

ORDINANCE NO. 13-12

AN ORDINANCE TO AMEND VOLUME I, CHAPTER XIX OF THE GENERAL ORDINANCES OF THE TOWNSHIP OF NEPTUNE ENTITLED "FLOOD DAMAGE PREVENTION"

BE IT ORDAINED by the Township Committee of the Township of Neptune of the County of Monmouth in the State of New Jersey that the General Ordinances of the Township of Neptune, and in particular, Chapter XIX, entitled "Flood Damage Prevention" shall be amended as follows:

**19-2 DEFINITIONS.**

*Advisory Base Flood Elevation (ABFE)* shall mean 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)* shall mean 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)* shall mean 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* shall mean 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.

*Substantial Improvement, as amended*, shall mean 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.

### **19-3.2 Basis for Establishing the Areas of Special Flood Hazard.**

The area of special flood hazard for the Township of Neptune, Community No. 340317, are identified and defined on the following documents prepared by the Federal Emergency Management Agency:

- a. A scientific and engineering report "Flood Insurance Study, Monmouth County, New Jersey (All Jurisdictions)" dated December 12, 2012.
- c. Flood Insurance Rate Map for Monmouth County, New Jersey (All Jurisdictions) as shown on index and panels, Asbury Park NE, Asbury Park OE E NW, Asbury Park SE, Asbury Park NW whose effective date is December 12, 2012.
- c. Advisory Base Flood Elevations and Advisory Flood Hazard Maps dated December 12, 2012. These documents shall take precedence over previous panels and FIS in construction and development regulations only. Where the Special Flood Hazard Area (SFHA) and the Advisory Flood Hazard Area (AFHA) maps conflict or overlap, whichever imposes the more stringent requirement shall prevail.

The above documents are hereby adopted and declared to be a part of this ordinance. The Flood Insurance Study, maps and advisory documents are on file at 25 Neptune Boulevard, Neptune New Jersey.

## **19-5 PROVISIONS FOR FLOOD HAZARD REDUCTION.**

### **19-5.1 General Standards.**

In all areas of special flood hazards, compliance with the applicable requirements of the Uniform Construction Code (N.J.A.C.5:23) and the following standards, whichever is more restrictive, is required:

- c. *Utilities.*
  4. For all new construction and substantial improvements, the electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- d. *Subdivision Proposals.*
  1. All subdivision proposals and other proposed new development shall be consistent with the need to minimize flood damage;
  2. All subdivision proposals and other proposed new development shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
  3. All subdivision proposals and other proposed new development shall have adequate drainage provided to reduce exposure to flood damage; and

4. Base flood elevation data shall be provided for subdivision proposals and other proposed new development which contain at least fifty percent (50%) lots or five (5) acres (whichever is less).

#### **19-5.2 Specific Standards.**

a. *Residential Construction.*

1. New construction and substantial improvements of any residential structure within any Advisory Hazard Zones V and A shall have the lowest floor, including basement together with the attendant utilities and sanitary facilities, elevated at or above the Advisory Base Flood Elevation or Advisory 0.2 Percent (0.2%) Annual Chance Flood Elevation, whichever is more restrictive.

b. *Nonresidential Construction.* In an Area of Special Flood Hazard, all new construction and substantial improvement of any commercial, industrial or other nonresidential structure shall have the lowest floor, including basement together with the attendant utilities and sanitary facilities:

1. Elevated to or above the base flood elevation or advisory base flood elevation, or above the Advisory 0.2 Percent (0.2%) Annual Chance Flood Elevation, whichever is more restrictive.

bb. or

1. Be floodproofed so that below the base flood level plus one (1) foot, or Advisory 0.2 Percent (0.2%) Annual Chance Flood Elevation, (whichever is more restrictive) the structure is watertight with walls substantially impermeable to the passage of water;
2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
3. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the applicable provisions of this subsection. Such certification shall be provided to the official as set forth in subsection 19-4.3c,2b.

c. *Manufactured Homes.*

1. Manufactured homes shall be anchored in accordance with subsection 19-5.1a,2.
2. All manufactured homes to be placed or substantially improved within an area of special flood hazard shall be elevated on a permanent foundation such that the top of the lowest floor is at or above the base floor elevation or Advisory 0.2 Percent (0.2%) Annual Chance Flood Elevation, (whichever is more restrictive).

d. *Historic District.*

Construction and reconstruction of buildings in the Historic District shall be subject to the same standards as this Ordinance, 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 this Ordinance and the standards of this Ordinance, 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.

#### **19-5.4 Coastal High Hazard Area.**

Coastal high hazard areas (V or VE Zones) are located within the areas of special flood hazard established in subsection 19-3.2. These areas have special flood hazards associated with high velocity waters from tidal surges and hurricane wave wash; therefore, the following provisions shall apply:

a. *Location of Structures.*

1. All buildings or structures shall be located landward of the reach of the mean high tide.
2. The placement of manufactured homes shall be prohibited, except in an existing manufactured home park or manufactured home division.

b. *Construction Methods.*

1. Elevation.

All new construction and substantial improvements shall be elevated on piling or columns so that:

(a) The bottom of the lowest horizontal structural member of the lowest (excluding piling or columns) is elevated to or above the base flood elevation, Advisory Base Flood Elevation or as required by the Uniform Construction Code (N.J.A.C. 5:23), whichever is more restrictive, and

(b) with all space below the lowest floor's supporting member so as not to impede with the flow of water, except for breakaway walls as provided for in subsection 19-5.4b,4.

4. Space Below the Lowest Floor.

(a) Any alteration, repair, reconstruction or improvement to a structure started after the enactment of this ordinance shall not enclose the space below the lowest floor unless breakaway walls, open wood lattice-work or insect screening are used as provided for in this section.

- (b) Breakaway walls, open lattice-work or insect screening shall be allowed below the base flood elevation provided that they are intended to collapse under wind and water loads without causing collapse, displacement or other structural damage to the elevated portion of the building or supporting foundation system. Breakaway walls shall be designed for a safe loading resistance of not less than ten (10) and no more than twenty (20) pounds per square foot (either by design or when so required by local or State codes) may be permitted only if a registered professional engineer or architect certifies that the designs proposed meet the following conditions.
  - (1) breakaway wall collapse shall result from a water load less than that which would occur during the base flood and,
  - (2) The elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement or other structural damage due to the effects of wind and water load acting simultaneously on all building components (structural and non-structural). Water loading values used shall be those associated with the base flood. Wind loading values used shall be those required by applicable State or local building standards.
- (c) If breakaway walls are utilized, such enclosed space shall be used solely for parking of vehicles, building access or storage and not for human habitation.
- (d) Prior to construction, plans for any breakaway wall must be submitted to the Building Sub-Code Official for approval.

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

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

APPROVED ON FIRST READING:

March 25, 2013

APPROVED, PASSED, AND ADOPTED:

April 8, 2013

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Richard J. Cuttrel,  
Municipal Clerk

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Eric J. Houghtaling,  
Mayor