



# **REHOBOTH BEACH BOARD OF COMMISSIONERS**

## **Supporting Document Packet**

**MEETING:  
January 17, 2014**

**\*\*DISCLAIMER\*\***

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## ***PUBLIC NOTICE***

THE COMMISSIONERS OF REHOBOTH BEACH

Regular Meeting

Friday, January 17, 2014; 7:00 p.m.

### **AGENDA**

1. Call to Order
2. Invocation, Pledge of Allegiance and Roll Call
3. Approval of Agenda
4. Correspondence
5. Approval of Minutes – Workshop Meeting held on December 9, 2013  
Regular Meeting held on December 20, 2013  
Workshop Meeting held on January 6, 2014
6. Public Hearing on and consideration of a proposed ordinance amending Chapter 270, Section 270-26, of the City Code that would increase the side yard setbacks for any lot with greater than 52.5 feet of street frontage and a lot area of 5,250 square feet in the R-1 District and for R-1 uses in the R-2 District.
7. Report of Police Department
8. Report of Rehoboth Beach Volunteer Fire Company
9. Report of Building and Licensing Department
10. Report of Planning Commission
11. Old Business
12. New Business
  - A. Consider accepting the recommendation of the City's engineer to reject all bids received for the Fire Hydrant Painting and Maintenance Project for which bids were received and opened on November 21, 2013.
  - B. Discuss with the City's engineer, Bob Palmer, budgeting and contracting for inspecting, flow testing and painting of the City's fire hydrants and inspecting and exercising the in-ground valves within the water system.
13. City Manager's Report
  - A. Approval of Street Aid Expenditures
14. Committee Report
15. City Solicitor's Report
16. Commissioner Announcements/Comments
17. Discuss items to include on future agendas.
18. Citizen Comment
19. Adjournment

AGENDA ITEMS MAY BE CONSIDERED OUT OF SEQUENCE

Citizen comment regarding Old Business, New Business and Committee Reports will be heard during each agenda topic after initial discussion by the Commissioners at the discretion of the chair and prior to any vote being taken. Speakers shall state their name and address. Comments are limited to three minutes or at the discretion of the chair. Comments on non-agenda items will be heard under "Citizen Comment".

\*For additional information or special accommodations, please call (302) 227-6181 (TDD Accessible) 24-hours prior to the meeting.

\*\*Next scheduled meeting – (Workshop) Monday, February 10, 2014; 9:00 a.m.

amw: 01/10/14; posted 01/10/14

pc (via Fax) Cape Gazette, Coast Press, Delaware State News

NOTICE

THE COMMISSIONERS OF THE CITY OF REHOBOTH BEACH ON NOVEMBER 15, 2013,  
ADOPTED RESOLUTION NO. 1113-01 WHICH READS AS FOLLOWS:

**A RESOLUTION  
OF THE COMMISSIONERS OF THE CITY OF REHOBOTH BEACH, DELAWARE,  
PROPOSING THAT A PUBLIC HEARING BE HELD ON THE SUBJECT  
OF AMENDING THE MUNICIPAL CODE OF THE CITY OF REHOBOTH BEACH,  
CHAPTER 270, SECTION 270-26,  
RELATING TO SIDE YARD SETBACKS**

**WHEREAS**, the Commissioners of the City of Rehoboth Beach have deemed it desirable to consider the question of whether to amend Section 270-26 of the Municipal Code of the City of Rehoboth Beach, relating to side yard setbacks;

**WHEREAS**, Title 22, Chapter 3, Section 301 of the Delaware Code provides that “[f]or the purpose of promoting health, safety, morals or the general welfare of the community, the legislative body of cities and incorporated towns may regulate and restrict the height, number of stories and size of buildings and other structures, percentage of lot that may be occupied, the size of yards, courts and other open spaces, the density of population, and the location and use of buildings, structures and land for trade, industry, residence or other purposes”; and

**WHEREAS**, Section 1(d) of the City’s Charter provides that “[a]ll Powers of The Commissioners of Rehoboth Beach, whether express or implied, shall be exercised as prescribed by [the City] Charter, or, if the procedure, or mode of exercise, be not prescribed herein, such power or powers shall be exercised by ordinance or resolution of The Commissioners”; and

**WHEREAS**, Section 270-88, Article X, Chapter 270 of the Municipal Code of the City of Rehoboth Beach provides the following procedure to be followed by the Commissioners of Rehoboth Beach before exercising the aforesaid authority granted by statute and the City Charter:

1. Hold a public hearing at which hearing parties in interest and citizens shall have an opportunity to be heard;
2. Provide at least 15 days’ notice of such hearing by publishing notice of the time and place of such hearing in an official paper or paper of general circulation in the City.

**NOW, THEREFORE, BE IT RESOLVED** by the Commissioners of the City of Rehoboth Beach, Delaware in session met this 15th day of November, 2013, that a public hearing shall be held pursuant to Section 270-88, Article X, Chapter 270 of the Municipal Code of the City of Rehoboth Beach on the 17th day of January A.D. 2014, at 7:00 p.m., in the Commissioners’ Room, 229 Rehoboth Avenue, Rehoboth Beach, Sussex County, Delaware to consider the question of whether it is in the public’s interest to amend Section 270-26 of the Municipal Code of the City of Rehoboth Beach, relating to side yard setbacks, as follows:



**AN ORDINANCE TO AMEND CHAPTER 270 OF THE MUNICIPAL  
CODE OF THE CITY OF REHOBOTH BEACH, DELAWARE, 2001  
RELATING TO SIDE YARD SETBACKS**

**WHEREAS**, the Commissioners at their June 21, 2013 meeting, passed Resolution No. 0613-03 tasking the Planning Commission to undertake a study regarding side yard setbacks for residential properties with greater than 50 foot frontage, and

**WHEREAS**, the Planning Commission at a meeting held on August 9, 2013 reviewed new residential development that has/is occurring on lots with frontage greater than the “standard” 50 foot and the fact that the owners of many such lots are choosing to build to the maximum allowed under current Code, with the result being imposing structures of massive size that impact negatively on proximate neighbors and the overall streetscape, as well as light, air, and view, and

**WHEREAS**, the Commissioners concur that increasing the minimum side yard setbacks for residential lots with greater than 50 foot frontage would promote the goals of the zoning code including the health and general welfare and ensuring adequate light and air.

**BE IT ORDAINED**, by the Commissioners of the City of Rehoboth Beach, in session met, in the manner following to wit:

**Section 1.** Chapter 270, Section 270-26, of the Municipal Code of the City of Rehoboth Beach, Delaware, 2001, as amended be and the same is hereby further amended by adding the word “Minimum” in front of the words “Aggregate Total of Both Side Yards” that head one of the columns in the table contained in Subsection A, adding a superscript “2” with the figure “16” under this column at the rows “R-1” and “R-2, Uses in R-1” to denote a footnote and at the end of the table add a new note to read as follows:

<sup>2</sup>When the width of a lot exceeds 52.5 feet and the lot area exceeds 5,250 square feet the “Minimum Aggregate Total of Both Side Yards” shall be increased proportionately by the lesser of:

- (1) The quotient obtained by dividing the width of the lot in feet by 50, or
- (2) The quotient obtained by dividing the area of the lot in square feet by 5,000.

Where for the purposes of this section the width of a lot is defined as the length of the street line between the points where the two side lot lines, or in the case of a corner lot, one side lot line and the street line of the intersecting street, intersect the street line at the front of the lot. In the case of a corner lot where the right-of-way lines of the intersecting streets are joined by an arc the point of measurement is the point at which the extension of the two right-of-way lines intersect.

**Section 2.** If any provision of this Ordinance shall be deemed or held to be invalid or unenforceable for any reason whatsoever, then such invalidity or unenforceability shall not affect any other provision of this Ordinance which may be given effect without such invalid or unenforceable provision, and to this end, the provisions of this Ordinance are hereby declared to be severable.

**Section 3.** This Ordinance shall become effective immediately upon its adoption by the Commissioners of the City of Rehoboth Beach.



**BE IT FURTHER RESOLVED,** that parties in interest and citizens shall have an opportunity to be heard at said public hearing.

**BE IT FURTHER RESOLVED,** that this Resolution to hold a public hearing shall be printed at least fifteen (15) days prior to said public hearing in an official paper or a paper of general circulation in the City of Rehoboth Beach.

**BE IT FURTHER RESOLVED,** that the Ordinance to be considered at the January 17, 2014 public hearing is subject to the Pending Ordinance Doctrine and, therefore, upon the adoption of this Resolution and until the City Commissioners act upon the Ordinance described herein, no application for the issuance of any permit or other approval for any construction that would encroach the side yard setback areas that would be created upon adoption of the Ordinance shall be accepted by the Building and Licensing Department.