

*“A Historic Past”*



*“A Bright Future”*

CITY OF DELAWARE CITY  
407 Clinton Street - P.O. Box 4159  
Delaware City, Delaware 19706  
302-834-4573

**ORDINANCE 19-0916-04**

**AN ORDINANCE AMEND CHAPTER 46-147 OF THE DELAWARE CITY CODE RELATING TO THE SCHEDULE OF FEES TO REDUCE BUILDING PERMIT FEES FOR NEW RESIDENTIAL AND/OR COMMERCIAL DEVELOPMENT ON PROPERTY LOCATED WITHIN THE DOWNTOWN DEVELOPMENT DISTRICT**

**WHEREAS**, pursuant to Article V, Section 5-02(A) of The City of Delaware City Charter (“Charter”), and pursuant to the “Powers of the City,” outlined in Article II, § 2-1 of the Charter, the Mayor and the Council of The City of Delaware City (“City Council”) possess the authority to adopt, amend, modify, or repeal The City of Delaware City Code (“Code”);

**WHEREAS**, under the Downtown Development Districts Act, 22 *Del.C.* §§ 1901 *et seq.* (the “Act”), the State of Delaware may designate districts within Delaware’s cities, towns, and unincorporated areas that will qualify for significant development incentives and other State benefits; and

**WHEREAS**, a portion of the City of Delaware City (the “City”) was designated as a Downtown Development District (“DDD”) on August 18, 2019; and

**WHEREAS**, as a condition of said designation, the City committed to enacting various “local incentives” to help achieve the purposes set forth in the Act; and

**WHEREAS**, one of the local incentives included in the City’s application to receive the DDD designation involved reducing the building permit fees for new development, redevelopment or rehabilitation of existing structures on properties within the DDD;

**NOW, THEREFORE**, the Mayor and City Council believe this amendment is in the best interest of the City and necessary to enhance the health, safety, and welfare of the City of Delaware City and to promote new development, the Mayor and the City Council of The City of Delaware City hereby ordain and adopt the following Code changes and revisions:

**Section 1. Amendment.** Chapter 46-147 of the Delaware City Code entitled “Schedule of Fees” is hereby amended by adding the following two “Fee Types” and “Fees” to the chart of fees payable to the City of Delaware City:

Application for Building Permits in the R-1, C-1L, C-2 or C-1M Zoning Districts located within the Downtown Development District.	The greater of (a) \$100 or (b) 2% of anticipated costs of construction.
Application for Building Permits in the (C-1) Zoning District located within the Downtown Development District.	The greater of (a) \$100 or (b) 1.5% of anticipated costs of construction.

**Section 2. Validity.** The fee reductions described in Section 1. above shall remain valid for only as long as the City’s DDD Program remains certified by the State of Delaware.

**Section 3. Severability.** The provisions of this Ordinance shall be severable. If any provisions of this Ordinance are found by any court of competent jurisdiction to be unconstitutional or void, the remaining provisions of this Ordinance shall remain valid, unless the court finds that the valid provisions of this Ordinance are so essentially and inseparably connected with, and so dependent upon, the unconstitutional or void provision that it cannot be presumed that City Council would have enacted the remaining valid provisions without the unconstitutional or void provision; or unless the court finds that the remaining valid provisions, standing alone, are incomplete and incapable of being executed in accordance with City Council’s intent.

**Section 4. Effective Date.** This Ordinance shall become effective immediately upon passage.

**(Signature Page Follows)**

ADOPTED BY THE MAYOR AND COUNCIL, this 21<sup>ST</sup> day of October 2019.

ATTEST:

Britney Lovelace  
City Secretary

Paul King Sr.  
Mayor

APPROVED AS TO FORM:

[Signature]  
Council Member

[Signature]  
City Solicitor

Elizabeth Koukus  
Council Member

Margaret C. Letus  
Council Member

Robert J. M. [Signature]  
Council Member

[Signature]  
Council Member

First Reading on 9/16/19.

Second Reading, Public Hearing, and Final Passage on 10/21/19.