

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO. 4145 ORDINANCE COUNCIL SERIES NO. \_\_\_\_\_

COUNCIL SPONSOR: BINDER/DAVIS PROVIDED BY: PLANNING

INTRODUCED BY: \_\_\_\_\_ SECONDED BY: \_\_\_\_\_

ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_ 2009

ORDINANCE TO AMEND THE ST. TAMMANY PARISH  
UNIFIED DEVELOPMENT CODE, VOLUME I (ZONING)  
SECTION 7.01 LANDSCAPE AND TREE  
PRESERVATION REGULATIONS (ZC09-08-021)

WHEREAS, during the ongoing comprehensive rezoning process, it became apparent that certain amendments to the regulations governing LANDSCAPE AND TREE PRESERVATION REGULATIONS were necessary in order to further define the application process and procedures.

THE PARISH OF ST. TAMMANY HEREBY ORDAINS that it amends those Sections of the LANDSCAPE AND TREE PRESERVATION REGULATIONS of the Unified Development Code as set forth in the previously adopted sections of the Code that are attached hereto as **Exhibit A**:

**Exhibit A: 7.01 LANDSCAPE AND TREE PRESERVATION REGULATIONS**

**REPEAL:** To the extent that any other provision of the Unified Development Code may be inconsistent with, or in conflict with, the provisions of this Ordinance and amended Sections, the provisions of this Ordinance and amended Sections shall govern.

**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 ADOPTED AT A REGULAR MEETING OF THE PARISH COUNCIL ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_ 2009; AND BECOMES ORDINANCE COUNCIL SERIES NO. 09-.

\_\_\_\_\_  
JERRY BINDER, COUNCIL CHAIRMAN

ATTEST:

\_\_\_\_\_  
THERESA L. FORD, COUNCIL CLERK

\_\_\_\_\_  
KEVIN DAVIS, PARISH PRESIDENT

Published introduction: SEPTEMBER 24, 2009

Published adoption on: \_\_\_\_\_, 2009

Delivered to Parish President: \_\_\_\_\_, 2009 @ \_\_\_\_\_

Returned to Council Clerk: \_\_\_\_\_, 2009 @ \_\_\_\_\_

## EXHIBIT "A"

ZC09-08-021

### 7.01 LANDSCAPE AND TREE PRESERVATION REGULATIONS

#### 7.0101 PURPOSE

The purpose of these landscape and tree preservation requirements is to promote the health, safety, and general welfare of the public; to facilitate the creation of a convenient, attractive and harmonious community; to conserve natural resources including adequate air and water; to conserve properties and their values; to preserve the character of an area by preserving and enhancing the scenic quality of the area; and to encourage the appropriate use of the land. More specifically these landscape requirements are intended to minimize the harmful impact of noise, dust and other debris, motor vehicle headlight glare or other artificial light intrusion, and other objectionable activities or impacts conducted on or created by an adjoining or nearby use or street. Additionally, these landscape requirements are intended to require the landscaping of certain parking lots in order to reduce the harmful effects of wind and air turbulence, heat and noise; to preserve underground water reservoirs and to permit the return of precipitation to the ground water strata; to act as a natural drainage system and ameliorate storm water drainage problems; to reduce the level of carbon dioxide and return pure oxygen to the atmosphere; to prevent storm erosion; to provide shade; and to enhance the blighted appearance of parking lots.

#### 7.0102 Applicability, Permits, Variances, Appeals.

- A. **Applicability.** The provisions of this Section shall apply to all Commercial, Industrial, Multi-Family of three units or more, Religious, Educational and Institutional Uses This Section is not applicable to land clearing permits which are governed by the provisions of Section 8.02.
- B. **Landscape Permit.** A landscape permit shall be obtained from the Department of Planning when site plan approval is required by the Zoning Ordinance and/or when an application is made for a building permit and/or when any change is sought to existing landscaping to which these landscape and tree preservation regulations are applicable.
- C. **Variances by Board of Zoning Adjustments.** If the application for a landscape permit shows that all requirements of this Section are complied with, the Director of Planning shall issue a permit without the necessity of any public hearing before the Zoning Commission or any other public body. If the application for the permit is denied because of the requirements of this Section, the applicant may, subject to the provisions of Section 7.0102 D, seek a variance from the Board of Zoning Adjustments pursuant to the provisions of Section 3.01 Appeals from the Board of Zoning Adjustments shall be made to the District Court for the Parish of St. Tammany as provided in Section 3.01.
- D. **Criteria for Variances and Waivers.** Pursuant to Section 7.0102 C, the Board of Zoning Adjustments may grant variances from the regulations in this Section. Such variances and waivers may be granted in accordance with the applicable sections of these Regulations. to diminish the requirements of this Section when one or more of the following exists: unusual elevations or shape of the lot, unusual landscaping and/or tree preservation problems, unusual effect of the requirements of the landscape and tree preservation requirements, problems with servitudes, and when more than 30% of the lot is required for the aggregate of street planting areas, buffer areas, parking lot landscaping areas, building facade planting areas and any other required landscape areas. Furthermore, the Board of Zoning Adjustments may grant variances from the provisions of this Section 7.01 due to any hardships or other matters that are a proper basis for a variance.

7.0103 Procedures For Obtaining Landscape Permits

A. Application for Landscape Permit. The application for a landscape permit shall contain the following basic information and shall be subject to the following:

1. Interest and Ownership. The applicant's and the property owner's name, address, phone number, and signatures, together with an affidavit by the owners of the property certifying that they are the owners.
2. Zoning Classification. The present zoning classification of the property and all surrounding property within 500 feet.
3. Legal Description. A full written legal description of the property.
4. Fees. Fees for site plan review and landscape plan review shall be as required by the Parish Code of Ordinances, Section 2.009.00.
5. Site Plan. A site plan shall be submitted, in accordance with Section 7.0103 B, entitled Site Plan.
6. Landscape and Tree Preservation Plan. A landscape and tree preservation plan shall be submitted, in accordance with Section 7.0103 D, entitled Landscape and Tree Preservation Plan Requirements.
7. Additional Requirements. The Department of Planning may require additional material such as plans, maps, studies and reports which may be needed in order to make the necessary findings and determinations that the applicable Parish standards have been achieved.

B. Necessity of Permit, Verification of Compliance, Appropriate Method of Security

1. Prohibited Installation or Change in Landscaping. Except in instances where public safety necessitates immediate action, installation and/or change in landscaping and/or tree removal is prohibited unless a landscape permit is obtained.
2. Verification of Compliance. Upon completion of construction and prior to the issuance of an occupancy permit, owner shall submit a letter signed by a landscape architect or licensed landscape contractor verifying that all required landscaping was installed. Upon receipt of such letter, the Department of Planning shall make its final inspection, and, if satisfied, grant its final approval. No certificate of occupancy shall be issued until such final approval is granted; provided that, if an appropriate method of security is issued pursuant to Section 7.0103 B 3, then a certificate of occupancy may be granted before completion of the landscaping.
3. Performance Security It is recognized that vegetation used in landscaping and screening should be planted at certain times of the year to ensure the best chance of survival. In order to ensure compliance with this Section and to reduce the potential expense of replacing landscaping or screening materials which were installed in an untimely or improper fashion, in lieu of requiring the completion and installation of these improvements prior to the issuance of a Certificate of Occupancy, the Planning Director may enter into an agreement with the owner/developer whereby the owner/developer shall agree to complete all required landscaping and screening. Once said agreement is completed and the security required is provided, the Certificate of Occupancy may be approved.

- a. The owner/developer shall an appropriate method of security, as determined by the Department of Finance, equal to the cost of purchasing, installing and completing the landscaping and screening materials required in this Section 7.01 as determined by a landscape contractor. The duration of the appropriate method of security shall be until such time as the landscape improvements are accepted by the Parish. In any event, the owner/developer shall complete the landscaping requirements of this Section 7.01 within six months of the issuance of a Certificate of Occupancy. Said security shall be issued by a bank authorized to do business in Louisiana with one or more offices located in St. Tammany Parish.
- b. Upon failure to complete the required improvements in a timely manner as spelled out in said security, then the surety or bank shall pay to St. Tammany Parish said funds as is necessary to complete all or any portion of the required landscaping improvements.
- c. The Planning Director shall administer said security, and the Planning Director shall have the power and authority to extend said security and to call said security.

#### C. Site Plan

1. Procedure. In connection with the application for a building permit, or any other application requiring a site plan review, a site plan, for the project, shall be submitted to the Department of Planning for review and approval.
2. Site Plan Requirements. Unless otherwise approved by the Department of Planning, drawing submissions shall be required to be both in a 24" by 36" format and in an 11" by 17" format. Two copies of each format shall be submitted. The following minimum information shall be submitted to the Department of Planning in the form of a site plan:
  - a. The title of the project and the names of the project planner, developer, and owner, and scale, date, north arrow, and general vicinity map indicating existing land uses abutting all boundaries of the proposed development.
  - b. All existing physical features such as existing streets, buildings, structures, water courses, easements, servitudes parking spaces, service bays and loading areas, sidewalks, and signs.
  - c. Boundaries and zoning of the property involved and zoning of adjacent properties.
  - d. Parking layout indicating the number of required and proposed parking spaces, the location of ingress, egress and access streets, and the location of pedestrian and vehicular ways and a circulation element indicating the movement of pedestrians, goods and vehicles.
  - e. Tabulation of the maximum square footage of each use.
  - f. The proposed height, footprint and setback of any building or structure.
  - g. The location, dimensions, area, type of materials and elevations of all signs and support structures.
  - h. Location of trash disposal system and details of screening, including type and height of dumpster and fence.

- i. Lighting standards and fixtures for the site showing location, number, and height.
- j. If the proposed development is to be constructed in phases, indicate proposed development scheduling in detail including:
  - 1. the approximate date when construction of each phase of the project can be expected to begin;
  - 2. the order in which the phases of the project will be built; and
  - 3. the infrastructure and on-site improvements that are proposed to be included in each phase delineated for the development, including but not limited to service areas, access drives, parking, landscaping, buildings and other structures.
- k. Exact text from Section 7.0112, "Maintenance and Replacement."

D. Landscape and Tree Preservation Plan.

- 1. Procedure. In connection with the application for a building permit, developmental land clearing permit or any other application requiring a landscape permit, a landscape and tree preservation plan, for the project, shall be submitted to the Department of Planning for review and approval.
- 2. Requirements, Landscape and Tree Preservation Plan. The landscape and tree preservation plan shall be prepared under the supervision and control of, and signed by a landscape architect, licensed in any state in the United States, or a landscape contractor, licensed by the State of Louisiana. The following minimum information shall be submitted to the Department of Planning on the landscape and tree preservation plan in addition to the site plan requirements previously set forth:
  - a. The area, expressed in acres and square footage, of
    - 1. the entire property;
    - 2. the aggregate area of the street planting area, any required buffers, the building facade planting area, and interior landscaped areas such as parking; and
    - 3. the area expressed in square footage of any street planting area that varies in depth under the provisions of Section 7.0106 B.
  - b. Existing and proposed landscaping, including landscaping and screening that is required by Section 7.01, the location and dimension of planting areas, street planting areas, parking areas, building facade areas, side and rear buffer areas and the size, height and materials used for walls and fences.
  - c. The number, location and size in caliper of all existing trees which are six (6) inches d.b.h., or greater, and which are located within street planting area(s), within any required side or rear buffers and within the street right of way between the street property line(s) and the surface of the street, indicating which of these trees the applicant seeks to preserve and which of these trees the applicant seeks to remove, and showing the color of the flagging as required in 7.0105.
  - d. All live oak trees six (6) inches d.b.h., or greater, wherever located on the property or within the street right of way

between the street property line(s) and the surface of the street, showing the color of the flagging as required in Section 7.0105.

- e. Location of all trees and landscape material to be placed within the street planting area(s) and within any required side or rear buffers and within all other landscaped areas, indicating the species of such trees and the species of such landscape material. (A mere general reference to Class A or Class B trees or to other landscape material will not suffice.)
- f. Location, height and description of any fountains or other landscape architectural features placed or to be placed on the property.
- g. Location, dimensions, depth and description of any retention/detention ponds or retention/detention areas on, or to be placed on, the property together with a description of what planting will be made and/or what measures will be taken to make the retention/detention pond or retention/detention area into an aesthetic amenity for the property, as is required by Section 7.0111.

7.0104 General Standards for Required Landscaping.

A. Plant Condition and Installation

- 1. Condition of Plants. All plant materials shall be alive and in a healthy condition when planted.
- 2. Installation of Plants. All plant material shall be installed in a fashion that ensures the availability of sufficient soil and water to sustain healthy growth.

B. Definition of Trees and Shrubs, Native Species

- 1. Class A and B Trees and Shrubs. The definitions of Class A and Class B trees and shrubs are contained in Section 7.0115.
- 2. Native Species. Species of trees and shrubs referred to as native species are set forth in Section 7.0113. Native species is a defined term as used in this Section 7.01, and only those species listed in Section 7.0113 shall be deemed to be native species for purposes of the landscape and tree preservation regulations of this Section 7.01 and no species omitted from Section 7.0113 shall be deemed to be a native species for purposes of the landscape and tree preservation regulations of this Section 7.01.

C. Minimum Caliper and Height of Trees and Shrubs

- 1. Class A Trees. All class "A" trees, at the time of planting, shall have a minimum caliper of at least two and one-half (2 ½) inches, measured two feet (6") six inches above ground the root ball, and a minimum height of 10-12 feet, as per the National Nursery Association Standards.
- 2. Class B Trees. All class "B" trees and all trees, other than class "A" trees, at the time of planting, shall have a minimum caliper of at least ~~two and one-half (2½)~~ one and one-half (1 ½) inches, measured two feet (6") six inches above ground the root ball and a minimum height of 8-10 feet as per the National Nursery Association Standards.
- 3. Shrubs. All shrubs, at the time of planting, shall have a minimum height of two (2) feet.

D. Landscaping Design

1. Professional Design. A professionally acceptable composition, spacing and mix of vegetation is required.
2. Native Species. At least ~~75~~ 60%, of the aggregate in number, of all required trees and shrubs (the sum of all trees and shrubs required in street planting areas, buffer planting areas, parking areas, building facade planting areas and any other areas where trees and shrubs are required in this Section 7.01) shall be a native species of trees and shrubs as identified in Section 7.0113. None of the required ground cover need be a native species.
3. Substitution of Class A Trees for Required Class B Trees. With the approval of the Department of Planning, the applicant may substitute a Class A tree for a required Class B tree, except that Class A trees shall not be permitted within servitudes with overhead power lines as referred to in Section 7.0106 F 2. Among the considerations to be made by the Department of Planning in granting such approval is the size of the planting area.
4. Substitution of Class A and Class B Trees for Shrubs. With the approval of the Department of Planning, the applicant may substitute Class A or Class B trees for shrubs in the building facade planting area; provided that (i) the trees are sufficiently distant from a building or structure, and (ii) there is a sufficient planting area for a tree.

7.0105 Tree Preservation

A. Identifying and Locating Existing Trees, Proposed Driveways

1. Staking of Street Planting Areas and Buffers. On or before the time the Landscape and Tree Preservation Plan is submitted to the Department of Planning, the applicant shall monument, by stakes placed in the ground, the street planting area and any required buffer planting area so that immediately after the application is submitted and before any work is done, the Department of Planning can inspect the areas that will become the street planting areas and buffers. The following shall be complied with respect to such monuments or stakes:
  - a. Type of Stakes. The stakes used shall be wood or metal placed in the ground, and such stakes shall be of sufficient strength and durability and placed deeply enough in the ground to remain until the completion of construction. Any removed, broken, substantially bent or damaged stakes shall be replaced so that all stakes shall remain in place during construction.
  - b. Location of Stakes. Such stakes shall be located at least every fifty (50) feet:
    1. along the street frontage of the street planting area and along the rear line of the street planting area, and
    2. along the side and rear property line where side or rear buffers are required and along the interior lines of such buffers.
  - c. Height and Flagging of Stakes. Such stakes shall extend upward from the ground at least three (3) feet and shall be flagged yellow in color or some other flagging approved in advance by the Department of Planning.



- d. Clearing Lines. If the lines of the street planting areas and buffers are too thick to walk or sight down, they shall be cleared sufficient for walking and sighting.
- 2. Flagging of Existing Trees.
  - a. Live Oaks. All live oaks, wherever they may be situated on the property or the adjacent street right of way, which are over six (6) inches d.b.h. shall be flagged with blue colored flagging or some other flagging approved in advance by the Department of Planning.
  - b. Trees Over Six Inches D.B.H. All trees over six (6) inches d.b.h. located within the street planting area or within any required buffers shall be flagged with green colored flagging or some other flagging approved in advance by the Department of Planning.
  - c. Trees Applicant Proposes to Remove. All trees set forth in (a) and (b) immediately above, which applicant seeks to remove, shall be flagged with orange colored flagging or some other flagging approved in advance by the Department of Planning.
- 3. Driveway Cuts. All areas of ingress or egress, through street planting areas and buffers, shall be clearly defined with stakes marked "driveway."
- 4. Retention/Detention Ponds. All areas to be included within a retention/detention pond shall be clearly defined with stakes marked "R/D Pond".

B. Preservation of Trees, Inspections.

- 1. Preservation of Live Oak Trees. All live oak trees over six (6) inches d.b.h. shall be preserved wherever they may be located on the property and even if they are located between the property line and the roadway surface.
- 2. Trees to be Preserved in the Street Planting Area and Required Buffers. In the street planting areas and required buffer planting areas, all trees over six (6) inches d.b.h. shall be preserved except (none of these exceptions apply to live oaks):
  - a. Trees within any permitted driveway within a street planting area or buffer planting area.
  - b. Trees that must be removed for utilities or drainage within a street planting area or buffer planting area.
  - ~~c. Trees that must be removed for signage within a street planting area or buffer planting area.~~
  - d(c.) Trees that are unsound, hazardous, diseased or infested with insects as determined by a licensed arborist within a street planting area or buffer planting area.
  - e(d.) Trees that will be too close to a paved area or areas to have a reasonable probability of surviving, as determined by the Department of Planning within a street planting area or buffer planting area.
  - f(e.) Trees, within a buffer planting area, required to be removed for a retention/detention pond as provided for in Section 7.0107 D 1 and Section 7.0111.

g-(f.) Trees, within a street planting area, required to be removed for a retention/detention pond as provided for in Section 7.0106 E 1 and Section 7.0111; provided that, the aggregate of the trees removed for driveways and retention/detention ponds shall not exceed 50% of the trees in excess of six (6) inches d.b.h.

3. Initial Inspection. After the application for the landscape permit is made and before the issuance of a landscape permit, the Department of Planning shall make its initial physical inspection of the street planting areas and buffers to determine whether they are properly monumented, staked and flagged and to reach a determination as to whether the applicant is preserving the trees that are required to be preserved under this Section 7.01.
4. Subsequent Inspections. The Department of Planning shall make such subsequent inspections as may be necessary, but not less frequently than monthly, to insure that the trees are preserved which are required to be preserved and to determine whether the landscape plan is being complied with.
5. Reports on Inspections. Upon each inspection, the Department of Planning shall file a report in the case file as to what was observed during the inspection and whether Section 7.01 is being complied with, and, to the extent feasible, the Department of Planning shall document its inspections with photographs which shall show the date the photograph is taken and the name of the person taking the photograph.

#### C. Removal of Live Oak Trees

1. A live oak tree shall be permitted to be removed if the live oak tree denies or precludes reasonable use of a parcel of property. In order to determine if a live oak tree shall be removed from a parcel of property the following documents shall be provided to the Planning Director or his subordinate:
  - a. Submit a complete land clearing permit application form
  - b. A survey or scale drawing of the parcel of the property accurately depicting the location of the live oak tree(s) including the minimum protective radius required by this ordinance around the tree(s) and its impact on the buildable area of that parcel of property.
  - c. A letter describing any special circumstances affecting the development of that parcel of property, including without limitation, any unusual topography and fill requirements.
2. An application for tree removal and replacement shall be granted by the Planning Director when he determines that one of the following conditions exist:
  - a. The live oak tree is determined to be "hazardous" by the Parish Landscaping Inspector or by an International Society of Arboriculture certified arborist.
  - b. The live oak tree is located in an area where a structure or improvement will be placed, or where a structure or improvement currently exists, and, if not removed, will deny reasonable use of the property or cause serious damage to an existing building. For new construction, if the development can be reasonably reconfigured to provide reasonable use, then such reconfiguration shall be made.

- c. The live oak tree creates unsafe vision on a public street or right-of-way and cannot be trimmed to correct the unsafe vision.
  - d. The protected tree is required to be removed for an approved infrastructure improvement or structure.
  - e. The live oak tree prevents access to a proposed structure or access to a necessary part of a building site, and a redesign of the development plan is not feasible.
  - f. The live oak tree is located in an area where fill will be placed on a parcel pursuant to a development order and/or a grade-fill excavation permit has been issued and the applicant has demonstrated it is not reasonably practicable to utilize arboricultural techniques to preserve a protected tree.
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.
4. Removal of any 6" in caliber or greater, live oak tree shall be replaced in kind by a 4" in caliper live oak tree.
5. 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 removed; and as an alternative to replacing trees on-site.
  - d. require the applicant to donate trees to a non-profit organization in St. Tammany Parish for planting.

#### **C.D. Tree and Root Protection Standards**

1. **Protective Barriers, Type Required.** Prior to grading, construction or other land disturbing activity, protective barriers shall be installed in accordance with the provisions of Section 7.0105 **E D** below. Barriers shall include, but not be limited to, temporary fencing. This fencing shall be constructed from any highly visible material substantial enough to protect the roots, trunk and crown of the trees, such as silt fencing, orange safety fencing and wire fencing.
2. **Location of Barriers.** For all trees, except live oaks (which are provided for in Section 7.0105 **E D** 4 below), barriers shall be installed, prior to commencement of clearing and dirt work, at least one (1) foot outward, from trees to be preserved within a street planting area or buffer, for each inch of trunk diameter with a minimum distance of two (2) feet required from the edge of the

trunk; provided that, the barriers shall be limited to the perimeter of the street planting area or required buffer and the perimeter of the permitted driveways through the street planting area and permitted driveways through required buffers.

3. Activity Within Barriers.

- a. No significant soil disturbance or compaction, stock piling of soil or other construction materials, vehicular traffic, storage of heavy equipment are allowed within the area for which a barrier is required.
- b. The tracks, of any tracked equipment used within the area for which a barrier is required, shall be constructed or buffered by rubber or similar material to minimize root disturbance, and any other tracks are prohibited to be used within such areas.
- c. No more than one inch (1") of fill shall be allowed around the tree root zone of a tree that is to be preserved.
- d. No ropes, signs, wires, unprotected electrical installation or other device or material, shall be secured or fastened around or through a tree or shrub.
- e. Barriers shall not be removed until landscaping operations are undertaken within the area required to be protected by a barrier or until utility or drainage installation is required within the area required to be protected by a barrier. Barriers that have been removed shall be reinstalled unless the project is so advanced that there is no risk to the roots, trunk and crown of the tree.

4. Live Oak Protection. For live oaks required to be protected by this Section 7.01:

- a. A barrier shall be constructed along the drip line of the tree.
- b. No activity of any kind is permitted within such barrier except as may be approved by the Department of Planning.

D-E. Credit for Existing Trees.

1. Exchange Rate. All trees greater than two and one-half (2.5) inches in diameter d.b.h. that are located in the street planting and buffer areas and preserved as required in Section 7.0105, or any trees preserved in the parking area, shall be credited towards the satisfaction of the minimum landscape planting requirements at the following exchange rate:

DBH Caliper of Preserved Tree	Credits Toward Required Trees
2.5" - 6"	1 tree
6" - 14"	2 trees
Greater than 14"	3 trees

2. Location of Trees to Obtain Credit. These credits shall only be given if the trees preserved are located in or within fifteen (15) feet of the specific area (street/buffer planting areas and parking area).

For example: The trees preserved in the street planting area shall be given credit for the street planting requirements only. Credit for trees preserved in the parking area shall apply only to the parking requirements, etc.

- E-F. Replacement of Preserved Trees That Die:** If any preserved tree, that has been credited, dies and at the time of such death, there are not then a sufficient number of trees of the required caliper (2.5 in.) and height (10-12 ft. for Class A trees and 8-10 ft. for Class B trees) in the street planting area, buffer areas or other required landscaped areas (the requirements of each such area to be computed separately) to meet the requirements of this Section 7.01, the dead tree shall be removed and replaced by the owner with a tree or trees of the same class equal to the number of trees for which a credit was originally given, but not to exceed the number of trees required in the street planting area, buffer areas or other required landscaped areas (the requirement of each such area to be computed separately). It shall be the responsibility of the owner to replace said tree(s) within six (6) months of the death of the preserved tree.

#### 7.0106 Street Planting Areas.

- A. Definition, Width.** A street planting area is the area along the street (or streets) or road (or roads) along which a property abuts which is designated for the preservation of trees and for landscaping. If a property abuts only one street or road, the street planting area shall be as follows:

##### STREET PLANTING AREA WIDTH, ONE STREET FRONTAGE

AVERAGE DEPTH OF PROPERTY	STREET PLANTING AREA WIDTH
Less than 300 feet	25 feet
300 - 399 feet	30 feet
400 feet and greater	35 feet

If a property abuts two or more streets or roads, the street planting area shall be as follows on all streets upon which the property abuts, ~~the depth of the property to be measured for each street frontage:~~

##### STREET PLANTING AREA WIDTH, MULTIPLE STREET FRONTAGES

AVERAGE DEPTH OF PROPERTY	STREET PLANTING AREA WIDTH
Less than 300 feet	20 feet
300 - 399 feet	25 feet
400 feet and greater	30 feet

- B. Flexibility of Depth of Street Planting Areas.** The required depth of the street planting area may be adjusted so the depth of the street planting area may be reduced to a minimum of ten (10) feet, up to a maximum of twenty percent (20%) of the length of the street planting area, provided that a depth greater than the required depth is added to other areas of the street planting area to maintain the overall required street planting area.
- C. Driveways through Street Planting Areas.** For street frontage of less than two hundred (200) linear feet, no more than two (2) one-way driveways, a minimum of 12 feet in width and a maximum of 15 feet in width, or one (1) two-way driveway, a minimum of 24 feet in width and a maximum of

35 feet in width, shall be permitted through the street planting area. For street frontage of two hundred (200) linear feet but less than six hundred (600) linear feet, one (1) additional two-way driveway or two (2) additional one-way driveways, of the minimum and maximum width specified, are permitted. Similarly, one (1) additional two-way driveway or two (2) additional one-way driveways, of the minimum and maximum width specified, are permitted for each additional four hundred (400) linear feet of frontage beginning with and in excess of six hundred (600) linear feet.

**D. Utilities in Street Planting Areas.**

1. **Utilities along Streets.** If a utility easement or servitude is located within the street planting area and is adjacent to and runs along a street or road, the width of the street planting area shall not be increased beyond the width required in Section 7.0106A, except that the width of the street planting area shall be increased as necessary so that ten (10) feet of the street planting area shall be unencumbered by a utility easement or servitude, which shall be accomplished as follows:

Street Planting Area Width	Servitude Width	Increase in Street Planting Area Width
25 feet	Greater than 15 feet	One (1) foot for each foot of servitude width in excess of 15 feet.
20 feet	Greater than 10 feet	One (1) foot for each foot of servitude width in excess of 10 feet.

2. **Utilities Crossing Street Planting Areas.** Utility easements or servitudes crossing street planting areas are permitted and do not require that the width of street planting areas be increased.

**E. Allowed and Prohibited Things in Street Planting Area**

1. **Allowed in Street Planting Area.** Trees, shrubs, landscaping, fountains and any other landscape architectural feature, specifically approved by the Department of Planning, are allowed. Subject to the other rules and limitations provided for in this Section 7.01 and other provisions of this Zoning Ordinance, sidewalks, driveways, signs, utility easements and servitudes, retention/detention ponds, drainage ways and facilities, and decorative fences are allowed in street planting areas. Decorative fences are wrought iron, picket and any other similar fence approved by the Department of Planning; provided that (i) such fences must be able to be seen through (not more than 1/3rd opaque), and (ii) picket fences cannot be greater than 36 inches high and posts for picket fences cannot be more than 44 inches in height.
2. **Prohibited in Street Planting Area.** Everything, not specifically allowed in Section 7.0106 E 1, is prohibited in street planting areas.

**F. Planting Requirements in Street Planting Area.**

1. **Plants Required in Street Planting Area.**
  - a. **Trees and Shrubs Required.** Subject to the reduction and credit for existing trees as set forth in Section 7.0105, the following minimum number of trees and shrubs shall be planted in the street planting area or areas (if the property abuts more than one street) each street planting area to be computed separately if there is more than one street planting area:

WIDTH OF	CLASS A	CLASS B	SHRUBS
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STREET PLANTING AREA	TREES REQUIRED	TREES REQUIRED	REQUIRED
25 feet	1 per 30 linear feet (or fraction thereof) of street or road frontage	1 per 30 linear feet (or fraction thereof) of street or road frontage	1 per 10 linear feet (or fraction thereof) of street or road frontage
30 feet	1 per 25 linear feet (or fraction thereof) of street or road frontage	1 per 25 linear feet (or fraction thereof) of street or road frontage	1 per 10 linear feet (or fraction thereof) of street or road frontage
35 feet	1 per 20 linear feet (or fraction thereof) of street or road frontage	1 per 20 linear feet (or fraction thereof) of street or road frontage	1 per 10 linear feet (or fraction thereof) of street or road frontage

- b. **Ground Cover Required.** Living vegetative ground cover material covering the entire surface of the street planting area other than driveways, sidewalks, retention/detention ponds, drainage ways and facilities, fountains, signs and other areas which are not plantable due to landscape architectural features approved by the Department of Planning.

2. **Location of Required Trees and Shrubs Within Street Planting Area.** All required trees and shrubs shall be located within the street planting area as follows:

Category	Placement/Location
No servitude or easement within street planting area	Locate Class A and B trees and shrubs anywhere within street planting area
Overhead line servitude or easement, along street or road, within street planting area	Locate Class A trees outside of servitude or easement; locate Class B trees within servitude or easement; locate shrubs anywhere within street planting area
Underground line servitude or easement, along street or road, within street planting area	Locate Class A and B trees outside servitude or easement; locate shrubs within servitude or easement
Crossing servitude or easement, overhead or underground, within street planting area	Locate all Class A trees outside servitude or easement; if overhead, locate some Class B trees within servitude or easement; if underground, locate some shrubs within servitude or easement

7.0107. Side and Rear Buffer Planting Area Requirements.

- A. **Definition.** A buffer planting area is defined as an area of land located along the side and rear property lines, common to adjacent properties, designated for the preservation of trees and landscaping. Buffer planting areas terminate at, and do not include any area within, street planting areas. Buffer planting areas shall be designed to provide a horizontal distance and landscaped open space between properties.
- B. **Buffer Planting Area Width.** Buffer planting area width shall be a minimum of ten (10) feet, except that buffer planting area width for an industrial use abutting a non-industrial use shall be a minimum of twenty-five (25) feet.
- C. **Driveways Through Side Buffer Planting Areas.** In order to provide off-street ingress and egress among adjacent properties, no more than two (2) one-way driveways, a minimum of twelve (12) feet in width and a maximum of fifteen (15) feet in width, or one (1) two-way driveway, a minimum of twenty-four (24) feet in width and a maximum of thirty-five (35) feet in width, shall be permitted through the side buffer planting area.
- D. **Allowed and Prohibited Things in Buffer Planting Areas**
1. **Allowed in Buffer Planting Areas.** Trees, shrubs, landscaping, fountains and any other landscape architectural feature, specifically approved by the Department of Planning, are allowed in buffer planting areas. Eaves and other building overhangs, not in excess of two and one-half (2.5) feet, are also allowed. Subject to the other rules provided for in this Section 7.01 and other provisions of this Zoning Ordinance, sidewalks, driveways, utility and drainage easements and servitudes, retention/detention ponds, drainage ways or facilities, and fences as provided for in Section 7.0107 F, are allowed in buffer planting areas.
  2. **Prohibited in Buffer Planting Areas.** Everything not specifically allowed in Section 7.0107 D 1 is prohibited in buffer planting areas.
- E. **Planting Requirements in Buffer Planting Areas.**
1. **Planting Required in Buffer Planting Areas.**
    - a. **Trees Required if Unencumbered by Utility Servitude.** Subject to the reduction and credit for existing trees as set forth in Section 7.0105, the following minimum number of trees shall be planted in the buffer planting areas which are not encumbered by a servitude or easement:

Category	Number
Class A Trees	One (1) for each 30 linear feet of the buffer planting area
Class B Trees	One (1) for each 30 linear feet of the buffer planting area

- b. **Trees Required if Encumbered by Overhead Utility Servitude.** Subject to the reduction and credit for existing trees as set forth in Section 7.0105, the following minimum number of trees shall be planted in the buffer planting areas which are encumbered by overhead utility servitude or easement:



Category	Number
Class B Trees	Two (2) for each 30 linear feet of the buffer planting area

- c. Shrubs Required if Encumbered by an Underground Utility Servitude. If the buffer planting area is encumbered by an underground utility servitude or easement, the shrubs are required as follows:

Category	Number
Shrubs	One (1) for each 10 linear feet of the buffer planting area

- d. Ground Cover Required. Living vegetative ground cover material covering the entire surface of the buffer planting area other than driveways, sidewalks, retention/detention ponds, drainage ways and facilities, fountains, signs and other areas which are not plantable due to landscape architectural features approved by the Department of Planning.

F. Fences in Buffer Planting Areas.

1. Fences Required. One hundred percent (100%) opaque wood or masonry fences, a minimum of eight (8) feet high, shall be required, along the side and rear property lines at the perimeter of the buffer planting areas, as follows:

Use of Property	Zoning of Adjacent Property
Commercial, industrial, or institutional uses	Any residential zoning including Zoning Districts A-1 through <del>A-6</del> <b>A-8</b> and any residential within a Planned Unit Development <u>or Traditional Neighborhood Development</u>
All multi-family uses except duplexes	Single-family residential zoning, being Zoning Districts A-1 through A-4 and any single family within a Planned Unit Development <u>or Traditional Neighborhood Development</u>

2. Fences Allowed. In addition to the fences required in Section 7.0107 D 1, fences are allowed along the side and rear property lines at the perimeter of the buffer planting areas. Such allowed fences shall be not greater than eight (8) feet in height, and they may be constructed of wood, masonry, wrought iron, wire link, or such other material as may be approved by the Department of Planning.

7.0108 Building Facade Planting Area

- A. Definition. The building facade planting area occurs when the exterior wall(s) of the building, which contain the primary entrance(s) to the building, faces vehicular access area(s), and the building facade planting area is the area between such exterior wall(s) and such vehicular access area(s).

- B. ~~Area, Location, Width, Length. The area (square footage) of the building facade planting area shall be determined by multiplying four (4) times the full length of the building exterior wall(s) facing the vehicular access area(s). This area shall be located at one or more places between the exterior wall(s) of the building and the vehicular access area(s) as determined by the applicant; however, no area shall be no less than four (4) feet in width and length, and no area shall be less than twenty (20) square feet.~~
- C. ~~Required Shrubs. A minimum of one (1) shrub per twenty (20) square feet shall be planted in the building facade planting area.~~
- D. ~~Ground Cover Required. Living vegetative ground cover material is required covering the entire surface of the building facade planting area other than entrances, fountains, drainage ways, and other areas which are not plantable due to landscape architectural features approved by the Department of Planning.~~
- E. C. Allowed in Building Facade Planting Areas. Concrete side walk not to exceed four (4) feet in width. Trees, shrubs, landscaping, fountains and any other landscape architectural feature, specifically approved by the Department of Planning. Entrances, drainage ways, underground utilities, eaves and other building overhangs are allowed in building facade planting areas. Everything not specifically allowed in this Section 7.0108 E C is prohibited in building facade planting areas.

#### 7.0109 Parking Landscaping Requirements

##### A. Screening for Parking Area.

1. Where Screening is Required. Whenever parking or vehicular use areas are located adjacent to a street planting area, shrubs shall be planted in the street planting area to screen the parking area from view from the street or road.
2. Location of Shrubs Within Street Planting Area. Shrubs shall be located within the street planting area in a row (straight or curvilinear) or clusters to achieve screening. Shrubs shall be planted 2 ½ feet apart or closer, except that if shrubs are planted in clusters, the clusters shall be four (4) feet apart or closer.
3. Height of Shrubs. No shrub shall be planted unless it will reach three (3) feet in height within two (2) years after planting, and, thereafter, shrubs shall be maintained at three (3) feet in height or higher.
4. Credit. The shrubs required for screening of the parking area shall be credited against the shrubs required in Section 7.0106 ~~D~~ E for the street planting area so that if the shrubs required for screening satisfy the number of shrubs required in Section 7.0106 ~~D~~ E, no additional shrubs are required under Section 7.0106 ~~D~~ E.

##### B. General Interior Parking Landscape Requirements

1. When Required. Interior parking landscape shall be provided in the interior of vehicular use areas greater than eight (8) parking spaces or larger than 3,000 square feet.
2. Curbing. The interior parking landscaped areas shall be curbed with permanently anchored material at least six (6) inches in height. Curb material may be concrete, natural stone, railroad ties or landscape timbers.
3. Connection with Street or Buffer Planting Areas. A required interior parking landscaped area may be connected with a required

street or buffer planting area so long as the interior parking landscaped area is in addition to the area of the required street planting or buffer areas.

C. Specific Interior Parking Landscape Requirements.

1. Landscape Islands Within Rows. No more than twelve (12) parking spaces shall be permitted in a continuous row without being interrupted or terminated by a landscaped island or median of not less than six (6) feet in width (exclusive of curbs) and not less than the length of the parking space.
2. Landscape Islands at End of Rows. Every parking row shall terminate in a landscaped island of not less than ~~six (6)~~ nine (9) feet in width (~~exclusive of~~ including the curbs) and not less than the length of the parking space; provided that, a landscape island shall not be required at the end of a parking row where the end of the parking row abuts a street planting area or buffer planting area.
3. Medians Between Rows. Every fourth row of parking shall be separated by a median strip for landscaping of not less than ~~ten (10)~~ nine (9) feet in width (~~exclusive~~ inclusive of curbs).
4. Required Plants. ~~One-half of the landscaped islands shall contain a minimum of one (1) Class A tree. The other one-half of the landscaped islands shall contain a minimum of one (1) Class B tree. One (1) Class A tree and one (1) Class B A tree for every 30 linear feet shall be planted in the required median between rows. The surface of the landscaped islands and medians shall be planted in a living vegetative ground cover.~~
5. Additional Planting Where No Landscape Islands or Medians Are Required. If no landscape islands or medians are required in this Section 7.0109 C, one (1) Class B tree is required for every four (4) parking spaces. These Class B trees may be planted in any landscaped area.

7.0110 Trash and Garbage Screening Requirements

All storage areas containing three (3) or more refuse, garbage, or rubbish containers or one (1) or more dumpsters, shall be screened on all sides with a minimum seven (7) foot high opaque fence of wood or masonry.

7.0111 Retention/Detention Planting Area Requirements

- A. Definition. The term retention/detention pond as used in Section 7.01 shall mean any retention or detention pond or basin for water retention, detention, storage or for runoff control.
- B. Landscape Design Requirements. The retention/detention pond shall be designed as a visual amenity to the area in which it is situated, and the design shall meet the following requirements:
  1. Strip Around Retention/Detention Pond. A strip of land, a minimum of five (5) feet in width, shall surround the retention/detention pond on the front, rear and all sides, which strip shall be at grade level and shall not be excavated or made a part of the slope of the retention/detention pond. This strip of land shall contain the required landscaping for the area in which the retention/detention pond is located. For instance, if the retention/detention pond is located in a street planting area, the trees and shrubs required in such area shall be planted on such strip.

2. Preserved Trees In Street Planting Area. Within a street planting area, trees over six (6) inches d.b.h. can only be removed for a retention/detention pond as provided for in Section 7.0105 A 1(g).
3. Slopes. If the banks of the retention/detention pond are sloped, the slope shall be at such a ratio so that vegetation will grow thereon so that it can be maintained. Vegetation is required on such slopes.
4. Fences. Any fences around the retention/detention pond shall be an ornamental fence as defined in Section 7.0106 E 3; except the fences required along the side and rear property lines at the perimeter of the buffer planting areas shall meet the requirements of Section 7.0107 F 1.

C. Plan Requirements. The plan for the retention/detention pond shall be shown on the landscape and tree preservation plan or on a separate plan. This plan shall be submitted to the Department of Planning for its review and approval in connection with the issuance of the landscape permit.

#### 7.0112 Maintenance and Replacement

A. Maintenance. The owner or his agent shall be responsible for the maintenance and repair of all landscaping materials and barriers as may be required by the provisions of this section.

1. Planting beds shall be mulched to prevent weed growth and maintain soil moisture.
2. Plant materials shall be pruned as required to maintain good health and character
3. Turf areas shall be mowed periodically
4. All roadways, curbs and sidewalks shall be edged when necessary in order to prevent encroachment from the adjacent grassed areas.
5. The owner of the property shall be responsible for the provision of adequate water, fertilizer and nutrients to the required plant materials.

B. Replacement. Subject to the provisions of Section 7.0105 E entitled, "Replacement of Preserved Trees That Die", trees and plants that die must be replaced within six (6) months of the death of the tree or plant with trees or plants that meet the requirements of Section 7.01. Barriers and curbs that are damaged or destroyed beyond repair shall be replaced within six (6) months after the damage or destruction.

#### 7.0113 Native Trees and Shrubs

A. Required Native Trees and Shrubs. Section 7.0104 D 2 provides:

At least ~~75%~~ 60%, of the aggregate in number, of all required trees and shrubs (the sum of all trees and shrubs required in street planting areas, buffer planting areas, parking areas, building facade planting areas and any other areas where trees and shrubs are required in this Section 7.01) shall be a native species of trees and shrubs as identified in Section 7.0113. None of the required ground cover need be a native species.

The provisions of this Section 7.0113 B through D set forth trees and shrubs that are considered native species of trees and shrubs for the purpose of Section 7.0104 D 2, above quoted.

- B. Class "A" Native Trees. Class "A" trees are defined in Section 7.0115. The following are Class "A" native tree species:

Common Name	Scientific Name
AMERICAN BEECH	Fagus Grandifolia
AMERICAN ELM	Ulmus americana
AMERICAN SYCAMORE	Platanus Occidentalis
ASH SPECIES	Fraxinus Spp.
BLACK CHERRY	Prunus serotina
BLACKJACK OAK	Quercus Marilandica
BALD CYPRESS	Taxodium Distichum
BLACKGUM	Nyssa Sylvatica
CHERRYBARK OAK	Quercus Falcata (var.) Pagodaefolia
HACKBERRY	Celtis Laevigata
LAUREL OAK	Quercus Laurifolia
LOBLOLLY PINE	Pinus Taeda
LONGLEAF PINE	Pinus Palustris
NUTTALL OAK	Quercus nuttallii
OVERCUP OAK	Quercus lyrata
PECAN	Carya Illinoensis
POND CYPRESS	Taxodium Ascendens
RED MAPLE	Acer rubum L. Var.rubum
RED OAK	Quercus falcata
SLASH PINE	Pinus Elliottii
SHUMMARD OAK	Quercus shumardii
SOUTHERN MAGNOLIA	Magnolia Grandiflora
SOUTHERN LIVE OAK	Quercus Virginiana
SOUTHERN SUGAR MAPLE	Acer barbatum
SPRUCE PINE	Pinus Glabra
SWAMP RED MAPLE	Acer Rubrum Drummond II
SWAMP CHESTNUT OAK	Quercus Michauxii
SWEETBAY MAGNOLIA	Magnolia Virginiana
SWEETGUM	Liquidambar Styraciflua
TULIP POPLAR	Liriodendron Tulipifera
WHITE OAK	Quercus Alba
WILLOW OAK	Quercus phellos
WINGED ELM	Ulmus Alata

- C. Class "B" Native Trees. Class "B" trees are defined in Section 7.0115. The following are Class "B" native tree species:

Common Name	Scientific Name
AMERICAN PLUM	Prunus americana
AMERICAN SNOWBELL	Styrax americana
BIG LEAF SNOWBELL	Styrax grandifolius
BIG LEAF WAX MYRTLE	Myrica heterophylla
BLACK WILLOW	Salix nigra
BOTTLEBRUSH	Aesculus parviflorum
BUCKEYE	
CASSINE or DAHOON	Ilex cassine
HOLLY	
CHERRY LAUREL	Prunus caroliniana
DECIDUOUS HOLLY	Ilex decidua
DOGWOOD	Cornus florida
FOSTERS HOLLY, GREENLEAF HOLLY, SAVANNAH HOLLY, ETC.	Ilex "attenuata" cultivars

GREENHAW	<i>Crataegus viridis</i>
GREYBEARD	<i>Chionanthus virginicus</i>
GROUNDSEL BUSH	<i>Baccharis halimifolia</i>
HOP HORNBEAM	<i>Ostrya virginiana</i>
IRONWOOD or BLUE BEECH	<i>Carpinus caroliniana</i>
MAYHAW	<i>Crataegus opaca</i>
MEXICAN PLUM	<i>Prunus mexicana</i>
PARSLEY HAWTHORN	<i>Crataegus marshallii</i>
PERSIMMON	<i>Diospyros virginiana</i>
POSSUMHAW VIBURNUM	<i>Viburnum nudum</i>
RED BAY	<i>Persea borbonia</i>
RED BUCKEYE	<i>Aesculus pavia</i>
REDBUD	<i>Cercis canadensis</i>
RED MULBERRY	<i>Morus rubra</i>
RIVER BIRCH	<i>Betula nigra</i>
SILVER BELL	<i>Halesia diptera</i>
SOUTHERN CATALPA	<i>Catalpa bignonioides</i>
SOUTHERN CRABAPPLE	<i>Malus angustifolia</i>
SHINING SUMAC	<i>Rhus glabra</i>
SMOOTH SUMAC	<i>Rhus copallina</i>
TITI	<i>Cyrilla racemiflora</i>
TREE HUCKLEBERRY	<i>Vaccinium arboreum</i>
WALTER'S VIBURNUM	<i>Viburnum oboratum</i>
WAX MYRTLE	<i>Myrica cerifera</i>
WEeping YAUPON	<i>Ilex vomitoria "pendula"</i>
YAUPON	<i>Ilex vomitoria</i>

D. Native Shrubs

ARROWWOOD	<i>Viburnum dentatum</i>
AZALEA	<i>Azalea indica</i>
BLUEBERRY/HUCKLEBERRY	<i>Vaccinium species</i>
CAMELLIA	<i>Camellia susanqua</i>
CLETHRA	<i>Clethra alnifolia</i>
DAHOON HOLLY	<i>Ilex myrtifolia</i>
FETTERBUSH	<i>Lyonia spp.</i>
FRENCH MULBERRY	<i>Callicarpa americana</i>
GALLBERRY	<i>Ilex glabra</i>
HONEYBELLS	<i>Agarista populifolia (dwarf available)</i>
OAKLEAF HYDRANGEA	<i>Hydrangea quercifolia</i>
PALMETTO	<i>Sabal minor</i>
SOUTHERN CANE	<i>Arundinaria gigantea</i>
STARBUSH	<i>Illicium floridanum</i>
SWEET SHRUB	<i>Calycanthus floridus</i>
VIRGINIA WILLOW	<i>Itea virginica</i>
WILD AZALEA	<i>Rhododendron serrulatum</i>
WILD AZALEA	<i>Rhododendron canescens</i>
WILD AZALEA	<i>Rhododendron austrinum</i>
WINTERBERRY	<i>Ilex verticillata</i>
YELLOW ANISE	<i>Illicium parviflorum</i>
DWARF YAUPON	<i>Ilex vomitoria nona</i>

7.0114 Regulation of Legally Non-conforming Landscaping.

- A. Definition. The term "legally non-conforming landscaping" shall mean (i) any landscaping located within the Parish which does not conform with the provisions of this Section 7.01 at the time this Section 7.01 becomes effective, or (ii) any landscaping not yet constructed, but which has been granted a permit or approval, at the time this Section 7.01 becomes effective.
- B. Loss of Legally Non-conforming Status. Legally non-conforming landscaping shall immediately lose its legally non-conforming designation if:
  - 1. The building(s) on the premises, on which the landscaping is situated is (i) damaged fifty (50%) percent or more of its replacement value by reason of fire, flood, explosion, riot, casualty, or Act of God, or (ii) repaired, renovated or replaced to the extent of fifty (50%) percent or more of its replacement value.
  - 2. The footprint of building(s) on the premises, on which the landscaping is situated, is altered or the cubicle content of the building(s) is increased.
- C. Compliance After Loss of Legally Non-conforming Status.
  - 1. On the happening of the event set forth in Section 7.0114 B 1, the landscaping shall be brought into compliance with this Section 7.01, and a new landscape permit shall be secured therefor within six (6) months of such event.
  - 2. On the happening of the event set forth in Section 7.0114 B 2 that does not constitute an event under Section 7.0114 B 1, the landscaping shall be brought into compliance with this Section 7.01 to the extent reasonably possible as determined by the Department of Planning, and in connection therewith, the applicant or owner shall submit to the Department of Planning a landscape and tree preservation plan as required by Section 7.0103 D and obtain a landscape permit for the landscaping as approved by the Department of Planning.

7.0115 Definitions for Landscape and Tree Preservation Regulations. The following definitions relate to the landscape and tree preservation regulations contained in Section 7.01. These definitions are intended to also be set forth in Section 10 simultaneously with the adoption of Section 7.01 or at a later date.

Buffer Planting Area: See the definition in Section 7.0107 A.

Building Facade Planting Area: See the definition in Section 7.0108 A.

**Calculation of the Average Depth of the property: The average depth of the property is calculated from the primary frontage of the property.**

D.B.H: Diameter breast high.

Decorative Fences: See the definition in Section 7.0106 E 1.

Drip Line: The outer edge of the foliage of a tree extending in all directions parallel to the ground.

Ground Cover, Decorative: Any mulch material (vegetative or mineral) that is used to cover the surface of the ground to prevent erosion or retain moisture.

Ground Cover, Vegetative: Plant material which reaches a maximum height of not more than twelve (12) inches at maturity, including turf.

Interior Landscape Area: Any landscaped area within the interior of a development site and beyond the required periphery landscape area that is planted with trees, shrubs and ground covering material to

provide for infiltration of runoff, shade of parking areas or aesthetic enhancement of the site.

**Landscaping Material:** Material such as, but not limited to, living trees, shrubs, vines, turf, ground cover, landscape water features, and non-living, durable materials commonly used in landscaping including, but not limited to, rocks, pebbles, sands, decorative walls, brick pavers, and earthen mounds, but excluding paving for vehicular use.

**Mulch:** Any material that is used to cover the ground surface to prevent erosion, retain moisture and protect plant material.

**Plant Material:** Any plant including trees, vines, shrubs, ground covers and annuals or vegetation of any size, species or description.

**Retention/Detention Pond:** See the definition in Section 7.0111 A.

**Shrub:** A relatively low-growing bushy plant, usually with woody stems. For the purposes of this definition, ground cover, trees and annuals are not considered shrubs.

**Street Planting Area:** See the definition in Section 7.0106 A.

**Tree - Class A:** Any self-supporting woody plant of a species which normally grows to an overall height of a minimum of fifty (50) feet, usually with one main stem or trunk although some species may have multiple trunks, and with many branches. A list of Class A native trees can be found in Section 7.0113 B.

**Tree - Class B:** Any self-supporting woody plant of a species which normally grows to an overall height of a minimum of twenty-five (25) feet, with one or more main stem(s) or trunk(s) and many branches. A list of species considered to be Class B native trees can be found in Section 7.0113 C.

**Tree Root Zone:** That area that extends outward from the trunk to the drip line of the tree.

**Vehicular Access Area:** Driveways, access ways, parking areas and other areas which vehicles use.