ARTICLE 5 PROPERTY IMPROVEMENT STANDARDS

Considerations of community appearance, security, enjoyment of privacy and amenities require consistent standards for property improvement installation and maintenance which may occur in various zoning **district**. These criteria include:

5-1 Landscaping Standards
5-2 Walls, Fences
5-3 Pools and Spas

ARTICLE 5-1 LANDSCAPING STANDARDS

Standards and requirements are provided for the installation of landscaping for all new and expanded development within the City in order to promote the general welfare of the community; to effectuate attractive and logical development; to aid in the enhancement of property values; to create an attractive appearance along City **street**s; to complement the visual effect of **building**s; to provide appropriate buffers between incompatible land uses and protection from intense activities; and to aid in conserving water by encouraging the use of varieties of plants, trees and shrubs indigenous to arid regions which are characterized by low-water consumption. The standards and regulations of this Article shall be held to be the minimum requirements necessary for the promotion of the foregoing objectives of this Article. In those instances where the minimum standards and requirements are not sufficient to achieve the purpose and objectives of this Article, the **Zoning Administrator** or designee may impose such other reasonable requirements as may be deemed appropriate.

5-1-1 General Applicability
5-1-2 Maintenance
5-1-3 Landscape Plan and Design Standards
5-1-4 Single and Two-Family Landscape Design Standards

Section 5-1-1 General Applicability

The requirement for installation and maintenance of landscaping in accordance with the design standards and provisions of this Article shall apply to all new **building**s, all new **use**s of land, and any addition to, or expansion of existing **building**s and **use**s, occurring in any Multi-**family**, Commercial or Industrial **District**s, and to non-residential **use**s in the AG, AP, AU and in Single **Family** and Two **Family District**s. The provisions and guidelines of Section 5-1-4 of this Article shall apply to residential **use** in the Agricultural, Single-**Family** and Two-**Family** zoning **district**s.

A. **BUILDING** AND OCCUPANCY PERMITS.

1. Prior to the issuance of a **building** or construction permit, the applicant for such permit shall demonstrate that a **landscape plan** has been approved for the site by the **Zoning Administrator**.

2. In lieu of the installation of plant material prior to issuance of an Occupancy Permit, a cash deposit or an irrevocable letter of credit in an amount guaranteeing the complete one hundred (100) percent installation of the plant material within six (6) months may be accepted by the Community Development Director, or his designee. Failure to install the material in the six (6) month time period shall be deemed a violation of this Article, and the City may use the cash deposit or funds set aside by letter of credit to complete the landscape improvements required.

B. APPROPRIATE USE OF LANDSCAPING.

1. Any landscape areas in the public right-of-way shall comply with all the requirements of the City Code and with the criteria of the Arizona Department of Water Resources. These criteria specify plant material which have low water needs and encourage the conservation of our water resources.

2. **Landscaped area**s shall not be used for parking of vehicles, display of merchandise or other uses detrimental to the landscaping, but may be used for screening and decorative **wall**s and for art.

3. Plant material that is high in pollen production is discouraged. Also, extreme care should be exercised when using plants that are known to be poisonous.

4. Plants should be placed in such a way as to maximize survivability (i.e., low water-use plants should not be placed in drainage ways, and the use of frost-tender plants should be limited to accent locations, not primary focal points).

Section 5-1-2 Property Owner Maintenance

A. All landscape improvements installed in accordance with the requirements and provisions of this article for new or expanded developments and uses within on-site landscape areas as well as in the right-of-way, shall be maintained, in perpetuity, by the property owner or owner's association (should the property be subdivided) or the lessee of the site.

B. Any areas designated and intended for the purposes of on-site water retention shall be maintained and reserved for that specific purpose.

C. Any alteration or deterioration of required landscape improvements and areas shall be considered a violation of this and any applicable Ordinance.

D. Any plant material that does not survive shall be replaced within thirty (30) days.

E. The removal, failure to maintain or destruction of landscape material previously approved by the City shall constitute a violation of the Zoning

Ordinance. Replacement of landscape material shall be of like size as that which was removed or destroyed.

F. Landscaping and irrigation systems shall be reasonably maintained in accordance with the approved site and/or landscape plan. Plant material shall not be severely pruned such that the natural growth pattern or characteristic form are significantly altered. Palm trees shall, however, be pruned once each year to remove dried fronds and eliminate fire hazard and insect infestation.

G. Modifications and/or removal of existing landscaping on other than single-family residential property shall require prior approval.

Section 5-1-3 Landscape Plan and Design Standards

A. APPLICATION AND APPROVAL PROCESS.

1. Applications for a Landscape Plan approval shall be processed and reviewed in accordance with the procedures generally described herein and more fully described in the **Administrative Process Manual** and in this **Ordinance**, and in the **Engineering Standards**.

   a. Applications for approval of a Landscape Plan shall be filed with the Development Services Department on form(s) provided by the Development Services Department in conjunction with an application for Site Plan approval and shall include all of the information identified in the application form(s), in the **Administrative Process Manual**, in this **Ordinance**, in the **Engineering Standards**, and any other data that may be required by the **Zoning Administrator** that is needed for review of the application.

   b. Applications shall be signed by the property owner(s) or an authorized agent of the property owner(s) and all applicable fees shall be paid when applications are submitted.

2. The Development Review **Committee** shall review the application submittal for compliance with the requirements of Article 5 of this **Ordinance**, any other applicable requirements in this **Ordinance**, applicable **Engineering Standards**, and applicable provisions in the **Goodyear City Code**. Following the completion of the **Committee**'s review, the **Zoning Administrator** shall approve, approve with conditions or deny the Landscape Plan application.

3. The approval date of Landscape Plan Approval shall be the date on which the application was approved by the **Zoning Administrator**. Landscape Plan approvals are tied to other development approvals, which will be identified in the notification of

Landscape Plan approval; and the Landscape Plan approval expires if such related development approval expires.

4. Construction plans for landscaping shall conform to the development reflected in the Landscape Plan as approved by the **Zoning Administrator** shall be submitted and approved as a condition precedent for the issuance of a **building** permit.

B. DESIGN STANDARDS.

1. Each site to be developed shall be required to provide landscape areas and amounts equal to or exceeding the following minimum amounts.

   a. Each site of a multi-**family** use shall have a minimum of twenty (20) percent of the net site/lot area in landscaping.

   b. Each site of **commercial use** shall have a minimum of fifteen (15) percent of the net site/lot area in landscaping.

   c. Each site of industrial use shall have a minimum of ten (10) percent of the net site in landscaping.

   d. In addition to the minimum on-site landscaping, there shall be landscaping in the entire area of the right-of-way, between property line and back of **street** curb except for approved driveways, walkways and bike paths.

2. Landscape designs shall be compatible with **adjacent** properties.

3. All on-site water retention areas, other than paved surfaces shall be entirely landscaped and shall comply with the following criteria:

   a. The retention areas shall not occupy more than fifty (50) percent of the on-site **street frontage** landscape area;

   b. All retention areas shall maintain slopes no steeper than 6:1 when **adjacent** to public rights-of-way, or when there is pedestrian type **access** to that portion of the basin. Side slopes **adjacent** to **wall**s, fences, hedges and the like (i.e., no or limited pedestrian type **access** in that area) may have side slopes up to 4:1;

4. All mounding and berming shall have slopes no steeper than 4:1;

5. All parking areas shall incorporate the following elements:

   a. Landscape islands, with raised concrete curbing to define **parking lot** entrances, aisles and ends of all parking aisles;
   b. Landscape islands to separate rows of more than fifteen (15) **parking space**s;

c. Each landscape island shall be a minimum of three (3) feet in total width including curbing and equal seventy-five (75) percent of the length of the parking stall(s);

d. Each landscape island shall include a minimum of one (1) tree of fifteen (15) gallon size and five (5) shrubs of five (5) gallon size for each parking stall length.

6. A minimum of fifty (50) percent of the **landscaped area**s are to be planted with vegetative ground cover. Minimum size and spacing to be one (1) gallon size plants at a maximum three (3) feet on center.

C. DESIGN CRITERIA PERTAINING TO SPECIFIC DISTRICTS OR USES.

1. Entry features of future commercial and industrial development sites shall be landscaped in the first phase of construction.

2. In Multi-**family** and non-residential uses in the agricultural, single **family** and two-**family district**s, the required front and **street** side **yard**s shall be entirely landscaped except for necessary and provided walkways and driveways.

3. In the commercial and industrial development, a minimum of thirty (30) feet of any **yard adjacent** to a **street** shall be entirely landscaped, except for necessary and provided walkways and driveways.

4. Where multi-**family**, commercial, office or industrial uses are **adjacent** to or separated by an **alley** or lesser separation from any residential development or **district**, such trees shall be planted at twenty (20) feet on center, with every other tree being a minimum twenty-four (24) inch box size.

5. Where a commercial, office or industrial user of over fifty thousand (50,000) square feet **building** area is located **adjacent** to a residence or residential **district**, the landscape buffer described in 5-1-3-C-4, above, shall be increased to fifteen (15) feet (**adjacent** to that user), with two (2) rows of trees along the interior side of the required **wall**. Each row is to contain minimum fifteen (15) gallon trees spaced fifteen (15) feet on center, staggered for maximum effect in buffering the two uses.

6. Trees shall be required along all **street frontage**s according to the following criteria:

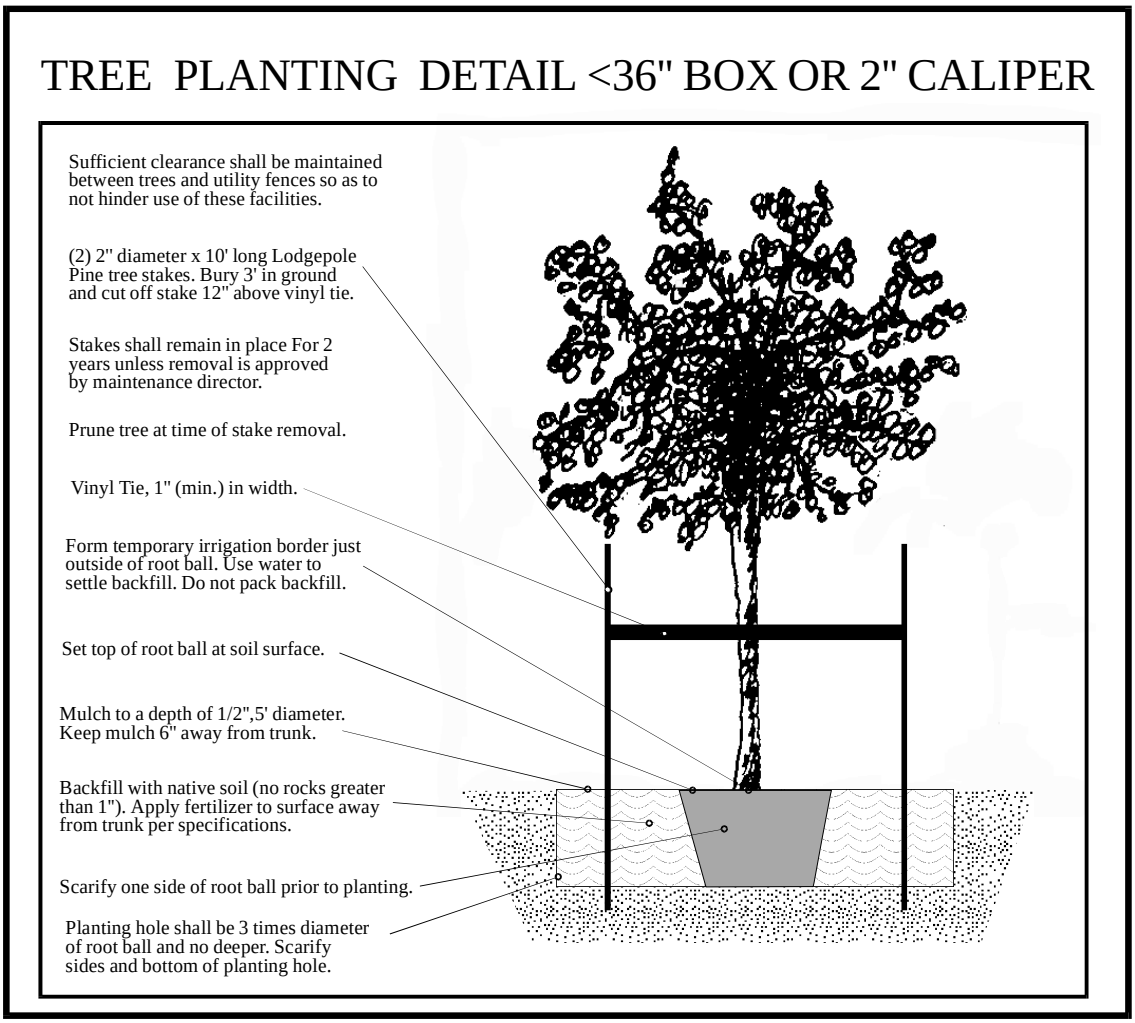
   a. A minimum of one (1) tree shall be planted for every twenty-five (25) feet of lineal **street frontage**;

   b. The trees selected shall be compatible with the overall site and **landscape plan**, as well as **adjacent** sites.

7. All trees shall be planted and staked in accordance with the "Standard Tree Planting Detail" located below.

8. All developments that back or side onto a **street** and which have a six (6) foot high **screening wall** constructed on the property line shall install within the **street** right-of-way contiguous with the property three (3) water conserving variety shrubs and one (1) water conserving variety tree for every thirty (30) feet of such reverse **street frontage**. All such trees and shrubs shall be provided with an automatic drip or soaker **irrigation system**. Ground cover shall be one-quarter (1/4) inch minus decomposed golden granite without plastic liners. A pre-emergent herbicide shall be applied to the ground prior to and after the placement of natural surface materials (decomposed granite, river run rock, and the like) in any **landscaped area** to prevent weed growth. The foregoing requirement shall apply in lieu of the **street frontage** landscape improvements required in 5-1-3-B-6, above.

Figure 13.



D. PLANTING SPECIFICATIONS.

1. Unless otherwise specified herein, all required trees shall be a minimum of fifteen (15) gallons in size and at least fifty (50) percent of those trees must be twenty-four (24) inch box or larger size.

    a. All shrubs shall be a minimum of five (5) gallon in size.

    b. All fifteen (15) gallon trees must be a minimum of eight (8) feet in height, four (4) feet in spread and one and one-quarter (1 1/4) trunk caliper at the ground level.

    c. All twenty-four (24) inch box and larger trees shall be a minimum of ten (10) feet in height, six (6) feet in spread and two (2) inch trunk caliper at the ground level.

    d. Upon approval of the **Zoning Administrator**, or his designee, the installation of twenty (20) square feet of vegetative groundcover in any **landscaped area** shall substitute for one (1) required shrub, up to a maximum of thirty (30) percent of the required shrubs in any particular **landscaped area**.

2. Fifteen (15) gallon size trees (of a non-deciduous variety) fifteen (15) feet on center shall be planted along any property lines of parcels developed for multi-**family**, commercial, office, or industrial uses which are **adjacent** to or separated by an **alley** from any residential development or **district**. Minimum width of landscape buffer shall be six (6) feet clear.

3. Specified Varieties include:

    a. Whenever Olive Trees (Olea Europaea) are specified, they shall be the "Swan Hill" variety.

    b. All Mexican Fan Palms (Washington Robusta), California Fan Palms (Washingtonia Filifera), and Queen Palms (Cocos Plumosa) shall have a minimum five (5) foot trunk height measured from the base of the trunk to the base of the fronds when located within the public right-of-way or within fifty (50) feet of the **street** property line.

4. All **landscaped area**s shall be finished with a natural topping material which may include, but not limited to, the following: turf, groundcover, planting, decomposed granite (two (2) inches minimum depth), river run rock, expanded shale, or bark.

    a. A pre-emergent herbicide shall be applied to the ground prior to the placement of natural surface materials (decomposed granite, river run rock, and the like) in any **landscaped area** to prevent weed growth.

b. An automatic **irrigation system** which may be spray, flood, soaker, or drip type system. A pressure-type vacuum breaker shall be required with the installation of all sprinkler systems.

c. All **irrigation system**s and **landscaped area**s shall be designed, constructed, and maintained as to promote water conservation and prevent water overflow or seepage into the **street**, or parking areas.

5. **Landscaped area**s along **street frontage**s shall be contoured or bermed to provide variations in **grade**, visual relief, **parking lot** screening, and a more pleasing aesthetic value. All on-site parking areas shall be screened from **street** view by a landscaped berm or decorative **wall** not less than three (3) feet in height. The required height of the berm or **wall** shall be measured from the highest finished **grade** of the **adjacent** on-site parking area or **adjacent** finished **grade** of the **street**, whichever is greater.

6. All landscaping and landscape materials established in close proximity to a driveway or **street** intersection shall be installed and maintained in a manner which does not effect visibility.

E. ENFORCEMENT.

Where, in the opinion of the Community Development Director, or his designee, there exists extraordinary conditions of topography, land ownership, site boundaries and dimensions, **adjacent** development characteristics or other circumstances not provided for in this Article, the Community Development Director, or his designee, may modify or vary the strict provisions of this Article in such a manner and to such an extent as is deemed appropriate to the public interest, provided that the purpose and intent of this Article is maintained with such modification or **variance**.

1. The Community Development Director, or his designee, may accept alternate sizes or varieties of plant material of comparable value and durability when it is shown that specified plant materials cannot reasonably be obtained from local nursery stock.

2. All projects required by this Article to be landscaped shall pass a landscape inspection prior to certificate of occupancy being issued by the City. Such inspections shall be requested by the applicant at least twenty-four (24) hours prior to being performed.

   a. The City shall have the right to refuse to pass any project not meeting the provisions of this Article.

   b. The City shall also have the right to reject landscape materials which are substandard as to size, condition or appearance including a pre-inspection of materials at the supplier if deemed necessary.

Section 5-1-4 Single Family and Two Family Landscape Design Standards

Single **family** and **two-family dwelling** homebuilders are required, and homeowners are encouraged, to observe the following guides when maintaining masterplanned residential landscaping:

A. General Guidelines

Traditional landscapes with extensive turf areas, trees and shrubs requiring large amounts of water shall be replaced with low water use landscapes - **xeriscape**s.

B. Water Conservation Guidelines

In order to conserve water as required by the Department of Water Resources and the City of Goodyear Water Conservation Plan, the following landscape and irrigation criteria shall be followed:

1. Grass (turf) use shall be restricted to thirty (30) percent of the "gross" area of single **family** and two-**family** lots.

2. Drip emitters shall be used in watering trees, shrubs, flowers and groundcovers.

3. Landscape plantings should be grouped according to similar water needs.

4. Low water use trees, shrubs, flowers and groundcovers are to be used in conjunction with desired landscape materials.

ARTICLE 5-2 WALLS, FENCES

Walls or fences include any **structure** intended for confinement, prevention of intrusion, boundary identification, or screening of activity. Screening devices are any **structure** installed to conceal refuse, mechanical equipment, parking (service and loading bays or lanes), multi-**family** habitation and commercial or industrial activities from **adjacent** residential **district**s and from **street** view.

5-2-1 Placement Regulations
5-2-2 Design, Construction, Maintenance and Development Standards

Section 5-2-1 Placement Regulations

A. No **wall**s, **building**s, or other obstructions to view in excess of two (2) feet in height shall be placed on any **corner lot** within a triangular area formed by the **street** right-of-way lines and a line connecting them at points thirty-three (33) feet from the intersection of the **street** right-of-way lines.

B. Height of **wall**s and fences in residential **district**s shall be measured from the lowest **adjacent grade**, except when **adjacent** to an **alley** or **street** right-of-way which has a higher **grade** than the **adjacent** site. Then the height shall be measured from the top of the crown of road or **alley** (if no curb). Height of screening devices shall be measured from the highest **adjacent grade**.

Section 5-2-2 Design, Construction, Maintenance and Development Standards

A. DESIGN CRITERIA.

1. All fences or **wall**s shall be located entirely upon the private property of the persons, firms or corporation constructing, or causing the construction, of such fence unless the owner of the property adjoining agrees, in writing, that such fence or **wall** may be erected on the division line of the respective properties.

2. Any fence or **wall** constructed so as to have only one elevation "finished," which shall be defined as not having its supporting members significantly visible, shall be erected such that the finished elevation of the fence is exposed to the **adjacent** property.

3. Outdoor storage areas for materials, trash, equipment, vehicles or other similar items shall be provided with a masonry **screening wall** six (6) feet in height.

4. Parking areas shall be screened from **street** view by masonry **wall**s or berms to a minimum height of three (3) feet above the highest finished **grade** (may be supplemented by up to twenty-five (25) percent intermittent landscaping).

5. Masonry **wall**s six (6) feet in height shall be installed along interior boundaries of a site **adjacent** to or across from a residential **district**.

B. CONSTRUCTION MAINTENANCE.

1. Every fence or **wall** shall be constructed in a substantial, workmanlike manner and of a substantial material reasonably suited for the purpose for which the fence or **wall** is proposed to be used. Every fence or **wall** shall be maintained in a condition of reasonable repair and shall not be allowed to become or remain in a condition of disrepair, damage, or unsightliness, or constitute a nuisance, public or private. Any such fence or **wall** which is, or has become, dangerous to the public safety, health or welfare, or has become unsightly through improper maintenance or neglect is a public nuisance and the Chief Building Official, or his designee, shall commence proper proceedings for the abatement thereof.

2. No fence may be constructed of combustible materials, erected, placed or located to serve as a perimeter fence if within four (4) feet of a property line, except that gates for such fences may be of a combustible material provided the gate is no wider than twelve (12) feet.

3. Additional criteria for specified use types and conditions are required:

   a. In residential and agricultural **district**s with residential uses, the maximum height of any freestanding **wall** or fence in a required front **yard** shall be three (3) feet except for walls that create a **portal** which shall be designed as an integral component of the **portal** fixture, as determined in the required Design Review process. In rear and side **yard**s, the maximum height shall be six (6) feet.

   b. All fences in a side or rear **yard** of a **lot abutting** an **alley** must allow for a three (3) foot deep by eight (8) foot wide inset with gate for storage of garbage cans.

   c. Exterior boundaries of **mobile home subdivision**s and **mobile home park**s shall be bounded by a six (6) foot high masonry **wall**. Land between the **wall** and the public **street** improvement shall be landscaped with **street** trees and other landscaping materials, and shall be maintained by the owners or tenants.

   d. In I-1 and I-2 **district**s, **wall**ed areas for storage of materials and equipment may include three (3) strand barbed wire or barbed tape for maximum security, (maximum eight (8) foot height).

   e. All utility substations, wells, storage facilities, and other utilities shall be screened from view by a solid masonry **wall** or landscape screen.

4. Open wire fences exceeding the otherwise permitted heights may be built around schools and other public or quasi-public facilities when necessary for the safety or restraint of the occupants.

5. Open wire fences exceeding the otherwise permitted heights may be built around tennis courts by **Use Permit** or administrative approval, dependent upon the following criteria:

   a. A **Use Permit** is required for open wire fences around tennis courts that are located within five hundred feet (500') of the nearest property line of any property zoned or platted for single-family residential development;

   b. A **Use Permit** is not required for open wire fences around tennis courts where there is no residentially zoned property line within five hundred feet (500') of the tennis court.

6. A building permit must be obtained prior to the installation of any fence that exceeds six feet (6') in height.

ARTICLE 5-3 POOLS AND SPAS

Outdoor **swimming pool**, in ground or above ground, wading pools, hot tubs, spas or other similar pools used or designated to be used for swimming, wading or bathing purposes are subject to these regulations. Wading pools, fish ponds, or shallow decorative pools less than eighteen (18) inches deep may be exempt, except where the Chief Building Official, or his designee, in individual cases deems it a public nuisance and/or dangerous to the public health, safety, and welfare.

5-3-1 Enclosure Required
5-3-2 Design and Enclosure Details
5-3-3 Zoning Districts: Placement
5-3-4 Permit, Inspection and Maintenance

Section 5-3-1 Enclosure Required

It is hereby declared to be a public nuisance to maintain an outdoor **swimming pool**, either above or below ground level, with a maximum depth of eighteen (18) inches or more in the City of Goodyear unless either the premises upon which the pool is located or the pool itself is enclosed as required herein. Irrigation and storm water retention facilities, and the water features in public parks and **golf course**s are exempt from the fencing requirement of this section.

Section 5-3-2 Design and Enclosure Details

A. All **swimming pool**s, or the property on which they are located, shall be enclosed by **building**s, **wall**s, fences or combinations thereof, not less than five (5) feet nor more than six (6) feet in height above **grade** measured on the exterior side of the enclosure.

1. On a portable spa or portable hot tub, which is not more than eight (8) feet in width, a hard, latched or locked safety cover shall meet the barrier requirements of this section.

2. A key operated motorized safety cover for portable spas and hot tubs may also be used to meet the barrier requirements of this section. Approval must be received from the Chief Building Official, or his designee.

B. All gates shall be substantially the same height as the **wall** or fence and shall be self-closing and self-latching. Such gates and fencing shall not be constructed in a manner as to provide, either intentionally or unintentionally, hand or foot holes for climbing.

1. The latches shall be at least four and one-half (4.5) feet above the underlying ground or otherwise made inaccessible from the outside to small children. If the material of construction or design is such that there are openings in the enclosure, such openings

shall be of such size that a spherical object four (4) inches in diameter cannot pass through or under the fence or gate.

2. Double width gates which are not the sole means of ingress and egress shall not be required to be self-closing and self-latching but must be padlocked at all times when not in use.

Section 5-3-3 Zoning Districts: Placement

A. In any AG, AP, AU, R1-10, R1-7, R1-6 or R2 **district**, private **swimming pool**s shall be in the side or rear **yard**s and no water surface shall be closer than five (5) feet from any property line.

B. In other zoning **district**s or where a private **swimming pool** is proposed in other than a side **yard** or rear, a **Use Permit** shall be obtained.

C. No public **swimming pool** shall be closer than twenty-five (25) feet to any property line.

Section 5-3-4 Permit, Inspection, Maintenance

A. A **building** permit shall not be issued for any **swimming pool** unless the plans for such pool provide for an enclosure as required by this Section.

B. No **swimming pool** shall be filled in whole or in part with water unless the pool **structure** has been installed in accordance with this Section and approved by the Chief Building Official, or his designee.

C. It shall be the responsibility of both the property owner and the occupant of the premises to install and maintain the fences, locks, latches, and gates in good condition and proper working order when water is in the pool, and either or both may be deemed in violation of this Article for failure to do so.