

11.0 TREE PROTECTION AND LANDSCAPING

11.1 INTENT

The landscaping regulations apply to both public and private property excluding the development of individual single family or duplex residences. The purpose and intent of these regulations is to establish minimum standards for preservation of existing and the planting of new trees and vegetation in order to:

- Better control soil erosion
- Reduce the hazards of flooding
- Stabilize the ground water tables
- Absorb carbon dioxide
- Provide shade for cooling
- Screen noise, dust, and glare
- Enhance property values
- Provide architectural interest and human scale
- Preserve, protect, and enhance the natural environment
- Maintain and/or improve aesthetic values

11.2 REQUIRED LANDSCAPING

The five types of landscaping are defined as follows, and shall meet the following performance requirements:

A. TYPE A (Opaque Screen/Buffer)

LOCATION & REQUIRED USAGE:

- Rear and/or side transition yards between HC, BC-D, or IC-D lots and all other Districts (Minimum width: 30 ft)
- Rear and/or side transition yards between all other Districts (except RR, GR, INF-D, and TN-D) and adjacent residential and civic uses (Minimum width 10 ft to 30 ft.)
- Edge of all yards abutting right-of-way for Interstate 85 (Minimum width: 50 ft)
- Edge of all yards abutting right-of-way for active rail corridors (Minimum width: 20 ft)

This type functions as an opaque screen from the ground to a height of at least eight (8) feet. This type excludes visual contact between uses and creates a strong impression of spatial separation. Composition of the Type A landscaping may include a wall, wood fence, landscaped earthen berm, planted vegetation, existing vegetation, or any appropriate combination of these elements. Intermittent planting of deciduous and evergreen trees shall obtain a height at maturity of no less than 20 feet and have no unobstructed openings wider than ten (10) feet between tree canopies upon maturity. Shrub plantings shall have a minimum height of three (3) feet at installation and have no unobstructed openings wider than four (4) feet. At least 50% of the required trees, and at least 75% of the required shrubs, shall be evergreen species locally adapted to the area. Where a natural buffer exists, it is to remain undisturbed. Supplemental planting may be required in addition to native materials. All buffers required by the watershed ordinance and stream buffer ordinance shall remain completely undisturbed.

B. TYPE B (Semi-Opaque Screen)***LOCATION & REQUIRED USAGE:***

- Perimeter Yard of all parking areas visible from the street (NC-R, NC-C, INF-D, TN-D, HC, IC-D) (Minimum width: 10 ft)

This type functions as a semi-opaque screen from the ground to at least a height of four (4) feet for screening of car lights and glare. Composition of the Type B landscaping may include a wall, fence, planted vegetation, existing vegetation, or any appropriate combination of the elements. Shrub plantings shall have no unobstructed openings wider than four (4) feet. At least 75 % of the required shrubs shall be evergreen species locally adapted to the area.

All side yard parking areas in the Downtown and Neighborhood Center-Commercial districts shall be screened from the sidewalk by low walls, fences or constructed as a continuation of the building wall a minimum of three (3) feet in height. Landscaping may be used in combination with walls or fences but shall not exceed 50% of the total required width. The use of existing vegetation to satisfy this requirement is encouraged. Supplemental plantings may be required in addition to native materials. The minimum height upon installation for effectively screening storage areas is 6 feet. This type of planting should be opaque to screen the off-site view of parking areas from neighboring properties and streets.

C. TYPE C (Interior Plantings)***LOCATION & REQUIRED USAGE:***

- Interiors of all parking areas with more than 16 parking spaces

This type functions as a tree ceiling over a parking area providing shelter from sun and rain and minimizing the impact of runoff by providing “green” surface area on which to collect. Large maturing canopy trees shall be planted in a manner that provides shade for the entire parking area at maturity. To this end, no parking space shall be less than 60 ft from the base of a canopy tree. The use of differing species around the parking area is encouraged to promote diversity in the overall urban tree canopy. The use of existing vegetation to satisfy this requirement is encouraged. Supplemental plantings may be required in addition to native materials.

D. TYPE D (Street Tree Canopy)***LOCATION & REQUIRED USAGE:***

- Along all street frontages (All Districts)

This type functions as a unifying element along all street frontages by establishing an attractive and consistent streetscape and scale. Street tree plantings soften the transition of the public street to the private yard and provide shelter from sun and rain to pedestrians and drivers. Trees shall be spaced at a minimum average of 10-40 ft on-center. Trees shall be planted parallel to the street within a well-defined planting strip of consistent width (min. of 6 feet) located between the curb and sidewalk, or in tree wells located in the sidewalk. Tree selections shall be provided for in accordance with *City of Belmont Street Tree Selection*.

E. TYPE E (Residential Tree Canopy)

LOCATION & REQUIRED USAGE:

- For single-family houses in Major residential subdivisions with 10 or more lots

This type functions to maintain and/or replenish the urban tree canopy in areas of new residential development. Each lot shall provide canopy trees in accordance with the following schedule:

<u>Lot Size</u>	<u>Required Number of Canopy Trees</u>
Less than 5,000 sq ft	1 Front Yard
5,001-10,000 sq. ft	1 Front yard, 1 Rear yard
10,000-15,000 sq. ft	1 Front yard, 2 Rear yard
15,001-20,000 sq. ft	2 Front yard, 2 Rear yard
More than 20,000 sq. ft	3 Front yard, 3 Rear yard

The use of existing vegetation to satisfy this requirement is encouraged. Supplemental plantings may be required in addition to native materials. Existing canopy trees over 6” in caliper may be counted towards fulfilling this requirement. Required street trees may be counted towards the fulfillment of this requirement. All other trees required under this Section shall be planted within the private lot.

11.3 TREE PRESERVATION

11.3.1 General Provisions

Wooded sites, in addition to their economic and environmental significance and value as a natural resource, offer the distinct advantages of providing shade and aesthetically pleasing views. Vegetation on sloping sites plays a critical role in maintaining aesthetic quality, water quality, and in minimizing erosion and downstream flooding. At a minimum, selective retention of certain significant vegetation should occur, particularly in areas or portions of a site that are located within a fragile ecological setting.

Significant forest stands, natural vegetation, specimen trees, severe natural topography, drainage features and water courses should be preserved to the extent that is reasonable and practical while otherwise not reasonably prohibiting development. Forested and vegetated areas whose physical site conditions render them unsuitable for development should be set aside as conservation areas or as open space. Isolated pockets of existing trees or specimen trees should be protected as a valuable asset of the property.

Determination of the need to preserve significant vegetation on the site is also a function of a site’s buildable area or potential for development as suggested below:

- A. *Prime Buildable*. Land with little or no building restrictions that occur as a result of slope conditions or site topography. These areas are defined as slopes less than 10 percent and generally offer the least opportunity for the preservation of existing tree canopy, forest stands, or significant vegetation outside of satisfying open space dedication requirements.
- B. *Secondary Buildable*. Areas with slopes of 10 to 15 percent, site preparation techniques should minimize grading. Such areas require selective clearing and grading. These areas offer limited opportunity for the preservation of existing tree canopy, forest stands, or significant vegetation outside of satisfying open space dedication requirements.
- C. *Conserved*. Areas with slopes of 15% to 25% with severe slope restrictions. These areas offer optimal opportunity for the preservation of existing tree canopy, forest stands, or significant vegetation outside of satisfying open space dedication requirements.
- D. *Preserved*. Natural floodplain and floodways, wetland areas, existing tree canopy, forest stands, or significant vegetation on slopes exceeding 25%, and which present severe or prohibitive slope conditions for development should be preserved.

11.3.2 Preservation of Existing Vegetation

Existing vegetation shall be preserved whenever feasible. The decision to preserve trees shown on the environmental inventory shall be made jointly by the Planning Director, developer and design team during the project approval process.

- A. When selecting which trees to preserve, the following shall be considered: existing and proposed grading; age, condition and type of tree; and location of site improvements and utility connections.
- B. Trenching, placing backfill in the critical root zone (CRZ), driving or parking equipment in the CRZ, and dumping of trash, oil, paint or other materials detrimental to plant health in close proximity of the trees to be preserved is prohibited.
- C. Should any tree designated for preservation in the landscape plan die, the owner shall replace it within 180 days with landscaping equal to what would be required in this ordinance.

11.3.3 Preservation of existing vegetation during construction

Protective barricades shall be placed around all trees designated to be saved, prior to the start of development activities or grading. These barricades may consist of 2"x 4" posts with 1"x 4" rails, orange safety fence, or a similar treatment. Protective barricades shall remain in place until development activities are complete. The area within the protective barricade shall remain free of all building materials, stockpiled soil or other construction debris.

Construction traffic, storage of vehicles and materials, and grading shall not take place within the protective areas of the existing trees. Barricades shall be erected at a recommended minimum distance from the base of protected trees according to the following standards:

- A. For trees 10" or less in caliper: Protective barricades shall be placed a minimum distance of 10' from the base of each protected tree, or outside the dripline, whichever is greater.
- B. For trees greater than 10" in caliper: Protective barricades shall be placed at a minimum distance equal to 10' from the base of a protected tree plus an additional 1' for each additional 1" in caliper greater than 10" in caliper, or outside the dripline, whichever is greater.

Construction access to a site should occur where an existing or proposed entrance/exit is located.

Except for driveway access points, sidewalks, curb and gutter, land disturbance within a tree dripline is discouraged.

Where grading within a tree dripline cannot be avoided, cut and fill shall be limited to ¼ to ½ of the area within the dripline, tree roots must be pruned with clean cuts at the edge of the disturbed area, and no fill shall be placed within the dripline of a tree without venting to allow air and water to reach the roots.

11.4 PLANTING STANDARDS

1. All new plant material shall be of good quality, installed in a sound, workman-like manner and meet the standards set forth in the American Standard for Nursery Stock by the American Association of Nurserymen. Contractor shall warrant all new plant material for 2 years from time of installation.
2. All trees shall be properly guyed or staked and mulched (3- 4" layer) in accordance with accepted practices in the landscape industry, to prevent winds from loosening the roots.
3. Where large maturing trees are required and overhead utility lines exist, small maturing trees planted 1 per 30 lineal feet shall be substituted with the approval of the Planning Director.
4. The owner of the property is responsible for the continued proper maintenance of all landscaping materials and shall keep them in a proper, neat and orderly appearance, free from refuse and debris. All dead or unhealthy plant material shall be replaced within 180 days to maintain the quality of the landscaping. In no instance will the City of Belmont be responsible for the maintenance of any vegetation unless such vegetation is located

within the public right of way of a City maintained street or is located on property owned by the City of Belmont.

5. Where new landscape materials are to be installed, the type of material used shall be complimentary to plant materials existing on the property and on adjoining properties. Use of native plant materials is encouraged.
6. At installation, large maturing trees shall not be less than 10' in height with a minimum 2-1/2" caliper. Small maturing trees shall be a minimum of 1-1/4" caliper and have a minimum height of 8'. Installation and construction practices shall be utilized which preserve and replace existing topsoil or amend the soil to reduce compaction.
7. At installation, evergreen trees shall not be less than 8' in height with a minimum 2" caliper.
8. At installation, small shrubs shall be a minimum 18" in height and medium or large shrubs a minimum 30". Installation and construction practices shall be utilized which preserve existing topsoil or amend the soil to reduce compaction.
9. No plants shall be planted within the sight distance triangle at an intersection, or driveway access points unless an unobstructed view between 30" and 72" in height is maintained.
10. Existing vegetation may be applied toward the requirements of this ordinance.
11. Chain link and similar fencing materials for non-residential development, if visible from rights-of way, shall be landscaped on their exterior side a Type B Semi-Opaque Screen.

11.5 ALTERNATIVE METHODS OF COMPLIANCE

- A. Alternate landscaping plans, plant materials, or planting methods may be used where unreasonable or impractical situations would result from application of landscaping requirements, or where necessary to protect existing vegetation. Such situations may result from streams, natural rock formations, topography, or other physical conditions; or from lot configuration, utility easements, unified development design, or unusual site conditions.
- B. The Planning Director may approve an alternate plan that proposes different plant materials or methods provided that quality, effectiveness durability, and performance are equivalent to that required by this ordinance.
- C. The performance of alternate landscaping plans shall be evaluated by the Planning Director to determine if the alternate plan meets the intent and purpose of this ordinance. This determination shall take into account the land use classification of adjacent property, number of plantings, species, arrangement and coverage, location of plantings on the lots, and the level of screening height, spread, and canopy of the planting at maturity.
- D. Decisions of the Planning Director regarding alternate methods of compliance may be appealed to the Planning Board.

11.6 REVISIONS TO APPROVED LANDSCAPE PLANS

Due to seasonal planting problems and/or a lack of plant availability, approved landscape plans may require minor revisions. Minor revisions to planting plans may be approved by the Planning Director if:

1. There is no reduction in the quantity of plant material.
2. There is no significant change in size or location of plant materials.
3. The new plants are of the same general category (i.e., shade tree, ornamental tree, evergreen, or shrub) and have the same general design characteristics (mature height, crown spread) as the materials being replaced.

11.7 INSPECTION OF SITES

Planning department staff, and authorized representatives of the City may periodically inspect sites subject to the provisions of this ordinance.

If, through inspection, it is determined that a person has failed to comply or is no longer in compliance with the provisions of this ordinance, a notice to comply shall be served upon that person by registered mail with return receipt or other means by the City. The notice shall set forth that which will be necessary to comply with the ordinance.

The City shall have the power to conduct such investigations as it may reasonably deem necessary to carry out its duties as prescribed in this ordinance and for this purpose may enter at reasonable times upon the property, public or private, for the purpose of inspecting the site(s) subject to the provisions of this ordinance. No person shall refuse entry or access to any staff or authorized representative, of the City who requests entry for the purpose of inspection, and who presents appropriate credentials, nor shall any person obstruct, hamper, or interfere with that representative while in the process of carrying out official duties.

A certificate of occupancy for the development shall not be issued unless the landscaping required under this section is installed in accordance with these standards and in accordance with the approved site plan or subdivision plat. The planning department shall inspect the site one year after the issuance of a permanent certificate of occupancy in order to ensure compliance with the approved site plan and to ensure that the landscape is properly maintained.

11.8 EMERGENCIES

In the case of emergencies such as windstorms, ice storms, fire, or other disasters, the City may waive the requirements of this ordinance during the emergency period so that the requirements of this ordinance will in no way hamper private or public work to restore order in the City. This shall not be interpreted to be a general waiver of the intent of this ordinance.

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