

“A Historic Past”



“A Bright Future”

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

ORDINANCE 08-0507-01

**AN ORDINANCE TO AMEND CHAPTER 46 OF THE DELAWARE CITY CODE
RELATING TO BED & BREAKFASTS**

WHEREAS, Mayor & Council of the City of Delaware City deem it in the interest of the residents of Delaware City to encourage the establishment of Bed & Breakfast businesses within the City; and

WHEREAS, Mayor & Council find that the operation of Bed & Breakfast businesses should be regulated to protect the public health, safety, and welfare and to preserve the character of the neighborhoods in which they are located;

NOW THEREFORE, the Mayor & Council of the City of Delaware City do hereby ordain as follows:

SECTION 1. Amend Chapter 46, Article V, Section 46-16 r.) of the Code of the City of Delaware City by deleting the existing subsection in its entirety and substituting therefor the following:

“r.) Bed & Breakfast – tourist home subject to the following conditions:

- 1.) A special exception by the Board of Adjustment is required.
- 2.) Resident Manager on site.
- 3.) At least one (1) full bathroom for the exclusive use of the occupants of each three (3) guest rooms or portion thereof, which shall be accessible from each guest room without going through another guest room or sleeping room”

SECTION 2. Amend Chapter 46, Article V, Section 46-20 of the Code of the City of Delaware City by adding a new subsection “v.)” to read as follows:

“v.) Bed & Breakfast – tourist home subject to the following conditions:

- 1.) On-site manager.
- 2.) At least one (1) full bathroom for the exclusive use of the occupants of each three (3) guest rooms or portion thereof, which shall be accessible from each guest room without going through another guest room or sleeping room”

SECTION 3. Amend Chapter 46, Article V, Section 46-23 c.) of the Code of the City of Delaware City by: (i) replacing the phrase “on-site manager” in subsection c.) 1.) with the phrase “Resident manager on site”; (ii) by deleting subsection c.) 2.) in its entirety and renumbering subsequent subsections accordingly; and (iii) adding a new subsection 3.) stating as follows: “A special exception by the Board of Adjustment is required”.

SECTION 4. Amend Chapter 46, Article XIII, Section 46-121 c.) 7.) of the Code of the City of Delaware City by deleting the contents of said subsection and substituting the following:

“7.) In R-1, R-2, R-3, or C-1L District a bed and breakfast, subject to the special requirements in Article V, Sections 46-16 r.) and 46-23 c.) respectively, provided, however, that the Board shall ensure that one (1) parking space for each guest room, the the Resident Manager and all full time employees is provided in the following order of preference: a.) off-street on-site where feasible and in the public interest; b.) improved on-street parking; c.) improved off-street off-site parking within 600 feet of the proposed bed and breakfast or some combination of the above and the Board may impose such operating and other conditions on the applicant as it deems in the public interest.

SECTION 5. Amend Chapter 46, Article X, Section 46-81 by adding a new subsection “m.)” to read as follows:

“m.) One (1) sign for a Bed & Breakfast or tourist home, no larger that four (4) square feet in area and no higher than four (4) feet from the ground to the top of the sign, if free-standing.”

SECTION 6. Amend Chapter 46, Article XI, Section 46-96 of the Code of the City of Delaware City relating to parking requirements by adding “Bed & Breakfasts” as a Type of Use and providing as the Standard therefor the following: “ To be determined on a case by case basis by the Board of Adjustment taking into consideration the unique facts and circumstances of each case and the requirements of Chapter 46, Article XIII, Section 46-121 c.) 7.) as part of the Special Exception approval process.”

SECTION 7. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The Mayor and Council hereby declare that they would have passed this Ordinance and each section, subsection, sentence, clause or phrase irrespective of the fact that any one or more thereof is declared unconstitutional or invalid.


SECTION 8. Ordinances or parts of Ordinances in conflict herewith are hereby repealed; provided that any such repeal shall not abate a right of action already accrued under any repealed Ordinance.

SECTION 9. This Ordinance shall become effective immediately upon passage.

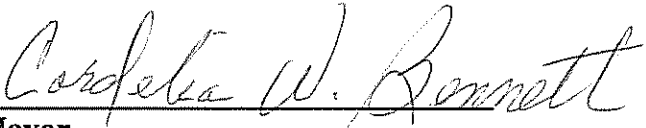
(Signature Page Follows)

ADOPTED BY THE MAYOR AND COUNCIL, this 16th day of June, 2008.

ATTEST:




City Secretary

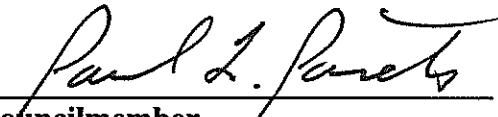


Mayor


APPROVED AS TO FORM:



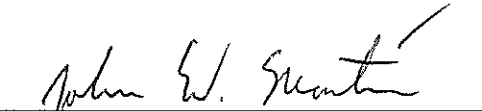
City Solicitor



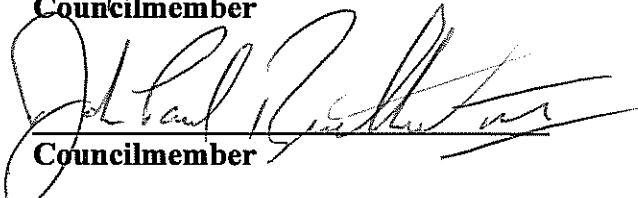
Councilmember



Councilmember



Councilmember



Councilmember

Councilmember

First Reading: May 7, 2008
Second Reading and Passage: 6/16/08