

Review by P&Z: 3/27/2025
Sponsor: _____
First Reading: 04/21/2025
Ord. No: 009 - 25

AN ORDINANCE AMENDING APPENDIX A (ZONING) OF THE TOWN CODE OF THE TOWN OF SMYRNA TO ADOPT REVISED AND UPDATED OFF-STREET PARKING REQUIREMENTS

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the supplemental district regulations located in the Smyrna Zoning Code include off-street parking standards, which are outdated and in need of revisions to provide for off-street parking regulations that more accurately correspond to the different types of permitted uses;

WHEREAS, the Planning Commission considered this ordinance at a duly noticed meeting held on March 26, 2025, and recommended to the Town Council that this ordinance be approved;

WHEREAS, the Town Council held a public hearing on April 21st, 2025, notice for which was published in the Delaware State News on April 6th 2025 and posted at Town Hall on March 10, 2025, 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 revise and clarify off-street parking standards in the Town 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 6 (Supplementary District Regulations), by making insertions as shown by underline and deletions as shown by strikethrough as follows:

Section 6. Supplementary district regulations.

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

A. Off-Street Parking Requirements.

1. There shall be provided at the time of construction or enlargement of any main building or structure a minimum number of off-street parking spaces in accordance with the minimum national standards as designated by AAHSTO (American Association of State Highway and Transportation Officials) and the ANSI (American National Standards Institute) A117-1. The minimum parking space dimensions shall be based upon the following configurations:
 - (a) Perpendicular (90 degrees): 9' x 18'
 - (b) Angled (60 degrees): 9' x 20' (22 ft stall depth)
 - (c) Angled (45 degrees): 9' x 20' (21 ft stall depth)

(d) Angled (30 degrees): 9' x 20' (18 ft stall depth)

(e) Parallel (0 degrees): 8' x 22'

2. Parking space as required shall be located on the same lot with the main buildings or within walking distance of the main building.
3. ~~[RESERVED] Additional off-street parking provisions at 0.5 spaces per dwelling unit is to be provided for all residential developments in R-2A and R-3 Zoning Districts.~~
4. Parking lots, located in all commercial zoning districts, with the exception of the Central Commercial zoning district, with frontage on the public rights-of-way are required to have a set-back distance of ten feet (10) from the property line and suitably landscaped with year round green plantings to aesthetically improve the appearance of the area. The plantings should not interfere with line-of-sight distances.

The Board of Adjustment may grant variances from ~~Town Council may vary or waive~~ the requirements of this paragraph following notice and public hearing.

5. The quantity and dimensions of off-street parking spaces provided for disabled individuals shall be in accordance with those standards outlined in the Americans with Disabilities Act. ~~For buildings in excess of 150,000 square feet in any zone, sufficient off-street loading space shall be provided. Staff will determine the sufficiency of the loading spaces after reviewing written documentation from the applicant through the site plan review process~~
6. Parking of vehicles on unpaved surfaces within the front yard of all districts shall be prohibited. Exception: Emergency vehicles responding to an emergency, special delivery or moving vehicles which require front door access on a one-time basis. Off-street parking areas for all new construction shall be asphalt, concrete, pavers, or another hardened surface approved by the Town of Smyrna.
7. Bicycle parking racks are required to be provided for ~~commercial establishments and are to~~ non-residential establishments in all zoning districts except the IORP and LM Districts, and shall be placed in a brightly illuminated section of the parking area safe from vehicular traffic. A minimum of one rack (5 bicycle spaces) shall be provided in every parking lot containing twenty spaces or more.
8. Interior parking lot landscaping requirements:
 - (a) Blocks of parking stalls shall be limited to fifteen (15) consecutive spaces interrupted by a fifteen (15) foot by nine (9) foot landscaped island.
 - (b) A maximum of five (5) consecutive rows of parking are allowed prior to a full row length landscaped island a minimum six (6) feet wide.
 - (c) All parking rows are to be terminated with a minimum eighteen (18) by nine (9) foot landscaped island.
 - (d) All islands are to be a mix of grass covering, shrubs and at least one (1) street tree per 160 square feet of interior parking lot landscaping required.

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

(b) Institutional Uses:

- (i) Emergency Department or Urgent Care Center, one (1) space per 300 square feet of gross floor area ("GFA")
- (ii) Golf Course, three (3) spaces per hole
- (iii) Government Offices, one (1) space per 300 square feet of GFA
- (iv) Hospital, five (5) spaces per bed
- (v) In-patient Rehabilitation Hospitals & Nursing Homes, 0.5 spaces per bed
- (vi) Library, one (1) space per 250 square feet of GFA
- (vii) Museum, 1.5 spaces per 1,000 square feet of GFA
- (viii) Private Clubs, Lodges, & Philanthropic Organizations, one (1) space per 400 square feet of GFA
- (ix) School (Elementary/Middle), one (1) space per five (5) students
- (x) School (High), one (1) space per three (3) students
- (xi) Religious Institutions, 15 spaces per 1,000 square feet of GFA or one (1) space per three (3) seats
- (xii) University/College (Non-Resident), one (1) space per three (3) students
- (xiii) University/College (Resident), one (1) space per two (2) students
- (xiv) Parks (Passive Recreation), four (4) spaces per acre
- (xv) Parks (Active Recreation), 20 spaces per playing field

(c) Commercial Uses:

- (i) Adult Entertainment, one (1) space per 100 square feet of GFA

- (ii) Automobile Parts and Service Center, three (3) spaces per 1,000 square feet of GFA
- (iii) Automobile Service (Gas) Station, one (1) space per 100 square feet of GFA
- (iv) Automobile, Truck, Farm & Marine Equipment Sales & Service, one (1) space per 250 square feet of GFA
- (v) Banks and Financial Institutions, one (1) space per 200 square feet of GFA
- (vi) Bar (Defined as Alcohol Beverage Establishment), one (1) space per 100 square feet of GFA
- (vii) Big Box Retail (>50,000 SF), one (1) space per 500 square feet GFA
- (viii) Bowling Alley, four (4) spaces per lane
- (ix) Breweries and Distilleries, one (1) space per 125 square feet of tasting room
- (x) Building Materials Sales Yard, one (1) space per 1,000 sq. ft. GFA
- (xi) Car Wash, two (2) spaces per stall
- (xii) Coffee Shop, fifteen (15) spaces per 1,000 square feet GFA
- (xiii) Commercial Services, three (3) spaces per 1,000 square feet of GFA
- (xiv) Convenience Store (No Gas Pumps), one (1) space per 250 square feet GFA
- (xv) Day Care and Nursery School, one (1) space per three (3) children
- (xvi) Dental and Veterinary Clinics, one (1) space per 250 square feet GFA
- (xvii) Funeral Home, twenty (20) spaces per 1,000 square feet of viewing area
- (xviii) General Retail, one (1) space per 200 square feet GFA
- (xix) Grocery Store or Supermarket, one (1) space per 250 square feet GFA
- (xx) Gym and Fitness Centers, one (1) space per 125 square feet GFA
- (xxi) Hotels, one (1) space per room plus one (1) space per 400 square feet of banquet area
- (xxii) Ice skating rink, one (1) space per 200 square feet GFA
- (xxiii) Indoor Entertainment Facility, one (1) space per 300 square feet GFA
- (xxiv) Liquor Stores, one (1) space per 400 square feet GFA
- (xxv) Marijuana Dispensary, one (1) space per 125 square feet GFA

- (xxvi) Medical Offices, one (1) space per 250 square feet GFA
- (xxvii) Ministorage Facilities, one (1) space per 5,000 square feet GFA
- (xxviii) Personal Services, one (1) space per 200 square feet GFA
- (xxix) Professional Offices, three (3) spaces per 1,000 square feet GFA
- (xxx) Recreational Vehicle Sales & Service, one (1) space per 500 square feet GFA
- (xxxi) Restaurant (Drive-Thru), one (1) space per 125 square feet GFA
- (xxxii) Restaurant (Full-Service), twelve (12) spaces per 1,000 square feet GFA
- (xxxiii) Theater, one (1) space per 100 square feet GFA or one (1) space per three (3) seats

(d) Industrial Uses:

- (i) Food Processing Facilities, one (1) space per 500 square feet GFA or one (1) space per employee on the largest shift, whichever is greater
 - (ii) Lumber and Contractors Yard, 0.75 space per 1,000 square feet GFA
 - (iii) Manufacturing, one (1) space per 500 square feet GFA or one (1) space per employee on the largest shift, whichever is greater
 - (iv) Research, Design, Testing and Development Laboratories, one (1) space per 400 square feet GFA or one (1) space per employee on the largest shift, whichever is greater
 - (v) Warehouse and Distribution Centers, one (1) space per 800 square feet GFA or one (1) space per employee on the largest shift, whichever is greater
- ~~(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.~~
- ~~(e)(q)~~ There shall be no minimum number of required off-street parking spaces in the central commercial (CC) district, irrespective of the use of the property.

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. Any use not specifically referenced shall be required to have the minimum number of parking spaces required for the most closely analogous use 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.~~

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 Town Council's intent.

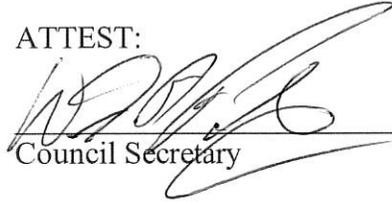
Section 3. Effective Date. This Ordinance shall become effective immediately upon its adoption by the Town Council.

SYNOPSIS

This ordinance amends the Zoning Code to revise and clarify the standards for off-street parking requirements in the Town of Smyrna. This ordinance establishes minimum dimensions and required materials for off-street parking spaces. Additionally, this ordinance identifies in greater detail the minimum parking requirements for various different types of 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 April 21st, 2025.

ATTEST:



Council Secretary



Mayor

This shall certify that the title and synopsis of this Ordinance was published in the "Delaware State News" on April 6th, 2025 and posted at the Town Hall on April 14th, 2025.

So Certifies:



Town Clerk

