

CHAPTER 12 - ARTICLE 15

LANDSCAPE STANDARDS

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Section 1: SECTION 12-15-101. Statement of Purpose and Intent.

It is the desire of the City to encourage development that enhances the environmental and aesthetic conditions that contribute to the quality of life in Pierre. To achieve this, a minimum standard for landscaping is prescribed to lessen the adverse effects commonly associated with urban development.

Landscape standards are designed to achieve a number of objectives, including:

1. Maintain and protect property values, create transitions, and reduce the negative impacts of surrounding land uses;
2. Provide relief from traffic, noise, heat, glare and the spread of dust, and/or debris;

3. Enhance the aesthetic appearance of the city;
4. Reduce soil erosion and storm water runoff; and
5. Reduce the effects of wind and heat through the provision of shade.

Section 2: SECTION 12-15-102. Definitions.

1. “**Boulevard**” is the area within the public right-of-way between the back of the curb and the sidewalk.
2. “**Major Renovation**” reconstruction and renovation of an existing structure to the extent of increasing the assessed value of said structure by fifty (50) percent or more.
3. “**Shrubbery**” a self-supporting, deciduous or evergreen wood plant normally branched near the base, bushy and a minimum height of one foot at the time of planting.
4. “**Tree**” a tree which is required by this ordinance and meets or exceeds the following minimum specifications according to tree type.
 - a). “**Tree, Deciduous Ornamental**” a minimum of one inch (1”) caliper measured at a point six inches (6”) above immediate ground level and normally growing to a height less than thirty feet (30”) at maturity.
 - b). “**Tree, Deciduous Shade**” a minimum of one and one-quarter inch (1¼”) caliper measured at a point six inches (6”) above immediate ground level and normally capable of reaching a mature height of fifty feet (50’).
 - c). “**Tree, Evergreen or Coniferous**” a minimum height of four feet (4’) measured above immediate ground level.

Section 3: SECTION 12-15-103. Applicability.

This ordinance shall apply to all public right-of-ways and to all properties improved with new construction and major renovation.

This ordinance shall further apply to non-conforming properties that are being paved, or 50% or more of the existing pavement is being replaced or resurfaced. Paving shall be defined as asphalt, concrete, or other durable surface as approved by the City Engineer. In the case where the landscape ordinance requirements conflict with the minimum required number of parking spaces required in city ordinance chapter 12, article 3, the property owner may request a variance in accordance with section 12-15-110 of this ordinance.

All property that is zoned Central Business, with zero lot lines, including the west half of block 6, the east half of block 7, Lots 1-14, block, all in the Original Plat; all buildings and property that front

or adjoin the 100 block of north Pierre Street; the south side of the 100 block of East Capitol Avenue; and the north side of the 100 block of East Dakota Avenue; except for properties in conformance of this ordinance at the time of adoption, shall be exempted from these requirements.

All property zoned single-family, 2-family residential, light industrial, heavy industrial and industrial park shall be exempted from these requirements.

The provisions of this ordinance shall not apply retroactively, and this ordinance shall not apply to any building permit issued prior to the effective date hereof.

Section 4: SECTION 12-15-104. Standards for Landscape Materials.

The minimum number of trees to be located on the development site/lot shall be one (1) tree per fifty feet of frontage. This requirement does not include the minimum standards for interior tree plantings in parking areas exceeding fifty (50) parking spaces.

The tree placement according to type and percentage allowed shall be:

1. Deciduous shade tree. May be utilized for one hundred percent (100%) of total tree requirement. The deciduous tree is the only tree to be utilized for interior trees or optional right-of-way plantings.
2. Deciduous ornamental and evergreen or coniferous trees. May be utilized for up to twenty five percent (25%) of total tree requirement. Shall not be planted in a driveway, intersection nor utilized for interior trees or right-of-way plantings.

Interior tree requirements for parking areas exceeding fifty (50) spaces or part thereof.

1. One tree per twenty five (25) interior parking spaces.
2. Trees shall be uniformly dispersed throughout the parking area.
3. Trees shall be placed in planting islands with pervious surfaces within hard surface areas such as parking lots.
4. Planting islands shall be a minimum of six (6) feet wide and contain a minimum of thirty five (35) square feet per tree with raised curbs or wheel stops to prevent damage from vehicles.
5. All planting islands within parking lots shall be designed so as not to impede pedestrian access and safety.

The City encourages preservation and maintenance of existing trees on site that meet the minimum requirement and are properly located to satisfy the needs of the ordinance.

Trees shall not be located closer than three (3) feet to any curb or hard-surfaced area, and all landscape materials required by this section shall be installed in accordance with accepted industry standards.

No tree or hedges shall be planted within the unobstructed sight triangle formed by joining points measured 20 feet distant along the property line from the intersection of two streets or 15 feet along both the street and alley line from the intersection of a street and an alley.

Artificial plantings are not acceptable under this ordinance and no landscaping requirement may be satisfied through the use of artificial plantings.

Section 5: SECTION 12-15-105. Boulevard/Public Right-of-Way Landscaping Requirements.

The entire public right-of-way, excluding the street, shall be devoted entirely to grass and approved tree/shrubbery plantings, except for necessary surfacing of sidewalks and driveways.

There shall be a minimum width of fifteen (15) feet of grass adjacent to the public street. In the event that there is not fifteen (15) feet of public right-of-way to be utilized for the planting of grass, the difference shall be met by requiring the developer/property owner of the property to provide the balance of the required fifteen (15) feet of grass on private property. The necessary surfacing of sidewalks and driveways may be allowed within the minimum width of fifteen (15) feet of grass.

The care, mowing, tree-trimming and maintenance of the right-of-way, including the area between the property line and street curb shall be the responsibility of the owner of the abutting property. The property owner is liable for the care, maintenance, mowing and tree trimming.

Section 6: SECTION 12-15-106. Landscape Plan.

The applicant for a building permit shall submit a landscape plan prepared and approved in accordance with the provisions of this section. A landscape plan is required prior to the issuance of a building permit. The landscape plan shall include the following:

1. Name, address and contact information for the developer/property owner.
2. Site map. One scale drawing of site based upon survey of property lines showing streets, easements, existing and proposed buildings, ingress and egress, and existing and proposed parking.
3. Landscape plan. Two scale drawings of proposed landscaping showing details of sodded and seeded areas; location, identification, quantity and caliper sizes of trees; location of landscape islands with identification of trees and plant material used for landscaping required by ordinance; identification of all existing trees to be preserved during construction..
4. Planting and maintenance schedule. A table containing common and botanical names, size, root specifications and planting dates.

The landscape plan shall be reviewed by the Building Official and the Director of Parks and Recreation, or a designated representative.

Section 7: SECTION 12-15-107. Maintenance.

The use of in-ground sprinkler systems is encouraged, and at a minimum, water services shall be conveniently located to provide a permanent and easily accessible means of watering. The property owner shall be ultimately responsible for the proper maintenance of all required landscape materials, including boulevard areas, and the owner shall replace any dead or substantially damaged landscape materials. Grass and trees shall be trimmed to be in compliance with city ordinances.

Section 8: SECTION 12-15-108. Enforcement.

The enforcement of this ordinance shall be the responsibility of the Building Official and the Director of Parks and Recreation, or their designated representative.

Section 9: SECTION 12-15-109. Penalty.

Any person who violates, disobeys, omits or neglects or refuses to comply with any provisions of this ordinance, or who erects, alters, repairs or maintains any use, building or structure in violation of any requirement, provision or regulation of this ordinance. Or who fails to perform any act or duty required by this ordinance or who violates any lawful order issued by the City or who violates any condition, limitation, safeguard, or requirement established in connection with any building permit, variance, or conditional use permit shall be guilty of a misdemeanor and shall be fined not more than two hundred dollars (\$200) or imprisoned for more than thirty (30) days. Each calendar day a violation occurs shall be considered a separate offense.

Section 10: SECTION 12-15-110. Variance.

The Board of Adjustment may grant variances to the terms of this ordinance and/or decisions(s) of the Building Official or the Director of Parks and Recreation, or designated representative, after public notice and hearing thereon. Any person(s) aggrieved by any decision of the Board of Adjustment may seek review by a court of record of such decision, in the manner provided by the laws of the State of South Dakota.

Variances shall be considered 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 shall be granted are as follows:

1. 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.

Source: Ord. No. 1756, 2016.