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ORDINANCE NO _____

AN ORDINANCE TO AMEND CHAPTER 101, FLOOD DAMAGE REDUCTION OF THE MUNICIPAL CODE OF THE TOWN OF DEWEY BEACH, DELAWARE, 2005, AS AMENDED, RELATING TO THE DRY FLOODPROOFING REQUIREMENT OF STRUCTURES

WHEREAS, on September 8, 2023, The Dewey Beach Climate Change Committee recommended the Planning Commission and Town Council evaluate the need to increase the Town freeboard; and

WHEREAS, on October 18, 2024, The Town Council approved Ordinance 846 to increase the mandatory freeboard height to 2 feet; and

WHEREAS, on February 4, 2025 the Planning Commission recommended the measurement of dry floodproofing for non-residential structures be increased to 2 feet; and

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 §101-28B of the Municipal Code of the Town of Dewey Beach as depicted by ~~strikeout~~ and underlined substitutions below

Dry floodproofing requirements. Dry floodproofed structures, together with attendant utility and sanitary facilities, shall:

- (1) Be designed to be dry floodproofed such that the structure is watertight with walls and floors substantially impermeable to the passage of water to the level of the base flood elevation plus ~~12~~ 24 inches. In areas of shallow flooding (Zone AO), the structure shall be dry floodproofed at least as high above the highest adjacent grade as the depth number specified in feet on the Flood Insurance Rate Map plus ~~12~~ 24 inches, or at least two feet plus ~~12~~ 24 inches if a depth number is not specified. [~~SB 64 Recommended Standard 7A; Require 12 inches of freeboard (height above minimum elevation)~~]

Section 8. Severability. If any provision 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 9. Adoption. This Ordinance shall take effect **[PENDING]** pending its approval by the Delaware Department of Natural Resources and Environmental Control (DNREC). Adopted by at least a majority vote of all Commissioners of the Town of Dewey Beach on February 21, 2025.

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SYNOPSIS

This Act increases the minimum measurements for dry floodproofing of structures from 12 inches to 24 inches from base flood elevation.

Mayor, William Stevens

Town Manager, Bill Zolper

DRAFT