

**SYNOPSIS OF ORDINANCE  
AMENDING THE CODE OF SOUTH BETHANY,  
TO AMEND CHAPTER 42, BUILDING CONSTRUCTION, §42-5, B AND C;  
AND CHAPTER 145, ZONING, ARTICLE XVII, §145-68 A (1), (6) AND (9)  
ORDINANCE 214-24 (SECOND READING)  
(Sponsored by Councilman Biciocchi)**

This Ordinance amends the Code of the Town of South Bethany, Chapter 42, Building Construction, §42-5, amending B and C, to conform with the Town's floodplain ordinance; and Chapter 145, Zoning, Article XVII, §145-68, amending A (1), (6) and (9), regarding when building permits are required.



## ORDINANCE NO. 214-24

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**BE IT HEREBY ENACTED** by the Council of the Town of South Bethany, Sussex County, Delaware, a majority thereof concurring in Council duly met, that the following ordinances be and hereby are amended as follows: (additions are **bold and highlighted in red text** and deletions are ~~bold and marked through~~)

**Amend Chapter 42, Building Construction, §42-5, amending B and C, as follows:**

### **§ 42-5 Building permit required**

- A. It shall be unlawful to begin the excavation or filling for construction on any lot for any construction of any building or structure, to begin construction of any building or structure or to begin the moving, demolition or alteration of any building or structure until a building permit for such work has been issued. "Structure" includes paved driveways and paved sidewalks. (See § 145-68 for permit requirements.) [Amended 2-8-2013 by Ord. No. 167-12]
- ~~B. Nothing contained in this chapter shall be construed as requiring a permit in order to make repairs to any existing building or structure, provided that the words "repairs" and "repairs, emergency" shall not be construed to include any addition, enlargement, reconstruction or renovation/remodeling/alteration of any such existing building, structure, or paved driveway or paved sidewalk. [Amended 2-8-2013 by Ord. No. 167-12; 11-14-2014 by Ord. No. 174-14]~~
- ~~C. A building permit is not required if the value of the construction does not exceed \$500, unless otherwise required by other sections of this chapter and Chapter 145. [Added 2-8-2002 by Ord. No. 107-01; amended 2-10-2012 by Ord. No. 158-11]~~

**Amend Chapter 145, Zoning, Article XVII, §145-68, amending A (1), (6) and (9), as follows:**

**§ 145-68 Building permit**

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 necessary to remedy normal wear and tear or natural unavoidable decay and to keep the property in good condition shall 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.~~
- (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.~~

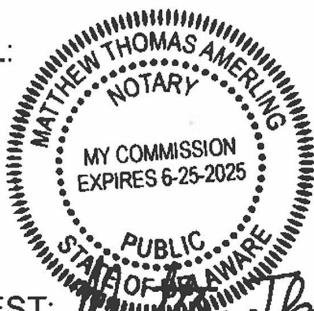
- B. Plans. If required by the Code Enforcement Constable or Town Manager, plans shall be drawn to scale and shall be of sufficient clarity to indicate the nature and extent of the work proposed and shall show in detail that it will conform to the provisions of this chapter and all relevant laws, rules 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.

If any provision(s) 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.

Effective date. This ordinance shall become effective upon its passage by a majority vote of the Town Council of the Town of South Bethany.

**ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF SOUTH BETHANY, SUSSEX COUNTY, DELAWARE, ON THE 12 OF April 2024.**

SEAL:



Timothy D. Saxton  
Timothy Saxton, Mayor

Edith Dondero  
Edith Dondero, Council Secretary

ATTEST:

Matthew Thomas Amerling

Sponsored by Councilman Biciocchi  
Ordinance 214-24  
Second Reading



1<sup>st</sup> Reading: 3/8/2024  
2<sup>nd</sup> Reading: 4/12/2024