

Sponsor: Councilwoman White  
First Reading: 01/02/18  
Second Reading: 01/16/18  
Third Reading: 02/05/18  
Ord. No.: 001-18

**AN ORDINANCE TO AMEND CHAPTER 74 (“VEGETATION”), ARTICLE III (“TREES”) OF THE TOWN CODE OF THE TOWN OF SMYRNA TO CLARIFY THAT NEW DEVELOPMENTS MUST COMPLY WITH THE TREE REQUIREMENTS FOUND IN ARTICLE III**

WHEREAS, the Town of Smyrna is authorized pursuant to Section 4.2.25 of the Town Charter to “provide for and preserve the health, peace, safety, cleanliness, ornament, good order and public welfare of the Town and its inhabitants”;

WHEREAS, planting trees enhances the Town of Smyrna aesthetically and provides a valuable natural resource that provides oxygen, stabilizes soil, cleanses the air and water;

WHEREAS, in the opinion of the Town Council, trees should be planted at the time land is being developed, and it is necessary to clarify that new developments must comply with the tree requirements found in Chapter 74, Article III of the Town Code in order to further the public health, safety, and welfare.

NOW THEREFORE, BE IT HEREBY ENACTED by the Town Council of the Town of Smyrna, a majority thereof concurring in Council duly met, that Chapter 74 (“Vegetation”), Article III (“Trees”) of the Town Code of the Town of Smyrna be and hereby is amended as follows:

**Section 1.** Amend Section 74-41 (“Purpose”) by making insertions as shown by underlining and deletions as shown by strike through as follows:

Sec. 74-41. - Purpose.

To establish authority, policies, regulations and standards necessary to ensure that the town will continue to realize the benefits provided by its urban forest. The provisions of this article are enacted to:

- (1) Establish responsibility/authority for the management of the town's urban forest, street trees, and new trees proposed as part of subdivisions and other land development site plans.
- (2) Establish and maintain the maximum amount of tree cover on public property in the town. As defined in section 74-51, spacing of trees.
- (3) Maintain town trees in a healthy and nonhazardous condition through good arboricultural practices.
- (4) Establish and maintain diversity in tree species and age classes to provide a stable and sustainable urban forest.

**Section 2.** Amend Section 74-60 (“Developments; street renovation projects”) by making insertions as shown by underlining and deletions as shown by strike through as follows:

Sec. 74-60. - Developments; street renovation projects.

- (a) New developments. ~~Refer to subdivision ordinance section 5.17 subdivision trees.~~ Residential and non-residential developments subject to review and approval under the Subdivision and Land Development Ordinance shall comply with the requirements found in this Article III (“Trees”) and section 5.17 (“Tree planting standards and requirements”) of the Subdivision and Land Development Ordinance.
- (b) Town street renovation projects shall make provisions for street tree plantings where space is available and shall conform to the tree master plan and recommended species list.

**Section 3. Severability.** The provisions of this Ordinance shall be severable. If any provisions of this Ordinance are found by any court of competent jurisdiction to be unconstitutional or void, the remaining provisions of this Ordinance shall remain valid, unless the court finds that the valid provisions of this Ordinance are so essentially and inseparably connected with, and so dependent upon, the unconstitutional or void provision that it cannot be presumed that Town Council would have enacted the remaining valid provisions without the unconstitutional or void provision; or unless the court finds that the remaining valid provisions, standing alone, are incomplete and incapable of being executed in accordance with Town Council’s intent.

**Section 4. Effective Date.** This Ordinance shall become effective immediately upon its adoption by the Town Council.

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#### SYNOPSIS

This ordinance amends Chapter 74 (“Vegetation”), Article III (“Trees”) to clarify that residential and non-residential developments subject to review and approval under the Subdivision and Land Development Ordinance must comply with the tree requirements found in both Article III and section 5.17 of the Subdivision and Land Development Ordinance.

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This will certify that this is a true and correct copy of the Ordinance duly adopted by the Town Council of the Town of Smyrna at its regular Council meeting on \_\_\_\_\_, 2018.

ATTEST:

\_\_\_\_\_  
Council Secretary

\_\_\_\_\_  
Mayor

This shall certify that the title and synopsis of this Ordinance was published in the “Smyrna/Clayton Sun Times” on \_\_\_\_\_, 2018 and posted at the Town Hall on \_\_\_\_\_, 2018.

So Certifies:

\_\_\_\_\_  
Town Clerk