

11.0 TREE PROTECTION AND LANDSCAPING

11.1 INTENT

The landscaping regulations apply to both public and private property. These regulations will not prohibit any individual resident of Belmont from removing or pruning any tree on his or her property, nor will they prohibit harvesting timber in accordance with G.S. 160A-458.5. 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
- Promote a diversity of species in the urban forest

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 10 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.

All rows of parking must terminate with landscaped islands that are at least 9 ft wide, and at least as long as the adjacent parking space. Islands at the end of a single row of parking shall be at 18 ft long and must contain at least one shade tree that is at least 4” in caliper at the time of planting. Islands at the end of a double row of parking must be at least 36 ft long and must contain at least two shade trees that are at least 4” in caliper when planted. These landscaped islands must be at least 200 square feet in area, as measured from the back of the curb to the back of the curb. These new planting requirements may be modified in order to protect existing trees on site where a parking area is planned.

If parking lot lighting is installed in a landscaped island, then the lighting should be designed to accommodate the trees planted in the island.

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 all new single-family houses

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 differing species to be planted in residential yards 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. Existing healthy canopy trees over 6” in caliper may be counted towards fulfilling this requirement, provided that tree protection measures are used and maintained during construction. If there is a question regarding the health of a tree that cannot be resolved between the City of Belmont and the developer, the City may require that the developer hire a Certified Arborist to examine the tree in question. 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 unreasonably 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% 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%, 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, and slopes exceeding 25%.

11.3.2 Restriction of certain forestry activities prohibited.

- A. In accordance with NCGS 160A-485, the following definitions apply to this section:
 - (1) *Development.* – Any activity, including timber harvesting, that is associated with the conversion of forestland to nonforest use.
 - (2) *Forest management plan.* – A document that defines a landowner's forest management objectives and describes specific measures to be taken to achieve those objectives. A forest management plan shall include silvicultural practices that both ensure optimal forest productivity and environmental protection of land by either commercially growing timber through the establishment of forest stands or by ensuring the proper regeneration of forest stands to commercial levels of production after the harvest of timber.
 - (3) *Forestland.* – Land that is devoted to growing trees for the production of timber, wood, and other forest products.

- (4) Forestry. – The professional practice embracing the science, business, and art of creating, conserving, and managing forests and forestland for the sustained use and enjoyment of their resources, materials, or other forest products.
 - (5) Forestry activity. – Any activity associated with the growing, managing, harvesting, and related transportation, reforestation, or protection of trees and timber, provided that such activities comply with existing State rules and regulations pertaining to forestry.
- B. A city shall not adopt or enforce any ordinance, rule, regulation, or resolution that regulates either:
- (1) Forestry activity on forestland that is taxed on the basis of its present-use value as forestland under Article 12 of Chapter 105 of the General Statutes.
 - (2) Forestry activity that is conducted in accordance with a forest management plan that is prepared or approved by a forester registered in accordance with Chapter 89B of the General Statutes.
- C. This section shall not be construed to limit, expand, or otherwise alter the authority of a city to:
- (1) Regulate activity associated with development. A city may deny a building permit or refuse to approve a site or subdivision plan for either a period of up to:
 - a. Three years after the completion of a timber harvest if the harvest results in the removal of all or substantially all of the trees that were protected under city regulations governing development from the tract of land for which the permit or approval is sought.
 - b. Five years after the completion of a timber harvest if the harvest results in the removal of all or substantially all of the trees that were protected under city regulations governing development from the tract of land for which the permit or approval is sought and the harvest was a willful violation of the city regulations.
 - (2) Regulate trees pursuant to any local act of the General Assembly.
 - (3) Adopt ordinances that are necessary to comply with any federal or State law, regulation, or rule.
 - (4) Exercise its planning or zoning authority under this Article.
 - (5) Regulate and protect streets under Article 15 of this Chapter. (2005-447, s. 2.)

11.3.3 Preservation of Existing Vegetation

In order to protect the existing tree canopy of wooded areas and to enhance the tree canopy of areas of diminished canopy, the following tree save and tree planting areas are required for all new developments, and vary depending on the type and density of the development.

For residential developments with an overall density of three (3) units per acre or less, at least 25% of the healthy mature deciduous tree canopy shall be preserved. Tree preservation may be achieved through the following means:

- A. Clustering smaller building lots closer together in order to avoid conserved or preserved areas and to minimize clearing in secondary buildable areas, as outlined in Section 11.3.1. By clustering lots together, greater common open space with tree preservation is achieved. Clustered lots are typically 10,000 square feet or smaller, so tree preservation on the building lot is not required.
- B. Where lots are greater than 10,000 square feet, tree preservation shall occur on or adjacent to the rear of the building lot. Trees may either be saved in the rear yard along

the rear 10 feet of the rear property line as shown in Diagram A below or by providing a buffer strip of common area at least 20 feet in width between lots that back up to another lot as shown in Diagram B below. Building lots with large natural areas or common areas behind them are not required to preserve trees in the rear yard.

- C. Where lots would be required to save trees on them in the manner described in paragraph 11.3.2.B above that have utility or stormwater conflicts in the rear yard, the tree canopy that would be required for preservation shall either be saved elsewhere on the lot or shall be replaced by planting new trees on the lot to equal the canopy removed from the lot.

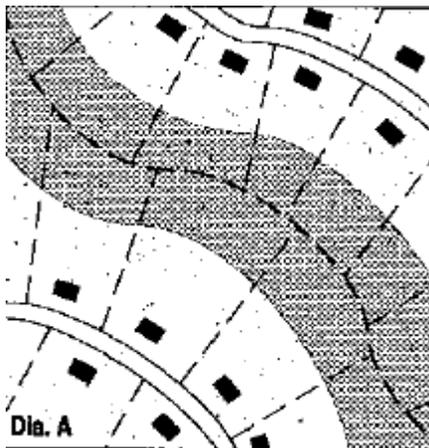
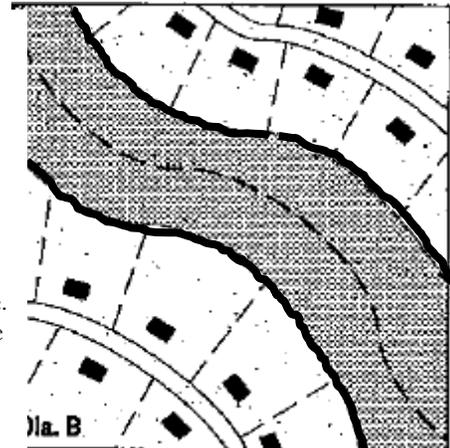


Diagram A on the left shows a tree save area in the rear 10 feet of building lots.

Diagram B on the right shows a tree save area as 20 feet wide common space. The building lots are less deep to accommodate this common area.

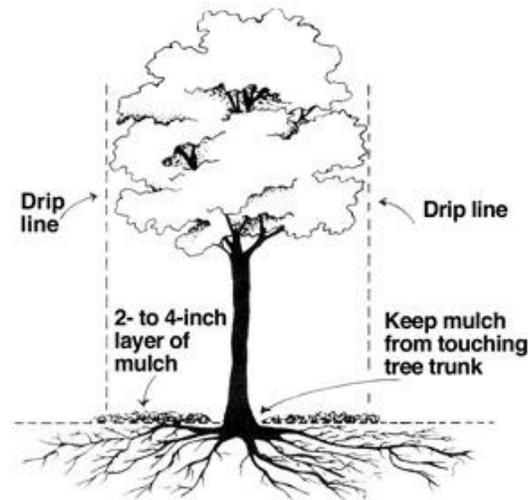


- D. For residential developments in the General Residential (G-R) or Suburban Residential (S-R) zoning districts with an overall density greater than three (3) units per acre, healthy mature deciduous trees shall be preserved in conserved and preserved areas, as outlined in Section 11.3.1. Residential developments in the Neighborhood Center Residential (NC-R), Infill Residential (INF-D), Neighborhood Center Commercial (NC-C), and all mixed use or nonresidential developments shall only be required to save mature healthy deciduous trees in preserved areas, as outlined in Section 11.3.1.
- E. Where utility or stormwater requirements conflict with these tree save requirements, the tree canopy that would be required for preservation shall be replaced by planting new trees on the lot or in another location within the proposed development. While the preference for tree plantings is for on-site plantings to mitigate for tree removal, in such cases of conflicts between trees and utility or stormwater requirements the City may allow for tree-banking that would allow a developer to plant an equal amount of the canopy removed from the lot in a city park or to pay into a tree-banking fund an amount equal to the canopy removed from the lot. This tree-banking fund would be used for streetscape projects, plantings in parks, or other urban forestry activities that benefit the public.
- F. Tree save areas in the rear portion of residential properties, in common areas between the rear portion of residential properties, or open space areas other than greenways/parkways must be maintained free of invasive plant species, including, but not limited to kudzu, English ivy, and non-native bamboo, unless such invasive species are acting as an existing natural erosion control device. Should any tree designated for

preservation in open space areas as defined in Chapter 7 of the Land Development Code, other than greenways/parkways, die for any reason including acts of God within two years of the subdivision plat containing the open space being recorded, the developer or owner shall replace it by planting deciduous trees in the amount equal to the total number of caliper inches that was removed (example, removing a 20" oak tree would require planting five deciduous trees that each had 4" caliper or four deciduous trees that each had 5" caliper). The tree must either be replaced within 180 days of death or a bond placed with the planning department for 150% of the cost of tree replacement if the tree dies during a time of year unsuitable for planting. Areas in a development that are to remain undisturbed or natural and do not meet the type of open space required by Chapter 7 of the Land Development Code are exempt from the requirements of this paragraph.

G. Method for Designating Tree Save Areas

A tree save area shall be considered the combined areas of the tree protection zone and the critical root protection zone. The critical root and tree protection zone will be measured as a radial distance from the tree trunk to one foot past the drip line. If root disturbance or construction activities occur within the drip line of any tree designated as protected, only the area actually being protected will be included in the tree save area.



H. Heritage Tree Protection

To the maximum extent feasible, heritage trees located on any site subject to the ordinances or this Land Development Code must be preserved. For proposed residential developments with an overall density of 3 units per acre or less, a minimum of 25% of the heritage trees on the property must be saved. It is the City of Belmont's preference that the heritage trees saved in a residential development be scattered throughout the property being developed.

For proposed residential developments with an overall density greater than 3 units per acre or for mixed-use and nonresidential developments, there is no minimum number of heritage trees required for preservation. However, it is the City of Belmont's preference that these developments preserve heritage trees wherever possible and will provide options to a developer to encourage the preservation of heritage trees. These options to

encourage preserving heritage trees on high density residential, mixed-use, or nonresidential properties include, but are not limited to, reduced setbacks, increased density, and planting 2.5” caliper trees on some streets instead of the required 4” caliper trees.

Where a project saves heritage trees and is subject to the canopy tree requirements of this Chapter, 150 percent of the heritage tree canopy area shall count toward the required canopy tree requirements. A person proposing to remove a heritage tree on a development plan must identify the proposed tree removal on a site plan or major subdivision plan submitted for approval to the City of Belmont. Anyone who removes a heritage tree that is required to be saved without City of Belmont approval is subject to one or more of the civil penalties in Section 18.3. Heritage trees on single-family or duplex residential property are exempt from this section, although property owners are encouraged to preserve heritage trees on their property. Plans representing the removal of heritage trees will be granted only where:

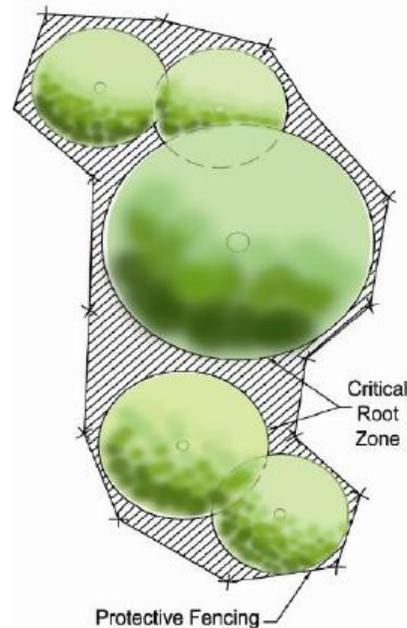
1. The tree is located within that portion of the lot where buildings or improvements are permitted. The developer should demonstrate that there is no other reasonable location for the building or improvement and that preservation would unreasonably restrict use of the property; or
2. The tree is diseased, dying or dead or causes a safety hazard to nearby buildings or pedestrian or vehicular traffic; or
3. The tree is causing significant structural damage to a building or other structure that reasonable maintenance cannot prevent; or
4. Removal is necessary to allow construction of a road or drive that is essential for access to the site.

11.3.4 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 must consist of 2”x 4” posts with 1”x 4” rails, orange safety fence, or a similar treatment. Every construction or development site must have a weatherproof sign posted at the construction office or permit board stating in both English and Spanish, “Tree Protection Area: Do Not Enter.” This sign must also state that the violation for driving or parking vehicles or equipment or engaging in development activities within the protective barricade area will result in a civil penalty issued by the City of Belmont up to \$1,000 per incident. This sign must reference this section of the ordinance and must include the City Seal.

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 around the perimeter of the tree protection zone.

The diagram on the right is representative of the area for a tree protection fence. Fencing is required to be maintained around the perimeter of the tree protection zone.

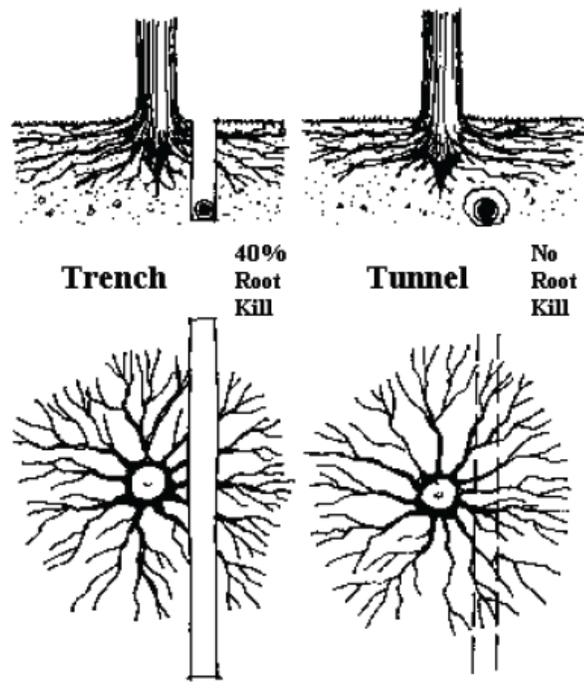


Construction access to a site should occur where an existing or proposed entrance/exit is located.

Except for driveway access points, sidewalks, and curb and gutter, all land disturbance within a tree dripline is prohibited. Sidewalks and driveways shall be routed and placed to accommodate existing trees. A tree protection plan, designed by a Certified Arborist, showing how the trees will be protected from the land disturbing activities must be included in the construction documents for review and approval.

Trenching, placing backfill in the critical root zone (CRZ), driving or parking vehicles and equipment in the CRZ, and dumping of trash, oil, paint or other materials detrimental to plant health within the area of the protective barricades is strictly prohibited. Violations are subject to the penalties found in Sections 11.3.4 and 18.3.

Where underground utilities must be located near existing trees, open trenching is not allowed in the CRZ. Underground utilities must be installed using boring or tunneling under the root zone. Since most roots are within the first 18" of ground, the bore or tunnel must be at least 3 feet deep for trees less than 12" caliper. For trees greater than 12" caliper, the bore or tunnel must be at least 4 feet deep. At no time can a bore or tunnel be within 3 feet of a tree trunk. If the Planning Director determines that there is no practical means of boring or tunneling due to necessary grades for a utility line, and a tree must be removed, then a tree or group of trees with equal caliper must be planted on the site.



11.4 PLANTING STANDARDS

1. All new plant material shall be of good quality, installed in a sound, professional manner and meet the standards set forth in the American National Standards Institute (ANSI) A300 standards. 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. Tree stakes must be removed within one year of tree planting. As a courtesy, the City of Belmont will notify the developer of this requirement within eleven months of the tree planting. If the contractor fails to remove stakes after one year and after being notified by the City of Belmont, then the City will remove the stakes and will assess the contractor for the removal expense.
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 commercial or institutional property is responsible for the continued proper maintenance of all landscaping materials that are required in Section 11.2 and shall keep them in a proper, neat and orderly appearance, free from refuse and debris. The canopy of trees planted in areas adjacent to pedestrian or vehicular traffic, such as along streets or in parking lots, shall be raised to a height of eight feet or $\frac{1}{2}$ of the height of the canopy and be maintained at a height of eight feet. All dead or unhealthy plant material, except for Type E landscaping, 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. New trees to be planted shall come from the list of approved species found in the City of Belmont Minimum Standards Policy for Development Improvements.
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. 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.
- B. Decisions of the Planning Director regarding alternate methods of compliance may be appealed to the Board of Adjustment.
- C.

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.

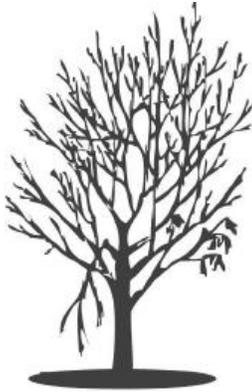
A certificate of occupancy for the development shall not be issued unless the landscaping required under this section is installed in accordance with these standards and in accordance with the approved site plan or subdivision plat. The planning department shall inspect sites consisting of non-residential developments and common open spaces in residential development 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.

11.9 TREE MAINTENANCE

Trees must be properly maintained in order to provide for a healthy and diverse tree canopy. Property owners must maintain their trees in order to prevent damage to buildings, pedestrians, or vehicles. All pruning shall conform to the standards of ANSI A300. To ensure that commercial tree pruning meets these standards, any form of business operation performing tree pruning in the city limits or ETJ for a fee must first obtain an annual tree maintenance permit from the Planning and Zoning Department. Individuals are not required to obtain such permit to remove or maintain trees on their own property. However a commercial tree or landscaping service must obtain its tree maintenance permit when it applies for its annual privilege license in order to do work in Belmont. . This permit will require that the tree professional will use proper methods and will only perform the minimal pruning necessary to protect the health of the tree.



Before Pruning

Mature trees often need pruning due to crowded foliage, broken and dead branches, and asymmetrical shape.



After Proper Pruning

After pruning, trees should retain a symmetrical appearance and tree-like form. A minimum canopy spread of 20 feet must be maintained.



After Excessive Pruning

Pruning in excess of one fourth (25%) of the required canopy spread is prohibited. Tree-topping (hatracking) is prohibited.

Tree topping, also known as “rounding over,” “heading,” “hat-racking,” and other terms to describe an improper pruning practice where more than 25% of the tree canopy or branches are removed, causes severe stress to a tree. This practice removes the leaves and healthy leaf buds from a tree, causing massive growth of small shoots below the cut in order to grow leaves. These shoots are not as strong as the branches or limbs that have been removed and are not attached at the proper location to the trunk. As a result, these new shoots can break easily from the tree during wind or ice events and pose a danger to people and objects below the tree. Tree topping also produces an ugly tree and can decrease adjacent property values. In order to protect the public health and safety, tree topping is prohibited by a commercial tree maintenance or service company on any tree in the city limits or ETJ.

The trees in the center of the picture to the right have been topped recently. Multiple shoots will form to compensate for the lost canopy. These shoots can pose a safety risk, as they will break much more easily than the original limbs.

Note the difference in appearance between the topped trees and the natural trees surrounding them.



11.10 DEFINITIONS

As used within this ordinance, the following terms shall have the meanings set forth in this section:

ANSI American National Standards Institute (ANSI) is a private, non-profit organization (501(c) 3) that administers and coordinates the U.S. voluntary standardization and conformity assessment system. This includes tree care operations for trees, shrubs and other woody plant maintenance. www.ansi.org.

Alternative Methods of Compliance Alternate tree planting plans, plant materials, planting methods, or reforestation may be used where unreasonable or impracticable situations would result from application of the tree planting and preservation requirements.

Appeal An action requesting reversal or modification of a decision made by the Planning Director based on his/her interpretations of the code. Appeals are made to the Board of Adjustment.

Auguring A practice to reduce the damage to and loss of individual trees where underground construction involves a tree's CRZ (Critical Root Zone).

Caliper Diameter measurement of tree-trunk taken at 6 inches above ground level for trees up to and including trees 4 inches in caliper. For larger trees, measurement of caliper shall be taken at 12 inches above ground level.

Canopy The uppermost spreading branchy layer of a tree.

Canopy Cover The area that falls within a tree's drip line.

Canopy Tree A deciduous tree with height at maturity greater than 35 feet which produces significant shade due to the size and shape of its canopy.

Certified Arborist A person who is properly licensed through a combination of either a professional certification or ISA certification as a Certified Arborist.

Clear Cut Felling and removal of all trees from an area. Typically an indiscriminant removal of trees except in the case of silviculture harvesting where tree removal is followed up with a forest replanting or regeneration effort to keep the land forested.

Cluster of Trees A group of trees gathered together in their natural state.

DBH (Diameter Breast Height) The diameter of a tree 4.5 feet above the average ground level.

Deciduous Plants or trees that lose their leaves annually.

Developer A person or company who engages in development activities as defined below.

Development The act, process or state of erecting buildings or structures, or making improvements that require submittal of a non-residential site plan, a minor subdivision plan, or a major development plan as required in Chapter 15 of the Land Development Code.

Development permits A permit issued by the planning director that authorizes the recipient to make use of property in accordance with the requirements of this ordinance.

Drip Line An imaginary vertical line extending from the outermost portion of the tree *canopy* to the ground.

Evergreen Plants or trees that retain their leaves throughout the year.

Existing Tree Canopy Tree canopy that existed for at least 2 years prior to development as evidenced by the Town or County aerial photography and/or satellite imagery.

Exotic/Invasive Species An alien species that becomes established in natural or semi-natural ecosystems or habitats and threatens native plants and when such species spread they threaten biological diversity. Invasive species include English Ivy-Hedera helix, Chinese Wisteria-Wisteria sinensis, Japanese Wisteria-Wisteria floribunda, Japanese Honeysuckle-Lonicera japonica, Kudzu-Pueraria Montana, and non-native bamboo.

Forest Management Plan A document that defines a landowner's forest management objectives and describes specific measures to be taken to achieve those objectives.

Grading or Land Disturbing Any use of land by any person that results in a change of the natural cover or topography and that may cause or contribute to sedimentation or soil compaction.

Heritage Tree Any tree that is 12 inches in diameter or larger measured at 4.5 feet above grade (i.e. diameter at breast height).

Land clearing The large scale indiscriminant removal of trees, shrubs, and undergrowth with the intention of preparing real property for non-agricultural development.

Large Maturing Tree A tree whose height is greater than 60 feet at maturity and meets the specification of "American Standards for Nursery Stock" published by the American Association of Nurserymen. See also Canopy Tree.

Medium Maturing Tree A tree whose height is 30-60 feet at maturity and meets the specification of "American Standards for Nursery Stock" published by the American Association of Nurserymen.

Monoculture A single, homogeneous culture without diversity or dissension.

Native Species Refers to a tree species whose geographic range during pre-colonial times included the Piedmont of North Carolina, and can be found at the NC Division of Forest Resources.

Parking Area All vehicular use areas including parking areas, vehicle storage areas, access and maneuvering areas and the like.

Parking Lot Plantings Planting areas within and adjacent to parking areas designed to shade and improve the attractiveness of large areas of pavement.

Planting Strip A ground surface located outside of any public right-of-way that is free of impervious cover and/or paved material and is reserved for landscaping purposes.

Planting Yard A planting yard is a strip of land (of various widths) provided along the perimeter of a site for the installation of plant material in a combination of canopy trees, and/or under story trees and shrubs.

Protective Fencing A physical and visual barrier installed around the critical root zone of a tree to prevent damage to the tree and its root system. Protective fencing or barricades consist of 2"x 4"

posts with 1”x 4” rails, orange safety fence, or a similar treatment, and are at least four feet tall. Every construction or development site must have a weatherproof sign posted at the construction office or permit board stating in both English and Spanish, “Tree Protection Area: Do Not Enter.” This sign must also state that the violation for driving or parking vehicles or equipment or engaging in development activities within the protective barricade area will result in a civil penalty issued by the City of Belmont in the amount of \$1,000 per incident. This sign must reference Section 11.3.3 and must include the City Seal.

Pruning The cutting off or removal of dead or living parts of a tree or shrub. See ANSI standards for recommended pruning practices.

Small Maturing Tree A tree whose height is less than 30 feet at maturity and meets the specifications of “American Standards for Nursery Stock” published by the American Association of Nurserymen.

Stand A group of trees of sufficiently uniform and/or complimentary species composition, age, and condition that they may be considered homogenous unit for management purposes.

Street Tree A tree planted within or adjacent to a public right-of-way as required by the city.

Sustainable Capable of being continued with minimal negative long-term effects on the environment, the economy, and on residents’ quality of life.

Topping The inappropriate removal or cutting back of major portions of a tree by any pruning practice resulting in more than 25% of the foliage and limbs being removed. This includes any pruning that leads to disfigurement of the normal shape of the tree. Topping is also referred to as “heading”, “stubbing,” “rounding,” or “dehorning”.

Tree Inventory The gathering of accurate information on the health and diversity of the community forest on a development site or within Belmont.

Tree Protection Zone The critical root and tree protection zone is defined as the critical area above and below ground with a radius equivalent to one foot outside of the drip line.

Tree Save Area One or more areas of a site which includes existing trees and their tree protection zone. The purpose of a tree save area is to encourage the preservation of healthy clusters of trees or heritage trees.

Urban Forest Trees or plants in the town.

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