

Review by P&Z: 02/20/08  
Public Hearing by M&C: 03/03 & 10/06/08  
Adopted by M&C: 10/06/08  
Sponsor: Mayor Stombaugh  
ORD. NO. 003-08

**AN ORDINANCE TO AMEND APPENDIX A ("ZONING") OF THE TOWN CODE OF THE TOWN OF SMYRNA TO AMEND THE SUPPLEMENTAL DISTRICT REGULATIONS REGARDING PARKING**

**WHEREAS**, the Town Council of the Town of Smyrna is aware of new types of commercial and residential development being contemplated for the Town that will create challenges regarding adequate parking; and

**WHEREAS**, the Town Council of the Town of Smyrna desires to amend the Zoning Ordinance to allow equitable and consistent application of the Zoning Ordinance to all residential properties and commercial and retail businesses desiring to conduct business in the Town; and

**WHEREAS**, the Town Council of the Town of Smyrna has the authority to implement Zoning Regulations pursuant to Title 22 of the Delaware Code;

**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 Appendix A ("Zoning") of the Town Code of the Town of Smyrna by amending Section 6, Supplementary District Regulations, by deleting Subsection 1. Off-street Parking and Loading Requirements in its entirety and inserting in lieu thereof the following new Subsection 1. Off-street parking and Loading Requirements:

1. *Off-street Parking and Loading Requirements*

A. Off Street Parking Requirements

1. There shall be provided at the time of construction or enlargement of any main building or structure a minimum number of off-street parking spaces in accordance with the minimum national standards as designated by AAHSTO

(American Association of State Highway and Transportation Officials) and the ANSI (American National Standards Institute) A117-1.

2. Parking space as required shall be located on the same lot with the main buildings or within walking distance of the main building. Exception: central commercial only-adequate public or private parking within walking distance.

3. Additional off-street parking provisions at 0.5 spaces per dwelling unit is to be provided for all residential developments in R-2A and R-3 Zoning Districts.

4. Parking lots, located in all commercial zoning districts, with the exception of the Central Commercial zoning district, with frontage on the public right-of-ways are required to have a set-back distance of ten feet (10) from the property line and suitably landscaped with year round green plantings to aesthetically improve the appearance of the area. The plantings should not interfere with line-of-sight distances.

The Town Council may vary or waive the requirements of this paragraph following notice and public hearing.

5. For buildings in excess of 150,000 square feet in any zone, sufficient off-street loading space shall be provided. Staff will determine the sufficiency of the loading spaces after reviewing written documentation from the applicant through the site plan review process.

6. Parking of vehicles on unpaved surfaces within the front yard of all districts shall be prohibited. Exception: Emergency vehicles responding to an emergency, special delivery or moving vehicles which require front door access on a one-time basis.

7. Bicycle parking racks are required to be provided for commercial establishments and are to be placed in a brightly illuminated section of the parking area safe from vehicular traffic. A

minimum of one rack (5 bicycle spaces) shall be provided in every parking lot containing twenty spaces or more.

8. Interior parking lot landscaping requirements:

- (a) Blocks of parking stalls shall be limited to fifteen (15) consecutive spaces interrupted by a fifteen (15) foot by nine (9) foot landscaped island.
- (b) A maximum of five (5) consecutive rows of parking are allowed prior to a full row length landscaped island a minimum six (6) feet wide.
- (c) All parking rows are to be terminated with a minimum eighteen (18) by nine (9) foot landscaped island.
- (d) All islands are to be a mix of grass covering, shrubs and at least one (1) street tree per 160 square feet of interior parking lot landscaping required.

9. The minimum number of parking spaces is as follows:

- (a) Residential structures:
  - (i) Single-family dwellings, two (2) spaces per unit (including garage).
  - (ii) Two-family dwellings, two (2) spaces per unit (including garage).
  - (iii) Semidetached dwellings, two (2) spaces per unit (including garage).
  - (iv) Attached dwelling and Multi-Plex, two (2) spaces per unit (including garage).
  - (v) Multi Family, two (2) spaces per unit (including garage).

- (b) Hospitals or similar welfare institutions, one (1) space per every 800 square feet of floor space.
- (c) Hotels and motels, one (1) space for each guestroom or suite. If an eating or drinking facility is provided, additional parking shall be required at one-half (1½) the amount as would normally be required for such eating or drinking establishment.
- (d) Clubs and lodges, one (1) space for each 400 square feet of floor space.
- (e) Manufacturing buildings, one (1) space for every two (2) employees in the largest working shift.
- (f) Places of worship and other public buildings, one (1) space per 200 square feet of floor space or one (1) space per five (5) seats.
- (g) Physician's office, three (3) spaces or parking area equal to the gross floor area devoted to professional practice, whichever is greater.
- (h) Bowling alley, four (4) spaces per lane.
- (i) Schools, one (1) space per fifteen (15) seats or students.
- (j) Theater, 0.3 spaces per seat.
- (k) Offices, four (4) spaces per 1,000 square feet of gross floor area.
- (l) Retail, five (5) spaces per 1,000 square feet of gross floor area.
- (m) Restaurant, eight (8) spaces per 1,000 square feet of gross floor area.
- (n) Services, five (5) spaces per 1,000 square feet of gross floor area.

- (o) Funeral home, twenty (20) spaces per 1000 square feet of seating and/or viewing room space.
- (p) Day care or nursery school, one (1) space per teacher/employee on largest shift, plus one (1) space per six (6) students.

*B. Off-street Loading Requirements*

1. The minimum standard for off-street loading spaces is (unless otherwise noted): each required off-street loading space shall have minimum dimensions of twelve (12) feet wide and sixty (60) feet long. If more than one (1) loading space is required, subsequent loading spaces may have minimum dimensions of twelve (12) feet wide and forty (40) feet long. At no time shall any part of a truck or van be allowed to extend into a public thoroughfare or right-of-way while the truck or van is being loaded or unloaded. If the outdoor loading area is covered, but not totally enclosed, the minimum height of the outdoor loading space area shall be fourteen (14) feet.
  - (a) Hospitals or similar welfare institutions, one (1) off-street loading space for a floor area of 10,000 square feet, one (1) additional off-street loading space for each additional 25,000 square feet or fraction thereof.
  - (b) Hotels and motels, one (1) off-street loading space for each 25,000 square feet of floor area or fraction thereof.
  - (c) Clubs and lodges, one (1) off-street loading space for a floor area of 10,000 square feet, one (1) additional off-street loading space for each additional 25,000 square feet or fraction thereof.
  - (d) Manufacturing buildings, sufficient off-street loading spaces shall be required. Staff will determine the sufficiency of the off-street loading spaces after reviewing

written documentation from the applicant through the site plan review process.

- (e) Places of worship and other public buildings, one (1) off-street loading space for a floor area of 10,000 square feet, one (1) additional off-street loading space for each additional 25,000 square feet or fraction thereof.
- (f) Physician's office, one (1) off-street loading space for a floor area of 10,000 to 25,000 square feet, one (1) additional off-street loading space for each additional 25,000 square feet or fraction thereof.
- (g) Bowling alley, one (1) off-street loading space for 8,000 square feet to 25,000 square feet of floor area, and one (1) additional off-street loading space for each additional 25,000 square feet of floor area or fraction thereof so used.
- (h) Schools, one (1) off-street loading space for a floor area of 10,000 square feet, one (1) additional off-street loading space for each additional 25,000 square feet or fraction thereof.
- (i) Theater, one (1) off-street loading space for 8,000 square feet to 25,000 square feet of floor area, and one (1) additional off-street loading space for each additional 25,000 square feet of floor area or fraction thereof so used.
- (j) Offices, one (1) off-street loading space for a floor area of 10,000 to 25,000 square feet, one (1) additional off-street loading space for each additional 25,000 square feet or fraction thereof.
- (k) Retail, one (1) off-street loading space for 8,000 square feet to 25,000 square feet of floor area, and one (1) additional off-street loading space for each additional

25,000 square feet of floor area or fraction thereof so used.

- (l) Restaurant, (1) one off-street loading space for 8,000 square feet to 25,000 square feet of floor area, and one (1) additional off-street loading space for each additional 25,000 square feet of floor area or fraction thereof so used.
- (m) Services, one (1) off-street loading space for 8,000 square feet to 25,000 square feet of floor area, one (1) additional off-street loading space for each additional 25,000 square feet of floor area or fraction thereof so used.
- (n) Funeral home, one (1) off-street loading space for each chapel (such loading spaces shall be at least ten (10) feet wide, twenty (20) feet long and seven and one-half (7½) feet high, in lieu of the standard dimensions found in Section 2a.)
- (o) Day care or nursery school, one (1) off-street loading space for a floor area of 10,000 square feet, one (1) additional off-street loading space for each additional 25,000 square feet or fraction thereof.

*C. Planning and Zoning Commission Waiver*

The Planning and Zoning Commission may waive required off-street parking and loading spaces located in the Central Commercial Zoning District and/or Historic Preservation Overlay District in the following instances:

- (1) On an improved lot, when it can be demonstrated that retrofitting the site for off-street parking and loading space(s) is impractical or impossible;
- (2) When the applicant can demonstrate that the intended use is such that no deliveries by large vehicles is expected, now or in the future;

- (3) When the applicant can demonstrate that the requirements of this ordinance are far in excess of the actual needs on the site;
- (4) Where on-street parking and loading areas are provided nearby.

Section 2. This ordinance shall become effective on \_\_\_\_\_, 2008.

**SYNOPSIS**

This ordinance amends the Zoning Ordinance of the Town Code of the Town of Smyrna by creating certain new parking requirements in commercial and residential districts. Parking allocations are revised to accommodate the demands of various dwelling by increasing the required number of spaces for semidetached, attached/multi-family and townhouse dwellings. The ordinance also changes parking and landscape requirements in areas that front rights-of-way and interior landscaping of islands. Bike racks are also included as part of the parking requirements in certain zones.

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 \_\_\_\_\_, 2008

ATTEST:

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

\_\_\_\_\_  
Mayor

This shall certify that this amending ordinance was considered at a public meeting held before the Town Planning Commission on February 20, 2008 and at a public hearing before the Town Council on March 3, 2008, public notice of which was published in the Smyrna/Clayton Sun Times on January 30, 2008 and on October 6, 2008, notice of which was published in the Delaware State News on September 16, 2008, and in the Smyrna/Clayton Sun Times on September 24, 2008.

So Certifies:

---

Town Clerk

---

Date