

THE FOLLOWING ORDINANCE WAS SPONSORED BY COUNCIL MEMBER DISCON AND COUNCILMEMBER LANE; MOVED FOR ADOPTION BY COUNCIL MEMBER _____; SECONDED FOR ADOPTION BY COUNCIL MEMBER _____

ORDINANCE NO. 25-11

AN ORDINANCE OF THE COUNCIL OF THE CITY OF MANDEVILLE AMENDING ARTICLE 9, SECTION 9.2.5.2 VEGETATION PROTECTION ZONES, AND AMENDING SECTION 9.2.5.3. VEGETATION PROTECTION ZONE BARRIERS, AND AMENDING SECTION 9.2.5.4 LANDSCAPE REQUIREMENTS IN LOW-DENSITY RESIDENTIAL DISTRICTS, AND AMENDING SECTION 9.2.5.5 LANDSCAPE REQUIREMENTS IN DISTRICTS OTHER THAN LOW-DENSITY, AND SECTION 9.2.5.7, LIVE OAK PROTECTION REQUIREMENTS, AND AMENDING SECTION 9.2.5.16 VIOLATIONS, AND AMENDING ARTICLE 10, SECTION 10.8.1.1 LANDSCAPING REQUIREMENTS FOR FREESTANDING SIGNS, AND AMENDING ARTICLE 12, SECTION 12.5.2 INFORMATION REQUIRED ON THE SITE FEATURES MAP, AND AMENDING SECTION 12.5.4.4. OTHER CONSTRUCTION PLANS CONTENT OF THE COMPREHENSIVE LAND USE REGULATIONS ORDINANCE, AND AMENDING DIVISION 19 OF APPENDIX C OF THE CODE OF ORDINANCES OF THE CITY OF MANDEVILLE, AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH

WHEREAS, the City of Mandeville's Comprehensive Land Use Regulations Ordinance (CLURO) was adopted on June 25, 2015, rev. through October 10, 2024, to affect the vision of the Comprehensive Land Use Plan adopted by the City's Planning Commission and supported by resolution of the Council in 2007; and

WHEREAS, Mandeville's distinct character and environmental resilience are intertwined with its native tree species, particularly the Bald Cypress (*Taxodium distichum*) and the Southern Magnolia (*Magnolia grandiflora*). These species provide ecological, environmental, cultural, and aesthetic benefits that are irreplaceable once lost, forming a critical part of our community's natural infrastructure; and

WHEREAS, the Bald Cypress (*Taxodium distichum*), Louisiana's state tree, and the Southern Magnolia, a symbol whose iconic white flower serves as Louisiana's state flower, are vital to Mandeville's ecosystem. Cypress trees provide unique aquatic and nesting habitats, while Magnolias attract and offer crucial cover for wildlife, thereby maintaining local ecosystem health and biodiversity; and

WHEREAS, the City Council, recognizing these significant and irreplaceable contributions, desires to protect the Bald Cypress and the Southern Magnolia for the enduring benefit of Mandeville and its future generations; and

WHEREAS, the City Council recognizes that current penalties for violations of Division 19 of Appendix C, Section 9.2.5.16 of the Code of Ordinances do not adequately deter illegal activity or justly compensate the community for such irreplaceable losses, thereby necessitating revised fines to ensure effective deterrence and proper valuation of these essential natural assets for the enduring benefit of Mandeville, and desires to amend said Code accordingly; and

WHEREAS, current tree protection barriers have proven insufficient in safeguarding Mandeville's protected trees during construction; therefore, more rigid barrier structures are essential to enhance tree preservation and the long-term health of the urban canopy.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Mandeville that CLURO Section 9.2.5.2 Vegetation Protection Zones be amended as follows:

9.2.5.2. Vegetation Protection Zones

1. An area extending at least fifteen (15) feet in all directions from the trunk of any tree required or proposed to be preserved to meet the requirements of this or encompassing a minimum of two-thirds (2/3) of the entire canopy area of the tree, whichever is greater, shall be required to be maintained undisturbed under the provisions of this Article. This area is defined as the Vegetation Protection Zone.
2. Exception: The Vegetation Protection Zone for Live Oaks will be a circle with a radius which is eighty-two (82) percent of the canopy of the tree, measured from the trunk to the drip line. A barrier shall be erected and maintained around this area at all times during construction. No soil deposits, construction materials, equipment, or other materials shall be temporarily or permanently stored in locations within or immediately adjacent to the Vegetation Protection Zone which would cause suffocation of root systems of trees required or proposed to be preserved. No paving with concrete, asphalt, or other impervious material shall be allowed within the Vegetation Protection Zone. No structure shall be placed or constructed at any time within the Vegetation Protection Zone.
3. FEMA elevation exception. Any structure required to be elevated pursuant to application, participation, grant receipt or other involvement in any FEMA elevation program shall be permitted to construct or perform operations within the Vegetation Protection Zone after administrative review and written approval. Structures that are subject to this exception shall not be required to submit for any Vegetation Protection Zone variance and may be permitted for work after review and administrative approval. No work on any structure that asserts an entitlement to elevation within the Vegetation Protection Zone shall commence without written approval of the administration.

NOW, THEREFORE, BE IT FURTHER ORDAINED by the City Council of the City of Mandeville that CLURO Section 9.2.5.3 Vegetation Protection Zone Barriers be amended as follows:

9.2.5.3. Vegetation Protection Zone Barriers

1. The Vegetation Protection Zone barrier shall be continuous and at least four (4) feet above the ground. The material used to construct the barrier shall be rigid and semi-permanent (such as wire fencing) and must be specified on the landscape plan.
2. This section requires the erection and maintenance of a four-foot-high, **minimum** 12-gauge metal fencing around the Vegetation Protection Zone of a Protected Tree. This protective fencing shall remain intact and undisturbed throughout the duration of the activity. No

equipment, materials, or debris shall be stored or placed within this protected area.

3. The required tree barriers shall be properly installed and verification of such installation shall be made by the landscape inspector prior to the issuance of a development or clearing permit.

NOW, THEREFORE, BE IT FURTHER ORDAINED by the City Council of the City of Mandeville that CLURO Section 9.2.5.4 Landscape Requirements in Low-Density Residential Districts be amended as follows:

9.2.5.4. Landscape Requirements in Low-Density Residential Districts

In the R-1, R-1X and R-2 districts, a minimum of 50 percent of all existing trees larger than three (3) inches dbh in the required yard setback areas shall be required to be preserved. The Landscape Inspector shall verify the preservation of all required trees before a Certificate of Occupancy will be issued for the structure. Trees required to be preserved shall be shown on the residential site plan approved in conjunction with the development permit. In addition, the provisions of the Key Native Tree Species Protection Requirements section 9.2.5.7 shall also apply in R-1, R-1X and R-2.

...

NOW, THEREFORE, BE IT FURTHER ORDAINED by the City Council of the City of Mandeville that CLURO Section 9.2.5.5 Landscape Requirements in Districts Other than Low-Density Residential be amended as follows:

9.2.5.5. Landscape Requirements in Districts Other than Low-Density Residential

The requirements of this Article shall apply to all zoning districts other than R-1, R-1X and R-2 residential districts, with the exception of the Key Native Tree Species Protection Requirements of section 9.2.5.7, which apply in all zoning districts. ...

NOW, THEREFORE, BE IT FURTHER ORDAINED by the City Council of the City of Mandeville that Section 9.2.5.7 Live Oak Protection Requirements be renamed to Key Native Tree Species Protection Requirements, and shall be amended to read as follows:

Section 9.2.5.7 Key Native Tree Species Protection Requirements

The following tree protection requirements shall be in place:

1. Definition of Protected Tree:

- a. Protected Live Oak: shall include any Live Oak with a diameter at breast height (dbh) of Six (6) inches or more;
- b. Protected Bald Cypress: shall include any Bald Cypress with a diameter at breast height (dbh) of Six (6) inches or more; and
- c. Protected Southern Magnolia: shall include any Southern Magnolia with a diameter at breast height (dbh) of six (6) inches or more.

2. Live Oak Protection Requirements

- a. A tree removal permit shall be obtained from the Landscape Inspector prior to cutting, clearing or removing any Live Oak tree six (6) inches dbh or greater. Unpermitted removal of a qualifying Live Oak tree shall subject the property owner, the responsible contractor, or both, to the violation provisions of Section 9.2.5.16.
- b. The applicant wishing to remove a Live Oak tree must state in writing that such activity will enhance the health, safety and welfare of the public, or otherwise benefit the public interest and the applicant must offer evidence to that effect. The Landscape Inspector is empowered to issue or deny the permit based on the application and the evidence. Prior to the issuance of a tree removal permit the applicant must submit a plan or written statement offering evidence of compliance with the tree replacement provisions of this Article.
- c. Upon submission of a tree removal permit, administrative removal shall only be permitted if both a Louisiana-licensed arborist and the Landscape Inspector jointly determine, in writing, that the tree is dead, terminally diseased, or poses an imminent hazard to public safety or property that cannot be mitigated by other less impactful means. Additionally, Planning and Zoning administrative approval shall be required permitted where site-specific conditions require a tree to be within the proposed building footprint, without alternative building placement, making its preservation unfeasible.
- d. During any construction, development, or land-disturbing activity, all Live Oak trees shall be safeguarded pursuant to the Vegetation Protection Zone Barrier requirements of Section 9.2.5.3.
- e. It shall be unlawful for any person to place soil in such a way that would cause Live Oaks to become diseased or die. If filling with soil is necessary to properly drain the land, all efforts should be made to protect the area within the drip line of a Live Oak from the impact of such activity. Should all efforts fail and a tree removal permit be issued for the removal of the Live Oak the provisions of these regulations regarding replacement of trees shall be required to be met.
- f. If a Live Oak tree is removed or dies due to activities on the property, the property owner shall replace it with one (1) tree per 6 inches dbh of the same species for each Live Oak removed or lost. Replacement trees shall be of a minimum size as established by the Landscape Inspector and planted in a location approved by the City.
- g. A tree removal permit will be required to prune the primary and secondary branches of any Live Oak tree 12" dbh or greater. Such pruning shall be required to be performed by a state licensed arborist or a state forester.
- h. These regulations shall apply in all zoning districts.

3. Bald Cypress and Southern Magnolia Tree Protection Requirements

- a. A tree removal permit shall be obtained from the Landscape Inspector prior to cutting, clearing or removing any Bald Cypress or Southern Magnolia tree six (6) inches dbh or greater. Unpermitted removal of a qualifying Bald Cypress or Southern Magnolia tree shall subject the property owner, the responsible contractor, or both, to the violation provisions of Section 9.2.5.16.
- b. Upon submission of a tree removal permit, administrative removal shall only be permitted if the Landscape Inspector determines that the tree is dead, terminally diseased, or poses an imminent hazard to public safety or property that cannot be mitigated by other less impactful means. Additionally, Planning and Zoning administrative approval shall be required permitted where site-specific conditions require a tree to be within the proposed building footprint, without alternative building placement, making its preservation unfeasible.
- c. During any construction, development, or land-disturbing activity, all Protected Bald Cypress and Southern Magnolia trees shall be safeguarded pursuant to the Vegetation Protection Zone Barrier requirements of Section 9.2.5.3.
- d. It shall be unlawful for any person to engage in any activity that may damage a Bald Cypress or Southern Magnolia tree, including but not limited to root disturbance, soil compaction, significant grade changes within the drip line, or the attachment of signs, wires, or other objects that may compromise the tree's health or structural integrity.
- e. If a Protected Bald Cypress or Southern Magnolia tree is removed, or dies due to activities on the property, the property owner shall replace it with one (1) tree per 6 inches dbh of the same species removed or lost. Replacement trees shall be of a minimum size as established by the Landscape Inspector and planted in a location approved by the City.
- f. These regulations shall apply in all zoning districts.

NOW, THEREFORE, BE IT FURTHER ORDAINED by the City Council of the City of Mandeville that CLURO Section 9.2.5.16 Violations be amended as follows:

9.2.5.16. Violations

Each required tree, shrub (non-living screen,) or other plant matter cut, cleared, removed, caused to become diseased or die, or otherwise acted upon in violation of the provision of this article, including but not limited to Section 9.2.5.7, shall constitute a separate offense (subject to the provisions of section 1.9 of this [Code]. Where applicable, each separate day on which a violation occurs or continues shall be considered a separate violation of this article.)

1. Building Permit Denied: Should any tree(s), shrub(s), nonliving screen(s) or other plant matter be cut, cleared, removed, caused to become diseased or die, or otherwise acted upon in violation of this section prior to the issuance of a building permit, no such permit shall be issued until all fines resulting from the violation are paid.
2. Building Permit Suspended: Should any tree(s), shrub(s), nonliving screen(s) or other plant matter be cut, cleared, removed, caused to become diseased or die, or otherwise acted upon

in violation of this section after the issuance of a building permit, the permit shall automatically be suspended until all fines resulting from the violation are paid.

3. **Acceptance of Improvements:** No acceptance of public improvements shall be authorized until all fines for violations of this section have been paid to the City or otherwise disposed of through the Mayor's Court. No acceptance of public improvements shall be authorized until all replacement trees have been planted or appropriate payments have been made to the Landscape Mitigation Fund.
4. **Certificate of Occupancy:** No Certificate of Occupancy shall be issued until all fines for violations of this section have been paid to the City or otherwise disposed of through the Mayor's Court. No Certificate of Occupancy shall be issued until all replacement trees have been planted or appropriate payments have been made to the Landscape Mitigation Fund.
5. **Failure to maintain the required vegetation protection zone barrier during the construction process** shall constitute a violation, shall automatically suspend the development permit for which the tree barrier was required to be erected and shall be subject to the maximum penalty of Section 1.9 of this [Code].
6. **Replacement Penalties:** For each tree which is removed without a tree removal permit by the property owner, or the property owner's contractor, agent, employee or any individual or entity authorized to be on the property owner's property, the property owner shall plant new replacement trees in accordance with the following:
 - a. **Calculation of Replacement Trees:** The total of the diameters of the replacement trees shall, at a minimum, equal the total of the diameters of the trees cut inch for inch. The diameter shall be measured on the trunk of a tree four (4) feet from ground level.
 - b. **Minimum Size of Replacement Trees:** All replacement trees shall have a minimum trunk size of two inches (2") in dbh and ten (10) feet tall when planted. At the discretion of the Landscape Inspector, larger trees may be required.
 - c. In the event the property owner is unable to plant the required number of replacement trees on the affected parcel, the owner has the option of one of the following:
 - (1) The owner may plant the remaining number of required replacement trees, which will not be planted on the affected parcel at a site to be approved by the City.
 - (2) The owner may contribute to the Landscape Mitigation Fund an amount equal to the cost associated with purchasing and planting the remaining replacement trees as outlined in (a) above.
 - d. Following the notice of violation being issued, the City will prepare a Compliance Agreement for the owner of the affected parcel setting forth the terms of replacement penalties as set forth herein. If the owner fails to enter into the Compliance Agreement within twenty (20) days of the notice of violation, the City will take appropriate legal action, including a citation to Mayor's court and an injunction in the 22nd Judicial District Court.

- e. A property owner who fails to enter into a compliance agreement shall have thirty (30) days from the notice of violation to initiate the required replanting. Each day on which the replanting does not commence will be a separate violation subject to its own enforcement action.
- f. Fines: In addition to providing or paying for trees, violators of this section will be fined up to the amount set forth in Division 19 of Appendix C of the City of Mandeville Code of Ordinances for violation of any unpermitted removal or pruning and also failure to adhere to the replacement obligations following unpermitted removal.
- g. Enforcement: The Planning Department and the City Attorney shall administer the provisions of this section.

NOW, THEREFORE, BE IT FURTHER ORDAINED by the City Council of the City of Mandeville that CLURO Section 10.8.1.1 Landscaping Requirements for Free Standing Signs be amended as follows:

10.8.1.1 Landscaping Requirements for Free Standing Signs

...

- 4. Key Native Tree Species Protected. No permit shall be granted on any application or for any activity which would call for the cutting or removal of any key native tree species or which might damage or injure any key native tree species.

...

NOW, THEREFORE, BE IT FURTHER ORDAINED by the City Council of the City of Mandeville that CLURO Section 12.5.2 Information Required on the Site Features Map be amended as follows:

12.5.2 Information Required on the Site Features Map

...

- 8. The "general" location of each live oak six (6) inches dbh or greater, each Bald Cypress or Southern Magnolia six (6) inches dbh or greater, existing densely wooded areas plus any isolated hardwood trees outside of densely wooded areas which measures ten (10) inches dbh and/or pines measuring thirty (30) inches dbh or greater.

...

NOW, THEREFORE, BE IT FURTHER ORDAINED by the City Council of the City of Mandeville that CLURO Section 12.5.4.4. Other Construction Plans Content be amended as follows:

12.5.4.4. Other Construction Plans Content

...

- 1. Street rights-of-way plans and profiles showing the proposed locations and typical cross sections of:
 - ...
 - c. The location of proposed street trees or existing street trees proposed to be preserved, including existing live oak trees six (6) inches dbh, existing Bald Cypress or Southern Magnolia six (6) inches dbh, and other trees twenty-four (24) inches or greater in diameter or greater measured four (4) feet above the ground (dbh).

...

NOW, THEREFORE, BE IT FURTHER ORDAINED by the City Council of the City of Mandeville that Division 19 of Appendix C, Section 9.2.5.16 of the code of Ordinances for the City of Mandeville be amended to read as follows:

Prohibited Act	Penalty
Removal of an unprotected tree without or in violation of a permit.	\$500.00 per tree on any zoned property
Removal of protected tree without or in violation of a permit.	\$500.00 per tree
Failure to enter into Compliance Agreement	\$500.00 per tree required unless replanted within the permitted timeframe
Failure to replant following rejection of Compliance Agreement	\$500.00 per tree, with each day constituting a separate violation

NOW, THEREFORE, BE IT FURTHER ORDAINED that the Clerk of this Council be and is hereby and is hereby authorized and empowered to take any and all actions which she, in the exercise of her discretion, deems necessary to promulgate the provisions of this ordinance.

The ordinance being submitted to a vote, the vote thereon was as follows:

AYES:

NAY:

ABSTENTIONS:

ABSENT:

And the ordinance was declared adopted this ____ day of _____, 2025.

Alicia Watts
Clerk of Council

Jason Zuckerman
Council Chairman