



Document 2009 3121

Book 2009 Page 3121 Type 06 024 Pages 14  
Date 10/13/2009 Time 10:21 AM  
Rec Amt \$74.00

INDX ✓  
ANNO  
SCAN  
CHEK

LISA SMITH, COUNTY RECORDER  
MADISON COUNTY IOWA

Prepared by: A. Chittenden, Development Services Development, PO Box 65320, West Des Moines, IA 50265, 515-222-3630



When Recorded, Return to: City Clerk, City of West Des Moines, PO Box 65320, West Des Moines, IA 50265-0320

**ORDINANCE NO. 1839**

**AN ORDINANCE AMENDING THE CITY CODE OF THE CITY OF WEST DES MOINES, IOWA 2004 BY AMENDING TITLE 9, ZONING**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WEST DES MOINES, IOWA:**

**Section 1. Amendment.** Title 9, *Zoning*, Chapter 3, *General Zoning Provisions*, Section 9, *Open Space Requirements*, is hereby repealed.

**Section 2. Amendment.** Title 9, *Zoning*, Chapter 3, *General Zoning Provisions*, Section 10, *Buffers*, is hereby repealed.

**Section 3. Amendment.** Title 9, *Zoning*, Chapter 10, *Performance Standards*, Section 4, *Specific Use Regulations*, is hereby amended by inserting the language in bold as follows.

3. Screening of Trash Receptacles: For any development or properties where three (3) or more residential dwelling units are using a common trash receptacle and all nonresidential uses; trash receptacles and dumpsters shall be opaquely screened on all sides by the use of a permanent enclosure, with gates for disposal truck access. **The enclosure shall be constructed of materials and colors compatible with the dominant architectural materials of buildings on site and shall be integral to a building on site whenever possible.** The enclosure shall be constructed to visibly screen the receptacle from public view and views from the adjoining properties. The design of the pedestrian access to the receptacle should be designed to minimize the views into the enclosure. The enclosure should be landscaped to mitigate the visual impact of the enclosure on surrounding properties and public thoroughfares.

**Section 4. Amendment.** Title 9, *Zoning*, Chapter 14, *Accessory Structures*, Section 11, *Fences*, is hereby amended by inserting the language in bold as follows and deleting the strikethrough language:

**9-14-11: FENCES AND WALLS:**

The following standards shall apply to all fences, **walls built for landscaping or screening purposes**, and other similar structures, except for retaining walls, in any zoning district:

A. Materials And Maintenance:

~~A. Materials And Maintenance:~~

~~1. Allowed Materials: Fences are to be constructed of customarily used materials such as chainlink, welded wire mesh, wrought iron, aluminum, wood, polyvinyl chloride (PVC), and other similar materials, unless specified otherwise herein. The use of materials such as corrugated or sheet metal, chicken wire, woven wire, temporary construction fencing, snow fencing, or similar materials shall not be permitted for permanent fencing. Wood fences should be constructed of treated lumber, cedar, redwood, or similar types of wood that are resistant to decay. Determination of material acceptability shall be made by the Director of Community Development.~~

A. Materials And Maintenance

1. Allowed Materials:

- a. Fences are to be constructed of customarily used materials such as chainlink, welded wire mesh, wrought iron, aluminum, wood, polyvinyl chloride (PVC), ornamental woven wire and other similar materials, unless specified otherwise herein. The use of materials such as sheet metal, chicken wire, temporary construction fencing, snow fencing, woven wire commonly used for the penning of livestock or other animals or similar materials shall not be permitted for permanent fencing. Wood fences should be constructed of treated lumber, cedar, redwood, or similar types of wood that are resistant to decay. Alternate materials for intentional design intent may be approved by the City Council.
- b. Walls are to be constructed of brick, stone, textured concrete, precast concrete, tile block, etc. Walls constructed of weather resistant wood or manufactured substitutes may be used if brick or stone columns are incorporated and spaced no more than twenty feet (20') on center.

B. Measuring Fence or Wall Height

1. d. No single wall face shall be greater than 6 feet in height without terraces to break up the wall expanse. A minimum 1 foot of terrace shall be used for each 2 feet of wall height. Each terrace shall contain vegetation.

C. Fence Regulations:

5. Single-faced fences shall have their unfinished side (side with exposed posts) facing towards the property on which the fence is erected. Provisions for landscaping to soften the visual appearance of the fence or wall and provide additional buffering may be required and will be reviewed on a case-by-case basis. In addition, the following shall apply.
  - a. Safety rails or fencing may be required to satisfy Building Code requirements.

**Section 5. Amendment.** Title 9, *Zoning*, Chapter 15, *Off-Street Parking And Loading*, Section 6, *Design Standards*, is hereby amended by inserting the language in bold as follows and deleting the strikethrough language.

Subsection E, *Parking Lot Setbacks*. Parking Lot Setbacks: With respect to parking lot setbacks, all of the following shall apply:

1. Screening: The parking lot setback shall provide open space for screening of the lot and vehicles within the lot through berming, landscaping or other similar screening buffering in accordance with Chapter 19 of this Title. No part of any parking space shall be within the parking lot setback.

Subsection K, *Landscaping, Screening, and Open Space*. Landscaping, Screening, And Open Space: Refer to **Chapter 19 of this Title.** ~~the Landscape Ordinance.~~

**Section 6. Amendment.** Title 10, *Subdivision Regulations*, Chapter 3, *Design Standards and Required Improvements*, Section 1, *Subdivision Design Standards*, Subsection C, *Buffers*, is hereby amended by removing the strikethrough language and inserting the language in bold as follows.

C. Buffers: Abutting zoning districts or existing conditions of conflicting use characteristics shall be buffered from one another as specified by the Zoning Ordinance, **Section 9-19-8, Landscape Provisions.** ~~Section 9-3-10, Buffer, as amended by Ordinance 1073.~~

**Section 7. Amendment.** Title 9, *Zoning* is hereby amended by adding a new Chapter 19, *Landscaping* as follows:

## **CHAPTER 19 LANDSCAPING**

### **SECTION:**

- 9-19-1: Title and Citation
- 9-19-2: Purpose
- 9-19-3: Definitions
- 9-19-4: Applicability
- 9-19-5: Interpretation
- 9-19-6: Preparation of the Plan
- 9-19-7: Approval Process
- 9-19-8: Landscape Provisions
- 9-19-9: Plant Substitutions
- 9-19-10: Warranty and Maintenance

### **9-19-1: TITLE AND CITATION**

This chapter shall be known as and may be cited and referred to as “Landscape Ordinance of the City of West Des Moines, Iowa”.

### **9-19-2: PURPOSE**

- A. The landscaping requirements specified herein are intended to foster aesthetically pleasing development which will preserve, protect, and enhance the appearance, character, general health, safety and welfare of the citizens of the City of West Des Moines. Through this Code the following objectives will be achieved.
- Promotion of responsible land use and development;
  - Mitigation of the negative environmental consequences of development including noise, heat transfer, glare, erosion, sedimentation, and storm water runoff;
  - Protection, conservation, and regeneration of natural and renewable resources;
  - Enhancement of our community’s environmental and visual character;
  - Safeguarding and enhancement of property values and protection of public and private investment;
  - Screening between and buffering of incompatible land uses and undesirable views;
  - Promotion of the retaining of natural and creation of man-made landscapes that encourage the natural percolation and filtration of water and the recharge of aquifers.

### 9-19-3: DEFINITIONS

Berm: A mound of earth, either natural or man-made, designed and used to provide visual interest and/or aid in the buffering or screening of undesirable uses or views.

Buffer: A combination of horizontal space (land) and vertical elements (plants, berms, fences, walls) used to physically separate and partially or wholly screen views of incompatible adjacent land uses or undesirable features.

Building Street Wall: A building wall that is more or less parallel to an adjacent public street. Such building wall line shall follow and include an irregular indentations or juxtapositions in the building, excluding steps and unenclosed porches.

Caliper: Trunk diameter measurement taken six inches (6") above the ground for trees up to and including four inches (4") in diameter, measured twelve inches (12") above the ground for trees ranging between four and twelve inches (4-12") in diameter, and measured four and one-half feet (4 ½') above the ground for trees over twelve inches (12") in diameter.

Deciduous Tree – Overstory: A plant with one vertical stem or main trunk that generally begins branching at a height of 6 feet, which has an elevated and distinct crown, and which reaches a mature height of at least 30 feet.

Deciduous Tree – Understory: A plant with one or more stems or trunks which has an elevated and distinct crown and which reaches a mature height of less than 30 feet. Under-story trees are usually planted for aesthetic reasons such as flowers, interesting bark, or colorful fall foliage. Smaller under-story trees may be suitable for planting under overhead utility lines.

Diameter at Breast Height (DBH): The tree trunk diameter measured in inches at a height of 4 ½ feet above the ground.

Director of Development Services: The Director of the Department of Development Services for the City of West Des Moines or his/her designee.

Evergreen/Conifer: A cone bearing seed plant that retains its foliage year round. Evergreens are good for screening purposes and providing year round color and substance to the landscape.

Foundation Planting: Plants placed in near proximity to the foundation of a building. Usually arranged within planting beds.

Groundcover: A plant other than turf grasses which grows more horizontally than vertically. Groundcovers are an alternative to turf grasses and may provide erosion control on slopes.

Landscaped Island/Pod: An unpaved area located within or adjacent to a parking lot and used to guide traffic, separate lanes, and provide protection to parked vehicles and to pedestrians and which are also used to promote green within parking areas by providing trees, shrubs, and groundcovers. Landscaped islands are used to promote green within parking areas by providing trees, shrubs, and groundcovers.

Mulch: A protective layer of materials, either organic or inorganic, placed around plants to prevent erosion, aid in soil moisture retention, prevent freezing of roots, and control weeds thus providing an environment suitable for growth of selected vegetation.

Open Space: That portion of the lot which is free of buildings, parking lot or other vehicle use areas.

Screening: Vegetation, walls, fencing, or berms used individually or in combination to obstruct or conceal views of undesirable elements.

Streetscape: Combination of vegetation or other special visual features along either side of vehicular travel lanes for purposes of aesthetics or environmental mitigation.

Vegetation: Living plant material including trees, shrubs, grasses, and flowers.

#### 9-19-4: APPLICABILITY

A. These regulations apply to all new development or redevelopment of land including expansions or major modifications of an existing development on any parcel of land located within the corporate limits of the City, or outside the corporate limits of the City as provided by law.

1. The requirements herein shall **not** apply to:

- a. Individual detached single family structures;
- b. Structures and sites existing at the effective date of this Code that do not undergo a land use change or major modification;
- c. Reconstruction of existing structures suffering less than 50% loss of the total value by destruction from natural or un-natural causes;
- d. Proposed structures that have received development approval prior to the effective date of this Code.

2. The requirements herein do apply to:

- a. All new non-residential structures;
- b. All new multi-family and single-family attached dwellings;
- c. Major Modifications to structures or sites;
- d. All subdivision plats where buffers are required;
- e. Minor Modifications except that the requirements of this chapter shall only apply to the area of the site impacted by the Minor Modification.

B. Phased projects shall implement the required landscaping for that portion of the site being implemented or phased, except for buffers required of single family detached residential developments. Said buffers shall be installed in their entirety in conjunction with the associated final platting of the parcel. Fulfillment of any missing or replacement of dead landscaping in any portion of the site will be required to be implemented when the last area is phased or complete site build out is achieved.

#### 9-19-5: INTERPRETATION

A. Where a question arises as to the applicable standards to be applied, the Director of Development Services shall review the proposed use when requested to do so by letter, and based upon the characteristics of the use; determine which performance standards shall apply.

#### 9-19-6: PREPARATION OF THE LANDSCAPE PLAN

A. Landscape plans shall be required to be prepared by a state licensed landscape architect, certified nurseryman, or other qualified professional knowledgeable in plant materials as acceptable to the Director of Development Services. Said requirements are to ensure the long-term viability of plant materials chosen and to ensure landscape plans fulfill the desired outcomes described above.

## 9-19-7: APPROVAL PROCESS

- A. Landscape plans are required to be submitted for review as part of the development application process as denoted in the Entitlement chapter of this title. Landscape plans shall be approved by the City Council following the recommendation of the Plan and Zoning Commission except for landscape plans associated with Permitted Conditional Use or Variance requests which shall be approved by the Board of Adjustment. Landscape plans associated with Minor Modification requests may be reviewed and approved administratively provided no reduction to the standards presented herein is proposed.
- B. No building permit shall be issued or any development, master, or subdivision plan or plat be recommended for approval without compliance with all provisions and requirements set forth in this ordinance.
- C. Lack of compliance with this ordinance may result in the withholding or revocation of a building permit or Certificate of Occupancy.
- D. Prior to final plat approval for any single family detached residential plats and prior to issuance of a final occupancy permit for any buildings or structures, the Development Services Department shall inspect installed landscaping for compliance with the approved landscaping plan. Said final plat approval shall not be given nor shall a final occupancy permit be issued if landscaping is not in accordance with the approved plan or if landscape materials are dead, unhealthy, or demonstrate lack of proper maintenance. Landscaping must be installed by November 1 to be counted as fulfilling landscaping requirements. A temporary occupancy permit may be issued to projects ready for occupancy after November 1 with provision of surety as stated below with expiration of the permit being May 31 of the following calendar year to allow the developer time to bring the landscaping into compliance with approved development plans. If a developer desires to receive final plat approval for any single family detached residential plat prior to installation of landscaping or a builder or property owner desires to receive a temporary occupancy permit prior to the installation of landscaping then the developer, builder, or property owner shall be required to provide to the City surety in an amount 1½ times the cost of landscaping installation. Failure to complete required landscaping by May 31 following receipt of final plat approval or of a temporary occupancy permit may result in forfeiture of surety provided and/or revocation of the final plat approval or temporary occupancy permit.

## 9-19-8: LANDSCAPE PROVISIONS

- A. General Landscape Provisions:
  - 1. Landscape plans shall be harmonious with the existing environment and architectural design and shall demonstrate a recognizable pattern or theme through the choice and location of materials for the overall development of the project.
  - 2. Overstory trees and large upright evergreen trees shall not be planted within public utility easements. Understory trees, shrubs, and groundcovers are permissible within said easements except that a corridor wide enough for truck access to utility lines must be preserved through the easement. Whenever possible, buffers should not overlap utility easements.
  - 3. Existing significant and worthwhile vegetation and natural features such as land forms shall be preserved and incorporated into development to the greatest extent possible.
    - a. At the discretion of the Director of Development Services, credit for the preservation of existing vegetation and natural land forms may be given towards fulfilling the planting requirements of this chapter. Credit for said preservation must be requested at the time of development application and all such vegetation to be preserved must be clearly identified on the landscape plan. Vegetation must be of a desirable variety

and in an overall healthy condition and form to be considered suitable for preservation.

- b. Credit for preservation of vegetation may only be given for required landscaping in the area of the vegetation being preserved. For example vegetation in the middle of a site could be counted towards open space landscaping requirements but would not be counted towards fulfilling buffering requirements.
4. Whenever possible, pedestrian linkages shall be provided to public open spaces and/or the City trail system.
5. Landscaping, berms, walls and fences shall not obstruct pedestrian, bicycle or vehicular traffic visibility at street intersections or access points to/from streets.
6. Minimum vegetation requirements for one category or landscaping purpose are in addition to another.
7. Landscaped Areas: All areas of a site not intended for buildings, permanent water bodies, or paved surfaces for off-street parking areas, sidewalks, or pedestrian trails shall be vegetated.
  - a. Vegetation shall be of turf or plants. Turf shall be of a species suitable to the area. All vegetation, including turf, must be well established and healthy at the time of inspection by Development Services in order to receive a Final Occupancy permit.
  - b. Areas around permanent water bodies, including storm water detention facilities shall not become unkempt and un-maintained areas. Such areas shall be treated with appropriate landscaping to enhance their presence. In addition, measures such as the use of jets to move the water shall be implemented to aid in preventing the build up of algae on the water surface.
  - c. A three inch (3") thickness of mulch material shall be installed around all plants. The implementation of mulch shall be limited to planting beds and the area immediately around base of trees and shrubs as allowed below. Organic mulch materials such as fibrous wood are preferred over inorganic mulches. Large expanses of mulched areas without plants are not acceptable. The mulching of plants shall adhere to the following guidelines:
    1. Deciduous trees shall have a ring of mulch up to a distance of twenty-four inches (24") beyond the trunk.
    2. Evergreen trees shall have a ring of mulch up to a distance of twelve inches (12") beyond the widest spreading branches of the plant.
    3. Shrubs shall have a ring of mulch up to a distance of eight inches (8") beyond the widest spreading branches of the plant.
    4. Areas with groundcovers and/or planting beds shall be mulched until such time that the plants have grown together to completely cover any bare soil.
    5. When possible, plants within lawn areas should be grouped and mulched as one bed for ease of mowing.
8. More extensive use of mulch materials for design intent may be allowed with the specific approval of the City Council or Board of Adjustment as applicable. All use of organic or inorganic mulch materials shall be shown and identified on the landscape plan.

B. Vegetation: The use and incorporation of plant materials shall adhere to the following guidelines, standards, and design principles;

1. Vegetation should be located to simulate nature with groupings and massing rather than linear or symmetrical lines unless such lines are for intentional design intent.
2. Plant size at maturity should dictate spacing, however, spacing may be altered for design intent provided care is given not to overcrowd plants.
3. All plants shall be commercially grown and shall meet all requirements set forth by the current edition of the American Standards for Nursery Stock (ANSI).
4. As much as possible, plant materials that are native or adaptable to local climactic and moisture conditions should be implemented.

5. For visual interest and to limit the spread of disease or insects, multiple plant species and genus shall be used. Unless otherwise specifically allowed by the appropriate approval body for design intent, each type of vegetation (deciduous overstory, deciduous understory, evergreen, shrubs, etc.) required shall be comprised of a minimum of three (3) varieties to limit the spread of disease or insects and prevent the total loss of a vegetation type within a site.
  6. At least 35% of trees required on site (sum of open space, buffer, parking lot trees required) shall be evergreen species to ensure year round visual interest and aid in the effectiveness of screening.
  7. Trees shall not be planted in any space with less than five feet (5') clearance in any direction with the exception of trees planted in tree wells in paved areas and specifically designed for such purpose.
  8. Trees shall not be planted within six feet (6') to the back of curb of any vehicle travel lane or four feet (4') to any paved area, including sidewalks and trails.
  9. No plants other than groundcovers or perennials with a maximum height of 15 inches shall be planted within 5 feet of fire hydrants. Fire hydrants shall be shown on the landscape plan.
  10. No plants other than groundcovers or perennials with a maximum height of 15 inches shall be planted within 5 feet of fire department connections. Fire department connections shall be shown on the landscape plan.
  11. Trees that will overhang pedestrian areas shall be pruned to provide a minimum clear height of eight feet (8').
  12. Trees that will overhang vehicle travel areas shall be pruned to provide a minimum clear height of fourteen feet (14').
  13. The following minimum plant sizes and dimensions are required at the time of planting:
    - a. Deciduous over-story trees shall have a minimum trunk diameter of 2 inches measured 6 inches above the root collar and shall have a minimum 5 feet of clear trunk. Clump varieties (2 or more stems) are allowed and each stem shall measure a minimum diameter of 2 inches.
    - b. Deciduous under-story trees shall have a minimum trunk diameter of 1 ½ inches measured at 6 inches above the root collar and shall have a minimum 3 ½ foot clear trunk. Clump varieties (2 or more stems) are allowed and each stem shall measure a minimum diameter of 1 inch.
    - c. Deciduous shrubs that reach a mature height greater than 5 feet shall be installed at a minimum of 3 feet in height.
    - d. Deciduous shrubs that reach a mature height between 3-5 feet shall be installed at a minimum of 2 feet in height.
    - e. Deciduous shrubs that reach a mature height of less than 3 feet shall be installed at a minimum height of 15 inches.
    - f. Evergreen trees shall be installed at a minimum height of 6 feet.
    - g. Evergreen shrubs shall be installed at a minimum height of 2 feet.
    - h. Evergreen groundcovers (mat evergreens) shall measure a minimum spread of 15 inches.
    - i. Climbing vines and ornamental grasses shall have been grown in a quart container for a minimum of 1 year.
    - j. Groundcovers and perennials shall be a minimum of a 4 inch container, #SP4, round or square.
    - k. Annuals may be as "plug" or "pack".
- C. Berms: Berms shall adhere to the following guidelines, standards, and design principles;
1. Berms shall be designed in an undulating manner so as to give the appearance of being naturally formed unless non-undulating forms are for intentional design intent and approved by the appropriate reviewing body.



2. Berms shall not have a negative impact on storm water management for a development or the surrounding area. The requirement for storm water management does not negate the requirement for berms.
  3. Berms required for screening purposes shall be an average of 3 feet in height and may be required to be higher if berm height and associated landscaping is deemed to not be sufficient to adequately provide required screening.
  4. Berms shall have a slope no greater than 3:1.
  5. Berms shall be planted with permanent ground cover (turf or other plants) to stabilize the slope and prevent erosion. Rocking of berms as a groundcover material is prohibited; however rock boulders (8" or greater in size) may be implemented within the side slopes to aid in stabilizing the soil, obtain additional berm height, and/or for visual interest.
- D. Fences: See Section E, Buffers of this Chapter and see also 9-14-11, Fences and Walls, in the Accessory Structures Chapter.
- E. Buffers: Landscape buffers are intended to visually screen and mitigate the impacts of development on adjacent properties including headlight glare, noise, and unsightly views.
1. General Buffer Provisions:
    - a. No off-street parking area, drive aisle, or building may encroach into any buffer area with the exception of a drive aisle connection from a street to an off-street parking area. Said connection shall be the shortest path possible and shall impact the least amount of buffer area possible.
    - b. Required front, rear and side yard setbacks for single-family detached residential lots shall be measured from the interior or private side of a buffer boundary.
    - c. Required front, rear and side yard setbacks for all development except single-family detached residential shall be measured from the ultimate right-of-way line of adjoining roads or property boundary if no road; however, buildings and other structures may not be located within a buffer area.
    - d. All buffer components shall be located outside of the Comprehensive Plan ultimate right-of-way.
    - e. Of the required number of trees within a buffer, a minimum of 50% shall be evergreen.
    - f. The design of the buffer shall simulate natural tree stands with groupings and masses rather than linear or symmetric lines, unless the overall landscape design is of a more formal nature and deemed appropriate by staff during the development review process.
    - g. Vegetation should be thoughtfully placed to create the maximum amount of screening from the maximum number of viewpoints. Care should be taken to ensure that thru-views under tree canopies are appropriately mitigated.
    - h. Whenever practical, existing worthwhile trees and shrubs should be preserved and incorporated into the design of the buffer. Existing vegetation appropriate for preservation can be included to meet the total number of required trees and shrubs, if it is determined during the development review process that the existing trees will provide the necessary screening and buffering.
    - i. Earth berming may be required within buffers to achieve appropriate screening.
    - j. Care should be taken to avoid placing utilities in buffers and in not overlapping buffers areas with public utility easements.
  2. Conditions For Requiring A Buffer: The following conditions shall require a buffer between abutting districts and uses:
    - a. Any single-family attached residential development greater than four (4) dwelling units per building, multi-family residential and all commercial, office

and industrial uses or any undeveloped residential high-density district (RH), residential medium-density district (RM), manufactured housing district (MH) and all commercial and industrial districts which abut any residential estate district (RE), residential single-family district (RS), single-family residential district (R-1) or single-family detached uses shall be buffered as required in this section.

- b. Any multi-family residential and all commercial, office and industrial uses or any undeveloped residential high-density district (RH), all commercial, office and industrial districts which abut any residential medium-density district (RM), manufactured housing district (MH), or single-family attached uses shall be buffered as required in this section.
  - c. Any commercial, office or industrial use and all commercial, office and industrial districts which abut any residential district or residential use shall be buffered as required in this section.
  - d. All industrial districts which abut any commercial district shall be buffered as required in this section.
  - e. Any property that is zoned Valley Junction light industrial district (VJLI) that abuts a residential property shall be buffered as follows:
    - 1. A ten foot (10') buffer park with a six foot (6') fence shall be required between residential and light industrial properties.
    - 2. Said buffer park shall be landscaped at one-third (1/3) of the landscaping requirements of a thirty foot (30') buffer park.
  - f. Any lot in any single family detached residential district having both its front and rear lines abutting a public street or a private street (a double frontage lot) or a corner lot which is adjacent to a double frontage lot shall be buffered from the thoroughfare along its rear yard for a double frontage lot and its corner yard for a corner lot adjacent to a double frontage lot by one of the buffer methods set forth in this section and shall be required to include a berm within the buffer.
  - g. Any lot in any residential district which abuts the interstate right of way or railroad right of way shall be buffered as required in this section.
3. Methods Of Providing Buffers: Buffers adjacent to single-family detached residential lots shall be established as easements unless otherwise established within a platted outlot. Buffer easements shall be recorded with the county at the time of establishment, prior to, or concurrent with the recordation of a final plat or the final approval and issuance of the building permit on site plans and special use permits. Buffers required under the provisions of this section or elsewhere in this title shall be accomplished by any one of the following methods:
- a. Sixty Foot Buffer: A landscaped and bermed area of not less than sixty feet (60') in width comprised of landscape plantings.  
  
The equivalent of one (1) overstory or upright evergreen tree and three (3) shrubs shall be required per thirty five (35) linear feet of the sixty foot (60') buffer.
  - b. Thirty Foot Buffer: A landscaped and bermed area of not less than thirty feet (30') in width comprised of landscape plantings.  
  
The equivalent of one (1) overstory tree or upright evergreen tree, two (2) understory trees and six (6) shrubs shall be provided per thirty five (35) linear feet of the buffer park.
4. On lots that have been platted and/or zoned prior to the adoption date hereof that can present evidence that the above buffer provisions would render the property

unbuildable, the city council may grant a waiver of the buffer requirements and permit a screen wall or fence of not less than six feet (6') in height.

5. Burden Of Provision Of A Buffer: The burden of provision and selection of the buffer shall be as follows:
  - a. Where two (2) different districts or uses, requiring a buffer between them, are both in an existing improved condition, the above requirement is not retroactive. Should a buffer be desired, it shall be by mutual agreement between property owners or as otherwise provided by law. However, in the event of any or all of the improved property is abandoned, destroyed, demolished, etc., for the purpose of renewal, redevelopment, etc., that portion of such property being renewed, redeveloped, etc., shall be considered vacant land subject to the requirements herein. .
  - b. Where districts or uses, require a buffer between them the burden of the buffer shall be assumed by the developer of the more intense land use and shall be installed when said property develops. The developer of the less intense land use may choose to provide a buffer in order to provide more effective screening to the more intense land use but shall not be required to provide a buffer. In the event a land owner adjacent to an already developed property changes the land use designation or zoning of their land to a less intensive use and therefore causes a buffer to be required where none would have been required before then the required buffer shall be shifted away from the owner of the already developed property and shall be placed upon the land owner whose actions are causing the need for a buffer.
6. Buffer Waiver: Where the line between two (2) districts or uses requiring a buffer follows a public street right of way, stream or other similar barrier, the requirement for a buffer may be waived by the city council so long as the width of the barrier is at least equivalent to the width of buffer required and providing such waiver does not permit the exposure of undesirable characteristics of the land use to the public view.
7. Single-Family Residential Subdivisions: For single-family residential subdivisions, the plans for a landscape buffer shall be submitted for review and approval at the same time as the preliminary plat.
8. Site Plan Review: For any type of development that requires a site plan review or Permitted Conditional Use Permit, the buffer plans shall be submitted as a part of the site plan or Permitted Conditional Use Permit submittal.
9. Fences. Fences may be allowed within buffers only if said buffer is located between two dissimilar land uses and is not located alongside a public or private street. Fences shall be reviewed for aesthetic quality and for sturdiness of materials as described in 9-14-11 and must comply with all other code requirements.

F. Streetscape and Building Wall Plantings

- a. A landscaped edge or streetscape should be provided along all streets upon which the public is permitted to travel regardless to whether they are public or private. There are no minimum landscaping requirements for streetscapes, however, landscaping placed along streetscapes shall be allowed to count towards required open space landscaping unless said landscaping is part of a required buffer.
- b. Streetscapes are intended to be ornamental in nature bringing needed green to the City, shade and visual softening of pavement expanses.
- c. Streetscapes should attempt to have a recognizable pattern that establishes a sense of place for a particular neighborhood or development.
- d. Blank building walls uninterrupted by architectural features should be visually broken by vegetation.

G. Screening: The implementation of landscaping, berms, decorative walls and fences shall be used to screen undesirable views such as headlight glare, mechanical equipment, outdoor storage, loading areas, off-street parking areas, etc.

1. Off-street parking areas: See Section H of this chapter.
2. Outdoor storage: See Chapter 10 of this Title, Performance Standards.
3. Mechanical units: See Chapter 10 of this Title, Performance Standards.
4. Trash enclosures: See Chapter 10 of this Title, Performance Standards.
5. Satellite dishes: See Chapter 10 of this Title, Performance Standards.
6. Additional screening measures may be required at the discretion of the Director of Development Services to mitigate impacts and views not otherwise covered by this section.

H. Off-street parking areas: Vegetation in off-street parking areas not only provides needed visual relief from large expanses of parking but also provides shade reducing the heat glare from parking areas thus improving pedestrian comfort. Views of off-street parking areas from public rights-of-way shall be screened to a height of at least 3 feet. Screening shall be as near to 100% opacity as possible with careful attention paid to eliminate 'thru views' under tree canopies. In addition to the general landscaping regulations above, the following off-street parking area landscaping requirements shall also apply.

1. The use of multiple small parking lots shall be encouraged rather than one large parking lot.
2. Multiple landscaped islands shall be used combined with vegetation to effectively break up large expanses of parking. Location of islands should be carefully considered to provide shade to as much of the parking area as possible.
3. The location of islands shall allow for the easy and free movement of all emergency vehicles.
4. Landscaped islands shall be placed at a minimum every 18 stalls within a row of parking. Landscaped islands shall be, at a minimum, 9 feet wide and 34 feet in length for dual parking rows or a minimum of 9 feet wide and 17 feet in width for single rows.
5. Landscaped pods (tree diamonds) within a row of parking shall be evenly spaced between landscape islands, however, shall be spaced no farther than 9 parking stalls from another landscaped pod or landscaped island. Landscaped pods shall measure no less than 6 feet to back of curb in each direction.
6. Linear islands running the length of a parking row shall be required for every 6 rows of parking. Said islands provide visual breaks and may be used as pedestrian pathways for safe pedestrian movement through the parking area or as part of storm water management measures. Linear islands shall measure a minimum of 10 feet from back of curb to back of curb.
7. The minimum vegetation required in off-street parking areas shall be as follows:
  - a. Two trees in each 9x34' island.
  - b. One tree in each 9x17' island.
  - c. One tree in each landscape pod.
  - d. Additional shrubs, groundcovers, grasses, and flowers may be provided in landscaped islands or pods but are not required.
  - e. Vegetation required in off-street parking areas shall be in addition to open space landscaping required, however, open space landscaping may be placed within off-street parking areas.
  - f. Trees and shrubs provided in landscaped islands and pods beyond the number required for off-street parking landscaping shall be counted towards fulfilling the site's open space landscaping requirements.

- I. **Open Space:** On each lot there shall be a minimum percentage of open space unencumbered by buildings, off-street parking areas, and other vehicle use areas as required in 9-7, Setback and Bulk Density Regulations. Open space areas may include landscaped areas, buffers, pedestrian sidewalks/trails, athletic fields, water features, open air plazas, pedestrian courtyards, etc. A minimum of two (2) trees and three (3) shrubs shall be required per 3,000 square feet of required open space; however, in no case shall less than two (2) trees and six (6) shrubs be provided. Of the required trees, 50% of the trees must be of an overstory or evergreen variety unless otherwise done for design intent and specifically approved by the appropriate reviewing body. Additional landscaped beds, groundcovers, and ornamental grasses may be provided but are not required. Open space landscaping shall be in addition to any landscaping required for off-street parking areas, buffer areas, or screening:
- J. **Waiver Of Requirements:** A waiver or reduction in any of the requirements outlined in this Chapter may be granted by the Board of Adjustment through the Variance process. The City Council may, following review and recommendation from the Plan and Zoning Commission, choose to defer installation of required landscaping with cause provided the applicant has demonstrated how said landscaping may be installed on site in the future.

**9-19-9: PLANT SUBSTITUTIONS**

- A. **Plant Substitutions:** Plants may be varied from the requirements described above in the following way; however, no more than 50% of one required plant type may be substituted for another without specific City Council approval. For example no more than 50% of required under-story trees could be substituted for with shrubs. The following substitution categories are exclusive (ie. 20 shrubs cannot be substituted for 1 overstory tree.)
  - 1. Two (2) deciduous understory trees = one (1) deciduous overstory tree or evergreen.
  - 2. Ten (10) shrubs = one (1) understory tree

**9-19-10: WARRANTY AND MAINTENANCE**

- A. **Warranty and Replacement:**
  - 1. In a single-family detached residential subdivision, the developer shall have responsibility for the replacement of any vegetative material for a period of one (1) year or until such time that site maintenance is turned over to an owner's association or the adjacent property owner in conjunction with the issuance of a final occupancy permit if no property owner's association.
  - 2. Replacement is required for any living plant material that was shown on an approved landscape plan that is removed, dies, or disfigured, including if removed by the City as part of any City work within a City right-of-way or public utility easement. Replacement shall be the responsibility of the owner's association, however, in the absence of covenants specifically and explicitly placing replacement responsibility on an owner's association replacement shall be the responsibility of the property owner.
- B. **Maintenance:**
  - 1. Maintenance shall be the responsibility of the owner's association, however, in the absence of covenants specifically and explicitly placing maintenance responsibility on a specified association, entity or individual, maintenance shall be the responsibility of the property owner.
  - 2. Landscaping areas shall be kept in a neat and orderly manner and shall be free of trash, litter, debris, dead plants, or weeds.

3. All maintenance or pruning shall be done in accordance with the most current standards of the National Arborists Association, American National Standards Institute, American Association of Nurserymen, or American Society of Landscape Architects.
4. The City shall have the right to plant, prune, maintain and remove vegetation on public property including rights-of-way. The City may also perform such maintenance on private property if necessary to protect sanitary sewers or other public improvements, to prevent the spread of insects or disease, or to improve site visibility at intersections of two vehicle and/or pedestrian pathways.

**Section 8. Repealer.** All ordinances or parts of ordinances in conflict with the provision of this ordinance are hereby repealed.

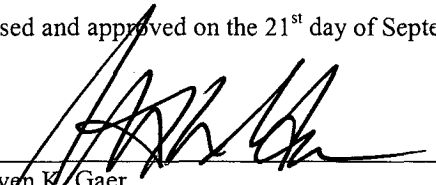
**Section 9. Savings Clause.** If any section, provision, sentences, clause, phrase or part of this Ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any provision, section, subsection, sentences, clause, phrase or part hereof not adjudged invalid or unconstitutional.

**Section 10. Violations and Penalties.** Any person who violates the provisions of this Ordinance upon conviction shall be punished as set forth in Section 1-4-1 of the City Code of the City of West Des Moines, Iowa.

**Section 11. Other Remedies.** In addition to the provisions set out in the Violations and Penalties Section herein, the City may proceed in law or equity against any person, firm or corporation for violation of any section or subsection of this Ordinance.

**Section 12. Effective Date.** This Ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

Passed and approved on the 21<sup>st</sup> day of September, 2009.

  
\_\_\_\_\_  
Steven K. Gaer  
Mayor

ATTEST:

  
\_\_\_\_\_  
Jody E. Smith, CMFA, MMC  
City Clerk

The foregoing Ordinance No 1839 was adopted by the City Council for the City of West Des Moines, Iowa, on September 21, 2009, and was published in the Des Moines Register on September 25, 2009.

