

Review by P&Z Commission: 02/27/19
Sponsor: Councilman Johnson
First Reading: 04/15/19
Ord. No.: 005-19

AN ORDINANCE AMENDING APPENDIX A (“ZONING”) OF THE TOWN CODE OF THE TOWN OF SMYRNA TO UPDATE STANDARDS PERTAINING TO PARKING AND LOADING REQUIREMENTS AND BUFFER SCREENING REQUIREMENTS

WHEREAS, the Town Council of the Town of Smyrna has enacted zoning regulations in the Town of Smyrna as authorized pursuant to 22 *Del. C.* Chapter 3 and Section 4.2.37 of the Town Charter;

WHEREAS, it is necessary to update and clarify regulations pertaining to parking and loading requirements and buffer screening requirements;

WHEREAS, the Planning Commission considered this ordinance at duly noticed meetings held on January 9 and February 27, 2019, and recommended to the Town Council that this ordinance be adopted subject to certain changes that have been incorporated herein;

WHEREAS, the Town Council held a public hearing on April 15, 2019, notice for which was published in the Smyrna/Clayton Sun Times on March 27, 2019 and posted at Town Hall on March 27, 2019, at which time all interested members of the public were given an opportunity to comment on this ordinance; and

WHEREAS, after considering the recommendation of the Planning Commission and the comments presented at the public hearing, in the opinion of the Town Council, it is necessary to update and clarify regulations pertaining to parking and loading requirements and buffer screening requirements 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 Appendix A (Zoning) of the Town Code of the Town of Smyrna be and hereby is amended as follows:

Section 1. Amend Section 6 (Supplementary district regulations), subsection 12 (Buffer screening required along the boundary lines of certain districts and properties), by making insertions as shown by underlining and deletions as shown by strike through as follows:

12. *Buffer screening required along the boundary lines of certain districts and properties.* There shall be maintained on those properties as specified below, a substantial solid wall or fence, grade level change or thick hedge to a height of six feet, adequate to screen all operations and activities on those properties from view from adjacent properties as specified herein. The use of natural plant material as a screen shall be conditioned on proper maintenance, as determined by the building inspector, throughout the life of any use on the lot required to have buffer screening. ~~This~~ Except as otherwise specified in this code, this requirement of buffer screening shall apply as follows:

- a. Where abutting residential or institutional-recreational zoning districts, on all commercial or manufacturing district parcels of land (i.e., local commercial LC, central commercial CC, highway commercial HC, and manufacturing M), along the boundaries of all such residential and institutional-

recreational districts, agricultural district A, residential district R-1, R-2, R-3, and institutional and recreational district I & R-, except that buffer screening shall not be required along street lines abutting the front of the commercial or manufacturing district parcel. The front of the parcel shall be the property line on which the primary entrance is located.

Section 2. Amend Section 6 (Supplementary district regulations), subsection 1 (Off-Street Parking and Loading Requirements), by making insertions as shown by underlining and deletions as shown by strike through as follows:

1. *Off-Street Parking and Loading Requirements.*

A. Off-Street Parking Requirements.

* * *

9. The minimum number of parking spaces is as follows:

(a) Residential structures:

- (i) Single-family dwellings, two (2) spaces per unit (including garage).
- (ii) Two-family dwellings, two (2) spaces per unit (including garage).
- (iii) Semidetached dwellings, two (2) spaces per unit (including garage).
- (iv) Townhouse dwellings, two (2) spaces per unit (including garage).
- ~~(v) Apartment dwellings, two (2) spaces per unit (including garage).~~

(v) Apartment dwellings:

- (a) Efficiency and one-bedroom, 1.5 spaces per unit (including garage)
- (b) Two-bedroom and three-bedroom, 2 spaces per unit (including garage)
- (c) Four or more bedrooms, 3 spaces per unit (including garage)

- (b) Hospitals or similar welfare institutions, one (1) space per every 800 square feet of floor space.
- (c) Hotels and motels, one (1) space for each guestroom or suite. If an eating or drinking facility is provided, additional parking shall be required at one-half (1½) the amount as would normally be required for such eating or drinking establishment.
- (d) Clubs and lodges, one (1) space for each 400 square feet of floor space.
- (e) Manufacturing buildings, one (1) space for every two (2) employees in the largest working shift.
- (f) Places of worship and other public buildings, one (1) space per 200 square feet of floor space or one (1) space per five (5) seats.
- (g) Physician's office, three (3) spaces or parking area equal to the gross floor area devoted to professional practice, whichever is greater.

- (h) Bowling alley, four (4) spaces per lane.
- (i) Schools, one (1) space per fifteen (15) seats or students.
- (j) Theater, 0.3 spaces per seat.
- (k) Offices, four (4) spaces per 1,000 square feet of gross floor area.
- (l) Retail, five (5) spaces per 1,000 square feet of gross floor area.
- (m) Restaurant, eight (8) spaces per 1,000 square feet of gross floor area.
- (n) Services, five (5) spaces per 1,000 square feet of gross floor area.
- (o) Funeral home, twenty (20) spaces per 1000 square feet of seating and/or viewing room space.
- (p) Day care or nursery school, one (1) space per teacher/employee on largest shift, plus one (1) space per six (6) students.

The parking requirements shall be proportionately calculated, rounded down to the nearest parking space, and all uses shall be required to have the minimum spaces identified herein.

For example purposes only, all retail uses with less than 1,000 square feet of gross floor area shall have at least 5 spaces. Retail uses up to 1,199 square feet of gross floor area shall have 5 spaces, retail uses with 1,200 to 1,399 square feet of gross floor area shall have 6 spaces, etc.

B. Off-street Loading Requirements.

1. The minimum standard for off-street loading spaces is (unless otherwise noted): each required off-street loading space shall have minimum dimensions of twelve (12) feet wide and sixty (60) feet long. If more than one (1) loading space is required, subsequent loading spaces may have minimum dimensions of twelve (12) feet wide and forty (40) feet long. At no time shall any part of a truck or van be allowed to extend into a public thoroughfare or right-of-way while the truck or van is being loaded or unloaded. If the outdoor loading area is covered, but not totally enclosed, the minimum height of the outdoor loading space area shall be fourteen (14) feet. When more than one building is located on a parcel, the standards outlined herein shall be calculated based on the total square footage of all the buildings located on the parcel.
 - (a) Hospitals or similar welfare institutions, one (1) off-street loading space for a floor area of 10,000 square feet, one (1) additional off-street loading space for each additional 25,000 square feet or fraction thereof.
 - (b) Hotels and motels, one (1) off-street loading space for each 25,000 square feet of floor area or fraction thereof.
 - (c) Clubs and lodges, one (1) off-street loading space for a floor area of 10,000 square feet, one (1) additional off-street loading space for each additional 25,000 square feet or fraction thereof. (In lieu of the standard dimensions found in Section B.1, all loading spaces for clubs and lodges shall be at least ten (10) feet wide, twenty (20) feet long and seven and one-half (7½) feet high.)

- (d) Manufacturing buildings, sufficient off-street loading spaces shall be required. Staff will determine the sufficiency of the off-street loading spaces after reviewing written documentation from the applicant through the site plan review process.
- (e) ~~[Reserved] Places of worship and other public buildings, one (1) off-street loading space for a floor area of 10,000 square feet, one (1) additional off-street loading space for each additional 25,000 square feet or fraction thereof.~~
- (f) Physician's office, one (1) off-street loading space for a floor area of 10,000 to 25,000 square feet, one (1) additional off-street loading space for each additional 25,000 square feet or fraction thereof.
- (g) Bowling alley, one (1) off-street loading space for 8,000 square feet to 25,000 square feet of floor area, and one (1) additional off-street loading space for each additional 25,000 square feet of floor area or fraction thereof so used.
- (h) Schools, one (1) off-street loading space for a floor area of 10,000 square feet, one (1) additional off-street loading space for each additional 25,000 square feet or fraction thereof.
- (i) Theater, one (1) off-street loading space for 8,000 square feet to 25,000 square feet of floor area, and one (1) additional off-street loading space for each additional 25,000 square feet of floor area or fraction thereof so used.
- (j) Offices, one (1) off-street loading space for a floor area of 10,000 to 25,000 square feet, one (1) additional off-street loading space for each additional 25,000 square feet or fraction thereof.
- (k) Retail, one (1) off-street loading space for 5,000 ~~8,000~~ square feet to 25,000 square feet of floor area, and one (1) additional off-street loading space for each additional 25,000 square feet of floor area or fraction thereof so used.
- (l) Restaurant, one (1) off-street loading space for 5,000 ~~8,000~~ square feet to 25,000 square feet of floor area, and one (1) additional off-street loading space for each additional 25,000 square feet of floor area or fraction thereof so used.
- (m) Services, one (1) off-street loading space for 5,000 ~~8,000~~ square feet to 25,000 square feet of floor area, one (1) additional off-street loading space for each additional 25,000 square feet of floor area or fraction thereof so used.
- (n) Funeral home, one (1) off-street loading space for each chapel (such loading spaces shall be at least ten (10) feet wide, twenty (20) feet long and seven and one-half (7½) feet high, in lieu of the standard dimensions found in Section ~~2a~~ B.1.)
- ~~(o) Day care or nursery school, one (1) off-street loading space for a floor area of 10,000 square feet, one (1) additional off-street loading space for each additional 25,000 square feet or fraction thereof.~~

Section 3. Amend Section 6 (Supplementary district regulations), subsection 18 (Hotel and conference centers), by making insertions as shown by underlining and deletions as shown by strike through as follows:

18. *Hotel and conference centers.*

- a. No building shall exceed 60 feet in height, exclusive of roof tanks and supports, chimneys or enclosures for elevators or air conditioning machinery or other apparatus.
- b. No building shall be closer than 40 feet to any abutting street right-of-way line with a maximum 25 percent of the required parking maintained within the front yard with the exception of limited access roadways. Waivers may be considered for properties having more than one roadway frontage.
- c. No building shall be closer than 20 feet to a side yard and rear yard lot line with exception of residential districts where the building setback line is to be a minimum 50 feet plus two feet for each foot of building height with a maximum 120 feet setback.
- d. A minimum 20-foot wide landscaped buffer is to be provided along the entire perimeter of the hotel and conference center, provided that a buffer shall not be required along any property line abutting a street situated at the front of the parcel, and a corner parcel shall not be required to have buffering on either property line abutting the street. This buffer is to provide six and one-half-foot high screening adjacent to all residential districts. Screening is to consist of evergreen trees and bushes and berms.

Section 4. Amend Section 5 (District Regulations), subsection 17 (Shopping center (SC)), by making insertions as shown by underlining and deletions as shown by strike through as follows:

- H. *Buffering and landscaping.* There shall be a landscaped buffer area of not less than ten feet wide along all lot lines of the external perimeter of the shopping center development. Where adjacent to residential zones, the buffers shall include an approved landscape screen not less than six feet high at installation. All landscaping shall be properly maintained throughout the life of any use on the property. Parking shall not be permitted in the buffer area. A buffer shall not be required along any property line abutting a street situated at the front of the parcel, and a corner parcel shall not be required to have buffering on either property line abutting the street.

Section 5. 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 6. Effective Date. This Ordinance shall become effective immediately upon its adoption by the Town Council.

SYNOPSIS

This ordinance amends the Zoning Code of the Town of Smyrna to not require buffering between commercial and manufacturing zones and residential zones where the front of a property zoned commercial or

manufacturing is separated from an adjacent residential zone by a street. This ordinance clarifies the buffering requirements for hotels and conference centers and the buffering requirements for the Shopping Center (SC) district. This ordinance creates specific off-street parking requirements for apartments based on the number of bedrooms in the apartment, and it clarifies how off-street parking requirements are to be calculated. This ordinance also clarifies the loading requirements for different uses.

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 _____, 2019.

ATTEST:

Council Secretary

Mayor

This shall certify that the title and synopsis of this Ordinance was published in the “Smyrna/Clayton Sun Times” on _____, 2019 and posted at the Town Hall on _____, 2019.

So Certifies:

Town Clerk