

**CITY OF THREE FORKS, MONTANA**

**ORDINANCE NO. \_\_\_\_\_-2025**

**AN ORDINANCE OF THE THREE FORKS CITY COUNCIL ADDING CHAPTER 23  
“LANDSCAPING” TO TITLE 11 “ZONING REGULATIONS”**

WHEREAS, §76-2-301, MCA authorizes the City to establish zoning regulations. This includes regulating height, number of stories, size of buildings and other structures, percentage of lot occupied, size of yards/courts or other open spaces, density, and uses.

WHEREAS, the City of Three Forks completed an update to its Growth Policy in September 2022. The Zoning & Planning Board discussed in many meetings what it wished to update based on the policies in the revised Growth Policy.

WHEREAS, the City of Three Forks put a Request for Proposals out in 2024 to rewrite the City’s Zoning Code. Lee Nellis was hired to perform the rewrite in conjunction with the City’s already-appointed City Planner Randy Carpenter. Together, they began working with the Zoning & Planning Board to draft new regulations.

WHEREAS, the Zoning & Planning Board met starting in June 2024 to tour various subdivisions in the Bozeman area for inspiration to update the existing residential Code as well as draft a new chapter regarding landscaping.

WHEREAS, Mr. Nellis explained a presentation of various landscaping types, including buffers between residential and commercial uses, to the Zoning & Planning Board on 1/27/2025 to get initial ideas. The Zoning & Planning Board held additional meetings open to the public to discuss a new zoning chapter specific to landscaping on 2/20/2025 and 3/24/2025 to refine the draft chapter, and again on 4/22/2025 to forward a final draft to the City Council to be heard as an ordinance.

WHEREAS, all these meetings were advertised on the City’s website, the City’s Facebook page, emails sent directly from those who have signed to receive news on the City’s website and MailChimp subscriptions, posted around town at the three banks, City Hall window, and the Post Office.

WHEREAS, pursuant to §7-1-4131, MCA notice of public hearings for the first and second readings of this ordinance addition were published in the Bozeman Chronicle on 4/29, 5/3, and 5/24/2025, in the Belgrade News on 5/1, 5/15, and 6/5/2025, and in the Three Forks Voice on 5/7/2025, as well as posted on the City website, City Facebook page, and around town at various physical locations.

NOW THEREFORE BE IT ORDAINED by the Three Forks City Council, that Title 11, Chapter 23 is added as follows:

**TITLE 11, CHAPTER 23 LANDSCAPING:**

**11-23-1: PURPOSE:**

**Commented [TF1]:** Again, not sure if this Whereas is necessary. Feel free to omit, or delete this comment.

This chapter provides standards for landscaping and screening that apply, as relevant, in all zoning districts. These standards seek to:

- protect functional existing vegetation as development occurs;
- protect water quality by integrating landscaping and stormwater management;
- limit runoff and allow groundwater and wetlands recharge by requiring vegetated spaces in developing areas;
- provide urban wildlife habitat by requiring species diversity and vertical structure in landscaped spaces;
- ensure land use compatibility by requiring effective landscaped buffers and/or screening between potentially incompatible uses;
- create favorable microclimates, reducing energy consumption in developed spaces;
- allow the use of xeriscaping to conserve water;
- maintain and enhance the appearance and character of Three Forks; and
- ensure that landscaping is properly installed and maintained.

#### **11-23-2: APPLICABILITY:**

All applications for permits must include a landscaping plan that complies with this chapter. There are two exceptions to this requirement.

- A. Applications for one- and two-family dwellings and associated accessory buildings and structures need not include landscaping plans. Please be aware, though, that the landscaping of residential premises is still required.
- B. Zoning permits for buildings or structures that are part of developments for which a landscaping plan has already been approved need not submit an additional landscaping plan unless a change in the previously approved plan is proposed.
- C. A checklist for the contents of landscaping plans is appended to this chapter.

**Commented [TF2]:** How will this be enforced then if plans aren't required? And what are the requirements? Can I do whatever I want on my SFH?

#### **11-23-3: EXISTING VEGETATION, CLEARING:**

The clearing of an entire site of more than one acre at one time is a violation of this Title. Existing vegetation must be removed from large sites in phases. This could eventually lead to removal of vegetation from an entire site if that is consistent with Section 11-23-4.

#### **11-23-4: REPLACEMENT OF EXISTING VEGETATION:**

Existing vegetation that can effectively serve the landscaping functions listed in the introduction to this chapter shall be retained to the extent feasible while accommodating the permitted development.

#### **11-23-5: PROTECTION OF EXISTING VEGETATION:**

Existing vegetation that is to be retained or landscaping that was installed in a previous phase of development must be protected from damage during construction, as required by the *Standards for Design and Construction*.

#### 11-23-6: LANDSCAPED BUFFERS:

Table 11-23-6.1 shows where landscaped buffers are required between adjoining uses and the type and minimum width of the required buffers. The minimum width may be reduced by the inclusion of an earthen berm or screening fence or wall, as provided by Section 11-23-7.

Table 11-23-6.1 - Basic Landscaped Buffer Requirements

Use providing buffer	Use being buffered	Buffer type	Buffer width
One- and two-family residential	One- and two-family residential	See zoning district	
	Multi-family up to 5 du/A	Open	8
	Multi-family over 5 du/A	Open	12
	Downtown commercial	Open	12
	Highway commercial	Dense	16
	Industrial, within building	Dense	16
	Industrial, outside building	Dense	20
	Parking areas, all uses	Add headlight screening	
Multi-family up to 5 du/A	One- and two-family residential	Open	12
	Multi-family up to 5 du/A	Open	8
	Multi-family over 5 du/A	Open	8
	Downtown commercial	Open	12
	Highway commercial	Dense	16
	Industrial, within building	Dense	16
	Industrial, outside building	Dense	20
	Parking areas, all uses	Add headlight screening	
Multi-family over 5 du/A	One- and two-family residential	Open	12
	Multi-family up to 5 du/A	Open	8
	Multi-family over 5 du/A	Open	8
	Downtown commercial	Open	12
	Highway commercial	Open	16
	Industrial, within building	Open	16
	Industrial, outside building	Dense	20
	Parking areas, all uses	Add headlight screening	
Downtown commercial	One- and two-family residential	Open	12
	Multi-family up to 5 du/A	Open	12

	Multi-family over 5 du/A	Open	12
	Downtown commercial	Not required	
	Highway commercial	Not required	
	Industrial, within building	Not required	
	Industrial, outside building	Open	8
	Parking areas, all uses	Add headlight screening	
Highway commercial	One- and two-family residential	Dense	16
	Multi-family up to 5 du/A	Dense	16
	Multi-family over 5 du/A	Open	12
	Downtown commercial	Open	8
	Highway commercial	Not required	
	Industrial	Not required	
	Parking areas, all uses	Add headlight screening	
New use being buffered	Use buffered against	Buffer type	buffer width
Industrial, inside building	One- and two-family residential	Dense	20
	Multi-family up to 5 du/A	Dense	20
	Multi-family over 5 du/A	Open	16
	Downtown commercial	Not required	
	Highway commercial	Not required	
	Industrial, outside building	Not required	
	Parking areas, all uses	Add headlight screening	
Industrial, outside building	One- and two-family residential	Dense	24
	Multi-family up to 5 du/A	Dense	24
	Multi-family over 5 du/A	Dense	20
	Downtown commercial	Open	8
	Highway commercial	Not required	
	Industrial, outside building	Not required	
	Parking areas, all uses	Add headlight screening	

#### 11-23-7: LANDSCAPED BUFFERS, YARDS, SETBACKS, LOT LINES:

- A. Required landscaped buffers may replace rear and side yard requirements. They do not replace front setback requirements which can be found in the chapters establishing zoning districts, because no buffer is required where uses are separated by a street.
- B. Installation of required landscaped buffers is the responsibility of the applicant, but buffers may be installed on both sides of lot lines where both lots are in the same ownership at the time the buffer is installed or where the adjoining owner agrees. An easement requiring access to and assigning responsibility for the perpetual maintenance of the required buffer must be recorded into the chain of title of both lots before a certificate of compliance will be issued.

**Commented [TF3]:** This reads really strange to me. I am having difficulty understanding it in a way I could explain it to the general public. Is there another way to word this?

**Commented [TF4]:** Be sure that Chapter 4 "Permitting" defines the C of C or C of O process.

#### **11-23-8: DESIGN STANDARDS FOR LANDSCAPED BUFFERS:**

Table 11-23-6.1 requires one of two types of landscaped buffers depending on what uses are being buffered.

- A. A dense buffer must be composed of essentially continuous screening vegetation that will grow to at least six (6) feet in height. This screening vegetation must be supplemented, on its exterior side (the side away from the use being buffered against), by an open landscaped buffer of the width required by Table 11-23-6.1.
- B. An open buffer may be substituted for a dense buffer where Table 11-23-6.1 calls for a dense landscaped buffer if the open buffer is double or more than the width required by Table 11-23-6.1.
- C. An open landscaped buffer must be composed of a ground cover, shrubs and small trees, and major trees. The minimum density of planting per 100 feet of buffer shall be a full ground cover plus any combination of three major trees, at least three ornamental or understory trees, and/or shrubs and/or flower beds that occupy at least 50% of the buffer area.
- D. Earthen berms up to four (4) feet in height or screening fences or walls up to eight (8) feet in height may be proposed to reduce the width of a required buffer. Where this is permitted, the buffer's width may be reduced by the height of the berm, fence, or wall, but not by more than half the required width.

#### **11-23-9: IMPERVIOUS SURFACES WITHIN LANDSCAPED BUFFERS:**

Impervious cover must be minimized because landscaped buffers should function as part of a development's stormwater management system. Some exceptions are permitted by A-D, below.

- A. Landscaped buffers may be crossed at a right angle ( $90^\circ$ ,  $\pm 10^\circ$ ) by driveways, roads, sidewalks, trails, and above-ground utilities, including necessary risers and boxes.
- B. Sidewalks and trails may run within and parallel to a landscaped buffer, but the width of the sidewalk or trail will not be counted in the required width of the buffer.
- C. Outdoor lighting poles and signs may be placed in a landscaped buffer.
- D. Landscaped buffers may also include retaining walls, planters, minor impervious surfaces that are part of SWM plans; and sculptures or other works of art.

#### **11-23-10: SCREENING:**

Screening means that the view of an outdoor use, installation, or structure from public streets or trails (but not from alleys) or adjoining residences is effectively blocked by location on the site; earthwork; landscaping; an enclosure, fence, or wall; or some combination of these techniques, as shown by the landscaping plan required by this chapter.

#### **11-23-11: REQUIRED SCREENING:**

- A. Screening is required for freight loading areas, outdoor manufacturing, outdoor materials handling and storage, outdoor mechanical equipment, solid waste containers, and utility installations, but with the exceptions listed in B-E, below.
- B. Screening is not required where the view is entirely from within an industrial zoning district.
- C. Utility risers and similar installations and outdoor mechanical equipment that is immediately adjacent to a building must be screened only if they are more than five (5) feet in height.
- D. Utility risers and similar installations may be used as public art rather than screened.
- E. The screening required here may be combined into a buffer required by Table 11-23-6.1.

#### **11-23-12: LANDSCAPING PARKING AREAS:**

Parking areas are subject to the same buffering requirements as the use to which they are accessory. An independent (not accessory) parking area is a commercial use, subject to the buffer requirements for commercial uses in its zoning district.

- A. Parking areas that include sixteen (16) or more spaces shall be broken up by landscaped islands or medians that occupy a minimum of five percent (5%) of the parking area.
- B. Headlight glare from parking areas into the windows of nearby homes shall be mitigated by the orientation of the parking spaces, landscaping, or screening.
- C. No single rank of parking spaces shall include 16 or more spaces without being broken up by one or more landscaped islands or medians.
- D. Parking lot landscaping shall include large, high-branching deciduous shade trees that will help keep paved surfaces cool by creating a canopy over the pavement.

#### **11-23-13: LANDSCAPING ALONG ALLEYS:**

Landscaping along an alley is required only where that alley separates uses for which buffering is required by Table 11-23-6.1.

#### **11-23-14: LANDSCAPING ALONG TRAILS:**

Commercial and industrial uses shall provide an open landscaped buffer of at least eight (8) feet in width along public trails, except where the trail parallels a street, in which case, see Section 11-23-15., below, or where the trail will be included in a buffer between uses as required by Table 11-23-6.1, in which case, the buffer width required in that table applies.

#### **11-23-15: LANDSCAPING ALONG STREETS:**

- A. Landscaping along downtown streets shall be provided as specified in the city's downtown streetscape plan.
- B. Boulevards that include a sidewalk or trail and landscaping shall be provided along all other streets except where the existing right-of-way width makes this infeasible and an

**Commented [TF5]:** There is no such thing at this time. Will this be a future chapter or an update to the Community Decay ordinance or something?

alternative is negotiated with the city or where an approved subdivision plan provides an alternative.

- C. A boulevard is a landscaped strip at least six (6) in width along a street that includes a ground cover of turf and evenly spaced major trees. The density of planting per 100 feet of boulevard shall be a full cover of turf or approved xeriscape materials and major trees on 30-foot centers.
- D. Where a front yard is required (see the zoning district chapters) it shall be landscaped as provided by the landscaping plan, where such a plan has been approved by the city, or using plant materials consistent with its neighborhood.

Commented [TF6]: Listed where?

#### 11-23-16: PLANT MATERIALS:

- A. Plant materials shall include a diversity of species that are known to be hardy in Three Forks; are well-adapted for the site; are well-adapted for the function/s they will perform; provide color throughout the year; and minimize the need for irrigation.
- B. Plant materials must not be on the noxious weed lists adopted by the State and the Gallatin County Weed District found at: <https://www.gallatinmt.gov/sites/g/files/vyhlf606/f/uploads/mtnoxiousweedlist.pdf>

Commented [TF7]: I feel like we should reduce this to just [www.gallatin.mt.gov](http://www.gallatin.mt.gov) because they could change the link and move it and this codified document would be providing incorrect directions.

#### 11-23-17: VARIETY OF SPECIES:

Species diversity means that the landscaping will continue to function if one or more plant species are adversely affected by a pest or disease.

#### 11-23-18: PLANT MATERIALS SPECIFICATIONS:

- A. Plant materials must conform to ANSI Z60.1, the *American Standard for Nursery Stock*.
- B. The minimum size of new plant materials installed in required plantings shall be as follows: large trees – 2 ½ inch caliper; understory or ornamental trees – 2-inch caliper; and shrubs, ornamentals – 2 gallon.

#### 11-23-19: INSTALLATION AND MAINTENANCE STANDARDS:

- A. The landscaping plan must show that there is an uncompacted soil volume sufficient to support the long-term health of all plant materials.
- B. The landscaping plan must show how tree selection and locations are coordinated and compatible with the location of overhead utilities.
- C. Landscaping is a required improvement subject to the city's *Standards for Design and Construction*.
- D. A maintenance manual must be provided where there will be more than 10,000 SF of landscaping.

#### 11-23-20: IRRIGATION:

Where feasible, the landscaping plan shall include the installation of sandpoint wells and a system for the irrigation of the required landscaping.

**Appendix 11-23-A: LANDSCAPING PLAN CHECKLIST:**

- The landscaping plan must show where existing vegetation will be retained and how it will be protected from damage during construction.
- The landscaping plan must include a schedule showing that all measures required to protect existing and previously installed vegetation will be in place before new construction activities begin.
- The landscaping plan must show the dimensions of all proposed buffer/s, including all crossings and inclusions; a planting design and schedule appropriate for the proposed buffer type; and one or more typical cross-sections.
- The landscaping plan shall show the contours of proposed earthen berms and one or more cross-sections detailing their construction, including an engineer's certification for any earthen berm more than four (4) feet in height.
- The landscaping must show all proposed screening using dimensioned drawings and renderings or photographs of the proposed screening as it used in another location.
- The landscaping plan must show how all proposed buffers and other landscaping are integrated into the site's SWM plan.
- The landscaping must show the species, variety, and size of all proposed plant materials.
- The landscaping plan must show from what source and how the proposed landscaping will be irrigated.

SAVE AND EXCEPT for the addition described herein, this new Chapter is hereby confirmed and ratified as adopted.

**1<sup>st</sup> Reading and Approval:** DATED this 13<sup>th</sup> day of May 2025.

\_\_\_\_\_  
Mayor Randy Johnston

\_\_\_\_\_  
Attest: Crystal Turner, City Clerk

**2<sup>nd</sup> Reading and Approval:** DATED this 10<sup>th</sup> day of June 2025.

\_\_\_\_\_  
Mayor Randy Johnston

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Attest: Crystal Turner, City Clerk