

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

March 20, 2015

The Special Workshop Meeting of the Mayor and Commissioners of the City of Rehoboth Beach, was called to order at 2:05 p.m. by Mayor Samuel R. Cooper on Friday, March 20, 2015 in the Commissioners Room in City Hall, 229 Rehoboth Avenue, Rehoboth Beach, DE.

City Solicitor Glenn Mandalas 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

PRESENTATION by and discussion with Kyle Gulbranson of URS Corporation, the City’s planning consultant, regarding the management of the impact on residential neighborhoods as related to size of houses currently being constructed, swimming pools, rental licenses and noise issues.

Mr. Kyle Gulbranson noted that minor revisions had been made to the noise ordinance at the last meeting. A redline versions of the draft ordinance was forwarded to the Commissioners prior to the meeting.

Changes and comments regarding the noise ordinance are:

1. §189-3. Definitions. Removed Holidays in its entirety.
2. §189-3. Definitions. Plainly Audible Standard. Changed “A method used to identify a noise disturbance where a noise is plainly audible at a location not on the property” to “A method used to identify a noise disturbance where a noise is plainly audible at a location not on the emitting property.”
3. §189-3. Definitions. Sound Truck. Added “A truck or other vehicle having one or more loudspeakers usually situated on top typically used for broadcasting while the vehicle is in motion.”
4. §189-5(B). Changed “The Plainly Audible Standard shall be used to determine noise disturbances when the sound source is emitted from a residentially zoned property, and the receiving property is zoned residential” to “The Plainly Audible Standard shall be used to determine noise disturbances when the sound source is emitted from a residentially zoned property.”
5. §189-7(A). Changed “Sound trucks are prohibited. Sound trucks as defined by this ordinance shall be prohibited within the City of Rehoboth Beach” to “Sound trucks are prohibited within the City of Rehoboth Beach.”
6. §189-7(B)(1). Changed “No person shall operate or use any sound amplifying equipment, whether stationary or mounted on a vehicle, without first obtaining a permit therefor from the City Manager” to “No person shall operate or use any sound amplifying equipment without first obtaining a permit from the City Manager.”
7. §189-7(D). Changed “If the City Manager determines that granting the permit required by §189-2 shall not unreasonably disturb the peace and quiet of any neighborhood or of the citizens thereof, shall issue to the applicant a permit...” to “If the City Manager determines that granting the permit required by §189-2 shall not unreasonably disturb the peace and quiet of any neighborhood or of the citizens thereof, a permit shall be issued to the applicant...”

Ms. Linda Kauffman, Laurel Street, said that the responding officer or city official can use judgment to give a warning and/or citation, and the purpose behind it is to give discretionary use of warnings.

Mr. Gulbranson noted that it was appropriate for the police officers to have discretion to issue a warning initially and to use their judgment as to how to handle a situation. Part of the process is that once these revisions are adopted, there will be additional training for police officers regarding how to enforce the ordinance.

This draft ordinance will be placed on the agenda for the April Workshop Meeting to discuss the clean copy of the ordinance.

Mr. Kyle Gulbranson noted that revisions had been made to the draft swimming pool at the last meeting. A redline version of the draft ordinance was forwarded to the Commissioners prior to the meeting.

Changes and comments regarding the noise ordinance are:

1. Chapter 206. Changed "Private, Residential or Family Swimming Pools" to "Pools".
2. §206-2. Definitions. Removed "Beneficial Owner".
3. §206-2. Definitions. Changed "Private, Residential Pool" to "Private Residential Pool" and "This includes residential in-ground, above ground and on-ground swimming pools, hot tubs and spas" to "This includes in-ground, above ground and on-ground swimming pools, hot tubs and spas, used in conjunction with a residential housing unit governed by the International Residential Code (IRC) as amended."
4. §206-2. Definitions. Private Rental Pool. Changed "This includes residential in-ground, above ground and on-ground swimming pools, hot tubs and spas" to "This includes in-ground, above ground and on-ground swimming pools, hot tubs and spas, used in conjunction with a residential housing unit governed by the International Residential Code (IRC) as amended."
5. §206-3. Changed "Pool Construction Permit" to "Building Permit Required".
6. §206-3(C). Changed "Site Inspection – Prior to the issuance of a Building Permit for the construction of a new outdoor pool, a site inspection shall be made..." to "Site Inspection – Prior to the issuance of a Building Permit for the construction of a new outdoor pool or change to an existing pool, a site inspection shall be made..."
7. §206-5(A)(d). Strike "All existing pools on the date of the adoption of this ordinance shall have five years period in which to enclose all pool equipment to meet the requirements of this Section."
8. §206-6(A). Changed "All residential pool owners shall be required..." to "All private residential and rental pool owners shall be required..."
9. §206-6(B). Strike "Operating licenses shall expire annually" and add "The operation license shall cover the period from July 1 through June 30 and shall expire annually."
10. §206-6(B). Strike "The operating permit shall be conspicuously displayed."
11. §206-6(C). Changed "Renewal of the Pool Operation Licenses will require the pool to be inspected annually by the City or the City's appointed representatives. The inspection will not involve the checking of mechanical equipment, chemical levels or structural components" to "Renewal of the Pool Operation Licenses will require the pool to be inspected annually by the City." Strike "Inspection of private residential pools shall consist of review of safety requirements, signage and for any alteration or changes. Inspections of private rental pools shall consist of review of safety requirements and any alterations or changes as well as review of records related to the operations of the pool condition."
12. §206-6(C)(a). Added "Private Residential Pool inspection shall consist of review of safety requirements in conformance with §206-7, signage and of any alteration or changes."
13. §206-6(C)(b). Added "Private Rental Pool inspection shall consist of review of safety requirements in conformance with §206-7 and of any alterations or changes as well as review of records related to the operations of the pool condition. Private Rental Pools must be maintained and operated by an individual who has a valid pool operating certification issued by the State of Delaware. Additionally, Private Rental Pools must maintain written records of information pertaining to the operation of the pools condition. The information shall include the types of chemicals used and dates and times of chemical and bacterial tests, as well as dates and times of cleaning of the pool and backwashing of filters. Information may be provided in a weekly pool log. Log records must remain on site and be readily available for review."
14. §206-6(D). Strike "Private rental pools must maintain written records of information pertaining to the operation of the pool's condition. The information shall include the types of chemicals used and dates and times of chemical and bacterial tests, as well as dates and times of cleaning of the pool and backwashing of filters. Information may be provided in a weekly pool log. Log records must remain on site and be readily available for review."
15. §206-6(D)(a). Remove this subsection in its entirety.
16. §206-8(A). Changed "Lights used to illuminate any residential pool shall be directed..." to "Any outdoor lighting used in conjunction with a residential pool shall be directed..."
17. §206-10. Changed "Grading, Drainage and Discharge Plan Required" to "Grading, Drainage and Discharge Requirements".
18. §206-10(A). Changed "A grading, drainage and discharge plan shall be required for any new pool or

- any existing pool where a change is being made to the physical size, shape or volume of the pool” to “A grading, drainage and discharge plan shall be required for any new pool, any existing pool where a change is being made to the physical size, shape or volume of the pool, or other construction on an existing lot with a pool that may increase or change stormwater flows on the property.”
19. §206-10(B). Changed “A grading plan indicating proposed grading and measures being utilized to prevent stormwater runoff from impacting adjacent properties. Stormwater runoff shall not be directed onto adjacent properties” to “A grading plan shall be required indicating proposed grading and measures being utilized to prevent stormwater runoff from impacting adjacent properties. Stormwater runoff from the area surrounding the pool shall not be directed onto adjacent properties.”
 20. §206-10(C). Changed “Drainage and Discharge Plan Required – The Applicant shall provide a drainage/discharge plan detailing how the pool water shall be discharged...” to “A drainage/discharge plan detailing how the pool water shall be discharged...”.
 21. §206-10(C)(a). Changed “The Applicant must identify a grassed or vegetated area of at least 200 square feet or an engineering analysis to demonstrate adequate green space for drainage purposes is being provided” to “The Applicant must identify a continuous grassed or vegetated area of at least 200 square feet or an engineering analysis to demonstrate adequate green space for drainage purposes is being provided.”

Commissioner Mills did not think that 200 square feet of grass or vegetated area can be identified on a property or an engineering analysis is feasible for the drainage of pool water.

Mr. Frank Cooper, 96 East Lake Drive, said that an engineer can roughly calculate if there is adequate green space. He suggested that an engineer should verify there is enough capacity instead of requiring 200 feet.

Mr. Hayden Morris, 216 Laurel Street, said that he has a neighbor who pumps water from a pool onto his property. He asked why it is not permitted to pump the water to the storm drain or sewer.

Commissioner Mills noted that none of the pool water should go into the sewer system because capacity would be decreased to treat pool water and chlorinated water with sewage which is not appropriate. The Code addresses runoff and regular drainage. The proposed ordinance will address avoidance of future situations that reflect the situation such as Mr. Morris has.

22. §206-10(C)(b). Added “Filter discharge water or water used in the cleaning of pool filters shall not run off onto any adjacent property.”
23. §206-10(C)(b) and §206-10(C)(f) are redundant.
24. §206-10(C)(d). Change “Pool water should have an acceptable pH...” to “Pool water shall have an acceptable pH...”
25. §206-10(C)(f). Change “Filters should be cleaned over the lawn...” to “Filters shall be cleaned over the lawn...”
26. §206-11(A). Change “The carrying on of any commercial undertakings at a private, residential or family pool entailing sales...” to “The carrying on of any commercial undertakings at a private, residential or rental pool entailing sales...”

Mr. Gulbranson will forward the changes back to the Commissioners for their review.

Mr. Gulbranson had forwarded a copy of a Vacation Rental Dwellings ordinance from Westport, WA to the Commissioners for their review. A copy of the Maximum Floor Area Allowance Per Occupant from the 2012 International Building Code and Room Area from the 2012 International Property Maintenance Code were also forwarded to the Commissioners for their review. Mr. Gulbranson provided a brief history of the Neighborhood Preservation Ordinance which divided areas of the City into four distinct districts with each neighborhood having its own distinct zoning. Recommendations from the work group are that natural area should be increased to 50%, and 60% of the front yard should remain as natural area. The 250 square foot porch exemption would remain. The rear yard setback minimum would be increased to 15 feet. Two 9 foot x 18 foot parking spaces would be required.

Commissioner Mills said that the 60% natural area in the front yard would disallow four to five parking spaces across the front yard. A linear driveway would be located on the side of the property.

Ms. Linda Kauffman, Laurel Street, said that the required amount of parking should be increased by the number of bedrooms in a house. This would create more parking onsite.

Mr. Gulbranson noted that exemptions from FAR could yield a 4,000 square foot home with lot

coverage at 40%.

Commissioner Sargent said that a pool should be included in the FAR, or there should be some type of FAR adjustment ratio.

Commissioner Mills provided a slide presentation with regard to lot and house sizes and off-street parking. Currently, two off-street parking spaces are required per dwelling regardless of the size of lot and houses. A typical 50 foot x 100 foot lot has side yard setback with a minimum of six feet on one side and an aggregate of 16 feet. A lot greater than 52.5 feet wide has a specific formula to determine aggregate side yards but one side yard has a minimum of six feet. He suggested the possibility for lots greater than 52.5 feet wide that a formula could be considered based on lot width to increase the minimum side yard setback. A question was raised as to how to control size since some lots on the south side of Laurel Street are much deeper than the standard 50 foot x 100 foot lot. Possible zoning revisions for a 5,000 square foot lot are: 1. Minimum natural area – 50% = 2,500 square feet with 60% of front yard natural area. 2. Maximum lot coverage – 40% = 2,000 square feet. 3. Maximum driveway/sidewalks/parking – 10% - 500 square feet. 4. FAR = 0.60. The principal structure would be 3,000 square feet with an exemption for a front porch. 5. Side yard setbacks – Aggregate of 20 feet with a minimum of six feet on one side. 6. Front yard setback – Minimum of 15 feet. If there is a front porch, there could be an encroachment of five feet. 7. Rear yard setback – Minimum of 15 feet. 8. Two 9 foot x 18 foot parking spaces = 324 square feet of driveway.

Continued discussion on this matter will occur at the next Workshop Meeting on April 6, 2015.

The next Regular Meeting will be held on March 20, 2015 at 7:00 p.m.

There being no further business, Mayor Cooper adjourned the meeting at 5:10 p.m.

Respectfully submitted,

(Lorraine Zellers, Secretary)