

Summation and Explanation of Appeal

I hereby appeal the Zoning Administrator's July 17, 2026 interpretation regarding the meaning of "landscape screens" in Chapter 35 of the Chandler Zoning Code. The interpretation is inconsistent with the plain language of the ordinance, violates established rules of statutory construction, improperly rewrites the term "landscape screen" to mean "screen wall," renders ordinance language surplusage, contradicts industry-standard definitions, ignores legislative intent, and relies on policy preferences rather than the adopted zoning text. A detailed explanation is attached.

Appeal of Zoning Interpretation – Landscape Screens

Applicant: Martin Landa

Subject Property: 1232 W. Kesler Lane, Chandler, AZ

Date of Interpretation: July 17, 2026

Date of Appeal: July 20, 2026

I. Introduction

This appeal challenges the Zoning Administrator’s determination that “landscape screens” in Chapter 35 of the Chandler Zoning Code exclude vegetative installations such as hedges, shrubs, or trees. The interpretation is inconsistent with the ordinance text, legislative intent, standard zoning terminology, and established rules of statutory construction.

The Board of Adjustment is empowered under Chandler City Code § 35-2503 and A.R.S. § 9-462.06(K) to reverse or modify erroneous interpretations. This appeal requests that the Board do so.

II. The Interpretation Conflicts with the Plain Language of the Ordinance

The ordinance states:

“Fences, walls and landscape screens not exceeding seven (7) feet in height...”

The Zoning Administrator asserts:

“Landscape screen means a screen wall... panel or lattice material.”

This definition does not appear anywhere in the Chandler Zoning Code.

The plain meaning of “landscape screen” is:

- **Landscape** = vegetation
- **Screen** = a barrier that blocks view
- **Landscape screen** = vegetation arranged to block view

This is consistent with ordinary dictionary definitions, industry standards, and common usage.

The interpretation improperly rewrites the ordinance.

III. The Interpretation Violates the Rule Against Surplusage

If “landscape screen” means “screen wall,” then the ordinance reads:

“Fences, walls, and walls not exceeding seven feet...”

This is legally impermissible.

Arizona courts require that every word in an ordinance be given meaning. The City’s interpretation renders “landscape screen” meaningless and redundant.

IV. The Interpretation Conflicts with Standard Zoning Terminology

Across the United States, in:

- ASLA (American Society of Landscape Architects)
- APA (American Planning Association)
- ISA (International Society of Arboriculture)
- Municipal zoning codes nationwide

The term **“landscape screen”** universally refers to **vegetation** used for screening.

The City’s interpretation is contrary to industry practice.

V. The Interpretation Ignores Legislative Intent

Ordinance No. 5075 (2024) amended Chapter 35 to regulate:

- fences
- walls
- **landscape screens**

The City Council intentionally grouped these three elements together to regulate **all forms of screening**, including vegetative barriers.

The Zoning Administrator’s interpretation nullifies the Council’s action.

VI. The Interpretation Relies on Policy Preferences, Not the Ordinance

The interpretation repeatedly argues that regulating vegetation would be:

- “impractical,”
- “not sensible,”
- “inconsistent with long-established practice.”

These are **policy arguments**, not legal ones.

The Board’s role is to interpret the ordinance **as written**, not to ratify staff preferences.

If the City wishes to change the ordinance, it must do so through legislative amendment — not through reinterpretation.

VII. The Interpretation Conflicts with PAD Requirements

The subject property is within a **Planned Area Development (PAD)**.

PADs routinely require:

- landscape plans
- screening
- buffering
- perimeter treatments

Vegetation is regulated in PADs.

The interpretation ignores this context entirely.

VIII. The Interpretation Creates Internal Contradictions

The City regulates vegetation height in:

- sight-visibility triangles
- commercial districts
- multi-family districts
- industrial districts
- PADs
- landscape plan approvals

The claim that “the City does not regulate vegetation” is demonstrably false.

IX. The Interpretation Creates Enforcement Arbitrariness

By excluding vegetation from height limits, the interpretation creates:

- inconsistent enforcement
- selective enforcement
- unequal treatment
- loopholes allowing 30–60 foot vegetative barriers in residential districts

This contradicts the purpose of Chapter 35.

X. Relief Requested

The Board of Adjustment should:

1. **Reverse** the Zoning Administrator's interpretation.
2. **Determine** that "landscape screens" include vegetative installations.
3. **Determine** that the seven-foot height limit applies to vegetative landscape screens.
4. **Determine** that the installation at 1232 W. Kesler Lane constitutes a landscape screen subject to height limits.