

1 **AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF LEWES,**  
2 **CHAPTER 197 ZONING SECTION 197-59 HISTORIC DISTRICT OR PROPERTIES**  
3 **CRITERIA; STANDARDS TO INCLUDE CULTURAL AND SOCIAL SIGNIFICANT**  
4 **STRUCTURES.**

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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 amending the HPARC regulations to include social and  
9 cultural historic significance;

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

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

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

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29 **WHEREAS**, a public hearing was conducted on June 26, 2023;

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

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

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

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41 **Section 1.** Chapter 197 Zoning, Article VI Historic Preservation Architectural Review  
42 Commission (197-59 Historic District or properties criteria; standards) of the Municipal Code of  
43 the City of Lewes, Delaware, be the same and is hereby amended by adding the underlined text.

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47 § 197-59 Historic District or properties criteria; standards.  
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49 A. Criteria. In reviewing the plans for any construction, change, or demolition, HPARC shall  
50 give consideration to:

51  
52 (1) Historic or architectural value and significance of the structure and its relationship to  
53 the historic, **social and cultural** value of the surrounding area.  
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55 (2) Relationship of the exterior architectural features of the structure to the remainder of  
56 the structure and to the surrounding neighborhood. Distinctive stylistic features or  
57 examples of skilled craftsmanship shall be preserved, if possible.  
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59 (3) General compatibility of exterior design, arrangement, texture and materials proposed  
60 to be used with other structures contributing to the established character of the Historic  
61 District of Lewes **and in particular the character of the immediate area.**  
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63 (4) When application is made to demolish a structure or any part thereof, the impact of its  
64 removal from the area in which it is located, and its structural condition and the economic  
65 feasibility of alternatives to the proposed demolition **and cultural significance of the**  
66 **structure.**  
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68 (5) When application is made to move an historic structure, the potential loss of history to  
69 its original site and to the Historic District as a whole, and the reasons for not keeping the  
70 structure at its present location.  
71

72 (6) The effect of the structure on the health, safety and general welfare of the City.  
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74 (7) Other factors that HPARC deems to be pertinent, consistent with the City Code, include  
75 the following:  
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77 (a) Facade treatment. The exterior features of all buildings should be visually and  
78 physically compatible with those facades surrounding them.  
79

80 (b) Height. New and renovated structures should be in harmony with the  
81 streetscape.  
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83 (c) Proportion. The relationship between the width and height of the front elevation  
84 of a structure should be compatible to adjacent structures. Proportion is also the  
85 relationship of the different elements of the building itself, including but not limited  
86 to additions, porches, windows, and doors.  
87

88 (d) Rhythm. The rhythm of the streetscape and building with its components should  
89 be considered as one of the criteria.  
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91 (e) Scale. Since the scale of the City of Lewes is intimate in nature, any building  
92 contrary to that of the streetscape will be deemed to be out of place.

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94 (8) When owners of structures in the Historic District that have been or are designated as  
95 "noncontributing" make application to the HPARC for approval for alteration or  
96 demolition, the HPARC evaluation shall be based on the potential impact on the streetscape  
97 setting of the property, rather than the potential impact on the property itself. When owners  
98 of structures in the Historic District designated as "contributing structures" make  
99 application to the HPARC for alteration or demolition, preserving the property will be the  
100 HPARC's primary criterion in evaluating the application. **The applicant shall have the**  
101 **burden of demonstrating that the alteration or demolition of the structure meets the**  
102 **purpose of this article and/or addresses the health, safety, and welfare of the**  
103 **immediate area.** HPARC may require the applicant to submit both financial and  
104 construction details in support of any proposed demolition.  
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106 (9) A proposed new structure or any alteration to an existing structure or historic property  
107 shall conform to the City Code, except as noted in § 197-59B(9). However, it is the intent  
108 of the HPARC, consistent with its purpose (§ 197-56A) to assist in preserving the historic  
109 character and the historic fabric of the City of Lewes, to work in conjunction with  
110 applicants to arrive at the most desirable and appropriate outcome of their application to  
111 maintain harmony within the streetscape. To this end, HPARC may focus on height,  
112 rhythm, scale, and proportion as issues that the applicant will be asked to consider and,  
113 when appropriate, to alter their plan and/or design. [Amended 10-11-2021]  
114

115 (10) The current or future color of a structure or any part of the exterior of a structure in  
116 the Historic District shall be reviewed by HPARC for the purpose of ensuring historic  
117 character.  
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119 (11) The HPARC shall not deny the addition of items such as solar panels or other  
120 inventions that are designed to generate or conserve energy except to designate reasonable  
121 alternative design and/or placement.  
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123 (12) The HPARC shall not deny any reasonable accommodation for a disability,  
124 compatible with this chapter; however, the HPARC may suggest reasonable alternative  
125 design and/or placement.  
126

127 **(13) The HPARC shall take efforts to safeguard and enhance the historic heritage of**  
128 **the City by preserving the elements which reflect the cultural, social, economic,**  
129 **political, architectural history or combination thereof of the City.**  
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131 **(14) The HPARC shall provide an equitable review of applications regarding**  
132 **demolition, renovation or both to recognize the cultural history of the city.**  
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134 **Section 2.** If any provision of this Ordinance shall be deemed or held to be invalid or  
135 unenforceable for any reason whatsoever, then such invalidity or unenforceability shall not affect  
136 any other provision of this Ordinance which may be given effect without such invalid or  
137 unenforceable provision, and to this end, the provisions of this Ordinance are hereby declared to  
138 be severable.

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**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  
July 10, 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 July 10, 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 regarding HPARC for cultural and social historic items.