ORDINANCE # 2017-09
INTRODUCED BY Wright
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BOOK # _____ PAGE # _____
RECORDATION # _____
AMENDED BY ORDINANCE # _____
DATE AMENDED _____

ADOPTION

INTRODUCTION

CITY OF COVINGTON
STATE OF LOUISIANA

ORDINANCE NUMBER 2017-09

AN ORDINANCE OF THE CITY OF COVINGTON AMENDING THE FOLLOWING PROVISIONS OF THE COVINGTON CODE OF ORDINANCES: APPENDIX B, COMPREHENSIVE ZONING ORDINANCE OF 2010, PART 4. GENERAL PROVISIONS, SECTION 4.2. LANDSCAPING (ZONING CASE NO. 17-04-TXT)

WHEREAS, certain amendments have been suggested to the Covington Code of Ordinances, Appendix B Comprehensive Zoning Ordinance of 2010, Part 4. General Provisions, Section 4.2. Landscaping; and

WHEREAS, the Covington City Council deems these amendments appropriate to protect the health, safety and welfare of the citizens of Covington; and

WHEREAS, the City Council has held its public hearing in accordance with law.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Covington, at its regular session convened, that Appendix B Comprehensive Zoning Ordinance of 2010, Part 4. General Provisions, Section 4.2. Landscaping, shall be amended to read as follows:

Sec. 4.2. – Landscaping and Tree Preservation

4.201. Purpose and intent. The purpose of this section is to promote the health, safety and general welfare of the residents of the City of Covington and its environment by establishing minimum standards for the protection, maintenance, and enhancement of natural plant communities, natural features, and landscaped areas within the City of Covington for the following purposes:

3. Land values. To maintain ~~an~~ and increase the value of land and community assets by requiring a minimum amount of landscaping to be incorporated into development, thus itself becoming a valuable capital asset;

4.202. Applicability. The provisions of this section shall apply to all zoning districts with the exceptions of Sec. 4.208. Street planting requirements, Sec. 4.209. Interior landscaping and parking lot requirements and Sec. 4.210. Buffer planting areas, which shall apply only to non-residential and multi-family zoning districts. ~~other than RSL, RS-1, RS-2, RLL and RS-3 residential districts and the CO commercial district with the exception of the~~ The Live Oak protection requirements~~, which~~ apply to all zoning districts. Landscape regulations and tree planting requirements apply to all new building projects, public or private, in the City of

Covington, regardless of location unless otherwise noted in this ordinance. These requirements shall apply to existing properties where new construction or renovation ~~substantial enough to require a building permit and submission of plans to the State Fire Marshal. This includes new or renovated parking lots.~~
of commercial, industrial, multi-family, religious, educational, institutional, public and semi-public land uses:

1. Increases the footprint of building(s) on the premises on which the landscaping is situated.
2. There is a change of use that increases the parking requirements.
3. Where the renovation of a parking lot or vehicular use area creates five (5) or more parking spaces.

For tree removal permits relating to trees on private property with existing improvements, see Chapter 102 Vegetation, Article I. Trees on Private Property.

4.204. Standards. The following standards shall apply to the preparation, installation and maintenance of all landscaping, screening and barriers required by this section.

1. Landscape and tree preservation plan. In accordance with section 4.202 of this ordinance, a landscape and tree preservation plan ~~prepared in accordance with the provisions of this ordinance,~~ shall be submitted to the city building department/city planner before any clearing or construction takes place and before any building permit is issued. Such plan will become part of the building permit application file and will be considered part of the building and site approval permit. The landscape and tree preservation plan shall be drawn by a landscape contractor or landscape architect licensed in the State of Louisiana, shall contain the following basic information, and shall be subject to the following:

a. Interest and ownership. The name, address, phone number and signature of the property owner and proof of ownership.

b. Zoning classification. The present zoning classification of the property and all property within 500 feet.

c. Site features. The location, including all dimensions and distances drawn to scale, of all street and buffer planting areas; all existing and proposed parking spaces or other vehicle areas, accessways, and driveways; the location, size and description of all existing and proposed landscape materials, planting methods, fill and irrigation systems.

d. Utility rights-of-way. The location, including all dimensions and distances drawn to scale, of all utility rights-of-way.

e. Live oak trees. The location of all live oak trees that are ~~eight~~ six inches dbh whether located on the property or within the rights-of-way shall be clearly identified.

f. The location, number, and size of all existing trees six inches dbh or greater located in the required street planting area, required side or rear yard buffers and the street right-of-way shall be clearly identified on the plan. In addition the applicant shall clearly label the trees that he/she seeks permits to remove.

3. Maintenance.

a. The owner shall be responsible for the maintenance of required landscaping in good condition so as to present a healthy, neat and orderly appearance; and said landscaped areas shall be kept free from refuse and debris.

b. Required planting materials that die or become diseased ~~during or~~ during the 18 months following completion of construction, are to be replaced with the same type and size of plant material originally specified on the landscape plan within six months.

c. Plant materials shall be pruned as required to maintain good health and character. However, tree topping is not permitted.

d. Plant beds shall be mulched to prevent weed growth and maintain soil moisture.

e. In all zoning districts, a tree-cutting permit shall be required prior to the removal of any tree larger than six inches dbh. The permit application shall include a site plan indicating the required yard setback, street and buffer planting areas, and the location, species, and size of any trees over six inches dbh that exist within these areas. The permittee shall ~~removal~~ remove all debris related to the cutting.

5. Preservation of existing plant materials (Also refer to Sec. 4.206. Live oak protection requirements).

a. ~~The owner/developer shall try to preserve native trees and shrubs in the design and implementation of the landscape plan.~~ Tree preservation requirements in all residential zoning districts.

A minimum of 50 percent of all existing Class A trees located within the required setback area of the property that are six inches or more dbh shall be required to be preserved. Trees to be preserved shall be shown on the site plan, with location, species and size in caliper inches at dbh, submitted in conjunction with the building permit application.

Trees to be preserved shall be protected by a barrier fence of acceptable materials to be erected at the outside edge of the drip line. Information about acceptable materials is available from the building permits office. This fencing shall be maintained throughout the entire construction process.

Removal of more than 50 percent of the trees located within the required setback area of the property shall be mitigated onsite or in accordance with Section 4.207 of this ordinance and based on general recommendations submitted by the Covington Tree Board. Trees shall be a minimum of two inches (2") dbh and eight feet (8') height at time of planting.

The building official or code enforcement officer shall verify the preservation of all required trees or fulfillment of proper mitigation requirements prior to issuance of a certificate of occupancy.

Appeals concerning these requirements shall be heard by the Covington Board of Adjustment.

b. Tree preservation requirements in all zoning districts not covered in 4.204.5(a).
All healthy trees ~~greater than~~ six inches dbh or greater, located in the street planting area and in the side and rear buffer planting areas shall be preserved regardless of the number of said trees. In no case shall this requirement create a traffic hazard as per section 4.204.4 or obstruct vehicle access points. All trees required to be preserved by this ordinance shall be indicated on the approved landscape plan by location, variety and size in caliper inches measured at dbh.

c. The owner/developer shall attempt to utilize native trees and shrubs in the design and implementation of the landscape plan.

~~e.~~ d. Exchange rate. For each existing tree preserved, one tree shall be credited towards the satisfaction of the minimum planting requirements. These credits shall only be given if the trees preserved are located in or within 15 feet of the specific area (street/buffer planting areas and parking area). For example: The trees preserved in the street planting area shall be given credit for the street planting requirement only. Credit for trees preserved in the parking area shall apply only to the parking requirements, etc.

~~d.~~ e. It shall be the responsibility of the landowner to use reasonable care in maintaining preserved trees. If a preserved tree dies, during construction or during the 18 months following completion of construction, it is the responsibility of the owner to replace said tree with a tree of the appropriate size and species within six months. The owner or his agent shall be responsible for maintaining all plant materials required by this ordinance in good, living condition. For each tree to be credited, a planting area or open ground space of at least 25 square feet, with a minimum side dimension of five feet, shall be required for trees of up to four inches in diameter. For each additional two inches of tree diameter of the preserved tree, an additional 25 square feet of planting area or open ground space shall be required. For example:

~~e.~~ f. During construction, planting or open ground areas surrounding preserved trees shall be protected sufficiently to prevent earth compaction of the root zone. In addition:

i. No soil disturbance or compaction, stock piling of soil or other construction materials, vehicular traffic, or storage of heavy equipment are allowed in the tree and root protection area(s), or within the drip line of trees to be retained.

ii. No ropes, signs, wires, unprotected electrical installation or other device or material, shall be secured or fastened around or through a tree or shrub.

iii. Toxic chemicals, gas, smoke, salt brine, oil or other injurious substances shall not be stored or allowed to seep, drain or empty within the drip line of trees or shrubs in the tree and root protection area.

iv. Except for sidewalks and curb and gutter, no paving with concrete, asphalt or other impervious material within the drip line of trees to be retained shall be allowed.

v. Protective fencing shall remain in place throughout the entire construction process. Failure to maintain the protective fencing shall result in a stop work order.

~~f. All live oak trees eight inches dbh or greater shall be preserved, regardless of zoning district.~~

~~6. Violations.~~
~~a. Every tree cut, cleared, removed, caused to become diseased or die, or otherwise acted upon in violation of the provisions of this section, shall constitute a separate offense subject to the penalty provisions of section 4.204.8 of this ordinance. Each separate day upon which a violation occurs or continues shall be considered a separate violation of this section.~~
~~b. Should any tree be cut, cleared, removed, caused to become diseased or die, or otherwise acted upon in violation of the provisions of this Section, prior to the issuance of a permit, no such permit shall be issued until the appropriate replanting is completed and all fines resulting from the violation are paid.~~
~~c. Should a tree be cut, cleared, removed, caused to become diseased or die, or otherwise acted upon in violation of the provisions of this section, after the issuance of the permit, the permit shall automatically be suspended until the appropriate planting is completed and all fines resulting from the violation are paid.~~
~~d. Failure to maintain the required buffering protection shall constitute a violation and shall automatically suspend the permit issued and shall be subject to the penalties of section 4.204.8 of this ordinance.~~

~~7. *Exceptions.* Location and size of all required planting areas as well as the quantity of trees or plants may be adjusted by the building official, with agreement of the city planner, due to the presence of overhead or underground utilities, upon appeal in writing from the owner. This shall not apply to the replacement of cut, dead or diseased trees as outlined in section 4.204.6 of this ordinance.~~

~~8. Enforcement. Failure to comply with any of the provisions of this chapter shall result in a citation, or one of the following actions:~~
~~a. Stop work order. Upon notice from issuing authority or its duly authorized representative, work on any project that is being done contrary to the provisions of this chapter shall be immediately stopped. Such notice shall be in writing and shall be given to the owner of the property, his authorized agent or the person or persons in charge of the activity on the property and shall state the conditions under which work may resume. Where emergency exists neither a written notice to comply nor a written notice to stop work is required.~~
~~b. Withholding of certificate of occupancy. If the person engaged in development activity fails to comply with a written notice to comply within the time specified, he shall be deemed in violation of this chapter and, in addition to other penalties, the administrator may request that the City of Covington Building Official refuse to issue a certificate of occupancy for the building or other improvements constructed or being constructed on the site until the measures necessary to achieve compliance with this chapter have been completed and all violations of this chapter have been brought into compliance.~~
~~c. Reference section 4.207.3 of this ordinance.~~

~~9~~ 6. Building occupancy. Plantings required by this ordinance shall be in place at the time the building is to be occupied. If landscaping cannot be accomplished before the project is occupied, a letter of credit or cash bond must be posted for a period of six months to insure that the landscaping requirements are fulfilled. The amount of the letter of credit or cash bond shall be based upon current estimated costs of Class A and Class B trees.

~~10~~7. Minimum requirements. These are minimum requirements for planting. However, a property owner or developer may provide additional landscaping as per their needs or in relation to other city requirements.

4.205. Utility standards for tree preservation.
2. Required utility annual vegetation management schedule. All utility companies having wires, cable lines, pipe or other facilities within the city rights-of-way shall submit an annual

vegetation management schedule by January 1 of each year to perform any vegetative maintenance activities on any public trees or rights-of-way. In the case of ~~a~~ any modifications to the annual vegetation management plan, the utility will give 30 days' prior notice to the building official before performing work.

4.206. Live oak protection requirements. ~~All live oaks measuring eight inches in dbh or more within the City of Covington shall be protected as follows:~~

~~1. Tree removal. A clearing permit shall first be obtained from the building official's office prior to cutting, clearing, or removing live oak trees.~~

~~2. City review. The applicant for the permit 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 city building department, in concurrence with an urban forester, licensed arborist or the city's duly authorized representative, is empowered to issue or deny the permit, within 30 days of the date of the application, based on upon review of the site and material submitted. The building official, in concurrence with the city planner may adjust setbacks and parking requirements to facilitate the preservation of a live oak regulated by this section. The live oak tree will only be removed as a last resort when all other efforts to save the tree(s) by re-design of the building placement and site plan have failed.~~

~~3. Cause harm. It shall be unlawful for a person to intentionally cause permanent harm to a live oak tree covered by this provision.~~

~~4. Utility work. Utility works shall be performed in accordance with this section and section 4.205.~~

~~5. Live oak protection. During construction and clearing operations in connection with a building permit, all live oak trees scheduled for protection by this ordinance shall be protected with a barrier fence extending to the outside edge of the tree drip line to protect the tree roots during construction. This barrier fence shall be maintained during construction.~~

~~6. Tree mitigation requirements. Live oak trees eight inches in diameter or greater dbh removed for any reason shall be mitigated according to section 4.207, tree mitigation requirements, except trees that the city requires to be cut pursuant to [sub]section 4.205.4.i of this Code.~~

It shall be unlawful for a person to intentionally cause permanent harm to a protected live oak tree as follows:

1. Live oak trees to be preserved. All live oak trees in excess of 60 inches dbh shall be preserved. Appeals will be considered by the Covington Board of Adjustment.

2. All live oak trees measuring six inches dbh or greater within the City of Covington shall be protected during clearing and construction as follows: A barrier fence of acceptable materials shall be erected at the outside edge of the drip line. Information about acceptable materials is available from the building permits office. This fencing shall be maintained throughout the entire construction process.

3. Live oak tree removal.

a. A permit shall first be obtained from the designated city official prior to removing live oak trees between six inches dbh and 60 inches dbh.

b. The applicant for the permit 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.

c. The city building department, in concurrence with an urban forester, licensed arborist or the city's duly authorized representative, is empowered to issue or deny the permit, within 30 days of the date of the application, based upon review of the condition of the tree, location, site conditions and any additional supportive material required to be submitted as part of the application.

d. The building official, in concurrence with the city planner, may adjust setbacks and parking requirements to facilitate the preservation of a live oak regulated by this section. The live oak tree will only be removed as a last resort when all other efforts to save the tree(s) by re-design of the building placement and site plan have failed.

4. Live oak tree mitigation requirements.

a. Live oak trees six inches dbh or greater that have been removed in violation of the provisions of Section 4.206 shall be mitigated according to Section 4.207. Tree mitigation, enforcement and violations.

b. Live oak trees six inches dbh or greater that the city requires to be removed pursuant to subsection 4.205.3(i) of this Code or trees that have been declared dead, diseased, infested, fatally

declining or hazardous, through no fault of the property owner, by a city-appointed licensed arborist, shall not require any mitigation.

5. Utility work. Utility work shall be performed in accordance with this section and section 4.205.

4.207. ~~Tree mitigation requirements~~ Tree mitigation, enforcement and violations.

1. Tree mitigation requirements. Tree mitigation requirements shall apply to all land within the corporate limits of the City of Covington. Tree mitigation is required for a violation of sections 4.206, 4.208.5 and 4.210.8 of this ordinance.

~~2. Stop work order. If anyone is found to be in violation of section 4.2 of this ordinance, the Covington Building Official shall issue a stop work order for all work deemed to be in violation.~~

~~3. Permit fine. Failure to submit and receive city approval for a land-clearing permit before any clearing takes place may result in a ticket and fine, payable in Covington Mayor's Court. Each separate day upon which the violation occurs or continues shall be considered a separate violation of this article. In addition, the city will withhold any the building permit and water tap for the site in violation until a mitigation plan is submitted and approved.~~

~~4.~~2. Mitigation plan requirements.

a. Existing conditions plan. A detailed plan indicating the location, species and size of the trees required to be preserved by this ordinance that were on the site prior to clearing;

b. ~~Detailed tree~~ Tree re-planting plan for on-site mitigation. ~~Submittal of a~~ A detailed tree re-planting mitigation plan showing locations and species of trees to be planted shall be submitted to the building department. ~~to include the following:~~

~~i. For each caliper inch of tree cut in violation of this ordinance or that dies as a result of improper construction techniques there shall be replaced an equal number of caliper inches of trees of the same species;~~

~~ii.~~ Trees shall be planted in the area of the violation and shall be a minimum of two inches caliper dbh and ~~12~~ 8 feet tall at the time of planting;

~~5.~~ 3. Off-site mitigation. If the opinion of the Covington Tree Board or Building Official is that the city would be better served by planting a portion of the required mitigation trees off-site, tree replacements may be planted by the permittee on other approved sites in the City of Covington. At a minimum, on-site plantings shall be equal to the minimum number required by section 4.208 of this ordinance. Any decision made by the Building Official may be appealed to the Covington Board of Adjustment.

~~6.~~ 4. Payment in lieu of planting.

a. If in the opinion of the city's building official or the tree board the city would be better served, the permittee may place a mitigation payment in an amount equal to the replacement cost of the trees required to remedy this violation.

b. Payments will be made to a mitigation fund to be used for approved tree planting and landscaping improvements along public streets, in public parks and public spaces within the city.

c. The amount of the payment will be determined by the cost to replace the total number of caliper inches of trees that were required to be preserved but were cleared from the site. The cost will pay for the purchase of mitigation trees, and transportation and installation costs. Cost estimates must be submitted from three licensed wholesale nurseries and approved by the building official.

d. At a minimum, on-site plantings shall equal the minimum number of trees required by section 4.208 of this ordinance.

~~7.~~5. Tree mitigation re-planting must be completed in accordance with the approved mitigation plan prior to the issuance of an occupancy permit.

6. Violations.

a. Every caliper inch of tree cut, cleared, removed, caused to become diseased or die, or otherwise acted upon in violation of the provisions of this section, shall constitute a separate offense subject to the penalty provisions of section 4.207.8 of this ordinance and may result in a ticket and/or fine, payable in Covington Mayor's Court in accordance with Section 1-8 of this Code. Each separate day upon which a violation occurs or continues shall be considered a separate violation of this section.

b. Should any tree be cut, cleared, removed, caused to become diseased or die, or otherwise acted upon in violation of the provisions of this section, prior to the issuance of a permit, no such permit shall be issued until the appropriate replanting is completed and all fines resulting from the violation are paid.

c. Should a tree be cut, cleared, removed, caused to become diseased or die, or otherwise acted upon in violation of the provisions of this section, after the issuance of the permit, the permit shall automatically be suspended until the appropriate planting is completed and all fines resulting from the violation are paid.

d. Failure to maintain the required buffering protection shall constitute a violation and shall automatically suspend the permit issued and shall be subject to the penalties of section 4.207.8 of this ordinance.

7. *Exceptions.* Location and size of all required planting areas as well as the quantity of trees or plants may be adjusted by the building official, with agreement of the city planner, due to the presence of overhead or underground utilities, upon appeal in writing from the owner. This shall not apply to the replacement of cut, dead or diseased trees as outlined in section 4.207.6 of this ordinance.

8. Enforcement. Failure to comply with any of the provisions of this chapter shall result in a citation in accordance with Section 1-8 of this Code, or one of the following actions:

a. Stop work order. Upon notice from issuing authority or its duly authorized representative, work on any project that is being done contrary to the provisions of this chapter shall be immediately stopped. Such notice shall be in writing and shall be given to the owner of the property, his authorized agent or the person or persons in charge of the activity on the property and shall state the conditions under which work may resume. Where emergency exists neither a written notice to comply nor a written notice to stop work is required.

b. Withholding of certificate of occupancy. If the person engaged in development activity fails to comply with a written notice to comply within the time specified, he shall be deemed in violation of this chapter and, in addition to other penalties, the administrator may request that the City of Covington Building Official refuse to issue a certificate of occupancy for the building or other improvements constructed or being constructed on the site until the measures necessary to achieve compliance with this chapter have been completed and all violations of this chapter have been brought into compliance.

c. Permit fine. Failure to submit and receive city approval for a land-clearing permit before any clearing takes place may result in a ticket and fine, payable in Covington Mayor's Court. Each separate day upon which the violation occurs or continues shall be considered a separate violation of this section. In addition, the city will withhold any the building permit and water tap for the site in violation until a mitigation plan is submitted and approved.

4.208. Street planting requirements.

1. Required street planting area.

a. In all zoning districts other than RSL, RS-1, RS-2, RLL and RS-3 residential districts, ~~and the CO commercial district~~ a periphery landscape area, also known as a street planting area, shall be required adjacent to the right-of-way of any public street, road, lane, or other public accessway (excluding any alley) upon which the site fronts. In calculating the required street planting area, the area of any utility servitude, either existing or proposed as part of the development permit, shall not be included as a part of the street planting area.

4. Access through street planting area. For street frontage up to 100 linear feet, no more than two, one-way accessways a minimum of 12 feet to a maximum of 15 feet in width or one, two-way accessway a minimum of 24 feet to a maximum of 35 feet in width shall be permitted through the street planting area. For more than 100 linear feet of street frontage, one additional two-way accessway of the maximum width specified may be permitted for each additional 100 linear feet of frontage or major fraction (51 feet or greater) thereof.

7. Sidewalks. Except where sidewalks have been, or are planned to be constructed in the street right-of-way near to, or adjacent to, the street planting area, a sidewalk shall be constructed within the ~~street planting area(s)~~ adjacent city right-of-way for all designated zoning districts at the discretion of the city engineer or his designee.

4.209. Interior landscaping and parking lot requirements.

2. Specific interior parking landscape requirements.

a. Landscaping within rows. Landscaping within rows shall be located evenly between every ten to ~~15~~ 12 parking spaces. No more than ~~15~~ 12 contiguous parking spaces shall be allowed without a minimum of one landscaped island or peninsula containing trees.

TABLE 42.3

Buffer Zone Planting Requirements for Rear Lot Buffer Areas.

ABUTTING OR ADJACENT LAND USE OR ZONING	PROPOSED DEVELOPMENT								
	RSL	RS-1 RS-2 RLL	RS-3 RM-1 RM-2	ID	IH	CO	CN CBD	CR	ML
RSL	NR*	NR*	NR*	10 ft.*	10 ft.*	~~NR*~~ 5 ft.*	5 ft.*	10 ft.*	25 ft.*
RS-1 RS-2 RLL	NR*	NR	NR*	10 ft.	10 ft.	~~NR~~ 5 ft.	5 ft.	10 ft.*	25 ft.
RS-3* RM-1* RM-2*	NR*	NR*	NR*	10 ft.*	10 ft.*	~~NR*~~ 5 ft.*	5 ft.*	10 ft.*	25 ft.*
ID	18 ft.*	25 ft.	25 ft.*	NR	NR	5 ft.	NR	NR	25 ft.
IH	18 ft.*	25 ft.	25 ft.*	10 ft.	NR	5 ft.	NR	NR	25 ft.
CO	18 ft.*	25 ft.	25 ft.*	10 ft.	NR	NR	NR	NR	25 ft.
CN CBD	18 ft.*	25 ft.	25 ft.*	10 ft.	NR	5 ft.	NR	NR	25 ft.
CR	18 ft.*	25 ft.	25 ft.*	10 ft.	NR	5 ft.	NR	NR	25 ft.
ML	18 ft.*	25 ft.	25 ft.*	10 ft.	NR	5 ft.	NR	NR	NR
ARTERIAL STREETS	18 ft.*	25 ft.	25 ft.*	NR	NR	NR	NR	NR	NR

*For lots that contain townhouses, there shall be a 15 ft. buffer between townhouse lot and any adjoining lot.

4.211. Development clearing permit required for all zoning districts.

1. General. A development clearing permit shall be required for all parcels where land is to be cleared of trees for a residential subdivision, residence, commercial, multifamily, industrial or institutional use. Unless otherwise provided in this section, no person, corporation, association, ~~pubic~~ public agency, or agent or employee thereof, shall effectively destroy or move vegetation from any property within the City of Covington without first obtaining said permit from the building department.

5. Requirement of issuance of development clearing permit. Prior to the cutting, clearing or removal of any tree greater than two inches dbh on any lot(s) or parcel(s) of land on which there are no existing buildings, or which has an existing building and additional undeveloped portions of the lot not required to be preserved as landscape area, a development clearing permit for such activity shall be obtained from the building official. No development clearing permit shall be issued except in conjunction with a duly approved development plan for the site proposed for clearing and the issuance of an authorization to proceed with the construction of public improvements in conjunction with the development of a subdivision. Prior to the issuance of development clearing permit the barriers for the protection of vegetation required to be preserved shall be erected and the building official shall inspect the site to determine compliance with the provisions of this article and [sub]section ~~4.204.5.e~~ 4.204.5.f of this ordinance. The submittal requirements are:

a. An application for development clearing permit must be submitted and approved.

b. Required documents: all documents as required in the permit application (see chapter 18 section 18-123 of the Covington City Code).

4.212. Tree removal permit.

A tree removal permit shall be required prior to the removal of any tree larger than six (6) inches dbh. The permit shall be issued by the building permit department and said permit shall be issued pursuant to application being made by the owner or owner's agent on such form as specified by the City of Covington. The fee for a tree removal permit shall be due at the time of issuance of the permit. See Chapter 83 Fees.

~~*Permit expiration.*~~ Permits for a tree removal issued in connection with a building permit or site plan shall be valid for the period of the building ~~permit's~~ permit or site plan's validity. Permits for tree removal not issued in connection with a building permit or site plan shall become void 180 days after the issue date on the permit.

BE IT FURTHER ORDAINED that all other sections of Appendix B Comprehensive Zoning Ordinance of 2010, Part 4. General Provisions, Section 4.2. Landscaping, shall remain the same and in full force.

BE IT FURTHER ORDAINED that if any provision of this ordinance shall be held to be invalid, such invalidity shall not affect other provisions herein which can be given effect without the invalid provision and to this end the provisions of this ordinance are hereby declared to be severable.

WHEREUPON, this ordinance having been submitted in writing, having been read by title and adopted at a public meeting of the City Council of the City of Covington, State of Louisiana, was then submitted to an official vote as a whole, the vote thereon being as follows:

MOVED FOR ADOPTION by Wright, seconded by Rolling.

YEAS: 6 **ABSENT:** 0

NAYS: 0 **ABSTAIN:** 1 (CONER)

PASSED AND ADOPTED this 6th day of June, 2017.

R. S. Sam O'Keefe

R.S. "SAM" O'KEEFE
COUNCIL PRESIDENT

Bonnie D. Champagne

BONNIE D. CHAMPAGNE
COUNCIL CLERK

Presented to the Mayor on this 7th day of June, 2017, at 9:00 o'clock A.M.

Bonnie D. Champagne
BONNIE D. CHAMPAGNE
COUNCIL CLERK

Approved ✓ or Vetoed ___ by the Mayor on this 7th day of June, 2017.

MICHAEL B. COOPER
MAYOR

Received from the Mayor on this 7th day of June, 2017, at 9:20 o'clock A.M.

Bonnie D. Champagne
BONNIE D. CHAMPAGNE
COUNCIL CLERK