

**AN ORDINANCE
OF THE TOWN COUNCIL OF
THE TOWN OF FENWICK ISLAND, DELAWARE
AMENDING CHAPTER 160, SECTION 160-10(C)
OF THE FENWICK ISLAND TOWN CODE
TO AUTHORIZE ADDITIONAL BUSINESS-TO-BUSINESS SHARED PARKING**

WHEREAS, the Town of Fenwick Island, Delaware (the “Town”), through its Town Council (the “Council”), has broad authority to enact such ordinances necessary for the protection of public health, safety, comfort or welfare, and the protection and preservation of public and private property, including to regulate and control the parking of vehicles on Town streets by way of imposing and enforcing minimum off-street parking requirements;

WHEREAS, although adequate off-street parking for commercial establishments in the Town generally is limited, the Town recognizes that certain commercial establishments may in fact have excess off-street parking capacity;

WHEREAS, to address the general shortage of off-street parking for commercial establishments in the Town, members of the business community have expressed interest in allowing commercial businesses to share, and pay for the use of, excess off-street parking capacity that may exist for certain establishments, in a manner otherwise currently prohibited by the Town Code;

WHEREAS, the Town seeks to address the off-street parking concerns of the business community by authorizing greater business-to-business off-street parking sharing agreements for excess parking capacity, provided that the Town does not intend to otherwise reduce the minimum number or size of off-street parking spaces required by the Town Code;

WHEREAS, a properly noticed public hearing in relation to this Ordinance, at which parties in interest and citizens have an opportunity to be heard, took place prior to the adoption of this Ordinance in accordance with 22 Del. C. § 304 and Town Code § 160-16(B).

NOW THEREFORE, BE IT ORDAINED, by the Town Council of the Town of Fenwick Island, Delaware, in session met, a quorum at all times pertaining thereto, in the manner following, to wit:

Section 1. The Code of the Town of Fenwick Island be, and hereby is, amended by adding a new subsection (3) to Section 160-10(C), Chapter 160 (Zoning), of the Code to read as follows:

“(3). Notwithstanding anything in Section 160-10 to the contrary, a licensed business operating in the Commercial Zone (the “Requesting Business”) shall be permitted to enter into an agreement with another licensed business operating in the Commercial Zone (the “Granting Business”) for purposes of allowing the Requesting Business (for a fee or not) to utilize excess off-street parking capacity located on the Granting Business’s Lot (“Business-to-Business Parking Sharing Agreement”), provided that the following requirements are met:

- (a) the shared parking spaces under a Business-to-Business Parking Sharing Agreement may only be used for employees of the Requesting Business;
- (b) the shared parking spaces under a Business-to-Business Parking Sharing Agreement may not be used for general public parking by the Requesting Business;
- (c) neither the Business-to-Business Parking Sharing Agreement, nor anything in this Section 160-10(C)(3), shall authorize or be construed as authorizing a reduction in the minimum number or size of off-street parking spaces otherwise required by Section 160-10(A) and (B) of the Code;
- (d) a Business-to-Business Parking Sharing Agreement shall be submitted to the Town's Building Official and Police Chief, signed by both parties to the Business-to-Business Sharing Agreement, and
 - a. shall delineate the number of spaces to be utilized; and
 - b. any time restrictions pertaining to the Business-to-Business Sharing Agreement; and
 - c. the beginning date and end date of the Business-to-Business Sharing Agreement shall be in effect between the parties; and
 - d. disclosure of the actual consideration for the Business-to-Business Sharing Agreement shall not otherwise be necessary so long as the parties execute the Business-to-Business Sharing Agreement submitted to the Town's Building Official and Police Chief.
- (e) a Business-to-Business Parking Sharing Agreement shall not be effective until five (5) days after it is submitted to the Town's Building Official and Police Chief.

Adopted by the Council
Of the Town of Fenwick Island, Delaware
_____, 2025

Secretary of the Town Council
Of the Town of Fenwick Island