

P&Z Review: \_\_\_\_\_ 01/16/13  
Public Notice: \_\_\_\_\_ 01/20/13  
Public Hearing: \_\_\_\_\_ 02/04/13  
Ord. No.: \_\_\_\_\_ 001-13

**AN ORDINANCE TO AMEND APPENDIX A (“ZONING”) OF THE TOWN CODE OF THE TOWN OF SMYRNA BY AMENDING SECTION 5 (“DISTRICT REGULATIONS”) TO PERMIT A PLANNED VILLAGE COMMUNITY AS A CONDITIONAL USE IN RESIDENTIAL DISTRICTS R-1, R-1A, R-2, R-2A, AND R-3.**

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

WHEREAS, the Town Council of the Town of Smyrna has enacted zoning regulations in the Town of Smyrna;

WHEREAS, in the opinion of the Town Council of the Town of Smyrna, the use of property within residential districts R-1, R-1A, R-2, R-2A, and R-3 for a Planned Village Community provides an additional residential development option that is consistent with the intent of the residential districts; and

WHEREAS, in the opinion of the Town Council of the Town of Smyrna, it is necessary to amend Appendix A, section 5, to allow Planned Village Communities as a conditional use within the residential districts.

BE IT HEREBY ENACTED by the Town Council of the Town of Smyrna, a majority thereof concurring in Council duly met, that the Town Code of the Town of Smyrna be and hereby is amended as follows:

**Section 1.** Amend Appendix A (“Zoning”), section 5 (“District Regulations”), subsection 2 (“Residential district R-1”) by inserting after subsection 2(D)(3) a new subsection 2(D)(4) as follows:

(4) Planned Village Community. A Planned Village Community shall be an entire major subdivision of at least four (4) 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 façade 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 (1) 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 twenty (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) Façades fronting on streets shall include at least three (3) of the following superior design elements (for corner parcels, both façades must comply with this requirement):
  - (1) An unenclosed porch with a roof that is at least six (6) feet deep and extends across at least one-half (1/2) the width of the front façade. 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 (2) variations in color and materials used in the treatment of the horizontal façade.
  - (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 feet
(3) Minimum Lot Depth	100 feet
(4) Maximum Height	35 feet
(5) Minimum Front Yard Setback, principal dwelling	10 feet
(6) Maximum Front Yard Setback, principal dwelling	20 feet
(7) Minimum Front Yard Setback, open front porch, steps	6 feet
(8) Minimum Side Yard Setback	6 feet
(9) Minimum Rear Yard Setback	20 feet
(10) Maximum Lot Coverage	N/A

**Section 2.** Amend Appendix A (“Zoning”), section 5 (“District Regulations”), subsection 3 (“Residential district R-1A”) by inserting after 3(D)(3) a new subsection 3(D)(4) as follows:

(4) 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 feet
(3) Minimum Lot Depth	100 feet
(4) Maximum Height	35 feet
(5) Minimum Front Yard Setback, principal dwelling	10 feet
(6) Maximum Front Yard Setback, principal dwelling	20 feet
(7) Minimum Front Yard Setback, open front porch, steps	6 feet
(8) Minimum Side Yard Setback	6 feet
(9) Minimum Rear Yard Setback	20 feet
(10) Maximum Lot Coverage	N/A

**Section 3.** Amend Appendix A (“Zoning”), section 5 (“District Regulations”), subsection 4 (“Residential district R-2”) by inserting after 4(D)(3) a new subsection 4(D)(4) as follows:

(4) 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 feet
(3) Minimum Lot Depth	80 feet
(4) Maximum Height	35 feet
(5) Minimum Front Yard Setback, principal dwelling	10 feet
(6) Maximum Front Yard Setback, principal dwelling	20 feet
(7) Minimum Front Yard Setback, open front porch, steps	6 feet
(8) Minimum Side Yard Setback	6 feet
(9) Minimum Rear Yard Setback	20 feet
(10) Maximum Lot Coverage	N/A

**Section 4.** Amend Appendix A (“Zoning”), section 5 (“District Regulations”), subsection 5 (“Residential district R-2A”) by inserting after 5(D)(3) a new subsection 5(D)(4) as follows:

(4) 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 feet

(3) Minimum Lot Depth	80 feet
(4) Maximum Height	35 feet
(5) Minimum Front Yard Setback, principal dwelling	10 feet
(6) Maximum Front Yard Setback, principal dwelling	20 feet
(7) Minimum Front Yard Setback, open front porch, steps	6 feet
(8) Minimum Side Yard Setback	6 feet
(9) Minimum Rear Yard Setback	20 feet
(10) Maximum Lot Coverage	N/A

**Section 5.** Amend Appendix A (“Zoning”), section 5 (“District Regulations”), subsection 6 (“Residential district R-3”) by inserting after 6(D)(3) a new subsection 6(D)(4) as follows:

(4) 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 feet
(3) Minimum Lot Depth	60 feet
(4) Maximum Height	35 feet
(5) Minimum Front Yard Setback, principal dwelling	10 feet
(6) Maximum Front Yard Setback, principal dwelling	20 feet
(7) Minimum Front Yard Setback, open front porch, steps	6 feet
(8) Minimum Side Yard Setback	6 feet
(9) Minimum Rear Yard Setback	20 feet
(10) Maximum Lot Coverage	N/A

### SYNOPSIS

This ordinance allows Planned Village Communities as a conditional use in the residential R-1, R-1A, R-2, R-2A, and R-3 districts. This ordinance outlines the minimum and maximum dimensional requirements for Planned Village Communities in each residential district and outlines specific landscaping and architectural treatments required for Planned Village Communities.

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 \_\_\_\_\_, 2013.

ATTEST:

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

\_\_\_\_\_  
Mayor

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This shall certify that the title and synopsis of this Ordinance was published in “The Smyrna /Clayton Sun Times” on \_\_\_\_\_, 2013 and posted at the Town Hall on \_\_\_\_\_, 2013.

So Certifies:

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

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This shall certify that the title, effective date and synopsis of this Ordinance was published in “The Smyrna/Clayton Sun Times” on \_\_\_\_\_, 2013 and posted at the Town Hall on \_\_\_\_\_, 2013.

So Certifies:

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