



Proposed Amendments to Town of Davidson Tree Ordinance

Prepared and Presented by the Livability Board
October 24, 2017



Coverage Points

Amendments to the Tree Ordinance

I. Reasons for Recommended Changes

II. Key Recommended Changes

III. Comments & Limitations

IV. Request

Reasons for Recommended Changes

Context of the Ordinance

There are four important pillars to any successful urban forestry program:

1. Tree coverage goal;
- 2. Effective tree ordinance to preserve canopy;**
3. Street tree inventory and effective street tree management program; and
4. Robust community engagement, volunteer planting, and education programs.



Proposed Amendments to Town of Davidson Tree Ordinance

Why are we proposing amendments to the ordinance? Changes to the ordinance are needed to:

- Recognize the tree canopy as an important community asset for the health and welfare of the citizens of Davidson and to its future as a unique, special place to live and visit.
- Recognize that trees located throughout the heart of neighborhoods benefit people more than perimeter trees.
- Recognize that Davidson's tree canopy is about 48% (as of 2012) and the Town's goal is to maintain or increase the canopy, not lose trees.
- Address deficiencies in the existing ordinance with respect to the approval of multi-lot developments and the preservation of large trees and existing tree canopy, and provide Town with tools for monitoring compliance and enforcement.

What are the key recommended revisions?

- I. Requires the use of certified arborists for development plan review, site assessment, tree preservation and protection during construction, and other aspects of monitoring compliance with the ordinance.
- II. Requires performance bonds for project landscaping and specifies that the bond may be drawn if damaged or dead trees are not replaced in a timely manner.
- III. Requires trees planted under the ordinance be a minimum of 2.5” caliper.
- IV. Increases the tree coverage requirements for new developments by excluding street trees in calculating the minimum mature canopy and tree planting requirements.
- V. Expands the required approval for removal of 12” caliper trees to include consideration of alternative construction design to avoid tree removal, when possible.

What are the key recommended revisions (cont'd)?

- VI. Provides for payment of a remediation fee (\$ to be determined) for unpermitted removal of trees or removal of trees resulting in non-compliance with lot canopy coverage requirements.
- VII. Establishes a Tree Fund to receive payments from violation fees and performance bonds. The Fund would help pay for monitoring and compliance by arborists, tree planting, and care of street trees.
- VIII. Expands the definition of development to include construction on multiple, previously approved lots that are yet unbuilt.
- IX. Requires preservation of existing mature trees as priority to meet canopy requirements. Tree planting is a secondary means of meeting coverage requirements.
- X. Discourages reliance of trees located at the perimeter or in set-back areas of a development to meet the canopy coverage requirements.

Comments & Limitations

- I. Longer term, the Livability Board (LB) is interested in exploring expansion of the scope of the ordinance to cover minimum tree coverage and any removal of large trees (12" caliper* and greater) from pre-existing, established single family residential lots. *These lots are exempt from the current ordinance.* We encourage the town to track the frequency of tree removals on existing lots to determine the extent to which the canopy is impacted.
- II. Given the high demands on the planning staff, the LB drafted these proposed amendments without assistance from the town staff. There are undoubtedly conflicts and inconsistencies with the proposed changes; *professional staff review and editing is critical.*
- III. The LB's review of the ordinance touched on the ordinance's required width of street tree planting strips. *Our review of minimum width strips was cursory.* It is vital that the ordinance review include consideration to the planting strip width requirements. Street tree planting strips should be no narrower than 8 feet in most cases.

Request

The Livability Board requests that the Town Board:

- I. Ask that review of the propose amendments be a priority for town staff;
- II. Ask town staff to evaluate feasibility of tracking tree removal on existing single family lots now exempt from the ordinance, and begin tracking removals, if possible; and
- III. Ask staff to review the current planting strip requirements to ensure that 8' strips are specified, and if they are not, for staff to recommend amendments to ensure wider planting strips.