ARTICLE V. MODIFICATION, INSPECTION, ENFORCEMENT AND APPEAL

Sec. 21-121. Modifications.

(a) If strict compliance with the standards of this chapter conflict with existing federal or state statutory or regulatory requirements, or when planting is required by this chapter and the site design, topography, natural vegetation, or other special considerations exist relative to the proposed development, the developer may submit a specific alternate plan for planting to the City for consideration. This plan must meet the purposes and standards of this chapter, but may suggest measures other than those in article IV of this chapter. In addition, if the developer seeks a modification of planting requirements based upon a contention that the planting required by this chapter would pose a threat to health and safety due to a conflict with existing federal or state statutory or regulatory requirements, a modification will only be considered upon receipt of a written explanation of the alleged conflict created by the planting requirement and a copy of the statute or regulation that creates the conflict. The City shall review the alternate proposal and advise the applicant of the disposition of the request within fifteen (15) working days of submission by the applicant. Any appeals by the applicant shall be in accordance with section 21-126.

(b) Requests for a delay in complying with this chapter due to poor weather conditions for planting will be considered following a written request directed to the City's Engineering and Property Management department. Certificates of occupancy will be issued upon approval of a request for planting delay. Such request for a delay will not change the timeframe during which the planting will be completed. Failure to comply will result in penalties as provided for in section 21-124 of this article.