



RESOLUTION 2019-40

APPROVING THE USE OF PAYMENTS THAT ARE MADE IN LIEU OF PRESERVING OR ESTABLISHING PORTIONS OF TREE CANOPY IN SELECT PLANNING AREAS, OR RESULTING FROM LANDSCAPING-RELATED VIOLATIONS

WHEREAS, the Town's Core Values state that "Citizens must live in a healthy environment, so town government will protect watersheds, trees, air quality, and other elements of the town's ecology;"

WHEREAS, in 2018, the Town Board of Commissioners commissioned two studies of the Town of Davidson's tree canopy – the Street Tree Inventory and the Tree Canopy Study;

WHEREAS, in September 2019, the Town Board of Commissioners approved text amendments, effective _____, 20__, to the Planning Ordinance that adjusted the tree canopy coverage and preservation requirements and provided a payment-in-lieu option of the required tree canopy under certain circumstances;

WHEREAS, payments-in-lieu of providing tree canopy as permitted by Section 9 of the Planning Ordinance, shall be in accordance with the fee schedule adopted by the Board of Commissioners;

WHEREAS, civil penalties for landscaping violations as permitted by Section 15 of the Planning Ordinance, shall be in accordance with the regulations adopted by the Board of Commissioners;

WHEREAS, the Board of Commissioners desires to approve the uses of the tree canopy payment in lieu and landscaping violations fees made pursuant to the ordinance requirements.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Board of Commissioners, do hereby declare that:

1. Tree canopy payments-in-lieu and landscaping civil penalties shall be in accordance with the fee schedule and regulations adopted by the Board of Commissioners and paid in full prior to the issuance of a final plat or certificate of occupancy.
2. Tree canopy payments-in-lieu and landscaping civil penalties shall be placed in a Tree Fund and be used by the Town for any of the following activities:
 - a. Town's purchase and establishment of trees or vegetation to enhance the tree canopy.

- b. Costs associated with the Town's purchase or establishment of trees or vegetation including, but not limited to, tree and vegetation establishment, maintenance, and assessment; mitigation of landscaping violations; public education activities related to Davidson's tree canopy; fulfillment of approved plans (e.g. land development); and, implementation of approved or adopted plans.
 - c. Other activities that are directly related to the assessment, purchase, or maintenance of tree canopy.
3. This Resolution shall become effective immediately upon adoption.

Adopted on the 24th of September 2019.

Attest:

Elizabeth K. Shores
Town Clerk

Rusty Knox
Mayor