

"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, November 6, 2023 at 6:30 p.m.
Delaware City Community Center
205 Fifth Street**

CALL TO ORDER

Commissioner Dilliplane called the regular meeting of the Planning Commission to order at 6:33p.m. Commissioners Turner, Williams, Smith, and Mai were also present. City Manager Hill, City Solicitor Rhodunda, and Council Member Saunders were also in attendance.

ACTION UPON THE MINUTES OF THE PREVIOUS MEETING

Commissioner Williams made a motion to accept the September 11, 2023 minutes. This was seconded by Commissioner Turner. A vote was taken, and all members were in favor. *The motion passed.*

ORDINANCE NO. 23-0717-01 RESIDENTIAL ZONING

Mr. Saunders started the discussion. He said the impetus of this ordinance were the problems surrounding the approval of the RV park. He started examining the code, and he found that there were a lot of things written in the code that were from the 1970's – some of which were no longer applicable. Also, there were things that the city was doing – especially in the commercial code – that were not approved.

Because of the above-mentioned issues, council asked Mr. Saunders to get a group of citizens together to look at the issues surrounding the code. The goal was to "update" the code. The "team" worked for approximately 6 months. On thing that the committee looked at was developing a "different way" of approving things. They came up with a "four-tiered" approval process:

- Allowed
- Board of Adjustment approval needed
- Special Use Permit required
- Not allowed.

City Solicitor Rhodunda added that one of the issues that became a “major discussion point” were short-term rentals. Airbnb’s are considered short-term rentals. This issue of the “regulation of short-term rentals” is a complex issue nationwide. He said that one thing that needs to be examined is: 1) does the town really have an issue/problem with short-term rentals and 2) should short-term rentals be regulated? A lot of jurisdictions may not have huge issues now, but they want some legal regulations in place, should they become problematic in the future.

Commissioner Smith asked about “special use permits?” How do you get one? What is involved? Currently, it is a “gray area” for him. Mr. Saunders said the first step is to get in touch with Britney at Town Hall.

Commissioner Turner asked: how long has the town utilized a “special use permit?” Mr. Saunders said it has been since 2021. The “special use permit” came about to regulate certain types of building at Fort DuPont. Commissioner Turner said that the “special use permit” seems like an “opened-ended vehicle” that could prove to be problematic in the future. Commissioner Smith agreed.

Commissioner Dilliplane posed the questions:

- should short-term rentals be permitted?
- if yes, how do we regulate them?

City Solicitor Rhodunda gave a handout to the commissioners which provided examples of restrictions for short-term rentals in other jurisdictions. Some of these examples were from Dover’s code. Delaware City’s code supersedes the code of New Castle County. Typically, only if there is a problem with a short-term rental (noise, traffic, excessive people or cars, etc.) is there any enforcement or action taken by the municipality.

City Solicitor Rhodunda said that the following is frequently used as a guideline: the number of people allowed to stay at the property – at any given time – is twice the number of bedrooms. The number of cars should be two cars per the number of bedrooms.

Commissioner Smith asked if Airbnb’s must be ADA compliant? City Solicitor Rhodunda said that this is not a city issue, but rather a home-owner issue.

After much discussion and debate, **Commissioner Turner made the following motion** to allow short-term rentals (Airbnb’s) in Delaware City. The following are required for these short-term rentals:

- use of the “preamble” from Dover
- a business license from the state
- a Delaware City Business license (\$200 recommended)
- a registration application
- a registration fee paid to the city
- inspection by the code enforcement officer – checking for safety.
- only two adults per bedroom (children under the age of 12 are not counted in this number)
- a maximum of twelve people per house
- overnight stays only
- owner of rental property must be a Delaware City resident

This was seconded by Commissioner Smith. Commissioners Dilliplane, Turner, Smith and Mai voted in favor, while Commissioner Williams abstained. The motion passed.

***City Solicitor Rhodunda will write a formal recommendation on behalf of the Planning Commission concerning tonight’s debate on short-term rentals (Airbnb’s). This recommendation will be given to Mayor & Council.

ADJOURNMENT

Commissioner Williams made a motion to adjourn at 7:47p.m. This was seconded by Commissioner Mai. A vote was taken, and all were in favor. *The meeting was adjourned.*

Respectively submitted,

Tina Pincus
City Secretary