

## CHAPTER 24 -- LANDSCAPING

### Section 24-1. Required Landscaping:

- a) Purpose: The purpose of this Section is to clearly express the city's intent for all properties to be landscaped and maintained with great care. Properties shall be landscaped to express sensitivity to environmental conditions as well as the aesthetic needs of the general public.
1. The requirements of this section are intended to guide landscaping within commercial, industrial and residential zoning districts.
  2. All landscaping must be designed to add visual beauty to the property and provide a high level of aesthetic value. The quantity and quality of the design should be compatible with each zoning district and the intended use of the property.
  3. All new development or full redevelopment of a site shall comply with the landscape requirements of this chapter and incorporate sustainable landscape elements in the planting design to include, but not be limited to, use of native species, rain gardens/bioretenion systems, green rooftops, xeriscaping, and aesthetic design elements such as public art, fountains, plazas, and front yard/entrance landscaping.
- b) Applicability: This section shall apply to new development within all zoning districts other than “R1, R2” districts, the “MH” district, and the “C3” District, unless the new development consists of a multifamily dwelling containing more than four (4) dwelling units, in which case this section shall apply without regard to the district in which such multifamily new development occurs.
- c) Minimum Landscaping Required: A building permit for new development shall not be issued unless the application for such permit includes a landscaping plan meeting the following landscaping percentages in the development area based upon the zoning in which the property is located in:
- 1) C1 Neighborhood Commercial District and Mixed Use District: 10 % (ten percent)
  - 2) C2 General Commercial District and Public Districts: ten percent (10%)
  - 3) RM and RH Multiple Family: fifteen percent (15%)
  - 4) M1 Light Industrial and M2 Heavy Industrial districts: ten percent (10%)
  - 5) M3 Office and Business Park District: fifteen percent (15%)
  - 6) For the purpose of determining landscape coverage, a tree, whether it be a two (2) inch caliper deciduous or six (6) foot evergreen, will be counted as two hundred (200) square feet and a shrub, whether it be deciduous or evergreen, will be counted at sixteen (16) square feet.
  - 7) Landscape beds may contain grass, ground cover, shrubs or trees or combination spaced properly for their respective sizes at maturity and which shall be well distributed though not necessarily evenly spaced. No more than twenty percent (20%) of the area required to be landscaped will consist of decorative rock, gravel, stones, flatwork, bark chips or similar inorganic or dead organic material.

- d) General Requirements: General requirements that shall apply in all multiple-family residential, business, mixed use and industrial districts (M-1, M-2, M-3) include the following:
- 1) Plant Diversity: The landscape plan design shall include a variety of trees including overstory, ornamental and evergreen trees to provide for year round interest and variety.
  - 2) Building Perimeter Landscaping: At least fifty percent (50%) of the total building perimeter, facing a public street, shall be sodded/seeded and landscaped with approved ground cover, shrubbery and trees in an area of no less than six (6) feet in width.
  - 3) Heat Island Reduction: To improve shading and thereby reduce heat island effect, at least five percent (5%) of the total parking and drive area shall be landscaped. This provision applies to properties zoned C1, C2, M3; in addition to the RM and RH residential districts if detached garages are not used for a portion of the required parking. This landscaping shall be counted as part of the minimum landscaping percentage required in item “c” above.
- e) Tree/Shrub Requirements: The following tree and shrub requirements shall count towards the required minimum landscaping percentages required in Section 21-4 item c and d (3) above:
- 1) Street Trees:
    - a) At least one (1) street is required for every thirty-five (35) linear feet of street frontage unless the Planning Department determines that additional space between trees is necessary to address specific siting or other conditions. All areas of right-of-way for streets and utilities not covered by concrete, asphalt or such other material for vehicular, bicycle or pedestrian travel shall be covered by grass, unless otherwise approved by the Planning Department.
    - b) Placement shall avoid utilities and be placed a minimum of seven (7) feet from back of curb or on the back slope of any ditch area.
    - c) Placement shall be outside of sight distance triangles at intersections.
    - d) This requirement is exclusive of other requirements within this Chapter.
  - 2) Open Space Planting Requirements:
    - a) One (1) deciduous or evergreen tree shall be required for each fifty (50) square feet of required landscape area. No more than twenty (20) percent of the trees can be of the same type and no less than twenty (20) percent of the trees shall be evergreen.
    - b) Trees shall be distributed throughout the property including required islands with at least seventy (70) percent installed to the front or most public view of the building.
    - c) Trees shall not create vehicle and pedestrian sight line issues.
    - d) Shrubs and perennial plants can be substituted for trees but only at thirty (30) percent of the landscape area. A tree is equivalent to ten (10) shrubs/perennial plants.
- f) Minimum Planting Requirements:
- 1) Nursery Stock Sizing: The following nursery stock standards shall be required at the time of planting. All measurements shall conform to the standards set forth in

the current edition of the "American Standard for Nursery Stock". Larger plants may be used or specified at any time. Trunk diameter shall be measured six (6) inches above ground level for four (4) inch caliper trees or less and measured twelve (12) inches above ground level for four (4) inch caliper trees or more.

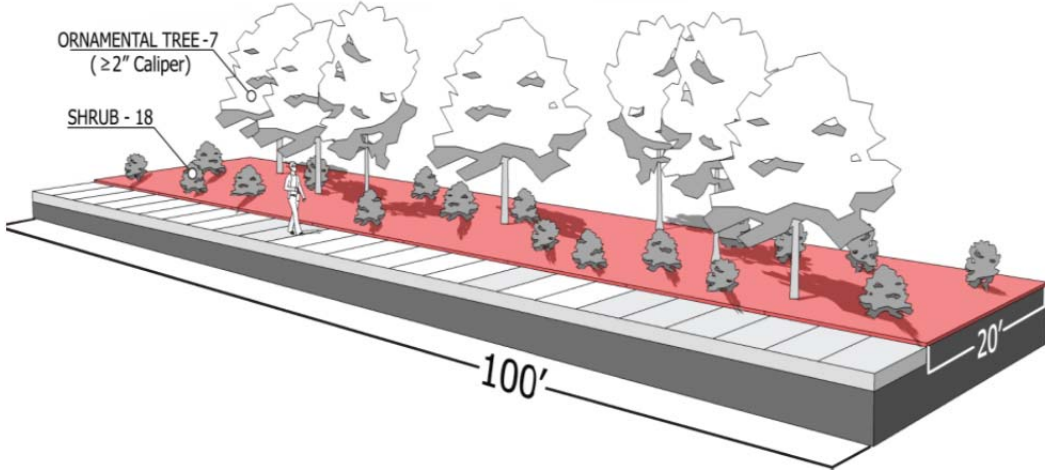
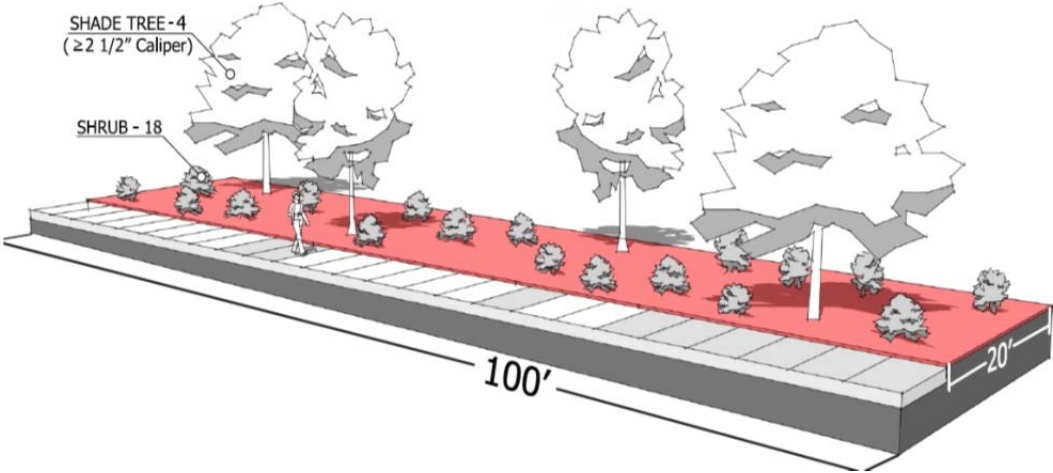
<b>Plant</b>	<b>Potted</b>	<b>Balled &amp; Burlapped</b>
Overstory (shade) trees	2 1/2 inch diameter	2 1/2 inch diameter
Ornamental trees	6 to 7 feet	2 inch diameter
Evergreen trees		6 feet
Tall shrubs and hedge material (evergreen or deciduous)	3 to 4 feet	3 to 4 feet
Low shrubs, deciduous	18 - 24 inches	24 - 30 inches
Evergreen	18 - 24 inches	24 - 30 inches
Spreading evergreens	18 - 24 inches	18 - 24 inches

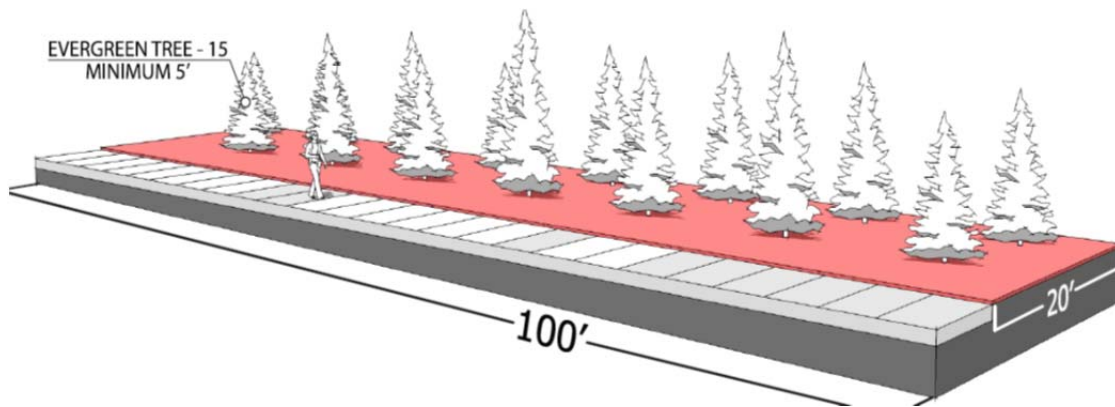
- 2) Plant Hardiness: All plants specified and installed must be nursery grown and identified as hardy plants which are appropriate for all seasonal conditions. Plants must be sound, healthy, vigorous, and free of disease, insect eggs and larvae.
- 3) Plant Diversity: To promote diversity for areas of a site where vegetative screening is required or proposed, no single variety of plants shall be allowed to constitute more than twenty-five percent (25%) of the screening materials and the complement of plants used shall provide year round visual interest.
- 4) Coverage: All landscaped areas shall contain sod, be seeded, or defined as a landscape planting bed with approved native vegetation, ground covers, shrubbery and trees with a mulch cover.

g) Buffer Area:

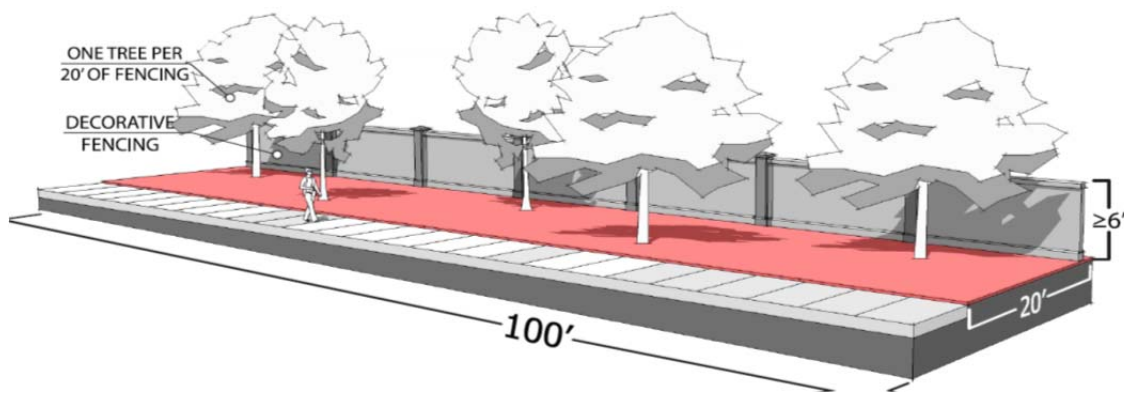
- 1) Buffer area/screening is required between adjacent zoning districts when a more intensive zoning district is abutting, directly visible from, or faces toward the boundary of the less intensive zoning district.
- 2) A buffer area may be required by a permitted or conditional use to ensure all outdoor storage activity or other activities is not visible from surrounding properties or roads.
- 3) The landscaped area must be at least twenty (20) feet in width and shall abut the property line, shared in common with the residential property. An exception may be considered by the City Planner to the minimum width requirement for a fully landscaped buffer screen.
- 4) The landscaped area must include in respect to every one hundred lineal feet thereof the following:
  - a) Four (4) shade trees of at least a two and one half (2 ½) inch caliper and eighteen (18) shrubs or
  - b) Seven (7) ornamental trees of at least two (2) inch caliper, and eighteen (18) shrubs, or
  - c) Fifteen (15) evergreen trees at least five (5) feet in height, or
  - d) Any combination of plant material that provides a suitable screen.

Graphics displayed below demonstrate the various buffers:





- 5) A decorative masonry fence or solid wooden fence that provides a suitable screen, not less than six (6) feet in height, may be substituted for some or all of the elements prescribed in paragraphs (a) through (d) of Item 4 above. Any fence that also includes a row of trees planted in front of the fence at a minimum of one (1) tree per twenty (20) feet of fence length may reduce the twenty (20) feet buffer width to ten (10) feet.



- 6) The plant material required in paragraph (4) must be so spaced as to achieve the purpose of creating a barrier between a residential district or less intensive zoning district and a more use-intensive district. The ratios established by paragraph (4) shall be prorated as necessary when the length of a buffer strip is not evenly divisible by one hundred (100), with fractional numbers rounded to the nearest whole number.
- g) Sites not meeting the minimum landscaping area requirements (item c), general requirements (item d) tree, shrub requirements (item e) or buffer area requirements (item g) increases to landscaping shall be required if that building or site is expanded based on following criteria and priorities:
- 1) A one-time building addition (or site area expansion) of twenty-five percent (25%) or less of the existing floor area (or site area) does not have to comply with the standards of this Chapter 24 after adoption of the ordinance.

- 2) Any building addition (or site expansion) of more than twenty-five percent (25%) of the existing floor area (or site area) shall require increases to green space and landscaping on site.
- 3) Priority landscaping areas include:
  - a. Increasing the landscape area percentage as required in item c, item d and the number of trees and shrubs planted based on requirements in item e.  
Additional landscaping, trees and shrubs shall be located in highest and most publicly visible areas of the site.
  - b. Installation of any buffer required in item g.
  - c. Increases to parking lot landscaping.
- 4) Planning Staff will work with the applicant to determine the appropriate increases in landscaping area, plantings and buffering and priorities based on existing site conditions, existing landscaping and expansion plans during the required site review for new construction.
- h) Non-Plant material: No more than twenty percent (20%) of the minimum required landscaping may consist of decorative rock, gravel, stones, flatwork, bark chips, mulch, or similar inorganic or dead organic material.
- i) Maintenance/Water schedule: Landscaping required under this section shall include a watering plan with submittal of the landscape design. The landowner is responsible for regular weeding, mowing of grass, watering, fertilizing, pruning, and other maintenance of all plantings as needed.
- j) Replacement: All plant materials shall be maintained in a healthy and growing condition as appropriate for the season of the year. Approved landscaping and screening materials that die, become diseased, or are significantly damaged must be replaced at the next appropriate planting period with plant materials of similar variety and size.
- k) Visibility triangles: The landscaping requirements of this section shall be modified in their application as necessary so as to leave visibility triangles (as defined and established in Section 28-13 of the City of Minot Code of Ordinances) unobstructed.
- l) Surety: No building permit for construction of a structure for which landscaping is required shall be issued unless the application for such permit is accompanied by:
  - 1) A plan for the installation of such landscaping in compliance with the requirements of this section; or
  - 2) A site plan showing exact locations and sizes of landscape areas accompanied by a letter of release by the City Planner.

The deadline for installation of required landscaping and associated improvements may be extended by the City Planner upon such terms and conditions as it may reasonably impose otherwise the timeline is within the following construction season.
- m) Enforcement: Landscaping that is not installed, maintained or replaced as needed to comply with this section shall be considered a violation of this section and shall be subject to the penalty as described in Section 29-5.
- o) Appeals: An appeal to the City Council may be taken by any person aggrieved or by any officer, department, Council or bureau of the city regarding the requirements of this landscape ordinance.
- p) Definitions: As used in this section, the following terms shall have the following meanings:



*Caliper* means the diameter of a tree trunk measured two (2) inches above root flare.

*Construction* means the first placement of permanent construction of a structure on a site, such as the framing of forms for a slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation.

*Deciduous* means plant material that loses its leaves part of the year.

*Development area* means all area within a perimeter large enough to encompass the structure, the construction of which triggers the application of this section, and also all other improvements being made or which are anticipated to be made in connection therewith, such as, for purposes of illustration and not limitation:

1. *garages, storage shed, and other auxiliary buildings;*
2. *sidewalks and walkways;*
3. *driveways.*

In addition, the development area shall include any yard area or setback area required by the zoning ordinance in connection with such construction to the extent not already included within the perimeter just described.

*Evergreen tree, six (6) foot minimum,* means that green foliage is persistent year round.

*Ground Cover* means the living landscape materials or low-growing plants, other than turf grasses, installed in such a manner so as to provide a continuous cover of the ground surface, and which upon maturity normally reach an average height of twenty-four (24) inches or less.

*Landowner* means the owner of the real property to which this section applies, or the person in control of such real property.

*Landscaping* means the planting, placement, or installation of:

1. *Shade trees, evergreen trees, ornamental trees, shrubs, grass, flowers, and other live organic ground coverings;*
2. *Associated inorganic or dead organic materials such as decorative rock, gravel, stone, flatwork, bark chips and the like; and*
3. *Pools, fountains, picnic areas, and similar amenities.*

*Ornamental tree, two (2) inch caliper,* means less than thirty-five (35) feet at mature height.

*Screening* means the creation of a visual barrier such that no more than twenty percent (20%) of whatever is on one side of the barrier is visible to an observer on the other side.

*Shade Tree* means a tree with at least a two and one half (2 ½) inch caliper more noted for its large and dense crown rather than its flowers or its light-colored bark and graceful leaves with an average height greater than thirty-five (35) feet at mature height.

*Shrub* means a deciduous or evergreen woody plant smaller than an ornamental tree and larger than ground cover, consisting of multiple stems from the ground or small branches near the ground, not less than twelve (12) inches in height.

*Structure* means any structure, which is designed, intended, or suitable for human occupancy (whether of a residential or non-residential character and whether on a permanent basis or periodic basis), or for storage of physical objects on a commercial basis.