



CITY OF
TUCSON

DEPARTMENT OF
URBAN PLANNING
& DESIGN

June 3, 2009

To: Subscriber to the Tucson *Land Use Code (LUC)*

SUBJECT: SUPPLEMENT NO. 46 TO THE *LAND USE CODE (LUC)*

Dear Subscriber:

Enclosed is Supplement No. 46 to your copy of the City of Tucson *Land Use Code (LUC)*. An explanation of the revisions included in this Supplement is also enclosed.

This Supplement includes Ordinance No. 10632, Landscaping and Screening Regulations and Native Plant Preservation, adopted by the Mayor and Council on February 3, 2009. In addition, some minor formatting efforts have been corrected.

I am also enclosing two pages (51 and 54) with corrections from **Supplement 45**, Article II. Zones, Division 4. Office Zones, "O-1" Office Zone, 2.4.1.2 B. Residential Use Group, Sec. 6.3.8 and 2.4.2 "O-2" Office Zone, 2.4.2.2 D. Residential Use Group, Sec. 6.3.8.

Please recycle and replace pages in your *LUC* as follows:

<i>Article III. Development Regulations</i>		
<i>Item</i>	<i>Remove Old Pages</i>	<i>Insert New Pages</i>
Division 7: Landscaping and Screening Regulations	289-290, 293-296	289-290, 293-296
Division 8: Native Plant Preservation	299-302	299-302
<i>Appendices</i>		
Appendix 1–Checklist of Up-to-Date pages	2	2

Please insert and maintain this instruction sheet in the front of your copy of the *LUC*.

Should you have any questions while replacing these pages, please call me at 791-4505.

Sincerely,

Norma J. Stevens
Secretary

Enclosures: Summary of Amendment
Supplement No. 46

TUCSON LAND USE CODE (LUC) – SUPPLEMENT NO. 46

SUMMARY OF AMENDMENT

ORDINANCE NO. 10632

ORDINANCE NO. 10632 (Adopted on February 3, 2009)

The adopted LUC amendment includes the following:

AMENDING CERTAIN PORTIONS OF THE TUCSON CODE, CHAPTER 23, LAND USE CODE, ARTICLE III, DEVELOPMENT REGULATIONS, DIVISION 7, LANDSCAPING AND SCREENING REGULATIONS, BY AMENDING SECTION 3.7.2.7, PLANT COVER/DUST CONTROL, REQUIRING THE REMOVAL OF BUFFELGRASS; AND SECTION 3.7.2.3.A.1, VEHICULAR USE AREAS, TO REQUIRE ONE TREE FOR EVERY FOUR PARKING SPACES; AND ARTICLE III, DEVELOPMENT REGULATIONS, DIVISION 8, NATIVE PLANT PRESERVATION BY AMENDING SECTION 3.8.1 INTENT, AND SECTION 3.8.4, GENERAL PROVISIONS, TO INCLUDE MONITORING AND MITIGATION OF BUFFELGRASS.

3.7.2.3 Vehicular Use Areas. The following requirements apply to developments which provide more than four (4) motor vehicle parking spaces.

A. *Canopy Trees in Vehicular Use Areas.*

1. Within a vehicular use area, one (1) canopy tree is required for each four (4) motor vehicle parking spaces or fraction thereof. (Ord. No. 10632, §2, 2/3/09)
 - a. The canopy trees must be evenly distributed throughout the vehicular use area. Every parking space shall be located within forty (40) feet of the trunk of a canopy tree (as measured from the center of the tree trunk).
 - b. In areas where a required landscape border falls within the vehicular use area, up to 50% of the canopy trees may be counted towards both the minimum parking lot canopy tree requirement and the landscape border canopy tree requirement
 - c. An unpaved planting area, which is a minimum of thirty-four (34) square feet in area and four (4) feet in width, must be provided for each canopy tree, except as allowed per Development Standard 2-06.3.3. (Ord. No. 10632, §2, 2/3/09)
 - d. Structurally covered or underground motor vehicle parking spaces are not included in calculating the required number and location of canopy trees.

(Ord. No. 10016, §1, 8/2/04)

2. The following option may be used in place of Sec. 3.7.2.3.A.1 to calculate the required number of canopy trees within a vehicular use area.
 - a. The shade pattern caused by trees at maturity and buildings on the vehicular use area from 9:20 a.m. to 3:20 p.m. Mountain Standard Time on June 21 covers fifty (50) percent of the paved area within the vehicular use area.
3. On expansion of an existing development that is located on a lot of record on February 17, 1991, ten thousand (10,000) square feet or less in size, the existing vehicular use area is exempt from the canopy tree requirement, if the existing vehicular use area is in compliance with the zoning regulations in effect at the time the existing vehicular use area was developed.
4. On expansion of an existing development, the existing vehicular use areas are exempt from the canopy tree requirement if the existing vehicular use area is subject to development plans or permit site plans approved between February 15, 1991 and August 2, 2004.

(Ord. No. 10016, §1, 8/2/04)

- B. *Plant Protection.* Areas where plants are susceptible to injury by vehicular or pedestrian traffic must be protected by appropriate means, such as curbs, bollards, or low walls.

3.7.2.4 Landscape Borders. There are two (2) types of landscape borders: Street landscape borders and interior landscape borders. The following apply to all landscape borders.

- One (1) canopy tree must be provided for every thirty-three (33) linear feet of landscape border or fraction thereof, excluding vehicular ingress or egress points.

- A minimum of one (1) canopy tree must be provided within a required landscape border.
 - Trees may be planted at varying distances apart.
- A. *Street Landscape Borders.* To enhance the visual appearance of the streetscape, a landscape border is required in accordance with Table 3.7.2-I along the street frontage of a site as follows. (Ord. No. 9374, §1, 4/10/00)
1. Street landscape borders shall be a minimum of ten (10) feet wide as measured from the street property line. On streets designated as Major Streets and Routes (MS&R), the street landscape border is measured from the MS&R right-of-way line as determined by Sec. 2.8.3.4.
 2. Street landscape borders for residential subdivisions of eight (8) or more lots shall conform to the following standards:
 - a. Street landscape borders are only required along the exterior boundaries of subdivisions. Landscape borders are not required along front yard street frontages.
 - b. Walls, fences, or other screening must be placed behind the landscape border.
 - c. The landscape border shall be recorded as common area and maintained by the homeowners association (HOA). The subdivision CC&Rs shall reference the maintenance standards in Sec. 3.7.6. The DSD Director may allow the recording of a public use easement with the subdivision plat in cases where the requirements of this section is the only reason for the creation of an HOA. The public use easement shall require the abutting property owner to install and maintain a landscape border in accordance with the standards in this Division. (Ord. No. 9392, §1, 5/22/00)
 - d. Street landscape borders fronting on local streets may be reduced to a minimum of five (5) feet.
(Ord. No. 10016, §1, 8/2/04)
 3. Street landscape borders shall be located entirely on site, except that, if approved by the City Engineer or designee, up to five (5) feet of the required ten (10) foot width be placed within the adjacent right-of-way area or within the Major Streets and Routes (MS&R) right-of-way area on MS&R streets.
 4. Except as otherwise provided by this Division, the area between the right-of-way line and sidewalk and the area between the sidewalk and the curb, if not covered with vegetation, shall be covered with an appropriate inorganic ground cover, such as decomposed granite.
 5. Fifty (50) percent or more of the area of the street landscape border must be covered with shrubs or vegetative ground cover. The required ground coverage must be achieved within two (2) years from the date of planting.
 6. Street landscape borders on property with street frontage on a designated Scenic Route are subject to the requirements of Sec. 3.7.5.2.A. (Ord. No. 9138, §1, 10/5/98)
- B. *Interior Landscape Borders.* Interior landscape borders are required as a buffer and visual transition along the common property lines between adjacent land uses and zones as follows.
1. Interior landscape borders shall be provided as determined in Table 3.7.2-I, which ranks land uses and zones based upon their land use intensity and the impact a use will have on adjacent land uses.

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- c. Where, prior to February 15, 1991, an open space area was provided as a buffer between the site and an adjacent less intensive use or zone, if the open space area is:
 - 1. At least ten (10) feet wide; and
 - 2. Restricted in perpetuity to natural or landscaped open space use through dedication to the public, deed restriction, or covenant running with the land.
 - d. Between two (2) similar uses, whether or not the uses are within the same zoning classification.
- 4. Street landscape borders are not required along street frontages where the landscaping requirements of the SCZ buffer area, Sec. 3.7.5.2, apply.
 - 5. The Development Services Department Director may grant a complete or partial exception to the landscape border requirements for development within a Historic Preservation Zone. The exceptions may be granted if, after completion of the historic district development review required by the Historic Preservation Zone, the Development Services Department Director determines that the requirements are not compatible with the character and design elements of the historic district. (Ord. No. 9967, §3, 7/1/04)
 - 6. For development adjacent to a Planned Area Development (PAD) zone, the landscaping requirements shall be those which are required for development adjacent to residential zones, except where an adjacent Planned Area Development (PAD) District has been developed or planned for nonresidential uses. In that case, the landscaping requirements are based on the adjacent land use. (Ord. No. 9374, §1, 4/10/00)

3.7.2.5 Use of Turf.

- A. Except as provided by Sec. 3.7.2.2.C.4, turf areas are allowed only within the oasis.
- B. Turf areas will be located to mitigate glare and reduce heat near buildings and their openings, including windows and patios, or to serve as an active play area.

3.7.2.6 Plant Size, Location, and Spacing.

- A. Required plant characteristics, sizes, and standards for various landscape applications are contained in Development Standard 2-06.0.
- B. Trees and shrubs are to be selected and located so that, at maturity, they do not interfere with existing on-site or off-site utility service lines or utility easements or with solar access, as defined in Sec. 6.2.19, to an adjacent property.

3.7.2.7 Plant Cover/Dust Control. All disturbed, grubbed, graded, or bladed areas not otherwise improved shall be landscaped, reseeded, or treated with an inorganic or organic ground cover to help reduce dust pollution.

- A. Ground surfaces in planting beds, planters, medians, or tree understory within a landscaped area that are not covered with shrubs, accent plants, vines, ground cover, or other vegetation from the Drought Tolerant Plant List shall be treated with an inorganic ground cover.
- B. Unless maintained as undisturbed natural desert, all portions of a site not occupied by buildings, structures, vehicular use areas, oasis areas, pedestrian circulation areas, or required landscape elements shall be landscaped with vegetation from the Drought Tolerant Plant List, reseeded with a native seed mix, or treated with an inorganic ground cover and maintained in a clean condition. All portions of a site including common areas, natural areas, and revegetated or landscaped areas are to continuously be maintained to remove populations of buffelgrass (*Pennisetum ciliare*). (Ord. No. 10632, §1, 2/3/09)
- C. Unless maintained as undisturbed natural desert, future building pads within a phased development shall be temporarily landscaped with vegetation from the Drought Tolerant Plant List, reseeded with a native seed mix, or treated with an inorganic ground cover and maintained in a clean condition. All portions of a site including common areas, natural areas, and revegetated or landscaped areas are to continuously be maintained to remove populations of buffelgrass (*Pennisetum ciliare*). (Ord. No. 10632, §1, 2/3/09)

3.7.2.8 Design for Safety. Vehicular and pedestrian safety factors must be incorporated into all landscape designs. Safety factors include plant materials that at maturity do not present hazards to passersby or obstruct visibility of pedestrians or vehicles and other factors as listed in Development Standard No. 2-06.0.

3.7.2.9 Use of the Public Right-of-Way. Nonrequired landscaping may be placed in the public right-of-way, if the following requirements are met.

- A. The landscaping is approved by the City Engineer or designee and complies with the City Engineer's requirements on construction, irrigation, location, and plant type. (Ord. No. 9392, §1, 5/22/00)
- B. All vegetation complies with the requirements of Sec. 3.7.2.2.
- C. The landscaping does not interfere with the use of the sidewalk.

3.7.3 **SCREENING REQUIREMENTS.** The purpose of screening is to provide visual barriers, noise reduction, and to provide privacy. (Ord. No. 9967, §3, 7/1/04)

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- 3.7.3.1 When Required. Screening for individual land uses and zones shall be provided as determined in Table 3.7.2-I and in addition to the required landscape borders. Screening is not required between similar uses, whether or not the uses are within the same zoning classification.
- 3.7.3.2 Location.
- A. Along interior lot lines of the site, the required perimeter screens must be located on the property line, unless the screen is provided between the property line and the use and a landscaped area of a minimum width of twenty (20) feet is provided between the screen and the property line.
 - B. Whether or not required by this Division, screens along a street frontage must be located on the development side of the street landscape border so that they do not obstruct the view of the street landscape border from the street.
 - C. Screens may be located within the street landscape border, if the following criteria are met.
 - 1. The street landscape border is a minimum of ten (10) feet wide.
 - 2. Hedges and other vegetative screens shall not extend more than three (3) feet into the street landscape border. If, based on the growing characteristics of the type of plant used, the ultimate width of the vegetative screen will be greater than three (3) feet, the vegetative screen must be sufficiently set back from the landscape border to accommodate the wider growth.
 - 3. Fences or walls constructed in a single continuous line shall extend into a street landscape border no more than the actual width of the fence or wall. Where a fence or wall incorporates offsets or similar design features, a screen may extend a maximum of three (3) feet into the street landscape border.
 - 4. Where earth berms are used, the crest of the berm must be located on site and no closer than one (1) foot from the street property line or, on sites subject to the MS&R zone, the MS&R right-of-way line.
- 3.7.3.3 Height Measurement. The height of a screen required under Table 3.7.2-I is measured as follows.
- A. The height of a screen adjacent to a property line or along a street frontage is the vertical distance measured on the development side of the screen from the finished grade at the base of the screen at all points along the screen to the top of the screen.
 - B. Where ground mounted mechanical equipment is visible from the street frontage, the screen height is measured from the finished grade at the base of the mechanical equipment to its highest point.
- 3.7.3.4 Sight Visibility Triangle. Any screen higher than thirty (30) inches must be located outside of the sight visibility triangle.
- 3.7.3.5 Phased Development. Where screening for phased development is required:
- A. The perimeter screening element along the property lines must be installed during development of the first phase; or
 - B. Where the undisturbed natural desert is maintained in areas to be developed in subsequent phases, a temporary screen may be erected around the perimeter of the initial phase, subject to the following.
 - 1. Temporary screening may be an opaque wood fence or a chain link fence with wood slats.
 - 2. Temporary screening must be replaced by a permanent screen if construction of the subsequent phases is not started within two (2) years of the date the original phase received a certificate of occupancy.

3.7.3.6 Exceptions to Screening Requirements.

- A. The required screen along a street frontage for vehicular use and outdoor display areas may be lowered to thirty (30) inches if the site is located:
 - 1. On a street that is not designated as an MS&R; and
 - 2. Across the street from nonresidential uses or unimproved, nonresidentially zoned parcels.
- B. Where a building wall abuts a street landscape border, the building may serve as the required screen.
- C. The Development Services Department Director may grant a partial or complete exception to the screening requirements for development within a Historic Preservation Zone. The exceptions may be granted if, after completion of the historic district development review required by Historic Preservation Zone, the Development Services Department Director determines that the requirements are not compatible with the character of the historic district. (Ord. No. 9967, §3, 7/1/04)
- D. A partial or complete exception may be granted to the screening requirements for uses with extensive landscaped open space, including parks, cemeteries, or golf courses. (Ord. No. 9392, §1, 5/22/00)
- E. For development adjacent to a Planned Area Development (PAD) zone, the screening requirements shall be those which are required for development adjacent to residential zones, except where an adjacent Planned Area Development (PAD) District has been developed or planned for nonresidential uses. In that case, the screening requirements are based on the adjacent land use. (Ord. No. 9374, §1, 4/10/00)

3.7.3.7 Screening Materials.

- A. *Walls.*
 - 1. All walls required by this Division must be of masonry material or masonry with a stucco or textured finish.
 - 2. Decorative openings may be incorporated into the upper twenty (20) percent of an otherwise solid masonry wall located along a street frontage.
- B. *Earth Berms.* The slope of an earth berm, used alone or in combination with a retaining wall, shall not exceed one (1) foot of rise for every three (3) feet of linear distance. The width of an earth berm must be self stabilizing.
- C. *Hedges and Other Vegetation Screens.*
 - 1. Plants used for screening purposes may not be smaller than a five (5) gallon can size when planted. The plants may be aligned, or unevenly spaced, but must provide a continuous screen at maturity within two (2) years.
 - 2. Vegetative screens shall be planted in areas not less than three (3) feet in width.
- D. *Fences.*
 - 1. Wood fences must provide a continuous opaque screen.
 - 2. Nonwood fences, such as chain link, may not be used along a street frontage along a Gateway Route or within the SCZ.

DIVISION 8. NATIVE PLANT PRESERVATION

SECTIONS:

3.8.1	INTENT
3.8.2	PURPOSE
3.8.3	APPLICABILITY
3.8.4	GENERAL PROVISIONS AND REQUIREMENTS
3.8.5	PROTECTED NATIVE PLANT LIST
3.8.6	PLANT PRESERVATION REQUIREMENTS
3.8.7	ENFORCEMENT, PENALTIES, FINES, AND OTHER REMEDIES
3.8.8	ADMINISTRATION

3.8.1 INTENT. Tucson's setting is in the Sonoran Desert, a unique biological community known as the Arizona Uplands found only in southern Arizona and limited areas of northern Mexico. Some of the plants and animals living in this area are found nowhere else in the world. One of the most distinctive plants is the Saguaro cactus (*Carnegiea gigantea*), a visual symbol synonymous with Tucson and the Sonoran Desert. The Saguaro, along with certain other Sonoran genus and species, is extremely slow growing and not easily transplanted with success.

Development in the Tucson area has decreased the number of these unique native plants resulting in the loss of a natural resource. City-wide goals and policies for preservation of the native plants found in the Sonoran Desert have been established in the *Vision: A Guide for the Future of the City of Tucson*, adopted in 1989 and in the *General Plan, Section 2, Vegetation and Wildlife*, adopted in 1992. This Division addresses the preservation of native Upland vegetation that provides much of the visual character of the Sonoran Desert and supports wildlife. (Ord. No. 9517, §3, 2/12/01)

In conjunction with development, buffelgrass invasion is spreading along roadways, wash systems and into the undisturbed Sonoran Desert. Buffelgrass (*Pennisetum ciliare*) is converting a fire-resistant desert to flammable grassland. In 2005, the state of Arizona placed buffelgrass on the Arizona Noxious Weed List prohibiting its entry or sale in the state. Buffelgrass is a wildfire risk to desert ecosystems threatening life, property, tourism and the regional economy. Buffelgrass, as it burns, can kill the saguaro cactus, other native vegetation and is detrimental to desert wildlife species including the desert tortoise and mule deer. (Ord. No. 10632, §3, 2/3/09)

This Division is intended to encourage preservation-in-place of healthy native plants through sensitive site design which minimizes the disruption of areas within the site containing native plants, while allowing for salvage and transplanting plants on the site that are likely to survive. The Division also provides for replacement of plants that are removed for development at ratios to assure site revegetation and to compensate for probable loss of transplanted and replacement plants. Mitigation credits are offered to encourage preservation-in-place. Mature trees and Saguaros should be given particular consideration for preservation-in-place. When preservation-in-place is not possible, emphasis should next be given to plant salvage for use elsewhere on the site, and lastly, if plants are removed from the site, the revegetation concept should emphasize the recreation of the natural character and plant distribution similar to the undisturbed vegetation on and adjacent to the subject site.

3.8.2 PURPOSE. These regulations provide for the preservation, protection, transplanting, and replacement of existing designated native plants including cacti, succulents, trees, and shrubs through the establishment of comprehensive procedures, requirements, and standards which protect the public health, safety, and general welfare by:

- Preserving a sense of place through the potential enhancement of the community's appearance from public streets and between incompatible land uses.

- Maintaining property values, the quality of life, and lifestyles valued and enjoyed by the community through the preservation of the unique Sonoran vegetation.
- Contributing to economic development through the maintenance of a regional identity that attracts tourism and new businesses, while promoting business retention and expansion.
- Improving air quality through the preservation of mature vegetation that removes carbon monoxide and filters dust and particulates from the air.
- Promoting water conservation through retention of existing drought-tolerant vegetation that requires no supplemental irrigation.
- Assisting in climate modification and reducing energy costs through the use of native vegetation to shade buildings, streets, sidewalks, and other outdoor areas.
- Retaining vegetative features of habitats that are important to native wildlife species.
- Stabilizing desert soils by minimizing soil erosion through preservation of or revegetation with native plants.

3.8.3 APPLICABILITY. The provisions of this Division apply to all development as listed below:

3.8.3.1 All new development.

3.8.3.2 Expansions of existing development.

- A. If the expansion is less than twenty-five (25) percent, the requirements of this Division apply only to the proposed expansion area.
- B. If the expansion is twenty-five (25) percent or greater or if expansions after March 24, 1997, cumulatively result in a twenty-five (25) percent or greater expansion in land area, floor area, lot coverage, or vehicular use area, the requirements of this Division apply to the proposed expansion area and the remaining undeveloped site area.

Editor's Note: Ord. No. 8845, Sec. 3.8.0 of the *Land Use Code*, was adopted by Mayor and Council on March 24, 1997, with an effective date of July 1, 1997.

3.8.3.3 Concurrent Applicability of Divisions. The requirements of this Division; the Hillside Development Zone (HDZ); the Environmental Resource Zone (ERZ); the Watercourse Amenities, Safety, and Habitat (WASH) ordinance; the Scenic Corridor Zone (SCZ); and the Landscape and Screening Regulations are all calculated separately. Plants or areas preserved or planted for the purposes of compliance with one regulation may be considered for the purposes of compliance with this Division.

3.8.3.4 Exceptions. The provisions of this Division do not apply to the following.

- A. Single family residential development on lots recorded before March 24, 1997, or single family residential development on a lot within a subdivision which is subject to an approved Native Plant Preservation Plan after the sale and development of a principal structure on that lot.
- B. Projects for which a site plan or a development plan as required under Sec. 5.3.8 of the *Land Use Code (LUC)* has been submitted or approved prior to July 1, 1997, provided that permits are obtained within one (1) year and that construction occurs in accordance with the site plan or development plan and within one (1) year of permit issuance.

- C. Single-family residential subdivisions for which a tentative plat has been submitted or approved prior to July 1, 1997, per Sec. 4.1.0, Subdivisions, provided the plat is recorded within one (1) year from the approval date of the final plat, infrastructure is in place, and fifty (50) percent of the lots are developed within five (5) years after July 1, 1997.
- D. Projects on a site that does not contain any plant on the Protected Native Plant List as demonstrated by the applicant per Development Standard 2-15.2.0 and subject to approval through procedures established at the Development Services Department (DSD). This application can be submitted prior to an applicable review process and approved for an exception on the site. The approved exception will be valid for up to one (1) year from the date of the approval. (Ord. No. 9246, §1, 10/11/99; Ord. No. 9392, §1, 5/22/00)
- E. Projects on a site or parcel that contains Protected Native Plants which will not be substantially impacted by development on the site as demonstrated by the applicant per Development Standard 2-15.2.0 and subject to approval through procedures established at the Development Services Department (DSD), provided that construction occurs per the approved plan. (Ord. No. 9392, §1, 5/22/00)

3.8.4 GENERAL PROVISIONS AND REQUIREMENTS.

3.8.4.1 Submittal Requirements. A Native Plant Preservation Plan per Development Standard 2-15.3.0 is required for all projects under the applicability of this Division according to the methodology selected by the applicant as outlined in Plant Preservation Requirements, Sec. 3.8.6. If buffelgrass is present, populations are to be mapped and included as part of the Native Plant Preservation Plan or the Environmental Resource Report. Continued buffelgrass eradication and monitoring methodology, including common areas, is required for developed and undeveloped portions of a site. (Ord. No. 10632, §4, 2/3/09)

- A. If the Plant Inventory Methodology is selected, a Native Plant Inventory per Development Standard 2-15.3.1, an Analysis per Development Standard 2-15.3.3, and a Plant Preservation and Salvage Plan per Development Standard 2-15.3.4 shall be submitted.
- B. If the Plant Appraisal Methodology is selected, a plant appraisal per Sec. 3.8.6.3 based on a Native Plant Inventory for each plant to be removed from the site per Development Standard 2-15.3.1 shall be submitted.
- C. If the Set Aside Methodology is selected, an Environmental Resource Report per Sec. 3.8.6.4 and Development Standard 1-07.0 shall be submitted.

3.8.4.2 Plan Approval Prior to Site Modifications. No grubbing, grading, construction, or salvaging of any plants on the site shall take place prior to the submittal and approval of the required Native Plant Preservation Plan. Protected Native Plants designated in Sec. 3.8.5 shall not be destroyed, damaged, salvaged, transplanted, or removed from the site except in accordance with the approved Plan. Once a Native Plant Preservation Plan has been approved, a salvage-only permit can be issued. The salvage-only permit can be issued upon completion of one of the following conditions:

- A. For rezoning or annexation cases, ordinance adoption by the Mayor and Council.
- B. For tentative plats or development plans, approval from all City departments and public and semipublic agencies that review the plat or plan. (Ord. No. 9392, §1, 5/22/00)
- C. For site plans, an official submittal to the Development Services Department (DSD) with all site plan review fees paid in full. (Ord. No. 9392, §1, 5/22/00)

The salvage-only permit does not allow site grubbing, grading, or construction of any kind, other than the salvaging of those materials as indicated on the approved Native Plant Preservation Plan. No protected native plants, even as indicated on the approved Native Plant Preservation Plan, may be destroyed or removed from the site until a grading permit has been issued for the project. (Ord. No. 9246, §1, 10/11/99)

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3.8.4.3 **Plan Approval Prior to Permitting.** The Native Plant Preservation Plan shall be submitted prior to or concurrently with any plan(s) and applicable fees required for development approval, including a grubbing/grading plan, landscape plan, site plan, development plan, or tentative plat. No permits shall be issued prior to submittal and approval of the Native Plant Preservation Plan. Plan submittal shall conform to Development Standard 2-15.0. (Ord. No. 9246, §1, 10/11/99; Ord. No. 9392, §1, 5/22/00)

3.8.4.4 **Professional Expertise.** Preparation of all elements of the Native Plant Preservation Plan and on-site monitoring as required under Sec. 3.8.6.7.D shall be performed by a plant professional, such as:

- A. An arborist certified by the International Society of Arboriculture.
- B. A landscape architect.
- C. A horticulturist, biologist, or botanist with a minimum B.A. or B.S. in an appropriate arid environment natural resource field.

(Ord. No. 9246, §1, 10/11/99)

3.8.4.5 **Plant Disposition.** The Native Plant Preservation Plan shall indicate the disposition of Protected Native Plants in excess of those needed to meet the requirements of this Division and other applicable regulations. It is encouraged that all Protected Native Plants that are not proposed to remain on-site be salvaged and transplanted off-site. The Plan shall affirm, by a statement on the Plan, conformance with the requirements of the Federal Endangered Species Act and the Arizona Native Plant Law. Applicants are advised of required salvage permits which must be obtained from the U.S. Fish and Wildlife Service for the applicable Endangered and Threatened genus and species and required notification which must be provided to the Arizona Department of Agriculture prior to site modification. Compliance with this Division does not constitute conformance with state or federal regulations. (Ord. No. 9246, §1, 10/11/99)

3.8.4.6 Repealed. (Ord. No. 9246, §1, 10/11/99)

3.8.5 PROTECTED NATIVE PLANT LIST.

ALL CACTI	
Common Name	Latin Name
Compass Barrel	Ferocactus acanthodes
Crested or Fan-top Saguaro	Carnegiea gigantea 'Crested'
Desert Night-blooming Cereus	Peniocereus greggi
Fishhook Barrel	Ferocactus wislezenii
Needle-spined Pineapple Cactus	Echinomastus erectocentrus var. erectocentrus
*Pima Pineapple Cactus	*Coryphantha scheeri var. robustipina
Saguaro	Carnegiea gigantea

APPENDIX 1

Checklist of Up-to-Date Pages

The following listing is included in this Code as a guide for the user to determine whether the Code volume properly reflects the latest print of each page.

In the first column, all page numbers are listed in sequence. The second column reflects the latest printing of the pages as they should appear in an up-to-date volume. When a page has been reprinted or printed as part of the supplement service, this column reflects the Supplement Number which is printed on the bottom of the page.

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