

## REDLINE LEGEND

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Added text is shown in red with underline.

All other text is unchanged from the existing regulation.

## CHAPTER 42 LANDSCAPE REGULATION

**42.01 Scope, Purpose, and Intent.** The following regulation is established to maintain the uniform and reasonably high standard of artistic result and attractiveness in exterior and physical appearance of property and improvements in Rancho Santa Fe. The landscape of Rancho Santa Fe is a critically important component of the community's character and amenity. As such, the preservation, maintenance and enhancement of traditional Rancho Santa Fe landscaping are carefully considered as part of the review and approval of development permits. The approval of landscape plans and the imposition of any subsequent landscaping requirements is an integral part of the building approval process. Applicants should review the recommendations contained in the landscaping section of the Rancho Santa Fe Residential Design Guidelines including the "Suggested Plant List" in Appendix F.

**42.02 Application.** This regulation applies to, and an approved landscape plan is required for, the new construction or alteration of residential or commercial buildings, swimming pools, tennis courts, fencing (whether or not it is major construction), and to all projects where landscape will be added, altered or required (for screening or otherwise) in connection with a proposed construction project. This regulation also applies to properties that have a landscape plan on file with the Association and to properties that do not have a landscape plan on file with the Association. Critical View protection and landscape maintenance obligations under this Chapter apply to all properties within the jurisdiction of the Association, regardless of whether the property is undergoing a construction project.

### **42.03 Landscape Plan Requirements.**

**42.0301 Approval.** All landscaping plans relating to residential construction require review and approval by the Art Jury with right of appeal to the Board of Directors pursuant to the Governing Documents. All landscaping plans relating to commercial construction require Art Jury review and recommendation and Board of Directors' approval pursuant to the Governing Documents.

**42.0302 Continuing Jurisdiction.** The Art Jury retains continuing jurisdiction over all approved landscape plans, both residential and commercial. Thus, upon inspection after installation, the Art Jury may require additional landscaping if, in the opinion of the Art Jury, it is necessary to fulfill in practice the intent of the approved landscape plan, specifically as it relates to landscaping for the purpose of screening structures. The Art Jury has the continuing authority to insure the installation and maintenance of:

- a. the landscaping shown on an approved landscaping plan; and
- b. any additional landscaping, including Critical View ~~landscaping as defined herein, Screening (as defined in Section 42.0304),~~ required as a condition of a final approval or otherwise conditioned as a requirement of any issued permit. ~~“Critical View” landscaping shall mean existing and approved landscaping for an area or areas, as illustrated on approved plans, which installation and maintenance is considered by the Art Jury or the Board vital to the effective buffering and screening of improvements. Critical View Screening, as defined in Section 42.0304, shall be subject to continuing jurisdiction under this Section.~~

**42.0303 Obligation to Maintain.** Landscaping that is required in association with an issued permit shall remain under the continuing jurisdiction of the Art Jury after final inspection and approval. Such landscaping is an important and inseparable component of the related construction approval and includes ornamental and non-ornamental landscaping. All required landscape material shall be permanently maintained in a healthy condition. Required landscaping which dies or fails to flourish, and is found by the Art Jury to be a significant landscape component, may be required to be replaced with appropriate plant materials to the satisfaction of the Art Jury.

**42.0304 Critical View Screening.** ~~“Critical View Screening” shall mean any landscape plant material that is located and sized so as to screen structures on a property from offsite views, including views from roads and neighboring properties. The Art Jury shall have the authority to determine whether any particular landscaping constitutes Critical View Screening. Critical View Screening of structures on a property must be maintained at all times. No owner shall remove, destroy, or allow to deteriorate any landscaping that constitutes Critical View Screening without prior approval of the Art Jury.~~

**42.0305 Owner Replacement Obligations.** ~~Where an owner clear cuts eucalyptus or any other trees, or where an owner ceases watering an orchard or any other landscaping causing it to fail to thrive, or where landscaping fails to thrive for any reason, the owner shall have the responsibility to either (a) replace the landscaping with equivalent plant material, or (b) propose a new landscape plan acceptable to the Art Jury. The owner shall submit a replacement landscape plan to the Art Jury within sixty (60) days of written notice by the Association. Following Art Jury approval of the replacement landscape plan, the owner shall complete installation of the replacement landscaping within ninety (90) days after such approval.~~

**42.0306 Enforcement.** ~~If an owner clear cuts trees or if landscaping fails to thrive for any reason, and a complaint is received by the Association that a Critical View is not being maintained, the Association shall dispatch code enforcement to the property. Code enforcement shall notify the owner that the owner is required, within sixty (60) days, to submit a landscape plan to the Art Jury to replace plant material providing~~

Critical View Screening. The replacement landscape plan and installation shall be subject to the requirements set forth in Section 42.0305. Failure to comply with this Section shall constitute a violation of the Governing Documents and shall be subject to enforcement proceedings as provided therein.

**42.04 Plan Details.** All landscape plans shall include the size, location, and botanical and common name of all proposed plants and existing mature trees. Landscape plans may be required to show existing plants and trees where such landscaping is deemed to provide important screening or buffering for a proposed improvement.

**42.05 Time Requirements.** The approved landscaping shall be completed within six (6) months of substantial completion of the construction of a new residence or commercial building.

**42.06 Effective Date.** The effective date of this regulation is July 21, 1994.

**42.07 Amended Date.** Sections 42.02, 42.0301, 42.0302, 42.0303, 42.04 and 42.05 were amended on January 15, 1998.

**42.08 Amended Date.** Sections 42.02 and 42.0302 were amended, and Sections 42.0304, 42.0305 and 42.0306 were added, on \_\_\_\_\_, 20\_\_.