

Chapter 94 VEGETATION*

*Cross references: Buildings and building regulations, ch. 22; environment, ch. 38; fire prevention and protection, ch. 42; floods, ch. 46; health and sanitation, ch. 50; planning, ch. 70; solid waste, ch. 74; streets, sidewalks and other public places, ch. 78; subdivisions, app. B.

State law references: Removal of weeds, grass and other growths, R.S. 33:362(A)(2)(c); special improvements, R.S. 33:3451 et seq.

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ARTICLE I. IN GENERAL

Secs. 94-1--94-30. Reserved.

ARTICLE II. LANDSCAPING

Sec. 94-31. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Accessway means a paved area intended to provide ingress or egress of vehicular traffic from a public right-of-way to an off-street parking or loading area.

Caliper means the diameter of a tree trunk measured ten inches above ground level. If a tree is a multitrunk variety, the caliper of the tree is the average caliper of all of its trunks.

Crown means the main mass of branches of a plant above ground.

Dripline means the outer perimeter of the crown of a tree as projected vertically to the ground.

Ground cover means natural mulch or plants of species which normally reach a height of less than two feet upon maturity, installed in such a manner so as to form a continuous cover over the ground.

Landscape area means an unenclosed area of land in which landscape materials are placed, planted and maintained.

Landscape materials means living trees, shrubs, vines, grasses, ground covers, and other plants; rocks, pebbles, sand, wood mulch and other nonliving durable materials commonly used in landscaping; and landscape water features. Artificial plants are prohibited.

MRPC means the Minden Regional Planning Commission.

Nonpermeable coverage means coverage with nonpermeable pavement, or nonseep-through materials.

Shrub means woody or semiwoody perennial plants that do not die after one growing season. Their size, form, texture and growing requirements are highly variable.

Tree means an evergreen or deciduous upright perennial plant having a single main stem, or several main stems with few or no branches on its lowest part.

(1) *Canopy* means a species of a tree that normally bears crown foliage no lower than six feet above ground level upon maturity.

(2) *Large tree* means a tree that normally reaches a height of 30 feet or more upon maturity.

(3) *Small tree* means a tree that normally reaches a height of less than 30 feet upon maturity.

(Ord. No. 801-1994, § 3, 4-4-94)

Cross references: Definitions generally, § 1-2.

Sec. 94-32. Purpose and intent.

The purpose of the landscaping requirements are as follows:

(1) To protect the public health, safety and general welfare.

(2) To conserve and enhance property values.

(3) To facilitate the creation of a convenient, attractive and harmonious community.

(4) To assist in providing adequate light and air and to prevent overcrowding of land.

(5) To encourage the appropriate use of the land.

(6) To encourage innovation and quality in landscaping and architectural design.

(7) To minimize the harmful impact of noise, dust and other debris, motor vehicle headlight glare, and other objectionable activities or impacts conducted or created by an adjoining or nearby use.

(Ord. No. 801-1994, § 1, 4-4-94)

Sec. 94-33. Applicability.

The landscaping requirements of this article shall apply to all new construction and major renovation exceeding 50 percent of the current value of the structure being renovated, with exceptions listed below:

- (1) These requirements do not apply to the R-1 one-family residence district nor the R-2, R-3 residential district if developed as a subdivision.
 - (2) No structure shall be required to be altered or moved, except during construction, to meet the requirements of this article.
- (Ord. No. 801-1994, § 2, 4-4-94)

Sec. 94-34. Visibility at intersections.

On a corner building site in any district in which a front yard is required, no fence, wall, hedge, or other structure or plant more than three feet in height shall be erected, placed or maintained within the triangular area formed by the intersecting curb tangent lines and a straight line connecting such curblines at points of 30 feet from the point of intersection measured along such street lines.

(Ord. No. 801-1994, § 3, 4-4-94)

Sec. 94-35. Landscape plan submission.

The city inspector or the MRPC is the approving authority for the landscape plans. Appeals of MRPC decisions may be referred to the city council requiring a majority vote to overturn.

A landscape plan must be submitted in conjunction with the required site plan when applying for a building permit or with a zoning application. The landscape plan can either be a separate print or be included on the required site plan. The minimum information required on the landscape plan shall include:

- (1) Locations and dimensions of the proposed landscaping strips adjacent to the public right-of-way, including a description and location of the trees and plant materials to be placed within the landscaping strip.
 - (2) Location and dimensions of the proposed landscape areas within the parking area, including a description and location of the trees and plant material.
 - (3) Location and calipers of existing healthy trees to be retained.
- (Ord. No. 801-1994, § 4, 4-4-94)

Sec. 94-36. Landscape area requirements.

- (a) *Street frontage.* A minimum five-foot landscape strip and three-foot-wide handicap accessible concrete pedestrian sidewalk is required on property abutting the public right-of-way line, excluding reasonable driveways and access points of ingress and egress to and from the property.
 - (1) Landscaping required within this area shall consist of a combination of living landscaping materials such as grasses, ground covers, shrubs, vines, hedges and trees.
 - (2) At least one large tree shall be planted for every 60 lineal feet of required landscape strip, or one small tree for every 30 lineal feet of the required landscape strip.
 - (3) Where off-street parking areas abut or are visible to the public right-of-way, shrubs designed to attain a minimum of three feet height shall be planted within the landscape strip at a minimum average density of one shrub for each three lineal feet of visible parking area frontage.

- (4) Within the downtown development district, an eight-foot-wide sidewalk made of concrete, brick, stone or other suitable decorative paving materials may be substituted for the five-foot landscape strip and three-foot sidewalk if a properly designed sidewalk blockout and large canopy tree is provided and maintained for every 25 feet of frontage.
- (b) *Off-street parking areas.* In addition to the required street frontage landscaping requirements, a minimum of nine square feet of interior landscape area shall be provided for each off-street parking space provided. Such landscaping shall be located within the paved portion of the parking lot and/or within ten feet immediately adjacent to the paved portion of the parking lot.
 - (1) No portion of a vehicular use area shall be farther than 75 feet from an interior landscape area.
 - (2) All interior landscape islands shall be a minimum of three feet wide.
 - (3) All interior landscape areas shall be raised and curbed with properly anchored curbing at least six inches in height using materials such as concrete, natural stone or railroad ties.
 - (4) All interior landscaped areas shall consist of a combination of landscaping materials of which at least 80 percent of ground area is covered with living landscaping materials.
 - (5) Large canopy trees shall be provided in the parking area at a minimum average density of one tree for each 12 parking spaces.
 - (6) New and used automobile dealers may substitute line shrubs for trees.
- (c) *Miscellaneous requirements.*
 - (1) Existing trees. The following size trees can be credited toward required numbers of trees:

TABLE INSET:

Existing Diameter of Trunk (inches)	Number of Trees Credited
3--8	2
9--19	3
20--25	4
Over 25	5

- a. Existing tree(s) shall only be credited providing the following management practices are met:
 - 1. During construction, tree(s) are fenced and protected from compaction and injury at the dripline or five feet from the tree base, whichever is the farther from the base.
 - 2. Pavement or building foundations do not encroach into the dripline area.
 - 3. Sidewalks or other forms of hard surfaces that do not require soil compaction and are not intended for vehicular use other than emergency access may be placed no closer than three feet from the tree base. But no more than 20 percent of existing dripline may be covered by sidewalks or hard-surface areas unless special provisions for water and fertilizing are furnished and approved.

4. If any existing tree(s) that were credited should die, they shall be replaced or substituted with minimum requirements.
- (2) A reduction of two feet, measured from the concrete curb or other permanent barrier, shall be allowed in the computation of the depth of parking spaces contiguous to the perimeter landscaping strips and/or interior planting areas.
- (3) Only small trees shall be planted within 15 feet of electric lines, cable television lines, or telephone lines running parallel to the street frontage.

(Ord. No. 801-1994, § 5, 4-4-94)

Sec. 94-37. Other required landscape elements.

- (a) Large trees shall have a minimum caliper of two inches or a minimum height of ten feet at the time of planting, depending on the standard measuring techniques for the species.
- (b) Small trees shall have a minimum height of six feet at the time of planting.
- (c) Height is measured from the top of the root ball or from the soil level for potted plants.
- (d) The use of high-quality, hardy and drought-tolerant plant materials is recommended and encouraged.
- (e) The property owner shall be responsible for watering and maintaining all installed landscaping in a healthy, neat and orderly condition, replacing plants and trees when necessary.

(Ord. No. 801-1994, § 6, 4-4-94)

Sec. 94-38. Prohibited uses.

No landscaped area shall be used for placement of accessory structures or buildings, storage of equipment or excess stock, garbage or trash collection, parking, maneuvering, loading or service areas.

(Ord. No. 801-1994, § 7, 4-4-94)

Sec. 94-39. Enforcement.

No certificate of occupancy shall be approved before completion of landscaping except as follows: If due to the seasonal nature of plant materials landscaping has not been completed at the time that a certificate of occupancy could be granted, and such certificate is requested, the zoning office may grant a temporary certificate of occupancy to the owner or his agent, which will be valid for a six-month time limitation, for completion of the landscaping requirements.

(Ord. No. 801-1994, § 8, 4-4-94)

Sec. 94-40. Waiver of landscape requirements.

The MRPC is the authority to waive any portion of this article and may do so where unusual circumstances, common sense and good judgment dictate. The affected business owner may submit a written request for waiver, citing the rationale therefor. The MRPC will document their decision and rationale of all waiver requests to the city council. A hearing before the city council may be requested by a three-member majority of the city council within 15 days of the MRPC decision. Appeals of MRPC decisions may be referred to the city council, requiring a majority vote to overturn.

(Ord. No. 801-1994, § 9, 4-4-94)

Secs. 94-41--94-65. Reserved.

ARTICLE III. TREES ABUTTING PUBLIC PROPERTY

Sec. 94-66. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Parkways includes all public parks owned and/or maintained by the city.

Public rights-of-way means land upon which the city has constructed a street, sidewalk and land used for public utilities.

Public utilities includes all public electrical, water, sewerage, telephone and cable TV lines running above and/or below the ground within the city.

(Ord. No. 771, 5-20-92)

Cross references: Definitions generally, § 1-2.

Sec. 94-67. Purpose and intent.

The purpose of this article is to regulate and control the maintenance and removal of trees and shrubs that are located on private property but extending on or interfering with the public use of streets and rights-of-way and interfere with public utilities.

(Ord. No. 771, 5-20-92)

Sec. 94-68. Trimming of trees, shrubs and hedges that encroach on and interfere with public rights-of-way and public utilities.

- (a) All persons owning or maintaining shade or ornamental trees, shrubs or hedges near sidewalks, streets or rights-of-way within the city shall keep such trees, shrubs and hedges trimmed and in such condition so as not to interrupt a clear vision of both vehicle and foot traffic and so as not to be an obstruction to vehicle or foot traffic, and so as not to interfere with public utilities.
- (b) All trees, shrubs and hedges located near sidewalks, streets or public rights-of-way on private property but hanging or encroaching onto a public right-of-way, street or sidewalk shall be trimmed of all limbs and foliage that are interfering or interrupting a clear vision or obstruction of both vehicle and/or foot traffic, or interfering with any public utilities, or which condition endangers the life, health, safety, comfort, of the property of the city or the public, because of its location, condition of its limbs, roots or trunks, or because it is dead or in a diseased condition. Owning or maintaining any trees, shrubs or hedges violating any portion of this section is hereby declared to be a public nuisance.
- (c) Any trees, shrubs or hedges which are not maintained in accordance with the regulations contained in subsection (b) above shall be forthwith brought into compliance with the regulations by the city after first notifying the property owner, in writing, of the nuisance and giving the owner within ten days after the notice to either cut the trees, shrubs or hedges himself, or to give the city written

- consent to cut the trees, shrubs or hedges. Notice to a nonresident of the city shall be made by the publication of the notice in the local newspaper within the city.
- (d) Should the owner of such trees, shrubs or hedges refuse to cut or trim his trees, shrubs or hedges in compliance with this section, and/or refuse to give the written consent and authority to the city to cut the trees, shrubs or hedges, within ten days from receipt of written notice by the city, or if the nonresident owner does not comply within ten days after publication thereof in the local newspaper, the city shall cause such work to be done as may be required for the preservation and protection of the life, health, comfort and property of the city as well as public utilities. Anyone in violation of this section shall be guilty of a misdemeanor and upon conviction shall be fined an amount not to exceed \$500.00 for each offense; and the cost of such cutting and/or trimming the trees, shrubs or hedges and their removal may be a condition to probation.
- (Ord. No. 771, § 1, 5-20-92)