

## ORDINANCE NO. 1888

### ARTICLE II. LANDSCAPING AND TREE PROTECTION

#### Sec. 8.5-21. Purpose.

*Intent of article and declaration of public policy.* The guiding presumption behind this article is that the natural environment has significant value in and of itself, and that all reasonable measures available should be used in the preservation of that environment, consistent with the continued development of a viable City of Thibodaux.

The city council, therefore, declares it to be public policy to:

- (1) Aid in stabilizing the environment's ecological balance by contributing to the process of air purification, oxygen regeneration, groundwater recharge, and storm water runoff retardation, while at the same time aiding in noise, glare and heat abatement;
- (2) Assist in providing adequate light and air by preventing overcrowding of land;
- (3) Provide visual buffering and enhance beautification of the city;
- (4) Safeguard and attempt to enhance property values and, in doing so, protect private and public investment;
- (5) Preserve, protect and further the unique identity and environment of the city, and, thereby, preserve the economic base attracted to the city by such factors;
- (6) Recognize that the protection and enhancement of the natural beauty, environment, and green space within the city contributes to the economy, as well as provides a truly necessary aesthetic balance to the development of an urban setting;
- (7) Conserve an ever-dwindling supply of energy, by the preservation and enhancement of the natural environment;
- (8) Protect the atmosphere, lands and water from pollution, impairment or unnecessary destruction;
- (9) Protect natural vegetation except where its removal is necessary for responsible property development or control of disease and infestation. This article shall serve to dissuade the unnecessary clearing of land and its disturbance, so as to reserve, insofar as possible, the natural and existing growth of vegetation, and to replace, whenever possible, the removed foliage with new vegetation;
- (10) Protect vegetation within the intermediate flood plain of Bayou Lafourche;
- (11) Preserve protected trees or stands of trees which are an exceptional representation of their species either in terms of size, age or unusual botanical quality, and encourage the good care of same through properly applied forestry practices; and

- (12) Protect and supplement existing vegetation within greenbelts, open space, recreation areas, protected areas, and scenic roads, where feasible.

(Ord. No. 1888, § 1101, 4-20-99)

### **Sec. 8.5-22. Definitions.**

**Abut.** Incompatible zones which share a common property line.

**City horticulturist.** The person contracted and/or employed by the City of Thibodaux to administer the landscape requirements and tree protection laws.

**Commercial.** Any properties used for retail or commodity purposes, manufacturing and multi-family purposes. Commercial uses are not limited to zoning classification designation "C" but may include zoning designations M-1, M-2, R-2, R-3 and R-4 as well. One- or two-family dwellings are excluded in commercial definition.

**Commercial development.** Total square footage of construction area within the boundary lines of the lot of record for which the building permit applies, including but not limited to building areas, vehicular use areas and any other features within the property boundary lines.

**Dripline.** A collective name for all vertical lines from the earth to the outermost tips of the crown of a tree. These lines will completely encircle the tree and thereby define its outermost reaches.

**Dripline area.** The total area underneath a tree which is bounded by all driplines.

**Ground cover.** Natural plant materials such as vines or shrubs which would not normally attain a height of more than two (2) feet.

**Incompatible use.** Any commercial use which abuts a residential zone.

**Landscaping.** Any additions to the natural features of a plot of ground to restore construction disturbance and to make it more attractive, as by adding natural vegetation such as lawns, trees, shrubs, ground cover, etc., to a commercial development area.

**Multi-family dwelling.** Development consisting of three (3) or more housing units for families (considered commercial development for the purpose of this chapter).

**Natural vegetation.** Natural vegetation shall connote a generally undisturbed, maintenance-free, self-perpetuating stand of vegetation comprised of indigenous shrubs, flowers, wild grasses, and trees.

**Natural vegetation area.** That area within the boundaries of a given lot which is devoted to natural vegetation.

**One or two-family dwelling.** Includes duplex, one- or two-family housing development.

**Protected areas.** Those areas having unique biological communities including unique wildlife or exceptional vegetation possessing outstanding botanical qualities.

**Residential.** One and two-family dwellings.

**Scenic roads.** Those roads designated as state byways and deserving special protection from land development because of their scenic beauty, extent of vegetation, or geological formations.

**Shrub.** A woody plant or bush of relatively low height (two (2) to six (6) feet) distinguished from a tree by having several stems rather than a single trunk.

**Tree.** A self supporting woody plant having one (1) or more well-defined strong trunks, a more or less definitely formed crown, usually attaining a mature height of at least ten (10) feet, and a trunk diameter of at least two (2) inches measured at a point four (4) feet above the ground.

**Tree--Class A.** A tree that can be expected to normally attain a mature height of fifty (50) feet or greater.

**Tree--Class B.** A tree that can be expected to normally attain a mature height of less than fifty (50) feet.

**Tree canopy.** Any tree having a mature height of fifty (50) feet or more or any individual or tree group forming an overhead cover. Examples include oaks, red and silver maples, hickory, pecan, sycamore, sweetgum, long leaf pine, and loblolly pine.

**Tree--Protected.**

- (1) Any deciduous canopy tree fifteen (15) inches in diameter measured at a height four (4) feet above grade.
- (2) Any evergreen canopy tree eighteen (18) inches in diameter measured at a height four (4) feet above grade.
- (3) Any tree reaching the upper range of the mature diameter and height of that species of tree.

**Tree removal.** Means cutting, uprooting, or severing the main trunk of the tree, or any other act, which causes or may reasonably be expected to cause the death of the tree.

**Understory tree.** Any class B tree that is of relatively lesser height and spread than surrounding canopy trees, but still provides shade and a degree of protection to the earth and vegetation beneath it. Examples include red bud, pear, American holly, red cedar, crepe myrtle and wax myrtle.

(Ord. No. 1888, § 1102, 4-20-99)

**Sec. 8.5-23. Preservation of protected trees.**

It shall be unlawful for any person or corporation to remove or cause the removal of any protected tree on commercial property without having first received approval through the permit office. Preservation of existing protected trees may be credited towards the landscape plan requirements (section 8.5-28).

Tree credit rate for each tree preserved shall be determined by the following schedule:

<b>Existing Dripline Diameter diameter of Preserved Tree(s)</b>	<b>OR Existing Trunk Diameter of Preserved Tree(s)</b>	<b># of Tree Credits</b>
50 ft. or greater in spread	26 inches or greater in diameter	5
40--49 ft. in spread	20 inches in diameter	4
20--39 ft. in spread	9--19 inches in diameter	3
6--10 ft. in spread	3--8 inches in diameter	2

All other trees preserved will receive one (1) credit with the exception of trees with lifespans of twenty (20) years or less.

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. A tree preservation plan must be submitted for approval by the city permit office.

(Ord. No. 1888, § 1103, 4-20-99)

**Sec. 8.5-24. Removal of protected trees.**

The removal of protected trees must be approved by the city permit office and follow the guidelines set forth:

- (1) **Approval through the city permit office.** When site plan review by the city permit office is required for any development, the actual or schematic locations of all protected trees shall be shown on all site plans listing location, species and size. The site plans shall be submitted to the city permit office for evaluation and recommendation before approval. All site plans shall also include those requirements listed under tree removal application requirements in subsection (2) of this section. Final approval of the site plan shall constitute approval for removal of any protected trees impacted by development on the site plan.
- (2) **Application for permit to remove protected trees.** The application for a tree removal permit shall be on a form provided by the city permit office for this purpose. An application for the removal of any protected trees on commercial property shall include the following:
  - a. The reason for the proposed removal;
  - b. The approximate location of the tree(s);
  - c. The diameter of the trunk of each tree, as measured four (4) feet above natural grade level;
  - d. The approximate crown size of each tree (measured dripline to dripline) and any distinguishing characteristics of the tree(s);
  - e. The species and common name of the tree(s).

(Ord. No. 1888, § 1104, 4-20-99)

**Sec. 8.5-25. Action on application.**

The city permit office shall approve an application for the removal of a protected tree provided that at least one (1) of the following conditions is met:

- (1) The location of the tree prevents the opening of reasonable and necessary vehicular traffic lanes;
- (2) The location of the tree prevents the construction of utility lines or drainage facilities, which may not feasibly be relocated;
- (3) The location of the tree prevents reasonable access to the property, if no alternate access exists;
- (4) Allowing the tree to remain would impose an economic burden upon the owner of the property entirely out of proportion with the benefit gained by retaining the tree, such as the necessity of having to relocate proposed building site structures;
- (5) The tree is diseased, dead or dying to the point that repair or restoration is not practical or the disease may be transmitted to other trees; and
- (6) There is no reasonable assurance that if the tree is preserved with proper preservation and construction precautions (see section 8.5-23), it will continue to live.

(Ord. No. 1888, § 1105, 4-20-99)

**Sec. 8.5-26. Standards for review.**

The permit office shall approve any request for removal of a protected tree when a completed application has been received and justification is made in accordance with the provision of section 8.5-24.

(Ord. No. 1888, § 1106, 4-20-99)

**Sec. 8.5-27. Enforcement.**

Each protected tree removed without prior approval shall be considered a separate offense as determined by the permit office. Each offense shall be subject to a monetary penalty of not less than one hundred dollars (\$100.00) and not more than one thousand dollars (\$1,000.00) and/or replacement of the removed tree with five (5) class A trees for each violation.

(Ord. No. 1888, § 1107, 4-20-99)

**Sec. 8.5-28. Landscape plan requirements.**

A landscape plan is required for any commercial development in the City of Thibodaux and must be prepared in accordance with Louisiana Horticultural Law.

- (1) All areas not devoted to structures, site development features, and natural vegetation shall be considered for landscaping.

- (2) A landscape plan should include appropriate trees suitable to use in the City of Thibodaux according to the Louisiana Horticulture Commission.
- (3) A landscape plan shall include plant materials with the following:
  - a. Class A trees of at least two-inch caliper trunk size immediately after planting;
  - b. Class B trees of at least two-inch caliper trunk size immediately after planting;
  - c. Shrubs of at least three-gallon container stock;
  - d. Ground covers that are minimum four-inch container stock; and
  - e. Multi-trunk trees of at least one-inch caliper trunk size immediately after planting.
- (4) If significant amounts of trees are preserved on a development site, then the possible existing aesthetic quality of any proposed landscaping must not interfere with natural surroundings.
- (5) Any commercial development that requires a building permit for a building addition amounting to more than fifty (50) percent of the existing building size must comply.
- (6) All required landscaping must be maintained in a horticulturally healthy and aesthetically pleasing manner and in accordance with the Louisiana Horticulture Commission.
- (7) Landscaped areas within and around parking lots must be large enough to provide for the health and continued growth of the vegetation. There must be one hundred (100) square feet around each class A tree and fifty (50) square feet around each class B tree.
- (8) Landscaping shall not obstruct the view between twenty-four (24) inches high from road grade and sixty (60) inches high from grade on access drives, streets or parking aisles.
- (9) There shall be one (1) class A tree or two (2) class B trees for every ten thousand (10,000) square feet, or fraction thereof of the total developed site area. It shall be to the discretion of the owner, if he so desires, to substitute no more than thirty (30) percent of required trees for shrubs in the following rate: There shall be three (3) shrubs for every class A tree and two (2) shrubs for every class B tree.
- (10) Tree spacing requirements around the perimeter of all commercial parking areas shall be one (1) class A tree for four (4) class B trees for every fifty linear feet or fraction thereof, fronting on public roadways.
- (11) Parking areas designed to accommodate more than twenty (20) automobiles or in excess of three thousand (3,000) square feet must install interior landscaped areas so that no more than seventeen (17) linear adjacent parking spaces exist without a landscaped separation of at least five (5) feet in width.

- (12) It is recommended that all landscape islands within parking lots be landscaped.
- (13) Any residential land use converted to a commercial use will be subject to this chapter, if additions to the building amounting to more than fifty (50) percent of existing building size.
- (14) No tree or shrub shall be planted in any servitude or easement.
- (15) Screening shall be used as a buffer when incompatible uses abut, and to reduce the effects of headlight glare, noise and other objectionable activities. The following minimum requirements shall apply to screening:
  - a. Screening may consist of a solid fence, a wall, or vegetation and/or a mix of any or all of the foregoing. The outer or public side of fences and walls shall be landscaped enough to soften the structure with a tree or shrub group every fifteen (15) linear feet;
  - b. Screening shall be installed on all lot lines where commercial uses abut residential zoning districts except for entrances or exits;
  - c. No screening shall be removed without the written permission of the permit office;
  - d. Screening vegetation and fencing shall be maintained in a healthy and attractive manner;
  - e. The permit office, upon site inspection and conceptual landscape plan review, may require an applicant to naturalize areas that visually impact public rights-of-way. The intent of this requirement is to supplement tree requirements with small caliper material (one-gallon maximum) in areas where screening or landscaping visual continuity is required.

(Ord. No. 1888, § 1108, 4-20-99)

#### **Sec. 8.5-29. Landscape plan check sheet.**

Any landscape plan required by these regulations shall contain the following information:

- (1) Planting key: botanical and common names of all plant materials proposed; quantity of each species; size of plant material (caliper, height, width); condition (i.e., balled and burlapped, container grown, bare root, collected, etc.); and special remarks (number of stems, color or bloom, etc.);
- (2) Estimated cost of landscape improvements (for purposes of computing permit fees);
- (3) Name and location of existing trees to be saved and protected during construction. Indicate all protected trees to be saved or removed;
- (4) Retention areas, drainage inlets and structures. Floodplain limits shall be shown whenever subject property is within such areas;

- (5) Show names of adjacent property owners, and adjacent land uses. Indicate all required screened areas;
- (6) Provide that planting does not obscure sight distances at intersections. Keep planting below twenty-four (24) inches and tree limbs above sixty (60) inches;
- (7) Submit three (3) copies of prints for review. One (1) will be returned with review comments;
- (8) This note shall appear on all approved landscape plans:  
 APPROVED BY CITY PERMIT OFFICE  
 DATE: \_\_\_\_\_  
 BY: \_\_\_\_\_
- (9) Show all pertinent site features: buildings, walks, drives, signs, lighting drains, meter boxes, overhead and underground utility lines, curbs, and the available water source for plant maintenance;
- (10) Show calculations on the plan for: total area, area permanently disturbed, and landscaped area (in acres and square feet). Indicate numbers of canopy and understory trees required by ordinance.

(Ord. No. 1888, § 1109, 4-20-99)

**Sec. 8.5-30. Alternative compliance.**

The landscape plan requirements contained in section 8.5-29 are intended to encourage development which is economically viable and environmentally sensitive. The standards are not intended to be so specific to inhibit creative development. Project conditions associated with individual sites may justify approval of alternative methods of compliance with the landscape plan requirements. Conditions may arise where normal compliance is impractical or impossible, or where maximum achievement of the city objectives can only be obtained through alternative compliance. Request for alternative compliance will be considered after a separate application for alternative compliance is reviewed by the city permit office.

(Ord. No. 1888, § 1110, 4-20-99)

**Sec. 8.5-31. Landscaping plan procedures.**

For any landscape plan required by these regulations, the following procedures shall be followed:

- (1) A developer shall submit to the city permit office three (3) copies of a landscape plan, which meets the requirements of these regulations.
- (2) The landscape plan shall include the required grading plan, and required tree preservation plan.
- (3) The city permit office will review the landscape plan. If the landscape plan does not meet the requirements of these regulations, the city permit



office will return the plan to the developer with comments and suggestions for correction. If the plan meets the requirements, the city permit office shall stamp and approve the plans and return one (1) set to the developer.

- (4) If the city permit office does not approve the landscape plan, the developer may resubmit, with necessary changes, following the same procedures as if it were an original application, or he may appeal the decision of the permit office to the board of adjustments.
- (5) An approved landscape plan must be implemented within ninety (90) days of the issuance of a certificate of occupancy. In the event the approved landscape plan is not complete within the ninety (90) day period, the city permit office shall have the right to revoke the certificate of occupancy.
- (6) When a developer has installed the required landscaping improvements, the developer shall request that the city permit office schedule an inspection. If the permit office approves the installation, a written report will be filed in the city permit office, and the project will be released for a certificate of occupancy. If the city horticulturist and/or city permit office does not approve the plan, a report stating the reasons for disapproval shall be submitted so the developer can make the necessary corrections. A fee of fifty dollars (\$50.00) shall be charged for any re-inspection.
- (7) All landscaped areas must have adequate maintenance and be maintained in a healthy and attractive manner. If the landscaped areas deteriorate, such landscaping shall be replaced.

(Ord. No. 1888, § 1111, 4-20-99)

#### **Sec. 8.5-32. Regulations.**

The city zoning administrator may promulgate regulations for the effective implementation, application and enforcement of this chapter.

(Ord. No. 1888, § 1112, 4-20-99)

#### **Sec. 8.5-33. Variances and appeals.**

A variance from the terms of this chapter shall not be granted unless a written application for a variance is submitted to the zoning administrator based on special conditions and circumstances. Granting a variance or appeal will be processed according to the procedure stated in the city's zoning ordinance.

(Ord. No. 1888, § 1113, 4-20-99)