

"A Historic Past"



"A Bright Future"

CITY OF DELAWARE CITY

407 Clinton Street - P.O. Box 4159
Delaware City, Delaware 19706
302-834-4573

**MINUTES
REGULAR MEETING OF
THE PLANNING COMMISSION
CITY OF DELAWARE CITY
Monday, September 11, 2023 at 6:30 p.m.
Delaware City Community Center**

CALL TO ORDER

Commissioner Dilliplane called the regular meeting of the Planning Commission to order at 6:31p.m. Commissioners Williams, Wilkinson, Mai, and Domino were also present. Acting City Manager Graham, City Solicitor Rhodunda, and Council Member Saunders were also in attendance.

MOMENT OF SILENCE

Commissioner Williams asked for a "moment of silence" in remembrance of those lost in the 2001 terrorist attacks.

ACTION UPON THE MINUTES OF THE PREVIOUS MEETING

Commissioner Williams made a motion to accept the July 10, 2023 minutes. This was seconded by Commissioner Domino. A vote was taken, and all members were in favor. *The motion passed.*

ORDINANCE NO. 23-0717-01 RESIDENTIAL ZONING - QUESTIONS/COMMENTS OF COMMISSION MEMBERS

Commissioner Domino –

- Page 2, point # 2: Definition of "legal standard"? Solicitor Rhodunda said that it is the "quick check" standard, that the Board of Adjustment must apply to every case that comes before it.
- Page 10: Definition of marina? Definition of "small craft"? He cannot find a definition in the document? Solicitor Rhodunda said that this was existing code and nothing had been

changed during this process. Commissioner Williams felt this change would not be necessary, since the current marina has been working well with the existing code.

- Page 20: He feels that the definitions under Sec. 46-16, (a-h) are inconsistent when it comes to special use permit, Board of Adjustment approval, etc. In (d-f) the necessary approval levels are spelled-out at the end of each line. He feels each item should include these requirements in the verbiage (special use permit, Board of Adjustment approval, etc.). Council Member Saunders said that the intention was that if no special approval was noted, it implied that no approval was necessary, and it was allowed.
- Page 28, (1 and 3): He feels that the number of “dwelling units” allowed contradict each other. Council Member Saunders said these statements were in the original code and had not been edited.
- Page 15 under vacation rentals “continuous stays of 30 days or less” and Page 29 (f) (3) “minimum of 30 continuous days.” He feels that the issue is not clear and they contradict each other. Commissioner Mai said that he also had the same question, about the contradiction. Solicitor Rhodunda added that the idea was to “get a handle” on the Airbnb usage that has been sweeping the country. Throughout the country, many Airbnb’s are illegal. The intent was to clarify the usage, but it still seems confusing.

Commissioner Wilkinson –

- She had similar questions/concerns about Airbnb’s that were previously discussed.
- Page 21 and 22: She thought that these pages of code were new, but actually (according to Council Member Saunder) these pages of code are not new. Instead, they are not present online because the Delaware City website has not been updated to include them.

Commissioner Williams –

- Page 13 dealing with signs: Previously, the Planning Commission worked on this issue for about 3 ½ years. It then went before Council, and was defeated. He cannot make a decision on this section, because the entire sign ordinance (that is currently in use) is not included, as reference.
- Page 14 “special use permit”: How do you get one? How much is it? Some of the answers can be found on Page 18 Sect. 46-9 (a).
- Page 3 adult day care center: He disagrees with this. The words “within a resident’s home” should be stricken. It is not the right of the government to pass an ordinance to dictate what happens in a resident’s home. Council Member Saunders said that it was written this way to discourage a commercial adult day care in a private home. A resident can care for family members in their home. There was much discussion among the commission members about this.
- He feels this ordinance is not specific enough, and it leaves too much to interpretation.

Commissioner Mai –

- Page 12 under rooming house: What is the rationale for changing the number of “rooming units” from eight to three? Council Member Saunders responded that this was done to help prevent parking, congestion, and noise concerns/problems. They did not want them to turn into “party houses.” Any existing rooming houses that have more than three units will be “grandfathered” in.

Commissioner Dilliplane –

- Page 14: What is the definition of a stacked townhome? It is unclear. Council Member Saunders said that no more than two units would be allowed on a single lot and no more than four in the grouping - with a specified amount of space between groupings. Commissioner Domino confirmed that this is really a “height restriction.”
- Page 21 large family daycare: Is the maximum of twelve children in a daycare in accordance with the State’s code? Council Member Saunders confirmed this to be true. It does not restrict what can be done with family members in your home – paid or unpaid.

PUBLIC COMMENTS

Mike McMichael / Washington Street: He thanked the Planning Commission for their work. He suggested writing “unless otherwise specified” to some of the complex issues. He asked why this ordinance passed so quickly? He was told that it has not passed but rather, it was a “first reading” at the September Mayor & Council meeting. This was required, in order for the ordinance, to go before the Planning Commission. There will be a “public hearing” on this ordinance before the Mayor & Council meeting in October. It will be at 6:00p.m. on October 16th.

MOTION – ROLL CALL

Commissioner Domino made a motion to accept this ordinance with the changes that been brought forth - a “conditional approval.” This was seconded by Commissioner Wilkinson. A roll call was taken with the following results:

- Yes – Commissioners Dilliplane, Wilkinson, Mai, and Domino
- No – Commissioner Williams
- The motion passed by a 4 – 1 margin.

ADJOURNMENT

Commissioner Domino made a motion to adjourn at 7:30p.m. This was seconded by Commissioner Wilkinson. A vote was taken, and all were in favor. *The meeting was adjourned.*

Respectively submitted,

Tina Pincus
City Secretary