

# Agenda Item Report

## Mayor & Commissioners (Workshop)

March 10, 2025



**SECTION:** New Business  
**ITEM:** Discuss the development of a priority list for City Code and Charter amendments  
**SUBMITTED BY:** Evan Miller, Assistant City Manager, Administration

### PURPOSE

Discuss a suggested Code update priority list from the City of Rehoboth Beach's November 30, 2020 Code Update Project and additional suggested Code and Charter amendments.

### BACKGROUND

As indicated in the Planning and Community Development Department presentation to the Mayor and Commissioners during the Regular Meeting on October 18, 2024, there are a number of Code updates that were articulated as part of the City of Rehoboth Beach 2020 Comprehensive Development. This list is entitled "City of Rehoboth Beach Code Update Project – November 30, 2020" and is provided attached to this report.

In addition to the November 2020 list, there are some other code updates that the Planning and Community Development Department has identified. A "Draft Code Update Priority List – March 10, 2025" has been compiled for the Board's review and discussion and is also provided attached to this report. The list has been expanded to include not only the November 2020 topics, but other topics that have been identified since November 2020.

Finally, this agenda item report also includes potential Charter changes that have been discussed in recent past. If there is a desire to move forward with some, all, or more of these changes, City staff can work to draft these changes for consideration during the next legislative session of the Delaware General Assembly.

### OPTIONS (COURSE OF ACTION)

Discuss the suggested priority list of Code and Charter revisions, make any recommended changes and move to the March 21, 2025 Board of Commissioner Regular meeting for further review and consideration.

### STAFF RECOMMENDATION

N/A

### FINANCIAL IMPLICATIONS

The proposed FY2026 budget includes \$100,000 for assistance with City Code amendments.

### BUDGET REVIEW

N/A

## LEGAL REVIEW

N/A

## PROPOSED MOTION

N/A

## CDP AFFILIATION

### **Chapter 4 - Land Use and Annexation**

d) Review and revise City land use codes and regulations by identifying conflicting and ambiguous provisions and provisions needing updating, especially provisions necessary to implement the visions and goals in this Comprehensive Development Plan.

## ATTACHMENTS/SUPPORT DOCUMENTS

[CDP Code Update project November 30 2020](#)

[City Code Draft Priority List](#)

[Draft Charter Changes - BOC March 10](#)

# CITY OF REHOBOTH BEACH

## CODE UPDATE PROJECT – NOVEMBER 30, 2020



While the Comprehensive Development Plan (CDP) is being developed, the City Staff has identified areas of concern to be updated and/or clarified within the City Codes. The CDP will identify areas within the Codes to be updated and/or added upon adoption within the implementation Chapter. It is not recommended major Code changes take place prior to adoption of the CDP as they are likely to be addressed again.

Listed below are the areas currently being worked on for future consideration:

#	TOPIC	LEAD / AREA OF EXPERTISE	GOAL AND/OR ISSUE TO ADDRESS
1	FAR / GFA	Attorney	270-21
2	Outdoor Shower Regulating	Planner	Not permitted or regulated? What is being done now?
3	Lot Coverage Differences	HOLD CDP	Accessory versus structure
4	Pervious vs. Impervious Coverage	HOLD CDP	CPD Implementation-Programmatic item
5	24' Plate Bearing Rule	Structures / Building	What Code Section? Height issue. Occupancy?
6	Definition Open Porches	Attorney / Structures-Building	Existing definition 270-4 "Open Porch". Clarify.
7	Include Venting protrusions in setback allowances	Administrative/Planner	
8	Common bond checks	Administrative	Clerical Demo & sidewalk bond checks (multiple)
9	Build in Penalties	Attorney	
10	Buildable Rectangle – Imperfect Lots	Attorney / Planner	Nonconforming lots (provide parcels)
11	Definitions	Attorney / Planner	Staff to provide list
12	Failed inspections & consequences	Attorney	
13	Residential vs. commercial breakdowns	HOLD CDP	CDP Data to be included
14	Address fence height and post toppers	Attorney / Planner	270-43 and definitions Clarify
15	Dumpster protection and marking, placed on street protection	Administrative/Planner	Construction/Commercial
16	50% rule for non-conforming structures	Attorney	Article VI Nonconformity 270-49.1 Clarify
17	Penalty/Fine for removing Stop Work order	Attorney	
18	Efficiency unit occupancy 4 not 3 as stated in IPMC	Structures / Building	Building Code
19	Occupancy waiver renewal frequency	Structures / Building	Rental Code Conflict Waiver process Residential Rentals 210-7
20	112-1 placement of numbers on building conflicts with IPMC	Structures / Building	Chapter 112-1 use County 911 addressing or IPMC? Conflicting
21	Clear guidance for construction dumpsters		Clarify
22	Clarify Land Development Application Procedures	HOLD CDP Attorney / Planner	CDP Implementation (Administrative vs. PC)

# DRAFT CODE UPDATE PRIORITY LIST - MARCH 10, 2025

## CITY OF REHOBOTH BEACH - NOVEMBER 30, 2020 CODE UPDATE PROJECT - TOPICS THAT STAFF CAN ADDRESS

Priority	Topic	Lead/Area of Expertise	Goal and/or Issue to Address (from 11/30/20)
1 (orig 16)	50% rule for non-conforming structures	B&L staff	Article VI Nonconformity 270-49.1 Clarify
2 (orig 14)	Address fence height and post toppers and add pool barriers	B&L staff	Code Section 270-43 and definitions. Clarify
3 (orig 3)	Lot Coverage Differences	B&L staff	Code section 270-21 C and definitions
4 (orig 12)	Failed inspections & consequences	B&L staff	Code section 102-10 (H)
5 (orig 17)	Penalty/Fine for removing Stop work orders	B&L staff	Code section 126-2
6 (orig 18)	Efficiency unit occupancy 4 not 3 as stated in IPMC	B&L staff	Building Code
7 (orig 19)	Occupancy waiver renewal frequency	B&L staff	Rental Code conflict waiver process residential rentals code section 210-7
8 (orig 8)	Common bond checks	B&L staff and Administrative	Clerical demo & sidewalk bond checks (multiple)
9 (orig 2)	Outdoor Shower Regulating	B&L staff	Clarify in the code
10 (orig 7)	Include Venting protrusions in setback allowances	B&L staff	Define chimney
11 (orig 15 and 21)	Dumpster protection and marking, placed on street protection: clear guidance for construction dumpsters	B&L staff	Clarify in the code
12 (orig 20)	112-1 placement of numbers on building conflicts with IPMC	B&L staff	Clarify - Chapter 112-1 use County 911 addressing or IPMC

### OTHER SUGGESTED CODE REVISIONS REGARDING THE PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT

13	Floodplain code - base flood elevation determination	B&L	Add this provision to the code
14	Review the rental code	B&L	Certain provisions need updating, suggested revisions
15	Review the tree code	Arborist	Certain provisions need updating, suggested revisions
16	Update the Building Code to adopt 2027 International Code Council	B&L	Prep in 2026, review and adopt in 2027
17	Review the Noise ordinance	Police and B&L	Certain provisions need updating, suggested revisions
18	Accessory building and private garage	B&L	Add definitions to 270-4 and special provision 270-44
N/A	Definitions	Consultant with input from City staff	Code wide review of what definitions are needed to be added and revised

**CITY OF REHOBOTH BEACH - NOVEMBER 30, 2020 CODE UPDATE PROJECT -  
TOPICS ALREADY RESOLVED OR UNDERWAY**

orig 1	FAR/GFA	Attorney	In code section 270-21 CDP Implementation item - Stormwater Management Plan
orig 4	Pervious vs. Impervious	Hold CDP	
orig 5	24' Plate Bearing Rule	Structures/Building	In code section 270-20
orig 6	Definition Open Porches	Attorney/Structures-Building	In code section 270-4 and 270-24
orig 12	Failed inspections & consequenses	Attorney	In code section 102-10 (H)
orig 13	Residential vs. commerical breakdowns	Hold CDP	CDP data to be included in CDP
orig 22	Clarify Land Development Application Procedures	Hold CDP	CDP Implementation item - in process
orig 10	Buildable Rectangle - imperfect lots	B&L staff	Nonconforming lots - provide parcels Draft recommendations to Schedule of Fees and Penalties
orig 9	Building in Penalties	Administration	

Version: 1

Topic: Proposed City Charter changes

Author: Evan Miller

Presentation Date: March 10, 2025 Mayor and Commissioners Workshop Meeting

### **Section 8(b): Annual organization meeting of Commissioners.**

**Current:** The Commissioners shall by ordinance fix the salaries and compensation of the employees, officers and agents of the City, and the time and manner of his or her, or their payment; Provided, that the salary or compensation of any such employee, officer or agent shall not be increased, during the term of said office should said appointment thereto be for a designated term. No officer, employee or agent of the City shall in any form have, take, or receive from the City any compensation, in any form, in addition to the salary or compensation fixed by The Commissioners.

**Proposed:** If a salary increase is desired amongst the Board of Commissioners, the Commission may consider increasing the salaries of all Commissioners going forward, but these salaries would be effective only for newly elected Commissioners at the start of their designated term or, in the case of a re-elected Commissioner, upon the beginning of the new term. As a result, due to the staggered terms of the Commissioners, there may be situations where the various Commissioners will have different salaries. If there is a desire to adjust Commissioner compensation including the way it is set, consider changing this provision accordingly.

### **Section 18: Auditors.**

**Current:** “(a) Three auditors of accounts, who may or may not be residents, but who shall be substantial free holders of The City, shall be appointed by The Commissioners at each annual meeting hereinbefore provided to serve for the term of one year or until their successors shall have been duly appointed and qualified.

(b) It shall be their duty to audit the accounts of The City and all of its officers whose duty involves the collection, custody and payment of monies to The City. They shall audit the books of the Mayor of The City of Rehoboth Beach, and the records of all fines, penalties and costs imposed or collected by him pursuant by any judgment, order, or decree made. The auditors on or before the fifteenth day of September, annually, next following their appointment, shall make and deliver a detailed report of every and all accounts, records, and books by them examined and audited, which report under their hands and seals shall be printed in a newspaper published in The City in the issue immediately succeeding their annual report....”

**Proposed:** Section A can be interpreted as applying to the City’s Audit Committee; however, Section B is clearly applicable to the annual financial audit, which is completed by an outside audit firm. Consider clarifying this section.

### **Section 23: Assessment of Taxes.**

**Current:** “The Tax Assessor shall, prior to the first Monday in March, make a just, true and impartial annual valuation or assessment of all real estate and of all improvements having a valuation of at least One Thousand Dollars (\$1,000.00)...”

Version: 1

Topic: Proposed City Charter changes

Author: Evan Miller

Presentation Date: March 10, 2025 Mayor and Commissioners Workshop Meeting

**Proposed:** Consider removing the reference to \$1,000 valuation and update language to allow for the use of Sussex County's assessment records.

**Section 28: Town budget.**

**Current:** (b) Annually each year and not later than May 1st, the City Manager shall prepare a rough draft of a City Budget. From this rough draft The Commissioners of Rehoboth Beach shall not later than the regular meeting held in May of each year, prepare the City Budget, containing the financial plan for conducting the affairs of the City for the ensuing fiscal year.

**Proposed:** Remove the reference to May. For example "Annually the City Manager shall prepare a rough draft of a City Budget. From this rough draft The Commissioners of Rehoboth Beach shall prepare the City Budget, containing the financial plan for conducting the affairs of the City for the ensuing fiscal year, April 1 through March 31."

**Section 29(a)(27): Enumeration of Powers; Violations.**

**Current:** To provide for the punishment of a violation of any ordinance of the City by fine or imprisonment, or both, not exceeding Five Hundred Dollars (\$500.) or sixty (60) days, and for working any person sentenced to such imprisonment or any person who shall refuse to so work when ordered.

**Proposed:** Consider removing the reference to a maximum fine. For example, "To provide for the punishment of a violation of any ordinance of the City by fine or imprisonment, or both, however, imprisonment shall not exceed sixty (60) days. Nothing contained herein shall prohibit the Commissioners from imposing a limit on the fine for a violation of any ordinance."

**Section 24 and 29(a)(30): Enumeration of Powers; Property Tax.**

**Current:** To levy and collect taxes for any and all municipal purposes upon all real estate within the City, except lands belonging to the City; provided that the amount to be raised from this source shall not exceed the sum of three million dollars (\$3,000,000.00). Section 24 of the City Charter requires that the tax rate be set at the regular meeting of the commissioners in June of every year.

**Proposed:** Consider removing the dollar cap raised from property tax and instead place a cap on the percentage of assessed land and improvements. For example, "To levy and collect taxes for any and all municipal purposes upon all real estate within the City, except lands belonging to the City; provided that the amount to be raised from this source shall not exceed X.XX% of the full assessed value of land and improvements within the City." Additionally, consider changing the month the tax rate is set to align with the adoption of the fiscal year budget.

Version: 1

Topic: Proposed City Charter changes

Author: Evan Miller

Presentation Date: March 10, 2025 Mayor and Commissioners Workshop Meeting

**Section 29 (a)(5). Enumeration of powers.**

**Current:** To ascertain, locate, lay out, establish, open, change, alter, widen, abandon, regulate the use and enjoyment of, prevent or remove any obstruction of, level, grade, flag, dress, macadamize, pave, gravel, shell, improve, dredge, erect, remove, repair, or replace any new or present street, highway, lane, alley, watercourse, park, lake, strand, crosswalk, wharf, dock, sewer, drain, aqueduct or pipe line, or portion thereof, or any new or present sidewalk, curb or gutter, or portion thereof, in the City; to specify the grade thereof, the materials to be used in the doing thereof and the manner in which the same shall be done; and to enter into contracts or agreements for the doing thereof, including contracts or agreements with the State Highway of the State of Delaware for the permanent maintenance, repair and upkeep of any street, lane, alley, roadway or other highway within the City.

**Proposed:** This section contradicts City Code §232-1(A). Consider clarifying sidewalk maintenance responsibilities.

**Section 40 (q) and (s): Borrowing of money and issuance of bonds.**

**Current:** Paragraph Q - In no event shall the indebtedness of the City of Rehoboth Beach authorized by this section at any one time exceed in the aggregate seventy-five million dollars (\$75,000,000.00).

Paragraph S - Notwithstanding the foregoing provisions of this Section, the Commissioners may authorize the issuance of bonds or other obligations under this Section in an aggregate amount of up to \$6,000,000 outstanding at any time, without regard to the requirements set forth in paragraphs d. through m. of this Section 40...

**Proposed:** As the City approaches the limit of \$75M, consider another methodology to set the maximum borrowing limit of the City. Some municipalities base the maximum on a percentage of the annual budget. Additional methods exist, all of which should be explored, and a new methodology must be determined.

In considering a revision to paragraph Q, we must also consider a revision to paragraph S, which establishes the limit of \$6,000,000 which can be obligated without going to a public referendum for approval.