



# CITY OF BELMONT

## PLANNING & ZONING

### Application number: TA-2021.02 Tree Protection Ordinance

**Request:** a request to amend chapter 11 of the Land Development Code (LDC) to allow administrative relief in tree inventory requirements for non-residential development projects.

**Background:** The city council asked staff to prepare an amendment of chapter 11 that would provide relief in the tree inventory requirement for commercial and industrial development. The intent is to try to streamline the review process for non-residential development.

**Analysis:** Staff prepared the draft amendment following recommendations from cases that have been previously approved by the environmental sustainability board (ESB). These cases specifically requested relief from conducting a tree inventory over the entire development site. The draft amendment of section 11.1.5—Exemptions & Relief, is proposed as follows:

- C. Relief in tree inventory requirements for commercial and industrial land use projects may be granted by the planning director when:
- The applicant/developer proposes to preserve at least 200% of required tree save area (TSA) as identified in section 11.3.3 of this Chapter.
  - Said tree save area meets the general requirements as specified in section 11.3.2 and is inventoried in compliance with section 11.3.4.

When these requirements are met, the total tree inventory survey area may be reduced to the portion of the site proposed as the tree save area, however, all heritage trees on the project site shall be inventoried. If the proposed area does not fulfill the TSA requirements, the designated area must be increased in size.

This draft was presented to the ESB at its March meeting. They approved the draft amendment with one modification to the opening sentence, changing “commercial and industrial land use projects” to “non-residential development projects.”

**Comprehensive land use plan:** All requests for zoning text amendments are required to evaluate consistency with the goals of the adopted comprehensive land use plan and other adopted plans.

Staff is of the opinion the text amendment is consistent with the goals of the comprehensive land use plan and other adopted plans because it promotes the goal of economic development and environment by streamlining the process while protecting tree canopy in the city.

**Planning Board Action:** Receive report, public comment, and provide a recommendation to city council.

Attachment A – Draft amendment

Attachment B – Statement of consistency

- Residential infill development
  - Residential additions
  - Interior upfits
  - Exempt subdivisions
  - 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.
  - Conventional rezones
  - Change of use without expansion.
- C. Relief in tree inventory requirements for non-residential development projects may be granted by the planning director when:
- The applicant/developer proposes to preserve at least 200% of required tree save area (TSA) as identified in section 11.3.3 of this Chapter.
  - Said TSA meets the general requirements as specified in section 11.3.2 and is inventoried in compliance with section 11.3.4.

When these requirements are met, the total tree inventory survey area may be reduced to the portion of the site proposed as the tree save area, however, all heritage trees on the project site shall be inventoried. If the proposed area does not fulfill the TSA requirements, the designated area must be increased in size.



## Statement of consistency

In considering the text amendment of the Land Development Code request associated with petition TA 2021.02 Tree Protection Ordinance amendment of chapter 11 the Planning and Zoning Board finds:

The proposed text amendment is consistent with various goals of the comprehensive land use plan and other adopted plans because it promotes the goal of economic development and environment by streamlining the process while protecting tree canopy in the city.

*This finding is supported by a  
April 15, 2021 meeting.*

*vote by the Belmont planning and zoning during its*

---

Walter Dixon, Chairman

---

Date