

Text Amendment Z-TA-5-15: Landscape Maintenance

Proposed Language:

Amend Chapter 5, Section 507.1.2.d. (Guidelines For Design Review - Review of technical documents) by amending paragraph 1.2.d to read as follows:

I. **Review of technical documents.**

2. **Technical plans and improvements.** The following plans indicating dedications and improvements should be shown, as determined by the Planning and Development Department, and are required for review and approval:
 - a. Grading and drainage plans including, but not limited to, hillside and floodplain reviews.
 - b. Paving plans.
 - c. Water and sewer line plans.
 - d. **Landscaping** LANDSCAPE AND SALVAGE plans AS REQUIRED BY SECTION 703.E. Each applicant shall submit landscaping plans showing the information required on the checklist provided and in the format required by the Planning and Development Department including:
 - (1) **Landscaping conservation plan.** Prior to clearing and grubbing a site or obtaining a grading permit, an applicant shall submit a landscape conservation plan indicating existing vegetation and salvage items. The Planning and Development Department will determine if this plan is necessary following the review of the context plan.
 - (2) **Landscaping plan.** Each applicant shall submit a landscape plan which must show the information required on the checklist provided and in the format required by the Planning and Development Department.
 - (3) **Standards.** Plant material sizes and specifications must conform to American Nursery Association standards.
 - (4) **Installation and maintenance.** All plant material as shown on approved landscape plans is to be installed and maintained with an appropriate watering system in a living and viable state.
 - e. Architectural plans and elevations.

Amend Chapter 5, Section 507.K. (Effect of development review approval) by amending paragraphs K.1, K.4 and K.6 to read as follows:

K. Effect of development review approval.

- 1. Construction document submittal and building permit issuance.** Approved development review documents ~~shall be~~ ARE binding upon the applicants PROPERTY OWNERS and their successors or assignees and ~~shall~~ nullify all previously approved plans. Copies of the approved development review documents or exemption must be included in any construction documents submitted for building permit approval. No building permit ~~shall~~ MAY be issued for any building or structure not in accordance with the approved development review documents and conditions of approval. The construction, location, use or operation of all land and structures within the site ~~shall~~ MUST conform to all conditions and limitations set forth in the development review documents. Evidence of development review approval in the form of a copy of the approved development review documents or exemption must be available on the construction site. In the event THE SITE HAS NOT BEEN DEVELOPED IN ACCORDANCE WITH THE APPROVED ~~property owner does not comply with the conditions imposed on the~~ development review documents, this ~~shall~~ IT WILL be considered a violation of the Zoning Ordinance.
- 2. Temporary construction facilities.** Temporary construction facilities shall be permitted for the purpose of developing the project. In case of a question the Planning and Development Department shall determine if facilities proposed qualify as temporary and related to construction. Such facilities shall be removed within seven days after completion of initial construction or prior to issuance of the certificate of occupancy, whichever first occurs.
- 3. Amendments.** No structure, use or element of approved development review documents shall be eliminated, altered, or provided in another manner unless an amendment is approved in accordance with the standards for new reviews.
- 4. Site inspection and issuance of certificate of occupancy.** The Planning and Development Department ~~shall~~ MUST inspect each project FOR COMPLIANCE WITH THE APPROVED DEVELOPMENT REVIEW DOCUMENTS prior to ISSUING A certificate of occupancy OR CERTIFICATE OF COMPLETION. No final certificate of occupancy OR CERTIFICATE OF COMPLETION ~~shall~~ WILL be issued if ~~the project does not meet the requirements of~~ THE STRUCTURE AND ASSOCIATED SITE IMPROVEMENTS, INCLUDING BUT NOT LIMITED TO SITE UTILITIES, PAVING, GRADING, PLANT SALVAGE, AND LANDSCAPE INSTALLATION, INCLUDING IRRIGATION, HAVE NOT BEEN INSTALLED IN ACCORDANCE WITH the approved development review documents. The Planning and Development Department may issue conditional OR TEMPORARY certificates of occupancy in conformance with the provisions

of the Construction Code. In the case of subdivision development, the Planning and Development Department will monitor the buildout of each subdivision approved through the development review process for conformance to approved development review documents and exhibits. The Planning and Development Department may withhold the release of building permits within a subdivision if, at the discretion of the Planning and Development Director, the buildings within the subdivision are not conforming to diversity standards set by the approved development review documents.

5. **Enforcement.** Development review documents approved under this section shall be enforced by the Planning and Development Department under the supervision of the Zoning Administrator. Whenever enforcement personnel find that any proposed construction or occupancy or completed facility does not or will not comply with the approved development review documents, they shall require the property owner to comply with the conditions of the development review documents.

In the event the property owner does not comply with the conditions imposed on the development review documents, it will be considered a violation of the Zoning Ordinance.

6. **Validity.**

- a. *Preliminary approval.* Approval of the preliminary development review documents ~~shall be~~ IS valid for a period of 24 months. In a phased project, if preliminary development review documents are filed over the total site and final development review approval is achieved on a portion of the site within the 24-month period, the preliminary development review documents will remain valid for an additional 12 months. Additional time beyond the 36 months ~~shall require~~ WRITTEN approval by THE PLANNING AND DEVELOPMENT DIRECTOR ~~City Manager's representative.~~
- b. *Final approval.* Approved development review documents ~~shall be~~ ARE valid for a period of 24 months and continue in effect beyond 24 months if a building permit has been issued and has not expired. ~~or~~ IF a FINAL certificate of occupancy OR CERTIFICATE OF COMPLETION has been issued FOR THE PROJECT, APPROVED DEVELOPMENT REVIEW DOCUMENTS WILL REMAIN VALID AND ENFORCEABLE UNTIL SUCH TIME THAT REVISED OR REPLACEMENT DOCUMENTS FOR THE PROJECT ARE APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT ~~with the project complying with the approved development review documents.~~

Amend Chapter 5, Section 507 Tab A.II.A.3.3.1 (Guidelines for Design Review - Landscape Architecture) to add new paragraphs 3.1.16 and 3.1.17 accordingly:

3. Landscape Architecture.

3.1 Plant Materials.

- 3.1.16 PLANT MATERIALS SHOULD BE SELECTED FOR APPROPRIATE MATURE SIZE, SPACE NEEDS, LOCATION, AND USE FOR THEIR ULTIMATE LOCATION ON THE SITE. (P)

RATIONALE: ALL PLANTS ARE NOT SUITABLE FOR ALL LOCATIONS. CONSIDERATION SHOULD BE GIVEN FOR SIZE AT MATURITY, REASON FOR CHOICE (I.E., SHADE PROVISION OR SCREENING/BUFFERING) MAINTENANCE REQUIREMENTS, AND LONG-TERM VIABILITY. LOW MAINTENANCE PLANTS WHICH HAVE A PROVEN TRACK RECORD OF SURVIVABILITY IN THE URBAN DESERT CLIMATE SHOULD BE INSTALLED WHENEVER POSSIBLE. PLANT MATERIAL ON APPROVED UTILITY COMPANY LISTS SHOULD BE UTILIZED TO MINIMIZE CONFLICT WHEN LANDSCAPE AREAS ARE LOCATED WITHIN PUBLIC UTILITY EASEMENTS OR IN PROXIMITY TO PUBLIC UTILITIES.

- 3.1.17 LANDSCAPE PLANS SHOULD INCLUDE A MAINTENANCE PLAN WHICH INDICATES THAT PLANT MATERIALS WILL BE PRUNED ACCORDING TO THE CURRENT STANDARDS FOR PRUNING AS SET FORTH BY THE AMERICAN NATIONAL STANDARDS (ANSI) OR THE SUSTAINABLE LANDSCAPE MANAGEMENT STANDARDS OF THE ARIZONA LANDSCAPE CONTRACTORS' ASSOCIATION. (P)

RATIONALE: TREES AND PLANTS SHOULD BE PRUNED TO ENCOURAGE THE GROWTH OF HEALTHY, ATTRACTIVE SPECIMENS WITH LONG LIVES, AS WELL AS TO PROVIDE THE BENEFITS FOR WHICH THEY WERE PLANTED (SUCH AS SHADE AND SCREENING).

Amend Chapter 7, Section 703 (Landscaping, Fences and Walls) to add new subsection "E" as follows:

E. GENERAL LANDSCAPE STANDARDS AND REQUIREMENTS.

1. LANDSCAPE CONSERVATION AND SALVAGE.

- A. NO TREES OR CACTI MAY BE REMOVED OR DESTROYED ON A PROPERTY WITHOUT FIRST OBTAINING A LANDSCAPE SALVAGE PERMIT FROM THE PLANNING AND DEVELOPMENT DEPARTMENT, EXCEPT AS FOLLOWS:
- (1) THE PLANNING AND DEVELOPMENT DEPARTMENT HAS EXPRESSLY STATED IN WRITING THAT LANDSCAPE SALVAGE IS NOT REQUIRED FOR THE SITE AS PART OF THE APPROVED PRELIMINARY SITE PLAN OR PRELIMINARY PLAT APPROVAL DOCUMENTS, OR ON THE FINAL SITE PLAN IF A PRELIMINARY APPROVAL IS NOT REQUIRED; OR
 - (2) THE TREE(S) OR CACTI TO BE REMOVED ARE IN THE RIGHT OF WAY ABUTTING THE REQUIRED FRONT OR SIDE YARD OF A LOT HAVING ONE SINGLE-FAMILY HOME OR DUPLEX, AND THE PROPERTY IS NOT LOCATED WITHIN A HISTORIC DISTRICT; OR
 - (3) THE TREE(S) OR CACTI TO BE REMOVED WERE DESTROYED BY A STORM EVENT OR OTHER UNFORESEEN AND ACCIDENTAL INCIDENT, AND THE DEBRIS POSES AN IMMINENT THREAT TO THE PUBLIC HEALTH OR SAFETY.
- b. OWNERS OF PROPERTY ON WHICH TREES OR CACTI HAVE BEEN REMOVED OR DESTROYED PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY OR A CERTIFICATE OF COMPLETION WITHOUT COMPLYING WITH SECTION 703.E.1 ARE REQUIRED TO REPLACE ALL TREES AND CACTI WITH LIKE KINDS AND SIZES OR EQUIVALENT AS DETERMINED BY THE PLANNING AND DEVELOPMENT DEPARTMENT, PRIOR TO ISSUANCE OF ANY CERTIFICATE OF OCCUPANCY OR CERTIFICATE OF COMPLETION FOR THE SITE.

2. REQUIRED LANDSCAPE PLANS. LANDSCAPE PLANS ARE REQUIRED FOR REVIEW AND APPROVAL IN ACCORDANCE WITH THE APPLICABILITY REQUIREMENTS OF SECTION 507.B. "LANDSCAPE PLANS" MAY REFER TO ANY OR ALL OF THE FOLLOWING PLANS: LANDSCAPE INVENTORY PLAN, LANDSCAPE SALVAGE PLAN, AND/OR LANDSCAPE (INSTALLATION) PLAN. ALL PLANS MUST PROVIDE THE INFORMATION REQUIRED ON CHECKLISTS PROVIDED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.

- a. **LANDSCAPE INVENTORY PLAN:** IDENTIFIES THE TYPES, SIZES, AND LOCATIONS OF ALL TREES, CACTI, AND PLANTS EXISTING ON THE SITE AND STATES THE CONDITION OF EACH AS DETERMINED BY A LANDSCAPE ARCHITECT REGISTERED IN THE STATE OF ARIZONA.
- b. **LANDSCAPE SALVAGE PLAN:** IDENTIFIES THE DISPOSITION OF ALL OF THE TREES, CACTI, AND PLANTS IDENTIFIED IN THE LANDSCAPE INVENTORY PLAN (I.E., "REMAIN IN PLACE", "SALVAGE", OR "DESTROY"), INCLUDING DETAILS OF THE NURSERY AND WATERING SYSTEM TO BE PROVIDED FOR SALVAGED MATERIALS.
- c. **LANDSCAPE (INSTALLATION) PLAN:** IDENTIFIES THE TYPES, SIZES, AND LOCATIONS OF ALL TREES, CACTI, AND PLANTS (INCLUDING THOSE TO REMAIN IN PLACE OR SALVAGED) TO BE INSTALLED ON THE SITE, ON DOCUMENTS SEALED BY A LANDSCAPE ARCHITECT REGISTERED IN THE STATE OF ARIZONA. LANDSCAPE PLANS ALSO INCLUDE IRRIGATION PLANS, PLUS OTHER INFORMATION AS MAY BE REQUIRED BY PLANNING AND DEVELOPMENT STAFF. PLANT MATERIAL SIZES AND SPECIFICATIONS MUST CONFORM TO THE STANDARDS OF THE AMERICAN STANDARDS FOR NURSERY STOCK (ANSI Z60.1) OR THE ARIZONA NURSERY ASSOCIATION.

3. MAINTENANCE OF LANDSCAPE AREAS.

- a. UNLESS OTHERWISE APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT FOR TEMPORARY SITUATIONS, A PERMANENT AUTOMATIC IRRIGATION SYSTEM MUST BE INSTALLED TO WATER ALL TREES, CACTI, AND PLANTS INSTALLED IN ACCORDANCE WITH THE APPROVED LANDSCAPE PLANS OR OTHER DEVELOPMENT REVIEW DOCUMENTS.

- b. ALL TREES, CACTI, AND PLANTS ON SITE AND IN THE ABUTTING RIGHTS OF WAY MUST REMAIN IN PLACE IN A HEALTHY AND LIVE CONDITION, IN ACCORDANCE WITH APPROVED LANDSCAPE PLANS. REMOVAL OR DESTRUCTION OF LANDSCAPE MATERIALS INSTALLED IN ACCORDANCE WITH APPROVED DEVELOPMENT REVIEW DOCUMENTS WILL BE CONSIDERED A VIOLATION OF THE ZONING ORDINANCE, EXCEPT WHEN IN COMPLIANCE WITH SECTION 703.E.1.

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