

AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF LEWES, CHAPTER 197 ZONING, TO AMEND ATTACHMENT 2 – TABLE 1 OF DIMENSIONAL REGULATIONS, ATTACHMENT 3 – TABLE 2 OF DIMENSIONAL REGULATIONS AND ATTACHMENT 4 - TABLE OF DIMENSIONAL REGULATIONS FOR NONRESIDENTIAL ZONES AND CHAPTER 197-106 DEFINITIONS TO REDUCE MAXIMUM LOT COVERAGE AND TO AMEND THE DEFINITION OF LOT COVERAGE TO PROVIDE CLARITY ON HOW CERTAIN MATERIALS USED ON DRIVEWAYS AND PARKING AREAS ARE CONSIDERED IN CALCULATING LOT COVERAGE

WHEREAS, the Mayor and City Council deem it appropriate to consider the question of whether it is in the public interest to amend Chapter 197, Zoning, of the Municipal Code of the City of Lewes, Delaware, as amended, by amending the regulations regarding a reduction in lot coverage by 5% and amending the definition of lot coverage; and

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

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

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

WHEREAS, a public hearing was conducted on April 1, 2024; and

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

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

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

Section 1. Chapter 197 Zoning, Chapter 106 Definitions of the Municipal Code of the City of Lewes, Delaware, be the same and is hereby amended by adding the underlined text and removing the strikethrough text.

~~**LOT COVERAGE**~~

~~The percentage of a lot which is covered, or planned to be covered, with impervious surfaces. "Lot coverage" shall include off street parking areas and driveways, but not public streets.~~

LOT COVERAGE

The percentage of a lot which is covered with impervious surfaces.

- Driveways and parking areas outside of the right-of-way are included in the lot coverage with the following allowances:
 - Driveways and parking areas where shells, or stones greater than 3/8" diameter, or other defined pervious materials are used are calculated at 50% of the area of the driveway/parking area.
 - Driveways and parking areas where test showing infiltration rates exceeding 2" per hour (per DNREC specifications), or surfaces installed in accordance with manufacturer's/engineer's specification for pervious surface systems shall be calculated at 25% of the area of the driveway/parking area.

Section 2. Chapter 197 Zoning, Attachment 2 – Table 1 of Dimensional Regulations of the Municipal Code of the City of Lewes, Delaware, be the same and is hereby amended by adding the underlined text and removing the strikethrough text.

Zoning Code	OS	R-1	R-2 and R-2(H)	R-3 and R-3(H)	R-4 and R-4(H)	
Zoning Description	Open Space	Suburban	Residential Low-Density and Residential Low-Density (Historic)	Residential Beach and Residential Beach (Historic)	Residential Medium-Density and Residential Medium-Density (Historic)	
Dwelling Unit Type	All Structures	All Structures	All Structures	All Structures	Dwelling, Detached	Dwelling, Two-Family
Setbacks (feet)						
Front yard	N/A	35	30 or EBL	25 or EBL	Minimum: EBL Maximum: EBL + 10 No EBL: 15	20
Side yard	N/A	15	8	8	8	10
Rear yard	N/A	25	15	15	15	15
Maximum building height (feet)						
FEMA flood zones AE and VE	N/A	34	34 or EBH	34 or EBH	34 or EBH	34
All other locations	N/A	30.5	30.5 or EBH	34 or EBH	30.5 or EBH	30.5
Maximum number of stories	N/A	3		3	3	3
Maximum lot coverage	N/A	60% <u>55%</u>	65% <u>60%</u>	65% <u>60%</u>	65% <u>60%</u>	60% <u>55%</u>
Main structure (up to)	N/A	50%	50%	50%	50%	50%

Section 3. Chapter 197 Zoning, Attachment 3 – Table 2 of Dimensional Regulations of the Municipal Code of the City of Lewes, Delaware, be the same and is hereby amended by adding the underlined text and removing the strikethrough text.

Zoning Code	R-5					LC and LC(H)
Zoning Description	Mixed Housing					Limited Commercial and Limited Commercial (Historic)
Dwelling Unit Type	Dwelling Attached	Dwelling, Detached	Dwelling, Multiple-Family	Dwelling, Townhouse ⁷	Dwelling Two-Family	All Structures
Maximum number of stories	3	3	3	3	3	3
Maximum units per structure	10					
Maximum lot coverage	60% <u>55%</u>	65% <u>55%</u>	60% <u>55%</u>	60% <u>55%</u>	60% <u>55%</u>	70% <u>65%</u>
Main structure (up to)	50%	50%	50%	50%	50%	

Section 4. Chapter 197 Zoning, Attachment 4 – Table of Dimensional Regulations for Nonresidential Zones of the Municipal Code of the City of Lewes, Delaware, be the same and is hereby amended by adding the underlined text and removing the strikethrough text.

Zoning Code	TC and TC(H)	MC	GC	I	C/H	CF(HC)	CF(E)	CF
Zoning Description	Town Center and Town Center (Historic)	Marine Commercial	General Commercial	Industrial	Cultural/ Historic	Community Facilities (Health Care)	Community Facilities (Educational)	Community Facilities
All other locations	40	40	40	40	30.5	40	40 ⁵	40
Maximum number of stories	3	3	Flood zones AE and VE: 3 Other: 2	3	3	4	3	3
Maximum Lot coverage	95%	95% <u>90%</u>	95% <u>90%</u>	50%	60%	75%	50%	75%

Section 5. 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

Adopted May 13, 2024

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.

Adopted May 13, 2024

Section 6. 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
May 13, 2024

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 May 13, 2024, 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 reducing lot coverage by 5% in the residential, MC, and GC zoning districts and revises the definition of lot coverage.