

1 **A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LEWES,**
2 **DELAWARE, PROPOSING THAT A PUBLIC HEARING BE HELD ON AN**
3 **ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF LEWES,**
4 **CHAPTER 197 ZONING CODE TO CREATE 197-78.2 CONSTRUCTION PERIOD TREE**
5 **PROTECTION, AS IT RELATES TO THE PROTECTION OF TREES DURING**
6 **CONSTRUCTION.**

7
8 **WHEREAS**, Title 22, Chapter 3, Section 301 of the Delaware Code provides that “[f]or
9 the purpose of promoting health, safety, morals or the general welfare of the community, the
10 legislative body of cities and incorporated towns may regulate and restrict the height, number of
11 stories and size of buildings and other structures, percentage of lot that may be occupied, the size
12 of yards, courts and other open spaces, the density of population, and the location and use of
13 buildings, structures, and land for trade, industry, residence or other purposes”;

14
15 **WHEREAS**, Section 38 of the City's Charter provides that “[f]or the purpose of protection
16 against fire, promoting health, safety, morals or the general welfare of the community, the City
17 Council is hereby empowered to adopt ordinances to regulate and restrict the height, number of
18 stores [sic], size of buildings and other structures, the density of population and the location and
19 use of buildings, structures, and lands for trade, industry, residence or other purposes”;

20
21 **WHEREAS**, the Mayor and City Council of the City of Lewes have deemed it desirable
22 to consider revising, Section 197-91 Administrative review; appeal of administrative decisions and
23 determinations and;

24
25 **WHEREAS**, the Mayor and City Council deem it desirable to consider the question of
26 whether it is in the public interest to amend Chapter 197 Zoning of the municipal code, as
27 aforesaid.

28
29 **NOW, THEREFORE, BE IT RESOLVED** by the Mayor and City Council, in session
30 met, a quorum pertaining at all times thereto, that a public hearing shall be held on December 12,
31 2023, at 6:00 pm in the Margaret Rollins Community Center at 101 Adams Ave. Lewes, Delaware,
32 19958 to consider the question of whether it is in the public interest to amend the municipal code,
33 as follows:



36 **SEE EXHIBIT 1**

37 **AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF LEWES,**
38 **CHAPTER 197 ZONING CODE TO CREATE 197-78.2 CONSTRUCTION PERIOD**
39 **TREE PROTECTION, AS IT RELATES TO THE PROTECTION OF TREES DURING**
40 **CONSTRUCTION.**



43 **BE IT FURTHER RESOLVED** that parties in interest and citizens shall have an
44 opportunity to be heard at said public hearing.

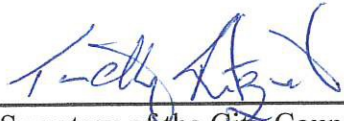
45 **BE IT FURTHER RESOLVED**, that the City Manager be and is hereby directed to cause
46 a notice which shall consist of a true copy of this Resolution, in full or by title only, to be published

47 in an official newspaper of the City of Lewes or a newspaper of general circulation in the City at
48 least fifteen (15) days prior to the date set forth in this Resolution for the public hearing.

49
50 **BE IT FURTHER RESOLVED** that the City Manager be and is hereby directed to post
51 a notice and agenda of said public hearing at City Hall more than seven (7) days prior to the date
52 set forth in this Resolution for the public hearing.

53
54 Adopted by the Mayor and City Council
55 of the City of Lewes
56 November 13, 2023

57
58 I, Timothy Ritzert, Secretary of the City Council of the City of Lewes, do hereby certify that the
59 foregoing is a true and correct copy of the Resolution passed by the Mayor and City Council at its
60 meeting on November 13, 2023, at which a quorum was present and voting throughout and the
61 same is still in full force and effect.

62
63 
64 _____
65 Secretary of the City Council
66 the City of Lewes