

EXHIBIT B

LANDSCAPE REGULATIONS

June 22, 2017

Edits since Planning & Zoning Commission Meeting (5/22/2017)

Blue Text = Insertions

Red Text = Deletions

Landscape and irrigation plans shall be prepared by a qualified professional landscape architect, landscape designer or landscape contractor. Tree and shrub (vine) staking details shall be shown.

- f) **MAINTENANCE.** The ~~following~~ routine work to support viable, healthy and attractive landscaping, **including the following**, ~~shall be the responsibility of the property owner~~. Failure to perform the below noted work shall constitute a violation of the zoning code and will be subject to penalties as prescribed in this chapter.
1. Regular irrigation;
 2. Pruning;
 3. Fertilizing;
 4. Clearing of debris and weeds;
 5. Removal and replacement of dead plants; and
 6. The repair and replacement of irrigation systems and architectural features within landscaped areas.
- g) **MAINTENANCE SCHEDULE.** A written statement identifying the frequency of irrigation, fertilization, trimming or pruning if appropriate, and replacement program for annuals or other short-lived plants.
- h) **PARKWAY.** The area located between the edge of pavement or back of curb and the property line within the public street right-of-way. **The adjacent property owner is responsible for maintenance of the parkway for the full width of the property, except any portion(s) of the parkway maintained by another entity.**
- i) **PUBLIC UTILITY.** Shall include City water, sewer, **and traffic** facilities; Arizona Public Service (APS); cablevision companies; telecommunication companies; Southwest Gas; the Arizona Department of Transportation (ADOT); other publicly regulated utilities; railroads; and irrigation districts.
- j) **RETENTION BASIN.** ~~An basin area designed for the retention and/or detention~~ **collection and storage** of stormwater, ~~having a depth in excess of 18 inches and permeable surface.~~ This definition shall be used in conjunction with Article 20 only.
- k) **SHRUB.** A ~~woody~~ plant, **including deciduous, succulent, and cacti varieties**, which has several stems that rise from the ground level reaching a minimum mature growth height of eighteen (18) inches.
- l) **TREE.** A woody plant which has a single or multiple trunk(s) at ground level but generally produces branches at some height above the ground.
1. **ACCENT TREE.** Small, ornamental trees that typically grow to a mature height of fifteen (15) to twenty (20) feet, including some palm trees and saguarocacti.
 2. **SHADE TREE.** Trees that grow to an average mature height of thirty (30) feet or more, an average spread of thirty (30) feet or more, and typically have a dense canopy that provides shade. The branching structure can be more spreading, vase-shaped, or layered than street trees.
 3. **STREET TREE.** Trees that grow to an average mature height of thirty (30) feet or more, generally have a high branching pattern, and upright or rounded crown form. Street trees are planted near the sidewalk or street to provide shade to pedestrians and visual enclosure to the street.
- m) **TREE BELT.** The area between the curb and the sidewalk or trail, typically within the public street right-of way. Where there is no curb, the edge of pavement shall delineate the tree belt.

- (B) When provided in accordance with these regulations, landscaping materials are intended to contribute to the community-wide goals of beautification, energy conservation, and the conservation of the community's water resources through the use of drought tolerant plants, efficient irrigation, reduced turf areas, and the fundamentals of xeriscape landscaping.
- (C) The regulations as set forth within this article shall be in accordance with Chapter 192 of this code and are intended to be integrated with that chapter so as to provide adequate on-site stormwater detention/retention areas which are visually attractive and which provide for the multiple use of stormwater detention/retention areas wherever possible.

§ 154-20.02 Applicability.

Required landscaping shall apply as follows.

- (A) *Applicability in zoning districts.* The regulations as set forth in this article shall apply to all lots in all zoning districts. ~~Lots used exclusively for one-family dwelling units, when not otherwise required as a part of an approval process to provide landscaping, shall be exempt from the requirements of this article.~~
- (B) *Change of use.*
 - (1) When the use of a lot, parcel, land, building, or structure changes, or after ~~two~~ **five** years of vacancy, or upon expansion of any building, parcel, structure, or use by an area or value of 50% or more, the development standards as set forth in this article shall apply.
 - (2) If the gross floor area of an existing building is increased by 50% or more cumulative after the effective date of this amendment, the requirements of this article shall apply to the entire lot upon which the building is located.
 - (3) If the land use of 50% or more of the gross floor area on a lot is changed cumulative after the effective date of this amendment, the requirements of this article shall apply to the entire lot upon which the building is located.
 - (4) The requirements for landscaping and irrigation within a parking lot (~~four~~ **five** or more spaces) as found in Article 16 of this chapter shall be provided in the manner set forth in this article except that when required to comply with development standards following the loss of a nonconforming status or change of use a landowner or tenant shall not be required to reduce the parking area by more than 10% or reduce the parking area to a size which would not satisfy the minimum parking requirements for any lawful use of such lot, parcel, or land.
- (C) *City landscaping guidelines.* The city landscaping guidelines shall be used in conjunction with this article to provide guidance for both the commercial landscaping firm and the private property owner.
- (D) *Conflicts with other regulations.*
 - (1) Where portions of this article are in conflict with other portions of the zoning code, the more restrictive regulation shall apply.
 - (2) Where portions of this article are in conflict with federal or state-mandated requirements for airports (FAA and/or military requirements for planting height limits and plant debris), or for the public utility companies as defined in 154-01.07, the Planning Director may waive portions of the landscaping regulations to the extent of the conflict.

2. Ficus;
3. Elm; and
4. Eucalyptus.

~~(B) Calculation of areas and distribution of plant materials. The calculation and distribution of landscaping shall be done in the following manner:~~

~~(1) The combined area of the parkways and setbacks on each street frontage shall be calculated as one unit. The area to be landscaped shall be calculated as follows:~~

$$\text{Parkway} + \text{Setback} - (\text{Driveways} + \text{Sidewalks}) = \text{Landscaped Area Per Frontage}$$

~~(2) The plant materials may be distributed anywhere within the landscaped area for each street setback frontage but each parkway shall contain no less than 10% of the landscape material which would have been normally required in the parkway. The calculation of setback areas for corner lots may separate adjoining setbacks on adjacent streets on an equal basis.~~

~~(3) The calculation of plant material for retention basins shall be made separately unless the retention basin is within the setback.~~

§ 154-20.04 Required Landscape Areas.

(A) Single-family Residential Requirements

(1) Single-family residential landscape installations on lots equal to or greater than 5,000 square feet in size installed as part of new construction or remodel are subject to the standards set forth herein.

~~(2) No more than forty percent (40%) of the front yard setback shall be impervious. Deviations from these standards may be allowed through site plan and architectural review for small lot single-family developments.~~

(2) A minimum of one (1) 15-gallon Shade or Street Tree is required within the front yard setback of all single-family residences and provided with a permanent irrigation system. Tree requirement must be fulfilled before the Certificate of Occupancy for the residence is issued.

a) One (1) saguaro cactus a minimum of eight (8) feet in height or three 5-gallon ocotillo plants may be used as a substitute for the tree requirement.

b) The developer and/or homeowner may submit a signed and dated Agreement for Installation of Landscape prior to the issuance of the Certificate of Occupancy stating the tree will be installed within three (3) months following the issuance of the Certificate of Occupancy.

(3) When the single-family residence is adjacent to a tree belt with a width of at least eight (8) feet, a minimum of one street tree is required to be planted in the tree belt, and provided with a permanent irrigation system.

(B) Requirements for All Other Zoning Districts. Required landscape is classified into four categories: perimeter, off-street parking, other areas, and retention basins, as outlined herein. Multiple categories can apply to one property or parcel. The total amount (minimum number, size, area) of required landscaping shall be computed for each

back of curb, no trees are required and all areas located between the buildings and the back of curb must be either landscape or hardscape.

- ii. If a building or structure is located at least ten (10) feet from the back of curb, trees are required along that street right-of-way.

5. **Special landscape treatment**, may be required for Gateway and Historic/Scenic Routes as recommended in plans referenced in the General Plan.

- b) **Medians.** Median width is measured from the back of median curb to back of median curb. The minimum width for a landscaped median is eight (8) feet.

1. **Trees.** Trees are allowed only in medians with a width of fifteen (15) feet or greater, shall be planted at a rate of 1 tree per thirty-five (35) linear feet, and shall be located a minimum of five (5) feet from the back of median curb. Species shall be selected from the Recommended Plants List as approved for Medians. Trees shall be located so that the expected mature tree canopy does not ultimately extend into the street right-of-way. Maintenance access shall also be considered in relation to traffic movement.
2. **Shrubs.** Shrubs shall not be required for medians, but may be planted, with the approval from the City, within medians with a width of eight (8) feet or greater. Mature size of the shrub shall be carefully considered to avoid eventual encroachment into the street.
3. **Groundcover.** Colored landscape rock shall be used as top dressing **in all medians eight (8) feet or wider**. No vegetative groundcover or living grass is permitted, but artificial turf is allowed. **Any portion of any median fewer than eight (8) feet in width may be treated with stamped concrete or other approved inert material.**

- c) **Screening between Zoning Districts** ~~Required screening setbacks between districts. Required screening setbacks between residential districts and adjacent uses shall provide sufficient screening so that the residential uses are effectively shielded from any adverse effects of the adjacent uses in order to mitigate the effects of potential nuisances such as dirt, litter, noise, heat, and glare of lights.~~ The screening shall be composed of plant material as ~~noted above and, depending on the zoning district, a six-seven-foot high solid masonry wall.~~

1. **Trees.** One per ~~25~~ **35** feet (on center) of solid perimeter screening or subdivision wall; ~~24-inch box~~ **15-gallon container** (non-deciduous);
2. **Shrubs.** **One (1) shrub per eight (8) linear feet on center.** ~~One per eight feet (on center) of solid perimeter screening or subdivision wall; five-gallon;~~
~~Groundcover. Minimum area 100% non-vegetative;~~

3. **Rear, service side, and/or loading docks.** Shall be screened from view by a masonry screening wall seven (7) feet in height.
 4. **Screen row.** A screen row of 15-gallon trees (non-deciduous) planted 25 feet on center (or major fraction thereof), shall be provided along any rear lot line for a lot on which a residential structure greater than one-story in height is located with a rear lot line adjacent to any other residential structure.
- (2) **Off-Street Parking.** Incorporating trees and shrubs in parking lots provides shade for people and cars, reduces the urban heat island effect, intercepts stormwater, improves aesthetics, improves air quality, provides visual screening, and creates a habitat for wildlife.
- a) *Landscape within Parking Lots (interior and peripheral).*
1. **Trees.** For parking lots with eight (8) or more spaces, one (1) Shade tree is required for every eight (8) spaces or major fraction thereof. Trees shall be evenly distributed within the parking lot in tree wells with a minimum of 50 square feet of pervious area, or, when tree wells are not possible, located within four (4) feet of the perimeter of the parking lot. At a rate of one and a half (1 ½) per required tree, trees may be planted within five (5) feet of the outer perimeter of the parking lot to meet this requirement. Trees required for other landscape areas cannot be double-counted to fulfill this requirement. Trees planted outside the perimeter of the off-street parking lot but intended to count towards the requirements for off-street parking areas shall be clearly identified as such on the plan. **Required trees may be eliminated for spaces located directly under a covered parking canopy. One per 15 parking spaces (or major fraction thereof), evenly distributed in tree well planters of a minimum 25 square foot area; 24-inch box canopy tree;**

Shrubs. One per eight feet (on center) of solid perimeter screening or subdivision wall; five-gallon.

Groundcover. Twenty percent vegetative; 80% non-vegetative; one-gallon (36-inches on center) or flats (12 inches on center); and

Groundcover. Two five-gallon shrubs per 15 parking spaces (or major fraction thereof) may be substituted in lieu of vegetative groundcover requirements.

FIGURE 5: Parking Lot Design Options

- b) **Requirements for Retention Basins by Zoning District.** Using Figure 6: Flexible Point System for Retention Basin Design, a project shall achieve a minimum number of points for each zoning district as indicated below. Choose at least one option from each category shown in Figure 6. These requirements apply only to basins not landscaped under another requirement set forth in this code. For any portion of the retention basin that is adjacent to a street, the landscape requirements for the streetscape zone shall be applicable in addition to the requirements of this section.
1. **Residential zones.**
 - i. **Joint Use Retention Basin/Neighborhood Park.** Must earn a minimum of 50 points, be a minimum of five (5) acres, with three (3) acres of flat grass, and provide amenities. Must have approval from the Parks & Recreation Director to provide long-term maintenance or another funding mechanism for maintenance.
 - ii. **Accessible Basin.** Must earn a minimum of 25 points. For residential subdivisions developed in multiple phases and as site planning constraints allow, the retention areas shall be co-located.
 2. **Commercial zones.** Must earn a minimum of 10 points. If a basin is adjacent to a collector or arterial roadway, it must earn an additional 5 points.
 3. **Industrial zones.** Must earn a minimum of 5 points. If a basin is adjacent to a collector or arterial roadway, it must earn an additional 5 points.
 4. **Inaccessible Basins.** In certain limited instances as determined by the Zoning Administrator, basins completely surrounded by a six (6) foot or higher solid masonry wall shall be exempt from providing vegetation. Inert groundcover is required.

(c) ~~Groundcover. One hundred percent non-vegetative.~~

(5) **Exceptions.**

- a) ~~Lots which have an area greater than two acres~~ **Industrial lots larger than two acres.** Industrial lots which have an area greater than two acres shall provide a total landscaped area of 15% of the lot size ~~If the area of the required landscaping (including setbacks, parkways and retention basins) does not exceed 15% of the gross lot area, additional landscaping shall be placed on the lot to meet the minimum landscaped area of 15%. The total amount of trees, shrubs and ground cover for these landscaped areas shall be computed at the ratio noted above and shall be maintained in accordance with this article. All other standards contained in this article shall be maintained~~ **or submit landscaping plans to the Zoning Administrator or designee (per § 154-20.06) in lieu of meeting the requirement to provide a total landscape area of 15% of the lot size. The Zoning Administrator or designee is authorized to approve landscaping plans that provide less than 15% of the lot size for industrial zoned property provided such plans meet the spirit and intent of the landscape code.**
- ~~1. Industrial zoned properties (L-I and H-I) over two acres in size may elect to submit landscaping plans to the Zoning Administrator or designee (per § 154-20.06) in lieu of meeting the requirement to provide a total landscaped area of 15% of the lot size.~~
 - ~~2. The Zoning Administrator or designee is authorized to approve landscaping plans that provide less than 15% of the lot size for industrial zoned property provided such plans meet the spirit and intent of the landscaping code.~~
 - ~~3. Such landscaping proposals submitted to the Zoning Administrator or designee for this purpose shall focus landscaping requirements on the property's street frontages, parkways, setback areas and retention basins within those setback areas, parking areas and the principal structure.~~

§ 154-20.05 Maintenance.

- (A) **Maintenance required.** Property owners are responsible for the perpetual maintenance of all landscaped areas on their lot and adjoining public right-of-way, **except any portion(s) of the parkway maintained by another entity.** The owners of lots which do not have properly maintained landscaped areas will be subject to penalties as set forth in this chapter.
- (1) **Lack of maintenance shall constitute a violation of this Ordinance. The property owner and/or occupant or lessee shall be held jointly and severally liable for any infraction of the requirements set forth in this chapter.**
 - (2) **In the event a plant specified as required on an approved landscape plan dies or is removed, the property owner, occupant or lessee, and/or City are jointly responsible and shall replace the plant in the next planting season with one of a similar species with a similar size as specified in the approved landscape plan.**
 - (3) **Landscape Plans shall designate whether plant material is to be kept in either a natural state (minimal pruning) or a formal state (regularly trimmed and pruned to a sculpted appearance). Plant materials shall be maintained as designated.**
- (B) **Irrigation system maintenance required.** Irrigation systems must be maintained and replaced as necessary to continue to conserve water. Detection and repair of leaky or broken pipes, valves, and fittings and malfunctioning and/or misaligned heads, emitters, and bubblers must be part of a regular maintenance program for the site. Automatic

Irrigation Controllers are recommended to be reset a minimum of four times a year (spring, summer, fall, and winter) to adjust for plant water requirements that vary according to season. All irrigation systems shall be subject to the Uniform Building Code requirements of the City and shall be installed only as approved by permits issued by the Department of Community Development.

- (C) *Maintenance ~~required~~ responsibility.* All landscaped areas must meet minimum landscape standards as set forth herein, and shall be maintained by home owners associations, maintenance districts, improvements districts, private individuals or companies, and/or the City Parks and Recreation Department and Public Works Department. **For any streetscape or basin landscaped in excess of the minimum standards, the City will not be responsible for maintenance.**
- (D) *City maintenance ~~required~~ responsibility.* The City of Yuma is responsible to ensure that maintenance is performed on all landscaped areas located within **dedicated parkways**, medians, and retention basins ~~and exterior landscaping located within the rights-of-way on collector and arterial roadways that are adjacent to residential developments.~~ **For any areas the City of Yuma agrees to maintain, a plant palette and design intent document shall be provided to the department in charge of maintenance.**

§ 154-20.06 Administration.

A. Landscape Plan Submittal Requirements

(1) Preliminary Landscape Plan.

- a) *Applicability.* If your project requires discretionary review (preliminary submittal requirements), a preliminary landscape plan is required with your site plan or use review application.
- b) *Contents.* A preliminary landscape plan shall contain the location, description, number of proposed materials (including new and existing trees, shrubs, and groundcovers), and the proposed group responsible for maintenance.

(2) Final Landscape Plan.

- a) *Applicability.* A final landscape plan shall be submitted as part of the application for Site Plan Review and Approval. A final landscape plan shall be approved by the Director before the issuance of a Building Permit, ~~grading, or other construction~~ **recording of the final plat.**
- b) *Building permit application.* One copy of the landscaping plan shall be submitted to the Department of Community Development at the time of building permit application or zoning clearance (if applicable pursuant to this article). This plan shall be on file in the ~~Development Services~~ **Building Safety** Division for 90 days after the certificate of occupancy is issued and with the ~~Planning and Neighborhood Services~~ **Community Planning** Division thereafter.
- c) *Contents.* Final landscape plans shall contain the following information:
1. Development name, site address, and Assessor's Parcel Number (APN);
 2. Designer name, address, and phone number;

3. A minimum scale of not less than one-inch equals twenty (20) feet, represented numerically and graphically;
4. A north arrow;
5. Property lines, adjacent rights-of-way and streets including names, zoning and use of adjacent properties, building footprints, the edge of all eaves, roof overhangs and cantilevered structures, parking lots, fences, driveways, intersection sight triangles, **signage and associated sight triangles**, walkways, easements, utility lines, poles and boxes, drainage structures, and other site improvements. All shall be drawn to scale with appropriate dimensions and labeled as existing or proposed;
6. Significant topographical features and the existing and proposed contours based on the proposed grading plan. Contour intervals of one-foot are preferred, but a maximum of two-foot contour intervals will be accepted. Exceptions to contours may be made, as approved by the Director;
7. Plant locations and spacing (including staking and soil mix), represented at approximate size at maturity and indicating proposed and existing, corresponding to the plant legend;
8. A plant legend that includes both common and botanical plant names, sizes (size of plant at installation and size at maturity), and the number of required and proposed trees, shrubs, and groundcover quantities;
9. An irrigation design plan identifying system layout and descriptions (e.g., automatic timing devices, backflow protection, moisture sensors, hydrants, sprinkler and bubbler details, drip system layout and specifications, and seasonal irrigation schedule);
10. A maintenance schedule, as defined in § 154-01.
11. If applicable, indications of proposed common and open space areas on the plan; and
12. If a development is planned in phases, required landscaping must be completed in sequence with development phases. These phases must be shown on the landscape plan.

- B.** *Encroachment permits required.* Those projects which include use of the public right-of-way for landscaping shall include a request for an encroachment permit with **a copy** ~~an additional three-copies~~ of the landscaping plan following building permit approval. If approved, the encroachment permit shall be issued by the City Engineer concurrently with building permit issuance by the ~~Development Services~~ **Building Safety** Division.
- C.** *Assurance of installation.* Landscaping and irrigation systems shall be installed as approved on the submitted plans prior to issuance of a certificate of occupancy. An assurance of installation in a form approved by the city and executed by the lot owner and the financial institution for an amount sufficient to guarantee the installation of the approved landscaping plans within six months of occupancy shall be accepted by the Planning Director in lieu of immediate installation of the landscaping.
- D.** *Variances.* ~~The Zoning Board of Adjustment~~ **Hearing Officer** shall have the power to grant variances from the specific requirements of this article, provided that it finds such a variance request to be in substantial compliance with the spirit and intent of these regulations. Should the