



AGENDA ITEM SUMMARY FORM

MEETING DATE: April 9, 2024

ITEM TITLE: Public Hearing-ZTA-24-02

ITEM SUMMARY:

At the February 6, 2024 Town Council meeting, Council directed Town Staff to draft Town Code amendments to modernize the Town Code. At the March 12, 2024 Town Council meeting, the Council adopted ZTA-24-01 (with revisions) which included amendments to Chapter 24, Planning and several sections in Chapter 36, Zoning. The initial draft of ZTA-24-01 included amendments to Section 36-171, Lot Disturbance and Stormwater Management which were withdrawn by Town Staff prior to the February 21, 2024 Planning Board meeting. Town Staff is now proposing similar amendments to Section 36-171, Lot Disturbance and Stormwater Management which if approved, would do the following:

- Establish that a Lot Disturbance/Stormwater Management Permit is required to remove trees greater than 6 inches in diameter, measured at 4.5 feet above the ground, within a front, side or rear yard (setback) on any unimproved lot in the general commercial zoning district.
- Establish the penalty for not obtaining a Lot Disturbance/Stormwater Management Permit to remove trees greater than 6 inches in diameter, measured at 4.5 feet above the ground, within a front, side or rear yard (setback) on any unimproved lot in the general commercial zoning district.
 - It would be an offense for any person to remove a tree greater than 6 inches in diameter, measured at 4.5 feet above the ground within a front, side or rear yard (setback) on any unimproved lot within the general commercial zoning district without first obtaining a Lot Disturbance/Stormwater Management Permit.
 - It would be an offense for a property owner to employ, authorize or direct any third person or entity to remove a tree greater than 6 inches in diameter, measured at 4.5 feet above the ground within a front, side or rear yard (setback) on any unimproved lot within the general commercial zoning district without first obtaining a Lot Disturbance/Stormwater Management Permit.
 - A separate offense shall be deemed to have been committed for each tree greater than 6 inches in diameter, measured at 4.5 feet above the ground within a front, side or rear yard (setback) on any unimproved lot within the general commercial zoning district that is removed without first obtaining a Lot Disturbance/Stormwater Management Permit.
 - When a tree greater than 6 inches in diameter, measured at 4.5 feet above the ground within a front, side or rear yard (setback) on any unimproved lot within the general commercial zoning district is removed without first obtaining a Lot Disturbance/Stormwater Management Permit, a warning citation would be issued to

the offender allowing 30 days to abate the violation. A replacement tree similar in size would be required to abate the violation. If the violation is not abated within 30 days, the offender would be subject to a civil penalty in accordance with Town Code Section 1-6(d).

STAFF RECOMMENDATION:

Town Staff has determined that the proposed amendments are consistent with the Town's currently adopted Land Use Plan and Town Staff recommends approval of the application. The Town Planning Board recommended approval (4-1) of the application at the March 18, 2024 Planning Board meeting. The Board also recommended by consensus directing Town Staff to draft another ZTA that would apply the proposed amendments to all other zoning districts.

REQUESTED ACTION:

Motion to approve ZTA-24-02.