

COUNCIL ACTION FORM

SUBJECT: ZONING TEXT AMENDMENT FOR LANDSCAPE ADMINISTRATIVE STANDARDS AND UPDATES TO GENERAL LANDSCAPE STANDARDS SECOND READING WITH ADDITIONAL MINOR CHANGES

BACKGROUND:

At the November 14th City Council meeting a public hearing was held along with the first reading of new administrative rules to the existing landscaping standards as well as an update to general landscape standards. Staff has made some additional grammar corrections as well as moved existing language to new areas where it has been deemed to be a better fit and to eliminate redundancy. The additional corrections and changes are outlined below.

The changes that have been made involve the following areas:

1. Relocating existing language in 29.406(9)(f) to a new location under 29.406(2)(d) which staff believes better achieves the intent of the language by being relocated to this section. This language gives the Planning Director the discretion on a site plan to reduce required parking to accommodate vehicular cross-access.
2. Deleting existing language under 29.406(9)(a)(i) as it is redundant to language under 29.406(9)(e) which staff also believes more clearly expresses the standard being addressed. This language allows for vehicular overhang of up to 18 inches in a parking stall that is 17 feet 6 inches in length when abutting a planter area that is at least 7 feet in depth.
3. Deleting existing language under 29.406(11)(d) as it is redundant to language being relocated with this update from 29.406(9)(f) to 29.406(2)(d) as referenced above in item #1 dealing with Planning Director discretion on parking to accommodate vehicular cross-access.
4. Correcting references under 29.406(13) that reference 29.403 in specific locations to a general reference to 29.403. The specific locations referenced are not the only applicable areas of existing language to this standard. Staff believes it is more accurate to reference 29.403 in general.
5. Additional changes to grammar have been made in Section 29.307(5)(b); Section 29.403(3)(N) and in Section 29.403(5)(D)(iii).

ALTERNATIVES:

1. The City Council can approve incorporating into the second 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 third reading of an ordinance.

CITY MANAGER'S RECOMMENDED ACTION:

The additional corrections and language relocations being incorporated into this ordinance with the second reading are minor in nature and represent eliminating redundancies and correcting grammar issues within existing language. These adjustments and corrections do not change the nature of the existing or proposed standards within the ordinance.

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)(D)(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 and 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)(d),(7)(a)(b), Section 29.408(4)(b)(iv)(c)(i) and repealing Section 29.406(9)(a)(i),(11)(d) 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 with these provisions 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 in 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.

(d) The Planning Director may approve a reduction of up to three required parking stalls to accommodate a vehicular cross-access route to an adjoining property.

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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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(13) **Surface Parking Landscaping and Screening.** Surface parking facilities must conform to the minimum landscaping and screening requirements set forth in Section 29.403 unless it is a part of an approved Master Plan or a Major Site Development Plan which City Council deems acceptable under the purposes of Section 29.403.

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 _____, _____.

Diane R. Voss, City Clerk

Ann H. Campbell, Mayor