

Introduced by Hindman

First Reading 07/06/04  
07/19/04

Second Reading

Ordinance No. 018164  
215-04

Council Bill No. B

### AN ORDINANCE

amending Chapter 12A of the City Code as it relates to tree preservation and land disturbance permits; and fixing the time when this ordinance shall become effective.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBIA, MISSOURI, AS FOLLOWS:

SECTION 1. Chapter 12A of the Code of Ordinances of the City of Columbia, Missouri, is hereby amended as follows:

Material to be deleted in ~~strikeout~~; material to be added underlined.

#### Sec. 12A-5. Definitions.

For the purposes of this chapter, the following words and phrases shall have the meaning given herein.

*Agricultural activity.* Normal farming operations including improvements conducted under the auspices of the ~~Soil Conservation Service~~ Natural Resource Conservation Service.

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*Clear cutting.* The practice of removing over half of the standing ~~trees~~ climax forest area on a site.

...

*Dwelling unit.* A building or portion thereof, designed to house a family.

*Forest land.* Forested land area with the aerial canopy dominated by trees greater than four (4) inches in diameter, measured four and one-half (4 1/2) feet above the ground.

...

*Land disturbance permit.* A permit issued by the City of Columbia that authorizes the commencement of land disturbance activities or logging.

*Logging.* The removal of more than three (3) existing trees for commercial purposes on any tract of land larger than one (1) acre.

...

*Tree, existing.* A tree which meets or exceeds the following size standards: Deciduous shade trees shall have a four (4) inch ~~caliper diameter~~, measured four and one-half (4 1/2) feet above the ground and ornamental and evergreen species shall be a minimum of six (6) feet in height.

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#### **Sec. 12A-11. Penalties.**

(a) Violations of this chapter shall be punishable in the same manner as Class A misdemeanors under chapter 16 of this Code.

(b) Every day any violation of this chapter shall continue shall constitute a separate offense.

(c) Every ~~tree~~ one thousand (1,000) square feet of climax forest removed, destroyed or damaged in violation of this chapter shall constitute a separate offense.

#### **Sec. 12A-33. Site development plan.**

(a) Applications for land disturbance permits for any area greater than one (1) acre shall be accompanied by a detailed site development plan which shall include, a tree preservation plan, a landscaping plan, a soil erosion control plan, and a storm water management plan conforming to the provisions of this chapter. Where practical, drawings may be combined to contain all of the required plans.

(b) No final plat or final plan in a planned district other than R-1 PUD or R-2 PUD shall be approved prior to approval of a site development plan encompassing the entire area being platted or planned.

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#### **Sec. 12A-35. Exemptions.**

(a) A land disturbance permit shall not be required for sites one (1) acre or less or for individual lots in R-1 and R-2 zoned development except that erosion control provisions, grading limits, low floor elevation, and storm drainage work, including piping, swaling, and ditching, shall be shown on the plot plan and approved prior to issuance of a building permit. All land

disturbance activity on such property shall conform to the provisions of the approved plot plan.

(b) Agricultural activities are exempted from the provisions of this chapter except that a land disturbance permit is required for the mechanized clearing ~~and or~~ removal of trees on sites in excess of one (1) acre.

...

#### **Sec. 12A-49. Clearing of trees; permit required.**

(a) The mechanized clearing of trees, logging of trees or clear-cutting of trees by any means on tracts of land over one (1) acre shall be unlawful unless done in compliance with a land disturbance permit.

(b) A minimum of twenty-five (25) percent of any climax forest area on any tract of land subject to land preservation requirements shall be maintained. ~~Climax forest areas shall be identified by the city arborist through use of aerial photographs and field inspections and a map identifying all known climax forest areas shall be maintained in the department of public works.~~ Trees thus retained will count toward landscaping requirements contained in the zoning ordinance.

(c) When logging is to occur prior to approval of a tree preservation plan or on property not otherwise subject to land disturbance requirements, a logging plan demonstrating compliance with tree preservation requirements must be submitted to the director. This logging plan will include the area in square feet of forest land, the area in square feet of climax forest, and demonstrate that twenty-five (25) percent of the area of climax forest will be preserved after logging. Each logging operation on the same site will require a separate land disturbance permit. Under no circumstance shall successive logging remove greater than seventy-five (75) percent of the climax forest present upon the site before logging.

(ed) A landscaping plan demonstrating compliance with the specific requirements of the existing zoning of the site shall accompany all applications for land disturbance permits. The plan will be a drawing of the site sufficient in detail to illustrate the features of the plan. The plan may be incorporated with other drawings or documents but shall contain the following information.

- (1) The area, in square feet or acres, of any climax forest areas on the site and those portions, in square feet or acres, of the climax forest to be preserved. The areas may be determined by actual field measurement or planimetry of scaled aerial photographs.
- (2) The number, spacing, size and species of planting materials, including new trees and final ground cover that will be planted as part of the landscaping plan.
- (3) The size and location of any walls, earth berms, and fences.

(4) Provisions for watering, soil stabilization, plant protection and maintenance.

(5) Location and description of any barriers to be erected to protect any vegetation from damage both during and after construction.

(~~d~~e) Tree protection shall be required prior to and during the activities associated with the land disturbance permit in accordance with administrative standards promulgated and enforced by the director, but under no circumstances shall activities with the potential of causing damage to the root systems of trees be allowed within the perimeter of the drip line of the trees being preserved, protected or planted as part of the landscaping plan.

(~~e~~f) If any of the trees required to be retained or trees planted as part of the landscaping plan should die within a period of eighteen (18) months after completion of the activities associated with the land disturbance permit, the owner of the property shall replace the trees within six (6) months at a ration of one-to-one with an approved tree having a minimum diameter of two (2) inches measured at a point one (1) foot above natural grade. Shrubbery or other plantings which die within eighteen (18) months of completion of the activities shall be replaced in kind within six (6) months.

(~~f~~g) All landscaping work must be completed prior to the final inspection of a building or within one year of issuance of the land disturbance permit, whichever occurs later. If completion of the work or building is at such time of the year that the landscaping cannot be completed, a performance bond or other acceptable financial instrument for completion of the work may be accepted to allow the issuance of a certificate of occupancy.

(~~g~~h) Landscaping plans may be amended during or after development with the approval of the director, but in all cases must comply with the current landscaping requirements of the zoning district in which the site is located.

SECTION 2. This ordinance shall be in full force and effect from and after its passage.

PASSED this 19th day of July, 2004.

ATTEST:

Sheela Amin  
City Clerk

Darwin Hindman  
Mayor and Presiding Officer

APPROVED AS TO FORM:

Fred Boeckmann  
City Counselor