



A Guide To The City-Parish Landscape Regulations

Hundreds of communities across the country have adopted landscape ordinances, or “green laws,” which enhance the environment and improve the quality of life. East Baton Rouge Parish joined these progressive ranks in 1994 with adoption of landscape regulations and minimum landscape requirements.

The regulations, included in the Unified Development Code (UDC), are consistent with objectives stated in the Horizon Plan -- the comprehensive land use and development plan approved by the citizens of the Parish as the guide to the future. The Horizon Plan calls for the adoption of a green law “to preserve both natural and planted vegetation, to enhance the natural and man-made landscape character.” Besides the obvious aesthetic benefits, landscape regulations help maintain air and water quality, control erosion and drainage, and preserve sensitive environmental areas.

Economic advantages also come with green laws. Landscape regulations help to produce clean and attractive communities that are desirable to business and industry. Good design and the use of trees and vegetation in urban areas reduce energy costs by shading and providing “wind breaks.” The inclusion of the design, landscape and nursery trades in the process gives a boost to the local economy.

Ordinance 12692, known as the “Landscape Ordinance,” was adopted by the Metropolitan Council on July 16, 2003. The ordinance has been incorporated into the UDC as Chapter 18, “Landscape, Clearing and Trees.”

Landscape Regulations

The landscape provisions apply to all new commercial, industrial, multi-family, religious, public/semi-public, educational and institutional land uses, or any of these land uses that require a building permit because of an addition that amounts to more than 50 percent of the existing street facade, issuance of an occupancy permit for uses that change from residential to commercial and development of vehicular use areas (parking lots) or vehicular use area additions of 5 spaces or more. Facilities existing prior to the ordinance are not required to comply.

The major elements of the ordinance include tree planting requirements based on the size of the site, parking area plantings, and street frontage tree regulations. Other areas addressed in the Landscape Ordinance are sight triangles at street intersections, buffer planting areas along side and rear property lines, and trash storage areas (located less than 100 feet from a public street). Generally, the ordinance requires two

large trees (growing to at least 50 feet in height), or four small trees (growing to at least 25 feet in height), for each 5,000 square feet of developed site area. On sites with buildings exceeding 50,000 square feet, 50 percent of required trees must be large trees.

At planting, trees must have a trunk diameter (caliper) of at least two inches (or one inch for multi-trunk trees). A minimum of 100 square feet of non-paved area is required for each large tree, or 50 square feet of non-paved area for each required small tree.

A “street yard planting area” is the unpaved area of land located between the property line and any building designated for the preservation and placement of plant materials along all property lines that border a public street. These areas shall contain a minimum of one class “A” tree or two class “B” trees for every 600 square feet of street yard, or fraction thereof. The street yard planting area must be minimum of ten feet in width.

The landscape regulations also include provisions for “bufferyards,” which are landscaped, fenced or walled areas required between different types of land uses to eliminate or minimize conflicts. Bufferyards are explained in Information Bulletin 14.

Parking areas are referred to in the ordinance as “vehicular use areas.” Eight percent of a vehicular use area must be landscaped in the following manner:

For vehicular use areas of one to 25 parking spaces, one large or two small trees are required for every 15 parking spaces.

For vehicular use areas of 25 to 100 parking spaces, one large or two small trees are required for every 12 parking spaces.

For vehicular use areas of more than 100 parking spaces, one large or two small trees are required for every 10 parking spaces.

Within the Central Business District of Baton Rouge (the C-5 Zoning District), new parking areas must have one large or two small trees for every 12 parking spaces. Because of some space limitations in the downtown area, the required trees may be planted within the vehicular use area, or along its perimeter. If the required number of trees cannot be planted on a site, some or all of the trees may be planted within the public right-of-way “in accordance with the Downtown Development District Street Tree Plan as reviewed by the Downtown Development District Commission.” The ordinance encourages the preservation of existing trees and vegetation with “tree credit” provisions. Trees preserved and left intact on sites may be used for credits toward any

tree planting requirements. The ordinance includes a chart that outlines the tree credit standards. Some short-lived, brittle, or invasive species trees, such as black willow, cottonwood and Chinese tallow, do not count for tree credit.

“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,” the Unified Development Code states. “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.”

In order to obtain tree credits, a tree preservation plan must be included as a part of the landscape plan, and it must be approved by the Urban Forestry and Landscape Manager. The regulations contain the detailed requirements for preservation plans.

The owner is responsible for the maintenance, repair and replacement of landscape materials. Planted areas should be tended and maintained in a healthy growing condition and kept free of trash and debris.

Landscape Plans

A landscape plan must be included with the building permit for all developments falling under the landscape regulations of the UDC. Also, building permit applications on commercial, multi-family, institutional and industrial lots of more than 15,000 square feet shall have a landscape plan prepared by a LA Licensed Landscape Architect. The plan must be drawn in accordance with Louisiana horticulture law and should include all pertinent information for review by the Urban Forestry and Landscape Manager.

Alternative Compliance

Landscape standards are intended to encourage economically viable and environmentally sensitive development. Occasionally, such standards are impossible or impractical to meet, or they can inhibit creative landscape design. Landscape regulations provide for “alternative compliance” in those situations where normal compliance is not feasible. Examples include circumstances where improved environmental quality would result from alternative methods, or where spatial limitations and unusually shaped lots limit normal compliance.

A request for alternative compliance must be submitted to the Urban Forestry and Landscape Manager at the same time as the landscape plan. The request should include a written explanation and landscape plan drawings suitable for evaluation.

Administration

The Urban Forestry and Landscape Manager -- a state registered landscape architect -- will review and evaluate landscape plans. The landscape plans must be approved prior to the issuance of a building permit. If landscaping violates provisions set forth by this ordinance, the Urban Forestry and Landscape Manager may find the owner or developer in default, which can include a \$150 per day fine for each day that the required landscaping is in violation. A \$50 per day fine also

may be assessed for each day that plant materials and planting areas are not properly maintained, which may be determined through periodic inspections by the Manager or his designee.

Any applicant whose landscape plan is rejected may appeal the decision to the Tree and Landscape Commission (within 30 days of rejection). The ordinance states, “The appeal must be in writing and fully state the reason or reasons for the appeal. A copy of the Landscape Plan submitted to the Building Official must also accompany the appeal.” The Tree and Landscape Commission is made up of nine voting members appointed by the Mayor-President. The Commission includes one professional forester; one utility representative; one landscape architect; three members who are landscape architects, arborists, architects, landscape contractors or related professionals; and three at-large members from the Parish. The Commission also includes non-voting ex-officio members from the following agencies: Department of Public Works, Baton Rouge Recreation and Park Commission, City-Parish Planning Commission, and the Office of Landscape and Forestry.

The Tree and Landscape Commission will conduct a hearing on the appeal at its next scheduled meeting (provided that notification has occurred at least 15 days prior to any scheduled meeting). A decision to modify or reverse a decision of the Director of Landscape and Forestry will be in writing and specify conditions for any modifications that may be made. A decision from the Tree and Landscape Commission can be appealed to the Planning Commission and, finally, the Metropolitan Council.

A landscape application fee of \$50, to cover processing costs, will be assessed as a part of the total building permit fees at the Inspection Division of the Department of Public Works, 300 N. 10th St., Baton Rouge, LA (225) 389-3105.

Obtaining the Landscape Ordinance

This Information Bulletin is general in nature. Specific and additional regulations are included in Chapter 18, Landscape, Clearing and Trees, of the Unified Development Code. The UDC may be obtained at the Planning Commission. Questions about landscape regulations may be directed to the Urban Forestry and Landscape Manager, telephone (225) 389-8835.

For more information contact:

City-Parish Planning Commission
1755 Florida Street, Third Floor
P.O. Box 1471
Baton Rouge, LA 70821
Telephone: (225) 389-3144 Fax: (225) 389-5342
Office Hours: 8 a.m.—5 p.m. M-F
Email: planning@brgov.com
Web page: <http://www.brgov.com/dept/planning>