

Review by P&Z Commission: 06/28/17

Sponsor: Mayor Embert

First Reading: _____

Ord. No.: 005-17

AN ORDINANCE TO AMEND APPENDIX A (“ZONING”) OF THE TOWN CODE OF THE TOWN OF SMYRNA TO INCLUDE A MAXIMUM IMPERVIOUS LOT COVERAGE REQUIREMENT IN THE CENTRAL COMMERCIAL (CC) DISTRICT

WHEREAS, the Town Council of the Town of Smyrna is authorized pursuant to 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, the Town Council of the Town of Smyrna adopted Ord. 021-14 on or about January 19, 2015, whereby the regulations governing the Central Commercial District were deleted on their entirety and replaced with new regulations;

WHEREAS, Ord. 021-14 inadvertently omitted the maximum impervious lot coverage requirements from the Central Commercial District regulations; and

WHEREAS, the Town Council never intended to eliminate maximum impervious lot coverage requirements from the Central Commercial District and hereby desires to incorporate maximum impervious lot coverage requirements into the Central Commercial District.

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

Section 1. Amend subsection 9 (“Central Commercial District CC”), subsection d (“Minimum requirements”), by making insertions as shown by underlining and deletions as shown by strike through as follows:

b. *Minimum requirements.*

- (1) Minimum lot area, none except for dwellings where R-3 applies.
- (2) Minimum Lot width, none except for dwellings where R-3 applies.
- (3) Minimum Lot depth, none except for dwellings where R-3 applies.
- (4) Maximum height, 45 feet, R-3 District requirements shall apply to residential uses.
- (5) Minimum front yard, none.
- (6) Minimum side yard, none except 20 feet shall be provided and shall be planted when adjoining residential zoning district.
- (7) Minimum rear yard, none except 20 feet shall be provided and shall be planted when adjoining a residential zoning district.
- (8) Maximum impervious lot coverage, 90 percent.

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

