



Ordinance 2019-06
DPO 9 Trees + Miscellaneous Text Amendments

TOWN OF DAVIDSON BOARD OF COMMISSIONERS (the “Town Board”) adopts the following text amendments to the **Davidson Planning Ordinance (DPO)**. The listed changes below are being undertaken to provide necessary clarifications and update standards related to the administration of the town’s tree canopy, landscaping, and screening requirements. Proposals are organized by page number.

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 establishment and maintenance of tree canopy as well as clarify the processes/administration related to plan and permit approvals. Proposals are organized by page number.

PROPOSED TEXT CHANGES				
PAGE	SECTION	TITLE	ISSUE	PROPOSED ACTION
SECTION 4 – SITE & BUILDING DESIGN STANDARDS				
4-4	4.3.1.E	Loading/Areas, Mechanical Equipment and Utilities	Section 4 deals with screening using non-natural materials only. Section 9 includes standards for screening requirements with natural materials.	Include a reference within Section 4 to direct ordinance users to Section 9.
TEXT CHANGES			Old Text: 2. Mechanical equipment (except small items such as fans and vents), utility meters, storage areas, solid waste containers (including dumpsters, compactors, recycling containers, and solid waste and recycling handling areas), transformers, generators, HVAC units and similar features, or other utility hardware on the building, roof, or ground shall be screened from public view with materials similar to the structure; OR they shall be so located as not to be visible from a primary fronting public street. New Text: 2. Mechanical equipment (except small items such as fans and vents), utility meters, storage areas, solid waste containers (including dumpsters, compactors, recycling containers, and solid waste and recycling handling	

			areas), transformers, generators, HVAC units and similar features, or other utility hardware on the building, roof, or ground shall be screened from public view with materials similar to the structure; OR they shall be so located as not to be visible from a primary fronting public street. In certain cases, screening using natural materials may be preferable. See Section 9 for landscape screening requirements. Note: Natural screening alternatives must be approved by the Planning Director in consultation with the Arborist.	
SECTION 9 – TREE PRESERVATION, LANDSCAPING, & SCREENING				
9-1	9.1-9.10	ALL SECTIONS	Section 9 requires a number of revisions to clarify the processes and requirements by which plans and permits are approved.	See Section 9 proposed changes in the related attachment.
TEXT CHANGES			Old Text: See attachment. New Text: See attachment.	
SECTION 14 – ADMINISTRATION PROCEDURES				
14-28	14.13.9	FINAL PLAT	Section 9 requires display of designated tree save areas on plats.	Modify documentation requirements section to include reference to tree save area requirement.
TEXT CHANGES			Old Text: Site Details: The lines and names of all streets...easements, reservations... New Text: See attachment. Site Details: The lines and names of all streets...easements, designated tree save areas, reservations...	
SECTION 15 – VIOLATIONS & PENALTIES				
15-4	15.3.1	LANDSCAPING VIOLATIONS	Section 15 requires a number of revisions to clarify the processes and requirements by which violations and penalties are administered.	See Section 15 proposed changes in the related attachment.
TEXT CHANGES			Old Text: See attachment. New Text: See attachment.	
SECTION 16 – DEFINITIONS				
16-27	16.3	Tree, Large Maturing	Section 16 requires revision because a new tree type – Medium Maturing – has been referenced in Section 9.	Revise the definition to indicate a different range of height, etc. due to the new definition for Tree, Medium Maturing.
TEXT CHANGES			Old Text: A tree, usually deciduous, whose height is greater than 35 feet at maturity and meets the specification of “American Standards for Nursery Stock” published by the American Association of Nurserymen, that is planted to provide canopy cover shade. In the case of tree removal	

			<p>permits, the minimum size is 12" DBH. See also canopy tree.</p> <p>New Text: A tree, usually deciduous, whose height is greater than 40 feet at maturity and meets the specification of "American Standards for Nursery Stock" published by the American Association of Nurserymen, that is planted to provide canopy cover shade. In the case of tree removal permits, the minimum size is 12" DBH. See also canopy tree.</p>	
16-27	16.3	Tree, Medium Maturing	Section 16 requires revision because a new tree type – Medium Maturing – has been referenced in Section 9.	Update Section 16 to include the new definition of Tree, Medium Maturing
TEXT CHANGES			<p>Old Text: N/A – Does not exist.</p> <p>New Text: A tree, usually deciduous, whose height is between 25 to 40 feet at maturity and meets the specification of "American Standards for Nursery Stock" published by the American Association of Nurserymen, that is planted to provide canopy cover shade. In the case of tree removal permits, the minimum size is 12" DBH. See also canopy tree.</p>	
16-27	16.3	Tree, Small Maturing	Section 16 requires revision because the minimum DBH for permitting now starts at 12".	Revise the definition to reference 12" as the minimum DBH requiring a permit for removal.
TEXT CHANGES			<p>Old Text: A small to medium tree, growing up to 25 feet in height at maturity, that is planted for aesthetic purposes such as colorful flowers, interesting bark, or fall foliage. In the case of tree removal permits, the minimum size is 8" DBH.</p> <p>New Text: A small to medium tree, growing 15 feet to 40 feet in height at maturity, that is planted for aesthetic purposes such as colorful flowers, interesting bark, or fall foliage. In the case of tree removal permits, the minimum size is 12" DBH.</p>	
16-27	16.3	Tree, Specimen	The current definition of Tree, Specimen is vague and refers only to a singular tree.	Revise the definition to account for a variety of characteristics to assist the Arborist in determining whether a tree is a specimen tree; and, include reference to groups of trees for cases in which several trees contribute to a significant landscape element.
TEXT CHANGES			Old Text: A tree that is unusually large or well-shaped or provides a focal point or point of interest.	

	New Text: Tree, Specimen: A tree or group of trees considered to be an important community asset due to its unique or noteworthy characteristics or values. A tree may be considered a specimen tree based on its size, age, rarity or special historical or ecological significance as determined by the Arborist. Examples include large hardwoods (e.g., oaks, poplars, maples, etc.) and softwoods (e.g., pine species) in good or better condition with a DBH of 24" or greater, and smaller understory trees (e.g., dogwoods, redbuds, sourwoods, persimmons, etc.) in good or better condition with a DBH of 10" or greater.
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2. PUBLIC PLANS AND POLICIES

The proposed text changes are consistent with the existing policy and ordinance frameworks adopted by the town. Specifically, the changes reflect the 2010 Town of Davidson Comprehensive Plan's guidance for Goal 2: Preserve Natural Habitats, the Lakeshore, and the Tree Canopy: Revise open space or tree preservation requirements to better preserve existing tree canopy in all planning areas (Pg. 60).

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."

Adopted on the 24th of September 2019.

Attest:

Elizabeth K. Shores
Town Clerk

Rusty Knox
Mayor