

Sponsor: Councilman Rasmussen  
First Reading: 06/21/21  
Second Reading: 07/19/21  
Third Reading: 08/02/21  
Ord. No.: 005-21

AN ORDINANCE AMENDING CHAPTER 18 (“BUILDINGS AND BUILDING REGULATIONS”), ARTICLE XII (“REDEVELOPMENT AUTHORITY”), DIVISION 3 (“FAÇADE IMPROVEMENT MATCHING GRANT PROGRAM”) TO RESTRICT GRANTS TO PROPERTIES SITUATED WITHIN THE REDEVELOPMENT FOCUS AREA, TO ESTABLISH DIFFERENT GRANT AMOUNTS FOR DIFFERENT CLASSIFICATIONS OF PROPERTIES, AND TO MAKE OTHER HOUSEKEEPING CHANGES

WHEREAS, the Town of Smyrna is authorized to establish a slum clearance and redevelopment authority under 31 *Del. C.* Chapter 45 (“Slum Clearance and Redevelopment Authority Law”) and has established a Slum Clearance and Redevelopment Authority;

WHEREAS, the Town Council has established a façade improvement matching grant program that is administered by the Slum Clearance and Redevelopment Authority; and

WHEREAS, the Town Council is of the opinion that it is in the best interest of the public health, safety, and welfare to amend the façade improvement grant regulations to, *inter alia*, restrict grants to properties situated within the Town’s Redevelopment Focus Area as depicted on a map on file with the Town, to establish different grant amounts for different classifications of properties, to clarify those expenses that are eligible for reimbursement, and to make other housekeeping changes to the regulations.

NOW THEREFORE, BE IT HEREBY ENACTED by the Town Council of the Town of Smyrna, a majority thereof concurring in Council duly met, that Chapter 18 (“Buildings and Building Regulations”), Article XII (“Redevelopment Authority”), Division 3 (“Façade Improvement Matching Grant Program”) of the Town Code of the Town of Smyrna be and hereby is amended as follows:

**Section 1.** Amend Section 18-704 by making insertions as shown by underlining and deletions as shown by strike through as follows:

**Sec. 18-704. – Eligible properties.**

Commercial and residential properties identified on the Redevelopment Focus Area Map on file with the Town ~~located within the town’s boundaries~~ shall be eligible to participate in the façade improvement grant program.

**Section 2.** Amend Section 18-706 by making insertions as shown by underlining and deletions as shown by strike through as follows:

**Sec. 18-706. - Eligible improvements; expenses eligible for reimbursement.**

(a) The exterior front façade improvements eligible for grant monies include, but are not limited to the rehabilitation, renovation, reconstruction (photographic documentation and/or historic documentation must be provided), restoration, replacement, installation, conservation, or any other similar construction activity of the following improvements (which is not intended to be an exhaustive list of eligible improvements):

\* \* \*

(12) Signage. Any wall sign or marquee sign.

All improvements shall be permanent and fixed in type or nature. The applicant is responsible for securing a building permit before beginning any construction activity. The applicant is responsible for ensuring that all improvements satisfy any code requirements of the town, including, but not limited to, zoning, building and safety.

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(d) In order to be eligible for reimbursement, all expenses must be for materials or labor required for the completion of the eligible improvements. All labor must be provided by a contractor licensed by the town, and labor provided by individuals or entities not licensed by the town shall not be eligible for reimbursement. Labor provided by the property owner or tenant shall not be eligible for reimbursement.

**Section 3.** Amend Section 18-707 by making insertions as shown by underlining and deletions as shown by strike through as follows:

**Sec. 18-707. - Grant application.**

(a) The applicant must complete and return to the authority the application and the following prior to the authority considering the application:

(1) An affidavit signed by the property owner and all persons or entities holding an equitable or legal interest in the property stating:

- a. The property owner and all persons or entities with an equitable or legal interest in the property ~~same~~ do not have any pending litigation with the town; ~~and~~
- b. The amount of grant monies already applied for and/or distributed for the property listed on the application does not exceed the amounts authorized hereunder for grants;
- c. The proposed improvements qualify as eligible improvements under Section 18-706; and
- d. The property owner and all persons or entities with an equitable or legal interest in the property are in good standing as defined in Section 1-14 ("Good Standing Requirements") of the Smyrna Town Code.

**Section 4.** Amend Section 18-708 by making insertions as shown by underlining and deletions as shown by strike through as follows:

**Sec. 18-708. - Reimbursement grant amounts.**

Subject to the availability of funds and approval of an application, the authority shall reimburse 25% of the monies invested in eligible improvements for an eligible property by the property owner and/or any person or entity holding an equitable or legal interest in the property. The total amount of all reimbursement grants by the authority for any single property in a calendar year shall not exceed the following:

- (a) Commercial and multi-family residential properties: \$10,000
- (b) Single-family, townhouse, and semi-detached (duplex) residential properties: \$2,500

~~(a) Commercial properties. Subject to the availability of funds and approval of an application, the authority shall reimburse 25% of the monies invested on eligible improvements by the property owner and/or any person or entity holding an equitable or legal interest in the property. The total amount of all grants by the authority shall not exceed \$2,500.00 for a single property in one calendar year.~~

~~(b) Residential properties. Subject to the availability of funds and approval of an application, the authority shall reimburse 25% of the monies invested on eligible improvements by the property owner and/or any person or entity holding an equitable or legal interest in the property. The total amount of all grants by the authority shall not exceed \$2,500.00 for a single property in one calendar year.~~

**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 the 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.

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SYNOPSIS

This ordinance amends the regulations pertaining to the Façade Improvement Grant Program to restrict eligibility to participate in the property to those properties situated in the Redevelopment Focus Area. This ordinance establishes grant limits of \$2,500 for residential properties (single-family, townhouse, and semi-detached/duplexes) and a limit of \$10,000 for commercial properties and multi-family residential properties. This ordinance clarifies which expenses are eligible for reimbursement and classifies certain signs as eligible improvements.

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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 \_\_\_\_\_, 2021.

ATTEST:

\_\_\_\_\_  
Council Secretary

\_\_\_\_\_  
Mayor

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This shall certify that the title and synopsis of this Ordinance was published in the “Smyrna/Clayton Sun Times” on \_\_\_\_\_, 2021 and posted at the Town Hall on \_\_\_\_\_, 2021.

So Certifies:

\_\_\_\_\_  
Town Clerk