

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHAPTER 185 ZONING OF THE CODE OF THE TOWN OF DEWEY BEACH, DE TO REDUCE BUILDING PERMIT FEES ASSESSED ON RESIDENTIAL-USE PROPERTIES IN A FEMA-DESIGNATED FLOOD ZONE FOR WORK PERFORMED TO REPAIR SIGNIFICANT FLOOD DAMAGE AND/OR RETROFITTING FOR IMPROVED RESILIENCE TO FUTURE FLOOD LOSSES.¹

WHEREAS, in order to promote the health, safety, and welfare of the present and future inhabitants of Dewey Beach it is appropriate from time to time to amend Town regulations regarding planning and zoning issues within the Town of Dewey Beach, DE; and

WHEREAS, it is the desire of the Town Commissioners of the Town of Dewey Beach to encourage the sustainability of the Dewey Beach “way of life” in the face of increasingly-severe storm-driven flood damage; and

WHEREAS, it is the desire of the Town Commissioners of the Town of Dewey beach to provide financial relief to owners of residential-use properties within FEMA-designated flood zones that suffer significant flood damage; and

WHEREAS, it is the desire of the Town Commissioners of the Town of Dewey beach to provide encourage for the prompt repair of significant flood damage to residential-use properties within FEMA-designated flood zones.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE TOWN COMMISSIONERS OF THE TOWN OF DEWEY BEACH, DELAWARE IN SESSION MET THIS ____ DAY OF _____, 2013, THAT:

SECTION 1. Reduced building permit fee. Amend section 185-80. B. as shown in the following red-lined text:

- B. A filing fee shall accompany each application for a building permit, in such amount as may be determined by the Town Commissioners, a schedule of such fees to be filed with the Town Manager. ~~Any building permit lawfully in force at the effective date of this chapter, pursuant to which actual construction has not begun prior to that effective date, requires payment of such filing fee prior to start of construction.~~²

¹ **SYNOPSIS.** This ordinance amends Chapter 185-80 Building permits; fee of the Town code to waive 50% of any building permit fee otherwise assessed on a residential-use structure in a flood zone for repairs due to significant flood damage or any retrofit project that improves resilience to future flooding.

² Removed because no longer relevant.

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- a. Building permit fees for the repair of significant damage to a residential-use structure located in a FEMA-designated flood zone (including VE, AE and AO zones) shall be reduced by 50% from the effective schedule of fees;
- a-b. Building permit fees for significant retrofit projects designed to improve resilience to future flood loss on a residential-use structure located in a FEMA-designated flood zone (including VE, AE and AO zones) shall be reduced by 50% from the effective schedule of fees;
- c. For the purpose of this Chapter “retrofitting” shall have the definition used by the Federal Emergency Management Agency (FEMA); see FEMA publication P-312 “Homeowner’s Guide to Retrofitting (2nd Ed., 2009). “Retrofitting means making changes to an existing building to protect it from flooding or other hazards such as high winds and earthquakes.” FEMA lists six types of retrofit projects to protect one’s home from flood damage: elevation, wet floodproofing of uninhabited areas, relocation, dry floodproofing, barriers, and razing and rebuilding properly; and
- d. For the purposes of this sub-Section “significant” shall be interpreted as a repair or retrofit project estimated at costing more than \$5,000.³

SECTION 2 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 3. Formatting and minor editorial changes. Minor changes of formatting and typography may be made to assist incorporating these changes into the Town Code.

SECTION 4. Adoption. This Ordinance shall take effect immediately upon its adoption by a majority vote of the Commissioners of the Town of Dewey Beach.

Adopted by at least a majority vote of all Commissioners of the Town of Dewey Beach on _____, 2013.

BY: _____
Mayor Diane Hanson

ATT: _____
Town Manager Marc Appelbaum

³ The number “\$5,000” is used here as a placeholder, pending discussion and a vote of the Planning Commission on an appropriate level to set for the application of such building permit relief.