

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

AN ORDINANCE AMENDING SECTION 12-15-101 THROUGH 12-15-199 OF ORDINANCE NO. 1265 OF THE CITY OF PIERRE, HUGHES COUNTY, SOUTH DAKOTA, TO AMEND THE LANDSCAPE ORDINANCE.

BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF PIERRE, SOUTH DAKOTA, THE FOLLOWING ORDINANCE SECTIONS SHALL BE AMENDED AS FOLLOWS:

SECTIONS

[Sections 12-15-101 to 199, inclusive. Landscape Standards – General Provisions](#)

[Section 12-15-101. Statement of Purpose and Intent](#)

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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 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. **“Greenscape”** Land that is a predominantly green natural landscape— completely covered with foliage and/or grass. This excludes, trees, shrubs, or other vegetation but is not entirely inert material, concrete or decorative rock, or other inert material.
3. **“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.
4. **“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.
5. **“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 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.

The following 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 8, all in the Original Plat; all buildings and property that front or adjoin the 100 block of south 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.

This ordinance shall not apply to nonconforming properties that are being paved. However, where properties are being paved, especially where 50% or more of the pavement is being replaced or resurfaced, it is recommended that these properties adhere to the requirements under the provisions of the landscape ordinance to the fullest extent possible.

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 12-15-104. Standards for Landscape Materials.**

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

The A minimum number of points equivalent to 10% of the total square footage of the property must meet the requirements of this ordinance and may be a mixture of greenscape, shrubbery, and trees. 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 City encourages the preservation and maintenance of existing trees on site that meet the minimum requirement and are properly located to satisfy the needs of the ordinance.

Determining the required amount of landscape material:

1. Point system. The amount of material required shall be based as listed in the Landscape Material Points Table.

2. 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:

<b><u>LANDSCAPE MATERIAL POINTS TABLE</u></b>		
<u>Large Trees</u>	<u>A minimum mature spread of 45 feet. Also, evergreen trees which reach a mature height of at least 20 feet.</u>	<u>2,000 points</u>
<u>Medium Trees</u>	<u>A minimum mature spread of 25 feet.</u>	<u>1,000 points</u>
<u>Small Trees</u>	<u>A minimum mature spread of 15 feet.</u>	<u>500 points</u>
<u>Opaque Hedge</u>	<u>A lineal reach of 15 feet and height of 3.5 feet.</u>	<u>500 points</u>

<u>Shrubs</u>	<u>A minimum mature height of 2 feet.</u>	<u>250 points</u>
<u>Ground Cover</u>	<u>One square foot.</u>	<u>10 points</u>
<u>Ornamental grass</u>	<u>One square foot.</u>	<u>5 point</u>
<u>Grass</u>	<u>One square foot</u>	<u>1 point</u>

~~1.~~ The types of trees 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.
3. Evergreen or coniferous trees.

~~Where trees are planted, they shall meet the following: 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.~~

1. A deciduous shade tree is the only tree to be utilized for right-of-way plantings.
2. Deciduous ornamental and evergreen or coniferous trees shall not be planted in 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.~~
3. Trees shall be placed in planting islands with pervious surfaces within hard surface areas such as parking lots. Planter islands shall be provided at a ratio of 1 such area for every 50 parking spaces. Each island planter shall contain a minimum of 100 square feet, and provide a minimum of 1 tree with shrubs, groundcover, ornamental grass, grass, and/or mulch covering at the base.
4. 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.~~

5. 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.

6. 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.

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

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

#### **~~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 or an approved greenscape and approved trees/shrubbery plantings, except for necessary surfacing of sidewalks and driveways perpendicular to the right-of-way.~~

~~—There shall be a minimum width of ten (10) feet of grass or an approved greenscape adjacent to the public street. In the event that there is not ten (10) feet of public right-of-way to be utilized for the planting of grass or approved greenscape, the difference shall be met by requiring the developer/property owner of the property to provide the balance of the required ten (10) feet of grass or approved greenscape on private property. An equivalent area may be considered and approved by the Civil Engineer.~~

~~—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 12-15-1056. 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~~ City Engineer and the Director of Parks and Recreation, or a designated representative.

#### **SECTION 12-15-1067. 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 12-15-1078. Enforcement.**

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

#### **SECTION 12-15-1089. 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 12-15-10910. Variance.**

The Board of Adjustment may grant variances to the terms of this ordinance and/or decisions(s) of the ~~Building Official~~ City Engineer 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; Ord. No. 1788, 2018; Ord. No. 1810, 2019.

**Section 2:** All ordinances or parts thereof in conflict herewith are hereby repealed.

First Reading: \_\_\_\_\_, 2023  
Second Reading & Adoption: \_\_\_\_\_, 2023  
Published: \_\_\_\_\_, 2023

ATTEST:

\_\_\_\_\_  
Steve Harding, Mayor

\_\_\_\_\_  
Twila Hight, Business Manager/Finance Officer