

1 **AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF LEWES,**  
2 **CHAPTER 197 ZONING SECTION 197-45 USE RESTRICTION AND 197**  
3 **ATTACHMENT 1 TABLE OF PERMITTED USES AND STRUCTURES TO ESTABLISH**  
4 **REGULATIONS FOR BEEKEEPING.**

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 establishing the regulations for beekeeping;  
9

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”;

16  
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;

27  
28 **WHEREAS**, a public hearing was conducted on April 3, 2023;

29  
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.

36  
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, Article IV Use Regulations (197-45) of the Municipal  
41 Code of the City of Lewes, Delaware, be the same and is hereby amended by adding the underlined  
42 text.

43  
44 197-45 Use Restrictions

45 D. Beekeeping

- 46           (1) All beekeeping activities shall comply with the State of Delaware regulations found in  
47           Title 3 Chapter 75 Beekeeping.  
48           (a) The definition provisions contained in Title 3, Chapter 75 of the Delaware Code  
49           shall govern the construction, meaning, and application of words and phrases  
50           used in this section.  
51           (2) All persons keeping bees shall register with the State Apiarist.  
52           (3) Colony density – A maximum of 3 colonies per parcel of land.  
53           (4) Colony location  
54           (a) Beekeeping equipment shall not be located within the front yard.  
55           (b) Where there is a wall, fence, or vegetation acting as a barrier between the  
56           subject property and adjacent property, a one (1) foot setback is required from  
57           the property line. Where there is no wall, fence, or vegetation acting as a barrier  
58           between the subject property and adjacent property, a five (5) foot setback is  
59           required from the property line.  
60           (c) A colony located within 20 ft. of any principal structure on an adjacent parcel  
61           shall comply with the following:  
62           i. The Hive opening shall face away from doors and/or windows; or  
63           ii. A flyway barrier shall be installed. The flyway barrier shall be six (6)  
64           feet in height. The flyway shall consist of a solid wall, solid fencing  
65           material, dense vegetation, or a combination thereof. The flyway shall  
66           be installed within three (3) feet of the entrance to the Hive and shall  
67           extend at least two (2) feet in width on either side of the Hive opening.  
68           (5) Hive – Bee colonies shall be kept in hives with removable frames, which shall be kept  
69           in sound and useable condition.  
70           (6) Water – A convenient source of water shall always be available to the bees during the  
71           year.  
72           (7) General Maintenance – Each beekeeper shall ensure that no bee comb, wax syrup for  
73           feeding honeybees, spilled honey, or other materials that may encourage robbing are  
74           left upon the grounds of the apiary site. Such materials once removed from the site  
75           shall be handled and stored in a sealed container or placed within a building or other  
76           insect-proof container.  
77           (a) Equipment - The beekeeper shall maintain beekeeping equipment in good  
78           condition and secure unused equipment.  
79           (b) Abandoned hive – Hives not under active human management and maintenance  
80           shall be deemed abandoned and dismantled or removed from the property by  
81           the property owner.  
82           (8) Permit – A Building Permit shall be required for the installation of a colony.  
83

84           **Section 2.** Chapter 197 Zoning, Attachment 1 Table of Permitted Uses and Structures of  
85 the Municipal Code of the City of Lewes, Delaware, be the same and is hereby amended by adding  
86 the underlined text.



Table of Permitted Uses and Structures

[Amended 5-20-2013; 11-9-2015; 8-14-2017; 9-11-2017; 5-14-2018; 8-13-2018; 9-10-2018; 9-14-2020; 11-9-2020; 5-24-2021]

Key  
 Blank Not permitted P Permitted use  
 SE Special exception required CU Conditional use required

	OS	R-1	R-2 and R-2(I)	R-3 and R-3(I)	R-4 and R-4(I)	R-5	LC and LC(I)	LC and LC(I)	GC	MC	CH	CF(E)	CF(HC)	CF	I	AX-RES	AX-MIX
	Open Space	Suburban	Residential Low-Density and Residential Town-Density (Historic)	Residential Beach and Residential Beach (Historic)	Residential Medium-Density and Residential Medium-Density (Historic)	Mixed Housing	Limited Commercial and Limited Commercial (Historic)	Town Center and Town Center (Historic)	General Commercial	Marine Commercial	Cultural/Historic	Community Facilities (Educational)	Community Facilities (Health Care)	Community Facilities	Industrial	Annexation Residential	Annexation Mix
<b>Uses and Structures</b>																	
<b>Agriculture-related</b>																	
Agriculture <sup>1</sup>																P	P
Beekeeping	P	P	P		P	P											
Community garden	P	P	P		P	P										SE	SE
<b>Residential</b>																	
Bed-and-breakfast			SE	SE	SE		SE	SE	SE	SE						SE	SE
Dwelling, attached <sup>1</sup>						P	P	P								P	P
Dwelling, detached <sup>2</sup>		P	P	P	P	P	P	P								P	P
Dwelling, multiple-family						P	P	P								P	P
Dwelling, townhouse <sup>2</sup>						P	P	P								P	P
Dwelling, two-family <sup>3</sup>					CU	P										P	P
Dwelling, single-family detached, including modular and manufactured <sup>3</sup>		P	P	P	P	P	P	P									
Dwelling, single-family detached, including modular																P	P
Dwelling, single-family detached, manufactured <sup>4</sup>																CU	CU
Dwelling unit, apartment in conjunction with commercial use and only on floors above street level							P	P	P	P							P
Home-based business		P	P	P	P	P	P	P		P						P	P
Hotel or motel								P	P	P							
Manufactured home park			CU <sup>5</sup>														
<b>Sales and rental of goods, merchandise, and equipment</b>																	
Restaurants								P	P	P							P
Restaurants, above street level								CU	P								CU
Retail sales establishments, 10,000 square feet or less		CU					P	P	P	P	CU			CU	P		CU
Retail sales establishments, 10,001 square feet or more <sup>6</sup>										P							CU
Shopping center <sup>7</sup>										P							CU

88 **Section 3.** If any provision of this Ordinance shall be deemed or held to be invalid or  
 89 unenforceable for any reason whatsoever, then such invalidity or unenforceability shall not affect  
 90 any other provision of this Ordinance which may be given effect without such invalid or  
 91 unenforceable provision, and to this end, the provisions of this Ordinance are hereby declared to  
 92 be severable.

93  
 94 **Section 4.** This Ordinance shall take effect immediately upon its adoption by the Mayor  
 95 and City Council of the City of Lewes.

96  
 97 Adopted by the Mayor and City Council  
 98 of the City of Lewes  
 99 May 22, 2023

100  
 101 I, Timothy Ritzert, Secretary of the City Council of the City of Lewes, do hereby certify that the  
 102 foregoing is a true and correct copy of the ordinance passed by the Mayor and City Council at its  
 103 regular meeting on May 22, 2023, at which a quorum was present and voting throughout and the  
 104 same is still in full force and effect.

105  
 106  
 107   
 108 \_\_\_\_\_  
 109 Secretary

110 **SYNOPSIS:** This Ordinance establishes regulations for beekeeping.