

LANDSCAPE ORDINANCE

PURPOSE

- A. The purpose of this chapter is to protect and promote the public health, safety, general welfare and beautification through the City of Kalispell's authority to regulate the use of land by utilizing the benefits of landscaping. Specifically, it is the purpose of this chapter to provide minimum standards for landscaping, development and maintenance within the street boulevards, to provide for an orderly streetscape, maintain clear vision at street intersections and to provide minimum requirements for landscaping on property used for commercial purposes.

1. LANDSCAPE PLAN REVIEW REQUIREMENTS

- A. Whenever a project comes before the Site Review Committee (this section does not apply to single family and duplex uses), the landscaping plan shall be submitted for Parks Department approval.
- B. Landscape Plan Content and Format
 - a. Name and address of the property owner.
 - b. The landscape portion of the site plan shall be done to scale.
 - c. List and location of materials, trees, shrubs, ground cover, turf and other vegetation.
 - d. Planting symbols shall be clearly drawn and plants labeled by common name, container size, spacing and quantities of each group of plants indicated. Natural features such as existing trees, shrubs or other landscape features that will remain shall be indicated.
 - e. On site snow storage areas shall be indicated.
 - f. The schedule for installation of the landscaping and estimated total cost.
 - g. Irrigation system design.
- C. Building Permit and Certification of Occupancy.

Where landscaping is required, no building permit shall be issued until the required landscaping portion of the site plan has been submitted and approved. No certificate of occupancy shall be issued until:

- a. The landscaping is completed as certified by an on-site inspection by the Parks Department, and/or
- b. A performance bond or irrevocable letter of credit for 125% of the total cost of the uncompleted portion of the landscaping has been posted.

2. LANDSCAPE MATERIALS AND DESIGN

- B. This section shall apply to all right-of-ways and private properties, except those properties used solely as for single-family and duplex purposes.
 - a. Right-of-Ways are defined as a linear public way established or dedicated for public purposes by a recorded plat, deed or easement intended to be occupied by a street, curb and gutter, landscaped boulevard and pedestrian ways (sidewalk or bike/ped path). In addition the R/W may contain sub-surface utilities such as sewer, water or storm sewer lines; electrical cable and gas lines or similar utilities.
- B. Landscape materials should complement the form of the existing trees and plantings, as well as the development's general design and architecture. The amount of shade or sun shall be considered in selecting plant material.
- C. Landscape materials shall consist of the following:

Plants: All plant materials shall be living plants and shall meet the following requirements:

- a. Quality.
 - i. Shall conform to the standards of the American Association of Nurserymen and shall have passed any inspections required under State regulations.
 - ii. Plants shall be free of disease, insects and/or damage, and shall be correctly labeled indicating genus, species and cultivar.
- b. All trees shall comply with the City of Kalispell Tree Ordinance (Ordinance # 1086). All trees planted will follow the International Society of Arboriculture planting details.
- c. Shrubs and hedges shall be a minimum of 1 foot tall for general buffer landscaping, and 2 feet tall for perimeter buffering/screening, at planting, and shall attain proper opacity within four years after planting.
- d. Vines, which are generally used in conjunction with walls or fences, shall be at least (12) twelve inches tall at planting.
- e. Grass shall be planted in species normally grown as permanent lawns in northwestern Montana, and may be sodded, seeded, hydro-seeded, drill seeded or broadcast seeded; except in swales or other areas subject to erosion control standards set forth by Public Works. Nurse-grass seed shall be sown for immediate protection until complete coverage otherwise is achieved. Grass sod shall be clean and free of weeds and noxious pests or diseases. Ground cover shall be planted in such manner as to present a finished appearance and seventy-five percent (75%) of complete coverage after one complete growing season.
- f. Fiber-mulch shall be produced from cellulose such as wood pulp or similar organic material and shall be of character that will disperse into a uniform slurry when mixed with water. The fiber shall be of such character that when used in the applied mixture, an absorptive or porous mat, but not a membrane, will result on the surface of the ground. Materials which inhibit germination or growth shall not be present in the

mixture. Other materials that retain moisture and approved by the Parks Department may be considered for fiber-mulch replacement.

- g. Earth mounds shall be physical barriers which block or screen the view similar to hedge, fence or wall. Mounds shall be constructed with proper and adequate plant material to prevent erosion. Where mounds are to be mowed, the maximum permitted slope is 3:1.
- h. Hedges are to comply with height regulations in the Kalispell City Zoning Ordinance.
- i. Mulch/watering rings shall be a minimum of 4 feet in diameter around the base of the tree. The mulch depth should be a minimum of 2 inches and kept away from the trunk. Mulch must be fibrous mulch.

D. Initial Maintenance and Replacement Responsibilities.

- a. Prior to the date of occupancy, maintenance of all landscaping is the responsibility of the builder/developer, but may be assumed by the owner/occupant on the date of occupancy.
- b. As a condition of approval, the owner and/or occupant shall be responsible in perpetuity for continuous maintenance of required landscaping improvements, including, but not limited to, the replacement of all unhealthy or dead plant materials.
- c. Trees planted in rights-of-ways, dedicated parkland or open spaces will be the responsibility of the builder/developer for a period of two (2) years after the planting has been approved by the Parks and Recreation Department.

3. LANDSCAPING WITHIN THE CITY RIGHT-OF-WAY

A. Permitted landscaping and development within street right-of-ways shall be limited to the following:

- a. Grass
- b. Fiber-Mulch
- c. Trees with tree species type in accordance with the City of Kalispell Tree Ordinance (#1086)
- d. An irrigation system provided that irrigation heads shall be installed so as to not spray water on streets or sidewalks
- e. Access walkways in accordance with public works standards
- f. Driveways in accordance with public works standards
- g. Mail boxes
- h. Public signs
- i. Street lights

B. Use of Lights, Signs and Ribbons

- a. Christmas lights may be used from November 1st through January 31st of each year. No lights may be left on a tree in public right-of-ways beyond the allowed dates.
 - b. Private signs are not permitted within the boulevard.
 - c. Ribbons may not be nailed, stapled, glued or affixed to a tree without approval from the Parks and Recreation Director or their designee. Ribbons shall be removed 30 days after approval.
- C. Any deviation from the permitted landscaping and development must be approved by the Parks and Recreation Department prior to installation.
- D. Prohibited landscaping and development
- a. This includes but is not limited to river rock, pea gravel, crushed and fractured rock, pavers and asphalt, concrete or other impermeable surfacing outside of permitted accesses, trails or sidewalks.
 - b. Salt de-icers are not recommended for being placed on sidewalks or onto the boulevards. Environmentally friendly de-icers are strongly encouraged.
 - c. Parking of vehicles, trailers and the storage of equipment or materials is prohibited between the sidewalk and street curb.
 - d. Rock or other stone materials (fractured, river, shale, crushed etc.) shall not be used as mulch for trees or other materials.
- E. Property owner's responsibility (boulevards and right-of-ways)
- a. Property owners are responsible for the maintenance of the boulevard adjacent to their property. The boulevard shall be reasonably maintained as follows:
 - i. Grass shall be mowed or trimmed to keep the height below 8 inches after July 1 each year in accordance with Section 10-8 of the Kalispell City Code and kept free from noxious weeds as defined by The State of Montana and Flathead County Weed Department
 - ii. Trees under (5) inches in diameter measured 4½ feet above ground shall be watered weekly. Watering should be slow to penetrate through the root ball and not to wash away mulch or soils that surround the root ball.
 - iii. Leaves may be raked into the street during the city's leaf pick-up period or placed in trash bags for removal with the weekly garbage pick-up. Leaves shall not be raked into the street outside of the leaf pick-up period.
 - iv. Tree pruning in the boulevard shall be conducted in accordance with Ordinance # 1086 also known as the City of Kalispell Tree Ordinance.

4. LANDSCAPING ON RESIDENTIAL (SINGLE-FAMILY AND DUPLEX) PROPERTY

A. Prohibited landscaping and development

- a. Propagation of noxious weeds as defined by the State of Montana and Flathead County Weed Department. Noxious weeds shall be controlled as defined by the State of Montana or Flathead County.
- b. The use of rock landscaping or rock mulch (defined as rocks less than 4 inches in diameter) shall not be placed within 2 feet of any public walkway and/or public road. A 2-foot minimum grass vegetative buffer must be maintained on private property between those areas that have rocks on private property and the adjacent street, sidewalk and or pedestrian paths unless a specific berm, curb, fence or similar barrier is installed to eliminate the safety hazard of rock or stone migrating to the public way.
- c. No person shall, by any type of construction, reduce the size of a boulevard without first applying for and receiving a permit from the Kalispell Public Works Department. Said permit shall be reviewed by the Public Works Department and Parks and Recreation Department.
- d. Landscaping in the boulevard shall be installed in accordance with Ordinance #940A also known as the Site Obstruction Triangle Criteria.

B. Property owner's responsibility (private property)

- a. Property owners are responsible for the maintenance of their property. Yards shall be reasonably maintained as follows:
 - i. Grass shall be mowed or trimmed to keep the height below 8 inches after July 1 each year in accordance with Section 10-8 of the Kalispell City Code and kept free from noxious weeds as defined by The State of Montana and Flathead County Weed Department.
 - ii. Leaves may be raked into the street during the city's leaf pick-up period or placed in trash bags for removal with the weekly garbage pick-up. Leaves shall not be raked into the street outside of the leaf pick-up period.

5. LANDSCAPING ON PRIVATE PROPERTIES (OTHER THAN SINGLE-FAMILY/ DUPLEX)

A. Landscaping and development

- a. Landscaping and development on properties containing uses other than single family residences and duplexes including; parking lots, landscape islands, barriers, may consist of one or more of the following:

- i. Grass or groundcover
 - ii. Trees (A minimum of a 4-foot diameter Fiber – Mulch material is to be used for a watering ring around trees)
 - iii. Fiber-Mulch
 - iv. Shrubs, Hedges, Vines
 - v. Perennial and/or annual beds
 - vi. Earth Mounds
 - vii. An irrigation system provided that irrigation heads shall be installed so as to not spray water on the street or sidewalk.
 - viii. Access walkways
 - ix. Driveways
 - x. Walls or fences
 - xi. Rock or stone materials (fractured, river, shale, crushed etc.) may be used as accent materials. All rock or stone materials must have a minimum 2-foot minimum grass vegetative buffer between the areas it is used in and any public walkway and/or public road unless a specific berm, curb, fence or similar barrier is installed to eliminate the safety hazard of rock or stone migrating to the public way.
- b. Any deviation from the permitted landscaping and development must be approved by the Parks and Recreation Department prior to installation.

B. Prohibited landscaping and development (commercial property)

- a. Propagation of noxious weeds as defined by the State of Montana and Flathead County Weed Department. Noxious weeds shall be controlled as defined by the State of Montana or Flathead County.
- b. Rock or other stone materials (fractured, river, shale, crushed etc.) may not be used as mulch for trees or other materials that water retention is a vital part to its viability.
- c. No person shall, by any type of construction, reduce the size of a boulevard without first applying for and receiving a permit from the Kalispell Public Works Department. Said permit shall be approved reviewed by the Public Works Department and Parks and Recreation Department.
- d. Landscaping in the boulevard shall be installed in accordance with Ordinance #940A also known as the Site Obstruction Triangle Criteria.
- e. The use of rock landscaping or rock mulch (defined as rocks less than 4 inches in diameter) shall not be placed within 2 feet of any public walkway and/or public road. A 2-foot minimum grass vegetative buffer must be maintained on private property between those areas that have rocks on private property and the adjacent street,

sidewalk and or pedestrian paths unless a specific berm, curb, fence or similar barrier is installed to eliminate the safety hazard of rock or stone migrating to the public way.

C. Property owner's responsibility (commercial property)

- a. Property owners are responsible for the maintenance of their property.
 - i. Grass shall be mowed or trimmed to keep the height below 8 inches after July 1 each year in accordance with Section 10-8 of the Kalispell City Code and kept free from noxious weeds as defined by The State of Montana and Flathead County Weed Department.
 - ii. Trees under (5) inches in diameter measured 4½ feet above ground shall be watered weekly. Watering should be slow to penetrate through the root ball and not to wash away mulch or soils that surround the root ball.
 - iii. Leaves may be raked into the street during the city's leaf pick-up period or placed in trash bags for removal with the weekly garbage pick-up. Leaves shall not be raked into the street outside of the leaf pick-up period.
 - iv. An irrigation system provided that irrigation heads shall be installed so as to not spray water on the street or sidewalk.

PENALTY FOR VIOLATION

Any person or corporation, whether owner, lessee, principal agent, employee, or otherwise, who violates any provisions of these regulations or fails to comply with any of the requirements thereof may be subject to penalties as a municipal infraction pursuant to Article 1-2 of this Code. Each day of continued violation shall constitute a separate, additional violation. The Director of the Parks and Recreation Department or his or her authorized agent is hereby authorized to enforce the development restrictions and maintenance requirements of this chapter by issuing a civil citation.

APPEALS

Any person whose plan has been disapproved, or who has otherwise been aggrieved by a decision of the Parks and Recreation Department, may make a written appeal, to the City Manager. Should the City Manager not be able to resolve the matter, it shall be forwarded to the Kalispell City Council for a final determination.

