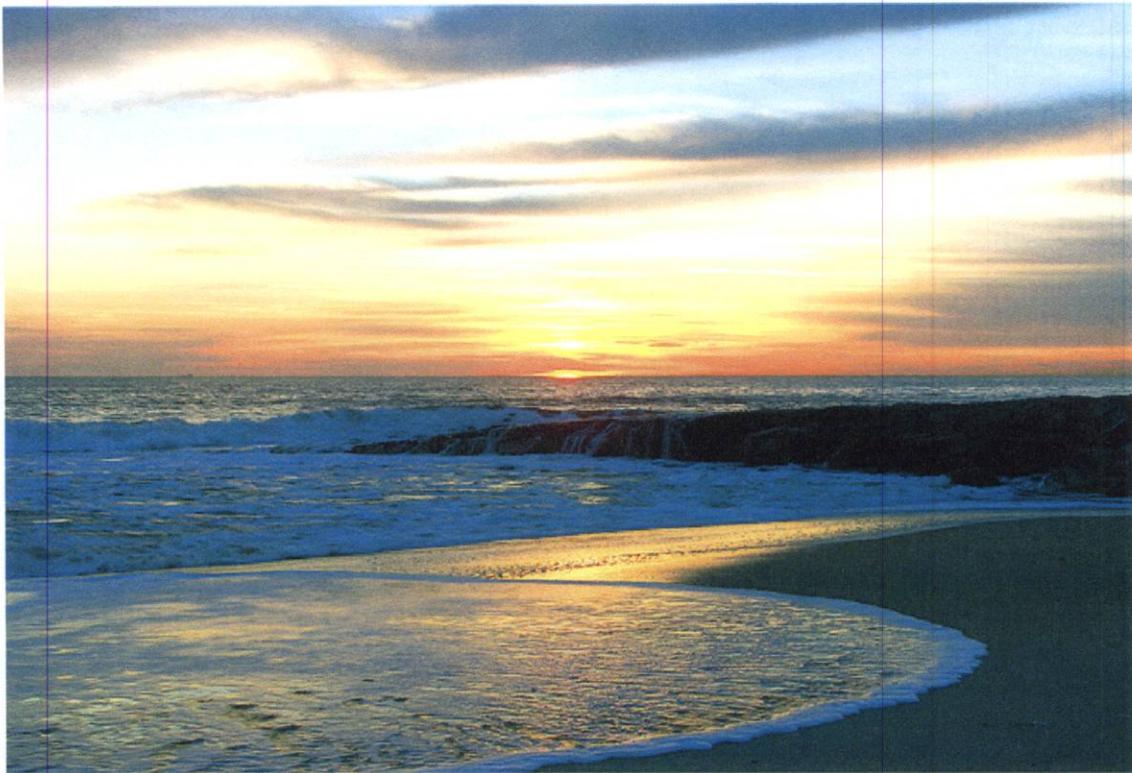


**2010
REHOBOTH BEACH
COMPREHENSIVE DEVELOPMENT PLAN**



Adopted April 30, 2010 by the
Mayor and Commissioners of the City of Rehoboth Beach

Certified July 23, 2010 by the
Office of State Planning Coordination
Constance C. Holland, AICP, Director



STATE OF DELAWARE

OFFICE OF THE GOVERNOR

TATNALL BUILDING, SECOND FLOOR
WILLIAM PENN STREET, DOVER, DE 19901

JACK A. MARKELL
GOVERNOR

PHONE: 302-744-4101
FAX: 302-739-2775

August 11, 2010

Samuel R. Cooper, Mayor
City of Rehoboth Beach
229 Rehoboth Avenue
P.O. Box C
Rehoboth Beach, DE 19971

RE: Certification of Comprehensive Plan

Dear Mayor Cooper:

I am pleased to inform you that as of July 23, 2010, per the recommendation of the Office of State Planning Coordination, the comprehensive plan for the City of Rehoboth Beach is hereby certified provided no major changes to the plan are enacted. The certification signifies that the comprehensive plan complies with the requirements of Delaware Code Title 22, Section 702.

I would like to thank the City for working with the State to incorporate our comments before adoption. We look forward to working with the City of Rehoboth Beach as you implement your plan.

Once again, congratulations on your certification.

Sincerely,

Jack A. Markell
Governor

RECEIVED

AUG 12 2010

CITY MANAGER'S OFFICE

The Authority of the Comprehensive Development Plan

The Mayor and Commissioners find that the 2010 Comprehensive Development Plan amply meets our obligation to Delaware “to encourage the most appropriate uses of the physical and fiscal resources of the municipality and the coordination of municipal growth, development, and infrastructure investment actions with those of other municipalities, counties, and the State through a process of municipal comprehensive planning.” We also find that the Plan’s most critical element is its Vision of the City of Rehoboth Beach. All of the goals, policies, and actions in the Plan flow from the Vision as means to move from where we are today to where we want to be in 15 or 20 years. Clearly, some steps are of higher priority than others and, just as clearly, some steps are easy and straightforward while others are more uncertain and require further community dialog and background effort. For example, while the zoning policies adopted in this Plan are required to be carried out by the City and while no development shall be permitted except as consistent with the Plan, all other policy and action recommendations are not considered mandatory, but instead are to be viewed as concepts for consideration and review by current and future decision-makers. The Plan and its Vision invite reflection, examination, and understanding, not automatic conformance.

We adopt the 2010 Plan as a management document that will serve as key input for government decision-making and help guide the public and private sectors, working together in new and old patterns and organizations, toward successful maintenance of Rehoboth’s invaluable natural and human resources.

Acknowledgements

The State of Delaware requires that each municipality prepare a comprehensive development plan and that the Plan be reviewed and updated every five years. Plan preparation and revision is the responsibility of the Rehoboth Beach Planning Commission, a group of citizen volunteers with an interest in and long-term commitment to discover the most appropriate uses of the physical and fiscal resources of their community and to coordinate those uses with surrounding jurisdictions. The Planning Commission members who shared in the creation of this Plan are Patrick Gossett, Joanne Hess, Jan Konesey, Preston Littleton, Nancy Meadows, David Mellen, Harvey Shulman, and Timothy Spies. The citizens of Rehoboth Beach and the Mayor and Commissioners congratulate them for their accomplishment and their perseverance on behalf of our City.

The Planning Commission’s charge was to present to the Mayor and Commissioners a municipal development strategy setting forth a community position on population and housing growth, expansion of boundaries, development of adjacent areas, redevelopment potential, community character, the general uses of land, and critical community development and infrastructure issues. To develop these elements, the Planning Commission chose, as it has in the past, to rely on the efforts and ideas of its residents and property owners. It gathered data, debated issues and possible solutions, and, through workshops and public hearings, sought widespread community input and advice. The results were a broad group of participants who shared the complexity and excitement of thinking about the future of their town, dozens of provocative ideas and directions, and, finally, a “home-grown” Plan to be reviewed and, if found worthy, adopted by the decision-makers of Rehoboth Beach.

The Mayor and Commissioners of the City of Rehoboth Beach wish to extend their thanks and appreciation to the hundreds of residents and dozens of local organizations that contributed to the preparation of the City’s 2010 Comprehensive Development Plan. Their dedication over the past two years underscores a fundamental decision by the citizens of Rehoboth Beach -- they are proud of their City and will continue to work toward an affirmative vision of its future.

MEMORANDUM

TO: Mayor and Commissioners of the City of Rehoboth Beach
FROM: Planning Commission, City of Rehoboth Beach
SUBJECT: 2009 Rehoboth Beach Comprehensive Development Plan (CDP).
DATE: December 11, 2009

The Planning Commission is pleased to convey to you the approved DRAFT 2009 Rehoboth Beach Comprehensive Development Plan (CDP). In consultation with the Mayor, we delayed formally forwarding the approved draft Plan until the several maps could be prepared and included with this transmittal.

The Planning Commission began the Comprehensive Development Plan revision process on May 14, 2007 and continued working at each of its monthly sessions until the final draft was approved unanimously by the Commission on September 11, 2009.* Additionally, the Planning Commission used all means possible to inform and solicit input from the public and Rehoboth organizations including direct mailings, newspaper announcements, asking Rehoboth organizations to inform their members, and posting information and updates on the City's website. During this period, nine day-long public workshops were held and attended by 63 members of the public, special input was requested from guest speakers, public comment was solicited from individuals attending these workshops and the regular monthly Planning Commission meetings, and written comments and suggestions were sought and accepted up until July 22, 2009 when the public comment period ended. Invaluable assistance was provided by the expert planning consultant who worked with the Commission throughout the process and significant matching-grant financial support was provided by the State.

Individual Planning Commission members met regularly with Rehoboth citizens and members of the business community to gain input on various segments of the Plan. A working draft of the Plan and its draft Executive Summary were released by the Planning Commission in January 2009, copies posted on the City's website, and a five-month public review and comment period initiated. The Commission contacted all known Rehoboth organizations to both inform them/their members of the availability of the working drafts and to offer to meet with them to discuss the draft and seek further input. This invitation was accepted by, and members of the Planning Commission met with, the following civic organizations: Rehoboth Beach Homeowners Association, Rehoboth Beach-Dewey Chamber of Commerce, Country Club Estates Property Owners Association, Rehoboth Beach Main Street, CAMP Rehoboth, Rehoboth Art League, and the Rehoboth Beach Historical Society. A Power Point presentation was prepared and used at these meetings and a handout that included a copy of the draft Executive Summary distributed.

Additionally, the Commission conducted two Public Information Sessions, in May and June, 2009, and a formal Public Hearing was held on Saturday, July 18, 2009. These meetings were advertised via print and electronic media and, to further inform Rehoboth residents, a postcard was mailed to all individuals on the City's tax records. To ensure open input, the Public Hearing was conducted by a facilitator who had had no prior knowledge of or involvement in the CDP update. These meetings were attended by 41 members of the public.

In summary, hundreds of individuals participated in the various meetings, workshops, and hearings during the Planning Commission's review and update of the CDP and over 140 written comments were received.

To assist the Board of Commissioners and the public in its review of this final draft of the 2009 CDP, Chapter 2 contains the Executive Summary in its entirety, and each of the "action chapters", Chapters 5 to 9, begin with a synoptic list of goals and priority action recommendations.

The Planning Commission wishes to make special note that in the course of this over 2-year update period that a fundamental finding was that the citizens of Rehoboth Beach, be they full-time or part-time, are proud of their City and continue to endorse the vision for its future. There is recognition that it would not be the City that it is today without the efforts and contributions of past and current elected and appointed leaders, community organizations and volunteers, and a dedicated and hard-working staff. In forwarding this updated Plan, the Planning Commission believes, as it stated in the Plan, that it will continue to serve as the basis for decision-making at all levels of government and will guide the public and private sectors, working together in new and old patterns and organizations, toward successful maintenance of Rehoboth's invaluable natural and human resources.

The Planning Commission looks forward to working with the Board of Commissioners and to the prompt passage of a CDP which charts the best course for the future of Rehoboth Beach.

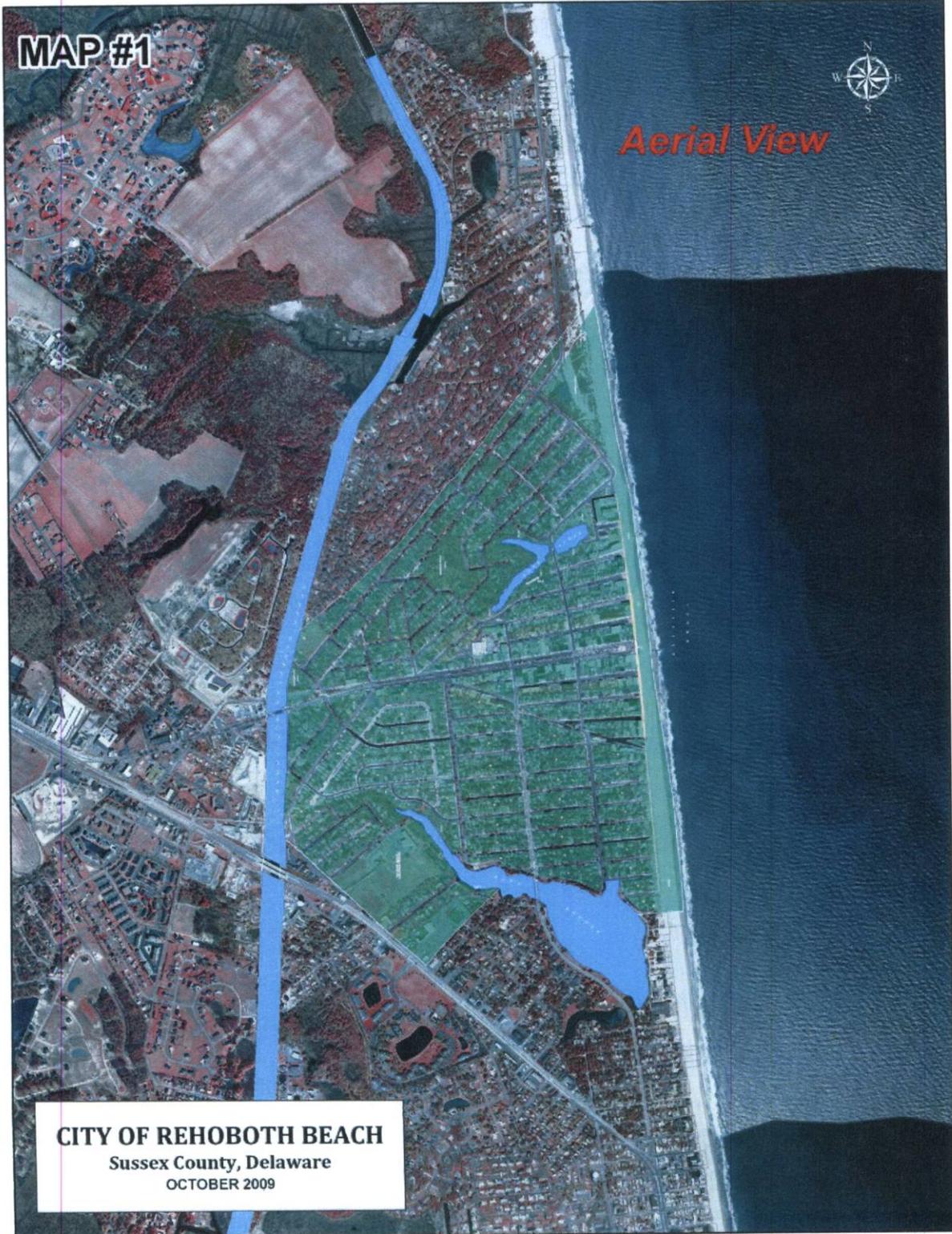
* Since there was a change in membership on the Planning Commission during the period that the Commission was undertaking this update of the Comprehensive Development Plan, it is important to acknowledge all the following commissioners who contributed to its development during their tenure: Patrick Gossett, Joanne Hess, Jan Konesey, Preston Littleton, Nancy Meadows, David Mellen, Harvey Shulman, and Timothy Spies.

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Appendix A Annexation Procedures

1.0 INTRODUCTION



1.1 Purpose

The Comprehensive Development Plan is the principal document outlining the City of Rehoboth Beach's goals and policies regarding the use of land. It has been designed as a policy and action statement that should remain valid in the face of change over the years. Properly used, the Plan is the basis for decision-making at all levels of government and will guide the public and private sectors toward beneficial activities affecting its people and land.

This Plan has several specific purposes:

- Create a unified set of goals for change and development within and surrounding the City.
- Become the central source of guidance on proposed public activities by coordinating them to ensure that each contributes to the adopted goals.
- Apply the individual tools of planning within the framework of an overall plan so that regulation is not arbitrarily applied.
- Guide private land use decisions by providing information on the overall direction of the community.
- Provide analysis and policies that will allow assimilation of the unexpected to the City's advantage, turning problem into opportunity.
- Preserve the more fragile among desirable land use arrangements and harmonize the sometimes conflicting desires of preserving an asset and using it.

And the final purpose is to...

- Help Rehoboth Beach operate as a "citizen" of Delaware by adopting and following the Land Use Goals for Delaware.

In 1999, the Delaware Cabinet Committee on State Planning Issues approved the "Strategies for State Policies and Spending" which included an updated set of eleven Land Use Goals for Delaware:

- Direct investment and future development to existing communities, urban concentrations, and growth areas.
- Protect important farmlands and critical natural resource areas.
- Improve housing quality, variety, and affordability for all income groups.
- Ensure objective measurement of long-term community effects of land use policies and infrastructure investments.
- Streamline regulatory processes and provide flexible incentives and disincentives to encourage growth in desired areas.
- Encourage redevelopment and improve livability of existing communities and urban areas, and guide new employment into underused commercial and industrial sites.
- Provide high quality employment opportunities for citizens with various skill levels to retain and attract a diverse economic base.
- Protect the state's water supplies, open spaces, farmlands, and communities by encouraging revitalization of existing water and wastewater systems and the construction of new systems.
- Promote mobility for people and goods through a balanced system of transportation options.
- Improve access to educational opportunities, health care, and human services for all Delawareans.

- Coordinate public policy planning and decisions among state, counties and municipalities.

These goals are endorsed by Rehoboth Beach as effective guidance for State investment decisions to promote efficient development patterns, protect agriculture and open space, discourage sprawl, and communicate with local governments on land use matters.

In 2004, Delaware conducted a scheduled five-year update to the Strategies and added new emphasis on coordinating State and local government activities relating to land use and development through plan certification and the Preliminary Land Use Services (PLUS) system for review of development projects; clarifying locations where growth is allowed or not allowed; more effectively planning infrastructure investments by ensuring that towns, counties and the State are collectively involved in the infrastructure planning process and that existing infrastructure is utilized before new infrastructure is constructed; improving housing choice by using properly designed compact development; planning, designing, and investing in our “green” infrastructure; thoroughly involving citizens in comprehensive plan preparation; and promoting sustainable jobs in the “New Economy.” Each of these strategies is addressed at a local scale in Rehoboth’s 2009 Comprehensive Development Plan.

This Plan supports the “Livable Delaware” goals, the updated State Strategies, and particularly appreciates the emphasis placed on government coordination and oversight. It also recognizes that those goals with land use and critical natural resource implications, i.e. the inland bays, the ocean, and water quality, are particularly important to Rehoboth Beach. With its very limited land area, transportation access opportunities, and vacant land, as well as the importance of its surrounding waterways, Rehoboth is disproportionately impacted by land use and transportation decisions made by other jurisdictions. The very success of local decisions in Rehoboth have attracted development on its edges whose long-term environmental, financial, and transportation impacts are unexamined and potentially detrimental to the quality of life of residents, visitors, and the community as a whole.

At the same time, Rehoboth can make better decisions about its own future. The critical element of this Plan is the Vision of the City of Rehoboth Beach. All of the goals, policies, and actions flow from this Vision as the means to move from where we are today to where we want to be in 15 or 20 years. Clearly, some steps are of higher priority than others and, just as clearly, some steps are easy and straightforward while others are more uncertain and require further community dialog and background effort. The Vision invites reflection, examination, and understanding.

The Comprehensive Development Plan provides the policy framework for making choices about growth, change, and preservation. With its adoption, all citizens will be aware of the fundamental background against which decisions will be made. Each choice about the overall health and well-being of Rehoboth will not have to be made anew if this Plan is adopted and used as an accepted basis for decision-making. The 2009 Plan is the single, comprehensive source of information and direction about the future growth and management of Rehoboth Beach.

1.2 Procedure and Authority

The State of Delaware requires that each municipality prepare a comprehensive development plan and that the Plan be reviewed and updated every five years. Plan preparation and revision is the responsibility of the Rehoboth Beach Planning Commission, a group of citizen volunteers with an interest in and long-term commitment to discovering the most appropriate uses of the

physical and fiscal resources of their community and coordinating those uses with surrounding jurisdictions. In carrying out its responsibilities, the Planning Commission has chosen, once again, to base this update on the efforts and ideas of its residents and property owners. To develop the 2009 Plan, the Planning Commission gathered data, debated issues and possible solutions, and, through workshops and public hearings, sought widespread community input and advice. All of Rehoboth's planning efforts have been "home-grown" and have taught their many contributors the complexity and excitement of thinking about the future and moving ideas through the political framework.

Because the 1996 Plan was the first comprehensive look at Rehoboth in many years, it was careful to spell out a series of "visions" for the City as well as dozens of specific actions to be taken to achieve those visions. Happily, many of the recommended actions have been accomplished. Chief among them was the establishment of a thriving "Main Street" organization and the successful creation and funding of a downtown development plan. Other initiatives failed – most dramatically, the attempt to revamp the zoning ordinance for better preservation of residential design character. However, the first Plan update in 2004 placed new emphasis on the built character of Rehoboth and led to creation of an Architectural Review Board Task Force which recommended in 2007 that an architectural review process be established by the City that seeks to ensure compatibility with the surrounding properties, the streetscape, the neighborhood, and the City.

The 2004 Plan also issued successful calls for the cleanup and protection of Lake Gerar, the creation of a tree ordinance, changes in the zoning code to better ensure that appropriate size homes will be built on Rehoboth's traditional small 50x100 foot lots, new set-back requirements that included incentives for front porches, better control of residential development in commercially zoned areas, beach replenishment and sea grass planting, several rezonings, and many other action areas. The successes of the 2004 Plan will be noted throughout this 2009 revision. Lack of progress will also be noted, particularly in the areas of updating the City Codes, traffic and pedestrian management, and cooperative planning with Sussex County.

1.3 New Requirements and New Approaches

Notwithstanding the State mandate to review and update the Plan every five years, the City's successes and setbacks, as well as economic and social change in the five years since 2004, also call for a review of the Plan to find if its provisions are still relevant to new conditions. This Plan is the product of that review. It was prepared with important contributions from individual citizens and organizations.

The Planning Commission began the Plan revision in June 2007 and continued working at each of its monthly sessions and special all-day public workshops until a first draft was approved in February 2009 and made available for public review and comment. Eleven Planning Commission meetings and workshops were devoted to the draft, special input was requested from guest speakers, and public comment was solicited from individuals, property and business owners, and organizations attending the regular meetings and the workshops. Individual Planning Commission members also met directly with property and business owners and organizations throughout the process to gain input on various segments of the Plan.

A copy of the first draft of the Plan and Executive Summary was published on the City's website in February 2009, printed copies were made available to the public, and a Power Point presentation was prepared. A number of meetings were subsequently held to inform and seek input from the public and Rehoboth organizations. Organizations included the Rehoboth Beach Homeowners Association, the Rehoboth Beach Historical Society, Country Club Estates

Property Owners Association, Chamber of Commerce, CAMP Rehoboth, Main Street, and the Art League. Using the City's mailing list, a special notice was sent to all citizens informing them of the availability of the draft plan and the dates of two Public Information Sessions and the Public Hearing on the Plan. Following the close of the public comment period on July 23, 2009, the Planning Commission re-drafted the Plan taking into account the input received.

Delaware requires that a comprehensive development plan contain, at a minimum, "a municipal development strategy setting forth the jurisdiction's position on population and housing growth within the jurisdiction, expansion of its boundaries, development of adjacent areas, redevelopment potential, community character, and the general uses of land within the community, and critical community development and infrastructure issues. The comprehensive planning process shall demonstrate coordination with other municipalities, the county and the State during plan preparation."

Since the 2004 Plan, Delaware has added new planning requirements for its municipalities. New items to be addressed by Rehoboth Beach include:

- A Water and Wastewater Plan including "policies, statements, goals, planning components, and a map which serve to define any critical infrastructure issues and describe the future enhancements and expansion of these systems to serve current and future growth areas."
- An Intergovernmental Coordination strategy including a description of the "municipality's relationship with other government jurisdictions and state agencies, and specify strategies for improving those relationships."
- A response to the Wellhead Protection Program.

In acknowledgment of successfully meeting these requirements, Delaware confers the Plan with a special standing..."After a comprehensive plan or portion thereof has been adopted by the municipality in accordance to this chapter, the comprehensive plan shall have the force of law and no development shall be permitted except as consistent with the plan" (from §702(d), Title 22, Delaware Code). This status places a particular burden on the writers of the plan and the elected officials considering its adoption. The provisions of the plan define the stage for future growth and change – zoning, subdivision regulations, code enforcement, and infrastructure investment follow and implement the plan. This means that the plan must speak in a clear and strong voice to every citizen, administrator, and official of Rehoboth.

2.0 EXECUTIVE SUMMARY

A Call for Action

Cities and regions that thrive in the 21st Century will be identified by their lively neighborhoods and business districts, cultural and recreational attractions, great sense of place, protected natural areas, and pride in local character and products. In the down economy that is now gripping our country, it is tempting to cut back on planning and caring for our communities, thinking it is frivolous in the face of foreclosures and lost jobs. But disregarding the fundamental idea of thinking about the future in the name of thrift can create a downward spiral that causes a local economy to lose its edge and its citizens to lose their interest.

The current slowdown in development offers the perfect occasion to revisit our community's values, do some visionary thinking about where we want to go, and set our own course instead of being driven by outside development and political forces. Success in the future will probably not be defined in terms of an ever expanding Gross National Product. Instead, we must learn to live better with less, by focusing on creating great communities and emphasizing quality over quantity – quality of life, place, environment, and society. Investing in the culture and character of our community will assure that the quality of Rehoboth Beach will rise even if the national economy continues to fall.

Now is the time to plan for the next twenty years, build on our achievements, and search for new opportunities. Our 2004 Plan brought many successes in environmental protection, residential preservation, and continued the groundwork for the renewal of Rehoboth Avenue and its businesses. This was achieved through an open collaborative planning process with the citizens of Rehoboth Beach. To flourish in the coming years, we must increase this collaboration and form even more community partnerships. Only its citizens, be they full or part-time residents and/or business people, can assure that Rehoboth Beach remains a comfortable, small town and an active, prosperous resort. Only its citizens can keep these seemingly opposing aims in mind and build a place of natural beauty and intense activity as well as a place of stability for its residents and a community of opportunity for its businesses.

Rehoboth Beach is now and will remain a town within a town. It has two sets of active users--residents and visitors. It has two physical identities -- residential community and resort. And it has two levels of municipal service -- local and regional. Maintaining balance among these various identities is a continuing challenge of managing traffic, parking, oceanfront land use, municipal service, business stability, commercial and neighborhood appearance, and governance. Rehoboth Beach will achieve this balance by using the Comprehensive Development Plan to give constant attention to the long-term foundations of our community – the ocean, beach, and waterways; the parks; the residential and commercial neighborhoods, the transportation network; and our public and private services.

Rehoboth's 2009 Comprehensive Development Plan puts forth dozens of interrelated ideas to move our community toward its vision of the future. Given the nature of bringing about change in our city and in acknowledgement of the new realities of our economic climate, the Plan cannot suggest that carrying out its recommendations falls to the traditional parties – its elected and appointed leaders and its boards, commissions, and committees. The time when a few could shoulder the responsibility for all has passed with the days of easy credit and massive leverage. To be sure, this Plan calls for increased partnerships among the City, its many organizations, and its citizens but this call can too easily be laid aside in the name of relying on

experience and practical expediency. We must not let this occur – leadership and financial support need not come solely from conventional sources and we should look to new ways to deal with our issues and their solutions.

The 2009 Comprehensive Development Plan focuses on four key areas:

Focus: Stewardship of our natural resources and the unique environmental demands of a coastal community.

One of the strongest themes found in the public workshops was the need to set a “green” tone for the 2009 CDP. One of the major opportunities in previous Plans was commercial revitalization, one of the main opportunities of this Plan is to give more emphasis to correcting environmental problems, understanding the environmental impacts of change, and promoting environmentally responsible construction and development practices.

Overall, a very high priority is given to “everything related to health of our waterbodies” including stormwater management, wastewater effluent treatment and discharges, buffer zones around the lakes, dune protection, green architecture, protection of our urban forest, and management of developments outside of the City that impact our aquifers and water quality,

This Plan issues an important first call to install a City-wide stormwater management system. Such a system should include runoff quality control retrofits to the existing system, solutions that curtail as much urban runoff as possible and redirect the remainder into the soil, consideration of new regulations to control runoff from individual lots, and City enforcement of its own state-of-the-art stormwater management ordinances. Dewey Beach, Sussex County, and the State are asked to partner in developing these plans and commit to their share of the costs. Rehoboth is within the "environmentally sensitive development areas" established by Sussex County, so everyone has an impact and should participate.

If we allow a lessening of the scenic and natural qualities of Rehoboth, we weaken our ability to attract new residents and visitors and undermine our capacity to build a strong, sustainable economy.

Priority Actions:

- Select and fund a wastewater discharge method.
- Install uniform wayfinding signage for the oceanfront and the facilities supporting use of the oceanfront.
- Begin Silver Lake recovery using buffer planting, dredging, and regulatory buffer zones.
- Continue to refurbish the Boardwalk and continue regular beach replenishment.
- Prepare a City-wide stormwater management plan.
- Investigate a City policy of requiring that all municipal facilities, City-funded projects, and City infrastructure projects be constructed, renovated, operated, maintained, and deconstructed using Green Building, Low Impact Development, and Conservation Landscaping principles and practices.

Focus: The City's resource and service capacities and the demands placed by residents and visitors.

Comments were offered during preparation of the Plan suggesting that Rehoboth was losing residents because of a lack of "community." Community was defined in this regard as more than the popular image of beach and Boardwalk, it was provision of local shopping for everyday needs; support for the elderly; availability of more suitable, more affordable housing for employees; mixed use developments that include housing to compete with the projects along SR1; and better harnessing of technology by the City so that all segments of Rehoboth are served.

This definition of community calls for a better understanding of how Rehoboth Beach "works." For example, as Rehoboth's population changes (e.g. more retirees, more permanent residents) what impacts may be expected on social services, on a tourist-based economy, and on the blend of housing types required? Do ways need to be found to either decrease the burden on Rehoboth's infrastructure from "day visitors" or gain revenue from these visitors to support the expense of our infrastructure and, at the same time, benefit local businesses? In other words, what is the price to enjoy Rehoboth Beach?

Several spending priorities are called for by this Plan and, taken as a whole, they form the basis for a short-range Capital Improvement Program (CIP) which identifies capital projects and equipment purchases, a schedule, and financing options. As the suggested actions are moved from the Plan to active community consideration, their impacts and interrelationships must be examined. For example: How would a Canal Park and water taxi impact transportation access? What is the cost for policing, lighting, and trash pickup? What is the appropriate timing for such a project? These are the types of questions that must be asked in preparation of a Capital Improvement Program where dozens of projects are examined alongside each other, priced, ranked, and timed.

A draft and unofficial CIP was prepared by the City in 2008 to gain an initial understanding of the magnitude of capital outlays to 2013 as seen by the heads of City departments. This is an excellent beginning and future preparation of such a document should require extensive community involvement to generate ideas and priorities but also to gain access to the wisdom and professional experience of Rehoboth's residents. This is even truer in times of economic uncertainty. The process of developing a CIP must tap into the skills and resourcefulness of motivated citizens removed from, but aware of, the political consequences of proposing spending plans for government. An effective CIP process will develop a course of action from the bottom up and make use of the human "capital" of Rehoboth Beach.

Community partnerships offer the best way forward. To succeed, all projects must become working partnerships with the people of Rehoboth and their organizations e.g. SOLA-3, Main Street, the Chamber of Commerce, the Historical Society, the Village Improvement Association, the several local service organizations, homeowner's associations, etc. Creating a community consensus around economic development, workforce housing, and the many other issues will ultimately speed up action and attract more partners, funders, and the help of individuals who want to be part of the Plan. Too often citizens are treated as rivals. If we are to maintain our town as a great place to live and visit, then we need to build upon a vision of the future that is shared by all.

Priority Actions:

- With Main Street and the Chamber of Commerce, encourage and assist interested property owners in the creative redevelopment of properties on Rehoboth Avenue and its connecting streets.
- Establish a Canal Park along the entire western boundary of the City and, in collaboration with its neighboring jurisdictions, the City will work with federal and State agencies to ensure the maintenance, bank stability, and navigability of the Lewes and Rehoboth Canal.
- Plant and maintain curbside trees on all side-walked streets within the City and assure the connectivity and “walkability” of all sidewalks.
- Prepare a Community Forest Plan designed to increase public support and public involvement, make the best use of available land, promote the best technical forestry practices, increase afforestation efforts, reduce undesirable and invasive species, and secure the long-term management of its urban forest.
- Prepare a long range development, renovation, and maintenance plan for Rehoboth’s parks and recreation spaces.
- The City will refine and communicate its capital needs through preparation of a Capital Improvement Program.

Focus: The continued residential ambiance, resort attractiveness, and favorable business climate of the City.

This focus speaks to the “character” of Rehoboth Beach and a comment from a Workshop attendee captures its fragility: “Residents place the highest value on the current character of the City and the most discordant note in that character is traffic and automobiles. Increasing traffic should not be an invariable truth, we should not facilitate the automobile. Let’s think of a series of circulation measures to return Rehoboth Beach to a walkable community. Let’s change the paradigm and dictate our terms to our visitors, not the other way around.” The idea of weaving Rehoboth together in a different manner recalls a different time, maybe when high tea was available at the Carleton Hotel, or a time when “walkable, bikeable, pedestrian-friendly” weren’t parts of our vocabulary, or a time when Rehoboth was a destination vastly different from home but very familiar anyway, or, finally, a time when our town wasn’t viewed by some frustrated travelers as just another roadblock on the way to the beach.

Although the City is laid out in a way to make walking and biking feasible, our current policies and their enforcement do not encourage it. We need to find ways to make this vision a reality. Can we develop some visionary goals regarding Rehoboth as a special place for walking and cycling in terms of its street designs, its external and internal connections, and its non-auto preferences? Can we make sure that our roads and walks take people where they actually want to go? Can we make sure that people have a variety of transportation options – bus, tram, car, bicycle, etc. - to reach their destination?

Yes, we can take over the streets. Streets are the most prominent and prevalent public space next to our beach, and making them more pedestrian-friendly is the closest thing we have to a silver bullet for improvement. A walkable downtown Rehoboth and pedestrian-oriented neighborhoods will quickly become magnets for enhanced public life and economic expansion

that will enrich our community in several ways at the same time. Transportation budgets are one of the best tools we have for making positive change now that DeIDOT and the federal government understand that street projects have to benefit people as much as automobiles. These projects, much like the Rehoboth Avenue streetscape, should be planned and waiting on the shelf when funding assistance is available.

Priority Actions:

- Develop clear, well-defined, publicly supported policies for traffic management based on the following principles:
 - (1) Access for people should not be inhibited; rather access by people must be increased while traffic is decreased. In other words, Rehoboth will accept more people, it will not accept more cars.
 - (2) Rehoboth is essentially built-out; traffic management must rely on improving connections within and without the City and improving knowledge and acceptance of how to use the connections.
 - (3) The overall aim of traffic management in Rehoboth is to get cars off the streets and let people use alternate means of moving about the City such as walking, biking, and shuttle services.
- Adopt a “Complete Streets” policy to assure that as opportunities to revamp streets occur such streets are designed and operated to enable safe access for all users and connected in a City-wide integrated network.
- A Plan will be prepared defining City-wide alignments for a connected bikeway system.
- The Emergency Operations Plan should be adopted and the appendices that spell out specific responses to public emergencies should be completed, kept updated, widely publicized, and made readily available.
- Explore the creation, possibly as a public-private joint venture, of a water taxi connection with Lewes.

Focus: Planning for physical and functional change in Rehoboth.

This is a dynamic target for the City; traffic waxes and wanes, property owners seek new and creative ways to use their property, and development in the County pushes and pulls at the resources of Rehoboth. Responding to these pressures is a matter of up-to-date development ordinances, growth management tools that are flexible and responsive, and, very importantly, a working relationship with the State and the County that allows open discussion of all concerns and opportunities, a means of reaching consensus, and a means of carrying out joint decisions about growth. Managing change will require developing a new attitude toward the benefits of urban planning and an expanded capacity to perform urban planning within City government. Planning should not occur once every five years with a Comprehensive Plan update. It can and should occur on a daily basis.

Key areas for physical change are our downtown commercial streets - Wilmington, Baltimore, and First. To avoid outsized and inappropriate development that can crush the fine-grained urban fabric that makes downtown Rehoboth attractive in the first place, a “design image” is

proposed to be developed for these areas that would describe an architectural and street character in drawings and models to be used as a source of ideas when individual properties are improved. The design image is an excellent opportunity to bring the business community, the downtown property owners, and interested residents together in common cause.

Priority Actions:

- Adopt the Official Zoning Map
- Conclude an agreement on the rezoning of the school property that preserves its essential open space and recreation functions.
- Thorough enforcement of the vacation rental housing regulations, health and safety inspections, and licensure.
- Institute an architectural review procedure as a limited time pilot program within the normal permitting process. Acceptance of the recommendations of architectural review will be voluntary during this period.
- Examine establishing a mixed use zone allowing a blend of residential and nonresidential uses as a means of encouraging the development and redevelopment of selected commercial areas along major commercial streets.
- Study how to physically upgrade the first two blocks of Baltimore and Wilmington Avenues and First Street to improve their commercial viability, safety, ambiance, and access by pedestrians. Include creation of a “design image” that would describe an architectural character for each block to be used as a source of ideas for owners when individual properties are modified.
- Undertake a thorough review of all development regulations not only for opportunities to streamline but for clarity and consistency with this Plan.

The full 2009 Comprehensive Development Plan addresses these and related issues in much more detail and provides background and rationale for the use of land in Rehoboth Beach into the future. It is designed as a policy and action statement that should remain valid in the face of change over the years by describing a set of visions and recommending specific actions to achieve these visions. Properly used, the Plan is the basis for decision-making at all levels of government and will guide the public and private sectors, working together in new and old patterns and organizations, toward successful maintenance of Rehoboth’s invaluable natural and human resources.

3.0 THE SETTING



3.1 Local History

Rehoboth Beach traces its development as a summer resort to 1872, when a group of Wilmington Methodists agreed to establish a camp meeting ground and religious resort on the model of Ocean Grove, New Jersey. The following year, the Association purchased 414 acres on the coast and laid out meeting grounds, streets, and lots. The "Rehoboth Camp Meeting Association of the Methodist Episcopal Church" was formally established on January 27, 1873, and camp meetings began to be held the following summer. Small frame houses called "tents" were built surrounding a central tabernacle. Two hotels, the Surf and the Bright, were constructed to serve the influx of camp goers; a post office was opened, and a Boardwalk was built.

As more and more summer visitors took an interest in visiting the Rehoboth Camp Meeting Grounds, the activities there commenced to take on a more secular flavor rather than a religious one. The nearest railroad station was six miles away at Lewes, however, and the relative inaccessibility of the area restrained growth. This situation changed in 1878 when the Junction and Breakwater Railroad began passenger and freight service to Rehoboth and constructed a depot on the west side of town. The Henlopen Hotel was built in 1879, providing additional accommodations for rail-borne vacationers. By 1881, camp meetings were discontinued, but were renewed by local Methodists in the 1890's and continued until the early 1900's.

Rail service to the resort was enhanced in 1884 by the extension of the main line to the east along Rehoboth Avenue, bringing it within a few hundred feet of the shoreline, and the construction of a spur to the south, ending at the junction of Philadelphia Street and Laurel Avenue where it served various commercial enterprises including a concrete block factory and a fish pond.

By the end of the 1880's, three leading figures of the resort realized that a more regular form of government was needed and they petitioned the State's General Assembly for a new charter. On March 19, 1891, the General Assembly agreed and repealed the former charter of the Camp Meeting Association (and of its successor, the Rehoboth Beach Association). A new charter was issued, establishing the area that had comprised the camp meeting grounds as an incorporated municipality. Its central purpose was stated as "the providing and maintaining of a permanent seaside resort, and to furnish the necessary and proper conveniences and attractions requisite to the success of same."

The turn of the Twentieth Century saw numerous public improvements in the community. The Lewes-Rehoboth Canal project promised to improve freight transportation in the area. Telephone service was started in 1899, gas lighting was authorized in 1905, and electric service initiated three years later. The first beach concessions were opened in 1903, the year the town elected its first mayor. The town hall was built in 1906, and the fire company was organized the same year. The public school opened in 1901 and received a new building in 1908. By 1913,

public water was available in Rehoboth.

A fire in 1913 devastated parts of Rehoboth and Baltimore avenues, destroying a church, ten houses, two stores, a four-story hotel, and a barn. The following year a storm washed out Surf Avenue and destroyed the Boardwalk, pier, and pavilions. Surf Avenue was subsequently abandoned from Lake Avenue south to Laurel Street (at that time the southern border of the city limits) by an act of the State legislature in March, 1915, and by the City in April, 1915.

The City's residential area expanded in the 1920's (coinciding with the achievement of effective control of mosquitoes). In 1923, 150 acres of farmland adjacent to the City limits on the south was developed as a residential subdivision called Rehoboth Heights. This property became part of an annexation in 1926 which increased the City's boundaries south to Silver Lake. Rehoboth's substantial growth during the 1920's is attributable largely to road improvements which made the resort more readily accessible to tourists. The City was linked to the concrete road leading to Georgetown by means of a drawbridge in 1925. The streets within the town were first paved in 1927; in the same year, the railroad spur to Laurel Avenue was discontinued, reflecting the increasing ascendancy of motor transportation. Passenger rail service was abandoned the following year. The replica lighthouse was moved to Rehoboth Avenue in 1928, completely rebuilt in 1996, and moved to its present location in the new traffic circle as part of the recent Rehoboth Avenue improvements. Between 1928 and 1931, roads were constructed which linked Rehoboth with the newly-completed DuPont Highway. The effect this had on the resort community is reflected in the population figures. In 1922, Rehoboth had 690 winter and 4,500 summer residents. By 1931, these numbers had grown to 795 winter and 6,000 summer residents. Six years later, the City boasted 912 winter residents and its summer population tripled to 18,000. School construction began in 1939 and classes started in 1940. In 1959, the second school opened. A storm destroyed the Boardwalk and some oceanfront property in 1962. The Town Hall was dedicated in 1965. In 1969, the City of Rehoboth Beach once again expanded its borders by annexing the Schoolview neighborhood. Around 1950, this property was purchased and had developed in response to the building boom that took place after World War II. In the late 1960s, the Country Club Estates subdivision was developed on land that had previously been the Rehoboth Beach Country Club and golf course. The Anna Hazzard Museum opened in 1976, the library moved to its present site in 1985 and an extensive renovation was completed in 2000. The railroad station was moved to its current location in 1987 and, in 1988, the City received its first award as a Tree City, USA. The Boardwalk was again destroyed by a storm in 1992. Beginning in 2004, Rehoboth Avenue was completely redesigned and reconstructed. These improvements followed the recommendations of the 2004 CDP and included underground utilities, a new bandstand, wider sidewalks, and reconfigured travel lanes, parking, landscaping, and lighting.

[Sources: Sarah L. Burks and Kristi L. Guessing, "Rehoboth Beach, Sussex County, Delaware: Architectural Survey Report," August, 1994; and Steven H. Moffson, "Architectural Survey of Rehoboth Beach," 1990. Both manuscripts are on file at the Delaware State Historic Preservation Office, Dover, Delaware. This overview also incorporates the comments and contributions of Warren MacDonald, President, Rehoboth Beach Historical Society.]

3.2 Local Population and Housing

According to the 2000 Census, Rehoboth Beach had 1,495 full-time residents. Census estimates for July, 2006, show a full-time population of 1,554, an increase of 59 residents. The median age in 2000 was 57 (a drop from a median age of 59 in 1990). Nearly 45% of these residents are over age 60 (nearly 49% were over age 60 in 1990). While the full-time population

of the City is quite small, the vacation season boosts the number significantly. Estimates prepared in 2005 by B. Kiessler for DNREC using wastewater flows show an average daily population of 7,386 from October through March, 30,388 from April through September, and a peak population of 49,612 in July.

1990 – 2000 Rehoboth Beach Population and Population Composition Change								
	Total Population	Male	Female	Under 5 years	6-18 years	19-44 years	45-64 years	65+ years
1990	1234	534	700	32	72	348	284	498
2000	1495	719	776	27	77	332	498	561
Change	+261	+185	+76	-5	+5	-16	+214	+63

Several studies over the last decade have included population projections for the Rehoboth Beach area (see Sussex 2005: A Program For The Future - Sussex County; Rehoboth Beach Capacity Study - University of Delaware; and The Coastal Sussex Land Use Plan - Sussex County) and all of them agree that the permanent population of the town will not change significantly in the foreseeable future. Review of the population projections leads to two conclusions:

- The number of permanent residents or overnight visitors inside the City limits of Rehoboth Beach is not expected to increase significantly unless there is a drastic change in the use of housing stock or zoning;
- The day visitor population has the potential to increase dramatically as a result of the increase in permanent and seasonal housing in the rest of eastern Sussex County and the increasing mobility of the population.

According to the 1990 Census, Rehoboth Beach contained 3,117 dwelling units with a median owner-occupied housing value of \$202,300. Year 2000 Census information shows 3,167 dwelling units and an increase to \$320,500 in median housing value.

Estimates to July, 2006, show that Rehoboth has added only 55 dwelling units and 320 new residents since 1990, but this does not mean that no change has occurred. The use of the housing stock has begun to significantly change and may continue to do so over the next twenty years. The number of permanent residents has increased by nearly 26 % in the last sixteen years. Baby boomers began to retire in 2008 (when the oldest turned 62). The State of Delaware predicts that the number of residents over 65 in Sussex County will increase from 19% in 2000 to 29% in 2030. While significant changes in city infrastructure may not be necessary, these additional permanent residents will have an impact on city appointees, employment, small businesses, volunteering, voting population, and other areas.

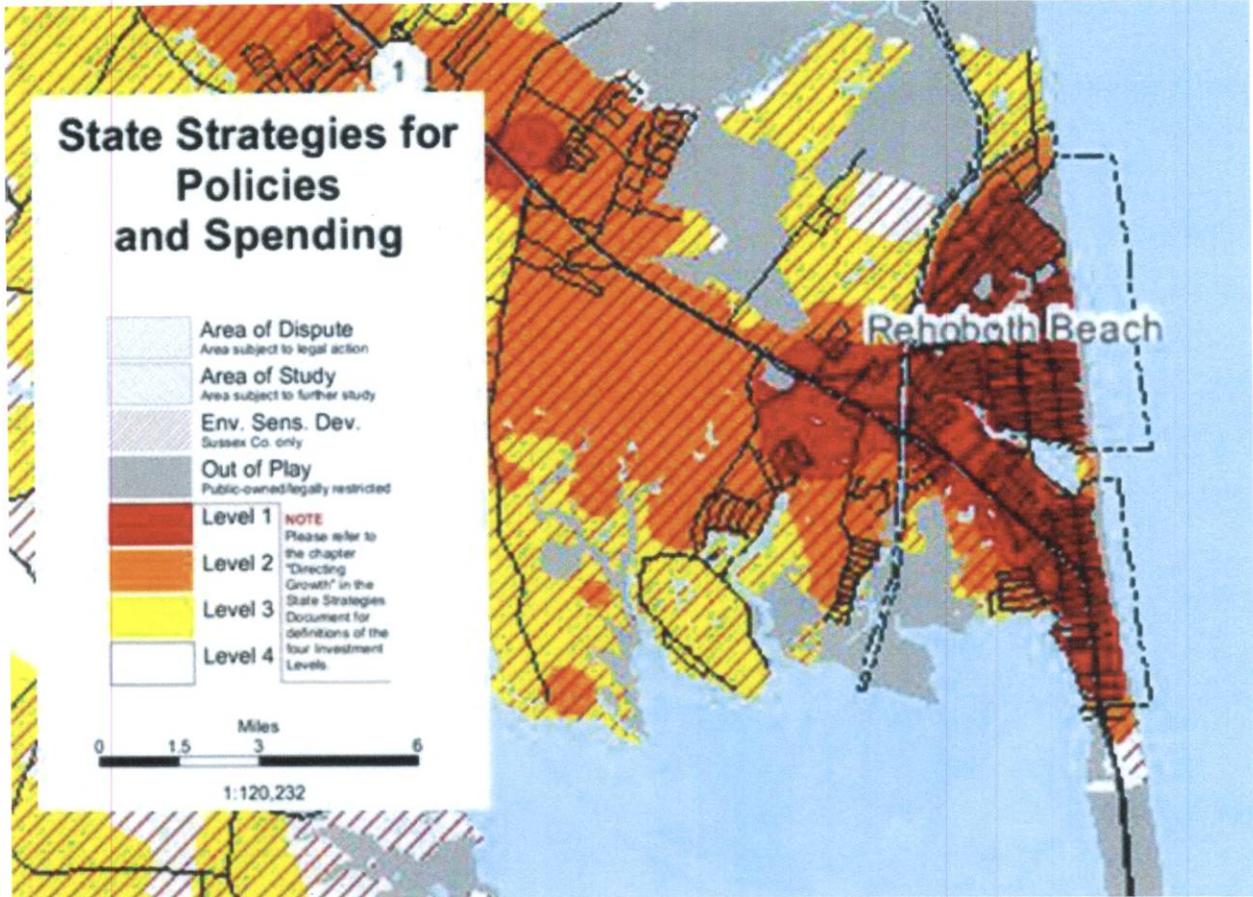
Occupancy Characteristics of Rehoboth Beach Housing Units 1990 – 2000				
	Dwelling Units	Owner Occupied	Renter Occupied	Vacant*
1990	3117	466	204	2447
2000	3167	659	188	2320
Change	+50	+193	-16	-127

*Nearly 80% of these units are classified by the Census as "For seasonal, recreational, or occasional use." These are units used or intended for use only in certain seasons, for weekends, or other occasional use throughout the year. Seasonal units include those used for summer or winter sports or recreation, such as beach cottages and hunting cabins.

The lack of raw land for residential expansion within the City has caused significant redevelopment, numerous partitionings, and a vast increase in the value of residential property. This type of activity, while not producing large increases in population, is producing an increase in housing density, increased pressure on the remaining green areas (both public and private), and a change in the visual personality of the community.

The Census indicates that only 20% of the residences are full-time owner-occupied while approximately 80% of the residences are not claimed as an owner-occupied dwelling (the corresponding figures in 1990 were 15% and 85% respectively). Local opinion is that most units, in whole or in part, are offered for rent, for at least some part of the year. Year-round residences are uniformly scattered throughout the City with little visual difference between full and part-time occupancy except for activity on the street. A street by street inspection in 1994 found 2,650 rental units, some 200 units are rented year-round and the remainder are seasonal, monthly, weekly or subweekly rentals. The 2000 Census identified 1,918 housing units that were available for "seasonal, recreational, or occasional" use. Of the 2,650 rental units located in 1994, only about 1,000 (38%) were at that time licensed by the City. Assuming a \$5000/yr average rental income, private rentals within the City generate somewhere in the neighborhood of \$13,250,000 annually.

3.3 Impacts from Surrounding Areas



Like many coastal counties, Sussex County has experienced explosive growth over the last thirty years with significant land use, environmental, and transportation impacts on Rehoboth Beach. The population of Sussex County increased from 80,356 in 1970 to a Census-estimated 188,036 in 2008 (a 134% increase). The large seasonal population can increase the base population by more than 200% on peak summer weekends. The base population is expected to increase an additional 35% by 2030 to 253,000.

Until the mid-1990s, most of the County's growth occurred in the coastal communities and the coastline of the Inland Bays (Indian River Bay, Little Assawoman, and Rehoboth Bay) and their tributaries. In the mid-1990s, the growth pattern of the County changed as activity along the highway corridors increased and development shifted inland away from the beachfront areas that are largely built out. Development has also shifted to moderately priced homes, large subdivisions, and golf course communities, many of which serve a growing year-round population that includes many retirees attracted to the area by its natural environment and low property taxes.

According to "Projected Population Growth and the New Arithmetic of Development in Delaware, 1990- 2020" (Ames and Dear, University of Delaware, May, 1999), the four County Census Divisions of Eastern Coastal Section (Milton, Lewes, Millsboro, and Selbyville/Frankford)...

“...will grow from a population of 50,527 to one of 88,575 – accounting for nearly 50% of the County’s population. In addition, they will host much of the substantial seasonal resort and retirement population. This increase of 38,048 persons represents a projected growth of 75%. Households will increase by 108% during the same period increasing from 20,671 in 1990 to 40,043 in 2020.”

Between 2002 and 2007, Georgetown approved 3,300 housing units. In the same period, Millville approved 2,500 units. From 2003 through 2006, Sussex County issued 13,706 building permits for new home construction. Sussex County’s share of Delaware population is expected to increase from 20% in 2000 to 24% in 2030 and the composition of this population is changing.

“Eastern Sussex County will become increasingly urbanized along the spine of SR1 as a rapidly growing influx of retirees adds year-round residents to coastal resort areas. By the year 2020, nearly all of the County’s growth is projected to come from the in migration of mostly older persons who will settle in the east.” (Ames and Dear)

A study by the University of Delaware (Quality of Life in Sussex County, Delaware; James Falk and Paul Gerner; 2004) confirmed these trends by finding in Sussex County, for example, that the average age of coastal residents was 62 years and the average age of an inland resident was 57 years, the number of retired coastal residents was 60% while inland retired was only 40%, and the average length of County residence of coastal inhabitants was 19 years while that of inland residents was 33 years.

This rapid pace of development has caused a number of environmental problems. Wastewater treatment plants serve approximately 28% of the County’s population and are an important source of nutrient problems. Overall, Rehoboth Bay receives nutrient input from “point sources” (e.g., sewage treatment plants) and “nonpoint sources” such as agricultural runoff, urban storm water runoff, septic tanks and the atmosphere. (From the Delaware Inland Bays Comprehensive Conservation Management Plan, June 1995). More than 18,000 onsite sewage disposal systems are permitted in the drainage basin of the Inland Bays and discharge as much as 480,000 pounds of nitrogen and 250,000 pounds of phosphorus to soils annually with much of the nitrogen entering the groundwater. One hundred percent of the region’s drinking water and irrigation water comes from groundwater. Bacterial loadings have led to the partial closure of shellfish harvesting waters in all three bays and development has resulted in the loss and alteration of sensitive habitat and an increase in storm water runoff pollution.

Population growth has also increased demand for many County services and has placed additional demands on all of the incorporated coastal communities for access to their amenities, their parking and community facilities, libraries and transportation, and police and fire services. Outlying commercial growth has also reshaped the character of the traditional downtowns of the coastal cities. County officials have generally been supportive of growth and development because it increases the tax base allowing expanded services without a corresponding increase in property taxes. In many respects, development along the coast has been a source of funds to support services away from the coast. With much of the growth occurring in unincorporated areas of the County adjacent to existing coastal communities, the older towns face growing demand on their infrastructure and services with no opportunity to derive funds from the growth that causes the demand.



Population impacts are probably best captured by the traffic situation on SR1. Since the 1960s, SR1 north of Rehoboth Beach has been widened from two lanes to six, intersections have been improved, turn-lanes added, and lights have been timed to aid flow, in an attempt to deal with new commercial development in the area. But traffic movement has continued to slow down. Traffic in 2005 averaged 60,000 daily vehicle trips and the end is not in sight. Average Annual Daily Traffic on SR1 is expected to increase by 100% from 2005 to 2030.

With basic commercial services leaving the coastal towns to join commercial concentrations along SR1, local residents are forced to add their numbers to the growing congestion. This is clearly reflected by the fact that from 2001 to 2005, total vehicle miles traveled in Delaware rose by 10.5% while the number of licensed drivers rose by only 8%. The history of a lack of coordination between the City's transportation needs, the County's land use decisions, and DeIDOT's highway projects is a distinguishing characteristic of the growth-related planning problems facing the area's coastal communities.

These concerns about the impacts of surrounding growth on the future of Rehoboth Beach are discussed further in this Plan in Chapter 9, Growth Management/Development Controls.

3.4 Community Services

The City operates under the Mayor/Commissioner-Manager form of government. The legislative functions of the City are vested in the Mayor and Commissioners of Rehoboth Beach. The City Manager serves as the Chief Administrative Officer and head of the administrative branch of the City government. The City Manager is responsible for all departments and oversees the affairs of the City.

The year-round population served by the City's various operating departments is approximately 1,500 residents but the seasonal variations in occupancy drive this number and the consequent

demand for services much higher. For example, a town of 1,500 people would typically require a police force of 1.6 officers per 1000 residents. Rehoboth employs full-time officers at a rate of 12.6 per 1000. Other City services are similarly affected by the fluctuating seasonal population.

A draft 5-Year Capital Budget for the years 2009-2013 was prepared by the City in 2008 and offers a snapshot of the "unfiltered" capital needs of the various City Departments as seen by their directors. While not official in any way, it is representative of the needs of a community much larger than 1,500 persons and is an excellent starting point for preparation of an annual multi-year capital budget for the City.

Administrative offices are located in the City Administration Building and occupy 3,387 sq. ft. with eleven employees. A July 2007 "City Center Master Plan" by Tevebaugh Associates found that the current Administration Building does not meet the needs of City departments and recommended replacement of the building. Suggested square footage for future administrative offices is 5,585 sq. ft.

Public Safety

The Rehoboth Beach Police Department is a full-service municipal law enforcement agency. The primary objectives of the Department are to preserve life and property, enforce all federal, state, and local laws in an impartial manner, and maintain a safe and peaceful environment for the residents and guests of the City.

The Rehoboth Beach Police Department currently employs 19 full-time police officers and 9 full-time dispatchers. Seasonal police officers augment the full-time staff during the busy tourist season. The Department and its 911 center occupy 5,144 sq. ft. in the City Administration Building and two smaller structures. The City Center Master Plan recommended construction of a new public safety building for the Police Department and the 911 center.

Building and Licensing

The Building and Licensing Department has five employees and is responsible for the enforcement of the City Municipal Code. It issues permits for all construction, demolition, tree removal, signs, and licenses for all business conducted in the City. In conjunction with the issuance of permits, it performs the review and approval of plans for code compliance and performs onsite inspections. It processes all requests and submits the necessary documentation to the appropriate commissions and boards for variances, special exceptions, permits of compliance, partitioning, and subdivisions. The Department maintains all files related to building permits as well as records of the Mayor and Commissioners, the Board of Adjustment, the Planning Commission and advisory committees. In addition, they receive and attempt to resolve complaints filed by City residents that pertain to code compliance. The Department is located in a newly constructed building on the site of the former Wilmington Trust Building.

Alderman Court 37

The City of Rehoboth Beach Alderman Court #37 has two employees, occupies 606 sq. ft. in the City Administration Building and hears traffic, criminal (misdemeanor) and civil violations of the City's ordinances. The Alderman Court falls under the jurisdiction of the State of Delaware Chief Justice. An additional 245 sq. ft. is projected for the Alderman Court by the City Center Master Plan.

Information Technology

This Department with its two employees services and maintains all City technology including computers, printers, software, and communications equipment. It provides reports to the City Manager and the Mayor and Commissioners as needed to forecast City revenues and expenses when items of technology are involved. The Department is located in the newly constructed building on the site of the former Wilmington Trust Building.



Parking

The Parking Meter and Permit Department has five employees, occupies 1,176 sq. ft. and enforces all parking meter and permit operations. The Parking Division Technical Services/Sign Shop occupies 2,248 sq. ft. and installs and removes all parking meters; maintains and repairs all parking meters; responds to complaints from the public regarding meters; collects monies from all parking meters; installs, maintains, and repairs all parking and traffic signs; installs and maintains all pavement markings including stop bars, driveway lines, and parking spaces; installs banners on Rehoboth Avenue; maintains all street lights on Rehoboth Avenue and the Boardwalk; installs, maintains, and repairs all change machines; and assists officers with towing vehicles, issuing of parking summons, and public education on meter operations and parking ordinances.

The City Center Master Plan projected moving the Department to a new facility and adding 2,176 sq. ft. for its future needs.

Public Works

Besides its regular trash pickup duties, the Public Works Department is responsible for

- Clearing overgrowth of bushes and trees blocking intersections.
- Repairing fences, boards, railings and bumpers on the Boardwalk.
- Rebuilding and painting benches and lifeguard stands.
- Repainting trash trucks and equipment.
- Repairing and cleaning catch basin grates.
- Trimming low overhanging trees.

- Operating the street sweeper throughout the City of Rehoboth Beach.
- Maintaining regular residential and commercial trash pickup duties.

No expansion of Department space is contemplated.

Building and Grounds

This Department provides support and service for Convention Center events, shows, concerts, etc. It is also responsible for the maintenance and cleaning of all public buildings. No additional space is needed for the Department.

Beach Patrol

The Rehoboth Beach Patrol oversees the safety of users of Rehoboth's 1.5 mile long beach. Rehoboth Beach lifeguards make every attempt to ensure that beach patrons have a safe and enjoyable stay while visiting our beaches. The Beach Patrol's lifeguard station has been suggested for renovation or replacement.

Main Street

The Main Street program is currently housed in an 800 sq. ft. structure near the Convention Center.

Water Department

The Water Department ensures the consistent flow of clean drinking water that meets all federal and state guidelines. It also provides timely repair of water system breaks and failures, does daily water quality checks, and supplies the City administration with water usage readings for all residential and commercial locations. More information on the municipal water system is found in Section 5.22.

Wastewater Department

This Department's responsibilities include:

- Providing safe, reliable collection of municipal wastewater with special emphasis on the most prompt, courteous service possible.
- Providing treatment of collected wastewater in a safe, consistent manner that will meet or exceed the requirements of the National Pollution Discharge elimination System Discharge permit by the most cost-effective means while operationally being the best neighbor possible.
- Providing treatment and disposal of all biosolids that complies with all federal, state and local regulations for their beneficial reuse and for the protection of both the environment and human health.
- Maintaining the utility's infrastructure at a reasonable state of reliance in a cost-effective way that will maximize its longevity.
- Planning for future needs to service the customer, protect the environment, and to minimize the impacts to the ratepayer.

Additional information on the City wastewater system may be found in Section 5.21.

Rehoboth Beach Library

Although not a part of City government, the library is an important community asset and was expanded to its present size in 2000. It employs a staff of seven plus volunteers, has roughly 34,000 volumes, and an annual circulation of 66,000. The library serves over 11,000 regular patrons. The American Library Association standard is 1,000 square feet of library space needed per 10,000 population and the current facility exceeds this standard.

Rehoboth Beach Volunteer Fire Company

Also not a part of City government, the Fire Company serves Rehoboth, Henlopen Acres, Dewey Beach, and other nearby areas with 82 members and three stations. It has six engines, one rescue vehicle, one tanker, and one snorkel. The equipment inventory and personnel now provided by the volunteer fire company are adequate for the population served.



4.0 THE VISIONS



The Visions

The process used to develop the Comprehensive Development Plan centered on the creation of a "Vision" for Rehoboth Beach. Initially conceived in 1996 by its residents and property owners, the vision is a description of the City as it should exist some 15 to 20 years in the future. The vision does not focus on what is wrong, it focuses on what is possible, and describes Rehoboth Beach as though these possibilities have already been achieved. It is built upon those aspects of Rehoboth that make it a desirable place to live and work -- the beachfront, its visitors, the quality of its residential areas, the level of community services, and the nature of its business community. Each of these elements has a strong vision and value associated with it.

The vision of a future Rehoboth Beach developed by the 1996 Long Range Planning Committee was confirmed and refined by the 2002 Planning Commission and the 2009 Planning Commission. Subcommittees of the larger 1996 group – Residential Communities, Community Design and Preservation, Commercial, Open Space, Infrastructure, and Annexation – analyzed the vision from their special perspectives and identified current community trends and issues that would positively or negatively affect the make-up of the vision. These groups also identified ways to build upon or correct these trends. These same elements were addressed by the Planning Commission in 2002 and 2009.

Achieving the visions is the heart of the Comprehensive Development Plan and is the basis of the actions recommended to create the Rehoboth of the future.

A Vision for Water Resources: Rehoboth Beach's careful use and preservation of its ocean, beach, canal, lakes, and adjacent waterways is at the heart of its social and economic vitality.

The highest priority in Rehoboth Beach is the care and protection of its great natural resources -- the ocean, beach, canal, lakes, and adjacent waterways. The City provides careful access to the water, protects views to and from the water, maintains an appropriate scale and use of structures along the water, supplies the public facilities necessary for users of the water, and works collaboratively with State and federal agencies to ensure their maintenance. The guiding principles are preservation of the natural processes at work along the ocean, beach, canal, inland bays, and lakes and continuation of the neighborly appeal of Rehoboth's water areas.

A Vision of Town Character and Community Services: Rehoboth Beach is a year-round, full-service community with seasonal tourism as its major industry. It maintains a significant town infrastructure to serve all of its community interests – its natural environment, its residences, its businesses, its tourists, and its regional function.

Rehoboth Beach is a self-sustaining and physically integrated community where residents, property owners, and tourists, be they retirees, business people, individuals, or families may find a home, recreation, security, and a sense of permanence and pride that characterize our best towns. It is a careful blend of residence and resort that draws a loyal tourist clientele to its activities and places. The car, bus, and truck are accommodated, but the balance is "tilted" to the pedestrian, the bicyclist, and quick, convenient non-auto access to the City. It has identified the community-serving elements that are critical to maintain living quality such as open spaces,

libraries, senior facilities, and places of worship and strives to provide them. Particularly important is the provision of 21st Century technology to the community so that the best communication access possible is available to government, business, and neighbors. The town is not only the key supplier of essential needs and services to its own residents and visitors but also to the residents of surrounding areas. This regional function helps maintain services that the community cannot sustain on its own. And just as it is constructed to accommodate the variety of its citizens and visitors, its members have built the organizations and tools for self-determination necessary to achieve this variety.

A Vision for Neighborhoods: Rehoboth Beach's residential areas are reminiscent of a "bygone" era and reflect a small town neighborliness.

Rehoboth Beach is a retreat of green places, ocean spaces, and pleasant memories. It is a community that takes special pride in the care and appearance of its property, buildings, and streets, in the quality and the preservation of its natural environment, its history and historic places, and in the retention of its places of special beauty and interest. It gives continuous attention to the physical connections between past and present, between home and work, and between resident and visitor. Its neighborhoods are orderly, walkable, "bikeable," and diverse in architecture, dwelling type, spacing, and size. All property owners share responsibility for the year-round care and appearance of their properties.

A Vision for Business: Rehoboth Beach's downtown is a balanced mix of year-round and seasonal businesses with a distinctive, pedestrian character.

The downtown of Rehoboth Beach is readily identifiable in extent, non-uniform in its mix of businesses, and controlled in architecture and signage. The "residential" scale of its buildings is linked to its surroundings and the pedestrian. It is oriented to walkers first, automobiles second, and contains a mix of private and public uses, year-round and seasonal operations, and is dominated by locally-owned, high-end, small businesses. All of the business operators and property owners share a responsibility for the year-round care and appearance of their establishments as a way of maintaining the overall viability of the downtown area.

5.0 THE OCEAN, INLAND BAYS, LAKES, AND WATERWAYS

The City's Goals are to...

Maintain physical and visual access to the ocean and other waterbodies

Control the scale and use of structures along the ocean and other waterbodies

Protect the natural functioning of ocean, bay, lake, and canal ecology

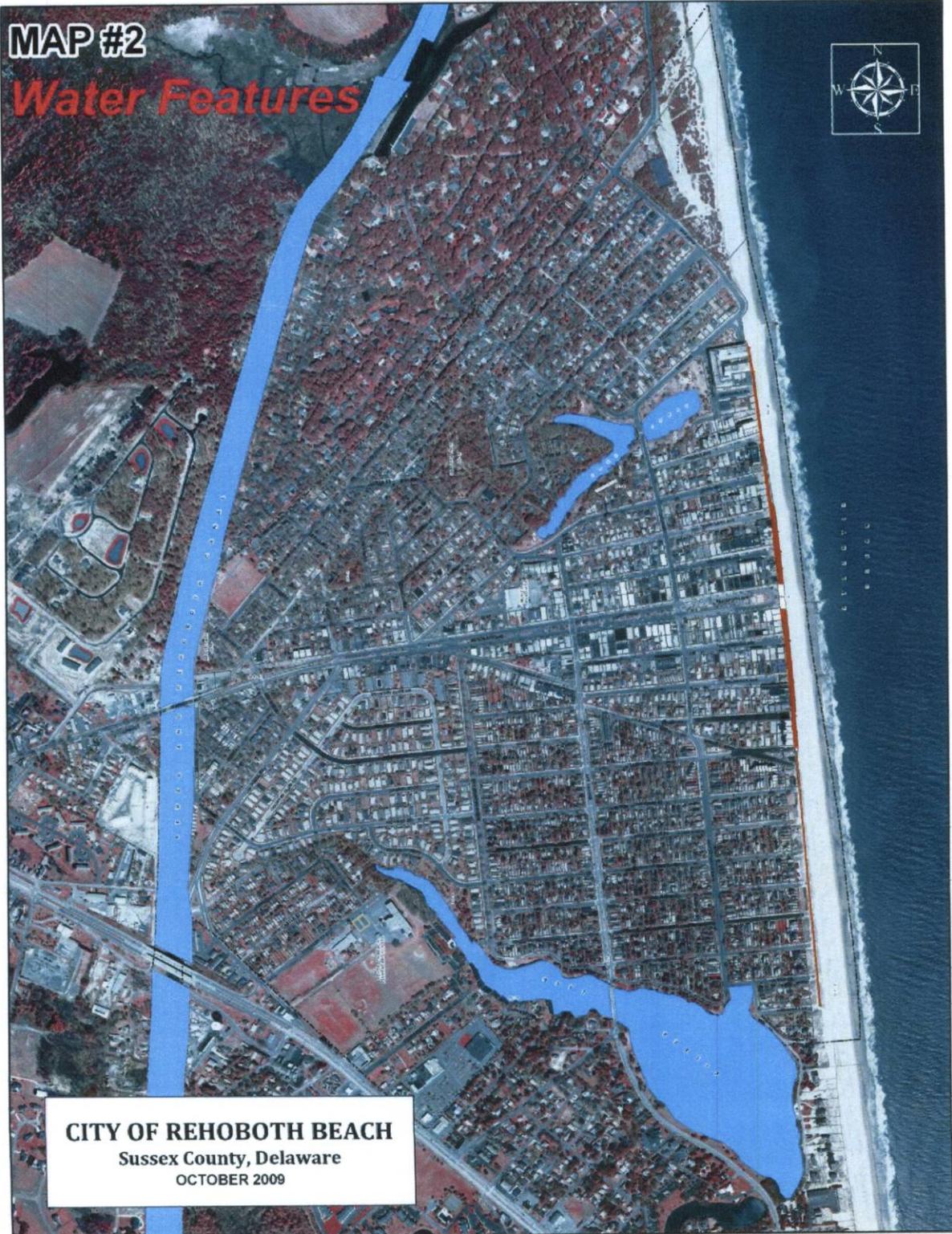


Priority Actions for the City are:

- Select and fund a wastewater discharge method.
- Install uniform wayfinding signage for the oceanfront and the facilities supporting use of the oceanfront.
- Begin Silver Lake recovery using buffer planting, dredging, and regulatory buffer zones.
- Continue to refurbish the Boardwalk and continue regular beach replenishment.
- Prepare a City-wide stormwater management plan.

MAP #2

Water Features



CITY OF REHOBOTH BEACH
Sussex County, Delaware
OCTOBER 2009

5.1 The Ocean and Beach

The single most valuable asset of the City of Rehoboth Beach is its oceanfront -- the ocean, its beach, and the Boardwalk. It is the true basis of the community and without continuing attention to its physical integrity, its maintenance, and its use, Rehoboth's basic nature and vitality will be adversely affected.

The use of the beach varies along its length. Daily visitors to Rehoboth, and people staying in the hotels, tend to congregate in the center of town (specifically from Olive Avenue south to Brooklyn Avenue) while residents of Rehoboth, both renters and owners, tend to use the north and south end of the beach. Even though the beach in front of Rehoboth Avenue is crowded almost every day of the summer, there is space even on weekends for people who want a less crowded beach. The diversity of use along the 1 1/2 miles of beach evidences the variety of experiences available and the adequacy of physical access to various parts of the beach. While access is adequate today, waterfront property is scarce, very valuable, and subject to changes in use that do not place a high value on public access. Other waterfront communities have seen property owners cut off historic access paths, claim rights to public lands, or raise structures to heights that interfere with views. In other cases, non-waterfront vacation facilities have purchased beachfront structures and restricted their use to private beach access for their paying visitors. In an ironic circumstance for Rehoboth, a town that welcomes bicycles, their heavy use on the Boardwalk during peak tourist weekends is discouraging pedestrian use of the walkway and some have called for reduced hours of bicycle use on weekends to enhance pedestrian use and safety. Rehoboth must continue to pay constant attention to preserving public access to its magnificent public asset.



Maintenance of the beach does not cause access problems, for it is one of the cleanest and best maintained along the Delaware shore. Daily cleaning of both the beach and the Boardwalk assures that the most visible part of Rehoboth is never a disappointment. The City is currently replacing the entire Boardwalk and will continue its rigorous beach and Boardwalk maintenance program.

In the late afternoon hours, some tall buildings cast shadows on the beach. The current height restrictions of 42 feet for any building that faces the Boardwalk appear adequate to assure that new buildings do not shade the beach during the day. The height restrictions, however, are not enough to assure that the scale of any new buildings does not overwhelm the adjacent neighborhood streets and structures, but rather blends with them. Along with appropriate scale and height, the issue of preserving "open space" on individual lots along the waterfront is critical. The creation of a visual "wall" of development along the beach is not an acceptable result for residents and visitors. These are matters that the Planning Commission will address using its new site plan review process. Chapter 9 contains a discussion of site plan review.

The last beach replenishment was completed in 2005 using 65% Federal funding and 35% Delaware funding. 2005 also began a 50-year maintenance cycle for beach replenishment. If the State and Federal funding is made available, dredges will return and pump sand every three years. The dunes provide critical protection for the beach and the structures behind them and they must be planted, protected, and maintained as open space. To further this protection, the Zoning Ordinance should be modified to reflect the "beach building line" established by the State in 1971. This line restricts building activity from the ocean to the back (or westerly) toe of the primary dune and the western edge of the Boardwalk in commercial areas.

Although sea grass planting and beach replenishment have improved appearance and protection, properly functioning dunes naturally grow higher and spread over time and, even now in some places, are covering portions of the Boardwalk with sand and interfering with pedestrian views. Both the State and the City are aware of this unintended result and will examine methods to recapture the views of the ocean.

With construction of a new public restroom at the bandstand to replace the inadequate facility at First Avenue and provision of additional foot showers, the basic needs of beach users in the vicinity of Rehoboth Avenue and to the south appear to have been met. The City has added more foot showers and, on a trial basis, several full showers along the Boardwalk. The need for an additional restroom north of the Boardwalk is now being assessed. Regardless of that decision, all the City's restrooms must be properly maintained and the older facilities should be considered for renovation. To make the best use of current facilities, the City should also place signs along the Boardwalk and at appropriate locations in the commercial district informing people of the location of public restrooms. Consideration should also be given to the need for additional public facilities such as water fountains.

5.11 City Policies for the Use and Preservation of its Oceanfront

- a. All current points of public access to the beach will be maintained and street-end access, in particular, will not be allowed to diminish in any way.
- b. Current and future land uses along the beach will not be allowed to restrict existing public access to the beach in any manner.
- c. Land uses whose sole function is to provide access to the beach from

locations outside the City will not be allowed.

d. The City will continue its rigorous maintenance program for Boardwalk and beach cleanliness and continue to seek support from the Federal/State program for beach replenishment.

e. Install uniform wayfinding signage for the oceanfront and the facilities supporting use of the oceanfront.

5.12 City Operational and Enforcement Actions along the Oceanfront

5.121 Actions: Beach and Dune Maintenance

a. The Zoning Ordinance will be revised as necessary to accommodate the provisions of Delaware's dune protection and maintenance requirements.

5.122 Actions: View Access

a. Notwithstanding the current 42 ft. building height limit, the Zoning Ordinance must explicitly prohibit any new building from being constructed or an existing structure renovated that would unreasonably interfere with sunlight reaching the beach.

b. All oceanfront structures should be made subject to site plan review by the City.

5.123 Actions: Public Sanitary Facilities

a. Uniform signage showing the location of all public sanitary facilities will be designed and provided.

b. Existing locations of sanitary facilities will be assessed to determine any need for additional restroom capacity, particularly north of the Boardwalk.

5.2 The Inland Bays, Canal, and Waterways

Rehoboth Beach plays an important role in the natural functioning of its surrounding waterways and inland bays. Delaware's Inland Bays consist of three interconnected bodies of water – Rehoboth Bay, Indian River Bay, and Little Assawoman Bay. The Bays and their tributaries cover about 32 sq. mi. and drain a 300 sq. mi. watershed. Almost 30 sq. mi. are classified as shellfish waters, of which 19 sq. mi. are approved for shellfishing. Fresh water enters the Bays through groundwater discharges, by runoff from land, and from tributaries. Salt water from the Atlantic enters the Bays through the Indian River Inlet, Lewes and Rehoboth Canal, Roosevelt Inlet, and the Assawoman Canal, which connects Little Assawoman Bay to Indian River Bay. Natural channels connect Rehoboth and Indian River Bays near Massey's Landing.

The Inland Bays are shallow, having an average low-water depth of three to eight feet and a tidal range of about three feet. There is some anecdotal evidence that the Bays are getting even shallower. This is due in part to sedimentation, but also to lower water levels during ebb tides.

For any system where the average depth is only three feet, any change can have a dramatic effect. And change has been occurring.

Two priority problems are apparent - eutrophication due to excessive nutrients and habitat loss or modification due to erosion, sedimentation, and dredge and fill activities. Eutrophication is the result of too much nitrogen and phosphorus entering the Inland Bays. These nutrients can cause excessive growth of microscopic plants and algae booms that deplete oxygen and block sunlight, depriving fish and other important living resources of their life support. This leads to waters without underwater grasses and fish. In recent decades, the Bays underwater grass habitat has disappeared and more than 20% of the tidal wetland habitat has been destroyed. This has produced the loss of permanent habitat as well as temporary feeding, nesting, and foraging grounds for wildlife. Add the loss of upland vegetation, such as forests, and the overall losses include more wildlife habitat, the pollutant filtering effect of vegetation, and interception of the flow of stormwater runoff from urban and rural lands.

The main sources of nutrients in the watershed are septic systems, sewage treatment plants, stormwater runoff, and agricultural operations with nonpoint sources being the greater source of nutrient contribution. Little Assawoman Bay and Indian River Bays are classified as "degraded to healthy" while Rehoboth Bay water quality is characterized as "fair to healthy." Because of the long residence times, poor flushing, high turbidity in the upper portions of the tributaries, and a large influx of summer tourists, the water quality declines between Memorial Day and Labor Day. While the water quality data and trends are unclear, it appears that over the past 20 years nutrient enrichment has slowed. In part, this can be attributed to increased tidal flushing as a result of the stabilization of the Indian River Inlet. Upgrades to sewage treatment plants, expansion of central sewers and the removal of septic systems, and use of best management practices on agricultural lands also reduced nutrient loadings.

Rehoboth Beach supports the recommendations of the Delaware Inland Bays Comprehensive Conservation and Management Plan regarding education and outreach, agriculture, wastewater treatment, land use, and habitat protection and will work with its neighboring communities to bring them to fruition. More specifically, Rehoboth Beach will strive to improve the quality of its wastewater discharges and stormwater discharge and runoff to meet the nitrogen and phosphorus reduction targets, establish protective buffers around its lakes and waterways, and require that development within its boundaries be sensitive to environmental considerations.

5.21 Sewer

The Rehoboth Beach Wastewater Treatment Plant (WWTP) is an advanced secondary treatment plant that produces a high quality effluent. The City also serves the developments of North Shores (4% of flow), Henlopen Acres (4% of flow), and the Dewey Beach Sanitary Water District (36% of flow) for a total of approximately 6,000 year-round customers. The service area is primarily residential with some light commercial consisting of shops and restaurants. Thus, the influent wastewater is typical of domestic wastewater treatment facilities. The design capacity of the plant is 3.4 million gallons per day (mgd), but because of seasonal use, the flows vary greatly between the summer and winter with peak flows occurring on summer holiday weekends. The 2003 summer and winter average flows were approximately 2.1 mgd and 0.8 mgd, respectively. The existing WWTP was built in 1989 and was upgraded in 1994 and 1997 to implement biological nutrient removal (BNR) and chemical phosphorus removal.

The current discharge permit for nitrogen and phosphorus is based on a 12-month moving cumulative load of nitrogen and phosphorus discharged in the effluent. The total allowable load

(based on the sum of the previous 12 months) is 32,427 pounds of nitrogen and 7,077 pounds of phosphorus. The plant is actually performing at a level better than the discharge permit requires.

The Federal Clean Water Act requires states to identify waterbodies that do not meet water quality standards and to impose a "Total Maximum Daily Load" (TMDL) on both the point and non-point sources that discharge to the water body. The TMDL is intended to limit the pollutant discharges so that the water quality will improve. In 1996, portions of both the Indian River and the Rehoboth Bay were listed as water quality impaired and subject to the development of a TMDL. The TMDL was issued in August, 1998, and required that "all point source discharges which are currently discharging into the Indian River, Indian River Bay, Rehoboth Bay, and their tributaries shall be eliminated systematically." Thus, the Rehoboth Beach WWTP, which discharges into the Lewes-Rehoboth canal, had to find an alternate method to discharge its treated wastewater effluent.

An extended period of negotiations over the details of TMDL implementation resulted in a consent order to eliminate the discharge from the Rehoboth Beach WWTP. The consent order provides a timetable for 1) meeting interim permit levels for nitrogen and phosphorus based on a 25% reduction from currently permitted levels; 2) study of alternatives for eliminating the discharge; 3) identifying sources of funding for the project; and 4) implementing the recommended improvements. Trading with non-point sources to reduce or "eliminate" the nutrient load discharged to the Inland Bays was also permitted.

A study was recently completed to evaluate various alternatives for the disposal of treated effluent from the Rehoboth Beach WWTP with the primary criteria for an acceptable alternative being that it not result in the discharge of any nitrogen or phosphorus to the Inland Bays. The various alternatives were evaluated to identify the method which was most technically feasible, cost effective, and environmentally acceptable.

Evaluations of effluent discharge alternatives indicated that any proposed solution would be very expensive and place an economic burden on the City of Rehoboth Beach and its residents. A significant amount of State and federal funding would be required to make the project economically viable. At the same time, growth in the area of Rehoboth Beach and northern Sussex County is creating a demand for additional wastewater treatment capacity. The combined costs to comply with the TMDL and to serve the future needs of the communities in the area prompted the State to encourage a regional solution. A solution that serves the needs of the entire region of northern Sussex County, including Rehoboth Beach, would spread the costs over a much larger base and could reduce the impact on the individual rate payer.

A total of four alternatives were identified for consideration through discussions with the City, the County and the State's Department of Natural Resources and Environmental Control (DNREC). These alternatives are briefly described as follows:

- Land Application: Treated effluent is sprayed on forest lands or on agricultural land to irrigate crops and provide nutrients. The effluent percolates through the soil to the groundwater.
- Rapid Infiltration Beds: Treated effluent is flooded on to sand beds allowing the water to percolate down into the groundwater.
- Subsurface Injection: Treated effluent is injected either through a shallow well in an area where the groundwater is contaminated or through a deep well into an aquifer that is confined below the drinking water aquifers.

- Ocean Outfall: Treated effluent is discharged through an outfall and diffuser into the ocean at a depth and distance from the shore that insures public health and environmental standards are met.

The Rehoboth Beach Effluent Disposal Study prepared by Stearns & Wheeler in 2005 found that only the ocean outfall alternative offers an opportunity to dispose of treated effluent on a regional basis and for the City to control its "disposal future." If both Sussex County and the City of Rehoboth Beach pursued any of the other alternatives, then each would look for a site as close as possible to their individual wastewater treatment facilities. Large tracts of land suitable for land application or rapid infiltration beds are difficult to find. The Study found that this, plus the fact that pumping to a central regional disposal site can add extra capital and operating costs, make such alternatives impractical.

Since the Stearns & Wheeler study was prepared, two private utilities have come forward to say that spray irrigation is a feasible long-term option for both Rehoboth Beach and Sussex County. Both firms have identified properties for spray irrigation.

Considerable public discussion and debate have ensued with experts testifying to the strengths and weaknesses of land use application versus off-shore discharge. Both approaches have been successfully used elsewhere, indeed neighboring Delaware and Maryland beach communities have been using off-shore discharge for many years without problems. Should the City and the State determine that both approaches are environmentally acceptable and able to meet current and projected future needs, then the City must in its decision-making process give particular attention to the initial and life-cycle costs associated with the alternative approaches.

As of this writing, a final decision for disposal has not been reached and it remains a priority action recommendation of the CDP.

5.211 City Operational and Enforcement Actions for Sewer and Water Infrastructure

- a. Select and fund a wastewater discharge method.

5.22 Water

A municipal water system must provide sufficient water for the daily needs of its citizens and sufficient volume for fire suppression activities. As with most resources in Rehoboth Beach, there is a notable seasonal variation in the demand for water-- consumption ranges from a low in March of .66 MM gallons per day to a high in July and August of nearly 3 MM gallons per day. Currently, the City also serves an extensive area outside the City (The developments of Sea Air, North Shores, Breezewood, and the Dewey Beach Sanitary Water District). Water demand was estimated at 2.8 MM gallons per day in 1984 and is projected to rise in 2010 to an average of 4.6 MM gallons per day with a maximum daily demand of 6.9 MM gallons per day (from the Computer Water Distribution System, Supply and Storage Evaluation Study).

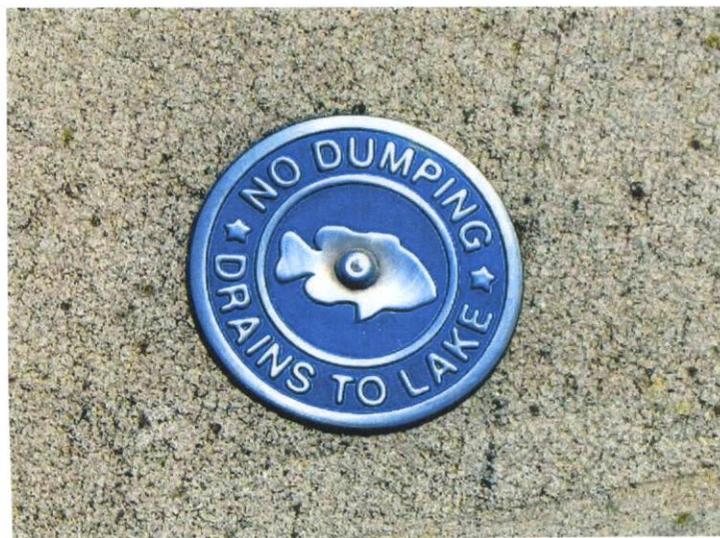
As of 2002, the City has a 6.5 MM gal/day water supply capacity. An additional 1.9MM gal/day is permitted. The City began to meter all water usage in 1994 and now uses the water flow data to provide an indication of needed infrastructure improvements and facilitate the long-term management of this resource. The amount of water pumped, like the amount of sewage treated, is measured continuously and is compared with the metered usage.

Several critical water system improvements have been made over the past few years including a new waterline under Silver Lake and removal of the old line that was attached to the bridge; two new water wells and one relocated well at the Lynch Water Treatment Facility; the addition of fluoridation to all wells including the Lynch project; and the ongoing design of a new waterline on Airport and Old Landing Roads to loop the water system and eliminate three existing dead end lines.

While current water supply and current water quality is not a constraint on the growth of the City, the new and growing land uses around the City's well heads pose future problems for the aquifer from which the City's water is drawn. The two new wells at the Lynch Facility are located in an "excellent recharge area" and are on State-owned land which should indicate they will be protected from any future close proximity development. They are further protected by a wellhead protection ordinance administered by Sussex County. A third well is located in Henlopen Acres and owned and operated by the community. The protection of these wells is of paramount importance and Rehoboth will cooperate with the jurisdictions responsible to monitor and manage the land uses and impervious cover near the wells. The State of Delaware is producing a variety of qualitative and quantitative information on the aquifer that must be used by the City, the County, and the State to determine if any current or proposed uses pose a threat to the aquifer. The City will require ongoing consultation with the State and the County about proposed development that may affect the integrity of its wells and water supply and the development of effective means of protection e.g., annexation, purchase, added groundwater protection measures, etc.

5.23 Stormwater Management

Over the long term, a very effective way to protect our Inland Bays, the Canal, and our waterways is to develop a comprehensive stormwater management program that addresses the sources of our problems, most of which are land-based. Stormwater management should be an integral part of an overall management program designed to promote the Inland Bay ecosystem and promote the health and quality of all of our waterbodies. For the short term, the City must have in place, through site plan review and the building permitting process, the means to require for all new construction that all or most stormwater remains on the subject property.



There are a variety of technologies and devices that can be installed to remove sediment, trash,

oils, harmful nutrients, and other pollutants before stormwater flows into our waterways and lakes. But before the City selects solutions, we need a better understanding of what is contaminating our waters and where these contaminants are coming from. In other words, we need a better definition of the problem the City is facing so we can direct appropriate solutions. Easily seen problems such as contaminated runoff from our parking lots and streets must be examined along with the smaller scale flooding problems caused by the appropriation and paving of public road right-of-way by private homeowners. The City's new GIS mapping of its flood zones and stormwater management facilities represents a good start to understand the overall need.

Specific stormwater suggestions have come from a citizen's group known as the Save Our Lakes Alliance- 3 (SOLA3). The group was founded in 2004 with a mission to protect, preserve, and maintain three lakes in the Rehoboth Beach area -- Silver Lake, Lake Comegys, and Lake Gerar and whose most recent work has focused on meeting the problems of Silver Lake. Its action suggestions for this CDP include:

"Adopt an ordinance that would require builders/developers to use best practices to contain runoff/silt to lessen the amount of harmful substances entering the lakes. If Delaware law addresses this, the City should be sure it is enforced.

"Enforce existing state and federal laws for dumping harmful substances in drains and into the lakes directly.

"Prioritize the installation of filters for the storm drain that begins at State Road and enters Silver Lake at Stockley Street and the storm drain that enters Silver Lake from King Charles and Queen St. This work could be coordinated with road work scheduled for these areas.

"Implement a citizen education campaign for residents and visitors on how their activities impact the water quality and aesthetics of our lakes."

In addition to these suggestions, an important capital improvement item should be to obtain professional design assistance and to install a City-wide stormwater management system. Such a system should include runoff quality control retrofits to the existing system, curtailment of as much urban runoff as possible, consideration of new regulations to control runoff from individual lots, and City enforcement of its own state-of-the-art stormwater management ordinances. Dewey Beach, Sussex County, and the State should be asked to partner in developing these plans and commit to their share of the costs.

Rehoboth is within the "environmentally sensitive development areas" established by Sussex County, so everyone has an impact on the area. The cost of this effort could be significant and all funding possibilities, including reasonable environmental impact fees for all Rehoboth Beach property owners and others, should be examined.

Another possible area of investigation is the development of a hybrid "Nutrient Management Plan" for Rehoboth Beach. It would be designed to manage the impact of such activities as public street and parking lot sweeping; retention basin, catch basin and storm drain inspection and cleaning; fleet vehicle maintenance; winter road treatment; lot maintenance; municipal landscaped areas maintenance; and solid waste removal and handling.

5.24 Lewes and Rehoboth Canal

The Lewes and Rehoboth Canal is the City's second waterfront. Few have seen and enjoyed the unspoiled view of the natural areas and wildlife bordering the canal between Rehoboth and Lewes. It holds significant potential as a recreational asset (see Chapter 6) and as a water-taxi/landscape tour connection between Rehoboth and Lewes (see Chapter 7). The canal, an important resource to both the City and State, has not been well maintained by the Corps of Engineers. As a result, silting from run-off, discharge, and bank erosion is impeding its navigability and interfering with its proper flushing. The City has also been unable to prevent inappropriate development along the Canal banks. However, some progress is being made: the Corps has marked their land ownership, DNREC now has the legal authority to remove abandoned boats from the Canal, the Historical Society has proposed plans to improve its facilities and Canal access at the Ice House Museum site, and, finally, wastewater discharge into the Canal will cease when a new wastewater disposal alternative is selected and installed by the City. Further improvement of the lands along the Canal and continual maintenance of its navigability are important elements of overall community enhancement and should receive more attention in the future.

5.25 City Policies for the Protection of the Inland Bays, Canal, and Waterways

- a. The City will give development and implementation of a comprehensive stormwater management plan a high priority and will develop up-to-date and effective regulations and enforcement measures.
- b. In collaboration with its neighboring municipalities, communities, and developments, the City will work with federal and State agencies to ensure the maintenance, bank stability, and navigability of the Lewes and Rehoboth Canal.
- c. The City should continue to view the Canal as a "second" Rehoboth waterfront and promote its development as such.

5.3 Rehoboth's Lakes

Lake Gerar and Silver Lake are natural features integral to the ambiance and way of life of Rehoboth Beach. Furthermore, they are reported to be the two fresh water lakes in the nation that are most proximate to the ocean and as such are national natural treasures. Both lakes historically, as well as presently, are filled and maintained by a combination of natural springs and storm runoff from the surrounding neighborhood. Both lakes outflow directly into the ocean; Lake Gerar within City limits, and Silver Lake just south of City limits into a northbound long shore current that carries the outflow immediately along City beaches. Both lakes have multiple ownerships, both public and private, and because of their uniqueness, a number of county, state, and federal entities may have or claim various levels of jurisdictional authority over the lakes. Both lakes have also suffered from the impact of development around them and mismanagement of their shorelines in terms of misplaced structures, inappropriate vegetation, and improper maintenance.

But success can be reported at Lake Gerar. With financial assistance from the State of Delaware over twenty tons of water-logged trash was hauled out of the lake, barely visible fencing was erected to protect germinating growth and to keep out invasive geese populations, a riparian buffer was established, invasive vegetation was removed and native vegetation planted, an aerating system was installed to eliminate the growth of bacteria that produces detrimental nutrients, and the overall habitat was improved to encourage the return

of wildlife.



The story at Silver Lake is different; it remains a work barely in progress. The 2004 Plan committed the City to “create a buffer zone that places special environmental, visual, and use restrictions on land within a certain distance of each lake’s waters edge. These restrictions will be similar to the “Critical Area” approach used in the Chesapeake Bay watershed and elsewhere. They will be designed to maintain the beneficial functions provided by the lakes: habitat for fauna and flora, nutrient and sediment retention and removal, flood control, and recreation. This buffer zone will be accomplished by changes to the zoning ordinance and other appropriate municipal codes.” Although the buffer zone has not been adopted by the City, new suggestions have come forward from SOLA3. Their suggestions include the following:

“The CDP should describe a way forward to improve conditions at Silver Lake and give it a high priority. The City needs to collaborate with Dewey, DNREC, and the County to establish a plan for Silver Lake. We should educate first and determine ownership of the properties fronting on Silver Lake, their riparian rights, and status of strip of land between road and lake (and sometimes to the middle of the lake). This should be followed by the physical improvements necessary and a buffer management plan to control future impacts.

“Develop a plan and provide funding to address the accumulated sediment in the west end of Silver Lake. In addition to removing the sediment to improve the ecosystem, it would also improve the conditions for residents at the west end and improve control over the level of the lake which can cause flooding on the east end.

"A clear and concise definition of the riparian buffer zone should be determined. It should be created and defined based on a "Needs Assessment" study that would determine the specific goals and objectives of the Riparian Buffer Zone Ordinance. Included in the study must be the specific methodologies required to create and sustain riparian buffer zones in perpetuity. The ordinance should also define the specific topographical boundaries of the buffer zones on a parcel by parcel basis.

"The buffer ordinance should be designed with guidelines that are consistent with Green Technology Best Management Practices, federal and local regulatory policy, sediment and erosion control best management practices, and the Delaware Coastal Management Plan.

"The buffer ordinance should also require the creation of the vegetative communities necessary to provide ground cover, understory, and canopy immediately adjoining the Lake. It should also mandate the procedures necessary to control or eradicate exotic invasive or nuisance species that may prove detrimental to the buffer."

"The use restrictions in the ordinance should clearly prohibit any development within the riparian buffer zone.

"Finally, the City should install an aeration system that would improve water quality, oxygen levels, and the overall aesthetics of Silver Lake."

This Plan endorses the corrective suggestions and plan of action developed by its citizens to improve conditions at Silver Lake.

5.31 City Operational and Enforcement Actions for Lake Protection

- a. Develop and implement with Dewey Beach, the County, the State, and other appropriate jurisdictions the SOLA3 suggestions for Silver Lake cleanup and protection to sustain its critical environmental function.
- b. The City will develop and adopt interim protective measures for that portion of Silver Lake within its jurisdiction until specific, long-term ordinances are developed and implemented.
- c. The City will adopt environmental "best management practices" for those lands owned by the City that abut Silver Lake.

6.0 REHOBOTH'S PARKS AND LANDSCAPES

The City's Goals are to...

Preserve, protect, and conserve its abundant trees and plantings

Establish a comprehensive approach to environmental planning with special emphasis on trees, plantings, natural areas, and maintenance.



Priority Actions for the City are:

- Establish a Canal Park along the entire western boundary of the City and, in collaboration with its neighboring jurisdictions, the City will work with federal and State agencies to ensure the maintenance, bank stability, and navigability of the Lewes and Rehoboth Canal.
- Plant and maintain curbside trees on all side-walked streets within the City and assure the connectivity and “walkability” of all sidewalks.
- Prepare a Community Forest Plan designed to increase public support and public involvement, make the best use of available land, promote the best technical forestry practices, increase afforestation efforts, reduce undesirable and invasive species, and secure the long-term management of its urban forest.
- Prepare a long range development, renovation, and maintenance plan for Rehoboth’s parks and recreation spaces.
- Investigate a City policy of requiring that all municipal facilities, City-funded projects, and City infrastructure projects be constructed, renovated, operated, maintained, and deconstructed using Green Building, Low Impact Development, and Conservation Landscaping principles and practices.

MAP #3

**Parks and
Open Space**



CITY OF REHOBOTH BEACH
Sussex County, Delaware
OCTOBER 2009

6.1 Trees and Plantings

Rehoboth Beach is virtually unique among all of the beach resorts on the East Coast because of its abundance of trees. Indeed, it has been recognized for this and is designated as a "Tree City." (See www.arborday.org) The northern portion of the City is naturally forested as is the area between King Charles and Bayard south of Philadelphia Ave. The remainder of the City is irregularly tree-covered as the result of various public and private plantings.

But Rehoboth Beach is a "Tree City" that, over the years, has lost a significant number of trees. The problems have been residential and commercial construction, storm damage, utility right-of-way maintenance, and natural causes. Although no numbers are available, residential and commercial construction has probably caused the greatest tree loss. For some, it has proven easier to eliminate a mature, healthy tree than modify building location plans or take extra care during an excavation to protect tree roots. Also, many past plantings have proven ill-suited to Rehoboth's vigorous climate or for curbside use. As land has become more valuable there has been increasing pressure to dedicate ever greater percentages of our City to buildings and concrete.

Three major positive steps have been taken to remedy this situation. First, a preliminary survey that established the nature and quality of the urban forest was carried out with the assistance from the State. Second, the 1996 Plan recommended and the City implemented floor area ratio (FAR) requirements that limit lot coverage in various circumstances. Third, a Tree Ordinance recommended in the 2004 Plan was adopted and a part-time arborist position was created.

The 2004 Plan called for the City "to review and update its environmental protection and zoning codes and assign responsibility to ensure that all future buildings, developments, renovations, and partitionings are planned and executed to retain and plant the maximum amount of urban forest. This code revision will address tree retention, tree replacement, afforestation, reforestation, and the preservation of "unique" or representative individual trees or tree stands. Overall, the Tree Ordinance has done a very good job and captured these 2004 Plan concerns as they apply to privately-owned lands, but progress can always be made. The ordinance needs to be refined to eliminate inconsistencies and make it more efficient in ways that maintain its vision and simplify its enforcement.

And even more work is needed; all trees growing within Rehoboth Beach, be they on private or public property, are part of the "urban forest," a term that includes all the trees, woodlands, woody shrubs, ground vegetation, and associated green space within the urban area. The people of Rehoboth have made a significant investment in the creation and maintenance of this "forest" and, given new national concerns over global warming and the need for carbon sequestration, a new and bolder strategy is needed to sustain this investment into the future. Overall, the following needs must be addressed:

- Foster a more positive public attitude toward trees;
- Highlight the areas of necessary public policy change;
- Maximize the potential of the existing urban forest;
- Develop a more strategic approach to new planting;
- Encourage individuals to plant native species on their property;
- Increase the range of individuals and organizations actively involved with the urban forest; and
- Encourage partner organizations to work in complementary ways.

To capitalize on the many environmental and economic benefits of a healthy urban forest, Rehoboth Beach will prepare a Community Forest Plan designed to increase public support and public involvement, make the best use of available land, promote the best technical forestry practices, increase afforestation efforts, reduce undesirable and invasive species, and secure the long-term management of its urban forest. At a minimum, this Plan calls for the following:

- Increasing the stock of trees through tree planting programs;
- Encouraging the planting of trees by both public and private entities;
- Adopting high standards of maintenance and replacement;
- Diversifying the variety of new trees;
- Replacing trees affected by disease; and
- Preserving natural forests within the City.

The Community Forest Plan will be the basis for a comprehensive review and revision of the City's environmental protection codes to ensure that all future buildings, developments, renovations, and partitionings are planned and executed to retain and plant the maximum amount of urban forest. Discussions are underway with State urban forestry representatives on how to create the Forest Plan.

A large part of the ambiance of Rehoboth Beach is the result of its trees, its vistas, and its architecture. Each of these is detracted from by the power lines and poles that wind through the City. Additionally, utility poles and electrical service boxes infringe upon sidewalks and not only impede safe pedestrian and bicycle movement but create a safety hazard. Furthermore, because of its coastal location, Rehoboth Beach is subjected to frequent high winds and ice storms which cause both service interruptions and safety hazards due to downed utility lines. The revitalization of Rehoboth Avenue included the planting of appropriate street trees and undergrounding the utilities and has made a dramatic visual and maintenance difference. Other opportunities for undergrounding, pole relocation, or running wires behind buildings will be investigated.

6.12 City Policies for Trees and Plantings

- a. The City will practice community planning and site design that conserves energy, protects natural resources, and minimizes impacts on the landscape. This will be reflected in the new site plan review process of the Planning Commission and in its continuing review of subdivision requests.
- b. The City will strengthen its tree planting and maintenance programs as a high priority.
- c. The City will strive to maintain its status as a "Tree City USA" by having a Tree Board or Department, a Tree Care Ordinance, a Community Forestry Program with an annual budget of at least \$2.00 per capita, and an Arbor Day Observance and Proclamation.

6.13 City Operational and Enforcement Actions for Trees and Plantings

6.131 Actions: Adequacy of the Urban Forest

- a. Rehoboth Beach will prepare a Community Forest Plan designed to increase public support and public involvement, make the best use of available public land for trees and plantings, promote the best

technical forestry practices, and secure the long-term management of its urban forest.

b. A program should be established to encourage homeowner groups to adopt public areas for planting and care and explore opportunities for community gardens. This program should be an acknowledgement that better planting and landscape design is needed in our parks with a strong emphasis on native plants and preservation of vistas.

6.132 Actions: Protection and Maintenance

a. The City will plant and maintain curbside trees on all sidewalked streets within the City.

b. All tree trimming to protect utility lines in public rights-of-way will be coordinated and overseen by City-regulated professionals.

c. The City will better ensure the proper cutting, trimming and maintenance of trees and plants in the public right-of-way.

d. A Horticultural Maintenance Program will be developed and instituted to provide educational information to individuals and organizations on the suitability and care of native vegetation and the identification and removal of invasive species in Rehoboth. This should be addressed by the Parks and Tree Committee.

e. The City will periodically determine the approximate tree stock within its boundaries.

6.2 Park and Recreation Areas

The most recent improvements to the park system have been the “revitalization” of Lake Gerar, the installation of “Tot Lots” at Lake Gerar and Silver Lake, and the upgrading of play equipment and the opening of a Farmer’s Market at Grove Park. An extremely important ongoing action is negotiation with the School District and the State on future use of the school property at Stockley Avenue Ext. This agreement is not complete and is discussed in more detail in Chapter 8.

Although significant progress has been made, deficiencies remain. Many visitors as well as residents seem unaware of what park lands exist within the City and there remains a continuing public perception that our parks are not planned, maintained, or used well. Central Park and Deer Park, for example, are recognized as unique natural areas suited for passive facilities such as paths and benches and not active facilities such as play courts or equipment, and their maintenance appears to suffer because of this “classification.” Gerar Park, Grove Park, and Stockley Park are well-used by parents and their children. There are a variety of unanswered questions – Are there any opportunities for park expansions? What new uses should be added to the parks? Are there logical ways to better connect the park system to the needs of walkers and bicyclists? What can a Canal Park look like and what activities should it contain? Active recreation is heavily concentrated in a few places e.g. daily sports at the beach; field sports, tennis, and basketball at the elementary school; tennis at Deauville Beach; and walking and biking the “Grand Boulevard” of the Boardwalk. Should more opportunities be created? Walking and biking are active recreation; where can they be expanded?

Along with the Community Forest Plan, a long range development, renovation, and maintenance plan for parks, recreation, and open space should be developed for the City. It should include a complete inventory of current parks and trees within City parks, open space areas, recreation areas, and natural areas and a plan for the maintenance and replanting of forests, open space, and facilities.



The park and recreation planning effort should define an understandable network of parks and connections among them, a definition of the various types of open space desirable (e.g., for active recreation, for passive recreation, for sound buffering, for light buffering, and so on), and long-term recommendations for the use and recreational development of the Canal area. While it is recommended that Central Park and Deer Park remain “passive natural areas”, this does not equate with their abandonment or neglect. Rather, pathways and benches can be installed and maintained, invasive plants and fallen or otherwise dangerous trees removed, and consideration given to signage identifying species or specimen trees. As guidance for creation of this plan, the following considerations and observations are offered:

- A functional classification system based on how the City’s parks are currently used and what their ultimate function should be must be developed;
- Active and passive park use must be balanced;
- Central Park and Deer Park should remain as passive natural areas with plans for their continuing maintenance;
- Planning for future use of Grove Park must be done with caution because of its intensity of use and lack of parking;
- The recreational facilities at the School must remain available for public use;
- A Canal Park should be created with benches, bike racks, trails, and a municipal dock on the Canal and included as part of the City’s overall park system;
- Identify and devise means to protect important vistas, particularly the east and west vistas at Lake Gerar and Silver Lake Bridge; and
- The financial and personnel requirements for plan implementation must be identified.

To begin the planning effort, this CDP includes a schematic drawing showing a conceptual network to better connect the park system for walkers and bicyclists. It should be used to begin the process of creating an identifiable, City-wide network of parks and open spaces connected by sidewalks and pathways, of examining what road and path improvements would be necessary and of identification of possible new public land acquisitions along the network.

Work is already in progress that contributes to the development of a Canal Park. A vision of the Historical Society is to relocate the Anna Hazzard Building from Christian Street to the Museum/Grove Park area to create a Historical Society Campus. The Rehoboth Beach Museum is located in the Old Ice House on Rehoboth Avenue at the Lewes-Rehoboth Canal. The building is situated on property owned by the City of Rehoboth Beach; however the majority of the land west of the Museum building – between the Museum and the canal – is owned by the Army Corps of Engineers. The Historical Society wishes to create a walkable landscaped environment that integrates with Grove Park situated immediately to the north while also providing both visual and physical access to the Canal. This vision is being approached in phases as funding allows.



Phase One, already completed, includes the sidewalks and landscaping surrounding the Museum building and the rear of the Chamber of Commerce office building. Two sidewalks are temporarily truncated and are intended to be interconnected in the next phase. Also in place are a patio and historical "art" objects.

Phase Two funding has been obtained and will include completion of a sidewalk to connect two

sections. This sidewalk will abut the upper Canal bank and may include a Canal overlook. The abutment for the old railroad bridge that crossed the Canal is still in place, albeit deteriorated, and is being considered for historical highlighting – possibly as a Canal overlook and a partial restoration with a section of track to serve as a visual reminder of a bygone access route into the city. Landscaping, lighting and benches are included.

Phase Three is to include installation of boat docks and an access way down the Canal slope. Phases Two and Three are in final design with construction for Phase Two anticipated in 2009. Phase Three to follow with funds and permit acquisition determining the final timelines.

In addition to Grove Park and the Historical Society's plans, the Canal Park should be continued south of Rehoboth Avenue along the banks of the canal utilizing both the open space under control of the Army Corps of Engineers and the City's unpaved right-of-way to the west of Canal Street. A permeable pathway with benches, bike racks, and informational signage explaining the history and importance of the canal, industries that once lined the canal, and the wildlife that it supports. Future Canal Park planning must include working with the Corps and the County to enhance the western side of the canal bank. To achieve the greatest public contribution, both sides of the canal should be protected and improved.

6.21 City Policies for the Use and Preservation of its Park and Recreation Areas

- a. The City will balance the use of its parks and natural areas between active recreational use and passive leisure use.
- b. Central Park and Deer Park will continue as passive natural areas but with new attention to needed maintenance.
- c. The navigability of the Canal should be maintained and a Canal Park along the entire western boundary of the City will be pursued.
- d. The City will collaborate with the School District to ensure that all existing recreational facilities at the elementary school remain available to the public during non-school hours.

6.22 City Operational and Enforcement Actions in its Park and Recreation Areas

- a. A long range development, renovation, and maintenance plan for Rehoboth's parks and recreation spaces should be prepared. This is particularly important for Central Park.
- b. An annual budget for the adequate maintenance of parks and open space should be determined and adjustments in the City budget made. Better maintenance will result in better treatment by the users.
- c. Planting additions to existing park areas should be investigated. For example, the Tot Lot at the Henlopen Hotel needs trees to provide shade and new flower gardens and benches/picnic tables at Lake Gerar would be a welcome enhancement to increase its use.
- d. Appropriate signage should be installed at each of the City's park and natural areas so that the public is aware of all of the City's parks and their intended use.

6.3 The Built Landscape

To build upon its unique character as a forested oceanfront community with a growing environmental ethic, the City should investigate a policy to require that all municipal facilities, City-funded projects, and City infrastructure projects be constructed, renovated, operated, maintained, and deconstructed using Green Building, Low Impact Development, and Conservation Landscaping principles and practices. Green Building is a philosophy of building design and construction which considers environmental impact, allows ecosystems to function naturally, conserves and reuses water, maximizes the use of local materials, integrates natural day-lighting and ventilation, and minimizes construction waste by reducing, reusing, and recycling materials.



Low Impact Development (LID) is an approach to stormwater management that is modeled after nature. Its goal is to mimic a site's predevelopment hydrology by using special techniques that infiltrate, filter, store, evaporate, and detain runoff close to its source. Instead of moving stormwater through large and costly pipes to storage or outfalls at the bottom of drainage areas, LID addresses stormwater through small, inexpensive landscape features located on or near the individual lot. These landscape features can include bioretention landscaping, rooftop gardens, permeable pavement, rain gardens, rain barrels, and dozens of other best management techniques.

Conservation landscaping uses fewer chemicals and reduces the level of toxic runoff into our waterways, replaces habitat and creates new habitat that has been displaced by development,

and uses native vegetation which helps conserve water and create wildlife habitat. The goal of conservation landscaping is to reduce pollution and improve the local environment. Landowners benefit by reducing the time, energy, and expense of mowing, watering, fertilizing, and treating lawn and garden areas. These inputs are reduced by using organic alternatives, decreasing areas requiring gas-powered tools, and using native plants that can be sustained with little watering and care. Native plants are also more resistant to insects and disease, and thus are less likely to need pesticides. Conservation landscaping helps us return to the balance and beauty of natural ecosystems.

Many communities have begun this "greening" process by adopting ordinances that follow the U.S. Green Buildings Council's Leadership in Energy and Environmental Design (LEED) standards. LEED for Homes is a rating system that promotes the design and construction of high-performance green homes. A green home uses less energy, water and natural resources; creates less waste; and is healthier and more comfortable for the occupants. Benefits of a LEED home include lower energy and water bills; reduced greenhouse gas emissions; and less exposure to mold, mildew and other indoor toxins. Less known than LEED for Homes is LEED for Neighborhood Development. It is a rating system that integrates the principles of smart growth, urbanism and green building into the first national system for neighborhood design. LEED certification provides independent, third-party verification that a development's location and design meet accepted high levels of environmentally responsible, sustainable development.

6.31 City Policies for the Built Landscape

- a. Investigate a City policy of requiring that all municipal facilities, City-funded projects, and City infrastructure projects be constructed, renovated, operated, maintained, and deconstructed using Green Building, Low Impact Development, and Conservation Landscaping principles and practices.

6.4 The Night Landscape

During the public comment period for the Plan, testimony was offered concerning the adverse effects of light pollution, an issue that was also addressed in the 2004 CDP. Good outdoor lighting at night benefits everyone. It increases safety, enhances the Town's nighttime character, and helps provide security. But new lighting technologies have produced lights that are extremely powerful and may be improperly installed so that they create problems of excessive glare, light trespass on individual properties and the night sky, and higher energy use. Excessive glare can be annoying, light trespass reduces everyone's privacy and enjoyment of the night sky, and higher energy use results in increased costs for everyone.

It was suggested that the City endorse the Dark Sky Initiatives of the International Dark-Sky Association (www.darksky.org). The Planning Commission was informed that ... "It will save the City money on its electric bill, and aims to eliminate the upward orange glow of wasted light, which blocks both our and wildlife's ability to see and enjoy the stars and glories of the sky. There is no downside or cost to this idea, as it can be implemented as lights are replaced over time. It does not impact public safety, as the light on the ground remains equal to, if not brighter than currently. It will directly benefit wildlife, especially migrating birds - including our own migrating red knots, which are critically endangered. And it will benefit everyone who enjoys the majesty of our night skies, seeing the Milky Way and stars, as well as drawing tourists to Rehoboth who will enjoy stargazing through telescopes on our 'night friendly' beaches."

6.41 City Policies for Lighting

- a. The City should use environmentally responsible outdoor lighting and the promote responsible legislation, public policy, and standards for such lighting in Rehoboth.

7.0 ACCESS FOR PEOPLE AND CARS

The City's Goals are to...

Adopt a Traffic Management System which will reduce traffic congestion at peak periods.

Reduce conflicts between pedestrians, bicycles, and cars.

Improve circulation throughout the city for pedestrians and bicyclists by planning a connected system of key destinations and enhanced maintenance of sidewalks.

Ensure that Emergency Response Plans are adopted, implemented, and the public informed.



Priority Actions for the City are:

- Develop clear, well-defined, publicly supported policies for traffic management based on the following principles:

(1) Access for people should not be inhibited; rather access by people must be increased while traffic is decreased. In other words, Rehoboth will accept more

people, it will not accept more cars.

(2) Rehoboth is essentially built-out; traffic management must rely on improving connections within and without the City and improving knowledge and acceptance of how to use the connections.

(3) The overall aim of traffic management in Rehoboth is to get cars off the streets and let people use alternate means of moving about the City such as walking, biking, and shuttle services.

- Adopt a “Complete Streets” policy consistent with the State’s policy to assure that as opportunities to revamp its streets occur such streets are designed and operated to enable safe access for all users and connected in a City-wide integrated network.
- Assure safe and unrestricted pedestrian passage on all sidewalks city-wide.
- A Plan will be prepared defining City-wide alignments for a connected bikeway system.
- Explore the creation, possibly as a public-private joint venture, of a water taxi connection with Lewes.
- The Emergency Operations Plan should be adopted and the appendices that spell out specific responses to public emergencies should be completed, kept updated, widely publicized, and made readily available.

MAP #4
Streets

CITY OF REHOBOTH BEACH

Sussex County, Delaware

OCTOBER 2009

LEGEND

- ENTRY STREET
- ARTERIAL STREET
- CONNECTOR STREET



MAP #5

Alternative Transportation Routes

CITY OF REHOBOTH BEACH

Sussex County, Delaware

OCTOBER 2009



LEGEND

- BIKE LANES
- BREAKWATER TRAIL
- TRAFFIC CALMING



7.1 Traffic Management

All official traffic data as well as casual observations confirm that the roads to Rehoboth Beach are overcrowded at certain times of the year. The town is a major destination in itself and also provides the only access to other destinations such as Henlopen Acres, North Shores, and the Gordon Pond area of Cape Henlopen State Park. During the season, there is a long line of traffic getting into the City in the morning and near gridlock trying to get out of the City at the end of the day. Beachgoers leave at 5pm and, as they depart, the restaurant crowd struggles to enter. A comment made by the authors of "Sussex 2005: A Program ForThe Future" (DelDOT, 1987) accurately predicted the impact of this crowding..."Because the key roadways already operate at capacity, the only way to accommodate increased traffic will be for the length of peak to increase... Experience in other resort areas, such as New Jersey, Long Island, and Cape Cod, has shown that development will continue even if roadway capacity is not increased. Travelers adapt, they alter their travel schedules or vacation times to accommodate the expected problem. Unhappily, the result is that the affected communities suffer worse and worse conditions." As a matter of preserving its identity, character, and economy, Rehoboth must seek an end to unbearable congestion on its streets.

In addition to the "normal" growth in traffic seen over the years in Delaware's coastal communities – an average of 60,000 daily vehicle trips on SR1 in 2005 and an expected increase of 100% from 2005 to 2030 - improvements to SR1 and new housing projects on Rehoboth Avenue Ext. (in Sussex County) have added several hundred homes and hundreds of

additional trips per day in and out of Rehoboth Beach. The State has installed a traffic light just outside the City at Church Street to accommodate the new development along the Canal going north -- this traffic light may further "paralyze" the City. The impact of additional traffic at the entries and exits to Rehoboth Beach has not been seriously considered in the State or County's review process and illustrates once again the need for cooperative planning or, failing that, a strong unilateral traffic management plan designed to protect the City from the worst impacts. Delaware's Capacity Preservation Program identifies SR1 in the vicinity of Rehoboth Beach as a "Transportation Investment Area – Multi-Modal – Areas of existing development or planned growth." The goal in such areas is to preserve capacity through sustainable investment in roads, public transit, pedestrian/bicycle provisions, and access management. As the remainder of this section shows, Rehoboth endorses these measures, will take supportive transportation actions on its own, and will cooperate with the State on combined solutions.

The revitalization project on Rehoboth Avenue presented a clear opportunity to develop such a solution. The 2004 Plan stated "Because the Rehoboth Avenue improvements will significantly affect the future traffic flow and capacity of the street, the City will work closely with DelDOT to monitor the changes and establish and test a functional plan for managing people, private vehicles, and public transportation in Rehoboth Beach at peak times. The plan should be used in limited situations and be triggered by selected amounts of traffic and consist of various stages of intervention e.g. police officers controlling lights, reduced access to Rehoboth Avenue, mandated use of the shuttle system, scheduled drawbridge openings. Access to the City for residents, landowners, employees, and long-term visitors will be ensured in any such plan." The observations and analysis that could have led to a traffic management plan did not occur and, if anything, congestion at peak periods has worsened.

Several general observations should be made about the character of Rehoboth traffic. First, parking and traffic within the City is not a problem for most of the year. Second, three groups with differing needs use our streets – residents and extended stay visitors (these are low turnover users); short stay commercial and service visitors (these are high turnover users); and short stay beach and restaurant users (these are "medium" turnover users). Third, there is a symbiotic relationship between SR1 and Rehoboth Beach – SR1 businesses need Rehoboth visitors and Rehoboth needs the people and activity generated by SR1. Fourth, getting to Rehoboth as a destination and moving within Rehoboth as a "lodger" are intertwined concerns.

We need a new beginning and a new framework for viewing the traffic issue. This need was highlighted by recent City discussions about whether to expand the Convention Center and add a decked parking garage behind the Fire Department. The public debate over these proposals quickly centered on whether or not the City should encourage more traffic by providing more parking. As of this writing, public opinion appears to have decided against expansion of the Convention Center and added parking but the entire process was characterized by a lack of formal planning input and rudimentary traffic analysis. Even the 2007 Parking Study (See www.cityofrehoboth.com) recommendation was ambivalent – "Construction of a 300 space parking deck (3 levels) or a 413 space deck (4 levels) will not solve the parking demand created during the peak times of the year but would certainly help the situation. When the streets are parked full, the deck would be a significant help."

In the end, even though the new facilities appear to have been rejected by the community, the exercise did not generate enough information or analysis for a thoughtful, complete understanding of whether changes to the Convention Center and addition of a parking garage have a role in Rehoboth's future. In other words, the issue is still here and it only heightens the need for a successful program of traffic management.

The key to traffic management is a new way of looking at streets. The largest public space in Rehoboth Beach is its streets and, until the redesign of Rehoboth Avenue, they have been dedicated to only one purpose – moving vehicles. Rehoboth Avenue changed the perception of what a street can be and how it can be used. This new understanding must be applied to all the streets of Rehoboth as a way of managing traffic. The Project for Public Spaces has developed three rules for using transportation to create great places and they are good rules for Rehoboth Beach. The Project for Public Spaces is a nonprofit organization (See www.pps.org) that since 1975 has worked in over 1,500 communities in the United States and around the world, helping people turn their public spaces, i.e. streets, into vital community places.

“Rule One: Stop Planning for Speed

“Speed kills sense of place. Cities and town centers are destinations, not raceways. Commerce needs traffic--foot traffic. You can't buy a dress from a car. Even foot traffic speeds up in the presence of fast-moving cars. Access, not automobiles, should be the priority in city centers. Don't ban cars, but remove the presumption in their favor. People first!

“Rule Two: Start Planning for Public Outcomes

“Cars were first introduced into cities as a public health measure--removing the dirt and filth of a transportation system based on raw horsepower, in the literal sense of the word. Cars also allowed us to separate people from the pollution of mills and factories, another public benefit. Great transportation facilities, such as Grand Central Terminal in New York City, grand boulevards, cozy side streets, rail-trails, the wide sidewalks of the Champs Elysées, are transportation "improvements" that actually improve the public realm. "Right-sizing" road projects in cities and suburbs can help increase developable land, create open space, and reconnect communities to their neighbors, a waterfront, or park. They can reduce household dependency on the automobile, allowing children to walk to school, connecting commercial districts to downtowns, and helping build healthier lifestyles by increasing the potential to walk or cycle. Think public benefit, not just private convenience.

“Rule Three: Think of Transportation as Public Space

“The road, the parking lot, the transit terminal--these places can serve more than one mode (cars) and one purpose (movement). Sidewalks are the urban arterials of cities--make them wide, well lit, stylish and accommodating with benches, outdoor cafes and public art. Roads can be shared spaces with pedestrian refuges, bike lanes, on-street parking etc. Parking lots can become public markets on weekends. Even major urban arterials can be retrofitted to provide for dedicated bus lanes, well-designed bus stops that serve as gathering places, and multi-modal facilities for bus rapid transit or other forms of travel. Roads are places too!”

Public transportation is an important component of Rehoboth's overall transportation system and must be given serious attention by the City. This should include closer cooperation with DART and other transit systems in planning services (including the possibility of year-round and long-distance service), better consideration of the role of transit in reducing traffic conflicts and congestion within the City and at its entrances, and further study of how to facilitate connectivity among surrounding towns.



We must insist on improving our transit system. The DART bus service operates for 20 hours a day every day from mid-May through Labor Day. During the 2001 season, the service carried 237,020 passengers and 172,377 of those were taken to or from the Boardwalk. In 2008, there were 326,604 users and 205,742 were taken to or from the Boardwalk. There are currently three transit stops on Rehoboth Avenue and one on State Road before Rehoboth Ave. Growth of the service has been the result of DART and DeIDOT marketing while the City has done very little to promote the service. The City does provide financial incentives (\$19,000 to \$25,000 annually) for employers to have their employees use the transit system and many do. Means of expanding employee use of DART and assisting the organization and the State in its promotion must be sought out and implemented There is a pressing need to address mass transportation access to the City and a means to improve the rider's experience while using the DART service and equipment.

The Rehoboth Beach/Dewey Chamber of Commerce has developed a proposal to create a new parking lot in combination with a tourist destination between Shuttle Road and Country Club Road on the west side of SR1. Along with a dedicated connection across SR1, better signage, more "beach appropriate" vehicles (i.e. not transit buses that look more at home in Wilmington), and improved lot facilities such as waiting "terminals," restrooms, showers, and changing rooms, a new park and ride would definitely improve the traffic situation. Not having to put wet and sandy children in their swimsuits into the car for a long drive home would remove a significant barrier to "offsite" parking. Furthermore, if an alternate route from the west side of SR1 to the downtown and the beach could be found (or created), the resulting quick access to Rehoboth would surely bring more people without their cars. For example, currently traffic traveling south bound on Rehoboth Avenue Ext as it parallels the north bound lane of SR1, i.e., going south

from the CVS area, can not directly continue on Rehoboth Avenue extended to enter the City. However, an option that could be considered in conjunction with DeIDOT is the possible creation of a "bus only" access point that would allow a shuttle bus departing the current DART parking lot to continue directly across SR1 from Shuttle Road and utilize such a "bus only" access point. Such an option would keep the shuttle bus off of Route 1 and may speed up the trip into the City.

Other options that could be explored would be to utilize the tract of land that the City owns on the east side of SR1 near the canal bridge as a visitor parking terminus with a "right sized" jitney service into the City. Additionally, the owners of Baymart may wish to consider a private/public partnership whereby parking and jitney service might be developed. Such partnership with a jitney service might result in both increasing the number of people shopping at Baymart stores and further alleviate traffic in the City. A private/public partnership could also be used to establish a Canal-based water taxi connection with Lewes and other communities.

To supplement an improved park and ride network, a tourist-friendly, jitney service should be looked at to decrease the use of cars within the City. Business-sponsored transit vehicles doing a continuous loop around town will not only ease congestion but improve access for the increasing number of elderly residents. The 2007 Parking Study by Shannon and Kauffman recommended that the City investigate providing a free shuttle service "such as the Jolly Trolley to create an internal loop around the main streets of town. This is not meant to compete with the current Park and Ride program but serve as a supplement to it. If visitors could park several blocks away on streets that do not have current demand and know that there was a reliable shuttle service to take them back and forth, it could serve to reduce the congestion in the core area. The system should circulate on streets outside the study area and would need to be on a route that would enable it to make a loop in 10-15 minutes. To achieve this, destination stops should be limited to two. One should be at the bandstand and the other should be somewhere in the 400 block of Rehoboth Avenue. The concept is to get the visitor from a remote area to the core destinations in a timely fashion. Route stops and pickups can be modified over time once experience models are established."

In addition to the public system, a variety of suppliers offer alternative transportation in and to Rehoboth. These include off-site motel vans, private shuttles, and shopping buses that offer a stop at the beach as part of their package. While the visitors are welcome, the private vehicles compete for space on the road and parking off the road with the public system. Drop-off points are very limited near the beach and are not now controlled, resulting in congestion and added air pollution in the heart of Rehoboth's downtown. To support and improve the DART system and relieve drop-off congestion and pollution in the downtown, Rehoboth must seek to limit access to drop-off points to those systems that integrate operations with DART or that perform a special circulation function internal to Rehoboth Beach.

No effective traffic management solutions will be forthcoming until continuous coordination occurs among the City, Sussex County land use planning, and DeIDOT's highway project development. The explosive housing growth allowed on Rehoboth's borders, the difficulty of reaching the two commercial malls at the SR1 entrance to Rehoboth, and the new traffic signal at Church Street and Rehoboth Avenue Ext. are a few of the current examples of the lack of coordination. The City must make a strong statement that it is not happy with an unlimited number of cars coming into town. And it must also communicate that effectively controlling the flow of these cars is a way of showing pride in our town. As a beginning, the State and County must be required to perform traffic impact analyses on any project that affects the flow of vehicles in and out of Rehoboth. Unless serious attention is given to coordinating land use and

transportation in the Rehoboth area, our historic beach community will become simply another bottleneck on the way to our pristine beach and Boardwalk.

7.11 City Policies for Traffic Management:

- a. The City will continue to explore and ultimately adopt a traffic management system that will provide for the safety and convenience of residents, landowners, and visitors, while addressing the important concerns of safety, mobility, and aesthetics. Priority will be given to the needs of residents, property owners, employees, and long-term visitors. The management system will include plans for managing peak time congestion using selected intervention techniques e.g., police officers controlling lights, reduced access to Rehoboth Avenue, mandated use of the shuttle system.
- b. The City will develop regulatory programs and policies that control mass transportation access to and drop-off points in Rehoboth Beach to the full extent permitted by law.
- c. The following principles will guide the management of traffic in Rehoboth:
 - (1) Access for people should not be inhibited; rather access by people must be increased while traffic is decreased. In other words, Rehoboth will accept more people, it will not accept more cars.
 - (2) Rehoboth is essentially built-out; traffic management must rely on improving connections within and without the City and improving knowledge and acceptance of how to use the connections.
 - (3) The overall aim of traffic management in Rehoboth is to get cars off the streets and let people use alternate means of moving about the City such as walking, biking, and shuttle services.

7.2 Parking

Parking is an important component of traffic management. Rehoboth Beach in season attracts far more visitors than residents and property owners and these visitors are likely to arrive by car. Rehoboth Beach in season provides employment within the City limits for hundreds of people, most of whom live outside the City and travel to their jobs by car and park. This latter group often arrives earlier than the usual day visitor. Residential property owners prefer to have the space in front of their homes for themselves or their visitors. The business community prefers to have turnover rather than day-long parking in the business district.



Against this background, the City weighed several options for a parking management system and selected the creation of a residential parking permit system and the provision of no additional spaces. The residential permit system has been very successful and is widely regarded as a major accomplishment for the community. However, since enactment of the system, the number of vehicles entering the City has increased significantly. The time has come to evaluate how the residential/commercial meter systems are addressing the increase in traffic and seek improvements, if necessary. In November, 2007, the City-commissioned Parking Study did just this. Its key recommendations are summarized below.

“Pricing: With proper technology, pricing can be changed for different hours of the day or days of the week. For instance, Rehoboth Avenue should be the most expensive place to park. However, the 300 and 400 blocks are not filled during the day but become congested in the evening. Meters on this part of the Avenue could be changed to have lower cost parking during the day to encourage beach goers to walk a few blocks, but charge a higher rate in the evenings when full turnover is needed. The higher rates should serve to deter employees from parking all day at a meter.

“In addition, meters could be made to be less expensive (but still vary in pricing based on location) on weekdays when the demand is not as great but increase on weekends. This model allows for higher priced meters while accepting concerns from the business community on the higher price of parking. If changing price based on time of day or day of the week is not implemented, the City should at least implement varied pricing based on the demand generators.

“Technology: There are many opportunities to operate differently with the improvements in parking technology. If prices at meters are increased above the current \$1.00 per hour (*Note: This increase has occurred.*), the city should investigate using meters that accept other payment

methods. There are many options available ranging from credit cards to debit cards and smart cards and payment by cell phone.

"In addition to adding this technology for on-street meters, there have been significant advances in technology for the office functions of the parking department. These options include newer configurations for the handheld ticket writers, office software for delinquent accounts and ticket collections, permit inventory, permit tracking, permit issuance, and a wide variety of services that can be added through web services. A web-based program can be implemented to allow people to pay tickets on line or purchase permits BEFORE coming into town. For cutting edge technology, systems exist today that would allow the city to 'chip' each meter space and have GPS systems find available parking. The more 'user friendly' the parking system becomes, the better the overall experience for the visitor. In interviews with the Chamber of Commerce and Main Street, parking issues were high on the list of irritants for the visitor coming into Rehoboth.

"Enforcement Times and Policies: Consistent enforcement is an important factor to consider for both the consumer and for vehicle movement. Currently, meters are in effect from 10:00 AM until midnight but the permits in the residential areas are only enforced from 10:00 AM until 5:00 PM. This process was established when the permit program was first established. Since it has been well over a decade since the permit program started, a full review of policies, pricing and procedures should take place.

"Continuing the permit times into the evening hours would serve as a way to potentially increase revenues for the City and would not change parking patterns dramatically. The demand generators of Rehoboth Avenue, surrounding core streets, and the bandstand during all peak usage times are so strong that it will take much higher meter fees to drive people into the neighborhoods. What was observed was a steady flow of traffic down Rehoboth Avenue in search of the illusive parking spot. Movement into the adjacent streets only occurred when other attempts had failed. The only exceptions to this were vehicles heading to a destination that was within the non-metered areas. The pricing and enforcement time becomes a matrix for consideration. If the meters are significantly increased in the core areas, permit enforcement times should remain the same to allow for options to those that do not want to pay the higher fee.

"Review Parking Permit Program: It is recommended that the city review its entire parking permit program including times of enforcement, start and end dates, and pricing. It has had no significant change since its inception but during this time, conditions in the city have changed. One measure that could be implemented is a true Residential Permit Program. The city could add meters or time zones on streets in the core study areas that currently do not have them. Concurrently, a permit system could be established that would exempt residents from having to pay for the meters or move in the required time period. This type of program is very successful in cities across the country where residential neighborhoods are heavily impacted by non-residents. Rehoboth Beach fits this profile."

This Plan supports all of these recommendations but adds that, just as in traffic management, creative new thinking is required to address the long term problem of too many automobiles on and off our streets. We must also analyze the possibility of eliminating parking spaces in the core areas of Rehoboth. This model is used throughout Europe and works well if there is a comfortable and obvious connection between the remote parking space and the destination.

A key place to eliminate parking is on the west side of First Street for the first two blocks north of Rehoboth Avenue. This is a serious safety issue because of heavy pedestrian traffic in the

area and the limited sight lines of vehicles because of parked cars. Eliminating parking on the west side will open up a lane for better auto and bicycle movement and create sight lines for both cars and pedestrians.

Another area that should be examined is the parking requirements of the zoning ordinance. Most of the housing in Rehoboth Beach is not used in year-round, single-family occupancy and the usual requirement of two off-street spaces per unit is not an accurate reflection of the true parking need. In this regard, a consistent issue raised by the public during the development of the 2009 CDP was the problem created by the large number of cars at summer rental properties that often block sidewalks or fill all neighborhood street spaces. The same review should be applied to commercial uses, hotels in particular, to determine the adequacy of the current requirements. An important part of this review will be consideration of the impact on individual lot coverage and the potential impact on surrounding uses of any increase or decrease in parking requirements.

7.21 City Operational and Enforcement Actions for Parking Management:

- a. The City will examine the recommendations of its Parking Study and, through the Parking Advisory Committee in collaboration with the Police Chief, implement those deemed necessary.
- b. The City will review its parking requirements for all uses and all forms of transport and revise them according to their adequacy for individual uses and their impact on surrounding uses.
- c. The City will periodically monitor the number of cars entering Rehoboth, parking in Rehoboth, and the number of local employees parking on the streets of Rehoboth.

7.3 Access Alternatives

Rehoboth is a community that is best experienced on its walkways. It is small, compact, and, at least in those areas east of Second/Bayard, best traveled by foot or bicycle. Because the town is flat and without natural high points, it cannot be grasped as a single vista but rather is discovered a street at a time. Therefore, the feel of our streets and avenues is what makes Rehoboth Beach successful. The current users of this system are thousands of skaters, exercise bicyclists, joggers, family bicyclists, Boardwalk bicyclists, and scooter and moped users. There are conflicts, however. In the past, access was planned for the dominant mode of transportation - the motor vehicle. For Rehoboth's future, the car, bus, and truck must be accommodated, but the balance must be "tilted" to the pedestrian, the bicyclist, and other non-auto users. The lack of progress on this recommendation of the 2004 Plan has been a major failure of comprehensive planning in Rehoboth.

The place to begin making progress in this key area is with the three rules laid out earlier in this Chapter as a new way of looking at streets:

- Rule One: Stop Planning for Speed
- Rule Two: Start Planning for Public Outcomes
- Rule Three: Think of Transportation as Public Space

Instead of focusing on how fast a large number of cars can move through a particular place (mobility), we must begin thinking about how easy it is to reach destinations (access) – by foot, by bike, by transit, and....by car. To begin this change and to avoid conflict over the nature of new streets and sidewalks in future development and the addition or replacement of streets and sidewalks in areas of repair or revitalization, the City will devise design and engineering standards based on the "Complete Streets" program of the National Complete Streets Coalition (See www.completestreets.org) and the recent Executive Order of Delaware's Governor regarding Complete Streets. With the assistance of the Delaware Bicycle Council, the Advisory Council on Pedestrian Awareness and Walkability, and the Elderly & Disabled Transit Advisory Council, DeIDOT has been directed to create a Complete Streets Policy that will promote safe access for all users, including pedestrians, bicyclists, motorists and bus riders of all ages to be able to safely move along and across the streets of Delaware.

Delaware's Complete Streets Policy should:

- Solidify DeIDOT's objective of creating a comprehensive, integrated, connected transportation network that allows users to choose between different modes of transportation;
- Establish that any time DeIDOT builds or maintains a roadway or bridge, the agency must whenever possible accommodate other methods of transportation;
- Focus not just on individual roads, but changing the decision-making and design process so that all users are considered in planning, designing, building, operating and maintaining all roadways;
- Recognize that all streets are different and user needs should be balanced in order to ensure that the solution will enhance the community;
- Apply to both new and retrofit projects, including planning, design, maintenance, and operations for the entire right-of-way;
- Ensure that any exemption to the Complete Streets Policy is specific and documented with supporting data that indicates the basis for the decision;
- Direct the use of the latest and best design standards as they apply to bicycle, pedestrian, transit and highway facilities.

Rehoboth will follow Delaware's Complete Streets policies and prepare for their implementation by identifying the City's chief travelways for pedestrians and bicyclists; discovering opportunities for integrated and separate bike lanes; determining if there are streets that can be turned over to pedestrians, bicyclists, and resident/tenant-only cars; locating new crosswalks; designing a wayfinding sign system; and locating opportunities for traffic calming (Columbia Ave., Henlopen Ave., State Rd., and Bayard Ave. should be considered). This investigation should also include creation of a "Comprehensive Bike Plan" that calls for such investments as bike maps, signage, road markings/bike lanes, permanent bike racks, temporary bike racks for high use locations, a bike fleet for City employees, and policies and design standards for on-street and off-street bicycle usage. Further, the increasing use of scooters and mopeds calls for examination of their storage needs. This is a new occurrence in Rehoboth and the experience of other cities should be studied for guidance to manage and park these vehicles.



Map # 5 shows some possible City-wide alignments for a connected bikeway system, streets where traffic calming could be established, and connections to Breakwater Trail.

7.31 City Policies for Access Alternatives

- a. The City will follow Delaware's "Complete Streets" policy to assure that as opportunities to revamp its streets occur such streets are designed and operated to enable safe access for all users and connected in a City-wide integrated network.
- b. A City-wide "Yield to Pedestrian" policy and appropriate pavement marking and signage will be employed at high use crossings.

7.32 City Operational and Enforcement Actions for Access Alternatives

- a. The City should, in cooperation with local bicycle clubs and the bicycle sales and rental business community, seek to have Rehoboth Beach designated a "Bicycle Friendly Community" by the League of American Bicyclists.
- b. The City will investigate establishing a bikeway/greenway extension from Silver Lake into Rehoboth Beach that is coordinated with DeIDOT's established bike lanes from Dewey Beach to Silver Lake and which will link with the Junction and Breakwater Trail leading to Lewes.
- c. The City should immediately address the following safety issues:

(1) Improvements to Columbia Avenue that will result in traffic calming, better pedestrian access, and increased safety for pedestrians and bicyclists. To a lesser degree, the same safety issues apply to Henlopen Ave., but priority needs to be given to Columbia Ave.

(2) Operating and properly signed push buttons on the poles for the Rehoboth Avenue crossings at First St, and Second Street/Bayard Ave.

(3) Eliminate parking on the west side of First Street for at least the first two blocks north of Rehoboth Avenue.

Existing City codes regarding sidewalk maintenance and ensuring that sidewalks are free from infringing bushes and limb, as well as illegally parked cars, must be reexamined and modified as needed to give the City needed enforcement authority. Currently the City has blocks with discontinuous sidewalks and missing sections need to be filled in to allow safe pedestrian passage. Action is now being taken to fix badly damaged sidewalks and to address discontinuous sidewalks throughout the city. A complete inventory of discontinuous sidewalks has been prepared and connections will be made as funding becomes available. However, the City has failed to adequately address a recommendation from the 2004 Plan to keep sidewalks clear of obstructing growth. Essential to the City's commitment to a walkable community is to have its sidewalks in good repair and continuous for their length, free from intruding bushes and trees and low hanging branches, and void of parked cars blocking sidewalk access.

The 2004 Plan called for particular attention to the requirements of the Americans with Disabilities Act and the needs of the elderly (e.g., countdown crosslights and shuttles). In 2008, the City began preparation of an ADA Transition Plan that will establish the need for ADA compliance, evaluate sidewalk ramps for compliance, rate and prioritize needed improvements, propose a phased capital improvements budget, and define a schedule to remedy as funding allows. The City is already working on ADA in the highest pedestrian traffic areas at seven intersections on First Street at Maryland Avenue, Baltimore Avenue, Wilmington Avenue, Delaware Avenue, Brooklyn Avenue, and Philadelphia/Laurel Street. Completion of this work will bring into compliance five intersections south of Rehoboth Avenue and two intersections north of Rehoboth Avenue, all on First Street. An additional three intersections on First Street north of Maryland Avenue are already remediated and in compliance as part of the Lake Gerar Bridge project. After reconstruction of the seven intersections identified above, the ADA Transition Plan will advise of the next priority intersections.

The Lewes-Rehoboth Beach hiking-bicycling trail – the Junction and Breakwater Trail - is complete and currently ends just outside the City on Church Street. It is part of a network of trails that connects not only Lewes and Rehoboth but also with the bike lanes that extend southward along Route 1 to the Maryland border. Additionally, the County and State are currently planning a connecting "rail-to-trail" bikeway that would provide access to the Villages of Five Points, the Vineyards at Nassau Valley, and Georgetown. The Breakwater Trail is a tremendous asset to the City but it has been difficult to safely gain access from Rehoboth. With DelDOT's recent "improvement" of Rehoboth Avenue extended at Church Street, the City must closely monitor the adequacy of the marked bike lane to ensure that safe access to the Breakwater Trail and a means for cyclists and pedestrians to safely cross Rehoboth Avenue Ext. is provided. A desired outcome is to allow Grove Park and the developing Historical Society's site at the entrance of Rehoboth to become a natural Trail terminus. Such a terminus

is a welcome addition and creates opportunities for further distribution of bicyclists and hikers to other Rehoboth locations. So as not to unintentionally create additional demand for on- and off-street auto parking around Grove Park, visiting cyclists should be informed of and encouraged to use existing trail-associated parking facilities located outside of town.

A Canal Walk Park should also be developed along the east side of the Lewes/Rehoboth Canal extending from Grove Park southward to the City limits. This Canal Walk would be a natural connection of the City to the water on the east and could include easy access from Grove Park, the bridge at Rehoboth Avenue and at one or more points along Canal Street. The Canal Walk should include piers for daytime tie-up of boats similar to that of the Lewes City dock on the Lewes/Rehoboth Canal. This would provide boaters, sightseers and residents with waterway access to the City of Rehoboth Beach. The Canal Walk Park could also be a terminus of a waterborne transportation link between Rehoboth and Lewes' new Canalfront Park allowing visitors, shoppers, and, possibly, commuters to reach both communities without stepping into a car. DART could play a role in this network by offering service at the terminus locations in each city. Waterborne service could also be extended over time to Dewey and other locations. This is a good opportunity for a public/private partnership to contribute to the solution of a piece of the transportation and economic growth puzzle. Dubbed the "aquametro" by a local newspaper, creation of this environmentally responsible travel link should be thoroughly investigated by all communities with frontage on the Canal.

The development of a Canal Walk Park would give Rehoboth Beach two waterfronts and could relieve some of the waterfront congestion at the Boardwalk. Tourists and residents alike would be attracted to a waterfront view along the Canal. To establish the Canal Walk Park, a formal agreement between the City and the Corps of Engineers will be needed. Some progress has been made on moving a Canal Park forward and the impetus of the Historical Society's plans for Grove Park and Canal improvements should give the process more momentum.

The Breakwater hiking-bicycling trail between Lewes and Rehoboth Beach, a Canal Walk Park with a parallel biking route on Canal Street, and the bike lanes from Dewey Beach to Silver Lake could form the "exterior" basis of a bikeway network through Rehoboth Beach that connects its important parks and destinations.

7.33 City Operational and Enforcement Actions for Walks and Pathways

- a. The City should ensure that the Planning Commission has the requisite authority to require sidewalks where needed in various types of development or redevelopment.
- b. The City will amend its Code to ensure that it has the authority to cut and remove any vegetation that infringes on sidewalks and to repair, replace, or extend sidewalks wherever needed and will carry out this responsibility.
- c. The City, through its enforcement authority, will ensure that cars are not parked over sidewalks blocking pedestrian passage.
- d. A Canal Walk Park should be developed by the City in cooperation with the Corps of Engineers for the east side of the Lewes/Rehoboth Canal extending from Grove Park southward to the City Limits.
- e. The City, in cooperation with the business community, its neighboring

communities, and the State will explore the development of a canal “water taxi” service.

7.4 Disaster Planning and Transportation

The large number of beach users in Rehoboth Beach creates a need for evacuation plans that could be implemented on particularly crowded days or in the event of any disaster. The problem runs from a single ambulance encountering traffic gridlock within the City to a major disaster event. Should large numbers of beach-goers decide or be ordered to leave, the conflicts could be overwhelming and planning is absolutely necessary. An Emergency Operations Plan that follows Federal standards has been prepared for approval by the City. The next step is to prepare detailed “appendices” to the Operations Plan that address specific situations such as responses to hurricanes, tsunamis, explosions, and other events.



Should SR-1 become impassable by ambulance for whatever reasons, alternative means of transporting patients from Rehoboth to Beebe Hospital in Lewes should be in place. These could include, in addition to helicopter transport, transport by high-speed boat using the Lewes and Rehoboth Canal, the use of 4-wheel vehicles along the beachfront, or the use of the Breakwater hike/bike trail. The athletic fields at Rehoboth Beach Elementary School are the only open lands in Rehoboth that helicopters currently use for emergency purposes and it is essential that these fields remain open.

Dealing with more routine emergencies is largely the responsibility of the volunteer Fire Department and its fire and rescue components. The Department has outstanding esprit de corps, equipment, and funding, but is operating with surprisingly few active members, and it

appears likely that full-time paid professionals may be required at some point. In addition, most of the active volunteers now live outside the City and with increased development and traffic have difficulty returning to the City for an emergency during peak traffic periods. In response, the Department is relocating some of its equipment to satellite facilities outside of the City. The importance of supporting and maintaining a fire and rescue capability within the City cannot be overstated.

7.41 City Policies for Disaster Planning:

- a. The Emergency Operations Plan should be adopted and the appendices that spell out specific responses to public emergencies should be completed, kept updated, widely publicized, and made readily available.
- b. Plans to transport critically ill or injured patients to Beebe or other hospitals during periods of near total traffic gridlock should be prepared.

8.0 REHOBOTH'S BUILT ENVIRONMENT

The City's Goals are to...

Protect historic and characteristic structures

Preserve Rehoboth's overall character and small town charm

Protect the character of distinctive groupings of buildings and streetscapes

Encourage the creative redevelopment of selected properties on Rehoboth Avenue and other commercial areas

Increase the commercial viability and attractiveness of Wilmington and Baltimore Avenues and First Street



Priority Actions for the City are:

- Conclude an agreement on the rezoning of the school property that preserves its essential open space and recreation functions.
- Thorough enforcement of the vacation rental housing regulations, health and

safety inspections, and licensure.

- Institute an architectural review procedure as a limited time pilot program within the City's normal permitting process. Acceptance of the recommendations of architectural review will be voluntary during this period.
- Examine establishment of a new mixed use zone category specifically designed to encourage the development and redevelopment of selected commercial areas along major commercial streets.
- With Main Street and the Chamber of Commerce, encourage and assist interested owners in the creative redevelopment of properties on Rehoboth Avenue and adjacent commercial streets.
- Study how to physically upgrade the first two blocks of Baltimore and Wilmington Avenues and First Street to improve their commercial viability, safety, ambiance, and access by pedestrians. Include creation of a "design image" that would describe an architectural character for each block to be used as a source of ideas for owners when individual properties are modified.

MAP #7

CITY OF REHOBOTH BEACH
Sussex County, Delaware
OCTOBER 2009

LEGEND

-  DESIGN IMAGE AREA
-  PROPOSED ZONING CHANGE

Redevelopment



8.1 Community Design

Rehoboth Beach has evolved from its simple beginnings as a church camp meeting ground to find itself 100+ years later a modern beach community – a small town with large city issues. The years have produced one city, but a built “geography” that differs in character, use, architecture, and history. There are small cottages, modest to elaborate beach homes, renovated residences now used for room rental, bed and breakfast establishments, offices, restaurants, and shops. There are former cottages remodeled for condominiums and newly built hotels and motels. Overlaying the entire community is a unique integration with nature manifested by water – not only the ocean, but the lakes and the canal – and even more visibly throughout town by the trees, shrubs, and flowers, and an overall “green space” feeling when compared to almost any other beach community.

Even though Rehoboth is a single residential neighborhood in social terms, its various parts present different images. Country Club Estates and Schoolview are relatively new and crisp; the Pines laid back and relaxed; South Rehoboth has charming old and new houses on tree-lined streets with granny flats and garage apartments. Old Rehoboth is now more commercial than residential, with good and bad examples of structures being used for other than the original intended purpose. Throughout the town, there are private and commercial structures that because of their characteristic architecture and longevity are an integral part of the ambiance and worthy contributors to Rehoboth’s past and future. The 1990 Architectural Survey of Rehoboth Beach, prepared by Delaware’s Historic Preservation Office, lists over 78 properties built prior to 1920 as eligible for the National Register of Historic Properties. By 2008, 19 of these structures had been demolished and replaced. If the high property value growth experienced by Rehoboth continues, or even if land values don’t rise but simply remain at their current high levels, this pattern of demolition and replacement will almost certainly go forward.

In addition to the properties referred to above, there are many cottages that were built during the 1920s and 1930s, many still standing, that contribute significantly to the character of the city. There are also approximately 60 buildings that were moved from one lot to another or from the country into the city. These relocated buildings are not eligible for listing on the National Register simply because they have been moved but they also make a significant contribution to the character of Rehoboth.

For better or worse, the steady loss of older homes and business structures and their surrounding “green space” to new buildings is changing the face of the community – not in only one or two occasional instances, but throughout the town and on street-after-street. These changes are testing Rehoboth’s distinct character among the many coastal towns and there are many opinions about how to respond. Some in the community have said that preservation and the architectural appearance of structures (including their integration with surrounding “green space”) are vital issues for the future and, unless resolved, the integrity of Rehoboth’s claim to uniqueness among resort communities will be chipped away and remolded into another familiar “franchise.” Others have said that the progression underway is simply the natural process of development, redevelopment, and improvement in a living city. They have also said that the restrictions thought necessary for historic or architectural preservation may cause a personal economic loss as well as a loss of personal choice far greater than what the public has to gain.

The 1996 Long Range Plan set goals for historic preservation and architectural guidance but when the City tried to address these issues in the 1990s with a draft historic preservation

ordinance and draft neighborhood preservation ordinance, a consensus for action did not exist at that time. Despite a number of public workshops and hearings, some landowners felt that the process should have been more deliberate, or that the proposed changes (particularly as to items such as setbacks, floor area ratio limits and other quantitative zoning-related changes) represented too great a departure from existing measures. While many residents perceived that there was some “problem” with how Rehoboth is changing, the proposed solutions were not persuasive.

The 2004 Plan proposed that *“A comprehensive plan is not the place to develop specific regulations governing historic preservation or community design, but it is the proper place to call attention to the perceived problem, acknowledge the differing points of view, and spell out a path for examining and resolving the overall issue. The City has three options right now. It can do nothing – but this is something that few people seem to want, and its consequences may have serious adverse consequences for the City. Alternatively, the City could re-visit some aspects of its prior historic preservation and neighborhood preservation proposals – and the changes proposed could be much more modest and incremental. Lastly, the City could consider new approaches that combine enhanced City reviews with less quantitative and more flexible approaches for landowners. This third option appears to offer the best approach, though it depends upon strong public support.”*

The path spelled out by the 2004 Plan called for a multi-step process consisting of community workshops, development of basic guidelines for community design and preservation, community debate over the guidelines, and creation of ordinances based on the accepted guidelines. The guidance provided in 2004 for this examination relative to architectural review bears repeating for it provides measures to gauge the success of the assessment that indeed occurred: *“In the search for an appropriate means to “manage” the visual and historic texture of the Rehoboth Beach of the future, the City realizes that community design is both an art and a science and that appropriate solutions are difficult and prey to many political and economic judgments. It also realizes that its views of community needs may not match the views or economic needs of all potential applicants. To this end, the City will examine (1) means to be as flexible as possible in the administration of any regulations to preserve the “freedom to build” for an applicant who is working to produce a thoughtful and responsive addition to the community, (2) incentive programs that offer benefits to those who participate in historic or design quality efforts, and (3) limitations on the applicability of historic or design regulations to particular zoning districts or structure characteristics. It may be appropriate, for example, to “go slow” and apply any new standards only to entirely new construction, to substantial increases in existing size, or to modifications to only a substantial part (e.g., 75% or more) of existing space. Or it may be that a public consensus actually emerges first for modest quantitative changes (e.g., slightly greater setbacks, slightly reduced floor area ratios, or additional height/roof-type restrictions) while more long-term solutions are further explored. Regardless of approach, city leaders and members of the public must work together on effective, acceptable solutions.”*

One of the outcomes of the 2004 CDP was the establishment of a citizen-based Architectural Review Board Task Force that submitted its recommendations in June, 2007. The Task Force decided early ‘what’ was needed, which was an architectural review process supported by a review panel and governing principles. This consensus allowed the group to focus on questions of how the said review would be administered, how it would fit in and enhance the current process, and who would be involved. Noteworthy is that the Task Force prepared a very thorough draft Architectural Design Manual; a community resource for city residents, architects, builders, and the like. (See www.cityofrehoboth.com)

In its report, the Task Force recommended that “Any architectural review process should

provide property owners and designers the flexibility to develop architectural solutions that are appropriate for their property and that fit within the street, neighborhood and city context.” A clear goal was to provide guidance to applicants on issues to be addressed before and during the design process. It was evident that guidelines would assist the City and property owners to consider a range of design issues. The guidelines would serve as the basis for an Architectural Review Panel’s review of a project. For any given property, it was recognized that there are many acceptable options and opportunities to meet the core architectural design principles expressed in the review criteria.

The Task Force further recommended an architectural review process that incorporates review of the compatibility of exterior design, arrangement, placement, and materials proposed to be used with other structures. The review process should consider the effect of structures on the health, safety and general welfare of the city and the idea that review decisions should be based on specified architectural design principles and requirements.



The process is not complete and should continue. The Design Manual, review process, and supporting recommendations provide a framework, format, and direction for future discussion and public input. They are not, at this time, intended to be all-inclusive, and there is a need for further deliberation. The Task Force should be reactivated to further discuss and refine the major recommendations of its original work.

Additional items that the Task Force should undertake include defining the Principles of Environmentally Friendly Design/ Green Architecture and Historic Preservation. The Task Force should also continue discussion of procedural issues. Finally, the Task Force should continue its noteworthy community effort to protect, conserve, and strengthen our city's unique neighborhoods and architectural character recognizing that the process will require continual review and improvement.

When the review process is defined, all new developments or major renovations should be required to go through the review process during a limited time trial period but not be bound by the findings and recommendations of the review. This trial would be used to see how the process works and discover things that need to be modified or eliminated. Only after this trial period and with the necessary community support could the review process become part of the permitting process and its recommendations become enforceable. An additional safety valve should be to reassess the process after one year in practice and modify as appropriate.

8.12 City Operational and Enforcement Actions for Community Design

- a. The Architectural Review Board Task Force should be reactivated and its work completed.
- b. At completion of the Task Force work, the City should institute the proposed architectural review procedure as a limited time pilot program within its normal permitting process. Acceptance of the recommendations of architectural review will be voluntary during this period. The pilot will be designed to gather public input and data on the acceptability of a review process and refine and perfect a review process for use in Rehoboth Beach if there proves to be community support.

8.2 Residential Land Uses

8.21 Residential Zoning Changes

The most pressing zoning issues identified in the 2004 CDP were 1) the commercial zoning of several residential properties in the northwestern section of the town along Columbia Ave. and Sussex St and 2) the future of the school property on Stockley Ave. Ext.

As recommended in the 2004 CDP, the north side of Columbia Ave. between Grove St. and Felton St. has been changed from C-3 to R-2. Both sides of Sussex St. between Columbia Ave and Fourth St. have been changed from C-3 to R-2. Eastward from the intersection of Sussex St. and Fourth St., the first five lots on the south side of Sussex St., and the first two lots on the north side of Sussex St. have been rezoned from C-1 to R-2. The Columbia and Sussex rezonings have complemented the City's improvement of Grove Park which has become a local community park for the residents of the Pines as well as a site for various community-wide events. Maintenance of Columbia Avenue as a residential area, rather than allowing it to develop into a commercial strip, is more in character with the use of Grove Park as a community resource.

Creation of a new zoning category for the school property at Stockley St. Ext. that preserves the recreation and open space associated with the school while allowing limited residential development has not been completed. The City, the School Board, and the State are continuing to negotiate as this CDP is finalized. The 2004 CDP gave the following guidance: "A key component of the overall park system and the most important current land use issue in the City

is the active recreation facility and open space provided on the school property at Stockley Ave. Ext. The current zoning of the property is residential which gives it a very high financial value. However, this land has inestimable value beyond the financial to the City because it offers the only opportunity for a variety of active field sports in the Rehoboth Beach area, provides environmental protection for Silver Lake, and is a uniquely valuable community amenity. There are no other sites in the vicinity of Rehoboth that could replace the function of this property. Further, for residents on the south side of Rehoboth, this open space represents a vital recreational resource both passive and active, and is used extensively on a regular basis. This site must remain in the community inventory and must continue as an educational/recreational facility. In the event the land was to be declared surplus, a significant interest of the City would be placed at risk.”

Enacting the proper zoning for the school property remains the most pressing land use issue in the City. In 2008, the Rehoboth Beach Planning Commission gave detailed recommendations on the school property to the City Board of Commissioners. The key components of these recommendations were:

- Any rezoning agreement should ensure that a minimum of 75% of the current property remains open space, i.e., O-1 designated land. The O-1 District is designed to include lands dedicated as permanent open space, to be enjoyed by the public for rest and recreation or to provide permanent light and air to surrounding developments.
- No structure other than those deemed necessary by the City for public services, health and safety shall be located in an O-1 District.
- A “buffer zone” around Silver Lake must be maintained.
- The land in front of the current school should be maintained as open space and used as a treed lakefront park.
- Any agreement regarding the R-2 use of the property must be subject to the review and approval of the Planning Commission then in place under the “Major Subdivision” standards and process of the City Code.

These recommendations are included and endorsed in this 2009 CDP.

In addition to the school property, the 2004 CDP also directed attention to the large parcel of land along the Canal, bounded by Canal Street, Sixth Street extending to State Road, Grove Avenue, and Rehoboth Avenue that at the time was zoned C-1. This category is the least restrictive commercial category and offers the widest variety of commercial uses available in the Code. The 2004 Plan called for this property to be placed in a new, undefined zoning category that allowed mixed uses, acknowledged the importance of retaining neighborhood character, and better protected the open space along the Canal. Subsequent to the 2004 Plan, the property has seen significant additional residential development and the opportunity for mixed use improvements had passed and the need to protect the dominant residential use of the property has become paramount. Except for the commercial properties fronting on Rehoboth Avenue, the triangular parcel of lands east of the Lewes and Rehoboth Canal was rezoned to R-2 to better reflect their actual use and shelter them from adverse commercial impact. Further development under an R-2 designation should recognize the need to acknowledge existing community scale and the need to protect access to and along the Canal. In amending the zoning map, the Code provides that any currently legal commercial use will be allowed to

continue.

8.211 City Operational and Enforcement Actions for Residential Zoning Changes

- a. Proceed with a rezoning of the school property that recognizes its educational use and preserves its essential open space and recreation functions.

8.22 Vacation Rental Housing

Although progress has been made to reduce the scale of mega-vacation homes by using new FAR and other restraints, the fundamental problem of regulating the use of vacation rental properties of whatever size remains a disappointment of the 2004 CDP. The Planning Commission continues to hear repeated public concern about overcrowded units, large numbers of cars at units, cars blocking sidewalks, and associated loud and unruly behavior. To ensure safe habitation, the enforcement of Rental Licensing and the periodic inspection of all properties used by multiple occupants must be strengthened. Periodic inspection is an area where private/public partnership should be explored. For those rental properties being handled by licensed rental companies, the City should consider allowing the company to certify that it had carried out inspections and found compliance with applicable City ordinances. Those rental properties not handled by a licensed rental company would require periodic compliance inspection by a City official.

Minimum quality standards for habitation should be an integral part of the rental property tax ordinance. The promulgation, implementation, and enforcement of these standards should be the responsibility of the Building Inspector's Office, even if this Office must be expanded on a temporary basis during the summer season. Residential rentals, joint ownership of units, "fractional interests," and other means of owning or securing a vacation space in Rehoboth is a major largely unregulated business and, through increasing use of the internet, is sidestepping many points of public regulatory intervention. Better management by the City of "bedroom and/or bathroom density," parking, acceptable forms of ownership, safety, and maintenance will encourage more responsible use of these properties and limit their adverse impact on the surrounding community.

8.221 City Operational and Enforcement Actions for Vacation Housing

- a. The City will develop and implement an operations plan to ensure regularly scheduled inspection of all rental housing. Such a plan may provide for the delegation of responsibility to a licensed real estate company if the rental of the property is being handled by the company.
- b. Special attention should be given to rental code compliance or lack thereof by absentee landlords.
- c. The City will identify those properties offered for rental but which do not have an approved rental license.
- d. The City will assure the enforcement of all codes relating to rental housing.
- e. All property owners should be informed of the City's ordinances concerning

rental property and the complaint process that should be followed.

f. An up-to-date listing of all properties with approved rental licenses will be posted and made publicly available on the City's website and the public advised on how to report rental units not on the list. Consideration should also be given to including such information in a City Newsletter.

g. The City should keep track of the number of residential bedrooms on an annual basis. This is possible using the City's GIS system.

h. Improved regulation of rental housing should become a high priority of the Building Inspector's Office.

8.23 Workforce Housing

Although the housing market has cooled significantly in recent years, the value of residential property in Rehoboth remains very high. The community's image as a reservoir of vacation housing value and the lack of raw land for residential expansion have combined to keep prices high and affordability low. There are rental units available in Rehoboth on a seasonal basis for the summer workforce but their number is limited and by no means is the demand met in Rehoboth alone. The demand is largely met in the areas surrounding coastal communities and, in Sussex County, the majority of new residential construction continues to occur in the areas from Lewes to Fenwick closest to the inland bays. Sussex plans to continue this pattern by directing the *"County's most concentrated forms of new development to Growth Areas, including most higher density residential development and most business development...Growth Areas should be located [in] proximity to an incorporated municipality [with] public sewer and public water [and] on or near a major road..."* (From the adopted Sussex County Comprehensive Plan Update).

To assure that this growth pattern accommodates the need for workforce housing, the City and the County should explicitly agree to plan together for the accommodation of all categories of uses within the Rehoboth growth area, including housing for all income levels and an allocation for workforce housing.

A workforce housing prospect for Rehoboth is to provide more housing in commercial districts by allowing residences above commercial with restrictions on short-term rentals and incentives to deliver high quality design. The possibility of a new mixed-use zoning category in commercial areas is discussed later in this Chapter. The availability of long-term housing in commercial areas should offer an opportunity for workforce housing.

During development of the 2009 CDP, the Planning Commission discussed an alternative residential development form that has been successfully used in other communities. "Cottage housing" is generally defined as a grouping of small (1,000 sq. ft.), single-family houses clustered around a common area, such as a courtyard or walkway, and developed with a consistent plan for the entire site. They have gained popularity as a type of infill development on small sites in already developed communities and as a way for older residents to remain in their neighborhoods. They add a new, less costly choice of housing type without demanding large amounts of vacant land for development. While this type new development is not currently possible in the City, consideration should be given to determine if there are specific sites either within the City or close by where such development might be appropriate and how it might augment workforce housing.

All these workforce housing activities should be coordinated with the Delaware State Housing Authority and designed to complement its statewide efforts.

8.231 City Operational and Enforcement Actions for Workforce Housing

- a. The City will cooperate with Sussex County and the Delaware State Housing Authority to assure the provision of workforce housing in areas outside but near Rehoboth Beach.
- b. The City will examine mixed use zoning changes as a means of increasing the amount of workforce housing in the City.

8.24 Lot Partitioning

Partitioning is one form of the subdivision process which allows an owner of one large parcel to subdivide the lot into two lots. When the partitioning process was first enacted decades ago, there was little concern that the creation of two lots from one larger lot would have any significant impact on the adjoining properties, let alone on the immediate neighborhood. In character with many of the older, smaller homes in the community, construction on the new lots created by the partitioning process rarely resulted in homes as large as the zoning code permits (in terms of floor area ratio, height, lot coverage, etc). It would have been rare for a partitioning application to present issues about public health, safety, and the general welfare, and so the approval process was appropriate.

The impact of partitioning today, however, is different. Over the past decade real estate prices have been escalating in Rehoboth Beach. With no large tracts of developable land available within the City, higher valuations have led to an increasing number of partitioning applications. There are also a large number of double lots in Rehoboth, and in many cases their owners have either demolished or moved large, older homes that sat on these double lots and subdivided them in order to build two homes to the maximum size permitted by the zoning code. As a result of these actions, in many cases mature trees and shrubs have been destroyed to accommodate demolitions or moving of homes; and, in some cases, the demolished homes have been charming structures that might qualify for historic preservation status. This type of "infill" is occurring throughout Rehoboth Beach, and there are a number of concerns about the adverse impact on adjoining properties and the immediate neighborhoods in terms of water runoff, noise, parking, the loss of historically significant structures, the loss of mature trees and other vegetation, architectural compatibility, and the loss of open space. The approval process is no longer adequate for review of partitioning applications because it gives the City very few tools to minimize the possible adverse impacts.

Property owners should retain the right to partition their properties, but it is also important that the review process be improved to allow more in-depth analysis of the impact of each partitioning request. The municipal code should give the City's planners more specific tools to manage and minimize the adverse impacts caused by partitionings.

One approach would be to use the proposed architectural review and the new site plan review process to prevent architectural compatibility and environmental issues from arising. These techniques would allow detailed consideration of the impacts of a partitioning but would not necessarily prevent the loss of a historically valuable structure or setting.

8.241 City Operational and Enforcement Actions for Partitioning

- a. The municipal code should be modified to give the City's planners more specific tools to manage and minimize the adverse impacts caused by partitionings.
- b. The City will maintain a current inventory of the number of lots available for possible partitioning or subdivision. This is possible using the City's GIS system.

8.3 Commercial Land Uses

The recently reconstructed mile-long commercial boulevard of Rehoboth Avenue provides ready access to the very heart of Rehoboth -- the beach and the ocean. The ability to drive straight to the ocean, on a road framed by trees and businesses, gives Rehoboth Beach a unique advantage over many other resort communities. The majority of the downtown business community consists of Rehoboth, Wilmington, and Baltimore Avenues, First and Second Street, and the Boardwalk.

The reconstruction of Rehoboth Avenue has been a real success story for the City, its Main Street organization, the State of Delaware, and the numerous individuals and organizations involved. The physical changes covered Rehoboth Avenue from the canal to the Boardwalk and involved street and access improvements, overhead utility undergrounding, pedestrian improvements, parking modifications, and extensive landscaping. The project has significantly improved the appearance and usability of the chief travel corridor of Rehoboth and has led to new commercial expansion.



Along Rehoboth Avenue, First Street, and Second Street many of the original buildings have been replaced with newer buildings and on Baltimore Avenue and Wilmington Avenue many original buildings have been converted to unique restaurants, gift shops, and bed and breakfasts. There is more variety, better appearance, a new designation as the "Restaurant Capital of Delaware" and, if congestion is any indication, there seems to be a new vitality in the downtown. The Parking Study indicated that the main demand generators at the peak times of the year are (1) the first 2 blocks of Rehoboth Avenue and the surrounding commercial districts at all times of the day and night; (2) the beach blocks on both sides of the Avenue in the residential areas from mid-morning until evening; and (3) the outer areas of the core that surround the restaurants from early evening into the night. But this vitality is deceptive for it is driven by seasonal visitors, not by a "constant beating heart" in downtown Rehoboth. The indicators of long-term stability in a downtown community – a grocery, a pharmacy, doctors, churches, a movie theater, residences – have been exiting the downtown and with them have gone the year-around users needed for neighborhood and business strength. Since the adoption of the 2004 CDP, Rehoboth has lost a pharmacy, a hardware store, and a dry cleaner. All of these businesses are vital to a thriving downtown for full- and part-time residents and, to some extent, tourists. A downtown that has only restaurants, clothing stores, and gift shops is not a downtown.

Several business owners confirmed the changes in downtown – "the problem is not getting people here, the problem is keeping them here" - and offered a variety of suggestions to counter them:

- Encourage people to live downtown by allowing mixed uses and improved parking access.
- The business community through a public/private partnership should bring ideas to the City about how to capture core businesses that build a year-around commercial base.
- More progress is needed on bringing off-season events and attractions.
- A high standard of site and architectural design would improve the competitiveness of Rehoboth Beach businesses.
- The Plan and the City should support a transition away from "T-shirt shops" to higher quality, higher end businesses. This transition would have to be demanded and supported by the residents.
- Consideration should be given to supporting and protecting Rehoboth's independent stores from large, predatory retail chains by ordinance, if necessary. Protection does not necessarily mean a 100% ban if a chain operation can contribute positively to the reducing congestion and improving year-around downtown commercial viability.

Underlying all of these suggestions was the repeated observation that there are two types of downtown businesses: 1) the landlords who own the property and 2) the businesses operated by the lessees. These two parties often have very divergent interests and any effort to improve the downtown commercial outlook must take this into account.

One key to commercial change in Rehoboth is the City's adoption of the "Main Street Program." Although not an arm of the City government, Main Street does have financial and political backing from the City and significant portions of the commercial section of the 1996 and 2004 City Plans were achieved in whole or in part by the Main Street organization. The Main Street organization has spent considerable time working to improve the signage environment in the business district and has achieved excellent results. Businesses are moving toward signage that is oriented toward the pedestrian and compatible with an environment of large shade trees. City review of its sign ordinance is also underway with particular attention given to sign size, opportunities for a consistent theme, enforcement, and control of nonconforming signs and

portable and off-site signs.

Another basic commercial land use consideration is that the retention of historical and landmark structures is of great value to the City and encouragement will be given to the owners of older structures to retain a sense of history in their downtown structures. One success story is the renovation and re-use by Wilmington University of the bank building on the ocean block of Rehoboth Avenue. Another example is the Methodist Church on Baltimore Avenue. When it moved into a new structure on the highway, the old church was sold and converted into performance spaces, shops, and a restaurant. Other successful adaptations of older cottages and commercial buildings include the Purple Parrot and Beach Graphics on Rehoboth Avenue.

An example of a deteriorating landmark structure is the Carlton Hotel. The original hotel façade was clapboard with a gable and the current brick façade was added long after the hotel was built—probably in the 1940s. A T-shirt store now occupies the ground level and all other space is unoccupied due to its deterioration and fire code requirements. Encouragement and assistance by the City to renovate the old structure would be a great asset to the downtown area.

One essential quality of Rehoboth Beach is expressed through its cleanliness and its “peace and quiet.” All commercial streets require a high level of maintenance and frequent trash pick-up. But more attention should be shown on Wilmington and Baltimore Avenues and First and Second Streets, particularly to the placement of trash containers and sidewalk cleanup. It is also important to systematically enforce and track abuses of both the odor and noise ordinances to eliminate these basic nuisances.

8.31 Commercial Revitalization

The passage of time as well as changes in economic circumstances date our commercial areas and create the need for constant attention to their competitiveness and community contribution. The ideas that follow should be the beginning of an important discussion about maintaining our commercial viability in hard economic times and into better times. There are many more specific ideas for physical improvements that should be brought forward along with equally important ideas about how to fund and manage the changes suggested.

The 1996 and 2004 CDPs spelled out the reconstruction of Rehoboth Avenue as a major commercial revitalization opportunity and suggested that more attention be given to maintenance along Baltimore and Wilmington Avenues. The workshops leading to the 2009 Plan identified two new opportunities.

The first is the renovation/replacement of the City’s municipal offices and the upgrading (but not expansion) of the Convention Center to create more off-season activity. Several City offices have recently been re-housed and the review of future City needs should continue in order to keep the City abreast of demands for resources and services.

The second opportunity is to upgrade the first two ocean blocks of Baltimore and Wilmington Avenues, several blocks along First Street, and other selected commercial areas with the same care that was given Rehoboth Avenue. A look at how to upgrade the first two blocks of Baltimore and Wilmington Avenues should include a means for increasing foot traffic, wayfinding signage from the Boardwalk, a means to connect both streets to Rehoboth Avenue using the existing (or possibly new) alleyways, and the creation of a “design image” that would offer improvement ideas when individual properties are modified. Ideas that should be

considered are similar to those implemented on Rehoboth Avenue – underground utilities, pedestrian friendly sidewalks, lighting improvements, landscaping enhancements, increased pedestrian-serving uses such as outdoor dining and food carts, and street end improvements to provide more inviting entrances to commercial blocks from the Boardwalk. Other prime candidates for a “design image” treatment include the Bay Mart property, the Henlopen Hotel vicinity, and the entrance to Rehoboth from SR1. First Street must be carefully examined and redesigned to improve the safe movement of pedestrians and bicyclists.



The area around the Henlopen Hotel, while not a strong commercial area, is the northern entryway to the Boardwalk and an overlook to both a “quiet” portion of Rehoboth’s beachfront and a renewed Lake Gerar. The Hotel environs are dominated by an atmosphere of asphalt, overly wide streets, and parking that welcomes a quick car passage but discourages pedestrian access and investigation. Lake Gerar and the City-owned park island on Lake Avenue could be used as the nuclei for physical changes to improve the appearance and pedestrian comfort of the Hotel surroundings. Plans should be prepared to enhance this important entry and be carried out when circumstances allow.

8.311 City Operational and Enforcement Actions for Commercial Revitalization

- a. The City will continue the renovation/replacement of the City’s municipal offices and the upgrading (but not expansion) of the Convention Center to create more off-season activity.
- b. The City should study how to physically upgrade the first two blocks of

Baltimore and Wilmington Avenues and First Street to improve their commercial viability, safety, ambiance, and access by pedestrians (particularly through mid-block "alleys" to Rehoboth Avenue). It should also include creation of a "design image" that would describe an architectural character for each block to be used as a source of ideas when individual properties are modified.

c. In cooperation with Main Street and the Chamber of Commerce, the City will encourage and assist interested owners in the creative redevelopment of properties on Rehoboth Avenue and other commercial areas.

8.32 Commercial Controls

The careful review of the zoning code called for in this Plan should include an examination of the uses allowed in all commercial zoning categories along with their height, frontage, setback, and coverage limitations. Because of the close proximity of many residential and commercial zones, the potential for adverse impacts of commercial activity upon residential neighborhoods is quite strong. For example, the C-3 commercial district abuts residential in every instance. While these designations are appropriate, several of the uses allowed within the district are questionable i.e., hotels; motels; laboratories, analytical and chemical; and printing, engraving and print reproduction.

The management of the mix of businesses in the downtown C-1 commercial district is also a key concern. The business mix is related to the rent levels, the value of real estate in the downtown, and competition from outlying shopping areas. As downtown continues to change, greater consideration must be given to properties with potential for redevelopment. Examples are the Carlton Hotel, and Gingerbread Square. One method to encourage and ease the transition of these sites is to change the zoning code to create a special commercial opportunity zone which would allow mixed uses and increases in density for community-oriented improvements. The central concept of mixed use was formally defined by the Urban Land Institute in 1976 and remains in use today. Mixed use developments are characterized by:

- three or more significant revenue-producing uses (such as retail, office, residential, hotel/motel, entertainment/cultural/recreation) that in well-planned projects are mutually supporting;
- significant physical and functional integration of project components (and thus a relatively intensive use of land), including uninterrupted pedestrian connections; and
- development in conformance with a coherent plan (which frequently stipulates the type and scale of uses, permitted densities, and related items). [Mixed-Use Developments: New Ways of Land Use, ULI, 1976]

While mixed uses are currently permitted in the commercial areas of the City, this Plan calls for study of a new, mixed use zoning overlay or overlays. Mixing uses works best when grown out of a thoughtful plan emphasizing physical connectivity and economic links among the uses. Results tend to be haphazard when multiple uses are allowed without guidance as to a desirable mix of uses and how they are spatially related.

To achieve well-planned mixed use development, most communities choose "overlay" districts. This means that the underlying zoning remains in place. Owners may choose to develop

according to the underlying zoning or, alternatively, according to the mixed use provisions. The overlay encourages coordinated, cohesive development among lots or through lot consolidation. The overlay approach is especially useful when the community wants to promote a unified approach in an area where there are two or more underlying districts.

A “mixed use overlay” in Rehoboth could encourage residences above commercial, include restrictions on short-term rentals, establish density controls with on-premise parking requirements, and provide incentives to deliver high quality site and architectural design. An early application of mixed use zoning could be on selected parts of Baltimore and Wilmington Avenues.



The development of such a proposal could result from the City authorizing the Planning Commission to assemble a workgroup whose membership would include not only owners of properties in targeted areas but also representatives from Main Street, Chamber of Commerce, and the community at-large. The input and assistance of the Building Inspector and a professional land use planner knowledgeable in this area would be essential.

The workgroup should be charged to establish guidelines for a mixed use overlay designed to:

- Spur revitalization, encourage economic investment, and promote the efficient use of existing infrastructure
- Encourage high quality design by providing both greater flexibility and more control
- Provide more housing opportunities and choices including affordable housing

- Enhance a location's unique identity and development potential (e.g., "gateway" areas, locations near the Boardwalk, transit stops)
- Promote pedestrian and bicycle travel, reduces auto dependency, roadway congestion, and air pollution by co-locating multiple destinations
- Promote a sense of community, promotes a sense of place, and enhance vitality

Another regulatory concern is how to protect the more distinctive and unusual parts of commercial Rehoboth such as Funland, the Dolle's sign, and other landmark businesses. Poorly conceived zoning regulations often tend to move toward uniformity and the gradual elimination of architecture or uses that upset consistency. While we should protect residential areas from adverse commercial impacts, we must also protect our commercial icons from unintentional, adverse impacts from the zoning regulations themselves. The review of the zoning code should include a determination of whether the code protects the City's "exceptional" commercial uses or if new techniques are needed.

A key to the maintenance of the variety of use and diversity in architecture is the addition of site plan review by the City to the commercial building permit process. Particular attention will be paid to issues of pedestrian, bicycle, and vehicular access; architectural harmony with surrounding structures; landscaping; and environmental impact.

8.321 City Policies for Commercial Land Uses

- a. The City will assure that its land use plan and zoning code are drawn to avoid any negative impacts of commercial development upon residential neighborhoods.

8.322 City Operational and Enforcement Actions for Commercial Land Uses

- a. In its review of the zoning code, the City will eliminate any currently permitted commercial uses or categories of use that have clear potential for adverse impacts on residential neighborhoods.
- b. The ordinances controlling nonconforming signs and portable and off-site signs should be reviewed for their effectiveness and updated as needed to allow the City to respond more quickly to violations.
- c. The City should examine establishing a new mixed use zone category allowing a blend of residential and nonresidential uses as a means of encouraging the development and redevelopment of selected commercial areas.

9.0 GROWTH MANAGEMENT/DEVELOPMENT CONTROLS

The City's Goals are to...

Maintain an up-to-date, uniform, and equitable set of development codes

Establish a joint planning process with surrounding jurisdictions

Refine the zoning code and maps to eliminate the potential for adverse impacts among various land uses



Priority Actions for the City are:

- Adopt an "Official Zoning Map."
- Undertake a thorough review of all development regulations not only for opportunities to streamline but for clarity and consistency with this Plan.
- The City, with the support of other beachfront communities in the region, will seek to establish a cooperative agreement for planning with Sussex County that assures an awareness of all parties of the impacts of their actions and a voice for all in future planning.
- The City will refine and communicate its capital needs through preparation of a Capital Improvement Program.

9.1 City Growth Management/Development Controls

Regulatory consistency with this Plan is required in all implementing ordinances, capital improvement programs, and functional plans. This Plan is the dominant policy document and guide for all other land use plans, programs, and regulations and is to be directly linked to the drafting, interpretation, application, amendment, and enforcement of land use laws and programs. One of the key implementing ordinances in Rehoboth is the zoning map and it is currently being reviewed for correction and adoption by the City. Adoption of an accurate zoning map is a top priority of this Plan and should be accomplished as quickly as possible.

Local governments in Delaware have been directed to review and streamline their regulations to assure achievement of growth management and resource protection goals; Rehoboth Beach realizes it must go a step further. Although the City has updated its Building Code, changed the zoning code to better ensure that appropriately sized homes are built on traditional, small 50'x100' lots, developed incentives for front porches, prohibited flat roofs, added improved and clearer definitions for height and bulk of structures, established new FAR and Tree Ordinances, and is now working on a new sign ordinance, the City's land use and building regulations continue to become unwieldy and, in some cases, contradictory because of piecemeal additions and modifications. The City must undertake a thorough review of all of its development regulations not only for the required streamlining but for clarity and consistency with this Plan. An important part of this review will be an examination of the City's enforcement requirements and shortcomings as well as the needs of the citizenry for education and information about the City's land use and building codes. Inconsistent codes will be modified and new regulations will be enacted to achieve consistency and to efficiently carry out the purposes of the Plan. A good example of the need for review is the residential area of Kent, Sussex, and Cookman Streets. This area has scores of 50' X 84' "legally nonconforming" platted lots that are treated by the Zoning Ordinance with the same lot restrictions that apply to the dominant 50' X 100' lot found throughout Rehoboth. One approach to correct this situation may be to make the 50' X 84' lots conforming only if the FAR, height limits, lot coverage limits, and similar requirements are modified to protect the existing character of the neighborhood as to height, scale, rhythm, and similar factors.

A major step forward was taken with the adoption of site plan review requirements in 2009. The 2004 CDP noted that a major shortcoming of Rehoboth's development code was that large developments not involving the subdivision of land did not require any public review other than that of the Building Inspector and the building/construction code. This situation has been corrected via the enactment of a site plan review procedure for projects having the potential for significant impact on the community. The new regulation states that "No building permit shall be issued for any project or projects that, individually or collectively, involve: 1) four or more dwelling units; 2) the development or redevelopment of a parcel of land, or adjacent parcel of land, in excess of 20,000 square feet; 3) a commercial project over 15,000 square feet of gross floor area or which requires substantial renovation or increase in intensity of usage; 4) a development requiring a change in zoning; or 5) any other site plan referred to the Planning Commission by the Building Inspector, until a site plan has been reviewed and finally approved by the Planning Commission for such project." Excluded from site plan review are single lots in the R-1(S) district.

Effective site plan review will help ensure the value and successful use of a property by protecting the line drawn by society between the privilege of using one's own land and the interest of surrounding owners in the unrestrained use of their own land. This important step

reflects the emerging need to examine the building and zoning codes to make sure that there is an appropriate balance between the notion of a “freedom to build” in Rehoboth and the broader needs of the community as a whole. In this regard, the City would be well served by the creation of incentive programs that offer substantive benefits for high quality development instead of relying on prescriptive requirements that may or may not achieve the quality desired.

A fresh concern is the need to give the Planning Commission clear authority and flexibility to deal with new issues. Many perceive the Commission as an approval box to be checked off rather than a review agency whose guidance and standards are critical. To do its job efficiently and effectively, the Commission needs to be able to operate with up-to-date ordinances (e.g. the subdivision ordinance), have access to a professional planner on a regular and continuing basis, and offer creative solutions such as incentivized zoning in special situations. Without discretionary authority, the Planning Commission is often forced to make decisions which, while ensuring compliance with Code requirements from a land use perspective, are neither in the best interest of the community nor consistent with the applicant’s desires.

The guidelines to be followed in the overall regulatory assessment are the following:

Review Procedures

1. Clear areas of responsibility will be assigned within City government to guide development applications through the regulatory process.
2. All development standards will be clearly written, current, consistent, and widely available.
3. Any desired or required interagency reviews, e.g., with Sussex County, will be conducted in a coordinated and concurrent manner.
4. All review procedures will be examined to promote administrative efficiency.
5. All review periods will be time certain.

Economic Impacts

1. The regulatory fee structure will be examined to assure that the costs of regulation and enforcement compare favorably to the fees charged.
2. Regulatory requirements for establishing or expanding businesses will be examined to remove any unnecessary procedures and improve the timeliness of review.

Equity

1. All development regulations will be examined so that unnecessary impediments to Plan-designated growth and change are systematically eliminated, flexible means of granting relief are introduced, and new techniques such as incentive-based regulations are introduced.
2. Notification procedures for all permits and hearings will be examined for their effectiveness in prompting citizen input. The minimum notification period should be thirty to forty-five days before any action is taken by the Planning Commission and/or the Board of Adjustment relative to a partition, subdivision, or variance.

3. The review and revision of the City's development codes will be guided by the principle that Rehoboth's residential neighborhoods are its most important as well as most threatened non-natural assets.

9.11 City Operational and Enforcement Actions for Development Controls

- a. The City shall make the adoption of an "Official Zoning Map" a top priority.
- b. The City will conduct a full review of its development control ordinances and unify them into a single development code.
- c. The City will develop policies, procedures and an action plan for enforcement of all phases of our Municipal Code and share those policies and procedures with the public.
- d. The City should provide the Planning Commission with access to a professional planner to build a continual planning effort in Rehoboth. This could involve a part-time planning position in City government or access to an expert consultant on an as need basis.

9.2 Joint Planning Controls

While Rehoboth Beach may continue to strive for the best internal planning decisions possible, its efforts will be severely constrained without the thoughtful coordination of planning in the surrounding jurisdictions. It is essential that Rehoboth be an active participant in any areawide planning process.

One cannot look at Rehoboth without considering the residential and commercial explosion that is occurring on SR 1. On one hand, this growth offers added reasons for visitors to vacation in the region. On the other hand, the growth taxes the transportation infrastructure and competes with downtown Rehoboth commerce and weakens its base of activity. "Suburbanization" is a well-known national pattern. It is driven by the spread of homes to easy-to-develop land, the demands of the automobile, and large national merchandisers. Downtowns that have been successful in combating fringe development have accomplished it by occupying specialty niches unfilled by the competition and creating an attractive, pedestrian-oriented alternative to the parking lot wastelands of auto-oriented convenience shopping. Regions that have been successful in controlling fringe development have developed mechanisms to coordinate public policy planning and decisions among state, counties, and municipalities. The "Livable Delaware" Goals support this approach and the Office of State Planning Coordination and the Advisory Panel on Intergovernmental Planning and Coordination have been created to carry it out. State leadership in this area is vital and we believe that the State should continue to take positive steps in the direction of increased jurisdictional cooperation.

Rehoboth Beach has an excellent cooperative relationship with its sister communities of North Shores and Henlopen Acres but there must be a similar cooperative relationship with Sussex County to assure that any growth around its limits is carefully coordinated, consistent in both character and scale, governed by compatible land use regulation, and appropriately served by utilities, roads, police, and other emergency services. The City has long advocated closer coordination between the City and County on land use issues of mutual concern and will continue to participate in any opportunities developed by the City and the County to engage in

land use decision-making for the areas outside the City limits.

An encouraging recent development is the County's indication of its interest in entering into Memoranda of Understanding with its municipalities. While endorsing the development of a meaningful MOU, the City suggested that Sussex County organize a meeting between the County and all municipalities to discuss intergovernmental coordination. Participation would include representatives from planning commissions, elected bodies, and staff. At a minimum, the City hoped that this would lead to a template for a comprehensive memorandum of understanding. Each municipality could then address any individual concerns directly with the County before entering into the MOU.



It is essential that Sussex County and the City enter into a memorandum of understanding that accomplishes the following purposes for an "Area of Concern" that corresponds with the Inland Bays Watershed defined by the State of Delaware:

- Establishes a process by which the County and the City will achieve consistency between their comprehensive plans and land development ordinances including adoption of conforming ordinances for growth areas, future growth areas, and preservation areas within an agreed-upon time period along with a method for resolving disputes.
- Establishes a process for review and approval of developments of regional significance and impact (a land development that, because of its character, magnitude, or location, will have substantial effect upon the health, safety, or welfare

of citizens in either the City or the County) proposed within the City or County.

- Establishes the implementation role and responsibilities of the City and the County including provisions for public infrastructure services, transportation, provision for affordable housing, and the purchase of real property.

If such an understanding is reached between the City and County (or between several coastal communities and the County), the result should be a cooperatively developed Subarea Plan to be amended to the current plans and strategies of the City, the County, and the State consisting, at a minimum, of the following elements:

- a. Designated growth areas where 1) orderly development to accommodate the projected residential growth within the next 20 - 30 years is planned and 2) commercial, industrial, and institutional uses are planned to provide for the economic and employment needs of the area and to ensure that the area's tax base will be adequate. The growth area will include a description of the services provided or planned for the growth areas to include water and sewer, transportation, health, police and fire, parks and recreation, and all other necessary community-supporting functions.
- b. Designated preservation and rural areas where 1) development is allowed at densities compatible with uses that are or may be permitted and 2) publicly-financed infrastructure services are not provided or planned unless the participating governments agree for health or safety reasons.
- c. Plans for the accommodation of all categories of uses within the planning area, including housing for all income levels and a reasonable allocation of affordable and workforce housing.
- d. Plans for developments of regional significance, especially those involving transportation, community facilities, and utilities.
- e. Plans for the conservation and enhancement of the natural, scenic, historic, and aesthetic resources of the area.
- f. Plans for the creation of well-designed communities.

Rehoboth strongly suggests that all of the coastal communities in Sussex County pursue a cooperative agreement for planning with the County that would allow the participants to 1) shape planning areas based on inherent regional logic and political willingness, and 2) to plan together on issues that need to be examined regionally but to retain local control over implementation and local issues so long as implementation is consistent with an overall multi-jurisdictional framework plan.

In its review of the draft Sussex County Comprehensive Plan Update, the City made an additional suggestion for the creation of a joint set of tools for managing the pace of future growth so that both new and existing communities enjoy the quality of life envisioned by the best of our planning efforts. A structure for such a system could be:

- A policy statement from Rehoboth Beach and Sussex County regarding their shared community vision for change in the area surrounding Rehoboth Beach
- A list of essential public facilities and goals we wish to achieve for them e.g.

transportation, schools, water quality, air quality, etc

- Tests or performance standards for each listing – e.g. levels of service, ratios, or qualitative measurements
- An oversight mechanism to track change/progress
- Periodic review of the policies and evaluation of the effectiveness of each standard
- Periodic feedback to the planning and budgetary processes of the Town and County

We realize this is an ambitious program requiring time, money, and political commitment in an environment that might not allow many of these things; but the alternative is no action, uninterrupted bickering, and the continuing loss of what brought us all to a very special part of our State. We should act and act quickly to show that solutions to very serious problems can be found through understanding our shared difficulties, intelligent and cooperative planning, and setting aside our differences in the interest of building a balanced and sustainable future.

9.21 City Operational and Enforcement Actions for Joint Planning Controls

- a. The City, with the support of other beachfront communities in the region, will seek to establish a cooperative agreement for planning with Sussex County that assures an awareness of all parties of the impacts of their actions and a voice for all in future planning.

9.3 Organization Building

Rehoboth Beach operates at or near, and occasionally in excess of, its “carrying capacity” (i.e., when the hotels, motels, cottages, etc. are booked full or when on/offstreet parking is full) from July 1 through Labor Day and is reasonably full Memorial Day through June 30 and during the two weeks following Labor Day. In addition, it has strong weekends in April and May and late September through the end of October. However, the remainder of the year, Rehoboth operates at a small fraction of its carrying capacity. If Rehoboth wishes to significantly grow its business, it must become more of a year-round community and all that that implies. The City and the organizations that support its economic growth will continue to seek to become a year-round community. Off-season festivals and other planned events have already been successful in lengthening the traditional vacation season and will be continued. Downtown businesses and Convention Hall need to be marketed aggressively to promote this off-season potential.

The City should support an organized effort to attract a variety of different businesses to the downtown with particular emphasis on local-serving, basic services such as food stores. No longer can it be assumed that, because of the beach, homeowners and residents will remain throughout the year. Today's consumer requires diversity, entertainment, and relaxation.

The City of Rehoboth Beach, the Rehoboth Beach-Dewey Beach Chamber of Commerce, Rehoboth Beach Main Street, Inc., Sussex County Convention & Tourism Commission, etc. must work together to take advantage of this phenomenon and strengthen the downtown as a non-seasonal place of regional business activity.



Now is the time to plan for the next twenty years, build on our achievements, and search for new opportunities. Our 2004 Plan brought many successes in environmental protection, residential preservation, and continued the groundwork for the renewal of Rehoboth Avenue and its businesses. This was achieved through an open collaborative planning process with the citizens of Rehoboth Beach. To flourish in the coming years, we must increase this collaboration and form even more community partnerships. Only its citizens, be they full or part-time residents and/or business people, can assure that Rehoboth Beach remains a comfortable, small town and an active, prosperous resort. Only its citizens can keep these seemingly opposing aims in mind and build a place of natural beauty and intense activity as well as a place of stability for its residents and a community of opportunity for its businesses.

Rehoboth's 2009 Comprehensive Development Plan puts forth dozens of interrelated ideas to move our community toward its vision of the future. Given the nature of bringing about change in our city and in acknowledgement of the new realities of our economic climate, the Plan cannot suggest that carrying out its recommendations falls solely to the traditional parties – its elected and appointed leaders and its boards, commissions, and committees. The time when a few could shoulder the responsibility for all has passed with the days of easy credit and massive leverage. To be sure, this Plan calls for increased partnerships among the City, its many organizations, and its citizens but this call can too easily be laid aside in the name of relying on experience and practical expediency. We must not let this occur – leadership and financial support need not come only from conventional sources and we should look to new ways to deal with our issues and their solutions.

We must build opportunity for both full and part-time residents to more fully participate in the life

of the City. In addition to managing the City as political leaders, residents have a wide variety of professional, artistic, and physical skills that can contribute new ideas and energy to all aspects of the community. Volunteerism can aid the City financially by tapping residents for environmental renewal projects such as dune grass and tree planting or working at the library but, more importantly, volunteer opportunities allow residents to reward themselves by giving to their community. A concerted effort should be made by City residents to bring volunteer opportunities to the fore and promote them as an essential element to maintain and improve the quality of life in Rehoboth Beach. An "organization" should be built that does not distinguish between "we" and "they" when the City needs help and that incorporates the basic notion of more citizen and less government involvement when there is work to be done.

Another type of organization building is to bring the public and private sectors together in partnerships that are able to leverage project dollars that would be difficult to obtain when each sector is operating independently. Real partnerships, with shared burdens and shared rewards for both the public and private participants, may offer new ways to look at some of Rehoboth's issues. Bringing providers of basic, year-round services (e.g. a food store) to the City, establishing a shuttle transit service to and within the City, creating new parking solutions, and providing housing for seasonal workers are the kinds of projects that may be amenable to public/private partnerships. If the City can develop a process and an "entrepreneurial" mindset ready to focus on projects where there can clearly be success, where real incentives are available to the private sector, and where bureaucratic procedures can be minimized, there should be many opportunities for effective partnerships. Rehoboth has assets that can be leveraged with those of the private sector to achieve results that will be beneficial for all.

A final kind of organization building is complementary to the need for public/private partnerships and responsive to the considerable concern that has been expressed within the community about the loss of historical structures and those that otherwise warrant preservation. An approach to address this concern is for the City to aid in the creation and operation of a local Land Trust which would:

- Identify land and structures within Rehoboth Beach that exhibit the character and attributes that make them worthy of preservation.
- Utilize a variety of private, voluntary techniques for protecting these lands and structures including purchase, acquisition of conservation easements, and acceptance of gifts for conservation purposes.
- Foster greater awareness, understanding, and effectiveness of private and government land protection programs and techniques.

The Land Trust would be available to those property owners who wish to protect their properties from further development or partitioning by donating various development rights to the Trust to the full extent of the law so that further development (including destruction of trees and green space) or partitioning would not be available to the current owner or any subsequent buyers of the property. These rights have value and in most cases are treated as donations for tax purposes. The justification for such a Land Trust is that the City of Rehoboth Beach is blessed with singular natural and manmade assets: the beaches of the Atlantic; scenic lakes and parks; tree-lined streets; orderly and walkable neighborhoods; and a vibrant downtown. These natural and cultural assets are the very essence of the high quality of life enjoyed by residents and visitors to Rehoboth. A means of protecting these assets should be made available to those interested and inclined so that future generations may enjoy them.

9.4 Annexation

During review of documentation in the Risk Management Program in 1990, evidence was found that City boundaries are described differently by several authorities. City Charter, the City Archives, the Zoning Map, and records in the Office of the Recorder of Deeds and the Board of Assessment produced doubt whether actions for publicly documenting the boundaries have been completed. Only the annexation of Rehoboth Heights, including the Rehoboth Country Club, is reflected in the City Charter.

The western boundary of the City was probably altered at the time the US Corps of Engineers took title to the right-of-way of the Lewes-Rehoboth Canal. This western boundary, the northern boundary (with Henlopen Acres), and the coastline of the Atlantic Ocean have been accepted as described in the Charter. There are problems with the description of the westerly corner of Rehoboth Heights and with the northwesterly corner of Schoolview, however, which do not seem to match the Charter.

On four occasions there have been Special Elections in which voters favored proposed annexations: Rehoboth Heights, including the Rehoboth Beach Country Club, in 1925; Schoolview and adjacent areas including the Rehoboth Schools, Scarborough Avenue Extended, and Ocean Bay Mart in 1968; Lewes-Rehoboth Canal from Rehoboth Bay to the US Military Reservation in 1973; and Ocean Lands in 1975. In each of these cases, the record seems to be incomplete, leaving doubt as to intent, exact limits of the areas annexed, and the legality of the actions.

Consideration should be given to an additional expansion of the City boundaries through annexation. The Delaware Code provides that areas being considered as possibilities for future annexation be depicted in the adopted Plan. If no such "future annexation map" is adopted, the City may not, in most circumstances, approve any annexations. Because the City is very concerned with the impact of future development outside its current boundaries, the area shown on the accompanying annexation map is generous but geographically related to the boundaries of Rehoboth Beach and comprises an internally consistent area in terms of current development and future development potential. While the City has no plans at this time to seek the annexation of any property but would entertain petitions from within the identified area for consideration through the normal annexation legal process. A brief description of the annexation process is contained in Appendix A.

As addressed in the 2004 CDP, the three exceptions to the general annexation policy deserve special consideration by the City and these are:

1. A triangular, mostly developed parcel, bounded on the west by Route One, forking northeast at the Elementary Schoolyard boundary and proceeding along Bay Road to its intersection with SR 1. Existing development consists of an auto shop and two townhouse developments. No change in zoning or use of existing commercial or residential development should be anticipated. SR 1 represents the logical City boundary and would afford control for protection of existing residential properties.
2. To enhance development and the aesthetic appeal of the proposed Canal Walk Park, an annexation or a memorandum of agreement with the Corps of Engineers, which allows the City control of development of Corps lands on the west side of the Canal to SR 1 should be considered.
3. Annexation of Rehoboth Avenue Extended from the existing City boundary to SR 1. A

problem area on Rehoboth Avenue is the commercial strip between the Canal and SR 1. This approach to the City is very important to Rehoboth Beach. When a car makes the turn from SR 1 at the Rehoboth Beach traffic light, the perception of the occupants is that they are in Rehoboth Beach. In reality, this is not the case until one crosses the Canal. The City should explore annexation of the area proceeding west on Rehoboth Avenue from the Canal bridge, inclusive of the land north and south to the intersection with SR 1.

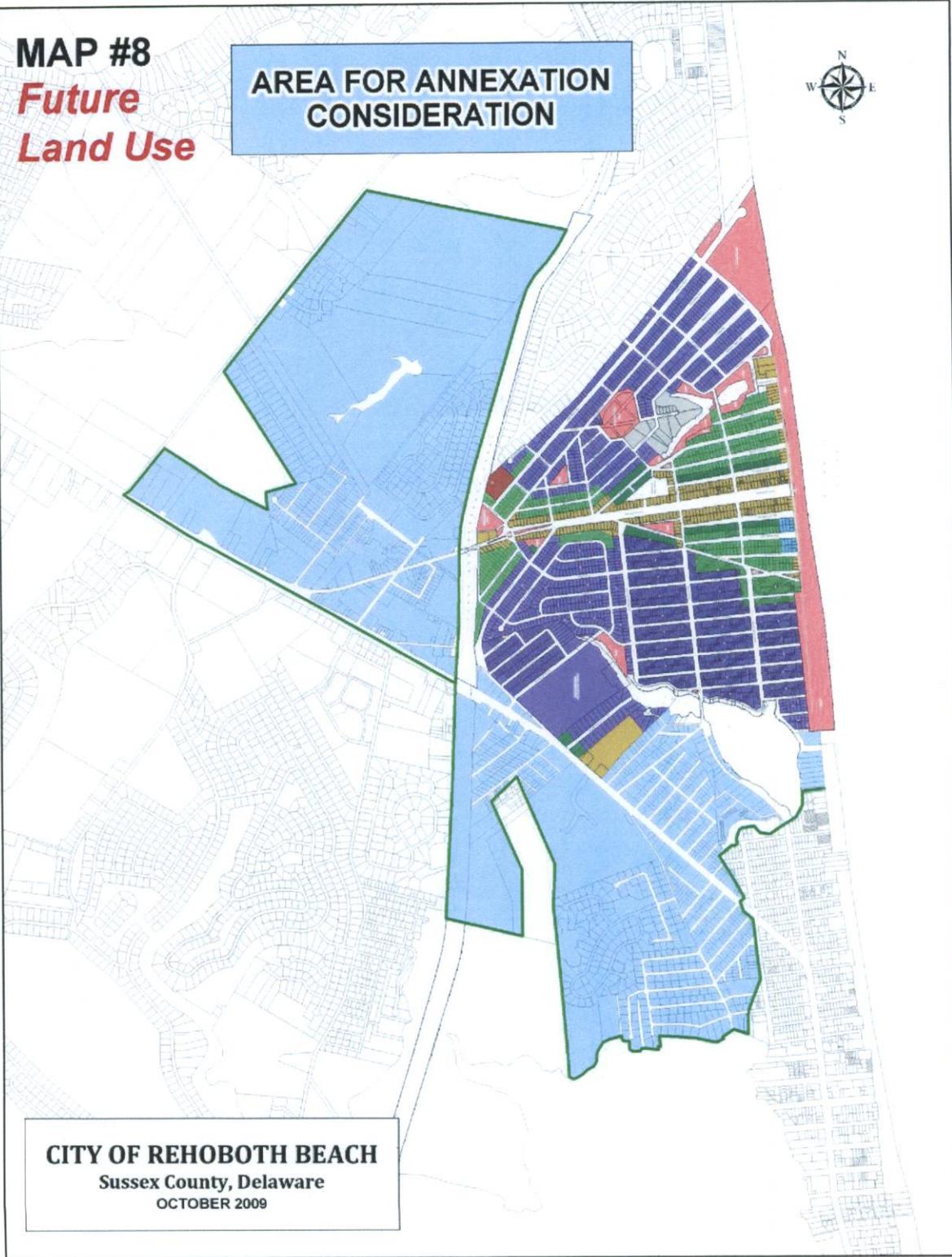
The long-term expansion of Rehoboth Beach boundaries should be a matter of review and refinement. The three situations described above require more urgent consideration and decision.

9.41 City Policies for Annexation

- a. Further review the official records to determine the exact limits of the previously annexed areas to determine the present boundaries of Rehoboth Beach.
- b. The Annexation Map shall become the adopted reference for consideration of future annexation proposals.

MAP #8
*Future
Land Use*

**AREA FOR ANNEXATION
CONSIDERATION**



CITY OF REHOBOTH BEACH
Sussex County, Delaware
OCTOBER 2009

9.5 Capital Improvement Programming

Some of the recommendations and suggestions in this Plan can be accomplished more easily than others. Some high priority recommendations, for example the enforcement of current Code provisions that relate to pedestrian safety and access or rental housing, can be accomplished in a timely manner as part of a department's normal work load. Other high priority suggestions, most notably wastewater and stormwater management, are very high cost and require years of study. Still other recommendations fall into the "low hanging fruit" category, meaning that regardless of their relative priority, they can be accomplished relatively easily and with minimum or no cost.

Moving from a Plan's recommendations to actually spending money is a political process and a Capital Improvement Program (CIP) is one of the tools for building and explaining the final political decision on expenditures. A CIP is a short-range plan, usually four to six years, which identifies capital projects and equipment purchases, a schedule, and financing options. Typically, it will spell out the expected beginning and ending date of each capital project, the amount to be expended in each year, and the method of financing those expenditures. The CIP is a multi-year link among the City, its departments, its comprehensive plan, and its annual budget.

While there are no hard and fast rules, a CIP should deal with the purchase or construction, major repair, reconstruction or replacement of capital items such as buildings, utilities, roads, bridges, parks, and heavy equipment which are of high cost and have a useful life of several years. Capital expenditures are usually determined based on their projected life span and initial cost estimates. Operating activities generally have a low cost per unit and recur on a frequent or regular basis. A fire truck or a new computer, thought of as a very costly capital item in a small community, may be considered in the operating budget in a larger jurisdiction.

The recommendations of this Plan form the basis of a short-range Capital Improvement Program. A draft and unofficial CIP was prepared by the City in 2008 to gain an initial understanding of the magnitude of capital outlays to 2013 as seen by the heads of City departments. This is an excellent beginning and future preparation of such a document should require extensive community involvement to generate ideas and priorities but also to gain access to the wisdom and professional experience of Rehoboth's residents. This is even truer in times of economic uncertainty. The process of developing a CIP must tap into the skills and resourcefulness of motivated citizens removed from, but aware of, the political consequences of proposing spending plans for government. An effective CIP process will develop a course of action from the bottom up and make use of the human "capital" of Rehoboth Beach.

9.51 Financial Planning

- a. The City will refine and communicate its capital needs through preparation of a Capital Improvement Program.

APPENDIX A – Annexation Procedures for Rehoboth Beach

Summarized from the Rehoboth Beach Charter, Section 2, Territorial Limits

The Commissioners of Rehoboth Beach shall have the power to annex additional territory adjoining the corporate limits of the City of Rehoboth Beach. The Commissioners of Rehoboth Beach shall adopt a Resolution proposing to the property owners and the residents of both the City and of the Territory proposed to be annexed that the City of Rehoboth Beach proposes to annex certain territory which adjoins its then limits and territory. The Resolution shall contain a description of the territory proposed to be annexed and shall fix a time and place for a public hearing on the subject of the proposed annexation.

Following the public hearing, but in no event later than 30 days thereafter, a Resolution shall then be passed by a majority of the Commissioners of Rehoboth Beach ordering a Special Election to be held not less than 30 days nor more than 60 days after the said public hearing on the subject of the proposed annexation. The passage of this Resolution shall be considered the determination of the Commissioners of Rehoboth Beach to proceed with the matter of the proposed annexation

At the Special Election, every property owner or leaseholder as defined in this Charter, whether an individual, partnership or corporation, shall be entitled to cast one vote and every bona fide resident of the City of Rehoboth Beach who is not a property owner or leaseholder as defined in this Charter shall be entitled to cast one vote. At the said Special Election, every property owner or leaseholder, as defined in this Charter, of the territory proposed to be annexed, whether an individual, partnership or corporation, shall be entitled to cast one vote and every bona fide resident of the territory proposed to be annexed who is not a property owner or leaseholder as defined in this Charter shall be entitled to cast one vote. Property owners or leaseholders, as defined in this Charter, whose property or whose improvement is located on leased land is exempt from taxation or is not assessed shall not be entitled to vote.

The Mayor shall appoint three persons to act as a Board of Special Election, at least one of whom shall reside and own property in the City, and at least one of whom shall reside and own property in the territory proposed to be annexed.

Immediately upon the closing of the polling places, the Board of Special Election shall count the ballots for and against the proposed annexation and shall announce the result.

In order for the territory proposed to be annexed to be considered annexed, a majority of the votes cast both from the City and from the territory proposed to be annexed must have been cast in favor of the proposed annexation. In the event that the Referendum results in an unfavorable vote for annexation, a subsequent election may be held at any time. If a favorable vote for annexation shall have been cast, the Commissioners of Rehoboth Beach shall cause a description and a plot of the territory so annexed to be recorded in the Office of the Recorder of Deeds for Sussex County. The territory considered for annexation shall be considered to be a part of the City of Rehoboth Beach from the time of recordation.

APPENDIX B

State Agencies' Suggestions and Recommendations

This appendix contains suggestions and recommendations made by various Delaware State agencies and departments relative to the City of Rehoboth Beach's 2010 Comprehensive Development Plan (CDP).

In order to receive State Certification, all municipalities' comprehensive development plans must undergo review by the State utilizing a process entitled Preliminary Land Use Services (PLUS) review that is coordinated by the Office of State Planning Coordination.

The result of this PLUS review was that Rehoboth's draft CDP, as submitted, had no certification issues and met all requirements of Title 22, Section 702 of the Delaware Code. However, it was the opinion of the City that the suggestions and recommendations contained in the PLUS review report were not only of use to the City as it implemented its 2010 Plan but also of use to the City's Planning Commission when it next undertook an update of the City's CDP. As such, the report of the State's review is included in its entirety in this Appendix.



STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF STATE PLANNING COORDINATION

June 21, 2010

The Honorable Sam Cooper, Mayor
229 Rehoboth Avenue
P.O. Box 1163
Rehoboth Beach, DE 19971

RE: 2010-05-01; City of Rehoboth Comprehensive Plan

Dear Mayor Cooper:

Thank you for meeting with State agency planners on May 26, 2010 to discuss the proposed City of Rehoboth Beach draft comprehensive plan update.

Please note that changes to the plan, other than those suggested in this letter, could result in additional comments from the State. Additionally, these comments reflect only issues that are the responsibility of the agencies represented at the meeting.

Certification Comments: These comments must be addressed in order for our office to consider the plan amendment consistent with the terms of your certification and the requirements of Title 22, § 702 of the Del. Code.

As written, there are no certification issues noted in this plan.

Recommendations: Our office strongly recommends that the Town consider these recommendations from the various State agencies as you review your plan for final approval.

This office has received the following comments from State agencies:

Office of State Planning Coordination – Contact: 739-3090

This office would like to commend the City of Rehoboth Beach for their efforts to develop this comprehensive land use plan update. It is the hope of this office that you will review these additional comments from various State agencies and use them as a guide to assist you with the further implementation of this comprehensive land use plan update. If you have any questions, please call.

State Historic Preservation Office (SHPO) – Contact: Terrence Burns 739-5685

- The Rehoboth Beach 2009 Comprehensive Plan includes a city history and consideration of historic preservation issues, including a mention of the existing historic building survey of the City and a summary of previous attempts at instituting design review. SHPO recognizes that the City has a difficult balancing act in preserving community character while accommodating individuals' desires to maximize their economic investment in resort properties. Reviving the Architectural Review Task Force is an important step, as it provides a forum to discuss these issues. Site plan review and appropriate zoning requirements for each neighborhood's community character are two essential pieces to achieve the City's vision of its future as a pedestrian-friendly, architecturally attractive resort with its own unique character developed through its own unique history.
- The SHPO supports the planning for a canal park that allows interpretation of this historic structure. Moving the Hazzard House from its original setting is not something that we normally recommend, however. The plan mentions that there are many moved buildings within the City. While this normally would remove them from consideration for National Register-listing, it is possible that as a historic trend within a neighborhood, they could still contribute to that neighborhood's eligibility. There are several potential historic districts already defined as eligible for listing in Rehoboth Beach. They would be happy to discuss these issues further. If the City or if a neighborhood group wanted to pursue listing of any of these, we would be happy to provide technical assistance and guidance in this endeavor.
- As the City knows, there are many ways that historic preservation can contribute to the City's vision of its future. There can be different levels of protection, based on the desires of the community. The SHPO would be happy to provide technical assistance to the City in reaching the balance of historic preservation techniques and protections best suited to its needs and citizen desires. If you have any questions or concerns, please contact Alice Guerrant at 302-736-7412.

Department of Transportation – Contact: Bill Brockenbrough 760-2109

- The maps could be improved by better labeling. Specifically, it would be helpful to title them.
- DelDOT recommends adding text to explain that the October 2009 date applies to the Plan in which they are located. This is less of an issue for Maps 4, 7 and 8 (pages 58, 77 and 104) but the other maps are drawn on aerial photographs and these photographs are clearly older than October 2009. One approach would be to add the date of the aerial photographs on the maps where the photography is used. An obvious clue as to the age of the photographs is the construction on the Canal Point development, which in 2009 was more developed than it was when the photographs were taken.

- Consideration should be given to not using the aerial photographs as a background on so many of the maps. On several maps, especially Map 5 (page 59), the symbols are somewhat difficult to distinguish from the background. A white background with parcel lines, such as in Map 4, might be better.
- Because the Plan makes numerous references to various neighborhoods within the city, it would be helpful to label the neighborhoods on at least one map. This could be done on one of the maps already in the Plan. A new map for this purpose seems unnecessary.
- The photographs include in the Plan are helpful in communicating a sense of how the city looks, but their value would be enhanced by descriptive or explanatory captions.
- DelDOT recommends updating Section 6.2 with regard to the plan for the Canal Park. As written, it says on page 52 that “construction for Phase Two [is] anticipated in 2009.”
- A recurrent theme in Section 7.1 is the need for a traffic management plan. In one paragraph on page 61, “a strong unilateral traffic management plan is recommended.” The next paragraph cites intentional statements in the 2004 Plan regarding the City’s working with DelDOT to develop a plan and concludes that “The observations and analysis that could have led to a traffic management plan did not occur.” We do not know why a plan was not developed, but we would recommend that the City work with our Traffic Section in this regard rather than acting unilaterally. The signal at Church Street is outside the City limits, while several arterial streets in the City are State-maintained. Thus DelDOT and the City must work together to develop an effective traffic management plan. An initial contact for the Department would be our Traffic Studies Manager, Mr. Thomas Meyer. Mr. Meyer can be reached at (302) 659-4090.
- Section 7.1, includes a discussion of ways that transit connections to downtown Rehoboth might be improved. While we are willing to work with the City on improvements in this regard, we do not find the proposed bus-only connection between the service road (described in the plan as southbound Rehoboth Avenue Extended) and northbound Rehoboth Avenue Extended (See pages 63 and 64.) to be especially practical. It would necessarily stop traffic exiting Rehoboth just as it is preparing to enter Route 1, and there is already a route (Hebron Road to Central Avenue to Church Street) that could be used in its place.
- Regarding the use of the drop-off space at the end of Rehoboth Avenue by private carriers, discussed on page 64 in Section 7.1, we understand the need to control this activity, but suggest that efforts to simply shut it down may not be effective. A better approach would be to provide one or more alternatives by creating drop-off zones for smaller vehicles either adjacent to the public transit drop-off zone, farther west on Rehoboth Avenue, or at the east end of Baltimore and Wilmington Avenues. Use of these areas could be regulated by permit.

- Later on page 64 in Section 7.1, there is a statement that “the State and County must be required to perform traffic impact analyses on any project that affects the flow of vehicles in and out of Rehoboth.” DelDOT has warrants for traffic impact studies that we find are sufficiently stringent to provide analyses when necessary.
- One traffic management strategy not mentioned in Section 7.1 would be to change the day that some weekly rental units turnover. This could be done either through voluntary cooperation among real estate agencies or by regulation, but the idea is that most rental units are now leased Saturday through Saturday. By changing some to Sunday to Sunday, this element of weekend traffic congestion can be reduced. While it would need to be done for the entire resort area for maximum effectiveness, making this change in Rehoboth could have a noticeable benefit within the City limits. We understand that as some property owners have begun handling rentals directly, rather than using real estate agents, this strategy has become more difficult to use effectively, but we believe it may still have merit.
- On page 69, Section 7.3 relates the City’s intention to follow Delaware’s Complete Streets policies. We would like to express our support for their efforts in this regard.
- On page 72, Section 7.32 discusses the creation of a Canal Walk Park. We agree that such a park could be an important transportation hub within the city. If an agreement can be reached with the Corps of Engineers, we would recommend that the City consider applying for Transportation Enhancement funds to aid in the development of the park. An initial contact in that regard would be Mr. Jeff Niezgoda, who manages our transportation Enhancement Program. Mr. Niezgoda can be reached at (302) 760-2178.
- On page 73, Section 7.4 shows some creative thinking with regard to emergency transportation. We suggest, however, that transportation by high-speed boat or off-road vehicle might do a severely injured person more harm than good. If helicopter transport is not considered sufficiently reliable, we recommend that the City consider opening discussions with Beebe Hospital about locating a limited emergency room facility in Rehoboth.
- Also on page 73 in Section 7.4, while the Plan may be correct that the athletic fields are the only open lands in Rehoboth that helicopters currently use for emergency purposes, there would appear to be room to develop suitable landing sites nearby. Possible locations include Deauville Beach, the parking lot for the Gordon’s Pond Wildlife Area, and the Canal Point development. Rather than insist that the athletic fields must be kept open for this purpose, we suggest that the Plan provide for the development of alternative sites in case that one is lost.
- On page 102, Section 9.4, Annexation identifies “three exceptions to the general annexation policy.” We recommend that these exceptions be illustrated on Map 8, Area for Annexation Consideration (page 104). In that regard, the third exception, Rehoboth

Avenue Extended from the existing City boundary to SR 1, warrants comment. We understand from the discussion at the PLUS meeting that the City intended to identify Rehoboth Avenue Extended and the properties that front along it, rather than just the street itself. This intent should be clarified in the text. As the City may know, a municipality cannot annex a right-of-way as “the string on a balloon,” using it to establish contiguity between the municipal boundary and a parcel not otherwise contiguous thereto.

- Further regarding Map 8 (page 104), the Area for Annexation Consideration appears to follow physical boundaries or the edges of large parcels with two exceptions that are excluded: a pennant-shaped parcel southeast of Holland Glade Road, and a finger-shaped assemblage south of SR 1 and east of the Canal. Why were these lands excluded?

**The Department of Natural Resources and Environmental Control – Contact: Kevin Coyle
739-9071**

Fish and Wildlife

The following comments regarding rare species and key wildlife habitat pertain to Map #8, Area for Annexation Consideration:

- **Rare Species.** Areas being considered for annexation (primarily forest and wetland areas northwest of current City boundaries) support numerous state-rare species. The following species were observed in this area in the past; however, recent development approved in this area has or will result in tree clearing and inadequate wetland buffers that may eliminate habitat that supports these species:

A review of our database indicates that the following state rare, federally listed or Species of Greatest Conservation Need (SGCN¹) occur within the area being considered for future annexation:

¹ Species of greatest conservation need (SGCN) are indicative of the overall diversity and health of the State’s wildlife resources. Some may be rare or declining, others may be vital components of certain habitats, and still others may have a significant portion of their population in Delaware. SGCN are identified in the Delaware Wildlife Action Plan (DEWAP) which is a comprehensive strategy for conserving the full array of native wildlife and habitats-common and uncommon- as vital components of the state’s natural resources. This document can be viewed via our program website at <http://www.dnrec.state.de.us/nhp>. This document also contains a list of Species of Greatest Conservation Need, Key Wildlife Habitat, and species-habitat associations.

Scientific Name	Common Name	Taxon	State Rank	State Status	SG CN Tier	Global Status
<i>Ammodramus caudacutus</i>	saltmarsh sharp-tailed sparrow	Bird	S1N/S3B		Tier 1	G4
<i>Pandion haliaetus</i>	osprey	Bird	S3B*		Tier 1	G5
<i>Nycticorax nycticorax</i>	black-crowned night heron	Bird	S1B	E	Tier 1	G5
<i>Callophrys irus</i>	frosted elfin	Butterfly	S1	E	Tier 1	G3
<i>Haploa colona</i>	a moth	Moth	SH		Tier 2	G4
<i>Lapara coniferarum</i>	Southern pine sphinx	Moth	S2S4		-	G5
<i>Libytheana carinenta</i>	American snout	Butterfly	SH		Tier 2	G5
<i>Desmodium obtusum</i>	stiff tick-trefoil	Plant	S1		n/a	G4G5
<i>Liatris graminifolia</i>	grassleaf gayfeather	Plant	S1		n/a	G5

*Osprey included in this list because they are considered a species of concern and an important indicator species. Individuals are protected via federal Migratory Bird Treaty Act. Nests are federally protected when containing eggs and young.

State Rank: S1- extremely rare within the state (typically 5 or fewer occurrences); S2- very rare within the state (6 to 20 occurrences); S3-rare to uncommon in Delaware, B – Breeding; N – Nonbreeding; SX-Extirpated or presumed extirpated from the state. All historical locations and/or potential habitat have been surveyed; SH- Historically known, but not verified for an extended period (usually 15+ years); there are expectations that the species may be rediscovered; SE-Non-native in the state (introduced through human influence); not a part of the native flora or fauna., SNR-not yet ranked in Delaware, SNA-occurrences in DE of limited conservation value

State Status: E – endangered, i.e. designated by the Delaware Division of Fish and Wildlife as seriously threatened with extinction in the state;

Global Rank: G1 – imperiled globally because of extreme rarity (5 or fewer occurrences worldwide); G2 – imperiled globally because of great rarity (6 to 20 occurrences); G3 – either very rare and local throughout its range (21 to 100 occurrences) or found only locally in a restricted range; G4 – apparently secure globally but uncommon in parts of its range; G5 – secure on a global basis but may be uncommon locally; T_ - variety or subspecies rank; Q – questionable taxonomy;

SGCN Tiers: **Tier 1** Species of Greatest Conservation Need (SGCN) are those that are most in need of conservation action on order to sustain or restore their populations. They are the focus of the Delaware Wildlife Action Plan (DEWAP), which is based on analyzing threats to their populations and their habitats, and on developing conservation actions to eliminate, minimize or compensate for these threats. **Tier 2** SGCN are also in need of conservation action, although not with the urgency of Tier 1 species. Their distribution across the landscape will help determine where DEWAP conservation actions will be implemented on the ground. n/a-not applicable. Plant species of concern are not addressed in the DEWAP.

- **Key Wildlife Habitat.** The forest and wetland areas described above are mapped as Key Wildlife Habitat (KWH) in the Delaware Wildlife Action Plan (DEWAP¹) because they are known to support Species of Greatest Conservation Need (SGCN¹). KWH can support the full array of species across the landscape and the maps in DEWAP show areas of the state where conservation efforts can be focused. Although designation as KWH is non-regulatory these maps are intended to help guide site-specific conservation planning efforts.
 - *Recommendation:* Because many species of concern (and wildlife in general) are associated with forest and wetland areas, these types of habitat should be a priority for preservation in areas being considered for annexation.
 - *Recommendation:* The City should considering requiring applicants of development projects to contact the Natural Heritage and Endangered Species Program to determine if their project activities will impact a state-rare or federally listed species. In some cases a site visit may be requested in order to provide the necessary information. The City should then carefully consider implementation of those recommendations prior to final approval of site plans:
- **Community Forest Plan.** Efforts to restore natural habitat which incorporate plant species native to Delaware could also establish basic elements to support wildlife in general (food, cover, water, and places to raise young). The attached Excel spreadsheet includes a list of Delaware native plant species and a description of the wildlife value the

plant provides. Questions regarding this list or about habitat restoration utilizing Delaware native plants can be directed to Bill McAvoy, our program botanist, at (302) 735-8668 or William.McAvoy@state.de.us.

Potential Brownfield sites

- DNREC's Site Investigation and Restoration Branch (SIRB) encourages the development of Brownfields and can provide assistance when investigating and remediating Brownfield sites. Although SIRB has no specific comments regarding the proposed comprehensive plan at this time, if any future development occurs on sites with previous manufacturing, industrial, or agricultural use, SIRB recommends that a Phase I Environmental Site Assessment be conducted prior to development, due to the potential for a release of hazardous substances. If a release or imminent threat of a release of hazardous substances is discovered during the course of future development (e.g., contaminated water or soil); construction activities should be discontinued immediately, and DNREC should be notified at the 24-hour emergency number (800-662-8802). In addition, SIRB should be contacted as soon as possible at 302-395-2600 for further instructions.

Water Resources comments

- Page 36 & 37, Inland Bays, Canal, and Waterways: DNREC recommends the creation of a separate "stand-alone" subsection, entitled "Total Maximum Daily Loads (TMDLs)," under the existing Inland Bays, Canal, and Waterways section (Section 5.2). We further suggest omission of the existing narrative about TMDLs and Federal Clean Water Act (paragraph 3 of the Sewer section), and replace it with the following narrative under the "stand-alone" TMDL subsection:

Under Section 303(d) of the 1972 Federal Clean Water Act (CWA), states are required to identify all impaired waters and establish total maximum daily loads to restore their beneficial uses (e.g., swimming, fishing, drinking water, and shellfish harvesting). A TMDL defines the amount a given pollutant (i.e., or the pollutant loading rate reduction for a given pollutant) that may be discharged to a water body from all point, nonpoint, and natural background sources; thus enabling that water body to meet or attain all applicable narrative and numerical water quality criterion (e.g., nutrient/bacteria concentrations, dissolved oxygen, and temperature) in the State of Delaware's Water Quality Standards. A TMDL may also include a reasonable margin of safety (MOS) to account for uncertainties regarding the relationship between mass loading and resulting water quality.

In simplistic terms, a TMDL matches the strength, location and timing of pollution sources within a watershed with the inherent ability of the receiving water to assimilate that pollutant without adverse impact. The realization of these TMDL pollutant load

reductions will be through a pollution control strategy (PCS). A Pollution Control Strategy (PCS) is the regulatory directive that identifies what specific actions (e.g., best management practices) are necessary for reducing pollutants in a given water body (or watershed); thus realizing the water quality criterion or standards set forth in the State of Delaware's Water Quality Standards, ultimately leading to the restoration of a given water body's (or watershed's) designated beneficial use(s). The PCS will also include some voluntary or non-regulatory components as well.

The City of Rehoboth Beach is located within the greater Inland Bays/Atlantic Ocean Drainage, specifically within the low reduction area of the Rehoboth Bay watershed. The Rehoboth Bay watershed has assigned (nitrogen and phosphorus) and bacterial TMDL load reduction requirements (See Table 1). The PCS, as stated previously, is an implementation strategy that identifies the actions necessary to systematically reduce the pollutant loading in a given water body, thus meeting the TMDL reduction requirements specified for that water body. The Inland Bays PCS was published in the Delaware Register of Regulation on November 11, 2008 and is not an enforceable regulatory directive. These regulations can be reviewed at <http://regulations.delaware.gov/documents/November2008c.pdf> and background information, guidance documents, and mapping tools can be retrieved from http://www.dnrec.state.de.us/water2000/Sections/Watershed/ws/ib_pcs.htm.

Inland Bays/Atlantic Ocean Drainage	N	P	Bacteria
Rehoboth Bay & Lewes-Rehoboth Canal watersheds	40%	40%	40% fresh, 17% marine

Table 1: TMDL reduction requirements for the watersheds within the Inland Bays/Atlantic Ocean Drainage

- Source Water Protection Areas.** In Section 5.22, page 40, paragraph 4, the City acknowledges the need to protect their well fields and excellent groundwater recharge potential areas. The City also acknowledges that ongoing consultation with the State and County will be required to protect the integrity of its wells and water supply.

The City has identified potential annexation areas that are within areas of excellent groundwater recharge potential and wellhead protection now under the jurisdiction of Sussex County. We recommend that the City develop and adopt regulations to protect areas of excellent groundwater recharge potential and wellhead protection (once the population of Rehoboth Beach reaches 2000 persons, the adoption of source water protection ordinances will be required under 7 Del. Code, Chapter 60, Subchapter VI, § 6082). As lands are annexed, excellent recharge potential and wellhead protection areas would be protected when the annexation process was finalized. The Department will provide updated maps and is available to assist the City in developing these regulations.

- **Water Allocation.** The current capacity of the City's wells is limited by the allocation permit to 5.8 million gallons per day (MGD). The 2002 capacity of 6.4 MGD reported on page 39 of the plan is inaccurate. The additional 1.9 MGD reported on the same page has not been permitted. The 2008 maximum day pumpage was over 3.5 MGD (although the maximum day has not been reported and it could be much higher). The current water supply is adequate for some growth, but the adequacy for the current plan cannot be evaluated without population projections.

The City has not taken steps to protect the aquifer from saltwater intrusion. Increased withdrawals from the aquifer should not be permitted without a thorough investigation of the potential for saltwater intrusion.

Stormwater/Drainage comments

- The Drainage and Stormwater Section commends the City for considering pro-active stormwater ordinances and the possible development of a comprehensive stormwater management plan in addition to the possible development of a city-wide nutrient management plan. Please contact Jamie Rutherford, Program Manager of the Sediment and Stormwater Program, at (302) 739-9921 for information concerning technical assistance in the development of the stormwater management plan and stormwater ordinances.

The Drainage and Stormwater Section offers the following recommendations for the City's consideration.

5.23 Stormwater Management

- The Delaware Sediment and Stormwater Regulations are undergoing revisions. It is unclear at this time when the new regulations will be promulgated.
- Explore the feasibility of stormwater utility to fund upgrades to existing stormwater infrastructure. Upgrades to the stormwater system may reduce pollutant loads and help reach the established total maximum daily load for nitrogen, phosphorus, and bacteria.
- Reach out to the Sussex Conservation District, Sussex County and the Delaware Clean Water Advisory Council as partners in funding stormwater retrofits.
- The City should pursue drainage easements along waterways and storm drains where currently there is none.

Plan Implementation

- The Plan should offer more specific “actionable” environmental protection strategies than currently offered. DNREC recommends that the following ordinance or ordinances (unless current Town ordinances address these concerns) which would:
 - a. Require all applicants to submit to the Town a copy of the development site plan showing the extent of State-regulated wetlands (as depicted by the State Wetland Regulatory Maps), and a United States Army Corps of Engineers (USACE) approved wetlands delineation as conditional approval for any new commercial and/or residential development. Additionally, the site plan should depict all streams and ditches which are jurisdictional pursuant to the Subaqueous Act (7 Del. C., Chapter 72) as determined by DNREC.
 - b. Help protect freshwater wetlands where regulatory gaps exist between federal and State jurisdictions (i.e., isolated wetlands and headwater wetlands).
 - c. Require a 100-foot upland buffer width from all wetlands or water bodies (including ditches).
 - d. Based on a review of existing buffer research by Castelle et al. (1994), an adequately-sized buffer that effectively protects wetlands and streams, in most circumstances, is about 100 feet in width. In recognition of this research and the need to protect water quality, the Watershed Assessment Section recommends that the applicant maintain/establish a minimum 100-foot upland buffer (planted in native vegetation) from the landward edge of all wetlands and water bodies (including all ditches).
 - e. Require an impervious surface mitigation plan for all residential and commercial developments exceeding 20% imperviousness. In commercial developments, it is strongly recommended that pervious paving materials be required on at least 50% of the total paved surface area(s).
 - f. Require the calculation for surface imperviousness (for both commercial and residential development) take in to account all constructed forms of surface imperviousness, including all paved surfaces (roads, parking lots, and sidewalks), rooftops, and open-water stormwater management structures.
 - g. Require the assessment of a project’s TMDL nutrient loading rate through use of the Department’s nutrient budget protocol. The applicant should be further required to use any combination of approved Best Management Practices (BMPs) to meet the required TMDLs for the affected watershed(s) in question.

- h. Exclude structural Best Management Practices (BMPs) such as community wastewater treatment areas, open-water stormwater treatment structures and natural areas containing regulated wetlands from consideration as open space.
- i. Prohibit development on hydric soil mapping units. Proof or evidence of hydric soil mapping units should be provided through the submission of the most recent NRCS soil survey mapping of the parcel, or through the submission of a field soil survey of the parcel by a licensed soil scientist.
- j. Require the applicant to use “green-technology” stormwater management in lieu of “open-water” stormwater management ponds whenever practicable.
- k. All open space land uses should be designed and managed in a manner that mitigates or reduces nutrient pollutant loading and its’ damaging impacts to water quality. Since changes in land use often increase runoff of nutrient pollutants into nearby waterways (including wetlands) draining to a common watershed, these nutrient pollutant loading impacts should be assessed at the preliminary project design phase. To this end, the Watershed Assessment Section has developed a methodology known as the “Nutrient Load Assessment Protocol” to assess such impacts. The protocol is a tool used to assess changes in nutrient loading that result from the conversion of individual or combined land parcels to a different land use(s), and serves as a “benchmark indicator” of that project’s likely impacts to water quality. It is the intention of this protocol to inform those relevant governmental entities (i.e., State, county, and municipal) how a given project will affect water quality in their jurisdictions, while informing/encouraging developers of the need to incorporate better conservation practices (i.e., BMPs) in their project designs to help improve water quality. Therefore, we strongly recommend that City require completion of a Nutrient Budget protocol before granting preliminary approval for any proposed projects/developments.

State Fire Marshal’s Office – Contact: Duane Fox 856-5298

- The Delaware State Fire Marshal’s Office has the responsibility to review all commercial and residential subdivisions for compliance with the Delaware State Fire Prevention Regulations. This Agency asks that a MOU be established and be maintained between the Delaware State Fire Marshal’s Office and the Town of Rehoboth. The State Fire Marshal’s Office would be issuing approvals much like DelDOT and DNREC. This Agency’s approvals are based on the Delaware State Fire Prevention Regulations only. At the time of formal submittal, the applicant shall provide; completed application, fee, and three sets of plans in accordance with the Delaware State Fire Prevention Regulation.

Department of Agriculture - Contact: Scott Blaier 739-4811

- The Department encourages the city to continue to work with our Urban Forestry Section to meet the city's tree canopy goals.
- The Department also encourages the city to work with the Department's marketing section on Farm Markets and supporting the state's agricultural industry.

Delaware Division of Public Health- Health Promotion Bureau- Contact: Michelle Eichinger (302) 744-1011

To help facilitate active living and healthy eating for chronic disease prevention, environmental and policy changes in a community are necessary. The Division of Public Health recommends the following:

- **Amenities to support active transportation**
 - The City of Rehoboth is to be commended for their plan to promote walkability and bikability in the community.
 - Consider and explore public transit opportunities. Individuals who utilize public transportation are likely to walk or bike to transportation stops.
- **Amenities to support active recreation**
 - The City of Rehoboth is to be commended for their thorough active recreation plan.
- **Editorial comments**
 - In the section of Community Services, please include health and social services available for City of Rehoboth residents. This includes the La Red Health Center in Georgetown and the Georgetown State Service Center, which provides public benefits (e.g. WIC, Medicaid, Supplemental Nutrition Assistance Program, etc.). Although many health and social services facilities are located outside the City, there are concerns with regards to healthcare access. By including existing resources, the City may be able to explore other healthcare needs to address access to services.

Delaware State Housing Authority – Contact Vicki Powers 739-4263

The agency may provide commentary and/or suggestions to the applicant that is related to the agency's area of expertise. Commentary and recommendations must be proactive, constructive, and specific to the application that is the subject of the PLUS review. If an agency comment or recommendation is not based on Delaware Code or an adopted policy or regulation, then it must be reported in this section.

- There is a tremendous gap between housing prices and the incomes of people who work in the Town of Rehoboth's numerous retail and service sector jobs. As a result, we encourage the Town to take a more aggressive approach to planning for all of its residents - regardless of income.
- DSHA strongly recommends that the Town of Rehoboth change Section 8.231 (a) of their plan to reflect their desire to assure workforce housing within the Town as opposed to outside town limits as currently stated. Promoting actions outside of town limits is unenforceable for the Town. In addition, the wording is exclusionary in tone.
- DSHA offers technical assistance to the Town in reviewing tools and strategies to increase affordable housing opportunities within the Town.
- Additionally, DSHA has developed a website, **Affordable Housing Resource Center**, to learn about resources and tools to help create affordable housing opportunities. Our website can be found at: www.destatehousing.com "Affordable Housing Resource Center" under our new initiatives.

Approval Procedures:

1. Once all edits, changes and corrections have been made to the plan, please submit the completed document (text and maps) to our office for review. **Your PLUS response letter should accompany this submission.** Also include documentation about the public review process. In addition, please include documentation that the plan has been sent to other jurisdictions for review and comment, and include any comments received and your response to them.
2. Our office will require a maximum of 20 working days to complete this review.
 - a. If our review determines that the revisions have adequately addressed all certification items, we will forward you a letter to this effect.
 - b. If there are outstanding items we will document them in a letter, and ask the town to resubmit the plan once the items are addressed. Once all items are addressed, we will send you the letter as described above.
3. Once you receive our letter stating that all certification items have been addressed, the Planning Commission and Council should adopt the plan pending State certification. We strongly recommend that your Council adopt the plan by ordinance. The ordinance

should be written so that the plan will go into effect upon receipt of the certification letter from the Governor.

4. Send our office a copy of the adopted plan along with the ordinance (or other documentation) that formally adopts your plan. We will forward these materials to the Governor for his consideration.
5. At his discretion, the Governor will issue a certification letter to your City.
6. Once you receive your certification letter, please forward two (2) bound paper copies and one electronic copy of your plan to our office for our records.

Thank you for the opportunity to review this project. If you have any questions, please contact me at 302-739-3090.

Sincerely,

A handwritten signature in cursive script that reads "Constance C. Holland".

Constance C. Holland, AICP
Office of State Planning Coordination Director