

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

April 13, 2015

The Special Workshop Meeting of the Mayor and Commissioners of the City of Rehoboth Beach, was called to order at 9:05 a.m. by Mayor Samuel R. Cooper on Monday, April 13, 2015 in the Commissioners Room in City Hall, 229 Rehoboth Avenue, Rehoboth Beach, DE.

A moment of silence was given to Ms. Mary Campbell who had recently passed away. She had been a member and Chairman of the Planning Commission for a number of years.

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

Absent: Commissioner Kathy McGuinness

Also in attendance was: City Manager Sharon Lynn
 City Solicitor Glenn Mandalas

DISCUSS proposed ordinance concerning swimming pools.

The Commissioners reviewed and discussed the following items:

1. Grading, drainage and discharge requirements. Whenever a new pool is constructed or the surface of the ground has changed in relation to a pool, the property will need to be in compliance with a grading plan.
2. Retroactivity, specifics and timeframe of Code requirements applying to existing pool equipment, enclosures, lighting, safety signage, maintenance by certified pool operator and maintenance of logs, annual license accomplished by the first inspection, existing pools come into compliance by second inspection and drainage and discharge. Mayor Cooper will draft the foundation for what items will need to come into compliance for existing pools and spas.
3. Line Nos. 100-104. Section 6 - Pool Operation Licenses. A suggestion was made that the licensing, inspection and fee of \$50.00 should be biannual for spas.
4. Idea of having a rental license or pool license, but not both. The addition of a pool to rental property where the property is rented by the week is not in keeping with the character of the town nor the definition of the R-1 zone.
5. Both rental pools and private pools should be regulated. If an owner makes the pool available to renters, then the rental and pool permits will be required with all the necessary regulations. If the owner closes the pool for the time the renters are there, then a pool permit may not be needed.

Ms. Linda Kauffman, 206 Laurel Street, noted that a private pool should have a discharge plan, lighting plan, etc. All pools would have to follow the regulations that have to do with discharge, lighting, safety, etc. The goal is to stop commercializing the residential neighborhoods.

Mr. Frank Cooper, 96 East Lake Drive, said that private pools generate noise. The noise ordinance is a sufficient mechanism for repeated offenses.

Mr. Tim Clark, address unknown, said that it would be helpful if the City would give him a clear-cut noise policy that he could pass on to tenants of the policy and consequences.

6. Marrying a short term rental with a pool is causing a problem. The long-term resident with a pool is not nearly the issue as a short-term rental.

Mr. Allen Walker, builder said that weekly rentals are the rationale for limiting swimming pools.

7. The Commissioners would need to discuss the idea that existing pools would possibly be grandfathered for at least five years.

8. A hot tub and pool will need to be registered.
9. There will be different standards for residents vs. rentals.

Ms. Jennifer Duncan, 68 Kent Street, asked if the Commissioners are going to establish standards for residents who may have a hot tub or pool and never rent vs. people who own homes and rent.

10. A trigger would be a rental license. It is not a right to have a rental license, it is a privilege. Owner occupied residences with pools would be treated differently from short-term rentals. With regard to operating a commercial venture in the R-1 District, the standards are not being met that were set forth in that district.

Mr. Richard Cooperman, Country Club Drive, said that the short-term rentals with pools are changing the character of residential neighborhoods.

Mr. Alan O-Leary, 222 Hickman Street, suggested that if grandfathering is considered, it should not be considered in perpetuity.

11. With regard to grandfathering, a non-conforming use would continue onward until there is a physical change which causes the use to cease.
12. The Commissioners should allow an amortization period with regard to grandfathering.
13. With regard to renting a property for less than 120 days, the pool must be covered and must be inaccessible to tenants.

After a lengthy discussion, the consensus of the Commissioners was to clean up the proposed ordinance, look at the drainage and discharge section in particular, look at retroactive language and include a new section on banning the use of pools for rental properties. Commissioner Mills will email his comments to City Solicitor Mandalas, Mr. Gulbranson and Mayor Cooper for consideration.

Ms. Donna Mabry, 221 Hickman Street, said that a new proposal of not allowing pool properties to be rentals will be more effective in controlling the proliferation of pools instead of just taking away a pool license.

DISCUSS proposed ordinance making zoning changes related to dimensional requirements in residential zoning districts.

A recap of the last meeting was provided to the Commissioners by Mr. Kyle Gulbranson of AECOM. Changes to the proposed ordinance were:

1. The reduction in the FAR for all properties, not just properties with pools.
2. Minimum lot coverage in the R-1 and R-2 Districts would be reduced from 50% to 40%.
3. Natural area in the R-1(S), R-1 and R-2 Districts would be increased from 40% to 50%.
4. Front yard setback area shall consist of 60% natural area.
5. The FAR would be reduced from 0.60 to 0.50 for all residential properties.
6. Maximum lot coverage for residential uses in commercial districts would be scaled down from 50% to 40%.

A presentation was provided to the Commissioners by Commissioner Mills showing illustrations relative to discussion considering a required minimum percentage of natural area in front yards and minimum setbacks. As proposed, the rear yard setback would increase to 15 feet and the proposed minimum aggregate for both side yard setbacks would increase to 20 feet. Any existing structures in those areas would become legally non-conforming and grandfathered.

Comments and suggestions were:

1. Anytime zoning is changed, non-conformities are created.
2. Increasing the aggregate side yard setbacks will create the most non-conforming uses.
3. Fifty percent of the front yard to be natural area as opposed to 60% would give flexibility.
4. A modest increase to 0.55 for the FAR would be in order. The first 5,000 square feet of a lot would be at 0.55, and any square footage over 5,000 would be at half or 0.275 up to a maximum size house of 4,500 square feet. The FAR would be 0.50 if there is a pool.
5. With regard to bigger lots, the houses should shrink down.
6. Accessory structures cannot be built to the property lines.
7. Accessory structures cannot be lived in. They cannot have heat and air-conditioning. No more than one sink would be allowed.

8. The minimum off-street parking spaces on a lot would be two. The spaces would be calculated by the number of bedrooms minus one for the number of parking spaces.
9. Bedroom would need to be defined.
10. Parking spaces would not be available for natural area.
11. Off-street parking would be tied to the number of bedrooms and bathrooms.
12. Places need to be inspected to see what the places are being used for.
13. Area set aside for parking has to come out of the natural area.

Mr. David Clark, address unknown, said that three parking spaces cannot fit on a lot. The Commissioners should take a lenient standpoint on parking.

Mr. Allen Walker said that a 2,500 square foot house will not be able to be built on a 5,000 square feet.

Ms. Barb DiMaggio, 162 Henlopen Avenue, did not think what is being proposed is fair.

Mr. Frank Cooper suggested that the current FAR should remain, and parking should be tied to bathroom count.

Ms. Donna Mabry, 221 Hickman Street, thought that parking problems in the City in the summer could be solved by remote parking.

Mr. Walter Brittingham, 123 Henlopen Avenue, said that in the north side of the City, parking is limited due to property owners planting grass, etc. in the rights-of-way up to the edge of the paved

After lengthy discussion, the consensus the Commissioners was that Mr. Gulbranson should incorporate the suggestions above into the proposed zoning ordinance. Although the proposed pool ordinance will need to be revised, it will not be available for the next Regular Meeting. The Commissioners will need to consider the possibility of extending the moratorium.

The next Regular Meeting will be held on April 17, 2015 at 7:00 p.m.

There being no further business, Mayor Cooper adjourned the meeting at 11:42 a.m.

Respectfully submitted,

(Lorraine Zellers, Secretary)