



St. Bernard Parish Council

8201 West Judge Perez Drive Chalmette, Louisiana, 70043
(504) 278-4228 Fax (504) 278-4209
www.sbpq.net

#17

Kerri Callais
*Councilmember
at Large*

Richard "Richie" Lewis
*Councilmember
at Large*

Gillis McCloskey
*Councilmember
District A*

Nathan Gorbaty
*Councilmember
District B*

Howard Luna
*Councilmember
District C*

Wanda Alcon
*Councilmember
District D*

**Manuel "Monty"
Montelongo III**
*Councilmember
District E*

Roxanne Adams
Clerk of Council

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING HELD IN THE COUNCIL CHAMBERS OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA ON TUESDAY, NOVEMBER 5, 2019 AT SEVEN O'CLOCK P.M.

On motion of Mr. McCloskey, seconded by Mr. Gorbaty, it was moved to **adopt** the following ordinance:

ORDINANCE SBPC #2210-11-19

Summary No. 3746

Introduced by: Administration on 8/20/19

Planning Commission **TABLED** on 9/24/19

Public Hearing held on 10/1/19

Planning Commission recommended **APPROVAL** on 10/22/19

AN ORDINANCE TO **AMEND** CHAPTER 22, ZONING; SECTION 22-7, SITE DEVELOPMENT STANDARDS; SUBSECTION 22-7-2, PLANTING, MAINTENANCE, AND REMOVAL OF TREES ON PUBLIC LAND; SUB-SUBSECTION 22-7-2.6, TREE PERMIT REQUIREMENTS; SUB-SUBSECTION 22-7-2.7, HISTORIC TREES AND PRESERVATION; AND SUB-SUBSECTION 22-7-2.11, ADMINISTRATION GUIDELINES OF THE ST. BERNARD PARISH CODE OF ORDINANCES.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

SECTION 1. The Parish Council hereby amends Chapter 22, Zoning; Section 22-7, Site Development Standards; Subsection 22-7-2, Planting, maintenance, and removal of trees on public land; Sub-Subsection 22-7-2.6, Tree permit requirements; Sub-Subsection 22-7-2.7, Historic trees and preservation; and Sub-Subsection 22-7-2.11, Administration Guidelines as attached in Exhibit "A".

SECTION 2. Effective Date. This Ordinance shall become effective immediately upon authorizing signature by the Parish President. In the event of a presidential veto, this Ordinance shall become effective upon a two-thirds favorable vote of the total membership of the Council pursuant to Sections 2-11 and 2-13 of the St. Bernard Parish Home Rule Charter.

SECTION 3. Severability. If any section, clause, paragraph, provision or portion of this ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, paragraph, provision or portion of this Ordinance, the St. Bernard Parish Council hereby expresses and declares that it would have adopted the remaining portion this Ordinance with the invalid portions omitted.



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Extract #17 continued
November 5, 2019

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The above and foregoing having been submitted to a vote, the vote thereupon resulted as follows:


YEAS: McCloskey, Gorbaty, Luna, Alcon, Montelongo, Callais

NAYS: None

ABSENT: None

The Council Chair, Mr. Lewis, cast his vote as **YEA**.

And the motion was declared **adopted** on the 5th day of November, 2019.


ROXANNE ADAMS
CLERK OF COUNCIL


RICHARD "RICHIE" LEWIS
COUNCIL CHAIR

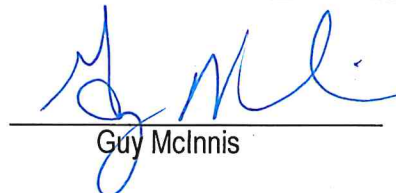
Delivered to the Parish President 11/8/19 10:55am
Date and Time

Received by Margen C. Kelley

Approved 

Vetoed _____

Parish President


Guy McInnis

Returned to Clerk of the Council

11/13/19 8:45am
Date and Time

Received by

Elphumelo

Exhibit "A"
Summary No. 3746
ORDINANCE SBPC #2210-11-19

Chapter 22 - Zoning

Section 22-7 – Site development standards

Subsection 22-7-2 – Planting, maintenance, and removal of trees on public land

22-7-2.6 Tree permit requirements. The following tree preservation requirements shall be followed if a preliminary plat is approved by the department of community development for a proposed commercial, office, industrial, institutional or residential development.

Following the issuance of a building permit, trees not designated for tree preservation on an approved landscape plan may be removed. This requirement is not applicable to street right-of-way, public/private servitude of access, utilities, drainage and sewerage areas necessary for the approved construction or site plans.

(a) *Tree removal permit.* The tree removal process has been established to allow for a review of site development alternatives that would encourage the preservation of existing significant native trees.

(1) Tree removal permit is required when one (1) of the following conditions is present.

- a. Tree clearing proposed for commercial, office, industrial, or institutional development(s).
- b. Tree clearing proposed for residential development(s) is greater than one (1) acre.

(2) Tree removal permit is not required when any parcel of land or site is present with the following conditions:

- a. The land is zoned or proposed to be zoned for commercial, office, industrial, institutional development(s) and contains no native trees.
- b. Tree clearing is for residential development(s) less than one (1) acre.
- c. A landscape plan, tree preservation plan and/or tree replacement plan has been prepared, by a professional licensed by the state of Louisiana to do such work which has been reviewed and approved by the department of community development.
- d. The project must be reviewed and approved by the department of community development.

(b) *Permit required to remove, cut, plant trees and other vegetation on public property.*

(1) No person, including public utilities, shall remove any tree or shrub growing within a dedicated street area of public right-of-way or other public property without a permit from the department of community development.

Exhibit "A"
Summary No. 3746
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- (2) No person shall plant, spray, fertilize, prune, or remove any tree on any public property without first procuring a permit from the department of community development. The permit will cost twenty-five dollars (\$25.00). A permit to remove (demolish) a historic tree shall cost one hundred dollars (\$100.00).
- (3) Utility companies and the department of public works shall be exempt from permitting requirements during major storms or situations which cause interruptions of service or immediate threat to public safety or where immediate action is required in accordance with parish safety policies and procedures.

22-7-2.7. Historic trees and preservation – Public or Private

(a) Preservation of historic trees.

- (1) Before any trees that are historic trees may be altered or demolished, in whole or in part, the owner, the parish (department of public works), or the utility company shall apply to the department of community development for a permit therefor and provide said application describing said tree(s); their locations, type of work to be performed and approximate date on which work will begin. Said application shall be published in the parish's official journal for two (2) publications, and such application shall be enacted upon only after a delay of ten (10) days after the first publication of such application. A public hearing shall be held and the applicant shall receive a resolution granting approval from the Planning Commission to remove (demolish) a historic tree. The requirement to publish in the Parish's official journal for two (2) publications, along with the required waiting period, shall not apply to an application to trim (alter) a historic tree. When altering or demolishing a historic tree, a licensed tree professional shall perform the work. A permit to trim (alter) a historic tree will cost twenty-five dollars (\$25.00). A permit to remove (demolish) a historic tree will cost one hundred dollars (\$100.00).
- (2) This section shall provide that any trimming of trees designated as historic trees, shall be done in accordance with Dr. Alex L. Shigo's guidelines for pruning trees near electric lines or under the supervision of a tree professional or licensed arborist.
- (3) Utility companies or the department of public works shall be exempt from subsections (1) and (2) during major storms or situations which cause interruptions of service or immediate threat to public safety.

- (b) *Historic trees connected to historic events.* Any tree that is inseparably connected with exceptionally important historic events in this parish or state are deemed historic trees.
- (c) *Same—Other trees constituting historic trees.* The oak trees located on Jackson Boulevard, Packenham Drive, De La Ronde Oaks, along Paris Road and in Docville and any tree species as listed in this section with a trunk diameter of twenty-four (24) inches or more at a standard height of four and one-half (4½) feet from the base of the tree shall be deemed historic trees. Historic tree species shall be limited to Live Oak, Red Oak, Bald Cypress, Sycamore, Southern Magnolia, and American Elm trees.

Exhibit "A"
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22-7-2.11 *Administration guidelines.* Permits may be applied for as set forth below

- (a) Applications for permits must be made to the department of community development not less than forty-eight (48) hours in advance of the time the work is to be done, so the department of public works can issue the right-of-entry order.
- (b) Standards of issuance. The department of community development shall issue the permit provided for herein if, in their judgment, the proposed work is desirable and the proposed method and workmanship thereof are of a satisfactory nature. Any permit shall be void if its terms are violated.
- (c) Notice of completion shall be given within five (5) days to the department of community development for their inspection
- (d) When a tree is reported as causing immediate threat to public safety or where immediate action is required, the department of community development will send the request to the road department. If the tree is determined to cause an immediate threat to public safety, the tree may be altered or demolished without being published in the Parish's official journal or approved by the Planning Commission.