



## ORDINANCE NO. 846

### AN ORDINANCE TO AMEND CHAPTER 101, FLOOD DAMAGE REDUCTION, OF THE MUNICIPAL CODE OF THE TOWN OF DEWEY BEACH, DELAWARE, 2005, AS AMENDED, RELATING TO THE FREEBOARD HEIGHT REQUIREMENT FOR THE ELEVATION OF BUILDINGS, STRUCTURES AND EQUIPMENT.

**WHEREAS**, at a properly-noticed public meeting held on September 8, 2023, The Dewey Beach Climate Change Committee recommended the Planning Commission and Town Council explore the possibility of increasing the town freeboard; and

**WHEREAS**, at a property-noticed public hearing held on September 17, 2024, the Dewey Beach Planning Commission recommended to the Town Council that the freeboard requirement be increased to 3 feet.

**NOW, THEREFORE, BE IT ENACTED AND ORDAINED**, by the Commissioners of the Town of Dewey Beach, Sussex County, Delaware, in session met, as follows:

**Section 1.** Amend §101-27A(1) of the Municipal Code of the Town of Dewey Beach relating to elevation requirements of residential structures and residential portions of mixed-use structures as depicted by strikeout and underlined substitutions below:

The lowest floor (including basement) shall be elevated to or above the base flood elevation plus 12 inches 2 feet. ~~{SB 64 Recommended Standard 7A; Require 12 inches of freeboard (height above minimum elevation)}~~

**Section 2.** Amend §101-27A(2) of the Municipal Code of the Town of Dewey Beach relating to elevation requirements of residential structures and residential portions of mixed-use structures as depicted by strikeout and underlined substitutions below:

In areas of shallow flooding (Zone AO), if not dry floodproofed, the lowest floor (including basement) shall be elevated at least as high above the highest adjacent grade as the depth number specified in feet on the Flood Insurance Rate Map plus 12 inches 2 feet or at least two feet plus 12 inches 2 feet if a depth number is not specified; adequate drainage paths shall be provided to guide floodwaters around and away from the structure. ~~{SB 64 Recommended Standard 7A; Require 12 inches of freeboard (height above minimum elevation)}~~

**Section 3.** Amend §101-33B(1) of the Municipal Code of the Town of Dewey Beach relating to elevation requirements of residential and nonresidential structures as depicted by strikeout and underlined substitutions below:

The bottom of the lowest horizontal structural member supporting the lowest floor (excluding the pilings, pile caps, columns, grade beams, and bracing), shall be located at or above the base flood elevation plus 12 inches 2 feet. ~~{SB 64 Recommended Standard 7A; Require 12 inches of freeboard (height above minimum elevation)}~~

**Section 4.** Amend §101-33D(1) of the Municipal Code of the Town of Dewey Beach relating to

elevation requirements of manufactured homes as depicted by strikeout and underlined substitutions below:

Meet the elevation requirements of Subsection B., provided that the bottom of the lowest horizontal structural member is at or above the base flood elevation plus ~~12 inches~~ 2 feet. ~~{SB 64 Recommended Standard 7A; Require 12 inches of freeboard (height above minimum elevation)}~~

**Section 5.** Amend §101-28A(1) of the Municipal Code of the Town of Dewey Beach relating to elevation requirements for nonresidential structures and nonresidential portions of mixed-use structures as depicted by strikeout and underlined substitutions below:

The lowest floor (including basement) shall be elevated to or above the base flood elevation plus ~~12 inches~~ 2 feet or the structure shall be dry proofed in accordance with Subsection B. ~~{SB 64 Recommended Standard 7A; Require 12 inches of freeboard (height above minimum elevation)}~~;

**Section 6.** Amend §101-28A(2) of the Municipal Code of the Town of Dewey Beach relating to elevation requirements for nonresidential structures and nonresidential portions of mixed-use structures as depicted by strikeout and underlined substitutions below:

In areas of shallow flooding (Zone AO), if not dry floodproofed, the lowest floor (including basement) shall be elevated at least as high above the highest adjacent grade as the depth number specified in feet on the Flood Insurance Rate Map plus ~~12 inches~~ 2 feet or at least two feet plus ~~12 inches~~ 2 feet if a depth number is not specified; adequate drainage paths shall be provided to guide floodwaters around and away from the structure. ~~{SB 64 Recommended Standard 7A; Require 12 inches of freeboard (height above minimum elevation)}~~;

**Section 7.** Amend §101-29E of the Municipal Code of the Town of Dewey Beach relating to elevation requirements of electrical service and mechanical equipment in accessory structures as depicted by strikeout and underlined substitutions below:

Electrical and mechanical equipment shall be elevated to or above the level of the base flood elevation plus ~~12 inches~~ 2 feet. ~~{SB 64 Recommended Standard 7A; Require 12 inches of freeboard (height above minimum elevation)}~~

**Section 8.** Amend §101-25B of the Municipal Code of the Town of Dewey Beach relating to elevation requirements of gas or liquid storage tanks as depicted by strikeout and underlined substitutions below:

Above-ground tanks in special flood hazard areas shall be elevated to or above the level of the base flood elevation plus ~~12 inches~~ 2 feet or shall be anchored at-grade and designed and constructed to prevent flotation, collapse, or lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of base flood. ~~{SB 64 Recommended Standard 7A; Require 12 inches of freeboard (height above minimum elevation)}~~

**Section 9.** If any provision of this Ordinance shall be deemed or held to be invalid or unenforceable for any reason whatsoever, then such invalidity or unenforceability shall not affect any other provision of this Ordinance which may be given effect without such invalid or unenforceable

provision, and to this end, the provisions of this Ordinance are hereby declared to be severable.

**Section 10.** This Ordinance shall take effect April 18, 2025 pending its approval by the Delaware Department of Natural Resources and Environmental Control (DNREC).

Adopted by at least a majority of the Commissioners of the Town of Dewey Beach on October 18, 2024.

SYNOPSIS

This Act raises the freeboard requirement from 1 foot to 2 feet above base flood elevation meaning that new construction shall be elevated by an additional 1 foot to lessen the threat of damage caused by flood waters.



Bill Zolper, Town Manager



Bill Stevens, Mayor

**From:** Potter, Katharyn S. (DNREC) <Katharyn.Potter@delaware.gov>  
**Sent:** Monday, July 21, 2025 7:58 PM  
**To:** Daune Hinks <dhinks@townofdeweybeach.com>; Town Manager <townmanager@townofdeweybeach.com>; Jim Dedes <jdedes@townofdeweybeach.com>  
**Subject:** FW: Town of Dewey Beach Ordinance change -- Ordinance 846 -- freeboard

Good afternoon Daune. Thank you for your patience.  
I've read through the ordinance and everything looks fine to me. I saw no changes other than the increased freeboard. I applaud the Town's efforts towards becoming more resilient.

**From:** Daune Hinks <[dhinks@townofdeweybeach.com](mailto:dhinks@townofdeweybeach.com)>  
**Sent:** Friday, March 14, 2025 4:26 PM  
**To:** French, Joanna (DNREC) <[Joanna.French@delaware.gov](mailto:Joanna.French@delaware.gov)>; Carpenter, Jamie <[jamie.carpenter@fema.dhs.gov](mailto:jamie.carpenter@fema.dhs.gov)>; Warga, David <[David.warga@fema.dhs.gov](mailto:David.warga@fema.dhs.gov)>; Potter, Katharyn S. (DNREC) <[Katharyn.Potter@delaware.gov](mailto:Katharyn.Potter@delaware.gov)>  
**Cc:** Town Manager <[townmanager@townofdeweybeach.com](mailto:townmanager@townofdeweybeach.com)>; Jim Dedes <[jdedes@townofdeweybeach.com](mailto:jdedes@townofdeweybeach.com)>  
**Subject:** FW: Town of Dewey Beach Ordinance change -- Ordinance 846 -- freeboard

Good afternoon.

Kathy Potter is to be out of the office March 17 – 21 so I am writing this email to you.

Earlier today, I sent the email below to Kathy with questions concerning the approval / denial (from DNREC – ultimately FEMA) of an ordinance the Town would like to become effective April 18, 2025. However, the Town has the April 18, 2025 effective date **PENDING** approval from DNREC. Please read the emails below to clarify my reason and questions for writing this to you.

I am looking to have some sort of direction with this new ordinance 849 since April 18, 2025 is fast approaching. Thank you for your assistance.

*Daune Hinks*

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