

## CHAPTER 8 – LANDSCAPING

### SECTION 8.0 GENERAL:

- A. The purpose of this Ordinance is to protect and conserve significant natural habitat by requiring the use of indigenous plants.
- B. These regulations shall apply to all new construction, additions, or building permits in all zones as outlined within this Ordinance.
- C. All landscaping shall comply with the regulations as set forth within the Town of Cave Creek Technical Design Guideline Number 4 – Landscaping.
- D. Site development design shall provide for the maximum possible undisturbed areas on the site. The undisturbed areas shall remain in a natural state and the site design shall allow for contiguous undisturbed areas both on site and to adjacent sites.
- E. Special consideration shall be given to the preservation of washes, riparian areas and other environmentally sensitive areas including, but not limited to, rock out croppings, mesquite bosque and saguaro stands.
- F. Landscape requirements for specific zones are contained within Chapter 2 – Single Residential Zones and Chapter 3 – Commercial Zones as contained within this Ordinance.

### SECTION 8.1 NATIVE PLANT PRESERVATION AND SALVAGE GENERAL REQUIREMENTS:

- A. A Native Plant Inventory Plan and Landscape Plan shall be submitted to the Town, for review and approval, for all improvements or construction within the Town.
- B. A Salvage Inventory of all Saguaros, Barrel, Hedgehog, Ocotillo & Buckhorn Cholla Cactus within an area of disturbance shall be submitted to the Town for review and approval as part of the Building Plan review submittal package.
- C. The removal or relocation of a Saguaro Cactus within the Town shall require a Zoning Clearance if the Saguaro Cactus exceeds four feet (4') in height.
- D. Protected Native Plants, as defined in the Town of Cave Creek Technical Design Guideline Number 4 – Landscaping, shall not be destroyed, mutilated, removed from the premises, or relocated on the premises except in accordance with a Town approved Native Plant Inventory Plan and Landscape Plan.

- E. All State of Arizona Department of Agriculture and Horticulture requirements shall apply at all times.
- F. In the Desert Rural (DR) zones, no native plants, within twelve feet (12') of any property line, shall be removed or relocated, except for driveway and utility service access or as otherwise required by this Ordinance.

## SECTION 8.2 REVEGETATION REQUIREMENTS:

- A. Revegetation of any part of the required a non-disturbance area of a lot or parcel that has been disturbed, including but not limited to, roadway grading, cut and fill slopes, utility areas, and previously graded areas is required. The use of local indigenous natural topping material, "desert pavement" is required.
- B. Only the appropriate indigenous plant materials listed in the Town of Cave Creek Technical Design Guideline Number 4 – Landscaping, shall be used in the revegetation of a non-disturbance area.

## SECTION 8.3 FINANCIAL SECURITY:

- A. A Financial Assurance Agreement, in an amount and form found acceptable by the town, shall be entered into between the applicant and the Town. Said agreement shall be approved prior to the issuance of any Building Permit for any grading or grubbing within the Town. The Financial Assurance Agreement shall provide that if the Building Permit expires or the grading/grubbing is not constructed in conformance with the Town approved Native Plant Inventory Plan and Landscape Plan; the funding provided within the Financial Assurance Agreement may be used by the Town for the restoration to original condition, or re-vegetation of any unapproved or unacceptable disturbance.

For sample documents, please refer to the following Zoning Ordinance Exhibits: Exhibit 1 – Escrow Account Agreement & Instructions; Exhibit 2 – Subdivision Performance Bond AND Exhibit 3 – Town of Cave Creek Irrevocable Letters of Credit.

## SECTION 8.4 PERMITS AND PENALTIES:

- A. A Town issued Building Permit is required prior to any landscape improvements or revegetation. This requirement is also applicable to all proposed plant salvage, grubbing or site grading for a lot or parcel.
- B. To the maximum extent allowed by law fines shall be assessed for any salvage, grubbing or grading performed without first obtaining the requiring Building Permit.