

ORDINANCE 2023-8

AN ORDINANCE BY THE TOWN OF ST. FRANCISVILLE, LOUISIANA, PROVIDING FOR THE REGULATION OF PRESERVATION AND REMOVAL OF CERTAIN TREES IN THE COMMERCIAL TOWN CENTER AND COMMERCIAL HIGHWAY USE DISTRICTS, AND ANY PROPERTY OWNED BY A POLITICAL SUBDIVISION.

WHEREAS, mature, native and indigenous trees create an urban forest within the Town of St. Francisville, Louisiana (sometimes hereinafter, the “Town”) and provide a social, ecological, cultural, economic, historical, and aesthetic benefit,

WHEREAS, the Town recognizes that these resources need to be protected and preserved, and to that end, the impact to such trees during construction on and development of property can and should be limited,

WHEREAS, while exercising its powers to promote the health, safety, and general welfare of the Town, we are fully cognizant that such exercise it should not, except in certain circumstances, impinge on a person’s rights to develop and maintain private property,

WHEREAS, the Town also recognizes that although trees that otherwise should be preserved and protected, circumstances allow and sometimes require that such trees be removed, said circumstances to include: where such trees are dead, diseased or imminently hazardous,

WHEREAS, the Town is empowered to adopt amendments and revisions of its ordinances by Louisiana Revised Statutes,

WHEREAS, the Mayor and Board of Aldermen are desirous of exercising said power, for purposes of protecting and preserving certain mature, native, and indigenous trees, providing for their removal and mitigation thereof, when circumstances allow,

BE IT ORDAINED by the Mayor and Board of Aldermen of the Town of St. Francisville, Louisiana and is hereby ordained by the same, as follows:

- a. *Trees to be protected in the Commercial Town Center (CTC) and Commercial Highway (CH) Use Districts, and any property owned by a Political Subdivision:*
 1. 50 percent of all Class A and B measuring more than twelve (12) inches diameter at breast height (DBH - measured at four and a half (4.5) feet above ground) shall be preserved within the required setback area of the property. Removal of more than 50 percent of such trees shall be mitigated.
 2. No Live Oaks measuring more than 19” DBH shall be removed on any part of the property without formal approval. Replacement/mitigation is required.
 3. Exclusions:
 - i. Dead, Diseased, or Imminently Hazardous trees - documentation must be provided to the Town as described within this ordinance.
 - ii. Undesirable or invasive tree species as follows:
 - a. Chinaberry
 - b. Mulberry
 - c. Photinia
 - d. Chinese Tallow
 - e. Chinese Parasol Tree

f. Chinese Privet

B. *Methods for Measuring Tree Diameter--*

- a. Single Tree Trunk: Use a flexible tape and measure around the tree at 4.5 feet above the ground to get its circumference in inches. Divide that measurement by 3.14 to get the diameter in inches.
- b. Multi-Tree Trunk: Take the largest stem diameter and add it to half of the subsequent stem diameters. For example, a Live Oak has two trunks measuring twelve (12) caliper inches and ten (10) caliper inches at 4.5 feet above grade. The larger trunk is twelve (12) caliper inches, so take half of the subsequent trunk diameter (10 inches /2= 5) and add it to the largest trunk measurement. 12 inches + 5 inches= 17-inch diameter. Attached hereto as Exhibit A is a diagram showing where to measure trees based on its trunk characteristics.

C. *Tree Preservation Plan--*A Tree Preservation Plan shall be submitted to the Town before any clearing or construction takes place and before any building permit is issued. Such a plan will become part of the building permit application file and will be considered part of the building and site approval permit. The preservation plan shall contain the following basic information:

1. *Interest and ownership.* The name, address, phone number and signature of the property owner and proof of ownership.
2. *Zoning classification.* The present zoning classification of the property and all property within 500 feet.
3. *Property survey.* Ground survey provided by a licensed surveyor, drawn to scale. Survey shall include all existing site features (buildings, streets, paving, etc.)
4. *Tree survey-* Survey of all trees over eight (8) inches DBH and larger for all trees located on the property and within the right of way. The data which must be obtained in the field are tree locations, trunk diameters, and species. Tree surveys are only accurate for five years due to changes in tree health and trunk growth. Failure to submit accurate and complete information at the time of application may result in delays in the permitting process.
5. All trees proposed to be removed shall be clearly identified on the plan including tree type and DBH size.
6. Trees to be preserved shall be shown on the site plan, with location, species, and DBH. Preserved trees shall be protected by a barrier fence consistent with Article V General Provisions Section 5.2.J. All applications shall show tree protection on plans.
7. *Critical Root Zone (CRZ)-* The CRZ denotes the area surrounding the tree where root protection is important to tree survival. Every 1 inch of tree diameter equals 1 foot radius of CRZ. For example, a 20" tree will have a CRZ which is 20' radius from the center of the tree trunk. In plan, the CRZ shall be denoted with a dashed line. The half and quarter Critical Root Zones are also used by staff to evaluate the likelihood of tree survival. Attached hereto as Exhibit B is a diagram showing how the CRZ is calculated along with how the ½ and ¼ CRZ are determined.

- D. *Standard Tree Preservation Requirements*- This section of the ordinance identifies tree preservation requirements and impacts that constitute removal of regulated trees.
- a. *Critical Root Zone*- While the full root zone of the tree may extend three to four times the diameter of the tree's dripline, the Critical Root Zone (CRZ) is an area surrounding the tree where root protection is important to tree survival. Critical root Zone impacts reduce a tree's likelihood of survival. Impacts include:
 - i. digging, trenching, or excavating;
 - ii. soil compaction; grade changes; and
 - iii. chemical exposure and spills.
- E. Impacts may be allowed within the CRZ as long as the following Preservation Criteria are met.
- a. At least fifty percent of the total area (square footage) of the CRZ must be preserved at natural grade, with natural ground cover.
 - b. The entirety of the Half CRZ must be protected, with the exception that cut or fill of four inches or less is allowed within the Half CRZ.
 - c. No cut or fill is allowed within the Quarter CRZ.
- F. *Construction Impacts*- Construction impacts shall not exceed the requirements listed above. Construction impacts are any impacts necessary to build what is shown on plans. Examples include site access, material staging, scaffolding locations, concrete form bracing, over excavation, utility excavations, post holes for fences, grade changes, trenching, and paving.
- G. *Pruning*- Not more than 25% of the foliage shall be removed within an annual growing season.
- H. *Alternative Compliance Methods*- The methods below may allow for exceptions to the standard preservation requirements list in this ordinance. The use of these methods is at the discretion of the Town.
- a. *Remedial Tree Care*- Tree care plan proposal shall be prepared and implemented by a qualified, licensed arborist, address specific impacts, and conform to the ANSI A300 standard for tree care and industry best practices.
 - b. *Low Impact Excavation*- Low- impact excavation such as hand diffing or compressed air (air spading) may be permitted at the discretion of the Town. Root diameters of 1-1/2 inches shall not be damaged unless approved in writing by a qualified, licensed arborist.
 - c. *Elevated Foundations*- Elevated foundations may be allowed within the Half Critical Root Zone. Elevated foundation may not span or impact.
- I. *Transplants*- Transplanting trees may be an option at the discretion of the Town. Transplanting large trees has a significant risk for tree mortality and shall be performed under the direction of a licensed arborist.

J. *Mitigation*- The primary forms of mitigation against impact on or removal of Protected Trees is the planting of appropriate replacement trees or payment into the Tree Mitigation Fund in an amount equivalent to the cost thereof.

a. *Mitigation Rates*

1. Protected Class A and Class B Trees
 - i. Class A Tree (See Section 5, Table 5.4)- 100% of the tree's caliper inches must be replaced with a Class A Tree(s).
 - ii. Class B Trees (See Section 5, Table 5.5)- - 50% of the tree's caliper inches must be replaced with either a Class A or Class B Tree(s).
2. Live Oaks- 19" to 29.9" DBH
 - i. 100% of the tree's caliper inches must be replaced with a new Live Oak Tree(s). Minimum new tree planting size is 6" DBH.
3. Live Oaks- Greater than 30" DBH
 - i. 300% of the tree's caliper inches must be replaced with a new Live Oak(s) if variance is granted. Minimum new tree planting size is 6" DBH.

b. *Mitigation Exempt* – Mitigation is not required if the removed Protected Tree is:

1. Dead, Diseased, or Imminent Hazard
2. Undesirable/ invasive species as previously listed.

c. *Forms of Mitigation* – Acceptable forms of mitigation and requirements include:

1. Replacement of trees per rates listed above.
2. New Trees must be maintained for a period of eighteen (18) months. If the replacement tree dies within eighteen (18) months of installation, it must again be replaced in the same manner.
3. If space on-site is not available for replacement trees, or replacement is not otherwise feasible, mitigation in the form of a payment to the Tree Mitigation Fund in an amount calculated at \$200.00 per caliper inch of a tree that otherwise would have been required mitigation.

d. *Penalties*- Any property owner who violates this ordinance can be fined up to \$500 per day for each violation until permit application is filed.

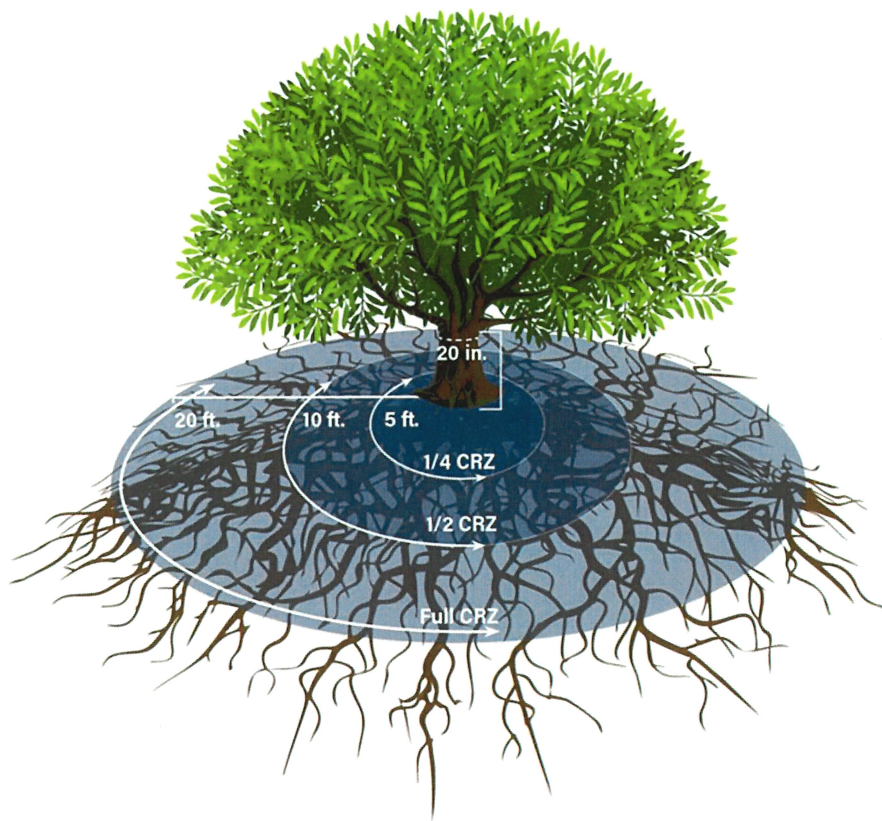
K. Nothing in this ordinance is intended to nor does it amend, repeal, or supersede any currently enacted ordinance of the Town or provision(s) of the Town's Comprehensive Zoning Ordinance.

BE IT ORDAINED that this ordinance shall become effective upon passage by the Board of Aldermen.

An ordinance introduced by Abby T. Cochran and seconded by Al Lemoine on this 14th day of November, 2023.

Adopted on a motion Abby T. Cochran and seconded by Andrew D'Aquila on this 28th day of November, 2023.

The roll was called on the adoption thereof, and the ordinance was adopted by the following votes:



YEAS: Abby T. Cochran, Andrew D' Aquilla, James "Rucker" Leake, Al Lemoine and Gigi Robertson.


NAYS: 0

ABSTAINED: 0

ABSENT: 0

Ordinance Approved this 28th day of November, 2023.

ATTEST:


Stacy Orr, Clerk

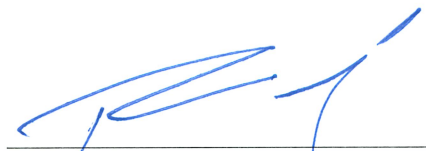

Robert P. Leake, Mayor

EXHIBIT A

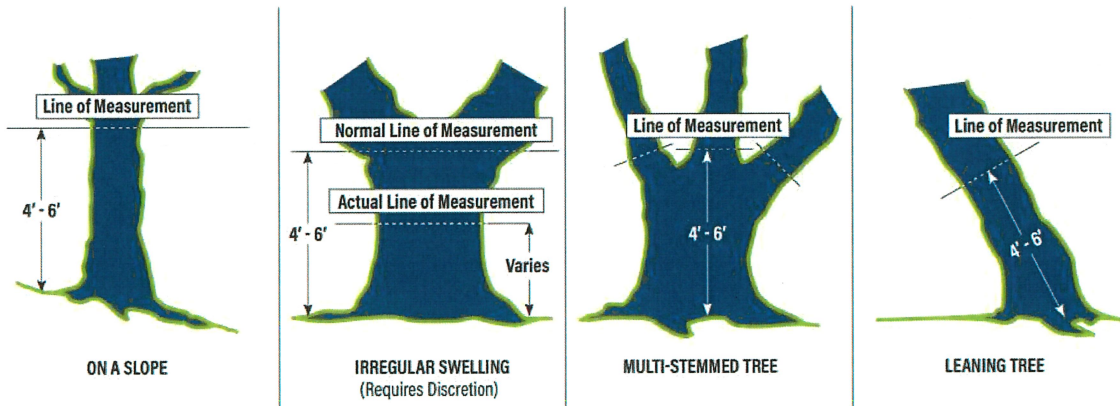


EXHIBIT B