

P&Z Review: 11/19/14
Public Notice: 11/26/14
Public Hearing: 12/15/14
Ord. No: 020-14

AN ORDINANCE TO AMEND APPENDIX A (“ZONING”) OF THE TOWN CODE OF THE TOWN OF SMYRNA BY AMENDING SECTION 5 (“DISTRICT REGULATIONS”) TO REQUIRE SITE AND DESIGN STANDARDS FOR TOWNHOUSE AND APARTMENT DWELLINGS IN RESIDENTIAL DISTRICTS R2-A AND R-3

WHEREAS, the Town Council of the Town of Smyrna is authorized by 22 Del. C. Chapter 3 and Section 4.2.37 of the Town Charter to enact zoning regulations in the town;

WHEREAS, the Town Council of the Town of Smyrna has enacted zoning regulations in the Town of Smyrna;

WHEREAS, in the opinion of the Town Council of the Town of Smyrna, that due to the increased demand for smaller residential units and the downsizing trend in the housing industry in recent years, development pressure for townhouse and apartment dwellings is likely to increase.

WHEREAS, in the opinion of the Town Council of the Town of Smyrna, it is necessary to amend Appendix A (“Zoning”), to require Site and Design Standards for Townhouse and Apartment Dwellings in the Residential Districts R2-A and R-3.

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 5 (“District Regulations”), Subsection 5.B.3 (“Residential R2-A” – “Uses Permitted”), by deleting the term “attached dwellings” and replacing it with “townhouse dwellings”.

Section 2. Amend Section 5 (“District Regulations”), Subsection 5.F.3 (“Residential R2-A” – “Minimum Requirements” – “Dwelling, attached”), by deleting the subsection 5.F.3 in its entirety.

Section 3. Amend Section 5 (“District Regulations”), Subsection 5 (“Residential R2-A”) by inserting a new subsection H “Site and Design Standards for Townhouse and Apartment Dwellings” as follows:

H. Site and Design Standards for Townhouse and Apartment Dwellings

1. Declaration of Intent

The Town of Smyrna’s historic development patterns reflect several areas of growth and annexation. The residential neighborhoods of the historic town-core are composed of small lots in traditional grid patterns and narrow streets.

The desired characteristics of townhouse and apartment dwelling developments are intended to do the following:

- a) Ensure that townhouse and apartment dwelling developments are designed to be compatible with surrounding neighborhoods and land uses.
- b) Encourage townhouse and apartment dwelling developments that residents can take pride in and have a sense of ownership in their neighborhood.
- c) Enhance the public interface of townhouse and apartment dwelling developments with attention to structural placement, building orientation, and landscaping treatment along the streetscape and open space areas.
- d) Ensure that townhouse and apartment dwelling developments incorporate common open space and amenities that enrich the lives of future residents.
- e) Ensure that townhouse and apartment dwelling developments are designed with proper setbacks, landscaping, and massing to address privacy and compatibility with adjacent developments or land.

2. Site Planning

Site planning arranges building masses, open space, parking and circulation to create a site design that is orderly, visually pleasing, and that contributes positively to both the surrounding area and the development itself. Historic development patterns in the Town of Smyrna relate to the street, encouraging people to participate more fully in their community.

These site design guidelines orient and cluster buildings, and design parking, landscaping and open space in ways that connect to surrounding neighborhoods, and compliment view sheds and surrounding natural features.

- a) The following requirements shall apply to all townhouse and apartment dwelling developments:
 - i. Appropriate building siting can reduce the perceived density of townhouse and apartment developments, maximize open space areas, provide “eyes on the street” surveillance and enhance community by creating public gathering spaces. Townhouse and apartment dwelling buildings shall be oriented parallel to the street, with direct entrances and windows facing the street.

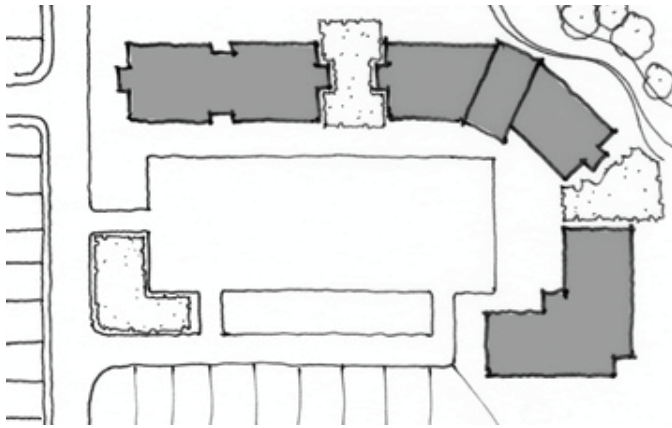


Illustration 1 - Example of an undesirable site plan layout

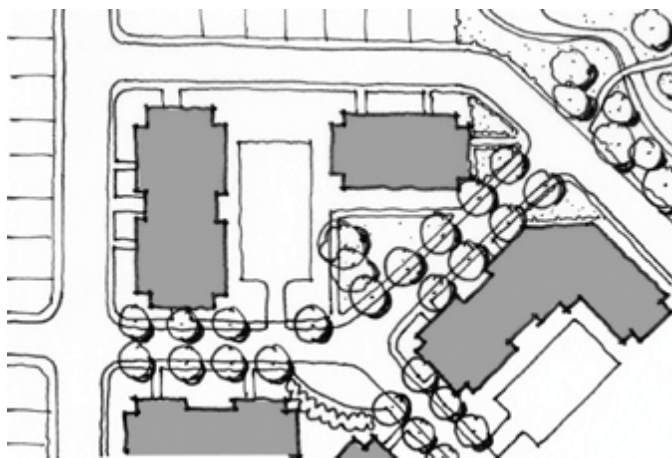


Illustration 2 - Example of a desirable site plan layout

- ii. Townhouse and apartment dwelling developments with two (2) or more buildings shall be designed with variation between building setbacks and/or placement to avoid the creation of monotonous streetscapes. Additionally, site plans shall be designed with variation in both the patterns and the siting of structures so the appearance of the streetscape is not repetitive.

b) Minimum Requirements.

i. Townhouse Dwellings:

- | | |
|--|----------|
| a) Minimum Lot Width (per unit) | 20 feet |
| b) Minimum Lot Depth (per unit) | 110 feet |
| c) Maximum Height | 45 feet |
| d) Minimum Front Yard Setback, principal dwelling | 10 feet |
| e) Maximum Front Yard Setback, principal dwelling | 20 feet |
| f) Minimum Front Yard Setback, open front porch, steps | 6 feet |
| g) Minimum Side Yard Setback | 12 feet |
| h) Minimum Side Yard Setback (corner lot) | 20 feet |
| i) Minimum Rear Yard Setback | 20 feet |
| j) Not more than 7 units in a row | |

- k) Easements as required per Appendix B – Subdivision and Land Development Ordinance of the Smyrna Town Code
- l) Alleys. Townhouse developments shall have access to driveways, garages or off-street parking spaces from a rear alley only. Driveways accessible from an alley shall have a minimum width of twelve (12) feet, not to exceed a maximum width of fourteen (14) feet. On-street parking in alleys shall be prohibited.

Alleys shall be created at the time of subdivision approval and shall be one-way and connected to a street at both ends.

Alleys shall have a minimum paving width of sixteen (16) feet and a minimum right-of-way of twenty (20) feet, not to exceed a maximum right-of-way of twenty-four (24) feet.

Alleys shall be installed according to town specifications and shall be dedicated to the town for public use.

i. Apartment Dwellings:

- a) Maximum Height 45 feet
- b) Minimum Front Yard Setback, principal dwelling 10 feet
- c) Maximum Front Yard Setback, principal dwelling 20 feet
- d) Minimum Front Yard Setback, open front porch, steps 6 feet
- e) Minimum Side Yard Setback 15 feet
- f) Minimum Side Yard Setback (corner lot) 20 feet
- g) Minimum Rear Yard Setback 20 feet
- h) The greatest length or depth of an apartment dwelling shall not exceed four (4) times its height. Notwithstanding the foregoing, the length shall be no more than a maximum length of 180 feet
- i) Easements as required per Appendix B – Subdivision and Land Development Ordinance of the Smyrna Town Code

3. Parking Lot Requirements

- a) Parking lots shall be located in the development’s interior and not along street frontages.
- b) Parking rows shall be no longer than ten (10) consecutive parking spaces without being interrupted by a fifteen (15) foot by nine (9) foot landscaped island to separate adjacent parking spaces. Two (2) trees and two (2) low-lying shrubs shall be required for each landscaped island.
- c) All parking rows shall be terminated with a thirty-six (36) by nine (9) foot landscaped terminal islands to protect parked vehicles and confine thru traffic to aisles and driveways. Two (2) trees and two (2) low-lying shrubs shall be required per terminal island.
- d) Clearly defined pedestrian connections shall be provided between parking lots and building entrances. Pedestrian walkways shall be a minimum width of five (5) feet of clear, unobstructed passage and the type and nature of all materials shall be consistent within a development.

4. Open Space Requirements

- a) In addition to the requirements per Appendix B, Subdivision and Land Development Ordinance, Section 5.07, Open Space Requirements, common open space shall be incorporated into the site plan as a primary design feature and not just remnant pieces of land used as open space. The open space should be centrally located and provides opportunities for casual social interaction and safe play areas for children. Open spaces should be sheltered from the noise and traffic of adjacent streets or other incompatible uses.
- b) Recreation Amenities. All townhouse and apartment dwelling developments shall provide at least three (3) of the following recreation amenities to accommodate a variety of ages and activities to meet the needs of the residents and contribute to the residential quality of life for each development:
 - i. Site furnishings (benches, tables, trashcans)
 - ii. Playground area (tot lot/play structures)
 - iii. Community garden that provides gardening space for the raising of flowers, fruits and vegetables for residents
 - iv. Walking/biking trails that provide interconnectivity between abutting neighborhoods and pathway systems
 - v. Covered structure (gazebo, pavilion, etc.)
 - vi. Swimming pool
 - vii. Sport courts (tennis, basketball, volleyball, etc.)
 - viii. Athletic fields (soccer, football, baseball, etc.)

5. Street Tree Requirements.

- a) Street trees shall be planted in or adjacent to all roadways; one (1) tree for every thirty (30) linear feet of street frontage is required. This includes cul-de-sacs, corner lots, etc.
- b) Street trees must be planted at least twenty (20) feet apart but not more than forty (40) feet apart and shall be planted in accordance with standards and requirements as outlined per Appendix B, Subdivision and Land Development Ordinance, Section 5.17, Tree Planting Standards and Requirements.

6. Building Scale and Character Standards.

To maintain Smyrna's small-town character through building design guidelines that address the overall appearance of townhouse and apartment dwellings through façade design elements, all exterior design elements shall form an integrated development and ensure that large buildings reduce their apparent mass and bulk on elevations visible from the street or pedestrian routes to ensure that buildings are based on human scale (i.e., the relationship of the size of the building's features to the people that use the building).

- a) The following requirements shall apply to all townhouse and apartment dwellings:
 - i. Building length of individual building facades defined as the continuous horizontal distance, measured from end-wall to end-wall, shall not exceed 180 feet.

- ii. Primary pedestrian entrances shall be facing and visible from the primary street and a porch, covered stoop, or similar entry feature shall be located at the ground floor exterior entrance of each townhouse or apartment dwelling unit to offer overhead protection and provide shelter from inclement weather. Entrance doors are encouraged to include architectural detailing such as contrasting paint color(s) and decorative trim.
- iii. All townhouse and apartment buildings shall incorporate design elements that will break up large expanses of uninterrupted building surfaces (blank walls). Along the façade of all townhouse and apartment buildings, design elements shall occur at a minimum interval of twenty (20) feet.
- iv. The following design elements shall be included:
 - a) Varying roof lines and forms:
 - i. Roof lines shall be varied through combinations of roof heights and styles that create variation and visual interest.
 - ii. Guidelines:
 - a) Provide offsets or breaks in roof elevations of two (2) feet or greater in height.
 - b) Incorporate the roof pitch and materials of adjacent buildings into carport or roofs.
 - b) Building façade colors and materials
 - i. At least two (2) variations in color and materials shall be used in the treatment of the building façade.
 - ii. Guidelines:
 - a) Decorative patterns on exterior materials may include scales/shingles, ornamentation, and similar
 - c) Bays, porches or balconies.
 - i. Guidelines:
 - a) Incorporate smaller-scale forms such as bays, recessed or projecting balconies or and dormers into the design and reduce the height and scale of

wainscoting,
features.

porches
to visually

the building
definition of individual

and to emphasize the
units.

building
twenty (20) feet or
minimum of six (6)

d) Wall offsets.

- i. A wall offset is defined as a projection or recess of a façade wall of at least two (2) feet in depth. Wall offsets shall be incorporated onto those facades having a length of at least greater. Wall offsets shall be a feet in length.

e) Windows.

- i. Decorative window features, such as arched windows, transoms, decorative pediments, and/or window shutters that are sized appropriately and proportionally to the window shall be required on those facades fronting on streets.
- ii. Guidelines:
 - a) Windows of varied shape, size, and placement are encouraged.
 - b) The use of recessed windows, moldings, decorative trim and wood frames to three-dimensional quality and to the façade.

add
shadow lines

f) Front yards.

noise
50% of
with flowering or
not exceed a maximum
height at maturity. All grassed
sodded with a drought-resistant grass.

- i. Landscaped front yards offer a welcoming and safe transition from public to private space, define property lines, create a unique identity, buffer and provide visual screening. A minimum of the front yard shall be landscaped evergreens shrubs and shall of three (3) feet in areas shall be
- ii. A four (4) foot wide walkway constructed of concrete or decorative pavers shall extend from the sidewalk to the exterior entrance of each townhouse or apartment dwelling unit.



Illustration 3 – Example of Building Scale & Character Standards

Wall offsets & changes in
façade colors & materials



Illustration 4 – Example of Building Scale & Character Standards



Illustration 5 – Example of Building Scale and Character Standards

Varied window styles
& placement



Illustration 6 - Example of Building Scale & Character Standards

Section 4. Amend Section 5 (“District Regulations”), Subsection 5 (“Residential R2-A”) by inserting a new subsection I “Density Provisions” as follows:

I. Density Provisions

1. Within the R2-A residential zoning district, the maximum gross density is six (6) units per acre. Gross density per acre is to be calculated by dividing the total number of dwelling units in the subdivision by the total acreage of the subdivision tract (including all undevelopable areas.).
2. A density bonus of up to two (2) additional units above the maximum gross density per acre may be granted by the Planning and Zoning Commission and Town Council if a developer provides improvements in accordance with the following:
 - a) Open Space. For each 10% increase in common open space over the minimum 25% open space requirement, a gross density bonus of one half (0.5) units per acre may be granted.
 - b) Recreation Amenities. Where the developer provides recreation amenities in excess of the three (3) amenities as required by Subsection H(4)b of this ordinance, a gross density bonus one half (0.5) units per acre may be granted.
 - c) Community Buildings. The construction of a community building to serve as a meeting hall for various community functions, including but not limited to civic meetings, recreational purposes, receptions and special events, may be granted a gross density bonus of one (1) unit per acre.
 - d) School Sites. The donation of a school site as approved by the Town Council and the Smyrna School District Board of Education may increase the permitted gross density by one (1) unit per acre .

- e) Public Facilities Sites. The donation of a public facilities site to be used by public services such as emergency responders, governmental agencies, etc. may increase the permitted gross density by one (1) unit per acre if the location is approved by the Town and the Agency to whom the site is to be provided.
- f) Preservation Easements. The establishment of a permanent easement for the purpose of preserving and protecting a historic resource (any building, structure, object, or other historic use that the Town considers to be important from a historic, architectural, or archaeological aspect in the history of the Town) may be granted a gross density bonus of one half (0.5) unit per acre.
- g) Conservation Easements. The establishment of a permanent easement for the purpose of conserving and protecting a woodland area, a wetland area, and/or a stream corridor from removal of existing natural vegetation, and/or encroachment by future development may be granted a gross density bonus of one half (0.5) unit per acre.

Section 5. Amend Section 5 (“District Regulations”), Subsection 6.B.2 (“Residential R-3” – “Uses Permitted”), by deleting the term “attached dwellings” and replacing it with “townhouse dwellings”.

Section 6. Amend Section 5 (“District Regulations”), Subsection 6.B.3 (“Residential R-3” – “Uses Permitted”), by making insertions as show by underline and deletions as shown by strikethrough as follows:

(3) Apartment dwellings which are constructed in accordance with the standards set forth in the Town of Smyrna building code and [the dwelling] is not designed to be transported to the dwelling site on its own chassis provided the greatest dimension in length or depth of an apartment house shall not exceed four times its height. ~~For purposes of this ordinance, the building length or depth shall be determined by the length and depth of a rectangle enclosing the building area of the building. Notwithstanding the foregoing, the length shall be no more than a maximum length of 180 feet.~~

Section 7. Amend Section 5 (“District Regulations”), Subsection 6.F.3 (“Residential R-3” – “Minimum Requirements” – “Dwelling, attached”), by deleting the subsection 6.F.3 in its entirety.

Section 8. Amend Section 5 (“District Regulations”), Subsection 6 (“Residential R-3”) by inserting a new subsection H “Site and Design Standards for Townhouse and Apartment Dwellings” as follows:

H. Site and Design Standards for Townhouse and Apartment Dwellings

(1) The site and design standards for townhouse dwellings and apartment dwellings in the Residential R-3 district shall be the same as those found in subsection 5(H) of the Residential R2-A district and are incorporated herein by reference.

Section 9. Amend Section 5 (“District Regulations”), Subsection 6 (“Residential R-3”) by inserting a new subsection I “Density Provisions” as follows:

I. Density Provisions

1. Within the R-3 residential zoning district, the maximum gross density is twelve (12) units per acre.

(1) The density bonus provisions for townhouse and apartment dwellings in the Residential R-3 district shall be the same as those found in subsection 5(I)2 of the Residential R2-A district and are incorporated herein by reference.

Section 10. Amend Section 6. (“Supplementary District Regulations”), Subsection 1.A.9.a (“Off-street Parking Requirements”), by making insertions as shown by underline and deletions as shown by strikethrough 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) Attached dwelling and Multi-plex Townhouse dwellings, two (2) spaces per unit (including garage).
- (v) Multi-family Apartment dwellings, two (2) spaces per unit (including garage).

Section 11. Amend Section 19 (“Definitions”), by deleting the term “dwelling, attached” and its definition and inserting the term “dwelling, townhouse” with the following definition: “A single family dwelling in a row of at least three (3) such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one (1) or more vertical common fire-resistant walls with separate housekeeping and cooking facilities for each.”

Section 12. Amend Section 19 (“Definitions”), by making insertions as show by underline and deletions as show by strikethrough as follows:

Dwelling, apartment. ~~A residence designed for or occupied by three or more families.~~ A dwelling contains three (3) or more single family dwelling units within a building that are separated only by horizontal floors or by a combination of horizontal floors and vertical walls with separate housekeeping and cooking facilities for each.

SYNOPSIS

This ordinance amends the Town of Smyrna Code, Appendix A (“Zoning”) to require Site and Design Standards for Townhouse and Apartment Dwellings in the Residential Districts R2-A and R-3 and to specify density requirements for Townhouse and Apartment Dwellings.

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 _____, 2014.

ATTEST:

Council Secretary

Mayor

This shall certify that the title and synopsis of this ordinance was published in "The Smyrna/Clayton Sun Times" on _____, 2014 and posted at the Town Hall on _____, 2014.

So Certifies:

Town Clerk

This shall certify that the title, effective date and synopsis of this ordinance was published in "The Smyrna/Clayton Sun Times" on _____, 2014 and posted at the Town Hall on _____, 2014.

So Certifies:

Town Manager