

CAUTION: Heavy Traffic Ahead

With more and more cars in coastal Sussex, it's no small challenge to keep them moving

BY LYNN R. PARKS | PHOTOGRAPH BY SCOTT NATHAN

One afternoon last summer, Lewes resident Nadine Wick was driving into town on Savannah Road. She was able to move along at the speed limit, but cars headed out of town were facing a different situation. They were just creeping along, in a stop-and-go line that stretched from Five Points to Shields Elementary School, about 1.7 miles.

"That just blew my mind," Wick says. "That kind of thing should never happen." ▶

Nadine Wick, a board member of the Lewes Partnership for Managing Growth, is concerned about the traffic congestion along Savannah Road and other area highways.





A steady stream of vehicles heads south on Route 1 north of Rehoboth Beach. State transportation agency statistics show that the average daily traffic count at Route 1 and Rehoboth Avenue has climbed from 57,053 vehicles in 2010 to 64,372 in 2015.

Relief Slated for Route 26

Construction on state Route 26 from St. George's United Methodist Church in Clarksville to the Assawoman Canal bridge on the west edge of Bethany Beach started in January 2014. The \$25 million project, which is expanding the roadway from two lanes to four and adding a center turn lane, sidewalks and bike lanes, is expected to be completed this summer.

Jimmy Robinson, who opened Ocean View Produce on Route 26 about 30 years ago, says the ongoing construction has created difficulties. "It hasn't been an easy situation for anyone," he adds. "But when all is said and done, it will work out for the better."

Robinson says that with the two-lane road, traffic would sometimes get backed up in front of his store. The improvements "needed to be done."

Helen Thomas, office assistant at Excel Property Management on Route 26 in Millville, agrees. "Any time you are going to have progress, there is going to be some difficulty," she says. "But in the long run, this will benefit the entire community, including tourists. This was absolutely needed." ■

Wick is a member of the executive board of Lewes Partnership for Managing Growth, which aims to preserve the bayside town's beauty, prosperity and quality of life, as well as the roads that lead to its historic center. In the group's recent objection to a proposed shopping center at the intersection of Gills Neck Road and Kings Highway, it asserted that increased traffic would be one of several problems created by the project.

"Traffic on the eastern side of Sussex County is a mess," Wick says. "We have developed and developed with no thought of infrastructure. And we continue to build! Traffic is going to get so bad that people won't want to live here or visit here. That's on its way — no question."

Greg Ferrese, who lives in Sandy Brae, just west of Route 1 across from the Midway Shopping Center, isn't ready to go that far. "People will still continue to come here, regardless of the traffic," he says. "It's that nice here."

But he agrees that increasingly heavy traffic is a problem.

"If you want to go anywhere, you'd better get out and be back home by 9 a.m.," says the retired city manager for Rehoboth Beach, who started work there in 1983. "It used to take me seven minutes to get to work. Now, on a busy traffic day, it can take me 45 minutes to drive to City Hall."

There's no question that traffic is heavier than it was even five years ago. Statistics kept by the Delaware Department of Transportation show that in 2015, at Routes 1 and 1A (or Rehoboth Avenue), the daily traffic count averaged 64,372 vehicles. Compare that to the average daily count at the same intersection for 2010: 57,053.

And in 2001, at the same location, the average was 22,813 — *less than half the 2010 count and just over a third the 2015 count.*

"Traffic has gotten a lot worse in the last few years, particularly in the

Improvements for Pedestrians, Cyclists

In its planning for Sussex County's transit future, the Delaware Department of Transportation isn't forgetting walkers and bicyclists. A \$10 million project, completed in June, is adding sidewalks on both sides of Route 1, from the bridge over the Lewes-and-Rehoboth Canal north to the Nassau Bridge beyond Five Points. The project includes the installation of crosswalks and electronic walk signs at 13 of the 14 intersections that already have traffic signals. (The 14th, at Wescoats Road, has a sloped median that prevents a crosswalk from being placed there.)

"The pedestrian improvements will greatly enhance the safety and mobility of pedestrians along the corridor," says Gene Donaldson, director of the state's Transportation Management Center. "By facilitating the movement of pedestrians along and across Route 1, we will improve the access to the numerous services and businesses that line the corridor."

One of the crosswalk signals, at the intersection with Rehoboth Avenue, is a first in Sussex County (and only the third of its kind in Delaware). The new signal allows pedestrians to cross the southbound lanes of Route 1 where, until the installation of this signal, there was no traffic light. (There is a light for the northbound lanes, however.)

The signal is activated only when a walker wants to cross. After he or she pushes the button, the stoplight goes through a series of signals — flashing yellow, solid yellow, then red — to get traffic to stop. When there is no pedestrian, the lights are dark.

The 12 remaining new crosswalk signals will also only go into action when a pedestrian pushes a button. Even so, Midway-area resident Greg Ferrese, whose home is in the Sandy Brae development just off Route 1, worries that all the new crosswalks will create more delays on the highway.

DelDOT Chief Traffic Engineer Mark Luszc says that will depend on how many pedestrians use the walkways. "If pedestrian volumes significantly increase, then somewhat less green-light time will be available for Route 1 traffic and delays may increase," he acknowledges.

However, Donaldson predicts that as more people choose to bike and walk to



The state transportation agency completed a \$10 million project to add sidewalks and crosswalks along Route 1 from the Nassau Bridge north of Five Points to the canal bridge south of the area shown above in an effort to give pedestrians safer options for crossing the highway. In addition, a traffic signal just south of this area was installed that pedestrians can activate to cross the highway.

destinations along Route 1, highway traffic will decrease. And the computerized signal system will allow the state to adjust traffic flows if hitches do occur, he adds.

A second project for pedestrians, estimated to cost nearly \$600,000 and to be completed in 2019, will improve the south end of the Junction and Breakwater Trail, a biking and walking path that stretches from Lewes to Rehoboth Beach. Phase 1 will begin where one fork of the trail ends on Hebron Road near Rehoboth Beach and will extend the trail along Hebron Road and Canal Street to Rehoboth Avenue. (The new asphalt trail will replace the existing concrete sidewalk.)

From there, the trail extension will head east across the canal drawbridge, ending near the traffic circle at Grove Park. Under the plan, the drawbridge will be modified so that it has a 10-foot-wide sidewalk on its north side. The current sidewalk there is 6 feet 8 inches wide.

Phase 2 will start on the other fork of the trail, where it meets Holland Glade Road. The trail will be extended along Hebron Road until it meets up with the Phase 1 extension.

On the north end of the Junction and Breakwater, the state is starting what will be a walking and biking path to Georgetown. The Georgetown-to-Lewes Rail to Trail will extend 18 miles, from the end of


the Junction and Breakwater at Gills Neck Road in Lewes to downtown Georgetown, following the Delaware Coast Line Railroad right of way. When completed, it will be the longest biking and walking trail in the state.

Phase 1 of the work on the Georgetown-to-Lewes trail started in April and is expected to cost about \$1.2 million. It includes construction of 1.25 miles of the trail, from Gills Neck Road to across Savannah Road, as well as of a 39-space parking lot at the trailhead.

The design is still in the works for Phase 2, which will extend the trail under the Route 1 bridge at Nassau. That will "create connectivity for people who are west of Route 1 to get into Lewes and then on to Rehoboth," says Drew Boyce, state director of transportation planning.

Timothy Credle, a resident of Rehoboth Beach and an avid cyclist, has high praise for the Junction and Breakwater Trail as well as for its planned expansions. "We are really lucky to have it," he says.

Credle also offers this caution to his fellow cyclists: He wraps strings of LED lights around his bikes to make sure drivers see him. "Traffic down here is epic and there are a lot of big cars on the road," he warns. "As a bicyclist, the odds are stacked against you. I'm not fearful, but I'm vigilant." ■



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summer, and will only get worse,” says Scott Edmonston, an architect who lives in, and has his office in, Bethany Beach. “Existing roads will only get more crowded and it seems that improvements by DelDOT are outdated as soon as they are finished.”

Proposed solutions to the congestion vary: Wick would like to see a moratorium on all development until the roads can catch up. Ferrese and Edmonston would like to see the county impose fees on developers to fund road improvement projects. “Developers are making bucks on these developments,” Ferrese says. “There should be a ton of money set aside for infrastructure.”



“Existing roads will only get more crowded and it seems that improvements by DelDOT are outdated as soon as they are finished.”

Edmonston would also like to see better planning so that new developments have grocery stores and restaurants in them and commercial areas are accessible by walking or biking. “I’d like to see us plan communities so that if you’re visiting here, you can park your car and not have to get in it again for the whole week,” he says.

In the meantime, engineers and planners with DelDOT are working to make sure that area roads can handle traffic — current levels as well as those the agency foresees up to 20 years ahead. Signal lights along Route 1, from Five Points south to Fenwick Island, are computerized so that they can adjust their patterns according to the flow of vehicles. The DelDOT website has a map showing anticipated travel times to help commuters avoid jams. And there are plans in the works for dozens of upgrades of roads and intersections to make getting from here to there easier.

“We work to provide safe and effective transport statewide,” DelDOT planning director Drew Boyce says. “If nobody else moves here and if nobody develops any more property, then we can say that we’re in pretty good shape. But it’s not likely that that’s going to happen. So we are trying to look as far into the future as we can, to determine where there will be needs and then satisfy them.” ▶

What the Law Says

In Sussex County, outside municipalities, the county government bears the full responsibility of deciding whether to permit development. The Delaware Code grants that responsibility in Title 9, Section 6902(a): “The county government may ... regulate ... the uses of land for trade, industry, residence, recreation, public activities, water supply conservation, soil conservation or other similar purposes.”

On the other hand, the state is responsible for construction and maintenance of nearly all roads in the county. The only exceptions are some town streets and private streets in developments (the latter are cared for by homeowners associations).

The Quality of Life Act, signed by Gov. Mike Castle in 1988, affirmed Sussex’s role in planning: “The county shall have power and responsibility to plan for its future development and growth.” But it adds a couple of caveats: The county has to have a comprehensive plan, approved by the governor, to guide growth. And specifically addressing traffic, the act requires that the county consult with DelDOT before approving any zoning change. An analysis of the proposed change has to “consider the effects of existing traffic, projected traffic growth in areas surrounding the proposed zoning reclassification and the projected traffic generated by the proposed site development for which the zoning reclassification is sought.”

For every rezoning or conditional use application, DelDOT is asked by the county to determine if a traffic impact study is warranted, Boyce says. The county will not allow the application to proceed until the state either says there’s no need to look further at the situation, or provides the results of a study.

“An essential part of the traffic impact study is to determine what off-site improvements — for example, turning lanes and traffic signals — are needed to support the proposed development,” Boyce explains. Plans that developers file with the

county must indicate how DelDOT’s requirements will be met and how they will be paid for. The developer is always responsible for paying for road improvements at the entrance, Boyce says. Payment for other required improvements are worked out on a case-by-case basis.

If the development comes to fruition, DelDOT is responsible for inspecting work done to ensure it satisfies the agency’s requirements.

Under procedural guidelines laid out in the DelDOT Development Coordination Manual, traffic impact studies include a description of the area and of current traffic conditions, as well as a prediction of how much traffic the new development will generate, how the roads in the study area have to be upgraded to accommodate the traffic and how that increased traffic will affect pedestrians and bicyclists (and mass transit, if any).

If the development comes to fruition, DelDOT is responsible for inspecting work done to ensure it satisfies the agency’s requirements.

The analysis also looks at the design and safety of a development’s entrances and exits.

The area that the study looks at is based on what planners expect will be the impact of the development. In general, Boyce says that DelDOT assesses the impacts of proposed developments expected to generate more than 50 trips per hour.

Edmonston, the Bethany Beach architect, would like to see that sort of analysis go further.

“We really need to think more about the ways communities are planned,” he says. “It would be nice if they took a bigger look at traffic in the general area, and on how walkability will be enhanced.” ■

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At its data center in Smyrna, DelDOT can monitor traffic conditions and use computers to control nearly all of the state's 1,000 traffic signals in an effort to keep vehicles moving.

The state-county nexus

To help the county better understand the impact of development on traffic, DelDOT has started sending a representative to meetings of the Sussex Planning & Zoning Commission when that body is slated to discuss rezoning or conditional use of large parcels of land. "We are making a concerted effort to reach out and work with them as they make decisions," Boyce says. "We realize that land-use decisions have a direct impact on our transportation system. And we want to make sure that agencies are fully informed about the consequences of their decisions."

A review of Planning & Zoning minutes showed three occasions from January 2015 through early April 2016 on which a DelDOT representative spoke at a commission meeting. On all three occasions, the representative gave details about the proposal being talked about: on timelines, for example, or on specifics about the location of a driveway.

Boyce said that the DelDOT representative is able to answer technical questions about what the agency will require. "They are very appreciative of our presence there," he says. "We are helping them to be more informed."

Indeed, Planning & Zoning Commission Chairman Bob Wheatley says the presence of the DelDOT representative "is absolutely a great benefit." The state official "can shed light or give us background information on an issue, which allows the commission to get a clear picture of the situation."

In addition to improved communications with planning agencies, technology and the collection and analysis of data will go a long way toward keeping coastal Sussex traffic moving, says Gene Donaldson, director of the DelDOT Transportation Center in Smyrna. "As a state agency, we've moved way beyond just pouring cement and building roads," he notes.

At the Transportation Management Center, traffic conditions throughout the state are monitored and data about traffic volume are gathered and stored. DelDOT uses the data in predicting traffic volume to guide decisions about what roads to build and what roads to upgrade.

DelDOT also works with the University of Delaware and the state Population Consortium to get an idea of where population and job growth will occur over the next 20 years. "We turn these population trends into transportation trips on the system and then

Taking the Back Roads

Several times a month, Marie Murray makes the trip from her residence in Falls Church, Va., to the vacation home on Hickman Street in Rehoboth Beach that she shares with Deb Ward. Once she gets over the Severn River Bridge on Route 50 near Annapolis, she says, traffic moves along pretty well.

At least, until she gets to Route 1 at Five Points.

"Since I've been coming to Rehoboth, traffic on Route 1 has gotten a lot worse," Murray says. She and Ward have been visiting the resort town since the mid-1990s.

But Murray has a trick for handling Route 1: She stays off it as much as possible.

"I use the back roads," she explains. At Five Points, she turns onto 1D, also called Plantation Road. She stays on that thoroughfare until she reaches the intersection with Old Landing Road, then travels east on Old Landing to Airport Road, which eventually puts her on Route 1 a little more than a mile north of Rehoboth Avenue — which, by the way, she also avoids.

"Rehoboth Avenue, especially in the summer, is way too crowded," Murray notes. She stays on Route 1 until it crosses the Lewes-and-Rehoboth Canal, turns right at the base of the bridge, then loops around under it to merge onto State Road, which intersects with Hickman. Might seem roundabout, but it bypasses a lot of traffic.

Once at her house, "we don't drive anywhere. We stay at home, or if we want to go somewhere, we walk." ■

plug that into a travel demand model," Boyce explains. "This gives us a best guess at the future."

In addition to roadway monitoring and data collection, the Smyrna center uses computers to control nearly all of the state's 1,000 traffic signals. The ones on major beach routes are "traffic responsive," Donaldson says: Detectors in roadways monitor traffic volume and speed and the computer adjusts the signal patterns to keep vehicles moving as smoothly as possible.

The management center also makes

It's Getting Congested Out There

Average daily traffic counts at selected coastal Delaware intersections, compiled by the Delaware Department of Transportation:

	Route 1 at Five Points	Route 24 at Route 1	Old Landing Road at Route 1	Bay Vista Road at Route 1	Route 26 at the west Millville town limit
2001	22,775	11,387	9,275	357	10,105
2015	48,329	19,008	13,701	4,491	22,856

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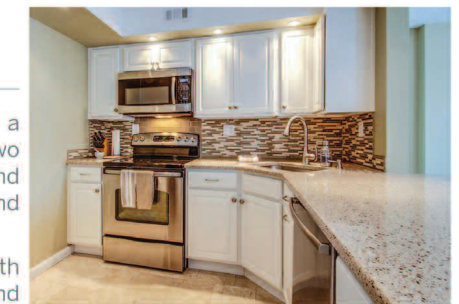
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Get Connected

The DelDOT website, deldot.gov, is chock-full of information. An interactive map gives current data on road conditions, traffic delays, advisories, water on roadways and winter weather conditions. The map also lists all DART bus stops and when the next bus is expected to arrive.

Also available on the website are details about ongoing projects, with starting and completion dates, for example, as well as costs. And there's a place there for citizens to report hazardous road conditions.

The DelDOT radio station, WTMC (1380 AM), can be heard through the website as well as on a radio. It provides information about traffic, accidents, road closures and detours. ■



"As a state agency, we've moved way beyond just pouring cement and building roads."

on Friday evenings in the summer, I monitor the beach traffic headed south until I see the tail end of it. Then I head for home."

Donaldson also encourages carpooling to reduce the number of vehicles on the road. "If we all work together and are smart about it, we can squeeze more out of the existing system," he says. "We want people to become part of our system. We are all in this together."

Despite all of the technology that's available today, commuters and planners still have to deal with roads that were built decades ago. When it comes to coastal Sussex, Boyce has some belated advice for those who were putting in roads and allowing developments to spring up 50 years ago.

"I would have pushed for [service] roads and increased setbacks for development," he says. "This would have helped to separate local trips from more regional trips and would have also provided more opportunity to accommodate walking, biking and transit use."

Greg Ferrese, the former Rehoboth Beach city manager who does his chores and is back home by 9 a.m., agrees. "They should have built connecting roads behind the outlets on Route 1 when the outlets first went up," he says. "They knew it was a booming area and was going to get worse. They could have done things better." ■

LYNN R. PARKS is a regular contributor to *Delaware Beach Life*.

real-time information available to commuters, including current road conditions and details about traffic delays. "This allows people to make educated decisions, so they don't drive into a problem," Donaldson says.

He uses his daily commuting experience as a case in point. A Fenwick Island resident, Donaldson drives to Smyrna every day, a 70-mile trip that takes him about an hour and 35 minutes. "I've been doing that for 19 years and I can count on two hands the times I've encountered significant delay," he says. "I watch the conditions carefully. And I know when to travel: When I'm in Smyrna

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Lynne Myers says her Oak Avenue backyard oasis has been disrupted by the noise of renters staying in two new large homes with pools that have been built nearby.

A Question of Character

Some Rehoboth Beach residents say the trend toward building massive homes — what they call ‘mini-hotels’ in residential areas — degrades the neighborhood feel of the town. But other property owners contend that the new houses — with swimming pools, modern high-end amenities and room for 20 or more people — fit the resort’s identity as a tourist destination.

BY LYNN R. PARKS | PHOTOGRAPHS BY SCOTT NATHAN

Summers at the Myers vacation home in The Pines section of Rehoboth Beach aren’t as nice as they used to be. The house is no longer in a quiet neighborhood, says Lynne Myers, who owns the property with her husband, Donald.

Last summer, her grandchildren had trouble sleeping, and Myers says she couldn’t sit in her backyard and read.

The difference: Two new homes that have been built nearby, each of which has a pool. “Mega-homes,” Myers calls them — houses that she asserts were constructed strictly with renting in mind.

“They are beautiful to look at, but they are built to accommodate the maximum number of people.”

And with the pools right there, the renters often stay at home instead of walking the block and a half to the ocean. “They congregate and they party and even when they are trying to be considerate, they have to talk over the water fountains,” she adds. “It’s so loud.”

The Myerses were among the Rehoboth Beach residents who pushed last year for new zoning laws to curtail the construction of such homes. They wrote a letter to the editor of the *Cape Gazette*, which appeared in the Oct. 30 edition. “[Our] tranquility was shattered when two large rental homes were built behind our house,” the couple wrote. “Each has a swimming pool that generates constant noise — children shouting, parents and family trying to talk over the noise, and music blaring from loudspeakers and boomboxes. The noise and commotion are nonstop.”

In addition, Donald Myers spoke at a Rehoboth Beach Board of Commissioners’ public hearing on the proposed zoning, held last July. “Balance is needed,” he said, according to the hearing’s minutes. “The people who are concerned and who want something done live next-door to a large house or live next-door to a large house with a pool. The people who are against the zoning changes are developers.”

The commissioners approved the new ordinance



Front Porches: What's Allowed

Commissioner Paul Kuhns worries that under Rehoboth Beach's recently passed zoning laws, new houses will be more box-like, with fewer wings and features of architectural interest. They instead will be "tall, thin rectangles," he predicts.

But insofar as front porches go, that won't necessarily be the case.

The zoning code specifically allows a porch "on the street side of the building" of 250 square feet. That square footage is not included in calculating the house's gross floor area, the limit of which is determined by the code's Floor-to-Area Ratio, or FAR. If the porch is larger than 250 square feet, the area over that amount is included in the home's gross floor area.

The porch has to be attached to the house on the first floor and be open on its other sides from floor to ceiling (excluding screens and railings). It cannot be heated or air-conditioned, and has to have a roof. In addition, there can't be any living space or deck above the porch. ■

Dave McCarthy, a developer and real estate agent, contends that his clients, like Rehoboth home owner Nicole Riley, want high-end amenities and spacious layouts in their new homes, and he says the city's zoning restrictions could hamper those plans.

immediately following the hearing. Put to a referendum in November, the changes also won the approval of a majority of voters (see "Why a Referendum" on page 71).

This summer, "houses are being built under the new zoning," says Commissioner Stan Mills, who voted for the change. "It's already having an impact."

But not everyone would agree that that impact is a good thing. Dave McCarthy, a developer and real estate agent, and Walt Cassel — both of whom are residents of Rehoboth Beach — own the Park Avenue properties that back up to the Myerses' home. "Now, a lot of people who want to build in town can't get what they want," McCarthy complains. "Some people modify their plans and go ahead. But others say that they aren't interested and go someplace else. I think that this will definitely slow building down in town."

Similarly, attorney Gene Lawson, who is representing several clients who want to build homes that are larger than the new regulations allow, says he also has heard from investors who changed their minds about buying in the city. With the new zoning, as well as new laws addressing noise levels (passed in April 2015), back-

yard swimming pools (June 2015) and rental properties (April of this year), "people are just afraid of what the city council is going to do next," he says.

Lawson, whose law office is on Rehoboth Avenue, admits that he is a proponent of private property rights: "I don't think that government should interfere with what people want to do on their own land."

But his disagreement with the new zoning goes beyond that. He believes supporters of the ordinance don't understand the true character of Rehoboth.

"I get very irritated when they try to turn this town into a nursing home. It seems that they want a place for people to come and retire, to sit around quietly and go to bed at 9 p.m. I want Rehoboth to continue to be what it has been for the last 35 years that I've been here: vibrant enough to attract young people and at the same time sedate, sophisticated, and a good place for families of all descriptions to visit."

Setting new standards

Complaints about new, large rental homes — what Mills calls "mini-hotels" — first came before the city's Board of Commissioners in September 2014, at a joint

meeting with the planning commission. Planners had been charged by the board with investigating the effects of backyard pools on trees (the number and spacing of which are diminished when pools are added to a property). But after hearing from citizens that the problem went beyond arboreal concerns — that residential neighborhoods were being commercialized by the construction of large rental homes and private pools — the planners requested the meeting with commissioners. "The planning commission saw much bigger issues, things far beyond swimming pools," according to the minutes of the meeting.

"There were a significant number of citizens who were concerned about noise, overcrowding, trash and parking congestion," Mills recalls.

From that meeting grew the city's new zoning ordinance, approved by the Board of Commissioners on July 17, 2015.

"Although progress has been made to reduce the scale of mega-vacation homes ... the fundamental problem of regulating the use of vacation rental properties remains a disappointment," the ordinance says. The large homes have "contributed to traffic and parking congestion, noise and other undesirable qualities that threaten the character of the city's residential neighborhoods."

The law affects new construction in several ways. First, it increases from 40 percent to 50 percent the amount of a residential yard that has to remain a natural area, defined as "dedicated to trees, grass, flowers, bushes, other plantings and/or mulched areas."

'It seems that they want a place for people to come and retire, to sit around quietly and go to bed at 9 p.m.'



"This responds to people who want more open space, more green space," Commissioner Mills says.

In addition, at least half of the front yard has to be natural. "Now, we have some front yards that are completely paved over with asphalt, with room for five cars to park," Mills notes. "This will provide additional green area and help to improve the streetscape."

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Susan Gay clips hydrangeas in the front yard of her Country Club Estates home.

Defining Character

A lot of the discussion surrounding large rental houses in Rehoboth focuses on the resort town's character. Commissioner Stan Mills says new zoning regulations requiring yards to have more green space "are what the town needed to retain its character and keep it as a destination place for visitors."

Property owner Lynne Myers says construction of what she calls "mega-houses" is affecting the character of The Pines, the neighborhood where she and her husband, Donald, bought a vacation home 15 years ago. "Back then there was such a sense of community," she recalls. "There was the variety of homes, some small, some large, but all speaking to the history of what had created Rehoboth Beach and all owned by families. Not mega-houses that were built just for the rental market by people who will never live there."

Dave McCarthy and Walt Cassel, owners of two rentals in The Pines, counter that having places

where families can congregate and have a good time enhances the character of a neighborhood. "I think that hearing kids laughing, playing and splashing in a pool is a beautiful sound," McCarthy says. "We are a resort community, not a retirement community. Tourism is the lifeblood of our town. If you're looking for really, really quiet, move out into farm country."

Commissioner Paul Kuhns, elected after the Rehoboth Beach Board of Commissioners OK'd the zoning ordinance, argues that since the town's beginning as a Methodist church camp, when participants rented rooms and small wooden "tents," the character of Rehoboth Beach has always been that of a rental community. "Tourism is the engine that drives the machine," he says.

In any case, he adds, "it is just beyond me that people say that we are changing the character of the town with construction. The character of Rehoboth Beach, in my mind, is in the people and just keeps getting better. You can't change that, unless you restrict things here so much that nobody comes." ■

struction and the back lot line was increased, from 10 feet to 15 feet. The percentage by which a lot can be covered with structures was reduced, from 50 to 40. And the law sets a maximum of 4,500 square feet for any homes built in the city's low- and medium-density residential districts, regardless of the size of the lot, and 6,000 square feet in the special

residential district, an area southeast of Central Park where the lots are larger than those throughout the rest of the city.

For most new construction, the zoning regulations don't change the maximum ratio of house size to lot size: The Floor-to-Area Ratio, or FAR, which determines how big a house can be, remains at 6-to-10. A standard lot in Rehoboth Beach is

5,000 square feet. Under the FAR restriction, a new home built on that lot can have a maximum of 3,000 square feet of living space. (See "Lot Size Formulas" on page 68 for an exception to the standard FAR.)

Though the ratio is unchanged, there is a smaller area on which to build given the additional setback and the new requirements for more natural yard.

"We didn't reduce the square footage that someone can build," Mills says. "But we did reduce the size of the footprint [on which] you can build."

An alternative, he says, is to go higher. The maximum residential building height in the city is 35 feet.

But Paul Kuhns, who was elected to the Board of Commissioners last August, a month after that body approved the zoning ordinance, says the upshot won't just be taller houses. He predicts efficient but uninteresting "box houses," with the maximum amount of square footage compressed into a smaller footprint. "There won't be any porches, any architecture of interest, any variety," he says. "I don't want a town filled with tall, thin, squished rectangles." (See "Front Porches" on page 66 for what is allowed in this regard.)

Lawson offers another prediction: With the requirement for more natural space, outdoor patios will have to be smaller than people want. "People say that they want to

come to the beach to relax. It seems to me that one of the first things that we should want to do is reduce the amount of grass that they have to cut," he says with a smile.

'I've heard of several visitors recently who said that they won't come back because the town has gotten too noisy, and it's not the Rehoboth Beach that they want.'



For a property owner who wants to include an outdoor pool in any new construction — and "everybody wants a swimming pool," McCarthy insists — the available building space is even tighter: The building site's FAR is reduced from 6-to-10 to 5-to-10. With the addition of a pool, that 3,000-square-foot home on a standard 5,000-square-foot lot now can only be 2,500 square feet.

"If you want a pool, you have to reduce the size of your house," Mills notes. "It's a trade-off."

But that, Kuhns counters, is a disincentive for anyone considering building in the city: "My contention is that Rehoboth

Beach should be more of a welcoming town, rather than a more restrictive town. Rather than telling people what they can't do on their property, let's tell them what they can do, and offer incentives for people to help make our community better. Otherwise, people might not want to come here; they might see us as not very friendly. I think that we need to be friendly."

Mayor Sam Cooper is unswayed by that argument. "I'm not motivated by the idea of a lot of building," says Cooper, who voted in favor of the new zoning ordinance. "To say simply that we want to tear down the old and build new is not of interest to me."

He's also not concerned that a slow-down in construction would reduce the city's revenues from permit fees. "If we are going to base our economy on building permits, that's a poor way to fund a city," he says.

Pros and cons

Kuhns, Lawson and McCarthy are not alone in arguing that the new zoning will make people think twice before building in the resort town. John and Lori Bloxom live in the Canal Corkran development, just outside the city limits, and own a house in town that they rent out. That house, 2,700 square feet with a 10-by-20-foot pool in the backyard, "could not be built today, under the new zoning," Lori says. ►

A 'Mega-House' Sampler

► The two houses on Park Avenue in The Pines that neighbors Lynne and Donald Myers say "shattered the tranquility" there were built in 2008, according to owners Dave McCarthy and Walt Cassel. Each has five bedrooms and five bathrooms; one sleeps 15 people and the other 16.

The houses have granite countertops and custom cabinets in the kitchens, master suites, elevators, fireplaces, multiple televisions and of course, outdoor swimming pools. In the height of the summer season, from late June through mid-August, each rents for \$10,700 a week.

► A property on New Castle Street, two blocks from the ocean and just a block from where Mayor Sam Cooper lives, rents for as much as \$6,500 a week. While there is no pool, the house and a backyard cottage have a combined 12 bedrooms and can sleep a total of 27 people.

► And two blocks away, in the ocean block of Norfolk Street, is a 5,200-square-foot house that has nine bedrooms, nine bathrooms and sleeps 22. Amenities include a fully equipped kitchen, fireplaces, a television in each bedroom, heated pool and spa. Rent per week in the summer: \$15,975. ■

and it's not the Rehoboth Beach that they want."

The zoning also safeguards the worth of the city's real estate, Gay adds.

"Rehoboth's time-honored values are a big part of our property values," she explains. "We have neighborhoods where neighbors know neighbors and where people participate in the community and in the government. When you start having houses built by investors who never plan to live there but who just want to maximize their rental income, that takes away from that value."

Commissioner Patrick Gossett acknowledges that renting homes to vacationers is a long-standing tradition in Rehoboth Beach. "These rentals are a part of the fabric of Rehoboth Beach," he says. "But now we see developers, absentee landlords and others, building huge new houses, out of scale with their neighborhood, for the sole purpose of immediate revenue with no intention of ever being an active part of their neighborhood. Quite simply, these are solely commercial rental businesses being operated in residential neighborhoods. This is the change that threatens the very character of our city."

"I think that people are always going to want to come to the beach," she adds. "But it seems to me that the city is making it more difficult for people who want to live here to enjoy some of the things that other people already have."

Susan Gay disagrees. A Philadelphia-

area resident who also has a vacation home in Country Club Estates in Rehoboth Beach, she sees the new zoning as protecting Rehoboth's unique character: "I've heard of several visitors recently who said that they won't come back because the town has gotten too noisy,

Lawson sees the situation differently. "This is a resort community, dependent on the income from tourists and vacationers," the attorney notes. "There is the opportunity for people to build a house and rent it out during their latter working years so they can afford to retire here." Modern-day vacationers want to rent large and amenity-filled homes with backyard pools, and "if we can't build houses that people want to rent, that opportunity gets blown away." ►

Why a Referendum?

The Rehoboth Beach Board of Commissioners passed its new zoning ordinance in July 2015 by a vote of 6-1. The lone outlier, Kathy McGuiness, had argued that the board needed to postpone the vote and form a task force to further study the matter.

A month later, attorney Gene Lawson presented a petition, signed by 412 city residents, asking that the board reconsider its approval of the ordinance. According to the city charter, the board could either rescind the ordinance or put it to a public vote. A motion to repeal, made by McGuiness, failed by a vote of 5-2, with Paul Kuhns siding with McGuiness. A second vote, to hold a referendum, passed unanimously.

The referendum was held Nov. 7 and the new ordinance passed by a vote of 785-697. Throughout the whole process, the law remained in effect.

The fact that the public upheld the zoning ordinance gives the Board of Commissioners a sense of having done the right thing, Commissioner Stan Mills says: "We have all these different perspectives in the city, and none of them is right or wrong. It's good to have public backing as we work to make Rehoboth Beach pleasant for visitors and also for residents."

But Lawson points out that while the referendum passed, it did so by a narrow margin and attracted more voters — 85 percent of all those registered — than the total who cast ballots in the 2014 municipal election. "People are beginning to pay attention to what the city is doing," he says. "I think that they will rise up and vote for political change." ■



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Developer McCarthy echoes this: "People want double ovens. They want Sub-Zero refrigerators. When you're building a home on a \$1 million piece of property, whether for full-time residents or a rental, people want the amenities. We are building to today's standards."

Kuhns says that just as people don't build two-bedroom houses with 1½ bathrooms anymore, they don't want to stay in them when they visit the beach. "People want their own bedrooms and they want their own bathrooms. This is a rental community, and we have to satisfy the renters."

Cooper counters that what should be of most importance to the city is protecting the quality of life for the people who live there. "Close behind them are the part-time residents," he says. "Farther down are people who just want to make

Pools and Disabilities

There's a reason, says former congressman Tony Coelho, that some people want a pool at their resort accommodations, even when the Atlantic Ocean is just a block or two away: For the disabled, the surf and rough water can be a problem.

And the resident of Doylestown, Pa., who vacations in Rehoboth Beach, is worried that new zoning regulations will mean fewer pools, and therefore fewer chances for people of all abilities to swim.

While representing California's 15th Congressional District from 1979 to 1989, Coelho was a primary sponsor of the Americans With Disabilities Act, which was signed into law by President George H.W. Bush in 1990. An epileptic, Coelho does not go in the ocean. But he does enjoy swimming with members of his family, who can take care of him if he has a seizure. He owns three houses in Rehoboth Beach, two of which have backyard pools.

"The ocean can be a dangerous place," he says. "But tons of people in wheelchairs who come down to the beach for a week can get into pools and participate in the fun. That is what visiting the beach is all about." ■



Attorney Gene Lawson, left, meets with clients Barry and Sharon Covington at their property in Rehoboth Beach. The Covingtons are fighting the city for the ability to include a backyard pool in the plans for their new home.

money out of our town. To say that we are going all out for the money and to hell with our quality of life is backward in my view."

Gay even wonders whether the people who rent the "mini-hotels" are the kind of visitors that the city wants. "We want people coming here who visit over and over and who may someday buy here," she says. "They are the loyal customers who support our businesses and restaurants and drive the economy of our city. We don't want large groups who are here one week hanging out by the pool and then are gone."

But rental property owner Cassel argues that the town should take all the tourists it can handle. "I can eat out in fine restaurants in November, December and January because of all the money that the town brings in in the summer," he says. "We don't want to dry that up."

Legal options

In May, Lawson filed a suit in Delaware's Superior Court on behalf of six clients, saying that the new zoning was incorrectly applied to permit applications that they submitted before the ordinance was effective. He expects a decision on that by the end of the year.

As for the ordinance itself, it has yet to be the subject of a court case. But Lawson anticipates that it will be. And he expects the city to be on the losing end.

"There is no rational reason why they need more restrictions," he asserts. "When you take away property rights, you take away property values."

Cooper is confident that the law will stand. Gay is too. "Zoning does stand up to legal challenges if it advances the local government's interest," she says. "The preservation of character is in the local government's interest. This will stand up."

Lawson wonders if some of the resistance to new, larger homes isn't just a result of human nature. "People visit here and decide they want to live here," he says. "Then they retire and they buy their dream home. But after a while, it's no longer perfect for them. So they're disgruntled."

McCarthy has a different theory. Maybe, he offers, Rehoboth Beach is suffering from a classic case of the establishment vs. change.

Myers, whose vacation home is in the Pines, doesn't buy either explanation.

"We aren't resisting this just to resist change," she says. "We are very concerned with what's happening. And in my mind, we are resisting a change that would be to the detriment of the ambience of Rehoboth Beach, which is a really great beach community." ■

LYNN R. PARKS is a regular contributor to Delaware Beach Life.

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