

**COUNCIL ACTION FORM**

**SUBJECT: ZONING TEXT AMENDMENT FOR LANDSCAPE ADMINISTRATIVE STANDARDS AND UPDATES TO GENERAL LANDSCAPE STANDARDS**

**BACKGROUND:**

In June of 2017 new landscape standards were approved that replaced the city's old standards after an 18 month process of development of a new ordinance. In September, staff presented a report to City Council which described additional necessary changes to the landscape standards which included adopting new administrative language that address how the new landscape standards are enforced and implemented as well as some minor needed corrections to the new standards. **The City Council was asked in September to review the conceptual changes and for direction on language relating to requiring landscaping on existing sites in conjunction with new development.** City Council gave direction to not require specific improvement thresholds that triggered adding landscaping to an existing site and instead to rely upon the current practice of removing landscape nonconformities as practicable. Staff has prepared language that reflects the direction of the City Council as part of Article III for existing nonconformities and additional changes to Article IV for the administration of landscaping standards with new development.

Staff has also included corrections to some of the general standards language fixing additional grammatical errors and correcting wording that was originally intended with the adoption of the current standards this past summer that was inadvertently left out or misplaced. Front yard parking related to requirements for parking lot reconstruction are being reformatted to better align with the structure of the landscape standards.

**New Standards**

Based upon the direction from Council in September, new language defining what practicable improvements on existing sites encompass has been included in Article III when addressing existing non-conformities. This includes review of current conditions, planter dimensions, building spacing, and overall scope of improvements. While full compliance may not always be achievable, the intent is to advance a closer to compliance. This expectation will apply to new or redevelopment proposed with a Site Development Plan. The intent of this language is to reflect past practice of staff to tailor improvements to the site to the scope of proposed improvements rather than require full site compliance when making additions or minor modifications to existing sites. Redevelopment of a site would trigger compliance with zoning standards for the site.

The new administrative language also includes obligations to maintain required landscaping and to seek staff approval of changes to existing sites to ensure the intent

of the landscape standards are met when updating landscaping. New development must confirm they have met soil quality standards prior to occupancy of a site. Temporary occupancy permits may be granted for up to 60 days to allow for completion of landscaping work and for a longer period of time due to adverse weather conditions and with financial security.

Among the additional new standards discussed in September, sites with permanent outdoor display, specifically automotive trade uses, must now comply with front yard landscaping requirements prior to establishing a use on a site that was not previously used for such a purpose. This would include a change of use on a site where no site development plan is required. Some examples of these types of uses include automotive dealers and marine craft businesses. Staff has also addressed mechanical screening with an exemption for a site that meets front yard landscaping requirements and equipment is located towards the rear of a site. Mechanical screening exceptions were inadvertently left out of the June update. Staff has also clarified that the option to waive up to 10% of the parking only applies to commercial and industrial projects, not residential development. References to requiring parking lot landscape plans were moved from front yard parking standards to the landscaping section and clarified how the Site Development Plan requirements apply to changes to parking lots. No other substantive changes to standards are part of the proposed ordinance.

#### **ALTERNATIVES:**

1. The City Council can approve on first reading the proposed changes for landscape related standards of Article III and Article IV of the Zoning Ordinance.
2. The City Council can provide direction for alternative language and direct staff to return prior to the first reading of an ordinance.

#### **CITY MANAGER'S RECOMMENDED ACTION:**

After receiving City Council direction previously and reviewing necessary changes in the existing language, staff believes that the proposed new administrative standards and corrections to existing wording in Chapter 29 Articles 3 and 4 address the remaining needs for the landscape standards. The proposed language establishes a clear process for enforcement and continued implementation of the landscape standards in Section 29.403 that the public and staff can rely upon. The language provides clear instruction on the process staff will use when reviewing existing site redevelopment and to ensure the long term maintenance and health of required site landscaping. The additional corrections to grammar and wording in the remaining existing standards are consistent with the standards adopted earlier this year by the City Council.

**Therefore, it is the recommendation of the City Manager that the City Council approve Alternative #1 as described above.**

**ORDINANCE NO.**

**AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF AMES, IOWA, BY ENACTING A NEW SECTIONS CHAPTER 29, ARTICLE 3 SECTION 29.307(5)(B), SECTION CHAPTER 29 ARTICLE 4, SECTION 29.403(2)(V)(I)(A)(B)(C)(D)(E)(I), SECTION 29.403(3)(K)(L)(M)(N), SECTION 29.403(5), SECTION 29.405(1)(C), SEC. 29.406(2)(C)(7)(A)(B), SECTION 29.408(4)(B)(IV)(C)(I) THEREOF, FOR THE PURPOSE OF UPDATING ADMINISTRATIVE STANDARDS ; REPEALING ANY AND ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT TO THE EXTENT OF SUCH CONFLICT; AND ESTABLISHING AN EFFECTIVE DATE.**

**BE IT ENACTED**, by the City Council for the City of Ames, Iowa, that:

Section One. The Municipal Code of the City of Ames, Iowa shall be and the same is hereby amended by enacting a new Chapter 29 Article 3, Section 29.307(5)(b) as follows:

**“CHAPTER 29 ARTICLE 3  
ZONING PROCESS**

**Sec. 29.307. NONCONFORMITIES.**

...

**(5) Other Nonconformities.**

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Development that is consistent with a Site Development Plan approved before the date that this Ordinance became effective shall be deemed to be in conformance with this Ordinance to the extent that it is consistent with the approved plan and to the extent that such plan or conditions imposed thereon directly addresses the specific issue involved in the determination of conformity. However, redevelopment of a site with a prior Site Development Plan approval must conform to the current zoning standards for issuance of a new certificate of compliance.

(b) Policy. Because nonconformities such as those listed above involve less investment and are more easily corrected than those involving lots, buildings and uses, it is generally the policy of the City to eliminate such other nonconformities as quickly as practicable. Practicable improvements take in to account current conditions, planter dimensions, building spacing and scope of improvements proposed for a property. Front yard landscaping, parking lot landscaping and screening shall be reviewed in each instance where new or redevelopment is proposed with a Site Development Plan. Although full compliance may not be achievable, all sites must advance towards compliance with current requirements in terms of location of plantings quantity of plantings.

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Section Two. The Municipal Code of the City of Ames, Iowa shall be and the same is hereby amended by enacting a new Section Chapter 29 Article 4, Section 29.403(2)(v)(i)(a)(b)(c)(d)(e)(E)(i), Section 29.403(3)(k)(l)(m)(n), Section 29.403(5), Section 29.405(1)(c), Sec. 29.406(2)(c)(7)(a)(b), Section 29.408(4)(b)(iv)(c)(i) as follows:

**CHAPTER 29 ARTICLE 4  
DEVELOPMENT STANDARDS**

**Sec. 29.403. LANDSCAPING AND SCREENING.**

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**2. Landscaping Requirements for Residential Uses.**

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(v) Front yards in all areas not between parking lots and streets require the planting of shrubs with a mix of deciduous and coniferous at a rate of 9 shrubs for every 50 linear feet of street frontage not associated with parking lots. Ornamental grasses may be substituted for shrubs at a rate of 3 grasses for 1 shrub. No more than 75% of total required front yard landscaping may be substituted with ornamental grasses.

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(i) **Surface Parking Lot Landscaped Area**

(a) Parking lots must contain landscaped area equal to 10% of the total gross parking lot. The total gross area of a parking lot is defined as the area of the paved surface measured from the back of the curb or edge of paving excepting landscaped islands, landscaped medians, and driveways within the front yard landscape area.

(b) Perimeter side and rear yard planters abutting a parking lot that are 5 feet in depth or greater may count towards the 10% area requirement.

(c) If parking lot landscaping is placed in perimeter planting areas the landscaping must be located within 10 feet of the edge of paving to count towards the required 10% area.

(d) No area of the front yard landscaping shall count toward parking lot landscaping.

(e) Overstory shade trees must be planted at a rate of 1 tree for every 200 square feet of the required 10% landscape area. Note that to meet the dispersal requirement for the parking lot, a site may need to exceed 10% landscaped area.

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(E) **Perimeter Parking Lot Landscaping and Bufferyards**

Side and rear yards abutting a parking lot, excepting front yard driveways, require a High Screen adjacent to residential zoning.

(i) Buffer yards adjacent to one and two-family homes must be 10 feet in width and may be reduced to 5 feet in width with installation of a 6 foot solid fence.

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**3. General Requirements All Sites.**

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(K) **Detention Ponds and Landscaped Areas**

Detention ponds must be unfenced and contain decorative landscaping elements such as tiered retaining walls, decorative rock features and plantings to be eligible to be counted toward base zone landscape percentage. The area of normal water height shall not count toward the base zone requirements. For 'wet' detention ponds or retention ponds the area of normal water height shall not count towards the base zone landscape percentage.

(L) The Department shall not approve any landscape plan submitted to it pursuant to this section unless the plan conforms to the requirements of this section or conforms to an approved Master Plan or a Major Site Development Plan which the City Council has determined meets the purposes described in Section 29.403.

(M) No surface parking lot shall be constructed, enlarged or reconstructed (excluding paving overlay) until a Parking Lot Landscape Plan for that surface parking lot has been approved by the Department of Planning and Housing. Reconstruction of a parking lot shall be subject to conformance with this ordinance pursuant to 29.307(5)(B).

(N) Surface Parking Lot Landscape Plans shall be prepared and submitted in accordance and the provisions contained in section 29.1502(3), "Minor Site Development Plan". A parking space striping or site landscape plan that includes no new construction may be submitted pursuant to 29.403 (5)(C)(2).

#### **Sec. 29.403(5) ADMINISTRATION.**

##### **(A) Maintenance of Landscaping**

The property owner shall maintain required landscaping in a healthy and vital condition. The property owner shall permit and support the full maturity of required landscaping, including allowing for trees to reach their mature height and canopy size by not prematurely pruning, removing, "topping," or by other means discourage the growth and health of vegetation.

Dead or unhealthy vegetation shall be removed and replaced consistent with the standards of this ordinance. In kind replacement is required within 60 sixty days of removal of dead or unhealthy landscaping.

(B) Failure to maintain landscaping and planters consistent with the standards of this ordinance is a violation of the Zoning Ordinance. The Zoning Enforcement Officer may require replacement landscaping at larger installation sizes as corrective action to improper landscaping maintenance or removal, in addition to the provisions of Article XVI.

##### **(C) Removal of Landscaping**

(i) Property owners shall not remove existing vegetation that is consistent with an approved Site Development Plan that may no longer be required under the current standards without providing for a whole site review that includes replacement landscaping consistent with all new standards. For example, although side yard buffering is not required in many commercial areas there are additional parking lot landscaping requirements that would need to be addressed with a new landscaped plan before trees could be removed and have a compliant overall site. Existing trees and shrubs cannot be removed without addressing how replacement landscaping that is consistent with current requirements in terms of quantities, areas, quality, and types, will be added to a site to address current landscaping requirements. Approved Special Use Permits must be amended by the Zoning Board of Adjustment if existing vegetation is proposed to be removed and replaced.

(ii) Modifications to landscape plans may be submitted for Planning Director approval as a site landscape plan rather than as a Site Development Plan. However, if there are changes to the planting areas that affect stormwater management or are in conjunction with other changes to the site, a Minor Site Development Plan is required. The Planning Director shall prescribe the landscape plan application requirements for modifications to existing landscaping. The Planning Director may approve a modified landscape plan for existing sites when the overall landscaping planting plan is consistent with the intent of the ordinance for overall site landscaping of parking lots, yards, and screening and the modified plan is determined to not diminish the landscape qualities of the site.

##### **(D) Installation and Inspections**

(i) Landscaping shall be installed commensurate with the overall construction and phasing of a site. Site Development Plan approvals may include conditions to facilitate planting of vegetation during the first phase of construction for larger projects.

(ii) Prior to requesting occupancy of a building or actual use of a site, whichever occurs first, the property owner or applicant must submit a report verifying that required planter requirements for soil quality and

conditions comply with the ordinance.

(iii) All required landscaping materials, both living and non-living, shall be in place prior to the time of issuance of a final Certificate of Occupancy. The Zoning Enforcement Officer may grant a temporary Certificate of Occupancy for use of a site or building when the property owner has agreed to complete the required plantings within 60 days of the request for occupancy or by October 1st, whichever would occur first. The Planning Director may authorize deferral of landscaping plantings for a specified period of time due to adverse weather conditions and subject to the posting of a cash escrow or irrevocable letter of credit in an amount equal to one and one-half times the estimated cost of the landscaping. Posting of financial security for completing landscaping does not relieve the property owner from installing and maintaining landscaping accordance with the standards of this ordinance.

(iv) The property owner may be found to be in violation of the Zoning Ordinance at any time once the initial delay for installation has been expired, whether a financial security has been provided or a Certificate of Occupancy has been finalized by the Building Official.

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**Sec. 29.405. OUTDOOR DISPLAY AND STORAGE.**

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(1) **Outdoor Display of Goods.**

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(c) Auto and Marine Craft Trade outdoor display areas shall only be established on sites that comply with front yard landscaping requirements of 29.403 (1) or (5).

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**Sec. 29.406. OFF-STREET PARKING.**

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(2) **Required Parking Spaces.**

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(c) The Planning Director may reduce required parking for non-residential uses by 10% in order to increase landscape area within parking lots that exceed 30 or more spaces.

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(7) **Locating Parking Spaces in Front Yard.**

(a) **Surface Parking Lot Landscaping Plan**

Unless a parking lot plan is submitted as part of the development process pursuant to Section 29.1502, a Surface Parking Lot Landscaping Plan to meet the standards of Section 29.403 and 29.406 shall be submitted to and approved by the Director of Planning and Housing (to be evidenced by a document signed by both the property owner or owner's agent and the said Director), prior to any construction, reconstruction, installation, erection, conversion, alteration, addition, enlargement or development of any structure, improvement, feature or aspect of the premises. A Building/Zoning Permit required by Section 29.1501 shall not be issued until the plan is submitted and approved.

(b) Front yard parking is permitted on commercial or industrial sites unless prohibited by the base zone standards.

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**Sec. 29.408. OTHER GENERAL DEVELOPMENT STANDARDS.**

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(4) **Mechanical Units.**

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(b) Screening Exemptions. Screening of mechanical units is not required in the following instances:

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(iv) Sites with front yard landscaping as required within Section 29.403 and where mechanical units are located behind the centerline of a building. Where front yard landscaping is not in place, screening is required.

**(c) Location of Mechanical Units**

(i) Mechanical units must meet all screening requirements of Section 29.408(4) and must be located outside of required landscape areas in parking lots or bufferyards. However, in situations where upgrades or relocations of mechanical units for utility services are necessary to provide continued service, the Director of Planning & Housing may approve placement of mechanical units in required landscape areas, and may also waive screening requirements of mechanical units, if the Director determines that such upgrades or relocations could not have been anticipated either at the time of platting or at the time of site development when the utilities were first planned and/or installed, and that there is insufficient room for the relocated or upgraded utility mechanical units to be screened or placed outside of required landscape areas.

Section Three. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed to the extent of such conflict, if any.

Section Four. This ordinance shall be in full force and effect from and after its passage and publication as required by law.

Passed this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

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Diane R. Voss, City Clerk

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Ann H. Campbell, Mayor