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ORDINANCE NO.

AN ORDINANCE TO AMEND CHAPTER 1-16, DEFINITIONS, TO AMEND THE DEFINITION OF “SUBSTANTIAL IMPROVEMENT” TO REQUIRE CUMULATIVE TRACKING OF CONSTRUCTION AND RECONSTRUCTION COSTS

WHEREAS, the current definition of “Substantial Improvement” in the municipal code applies a single-project threshold, whereby improvements are regulated only when the cost of an individual project equals or exceeds 50% of the market value of the structure; and

WHEREAS, the Town Council recognizes that multiple smaller improvements made over time may collectively result in significant structural investment and increased flood risk, while not triggering regulation under the existing single-project standard; and

WHEREAS, the Town desires to address this gap by adopting a cumulative approach that accounts for the total cost of improvements over a defined period of time.

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 Section 1-16 of the Code of Ordinances as depicted by strikeouts and substitutions depicted below:

SUBSTANTIAL IMPROVEMENT

~~Any~~ All reconstruction, rehabilitation, addition, or other improvements of a structure taking place during the 10-year period immediately preceding the date of building permit application for a new permit, the cumulative cost of which, when added to the cost of the new improvement, equals or exceeds 50% of the market value of the structure before the start of construction of the new improvement. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified prior to the application for a development permit by the local code enforcement official and which are the minimum necessary to assure safe living conditions. See FEMA P-758, Substantial Improvement/Substantial Damage Desk Reference.

Section 2. 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 3. This Ordinance shall take effect immediately upon its passage by a majority vote of the Commissioners of the Town of Dewey Beach.

43 Adopted by at least a majority of the Commissioners of the Town of Dewey Beach on this 17th day of
44 April, 2026.

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SYNOPSIS

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48 This ordinance revises the definition of “Substantial Improvement” to adopt a cumulative approach,
49 whereby the total cost of improvements made to a structure over a 10-year period is considered when
50 determining whether the 50% market value threshold has been met.

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Mayor, William Stevens

Town Manager, Bill Zolper

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Section 1. Amend Section 1-16 of the Code of Ordinances as depicted by strikeouts and substitutions depicted below:

SUBSTANTIAL IMPROVEMENT

Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure ~~before the start of construction of the improvement.~~ An improvement will be determined a Substantial Improvement if the cost of that improvement, plus the cumulative cost of all improvements in the 10-year period preceding the date of building permit application for the new improvement, exceeds 50% of the market value of the structure before the start of construction of the new improvement. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified prior to the application for a development permit by the local code enforcement official and which are the minimum necessary to assure safe living conditions. See FEMA P-758, Substantial Improvement/Substantial Damage Desk Reference.

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56 Mayor, William Stevens

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60 Town Manager, Bill Zolper

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