

STAFF REPORT

To: Southern Shores Town Council
Date: April 9, 2024
Case: ZTA-24-02
Prepared By: Wes Haskett, Deputy Town Manager/Planning Director

GENERAL INFORMATION

Applicant: Town of Southern Shores
Requested Action: Amendment of the Town Code by amending Town Code Section 36-171

ANALYSIS

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initial draft of ZTA-24-01 included amendments to Section 36-171, Lot Disturbance and Stormwater Management which were withdrawn by Town Staff prior to the February 21, 2024 Planning Board meeting.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).

The Town's currently adopted Land Use Plan contains the following Policy that is applicable to the proposed ZTA:

- **Policy 2:** The community values and the Town will continue to comply with the founder's original vision for Southern Shores: a low-density residential community comprised of single-family dwellings on large lots (served by a small commercial district for convenience shopping and services located at the southern end of the Town. This blueprint for land use naturally protects environmental resources and fragile areas by limiting development and growth.
- **Policy 26:** Promote open space, tree protection, and natural vegetation diversity.
 - **Action Item 26-b** Encourage lot preparation methods that preserve natural vegetation and minimize clear cutting.

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.