

Review by P&Z: \_\_\_\_\_ 05/21/14  
Public Hearing by M&C: \_\_\_\_\_ 07/07/14  
Adopted by M&C: \_\_\_\_\_ 07/07/14  
Sponsor: Councilman Embert  
Ord. No.: \_\_\_\_\_ 011-14

AN ORDINANCE TO AMEND APPENDIX A (“ZONING”) OF THE TOWN CODE OF THE TOWN OF SMYRNA BY AMENDING SECTION 5 (“DISTRICT REGULATIONS”), SUBSECTION 8 (“LOCAL COMMERCIAL DISTRICT LC”), SUBSECTION 9 (“CENTRAL COMMERCIAL DISTRICT CC”), AND SUBSECTION 10 (“HIGHWAY COMMERCIAL DISTRICT HC”) TO ONLY ALLOW PRIVATE CLUBS AND LODGES WHEN APPROVED AS A SPECIAL EXCEPTION

WHEREAS, the Town Council of the Town of Smyrna is authorized by 22 Del. C. Chapter 3 and Section 4.2.37 the Town Charter to enact zoning regulations in the town and has enacted zoning regulations in the Town of Smyrna;

WHEREAS, private clubs and lodges are currently a permitted use in the local commercial district LC, the central commercial district CC, and the highway commercial district HC;

WHEREAS, recent media reports have documented the adverse effects that can occur at private clubs and lodges including violence, drug dealing, gambling, and other illegal activities, which effects are detrimental to the health, safety, and welfare of the general public;

WHEREAS, the Town Council of the Town of Smyrna seeks to reduce these negative effects while still allowing private clubs and lodges to be located in Smyrna; and

WHEREAS, in the opinion of the Town Council, allowing private clubs and lodges as a special exception will allow private clubs and lodges to be located in Smyrna while creating an approval process whereby restrictions necessary to protect the health, safety, and welfare of the general public may be imposed.

BE IT HEREBY ENACTED by the Town Council of the Town of Smyrna, a majority thereof concurring in Council duly met, that Appendix A of the Town Code (“Zoning”), section 5 (“District Regulations”), be amended as follows:

**Section 1.** Amend section 8 (“Local commercial district LC”), subsection A (“Uses permitted”) by making insertions as shown by underline and deletions as shown by strike through as follows:

(7) If approved as a special exception by the board of adjustment pursuant to section 9(2) of this ordinance, private clubs and lodges. ~~Clubs or lodges.~~

**Section 2.** Amend section 9 (“Central commercial district CC”), subsection A (“Permitted uses”) by making insertions as shown by underline and deletions as shown by strike through as follows:

(9) ~~Private clubs and lodges.~~ Reserved.

**Section 3.** Amend section 9 (“Central commercial district CC”), subsection A (“Permitted uses”) by making insertions as shown by underline and deletions as shown by strike through as follows:

(15) If approved as a special exception by the board of adjustment pursuant to section 9(2) of this ordinance:

a. Residential uses as permitted in residential district R-3; lot height and yard requirements shall be the same as in the R-3 district.

b. Dwelling units which are part of a building used commercially; however, 30 percent of the existing structure must be of a commercial rather than a residential nature. The commercial portion must be a useable portion of the first floor.

c. Wholesale/retail plumbing and heating supply business, no outside storage.

d. Outdoor cocktail lounges, bars, restaurants, theaters and similar places of outdoor amusement.

e. If approved as a special exception by the board of adjustment pursuant to § 9(2) of this ordinance, school bus stop shelters as defined in § 19, definitions.

f. Contractor's offices with no outside storage and subject to limitations on overnight parking of vehicles, hours of operation and lighting.

g. Private clubs and lodges.

**Section 4.** Amend section 10 (“Highway commercial district HC”), subsection A (“Permitted uses”) by making insertions as shown by underline and deletions as shown by strike through as follows:

(1) Uses as permitted in the central commercial district. All uses in the central commercial district requiring special exception or conditional use approvals shall require the same approvals in this district.

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## SYNOPSIS

This ordinance amends the Zoning Code regulations for the central commercial district and the local commercial district to allow private clubs and lodges when approved as a special exception. Because the highway commercial district incorporates those uses permitted in the central commercial district as uses permitted in the highway commercial district, this ordinance will create the same change in the highway commercial district. This ordinance clarifies that any uses allowed in the highway commercial district by virtue of being permitted in the central commercial district are subject to the same approval procedures required in the central commercial district.

ATTEST:

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

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
This shall certify that the title and synopsis of this Ordinance was published in “The Smyrna/Clayton Sun Times” on \_\_\_\_\_, 2014 and posted at the Town Hall on \_\_\_\_\_, 2014.

So Certifies:

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

This shall certify that the title, effective date and synopsis of this Ordinance was published in “The Smyrna/Clayton Sun Times” on \_\_\_\_\_, 2014 and posted at the Town Hall on \_\_\_\_\_, 2014.

So Certifies:

\_\_\_\_\_  
Town Manager