

**SYNOPSIS OF AMENDING THE CODE OF SOUTH BETHANY,
CHAPTER 145, ~~Section 68~~, Zoning, Section 68, Building Permit
ORDINANCE XXX-XX (FIRST READING)
(Sponsored by Mayor Tim Saxton)**

This ordinance amends Chapter 145-~~Section 68~~, "Zoning", Section 68, Building Permit, to :

Require the application for and issuance of a building permit for any and all construction, repairs, and maintenance activity regardless of how minor.



ORDINANCE NO. XXX-XX

AN ORDINANCE TO AMEND the Code of the Town of South Bethany, Chapter 145 Section 68, Zoning, to require the issuance of a building permit for all construction, repair and maintenance activities.

BE IT HEREBY ENACTED by the Council of the Town of South Bethany, Sussex County, a majority thereof concurring in Council duly met, that Chapter 145, ~~Section 68~~ ("Zoning") be amended as follows (additions are **highlighted-underlined** in red text and deletions are highlighted and **marked through**):

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§ 145-68 . Building permit.

[Amended 9-8-1995 by Ord. No. 50-95; 3-9-2001 by Ord. No. 93-00; 2-8-2002 by Ord. No. 106-01; 12-12-2008 by Ord. No. 146-08; 12-10-2010 by Ord. No. 155-10; 11-9-2012 by Ord. No. 166-12; 3-14-2014 by Ord. No. 171-13]

A building permit shall be issued only in accordance with the following provisions and shall include granting permission for the Town Manager or his designee to enter and inspect the premises, as needed, prior to granting or revoking a certificate of occupancy and to inspect other improvements not requiring a Certificate of Compliance/Occupancy for the purpose of confirming compliance with this chapter.

A. Construction; permit required.

- (1) A building permit shall be required for all proposed construction and other development, as defined in § 145-3, including the placement of manufactured homes within the special flood hazard area, those areas shown as Zones A or V on the community's Flood Insurance Rate Map; ~~provided, however, that~~ ordinary repairs which are necessary to remedy normal wear and tear, or natural unavoidable decay, and to keep the property in good condition shall ~~also~~ not require a building permit.
- (2) No building permit shall be issued for any new construction or alteration of any building or structure or for the replacement of any building or structure or portion thereof destroyed by fire, natural catastrophe or act of God unless the applicant has first obtained and submitted to the Town a building permit from Sussex County Building Department and as may be required by FEMA, DNREC, and/or any other state or federal agency.
- (3) Effective March 9, 2001, a building permit shall be required to construct, replace, repave, undertake major repairs to paved, driveways and paved sidewalks; neither of which shall encroach in any street right-of-way.
- (4) Effective March 9, 2001, that portion of any existing paved driveway or paved sidewalk, located within any street right-of-way, which is in need of major repair or replacement shall be permanently removed in its entirety and only after a building permit is obtained.
- (5) For purposes of Subsection **A(3)** and **(4)** above, "major repairs" shall mean repairs to 50% or more of that portion of any paved driveway or paved sidewalk located within any street right- of-way.
- (6) A building permit shall be required for all renovation/remodeling/alteration. ~~as defined in § 145-3, where the total cost exceeds \$500, provided that the following shall not require a building permit, regardless of the total cost, including but not limited to items such as: one for one replacement of existing appliances, replacement of existing cabinet doors, replacement of existing built-in furniture, replacement of existing countertops, replacement of existing floor coverings, replacement of existing wall coverings, replacement of ceiling fixtures.~~

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(7) Effective January 1, 2009, a permit is required to connect to the central propane system.

(8) Effective January 1, 2009, a permit is required to install a geothermal well.

~~(9) A building permit is not required if the value of construction does not exceed \$500, unless otherwise required by other sections of this chapter and Chapter 42.~~

- B. Plans. If required by the Code Enforcement Constable or Town Manager, plans shall be drawn to scale and shall be of sufficient clarity to indicate the nature and extent of the work proposed and shall show in detail that it will conform to the provisions of this chapter and all relevant laws, rules and regulations. Plans for any construction shall include a plot plan drawn to scale, by a registered surveyor, showing the location of all easements, drainage facilities, adjacent grades, property lines, proposed structure and flood elevations. Upon completion, a final placement survey, by a registered surveyor, and flood elevation certificate is required.
- C. Application. If the building permit application is in accord with the provisions of this chapter and all relevant laws, rules and regulations, one copy of the application and supporting papers shall be approved and signed by the Code Enforcement Constable or Town Manager and returned to the applicant. A building permit shall thereupon be issued upon payment of all required fees and shall be displayed prominently on the construction site. One copy of the building permit and one copy of the application, along with all supporting papers, shall be retained by the Town. Should the application be disapproved, the reasons therefor shall be set forth on the application form, signed by the Code Enforcement Constable or Town Manager, and returned with all supporting papers to the applicant.

Effective date: This ordinance shall become effective upon the date of adoption.

ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF SOUTH BETHANY, SUSSEX COUNTY, DELAWARE, ON THE ____ OF _____ 2021.

SEAL:

Tim Saxon, Mayor

Caron Stevenson, Council Secretary

ATTEST: _____

1st Reading:
2nd Reading:

Sponsored by Mayor Tim Saxton
TS:jp: Ordinance XXX-XX
First Reading