RESOLUTION NO. 2473

A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ADOPTING AMENDMENTS TO THE UNIFIED DEVELOPMENT CODE RELATING TO LANDSCAPING, AND DECLARING SUCH AMENDMENTS TO BE A PUBLIC RECORD.

WHEREAS, the Code of the Town of Payson was declared to be a public record by Resolution Number 1536 of the Town of Payson; and

WHEREAS, the Code of the Town of Payson was adopted as a public record by Ordinance Number 588 of the Town of Payson; and

WHEREAS, it is the intention of the Town of Payson to amend the Unified Development Code relating to Landscaping; and

WHEREAS, such amendment may be enacted by reference, pursuant to A.R.S. § 9-802,

NOW, THEREFORE, THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, DO HEREBY RESOLVE AS FOLLOWS:

Section 1. Section 15-03 of the Unified Development Code is hereby amended, is declared to be a public record, and as amended shall read as set forth in Exhibit A attached hereto.

PASSED AND ADOPTED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON this _____ day of _____, 2009, by the following vote:

AYES _____ NOES _____ ABSTENTIONS _____ ABSENT _____

_____
Kenny J. Evans, Mayor

ATTEST:

_____
Silvia Smith, Town Clerk

APPROVED AS TO FORM:

_____
Samuel I. Streichman, Town Attorney

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Town of Payson
Unified Development Code
Section 15-03

(This exhibit does not show the consolidated UDC provision in redline/strikeout. For a redline/ strikeout version, please refer to Exhibit C of the Staff Report.)

SECTION	TITLE
15-03	**LANDSCAPING AND BUFFERING**
15-03-001	Intent and Purpose
15-03-002	Landscaping, Screening and Buffering
15-03-003	Tree Preservation
15-03-004	Removal or Cutting of Native Trees
	Removal of Dangerous, Diseased or Infected Trees

15-03 LANDSCAPING AND BUFFERING

15-03-001 PURPOSE & APPLICABILITY

A. PURPOSE & INTENT

The purpose of this section is to establish regulations for the preservation of natural vegetation and trees, installation and maintenance of landscaping and screening according to recognized xeriscape principles and provide for the protection of native vegetation. It is the intent through this section to accomplish the following:

1. Protect the natural environment and preserve the character of Payson;
2. Minimize air pollution and soil erosion;
3. Preserve or create natural open space areas;
4. Buffer the potential negative effects that more intensive land uses may have upon adjacent land uses;
5. Assist in groundwater recharge;
6. Promote the conservation of the natural aesthetics of a rural mountain community;
7. Promote more efficient use of water for irrigation purposes; and
8. Sustain quality of life.

B. APPLICABILITY

Provisions of this section shall be applicable to and controlling upon the following:

1. All new development of any kind, including residential subdivisions, multifamily, commercial, industrial, and public facilities. Single family, two or three family residential units are specifically exempted from subsection 15-03-002 and 15-03-003.
2. Expansion of, alteration of or change in existing development. No building permit shall be issued for the expansion of commercial, industrial or multi-family development which is not in full compliance with the provisions of this Section 15-03 and no expansion of, alteration of or change in nonconforming landscaping shall be permitted which increases, in any way, the area or density of such nonconforming landscaping. Any additional landscaping shall conform to the requirements of this Section 15-03.
3. Changes in the use of buildings(s) or land as evidenced by increased parking requirements and/or occupant load or expansion of outdoor activities.

15-03-002 LANDSCAPING

A. GENERAL REQUIREMENTS

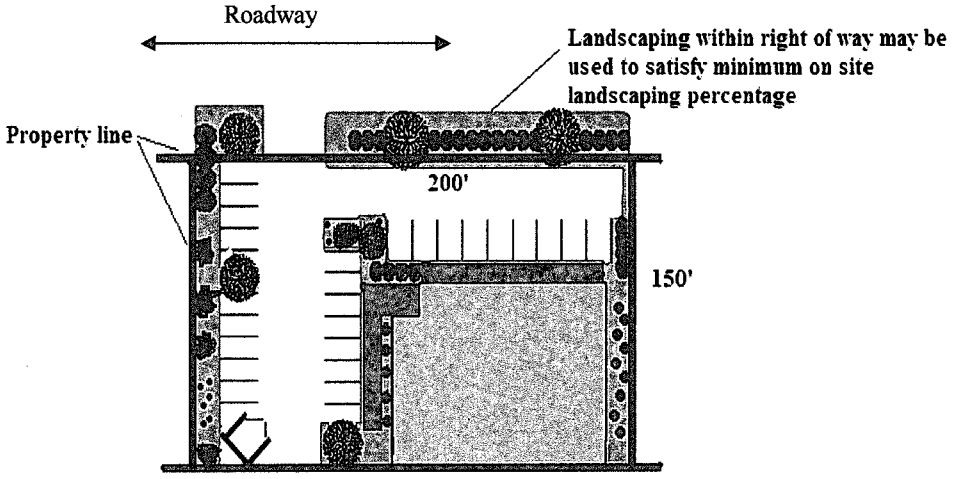
1. The following minimum percentages of a site shall be devoted to landscaping:

   Residential 20%

   Commercial 20%

   Industrial 15%

2. Adjacent public right-of-way, between the property line and the nearest point of the existing or proposed street improvements, may be landscaped and may be used to satisfy, to the extent provided, the minimum required site landscaping. The resulting landscaped area, on both public and private property, shall be a minimum of five feet wide. Landscaping within the public rights-of-way shall be completed in accordance with any adopted streetscape or special area plan if applicable and must receive the approval of Community Development and Public Works.



3. To contain landscape materials and prevent vehicular encroachment, all landscaped areas located within or adjacent to a parking area, walkway, driveway or roadway shall be within continuous concrete curbing, railroad ties, headers or other means at least six inches in height.

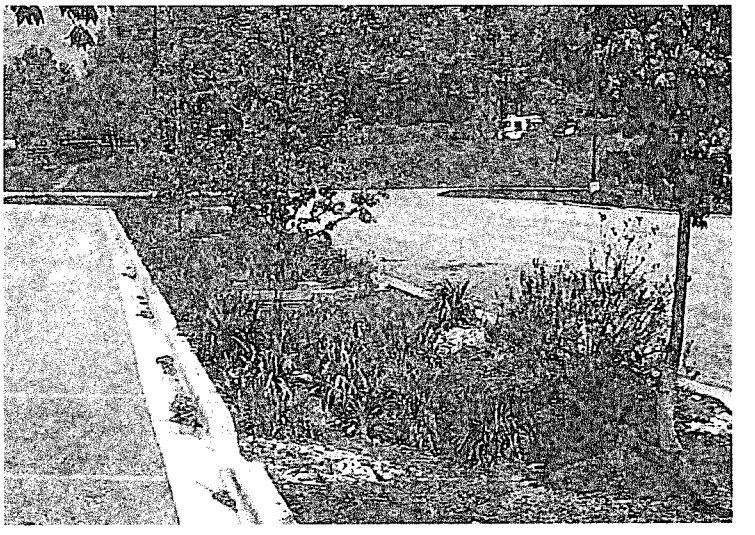


Photo of parking lot with landscape islands protected by curbing that help detain runoff.

(Courtesy of Prince George's County, MD)

4. Parking (except where vehicle overhang is permitted), buildings and display of equipment or vehicles is not permitted in landscaped areas.

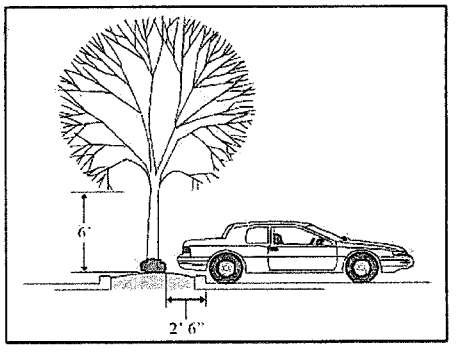
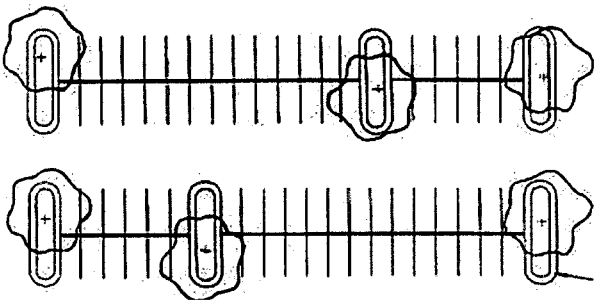


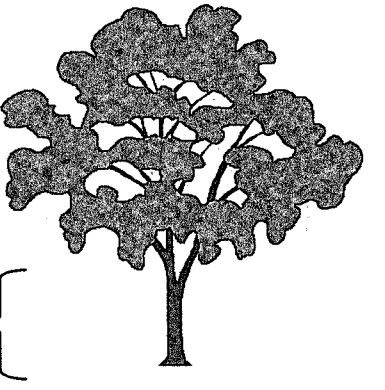
Exhibit A to Resolution 2473

5. Parking areas of more than 20 spaces shall provide landscaped traffic islands within the parking lot interior that total a minimum of 5% of the paved area. Each separate landscaped island within the parking area shall contain a minimum of 50 square feet and shall have a minimum dimension of at least five feet, including curbs.



Planter within parking area, 5' minimum width, continuous concrete curb

To ensure that landscape materials do not constitute a driving hazard, trees used to landscape parking islands shall have a clear trunk height of six feet; shrubs, groundcover or other landscaping materials shall not exceed three feet in height. The landscaped area within these planters may be used to satisfy, to the extent provided, the landscaped coverage requirements.



6. Artificial trees, shrubs, turf or plants shall not be permitted as landscaping.

7. A minimum of 30% living groundcover shall be provided within the total required landscaped area. The remaining required landscaped area shall be finished with a non-living groundcover material which does not use water and may include, bark, river rock, decomposed granite or mulch to help prevent evaporation. Art and other non-plant materials such as boulders may also be used. Use of landscape fabrics under all areas landscaped with retention/detention is recommended to prevent weed growth.

8. A permanent, on-site, drip irrigation system that provides complete coverage to all new landscaped areas is required.

9. New vegetation shall be selected, planted and maintained so that at maturity it will not interfere with utility lines, vehicular parking, pedestrian circulation, traffic sight visibility at driveways and street intersections as set forth here and will not influence potential damage and upheaval of sidewalks and pavement.

10. Any part of a site not used for buildings, parking, driveways, sidewalks, utility and approved storage areas should be retained in its natural state, reclaimed to its natural state, or landscaped.

11. Except as otherwise provided by this section, all plant material used for landscaping shall be selected from the Town of Payson Water Department Native and Low Water Use Plant List in Development Bulletin 15-1.

12. Plants not listed on the Town of Payson Water Department Native and Low Water Plant List may be used as follows:

    a. Existing Plants. Existing trees and shrubs may be incorporated in a landscaped area.

    b. Playing areas of a golf course (with the use of reclaimed water).

    c. Plant and tree species not listed on the above list (15-1) may be substituted with the approval of the Water Superintendent or his/her designee.

B. INSTALLATION OF LANDSCAPING

1. Landscaping and watering devices shall be installed in accordance with the approved landscape plan prior to issuance of a certificate of occupancy or commencement of operations. The town will have the right to refuse approval of any project not meeting the provisions of this chapter.

2. If approved landscaping and watering devices cannot be installed prior to occupancy or commencement of operations for any reason, then a conditional certificate of occupancy may be issued by the town. The applicant shall provide the following:

    a. An acceptable form of surety accompanied by a complete estimate of the total cost of the approved landscaping and watering system improvements.

    b. A signed conditional certificate of occupancy agreement.

3. When it is determined that the landscaping and watering system have been installed in accordance with the approved plans, the town will return the surety of the applicant.

C. LANDSCAPE PLAN SUBMITTAL & REVIEW

1. Landscape plans for the site shall be submitted at the time of application to the plan review officials of the town.

2. Landscape plans submitted to the Town for review and possible approval for sites with over 5,000 square feet of total new landscaping shall be prepared and sealed by a professional registrant in accordance with the regulatory provisions of the State of Arizona Board of Technical Registration. The applicant's preparer shall be required to certify in writing to the town that all work has been completed in accordance with the approved plans and specifications.

3. The Planning Division shall review the landscape plan for compliance with this section prior to issuance of a grading and/or building permit or if a grading or building permit is not required, prior to commencement of business operations. Any revision to the site plan or plat may require a revised landscape plan, as determined by the Planning Director or designated representative.

4. If a project is developed in phases, required landscaping and screening must be completed in sequence with development phases and shown as such on the landscape plan.

5. Where landscaping of the public right-of-way adjacent to private property is proposed, the landscaping plan shall be accompanied by a recorded agreement releasing the town from maintenance and replacement of all landscaping and irrigation in the public right-of-way and declaring the adjacent owner, heirs and assignees of the property responsible.

6. The following items shall be included on all landscape plans:

   a. Project name and address;

   b. Designer's name, address, phone number and stamp (when applicable);

   c. Scale, north arrow. Minimum scale of plans shall be 1 inch = 50 feet.

   d. Property lines, adjacent rights-of-way, building footprints, parking lots, driveways, easements, utilities and drainage structures.

   e. Existing and proposed contours based on a grading plan.

   f. A plant key which includes plant names (common and botanical), sizes (height, caliper, gallon) and quantities.

   g. Plant locations, on-site and in the public right-of-way (if applicable), corresponding to plant key.

   h. Planting details (staking, soil mix, and the like), construction details, protection details.

   i. Existing vegetation on the site with vegetation to be retained indicated.

   j. Significant topographical features on the site (drainage, rock outcroppings, and the like).

   k. Irrigation method and schedule.

   l. If applicable, indicate proposed common and open space areas on the plan. Describe function and treatment of these areas.

   m. Plans may include design elements such as boulders, berms, signs, sculpture, and the like.

   n. Schedule of landscape area calculations and percent of living groundcover within landscape areas.

D. LANDSCAPING MAINTENANCE

1. Maintenance of all landscaping shall be the responsibility of the owner, lessee, heirs, assigns, agent, homeowners association or other liable entity of the property and shall consist of regular watering, pruning, mowing, fertilizing, the removal and replacement of dead plants, and the repair and replacement of irrigation systems and architectural features. This shall include maintenance of approved landscaping in the public right-of-way. The owner or liable entity in control of any private premises shall at all times maintain the premises free of litter and weeds in accordance with the town code.

2. Dead materials shall be replaced within 30 days unless limited by inclement weather.

3. Future building pads within a phased development shall be maintained in a dust-free condition.

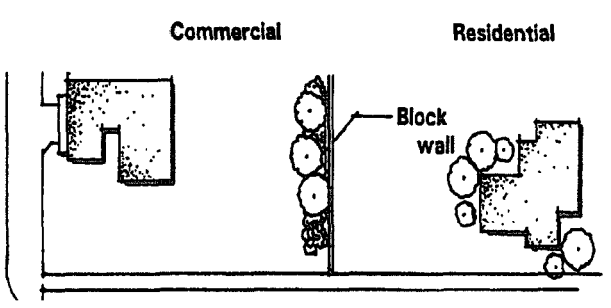
E. SCREENING AND BUFFERING

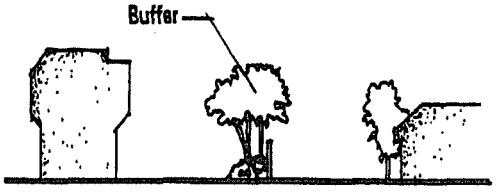
1. Where a multi-family, manufactured home park or recreational vehicle park, or any non-residential use abuts a single family district, and where any non-residential use abuts any residential development, the following screening provisions shall be installed:

   a. Walls - continuously opaque 8 feet in height

   b. Landscaping - one tree, 15 gallon minimum size, four shrubs, 5 gallon minimum size per 200 square feet of required setback area

   c. All other exterior boundaries of a manufactured home park or a recreational vehicle park shall be screened by a continuously opaque wall, 8 feet in height.

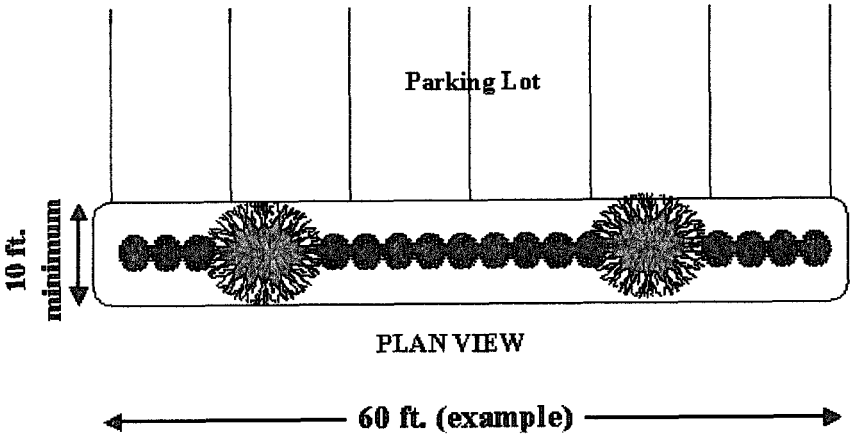


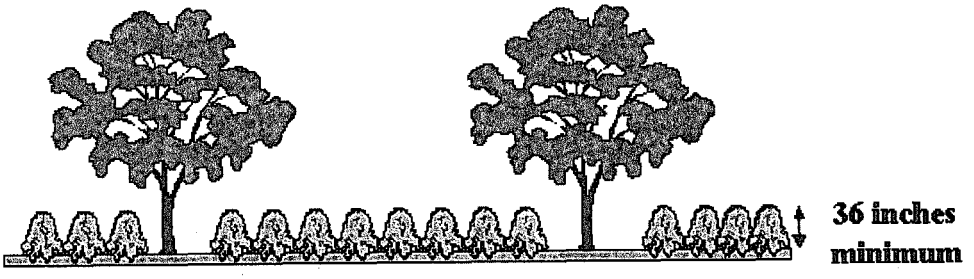


Buffer separation between two different use

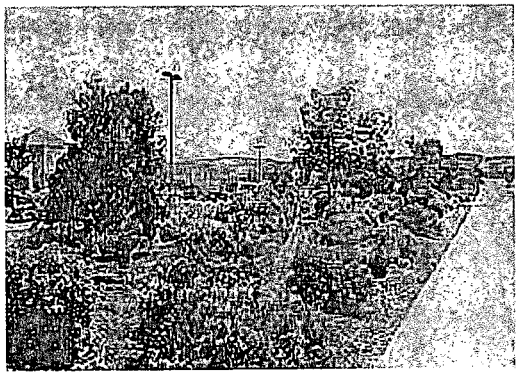
2. Screening of Parking Lots

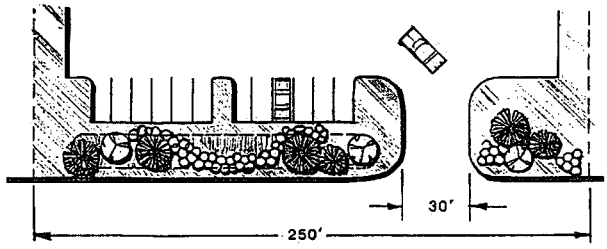
   a. Street right-of-way areas or the first 10 feet of the yard setback area shall also be landscaped and shall include one tree of 15 gallon minimum size or six shrubs of 5 gallon minimum size per 200 square feet of the yard setback area.





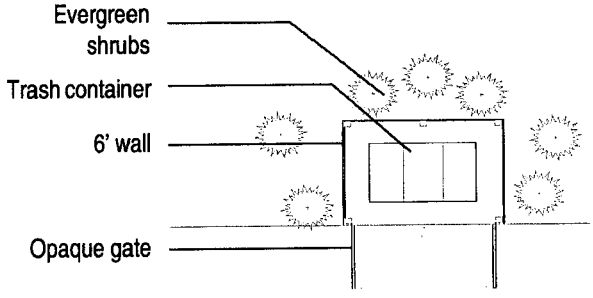
ELEVATION VIEW

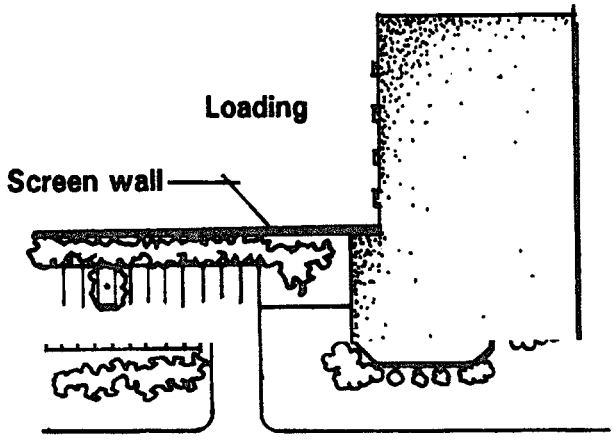




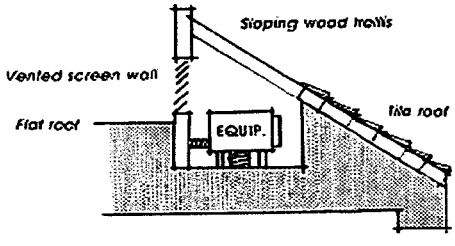
Landscaping Adjacent to Roads

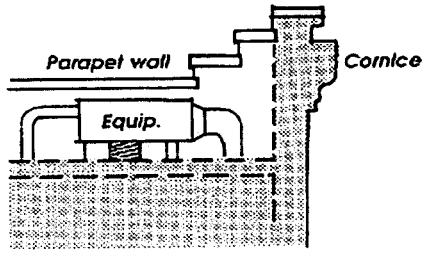
3. Screening of outdoor areas, equipment and lighting
   a. All outdoor storage, refuse, loading and unloading areas and service bays shall be screened by a wall at least 6 feet in height that is compatible with the architectural style and materials of the building, to adequately screen such areas and service bays from streets and adjoining property.



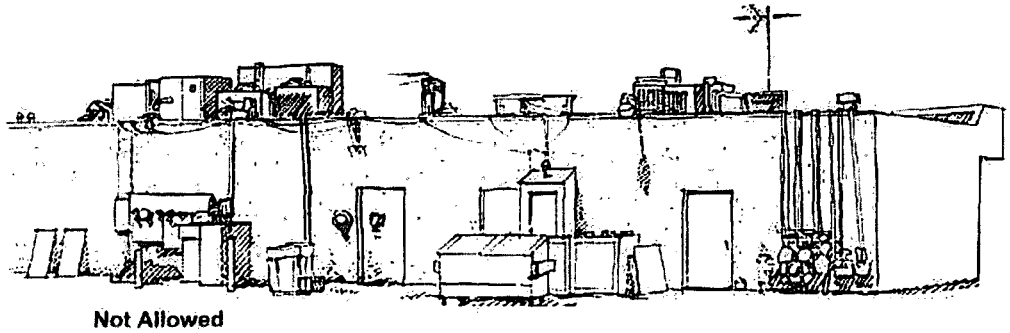


   b. Outside mechanical equipment for commercial or industrial uses shall be completely screened by a wall and/or roof that is compatible with the architectural style and materials of the building.

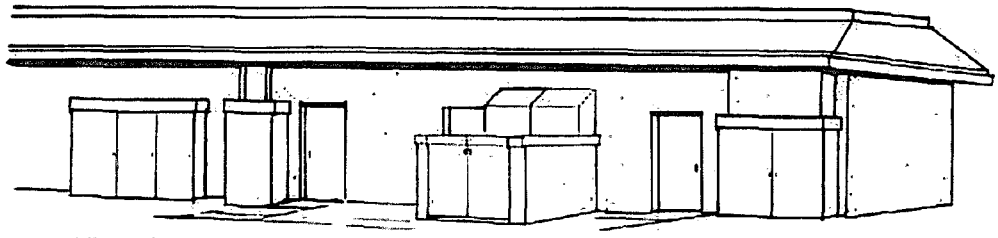




Screening of Rooftop Mechanical Equipment



Not Allowed



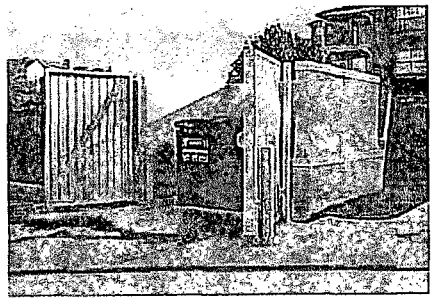
Allowed

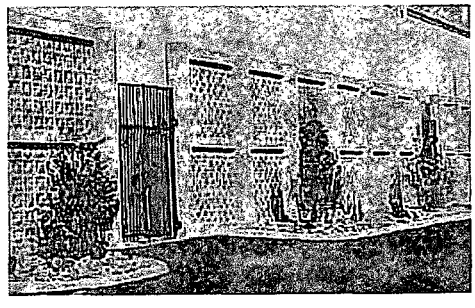
c. Outdoor lighting shall be shielded and screened so as to reflect away from streets, adjoining properties and the sky. Outdoor lighting fixtures shall not exceed 30 feet in height within the parking area, and 15 feet in height within 30 feet of a residential area. In addition, the average light intensity of a site shall not exceed four foot candles average, measured three feet above finished grade. In cases where lighting of a site needs clarification, a site photometric plan may be required by the Zoning Administrator.

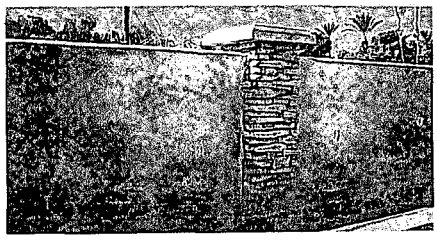
4. Types and Limitation of Screening Walls

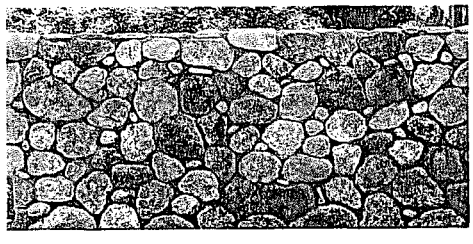
a. Heights of walls, fences, berms and other screening devices shall be measured from the finished adjacent grade.

b. Walls used to screen different land uses, outdoor storage, refuse, loading/unloading areas, service bays and ground-mounted mechanical equipment may be of brick, slump block, concrete block with stucco or mortar wash finish, adobe, stone or similar materials as approved by the Zoning Administrator.









c. Walls used to screen parking lots from street view may be of the same masonry materials described in subsection 4.b above and may also be of wood, railroad ties, or other similar materials of opaque construction as may be approved by the Zoning Administrator.

d. All screening walls installed within a front yard setback as required in this code shall not exceed three feet in height.

5. Types and Limitation of Vegetative Screening

a. Height of vegetation selected for required screening shall be measured from the highest finished adjacent grade of the element to be screened.

b. Vegetation selected for required screening shall be:

1. An evergreen species or a mixture of evergreen and deciduous species with a maximum of 40% deciduous;
2. A maximum of one foot less than the required screening height when planted;
3. A species that will reach the minimum height of required screen at maturity; and
4. Spaced so as to provide a solid screen when planted (see recommended plant list for suitable screening species).

c. Earth berms or a combination of berm, landscaping and fencing may be used to satisfy the screening requirement. Berms shall be designed to transition to existing grades, not to exceed a slope ratio of two to one (2:1) and shall be covered with plant material, ground cover or partially rip-rapped to prevent erosion. Berms with vegetation cover shall be designed to retain water rather than encourage run-off.

d. Vegetation provided for screening may be used to satisfy, to the extent provided, the landscape coverage requirements.

F. SITE CLEARANCE AND MAINTENANCE

1. No walls in excess of three feet in height shall be placed on any corner lot or at any driveway intersecting a street, within a "sight clearance triangle" formed by two curb, roadway or driveway lines.

2. Screening walls shall be maintained both structurally and aesthetically; damage and the effects of weathering shall be repaired in 30 days unless limited by inclement weather.