

## §7.3.1 Purpose

**§7.3. Landscape and Trees****§7.3.1. Purpose**

The intent of this section is to promote the health, safety, and general welfare of the citizens by preserving and enhancing the city's natural environment through tree protection and preservation, and the planting and maintenance of trees and other landscape material. This section is intended to further the city's desire to facilitate the creation of a convenient, attractive, and harmonious community; to conserve natural resources including air and water; to preserve and enhance property values; and to encourage the appropriate use and orderly development of land.

**§7.3.2. Applicability**

Except as provided in §7.3.3, below, the provisions of this section shall apply to:

- A. All new development with parking areas; and to building expansions of more than 10 per cent of floor area or vehicular use area additions of five parking spaces or more; only the expansion area must be in compliance with the landscape requirements; and
- B. All removal, cutting, planting, pruning or other maintenance of trees or shrubs within dedicated street area of public right-of-way or other public property within the city.

**§7.3.3. Exempt development**

The provisions of this section do not apply to duplex dwellings, single-family dwellings, or group living uses (see §4.6.3.B).

**§7.3.4. Permit required**

- A. No building permit or certificate of occupancy shall be approved without first securing a permit from the planning director pursuant to the requirements of §9.13.
- B. The removal, cutting, planting, pruning or other maintenance of trees or shrubs is prohibited within dedicated street area of public right-of-way or other public property within the city, without a permit pursuant to the requirements of §9.13.

**§7.3.5. Landscape requirements****A. General**

The following standards shall apply to all landscape installed pursuant to the requirements of this section:

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.
3. All single trunk trees shall have a minimum two-inch caliper and must measure a minimum of eight 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-inch caliper per trunk, a minimum of three main stems, and must measure a minimum of eight 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.
7. Ground cover and vines quality standards: Ground cover (other than turf grass) shall be minimum of four-inch well-rooted container stock spaced no more than 12 inches on center.
8. Palms and tropical plant material standards: Palms and tropical plants are considered accent shrubs because of freeze potential. Such plants shall receive no credit towards tree planting requirements.
9. Irrigation and watering standard: Hose bibs shall be placed within 200 feet of all planting beds or a permanent in-ground irrigation system shall be provided.
10. A minimum of 100 square feet for each Class "A" tree or 50 square feet for each Class "B" tree of non-paved area is required for each tree where it is planted.

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11. At least 50 per cent of the total number of required trees shall be native species.

**B. Specific requirements**

The specific landscape area requirements for site development shall be as follows:

**1. Street yard planting areas**

Street yard planting area is the unpaved area of land located between the property line and any developed site designated for the preservation and/or placement of plant materials to screen buildings and vehicular use areas from the street and to provide a spatial separation between use areas.

- (a) The street yard planting area must be a minimum of 10 feet in depth from the property line. The required depth of the street yard planting area may be articulated to provide a depth greater or less than the minimum so long as the required square footage of the street yard planting area is maintained and that the depth is no less than five feet.
- (b) The street yard planting area shall contain a minimum of one Class "A" tree or two Class "B" trees for every 500 square feet of street yard, or fraction thereof.
- (c) The street yard planting area shall contain shrubs and non-turf ground cover plantings. Shrub and ground cover plantings must cover 30 percent of the street yard planting area. The required shrubs and ground cover should be selected and arranged in a manner that will minimize the visual impact of vehicular use areas from the street. The required trees shall be distributed equally throughout the street yard planting area.
- (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 existing trees, shrubs and ground covers will be given.
- (e) No parking lot will be allowed within the street yard planting area.
- (f) Lots with frontage on more than one street shall calculate the street planting requirements along the entire street frontage of both streets.
- (g) Where zoning setback regulations permit, buildings may be located within the street yard planting area.

**2. Buffer yards**

Buffer yards shall be placed along the side and rear property lines to provide horizontal distance and landscaped open space between properties.

- (a) **MHP, B-2, B-3, C-1, C-2, I-1, or I-2 districts abutting residential use**  
The following buffer yard shall be used when a non-residential land use located in MHP, B-2, B-3, C-1, C-2, I-1, or I-2, zoning districts abuts a residential land use:
  - (1) Buffer yard width shall be a minimum of 10 feet.
  - (2) Trees shall be planted at a rate of one Class A tree or two Class B trees for each 50 linear feet of buffer area.

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- (3) Buffering structures shall be required as follows:
  - (i) Buffering structure shall be located on the edge of the property line adjacent to the residential land use. Such structure shall extend the full length of the buffer yard except for that portion of the buffer yard that falls within the required front yard setback.
  - (ii) 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. Walls shall be six to eight feet in height.
  - (iii) Fences shall be constructed in a durable fashion with weather resistant wood or other suitable material and be of a consistent pattern. All material shall be designed and intended for such use. Fences shall be six to eight feet in height.

(b) **The O or B-1 districts abutting residential use**

The following buffer yard shall be used when a non-residential land use located in the O or B-1 zoning districts abuts a residential land use:

- (1) Buffer yard width shall be a minimum of five feet.
- (2) Trees shall be planted at a rate of one Class A tree or two Class B trees for each 50 linear feet of buffer area.
- (3) Buffering structures shall be required as follows:
  - (i) Buffering structure shall be located on the edge of the property line adjacent to the residential land use. Such structure shall extend the full length of the buffer yard except for that portion of the buffer yard that falls within the required front yard setback.
  - (ii) 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. Walls shall be six to eight feet in height.
  - (iii) Fences shall be constructed in a durable fashion with weather resistant wood or other suitable material and be of a consistent pattern. All material shall be designed and intended for such use. Fences shall be six to eight feet in height.

(c) **Abutting nonresidential uses**

The following buffer yard shall be used when any non-residential land use abuts any other nonresidential land use:

- (1) Buffer yard width shall be a minimum of five feet.
- (2) Trees shall be planted at a rate of one Class A tree or two Class B trees for each 50 linear feet of buffer area.

(d) **Alternative compliance**

- (1) Notwithstanding the foregoing, the planning director may approve an

## §7.3.5 Landscape requirements

evergreen screen alternative provided that it will provide generally the same degree of opacity. Evergreen shrubs of a type, planting rate, and at a spacing that can be materially expected to completely screen the non-residential development site from the adjacent residential use within two years of planting shall be used.

- (2) Prescribed buffer structure or shrubs may be waived by the planning director if a building, buffer structure, or evergreen screen of at least equivalent height and opacity exists immediately abutting and on the opposite side of said property line.
- (3) If the required building setback is less than the required buffer yard setback, the building setback shall control, reducing the required buffer yard width only along the building footprint.

### 3. Screening requirements

#### (a) Mechanical equipment

Mechanical equipment shall be screened from view of the street.

#### (b) Refuse areas

All refuse storage areas shall be completely screened from the street and from adjacent properties.

#### (c) Screening structures

Where screening is required, screening structures shall be constructed as follows:

##### (1) Walls

Any wall shall be constructed in a durable fashion with a finished surface of brick, stone or other decorative masonry material or other suitable material approved by the building official. Walls shall be of sufficient height to provide a 100 per cent screen.

##### (2) Fences

Fences shall be constructed in a durable fashion with weather resistant wood or other suitable material and be of a consistent pattern. All material used in the construction of a fence shall be designed and intended for such use. Fences shall be of sufficient height to provide a 100 per cent screen.

Commentary: Food and beverage services businesses must meet additional DHH requirements, including site preparation, screening materials, low profile dumpster detail.

### 4. Sight triangle area

No plantings in sight triangle areas shall exceed two and one-half feet in height at maturity in accordance with the requirements of §7.1.4.

**5. Vehicular use area**

Vehicular use areas shall be required to have a minimum of eight per cent of the total vehicular use area including associated service drives and loading areas landscaped with trees, shrubs and ground cover other than turf grass. Trees shall be distributed within the vehicular use area in such a manner that no parking space is further than 75 feet from a Class "A" tree. Class "A" trees peripheral to the vehicular use area in designated street yard planting areas or buffer yard planting areas may be counted towards this requirement. The landscaping shall be installed accordingly:

- (a) One Class "A" tree or two Class "B" trees for every 15 parking spaces, or fraction thereof. The required trees shall be evenly distributed throughout the vehicular use area to maximize the storage of storm water and the beneficial effects of shade. A minimum of 50 per cent of the trees within the vehicular use area shall be Class A trees.
- (b) No more than 15 parking spaces shall be permitted in a row without interruption by a landscape island.
- (c) Any parking island, peninsula, or planting space internal to a vehicular use area must have a minimum width of five feet of non-paved area if it is to contain a tree or trees.
- (d) 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 feet from the tree(s) drip line or a distance of 12 times the diameter of the trunk (DBH) in feet, whichever is lesser.
- (e) 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, so as not to interfere with tree installation.
- (f) All vehicular use area planter spaces shall be protected from vehicular access by continuous concrete barrier or vertical face curbing of a minimum six-inch height.

**C. Maintenance requirements**

- 1. The owner or his agent, shall be responsible for the maintenance, repair and replacement of all required landscape materials.
- 2. Planting beds and trees shall be mulched to prevent weed growth and maintain soil moisture.
- 3. Plant materials shall be pruned as required to maintain good health and character.
- 4. Turf areas shall be mowed periodically.
- 5. All roadways, curbs, and sidewalks shall be edged at a frequency that will prevent encroachment from the adjacent grassed areas.
- 6. The owner or his agent shall be responsible for providing adequate water and nutrients to the required plant materials.
- 7. Plant materials that die must be replaced within six months with materials that meet the requirements of this section.

## §7.3.6 Tree and urban forest preservation standards

**§7.3.6. Tree and urban forest preservation standards****A. Tree removal**

Approval of a landscape plan requires preservation of any Live Oak or Southern Magnolia trees with a diameter at breast height of over six inches. Such may not be removed from a site, and shall be maintained and protected during construction in accordance with the requirements the code. Trees may only be removed in one of the following situations.

1. The tree poses a hazard. In order to verify that a hazard exists, the city may require a tree hazard assessment to be performed by a qualified arborist.
2. The tree is located within the proposed development area of a site and redesign of proposed development is not practical.
3. The tree has an incurable disease or pest infestation that cannot be eliminated. The city may require this condition to be verified by a qualified arborist.
4. The tree has been damaged to the point that it cannot recover and grow properly, or it will grow in a misshapen or unsightly manner.

**B. Tree credit standard**

Existing trees may be credited towards the required landscape materials. Each tree credit is equal to one "Class A" tree or two "Class B" trees.

1. The owner is encouraged to preserve as many existing mature trees and shrubs as possible in the design and implementation of the landscape plan.
2. 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.
3. Tree credit rate for each tree preserved shall be determined in accordance with the following schedule:

Existing Trunk Diameter (DBH in inches)	Number of Class A Tree Credits
36 or greater	7
24—35	6
18—23	5
8—17	4
5—8	3
2—5	2
Less than 2	1

4. Tree credit for preservation of existing groves or stands of native trees with their natural drainage undisturbed, will be given a multiple credit of normal tree credits. Extra credit may be granted for preservation of wetlands, groves, slopes, ponds and lakes. The extra credit will be determined by the planning director.
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

## §7.3.6 Tree and urban forest preservation standards

the owner to replace that tree with the number of trees credited on a class-matching basis within six months.

**C. Tree preservation plan**

In order to receive credit for preserved trees, the owner must include as part of the plan submittal a tree preservation plan which shall be approved by the planning director.

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 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 to interpret the intent and methodology proposed.
3. All tree preservation activities shall conform to the standards of the Louisiana Department of Agriculture and Forestry, and the International Society of Arboriculture.

**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. To receive credit, trees must be protected from direct and indirect root damage and trunk and crown disturbance. The following standards shall apply:

1. The tree protection zone shall include land under the canopy of a tree defined by a circle, which has as its center the trunk of the tree, and a radius, which is the distance of 12 times the diameter of the trunk (DBH) in feet.
2. Construction site activities such as parking, material storage, dirt stockpiling, concrete washout and other similar activities shall not be permitted within the tree protection zone.
3. Changes that significantly raise the grade of soil adjacent to the tree protection zone shall be avoided.
4. A reasonable effort should be made to have utility line trenches and similar uses avoid the tree protection zone. Due to certain site conditions, where disturbance is unavoidable, underground tunneling or directional boring of utilities is preferred. Trenching shall be used only as the last alternative and root-pruning equipment specifically designed for that purpose shall be used.
5. Protective fencing shall be installed around the tree protection zone prior to any tree disturbing activities. Such fences shall be at least four feet high and shall consist of orange polyethylene safety fencing or other suitable material. Fencing shall remain in place until construction is complete and other landscaping has been installed.

**E. Native trees**

The following is a list of desirable trees native to Alexandria. Their planting and preservation is strongly encouraged.

## §7.3.6 Tree and urban forest preservation standards

## 1. Class A trees

Class A Trees	
<i>Acer rubrum</i>	Red Maple
<i>Carya illinoensis</i>	Pecan
<i>Diospyros virginiana</i>	Persimmon
<i>Fraxinus</i> spp	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>Platanus occidentalis</i>	Sycamore
<i>Quercus falcata</i> <i>Pogodifolia</i>	Cherrybark 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 ascendens</i>	Pond Cypress
<i>Taxodium distichum</i>	Bald Cypress
<i>Ulmus Americana</i>	American Elm
<i>Ulmus alata</i>	Winged Elm

## 2. Class B trees

Class B Trees	
<i>Cercis Canadensis</i>	Eastern Redbud
<i>Chionanthus virginicus</i>	White Fringetree
<i>Cornus florida</i>	Flowering Dogwood
<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>	Tree Yaupon
<i>Magnolia virginiana</i>	Sweetbay Magnolia
<i>Robinia pseudoacacia</i>	Black Locust

## F. Nuisance trees

The following is a list of undesirable trees. The planting or preservation of these species is strongly discouraged and shall not be counted towards the tree requirements of this section.

Nuisance Trees	
Broussonetia papyrifera	Paper Mulberry
Melia Azedarach	China Berry
Pinus spp.	Pine
Pyrus spp.	Flowering Pear
Sapium sebiferum	Chinese Tallow
Ulmus pumila	Siberian Elm

### §7.3.7. Landscape plans

- A. All building permit applications for sites that are subject to the requirements of this section shall be accompanied by a landscape plan. It is preferable that this plan be prepared by Louisiana Licensed Landscape Architect, or Louisiana Licensed Landscape Contractor. The landscape plan shall include such criteria that are required by the planning director 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, rights-of-way, or servitudes. 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 at breast height—four and one-half 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, and 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. Provide irrigation or watering system plans if applicable.
  11. Landscape plans shall include a summary tabulation of all landscape requirements.

### §7.3.8. Alternative compliance

- A. Requests for alternative compliance will be accepted 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. Spatial limitations, unusually shaped pieces of land, unusual servitude requirements are such that full compliance is impractical.
  3. The project is an in-fill site or redevelopment of an existing site.

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§7.3.9 Landscape and trees on public property

4. Public safety considerations make alternative compliance necessary.
  5. The project is located in a planned development or corridor that has adopted comprehensive landscape design guidelines.
- B. A request for alternative compliance shall be submitted to the planning director at the time the required plans are submitted. In no case shall the planning director reduce required landscape by more than 50 per cent.
- C. Request for alternative compliance shall be accompanied by sufficient written explanation and drawings to allow appropriate valuation and decision by the planning director.

**§7.3.9. Landscape and trees on public property****A. Permits required**

Permits required to remove, cut, plant, trees and shrubs on public property. (See §9.13)

**B. City right-of-way**

No landscape materials shall be planted in any city right-of-way without the permission of the planning director. 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 planning director for approval.

**C. Maintenance on public property**

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 any tree, plant or shrub within dedicated street area of public right-of-way or other public property within the city 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 the drip line of a publicly-owned tree, the agency or contractor shall notify the planning director to discuss how potential damage to the tree or trees may be minimized.

- D. No person shall dump, pour or spill any oil, gas, paint, chemicals, or other deleterious matter upon any tree or tree space in any street, or keep or maintain upon any street, any receptacle which contain aforementioned items so as to injure any tree on any public property.

**§7.3.10. Damage to trees, shrubs, ground cover, flowers and related items**

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 shall be required to repair or replace the same to the satisfaction of the planning director. 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.

**§7.3.11. Responsibility for maintenance of trees on private property****A. Pruning requirements**

1. Every owner of any tree or shrub overhanging any street, alley, or right-of-way within the city shall prune the branches in a manner that will provide a minimum

## §7.3.11 Responsibility for maintenance of trees on private property

clearance height of 14 feet above the street surface and 10 feet above the sidewalk surface, not obstruct the light from any street light, and not obstruct the view of any street intersection or traffic control devices.

2. Property owners will be notified by the planning director of their duty to perform corrective measures. If corrective measures are not performed within a reasonable time frame, the city may trim or remove the tree or shrub.

**B. Hazard tree removal**

1. Any privately-owned tree determined by the planning director to present a potential hazard to people making use of public streets, alleys, or rights-of-way shall be removed.
2. Whenever the public nuisance set forth in this §7.3 exists within the city the planning director shall order the property owner creating the hazard to immediately remove the tree. Such order shall be in writing, specify the hazard and its location, specify the corrective measures required and the enforcement measures that may be taken, and provide for compliance within 10 days from the service thereof. The order or notice shall be served by certified mail, return receipt requested, to the address of the responsible individual. For the purposes of this section, when service of notice by certified mail has been refused, the responsible individual is deemed to have received notice and the 10 days commences to run on the date of refusal.
3. When immediate action is required: Nothing herein shall be construed to prevent the city, without notice, from removing at the expense of the property owner, any tree which presents an imminent threat to public safety.
4. In the event where a tree located on vacant or adjudicated property is determined hazardous by the planning director, the city may remove the tree and charge the cost of the removal to the owner's city property tax bill.

**C. Prohibited debris**

Prohibited tree limbs, trunks, stumps, and other debris. It shall be unlawful for any contractor, subcontractor, or hired worker when employed by any owner, tenant, or occupant of premises located in the city of Alexandria to place, leave, or permit to remain on any public right of way any tree limbs, trunks, stumps, and other debris associated with arboricultural work.

**1. Contemporaneous removal**

All tree limbs, trunks, stumps, and other associated debris shall be removed from the location where the activity is being conducted contemporaneously with the activity of that particular day.

**2. Notice**

Whenever the public nuisance set forth in this §7.3 exists within the city the planning director shall order the company creating the nuisance to immediately remove all debris from the site. Such order shall; be in writing, specify the public nuisance and its location, specify the corrective measures required and the enforcement measures that may be taken, and provide for compliance within 10 days from the service thereof. The order or notice shall be served by certified mail, return receipt requested, to the address of the responsible company or individual.

## §7.3.12 Arborist registration

For the purposes of this section, when service of notice by certified mail has been refused, the responsible company or individual is deemed to have received notice and the 10 days commences to run on the date of refusal.

**3. When immediate action is required**

Nothing herein shall be construed to prevent the city, without notice, from removing at the expense of the responsible company or individual, any tree limbs, trunks, stumps, and other associated debris which presents an imminent threat to public safety.

**§7.3.12. Arborist registration**

No person shall engage in arboricultural services on any property within the city of Alexandria without first obtaining a certificate of registration.

**A. Application**

Applications for certificates of registration will be received and evaluated by the planning director. No certificate of registration shall be issued until the applicant presents to the city a completed application and a copy of their current arborist license issued by the Louisiana Department of Agriculture and Forestry.

**B. Renewals**

Certificates of registration will be effective on the date of issue and must be renewed annually by May 1.

**C. Fee**

There shall be no fee required for the certificate of registration.

**§7.3.13. Enforcement, violations and penalties****A. Enforcement**

The planning director shall enforce the requirements set forth in this section.

**B. Notice**

Whenever a violation of this section occurs the planning director shall notify, in writing, the responsible party of their non-conformance and the required corrective actions. Responsible individuals will be given 30 calendar days to correct identified deficiencies before fines are levied. The notice shall be served by certified mail, return receipt requested, to the address of the responsible company or individual. When service of notice by certified mail has been refused, the responsible company or individual is deemed to have received notice.

**C. Violations and penalties**

1. Refusal to comply with the landscape requirements shall result in the denial for application for or the revocation of the certificate of occupancy and a fine of \$50 per day for each day that required landscaping is not installed.
2. Failure to maintain required plant materials and planting areas as determined through inspection by the planning director shall constitute a violation of this section. Such violation shall subject the owner to a fine of \$50 per day for each day that required landscaping is not maintained.
3. The property owner, and/or person removing a public tree or tree part(s) without a permit shall be responsible for the violation. The removal of trees in violation of this

## §7.4.1 General provisions

section is a public nuisance and the violator may be fined not to exceed \$500. Each tree is considered a separate violation.

4. Any contractor, subcontractor, or hired worker who violates sections of this section by placing debris in the public right-of-way shall be guilty of a misdemeanor and shall be punished by a fine not to exceed \$500 and in addition shall be required to remove the debris at his/her expense. Every day, which the violation continues and the debris is not removed, shall constitute a separate offense and shall be subject to a separate punishment.
5. Any contractor, subcontractor, or hired worker performing arboricultural services within the city of Alexandria without first obtaining a certificate of registration shall be guilty of a misdemeanor and shall be punished by a fine not to exceed \$500.

## §9.13.1 Applicability

**§9.13. Landscaping and Tree Permits****§9.13.1. Applicability**

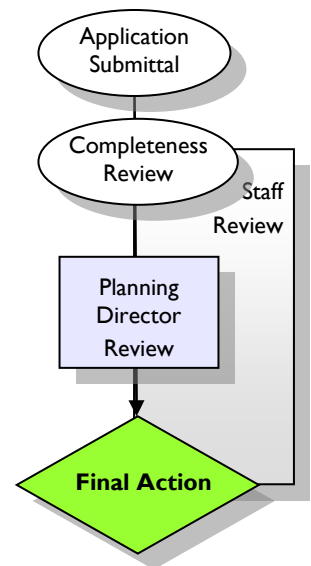
- A. No building permit shall be approved prior to approval of a landscaping and tree permit and no certificate of occupancy shall be approved prior to a site inspection and observation to determine if the required landscape elements have been installed.
- B. No person, including private or public utilities, shall remove, cut, plant, prune or otherwise maintain any tree or shrub within dedicated street area of public right-of-way or other public property within the city, without a landscaping and tree permit.

**§9.13.2. Applications**

Applications for landscaping and tree permits shall be submitted in accordance with §9.2.3. Two sets of required plans shall be submitted to the planning director.

**§9.13.3. Action by planning director**

- A. The planning director shall review landscaping and tree permit applications for conformance with the approval criteria of §9.13.4.
- B. All plans reviewed will be returned marked "approved," or "approved as noted," or "denied." Rejected plans may be returned to the planning 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.
- C. The planning director shall review required plan submittals and within 10 working days from receipt of such plans either approve them or issue to the applicant a written denial.

**§9.13.4. Approval criteria**

- A. **General**  
Applications for landscaping and tree permits shall reviewed for compliance with the requirements of §7.3.
- B. **Public property**
  - 1. Plants, trees and shrubs may be removed or cut on public property 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.
  - 2. Removal of particular trees may be approved when it is found that such 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

## §9.13.5 Conditions of approval

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 whereby such removal will be in the public interest.

3. 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 without a permit from the planning director.

**C. Special area and yearly plans**

The planning director may grant special area permits or permits based on yearly plans to public utilities serving the city 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 Z39.1) by the American National Standards Institute, as amended and currently in effect at the time of such work. The yearly plans must be submitted 30 days prior to the commencement of any work. The planning director 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.

**D. Emergencies**

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, shall be required.

### §9.13.5. Conditions of approval

- A. Permits 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.
- B. Approval of a tree removal 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.

### §9.13.6. Inspections

- A. Prior to issuance of the certificate of occupancy by the permit office the planning director shall perform a site observation to determine if the required landscape elements have been installed.
- B. An extension for installation may be granted only if sufficient cause exists.

### §9.13.7. Administrative appeal

An appeal from any decision by the planning director shall be made within 30 days of the final decision in accordance with §9.17, Administrative appeals.