

Review by P&Z Commission: _____ 05/25/16
Public Hearing: _____ 06/20/16
Sponsor: _____ Councilman Johnson
First Reading: _____ 06/20/16
Ord. No.: _____ 004-16

AN ORDINANCE TO AMEND APPENDIX B (“SUBDIVISION AND LAND DEVELOPMENT ORDINANCE”) OF THE TOWN CODE OF THE TOWN OF SMYRNA TO PERMIT RECREATIONAL CLUBHOUSES AS PART OF OPEN SPACE REQUIREMENTS FOR SUBDIVISIONS

WHEREAS, the Town Council of the Town of Smyrna is authorized by section 15 of the Town Charter to regulate the subdivision and development of land within the boundaries of the Town; and

WHEREAS, the Town Council finds that it will be beneficial to the Town to allow recreational clubhouses as part of the open space requirements in the land development process.

NOW THEREFORE, BE IT HEREBY ENACTED by the Town Council of the Town of Smyrna, a majority thereof concurring in Council duly met, that the Town Code of the Town of Smyrna be and hereby is amended as follows:

Section 1. Amend Appendix B – Subdivision and Land Development Ordinance, section 5.07 (“Open space requirements”), subsection b.3, by making insertions as shown by underlining and deletions as shown by ~~strike through~~ as follows:

- b. All major residential subdivisions and land development plans shall contain open space designated as common open space. In designating common open space or landscaped surfaces as part of a subdivision or land development plan, the following criteria and standards shall be adhered to by the applicant:
 - 1. Open space shall be separate parcels of land exclusive of streets and residential lots.
 - 2. An existing principal dwelling unit and a maximum of one existing out building, where such structures are deemed historically and/or architecturally significant by the town, may be included within open space area.
 - 3. Open space designated for recreation may contain a clubhouse used for recreational purposes, parking areas and access drives accessory to the open space and other such complementary structures and improvements that are necessary and appropriate for the benefit of the residents utilizing the land for recreation purposes. Such land shall be distributed through the development to best serve the residents.

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.

SYNOPSIS

This ordinance amends the Subdivision and Land Development Ordinance to clarify that the required open space for subdivisions may include a clubhouse that is used for recreational purposes.

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 _____, 2016.

ATTEST:

Council Secretary

Mayor

This shall certify that the title and synopsis of this Ordinance was published in the "Smyrna/Clayton Sun Times" on _____, 2016 and posted at the Town Hall on _____, 2016.

So Certifies:

Town Clerk