

1 **AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF LEWES,**
2 **ARTICLE VII OFF-STREET PARKING AND LOADING, §197-61 OFF-STREET**
3 **PARKING, RELATING TO INGRESS AND EGRESS TO PARKING SPACES.**
4

5 **WHEREAS**, the Mayor and City Council deem it appropriate to consider the question of
6 whether it is in the public interest to amend Chapter 197, Zoning, of the Municipal Code of the
7 City of Lewes, Delaware, as amended, by revising the requirements for parking spaces (stacking
8 and size);
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10 **WHEREAS**, Title 22, Chapter 3, Section 301 of the Delaware Code provides that “[f]or
11 the purpose of promoting health, safety, morals or the general welfare of the community, the
12 legislative body of cities and incorporated towns may regulate and restrict the height, number of
13 stories and size of buildings and other structures, percentage of lot that may be occupied, the size
14 of yards, courts and other open spaces, the density of population, and the location and use of
15 buildings, structures and land for trade, industry, residence or other purposes”;

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17 **WHEREAS**, Section 38 of the City's Charter provides that “[f]or the purpose of protection
18 against fire, promoting health, safety, morals or the general welfare of the community, the City
19 Council is hereby empowered to adopt ordinances to regulate and restrict the height, number of
20 stores [sic], size of buildings and other structures, the density of population and the location and
21 use of buildings, structures and lands for trade, industry, residence or other purposes”;

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23 **WHEREAS**, Article XV, Chapter 197, Section 104, Text and map amendments, of the
24 Municipal Code of the City of Lewes provides that any amendment to the Zoning Ordinance shall
25 be made after a public hearing following fifteen (15) days’ notice by publication in an official
26 paper or a paper of general circulation in the City;

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28 **WHEREAS**, a public hearing was conducted on March 6, 2023;

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30 **WHEREAS**, at least fifteen (15) days’ notice of such hearing was provided by publishing
31 notice of the time and place of such hearing in an official paper or newspaper of general circulation
32 in the City; and

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34 **WHEREAS**, the proposed amendment will promote the health, safety, and general welfare
35 of the Lewes community.

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37 **WHEREAS**, the city recognizes that there are many problematic provisions in this section
38 of the code which are not currently enforced while the city is undergoing its plan overhaul of 197-
39 61A there will be no change on how the remainder of the section is interpreted or enforced.

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41 **BE IT ORDAINED** by the Mayor and City Council, in session met, a quorum pertaining
42 at all times thereto, in the manner following to-wit:

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44 **Section 1.** Chapter 197 Zoning, Section 197-61A Off-Street Parking of the Municipal Code
45 of the City of Lewes, Delaware, be the same and is hereby amended by removing the text in
46 strikethrough.

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§ 197-61 **Off-street parking.**

A. Definition. An off-street parking space is a permanently reserved, temporary storage area for one motor vehicle that is not located on, but is directly accessible to, a dedicated street right-of-way by a driveway. ~~With the exception of townhouses and lots that are less than 5,000 square feet, an off-street parking space shall afford ingress and egress for a motor vehicle without requiring another motor vehicle to be moved.~~

Section 2. Chapter 197 Zoning, Section 197-61A Off-Street Parking of the Municipal Code of the City of Lewes, Delaware, be the same and is hereby amended by removing the text in strikethrough and adding the underlined text.

C. Design standards.

(1) Minimum area. For the purpose of these regulations, an off-street parking space is an all-weather surfaced area not in a street or alley, permanently reserved for the temporary storage of one vehicle and connected with a street or alley by a paved driveway which affords ingress and egress for an a motor vehicle ~~without requiring another motor vehicle to be moved~~. An off-street parking space shall have the following dimensions, exclusive of driveways:

Section 3. 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 4. This Ordinance shall take effect immediately upon its adoption by the Mayor and City Council of the City of Lewes.

Adopted by the Mayor and City Council
of the City of Lewes
March 13, 2023

I, Timothy Ritzert, Secretary of the City Council of the City of Lewes, do hereby certify that the foregoing is a true and correct copy of the ordinance passed by the Mayor and City Council at its regular meeting on March 13, 2023, at which a quorum was present and voting throughout and the same is still in full force and effect.



Secretary

SYNOPSIS: This Ordinance amends the regulations to parking spaces – stacking, surface and size.