



The Town of Fenwick Island

800 Coastal Highway, Fenwick Island, DE 19944-4409

302-539-3011 ~ 302-539-1305 fax

www.fenwickisland.delaware.gov

CHARTER & ORDINANCE COMMITTEE MEETING

December 19, 2025, at 1:30 PM

Town Hall

Minutes

Members Present: Natalie Magdeburger, Scott Mumford, Tim Leahy, Dave Reifschneider (Zoom), Jacque Napolitano (Zoom), Ben Waide (Zoom), John Nason (Zoom)

Others Present: Erin Ellinger, Kinsley Parker-Hazel (Zoom), Roy Williams

Members Absent: Ann Riley

Flag Salute and call to order.

1. Approval of the Minutes of November 21, 2025, meeting

Motion: To approve the minutes of the November 21, 2025, meeting with the modification adding Tim Leahy to the new members introduction section.

Moved by: Tim Leahy

Seconded by: Scott Mumford

Result: Motion passed unanimously.

2. Discussion and Possible Action

- a. Referral from Town Council re: request from a business owner that the Town consider an amendment to Section 160-10 F and G of the Code of Fenwick Island to allow parking on unimproved lots in the commercial district:

Dave Reifschneider sent an email that was shared with all committee members. Mayor Magdeburger noted that emails distributed to the committee should be for informational purposes only.

Dave Reifschneider's letter to Mayor Magdeburger and Members of the Charter & Ordinance Committee inserted below for reference:

December 5, 2025

To: Natalie Magdeburger
Members of the Charter and Ordinance Committee



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From: Dave Reifschneider

Comments on the Proposed Revisions to Section 160-10 F: Parking on unimproved lots in the commercial zone

It was unfortunate that the recent draft revisions to Sec. F were distributed to the committee the afternoon before the last C&O meeting. This allowed little time for reading and consideration.

As a resident of Essex Street, I believe I speak for many of my neighbors who are extremely concerned about the code revision to allow parking on unimproved lots, especially the one on the north side of Essex St.

Considering having the current longstanding code, established for good reason, revised for the benefit of just one business is disturbingly reminiscent of the maneuvering that occurred a number of years ago around approvals for the hotel property; maneuvering that disturbed many town residents. In addition, this revision can only stand as a temporary measure until such time as the proposed lot is developed since it is the only undeveloped lot available.

Having said that, residents on Essex St. recognize that the Surf Bagel business has created an undesirable traffic situation that needs to be rectified. It has affected many with blocked driveways, illegal parking in "No Parking Here to Corner" areas, on yellow lined areas, and on shoulders of the road, additionally creating a safety hazard for pedestrians and those vehicles exiting the rear and north side of the Surf Bagel property. Many of those parking along the street do so with their flashers on, temporarily parking to go into the facility to retrieve online orders.

The proposed change also lends credence to the fact that the current parking requirements for restaurants are inadequate for those that have significant pick-up and take-out operations and probably should be reviewed. As I recall from discussion during the updating of the parking ordinance, comments were made that a "grab and go" coffee shop should not have to meet that minimum - a position that has obviously been proven very wrong!



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It is my feeling that Surf Bagel should initially be strongly encouraged to redesign their parking lot and the exit lanes behind the building, to accommodate those drivers who pull in simply to claim online take-out orders, with some spaces designated as short term parking. There is room to do so. There also are more than adequate paved parking areas within a few minutes walk to the restaurant. If an agreement could be reached, for example with Southern Exposure, the barrier between parking lots could be removed and that expanded space used for early morning parking.

In addition, their online ordering system could be modified to indicate when orders are ready for pickup, just as many restaurants do with table reservations, such that customers would not be parking and waiting for long.

Given that council will be considering this code revision, the following conditions should be addressed:

1. The business owner should be encouraged to have employees use parking spaces in the unimproved lot to allow parking for customers on the paved lot, and to conserve the allowable on-street parking on Essex St.
2. The unimproved lot in the commercial zone must have exclusive entrance and exit lanes clearly designated, accessible only from Rt. 1. The lot should not be accessible from Essex St.
3. Specific parking spaces must be clearly and at all times marked or indicated (such as with the use of concrete bumpers for each parking space) to avoid random free-for-all parking, and the area utilized for parking must be enclosed with appropriate and attractive fencing and/or landscaping to be approved by the council. The proposed plan for parking spaces shall be presented and approved by the council.
4. The entrance and exit must either be gated or chained and only opened to coincide with the operating hours of the business. Signage should indicate that the lot will be closed at a designated time, and the gate or chain must be in place at that time.
5. A pedestrian exit from the lot should be designated and an additional crosswalk marked for safety purposes.



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6. Appropriate signage should indicate clearly to customers arriving northbound on Rt. 1 that additional parking space beyond the restaurant is available in that lot. That should be reviewed with the Police Department to avoid cars stacking along Rt. 1, and they should continue to issue violations for those who park along Essex St.
7. The north side shoulder of Essex St. must be physically blocked to prevent parking, either by use of an appropriate fence or concrete parking blocks. The current "No Parking this Side" signage is obviously inadequate and ignored. At the least it should say "No Parking, Stopping, or Standing This Side" and should be enforced.

Neighbors on Essex Street are of course mindful and appreciative of the efforts of the council to address the concerns of convenience and personal safety, and hopefully a reasonable long term solution can be achieved.

Mr. Reifschneider expressed that most residents on Essex Street oppose the proposal. He stated that the area behind Surf Bagel is not designated as a fire lane, consisting of a 24-foot lane with a 10-foot setback, totaling 34 feet in width.

Mayor Magdeburger explained that Surf Bagel was advised to bring its request to Town Council, which they did, and the matter was subsequently referred to the Charter & Ordinance Committee. She noted this is a request from a property owner that was publicly acknowledged and that the Town is attempting to resolve an ongoing issue. The Town previously stopped parking in the unimproved lot as it was contrary to the Town's current ordinance. The Mayor stated the Town has taken steps to manage the situation, including increased police presence, closing access to the unimproved lot, installing cones, and issuing citations, particularly on weekends; however, traffic issues persist. She noted the draft ordinance allows the Police Chief to shut down the use if the proposed temporary parking permit is not working.

The Mayor stated the lot had previously been used for the Farmers Market and that the proposal is worth trying to see if it improves safety and makes traffic less congested for the residents on the street. She added that approval would be seasonal and subject to reevaluation and that the intent is to keep impacts away from the residential area.

Mr. Reifschneider noted that designated parking spaces would be necessary to prevent disorderly use. The Mayor stated that the Town could require conditions



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such as a parking attendant, hours of operation, dates of use, number of spaces, fencing, gating, and striping.

John Nason stated that property owners could make improvements to their lots as they wish and that the ordinance protects Essex Street residents. He noted that the proposed modification allows Council to exercise discretion to impose conditions and supported forwarding the matter to Council while allowing residents to voice concerns. He commended Mr. Reifschneider for advocating for the Essex St. residents and the Mayor for her work on a well-rounded ordinance.

Ben Waide agreed with the concerns raised and stated the ordinance addresses those items, noting that the use could be managed through the application process.

Jacque Napolitano expressed safety concerns but stated the ordinance includes appropriate safeguards and supports trying the proposal, particularly with limited access from Essex Street. It was noted that Section 8 addresses the number of parking spaces allowed.

Mayor Magdeburger stated she would add requirements for parking configuration, maximum number of vehicles, fencing, gating, and marked spaces, while retaining flexibility. Mr. Reifschneider suggested adding crosswalks or a designated pedestrian walkway. The Mayor responded that DelDOT controls crosswalks and that this could not be included in the ordinance, but fencing and gating would be added.

The Mayor emphasized the need for on-site management to prevent misuse. Mr. Waide and Scott Mumford noted the importance of monitoring, with Mr. Mumford stating that a parking attendant would reduce the need for police presence. Mr. Reifschneider added that existing parking signs are often ignored. The Mayor reiterated that if the proposal worsens conditions, it can be shut down, and that submission of an application does not guarantee Council approval. She noted Surf Bagel was built under more restrictive parking ratios and that additional spaces would not resolve the issue. She also stated similar situations could arise at other properties in the future.

Lucy Wilder stated that a parking attendant would help manage safe ingress and egress, and that parking bumpers and striping would be required. The Mayor noted these items would be discussed at the public hearing.

Tim Leahy stated he is directly affected and suggested adding more detail to the application and reducing redundant language in the ordinance but that he supports the proposed modifications.



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Scott Mumford stated that taking action to improve the situation is preferable to doing nothing and noted the challenges of increased activity during the summer season.

Motion: To recommend to Council the adoption of the drafted modifications/recommendations as written today.

Moved by: Natalie Magdeburger

Seconded by: Scott Mumford

Result: Motion passed with 6 in favor and Dave Reifschneider abstained

Mr. Reifschneider stated he was not comfortable voting with changes being made without first reviewing the revised draft. Mr. Nason noted that the issues raised would be addressed during the public hearing and that public input had been received. He stated the matter had been taken as far as possible at the committee level and is ready to be forwarded to Town Council, noting that the edits discussed do not change the substance of the ordinance. He added that it is appropriate for applications to be submitted and reviewed thoroughly during that process.

Mayor Magdeburger stated there will be no January Town Council meeting and that the matter will be placed on the February Town Council agenda.

b. Section 160-10 F and G of the Code reads as follows:

Current Section 160-10 Zoning Off-Street Parking Regulations:

C. Location of parking spaces.

[Amended 2-22-2013]

(1) Residential. Parking spaces shall be located on the same lot(s) with the structure they are intended to serve in one of the following ways:

(a) Within a permitted garage or carport.

(b) On an open area of the lot.

(2) Commercial. Parking spaces shall be located on the same lot(s) with the structure they are intended to serve in one of the following ways:

[Amended 2-23-2018]

(a) Parking in the Commercial Zone is permitted on improved lots, but only those that have been improved with permanent structures that have working utilities and one or more bathrooms that are operational and available for employee, customer or client use during business hours.

(b) If approved by the Town Council, open parking spaces required for a structure may be located on a lot(s) other than those intended to be served, provided that:

[Amended 2-24-2023]



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[1] It is not practicable to locate such spaces in accordance with Subsection C(2) because of:

- [a] Unusual shape, size or dimensions of the lot; or
- [b] The lack of an alley or the lack of appropriate ingress or egress facilities through existing or proposed alleys or streets; or
- [c] Traffic hazards.

[2] No more than 15% of the total required spaces is located on a lot(s) other than those intended; and

[3] There is a written agreement provided to Town Council, attested to by the owners of record. The agreement shall:

- [a] List the names and ownership interest of all parties to the agreement;
- [b] Provide a legal description of the land;
- [c] Include a site plan showing the area of the parking parcel and the open space reserved area which would be provided for future parking;
- [d] Describe the hours of use of the area of the parking parcel and establish that the use will be unencumbered by any condition which would interfere with its use;
- [e] Agree and expressly declare the intent for the covenant to run with the land and bind all parties and all successors in interest to the covenant;
- [f] Assure the continued availability of the spaces for joint use and provide assurance that all spaces will be usable without charge to all participating uses;
- [g] Describe the obligations of each party, including the maintenance responsibility;
- [h] Describe the method by which the covenant shall, if necessary, be revised, with a provision to notify the Town of any revision; and

[4] The peak parking hours of the lot(s) will not be the same as the structure intended to be served; and

[5] The lot(s) to serve the structure are not located in the Residential Zone; and

[6] The lot(s) to serve the structure are within 500 feet of the structure intended to be served.

[7] The Council may impose conditions in addition to those in

Subsection C(2)(b)[1] through [6] above as to screening, coping, setbacks, fences, the location of entrances and exits or any other requirement it shall deem necessary to assure the continued provision and maintenance of such spaces.

F. Vehicle parking on an unimproved lot in the commercial zone for a fee or not and with or without the permission of the lot owner is prohibited.

[Added 4-28-2000]

PROPOSED Section 160-10 MODIFICATION:



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C. Location of parking spaces.

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(1) Residential. Parking spaces shall be located on the same lot(s) with the structure they are intended to serve in one of the following ways:

(a) Within a permitted garage or carport.

(b) On an open area of the lot.

(2) Commercial. Parking spaces shall be located on the same lot(s) with the structure they are intended to serve in one of the following ways:

[Amended 2-23-2018]

(a) Parking in the Commercial Zone is permitted on improved lots, but only those that have been improved with permanent structures that have working utilities and one or more bathrooms that are operational and available for employee, customer or client use during business hours **or application has been made and approved by Town Council for parking on an unimproved lot as set forth in Section 160-10 F;**

(b) If approved by the Town Council, open parking spaces required for a structure may be located on a lot(s) other than those intended to be served, provided that:

[Amended 2-24-2023]

(1) It is not practicable to locate such spaces in accordance with Subsection **C(2)** because of:

(a) Unusual shape, size or dimensions of the lot; or

(b) The lack of an alley or the lack of appropriate ingress or egress facilities through existing or proposed alleys or streets; or

(c) Traffic hazards.

(2) No more than 15% of the total required spaces is located on a lot(s) other than those intended; and

(3) There is a written agreement provided to Town Council, attested to by the owners of record. The agreement shall:

(a) List the names and ownership interest of all parties to the agreement;

(b) Provide a legal description of the land;

(c) Include a site plan showing the area of the parking parcel and the open space reserved area which would be provided for future parking;

(d) Describe the hours of use of the area of the parking parcel and establish that the use will be unencumbered by any condition which would interfere with its use;

(e) Agree and expressly declare the intent for the covenant to run with the land and bind all parties and all successors in interest to the covenant;

(f) Assure the continued availability of the spaces for joint use and provide assurance that all spaces will be usable without charge to all participating uses;

(g) Describe the obligations of each party, including the maintenance responsibility;

(h) Describe the method by which the covenant shall, if necessary, be revised, with a provision to notify the Town of any revision; and



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[4] The peak parking hours of the lot(s) will not be the same as the structure intended to be served; and

[5] The lot(s) to serve the structure are not located in the Residential Zone; and

[6] The lot(s) to serve the structure are within 500 feet of the structure intended to be served.

[7] The Council may impose conditions in addition to those in

Subsection C(2)(b)(1) through [6] above as to screening, coping, setbacks, fences, the location of entrances and exits or any other requirement it shall deem necessary to assure the continued provision and maintenance of such spaces.

F. Vehicle parking on an unimproved lot in the commercial zone for a fee or not and with or without the permission of the lot owner is prohibited [Added 4-28-2000]

unless application has been made to and approved by Town Council for a temporary unimproved parking lot permit as set forth below:

1. Property Owner and any other involved business owner seeking to have vehicles park on unimproved lot make application to Town Council for a hearing on their request and shall include in the application:
 - a. Identity of lot which is proposed for parking and legal owner;
 - b. Identity of all business owners with an interest in the use of the lot for parking;
 - c. Proposed parking usage including days of the week, hours of the day and dates of use;
 - d. Business property owner/licensee to which the parking will benefit;
2. Town Council shall have sole discretion to grant or deny the application and:
 - a. Shall consider only those applications that seek to grant a temporary unimproved parking permit for unimproved lots that are contiguous to Route 1;
 - b. Shall consider the impact that a temporary parking permit for unimproved lot would have on the property which it would serve as well as the surrounding properties;
 - c. Shall impose whatever restrictions and/or requirements that Town Council, in its sole discretion, deems necessary to maintain the parking usage for the sole use of providing parking for the business owner/licensee's patrons who seek to utilize the parking while physically being in the building of the business owner/business licensee only, including, but not limited to:
 - i. hours of operation;
 - ii. dates of operation;
 - iii. ingress and egress requirements;
 - iv. maximum length of time parking per vehicle limitations;
 - v. configuration of the parking lot, including gating, fencing and marking parking spaces;
 - vi. maximum number of vehicles to utilize the parking lot;
 - vii. number of parking spaces to be utilized;
 - viii. requirement of parking attendant;



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- ix. screening, setbacks, fences, gating;
 - x. and any other restriction, limitation or requirement, not specifically referenced herein, that Town Council deems necessary to assure the proper use of the temporary parking on unimproved lot permit;
 - d. Shall have a public hearing either as an agenda item at a regularly scheduled Town Council meeting and/or schedule a special hearing date that is published to the public;
 - e. Shall ensure that public participation on the proposed usage be permitted during a hearing.
 4. Town Council may revoke the temporary parking on unimproved lot permit at any time and for any reason, with five (5) days written notice to the parties seeking the permit or, in the event any of the conditions, limitations or requirements established by Town Council for parking use are not met and/or there is a traffic hazard created by the use of the lot for parking, the Chief of Police may revoke the temporary parking on unimproved lot permit without notice, pending review by Town Council at the next scheduled Town Council meeting.
 5. Parking fees imposed directly on the patron utilizing the unimproved lot for parking shall be prohibited.
 6. Any approved temporary parking on unimproved parking permit by Town Council shall expire within the date set forth by Town Council in the permit and, in any event, no later than one (1) year from the date of issuance.

3. Old Business

None

4. New Business

Mayor Magdeburger said in the new year the committee will be working on the lighting ordinance to modernize the language due to new technology and review the suggestions for modifications proposed by the DarkSky Committee.

5. Public Participation

Kinsley Hazel-Parker thanked the Town and stated they would work cooperatively with the Town to ensure the parking on unimproved lots proposal is successful.

Roy Williams noted that traffic related to food pickup contributes significantly to the issue, with parking spaces being occupied for extended periods of time. He also stated he is opposed to the unimproved lot being used as a parking lot.



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6. Adjournment

Motion: To adjourn the meeting at 2:44 PM.

Moved by: John Nason

Seconded by: Jacque Napolitano

Result: Motion passed unanimously.