

ARTICLE 27-1100. LANDSCAPING

SEC. 27-1101. PURPOSE.

The purpose of this section is to provide landscaping and performance standards which:

- (a) Enhance and promote a unique image for the Billings urban area.
- (b) Protect the public health, safety and welfare by:
 - (1) Increasing parking lot traffic safety by guiding the circulation of cars and people and lowering traffic speeds;
 - (2) Minimizing noise, air, water and visual pollution;
 - (3) Screening and buffering incompatible land uses;
 - (4) Reducing the amount of reflected glare and heat absorbed in and around developments;
 - (5) Breaking up large expanses of parking lots;
 - (6) Preserving property values and neighborhood characteristics by lessening the impacts of potentially incompatible uses; and
 - (7) Providing screening from wind.
- (c) Conserve water resources by:
 - (1) Promoting the use of xeriscaping and drought-tolerant native plantings; and
 - (2) Promoting the utilization of stormwater detention as an irrigation source.
- (d) Ensure that landscaping is an integral part of the site design and development process.

SEC. 27-1102. SCOPE.

Development which satisfies one of the following criteria shall be exempt from this section:

- (a) Single or two-family developments where each unit is located on an individual lot;
- (b) Submitted or approved plans, building permits and/or development existing prior to the effective date of this chapter shall comply with the regulations which were in effect at the time of approval; or
- (c) Development located within one of the following zoning classifications:
 - (1) Central Business District (C.B.D.) Zone
 - (2) Entryway Light Commercial (E.L.C.) Zone
 - (3) Entryway General Commercial (E.G.C.) Zone

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- (4) Entryway Mixed Use (E.M.U.) Zone
- (5) Heavy Industrial (H.I.) Zone
- (6) Medical Corridor Permit Zoning District
- (7) Planned Development (P.D.) Zone
- (8) South 27th Street Corridor Zoning District

The provisions of this section shall apply to development which meets one of the following and is not exempt under above subsection C:

(a) All new development which has not applied for a building permit before the effective date of this chapter; or

(b) Existing development in which the gross floor area (GFA) or the number of parking stalls is increased by twenty-five (25) percent.

SEC. 27-1103. ADMINISTRATIVE RELIEF.

Administrative Relief is provided to add flexibility in the application of the landscaping regulations in this section when a standard is inapplicable or inappropriate to a specific use or design proposal. However, the granting of Administrative Relief should not always mean that a requirement is reduced without compensation. For example, the granting of a reduced bufferyard depth should be compensated by the planting of additional trees, shrubs or other plants.

A written request for Administrative Relief shall be submitted to the Planning Director or his/her designee either before or in conjunction with the building permit review process. The written request shall include a justification in terms of the findings necessary to grant Administrative Relief. The written request shall close with a section for the Planning Department's use which will include a block for the decision of approval/denial, the Planning Director or his/her designee's signature, and decision date. The written request with decision shall be attached to the plan or retained in the applicable file, as appropriate. An example of this written request shall be available from the Planning Department.

The Planning Director or his/her designee must make all of the following findings in order to grant Administrative Relief:

(a) The strict application of the regulation in question is unreasonable given the development proposal or the measures proposed by the applicant or that the property has extraordinary or exceptional physical conditions that do not generally exist in nearby properties in the same general area and such conditions will not allow a reasonable use of the property in its current zone in absence of relief;

(b) The intent of the landscaping section and the specific regulation in question is preserved; and

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(c) The granting of the Administrative Relief will not result in an adverse impact upon surrounding properties.

The Planning Director or his/her designee shall render a decision on the request within five (5) working days of receipt of the request and all required information. An appeal of the Planning Director's decision may be made to the Board of Adjustment with jurisdiction over the property, within ten (10) days after the decision. At this time, the appeal will be put on the agenda for the next Board of Adjustment meeting which allows for the required public notice.

Policies

- (1) The Planning Department recognizes that the specific landscape requirements in this section cannot and do not anticipate all possible landscape situations. In addition, the Planning Department recognizes that there may be landscape proposals which conform to the purpose, intent and objectives of the landscape regulations, but were not anticipated in the specific regulations. Therefore, the Planning Department may grant Administrative Relief in the event of these situations and proposals.
- (2) The Planning Department recognizes that a proposed development of a relatively small commercial or industrial lot which was created prior to the current landscape requirements may present unusual difficulties in complying with the current requirements.

The Planning Department shall attempt to balance the reasonable use of such lot with the provision of required landscaping. This balance will be affected by the site's characteristics, as well as, the proposed development plan.

The Planning Department also recognizes that to allow reasonable development there should be an upper limit to the amount of a site that is required to be landscaped. As a general guideline for relatively small commercial or industrial lots (such as one (1) acre or less), the requirements should not exceed twenty-five (25) percent of a site.

The reasonable development of a site may require the granting of Administrative Relief to some of the requirements. Although all of the categories of landscape requirements are considered important, the Planning Department generally assigns the following priorities for compliance with the landscape requirements:

First, adjacent residential uses should be buffered,

Second, an attractive appearance of the project should be provided along adjacent streets by landscaped setbacks and trees,

Third, the parking areas and building elevations which form major public views of the project should be visually softened and enhanced by trees and other plantings.

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Compliance with the requirements, such as the third priority above, should not be "forced" into a site design. For both visual effect and ease of maintenance, relatively few, but larger landscaped areas, which are integrated with the other elements of the site design, are generally encouraged. In addition, relatively numerous and smaller landscaped areas, which are not integrated with the other elements of the site design, are generally discouraged.¹

SEC. 27-1104. DEFINITIONS.

Berm: An earthen mound designed to provide visual interest, screen undesirable views and/or decrease noise levels.

Bufferyard: A combination of physical space and vertical elements, such as plants, berms, fences, or walls, the purpose of which is to separate and screen uses from one another.

Caliper: A standard for trunk measurement of nursery stock that is measured from a specified distance above the ground.

Commercial Uses: Land uses which are allowed by right or through the special review process in the Residential Professional, Neighborhood Commercial, Community Commercial, or Highway Commercial zones, as listed in BMCC Section 27-306 of the Zoning Regulations.

Coniferous: A plant with foliage that persists and remains green year-round.

Deciduous: A plant with foliage that is shed annually.

Development: The division of a parcel of land into two (2) or more parcels; the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any structure or any use or extension of the use of the land.

Dripline: A vertical line extending from the outermost edge of the tree canopy or shrub branch to the ground.

Drought Avoidance: The ability of a plant to withstand drought without showing signs of stress.

Drought Tolerance: The ability of a plant to withstand drought without dying.

Industrial Uses: Uses of land which are allowed by right or through the special review process only in the Controlled or Heavy Industrial zoning classifications, as listed in BMCC Section 27-306, of the Zoning Regulations.

¹ (Ord. No. 97-5048, § 9, 12-22-97)

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Landscaping Material, Inorganic: Nonliving material such as river rock, stone, bark chips, mulch, flower tubs, fountains, outdoor plazas or other environmental amenities as approved by the Zoning Coordinator.

Landscaping Material, Organic: Living vegetative material such as trees, shrubs, vines, turf, and flower beds.

Perimeter Landscaping: The landscaping located appurtenant to the outer property lines, exclusive of the property line(s) which abut a public street right-of-way.

Permanent Tree Protection Devices: Structural measures, such as retaining walls or aeration devices, that are designed to protect the tree and its root system throughout its lifetime.

Public Uses: Uses of land which are considered public in nature such as parks and recreation areas, public or private schools, colleges, playgrounds, day care centers or churches, or other public buildings.

Shrub: A woody plant that usually remains low and produces shoots or stems from the base and is not usually tree-like or single stemmed.

Vegetation, Native: Plant life which is indigenous to a geographic region.

Vehicular Use Area: The area of a site devoted to vehicular parking and driving isles.

Vine: A woody plant whose stem requires support and climbs by tendrils or twining or creeps along the ground.

Wall or Fence: An artificially constructed barrier of posts connected by boards, rails, or panels, erected for the purpose of enclosing space to separate parcels of land, or to screen or enclose areas of land. This term also includes a masonry wall.

Xeriscape: Landscape methods which conserve water through the use of drought-tolerant plants and planting techniques.

SEC. 27-1105. REQUIRED BUFFERYARDS.

(a) For developments with less than 130,000 square feet in lot area, the following standards shall apply:

- (1) The development shall provide a minimum of ten (10) percent of the lot area for landscaping, less the square footage of the building footprint. In addition, fifty (50) percent of this required landscaping shall be placed so that it abuts adjoining public right-of-way, excluding alleys.
- (2) A six (6) foot high sight-obscuring fence or wall shall be provided on the property line where commercial or industrial uses are adjacent or across an alley from residential uses. A continuous hedge may be substituted for the

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required fence or wall, as long as it has a minimum height at installation of three (3) feet and maintains such size or reaches six (6) feet or more at maturity.

(b) For developments with 130,000 square feet or more in lot area, the following standards shall apply:

(1) *Street Frontage Landscaping* The area along any property line which abuts a public street right-of-way must be landscaped using one (1) or a combination of two (2) or more of the following four (4) options which the developer may choose.

- Option 1: 20' minimum bufferyard width
1 tree per 40 linear feet of frontage
- Option 2: 10' minimum bufferyard width
2 trees per 40 linear feet of frontage
- Option 3: Landscaped berm with 2' minimum average height
1' rise: 4' run maximum slope
No minimum or maximum berm width
1 tree per 40 linear feet of frontage
- Option 4: 5' minimum bufferyard
1 tree per 40 linear feet of frontage
30" high decorative or non-decorative wall located appurtenant to the parking area. A non-decorative wall shall be covered with vines on the street side of the wall.

Placement and landscaping design shall be at the discretion of the developer, including the placement of the required trees within the required bufferyard. Bufferyard depth is measured from the property line inward. Any buffer area which overlaps another buffer area shall be subtracted from the total to avoid double counting.

(2) *Perimeter Landscaping* The exterior boundaries of the lot which do not abut a public street right-of-way shall meet the bufferyard requirements shown below, depending upon the adjacent land use. If the adjacent land use is a vacant building or ground, then the zoning shall be used in place of the land use.

	Residential Uses	Commercial Uses	Industrial Uses	Public Uses
Residential Uses	A	C	D	A
Commercial Uses	C	A	B	B
Industrial Uses	D	B	A	D
Public Uses	A	B	D	A

Note: If a use does not conform with one of the above categories, the Zoning Coordinator shall determine which category best matches the use.

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Bufferyard Classification Requirements:

- Bufferyard A: 5' minimum bufferyard
1 tree per 40 linear feet
- Bufferyard B: 10' minimum bufferyard
2 trees per 40 linear feet
- Bufferyard C: 15' minimum bufferyard
3 trees per 40 linear feet
6' sight obscuring fence or wall located on the property line*
- Bufferyard D: 15' minimum bufferyard
4 trees per 40 linear feet
6' sight obscuring fence or wall located on the property line*

*A continuous hedge may be substituted for the required fence or wall in Bufferyards C and D, as long as it has a minimum height at installation of three (3) feet and maintains such size or reaches six (6) feet or more at maturity.

Placement and landscaping design shall be at the discretion of the developer, including the placement of the required trees within the required bufferyard. Bufferyard depth is measured from the property line inward. Any buffer area which overlaps another buffer area shall be subtracted from the total to avoid double counting.

(c) *Bufferyard Standards for All Developments* All required bufferyards must contain a minimum of seventy-five (75) percent organic landscaping material, with a maximum of twenty-five (25) percent nonliving landscaping materials.

All required bufferyards shall be irrigated, maintained and kept free of weeds, debris and litter.

The use of coniferous trees is encouraged in the perimeter bufferyards.

SEC. 27-1106. OFF-STREET PARKING LOT LANDSCAPING.

The following requirements shall be met for off-street parking lots which are not exempt from this chapter or for developments whose lot area is 130,000 square feet or more.

- (a) There shall be one (1) tree provided for every ten (10) parking stalls.
- (b) Depending on the number of spaces, the following square feet of landscaped area must be placed in the vehicle use areas. The required landscaped area

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shall be "stepped" up to the number of stalls which will be provided. For example, a parking lot with 52 stalls shall provide no square feet for the first 9 parking stalls, stalls 10-25 shall provide 15 square feet per stall, stalls 26-50 shall provide 18 square feet per stall, and stalls 51-52 shall provide 25 square feet per stall.

Number of Stalls	Required Landscaped Area
0-9	None required
10-25	15 sq. ft. per stall
26-50	18 sq. ft. per stall
51-99	25 sq. ft. per stall
100 or more	35 sq. ft. per stall

(c) No parking stall shall be more than one hundred and twenty (120) feet from a required landscaped area.

(d) The developer is encouraged to utilize landscaped terminal islands at the end of parking rows and/or divider strips between parking rows to help disperse the required landscaping throughout the entire parking lot.

(e) Parking stalls that abut a required bufferyard may increase the width of this bufferyard a minimum of five (5) feet and count this toward the required off-street parking landscaped area.

(f) Landscaped areas within parking lots or the along perimeter of the property must be protected from vehicular traffic through the use of continuous concrete curbs, extruded asphalt or other approved permanent barriers.

(g) Clear vision areas within the off-street parking area must be established at intersections by maintaining a maximum height for shrubs and ground cover of thirty (30) inches and tree branches must be trimmed up eight (8) feet from the ground.

(h) The minimum width or length of any landscaped area shall be five (5) feet, however the recommended minimum size is eight (8) feet. All of the required landscaped areas must contain a minimum of seventy-five (75) percent living landscaping material, with a maximum of twenty-five (25) percent nonliving landscaping material. Approved sidewalks are not counted toward this percentage.

(i) Parking lots containing between 200-749 parking stalls are encouraged to divide the lot into two or more lots, separated by a landscaped strip which may be counted toward the required off-street parking landscaping area. Parking lots with more than 750 stalls are required to divide the lot into at least two parking lots with a landscaped strip separating them. The minimum width of these landscaping strips shall be ten (10) feet.

(j) A landscaped divider strip that separates either parking rows or parking lots shall be allowed to count a sidewalk located within this divider strip toward a part of the required off-street parking lot landscaping. The intent of this sidewalk is to help facilitate safe pedestrian movement. This sidewalk must meet the following criteria if it is to be counted toward the required landscaping:

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- (1) The sidewalk has a five (5) foot wide walking path and shall add two (2) feet for vehicle overhang, if the sidewalk abuts a parking stall.
 - (2) The sidewalk runs the entire length of the divider strip.
 - (3) The sidewalk is bordered on at least one side by landscaping, of which the sidewalk cannot account for more than fifty (50) percent of the area of the divider strip.
- (k) Deciduous trees are encouraged within the parking lot.

SEC. 27-1107. SUPPLEMENTAL STANDARDS.

All landscaped areas must comply with the clear vision standards for intersections as established in BMCC Section 27-615 of the Zoning Regulations. These sections regulate the allowed height and placement of fences, walls, signs, landscaping materials, in addition to other objects.

Chain link or wire fencing is prohibited where a sight obscuring fence is required in a bufferyard.

All landscaping shall be located so that it does not interfere with utilities, easements or fire hydrants.

Where appropriate, the use of porous pavement and/or specially designed brick or block should be considered to increase on-site water retention for plant material and groundwater supplies and to reduce problems associated with runoff.

All solid waste storage facilities shall be enclosed on three (3) sides by a sight obscuring fence or wall and by a sight obscuring gate on the remaining side. This requirement shall exclude up to two (2) recycling centers for general public access which are set up in the parking lot of commercially zoned properties.

Any permitted outside storage of merchandise shall be enclosed by a sight obscuring fence or wall. Exceptions to this requirement are temporary promotional displays, vehicle sales lots and plant materials that are located appurtenant to an approved building.

SEC. 27-1108. LANDSCAPING PLAN REQUIREMENTS.

A landscaping plan must be approved by the Planning Director or his/her designee before the issuance of a building permit. The developer is encouraged to work with a local landscape architect, nurseryman or design professional to make the landscaping an integral part of the overall site design by using site-specific materials which are:

- (a) Appropriate to the conditions in which they are planted;
- (b) Have noninvasive growth habits;

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- (c) Encourage low maintenance, high quality design; and
- (d) Be otherwise consistent with the intent of this chapter.

A list of recommended plants can be obtained from the Planning Department or the Montana State University Extension Service.

The landscaping plan should contain the following elements:

- (a) Scale: ¼"=1'0" to 1"=40'
- (b) Property lines, easements and public rights-of-way, including clear vision triangles.
- (c) Buildings or structures - both new and existing.
- (d) Drive approaches, parking spaces, light standards, circulation and pedestrian walkways.
- (e) Landscaping materials:
 - (1) Location and spacing of proposed plant materials.
 - (2) Location of existing trees or landscaping to be preserved or eliminated.
 - (3) Types and location of new vegetation identified by botanical and common names and listed on a plant schedule.
 - (4) Size of materials, in diameter and height at installation and maturity.
 - (5) Quantity of each planting materials to be used.
 - (6) Types and location of inorganic landscaping material.
- (f) Location of walls, fences and refuse storage areas.
- (g) Methods of protecting the landscaped areas.
- (h) Proposed treatment of all ground surfaces (concrete or asphalt paving, pavers, turf or gravel).

SEC. 27-1109. LANDSCAPING MATERIAL STANDARDS.

(a) Plants shall conform to the measurements specified in the plant schedule submitted with the landscaping plan.

(b) Landscaping materials shall comply with the following minimum size standards at the time of planting, with caliper measurements taken six (6) inches above grade.

- (1) Minimum height for shade trees shall be eight (8) feet.
- (2) Minimum size for shade trees shall be a one and one-half (1") inch caliper.
- (3) Minimum size for evergreen trees shall be five (5) feet in height.

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(4) Minimum size for shrubs shall be one (1) gallon container for low and medium shrubs and five (5) gallon container for tall shrubs.

(c) It is recommended that a professional horticulturist, nurseryman or design professional be consulted to determine the proper time to move and install all plant materials, so that stress to the plants will be minimized.

SEC. 27-1110. INSTALLATION AND MAINTENANCE.

A performance bond or letter of credit for one hundred fifty (150) percent of the landscaping materials and labor costs shall be posted with the Planning Department to ensure the placement of the required landscaping. The property shall be inspected by the Planning Director or his/her designee to make sure that the required landscaping has been planted before the Certificate of Occupancy is signed off. The planting of the required landscaping may be delayed until the next suitable planting season with written approval from the Planning Director or his/her designee.

The responsibility for the maintenance of the landscaping shall lie with the property owner, his/her successor and/or their agents. All landscaping elements shall be permanently maintained in good growing condition and, whenever necessary, replaced with new plant materials to ensure continued compliance with this section. In addition, all walls and fences shall also be maintained in good condition and, when necessary, be repaired or replaced.

SEC. 27-1111. ADMINISTRATION AND ENFORCEMENT.

The administration and enforcement of this article shall reside with the Zoning Coordinator as stated in BMCC Sections 27-1602 and 27-1603.

***Editor's note:** Ord. No. 97-5048, § 9, adopted Dec. 22, 1997, repealed former Art. 27-1100, §§ 27-1101--27-1105, in its entirety and enacted new provisions as herein set out. Former Art. 27-1100 pertained to administration and enforcement. See the Code Comparative Table towards the end of this volume for a listing of ordinances amending former §§ 27-1101--27-1105.