

1 **AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF LEWES, 197**
2 **ATTACHMENT 5 TABLE OF DIMENSIONAL REGULATIONS FOR ACCESSORY**
3 **BUILDING AND STRUCTURE RELATING TO SETBACK REQUIREMENTS FOR**
4 **SWIMMING POOLS.**

5
6 **WHEREAS**, the Mayor and City Council deem it appropriate to consider the question of
7 whether it is in the public interest to amend Chapter 197, Zoning, of the Municipal Code of the
8 City of Lewes, Delaware, as amended, by revising the requirements for swimming pools;

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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”;

22
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 April 3, 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

33
34 **WHEREAS**, the proposed amendment will promote the health, safety, and general welfare
35 of the Lewes community.

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

39
40 **Section 1.** Chapter 197 Zoning, Attachment 5 Table of Dimensional Regulations for
41 Accessory Building and Structures of the Municipal Code of the City of Lewes, Delaware, be the
42 same and is hereby amended by adding the underlined text.
43

ZONING

197 Attachment 5

City of Lewes

Table of Dimensional Regulations for Accessory Building, ~~and~~ Structures and Swimming Pools

Standard	R-1, R-2 and R-2(H) Zones	R-3, R-3(H), R-4, R-4(H), R-5 LC and LC(H) Zones	All Other Zones
<u>Setbacks</u>			
Front	Behind frontmost portion of main building or 50 feet from front lot line, whichever is greater	Behind frontmost portion of main building or 50 feet from front lot line, whichever is greater	None
Side	5 feet	3 feet	None
Rear	5 feet		None
Distance from main building	10 feet	10 feet	None
Distance from other accessory structures on same lot	10 feet	10 feet	None
<u>Height</u>			
Maximum stories	1.5	1.5	1.5
Maximum height of first floor ceiling measured from grade, the average of the finished ground level adjoining the building (feet)	11	11	11
Total maximum height (feet)	24	24	24
<u>Swimming Pools</u>			
Front	<u>Behind frontmost portion of the main building</u>	<u>Behind frontmost portion of the main building</u>	<u>Behind frontmost portion of the main building</u>
Side	<u>5 feet</u>	<u>3 feet</u>	<u>3 feet</u>
Rear	<u>5 feet</u>	<u>3 feet</u>	<u>3 feet</u>
Distance from other accessory structures on same lot	<u>None</u>	<u>None</u>	<u>None</u>
Distance from main building	<u>None</u>	<u>None</u>	<u>None</u>

NOTE:

07 - 01 - 2018

- All dimensions are minimum standards unless specified otherwise.

4. 197 Attachment 5:1

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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 the Mayor and City Council of the City of Lewes.

Adopted by the Mayor and City Council
 of the City of Lewes
 April 10, 2023

59 I, Timothy Ritzert, Secretary of the City Council of the City of Lewes, do hereby certify that the
60 foregoing is a true and correct copy of the ordinance passed by the Mayor and City Council at its
61 regular meeting on April 10, 2023, at which a quorum was present and voting throughout and the
62 same is still in full force and effect.

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64 
65 _____
66 Secretary

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68 **SYNOPSIS:** This Ordinance amends the regulations for swimming pools.