

ORDINANCE # ZA-23-05
AN ORDINANCE TO AMEND THE TOWN OF SMITHFIELD
UNIFIED DEVELOPMENT ORDINANCE
ARTICLE 10, SECTION 10.11 TO PROHIBIT SEVERE PRUNING
OF REQUIRED LANDSCAPE TREES.

WHEREAS, the Smithfield Town Council wishes to amend certain provisions in the Town of Smithfield Unified Development Ordinance by making changes to Unified Development Ordinance Article 10, Section 10.11 to prohibit severe pruning of required landscape trees.

WHEREAS, it is the objective of the Smithfield Town Council to have the UDO promote regulatory efficiency and consistency and the health, safety, and general welfare of the community;

NOW, THEREFORE, be it ordained that the following Articles are amended to make the following changes set forth in the deletions (strikethroughs) and additions (double underlining) below:

PART 1

[Revise Article 10, Section 10.11 to insert text that prohibits severe pruning of required landscape trees.]

Sec. 10.11. - Maintenance.

10.11.1. - ~~Vegetation.~~ Vegetation.

All existing vegetation that is used to meeting landscaping requirements, all required plants, and all required berms shall be maintained by the owner of the property on a continuing basis for the life of the development.

10.11.1.1. Required landscape areas shall be free of refuse and debris and shall be maintained so as to prevent mulch, straw, dirt, or other materials from washing onto streets and sidewalks.

10.11.1.2. Plants shall be maintained in a way that does not obstruct sight distances at roadway and drive intersections, obstruct traffic signs or devices, and/or interfere with the use of sidewalks or pedestrian trails. Shrubs within existing vehicle use areas, streetscapes, and street fronts may be pruned, but must maintain a height of at least three (3) feet.

10.11.1.3. Any dead, unhealthy, or missing vegetation, or vegetation disfigured by severe pruning, shall be replaced with locally adapted vegetation that

conforms to the standards of this Ordinance and the approved development plan.

10.11.2. Removal, Damage and Pruning of Vegetation

10.11.2.1. Removal, Disturbance, Damage and Severe Pruning Prohibited

Vegetation in required landscape areas may not be removed, disturbed, damaged, or severely pruned except as allowed in accordance with Section 10.11.2.2. For purposes of this Section 10.11, "disturbance" shall be defined as any action that results in injury or harm to required trees, shrubbery, or other vegetation. Plants shall be considered severely pruned if pruned in such a manner that growth of their natural form is impaired.

10.11.2.2. Exceptions

Vegetation within required landscape areas may be removed or modified with approval of the Planning Director as provided below:

- 10.11.2.2.1 Required Street Yard trees may be pruned to prevent damage to utilities or buildings, and to maintain street intersection sight visibility in accordance with Section 2.21 or requirements of NCDOT.
- 10.11.2.2.2 Where vegetation poses an immediate or imminent threat to improved structures on private or public property, severe pruning and/or removal of the vegetation is allowed, provided the required landscape area is maintained consistent with this Ordinance.
- 10.11.2.2.3 Where vegetation or a physical element functioning to meet the standards of this Ordinance is severely damaged due to an unusual weather occurrence or natural catastrophe, or other natural occurrence such as natural death or damage by wild or domestic animals, the owner may be required to replant if the required landscape area no longer achieves the requirements of this Ordinance. The owner may have one (1) growing season to replace or replant the missing vegetation. The Planning Director shall consider the circumstances to decide on the extent of replanting requirements.

10.11.3. Replacement of Disturbed and Damaged Vegetation

Where existing required vegetation has been removed, disturbed, or damaged in violation of this Ordinance, the Planning Director shall require revegetation of the affected area consistent with the approved landscape plan.

10.11.4. - [Opaque Fence or Opaque Walls.]

Opaque fence or opaque walls shall be maintained, cleaned and repaired by the owner of the property on a continuing basis for the life of the development. Such fencing shall be kept free of litter and advertising. Opaque fences or walls may be subject to periodic inspection by the UDO Administrator.

10.11.5. - [Permit.]

A new certificate of occupancy/building permit/zoning permit or a complaint will result in an inspection for compliance.

10.11.4. - [Violation.]

Failure to maintain landscaping required by Article 10, Part II will be considered a violation of this ordinance and subject to penalty as prescribed in Section 1.8.

PART 2

That the Unified Development Ordinance shall be page numbered and revision dated as necessary to accommodate these changes.

PART 3

That these amendments of the Unified Development Ordinance shall become effective upon adoption.

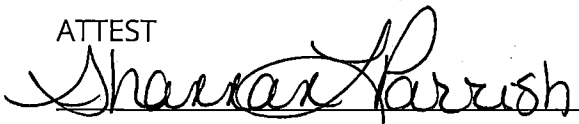
That these amendments of the Unified Development Ordinance shall become effective upon adoption.

Duly adopted this the 2nd day of May, 2023.



M. Andy Moore, Mayor

ATTEST



Shannan L. Parrish, Town Clerk

