

**PUBLIC NOTICE AND AGENDA**

**TOWN OF DEWEY BEACH**

**PLANNING COMMISSION  
PUBLIC HEARING & MEETING**

**To be held  
SATURDAY November 16, 2013 at 10:00 AM  
At the  
Dewey Beach Lifesaving Museum  
1 Dagsworthy Ave., Dewey Beach, DE 19971**



**AGENDA**

**Purpose: To hold four sequential public hearings followed by commission discussion and votes on recommendations to the Town Commissioners on proposed amendments to Chapters 101 Floodplain Management and 185 Zoning related to flooding and sea-level rise.**

**Opening (10:00 AM)**

**Pledge to the Flag**

**Roll Call**

**Approval of Previous Meeting's Minutes**

**Regular Agenda:**

**I. Public Hearing (10 min)**

**On A DRAFT ORDINANCE TO AMEND CHAPTERS 101 FLOOD PLAIN MANAGEMENT AND 185 ZONING, AND ELSEWHERE WHERE APPROPRIATE IN THE CODE OF THE TOWN OF DEWEY BEACH, DE TO CLARIFY FLOOD ZONE DESIGNATIONS AND ALIGN TOWN CODE WITH FEMA FLOOD MAPS AND FLOOD ZONE DESIGNATIONS.** This ordinance amends Chapters 101 Flood Plain Management and 185 Zoning of the Town code (and elsewhere in the municipal code where appropriate) to align Town flood zone designations with those used by FEMA in its Flood Risk Insurance.

**Planning Commission Meeting (10 min)**

**Discuss and vote on a recommendation regarding A DRAFT ORDINANCE TO AMEND CHAPTERS 101 FLOOD PLAIN MANAGEMENT AND 185 ZONING, AND ELSEWHERE WHERE APPROPRIATE IN THE CODE OF THE TOWN OF DEWEY BEACH, DE TO CLARIFY FLOOD ZONE DESIGNATIONS AND ALIGN TOWN CODE WITH FEMA FLOOD MAPS AND FLOOD ZONE DESIGNATIONS.** This ordinance amends Chapters 101 Flood Plain Management and 185 Zoning of the Town code (and elsewhere in the municipal code where appropriate) to align Town flood zone designations with those used by FEMA in its Flood Risk Insurance.

**II. Public Hearing (10 min)**

**On A DRAFT ORDINANCE TO AMEND CHAPTER 185 ZONING OF THE CODE OF THE TOWN OF DEWEY BEACH, DE TO REDUCE BUILDING PERMIT FEES ASSESSED ON RESIDENTIAL-USE PROPERTIES IN A FEMA-DESIGNATED FLOOD ZONE FOR WORK PERFORMED TO REPAIR SIGNIFICANT FLOOD DAMAGE AND/OR RETROFITTING FOR IMPROVED RESILIENCE TO FUTURE FLOOD LOSSES.** This ordinance amends Chapter 185-80 Building permits; fee of the Town code to waive 50% of any building permit fee otherwise assessed on a residential-use structure in a flood zone for repairs due to substantial flood damage or any retrofit project that improves resilience to future flooding.

**Planning Commission Meeting Public Hearing (10 min)**

**Discuss and vote on a recommendation regarding A DRAFT ORDINANCE TO AMEND CHAPTER 185 ZONING OF THE CODE OF THE TOWN OF DEWEY BEACH, DE TO REDUCE BUILDING PERMIT FEES ASSESSED ON RESIDENTIAL-USE PROPERTIES IN A FEMA-DESIGNATED FLOOD ZONE FOR WORK PERFORMED TO REPAIR SIGNIFICANT FLOOD DAMAGE AND/OR RETROFITTING FOR IMPROVED RESILIENCE TO FUTURE FLOOD LOSSES.** This ordinance amends Chapter 185-80 Building permits; fee of the Town code to waive 50% of any building permit fee otherwise assessed on a residential-use structure in a flood zone for repairs due to substantial flood damage or any retrofit project that improves resilience to future flooding.

**III. Public Hearing (30 min)**

**On A DRAFT ORDINANCE TO AMEND CHAPTER 185 ZONING OF THE CODE OF THE TOWN OF DEWEY BEACH, DE TO PROVIDE CONDITIONAL ZONING RELIEF FOR OWNERS OF RESIDENTIAL STRUCTURES IN COASTAL FLOODPLAIN AREAS TO ELEVATE SUCH STRUCTURES TO TOWN MINIMUM BASE FLOOD ELEVATION.** This ordinance amends Chapter 185-60 Extension of nonconforming use or building, sub-section B. (which currently prohibits expansion “either vertically or horizontally in the setback area”) to provide a conditional-use process for elevating residential structures which encroach in any required setback area(s) and which are located in any VE or AE flood zone area to the Town minimum base flood elevation provided the final height of the elevated structure does not exceed the town-wide 35’ building height limit.

**Planning Commission meeting (30 min)**

**Discuss and vote on a recommendation regarding A DRAFT ORDINANCE TO AMEND CHAPTER 185 ZONING OF THE CODE OF THE TOWN OF DEWEY BEACH, DE TO PROVIDE CONDITIONAL ZONING RELIEF FOR OWNERS OF RESIDENTIAL STRUCTURES IN COASTAL FLOODPLAIN AREAS TO ELEVATE SUCH STRUCTURES TO TOWN MINIMUM BASE FLOOD ELEVATION.** This ordinance amends Chapter 185-60 Extension of nonconforming use or building, sub-section B. (which currently prohibits expansion “either vertically or horizontally in the setback area”) to provide a conditional-use process for elevating residential structures which encroach in any required setback area(s) and which are located in any VE or AE flood zone area to the Town minimum base flood elevation provided the final height of the elevated structure does not exceed the town-wide 35’ building height limit.

**IV. Public Hearing (10 min)**

**On A DRAFT ORDINANCE TO AMEND CHAPTER 185 ZONING OF THE CODE OF THE TOWN OF DEWEY BEACH, DE TO PROHIBIT REBUILDING OF RESIDENTIAL STRUCTURES IN FLOOD-PRONE AREAS THAT HAVE BEEN SUBSTANTIALLY DAMAGED WITHOUT ELEVATING SUCH STRUCTURES TO TOWN MINIMUM BASE FLOOD ELEVATION.** This ordinance amends Chapter 185-59 Damage or destruction of nonconforming use or building (which currently permits repair or reconstruction of a damaged, nonconforming building “to essentially the same configuration as existed prior to the damage”) to require elevation to Town base flood elevation prior to repair or reconstruction of any residential-use structure located in a flood-prone area (i.e., FEMA-designated VE, AE, or AO flood zones) that has suffered substantial damage provided the final height of the elevated structure does not exceed the town-wide 35’ building height limit.

**Planning Commission meeting (10 min)**

**Discuss and vote on a recommendation regarding A DRAFT ORDINANCE TO AMEND CHAPTER 185 ZONING OF THE CODE OF THE TOWN OF DEWEY BEACH, DE TO PROHIBIT REBUILDING OF RESIDENTIAL STRUCTURES IN FLOOD-PRONE AREAS THAT HAVE BEEN SUBSTANTIALLY DAMAGED WITHOUT ELEVATING SUCH STRUCTURES TO TOWN MINIMUM BASE FLOOD ELEVATION.** This ordinance amends Chapter 185-59 Damage or destruction of nonconforming use or building (which currently permits repair or reconstruction of a damaged, nonconforming building “to essentially the same configuration as existed prior to the

damage”) to require elevation to Town base flood elevation prior to repair or reconstruction of any residential-use structure located in a flood-prone area (i.e., FEMA-designated VE, AE, or AO flood zones) that has suffered substantial damage provided the final height of the elevated structure does not exceed the town-wide 35’ building height limit.

**Closing (12:00 PM)**

Comments from the Public (5 min.)

Comments from Committee Members and Chair. (5 min.)

Date and Time of Next Meeting. (5 min.)

Adjournment

The Agenda items listed above may be considered in a different sequence if scheduling so dictates. This Agenda is also subject to change in accordance with the Delaware Freedom of Information Act. Public comment on any Agenda item may be submitted in writing by mail (Dewey Beach Town Hall, 105 Rodney Ave., Dewey Beach, DE 19971) or email, provided such comments are received by Town Hall two business days prior to the scheduled meeting.

Persons with disabilities requiring special accommodation should contact Town Hall at  
(302) 227-6363 seventy-two (72) hours in advance.