

ORDINANCES OF THE CITY OF HELENA, MONTANA

ORDINANCE NO. 3150

AN ORDINANCE ESTABLISHING LANDSCAPING REQUIREMENTS BY AMENDING CHAPTER 24 OF TITLE 11 OF THE HELENA CITY CODE

**NOW, THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE
CITY OF HELENA, MONTANA:**

That Title 11 of the Helena City Code, Zoning, is hereby amended by repealing Section 11-22-9, Landscaping and Screening Requirements for Parking Areas, and Chapter 24, Landscaping, in their entirety, and adopting this new Chapter 24 in lieu thereof:

CHAPTER 24

LANDSCAPING

SECTION:

- 11-24-1: Intent
- 11-24-2: Definitions
- 11-24-3: General Landscaping
- 11-24-4: Parking Lot Landscaping
- 11-24-5: Screening
- 11-24-6: Landscaping Standards
- 11-24-7: Site Plan Required
- 11-24-8: Maintenance
- 11-24-9: Nonconforming Landscaping
- 11-24-10: Violations

11-24-1: INTENT: The intent of this chapter is to contribute to the relief of heat, noise, wind, and glare through the proper placement of living plants and trees; providing screening and mitigation of potential conflicts between commercial and residential districts; encouraging water conservation, mitigating air pollution, and enhancing the beauty of our community.

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11-24-2: DEFINITIONS: For purposes of this chapter, the following terms, phrases, words, and their derivations shall have the meanings given herein.

COMMERCIAL DISTRICT: B-1, B-2, B-3, CLM, M-I or PLI zoning districts.

DEPARTMENT: City of Helena Community Development Department.

RESIDENTIAL DISTRICT: R-1, R-2, R-3, R-4 and R-0 zoning districts.

TRACT: A lot or other legally defined parcel of property legally described and the description recorded in the office of the County Clerk & Recorder, or a combination of lots or parcels adjacent to each other, even though separated by alley right-of-way, that are under a common ownership and used for a common purpose.

11-24-3: GENERAL LANDSCAPING:

- A. The provisions of this section apply to tracts in all zoning districts and to all uses except for tracts with only a single residential dwelling unit, two residential dwelling units, three residential dwelling units, or mobile home or recreational vehicle parks.
- B. All areas of a tract that are not covered by buildings, parking lots, utility poles and boxes, and walking or non-motorized paths must be landscaped as provided in 11-24-6.

11-24-4: PARKING LOT LANDSCAPING: For parking lots on tracts for which this chapter requires landscaping, the minimum landscaping requirements are as follows:

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- A. All parking lots, whether gravel or other surface, must have at least thirty square feet (30 ft²) of landscaping per vehicle parking space within the boundaries of the parking lot.
- B. Any edge of a parking space must be within thirty-five feet (35') of the trunk of a tree on the same tract or contiguous public rights-of-way.
- C. All qualified trees on a tract may be used to satisfy subsection (B) above, whether installed as general landscaping pursuant to 11-24-3, screening pursuant to 11-24-5, parking lot landscaping pursuant to this section, boulevard or parkway landscaping pursuant to 7-4-2, or any other required landscaping.

11-24-5: SCREENING:

- A. The side of a tract in a commercial district that is adjacent to a residential district, except driveways, walkways, and approaches, must be screened from that residential district. A commercial tract is considered adjacent to a residential district even if it is separated by a public right-of-way.
- B. All parking lots on tracts adjacent to residential districts and for which landscaping is required under this chapter must be screened from the residential districts. A parking lot tract is considered adjacent to a residential district even if it is separated by a public right-of-way.
- C. Screening of a commercial tract or a parking lot from a residential district may be by a fence, wall, or vegetation that is no less than three feet (3') in height when planted. The screening must be designed and established so that no less than seventy-five percent (75%) of any thirty-six square-foot portion of the entire screening is opaque. Only the first six feet (6') in height is used to determine the area of the screening. The opaqueness of vegetation used as screening is measured as of its growth in July and after the third full growing season.

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11-24-6: GENERAL LANDSCAPING AND PARKING LOT LANDSCAPING STANDARDS:

- A. Except as provided below, general landscaping and parking lot landscaping must contain no less than sixty percent (60%) live vegetative cover and include shrubs, bushes, or trees. If this live vegetative cover consists entirely of plants that do not require supplemental water or irrigation once established, or consists entirely of plants that are native to Lewis and Clark County, then those areas may contain as little as fifty percent (50%) live vegetative cover. The projected drip line of an average shrub, bush, or tree of that species at five (5) years of age may be used in calculating minimum vegetative coverage. The remainder of the area may be covered in inorganic materials that are permeable to water.
- B. When space permits, additional trees must be planted no more than thirty feet (30') apart in landscape islands within the boundaries of the parking lot that have planted trees to meet the requirement in 11-24-4B above. All trees must be expected to grow to at least 20 feet in height when mature. Deciduous trees must be no less than 1.5" caliper at time of planting. Evergreen trees must be no less than five feet (5') tall at time of planting.
- C. Trees expected to grow to thirty feet (30') in height or less must be planted in a tree plot of no less than twenty (20) square feet. Trees expected to grow to more than thirty (30') feet in height must be planted in a tree plot of no less than forty eight (48) square feet.
- D. Trees within two feet (2') of any edge of a parking space must be protected from damage by vehicles by barriers such as curb stops, tree guards, rebar poles, or other types of vehicle obstructions.

11-24-7: SITE PLAN REQUIRED:

- A. A site plan showing the general landscaping and parking lot landscaping must be submitted for review and approval prior to constructing new buildings, changing building size, installing new parking lots, or changing the size of parking lots. The site plan must include the following:

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1. Location of proposed general and parking lot landscaping drawn to scale, which scale must be appropriate to the size of the project;
 2. Location and dimensions of all existing and proposed buildings, project boundary lines, parking lots, roadways and rights-of-way, delineation of site distance triangles, walking and non-motorized paths, and utility poles and boxes;
 3. Location, installed size, species, and quantity of proposed trees, bushes, shrubs, or other vegetation, and organic and inorganic materials proposed for use; and
 4. Estimated date of completion of the installation of the general and parking lot landscaping.
- B. The approved general and parking lot landscaping plans may not be changed or altered without review and approval by the community development department. All general and parking lot landscaping shown on an approved plan must be installed.

11-24-8: MAINTENANCE:

- A. Landscaping must be maintained to sustain healthy trees, bushes, shrubs, and other vegetation.
- B. Any tree, bush, shrub, or other vegetation that is necessary to meet the minimum requirements of this chapter that is dead, diseased, or severely damaged must be removed and replaced with a comparable tree, bush, shrub, or other vegetation.

11-24-9: NONCONFORMING LANDSCAPING:

- A. On the effective date of this chapter, any tract or use of a tract that is nonconforming as to the amount and location of landscaping or tree required under this chapter may be continued in the same manner as if it were conforming.

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- B. If the size of a building is changed or reconstructed, the landscaping requirements of this chapter apply to the entire tract.
- C. If a parking lot is reconstructed or the size of a parking lot is increased, the parking lot landscaping and tree requirements of this chapter apply to the entire parking lot.

FIRST PASSED BY THE COMMISSION OF THE CITY OF HELENA, MONTANA, THIS 19th DAY OF DECEMBER, 2011.

SEE ATTACHED
MAYOR

ATTEST:

XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX
CITY CLERK

FINALLY PASSED BY THE COMMISSION OF THE CITY OF HELENA, MONTANA, THIS 13th DAY OF FEBRUARY, 2012.

/S/ James E. Smith
MAYOR

ATTEST:

/S/ Debbie Havens
CITY CLERK