

2003

**REHOBOTH BEACH
COMPREHENSIVE DEVELOPMENT PLAN**

Approved August 18, 2003 by the
Mayor and Commissioners of the City of Rehoboth Beach

Certified – August 19, 2004
Office of State Planning Coordination
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NOTE: To make it easier for users of this website to locate specific sections of the 2003 Comprehensive Development Plan, the following changes have been made: (1) the computer generated “PDF” page numbers for each of the topics listed in this index have been inserted at the far right margin and (2) the two maps that were appended to the printed plan have been added to this index. These changes are shown in red (The numbers as they appeared in the original printed version of this plan also continue to be shown.)

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2003 REHOBOTH BEACH COMPREHENSIVE DEVELOPMENT PLAN

1. 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 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.

This Plan supports all of these “Livable Delaware” goals and recognizes that those with land use implications and critical natural resource relationships, i.e., inland bays and 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 a 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 2003 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 to base this update on the efforts and ideas of its residents and property owners. In developing the 1996 Plan, the Planning Commission gathered data, debated issues and possible solutions, and, through the establishment of work groups and public hearings, sought widespread community input and advice. It was a “home-grown” plan that taught its many contributors the complexity and excitement of thinking about the future and moving it 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.

Notwithstanding the State’s mandate, the City’s successes and setbacks, as well as economic and social change in the five years since 1996 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.¹

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.”

In acknowledgment of successfully meeting these conditions, 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.

¹ The Planning Commission began the Plan revision in March 2001, and continued working at each of its monthly sessions until a draft was approved in September 2002. During this period, two full-day public workshops were held, special input was requested from guest speakers, and public comment was solicited from individuals attending the regular meetings. Individual Planning Commission members also met directly with property owners throughout the process to gain input on various segments of the Plan. Following approval of the draft, a presentation was made to the Rehoboth Beach Homeowners Association and three advertised Public Information Sessions and two advertised Public Hearings were held. Prior to the information sessions and hearings, the draft was placed on Rehoboth’s web site and written and e-mail comments were solicited. 176 people attended the sessions and hearings and 99 pieces of correspondence were received by the Commission.

2. THE SETTING

2.1 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.

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 lighthouse was moved to its present site in 1928 (and completely rebuilt in 1996). 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.

[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, Delaware," August, 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.]

2.2 Local Population and Housing

According to the 2000 Census, Rehoboth Beach has 1,495 full-time residents with a median age of 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. The daily population of Rehoboth Beach (residents and non-resident visitors) in undocumented estimates ranges from a low of 16,000 in April to a high of possibly 50,000 persons in August.

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 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 3117 dwelling units with a median owner-occupied housing value of \$202,300. This median housing value was exceeded by Dewey Beach, Fenwick Island, Henlopen Acres, and South Bethany, but these communities had a combined total of only 259 owner-occupied units in 1990. Year 2000 Census information on housing value was not available for this Plan but the real estate industry reports that home prices in Rehoboth have risen a startling 300% over the past decade.

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 as “ For seasonal, recreational, or occasional use.” These are vacant 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.

Rehoboth has added only 50 dwelling units and 261 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 citizens has increased by over 21% in the last ten years, which is more than the 17.6% statewide growth. Much of this can be attributed to retiree-aged population. Baby boomers will begin to retire in large number in 2008 (when the oldest turn 62). While significant changes in city infrastructure may not be necessary, these additional permanent citizens will have an impact on city appointees, employment, small businesses, volunteering, voting population, and other areas.

The lack of raw land for residential expansion 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 above statistics indicate 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). The best 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 vacant 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.

2.3 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 156,638 in 2000 (95%). The large seasonal population can increase the base population by more than 200% on peak summer weekends. The population is expected to increase an additional 55% by 2020. The number of households is projected to increase from 62,577 in 2000 to 73,282 in 2020.

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 growth 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.

"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."

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 stormwater runoff, septic tanks and the atmosphere. (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 stormwater 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 has nearly tripled over this period to more than 35,000 vehicle trips on an average day and to more than 80,000 trips on the busiest weekend days. 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 over the past 10 years, total vehicle miles traveled in Sussex County has risen by 24%. 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 8, Land Use and Regulatory Planning.

3. THE VISIONS

3.1 The Challenge

This Comprehensive Development Plan seeks to assure that Rehoboth Beach maintains its character as a comfortable, small town and an active, prosperous resort. And that in its growth and change, it encompasses these seemingly divergent goals and remains a place of natural beauty and a place of intense activity as well as a community of stability for its residents and visitors and a community of opportunity for its businesses.

Specifically, the Comprehensive Development Plan seeks to address several challenges of growth and change:

- The need to guide development throughout the City, as it is faced with physical or functional changes.
- The need to keep the City's resources and services abreast of the projected demands for resources and services, both for residents and visitors.
- The need to assure stewardship of natural resources and address the unique environmental demands of a coastal community.
- The need to plan and coordinate all changes in ways that ensure the continued residential ambiance, resort attractiveness, favorable business climate, and overall health and well-being of the City.

Rehoboth Beach is now and will remain a town within a town. It has three sets of active users--residents, property owners, 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 management for traffic, parking, transportation choices, oceanfront land use, municipal service, business stability, commercial and neighborhood appearance, and governance. Rehoboth Beach will achieve this balance, using the Comprehensive Development Plan to give constant attention to the long-term foundations of the community -- its ocean and beach, its adjacent waterways, its residential and commercial neighborhoods, its transportation network and alternative modes of travel, and its public and private services.

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. 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.

The ideas about how to achieve the vision are the heart of the Comprehensive Development Plan and are the basis of the recommended actions necessary to create the Rehoboth of the future.

3.2 The Visions

A Vision for Water Resources:

Rehoboth Beach's careful use and preservation of its ocean, beach, canal, 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 other non-auto users. 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, 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.

4. THE OCEAN, INLAND BAYS, 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

4.1 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 11/2 miles of beach evidences the variety of experiences available and the adequacy of physical access to various parts of the beach.

Maintenance of the beach does not cause access problems for it is one of the cleanest and best maintained along the shore. Daily cleaning of both the beach and the boardwalk assures that the most visible part of Rehoboth is never a disappointment. The City will continue this rigorous beach and boardwalk maintenance program and collaborate with State and Federal agencies to ensure the quality of the ocean and surrounding waterways. This is particularly important with regard to storm drain discharge.

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 should be analyzed to assure that they prevent new buildings from shading the beach during the day and maintain a scale of building structure that does not overwhelm the adjacent neighborhood streets but rather blends with them. Any resulting new height restrictions will be designed to preserve sunlight on the beach.

The public restrooms in Rehoboth are inadequate to satisfy the needs of the residents and visitors to Rehoboth. On any nice weekend the wait to use a public restroom, particularly for women, is inappropriately long. More facilities need to be provided. The facilities at Rehoboth Avenue and First Street must be expanded or renovated or a replacement constructed, and all the City's restrooms must be properly maintained. 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 and foot showers.

4.11 City Policies for the Use and Preservation of its Oceanfront

- a. The current points of physical access to the beach will be maintained.
- b. Current and future land uses along the beach will not be allowed to restrict existing access to the beach in any manner. At the same time, uses whose sole function is to provide access to the beach from off-site locations will not be allowed.
- c. The City will continue its rigorous maintenance program for boardwalk and beach cleanliness.

4.12 City Operational and Enforcement Actions along the Oceanfront

4.121 Actions: Beach and Dune Maintenance

- a. A beach replenishment and maintenance plan will be developed in cooperation with the State of Delaware and the federal government.
- b. A dune protection and maintenance plan will be developed in cooperation with the State of Delaware and the federal government.
- c. The Zoning Ordinance will be revised as necessary to accommodate the provisions of Delaware's dune protection and maintenance requirements.
- d. Alternatives to current methods of stormwater discharge will be explored.

4.122 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.

4.123 Actions: Public Sanitary Facilities

- a. The existing restroom facility at Rehoboth Ave. and First Street should be renovated or replaced, and all restroom facilities properly maintained.
- b. Uniform signage showing the location of sanitary facilities will be designed and provided.
- c. Existing locations of sanitary facilities will be assessed to determine any need for additional restroom capacity.

4.2 The Inland Bays, Canal, and Waterways

On a larger scale, 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 Lewes and Rehoboth Canal is the City's second waterfront and offers the opportunity for recreational development. Few have seen and enjoyed the unspoiled view of the natural areas and wildlife bordering the canal between Rehoboth and Lewes. 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. Improvement of the canal is an important element of overall community enhancement and should receive more attention in the future.

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 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.

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

- a. 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.

- b. The City will work to improve the quality of its wastewater and stormwater discharge and runoff into the Canal.

4.3 Sewer and Water

The Rehoboth Beach sewage treatment plant began operation in 1987 and was designed to provide advanced secondary treatment for 3.4 MM gallons of wastewater per day. Its peak load capacity is 5 MM gallons per day. The plant was modified in 1997 to provide upgraded nutrient removal. The City serves the developments of North Shores, Henlopen Acres, and the Dewey Beach Sanitary Water District for a total of approximately 6,000 year-round customers. New development in these areas are expected to add approximately 500 dwelling units by the summer of 2002. Unless Rehoboth Beach radically changes its land use composition or substantially extends its sewer district, the overall population capacity of the City is not constrained by its current wastewater treatment capability.

The State of Delaware has recently ordered that sewage treatment facilities achieve “zero discharge” of nutrients into the Inland Bays. The practical effect of this mandate for the City is that its current point of sewage discharge into the Lewes and Rehoboth Canal will have to be relocated to either the Ocean or to land capable of handling spray application. Either option will require modification of the existing treatment facility, pump stations, and additional pipe at a cost estimated between \$19 and \$30 million or more. Due to the distance to suitable spray fields and the rising cost of land in the area, spray irrigation is becoming an extremely costly option. The City has applied for funding from DNREC to study the viability of the ocean outfall option.

A municipal water system must provide sufficient water for the daily hygienic and dietary 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.

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 protection of these wells is of paramount importance. 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.

4.31 City Policies for Sewer and Water Infrastructure Planning

- a. Ocean, Inland Bay, and waterway water quality will be protected through prevention of harmful runoff and other sources of pollution. This will be accomplished through good

municipal runoff management; encouraging the use of porous materials, infiltration, and evapotranspiration; and political commitment and action toward the maintenance of the quality of all bodies of water.

- b. The City will require ongoing consultation with the State and County about proposed development that may affect the integrity of its wells and water supply. In addition, a study must be carried out to determine if any water quality protection measures are immediately needed at the City's well heads and if any future uses described in land use planning documents pose a threat to the aquifer from which the City's water is drawn.

4.32 City Operational and Enforcement Actions for Sewer and Water Infrastructure Planning

4.321 Actions: Water Supply and Distribution

- a. Future needs will be analyzed and the necessary facility improvements will be included in a 5-Year Capital improvement Plan for Water and Sewer, Roads and Walks, and Utilities.
- b. 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. In addition, a study must be carried out to determine if any water quality protection measures are immediately needed at the City's well heads and if any future uses described in land use planning documents pose a threat to the aquifer from which the City's water is drawn.

4.322 Actions: Sewerage Capacity and Discharge

- a. Future needs will be analyzed and the necessary facility improvements will be included in a 5-Year Capital improvement Plan for Water and Sewer, Roads and Walks, and Utilities including any actions mandated to remove effluent discharge from the Canal and Inland Bays.

4.4 Waterbodies

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 are also suffering from the impact of development around them and mismanagement of their shorelines in terms of misplaced structures, inappropriate vegetation, and improper maintenance.

To protect these environmentally sensitive lakes, the City will 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.

4.41 City Operational and Enforcement Actions for Waterbody Protection

- a. Develop and implement with Dewey Beach and other appropriate jurisdictions a regulatory buffer zone around Lake Gerar and Silver Lake designed to protect and sustain their critical environmental functions.
- b. The City will develop and adopt interim protective measures for Lake Gerar and Silver Lake until specific, long-term ordinances are developed and implemented.

5. REHOBOTH'S GREEN ENVIRONMENT

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.

5.1 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." 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 over the years.

But Rehoboth Beach is a "Tree City" that is gradually losing trees. The problem is that Rehoboth is slowly but steadily suffering a net loss of trees due to 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.

A major positive step was taken with the implementation of a recommendation in the 1996 Plan to require that at least 40% of every building lot in the residential districts remain as a natural area. To maintain this progress, a proactive approach must be taken to increase curbside plantings and wherever and whenever possible work toward the goal of eventual elimination of overhead utilities.

All trees growing within Rehoboth Beach 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" but 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;
- Increase the range of individuals and organizations actively involved with the urban forest; and
- Encourage the 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 species, and secure the long-term management of its urban forest. At a minimum, this plan shall call 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;
- Preserving natural forests within the City; and
- Assuring that a maximum (or optimum) number of trees would be retained or replaced when commercial or residential property is improved, developed, or redeveloped.

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. This code revision will address tree retention, tree replacement, afforestation, reforestation and the preservation of "unique" or representative individual trees or tree stands.

The ambiance of Rehoboth Beach to a large extent is the result of its trees, its vistas, and the quaintness of its buildings. 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 plan for revitalizing the length of Rehoboth Avenue includes undergrounding the utilities. Other opportunities for undergrounding, pole relocation, or running wires behind buildings will be investigated.

5.12 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.
- b. The City will plant and maintain curbside trees on all side-walked streets within the City.
- c. The City will strengthen its tree and planting maintenance programs.

5.13 City Operational and Enforcement Actions for Trees and Plantings

5.131 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 land, promote the best technical forestry practices, and secure the long-term management of its urban forest.
- b. A program will be established to encourage homeowner groups to adopt public areas for planting and care and explore opportunities for community gardens.

5.132 Actions: Protection and Maintenance

- a. The City will 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.

- b. As part of the environmental and zoning code revision, the City will (1) implement means to ensure that all future building is planned and executed to save the maximum number of healthy, mature trees which in limited situations could require such measures as hand digging foundations and building decks and porches around such trees, (2) prohibit clearcutting in any development, (3) require the issuance of a permit to cut specified, multiple or unusually large, healthy trees on private property, and (4) adopt a replacement policy so the overall tree coverage of the City is not diminished.
- c. All tree trimming to protect utility lines in public rights-of-way will be coordinated and overseen by City-regulated professionals.
- d. The City will improve its enforcement efforts to protect trees and plants in the public right-of-way from improper cutting and trimming.
- e. A Horticultural Maintenance Program will be developed and instituted to provide information to individuals and organizations on the suitability and care of plant types in Rehoboth.
- f. Within the City of Rehoboth Beach and when financially viable, existing and all new utility lines will be placed underground.
- g. The City will periodically determine the approximate tree stock within its boundaries.

5.2 Park and Recreation Areas

Along with the Community Forest Plan, a long range development, renovation, and maintenance plan for parks and open space will be developed for the City. It will include a complete inventory of current parks and trees within City parks, open space areas, and natural areas and a plan for the maintenance and replanting of forests, open space, and facilities within. The current public perception of the parks is that they 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 is underused while Stockley Park is well-used by parents and their children but has tree maintenance problems. The most recent improvement to the park system was the installation of a “Tot Lot” at Lake Gerar.

The park 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.

An annual budget for the adequate maintenance of parks and open space will be determined and adjustments in the City budget made. Better maintenance will result in better treatment by the users. The City appears currently understaffed in the area of parks maintenance and this is the time to determine and prioritize the personnel needs necessary to maintain City parks.

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 R-1 Residential which gives it a very high financial value if it were available for subdivision into individual building lots. 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. The bulk of this site, represented by the open fields, must remain in the community inventory. In the event the land was to be declared surplus, a significant interest of the City would be placed at risk. The City has addressed these issues with the Cape Henlopen School District and the State. The City recognizes their interest in retaining equity in this site should the present site no longer be practical for a school and a new school site may be needed. While the City's preference is for this site to remain a school, in order to meet the needs of all parties regarding this property, the City will create a new zoning category. This new zoning category will be designed to keep the open space associated with the school, while allowing the existing school buildings to be adaptively reused and renovated for future residential use. An added benefit will be to make the present school a conforming use which, being in an R-1 zone, it currently is not.

5.21 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. The City will create a new zoning category for the school property at Stockley Ave. Ext. to preserve the open space associated with the school. The new zoning category will allow for the adaptive re-use and renovation of the existing school buildings for residential use, should this site no longer be practical for a school or education or community related activities.

- c. Central Park and Deer Park will be maintained as passive natural areas and will not be used as an active park facilities.

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

- a. A long range development, renovation, and maintenance plan for Rehoboth's public lands will be prepared. Its objectives will include the following:
 - 1. create an identifiable, City-wide network of parks and open spaces connected by sidewalks and pathways;
 - 2. investigate the expansion of the use of key open spaces (i.e., Grove Park, Gerar Park, and Stockley Park);
 - 3. identify and devise means to protect important vistas, particularly the east and west vistas at Lake Gerar and Silver Lake Bridges;
 - 4. development of a "Canal Park" that integrates Grove Park and extends southward along the canal to the City's limits and which will include the development of a municipal dock on the canal;
 - 5. ensure that federal and/or State agencies maintain the navigability of the canal; and
 - 6. identify the financial and personnel requirements for plan implementation.

6. 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.

6.1 Traffic Management

All traffic data as well as casual observations confirm that the roads to Rehoboth Beach are overcrowded. 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. A comment made in 1987 by the authors of "Sussex 2005: A Program For The Future" 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."

In addition to the "normal" growth in traffic seen over the years in Delaware's coastal communities, two new housing projects on Rehoboth Avenue Ext. (in Sussex County) will add several hundred homes and hundreds of additional trips per day in and out of Rehoboth Beach. The impact of this additional traffic at entry and exit to Rehoboth Beach was not considered in the County's review process and illustrates once again the need for cooperative planning between the City and County or, failing that, a strong unilateral traffic management plan designed to protect the City from the worst impacts.

The revitalization project underway at the present time on Rehoboth Avenue presents a clear opportunity to develop such a traffic management plan. 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.

One important issue remains. The DART bus service has operated 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. These numbers were up from 206,784 and 153,075 respectively during the 2000 season. Growth of the service has been the result of DART and DelDOT marketing while the City has done very little to promote the service. Public transportation is an important component of Rehoboth's overall transportation system and will be given serious attention by the City. This will include closer cooperation with DART and other transit systems in planning services (including the possibility of year-round and long-distance service) and better consideration of the role of

transit in reducing traffic conflicts and congestion within the City and at its entrances. The City does provide financial incentives for employers to have their employees use the transit system and several do. Means of expanding employee use of DART and assisting the organization and the State in its promotion must be sought out and implemented.

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 a very capable 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 will 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.

6.12 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.
- 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 current 25 mph speed limit and other traffic laws will be strictly enforced.

6.2 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.

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 a typical year-round, single-family occupancy fashion and the usual requirement of two off-street spaces per unit may not be accurate reflection of the true parking need. 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.

6.21 City Operational and Enforcement Actions for Parking Management:

- a. The City will evaluate how the residential/commercial meter systems have addressed the increase in traffic since their implementation and seek improvements, if 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.

6.3 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. This activity must be coordinated with both the County and the State.

Should SR-1 become impassable by ambulance for whatever reasons, alternative means of transporting patients from Rehoboth to Beebe Hospital should be in place. These could include, in addition to helicopter transport, transport by high-speed boat using the Lewes and Rehoboth Canal or the use of 4-wheel vehicles along the beachfront.

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.

6.31 City Policies for Disaster Planning:

- a. The Disaster Preparedness Plan that spells out procedures for evacuation and management in times of public emergency will be kept updated, widely publicized, and made readily available.

6.4 Non-Motorized Movement

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, and boardwalk bicyclists. There are conflicts, however. In the past, access was planned for the dominant mode of transportation - the motor vehicle. For Rehoboth's future planning, the car, bus, and truck must be accommodated, but the balance must be "tilted" to the pedestrian, the bicyclist, and other non-auto users.

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, design and engineering standards should be devised by the City. These standards should include consideration of the volume of traffic to be carried (both auto, bicycle, and pedestrian), safety, signage, maintenance, neighborhood scale, landscaping, cost, and financing. In addition, existing City codes regarding sidewalk maintenance and ensuring that sidewalks are free from infringing bushes and limbs must be reexamined and modified as needed to give the City not only needed enforcement authority but also authority to cut encroaching vegetation and carry out sidewalk repair/replacement. Currently the City has blocks with discontinuous sidewalks and missing sections need to be filled in to allow safe pedestrian passage. Particular attention should be paid to the requirements of the Americans with Disabilities Act and the needs of the elderly (e.g., countdown crosslights and shuttles).

The Lewes-Rehoboth Beach hiking-bicycling trail is under development with a planned terminus at Grove Park in Rehoboth. This terminus is a welcome addition and creates opportunities for further distributing bicyclists and hikers to other Rehoboth locations. However, it may also create a demand for on- and off-street auto parking around Grove Park. This Plan opposes a significant increase of parking at Grove Park and strongly discourages the use of residential streets around Grove Park for parking for activities associated with the Park. To avoid a detrimental impact on the neighborhood by users of the trail, the City and the State should jointly plan and select trail-associated parking facilities outside of the town.

A Canal Hiking-Bicycling Park could 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 could 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 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. The development of the Canal Walk Park may be best carried out if the City ties its development to annexation of the lands on the west side of the canal to SR 1. In this way, the City could control the possible commercial and/or residential development that could occur on both sides of the canal if such a walk/park and pier were to be developed. To establish the Canal Walk Park, a formal agreement between the City and the Corps of Engineers will be needed.

The Lewes-Rehoboth Beach hiking-bicycling trail, a Canal Hiking-Bicycling Park, and the bike lanes proposed by DeIDOT 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.

6.41 City Policies for Non-motorized Movement

- a. The City will improve the interaction between bicycles, pedestrians, and cars through education, some restrictions, and signage. An objective will be to define and establish pedestrian, bicycle, and skating rights-of way by means of improved access, improved enforcement, and demarcation of routes.
- b. A “Yield to Pedestrian” policy will be established on all City streets through appropriate pavement marking and signage.

6.42 City Operational and Enforcement Actions for Walks and Pathways

- a. Road and Walkway Planning Standards will be prepared to guide future construction, revitalization, and safety.

- b. Sidewalk maintenance and continuity problems will be addressed by the following procedures:
 - 1. Where discontinuous sidewalks currently exist within a block throughout the City, the missing sections of sidewalks will be filled in.
 - 2. Sidewalks will be provided with ADA compatible ramps at curb cuts.
 - 3. The City will enact any necessary amendment to 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.
- c. A Canal Hiking-Bicycling Plan will be developed for the east side of the Lewes/Rehoboth Canal extending from Grove Park southward to the City Limits.
- d. Investigate establishing a bikeway/greenway extension from Silver Lake into Rehoboth Beach that is coordinated with DelDOT's plan to provide bike lanes from Dewey Beach to Silver Lake.

7. 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 Rehoboth Avenue and other commercial areas

7.1 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 70 properties built prior to 1920 as eligible for the National Register of Historic Properties. By 2001, one-fifth of these structures had been demolished and replaced. If the high property value growth experienced by Rehoboth in the 1990's 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.

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 with a draft historic preservation ordinance and draft neighborhood preservation ordinance, a consensus for action did not exist. 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.

7.11 Next Steps in Community Design

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.

In pursuing this third option, the City will examine three areas: the preservation of historic structures, architectural guidelines for new or modified structures, and modifications of its current site plan review procedures. As to historic structures, local conditions have been documented in a recent Architectural Survey Report by the University of Delaware that provides a complete inventory of properties suitable for preservation and a study by the local Historical Society that documents structures built before 1905. As to architectural guidance, the University of Delaware inventory includes architecturally significant structures as well as important concentrations of open spaces and homes. As to site plan review, the current Zoning Ordinance contains basic design standards relating to setbacks, height limits, floor area ratio limits and the like, and the Land Subdivision Ordinance contains standards relating to street, lot, block, utilities, natural features and flood control. This documentation and analysis gives the City sufficient and credible information to form the basis of a program for historic preservation, design guidance, and expanded site plan review.

This process has several steps:

1. General community workshops should be held on the current community design situation, the problems, the opportunities, the nature of guidance used in other communities, and the impact of those measures on community appearance and land values.
2. On the historic preservation side, the basic parameters of what is “historic” and worthy of preservation should be suggested. On the community design side, basic guidelines should be assembled and proposed. On the site plan review side, the current requirements should be updated to reflect current practice in other Delaware communities. These three areas also complement the City’s commitment to tree preservation, an essential element of community preservation and general livability that is addressed earlier in this Plan. These first proposals would establish the potential range and impact of guidance measures as well as the context for the community discussion to follow.
3. Community debate must take place over the aims, basic parameters, application (e.g., all building permits, demolitions, subdivisions, partitions, site plans?), and administration of any guidelines governing historic preservation, community design, and site plan review.

4. Based on community input, specific ordinance modifications should be developed and put forward for additional debate. As noted earlier, without strong community support, ordinance modifications are unlikely.

5. Finally, the suggested ordinance modifications should be placed into the adoption process.

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.

7.111 City Operational and Enforcement Actions for Community Design

- a. The City will embark on a community-based process to develop effective and fair historic preservation, community design, and site plan review procedures meant to improve and maintain overall visual character of structures and “green space”, historic quality, and real estate value of property in Rehoboth Beach.

7.2 Commercial Revitalization

Rehoboth Avenue is a mile-long boulevard which provides ready access to the very heart of Rehoboth’s existence -- 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. Other commercially zoned areas include both sides of Sixth Street, both sides of Sussex Street between 4th and Columbia, land along Canal St. and Sixth St. and the Rehoboth Beach Plaza (formerly known as Bay Mart).

The downtown commercial areas have been the focus of a detailed design and funding effort to improve traffic flow, pedestrian movement, and the overall business environment. The nearly complete final design will cover Rehoboth Avenue from the canal to the boardwalk and involve street and access improvements, overhead utility undergrounding, pedestrian improvements, parking modifications, and extensive landscaping. Significant funding has been obtained and firm construction plans are underway. This work has been a real success story for the City, its Main Street organization, the State of Delaware Main Street, and the numerous individuals and organizations involved.

There is a large diversity in architecture within the downtown area. On Rehoboth Avenue, First Street, and Second Street many of the original buildings have been replaced with newer buildings that have 100% lot coverage. On Baltimore Avenue and Wilmington Avenue many original buildings have been converted to unique restaurants, gift shops, and bed and breakfasts. Retaining historical structures is of great value to the City and consideration and encouragement should be given to the owners of the older structures to retain a sense of architectural history in the downtown. One success story is the renovation

and re-use of the Mellon Bank building on Rehoboth Avenue. One example of a deteriorating historical structure is the Carlton Hotel. Currently, a T-shirt store occupies the ground level and all other space is unoccupied due to fire code standards. Encouragement and assistance by the City to renovate the old structure would be a great asset to the downtown area.

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 should be paid to issues of pedestrian, bicycle, and vehicular access; architectural harmony with surrounding structures; landscaping; and environmental impact.

Independent of the development of Rehoboth Beach's Comprehensive Development Plan, has been 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 Long Range Plan were achieved in whole or in part by the Main Street organization. The ultimate responsibility for the program is retained by the City, however, and the City Commissioners maintain the right to provide oversight, to bring some or all of the functions back into City government and/or redirect them to another organization(s).

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. Steps are also being taken to limit the size of signs and to develop a consistent theme. Strict enforcement of the sign ordinance should be continued but the ordinances controlling nonconforming signs and portable and off-site signs should be reviewed for their effectiveness and updated to allow the City to respond more quickly to violations.

One 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. It is also important to systematically enforce and track abuses of both the odor and noise ordinances to eliminate these basic nuisances.

7.21 City Operational and Enforcement Actions for Commercial Revitalization

- a. All commercial projects will require architectural and site plan review with major emphasis on pedestrian, bicycle, and vehicular access; architectural harmony with surrounding structures; landscaping; and environmental impact.
- b. The ordinances controlling nonconforming signs and portable and off-site signs will be reviewed for their effectiveness and updated as needed to allow the City to respond more quickly to violations.
- c. The dumpster/trash removal ordinance will be reviewed to assure enforcement, eliminate odors, and enhance the appearance of trash storage and removal areas.

7.3 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 will support an organized effort to investigate attracting 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.

8. LAND USE AND REGULATORY PLANNING

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

8.1 Growth Management/Development Controls

8.12 City 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.

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. Over the years, the City's land use and building regulations have 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 setbacks are increased and the FAR, height limits, lot coverage limits, and similar requirements are decreased in order to protect the existing character of the neighborhood as to height, scale, rhythm, and similar factors.

Another issue is the school property on Stockley Ave. Ext. discussed in the section on Parks and Recreation. The current zoning ordinance does not have a category that reflects the City-desired use of this property for education, recreation, and open space. A new category limited to education, recreation, and open space should be established and the school property placed in that category.

An essential first step in this overall review will be to evaluate replacing the current CABO Building Code of 1995 with the newer International Residential Code of 2000. This Code is being rapidly adopted by jurisdictions across the country and deserves immediate consideration for use in Rehoboth Beach. An emerging consideration is that the increasing number of visitors to Rehoboth is bringing an increase in crime and concerns over personal safety. One area where development requirements can impact these concerns is the provision of effective pedestrian and area lighting in key locations. These requirements can also govern the design of the lighting so that it is directed to its target and not polluting the night sky with wasted light.

The guidelines to be followed in the regulatory review are the following:

- Clear areas of responsibility will be assigned within City government to guide development applications through the regulatory process.
- All development standards will be clearly written, current, consistent, and widely available.
- Any desired or required interagency reviews, e.g., with Sussex County, will be conducted in a coordinated and concurrent manner.
- All review procedures will be examined to promote administrative efficiency.
- All review periods will be time certain.
- The regulatory fee structure will be examined to assure that the costs of regulation and enforcement compare favorably to the fees charged.
- Regulatory requirements for establishing or expanding businesses will be examined to remove any unnecessary procedures and improve the timeliness of review.
- 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.
- Requisite implementation and enforcement procedures will be developed.
- 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.

8.13 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 and roads. The City will also 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.

To further this cooperation, it is essential that the County and the City enter into an “intergovernmental cooperative agreement” 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 rural resource 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 agreement is reached between the City and County or between several coastal communities and the County, the resulting cooperative plan should include the following elements:

- Designated growth areas where...
 - orderly development to accommodate the projected residential growth within the next 20 years is planned and
 - 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.
- Services are provided or planned for such development.
- Designated potential future growth areas where development is planned for at densities to accompany the orderly extension of services.
- Designated rural resource areas where...
 - development at densities compatible with rural resource uses that are or may be permitted and
 - publicly financed infrastructure services are not provided or planned unless the participating governments agree for health or safety reasons.
- Plans for the accommodation of all categories of uses within the area, including housing for all income levels and a reasonable allocation of affordable housing. All uses need not be provided in every participating government, but shall be provided over the area of the plan.

- Plans for developments of areawide significance, especially those involving transportation, community facilities, and utilities.
- Plans for the conservation and enhancement of the natural, scenic, historic, and aesthetic resources of the area.

Rehoboth strongly suggests that all of the coastal communities in Sussex County pursue a single cooperative agreement for planning with the County that would allow all 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.

8.2 Residential Land Uses

8.21 Lot Partitioning

Partitioning is one form of the subdivision process which allows an owner of one lot 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, new 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, and especially within the last several years, 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 is 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 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 does permit the Planning Commission to consider whether a partitioning request has an adverse impact on the development of adjoining properties and, if so, the request cannot be treated as a partitioning; instead, it must be reviewed much like a major subdivision, unless the property owner takes steps to eliminate or minimize those adverse impacts. The municipal code should eliminate the current approval process and 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 and site plan review processes to prevent architectural compatibility and environmental issues from arising (see Chapter 7 on Rehoboth's Built

Environment). This technique would allow detailed consideration of the impacts of a partitioning but would not necessarily prevent the loss of a historically valuable structure or setting.

A second, and complementary, approach would be 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.

8.211 City Operational and Enforcement Actions for Partitioning

- a. The municipal code will 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.

8.22 Residential Land Uses

Aside from the questions posed by the future of the school property on Stockley Ave. Ext. and discussed in the section on Parks and Recreation Areas, the most pressing current land use issue is the commercial zoning of several residential properties in the northwestern section of the town along Columbia Ave. and Sussex St. These properties are currently zoned C-3 which allows mid-rise apartments, hotels, motels, retail stores, restaurants, offices, banks, and several other high-intensity uses. The character of these areas is now small-scale, cottage-style residential and encapsulates an “older and quieter” Rehoboth Beach. The present commercial zoning is inappropriate to maintain this character and the quality of these outstanding residential areas and the zoning will be changed to a residential category to prevent the incremental loss of this living environment to commercial uses. More specifically, the rezoning of the following areas from C-1 or C-3 to R-2 will be pursued (these changes are identified on the accompanying land use map):

- The north side of Columbia Ave. between Grove St. and Felton St. from C-3 to R-2.
- Both sides of Sussex St. between Columbia Ave and Fourth St. 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. from C-1 to R-2.

The case for rezoning the north side of Columbia Avenue, between Felton Street and Grove Street is illustrative of the need for all three rezonings. The block is currently zoned C-3, but its use is almost exclusively residential. Therefore, and most significantly, changing the zoning would be consistent with maintaining the current character of the block. The only commercial use on this block is a small dance studio behind a residence located on a 50' X 100' lot. All of the other lots on this street have residences on them; in some cases, the residences are traditional year-round houses, while in other cases, the residences are mobile-type structures that are in various stages of disrepair. The mobile-type structures do not appear to be year-round residences, but instead seasonal rental property. They are located on a large lot of at least 250' X 100', and the ability to easily remove them could facilitate substantial commercial development. As currently used, this side of Columbia Avenue is a relatively quiet, low density, residential area. These Columbia Avenue lots also back up to residential R-2 lots on Henlopen Avenue and Grove Street. In addition, the western side of Grove Street is parkland and the eastern side of Felton Street is residential R-1. There is a compelling reason to rezone this block from C-3 to R-2, to maintain its current residential character and conform with the immediately adjoining lots.

The rezoning is also compelled by other recent developments. In conjunction with the plans approved for the revitalization of Rehoboth Avenue, there will be a round-about at Grove Street and Rehoboth Avenue. This traffic improvement will require closing the block of Columbia Avenue between Grove Street and Rehoboth Avenue; as a result, traffic that attempts to exit on Rehoboth Avenue – but now backs up on Columbia Avenue between Grove Street and Rehoboth Avenue – is more likely to back up on the block of Columbia Avenue between Felton Street and Grove Street. If that block is allowed to develop as commercial use, which would involve more dense development and a greater number of users than residential use, the traffic and safety problems along Columbia Avenue are likely to increase. The ability of the new traffic roundabout to perform traffic calming and create a better flow of traffic on Rehoboth Avenue could be seriously jeopardized if a large commercial development took place near the corner of Columbia Avenue and Grove Street. Therefore, the rezoning of this block from C-3 to R-2 will also protect against the creation of added traffic and safety concerns at the perimeter of the new traffic round-about.

Finally, the rezoning will complement the City's improvement of Grove Park within the past several years. Grove Park has become a local community park for the residents of the Pines as well as a site for various community-wide events (such as bicycle, running, and other athletic 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.

8.221 City Policies for Residential Land Uses

- a. 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.
- b. Improved regulation of rental housing shall become a high priority of the Building Inspector's Office.
- c. To help carry out the affordable housing effort called for in the Plan's section on intergovernmental cooperation (8.13), the City will identify affordable housing opportunities within and without the City and work with the Delaware State Housing Authority on creative affordable housing options.
- d. The City will support creation of a Land Trust to aid in the preservation of important properties or property features within Rehoboth Beach.

- e. The City will keep track of the number of residential bedrooms on an annual basis.

8.222 City Operational and Enforcement Actions for Residential Land Uses

- a. The rezoning of the following areas will be pursued:
 - The north side of Columbia Ave. between Grove Ave. and Felton St.
 - Both sides of Sussex St. between Columbia Ave and Fourth St.
 - 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.
- b. The City will create a new zoning category for the school property at Stockley Ave. Ext. to preserve the open space associated with the school. The new zoning category will allow for the adaptive re-use and renovation of the existing school buildings for residential use, should this site no longer be practical for a school or education or community related activities.

8.23 Vacation Housing

To ensure safe habitation, the strict enforcement of Rental Licensing and the periodic inspection of all properties used by multiple occupants is recommended. The Planning Commission has heard repeated public concern about overcrowded units, large numbers of cars at units, and associated loud and unruly behavior. 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. In sum, residential rentals, joint ownership of units, and other means of owning or securing a vacation space in Rehoboth is a major business and has been largely unregulated. Better control of "bedroom density," parking, and maintenance will encourage more responsible use of these properties and limit their adverse impact on the surrounding community.

8.231 City Operational and Enforcement Actions for Vacation Housing

- a. The City will develop and implement an operations plan to ensure enforcement of all codes relating to rental housing.
- b. Special attention will be given to rental code compliance or lack thereof by absentee landlords.
- c. All property owners will be informed of the City's ordinances concerning rental property and the complaint process that should be followed.
- d. A listing of all properties with approved rental licenses will be posted and made publicly available and the public advised on how to report rental units not on the list. An alternative will be to place such a listing in a City Newsletter.

8.3 Commercial Land Uses

The careful review of the zoning code called for in this chapter must 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 (except in the previously discussed Columbia Ave. and Sussex St. locations), 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 lots 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.

A large parcel of land along the Canal, bounded by Canal St., Sixth St. and Grove Ave. is also zoned C-1. This category is the least restrictive commercial category and offers the widest variety of commercial uses available in the code. The C-1 property south of Sixth St. has developed residentially and there is potential for more residential as well as some commercial. A new zoning category allowing mixed uses, acknowledging the importance of retaining neighborhood character, and better protecting the open space along the Canal is recommended. This category will be designed to provide locations for residential environments that are enhanced by commercial, recreational, employment, and institutional uses and to assure the compatibility of the mix of uses by incorporating higher standards of land planning and site design than could be accomplished under conventional zoning categories.

8.31 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.
- b. In cooperation with Main Street and the Chamber of Commerce, the City will encourage and assist in the creative redevelopment of marginal properties on Rehoboth Avenue and other commercial areas.

8.32 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 creation of a special community opportunity zone will be investigated as a means of encouraging the redevelopment and re-use of selected commercial properties.
- c. A mixed use zone that better controls the future development of the C-1 properties along Canal St., Sixth St., and Grove Ave. will be prepared for discussion.

8.4 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. With three specific exceptions, 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.

The three exceptions to the general annexation policy include:

- 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 repair 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.
- To achieve development of the Canal Walk, an annexation or a memorandum of agreement with the Corps of Engineers, which allows the City control of development of lands on the west side of the Canal to SR 1 should be considered.
- 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 take all action

necessary to annex that 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.

8.41 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.

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.

