

Nearby Municipalities — Five Points for Commission Review

- **Bethany Beach:** Permanent swimming pools are expressly considered “**impervious structures.**” Building, electrical, and plumbing permits are required for installation, alteration, repair, or remodeling of pools. §500-2.
- **Bethany Beach:** A nonconforming **structure or building** may be repaired, improved, or altered if the work complies with applicable codes and does not increase an existing dimensional or density nonconformity. §425-35.
- **Bethany Beach:** A nonconforming building or structure substantially damaged or destroyed by fire, explosion, flood, windstorm, or other Act of God may, subject to the section's conditions, be rebuilt or replaced in the **same location and dimensions.** Replacement may not increase the existing dimensional nonconformity and must comply with the Bethany Beach Building Code. §425-36.
- **Rehoboth Beach:** The Code separately identifies a **pool, auxiliary pool structure, and pool equipment.** A building permit is required to construct, install, alter, or replace a pool or auxiliary pool structure, or to move pool equipment. Pool installations and related equipment are subject to applicable building-code requirements. §§206-3 and 206-4.
- **Lewes:** Normal repair and maintenance of a nonconforming building or structure is permitted. It may not be enlarged or altered in a way that increases the nonconformity. If damaged or destroyed, it may be repaired, rebuilt, or reconstructed provided its size is not increased and the preexisting nonconformity is not increased. §197-86.

Additional Rehoboth Pool-Equipment Provision

Rehoboth separately regulates circulating pumps and filters. Legally existing pool equipment is not required to meet the enclosure requirement until the equipment is replaced or a permit is issued for changes to the pool or its systems. §206-5.

General Observation

In the nearby municipal codes reviewed above, **Bethany and Lewes primarily address repair/reconstruction through their general provisions governing nonconforming buildings and structures. Rehoboth has a separate pool chapter that distinguishes the pool, auxiliary pool structures, and pool equipment.**

I did **not find language in these three municipal codes defining all improvements associated with a swimming pool collectively as a “swimming pool complex.”**