

## ORDINANCE NO. 13-11

### AN ORDINANCE AMENDING LAND DEVELOPMENT ORDINANCE VOLUME II, SECTION 201 ENTITLED "DEFINITIONS" AND SECTION 419 ENTITLED "FLOOD HAZARD REGULATIONS"

BE IT ORDAINED by the Township of Neptune of the County of Monmouth in the State of New Jersey that the Land Development Ordinance, Volume II, Section 201, entitled "Definitions" and Section 419 entitled "Flood Hazard Regulations" shall be amended as follows:

#### **§201 DEFINITIONS.**

Advisory Base Flood Elevation (ABFE). The elevation shown on a community's Advisory Flood Hazard Map that indicates the advisory stillwater elevation plus wave effect (ABFE = SWEL +wave effect) resulting from a flood that has a 1 percent (1%) or greater chance of being equaled or exceeded in any given year. (100 Year Flood Event)

Advisory 0.2 Percent (0.2%) Annual Chance Flood Elevation (AACFE) (500 Year Flood Event) . The coastal water service elevation of a flood having a 0.2 percent (0.2%) annual chance of being equaled or exceeded in any given year. It is expressed in feet referenced to the North American Vertical Datum of 1988 (NAVD 88).

Advisory Flood Hazard Area (AFHA)/Area of Special Flood Hazard (ASFH). The land in the floodplain within a community subject to flooding from the 1 percent (1%) annual chance event, or 0.2 percent (0.2%) annual chance event depicted on the Advisory Flood Hazard Map.

Advisory Flood Hazard Map. The official map on which the Federal Emergency Management Administration has delineated the areas of advisory flood hazards applicable to the community.

Advisory Flood Hazard Zone A. Is comprised of the areas subject to storm surge flooding from the 1 percent (1%) annual chance coastal flood. These areas are not subject to high velocity wave action, but are still considered high risk flooding areas.

Advisory Flood Hazard Zone V. Is comprised of areas subject to high velocity wave action (a 3 foot breaking wave) from the 1 percent (1%) annual chance coastal flood. Zone V is subject to more stringent building requirements than other zones because these areas are exposed to a higher level of risk.

Building Height. The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the mean height of the roof. In a Special Flood Hazard Area, the building height shall be measured from the Advisory Base Flood Elevation or Advisory 0.2 Percent (0.2%) Annual Chance Flood Elevation, whichever is more restrictive.

Porches in FHA. Porches (as defined elsewhere in §201 of the Township's Land Use Ordinance)

are permitted in the FHA, however, after accounting for the requirements of stairs as defined in this section, no porch shall extend farther than ½ the distance from the building plane to the front and side lot lines and the actual depth of said porch shall be no larger than eight (8) feet.

Stairs in Flood Hazard Areas (FHA). In the FHA portions of the Township, stairs from elevated structures shall be able to project into the front yard setback – as defined herein. For stairs that provide access from the front of a structure, stairs may project up to fifty percent (50%) of the required front yard setback to accommodate stair access, but in no case shall they be closer than ten (10) feet from the front lot line. In the case of stairways that are accessed from the side of a structure, stairs shall be permitted to project up to fifty percent (50%) of the side yard setback – as defined herein – but may not encroach further than three (3) feet from the prevailing side lot line.

Stairway Landings in FHA. To accommodate stairwell access to elevated structures in the FHA and keeping with the restrictions of stairwell projections as defined in this section, the use of stairway landings may be necessary to effectuate access to a given structure. For the purposes of this Code, stairway landing is defined as a level, uncovered platform installed at the point where stairs change direction, either at the top of or in between flights.

Substantial Improvement. Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent (50%) of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage,” regardless of the actual repair work performed. The term does not, however, include either:

- a. Any project for improvement of a structure to correct existing violations of State or local health, sanitary or safety code specifications which have been identified by the local code enforcement officer and which are the minimum necessary to assure safe living conditions; or
- b. Any alteration of a “historic structure,” if designated as a key structure and one that would be adversely affected in terms of historic character as determined by the Municipal Construction Official/Floodplain Administrator. Alteration of a “historic structure” shall not be considered a relocation.

#### **§419 FLOOD HAZARD REGULATIONS.**

F. Permit Required. A zoning permit, grading permit, a construction permit and a HPC permit, if applicable, must be obtained before construction or development begins within any Area of Special Flood Hazard established by the Federal Emergency Management Agency (FEMA). In addition to the normal information required for a zoning permit application, the following specific information is required to be reviewed by the Township Engineer prior to the issuance of an approved zoning permit:

1. New construction and the substantial improvement of any principal dwelling or commercial building, including attached garages, in an Area of Special

Flood Hazard (ASFH) shall follow the Advisory Base Flood Elevation (ABFE) Standard for the type of construction set forth more fully in Chapter XIX entitled "Flood Damage Prevention"

2. In the areas the base flood elevation has not been determined, the applicant must determine the base flood elevation in accordance with the current NJ DEP Flood Hazard Area regulations and obtain the Township Engineer's Approval;
  3. Certification by a registered professional engineer or architect that the flood proofing methods for any non residential structure meet the flood proofing criteria in Sub-section J.2 below;
  4. Description of the extent to which any water course will be altered or relocated as a result of the proposed development;
  5. Elevation in relation to mean sea level of any ground areas to be disturbed, filled, graded or re-graded;
  6. Certification that all necessary permits have been obtained from those Federal, State or County Government agency from which prior approval is required; and
  7. All base flood elevation and floodway data used to determine whether the proposed development is located in the floodway shall assure that the encroachment provisions of Sub-section K below are complied with. When base flood elevation and floodway data has not been provided in accordance with Subsection C above, the Township Engineer shall obtain, review and reasonably utilize any base flood elevation and flood water data available from a Federal, State or other source, in order to administer Sub-section J. below.
  8. The height limitations required in each zone district shall not apply to Churches.
- H. Areas of Special Flood Hazard. In all areas of Special Flood Hazard, compliance with the requirements of the Uniform Construction Code (N.J.A.C. 5:23) and the standards set forth under Chapter XIX § 19-5 of the General Ordinances of the township of Neptune entitled "Flood Damage Prevention" shall be followed.
- J. New Construction. In all areas of Special Flood Hazard where base flood elevation data have been provided as set forth in Subsection F, the standards set forth more fully under Chapter XIX § 19-5.1, §19-5.2, §19-5.3 and §19-5.4 of the General Ordinances of the Township of Neptune entitled "Flood Damage Prevention" shall be followed.
- L. Architectural Design. In all cases where elevation of a constructed or reconstructed improvement is either necessary or desirable, façade treatment shall be necessary to at least two and one half (2 ½) feet from the finished grade of the building with regard to all sides of the building.
- M. Historic District. Construction and reconstruction of buildings in the Historic District shall be subject to the same standards of Section 419 of the Land Development Ordinance and Chapter XIX entitled "Flood Damage Prevention" of

the General Ordinances, except for key structures, as set forth in the Land Development Ordinance or other designated Ordinances. Applicability to the aforesaid Ordinance or historic exclusion based on the key structure nature of the building shall be determined after review by the Municipal Construction Official/Floodplain Administrator. Should the Municipal Construction Official/Floodplain Administrator determine that the building is subject to §419 of the Land Development Ordinance and Chapter XIX of the General Ordinances entitled "Flood Damage Prevention" and that Substantial Improvements are needed, the Municipal Construction Official/Floodplain Administrator shall issue a Notice of Determination with regard to the need for Substantial Improvements. The determination of the Municipal Construction Official/Floodplain Administrator shall be appealable to the Historic Preservation Commissions (HPC). An aggrieved party can appeal the determination of the Municipal Construction Official/Floodplain Administrator to the HPC within forty-five (45) days of the determination. Any decision of the HPC may be appealed to the Zoning Board of Adjustment in the manner set forth in §706 (Appeals and Application to ZBOA) of the Land Development Ordinance.

- N. Building Coverage, Special Flood Hazard Area. In all Special Flood Hazard Areas within the Township, and only in those cases where residential dwellings will be elevated or demolished and elevated as part of reconstruction, the maximum percentage of building coverage may be increased by ten percent (10%) above the existing building coverage requirement for the zoning district in which the property lies. This standard shall apply to both conforming and nonconforming lots.

All Ordinances or parts of Ordinances which are inconsistent herewith are repealed, but only to the extent of such inconsistency.

The Ordinance shall become effective immediately upon its final passage and publication as required by law.

APPROVED ON FIRST READING:

APPROVED, PASSED, AND ADOPTED:

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Richard J. Cuttrel, Municipal Clerk

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Eric J. Houghtaling, Mayor