

CHAPTER 17.40

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CHAPTER 17.40

LANDSCAPING AND CITY BEAUTIFICATION

17.40.010 PURPOSE AND INTENT

- A. Purpose and Intent. The purpose of development, with its alteration of the natural topography and vegetation, and creation of impervious cover can have a negative effect on the ecological balance of an area by causing or accelerating the processes of runoff, erosion and sedimentation. The economic base of Dillon can and should be protected through the preservation and enhancement of the area's unique natural beauty and environment. Recognizing that the general objectives of this chapter are to promote and protect health, safety, and welfare of the public., these landscaping regulations are adopted as part of this title for the following specific purposes:
1. To aid in stabilizing the environment's ecological balance by contributing to the process of air purification, oxygen regeneration, groundwater recharge, storm-water runoff, retardation, and improvement of water quality, while at the same time aiding in noise, glare, and heat abatement;
 2. To provide visual buffering/screening between land uses of differing character by placing screening vegetation;
 3. To enhance the beauty of the City of Dillon by providing a diversity of vegetation within the City;
 4. To protect the character and stability of residential, business, institutional and industrial areas by establishing minimum landscaping standards;
 5. To preserve the value of land and buildings by protecting and enhancing the aesthetic character of the community;
 6. To conserve energy by providing windbreaks, shade and temperature moderation;
 7. To retard the spread of noxious weeds and all other weeds by encouraging a vigorous desirable plant community within the City;
 8. To encourage a pleasant and safe environment for pedestrians by placement of boulevard trees and other interesting visual features; and
 9. To encourage the conservation of water by the use of low water demand landscaping.

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17.40.020 INTERPRETATION AND SCOPE

- A. The provisions of this section shall apply to a lot where an application for use review is made for:
 - 1. Principal Use Review and Site Plan of location is being done per approval pursuant to Chapter 17.108, Definitions.
 - 2. Signs pursuant to Chapter 17.52, Signs where landscaping is required; or
 - 3. Restoration of a building that has been damaged or destroyed by fire, or other natural perils, explosion, flood, tornado, riot, act of the public enemy or accident of any kind. For the purposes of this paragraph, “restoration” means the act of putting back into a former or original state, only.

- B. These provisions shall **NOT** apply to the following:
 - 1. Residential sites, except multi-unit apartments, condominiums, and townhouses. The Tree Board upon request will assist all property owners, dwelling occupants and review and make recommendations on multi-unit household dwellings.

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17.40.030 LANDSCAPE PLAN REVIEW

A landscape plan to scale is required. The Dillon Tree Board and Administrative Official shall review each landscape plan to determine compliance with the requirements of this title and Title 18, Tree Board.

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17.40.040 MANDATORY LANDSCAPE PROVISIONS

- A. Yard Landscaping Required. For all uses in all districts, unless otherwise provided by specific approval through review procedure, all front, side and rear yards, and those areas subject to 17.48, Parking, except permitted access drives, parking areas and accessory structures, shall be landscaped as defined in this title and include a minimum of 50% of the total area of the yard, front yard, side yard and rear yard to consist of acceptable living plant material. All landscaped areas shall be perpetually maintained in a healthy condition.
 - 1. For purpose of defining yard landscaping requirements, the terms “yard, front yard, side yard and rear yard” means the space between the actual building, parking lot, or other structure (not the building setback line) and the adjacent lot line, which is open and unoccupied from the ground upward or from the ground downward other than by steps, walks, terraces, driveways, lamp posts and similar structures, and unobstructed by structures, except as otherwise provided in this title.

B. Additional Screening Requirements. The plan review or other approval authority may require additional screening when it is determined to be in the best interest of the affected properties. Such additional screening may be required between existing and/or future:

1. One-household and multi-household developments or apartment buildings;
2. Multi-household and multi-household developments or apartment buildings; residential and nonresidential uses; or
3. Residential and nonresidential uses;
4. Nonresidential uses of differing character and/or intensity.

C. Parking Lot Landscaping.

1. For purposes of defining parking lot landscaping requirements, the term “parking lot” means the area within the perimeter of the paved portion of the parking lot, including driving aisles but not including drive accesses and parking stalls in front of garages where the use of one (1) or more spaces within the garage is assigned to a particular dwelling.
2. All surface parking lots on building lots not paved, shall be landscaped in accordance with the following paragraphs which describe landscaping requirements in addition to the yard landscaping required for the site:
 - a. The Tree Board’s Standards & Specifications document outlines requirements for boulevards;
 - b. The interior parking lot landscaping shall be designed to facilitate control and denote proper vehicular circulation patterns; and
 - c. The minimum width and/or length of any parking lot landscaped area shall be eight (8) feet length and two (2) feet width. The above standards are minimum mandatory standards. For trees minimum width of six (6) feet is needed.

D. Screening of Off-Street Loading Spaces.

1. All off-street loading/unloading spaces on a lot with residential adjacency must be screened from that residential adjacency.
2. In all districts, all off-street loading/unloading spaces must be screened from the public streets adjacent to that lot.

3. The screening required under paragraphs 1 and 2 shall be at least six (6) feet in height.

E. Acceptable Landscape Material.

1. Generally acceptable plant materials shall be those identified as hardy in Zones 1 through 4. The characteristics of the zones are described by the Tree Board in Title 18. Alternatives may be considered on a case to case basis.
2. No artificial plant material or lighted artificial plant material or artificial tree or lighted artificial tree may be used to satisfy the requirements of this chapter.
3. All other non-turf plantings shall meet American Nursery and Landscape Associations Standards.

F. Required Use of Trees.

For each yard adjacent to a residential property, all landscape plans must include at least use of one or more trees and meeting the standards and species guide provided by the Tree Board.

G. Coordination with Utilities.

In order to prevent damage to both vegetation and public utility lines, review of Standards & Specifications required by the Tree Board.

H. Non-vegetative Special Features.

1. Acceptable non-vegetative alternatives, in conjunction with other acceptable plant materials described herein, can be used when a site is graded and/or terraced utilizing natural stone or prefabricated decorative masonry retaining wall material as a drystack or mortared wall provided that:
 - a. There is a vertical face surface of at least one (1) foot along the length of the area to be considered above;
 - b. It is integrated with other landscaping materials and grading on the site; and
 - c. It is complementary to the overall grading of the site and activities and architecture contained on the site.

I. State of Montana Rights-of-Way. Landscaping shall be installed along state right-of-way, in the same manner, provided that the Montana Department of Transportation has reviewed and approved the proposed landscaping plan. Maintenance of landscaping installed within the boulevard portion of the public right-of-way shall be the

responsibility of adjacent property owners unless a different responsibility is established by the encroachment permit.

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17.40.050 VARIANCES FROM LANDSCAPING REQUIREMENTS

- A. To achieve the optimal landscape design on non-residential individual sites, or to coordinate the landscape design in the area, it may be necessary to deviate from the strict application of landscaping requirements. An application for such zoning variance shall be reviewed by the Board of Adjustment for review and a written findings approving, approving with conditions or denying the application. The Tree Board may be requested to attend the hearing and make recommendations to the board. A copy of the findings will be provided to the applicant and a copy included in the packet for the next regular City Council Meeting.

- B. The application for zoning variance shall be subject to the submittal and procedural requirements of this title, and shall be accompanied by written and graphic material sufficient to illustrate the conditions that the modified standards will produce, so as to enable the Board of Adjustment to determine that the zoning variance will produce an environment, landscape quality and character that meets the minimum standards of this chapter.

- C. Within a Historic Corridor overlay district zoning variances are limited to twenty (20%) percent from the applicable Landscape Standards.

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17.40.060 GENERAL MAINTENANCE

- A. Required landscaping must be maintained in a healthy, growing condition as weather condition permits. The property owner is responsible for regular weeding, mowing of grass, irrigating, fertilizing, pruning and other maintenance of all plantings as needed. However, the City is responsible for pruning or removing any tree in a City right-of-way or parks. Any plant that dies shall be replaced with another living plant that complies with the approved landscape plant plan. Failure to maintain required landscaping in a healthy growing condition as weather conditions permit may result in revocation of an occupancy permit. When enforcing this provision of this title, external factors such as seasonality and availability of landscape stock shall be considered before any action to revoke an occupancy permit is taken.

- B. Any damage to utility lines, resulting from the negligence of the property owner or his agents or employees in the installation and maintenance of required landscaping in a utility easement, is the responsibility of the property owner. If a public utility disturbs a landscaped area in a utility easement, it shall make every reasonable effort to preserve the landscaping materials and return them to their prior locations after the utility work.

C. If, nonetheless, some plant materials die, it the obligation of the property owner to replace the plant materials.
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