

Review by P&Z: \_\_\_\_\_ 11/19/14  
Public Hearing by M&C: \_\_\_\_\_ 12/01/14  
Adopted by M&C: \_\_\_\_\_ 12/01/14  
Sponsor: Mayor Masten  
Ord. No.: \_\_\_\_\_ 018-14

AN ORDINANCE TO AMEND APPENDIX A (“ZONING”) OF THE TOWN CODE OF THE TOWN OF SMYRNA BY AMENDING SECTION 5 (“DISTRICT REGULATIONS”), SUBSECTION 4 (“RESIDENTIAL DISTRICT R2”), SUBSECTION 5 (“RESIDENTIAL DISTRICT R2-A”), AND SUBSECTION 6 (“RESIDENTIAL DISTRICT R3”), TO ONLY ALLOW THE CONVERSION OF ONE-FAMILY DWELLINGS INTO TWO-FAMILY OR MULTI-FAMILY DWELLINGS 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, residential conversions are defined as structures that have been modified or converted from one-family to two-family or multi-family dwellings;

WHEREAS, residential conversions are currently a permitted use in the residential district R-2, the residential district R2-A, and the residential district R-3;

WHEREAS, the Town Council of the Town of Smyrna seeks to carefully review residential conversions to assure that they do not adversely affect the quality of life for surrounding residents; and

WHEREAS, in the opinion of the Town Council, allowing residential conversions as a special exception will allow residential conversions 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 4 (“Residential district R2”), subsection C (“Uses permitted as special exception”) by making insertions as shown by underline as follows:

(4) Residential conversions provided the following requirements are met:

- a) Structures eligible for residential conversion shall have a gross minimum floor area of two thousand (2,000) square feet. Basement areas shall not be included in the minimum floor area calculations.
- b) The maximum number of dwelling units created by the residential conversion shall be no more than four (4) dwelling units.
- c) Each dwelling unit shall be completely separated by horizontal floors or a combination of horizontal floors and vertical walls with separate housekeeping and cooking facilities and bathroom facilities for each dwelling unit.

- d) External alterations shall be consistent with the architectural character of the structure prior to the residential conversion.
- e) Two (2) paved off-street parking spaces with direct access to a street or alley shall be required for each dwelling unit. The stacking of motor vehicles whereby one vehicle must be moved to allow another to exit is prohibited. Permeable pavement is encouraged. For purpose of this ordinance, permeable pavement shall be defined as a method of paving that allows stormwater to seep into the ground as it falls rather than running off into storm drains, etc. Examples of permeable pavement include: porous asphalt, pervious concrete, and concrete/brick pervious pavers.
- f) Where there is no sidewalk along the frontage of the subject property, a sidewalk shall be constructed prior to a Certificate of Occupancy being issued.
- g) A fire sprinkler system will be required if 1) 50% or more of the interior walls and or partitions have been removed during remodeling, rehabilitation or alteration, a fire sprinkler system will be required or 2)the building area for a residential use increases by 50% or more from the area of the building (existing as of the date of adoption of this section of the ordinance) through the acquisition of additional property, expansion, remodeling, rehabilitation or alteration, a fire sprinkler system will be required.
- h) In addition to the above mentioned requirements, all dwelling units shall comply with all applicable provisions of Chapter 18 – Buildings and Building Regulations of the Smyrna Town Code.

**Section 2.** Amend section 5 (“Residential district R2-A”), subsection C (“Uses permitted as special exception”) by making insertions as shown by underline as follows:

(8) Residential conversions provided that the requirements found in subsection 4(C)4 of the Residential R2 district, incorporated herein by reference, are satisfied.

**Section 3.** Amend section 6 (“Residential district R3”), subsection C (“Uses permitted as special exception”) by making insertions as shown by underline as follows:

(7) Residential conversions provided that the requirements found in subsection 4(C)4 of the Residential R2 district, incorporated herein by reference, are satisfied.

**Section 4.** Amend section 19 (“Definitions”), by inserting the following definition alphabetically into the corresponding location:

*Residential conversion:* a structure that has been modified or converted from a one-family dwelling to a two-family or multi-family dwelling.

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#### SYNOPSIS

This ordinance amends the Zoning Code regulations for the residential districts, R2, R2-A and R3 to allow residential conversions when approved as a special exception.

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