

Review by P&Z Commission: 05/27/20
Sponsor: Councilman Pressley
First Reading: 07/20/20
Ord. No: 015-20

AN ORDINANCE AMENDING APPENDIX A (ZONING) OF THE TOWN CODE OF THE TOWN OF SMYRNA TO REPLACE THE EXISTING PLANNED VILLAGE COMMUNITY STANDARDS WITH MORE COMPREHENSIVE STANDARDS FOR 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 previously adopted standards for Planned Village Communities that were permitted in certain zoning districts subject to conditional use approval, and it is now necessary to replace the existing standards with more comprehensive standards;

WHEREAS, the Planning Commission considered this ordinance at a duly noticed meeting held on May 27, 2020, and recommended to the Town Council that this ordinance be adopted;

WHEREAS, the Town Council held a public hearing on July 20, 2020, notice for which was published in the Delaware State News on July 5, 2020 and posted at Town Hall on July 2, 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 more comprehensive Planned Village Community standards 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 5 (District Regulations), subsection 2 (Residential district R-1), by making insertions as shown by underline and deletions as shown by strikethrough as follows:

- D. *[Uses permitted as conditional use.]* The following uses are permitted only if approved as a conditional use pursuant to section 6.16 of this ordinance:
- (1) Institutions of an educational nature.
 - (2) Public utility uses.
 - (3) Governmental building, structure, facilities and uses including but not limited to, police stations, fire houses, ambulance stations, government offices, library.
 - (4) Planned Village Community, pursuant to the design and development standards and minimum lot requirements outlined in Section 14 (Conditional uses, general guides

and standards). ~~Planned village community. A planned village community shall be an entire major subdivision of at least four parcels consisting of detached, single-family dwellings that are placed close to the street, have small front yards with landscaping that ensures adequate separation and protection from street activities, and have architectural facade treatments that create an aesthetically pleasing, livable community. The following requirements apply to all dwellings located in a planned village community.~~

- ~~(a) The front yard landscaping for each dwelling shall include at least one tree as required per Appendix B, Subdivision and Land Development Ordinance, section 5.17, Tree Planting Standards and Requirements, with all grassed areas sodded with a drought-resistant grass and not less than 20 flowering or evergreen shrubs planted. A four-foot-wide walkway constructed of concrete or decorative pavers shall extend from the public sidewalk to the front of the dwelling.~~
- ~~(b) Front-loaded garage faces shall have decorative design treatments to minimize their appearance.~~
- ~~(c) Facades fronting on streets shall include at least three of the following superior design elements (for corner parcels, both facades must comply with this requirement):~~
 - ~~(1) An unenclosed porch with a roof that is at least six feet deep and extends across at least one-half the width of the front facade. For purposes herein, a screened porch shall not be considered "enclosed."~~
 - ~~(2) Distinctive roof forms to include recesses and offsets (such as multiple gables and/or dormers) and ornamented cornices with returns.~~
 - ~~(3) At least two variations in color and materials used in the treatment of the horizontal facade.~~
 - ~~(4) Side or rear-entry garage.~~
 - ~~(5) Decorative window features, such as arched windows, transoms, decorative pediments, and/or window shutters that are sized appropriately and proportionally to the window. For purposes herein, a pediment is low-pitched triangular gable.~~
- ~~(d) *Minimum requirements.* Notwithstanding anything herein to the contrary, planned village communities in this zoning district shall be subject to the following requirements:~~
 - ~~(1) Minimum lot area: 8,500 sq. ft.~~
 - ~~(2) Minimum lot width: 85 ft.~~
 - ~~(3) Minimum lot depth: 100 ft.~~
 - ~~(4) Maximum height: 35 ft.~~
 - ~~(5) Minimum front yard setback, principal dwelling 10 ft.~~
 - ~~(6) Maximum front yard setback, principal dwelling 20 ft.~~
 - ~~(7) Minimum front yard setback, open front porch, steps 6 ft.~~
 - ~~(8) Minimum side yard setback: 6 ft.~~
 - ~~(9) Minimum rear yard setback: 20 ft.~~
 - ~~(10) Maximum lot coverage: N/A~~
 - ~~(11) Anything herein to the contrary notwithstanding, the maximum gross density for a planned village community shall be 4.5 units per acre.~~

Section 2. Amend Section 5 (District Regulations), subsection 3 (Residential district R-1A) by making insertions as shown by underline and deletions as shown by strikethrough as follows:

- D. *[Uses permitted as conditional uses.]* The following uses are permitted only if approved as a conditional use pursuant to section 6.16 [6.15] of this ordinance:
- (1) Institutions of an educational nature.
 - (2) Public utility uses.
 - (3) Governmental building, structure, facilities and uses including, but not limited to, police stations, fire houses, ambulance stations, government offices, library.
 - (4) Planned Village Community, pursuant to the design and development standards and minimum lot requirements outlined in Section 14 (Conditional uses, general guides and standards). ~~Planned village community. Planned village communities shall be allowed as a conditional use subject to the same conditions identified for planned village communities in the residential district R-1, except as otherwise indicated herein.~~
 - (a) ~~Minimum requirements. Notwithstanding anything herein to the contrary, planned village communities in this zoning district shall be subject to the following requirements:~~
 - (1) ~~Minimum lot area: 7,000 sq. ft.~~
 - (2) ~~Minimum lot width: 70 ft.~~
 - (3) ~~Minimum lot depth: 100 ft.~~
 - (4) ~~Maximum height: 35 ft.~~
 - (5) ~~Minimum front yard setback, principal dwelling 10 ft.~~
 - (6) ~~Maximum front yard setback, principal dwelling 20 ft.~~
 - (7) ~~Minimum front yard setback, open front porch, steps 6 ft.~~
 - (8) ~~Minimum side yard setback: 6 ft.~~
 - (9) ~~Minimum rear yard setback: 20 ft.~~
 - (10) ~~Maximum lot coverage: N/A~~
 - (11) ~~Anything herein to the contrary notwithstanding, the maximum gross density for a planned village community shall be 5.5 units per acre.~~

Section 3. Amend Section 5 (District Regulations), subsection 4 (Residential district R-2) by making insertions as shown by underline and deletions as shown by strikethrough as follows:

- D. *[Uses permitted as conditional uses.]* The following uses are permitted only if approved as a conditional use pursuant to section 6.16 [6.15] of this ordinance:
- (1) Institutions of an educational nature.
 - (2) Public utility uses.
 - (3) Governmental buildings, structures, facilities and uses including, but not limited to, police stations, fire houses, ambulance stations, government offices, library.
 - (4) Planned Village Community, pursuant to the design and development standards and minimum lot requirements outlined in Section 14 (Conditional uses, general guides and standards). ~~Planned village community. Planned village communities shall be allowed as a conditional use subject to the same conditions identified for planned~~

~~village communities in the residential district R-1, except as otherwise indicated herein.~~

~~(a) — *Minimum requirements.* Notwithstanding anything herein to the contrary, planned village communities in this zoning district shall be subject to the following requirements:~~

- ~~(1) — Minimum lot area: 4,000 sq. ft.~~
- ~~(2) — Minimum lot width: 50 ft.~~
- ~~(3) — Minimum lot depth: 80 ft.~~
- ~~(4) — Maximum height: 35 ft.~~
- ~~(5) — Minimum front yard setback, principal dwelling 10 ft.~~
- ~~(6) — Maximum front yard setback, principal dwelling 20 ft.~~
- ~~(7) — Minimum front yard setback, open front porch, steps 6 ft.~~
- ~~(8) — Minimum side yard setback: 6 ft.~~
- ~~(9) — Minimum rear yard setback: 20 ft.~~
- ~~(10) — Maximum lot coverage: N/A~~
- ~~(11) — Anything herein to the contrary notwithstanding, the maximum gross density for a planned village community shall be 8 units per acre.~~

Section 4. Amend Section 5 (District Regulations), subsection 5 (Residential district R-2A) by making insertions as shown by underline and deletions as shown by strikethrough as follows:

D. *[Uses permitted as conditional uses.]* The following uses are permitted only if approved as a conditional use pursuant to section 6.16 [6.15] of this ordinance:

- (1) Institutions of an educational nature.
- (2) Public utility uses.
- (3) Governmental buildings, structures, facilities and uses including, but not limited to, police stations, fire houses, ambulance stations, government offices, library.
- (4) Planned Village Community, pursuant to the design and development standards and minimum lot requirements outlined in Section 14 (Conditional uses, general guides and standards). ~~Planned village community. Planned village communities shall be allowed as a conditional use subject to the same conditions identified for planned village communities in the residential district R-1, except as otherwise indicated herein.~~

~~(a) — *Minimum requirements.* Notwithstanding anything herein to the contrary, planned village communities in this zoning district shall be subject to the following requirements:~~

- ~~(1) — Minimum lot area: 4,000 sq. ft.~~
- ~~(2) — Minimum lot width: 50 ft.~~
- ~~(3) — Minimum lot depth: 80 ft.~~
- ~~(4) — Maximum height: 35 ft.~~
- ~~(5) — Minimum front yard setback, principal dwelling 10 ft.~~
- ~~(6) — Maximum front yard setback, principal dwelling 20 ft.~~
- ~~(7) — Minimum front yard setback, open front porch, steps 6 ft.~~
- ~~(8) — Minimum side yard setback: 6 ft.~~
- ~~(9) — Minimum rear yard setback: 20 ft.~~

- (10) — Maximum lot coverage: N/A
- (11) — ~~Anything herein to the contrary notwithstanding, the maximum gross density for a planned village community shall be 8 units per acre.~~

* * *

H. *Site and design standards for townhouse and apartment dwellings.* The site and design standards outlined in this Subsection H shall not apply to townhouse and apartment dwellings that are constructed in a Planned Village Community development.

Section 5. Amend Section 5 (District Regulations), subsection 6 (Residential district R-3) by making insertions as shown by underline and deletions as shown by strikethrough as follows:

D. *[Uses permitted as conditional uses.]* The following uses are permitted only if approved as a conditional use pursuant to section 6.16 [6.15] of this ordinance:

- (1) Institutions of an educational nature.
- (2) Public utility uses.
- (3) Governmental buildings, structures, facilities and uses including, but not limited to, police stations, fire houses, ambulance stations, government offices, library.
- (4) Planned Village Community, pursuant to the design and development standards and minimum lot requirements outlined in Section 14 (Conditional uses, general guides and standards). ~~Planned village community. Planned village communities shall be allowed as a conditional use subject to the same conditions identified for planned village communities in the residential district R-1, except as otherwise indicated herein.~~
 - (a) ~~Minimum requirements. Notwithstanding anything herein to the contrary, planned village communities in this zoning district shall be subject to the following requirements:~~
 - (1) ~~Minimum lot area: 3,000 sq. ft.~~
 - (2) ~~Minimum lot width: 50 ft.~~
 - (3) ~~Minimum lot depth: 60 ft.~~
 - (4) ~~Maximum height: 35 ft.~~
 - (5) ~~Minimum front yard setback, principal dwelling 10 ft.~~
 - (6) ~~Maximum front yard setback, principal dwelling 20 ft.~~
 - (7) ~~Minimum front yard setback, open front porch, steps 6 ft.~~
 - (8) ~~Minimum side yard setback: 6 ft.~~
 - (9) ~~Minimum rear yard setback: 20 ft.~~
 - (10) ~~Maximum lot coverage: N/A~~
 - (11) ~~Anything herein to the contrary notwithstanding, the maximum gross density for a planned village community shall be 13 units per acre.~~

* * *

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. Notwithstanding the foregoing, the site and design standards incorporated herein shall not apply to

townhouse and apartment dwellings that are constructed in a Planned Village Community development.

Section 6. Amend Section 14 (Conditional uses), by inserting immediately after the existing text in Section 14 the text, graphics, and table set forth in Exhibit A attached hereto.

Section 7. 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 8. Effective Date. This Ordinance shall become effective immediately upon its adoption by the Town Council.

SYNOPSIS

This ordinance amends the Zoning Ordinance of the Town of Smyrna to eliminate existing Planned Village Community requirements and replace them with more comprehensive standards, while still requiring a conditional use approval. The enhanced requirements include, among other things, subdivision design standards, street design standards, and open space design requirements. This ordinance also establishes design standards for residential buildings, mixed-use buildings, and commercial/office buildings. This ordinance clarifies that the site and design standards for townhouse and apartment dwellings do not apply to Planned Village Communities, and it establishes bulk standards for the different dwelling types that may be part of a Planned Village Community.

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