

**MAYOR AND COMMISSIONERS MEETING
CITY OF REHOBOTH BEACH**

May 15, 2015

The Special Workshop Meeting of the Mayor and Commissioners of the City of Rehoboth Beach, was called to order at 1:00 p.m. by Mayor Samuel R. Cooper on Friday, May 15, 2015 in the Commissioners Room in City Hall, 229 Rehoboth Avenue, Rehoboth Beach, DE.

Commissioner Bill Sargent gave the Invocation followed by the Pledge of Allegiance.

ROLL CALL

Present: Commissioner Toni Sharp
 Commissioner Patrick Gossett
 Commissioner Bill Sargent
 Mayor Samuel R. Cooper
 Commissioner Stan Mills
 Commissioner Lorraine Zellers
 Commissioner Kathy McGuiness

Also in attendance was: City Manager Sharon Lynn
 City Solicitor Glenn Mandalas (arrived at 2:00 p.m.)

Mayor Cooper noted that City Secretary Ann Womack was not in attendance at the meeting due to the passing of her father.

DISCUSS the proposed ordinance creating a new Chapter 206 of the City Code related to the permitting and regulation of unenclosed residential swimming pools including hot tubs and spas and an ordinance that would regulate the use of swimming pools in conjunction with vacation rentals.

Mr. Kyle Gulbranson of AECOM was in attendance at the meeting. Some relatively minor adjustments were made to the pool ordinance at the last meeting. A separate ordinance was introduced at that meeting which dealt exclusively with vacation rentals. (Copies attached.)

Changes and comments regarding the pool ordinance were:

1. In the definitions, the terms Private Pool and Rental Pool were added.
2. Section 206-6 was retitled from Private Rental Pool Operation and Maintenance to Pool Operation and Maintenance.
3. Add that this ordinance will take effect immediately except for the sections regarding those things that would require an inspection and a license which will become effective July 1, 2016.

Ms. Linda Kauffman, 206 Laurel Street, said that the penalty for having noise in a pool falls back under the noise ordinance. If the police are called two or three times, the owner will be paying a fine that goes to the noise piece of it, and then the City Manager would get involved. The noise ordinance would go to the people making noise, not the homeowner.

Mr. Andrew McCarthy, Baltimore Avenue, that if there are multiple police reports, the landlord can have the tenants evicted if it is written in the lease.

The consensus of the Commissioners was that this ordinance will be looked at during the Workshop Meeting to be held in June 2015.

A revision to the proposed ordinance to further regulate residential pools was forwarded to the Commissioners prior to the meeting.

Changes and comments regard this proposed ordinance were:

1. The definition of an unenclosed swimming pool was added.
2. A violations and penalty section was added to relate Article III of this proposed ordinance only.
3. The intent of this ordinance is that no unenclosed private rental pool permitted after the adoption of this ordinance shall be used at any time in conjunction with a vacation rental. The pool shall at all

times the property is used for a vacation rental be covered by a locked cover. No unenclosed pool that was permitted or constructed on or before the date of adoption of this ordinance where no valid City rental license existed for the related property shall be used at any time in conjunction with a vacation rental. The pool shall at all times the property is used for a vacation rental be covered by a locked cover. Notwithstanding anything contained in this Chapter to the contrary, no unenclosed pool shall be used at any time in conjunction with a vacation rental after January 1, 2018. Thereafter the pool shall at all times the property is used for a vacation rental be covered by a locked cover. A vacation rental is defined as the renting of a dwelling unit in any R-1(S), R-1 or R-2 Zoning Districts for a period of 120 or fewer consecutive days.

4. Pools include spas and hot tubs.
5. A letter should be generated and sent to all property owners to let them know that if the previous ordinance is adopted, they will need to come into compliance if they own a pool, spa or hot tub and they need to apply for a pool license.

After lengthy discussion, there was no consensus of the Commissioners to move forward with this proposed ordinance. Suggestions were to not enact the proposed ordinance at this time, but to go through the summer and collect data with regard to noise complaints and pools. A few of the Commissioners thought that the moratorium should be extended.

DISCUSS a proposed ordinance amending Chapter 270 of the City Code related to changing certain dimensional requirements in residential districts of the Zoning Code.

There was consensus at the last meeting regarding the zoning issues. The proposed ordinance reflects the changes from the last meeting. The FAR would remain at 0.60 in the R-1 and R-2 Zoning Districts. The FAR would be reduced to 0.50 in the R-1 and R-2 Zoning Districts for any property with a pool. The current proposal reduces the FAR to 0.40 for a house with a pool that also has habitable basement space with a ceiling height of at least eight feet. There was consensus on capping the maximum house size in the R-1 and R-2 Zoning Districts at 4,500 square feet. The R-1(S) Zoning District was not included the 4,500 square foot cap. A better way to address requiring additional parking spaces in addition to the two that are required is to base it on bathrooms. A suggestion for occupancy would be that additional parking spaces would be required for each bathroom over a minimum of three.

Changes and comments regard this proposed ordinance were:

1. Capping the maximum house size in the R-1(S) Zoning District at 6,000 square feet would be reasonable.
2. The required parking at 18 feet x 9 feet times the number of spaces required could not, in any part, be considered natural area.
3. Swimming pool pumps, filters and equipment were added to the definitions.
4. A bathroom could be defined as having a minimum of two or more plumbing fixtures.
5. Contact other municipalities on how to define a bedroom.
6. If there is less than two bathrooms, there would still be a minimum of two parking spaces.
7. A concern was how to deal with two dwellings on one lot with regard to the parking requirements.
8. Outdoor showers would need to be addressed as to whether or not they should be excluded.
9. A half-bath would need to be addressed.
10. Curb-cuts could be limited to one up to a maximum of 18 feet for a 50 foot wide lot.
11. There should only be one curb-cut with regard to a corner lot or a dual frontage lot.
12. At least two parking spaces per dwelling unit would be required as opposed to per lot.
13. A 100 foot x 100 foot lot should be allowed to have two driveways, not just one.

After lengthy discussion, the Commissioners recommended that the workgroup should look at the R-2 Zoning District to see if there are unintended consequences with regard to proposed ordinance. The workgroup will also look crafting language with regard to parking, based on bathrooms. Currently, the only issues that would need to be addressed are occupancy, parking and bathrooms related to parking, and curb-cuts.

The next Special Workshop Meeting will be held on May 29, 2015 at 9:00 a.m. at which time any outstanding issues from today will be discussed.

The next Regular Meeting will be held on May 15, 2015 at 7:00 p.m.

There being no further business, Mayor Cooper adjourned the meeting at 3:36 p.m.

Respectfully submitted,

(Lorraine Zellers, Secretary)