

TOWN OF PINETOP-LAKESIDE

ORDINANCE 19-422

AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF PINETOP-LAKESIDE, ARIZONA, ADOPTING THE TOWN CODE AMENDMENTS TO TITLE 17, CHAPTER 17.92 – LANDSCAPING REGULATIONS.

WHEREAS, the Town Council of the Town of Pinetop-Lakeside believes that amending the Town Code Title 17, Chapter 17.92 – Landscaping Regulations is in the best interest of the citizens of the Town.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWN OF PINETOP-LAKESIDE, NAVAJO COUNTY, ARIZONA, as follows:

Section 1. **Adoption.** Chapter 17.92 – Landscaping Regulations is hereby adopted and made a part of that certain document known as the “Pinetop-Lakeside Town Code.” Three (3) copies of Chapter 17.92 – Landscaping Regulations are on file with the Town Clerk of the Town of Pinetop-Lakeside, Arizona, which document was made a Public Record by Resolution No. 19-1501 of the Town of Pinetop-Lakeside, Arizona; and hereby referred to, adopted and made a part hereof as if fully set forth in this Ordinance.

Section 2. **Effective Date.** This Ordinance is to be effective when publication and posting pursuant to A.R.S. § 9-812 is accomplished.

Section 3. **Repeal and Invalidity.** All ordinances, or parts of ordinances, adopted by the Town of Pinetop-Lakeside in conflict with the provisions of this ordinance or any part of the Town Code adopted herein by reference, are hereby repealed, effective as of the day this ordinance is effective. If any section, subsection, sentence, clause or portion of this Ordinance or any part of Title 17, Chapter 17.92, Landscaping Regulations adopted herein by reference is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof or the remaining Articles and Sections of the Pinetop-Lakeside Town Code.

PASSED AND ADOPTED by the Mayor and Town Council in an open meeting by the Town Council, Town of Pinetop-Lakeside, Arizona, this 4th day of April, 2019, to be effective upon the expiration of a thirty (30) day period following adoption and publication pursuant to A.R.S. § 9-812 is complete.

TOWN OF PINETOP-LAKESIDE

Stephanie Irwin
Stephanie Irwin
Mayor

APPROVED AS TO FORM:
William J. Sims
William J. Sims, III
Town Attorney

ATTEST:

Remilie S. Miller
Remilie S. Miller, MMC
Town Clerk



Chapter 17.92

LANDSCAPING REGULATIONS

Sections:

[17.92.010 Purpose.](#)

[17.92.020 Definitions.](#)

[17.92.030 General regulations.](#)

[17.92.040 Tree protection.](#)

[17.92.050 Landscaping.](#)

[17.92.060 Walls and screening devices.](#)

17.92.010 Purpose.

These landscaping regulations serve to help provide for the well-designed landscape treatment of all developments while preserving the existing flora within the Town. Landscaping shall provide for the treatment of spaces near lot boundaries, especially boundaries which border public streets and roads. This will improve the overall quality of the development, will strive to preserve mature, healthy trees and shrubs which are not in direct conflict with reasonable, logical building needs, and will provide for consistency in design standards for landscaping. (Ord. 15-393 § 1 (part); Ord. 10-337 § 2 (Exh. A)(part))

17.92.020 Definitions.

A. "Landscaping" The process of making a yard or other piece of land more attractive by altering the existing design, adding ornamental features, and planting trees and shrubs.

17.92.030 General regulations.

A. This section shall apply to all new buildings, to all significant new uses of land, and to addition of at least twenty-five (25%) percent to existing buildings and uses in all commercial districts.

B. Any proposed use or building shall be shown on a site plan indicating the location of existing and proposed buildings, parking areas, street improvements, and screening devices. Nine (9) copies of the site and landscaping plan (the landscaping plan may be presented on the site plan or on a separate copy) shall be submitted to the Community Development Department at the time of the application for site plan review.

C. Landscape, watering devices, walls and screening structures shall be installed in accordance with the approved final landscape and site plan prior to issuance of a certificate of occupancy for the building or use. (Ord. 15-393 § 1 (part); Ord. 10-337 § 2 (Exh. A)(part))

17.92.040 Tree protection.

- A. Healthy ~~existing~~ trees located outside building pads shall be preserved to the extent reasonably feasible. Buildings, lot configurations, and parking layouts shall be designed to minimize the disturbance to healthy ~~significant existing~~ trees.
- B. Before any lot clearing, grubbing, site preparation or any building construction commences, the Town Forester shall visit the site with the developer to determine which trees should remain undisturbed and which trees, due to poor health, crowding, or unavoidable development conflicts, should be removed ~~cut down~~.
- C. During the construction phase, caution shall be applied with all building activities near any trees or plants which the Town Forester and developer determined should be protected.
1. Prior to and during construction, barriers shall be erected around all at risk trees with orange fencing a minimum of four (4) feet in height, secured with metal T-posts, no closer than six (6) feet. There shall be no storage or movement of equipment, hazardous material, debris or fill within the fence.
 - a. Large property areas containing trees and separated from construction or land clearing areas, road rights-of-way and utility easements by a minimum of ten (10) feet may be ribboned off, rather than erecting protective fencing around each tree. This may be accomplished by placing metal T-post stakes a maximum of fifty (50) feet apart and tying ribbon or rope from stake to stake along the outside perimeters of such areas being cleared.
 2. No damaging attachment, wires, signs or permits may be fastened to any ~~protected~~ tree.
 3. During the installation of utilities, irrigation lines or any underground fixture requiring excavation, feasible efforts shall be used to protect the root systems of the trees.
- D. Failure to follow these tree protection guidelines will result in the property owner, developer, contractor or other violator being subject to civil violation as described in Section [17.92.050\(G\)](#). (Ord. 15-393 § 1 (part); Ord. 10-337 § 2 (Exh. A)(part))

17.92.050 Landscaping.

A. Standards of Design and Development.

1. Landscaping shall be established along the street frontages in the area between the public sidewalk, structures, parking areas, loading areas, or actual storage areas on the property except for necessary driveways.
 - a. A landscaped area of at least ten (10) feet in width shall be located between any street property line and any parking area.

- b. Where other buildings on nearby parcels are built to the street property line, the required landscaping along the frontage may be modified or located elsewhere with the approval of the Community Development Director.
- 2. Underground irrigation is required to all landscaped areas.
- 3. Street trees shall be required along all arterial streets as specified.
 - a. Street trees shall be a minimum two (2) inch diameter.
 - b. Street trees shall be planted so that on average there exists at least one (1) tree for every twenty (20) feet of lineal arterial street frontage unless the species calls for greater separation.
- 4. Common area landscaping and amenities shall include at least one (1), two (2) inch diameter trees for each dwelling unit, prior to issuance of any occupancy permits in a residentially zoned planned unit development.
- 5. In addition to street tree requirements, all new commercial uses shall provide the following landscaping:
 - a. One (1) tree for each eight hundred (800) square feet of hard surface paving or parking area; and
 - b. One (1) shrub for each two hundred (200) square feet of hard surface paving or parking area.
 - c. In addition to the above requirements, one (1) tree must be planted or one (1) existing tree must remain undisturbed for each parking space in excess of the minimum parking requirements as required in Section 17.104.090, Parking regulations.
 - d. The planting of grass shall allow for the following adjustments to the number of required trees and shrubs planted:

<u>Square feet of grass planted</u>	<u>Reduction in trees and shrubs required</u>
<u>500 to 1000</u>	<u>20%</u>
<u>1001 to 2000</u>	<u>40%</u>
<u>2001 or greater</u>	<u>50%</u>
 - e. Any additional adjustments to this section will require approval of the Planning and Zoning Commission.
- 6. No person, or entity shall strip, excavate or otherwise remove top soil except in connection with the construction of a building.

7. The landscaping plan must be completed and implemented within eight (8) months of the issuance of the certificate of occupancy. Failure to comply will result in the issuance of a civil violation.

B. Tree Placement, Tree Care and Public Safety.

1. No tree shall be planted within thirty-three (33) feet of any street corner, measured from the point of nearest intersecting curbs. Trees must be kept pruned so that no branches below eight (8) feet in height protrude within a ten (10) foot distance of any street corner. See Figure 4.

2. Owners of any tree overhanging any street or right-of-way within the Town shall properly prune the branches of such tree(s) so that the branches shall not obstruct the light from any street lamp or obstruct the view of any intersection.

a. Tree branches shall be a clearance space of fifteen (15) feet above any highway or street surface and eight (8) feet above any sidewalk surface. Owners of trees on private property shall remove all dead, diseased, or dangerous trees and branches which constitute a hazard.

3. No tree, shrub, or other plant shall be planted within five (5) feet of any fire hydrant.

4. No tree, shrub or other plant shall be planted within fifteen (15) feet of any traffic regulatory signal or sign.

5. No trees may be planted under or within five (5) lateral feet of any overhead utility wire or line, or within three (3) feet of any underground utility line.

C. Maintenance.

1. Landscaped areas shall be reasonably maintained to create an attractive appearance for the development.

2. Any plant materials dead, dying or hazardous shall be replaced within thirty (30) days.

3. Lack of maintenance shall constitute a violation of the zoning regulations, and property owners may be subject to a civil violation as described in subsection E of this section.

D. Abuse of Trees. No person shall post upon, cut, carve or otherwise damage any tree. Violators will be subject to civil violation as described in subsection G of this section.

E. Civil Violation and Penalty.

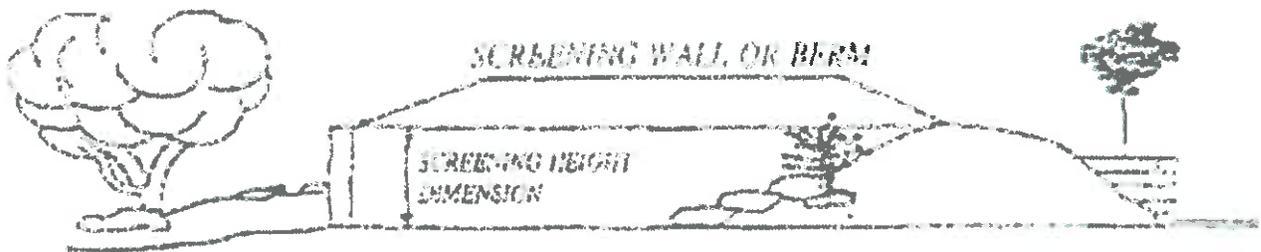
1. Any person or entity who violates any provision of this chapter **may be subject to a** civil violation.
2. The amount of the civil penalty is as follows:
 - a. First violation: a civil penalty not to exceed two thousand five hundred dollars (\$2,500);
 - b. Second or additional violations within twenty-four (24) months: a minimum civil penalty of five hundred dollars (\$500.00) up to a maximum of two thousand five hundred dollars (\$2,500);
3. The imposition of a civil penalty shall not exempt the offender from compliance with the requirements of these regulations.
4. The Community Development Director may request that the court issue an injunction against a violator. (Ord. 15-393 § 1 (part); Ord. 10-337 § 2 (Exh. A)(part))

17.92.060 Walls and screening devices.

A. Definitions.

- 1.** "Height of screening devices" shall be measured from the highest finished adjacent grade of the element to be screened.

Figure 1 – Screening Wall Heights



- 2.** "Screening devices" are any structures installed to conceal areas used for refuse, mechanical equipment, parking, service and loading bays or lanes, multi-family habitation and commercial or industrial activities, from adjacent residential districts and from street view.

- 3.** "Walls or fences" are any structures intended for the use of confinement, prevention of intrusion, boundary identification, or screening of an activity.

B. Standards of Design and Development.

1. All outdoor storage areas for materials, trash, mechanical equipment, vehicles, or other similar items shall be screened from view by a minimum six (6) foot high wall or fence constructed of or finished with materials to match the main building of the site.
2. Roof-mounted mechanical equipment shall be screened by parapet walls or other screening device.
3. All loading, delivery, and service bays shall be screened from street view and at least six (6) feet in height.
4. A screening wall approved by the Director, shall be constructed on a site used for multi-family, or commercial use along any lot lines in common with, or separated only by an alley from, a residential property. Such walls shall be a suitable height. Requirements of landscaping in Section 17.92.050(A)(5) shall also be complied with.
5. Commercial property that directly abuts residential property must properly shield the commercial lot from the residential lots. This shall be accomplished through the use of trees and/or screening walls. Trees may be spaced a maximum of fifteen (15) feet from one another. The trees must run the entire length of the border shared with residential property. The wall shall be a minimum six (6) foot height and must run the entire length of the border shared with residential property.
6. Exterior boundaries of manufactured home and travel trailer parks shall be provided with a screening wall having a minimum height of five (5) feet and a maximum height of six (6) feet.