

Sec. 7.500. - Native Plant Materials.

Purpose. These regulations are intended to establish procedures that insure the preservation of indigenous plant materials as specified below. These specified materials are found to enhance the City's physical and aesthetic character, contribute to the preservation of the fragile desert environment by preventing erosion and providing wildlife habitat, increase valuation of real property, and provide scenic opportunities unique to this region. Preservation of these specified plant materials is found to be a part of the General Plan and is found to be in the furtherance of the public health, safety and welfare.

This section shall establish a procedure for the review and approval of native plant programs in conjunction with the native plant permit process established in [Chapter 46](#), Article V, of the Scottsdale Revised Code. The provisions of this section shall supplement the applicable provisions of the Scottsdale Revised Code, and shall not be construed as replacing, modifying, or invalidating those provisions.

(Ord. No. 2262, § 1, 8-15-89; Ord. No. 3920, § 1(Exh. § 93), 11-9-10)

Sec. 7.501. - Findings.

The City of Scottsdale has determined that:

- (1) Native vegetation within the City of Scottsdale is a unique natural resource which promotes tourism and contributes to the economic and aesthetic well-being of the community.
- (2) Native vegetation, as an integral part of the Sonoran Desert, contributes to the high property values, high quality of life, and unique lifestyle which the community enjoys.
- (3) Native vegetation is important in stabilizing desert soils and providing food and protection for many types of desert wildlife.
- (4) Native vegetation is more drought tolerant, requires less maintenance, and uses less water than other types of landscaping materials.
- (5) Native vegetation is a slow-growing type of plant material that cannot always be successfully relocated. Certain specimen plants, because of their form, age or location, cannot be replaced by a plant of like character.

(Ord. No. 2262, § 1, 8-15-89)

Sec. 7.502. - Native plant program; contents.

The native plant program is a plan which specifies the proposed treatment of protected native plants which are being disturbed during the development process. The Zoning Administrator shall review native plant programs presented as part of the native plant permit application and may approve, conditionally approve, or deny an application based upon compliance with and in consideration of the criteria contained herein.

(Ord. No. 2262, § 1, 8-15-89; Ord. No. 3920, § 1(Exh. § 94), 11-9-10)

Sec. 7.503. - Criteria.

Protected native plants shall not be destroyed, mutilated, or removed from the premises, or relocated on the premises except in accordance with an approved native plant program required in conjunction with the issuance of a native plant permit. No native plant program shall be approved until it has been demonstrated that the following criteria have been met:

- (1) The density/intensity of development for the approved land use shall be an important element in the determination of the base requirements for plant retention and salvage. The proposed relocation program shall provide reasonable plant salvage, protection, and storage and shall insure consistency with existing neighborhood character.
- (2) The site plan shall be designed to protect and incorporate significant on-site natural amenities (i.e. aesthetic, unique, historic, etc.) and minimize the number of salvageable plants which need to be removed to allow reasonable construction on the site. These relationships shall promote and enhance the character of the native environment rather than contrast or domesticate it.
- (3) A vegetation inventory and analysis shall provide a clear, comprehensive overview and listing of plant materials, their condition and physical relationships on-site so as to aid the site planning and determination of plant salvageability.
- (5) A conceptual analysis and design of the site revegetation and/or landscaping shall insure that the character of the project be consistent with the natural density, distribution, and maturity of vegetation on adjacent properties.
- (6) The native plant program shall include a relocation program for excess salvageable plants.
(Ord. No. 2262, § 1, 8-15-89; Ord. No. 4143, § 1(Res. No. 9678, Exh. A, § 206), 5-6-14)

Sec. 7.504. - Submittals required.

A native plant program shall consist of the following information. Additional information may also be required in order to insure that the purpose of this section is fulfilled.

A. Native plant inventory, containing:

1. Aerial photograph and/or site plan overlay at a minimum scale of 1"=100' showing the location of all protected native plants within the proposed construction boundaries and within fifty (50) feet of the construction limits.
2. List of the number, species, size, general condition, and salvage status of all protected native plants within the proposed construction boundaries.

B. Native plant relocation methodology, containing the proposed location of all protected native plants to be relocated within the proposed construction boundaries.

C. Nursery site location where plant material is to be stored during construction.

(Ord. No. 2262, § 1, 8-15-89; Ord. No. 3920, § 1(Exh. § 95), 11-9-10)

Sec. 7.505. - Compliance.

A. Failure to comply with the requirements of the approved native plant program shall cause immediate suspension of all inspection activity. Inspection shall not resume until a sum of money is paid to the city for the purpose of replacing and maintaining protected native plant materials as required in the approved native plant program.

B. The Development Review Board shall determine the sum of money to be paid to the city from the following schedule:

1. *Protected native trees*: Three hundred dollars (\$300.00) per caliper inch (measured one (1) foot above ground level).
2. *Protected native cacti*: Two hundred dollars (\$200.00) per foot.
3. *Maximum per plant*: Ten thousand dollars (\$10,000.00).
 - a. Determination of the sum of money to be paid to the city pursuant to this section shall be based upon the type, size, density, distribution, and condition of plant materials that existed on the property prior to the violation, or upon inspection of the remains of destroyed plant materials or other physical evidence as may be available. Appeal of a decision of the Development Review Board regarding this determination may be made to City Council in accordance with the rules and procedures established in Article I.

C. The sum of money required by this subsection shall be used to replace removed or damaged plant materials whose retention was required by this subsection and to maintain replacement plant materials for a period of three (3) years. Additionally, fifteen (15) percent of the total amount payable shall be kept by the city as payment for the enforcement of these regulations and administration of the agreement specified in [Section 7.505](#)(4).

D. Prior to issuance of any permits for construction on or development of the property on which the violation occurred, the property owner shall enter into an agreement with a landscape installation and maintenance service and the city to ensure replacement and three (3) years' maintenance of the replacement plant materials, to provide disbursement of the sum of money for the purposes of replacement and to pay administrative costs. The sum of money paid to the city in excess of the amounts specified in the agreement shall be refunded.

(Ord. No. 2262, § 1, 8-15-89; Ord. No. 3225, § 1, 5-4-99; Ord. No. 4143, § 1(Res. No. 9678, Exh. A, § 207), 5-6-14)

Sec. 7.506. - Appeals.

Decisions made in administering the native plant program are minor applications that may be appealed in writing to the Development Review Board. The approval, with or without conditions, or denial by the Development Review Board of an application shall be final unless within twenty (20) days from the date of the board's decision the property owner files an appeal in writing to the City Council. Such appeal shall be made to the City Clerk and shall indicate where the board was in error. The City Clerk shall schedule the appeal for a City Council agenda, and the City Council at its meeting shall uphold, modify, or overrule the decision of the board. The decision of the City Council shall be final.

(Ord. No. 2262, § 1, 8-15-89; Ord. No. 3920, § 1(Exh. § 96), 11-9-10; Ord. No. 4143, § 1(Res. No. 9678, Exh. A, § 208), 5-6-14)