# **Article 4.3:** Landscape Regulations

#### **Sections:**

4.301	Purposes
4.302	Applicability
4.303	General Provisions
4.304	Gateway Entries
4.305	Streetscape Theme Trees
4.306	Landscape Maintenance and Enforcement

# 4.301 Purposes

The purposes of these regulations are to:

- A. Promote attractive development;
- B. Improve the appearance and character of areas surrounding new development;
- C. Minimize heat gain created by unshaded areas;
- D. Conserve energy by shading buildings from exposure to the sun;
- E. Minimize conflicts between potentially incompatible permitted land uses on adjoining lots or parcels;
- F. Provide consistent landscape requirements for similarly situated properties; and
- G. Promote the conservation of water through the design of landscape areas and the selection of plant materials.

# 4.302 Applicability

These regulations apply to:

- A. All new residential and nonresidential subdivisions;
- B. All new construction other than individual single family residences;
- C. Additions of 25 percent or more to existing buildings and uses in all nonresidential and multi-family residential districts; and
- D. New construction and expansion by 25 percent or more of all existing permanent nonresidential uses in residential districts.

#### 4.303 General Provisions

- A. **Landscaping Components**. Landscaping may include trees, shrubs, ground cover, vines, walkways, ponds, fountains, benches, sculpture, shade structures, and other materials used for enhancing the exterior appearance of a development or parking area.
- B. *Installation per Approved Plans*. All required landscaping shall be installed in accordance with the approved final landscape plan prior to issuance of a final Certificate of Occupancy. Plant materials shall be of the type and size specified on the approved final landscape plan.
- C. *Minimum Area Requirements*. The minimum landscaping area requirements for any nonresidential or multi-family lot or parcel, nonresidential subdivision, or nonresidential use in a residential district, exclusive of streets, are set forth in the development regulations for each base zoning district. Minimum landscaping area requirements for single family residential subdivisions are set forth in Chapter III: Subdivision Regulations.
- D. Street Frontage and Perimeter Landscape Requirements. The minimum street frontage and perimeter landscaping area requirements for any nonresidential or multi-family lot or parcel, residential or nonresidential subdivision, or nonresidential use in a residential district, exclusive of streets, are set forth in the development regulations for each base zoning district.
- E. *Parking Overhang.* Any landscaped area used for parking overhang as set forth in Section 4.203: General Provisions shall not be calculated towards the required landscaping area.
- F. Undeveloped Areas in Approved Design Review Plans. Any portion of a lot or parcel not shown on an approved Final Design Review site plan for buildings, parking, driveways or sidewalks shall be landscaped. Areas shown on an approved preliminary Design Review Plan for future development shall be protected from unauthorized vehicular access.
- G. *Irrigation*. A programmable automatic irrigation system shall be provided to all landscaped areas requiring water. Water conservation fixtures shall be used in accordance with applicable Town requirements.
- H. **Pavement Edge and Planter Protection.** All permanent uses other than individual single family residential lots shall provide a 6-inch, poured-in-place concrete curb or other approved material for all parking areas and drive aisles adjacent to landscaped areas. The curbing design shall meet the minimum requirements set forth in Maricopa Association of Governments Standard Detail No. 222 for single curbs.

- I. *Turf Area Border*. Turf areas shall be separated from other landscape areas by a 6-inch wide concrete curb or other approved material. Curbing manufactured from metal or similar materials are prohibited.
- J. *Minimum Tree Size*. All trees planted pursuant to these regulations shall have a minimum size as follows:
  - 1. Tree height: 6 feet.
  - 2. Trunk height, palm tree species: 5 feet.
  - 3. Trunk caliper, single trunk: .75 inches, measured 4 inches above the soil line.
  - 4. Trunk caliper, multiple trunks: .75 inches (average of the 2 largest trunks), measured 4 inches above the soil line.
  - 5. All trees planted within the sight distances for controlled and uncontrolled intersections shall adhere to the trunk height requirements set forth in the Town of Gilbert Standard Details.
- K. *Tree Planting.* All trees shall be planted and staked in accordance with the Arizona Nursery Association standards.
- L. *Inorganic Ground Cover*. All landscape areas not covered by turf, sidewalks, play equipment, lakes, or ponds, or hardscape features shall be covered by an approved inorganic ground cover such as decomposed granite, crushed rock, gravel, river rock, and/or boulders. The depth of coverage shall be specified on the approved final landscape plan.
- M. Arterial and Collector Street Right-of-Way and Landscape Area Planting Standards. The following landscaping is required between the curb and the property line and behind the right-of-way along all arterial and collector streets, other than those within the Heritage District Redevelopment Area and the General Plan Gateway Character Area:
  - 1. Trees with a minimum size specified in Section 4.303J: Minimum Tree Size shall be planted in the quantity of 1 tree per 25 feet of lineal street frontage, exclusive of driveways. Trees shall be located as shown on an approved final landscape plan. At least 50 percent of the required trees shall be 24 inch box size or larger.
  - 2. A minimum of 50 percent of the arterial street trees in the landscape area shall be the designated theme tree as set forth in Section 4.305: Streetscape Theme Trees. Where 2 different tree species are designated as

- the theme tree, a minimum of 25 percent of each designated theme tree shall be used.
- 3. Shrubs with a minimum size of 5 gallons shall be planted to complement the placement of trees. Shrubs shall be planted at a minimum rate of 3 shrubs per tree.
- 4. Shrubs and vegetative groundcovers shall be planted to cover a minimum of 25 percent of the landscape area.
- 5. All shrubs and ground covers planted within the sight distances for controlled and uncontrolled intersections shall adhere to the height requirements set forth in the Town of Gilbert Standard Details.
- 6. Street trees, shrubs, accent plants, and ground covers planted in the right-of-way shall be selected from the Arizona Department of Water Resources Low Water Use / Drought Tolerant Plant List for the Phoenix Active Management Area.
- 7. Streetscape areas shall be naturally contoured.
- 8. Stormwater retention areas shall not exceed 50 percent of the right-of-way landscape area behind the curb line and street side landscape area, exclusive of driveways.
- 9. Trees planted within utility easements shall comply with requirements established by that utility company. Where utility easements prevent the planting of trees required by this section, the landscape area shall be increased in width by the amount affected by the easement.
- N. *Raised Median Planting Standards*. The following landscaping is required in raised street medians, other than those within the Heritage District Redevelopment Area and the General Plan Gateway Character Area:
  - 1. Landscaping shall be installed at the time of raised median construction. Landscaping installation shall be the responsibility of the entity constructing the raised median.
  - 2. All trees shall be 24 inch box size or larger.
  - 3. All trees planted within the raised median shall be the designated theme tree as set forth in Section 4.305: Streetscape Theme Trees. Where 2 different tree species are designated as the theme tree, a minimum of 25 percent of each designated theme tree shall be used.

- 4. Accent plants a minimum size of 5 gallons shall be planted to complement the placement of trees at a minimum rate of 3 per tree. Shrubs are not permitted in street medians.
- 5. Vegetative groundcovers shall be planted to cover a minimum of 25 percent of the median landscape area.
- 6. All landscaping within the sight distances established for raised medians shall adhere to the height requirements set forth in the Town of Gilbert Standard Details.
- 7. Street trees, shrubs, accent plants, and ground covers planted in the right-of-way shall be selected from the Arizona Department of Water Resources Low Water Use / Drought Tolerant Plant List for the Phoenix Active Management Area.
- O. *Traffic Circles, Roundabouts, and Cul-de-Sac Islands*. Landscaping shall be installed at the time of street construction in accordance with an approved landscape plan.
- P. Side and Rear Perimeter Landscape Areas.
  - 1. Required side and rear perimeter landscape areas extend inward from the property line of the development site by a distance specified in the development regulations of each base zoning district.
  - 2. Table 4.303: Side and Rear Perimeter Area Landscaping Requirements sets forth the standards for planting in side and rear perimeter landscape areas. These standards are illustrated in APPENDIX 1, Figure 13.

Table 4.303: Side and Rear Perimeter Landscape Area Requirements

Landscape Material	Density	Minimum Size at Planting
Evergreen Trees	3 per 1000 sq. ft.	24 inch box
Shrubs	5 per 1000 sq. ft.	5 gallon
Vegetative Groundcover	20% of area	1 gallon
Inorganic Groundcover	100% of area	N/A

- 3. All trees planted in a required side and rear perimeter landscape area shall be evergreen or semi-evergreen, located and maintained to provide an effective visual screen from adjacent uses.
- 4. Required perimeter landscape areas separating nonresidential uses from residential uses and multi-family residential uses from single family residential uses shall only be used as open space or for the following

passive uses that do not interfere with their effectiveness as a visual screen and separation between uses:

- a. Electrical equipment, including transformers, cable television and telephone equipment, but excluding generators.
- b. Trails.
- c. Bollard lighting.
- d. Stormwater retention.
- Q. *Parking Area Landscaping*. Landscaping requirements for parking areas are set forth in Section 4.2012B: Parking Lot Landscaping and Lighting.
- R. *Retention Basins*. Retention basins shall be completely landscaped.
  - 1. Retention basins located along street frontages shall be designed as an integral part of any frontage landscape area.
  - 2. Retention basins shall be contoured to create a natural appearance. Slopes shall not exceed a 4:1 ratio.
  - 3. Retaining walls shall not be located within right-of-way or required street landscape areas.
  - 4. Retention basins shall not exceed a maximum depth of  $2\frac{1}{2}$  feet, measured from the adjacent street grade. If there is no street in proximity to the basin, the depth shall not exceed  $2\frac{1}{2}$  feet below the finished grade of any adjacent sidewalk, drive aisle, parking area, landscape area, or structure.
  - 5. Retention basins shall be constructed in accordance with plans approved by the Town Engineer and shall conform to final grading and landscape plans approved by the Design Review Board.
- S. Heritage District Redevelopment Area Landscape Standards. Landscaping requirements for parcels in the Heritage District Redevelopment Area shall comply with the design guidelines of the Heritage District Redevelopment Plan and design guidelines adopted pursuant to Article 3.4: Heritage District Overlay District.
- T. General Plan Gateway Character Area Landscape Standards. Landscaping requirements for parcels in the General Plan Gateway Character Area are set forth in Chapter II: Design Standards and Guidelines.

# 4.304 Gateway Entries

#### A. Purpose and Applicability.

- 1. Arterial street intersections designated as Gateway Entries in APPENDIX 1, Figure 13 shall be designed and constructed in accordance with the following requirements.
- 2. Gateway Entry Landscaping and Entry Signs shall be used at all Gateway Entrances to create a strong sense of arrival and to promote community identity.

#### B. Gateway Entry Landscaping.

- 1. A formal pattern of Phoenix Date Palms (*Phoenix dactylifera*) shall be installed on both Gilbert corners of the Gateway Entry.
  - a. A minimum of 7 Phoenix Date Palms shall be planted within a 100 foot radius of the point of the intersection of right-of-way lines.
  - b. The palms shall have a uniform trunk height of not less than 15 feet. If existing date palms in the same intersection are taller, the height of new trees shall match the height of the existing trees.
- 2. Accent trees, flowering shrubs, and vegetative ground covers shall be used to provide seasonal color.
- 3. Shrubs, trees, and ground covers used on both corners of the Gateway Entry shall be the same varieties.
- 4. Stormwater retention basins within a 100 foot radius of Gateway Entry intersections, measured from the point of intersection of right-of-way lines, shall not exceed a depth of 1 foot below top of the adjacent curb.
- 5. Water features, sculpture, or outdoor art may be incorporated in Gateway Entry Landscaping.
- 6. Gateway Entry Landscaping shall be installed by the developer along with or prior to the project landscaping.
  - a. Plans for Gateway Entry Landscaping shall be submitted to the Design Review Board for approval along with final landscape plans.
  - b. Gateway Entry Landscaping shall be maintained by the property owner of the adjacent site or subdivision. Maintenance shall include provision of power and water, replacement of dead or

damaged plant material, repair of vandalism or accident damage, replacement of seasonal vegetation, and general upkeep.

7. The Design Review Board shall have the authority to approve an alternative Gateway Entry Landscape design where it finds that the proposed design is superior to the required design, and that it is necessary to complement the adjacent development.

### C. Entry Signs.

- 1. An Entry Sign shall be installed at the inbound corner of all Gateway Entries.
- 2. The Entry Sign shall be either a freestanding monument sign, lettering on the wall of a landscape planter, or other design approved by the Design Review Board.
- 3. The text of the Entry Sign shall read "Welcome to Gilbert."
- 4. Entry Signs shall incorporate design elements from the adjacent development.
- 5. Entry Signs shall consist of the official Town of Gilbert logo, lettering, and colors. Specifications for the logo, lettering style and colors are outlined in the Town of Gilbert Graphic Standards Manual.
- 6. The Entry Sign lettering shall be internally, indirectly illuminated.
- 7. Lettering on Entry Signs shall be a minimum of 30 inches above the highest point of the finished grade between the adjacent arterial streets and the sign.
- 8. Lettering on Entry Signs shall be a minimum of 24 inches in height.
- 9. Entry signs shall be installed by the developer along with or prior to the project landscaping.
  - a. Plans for entry signs shall be submitted to the Design Review Board for approval along with final landscape plans.
  - b. The Entry Sign shall be maintained by the property owner of the adjacent site or subdivision. Maintenance shall include provision of power and water, replacement of dead or damaged plant material, repair of vandalism or accident damage, replacement of seasonal vegetation, and general upkeep.

- 10. Entry signs shall be located no more than 200 feet from the arterial intersection, and shall be set back a minimum of 25 feet from the arterial street curb.
- 11. Other signage and landscaping shall be placed in a manner that does not obstruct visibility of the Entry Sign from inbound traffic.

# 4.305 Streetscape Theme Trees

#### A. Purpose and Applicability.

- 1. Create a distinct image for various districts within the Town by use of a uniform streetscape theme tree in each district.
- 2. Streetscape Theme Tree Districts are identified in APPENDIX 1, Figure 15.

#### B. Streetscape Theme Trees.

- District 1: Mondel Pine (*Pinus eldarica*)
- District 2: Evergreen Elm (*Ulmus parvifolia*)
- District 3: Mexican Fan Palm (Washingtonia robusta)
- District 4: Bottle Tree (*Brachychiton populneus*)

Brazilian Pepper Tree (Schinus terebinthifolius)

- District 5: Chinese Pistache (*Pistacia chinensis*)
- District 6: Fruitless Olive (*Olea europaea* 'Swan Hill')
- District 7: Mondel Pine (*Pinus eldarica*)

Coolibah Tree (Eucalyptus microtheca)

- District 8: Blue Palo Verde (*Cercidium floridum*)
- District 9: Chilean Mesquite (*Prosopis chilensis*)

Palo Brea (Cercidium praecox)

District 10: Pecan (Carya illinoensis)

Chinese Pistache (*Pistacia chinensis*)

District 11: Native Mesquite (*Prososopis velutina*)

Sissoo Tree (Dalbergia sissoo)

District 12: Chinese Pistache (*Pistacia chinensis*)

Evergreen Elm (*Ulmus parvifolia*)

District 13: Blue Palo Verde (Cercidium floridum)

Evergreen Elm (*Ulmus parvifolia*)

District 14: Sissoo Tree (*Dalbergia sissoo*)

Sweet Acacia (Acacia farnesiana)

District 15: Mesquite (*Prososopis* species)

District 16: Sonoran Emerald Palo Verde (*Cercidium* hybrid 'Sonoran

Emerald')

Palo Brea (Cercidium praecox)

C. Alternative Theme Trees. The Design Review Board shall have the authority to approve an alternative streetscape theme tree where it finds that the proposed tree species is superior to the required theme tree, and that it is necessary to complement the landscape design of the adjacent development.

# 4.306 Landscape Maintenance and Enforcement

- A. Landscape Maintenance during Construction. Existing plant material damaged during construction shall be replaced with comparable species and size prior to the final inspection or issuance of a Certificate of Occupancy. Existing plant material may only be removed pursuant to Sections 4.306C.3a, 4.306D.3a, or unless identified for removal on the approved final design review landscape plan.
- B. **Right-of-Way Landscape Maintenance**. Maintenance of landscaping in the right-of-way shall be the responsibility of the adjacent property owner, whether an individual, corporation, property owners association or homeowners association. Landscape maintenance for properties developed under a unified landscape plan shall be conducted in a uniform manner.
- C. Maintenance and Enforcement of Landscaping for Multi-Family Residential and Nonresidential Developments.

- 1. *Maintenance*. The following standards shall be maintained for landscaping in multi-family residential and nonresidential developments:
  - a. Landscaped areas shall be maintained by the owner or lessor of the property. Maintenance shall include pruning, trimming, watering, removal and replacement of dead plant material, or other required improvements;
  - b. The landscaping shall be maintained in a weed-free manner;
  - c. The irrigation system shall be in good working condition, and shall be programmed in accordance with seasonal irrigation requirements. Broken, leaking, or damaged irrigation systems shall be repaired within 24 hours;
  - d. The landscaped area shall be maintained free of debris;
  - e. Landscaping shall be maintained at the level shown on the original approved landscape plan;
  - f. Amenities shown on the approved landscape plan shall be maintained in good repair; and
  - g. Common area fences and the exterior face of property line fences shall be maintained by the owner or lessor of the property or common area.
- 2. Determination of Violation. A multi-family residential or nonresidential development shall be in violation of the requirements of this section if there are:
  - a. Un-maintained areas containing weeds, debris, sinkholes, lack of inorganic ground cover, or similar conditions; or
  - b. Missing, dead or un-maintained trees, shrubs or other required landscaping; or
  - c. Amenities, including but not limited to, barbeques, tot lots, ramadas, picnic tables, ball fields, courts, pools, lakes, lighting, sidewalks, trails, fences, gates, refuse enclosures, and other common area amenities or homeowners association facilities which are missing, in disrepair or in need of paint or maintenance.
- 3. Determination of No Violation. A multi-family residential or nonresidential development shall not be in violation of the requirements of this section if:

- a. Trees or shrubs have been removed for safety reasons, such as maintaining traffic visibility or preventing interference with utility poles and/or lines, and if such removal has been authorized by the Town or serving utility.
- b. The existing landscaping meets the intent of the original approved plans.
- c. If there is no approved landscape plan or other relevant document on file with the Town, a violation of this section shall only be found to exist for dead plant material, parking lot planter islands where trees have been removed or are missing, damaged irrigation systems, debris, erosion, failure to control dust and where existing amenities are in disrepair. Amenities in disrepair shall be repaired or removed.
- d. Other than for streetscape theme trees, where trees or other plant material have been replaced with alternative plants similar in size and appearance.
- 4. *Enforcement Procedures*. The procedures for enforcement of landscaping maintenance standards in multi-family residential and nonresidential developments are in addition to those regulations and procedures set forth in Article 5.12: Enforcement.
  - a. Upon notification of a complaint of a violation of the landscaping maintenance standards by the Code Compliance Manager, the Director of Planning shall review the approved landscape plans for the development, inspect the area, and provide a written report to the Code Compliance Manager regarding the original plan requirements and acceptable alternatives, if any.
  - b. Upon a determination that a violation exists, a notice shall be sent to the multi-family residential or nonresidential property owner, outlining the violation and requiring that the property owner bring the landscaping into compliance within 45 days from the date of the notice.
  - c. Notice will be deemed given when done so in writing and mailed to the property owner address on file with the Maricopa County Assessor's office.
  - d. Within the above 45 day period the property owner may file an amendment to the approved landscape plans reflecting existing conditions. The amendment shall be reviewed and approved, approved with modifications and/or conditions, or denied by the

Design Review Board, or the Director of Planning as appropriate. The time for compliance is stayed from the time the proposed amendment is filed until action is taken by the Design Review Board or the Director of Planning as appropriate.

- e. The Code Compliance Manager may extend this 45 day time period one time for an additional 45 days if the property owner is making reasonable efforts to bring the area into compliance.
- f. If the property owner fails to comply, a citation shall be issued to the property owner in accordance with Section 5.1203: Violation; Notice and Opportunity to Correct, outlining the violation and summoning that person to appear in court and respond to the charges.

# D. Maintenance and Enforcement of Landscaping for Single Family Residential Subdivisions.

- 1. *Maintenance*. The following standards shall be maintained for landscaping in single family residential subdivisions:
  - a. Landscaped areas shall be maintained by the owner of the property, unless the common area is maintained by a parkway maintenance improvement district (PKID). Maintenance shall include pruning, trimming, watering, removal and replacement of dead plant material, or other required improvements;
  - b. The landscaping shall be maintained in a weed-free manner;
  - c. The irrigation system shall be in good working condition, and shall be programmed in accordance with seasonal irrigation requirements. Broken, leaking, or damaged irrigation systems shall be repaired within 24 hours;
  - d. The landscaped area shall be maintained free of debris;
  - e. The landscaping shall be maintained at the level shown on the original approved landscape plan;
  - f. Amenities, including but not limited to, barbeques, tot lots, ramadas, picnic tables, ball fields, courts, pools, lakes, lighting, sidewalks, trails, and other common area amenities shall be maintained in good repair; and

- g. Common area fences and the exterior face of property line fences shall be maintained by the owner of the common area, unless the common area is maintained by a PKID.
- 2. *Determination of Violation*. A single family residential subdivision shall be in violation of the requirements of this section if there are:
  - a. Barren areas of 20 lineal feet or more in areas shown as landscaped on the approved landscape plan;
  - b. Un-maintained areas containing weeds, debris, sinkholes, lack of inorganic ground cover, or similar conditions; or
  - c. Amenities, including but not limited to, barbeques, tot lots, ramadas, picnic tables, ball fields, courts, pools, lakes, lighting, sidewalks, trails, and other common area amenities which are in disrepair or in need of paint or maintenance.
- 3. *Determination of No Violation*. A single family residential subdivision shall not be in violation of the requirements of this section if:
  - a. Trees or shrubs have been removed for safety reasons, such as maintaining traffic visibility or preventing interference with utility poles and/or lines, and if such removal has been authorized by the Town or serving utility.
  - b. The existing landscaping meets the intent of the original approved plans.
  - c. If there is no approved landscape plan or other relevant document on file with the Town, a violation of this section shall only be found to exist for dead plant material, parking lot planter islands where trees have been removed or are missing, damaged irrigation systems, debris, erosion, failure to control dust and where existing amenities are in disrepair. Amenities in disrepair shall be repaired or removed.
  - d. Other than for streetscape theme trees, where trees or other plant material have been replaced with alternative plants similar in size and appearance.
- 4. *Enforcement Procedures*. The procedures for enforcement of landscaping maintenance standards in single family residential subdivisions are in addition to those regulations and procedures set forth in Article 5.12: Enforcement.

- a. Upon notification of a complaint of a violation of the landscaping maintenance standards by the Code Compliance Manager, the Director of Planning shall review the approved landscape plans for the subdivision, inspect the area, and provide a written report to the Code Compliance Manager regarding the original plan requirements and acceptable alternatives, if any.
- b. Upon a determination that a violation exists, a notice shall be sent to the homeowners association (HOA) president and board, with a copy to the HOA management company, if one is known to the Town, outlining the violation and providing the HOA with 45 days to bring the landscaping into compliance.
- c. Notice will be deemed given when done so in writing and mailed to the HOA address on file with the Arizona Corporation Commission.
- d. Within the above 45 day period the HOA may file an amendment to the approved landscape plans reflecting existing conditions. The amendment shall be reviewed and approved, approved with modifications and/or conditions, or denied by the Design Review Board, or the Director of Planning as appropriate. The time for compliance is stayed from the time the proposed amendment is filed until action is taken by the Design Review Board, or the Director of Planning as appropriate.
- e. The Code Compliance Manager may extend the 45 day compliance period for an additional 45 days if he finds that the HOA is making reasonable efforts to bring the area into compliance.
- f. If the HOA fails to remedy the violation within the time period outlined above, the Code Compliance Manager shall send a final notice giving the HOA 20 additional days to comply.
- g. If the HOA has failed to comply, a citation shall be issued to the HOA president, with a copy to the HOA board and management company, if one is known to the Town, in accordance with Section 5.1203: Violation; Notice and Opportunity to Correct, outlining the violation and summoning that person to appear in court and respond to the charges.
- E. *Appeals*. Appeals may be filed in accordance with the procedures set forth in Section 5.604: Appeals of Decisions of the Design Review Board, Redevelopment Commission, and Director of Planning.