

BILL #3051

AN ORDINANCE TO AMEND CHAPTER 400 ZONING REGULATIONS, BEING PART OF TITLE IV LAND USE OF THE OLIVETTE MUNICIPAL CODE, ENACTING A NEW ARTICLE XXIII ENTITLED “TREE INVENTORY, PROTECTION, AND REPLACEMENT”

WHEREAS, per Section 400.1910 of Chapter 400 Zoning Regulations, being part of Title IV Land Use of the Olivette Municipal Code, the Olivette City Council (“Council”) may, from time to time, on its own motion or on petition, after at least fifteen (15) days’ public notice and hearing as provided by law, amend, supplement or change, modify or repeal regulations established after submitting same to the Planning and Community Design Commission (“Commission”) for its recommendations and report; and

WHEREAS, during the March 5, 2024, City Council Work Session, the Council directed planning staff to engage the Commission to develop regulations that would aid to protect and preserve, and establish standards for replacement of, trees impacted during residential construction; and

WHEREAS, over the past year, the Commission has reviewed and discussed various tree regulations of surrounding communities, welcomed public input on the preservation and protection of trees during construction, and reviewed various staff recommendations for addressing the Council’s directive; and

WHEREAS, on February 6, 2025, the Commission, motioned to recommend the City Council approve amending Chapter 425 to include in Section 425.040 Submittal Requirements a tree protection, preservation, and replacement plan and a landscape plan, and the Council adopted said recommendation in Ordinance #2812 on March 11, 2025; and

WHEREAS, on August 20, 2025, the Commission, finding that the proposed amendments would further the goals and objectives of the 2024 Comprehensive Plan Update, motioned to recommend the City Council to approve an amendment to Chapter 400 Zoning Regulations, being part of Title IV Land Use of the Olivette Municipal Code, enacting a new Article XXIII entitled “Tree Inventory, Protection, and Replacement” whose purpose and intent is to:

- address construction impacts of trees during residential construction,
- develop uniform tree replacement standards that consider and promote tree diversity, and
- initiate sustainability goals of the 2024 Comprehensive Plan Update that take into consideration the reduction of the urban tree canopy; and

WHEREAS, in accordance with the procedures outlined under Article XX Changes and Amendments, due and lawful notice of a public hearing on the amendment, to be held by the City Council on August 26, 2025, at 7:00 PM in the City Council Chambers at the Olivette City Center, 1140 Dielman Road, Olivette, Missouri, was published in the St. Louis Countian, a newspaper of general circulation in the City of Olivette, on August 11, 2025; and

WHEREAS, a public hearing was duly and properly held by the City Council at the time and place provided for in the notice and all comments, statements, objections, and suggestions concerning the amendment were duly heard and considered by the City Council; and

WHEREAS, the City Council, after careful and due deliberation, has determined that the proposed amendment as submitted is in the interest of the public health, safety, welfare, and morals of the City of Olivette.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OLIVETTE, AS FOLLOWS:

Section Two. If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unlawful or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance.

Section Three. This Ordinance shall be effective after its passage and adoption.

PASSED AND ADOPTED THIS 9TH DAY OF SEPTEMBER, 2025.

ATTEST:

Mafine Weil, Chairman
Mayor
Pro-Term

Jennifer Conrad
Jennifer Conrad, Deputy City Clerk

BILL #3051

EXHIBIT A

ARTICLE XXIII

TREE INVENTORY, PROTECTION, & REPLACEMENT

Section 400.3000 Purpose and Intent.

A. **Purpose.** The purpose of this Article is to ensure reasonable efforts are made to:

- address construction impacts of trees during residential construction,
- develop uniform tree replacement standards that consider and promote tree diversity, and
- initiate sustainability goals of the 2024 Comprehensive Plan Update that take into consideration the reduction of the urban tree canopy.

Section 400.3005 Applicability and Process.

A. **Applicability.** This article provides the City's regulations and requirements for the protection of trees in single-family residentially zoned properties undergoing improvements for:

- **Demolition.** Demolition of existing single-family homes.
- **Additions and Accessory Structures.** Single-family dwelling unit additions or combined accessory structures in excess of 1,200 square feet.
- **New single-family homes.** New single-family dwelling units undergoing Community Design Review under Chapter 425.

B. **Process.** This article succinctly outlines three processes to be followed in order:

- Tree inventory criteria.
- Tree preservation standards.
- Tree replacement policy.

Section 400.3010 Definitions.

A. The following definitions will apply to this Article:

Buildable area. Ground area within the boundaries of the established zoning setbacks.

Caliper. The diameter of a tree trunk. Under this article, the caliper is taken at breast height (DBH) as defined within this Section, 4.5 feet above the ground.

Canopy. The total area of the tree or trees where the leaves and outermost branches extend.

Certified Arborist. A person having expertise in the care and maintenance of trees, who is certified by the International Society of Arboriculture (ISA) or the American Society of Consulting Arborists (ASCA).

Critical root zone. The distance from the trunk that equals one foot for every inch of the tree's diameter

Cross-Sectional Area (CSA). The calculated surface area of a tree's trunk at diameter breast height. It is expressed in square inches and used to estimate the tree's size, canopy contribution, and ecological value.

Diameter at Breast Height (DBH). The diameter of a tree measured outside of the bark at breast height (4.5 feet above the ground, on the uphill side of the tree).

Drip Line. The horizontal ground surface located beneath the outer edges of a tree's branches where rainwater would fall naturally from the foliage.

Native Species. A defined list of Native Trees for Missouri Landscapes as published by the Missouri Botanical Garden.

Significant trees. Any tree with a DBH of 8-inches or more identified in an Arborist report in good health.

Tree Inventory Plan (“TIP”). A Site Plan per Article XI illustrating all existing conditions required for a new home, residential addition, or existing home demolition.

Tree Protection and Replacement Plan (“TPRP”). A graphic illustration of all tree protection measures identified and trees to be replaced, prepared by a certified Arborist.

Tree Protection Zone (“TPZ”). Tree protection fencing installed along the edge of the defined tree protection areas illustrated in a Tree Protection Plan.

Viable Trees. Any tree 4-inches or more at DBH, listed in the Arborist Report as good or fair condition.

Section 400.3020 Tree Inventory.

A. Application. Every application for either a Community Design Review or building permit to commence:

- demolition of an existing single-family residence;
- construction of a residential accessory structure, residential addition, or combination, in which the total square footage exceeds 1,200 square feet; or
- construction of a new detached single-family dwelling unit;

subject to Section 400.3005 shall submit a complete Tree Inventory as defined under this Section.

B. Certification Standards. All information under this section shall be certified (signed and sealed) by a Certified Arborist.

C. Inventory. An inventory of all existing trees over four (4) inch caliper, both located on said property and extending 25 feet beyond the subject property boundaries, shall be provided in an Arborist Report and illustrated on an existing Tree Inventory Plan (TIP) and Tree Protection and Replacement Plan (TPRP).

D. Arborist Report. An Arborist Report shall be provided and include the following certification and table:

1. Arborist information, including the following:
 - ISA or ASCA number.
 - Contact information.
 - Name and signature.
2. Date and time of most recent assessment.
3. For each existing tree identified in the Inventory, an information schedule, in a table format, must be provided with the following:
 - Tree identification.
 - Tree species.
 - Native or non-native.
 - Common Name.
 - Diameter at Breast Height (“DBH”).
 - Indication if the tree is to be PRESERVED or TBR (To Be Removed).
 - Minimum protection distance.
 - Ownership of the tree, i.e. adjoining lot, right-of-way, subject parcel.
 - Cross-Sectional Area (CSA).
 - Tree condition. Including health, structural integrity, and potential risk.
 - General comments.

4. Table showing an accumulated total (i.e. total number of trees, total number of viable trees, total number of trees removed, percent of viable trees removed.).
5. Method of protection in accordance with this Article.
6. Replacement Trees. Proposed tree schedule in a table format noting the following:
 - Quantity
 - Tree species
 - Tree group, deciduous and size classification or evergreen and size classification.
 - Caliper
 - Average Canopy coverage of the tree when it matures.

E. Tree Inventory Plan (“TIP”). All trees identified in the Arborist Report shall be illustrated in a TIP prepared by a certified Arborist in a site plan format including the following:

1. Utilizing the existing improvements site plan information submitted for Commission review or demolition permit, the Arborist shall use the Petitioner’s existing conditions site plan and provide the following:
 - a. The project title, listing the project name, owner’s name, and the name of the firm or individual preparing the plan.
 - b. North arrow, graphic and written scale.
 - c. Scaled base plan using current information from the site development plan depicting existing and proposed grades, location of all improvements, existing and proposed utilities and sewers.
 - d. Graphic depiction of all existing trees with a tree caliper of 4-inches or more measured at breast height to remain and to be removed including location, type, and size.
 - e. Graphic depiction of the accurate drip line canopy showing the extent of the Critical Root Zones (CRZ).

F. Tree Protection and Replacement Plan. A TPRP shall be prepared and provided for:

- Demolitions. The Arborist shall prepare a restoration plan illustrating the following:
 - New single-family home or residential addition. Utilizing the proposed improvements site plan information submitted for Commission review or demolition permit, the Arborist shall use the Petitioner’s proposed improvements site plan.
1. The TPRP shall illustrate the following:
 - a. The project title, listing the project name, owner’s name, and the name of the firm or individual preparing the plan.
 - b. North arrow, graphic and written scale.
 - c. Scaled base plan using current information from the site development plan depicting existing and proposed grades, location of all improvements, existing and proposed utilities and sewers.
 - d. Graphic depiction of all existing trees with a tree caliper of 4-inches or more measured at breast height to remain and to be removed including location, type, and size.
 - e. Graphic depiction of the accurate drip line canopy showing the extent of the Critical Root Zones (CRZ).
 - f. Graphic depiction of the proposed Tree Protection Zones (TPZ) and location of tree protection fencing as noted under Section 400.3030.
 - g. Tree protection and planting notes, along with details applicable to the project.
 - h. The location and type of trees to be planted on the site grounds as per Section 400.3040.

Section 400.3030 Tree Protection.

A. This Section describes mandatory actions for construction activities around existing trees that are to be retained. Any construction, demolition, site work or similar activity subject to this Article which may injure existing trees shall require the installation of tree protection measures as set forth in this section or as determined by the Department of Planning and Community Development.

B. Protection and Maintenance measures. Tree protection involves activities designed to preserve and protect tree health by avoiding damage to tree parts such as roots, trunk and crown.

1. Protection requirements.

- a. Installation. All tree protection measures must be installed in accordance with a TPRP prior to the commencement of demolition, excavation, construction or site work.
- b. Tree Protection Zones (TPZ). The "Tree Protection Zone" is an Arborist defined area surrounding the trunk intended to protect the roots and soil to ensure future tree health and stability.
 - The TPZ shall extend at least 1-foot for every inch of DBH. In cases where 1-foot cannot be provided, the TPRP shall include protection standards outlined by the Arborist and shall require at least one inspection every 90-days by the Arborist throughout construction and a final health analysis following the completion of all site grading and restoration. No escrow deposits may be released until the analysis is completed and approved by Department of Planning and Community Development.
 - Tree protection fencing shall be installed along the edge of the defined protection areas of each tree preserved as illustrated in the TPRP.
 - In cases where protected trees are clustered, a shared TPZ is permitted.
 - The TPZ shall consist of temporary fencing meeting the following standards:
 - i. Fencing: Heavy-duty, high-density plastic or metal mesh that is GREEN in color.
 - ii. Acceptable Material: polyethylene, polypropylene or metal.
 - iii. Height: a minimum forty (40) inches above grade.
 - Fence Posts:
 - i. Minimum width: 1 ¼-inch or ¾-inch rebar.
 - ii. Thickness: 14-gauge.
 - iii. Post depth: minimum two (2) feet into ground.
 - iv. Post separation: No more than eight (8) feet apart.
 - Tree Protection Signs. Tree Protection Signs shall be attached to the fencing. Maintain the fencing in place until the City authorizes removal or a final certificate of occupancy is issued, whichever occurs first. DO NOT affix signs to trees.
 - Tree protection fencing shall be maintained and repaired by the contractor for the duration of construction and approved by the Department of Planning and Community Development. No alteration shall occur without prior approval by the Department of Planning and Community Development.

2. Maintenance requirements:

- a. Clearing limits. The contractor on the site shall stake clearing limits in order to facilitate location for trenching and fencing installation for tree protection.
- b. Inspection. Prior to construction, demolition, site work, or similar activity subject to this article, an onsite meeting shall be held to review the installed protection measures with operators, construction supervisors, contractor's representatives, and the city representative.
- c. Protected areas. There shall be no storage of any kind within the protective fencing.
- d. Limit access. Development impact shall not enter any of the defined protected areas of trees to be preserved. If this is not avoidable, the tree may have to be removed, and tree replacement requirements will be applied. Access to the defined protected area of trees

by construction equipment, materials, or individuals that may cause harm to protected trees will not be allowed. Only limited access, if necessary, shall be permitted with the prior approval of the City.

- e. Utility locations. Utility locations should be planned for areas outside of the defined protected area of trees. Utilities that must cross through the defined protected tree area due to site constraints and utility design requirements must be approved by the City and installed using directional boring. No open trenches are allowed. Tree protection fencing must be maintained on both sides of the boring alignment.
- f. Attachment of any construction signs, fencing, etc. to any tree to be saved is strictly prohibited.
- g. Upon completion of construction, all temporary barriers, fencing, and debris shall be removed from the site by the contractor.

Section 400.3040 Tree Replacement.

A. Tree replacement under this section includes:

- components for the retention of existing trees on the development site and
- the Replacement Trees approved to be cleared.

B. Standards. The standards for tree replacement are as follows:

1. **Size:** All Replacement Trees shall consist of a minimum trunk size of two inches (2") in Caliper as defined herein.
2. **Species:** Species of Replacement Trees shall be selected from the Native Trees for Missouri Landscapes as published by the Missouri Botanical Garden. Non-invasive species are strongly encouraged. Existing trees that are in good health, and proposed to be maintained, do not have to be native.
3. **Diversity.** No more than 33 percent (33%) of the total number of Replacement Trees may come from the same species.
4. **Placement.** The placement of Replacement Trees should be throughout the lot grounds and not clustered in one location.

C. Tree Replacement Quantity.

1. **Replacement.** The minimum requirements for tree replacement are as follows:

Lot Size (sf.)	Minimum Replacement Tree Quantity
Up to 10,000-sf.	1 Tree per 2,500-sf. (4 trees minimum)
10,001-15,000-sf.	5 trees
15,001-20,000-sf.	6 trees
20,001-25,000-sf.	7 trees
25,001-30,000-sf.	8 trees
30,001-35,000-sf.	9 trees
35,001-40,000-sf.	10 trees
Over 40,000-sf.	1 additional tree per 10,000-sf.

2. **Credits from existing protected trees.** Existing trees to be protected can be credited to the Replacement Tree Quantity as follows:
 - One Significant Tree can be credited as one (1) tree.

- An accumulated total DBH of 8 inches, consisting of trees greater than 4 inches but less than 8 inches, identified as being in good or fair health, may be credited as one (1) tree.
- D. Alternative design replacement.** In conjunction with the replacement standards above, a rainscaping feature, with a defined perimeter, consisting of Missouri native plantings may be designed in lieu of tree replacement. For every tree required, a 250 square foot rainscape feature may be installed in lieu of tree replacement.
- E. Planting.** All Replacement Trees shall be planted within six (6) months of occupancy. No Replacement Trees may be planted during the summer months of July and August, nor during the winter months of January and February.
- F. Installation requirements.** Installation and planting of Replacement Trees shall follow traditional established standards for plant stock, tree planting and care. This includes those published by the American Standards for Nursery Stock such as ANSI Z-60.1, ANSI A300, and ANSI Z133.
- G. Escrow.** Required Escrow Deposit from the building permit issued for construction may not be released until the planting installation is complete and the City is provided a warranty instrument for filing.
- H. Warranty.** All trees planted must be provided a one-year replacement warranty.
- I. Removal.** No existing tree proposed to be maintained in the TPRP, or any Replacement Tree planted that is subject to this Article, may be removed within one (1) year of initial occupancy unless authorized as follows:
- Poor conditions, such as but not limited to, infection that causes poor health, a weather related event that damages the tree, or hazard to health or property.
 - A replacement plan is submitted for review and approval by the Director of Planning and Community Development.

Section 400.3050 Variation.

Upon a written request, the Commission can consider a reduction in the tree requirements if the Petitioner can verify that due to topography, utility easements, or unique lot conditions, compliance to said standards would be unfeasible. In no case can the Commission authorize a reduction of more than 20% of the required trees.