

EXHIBIT A

**AN ORDINANCE TO AMEND CHAPTER 270, ZONING,
OF THE MUNICIPAL CODE OF THE CITY OF REHOBOTH BEACH,
DELAWARE, 2001, BY AMENDING SECTIONS 270-4
RELATING TO GROSS FLOOR AREA**

WHEREAS, the Mayor and Commissioners desire to revise the zoning regulations relating to Gross Floor Area to ensure the regulations are consistent with past practices of the Building and Licensing Department; and

WHEREAS, Title 22, Chapter 3, Section 301 of the Delaware Code provides that “[f]or the purpose of promoting health, safety, morals or the general welfare of the community, the legislative body of cities and incorporated towns may regulate and restrict the height, number of stories and size of buildings and other structures, percentage of lot that may be occupied, the size of yards, courts and other open spaces, the density of population, and the location and use of buildings, structures and land for trade, industry, residence or other purposes”; and

WHEREAS, Article X, Amendment Procedure, Sections 270-86 and 270-88 of the Municipal Code of the City of Rehoboth Beach provides the following procedure to be followed by the City Commissioners before exercising the aforesaid authority:

1. Hold a public hearing at which hearing parties in interest and citizens shall have an opportunity to be heard;

2. Provide at least fifteen (15) days’ notice of such hearing by publishing notice of the time and place of such hearing in an official newspaper of the City of Rehoboth Beach or a newspaper of general circulation in the City; and

WHEREAS, a public hearing was conducted on _____, 2020.

WHEREAS, at least fifteen (15) days’ notice of such hearing was provided by publishing notice of the time and place of such hearing in an official paper or a paper of general circulation in the City.

BE IT ORDAINED by the Commissioners of the City of Rehoboth Beach, in session met, a quorum pertaining at all times thereto, in the manner following to-wit:

Section 1. Chapter 270, Section 270-4, of the Municipal Code of the City of Rehoboth Beach, Delaware, 2001, as amended be and the same is hereby further amended by making insertions as shown by underline and deletions as shown by strikethrough to the definition of “FLOOR AREA, GROSS” as follows:

FLOOR AREA, GROSS

The sum of the gross horizontal areas of the several floors of a building measured from the exterior face of the exterior walls, which are walls that enclose indoor space, or from the center line of a wall separating two attached buildings, including basements but not including any space where the floor-to-ceiling height is less than six feet; subject to the following:

A It shall include the horizontal area of any space beneath any building created by pilings, piers or any other structural support which is greater than four feet in height; however, if said building is located within any area designated as a special flood hazard area as determined by the Federal Emergency Management Agency (FEMA) and, as a result, the building is mandated by FEMA to be elevated in excess of four feet in height by pilings, piers or any other structural support, then said space shall not be included in calculating the gross floor area, so long as the building's elevation does not exceed by more than one foot the elevation so mandated.

B Floors or stories or a portion thereof with a ceiling height greater than 12 feet shall be included twice in the computation of gross floor area. For rooms with cathedral ceilings where the ceiling is the underside of a roof the height shall be determined at the top wall plate, the point where the horizontal dimension begins to decrease.

Section 2. If any provision of this Ordinance shall be deemed or held to be invalid or unenforceable for any reason whatsoever, then such invalidity or unenforceability shall not affect any other provision of this Ordinance which may be given effect without such invalid or unenforceable provision, and to this end, the provisions of this Ordinance are hereby declared to be severable.

Section 3. This Ordinance shall take effect immediately upon its adoption by a majority vote of the Commissioners of the City of Rehoboth Beach.

Adopted by the Commissioners
Of the City of Rehoboth Beach
_____, 2020

Secretary of the Commissioners of
the City of Rehoboth Beach

Version: June 19, 2020

Author: G. Mandalas

Topic: Gross Floor Area

Presentation Date: July 6, 2020 workshop meeting, July 17, 2020 regular meeting

87 **SYNOPSIS:** This Ordinance revises the definition of Gross Floor Area (270-4) by clarifying
88 that exterior walls are walls that enclose indoor space.

DRAFT