



THE CITY OF

Wilmington

Delaware

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Wilmington Development Review Process

Steps a Residential Developer Must Take to Obtain All Necessary Permits and Approvals

- 1 Due Diligence: Determine Zoning And Water And Sewer Service, And Sediment And Stormwater Plan For Parcel. Obtain Demolition Permit If Needed.
- 2 Obtain Zoning Compliance Approval or Seek Zoning Board of Adjustment Resolution.
- 3 If Subdivision, Submit Subdivision Approval Application to Planning Department.
- 4 If Historically Significant, Submit a Proposal to Design Review and Preservation Commission.
- 5 If Brownfield, Submit for Review by State DNREC.
- 6 If Within Waterfront District, Planning Department Will Perform Waterfront Development Review.
- 7 If Project Is Located In A Source Water Protection Area, Submit to Public Works for Review.
- 8 Apply for Building Permit.
- 9 If Building Permit Denied, Appeal to Licenses and Inspections Standards and Appeals Board.
- 10 Begin New Construction or Rehabilitation Project.
- 11 Complete the Inspection Process.
- 12 Perform Fire Marshal's Office Inspection and Final Walk-Through.
- 13 Submit As Builts to Public Works and L&I.
- 14 Apply For Final Inspection In Order To Obtain a Certificate of Occupancy.

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Due Diligence: Determine Zoning And Water And Sewer Service, And Sediment And Stormwater Plan For Parcel. Obtain Demolition Permit If Needed.

A. Determine zoning for parcel. [Visit this link to determine zoning for parcel using the City zoning map.](#)

If there is a question regarding zoning or the property is near to a boundary line, go to Zoning Manager to obtain a verbal statement of what the zoning designation is for the parcel. For a fee of \$25, an applicant may obtain a written certification from L&I that states the zoning designation for the parcel, whether the proposed use is allowable under that zoning designation and a list of any outstanding violations.

B. Determine additional approvals needed. L&I employees will alert the applicant to additional approvals needed that are included within Steps 5-9 including city historic district review and waterfront development review.

C. Determine status of water and sewer service and whether the water and sewer mains have sufficient capacity to accommodate the development with Public Works. Applicant has to submit Sediment & Stormwater Plans in accordance with the most recent version of State Regulations to the City of Wilmington and/or DNREC (Delaware Natural Resource and Environmental Control). This is a requirement for obtaining any building permits. The Sediment & Stormwater Plan dictates the layout of your development. Therefore, it should be a first step in your development.

D. If you have applied or are planning to apply for any federal funding in support of your project, confer with the Department of Real Estate and Housing immediately. A project may become ineligible for federal funding if the applicant has hired contractors without satisfying federal requirements or has begun work on the land or building beyond performing an environmental review.

E. Where demolition needed, obtain demolition permit.

1. Obtain a Demolition Utility Sign-Off sheet and Permit Application from L&I. Obtain signatures showing that all utilities, water and sewer have been shut off or capped.
2. Submit completed Demolition Utility Sign-off and Permit Application to L&I and Public Works.
3. Submit photos showing all views of existing property, reason for demolition and development plans for the site to the Planning Department. Planning may ask for an in-person meeting.
4. If the property is included on the National Register of Historic Places or is determined to be eligible for the National Register either singularly or as part of a district, located in one of the city's Historic Districts, Neighborhood Conservation Districts or an Urban Renewal area, then the project or demolition must be reviewed by the Department of Planning and Development 36 CFR 61 certified staff, who may in turn need to refer it to the DRPC if the proposed work involves a change in design or materials on the building. Certified Staff may review and approve projects that are considered "in-kind maintenance." All other projects, that include demolition, building alterations, new construction, fencing and/or landscape plans that affect topography require review by the seven member commission of experts in Federally mandated areas. Note that the request for a variance process can be performed concurrently with this review.

5. If demolished building shares a common wall with an adjacent property, applicant must submit an architectural drawing to L&I showing how the former shared interior wall will be insulated, treated and covered with brick if the front facade is brick.
6. Where demolition permit granted, L&I must inspect the property prior to demolition.

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Obtain Zoning Compliance Approval or Seek Zoning Board of Adjustment Resolution.

A. Go to Licenses and Inspections Zoning during walk-in hours or make an appointment to determine if plans for site require a variance.

1. If a variance is not needed, receive verbal assurance from zoning officer and proceed to next step in process.
2. If variance is needed, fill out ZBA form for use or dimensional variance and participate in next available ZBA hearing. The Zoning Board of Adjustment hearing is a formal, quasi-judicial hearing that takes sworn testimony. The ZBA meets biweekly on the second and fourth Wednesday of the month at 6:30pm. There are three members of the ZBA Board—all of whom are city staff from the City Department of Law, Public Works and the city Department of Real Estate and Housing. If granted a variance, the applicant may apply for a building permit. (Obtaining a signed resolution may take up to three weeks of additional time after the hearing is complete and the variance have been granted. This is not necessary for a building permit application. This written resolution is necessary for an appeal of the ZBA decision.) The applicant has six months to apply for a permit after receiving a variance.
3. If variance is denied, the applicant can appeal the decision to the Superior Court of the State of Delaware.

Additional Steps That May Be Necessary (Steps 3-7)

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If Subdivision, Submit Subdivision Approval Application to Planning Department.

If the project qualifies as a minor or major subdivision, the Planning Department must review the application to L&I or by direct application to the Planning Department. Applicant may submit final plan once applicant obtains approval of preliminary plan. Final plan must be recorded with the County.

A. Minor Subdivision: Planning Department prepares a report and uses a standard checklist/sign off sheet that is forwarded to L&I to evaluate the subdivision with regard to Zoning Code requirements. The Planning Department stamps the plan to note approval of the proposed subdivision.

B. Major Subdivision: The City Planning Commission must review subdivision requests for sites larger

than 2.5 acres, located within a flood plain, surrounded on all sides by streets or a park, or involving a condominium declaration. Materials must be submitted at least two weeks prior to the City Planning Department meeting, which is held on the third Tuesday of each month. The Director of Planning signs approved final subdivision plans following City Planning Commission approval of the preliminary plans.

C. Street removal: If the subdivision requires a public street to be removed, City Council must pass an ordinance removing the street. Prior to City Council review, staff at Planning, Public Works, L&I, Fire Marshal, and Law Department must review to ensure compliance with the Code and that there is sufficient public access once a street is removed.

D. Public street or park dedication: Dedicating any public land to the city requires a City Council ordinance.



If Historically Significant, Submit a Proposal to Design Review and Preservation Commission (DRPC).

Applicant must submit a [Design Review Proposal with Cover Sheet](#) to the Planning Department for DRPC review if a property falls within the 12 City Historic Districts, two C-6 Zoning Districts, one Neighborhood Conservation District, or within specific sections of the city's Urban Renewal Areas. The seven-member DRPC includes six Mayoral appointments and one ex-officio member of the City Planning Commission or his or her alternate. The DRPC reviews the exteriors of buildings to determine the effects of the following types of actions on historic architecture:

- Building Alterations
- Demolitions
- New Construction
- Fencing
- Landscaping plans that affect topography

Where possible applicant should meet with the DRPC coordinator to review the proposal prior to formal submission. Applicant must submit ten sets of a complete proposal package, which will be sent to the DRPC for consideration at their regular meeting. The DRPC's decision, while advisory, is required prior to the issuance of a permit, and will be forwarded to the Commissioner of Licenses and Inspections in the form of a resolution that recommends issuance or denial of building permit. The DRPC meets on the third Wednesday of each month at 6:30 p.m. in City Council Chambers and complete applications are due to the DRPC Coordinator in the Planning Department three weeks before the meeting date in order to allow staff time to prepare an analysis and draft a resolution for the Commission. It is an open meeting that allows for public comment. There is a Checklist for Design Review Proposals available [online as part of the DRPC application](#).



If Brownfield, Submit for Review by State Department of Natural Resources and Environmental Control (DNREC).

If the property is a brownfield, the Planning Department will coordinate all brownfield-related issues and the plan must be reviewed by DNREC. DNREC will stamp the plans when approved.

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If Within Waterfront District, Planning Department Will Perform Waterfront Development Review.

Proposed plans for development within the waterfront district are reviewed by Planning Department staff for compliance with the waterfront standards according to established criteria for design, river activity and economic development. Review is typically initiated through the L&I building permit application process. Proposals involving a special exception use are forwarded to the City Planning Department, whose recommendations are sent to the Zoning Board of Adjustment in the form of a resolution.

- **Minor Waterfront Development Review:** Reviewed by staff where there is no frontage or acreage and no height or setback variance is required.
- **Major Waterfront Development Review:** Requires Planning Commission review where height or setback variance and/or a special exception or use variance is required.

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If Project Is Located In A Source Water Protection Area, Submit to Public Works for Review.

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Apply for Building Permit.

After obtaining verbal approval by the zoning officer or a decision from the ZBA, the applicant may apply for a building permit with L&I. The applicant must submit 3 complete sets of signed and sealed site plans, building plans, electrical and mechanical plans in addition to the [Building Permit Application](#) to L&I. The applicant must submit application and supporting documentation to Public Works, Fire Marshal and the Planning Department. L&I is not responsible for sharing the application or documentation with other agencies. Note that all contractors and subcontractors listed on the permit application must have a City of Wilmington contractor's license.

A. Applicant for permits may request an interdepartmental meeting of all relevant agencies as a courtesy to identify any code compliance issues or roadblocks up front before application. These meetings are encouraged for larger scale developments. No approvals will be provided at this meeting but issues and concerns can be identified up front. Developers are responsible for drafting minutes to document meeting.

B. Submit 3 hard copies of application and one digital copy in PDF format to Public Works for preliminary review. Public Works reviews utility access, stormwater management, curb cuts, traffic signals, sidewalk encroachments, street lighting, curb bump outs and proposed public infrastructure. Public Works will provide utility prints. Review will take on average four weeks from application and fee submission, although for large housing projects that require numerous laterals or extensions, review time is closer to eight weeks. [Public Works Submission Guidelines and Checklist](#) discuss requirements for preliminary review, construction approval and certificate of occupancy. Where Public Works has concerns, they may contact the applicant or the applicant's engineer directly or share their concerns with L&I.

C. Planning Department performs a curb cut review and a parking lot landscape review where applicable. Review is typically initiated through L&I but applicant can provide application directly to Planning Department.

D. Provide a [Fire Protection Plan Review Application](#) to the Fire Marshal's Office once applicant has obtained zoning approval and has permission to build. The Fire Marshal will require a submittal for residential sprinkler installation in single-family dwellings. The Fire Marshal's Office reviews building plans for compliance with the Wilmington City Code, 2015 Delaware State Fire Prevention Regulations and applicable National Fire Codes. The Fire Marshal's Office issues a letter accepting or rejecting building plans. A fire safety review may be required depending upon the level of demolition of any fire protection systems and/or egress issues. No submittal is required for this evaluation.

Where the Wilmington Fire Marshal's Office rejects a plan, the applicant may appeal to several city and state bodies. First, the applicant may appeal to the City Fire Marshal. Second, the applicant may appeal to the Licenses and Inspections Standards and Appeals Board and ask the Board to send a request to the Fire Marshal that a decision be reversed. Third, the applicant may appeal to the State Fire Marshall. The State Fire Marshal shall make a report to the State Fire Prevention Commission as to whether the State Fire Prevention Regulations appear to have been interpreted and applied correctly by the Wilmington Fire Marshal's office. The State Fire Marshal's report is then considered as part of the State Fire Prevention Commission's deliberation as to whether to grant an appeal hearing. Where the State Fire Prevention Commission holds a hearing and finds that the State Fire Prevention Regulations have not been correctly interpreted or applied, then the Commission may remand the issue back to the Wilmington Fire Marshal for appropriate application of the State Fire Prevention Regulations.

E. L&I notifies applicant of approval. Typically takes 2-4 weeks to obtain building permit. Applicants will be advised of the status of their application weekly by email. Applicant can then go to L&I to pay fees and pick up permit.

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If Building Permit Denied, Appeal to Licenses and Inspections Standards and Appeals Board.

The applicant may appeal L&I building code decisions to the L&I Standards and Appeals Board. The L&I Commissioner reviews recommendations by the Appeals Board and makes a final decision.

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Begin New Construction or Rehabilitation Project.

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Complete the Inspection Process.

Multiple inspections are required at different phases of building. A single inspector is assigned to each project. Inspectors are in the office only in the morning until 10am and in the afternoon for an hour after 3:30pm. If there is an urgent inspection needed, call L&I at 576-3030. If it is a routine inspection, L&I will leave a voice mail message for the inspector. Required inspections include:

- Foundation
- Site (boundaries and retaining walls)
- Slab/Footing
- Framing
- Utilities in ground
- HVAC (rough and final)
- Insulation
- Plumbing and Heating (mechanical inspector)
- Electrical (insurance inspector - independent third party agency)
- Stucco (if stucco is used)
- Final inspection

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Perform Fire Marshal's Office Inspection and Final Walk-Through.

Check all life safety systems to ensure that they are functioning and located correctly. Schedule inspection by calling the Fire Marshal's Office Inspection Hotline at (302) 571-4583. Must pass inspection to obtain Certificate of Occupancy.

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Submit As Builts to Public Works and L&I.

For post-construction requirements, the applicant must submit to Public Works as-built drawings (if applicable) by the Engineer, Surveyor and/or Contractor showing all water, sewer and utilities in the public right of way or which are the subjects of the easement where the City has agreed to maintain the utilities. This process must take place prior to receiving a Certificate of Occupancy. Applicant must submit final plans to L&I showing what has been built.

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Apply For Final Inspection In Order To Obtain A Certificate of Occupancy.

Applicant should apply for final inspection in order to obtain a Certificate of Occupancy. The applicant who initiated the permit application must go to L&I to pick up the certificate.

Permit and Review Fees

\$12	Per \$1,000 of construction costs
\$20	Per craft utilized (i.e., electric, air conditioning, heating, mechanical ventilation, and plumbing (maximum \$50/job)
\$50	Certificate of Compliance
\$50	Minor Subdivision Review
Per Unit Fee	Major Subdivision Review: <ul style="list-style-type: none"> • 1-20 units: \$100 plus \$15 per lot • 21-100 units: \$150 plus \$15 per lot • Over 100 units: \$625 plus \$5 per lot
\$1,000	New Street or Public Way
\$150+	Fire Protection Plan Review Fee: <ul style="list-style-type: none"> • \$150 minimum review fee for construction costs up to \$21,428.57 • \$7 for every \$1,000 of construction costs up to \$1 million • \$3 for every \$1,000 of construction costs in excess of \$1 million
\$100	Temporary Certificate of Occupancy (30 days max)
\$100	Certificate of Occupancy
\$100+	Demolition: First 3,000 sq. ft.: \$100 Each additional 3,000 sq. ft.: \$50
\$50	Re-inspection for final Certificate of Occupancy or Certificate of Compliance*
\$100	Re-inspection for final Fire Marshal's Office inspection

*Note that there is no fee for review by Public Works or for historic review by Planning Department or the DRPC.