

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO: 5288

ORDINANCE COUNCIL SERIES NO: _____

COUNCIL SPONSOR: FALCONER/BRISTER

PROVIDED BY: DEVELOPMENT

INTRODUCED BY: _____

SECONDED BY: _____

ON THE 2 DAY OF OCTOBER , 2014

ORDINANCE TO AMEND THE ST. TAMMANY PARISH UNIFIED DEVELOPMENT CODE VOLUME 1 (ZONING), SECTION 7 SUPPLEMENTAL DISTRICT REGULATIONS RELATIVE TO ADDING A SECTION TO ESTABLISH THE TREE BANK PROGRAM (ZC14-09-085).

WHEREAS, St. Tammany Parish Government recognizes the importance of maintaining the parish’s overall tree canopy balance because it contributes to the quality of life and environmental health of the community; and

WHEREAS, St. Tammany Parish Government has established regulations in the Unified Development Code to preserve protected trees and seeks to identify options during the development planning process to save or mitigate the impact to protected tree canopy; and

WHEREAS, St. Tammany Parish Government wishes to establish a Tree Bank Program as an additional option when other mitigation efforts outlined in the landscape ordinance are not feasible.

THE PARISH OF ST. TAMMANY HEREBY ORDAINS that it amends the St. Tammany Unified Development Code, Volume I (Zoning), Section 7 Supplemental District Regulations, specifically Section 7.0105 C Removal of Live Oak Trees.

3. Conditions shall be imposed upon any approved application to remove a live oak tree 6” in caliper or greater, such as requiring the planting of additional live oak trees on the site or ~~as compensation, donating live oak trees to a non-profit organization paying into the Tree Bank Program~~ payment to the Tree Bank Program.

THE PARISH OF ST. TAMMANY HEREBY ORDAINS that it amends the St. Tammany Unified Development Code, Volume I (Zoning), Section 7 Supplemental District Regulations, specifically Section 7.0105 C Removal of Live Oak Trees.

6. Appeal: The property owner or owner’s authorized representative may appeal the denial of the land clearing application to remove an oak tree to the Board of Adjustment. The board may grant a variance to remove live oak trees pursuant to the criteria as established in Section 7.0105C et al. The board may also require the applicant to provide compensation for the removal of said live oak trees, which may include:

- a. replacing the removed trees with either the same number, or more
- b. establishing the caliper of trees to be replanted
- c. planting a divergence of Class A trees, including live oaks, to replace the trees; and as an alternative to replacing trees on-site
- d. payment to the Tree Bank Program ~~require the applicant to donate trees to a non-profit organization in St. Tammany Parish for planting~~

THE PARISH OF ST. TAMMANY HEREBY ORDAINS that it amends the St. Tammany Unified Development Code, Volume I (Zoning), Section 7 Supplemental District Regulations, specifically Section 7.0105 Tree Preservation.

G. Tree Bank Program

a. Purpose. The purpose of the Tree Bank Program is to maintain the overall canopy balance within St. Tammany Parish by assessing fees for affected canopy in order to fund mitigation projects within the Parish.

b. Mitigation. Mitigation is not permitted outright, but shall be used as a last resort. If on-site mitigation is not feasible, where site conditions preclude compliance with the landscape ordinance, the property owner or owner’s authorized representative shall pay into the parish’s Tree Bank Program as determined by the Department of Development or the Board of Adjustment, whichever is applicable.

c. Site Assessment and Fee. The Department of Development shall conduct an assessment of the affected trees and calculate fees due according to a formula that will be based on industry standards. The formula is provided in Section 2-009.00 Parish Fees and Service Charges of the Parish Code of Ordinances.

d. Fee Collection. St. Tammany Parish shall establish an escrow account, as deemed necessary by the Director of Finance. All fees collected under the Tree Bank Program are to be immediately deposited into the escrow account.

e. Fee Expenditure. The funds collected under the Tree Bank Program are to be utilized for the purpose of landscaping green spaces on public land such as public rights-of-way, boulevards, parks, etc. Tree bank projects that provide additional benefits such as water quality, storm water runoff and erosion control will get preference. The Director of Development or an authorized designee must review and approve project scopes for eligibility in accordance with the standards of this section before Tree Bank Program funds can be utilized.

REPEAL: All ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SEVERABILITY: If any provision of this Ordinance shall be held to be invalid, such invalidity shall not affect other provisions herein which can be given effect without the invalid provision and to this end the provisions of this Ordinance are hereby declared to be severable.

EFFECTIVE DATE: This Ordinance shall become effective fifteen (15) days after adoption.

MOVED FOR ADOPTION BY: _____ SECONDED BY: _____

WHEREUPON THIS ORDINANCE WAS SUBMITTED TO A VOTE AND RESULTED IN THE FOLLOWING:

YEAS: _____

NAYS: _____

ABSTAIN: _____

ABSENT: _____

THIS ORDINANCE WAS DECLARED DULY ADOPTED AT A REGULAR MEETING OF THE PARISH COUNCIL ON THE 6 DAY OF NOVEMBER , 2014 ; AND BECOMES ORDINANCE COUNCIL SERIES NO _____.

R. REID FALCONER, AIA, COUNCIL CHAIRMAN

ATTEST:

THERESA L. FORD, COUNCIL CLERK

PATRICIA P. BRISTER, PARISH PRESIDENT

Published Introduction: SEPTEMBER 25 , 2014

Published Adoption: _____, 2014

Delivered to Parish President: _____, 2014 at _____

Returned to Council Clerk: _____, 2014 at _____

ADMINISTRATIVE COMMENT

ZC14-09-085

St. Tammany Parish Government is establishing a Tree Bank Program, which is intended to maintain the canopy balance of protected trees in St. Tammany Parish. The program involves payment into a Parish escrow account for trees affected by new development when all other mitigation options are not feasible. The program revenue will be utilized to fund landscape projects within public rights-of-way with preference given to water quality and erosion control projects.