

Ten

COMPREHENSIVE DEVELOPMENT ORDINANCE--
Tree Removal and Maintenance Plans
#ZA 10-05

That Appendix A, Comprehensive Development Ordinance, of the Code of Ordinances of the City of Burlington be and hereby is amended by amending Section 3.1.2 and Article 13 thereof, and adding a new section, Sec. 5.5.4, thereto to read as follows:

Sec. 3.1.2 Zoning Permit Required.

Except for that development which is exempt from a permit requirement under Sec. 3.1.2(c) below, no development may be commenced within the city without a zoning permit issued by the administrative officer including but not limited to the following types of exterior and interior work:

- (a) Exterior work. As written.
- (b) Interior work. As written.

(c) Exemptions:

The following shall be exempt from the requirements of this Ordinance and shall not be required to obtain a zoning permit:

1. As written.
 - A. As written.
 - B. As written.
 - C. As written.
 - D. As written.

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2. The cutting removal of trees from any lot containing a single family home or duplex which consists of no more than three-quarters (3/4) of one acre.
3. Individual tree removal projects that are included under an approved and valid “tree maintenance plan”.

Balance of Sec. 3.1.2 as written, with existing Sec. 3.1.2(c)(3) to (7) renumbered as Sec. 3.1.2(c) (4) to (8).

Sec. 5.5.4 Tree Removal

(a) Review criteria for zoning permit requests for tree removal.

1. Grounds for approval

Tree removal involving six (6) or more trees, each of ten (10) inches or greater in caliper or the removal of ten (10) or more trees, each of which is three (3) inches or greater in caliper during any consecutive twelve (12) month period may be permitted for any of the following reasons:

- A. Removal of dead, diseased, or infested trees
- B. Thinning of trees for the health of remaining trees according to recognized accepted forestry practices
- C. Removal of trees that are a danger to life or property; or
- D. As part of a development with an approved zoning permit

2. Grounds for denial

Tree removal involving six (6) or more trees, each of ten (10) inches or greater in caliper or the removal of ten (10) or more trees, each of which is three (3) inches or greater in caliper during any consecutive twelve (12) month period may be denied if existing healthy trees are known to be:

- A. Providing a significant privacy or aesthetic buffer or barrier between properties
- B. Providing stabilization on slopes vulnerable to erosion
- C. Located within a riparian or littoral buffer
- D. Provide unique wildlife habitat

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- E. A rare northern Vermont tree species as listed by the Vermont Natural Heritage Program; or
- F. A significant element of, or significantly enhances, an historic site

(b) Tree Maintenance Plans

Institutions or other property owners who practice ongoing tree removal shall be exempt from the requirement to obtain a zoning permit for individual tree removal projects subject to obtaining approval from the DRB for a plan as follows:

1. A Tree Maintenance Plan prepared by a certified arborist shall be submitted as a Level I Certificate of Appropriateness, with a level I application fee. This plan shall include general and specific criteria for removing trees based on the criteria as per Sec. 5.5.4 (a).
2. The Tree Maintenance Plan if approved by the Development Review Board. Approval of the Plan is valid for up to five (5) years.
3. In order to continue tree removal, Tree Maintenance Plans must be updated or re-written and approved by the Development Review Board at five (5) year intervals.

Article 13: DEFINITIONS

Tree Maintenance Plan: A plan prepared by a certified arborist that includes general and specific criteria for removing trees.

- * Material stricken out deleted.
- ** Material underlined added.