

11 TREE PROTECTION AND LANDSCAPING

11.1 GENERAL PROVISIONS

11.1.1 Short Title

This chapter shall be known and may be cited as the “Belmont Tree Ordinance.”

11.1.2 Definitions

The words, terms, and phrases, as defined within this chapter and used within the City of Belmont Land Development Code, shall have the meanings ascribed to them within this section.

Words and phrases used in this chapter that are not explicitly defined in this section or in chapter 2, shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

ANSI The 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.

Appeal An action requesting reversal or modification of a decision made by the planning director based on his/her interpretations of the Land Development Code. Appeals are made to the board of adjustment.

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.

Certified Arborist An individual certified by the International Society of Arboriculture (ISA), a consulting arborist as designated by the American Society of Consulting Arborists, or a city-approved professional.

Critical root zone (CRZ): A circular region measured outward from a tree trunk representing the essential area of the roots that must be maintained for the tree’s survival. The critical root zone is one foot of radial distance for every inch of tree DBH, with a minimum of eight feet.

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

Developer A person or company (or anyone contracted by the developer) who engages in [development](#), as defined in [chapter 2](#).

Development Plans As used within chapter 11, and unless otherwise exempted by this chapter (section 11.1.5), the term development plans refers to site plans, minor subdivisions, and major development plans, which are themselves defined within chapter 15.

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

Evergreen Plants that retain their leaves throughout the year.

Forest Management Plan A document that defines a landowner's forest management objectives and describes specific measures to be taken to achieve those objectives (also see 11.3.11).

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.

Invasive Species A plant species that is non-native to a given geographic area and becomes established in natural or semi-natural ecosystems or habitats. Generally, these species grow quickly and spread to the point of disrupting natural ecosystems and threatening native plants. Such species include, but are not limited to, English ivy--hedera helix, Chinese wisteria--wisteria sinensis, Japanese wisteria--wisteria floribunda, Japanese honeysuckle--lonicera japonica, kudzu-*pueraria montana*, and non-native bamboo

Landscape Plan A required element of any development plan that exhibits the location of all new plantings and their tree protection zones and lists the quantity and size-at-installation of all plant material. Landscape Plans shall conform to all requirements of this chapter and may incorporate a tree protection plan, where required by this chapter.

Landscaping Yard A planting landscaping yard is a strip or area of land (of various widths) provided along the perimeter of a site for the installation of plant material as required by this chapter.



Modifications 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.

Native Species Tree and plant species indigenous to the local ecosystem. Generally, these are species whose geographic range during pre-colonial times included the Piedmont of North Carolina and can be found at the North Carolina Forest Service.

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

Parking Lot Interior Plantings Planting located within the interior of all parking areas with more than 10 parking spaces.

Payment-in-Lieu A contribution by the developer to a city-administered tree preservation fund a dollar amount equal to a percentage of the tax value of the land being developed at the time of development plan approval.

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.

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

Qualified Professional A professional in the field of arboriculture, who, on a regular basis, provides expert advice about trees and other woody plants, their care, safety, preservation, and value. A qualified professional,

as defined here, does not have a vested economic interest in the delivery of any services recommended nor deliver paid services in lieu of a consulting fee. A qualified professional must be able to demonstrate proficiency and credibility through evidence of the following:

- Documentation of substantial experience in arboricultural practice,
- Documentation of degree acquisition and/or other forms of certified training,
- Documentation of a referential record of practice in the field as a consultant.

Residential Infill Development Any single lot or combination of adjacent lots, in a built-up residential area or neighborhood, which is currently vacant or will become vacant by demolition of a structure(s). This definition shall apply to an existing lot or lots, as of the adoption date of this ordinance (September 8, 2020). This does not apply to lots that are otherwise exempt or lots located within subdivisions that were approved by the city in compliance with the tree preservation ordinance dated 2010.

Topping The inappropriate removal or cutting back of tree limbs to stubs in either a straight-across hedge fashion or a complete delimiting of the tree, leaving only the main trunk or trunks of a tree. 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, Canopy Any medium- or large-maturing deciduous trees.

Tree, Conifer Any of various types of mostly evergreen trees that produce a cone and have needle-shaped or scale-like leaves, including but not limited to pine, fir, spruce, cedar, and cypress.

Tree, Deciduous Any tree which loses or sheds its leaves seasonally.

Tree, Evergreen Any tree that retains its leaves throughout the year.

Tree, Existing Any tree present within the bounds of a development site that existed within the bounds prior to development.

Tree, Heritage Any tree that is 36 inches in diameter or larger when measured at 4.5 feet above grade, i. e., diameter at breast height.

Tree, Large-maturing 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.

Tree, Medium-maturing A tree whose height is 35-60 feet at maturity and meets the specification of “American Standards for Nursery Stock” published by the American Association of Nurserymen.

Tree, Protected Any deciduous tree that is 10 inches in diameter or larger when measured at 4.5 feet above grade, i. e., diameter at breast height.

Tree, Private A tree located on private property.

Tree, Public A tree located within property owned by the City of Belmont, including the street right-of-way, public parks, or other public facilities. The maintenance of public trees can vary based on tree location. Maintenance may be provided by the city, NCDOT, homeowners associations, property management companies, or property owners.

Tree, Qualifying A tree eligible for use in meeting tree save area requirements. A qualifying tree:

- Shall have a health and condition standard factor of over 50% based on the standards established by the International Society of Arboriculture. These standards consider the soundness of the trunk, the growth rate, the structure of the tree, the presence of insects or disease, the crown development, and the life expectancy.
- Shall not include any tree identified as an invasive species on the city's invasive species list.
- Must be a protected tree, significant tree, or heritage tree.

Tree, Significant Any tree that is 18 inches in diameter or larger measured at 4.5 feet above grade, i. e., diameter at breast height.

Tree, Small-maturing A tree whose height is less than 35 feet at maturity and meets the specifications of “American Standards for Nursery Stock” published by the American Association of Nurserymen.

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

Tree Inventory The gathering of accurate information on the health and diversity of the community forest on a development site or within the City of Belmont. Tree inventories must include identification of the tree species, DBH, and tree condition. Inventories must be completed by a certified arborist or other qualified professional.

Tree Planting Plan A required element of any development plan that utilizes new plantings to meet tree save area requirements.

Tree Protection Barricade A physical and visual barrier installed around the critical root zone of a tree to prevent damage to the tree and its root system.

Tree Protection Plan A required element of any development plan that exhibits tree save areas, their tree protection zone, and the location of any tree protection measures, as required by this chapter.

Tree Protection Zone The area above and below ground with a radius that extends from the trunk to the perimeter of the critical root zone, as defined within this chapter.

Tree Save Area One or more areas of a site which includes existing trees and new plantings used to meet tree save requirements and their associated tree protection zone.

Urban Forest Trees or plants within Belmont city limits and the City of Belmont ETJ.

11.1.3 Applicability

The regulations apply to both public and private property and all developers and/or owners of real property involved with the erection, repair, alteration, or removal of any building or structure as well as land grading in anticipation of such development. *These regulations also apply to the management of trees on public lands.* 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 N.C.G.S. 160A-458.5.

Compliance with this chapter shall be required for all development, unless explicitly exempted within this chapter (Section 11.1.5).

11.1.4 Purpose & Intent

The tree protection and landscaping regulations set forth in this chapter exist to:

- Establish minimum development standards for the protection and conservation of existing tree coverage, mature trees, vegetation, and natural resource buffers on development sites.
- Establish minimum development standards for the planting, installation, and maintenance of new trees, shrubs, and vegetation.
- Establish minimum standards for the maintenance of public trees.

The purpose of these regulations is to lessen the environmental impacts of site development on surrounding properties and to protect, promote, and enhance the quality of life for the Belmont community and its citizens. Specifically, the regulations set forth in this chapter are intended to:

- Protect and enhance the aesthetic qualities of the community to ensure that tree removal associated with land development, and tree removal or pruning associated with routine tree care maintenance, does not reduce surrounding property values.
- Prevent and/or control soil erosion.
- Reduce stormwater runoff and its associated hazards, including flooding and contamination of water resources.
- Promote clean air quality through reduction of air pollution, sequestration of carbon, and release of oxygen to the atmosphere.
- Provide shade and minimize increases in land temperature resulting from impervious surfaces and natural causes.
- Screen.
- Stabilize ground water tables.
- Require the preservation and planting of trees on site to maintain and enlarge the tree canopy cover across the city.
- Protect and conserve natural resources.

11.1.5 Exemptions & Relief

- A. No exemption or relief from the regulations set forth in this chapter shall be allowable without written approval from the planning director or unless otherwise noted within this chapter.
- B. Development plans, as the term is defined, utilized, and applied within this chapter and exclusive to this chapter, exempts the following types of development from the requirements of section 11.3 of this chapter:

1. Residential infill development, except where noted in 11.3.1 General Development Requirements.
2. Residential additions
3. Interior upfits
4. Exempt subdivisions
5. Non-residential expansion of a principal building by less than twenty percent (20%) of its existing size, provided such enlargement will not result in site or landscaping improvements or the expansion of parking areas.
6. Conventional rezones
7. Change of use without expansion.

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11.2 ADMINISTRATION

11.2.1 City Jurisdiction & Authority

- A. The city shall have the jurisdiction, authority, control, supervision, and direction over all trees planted or growing in the City of Belmont or the City of Belmont ETJ, except where exempted in this chapter.
- B. The city planning department and planning director shall have oversight over the implementation and interpretation of this ordinance.
- C. Where explicitly referenced within this chapter, the city environmental sustainability board (ESB) shall have oversight over the application of this ordinance.
- D. The city public works department and public works director shall have oversight over the maintenance of public trees.
- E. The city may prepare and publish guidelines and specifications for tree planting, care, maintenance, removal, and landscape design for reference and use by property owners, developers, consultants, and the general public in furtherance of the requirements and intent of this chapter. This document shall be reviewed periodically by the city's planning department and the environmental sustainability board.
- F. The city shall review all applications for permits for any planting, removal and/or trimming or cutting of trees subject to this chapter and shall have the authority to grant or deny permits and to attach reasonable conditions to the granting of a permit.

11.2.2 Modifications

- A. If strict compliance with the standards of this chapter conflict with existing federal or state statutory or regulatory requirements, or when tree preservation or planting is required by this chapter and site design, topography, natural vegetation, or other special considerations exist relative to the proposed development, the developer may submit a specific alternate plan for tree preservation or planting to the city for consideration. This plan must meet the purposes and standards of this chapter but may suggest measures other than those within this chapter.
- B. If the developer seeks a modification of tree preservation or planting requirements based upon a contention that the requirements of this chapter would pose a threat to health and safety due to a conflict with existing federal or state statutory or regulatory requirements, a modification will only be considered upon receipt of a written explanation of the alleged conflict created by the planting requirement and a copy of the statute or regulation that creates the conflict. The city shall review the alternate proposal and advise the applicant of the disposition of the request within 15 working days of submission by the applicant. Any appeals by the applicant shall be in accordance with LDC chapter 18.
- C. Requests for a delay in complying with this chapter due to poor weather conditions for planting will be considered following a written request directed to the City of Belmont planning department and payment of a surety for such planting. Certificates of occupancy will be issued upon approval of a request for planting delay. Failure to comply will result in penalties as provided for in LDC chapter 18.
- D. All requests for modifications require approval from the planning director. The planning director shall refer requests for modifications to the environmental sustainability board for a non-binding recommendation.

11.2.3 Inspections and Investigations

- A. Planning department staff, agents, officials, or other qualified persons and authorized representatives of the city may periodically inspect sites subject to the provisions of this ordinance to determine compliance with this chapter or rules or order adopted or issued pursuant to this chapter.
- B. If, through inspection, it is determined that a responsible party, as outlined in section 11.2.5, 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.
- C. The notice to comply shall identify the nature of the violation and shall set forth the measures necessary to achieve compliance with this chapter. The notice shall inform the person whether a civil penalty will be assessed immediately or shall specify a date by which the person must comply with this chapter. The notice shall advise that failure to correct the violation within the time specified will subject that person to the civil penalties as provided in LDC chapter 18 or any other authorized enforcement action.
- D. 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.
- E. No person shall refuse entry or access to any staff or authorized representative of the city who presents appropriate credentials and requests entry for the purpose of inspection, nor shall any person obstruct, hamper, or interfere with that representative while in the process of carrying out official duties.
- F. A certificate of occupancy for the development shall not be issued unless the regulations, provisions, and rules required by this chapter are inspected and found in compliance with the approved site plan or subdivision plat.
- G. 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 the regulations, provisions, and rules of this chapter.

11.2.4 Emergencies

- A. 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.

11.2.5 Penalties

- A. Any person who violates any of the sections of this chapter, or rules or orders adopted or issued pursuant to this chapter, shall be subject to any one, all or a combination of the civil penalties prescribed by LDC chapter 18. The person performing the work, the property owner and the person contracting for the performance shall be jointly and severally liable for any penalty or other enforcement action imposed pursuant to this chapter or other provisions of law on account of work performed in violation of this chapter.
- B. Civil penalties for violations of this chapter shall be assessed pursuant to the following:
 1. Failure to plant original or replacement trees in accordance with this chapter.
 2. Injury or damage to, or destruction of, trees and shrubs protected by this chapter.
 3. Failure to install or maintain required tree protection measures in accordance with this chapter.
 4. Any other action that constitutes a violation of this chapter.

- C. A nonmonetary penalty, in the form of increased or additional planting requirements, may be assessed in addition to or in lieu of any monetary penalties, at the discretion of the planning director. The planning director may elect to seek a nonbinding opinion or recommendation from the environmental sustainability board when considering the assessment of a nonmonetary penalty in addition to or in lieu of a monetary penalty.
- D. The city shall determine the amount of the civil penalty and shall notify the person who is assessed the civil penalty of the amount of the penalty and the reason for assessing the penalty.
- E. A civil action for unpaid assessment must be filed within three years of the date the assessment was due. An assessment that is not contested is due when the violator is served with a notice of assessment. An assessment that is contested is due at the conclusion of the administrative and judicial review of the assessment.
- F. Civil penalties collected pursuant to this chapter shall be credited to the general fund as nontax revenue and shall be used to further the purposes, intent, and requirements of this chapter. The city council shall be consulted regarding use of collected funds.
- G. Any person who knowingly or willfully violates any section of this chapter shall be guilty of a Class 2 misdemeanor and may, upon conviction thereof, be subject to punishment as provided in LDC chapter 18.

11.2.6 Injunctive Relief

- A. Whenever the city has reasonable cause to believe that any person is violating or threatening to violate this chapter or any rule or order adopted or issued pursuant to this chapter, or any term, condition, or provision of an approved permit, it may, either before or after the institution of any other action or proceeding authorized by this chapter, authorize the city attorney to institute a civil action in the name of the city for injunctive relief to restrain the violation or threatened violation. The action shall be brought in the county superior court or any other court of competent jurisdiction.
- B. Upon determination of a court that an alleged violation is occurring or is threatened, the city shall request the court to enter such orders or judgments as are necessary to abate the violation. The institution of an action for injunctive relief under this section shall not relieve any party to such proceedings from any civil or criminal penalty prescribed for violation of this chapter.

11.2.7 Appeals & Variances

- A. All applications or petitions for appeals shall follow the procedure set forth in LDC chapter 18.

11.3 TREE PROTECTION

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. In order to protect and enhance the existing tree canopy of the City of Belmont, Section 11.3 seeks to protect and preserve forest stands, individual trees, and natural resource buffers to the extent that is reasonable and practical while otherwise not unreasonably prohibiting development.

11.3.1 General Development Requirements

- A. Provide a total tree save area equivalent to a percentage of gross site area, as designated within the tree save area table located in section 11.3.3.C.
- B. Provide a tree inventory, as described in section 11.3.7, for all protected trees, significant trees, and heritage trees located within the lot and the adjacent public right-of-way.
- C. Provide a tree protection plan, as described in section 11.3.8.
- D. Provide a tree planting plan, as described in section 11.3.10, where new plantings are utilized to fulfill tree save area requirements.
- E. Residential infill development must provide a tree inventory for all heritage trees on the site, as described in section 11.3.7. All effort shall be made to protect and preserve heritage trees on residential infill development sites, as described in section 11.3.6.



11.3.2 Tree Save Area General Requirements

- A. No tree may be used to meet the requirements of this chapter if it is unhealthy or an otherwise hazardous tree, as determined by a certified arborist or other qualified professional and approved by the planning director.
- B. Tree save areas shall be free of invasive plant species, *as identified by the North Carolina Forest Service*, unless otherwise approved by the planning director. If an area proposed for tree save contains invasive plant species at the time of such proposal, all invasive plant species shall be removed prior to the issuance of final certificate of occupancy for commercial and multi-family properties or at final plat approval for subdivisions. Invasive plant species are considered removed if they are no longer living in the tree canopy, on the tree trunks, or otherwise competing with preserved trees. Subsequent property owners are required to maintain this condition in compliance with this chapter.

- C. Should any tree utilized to meet tree save area requirements die for any reason, including acts of God, within two years of the recording of the final plat containing the tree save area, the property owner shall replace the dead tree using minimum 2" caliper native canopy trees in the amount equal to the DBH of the dead tree (example, should a 20" oak tree designated for tree save die within two years of the recording of the final plat, then replacement would require installation of ten trees of 2" caliper). *The developer, builder, or homeowner association shall submit a tree inventory of the tree save areas to the city for review and approval two-years from the date of issuance of a grading permit.* The tree must either be replaced within 180 days of death or a bond placed with the planning department for 125% of the cost of tree replacement if the tree dies during a time of year unsuitable for planting. *Off-site mitigation may be used if it is determined by a qualified professional that there is not sufficient space to plant the required number of trees.*
- D. Tree removal within a tree save area that occurs at any point before, during, or after development and construction activities shall require a permit from the city and may require mitigation, at the discretion of the planning director. The planning director shall request a nonbinding recommendation from the environmental sustainability board when considering mitigation requirements for permitted tree removal within a tree save area.
- E. Any alterations to or land disturbing activities within a tree save area must be accomplished without mechanized equipment, unless otherwise approved and permitted by the city.
- F. No structure shall be allowed within ten feet of the tree save area. A building restriction must be noted on the final plat.
- G. Tree save areas must be delineated on construction documents.
- H. Calculations for each individual tree save area must be shown on construction documents.
- I. A table of the trees utilized to meet tree save area requirements must be shown on construction documents and include the species, DBH, and condition of each tree.
- J. All trees utilized to meet tree save area requirements must be delineated on construction documents.
- K. Each individual tree save area must be recorded on the final plat as a tree conservation easement.
- L. Tree save areas must exclude the following:
1. Sight triangles.
 2. Slope easements.
 3. Drainage easements.
 4. Cross access easements.
 5. Governmental and utility easements that prohibit trees.
 6. Any easement that authorizes tree disturbing activities.
 7. Any area devoted or to be devoted to streets, future right-of-way reservations, sidewalks, driveways, walkways, transit easements, and storm drainage facilities, including without limitation, pipes, energy dissipators, and stormwater control measures which require the removal of vegetation.
- M. Any tree where 30% or more of its critical root zone lies outside of a proposed tree save area or is otherwise traversed in part or in entirety by any of the excluded areas in section 11.3.2.L, by impervious surface, or by any adjacent property where the adjacent property containing the critical root zone is not itself a tree save area or conservation easement shall not be eligible for use in fulfilling TSA requirements.

11.3.3 Tree Save Area Calculation

- A. The total amount of tree save area (TSA) required shall be calculated as a percentage of gross lot area.

- B. The percentage of gross lot area and the calculation methods available to fulfill TSA requirements vary by the type of development, pursuant to the tree save area table in 11.3.3.C.
- C. Tree Save Area Table

Type of Development	Required TSA	Calculation Methods		Type-Specific Stipulations
		On-Site	Off-Site	
Single Family Residential	20%	Required	Not Allowed	<ul style="list-style-type: none"> - Must use existing trees to meet TSA requirements. - If TSA cannot be met using existing trees, then on-site new plantings are required.
Multi-Family/ TN-D Mixed Use	15%	Required	Allowed	<ul style="list-style-type: none"> - A minimum of one-half of the required TSA must be met using existing trees. - If one-half of the required TSA cannot be met using existing trees, then on-site new plantings are required to make up the difference. - A maximum of one-half of the required TSA can be met using off-site methods.
General Commercial/ Industrial/ Institutional or Civic	10%	Required	Allowed	<ul style="list-style-type: none"> - A minimum of one-half of the required TSA must be met using existing trees. - If one-half of the required TSA cannot be met using existing trees, then on-site new plantings are required to make up the difference. - A maximum of one-half of the required TSA can be met using off-site methods.
Historic Downtown/ Main St (NC-C & DD)	5%	Allowed	Allowed	<ul style="list-style-type: none"> - On-site methods are not required. - All required TSA can be met using off-site methods.

11.3.4 On-Site Tree Save Area Calculation Methods

A. Existing Trees

1. Existing trees must meet the definition of a qualifying tree (see Section 11.1.2) to be eligible for use in fulfillment of TSA requirements. There are three classifications of potential qualifying trees:
 - a. **Protected tree** Any deciduous tree that is ten inches in diameter or larger, as measured at 4.5 feet above grade (i. e., diameter at breast height).
 - b. **Significant tree** Any tree, deciduous or conifer, that is 18 inches in diameter or larger, as measured at 4.5 feet above grade, i. e., diameter at breast height.
 - c. **Heritage tree** Any tree that is 36 inches in diameter or larger, as measured at 4.5 feet above grade, i. e., diameter at breast height.

2. The amount of tree save area credit per qualifying tree is equivalent to the square footage contained within the critical root zone less the area of any portion of the critical root zone that extends beyond the TSA, plus applicable area multiplier.

Classification of Qualifying Tree	Tree Save Area Multiplier
Protected Tree	1
Significant Tree	1.5
Heritage Tree	2

3. The amount of credit received for any individual TSA shall not exceed one and one-half times (1.5) the physical area of the TSA.

B. New Plantings

1. Where new plantings are utilized to meet tree save area requirements, a tree planting plan shall be a required element of the construction documents. All new plantings are subject to the requirements of the tree planting plan, as detailed in section 11.3.10.
2. New plantings shall receive tree save area credit based upon the size of the tree at maturity using the following rates:
 - a. Large-maturing trees shall be credited 1,200 square feet of tree save area, per tree.
 - b. Medium-maturing trees shall be credited 900 square feet of tree save area, per tree.
 - c. Small-maturing trees shall be credited 600 square feet of tree save area, per tree.

C. Open Space

1. Where open space dedication is required, pursuant to chapter 7, dedicated open space may be used as tree save area, provided that the open space meets the tree save area requirements of this chapter, or is otherwise brought into compliance, using existing trees or new plantings, if approved by the planning director.

D. Natural Resource Buffers

1. Any required natural resource buffer or protective area may be used as tree save area, provided the existing conditions of the required buffer meet the tree save area requirements of this chapter, or are otherwise brought into compliance using new plantings, if allowable by the jurisdiction of the required natural resource buffer.

E. Greenways

1. Greenway easements granted to the City of Belmont, Gaston County Parks and Recreation, and/or the Carolina Thread Trail, may be used as tree save areas provided the existing conditions of the easement meet TSA requirements and that any portion of the greenway easement utilized as a TSA remains subject to the provisions of this chapter. If the easement does not meet the requirements of this chapter, new plantings may be utilized to bring the area into compliance, if allowable by the jurisdiction responsible for the greenway easement. Trail placement must be coordinated with the city so that the effective tree save area required is maintained.

11.3.5 Off-Site Tree Save Area Calculation Methods

A. Payment-in-lieu

1. Payment-in-lieu is an off-site method of TSA compliance that allows a developer to meet a portion of tree save area requirements through payment into a city tree conservation fund that would be used for streetscape projects, plantings in parks, purchase of conservancy lots, or other urban forestry activities that benefit the public.
2. All requests for payment-in-lieu are subject to the consent, review, and approval of the planning director.

3. **Payment-in-lieu** contributions shall be calculated as a percentage of the market value of the land being developed at the time of development plan approval. The payment-in-lieu percentage shall be equivalent to the percentage of gross site area required for TSA that is being satisfied by the payment-in-lieu method.
 - a. Example: General commercial development has a TSA requirement of 10% of gross site area. A maximum of one-half of the general commercial TSA requirement can be satisfied using off-site methods (i. e., up to 5% of gross site area). If off-site methods are selected and payment-in-lieu is chosen as the sole method, then the general commercial development in this example would have a required payment-in-lieu contribution equivalent to 5% of the market value of the land being developed at the time of development plan approval.
- B. Tree-banking
1. Tree banking is an off-site method of TSA compliance that allows a developer to meet a portion of tree save area requirements through the installation of new plantings in a city park or other city-owned property.
 2. All new off-site plantings are subject to the consent, review, and approval of the planning director.
 3. The planning director is under no obligation, explicit or implicit, to allow for the use of tree-banking as an off-site method for TSA compliance.
 4. All new off-site plantings shall require a tree planting plan (Section 11.3.10).
 5. TSA credit received for off-site new plantings shall be granted at the same rate as on-site new plantings (Section 11.3.4.B.2).

11.3.6 **Heritage Trees**

- A. Heritage trees, as defined by this Chapter, located on any site subject to this Land Development Code must be preserved. Where a development plan proposes the removal of a heritage tree, a tree removal permit is required and must be approved by the planning director.
- B. Tree save area credit received for retaining heritage trees will be two times the actual square footage of the critical root zone protected during development.
- C. A person proposing to remove a heritage tree must identify the proposed tree removal on any plan submitted for approval to the City of Belmont.
- D. Anyone who removes a heritage tree without City of Belmont approval is subject to one or more of the civil penalties in LDC chapter 18.
- E. Plans proposing the removal of heritage trees will be approved only where:
 1. The tree is located within that portion of the lot where buildings or other improvements are allowed or 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, dead, or causes an imminent and undue safety hazard to nearby buildings or pedestrian or vehicular traffic, as determined by a certified arborist or other qualified professional; or
 3. The tree is causing significant structural damage to a building or other structure that reasonable maintenance cannot prevent, as determined by a certified arborist or other qualified professional; or
 4. Removal is necessary to allow construction of a road or drive that is essential for access to the site, and no viable alternative is available.

11.3.7 Tree Inventory

- A. All development plans shall require a tree inventory, unless otherwise exempted by this chapter (Section 11.1.5).
- B. All existing trees meeting the following conditions must be identified and inventoried:
 - 1. Protected trees, significant trees, and heritage trees located within property bounds.
 - 2. Planted trees of two-inch caliper or greater that grow partially or wholly within the city right-of-way.
 - 3. Protected trees, significant trees, and heritage trees that grow partially or wholly within the city right-of-way.
- C. The tree inventory shall record the species, DBH, condition of the tree (ISA standards), and tree location.
 - 1. Tree condition shall be recorded as good, fair, poor, or dead.
 - 2. The tree condition rating shall be based on the standards established by the International Society of Arboriculture. These standards consider the soundness of the trunk, the growth rate, the structure of the tree, the presence of insects or disease, the crown development, and the life expectancy.
 - 3. Tree location shall be recorded using X and Y GPS coordinates.
- D. The tree inventory shall be included as an element of the environmental survey required by LDC chapter 16. Where any development plan is not required to submit an environmental survey, the tree inventory shall be submitted directly to the planning department, prior to submission of construction documents, and must be approved by the planning director.
- E. The tree inventory must be completed by a certified arborist or other qualified professional, as defined by this chapter.

11.3.8 Tree Protection Plan

- A. All development plans shall include a tree protection plan for all designated tree save areas, unless otherwise exempted by this chapter (section 11.1.5).
- B. The tree protection plan shall be a required element of the construction documents.
- C. Tree protection plans must exhibit the tree protection zone for all tree save areas. The tree protection zone is defined as the area above and below ground extending a radial distance from the tree trunk to one foot past the drip line.
- D. The location of all tree protection measures, including tree protection barricades, must be shown on the tree protection plan.
- E. A tree protection zone is required to be established for any existing tree having all or any portion of its trunk in or upon public property.
- F. If root disturbance or construction activities occur within any area designated as protected on the tree protection plan, only the area being protected will be included in TSA calculations. If more than 30% of the critical root zone of a tree cannot be protected, then that tree cannot be used for credit toward TSA requirements.

11.3.9 Tree Protection During Construction

- A. Protective barricades shall be placed around all trees designated to be saved, as shown on the tree protection plan, prior to the start of development activities or grading.
- B. Barricades shall be erected around the perimeter of the tree protection zone.
- C. Tree protection barricades must consist of a minimum four-foot-high heavy duty/warning barrier fencing in a high-visibility orange color attached to 2" x 4" posts, or a similar treatment approved by the planning director.

- D. Weatherproof signage shall be attached to the tree protection barricades every 30 feet and posted at the construction office or attached to the on-site permit board. The sign shall state in both English and Spanish, "Tree Protection Area: Do Not Enter." Signage shall state that any encroachment into a designated tree protection zone will result in a civil penalty issued by the City of Belmont of up to \$1,000 per incident. Signage shall reference this chapter and include the city seal.
- E. Protective barricades shall remain in place until development activities are complete, and the City of Belmont has approved their removal.
- F. 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 is prohibited within designated tree protection zones.
- G. Construction access to a site should occur where an existing or proposed entrance or exit is located.
- H. All land disturbance within tree protection zones is prohibited. Sidewalks and driveways shall be routed and placed to accommodate existing trees.
- I. All of the following activities are strictly prohibited within the tree protection zone: trenching, placing or storing backfill, driving or parking vehicles and equipment, and dumping trash, oil, paint, construction spoils or other materials detrimental to plant health. Violations are subject to the penalties found in Sections 11.2.5 and 18.3.
- J. Where underground utilities must be located near existing trees, open trenching is prohibited within the CRZ. Underground utilities must be installed using boring or tunneling within the CRZ. The bore or tunnel must be at least three feet deep for trees less than 12" diameter (DBH); and at least 4 feet deep for trees greater than 12" diameter (DBH). At no time shall a bore pit 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 tree mitigation shall be provided on site at a rate of 50% of the diameter (DBH) of the removed tree.

11.3.10 Tree Planting Plan

- A. Where new, on-site tree plantings or new off-site tree plantings (i. e., tree-banking method) are utilized to satisfy any portion of the tree save area requirements, a tree planting plan shall be required and will be a mandatory element of the construction documents.
- B. The tree planting plan is a separate element from the landscape plan.
- C. All trees included in the tree planting plan must be incorporated into the tree protection plan (section 11.3.8) and are subject to all provisions of said section.
- D. The tree planting plan must meet the following specifications and criteria:
 - 1. A minimum of 75% of tree plantings must be native tree species.
 - 2. A maximum of 20% of the proposed species may be from the same genus.
 - 3. All new plantings must be large-maturing deciduous trees.
 - a. The planning director retains the discretion to allow up to a total of 40% of all new plantings to be small- or medium-maturing trees.
 - b. Where small-maturing trees are allowed by the planning director, the minimum allowable size at installation is 1.5" caliper.
 - c. Where medium-maturing trees are allowed by the planning director, the minimum allowable size at installation is 2" caliper.
- E. The tree planting plan shall include the following elements:
 - 1. The location of all new plantings.
 - 2. The location of all tree protection measures.
 - 3. The location of all existing and proposed utilities.
 - 4. A table exhibiting the following information:

- a. The botanical name, common name, quantity, and caliper size at installation of each tree species.
- b. The overall percentage of plantings that are native tree species.
- c. The percentage of plantings from each represented genus.
- d. The percentage of large-maturing, medium-maturing, and small-maturing tree species.
- e. Tree save area calculations showing the amount of TSA credit received from the proposed new plantings, utilizing the rates in Section 11.3.4.B.2.

11.3.11 Restriction of certain forestry activities prohibited.

- A. In accordance with N.C.G.S. 160D-921, the following definitions apply to this section:
 1. Development. – Any activity, including timber harvesting, that is associated with the conversion of forestland to non-forest 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. The 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 the city to:
 1. Regulate activity associated with development. The city may deny a building permit or refuse to approve a site or subdivision plan for either a period of up to:
 - i. 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.
 - ii. 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 chapter (160D-921).
 5. Regulate and protect streets under this chapter (2005 447, s. 2., and then 2019-111, s. 2.4. when in effect in 2021).

11.4 LANDSCAPING

11.4.1 General Landscaping Requirements

- A. All development plans shall include a landscape plan.
- B. The landscape plan is a separate element from the tree planting plan.
- C. Tree protection is required for all new tree plantings during construction and shall adhere to the guidelines set forth in this chapter (section 11.3.8).
- D. Due to seasonal planting problems and/or a lack of plant availability, approved landscape plans may require minor revisions. Minor revisions to landscape 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.
- E. 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.
- F. Decisions of the planning director regarding alternate methods of compliance may be appealed to the board of adjustment.

11.4.2 Landscape Plan Requirements

- A. Landscape plans are required to be submitted with construction documents.
- B. The landscape plan must adhere to the planting standards detailed in Section 11.4.4.
- C. The landscape plan shall include the following elements:
 - 1. The location of all new plantings.
 - 2. The location of any wall, wood fence, landscaped earthen berm, or existing vegetation used to satisfy the requirements of the five types of landscaping detailed in section 11.4.3.
 - 3. The location of all tree protection measures.
 - 4. The location of all existing and proposed utilities.
 - 5. A table exhibiting the following information:
 - a. The botanical name, common name, quantity, and size at installation of each tree and shrub species.
 - b. The overall percentage of tree and shrub plantings that are native species.
 - c. The percentage of large-maturing, medium-maturing, and small-maturing tree species.

11.4.3 Required Types of Landscaping

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

- A. **Opaque Screen/Buffer (Type A)**
 - 1. **Location & Required Usage**
 - a. Rear and/or side transition yards between HC, BC-D, or IC-D lots and all other districts (Minimum width: 30 ft)
 - b. Rear and/or side transition yards between civic and residential uses and civic uses and all other Districts (except RR, GR, INF-D, and TN-D) (Minimum width: 10 to 30 ft).
 - c. Edge of all yards abutting right-of-way for Interstate 85 (Minimum width: 50 ft)
 - d. Edge of all yards abutting right-of-way for active rail corridors (Minimum width: 20 ft)

2. *Function*

- a. This type functions as an opaque screen from the ground to a height of at least eight (8) feet and is intended to exclude visual contact between uses and create a strong impression of spatial separation.

3. *Specifications*

- a. In addition to planted vegetation, Type A landscaping may include a wall, wood fence, landscaped earthen berm, existing vegetation, or any appropriate combination of these elements, subject to the approval of the planning director.
- b. 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 20 feet between tree canopies at the time of installation.
- c. At the time of installation, shrub plantings shall have a minimum height of three feet and have no unobstructed openings wider than four feet.
- d. At least 50% of the required trees, and at least 75% of the required shrubs, shall be evergreen species locally adapted to the area.
- e. Where a natural buffer exists, it is to remain undisturbed. If the existing conditions of the buffer do not meet requirements of Type A Landscaping, supplemental planting may be required by the planning director, if allowable by the jurisdiction governing the natural resource buffer.
- f. All buffers required by the watershed ordinance and stream buffer ordinance shall remain completely undisturbed.

B. Semi-Opaque Screen (Type B)

1. *Location & Required Usage*

- a. Perimeter yard of all parking areas visible from the street.
- b. All districts, unless otherwise specified within the Land Development Code.

2. *Function*

- a. 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.

3. *Specifications*

- a. In addition to planted vegetation, Type B landscaping may include a wall, fence, existing vegetation, or any appropriate combination of these elements, subject to the approval of the planning director.
- b. Shrub plantings shall have no unobstructed openings wider than four (4) feet at the time of installation.
- c. At least 75 % of the required shrubs shall be evergreen species locally adapted to the area.
- d. 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.
- e. The use of existing vegetation to satisfy this requirement is encouraged.
- f. The minimum height upon installation for effectively screening storage areas is six feet. This type of planting should be opaque to screen the off-site view of parking areas from neighboring properties and streets.
- g. The landscaping yard for the following zoning districts must be a minimum width of ten feet: NC-R, INF-D, TN-D, H-C, IC-D.

C. Parking Lot Interior Plantings (Type C)

1. *Location and Required Usage*

- a. Interiors of all parking areas with more than ten parking spaces.

2. *Function*

- a. Type C landscaping functions as a tree ceiling over a parking area providing shelter from sun and rain and minimizing the impact of runoff.

3. *Specifications*

- a. Large maturing canopy trees shall be planted in a manner that provides shade for the entire parking area at maturity.
- b. No parking space shall be *more than 60 ft from the base of a canopy tree at planting.*
- c. All rows of parking must terminate with landscaped islands that are at least nine ft wide, and at least as long as the adjacent parking space.
- d. Islands at the end of a single row of parking shall be at least 18 ft long and must contain at least one shade tree that is at least 3" in caliper at the time of planting.
- e. 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 3" in caliper when planted. These landscaped islands must be at least 324 square feet in area, as measured from the back of the curb.
- f. Type C planting requirements may be modified, *subject to the discretion and approval of the planning director*, in order to protect existing trees on site where a parking area is planned, and a conflict exists between the proposed parking area, existing trees, and the Type C planting requirements.
- g. If parking lot lighting is installed in a landscaped island, then the lighting should be designed to accommodate the trees planted in the island.
- h. Where more than six new trees are required to meet Type C requirements, the use of at least two different species around the parking area shall be required to promote diversity in the overall urban tree canopy.
- i. The use of existing vegetation to satisfy this requirement is encouraged.

D. *Street Tree Canopy (Type D)*

1. *Location and Required Usage*

- a. Along all street frontages (all districts)

2. *Function*

- a. 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.

3. *Specifications*

- a. Trees shall be spaced at a minimum average of:
 - i. Large-maturing trees = 45 ft on-center.
 - ii. Medium-maturing trees = 30 ft on-center.
 - iii. Small-maturing trees = 20 ft on-center.
- b. 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.
- c. Tree selections shall be provided for in accordance with *City of Belmont Street Tree Selection*.
- d. Where the street frontage is a NCDOT maintained roadway, adherence to the *NCDOT Guidelines for Planting Within Highway Right-of-Way* is mandatory.
- e. Responsibility for the maintenance of street trees varies based on location of the tree, according to the following:
 - i. Residential Developments: Maintenance of street trees shall be the responsibility of either the homeowners' association, property management company, or property owner.

- ii. Commercial Centers: Maintenance of street trees shall be the responsibility of the property/business management company.

E. Residential Tree Canopy (Type E)

1. Location & Required Usage

- a. For all new single-family houses.

2. Function

- a. This type functions to maintain and/or replenish the urban tree canopy in areas of new residential development.

3. Specifications

- a. Each lot shall provide canopy trees in accordance with the following schedule:

Lot Size	# of Front Yard Trees FY Setback ≤ 30*	Number of Trees FY Setback > 31**	Rear Yard
≤ 5,000 ft ²	1 Medium/Small	1 Medium/Small	0
5,001–10,000 ft ²	1 Medium/Small	1 Medium/Small	1 Medium
10,000–15,000 ft ²	1 Medium/Small	1 Medium/Small	1 Medium/Small
15,001–20,000 ft ²	1 Medium/Small	1 Medium/Small**	1 Medium
> 20,000 ft ²	1 Medium/Small	1 Medium/Small**	1 Large 1 Medium/Small

*If a large or medium street tree exists directly adjacent to lot, no front yard tree required.
 **If front setback is greater than 50 feet from the property line, then a minimum of 2 front yard trees are required, of which 1 must be a medium or large-maturing tree.

- b. The use of differing species to be planted in residential yards is encouraged to promote diversity in the overall urban tree canopy. No more than 20% of the total amount of required trees to be planted in residential yards can be from the same genus.
- c. The use of existing vegetation to satisfy this requirement is encouraged. 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.
- d. 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 or qualified professional to examine the tree in question.
- e. 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.

11.4.4 Planting Standards

- A. All new plantings required by this chapter must conform to the standards of this section.
- B. All new plant material shall be of good quality, installed in a sound, professional manner and meet the standards set forth in the *American Standard for Nursery Stock (AMSI Z60)* and the American National Standards Institute (ANSI) A300 standards. Contractor shall warrant all new plant material for 2 years from time of installation.
- C. All trees shall be properly guyed or staked and mulched (3-4” layer) in accordance with accepted practices in the landscape industry. 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.

- D. Where large maturing trees are required and overhead utility lines exist, small maturing trees planted one per 15 lineal feet shall be substituted with the approval of the planning director.
- E. The owner of commercial or institutional property is responsible for the continued proper maintenance of all landscaping materials that are required by this chapter and shall keep them in a proper, neat, and orderly appearance, free from refuse and debris.
- F. 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 1/2 of the height of the canopy and be maintained at a height of eight feet.
- G. 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.
- H. 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 required.
- I. 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 1-1/2" caliper and have a minimum height of six feet.
- J. 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.
- K. At installation, evergreen trees shall not be less than 8' in height with a minimum 2" caliper.
- L. At installation, small shrubs shall be a minimum 18" in height and medium or large shrubs a minimum 30."
- M. Installation and construction practices shall be utilized which preserve existing topsoil or amend the soil to reduce compaction.
- N. No plants shall be planted within the sight distance triangle at an intersection or driveway access points.
- O. Chain link and similar fencing materials for non-residential development, if visible from rights-of way, shall be landscaped on their exterior side.

11.4.5 Tree Maintenance Standards

Trees must be properly maintained in order to provide for a healthy and diverse tree canopy. *Public and private trees must be maintained to prevent damage to structures*, pedestrians, or vehicles in parking lots and the public right-of-way.

- A. *Responsibility for maintenance of street trees varies based on location of the tree, according to the following:*
 1. Residential Developments: Maintenance of street trees shall be the responsibility of either the homeowner association, property management company, or property owner.
 2. Commercial Business or Center: Maintenance of street trees shall be the responsibility of the property/business management company.
 3. The city shall maintain all trees located on city owned property and street trees accepted for tree maintenance within the historic downtown area.
- B. Trees shall be regularly pruned so that the branches do not obstruct the view of any street intersection, sign or crosswalk, or significantly obstruct the light from any streetlamp. The canopy of trees planted in areas adjacent to streets, sidewalks, and parking lots shall be maintained to provide clearance for pedestrians and vehicles. Trees pruned to maintain clearance standards of 8 feet and 11 feet above a street or parking lot.

- C. All tree maintenance work, including tree pruning, tree removal, and general tree care, shall conform to the standards of ANSI A300, *ISA best management practices*, and to the safety standards of ANSI Z133.
- D. Tree topping, also known as “rounding over,” “heading,” “hat-racking,” and other terms to describe an improper pruning practice where internodal cuts are made and more than 25% of the tree canopy or branches are removed, is strictly prohibited by any entity performing work on any tree in the city limits or ETJ.

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