

Date: October 28, 2010

To: Planning Commission, Growth Management Department
City of Rapid City
300 Sixth Street
Rapid City, South Dakota 57701

From: Designworks, Inc.

Project: Landscape Ordinance Revision
Rapid City Municipal Code
Designworks No.: R07-296

RE: COORDINATION WITH OTHER SECTIONS OF RAPID CITY MUNICIPAL CODE

A review of the municipal code has found the following references to landscape and landscaping requirements. Recommended changes are noted. Text to delete is noted with a strike-through line and text to add is noted in red.

CHAPTER 8.28: WEEDS AND NOXIOUS MATTER

8.28.010 Definitions.

For the purpose of this chapter:

- A. ~~GRASS AND WEEDS.~~ To include, but not limited to, ~~blue grass, western wheat species, buffalo grass, gramma grass, big blue stem, little blue stem, Indian grass, needle and thread, green needle and any/all weeds, and any/all volunteer woody plant material, and other noxious or unhealthful vegetation.~~ **LAWN.** A landscape area planted with turfgrass and sometimes clover and other groundcover plants, which is maintained at a low, even height.
- B. **TURFGRASS/TURF.** Continuous plant coverage typically consisting of hybridized introduced or native grasses that when regularly mowed forms a dense growth of leaf blades and roots.
- C. **GRASSLAND.** A landscape area typically planted in native grasses and sometimes herbaceous broadleaf plants to provide soil stabilization, on-site storm water management, or a naturalized, low-maintenance, sustainable vegetative cover.
- D. **WEEDS.** Any volunteer or noxious grass, broadleaf herbaceous, or woody plant growing in a non-landscape area including, but not limited to, paved or gravel-surface parking lots, storage areas, sidewalks, and driveways; and in landscape areas, including but not limited to, lawns, grasslands, and planting beds.
- E. **NOXIOUS WEEDS.** Plants specially designated by federal, state, or local agricultural authorities due to adverse affects or injury to agricultural and horticultural crops, humans, livestock, and land values. Noxious weeds are plants species, typically introduces, not native, adaptable to a variety of growing conditions, capable of fast growth, rapid reproduction, a high rate of dispersal, and controllable only through special preventative or management practices.

- F. **NOXIOUS MATTER.** Trash, garbage and all other material which has been strewn about or otherwise apparently abandoned, or of no apparent value, which is unsightly, or which may be potentially hazardous as a breeding ground for insects and rodents and other undesirable animals, or which may prove hazardous to individuals using the area upon which these noxious matters exist.
- G. **STABILIZE.** The taking of reasonable measures to prevent the erosion, future growth of weeds or the prevention of future collection of noxious matter on the area.

8.28.020 Prohibited conditions.

All ~~grass and weeds~~ **lawns** having reached a height of 8 inches, **weeds**, and other noxious matter are declared a nuisance and ~~no owner of any lot, place or area within the city, or the agent of the owner or the occupant of the lot, place or area, shall~~ **not be permitted on the lot, place or area, or upon any sidewalk abutting the same, any grass and weeds having reached a height of 8 inches, or other noxious matter to grow, lie or be located thereon on any lot, place, or area within the city.**

8.28.030 Notice to abate.

- A. **Initial notice.** The Community Resources Director, or his or her designee, is authorized and empowered to notify, in writing, the owner of any lot, place or area within the city, or the agent of the owner, or the occupant of the premises, to cut any **lawns, remove or destroy** ~~or remove any grass and~~ weeds or other noxious matter found growing, lying or located on the property **including the adjacent right-of-way** ~~or upon the sidewalk abutting same~~ and **to stabilize the area to prevent future violation of this chapter within 10 days of receipt of notice.** The notice shall be hand-delivered or shall be submitted by first-class mail addressed to the owner of record at his or her last known address, ~~and shall notify the owner to cut, destroy or remove any grass and weeds or other noxious matter within 10 days of the date the notice was delivered or mailed.~~
- B. **Subsequent notices.** Upon any subsequent violation of this chapter in the same calendar year after notice has been given as provided above, notice of a second or subsequent violation shall require the owner to remedy the nuisance within 3 days of delivery or mailing.

8.28.040 Abatement by city-Authority.

Upon the failure, neglect or refusal of any owner to comply with the notice provided for in § 8.28.030, the Community Resources Director or his or her designee is authorized and empowered to provide for the cutting of **lawns, destroying or removal or destruction** ~~of the grass and~~ weeds or other noxious matter and ~~stabilize~~ stabilization of the soil if necessary. The city may defray the cost of the work, including administrative costs, by special assessment against the property as set out in § 8.28.050.

8.28.050 Abatement by city-Cost-Assessment.

The Community Resources Director or his or her designee shall cause an account to be kept against each lot upon which work is done pursuant to § 8.28.040 and have the same certified to the Finance Officer or his or her designee upon the completion of the work. The Finance Officer shall thereupon certify the account, showing the amount, the description of the property, and the owner thereof, to the City Assessor, who shall thereupon add the assessment to the general assessment against the property and certify the special assessment, together with the regular assessment, to the County Auditor to be collected as municipal taxes for general purposes. The assessment shall be subject to review and equalization the same as assessments for taxes for general purposes.

8.28.060 Abatement by city-Cost collection by suit.

In lieu of the procedure prescribed in § 8.28.050, the costs incurred by the city under this chapter may, in the discretion of the Common Council, be recovered in a civil action against the owner or occupant of the property.

8.28.070 Violation–penalty.

In addition to the remedies provided in this chapter, any person violating any provision of this chapter shall be subject to the general penalty provision as set forth in § 1.12.010 of the Code.

CHAPTER 12.44: TRAVEL PARKS

12.44.260. Landscaping. As regulated in §17.50.300 of this Code.

CHAPTER 15.48: MOBILE HOMES AND MOBILE HOME PARKS

15.48.070 Mobile home placement–Setback requirements. Mobile homes shall not be parked in the public street right-of-way or within 10 feet of the street curb line or whichever is the greatest distance from the street. If no curb, then 12 feet from the road edge. **the frontage landscape setback.**

CHAPTER 17.08 PF Park-Forest District

17.08.090. Landscaping: As regulated in §17.50.300 of this Code.

CHAPTER 17.10 LDR-1 Low Density Residential

17.10.090 Landscaping: As regulated in §17.50.300 of this Code.

CHAPTER 17.12: MDR MEDIUM DENSITY RESIDENTIAL DISTRICT

17.12.090. Landscaping.

When any multifamily or assisted living center use is adjacent to any single-family use, landscaping shall be provided as regulated in the landscape regulations adopted by § 17.50.300. ~~Fifty percent of the plant material shall be visible from the single family residential district.~~

CHAPTER 17.14: HDR HIGH DENSITY RESIDENTIAL DISTRICT

17.14.080. Landscaping.

~~When any multifamily or assisted living center use is adjacent to any single-family use, landscaping shall be provided as regulated in the landscape regulations adopted by § 17.50.300. Fifty percent of the plant material shall be visible from the single family residential district.~~ **As regulated in §17.50.300 of this Code.**

CHAPTER 17.16 CB Central Business District

17.16.100. Landscaping: As regulated in §17.50.300 of this Code.

CHAPTER 17.18: GC GENERAL COMMERCIAL DISTRICT

17.18.030 Conditional Uses

10. Mini-warehousing for storage services, primarily for personal effects and household goods, subject to the following:

- c. Landscaping shall be required, ~~based on the point system and criteria of Rapid City's landscape regulations;~~ **as regulated in §17.50.300 of this Code.**

17.18.050 Area regulations.

The following regulations shall apply to all uses permitted in this district:

- A. *Front yard.* All buildings shall set back a minimum of ~~25~~ **the required frontage landscape setback or 12** feet from the front property line, **whichever is greater.**

17.18.090. Landscaping.

~~When a general commercial zoning district is adjacent to a residential district, landscaping shall be provided as regulated in the landscape regulations adopted by § 17.50.300. Fifty percent of the plant material shall be visible from the residential district whenever possible. As regulated in §17.50.300 of this Code.~~

CHAPTER 17.20: NC NEIGHBORHOOD COMMERCIAL DISTRICT

17.20.050 Area regulations.

The following regulations shall apply to all uses permitted in this district:

- A. *Front yard.* All buildings shall set back a minimum of ~~25~~ **the required frontage landscape setback or 12** feet from the front property line, **whichever is greater.**

17.20.090. Landscaping.

~~When a neighborhood commercial district is adjacent to a residential district, landscaping shall be provided as regulated in the landscape regulations adopted by § 17.50.300. Fifty percent of the plant material shall be visible from the residential district whenever possible. As regulated in §17.50.300 of this Code.~~

CHAPTER 17.22: LI LIGHT INDUSTRIAL DISTRICT

17.22.070. Landscaping.

~~When a light industrial district is adjacent to a residential district, landscaping shall be provided as regulated in the landscape regulations adopted by § 17.50.300. Fifty percent of the plant material shall be visible from the residential district whenever possible. As regulated in §17.50.300 of this Code.~~

CHAPTER 17.24: HI HEAVY INDUSTRIAL DISTRICT

17.24.070. Landscaping. As regulated in §17.50.300 of this Code.

~~A. All yard areas required under this chapter and other yards and open spaces existing around buildings shall be landscaped and maintained in a neat condition.~~

~~B. When a heavy industrial district is adjacent to a residential district, landscaping shall be provided as regulated in the landscape regulations adopted by § 17.50.300. Fifty percent of the plant material shall be visible from the residential district whenever possible.~~

CHAPTER 17.28 FH Flood Hazard District

17.28.080. Landscaping. As regulated in §17.50.300 of this Code.

CHAPTER 17.30: SC-1 NEIGHBORHOOD SHOPPING CENTER DISTRICT

17.30.080. Landscaping. As regulated in §17.50.300 of this Code.

~~A. Any part of the shopping center site not used for buildings or other structures, parking, loading, access ways or pedestrian walks shall be landscaped with grass, trees or shrubs.~~

~~B. When a neighborhood shopping center district is adjacent to a residential district, landscaping shall be provided as regulated in the landscape regulations adopted by § 17.50.300. Fifty percent of the plant material shall be visible from the residential district whenever possible.~~

CHAPTER 17.32: SC-2 COMMUNITY SHOPPING CENTER DISTRICT

17.32.080. Landscaping. ~~As regulated in §17.50.300 of this Code.~~

- A. ~~Any part of the shopping center site not used for buildings or other structures, parking, loading, access ways or pedestrian walks shall be landscaped with grass, trees or shrubs.~~
- B. ~~When a neighborhood shopping center district is adjacent to a residential district, landscaping shall be provided as regulated in the landscape regulations adopted by § 17.50.300. Fifty percent of the plant material shall be visible from the residential district whenever possible.~~

CHAPTER 17.34 GAD General Agriculture District

17.34.060. Landscaping. ~~As regulated in §17.50.300 of this Code.~~

CHAPTER 17.36 Hotel-Motel Zoning District

17.36.100. Landscaping. ~~As regulated in §17.50.300 of this Code.~~

CHAPTER 17.38 MHR Mobile Home Residential District

17.38.100. Landscaping. ~~As regulated in §17.50.300 of this Code.~~

CHAPTER 17.40: OFFICE COMMERCIAL DISTRICT

17.40.040 *Area regulations.*

The area requirements for dwellings and buildings accessory thereto shall be the same as the area requirements for medium density residential districts. The following restrictions shall apply to all other uses permitted in this district:

- A. *Front yard.* All buildings shall set back a minimum of ~~25~~ ~~the required frontage landscape setback or 12~~ feet from the front property line, ~~whichever is greater.~~

17.40.080. Landscaping.

~~When an office commercial district is adjacent to a residential district, landscaping shall be provided as regulated in the landscape regulations adopted by § 17.50.300 of this title. Fifty percent of the plant material shall be visible from the residential district whenever possible.~~ ~~As regulated in §17.50.300 of this Code.~~

CHAPTER 17.42: ME MINING AND EARTH RESOURCES EXTRACTION DISTRICT

17.42.050. ~~Screening and landscaping.~~ Landscaping. ~~As regulated in §17.50.300 of this Code.~~

~~All yard areas required under this chapter and other yards and open spaces existing around buildings shall be landscaped and maintained in a neat condition~~

CHAPTER 17.44 LDR-2 Low-Density Residential

17.44.090. Landscaping. ~~As regulated in §17.50.300 of this Code.~~

CHAPTER 17.46: PUBLIC DISTRICT

17.46.070. Landscaping. ~~As regulated in §17.50.300 of this Code.~~

~~When a public district is adjacent to a residential district, landscaping shall be provided as regulated in the landscape regulations adopted by § 17.50.300. Fifty percent of the plant material shall be visible from the residential district whenever possible.~~

CHAPTER 17.48 Civic Center District

17.48.080. Landscaping. As regulated in §17.50.300 of this Code.

CHAPTER 17.50: SUPPLEMENTARY REGULATIONS APPLICABLE TO SOME OR ALL DISTRICTS

17.50.110 Mobile home parks.

~~17.50.110.A.4.c Where a side or rear yard abuts a street, the yard shall be not less than 25 feet. and all yards shall be landscaped and maintained.~~

17.50.110.A.4.d. Landscaping. As regulated in §17.50.300 of this Code.

17.50.120 Cemetery

~~17.50.120.E. All required yards shall be landscaped and maintained.~~ **Landscaping is required as regulated in §17.50.300 of this Code.**

17.50.130 Drive-in theater

~~17.50.130.B. In addition to the required setbacks from streets and highways, all yards shall be planted and maintained as a landscaped strip.~~ **landscaping is required as regulated in §17.50.300 of this Code.**

17.50.270 Minimum off street parking requirements

G. *Use and maintenance of off-street parking area.* Off-street parking space shall be maintained in accordance with the following specifications:

7. Border, barricades, screening and landscaping. Off-street parking areas shall conform to the regulations set forth in the landscape ordinance, § 17.50.300. ~~Tree planting in the right of way is permitted as provided in §12.40.090 of this code, landscape requirements.~~
 - b. Every multiple-family or commercial parking area on a lot that abuts a single-family residential lot along a side lot line shall be set back a distance of not less than 12 feet. ~~Not less than 50% of the required landscaping for the subject lot shall be placed within the parking lot or within 20 feet of the parking lot.~~
 - c. Every parking area on a lot which abuts the rear lot line of a lot within single-family residential district shall be set back a distance of not less than 15 feet. ~~Fifty percent or more of the required landscaping for the subject lot shall be located in the parking lot or within 20 feet of the parking lot.~~
 - d. ~~Landscaping proposed to be located in the right of way between the property line and the street section may be applied to the requirements of the landscape ordinance in an amount not to exceed 25% of the total landscaping points required as determined pursuant to the formula in the landscape ordinance.~~

17.50.340 Gasoline service stations

- I. A masonry wall or solid fence shall be constructed when service station property abuts property zoned for residential purposes. The wall shall be not less than 5 feet in height ~~and all required yards shall be landscaped and maintained.~~ **Landscaping is required as regulated in §17.50.300 of this Code.**

CHAPTER 17.56: BP BUSINESS PARK DISTRICT

17.56.090 Landscaping.

Landscaping shall be provided in accordance with the landscape regulations adopted as § 17.50.300 of this e Code., with the following exceptions:

- A. ~~The proposed plant mix shall be approved by the city.~~
- B. ~~All trees and shrubs planted to meet landscape point requirements shall be visible from the public right of way.~~
- C. ~~Fifty percent of the required trees and shrubs shall be within 20 feet of buildings, parking and circulation areas.~~
- D. ~~When a business park district is adjacent to a residential district, landscaping shall be provided as regulated in the landscape regulations adopted by § 17.50.300 of this title. Fifty percent of the plant material shall be visible from the residential district whenever possible.~~

CHAPTER 17.60: CANYON LAKE OVERLAY ZONING DISTRICT

17.60.040 Landscaping. As regulated in §17.50.300 of this Code.

- A. ~~For single family and 2 family structures, no landscaping is required.~~
- B. ~~For multifamily structures of 3 or more units located adjacent to single family/duplex/townhouse dwellings, landscaping shall be provided as per § 17.50.300 of this code. Landscaping shall be maintained in a live vegetative state.~~
- C. ~~For any multifamily structures of 3 or more units, a streetscape landscaping buffer of 10 feet in the front yard setback shall be required, to include a minimum of 10% of the required landscaping points.~~
- D. ~~All other structures shall meet the landscaping required in the respective zoning districts.~~

CHAPTER 17.62: FIFTH STREET OVERLAY ZONING DISTRICT

17.62.040 Landscaping. As regulated in §17.50.300 of this Code.

- A. ~~For single family and 2 family structures, no landscaping is required.~~
- B. ~~For multi family structures of 3 or more units located adjacent to single family/duplex/ townhouse dwellings, landscaping shall be provided as per Section 17.50.300 of this code. Landscaping shall be maintained in a live vegetative state.~~
- C. ~~For any multi family structures of 3 or more units, a streetscape landscaping buffer of 10 feet in the front yard setback shall be required to include a minimum of 10% of the required landscaping points.~~
- D. ~~All other structures shall meet the landscaping required in the respective zoning districts.~~