

**CITY OF SEA ISLE CITY
NEW JERSEY**

ORDINANCE NO. 1612 (2017)

AN ORDINANCE TO AMEND THE REVISED GENERAL ORDINANCES OF SEA ISLE CITY, CHAPTER 14, VARIOUS SECTIONS ENTITLED "FLOOD DAMAGE PREVENTION" EACH OF WHICH PERTAINS TO ADOPTING REVISED STANDARDS AND REGULATIONS, DEFINITIONS, AND FLOOD MAPS.

WHEREAS, the City of Sea Isle City has adopted Flood Damage Prevention Ordinance designed to protect the public, including property and life, in the event of a storm event; and

WHEREAS, this Ordinance is adopted under the general police powers of the City for the protection and safety of the residents and visitors of the City; and

WHEREAS, the City maintains the highest standards for flood prevention and intends to continue those standards; and

WHEREAS, as part and partial the requirements of staying within the National Flood Insurance Program the City is required to adopt revised standards or regulations, the current Flood Insurance Study preliminarily adopted June 30, 2014 and revised Flood Insurance Rate Maps; and

NOW THEREFORE, BE IT ORDAINED, by the Council of the City of Sea Isle City, in the County of Cape May, State of New Jersey, as follows:

SECTION I. Chapter 14 New Section 1.3 of the Revised General Ordinances of the City of Sea Isle City, entitled "Statement of Purpose" is hereby amended to deleted letter "f" only in its entirety and replace same as follows:

DELETED DEFINITIONS:

14-1.3 Statement of Purpose.

f. To help maintain a stable tax base by providing for the second use and development of areas of special flood hazard so as to minimize future flood blight areas;

REPLACEMENT SECTION:

14-1.3 Statement of Purpose.

f. Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;

SECTION II. Chapter 14 New Section 1.5 of the Revised General Ordinances of the City of Sea Isle City, entitled "Acceptance, Adoption and Superiority of Section 60.3 (e) of the NFIP Regulations (44 CFR 59, etc.);" is hereby amended to add a new section in its entirety as follows:

NEW SECTION:

14-1.5 Acceptance, Adoption and Superiority of Section 60.3 (e) of the NFIP Regulations (44 CFR 59, etc.).

- A. the standards of Section 60.3 (e) of the NFIP Regulations (44 CFR 59, etc.) are hereby accepted and adopted by the City of Sea Isle City by reference, and as amended from time to time, as the standards for the City.
- B. all floodplain management regulations adopted by the City shall meet the standards of section 60.3 (e) of the NFIP Regulations (44 CFR 59, etc.). Any regulations failing to meet the standards of Section 60.3 (e) of the NFIP Regulations shall be superseded by those Regulations.
- C. the standards set forth in Section 60.3 (e) of the NFIP Regulations (44 CFR 59, etc.) shall be the minimum requirements of the City and do not supersede any more stringent requirements of the City or State.

SECTION III. Chapter 14 section 2.2 of the Revised General Ordinances of the City of Sea Isle City, entitled "Definitions" is hereby amended to delete the following definitions and to add the following definitions in alphabetical order as follows:

DELETED DEFINITIONS:

14-2.2 Definitions.

Area of Special Flood Hazard shall mean the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year.

Elevated building shall mean a non-basement building:

- a. Built in the case of a building in an area of special flood hazard to have the top of the elevated floor or in the case of a building in a coastal high hazard area to have the bottom of the lowest

horizontal structural member of the elevated floor elevated above the ground level by means of piling, columns (posts and piers), or shear walls parallel to the flow of the water; and

- b. Adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In an area of special flood hazard "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters. In areas of coastal high hazard "elevated building" also includes a building otherwise meeting the definition of "elevated building" even though the lower area is enclosed by means of open wood lattice-work or insect screening.

Flood Insurance Rate Map (FIRM) shall mean the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Freeboard shall mean a higher standard, a factor of safety usually expressed in feet and shall be the difference between the required "A" Zones elevation of eleven (11') feet NAVD 88 and the current FIRM or best available data map elevation and at no time shall be less than one (1') foot; it shall be the difference between the required "V" Zones elevation of fourteen (14') feet NAVD 88 and the current FIRM or best available data map elevation and at no time shall be less than one (1') foot. The freeboard is to be measured to the bottom of the floor joist in the above noted "A" Zone or the bottom of the lowest horizontal structural member in the above noted "V" Zone. Freeboard tends to compensate for the many unknown factors that could contribute to flood heights greater than the base flood elevation.

Historic structure shall mean any structure that is:

- a. Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historic significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- c. Individually listed on a State Inventory of Historic Places approved by the Secretary of the Interior;
- d. Individually listed on a local inventory of historic places approved by a State authorized by the Secretary of the Interior, or directly approved by the Secretary.

Lowest floor shall mean the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, useable solely for the parking of vehicles, building access or storage in an area other than a basement is not considered a building's lowest floor provided that such enclosure is not built so as to render the structure in violation of other applicable non-elevation design requirements.

New construction shall mean structures for which the "start of construction" commenced on or after the date of original adoption of local floodplain management standards in 1970.

Sand dunes shall mean naturally occurring accumulations of sand in ridges or mounds landward of the beach.

Start of construction shall mean excluding new construction or substantial improvement under the Coastal Barrier Resources Act [P.L. 97-348] but shall include substantial improvement and shall mean the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within one hundred eighty (180) days of the permit date. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building whether or not that alteration affects the external dimensions of the building. The actual start shall mean either the first placement of permanent construction of a structure on a site such as the pouring of a slab or footings, the installation of piles, the construction of columns, or any work beyond the stages of excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

Substantial improvement/cumulative substantial improvement shall mean any combination of reconstruction, rehabilitation, addition or other improvement of a structure, during a ten (10) year time period, in which cumulative cost equals or exceeds fifty (50%) percent 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.

ADDED DEFINITIONS:

14-2.2 Definitions.

AO Zone shall mean areas subject to inundation by (1%) 1-percent-annual-chance shallow flooding (usually sheet flow on sloping terrain) where average depths are between one and three feet.

Area of Special Flood Hazard shall mean the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. It is shown on the FIRM as Zone V, VE, V1-30, A, AO, A1-A30, AE, A99, or AH.

Base Flood Elevation (BFE) shall mean the flood elevation shown on a published Flood Insurance Study (FIS) including the Flood Insurance Rate Map (FIRM). For zones AE, AH, AO, and A1-30 the elevation represents the water surface elevation resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year. For zones VE and V1-30 the elevation represents the stillwater elevation (SWEL) plus wave effect ($BFE = SWEL + \text{wave effect}$) resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year.

Coastal A Zone shall mean the portion of the Special Flood Hazard Area (SFHA) starting from a Velocity (V) Zone and extending up to the landward Limit of the Moderate Wave Action delineation. Where no V Zone is mapped the Coastal A Zone is the portion between the open coast and the landward Limit of the Moderate Wave Action delineation. Coastal A Zones may be subject to wave effects, velocity flows, erosion, scour, or a combination of these forces. Construction and development in Coastal A Zones is to be regulated the same as V Zones/Coastal High Hazard Areas.

CFR shall mean Code of Federal Regulations.

Digital Flood Insurance Rate Map (DFIRM) — The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Elevated Building shall mean a non-basement building:

a. Built in the case of a building in an Area of Special Flood Hazard, to have the top of the elevated floor or, in the case of a building in a coastal high hazard area or Coastal A Zone, to have the bottom of the lowest horizontal structural member of the elevated floor, elevated above the base flood elevation plus freeboard by means of piling, columns (posts and piers), or shear walls parallel to the flow of the water, and

b. Adequately anchored so as not to impair the structural integrity of the building during a flood up to the magnitude of the base flood. In an area of special flood hazard "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters. In areas of coastal high hazard and Coastal A Zones "elevated buildings" also includes a building otherwise meeting the definition of "elevated building" even though the lower area is enclosed by means of wood lattice-work or insect screening.

Erosion shall mean the process of gradual wearing away of land masses.

Existing Manufactured Home Park or Subdivision shall mean a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

FEMA shall mean the Federal Emergency Management Agency.

Flood Insurance Study (FIS) shall mean the official report in which the Federal Insurance Administration has provided flood profiles, as well as the Flood Insurance Rate Map(s) and the water surface elevation of the base flood.

Floodplain Management Regulations shall mean zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such State or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

Freeboard shall mean a higher standard, a factor of safety usually expressed in feet and shall be the difference between the required "A" Zones elevation of eleven (11') feet NAVD 88 and the current FIRM and at no time shall be less than one (1') foot; it shall be the difference between the required "V" Zones elevation of fourteen (14') feet NAVD 88 and the current FIRM and at no time shall be less than one (1') foot. The freeboard is to be measured to the bottom of the floor joist in the above noted "A" Zone or the bottom of the lowest horizontal structural member in the above noted "V" Zone. Freeboard tends to compensate for the many unknown factors that could contribute to flood heights greater than the base flood elevation.

Highest Adjacent Grade shall mean the highest natural elevation of the ground surface prior to construction next to the proposed or existing walls of a structure.

Historic Structure shall mean any structure that is:

- a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- c. Individually listed on a State inventory of historic places in States with historic preservation programs which have been approved by the Secretary of the Interior; or
- d. Individually listed on a local inventory of historic places that have been certified by a State program authorized by the Secretary of the Interior, or directly approved by the Secretary of the Interior.

Limit of Moderate Wave Action (LiMWA) shall mean the inland limit of the area affected by waves greater than 1.5 feet during the Base Flood. Base Flood conditions between the V Zone and the LiMWA will be similar to, but less severe than those in the V Zone.

Lowest Floor shall mean the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for the parking of vehicles, building access or storage in an area other than a basement is not considered a building's lowest floor provided that such enclosure is not built so to render the structure in violation of other applicable non-elevation design requirements of 44 CFR Section 60.3.

New Construction shall mean structures for which the start of construction commenced on or after the effective date of a floodplain regulation adopted by a community and includes any subsequent improvements to such structures.

New Manufactured Home Park or Subdivision shall mean a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the floodplain management regulations adopted by the municipality.

NFIP shall mean the National Flood Insurance Program.

Sand Dunes shall mean naturally occurring or man-made accumulations of sand in ridges or mounds landward of the beach.

Start of Construction shall mean excluding new construction or substantial improvements under the Coastal Barrier Resources Act (P.L. No. 97-348) but shall include substantial improvements and shall mean the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one

hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site such as the pouring of a slab or footings, the installation of pilings, the construction of columns, or any work beyond the stage of excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings or piers, or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Substantial improvement/cumulative substantial improvement shall mean any combination of reconstruction, rehabilitation, addition, or other improvement of a structure during a ten (10) year period the cost of which equals or exceeds fifty (50%) percent of the market value of the structure before the "start of construction" of the improvement. Substantial improvement also means "cumulative substantial improvement." This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed or "repetitive loss".

For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

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", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

Violation shall mean the failure of a structure or other development to be fully compliant with this ordinance. A new or substantially improved structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR §60.3(b)(5), (c)(4), (c)(10), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

SECTION IV. Chapter 14 section 3.1 of the Revised General Ordinances of the City of Sea Isle City, entitled "Lands to Which This Chapter Applies" It is hereby amended to delete the existing section in its entirety and replace same as follows:

DELETED SECTION:

14-3.1 Lands to Which This Chapter Applies.

This chapter shall apply to all areas of special flood hazards within the jurisdiction of the City.

REPLACEMENT SECTION:

14-3.1 Lands to Which This Chapter Applies.

This ordinance shall apply to all areas of special flood hazards within the jurisdiction of the City of Sea Isle City, Community No. 345318, Cape May County, New Jersey.

SECTION VI. Chapter 14 section 3.2 of the Revised General Ordinances of the City of Sea Isle City, entitled "Basis for Establishing the Areas of Special Flood Hazard." It is hereby amended to delete the existing section in its entirety and replace same as follows.

DELETED SECTION:

14-3.2 Basis for Establishing the Areas of Special Flood Hazard.

The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for the City of Sea Isle City," dated July, 1982, with accompanying Flood Insurance Rate Maps and any revision thereto, is hereby adopted by reference and declared to be a part of this chapter. The Flood Insurance Study is on file in the City Clerk's Office, Sea Isle City Hall, 4416 Landis Avenue, Sea Isle City, New Jersey.

The issuance of revised Flood Insurance Rate Maps changing the areas of special flood hazard zones shall be controlling only where higher standards are established. The areas of special flood

hazard identified on the effective January 6, 1983 FIRM shall apply to Sea Isle City, with all construction to meet those standards and height requirements as follows:

a. Identified “A” Zones shall have all construction at an elevation of eleven (11') feet NAVD 88 which shall include Sea Isle City required freeboard, as defined herein which shall be at a minimum of one (1') foot.

b. Identified “V” Zones shall have all construction at an elevation of fourteen (14') feet NAVD 88 which shall include Sea Isle City required freeboard, as defined herein which shall be at a minimum of one (1') foot.

All height measurements shall utilize NAVD 1988 as the standard for measurements for compliance with all flood prevention requirements in Chapter XIV, Chapter XXVI or any other section of the code wherein height is an issue for flood compliance.

REPLACEMENT SECTION:

14-3.2 Basis for Establishing the Areas of Special Flood Hazard.

The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for the City of Sea Isle City," dated July, 1982, with accompanying Flood Insurance Rate Maps and any revision thereto, is hereby adopted and declared to be a part of this chapter. The Flood Insurance Study is on file in the City Clerk's Office, Sea Isle City Hall, 233 John F. Kennedy Avenue, Sea Isle City, New Jersey.

FEMA in a scientific and engineering report entitled "Flood Insurance Study Cape May County, New Jersey (All Jurisdictions)" dated October 5, 2017, with accompanying Flood Insurance Rate Map panel numbers 34009C0162F, 34009C0164F, 34009C0166F, 34009C0252F (FIRM – effective October 5, 2017) and any revisions thereto, including but not limited to revisions by letter of map revision process or appeal, is hereby adopted and declared to be a part of this Chapter.

The issuance of revised Flood Insurance Rate Maps changing the areas of special flood hazard zones shall be controlling only where higher standards are established. The areas of special flood hazard identified on the effective October 5, 2017 FIRM shall apply except where higher standards are established in the effective January 6, 1983 FIRM, in which case the higher standards identified on the effective January 6, 1983 FIRM shall apply to Sea Isle City, with all construction to meet those standards and height requirements as follows:

a. Identified “AE” Zones shall have all construction at an elevation of eleven (11') feet NAVD 88 which shall include Sea Isle City required freeboard, as defined herein which shall be at a minimum of one (1') foot.

b. Identified “V” Zones shall have all construction at an elevation of fourteen (14') feet NAVD 88 which shall include Sea Isle City required freeboard, as defined herein which shall be at a minimum of one (1') foot.

All height measurements shall utilize NAVD 1988 as the standard for measurements for compliance with all flood prevention requirements in Chapter XIV, Chapter XXVI or any other section of the code wherein height is an issue for flood compliance.

SECTION VI. Chapter 14 section 4.1 of the Revised General Ordinances of the City of Sea Isle City, entitled "Establishment of Development Permit" It is hereby amended to delete the existing section in its entirety and replace same as follows.

DELETED SECTION:

14-4.1 Establishment of Development Permit.

A development permit shall be obtained before construction or development begins within any area of special flood hazard established in subsection 14-3.2. Application for a development permit shall be made to the Construction Official on forms furnished by him, and may include, but not be limited to: plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing.

Specifically, the following information is required:

- a. Elevation in relation to mean sea level, of the lowest floor, (including basement) of all structures;
- b. Elevation in relation to mean sea level to which any structure has been floodproofed;
- c. Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in subsection 14-6.3;
- d. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development; and
- e. Plans for any walls to be used to enclose space below base flood level.

REPLACEMENT SECTION:

14-4.1 Establishment of Development Permit.

A development permit shall be obtained before construction or development begins, including placement of manufactured homes, within any area of special flood hazard established in subsection 14-3.2. Application for a development permit shall be made to the Construction Official on forms furnished by him, and may include, but not be limited to: plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing.

Specifically, the following information is required:

- a. Elevation in relation to mean sea level, of the lowest floor, (including basement) of all structures;
- b. Elevation in relation to mean sea level to which any structure has been floodproofed;
- c. Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in subsection 14-6.3;
- d. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development; and
- e. Plans for any walls to be used to enclose space below base flood level.

SECTION VII. Chapter 14 section 4.3 of the Revised General Ordinances of the City of Sea Isle City, entitled "Duties and Responsibilities of the Construction Official" It is hereby amended to delete the existing section in its entirety and replace same as follows.

DELETED SECTION:

14-4.3 Duties and Responsibilities of the Construction Official.

Duties of the Construction Official shall include, but not be limited to:

- a. *Permit Review.*
 - 1. Review all development permits to determine that the permit requirements of this chapter have been satisfied.
 - 2. Review all development permits to determine that all necessary permits have been obtained from those Federal, State or local governmental agencies from which prior approval is required.
 - 3. Review all development permits in the coastal high hazard area of the area of special flood hazard to determine if the proposed development alters sand dunes so as to increase potential flood damage.
 - 4. Review plans for walls to be used to enclose space below the base flood level in accordance with subsection 14-7.3d.
- b. *Use of Other Base Flood Data.* When current FEMA regulations or regulations from FIRM of January 6, 1983 and floodway data has not been provided in accordance with subsection 14-3.2, Basis for Establishing the Areas of Special Flood Hazard, the Construction Official shall obtain, review, and reasonably utilize any current FEMA regulations or regulations from FIRM of January 6, 1983 and floodway data available from a Federal, State or other source in order to administer subsections 14-6.2, Residential Construction, and 14-6.3, Nonresidential Construction.

In the administration of this section in no event shall the height and standards so administered be less stringent than as established in subsection 14-3.2 herein.

c. *Information to Be Obtained and Maintained.* The Construction Official shall:

1. Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.

2. For all new substantially improved floodproofed structures:

(a) Verify and record the actual elevation (in relation to mean sea level); and

(b) Maintain the floodproofing certifications required in subsection 14-4.1c.

3. In coastal high hazard areas, certification shall be obtained from a registered professional engineer or architect that the provisions of subsections 14-7.3a. and 14-7.3b,1. and 2. are met.

4. Maintain for public inspection all records pertaining to the provisions of this chapter.

d. *Alteration of Watercourses.* The Construction Official shall:

1. Notify adjacent communities and the New Jersey Department of Environmental Protection prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.

2. Require that maintenance is provided within the altered or relocated portion of the watercourse so that the flood carrying capacity is not diminished.

e. *Interpretation of "FIRM" Boundaries.* The Construction Official shall make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in subsection 14-4.4.

REPLACEMENT SECTION:

14-4.3 Duties and Responsibilities of the Construction Official.

Duties of the Construction Official shall include, but not be limited to:

a. *Permit Review.*

1. Review all development permits to determine that the permit requirements of this chapter have been satisfied.

2. Review all development permits to determine that all necessary permits have been obtained from those Federal, State or local governmental agencies from which prior approval is required.

3. Review all development permits in the coastal high hazard and Coastal A Zone area of the area of special flood hazard to determine if the proposed development alters sand dunes or other natural coastal protections so as to increase potential flood damage.

4. Review plans for walls to be used to enclose space below the base flood level in accordance with subsection 14-7.3d.

b. *Use of Other Base Flood Data.* When current FEMA regulations dated October 5, 2017 or regulations from FIRMs of January 6, 1983 and October 5, 2017; and floodway data has not been provided in accordance with subsection 14-3.2, Basis for Establishing the Areas of Special Flood Hazard, the Construction Official shall obtain, review, and reasonably utilize any current FEMA regulations or regulations from FIRM of January 6, 1983 and floodway data available from a Federal, State or other source in order to administer subsections 14-6.2, Residential Construction, and 14-6.3, Nonresidential Construction.

In the administration of this section in no event shall the height and standards so administered be less stringent than as established in subsection 14-3.2 herein.

c. *Information to Be Obtained and Maintained.* The Construction Official shall:

1. Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.

2. For all new substantially improved floodproofed structures:

(a) Verify and record the actual elevation (in relation to mean sea level); and

(b) Maintain the floodproofing certifications required in subsection 14-4.1c.

3. In coastal high hazard and Coastal A Zone areas, certification shall be obtained from a registered professional engineer or architect that the provisions of subsections 14-7.3a. and 14-7.3b,1. and 2. are met.

4. Maintain for public inspection all records pertaining to the provisions of this chapter.

d. *Alteration of Watercourses.* The Construction Official shall:

1. Notify adjacent communities and the New Jersey Department of Environmental Protection, Bureau of Flood Control and the Land Use Regulation Program prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.

2. Require that maintenance is provided within the altered or relocated portion of the watercourse so that the flood carrying capacity is not diminished.

e. *Interpretation of "FIRM" Boundaries.* The Construction Official shall make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in subsection 14-4.4.

f. *Substantial Damage Review.* After an event resulting in building damages, assess the damage to structures due to flood and non-flood causes. Record and maintain the flood and non-flood damage of substantial damage structures and provide a letter of Substantial Damage Determination to the owner and the New Jersey Department of Environmental Protection, Bureau of Flood Control. Ensure substantial improvements meet the requirements of sections 5.2-1, Specific Standards, Residential Construction, 5.2-2, Specific Standards, Nonresidential Construction And 5.2-3, Specific Standards, Manufactured Homes.

SECTION VIII. Chapter 14 section 4.4 of the Revised General Ordinances of the City of Sea Isle City, entitled "Variance Procedure" It is hereby amended to delete the existing section under letter a "Appeal Board" number 5 only in their entirety and replace same as follows.

DELETED SECTION:

14-4.4 Variance Procedure.

a. *Appeal Board.*

5. Upon consideration of the factors of subsection 14-4.4a,4. and the purposes of this chapter, the Appeal Board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.

REPLACEMENT SECTION:

14-4.4 Variance Procedure.

a. *Appeal Board.*

5. Upon consideration of the factors of subsection 14-4.4a,4. and the purposes of this chapter, the Zoning Board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.

SECTION IX. Chapter 14 section 4.4 of the Revised General Ordinances of the City of Sea Isle City, entitled "Variance Procedure" It is hereby amended to delete the existing section under letter b "Conditions for Variances" number 1 only in its entirety and replace same as follows.

DELETED SECTION:

14-4.4 Variance Procedure.

b. Conditions for Variances.

1. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half (1/2) acre or less in size contiguous to and surrounded by lots with existing structures constructed below current FEMA regulations or regulations from FIRM of January 6, 1983 providing items in paragraphs (a)—(k) of subsection 14-4.4a,4. have been fully considered.

REPLACEMENT SECTION:

14-4.4 Variance Procedure.

b. Conditions for Variances.

1. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half (1/2) acre or less in size contiguous to and surrounded by lots with existing structures constructed below current FEMA regulations dated October 5, 2017 or regulations from FIRM of January 6, 1983 providing items in paragraphs (a)—(k) of subsection 14-4.4a,4. have been fully considered.

SECTION X. Chapter 14 section 5.1 of the Revised General Ordinances of the City of Sea Isle City, entitled "General Standards" is hereby amended to delete the existing section in its entirety and replace same as follows.

DELETED SECTION:

14-5.1 General Standards.

In all areas of special flood hazards the following standards are required.

REPLACEMENT SECTION:

14-5.1 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, are required.

SECTION XI. Chapter 14 section 5.4 of the Revised General Ordinances of the City of Sea Isle City, entitled "Utilities" is hereby amended to delete the existing section letter "d" only in its entirety and replace same as follows.

DELETED SECTION:

14-5.4 Utilities.

d. 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.

REPLACEMENT SECTION:

14-5.4 Utilities.

d. 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.

SECTION XII. Chapter 14 section 5.5 of the Revised General Ordinances of the City of Sea Isle City, entitled "Subdivision Proposals" is hereby amended to delete the existing section in its entirety and replace same as follows.

DELETED SECTION:

14-5.5 Subdivision Proposals.

a. All subdivision proposals shall be consistent with the need to minimize flood damage;

b. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;

c. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and

d. Base flood elevation for current FEMA regulations and regulations from FIRM of January 6, 1983 shall be provided for subdivision proposals and other proposed development which contain at least fifty (50) lots or five (5) acres (whichever is less).

REPLACEMENT SECTION:

14-5.5 Subdivision Proposals.

a. All subdivision proposals and other proposed new development shall be consistent with the need to minimize flood damage;

b. 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;

c. All subdivision proposals and other proposed new development shall have adequate drainage provided to reduce exposure to flood damage; and

d. Base flood elevation for current FEMA regulations dated October 5, 2017 and regulations from FIRM of January 6, 1983 shall be provided for subdivision proposals and other proposed development which contain at least fifty (50) lots or five (5) acres (whichever is less).

SECTION XIII. Chapter 14 section 5.6 of the Revised General Ordinances of the City of Sea Isle City, entitled "Enclosure Openings" is hereby amended to delete the existing section in its entirety and replace same as follows.

DELETED SECTION:

14-5.6 Enclosure Openings.

For all new construction and substantial improvements fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria: A minimum of two (2) openings have a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one (1') foot above grade. Openings may be equipped with screens, louvers or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

Crawl space is defined as that area of the structure below base flood not used for parking.

Crawl space for residential structures shall meet all criteria above, provide for access via an exterior opening no larger than nine (9) square feet. There shall be no access to the crawl space from inside the structure. Crawl space shall be unfinished construction only and shall not be used for any purpose other than access to substructure. No Certificate of Occupancy shall be issued to any residential structure failing to comply with this provision.

For all new construction and substantial improvements the owner shall execute and deliver to the Construction Official a fully completed Floodplain Venting Affidavit on a form supplied by the Construction Office certifying full compliance with this section and agreeing to maintain compliance before a Certificate of Occupancy shall be issued or reoccupying of the property.

Prior to transfer of any property the owner shall obtain an inspection for compliance with the requirements of this section and any new owner shall certify compliance and agree to maintain compliance on a form supplied by the construction office.

REPLACEMENT SECTION:

14-5.6 Enclosure Openings.

For all new construction and substantial improvements fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria: A minimum of two (2) openings in at least two (2) exterior walls of each enclosed area, have a total

net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one (1') foot above grade. Openings may be equipped with screens, louvers or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

Crawl space is defined as that area of the structure below base flood not used for parking.

Crawl space for residential structures shall meet all criteria above, provide for access via an exterior opening no larger than nine (9) square feet. There shall be no access to the crawl space from inside the structure. Crawl space shall be unfinished construction only and shall not be used for any purpose other than access to substructure. No Certificate of Occupancy shall be issued to any residential structure failing to comply with this provision.

For all new construction and substantial improvements the owner shall execute and deliver to the Construction Official a fully completed Floodplain Venting Affidavit on a form supplied by the Construction Office certifying full compliance with this section and agreeing to maintain compliance before a Certificate of Occupancy shall be issued or reoccupying of the property.

Prior to transfer of any property the owner shall obtain an inspection for compliance with the requirements of this section and any new owner shall certify compliance and agree to maintain compliance on a form supplied by the construction office.

SECTION XIV. Chapter 14 section 6.1 of the Revised General Ordinances of the City of Sea Isle City, entitled "Specific Standards" is hereby amended to add the following paragraph after the last paragraph in its entirety as follows.

ADDED PARAGRAPH:

14-6.1 Specific Standards.

For Coastal A Zone construction see section 14-7 FLOOD HAZARD REDUCTION IN COASTAL HIGH HAZARD AREAS AND COASTAL A ZONES.

SECTION XV. Chapter 14 section 6.2 of the Revised General Ordinances of the City of Sea Isle City, entitled "Residential Construction" is hereby amended to delete the following section in its entirety and replace same as follows.

DELETED SECTION:

14-6.2 Residential Construction.

All new construction and substantial improvement of any residential structure shall have the lowest floor including basement, elevated to Sea Isle City minimum freeboard as defined in subsection 14-2.2 herein.

REPLACEMENT SECTION:

14-6.2 Residential Construction.

All new construction and substantial improvement of any residential structure shall have the lowest floor including basement together with the attendant utilities (including all electrical, heating, ventilating, air- conditioning and other service equipment) and sanitary facilities, elevated to Sea Isle City minimum freeboard as defined in subsection 14-3.2 herein or ASCE/SEI 24-14, Table 2-1, whichever is more restrictive.

SECTION XVI. Chapter 14 section 6.3 of the Revised General Ordinances of the City of Sea Isle City, entitled "Nonresidential Construction" is hereby amended to delete the following section in its entirety and replace same as follows.

DELETED SECTION:

14-6.3 Nonresidential Construction.

New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated one (1') foot freeboard as defined in subsection 14-2.2 herein or alternatively;

a. If a structure is below the standards set forth in subsection 14-3.2, is watertight and floodproofed to a minimum of one (1') foot above the base standard set forth in subsection 14-3.2, with walls substantially impermeable to the passage of water there will be annual recertification and inspections of these nonresidential structures that have been floodproofed to assure that they are properly maintained. The responsibility of obtaining the annual recertification is on the owner;

b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

c. 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 14-4.3c, 2.

REPLACEMENT SECTION:

14-6.3 Nonresidential Construction.

New construction and substantial improvement of any commercial, industrial or other nonresidential structure (for Coastal A Zone construction see section 14-7 FLOOD HAZARD REDUCTION IN COASTAL HIGH HAZARD AREAS AND COASTAL A ZONES) shall either have the lowest floor, including basement together with the attendant utilities and sanitary facilities as well as all electrical, heating, ventilating, air-conditioning and other service equipment, elevated one (1') foot freeboard as defined in subsection 14-3.2 herein, or ASCE/SEI 24-14, Table 2-1, whichever is more restrictive, or alternatively;

a. If a structure is below the standards set forth in subsection 14-3.2, is watertight and floodproofed to a minimum of one (1') foot above the base standard set forth in subsection 14-3.2 or as required by ASCE/SEI 24-14, Table 6-1, whichever is more restrictive, with walls substantially impermeable to the passage of water. There will be annual recertification and inspections of these nonresidential structures that have been floodproofed to assure that they are properly maintained. The responsibility of obtaining the annual recertification is on the owner;

b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

c. 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 14-4.3c, 2.

SECTION XVII. Chapter 14 section 6.4 of the Revised General Ordinances of the City of Sea Isle City, entitled "Mobile Homes" is hereby amended to delete the following section in its entirety and replace same as follows.

DELETED SECTION:

14-6.4 Mobile Homes.

a. Mobile homes shall be anchored in accordance with subsection 14-5.2b.

b. 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 lowest floor or horizontal member, including basement is elevated to Sea Isle

REPLACEMENT SECTION:

14-6.4 Manufactured Homes.

a. Manufactured homes shall be anchored in accordance with subsection 14-5.2b.

b. All manufactured homes to be placed or substantially improved within an area of special flood hazard shall be consistent with the need to minimize flood damage, be constructed to minimize flood damage, have adequate drainage provided to reduce exposure to flood damage, be elevated on a permanent foundation such that the lowest floor or horizontal member, including basement together with the attendant utilities and sanitary facilities as well as all electrical, heating, ventilating, air-conditioning and other service equipment is elevated to Sea Isle City minimum freeboard above the base standards set forth in subsection 14-3.2 herein. The manufactured home chassis is to be supported by reinforced piers or other foundation elements of

at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist floatation, collapse, and lateral movement.

SECTION XVIII. Chapter 14 section 7 and 7.1 of the Revised General Ordinances of the City of Sea Isle City, entitled "FLOOD HAZARD REDUCTION IN COASTAL HIGH HAZARD AREAS" is hereby amended to delete the following section in its entirety and replace same as follows.

DELETED SECTION:

14-7 FLOOD HAZARD REDUCTION IN COASTAL HIGH HAZARD AREAS.

14-7.1 Coastal High Hazard Area; Special Provisions.

Coastal high hazard areas (V Zones) are located within the areas of special flood hazard established in subsection 14-3.2. These areas have special flood hazards associated with high velocity waters from tidal surges and hurricane wave wash; therefore, the following provisions shall apply.

REPLACEMENT SECTION:

14-7 FLOOD HAZARD REDUCTION IN COASTAL HIGH HAZARD AREAS AND COASTAL A ZONES.

14-7.1 Coastal High Hazard Area; Special Provisions.

Coastal high hazard areas (V or VE Zones) and coastal A Zones are located within the areas of special flood hazard established in subsection 14-3.2. These areas have special flood hazards associated with high velocity waters from tidal surges and hurricane wave wash; therefore, the following provisions shall apply.

SECTION XIX. Chapter 14 section 7.2 of the Revised General Ordinances of the City of Sea Isle City, entitled "Location of Structures" is hereby amended to delete the following section in its entirety and replace same as follows.

DELETED SECTION:

14-7.2 Location of Structures.

- a. All buildings or structures shall be located landward of the reach of the mean high tide.
- b. The placement of mobile homes shall be prohibited, except in an existing mobile home park or mobile home subdivision.

REPLACEMENT SECTION:

14-7.2 Location of Structures.

- a. All buildings or structures shall be located landward of the reach of the mean high tide.
- b. The placement of manufactured homes shall be prohibited, except in an existing manufactured home park or manufactured home subdivision.

SECTION XX. Chapter 14 section 7.2 of the Revised General Ordinances of the City of Sea Isle City, entitled "Construction Methods" is hereby amended to delete the following section letter "a" only in its entirety and replace same as follows.

DELETED SECTION:

14-7.3 Construction Methods.

- a. *Elevation.* All new construction and substantial improvements shall be elevated on piling or columns so that the bottom of the lowest horizontal structural member of the lowest floor (excluding the piling or columns) is elevated to or above the standards set forth in subsection 14-3.2, with all space below the lowest floor's supporting member open so as not to impede the flow of water, except for open wood lattice-work or insect screening as provided for in subsection 14-7.3d.

REPLACEMENT SECTION:

14-7.3 Construction Methods.

- a. *Elevation.* All new construction and substantial improvements, together with the electrical, heating, ventilating, air-conditioning, mechanical equipment and other equipment servicing the structure shall be elevated on piling or columns so that the bottom of the lowest

horizontal structural member of the lowest floor (excluding the piling or columns) is elevated to or above the standards set forth in subsection 14-3.2 or as required by ASCE/SEI 24-14, Table 4-1, whichever is more restrictive, with all space below the lowest floor's supporting member open so as not to impede the flow of water, except for open wood lattice-work or insect screening as provided for in subsection 14-7.3d.

SECTION XXI. Severability. If for any reason any section of this Ordinance shall be declared illegal by any Court of competent jurisdiction, the remaining section of the Ordinance shall remain in full force and effect, notwithstanding.

SECTION XXII. Repealer. Any Ordinance or provision thereof inconsistent with this Ordinance is hereby repealed to the extent of such inconsistency. City Council of the City of Sea Isle City may review this legislation by year end 2017.

SECTION XXIII. Publication. This Ordinance shall take effect immediately upon the adoption and publication in accordance with the law.

Mary L. Tighe, Council President

Mayor Leonard C. Desiderio

I HEREBY CERTIFY THAT the foregoing ordinance was duly passed by the City Council of the City of Sea Isle City, New Jersey on first reading at the regular meeting of said Council held on the 29th day of August, 2017 and the Ordinance was taken up for second reading, public hearing and final passage at the regular meeting of said Council held on the 26th day of September, 2017, in the Council Chambers, 3rd Floor, City Hall, 233 John F. Kennedy Blvd., Sea Isle City, New Jersey at 10:00 a.m.

Cindy L. Griffith, Municipal Clerk