

ORDINANCE NUMBER 2020-08

AN ORDINANCE OF THE TOWN OF PARADISE VALLEY, ARIZONA AMENDING CHAPTER 5, BUILDING, ARTICLE 5-8-4, NATIVE PLANT PRESERVATION, AND ARTICLE 5-10-5, GRADING AND DUST CONTROL REGULATIONS OF THE PARADISE VALLEY TOWN CODE, PROVIDING FOR SEVERABILITY

WHEREAS, The Town of Paradise Valley adopted Ordinance Number 27 of February 13, 1964, which adopted the Code of the Town of Paradise Valley; and

WHEREAS, A.R.S. 9-2480(28)(a) establishes the authority to make, amend, or repeal all ordinances necessary or proper for the carrying into the effect of the powers vested in the corporation, or any department or officer thereof, and Article 2-6 of Town Code establishes procedures for amending the Town Code; and

WHEREAS, The Town of Paradise Valley wishes to be consistent with the regulations of the State of Arizona and with those of the other jurisdictions within the State;

BE IT ORDAINED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF PARADISE VALLEY, ARIZONA:

Section 1. Chapter 5, Building, Article 5-8-4, Native Plant Preservation, is hereby amended (with deletions shown as ~~strikethroughs~~ and additions shown in **bold type**):

Section 5-8-4 Native Plant Preservation

To insure mature protected native plants are not unnecessarily destroyed or removed the Town requires native plant preservation. Upon application for a building permit for all new construction and additions over \$500,000 in value and all demolition and grading permits an applicant must first complete a Native Plant Preservation Plan. No person shall destroy, mutilate, remove from the premises, or relocate to another place on the premises any protected native plant during construction within the Town without first submitting a Native Plant Preservation Plan according to the terms of this Article.

A. Protected native plants

Trees which are over four (4) inches in caliper of the following species:

Acacia Constricta	White Thorn Acacia
Acacia Greggii	Catclaw Acacia
Cercidium Microphyllum	Foothill Palo Verde

Cercidium Floridum
Olneya Tesota
Prosopis Species
Berberis Haematocarpa
Celtis pallida
Juniperous species
Canotia holocantha
Chilopsis linearis
Populus fremontii

Blue Palo Verde
Ironwood
Mesquite
Red Barberry
Desert Hackberry
Juniper
Cruxifiction Thron
Desert Willow
Cottonwood

Cacti which are three (3) feet or greater in height of the following species:

Carnegiea Gigantean
Ferocactus Species
Fouquieria Splendens
Peniocereus Greggii
Yucca elata

Saguaro
Barrel
Ocotillo
Desert Night Blooming Cereus
Soaptree Yucca

Section 2. Chapter 5, Building, Article 5-10-5, Grading and Dust Control Regulations, is hereby amended (with deletions shown as ~~strike throughs~~ and additions shown in **bold type**):

B. Grading Permits Required for Land Disturbance

1. For the purpose of this Article, the following terms shall have the meanings respectively ascribed to them in this Section:
 - a. Grading means any excavating or filling or otherwise changing the gradient of land.
 - b. Excavating means the removal of earthen material resulting in a lowering of the grade at that location.
 - c. Filling means dumping or depositing earthen material resulting in raising of the grade at that location.
 - d. Earthen material means any rock, natural soil or any combination thereof.
 - e. Land disturbance or disturb the land or similar words means clearing, grading, grubbing, scraping, excavating, filling, uncovering, destabilizing, moving or otherwise modifying the earth's surface.
 - f. Vacant lot shall mean developed land upon which no person or persons reside or use for the purpose for which the land was developed.
2. No land disturbance may occur on any lot or parcel in the Town without a grading permit being first obtained from the Town Engineer, and, if necessary, a hauling permit and payment of the hauling permit fees, as prescribed in the "Town of Paradise Valley Fee Schedule," except as otherwise provided herein. No grading permit may be issued without the following submittals, each in a form approved by the Town Engineer:

- a. A grading plan prepared by a Civil Engineer.
 - a) Where excavation is to occur the top four (4) inches of excavated native soil shall remain on the site and shall be reused in a manner that takes advantage of the natural soil seed bank it contains.
 - b) The grading plan shall contain the preparing engineer's certification of the 100 year water surface elevation and finished floor elevation.
 - c) The building pad shall not exceed two (2) feet in height except where required to protect the building against flooding, in which case the pad shall be one (1) foot above the water surface elevation of the 100 year event.
 - d) A stabilization plan describing how areas potentially prone to erosion will be protected.
 - e) A drainage plan showing washes in an undisturbed state except for modifications approved by the Town Engineer that are required to accommodate storm water. Washes shall not be realigned except as approved by the Town Engineer and Community Development Director when necessary to accommodate storm water or to restore a disturbed wash to a more natural state. Realignments and modifications of washes shall be consistent with the Storm Drainage Design Manual.
- b. Dust control plan meeting the requirements of Rule 310 of the Maricopa County Air Pollution Control Regulations, as amended.
- c. A native plant inventory, native plant salvage plan, and revegetation plan using plants from the Town's approved plant palette **in accordance with Article 5-8-4 of the Town Code.**
- d. A fencing plan showing the location and means of temporary fencing that separates the construction area from the portions of the site which will not be disturbed.
- e. Such other information as may be required by the Town Engineer.

Section 3. If any section, subsection, sentence, clause, phrase or portion of this ordinance or any part of these amendments to the Town Code adopted herein by reference is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

PASSED AND ADOPTED by the Mayor and Council of the Town of Paradise Valley,
Arizona, this ____ day of _____ 2020.

Jerry Bien-Willner, Mayor

ATTEST:

Duncan Miller, Town Clerk

APPROVED AS TO FORM:

Andrew M. Miller, Town Attorney