

**RESOLUTION**  
**BY THE COMMISSIONERS OF THE CITY OF REHOBOTH BEACH**  
**PROPOSING THAT A PUBLIC HEARING BE HELD**  
**ON THE SUBJECT OF**  
**AMENDING THE REHOBOTH BEACH MUNICIPAL CODE, CHAPTER 270,**  
**SECTIONS 270-4 AND INSERTING A NEW SECTION 270-46.1.2 RELATING TO**  
**THE LOCATION, PLACEMENT, CONSTRUCTION, AND MAINTENANCE OF**  
**TOWER-BASED WIRELESS COMMUNICATIONS FACILITIES, NON-TOWER**  
**WIRELESS COMMUNICATIONS FACILITIES, AND SMALL WIRELESS**  
**COMMUNICATIONS FACILITIES,**  
**AND THE REGULATION OF SUCH FACILITIES**

**WHEREAS**, the Commissioners of the City of Rehoboth Beach have deemed it desirable to consider the question of whether to amend Chapter 270, Section 270-4, and insert a new Section 270-46.1 relating to the location, placement, construction and maintenance of tower-based wireless communications facilities, non-tower wireless communications facilities, and small wireless communications facilities, and the regulation of such facilities; and

**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**, Article X, Chapter 270, Section 270-88 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, in session met, this 19th day of July, 2019, that a public hearing shall be held pursuant to Article X, Chapter 270, Section 270-88 of the Municipal Code of the City of Rehoboth Beach on the 16th day of August, A.D. 2019, at 7:00 p.m., at the Rehoboth Beach City Hall Commissioners Room, 2<sup>nd</sup> Floor, 229 Rehoboth Avenue, Rehoboth Beach, Sussex County, Delaware, to consider the question of whether it is in the public interest to amend Chapter 270, Section 270-4, and insert a new Section 270-46.1 relating to the location, placement, construction and maintenance of tower-based wireless communications facilities, non-tower wireless communications facilities, and small wireless communications facilities, and the regulation of such facilities, as follows:



**SEE EXHIBIT A  
ORDINANCE TITLED:**

**AN ORDINANCE OF THE CITY OF REHOBOTH BEACH, SUSSEX COUNTY, DELAWARE; PROVIDING FOR THE AMENDMENT OF CHAPTER 270 OF THE REHOBOTH BEACH CITY CODE; PROVIDING FOR PURPOSES RELATED TO THE ADOPTION OF THE AMENDMENTS; PROVIDING FOR DEFINITIONS; ESTABLISHING CERTAIN GENERAL AND SPECIFIC STANDARDS RELATING TO THE LOCATION, PLACEMENT, CONSTRUCTION AND MAINTENANCE OF TOWER-BASED WIRELESS COMMUNICATIONS FACILITIES, NON-TOWER WIRELESS COMMUNICATIONS FACILITIES, AND SMALL WIRELESS COMMUNICATIONS FACILITIES; PROVIDING FURTHER FOR THE REGULATION OF SUCH WIRELESS COMMUNICATIONS FACILITIES WITHIN THE PUBLIC RIGHTS-OF-WAY AND OUTSIDE THE PUBLIC RIGHTS-OF-WAY; PROVIDING FOR THE ENFORCEMENT OF SAID REGULATIONS; AND PROVIDING FOR AN EFFECTIVE DATE.**



**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 15 days prior to said public hearing in an official paper or paper of general circulation in the City.

**BE IT FURTHER RESOLVED**, that the Ordinance to be considered at the August 16, 2019 public hearing, is subject to the pending ordinance doctrine and Section 270-84 of the Municipal Code of the City of Rehoboth Beach. Upon its introduction at the July 19, 2019 public meeting of the Mayor and Commissioners, the City's Building and Licensing Department shall thereafter reject any new application that is inconsistent with the amendments to Chapter 270 provided in the Ordinance until such time as the Mayor and

Commissioners take action on the Ordinance.

Adopted by the Commissioners  
of the City of Rehoboth Beach  
\_\_\_\_\_, 2019

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Secretary of the Commissioners of  
the City of Rehoboth Beach