



**Town of Davidson  
Planning Board Regular Meeting  
Town Hall and Community Center  
Community Room 120  
251 South Street  
Monday, July 29, 2024 at 6:00 PM**

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**I. CALL TO ORDER**

**II. SILENT ROLL CALL AND DETERMINATION OF QUORUM**

**III. CHANGES / ADOPTION OF THE AGENDA**

**IV. REVIEW/APPROVAL OF MINUTES**

**a. Review/Approval of the May 20, 2024, Minutes**

**Summary:** The Planning Board will review and consider approval of the May 20, 2024, Minutes.

**V. OLD BUSINESS**

**a. Davidson Planning Ordinance Section 9 Text Amendments – Review & Recommendation**

**Summary:** The Planning Board shall make a recommendation to the Board of Commissioners and adopt a statement of consistency regarding the proposed amendments.

**VI. NEW BUSINESS**

**VII. OTHER ITEMS**

**VIII. PLANNING STAFF REPORT**

**IX. ADJOURNMENT**

## MEETING MINUTES

### Planning Board

Town of Davidson, NC

May 20, 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: 6:02 pm**

**II. SILENT ROLL CALL AND DETERMINATION OF QUORUM**

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

**III. CHANGES TO THE AGENDA: N/A**

**IV. REVIEW/APPROVAL OF THE MINUTES**

**a. Review/Approval of the March 25, 2024, Minutes:**

*Motion to recommend approval of the minutes:*

- Motion: Rick Pacious
- Second: Waller Blackwell
- Vote: 11-0 (Motion Passed, Absent: Barger)

**V. NEW BUSINESS:**

- a. Davidson Planning Ordinance Text Amendments – FYI:** Principal Planner Trey Akers highlighted various amendments being drafted and outlined a general timeline for each. Members provided ideas to consider regarding each set of amendments.

**VI. OLD BUSINESS: N/A**

**VII. OTHER ITEMS: N/A**

**VIII. PLANNING STAFF REPORT:** Principal Planner Trey Akers provided brief updates on various development projects.

**IX. ADJOURNMENT: 6:58 pm**

- Motion: Susan Cooke
- Second: Heather McClow

[CONTINUED]

***APPROVAL OF MEETING MINUTES***

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Signature/Date

Shawn Copeland, Planning Board Chair



## AGENDA MEMO

To: Davidson Planning Board

From: Trey Akers, Principal Planner

Date: July 29, 2024

Re: Proposed Text Amendments to Section 9 Tree Canopy, Landscaping, & Screening

### OVERVIEW

In 2019 the Board of Commissioners adopted changes to Section 9 of the Davidson Planning Ordinance (DPO). The changes reflected the results of the community Street Tree Inventory (2018) and the Tree Canopy Assessment (2019). The changes included a number of significant revisions, including establishing a Town Arborist position to assist in ordinance administration and direct town initiatives. As part of their recommendation to the Board of Commissioners in August 2019, the Planning Board advised that the Arborist conduct a review of the ordinance changes after implementation.

Based on the Town Arborist's review as well as experience in administering the ordinance since 2019, the proposed amendments listed in the accompanying Schedule of Changes are intended to foster greater collaboration amongst landowners, developers, and the town with the specific aims of providing clear replacement standards for individual lots and achieving greater canopy diversity for all project types. These changes are in accordance with Davidson's General Planning Principles, which read:

- **We must wisely manage the finite land and natural resources in the town's planning area.** The natural environment enhances our quality of life, both physically and socially. We will preserve this irreplaceable asset for future generations through:
  - Tree canopy that is preserved, enhanced, and established as new development and redevelopment occurs.

### REQUESTED ACTION

The purpose of this discussion is to review the proposed text amendments and solicit feedback from the Planning Board. Following discussion, the board shall make a recommendation to the Board of Commissioners and adopt a statement of consistency regarding the proposed amendments.

### RELATED TOWN GOALS

*The following list identifies how the proposal text amendments align with the Town of Davidson's adopted plans and policies.*

## STRATEGIC PLAN

- **Goal E:** Sustainability and Natural Assets – Preserve Davidson’s natural assets and develop, implement, and actively encourage innovative solutions to environmental, energy, and climate-based challenges.
  - Priority Strategy 4: Finalize and implement the Urban Community Forestry Plan (Tree Canopy Master Plan).

## DAVIDSON COMPREHENSIVE PLAN

- **Goal 2.2 A Network of Natural Areas & Open Space:**
  - Policy 2.2.2: Integrate Green Space Throughout the Built Environment: Being cognizant of the importance of green space to human health, continue to thread green space throughout the built environment by growing, enhancing, and protecting the urban tree canopy, and providing natural green public spaces, neighborhood gardens, and greenways. To the extent possible, encourage native landscaping.

## URBAN COMMUNITY FORESTRY PLAN

- **Goal 8:** Increase and augment the town’s tree canopy with new plantings.

## HISTORIC PRESERVATION PLAN

- **Action 4.4.A:** Outline a “Historic District Focus Area” in which to make targeted improvements to the public realm (e.g., specific design elements in sidewalks, lighting, trees, etc.). This approach should be considered across the entire National Register district...

## CORE VALUES

- Citizens must live in a healthy environment, so town government will protect watersheds, trees, air quality, and other elements of the town’s ecology.

## OPTIONS/PROS & CONS

**Options:** As listed in the Pros section, the proposed amendments increase options available to the Arborist and landowners.

**Pros:** Compared to current ordinance standards the proposed text amendments: Offer a greater caliper range to aid in diverse tree species selection and require a minimum of three different types of street trees per project; clarify permit approval duration and replanting requirements for certain lot types; and, where replanting is required, create multiple pathways for landowners to meet replanting standards.

**Cons:** N/A

## **PUBLIC HEARING**

The Board of Commissioners held a public hearing on Tuesday, July 9, 2024. One member of the public offered comments, which highlighted the consistency of the amendments with adopted plans supporting the preservation of tree canopy.

## **PLANNING STAFF RECOMMENDATION**

As outlined in the Memo and Schedule of Changes, the proposed amendments find support across a variety of the town's adopted plans and policies. Planning staff recommends approval of the proposed text amendments to increase tree canopy diversity, offer flexibility in administering the ordinance, and provide clarity on various regulations.

## **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.

- **June:**
  - Board of Commissioners FYI Presentation 06.11.2024 ✓
  - Planning Board FYI Presentation 06.24.2024 ✓
- **July:**
  - Board of Commissioners Public Hearing 07.09.2024 ✓
  - Planning Board Review + Recommendation 07.29.2024
- **August:**
  - Board of Commissioners Decision (Tentative) 08.13.2024



## TOWN OF DAVIDSON PLANNING BOARD – CONSISTENCY STATEMENT

TEXT AMENDMENT: *An Ordinance to Improve the Diversity of Tree Canopy throughout Davidson by: Affording Greater Flexibility of Caliper-size During Species Selection and Planting, and to Clarify Replanting Standards and Permit Approval Duration.*

### 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-604(d).

- Motion: XXXX
- Second: XXXX
- Vote: X-X

### II. PROPOSAL / REQUEST

This Text Amendment proposes to revise select portions DPO Section 9 to improve the diversity of tree canopy throughout Davidson by affording greater flexibility of caliper-size during species selection and planting, and to clarify replanting standards and permit approval duration.

### III. SUMMARY OF PETITION / PROPOSAL

This Text Amendment proposes to revise select portions of DPO Section 9 to achieve the goals stated above. Providing administrative clarity, flexibility, and maintaining current standards are also aims of these text amendments.

| SUMMARY OF PLAN/POLICY ALIGNMENT                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                          |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------|
| Areas of Consistency                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Areas of Inconsistency                                                                                                                                   |
| <p><u>Strategic Plan</u></p> <ul style="list-style-type: none"><li>▪ <b>Goal E:</b> Sustainability and Natural Assets – Preserve Davidson’s natural assets and develop, implement, and actively encourage innovative solutions to environmental, energy, and climate-based challenges.<ul style="list-style-type: none"><li>- Priority Strategy 4: Finalize and implement the Urban Community Forestry Plan (Tree Canopy Master Plan).</li></ul></li></ul> <p><u>General Planning Principles</u></p> <ul style="list-style-type: none"><li>▪ <b>We must wisely manage the finite land and natural resources in the town’s planning area.</b> The natural environment enhances our quality of life, both physically and socially. We will preserve this irreplaceable asset for future generations through:<ul style="list-style-type: none"><li>- Tree canopy that is preserved, enhanced, and established as new development and redevelopment occurs.</li></ul></li></ul> <p><u>Davidson Comprehensive Plan</u></p> <ul style="list-style-type: none"><li>▪ <b>Goal 2.2 A Network of Natural Areas &amp; Open Space</b></li></ul> | <ul style="list-style-type: none"><li>▪ <b>N/A,</b> None of the proposed amendments appear to be inconsistent with adopted plans and policies.</li></ul> |





## SCHEDULE OF PROPOSED CHANGES

Date: July 29, 2024

To: Planning Board

From: Trey Akers, Principal Planner

Re: Davidson Planning Ordinance Section 9 Schedule of Proposed Changes

### 1. TEXT AMENDMENTS

#### TEXT CHANGES – PROPOSED AMENDMENTS

The following is a list of proposed text changes to the Town of Davidson Planning Ordinance (DPO). The listed changes are being undertaken to improve the diversity of tree canopy throughout Davidson by affording greater flexibility of caliper-size during species selection and planting, and to clarify replanting standards and permit approval duration. Proposals are organized by page number.

| PROPOSED TEXT CHANGES                                   |           |                                |                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                         |
|---------------------------------------------------------|-----------|--------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| PAGE                                                    | SECTION   | TITLE                          | ISSUE                                                                                                                                                                                                                                                                                                                                                                                                   | PROPOSED ACTION                                                                                                                                                                                                         |
| SECTION 9 – TREE PRESERVATION, LANDSCAPING, & SCREENING |           |                                |                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                         |
| 9-6                                                     | 9.3.1.B.3 | REQUIREMENTS, CALIPER & HEIGHT | The current text requires a minimum caliper of 2.5 inches and doesn't specify how trees may be grown. This limits the range of species available for selection and leads to a more homogenous canopy, less resilient canopy.                                                                                                                                                                            | <ul style="list-style-type: none"><li>▫ Modify the text to include a range of 1.25 – 3 inches.</li><li>▫ Acknowledge that trees may be container grown or "ball and burlap," which means grown in the ground.</li></ul> |
| TEXT CHANGES                                            |           |                                | <p><b>Old Text:</b> Trees planted to satisfy the Tree Coverage Requirement must have a minimum caliper of at least 2.5 - 3 inches and a minimum height of eight feet at the time of planting.</p> <p><b>New Text:</b> Trees planted to satisfy the Tree Coverage Requirement must have a minimum caliper of at least 1.25 - 3 inches and a minimum height of eight feet from the based of the trunk</p> |                                                                                                                                                                                                                         |

|              |           |                       |                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                  |
|--------------|-----------|-----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------|
|              |           |                       | at the time of planting. Depending on availability, trees may be container grown or “ball and burlap.”                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                  |
| 9-9          | 9.3.3.B.1 | PERMIT REQUIRED       | The Approval Process does not address lots involving demolition, which often entails the loss of mature specimen trees.                                                                                                                                                                                                                                                                                                               | Include text requiring replanting of trees removed for lots involving demolition.                                                                |
| TEXT CHANGES |           |                       | <p><b>Old Text:</b> N/A – Does not exist.</p> <p><b>New Text:</b> Note: For building permits wherein complete demolition is involved within the National Register Historic District, if the demolition involves tree removal within a required setback area outside the building envelope then the applicant shall replace the trees removed on site with comparable specimens (i.e., large mature trees for large mature trees).</p> |                                                                                                                                                  |
| 9-10         | 9.3.3.B.6 | PERMIT ISSUED         | The DPO does not specify how long approved permits remain valid.                                                                                                                                                                                                                                                                                                                                                                      | Include text clarifying the periods for which permits remain valid.                                                                              |
| TEXT CHANGES |           |                       | <p><b>Old Text:</b> N/A – Does not exist.</p> <p><b>New Text:</b> ...have been satisfied. Tree removal granted as part of a building permit approval shall be valid for the life of the associated building permit (i.e., six months, per DPO 14.14.4). Tree removal granted as part of an individual tree permit not associated with a building permit shall be valid for nine months.</p>                                           |                                                                                                                                                  |
| 9-11         | 9.3.4.1.a | GENERAL PURPOSE, LOTS | The ordinance does not directly address replanting requirements for trees planted on individual lots as part of a previously approved plan.                                                                                                                                                                                                                                                                                           | Add text clarifying that trees removed on individual lots as part of a previously approved plan shall be replaced on site or in the development. |
| TEXT CHANGES |           |                       | Old Text: N/A – Does not exist.                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                  |

|              |         |                         |                                                                                                                                                                                                                                                                                                                      |                                                                                                |
|--------------|---------|-------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------|
|              |         |                         | New Text: ...and vegetation/preservation removal. Trees planted on an individual lot as part of a previously approved plan to meet Section 9 requirements may be removed but shall be replaced by a comparable species within the lot or development, subject to Arborist approval.                                  |                                                                                                |
| 9-12         | 9.4.1.D | PLANTING SPECIFICATIONS | The proposed text changes in 9.3.1.B.3 modify the minimum caliper range, requiring this section to be updated as well.                                                                                                                                                                                               | Add text referring to the range established in 9.3.1.B.3.                                      |
| TEXT CHANGES |         |                         | <p>Old Text: Large and medium maturing trees shall have a minimum caliper of three inches; small maturing trees shall have a minimum caliper of two inches.</p> <p>New Text: Small, medium, and large maturing trees shall have a minimum caliper size as specified in 9.3.1.B.3.</p>                                |                                                                                                |
| 9-13         | 9.4.1.E | SPECIES                 | The ordinance does not require a minimum diversity of species. When coupled with the existing, limited caliper range, this leads developers to select only one or two species of fast growing trees – typically oak and maple. This is to the detriment of the tree canopy diversity and resiliency throughout town. | Modify the text to include a minimum of three different tree species for development projects. |
| TEXT CHANGES |         |                         | <p>Old Text: A diversity of tree species shall be utilized to prevent the spread of pests and disease.</p> <p>New Text: A diversity of tree species shall be utilized to prevent the spread of pests and disease. Commercial and residential</p>                                                                     |                                                                                                |

|              |        |                |                                                                                                                                                                                                                                       |                                                                                                     |
|--------------|--------|----------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------|
|              |        |                | development projects shall include at least three different tree genera to meet 9.4.1.                                                                                                                                                |                                                                                                     |
| 9-18         | 9.10.1 | ADMINISTRATION | The ordinance does not provide direction on where to locate the required planting lists.                                                                                                                                              | Add direction that applicants shall contact the Arborist to obtain a copy of the most current list. |
| TEXT CHANGES |        |                | <p>Old Text: N/A – Does not exist.</p> <p>New Text: ...in consultation with the Arborist. Prior to submittal of required landscape plans, applicants shall obtain the most current specifications listed below from the Arborist.</p> |                                                                                                     |

## 2. PUBLIC PLANS AND POLICIES

The proposed text changes are consistent with existing policy and ordinance frameworks adopted by the town. Specifically, the changes reflect guidance provided across a range of adopted plans and policies as follows:

### Strategic Plan

- **Goal E:** Sustainability and Natural Assets – Preserve Davidson’s natural assets and develop, implement, and actively encourage innovative solutions to environmental, energy, and climate-based challenges.
  - Priority Strategy 4: Finalize and implement the Urban Community Forestry Plan (Tree Canopy Master Plan).

### General Planning Principles

- **We must wisely manage the finite land and natural resources in the town’s planning area.** The natural environment enhances our quality of life, both physically and socially. We will preserve this irreplaceable asset for future generations through:
  - Tree canopy that is preserved, enhanced, and established as new development and redevelopment occurs.

### Davidson Comprehensive Plan

- **Goal 2.2 A Network of Natural Areas & Open Space**
  - *Policy 2.2.2: Integrate Green Space Throughout the Built Environment*  
Being cognizant of the importance of green space to human health, continue to thread green space throughout the built environment by growing, enhancing, and protecting the urban tree canopy, and providing natural green public spaces, neighborhood gardens, and greenways. To the extent possible, encourage native landscaping.

### Urban Community Forestry Plan

- **Goal 8:** Increase and augment the town’s tree canopy with new plantings.

### Historic Preservation Plan

- **Action 4.4.A:** Outline a “Historic District Focus Area” in which to make targeted improvements to the public realm (e.g., specific design elements in sidewalks, lighting, trees, etc.). This approach should be considered across the entire National Register district...

All proposed changes meet the requirements set forth in Davidson Planning Ordinance 1.5.1 Implementation of Adopted Plans & Policies: “Any amendments to, or actions pursuant to, this ordinance should be consistent with these adopted plans and policies, as amended.”



## Davidson Planning Ordinance (DPO) Section 9 Proposed Text Amendments – Review & Recommendation

Trey Akers  
Principal Planner  
07.29.2024

[www.townofdavidson.org](http://www.townofdavidson.org)

# PROPOSED CHANGES: PURPOSE

- **Implement Arborist Recommendations**
  - Arborist-Commissioned Review
  - Informed by:
    - Expertise, Best Practice
    - Implementation Experience
- **Increase Tree Diversity**
- **Maintain, Preserve, & Increase Davidson's Tree Canopy**
- **Ensure Consistency with 2019 Rewrite, Adopted Plans**
  - Data-Based, Arborist-Informed, Collaborative, Flexible

# PROPOSED CHANGES: SUMMARY

- **DPO 9.3 Tree Coverage & Preservation**

- 9.3.1.B.3, Caliper & Height: Increase Minimum Caliper Range
- 9.3.3.B.1, Permit Required: Establish Replanting Standards (NRHD)
- 9.3.1.B.6, Permit Issued: Confirm Approval Duration
- 9.3.4.1, General/Purpose: Clarify Replanting Standards

- **DPO 9.4 Street Tree Plantings**

- 9.4.1.D, Planting Specifications: Link to 9.3.1 Change (Caliper Range)
- 9.4.1.E, Species: Specify Minimum 3 Different Street Trees

- **DPO 9.10 Planting Specifications & Appendices**

- 9.10.1, Administration: Clarify Resource Reference

# PLAN SUPPORT

## Strategic Plan

**Goal E:** Sustainability and Natural Assets – Preserve Davidson’s natural assets and develop, implement, and actively encourage innovative solutions to environmental, energy, and climate-based challenges.

Priority Strategy 4: Finalize and implement the Urban Community Forestry Plan (Tree Canopy Master Plan).

## Urban Community Forestry Plan

**Goal 8:** Increase and augment the town’s tree canopy with new plantings.

# PLAN SUPPORT (CONT.)

## Davidson Comprehensive Plan

### Goal 2.2 A Network of Natural Areas & Open Space:

Policy 2.2.2: Integrate Green Space Throughout the Built Environment: Being cognizant of the importance of green space to human health, continue to thread green space throughout the built environment by growing, enhancing, and protecting the urban tree canopy, and providing natural green public spaces, neighborhood gardens, and greenways.

## Historic Preservation Plan

**Action 4.4.A:** Outline a “Historic District Focus Area” in which to make targeted improvements to the public realm (e.g., specific design elements in sidewalks, lighting, trees, etc.). This approach should be considered across the entire National Register district...”

# NEXT STEPS

## JUNE:

- Board of Commissioners FYI Presentation (06.11) ✓
- Planning Board FYI Presentation (06.24) ✓

## JULY:

- Board of Commissioners Public Hearing (07.09) ✓
- Planning Board Review + Recommendation (07.29)

## AUGUST:

- TBD: Board of Commissioners Decision (08.13)

# DISCUSSION

