

Planning Commission
229 Rehoboth Avenue
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City of Rehoboth Beach
Telephone 302-227-6181
www.rehobothbeachde.gov

PLANNING COMMISSION

Regular Meeting

City Hall Commissioners Room, 2nd Floor

Friday, April 24, 2026; 1:30 p.m.

AGENDA

	Page
1. Call to Order	
2. Roll Call	
3. Verification of Meeting Notice - A. Womack	
4. Approval of Minutes	
Regular Meeting held on February 10, 2023, December 12, 2025 and January 23, 2026	
5. Correspondence	
6. Old Business	
A. Continued discussion of Chapter 236 revisions and updates.	3 - 60
Chapter 236 - Outstanding Issues PC Comments and Summary of Revisions	
Chapter 236 Draft - 17 Apr 2026	
Chapter 236 Definitions - 17 Apr 2026	
7. New Business	
A. Public Hearing of a Minor Amendment No. 2 of Site Plan Review Application No. 0523-04 One Rehoboth Hotel, on the matter of the Minor Amendment request for the property located in the C-1 Central Commercial District on Sussex County Tax Map Parcel No. 334-14.18-14.00, Lot Nos. 19, 20, 21 & 22, Block - Surf Avenue, a portion of Lot No. 1 & Lot No. 6, Block - Rehoboth Avenue and Lot No. 2, Block - Baltimore Avenue. The address of the property is 1 Rehoboth Avenue. The Minor Amendment has been requested by David Grayson of GGA Builders on behalf of Jonathan Silver of One Rehoboth Avenue LLC, owner of the property.	61 - 113
Public Notice for One Rehoboth Hotel	
Building Inspector Report for One Rehoboth Minor Amendments #2 - 13 Apr 2026	
One Rehoboth Admiral Foundation Evaluation	
ONIX Group - One Rehoboth - 08 Apr 2026	
One Rehoboth Project Foundation Evaluation	
One Rehoboth Proposed Garage Revision Comment Response - 08	

[Apr 2026](#)

[One Rehoboth Proposed Garage Revision Letter - 23 Feb 2026](#)

8. Other Business
 - A. Building & Licensing Department Report 114 - 118
[Building & Licensing Department & Code Enforcement Report for March 2026](#)
 - B. Report of any new applications that may have been timely submitted.
9. Citizen Comment
10. Adjournment

AGENDA ITEMS MAY BE CONSIDERED OUT OF SEQUENCE

[Time may not allow for the consideration of all agenda items.]

*For additional information or special accommodations, please call (302) 227-6181 (TDD Accessible) 24-hours prior to the meeting.

The public will be provided the opportunity to make comments regarding Public Hearings, Old Business, New Business and Other Business. Comments are limited to three (3) minutes or at the discretion of the chair, one time per topic. Speakers are to state their name and address or relationship to the city.

Comments on non-agenda topics will be heard under "Citizen Comment" with the same speaker requirements and time limits.

amw: 04/17/26; posted 04/17/26

City of Rehoboth Beach Code Update: Draft Chapter 236 Items for Discussion

Included in this document:

- Items Requiring PC Review and Resolution
- Thresholds Defined in Chapter 236 that Trigger PC Review
- Summary of Updates and Revisions

(NOTE: Text in *italics* indicates exact comments from a PC member)

Items Requiring PC Review and Resolution

- **Does the PC have any desire to expand Article 5: Required Improvements to include commercial projects/site plans?**
- **Is the definition of “sleeping unit” (from IBC) sufficient based on City’s zoning definition of Hotels, Motels and Inns? Should this definition be placed in Chapter 270 or Chapter 236?**
 - Sleeping Unit: A single unit that provides rooms or spaces for one or more persons, includes permanent provisions for sleeping and can include provisions for living, eating, and either sanitation or kitchen facilities but not both. Such rooms and spaces that are also part of a "dwelling unit" are not sleeping units.¹
- **What time requirements would be appropriate for each step starting from the initial project application submission leading to the final PC review and submission of the signature plan? Should these timelines be a part of the by-laws or City Code?**
 - This includes time required by PC to review an application and give comments prior to a regular PC meeting.
 - Would the time requirements be different for a preliminary plan review and a final plan review?
- **With reference to 236-38.E Timings of Amendments, *should the PC and/or its Chair have the flexibility to waive this prohibition against plan amendments based on “good cause” or some other administrative standard?***

¹ <https://codes.iccsafe.org/content/IBC2018/chapter-2-definitions>

- There can be flexibility if the applicant makes known the amendment in good faith to the City and PC, however, this may run the risk of having the amendment reviewed by City Staff prior to the meeting. What would be PC's recommendation in terms of including this flexibility?
- Flexibility can also be provided for typographical or other minor errors; however, PC Chair will decide if the error is minor. Should the text be revised to include this provision?
- Currently it is proposed that we use "Projects" as a general term for all types of applications (lot partition/consolidation, minor subdivision, major subdivision, site plan, and change of zoning). What would be the PC's recommendation?

Thresholds Defined in Chapter 236 that Trigger PC Review

§236-6 General Requirements and Restrictions

- A. Any person, partnership or corporation intending to subdivide and/or consolidate land as defined herein, shall prepare a plan of said proposed subdivision in accordance with this chapter. Said plan shall be prepared and submitted to the City for review and approval. If the plan is approved, a Signature Plan (see §236-23.D.4) shall be recorded with the Sussex County Office of the Recorder of Deeds. No permit shall be issued, or development activity initiated, until the Signature Plan is recorded with Sussex County.
- B. Any person, partnership or corporation intending to develop or redevelop land as defined herein, shall prepare a site plan of said proposed development or redevelopment in accordance with this chapter. The site plan shall be submitted to the City for review. Approval of the site plan by the Planning Commission is required prior to issuance of any permit for those projects that meet the criteria defined below:
 1. A new development² of:
 - a. four or more dwelling units, four or more stories, and/or four or more sleeping units in a hotel motel or other place of lodging.
 - b. a mixed-use structure.
 - c. an oceanfront parcel of land or building thereon for commercial use.
 2. Redevelopment³ and/or substantial improvement of:
 - a. four or more dwelling units, four or more stories, and/or four or more sleeping units in a hotel, motel or other place of lodging.
 - b. a mixed-use structure.
 - c. an oceanfront parcel of land or building thereon for commercial use
 - d. a parcel of land that has a total area of more than 20,000 square feet where the proposed work would require an amendment to an approved plan (see

² Development: Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating or drilling operations or storage of equipment or materials.

³ Redevelopment: Any proposed expansion, addition, or major facade change to an existing building, structure, parking facility or that modifies the intensity of use.

236-38). When such an approved plan does not exist on record, the existing conditions shall be treated as the operating approved plan, where there are no conflicts in permitted uses.

3. A commercial or other non-residential project over 15,000 square feet of gross floor area, or which requires substantial improvement or increase in intensity of usage.
 4. Development requiring a change in zoning.
 5. Any other site plan referred to the Planning Commission by the Director.
- C. Any person, partnership or corporation intending to change zoning district designation of a parcel of land and/or a portion of that parcel of land, should that land be recognized as split zoned, shall submit an application for change of zoning in accordance with this chapter.
- D. If any subdivision or other developments are proposed within the flood-prone districts, a permit shall be issued only after the following items are submitted and approved:
1. A plan which accurately depicts the development proposal and the hydrology of the site. Included shall be all plans for proposed subdivision and/or land development to assure that:
 - a. All such proposals are consistent with the need to minimize flood damage.
 - b. All public and private utilities, such as sewer, water, on-site waste disposal, gas and electrical systems, are located and constructed to minimize or eliminate flood damage and designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters.
 - c. Adequate drainage is provided so as to reduce exposure to flood hazards.
 - d. Such a plan shall also include existing and proposed contours and elevations of the ground, storage elevations, structure, size, locations and elevations of streets, water supply, sanitary facilities, soil types and floodproofing measures.
 2. A document certified by a registered professional engineer or architect that adequate precautions against flood damage have been taken with respect to the design of any building or structure and that the plans for the development of the site comply with the requirements and provisions of Chapter 159 "Flood Damage Reduction."
- E. Nothing in this chapter shall be interpreted to permit the granting of a variance or exception to the regulations of the City or to abridge or modify the procedures or requirements of this chapter, Chapter 270, or other laws and ordinances governing zoning within the City Code or similar applicable regulations.

Summary of Updates and Revisions

General/Entire Document

- All instances of the word use “adhere” have been changed to “comply with”.
- Typographic errors have been corrected. The draft will be reviewed again for spelling and formatting issues.

Article 1 – General Provisions

- The term “Public” has been removed from word usage.
- The terms “Dwelling”, “Dwelling Unit”, “Height” have already been defined in Chapter 270 so they have been removed from Chapter 236. Any mention of these terms will refer to Chapter 270.
- The definitions for “Master Plan”, “Regulations” and “Right-of-way” have been deleted to remove any confusion.
- Definition of “Easement” has been revised.
- Definition of Substantial Renovation and Substantial Alteration has been replaced by Substantial Improvement
- Other definitions added:
 - Flood Prone Area/District
 - Lot Consolidation
 - Board of Commissioners
 - Partitioning

Article 2 – Application Process, Plan Content, Fee Schedule

- The requirement to submit a proposed development site plan has been removed from the zoning change request. The request now includes only a survey of existing conditions, and the items listed in Section 236-12.
- A clause has been added stating that the Planning Commission will conduct an independent site plan review for compliance.
- Added a section on Infrastructure Feasibility Conditions under Special Conditions for the Applicant.
- Minor revisions have been made in several sections for clarity.

Article 3 – Standards and Considerations

- Minor revisions have been made in several sections for clarity.

Article 4 – Plan Review Process

- PC actions after the Public Hearing have been revised for clarity.

- Some sections have been repeated at different stages of project review to clearly show each step. While this may seem redundant, it may be helpful to repeat text and remove ambiguity because of minor differences in the plan phase or application.
- Minor revisions have been made in several sections for clarity.

Article 5 – Required Improvements

- The threshold of 15 sleeping units has been removed in applicability.
- Bond requirement changed to 150%.
- Building inspection rights extended to include requirement of as-built documentation and visual inspections which includes camera scoping tests.
- Minor revisions have been made in several sections for clarity.

Article 6 – Application Amendments, Administrative Exceptions, and Expiration of Approvals

- Revisions have been made in several sections for clarity.

Article 7 – Code Amendments

- Minor revisions have been made in several sections for clarity.

Article 8 – Reconsideration and Appeals; Violations and Penalties; Injunctive Relief; Liens

- Revisions have been made in several sections for clarity.

Chapter 236: Subdivision of Land and Plan Review

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Article 1 – General Provisions

- **§236-1 Title**

- A. This chapter shall be known and may be cited as the "City of Rehoboth Beach Subdivision of Land and Plan Review Ordinance."

- **§236-2 Purpose and Applicability**

- A. The purpose of this chapter shall be to provide regulations and standards to guide land use and development in the City in order to promote the public health, safety and convenience and the financial and general welfare of the City. It shall be administered by the City to ensure orderly growth and development, the conservation, protection and proper use of land, and adequate provision for vehicular and pedestrian traffic, utilities and services of and in the City. All approvals of proposed plans shall be issued by the Planning Commission as provided for in Chapter 51 of this Code.
 - B. These regulations shall be considered the minimum requirements for the protection of the public health, safety and welfare of the City. Any action taken by the City under the terms of this chapter shall give primary consideration to the above-mentioned matters and to the welfare of the entire community.

- **§236-3 Word Usage**

The following general rules of word meaning and usage shall apply to this chapter

- A. The singular number includes the plural and the plural the singular, unless the context clearly indicates the contrary.
 - B. Words used in the present tense include the past and future tenses, and the future the present.
 - C. The word "shall" is always mandatory. The word "may" is permissive.
 - D. Words and terms not defined herein shall be interpreted in accord with their normal dictionary meaning and customary usage.

- **§236-4 Construal of Provisions; Higher Standards to Govern.**

- A. Whenever the provisions of this chapter require or impose other higher standards than are required in any other statute, local ordinance, regulation, or another chapter of this Code, the provisions of this chapter (236) shall govern.
 - B. Whenever the provisions of any other statute or local ordinance or regulation require or impose higher standards than are required by the regulations of this chapter (236), the provisions of the more restrictive statute, ordinance, or Code Chapter shall govern.

- **§236-5 Definitions**

(see separate excel file for draft review)

- **§236-6 General Requirements and Restrictions**

- A. Any person, partnership or corporation intending to subdivide and/or consolidate land as defined herein, shall prepare a plan of said proposed subdivision in accordance with this chapter. Said plan shall be prepared and submitted to the City for review and approval. If the plan is approved, a Signature Plan (§236-23.C.4) shall be recorded with the Sussex County Office of the Recorder of Deeds. No permit shall be issued, or development activity initiated, until the Signature Plan is recorded with Sussex County.
- B. Any person, partnership or corporation intending to develop or redevelop land as defined herein, shall prepare a site plan of said proposed development or redevelopment in accordance with this chapter. The site plan shall be submitted to the City for review. Approval of the site plan by the Planning Commission is required prior to issuance of any permit for those projects that meet the criteria defined below:
 - 1. A new development of:
 - a. four or more dwelling units, four or more stories, and/or four or more sleeping units in a hotel motel or other place of lodging.
 - b. a mixed-use structure.
 - c. an oceanfront parcel of land or building thereon for commercial use.
 - 2. Redevelopment and/or substantial improvement of:
 - a. four or more dwelling units, four or more stories, and/or four or more sleeping units in a hotel, motel or other place of lodging.
 - b. A mixed-use structure.
 - c. an oceanfront parcel of land or building thereon for commercial use
 - d. a parcel of land that has a total area of more than 20,000 square feet where the proposed work would require an amendment to an approved plan (see 236-38). When such an approved plan does not exist on record, the existing conditions shall be treated as the operating approved plan, where there are no conflicts in permitted uses.
 - 3. A commercial or other non-residential project over 15,000 square feet of gross floor area, or which requires substantial improvement or increase in intensity of usage.
 - 4. Development requiring a change in zoning.
 - 5. Any other site plan referred to the Planning Commission by the Director.
- C. Any person, partnership or corporation intending to change zoning district designation If any subdivision or other developments are proposed within the flood-prone districts, a permit shall be issued only after the following items are submitted and approved:
 - 1. A plan which accurately depicts the development proposal and the hydrology of the site. Included shall be all plans for proposed subdivision and/or land development to assure that:
 - a. All such proposals are consistent with the need to minimize flood damage.
 - b. All public and private utilities, such as sewer, water, on-site waste disposal, gas and electrical systems, are located and constructed to minimize or eliminate flood damage and designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters.

- c. Adequate drainage is provided so as to reduce exposure to flood hazards.
 - d. Such a plan shall also include existing and proposed contours and elevations of the ground, storage elevations, structure, size, locations and elevations of streets, water supply, sanitary facilities, soil types and floodproofing measures.
- 2. A document certified by a registered professional engineer or architect that adequate precautions against flood damage have been taken with respect to the design of any building or structure and that the plans for the development of the site comply with the requirements and provisions of Chapter 159 “Flood Damage Reduction.”
- D. Nothing in this chapter shall be interpreted to permit the granting of a variance or exception to the regulations of the City or to abridge or modify the procedures or requirements of this chapter, Chapter 270, or other laws and ordinances governing zoning within the City Code or similar applicable regulations.

Article 2 – Application Process, Plan Content, Fee Schedule

• §236-7 Purpose and Applicability

- A. This article establishes the processes an Applicant shall follow to create a complete development application and to submit the application package for review by the City.
- B. This article establishes the phased approach to the review and approval of proposed projects and defines the content of each plan phase and type.
- C. This article specifies the content that is required to be included on applications, plan sets, or accompanying documents. These content requirements provide the necessary context and details for the City to determine regulatory compliance and establish consistent expectations that Applicants can address.
- D. This article establishes the process by which the City will set application fees through the yearly budgeting process.

• §236-8 Project Types and Plan Phases

- A. The owner of any lands within the City shall apply for and obtain the approval of the Planning Commission together with any other appropriate agency of the City, or other regulatory agency, in accordance with this article before subdividing, resubdividing, consolidating, or performing site development on any land within the City.
- B. Plan applications may be filed by the property owner’s agent, option holder, lessee, or the property owner’s authorized attorney, licensed contractor or architect, but the application must include the Planning Commission Affidavit available from the City that includes the property owner’s signature and the agent’s signature. Plan applications requiring Planning Commission approval shall be cosigned by the property owner or, if represented by an attorney, the attorney. The application shall be cosigned by the property owner and their representative if an Affidavit is also being used.

- C. Applicants shall submit applications to the City for plan review for various project types.
1. Project types include major subdivisions, minor subdivisions, site development, change of zoning requests, lot consolidation, lot partitioning, and certain construction of structures and improvements to lots.
 2. Plan applications may be required to proceed through successive phases of review; the phases include concept, preliminary, and final plan phases. These applications are reviewed for compliance with zoning regulations and all pertinent City Codes. Each phase builds upon the previous one and addresses regulatory requirements identified by the City. The specific requirements and review procedures for each project type and planning phase are described in Article 4.

- **§236-9 Application Content and Submittal Process**

- A. For each project type and plan phase the Applicant shall:
1. Compile the Application which includes:
 - a. Completed and signed Application Forms which are applicable to the project.
 - b. Receipt for the payment of the fee that corresponds to the project type and phase.
 - c. Project Plan shall address all requirements of this Chapter as well as the requirements of the City Code and policies established by the City.
 2. The Applicant, or their legally authorized representative, shall submit the completed application package to the City Secretary at City Hall.

- **§236-10 Plan Content**

- A. Applicability.
1. This section is applicable to Major Subdivisions, Minor Subdivisions, Site Plans, Lot Consolidation, and Lot Partitioning.
- B. Plan Content and Standards.
- All plans shall comply with the provisions included in all Articles of this Chapter, particularly those specified in Article 3 of this Chapter, all requirements detailed in Chapter 270, and throughout the City Code, and additionally shall comply with the following:
1. Be clearly and legibly drawn, labels and text are easily readable, and capable of reproduction.
 2. The printed sheet size for Major Subdivisions, Minor Subdivisions, Site Plans and Change of Zoning Requests shall be 30 inches by 42 inches or 24 inches by 36 inches. The printed sheet size for lot partitioning and lot consolidation shall be the size needed to ensure all required plan content for the entirety of the subject site, and at the scale used, provides for a clear and accurate depiction of the site with no distortions in the submitted plans. In no event shall the printed size of lot partitioning or consolidation plans be less than 8.5 inches by 11 inches.
 3. Major Subdivisions, Minor Subdivisions, Site Plans and Change of Zoning Requests plan sets shall be drawn at a scale of not more than 50 feet to one inch. Lot consolidation and partitioning plan sets shall use a scale that is sufficient to show

the entirety of the subject property in sufficient detail to permit City staff to accurately review the plan for Code compliance.

- a. A graphic scale bar shall be shown on every sheet and shall be consistent between plan sheets unless it is used in an inset drawing or map.
 - b. If the scale requirements above, combined with the size of the site, require the design plans to be drawn across more than one sheet, the cover page shall contain a map depicting the boundaries of each plan sheet and how they connect matchlines to show the entirety of the subject site.
 - c. Inset drawings or details may be drawn at a scale appropriate to clearly communicate necessary plan elements.
 4. The name, license number and seal of the licensed land surveyor or engineer, licensed by the State of Delaware. The elements shown on all plan sets shall be located by a registered land surveyor licensed by the State of Delaware or other qualified professional authorized to practice land surveying by the State of Delaware. The survey used for development of any plan shall be an accurate representation of current conditions of the subject site at the time of application.
 5. All identified objects, conditions, and features noted on the plans shall have their symbols, line styles, and representations included in a legend to allow reviewers to clearly differentiate between all elements.
 6. Proposed project title that is associated with the application.
 7. The name of the municipality and political subdivision within which it is situated and county name.
 8. The name and address of the owner of record.
 9. The coordinate system used to define plan and element locations.
 10. A site location map at a scale of not less than 800 feet to the inch showing the relation of the property to adjoining property and to all streets, roads, watercourses, natural and artificial, streams, shorelines or other water boundaries and all municipal boundary lines crossing or adjacent to the property and existing within 1,000 feet of any part of the property proposed for subdivision.
 11. Each plan shall also include a copy of such private deed restrictions, including building setback lines, as may be imposed upon the property as a condition of sale, together with a statement of any restrictions previously imposed which may affect the title to the land under consideration. Such restrictions shall be satisfactory to the Planning Commission and shall provide against further changes thereof by the grantee without obtaining approval by the Planning Commission.
- C. The City and Planning Commission shall Independently review the submitted plans and determine whether the plan complies with the City Code, applicable city laws and regulations and other federal, state, and county laws, and is consistent with the Comprehensive Development Plan (CDP) Additionally, the Applicant shall address the following list of considerations the Planning Commission may consider in their review of plans. These factors describe the expectations of projects, and the Applicant shall ensure the plans address concerns pertaining to these factors. The Planning Commission may require changes to plans or attach conditions or restrictions when such changes,

conditions, or restrictions are consistent with the general purposes of plan review described in the City Code as follows:

1. Motorized or nonmotorized vehicular traffic flow, both on-site and in the immediate vicinity.
 2. Access to structures.
 3. Access to public or private streets, easements or other rights-of-way.
 4. Pedestrian movement.
 5. Fire equipment and other emergency access.
 6. Refuse removal.
 7. Landscaping and maintenance of natural features.
 8. Drainage flow and structures.
 9. Stormwater management.
 10. Signage.
 11. Lighting and illumination, consistent with dark skies.
 12. Screening for certain uses.
 13. Recreational and open space areas.
 14. Utilities and community facilities.
 15. Height of buildings.
 16. Existing scale and character of nearby properties.
 17. Streetscape.
 18. Impact on nearby properties or the neighborhood.
 19. Air flow, natural light, the effects of seal-level rise, use of solar and other renewable energy resources, and other relevant environmental considerations.
 20. Other public health, safety and welfare concerns.
 21. Comments and recommendations received from the City Planner, City Engineer, City Departments, federal and state agencies, and the public.
- D. Special Conditions. If conditions exist on the subject site that warrant additional scrutiny by the Planning Commission, the Applicant may be required to provide additional materials for review, that may include, but not be limited to, the following:
1. Statements concerning any proposed deed restrictions to be imposed by the owner for the purpose of mitigating the impacts to the special condition.
 2. Special technical data, studies or investigations pertinent to the identified special condition that examine the technical feasibility and regulatory compliance required. This information must be prepared by individuals technically qualified to perform such work. Additional information may include, but is not limited to, the following elements: public water and sewer elements,, water supply surveys (such as test well drilling or stormwater runoff computations), identification of areas subject to periodic flooding, and construction related details that support the Applicant's Registered Design Professional's demonstration of compliance with the requirements of the special conditions constraining the site.
 - a. When it is determined that such additional investigations and reports are necessary, they shall be submitted to the City Secretary who will forward them to the Director and the relevant City Staff whose expertise covers the special condition.

- b. City Staff will review the provided materials and create a summarization of the materials along with their opinion on whether the Applicant's proposal sufficiently protects the public good and does not increase any risk of hazard. This document will be provided to the Planning Commission for consideration.
 - c. Specific elements of the provided special technical data may reflect construction techniques or materials that are typically not submitted for review during the plan review process as they are generally developed following final approvals. Where special technical conditions exist and require the submission of technical materials, those proposed construction elements in the technical materials are not binding on future construction plans, provided that the construction phase plans adequately address the special conditions and applicable construction standards that may be required to address the specific special conditions as determined by the Director.
- 3. If special conditions are found to exist, the Planning Commission may then require the Applicant to incorporate specific improvements to the design of the plan as a condition to its approval.
- 4. When special studies or investigations pertain to a regulatory program of another public agency, the Applicant shall submit the results of these studies or investigations to said public agencies for technical review and comment. Written comments from these agencies shall be supplied to the Planning Commission by the Applicant.
- 5. Infrastructure Feasibility and Condition Assessments: Where a proposed development interfaces with or relies upon existing public utility or drainage infrastructure of uncertain condition or capacity, Planning Commission and/or the Director, in consultation with the City Engineer, may require submission of appropriate technical studies and documentation to evaluate potential impacts and risks. Such requirements are intended to demonstrate general compliance at the plan approval stage only; detailed construction means, methods, sequencing, and monitoring shall be subject to separate review and approval during the construction permitting phase.

- **§236-11 Plan Content Requirements for Major Subdivisions, Minor Subdivisions, and Site Plans**

- A. Applicability

- 1. Major Subdivisions are all those subdivisions not classified as partitionings or minor subdivisions .
 - 2. Minor Subdivisions are those projects that would create three or more lots but do not require new roads, the extension of City or County infrastructure, or results in modifications to existing drainage quantities and/or characteristics.
 - 3. Site Plans apply to projects that meet the criteria listed in 236-B.6.1-5

- B. [Attachment 1: Table of Plan Content Requirements](#) specifies the minimum plan content requirements for each application type reviewed under this Code. These requirements identify the materials and information necessary for the review and approval of major subdivisions, minor subdivisions, and site plans. The provisions listed in [Attachment 1: Table of Plan Content Requirements](#) shall apply to the corresponding category of development identified in each column by a “R”. Standards marked as “R” under Major Subdivision shall apply to major subdivision applications; standards marked as “R” under Minor Subdivision shall apply to minor subdivision applications; and standards marked as “R” under Site Plan shall apply to site plan review applications. Elements marked as “O” in the table are optional at that stage.
1. The Application package for Major and Minor Subdivisions and Site Plans shall include all the content marked required in [Attachment 1: Table of Plan Content Requirements](#) according to the relevant project type and phase.
- C. If a proposed use or development requires site plan approval, subdivision of land, and/or lot consolidation, all applications may be reviewed concurrently by the Planning Commission.

- **§236-12 Application Requirements for Change of Zoning Requests**

- A. Applicability – A change of zoning request is an application submitted by a property owner, contract purchaser, or authorized developer seeking to change the zoning classification of a specific parcel or parcels of land from one zoning district to another as established in Chapter 270, Zoning.
- B. Pre-Application Meeting: Prior to submitting a formal change of zoning application, the Applicant shall schedule a meeting with the City by coordinating with the City Secretary to discuss the requested zoning change, applicable zoning regulations, relevant provisions of the Comprehensive Development Plan, and anticipated review requirements including the potential need for State review under the PLUS process. The purpose of this meeting would be advisory and non-binding, intended to identify potential issues, required application materials, and processes for consideration of the request.
- C. Application Requirements. The Application for Change of Zoning Requests shall include the following:
1. A survey of the existing conditions of the property including precise boundary lines with dimensions and markers, all visible structures and improvements such as buildings, driveways, fences, and patios, recorded easements and rights-of-way, observable utility features, and any encroachments across property lines; it may also show topographic information like elevations and contours, natural features such as trees or drainage areas, and is completed with legal references, orientation details, and a surveyor’s certification.
 2. A narrative document that describes the purpose and justification for the requested change, and addresses the following:
 - a. Consistency of the requested zoning change with the Comprehensive Development Plan;
 - b. Compatibility of the proposed zoning district with adjacent land uses and zoning;

- c. Availability and adequacy of public facilities and services; and
 - d. Reasons why the proposed zoning is more appropriate than the existing classification;
- 3. Any additional information or studies deemed necessary by the Planning, Zoning, and Development Department (e.g., traffic, environmental, or infrastructure assessments).
- 4. Following the Pre-Application Meeting, a Change of Zoning Request Application shall be submitted to the City Secretary using the forms provided by the City, accompanied by the required fee established in the fee schedule as detailed in §236-15.

- §236-13 Lot Consolidation Applicability

- A. Applicability

- 1. Where more than one immediately adjacent lots are under common ownership, the property owner may merge the lots and dissolve the property boundaries to form one new lot.
 - 2. Where development is proposed that would cross existing lot boundaries or as may be required to comply with Chapter 270, the properties must be held under common ownership and shall be merged prior to any permits being issued.
 - 3. No lots may be consolidated unless the lots are under common ownership (as demonstrated by common legal title).
 - 4. When two or more lots must be consolidated to comply with the provisions of Chapter 270, the application will be deemed to be incomplete until the lots are shown by the Sussex County office of the Recorder of Deeds as being under common ownership as depicted in the official Sussex County parcel data. The Sussex County Recorder of Deeds process and requirements for recording the ownership lots shall be followed.
 - 5. Lots consolidated pursuant to this chapter, or previously consolidated consistent with the provisions of this chapter, may subsequently be resubdivided to their originally plotted lot configuration upon approval by the Planning Commission, provided the proposed resubdivided lots comply with all current applicable code requirements.
 - 6. Notwithstanding anything contained in this chapter or Chapter 270 to the contrary, in all residential districts, no lots may be consolidated unless all such combined lots shall have contiguous and continuous frontage on the same street.
 - a. This provision shall not apply to lots that are immediately adjacent to intersecting streets (corner lots).
 - b. This provision shall not apply to situations where the lot consolidation process is immediately followed by a subdivision or lot partitioning plan that would create new lots that are fully compliant with City Code.
 - c. No permits shall be issued for the consolidated lot until it is subdivided.

- B. Application Submittal Process for Lot Consolidation. The plan application process for Lot Consolidation shall follow the requirements detailed in §236-9 & -10.

- **§236-14 Lot Partitioning Applicability**

- A. Applicability

- 1. Lot partitioning are those projects that would create no more than 2 new parcels, do not include any expansion of City infrastructure beyond new connections to existing water or sewer lines, and do not adversely affect the development of the remainder of the parcel or adjoining properties.

- B. Application Submittal Process for Lot Consolidation. The plan application process for Lot Consolidation shall follow the requirements detailed in §236-9 & -10.

- **§236-15 Fee Schedule**

- A. Applicability

- 1. All applications for major subdivisions, minor subdivisions, lot consolidations, lot partitions, site plans, change of zoning and other applications shall be subject to payment of the applicable fee detailed in the Schedule of Fees.

- B. Process of Fee Determination

- 1. The Mayor and Board of Commissioners shall establish and amend a Schedule of Fees for all applications, reviews, permits, appeals, and other services under this Chapter and Chapter 270 by resolution, which may be considered and adopted as part of the City's annual budget process for the upcoming fiscal year.
 - 2. Adoption or amendment of the Schedule of Fees by resolution does not constitute a text amendment to this Code.
 - 3. Fees shall recover the City's reasonable costs of providing the service, including staff time, public notice and publication, legal review, and third-party professional or consultant costs; the City may require deposits/escrows for pass-through costs.
 - 4. Required fees must be paid at filing. Applications are not complete and will not be processed or scheduled until all applicable fees/deposits are paid.
 - 5. The current Schedule of Fees shall be maintained by the Planning, Zoning, and Development Department and published on the City's website. If a fee in the Schedule conflicts with a fee amount stated elsewhere in this Code, the Schedule of Fees controls.
 - 6. Applications submitted prior to approval of the City's Annual Budget will adhere to the fees of the previous fiscal year (April to March). Once the City's Annual Budget is updated and approved by the Board of Commissioners, the new fees schedule will apply to all subsequent applications.

Article 3 – Standards and Considerations

- **§236-16 Purpose and Applicability**

The provisions of this article shall apply to applications for major and minor subdivisions, site development, change of zoning, lot consolidation, and lot partitioning. A submitted plan set shall conform to design standards that will encourage good development patterns within the City. The City's requirements for streets, drainage rights-of-way, storm sewers, school sites, public parks and

playgrounds shall be satisfied before approval of the submitted plan. The streets, drainage rights-of-way, storm sewer or sanitary sewer plans shall be such as to lend themselves to the harmonious development of the City and enhance the public welfare in accordance with the design standards set forth in this article.

- **§236-17 Lot Design Standards**

A. These lot standards apply to all project types.

1. Lot dimensions and area shall not be less than the requirements of Chapter 270, Zoning.
2. Insofar as is practical, side lot lines shall be at right angles to straight streets and radial to curved streets.
 - a. Except for lots fronting on an approved short dead-end street, each lot must front upon a public street that is at least 50 feet wide. However, a lot may front on an existing public street that is at least 40 feet wide where such frontage is part or all of the frontage of an area that was previously subdivided into lots of no more than 100 feet of frontage on said street. [Amended 8-7-2009 by Ord. No. 0809-02; 2-19-2010 by Ord. No. 0210-01]
 - b. Where extra width has been dedicated for widening of existing streets, lots shall begin at such extra width line, and all setbacks shall be measured from such line.
 - c. Where there is a question as to the suitability of a lot for its intended use due to factors such as rock formations, flood conditions or similar circumstances, the Planning Commission may, after adequate investigation, withhold approval of such areas.
 - d. Double frontage and reverse frontage lots shall not be approved unless, in the judgment of the Planning Commission, such frontage lots shall be required to establish a buffer zone and/or screen planting.
 - e. Lot lines shall follow municipal boundary lines rather than cross them.

- **§236-18 Street Design Standards**

A. These street design standards apply to all project types.

1. The arrangement of streets shall be such as to provide for the appropriate extension of existing streets.
2. Minor streets shall be so designed as to discourage through traffic.
3. Subdivisions abutting arterial streets shall provide a marginal service road, or reverse frontage with a buffer strip for planting, or some other means of separation of through and local traffic as the Planning Commission may determine appropriate.
4. The minimum right-of-way width shall be measured from lot line to lot line and shall be in accordance with the following schedule:
 - a. Arterial streets: 80 feet to 120 feet.
 - b. Collector streets: 60 feet.
 - c. Minor streets: 50 feet.
 - d. Marginal access streets: 40 feet.

- e. Internal roads, alleys, driveways, aisles and parking areas in business and industrial developments shall be designed and built to satisfy the requirements of the Planning Commission.
- 5. No subdivision showing reserve strips controlling access to streets shall be approved.
- 6. Subdivisions that adjoin or include existing streets that do not conform to the street width requirements of this section shall dedicate additional width along either or both sides of the road.
- 7. Grades of arterial and collector streets shall not exceed 4%. Grades on other streets shall not exceed 10%. No street shall have a minimum grade of less than 0.3 of 1%.
- 8. Street intersections shall be as nearly at right angles as possible and in no case shall be less than 60°. The block corners at intersections shall be rounded at the curbline with a curve having a radius of not less than 20 feet.
- 9. Street jogs with center-line offsets of less than 125 feet shall be prohibited.
- 10. A tangent at least 100 feet long shall be introduced between reverse curves on arterial and collector streets.
- 11. When connecting street lines deflect from each other at any one point by more than 10° they shall be connected by a curve with a radius of not less than 100 feet for minor streets and 300 feet for arterial and collector streets.
- 12. All changes in grade shall be connected by vertical curves of sufficient radius to provide a smooth transition and proper sight distance.
- 13. Dead-end streets (culs-de-sac) shall conform to the following: [Amended 8-7-2009 by Ord. No. 0809-02]
- 14. Dead-end streets (culs-de-sac) of a permanent nature shall not be longer than 400 feet and shall provide a turnaround at the end with a radius of 40 feet. If a dead-end street is of a temporary nature, a similar turnaround shall be provided and provisions made for future extension of the street and reversion of the excess right-of-way to the adjoining properties.
- 15. A dead-end street (cul-de-sac) may be considered a short dead-end-street when, at a minimum:
 - a. The dead-end street is either not more than 250 feet in length (as measured along the street line) or not more than 10 lots abut the dead-end street.
 - b. All lots that abut the dead-end street are solely within an R-1 Single-Family Residence District or an R-2 General Residence District.
 - c. An applicant demonstrates that natural features such as trees, brooks, hilltops and views will be preserved by lessening the dimensional requirements of this article.
 - d. An applicant demonstrates that the street design is consistent with the purposes set forth in § 236-2, is in accord with good engineering principles and practices and will adequately accommodate the vehicles and persons who will use the street.
- 16. If the Planning Commission determines that a dead-end street meets, at a minimum, the requirements contained above, the Planning Commission may,

notwithstanding anything to the contrary in this article, accept and approve the following reduced standards for a short dead-end street:

- a. A turnaround of less than a forty-foot radius or an alternative means of turnaround.
- b. A reduced street width, but not less than 37 feet.
- c. A reduced paved width, but not less than 16 feet.

17. As a condition of its approval of a short dead-end street, the Planning Commission may require that parking be restricted or prohibited on the short dead-end street and, if so required, final subdivision approval shall not occur until after the Board of Commissioners has adopted an ordinance incorporating such restriction or prohibition in the appropriate section of this Code.

18. No street shall have a name which will duplicate or so nearly duplicate as to be confused with the names of existing streets. The continuation of an existing street shall have the same name. The Applicant shall coordinate with City addressing staff/system to prevent duplicate naming.

19. All minor roadways shall be 34 feet between curbs and paved for the entire width.

B. Street Block Design Standards

1. Block length and width or acreage within bounding roads shall be such as to accommodate the size of lot required in the area by Chapter 270, Zoning, and to provide for convenient access, circulation control and safety of street traffic.
2. In blocks over 1,000 feet long, pedestrian crosswalks may be required in locations deemed necessary by the Planning Commission. Such walkway shall be 10 feet wide and be straight from street to street. There shall be installed a four-foot walk paved in accordance with City specifications. Lots abutting such a walk shall be treated as a corner lot.

- **§236-19 Easement Considerations**

- A. Easements may be required within a subject site for installation and protection of utility infrastructure, to provide for drainage of surface water, to provide for access to on-site resources, or similar needs. Such easements shall be at least 15 feet wide and located in consultation with the companies or municipal departments concerned.
- B. Where a subdivision is traversed by a watercourse, drainageway channel or stream, there shall be provided a stormwater easement or drainage right-of-way conforming substantially to the lines of such watercourse and such further width or construction, or both, as will be adequate for the purpose.
- C. A drainageway channel which lies along a road and in front of lots, or where it is felt that such would be a hazard to health and life by the Planning Commission, shall be adequately replaced by storm sewer pipe of a size as established by the City Engineer. Setback line requirements as established by Chapter 270, Zoning, along watercourses shall be satisfied.

- **§236-20 Parking Requirements**

- A. Sufficient parking areas shall be provided by the proposed project as required by Chapter 270, Zoning.

- **§236-21 Natural Features to be Retained.**

A. Natural features such as trees, brooks, hilltops and views shall be preserved in accordance with the goals of the Comprehensive Development Plan and Chapter 253 Trees.

- **§236-22 Suitability of Land, Preservation of Resources, Public Sites, Open Spaces**

A. Land deemed by the Director to be uninhabitable shall not be planned for residential occupancy, nor for such other uses as may increase danger to health, life or property or aggravate the flood hazard. Such land within the parcel shall be set aside for such uses as will not be endangered by periodic or occasional inundation or will not produce unsatisfactory living conditions or shall be adequately drained and filled in accordance with regulations to the satisfaction of the Planning Commission.

Article 4 – Plan Review Process

- **§236-23 Purpose and Applicability**

A. Purpose and Applicability

The purpose of this section is to establish a clear, consistent, and efficient process for the review and approval of all project types within the City of Rehoboth Beach. This section outlines the procedural requirements and approval steps applicable to the various types of land development and subdivision activities regulated by this code. The intent is to ensure that all proposals are reviewed in a coordinated manner that promotes orderly growth, protects public health and safety, and upholds the goals and policies of the Comprehensive Development Plan.

B. Major and minor subdivisions, as well as site development plans, shall follow the phased review process established herein. Other applications, including change of zoning requests, lot consolidations, and lot partitions, shall be reviewed in accordance with the specific procedures provided for those actions, which may vary in scope and sequence from the phased process. The phased review process includes a concept plan, preliminary plan, and a final plan.

C. The general purposes of plan review include:

1. Protection of the architectural massing, composition, scale, and character of the neighborhood;
2. Compatibility of new construction and structural alterations with the existing scale and character of nearby properties;
3. Preservation of streetscapes;
4. Protection of natural resources; and
5. Protection of the public's health, safety, and general welfare.
6. Guiding the growth and development of the City in accordance with the Comprehensive Development Plan, the City Code including this chapter and Chapter 270.

D. Purpose of each development plan phase:

1. Concept Plan Purpose

The purpose of the concept plan review is to provide an early opportunity for the Planning Commission and city staff to evaluate the general design, layout, and feasibility of a proposed plan before significant resources are invested in detailed engineering. This review is intended to identify potential issues related to zoning, infrastructure, access, environmental constraints, and consistency with City's most recent Comprehensive Development Plan and future land use map. It also allows the applicant to receive preliminary guidance on how to refine the plan to better comply with applicable regulations and community expectations.

2. Preliminary Plan Purpose

The purpose of the preliminary plan review is to evaluate the proposed plan in sufficient technical detail to determine its compliance with the City Code, the City's Zoning, the City's Subdivision Development Regulations, the most recent Comprehensive Development Plan and other regulations the Planning Commission deems necessary and appropriate. It serves as the formal basis for interdepartmental review, coordination, and identification of conditions necessary for final approval. The preliminary plan demonstrates the feasibility of the proposed layout, infrastructure, grading, utilities, access, and stormwater management, and ensures that the development can be constructed in a manner that protects public health, safety, and welfare.

3. Final Plan Purpose

The purpose of the final plan is to ensure that the conditions of preliminary approval have been satisfied. The final plan must reflect all required changes and comments provided previously by the Planning Commission, comply with all applicable City, County, State and Federal codes and regulations, and demonstrate that necessary improvements, easements, and dedications have been secured or guaranteed. Final plan approval serves as the City's confirmation that the proposed project is legally and technically appropriate and that development may proceed. The Planning Commission may include additional conditions or requirements in their final approval that the applicant must address prior to receiving site level permits.

4. Signature Plan Purpose

The purpose of the signature plan is to provide a clean plan that integrates all conditions of approval the Planning Commission may have included in their final approval; provides references to all external agency permits and approvals that may be required; contains all legal encumbrances and covenant restrictions that are applicable; that demonstrates any lot consolidations that are required have been performed and reflects updated parcel boundaries; and requirements that stem from conditions of approval and that apply to subsequent construction phase activities and plans shall be explicitly detailed in the signature plan notes. The signature plan, once verified complete and accurate by the Planning Commission Secretary, will be signed by all necessary parties. The signed plan will then be the authoritative document filed with the City, will be filed with the County Recorder of

Deeds (if required) and then will allow the City to review construction phase plans and to issue building permits.

- **§236-24 Planning Commission Actions and Duties**

[NOTE: this article to be completed following the input of Planning Commission Members, Attorneys, and relevant staff. This section can incorporate the By-Laws of the Planning Commission, amended as desired, or can be kept consistent with the existing code sections. Also note the minor modifications of the plan review process and the role of the Planning Commission; the roles and responsibilities have not fundamentally changed, rather the process names have been updated and the process clarified, simplified or similar.]

- **§236-25 Concept Plan Review Process**

- A. A proposed Concept Plan will be required for all major subdivision and site development applications.
- B. Concept Plan Review Process
 - 1. Following receipt of the Concept Plan Application Packet, the City Secretary will distribute copies of the application to all relevant departments and staff.
 - 2. Planning, Zoning, and Development Department will coordinate all internal plan review efforts during the initial stage and will review the application for completeness insofar as the plans contain all the required content as specified in Article 2. This completeness review will be performed within 15 business days following receipt of the application.
 - a. Plans found to be missing required information will be returned to the Applicant for completion. The application will be marked as rejected and no rights will be vested.
 - b. Plans found to be complete will be accepted and a complete review of zoning compliance will be performed. At the Concept Plan phase, the standard for review of zoning compliance is general consistency; this indicates there is no proposed element on the Plan that is wholly non-compliant with zoning requirements but may identify some inconsistencies that can be addressed through the iterative plan phase process.
 - c. Planning, Zoning and Development Department will develop a Concept Report on the proposed plan. This will include a checklist indicating the presence of all required elements, a summary of the relevant zoning regulations and the plan's compliance with these regulations, measurements of content to generate calculations such as lot coverage and Floor-Area Ratio (FAR) and will identify any modifications that need to be addressed as the proposal moves into subsequent phases.
 - d. Planning, Zoning and Development Department will provide this report to the Planning Commission for their review and utilization in their proceedings at least 15 business days prior to the Planning Commission's scheduled meeting that includes the subject application.
 - 3. Planning Commission: The Planning Commission will schedule the plan to be heard on a regular Planning Commission meeting date. During the Planning Commission

Meeting, the Planning Commission shall review and discuss any issues or concerns related to the proposed project. Any member of the public shall have the opportunity to be heard and may appear in person, by agent, or by attorney at the hearing. Following the project concept review and discussion, the Planning Commission will provide nonbinding written comments and suggestions based on its experience, knowledge, technical assistance, and public comments. The Planning Commission shall take no action to approve or deny the concept or any details of a proposed development at the project concept review and discussion.

- **§236-26 Preliminary Plan Review Process**

- A. A proposed Preliminary Plan will be required for projects as per the standards in 236-10.
- B. Review of Preliminary Plan Documents
 - 1. Following receipt of the Preliminary Plan Application Packet, the City Secretary will distribute copies of the application to all relevant departments and staff.
 - 2. Planning, Zoning, and Development Department will coordinate all internal plan review efforts during the initial stage and will review the application for completeness insofar as the plans contain all the required content as specified in Article 2. This completeness review will be performed within 15 business days following receipt of the application.
 - a. Plans found to be missing required information will be returned to the Applicant for completion. The application will be marked as rejected and no rights will be vested.
 - b. Plans found to be complete will be accepted and a complete review of zoning compliance will be performed.
 - c. Complete plans will be forwarded to other City agencies for their review and comment.
 - 3. Planning, Zoning and Development Department will develop a Preliminary Report on the proposed plan. This will include a checklist indicating the presence of all required elements, a summary of the relevant zoning regulations and the plan's compliance with these regulations, measurements of content to generate calculations such as lot coverage and Floor-Area Ratio (FAR) and will identify any modifications that need to be addressed as the proposal moves into subsequent phases. Planning, Zoning and Development Department will provide this report to the Planning Commission for their review and utilization in their proceedings at least 15 business days in advance.
 - 4. At the discretion of the Planning Commission Chair, the Planning Commission will schedule the plan to be heard on a regular Planning Commission meeting date. The Planning Commission shall fix a reasonable time for a hearing on all Preliminary Plan review applications and give public notice of the hearing. Any member of the public shall have an opportunity to be heard and may appear in person, by agent, or by attorney at the hearing.
 - 5. The City Secretary will coordinate with the Planning Commission to post all relevant documents on the City's public data portal and linked within the Agenda.

6. The City Secretary will provide Public Notice of the Planning Commission meeting on any Preliminary Plan review application. This shall be done by publishing an announcement in a newspaper of general circulation in the City at least 15 days before the date of the hearing. Additionally, notice of the hearing shall be sent by first class United States Mail to all City property owners whose boundaries are within 200 feet of the boundaries of the property that is the subject of the Preliminary Plan review application at least 15 days before the date of the hearing. Certified mail and general circulation mail will be sent to the property owner. General circulation mail will be sent to the representative of the property owner.
7. Furthermore, the Director shall post notice of the Public Hearing for the Preliminary Review at one or more prominent and easily visible places on the property that is the subject of the project review application. The notice shall be posted on yellow cardboard at least 18 inches by 24 inches in size and set forth the date and time of the public hearing on the project review application; the name of the applicant and/or property owner; a description and size of the property involved; and a statement, in plain language, of the matter involved. The notice shall also state the address and telephone number of the City's Planning, Zoning, and Development Department for interested parties seeking further information on the application. One such notice sign shall be posted for each street and/or boardwalk on which the applicant's property fronts. It shall be the responsibility of the applicant to maintain the notice signs in good condition during the posting period. The notice sign or signs shall be posted at least 15 days before the public hearing and shall remain posted until the date of the final public hearing on the application.

C. Planning Commission Review

1. Prior to the Planning Commission Meeting, the Planning Commission members shall review the proposed project, Planning, Zoning and Development Department's report, and similar materials. At least two weeks prior to the Planning Commission Meeting, any member who may have identified any questions or concerns with the plan, Planning, Zoning and Development Department's review, the applicability of any regulation(s), or other questions, shall communicate through the Planning Commission's attorney those specific concerns and questions. Planning, Zoning and Development Department will review the concerns and address the needs as appropriate. If Planning, Zoning and Development Department cannot answer the questions, the Applicant may be requested to provide additional information prior to, or during, the Planning Commission Meeting. This request for additional information may conflict with the anticipated agenda for the regular Planning Commission meeting that the plan was to be discussed at, in which case the Planning Commission shall have the authority to remove a project from the agenda if such materials are not provided in a timely manner. This communication will help create efficient and effective Planning Commission Meetings that reduce delays in consideration of proposed projects. It should be noted, however, that any issues identified by the Planning Commission prior to a meeting are preliminary and do not preclude any member of the Planning Commission from raising additional concerns later.

2. During the Planning Commission Meeting, the Planning Commission shall discuss the plan, the associated Planning, Zoning and Development Department Report, and any issues or concerns related to the proposed project. The Planning Commission shall review the Preliminary Plan Application for all required projects, making certain compliance with all the requirements and conditions set forth in the Concept Approval, the City Code including this Chapter and Chapter 270, Comprehensive Development Plan, and other applicable regulations as the Planning Commission determines is necessary.
3. Following the Planning Commission's inspection of the documents, conversation with the Applicant, and review of the Planning, Zoning and Development Department Report, the Planning Commission shall determine whether a vote on the Preliminary Plan will be conducted. The following actions can be taken by the Planning Commission:
 - a. Vote to Approve the Preliminary Plan - The Plan is found to be compliant with the Comprehensive Development Plan, the City Code, Chapter 270, and all other applicable City, County, State, and Federal laws and regulations Planning Commission may have considered during the course of this application review. This approval provides the applicant with authorization to proceed to Final Plan phase.
 - b. Vote to Approve the Preliminary Plan with Conditions – The Planning Commission members are satisfied that all major zoning considerations have been addressed along with concerns raised during the Concept review. This approval provides the applicant with authorization to proceed to Final Plan phase.
 - c. Vote to Deny the Preliminary Plan – Planning Commission members have identified one or more elements that are not compliant with zoning regulations or other applicable standards. The Applicant must revise and resubmit the Preliminary Plan.
 - d. Continuation of Preliminary Plan Review – The Planning Commission may decide to continue the Preliminary Plan review at a subsequent Planning Commission Meeting if the review cannot be completed in one meeting. This second meeting will be posted publicly, advertised, and a portion of time will be set aside for continuation of the examination of the project. At the Planning Commission's discretion, they may vote on moving the plan to the Final Phase. The same voting options presented above are available to the Planning Commission.
4. If the Planning Commission votes to approve the Preliminary Plan, with or without conditions, the Applicant may move to the Final Plan Phase.

- **§236-27 Final Plan Review Process**

- A. A proposed Final Plan will be required for projects as per the standards in 236-8.
- B. Review of Final Plan Documents
 1. Following receipt of the Final Plan Application Packet, the City Secretary will distribute copies of the application to all relevant departments and staff.

2. Planning, Zoning, and Development Department will coordinate all internal plan review efforts during the initial stage and will review the application for completeness insofar as the plans contain all the required content as specified in Article 2. This completeness review will be performed within 15 business days following receipt of the application.
 - a. Plans found to be missing required information will be returned to the Applicant for completion. The application will be marked as rejected and no rights will be vested.
 - b. Plans found to be complete will be accepted and a complete review of zoning compliance will be performed. At the Final Plan phase, the standard for review of zoning compliance is absolute compliance; this indicates that all elements of the proposal are compliant with all pertinent zoning requirements, the Comprehensive Development Plan, and other regulations as the Planning Commission may determine are relevant. All conditions identified during previous phases have been addressed to the satisfaction of Planning Commission Members.
 - c. Complete plans will be forwarded to other City agencies for their review and comment.
3. Planning, Zoning and Development Department will develop a Final Report on the proposed plan. This will include a checklist indicating the presence of all required elements, a summary of the relevant zoning regulations and the plan's compliance with these regulations, measurements of content to generate calculations such as lot coverage and Floor-Area Ratio (FAR) and will identify any outstanding modifications that need to be addressed prior to Final Plan Approval. Planning, Zoning and Development Department will provide this report to the Planning Commission for their review and utilization in their proceedings at least 15 business days in advance.
4. At the discretion of the Planning Commission Chair, the Planning Commission will schedule a Public Hearing on a regular Planning Commission meeting date. The Planning Commission shall fix a reasonable time for a hearing on all Final Plan review applications and give public notice of the hearing. Any member of the public shall have an opportunity to be heard and may appear in person, by agent, or by attorney at the hearing.
5. The City Secretary will coordinate with the Planning Commission to post all relevant documents on the City's public data portal and linked within the Agenda.
6. The City Secretary will provide Public Notice of the public hearing on any Final Plan review application. This shall be done by publishing an announcement in a newspaper of general circulation in the City at least 15 business days before the date of the hearing. Additionally, notice of the hearing shall be sent by first class United States Mail to all City property owners whose boundaries are within 200 feet of the boundaries of the property that is the subject of the application at least 15 days before the date of the hearing. Certified mail and general circulation mail will be sent to the property owner. General circulation mail will be sent to the representative of the property owner.

7. Furthermore, the Director shall post notice of the public hearing at one or more prominent and easily visible places on the property that is the subject of the site plan review application. The notice shall be posted on yellow cardboard at least 18 inches by 24 inches in size and set forth the date and time of the public hearing on the project review application; the name of the applicant and/or owner; a description and size of the property involved; and a statement, in plain language, of the matter involved. The notice shall also state the address and telephone number of the City's Planning, Zoning, and Development Department for interested parties seeking further information on the application. One such notice sign shall be posted for each street and/or boardwalk on which the applicant's property fronts. It shall be the responsibility of the applicant to maintain the notice signs in good condition during the posting period. The notice sign or signs shall be posted at least 15 days before the public hearing and shall remain posted until the date of the final public hearing on the application.

C. Planning Commission Review

1. Prior to the Planning Commission Meeting, the Planning Commission members shall review the proposed project, Planning, Zoning and Development Department's report, and similar materials. At least two weeks prior to the Planning Commission Meeting, any member who may have identified any questions or concerns with the plan, Planning, Zoning and Development Department's review, the applicability of any regulation(s), or other questions, shall communicate through the Planning Commission's attorney those specific concerns and questions. Planning, Zoning and Development Department will review the concerns and address the needs as appropriate. If Planning, Zoning and Development Department cannot answer the questions, the Applicant may be requested to provide additional information prior to, or during, the Planning Commission Meeting. This request for additional information may conflict with the anticipated agenda for the regular Planning Commission meeting that the plan was to be discussed at, in which case the Planning Commission shall have the authority to remove a project from the agenda if such materials are not provided in a timely manner. This communication will help create efficient and effective Planning Commission Meetings that reduce delays in consideration of proposed projects. It should be noted, however, that any issues identified by the Planning Commission prior to a meeting are preliminary and do not preclude any member of the Planning Commission from raising additional concerns later.
2. During the Planning Commission Meeting, the Planning Commission shall discuss the Final Plan, the associated Planning, Zoning and Development Department's Report, and any issues or concerns related to the proposed project. The Planning Commission shall review the Final Plan Application for all required projects, making certain that all the requirements and conditions set forth in the Concept Approval, Chapter 270, and other applicable regulations as the Planning Commission determines is necessary. If the owner or his agent has failed to satisfy all requirements, the Planning Commission shall so advise, in writing, and return all

material required, except the application and one copy of the plan, for correction or addition thereto and resubmission.

3. Following the Planning Commission's inspection of the documents, conversation with the Applicant, and review of the Planning, Zoning and Development Department's Report, the Planning Commission shall open the meeting to public comment on the proposed project. In all cases, the recommendations of those attending a public hearing shall be given careful consideration in the final decision of the Planning Commission.
4. After the Public Hearing, the Planning Commission shall determine whether a vote on the Final Plan will be conducted. The following actions can be taken by the Planning Commission:
 - a. Vote to Approve the Final Plan - The Plan is found to be compliant with the Comprehensive Development Plan, the City Code, Chapter 270, and all other applicable City, County, State, and Federal laws and regulations Planning Commission may have considered during the course of this application review . This approval provides the applicant with authorization to proceed to the Signature Plan phase.
 - b. Vote to Approve the Final Plan with Conditions – The Planning Commission members are satisfied that all zoning considerations have been addressed along with concerns raised during the Preliminary Plan review. However, the Planning Commission has identified additional modifications that are required to be integrated into the project design prior to the Signature Plan being signed. This approval authorizes the applicant to proceed to the Signature Plan phase, with the condition that all applicable conditions of approval must be satisfied prior to obtaining the required signatures on the Signature Plan, aside from any conditions that are intended to be completed at a later stage of the project or during the construction phase. The Applicant may then move to recordation or construction phase activities.
 - c. Vote to Deny the Final Plan – Planning Commission members have identified one or more significant elements that are not compliant with zoning regulations or other applicable standards. The Applicant must revise and resubmit the Final Plan. If the Planning Commission shall disapprove a plan, the Planning Commission shall advise the Applicant, in writing, of the reasons for disapproval and shall return, together with the letter, all material received, except the application and one copy of the plan. The reasons for disapproval shall be remedied prior to resubmission.
 - d. Continuation of Final Plan Review – The Planning Commission may decide to continue the Final Plan review at a subsequent Planning Commission Meeting if the review cannot be completed in one meeting. This second meeting will be posted publicly, advertised, and a portion of time will be set aside for continuation of the examination of the project. At the Planning Commission's discretion, they may vote on moving the plan to the Signature Plan Phase. The same voting options presented above are available to the Planning Commission.

5. At the time of the vote on the Final Plan, each member of the Planning Commission shall state the reasons for his or her vote.

- **§236-28 Review Process for Change of Zoning Requests**

- A. Applicability and Purpose: The application procedure detailed in this section applies to applications seeking to change the zoning classification of an individual parcel or tract of land from one zoning district to another. The procedure ensures that such requests are reviewed for consistency with the City's Comprehensive Development Plan, compatibility with surrounding uses, and conformance with the purposes and intent of the City Code and other applicable regulations. The Board of Commissioners is the deciding authority within the City for change of zoning requests.
- B. Review of Change of Zoning Request
 1. Subsequent to the Pre-Application Meeting and receipt of a complete Change of Zoning Request Application (see §236-12), the Director will review the application and determine consistency with the Comprehensive Development Plan and determine the need for Preliminary Land Use Service (PLUS) review. A memorandum shall be generated detailing the need for consideration under PLUS.
 - a. If a PLUS review is not required, the application and Director's report shall be transmitted to the Planning Commission for review and action.
 - 1) The Planning Commission shall schedule consideration of the request at a regular meeting following receipt of a complete submission, allowing sufficient time for review.
 - a) City Secretary shall add the request to the agenda and make the relevant documentation available for public review.
 - 2) The Planning Commission shall evaluate the change of zoning request based on:
 - a) Review of the Director's Report
 - b) Consistency with the Comprehensive Development Plan and adopted City policies;
 - c) Conformity with the purposes and standards of the Zoning Code;
 - d) Compatibility with adjacent land uses and zoning;
 - e) Adequacy of public infrastructure and services to support the proposed change of zoning; and
 - f) Public input.
 - 3) Following review and public input, the Planning Commission shall develop and transmit a written recommendation to the Board of Commissioners to approve, approve with conditions, or deny the change of zoning request. The recommendation shall include the rationale for their recommendation and shall reference the specific code, policy or documents that inform their decision.
 - 4) The Applicant shall then proceed to coordinate with the appropriate staff to have their request placed on the Board of Commissioners agenda.

- a) Following the decision on the change of zoning request by the Board of Commissioners, the Applicant will have the following options according to the decision:
 - i. If the change of zoning request is approved, the Applicant may proceed to the preliminary planning phase.
 - ii. If the change of zoning request is approved with conditions, the Applicant shall proceed to the preliminary planning phase making sure to modify the plan as per the comments and conditions of approval.
 - iii. If the change of zoning request is denied, the Applicant may appeal the decision as per the existing appeals process provided in the City Code.
- b. If a PLUS review is required, the Applicant shall be informed of the decision and shall submit the request to the Office of State Planning Coordination (OSPC). The application shall be subject to the standard PLUS review process as detailed by the OSPC.
 - 1) The City shall take no action on the change of zoning request until the PLUS process has completed and the PLUS Review Letter has been issued.
 - 2) Once the PLUS process has completed, the Applicant shall amend their previous Change of Zoning Request Application packet to include the State's PLUS Review Letter with all state agency comments.
 - a) The Applicant shall modify their plan set and documentation to address the various comments received from the PLUS process.
 - b) The Applicant shall include a narrative document in the amended Change of Zoning Request Application that describes the revisions integrated that address the PLUS comments.
 - 3) The Change of Zoning Request is reviewed by the Director and a report is issued that provides any recommendations for Planning Commission or Board of Commissioners consideration.
 - 4) The Director's Report is forwarded to the Applicant and Planning Commission.
 - 5) The Planning Commission shall schedule consideration of the request at a regular meeting following receipt of a complete submission, allowing sufficient time for review.
 - a) The City Secretary shall add the request to the agenda and make the relevant documentation available for public review.
 - 6) The Planning Commission shall evaluate the change of zoning request based on:

- a) Review of the Director's Report
 - b) Consistency with the Comprehensive Development Plan and adopted City policies;
 - c) Conformity with the purposes and standards of the Zoning Code;
 - d) Compatibility with adjacent land uses and zoning;
 - e) Adequacy of public infrastructure and services to support the proposed change of zoning; and
 - f) Public input.
- 7) Following review and public input, the Planning Commission shall develop and transmit a written recommendation to the Board of Commissioners to approve, approve with conditions, or deny the change of zoning request. The recommendation shall include the rationale for their recommendation and shall reference the specific code, policy or documents that inform their decision.
- 8) The Applicant shall then proceed to coordinate with the appropriate staff to have their request placed on the Board of Commissioners agenda.
- a) Following the decision on the change of zoning request by the Board of Commissioners, the Applicant will have the following options according to the decision:
 - i) If the change of zoning request is approved, the Applicant shall proceed to the preliminary planning phase.
 - ii) If the change of zoning request is approved with conditions, the Applicant shall proceed to the preliminary planning phase making sure to modify the plan as per the comments and conditions of approval.
 - iii) If the change of zoning request is denied, the Applicant may appeal the decision as per the existing appeals process provided in the City Code.

- **§236-29 Plan Review Process for Lot Consolidation and Partitioning**

- A. The application for partitioning or consolidation of land shall not be considered by the Planning Commission if within the twelve-month period immediately preceding the application the subject parcel was the subject of a subdivision application that was denied by the Planning Commission. However, this limitation shall not be applicable if the majority of the Planning Commission members then present find the facts and circumstances existing at the time of their prior decision have undergone a substantial change justifying their reconsideration, or if the prior application was returned for refiling as a major subdivision.

- A. After the City Secretary receives a Lot Consolidation or Partitioning Application Package, it will be distributed to Planning, Zoning and Development Department and the Planning Commission.
- B. Planning, Zoning and Development Department will review the application and prepare a report indicating that all required elements are or are not present; that the project does or does not comply with zoning regulations; and offers the opinion of Planning, Zoning and Development Department as to whether the proposal should be approved, approved with conditions, or denied.
 - 1. Upon determination from the Director that an application proposes a partitioning or consolidation of lots to their originally plotted configuration as shown on a legally created plan recorded in the Sussex County Office of the Recorder of Deeds and which plan has been recognized by the City, the Director shall provide a memorandum attesting to the determination to the Chair of the Planning Commission who may then determine that preliminary review is not required and schedule the hearing.
- C. The Planning Commission shall review the application, associated material, and any reports or findings that the City may have issued pertaining to the application, making certain that all requirements set forth by this chapter and Chapter 270: Zoning, have been satisfied. Following this review, the Planning Commission shall make a determination through a vote (see 236-24) on the compliance of the project with all relevant regulations.
 - 1. If the Planning Commission disapproves an application, two copies of the reasons for denial shall be provided to the applicant. Reasons for disapproval shall be remedied prior to resubmission.
 - 2. The Planning Commission may approve the consolidation or partition of the subject site or may apply conditions to the approval. Any conditions must be addressed before the Signature Plan is signed.

- **§236-30 Actions Following Final Approval**

- A. Upon publication of the final approval by the Planning Commission of any application, the Applicant shall create a Signature Plan that replicates the approved plan and addresses any conditions of approval issued by the Planning Commission. The Applicant shall submit the Signature Plan to the City.
- B. The submitted Signature Plan will be transmitted to the Chair of the Planning Commission who will verify the plan addresses any conditions attached to the approval and is otherwise a replica of the approved Final Plan. Once verified, the members of the Planning Commission approving such application shall sign the Signature Plan.
- C. Once signed, the signed Signature Plan will be sent to the City Secretary who shall make four physical copies and a digital copy. The original signed Signature Plan shall be retained by the City and stored in accordance with all relevant document retention regulations. The physical copies shall be provided to the Planning Commission, Planning, Zoning and Development Department and the Applicant.
- D. Prior to issuance of any permits for the improvement of the property, including demolition, clearing, building, or grading permits, the Applicant shall complete the Signature Plan (see

§236-23.D.4) and demonstrate compliance with required improvements detailed in Article 5 below.

E. Recordation of Plan

1. A copy of the final plan approved by a final action of the Planning Commission, and prepared in accordance with the provisions of § 236-8 and containing such conditions as may be required by the Planning Commission shall be filed by the applicant whose application has been approved with the office of the Recorder of Deeds in and for Sussex County within 180 days from the date of such approval. The 180 days period shall begin after a notice of approval or a resolution has been published. A copy of the recorded final plan shall be provided to the Planning Commission, the Director and the City Manager, and shall be kept on file by them. If any final plan is not filed within this period, the approval shall expire. The Planning Commission for good cause shown may extend the time for final plan filing for a period not to exceed 180 days. [Amended 6-18-2007 by Ord. No. 0607-02]
2. The recordation of a plan is required when the approved proposal meets the following criteria:
 - a. Is a Major or Minor Subdivision
 - b. Involves lot consolidations and/or partitionings
 - c. Creates a new lot or deletes existing lots
 - d. Otherwise modifies the boundaries, zoning district, and/or ownership of an existing parcel.
 - e. Where new easements are included in the proposed project, or where existing easements are modified.
3. Applicant submits copy of signed Signature Plan to Recorder of Deeds in and for Sussex County. The Applicant shall follow the procedures established by the County for plan recordation.

- F. No plan shall be filed for the development of a subdivision in the office of the Recorder of Deeds for Sussex County unless it has been duly approved by the City. [Added 6-18-2007 by Ord. No. 0607-02]

Article 5 – Required Improvements

- §236-31 Purpose and Applicability

- A. This Article applies to applications for major subdivisions.
- B. The purpose of requiring the improvements detailed herein is to ensure the future purchasers of the new lots are provided with safe and appropriate access to the civil infrastructure provided by the City to its residents; that the owners have appropriate access to and from these lots to other locations; and that the legal rights and uses of the lots by these future owners are not inappropriately constrained by the lack of the required improvements.

- **§236-32 Required Improvements**

- A. After recording of the plan but prior to the transfer or sale of any lot or part of the subdivision, the subdivider shall be required to provide and install certain minimum improvements in the subdivision or within the vicinity that is impacted by the subdivision. All such required improvements shall be constructed in accordance with the minimum requirements of these regulations and the construction standards and specifications adopted by the appropriate City, county, or state agency or such other governmental agency as may have jurisdiction over a particular improvement. Nothing contained herein, however, shall be construed as prohibiting the subdivider from installing improvements meeting higher standards than the minimum requirements.
- B. Lots or parts of the subdivision may be sold or transferred prior to completion of improvements, provided that the subdivider has made adequate guaranties that all improvements will be made. These guaranties shall comply with the provisions of § 236-32 of this chapter.
- C. The Applicant shall furnish a performance guaranty prior to making any improvements sufficient to cover 150% of the estimated cost of the improvements. The performance guaranty shall be in a form acceptable to the Planning Commission (including but not limited to a surety bond or letter of credit), and shall cover the following
 1. Streets. Streets shall be designed to conform to the design standard set forth in § 236-21 and shall be paved in accordance with specifications for paving of streets established by the City. Internal roads, alleys, driveways, aisles and parking areas, when required, shall be constructed with a well-drained base and of a hard surface finish.
 2. Traffic. As detailed in Chapter 270, any proposed subdivision that is determined to impair the capacity, loading, safety, level of service, and similar, of existing transportation networks, including pedestrian and non-vehicular infrastructure, in the immediate vicinity of the site shall be required to improve those networks to the degree necessary to maintain the existing characteristics of travel and, where appropriate, improve such infrastructure to the extent that development of the site does not substantially degrade service levels.
 3. Street name signs. A street name sign identical to those already established in the area or of a design and of material specified by the City shall be installed in a base at each street intersection in accordance with the specifications of the City.
 4. Sidewalks. Sidewalks, where required, shall be placed between the curbline and the property line as determined by the Planning Commission and the City Engineer and in accordance with the City specifications for design and material.
 5. Curbs. Curbs, where required, shall be placed on both sides of a street at a maximum distance of eight feet from the property line and in accordance with City specifications for design and material.
 6. Streetlighting. Streetlights shall be installed at internal street intersections, on curves, and at the end of dead-end streets and shall be spaced approximately 300 feet apart along a straight street in accordance with the City Engineer's design.

7. Trees. Newly installed trees are to be located so as not to interfere with utilities, sidewalks or driveways and shall comply with the provisions of Chapter 253.
 8. Grading, fill, topsoil and protection thereof.
 - a. Grading, excavation, and fill material shall meet the requirements of the ordinances of the City of Rehoboth Beach and the Sussex County Soil Conservation District.
 - b. All material to be used as fill shall meet the requirements established by City Code or Sussex County Soil Conservation District, be verified to be appropriate for the proposed use by the applicants engineer, and be approved by City Staff prior to placement.
 - c. Disposal of excavated materials, including the disposal of any spoil accumulated during development, construction and clearing of the land, shall meet City Code Chapter 102, 159, and all relevant outside agencies and shall be approved by City Staff prior to placement.
 9. Buffer zone planting. Where buffer zones are required or proposed, they shall be planted with growth of such type and quality to produce from time of planting a screening hedge of sufficient density and height to effectively perform its purpose year-round. Such proposed plantings shall be reviewed by the Planning Commission prior to approval of the subdivision.
 10. Culverts and storm sewers. Culverts and storm sewers shall be properly installed and connected with the City system or as determined by the City Engineer or other authorized City authority.
 11. Sanitary sewers. Sanitary sewers shall be properly installed and connected to the sanitary sewer system of the City in accordance with the requirements of the City.
 12. Water. Connections to the City water system shall be properly installed and connected to the water system of the City in accordance with the requirements of the City.
- D. Incorporated within the performance guaranty shall be a provision requiring that the performance guaranty shall not be released and shall remain in full force and effect until all required improvements it guarantees are inspected and approved, in writing, by the City Engineer and the Planning Commission.
 - E. All improvements shall be completed in accordance with this Code and any additional requirements attached as a condition of approval.
 - F. The City shall be entitled to collect reasonable legal fees and costs incurred in an action to enforce the performance guaranty required by this section.

- **§236-33 Improvement Plans**

- A. Plans, profiles and specifications for the required improvements shall be prepared by the subdivider and submitted for approval by the appropriate public authorities prior to construction. No construction shall commence prior to the issuance of the appropriate permits by the Planning, Zoning, and Development Department for the required improvements. All plans, profiles and specifications approved by the Building Inspector or his or her designee with the issuance of the appropriate permit shall remain valid or, if substantial construction is not actively and continuously underway, they shall expire upon

the expiration of the final site plan. Prior to the issuance of a permit, the Building Inspector may require the owner and/or his designee to execute an agreement addressing the required improvements. The plans and profiles submitted for all new construction shall include the following:

1. Plans and profiles of each street showing proposed grades and street intersection elevations.
2. A typical cross section of proposed streets showing the width of roadways. Such cross section shall extend laterally to the point where the proposed grade intersects the existing grade, except that in no case shall less than the full width of the street right-of-way be shown.
3. Construction and specification plans of proposed sanitary sewers and storm drains shall be approved by the City Department of Public Works and the State Division of Highways where it has jurisdiction.
4. Construction and specification plans of the proposed water distribution system, showing pipe sizes and the locations of all valves and fire hydrants, shall be in accordance with applicable City regulations.
5. Plans and specifications for open space and allowable improvements in open space areas.
6. A bulk grading plan as may be required.
7. All construction and specification plans shall include an owner's statement acknowledging ownership of the property and agreeing to the requirements and information shown on the plan signed by the owner or owners and an engineer's statement certifying the information shown on the plan. In addition, a three-by-five-inch block shall be included at the bottom right corner of the plan title sheet containing the appropriate project reference for the project, the ordinance or subdivision number of the project and a signature line for the Building Inspector.
8. DelDOT standard construction details may be provided by schedule or by inclusion of the details within the construction and specification plans.
9. Proposed access easement layout with a note that such access easements are public access easements for maintenance purposes. For purposes of this requirement, "public" shall mean, and be limited to, those parties requiring access for maintenance purposes.

- **§236-34 Bonds and Guaranties**

- A. As a condition of approval of improvement plans, the Planning Commission shall require the subdivider to post a performance bond or other guaranty for any improvements required by the application of this chapter in an amount sufficient to construct the improvements and in a form acceptable to the Planning Commission's attorney. The amount of such bond shall be 150% of the cost of improvements or \$50,000, whichever is greater. Bonding and guaranties may be required for street and road improvements, water supply facilities, sanitary sewer facilities, buffers, amenities, recreational facilities and other improvements deemed necessary by the Planning Commission or required by the City Code. All amenities and/or recreational facilities required by the Planning Commission or shown on the final plan shall be bonded as a separate phase or phase of the subdivision.

- B. Where a public agency other than the City has the authority to require performance guaranties, but in the determination of the Board of Commissioners those guaranties are not adequate to ensure completion of improvements, the Board of Commissioners may require additional bonds or guaranties in accordance with the provisions of Subsection A of this section.
- C. Notwithstanding the preceding subsections of this section, no performance bond or other guaranty shall be required for improvements required by the application of this chapter upon lands owned by the party seeking to construct the improvements; provided, however, that no lots shall be sold or transferred and no residential building permits or zoning permits shall be issued until: 1) all required improvements are constructed and receive substantial completion; or 2) a bond or guaranty is posted in accordance with Subsections A and B of this section; provided, however, that a party seeking to transfer a lot or obtain a residential building permit or zoning permit prior to substantial completion may notify the City in writing of the intention to do so and provide an estimate for the work that remains to construct the improvements using unit prices published by Sussex County. The performance bond or guaranty shall either be 150% of the value of the estimate or \$50,000, whichever is greater. The party seeking to transfer lots or obtain a residential building permit or zoning permit shall allow 20 days from the date of written notice to review the estimate, complete the necessary inspections and determine the amount of the performance bond or guaranty required for the remaining improvements.
- D. After a performance bond or other guaranty is provided as required herein, a party may not alter the area of an approved phase of the development unless a new performance bond or other guaranty is provided for the new or altered phase. Any such alteration shall be subject to the approval of the Director or their designee.

- §236-35 Inspection of Improvements

- A. Following the issuance of appropriate permits, all construction work on improvements required herein shall be subject to inspection and approval by the Building Inspector and/or other authorized individuals during and upon completion of such construction work to confirm that all work has been performed in accordance the requirements of this chapter.
- B. Upon the issuance of a notice to proceed as required by this article, the required

Certificate of Occupancy Percentage	Top Coat Must be Installed Within (number of years)
40%	5
50%	3
70%	2
90%	1

- improvements shall proceed in a timely fashion.
- C. Pavement topcoats on all streets and roadways shall be completed in accordance with the following percentages for the project or approved phase:
- D. A two-year extension from the requirements of Subsection C above may be granted at the discretion of the Building Inspector if the following factors can be demonstrated:

1. There is active construction occurring in the approved phase. For purposes of this article, "active construction" is defined as a minimum of 5% (rounded up to the next whole number) of the total lots in the approved phase have had a certificate of occupancy issued during the two years prior to the date of the extension request.
2. A maximum of two, two-year time extensions may be granted per approved phase.
3. Any two-year extension granted by the Building Inspector shall supersede the deadlines set forth in Subsection C above, and the topcoat must be installed by the expiration of the time extension.
4. Entrance areas that provide the only point of vehicular access for a development are eligible for an extension without satisfying the percentages outlined in Subsection C of this section at the discretion of the Building Inspector.

- §236-36 Closeout Procedures

- A. Prior to topcoat surface application, the road must pass a pre-pave inspection and all punch list items required by the Building Inspector or his or her designee must be completed. All final topcoat surfaces must pass topcoat inspections and approval by the Building Inspector or his or her designee and have completed all items listed on the punch list issued by the Building Inspector or his or her designee.
- B. If concrete curb damage is evident as determined by the Building Inspector or his or her designee the following repairs are required:
 1. If a vertical crack is less than 1/32 of an inch wide, then the curb is acceptable.
 2. If a vertical crack is more than 1/32 of an inch wide, then the crack must be sawcut and filled with a backer rod and sealant.
 3. If the curb is chipped with a width and/or height two inches or less and less than 1/4 inch deep, then the chip must be patched with a sealant.
 4. If there are more than six chips and/or three vertical cracks or a total of six chips and vertical cracks within a four-foot section of curb, then the curb must be replaced. The four-foot section shall be measured from each chip.
 5. If replacement is required, the curb shall be saw cut and replaced in a minimum of four-foot section and not within four feet of a joint.
 6. As new technology emerges, it may be considered as a method to repair or replace curb. One such example includes milling a section of curb adjacent to the roadway.
 7. The Building Inspector or his or her designee may require concrete core samples.
- C. If sidewalk or driveway apron damage is evident as determined by the Building Inspector or his or her designee the following repairs are required:
 1. If there is a vertical difference greater than 1/4 inch at a joint, then the sidewalk must be replaced from joint to joint.
 2. If replacement is required, the concrete shall be saw cut and replaced in a minimum of four-foot sections beginning at a joint.
 3. As new technology emerges it may be considered as a method to repair or replace sidewalk. One such example includes grinding a section of sidewalk adjacent to a vertical separation.
 4. The Building Inspector or his or her designee may require concrete core samples.

- D. If pavement damage is evident as determined by the Building Inspector and/or other authorized individuals, the damaged area shall be repaired by traditional mill and overlay practices. New technologies may also be considered following consultation with a registered professional engineer and approval of the Building Inspector.
- E. The following tolerances shall apply to the following items at the time of project closeout:
 - 1. Open cross road pipes: an invert elevation of plus or minus 0.05 foot.
 - 2. Swales within the right-of-way: an invert elevation of plus or minus 0.10 foot.
- F. All driveway pipes for unfinished lots shown on the approved detailed grading plan shall be installed prior to the topcoat inspection.
- G. For any closed drainage system project closeout inspection, the Building Inspector or their designee may require that storm drain pipes be flushed. The Building Inspector may also require as-built documentation and visual inspections including but not limited to camera scoping tests performed in water, sewer, and stormwater pipes and culverts.
- H.
- I. Pavement cores:
 - 1. Curb and gutter: The Building Inspector or his or her designee may require pavement cores to be taken at the base course with a minimum of one core per road and/or one core per 500 linear feet.
 - 2. Open drainage: The Building Inspector or his or her designee individual may require pavement cores to be taken at the base course and/or wearing course with a minimum of one core per road and/or one core per 500 linear feet.
 - 3. Should the cores show the road section to be less than what is required, a geotechnical engineer shall determine if the structural numbers are sufficient or additional pavement is necessary.
 - 4. The Building Inspector or his or her designee may require sidewalk cores to be taken at one core per 500 linear feet.
- J. Upon the satisfaction of all requirements, the owner or his or her designee may apply for a determination of "substantial completion" by the Building Inspector. Substantial completion shall confirm that all work has been performed to the extent that it is in a condition to be utilized in the manner required, designed and intended, and any included conditions have been addressed.

Article 6 – Application Amendments, Administrative Exceptions, and Expiration of Approvals

- §236-37 Purpose and Applicability

- A. This article is intended to ensure that the City, Planning Commission, and all other relevant departments, are given sufficient time to thoroughly review all applications and amendments.
- B. This article applies to all project types and phases.

- **§236-38 Application Amendments**

- A. An Applicant requesting a determination as to whether the proposed alteration is or is not a minor amendment shall submit a complete Final Plan Amendment Application Package consistent with the previous Final Approval and with the proposed amendments clearly highlighted on the plan set and described in detail in an accompanying narrative document.
 - 1. The narrative document shall provide sufficient justification for the requested revision's necessity or purpose (See 236-38.C.1).
- B. The Director shall determine if the requested revision is minor in nature and if it may proceed to the Planning Commission for their review as an amendment to the approved plan. If the Director determines that it is not a minor amendment, the Applicant shall proceed with the process of a new application.
- C. For those plans that have received an approval for any phase, the following conditions will apply regarding the amendments of those approved plans.
 - 1. With the exception of those deemed to be minor amendments, the procedure for amendments and additions to plans shall be the same as for a new application. Minor amendments of an approved plan, or conditions attached to a site plan which are clearly highlighted on a revised site plan with an itemized list of all revisions, may be approved by the Planning Commission if the amendment or addition, in the reasonable judgment of the Planning Commission:
 - a. Does not alter a recorded plan.
 - b. Does not conflict with requirements set forth in this chapter.
 - c. Does not change the general character or content of an approved plan or increase the intensity of use.
 - d. Applies to an approved condition originating with the Planning Commission but does not remove such condition or alter it in more than a minimal way.
 - e. Has no appreciable adverse impact on adjoining or nearby properties.
 - f. Does not result in any change of major external access points in more than a minimal way, nor does it require any significant modifications to street widths, lengths, or the number of streets.
 - g. Does not increase the approved number of lots, dwelling units, sleeping units, or height of buildings (see Definitions of Dwelling Unit, Lot and Height, in 270-4).
 - h. Does not decrease the minimum specified yards and open spaces or minimum or maximum specified parking and loading spaces.
- D. Neither the Planning, Zoning, and Development Department nor any other relevant City departments or agencies are prohibited from subsequently offering their comments that may be contrary or different from their initial written comments if in their view subsequent information or analysis justify further comments and they shall explain why any of their further comments are contrary or different from their initial comments or any other prior comments. To assist the Planning Commission in its understanding of any comments from the Planning, Zoning, and Development Department or any other relevant City departments or agencies, the City may provide, upon request, additional clarifying materials to the Planning Commission. The Planning Commission, however, is not required to concur with

any initial or subsequent comments in determining whether the proposed plan should receive final approval.

E. Timing of Amendments

1. No plan amendments shall be considered once the proposed project, in any phase, is scheduled for Planning Commission consideration as indicated on the published agenda of a regular Planning Commission meeting.
 - i. If the Applicant desires to make an amendment to a plan that has been submitted for consideration to the City and is scheduled for Planning Commission review, the application shall be withdrawn and rescheduled. In no case shall the amended application be included on the Planning Commission's agenda within a 30-day period following the date of the submittal of the amendment.
 - ii. Any comments issued by the City on the original application shall be subject to revision based on the amended application.
2. Exception: Some amendments may be permitted after the proposed project has been scheduled at the sole discretion of the Planning Commission Chair in consultation with the Director.

- **§236-39 Administrative Exceptions**

- A. The Director may provide an exception from plan reviews for minor structures which are not a part of a conditional use, special exception, or otherwise subject to this Chapter, provided such structure:
 1. Is accessory to a legally existing structure; and
 2. Is less than 200 square feet in gross floor area; and
 3. Is no larger than the existing structure.
- B. For multi-unit condominium parcel consolidation and/or separation, where the owner is the same, no Planning Commission involvement or approval is required. The Director will determine what application requirements must be submitted to support the condominium parcel consolidation/separation request.
- C. Additional Easements or Rights-of-Way may be added, deleted, modified, or relocated based on evolving site conditions. These modifications may be of minimal impact and not necessitate involvement of the Planning Commission. The Director will determine if these modifications are minor and do not require Planning Commission review and approval. The Director will identify what application requirements must be submitted to support the modification of easements or rights-of-way.
- D. The development of a single lot fully contained within the R-1(S) Special Single-Family Residence District shall be exempt from this Chapter.

- **§236-40 Expiration of Approvals**

- A. The following shall apply to all approvals granted by the Planning Commission:
 1. The approval for all plans shall expire one calendar year from the date of publication of the decision or approval by the Planning Commission, unless the applicant has fulfilled all of the conditions mandated by the Planning Commission as a

contingency of its approval. The Planning Commission may grant one extension of this time period for up to six months based on good cause.

- a. If the Applicant requires an extension of this approval, they shall submit a letter to the Chair of the Planning Commission requesting this extension. The letter request shall include descriptions of the need for the extension.
 - b. The Chair of the Planning Commission shall consider the request and, in consultation with the Planning Commission's attorney, Director, and others as appropriate, will issue a decision on whether the request shall be granted or denied. This decision shall be made in writing, added to the public record, and delivered to the Applicant.
2. If construction has not commenced within one year from the date publication of the decision or approval by the Planning Commission, such approval shall become void. The Planning Commission may, at the time of final approval, grant a longer period of time for commencing construction if in its judgment the subdivider has shown good cause. For purposes of this section, commenced construction shall mean the subdivider has begun a continuous program of construction.
3. The improvements identified in Article V, Improvements, and any other improvements required by the Planning Commission, shall be completed within two years of Planning Commission approval, unless, because of the size and/or complexity of the improvements, a longer period of time for completion is granted by the Planning Commission at the time of final approval. If the improvements are not completed within the time period set out in this section, the City may exercise any legal remedy to complete the improvements.

Article 7 – Code Amendments

- **§236-41 Purpose and Applicability**

- A. This article establishes the requirements and regulations an application must address in the event that this Chapter, and all other Chapters pertinent to land development and construction, is modified.
- B. This article shall apply to all project types and phases.

- **§236-42 Code Amendments**

- A. Process to Amend Chapter 236: Any revisions to Chapter 236 are governed by City Code Chapter 1, Section 4.
- B. Applications that were received and accepted as complete prior to changes in Chapter 236 shall comply with the procedures of Chapter 236 in effect at the time of the acceptance of the Application Packet.
- C. Applications received following modifications to Chapter 236 shall comply with the current, legislatively adopted regulations at that time.

Article 8 – Reconsideration and Appeals; Violations and Penalties; Injunctive Relief; Liens

- §236-43 Purpose and Applicability

- A. This article is intended to provide for a process by which an Applicant may request reconsideration and appeal a decision issued by the Planning Commission.
- B. This article establishes the ability of the City to enforce the contents and procedures of this chapter and to issue penalties to the parties determined to have violated the terms of this Chapter.
- C. This article shall apply to all project types and phases. Additionally, this article shall be applicable to any property owner who may violate these regulations, regardless of whether an application has been made to the City.

- §236-44 Reconsideration and Appeals

- A. Reconsideration by the Planning Commission.
 - 1. Within twenty (20) days after the date of publication of the final action of the Planning Commission, an applicant may request in writing that the Planning Commission reconsider a condition imposed as part of its final approval, based solely on newly-discovered evidence or new legal arguments which, with due diligence, could not have been discovered or presented earlier.
 - a. No appeal from reconsideration decision. There shall be no appeal from the Planning Commission's decision on a request for reconsideration.
 - b. Appeal deadline not stayed. A request for reconsideration shall not stay the time to appeal the final action.
 - c. Concurrent appeal and reconsideration. An appeal may be filed concurrently with a reconsideration request, but the Board of Commissioners shall not hold the appeal hearing until after the Planning Commission has acted on the reconsideration. The Planning Commission's reconsideration and action shall become part of the record.
 - d. Reconsideration not required. An applicant is not required to seek reconsideration prior to filing an appeal.
 - e. Amendment of Notice of Appeal Following Reconsideration. If the Planning Commission modifies its final action as a result of reconsideration, any appellant who previously filed a notice of appeal may amend that notice to address the modified decision. Any such amendment shall be filed within ten (10) days after publication of the Planning Commission's decision on reconsideration.
- B. Right to Appeal; Standing; Filing Requirements. Any person aggrieved, meaning any person who can demonstrate a direct, substantial, and immediate interest affected by the final action of the Planning Commission, may appeal such action by filing a written notice of appeal with the Board of Commissioners within twenty (20) days after the date of approval of published notice of decision of the final action. The notice of appeal shall contain a

general statement of the grounds for appeal and the basis upon which the appellant claims to be aggrieved. For purposes of this section, a “final action” means the vote of the Planning Commission to approve an application (with or without conditions) or to deny an application. The following procedures apply:

1. **Scheduling and Notice of Appeal Hearing.** Upon receipt of a timely notice of appeal, the Board of Commissioners shall schedule an appeal hearing within sixty (60) days, or as soon thereafter as practicable. Public notice shall be provided. The Planning Commission, the appellant, and the applicant (if different from the appellant) shall be afforded an opportunity to be heard.
2. **Persons Entitled to Participate.** Unless otherwise required by State law or the City Charter, only persons who submitted written or oral testimony during the Planning Commission’s public hearing on the application may restate their positions as previously stated on the record. No new materials or arguments shall be introduced at this stage.
3. **Appeal on the Record; Contents of the Record; No New Evidence.**
 - a. The appeal shall be strictly on the record created before the Planning Commission.
 - b. The record shall consist of all plans, submissions, written and oral testimony, staff reports, memoranda, exhibits, legal arguments, the Planning Commission’s deliberations, its written decision, and its decision on any reconsideration request under Subsection A.
 - c. No party shall submit, and the Board of Commissioners shall not consider, any new written or oral evidence. No party shall submit new legal arguments that could reasonably have been raised before the Planning Commission based on the record before it. Legal arguments not required to be presented at the Planning Commission level—including, but not limited to, constitutional claims, takings claims, RLUIPA claims, First Amendment claims, equal protection arguments, or exaction/nexus/proportionality claims—may be raised only to the extent permitted by State law and only if they are based exclusively on the existing record.
4. **Written Submissions.**
 - a. The Planning Commission, the appellant, and the applicant (if different) may each file a written submission of not more than ten (10) pages no later than twenty-one (21) days before the hearing, and a rebuttal of not more than ten (10) pages no later than seven (7) days before the hearing.
 - b. All submissions must rely exclusively on the established record.
5. **Actions Available to the Board of Commissioners.** Following the appeal hearing, the Board of Commissioners may, by majority vote:
 - a. Affirm the Planning Commission’s final action, in whole or in part;
 - b. Reverse the final action, in whole or in part;
 - c. Remand the matter to the Planning Commission for further proceedings consistent with instructions, including the direction to conduct a new hearing and issue written findings and conclusions. Only one (1) remand is

- permitted. Any appeal from the Planning Commission's final action on remand shall be filed within twenty (20) days; or
- d. Modify the final action, provided such modification is supported by the record and within the Board of Commissioners' authority.
6. Standard of Review.
 - a. The Board of Commissioners' review shall not be de novo. The Board of Commissioners shall not reweigh evidence or substitute their judgment for that of the Planning Commission as fact-finder. The Board of Commissioners shall determine whether the Planning Commission's decision:
 - 1) is supported by substantial evidence in the record;
 - 2) is not arbitrary, capricious, or an abuse of discretion; and
 - 3) reflects a correct interpretation and application of the applicable provisions of the City Code and other controlling law.
 - C. Appeal Fee. The fee for filing an appeal shall be as set forth in the Fee Schedule detailed under §236-15 and shall be paid upon filing the notice of appeal.
 - D. Exhaustion of Remedies; Judicial Review. Any person aggrieved by the decision of the Board of Commissioners may appeal to the appropriate court only after all remedies under this chapter have been exhausted.

- §236-45 Violations and Penalties; Injunctive Relief; Liens

- A. Compliance Required; Violations.
 1. All standards, procedures, and requirements of this chapter shall be complied with by all persons with title to, or control over, real property subject to these regulations.
 2. Any act or omission that fails to comply with the requirements of this chapter shall constitute a violation.
 3. Penalties, fines, and administrative charges applicable to violations of this chapter shall be as set forth in the City's schedule of penalties and fees, as adopted and amended from time to time.
 4. All penalties under this chapter are civil and administrative in nature.
- B. Prohibited Conveyances Prior to Final Approval.
 1. No person shall transfer, convey, sell, or agree to sell any lot, parcel, or portion of land that forms part of a subdivision for which Planning Commission approval is required under this chapter prior to receiving final approval. Notwithstanding, a person may transfer, convey, sell, or agree to sell the entire portion of land that constitutes the requested subdivision for which Planning Commission approval is required under this chapter prior to receiving final approval.
 2. Each lot, parcel, or portion of land so transferred or agreed to be transferred without approval shall constitute a separate violation.
 3. Penalties and fines applicable to violations of this subsection shall be as set forth in the City's schedule of penalties and fees.
- C. Injunctive Relief and Enforcement.
 1. In addition to any penalties authorized under the City's schedule of penalties and fees, where any subdivision or development activity occurs without required

approvals, or where required improvements – including but not limited to streets, utilities, drainage, emergency access, or other infrastructure – have not been installed as required by this chapter, the City may institute and maintain a civil action in any court of competent jurisdiction for injunctive relief, abatement, or other appropriate equitable remedies.

2. Such action may include restraining further conveyance, construction, development, or occupancy until compliance with this chapter has been achieved.

D. Purchaser's Liens and Restitution.

1. In any action arising from an unlawful conveyance under Subsection B, the transferee, purchaser, or grantee of land conveyed or agreed to be conveyed without required subdivision approval shall be entitled to a lien on any portion of the land from which the subdivision was created and that remains in the possession of the subdivider, their successors, or assigns.
2. The lien shall secure the return of any deposit or purchase price paid by the purchaser, together with reasonable search fees, survey expenses, reasonable attorney fees, and title-closing costs, if any.
3. Any action brought under this subsection to enforce the lien and obtain restitution under this chapter must be commenced within three (3) years after the recording of the instrument of conveyance, or within six (6) years if the instrument remains unrecorded.
4. This subsection shall be construed to provide restitution and not punitive damages, and shall not be interpreted to create a compensable taking under state or federal law.

	CHAPTER 236: Definitions
A	
ACRE	A measurement of land area equivalent to approximately 43,560 square feet
ADJACENT/ADJOINING	Property that touches or is directly across a street, private street or access easement, or right-of-way (other than a freeway or principal arterial) from the subject property.
AGGREGATE AREA or WIDTH	The sum of two or more designated areas or widths to be measured, limited or determined under the provisions of this chapter.
AMENDMENT (CODE)	A code amendment refers to a formal change or addition made to an existing legal document, contract, or regulation. It allows for modifications to be made while preserving the original structure and intent of the document. Amendments can address ambiguities, correct errors, or introduce new provisions to adapt to changing circumstances or improve clarity
AMENDMENT (PLAN OR APPLICATION) - MINOR	An amendment to a plan is the act of adjusting the characteristics of elements previously shown on a site plan and which were considered during City reviews to determine zoning compliance and any impacts stemming from the proposed project. An amendment is determined to be minor if it meets all the criteria established in Chapter 236, as determined by the reasonable judgement of the Director.
AMENDMENT (PLAN OR APPLICATION) - MAJOR	Major plan amendments are defined as those that do not meet the criteria of a Minor Amendment.
APPLICANT	A property owner or any person or entity acting as an agent for the property owner in an application for a development proposal, permit, or approval.
AVERAGE DAILY TRAFFIC (ADT)	Traffic, average daily: The average number of vehicles using a traveled way for a 24-hour period determined by dividing the total number of vehicles for a stated period by the number of days in that time period.
B	
BLOCK	Any given portion of lands in private ownership lying within the corporate limits of the City but in no way intersected by the adjacent lines of any given number of the public roads, avenues, streets, lanes, alleys, ways, parks, beaches, strands, waterways, zoning districts or corporate limits of the City.
BOARD OF COMMISSIONERS	The Commissioners of Rehoboth Beach set forth in the Charter of the City of Rehoboth Beach.

BUFFER	An undisturbed area of land typically left in a natural state, but which may include landscaping, berms, walls, and building setbacks, that is located between land uses of different character and is intended to mitigate negative impacts of the more intense use on a residential or vacant parcel. Buffers are also used to refer to areas of no-impact where the buffers are established as part of a natural resource protection strategy or regulation.
BUILDABLE AREA	The space remaining on a lot after the minimum open space, offset, and setback requirements have been complied with; excepting any floodplain, wetland, or similarly designated unbuildable lands.
BUILDABLE WIDTH	The width of that part of a lot not included within the open spaces herein required.
BUILDING	A structure, usually roofed, walled and built for permanent use, designed to serve as a dwelling, for commercial purposes, agricultural needs, or similar needs across other zoning districts.
BUILDING FOOTPRINT	A building footprint is defined as the area of land that a building occupies, represented as a polygon or outline of the building when viewed from above. It typically includes the total area of coverage of the building, excluding non-building facilities like parking lots and streets. The footprint provides a visual representation of the building's location, shape, dimensions, and area.
BUILDING LINE	The building line is the inner edge of any required yard or required setback, and the corresponding outer edge of the buildable area. Except as specifically provided by these regulations, no portion of any building or structure may be extended to occupy any portion of a lot outside its building lines.
C	
CONCEPT PLAN	A generalized plan indicating the boundaries of a tract or tracts under common ownership, and identifying proposed land use, land-use intensity, thoroughfare alignment, and demonstrates general zoning consistency.
CONDITIONAL APPROVAL	An affirmative action by a commission indicating that approval will be contingent upon satisfaction of certain specified stipulations.
CONDITIONS OF APPROVAL	Conditions, placed on the final approval of an applicant's plan, that are both consistent with the guidelines for development review and do not allow for the denial of a plan that is consistent with the objectives of the guidelines for development review and appropriate uses and intensities of use set forth in this Code.
CONSTRUCTION, STARTING OF	The point in time commemorating the breaking of ground for the construction of a development or structure.

COUNTY	Sussex County, Delaware.
CUL-DE-SAC (DEAD END STREET)	A minor street having but one end open for vehicular traffic and the other end permanently terminated by a turnaround or background for vehicles.
D	
DEVELOPMENT	Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating or drilling operations or storage of equipment or materials.
DIRECTOR	The Director of Building and Licensing for the City of Rehoboth Beach.
DISTRICT	A section of the city in which zoning regulations and standards are uniform.
DRAINAGE RIGHT-OF-WAY	The lands required for the installation for stormwater sewers or drainage ditches or required along a natural watercourse for preserving the channel and providing for the flow of water therein to safeguard the public against flood damage.
E	
EASEMENT	That portion of a lot or lots reserved for present or future use by a person or agency other than the legal fee owner(s) of the property. The easement may be for use under, on, or above said lot or lots. The land against which the easement or privilege exists is called the “servient” tenement and the estate to which it is annexed the “dominant” tenement.
F	
FLOOD PRONE DISTRICT/AREA	A mapped area in the City of Rehoboth Beach subject to flood risk, as identified on effective Flood Insurance Rate Maps (FIRMs), including Special Flood Hazard Areas (SFHAs) and areas defined by base flood elevations (BFEs).
FLOORPLAN	A technical drawing to scale, showing a view from above of the floor, of the relationships between rooms, spaces, traffic patterns, and other physical features at one level of a structure.
FRONT	That side of a building which faces the street without regard for the principal place of entry. In the case where a building faces intersecting streets (a corner), the side of the building facing the street on which the shorter lot dimension abuts is the front. If the lot dimensions abutting the streets are equal, either side of the building facing a street may be considered the front.

FRONTAGE	(1) STREET FRONTAGE All of the property on one side of a street between two intersecting streets (crossing or terminating), measured along the line of the street or, if the street is dead-ended, then all of the property abutting on one side between an intersecting street and the dead end of the street. (2) LOT FRONTAGE The distance for which the front boundary line of the lot and the street line are coincident.
G	
GREEN SPACE	A civic space for passive recreation, spatially defined by landscaping rather than buildings.
GREENWAY	An open-space corridor in largely natural conditions which may include trails for bicycles and pedestrians.
I	
INCREASE IN INTENSITY OF USE	A project in a commercial district that involves a change from a use permitted in a lower Tier to a use permitted in a higher Tier, regardless of whether it also involves a change in the footprint, gross floor area, height, or lot coverage of the existing development (as those terms are used in Chapter 270 of the City Code).
L	

LOT	A uniquely identifiable parcel, tract or area of contiguous land that is held in common ownership, fronts on one or more streets unless specifically exempted from such requirement in this chapter, is not divided by a street, shall not include any land within the limits of a public or private street right-of-way and is any of the following: A. A parcel, tract or area of contiguous land whose boundaries have been established by and are shown on a legally created subdivision plat recorded in the Sussex County office of the Recorder of Deeds and which plat has been recognized by the City. Such lots will usually be identified by a block number or street and a lot number. B. A parcel, tract or area of land which was originally a lot or lots and/or parts of lots as delineated in Subsection A above and resulted from making boundary line adjustments through the recording, in the Sussex County office of the Recorder of Deeds, of a valid deed or other instrument prior to the City's adoption of a Subdivision Ordinance on November 18, 1974. The parcel, tract or area of land shall have been conveyed as a single parcel. C. A parcel, tract or area of land which does not constitute a part of a legally created subdivision and which has been defined in a deed by metes and bounds and which has been transferred as a single unit prior to the City's adoption of a Subdivision Ordinance on November 18, 1974. D. A parcel, tract or area of land which results from the consolidation of two or more lots as delineated in Subsections A through C above.
LOT AREA	The horizontal area within the exterior lines of the lot, exclusive of any area in a public or private way open to public uses.
LOT AREA, GROSS	The area of a lot inside the property lines, except that when either a lot is divided by a street or a portion of a lot is in the Open Space (O-1) Zoning District, only the area on the buildable side of the street and the area not in the Open Space (O-1) Zoning District shall be included. The area shall be measured to the street line only.
LOT AREA, NET	The gross lot area minus the area of all required setbacks.
LOT CONSOLIDATION	The elimination of a property line or lines of unplatted land to create a single unit of land where more than one unit previously existed.
LOT, CORNER	A lot abutting upon two or more streets at their intersection.
LOT COVERAGE	That portion of the lot area that is covered by building or structures.
LOT DEPTH	The average horizontal distance between the front and rear lot lines.
LOT, INTERIOR	A lot other than a corner lot.

LOT LINE	The boundary line of a lot.
LOT ,THROUGH (DOUBLE-FRONTAGE)	A lot having frontage on two approximately parallel streets.
LOT WIDTH	The horizontal distance between the side lot lines, measured at right angles to the lot depth at a point midway between the front and rear lot lines.
M	
MAIN BUILDING	The principal building on a lot, the building in which is conducted the principal use of the lot on which it is located and which, in a residential district, is the residential structure on the lot with the largest gross floor area.
MAJOR SUBDIVISION	All subdivisions not classified as partitionings or minor subdivisions.
MINOR SUBDIVISION	Includes any subdivision containing three or more lots fronting on an existing state, county or municipal street, not involving any new street or road or the extension of any City or county facilities, or which does not directly affect drainage on a county road, and not adversely affecting the development of the remainder of the parcel or adjoining property.
MIXED USE	A tract of land or building or structure developed for two or more different uses such as, but not limited to, residential, office, manufacturing, retail, public, or entertainment.
N	
NONTIDAL WETLANDS	Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands are areas that are covered by water or have waterlogged soils for long periods during the growing season. Plants growing in wetlands are capable of living in saturated soil conditions for at least part of the growing season. Non-tidal wetlands are not influenced by tidal cycles.
O	
OCEANFRONT PARCEL OF LAND	Any parcel of land within the City Limits (as defined in Section 1—11 of the City Code) that abuts the beach or the Boardwalk (as defined in Section 98-2 of the City Code).
OFFICIAL MAP	A map adopted pursuant to Chapter 7, Title 22, Delaware Code of 1953. Such a map shall be deemed to be conclusive with respect to the location and width of the streets, public parks and playgrounds and drainage rights-of-way shown thereon.

ONE-HUNDRED-YEAR FLOOD	The highest level of flooding that, on the average, is likely to occur once every 100 years (i.e., that has a one-percent chance of occurring each year). It does not imply, however, that no greater flood is likely to occur or that such a flood will not happen more often than once every 100 years.
OPEN AREA	That portion of a lot excluding area set aside or used for buildings, parking, loading and streets.
OPEN SPACE	Any land or area, the preservation of which in its present use would: (1) conserve and enhance natural or scenic resources; or (2) protect streams or water supply; or (3) promote conservation of soils, wetlands, beaches, or tidal marshes; or (4) enhance the value to the public of abutting or neighboring parks, forests, wildlife preserves, nature reservations, or sanctuaries; or (5) enhance recreation opportunities.
P	
PARTITIONING/LOT PARTITIONING	Lot partitioning are those projects that would create no more than 2 new parcels, do not include any expansion of City infrastructure beyond new connections to existing water or sewer lines, and do not adversely affect the development of the remainder of the parcel or adjoining properties.
PATH	A pedestrian way traversing open space or rural area, with landscape consistent with the preservation of ecological functions of the open space, ideally connecting directly with the sidewalk network.
PERFORMANCE GUARANTY	A financial deposit to ensure that all improvements, facilities, or work required will be completed in conformance with the approved plan.
PLAN, or PLAN SET	The Plan, or Plan Set, that accompanies the project application is the visual description of the existing and proposed conditions of the subject site. The Plans must contain a range of surveyed elements that are detailed in Article 2. The Plan, or Plan Set, can be referred to as a site plan interchangeably with no difference between the names.
PLAT	A plat, including supporting data, indicating a proposed subdivision design, prepared by a civil engineer, land surveyor, landscape architect, architect, or land planner in accordance with these regulations and the statutes of the state, that has received Final Approval by the Planning Commission and that is then recorded in the Sussex County Recorder of Deeds.
PREMISES	A lot, together with all buildings and structures thereon.
PROPERTY OWNER	Any owner of a parcel of real estate identified on the assessment rolls of the Sussex County Assessment Office.

PROJECT PHASE	A project's phase refers to where along the development process the Applicant's proposal is situation. The Phases are Concept, Preliminary, and Final. They will always occur in that order and each iteration builds upon the last, includes more details with higher confidence in the proposed elements matching final locations.
PUBLIC	Open to common use-, whether or not public ownership is involved.
PUBLIC BUILDING	A building, owned or leased, occupied, and used by an agency or political subdivision of the federal, state, county, or municipal government.
PUBLIC HEARING	A meeting announced and advertised in advance and open the general public wherein the public has an opportunity to comment and participate.
PUBLIC NOTICE	The publication in a newspaper of general circulation in the City of Rehoboth Beach, at least 15 days prior to the hearing, advising the public of the time and place of the hearing.
PUBLIC WATER AND SEWER SYSTEM	Any system, other than an individual septic tank, tile field, or individual well, that is operated by a governmental agency, a public utility, or a private individual or corporation licensed by the appropriate state agency, for the collection, treatment, and disposal of wastes and the furnishing of potable water.
R	
RECORDER OF DEEDS	The Recorder of Deeds of Sussex County, Delaware.
REDEVELOPMENT	Any proposed expansion, addition, or major facade change to an existing building, structure, parking facility or that modifies the intensity of use.
REGISTERED DESIGN PROFESSIONAL	An individual who is registered or licensed to practice their respective design profession, as defined by the statutory requirements of the professional registration laws of the Delaware.
ROADWAY	The portion of a street or highway available for and intended for use by motor vehicle traffic.
S	
SETBACK	An area extending from the lot lines to the building setback lines within which no buildings or other structures may be erected.
SIGNATURE PLAN	The final version of the site plan that has addressed all requirements or conditions of approval.

SITE PLAN	A plan, to scale, showing uses and structures proposed for a parcel of land as required by the regulations. Includes lot lines, streets, building sites, reserved open space, buildings, major landscape features—both natural and manmade, and other elements as required in this Code. The term "site plan" shall be used interchangeably to refer to a commercial project, residential subdivision, or other drawing that details proposed conditions.
SITE PLAN REVIEW	The examination of the specific development plans for a parcel, including all pertinent information required in this chapter. Wherever the term "site plan approval" is used in this chapter, it shall be understood to mean a requirement that the site plan be reviewed and approved by the Planning Commission.
SLEEPING UNIT	A single unit that provides rooms or spaces for one or more persons, includes permanent provisions for sleeping and can include provisions for living, eating, and either sanitation or kitchen facilities but not both. Such rooms and spaces that are also part of a "dwelling unit" are not sleeping units.
SPLIT ZONED	A single lot or parcel containing two or more different zoning classifications.
STREAMS, EPHEMERAL	A feature, excluding laterals draining agricultural fields, that carries only runoff in direct response to precipitation with water flowing only during and shortly after large precipitation events. An ephemeral stream may or may not have a well-defined channel, its aquatic bed is always above the water table during a year of normal rainfall, and runoff is its primary source of water. An ephemeral stream typically lacks the biological, hydrological, and physical characteristics commonly associated with the continuous or intermittent conveyance of water.
STREAMS, INTERMITTENT	A well-defined channel, excluding laterals draining agricultural fields, that contains flowing water for only part of the year, typically during winter and spring when the aquatic bed is below the water table, connecting otherwise isolated nontidal wetlands to downstream tidal/perennial waters/streams. The flow may be heavily supplemented by runoff. An intermittent stream often lacks the biological and hydrological characteristics commonly associated with the continuous conveyance of water.
STREAMS, PERENNIAL	A well-defined channel that contains flowing water year round during a year of normal rainfall with the aquatic bed located below the water table for most of the year and which is not subject to tidal influence. Groundwater is the primary source of water for a perennial stream, but it also carries runoff. A perennial stream exhibits the typical biological, hydrological, and physical characteristics commonly associated with the continuous conveyance of water.

STREET	Any street, avenue, boulevard, road, land, parkway, viaduct, alley or other way which is an existing state, county or City roadway, or a street or way shown upon a plat. For the purpose of this chapter streets shall be classified as follows: A. ALLEYS, DRIVEWAYS or AISLES Minor ways which are used primarily for vehicular service access to the back or the side of properties otherwise abutting on a street. B. ARTERIAL STREETS Those which are used primarily for fast or heavy traffic. C. COLLECTOR STREETS Those which carry traffic from minor streets to the major system of arterial streets and highways, including the principal entrance streets of a residential development and streets for circulation within such a development. D. MARGINAL ACCESS STREETS Minor streets which are parallel to and adjacent to arterial streets and highways and which provide access to abutting properties and protection from through traffic. E. MINOR STREETS Those which are used primarily for access to the abutting properties.
SUBDIVIDER	Any person, trust or any other legal entity commencing proceedings under this chapter to effect a subdivision of land hereunder for himself or for another.
SUBDIVISION	The division of a lot, tract or parcel of land into two or more lots, sites or other divisions of land for the purpose, whether immediate or future, of sale or building development. The following divisions shall not be considered subdivisions, provided, however, that no new streets or roads are involved: divisions of land for agricultural purposes where the resulting parcels are three acres or larger in size, divisions of property by testamentary or intestate provisions or divisions of property upon court order. "Subdivision" also includes resubdivision and, where appropriate to the context, relates to the process of subdividing or to the lands or territory divided.

SUBSTANTIAL IMPROVEMENT	A project that either (a) involves more than a 25 percent increase in the footprint, gross floor area, height, or lot coverage of an existing building, or (b) requires the demolition or reconstruction of more than 25 percent of the gross floor area of an existing building (as those terms are used in Chapter 270 of the City Code); provided, however, that an interior and/or exterior renovation that involve(s) only ordinary and necessary maintenance, repair, and/or minor modifications or updating of non-structural elements of an existing building shall not be deemed a substantial renovation.
T	
TAX DITCH	A drainage channel or conveyance and the corresponding right-of-way established and/or formed in accordance with Title 7, Chapter 41, of the Delaware Code, and approved by a ditch order entered by the Superior Court of the State of Delaware and County of Sussex.
TIDAL WATERS (MEAN HIGH-WATER LINE)	Those waters occurring below the mean high-water line of any tidal water body, tidal stream, or tidal marsh, which is defined as the average height of all the high-tide water recorded over a nineteen-year period as defined by the National Oceanic and Atmospheric Administration.
TIDAL WETLANDS	Areas under the jurisdiction of Title 7, Chapter 66, of the Delaware Code, as regulated and mapped by the Department of Natural resources and Environmental Control.
W	
WATERWAY	Any body of water, including any creek, canal, river, lake or bay or any other body of water, natural or artificial, except a swimming pool or ornamental pool located on a single lot.
WETLANDS	Areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Agricultural land consisting of prior converted croplands, as defined by the National Food Security Act Manual (August 1988), are not wetlands. The procedure for delineating the boundary of all wetlands, except for tidal wetlands as defined by this chapter, shall be the methodology provided in the Corps of Engineers Wetland Delineation Manual (January 1987) and the Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Atlantic and Gulf Coastal Plain Region (November 2010).

Planning Commission
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www.rehobothbeachde.gov

PUBLIC NOTICE

A Continuation of a Public Hearing of Minor Amendment No. 2 of Site Plan Review Application No. 0523-04 One Rehoboth Hotel, will be held by the Planning Commission of the City of Rehoboth Beach, Delaware, on Friday, the 24th day of April 2026 at 1:30 p.m. in the afternoon, prevailing time, in the Commissioners Room on the second floor of City Hall, 229 Rehoboth Avenue, on the matter of the Minor Amendment No. 2 request for the property located in the C-1 Central Commercial District on Sussex County Tax Map Parcel No. 334-14.18-14.00, Lot Nos. 19, 20, 21 & 22, Block - Surf Avenue, a portion of Lot No. 1 & Lot No. 6, Block - Rehoboth Avenue and Lot No. 2, Block - Baltimore Avenue. The address of the property is 1 Rehoboth Avenue. Minor Amendment No. 2 has been requested by David Grayson of GGA Builders on behalf of Jonathan Silver of One Rehoboth Avenue LLC, owner of the property.

For additional information or special accommodations, please call (302) 227-6181 (TDD Accessible) ten (10) days prior to the meeting.

All interested parties are invited to attend.

Michael Bryan
Chair, Planning Commission

amw: 04/01/26; posted 04/01/26

Building & Licensing
229 Rehoboth Avenue
P.O. Box 1163
Rehoboth Beach, Delaware 19971



City of Rehoboth Beach
Telephone 302-227-6181, ext. 222
Fax 302-227-4504
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One Rehoboth Minor Amendment #2 Report April 13, 2026

Application No: 0523-04

Site Location: 1 Rehoboth Avenue
Parcel #334-14.18-14.00

Applicant: One Rehoboth Avenue, LLC
20376 Coastal Highway, Rehoboth Beach, DE 19971

Property Owner: See Above
Represented by: Vince Robertson of Parkowski, Guerke & Swayze
19354C Miller Road, Rehoboth Beach, DE 19971

Subject: Second Minor Amendment Review for Foundation Alterations

Initial Review: 3.31.2026

Applicant's Response: 4.8.2026

GENERAL PLAN:

A second minor amendment has been submitted to the One Rehoboth Hotel site plan.

ZONING:

The subject parcel is located within the C-1, Central Commercial District.

PROJECT DESCRIPTION & CONSIDERATIONS:

The applicant seeks approval of a second minor amendment to the previously approved One Rehoboth Hotel site plan at 1 Rehoboth Avenue. The amendment concerns only the underground garage and related below-grade interior reconfiguration. Revised plans are dated February 23, 2026 and reissued April 8, 2026 with a written response letter from NORR.

The original site plan was approved February 17, 2025. A first minor amendment was approved December 12, 2025, with Notice of Decision dated January 5, 2026. That amendment reduced the garage from two below-grade levels to one, converted operations to valet-only, and provided 62 spaces through 24 lifts and surface parking, subject to four conditions: Chapter 194 permit compliance before building permit issuance; A43-01

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sheet coordination; removal of the 45-degree wall adjacent to loading; and a continuous unobstructed 24-foot turning aisle exclusive of the passenger loading and access aisle.

The present amendment follows GTA's documentation of shallow eccentric spread footings along the Admiral-side boundary. The applicant states that the redesign is intended to increase clearance from those conditions. The revised lower-level plan shows the west-side garage wall shifted materially east, a uniform 13'-6" floor-to-floor height, 30 lifts, relocated ADA/passenger loading at the east wall, Stair #1 relocation, slight Stair #2/elevator-core reconfiguration, a new utility room, and a revised parking count of 63 spaces.

Summary of Second Amendment Changes

Compared to the first minor amendment, the April 8, 2026 plans reduce the garage footprint, increase west-side clearance from the Admiral Inn, raise the garage floor to a uniform elevation, eliminate the prior internal ramped parking field, increase the lift count from 24 to 30, remove the 11 conventional surface spaces, relocate the ADA/passenger-loading configuration to the east wall, relocate Stair #1, add a utility room adjacent to Stair #1, and revise total parking from 62 to 63 spaces.

Following receipt of the February 23 submission, the Department sent a March 31 correction email requesting written responses to seven items before finalization of this report. The applicant responded on April 8 and submitted revised plan sheets clouding the revised areas. The Department's review follows.

Item 1 – Parking Count

The February 23 lower-level plan conflicted internally on whether the proposal was 62 or 63 spaces. NORR confirmed 30 lifts yielding 60 spaces plus 3 accessible spaces, for 63 total. The April 8 plans and response letter now consistently present 63 spaces. This exceeds the §270-35(D)(3) minimum of 62 spaces for 60 hotel rooms and satisfies §236-33(A)(8).

Item 2 – Section Drawing Coordination / Lift Clearance

The earlier section sheets showed 13'-6" floor-to-floor but did not clearly show the actual clear height after structural depth. NORR confirmed a 12-inch floor structure and revised A43-01 to show 12'-6" clear height on all three section drawings. The labeling issue is addressed. The remaining adequacy question, whether the selected lift system works at that height with actual mechanical requirements, remains a construction-plan examination issue. ANSI/ALI ALCTV compliance under IBC §3001.2 remains required at that stage.

Item 3 – Status of December 12, 2025 Motion Conditions

Condition 1 – Chapter 194 permit: NORR states valet operations remain as previously approved. That confirms intent, but not operational adequacy under the revised layout. The Chapter 194 permit condition remains in effect.

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Condition 2 – Sheet coordination: Addressed by the revised sections, subject to permit-stage technical review.

Condition 3 – 45-degree wall section: This remains the principal issue in the file. The December 12 approval required removal of the 45-degree wall adjacent to loading. Counsel represented removal on the record. NORR now states only that the wall has been reduced by 6'-6". Reduction is not removal. The applicant has not shown this condition to be satisfied as represented in the hearing record. This controls staff's ability to make a clean finding under §236-33(A)(4).

Condition 4 – 24-foot unobstructed turning aisle: The revised plans add dimensions showing a 24-foot aisle, and more than 30 feet at the east-wall loading area. Staff is satisfied that this condition has been substantially addressed on the face of the plans.

Under §236-33(A)(4), Conditions 1, 2, and 4 are not removed or altered in more than a minimal way. Condition 3 remains unresolved and must be addressed by the Commission as a predicate to a clean finding on criterion (4).

Item 4 – Accessible / Passenger Loading Configuration

The second amendment relocates the van-accessible parking, ADA spaces, and passenger loading zone to the east wall. Prior acceptance of the first-amendment layout does not carry forward automatically.

Ground floor: A20-03 shows a 9'-0" x 20'-0" loading zone with a 5'-7" x 20'-0" access aisle. Staff finds the ground-floor configuration compliant.

Garage level: NORR identifies an 8'-0" x 20'-0" loading zone, 5'-7" x 20'-0" access aisle, and 12'-0" minimum vertical clearance. Staff confirmed that the access aisle does not appear to reduce the required 24-foot circulation aisle under §270-30(B). On that basis, and recognizing that while the accessible route may overlap a vehicular way, the access aisle itself must not, staff finds the garage-level configuration acceptable at the amendment stage. Final dimensional verification remains reserved to construction-plan examination phase.

Item 5 – Oversized / Non-Conforming Vehicle Accommodation

The first amendment included 11 conventional surface spaces that provided operational flexibility. The second amendment eliminates those spaces. The remaining non-lift spaces are the 3 ADA spaces, which are not available for general staging.

NORR responded that the lifts accommodate standard 9' x 18' vehicles, including full-sized and mid-sized SUVs and sedans. That does not answer the question asked. The applicant has not explained how vehicles that cannot be accommodated in the lift system will be handled or staged under the revised configuration. The December 12, 2025 hearing record is also relevant here. At that hearing, applicant's counsel represented to the Commission that surface-level spaces within the garage would provide backup staging if individual lifts were down. The second amendment eliminates all conventional surface spaces. The contingency described at the December 12 hearing was predicated on spaces that no longer exist in the revised configuration. This remains a live site-plan concern under §236-30(E)(1) and (20). Fuller operational treatment may occur under Chapter 194, but the current record contains no demonstrated contingency.

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Item 6 – Valet Turnaround

The first amendment labeled a dedicated valet turnaround adjacent to Space 57. The second amendment does not identify an equivalent labeled area. NORR points to the east-end loading area, where approximately 30 feet of drive aisle width provides maneuvering space, and also references the 63rd parking space as added flexibility. Staff acknowledges that the applicant has identified a turnaround concept at the amendment stage. However, the revised plan does not show a clearly labeled, dimensioned turnaround area in the manner the first amendment did, and the east-end geometry is not fully dimensioned to confirm turning adequacy for larger vehicles. This remains relevant to §236-30(E)(1). Staff finds the concept plausible, but not fully demonstrated on the record. Operational verification is deferred to Chapter 194 review.

Item 7 – Valet Queuing / Internal Circulation

The revised layout concentrates valet drop-off and passenger loading at the east end. The central east-west aisle serves both that loading area and access to the south-wall lift stacks, including Spaces 31–54. NORR states that queuing will function as previously approved, will occur entirely within the garage, and will be managed by valets. No revised queue-management plan, stacking analysis, or dimensioned queuing demonstration is provided. Because the loading zone is now in a different location, asserting operational equivalence to the earlier layout does not demonstrate that the revised configuration performs equivalently. The December 12, 2025 hearing record is also relevant under §236-30(E)(21). Commissioner Strange abstained specifically on queuing and engineering grounds, stating that an in-depth queuing analysis of a street operating at level of service F during peak season raises problematic safety concerns. That abstention and the concerns behind it are part of the accumulated prior record that the Commission is required to consider. This remains a live concern under §236-30(E)(1) and (20), and under Chapter 194 §194-6(D). Fuller operational regulation may occur through Chapter 194, but the current record contains no plan-based queuing demonstration.

Admiral Inn Foundation – Adjacent Property Considerations

GTA documented shallow eccentric spread footings along the Admiral-side boundary, bearing 9 to 21 inches below garage grade, with the toe projecting toward the One Rehoboth site. The revised garage footprint increases separation materially over the first minor amendment layout. The increased distances are presented as the applicant's response to the documented geometry, but the engineering basis for the adequacy of those specific distances is not established in the record. Excavation protection, adjacent-structure safeguards, and supporting engineering remain matters for construction permitting and related technical review. A sealed structural engineer's report confirming that the proposed garage construction will not adversely affect the Admiral Inn foundation is identified below as a condition of building permit issuance. Under §236-30(E)(18), staff finds the redesign improves the relationship of the below-grade structure to the adjacent property when compared to the first minor amendment.

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§236-33 Minor Amendment Criteria - Summary of Findings

1. No plat alteration is proposed.
 - **Satisfied.**
2. The proposal provides 63 parking spaces, satisfies §270-35(D)(3), maintains 9' x 18' space dimensions, maintains the 24-foot turning aisle, and leaves the loading berth unchanged.
 - **Satisfied.**
3. Use, height, FAR, lot coverage, and room count are unchanged. The amendment is limited to below-grade garage reconfiguration, though the Commission should note the cumulative garage changes across two amendments.
 - **Satisfied with that notation.**
4. Conditions 1, 2, and 4 from December 12 are not removed or altered in more than a minimal way. Condition 3 presents a direct discrepancy between what was approved and what is now proposed.
 - **A clean finding depends on the Commission's resolution of that discrepancy.**
5. The redesign materially improves west-side clearance relative to the first minor amendment.
 - **Satisfied, subject to the permit-stage structural engineer condition.**
6. Major external access points are unchanged.
 - **Satisfied.**
7. No increase in room count or building height.
 - **Satisfied.**
8. Parking increases from 62 to 63; loading is unchanged; yard/open-space conditions are unaffected.
 - **Satisfied.**

§236-30(E) Considerations – Summary

The factors most actively implicated by this amendment are vehicular traffic flow, access to structures, pedestrian movement, fire and emergency access, drainage/utilities at the technical review level, nearby-property impact, public health/safety/welfare, and the accumulated prior record. The most meaningful open site-plan concerns are the lack of demonstrated contingency for oversized vehicles and the absence of a plan-based peak-queuing demonstration. Other factors either carry forward without change or are not materially implicated by this below-grade amendment.

Chapter 194 – Valet Operations

The Planning Commission is not approving valet operations through this action. Chapter 194 remains a separate authorization within the City Manager's discretion. Commission approval of this second minor amendment does not establish final loading/unloading point locations and does not bind the City Manager's later permit decision. The Chapter 194 permit remains required prior to building permit issuance. Items 5, 6, and 7 remain relevant now as site-plan compatibility issues, but will receive fuller operational treatment through that permit process.

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REQUIRED EXTERNAL APPROVALS AND PERMIT COORDINATION:

1. Delaware DNREC – Temporary Dewatering, Sediment & Stormwater Plan Approval
2. Sussex Conservation District – Erosion & Sediment Control Permit
3. DNREC – Coastal Construction Permit, if applicable
4. Delaware Office of the State Fire Marshal – Plan Approval
5. Utility and service-connection approvals, as applicable

CONCLUSION:

The April 8, 2026 response and revised plans materially improve the record. Parking is now clearly proposed at 63 spaces. The revised sections better show the intended below-grade geometry and clear-height dimensions. The 24-foot turning aisle issue has been substantially addressed. The ground-floor accessible loading configuration is compliant.

The controlling issue for the Commission is criterion (4). The December 12, 2025 approval required removal of the 45-degree wall adjacent to loading. The applicant now describes only a 6'-6" reduction. Reduction is not removal. A clean finding under criterion (4) therefore depends on the Commission's determination of whether that revised condition satisfies or departs from the prior approval.

Other issues remain open, but they are narrower: oversized-vehicle accommodation, and peak-period queuing. Those issues are before the Commission as current site-plan concerns, but will also receive fuller regulation through the Chapter 194 permit process.

Subject to the Commission's resolution of the Condition 3 question, staff recommends approval of the second minor amendment subject to the following:

Approval Conditions

1. The Commission shall determine the disposition of Condition 3 (45-degree wall section). If the Commission finds the reduction satisfies the intent of the prior condition, that finding should be stated on the record. If not, revised plans showing full removal shall be required prior to building permit issuance.
2. The Chapter 194 valet operations permit must be obtained prior to building permit issuance.
3. Prior to building permit issuance, the applicant shall provide a sealed structural engineer's report confirming that the proposed garage construction will not adversely affect the Admiral's foundation.

Respectfully submitted,

Corey Shinko, ICC-CBO
Director of Planning, Zoning & Development
City of Rehoboth Beach

GEO-TECHNOLOGY ASSOCIATES, INC.

GEOTECHNICAL • ENVIRONMENTAL •
CONSTRUCTION OBSERVATION AND TESTING

A Practicing Geoprofessional Business Association Member Firm



February 23, 2026

One Rehoboth LLC
150 Onix Drive
Kennett Square, PA 19348

Attn: Mr. Jonathan Silver

Re: Admiral Inn Adjacent Foundation Evaluation

One Rehoboth Project (formerly Sirocco Hotel and Grotto's Pizza)
Western Property Boundary – Column Footings 1 through 3 and Ramp Wall Footing
City of Rehoboth, Delaware

Dear Jonathan:

Geo-Technology Associates, Inc. (GTA) performed a foundation evaluation of the adjacent footings along the western property boundary of the One Rehoboth project, formerly the Sirocco Hotel and Grotto's Pizza, on January 7, 2026. The purpose of the evaluation was to document the existing foundation geometry of the Admiral Inn parking garage column footings (Columns 1 through 3) and the ramp wall footing where they interface with the One Rehoboth project site. A comprehensive photo summary documenting the measurements, observations, and conditions encountered during this evaluation has been compiled and is appended to this letter. The photo summary includes annotated photographs of each footing excavation, tape measurements, plumb checks, GPR markings, and the interface conditions between the Admiral and Sirocco footings.

Methodology

Representatives of Cavan Construction saw-cut and removed concrete and soil to expose the column footings identified as Columns 1 through 3 using a mini excavator. Hand-excavated holes were advanced at the corners of the exposed footings to measure thickness from the eastern (exposed) side, where feasible. Peak Utility performed scanning with ground-penetrating radar (GPR) and a concrete scanner to identify the edge of concrete on the interior of the parking garage for the column footings and the eastern edge of the ramp wall footing. Christian Matemu from JD Hynes was on-site to document and observe on behalf of The Admiral.

Findings

All three columns are precast 16-inch square columns bearing on cast-in-place footings with concrete collars connecting the precast columns to the footings. The footings are

111 Ruthar Drive, Newark, Delaware 19707

(302) 326-2100

◆ Abingdon, MD ◆ Baltimore, MD ◆ Laurel, MD ◆ Frederick, MD ◆ Waldorf, MD ◆ Newark, DE ◆ Georgetown, DE
◆ Somerset, NJ ◆ NYC Metro ◆ Pittsburgh Metro ◆ Quakertown, PA ◆ Scranton/Wilkes-Barre, PA ◆ York, PA
◆ Northeastern, OH ◆ Sterling, VA ◆ Nashville, TN ◆ Charlotte, NC ◆ Raleigh, NC ◆ Orlando, FL

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One Rehoboth LLC
Re: ***One Rehoboth***
August 28, 2024
Page 2

eccentrically loaded, with the majority of the footing projection extending to the east (the “toe” side) beneath the Admiral parking garage. Plumb measurements were taken on each column in the north-south and east-west orientations. The adjacent Sirocco wall footings were also exposed and measured where encountered alongside the Admiral column footings. A summary of the measured footing dimensions is presented in the attachment.

The easternmost ramp wall footing was evaluated using GPR and concrete scanner only (no physical excavation). The possible east edge of the footing extends approximately 26 inches beyond the face of the east wall. The north edge extends approximately 14 inches beyond the face of the north wall, and the south edge extends approximately 12 inches beyond the face of the south wall. The inside edge readings produced weak signals and are considered unreliable, with dimensions of approximately 15 to 21 inches from the face of the wall.

Conclusions

Based on the results of our geotechnical exploration program for the One Rehoboth project, GTA assumed that the adjacent Admiral Inn structure was founded on shallow foundations. The findings of this foundation evaluation confirm that assumption. All three column footings are conventional cast-in-place spread footings bearing on precast footings at relatively shallow depths, ranging from approximately 9 to 21 inches below parking garage grade. No evidence of deep foundation elements, such as driven piles or drilled shafts, was encountered during the limited excavation or GPR scanning. This information will be considered in the design and construction of the One Rehoboth project as it relates to the protection of the adjacent Admiral Inn foundations.

GTA’s work was performed in general accordance with generally accepted engineering practice. No warranty, express or implied, is given. Should you have questions or need additional information, please call the office at (302) 326-2100.

Sincerely,

GEO-TECHNOLOGY ASSOCIATES, INC.

Meghan McDonough
Meghan McDonough, P.E.
Principal



Enclosure: Foundation Evaluation Photo Summary

NOTE: REVISIONS TO THE INTERIOR OF THE BUILDING ASSOCIATED WITH THE MINOR AMENDMENT SCOPE (SUCH AS STAIR CORES, ELEVATORS AND SIMILAR AREAS) DO NOT AFFECT BUILDING LIFE SAFETY OR FLOOR AREA CALCULATIONS

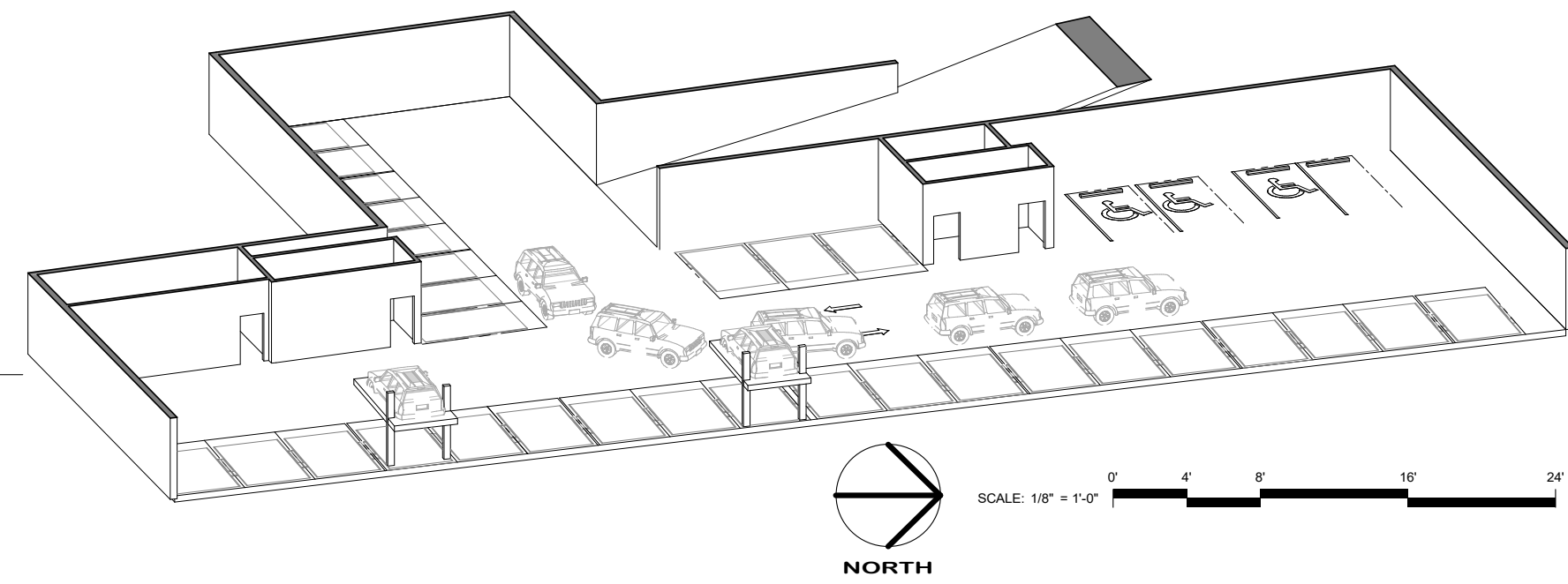
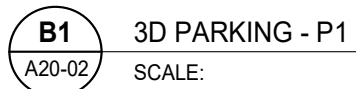
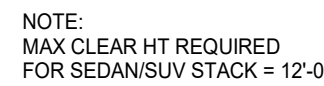
NOTE: REVISIONS TO THE INTERIOR OF THE BUILDING ASSOCIATED WITH THE MINOR AMENDMENT SCOPE (SUCH AS STAIR CORES, ELEVATORS AND SIMILAR AREAS) DO NOT AFFECT BUILDING LIFE SAFETY OR FLOOR AREA CALCULATIONS

 CIRCULATION

SUV SPACES: 30
SEDAN SPACES: 30

TOTAL: 63

7 NUMBER OF PARKING LIFTS UPDATED. NUMBER OF PARKING SPACES PROVIDED = 63.

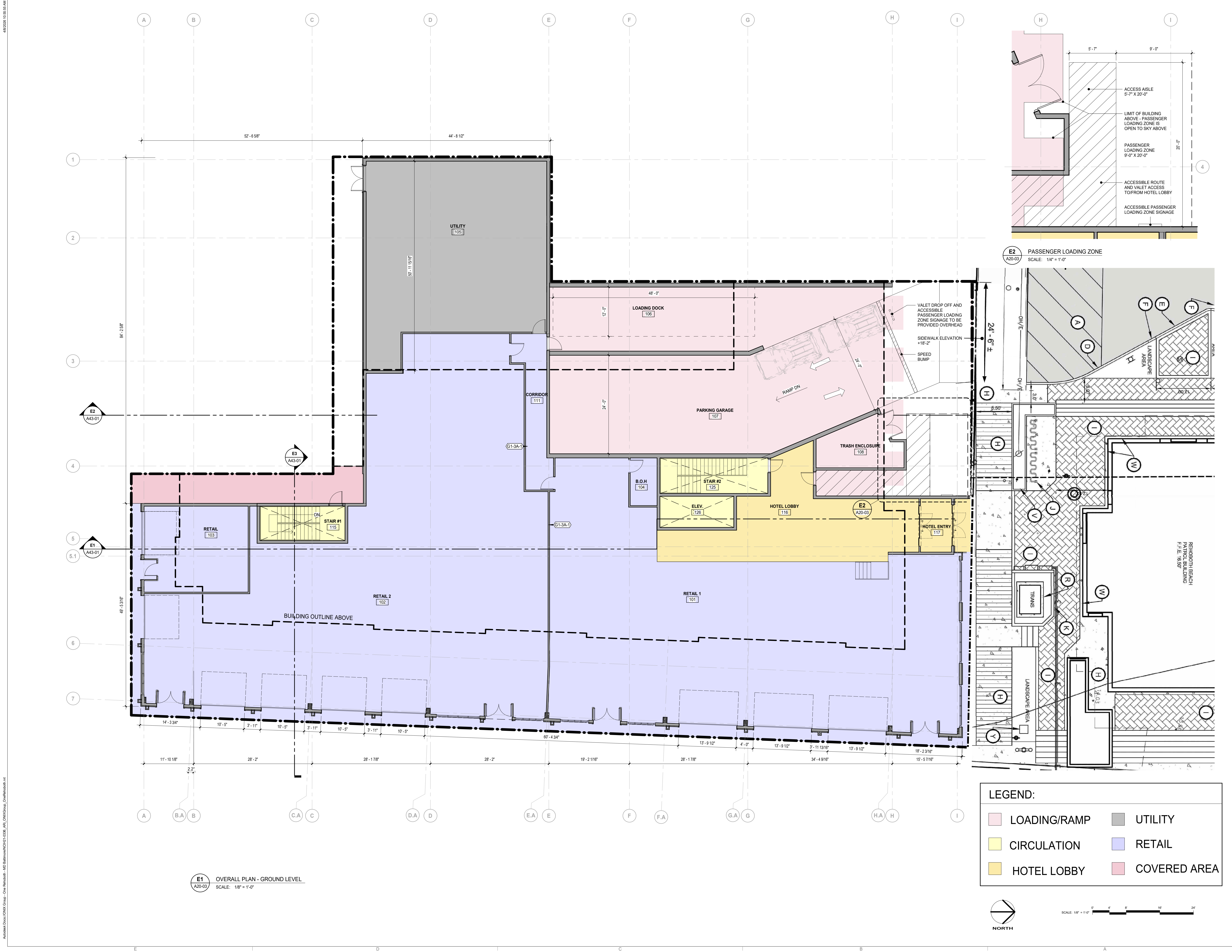


E1 OVERALL PLAN - LOWER LEVEL 1
A20-02 SCALE: 1/8" = 1'-0"

C1 PARKING LIFT TYPE
A20-02 SCALE: 1/4" = 1'-0"

B1 3D PARKING - P1
A20-02 SCALE:

ARCH E1 Title Block -



DATE		ISSUANCE	
04/04/25		ISSUE FOR PROGRESS REVIEW	
06/03/25		ISSUE FOR PROGRESS REVIEW	
11/10/25		ISSUE FOR PROGRESS REVIEW	
11/12/25		ISSUE FOR PLAN COMMISSION MINOR AMENDMENT	
20/01/26		ISSUE FOR PLAN COMMISSION MINOR AMENDMENT	
23/02/26		ISSUE FOR PLAN COMMISSION MINOR AMENDMENT	
08/04/26		ISSUE FOR PLAN COMMISSION MINOR AMENDMENT	

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CIVIL/LANDSCAPING	121 CONTINENTAL DR. SUITE 207 NEWARK, DE 19713 P: (302) 351-5259 pennoni.com
STRUCTURAL	17585 NASSAU COMMONS BLVD - UNIT 3 LEWES, DE 19958 P: (302) 703-1770 piottownengineering.com
MEP	1407 SCALP AVE. JOHNSTOWN, PA 16004 P: (814) 269-9300 hflenz.com
Client	150 ONIX DRIVE KENNETT SQUARE, PA 19348
Project	ONE REHOBOTH
Drawing Title	ONE REHOBOTH AVE. REHOBOTH BEACH, DE OVERALL FLOOR PLAN GROUND FLOOR
Scale	As indicated
Project No.	NICH21-0336
Drawing No.	A20-03

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PRELIMINARY - NOT FOR CONSTRUCTION

DATE	ISSUANCE
04/04/25	ISSUE FOR PROGRESS REVIEW
06/03/25	ISSUE FOR PROGRESS REVIEW
11/10/25	ISSUE FOR PROGRESS REVIEW
11/12/25	ISSUE FOR PLAN COMMISSION MINOR AMENDMENT
20/01/26	ISSUE FOR PLAN COMMISSION MINOR AMENDMENT
23/02/26	ISSUE FOR PLAN COMMISSION MINOR AMENDMENT
08/04/26	ISSUE FOR PLAN COMMISSION MINOR AMENDMENT

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Client

ONIX GROUP

150 ONIX DRIVE
KENNETT SQUARE, PA 19348

Project

ONE REHOBOTH

ONE REHOBOTH AVE.
REHOBOTH BEACH, DE

Drawing Title

BUILDING SECTIONS

Scale

1/8" = 1'-0"

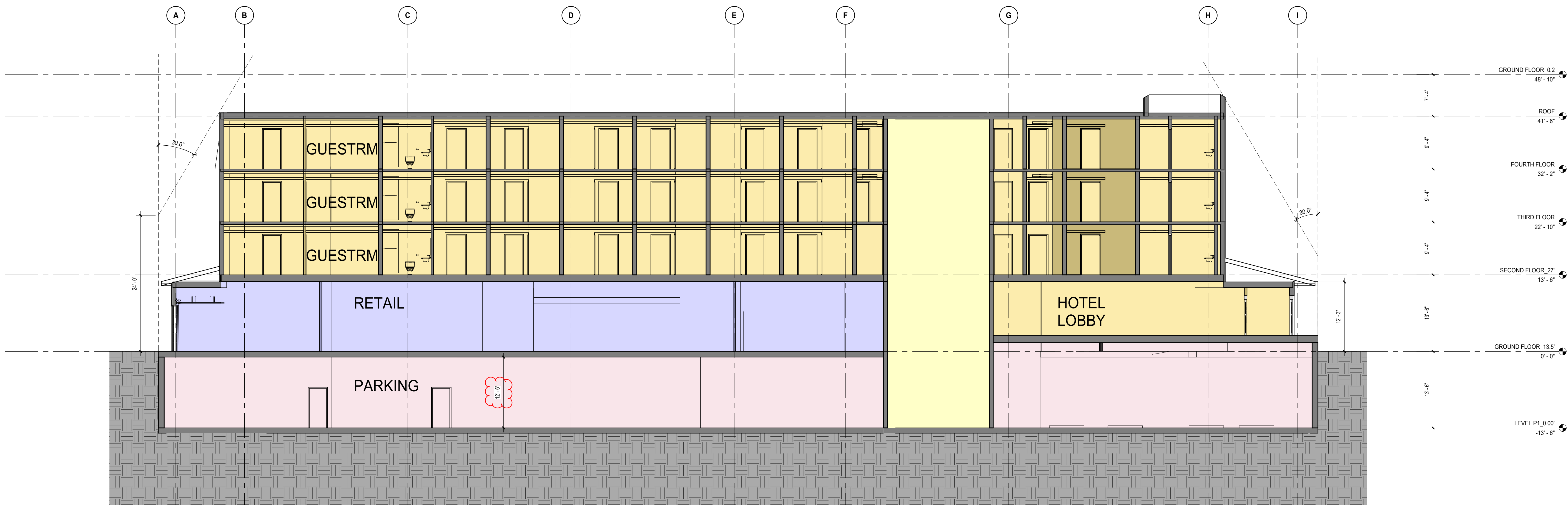
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NICH21-0336

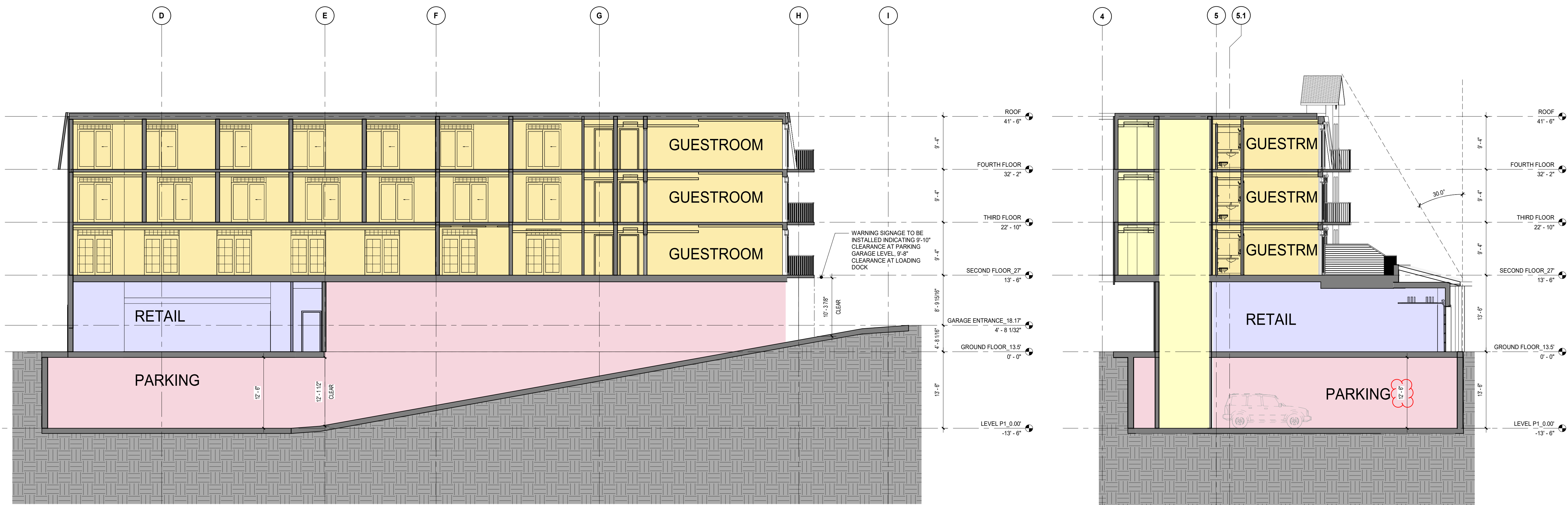
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A43-01

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E1 FRONT BUILDING SECTION (NORTH - SOUTH)
SCALE: 1/8" = 1'-0"



E2 REAR BUILDING SECTION (NORTH - SOUTH)
SCALE: 1/8" = 1'-0"

E3 BUILDING SECTION (EAST - WEST)
SCALE: 1/8" = 1'-0"

SCALE: 1/8" = 1'-0"

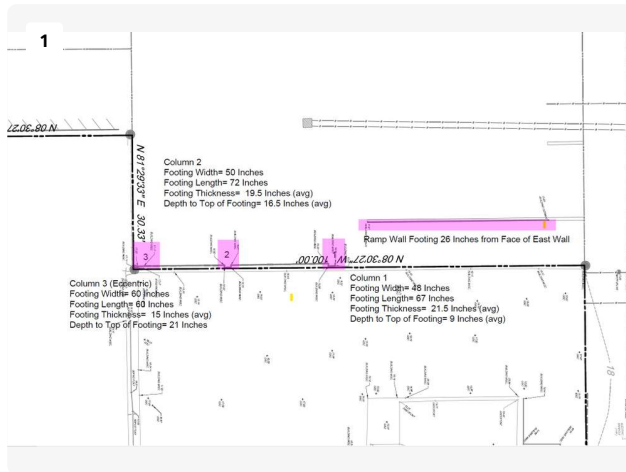


One Rehoboth Project

Admiral Inn Adjacent Foundation Evaluation

Overview

Geo-Technology Associates performed a foundation evaluation of the adjacent footings along the western property boundary of the One Rehoboth project, formerly Sirocco Hotel and Grotto's Pizza. Representatives Cavan Construction saw-cut and removed concrete and soil to expose to the column footings identified as Column 1 through 3 with a mini excavator. Hand excavated holes were advanced at the corner of the exposed footings to measure thickness, where feasible, from the eastern side. Peak Utility performed a scan with the GPR and Concrete Scanner identify edge of concrete on the interior of the parking garage for the column footings and the eastern edge of the ramp wall footing. A photo summary is presented herein. Christian Matemu from JD Hynes was on-site to document and observe for The Admiral.

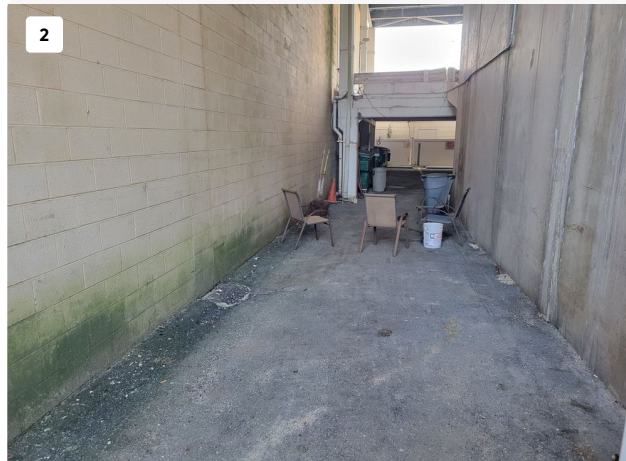


Foundation Evaluation Summary

Project: 231410 - One Rehoboth

Date: Feb 2, 2026, 10:59 PM

Creator: Meghan McDonough



Prior Condition, Masonry Wall Razed But Remnant Footing Remained

Project: 231410 - One Rehoboth

Date: May 26, 2023, 7:20 AM

Creator: Christopher Reith



Looking South at former Sirocco Building

Project: 231410 - One Rehoboth

Date: May 26, 2023, 7:21 AM

Creator: Christopher Reith

Column 1

Precast 16-inch Square Column Bearing on Precast Footing, Footing Eccentrically Loaded to East

Footing Width= 48 Inches

Footing Length= 67 Inches

Footing Thickness= 21.5 Inches (avg)

Depth to Top of Footing= 21.5 Inches (avg)

Heel=12 Inches; Toe=39 Inches

**Column 1****Footing Width= 48 Inches****Footing Length= 67 Inches****Footing Thickness= 21.5 Inches (avg)****Depth to Top of Footing= 9 Inches (avg)**

Project: 231410 - One Rehoboth

Date: Jan 7, 2026, 10:11 AM

Creator: Meghan McDonough

**Column 1****Footing Width=48 Inches**

Project: 231410 - One Rehoboth

Date: Jan 7, 2026, 10:11 AM

Creator: Meghan McDonough

**Column 1--Admiral****Side by Side Cast in Place Footing****Sirocco Wall Footing**

Project: 231410 - One Rehoboth

Date: Jan 7, 2026, 10:12 AM

Creator: Meghan McDonough

4



Column 1
Heel Footing Projection=Nominal 12 Inches

Project: 231410 - One Rehoboth

Date: Jan 7, 2026, 10:12 AM

Creator: Meghan McDonough

5



Column 1--Looking Down at Top of Footing
Heel Footing Projection=Nominal 12 Inches

Project: 231410 - One Rehoboth

Date: Jan 7, 2026, 10:12 AM

Creator: Meghan McDonough

6



Column 1 Southwest Bevel and Collar View
Likely Rust Stains from Base/Anchor Plate

Project: 231410 - One Rehoboth

Date: Jan 7, 2026, 10:12 AM

Creator: Meghan McDonough

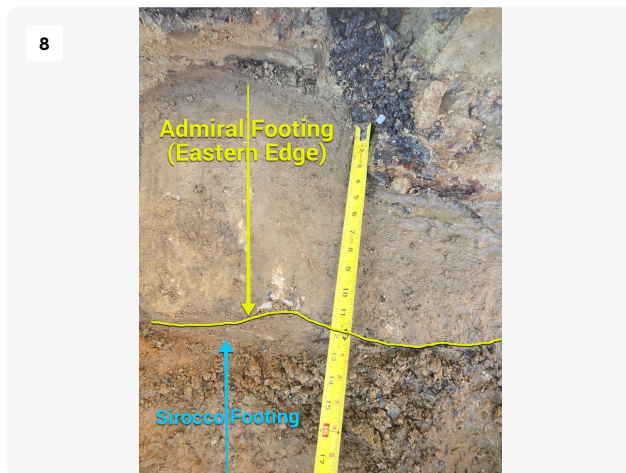


Column 1--Side view look west of Precast to Cast in Place Connection
Concrete Collar Width=Nominal 20 Inches

Project: 231410 - One Rehoboth

Date: Jan 7, 2026, 10:12 AM

Creator: Meghan McDonough



Column 1--Looking Down at Top of Footing
Heel Footing Projection=Nominal 12 Inches

Project: 231410 - One Rehoboth

Date: Jan 7, 2026, 10:12 AM

Creator: Meghan McDonough



Column 1--Looking Down at Top of Footing
Heel Footing Projection from Concrete Collar=Nominal 9 Inches

Project: 231410 - One Rehoboth

Date: Jan 7, 2026, 10:13 AM

Creator: Meghan McDonough

10



Column 1--South Face
Footing Thickness=Nominal 24 Inches

Project: 231410 - One Rehoboth
Date: Jan 7, 2026, 10:14 AM
Creator: Meghan McDonough

11



Column 1-South Face
Footing Thickness=Nominal 24 Inches

Project: 231410 - One Rehoboth
Date: Jan 7, 2026, 10:14 AM
Creator: Meghan McDonough

12



Column 1--North Face
Footing Thickness=Nominal 19 Inches

Project: 231410 - One Rehoboth
Date: Jan 7, 2026, 10:15 AM
Creator: Meghan McDonough



13

Column 1--North Face
Footing Thickness=Nominal 19 Inches

Project: 231410 - One Rehoboth
Date: Jan 7, 2026, 10:15 AM
Creator: Meghan McDonough



14

Column 1
Precast 16 Inch by 16 Inch Column

Project: 231410 - One Rehoboth
Date: Jan 7, 2026, 10:15 AM
Creator: Meghan McDonough



15

Column 1
Precast 16 Inch by 16 Inch Column

Project: 231410 - One Rehoboth
Date: Jan 7, 2026, 10:15 AM
Creator: Meghan McDonough

16



Column 1
Precast 16 Inch by 16 Inch Column

Project: 231410 - One Rehoboth

Date: Jan 7, 2026, 10:15 AM

Creator: Meghan McDonough

17



Column 1
Precast 16 Inch by 16 Inch Column
N/S Plumb

Project: 231410 - One Rehoboth

Date: Jan 7, 2026, 10:17 AM

Creator: Meghan McDonough

18



Column 1
Precast 16 Inch by 16 Inch Column
E/W Plumb

Project: 231410 - One Rehoboth

Date: Jan 7, 2026, 10:17 AM

Creator: Meghan McDonough



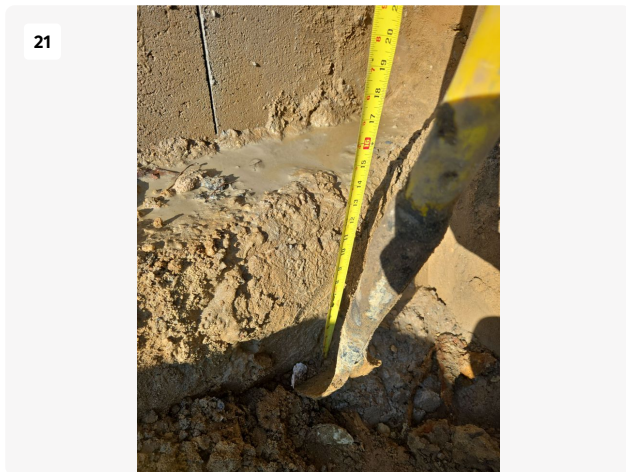
Sirocco Wall Footing Nominal 24 Inches Wide near Admiral Column Footing 1

Project: 231410 - One Rehoboth
Date: Jan 7, 2026, 10:18 AM
Creator: Meghan McDonough



Sirocco Wall Footing Nominal 24 Inches Wide near Admiral Column Footing 1

Project: 231410 - One Rehoboth
Date: Jan 7, 2026, 10:18 AM
Creator: Meghan McDonough



Sirocco Wall Footing Nominal 14 Inches Thick near Admiral Column Footing 1

Project: 231410 - One Rehoboth
Date: Jan 7, 2026, 10:19 AM
Creator: Meghan McDonough

22



Sirocco Wall Footing Nominal 14 Inches Thick near Admiral Column Footing 1

Project: 231410 - One Rehoboth

Date: Jan 7, 2026, 10:19 AM

Creator: Meghan McDonough

23



Column 1--Looking Down at Top of Footing
Concrete Collar Around Precast Connection==Nominal 5
Inches Beyond East Face of Column

Project: 231410 - One Rehoboth

Date: Jan 7, 2026, 10:19 AM

Creator: Meghan McDonough

24



Column 1
Toe Projection from Face of Precast Column==Nominal 39
Inches
Found by GPR Scan//Concrete Scan

Project: 231410 - One Rehoboth

Date: Jan 7, 2026, 10:52 AM

Creator: Meghan McDonough



Column 1 Looking East
Footing Width =Nominal 46 Inches
Found by GPR Scan//Concrete Scan

Project: 231410 - One Rehoboth
Date: Jan 7, 2026, 10:53 AM
Creator: Meghan McDonough

Column 2

Precast 16-inch Square Column Bearing on Precast Footing, Footing Eccentrically Load

Footing Width= 50 Inches

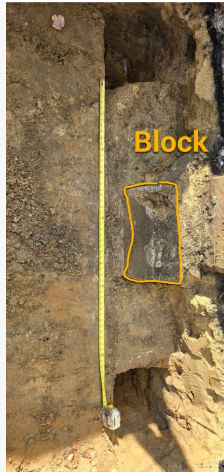
Footing Length= 72 Inches

Footing Thickness= 19.5 Inches (avg)

Depth to Top of Footing= 16.5 Inches (avg)

Heel=12 Inches; Toe=44 Inches

1



Column 2
Looking down at top of footing
Footing Width=Nominal 50 Inches

Project: 231410 - One Rehoboth
Date: Jan 7, 2026, 10:44 AM
Creator: Meghan McDonough

2



Column 2
Looking down at top of footing
Footing Width=Nominal 50 Inches

Project: 231410 - One Rehoboth
Date: Jan 7, 2026, 10:44 AM
Creator: Meghan McDonough

3



Column 2
Looking down at top of footing at joint between Sirocco
Wall Footing and Admiral Column Footing

Project: 231410 - One Rehoboth
Date: Jan 7, 2026, 10:44 AM
Creator: Meghan McDonough

4



Column 2
Heel Projection beyond east face of column=Nominal 12
Inches

Project: 231410 - One Rehoboth
Date: Jan 7, 2026, 10:45 AM
Creator: Meghan McDonough

5



Admiral Column Footing 2 Looking Down at Top of Foot-
ing

Project: 231410 - One Rehoboth
Date: Jan 7, 2026, 10:45 AM
Creator: Meghan McDonough

6



Column 2 Southwest Bevel and Collar View
Likely Rust Stains from Base/Anchor Plate

Project: 231410 - One Rehoboth
Date: Jan 7, 2026, 10:45 AM
Creator: Meghan McDonough

7



Column 2

Concrete Collar around Precast to cast in place connection beyond east face of column=Nominal 4 Inches

Project: 231410 - One Rehoboth

Date: Jan 7, 2026, 10:45 AM

Creator: Meghan McDonough

8



Column 2

Concrete Collar around Precast to cast in place connection beyond north face of column=Nominal 4 Inches

Project: 231410 - One Rehoboth

Date: Jan 7, 2026, 10:45 AM

Creator: Meghan McDonough

9



Column 2

Concrete Collar around Precast to cast in place connection beyond south face of column=Nominal 4 Inches

Project: 231410 - One Rehoboth

Date: Jan 7, 2026, 10:45 AM

Creator: Meghan McDonough

10



Grout or Concrete Collar at Column 2

Project: 231410 - One Rehoboth

Date: Jan 7, 2026, 10:46 AM

Creator: Meghan McDonough

11



Column 2-South Face

Footing Thickness=Nominal 16 Inches

Project: 231410 - One Rehoboth

Date: Jan 7, 2026, 10:46 AM

Creator: Meghan McDonough

12



Project: 231410 - One Rehoboth

Date: Jan 7, 2026, 10:47 AM

Creator: Meghan McDonough

13



Column 2-North Face
Footing Thickness=Nominal 23 Inches

Project: 231410 - One Rehoboth
Date: Jan 7, 2026, 10:47 AM
Creator: Meghan McDonough

14



Column 2
Precast 16 Inch by 16 Inch Column
E/W Plumb

Project: 231410 - One Rehoboth
Date: Jan 7, 2026, 11:05 AM
Creator: Meghan McDonough

15



Column 2
Precast 16 Inch by 16 Inch Column
N/S Plumb

Project: 231410 - One Rehoboth
Date: Jan 7, 2026, 11:05 AM
Creator: Meghan McDonough



Column 2
Footing Width= 50 Inches
Footing Length= 72 Inches
Footing Thickness= 19.5 Inches (avg)
Depth to Top of Footing= 16.5 Inches (avg)

Project: 231410 - One Rehoboth

Date: Jan 7, 2026, 11:10 AM

Creator: Meghan McDonough



Column 2
Footing Width =Nominal 51 Inches
Found by GPR Scan//Concrete Scan

Project: 231410 - One Rehoboth

Date: Jan 7, 2026, 11:14 AM

Creator: Meghan McDonough



Column 2
Footing Width =Nominal 51 Inches
Found by GPR Scan//Concrete Scan

Project: 231410 - One Rehoboth

Date: Jan 7, 2026, 11:14 AM

Creator: Meghan McDonough

19

**Column 2**

Footing Length Along North Face =Nominal 72 Inches
Found by GPR Scan//Concrete Scan and Direct Observation

Project: 231410 - One Rehoboth

Date: Jan 7, 2026, 11:15 AM

Creator: Meghan McDonough

20

**Column 2**

Footing Length North Face =Nominal 72 Inches
Found by GPR Scan//Concrete Scan and Direct Observation

Project: 231410 - One Rehoboth

Date: Jan 7, 2026, 11:15 AM

Creator: Meghan McDonough

Column 3

Precast 16-inch Square Column Bearing on Precast Footing, Footing Eccentrically Loaded to South-east Quadrant

Footing Width= 60 Inches

Footing Length= 60 Inches

Footing Thickness= 15 Inches (avg)

Depth to Top of Footing= 21 Inches (avg)

Toe=34 Inches (avg)

1

**Column 3**

Footing Depth from Top of Asphalt in Parking Garage

=Nominal 36 Inches

Footing Thickness=21 Inches

Project: 231410 - One Rehoboth

Date: Jan 7, 2026, 11:22 AM

Creator: Meghan McDonough

2

**Column 3 (North Face) Looking down at top of footing**

Width Beyond Face of Column= Nominal 40 Inches

Project: 231410 - One Rehoboth

Date: Jan 7, 2026, 11:22 AM

Creator: Meghan McDonough

3

**Column 3 (Corner Column)**Toe Projection from Face of Precast Column=Nominal 34
Inches

Found by GPR Scan//Concrete Scan

Project: 231410 - One Rehoboth

Date: Jan 7, 2026, 11:23 AM

Creator: Meghan McDonough

4



Column 3
Top of Connection Collar From Parking Garage Grade=10
Inches

Project: 231410 - One Rehoboth

Date: Jan 7, 2026, 11:23 AM

Creator: Meghan McDonough

5



Column 3
Top of Connection collar Footing From Parking Garage
Grade=10 Inches

Project: 231410 - One Rehoboth

Date: Jan 7, 2026, 11:23 AM

Creator: Meghan McDonough

6



Column 3
Footing Width= 60 Inches
Footing Length= 60 Inches
Footing Thickness= 15 Inches (avg)
Depth to Top of Footing= 21 Inches

Project: 231410 - One Rehoboth

Date: Jan 7, 2026, 11:35 AM

Creator: Meghan McDonough



Column 3 (East Face) Looking down at top of footing
Heel Projection Beyond Face of Column= Nominal 9 Inches

Project: 231410 - One Rehoboth
Date: Jan 7, 2026, 11:37 AM
Creator: Meghan McDonough



Project: 231410 - One Rehoboth
Date: Jan 7, 2026, 11:37 AM
Creator: Meghan McDonough



Project: 231410 - One Rehoboth
Date: Jan 7, 2026, 11:37 AM
Creator: Meghan McDonough

10



Column 3

Bond Break or Remnant Block from Face of Precast Column to Edge=Nominal 5 Inches

Doesn't appear part of column or collar, but could remove

Project: 231410 - One Rehoboth

Date: Jan 7, 2026, 11:38 AM

Creator: Meghan McDonough

11



Column 3

Top of Footing From Parking Garage Grade=18 Inches

Project: 231410 - One Rehoboth

Date: Jan 7, 2026, 11:38 AM

Creator: Meghan McDonough

12



Column 3--Looking Down at Top of Footing

Side (North) Projection from Precast Column=Nominal 9 Inches

Project: 231410 - One Rehoboth

Date: Jan 7, 2026, 11:39 AM

Creator: Meghan McDonough

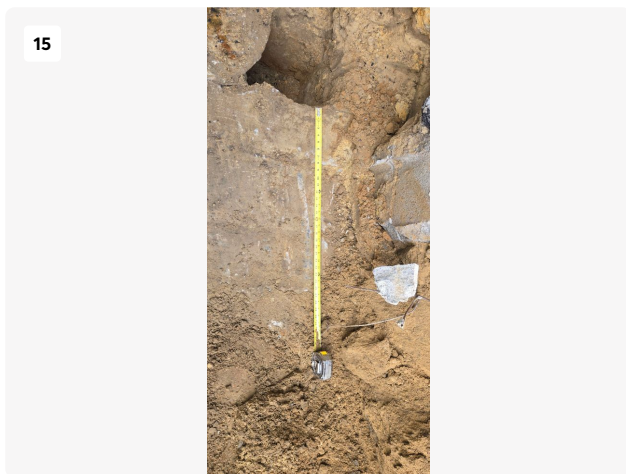


Project: 231410 - One Rehoboth
Date: Jan 7, 2026, 11:39 AM
Creator: Meghan McDonough



Column 3--Looking Down at Top of Footing
Side (South Face) Projection from Precast Column=Nom-
inal 7 Inches

Project: 231410 - One Rehoboth
Date: Jan 7, 2026, 11:40 AM
Creator: Meghan McDonough



Sirocco Wall Footing Nominal 26 Inches Wide near Admi-
ral Column Footing 3

Project: 231410 - One Rehoboth
Date: Jan 7, 2026, 11:40 AM
Creator: Meghan McDonough

16



Sirocco Wall Footing Nominal 26 Inches Wide near Admiral Column Footing 3

Project: 231410 - One Rehoboth

Date: Jan 7, 2026, 11:40 AM

Creator: Meghan McDonough

17



Top of Footing at Column 3 below Parking Garage Asphalt=19 Inches

Project: 231410 - One Rehoboth

Date: Jan 7, 2026, 11:41 AM

Creator: Meghan McDonough

18



Column 3 (Corner Column)
Toe Projection from Face of Precast Column=Nominal 33 Inches
Found by GPR Scan//Concrete Scan

Project: 231410 - One Rehoboth

Date: Jan 7, 2026, 11:41 AM

Creator: Meghan McDonough

19



Column 3
Precast 16 Inch by 16 Inch Column
N/S Plumb

Project: 231410 - One Rehoboth
Date: Jan 7, 2026, 11:42 AM
Creator: Meghan McDonough

20



Column 3
Precast 16 Inch by 16 Inch Column
E/W Plumb

Project: 231410 - One Rehoboth
Date: Jan 7, 2026, 11:42 AM
Creator: Meghan McDonough

21



Column 2
Top of Footing From Parking Garage Grade=15 Inches

Project: 231410 - One Rehoboth
Date: Jan 7, 2026, 11:43 AM
Creator: Meghan McDonough

22



Column 1--South Face
Top of Footing From Parking Garage Grade=9 Inches

Project: 231410 - One Rehoboth
Date: Jan 7, 2026, 11:43 AM
Creator: Meghan McDonough

23



Column 1--North Face
Top of Footing From Parking Garage Grade=10 Inches

Project: 231410 - One Rehoboth
Date: Jan 7, 2026, 11:43 AM
Creator: Meghan McDonough

Ramp Wall Footing

Scanned with GPR and Concrete Scanner only.

1



Possible east edge of ramp wall footing 26 inches beyond face of east wall

Project: 231410 - One Rehoboth

Date: Jan 7, 2026, 11:44 AM

Creator: Meghan McDonough

2



Possible north edge of ramp wall footing 14 inches beyond face of north wall

Project: 231410 - One Rehoboth

Date: Jan 7, 2026, 11:50 AM

Creator: Meghan McDonough

3



Possible south edge of ramp wall footing 12 inches beyond face of north wall

Project: 231410 - One Rehoboth

Date: Jan 7, 2026, 11:50 AM

Creator: Meghan McDonough

4



Possible inside edge of ramp footing, not a strong signal, unreliable dimension, 21 inches from face of wall

Project: 231410 - One Rehoboth

Date: Jan 7, 2026, 11:51 AM

Creator: Meghan McDonough

5



Possible inside edge of ramp footing, not a strong signal, unreliable dimension, 15 inches from face of wall

Project: 231410 - One Rehoboth

Date: Jan 7, 2026, 11:51 AM

Creator: Meghan McDonough



~~April 8, 2026~~

Corey Shinko
Director of Planning, Zoning & Development
City of Rehoboth Beach

Re: One Rehoboth Mixed-Use Project – Minor Amendment Review
Email Comments March 31, 2026
One Rehoboth Avenue
Rehoboth Beach, DE

Dear Mr. Shinko:

Please see below responses to comments included in your email received on March 31, 2026. Note that City comments are listed below, followed by NORR's responses in red. Clouded areas on attached drawings identify the plan updates referenced in the below responses.

1. **Parking Count**

Sheet A20-02 dated 2/23/26 contains an internal inconsistency. The parking counts legend identifies 63 total spaces, while the zoning summary table and revision note both state that the total remains unchanged at 62.

- Please confirm in writing whether the proposed total parking count is 62 or 63 spaces, whether the 3 ADA spaces are included within the 60 lift spaces or provided in addition to them, and revise the plans to reflect a single accurate total before the staff report is finalized.

Response: The total number of parking lifts proposed is thirty (30), yielding 60 spaces. Three (3) accessible spaces are proposed, including one required van-accessible space. Due to the configuration of the lifts, the total number of parking spaces provided is 63.

2. **Section Drawing Coordination / Lift Clearance**

The second amendment raises the garage floor to a uniform elevation, eliminates the prior internal ramp configuration, increases the lift count to 30, and converts the lift configuration to a single 12'-0" headroom standard.

- Please confirm that the section drawings on Sheet A43-01 dated 2/23/26 accurately reflect the revised garage configuration and clearly demonstrate the actual clear height provided within the parking field after accounting for structural depth.

Response: As depicted on A43-01, the ground floor elevation is +13.50' and the Garage Floor elevation is +0'-0". The planned first floor structure is 12-inch thick concrete, yielding a 12'-6" dimension from garage floor to bottom of first floor structure (see Sections E2 and E3). The lifts require 12'-0" minimum headroom clearance, which will be provided in all areas where lifts are to be installed, allowing for minor variances in structure. Dimensions reflecting the clear height have been added to the sections for clarity.

- Please also confirm that the required 12'-0" clear height for the proposed lift configuration is achievable throughout the garage and identify the sections and dimensions demonstrating that condition. If revisions to A43-01 are still intended, please advise.



Response: Refer to the response above. Dimensions are included on all three section drawings indicating the 13'-6" floor-to-floor height and 12'-6" dimension from garage floor to bottom of structure above.

- The Department further notes that confirmation of compliance with applicable lift standards, including ANSI/ALI ALCTV as incorporated through the 2018 International Building Code, will be required at the construction-plan examination phase.

Response: Noted. Lifts will be provided meeting these requirements.

3. **Status of December 12, 2025 Motion Conditions**

Please confirm the status of each of the following conditions against the February 23, 2026 plans:

- Condition 1: Valet Operations Permit / Chapter 194
Please confirm that the revised garage configuration, including the increase from 24 to 30 lifts and the elimination of conventional surface spaces, continues to allow compliance with Chapter 194 and does not alter the valet operational framework previously presented to the Planning Commission.

Response: Valet operations will remain as previously approved.

- Condition 2: Sheet Coordination
Addressed above.
- Condition 3: 45-Degree Wall Section
The applicant's counsel acknowledged on the record at the December 12, 2025 hearing that the 45-degree wall section adjacent to the loading area was understood to be removed. Please confirm whether that wall section has been removed in the February 23, 2026 plans and identify the specific sheet and detail demonstrating that removal.

Response: The 45-degree wall has been reduced in length by 6'-6" versus the previous approved plan. This provides ample clear width for access to the loading space.

- Condition 4: 24-Foot Unobstructed Turning Aisle
Please confirm that a continuous unobstructed turning aisle of 24 feet is maintained throughout the revised configuration, exclusive of the passenger loading and access aisle, and identify the specific sheets and dimensions demonstrating compliance with § 270-30(B).

Response: Refer to added dimensions included on sheet A20-02. The drive aisle dimension at the Passenger Loading Zone and adjacent access aisle is greater than 30-feet in width.

4. **Accessible / Passenger Loading Configuration**

The second amendment relocates the van-accessible parking, ADA spaces, and passenger loading zone.

- Please confirm that the relocated configuration complies with ICC A117.1-2017 § 503, including:
 - required pull-up space dimensions,
 - required access aisle dimensions,
 - no overlap of the access aisle with vehicular ways, and

- o required vertical clearance throughout the vehicular route serving the passenger loading area.

Response: Refer to Passenger Loading Zone and accessible parking dimensions included on sheet A20-02.

- o Passenger Loading Zone space shown as 8'-0" x 20'-0", meeting required standards.
 - o Passenger Loading Zone access aisle shown as 5'-7" x 20'-0", meeting required standards.
 - o Access aisle is outside of the 24-foot wide vehicular way (see response to Item #3 above). Refer to aisle dimension added to sheet A20-02.
 - o Vertical clearance throughout parking area is a minimum of 12'-0", exceeding the required 9'-6". Refer to dimensions on building sections, sheet A43-01.
- Please identify the specific sheets and dimensions that demonstrate compliance for both the ground-floor and garage-level configurations, including the relocated east-wall garage-level arrangement. The garage-level loading zone was relocated as part of this amendment, and the prior acceptance of that configuration under the first amendment does not carry forward automatically to the new location.

Response: Refer to response above.

- The Department has reviewed the relocated east-wall garage-level passenger loading configuration. While the revised layout does not appear to reduce the required 24-foot circulation and turning aisle under §270-30(B) of the City Code, the plans do not clearly demonstrate compliance with ICC A117.1-2017 §503.3.1, which requires that access aisles not overlap vehicular ways. Please identify the specific sheets, dimensions, and details demonstrating that the garage-level access aisle serving the relocated passenger loading zone does not overlap a vehicular way, or revise the plans accordingly.

Response: See response above. The passenger loading area does not overlap vehicular ways.

5. Oversized / Non-Conforming Vehicle Accommodation

The revised garage configuration eliminates the conventional surface spaces referenced in the applicant's prior response regarding accommodation of oversized or non-conforming vehicles.

- Please explain how oversized or non-conforming vehicles that cannot be accommodated in the lift system will be handled under the revised configuration, and where they will be physically staged within the property.

Response: The lift system is provided with the 9'-0" width by 18'-0" length required by ordinances, so will accommodate vehicles as a typical surface parking space. The lifts are manufactured to accommodate a combination of full-sized SUVs, mid-sized SUVs and sedans at the clear height specified here.

6. Valet Turnaround

The first minor amendment record identified a lower-level valet turnaround area, and the revised



first-amendment plans labeled that turnaround on the lower-level layout. The February 23, 2026 revised configuration does not clearly identify an equivalent valet turnaround area.

- Please identify the location and dimensions of the valet turnaround in the revised garage layout and explain how valet attendants will reverse direction at the east end of the garage, particularly during peak arrival periods when vehicles may be queued in the approach aisle.

Response: The updated configuration of the garage locates the Passenger Loading Zone at the east end of the garage, enabling turnaround of the cars after unloading. Also, a 30-foot drive-aisle width is provided at the Passenger Loading Zone; this width is significantly larger than the required aisle dimension and provides added maneuvering clearances. Valets will then move cars from the loading zone to parking spots throughout the garage, allowing a smooth operational flow.

In addition, the lifts provide one additional car space beyond the number of parking spaces required; valets will have the option of utilizing this space for added temporary parking or as a turnaround. Though this space is not an ordinance requirement, it provides added operational flexibility.

7. **Valet Queuing / Internal Circulation**

The revised lower-level configuration concentrates valet drop-off and passenger loading activity at the east end of the garage while the same internal circulation aisle also appears to serve access to the parking spaces along the south side of the garage, including Spaces 31–54.

- Please identify where vehicles awaiting valet drop-off or passenger loading would queue within the revised layout during peak arrival periods and confirm that such queuing can occur entirely within the property without blocking access to parking spaces, obstructing internal circulation, or causing spillback into areas needed for garage operations. Please identify the specific plan sheets and dimensions demonstrating how this is intended to function.

Response: Operationally, the queueing and circulation during arrival periods function the same as the previously approved plan. Cars will queue within the garage as previously approved, entirely within the property. As the patrons leave their cars with the valets at the loading area, the cars will then be parked. Valets will provide control of incoming traffic to maintain access to available spaces.

Please contact me with any further questions. Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Wally Funk".

Wally Funk, CCS, LEED AP
Studio Manager

Cc Ann Womack, City of Rehoboth Beach
Stephen Silver, ONIX Group

NORR

Jonathan Silver, ONIX Group
Dave Grayson, GGA Construction
Vince Robertson, Parkowski, Guerke and Swayze, P.A.



February 23, 2026

Corey Shinko
Director of Planning, Zoning & Development
City of Rehoboth Beach

Re: One Rehoboth Mixed-Use Project
One Rehoboth Avenue
Rehoboth Beach, DE

Dear Mr. Shinko:

As previously discussed, ownership is proposing a minor update to the One Rehoboth Mixed-Use Project, intended to enhance overall life safety of the project and mitigate the potential construction impact on the surrounding buildings and community.

Note that this proposed update follows the recent investigation of the existing foundation conditions at the adjacent Admiral Hotel. After lengthy discussions, the One Rehoboth Team was ultimately granted access to the Admiral site on 12/12/2025 at 10:48am, requested to complete the geotechnical investigation and conditions assessment. The ensuing investigation, as performed by Geo-Technology Associates, Inc (GTA), revealed shallow foundation conditions that are a concern for any construction operations occurring directly adjacent; thus, the primary goal of this proposed update is to provide maximum clearance from the One Rehoboth garage to the Admiral Hotel.

A summary of the proposed garage enhancements follows below; refer to the updated, attached Lower Level Garage Plan, First Floor Plan and Building Sections dated 2/23/26 for additional information:

- Underground Garage: The underground garage footprint will be reduced in size:
 - Footprint of the garage will be reduced in size to provide added clearance at the west lot lines from the One Rehoboth garage to the existing, adjacent buildings to the west.
 - Previous dimension to lot line from garage at the Admiral site was 7'-0" (per 11/12/25 Plan) and 4'-0" at the westernmost projection of the One Rehoboth site.
 - New proposed dimension to lot line from garage to Admiral site is 17'-0" at the ramp location and 42'-0" at the parking. The dimension at the westernmost projection of the garage is now 13'-0" (per 2/23/26 Plan).
 - Finished floor elevation (FFE) at lowest point of garage will now be higher than previously indicated. Entire garage is proposed to be at a single FFE elevation, eliminating slopes within the parking field.
 - Previous FFE at the lowest point of the garage was approximately -1.42 ft. (for reference, Boardwalk elevation is +13.50 ft). (per 11/12/25 Plan)
 - Proposed FFE will be +0.00 ft throughout entire garage (per 2/23/26 Plan)

Advantages of this proposed revision:

- *Reduced impact on adjacent buildings: The west wall of garage will be moved to the east, eliminating the need for excavation directly adjacent to the existing Admiral Hotel and other buildings on the lots to the west. Given the condition and configuration of the shallow foundations discovered following recent investigations at the Admiral Hotel, the new footprint of the garage will further minimize potential construction risks. Refer to information from Geo-Technology Associates, Inc for additional details regarding the Admiral Hotel foundation conditions.*
 - *Reduced excavation: The smaller garage footprint further reduces the amount of excavation required on site, while also reducing overall community impact and the construction timeline of the project.*
 - *Increased clearances for construction operations: By increasing the distance to existing buildings, construction operations will have added maneuvering clearances. This will increase safety during construction and further alleviate risk of damage to existing structures.*
- Building Updates: The below minor changes to the building were made to improve the parking garage layout. These changes do not affect any of the life safety components of the building. Refer to the attached First Floor Plan and Building sections, dated 2/23/26.
 - Stair #1 location has been shifted to provide improved parking access at the garage level.
 - Note that this stair location will enhance exiting from all floors above.
 - Stair #2 and the elevator core have been reconfigured slightly; access points remain as previously approved by the Planning Commission.
 - Garage Operations are unchanged from the previous Planning Commission approval.
 - Garage operations will be unchanged from the approved preliminary site plan.
 - The approved vertically-stacked parking lifts yield the minimum required 62 parking spots. A total of 30 lifts are proposed.
 - All parking spaces, including the parking lifts, will have dimensions of 9'x18' and 162 sf in area.
 - The garage operation remains valet-parking-only. As previously approved, Passenger Loading Zones are provided on the ground floor, adjacent to the Hotel Lobby and at the garage level adjacent to the elevators. Required accessible parking spaces and van-accessible spaces (total of 3) are provided with direct access to the elevators, also matching the previous approval.

For additional reference, below are bullet points demonstrating conformance to the requirements included in the City of Rehoboth Beach Code, article 236-33 "Amendments, Additions and Exceptions" for a minor amendment to a previously approved Site Plan Review.

(1) "Does not alter a recorded plat"

- ***Response: Proposed revisions do not alter the recorded plat.***

(2) "Does not conflict with requirements set forth in this chapter."



- *Response: Proposed revisions do not conflict with listed requirements.*
- (3) "Does not change the general character of an approved development plan or use."
- *Response: Character of the approved development remains as originally proposed. The restaurant and retail first floor and hotel floors are unchanged; 60 hotel guestrooms and provisions for parking minimum of 62 cars will be provided, as originally approved.*
- (4) "Applies to an approved condition originating with the Planning Commission, but does not remove such condition or alter it in more than a minimal way."
- *Response: Proposed revision provides minimum of 62 parking spaces, meeting the number required by the Planning Commission approval.*
- (5) "Has no appreciable adverse impact on adjoining or nearby properties."
- *Response: As stated above, the proposed revisions serve to eliminate any potential adverse impact on adjoining properties by providing additional clearances to the existing shallow foundations at the Admiral Hotel.*
- (6) "Does not result in any change of major external access points in more than a minimal way."
- *Response: All external access points to the site remain as originally approved.*
- (7) "Does not increase the approved number of dwelling units or height of buildings."
- *Response: Number of guestrooms proposed and height of building above grade remain as originally approved.*
- (8) "Does not decrease the minimum specified yards and open spaces or minimum or maximum specified parking and loading spaces."
- *Response: Specified yards and open spaces remain as originally approved. As described above, minimum of 62 spaces are provided as originally approved.*

Please contact me with any further questions. Thank you for your attention to this matter.

Sincerely,

Wally Funk, CCS, LEED AP
Studio Manager

City of Rehoboth Beach, DE Munis Live



Building Inspector Report March 2026

City Of Rehoboth Beach
DEPARTMENT: Building & Licensing

PROJECT TYPE	ISSUED	VOIDED	EST VALUE	FEES	ISSUED	VOIDED	EST VALUE	FEES
PERMITS FROM 03/01/26 TO 03/31/26								
PERMITS YEAR TO DATE								
Commercial New								
Application Fee- Building	0	0	0	.00	1	0	0	.00
Commercial New Construction	0	0	0	.00	1	0	46,223	.00
Plumbing Permit	0	0	0	.00	1	0	0	60.00
Public Space - Dumpster Permit	0	0	0	.00	1	0	0	20.00
Tree Removal Permit	0	0	0	.00	2	0	0	625.00
PROJECT TOTALS	0	0	0	.00	6	0	46,223	705.00
Commercial Addition								
Application Fee- Building	0	0	0	40.00	2	0	0	40.00
Application Fee- Tree	0	0	0	40.00	2	0	0	40.00
Commercial Addition & Remodel	0	0	0	.00	3	0	6,154,329	67,766.43
Plumbing Permit	0	0	0	.00	2	0	0	430.00
Public Space - Dumpster Permit	0	0	0	.00	3	0	0	20.00
Sign Permit	0	0	0	.00	1	0	0	.00
PROJECT TOTALS	0	0	0	80.00	13	0	6,154,329	68,296.43
Residential New Build								
Application Fee- Building	2	0	0	780.00	39	0	0	780.00
Application Fee- Plumbing	2	0	0	540.00	28	0	0	540.00
Application Fee- Tree	0	0	0	100.00	5	0	0	100.00
Pool Permit	1	0	0	.00	7	0	0	.00
Registration Fee - Pool	0	0	0	200.00	4	0	0	200.00
Plumbing Permit	8	0	0	1,235.00	38	1	0	5,410.00
Public Space - Dumpster Permit	1	0	0	20.00	18	1	0	340.00
Residential New Construction	2	0	1,802,895	37,457.90	29	0	26,327,956	552,184.25
Tree Removal Permit	0	0	0	.00	16	0	0	6,515.00
Certificate of Occupancy	0	0	0	.00	14	0	0	.00
PROJECT TOTALS	16	0	1,802,895	40,332.90	198	2	26,327,956	566,069.25
Residential Addition								
Application Fee- Building	3	0	0	600.00	30	0	0	600.00
Application Fee- Fence	0	0	0	20.00	1	0	0	20.00
Residential Fence Permit	0	0	0	.00	1	0	0	.00
Plumbing Permit	1	0	0	140.00	6	0	0	490.00
Public Space - Dumpster Permit	0	0	0	.00	3	0	0	60.00
Residential Addition & Remodel	1	0	17,700	354.00	24	0	4,351,899	71,572.36
Tree Removal Permit	1	0	0	270.00	2	0	0	445.00
Certificate of Occupancy	0	0	0	.00	1	0	0	.00
PROJECT TOTALS	6	0	17,700	1,384.00	68	0	4,351,899	73,187.36
Residential Accessory Struct								
Application Fee- Building	1	0	0	40.00	2	0	0	40.00
Residential Accessory Bldg	1	0	31,738	634.76	1	0	31,738	634.76
PROJECT TOTALS	2	0	31,738	674.76	3	0	31,738	674.76
Commercial Demolition								
Application Fee- Plumbing	2	0	0	80.00	5	0	0	80.00

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City of Rehoboth Beach, DE Munis Live



Building Inspector Report March 2026

Application Fee- Tree 1 0 0 20.00 1 0 0 20.00
City of Rehoboth Beach

DEPARTMENT: Building & Licensing

PROJECT TYPE	ISSUED	PERMITS VOIDED	FROM 03/01/26 TO 03/31/26	EST VALUE	FEES	ISSUED	PERMITS VOIDED	YEAR TO DATE	EST VALUE	FEES
Application Fee- Demo	2	0		0	100.00	6	0	0	0	100.00
Demolition	1	0		0	3,000.00	5	0	0	0	12,300.00
Plumbing Permit	1	0		0	50.00	2	0	0	0	105.00
Public Space - Dumpster Permit	0	0		0	.00	4	0	0	0	60.00
Tree Removal Permit	1	0		0	225.00	1	0	0	0	225.00
PROJECT TOTALS	8	0		0	3,475.00	24	0	0	0	12,890.00
Residential Demolition										
Application Fee- Plumbing	0	0		0	100.00	5	0	0	0	100.00
Application Fee- Tree	0	0		0	20.00	1	0	0	0	20.00
Application Fee- Demo	1	0		0	480.00	24	0	0	0	480.00
Demolition	2	0		0	3,300.00	38	0	0	0	82,300.00
Plumbing Permit	1	0		0	50.00	24	0	0	0	1,120.00
Public Space - Dumpster Permit	0	0		0	.00	1	0	0	0	20.00
Tree Removal Permit	0	0		0	.00	3	0	0	0	970.00
PROJECT TOTALS	4	0		0	3,950.00	96	0	0	0	85,010.00
Commercial Alteration										
Application Fee- Building	12	0		0	1,580.00	80	0	0	0	1,580.00
Application Fee- Plumbing	1	0		0	60.00	3	0	0	0	60.00
Commercial Addition & Remodel	9	0	950,814	29,373.16	77	0	3,732,594	111,608.50		
Plumbing Permit	3	0		0	225.00	21	0	0	0	1,630.00
Public Space - Dumpster Permit	0	0		0	.00	7	0	0	0	120.00
Residential Addition & Remodel	0	0		0	.00	1	0	6,891	137.82	
Tree Removal Permit	0	0		0	.00	1	0	0	0	.00
PROJECT TOTALS	25	0	950,814	31,238.16	190	0	3,739,485	115,136.32		
Commercial Repair										
Application Fee- Building	19	0		0	2,380.00	120	0	0	0	2,380.00
Application Fee - Public Space	0	0		0	60.00	3	0	0	0	60.00
Commercial Repair	12	0	916,551	21,076.58	120	1	3,797,392	109,211.62		
Plumbing Permit	0	0		0	.00	2	0	0	0	140.00
Public Space - Dumpster Permit	1	0		0	20.00	10	0	0	0	160.00
Residential Repair Permit	2	0	19,475	389.50	3	0	88,325	1,766.50		
PROJECT TOTALS	34	0	936,026	23,926.08	258	1	3,885,717	113,718.12		
Commercial Fence										
Application Fee- Fence	0	0		0	40.00	2	0	0	0	40.00
Commercial Fence Permit	0	0		0	.00	2	0	0	0	266.43
PROJECT TOTALS	0	0		0	40.00	4	0	0	0	306.43
Curb & Sidewalk										
Application Fee- Curb/Sidewalk	0	0		0	20.00	1	0	0	0	20.00
PROJECT TOTALS	0	0		0	20.00	1	0	0	0	20.00

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City of Rehoboth Beach, DE Munis Live



Building Inspector Report March 2026

Plumbing

City of Rehoboth Beach

DEPARTMENT: Building & Licensing

PROJECT TYPE	ISSUED	PERMITS VOIDED	FROM 03/01/26 TO 03/31/26	EST VALUE	FEES	ISSUED	PERMITS VOIDED	YEAR TO DATE	EST VALUE	FEES
Application Fee- Plumbing	2	0		0	640.00	32	0	0	0	640.00
Application Fee - Public Space	0	0		0	20.00	1	0	0	0	20.00
Plumbing Permit	3	0		0	110.00	42	0	0	0	1,275.00
PROJECT TOTALS	5	0		0	770.00	75	0	0	0	1,935.00
Public Space Permit										
Application Fee - Public Space	0	0		0	120.00	7	0	0	0	120.00
Public Space Street Opening	0	0		0	.00	3	0	0	0	120.00
Small Colocated WCF	0	0		0	.00	8	0	0	0	800.00
Vehicle on Boardwalk	0	0		0	.00	1	0	0	0	45.00
Public Space - Dumpster Permit	7	0		0	40.00	67	0	0	0	560.00
PROJECT TOTALS	7	0		0	160.00	86	0	0	0	1,645.00
Residential Alteration										
Application Fee- Building	7	0		0	2,380.00	119	0	0	0	2,380.00
Application Fee- Plumbing	0	0		0	140.00	7	0	0	0	140.00
Plumbing Permit	2	0		0	160.00	30	0	0	0	2,135.00
Public Space - Dumpster Permit	0	0		0	.00	8	0	0	0	160.00
Residential Addition & Remodel	7	0	245,755	5,367.70		111	0	7,000,617	150,762.18	
PROJECT TOTALS	16	0	245,755	8,047.70		275	0	7,000,617	155,577.18	
Residential Repair										
Application Fee- Building	26	0		0	4,860.00	243	0	0	0	4,860.00
Application Fee - Public Space	0	0		0	20.00	2	0	0	0	20.00
Plumbing Permit	0	0		0	.00	4	0	0	0	280.00
Public Space - Dumpster Permit	1	0		0	20.00	11	0	0	0	220.00
Residential Repair Permit	29	0	527,368	11,523.54		240	2	5,135,766	108,299.35	
PROJECT TOTALS	56	0	527,368	16,423.54		500	2	5,135,766	113,679.35	
Residential Fence										
Application Fee- Fence	3	0		0	940.00	47	0	0	0	940.00
Residential Fence Permit	3	0		0	354.00	47	0	0	0	6,494.49
PROJECT TOTALS	6	0		0	1,294.00	94	0	0	0	7,434.49
Residential Pool										
Application Fee- Pool	0	0		0	180.00	9	0	0	0	180.00
Pool Permit	2	0		0	4,050.51	6	0	0	0	12,789.58
Registration Fee - Pool	0	0		0	450.00	9	0	0	0	450.00
PROJECT TOTALS	2	0		0	4,680.51	24	0	0	0	13,419.58
Tree Removal										
Application Fee- Tree	10	0		0	2,180.00	109	0	0	0	2,180.00
Tree Removal Permit	11	0		0	2,575.00	106	0	0	0	27,975.00
PROJECT TOTALS	21	0		0	4,755.00	215	0	0	0	30,155.00

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Building Inspector Report March 2026

DEPARTMENT TOTALS 208 0 4,512,296 141,251.65 2,130 5 56,673,730 1,359,859.27

City of Rehoboth Beach

DEPARTMENT: Building & Licensing

PROJECT TYPE	----- PERMITS FROM 03/01/26 TO 03/31/26 -----				----- PERMITS YEAR TO DATE -----			
	ISSUED	VOIDED	EST VALUE	FEES	ISSUED	VOIDED	EST VALUE	FEES
REPORT TOTALS	208	0	4,512,296	141,251.65	2,130	5	56,673,730	1,359,859.27

** END OF REPORT - Generated by Joanne Perry **

CITY OF REHOBOTH BEACH - BUILDING & LICENSING – CODE ENFORCEMENT – March 2026

Code Enforcement Actions													
	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Fiscal Total
Residential – Warning	2	10		3			1	2	2	3	1	4	28
Residential – Violation	1		1	2	1	2		1		3		4	15
Commercial – Warning	3	8	1	3	2	1		1	6	4	3	6	38
Commercial – Violation	1					2			1			1	5
Working outside normal business hours – Contact	12	13	5	3			1	1				2	37
Working outside normal business hours – Violation	1	1											2
Work w/o Business License – Contact	2	12	3	1	1			3	1	1	2	1	27
Work w/o Business License – Violation	9	3							2				14
Commercial - Encroachment on sidewalks - Contact	1		2	3	2		2	1	4	3	2	4	24
Commercial - Encroachment on sidewalks - Violation													0
Residential - Encroachment on sidewalk - Contact					2		1		1	3		1	8
Residential - Encroachment on sidewalk - Violation													0
Working w/o Permit – Warning	5	2		3	1	2	3	4	7	3	4	5	39
Working w/o Permit – Violation					9		2	1		3			15
Rental License – Contact	3	3	5	6	2		1	14	4	6	7	7	58
Rental License – Violation													0
Stop Work Notices	6	5	3	2	2	5	7	4	2	4	2	4	46
Complaints	12	9	19	10	12	11	10	2	3	6	8		102
Citations Issued	12	3	4		9	8			1	2	10	8	57
Permits and Inspections													
Rental Inspections	18	22	9	10	2	3	1	6	3	5	5	11	95
Permit of Compliance (Annual Review)	5		1			25	29	8					68
Permit Close Outs	3	17	14	49	64	22	26	24	42	17	6	32	316