

Review by P&Z Commission: 12/02/20
Sponsor: Councilman Rasmussen
First Reading: 01/19/21
Ord. No: 001-21

AN ORDINANCE AMENDING APPENDIX A (ZONING) OF THE TOWN CODE OF THE TOWN OF SMYRNA TO UPDATE THE SETBACK REQUIREMENTS FOR SEMI-DETACHED DWELLINGS, TOWNHOUSES, APARTMENT DWELLINGS, AND COMMERCIAL/OFFICE BUILDINGS IN THE PLANNED VILLAGE COMMUNITY CONDITIONAL USE OPTION

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, the Town Council has adopted standards for Planned Village Communities and it is now necessary to update the setback requirements for semi-detached dwellings, townhouses, apartment dwellings, and commercial/office buildings in order to more fully conform to the intent of the Planned Village Community conditional use option;

WHEREAS, the Planning Commission considered this ordinance at a duly noticed meeting held on December 2, 2020, and recommended to the Town Council that this ordinance be _____;

WHEREAS, the Town Council held a public hearing on January 19, 2021, notice for which was published in the Smyrna Clayton Sun Times on December 23, 2020 and posted at Town Hall on December 23, 2020, at which time all interested members of the public were given an opportunity to comment on this ordinance; and

WHEREAS, the Town Council finds that the updated setback requirements for semi-detached dwellings, townhouses, apartment dwellings, and commercial/office buildings are in the best interest of 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 14 (Conditional uses), subsection 1 (Planned Village Community Conditional Use Option) by making insertions as shown by underline and deletions as shown by strike through to the PVC District Bulk Standards table as follows:

	R-1 PVC	R-1A PVC	R-2 PVC	R-2A PVC	R-3 PVC
Semi-Detached Dwelling			P	P	P
Side Yard Setback (end side yards)			6 ft.	6 ft.	6 ft.
Side Yard Setback (interior side yards)			<u>0 ft.</u>	<u>0 ft.</u>	<u>0 ft.</u>
Townhouse Dwelling				P	P
Front Setback				10 ft. <u>6 ft.</u> Min./20 ft. Max	10 ft. <u>6 ft.</u> Min./20 ft. Max.
Side Yard Setback (end side yards)				20 ft. <u>6 ft.</u>	20 ft. <u>6 ft.</u>
Side Yard Setback (interior side yards)				<u>0 ft.</u>	<u>0 ft.</u>
Apartment Dwelling				SE	P
Front Setback				10 ft. <u>6 ft.</u> Min/20 ft. Max	10 ft. <u>6 ft.</u> Min./20 ft. Max.
Side Yard Setback				10 ft. <u>6 ft.</u>	10 ft. <u>6 ft.</u>
Commercial/Office Building				SE	SE
Front Setback				10 ft. <u>5 ft.</u> Min/20 ft. Max	10 ft. <u>5 ft.</u> Min/20 ft. Max

Section 2. 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 the Town Council's intent.

Section 3. Effective Date. This Ordinance shall become effective immediately upon its adoption by the Town Council.

SYNOPSIS

This ordinance amends the setback requirements for semi-detached dwellings, townhouses, apartment dwellings, and commercial/office buildings in the PVC conditional use option.

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 _____, 2020.

ATTEST:

Council Secretary

Mayor

This shall certify that the title and synopsis of this Ordinance was published in the "Smyrna/Clayton Sun Times" on _____, 2020 and posted at the Town Hall on _____, 2020.

So Certifies:

Town Clerk