



**MAYOR & CITY COUNCIL
PUBLIC HEARING AND SPECIAL MEETING**
Tuesday, July 7, 2026, 5:30 PM
The Bonnie Osler Meeting Room
AGENDA

Page

- A. CALL TO ORDER & ROLL CALL
- B. ANNOUNCEMENTS
- C. PUBLIC HEARING ITEMS:

All public hearing items to follow the following order.

- a. City Briefing (Staff, City Engineer, City Solicitor)*
- b. Presentation and comments from applicant*
- c. Public Comments*

- 1. Public hearing regarding ORD 5-26, an ordinance to amend Chapters 197-22, 91, 95, 97 of the Lewes City Code related to zoning administration authority.

3 - 7

[Draft Ordinance - Administrative Responsibilities 7.7.26 M&CC Public Hearing](#)

- D. MOTION TO ADJOURN PUBLIC HEARING AND OPEN SPECIAL MEETING
- E. DISCUSSION AND POSSIBLE ACTION ON THE FOLLOWING:

- 1. ORD 5-26, an ordinance to amend Chapters 197-22, 91, 95, 97 of the Lewes City Code related to zoning administration authority.

- F. PUBLIC COMMENT:
- G. MOTION TO ADJOURN SPECIAL MEETING

<https://us02web.zoom.us/j/83976402843?pwd=SvvKNAsnkyPJkrCHfaGf8oL9ea5DFa.1>

Join via audio:

+1 301 715 8592 US (Washington DC)

Webinar ID: 839 7640 2843

Passcode: 033106

Pursuant to 29 Del. C. § 10004(e)(3) this Agenda is subject to change; including addition or deletion of items or Executive Sessions. Agenda items may not be considered in sequence and therefore, should not be relied upon by any member of the public. To request special accommodations for persons with disabilities please contact the City Hall office at (302) 645-7777, at least 72 hours in advance of a meeting.
The City of Lewes strives to make our public meetings widely available through Zoom and YouTube broadcasts. While the City is committed to continuing this access, pursuant to 29 Del. Code, §10006A, technological failure does not affect the validity of these meetings, nor the validity of any action taken in these meetings.

The Bonnie Osler Meeting Room is located at 101 Adams Avenue, Lewes DE

Agenda Posted: 06/30/2026 Posted By: ASA

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1 **AN ORDINANCE**
 2 **TO AMEND CHAPTER 197, ZONING, SECTION 197-22, “CITY PLANNER”, AND**
 3 **SECTION 197-91, “ADMINISTRATIVE REVIEW; APPEAL OF ADMINISTRATIVE**
 4 **DECISIONS AND DETERMINATIONS”, SECTION 197-95(A), “APPLICATION AND**
 5 **REVIEW PROCESS”, AND SECTION 197-102(B), “TEMPORARY USE PERMIT” OF**
 6 **THE MUNICIPAL CODE OF THE CITY OF LEWES RELATING TO CERTAIN**
 7 **ZONING ADMINISTRATIVE RESPONSIBILITIES AND PROCEDURES**

8
 9 **WHEREAS**, the Mayor and City Council of the City of Lewes, Delaware have
 10 determined that it is in the best interest of the City to clarify and refine certain limited
 11 administrative responsibilities and procedures within Chapter 197, Zoning, of the Municipal
 12 Code of the City of Lewes (the “Zoning Code”); and

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

20
 21 **WHEREAS**, Section 38 of the Charter of The City of Lewes provides that the above-
 22 referenced grant of power “shall embrace new buildings or additions to or alterations of existing
 23 structures of every kind; to condemn buildings or structures, or portions thereof, that constitute a
 24 fire menace and to require or cause same to be torn down, removed or so altered as to eliminate
 25 the menace of fires; to prescribe the height and thickness of any building and the kind and grade
 26 of materials used in the construction thereof”; and

27
 28 **WHEREAS**, the Lewes Ordinance Review Ad-Hoc Committee has recommended to the
 29 Mayor and City Council that amendments to Chapter 197, Zoning, relating to certain zoning
 30 administrative responsibilities and procedures, be adopted; and

31
 32 **WHEREAS**, Chapter 197, Zoning, Section 197-104, Text and map amendments, of the
 33 Municipal Code of the City of Lewes provides that any amendment to the Zoning Ordinance shall
 34 be made after a public hearing following fifteen (15) days’ notice by publication in an official
 35 paper or a paper of general circulation in the City. *See also 22 Del. C. § 304*; and

36
 37 **WHEREAS**, at least fifteen (15) days’ notice of such hearing was provided by publishing
 38 notice of the time and place of such hearing in an official paper or newspaper of general circulation
 39 in the City; and

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 41 **WHEREAS**, a properly noticed public hearing on the proposed amendments was
 42 conducted on July 7, 2026.

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

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47 **Section 1.** Chapter 197, Zoning, Section 197-22, “City Planner” is hereby further
48 amended by making insertions as shown by underlining and deletions as shown by strikethrough
49 as follows:

50

51 § 197-22 ~~City Planner.~~ **City Manager or their designee.**

52

53 The ~~City Planner~~ City Manager or their designee shall be responsible for the administration of,
54 interpretation of, and securing compliance with the provisions of this chapter.

55

56

57 **Section 2.** Chapter 197, Zoning, Section 197-91, “Administrative review; appeal of
58 administrative decisions and determinations” is hereby further amended by making insertions as
59 shown by underlining and deletions as shown by strikethrough as follows.

60

61 § 197-91 **Administrative review; appeal of administrative decisions and determinations.**

62

63 **A.** Purpose. Provide a mechanism for appeal where an error is alleged in any interpretation,
64 order, requirement, decision, or determination made by the ~~City Planner, Building~~
65 ~~Official, or designee,~~ City Manager or their designee, or HPARC in the administration of
66 this chapter.

67

68 **B.** Who may appeal. Pursuant to 22 Del. C. § 324, an appeal to the Board of Adjustment
69 may be taken by any person aggrieved or by any officer, department, board, or bureau of
70 the City affected by any decision of ~~City Planner, Building Official, or designee,~~ City
71 Manager or their designee, or HPARC.

72

73 **C.** Procedure. In order for the Board of Adjustment to conduct an administrative review:

74 (1) The ~~City Planner, Building Official, or designee,~~ City Manager or their designee,
75 or HPARC shall issue a written interpretation, requirement, decision, or
76 determination. The ~~City Planner, Building Official, or designee,~~ City Manager or
77 their designee’s, or HPARC's written product shall include information about the
78 applicant's/property owner's situation, request, inquiry, etc., and references to
79 pertinent sections of this chapter to support the interpretation, requirement,
80 decision, or determination.

81 (2) The ~~City Planner, Building Official, or designee,~~ City Manager or their designee,
82 or HPARC shall make every effort to present the written product to the applicant,
83 including, but not limited to, return-receipt mailing.

84 (3) The applicant shall file a written request for administrative review within 30 days
85 after receiving written notice of the ~~City Planner, Building Official, or designee,~~

86 City Manager or their designee's, or HPARC's action in the office of the Board of
87 Adjustment.

88 (4) When the decision of HPARC is being appealed, at least 30 days prior to the
89 Board of Adjustment meeting to review the matter, a transcript of the meeting
90 before the HPARC and/or a recording of HPARC's meeting, along with all
91 documents entered into the record, shall be transmitted to the Board of
92 Adjustment for a review based on the record before HPARC, subject to the
93 procedural rules of the Board of Adjustment. At least 10 days prior to the meeting
94 of the Board, the parties to the appeal shall simultaneously submit a legal
95 memorandum not to exceed 5,500 words outlining the parties' positions as to why
96 the underlying decision of the HPARC shall be upheld or overturned, which
97 memorandum shall be based on the evidence and arguments presented before
98 HPARC. The Board shall meet to discuss the memorandum and hear arguments
99 from both sides, but the Board shall not hear any new testimony. After hearing
100 and considering the arguments presented, the Board shall determine whether to
101 uphold or overturn the decision of HPARC. Anything herein to the contrary
102 notwithstanding, if the Board determines that additional testimony is necessary
103 for the Board to render a decision, the Board may vote to allow additional
104 testimony.

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106 D. Stay of proceedings. Pursuant to 22 Del. C. § 325, an appeal stays all proceedings in
107 furtherance of the action appealed from unless ~~City Planner, Building Official, or~~
108 ~~designee~~, City Manager or their designee certifies to the Board of Adjustment that a stay
109 would cause imminent peril to life or property. In such a case, proceedings shall be stayed
110 only by a restraining order granted by the Board of Adjustment or a court having
111 jurisdiction.

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113
114 **Section 3.** Chapter 197, Zoning, Section 197-95(A), is hereby further amended by
115 making insertions as shown by underlining and deletions as shown by strikethrough as follows.
116 Except as amended herein, all other provisions of Chapter 197, Zoning, Section 197-95 remain in
117 full force and effect.

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119 **§ 197-95 Application and review process.**

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121 A. New application submission.

122 (1) Applications for conditional uses shall be submitted to the ~~City Planner~~ City Manager
123 or their designee. The ~~City Planner~~ City Manager or their designee may provide forms to
124 facilitate application processing.

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129 **Section 4.** Chapter 197, Zoning, Section 197-102(B), is hereby further amended by
130 making insertions as shown by underlining and deletions as shown by strikethrough as follows.
131 Except as amended herein, all other provisions of Chapter 197, Zoning, Section 197-102 remain
132 in full force and effect.

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134 § 197-102 **Temporary use permit.**

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138 **B.** Procedure for obtaining a temporary-use permit.

- 139 (1) An application for a temporary use permit shall be filed with the ~~City Planner~~ City
140 Manager or their designee.
- 141 (2) The ~~City Planner~~ City Manager or their designee may provide forms to expedite
142 the processing of applications.
- 143 (3) The ~~City Planner~~ City Manager or their designee shall refer each temporary use
144 permit application to the Mayor and City Council as soon as practicable after
145 receiving all information needed for the Mayor and City Council to evaluate the
146 application.

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150 **Section 5.** If any provision of this Ordinance shall be deemed or held to be invalid or
151 unenforceable for any reason whatsoever, such invalidity or unenforceability shall not affect any
152 other provision of this Ordinance which may be given effect without such invalid or
153 unenforceable provision, and to this end, the provisions of this Ordinance are hereby declared to
154 be severable.

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157 **Section 6.** This Ordinance shall take effect immediately upon its adoption by the
158 Mayor and City Council of the City of Lewes.

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160 I, Timothy Ritzert, Secretary of the City Council of the City of Lewes, do hereby certify that the
161 foregoing is a true and correct copy of the ordinance passed by Mayor and City Council at its
162 regular meeting on _____, at which a quorum was present and voting throughout
163 and the same is still in full force and effect.

164
165
166
167 _____
168 Secretary

169 SYNOPSIS: This Ordinance amends certain provisions of Chapter 197, Zoning, of the Municipal
170 Code of the City of Lewes, to replace references to the City Planner with the City Manager or

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171 their designee for certain administrative functions, including administrative appeals, conditional
172 use application intake, and temporary use permit processing.

DRAFT