



February | 17  
2014

# Green Laws in Louisiana

Landscape Codes § Tree Ordinances § Land Development Regulations



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**Landscape Ordinances in Louisiana v3** February 17, 2014

\* Denotes Star Rating Assigned by the Green Laws Project

1.. Abbeville	Abbeville, Louisiana, Code of Ordinances, Part II, Chapter 5 – Buildings, Article VI - Community and Historic Reservation,
**2..Alexandria	Chapter 28, Land Development. Sec/ 28-5.2 Landscape and Trees.
3.. Ascension Parish	<b>Draft</b> ordinance in progress?
4..Ball	Ball, Louisiana, Code of Ordinances, Appendix A, Zoning, Div. 4 Landscaping and Off Street Parking.
*5. Bogalusa	Chapter 21 – Zoning, Art. IV – Supplementary District Regulations, Division 5 – Landscaping Regulations.
*6.. Bossier City	Development Code, Art 13, Landscaping, Buffering, Screening and Fences.
7.. Broussard	Broussard Code of Ordinances, Div. 5 Construction Activity Discharges, Sec. 18-145 Landscaping & Stabilization.
*8..Caddo Parish	Chapter 54 Zoning, Art 9 Supplementary Regulations, Div. 7. Landscaping Requirements Sec. 54-1181.
*9..Calcasieu Parish	Chapter 26-Zoning and Development, Art. VI, Special Districts, Div. 1 Nelson Road Overlay District. Sec. 26-151 Property Development Regulations.
**10..Carencro, Louisiana	Chap. 54 –Planning, Art II Landscape Code, Div. 2 Landscape Standards.
*11.. City of Central	2013 Comprehensive Zoning Code (CZC)
**12..CEPEX Regional Model Landscape Code	Land Use Toolkit: 3.0, Zoning Code, Art 11. Site Development Standards, Sec. 11.2 Landscaping.

**13..Covington	Appendix B-Comprehensive Zoning Ord. 2010. Part 4 General Provisions, Sec. 4.2 Landscaping.
**14.. Denham Springs	Chap. 78-Planning, Art. III. Landscape Ordinance, Sec. 78-29.
15..DeRidder	DiRidder Code of Ordinances, Chapter 15, Zoning, Art., V, Landscaping and Off-Street Parking. 2004.
16..Crowley	Crowley Code of Ordinances, Chapter 5, Buildings, Constructoin and Related Matters, Art. VIII, Landscaping, Sec. 5-175.
***17.. DEQ Model Stormwater Based Landscape Code, Technical Design Standards	<a href="http://www.non-point.deq.Louisiana.gov">www.non-point.deq.Louisiana.gov</a> Nonpoint Source Pollution Unit Click on Outside Links (Model Landscape Code) also can be seen at <a href="http://www.abbey-associates.com/splash-splash/">www.abbey-associates.com/splash-splash/</a>
***18..East Baton Rouge Parish-City of Baton Rouge	Unified Development Code, Chapter 18, Landscape, Clearing & Trees. 2010.
*19.. Gretna	Chapter 102, Zoning and Subdivisions, Article V. Supplemental Regulations, Division 2. Landscaping.  1989.
*20..Hammond	Part II-Code of Ordinances, Chapt. 9- Building and Building Regulations, Art. VIII. Landscaping, Clearing, Fill and Urban Forestry. 2004.
**21..Jefferson Parish Overlay Districts	1.. Part II, Chapter 40, Comprehensive Zoning. Ordinance, Art XXV-Mixed use Corridor District. 2.. Part II, Chapter 40, Comprehensive Zoning Ordinance, Art XXVI-Commercial Parkway Overlay Zone. 3..Part II Code of Ordinances, Chapt. 40, Comprehensive Zoning Ordinance, Art X.5. Metairie Ridge Tree Preservation District (MRTPD). Sec. 40-175. 4.. Part II Code of Ordinances, Chapt. 40, Comprehensive Zoning Ordinance, Art X. Old Metairie Neighborhood Conservation District (OMNCD) Sec. 40-166.

	5.. Chapt. 37-Vegetation, Art II Planting of Trees on Public Property, Sec. 37-16.
***22..Kenner	Appendix A- Zoning, Art. XX Exceptions and Modifications; Supplementary and Special Regulations; Planned Unit Developments, Signage and Landscaping Regulations, Sec. 20.09.01 Landscaping Regulations.
**23..Lafayette Consolidated Government	Part II – Code of Ordinances, Appendix C – City of Lafayette Zoning Ordinances, Art. IV. General Regulations, Sec. 9, Landscape Regulations.
*24..Lake Charles	Appendix A – Zoning, Art. V. – Development Regulations, Part 2, Regulations of General Applicability, Sec. 5-210, Landscape Regulations.
*25.. Louisiana, State of	Rev. Statutes RS 3:4384Part VI Urban Forestry Act. §4381 A. (4)
26..Louisiana, State of	LSU Model Landscape Code. The Green Laws Organization, <a href="http://www.the-green-laws.org">www.the-green-laws.org</a>
27..Louisiana, State of	Model LYN Green Landscaping Ordinance The Green Laws Organization, <a href="http://www.the-green-laws.org">www.the-green-laws.org</a>
28..Louisiana, State of	Model LYN Green Landscaping Resolution The Green Laws Organization, <a href="http://www.the-green-laws.org">www.the-green-laws.org</a>
***29..Mandeville	Appendix A-Comprehensive Land Use Regulation Ordinance (CLURO), Div. II,-Building and Zoning, Regulations, Art. 9 Parking, Landscaping and Open Space, Sec. 9, Landscape Regulations.
30..Minden	Minden Code of Ordinances, Part II, Chapter 94, Vegetation, Art. II. 1994
*31..Monroe	Code of Ordinances, Chapter 19.5-1 Landscaping Regulations. Sec. 19.5.1. Ord. 9737, 1997.

- \*32. New Iberia Chapter 79 – TND Neighborhood Development Regulations, Art. III Design Standards and Requirements, Sec. 79-40 Landscaping Standards.
- \*\*\*33.. Old Metairie Tree Protection Ordinance See Jefferson Parish #3.
- \*\*\*34.. Orleans Parish, City of New Orleans, **Draft CZO**  
1..New Orleans Comprehensive Zoning Ordinance, Art. 23, Landscape, Storm-water Management, and Screening.  
2.. New Orleans Comprehensive Zoning Districts, Art. 21. On-site Development Standards, Sec. 21.3 Environmental Performance Standards. Sec. 21.5 Exterior Lighting.
- \*35..Monroe Chapter 19.5-1 Landscaping Regulations.
- \*\*36..Ponchatoula Code of Ordinances, City of Ponchatoula, Louisiana, Ordinance Number 602, 9/9/2004, Chapter 102 – Vegetation, Art. III Div. III, Landscape Requirements.
- \*37..Slidell Appendix A – Zoning, Part II Schedule of District Regulations Adopted, Sec. 2.25, Landscape Regulations. Ord. No. 1086, 9-26-1978
- 38..Slidell Chapter 10 draft landscape code 2014, in progress
- \*39..Shreveport Div. 7 Landscaping Requirements, Sec. 106, Landscaping Regulations.
- \*40..St. Francisville Appendix A – Zoning, Part V. General Provisions, Sec. 5.2, Landscape Regulations.
- \*\*\*41..St. Tammany Parish Unified Development Code – Volume 1 (Zoning), Sec. 7, Supplemental District Regulations. Sec. 7.01 Landscaping. 2007
- \*42.. Terrebone Parish Part II, Chapt. 28, Zoning, Art IV, Supplementary Regulations-Appendix B-Stormwater Drainage and Detention (Design Manual) 6.1 System Storage, 6.1.1, Detention Facilities. Sec. 28-76 Corridor Overlay District.
- \*\*\*43..Thibodaux Chapt. 8.5 Environment, Art. II, Landscaping & Tree Protection, §§ 8.5-1--8.5-33.

Ord. No. 1888, § 1101, 4-20-99

44..Walker

Walker, Louisiana Code of Ordinances, Chapter 20 Zoning, Article VI. Landscaping. Sec. 20-91. Ord. No. 11-1998.

45.. West Baton Rouge Parish

Part III, UDC, Chapt. 106 Art. VI. Div. 2 Landscape Controls. Sec 106-182, Reserved.

46..Winnfield

Winfield, Louisiana Code of Ordinances, Chapter 20.5 Vegetation, Art. II Landscaping and Trees. (Ord. No. 1-1998, § 1 (XIV), 3-10-98)

\*\*\*47.. City of Zachary

Part II – Code of Ordinances, Chapter 46 – Flood Damage Prevention, Art. IV – Administration, Sec. 46, Landscaping Regulations. 2010 UDC, Specifically Art. 7 Storm Water Management, Art 10 Landscaping, Art. 11 Design Standards including Div. 11.300 TND’s, Div. 11.600. 2010.

## LOUISIANA TREE REGULATIONS

1.. City of Slidell

Slidell, Louisiana, Code of Ordinances, PART II - CODE OF ORDINANCES, Chapter 13 – ENVIRONMENT, ARTICLE V. PUBLIC TREE MANAGEMENT. Sec. 13-100. Ord. No. 3253, 13-40, 3-22-2005.

2.. City of Ruston

Chapter 29 of the Code of Ordinances of the City of Ruston, Louisiana Chapter 29 Zoning. Sec. 29-43 (5) Arboricultural Standards for Trees. 2003

## Technical Discussion on Landscape Codes, Tree Regulations Land Development Ordinances

### Landscape Codes

Landscape ordinances are written at the municipal level to rebuild landscape that is altered or destroyed by construction activities. To some extent, landscape codes rebuild nature in the city. Landscape codes are always contained with community zoning law and therefore are included with the police power granted local communities by state law. Even more importantly, landscape regulations are always enforced by trained professional planning staff who administer zoning, plan for land use change and issue permits.

Landscape codes consist of three parts. They include the 'Context' for the ordinance, the 'Technical Standards' of the code and the 'Administrative Procedures' that make to ordinance efficient.

Context applies to the basic underlying reason for the code, its purpose, authority, applicability and underlying definitions. The context sets forth the legal parts of the code for which the next section of the code is to meet. Context must be carefully described to meet the 'nexis' relationship produced by the Technical Standards by which the code is to be legally judged.

Technical Standards consist of the actual design requirements of the code that are usually dealt with by the designers that supply the technical services required to comply with the code. These often include such technical issues as planning, planting design, site grading, stormwater management, site clearing, resource protection as well as and reforestation, irrigation, screening and often site surfacing that may include turf grass, meadow grasses, walkways, paved parking area and minor access roads. Landscape maintenance, construction and site sustainability also fall under this area of the code. These technical standards are often 'prescriptive,' 'proscriptive' or administrative 'design determinants.'

Sub-sections of this part of ordinance set forth five or more 'design components' that are set forth as specific zoned areas of a development site. Typically these may any combination of the following as required by the community, 1. minimum canopy standard, 2. street yard buffer, 3. side and rear yard buffers, 4. parking lot screens, 5. parking lot interior plantings, 6. vehicular use area detention, and 7. screening of storage or service areas, 8. irrigation hydrozones, 9. On-site stormwater management facilities and turf grass management.

Some of the newer ordinances in the nation are setting forth landscape best management practices (LBMP's) that include landscape sustainability practices related to soils, water, vegetation, habitat preservation, construction materials and human health and well-being. On-site stormwater management practices and native habitat preservation seem to be the most popular at this time. Many communities are requiring that the removal of native trees be mitigated either on site off site or in a cash exchange swap. It is expected that soon, landscape codes will provide an alternative approach to strict compliance to basic technical standards by offering an options to use a landscape sustainability rating system such as the SITES<sup>TM</sup> Program,

LEED-ND™ or a local sustainable landscaping program such as the LYN Program produced by the LSU AgCenter. This will allow each development site to achieve a minimum ONE STAR (LEED Certified) rating, or higher.

To properly enforce the design, construction and maintenance of these landscape requirements it is important that Technical Standards be properly calibrated to make it possible for landscape administrators to see that all objectives of the design components are being met both in the development of the landscape plans, details and written specifications but in the construction and maintenance of the landscape as well. These technical standards must be fair too the property owner and developed in a cost conscious manner. Simple math is usually used to measure compliance with the technical standards of the code. Some “design directives” that are a little more subjective are often included and must be interpreted by the designer following commonly accepted principles of the profession. Specifications are often used to meet some if not all of the design directives. Between the math and the specifications due process makes fair and equitable enforcement possible and protects the interest of the city, the property owner, the contactors and the designer.

Perhaps of the three parts of the ordinance, the Administrative Procedures make the process of rebuilding the landscape of the city possible.

This part utilizes the very common “review, inspect, approve and permit procedures” to operate. Landscape plans and specifications are drawn to illustrate the work and its compliance to the regulations. Landscape architects do this part of the process. The landscape administrator ‘reviews and approves’ the plans, a ‘permit(s)’ is issued to the contractor for the work, and then an inspection is made following construction. This post construction inspection is conducted by the landscape administrator or by the designer who must file a “Statement of Completion.” The property owner signs a “Maintenance Agreement,” and the “Certificate of Occupancy” is then approved. The landscape administrator of the community has a responsibility toward making the code work as efficiently as possible and getting all team members (owner, designers, builders, maintainers) to work through the landscape building process in the most harmonious and cost efficient manner to make the environment of the city healthy. This is an often overlook responsibility. The purpose of this third part is to ensure that all legal aspects of the code will meet the lexis test and result in a project that meets the intentions of the code.

### **Tree Regulations**

Tree ordinances are perhaps the oldest of all green laws dating back to the time of the Norman King, William the Conqueror, following his 1066 take over of what is now modern day England. His youngest son, King John of England, (*Jean sans Terre* in French), who ruled from 1199 to 1216 is credited with writing the *Charter of the Forest 1217* even though it was published by his heir Henry III a year after his death. This charter is the first attempt to document forest law in



western Europe and was tied closely to the Articles of the Barons also known as the *Magna Carta* which is a seminal legal document to democracy and western civilization.

Various types of tree ordinances are found in the United States today. Unlike landscape codes that are located within zoning law, tree ordinances are often found as stand alone regulations within the municipal code. It is strongly suggested that these be harmonized with landscape codes for more effective enforcement.

These will vary in complexity from those written by experts to those written by small town Mayors or committees of interested citizens. Some place emphasis on one objective or another. In common, most well written tree ordinances will include language addressing;

- Tree Planting (street trees, public land, parks, private land)
- Tree Care
- Tree Protection
- Tree Preservation
- Tree Canopy (rather new)
- Historic, Unique or Land Mark Trees
- Wildland Urban Interface (fire protection)

In general the principles of a contemporary tree ordinance include a. policy toward trees on public and private property, b. tree planting standards, c. arborist regulations, tree care specifications, some local licensing, d. tree maintenance standards, e. public education, f. appointment of city arborist, g. recommended trees, h. creation of a tree board or tree and landscape advisory commission.

Tree Preservation Ordinances. Tree preservation and protection clauses are found in tree preservation ordinances that closely related to general tree ordinances. This type of tree ordinances aimed at habitat preservation has basic principles that include a. tree inventories, b. identification of critical root zones (CRZ), c. tree and root zone protection practices, d. tree save plans, e. special category tree preservation, and f. tree mitigation funds.

These regulations that preserve trees and canopy are often administered by city arborists.

### **Urban Forestry Ordinances**

Urban Forestry Ordinances. Urban Forestry ordinances are the most comprehensive and newest form of tree ordinance. They are largely found in the states of Oregon and Washington with a few in Florida. Fort Worth, Texas may have one of the best of this kind. This type of ordinance sets higher standards for tree preservation and urban tree canopy management and preservation of the urban forestry canopy. This type of tree ordinance creates a municipal department, agency, or commission with operational authority including management, planning, canopy analysis, funding and maintenance operations for the urban forest consisting of both private and public trees. There are not many ordinances of this type in the country but more will likely follow since city sustainability is one of the guiding principles in this strain of

ordinance. Ordinances from Pennsylvania and New Jersey Shade Tree Commissions, City of Milwaukee Forestry Department, and selected cities in the States of Florida, Oregon and Washington quickly come to mind. Suggested components of Urban Forestry Ordinances include a. establish municipal forestry program, b. inventory, analyze and over see the urban forest, c. prepare management plans and execute work, d. establish city sustainability as a mission particularly in regard to storm damage/repair/clean up/risk reduction, e. maintain minimum canopy coverage, d. assist the public and f. raise money and accept gifts to create town forests and preserves. (See Appendix)

Professional urban foresters, arborists, landscape architects or knowledgeable public administrators manage urban forestry ordinances.

### **Land Development Regulations**

Land Development Regulations Yet, an even more important type of green law followed by landscape architects are land development regulations often called LDR's. These regulations represent an integration of zoning, subdivision controls, landscape regulations, natural resources protection standards (air, water, soil, vegetation, climate modification clearing), cultural resource preservation, agricultural land protection, sign controls and other elements related to the use and development of land. In addition, they generally set forth procedures for planning review, approval and permits. They may even contain regulations related to the environment such visual, noise, air pollution and vibration. These may also contain the community master plan or area plans for which these regulations are written to implement.

LDR's are more sophisticated development controls that have a history that can be traced back to the 1960's but for the most part they became common in the 1980's to better manage growth. LDR's allow historic, cultural, natural and other environmental resources to have a better chance of surviving in growing areas of America.

Both landscape codes and LDR's are in response to rapid land development and suburban sprawl. LDR's are most notable in **Florida, North Carolina, South Carolina, the Chesapeake region** and the **Pacific Northwest**. Others may be found elsewhere sometimes referred to as unified development codes (UDC) or land alteration codes (LAC). In recent years, land development regulations are being used as a smart growth tool and are even finding their way into development codes related to new urbanism, sustainable landscaping and xeriscaping™.

In Louisiana the following cities Unified Development Codes that are similar. City of Baton Rouge, UDC, City of Mandeville Comprehensive Land Use Regulations Ordinance (CLURO) and Zachary UDC.

## Other Green Law Ordinances

Other Green Law Ordinances. There are a variety of other type of green law ordinances, (laws dealing with nature in the city), in existence that have not been studied nor documented to any great extent. Some of these address certain aspects of trees and urban forests and may offer special insight into urban trees and regulations. However, this paper does not attempt to define them since few if any actually pertain to the State of Louisiana.

- Buffer Ordinances
- Coastal Set Back Ordinances
- Erosion & Sediment Ordinance
- Parking Lot Landscaping Ordinances
- Ridgeline Protection Ordinances
- Stream Bank Buffer Ordinances
- Steep Slope Ordinances
- Storm Water Management Ordinances
- View and View Shed Ordinances
- Wetland Protection Ordinances

For additional information of green laws see [www.the-green-laws.org](http://www.the-green-laws.org) or simply Google Green Law Research

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Note: Research on Tree Ordinances and Land Development Regulations in in progress at this time and will be added to this document at a later date.

Most of the ordinances cited here can be seen at [www.municode.com](http://www.municode.com). Others must be located on city web sites or by contacting specific planning and zoning departments. Disclosure: This document is provided for information and education purposes only. Development regulations change often so this list is a summary and does not imply the legal or technical aspects of the law, the regulations or the technical standards that may be in effect at the time of reading.