



## ORDINANCE NO 808

**AN ORDINANCE TO AMEND CHAPTER 71-3, BUILDING PERMITS, AND CHAPTER 93-1, BUILDING PERMITS AND REQUESTS; LIMOUSINES BUSINESS LICENSES, OF THE MUNICIPAL CODE OF THE TOWN OF DEWEY BEACH, DELAWARE TO CLARIFY REQUIREMENTS FOR BUILDING PERMIT AND PRE-CONSTRUCTION STATE APPROVALS, CONSOLIDATE CERTAIN BUILDING PERMIT SUBCLASSIFICATIONS AND THEIR ASSOCIATED FEES, AND ELIMINATE THE LIMOUSINE BUSINESS LICENSE FEE.**

**WHEREAS**, building permits are required for all construction activities within the Town, and the Commissioners wish to provide improved clarity for these requirements; and

**WHEREAS**, certain properties require state approval before beginning construction; and

**WHEREAS**, the Commissioners of the Town of Dewey Beach have concluded that there is insufficient justification for classifying limousine license fees differently than other licensed businesses referred to in §117-13B of the code.

**NOW THEREFORE, BE IT ENACTED AND ORDAINED**, by the Commissioners of the Town of Dewey Beach, Sussex County, Delaware, in session met, as follows:

**Section 1.** Amend §71-3 of the Code of Ordinances as depicted by highlighted insertions, strikeouts and substitutions depicted below:

### **§71-3 Building permits.**

A. Any person who may desire to erect, alter, repair, move, raze, or add to any building or other structure, including but not limited to fences, bulkheads, ~~and~~ retaining walls, signs, driveways, flag poles, towers, sidewalks and patios within the Town, shall first apply to the Town for a building permit. The applicant shall submit plans and specifications therefore, and shall not deviate from the plans and specifications as approved, unless authorized in writing by the Building Inspector.

B. No building permit shall be issued for construction or alteration of any building or structure unless the applicant has first obtained and submitted supporting documents required by the Building Inspector, including:

(1) Surveys as required by regulation or rule.

(2) Other documents necessary to ensure compliance with county, state and federal regulations as set forth on the attached checklist, which may be changed from time to time as required, by the Building Inspector.

C. No building permit shall be issued for the construction or alteration of any building or structure within the area east of the ~~easterly right-of-way of Route 1 or King Charles Avenue~~ landward edge of the third buildable lot from the mean high water line of the ocean unless the applicant has first obtained and

submitted to the Town a permit from the Department of Natural Resources and Environmental Control of the State of Delaware (hereinafter referred to as the DNREC) or a letter from the DNREC stating that a permit from the DNREC is not required.

**Section 2.** Amend §93-1 of the Code of Ordinances as depicted by highlighted insertions, strikeouts and substitutions depicted below:

**§93-1 Building permits and requests; ~~limousines business licenses.~~**

A. Building permits: 3% of the total construction cost for all required permits, with a \$50 minimum permit fee.

(1) The above fee shall be doubled if a permit is not obtained prior to beginning of construction.

B. ~~Fifty cents per square foot of sign area, but not less than \$50 per sign~~ Renewal of building permit: \$50.

C. Building permit application fee beginning March 1, 2021:

(1) For projects having a total construction cost of \$15,000 or more: \$150.

(2) Any project less than \$15,000: \$0.

D. Relocation of dwelling units: \$100. If new site is within Town limits, fee is same as for new construction, plus \$100.

E. Request for approval of conditional use: \$750. However, applications to amend existing conditional use permits to change or remove special requirements imposed as conditions pursuant to § 185-40 are subject to a reduced fee of \$400 if submitted not less than 12 months from the date of issuance of the conditional use permit.

~~F. Request for approval of conditional use: \$750.~~

**G** F. Request for variance, special exception, appeal, or interpretation requiring Board of Adjustment action: \$500.

H. ~~Fences, signs, driveways in excess of \$100, including flag poles, towers, sidewalks, and paved patios:~~ \$30.

~~I. Entranceway permits: \$10.~~

~~J. Renewal of building permit: \$50.~~

~~K. The above fee shall be doubled if a permit is not obtained prior to beginning of construction.~~

~~L. Limousine business license fee: \$25 per year.~~

**M.G.** Request for demolition of 50% or more of a building other than an accessory building: \$1,500. **This fee is in addition to the required building permit fee.**

**Section 3.** If any provisions 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 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.

**Section 4.** This Ordinance shall take effect immediately upon its passage by a majority vote of the Commissioners of the Town of Dewey Beach.

Adopted by at least a majority of the Commissioners of the Town of Dewey Beach on this 21<sup>st</sup> day of April, 2023.

SYNOPSIS

This Act clarifies the requirements for filing and obtaining a building permit in §71-3 of the code, and clarifies and eliminates certain subclassifications of building permits and their associated fees from §93-1 of the code in order to consolidate the fees of this section. This Act also eliminates the limousine license fee from §93-1 of the code with the intention of classifying limousine licenses as either an in-town or out-of-town business as outlined in §117-13B of the code.

  
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Mayor, William Stevens

  
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Town Manager, Bill Zolper