

**MEMO**

TO: Building Permit Applicant  
FROM: Aaron Kiesz, City Forester  
RE: Landscape Ordinance Compliance

The packet of information you have been provided includes a summary of the requirements associated with the city landscape ordinance along with a copy of the actual landscape ordinance.

The landscaping ordinance is designed to achieve a number of objectives, including: to maintain and protect property values, create transitions, and reduce the negative impacts of surrounding land uses.

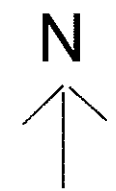
I am here to assist you and answer any questions you may have regarding the landscape ordinance. Please review the information carefully and submit the required information to my office at the Aberdeen Recreation & Cultural Center at 225 3<sup>rd</sup> Ave SE or feel free to give me a call at 626-7015 to schedule an appointment.

# Landscape Ordinance

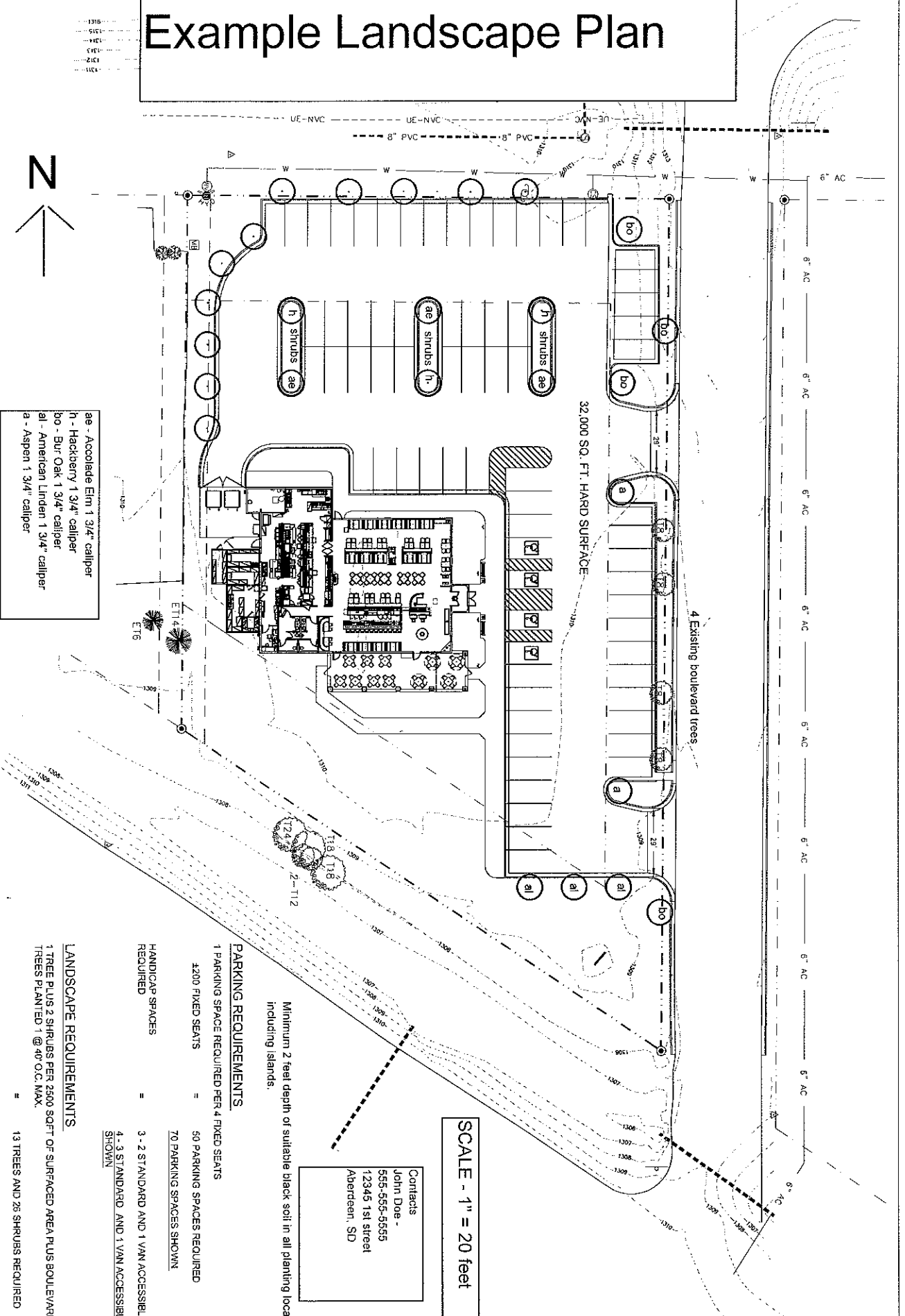
## **NON - RESIDENTIAL** - (\*See Ordinance for complete set of Requirements and Specifications)

- A Landscape Plan shall be submitted for review and approval of the City Forester before a building permit is issued. Outlined below is the information which must be provided to the City Forester.
  1. The landscape plan must include a date, scale, north arrow, names, addresses and telephone numbers of both the property owner and the person preparing the plan. The parking layout and the number of parking spaces must be designated on the landscape plan along with the exact placement of all plant material showing the spread and spacing at installation.
  2. Project data information, including the total area of the property, building footprints, Square foot of parking and other hard surfaced areas, and landscaped areas shall be furnished as an additional attachment to the plan.
  3. A complete description of plant materials shown on the plan, including names, quantities and container or caliper sizes shall be furnished as an additional attachment to the plan.
  
- **Landscape Requirements for Non Residential – New Construction**
  1. For each 2500 sq. ft. of hard surface, one 1 ½” – 1 ¾” caliper, shade tree and 2 shrubs/perennials are required. Where more than 10,000 sq. ft. of hard surface exist, trees and shrubs shall be located in planting islands and/or peninsulas distributed evenly throughout the hard surfaced area.
  2. 10,000 sq. ft. of hard surface or less, landscape may be planted evenly around the perimeter of the hard surface area.
  3. Landscape islands shall have dimensions of at least 8 feet wide and contain a minimum of 144 sq. ft. per tree.
  4. Planting areas shall contain a depth of 2 feet of suitable mineral/organic soil (black soil) for growing plant material.
  5. Follow species diversification requirements.
  6. Boulevard area - one - 1” – 1 ¼ ” caliper tree per 35-40 feet of boulevard area.
  
- **Landscape Requirements for Non Residential – Remodel/Additions**
  1. The landscape ordinance is triggered when the project exceeds \$100,000 total valuation or the building footprint increases 1000 Sq. Ft. or more.
  2. In no case shall a permit applicant be required to install landscaping the cost of which exceeds 10% of the declared value of the project, exclusive of such landscaping.
  3. In order to determine how much plant material will be required by ordinance, it is important to consult with the City Forester prior to submitting a landscape plan.
  4. All specifications for required landscape shall follow the same guidelines and installation requirements as New Construction.

# Example Landscape Plan



- ae - Accolade Elm 1 3/4" caliper
- n - Hackberry 1 3/4" caliper
- bo - Bur Oak 1 3/4" caliper
- al - American Linden 1 3/4" caliper
- a - Aspen 1 3/4" caliper



Minimum 2 feet depth of suitable black soil in all planting locations including islands.

### PARKING REQUIREMENTS

- 1 PARKING SPACE REQUIRED PER 4 FIXED SEATS
- 1200 FIXED SEATS = 50 PARKING SPACES REQUIRED
- 70 PARKING SPACES SHOWN
- HANDICAP SPACES REQUIRED = 3 - 2 STANDARD AND 1 VAN ACCESSIBLE
- 4 - 3 STANDARD AND 1 VAN ACCESSIBLE SHOWN

### LANDSCAPE REQUIREMENTS

- 1 TREE PLUS 2 SHRUBS PER 2500 SQFT OF SURFACED AREA PLUS BOULEVARD TREES PLANTED 1 @ 40' O.C. MAX.
- = 13 TREES AND 28 SHRUBS REQUIRED

SCALE - 1" = 20 feet

Contacts  
John Doe -  
555-555-5555  
12345 1st street  
Aberdeen, SD

# Example of Additional Attachment to Landscape Plan

Project information: *(What kind of project this is and how will the hard surface area be used)*

Building Square Footage: 5000 SQ.FT.

Parking and Other Hard Surface Square Footage: 32,000 SQ.FT. of hard surface

Description of Plant Material: 3 Accolade Elm – 1 ¾" Caliper  
3 Hackberry – 1 ¾" Caliper  
4 Bur Oak – 1 ¾" Caliper  
3 American Linden – 1 ¾" Caliper  
2 Quaking Aspen – 1 ¾" Caliper  
  
12 – 2 gallon Spirea  
12 – 2 gallon Rugosa Rose  
12 – 2 Taunton Yew

Size of Planter areas: 3 - 10x40 foot planters with raised curb ( 2 feet of black soil)  
4 – 10x14 foot peninsulas with raised curb ( 2 feet of black soil)  
Other planting areas are on perimeter of site

**ORDINANCE NO. 12-11-07**

**AN ORDINANCE AMENDING ARTICLE IV OF CHAPTER 56 OF THE ABERDEEN MUNICIPAL CODE DEALING WITH LANDSCAPING REQUIREMENTS**

WHEREAS, The City Council of the City of Aberdeen is charged with providing for the health and safety of its citizens: and

WHEREAS, the City Council has determined that the following ordinances will benefit the health and safety of its citizens.

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF ABERDEEN THAT THE FOLLOWING CHANGES AND ADDITIONS SHALL BE MADE TO THE ABERDEEN CITY CODE:

**ARTICLE IV. - LANDSCAPE STANDARDS**

**DIVISION 1. - GENERALLY**

**Sec. 56-111. - Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Boulevard* means the area within the public right-of-way between the back of the curb and the sidewalk.

*Deciduous ornamental tree* means a single stem woody plant that grows less than 35 feet in height at maturity.

*Deciduous shade tree* means a single stem woody plant that grows taller than 35 feet in height at maturity.

*Evergreen* means a plant that retains its green growth through more than one growing season. The term "evergreen" is often used as a synonym for conifers, such as spruce and pines, which remain green throughout the winter.

*Hedge* means a barrier or fence formed by bushes or shrubs growing together.

*Shrub* means a self-supporting, deciduous or evergreen woody plant normally branched near the base, bushy, and less than 15 feet in height.

*Xeriscaping* means the planting and maintenance of materials which are appropriate for the local conditions requiring little or no irrigation or maintenance.

**Sec. 56-112. - Purpose.**

Landscaping regulation is designed to achieve a number of objectives, including:

- (1) To 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
- (5) Reduce the effects of wind and heat through the provision of shade.

**Sec. 56-113. - Applicability; exception.**

(a) The regulations contained in this article shall be applicable whenever:

- (1) a. Any building permit or zoning permit is required; and
- b. The project for which the permit is issued increases the building footprint (including accessory structures) by more than:
  - i. In the case of a one- or two-family dwelling, whenever a new or replacement primary structure is built; or
  - ii. In the case of all other structures, 1,000 square feet or exceeds \$100,000.00 total project valuation; or

(2) Whenever an existing paved or gravel parking lot is constructed or reconstructed and the cost of such construction or reconstruction exceeds \$100,000.

The values in this subsection (a) shall be exclusive of landscaping costs. Landscaping shall be provided as part of any site plan. This chapter shall be applicable to all zoning districts and land uses within the city and within one mile from its corporate boundaries.

(b) In the area bordered by Sixth Avenue South, First Street South, Railroad Avenue, and South Lincoln Street, only the parking lot tree requirements as set forth in section 56-210 shall apply. No other landscaping requirements shall be applicable in this area.

(c) In no case shall a permit applicant be required to install landscaping the cost of which exceeds ten percent of the declared value of the project, exclusive of such landscaping.

(d) New-for-old repair or replacement of a structure following property damage caused by an act of God shall be exempt from the mandatory requirements of this Article. However, any landscaping voluntarily installed in conjunction with the new-for-old repair or replacement shall comply with the technical requirements of this Article.

**Sec. 56-114. - Minimum size requirements.**

(a) *Deciduous shade tree.* Deciduous shade trees shall be a minimum of 1¾-inch caliper measured at a point six inches above immediate ground level and normally capable of reaching a height of 35 feet at maturity.

(b) *Deciduous ornamental tree.* Deciduous ornamental trees shall be a minimum of 1¼-inch caliper measured at a point six inches above immediate ground level normally growing to a height of less than 35 feet at maturity.

(c) *Evergreen or coniferous tree.* Evergreen or coniferous trees shall be a minimum height of five feet measured above grade.

(d) *Hedges.* If hedges are utilized for the required screening of the parking lot, plantings shall be a minimum height of 18 inches above grade and of a species that is normally capable of reaching a height of four feet within three years. Spacing shall be 18 to 36 inches apart, depending upon species.

(e) *Ground covers and shrubs.* If ground covers or shrubs are utilized in areas required to be landscaped, plantings shall be a minimum two-gallon pot size, except that up to 25 percent of such plantings may be one-gallon pot size.

**Sec. 56-115. - Acceptable species.**

A list of acceptable species of plants suitable for various installation locations shall be maintained by the city forester, and may be updated by the city forester from time to time.

**Sec. 56-116. - Landscape plan.**

(a) A landscape plan shall be submitted with each building permit or zoning permit application meeting the criteria of section 56-113. Landscape plans shall identify existing and proposed trees, shrubs, and ground covers, natural features, and other landscaping elements. All plans shall show the existing and/or proposed locations of plantings and/or construction details. All plans shall indicate the plant species, spacing, number of trees, and an approximate planting time table. All existing plant material to be preserved during construction shall be indicated on the submitted landscape plans along with the proposed methods for protection.

(b) Applicants shall submit a boulevard planting permit application along with the landscape plan, where boulevard plantings are required. In nonresidential zoning areas, the plans shall be prepared by a landscape professional. Approval of the landscape plan by the city forester shall be obtained prior to the issuance of any building permit or zoning permit.

**Sec. 56-117. - Appeals.**

Any person aggrieved by the city forester's application of this article may appeal the city forester's decision to the forestry committee of the parks and recreation board. The forestry committee shall have the authority to consider alternate placement of trees and shrubs, and shall have the authority to waive numerical requirements including islands. The decision of the forestry committee shall be appealable to the city council.

**Secs. 56-118—56-147. - Reserved.**

## **DIVISION 2. - DISTRICT REQUIREMENTS**

### **Subdivision I. - In General**

#### **Sec. 56-148. - Softscape**

(a) *Softscape* means flowers, plants, shrubs, trees, or other horticultural elements, along with any accompanying boxes, pots, planters, stands, or similar containment apparatus, with all accompanying parts, or other items of decorative nature such as statues, fountains or items which are used for purely decorative and aesthetic purposes. Softscape shall also include decorative tables, chairs, and benches.

(b) The installation or placement of softscape by the owner of a lawfully operated business shall be permissible within the Aberdeen Downtown Business Improvement District.

(1) The placement of any softscape shall be limited to within a two-foot zone extending beyond the front of the abutting business property and shall not extend beyond the lot boundaries on each side of the business.

(2) Softscape placement must adhere to the requirements of the Americans with Disabilities Act and all other applicable standards and shall not unreasonably obstruct sidewalk spaces or inhibit the free passage in such areas. All softscape items must be placed on the ground, and may not be affixed exclusively to the face of the structure.

(3) Softscape shall not include signs as defined by this Code.

(4) No person may install or maintain any softscape item which would alter a building's structural characteristics.

(5) All softscape must be properly maintained. All maintenance and repair will be the responsibility of the abutting business owner. In addition no liability may be imputed to the city as a result of the installation, placement, or condition of the softscape items.

(6) The city may remove, or order removed, items placed in the right-of-way at any time if the items lack proper maintenance, do not comply with applicable regulations, obstruct free passage, or for any other relevant public purpose.

(7) No person shall fail to remove an item from the right-of-way after having received actual notice from the city that such item must be removed.

**Secs. 56-149—56-177. - Reserved.**

### **Subdivision II. - Residential Districts**



**Sec. 56-178. - Front yard setbacks.**

- (a) In any residential zoning district, at least 90 percent of:
  - (1) The required front yard setback;
  - (2) For corner lots, the side yard setback abutting the street; and
  - (3) For double frontage lots, both front yard setbacks;

shall be landscaped and maintained with living ground cover. The required setback may include necessary hard-surfacing of walkways and gardens, or of driveways to reach allowable parking, loading, or stacking areas. Poured or laid asphalt, concrete, or similar hard surfacing shall not be counted in calculations of living ground cover. Landscape areas must be capable of providing a substantially full expanse of foliage within three years after planting.

(b) As an alternative to the requirements of subsection (a) of this section, xeriscaping may be used. All xeriscaping plans shall be submitted to and approved by the city forester.

(c) In each front yard setback in any residential zoning district there shall be a minimum of one tree per 40 feet of right-of-way frontage. No tree may be placed in the sight triangle, defined as an area 35 feet from the property corner, including the abutting boulevard.

**Secs. 56-179—56-209. - Reserved.**

**Subdivision III. - Nonresidential Districts**

**Sec. 56-210. - Landscaping required.**

(a) In all nonresidential districts, the entire lot shall be landscaped and maintained with living ground cover, except parking, loading, and stacking areas and walkways or driveways necessary to reach such parking, loading, or stacking areas. Poured or laid asphalt, concrete, gravel, or similar hard-surfacing shall not be counted in calculations of living ground cover. Landscape areas must be capable of providing a substantially full expanse of foliage within three years after planting.

(b) For each 2,500 square feet of asphalt, concrete, or gravel surfacing, a minimum of one tree and two shrubs shall be required. In calculating this number, tree and shrub counts shall be rounded up to the next whole number.

(c) Except pursuant to subsection (d) below, where more than 10,000 contiguous square feet of asphalt, concrete, or gravel are located on any lot, required trees and shrubs shall be located in planting islands as specified in the approved landscape plan throughout the hard-surfaced area utilized for parking and maneuvering purposes, and shall meet the following requirements:

- (1) Said islands shall have dimensions of at least eight feet wide and contain a minimum of 144 square feet per tree;

- (2) Trees shall not be planted closer than 25 feet from each other;
- (3) Planting islands shall contain a depth of two feet of suitable top soil for growing plant material;
- (4) Planting islands shall utilize raised curbs or wheel stops necessary to prevent damage from vehicles;
- (5) Planting islands must have three inches of organic mulch such as woodchips, bark, or other type of organic mulch with a professional weed barrier fabric placed under the mulch. Landscape rock with a professional weed barrier fabric placed underneath may be used so long as organic mulch is used within a two-foot radius of each tree and shrub.

(d) Where twenty percent (20%) or more of an improved lot or parcel has been landscaped, such lot or parcel shall be exempt from the requirements of subsection (c) above. For purposes of this exception:

(1) “landscaped” shall mean land which has been altered from its natural state to improve its aesthetic appearance by changing its contours, adding ornamental features and plantings. Only pervious land may be considered to be landscaped.

(2) The landscaped area must be installed and properly maintained as of the date of this ordinance.

(3) The waiver of island requirements shall apply only to lots with hard-surfaced area totaling 35,000 square feet or less.

**Sec. 56-211. - Materials.**

(a) Deciduous shade trees may be utilized for 100 percent of the total tree requirement. Up to 10 percent of the required trees may be deciduous ornamental, evergreen, or coniferous trees; however, they shall not be planted in any sight triangle.

(b) 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 interior parking lot tree planters.

(c) To ensure tree species variety, the following requirements shall apply to all nonresidential landscapes:

Number of Trees Required	Minimum Number of Species	Percentages (as close as numerically possible)
1—26	1	N/A
3-6	2	
7—12	3	At least 33 percent of each species

12—18	4	At least 20 percent of each species
19	5	At least 15 percent of each species

**Sec. 56-212. - Parking lot buffer areas.**

A landscaped buffer area of at least five feet in width, and covered in living ground cover, shall be provided between all parking surfaces and the adjacent property line where a parking lot abuts a residential property.

**Sec. 56-213. - Parking lot screening.**

A nonmetallic fence, wall, berm, or shrubbery four feet in height and of a character necessary for adequate screening shall be provided where the nonresidential property abuts a residentially-zoned property. Berms or other landscaping techniques may be used for all or part of the screening requirement and may be incorporated into a required landscaped setback area. Berms shall have a maximum grade of three feet horizontal to one foot vertical and shall be sodded or planted with other acceptable living ground cover.

**Secs. 56-214—56-234. - Reserved.**

**Subdivision IV. - All Districts**

**Sec. 56-235. - Boulevard requirements.**

- (a) A minimum 6½-foot-wide right-of-way boulevard is required on all landscape plans and subdivision designs. The boulevard must be capable of providing a substantially full expanse of foliage within three years after planting. Boulevards shall contain at least 24 inches of organic material/mineral soil, covered with six inches of top soil.
- (b) Deciduous shade trees shall be required at the rate of not more than one tree per 30 linear feet of boulevard, but not less than one tree per 40 linear feet of boulevard. When calculating the total number of linear feet of boulevard space, sight triangles, driveways, and approaches shall not be included.
- (c) Boulevard trees must have organic mulch, such as woodchips or bark, placed around the tree to a depth of three inches and a radius of two feet from the trunk of the tree.
- (d) Where overhead power lines or other obstructions are located in the public right-of-way and street trees are required, ornamental street trees may be used after approval by the city forester.
- (e) Trees are not permitted within 35 feet of a corner intersection, as measured from the property corner.
- (f) Where curbside sidewalks or curbside recreational trails have previously been installed, boulevard trees shall not be required.

(g) A tree planting permit obtained through the parks, recreation and forestry department is required before planting trees in the boulevard.

(h) For new construction, a fee shall be charged at the time of the building permit application, which shall be for the cost of purchasing and installing the required boulevard trees. After completion of the required curb, gutter, sidewalk, driveway, and other installation, the City Forester shall be responsible for installing the boulevard trees in the manner and location he or she deems best suited to the property.

**Sec. 56-237. - Installation requirements.**

Required trees shall be planted no closer than two feet from any curb or hard surfaced area. All landscape materials required by this section shall be installed in accordance with accepted industry standards.

**Sec. 56-238. - Maintenance.**

Property owners shall be ultimately responsible for the proper maintenance of all required landscape materials and any dead or substantially damaged required landscape materials shall be replaced immediately. All installed landscape requirements must be maintained, replaced, and monitored indefinitely.

CITY OF ABERDEEN

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Mike Levsen, Mayor

ATTEST:

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Karl Alberts, Finance Officer

First Reading: November 5, 2012

Second Reading: January 7, 2013

Published: January 10, 2013

Effective: January 30, 2013