



**Town of Davidson
Planning Board Regular Meeting
Town Hall and Community Center
Community Room 120
251 South Street
Monday, October 28, 2024 at 6:00 PM**

I. CALL TO ORDER

II. SILENT ROLL CALL AND DETERMINATION OF QUORUM

III. CHANGES TO THE AGENDA

IV. REVIEW/APPROVAL OF MINUTES

a. Review/Approval of the September 30, 2024, Minutes

Summary: The Planning Board will review and consider approval of the September 30, 2024, Minutes.

V. OLD BUSINESS

a. Review & Recommendation: Ordinance 2024-07, Proposed Text Amendments to Section 4, An Ordinance to Address Fencing on Corner Lots

Summary: A resident has proposed text amendments to Davidson Planning Ordinance (DPO) 4.3.1.D specific to fencing regulations in the front yard and on corner lots. Proposed text amendments will follow the process described in DPO 14.23, Amendments Generated by Petition. Principal Planner Trey Akers will provide an overview of the text amendments.

Actions: The Planning Board will review the proposed amendments before making a recommendation to the Board of Commissioners and adopting a Statement of Consistency concerning the amendments.

VI. NEW BUSINESS

VII. OTHER ITEMS

a. Revisit Meeting Schedule

Summary: The Planning Board will review the proposed date of its November meeting and decide whether to keep the meeting date as scheduled or select a new meeting date and adopt a revised meeting schedule.

VIII. PLANNING STAFF REPORT

IX. ADJOURNMENT

MEETING MINUTES

Planning Board

Town of Davidson, NC

September 30, 2024

A meeting of the Davidson Planning Board was held at 6:00 p.m. in the Community Room of the Davidson Town Hall & Community Center at 251 South Street.

I. CALL TO ORDER: 6:01 pm

II. SILENT ROLL CALL AND DETERMINATION OF QUORUM

- **Present Board Members:** Waller Blackwell (Vice Chair); Susan Cooke; Sara Cummings; Janice Lewis; Michael Fabrizius; Jason Ridenhour; Tom Watson; Heather McClow; Nora Barger
- **Absent Board Members:** Mendy McNeel, Rick Pacious, Shawn Copeland (Chair)
- **Town Representatives:** Trey Akers, Jason Burdette

III. CHANGES TO THE AGENDA: N/A

IV. REVIEW/APPROVAL OF THE MINUTES

a. Review/Approval of the August 26, 2024, Minutes:

Motion to recommend approval of the minutes:

- Motion: Susan Cooke
- Second: Michael Fabrizius
- Vote: 7-0 (Motion Passed, Absent: McNeel, Pacious, Copeland; Watson, Cummings Arrived 6:05 p.m.)

V. OLD BUSINESS: N/A

VI. NEW BUSINESS:

- #### a. Discuss Resident-Proposed Text Amendment:
- Planning Director Jason Burdette provided an overview of the proposed text amendment. He noted that the proposed amendment resulted from a resident-reported code violation. Members discussed the following topics:
- Corner lots that contain two frontages and, therefore, two front setbacks;
 - Construction of a fence forward of the required front setback;
 - Non-standard lots, existing non-conformities, and non-applicable street types such as alleys;
 - Efforts by the town to educate landowners on fence regulations;
 - Fence-like features such as hedges;
 - The appropriate processes for addressing violations/variances (i.e., Board of Adjustment) and merits of the town taking a research-informed, comprehensive approach to fencing text amendments rather than an amendment arising from an issue on a singular property.

VII. OTHER ITEMS: N/A

VIII. PLANNING STAFF REPORT: Principal Planner Trey Akers provided brief updates on various development projects and the deadline for Planning Board applications.

IX. ADJOURNMENT: 6:30 pm

- Motion: Nora Barger
- Second: Susan Cooke

APPROVAL OF MEETING MINUTES

Signature/Date

Shawn Copeland, Planning Board Chair



STAFF ANALYSIS:

RESIDENT-PROPOSED TEXT AMENDMENTS (DPO 4)

To: Planning Board

From: Jason Burdette, Planning Director

Date: October 28, 2024

Re: Ordinance 2024-07, Proposed Text Amendments to Section 4, An Ordinance to Address Fencing on Corner Lots

OVERVIEW

A resident has proposed text amendments specific to fencing standards on corner lots (DPO 4.1.3.D). This proposal originates from the construction of a non-complaint fence on a corner lot in 2023. The DPO provides an option for a resident to propose a text amendment and staff is following the process outlined in the ordinance.

Corner lots have long held prominence in the urban design field and are considered to have two frontages. The relationship between buildings and the street and how they work together to shape the public realm is integral to creating safe and comfortable pedestrian conditions. This existing ordinance language specific to corner lots (and associated fencing) has been included in the DPO since 2001 when Davidson adopted its first form-based code (zoning with a design emphasis).

If approved, the resident-proposed text amendments would modify fencing regulations on corner lots allowing four-foot fences in the front yard and six-foot fencing in the “second frontage” with landscaping encouraged. Reasons for the proposal included allowing corner lot owners the same privacy afforded other, non-corner lot owners and creating private yard/play spaces.

Staff has researched a number of towns/cities of varying sizes. Davidson’s current standards are consistent with the standards in other jurisdictions where design, form, and pedestrian safety/comfort are emphasized.

The resident-proposed text amendments are inconsistent with Davidson’s General Planning Principles, which read:

- **Planning Principles, Character Bullet 4:** We must preserve Davidson’s character and sense of community. The essence of Davidson is that residents know their neighbors and interact with them in a variety of well-designed settings. This sense of community is enhanced by: A street, sidewalk, and greenway network that knits the community together.

- **Planning Principles, Design Bullet 2:** We must enhance our quality of life through architecture and design. Livable environments include well-designed buildings, a dynamic public realm, and seamless connections between the two. This means that: Private buildings and public infrastructure must work together to shape public space and to build community character, including through sustainable design practices
- **Planning Principles, Summary:** Davidson is a livable and walkable community because we chose to rigorously manage growth and to require excellent design. To preserve our high quality of life as the town grows, and to ensure a sustainable future for generations, we must apply these planning principles fairly and comprehensively.

REQUESTED ACTION

The Planning Board shall review proposed Ordinance 2024-07, make a recommendation, and adopt a statement of consistency per N.C.G.S § 160D-604.

RELATED TOWN GOALS

The following list identifies how the proposal text amendments do not align with the Town of Davidson's adopted plans and policies.

DAVIDSON COMPREHENSIVE PLAN

Policy 3.3.6: Enhance Pedestrian Comfort: Encourage street features that enhance the comfort and safety of pedestrians

OPTIONS/PROS & CONS

Options: Approve/Disapprove Resident-Proposed Text Amendments

Pros: N/A.

Cons: For the urban design, public realm, and pedestrian safety reasons described above and embedded in the DPO for decades, approval of the resident-proposed text amendment would alter the Town's long-standing commitment to superior community design. Additionally, modifying the entire DPO in response to a singular code violation would not be in the community's best interest and would establish an ill-advised precedent.

PLANNING BOARD RECOMMENDATION

The Planning Board is asked to provide a recommendation on 2024-07, An Ordinance to Address Fencing on Corner Lots.

STAFF RECOMMENDATION

Staff recommends against approval of the resident-proposed text amendments, Ordinance 2024.07. Design has been an integral component of the Davidson Planning Ordinance since prior to the adoption of the Town's first form-based code in 2001. Inherent to this emphasis on design embedded in the DPO is the relationship between buildings and the street and how they work together to shape the public realm and create safe and comfortable pedestrian conditions. Buildings on corner lots are considered especially prominent and are deemed to have two front

building lines, a regulation consistent across all Planning Areas in Town. The DPO's current fencing regulation in Chapter 4 supports this design notion by allowing three-foot fencing forward of the front building line and requiring any six-foot fencing to be located at or behind the front building line. Additionally, Davidson's current standards are consistent with the standards in other jurisdictions where design, form, and pedestrian safety/comfort are emphasized. Further, staff believes that making significant changes to the DPO in response to a singular code violation is not in the community's best interests. Given this, staff strongly asserts that there is not a compelling reason to modify this text as it currently stands.

NEXT STEPS

The project is following DPO 14.23 Changes & Amendments to the Planning Ordinance, which requires: A Board of Commissioners Public Hearing; Planning Board review and a recommendation; and a decision by the Board of Commissioners.

- **September 2024:**
 - Board of Commissioners FYI Presentation ✓
 - Planning Board FYI Presentation ✓
- **October 2024:**
 - Board of Commissioners Public Hearing ✓
 - Planning Board Review + Recommendation ✓
- **November 2024:**
 - Board of Commissioners Decision 11.12.2024



Davidson Planning Ordinance (DPO) Chapter 4
Resident-Proposed Text Amendments:
An Ordinance to Address Fencing on Corner Lots

PLANNING BOARD

Trey Akers
Principal Planner
October 28, 2024

www.townofdavidson.org

CURRENT DPO: GENERAL SITE DESIGN

DPO 4.3.1.D *Fences, Hedges, and Garden Walls*

All Planning Areas:

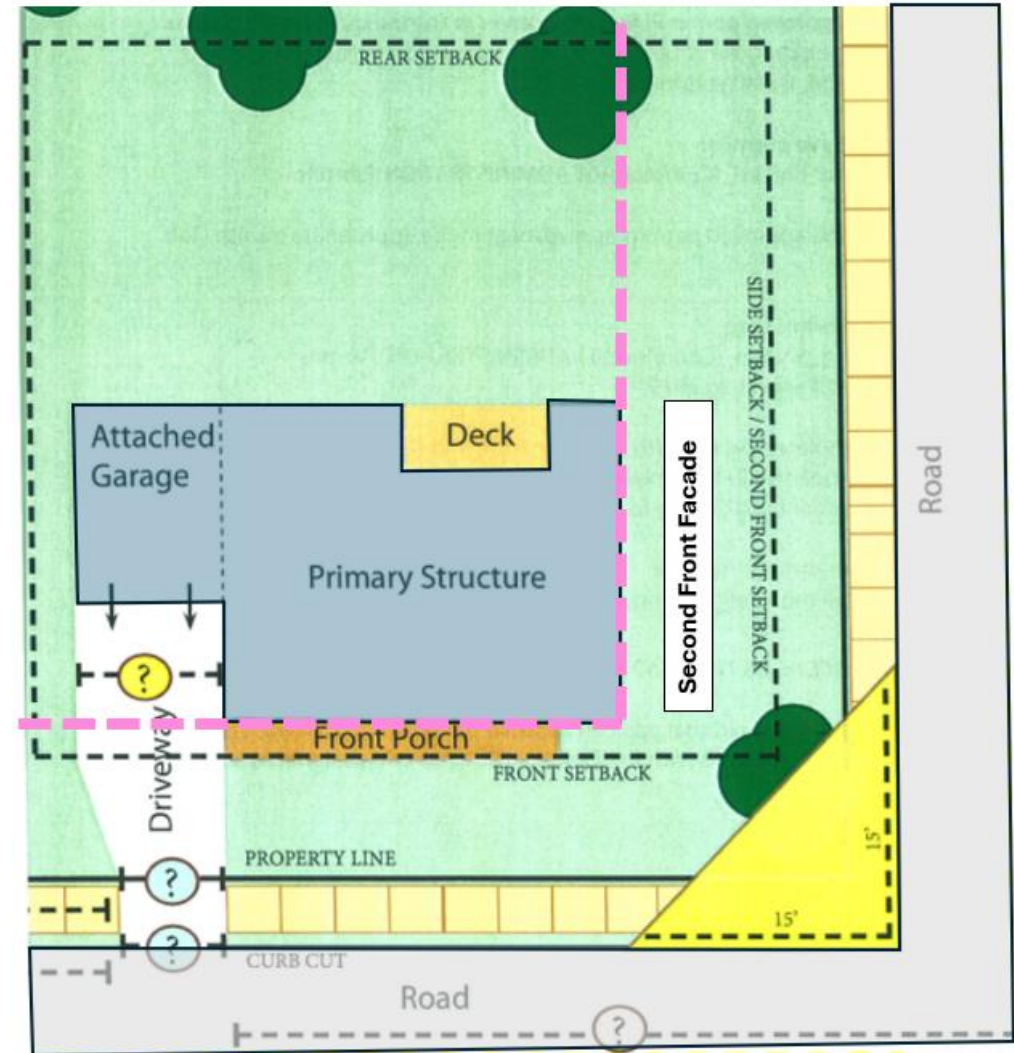
Fences, hedges, and/or garden walls located in front of the building line shall be no greater than **three feet in height** and fences shall be no more than two-thirds solid.

Fences, hedges, and/or garden walls located behind the front building line shall be no greater than six feet in height. Chain link fencing is allowed in rear yards only. Hedges, garden walls, or fences may be built on property lines or as the continuation of building walls. **For buildings on corner lots, both facades fronting a street shall be considered a front building line for purposes of fencing, hedges, and garden walls.**

CURRENT DPO: GENERAL SITE DESIGN

DPO 4.3.1.D

...For buildings on corner lots, both facades fronting a street shall be considered a front building line for purposes of fencing, hedges, and garden walls.



EXAMPLES



EXAMPLES

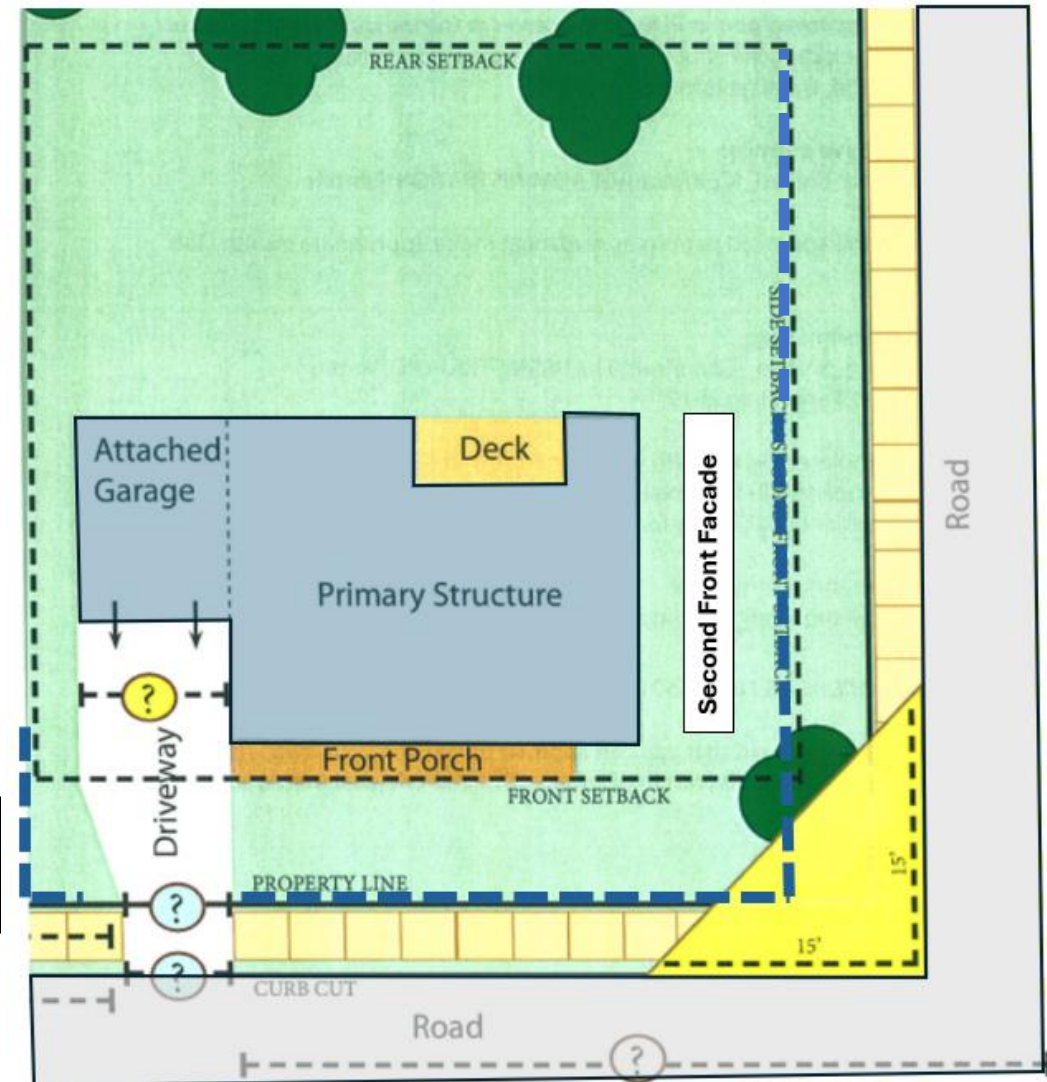


CURRENT DPO: GENERAL SITE DESIGN

DPO 4.3.1.D

...For buildings on corner lots, both facades fronting a street shall be considered a front building line for purposes of fencing, hedges, and garden walls.

Corner Lot:
Permitted Location of a 3' Fence
(Forward the Front Building Lines)



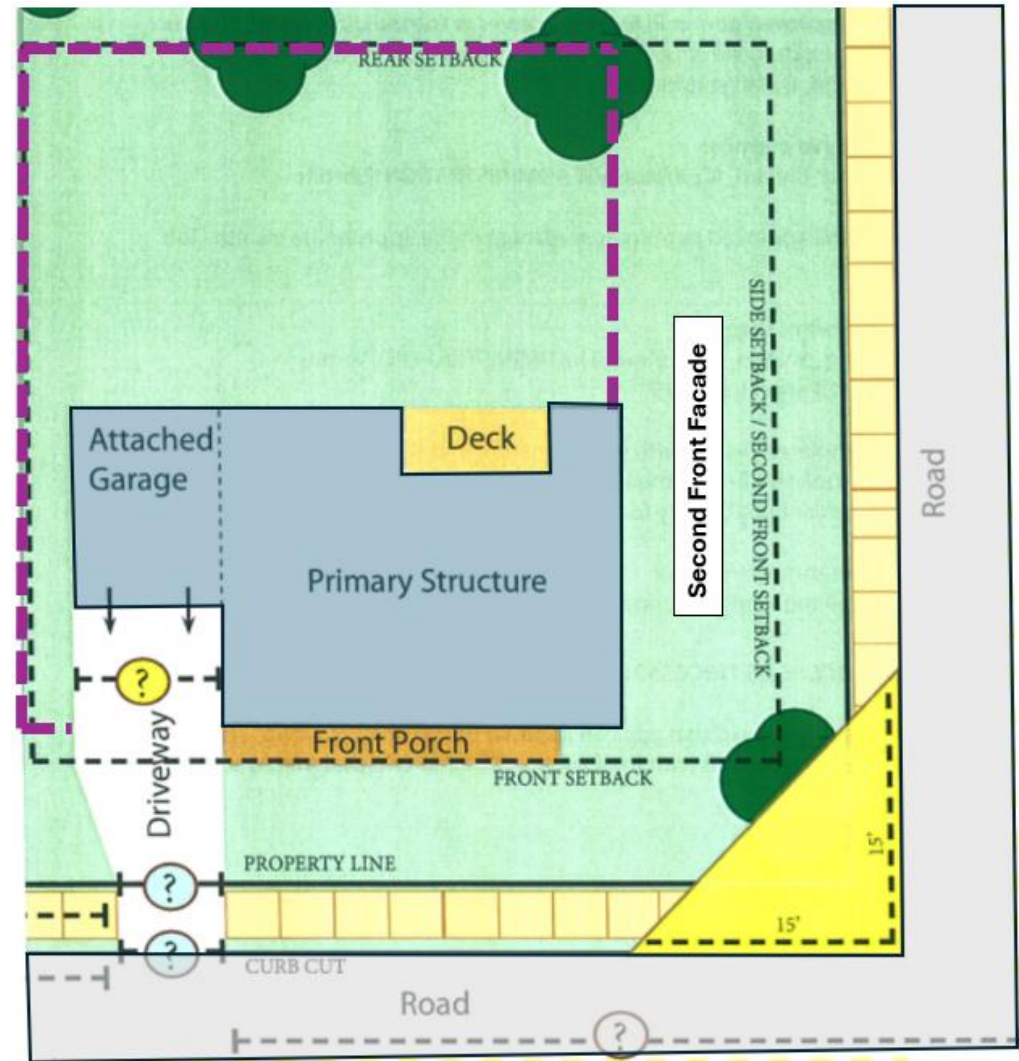
CURRENT DPO: GENERAL SITE DESIGN

DPO 4.3.1.D

...For buildings on corner lots, both facades fronting a street shall be considered a front building line for purposes of fencing, hedges, and garden walls.

Corner Lot:

Permitted Location of a 6' Fence
(Flush or Behind the Front Building Lines)



RESIDENT-PROPOSED CHANGES: SUMMARY

Timeline: 2023/2024

- Non-Compliant Fence Constructed
- Another Resident Inquired re: Compliance
- Town's Code Enforcement is Complaint-Driven
- Property Inspected
- Notice of Violation (NOV) Issued
- Staff Advised Property Owner of Alternative Compliance Methods
- Property Owner Proposed DPO Text Amendment

RESIDENT-PROPOSED CHANGES: SUMMARY

DPO 4.1.3.D: Fences, Hedges & Garden Walls

All Planning Areas:

Fences, hedges, and/or garden walls located in front of the building line shall be no greater than **three four feet in height** and fences shall be no more than two-thirds solid. Fences, hedges, and/or garden walls located behind the front building line shall be no greater than six feet in height. Chain link fencing is allowed in rear yards only. Hedges, garden walls, or fences may be built on property lines or as the continuation of building walls. **For buildings on corner lots, both facades fronting a street shall be considered a front building line for purposes of fencing, hedges, and garden walls.**

Applicant-Proposed Changes

- Allow four-foot fences in the front yard.
- Remove last line from text
- Permit corner lot fences within three feet of property line on secondary frontage. Encourage landscaping.
- Fences on secondary frontage shall be placed no closer than half the depth of the primary structure.

Applicant Justification

- Allow corner lot owners same security/privacy adjoining properties granted
- Create private yard and play spaces

STAFF RECOMMENDATION

Staff Recommends AGAINST Approval

- Superior design embedded in DPO Since 2001
- Foster strong relationship between buildings and street = public realm
- Corner lots have two frontages: Consistent across all Planning Areas
- Each parcel is unique; application of DPO consistent
- Davidson's standards consistent with other jurisdictions (cities + towns)
- Significantly changing DPO in response to singular code violation = bad precedent

NEXT STEPS

Process: DPO 14.23: Amendments Generated by Petition

- **September 24:** Board of Commissioners FYI
- **September 30:** Planning Board FYI
- **October 8:** Board of Commissioners Public Hearing
- **October 28:** Planning Board Recommendation
- **November 12:** Board of Commissioners Decision

DISCUSSION





**TOWN OF DAVIDSON PLANNING BOARD
CONSISTENCY STATEMENT FOR
ORDINANCE 2024-07**

An Ordinance to Address Fencing on Corner Lots

I. SUMMARY OF ACTION / CONSISTENCY STATEMENT

Description of Action: The Planning Board hereby adopts this statement of consistency pursuant to N.C.G.S § 160D-605(a).

- Motion:
- Second:
- Vote:

II. PROPOSAL / REQUEST

This resident-proposed Text Amendment proposes to revise select portions DPO Chapter 4.3.1.D to modify fencing regulations specific to corner lots. The applicant's justification includes allowing corner lot owners the same security/privacy adjoining properties are granted and creating private yards and play spaces.

III. SUMMARY OF PETITION / PROPOSAL

This resident-proposed Text Amendment proposes to revise select portions of DPO Chapter 4 to achieve the goals stated above. The proposed Text Amendment originated with the construction of a non-compliant fence on a corner lot.

SUMMARY OF PLAN/POLICY ALIGNMENT	
Areas of Consistency	Areas of Inconsistency
	<u>Davidson Comprehensive Plan</u> The inclusion of an opaque, 6' fence is inconsistent with: ▪ Planning Principles, Character Bullet 4: A street, sidewalk, and greenway network that knits the community together. ▪ Planning Principles, Design Bullet 2: We must enhance our quality of life through architecture and design. Livable environments include well-designed buildings, a dynamic public realm, and seamless connections between the two. This means that: Private buildings and public infrastructure must work together to shape public space and to build community character, including through sustainable design practices ▪ Planning Principles, Summary: Davidson is a livable and walkable community because we chose to rigorously manage growth and to require excellent design. To preserve our high quality of life as the town grows, and to ensure a sustainable future for generations, we must apply these planning principles fairly and comprehensively.

	▪ Policy 3.3.6: Enhance Pedestrian Comfort: Encourage street features that enhance the comfort and safety of pedestrians
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IV. SIGNATURE

Adopted this 28th day of October 2024.

Shawn Copeland, Chair
Planning Board
Town of Davidson



MEETING SCHEDULE

Planning Board - Town of Davidson, NC
2024

January 29th

February 26th

March 25th

April 29th

May 20th

June 24th

July 29th

August 26th

September 30th

October 28th

November 25th

December – Typically No Meeting

**Note: Generally, all meetings are scheduled for the last Monday of each month at 6:00 p.m., Davidson Town Hall, 251 South Street, Davidson, NC 28036. Meeting details are announced via the town's "Planning" listserve; register on the [e-Crier webpage](#). In 2024, one meeting falls on a Monday that presents a conflict: 05.27, Memorial Day. The May meeting has been scheduled tentatively for Monday, 05.20.2024.*