

**Ordinance No. 6235**

**AN ORDINANCE TO AMEND LANDSCAPE REGULATIONS TO INCORPORATE THE NEW URBAN COMMERCIAL DISTRICT BY AMENDING SECTION 17.50.300 OF THE RAPID CITY MUNICIPAL CODE**

WHEREAS, the City of Rapid City has adopted a zoning ordinance in Title 17 of the Rapid City Municipal Code (R.C.M.C.) to promote the safety, health, morals, convenience and general welfare; and

WHEREAS, R.C.M.C. 17.50.300 sets forth landscape regulations to provide for the orderly, safe, healthful, attractive development of the City; and

WHEREAS, the City of Rapid City desires to create the Urban Commercial District as part of implementation of the Downtown Area Master Plan adopted by the Common Council in October 2016; and

WHEREAS, landscaping regulations for the Urban Commercial District are set forth in R.C.M.C. 17.66.060; and

WHEREAS, the Common Council wishes to amend R.C.M.C. 17.50.300 to reference the landscaping rules adopted for the Urban Commercial District in R.C.M.C. 17.66.060.

NOW THEREFORE, BE IT ORDAINED by the City of Rapid City that Chapter 17.50.300 of the Rapid City Municipal Code is hereby amended to read in its entirety as follows:

**17.50.300 Landscape regulations.**

A. *Purpose.* The purpose of these regulations is to provide for the orderly, safe, healthful, attractive development of the area within the city and to promote the health, safety and general welfare of the community.

B. *Objective.*

1. The objective of these regulations is to establish requirements for the installation and maintenance of landscape elements:

a. To aid in regulating and controlling vehicular and pedestrian circulation in parking areas;

b. To ensure that the off-street paved ground area and the adjoining right-of-way are clearly and visibly delineated;

c. To ensure that those established and acceptable ingress and egress points are clearly delineated;

d. To screen trash containers/ facilities from public view;

e. To enhance the environmental and aesthetic conditions which exist in the Black Hills area;

f. To protect and conserve the value of property;

g. To reduce the amount of stormwater runoff from paved areas;

h. To reduce the level of carbon dioxide and return pure oxygen to the air;

i. To reduce heat and noise, wind and air turbulence, and the glare of automobile lights;

j. To reduce glare of sunlight from parking lot pavements; and

k. To use irrigation waters in an efficient manner.

2. See general requirements, subsection F. of this section, to determine minimum specifications for all plant material for which credit will be given in complying with the requirements of these regulations.

*C. Definitions.*

1. **ACCESSWAY.** A paved area intended to provide ingress and egress of vehicular traffic from a public right-of-way to an off-street parking area or loading area.

2. **GBERM.** A mound of dirt used for screening or landscaping purposes which is planted with low-lying shrubs or groundcover so as to prevent erosion.

3. **BUFFER.** A visual screen, composed of masonry, wood or plantings, or a combination thereof, which will be a minimum of 80% opaque.

4. **DEVELOPED AREA.** That portion of a plot or parcel upon which a building, structure, pavement or other improvements have been placed which does not meet the definition of “undeveloped area.”

5. **FRONTAGE.** Lineal distance measured along each street right-of-way.

6. **GROUND COVER.** Low-growing plants planted in such a manner as to form a continuous cover over the ground.

7. **LANDSCAPE DEVELOPMENT.** Trees, shrubs, groundcover, vines, grasses or earthen berms installed in planting areas for the purpose of fulfilling the requirements of these regulations. (This shall not include rock nor artificial plant materials.)

8. **PAVED GROUND SURFACE AREA.** Any paved ground surface area (excepting public right-of-way) used for the purpose of driving, parking, storing or displaying of vehicles, boats, trailers and mobile homes, including new and used care lots and other open lot uses.

9. **PLANTING AREA.** Any area designed for landscape planting having a minimum of 25 square feet of actual plantable area.

10. **RECONSTRUCTION.** Rehabilitation or replacement of a structure or structures on property which either have been damaged, altered or removed.

11. **SHRUB.** A woody plant that usually remains low (minimum two feet in height) and produces shoots or trunks from the base. It is not usually treelike nor single stemmed.

12. **SPREAD.** The diameter of tree foliage measured at the broadest point of the tree.

13. **TREE.** Any self-supporting woody plant which usually produces 1 main trunk and which normally grows to a minimum of 15 feet in height.

14. **UNDEVELOPED AREA.** That portion of a plot or parcel not occupied by a building, structure, pavement or other improvements and which spans the entire length or width of the property and which is at least 75 feet deep. All undeveloped areas must have a sufficient cover of hardy native plant materials or grass.

15. **XERISCAPING.** The planting and maintenance of materials which are appropriate for the local conditions requiring little or no irrigation or maintenance.

D. *Areas where landscaping is required.* Landscaping is required in all industrial, commercial and multiple-family zoning districts; however, landscaping is not required for single-family homes located within multifamily zoning districts. Landscaping is not required in general agricultural, park forest, mobile home residential, low density residential I and low density residential II districts. Landscaping in the Urban Commercial District is required pursuant to Section 17.66.060. The provisions of subsection E. of this section shall be followed in determining the amount of landscaping required.

E. *Required landscape installation.*

1. *Landscape requirements.*

a. A minimum of 50% of the required landscaping shall be located in the parking lot or within 20 feet of the parking lot for all zoning districts except light industrial and heavy industrial. A maximum of 25% of the required landscaping may be within the public right-of-way. Arterial or collector street right-of-way landscaping shall be limited to shrubs, ground cover or turf. This section does not apply to the Urban Commercial District.

b. All required landscaping shall comply with the intent and purpose of these regulations and § 12.40.010.

c. Planter islands shall be provided at a ratio of 1 such area for every 50 parking spaces. Each parking space shall be not less than 120 feet from the perimeter of the parking lot or a planter island. Each island planter shall contain a minimum of 100 square feet, and provide a minimum of for 1 tree with shrubs, groundcover and/or mulch covering at the base.

2. *Determining required amount of landscape material.*

a. *Point system.* The amount of material shall be based on a point system. The square footage of the developed portion of the lot not covered by a building shall equal the required number of points (unless exempted under subsection b. below.)

b. *Calculation.* If calculation of the required landscape points in accordance with this section results in a total point requirement of 50,000 or more, and at least 25% of the total perimeter of the developed portion of the property abuts or is within 75 feet of a public roadway,

and the property is located in an industrial zoning district, the property qualifies for either of the following 2 options:

i. *Option no. 1. Irrigated Landscape Design.*

a. A lateral zone of evenly spaced vegetation resulting in a 70% buffer (as measured at mature plant spread) shall be required along property lines which are within 75 feet of rights-of-way and residential zoning districts. All vegetation must be planted within 25 feet of the lot line or within 25 feet of easements which are adjoining to the lot line.

b. A minimum of 25% of lineal feet of the vegetation must be medium trees or larger. Medium trees must have at least a 25-foot mature spread.

c. A drip irrigation system with an automated controller is required to irrigate all woody landscape material where either gravel or native grass is to be located around the vegetation.

d. The use of a water-saving sprinkler system with an automated controller is required where turf grass is to be planted around the vegetation buffer.

ii. *Option no. 2. Nonirrigated Landscape Design.*

a. A lateral zone of evenly spaced vegetation resulting in a 100% buffer (as measured at mature plant spread) shall be required along property lines within 75 feet of rights-of-way and residential zoning districts. All vegetation must be planted within 25 feet of the lot line or within 25 feet of easements adjoining to the lot line.

b. A minimum of 25% of lineal feet of the vegetation must be medium trees or larger. Medium trees must have at least a 25-foot mature spread.

c. *Point values.* Trees and shrubs contribute greatly to the quality of the community's environment through carbon dioxide absorption and oxygen generation, air purification by precipitation of dust particles, reduction of heat by transpiration and aesthetic qualities. The extent of the preceding positive contributions are a function of the size of the tree rather than the size of the planting area in which the tree is planted. Because of the contributions made by trees and shrubs, to the objectives of these regulations, points shall be given in accord with the schedule which follows.

**LANDSCAPE MATERIAL POINTS TABLE**

Large Trees	A minimum mature spread of 45 feet. Also, evergreen trees which reach a mature height of at least 20 feet.	2,000 points
Medium Trees	A minimum mature spread of 25 feet.	1,000 points
Small Trees	A minimum mature spread of 15 feet.	500 points

Opaque Hedge	A lineal reach of 15 feet and height of 6 feet.	500 points
Shrubs	A minimum mature height of 2 feet.	250 points
<b><i>LANDSCAPE MATERIAL POINTS TABLE</i></b>		
Ground Cover	One square yard.	100 points
Grass	One square yard.	10 points

F. *Applicability new development areas.*

1. *Applicability new development.* The requirements and standards for the installation and maintenance of landscape elements and site improvements as set forth herein shall apply to all developing commercial, industrial and multifamily areas within the city as per the zoning ordinance. All new development or construction which involves the creation of a building or a parking area or the paving of a parking area shall be in full compliance with the provisions of these regulations.

2. *Existing development areas– nonconformance–compliance required.* All property with existing development on the effective date of these regulations which is not in compliance with the provisions of these regulations shall be considered nonconforming and allowed to continue until such time as a building permit is granted to enlarge by 20% or more a structure or parking lot on the property or increase the occupant load by 20% or more. Compliance with these regulations for existing development in the Urban Commercial District is required pursuant to 17.66.060. A plan showing existing and new development, and the existing and proposed landscaping shall be submitted in accordance with subsection G. of this section.

G. *General requirements.*

1. *Installation.* All landscaping shall be installed in a sound workmanship-like manner according to accepted good planting and xeriscaping procedures and according to the approved plan. If at the time of final inspection all the requirements of these regulations have not been completed in a satisfactory manner, a certificate of occupancy shall not be issued unless the builder or owner has provided a monetary security guarantee (see subsection J. of this section, security guarantee). All required landscaping shall be installed as per plans submitted.

a. Trees used in parking lots shall be placed far enough back from the curb to accommodate the overhang of the automobile; otherwise, the front bumper of the car will hit the tree trunk.

b. The parking lot shall be screened with shrubs or other barriers. This will reduce visual clutter caused by parked cars, and will make the building more attractive.

c. When planters are used in parking lot interiors, a surface area shall be made available for aeration and water infiltration commensurate with the mature spread of the utilized tree types. This will help ensure that the tree remains healthy and vigorous.

d. Interior parking lot trees shall be deciduous shade trees. These will grow larger, be hardier and provide greater aesthetic and environmental benefits in an interior parking lot situation. Conifers and ornamentals are of greatest value in providing fence foliage in perimeter and buffer areas.

e. Fruit-bearing trees shall not be located where vehicular and pedestrian traffic exists. This will reduce the maintenance of these trees.

f. Curb stops or some form of physical barrier shall be installed around plant material located within the parking lot. This will reduce the possibility of damage to the plant material. Stormwater runoff from the parking lot area may be collected and directed in such a manner as to provide a source of water for landscaping.

g. Trees shall be located such that mature height and spread will not interfere with overhead power lines.

h. Evergreen trees shall be avoided in areas where the mature trees will create hazardous interruption of views to oncoming traffic or where they will create hazardous snow drifting on the parking area or public right-of-way.

i. The use of turf in and around landscaping materials is discouraged. The use of mulches or low water groundcovers can help retain moisture in the soil and reduce total water needs for the landscaped area.

j. Irrigation systems shall be of a drip, bubble or a low trajectory nature to maximize efficiency in water usage.

k. The plant types selected shall be suited to the conditions of the location to minimize maintenance and irrigation needs. A list of hardy native plant materials is available through the city's Planning Department.

2. *Sight distance for landscaping.* Landscaping may not obstruct the required sight triangles as provided in § 17.50.335, except as follows: Trees may be allowed in the required site triangle if the tree is located more than 30 feet from the intersection of the curb lines and the trees shall have a minimum of 40-foot spacing between trees; provided that the canopy of the tree is ten feet or more above grade.

3. *Maintenance.* The owner of the building or property shall be responsible for the maintenance of all landscape areas. The areas shall be maintained so as to present a healthy, neat and orderly appearance at all times and shall be kept free from refuse and debris. Maintenance shall include the replacement of all dead plant materials.

4. *Planting criteria.*

a. *Trees (deciduous).* Planted for the required landscaping under this section shall be a minimum of 1½-inch caliper 12 inches above grade measured immediately after planting. Trees shall be of a species having an average mature spread of crown of greater than 15 feet.

- b. *Trees (evergreen)*. Trees shall be a minimum height of 4 feet.
- c. *Groundcovers*. Groundcovers other than grass shall be planted in such a manner as to present a finished appearance and reasonably complete coverage within 1 year after planting.
- d. *Shrubs*. Shrubs shall be a minimum of 1 foot in height when measured immediately after planting.
- e. *Lawn grass*. Grass areas shall be planted in species normally grown as permanent lawns in Rapid City. Native grasses may also be used.
- f. *Synthetic lawns or plants*. Synthetic or artificial lawns or plants shall not be used in lieu of plant requirements in this section.

H. *Plan approval*.

- 1. *Preparation of plan*. It is recommended that the plan be prepared by a landscape architect, architect, landscaper or person of related profession.
- 2. *Plans required*. Two copies of the plans showing proposed landscape development and maintenance procedures, including figures to show compliance with these regulations shall be submitted to the Building Inspection Department at the time a building permit is requested. The Building Inspection Department shall route the proposed plans to the Planning Department for their approval. The plans shall consist of:
  - a. A plot plan drawn to scale normally of not less than 1 inch equals 30 feet including dimensions and distances and clearly delineating any existing and proposed landscape development. The plot plan shall also include drawings of the entire off-street parking area and the locations of the proposed building.
  - b. In addition to indicating those areas to be landscaped, the plot plan shall indicate the types, locations and sizes of all landscaping materials to be used. The irrigation system shall be detailed showing the layout of the system, system components and water delivery specifics.
  - c. These plans must be approved prior to issuance of a building permit.

I. *Exceptions*. The zoning board of adjustment shall have the power to grant variances in special cases where there are unusual and practical difficulties or unnecessary hardships created in meeting the requirements of these regulations. The guidelines to be used in determining whether a variance should be granted are as follows:

- 1. That the hardships or difficulties of meeting the requirements of these regulations are peculiar to that property, and not general in character;
- 2. Financial hardship due to meeting the requirements of these regulations is not sufficient to show unnecessary hardship, unless the financial difficulties amount to confiscation of property.

J. *Security guarantee*.

- 1. If at the time of final inspection all the requirements of the landscape regulations are not completed in a satisfactory manner and approved by the Building Official or his or her designee,

a certificate of occupancy shall not be issued unless the builder or owner has entered into an agreement with the city for improvements and provided a monetary security guarantee in an amount equal to the estimated cost of installation and establishment of the required improvements whereby the improvements will be made and installed without cost to the city in the event of default of the owner.

2. If a security guarantee is being used, the required improvements shall be installed within 9 months from the date of issuance of an occupancy permit. All required landscaping shall be installed as per plans submitted. All bonds and other methods of guarantee shall be approved by the City Attorney.

K. *Enforcement.* These regulations shall be a minimum standard and shall apply to the incorporated area of the city. The Building Official or his or her designated representative shall be the enforcing official. The enforcing official is charged with the duty of administering the provisions of these regulations as provided for in Chapter 17.54 of this code.

(Ord. 3872 (part), 2002: Ord. 3753 (part), 2001: Ord. 3010, 1993: Ord. 2873, 1991: prior code Appendix A, Art. V (§ 14))

CITY OF RAPID CITY

\_\_\_\_\_  
Mayor

ATTEST

\_\_\_\_\_  
Finance Officer

(seal)

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Second Reading: \_\_\_\_\_

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