

Review by P&Z Commission: 06/24/20
Sponsor: Councilman Pressley
First Reading: 07/20/20
Ord. No: 018-20

AN ORDINANCE AMENDING APPENDIX A (ZONING) OF THE TOWN CODE OF THE TOWN OF SMYRNA TO ALLOW COMMERCIAL SERVICES IN THE LOCAL COMMERCIAL (LC) DISTRICT

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, despite the fact that the Local Commercial (LC) zoning district is a commercial zone, commercial services are not presently a permitted use within this zoning district;

WHEREAS, the Planning Commission considered this ordinance at a duly noticed meeting held on June 24, 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, 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 allowing commercial services as a permitted use in the Local Commercial (LC) zoning district 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 5.8 (Local Commercial District LC) by making insertions as shown by underline and deletions as shown by strikethrough as follows:

8. *Local commercial district LC.* This district is intended to provide areas in which the daily shopping and business needs of nearby residents can be met. This district contains retail and service uses which serve the needs of the neighborhood population.
 - a. *[Uses permitted.]* The following uses are permitted by right:
 - (1) Convenience stores and shops such as grocery stores and drugstores.
 - (2) Personal service shops dealing directly with customers; beauty parlor, barbershop, clothes cleaning agency, laundromat, and similar establishments.
 - (3) Bank, office, restaurant, bar.

- (4) Day care center and nursery schools (see section 6).
- (5) Automobile service station not to include repair garages or junkyards.
- (6) Public utility uses provided, however, that nonresidential towers shall be permitted only if approved as a conditional use pursuant to section 6.15 of this ordinance. All principal parts of the tower, excluding any guy cables, shall be set back from the street line or any other lot line of the lot on which it is located a distance not less than the height of the tower.
- (7) If approved as a special exception by the board of adjustment pursuant to section 9(2) of this appendix, private clubs and lodges.
- (8) Public and/or governmental buildings, structures, facilities and uses including, but not limited to, police stations, fire houses, ambulance stations, government offices, libraries, etc.
- (9) Specialty store.
- (10) If approved as a special exception by the board of adjustment pursuant to section 9(2) of this ordinance, any uses permitted in the R-3 district.
- (11) Accessory uses and structures clearly incidental and customary to and associated with the operation of the permitted use.
- (12) Commercial services.

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 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 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 Zoning Ordinance of the Town of Smyrna to allow commercial services in the Local Commercial (LC) zoning district.

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