

**City of New Castle Delaware
Public Hearing at Town Hall
201 Delaware Street – New Castle
Tuesday, October 9, 2018– 6:30 p.m.**

Roll Call: 6:30 p.m.

Councilperson Valarie W. Leary
Councilperson Michael J. Quaranta
Council President Linda Ratchford
Councilperson Michael M. Platt
Councilperson John A. Di Mondì

Also present:

Jimmy Gambacorta, Mayor
Daniel Losco, City Solicitor
Jeff Bergstrom, Building Official
Chris Rogers, City Planner
Janet Carlin, City Treasurer

Council President Ratchford advised that this Public Hearing concerns Ordinance 517; an Ordinance requiring a special exception from the Board of Adjustment to permit tourist homes in the Historic Residential Zoning Districts. (Councilperson Di Mondì- posted 10/02/2018.)

City Solicitor Losco provided an explanation of what this Ordinance change would do, being:

- The Ordinance was drafted at Councilperson Di Mondì’s request, due to his concern with temporary/transient lodging and accommodations use at historic homes, and his desire for there to be public input on this topic.
- The Ordinance is restricted to requiring a special exception to tourist homes in the HR/ Historical Residence district.
- This type of commercial activity is currently permitted in the HC/ Historical Commercial district and is prohibited in all residential zones, other than HR/ Historical Residential.

Mr. Losco read the definition of “tourist home,” from Section 230-1 of the code.

According to Mr. Losco, renting a home in this category for 30 days or more would not require the owner to go to the Board of Adjustment.

Mr. Losco clarified that this use is currently permitted in the HR/ Historical Residential district, as a matter of right. The idea behind the Ordinance is to allow any interested parties to express and resolve any potential concerns, via the Board of Adjustment.

Councilperson Di Mondì stated that tourist homes should not be permitted in any residential district, without others who live there having input.

Councilperson Quaranta asked Mr. Losco to explain the current process for a person to establish their property as a tourist home, and how that process differs from putting an entire residence on the rental market.

Mr. Losco responded that currently, any residential property owner might put their residence on the rental market, as long as the property is being used for a single-family residential purpose. A \$50 per year rental business license is required for this.

A tourist home (based on the definition read earlier) is currently permitted only where such use is listed as a permitted use for a property, under the zoning classification within which the property is located. If it is not listed as a permitted use, it is a prohibited use.

Currently, tourist home use is permitted only in the HR/ historical Residential and HC/ historical Commercial zones. Ordinance 517 would require that interested neighbors be allowed input, before a residence in the HR/ Historical Residential zone be allowed as a tourist home.

Mr. Bergstrom explained that residences that are used as rental properties undergo at least one inspection, to ensure that they are compliant with the city's building codes. The same inspections are required of properties that are to be used as tourist homes, although the building codes are somewhat more lenient for historic properties.

In response to a question from Councilperson Quaranta, Mr. Barthel stated that he does not recall ever receiving a call from a person complaining that they do not want a property to be a rental property, although he has received complaint calls about specific tenants in a rental property. Mr. Barthel clarified that he had received one complaint from the neighbor of a property that had been listed as an AirBnB property.

Teri Gormley asked whether there would be any distinction made between a tourist home where the entire residence is rented versus just a room within the residence. She was advised that no, there would be no such distinction.

Ms. Gormley also asked whether a minimum number of days rented would be required for a property to be considered a tourist home.

Mr. Losco responded that a regular rental, as opposed to a tourist home, must be rented for more than 30 days, and a rental business license is required.

Janet Wurtzel asked whether the Ordinance would impact any existing businesses. She also asked about residences with more than five bedrooms. Councilperson Quaranta responded that those residences would fall outside of the definition of a tourist home.

Mr. Losco advised that in the case of a residence with more than five bedrooms being used as a tourist home, where that use was permitted at the time the tourist home use began, the use would be permitted as a non-conforming use, as long as the users were continuous since the time the use was permitted.

Ms. Wurtzel asked whether there are any requirements for property owners to accommodate additional parking needs, in the case of tourist home use. Mr. Losco responded that that is the

kind of issue that might be raised at a Board of Adjustment exception hearing if Ordinance 517 were passed.

Judy Baldini asked whether her understanding is correct, that the Board of Adjustment would approve a request made under Ordinance 517, as long as nobody objected. Her understanding was confirmed.

After a motion and second, the public hearing was adjourned at 6:57 p.m.

Respectfully Submitted,

Brian G. Whitaker

City Clerk of New Castle, Delaware