

Chapter 18

LANDSCAPE, CLEARING AND TREES

Section 18.1 Purpose

The purpose of this Chapter is to protect and enhance the community's environmental, economic and aesthetic resources consistent with the goals of the City-Parish Comprehensive Land Use and Development Plan (Horizon Plan) thereby promoting the public health, safety and general welfare of the citizens and contributing to the quality of life by encouraging a superior level of design in development.

Further, the standards and requirements of this Chapter seek to promote the preservation, protection and enhancement of nature in the City-Parish, and nature's unique features with particular emphasis on the urban forest canopy, urban waterways and vegetative cover of the land. To that end, this chapter sets forth the following goals: to create site design that enhances the quality of development; to minimize site clearing thereby conserving existing vegetation, topography and hydrology; to conserve larger, contiguous green spaces thereby enhancing the sustainability of tree canopies and reducing the urban heat island effect; to maximize the use of each site's natural hydrology in stormwater management; and to integrate each site's existing vegetation with proposed landscaping and stormwater best management practices (BMPs).

Section 18.2 Applicability of Landscape Requirements

The provisions of this Part shall apply to:

- A. All new commercial, industrial, multi-family, religious, educational, institutional, public and semi-public land uses that are developed after January 19, 1994., ~~except nonprofit 501(c)(3) eleemosynary corporations. Any organization claiming exemption under this section must provide proof of 501(c)(3) status.~~
- B. Development that requires the issuance of a building permit for a building addition amounting to more than fifty percent of existing street facade.
- C. Issuance of an occupancy permit for uses of buildings that change from residential to commercial.
- D. Development of vehicular use areas (parking lots) or vehicular use area additions of five (5) parking spaces or more.
- E. All new single family, residential subdivisions or developments, greater than 5 lots, are subject to ~~the landscape and permitting requirements within this Chapter, except where specifically exempted, or where they are in conflict with~~ Section 18.3 Land Clearing Requirements in addition to the provisions for landscaping as set forth in Chapter 4: Permits and Final Plat Approval, Section 4.6.A.16.b2. All other parts of this Chapter shall not apply to new single family residential subdivisions or development, greater than 5 lots. F. All development that is subject to the Conditional Use Permit provisions of Section 8.106 and/or the Site Plan Review provisions of Section 4.101.

Section 18.4 3 Land Clearing Requirements:

The Purpose of this Section is to further the goals of this Chapter, as stated in Section 18.1. To this end, the following requirements shall be met:

All activities related to disturbance shall require a Site Clearing Permit. Prior to disturbance of any development or redevelopment of a lot or parcel of land, excluding individual existing residential lots of less than five (5) acres in a recognized subdivision, a Site Clearing Permit for such activity shall be obtained from the Department of Public Works.

- A. A Site Clearing Permit shall not be required in any property intended for agricultural activities or commercial timber harvesting (as defined in the Unified Development Code).
- B. Before obtaining a Site Clearing Permit the following must be submitted to the Department of Public Works:
 - 1. Current aerial photo and topographical map;
 - 2. Existing hydrology;
 - 3. Existing vegetation, specifically identifying and locating the following tree species with a DBH of ten (10) inches or greater:

Scientific Name	Common Name
<i>Quercus Aqlba</i>	White Oak
<i>Quercus falcata</i>	Red Oak
<i>Q. Ffalcata var. Ppagodifolia</i>	Cherrybark Oak
<i>Quercus lyrata</i>	Overcup Oak
<i>Quercus michauxii</i>	Cow Oak
<i>Quercus nuttallii</i>	Nuttall Oak
<i>Quercus phellos</i>	Willow Oak
<i>Quercus shumardii</i>	Shumard Oak
<i>Quercus virginiana</i>	Live Oak
<i>Taxodium ascendends</i>	Pond Cypress
<i>Taxodium distichum</i>	Bald Cypress
<i>Ulmus Aamericana</i>	American Elm
<i>Ulmus alata</i>	Winged Elm

- 4. Environmentally Sensitive Areas onsite;
- 5. A plan of conceptual intent for use after clearing, including the proposed site plan after clearing;
- 6. Limits of Construction (as defined by the Unified Development Code) shall be drafted and shall only encompass the proposed areas of improvement;
- 7. Limits of Clearing (as defined by the Unified Development Code);
- 8. Stormwater Pollution Prevention Plan (SWPPP) for clearing activities; and
- 9. Start and end date of clearing activities.

- C. All clearing indicated on the plan should occur only within the Limits of Clearing. Additional area may be cleared for construction staging during the clearing, but this area may not exceed ten (10) percent of the total area being cleared.
- D. Environmentally Sensitive Areas cannot be cleared unless the applicant can show there is no practicable alternative to the clearing of these areas on the site. An EPA “404” Permit mitigates this requirement for Federally recognized Wetlands.
- E. Prior to the commencement of clearing activities, the SWPPP must be complete. The SWPPP must be implemented throughout the clearing process until the site is stabilized.
- F. All cleared areas shall have soil stabilization methods instituted within fourteen (14) days of clearing. If construction ceases for a period of fourteen (14) days or more, the land shall be stabilized by the fourteenth day.

Section 18.5 4 Tree and Urban Forest Preservation Standards

- A. Tree Credit Standard: Existing trees may be credited towards the landscape materials required by this Chapter.
 - 1. In all applicable zoning districts, credit may be applied toward the tree planting requirements of this Chapter by the preservation of existing trees within Street Yard Planting Areas, Buffer Areas and other areas of the site left undisturbed by construction.
 - 2. The owner is encouraged to preserve as many existing mature trees and shrubs as possible in the design and implementation of the landscape plan.
 - 3. Trees preserved in the street planting area shall be credited towards street planting requirements, trees preserved in vehicular use areas be credited toward vehicular use area requirements and trees preserved in a buffer planting area shall be credited toward buffer area planting requirements.
 - 4. Tree credit rate:

Any Class A or Class B tree with a DBH of six (6) inches or greater that is preserved following the standards set forth in Section 18.5 4.B shall earn tree credits on DBH inch basis ~~for caliper inch~~ (measured at 4.5’), minimum DBH for credit is 6” DBH – only native species listed qualify for preservation credit points basis.

- a. Class “A” Tree = 300 points based on minimum 6” DBH, 50 points additional per DBH inch > 6”.
- b. Class “B” Tree = 150 points based on minimum 6” DBH, 25 points additional per DBH > 6”.
- c. Tree Groves = 300 additional points for a minimum of five (5) Class “A” or “B” qualifying native trees in a preserved and protected contiguous land area that encompasses the critical root zone of all the grove trees and 300 points for every additional group of five (5) qualifying native trees in that grove (see definition of critical root zone and tree grove).

Note: No tree credits will be allowed for Chinese Tallow (~~Sapium sebiferum~~ *Triadica sebifera*), Black Willow (~~Salix Nigra~~), Cottonwood (*Populus deltoides*), Camphor Tree (~~Cinnamomum Ccamphora~~) and other trees with life spans of twenty years or less.

5. It shall be the responsibility of the owner to use reasonable care to maintain preserved trees. If a preserved tree dies within five years, it is the responsibility of the owner to replace that tree with the number of caliper inches credited on a Class matching basis within six months. The owner shall be responsible for maintaining all plant materials required by this Unified Development Code in good living condition.

B. **Tree Preservation Plan:** In order to receive credit for preserved trees, the owner must include as part of the Landscape Plan submittal a Tree Preservation Plan which shall be approved by the Department of Public Works.

1. The Tree Preservation Plan shall include the location, size and condition of each tree or grove to be preserved, along with an indication of proposed development features which may impact such trees, and any other pertinent information as required by the Department of Public Works to evaluate existing and proposed conditions.
2. The Tree Preservation Plan shall include a detailed description of all methods to be used to ensure the survival of all trees scheduled for preservation credit, including information that may be required by the Department of Public Works to interpret the intent and methodology proposed.
3. All tree preservation methodology shall conform to the standards of the Louisiana Department of Agriculture and Forestry, the Louisiana Horticulture Commission, and the International Society of Arboriculture.

C. **Qualifying Native Trees:** The following is a list of trees native to East Baton Rouge Parish. Their planting and preservation is strongly encouraged.

Scientific Name	Common Name
Class A Trees	
<i>Acer rubrum</i>	Red Maple
<i>Catalpa bignonioides</i>	Catalpa
<i>Carya cordiformis</i>	Bitternut Hickory
<i>Carya illinoensis</i>	Pecan
<i>Carya ovata</i>	Shagbark Hickory
<i>Carya tomentosa</i>	Mockernut Hickory
<i>Celtis laevigata</i>	Sugarberry/Hackberry
<i>Diospyros virginiana</i>	Persimmon
<i>Fagus grandifolia</i>	American Beech
<i>Fraxinus americana</i>	White Ash
<i>Fraxinus pennsylvanica</i>	Green Ash
<i>Juniperus virginiana</i>	Eastern Red Cedar
<i>Juglans nigra</i>	Black Walnut
<i>Liriodendron tulipifera</i>	Tulip Tree
<i>Magnolia grandiflora</i>	Southern Magnolia
<i>Nyssa sylvatica</i>	Swamp Tupelo/Black Gum
<i>Pinus Taeda</i>	Loblolly Pine

<i>Platanus occidentalis</i>	Sycamore
<i>Quercus alba</i>	White Oak
<i>Quercus falcata</i>	Red Oak
<i>Q. falcata</i> var. <i>ppagodifolia</i>	Cherrybark Oak
<i>Quercus lyrata</i>	Overcup Oak
<i>Quercus michauxii</i>	Cow Oak
<i>Quercus nuttallii</i>	NuttallOak
<i>Quercus phellos</i>	Willow Oak
<i>Quercus shumardii</i>	Shumard Oak
<i>Quercus virginiana</i>	Live Oak
<i>Taxodium acendens</i>	Pond Cypress
<i>Taxodium distichum</i>	Bald Cypress
<i>Tilia</i> spp. <i>Aamericana/caroliniana, floridana</i>	Linden
<i>Ulmus Aamericana</i>	American Elm
<i>Ulmus alata</i>	Winged Elm
Class B Trees	
<i>Carpinus caroliniana</i>	Ironwood
<i>Cercis canadensis</i>	Eastern Redbud
<i>Chionanthus virginicus</i>	White Fringe Tree
<i>Cornus florida</i>	Flowering Dogwood
<i>Crataegus marshallii</i>	Parsley Hawthorn
<i>Crataegus opaca</i>	Mayhaw
<i>Halesia diptera</i>	Silverbell
<i>Ilex cassine</i>	Dahoon Holly
<i>Ilex opaca</i>	American Holly
<i>Ilex vomitoria</i>	Yaupon
<i>Magnolia virginiana</i>	Sweetbay Magnolia
<i>Ostrya virginiana</i>	<u>American Hop Hornbeam</u>
<i>Persea borbonia</i>	Red Bay
<i>Robinia pseudoacacia</i>	Black Locust
<i>Sassafras albidum</i>	Sassafras
Class C Trees	
<i>Aesculus pavia</i>	Red Buckeye
<i>Amelanchier arborea</i>	Serviceberry
<i>Asimina triloba</i>	Paw Paw
<u><i>Cornus drummondii</i></u>	<u>Roughleaf Dogwood</u>
<u><i>Cyrilla racemiflora</i></u>	<u>Titi</u>
<u><i>Ilex cassine</i></u>	<u>Dahoon Holly</u>
<u><i>Ilex opaca</i></u>	<u>American Holly</u>
<u><i>Ilex vomitoria</i></u>	<u>Yaupon</u>
<u><i>Morella cerifera</i></u>	<u>Waxmyrtle</u>
<u><i>Prunus mexicana</i></u>	<u>Mexican Plum</u>
<u><i>Rhamnus caroliniana</i></u>	<u>Carolina Buckthorn</u>
<u><i>Rhus copallina</i></u>	<u>Shining Sumac</u>
<u><i>Vaccinium arboreum</i></u>	<u>Sparkleberry</u>

D. Protection of Trees During Site Development and Construction. In general, the area beneath the canopy of a tree shall be designated as a Tree Protection Zone and shall be kept safe from harmful impact.

1. Contractor, Etc.; Duties Relating to Trees, and the Placing of Materials; Indemnity Bond: In the erection of any building or structure, the builder,

contractor or owner thereof shall place such tree guards or barriers around all the nearby trees belonging to the City-Parish as shall be effectual prevent injury to them, and shall not place building materials or trash upon neutral grounds without the permission of the Director of Public Works; contractors and others doing work on neutral grounds, either for excavation or other projects for which permission has been granted by the Director of Public Works shall give bond to the Director of Public Works to guarantee the payment of all costs for repairing any settlement or other damage or deterioration that shall take place in the neutral grounds as a result of the project undertaken by them.

2. Trees designated on the Tree Protection Plan as Protected Trees must be completely enclosed by a rigid wood or metal fence of a minimum height of six (6) feet, and as approved by the Department of Public Works. Tree fence location must be as described on the Tree Protection Plan. Plastic or non-rigid forms of fencing will not be allowed.
3. Tree protection fencing must be in place prior to any clearing or site work. Failure to install tree protection fencing at the appropriate time will result in the loss of tree protection credits and will require that the job be stopped until a revised Landscape Plan is approved. Tree protection fencing must remain in place until all construction has been completed or final occupancy permit has been issued, whichever is latest.
4. Tree protection fencing must carry durable signs designating the area as a "Tree Protection Zone. No entry unless authorized by the City-Parish Office of Landscape & Forestry". Such signs shall be spaced around the perimeter of all tree protection zones with a maximum spacing of twenty-five (25) feet. Signs shall be a minimum eight inches (8" x 10") in size and shall be firmly affixed to the tree protection fence.
5. Any violation of a tree protection zone will subject the owner to the loss of tree preservation credits and will require the suspension of all work until a revised Landscape Plan is approved for the project.
6. Tree protection zones shall explicitly follow the terms and conditions of the approved Tree Preservation Plan for that project or site. Any variation must receive the prior approval of the Department of Public Works.
7. Additional tree protection measures may be ordered by the Department of Public Works if site conditions warrant them.

Section 18.3 5 Landscape Standards

B A. Technical requirements for the design, installation and maintenance of plant material ~~and landscape area site development~~ shall be as follows:

1. Landscape Requirement Calculations shall be shown on the landscape plan pursuant to Section 18.6. Landscape Requirements shall be established using the following formula:

Developed Site Area
+ Street Yard Planting Area
+ Vehicular Use Area

+ Buffer yards screen (as required)
 = Total Landscape Requirement

2. Point System. The point system determines landscape requirements by first calculating the number of required points for the development. Landscape improvements are assigned point values and the point values are then summed. The landscape requirements will be met if the cumulative number of points provided by the landscape improvements are equal to or exceed the required number of points. Credit points are based on tree class and caliper inches (measured just above the flare of the trunk, about 6"). The specific point system requirements are as follows:

The required number of points shall be satisfied by landscape improvements listed below:

Landscape Improvement	Points
<u>Class "A" Tree</u>	<u>100 based on min 2" caliper, 50 additional points per caliper inch over 2"</u>
<u>Class "B" Tree</u>	<u>50 based on min 2" caliper, 25 additional points per caliper inch over 2"</u>
<u>Class "C" Tree</u>	<u>25 based on min 2" caliper, 12 additional points per caliper inch over 2"</u>
<u>Shrubs</u>	<u>10</u>
<u>Groundcover</u>	<u>5 per 100 square feet</u>

3. Developed Site Area: ~~There shall be two (2) Class "A" trees or four (4) Class "B" trees for each five thousand (5,000) square feet, or fraction thereof, of developed site area. On sites with buildings exceeding fifty thousand (50,000) square feet, fifty (50) percent of required trees shall be Class "A". Two hundred (200) points per five thousand (5,000) square feet or fraction thereof is required.~~

~~43. Street Yard Planting Area:~~ Street yard planting area is the unpaved area of land located between ~~the~~ all property lines that border a street right-of-way and any building or vehicular use area designated for the preservation and placement of plant materials ~~along all property lines that border a public street.~~ The street yard planting area must be a minimum of ten (10) feet in width. One hundred (100) points per six hundred (600) square feet or fraction thereof is required.

- ~~a. The street yard planting area shall contain a minimum of one (1) Class "A" tree or two (2) Class "B" trees for every six hundred (600) square feet of street yard, or fraction thereof. The street yard planting area must be a minimum of ten (10) feet in width.~~
- ~~b. The street yard planting area shall contain shrubs and non-turf ground cover plantings. Shrub and ground cover plantings must cover forty (40) percent of the street yard planting area. The required shrubs and ground cover can be arranged in any manner. The required trees may be located anywhere within the street yard planting area.~~
- a-e. The street yard planting area may contain earth berms, masonry walls, pedestrian walkways, site furniture, signage, site lighting, irrigation systems, fountains, drainage facilities including micro-detention/

retention basins, detention/retention ponds and any other appropriate landscape features as approved by the ~~Director of Landscape & Forestry~~ Urban Forestry and Landscape Manager.

~~d. Retaining existing vegetation, either as lone growing specimens or groves of trees, within the street yard planting area is highly encouraged. As incentive to preserve all existing trees and specimen shrubs found growing in this site area, credit for trees, shrubs and ground covers will be given towards standards set forth in Section 18.3.B above. Underbrush and non native weeds may be removed, by hand methods only, to allow views to buildings and interior vehicular use areas.~~

~~b.e.~~ No site construction will be allowed within the street yard planting area. No parking lot will be allowed within the street yard planting area.

~~c.f.~~ Lots with frontage on more than one street shall calculate the street planting requirements along the entire street frontage of both streets.

5.4. Buffer Yard Screening (Incompatible Land Use): A standard bufferyard width is imposed, with a prescribed number of plants per one hundred (100) feet. (See Appendix D) Each optional buffer yard can fluctuate in width and in the amount of required plant materials based on the “plant unit multiplier.” The plant unit multiplier, which can range from forty-five hundredths (.45) to one and five tenths (1.5), is multiplied by the required “plant units” (found in the legend). When a computation using the “plant unit multiplier” results in a fraction of five tenths (0.5) or greater, the planting requirements shall be rounded up to the next whole number.

The number of plant materials, the structure required, and the location of the structure are provided for in Bufferyard Alternatives (See Appendix D.) Height, material, and opacity standards for designated fences, berms, and masonry walls can be found in Appendix D, Structure Required.

a. Buffer Walls: Any wall shall be constructed in a durable fashion with a finished surface of brick, stone or other decorative masonry material approved by the Building Official.

b. Fences shall be constructed in a durable fashion with weather resistant wood and be of a consistent pattern. All material used in the construction of a fence shall be designed and intended for such use. Notwithstanding the foregoing, the Department of Public Works may approve a buffer fence/wall constructed of other materials provided the materials and finish used will provide generally the same degree of opacity, durability, and aesthetic compatibility with adjoining residential areas as weather resistant wood. A finished side of all walls or fences shall face the common property line boundary. No wall or fence used for screening purposes shall be less than three (3) feet nor greater than eight (8) feet in height above grade.

c. Prescribed fences or walls may be waived if a building, fence or wall of at least equivalent height, opacity and maintenance exists immediately abutting and on the opposite side of said property line.

d. All berms shall be planted with both shrubs and groundcover to leave no

bare earth. All shrubs shall be a species that can be expected to materially screen the development site within two (2) years of planting. The slope of a berm shall be a grade that is suitable for maintenance and soil stability while taking into consideration the type of plantings and groundcover that will be utilized but in no case shall a berm be less than three (3) feet in height. Nuisance vining plants that have a tendency to spread to other properties are not permitted as berm groundcover. Designated berms, Appendix D; B1 & B2, may be curvilinear in design. Combined fence and berm height and at any point must meet designated minimum height requirements.

e. Sites with conditional use permits must provide buffer strips around vehicular use areas if the vehicular use area is within one hundred (100) feet of the front property line or within fifty (50) feet of a side or rear property line. Parking buffer strips shall have a minimum width of five (5) feet. Minimum requirements for buffer strips are included below and in more detail in Appendix D:

(1) Buffer strips for vehicular use areas within one hundred (100) feet of the front property line must have a fence, wall, or berm with evergreen shrubs.

(2) Buffer strips for vehicular use areas within fifty (50) feet of the side or rear property line must have a fence, wall or berm with evergreen shrubs and Class "B" trees.

6.5. Sight Triangle Area: No planting or ground cover in sight triangle areas shall exceed twelve (12) inches in height at maturity. The design and layout of sight triangles shall be as described in Appendix A.

7.6. Vehicular Use Area: Vehicular use areas shall be required to have a minimum of ten (10) percent of the total vehicular use area landscaped with trees, shrubs and ground cover other than turf grass. A minimum of fifty (50) percent of the vehicular use area planting requirements shall be planted within the interior of the vehicular use area. The landscaping shall be installed accordingly:

a. For vehicular use areas of one to twenty five (25) parking spaces, one hundred (100) points for every fifteen (15) parking spaces or fraction thereof. ~~one (1) Class "A" tree or two (2) Class "B" trees for every fifteen (15) parking spaces, or fraction thereof.~~

b. For vehicular use areas of twenty five (25) to one hundred (100) parking spaces, one hundred (100) points for every twelve (12) parking spaces or fraction thereof. ~~one (1) Class "A" tree or two (2) Class "B" trees for every twelve (12) parking spaces, or fraction thereof.~~

c. For vehicular use areas of over one hundred (100) parking spaces, one hundred (100) points for every ten (10) parking spaces or fraction thereof. ~~one (1) Class "A" tree or two (2) Class "B" trees for every ten (10) parking spaces, or fraction thereof.~~

d. Any parking island, peninsula, or planting space internal to a vehicular use area must have a minimum width of five (5) feet of non-paved area if it is to contain a tree or trees.

- e. Interior islands, peninsulas, or green space provided around a tree (or trees) for which preservation credits are to be given shall provide a non-paved area no nearer than three (3) feet from the critical root zone of the tree(s).
- f. Underground utilities, drain lines, and the like which are placed beneath vehicular use area planting spaces shall be installed as near to the edge of the planting space as possible, within the outer one-third of the available width of the planter, so as not to interfere with tree installation.
- g. All vehicular use area planting spaces shall be protected from vehicular access by wheel stops or curbs of a minimum six (6) inch height (curb gaps for drainage are allowed).
- h. Underground electric conduit, underground drain lines, communications cables, irrigation lines and the like shall be installed within underground utility chases located within the first one third (1/3) of the width of the available planting space along the ~~curb or walkway~~ edge within medians, neutral grounds, peninsulas, divider islands and interior islands. Offsets into the center of such spaces will be allowed if design dictates placement of light standards and other fixtures within the center of the space.
- i. Utility areas, mechanical equipment or designated loading spaces shall be located at the side or rear of buildings. When feasible, service areas should be designed to be part of the primary building and should not detract from the aesthetic appeal of the development. All dumpsters, exposed storage areas, machinery, service areas, truck loading areas, utility buildings, air conditioning units and other similar structures shall be screened from view from neighboring properties and streets with a solid fence or a six (6) foot wall.

If the utility area is separate from the building it serves, it must be enclosed by a six (6) foot solid fence constructed with approved materials. The fence shall be maintained in a structurally sound manner, in good appearance, replaced when necessary, and kept free of refuse and debris. Dumpsters may not be located within Building Setback areas.

All roof equipment must be screened from public view so as not to be visible from any public street.

- j. Planting within the two (2) feet of unpaved parking bay for Green Parking spaces as shown in Appendix A shall be of a variety that does not exceed eight (8) inches above the level of the paved parking area at maturity.

8.-7. Vehicular Use Area in C-5 Zoning Districts: For new vehicular use areas on sites zoned C-5, permanent landscaping shall be installed, as follows:

- a. 100 points ~~Trees shall be planted at the rate of one (1) Class "A" tree or two (2) Class "B" trees per twelve (12) parking spaces, or fraction thereof.~~
- b. Required trees may be planted within the vehicular use area or along its perimeter. Where such a planting of trees may not be entirely

accommodated within the property lines of the site, some or all of said trees may be planted within the public right-of-way as approved by the Department of Public Works.

c. Residual areas not used for vehicular use or access shall be landscaped.

~~9.8.~~ Technical requirements for the maintenance of plant materials and landscape areas shall be as follows:

a. The owner or his agent, shall be responsible for the maintenance, repair and replacement of all landscape materials as may be required by this Chapter.

b. Landscape maintenance specifications require that all landscaping shall be maintained in a sound manner and in accordance with accepted maintenance procedures as established by the Louisiana Nursery and Landscape Association.

c. All plant materials and planted areas shall be tended and maintained in a healthy growing condition; replaced when necessary and kept free of refuse and debris.

~~10.9.~~ A minimum of fifty (50) percent of total planting requirements (excluding buffer yards) must be in contiguous green spaces that serve as vegetated stormwater BMPs.

~~10.~~ Removal of any trees listed in Section 18.4.B.3 shall require mitigation on an inch for inch caliper basis, in addition to existing landscape code requirements. Mitigation may be accomplished by either of the following:

a. ~~Increase the minimum caliper of landscape code requirements by caliper inches equal to removed trees. For example: a twenty four (24) inch tree is removed from a site with a landscape code requirement of the planting of forty eight (48) class "A" trees of a minimum two (2) inch caliper size. The removed twenty four (24) inch tree can be mitigated by planting forty eight (48) trees with two and a half (2 ½) inch caliper measurements as opposed to planting forty eight (48) trees with two (2) inch caliper measurements.~~

b. ~~Replace existing trees with equivalent caliper inches. Replacement trees may be in any combination of caliper size greater than two (2) inches. For example: a twenty four (24) caliper inch removed tree may be replaced with twelve (12) trees that are two (2) caliper inches; with eight (8) trees that are three (3) caliper inches; or with six (6) trees that are four (4) caliper inches.~~

A B. ~~The following Standards shall be included on the Landscape Plan prepared pursuant to Section 18.6 of this Chapter. A landscape plan shall be prepared pursuant to Section 18.6 of this chapter.~~

1. All landscaping shall be installed in a sound manner and in accordance with accepted standards of the *Louisiana Nurseryman's Manual for the Environmental Horticulture Industry*, latest edition, as published by The Louisiana Nursery and Landscape Association.

2. Plant material shall be true to name, variety and size and shall conform to all applicable provisions of the American Standards for Nursery Stock, latest edition. The use of native plant species is encouraged.
3. All single trunk trees shall have a minimum two (2) inch caliper immediately after planting. Single trunk trees must measure a minimum of eight (8) feet tall immediately after planting. All tree heights shall be measured from the top of the root ball to the tip of the highest branch.
4. Multi-trunk trees shall have main stems with a minimum one (1) inch caliper per trunk immediately after planting. All multi-trunk trees shall have a minimum of three (3) main stems. The multi-trunk tree must measure eight (8) feet tall immediately after planting. All tree heights shall be measured from the top of the root ball to the tip of the highest branch.
5. Tree Standards: Trees selected for planting shall meet the minimum requirements provided in the *American Standard for Nursery Stock (ANSI Z60.1)*, Latest Edition as published by The America Nursery and Landscape Association.
6. Shrub Quality Standards: Shrubs selected for planting shall meet the minimum requirements provided in the *American Standard for Nursery Stock (ANSI Z60.1)*, Latest Edition as published by The America Nursery and Landscape Association. Shrubs size shall be a minimum three (3) gallon well-rooted container stock.
7. Ground Cover and Vines Quality Standards: Ground cover (other than turf grass) shall be minimum of four (4) inch well-rooted container stock spaced no more than eight (8) inches on center. Well-rooted two-and-one-half (2 1/2) inch container stock may be substituted and spaced six (6) inches on center. Vines and ground cover plants should show a number of vigorous woody runners or a well developed crown.
- ~~8. Palms and tropical plant material standards: Palms and tropical plants are considered accent shrubs in East Baton Rouge Parish because of freeze potential. Such plants shall receive no credit towards tree planting requirements.~~
- ~~8.9.~~ Irrigation and watering standard: Hose bibs shall be placed within two hundred (200) feet of all planting beds or a permanent in-ground irrigation system shall be provided.
- ~~9.10.~~ A minimum of two hundred (200) square feet for each Class “A” tree or one hundred (100) square feet for each Class “B” tree of non-paved area is required for each tree where it is planted. Non-Paved Area refers to an area of ground used for planting, and which is not covered with paving materials that are impervious or which inhibit the free movement of moisture and air into and out of the soil. Such areas may be partially covered with acceptable porous paving materials if prior approval has been obtained from the Department of Public Works.

Section 18.6 Landscape Plan Requirements

- A. All building permit applications covered by this chapter except applications for non-profit 501(c)3 eelomosynary corporations for structures of less than thirty thousand

(30,000) square feet accompanied by proof of 501(c) 3 status, shall be accompanied by a landscape plan. In addition to meeting Louisiana Horticulture Law requirements, building permit applications on commercial, multi family, institutional and industrial lot of more than fifteen thousand (15,000) square feet shall have a landscape plan prepared by a Louisiana Licensed Landscape Architect. The landscape plan shall meet the standards set forth in Sec. 18.3-B5.A of this Chapter and shall bear the Landscape Architect's seal and signature. All landscape plans shall contain a statement, signed and dated by the preparer certifying that the plan was prepared in accordance with Louisiana Horticulture Law and the provisions and specifications of this Chapter.

- B. Standards, as specified in Section 18.35 (Landscape Standards), shall apply to the design, installation and maintenance of all landscaping required.
- C. The landscape plan shall include such criteria that are required by the Department of Public Works to determine compliance with this code. These criteria shall include, but are not limited to:
1. Show all buildings, walkways, vehicular use areas, utility areas, retention/detention areas, sight triangles, and miscellaneous site structures.
 2. Show all on- and off-site utilities, servitudes, rights-of-way, or easements. Show proposed routing of utility service to proposed buildings.
 3. Show all current land use of all adjacent property.
 4. Show all protected trees and their trunk sizes using DBH (Diameter measured at Breast Height – four and one-half (4 ½) feet). Show actual canopy spread of all protected trees or groupings of trees.
 5. Show layout of all plant materials, sizes, and specifications.
 6. Show all other proposed site development amenities.
 7. Show all existing and proposed paved surfaces. curbs, steps, grade changes.
 8. Show topography, existing natural features, and drainage information.
 9. Provide complete plant schedule of materials to be planted on the site.
 10. Show Stormwater BMPs as described in the Stormwater Management Plan.
 11. Provide irrigation or watering system plans if applicable.
 12. All landscape plans shall include a summary tabulation of all landscape requirements.
 13. All landscape plans shall bear the official seal and signature of the landscape architect responsible for their preparation. ~~If prepared by a landscape contractor, plan must carry the name of the company preparing the plan, the landscape contractor's Louisiana license number, and a statement, signed by the landscape contractor, verifying that the plan was prepared in accordance with Louisiana Horticulture Law.~~
- D. Landscape Plan Submission and Approval: Two sets of Landscape plans containing the information needed to evaluate the landscaping of projects that fall under this Chapter, and as contained in paragraphs B & C above, shall be submitted to the Department of Public Works. All plans reviewed will be returned to the designer marked "approved," or

“approved as noted,” or “denied.” Rejected plans may be returned to the Director for re-evaluation once noted corrections are made. A copy of the approved plan will be archived in order to use at a later date to ensure that the plan was implemented as permitted and maintained as required.

- E. Certification: The Landscape Architect shall submit, prior to issuance of an Occupancy Permit, a sealed letter of concurrence certifying that the project has been implemented in accordance with the approved plans signed and sealed by the Landscape Architect. Any as-built changes made during construction and approved by the Landscape Architect must be noted in digital or conventional drawings delivered to the Department of Public Works with the written letter of certification. This certification does not make the Landscape Architect responsible for the success of the project, responsible for required maintenance, or responsible for the long-term survivability of the living materials used in the project.

Section 18.7 Alternative Compliance

- A. The Landscape Standards contained in Section 18.35 are intended to encourage development which is economically viable, aesthetically pleasing and environmentally sensitive. The standards are not intended to be so specific as to inhibit creative development. Project conditions associated with individual sites may justify approval of alternative methods of compliance with the Landscape Standards. Conditions may arise where normal compliance is impractical or impossible, or a design proposal offers superior results, or where maximum achievement of the City-Parish's objectives can only be obtained through alternative compliance. Such conditions are contained within the Landscape Standards.
- B. Requests for alternative compliance will be accepted for any permit application to which the requirements of this Chapter of the Unified Development Code apply, when one or more of the following conditions are met:
 - 1. Topography, soil, vegetation, drainage or other site conditions are such that full compliance is impractical.
 - 2. Improved environmental quality would result from the alternative compliance of the provisions of this Chapter of the Unified Development Code.
 - 3. Spatial limitations, unusually shaped pieces of land, unusual servitude requirements or prevailing practices in the surrounding neighborhood may justify alternative compliance for in-fill sites.
 - 4. Change on an existing site where requirements of this Chapter of the Unified Development Code are not spatially possible. Public safety considerations make alternative compliance necessary.
 - 5. Existing lots in approved multi-family, commercial and industrial subdivisions that were in existence on January 19, 1994.
 - 6. The proposed design exceeds the minimum standards set forth in this chapter.
- C. A request for alternative compliance shall be submitted to the Department of Public Works at the time the Landscape Plan is submitted. The Department of Public Works shall not reduce requirements of Chapter 18 by more than fifty (50) percent. The decision of the ~~Director of Landscape and Forestry~~ Urban Forestry and Landscape Manager will be final, unless the applicant appeals per Section 18.9.

- D. Request for alternative compliance shall be accompanied by sufficient written explanation and Landscape plan drawings prepared pursuant to Section 18.6 to allow appropriate valuation and decision by the Department of Public Works.

Section 18.8 Permits and Inspection Requirements

The following tree preservation requirements shall be followed if a preliminary plat is approved by the Planning Commission for a proposed commercial, office, industrial, institutional or multi-family residential development. Following the issuance of a building permit, trees not designated for tree preservation on an approved landscape plan may be removed. This requirement is not applicable to street right of way, public and private streets, utilities, drainage, sewerage and mitigation areas necessary for the construction of the aforementioned infrastructure as shown on approved construction plans or site plans.

- A. **Tree Removal, Tree Relocation or Tree Pruning: Diseased Trees or Shrubs and Other Plants:** Authority of the Department of Public Works; **Owner's Duty:** The Department of Public Works shall have the authority to require that property owners treat or allow the City-Parish to treat trees or shrubs suffering from transmittable diseases of infestation of pests. If the disease or pests warrant(s) drastic action to curb the spread to healthy trees or shrubs, on the advice of the Department of Public Works, the property owner shall cut and destroy the trees or shrubs or else allow the City-Parish to do so, charging the actual cost involved to the property owner.
- B. **Documentation with permit application:** A Landscape Plan shall be submitted along with the building plans when applying for a building permit. The Landscape Plan shall be approved by the Department of Public Works prior to issuance of the building permit.
- C. **Certificate of Occupancy:**
1. Prior to issuance of the Certificate of Occupancy by the building permit office, the owner or developer of projects on lots of greater than fifteen thousand (15,000) square feet shall have a Louisiana Licensed Landscape Architect certify with signature and seal in an affidavit that the landscape has been installed in accordance with the City-Parish approved plans and specifications.
 2. An extension for installation may be granted by the Urban Forestry and Landscape Manager for up to ninety (90) days for good cause shown. Upon completion of the installation, certification by a Louisiana Licensed Landscape Architect is required, unless exempted from the landscape plan requirements under the provisions of 18.6.A with signature and seal in an affidavit that the landscape has been installed in accordance with the City-Parish approved plans and specifications. Additional extensions may be granted by the Planning Commission.
- Should the landscaping not be installed within the extension period, the City may exercise its right to revoke the Certificate of Occupancy.
- D. **Permit Required to Remove, Cut, Plant, Trees and Shrubs on Public Property**
1. No person, including public utilities, shall remove any tree or shrub growing within dedicated street area of public right-of-way or other public property, without a permit from the Department of Public Works. Such permit may be

conditioned so as to protect the public using the street area. Except in the case of public utilities, such permit may be conditioned on the furnishing of a bond or other adequate financial assurance for the payment of damages incurred as a result of permit violation. Approval by the Department of Public Works shall be given when it is found that the particular tree should be removed or is unsafe because of growth which cannot be corrected by proper trimming, because of damage caused by the elements, or because of age, disease or other debilitating cause, because of insecure root system which might cause the tree to fall, because of existing or potential interference with street use, because of root interference with subsurface sewer or utility facilities which reasonable root pruning may not correct, because of any other conditions which he finds whereby such removal will be in the public interest.⁵ However, approval of a tree removal by the Department of Public Works may be conditioned on replacement with a new tree or shrub of approved variety if it is found that such replacement is necessary to maintain an ornamental tree system on the street, block, park or other public property.

2. Tree and Shrub Planting, Pruning and Other Maintenance. Unless authorized by the Department of Public Works, it shall be unlawful to cut, trim, spray, remove, treat or plant any tree, shrub, hedge, or other plant upon a public right-of-way or other public property within the city or parish.
 - a. The Department of Public Works may grant special area permits or permits based on yearly plans to public utilities serving the City-Parish area and which engage in the pruning of trees or shrubs as necessary to the protection of the utility lines; provided, however, that in the case of an emergency, such pruning may be allowed without a permit, provided that it shall be done in accordance with the rules of good arboricultural practice as set forth in the publication “Standards for Pruning Shade Trees,” National Arborist Association, Inc. and “American National Standards for Tree Care Operations, Safety Requirements for Tree Pruning; Trimming, Repairing and Removal” (ANSI 2133.1) by the American National Standards Institute, as amended and currently in effect at the time of such work. The yearly plans must be submitted thirty (30) days prior to the commencement of any work. The Department of Public Works may require, as a condition to obtain a permit, except in the case of public utilities, the furnishing of a bond or other adequate financial assurance for payment of damages incurred as a result of permit violation.
 - b. In the case of an emergency, such pruning or digging measures that are necessary to restore power or to abate the imminent endangerment to human life are authorized. A report of any such emergency work, if it involved pruning or digging within the root system of a tree or shrub, must be filed with the Department of Public Works within fifteen (15) calendar days following such work. Any emergency work must be subsequently brought up to appropriate standards to the extent possible under the direction of the Department of Public Works. Such remedial work shall be commenced as soon as possible.
3. If no action is taken by the Department of Public Works within ten (10) working days of the submission of the permit request, the permit will automatically be issued. All denials of permit requests by the Department of Public Works shall be accompanied by written reasons for the permit denial.

4. Notwithstanding the above, said permit need not be obtained by a public utility in connection with providing a service line or drop in the provision of utility service provided at the request of any of its customers.

Section 18.9 Enforcement and Appeals

- A. The Department of Public Works shall enforce the requirements set forth in this Chapter and also shall be responsible for performing necessary inspections to determine if the required landscaping has been installed according to the approved Landscape Plan.
- B. The Department of Public Works shall review each Landscape Plan and within ten (10) working days from receipt of such plan either approve it or issue to the applicant a written denial.
- C. Any applicant whose Landscape Plan is rejected in whole or in part by the Department of Public Works may appeal to the Planning Commission within thirty (30) days of written notice of rejection. The appeal must be in writing and fully state the reason or reasons for appeal. A copy of the Landscape Plan, as submitted to the Department of Public Works, must also accompany the written appeal.
- D. A decision of the Planning Commission to modify or reverse a decision of the Department of Public Works shall be in writing and shall set forth the reasons therefore. The decision shall also specify the conditions upon which the modification is made.
- E. An adverse decision of the Planning Commission may be appealed to the Metropolitan Council.

Section 18.10 Administrative Guidelines

- A. The Department of Public Works shall prepare administrative guidelines to this Chapter consisting of rules, regulations, procedures, and landscape drawing requirements for the administration and enforcement of this Chapter.
- B. Changes or modifications to the Landscape Standards shall be approved by majority vote of the Tree and Landscape Commission, the Planning Commission and the Metropolitan Council following public hearings.
- C. The City-Parish of East Baton Rouge through the Inspection Division of the Department of Public Works shall be authorized to collect a fifty (50) dollar application fee to cover processing charges which shall be included in the total building permit fees as required for the implementation of this Unified Development Code.

Section 18.11 Tree and Landscape Commission

- A. There is hereby created and established a City-Parish Tree and Landscape Commission which shall have the following composition, powers, and duties:
 1. The Tree and Landscape Commission shall consist of nine (9) voting members and non-voting ex-officio members as follows:

- a. As one (1) voting member, one professional forester, employed by an agency of government or an educational institution having knowledge or urban forestry problems and licensed as required by law for the conduct of his profession;
 - b. One (1) voting member is representing the utilities. The Utility Coordinating Council will designate the utility from which this member comes. The utility will then provide the name of the individual member;
 - c. As voting members, four (4) professional members to include: one (1) licensed landscape architect and three (3) other members such as licensed arborists, licensed architects, landscape architects, licensed landscape contractors, or other similar professionals as appropriate;
 - d. Three (3) voting members selected at large, from residents and/or property owners of the City-Parish chosen for their knowledge of and concern about the City-Parish; urban forest; and
 - e. As non-voting ex-officio members, a representative from each of the following: the Department of Public Works, the Recreation and Park Commission, the Planning Commission, and the City-Parish Forester.
2. The voting members of the Tree and Landscape Commission shall be appointed by the Mayor-President with the approval of the Metropolitan Council.
 3. All terms of office of voting members shall be two (2) years. Vacancies caused by death, resignation, or otherwise shall be filled for the unexpired term in the same manner as the original appointments were made. Members will continue to serve after the expiration of their term until replacements are made.
 4. The voting members of the Tree and Landscape Commission shall serve without compensation.
- B. The Tree and Landscape Commission shall have the following powers and duties:
1. The Tree and Landscape Commission shall meet at least four (4) times a year.
 2. The Tree and Landscape Commission shall make its own rules of order, keep records of its proceedings, and annually elect from its voting members a chairman, vice-chairman, and such other officers as it may deem necessary. A majority of its voting members shall constitute a quorum for the transaction of business. Any member who fails to attend more than two out of three regular consecutive meetings without justification satisfactory to the Council will be subject to removal by the Council and will be replaced for the balance of his term by the appointing authority.
 3. The Tree and Landscape Commission shall study problems involving the City-Parish's urban forest, determine needs, compose and annually review a City-Parish Urban Forestry Management Plan, and seek ways to implement needed work. In formulating the City-Parish Urban Forestry Management Plan, the Tree and Landscape Commission shall place priority on projects that contribute to the economy of the City-Parish by improving and/or sustaining property values, that reduce the cost of drainage systems for surface water, and that preserve,

protect, and/or restore the unique identity and environment that are landmarks of the City-Parish history.

4. The Tree and Landscape Commission shall assist the community and its officials in disseminating information about protection, maintenance, and improvement of the City-Parish's tree population.
 5. The Tree and Landscape Commission shall propose such legislation as may be needed and practicable to pursue the purposes for which the Tree Commission was created.
 6. The Tree and Landscape Commission shall plan and coordinate an annual Arbor Week observance each year in cooperation with schools, conservation organizations, and other interested parties.
- C. The Tree and Landscape Commission may undertake and participate in cooperative projects to include but not be limited to the following:
1. Development of tree-planting systems in conjunction with other public and/or private entities;
 2. Development and use of a tree-bank in cooperation with other public and/or private agencies;
 3. Education of the public concerning tree maintenance;
 4. Providing technical advice and assistance to developers, builders, contractors, etc., in the selection and protection of naturally occurring trees during the development of wooded areas; and
 5. Communication with such professional and technical services as it may see fit within the scope of this Unified Development Code.

Section 18.12 Landscape and Trees on Public Property

- A. No landscape materials shall be planted in any City-Parish right-of-way without the permission of the Department of Public Works. Such permission shall be subject to a review of any proposed planting for potential hazards to public safety. Landscape plans shall be prepared and presented to the Department of Public Works for approval.
- B. Trees, shrubs, flowers, statues, buildings; prohibited acts related thereto, exceptions:
1. Except as hereinafter provided, no person except a public utility with a valid permit shall cut, prune, injure or remove any living tree on or in a public right-of-way, neutral ground, public park, public place, sidewalk, or other public property; or cut or disturb or interfere in any way with the roots of any tree on public property; or spray with any chemical insecticides or other oils or whitewash any tree on public property; or place any wire, rope, sign, poster, barricade, or other fixture on a tree or tree guard on public property; or injure, misuse or remove any device placed to protect any such tree; or place any sign, stationary or mobile, streamer, poster, bill or other advertisement anywhere on the public right-of-way, neutral grounds, parks, public places, traffic sight triangles and sidewalks.
 2. No person shall pluck any cultivated flower or fruit, or break, cut down, trample upon, defile or abuse any shrub, flower, flower bed, turf, ornament, statue,

building, fence, bridge, structure or other property within any public right-of-way, park or park approach, neutral ground or within any other area under the control of the City-Parish.

- C. Regulations pertaining to care and maintenance of trees, plants and shrubs on public property.
1. No person shall pile building material or other material, ~~about~~ around any tree, plant or shrub in a street in any manner that will in any way injure such tree, plant or shrub.
 2. Construction Near Public Trees: Wherever any and all types of construction activity being performed within or in close proximity to public rights-of-way and servitudes comes within six (6) feet of a publicly owned tree, the following items will apply:
 - a. For trees measuring twelve (12) inches in diameter or less, soil excavation work or root cutting shall not occur closer than three (3) feet from the outer bark of the tree. For multi-stemmed trees, the measurement shall be taken at the narrowest point within the first two (2) feet above the ground surface.
 - b. For trees measuring greater than twelve (12) inches in diameter, soil excavation work or root cutting shall not occur closer than the distance measured by the circumference of the tree, or a maximum distance of six (6) feet, whichever is less.
 - c. Soil excavation work is permitted closer than the distance parameters established under the above two categories, provided all excavation of soil is accomplished by hand shovel or auger, and no roots greater than two inches in diameter are severed.
 - d. If there is an inability to perform the requirements established under the aforementioned three situations, a representative from the DPW Office of Landscape and Forestry shall be called to the tree site to make an inspection and recommendation pertaining to the need to remove the tree. Unless other provisions are specified, trees removed by the city will be removed and replaced at cost to the contractor or department authorizing the construction. The replacement tree(s) will be in accordance with the Department's replacement policy.
 - e. In the event removal of the tree is required by private and public utilities, contractors and others under life threatening or related emergency situations, removal of the tree(s) is authorized without written authorization, providing proper follow-up written documentation and replacement of the tree is provided to the Office of Landscape and Forestry as soon as possible.
 - f. For new construction involving non-City-Parish projects, the initiating agency shall replace each tree removed as determined by the Department's replacement policy. The term new construction is defined as a facility that does not presently exist in the same public property area as the proposed construction. Any tree removed that is determined by the Office of Landscape and Forestry to be dead or dying will not be

considered as lost value.

3. No person shall dump, pour or spill any oil, salt or salt water or other deleterious matter upon any tree or tree space in any street, or keep or maintain upon any street, any receptacle from which oil or salt water leaks or drips, or pour oil or salt water onto any parking or concrete gutter so as to injure any tree on any public property.
 4. No person shall use the neutral grounds, parks, sidewalks or public places to dump clipping, tree trimmings, rocks or refuse of any nature
 5. No person shall place advertising matter, posters or political placards on trees or in public properties. In addition, no bench, shelter or similar structure placed for the convenience of bus passengers and the general public shall be placed in the public right-of-way, unless first approved by the Department of Public Works, in order to assure that sight distance and safety will not be impaired.
 6. No tree or shrub shall be planted in any servitude or easement without the written permission of the user agency or agencies.
- D. Damage to Trees, Shrubs, Ground Cover, Flowers and Related Items; Notice to Public Officials; Repair and Replacement of Damage; Failure to Repair or Replace
1. Any person who shall injure, damage or destroy any tree, shrub, vine, hedge, or other plant situated upon the public right-of-way of any street, alley, sidewalk, park or other public property within the city or parish shall promptly notify the Department of Public Works of such fact and shall, within such reasonable time as specified by the Department of Public Works, repair or replace the same to the satisfaction of the Department of Public Works.
 2. Should the person fail or refuse to repair or replace the damaged or destroyed trees or plants within such reasonable time, the Department of Public Works shall do or cause to be done the necessary repairing or replacement, and the cost of this work shall be recovered from the person responsible for the damage or destruction by a proper action of law. In any such action, "The Guide for Establishing Values of Trees and Other Plants," published by the Council of Trees and Landscape Appraisers, current edition, shall form the basis for establishing any monetary damages due for damage or destruction to the tree. In addition, the City-Parish may recover for any other damage or losses to which it is entitled by law.
 3. Police Report of Damage to Trees, Shrubs, Flowers; Collection of Damages; City-Parish Authorized to Sue for Damages: A copy of a police report of damage to trees, shrubbery, flowers, and other property under the care of the City-Parish shall be sent promptly to the office of the Director of Public Works. The Director of Public Works is empowered to claim and collect damages from any unauthorized person who damages or removes trees, flowers, shrubbery and other property under the care of the City-Parish and the City-Parish shall sue for such damages when necessary.

Section 18.13 Violations and Penalties

- A. Violations: The following apply to violations of land clearing and landscaping regulations.

1. Land Clearing Violations

- a. Each of the following activities are considered separate land clearing violations: disturbance of soil; removal of soil; filling; grading; erection of any structure; and removal of vegetation.
- b. Each acre per day during which a violation of land clearing regulations, as described in Section 18.13.A.1.a, exists will be considered a separate violation of this ordinance until the site is stabilized and all violations are resolved with the City-Parish.
- c. Once a Site Clearing Permit has been issued, all clearing activities must be contained within the Limits of Clearing. Any violations of the land clearing regulations, as described in Section 18.13.A.1.a, that occur outside the Limits of Clearing will be considered a separate violation of this ordinance until the site is stabilized and all violations are resolved with the City-Parish.

2. Landscape Violations

- a. Failure to maintain plant materials and planting areas as determined through periodic inspection by the Department of Public Works shall constitute a violation of this Chapter of the Unified Development Code. Such violation shall subject the owner to a fine of fifty (50) dollars per day for each day that required landscaping is not maintained.
- b. Driving Vehicles, Storing Equipment on Unauthorized Public Area; Written Permission Required: No person, except agents and employees of public utilities, shall drive vehicles of any kind across neutral grounds, parks, or public ways; or park cars, trucks or other equipment on neutral grounds, parks, or public ways, except where authorized by law; or store equipment on neutral grounds, parks, or public places, or park cars or other vehicles on the sidewalk, including the strip between the property line and the street curbing, without written permission from the Department of Public Works.
- c. A separate offense shall be deemed committed on each day during or on which a violation of any of the provisions of this Chapter occurs.

B. Penalties: The following apply to penalties that may be assessed for violations of the land clearing or landscape regulations.

1. Land Clearing Penalties

- a. If a violation of land clearing regulations or Land Clearing Permits occurs, a fine of one thousand (1,000) dollars will be assessed per acre, per violation for each day the violation occurs until the violation is resolved with the City-Parish.
- b. If clearing occurs prior to issuance of a Site Clearing Permit, no further permits of any sort will be issued until proper soil stabilization is provided, the violations are resolved with the City-Parish and all resulting penalties and fines are paid.

- c. If any violation to this ordinance occurs after a Building Permit is issued, the Building Permit shall be suspended until the violations are resolved with the City-Parish and all resulting penalties and fines are paid.
 - d. Any activities, as described in Section 18.13.A.1.a, that take place outside the Limits of Clearing will be assessed a fine of one thousand (1,000) dollars per acre, per violation, per day for each day the violation occurs until the violation is resolved with the City-Parish.
2. Landscape Penalties
- a. Failure to maintain plant materials and planting areas as determined through periodic inspection by the Department of Public Works shall constitute a violation of this Chapter of the Unified Development Code. Such violation shall subject the owner to a fine of fifty (50) dollars per day for each day that required landscaping is not maintained.

Section 18.14 Part Supplementary to Other Ordinances

- A. This Chapter shall be supplemental and in addition to any other ordinances or regulations designed to protect the public property and right-of ways or designed to protect, improve or beautify same.
- B. Nothing contained herein shall be construed to impede or interfere with a public utility's right and obligation to provide timely service to the public.

Section 18.15 Definitions:

Agricultural Activities are farming, including plowing, tillage, cropping, seeding, cultivating, harvesting, for the production of food or fiber products; aquaculture; silviculture; viticulture; animal and poultry husbandry.

Commercial Timber Harvesting is the cutting and removal of trees from their growing site, and the attendant operation of cutting and skidding machinery but not the construction or creation of roads. Timber harvesting does not include the clearing of land for construction.

Critical Root Zone is defined as a one (1) foot of radius from the trunk of a tree for every one (1) inch of trunk diameter at breast height.

Current Aerial Photography is any aerial photograph taken within one (1) year of the date submitted.

DBH - Diameter at Breast Height is the caliper measurement taken approximately four and one half (4 ½) feet high on the trunk of a tree.

Developed Site Area is the area of a lot that is disturbed for the purpose of developing structures, parking facilities, loading or storage areas, paved access to off-street parking or loading areas or other areas paved with an all-weather material, or landscaped areas.

Disturbance is any activity related to movement or removal of soil, addition or import of soil, and/or the removal of trees, vegetation or brush from the land, not including the regular

mowing of open grassy areas. This does not refer to the incidental movement of small amounts of land cover or soil for maintenance or operation of a residence or commercial business.

Environmentally Sensitive Area is a specific geographic area in need of special protection because of the significance of its landscape, flora, fauna, habitat, history or environment as defined by Federal, State or Local government; or encompasses part or all of an area in a migratory bird flyway, wildlife corridor, habitat for one or more Threatened or Endangered plant or animal species, significant mature tree stands, wetland areas, or vegetated edges of coulees, bayous, rivers, or other water bodies.

Historic, Ancient or Unique Tree refers to a particular tree or group of trees which has historical or horticulture value because of its unique relationship to the history of the region, state, nation, or world. Refer to City Resolution 37341, adopted October 23, 1996.

Homeowners Association means a nonprofit corporation, unincorporated association, or other legal entity which is created pursuant to a declaration, whose members consists primarily of lot owners, and which is created to manage or regulate, or both, the residential planned community.

Horticulture Law refers to Title 3, Louisiana Horticulture Commission Horticulture Law, Sections 3801 through 3816; Title 7, Agriculture and Animals Part XXIX. Horticulture Commission, Chapter 1, Horticulture.

Limits of Clearing are the specified boundaries of area to be cleared on a site that includes the Limits of Construction and the staging area, which shall not exceed ten (10) percent of the total area of the Limits of Construction.

Limits of Construction are the specified boundaries of the area of a site within which all structures, driveways, parking, nonnative landscaping, water surfaces, decks, walks, improved recreational facilities and utilities, and other related activities, including but not restricted to clearing of land, earthmoving, blasting and landscaping, will be contained.

Median refers to a landscaped strip of land dividing a thoroughfare, boulevard or street into lanes according to direction of travel; or neutral ground within a circle drive of a cul de sac, or neutral ground separating a turn-out lane from the main street.

Native Species means certain plant species naturally occurring in south Louisiana and along the Gulf Coast.

~~**Protected Trees** means native trees of a size that are considered significant and worthy of protection.~~

Qualifying Native Trees see Section 18.4.C.

Site Specific Plant Material refers to the use of the best adapted plant species to minimize supplemental irrigation, fertilization and necessary pest control.

~~**Street Yard Planting Area** is the unpaved area of land located between the property line and any building designated for the preservation and placement of plant materials along all property lines that border a public street. Street yard planting area is the unpaved area of land located between the all property lines that border a street right-of-way and any building or vehicular use area designated for the preservation and placement of plant materials~~

Soil stabilization are those measures that protect soil from the erosive forces of raindrop impact and flowing water, including but not limited to vegetative establishment, mulching, and the early application of gravel base on areas to be paved.

Tree, Class “A” is any self supporting woody plant of a species that normally grows to an overall height of at least fifty (50) feet, usually with one (1) main stem or trunk and many branches, ~~such as several varieties of oak trees.~~

Tree, Class “B” is any self supporting woody plant of a species that normally grows to an overall height of at least twenty-five (25) feet, with either one main stem or trunk with many branches, or several stems or trunks ~~(Crape myrtles for example).~~

Tree, Class “C” is any self supporting woody plant of a species that normally grows to an overall height of at least fifteen (15) feet, with either one main stem or trunk with many branches, or several stems or trunks.

Tree Grove shall mean an existing stand of ~~native trees~~ at least five (5) Class “A” or “B” qualifying native trees in a preserved and protected contiguous land area that encompasses the critical root zone of all the grove trees with their understory vegetative cover intact with drainage conditions unchanged and general slope and grades unaltered. The extent of the grove shall extend three feet beyond the critical root zone of the perimeter trees in that grove or a distance of twelve (12) times the diameter of the trunk of the largest tree on the perimeter, whichever is the lesser.

Wetlands are areas that are periodically or permanently inundated by surface or ground water and support vegetation adapted for life in saturated soil. Wetlands include swamps, marshes, bogs and similar areas. These areas may or may not be U.S. Army Corps of Engineers jurisdictional wetlands.