

**Town of Payson
Unified Development Code
Section 15-03**

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**Adopted
By Ordinance #466
February 22, 1996
Updated June 1, 2011**

This Unified Development Code and/or any other documents that appear in this version of the UDC may not reflect the most current legislation adopted by the Municipality. Any updates or revisions can be found on the Town's website as they become available.

15-03 LANDSCAPING, SCREENING, BUFFERING and LIGHTING

15-03-001 PURPOSE & APPLICABILITY

A. PURPOSE & INTENT

The purpose and intent of this section is to establish regulations to preserve and augment existing vegetation and trees, including the natural topography and any rock/boulder formations. Installation and maintenance of new landscaping shall be according to recognized xeriscape principles and Town of Payson requirements. Maintain existing and new landscaping in a living condition. It is the intent through this section to accomplish the following:

1. To protect the natural environment and preserve and enhance the mountain Ponderosa pine forest character of Payson, Arizona;
2. Reduce air pollution and soil erosion by sustainable design practices;
3. Preserve and create natural open spaces;
4. Buffer adjacent parcels of land zoned for different uses or the same uses to maintain quality of life; (see chart titled Screening and Buffering 15-03-002.E)
5. Assist in groundwater recharge;
6. Conservation of the natural aesthetic environment of this mountain community;
7. Conservation of water; and
8. To the extent feasible, promote and provide for the installation of the Town of Payson's official Town Tree, the Ponderosa pine.

B. APPLICABILITY

Provisions of this section shall be applicable to all the following:

1. All development of any kind, including residential subdivisions, multifamily, commercial, industrial, and public facilities. Single family, two or three family residential units (e.g. duplexes and triplexes) are exempted from subsection 15-03-002 and 15-03-003.
2. Expansion of, alteration of or change to an existing development. A building permit will not be issued for the expansion of a commercial, industrial, public facility or multi-family development that is not in full compliance with the provisions of this Section 15-03.
3. All additional landscaping shall conform to the requirements of this Section 15-03.
4. Any change in the use or occupancy of an existing building, buildings, or land shall conform to the requirements of this section.

15-03-002 LANDSCAPING

A. GENERAL REQUIREMENTS

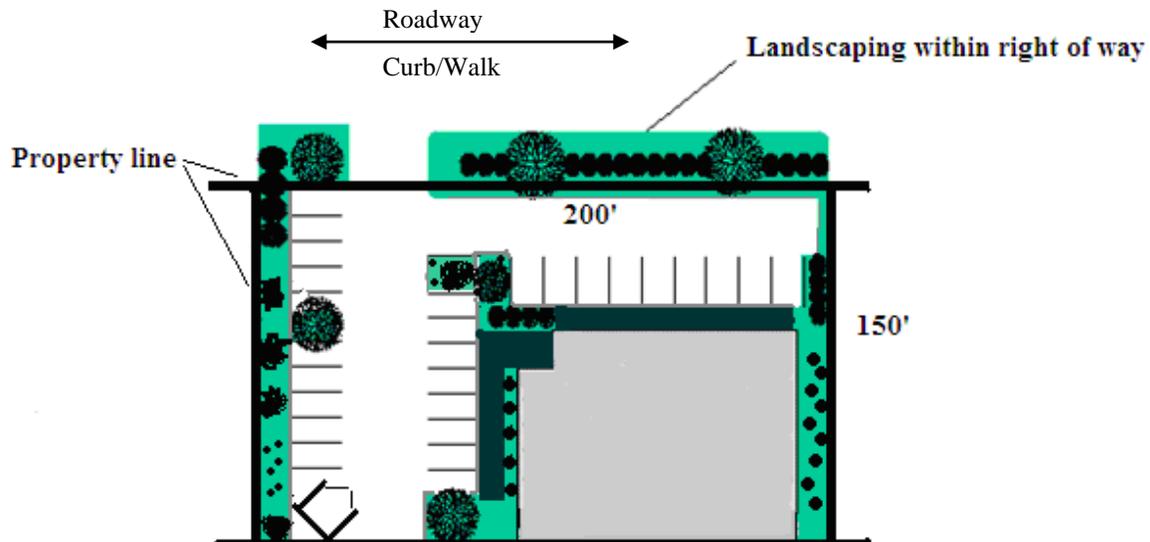
1. The following minimum percentages of a site shall be devoted to landscaping:

Residential 20%

Commercial 20%

Industrial 15%

- Adjacent public right-of-way, between the property line and the nearest point of the existing or proposed street improvements including sidewalks, 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 shall receive approval from the Community Development and Public Works Departments.



- To protect landscape materials and prevent vehicular encroachment, all landscaped areas located within or adjacent to a parking area, walkway, driveway or roadway shall be contained within continuous concrete curbing, anchored railroad ties, or other approved means at least six inches in height. Curb cuts or similar drainage pathways shall be integrated into the overall design of the site and based upon sound engineering principles as shown in the photo below.

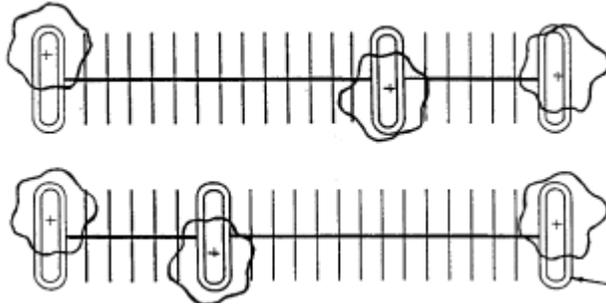
Photo of parking lot with landscape islands protected by curbing that help to encourage re-absorption of water on the site.

(Courtesy of Prince George's County, MD)



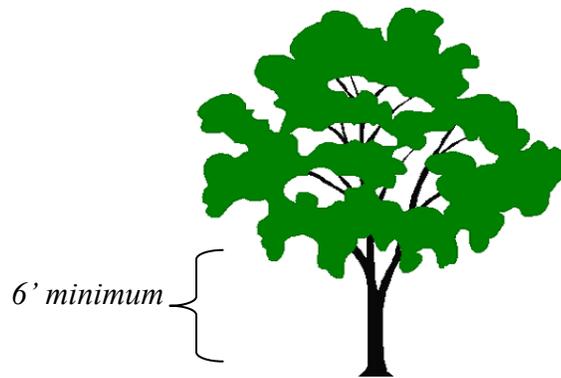
- Parking, buildings and display of equipment or vehicles is not permitted within required landscape areas.
- Parking areas of more than 20 spaces shall provide landscaped traffic islands within the parking lot interior that total a minimum of 5% of the paved area. Each separate landscaped island within the parking area shall contain a minimum of 50 square feet if

hardscape and 100 square feet if non-hardscape landscaping is used and shall have a minimum dimension of five feet, not including curbs.



Planter within parking area, 5' minimum width, inside of 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 not be used to satisfy the total minimum landscaped coverage requirements.



6. Artificial trees, shrubs, turf or plants shall not be used to satisfy the minimum square footage requirements for landscaping.
7. A minimum of 30% living groundcover shall be provided within the total required landscaped area. The remaining required landscaped area may 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 rock formations and boulders may also be used.
8. A permanent, on-site, drip irrigation system that provides complete coverage to all new and existing landscaping and landscaped areas is required and the system shall be approved by the Town of Payson Water Department.
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 to, or upheaval of public sidewalks and pavement.
10. Any part of a site not used for buildings, parking, driveways, sidewalks, utility and approved storage areas shall be preserved in its natural state or landscaped.
11. 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 should be preserved and incorporated into the landscaped areas.

- b. Playing areas of a golf course (with the use of reclaimed water).
- c. Species not listed on the Town of Payson Water Department Native and Low Water Plant List may be substituted, subject to approval of the Town of Payson Water Department.

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 shall have the right to refuse to issue permits for any project not meeting the provisions of this chapter.
2. If approved landscaping and watering devices, except those lines that cross beneath hardscape, cannot be installed prior to occupancy or commencement of operations due to unforeseen circumstances, a conditional (temporary) certificate of occupancy may be requested by the applicant. The applicant shall complete 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. Sign a conditional certificate of occupancy agreement.

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 shall be submitted at the time of subdivision improvement plans, building or other plan review/permit application. Failure to provide landscape plans shall constitute an incomplete application.
2. Landscape plans submitted to the Town for review and possible approval for sites with over 5,000 square feet of total new landscaping, not including rights of way area, shall be prepared and sealed in accordance with the regulatory provisions of the State of Arizona Board of Technical Registration.
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, plat, or existing site layout may require a revised landscape plan, as determined by the Community Development Director or designated representative.
4. If a project is developed in phases, required landscaping and screening shall be completed in sequence with the approved development phases and shown as such on the landscape plan. (See 15-03-002.A.10)
5. Where landscaping of the public right-of-way adjacent to private property is proposed, approved and installed, the landscaping plan shall be accompanied by a recorded agreement warranting maintenance, 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, address and tax parcel number;

- b. Contact person and/or Designer's name, address, phone number and seal (when applicable);
- c. Scale, north arrow. Minimum scale of plans shall be 1 inch = 30 feet;
- d. Property lines, adjacent rights-of-way, building setbacks, building footprints, rooflines, parking lots, driveways, topography, easements, utilities and drainage structures;
- e. Existing and proposed contours based on a topographic survey and proposed new grading plan;
- f. A plant legend 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 designated common and open space areas on the plan. Describe function and treatment of these areas;
- m. Designate any design elements such as boulders, berms, signs, sculpture, etc.
- 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. Maintenance shall consist of regular watering, pruning, mowing, fertilizing, and the removal and replacement of any dead plants, the repair and replacement of irrigation systems as required, and maintenance of any architectural features. This shall include maintenance of any approved existing or new landscaping in the public rights-of-way. The responsible 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 or as soon as feasible if delayed by inclement weather.
3. Future building pads within a phased development shall be landscaped with a dust-free, erosion resistant material.

E. SCREENING AND BUFFERING

1. Screening and buffering shall be installed in accordance with the Screening and Buffering Chart.
2. All walls installed within a front yard setback shall not exceed three feet in height.
3. Vegetation selected for screening shall be:
 - a. a maximum of one foot less than the required screening height when planted; and
 - b. a specimen that will reach the minimum height of required screen at maturity.
4. Earth berms or a combination of berm, landscaping, retaining walls, 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 three to one (3:1) and shall be covered with plant material, boulders, ground cover or partially rip-rapped to prevent erosion. Berms with vegetation cover shall be designed to retain water rather than increase run-off.
5. On-site vegetation areas provided for screening may be used to satisfy, to the extent provided, the landscape coverage requirements.

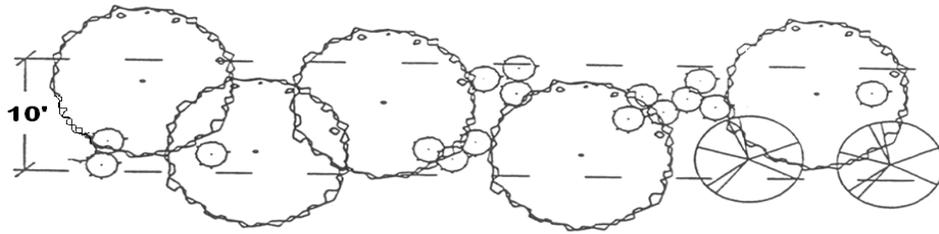
SCREENING AND BUFFERING CHART

Adjacent Use → Adjoining Zoning District ↓	Residential	Retail	Retail With Outdoor Activity	Office	Manufacturing and Industrial	All Others	Parking Areas
R1, R2, R3	C	B	A	C	A	TBD	C (Except R1)
C-1, C-2	A	C	B	C	A	TBD	C
C-3, M-1, M-2	A	A	B	A	C	TBD	B
Rights of Way	N/A	D	D	D	D	TBD	D
All Others	TBD	TBD	TBD	TBD	TBD	TBD	TBD

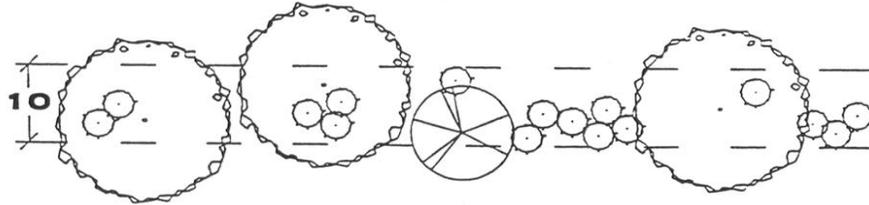
A	Screen -	Continuous planting of native coniferous trees and shrubs or a continuous masonry type wall that is architecturally compatible with the project aesthetic or an approved combination thereof for an opaque “screen” at a minimum initial height of 6’.
B	Buffer/Screen -	Intermittent planting of native coniferous trees and evergreen shrubs or an intermittent masonry type wall that is architecturally compatible with the project aesthetic for a 50% linear coverage at a minimum initial height of 6’ to mitigate differing occupancy adjacencies and uses.
C	Buffer -	Natural planting of native coniferous trees and evergreen shrubs to mitigate adjacency impacts and different uses.
D	Special Buffer-	Trees, 12’ minimum height at planting, no less than one every 30 lineal feet, evergreen shrubs not exceeding 36” at maturity, at least 24” in height at planting.
TBD	To be determined-	All other uses or zoning districts include separate levels of review (ie zoning permit application). When uses do not conform to the matrix, the type of screening or buffering required will be based upon the proposed layout and subject to review and approval by staff or other appointed body as applicable.

Note: All screening and buffering vegetation material shall be native coniferous/evergreen type. See following pages for acceptable examples of screening and buffering requirements “A” through “D”.

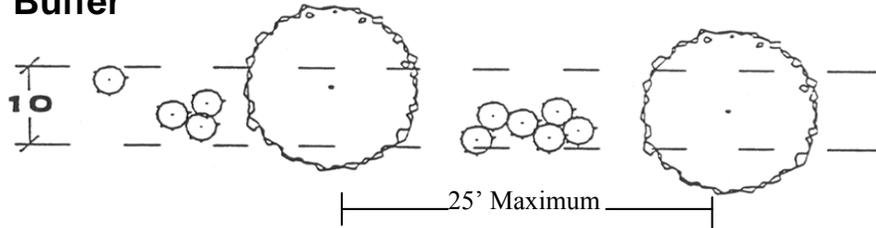
'A' Screen



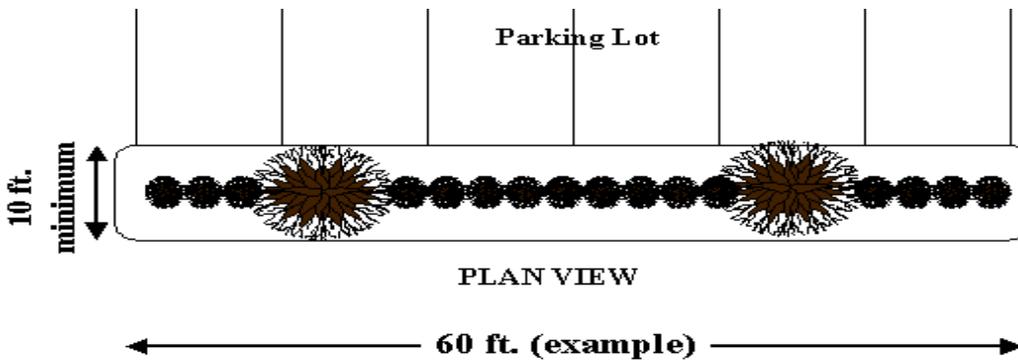
'B' Buffer/Screen



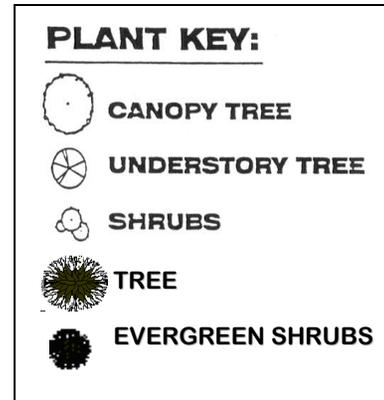
'C' Buffer



'D' Special Buffer



**SCREENING & BUFFERING
ILLUSTRATIVE EXAMPLES**

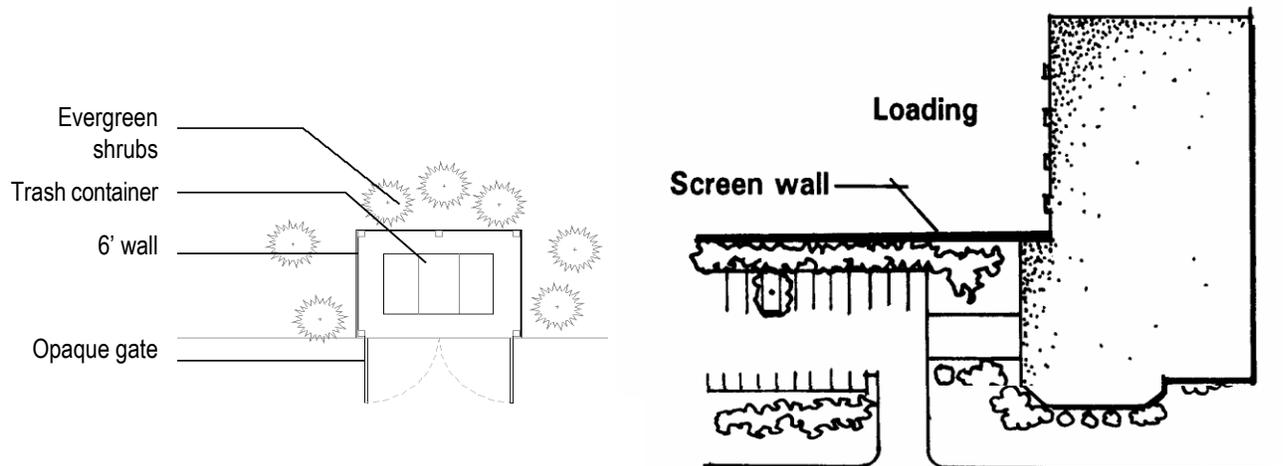


F. SITE CLEARANCE AND MAINTENANCE

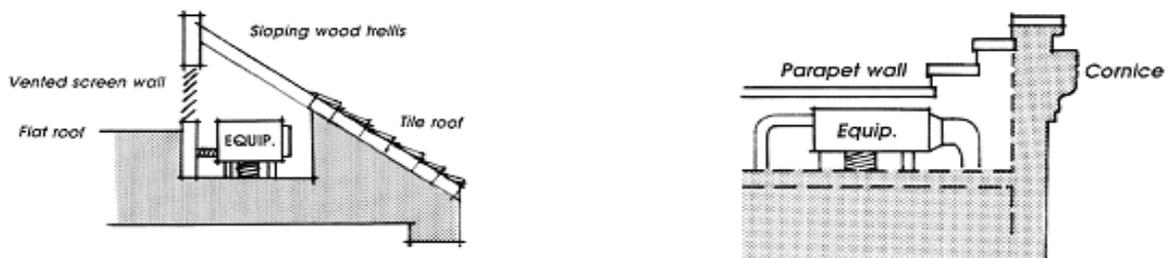
1. No walls in excess of three feet in height shall be placed on any corner lot or at any driveway intersecting a street, within a "sight clearance triangle" formed by two curb, roadway or driveway lines. Where uncertainty exists, final determination will be made by the Town Engineer.
2. Screening walls shall be maintained both structurally and aesthetically; damage shall be repaired in 30 days unless delayed by exigent circumstances approved by the Community Development Director or his/her designee.

G. SCREENING OF OUTDOOR AREAS, EQUIPMENT AND LIGHTING

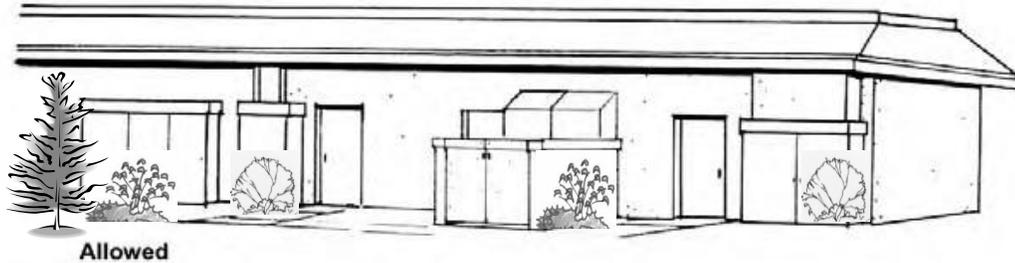
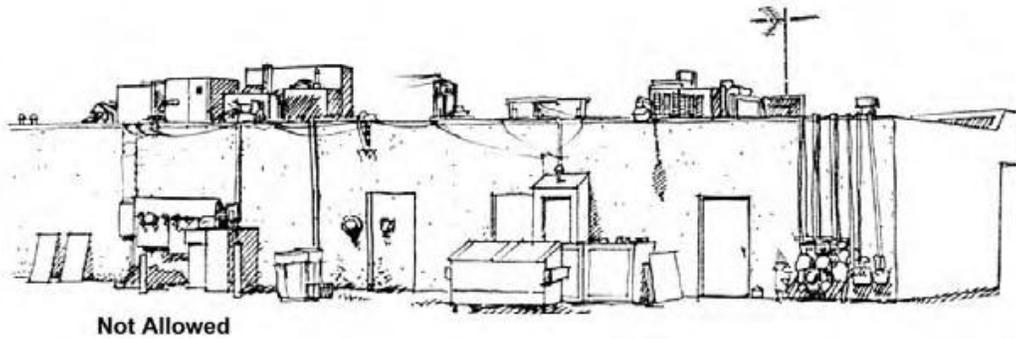
1. All outdoor storage, refuse, loading and unloading areas and service bays shall be screened by a wall at least 6 feet in height that is compatible with the architectural style and materials of the building, to adequately screen such areas and service bays from streets and adjoining property.



2. Outside mechanical equipment shall be completely screened by a wall, screen wall and/or roof that is compatible with the architectural aesthetic and materials of the building and is at a height even with the top of the equipment being screened.



Screening of Rooftop Mechanical Equipment



3. 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 mortar wash finish, stone or similar materials that match the building materials, as approved by the Planning Division.

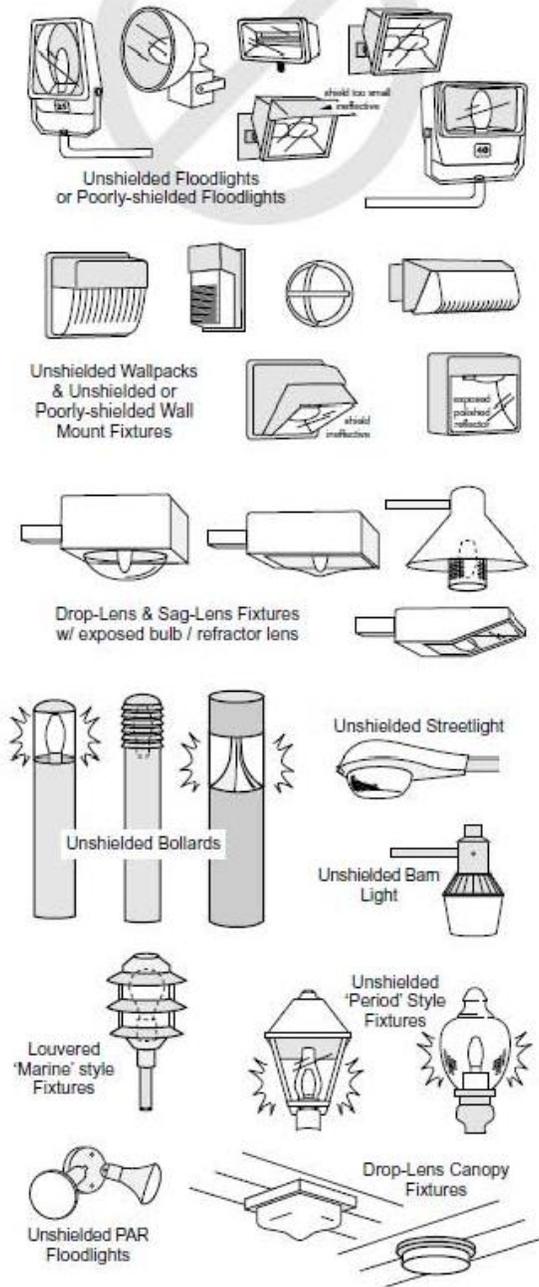


H. LIGHTING

	Zoning District	Lighting Criteria
1.	All Districts	Outdoor lighting shall be shielded and screened so as to reflect away from streets, adjoining properties and the sky.
2.	All Districts	Full cut-off fixtures are required, so that the source of the illumination is not visible. (see H.10i)
3.	All Districts	Fixtures shall be labeled “dark-sky” by manufacturer.
4.	All Districts	Maximum Pole Height shall not exceed 25’, no poles or exterior fixtures shall exceed 15’ in height within 30’ of a residential area.
5.	All Districts	Illumination shall have a hard cut off at the property line of the subject site.
6.	All Districts	Allowable lamp types include Metal Halide (preferred), High Pressure Sodium (Acceptable) and Low Pressure Sodium (Discouraged). Other types of illumination shall be subject to approval by the Zoning Administrator.
7.	Commercial & Industrial Districts	Exterior lighting for paved areas shall be designed for an average of 1 to 3 footcandles over the entire surface area, measured three feet above finished grade.
8.	Commercial & Industrial Districts	Photometric calculations are required and shall be submitted with building permit application.
9.	Commercial & Industrial Districts	National corporate designs that do not comply with the criteria above, <u>may</u> be reviewed on a case by case basis for consideration and acceptance.

Better Lights for Better Nights – Help eliminate light pollution. Select the best fixture for your application using this guide. Use the lowest wattage bulb appropriate for the task and turn off the light when it is not in use.

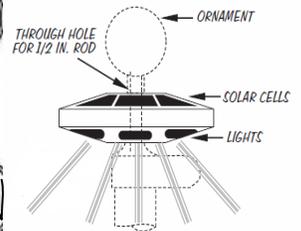
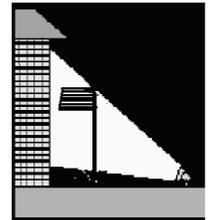
Unacceptable / Discouraged
 Fixtures that produce glare and light trespass



Acceptable
 Fixtures that shield the light source to minimize glare and light trespass and to facilitate better vision at night



Flag up-lighting directed away from adjoining properties or roadways and shielded by on-site structures



Post top mounted flag pole lighting



Rendered for the Town of East Hampton, NY by Bob Crelin ©2005

Presented by the Dark Sky Society www.darkskysociety.org Illustrations by Bob Crelin, used with permission.

A. Preservation of Native Trees, Water Conservation & Site Orientation Incentives

1. Where dense stands of mature trees, (all trees over 6 inches in diameter measured 4 ½ feet above the ground, and spaced no more than 20 feet apart) are preserved over 35% or more of the property proposed for development or expansion, no additional landscaping materials will be required, provided that a portion of the preserved mature trees are located in the front and street side yards in a manner as to present the image of natural open space expressed in 15-03-001 (A), the Purpose and Applicability section. Such determination shall be made by the Zoning Administrator and in no case shall there be less than ten feet in width of landscaped area along any street frontage.
2. Other incentives that may be used for the preservation of mature native trees, if appropriate for achieving the screening and landscaping of parking lots, and approved by the Zoning Administrator, are as follows:
 - a. Up to 10% of the required standard parking spaces may be reduced to 8' X 16' for compact cars and so labeled, for parking lots of 20 spaces or more; or
 - b. The number of required parking spaces may be reduced up to 10% for parking lots of 20 spaces or more; or
 - c. The developer may select option a. or b. as shown above with the approval of the Zoning Administrator, and shall comply with the requirements of the Americans with Disabilities Act and other parking lot regulations of this Code.
3. If existing trees, 6 inches or more in diameter measured at 4 ½ feet above the ground, are removed from the area outside of the building envelope, at least one tree of 15 gallon size shall be planted on-site or off-site in an approved public location.
4. Where necessary to preserve important existing natural features and prominent stands of mature native trees, the Zoning Administrator may approve minor modifications from the building setbacks required by the Code, but in no case shall there be less than 10 feet of landscaped setback along any street frontage.
5. For multi-family, manufactured home and recreational vehicle parks, or other grouped residential developments, densities may be traded from portions of the development site which contain dense, mature trees and native vegetation and which will be preserved, to portions of the development site which are void of these natural, prominent features.
6. Where buildings are sited at the front area of the lot with parking and driveways at the sides and rear of the lot to create easy access for emergency vehicles around the sides and rear of the building, the building front setback may be reduced by 50% as long as a minimum of 10 feet of landscaped area is installed or preserved between the building and its property line and landscaping is provided in the street right-of way areas.

B. Tree and Plant Conservation Plan

The purpose of this guideline is to provide a means for selecting trees and plants that may be protected in place, salvaged or mitigated in order to conserve this living resource. It is imperative that the native vegetation in the Town be preserved to the greatest extent practicable and in the case of tree removal, efforts should be made to mitigate unnecessary loss of native vegetation.

1. Applicability:

The provisions of this section shall apply to all new subdivisions, and lots designated for commercial or industrial use, except for building envelopes on residential lots that are identified on approved final plats.

2. Plant Selection Procedure

Conduct an inventory of estimated live native trees of greater than six inch diameter at the 4½ feet level to be removed from the site outside of building envelopes, and list these by species or common name, type, general location and count and include the following:

- a. Identify any species found that are protected pursuant to the Arizona Native Plant Law (A.R.S. 3-901, et seq.), and species protected by the Federal Endangered Species Act;
- b. Note species that provide significant aesthetic or historical qualities;
- c. Identify plants that constitute a hazard, such as brush fire potential or disease.
- d. Identify invasive species that may have a negative effect on the native plants.
- e. Identify plants that may provide a resource value, such as lumber.

3. Tree Conservation Plan

- a. Identify the amount and location of trees greater than 6 inches in diameter at 4½ foot height outside the building envelope that are scheduled to be protected in place, salvaged, or destroyed.
- b. Describe plans for disposition of trees and plants, with scheduling.
- c. Describe the sale or donation of plants to public or private agencies or individuals for salvage and landscaping.
- d. Prepare a mitigation plan for compensation of loss of significant vegetation, including erosion control, aesthetics and other considerations.
- e. Identify plants to be destroyed or removed to reduce a hazard or nuisance
- f. Identify use of plant materials for other resource uses, such as lumber or wood chips.
- g. Prepare a course of action to implement the plan.

15-03-004 Removal or Cutting of Native Trees

- A.** The provisions of this section shall apply to all land uses in all zoning districts, except for the building footprint and an area of five feet from this footprint. The trees within the building and the five foot area can be removed after an approved building permit has been issued. A separate tree permit for removal is not required.
- B.** No person, entity or corporation in any zoning district shall remove, cause to be removed, destroy or injure any native tree with a diameter of six inches or greater, measured 4½ feet above ground level, from an undeveloped or developed parcel of land without first obtaining a tree permit from the Building Department and approved by the Zoning Administrator, or designee, except where necessary for construction of streets, driveways, utility poles, and structures approved in a Town of Payson building permit, for the removal of trees, shall be issued.
1. Prior to any permit being issued for the removal of a native tree or trees, the applicant shall provide a detailed written explanation of why the tree or trees need to be cut or removed.
 2. The Zoning Administrator may also require submission of accurate photos and a diagram, plotting the tree or trees to be removed and those to remain, plus details of the proposed methods of controlling soil erosion, maintaining drainage, and abating dust problems.
 3. The applicant shall provide sufficient information and details to enable the Zoning Administrator to review the tree removal permit application.
 4. If the Zoning Administrator is satisfied that the applicant's proposal furthers the public welfare, or is not detrimental to the subject parcel or adjoining parcels, and is in accordance with the provisions of this Code, the permit shall be issued.
- C.** Any decision of the Zoning Administrator may be appealed to the Planning & Zoning Commission and to the Council for final review and action. On applications concerning commercial properties or multi-family, the Zoning Administrator may hold public hearings to provide public input prior to rendering his decision. In no event shall more than 45 days elapse between the date the completed application is submitted and the date the final decisions of the Zoning Administrator are rendered.

15-03-005 Removal of Dangerous, Diseased or Infested Trees

The provisions of this item shall apply to all private properties within the Town of Payson. The intent of this item is to provide for the removal, pruning or spraying of trees that present a danger to persons, property and other vegetation and to preserve healthy, native trees by the removal, pruning or spraying of trees with diseases and infestations of insects and parasites.

- A. Upon determining that any tree or part thereof constitutes a nuisance, and an immediate danger exists to persons, property or other vegetation, the Zoning Administrator or his/her designee shall after notifying the property owner in writing and describing the condition, direct the property owner to remove, spray or prune the tree.
- B. A tree shall be deemed a nuisance if it or any part of it:
 - 1. Appears dead, dangerous or likely to fall;
 - 2. Is not pruned to a height of fourteen (14) feet above the street to accommodate vehicles such as garbage trucks, buses and street maintenance trucks;
 - 3. Is not pruned to a height of ten (10) feet above the sidewalk;
 - 4. Obstructs a curb, gutter, street or sidewalk;
 - 5. Interferes with sewers;
 - 6. Is in dangerous proximity to interfere with public utilities; or
 - 7. Interferes with a planned public improvement.
 - 8. Trees infected with infectious parasites or insects
- C. Upon determining that any tree upon private property is diseased or infested with insects or parasites, the Zoning Administrator or his designee shall notify the property owner in writing, describing the condition, stating the actions necessary for correction and setting forth a reasonable time in which the action must be taken.

Actions necessary for correction may include but is not limited to the following:

 - 1. Spraying the diseased or infested (insect or parasite) tree.
 - 2. Removal and proper disposal of portions or the entire diseased or infested tree. 'Proper disposal' shall mean; relocation of all portions of the diseased tree, to the landfill site or to areas outside of Town generally unaffected by the disease or infestation with the approval of the Community Development Department.
 - 3. The 'reasonable time' for removal of insect infested trees, may be during the winter months, when the insects are dormant and much less likely to spread.
- D. In the event the property owner fails to remove the dangerous tree or take the required corrective action, the Zoning Administrator or his designee is authorized, in the public interest, to enter the property to spray, trim, prune, treat or remove any or all of the dangerous, diseased or infested tree. The cost of this service, including labor, equipment and materials, shall be assessed to the property owner.
- E. If the costs of remedying the condition are not paid within thirty (30) days after receipt of a statement from the Town Zoning Administrator or his designee the amount shall become a lien upon the property to be included in the tax bill rendered to the property owners, and shall be collected in the same manner as other taxes against such property.