

Review by P&Z: 10/30/2024
Sponsor: _____
First Reading: 11/18/2024
Ord. No: 016-24

AN ORDINANCE AMENDING APPENDIX A (ZONING) OF THE TOWN CODE OF THE TOWN OF SMYRNA TO PERMIT DAY CARE CENTERS AND NURSERY SCHOOLS IN THE INSTITUTIONAL AND RECREATIONAL DISTRICT (I & R)

WHEREAS, the Smyrna Town Council 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 determined that day care centers and nursery schools are an appropriate use for the Institutional and Recreational District (I & R);

WHEREAS, the Planning Commission considered this ordinance at a duly noticed meeting held on October 30, 2024, and recommended to the Town Council that this ordinance be approved;

WHEREAS, the Town Council held a public hearing on November 18, 2024, notice for which was published in the Delaware State News on 11/4/2024 and posted at Town Hall on 11/18/2024, 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 amending the Zoning Code to permit day care centers and nursery schools in the Institutional and Recreational District (I & R) is 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 5 (District Regulations), Subsection 7 (Institutional and Recreational District – I & R), by making insertions as shown by underline and deletions as shown by strikethrough as follows:

7. Institutional and recreational district I & R.

a. *[Permitted uses.]* The following uses are permitted:

(1) Hospitals and institutions of an educational, medical, philanthropic, charitable nature which are related thereto.

(2) Public, private and commercial recreation beaches, bathhouses, boat landings, and similar outdoor recreation facilities.

(3) Cemetery as permitted in the R-1 district.

(4) Research establishments properly located near and related to a hospital.

(5) Public utility uses as permitted in the R-1 district.

(6) Accessory uses and structures:

(a) Provisions for housing persons working full time on the premises of a hospital or allied use.

(b) Accessory uses and structures clearly incidental and customary to and associated with the operation of the permitted use.

(7) Institutions of a religious nature.

(8) Libraries and museums.

(9) Theaters.

(10) Governmental buildings, structures, facilities and uses including, but not limited to, police stations, fire houses, ambulance stations, and government offices.

(11) In-patient rehabilitation hospitals and nursing homes.

(12) Day care centers and nursery schools.

Section 2. Amend Section 5 (District Regulations), Subsection 23 (Use and Bulk Standards Tables), by updating Table 3 – Non-residential Use and Bulk Standards Table (I & R, LM, LO, & IORP Districts) to reflect the addition of day care centers and nursery schools as being permitted in the Institutional and Recreational District (I & R) pursuant to the adoption of this Ordinance.

Section 3. 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.

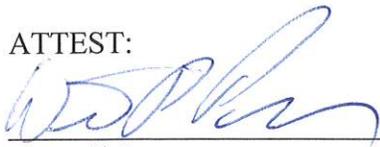
Section 4. Effective Date. This Ordinance shall become effective immediately upon its adoption by the Town Council.

SYNOPSIS

This ordinance amends the Zoning Code to allow day care centers and nursery schools as permitted uses in the Institutional and Recreational District (I & R).

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 Nov 11, 2024.

ATTEST:



Council Secretary



Mayor

This shall certify that the title and synopsis of this Ordinance was published in the "Delaware State News" on November 4th, 2024 and posted at the Town Hall on November 18th, 2024.

So Certifies:

Danielle L. Pope
Town Clerk