

## Ordinance 20-014

### **An Ordinance amending the Zoning Ordinance of the City of Brookings and pertaining to Landscaping and Bufferyard Requirements for the purposes of Administration of the Zoning Ordinance.**

Be It Ordained by the City Council of the City of Brookings, State of South Dakota: that Chapter 94, Zoning, shall be amended as follows:

#### Section 1.

##### **Section 94-399.1 – Bufferyards.**

- (a) *Purpose and intent.* The purpose of the bufferyard regulations are to:
- (1) Promote attractive development and preserve the appearance and character of the surrounding areas through the use of landscaping and other buffers;
  - (2) Mitigate and minimize conflicts between certain adjacent zoning districts and the variable intensity of land uses;
  - (3) Provide for quality development and a greater mixing of land uses without compromising the integrity and character of residential neighborhoods by using a combination of setbacks, visual buffers, and barriers;
  - (4) Establish a greater sense of privacy and alleviate physical and vertical intrusions based on the intensity of land uses;
  - (5) Enhance safety and security of properties by requiring physical separation measures;
  - (6) Protect and improve property values while encouraging the efficient use of land;
  - (7) Establish bufferyard compatible with drainage and utility infrastructure;
  - (8) Prescribe standards for the development and maintenance of trees, vegetation, fences, and walls.
- (b) *Definition, Applicability of Bufferyards, and General Standards.*
- (1) A bufferyard is a unit of yard or setback combined with landscaping, trees, a fence, wall, and/or continuous shrubs intended to provide a physical and aesthetic barrier between land uses.
  - (2) Bufferyards are required when certain zoning districts abut one another as shown on Table 1.1. Types of required bufferyards are established in Table 1.2.
  - (3) Bufferyard standards apply to all new development, new buildings, redevelopment, and additions located in the required bufferyard.
  - (4) When a bufferyard is required, a landscape plan meeting the criteria of 94-399 (b) shall be submitted and approved by the Community Development Department prior to a building permit for the site being issued. In addition to the criteria above, the landscape plan shall also show the adjacent land uses and districts, bufferyard setbacks, height of trees and vegetation at planting and maturity, type and location of proposed fencing, walls, and or berms, and the proposed location and spacing of trees and shrubs.

- (5) Existing vegetation that otherwise satisfies the requirements of this section may be used as a credit.
- (6) Bufferyard areas shall generally be maintained as landscaped areas with grass and mulch for ground cover.
- (7) Required bufferyard improvements shall be installed prior to a Certificate of Occupancy being issued on the developing site. The Community Development Director may allow up to a nine (9) month extension for inclement weather.

(c) *Bufferyard Location.*

- (1) Bufferyards shall be located along a side and/or rear property line as shown in Table 1.1. They shall be located along the perimeter of the lot extending inward from the property line and shall run parallel to the subject property along its entire rear and/or side yard. Required fencing, solid walls, and continuous shrubs shall not be located within first 20 feet of the front yard.
- (2) The bufferyard shall be located entirely on the property in which the development is occurring.
- (3) Bufferyards shall not obscure a clear line of sight for vehicular traffic as required in 94-407 Intersection Safety Zones.

(d) *Bufferyard Requirements*

- (1) Bufferyards are required in accordance with the following table.

**Table 1.1**

	<b>Zoning of Abutting Land</b>	<b>Proposed Buildings over 30' in Height</b>	<b>Solid Fence/Wall or Continuous Shrubs</b>
<b>Zoning of Proposed Development</b>	R-1, R-1A, R-1B, R-1C, R-1D, R-2, R-3, R-3A, RMH	R-1, R-1A, R-1B, R-1C, R-1D, R-2, R-3, R-3A, RMH	R-1, R-1A, R-1B, R-1C, R-1D, R-2, R-3, R-3A, RMH
B-1	Type A or Type E	Type B or Type E	N/A
B-2	Type B or Type F	Type C or Type F	N/A
B-2A	Type A or Type D	Type C or Type F	N/A
R-B4	Type A or Type D	Type C or Type F	N/A
B-3	Type C or Type G	Type C or Type G	6' required
B-4	Type C or Type F	Type C or Type F	6' required
B-5	Type C or Type F	Type C or Type F	N/A
I-1, I-1R	Type C or Type G	Type C or Type G	6' required
I-2	Type C or Type G	Type C or Type G	6' required
*R-3, R-3A, R-B4		Type B or Type F	N/A

\*Applicable only to structures over 30' in height

- (2) *Bufferyard Types.* The following bufferyard types are hereby established and shall provide the requirements for each type of bufferyard referenced in Table 1.1. The table prescribes the minimum widths and landscaping for bufferyards.

**Table 1.2**

<b>Bufferyard Types</b>	<b>Minimum Buffer from Parking Lot</b>	<b>Minimum Buffer to Structure</b>	<b>Plantings per 100 lineal feet or fraction thereof per Bufferyard</b>
Type A	10'	20'	3 trees and 10 shrubs
Type B	15'	25'	5 trees and 10 shrubs
Type C	20'	30'	6 trees and 14 shrubs
Type D	25'	25'	greenspace
Type E	30'	30'	greenspace
Type F	40'	40'	greenspace
Type G	50'	50'	greenspace

(3) *Specific Standards and Encroachments.*

- a. Bufferyards may be used as required yards, stormwater management areas, and open space.
- b. Accessory structures are prohibited in the bufferyard area and shall follow the bufferyard applicable to structures.
- c. Access drives and trash receptacles shall meet the parking lot buffer standard unless otherwise allowed by the Community Development Director.

(4) *Standards for trees and shrubs.*

- a. Deciduous trees must be at least one and one-half caliper inches.
- b. Ornamental trees must be at least one and one-half caliper inches.
- c. Conifer trees must be at least six feet in height at planting.
- d. All trees shall be capable of reaching at least 30 feet in height at maturity.
- e. Shrubs shall be capable of reaching a minimum of four (4) feet at maturity and shall be maintained at least the same height.
- f. Shrub and trees plantings shall be spaced appropriately to provide a natural buffer and in accordance with best management practices based on the species.

(e) *Maintenance.* Maintenance shall be in accordance with 94-399 (d).

Section 2.

**Section 94-1 – Definitions.**

Bufferyard: A unit of yard or setback combined with landscaping, trees, a fence, wall, and/or continuous shrubs intended to provide a physical and aesthetic barrier between land uses.

Section 3.

*Section 94-399.1, as set forth above, also amends the landscaping requirements set forth in the density, area, yard and height regulations tables set forth in Sections 94-130(f), 94-131(f), 94-132(f), 94-133(f), 94-134(f), 94-135(f), 94-135.5(f), 94-136(f), 94-137(f), and 94-161(f). The following provision, denoted by an asterisk (\*) or multiple*

asterisks(\*\*), referring to landscaped areas shall be amended to reference Section 94-399.1 Bufferyards.

Section 4.

Any or all ordinance in conflict herewith are hereby repealed.

First Reading: July 28, 2020  
Second Reading and Adoption: August 11, 2020  
Published: August 14, 2020

CITY OF BROOKINGS



Keith W. Corbett, Mayor

ATTEST:



  
Bonnie Foster, City Clerk