

# ZONING INTERPRETATION RECORD

## Subject of Interpretation:

The interpretation regards a stipulation used in certain rezoning and preliminary plat cases under the former Hillside District overlay zoning district. As an example, the wording of this stipulation in cases 85-ZN-1985, 86-ZN-1985 and 87-ZN-1985 (stipulation #10) is: "Non-indigenous plant material which reaches a mature height greater than 20 feet shall not be introduced on the site."

## Zoning Ordinance Section Number:

As a stipulation attached to case approvals, there is no specific ordinance number that applies.

## Title of Section:

(See above)

## Cause for Interpretation:

The language in the stipulation is general and has resulted in a lack of specific clarity for the purposes of code enforcement. There is a need for greater specificity and clarity in order to assure compliance within properties that this stipulation applies to.

## Interpretation:

This stipulation is intended to achieve a consistent visual character compatible with the desert setting in development areas where there are lands set aside as natural areas or for conservation purposes. The stipulation prohibits tall non-native plants that can achieve a mature (i.e. full growth) height of over 20 feet. The "Indigenous, Desert Appropriate and Recommended Plant Lists" for the Environmentally Sensitive Lands overlay areas ([www.scottsdaleaz.gov/codes/nativeplant/eslo.asp](http://www.scottsdaleaz.gov/codes/nativeplant/eslo.asp)) should be used as the primary guide for plant materials that can meet this requirement. In particular, this stipulation was intended to avoid the planting of traditional landscape trees such as most eucalyptus trees, pine trees, elms, ash trees, jacaranda, California and Mexican fan palms, date palms, olive trees, bottlebrush trees, Chinaberry trees, mulberry trees, Indian rosewood (Sissoo) trees, oak trees, various cypress trees, non-native willow trees, locust trees, pistache trees, and other such types of trees. Of special note, in northern parts of Scottsdale queen palms may or may not reach a height of 20 feet. If such palms trees occur in areas with this stipulation, they will need to be removed if they achieve a height of 20 feet or greater.

  
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Interpretation By

Donald Hadder, Sr.  
Principal Planner

12/17/2009  
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Date

12/17/2009

  
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Approved By

Lusia Galav AICP  
Zoning Administrator