

**TOWN OF GEORGETOWN
TOWN COUNCIL MEETING AGENDA**

Meeting Date: Wednesday, January 8, 2014
Location: Town Hall, 39 The Circle, Georgetown, DE
Time: **4:30 P.M.** Regular Meeting

4:30 P.M. Regular Meeting

1. Pledge of Allegiance
2. Invocation
3. Adoption of Agenda
4. Approval of December 11, 2013 Town Council Meeting Minutes
5. 2nd Reading & Adoption of Ordinances
 - A. Ordinance #2013-19 Transitional Housing Modifications
6. Departmental Reports
 - A. Gene Dvornick – Town Manager
 - B. Eric Rust – Sup. of Wastewater Reclamation Facility
7. Public Comment
8. Adjournment

The agenda items as listed may not be considered in sequence. This agenda is subject to change to include additional items including executive sessions or the deletion of items including executive sessions, which arise at the time of the meeting. Persons with disabilities requiring special accommodations to attend this meeting should contact the Town Office in writing 72 hours in advance of the meeting, stating their needs in order to have them addressed under the requirements of the Americans with Disabilities Act (ADA).



ORDINANCE NO. 2013-19

AN ORDINANCE TO AMEND THE CODE OF THE TOWN OF GEORGETOWN, ENTITLED CHAPTER 116, HOUSING STANDARDS AND CHAPTER 230, ZONING

THE TOWN COUNCIL OF THE TOWN OF GEORGETOWN IN COUNCIL MET AND HEREBY ORDAINS:

Section 1. Chapter §116, Housing Standards, of the Code of the Town of Georgetown is hereby amended as follows:

§116-21. Definitions and word use.

~~FAMILY - An individual or two or more persons who are related by blood, marriage or adoption, living together and occupying a single housekeeping unit with single culinary facilities, or a group of no more than four adults living together by joint agreement and occupying a single housekeeping unit with single culinary facilities on a nonprofit, cost sharing basis. Domestic servants employed and residing on the premises shall be considered as part of the family.~~ **One or more persons living together as a single housekeeping unit in a dwelling unit.**

SINGLE HOUSEKEEPING UNIT - One person or two or more individuals living together sharing household responsibilities and activities which may include: sharing expenses, chores, eating evening meals together and participating in recreational activities and having close social, economic and psychological commitments to each other.

§ 116-69. ~~Dwelling units.~~ **Occupancy Limitations.**

~~Every dwelling unit shall contain a minimum gross floor area of not less than 150 square feet for the first occupant and 100 square feet for each additional occupant. The floor area shall be calculated on the basis of the total area of all habitable rooms.~~

1) **Occupancy Limitations Relative to the Size of the Dwelling**

Minimum Area Requirements: The town limits the number of adult occupants in a dwelling based upon the size of certain rooms in the dwelling.

The following table illustrates these limitations:

<u>SPACE</u>	<u>MINIMUM AREA IN SQUARE FEET</u>		
	<u>1 - 2 Occupants</u>	<u>3 - 5 Occupants</u>	<u>6 or more Occupants</u>
<u>Living Room</u>	<u>No Requirements</u>	<u>120</u>	<u>150</u>
<u>Dining Room</u>	<u>No Requirements</u>	<u>80</u>	<u>100</u>
<u>Kitchen</u>	<u>50</u>	<u>50</u>	<u>60</u>

2) **Occupancy Limitations Applied to Bedrooms:**

<u>Bedroom Size (Square Feet)</u>	<u>Maximum Number of Occupants per Room*</u>
<u>70</u>	<u>1</u>
<u>100</u>	<u>2</u>
<u>150</u>	<u>3</u>
<u>200</u>	<u>4</u>

** Number of Occupants includes adults and children*

Bedrooms:

- **Must contain at least 70 square feet of floor area for the occupant; 100 square feet of floor area for the occupant, plus an additional 50 square feet per individual if occupied by more than one person.**
- **Bedrooms must not be the only access to other bedrooms or habitable space and must not constitute the only exit from other habitable space.**
- **Every bedroom must have access to a bathroom without having to pass through another bedroom.**
- **Kitchens and other non-habitable space must not be used for sleeping purposes.**
- **Bedrooms must provide light, ventilation, room area, ceiling height and room width in conformity with the code, and must be in conformity with Delaware State Fire Prevention Commission Regulations.**

~~§ 116-70. Area for sleeping purposes.~~

~~Every room occupied for sleeping purposes by one occupant shall contain at least 64 square feet of floor area.~~

~~§ 116-71. Overcrowding.~~

~~If any room used for residential purposes is overcrowded as defined in this chapter, the Town Manager will order the number of persons sleeping or living in said room be reduced.~~

~~§ 116-72. Spaces prohibited for sleeping purposes.~~

~~No kitchen, noninhabitable space or public space shall be used for sleeping purposes.~~

Section 2. Chapter §230, Zoning, of the Code of the Town of Georgetown is hereby amended as follows:

§230-5. Definitions.

BOARDING HOUSE - A single-family dwelling where the owner who occupies the dwelling, for compensation and by prearrangement, for definite periods provides lodging or meals, or both, to such persons as he or she chooses to receive, but shall not include homes for persons with intellectual or developmental disabilities, handicapped, alcoholic rehabilitants or any other person whose fees are paid by a person other than the roomer or lodger. The boarding house shall contain lodging or meals, or both, for at least three (3) or more persons, but shall not contain more than five (5) guest rooms.

DEVELOPMENTAL DISABILITY FACILITIES

For purposes of all local zoning ordinances the following shall be construed to be a permitted single family residential use of such property:

- a) **Group Home – A residential facility licensed or approved by a state agency serving ten (10) or fewer developmentally disabled persons on a 24 hour-per-day basis pursuant to 16 Del. C. §1101 and must meet minimum acceptable standards for living conditions and supports.**
- b) **Neighborhood Home – A stand alone house with the community that serves up to 5 individuals with developmental disabilities in a single-family home setting. These homes are licensed by the Division of Long Term Care Residents Protection pursuant to 16 Del. C. §1101 and must meet minimum acceptable standards for living conditions and supports.**
- c) **Rest (Family Care) Homes – Three (3) or fewer persons live in a home with care and supervision provided by persons who also reside on the premises pursuant to 16 Del. C. §1101 and must meet minimum acceptable standards for living conditions and supports.**

EMERGENCY HOUSING FACILITY - One (1) main building, or portion thereof, on one (1) zoning lot where persons who do not have housing live on a 24-hour-per-day basis until more permanent arrangements can be made, but generally for not longer than thirty (30) days. Additional requirements for living in this facility include: Staffing professionally trained or certified under the supervision of the Program Director; 24-hour-on-site staff supervision; rules and guidelines set up by the program facility must be followed to maintain residency; Drugs and Alcohol prohibited; Convicted Sex Offenders prohibited and criminal background checks are done on all new referrals.

FAMILY - One or more persons living together as a single housekeeping unit in a dwelling unit.

MENTAL HEALTH FACILITIES

For purposes of all local zoning ordinances the following shall be construed to be a permitted single family residential use of such property:

- a) **Group Home – A residential facility providing mental health treatment, rehabilitation and housing staffed substantially full-time when residents are present for between three (3) and ten (10) adults with primary diagnosis of psychiatric disabilities, licensed pursuant to 16 Del. C. §1101 and must meet minimum acceptable standards for living conditions and supports.**

OVERNIGHT EMERGENCY SHELTER - One (1) main building, or portions thereof, on one (1) zoning lot where persons receive overnight shelter, but are not expected or permitted to remain on a 24-hour-per-day basis.

ROOMING HOUSE

Any residential structure or dwelling unit which provides living and sleeping arrangements for more than five (5) unrelated individuals or Any residential structure or dwelling unit which provides single room occupancy housing to more than five (5) unrelated individuals; or Any building housing more than five (5) unrelated individuals which has any of the following characteristics shall be considered and regulated as a rooming house:

- **Rental arrangements are made by the rooming unit rather than the dwelling unit.**
- **Rooming unit doors are equipped with outer door locks or chains which require different keys to gain entrance.**

- Kitchen facilities may be provided for joint or common use by the occupants of more than one (1) rooming unit.

SHELTER FOR BATTERED PERSONS/VICTIMS OF DOMESTIC VIOLENCE - One (1) main building, or thereof, on one (1) zoning lot where adults and children who have suffered from a pattern of abusive behavior in an abusive relationship where one partner tries to maintain control over the other by using physical, psychological, verbal, and/or sexual violence, assault or battery. Shelter is provided on a 24-hour-per-day basis for a period of time generally not to exceed sixty (60) days and is served by a program monitored by the State.

SINGLE HOUSEKEEPING UNIT - One person or two or more individuals living together sharing household responsibilities and activities which may include: sharing expenses, chores, eating evening meals together and participating in recreational activities and having close social, economic and psychological commitments to each other.

SOBER HOUSE – LICENSED - A residential facility licensed or approved by a state agency occupied by more than four (4) persons, all of whom are in recovery from chemical dependency and classified as handicapped under the Federal Fair Housing Act Amendments of 1988, that provides a non-institutional residential environment in which the residents willingly subject themselves to written rules and conditions, including prohibition of alcohol and drug use (except for prescription medications obtained and used under medical supervision), intended to encourage and sustain their recovery. The residents of a sober house are similar to a family unit, and share kitchen and bathroom facilities and other common areas of the unit. Sober houses are financially self-supporting. This definition does not include facilities that receive operating revenue from governmental sources. Sober houses do not provide on-site supportive services to residents, including the following: mental health services; clinical rehabilitation services; social services; medical, dental, nutritional and other health care services; financial management services; legal services; vocational services; and other similar supportive services.

SOBER HOUSE - SELF GOVERNED - A dwelling unit occupied by more than four (4) persons, all of whom are in recovery from chemical dependency and classified as handicapped under the Federal Fair Housing Act Amendments of 1988, that provides a non-institutional residential environment in which the residents willingly subject themselves to written rules and conditions, including prohibition of alcohol and drug use (except for prescription medications obtained and used under medical supervision), intended to encourage and sustain their recovery. The residents of a sober house are similar to a family unit, and share kitchen and bathroom facilities and other common areas of the unit. Sober houses are financially self-supporting. This definition does not include facilities that receive operating revenue from governmental sources. Sober houses do not provide on-site supportive services to residents, including the following: mental health services; clinical rehabilitation services; social services; medical, dental, nutritional and other health care services; financial management services; legal services; vocational services; and other similar supportive services.

SPECIAL NEEDS HOUSING - A broad term that includes adult family homes, confidential shelters, emergency and transitional housing, extended care facilities, continuing care retirement communities, intermediate care facilities, residential chemical dependency treatment facilities, residential care facilities for youth, retirement homes, and staff residential homes.

TRANSITIONAL HOUSING - A type of supportive housing used to facilitate the movement of homeless (or at risk of being homeless) individuals and families to permanent housing. Generally, homeless persons may live in transitional housing for up to 24 months and receive supportive services that enable them to live more independently. The supportive services may be provided by the organization managing the housing or coordinated by them and provided by other public or private agencies. Transitional housing can be provided in one structure or several structures, at one site or in multiple structures at scattered sites.

§230-148. Required off-street parking spaces.

Use	Parking Requirement
<u>Community residential facility, emergency housing facility, free-standing foster care home, overnight shelter, shelter for battered persons, transitional housing facility</u>	<u>1.5 spaces per every 4 adult facility residents</u>
<u>Sober house</u>	<u>1.5 spaces per every 4 adult facility residents</u>
<u>Roominghouse, boardinghouse</u>	<u>1 space per 3 occupancy units</u>

§230-233. Uses.

A. Special Needs Housing. A conditional use permit for a Special Needs Housing facility shall only be approved upon a finding that such facility is consistent with all of the following criteria and is permitted in a particular zone according to the Use Permissions and Zoning Matrix, Chapter 230 Attachment II:

- a. **There is a demonstrated need for the use due to changing demographics, local demand for services which exceeds existing facility capacity, gaps in the continuum of service, or an increasing generation of need from within the community.**
- b. **The proposed use is consistent with the goals and policies of the Town of Georgetown Comprehensive Plan and any adopted neighborhood or community plan.**
- c. **The proposed location is or will be sufficiently served by public services which may be necessary or desirable for the support and operation of the use. These may include, but shall not be limited to, availability of utilities, access, transportation systems, education, police and fire facilities, and social and health services.**
- d. **The use shall be located, planned, and developed such that it is not inconsistent with the health, safety, convenience, or general welfare of persons residing in the facility or residing or working in the surrounding community. The following shall be considered in making a decision:**
 - i. **The impact of traffic generated by the proposed use on the surrounding area, pedestrian circulation and public safety and the ability of the proponent to mitigate any potential impacts.**
 - ii. **The provision of adequate off-street parking, on-site circulation, and site access.**
 - iii. **The adequacy of landscaping, screening, yard setbacks, open spaces, or other development characteristics necessary to mitigate the impact of the use upon neighboring properties, to include the following development criteria:**
 1. **All program activities must take place within the facility or in an appropriately designed private yard space.**
 2. **Adequate outdoor/recreation space must be provided for resident use.**
- e. **Compatibility of the proposed structure and improvements with surrounding properties, including the size, height, location, setback, and arrangements of all proposed buildings, facilities, and signage, especially as they relate to less intensive, residential land uses.**
- f. **The generation of noise, noxious, or offensive emissions, light, glare, traffic, or other nuisances which may be injurious or to the detriment of a significant portion of the community.**

- g. Demonstration of the owner's capacity to own, operate, and manage the proposed facility, to include the following:**
- i. Provision of an operation plan which will provide for sufficient staffing, training, and program design to meet the program's mission and goals.**
 - ii. Provision of a maintenance plan which will provide for the exterior of the building and site to be maintained at a level that will not detract from the character of the surrounding area, including adequate provision for litter control and solid waste disposal.**
 - iii. Provision of a point of contact for the facility to the Town.**
 - iv. Written procedures for addressing grievances from the neighborhood, Town, and facility residents.**

An application for a conditional use permit for a special needs housing facility shall be processed in accordance with the provisions of Chapter 230 and Sections 231 – 238. The Planning Director may, when appropriate, utilize other staff or outside parties in the review of such applications.

Section 3. Chapter 230, Zoning, Use Permissions and Zoning Matrix, Code of the Town of Georgetown be further amended by adding the language contained in the attached "Attachment II" of the Code of the Town of Georgetown is hereby amended as follows:

Section 4. This Ordinance shall become effective following its adoption by a majority vote of all members elected to the Town Council.

BE IT ENACTED by the Town Council of the Town of Georgetown, Delaware on the _____ day of _____ A.D., 2013.

Michael R Wyatt, Mayor

Steve Hartstein, Secretary

Reading: December 11, 2013
Reading: January 8, 2014
Adoption: January 8, 2014

Attachment II

USE PERMISSIONS AND ZONING MATRIX														
LEGEND: P = Permitted; N= Not Permitted; CU = Conditional Use														
Use	UR1 - Urban Residential UR2 - Medium Residential UR3 - Neighborhood Residential MR1 - Multifamily Residential MR2 - Townhouse Residential					UB1 - Urban Business UB2 - Neighborhood Business UB3 - Professional Business HC - Highway Commercial				LI1 - Limited Industrial LI2 - Light Industrial		HD - Historic ED - Education AR1 - Agricultural		
	RESIDENTIAL					BUSINESS AND COMMERCIAL				INDUSTRIAL		MIXED		
Sober House - Self Governed	CU	CU	CU	CU	CU	N	N	N	CU	N	N	N	N	N
Sober House - Licensed	P	P	P	P	P	P	P	P	P	P	P	N	N	P
Emergency Housing Facility	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	N	N	CU
Overnight Emergency Shelter	CU	CU	CU	CU	CU	CU	CU	CU	CU	N	N	N	N	CU
Transitional Housing	CU	CU	CU	CU	CU	CU	CU	CU	CU	N	N	CU	N	CU
Boarding House	N	N	N	N	N	P	P	P	P	P	P	N	N	P
Rooming House	N	N	N	N	N	N	N	N	P	N	N	N	N	N
Developmental Disability Facilities	P	P	P	P	P	P	P	P	P	P	P	P	N	P
Mental Health Facilities	P	P	P	P	P	P	P	P	P	P	P	P	N	P
Shelter for Battered Persons/Victims of Domestic Violence	CU	CU	CU	CU	CU	CU	CU	CU	CU	N	N	CU	N	CU

