

(A) The following definitions shall be used for terms contained within this article:

(1) **BUFFERYARD.** A landscaped area intended to separate and partially obstruct the view of two adjacent land uses or properties from one another.

(2) **LANDSCAPED AREA.** The area within the boundaries of a given lot, site, or common development consisting primarily of plant material, including but not limited to grass, trees, shrubs, vines, ground cover, and other organic plant materials; or grass paver masonry units installed such that the appearance of the area is primarily landscaped.

(3) **STREET YARD LANDSCAPE.** The area of a lot, site, or common development which extends inward of a minimum depth of ten (10) feet from any street property line

(4) **SCREENING.** Screening: The method by which a view of one (1) site from another adjacent site is shielded, concealed, or hidden.

(5) **PARKING FACILITY.** An area on a lot or site, including one (1) or more parking spaces, along with provision for access, circulation, maneuvering, and landscaping.

(6) **PERIMETER PARKING LOT LANDSCAPED AREA.** Any required landscaped area around the perimeter of a parking facility.

(7) **INTERIOR LANDSCAPED AREA.** Any required landscaped area within a site including interior islands, endcap islands, and corner islands. See Figure 25-22-8

(8) **IMPERVIOUS COVERAGE AREA.** The total horizontal area of all buildings, roofed or covered spaces, paved surface areas, walkways and driveways, and any other site improvements that decrease the ability of the surface of the site to absorb water, expressed as a percent of site area. The surface water area of pools is excluded from this definition.

### **§ 25-22-3 APPLICABILITY.**

(A) 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:

- (1) Single-family dwellings and Two-family dwellings;
- (2) Reconstruction or replacement of a lawfully existing use or structure following a casualty loss;
- (3) Remodeling, rehabilitation, or improvements to existing uses or structures which do not substantially change the location of structures, parking, or other site improvements;
- (4) Additions or enlargements of existing uses or structures which increase floor area or impervious coverage area by less than twenty percent (20%) of the building established on the site on the effective date of this Article. Where such cumulative additions or enlargements are twenty percent (20%) or greater, these provisions shall apply only to that portion where the new development occurs.

### **§ 25-22-4 MATERIALS, INSTALLATION, AND MAINTENANCE STANDARDS.**

(A) List of Recommended and Prohibited Plant Material: Plantings shall be consistent with the List of Recommended and Prohibited Plant Materials provided by the Scottsbluff Park, Cemetery, & Tree Board through the Department of Development Services. All plant materials in required landscape areas including but not limited to street yard landscaping, bufferyards, screening, and parking lot landscaping, shall conform in size, species, and spacing with this section of the article.

#### **(B) Plant Selection**

(1) The overall landscape plan shall not contain more than thirty-three percent (33%) of any one plant species.

(2) All landscape plans must use at least fifty percent (50%) native and/or drought tolerant plant materials to be installed, as appropriate for their location.

#### **(B) Minimum Plant Sizes.**

(1) Evergreen Trees shall be a minimum of four (4) feet in height, measured from the top of the root ball to the top of the tree.

(2) Streetscape, or large, deciduous trees shall be a one and one-half inches (1 ½) caliper or larger, measured twelve (12) inches above the root ball.

(3) Small, or ornamental, deciduous trees shall be a one and one-half inches (1 ½) caliper or larger, measured twelve (12) inches above the root ball.

#### **(C) Use of inorganic landscaping materials.**

- (1) No artificial trees, shrubs, plants, or turf shall be used to fulfill the minimum requirements for landscaping.
- (2) Inorganic materials, such as stone or decorative pavers, may be used provided that such material does not comprise more than thirty-five (35%) of the minimum required landscaped area.
- (3) Other concrete and/or asphalt pavement surfaces may not be used within the minimum required landscaped area, except for walkways and driveways.
- (4) Loose rock shall not be permitted within any required landscaped area which is within ten (10) feet of a traveled street surface or sidewalk as defined under Chapter 22 of the Municipal Code.

(D) 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 consistently with this section and the approved landscaping plan for the project.

#### **§ 25-22-5 TREE PLANTINGS.**

(A) In any required landscaped area, including but not limited to street yard landscaping, bufferyards, screening, and parking lot landscaping bufferyard requirements, and parking lot landscaping requirements. One tree of an approved species shall be planted and maintained for each five hundred (500) square feet of required landscape area.

(B) Existing trees approved for preservations shall be counted toward satisfaction of this requirement.

(C) All required trees shall meet the minimum size requirements as set forth by 25-22-4.

#### **§ 25-22-6 STREET YARD LANDSCAPE PROVISIONS**

(A) Depth of street yard landscape area: Landscaping shall be required adjacent to each street property line and shall extend from the right-of-way to a minimum depth inward of ten (10) feet on private property for all land uses and zoning classifications. Provided however, that this requirement shall not be applicable land that is used for single-family or two-family residential uses.

- (1) Street yard landscaping depth may be reduced to not less than five (5) feet in order to meet off-street parking requirements.

(B) Location of Street Trees: All trees and shrubs planted in the street yard landscape area shall meet the spacing and location requirements of this Chapter and those of Chapter 20 Article 7 of the Municipal Code.

(C) Obstructions: Street yard Landscape areas required by this chapter shall not be obstructed by any type or size of fence.

#### **§ 25-22-7 BUFFERYARD & SCREENING PROVISIONS.**

(A) Bufferyard Applications. These provisions apply when use is established in a more intensive zoning district which is adjacent to a less intensive zoning district

- (1) The owner, developer, or operator of the lot or site in the more intensive zoning district shall install and maintain a landscaped bufferyard on his/her lot or site along the common lot line. Bufferyards are not required on single-family or two-family residential use types in the more intensive zoning district.
- (2) Criteria for review and approval of appropriate bufferyard design includes, but is not limited to the following: meets base bufferyard requirements, provides separation of

uses, obstructs view between uses, allows access to utilities and detention, and maintains surface water drainage. Appropriate site design may allow for bufferyards to be incorporated into stormwater detention, water quality areas, and utility easements.

- (3) The bufferyard dimensions set forth in Table 25-22-7 apply to zoning districts which share a common lot line; except
- (4) When a public alley with a width not less than twenty (20) feet or street separates a more intensive zoning district from a less intensive zoning district, no bufferyard is required.
- (5) If a six (6) feet high solid wood or PVC fence or masonry wall is incorporated into the design, the required bufferyard may be reduced to a width not less than ten (10) feet, conditional on approval by the Planning Commission. The finished side of the fencing shall face the less intensive zoning district property or site. A row of shrubs of an approved species with a minimum height of three (3) feet, planted a maximum of four (4) feet from center shall accompany the fence or wall.
- (6) Each bufferyard shall be entirely landscaped and free of paved areas, access ways, storage, or other disturbances.

(B) Bufferyard Requirements

TABLE 25-22-7

District A (More Intensive District) (Note 2)	District B (Less Intensive Adjacent District)		
	A, AR, R-1B, R-1, R-1A (Note 1)	R-4, R-6 (Note 1)	O-P, C-1, C-2, PBC, C-3
R-4	10 feet	---	---
R-6	10 feet	---	---
O-P	10 feet	---	---
C-1	5 feet	---	---
C-2	10 feet	10 feet	---
PBC	10 feet	10 feet	---
C-3	15 feet	15 feet	---
M-1	15 feet	15 feet	10 feet
M-2	20 feet	20 feet	20 feet
<b>Note 1:</b> Applies only to residential uses previously established in the zoning district.			
<b>Note 2:</b> Buffer requirements do not apply to single-family or two-family residential uses established in District A.			

(C) Screening Application: Screening is required when one or more of the following conditions is directly visible from or faces toward the boundary of a less intensive zoning district.

- (1) Rear elevations of buildings;
  - (a) Screening of rear of elevations of buildings shall not be required if less intensive zoning district is separated from more intensive zoning district by a public alley with a minimum width of twenty (20) feet.
- (2) Outdoor storage areas, cargo containers, or storage tanks, unless otherwise screened;
- (3) Loading docks, refuse collection points, and other service areas;
- (4) Major machinery or areas housing a manufacturing process;

- (5) Major on-site traffic circulation areas or car, truck, and/or trailer parking; or
- (6) Sources of glare, noise, or other environmental effect

(D) Screening Method: An opaque barrier shall be provided which visually screens the conditions listed above from less intensive uses as follows:

- (1) A solid wood, PVC, and/or masonry fence or wall at least six (6) feet in height.
- (2) A landscaping screen, using evergreen or deciduous materials, capable of providing a substantially opaque, hedge-like barrier which will be capable of providing a solid screen within three (3) years of planting.
- (3) A landscaped earth berm with a maximum slope of three (3) to one (1), rising no less than six (6) feet above the existing grade of the lot line separating the zoning districts.
- (4) A chain-link fence with an opaque barrier incorporated into it, such as slats, with at least six (6) feet in height.
- (5) Any combination of these methods that achieves a cumulative minimum height of six (6) feet and provides an opaque barrier.

(E) Location of Screening: Any screening method shall be installed within the required bufferyard or in close proximity of the items listed in this section (25-22-7 B 1-6).

(F) Drainage: Screening shall not adversely affect surface water drainage.

(G) 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 twenty percent (20%) of the length of the required screened area.

#### **§ 25-22-8 PARKING LOT LANDSCAPING.**

Landscape requirements: Interior and perimeter landscaping shall be provided for all parking facilities larger than six thousand (6,000) square feet to buffer the facility from surrounding properties and rights-of-way; reduce the environmental effects of large, hard-surfaced area; and improve the retention and absorption of storm water runoff. Parking facilities with an area less than six thousand (6,000) square feet shall be exempt from the interior landscaping requirements; parking facilities under two thousand (2,000) square feet shall be exempt from both perimeter and interior landscaping requirements.

(A) Perimeter Landscaping Requirements:

- (1) Each off-street parking facility shall provide a minimum landscaped buffer of ten (10) feet with a three (3) feet minimum screen along any street property line.
  - (a) Perimeter landscaping required depth may be reduced not to less than five (5) feet in order to meet off-street parking requirements.
- (2) Each parking facility that abuts a residential district shall provide a twenty (20) foot landscaped buffer along its common property line with the residential district.
- (3) A parking facility which abuts property in a residential district shall provide a fence, wall, landscape screen, or earth berm not less than four (4) 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 City Planner.
- (4) 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. (See 25-2-104.1 for sight triangle requirements).

(B) Interior Landscaping Requirements:

- (1) Each parking facility of over six thousand (6,000) square feet shall provide interior landscaped area equal to no less than five percent (5%) of the total paved area of the parking facility.
  - a. Parking facilities within the M-1 and M-2 Districts shall be exempt from this requirement.
- (2) Interior and endcap landscape islands shall not be less than nine (9) feet in width and eighteen (18) feet in length for a single row of parking spaces, or thirty-six feet (36) in length for a double row of spaces with five (5) foot curb radii at both ends.
- (3) Corner landscape islands shall be defined by extensions of the edges of intersection parking spaces.
- (4) Landscape islands shall be evenly distributed to the maximum extent possible.
- (5) Landscape Strips may be used in place of individual interior landscape islands if they comply with the following standards:
  - (a) The minimum width of a landscape strip shall be six (6) feet and the minimum length shall be seventy (70) feet.
  - (b) The landscape strip shall contain a minimum of one tree every eighteen (18) feet or at least fifty percent (50%) vegetative cover other than turf grass.
  - (c) Wheel stops shall be placed in in a location to prevent vehicles from overhanging the landscape strip more than twelve (12) inches.

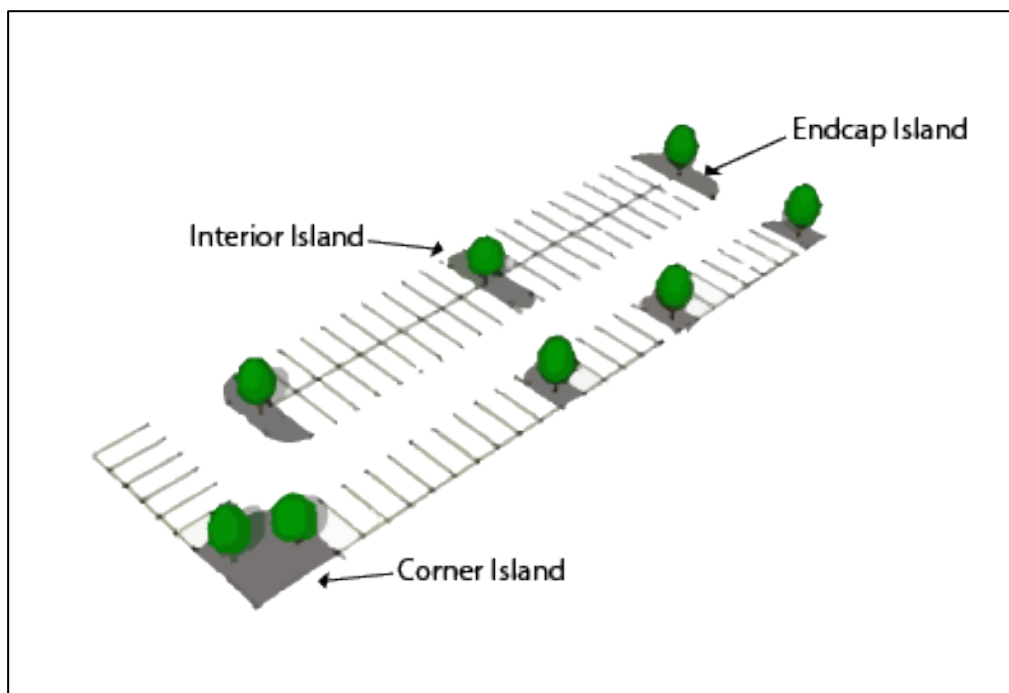


Figure 25-22-8

(C) Planting Requirements

- (1) Each interior or endcap island shall be planted with a minimum of:

a. One (1) large tree or two (2) small trees; and

b. With the remaining area in groundcover, which may be sod, ornamental grasses, organic mulch, or perennial or seasonal plantings, or shrubs spaced in accordance with common horticultural practices. Rock mulch may only be used if pre-approved by the City Planner.

(2) Each parking facility corner island shall be planted with two (2) large trees or five (5) small trees spaced in accordance with common horticultural practices, with the remaining area in groundcover, which may be sod, ornamental grasses, organic mulch, or perennial or seasonal plantings, or shrubs spaced in accordance with common horticultural practices. Rock mulch may only be used if pre-approved by the City Planner.

(3) Each perimeter landscaping bed shall be planted with a minimum of one (1) tree for every five hundred (500) square feet, spaced in accordance with common horticultural practices, with the remaining area in groundcover, which may be sod, ornamental grasses, organic mulch, or perennial or seasonal plantings, or shrubs spaced in accordance with common horticultural practices. Rock mulch may only be used if pre-approved by the City Planner.

(4) Trees shall meet the size requirements listed under 25-22-4.

#### **§ 25-22-9 NATURE-BASED STORMWATER BEST MANAGEMENT PRACTICES (BMPs)**

(A) When a nature-based or natural functioning stormwater BMP is installed, the BMP shall be landscaped and developed in such a way as to enhance or be in harmony with the surrounding site landscape.

(B) Examples of nature-based BMPs include, but are not limited to:

- (1) Bioretention
- (2) Retention ponds
- (3) Extended detention basins
- (4) Vegetated buffers
- (5) Bioswales
- (6) Infiltration basins/planters/trenches
- (7) Rain gardens; and/or
- (8) Constructed wetlands.

(C) Elements shall be “free form” following the natural contours of the land. If land lacks contour, the BMP shall be created to look like a natural landscape feature. Side slopes and lines should vary to give the appearance of a natural condition.

(1) Trees and shrub of approved species shall be planted in groupings intermittently along the BMP to create the appearance of the plants naturally occurring.

(2). Erosion control measures approved by the Public Works Director or his/her designee shall be required on all slopes.

(D) Stormwater BMPs shall meet all requirements of Chapter 24 of the Municipal Code.

#### **§25-22-10 PERFORMANCE GUARANTEE**



(A) If, at the time of an application for a certificate of occupancy, any required landscaping is not installed, the developer or owner of a site must submit a performance guarantee (by bond, letter of credit or other security approved in writing by the city attorney) satisfactory to the city in the amount of the value of a bona fide contract to install such landscaping. Such a contract must be reviewed and approved by the City Planner.

(B) The developer or owner shall grant the city permission to enter upon the land to install required landscaping if this has not been done within twelve (12) months of the effective date of the certificate of occupancy.

(C) The city shall release any bond or other arrangement immediately when the Department of Development Services verifies that required landscaping has been installed.

(D) These provisions shall not apply to single-family or two-family residential uses exclusively.

## **§ 25-22-11 GENERAL 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. (See 25-2-104.1 for sight triangle requirements)

(B) Earth berm locations: All earth berm locations shall be reviewed to determine how the berms shall relate to drainage and public utilities.

(C) Refuse Collection points shall always be screened with a six (6) feet opaque barrier.

(D) Exceptions: A development shall 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 3. Prior Section 25-3-22.01 is now repealed and prior sections 25-22-1 through 25-22-11 are now amended and included in the Scottsbluff Municipal Code and all other ordinances and parts of ordinances in conflict herewith are repealed. Provided, however, this ordinance shall not be construed to affect any rights, liabilities, duties or causes of action either criminal or civil, existing or actions pending at the time when this ordinance becomes effective.

Section 4. This Ordinance shall become effective upon its passage, approval as provided by law, and publication shall be in pamphlet form.”

**PASSED and APPROVED** on \_\_\_\_\_, 2022.

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk (Seal)

Approved as to Form:

\_\_\_\_\_  
City Attorney