

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO: 4752

ORDINANCE COUNCIL SERIES NO: _____

COUNCIL SPONSOR: GOULD//BRISTER

PROVIDED BY: PLANNING

INTRODUCED BY: _____

SECONDED BY: _____

ON THE 5 DAY OF APRIL , 2012

ORDINANCE TO AMEND THE ST. TAMMANY PARISH UNIFIED DEVELOPMENT CODE, VOLUME I (ZONING) SECTION 7.01 LANDSCAPE AND TREE PRESERVATION REGULATIONS RELATIVE TO GRADE OF TREES & CREDIT FOR EXISTING TREES (ZC12-03-024)

WHEREAS, St. Tammany Parish Council, considered the possibility that the amendment below may be advantageous to the economic development of St. Tammany Parish; and

WHEREAS, the St. Tammany Parish Council has determined that it is in the best interest of the businesses and citizens of St. Tammany Parish to provide such clarification; and

WHEREAS, it is the desire of St. Tammany Parish Council to facilitate the creation of a convenient, attractive and harmonious community; and

WHEREAS, St. Tammany Parish Council recognizes the necessity of imposing the appropriate restrictions in accordance with the available and affordable landscaping resources in St. Tammany Parish

THE PARISH OF ST. TAMMANY HEREBY ORDAINS that it amends the St. Tammany Parish Unified Development Code, Volume I (Zoning), Section 7.01 Landscape and Tree Preservation Regulations, as reflected below.

See Attachment- Section 7.01 - Section 7.0105 Tree Preservation

REPEAL: All ordinances or parts of Ordinances in conflict herewith are hereby repealed.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 3 DAY OF MAY , 2012 ; AND BECOMES ORDINANCE COUNCIL SERIES NO _____.

MARTIN W. GOULD, JR., COUNCIL CHAIRMAN

ATTEST:

THERESA L. FORD, COUNCIL CLERK

PATRICIA P. BRISTER, PARISH PRESIDENT

Published Introduction: March 29 , 2012

Published Adoption: _____, 2012

Delivered to Parish President: _____, 2012 at _____

Returned to Council Clerk: _____, 2012 at _____

Attachment

ZC12-03-024

Amend Section 7.0105 Tree Preservation

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 practical 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~~ caliper or greater, live oak tree shall be replaced ~~in-kind by a 4" in caliper live oak tree~~ with an equal number of inches of live oaks at a minimum of 2.5" caliper each. Therefore, a 25" live oak would be replaced by planting ten 2.5" caliper live oaks.

5. Grade of Trees. The Planning Department shall inspect any protected tree requested for removal and grade it based on its existing condition. The grade will determine the number of mitigation inches required. The mitigation will be based on the average quality of the tree, as described below:

a. Grade A- Healthy = 100" replacement

b. Grade B - Poor form- 75% replacement

c. Grade C - Ailing/Diseased - 50% replacement

d. Grade D - Topped /Dead - 0 replacement

5.6. 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 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

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 7.0105D 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 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.

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:

<u>DBH Caliper of Preserved Tree</u>	<u>Credits Toward Required Trees</u>
<u>2.5" - 4"</u>	<u>1 tree</u>
<u>5" - 8"</u>	<u>2 trees</u>
<u>Greater than 14" = 20" 9" - 18"</u>	<u>3 trees</u>

1 credit for each 6" caliper of preserved trees

Example: 6-12" = 2 credits 13- 18"=3 credits 19- 24" = 4 credits 60" = 10 credits

2. Location of Trees to Obtain Credit. These credits shall only be given if the trees preserved or its canopy 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.