

Senate File 498 - Introduced

SENATE FILE 498
BY COMMITTEE ON LOCAL GOVERNMENT

(SUCCESSOR TO SSB 1108)

A BILL FOR

1 An Act relating to county and city landscaping regulation in
2 commercial and multifamily residential zones.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

unofficial

1 Section 1. NEW SECTION. **335.29 Landscape regulation in**
2 **commercial zones.**

3 1. A county shall not adopt or enforce an ordinance,
4 motion, resolution, or amendment that establishes a standard for
5 landscape design including the products, materials, or aesthetic
6 methods that must be used in areas zoned for commercial or
7 multifamily residential use.

8 2. Notwithstanding subsection 1, a county may adopt or
9 enforce an ordinance, motion, resolution, or amendment that does
10 any of the following:

11 a. Creates a buffer between an area zoned for commercial or
12 multifamily residential use and an area zoned for any different
13 use.

14 b. Regulates landscaping in commercial or multifamily
15 residential areas to conform with chapter 317 or as otherwise
16 required by law.

17 c. Regulates landscape design in ditches, easements, and
18 other areas of a commercial or multifamily residential district
19 that may obstruct a motorist's view or create any other public
20 safety issue.

21 d. Is in accordance with other provisions of law governing
22 topsoil conservation and storm water runoff.

23 3. This section does not prohibit or diminish the rights
24 of private parties to enact regulations regarding landscape
25 design standards as created by valid private covenants or
26 other contractual agreements among property owners of commercial
27 buildings including but not limited to restrictive covenants, or
28 as otherwise permitted under Iowa law.

29 4. For purposes of this section, "*landscape design*" means the
30 arranging of land and the elements thereon for public and private
31 use and enjoyment, including the alignment of roadways and the
32 location of buildings, service areas, parking areas, walkways,
33 steps, ramps, pools, and other structures. "*Landscape design*"
34 includes the grading of the land, surface and subsoil drainage,
35 erosion control, planting, reforestation, and the preservation

1 of the natural landscape and aesthetic value in accordance
2 with accepted professional standards of public health, welfare,
3 and safety. "Landscape design" shall not include the design
4 of structures or facilities with separate and self-contained
5 purposes for habitation or industry, or the design of public
6 streets and highways, utilities, storm and sanitary sewers, or
7 sewage treatment facilities ordinarily included in the practice
8 of engineering or architecture. Additionally, "landscape design"
9 shall not include the making of land surveys or final land plats
10 for official approval or recording.

11 Sec. 2. NEW SECTION. **364.10 Landscape regulation in**
12 **commercial zones.**

13 1. A city shall not adopt or enforce an ordinance, motion,
14 resolution, or amendment that establishes a standard for
15 landscape design including the products, materials, or aesthetic
16 methods that must be used in areas zoned for commercial or
17 multifamily residential use.

18 2. Notwithstanding subsection 1, a city may adopt or enforce
19 an ordinance, motion, resolution, or amendment that does any of
20 the following:

21 a. Creates a buffer between an area zoned for commercial or
22 multifamily residential use and an area zoned for any different
23 use.

24 b. Regulates landscaping in commercial or multifamily
25 residential areas to conform with chapter 317 or as otherwise
26 required by law.

27 c. Regulates landscape design in ditches, easements, and
28 other areas of a commercial or multifamily residential district
29 that may obstruct a motorist's view or create any other public
30 safety issue.

31 d. Is in accordance with other provisions of law governing
32 topsoil conservation and storm water runoff.

33 3. This section does not prohibit or diminish the rights
34 of private parties to enact regulations regarding landscape
35 design standards as created by valid private covenants or

1 other contractual agreements among property owners of commercial
2 buildings including but not limited to restrictive covenants, or
3 as otherwise permitted under Iowa law.

4 4. For purposes of this section, "landscape design" means the
5 arranging of land and the elements thereon for public and private
6 use and enjoyment, including the alignment of roadways and the
7 location of buildings, service areas, parking areas, walkways,
8 steps, ramps, pools, and other structures. "Landscape design"
9 includes the grading of the land, surface and subsoil drainage,
10 erosion control, planting, reforestation, and the preservation
11 of the natural landscape and aesthetic value in accordance
12 with accepted professional standards of public health, welfare,
13 and safety. "Landscape design" shall not include the design
14 of structures or facilities with separate and self-contained
15 purposes for habitation or industry, or the design of public
16 streets and highways, utilities, storm and sanitary sewers, or
17 sewage treatment facilities ordinarily included in the practice
18 of engineering or architecture. Additionally, "landscape design"
19 shall not include the making of land surveys or final land plats
20 for official approval or recording.

21 EXPLANATION

22 The inclusion of this explanation does not constitute agreement with
23 the explanation's substance by the members of the general assembly.

24 This bill prohibits a county or city from adopting or
25 enforcing an ordinance, motion, resolution, or amendment to
26 establish a standard for landscape design including the products,
27 materials, or aesthetic methods that must be used in areas
28 zoned for commercial or multifamily residential use. A county
29 or city may adopt or enforce an ordinance, motion, resolution,
30 or amendment that does any of the following: creates a
31 buffer between an area zoned for commercial or multifamily
32 residential use and an area zoned for any different use;
33 regulates landscaping in commercial or multifamily residential
34 areas to conform with Code chapter 317 or as otherwise required
35 by law; regulates landscape design in ditches, easements, and

1 other areas of the commercial or multifamily residential property
2 that may obstruct a motorist's view or create any other public
3 safety issue; is in accordance with other provisions of the law
4 governing topsoil conservation and storm water runoff. The bill
5 does not prohibit or diminish the rights of private parties to
6 enact regulations regarding landscape design standards as created
7 by valid private covenants or other contractual agreements among
8 property owners of commercial buildings including but not limited
9 to restrictive covenants, or as otherwise permitted under Iowa
10 law.

11 The bill defines "landscape design" to mean the arranging
12 of land and the elements thereon for public and private use
13 and enjoyment, including the alignment of roadways and the
14 location of buildings, service areas, parking areas, walkways,
15 steps, ramps, pools, and other structures. "Landscape design"
16 includes the grading of the land, surface and subsoil drainage,
17 erosion control, planting, reforestation, and the preservation
18 of the natural landscape and aesthetic value in accordance
19 with accepted professional standards of public health, welfare,
20 and safety. "Landscape design" does not include the design
21 of structures or facilities with separate and self-contained
22 purposes for habitation or industry, or the design of public
23 streets and highways, utilities, storm and sanitary sewers or
24 sewage treatment facilities ordinarily included in the practice
25 of engineering or architecture. Additionally, "landscape design"
26 does not include the making of land surveys or final land plats
27 for official approval or recording.