

TOWN OF DEWEY BEACH, DELAWARE



Standard Operating Procedure for Floodplain Management

September 2026

Table of Contents

Main Document

Town of Dewey Beach, Delaware

Floodplain Management Administrative Procedures: Permitting, Substantial Improvement, and Substantial Damage

- 1. Purpose and Use**
- 2. Regulations**
 - 2.1 Town of Dewey Beach Chapter 101, Flood Damage Reduction
 - 2.2 Town of Dewey Beach Chapter 71, Building Construction
 - 2.3 Town of Dewey Beach Chapter 1-16, Definitions
 - 2.4 Town of Dewey Beach Chapter 185, Zoning
 - 2.5 Federal NFIP Regulations and FEMA Guidance
 - 2.6 Town of Dewey Beach Emergency Operations Plan
 - 2.7 Sussex County Emergency Operations Plan
 - 2.8 Sussex County Multi-Jurisdictional Hazard Mitigation Plan
- 3. Communication and Public Information**
 - 3.1 Routine, Non-Disaster Periods
 - 3.2 Pre-Disaster Periods
 - 3.3 Post-Disaster Periods
 - 3.4 New Property Owner Information
 - 3.5 Public Outreach Records
- 4. Appeals and Variances**
 - 4.1 Application for Variance
 - 4.2 Variance Considerations
 - 4.3 Variance Limitations
 - 4.4 Relationship to SI/SD Determinations
- 5. Method for Determining Market Value**
 - 5.1 Market Value for SI
 - 5.2 Market Value for SD
 - 5.3 Acceptable Market Value Documentation
 - 5.4 Applicant Responsibility
 - 5.5 SI/SD Calculation

6. **Cost of Improvement Determination**
 - 6.1 Required Documentation
 - 6.2 Included Costs
 - 6.3 Excluded Costs
 - 6.4 Greater of Actual Cost or Accepted Cost Data
 - 6.5 Electrical, Plumbing, Mechanical, and Other Separately Permitted Work
 - 6.6 Phased Improvements
 - 6.7 Change in Scope or Cost
 - 6.8 Cumulative Improvement Tracking
7. **Method for Determining Cost of Repair or Damage**
 - 7.1 Required Documentation
 - 7.2 Cost to Restore
 - 7.3 SD Calculation
8. **Floodplain Determination and Permit Process**
 - 8.1 Floodplain Determination
 - 8.2 Permit Requirement
 - 8.3 Building Permit Coordination
 - 8.4 Application Contents
 - 8.5 Permit Review and SI/SD Determination
 - 8.6 Permit Expiration
9. **Additions, Historic Structures, and Special Review Circumstances**
 - 9.1 Additions
 - 9.2 Minimally Connected Addition Review
 - 9.3 Historic Structures
10. **Recreational Vehicles in Special Flood Hazard Areas**
 - 10.1 Requirements
 - 10.2 Practical Review Considerations
11. **Post-Disaster Impact Area Determination**
 - 11.1 Purpose
 - 11.2 Impact Area Review
 - 11.2.1 Field Reports
 - 11.2.2 Weather, Coastal, and Hydrologic Information
 - 11.2.3 High Water Marks
 - 11.2.4 Preliminary Damage Assessments
 - 11.2.5 Use of Preliminary Damage Categories for SD Prioritization

- 11.2.6 Coordination with Other Assessments
- 11.3 Inspection Planning
- 11.4 Inspections
- 11.5 Use of FEMA SDE Damage Assessment Information
- 11.6 Permit-Based SD Review After Disasters
- 11.7 Temporary Emergency Protective Measures
- 11.8 Emergency Operations Plan Coordination
- 11.9 Coordination with Sussex County and Other Agencies
- 12. **Substantial Damage Determinations**
 - 12.1 Data Review and Calculation
 - 12.2 Use of SDE and Inspection Worksheets
 - 12.3 Recording Determinations
 - 12.4 Relationship to SI
 - 12.5 Issuing Determinations
 - 12.6 Reconsideration of SD Determinations
- 13. **Appeals and Reconsideration of SI/SD Determinations**
 - 13.1 Administrative Reconsideration
 - 13.2 Variance or Appeal to Board of Adjustment
- 14. **Permitting for Repairs and Rebuilding**
 - 14.1 Substantially Improved or Substantially Damaged Structures
 - 14.2 A, AE, and AO Zones
 - 14.3 Zone VE
 - 14.4 Optional Additional Freeboard and Building Height Coordination
 - 14.5 Relationship to Hazard Mitigation Actions
- 15. **Non-Conversion Agreements**
- 16. **Data Management and Recordkeeping**
 - 16.1 Edmonds Permitting System
 - 16.2 Required Floodplain Records
 - 16.3 Emergency and Post-Disaster Records
 - 16.4 Public Outreach and Mitigation Records
 - 16.5 Hazard Mitigation Plan Records
- 17. **Appendices and Supporting Documents**
 - A. Floodplain Development Permit Application Materials Checklist

- B. Substantial Improvement Worksheet
- C. Substantial Damage Worksheet
- D. Property Owner Affidavit
- E. Contractor Affidavit
- F. Non-Conversion Agreement for Structures in the Floodplain
- G. Notice of Substantial Damage Determination
- H. Notice of Non-Substantial Damage Determination
- I. Notice of Substantial Improvement Determination
- J. Notice of Non-Substantial Improvement Determination
- K. Elevation Certificate and Floodproofing Certificate Review Checklist
- L. Post-Event Damage Inspection Checklist
- M. Recreational Vehicle Compliance Checklist
- N. Recordkeeping Checklist
- O. Addition / Phased Improvement Review Checklist
- P. Emergency Operations and Public Information Coordination Checklist
- Q. FEMA SDE Damage Assessment and Determination Worksheet Reference
- R. Sussex County Hazard Mitigation Plan Reference

Town of Dewey Beach, Delaware

Floodplain Management Administrative Procedures: Permitting, Substantial Improvement, and Substantial Damage

Section 1. Purpose and Use

The Town of Dewey Beach has prepared these administrative procedures to describe how the Town administers floodplain development permitting and makes Substantial Improvement and Substantial Damage determinations for buildings and structures located in Special Flood Hazard Areas and other flood hazard areas regulated by the Town Code.

The Town uses these procedures to guide day-to-day floodplain administration, building permit coordination, Substantial Improvement and Substantial Damage review, 5-year cumulative improvement tracking, post-event damage review, documentation, enforcement, public information, emergency coordination, mitigation coordination, and recordkeeping. These procedures apply during routine permit review and after storms, flooding, fire, wind, or other events that damage buildings in regulated flood hazard areas.

The Town administers these procedures to support compliance with:

- The National Flood Insurance Program, including 44 CFR Parts 59 and 60.
- 44 CFR § 60.3, Floodplain Management Criteria for Flood-Prone Areas.
- Town of Dewey Beach Code, Chapter 101, Flood Damage Reduction.
- Town of Dewey Beach Code, Chapter 71, Building Construction.
- Town of Dewey Beach Code, Chapter 1-16, Definitions, including the definition of Substantial Improvement as amended by Ordinance No. 877-2026.
- Applicable provisions of Chapter 185, Zoning, including height, setback, variance, and building permit requirements affected by floodplain compliance and freeboard requirements.
- Ordinance No. 846, increasing the Town's mandatory freeboard requirement to 2 feet.
- Ordinance No. 849-2025, allowing additional optional freeboard subject to Town building height restrictions and amending Chapter 185 Table 2.
- The Town of Dewey Beach Emergency Operations Plan, August 2026 draft, or any final adopted successor Emergency Operations Plan.
- The Sussex County Emergency Operations Plan, as referenced in the Town Emergency Operations Plan.
- The Sussex County Multi-Jurisdictional Hazard Mitigation Plan, July 2022.

- Applicable state, county, and federal permitting requirements, including Sussex County building permit and inspection requirements and DNREC approvals where applicable.

The Town participates in the National Flood Insurance Program and is responsible for adopting, administering, and enforcing floodplain management regulations that address Substantial Improvement and Substantial Damage for structures in Special Flood Hazard Areas. In Dewey Beach, any construction, alteration, remodeling, improvement, replacement, reconstruction, repair, relocation, or expansion of a building or structure located wholly or partially within, or in contact with, an identified Special Flood Hazard Area must be reviewed for compliance with Chapter 101.

Under § 101-12B(2), any modification, alteration, addition, reconstruction, repair, or improvement of any kind to an existing structure, the cost of which equals or exceeds 50% of the market value of the structure, shall only be undertaken in full compliance with Chapter 101.

Under Chapter 1-16, as amended by Ordinance No. 877-2026, an improvement will be determined a Substantial Improvement if the cost of that improvement, plus the cumulative cost of all improvements in the 5-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.

Under § 101-11N, the Floodplain Administrator is responsible for conducting determinations as to whether existing buildings and structures damaged by any cause and located in Special Flood Hazard Areas have been substantially damaged.

The Town participates in the Sussex County Multi-Jurisdictional Hazard Mitigation Plan, July 2022. The Town uses the HMP as a mitigation planning reference for flood risk reduction, public outreach, NFIP compliance, stormwater coordination, repetitive loss mitigation, post-disaster recovery, and future mitigation project development.

For purposes of these procedures, the Town recognizes the hazards identified for Dewey Beach in the HMP, including flooding, wind-related events, winter storms, and extreme heat/cold. These procedures support the HMP by strengthening floodplain management, SI/SD administration, NFIP compliance, public outreach, post-disaster damage review, mitigation-related recordkeeping, and coordination with Sussex County, DEMA, DNREC, FEMA, and other partners.

The Town's floodplain management, SI/SD review, permitting, public information, damage assessment, and post-disaster procedures are coordinated with broader local and county emergency management and mitigation efforts, including the Town Emergency Operations Plan, Sussex County Emergency Operations Plan, and Sussex County Multi-Jurisdictional Hazard Mitigation Plan.

These procedures are administrative procedures of the Town of Dewey Beach. They are intended to guide Town floodplain management, permitting, SI/SD review, post-disaster coordination, public information, mitigation coordination, and recordkeeping. These procedures do not amend the Town Code and do not replace any requirement of Chapter 101, Chapter 71, Chapter 185, the NFIP, FEMA regulations, state law, county requirements, or other applicable authority. Where a conflict exists, the Town will apply the more restrictive applicable requirement and may consult the Town Solicitor, DNREC, FEMA, Sussex County, or other appropriate authority.

Section 2. Regulations

The Town administers Substantial Improvement and Substantial Damage requirements under local, state, and federal authorities. The following authorities guide the Town's permitting, review, inspection, enforcement, variance, 5-year cumulative tracking, freeboard, building height coordination, emergency coordination, mitigation coordination, public outreach, and recordkeeping procedures.

2.1 Town of Dewey Beach Chapter 101, Flood Damage Reduction

Chapter 101 applies to all Special Flood Hazard Areas within the jurisdiction of the Town of Dewey Beach. Relevant provisions include:

Article I, General Provisions

- § 101-1, Findings.
- § 101-2, Statement of Purpose.
- § 101-3, Applicability.
- § 101-4, Basis for establishing Special Flood Hazard Areas.
- § 101-5, Abrogation and greater restrictions.
- § 101-6, Interpretation.

Article III, Administration

- § 101-10, Designation of Floodplain Administrator.
- § 101-11, Duties and responsibilities of Floodplain Administrator.
- § 101-12, Permits required.

- § 101-13, Application required.
- § 101-14, Review; approval or disapproval.
- § 101-15, Inspections.
- § 101-16, Submissions required prior to foundation inspection and issuance of certificate of occupancy.
- § 101-17, Flood Insurance Rate Map use and interpretation.

Article IV, Requirements in All Special Flood Hazard Areas

- § 101-18, Application of requirements.
- § 101-19, Subdivisions and developments.
- § 101-20, Protection of water supply and sanitary sewage systems.
- § 101-21, Buildings and structures.
- § 101-22, Fill.
- § 101-23, Historic structures.
- § 101-24, Recreational vehicles.
- § 101-25, Gas or liquid storage tanks.

Article V, Requirements in Special Flood Hazard Areas Other Than Coastal High-Hazard Areas

- § 101-26, General requirements.
- § 101-27, Residential structures and residential portions of mixed-use structures.
- § 101-28, Nonresidential structures and nonresidential portions of mixed-use structures.
- § 101-29, Accessory structures.
- § 101-30, Protection of flood-carrying capacity.

Article VI, Requirements in Coastal High-Hazard Areas, Zone VE

- § 101-31, General requirements.
- § 101-32, Location and site preparation.
- § 101-33, Residential and nonresidential structures.

Article VII, Variances

- § 101-34, Variances.

Article VIII, Enforcement

- § 101-35, Compliance required.
- § 101-36, Notice of violation.

- § 101-37, Violations and penalties.

The Town applies the mandatory 2 feet of freeboard required by Chapter 101, as amended by Ordinance No. 846 and Ordinance No. 849-2025. Additional freeboard may be added as an option where allowed, subject to the Town's building height restrictions and other applicable requirements.

2.2 Town of Dewey Beach Chapter 71, Building Construction

Chapter 71 governs building construction, building permits, permit conditions, maintenance activities, inspections, and enforcement. Relevant provisions include:

- § 71-1, Adoption of standards; exceptions.
- § 71-2, Plan approval and inspections.
- § 71-3, Building permits.
- § 71-4, Fees and conditions for permits.
- § 71-5, Other requirements.
- § 71-8, Enforcement; violations and penalties.

Chapter 71 designates the Sussex County Building Code Inspection Department as the official inspection and enforcement agency for applicable structures constructed within the Town after June 30, 1996. Chapter 71 also requires Dewey Beach building permits after Sussex County plan review approval and building permit issuance, where applicable.

Where Chapter 101 and Chapter 71 overlap, the Town applies the more restrictive applicable requirement, consistent with § 101-5, Abrogation and greater restrictions.

2.3 Town of Dewey Beach Chapter 1-16, Definitions

The Town applies the definition of Substantial Improvement in Chapter 1-16, as amended by Ordinance No. 877-2026.

Substantial Improvement means 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 5-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 include any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications that have been identified prior to the application for a development permit by the local code enforcement official and that are the minimum necessary to assure safe living conditions, consistent with FEMA P-758, Substantial Improvement/Substantial Damage Desk Reference.

2.4 Town of Dewey Beach Chapter 185, Zoning

Chapter 185 includes zoning requirements that may affect floodplain compliance, building height, setbacks, variances, and permit review. Ordinance No. 849-2025 amended Chapter 185 Table 2 to address building height for structures in Special Flood Hazard Areas.

For buildings in a Special Flood Hazard Area, Chapter 185 Table 2 generally measures maximum building height from the elevation of the 1% annual flood level on the appropriate effective FEMA Flood Insurance Rate Map plus appropriate Town mandatory freeboard and up to 1 foot of optional freeboard, except in any VE Special Flood Hazard Area where one additional foot of height shall be permitted due to the difference in base building elevation reference points for AO and AE Special Flood Hazard Areas versus VE Special Flood Hazard Areas.

The Floodplain Administrator and zoning/building permit staff will coordinate review of floodplain elevation requirements, optional freeboard, and building height limitations before permit issuance.

2.5 Federal NFIP Regulations, 44 CFR § 60.3, and FEMA Guidance

The Town's SI/SD procedures are informed by:

- 44 CFR 59.1, definitions.
- 44 CFR 60.3, floodplain management criteria for flood-prone areas.
- 44 CFR 60.6, variances.
- FEMA P-758, Substantial Improvement/Substantial Damage Desk Reference.
- FEMA Substantial Improvement/Substantial Damage guidance.
- FEMA Elevation Certificate and Floodproofing Certificate requirements.
- FEMA Substantial Damage Estimator and related damage inspection worksheets, where used.
- FEMA Technical Bulletins referenced in Chapter 101, including guidance on flood-damage-resistant materials, flood openings, dry floodproofing, utility

protection, breakaway walls, free-of-obstruction requirements, accessory structures, and related floodplain construction standards.

The Town administers these procedures in support of 44 CFR § 60.3, which establishes minimum floodplain management criteria for communities participating in the NFIP. These procedures support the Town's implementation of 44 CFR § 60.3 by requiring permits for development in Special Flood Hazard Areas, reviewing building sites for flood risk, requiring SI/SD determinations for existing structures, requiring elevation or floodproofing where applicable, requiring compliant utilities and service equipment, maintaining Elevation Certificates and Floodproofing Certificates, administering Zone VE construction requirements, and maintaining permanent floodplain management records.

The Town will administer SI/SD determinations, cumulative improvement tracking, permitting, inspections, enforcement, variances, and records consistent with these authorities.

2.6 Town of Dewey Beach Emergency Operations Plan

The Town maintains an Emergency Operations Plan to guide preparedness, mitigation, response, recovery, public information, Emergency Operations Center activation, resource coordination, damage assessment, documentation, and coordination with Sussex County and the State of Delaware.

The Town's August 2026 draft Emergency Operations Plan describes Dewey Beach as a coastal community located between the Atlantic Ocean and Rehoboth Bay and recognizes flooding and coastal storm hazards as significant local concerns. The Town will coordinate these SI/SD procedures with the final adopted Emergency Operations Plan when approved.

The Town may activate the Emergency Operations Center when an incident's geographic scope, complexity, or duration exceeds the capabilities of initial responders. When the Emergency Operations Center is activated, the Floodplain Administrator will coordinate, as appropriate, with Town emergency management officials, Building Department staff, Public Works-Maintenance staff, and other Town or partner agencies to support damage assessment, public messaging, recovery permitting, and Substantial Damage review.

The Town uses these SI/SD procedures to support the Emergency Operations Plan's damage assessment and recovery functions by establishing procedures for post-disaster inspections, permit coordination, Substantial Damage review, documentation, and floodplain compliance.

2.7 Sussex County Emergency Operations Plan

The Town coordinates with Sussex County emergency management functions as described in the Town Emergency Operations Plan and the Sussex County Emergency Operations Plan. Sussex County may provide coordination, information and intelligence, and resource support to the Town. Before a notice event, Sussex County may facilitate coordination calls with municipalities to share information and identify anticipated challenges. During an incident, the Town may request support from Sussex County. Following a major incident where federal reimbursement is available, the Town may work with Sussex County to submit relevant records.

2.8 Sussex County Multi-Jurisdictional Hazard Mitigation Plan

The Town participates in the Sussex County Multi-Jurisdictional Hazard Mitigation Plan, July 2022, and uses the HMP as a mitigation planning reference for flood risk reduction, public outreach, stormwater coordination, repetitive loss mitigation, post-disaster recovery, and future mitigation project development.

The Town recognizes the HMP goals for Sussex County and participating jurisdictions, including:

- Adopting enhanced stormwater management practices.
- Adopting and enforcing codes and regulations designed to reduce the impact of natural hazards.
- Retrofitting and protecting critical facilities and infrastructure from natural and human-caused hazards.
- Enhancing education and outreach strategies to improve public understanding of hazards and mitigation actions.
- Improving pre-event planning and preparedness.
- Identifying and implementing sound hazard mitigation projects.

The Town uses these SI/SD procedures to support those goals by maintaining a consistent process for floodplain permitting, Substantial Improvement determinations, Substantial Damage determinations, cumulative improvement tracking, post-disaster inspections, documentation, public outreach, and enforcement.

For purposes of these procedures, the Town recognizes the hazards identified for Dewey Beach in the HMP, including flooding, wind-related events, winter storms, and extreme heat/cold. The Town also recognizes the HMP's discussion of coastal community risks, including flooding, long-term coastal erosion, and sea-level rise along the Delaware Bay shore, Atlantic Ocean coast, and inland bays.

The Town's location between the Atlantic Ocean and Rehoboth Bay makes coordination between floodplain management, emergency operations, stormwater management, shoreline protection, public outreach, and hazard mitigation especially important.

The HMP is a planning and mitigation reference document. It does not replace the requirements of Chapter 101, Chapter 71, Chapter 185, the NFIP, FEMA regulations, or Town permit procedures. Where regulatory requirements apply, the Town will administer the more restrictive applicable requirement.

Section 3. Communication and Public Information

The Town will use routine, pre-disaster, emergency, and post-disaster communication methods to help property owners, contractors, design professionals, residents, visitors, and local officials understand flood risk, floodplain permitting, flood insurance, NFIP participation, emergency conditions, mitigation options, and SI/SD requirements.

The Town's public information activities support the public awareness and outreach goals of the Sussex County Multi-Jurisdictional Hazard Mitigation Plan. The Town will use public outreach to help residents, property owners, business owners, potential property buyers, and visitors understand hazards, flood insurance, mitigation options, and ways to protect life and property.

The Town may use email notices, Town website postings, social media, flyers, newsletters, new property owner information, permit counter assistance, direct correspondence, public meetings, Code Red emergency notifications, press conferences, public address systems, and coordination with Sussex County, DEMA, DNREC, FEMA, and other partners.

The Town's Emergency Operations Plan identifies the Town Manager or designated Dewey Beach official as the Public Information Officer responsible for major announcements, formal interviews, and media conferences, with coordination with the Mayor or designee.

3.1 Routine, Non-Disaster Periods

During routine operations, also known as "blue sky" periods, the Town may use permit intake, counter assistance, website postings, email notices, social media, newsletters, flyers, direct correspondence, new property owner information, and pre-application discussions to explain that:

- A permit is required before development begins in a Special Flood Hazard Area.
- Work on existing structures in a Special Flood Hazard Area may require Substantial Improvement review.

- Substantial Improvement review includes the cost of the proposed improvement and the cumulative cost of all improvements in the 5-year period preceding the date of the building permit application for the new improvement.
- Repairs to damaged structures in a Special Flood Hazard Area may require Substantial Damage review.
- The Floodplain Administrator may make a Substantial Damage determination after a disaster when an applicant applies for a repair permit.
- Applicants must provide market value and cost documentation for work on existing structures.
- Applicants may be required to provide prior permit, construction, repair, alteration, or improvement cost information for the preceding 5-year period.
- Elevation Certificates and Floodproofing Certificates may be required.
- The Town requires mandatory 2 feet of freeboard above the applicable base flood elevation or AO elevation requirement.
- Additional optional freeboard may be allowed, subject to the Town's building height restrictions and other applicable zoning requirements.
- Enclosures, flood openings, utilities, machinery, storage tanks, accessory structures, and dry floodproofing must comply with Chapter 101.
- Maintenance activities in the floodplain may still require documentation or floodplain review even if a building permit is not required under Chapter 71.
- Flood insurance may be required by lenders and is recommended for property owners and renters in flood-prone areas.
- Property owners should understand the benefits and limitations of NFIP flood insurance, including building and contents coverage.
- NFIP-insured buildings that are substantially damaged by flood may be eligible for Increased Cost of Compliance coverage, subject to policy terms and federal requirements.
- Property owners should check Town, county, state, and federal requirements before beginning construction, improvement, repair, or rebuilding work.
- The Town participates in the Sussex County Multi-Jurisdictional Hazard Mitigation Plan.
- Dewey Beach's identified HMP hazards include flooding, wind-related events, winter storms, and extreme heat/cold.
- SI/SD compliance supports NFIP participation, flood insurance availability, CRS participation, floodplain management, and hazard mitigation.
- Mitigation options identified in the HMP include elevation of flood-prone structures, stormwater management, shoreline restoration, public warning, and outreach.

The Town has used, and may continue to use, direct emails to residents, social media, Town website postings, newsletters, and flyers distributed to residents during blue sky periods to provide general information about flooding, flood insurance, NFIP participation, floodplain permitting, damage prevention, and emergency preparedness.

The Town will maintain new property owner information on the Town website or through other appropriate public information methods. This information may include floodplain development requirements, building permit requirements, elevation certificate information, flood insurance resources, DNREC-related requirements, Sussex County HMP information, and other applicable state or county permitting considerations.

The Town encourages owners, contractors, design professionals, residents, and new property owners to contact the Town before beginning work in flood-prone areas.

3.2 Pre-Disaster Periods

When coastal storm, flooding, wind, or other damaging conditions are anticipated, the Town may provide public information using email, website postings, social media, Code Red emergency notifications, flyers, newsletters, direct outreach, press releases, public address systems, and other appropriate communication channels regarding:

- Forecast flood and storm risks.
- Emergency conditions or situations.
- Protective actions recommended by emergency management officials.
- The need to obtain permits before repair or reconstruction.
- The possibility that SI/SD inspections and determinations may be required.
- The importance of documenting damage before beginning repairs.
- Requirements for recreational vehicles, storage tanks, utilities, and temporary measures in Special Flood Hazard Areas.
- Emergency protective measures that may be allowed to secure a property or stabilize a structure.
- Flood insurance and NFIP-related information.
- Mitigation actions that may reduce future damage.
- Contact information for Town offices and emergency information sources.

The Town uses Code Red, as referenced in the Town Emergency Operations Plan, as a public information mechanism during emergencies. Code Red may be used in coordination with other communication methods and the Town Emergency Operations Plan.

3.3 Post-Disaster Periods

Following a disaster or damaging event, the Town may provide public information through email notices, website postings, social media, Code Red, flyers, direct correspondence, public meetings, press conferences, or other appropriate methods explaining that:

- Permits are required before repair, rehabilitation, or reconstruction in Special Flood Hazard Areas.
- The Town may conduct Substantial Damage inspections in affected areas.
- The Floodplain Administrator may also make a Substantial Damage determination when an owner applies for a permit to conduct repairs after a disaster or damaging event.
- Property owners should not begin permanent repairs until the Town completes required floodplain review.
- Owners may need to provide repair estimates, appraisals, photographs, insurance information, or other documentation.
- Owners of NFIP-insured buildings that are substantially damaged by flood should contact their flood insurance carrier regarding potential Increased Cost of Compliance coverage.
- Temporary emergency protective measures may be allowed only to secure a property or stabilize a structure and do not authorize noncompliant repair.
- SI/SD requirements apply even after a disaster and may affect whether a damaged building must be elevated, floodproofed, or otherwise brought into compliance.
- The Town's permitting system and permit records will be used to help document permits, inspections, SI/SD determinations, and post-disaster recovery actions.
- Post-disaster recovery may present opportunities to reduce future losses through elevation, compliant reconstruction, utility protection, stormwater improvements, or other mitigation measures.

The Town will coordinate post-disaster public information activities with the Town Emergency Operations Plan, Sussex County emergency management procedures, and applicable mitigation planning objectives in the Sussex County Multi-Jurisdictional Hazard Mitigation Plan.

3.4 New Property Owner Information

The Town will maintain information for new property owners on the Town website or through other appropriate public information methods. This information may include:

- Floodplain development permit requirements.

- Building permit requirements.
- SI/SD requirements, including the 5-year cumulative improvement tracking requirement.
- Mandatory 2 feet of freeboard and optional additional freeboard, subject to building height restrictions.
- Elevation Certificate and Floodproofing Certificate information.
- Flood insurance and NFIP information.
- Sussex County HMP hazard and mitigation information relevant to Dewey Beach.
- Links or references to applicable state, county, and federal permitting or approval requirements.
- DNREC-related information, where applicable.
- Contact information for Town permit and floodplain management staff.

The purpose of this information is to help new property owners understand flood risk, permitting obligations, insurance considerations, mitigation options, and applicable local and state requirements before beginning construction, improvement, repair, or redevelopment work.

3.5 Public Outreach Records

The Town will maintain records of public outreach related to floodplain management, flooding, flood insurance, NFIP information, emergency notifications, mitigation, and SI/SD requirements. Records may include:

- Copies of resident emails.
- Website postings.
- Social media posts.
- Newsletters.
- Flyers or mailers distributed to residents.
- New property owner information materials.
- Code Red messages, where available and appropriate.
- Public meeting materials.
- Post-disaster notices.
- Press releases or media materials.
- Other communication records.

Public outreach records may also support the Town's participation in the Sussex County HMP, including documentation of education and outreach activities, NFIP-related

communications, repetitive loss outreach, flood insurance information, and mitigation-related public information.

These records may support public information activities, mitigation planning, emergency management coordination, NFIP compliance review, and Community Rating System documentation if applicable.

Section 4. Appeals and Variances

The Town administers variances from Chapter 101 requirements in accordance with § 101-34.

The Town of Dewey Beach Board of Adjustment has authority to authorize variances from Chapter 101 in specific cases, provided the variance is not inconsistent with federal regulations and is not contrary to the public interest.

4.1 Application for Variance

An owner or authorized agent seeking a variance from Chapter 101 must submit an application to the Floodplain Administrator.

At a minimum, the application must include:

- Applicant name, address, and telephone number.
- Legal description of the property.
- Parcel map.
- Description of existing use.
- Description of proposed use.
- Location of the floodplain.
- Description of the variance sought.
- Reason for the variance request.
- Information addressing the considerations and limitations in § 101-34B and § 101-34C.

4.2 Variance Considerations

In considering a variance, the Board of Adjustment considers the factors in § 101-34B, including:

- Danger that materials may be swept onto other lands.
- Danger to life and property from flooding or erosion.

- Susceptibility of the proposed development to flood damage.
- Importance of services provided by the proposed development.
- Availability of alternative locations.
- Necessity of a waterfront location, where applicable.
- Compatibility with existing and anticipated development.
- Relationship to the comprehensive plan and applicable mitigation planning documents, including the Sussex County HMP where relevant.
- Safety of access during flood conditions.
- Expected flood heights, velocity, duration, rate of rise, sediment transport, and wave action.
- Costs of providing governmental services during and after flood conditions.

4.3 Variance Limitations

Under § 101-34C, a variance may only be granted upon findings that include:

- Good and sufficient cause.
- Exceptional hardship or exceptional practical difficulty due to the physical characteristics of the property.
- Increased cost or inconvenience alone is not sufficient.
- The variance will not result in prohibited increases in flood heights.
- The variance will not create additional threats to public safety, extraordinary public expense, nuisances, fraud or victimization of the public, or conflict with existing law.
- The structure or development is protected by methods that minimize flood damage.
- The variance is the minimum necessary, considering the flood hazard.

If a variance is granted for a building or structure with a lowest floor elevation below the base flood elevation, the Board of Adjustment must notify the applicant in writing that the variance is to the floodplain management requirements only and that the cost of federal flood insurance will be commensurate with the increased risk.

4.4 Relationship to SI/SD Determinations

The Town first addresses disputes about market value, cost estimates, cumulative improvement records, or application of SI/SD criteria through administrative review by the Floodplain Administrator.

If an owner believes the SI/SD determination was based on incorrect information, the owner may submit additional documentation for reconsideration.

If an owner accepts the SI/SD determination but seeks relief from floodplain compliance requirements, the owner may apply for a variance under §101-34, subject to NFIP and Chapter 101 limitations.

Section 5. Method for Determining Market Value

The Town uses the market value of the building or structure, excluding land, as the basis for SI/SD calculations.

5.1 Market Value for SI

For SI, market value is the value of the structure before the start of construction of the new improvement.

For cumulative SI tracking under Chapter 1-16, as amended by Ordinance No. 877-2026, the Town uses the market value of the structure before the start of construction of the new improvement when comparing the cost of the new improvement plus the cumulative cost of all improvements in the preceding 5-year period.

5.2 Market Value for SD

For SD, market value is the value of the structure before the damage occurred.

5.3 Acceptable Market Value Documentation

The Town may accept the following documentation:

- A professional appraisal of the structure only.
- Adjusted assessed value where land value is excluded.
- Other documentation accepted by the Floodplain Administrator.

The value used for SI/SD must represent the structure only. Land, accessory structures, landscaping, pools, paving, driveways, detached sheds, and other site improvements should be excluded unless the Floodplain Administrator determines they are part of the structure for the specific review.

5.4 Applicant Responsibility

Under § 101-13A(11)(a), for work on an existing structure, including improvement, addition, repair, alteration, rehabilitation, or reconstruction, the applicant must provide documentation of the market value of the structure before the improvement is started or before the damage occurred.

For SI review, the applicant must also provide documentation sufficient for the Town to identify the cost of the proposed improvement and, when requested, the cost of improvements made during the 5-year period preceding the date of the building permit application for the new improvement.

For SD review, the applicant must provide documentation sufficient for the Town to identify the pre-damage market value of the structure and the cost to restore the structure to its pre-damage condition. At the discretion of the Floodplain Administrator, this documentation may be required when an applicant applies for a permit to conduct repairs after a disaster or damaging event.

If the applicant disputes a value used by the Town, the applicant may submit a professional appraisal or other acceptable documentation for review.

5.5 SI/SD Calculation

The Town calculates the SI percentage as follows:

Cost of current improvement plus cumulative cost of all improvements in the 5-year period preceding the date of building permit application for the new improvement ÷ market value of structure before the start of construction of the new improvement = percentage

If this percentage equals or exceeds 50%, the work is a Substantial Improvement and the structure must be brought into full compliance with Chapter 101.

The Town calculates the SD percentage as follows:

Cost to repair to pre-damage condition ÷ market value of structure before the damage occurred = percentage

If this percentage equals or exceeds 50%, the structure is Substantially Damaged and must be brought into full compliance with Chapter 101.

The Town recognizes that accurate structure-only market value documentation is important for SI/SD determinations, future mitigation planning, grant eligibility review, NFIP compliance, and documentation of repetitive loss risk reduction activities.

Note: Ordinance No. 877-2026 states that an improvement will be determined a Substantial Improvement if the cost of the new improvement plus the cumulative cost of all improvements in the preceding 5-year period “exceeds 50%” of the market value of the structure. Town staff will apply the adopted ordinance language and may consult the Town Solicitor, DNREC, FEMA, or other appropriate authority if a project is exactly 50% under the cumulative SI provision.

Section 6. Cost of Improvement Determination

The Town uses detailed cost documentation and FEMA SI/SD guidance to determine the cost of improvement.

6.1 Required Documentation

Under § 101-13A(11)(b), the applicant must provide documentation of the actual cash value of all proposed improvement work.

The Town may require:

- Signed contractor estimates.
- Signed construction contracts.
- Itemized scope of work.
- Owner estimates with supporting documentation.
- Material and labor cost documentation.
- Independent cost estimates.
- Prior permit records for the property.
- Prior construction cost estimates or contracts.
- Documentation of improvements made during the 5-year period preceding the date of the building permit application for the new improvement.
- Other documentation necessary to evaluate the actual cash value of work.

6.2 Included Costs

The Town includes all costs necessary to complete the proposed work, including but not limited to:

- Labor and materials.
- Donated or discounted labor and materials valued at market rates.
- Structural work.
- Foundation work.
- Interior finishes.
- Exterior finishes.
- Roofing.
- Windows and doors.
- Attached decks, porches, and stairs.
- Electrical systems.
- Plumbing systems.
- Mechanical systems.

- HVAC equipment and ductwork.
- Water heaters.
- Elevator equipment.
- Built-in appliances.
- Demolition directly related to the improvement.
- Debris disposal directly related to construction or demolition.
- Contractor overhead and profit.
- Construction management and supervision costs directly related to the improvement.
- Costs triggered by other code requirements when part of the improvement project.
- Costs of prior improvements within the applicable 5-year cumulative tracking period, when determining whether the new improvement is a Substantial Improvement.

6.3 Excluded Costs

The Town generally excludes the following from SI calculations:

- Land value.
- Detached accessory structures, unless included in the regulated work.
- Landscaping.
- Irrigation systems.
- Sidewalks and driveways.
- Fences.
- Pools not structurally connected to the building.
- Yard lighting.
- Plug-in appliances.
- Permit fees.
- Inspection fees.
- Survey costs.
- Plans and specifications, unless the Town determines they are directly part of the improvement valuation.
- Temporary stabilization necessary only to secure or evaluate a structure.
- Cleanup not related to construction or demolition debris.
- Minimum necessary work to correct officially cited existing health, sanitary, or safety code violations, where such violations were cited before submission of the permit application by the local code enforcement official and where exclusion is consistent with Chapter 1-16, Chapter 101, NFIP requirements, and FEMA P-758.

6.4 Greater of Actual Cost or Accepted Cost Data

When necessary to verify the reasonableness of submitted cost information, the Town may compare the submitted actual construction cost to an estimated building cost based on square footage or another accepted construction cost data source. The Floodplain Administrator may use the greater value when the submitted cost estimate appears incomplete, understated, or inconsistent with the proposed scope of work.

6.5 Electrical, Plumbing, Mechanical, and Other Separately Permitted Work

The cost of electrical, plumbing, mechanical, HVAC, elevator, utility, and other work must be included in the SI/SD determination even if such work is permitted separately or reviewed by another agency.

6.6 Phased Improvements

The Town will review phased improvements to ensure that a single improvement project is not divided into multiple permits or phases to avoid SI requirements. Where work is part of a common plan of improvement, the Floodplain Administrator may require the costs of all related phases to be combined for SI review.

Phased improvements are also subject to the 5-year cumulative tracking requirement. The Floodplain Administrator may combine costs of improvements occurring during the 5-year period preceding the date of the building permit application for the new improvement to determine whether the cumulative cost exceeds 50% of the market value of the structure before the start of construction of the new improvement.

6.7 Change in Scope or Cost

If the scope of work changes or the cost of work increases after the SI determination, the applicant must notify the Town. The Floodplain Administrator will determine whether a revised SI calculation is required.

If revised costs, when combined with the cumulative cost of all improvements in the applicable 5-year period, exceed 50% of the market value of the structure before the start of construction of the new improvement, the project becomes a Substantial Improvement and must comply with Chapter 101.

6.8 Cumulative Improvement Tracking

The Town will maintain and review permit records to track improvement costs for existing structures in Special Flood Hazard Areas in accordance with Chapter 1-16, as amended by Ordinance No. 877-2026. The Town's 5-year cumulative SI requirement applies to the cost

of the new improvement plus the cumulative cost of all improvements in the 5-year period preceding the date of the building permit application for the new improvement.

For each new improvement application, the Floodplain Administrator will review the 5-year period preceding the date of building permit application for the new improvement and identify prior improvements to the same structure.

The cumulative SI review should include:

- The cost of the proposed new improvement.
- The cost of all improvements to the structure during the preceding 5-year period.
- Prior building permits and floodplain permits.
- Prior SI worksheets or determination letters.
- Prior contractor estimates, owner affidavits, and contractor affidavits.
- Any known unpermitted work, if documented and verified.
- Any related phased work or common plan of improvement.

The cumulative SI calculation is:

Cost of new improvement + cumulative cost of all improvements in the 5-year period preceding the date of building permit application for the new improvement ÷ market value of structure before start of construction of the new improvement × 100 = cumulative SI percentage

If the cumulative SI percentage exceeds 50%, the new improvement is a Substantial Improvement.

The Town will document the review in the permit file even when the cumulative total does not exceed the threshold.

The Town uses Edmonds for permit administration and permit recordkeeping. Edmonds should be used to help identify prior permits, track improvement costs, maintain SI/SD records, and support cumulative improvement review. The Floodplain Administrator or designee will review available Edmonds permit records as part of each SI determination for work on an existing structure in a Special Flood Hazard Area.

The 5-year cumulative improvement tracking requirement supports the Town's mitigation goals by helping ensure that buildings in hazard areas are not incrementally improved without appropriate floodplain compliance review.

Section 7. Method for Determining Cost of Repair or Damage

The Town determines the cost of repair for SD determinations using the same principles as the cost of improvement.

7.1 Required Documentation

Under § 101-13A(11)(b), for damaged structures the applicant must provide documentation of the actual cash value of all work necessary to repair and restore the damage to the before-damaged condition, regardless of the amount of work that will actually be performed.

The Town may use:

- Contractor repair estimates.
- Insurance scope of loss information.
- Town inspection data.
- FEMA or State damage assessment information.
- Sussex County damage assessment information.
- Initial Damage Assessment information.
- Preliminary Damage Assessment information.
- FEMA Substantial Damage Estimator results, if used.
- SDE Damage Inspection Worksheet information, if used.
- Independent cost estimates.
- Owner-submitted documentation, subject to verification.
- Damage assessment records developed under the Town Emergency Operations Plan.
- Permit application materials submitted after a disaster or damaging event.

At the discretion of the Floodplain Administrator, the Town may complete SD review when an applicant applies for a repair permit after a disaster or damaging event. In those cases, the applicant must provide sufficient documentation of the cost to restore the structure to its pre-damage condition and the pre-damage market value of the structure.

7.2 Cost to Restore

The SD calculation is based on the cost to restore the structure to its before-damaged condition. It is not limited to the work the owner intends to perform.

Owner labor, volunteer labor, and donated materials are valued at prevailing market rates.

7.3 SD Calculation

The Town calculates the SD percentage as follows:

Cost to restore to pre-damage condition ÷ pre-damage market value of structure = percentage

If this percentage equals or exceeds 50%, the structure is Substantially Damaged and must be brought into full compliance with Chapter 101 before repair, rehabilitation, reconstruction, or occupancy approval.

Section 8. Floodplain Determination and Permit Process

8.1 Floodplain Determination

The Floodplain Administrator reviews permit applications to determine whether proposed development is located wholly within, partially within, or in contact with a Special Flood Hazard Area.

The Town may use:

- Effective Flood Insurance Rate Map.
- Effective Flood Insurance Study.
- Letters of Map Amendment or Revision.
- Field-surveyed topography.
- Local flood hazard information.
- Sussex County HMP flood hazard and risk information, where appropriate for planning or prioritization.
- Site plans and elevation data prepared by a registered professional land surveyor or registered professional engineer.

Under § 101-4A(5) and § 101-17D, where field-surveyed topography indicates that ground elevations are below the closest applicable base flood elevation, even in areas not mapped as Special Flood Hazard Area, the area shall be considered a Special Flood Hazard Area.

8.2 Permit Requirement

Under § 101-12A, no person or entity may begin construction or other development within, partially within, or in contact with a Special Flood Hazard Area until a permit is obtained from the Town and Chapter 101 requirements have been met.

This permit requirement supports 44 CFR § 60.3(a) and § 60.3(b), which require participating NFIP communities to require permits for all proposed construction and development in flood-prone areas and Special Flood Hazard Areas.

Development includes, but is not limited to:

- Subdivision of land.
- Filling.
- Grading.
- Site improvements.
- Utility installations.
- Construction.
- Alteration.
- Remodeling.
- Improvement.
- Replacement.
- Reconstruction.
- Repair.
- Relocation.
- Expansion.
- Placement or replacement of manufactured homes.
- Recreational vehicles.
- Installation or replacement of storage tanks.
- Alteration of watercourses.

8.3 Building Permit Coordination

Under Chapter 71, applicants must obtain required Sussex County plan review approval and a valid Sussex County building permit before issuance of the Dewey Beach building permit, where applicable.

Under § 71-3, any person seeking to erect, alter, repair, move, raze, or add to any building or structure must apply for a Town building permit and provide required plans and specifications.

The Town uses Edmonds for permit administration and permit recordkeeping. Edmonds should be used to receive or track permit applications, document permit review, identify prior permits, support 5-year cumulative improvement tracking, maintain cost and market value documentation, record SI/SD determinations, track inspections, and retain relevant permit correspondence and approvals.

The Town Emergency Operations Plan identifies EdmondsGovTech MCSJ as a finance tracking platform and Time Clock Plus as a time tracking platform for emergency or disaster-related finance and personnel documentation. Those systems support emergency finance and personnel documentation and are separate from the Town's use of Edmonds for permit administration.

The Floodplain Administrator or designee will review Edmonds permit records for the subject property as part of SI/SD review, including prior permits issued during the 5-year period preceding the date of the building permit application for the new improvement.

The applicant may not deviate from approved plans unless authorized in writing.

8.4 Application Contents

Under § 101-13A, permit applications for development in Special Flood Hazard Areas must include, at minimum, as applicable:

- Site plans prepared by a registered professional land surveyor or registered professional engineer.
- Existing and proposed topography.
- Limits of any previously filled portion of the site.
- Location of existing and proposed structures.
- Excavation, filling, storage of materials, drainage facilities, and other proposed activities.
- Elevation of existing natural ground.
- Elevation Certificate showing ground elevation and proposed building elevations.
- Delineation of Special Flood Hazard Areas, floodway boundaries, flood zones, and base flood elevations.
- Elevation of the lowest floor or bottom of the lowest horizontal structural member, depending on flood zone.
- Proposed mandatory freeboard and any optional additional freeboard.
- Documentation showing compliance with applicable building height restrictions when optional freeboard is proposed.
- Foundation drawings or descriptions.
- Location of service equipment and utilities.
- Fill documentation, if fill is proposed.
- SI/SD documentation for work on existing structures.
- Cumulative improvement cost documentation for the 5-year period preceding the date of building permit application for the new improvement.

- Repair cost and pre-damage market value documentation for post-disaster repair applications, when SD review is required by the Floodplain Administrator.
- Required certifications or technical analyses.
- Floodproofing Certificate for dry floodproofed nonresidential structures.
- Any other material requested by the Floodplain Administrator.

8.5 Permit Review and SI/SD Determination

The Floodplain Administrator will:

- Review the application for completeness.
- Notify the applicant if information is incomplete or additional information is required.
- Confirm flood zone and required elevation.
- Confirm the mandatory 2 feet of freeboard.
- Identify any proposed optional additional freeboard.
- Coordinate with zoning/building permit staff to confirm compliance with applicable Chapter 185 building height restrictions.
- Review Edmonds permit records for the subject property.
- Identify all documented improvement permits during the 5-year period preceding the date of the building permit application for the new improvement.
- Review cost documentation.
- Review cumulative improvement cost documentation for the applicable 5-year period.
- Review market value documentation.
- Complete the SI determination.
- Determine whether SD review is required for repair work after a disaster or damaging event.
- Complete the SD determination where required.
- Document the cumulative improvement tracking review and any SD review in the permit file.
- Consider whether the project relates to mitigation concerns, including repetitive loss, elevation, shoreline restoration, stormwater, or drainage issues.
- Approve applications that comply with Chapter 101, Chapter 71, Chapter 185, and other applicable requirements.
- Disapprove applications that do not comply and provide written reasons for disapproval.

8.6 Permit Expiration

Under § 101-14C, a floodplain permit is valid provided the actual start of construction occurs within 180 days of permit issuance. Written extensions may be granted by the Floodplain Administrator, up to a maximum of three extensions of not more than 180 days each.

Under § 71-3G, building permits are valid for one year from date of issue and may be renewed one time for one additional year if renewal is applied for before expiration. Projects with expired permits require a new permit based on a current construction cost estimate before work continues.

The Town will review both Chapter 101 and Chapter 71 timing requirements during permit administration.

Section 9. Additions, Historic Structures, and Special Review Circumstances

9.1 Additions

When an addition is proposed for a structure in a Special Flood Hazard Area, the Town will determine whether the addition is structurally integrated with the existing building and whether the total project cost, including applicable cumulative improvement costs from the preceding 5-year period, exceeds the SI threshold.

For lateral additions that are structurally integrated with the existing building, if the cost of improvement plus the cumulative cost of all improvements in the 5-year period preceding the date of building permit application for the new improvement exceeds 50% of the pre-improvement market value of the original structure, both the addition and the original building must be brought into compliance with current floodplain standards.

Where an addition is minimally connected to a pre-FIRM structure, the Floodplain Administrator may review applicable FEMA guidance and the Town Code to determine whether only the addition may be required to comply. This determination must be documented in the permit file and must not conflict with Chapter 101 or Chapter 1-16.

9.2 Minimally Connected Addition Review

The Town may consider whether a minimally connected addition review is appropriate when all of the following are documented:

- The original building is a pre-FIRM structure.

- The addition is connected to the original building only by a doorway in a common wall.
- There are no shared foundations, load-bearing walls, shared roof systems, integrated utilities, or other structural connections.
- The project has been reviewed under Chapter 101, Chapter 1-16, and applicable FEMA guidance.
- The 5-year cumulative improvement tracking requirement has been reviewed.
- The determination is documented in the permit file.
- The owner has been advised of the increased flood risk if the original pre-FIRM building remains at its existing elevation.

If any of these conditions are not met, the exception should not be applied.

9.3 Historic Structures

Repair, alteration, or rehabilitation of historic structures shall be reviewed under § 101-23. Historic structures are subject to Chapter 101 unless a determination is made that compliance will preclude the structure's continued designation as a historic structure and a variance is granted under Article VII.

Section 10. Recreational Vehicles in Special Flood Hazard Areas

The Town administers recreational vehicle requirements in Special Flood Hazard Areas under § 101-24.

10.1 Requirements

Recreational vehicles in Special Flood Hazard Areas shall be:

- Fully licensed and ready for highway use; and
- Placed on a site for less than 180 consecutive days.

Recreational vehicles that are not fully licensed and ready for highway use, or that are placed on a site for more than 180 consecutive days, must meet the requirements of:

- § 101-27C for manufactured homes; or
- § 101-33D, as applicable.

10.2 Practical Review Considerations

The Town may verify whether a recreational vehicle:

- Is fully licensed.
- Is ready for highway use.
- Is on wheels or a jacking system.
- Is attached only by quick-disconnect utilities and security devices.
- Has no permanent additions or improvements.
- Has not remained on site beyond the allowed time unless compliant as a manufactured home.

Section 11. Post-Disaster Impact Area Determination

After a flood, coastal storm, fire, wind event, or other damaging event, the Town will identify impacted areas and determine whether Substantial Damage inspections, permit reviews, or both are needed. The Town will coordinate these procedures with the Town Emergency Operations Plan, Sussex County emergency management procedures, the Sussex County Multi-Jurisdictional Hazard Mitigation Plan, and applicable Town communication systems, including Code Red.

The Town recognizes flooding as a significant hazard for Dewey Beach and recognizes that post-disaster damage review supports floodplain management, outreach, stormwater improvements, residential elevation, shoreline restoration, and other mitigation considerations. Post-disaster Substantial Damage procedures will be coordinated with Town mitigation goals and HMP-related mitigation actions where appropriate.

The Floodplain Administrator may initiate Substantial Damage review through one or more methods, including area-wide post-disaster inspections, review of damage reports, review of permit applications for repair work, or other reliable information. At the discretion of the Floodplain Administrator, a Substantial Damage determination may be made after a disaster when an owner or applicant applies for a permit to conduct repairs, even if the property was not previously included in an area-wide post-disaster inspection.

11.1 Purpose

Post-disaster Substantial Damage procedures are used to:

- Identify damaged structures in Special Flood Hazard Areas.
- Determine whether structures are substantially damaged.
- Prevent noncompliant repair.
- Ensure substantially damaged structures are brought into compliance.

- Support property owners seeking available NFIP Increased Cost of Compliance benefits, if applicable.
- Support damage assessment and recovery documentation under the Town Emergency Operations Plan.
- Support coordination with Sussex County, DEMA, FEMA, DNREC, and other partners where applicable.
- Focus Town inspection, permitting, and enforcement resources based on the severity and geographic extent of damage.
- Support mitigation planning, repetitive loss reduction, residential elevation, and future HMP updates.

11.2 Impact Area Review

To help focus Substantial Damage inspections and permitting after a flood, coastal storm, or other damaging event, the Town may use the following process for determining and refining impact areas.

11.2.1 Field Reports

The Floodplain Administrator may review field reports from:

- Building Department staff.
- Public Works-Maintenance staff.
- Police Department personnel.
- Lifeguard or emergency response personnel, where applicable.
- Code enforcement or inspection personnel.
- Rehoboth Beach Fire Company or other responding agencies.
- Sussex County emergency management or damage assessment personnel.
- Residents, property owners, contractors, or other reliable sources.

Field reports may identify observed damage, flood depths, blocked access, unsafe structures, utility impacts, debris, or areas where repair work appears to have started without required permits.

11.2.2 Weather, Coastal, and Hydrologic Information

The Town may review weather, coastal, and hydrologic information to help identify likely impact areas. Sources may include:

- National Weather Service forecasts, warnings, and post-event reports for the Dewey Beach area.
- Coastal storm, tide, surge, wave, or rainfall information.
- Flood depth or inundation information.
- Sussex County or State of Delaware emergency management information.
- Field observations of flooding, high water, erosion, or storm impacts.
- Flood hazard and risk information from the Sussex County HMP.
- Dewey Beach jurisdictional mitigation assessment information from the HMP.
- Repetitive loss or severe repetitive loss information, where available and appropriate.
- Identified mitigation action areas, including stormwater infrastructure, shoreline restoration, and elevation of flood-prone structures.

This information may be used to identify neighborhoods, street segments, or groups of properties where Substantial Damage inspections or targeted permit review should be prioritized.

11.2.3 High Water Marks

Where available, high water marks may be identified and documented by the Floodplain Administrator or designee. High water mark documentation may include:

- Location of the high water mark.
- Date observed.
- Photographs.
- Estimated or surveyed elevation, where available.
- Relationship to nearby structures, streets, or landmarks.
- Source of the information, if reported by another agency or property owner.

High water mark information may be used to support impact area mapping, inspection prioritization, permit review, Substantial Damage documentation, and future mitigation planning.

11.2.4 Preliminary Damage Assessments

In some cases, Sussex County, DEMA, FEMA, or other agencies may provide Initial Damage Assessment or Preliminary Damage Assessment information to the Town. The Town may use this information to help prioritize Substantial Damage inspections and identify likely areas of damage.

For flood-related residential damage, common preliminary categories may include:

- Affected: Property damage due to flooding, with no floodwater in the living area of the structure or limited flood impacts such as basement, crawlspace, enclosure, yard, or accessory damage.
- Minor: Floodwater in the living area at a lower depth, or other damage that may require repairs but does not appear to involve major structural damage.
- Major: Significant floodwater in the living area, damage above electrical receptacles, major damage to building systems, structural damage, or other damage requiring significant repair.
- Destroyed: Structure completely flooded to or near the first-floor ceiling, collapsed, moved off foundation, no longer on site, or otherwise not economically feasible to repair based on preliminary observations.

These categories are used for preliminary planning and prioritization only. A formal Substantial Damage determination requires review of market value and cost to restore documentation by the Floodplain Administrator.

11.2.5 Use of Preliminary Damage Categories for SD Prioritization

For the purposes of Substantial Damage determinations during a widespread event:

- Structures preliminarily categorized as Destroyed should be prioritized for Substantial Damage review and may be treated as likely substantially damaged for planning and outreach purposes, recognizing that a formal Substantial Damage determination still requires proper documentation.
- Structures preliminarily categorized as Major should receive high priority for Substantial Damage inspections and permit review.
- Structures preliminarily categorized as Minor should be reviewed as resources allow and may require Substantial Damage inspection or permit-based Substantial Damage review.
- Structures preliminarily categorized as Affected should be reviewed as resources allow, especially where the structure is in a Special Flood Hazard Area, where damage to utilities or enclosures is reported, where repair work has begun, or where the Floodplain Administrator determines that Substantial Damage review is warranted.

The Floodplain Administrator may adjust inspection priorities based on field conditions, available resources, safety, access, permit applications, owner-provided information, mitigation priorities, or other reliable information.

11.2.6 Coordination with Other Assessments

Other post-disaster assessments may occur concurrently, including:

- Life safety assessments.
- Utility damage assessments.
- Building safety evaluations.
- Code enforcement inspections.
- Public infrastructure assessments.
- Initial Damage Assessments.
- Preliminary Damage Assessments.
- Insurance inspections.
- FEMA, State, or County assessments.

The Floodplain Administrator will coordinate with these efforts, as appropriate, to avoid duplication, promote consistent use of information, and ensure that Substantial Damage determinations are supported by adequate documentation.

11.3 Inspection Planning

The Floodplain Administrator may prioritize inspections based on:

- Structures in mapped Special Flood Hazard Areas.
- Severity of observed damage.
- Areas with known flood depth.
- Structures with previous floodplain compliance issues.
- Reports of repair work beginning without permits.
- Permit applications submitted for repair, rehabilitation, reconstruction, or other post-disaster work.
- Safety and access conditions.
- Field reports from Town departments or partner agencies.
- Preliminary Damage Assessment information.
- High water mark information.
- Availability of staff, contractors, or mutual aid support.
- Mitigation priorities, including repetitive loss reduction, elevation, stormwater, shoreline restoration, and outreach.

Inspection planning will be coordinated with the Town Emergency Operations Plan and any applicable emergency management structure activated for the event. If the Emergency Operations Center is activated, the Floodplain Administrator will coordinate SI/SD

inspection priorities, public messaging, safety limitations, mitigation considerations, and recovery permit procedures through that structure as appropriate.

11.4 Inspections

The Town's Substantial Damage-related inspections are conducted under the authority of Chapter 101, Chapter 71, and the Town's adopted building and floodplain requirements.

The Floodplain Administrator is responsible for administering floodplain review and determining whether existing buildings and structures damaged by any cause and located in Special Flood Hazard Areas have been substantially damaged. The Floodplain Administrator may inspect, or cause to be inspected, buildings, structures, and other development to determine compliance, identify violations, collect damage information, and support Substantial Damage determinations.

In the context of Substantial Damage review:

The Floodplain Administrator, Building Department staff, Public Works-Maintenance staff, code inspection staff, or other authorized personnel may perform site inspections of damaged properties. The Town may use qualified third-party inspectors, engineers, consultants, mutual aid personnel, or other support when needed due to the scale or complexity of the event.

- Inspections may collect information regarding:
 - Extent and type of structural damage.
 - Interior damage.
 - Foundation damage.
 - Utility, electrical, mechanical, plumbing, and HVAC damage.
 - Floodwater depth above ground.
 - Floodwater depth above the lowest floor or first floor.
 - Damage to enclosures, crawlspaces, garages, accessory structures, and building systems.
 - Photographs and field notes.
 - Safety concerns or occupancy limitations.
 - Potential mitigation considerations, where appropriate.

Substantial Damage inspections should be documented on the Town's Substantial Damage Worksheet, SDE Damage Inspection Worksheet, Post-Event Damage Inspection Checklist, or

other approved Town form. These records become part of the property's inspection, permit, floodplain management, and mitigation planning record.

11.5 Use of FEMA SDE Damage Assessment Information

The Town may use FEMA's Substantial Damage Estimator and SDE damage inspection worksheet format to support post-disaster data collection and Substantial Damage review. When used, the Town will adapt SDE-based inspection forms for Dewey Beach properties and retain the completed records in the applicable property, permit, or floodplain management file.

The Town may use SDE-based inspection forms to collect information such as:

- Inspector name and contact information.
- Date of inspection.
- Property address and parcel information.
- NFIP community information.
- Owner information.
- Year of construction.
- Structure type.
- Foundation type.
- Superstructure type.
- Roof covering.
- Exterior finish.
- HVAC information.
- Number of stories.
- FIRM panel number.
- FIRM zone.
- Base flood elevation.
- Whether the property is in a regulatory floodway, where applicable.
- Date and cause of damage.
- Duration of flooding.
- Estimated depth of flood above ground.
- Estimated depth of flood above first floor.
- Square footage.
- Depreciation rating.
- Percent damage by building element.

SDE information is a supporting tool. It does not replace the Floodplain Administrator's responsibility to issue the Town's formal Substantial Damage determination under Chapter 101 and applicable NFIP requirements.

11.6 Permit-Based SD Review After Disasters

Following a disaster or damaging event, the Floodplain Administrator may determine that Substantial Damage review will occur through the permit application process for some or all damaged structures. This may occur when:

- The event is limited in scope.
- Area-wide inspections are not warranted or are not feasible.
- The Town lacks sufficient information to make a Substantial Damage determination immediately after the event.
- The structure was not identified during initial impact area review.
- The owner applies for a permit to repair, rehabilitate, reconstruct, or otherwise restore the damaged structure.
- The Floodplain Administrator determines that permit-based review is the most appropriate method based on the nature of the damage, available documentation, staffing, public safety considerations, or mitigation planning needs.

When permit-based Substantial Damage review is used, the applicant must provide documentation of the cost to restore the structure to its pre-damage condition and market value documentation for the structure before the damage occurred. The Floodplain Administrator may also use Town inspection records, SDE data, insurance scope of loss information, contractor estimates, photographs, FEMA or State damage assessment information, HMP-related risk information, or other reliable information.

No permanent repair, rehabilitation, reconstruction, or occupancy approval may proceed until required permits are issued and applicable Chapter 101 requirements are satisfied.

11.7 Temporary Emergency Protective Measures

Under § 101-11O, the Town will prohibit noncompliant repair of substantially damaged buildings except for temporary emergency protective measures necessary to secure a property or stabilize a structure to prevent additional damage.

Under § 71-4E, emergency maintenance may proceed immediately with notification to the Town within five (5) business days, but the maintenance must still comply with the Town Code.

Temporary emergency protective measures do not authorize permanent repair, reconstruction, occupancy, or noncompliant work.

11.8 Emergency Operations Plan Coordination

The Town maintains an Emergency Operations Plan to support preparedness, mitigation, response, and recovery operations. The Emergency Operations Plan may be used to coordinate emergency notifications, field safety, damage assessment, public information, staffing, documentation, and recovery operations following a flood, coastal storm, wind event, fire, or other damaging event.

The Emergency Operations Plan identifies Town Hall as the primary Emergency Operations Center and the West Rehoboth Maintenance Facility or other designated location as an alternate location. The Emergency Operations Center may be activated when an incident's geographic scope, complexity, or duration exceeds the capabilities of initial responders.

The Emergency Operations Plan assigns damage assessment roles to Town staff, including Building Department and Public Works-Maintenance functions. The Floodplain Administrator will coordinate with those staff to support substantial damage inspections, documentation, permit review, and mitigation planning after damaging events.

The Emergency Operations Plan also provides that documentation following an incident may include Situation Reports, Incident Action Plans, Damage Assessment Sheets, and After-Action Reports. SI/SD records should be coordinated with these incident documentation practices where applicable.

11.9 Coordination with Sussex County and Other Agencies

The Town may coordinate with Sussex County, DEMA, DNREC, FEMA, or other agencies when appropriate to support damage assessment, mitigation, recovery, permitting, floodplain management, and public information activities.

Coordination with Sussex County should also consider the HMP's mitigation goals, the Town of Dewey Beach jurisdictional mitigation assessment, and any relevant mitigation actions that may be advanced during recovery.

Section 12. Substantial Damage Determinations

After inspection, permit application review, owner-submitted documentation, or independently developed repair cost information, the Floodplain Administrator will determine whether each damaged structure in a Special Flood Hazard Area is substantially damaged.

The Floodplain Administrator has discretion to determine the timing and method of Substantial Damage review based on the nature of the event, available information, staffing, safety, access, mitigation planning needs, and the need to ensure compliance with Chapter 101 and NFIP requirements. Substantial Damage determinations may be made after area-wide inspections, after targeted inspections, or when an applicant applies for a permit to conduct repairs following a disaster or damaging event.

12.1 Data Review and Calculation

The Floodplain Administrator will review, as applicable:

- Pre-damage market value of the structure.
- Cost to restore the structure to pre-damage condition.
- Damage inspection records.
- SDE Damage Inspection Worksheet information, if used.
- Photos.
- Field notes.
- Owner or contractor repair estimates.
- Any available insurance scope of loss.
- Any Town, FEMA, State, County, or third-party damage assessment information.
- Damage assessment information developed under the Town Emergency Operations Plan.
- Initial Damage Assessment or Preliminary Damage Assessment information, where applicable.
- Permit application materials for repair, rehabilitation, reconstruction, or other post-disaster work.
- HMP-related mitigation information, where relevant to recovery planning or future mitigation documentation.

The Floodplain Administrator will determine whether the repair cost equals or exceeds 50% of the pre-damage market value of the structure.

The Substantial Damage calculation is:

Cost to restore to pre-damage condition ÷ pre-damage structure-only market value × 100 = SD percentage

If the Substantial Damage percentage equals or exceeds 50%, the structure is Substantially Damaged and must be brought into full compliance with Chapter 101 before repair, rehabilitation, reconstruction, or occupancy approval.

12.2 Use of SDE and Inspection Worksheets

The Town may use FEMA's Substantial Damage Estimator and SDE damage inspection worksheet format as tools to assist with damage data collection and cost estimation.

When used, SDE documentation should be retained in the property file and may include:

- Residential SDE Damage Inspection Worksheet.
- Damage element percentages.
- Estimated flood depth information.
- Structure attribute information.
- Cost and depreciation information.
- Inspector notes.
- Photographs.
- SDE output reports, if generated.

SDE results are supporting documentation. The Floodplain Administrator remains responsible for issuing the Town's formal Substantial Damage determination under Chapter 101.

12.3 Recording Determinations

The Substantial Damage determination and supporting data will be documented in the property file. Records may include:

- Substantial Damage Worksheet.
- SDE Damage Inspection Worksheet, if used.
- Post-Event Damage Inspection Checklist.
- Market value documentation.
- Cost to repair or cost to restore documentation.
- Photographs.
- Inspection notes.
- Permit application materials.
- Insurance scope of loss information.
- Owner or contractor correspondence.
- Determination letter.
- Enforcement records, if applicable.
- HMP-related mitigation or recovery documentation, where applicable.

Substantial Damage records may also support mitigation planning and grant development, including documentation of flood impacts, repetitive loss concerns, residential elevation needs, and post-disaster recovery priorities.

These records are maintained as part of the permanent records required for floodplain management administration, permit decisions, enforcement actions, NFIP compliance review, and mitigation planning.

12.4 Relationship to SI

Substantial Damage focuses on damage. Substantial Improvement focuses on proposed improvements.

In some cases, the same structure may be evaluated for both Substantial Damage and Substantial Improvement. The Floodplain Administrator may use the same market value and cost documentation to determine:

- Whether the damage is Substantial Damage.
- Whether any proposed improvements separately constitute Substantial Improvement.
- Whether the 5-year cumulative SI requirement applies to proposed improvements beyond repair.

If a building is Substantially Damaged, the structure must be brought into compliance with Chapter 101 regardless of the amount of repair work the owner chooses to perform.

If additional improvements are proposed beyond repair, those improvements must also be reviewed for Substantial Improvement, including the 5-year cumulative improvement tracking requirement.

12.5 Issuing Determinations

Communicating Substantial Damage and related Substantial Improvement determinations is a key part of Chapter 101 and NFIP administration.

The Town will issue written determinations for:

- Not Substantially Damaged.
- Substantially Damaged.
- Not Substantially Improved.
- Substantially Improved.

Determination letters should:

- Identify the property.
- Identify the flood zone.
- State the structure value used.
- State the cost of work or repair cost used.
- For Substantial Improvement, identify the cumulative cost of prior improvements in the applicable 5-year period.
- Show the calculation.
- State the determination.
- Identify compliance requirements.
- Explain permit requirements before work begins or continues.
- Explain that permanent repairs may not begin until required permits are issued.
- Provide contact information for questions or reconsideration.
- Identify potential NFIP Increased Cost of Compliance information for flood-caused Substantial Damage where NFIP coverage exists.
- Identify general mitigation options or referral information, where appropriate.

Where a Substantial Damage determination may support mitigation funding, residential elevation, acquisition, reconstruction, or Increased Cost of Compliance consideration, the determination letter and supporting documentation should be maintained in a manner that can support NFIP compliance review and future mitigation planning.

The Floodplain Administrator is responsible for issuing Substantial Damage determinations and notifying property owners.

The Town may communicate Substantial Damage determinations using one or more of the following methods:

- Mailed letters to the owner of record.
- Email, where appropriate and available.
- Hand delivery during site visits, where feasible.
- Posting on the property, particularly if the structure is unsafe to occupy, access is limited, or contact with the owner is limited.
- Permit comments or permit correspondence when the Substantial Damage determination is made during review of a repair permit application.

Standard templates and documents used to notify owners of determinations include:

- Notice of Substantial Damage Determination.

- Notice of Non-Substantial Damage Determination.
- Notice of Substantial Improvement Determination.
- Notice of Non-Substantial Improvement Determination.

The Town's goal is to issue Substantial Damage determination letters as promptly as practicable after sufficient information is available. For widespread disasters, the Town should aim to issue Substantial Damage determination letters within approximately 2 to 3 weeks of the disaster, recognizing that actual timing may depend on the extent of damage, staffing, safety, access, owner documentation, contractor estimates, market value documentation, and available resources.

12.6 Reconsideration of SD Determinations

If an owner disagrees with a Substantial Damage determination, the owner may submit additional documentation for review, including:

- Updated repair estimates.
- Contractor estimates.
- Insurance scope of loss.
- Photographs.
- Engineering or architectural documentation.
- Documentation of pre-damage market value.
- Appraisal of the structure.
- Documentation showing that certain costs should be excluded.
- Clarification of the damage scope or repair scope.

The Floodplain Administrator will review the additional documentation and determine whether the Substantial Damage calculation should be revised.

Section 13. Appeals and Reconsideration of SI/SD Determinations

13.1 Administrative Reconsideration

If an owner disagrees with an SI or SD determination, the owner may contact the Floodplain Administrator and submit additional documentation, such as:

- Updated cost estimates.
- Contractor estimates.
- Appraisal of the structure.
- Photos.

- Engineering or architectural documentation.
- Clarification of project scope.
- Documentation showing certain costs should be excluded.
- Documentation regarding prior improvements within the 5-year cumulative tracking period.
- Insurance scope of loss or other repair documentation for SD determinations.

The Floodplain Administrator will review the new documentation and determine whether the SI/SD calculation should be revised.

13.2 Variance or Appeal to Board of Adjustment

If the owner seeks relief from Chapter 101 requirements, the owner may apply to the Board of Adjustment under § 101-34.

Any variance must satisfy the limitations of Chapter 101 and NFIP requirements. Increased cost or inconvenience alone is not sufficient.

Section 14. Permitting for Repairs and Rebuilding

After an SI or SD determination, all repairs and rebuilding in Special Flood Hazard Areas must proceed through the Town's floodplain and building permit processes.

14.1 Substantially Improved or Substantially Damaged Structures

Structures determined to be substantially improved or substantially damaged must be brought into full compliance with Chapter 101.

Depending on the flood zone and structure type, this may include:

- Elevation of the lowest floor.
- Elevation of the bottom of the lowest horizontal structural member in Zone VE.
- Mandatory 2 feet of freeboard.
- Optional additional freeboard, where proposed, subject to Town building height restrictions.
- Dry floodproofing for eligible nonresidential structures.
- Flood openings.
- Breakaway walls in Zone VE.
- Flood-damage-resistant materials.
- Utility and service equipment elevation or protection.
- Anchoring.

- Tank protection.
- Enclosure use limitations.
- Required Elevation Certificates or Floodproofing Certificates.
- Coordination with Chapter 185 building height requirements.

These compliance measures support the NFIP minimum floodplain management standards in 44 CFR § 60.3, including requirements for elevation, floodproofing, anchoring, flood-damage-resistant materials, utility protection, flood openings, and coastal high hazard area construction.

14.2 A, AE, and AO Zones

For residential structures and residential portions of mixed-use structures in A, AE, and AO zones, § 101-27 applies.

For nonresidential structures and nonresidential portions of mixed-use structures in A, AE, and AO zones, § 101-28 applies.

The current ordinance requires elevation to the applicable flood elevation plus mandatory 2 feet of freeboard, or dry floodproofing for eligible nonresidential structures. Additional optional freeboard may be added where allowed, subject to the Town's building height restrictions.

In Zone AO, if a depth number is specified on the Flood Insurance Rate Map, the lowest floor must be elevated at least as high above the highest adjacent grade as the depth number specified plus mandatory 2 feet of freeboard. If no depth number is specified, the lowest floor must be elevated at least two feet plus mandatory 2 feet of freeboard above the highest adjacent grade. Additional optional freeboard may be added where allowed, subject to the Town's building height restrictions.

14.3 Zone VE

For Zone VE, § 101-33 applies.

The bottom of the lowest horizontal structural member supporting the lowest floor must be at or above the base flood elevation plus mandatory 2 feet of freeboard. Additional optional freeboard may be added where allowed, subject to the Town's building height restrictions.

Structures must be supported on pilings or columns, properly anchored, and must meet VE enclosure and breakaway wall requirements.

Under Chapter 185 Table 2, for buildings in any VE Special Flood Hazard Area, one additional foot of height shall be permitted due to the difference in base building elevation reference points for AO and AE Special Flood Hazard Areas versus VE Special Flood Hazard Areas.

14.4 Optional Additional Freeboard and Building Height Coordination

Applicants may propose additional optional freeboard in addition to the Town's mandatory 2 feet of freeboard. Optional freeboard is subject to Town building height restrictions and all other applicable zoning, building, and floodplain requirements.

For buildings in a Special Flood Hazard Area, Chapter 185 Table 2 generally provides that maximum building height is measured from the elevation of the 1% annual flood level on the appropriate effective FEMA Flood Insurance Rate Map plus appropriate Town mandatory freeboard and up to 1 foot of optional freeboard, except in any VE Special Flood Hazard Area where one additional foot of height shall be permitted due to the difference in base building elevation reference points for AO and AE Special Flood Hazard Areas versus VE Special Flood Hazard Areas.

The Floodplain Administrator will coordinate with zoning and building permit staff to confirm:

- The applicable flood zone.
- The applicable base flood elevation or AO depth.
- Mandatory 2 feet of freeboard.
- Any optional additional freeboard proposed.
- The applicable Chapter 185 height measurement standard.
- Maximum number of stories.
- Roof deck requirements, if applicable.
- Any VE-specific additional height allowance.
- Whether the proposed design complies with both floodplain and zoning requirements.

14.5 Relationship to Hazard Mitigation Actions

The Town recognizes mitigation concepts relevant to Dewey Beach, including stormwater and infrastructure management, shoreline restoration along Rehoboth Bay, emergency warning and outreach, and elevation of repetitive loss or flood-prone structures.

When a structure is determined to be substantially improved or substantially damaged, the Floodplain Administrator may provide general information about mitigation options,

including elevation, compliant reconstruction, dry floodproofing for eligible nonresidential structures, utility elevation or protection, and other measures allowed by Chapter 101.

Where appropriate, the Town may also coordinate with Sussex County, DEMA, DNREC, FEMA, or other partners regarding mitigation grant opportunities, including Flood Mitigation Assistance, Hazard Mitigation Grant Program, Building Resilient Infrastructure and Communities, or other available programs. The Town will not represent that funding is guaranteed, but may help owners understand where mitigation information may be available.

Section 15. Non-Conversion Agreements

The Town may require a Non-Conversion Agreement when approving or permitting an enclosure, garage, crawlspace, storage area, accessory structure, or similar area below the required flood protection elevation that could later be converted to a nonconforming use.

The purpose of the Non-Conversion Agreement is to ensure that areas permitted only for parking, building access, crawlspace, limited storage, or other approved non-habitable use are not later converted to living space, habitable space, or another nonconforming use.

A Non-Conversion Agreement may be required for:

- Enclosed areas below elevated structures.
- Attached garages.
- Detached garages.
- Accessory structures.
- Storage rooms.
- Crawlspaces or enclosures.
- Areas below the required elevation that contain flood openings or breakaway walls.
- Any other area the Floodplain Administrator determines could be converted to a noncompliant use.

The agreement should be signed by the owner and retained in the Town's permit file. The Town may require recording in the land records if appropriate and legally available.

Section 16. Data Management and Recordkeeping

The Town will maintain permanent records necessary to administer Chapter 101.

The Town uses Edmonds for permit administration and permit recordkeeping. The Town Emergency Operations Plan identifies EdmondsGovTech MCSJ as a finance tracking

platform and Time Clock Plus as a time tracking platform for emergency or disaster expense and time tracking. These systems may support documentation during response and recovery, while Edmonds should be used to support permit administration and SI/SD recordkeeping.

16.1 Edmonds Permitting System

Edmonds should be used, as applicable, to support floodplain management administration, including:

- Permit application intake and tracking.
- Property and permit history review.
- Identification of prior permits during the 5-year cumulative SI tracking period.
- Storage or reference of market value documentation.
- Storage or reference of construction cost documentation.
- SI/SD worksheet tracking.
- Determination letter records.
- Inspection tracking.
- Enforcement tracking.
- Certificate of occupancy or final approval documentation.
- Permit correspondence and related records.

The Floodplain Administrator or designee will review Edmonds records when evaluating applications for work on existing structures in Special Flood Hazard Areas. Edmonds records should be supplemented with paper files, scanned records, applicant documentation, Sussex County records, inspection records, and other available information when needed.

16.2 Required Floodplain Records

Under § 101-11K, records include:

- Flood Insurance Rate Maps.
- Letters of Map Amendment and Revision.
- Records of permit issuance and denial.
- Determinations of whether development is in or out of Special Flood Hazard Areas.
- Elevation Certificates.
- Other required certifications.
- Variances.
- Enforcement actions.

These records support the Town's permanent recordkeeping responsibilities under Chapter 101 and the NFIP recordkeeping expectations reflected in 44 CFR § 60.3, including documentation of lowest floor elevations, floodproofing elevations, certifications, permit decisions, and compliance determinations.

For SI/SD files, the Town will maintain, as applicable:

- Permit application.
- Edmonds permit record.
- Floodplain determination.
- Flood zone and BFE documentation.
- Scope of work.
- Cost estimate and supporting documentation.
- Prior 5-year permit history.
- Cumulative improvement tracking documentation.
- Market value documentation.
- SI/SD calculation worksheet.
- Written SI/SD determination.
- Plans and specifications.
- Elevation Certificates.
- Floodproofing Certificates.
- SDE Damage Inspection Worksheet, if used.
- Inspection records.
- Photographs.
- Owner and contractor correspondence.
- Variance records, if applicable.
- Enforcement records, if applicable.
- Non-Conversion Agreement, if applicable.
- Final approval or certificate of occupancy documentation.
- Documentation relevant to mitigation actions, where applicable.
- Repetitive loss or severe repetitive loss documentation, where available and appropriate.
- Mitigation grant coordination records, where applicable.
- Records supporting residential elevation, stormwater, shoreline restoration, or other mitigation actions, where applicable.

16.3 Emergency and Post-Disaster Records

The Town Emergency Operations Plan provides that incident documentation may include:

- Situation Reports.
- Incident Action Plans.
- Damage Assessment Sheets.
- After-Action Reports.
- Initial Damage Assessment information.
- Preliminary Damage Assessment information, where applicable.
- Cost tracking records.
- Staff time and overtime records.
- Equipment usage and damage records.

Where SI/SD activities occur after an event, SI/SD records should be coordinated with applicable incident documentation and retained in the Town's property, permit, emergency management, mitigation, or recovery files as appropriate.

16.4 Public Outreach and Mitigation Records

Records related to public outreach, emergency notifications, flood insurance information, NFIP information, new property owner information, mitigation planning, and post-disaster communication will be maintained in accordance with Town recordkeeping procedures. These records may help demonstrate coordination with the Sussex County HMP, implementation of the Town Emergency Operations Plan, and ongoing public information efforts.

Records may include:

- Resident emails.
- Website postings.
- Social media posts.
- Newsletters.
- Flyers or mailers.
- New property owner information.
- Code Red messages, if available and appropriate.
- Public meeting materials.
- Press releases.
- Mitigation planning coordination materials.
- Emergency management coordination records.

Records should be maintained in the Town's property or permit files and made available for NFIP compliance review as required.

16.5 Hazard Mitigation Plan Records

The Town will maintain records that support its participation in the Sussex County HMP and future HMP updates. These records may include:

- SI/SD determinations.
- Flood damage records.
- Post-disaster inspection records.
- SDE documentation, if used.
- Repetitive loss or severe repetitive loss information, where available and appropriate.
- Public outreach records.
- Flood insurance and NFIP outreach materials.
- Stormwater and drainage concern records.
- Shoreline restoration or erosion-related coordination records.
- Residential elevation or mitigation project records.
- Documentation of coordination with Sussex County, DEMA, DNREC, FEMA, or other partners.
- Records of mitigation actions completed, underway, delayed, or proposed.

These records may help the Town support future HMP updates, mitigation grant applications, CRS documentation if applicable, and NFIP compliance review.

Section 17. Appendices and Supporting Documents

The Town will maintain the following appendices and supporting documents with these procedures or incorporate them into the Town's permit administration files:

- Appendix A: Floodplain Development Permit Application Materials Checklist
- Appendix B: Substantial Improvement Worksheet
- Appendix C: Substantial Damage Worksheet
- Appendix D: Property Owner Affidavit
- Appendix E: Contractor Affidavit
- Appendix F: Non-Conversion Agreement
- Appendix G: Notice of Substantial Damage Determination

- Appendix H: Notice of Non-Substantial Damage Determination
- Appendix I: Notice of Substantial Improvement Determination
- Appendix J: Notice of Non-Substantial Improvement Determination
- Appendix K: Elevation Certificate and Floodproofing Certificate Review Checklist
- Appendix L: Post-Event Damage Inspection Checklist
- Appendix M: Recreational Vehicle Compliance Checklist
- Appendix N: Recordkeeping Checklist
- Appendix O: Addition / Phased Improvement Review Checklist
- Appendix P: Emergency Operations and Public Information Coordination Checklist
- Appendix Q: FEMA SDE Damage Assessment and Determination Worksheet
- Reference
- Appendix R: Sussex County Hazard Mitigation Plan Reference

The Town may use FEMA's Substantial Damage Estimator and related SDE damage inspection worksheets as supporting tools for post-disaster Substantial Damage review. SDE records, if used, will be retained with the property, permit, or floodplain management file.

The Sussex County HMP is a planning and mitigation reference document. It does not replace the requirements of Chapter 101, Chapter 71, Chapter 185, the NFIP, FEMA regulations, or Town permit procedures. Where regulatory requirements apply, the Town will administer the more restrictive applicable requirement.

These procedures are administrative procedures of the Town of Dewey Beach. They are intended to guide Town floodplain management, permitting, SI/SD review, post-disaster coordination, public information, mitigation coordination, and recordkeeping. These procedures do not amend the Town Code and do not replace any requirement of Chapter 101, Chapter 71, Chapter 185, the NFIP, FEMA regulations, state law, county requirements, or other applicable authority. Where a conflict exists, the Town will apply the more restrictive applicable requirement and may consult the Town Solicitor, DNREC, Sussex County, FEMA or other appropriate authority.

Town of Dewey Beach, Delaware

Building Permit Submittal Fact Sheet

Substantial Improvement / Substantial Damage Review and Cost Estimate Requirements

Applicable Code References:

- Chapter 101, Flood Damage Reduction
- Chapter 71, Building Construction
- Chapter 185, Zoning, where applicable
- Chapter 1-16, Definitions
- Ordinance No. 877-2026, 5-year cumulative Substantial Improvement tracking
- Ordinance No. 846, mandatory 2 feet of freeboard
- Ordinance No. 849-2025, optional additional freeboard and Chapter 185 height coordination
- 44 CFR § 60.3, NFIP floodplain management criteria

Purpose of This Fact Sheet

Code References: § 101-1; § 101-2; § 101-3; § 101-11; § 101-12; § 101-13; § 71-3; 44 CFR § 60.3

The Town of Dewey Beach participates in the National Flood Insurance Program. For buildings located in a Special Flood Hazard Area, the Town must review proposed work and repair work to determine whether it qualifies as a Substantial Improvement or whether a damaged building is Substantially Damaged.

This fact sheet explains what permit applicants must submit when applying for a building permit involving an existing building in a floodplain, especially when the project includes renovation, repair, addition, reconstruction, rehabilitation, remodeling, elevation, enclosure work, utility work, or damage repair.

The Town uses these submittal requirements to support compliance with Chapter 101, Chapter 71, the NFIP, and 44 CFR § 60.3, which requires participating communities to regulate development in flood-prone areas and Special Flood Hazard Areas.

1. When SI/SD Review Is Required

Code References: § 101-3; § 101-11N; § 101-12A; § 101-12B(2); § 101-13A(11); § 71-3A; § 71-4D; 44 CFR § 60.3

The Town may require Substantial Improvement / Substantial Damage review when work is proposed for an existing building located wholly or partially in a Special Flood Hazard Area.

Review is generally required for:

- Additions.
- Renovations.
- Repairs.
- Reconstruction.
- Rehabilitation.
- Remodeling.
- Structural work.
- Elevation work.
- Enclosures.
- Expansion of a building.
- Utility, mechanical, electrical, plumbing, HVAC, elevator, or service equipment work.
- Repair of damage from flood, fire, wind, storm, deterioration, or other cause.
- Work performed after the fact or without a permit.
- Phased work or multiple related permits.
- Maintenance work in the floodplain that may affect floodplain compliance.
- Repair permit applications submitted after a disaster or damaging event, when required by the Floodplain Administrator.

The Floodplain Administrator may require SD review after a disaster when an owner or applicant applies for a permit to conduct repairs, even if the property was not previously included in an area-wide post-disaster inspection.

2. What Is Substantial Improvement?

Code References: Chapter 1-16; § 101-12B(2); § 101-13A(11); § 101-21; § 101-27; § 101-28; § 101-33; Ordinance No. 877-2026

A project is a Substantial Improvement when the cost of the proposed work equals or exceeds 50% of the market value of the structure before the improvement begins.

Under Chapter 1-16, as amended by Ordinance No. 877-2026, the Town also applies a 5-year cumulative Substantial Improvement requirement. An improvement will be determined a Substantial Improvement if the cost of the new improvement, plus the cumulative cost of all improvements in the 5-year period preceding the date of the 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.

If the project is a Substantial Improvement, the structure must be brought into compliance with Chapter 101, Flood Damage Reduction.

3. What Is Substantial Damage?

Code References: § 101-11N; § 101-11O; § 101-13A(11); § 101-21; § 101-27; § 101-28; § 101-33

A building is Substantially Damaged when the cost to restore the building to its pre-damage condition equals or exceeds 50% of the market value of the structure before the damage occurred.

Damage may be caused by flood, fire, wind, storm, deterioration, or any other cause.

The SD calculation is based on the cost to restore the building to its pre-damage condition, regardless of the amount of work the owner intends to perform.

If the building is Substantially Damaged, the structure must be brought into compliance with Chapter 101 before repair, reconstruction, or occupancy approval.

4. Required Permit Submittals for SI/SD Review

Code References: § 101-12A; § 101-13A; § 101-13A(10); § 101-13A(11); § 101-14; § 71-3A; § 71-3B; § 71-5A

Applicants must submit enough information for the Town to determine whether the proposed work, cumulative improvement cost, or repair work meets the applicable SI/SD threshold.

The Town uses Edmonds for permit administration and permit recordkeeping. The Floodplain Administrator may review Edmonds permit history, including prior permits issued during the 5-year period preceding the current building permit application.

At a minimum, the Town may require the following.

A. Permit Application Materials

Code References: § 101-13A(1)-(10); § 71-3A; § 71-3B; § 71-5A

Applicants may be required to submit:

- Completed Town building permit application.
- Sussex County permit or plan review approval, if applicable.
- Description of all proposed work.
- Construction plans, drawings, and specifications.
- Site plan or survey, if required.
- Flood zone information, if available.
- Base Flood Elevation or AO depth information, if available.
- Proposed mandatory 2 feet of freeboard.
- Optional additional freeboard, if proposed.
- Chapter 185 building height information, if optional freeboard or floodplain elevation affects building height.
- Elevation Certificate, if required.
- Floodproofing Certificate, if applicable.
- DNREC permit, approval, or letter, if required.
- Other federal, state, county, or local permits, if required.
- Addition, phased work, or prior work documentation, if applicable.

B. Market Value Documentation

Code References: § 101-13A(11)(a)

Applicants must provide documentation of the market value of the structure only.

Acceptable documentation may include:

- Professional appraisal of the structure only.
- Adjusted assessed value excluding land.
- Replacement cost less depreciation.
- Other documentation accepted by the Floodplain Administrator.

Important: Market value must exclude:

- Land value.
- Landscaping.

- Driveways.
- Sidewalks.
- Fences.
- Pools, unless structurally connected to the building.
- Detached sheds or detached accessory structures, unless included in the regulated work.
- Other site improvements not part of the building.

For SI review, market value is the value of the structure before the start of construction of the new improvement.

For SD review, market value is the value of the structure before the damage occurred.

C. Cost Estimate Documentation

Code References: § 101-13A(11)(b); § 71-4D; § 71-5A

Applicants must provide a complete and itemized cost estimate for all proposed work.

The estimate should include:

- Labor.
- Materials.
- Contractor overhead and profit.
- Demolition related to the work.
- Debris disposal directly related to the work.
- Structural work.
- Foundation work.
- Interior finishes.
- Exterior finishes.
- Roofing.
- Windows and doors.
- Attached decks, porches, stairs, and landings.
- Electrical work.
- Plumbing work.
- Mechanical work.
- HVAC equipment and ductwork.
- Water heaters.

- Elevator equipment.
- Built-in appliances.
- Utility work related to the building.
- Any work required by other codes when part of the project.

The Town may require a signed contractor estimate, signed contract, independent estimate, or other supporting documentation.

D. Five-Year Cumulative Improvement Documentation

Code References: Chapter 1-16; § 101-13A(11); Ordinance No. 877-2026

For work on an existing structure in a Special Flood Hazard Area, the Town may review improvement costs during the 5-year period preceding the date of the current building permit application.

Applicants may be required to provide:

- Prior permit numbers.
- Prior scopes of work.
- Prior contractor estimates or contracts.
- Prior owner or contractor affidavits.
- Prior cost documentation.
- Any information needed to determine whether prior work is part of the 5-year cumulative SI calculation.

The Town may use Edmonds permit records, paper files, applicant documentation, Sussex County records, inspection records, or other available information to complete the cumulative review.

Applicants may not divide one project into multiple smaller permits or phases to avoid Substantial Improvement requirements.

5. Owner and Contractor Affidavits

Code References: § 101-13A(10); § 101-13A(11); § 71-5A

The Town may require affidavits from the property owner and contractor.

Owner Affidavit

The owner affidavit confirms that:

- The permit application includes all work to be performed.
- The cost estimate includes the complete scope of work.
- Prior or related work has been disclosed when requested.
- The owner will notify the Town if the scope or cost changes.
- The owner understands that additional work may require a revised SI or SD determination.
- The owner understands that the Town may consider the cost of the proposed work plus the cumulative cost of improvements in the prior 5-year period.

Contractor Affidavit

The contractor affidavit confirms that:

- The contractor inspected the building.
- The contractor reviewed the full scope of work with the owner.
- The estimate includes all requested work.
- The estimate includes labor, materials, overhead, and profit.
- A revised estimate will be submitted if the scope changes.
- If the work is repair of damage, the estimate includes the cost to restore the building to its pre-damage condition.

6. Costs That Must Be Included

Code References: § 101-13A(11)(b); § 71-4D; § 71-5A

For SI/SD review, the cost estimate must include all costs necessary to complete the improvement or repair.

Examples include:

- Materials and labor.
- Donated or discounted labor and materials at market value.
- Contractor overhead and profit.
- Structural framing.
- Foundation work.
- Roofing.
- Siding.

- Windows and doors.
- Flooring.
- Drywall.
- Insulation.
- Cabinets and built-ins.
- Interior and exterior finishes.
- Electrical work.
- Plumbing work.
- HVAC and ductwork.
- Water heaters.
- Elevator equipment.
- Attached decks, porches, and stairs.
- Demolition and debris disposal directly related to the work.
- Code-required upgrades that are part of the project.
- Utility work related to the building.

Electrical, plumbing, mechanical, HVAC, elevator, utility, and other work must be included even if permitted separately or reviewed by another agency.

For SI review, prior improvements within the applicable 5-year cumulative tracking period must also be included where required by the Floodplain Administrator.

7. Costs That Are Generally Excluded

Code References: § 101-13A(11)(b); § 71-4D; § 71-5A

The following are generally excluded from the SI/SD cost calculation:

- Land value.
- Permit fees.
- Inspection fees.
- Survey costs.
- Landscaping.
- Irrigation systems.
- Sidewalks.
- Driveways.
- Fences.
- Yard lighting.
- Detached accessory structures not included in the regulated work.

- Plug-in appliances.
- Temporary stabilization needed only to secure or evaluate the building.
- Cleanup not related to construction or demolition debris.
- Minimum work required to correct officially cited health, safety, or sanitary code violations, if cited before the permit application and accepted by the Town.

The Floodplain Administrator may require additional documentation before excluding costs.

8. Phased Work and Changes in Scope

Code References: § 101-13A(10); § 101-13A(11); § 101-14; § 71-3A; § 71-3G; § 71-5A

Applicants may not divide one project into multiple smaller permits to avoid Substantial Improvement requirements.

The Town may combine related work when it appears to be part of one overall project or common plan of improvement.

Applicants must notify the Town if:

- Additional work is added.
- The scope changes.
- Costs increase.
- Work is performed that was not included in the original estimate.
- Prior work was omitted or newly discovered.
- Repair costs increase after a damage event.

A revised cost estimate and revised SI/SD determination may be required.

9. Additions

Code References: § 101-12B(2); § 101-13A(11); § 101-21; § 101-27; § 101-28; § 101-33; § 71-3A

If an addition is proposed, the Town will review whether the addition is structurally integrated with the existing building.

If the addition is structurally integrated and the cost of improvement, including applicable cumulative prior improvements, exceeds 50% of the market value of the original structure

before the start of construction of the new improvement, the entire structure may be required to comply with current floodplain standards.

The Town may require additional documentation showing:

- How the addition connects to the existing building.
- Whether foundations are shared.
- Whether roof systems are shared.
- Whether load-bearing walls are shared.
- Whether utilities are integrated.
- Whether the original building is pre-FIRM.
- Whether the project qualifies for any limited treatment under applicable FEMA guidance and Town Code.
- Whether the project is part of phased or cumulative work.

10. If the Project Is Substantial Improvement or Substantial Damage

Code References: § 101-21; § 101-27; § 101-28; § 101-29; § 101-33; § 101-16; 44 CFR § 60.3

If the Town determines the project is a Substantial Improvement or the building is Substantially Damaged, the structure must be brought into compliance with Chapter 101.

Depending on the flood zone and building type, this may require:

- Elevating the lowest floor.
- Elevating the bottom of the lowest horizontal structural member in Zone VE.
- Providing mandatory 2 feet of freeboard.
- Coordinating optional additional freeboard with Town building height limits.
- Elevating or protecting utilities and service equipment.
- Installing compliant flood openings.
- Using flood-damage-resistant materials.
- Limiting enclosed areas below the required elevation to parking, access, crawlspace, or limited storage.
- Using breakaway walls in Zone VE.
- Keeping Zone VE areas below the lowest floor free of obstruction as required.
- Dry floodproofing eligible nonresidential structures.
- Submitting Elevation Certificates.
- Submitting Floodproofing Certificates, if applicable.
- Meeting all applicable permit, inspection, and final approval requirements.

These compliance measures support NFIP minimum floodplain management standards in 44 CFR § 60.3.

11. Current Dewey Beach Elevation Standards

Code References: § 101-21; § 101-27A; § 101-28A; § 101-28B; § 101-33B; Ordinance No. 846; Ordinance No. 849-2025

Applicants should confirm the required elevation with the Floodplain Administrator before design or construction.

A, AE, and AO Zones

Code References: § 101-27A; § 101-28A

Residential structures and residential portions of mixed-use structures must meet Chapter 101 elevation requirements.

For AE and A zones, the lowest floor must generally be elevated to or above the base flood elevation plus mandatory 2 feet of freeboard.

For AO zones, the lowest floor must generally be elevated above the highest adjacent grade by the flood depth shown on the Flood Insurance Rate Map plus mandatory 2 feet of freeboard. If no AO depth number is specified, the lowest floor must generally be elevated at least two feet plus mandatory 2 feet of freeboard above the highest adjacent grade.

Nonresidential Structures

Code References: § 101-28A; § 101-28B

Nonresidential structures may be required to elevate or dry floodproof in accordance with Chapter 101.

Dry floodproofing must be supported by required design documentation and Floodproofing Certificate, where applicable.

Zone VE

Code References: § 101-33B

In Zone VE, the bottom of the lowest horizontal structural member supporting the lowest floor must generally be at or above the base flood elevation plus mandatory 2 feet of freeboard.

Zone VE structures must meet applicable piling or column foundation requirements, anchoring requirements, breakaway wall requirements, and free-of-obstruction requirements.

Optional Additional Freeboard and Building Height

Additional optional freeboard may be proposed, subject to Town building height restrictions.

For height measurement purposes under Chapter 185 Table 2, the ordinance references appropriate Town mandatory freeboard and up to 1 foot of optional freeboard, with a VE-specific additional height allowance.

Applicants should coordinate optional freeboard and building height issues with the Town before finalizing plans.

12. Incomplete Applications

Code References: § 101-13A; § 101-13A(10); § 101-13A(11); § 101-14A; § 71-3B; § 71-5A

The Town may determine that an application is incomplete if SI/SD documentation is missing, unclear, or inconsistent.

Common reasons an application may be delayed include:

- Missing cost estimate.
- Cost estimate is not itemized.
- Cost estimate does not include all trades.
- Missing market value documentation.
- Market value includes land.
- Scope of work is unclear.
- Plans do not match the estimate.
- Electrical, plumbing, mechanical, or HVAC costs are omitted.
- Contractor overhead and profit are omitted.
- Prior 5-year improvement information is missing or incomplete.
- Phased work or related work is not disclosed.
- Elevation Certificate is missing or incomplete.
- Floodproofing Certificate is missing, if applicable.
- Addition details are unclear.
- Damage repair documentation is missing.

- Pre-damage market value documentation is missing.
- Required Chapter 185 height coordination information is missing.
- DNREC, Sussex County, or other required approvals are missing.

The Town may request additional information before continuing review.

13. Work Without a Permit

Code References: § 101-12A; § 101-35; § 101-36; § 101-37; § 71-3A; § 71-8

Beginning work without required Town approval may result in enforcement action.

Possible actions include:

- Stop-work order.
- Notice of violation.
- Requirement to submit retroactive permit materials.
- Requirement to provide SI/SD documentation.
- Requirement to provide 5-year cumulative improvement documentation.
- Requirement to provide Elevation Certificate, Floodproofing Certificate, engineering certification, or other compliance documentation.
- Civil penalties.
- Permit surcharge.
- Requirement to remove or correct noncompliant work.
- Withholding of final approval or certificate of occupancy.
- Legal referral where appropriate.

14. Variance, Appeal, and Administrative Reconsideration Information

Code References: § 101-34; § 71-3F

If an applicant disagrees with the information used in an SI/SD determination, the applicant may submit additional documentation to the Floodplain Administrator for administrative reconsideration.

Administrative reconsideration may include review of:

- Updated cost estimates.
- Contractor estimates.
- Appraisals.

- Clarification of scope.
- Prior improvement records.
- Repair documentation.
- Insurance scope of loss.
- Engineering or architectural documentation.
- Documentation showing that certain costs should be excluded.

If an applicant accepts the SI/SD determination but seeks relief from Chapter 101 floodplain compliance requirements, the applicant may submit a variance application to the Floodplain Administrator for coordination with the Town of Dewey Beach Board of Adjustment under § 101-34.

Any variance must satisfy the limitations of Chapter 101 and NFIP requirements. Increased cost or inconvenience alone is not sufficient grounds for a variance.

Any appeal from a decision of an inspector under Chapter 71 shall be to the Board of Adjustment as provided in § 71-3F.

15. Applicant Checklist

Code References: § 101-13A; § 101-13A(10); § 101-13A(11); § 101-16; § 71-3; § 71-5

Before submitting a permit application for work on an existing building in the floodplain, applicants should gather:

Required Item	Included
Completed Town permit application	☐
Sussex County permit or plan review documentation, if applicable	☐
Full description of proposed work	☐
Construction plans / drawings	☐
Site plan or survey, if required	☐
Flood zone information	☐
BFE or AO depth information	☐

Required Item**Included**

Mandatory 2 feet of freeboard shown	☐
Optional additional freeboard shown, if proposed	☐
Chapter 185 height information, if applicable	☐
Market value documentation for structure only	☐
Itemized cost estimate for all current work	☐
Prior 5-year improvement documentation, if requested	☐
Electrical, plumbing, mechanical, HVAC costs included	☐
Contractor overhead and profit included	☐
Owner affidavit, if required	☐
Contractor affidavit, if required	☐
Elevation Certificate, if required	☐
Floodproofing Certificate, if applicable	☐
DNREC approval or letter, if required	☐
Other required permits or approvals	☐
Addition or phased work documentation, if applicable	☐
Damage repair estimate, if applicable	☐
Pre-damage market value documentation, if applicable	☐

16. Contact the Town Before Starting Work

Code References: § 101-12A; § 101-13; § 101-14; § 71-3D; § 71-8

Applicants are strongly encouraged to contact the Town before beginning any work on a building in a Special Flood Hazard Area.

Starting work before receiving required approvals may delay the project and may result in enforcement action.

Town of Dewey Beach

Floodplain Administrator / Building Permit Contact: [Insert Contact Name or Office]

Address: [Insert Address]

Phone: [Insert Phone]

Email: [Insert Email]

Important Notice

This fact sheet is provided by the Town of Dewey Beach as general permit submittal guidance. It does not replace the requirements of Chapter 101, Chapter 71, Chapter 185, Chapter 1-16, the NFIP, FEMA regulations, state law, county requirements, or other applicable authority. Where a conflict exists, the Town will apply the more restrictive applicable requirement and may consult the Town Solicitor, DNREC, FEMA, Sussex County, or other appropriate authority.



Appendices

Town of Dewey Beach, Delaware

Floodplain Management Administrative Procedures: Permitting, Substantial Improvement, and Substantial Damage

Appendix A

Floodplain Development Permit Application Materials Checklist

For work in a Special Flood Hazard Area, the Town will confirm receipt of the following, as applicable:

Item	Received / N/A	Notes
Town permit application		
Edmonds permit record created or reviewed		
Sussex County permit or plan review approval		
Site plan		
Existing and proposed topography		
Flood zone shown		
Base Flood Elevation or AO depth shown		
VE zone reviewed, if applicable		
Most restrictive flood zone applied, if multiple zones		
Mandatory 2 feet of freeboard shown		
Optional additional freeboard shown, if proposed		
Chapter 185 building height reviewed		
VE height allowance reviewed, if applicable		
Lowest floor or lowest horizontal structural member elevation shown		
Foundation details		
Utility and service equipment locations		
Fill information, if applicable		
Cost of current work documentation		

Item	Received / N/A	Notes
Prior 5-year Edmonds permit history reviewed		
Prior 5-year improvement cost documentation		
Five-year cumulative SI requirement reviewed		
Market value documentation		
SD review required for repair work after disaster		
Repair cost documentation provided, if applicable		
Pre-damage market value documentation provided, if applicable		
SI/SD worksheet completed		
Elevation Certificate required		
Floodproofing Certificate required		
DNREC documentation required		
Other federal, state, county, or local permits required		
New property owner information provided or available online, if applicable		
Applicable state requirement links or references provided, if needed		
Application complete		

Appendix B

Substantial Improvement Worksheet

Property Address: _____

Owner: _____

Permit Number: _____

Edmonds Permit / Record Number: _____

Tax Parcel: _____

Flood Zone: _____

Base Flood Elevation or AO Depth: _____

Mandatory Freeboard: 2 feet

Optional Additional Freeboard Proposed: Yes / No

Amount of Optional Additional Freeboard: _____

Required Elevation: _____

Chapter 185 Building Height Reviewed: Yes / No / N/A

Date of Application: _____

Reviewer: _____

Description of Improvement

Market Value

Item	Amount / Source
Structure-only market value before new improvement	
Source of value	

Item	Amount / Source
Date of value	
Land value excluded	Yes / No
Site improvements excluded	Yes / No

Cost of Current Improvement

The Town may use the greater of the actual cost of construction or an estimated building cost based on an accepted cost data source when necessary.

Item	Amount
Actual cost of current construction	\$
Estimated building cost based on square footage	\$
Source of estimated building cost	
Cost used for current improvement	\$

Current Improvement Cost Breakdown

Item	Amount
Labor	\$
Materials	\$
Structural work	\$
Electrical	\$
Plumbing	\$
Mechanical / HVAC	\$
Interior finishes	\$
Exterior finishes	\$
Built-in appliances	\$

Item	Amount
Demolition related to improvement	\$
Contractor overhead and profit	\$
Other	\$
Total cost of current improvement	\$

Five-Year Cumulative Improvement Tracking

Under Chapter 1-16, as amended by Ordinance No. 877-2026, an improvement will be determined a Substantial Improvement if the cost of the new improvement, plus the cumulative cost of all improvements in the 5-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.

Date of current building permit application: _____

Five-year lookback period begins: _____

Edmonds 5-year permit history reviewed: Yes / No / N/A

Reviewed by: _____

Date reviewed: _____

Source of prior permit information:

- ☐ Edmonds
- ☐ Paper file
- ☐ Applicant documentation
- ☐ Sussex County records
- ☐ Other: _____

Prior Permit / Work Description	Permit Date	Cost Included	Notes
		\$	

Prior Permit / Work Description	Permit Date	Cost Included	Notes
---------------------------------	-------------	---------------	-------

\$

\$

\$

Total cost of prior improvements in 5-year period: \$_____

Cost of current improvement: \$_____

Cumulative cost used for SI calculation: \$_____

Calculation

Cumulative cost of current and prior 5-year improvements: \$_____

Structure-only market value before current improvement: \$_____

Calculation:

Cumulative improvement cost ÷ structure-only market value × 100 = _____ %

Determination

- ☐ Substantial Improvement, cumulative cost exceeds 50%
- ☐ Not Substantial Improvement, cumulative cost does not exceed 50%
- ☐ Addition, compliance determination attached
- ☐ Phased improvement, cumulative review attached
- ☐ Other, explanation attached

Determined by: _____

Date: _____

Notes:

Appendix C

Substantial Damage Worksheet

Property Address: _____

Owner: _____

Damage Event: _____

Date of Damage: _____

Flood Zone: _____

Base Flood Elevation or AO Depth: _____

Mandatory Freeboard: 2 feet

Reviewer: _____

EOP / EOC Coordination Applicable: Yes / No / N/A

Permit-Based SD Review: Yes / No

Repair Permit Application Number: _____

Edmonds Permit / Record Number: _____

SDE Used: Yes / No

SDE Worksheet Attached: Yes / No / N/A

Damage Assessment Source:

- ☐ Town inspection
- ☐ Building Department / Public Works-Maintenance
- ☐ Floodplain Administrator inspection
- ☐ SDE Damage Inspection Worksheet
- ☐ Initial Damage Assessment
- ☐ Preliminary Damage Assessment
- ☐ Sussex County
- ☐ DEMA / FEMA
- ☐ Owner / contractor
- ☐ Insurance
- ☐ Permit application for repairs
- ☐ Other: _____

Damage Information

Cause of Damage:

- ☐ Flood
- ☐ Flood and Wind
- ☐ Wind
- ☐ Fire
- ☐ Seismic
- ☐ Other: _____

Date Damage Occurred: _____

Estimated Duration of Flooding: _____

Estimated Depth of Flood Above Ground: _____

Estimated Depth of Flood Above Lowest Floor / First Floor: _____

High Water Mark Documented: Yes / No / N/A

Photographs Attached: Yes / No

Field Notes Attached: Yes / No

Structure Information

Structure Type:

- ☐ Single Family
- ☐ Townhouse / Row House
- ☐ Manufactured Home
- ☐ Mixed Use
- ☐ Nonresidential
- ☐ Other: _____

Foundation Type:

- ☐ Slab-on-grade
- ☐ Crawlspace
- ☐ Basement
- ☐ Piles / Columns
- ☐ Piers and Posts
- ☐ Other: _____

Number of Stories: _____

Year of Construction: _____

Pre-FIRM Structure: Yes / No / Unknown

Pre-Damage Market Value

Item	Amount / Source
-------------	------------------------

Structure-only pre-damage market value	
--	--

Source of value	
-----------------	--

Date of value	
---------------	--

Land value excluded	Yes / No
---------------------	----------

Site improvements excluded	Yes / No
----------------------------	----------

Cost to Restore

The SD calculation is based on the cost to restore the structure to its pre-damage condition, regardless of the amount of work the owner intends to perform.

Item	Amount
-------------	---------------

Cost to restore to pre-damage condition	\$
---	----

Source of estimate	
--------------------	--

Owner/contractor estimate reviewed	Yes / No
------------------------------------	----------

Insurance scope of loss reviewed	Yes / No / N/A
----------------------------------	----------------

SDE estimate reviewed	Yes / No / N/A
-----------------------	----------------

Independent estimate used	Yes / No
---------------------------	----------

Permit repair estimate reviewed	Yes / No / N/A
---------------------------------	----------------

Calculation

Cost to restore: \$ _____

Pre-damage structure-only market value: \$ _____

Calculation:

Cost to restore ÷ pre-damage structure-only market value × 100 = _____ %

Determination

- ☐ Less than 50%, not Substantially Damaged
- ☐ 50% or greater, Substantially Damaged
- ☐ Additional documentation required before determination
- ☐ Permit-based SD determination
- ☐ Area-wide post-disaster SD determination

Determination issued by: _____

Date: _____

Notes:

Appendix D

Property Owner Affidavit

Town of Dewey Beach, Delaware

Owner Affidavit for Substantial Improvement / Substantial Damage Review

Property Address: _____

Tax Parcel: _____

Owner's Name: _____

Owner's Address / Phone / Email: _____

Contractor: _____

Contractor's License Number: _____

Date of Contractor's Estimate: _____

I hereby attest that the description included in the permit application for the work on the existing building located at the property identified above includes all work that will be done, including all modifications, improvements, additions, alterations, reconstruction, rehabilitation, repairs, and any other form of improvement.

I further attest that I requested the above-identified contractor to prepare a cost estimate for all work, including labor, materials, contractor overhead and profit, and all work necessary to complete the project. If the work is repair of damage, I understand that the estimate must include the cost to repair the building to its pre-damage condition.

I understand that for Substantial Improvement review, the Town may consider the cost of the proposed improvement plus the cumulative cost of all improvements in the 5-year period preceding the date of the building permit application for the new improvement.

I acknowledge that if, during construction, I decide to add work or modify the work described in the permit application, I must notify the Town of Dewey Beach. The Floodplain Administrator may re-evaluate the comparison of the cost of work to the market value of the building to determine whether the work is a Substantial Improvement or whether a revised Substantial Damage review is required. Such re-evaluation may require revision of the permit and may subject the property to additional requirements.

I understand that I may be subject to enforcement action, penalties, stop-work orders, or other remedies if inspection of the property reveals that I made or authorized repairs or

improvements that were not included in the description of work and cost estimate used as the basis for permit issuance.

Owner's Signature: _____

Date: _____

Notary Acknowledgment

State of _____

County of _____

This record was acknowledged before me on _____, **20**, by
_____.

Signature of Notarial Officer: _____

Title of Office: _____

My Commission Expires: _____

Notary Seal:

Appendix E

Contractor Affidavit

Town of Dewey Beach, Delaware

Contractor Affidavit for Substantial Improvement / Substantial Damage Review

Property Address: _____

Tax Parcel: _____

Owner's Name: _____

Owner's Address / Phone / Email: _____

Contractor: _____

Contractor's License Number: _____

Date of Contractor's Estimate: _____

I hereby attest that I have personally inspected the building located at the above-referenced address and discussed the nature and extent of the work requested by the owner, including all improvements, rehabilitation, remodeling, repairs, additions, and any other form of improvement.

At the request of the owner, I have prepared a cost estimate for all improvement work requested by the owner. The cost estimate includes all cost elements appropriate for the nature of the work, including labor, materials, contractor overhead and profit, and all work necessary to complete the project.

If the work is repair of damage, I have prepared a cost estimate to repair the building to its pre-damage condition.

I understand that the Town may review prior improvements during the 5-year period preceding the date of the building permit application for the new improvement as part of the Town's Substantial Improvement review.

I acknowledge that if, during construction, the owner requests additional work, including improvements, additions, alterations, reconstruction, rehabilitation, repairs, or modification of the work described in the application, a revised cost estimate must be provided to the Town of Dewey Beach Floodplain Administrator. The Floodplain Administrator may re-evaluate the comparison of the cost of work to the market value of the building to determine whether the work is a Substantial Improvement or whether a revised Substantial Damage review is required.

I understand that I may be subject to enforcement action, penalties, stop-work orders, or other remedies if inspection of the property reveals that I made or authorized repairs or improvements that were not included in the description of work and cost estimate used as the basis for permit issuance.

Contractor's Signature: _____

Date: _____

Notary Acknowledgment

State of _____

County of _____

This record was acknowledged before me on _____, **20**, by
_____.

Signature of Notarial Officer: _____

Title of Office: _____

My Commission Expires: _____

Notary Seal:

Appendix F

Non-Conversion Agreement for Structures in the Floodplain

Town of Dewey Beach, Delaware

Non-Conversion Agreement for Structures in the Floodplain

Enclosures, Garages, Accessory Structures, Storage Areas, Crawlspace, and Similar Areas
Below Required Flood Protection Elevation

Floodplain Development Permit No.: _____

Property Owner: _____

Additional Owner, if applicable: _____

Mailing Address: _____

Phone / Email: _____

Property Address: _____

Tax Parcel No.: _____

Deed Book / Page or Instrument No.: _____

FIRM Panel No.: _____

Flood Zone: _____

Base Flood Elevation or AO Depth: _____

Required Flood Protection Elevation: _____

For purposes of this Agreement, the required flood protection elevation is the elevation required by Chapter 101, Flood Damage Reduction, including mandatory 2 feet of freeboard and any approved optional additional freeboard.

Type of Structure or Area Covered by this Agreement:

- ☐ Enclosed area below elevated structure
- ☐ Attached garage
- ☐ Detached garage
- ☐ Accessory structure
- ☐ Shed
- ☐ Storage room
- ☐ Crawlspaced / enclosure

- ☐ Area below elevated structure in Zone VE
- ☐ Other: _____

Description of structure or restricted area:

1. Purpose of Agreement

Application has been made to the Town of Dewey Beach for a permit for the structure or area identified above. The structure or area is located within a floodplain area regulated by Chapter 101, Flood Damage Reduction, and is subject to restrictions on use, construction, occupancy, and conversion.

This Non-Conversion Agreement is required because the Town has determined that the structure or area could be converted to a use that would violate Chapter 101.

The purpose of this Agreement is to ensure that areas permitted only for parking, building access, crawlspace, limited storage, or other approved non-habitable use are not later converted to living space, habitable space, or another nonconforming use.

2. Town Code Authority

This Agreement is required or authorized by the Town's floodplain administration authority, including but not limited to:

- § 101-21, Buildings and structures.
- § 101-27B, Enclosures below the lowest floor.
- § 101-28, Nonresidential structures and dry floodproofing.
- § 101-29, Accessory structures.
- § 101-33C, Enclosures below the lowest floor in Zone VE.
- § 101-35, Compliance required.
- § 101-36, Notice of violation.
- § 101-37, Violations and penalties.

3. Owner Agreement and Restrictions

In consideration of the Town's review and issuance of a permit or conditioned approval for the structure or area identified above, the Property Owner agrees to and understands the following:

3.1 Limited Use Only

The restricted area shall be used solely for:

- Parking of vehicles.
- Building access.
- Crawl space, where permitted.
- Limited storage allowed by Chapter 101.
- Another non-habitable use specifically approved in writing by the Floodplain Administrator.

The restricted area shall not be used for human habitation or living quarters unless the structure is first brought into full compliance with Chapter 101 in effect at the time of conversion.

3.2 No Habitable Conversion

The restricted area shall not be converted to or used as:

- Bedroom or sleeping area.
- Apartment or dwelling unit.
- Kitchen or cooking area.
- Living room, family room, recreation room, or finished living area.
- Office, retail, business, or commercial occupancy unless specifically approved and fully compliant.
- Workshop or finished work area not approved by the Floodplain Administrator.
- Bathroom or plumbing use not approved by the Floodplain Administrator.
- Any other habitable, occupied, or nonconforming use.

3.3 Flood-Damage-Resistant Materials

All materials located below the required flood protection elevation shall remain unfinished or be constructed of flood-damage-resistant materials as required by Chapter 101 and applicable FEMA guidance.

3.4 Mechanical, Electrical, Plumbing, and Utility Equipment

Mechanical, electrical, plumbing, heating, ventilation, air conditioning, ductwork, service equipment, appliances, and utility equipment shall not be installed below the required flood protection elevation unless specifically permitted by the Floodplain Administrator and designed or located to comply with Chapter 101.

3.5 Flood Openings

Where flood openings are required, the walls of enclosed areas below the required flood protection elevation shall remain equipped with flood openings that allow automatic entry and exit of floodwaters.

Unless an engineered design is approved, the openings shall meet Chapter 101 requirements, including:

- A minimum of two openings on different sides of each enclosed area.
- Total net area of openings of at least one square inch for each square foot of enclosed area.
- Bottom of each opening no more than one foot above adjacent ground level.
- Screens, louvers, or covers must allow automatic flow of floodwaters.

The Property Owner shall not block, cover, remove, alter, disable, or make ineffective any required flood opening.

3.6 VE Zone Enclosures

For structures in Zone VE, enclosures below the lowest floor shall comply with Chapter 101 breakaway wall and free-of-obstruction requirements. The Property Owner shall not alter breakaway walls, structural supports, or other required flood damage reduction features without prior written approval from the Floodplain Administrator.

3.7 Storage Restrictions

The Property Owner shall not store below the required elevation any materials that are buoyant, flammable, explosive, hazardous, or otherwise injurious during flooding. Other storage must be limited to uses allowed by Chapter 101.

3.8 Anchoring and Flood Damage Reduction Features

The Property Owner shall not alter or remove required anchoring, flood-damage-resistant materials, foundation elements, flood openings, breakaway walls, utility protection, or other flood damage reduction features without prior written approval from the Floodplain Administrator.

3.9 Increased Risk and Flood Insurance

The Property Owner understands that the permitted structure or restricted area may increase risk to life and property and may affect flood insurance premiums through the NFIP.

3.10 Variations from Approved Construction

Any construction, alteration, conversion, finishing, remodeling, utility installation, enclosure, or use beyond what is permitted by the Town shall constitute a potential violation of Chapter 101 and may be subject to enforcement.

4. Inspection and Enforcement

This Non-Conversion Agreement becomes part of the associated permit record.

The Property Owner agrees that the Floodplain Administrator or authorized representative may inspect the structure or restricted area as allowed by the permit, this Agreement, Chapter 101, and Chapter 71.

Failure to comply may result in:

- Notice of violation.
- Stop-work order.
- Withholding of certificate of occupancy or final approval.
- Revocation of permit or approval, if applicable.
- Requirement to remove or correct nonconforming work.
- Civil penalties.
- Any other remedy available under Town Code or applicable law.

5. Transfer to Future Owners

The Property Owner agrees to notify any prospective buyer of this Non-Conversion Agreement. The restrictions in this Agreement are intended to apply to the property and restricted area identified above and to bind the current owner and future owners to the extent allowed by law.

6. Recordation

The Town requires this Agreement to be recorded in the land records as a restriction applicable to the property. The Property Owner is responsible for recording fees and for providing a copy of the recorded Agreement to the Town.

Instrument No.: _____

Date Recorded: _____

Copy provided to Town: Yes ☐ No ☐

7. Owner Certification

I certify that I am the owner or authorized representative of the owner of the property identified in this Agreement. I have read and understand this Non-Conversion Agreement. I agree that the restricted structure or area identified in this Agreement shall not be converted, altered, improved, occupied, or used in violation of Chapter 101.

Property Owner Printed Name: _____

Property Owner Signature: _____

Date: _____

Additional Owner Printed Name: _____

Additional Owner Signature: _____

Date: _____

8. Notary Acknowledgment

State of _____

County of _____

The foregoing instrument was acknowledged before me this ____ day of _____, 20, by _____.

Notary Public Signature: _____

Printed Name: _____

My Commission Expires: _____

Notary Seal:

9. Town Acknowledgment

Received and accepted for filing with Town floodplain management records.

Floodplain Administrator / Designee: _____

Signature: _____

Date: _____

Permit No.: _____

Certificate of Occupancy / Final Approval Issued: Yes ☐ No ☐ N/A ☐



Comments:

Appendix G

Notice of Substantial Damage Determination

Town of Dewey Beach, Delaware

[Town Letterhead]

To: [Property Owner Name]

Address: [Property Owner Address]

Subject: Substantial Damage Determination for [Property Address]

Dear [Property Owner Name]:

On or about [date], your [home/business/building] located at [address/legal description] was damaged by [flood/fire/wind/storm/other]. Your property is located in flood zone [A/AE/AO/VE/other].

When a structure in a Special Flood Hazard Area is damaged by any cause, the Town of Dewey Beach must determine whether the damage meets the National Flood Insurance Program definition of Substantial Damage and the requirements of Chapter 101, Flood Damage Reduction.

The Town's determination for your property is [number]%. This percentage was determined by comparing the estimated cost to repair the building to its pre-damage condition with the estimated market value of the building before the damage occurred.

This determination was made based on information available to the Town, which may include inspection records, repair cost documentation, market value documentation, photographs, permit application materials, SDE damage assessment information, insurance information, or other reliable damage assessment information. If this determination was made during review of a repair permit application, no permanent repair work may begin or continue until all required permits are issued and all applicable floodplain requirements are satisfied.

Because the estimated cost to repair your damaged building to its pre-damage condition equals or exceeds 50% of its estimated market value, the building has been determined to be Substantially Damaged.

A substantially damaged building must be brought into full compliance with the flood-resistant construction requirements of Chapter 101 before repair, rehabilitation, reconstruction, or occupancy approval. Depending on the flood zone and type of structure, this may include elevation, mandatory 2 feet of freeboard, dry floodproofing for eligible

nonresidential structures, flood openings, breakaway walls, flood-damage-resistant materials, utility protection, and required Elevation Certificates or Floodproofing Certificates.

Prior to beginning repairs, please contact the Town of Dewey Beach at [contact information] to discuss the required permits and compliance options. A permit is required. Failure to obtain a required permit is a violation of Town Code.

If you disagree with the cost estimate, market value, or determination, you may submit additional information for review. This may include a detailed contractor repair estimate, documentation of actual cash value, replacement cost less depreciation, or a professional property appraisal prepared by a licensed appraiser.

The Town participates in the NFIP. Proper enforcement of floodplain damage requirements is necessary to maintain the Town's good standing in the NFIP and continued access to flood insurance and related federal programs.

If your building is insured under an NFIP flood insurance policy and was substantially damaged by flood, you should contact your flood insurance carrier regarding potential Increased Cost of Compliance coverage.

Please contact [Town contact] by [deadline date] to schedule a consultation.

Sincerely,

[Name]

[Title]

Town of Dewey Beach

[Address]

[Contact Information]

Copy: [Town Solicitor / File]

Enclosure: SI/SD Notice to Property Owners

Appendix H

Notice of Non-Substantial Damage Determination

Town of Dewey Beach, Delaware

[Town Letterhead]

To: [Property Owner Name]

Address: [Property Owner Address]

Subject: Non-Substantial Damage Determination for [Property Address]

Dear [Property Owner Name]:

On or about [date], your [home/business/building] located at [address/legal description] was damaged by [flood/fire/wind/storm/other]. Your property is located in flood zone [A/AE/AO/VE/other].

When a structure in a Special Flood Hazard Area is damaged by any cause, the Town of Dewey Beach must determine whether the damage meets the National Flood Insurance Program definition of Substantial Damage and the requirements of Chapter 101, Flood Damage Reduction.

The Town's determination for your property is [number]%. This percentage was determined by comparing the estimated cost to repair the building to its pre-damage condition with the estimated market value of the building before the damage occurred.

This determination was made based on information available to the Town, which may include inspection records, repair cost documentation, market value documentation, photographs, permit application materials, SDE damage assessment information, insurance information, or other reliable damage assessment information. If additional damage is discovered, the scope of work changes, or repair costs increase, the Town may require a revised Substantial Damage review before work begins or continues.

Because the estimated cost to repair your damaged building to its pre-damage condition is less than 50% of its estimated market value, the building has not been determined to be Substantially Damaged based on the information currently available.

This determination does not authorize work to begin. Prior to beginning repairs, please contact the Town of Dewey Beach at [contact information] for required permits. A permit is required for repair, rehabilitation, reconstruction, or other development in the Special Flood Hazard Area. Failure to obtain a required permit is a violation of Town Code.

If the scope of work changes, additional damage is identified, or repair costs increase, the Town may require a revised Substantial Damage determination.

If you disagree with the cost estimate, market value, or determination, you may submit additional information for review. This may include a detailed contractor repair estimate, documentation of actual cash value, replacement cost less depreciation, or a professional property appraisal prepared by a licensed appraiser.

Sincerely,

[Name]

[Title]

Town of Dewey Beach

[Address]

[Contact Information]

Copy: [Town Solicitor / File]

Enclosure: SI/SD Notice to Property Owners

Appendix I

Notice of Substantial Improvement Determination

Town of Dewey Beach, Delaware

[Town Letterhead]

To: [Property Owner Name]

Address: [Property Owner Address]

Subject: Substantial Improvement Determination for [Property Address]

Dear [Property Owner Name]:

The Town of Dewey Beach has reviewed the proposed work for your property located at [address/legal description]. The property is located in flood zone [A/AE/AO/VE/other].

For work on an existing structure in a Special Flood Hazard Area, the Town must determine whether the proposed work constitutes a Substantial Improvement under Chapter 101, Flood Damage Reduction, Chapter 1-16, Definitions, and the National Flood Insurance Program.

The Town's determination for your project is [number]%. This percentage was determined by comparing the cost of the proposed improvement work, plus the cumulative cost of all improvements in the 5-year period preceding the date of the building permit application for the new improvement, with the market value of the structure before the start of construction of the new improvement.

Because the cumulative cost of the proposed work and applicable prior improvements exceeds 50% of the market value of the structure, the project has been determined to be a Substantial Improvement.

A substantially improved structure must be brought into full compliance with Chapter 101 before final approval. Depending on the flood zone and structure type, this may include elevation, mandatory 2 feet of freeboard, dry floodproofing for eligible nonresidential structures, flood openings, breakaway walls, flood-damage-resistant materials, utility protection, and required Elevation Certificates or Floodproofing Certificates.

If optional additional freeboard is proposed, it must comply with applicable Town building height restrictions, including Chapter 185 Table 2.

Do not begin work until all required permits have been issued. Any change in project scope or cost must be submitted to the Town for review. Additional work may require a revised Substantial Improvement determination.

If you disagree with the cost estimate, cumulative improvement cost, market value, or determination, you may submit additional documentation for review.

Sincerely,

[Name]

[Title]

Town of Dewey Beach

[Address]

[Contact Information]

Copy: [Town Solicitor / File]

Appendix J

Notice of Non-Substantial Improvement Determination

Town of Dewey Beach, Delaware

[Town Letterhead]

To: [Property Owner Name]

Address: [Property Owner Address]

Subject: Non-Substantial Improvement Determination for [Property Address]

Dear [Property Owner Name]:

The Town of Dewey Beach has reviewed the proposed work for your property located at [address/legal description]. The property is located in flood zone [A/AE/AO/VE/other].

For work on an existing structure in a Special Flood Hazard Area, the Town must determine whether the proposed work constitutes a Substantial Improvement under Chapter 101, Flood Damage Reduction, Chapter 1-16, Definitions, and the National Flood Insurance Program.

The Town's determination for your project is [number]%. This percentage was determined by comparing the cost of the proposed improvement work, plus the cumulative cost of all improvements in the 5-year period preceding the date of the building permit application for the new improvement, with the market value of the structure before the start of construction of the new improvement.

Because the cumulative cost of the proposed work and applicable prior improvements does not exceed 50% of the market value of the structure, the project has not been determined to be a Substantial Improvement based on the information currently available.

This determination does not waive the requirement to obtain all required permits or comply with applicable Town, County, State, and federal requirements. The work must still comply with Chapter 101, including applicable flood-resistant construction requirements. Where elevation is required, the Town requires mandatory 2 feet of freeboard. Optional additional freeboard may be allowed where compliant with Town building height restrictions.

Any change in project scope or cost must be submitted to the Town for review and may require a revised Substantial Improvement determination. Additional improvements within the applicable 5-year tracking period may also affect future SI determinations.



If you disagree with the cost estimate, cumulative improvement cost, market value, or determination, you may submit additional documentation for review.

Sincerely,

[Name]

[Title]

Town of Dewey Beach

[Address]

[Contact Information]

Copy: [Town Solicitor / File]

Appendix K

Elevation Certificate and Floodproofing Certificate Review Checklist

Item	Complete / N/A	Notes
Correct property address		
Correct flood zone		
Base Flood Elevation or AO depth included		
Correct vertical datum		
Mandatory 2 feet of freeboard confirmed		
Optional additional freeboard identified, if proposed		
Chapter 185 height restriction reviewed		
Lowest floor elevation provided		
Lowest horizontal structural member elevation provided, if VE		
Highest adjacent grade provided, if AO		
Lowest adjacent grade provided		
Machinery/equipment elevation provided		
Flood openings documented		
Enclosure use documented		
Breakaway wall information provided, if VE		
Floodproofing Certificate provided, if applicable		
Certificate signed and sealed		
Construction drawings, under construction, or finished construction status identified		
Certificate reviewed for completeness		

Item**Complete /
N/A****Notes**

Deficiencies resolved

Edmonds record updated with certificate status

Appendix L**Post-Event Damage Inspection Checklist****Item****Complete /
N/A****Notes**

Property address verified

Owner or occupant contact information obtained

Flood zone confirmed

Base Flood Elevation or AO depth confirmed

Damage source identified

Date of damage recorded

Field report received from Town staff or partner agency

Weather, coastal, or hydrologic information reviewed

High water mark documented, if available

Preliminary damage category assigned, if applicable

Category: Affected / Minor / Major / Destroyed

Exterior photos taken

Interior inspection completed, if safe and authorized

Estimated depth of flood above ground documented

Estimated depth of flood above first floor documented

Foundation damage documented

Item**Complete /
N/A****Notes**

Structural damage documented

Interior damage documented

Utility / electrical / mechanical damage documented

Enclosure / garage / crawlspace damage documented

Temporary safety concerns documented

Emergency Operations Plan coordination considered

EOC activated or consulted, if applicable

Code Red notification reviewed or issued, if applicable

Public notice issued by email, website, social media, flyer, newsletter,
or other method

Edmonds property/permit record reviewed

Repair permit application submitted

Permit-based SD review required

SDE worksheet completed, if used

Sussex County HMP coordination considered

Sussex County emergency management coordination considered

Initial Damage Assessment information reviewed, if applicable

Preliminary Damage Assessment information reviewed, if applicable

Repair estimate requested

Pre-damage market value requested

SD worksheet completed

Determination letter issued

Item**Complete /
N/A****Notes**

Permit requirement explained

Follow-up action assigned

Appendix M**Recreational Vehicle Compliance Checklist****Item****Yes / No /
N/A****Notes**

RV located in Special Flood Hazard Area

RV fully licensed

RV ready for highway use

RV on site less than 180 consecutive days

RV on wheels or jacking system

Utilities are quick-disconnect

No permanent additions

If not compliant as temporary RV, manufactured home standards reviewed

Follow-up required

Appendix N

Recordkeeping Checklist

Record	In File / N/A	Notes
Permit application		
Edmonds permit record		
Edmonds prior 5-year permit history		
Floodplain determination		
FIRM panel / flood zone documentation		
Base Flood Elevation or AO depth documentation		
Mandatory 2 feet of freeboard documentation		
Optional additional freeboard documentation, if applicable		
Chapter 185 building height review		
Market value documentation		
Current cost estimate		
Prior 5-year improvement cost records		
Five-year cumulative SI documentation		
Owner affidavit		
Contractor affidavit		
SI worksheet		
SD worksheet		
SDE Damage Inspection Worksheet, if used		
SDE output report, if used		
High water mark documentation		

Record**In File /
N/A****Notes**

Preliminary damage category documentation

Field reports from Town staff or partner agencies

Permit-based SD review documentation

Repair permit application SD review records

Insurance scope of loss, if provided

Initial Damage Assessment records

Preliminary Damage Assessment records

Determination letter

Elevation Certificate

Floodproofing Certificate

Non-Conversion Agreement

Inspection records

Photos

Variance records

Enforcement records

Final approval / certificate of occupancy

Public outreach records

Resident email notices

Website postings

Social media notices

Blue sky flood/NFIP flyers

New property owner website information

Record**In File /
N/A****Notes**

Code Red records, if applicable and available

Emergency Operations Plan coordination records

EOC coordination records, if applicable

Situation Reports, if applicable

Damage Assessment Sheets, if applicable

After-Action Report, if applicable

Sussex County HMP reference or coordination documentation

Dewey Beach HMP mitigation action documentation

Repetitive loss / severe repetitive loss documentation, if available and appropriate

Residential elevation coordination records, if applicable

Stormwater or drainage mitigation records, if applicable

Shoreline restoration or erosion-related records, if applicable

Mitigation grant coordination records, if applicable

Public awareness / NFIP outreach records supporting HMP goals

Records supporting future HMP update

Appendix O

Addition / Phased Improvement Review Checklist

Item	Yes / No / N/A	Notes
Project includes addition		
Addition is structurally integrated with existing building		
Addition shares foundation		
Addition shares load-bearing wall		
Addition shares roof system		
Addition shares integrated utilities		
Original building is pre-FIRM		
Addition is minimally connected only by doorway in common wall		
FEMA guidance reviewed		
Chapter 101 reviewed		
Chapter 1-16 Substantial Improvement definition reviewed		
Current improvement cost documented		
Five-year prior improvement costs reviewed		
Edmonds permit history reviewed		
Cumulative SI calculation completed		
Mandatory 2 feet of freeboard applied, if compliance required		
Optional additional freeboard reviewed, if proposed		
Chapter 185 building height reviewed		
Owner notified of flood risk if original building remains		

Item**Yes / No /
N/A****Notes**

Costs of phased improvements reviewed together

Determination documented in permit file

Appendix P**Emergency Operations and Public Information Coordination Checklist****Item****Complete /
N/A****Notes**

Town EOP reviewed for event or planning activity

EOC activation status confirmed

Incident Commander or EOC contact identified

Building Department / Public Works-Maintenance damage
assessment coordination completed

Floodplain Administrator included in recovery permit coordination

Code Red message issued or reviewed, if applicable

Public information coordinated with Town Manager / PIO

Website posting prepared or reviewed

Social media posting prepared or reviewed

Resident email prepared or reviewed

Flyer or newsletter information prepared or reviewed

New property owner information updated, if applicable

Sussex County coordination completed, if applicable

DEMA coordination completed, if applicable

Item**Complete /
N/A****Notes**

DNREC / FEMA coordination completed, if applicable

Sussex County HMP reviewed for relevant hazard or mitigation action

Dewey Beach HMP top hazards considered

HMP mitigation goals considered in recovery messaging

Repetitive loss or severe repetitive loss concerns considered, if applicable

Mitigation grant coordination considered, if applicable

Public outreach documented for future HMP update

Sussex County Hazard Mitigation Plan consistency considered

Situation Report or damage assessment record referenced, if applicable

After-Action Report items identified, if applicable

Records saved to permit, property, emergency management, mitigation, or recovery file

Appendix Q

FEMA SDE Damage Assessment and Determination Worksheet Reference

The Town may use FEMA's Substantial Damage Estimator, SDE, and related SDE damage inspection worksheets to support Substantial Damage data collection and determination procedures after flood, storm, wind, fire, or other damaging events.

The SDE Damage Assessment and Determination Worksheet may be used to document:

- Disaster or event information.
- Inspector information.
- Date of inspection.
- Property address.
- Parcel number.
- NFIP community information.
- Latitude and longitude, where available.
- Owner information.
- Structure information.
- Foundation type.
- Superstructure type.
- Roof covering.
- Exterior finish.
- HVAC system.
- Number of stories.
- FIRM panel number.
- FIRM zone.
- Base flood elevation.
- Date and cause of damage.
- Duration of flooding.
- Depth of flood above ground.
- Depth of flood above first floor.
- Square footage.
- Depreciation rating.
- Percent damage by building element.
- Photographs and notes.

Preliminary Flood Damage Categories

For field screening and inspection prioritization, the Town may use preliminary flood damage categories such as:

Category General Description

Affected	Limited flood impacts, no floodwater in the living area, or nuisance-level damage.
Minor	Lower-depth floodwater in living areas or damage requiring repair but not obviously major structural repair.
Major	Significant floodwater in living areas, floodwater above electrical receptacles, significant damage to building systems, or major repair needs.
Destroyed	Structure collapsed, moved off foundation, completely flooded to or near first-floor ceiling, no longer on site, or not economically feasible to repair based on preliminary observations.

These categories are for screening, planning, public information, and inspection prioritization. They do not by themselves constitute a final Substantial Damage determination.

Formal Determination

A formal Substantial Damage determination must be made by the Floodplain Administrator using:

- Cost to restore the structure to its pre-damage condition.
- Pre-damage structure-only market value.
- Inspection records.
- SDE data, if used.
- Owner, contractor, insurance, or independent cost documentation.
- Any other reliable information accepted by the Floodplain Administrator.

The SDE worksheet, if used, should be retained in the property, permit, or floodplain management file.

Appendix R

Sussex County Hazard Mitigation Plan Reference

The Town of Dewey Beach participates in the Sussex County Multi-Jurisdictional Hazard Mitigation Plan, July 2022. The Town uses the HMP as a planning reference for hazard risk reduction, public outreach, NFIP compliance, mitigation planning, and coordination with Sussex County, DEMA, DNREC, FEMA, and other partners.

The Town recognizes the HMP as a supporting planning document for these SI/SD procedures. The HMP does not replace the requirements of Chapter 101, Chapter 71, Chapter 185, the NFIP, FEMA regulations, or Town permit procedures. Where regulatory requirements apply, the Town will administer the more restrictive applicable requirement.

Dewey Beach HMP Profile

For purposes of these procedures, the Town recognizes the HMP's description of Dewey Beach as a small coastal community whose economy centers on tourism and the vacation industry.

The Town recognizes the HMP's identification of the following top hazards for Dewey Beach:

- Flooding.
- Wind-related events.
- Winter storms.
- Extreme heat/cold.

The Town participates in the NFIP. The HMP lists Dewey Beach with an NFIP entry date of June 18, 1982. The HMP also lists Dewey Beach as participating in the Community Rating System beginning October 1, 1994, and lists Dewey Beach as CRS Class 9 as of 2022. The Town will verify current CRS status through current NFIP/CRS records when needed.

The Town recognizes the HMP's capability ratings for Dewey Beach:

- Technical Capability: High.
- Fiscal Capability: High.
- Administrative Capability: Moderate.

The Town recognizes that repetitive loss and severe repetitive loss information may support mitigation planning, NFIP administration, and flood risk reduction. The Town will

handle such information consistent with applicable NFIP, privacy, and Town recordkeeping requirements.

Dewey Beach Mitigation Considerations

The Town recognizes the following mitigation actions and concerns as relevant to Dewey Beach:

- Disaster warning and public notification.
- Emergency Operations Plan update.
- Disaster preparedness handouts and public outreach.
- Rehoboth Bay shoreline restoration or stabilization.
- Stormwater and infrastructure management.
- Inland Bays Street Beach land restoration.
- Outfall improvements, relining, and duckbill valve upgrades.
- Pump station installation at Bayard and Bellevue.
- Residential elevation program.
- Elevation of repetitive loss structures.
- Continued NFIP compliance and floodplain management.

Countywide HMP Goals Relevant to SI/SD

The Town uses these procedures to support countywide HMP goals, including:

- Enhanced stormwater management practices.
- Adoption and enforcement of codes and regulations designed to reduce natural hazard impacts.
- Protection and retrofitting of critical facilities and infrastructure.
- Enhanced public education and outreach.
- Improved pre-event planning and preparedness.
- Identification and implementation of sound hazard mitigation projects.

Relationship to SI/SD Procedures

These SI/SD procedures support the HMP by:

- Enforcing floodplain development requirements.
- Tracking 5-year cumulative Substantial Improvement costs.
- Making Substantial Damage determinations after damaging events.
- Supporting public outreach about flood risk, flood insurance, and NFIP requirements.

- Maintaining records that can support HMP updates and mitigation grant applications.
- Supporting elevation, reconstruction, and other mitigation actions when buildings are substantially improved or substantially damaged.
- Coordinating floodplain management with emergency operations, post-disaster recovery, and mitigation planning.

The Floodplain Administrator should consider the HMP when reviewing post-disaster damage, prioritizing public outreach, coordinating with Sussex County or State partners, and maintaining records that may support future mitigation actions or HMP updates.

Table of Contents

Town of Dewey Beach, Delaware

Standard Operating Procedure for Floodplain Violation Enforcement, Appeals, Legal Referral, and Section 1316 Consideration

1. **Purpose**
2. **Applicability**
3. **Town Code and Federal Authority**
 - 3.1 Chapter 101, Flood Damage Reduction
 - 3.2 Chapter 71, Building Construction
 - 3.3 Chapter 80, Civil Violations
 - 3.4 Chapter 185, Zoning
 - 3.5 Chapter 1-16, Definitions
 - 3.6 NFIP Compliance and 44 CFR § 60.3
 - 3.7 Section 1316
4. **Definitions**
 - 4.1 Floodplain Administrator
 - 4.2 Development
 - 4.3 Violation
 - 4.4 Permit or Approval Issued in Error
 - 4.5 Board of Adjustment
 - 4.6 Substantial Improvement
 - 4.7 Substantial Damage
 - 4.8 Required Flood Protection Elevation
 - 4.9 Section 1316
5. **Basic Enforcement Rule**
6. **Roles and Responsibilities**
 - 6.1 Floodplain Administrator
 - 6.2 Building Official / Building Inspector
 - 6.3 Property Owner, Applicant, Contractor, or Responsible Party
 - 6.4 Board of Adjustment
 - 6.5 Town Solicitor or Legal Counsel
 - 6.6 Emergency Operations Coordination

7. **Complaint, Observation, and Intake Process**
 - 7.1 Intake
 - 7.2 Initial Review
 - 7.3 Site Inspection
8. **Floodplain Administrator Determination**
 - 8.1 No Violation Found
 - 8.2 Additional Information Required
 - 8.3 Violation Found
 - 8.4 Permit or Approval Issued in Error
 - 8.5 Stop Work Required
 - 8.6 SI/SD Review Required
9. **Notice of Violation, Stop-Work Order, or Permit Error Notice**
 - 9.1 When to Issue
 - 9.2 Contents of Notice
 - 9.3 Stop-Work Orders
10. **Permit or Approval Issued in Error**
 - 10.1 Document the Error
 - 10.2 Notify the Property Owner, Applicant, and Contractor
 - 10.3 Suspend or Stop Work if Construction Is Ongoing
 - 10.4 Require Corrected Documentation
 - 10.5 Require Permit Amendment or Reissuance
 - 10.6 Require Corrective Work
 - 10.7 Withhold Certificate of Occupancy or Final Approval
 - 10.8 Refer to Legal Counsel if Unresolved
11. **Administrative Reconsideration, Variance, and Appeal Information**
 - 11.1 Administrative Reconsideration
 - 11.2 Variances Under Chapter 101
 - 11.3 Appeals Under Chapter 71
 - 11.4 Suggested Notice Language
12. **Service and Documentation of Notices**
13. **Hearing, Variance Review, and Decision**
 - 13.1 Administrative Record
 - 13.2 Hearing

- 13.3 Variance Criteria
- 13.4 Written Decision
- 14. **Follow-Up After Decision or Deadline**
 - 14.1 If Compliance Is Achieved
 - 14.2 If Compliance Is Not Achieved
- 15. **Penalties and Legal Referral**
 - 15.1 Chapter 101 Penalties
 - 15.2 Chapter 71 Enforcement
 - 15.3 Referral Criteria
 - 15.4 Legal Referral File
- 16. **Court Action**
- 17. **Section 1316 Consideration**
 - 17.1 Purpose
 - 17.2 When to Consider Section 1316
 - 17.3 Documentation for Section 1316 Review
 - 17.4 Internal Review Before Submission
 - 17.5 Submission and Follow-Up
- 18. **Time Tracking**
- 19. **Records**
- 20. **Town of Dewey Beach Floodplain Enforcement Checklist**
 - 20.1 Case Source
 - 20.2 Type of Violation
 - 20.3 Intake and Initial Review
 - 20.4 Inspection and Evidence
 - 20.5 Determination and Notice
 - 20.6 Permit Issued in Error Review
 - 20.7 Service and Deadlines
 - 20.8 Administrative Reconsideration / Variance / Appeal / Hearing
 - 20.9 Follow-Up
 - 20.10 Legal Referral / Court Action
 - 20.11 Section 1316 Consideration
 - 20.12 Final Case Status
- 21. **Simplified Enforcement Workflow**

Town of Dewey Beach, Delaware

Standard Operating Procedure for Floodplain Violation Enforcement, Appeals, Legal Referral, and Section 1316 Consideration

Prepared by: Town of Dewey Beach

Community: Town of Dewey Beach, Delaware

NFIP Community ID: 100056

Primary Local Authorities

- Chapter 101, Flood Damage Reduction
- Chapter 71, Building Construction
- Chapter 80, Civil Violations
- Chapter 185, Zoning, where applicable
- Chapter 1-16, Definitions, including Substantial Improvement as amended by Ordinance No. 877-2026
- Ordinance No. 846, mandatory 2 feet of freeboard
- Ordinance No. 849-2025, optional additional freeboard and Chapter 185 height coordination

Related Planning and Administrative References

- Town of Dewey Beach Floodplain Management Administrative Procedures: Permitting, Substantial Improvement, and Substantial Damage
- Town of Dewey Beach Emergency Operations Plan, August 2026 draft, or any final adopted successor Emergency Operations Plan
- Sussex County Multi-Jurisdictional Hazard Mitigation Plan, July 2022
- 44 CFR Parts 59 and 60
- 44 CFR § 60.3, Floodplain Management Criteria for Flood-Prone Areas
- FEMA P-758, Substantial Improvement/Substantial Damage Desk Reference
- FEMA Substantial Damage Estimator, where used

Table of Contents

1. Purpose
2. Applicability

3. Town Code and Federal Authority
 - 3.1 Chapter 101, Flood Damage Reduction
 - 3.2 Chapter 71, Building Construction
 - 3.3 Chapter 80, Civil Violations
 - 3.4 Chapter 185, Zoning
 - 3.5 Chapter 1-16, Definitions
 - 3.6 NFIP Compliance and 44 CFR § 60.3
 - 3.7 Section 1316
4. Definitions
5. Basic Enforcement Rule
6. Roles and Responsibilities
 - 6.1 Floodplain Administrator
 - 6.2 Building Official / Building Inspector
 - 6.3 Property Owner, Applicant, Contractor, or Responsible Party
 - 6.4 Board of Adjustment
 - 6.5 Town Solicitor or Legal Counsel
 - 6.6 Emergency Operations Coordination
7. Complaint, Observation, and Intake Process
 - 7.1 Intake
 - 7.2 Initial Review
 - 7.3 Site Inspection
8. Floodplain Administrator Determination
 - 8.1 No Violation Found
 - 8.2 Additional Information Required
 - 8.3 Violation Found
 - 8.4 Permit or Approval Issued in Error
 - 8.5 Stop Work Required
 - 8.6 SI/SD Review Required
9. Notice of Violation, Stop-Work Order, or Permit Error Notice
 - 9.1 When to Issue
 - 9.2 Contents of Notice
 - 9.3 Stop-Work Orders
10. Permit or Approval Issued in Error
 - 10.1 Document the Error

- 10.2 Notify the Property Owner, Applicant, and Contractor
- 10.3 Suspend or Stop Work if Construction Is Ongoing
- 10.4 Require Corrected Documentation
- 10.5 Require Permit Amendment or Reissuance
- 10.6 Require Corrective Work
- 10.7 Withhold Certificate of Occupancy or Final Approval
- 10.8 Refer to Legal Counsel if Unresolved
- 11. Administrative Reconsideration, Variance, and Appeal Information
 - 11.1 Administrative Reconsideration
 - 11.2 Variances Under Chapter 101
 - 11.3 Appeals Under Chapter 71 and Chapter 80
 - 11.4 Suggested Notice Language
- 12. Service and Documentation of Notices
- 13. Hearing, Variance Review, and Decision
 - 13.1 Administrative Record
 - 13.2 Hearing
 - 13.3 Variance Criteria
 - 13.4 Written Decision
- 14. Follow-Up After Decision or Deadline
 - 14.1 If Compliance Is Achieved
 - 14.2 If Compliance Is Not Achieved
- 15. Penalties and Legal Referral
 - 15.1 Chapter 101 Penalties
 - 15.2 Chapter 71 Enforcement
 - 15.3 Referral Criteria
 - 15.4 Legal Referral File
- 16. Court Action
- 17. Section 1316 Consideration
 - 17.1 Purpose
 - 17.2 When to Consider Section 1316
 - 17.3 Documentation for Section 1316 Review
 - 17.4 Internal Review Before Submission
 - 17.5 Submission and Follow-Up

18. Time Tracking

19. Records

20. Town of Dewey Beach Floodplain Enforcement Checklist

21. Simplified Enforcement Workflow

1. Purpose

The Town of Dewey Beach has prepared this Standard Operating Procedure to establish the Town's process for identifying, documenting, notifying, correcting, and escalating floodplain violations.

This SOP supports the Town of Dewey Beach Code, including Chapter 101, Flood Damage Reduction, Chapter 71, Building Construction, Chapter 80, Civil Violations, and Chapter 185, Zoning, where applicable. It also supports the Town's floodplain management administrative procedures for permitting, Substantial Improvement, Substantial Damage, 5-year cumulative improvement tracking, post-disaster damage review, recordkeeping, and enforcement.

The Town administers this SOP to provide a consistent process for:

- Investigating potential floodplain violations.
- Documenting violations identified by Town staff, Town consultants, Sussex County, State agencies, FEMA, property owners, contractors, residents, or others.
- Issuing written notices, stop-work orders, permit error notices, and other enforcement correspondence.
- Addressing permits or approvals issued in error.
- Requiring corrective action.
- Reviewing violations involving Substantial Improvement, Substantial Damage, 5-year cumulative improvement tracking, or post-disaster repair permitting.
- Processing administrative reconsideration, appeals, and variances through the proper Town process.
- Referring unresolved violations for legal action.
- Considering a Section 1316 request to FEMA when a structure remains in violation after appropriate local action.

The Town administers this SOP in support of 44 CFR § 60.3, which establishes minimum floodplain management criteria for communities participating in the National Flood Insurance Program. This SOP supports the Town's implementation of 44 CFR § 60.3 by

helping ensure that development in Special Flood Hazard Areas is permitted, reviewed, inspected, documented, and enforced in accordance with NFIP requirements.

This SOP establishes internal administrative procedures for Town floodplain enforcement. It does not create independent enforcement authority and does not limit or expand any authority provided by the Town Code, Delaware law, the NFIP, FEMA regulations, or other applicable law. The Town will implement enforcement actions in accordance with the Town Code and applicable legal requirements.

This SOP does not amend the Town Code and does not replace any requirement of Chapter 101, Chapter 71, Chapter 80, Chapter 185, the NFIP, FEMA regulations, state law, county requirements, or other applicable authority. Where a conflict exists, the Town will apply the more restrictive applicable requirement and may consult the Town Solicitor, DNREC, FEMA, Sussex County, or other appropriate authority.

2. Applicability

This SOP applies to potential or confirmed violations of the Town of Dewey Beach floodplain management requirements, including but not limited to:

- Development in a Special Flood Hazard Area without required Town approval.
- Construction or other development in a Special Flood Hazard Area before issuance of required permits.
- Work that does not match an approved permit, application, plan, Elevation Certificate, Floodproofing Certificate, engineering certification, or supporting document.
- Work performed under a permit or approval issued in error.
- False statements or misrepresentations in an application.
- Failure to provide required Elevation Certificates, Floodproofing Certificates, engineering certifications, no-rise analyses, V Zone design certifications, or other evidence of compliance.
- Failure to obtain required inspections or final approval before use or occupancy.
- Unauthorized fill, grading, excavation, storage of materials, utility work, structures, accessory structures, recreational vehicles, storage tanks, watercourse alterations, enclosures, or other development in a Special Flood Hazard Area.
- Failure to comply with permit conditions.
- Failure to correct a violation after notice from the Town.
- Noncompliant repair of a substantially damaged structure.

- Noncompliant substantial improvement of an existing structure.
- Failure to comply with the Town's 5-year cumulative Substantial Improvement tracking requirement.
- Division of work into phases, separate permits, or separate scopes to avoid Substantial Improvement requirements.
- Conversion of an enclosure, garage, crawlspace, storage area, or other restricted area below the required flood protection elevation to a prohibited use.
- Obstruction, alteration, removal, or disabling of required flood openings.
- Noncompliant installation of mechanical, electrical, plumbing, HVAC, elevator, utility, or service equipment below the required elevation.
- Noncompliance with mandatory 2 feet of freeboard or approved optional additional freeboard.
- Noncompliance with Zone VE requirements, including lowest horizontal structural member elevation, piling or column foundation requirements, breakaway wall requirements, and free-of-obstruction requirements.
- Noncompliance with Chapter 185 height limitations where floodplain elevation and optional freeboard affect building height.

This SOP applies to potential violations identified through:

- Public complaints.
- Permit reviews.
- Field inspections.
- Post-disaster inspections.
- Permit applications for repair work after a disaster or damaging event.
- Substantial Improvement or Substantial Damage review.
- Five-year cumulative improvement tracking review.
- Elevation Certificate or Floodproofing Certificate review.
- Aerial or mapping review.
- Interagency referrals.
- FEMA, DNREC, DEMA, Sussex County, or State review.
- Direct observation by Town staff, Town consultants, the Floodplain Administrator, Building Official, Sussex County inspection staff, or other authorized personnel.

This SOP applies to property owners, applicants, contractors, businesses, public agencies, utilities, and other responsible parties to the extent applicable under Town Code and law.

3. Town Code and Federal Authority

This SOP supports the following Town of Dewey Beach Code provisions and federal NFIP requirements.

3.1 Chapter 101, Flood Damage Reduction

Relevant provisions include:

- § 101-3, Applicability.
- § 101-4, Basis for establishing Special Flood Hazard Areas.
- § 101-5, Abrogation and greater restrictions.
- § 101-10, Designation of Floodplain Administrator.
- § 101-11, Duties and responsibilities of Floodplain Administrator.
- § 101-12, Permits required.
- § 101-13, Application required.
- § 101-14, Review; approval or disapproval.
- § 101-15, Inspections.
- § 101-16, Required submissions prior to foundation inspection and certificate of occupancy.
- § 101-17, Flood Insurance Rate Map use and interpretation.
- § 101-21, Buildings and structures.
- § 101-22, Fill.
- § 101-24, Recreational vehicles.
- § 101-25, Gas or liquid storage tanks.
- § 101-27, Residential structures and residential portions of mixed-use structures.
- § 101-28, Nonresidential structures and nonresidential portions of mixed-use structures.
- § 101-29, Accessory structures.
- § 101-30, Protection of flood-carrying capacity.
- § 101-33, Residential and nonresidential structures in Zone VE.
- § 101-34, Variances.
- § 101-35, Compliance required.
- § 101-36, Notice of violation.
- § 101-37, Violations and penalties.

3.2 Chapter 71, Building Construction

Relevant provisions include:

- § 71-1, Adoption of standards; exceptions.
- § 71-2, Plan approval and inspections.

- § 71-3, Building permits.
- § 71-4, Fees and conditions for permits.
- § 71-5, Other requirements.
- § 71-8, Enforcement; violations and penalties.

Chapter 71 provides additional enforcement authority, including inspections of work performed, stop-work orders, civil penalties, and permit surcharges for retroactive permits where unauthorized work has begun.

Chapter 71 also requires coordination with Sussex County building permit and inspection requirements where applicable.

Before assessing penalties or permit surcharges, the Town will verify the current codified penalty amounts and procedures in Chapter 71, Chapter 80, and any other applicable authority.

3.3 Chapter 80, Civil Violations

Under § 101-36 and § 101-37, notice of violation and penalties for flood damage reduction violations are handled in accordance with Chapter 80, Civil Violations.

The Town will follow any notice, service, hearing, appeal, penalty, or collection procedure required by Chapter 80 and applicable law. If Chapter 80 establishes a procedure that differs from this SOP, the Town will follow the Town Code and applicable legal requirements.

3.4 Chapter 185, Zoning

Chapter 185 may apply where floodplain requirements affect building height, setbacks, variance review, or other zoning requirements. Ordinance No. 849-2025 amended Chapter 185 Table 2 to address building height for structures in Special Flood Hazard Areas, including mandatory freeboard, up to 1 foot of optional freeboard for height measurement purposes, and a VE-specific additional height allowance.

3.5 Chapter 1-16, Definitions

The Town applies the definition of Substantial Improvement in Chapter 1-16, as amended by Ordinance No. 877-2026.

An improvement will be determined a Substantial Improvement if the cost of the new improvement, plus the cumulative cost of all improvements in the 5-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 SOP supports enforcement of the Town's 5-year cumulative Substantial Improvement tracking requirement.

3.6 NFIP Compliance and 44 CFR § 60.3

The Town administers this SOP in support of the NFIP and 44 CFR § 60.3. This includes enforcement of requirements related to:

- Permits for development in flood-prone areas and Special Flood Hazard Areas.
- Review of building sites for flood risk.
- Use of available base flood elevation and floodway data.
- Lowest floor elevation records.
- Floodproofing certificates for eligible nonresidential structures.
- Elevation of residential structures and substantial improvements.
- Elevation or floodproofing of nonresidential structures and substantial improvements.
- Anchoring.
- Flood-damage-resistant materials.
- Utility and service equipment protection.
- Flood openings.
- Floodway encroachment review.
- Coastal high hazard area, Zone VE, elevation, foundation, certification, and enclosure requirements.

3.7 Section 1316

This SOP also supports NFIP compliance and may be used to support a FEMA Section 1316 request when appropriate.

Section 1316 refers to the process by which a community may request that FEMA deny NFIP flood insurance coverage for a structure declared by the community to be in violation of its floodplain management regulations, after appropriate notice and local enforcement action.

The Town will coordinate with DNREC and FEMA before submitting a Section 1316 request, unless circumstances require a different process approved by Town leadership and legal counsel.

4. Definitions

Floodplain Administrator

Under § 101-10, the Town Manager is appointed to administer and implement Chapter 101 and is referred to as the Floodplain Administrator. The Floodplain Administrator may delegate duties and responsibilities to qualified technical personnel, plan examiners, inspectors, other employees, another jurisdiction or agency, or a private-sector entity.

Development

For purposes of this SOP, development includes any activity regulated by Chapter 101 in a Special Flood Hazard Area, including but not limited to filling, grading, site improvements, utility installations, construction, alteration, remodeling, improvement, replacement, reconstruction, repair, relocation, or expansion of any building or structure.

Violation

A violation includes failure of a structure, development, use, activity, permit, plan, or supporting documentation to comply with Chapter 101, Chapter 71, Chapter 80, Chapter 185, permit conditions, approved plans, or other applicable Town requirements.

Under § 101-35, no structure or land development shall be located, erected, constructed, reconstructed, repaired, extended, converted, enlarged, or altered without full compliance with Chapter 101 and all other applicable regulations.

Permit or Approval Issued in Error

A permit, certificate of occupancy, final approval, floodplain approval, building permit, zoning approval, or related approval issued based on incorrect information, incomplete review, incorrect floodplain determination, missing required documentation, misapplication of Town Code requirements, administrative error, false statement, or misrepresentation.

Board of Adjustment

The Town of Dewey Beach Board of Adjustment is the body authorized under § 101-34 to consider variances from Chapter 101 requirements, subject to the limitations in Chapter 101 and federal regulations. The Board of Adjustment may also hear appeals from a decision of an inspector under Chapter 71, as provided in § 71-3F.

Substantial Improvement

Substantial Improvement is applied as defined in Chapter 1-16, as amended by Ordinance No. 877-2026, and includes the Town's 5-year cumulative improvement tracking requirement.

Substantial Damage

Substantial Damage means damage of any origin sustained by a structure where the cost of restoring the structure to its before-damaged condition equals or exceeds 50% of the market value of the structure before the damage occurred.

Required Flood Protection Elevation

The required flood protection elevation is the elevation required by Chapter 101, including the applicable base flood elevation or AO depth, mandatory 2 feet of freeboard, and any approved optional additional freeboard.

Section 1316

Section 1316 refers to the process by which a community may request that FEMA deny NFIP flood insurance coverage for a structure declared by the community to be in violation of its floodplain management regulations, after appropriate notice and local enforcement action.

5. Basic Enforcement Rule

No person, contractor, business, public agency, utility, or other entity may begin construction or other development wholly within, partially within, or in contact with a Special Flood Hazard Area until a permit is obtained from the Town and the requirements of Chapter 101 have been met.

This basic enforcement rule supports 44 CFR § 60.3(a) and § 60.3(b), which require participating NFIP communities to require permits for all proposed construction and development in flood-prone areas and Special Flood Hazard Areas.

If work begins without required approval, if work does not comply with Chapter 101, Chapter 71, approved plans, permit conditions, SI/SD requirements, 5-year cumulative improvement tracking requirements, freeboard requirements, or Chapter 185 height requirements, or if a permit or approval was issued in error, the Town may issue a notice of violation, stop-work order, permit error notice, or other appropriate enforcement notice and require corrective action.

The Town will implement enforcement actions only as authorized by the Town Code and applicable law.

6. Roles and Responsibilities

6.1 Floodplain Administrator

The Floodplain Administrator or designee will:

- Receive and review complaints or reports of possible floodplain violations.
- Identify possible violations through Town observations, inspections, mapping review, permit review, SI/SD review, cumulative improvement tracking review, or post-disaster review.
- Conduct or assign inspections.
- Review permits, applications, maps, certifications, Elevation Certificates, Floodproofing Certificates, V Zone certifications, SDE information, and site records.
- Determine whether a violation exists.
- Determine whether a permit or approval may have been issued in error.
- Determine whether a violation involves Substantial Improvement, Substantial Damage, or the 5-year cumulative improvement tracking requirement.
- Issue written notices, stop-work orders, corrective action requirements, permit error notices, or related correspondence.
- Track compliance deadlines.
- Conduct follow-up inspections.
- Maintain enforcement records.
- Prepare case files for administrative reconsideration, variance proceedings, appeals, legal referral, or Section 1316 consideration.
- Coordinate with the Building Official, Sussex County, DNREC, DEMA, FEMA, Town Solicitor, State agencies, and other partners as needed.
- Review Edmonds permit records as part of enforcement and SI/SD review.
- Coordinate with Town emergency management officials when violations are discovered during post-disaster assessment or repair permitting.

6.2 Building Official / Building Inspector

The Building Official or Building Inspector will:

- Enforce applicable requirements of Chapter 71.
- Refuse to issue a permit or certificate of occupancy for work that would violate Town requirements.

- Coordinate with the Floodplain Administrator when work is in or may affect a Special Flood Hazard Area.
- Conduct or coordinate inspections as authorized by Chapter 71.
- Issue or assist with stop-work orders and other enforcement actions when appropriate.
- Refer apparent floodplain violations to the Floodplain Administrator.
- Coordinate with Sussex County inspection staff where applicable.

6.3 Property Owner, Applicant, Contractor, or Responsible Party

The responsible party shall:

- Obtain required permits before beginning work.
- Perform work only as approved.
- Provide required documentation, certifications, and evidence of compliance.
- Provide market value and cost documentation when required for SI/SD review.
- Provide documentation of prior improvements when required for 5-year cumulative Substantial Improvement tracking.
- Stop work when ordered.
- Correct violations within the required timeframe.
- Request written approval before changing approved plans.
- Participate in administrative reconsideration, variance, appeal, or enforcement proceedings when applicable.

6.4 Board of Adjustment

The Board of Adjustment considers variance requests under § 101-34. Variance requests must meet Chapter 101 criteria and must not be inconsistent with federal regulations.

The Board of Adjustment may also hear appeals from inspector decisions under Chapter 71, as provided in § 71-3F. The Town will consult the Town Code and legal counsel, as needed, to confirm whether any enforcement appeal under Chapter 80 follows a separate procedure.

6.5 Town Solicitor or Legal Counsel

The Town Solicitor or other legal counsel may assist with:

- Review of unresolved violations.
- Civil enforcement actions.

- Injunctive or other court actions.
- Penalty proceedings.
- Review of Section 1316 packages.
- Review of exact-threshold Substantial Improvement questions when ordinance language requires interpretation.
- Review of permit error, permit correction, permit suspension, permit revocation, or permit reissuance questions.
- Review of notice service requirements.
- Other legal support requested by the Town.

6.6 Emergency Operations Coordination

When a violation or potential violation is identified after a disaster or damaging event, the Floodplain Administrator may coordinate with Town emergency management officials, the Emergency Operations Center if activated, Building Department staff, Public Works-Maintenance staff, Sussex County, DEMA, DNREC, FEMA, or other partners.

The Town may use Code Red, website postings, social media, direct correspondence, or other communication methods to provide public information regarding permitting, repair requirements, temporary emergency protective measures, and SI/SD review after a disaster.

7. Complaint, Observation, and Intake Process

7.1 Intake

Potential violations may be identified by Town staff or through outside reports. Sources may include:

- Public complaint.
- Staff observation.
- Permit review.
- Field inspection.
- Post-disaster inspection.
- Repair permit application after a disaster or damaging event.
- Aerial imagery or mapping review.
- Interagency referral.
- Reports from contractors, agencies, emergency responders, or neighboring property owners.
- Discovery during SI/SD review or floodplain permit review.

- Review of 5-year cumulative improvement records in Edmonds.
- Review of Elevation Certificates, Floodproofing Certificates, or SDE records.

The Floodplain Administrator or designee will open a case file and record:

- Date received or observed.
- Source of complaint, referral, or staff observation.
- Property location.
- Owner or responsible party, if known.
- Description of alleged or observed violation.
- Flood zone and FIRM panel, if known.
- Whether the structure is in Zone VE, where applicable.
- Whether the matter may involve SI, SD, or 5-year cumulative improvement tracking.
- Initial assigned staff.
- Edmonds record number, if available.

7.2 Initial Review

The Floodplain Administrator or designee will review:

- Floodplain determination records.
- Floodplain permit records.
- Building permit records.
- Edmonds permit history.
- Prior 5-year permit history, where SI review may be involved.
- Sussex County permit or inspection records, if applicable.
- Site plans.
- Elevation Certificates.
- Floodproofing Certificates.
- V Zone certifications.
- Engineering studies, no-rise analyses, or other required documentation.
- Prior inspection reports.
- Prior notices or correspondence.
- Applicable Town Code sections.
- SI/SD records, if the matter involves substantial improvement or substantial damage.
- SDE records, if used.
- Town EOP or damage assessment records, if the matter arises after a disaster.
- HMP-related mitigation information, where relevant.

7.3 Site Inspection

When appropriate, the Floodplain Administrator, Building Official, or designee will conduct or coordinate a site inspection.

The inspection should document:

- Date and time.
- Inspector name.
- Site conditions.
- Work observed.
- Whether work appears active or complete.
- Whether a permit placard is posted, if applicable.
- Photographs.
- GPS point or map location, if available.
- Evidence of fill, grading, excavation, structures, utilities, storage, recreational vehicle placement, storage tanks, watercourse alteration, enclosure conversion, or other development.
- Evidence of obstruction, alteration, or removal of required flood openings.
- Evidence of noncompliant mechanical, electrical, plumbing, HVAC, or utility equipment.
- Evidence of noncompliant Zone VE construction, where applicable.
- Any immediate flood, life safety, or public safety concerns.
- Whether repair work after a disaster appears to have begun before required permit review.

8. Floodplain Administrator Determination

After review and inspection, the Floodplain Administrator will make a written determination. The determination should state one or more of the following:

8.1 No Violation Found

The file should document the basis for closure.

8.2 Additional Information Required

The owner, applicant, contractor, or responsible party must provide missing permits, certifications, plans, Elevation Certificates, Floodproofing Certificates, engineering

documentation, SI/SD documentation, cumulative improvement documentation, or other information.

8.3 Violation Found

Corrective action is required.

8.4 Permit or Approval Issued in Error

The permit, certificate of occupancy, final approval, floodplain approval, building permit, zoning approval, or related approval requires further review, correction, amendment, revocation, or other appropriate action, as authorized by the Town Code and applicable law.

8.5 Stop Work Required

Ongoing development must stop until the violation or permit error is resolved and required permits or approvals are issued.

8.6 SI/SD Review Required

The matter requires Substantial Improvement review, Substantial Damage review, or 5-year cumulative improvement review before the Town can approve, continue, or close the permit or enforcement matter.

A written determination must be placed in the case file.

9. Notice of Violation, Stop-Work Order, or Permit Error Notice

9.1 When to Issue

The Town may issue a written Notice of Violation, Stop-Work Order, Permit Error Notice, or other written notice when:

- Development is occurring without required approval.
- Work is inconsistent with an approved permit, application, site plan, or supporting document.
- Required certifications or evidence of compliance have not been provided.
- False statements or misrepresentations are discovered.
- A permit or approval was issued in error.
- A permit or approval requires correction, amendment, suspension, or revocation, as authorized by the Town Code and applicable law.
- Work may constitute a Substantial Improvement or Substantial Damage issue and required documentation has not been provided.

- Work may violate the 5-year cumulative improvement tracking requirement.
- Repair work after a disaster has begun without required permits or SD review.
- Required freeboard, utility protection, enclosure, flood opening, or Zone VE requirements are not met.
- The development, structure, use, or activity is otherwise noncompliant with Chapter 101, Chapter 71, Chapter 185, or permit conditions.

9.2 Contents of Notice

A Notice of Violation, Stop-Work Order, or Permit Error Notice should include:

- Property address or location.
- Tax parcel number, if available.
- Owner, applicant, contractor, or responsible party.
- Description of observed violation or permit error.
- Applicable Town Code sections.
- Reference to applicable NFIP requirements, where appropriate.
- Required corrective action.
- Required SI/SD documentation, if applicable.
- Required cumulative improvement documentation, if applicable.
- Deadline for response or correction.
- Statement that work must stop, if applicable.
- Requirement to submit a permit application, revised application, engineering documentation, certifications, Elevation Certificate, Floodproofing Certificate, SDE information, or other materials, if applicable.
- Consequences of continued noncompliance.
- Administrative reconsideration, variance, or appeal information, where applicable.
- Floodplain Administrator contact information.

9.3 Stop-Work Orders

Under § 71-8E(1), the Town shall issue an immediate stop-work order for any activity conducted without proper authorization. Work may not resume until a valid permit is obtained and all violations are resolved.

A stop-work order may also be appropriate when work is inconsistent with an approved permit, when required SI/SD review has not been completed, when continued work may increase flood risk, or when continued work may make correction more difficult.

10. Permit or Approval Issued in Error

If the Floodplain Administrator determines that a floodplain approval, building permit, certificate of occupancy, final approval, zoning approval, or related approval may have been issued in error, the matter will be reviewed promptly and documented.

A permit or approval may have been issued in error due to:

- Incorrect flood zone determination.
- Incorrect FIRM panel or map interpretation.
- Failure to apply the most restrictive flood zone designation when a structure is subject to more than one designation.
- Failure to identify that field-surveyed topography places the site below the applicable base flood elevation.
- Missing required Elevation Certificate or Floodproofing Certificate.
- Missing V Zone design certification.
- Missing engineering documentation.
- Missing documentation for fill, floodway, watercourse, or flood-carrying capacity review.
- Missing required state, county, or federal permits.
- Failure to apply applicable elevation, mandatory 2 feet of freeboard, optional freeboard, utility, enclosure, anchoring, storage tank, accessory structure, or Zone VE requirements.
- Failure to apply Chapter 185 height coordination requirements.
- Failure to conduct SI/SD review.
- Failure to apply the 5-year cumulative improvement tracking requirement.
- Administrative or clerical error.
- Incorrect or incomplete information submitted by the applicant.
- False statement or misrepresentation by the applicant.

Where a permit or approval appears to have been issued in error, the Town may take action authorized by the Town Code and applicable law, including requiring corrected documentation, amended plans, corrective work, withholding final approval, issuing a stop-work order, or referring the matter for legal review.

When a permit or approval was issued in error, the Town should take one or more of the following actions, as appropriate and as authorized by the Town Code and applicable law:

10.1 Document the Error

The Town will place a written explanation in the permit file identifying the error, affected Town Code requirement, and corrective action needed.

10.2 Notify the Property Owner, Applicant, and Contractor

The Town will provide written notice explaining the issue, affected permit or approval, required corrective action, and any applicable administrative reconsideration, appeal, or variance process.

10.3 Suspend or Stop Work if Construction Is Ongoing

If work is ongoing and may be noncompliant, the Town may issue a stop-work order.

10.4 Require Corrected Documentation

The Town may require revised plans, Elevation Certificates, Floodproofing Certificates, V Zone certifications, engineering analyses, state or federal permits, elevation data, SI/SD documentation, 5-year cumulative improvement documentation, or other documentation needed to determine compliance.

10.5 Require Permit Amendment or Reissuance

If the project can be brought into compliance, the Town may require a corrected permit, amended permit, or revised approval before work resumes, as authorized by the Town Code and applicable law.

10.6 Require Corrective Work

If construction has occurred, the Town may require modification, removal, reconstruction, elevation, floodproofing, certification, utility relocation, enclosure correction, flood opening correction, or other corrective action necessary to bring the development into compliance.

10.7 Withhold Certificate of Occupancy or Final Approval

The Town will not issue final approval until the development fully conforms to Town Code and all required documentation is provided.

10.8 Refer to Legal Counsel if Unresolved

If the matter cannot be resolved administratively, the Town may refer the matter to the Town Solicitor or other legal counsel.

The case file should include all notices, revised documentation, inspection reports, photographs, determinations, administrative reconsideration records, appeal or variance records, and final compliance documentation.

11. Administrative Reconsideration, Variance, and Appeal Information

11.1 Administrative Reconsideration

If an owner, applicant, contractor, or responsible party believes that a Town SI/SD determination, violation determination, or permit error determination was based on incorrect or incomplete information, the person may submit additional documentation to the Floodplain Administrator for administrative reconsideration.

Administrative reconsideration may involve:

- Updated cost estimates.
- Contractor estimates.
- Appraisals.
- Clarification of scope of work.
- Documentation of prior improvements.
- Engineering or architectural documentation.
- Elevation Certificates or Floodproofing Certificates.
- Photos or inspection information.
- Documentation showing that certain costs should be excluded.
- Insurance scope of loss or repair documentation for Substantial Damage matters.
-

The Floodplain Administrator will review the additional documentation and determine whether the Town's determination should be revised.

11.2 Variances Under Chapter 101

Requests for variances from Chapter 101 are governed by § 101-34. An owner or authorized agent seeking a variance from Chapter 101 must submit a variance application to the Town of Dewey Beach Floodplain Administrator. The Floodplain Administrator will review the application for completeness and coordinate submission to the Town of Dewey Beach Board of Adjustment for consideration under § 101-34.

A variance may only be granted upon findings including:

- Good and sufficient cause.

- Exceptional hardship or exceptional practical difficulty due to the physical characteristics of the property.
- No impermissible increase in flood heights.
- No additional threats to public safety.
- No extraordinary public expense, nuisance, fraud or victimization of the public, or conflict with existing law.
- The variance is the minimum necessary considering the flood hazard.

Increased cost or inconvenience does not constitute exceptional hardship or exceptional practical difficulty.

Any variance must satisfy the limitations of Chapter 101 and NFIP requirements.

11.3 Appeals Under Chapter 71 and Chapter 80

Under § 71-3F, an appeal from a decision of an inspector shall be to the Board of Adjustment.

Administrative reconsideration of the SI/SD calculation or enforcement determination is handled by the Floodplain Administrator. Requests for relief from applicable floodplain compliance requirements are considered by the Board of Adjustment in accordance with § 101-34.

If a matter proceeds under Chapter 80, Civil Violations, the Town will follow the notice, hearing, appeal, penalty, and collection procedures required by Chapter 80 and applicable law.

11.4 Suggested Notice Language

The following language may be included in a Notice of Violation, Stop-Work Order, Permit Error Notice, or written determination when applicable:

If you believe this determination was made in error, you may contact the Town of Dewey Beach Floodplain Administrator to request administrative review and provide additional documentation. If you seek relief from Chapter 101 floodplain requirements, you may submit a variance application to the Floodplain Administrator for coordination with the Town of Dewey Beach Board of Adjustment under § 101-34. Any variance must satisfy Chapter 101 and NFIP requirements. Increased cost or inconvenience alone is not sufficient grounds for a variance. Any appeal from a decision of an inspector under Chapter 71 shall be to the Board of Adjustment as provided in § 71-3F. If this matter proceeds under Chapter 80, the Town will follow the procedures required by Chapter 80 and applicable law.

12. Service and Documentation of Notices

The Town will serve notices in the manner required by the Town Code and applicable law. Where not prohibited, the Town may use supplemental methods such as first-class mail, email, hand delivery, or posting to support notice and documentation.

Where no specific method is required, the Town will use methods that provide reliable documentation.

Acceptable documentation methods may include:

- Certified mail.
- First-class mail as a secondary method.
- Hand delivery.
- Posting on the property when contact cannot be made or when conditions warrant.
- Email or other electronic communication when appropriate and documented.
- Photographs of posted notices.
- Delivery logs or affidavits.

Email should generally be used as a supplemental method unless the Town Code and applicable law allow electronic service as the official service method.

The case file should include:

- Copy of each notice.
- Date notice was issued.
- Method of delivery.
- Proof of service, mailing, delivery, email, or posting.
- Any administrative reconsideration, variance, or appeal deadline.
- Compliance deadline.
- Follow-up actions.

Before imposing civil penalties, referring a case for court action, or initiating Section 1316 consideration, the Town should confirm that required service procedures have been satisfied.

13. Hearing, Variance Review, and Decision

13.1 Administrative Record

For a variance, appeal, or contested enforcement matter, the Floodplain Administrator should prepare a record that includes:

- Floodplain determination.
- Permit application and permit documents, if any.
- Notice of Violation, Stop-Work Order, or Permit Error Notice.
- Applicable Town Code sections.
- FIRM panel, flood zone, and floodplain documentation.
- Inspection reports.
- Photographs.
- Correspondence.
- Engineering reports or certifications, if any.
- Elevation Certificates or Floodproofing Certificates, if any.
- SI/SD worksheets or determinations, if applicable.
- Five-year cumulative improvement tracking documentation, if applicable.
- SDE information, if used.
- Timeline of actions.

13.2 Hearing

At the hearing, as applicable:

- The Floodplain Administrator or designee presents the basis for the determination or action.
- The applicant or appellant may present information or evidence.
- The Board of Adjustment may ask questions.
- The Board of Adjustment reviews the matter under applicable Town Code criteria.

13.3 Variance Criteria

Variance decisions must comply with § 101-34. Relief must be the minimum necessary considering the flood hazard and must not be inconsistent with federal regulations.

13.4 Written Decision

The decision should be documented in writing and placed in the case file. The written decision should:

- Grant, deny, affirm, modify, or otherwise resolve the matter.
- Identify required corrective action, if any.
- Establish any revised compliance deadline, if applicable.

- State any conditions of approval or relief.
- Be retained in the Town's records.

14. Follow-Up After Decision or Deadline

After the compliance deadline, appeal decision, variance decision, or corrective action deadline, the Floodplain Administrator or designee should reinspect or otherwise verify compliance.

14.1 If Compliance Is Achieved

The Floodplain Administrator should:

- Document correction.
- Take final photographs, if appropriate.
- Obtain required certifications or evidence of compliance.
- Confirm that required permit conditions are satisfied.
- Coordinate issuance of certificate of occupancy or final approval, if applicable.
- Close the case file.

14.2 If Compliance Is Not Achieved

The Town may:

- Issue an additional written notice.
- Continue or reissue a stop-work order.
- Withhold certificate of occupancy or final approval.
- Require removal or modification of noncompliant development.
- Refer the matter to the Town Solicitor or legal counsel.
- Seek further enforcement under Chapter 101, Chapter 71, Chapter 80, or other applicable authority.
- Consider whether Section 1316 review may be appropriate for a noncompliant structure.

15. Penalties and Legal Referral

15.1 Chapter 101 Penalties

Under § 101-35, no structure or land development shall be located, erected, constructed, reconstructed, repaired, extended, converted, enlarged, or altered without full compliance with Chapter 101 and all other applicable regulations.

Failure to obtain a permit is a violation of Chapter 101.

Under § 101-36, notices of violation shall be issued by the Town as provided in Chapter 80, Civil Violations.

Under § 101-37, penalties shall be in accordance with the schedule of violations and penalties in Chapter 80.

15.2 Chapter 71 Enforcement

Under § 71-8, violations of Chapter 71 may be subject to enforcement actions including:

- Refusal to issue a permit or certificate of occupancy.
- Inspections of work performed, regardless of whether a formal building permit was issued.
- Civil action to end the violation.
- Stop-work order.
- Civil penalties, as authorized by the current codified Town Code.
- Escalating penalties for repeat offenses, as authorized by the current codified Town Code.
- Permit surcharge for retroactive permits issued after unauthorized work has begun, as authorized by the current codified Town Code.

Before citing a penalty amount in a notice, referral, or court filing, the Town will verify the current penalty amount and process under Chapter 71, Chapter 80, and applicable law.

15.3 Referral Criteria

The Floodplain Administrator should consider referral to the Town Solicitor or legal counsel when:

- A violation continues after notice and opportunity to correct.
- A stop-work order is disregarded.
- Required documentation is not provided.
- A structure or development creates an increased flood hazard.
- The violation affects flood-carrying capacity, a watercourse, fill, Zone VE requirements, public safety, or NFIP compliance.
- The violation involves noncompliant Substantial Improvement or Substantial Damage repair.
- The violation involves failure to comply with the 5-year cumulative improvement tracking requirement.

- The property owner or responsible party refuses to comply.
- A Section 1316 action may be considered.

15.4 Legal Referral File

The referral file should include:

- Property identification.
- Owner and responsible party information.
- Floodplain determination.
- Permit records.
- Edmonds records, where applicable.
- Notices and stop-work orders.
- Proof of service.
- Inspection reports.
- Photographs.
- Applicable Town Code sections.
- Variance, appeal, or Board of Adjustment records, if any.
- SI/SD records, if applicable.
- Five-year cumulative improvement tracking records, if applicable.
- SDE records, if applicable.
- Correspondence.
- Timeline of events.
- Corrective actions requested.
- Current status of violation.

16. Court Action

Court action should be coordinated through the Town Solicitor or other appropriate legal counsel.

Possible court-related actions may include:

- Civil enforcement action.
- Injunctive relief.
- Order requiring correction or removal of noncompliant development.
- Collection of penalties or costs.
- Other remedies available under Town Code or applicable law.

The Floodplain Administrator should support legal counsel by providing documents, testimony, inspection records, photographs, and technical information as requested.

After a court order or judgment, the Floodplain Administrator should monitor compliance and document final resolution.

17. Section 1316 Consideration

17.1 Purpose

Section 1316 may be considered when a structure remains in violation of the Town's floodplain management regulations after appropriate local enforcement steps. A Section 1316 request asks FEMA to deny NFIP flood insurance coverage for a specific structure.

Section 1316 is an escalation tool and should be used only after review by the Floodplain Administrator, Town leadership, and legal counsel.

The Town will coordinate with DNREC and FEMA before submitting a Section 1316 request, unless circumstances require a different process approved by Town leadership and legal counsel.

17.2 When to Consider Section 1316

The Floodplain Administrator may consider Section 1316 when:

- The structure is located in a Special Flood Hazard Area.
- The structure or development is in violation of Chapter 101 or other applicable floodplain requirements.
- The owner has been notified of the violation.
- The owner has been given an opportunity to correct the violation.
- Applicable administrative reconsideration, appeal, or variance opportunities have been provided.
- Any appeal or variance process has been resolved or the applicable response period has expired.
- Local enforcement efforts have not resulted in compliance.
- The violation remains unresolved.
- The Town is prepared to document and maintain its enforcement position.

17.3 Documentation for Section 1316 Review

The Town should assemble a Section 1316 file that includes:

- Owner name and contact information.

- Property address.
- Tax parcel information.
- Identification of the specific structure.
- FIRM panel and flood zone.
- Evidence the structure is in the Special Flood Hazard Area.
- Description of the violation.
- Applicable Town Code sections.
- Floodplain Administrator determination.
- Notices of violation or stop-work orders.
- Proof of service.
- Photographs and inspection reports.
- Permit records, if any.
- Required certifications that were not provided, if applicable.
- SI/SD documentation, if applicable.
- Five-year cumulative improvement tracking documentation, if applicable.
- Board of Adjustment, variance, appeal, or hearing records, if applicable.
- Court records or legal enforcement records, if applicable.
- Documentation that the violation remains unresolved.
- Town statement requesting FEMA Section 1316 action.

17.4 Internal Review Before Submission

Before submitting a Section 1316 request, the Town should confirm:

- Local procedures have been followed.
- The owner was notified.
- The owner had an opportunity to respond or correct.
- Applicable administrative reconsideration, appeal, or variance opportunities were provided.
- The violation is documented.
- The violation remains unresolved.
- Legal counsel has reviewed the package.
- DNREC and FEMA coordination has occurred or has been considered.
- Required Town approvals have been obtained.

17.5 Submission and Follow-Up

The Section 1316 request should be submitted to FEMA through the appropriate program channel, after coordination with DNREC and FEMA as appropriate.

The Town should retain:

- Complete copy of the request.
- All supporting documentation.
- Transmittal letter or email.
- FEMA response.
- Any later correspondence.

If FEMA denies NFIP coverage for the structure, the Town should note the status in the property file and continue to enforce the local floodplain requirements until the violation is corrected.

18. Time Tracking

The Floodplain Administrator should track key dates in each enforcement case, including:

- Date violation was observed or reported.
- Inspection date.
- Notice date.
- Service date.
- Response deadline.
- Compliance deadline.
- Administrative reconsideration request date, if applicable.
- Variance or appeal filing date, if applicable.
- Hearing date, if applicable.
- Decision date, if applicable.
- Reinspection date.
- Legal referral date.
- Court action date, if applicable.
- Section 1316 submission date, if applicable.
- Final closure date.

Potential deadlines for court action, enforcement, penalty collection, or appeal should be reviewed with legal counsel.

19. Records

The Town enforcement file should include, as applicable:

- Complaint, referral, or staff observation record.
- Floodplain determination.

- Floodplain permit records.
- Building permit records.
- Edmonds records.
- Site plan and approved plans.
- Inspection notes.
- Photographs.
- FIRM panel and flood zone documentation.
- Engineering or certification records.
- Elevation Certificates.
- Floodproofing Certificates.
- V Zone certifications.
- SI/SD worksheets and determinations, where applicable.
- Five-year cumulative improvement tracking records, where applicable.
- SDE records, if used.
- Notices of violation.
- Stop-work orders.
- Permit Error Notices.
- Proof of service.
- Administrative reconsideration documents.
- Variance or appeal documents.
- Board of Adjustment decision.
- Chapter 80 civil violation records, where applicable.
- Legal referral documents.
- Court records.
- Section 1316 documents.
- Final compliance documentation.
- Certificate of occupancy or final approval, if issued.

Records shall be maintained consistent with Chapter 101, Chapter 71, Chapter 80, Town recordkeeping procedures, NFIP recordkeeping expectations, 44 CFR § 60.3, and applicable retention requirements.

20. Town of Dewey Beach Floodplain Enforcement Checklist

Case Number: _____

Property Owner: _____

Responsible Party, if different: _____

Property Address: _____

Tax Parcel: _____

FIRM Panel: _____

Flood Zone: _____

Floodway Present: Yes ☐ No ☐ Unknown ☐

VE Zone Present: Yes ☐ No ☐ Unknown ☐

Edmonds Permit / Record Number: _____

SI/SD Review Involved: Yes ☐ No ☐ Unknown ☐

Five-Year Cumulative SI Review Involved: Yes ☐ No ☐ Unknown ☐

Post-Disaster Repair Permit Involved: Yes ☐ No ☐ Unknown ☐

Case Source

Public complaint ☐

Town staff observation ☐

Permit review ☐

Field inspection ☐

Post-disaster inspection ☐

Repair permit application after disaster ☐

Aerial/mapping review ☐

Interagency referral ☐

SI/SD review ☐

Five-year cumulative improvement review ☐

FEMA or State referral ☐

Other: _____

Type of Violation

Unpermitted development ☐

Permit condition violation ☐

Permit or approval issued in error ☐

Unauthorized fill/grading/excavation ☐

Unauthorized structure ☐

Unauthorized recreational vehicle placement ☐

Unauthorized storage tank ☐

- Unauthorized watercourse alteration ☐
 - Failure to provide Elevation Certificate ☐
 - Failure to provide Floodproofing Certificate ☐
 - Failure to provide required certification or engineering documentation ☐
 - Failure to obtain certificate of occupancy or final approval ☐
 - Substantial Improvement/Substantial Damage issue ☐
 - Five-year cumulative SI tracking issue ☐
 - Noncompliant enclosure or conversion ☐
 - Noncompliant flood openings ☐
 - Noncompliant utility or service equipment location ☐
 - Noncompliant Zone VE construction ☐
 - Noncompliant freeboard or required elevation ☐
 - Chapter 185 height coordination issue ☐
 - Other: _____
-

A. Intake and Initial Review

Item	Yes	No	N/A	Notes
Complaint, referral, or staff observation logged	☐	☐	☐	
Property location verified	☐	☐	☐	
Owner/responsible party identified	☐	☐	☐	
FIRM panel reviewed	☐	☐	☐	
Flood zone identified	☐	☐	☐	
Floodway status reviewed, if applicable	☐	☐	☐	
VE Zone status reviewed, if applicable	☐	☐	☐	
Permit file reviewed	☐	☐	☐	
Edmonds permit history reviewed	☐	☐	☐	
SI/SD records reviewed, if applicable	☐	☐	☐	
Five-year cumulative SI records reviewed, if applicable	☐	☐	☐	

Item	Yes	No	N/A	Notes
Sussex County records reviewed, if applicable	☐	☐	☐	
EOP / post-disaster records reviewed, if applicable	☐	☐	☐	
SDE records reviewed, if applicable	☐	☐	☐	

B. Inspection and Evidence

Item	Yes	No	N/A	Notes
Site inspection completed	☐	☐	☐	
Photos taken	☐	☐	☐	
GPS/map location recorded, if available	☐	☐	☐	
Permit placard checked, if applicable	☐	☐	☐	
Observed work described in notes	☐	☐	☐	
Potential Town Code sections identified	☐	☐	☐	
Immediate safety or flood hazard concerns documented	☐	☐	☐	
Required elevation/freeboard issue documented	☐	☐	☐	
Utility/service equipment issue documented	☐	☐	☐	
Enclosure/flood opening issue documented	☐	☐	☐	
Zone VE issue documented, if applicable	☐	☐	☐	

C. Determination and Notice

Item	Yes	No	N/A	Notes
Floodplain Administrator issued written determination	☐	☐	☐	
No violation found	☐	☐	☐	

Item	Yes	No	N/A	Notes
Violation found	☐	☐	☐	
Permit or approval issued in error	☐	☐	☐	
Additional information required	☐	☐	☐	
SI/SD review required	☐	☐	☐	
Notice of Violation issued	☐	☐	☐	
Permit Error Notice issued, if applicable	☐	☐	☐	
Stop-Work Order issued, if required	☐	☐	☐	
Notice cites applicable Town Code sections	☐	☐	☐	
Notice references NFIP / 44 CFR § 60.3, if appropriate	☐	☐	☐	
Notice states required corrective action	☐	☐	☐	
Notice states compliance deadline	☐	☐	☐	
Notice includes administrative reconsideration information, if applicable	☐	☐	☐	
Notice includes variance or appeal information, if applicable	☐	☐	☐	

D. Permit Issued in Error Review

Item	Yes	No	N/A	Notes
Permit or approval may have been issued in error	☐	☐	☐	
Basis for error documented in file	☐	☐	☐	
Owner/applicant/contractor notified in writing	☐	☐	☐	
Stop-Work Order issued, if work is ongoing	☐	☐	☐	
Permit suspension, amendment, or revocation considered	☐	☐	☐	
Corrected plans or documentation required	☐	☐	☐	

Item	Yes	No	N/A	Notes
Additional engineering or certification required	☐	☐	☐	
Elevation Certificate / Floodproofing Certificate required	☐	☐	☐	
SI/SD review required	☐	☐	☐	
Five-year cumulative SI review required	☐	☐	☐	
Corrective work required	☐	☐	☐	
Certificate of occupancy or final approval withheld pending correction	☐	☐	☐	
Administrative reconsideration, variance, or appeal information provided, if applicable	☐	☐	☐	
Legal counsel referral considered, if unresolved	☐	☐	☐	

E. Service and Deadlines

Item	Yes	No	N/A	Notes
Notice served or delivered	☐	☐	☐	
Proof of service retained	☐	☐	☐	
Posting documented with photos, if used	☐	☐	☐	
Response deadline calculated	☐	☐	☐	
Compliance deadline calculated	☐	☐	☐	
Administrative reconsideration deadline tracked, if applicable	☐	☐	☐	
Variance or appeal deadline tracked, if applicable	☐	☐	☐	
Deadlines entered into tracking system or file	☐	☐	☐	

F. Administrative Reconsideration / Variance / Appeal / Hearing

Item	Yes	No	N/A	Notes
Administrative reconsideration request received	☐	☐	☐	
Additional documentation reviewed by Floodplain Administrator	☐	☐	☐	
Determination revised or reaffirmed	☐	☐	☐	
Variance or appeal request received	☐	☐	☐	
Request referred to Board of Adjustment, if applicable	☐	☐	☐	
Administrative record prepared	☐	☐	☐	
Hearing held, if applicable	☐	☐	☐	
Written decision documented	☐	☐	☐	
Decision placed in case file	☐	☐	☐	
Revised compliance deadline set, if applicable	☐	☐	☐	

G. Follow-Up

Item	Yes	No	N/A	Notes
Follow-up inspection completed	☐	☐	☐	
Corrective action completed	☐	☐	☐	
Required documentation received	☐	☐	☐	
SI/SD determination completed, if required	☐	☐	☐	
Elevation Certificate / Floodproofing Certificate received, if required	☐	☐	☐	
Certificate of occupancy or final approval issued, if applicable	☐	☐	☐	
Violation remains unresolved	☐	☐	☐	
Additional notice issued, if needed	☐	☐	☐	

Item	Yes	No	N/A	Notes
Legal referral needed	☐	☐	☐	

H. Legal Referral / Court Action

Item	Yes	No	N/A	Notes
Case referred to Town Solicitor or legal counsel	☐	☐	☐	
Referral file complete	☐	☐	☐	
Court action initiated, if applicable	☐	☐	☐	
Court order or judgment received, if applicable	☐	☐	☐	
Compliance with court order monitored	☐	☐	☐	
Final court outcome placed in file	☐	☐	☐	

I. Section 1316 Consideration

Item	Yes	No	N/A	Notes
Structure is in SFHA	☐	☐	☐	
Structure remains in violation	☐	☐	☐	
Owner received notice	☐	☐	☐	
Owner had opportunity to correct	☐	☐	☐	
Administrative reconsideration opportunity provided, if applicable	☐	☐	☐	
Variance or appeal opportunities were provided, if applicable	☐	☐	☐	
Variance or appeal resolved or deadline expired	☐	☐	☐	
Local enforcement efforts documented	☐	☐	☐	

Item	Yes	No	N/A	Notes
DNREC / FEMA coordination completed or considered	☐	☐	☐	
Legal counsel reviewed Section 1316 package	☐	☐	☐	
Town approval obtained, if required	☐	☐	☐	
Section 1316 request submitted to FEMA	☐	☐	☐	
FEMA response retained in file	☐	☐	☐	

J. Final Case Status

- No violation found ☐
- Violation corrected ☐
- Permit error corrected ☐
- Closed after administrative reconsideration ☐
- Closed after Board of Adjustment action ☐
- Closed after legal action ☐
- Section 1316 submitted ☐
- Ongoing enforcement ☐
- Other: _____

Final Notes:

Floodplain Administrator / Designee: _____

Signature: _____

Date: _____

21. Simplified Enforcement Workflow

1. Receive complaint, referral, or identify possible violation through Town staff observation, inspection, permit review, mapping review, post-disaster assessment,

repair permit application, SI/SD review, cumulative improvement tracking review, or outside referral.

2. Open case file and review floodplain, building, zoning, Edmonds, SI/SD, and related records.
3. Inspect site and document conditions.
4. Floodplain Administrator determines whether a violation exists, additional information is needed, a permit or approval was issued in error, or SI/SD review is required.
5. If violation exists or permit error is found, issue Notice of Violation, Permit Error Notice, Stop-Work Order, or other appropriate written notice.
6. Serve notice in the manner required by the Town Code and applicable law, and document proof of service.
7. Provide administrative reconsideration, variance, or appeal information, where applicable.
8. Track response and compliance deadlines.
9. If administrative reconsideration, variance, appeal, or hearing occurs, prepare the administrative record and support the Floodplain Administrator, Board of Adjustment, or legal process as applicable.
10. Reinspect after deadline or decision.
11. If corrected, document closure and coordinate final approval or certificate of occupancy, if applicable.
12. If not corrected, refer to the Town Solicitor or legal counsel.
13. Before imposing civil penalties, initiating court action, or considering Section 1316, verify applicable Town Code procedures, service requirements, appeal requirements, and penalty authority.
14. If a structure remains in violation after local process, coordinate with DNREC and FEMA as appropriate and consider Section 1316.

Simplified and Generalized Floodplain Enforcement Flow

1. Identify Possible Violation

The Town identifies a possible floodplain violation through a complaint, staff observation, permit review, inspection, post-disaster assessment, repair permit application, SI/SD review, or referral from another agency.

2. Open Case File

The Floodplain Administrator or designee opens a case file and records the property, owner or responsible party, alleged issue, flood zone, permit history, and source of the report.

3. Review Records

The Town reviews available records, including permits, approved plans, Edmonds permit history, floodplain determinations, Elevation Certificates, Floodproofing Certificates, SI/SD records, and prior correspondence.

4. Inspect and Document

The Town conducts a site inspection if needed and documents observed conditions with notes, photographs, location information, and any immediate safety or floodplain concerns.

5. Make Initial Determination

The Floodplain Administrator determines whether:

- o No violation exists;
- o More information is needed;
- o A violation exists;
- o Work must stop;
- o A permit or approval may have been issued in error; or
- o SI/SD review is required.

6. Notify Responsible Party

If action is needed, the Town issues a written notice, such as a Notice of Violation, Stop-Work Order, Permit Error Notice, or request for additional documentation.

7. Provide Opportunity to Respond or Correct

The responsible party is given instructions and a deadline to provide information,

correct the violation, request administrative reconsideration, or seek a variance or appeal where available.

8. Review Response

The Town reviews submitted information, revised plans, cost estimates, market value documentation, certifications, permit applications, or other materials.

9. Determine Corrective Action

The Floodplain Administrator determines what action is needed, such as obtaining a permit, revising plans, providing certifications, removing noncompliant work, correcting construction, completing SI/SD review, or bringing the structure into compliance.

10. Follow Up and Reinspect

The Town follows up after the deadline and reinspects or verifies whether the required corrective action has been completed.

11. Close Case if Corrected

If the violation is corrected, the Town documents compliance, retains records, and closes the case. Final approval or certificate of occupancy may be issued if all requirements are met.

12. Escalate if Not Corrected

If the violation is not corrected, the Town may issue additional notices, continue or reissue a stop-work order, withhold final approval, refer the matter to the Town Solicitor, pursue enforcement under Town Code, or consider other remedies.

13. Consider Section 1316 if Appropriate

If a structure remains in violation after notice, opportunity to correct, applicable appeal or variance processes, and local enforcement efforts, the Town may coordinate with DNREC and FEMA and consider a Section 1316 request.

14. Maintain Records

The Town maintains the enforcement file, including notices, inspections, photographs, permits, correspondence, determinations, appeal or variance records, legal referral records, and final resolution.


Bill Zolper

Dewey Beach Town Manager

Date: 09/15/26