

BOROUGH OF SEASIDE PARK

ORDINANCE NO. 1619

AN ORDINANCE OF THE BOROUGH OF SEASIDE PARK, OCEAN COUNTY, NEW JERSEY, AMENDING CHAPTER 25 ENTITLED "DEVELOPMENT REGULATIONS"

BE IT ORDAINED by the Borough Council of the Borough of Seaside Park, County of Ocean and State of New Jersey as follows:

SECTION 1. Section 25-616 of the Code of the Borough of Seaside Park "Nonconforming Uses, Structures or Lots"" is hereby amended and supplemented to add new Subsection F. entitled "Elevation" as follows:

F. Elevation

1. Findings of Fact

- a. The flood hazard areas of the Borough of Seaside Park are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
- b. These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazard which increase flood heights and velocities, and when inadequately anchored, causes damage in other areas. Uses that are inadequately flood proofed, elevated or otherwise protected from flood damage also contribute to the flood loss.

2. Statement of Purpose.

It is the purpose of this ordinance to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by encouraging residents to elevate certain structures in the Borough which shall therefore:

- a. Protect human life and health;
- b. Minimize expenditure of public money for costly flood control projects;
- c. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- d. Minimize prolonged business interruptions;
- e. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, bridges located in areas of special flood hazard;
- f. 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;
- g. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

3. **Elevation of Nonconforming Structure.** Any principle structure legally existing at the time of the enactment of this ordinance but which structure violates any setback requirement, or if the lot on which a structure is situated is undersized or has one (1) or more dimensions that do not comply with this ordinance, the owner may apply for and be issued a building permit to elevate the structure to comply with either (a) the effective Flood Insurance Rate Map (FIRM) base flood elevations (BFE) set forth in section 25-612F or (b) the Advisory Base Flood Elevations (ABFE)

Seaside Park SW/NW, prepared by the Federal Emergency Management Agency dated December 12, 2012 (or latest revision) plus two (2') feet of freeboard, provided all the following provisions are met:

- a. All requirements for a proper building permit, other than those exempted in this section, are met;
- b. The structure shall not be elevated any more than the minimum amount required to meet (b) above;
- c. The elevated structure does not violate the height requirements of this Chapter;
- d. The structure, and the use contained or carried on therein, is permitted;
- e. The total square footage of habitable space provided by the elevated structure is not increased;
- f. The existing structure is contained within the lot boundary lines;
- g. The elevated structure shall conform to the minimum construction standards for the lot's FIRM Zone as set forth in Section 25-612 "Flood Damage Prevention". Alternatively, the structure may conform to the minimum construction standards recommended for the lot's Advisory Flood Hazard Zone set forth on the Advisory Flood Hazard Maps.

In the event a lot is subject to prior land use board approvals, a permit may be granted pursuant this subsection notwithstanding any condition of approval that requires further board review prior to additional development upon the lot.

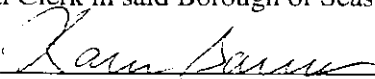
SECTION 2. All other ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

SECTION 3. In the event that any portion of this ordinance is found to be invalid for any reason by any court of competent jurisdiction, such judgment shall be limited in its effect only to that portion of the ordinance actually adjudged to be invalid, and the remaining portions of this ordinance shall be deemed severable therefrom and shall not be affected.

SECTION 4. This ordinance shall take effect upon final passage and publication in accordance with law.
NOTICE

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed on the first reading at the regular meeting of the Borough Council of the Borough of Seaside Park, in the County of Ocean, held on the 24th day of January, 2013 and will be considered for second reading and final passage at the regular meeting of said governing body to be held on the 14th day of February, 2013 at 7:00 p.m. at the Council Chambers, Municipal Building, 6th & Central Avenues, Seaside Park, New Jersey at which time and place any person desiring to be heard upon same will be given an opportunity to be so heard.

A copy of this ordinance has been posted on the bulletin board upon which public notices are customarily posted in the Municipal Complex of the Borough during the week prior to and up to and including the date of such meeting; copies of the ordinance are available to the general public of the Borough who shall request such copies, at the office of the Municipal Clerk in said Borough of Seaside Park, in the County of Ocean, New Jersey.


KAREN BARNA, Borough Clerk

BOROUGH OF SEASIDE PARK

ORDINANCE NO. 1620

AN ORDINANCE OF THE BOROUGH OF SEASIDE PARK, OCEAN COUNTY, NEW JERSEY, AMENDING CHAPTER 25 ENTITLED "DEVELOPMENT REGULATIONS"

BE IT ORDAINED by the Borough Council of the Borough of Seaside Park, County of Ocean and State of New Jersey as follows:

Deletions are shown by ~~strike through~~; additions are shown by underline.

SECTION 1. Section 25-706E of the Code of the Borough of Seaside Park "Area, Yard and Bulk Requirements" is hereby amended and supplemented to add under Subsection entitled "Lots" the following:

Note: Nothing may project into the required setbacks except as follows:

Two unroofed porches, stoops, stairways or other similar structures ("access structures") which exceed eight (8") inches in height as measured from the adjacent ground, attached to and constructed to facilitate access to the entranceway of a principal structure on the property. One access structure may encroach into a required front yard area, and one access structure may encroach into the required rear yard area, provided they are set back from the front and rear lot lines by at least ten (10') feet. On-site parking shall not be reduced by this development below that required by prior approvals granted to the property, or if none, this Chapter. Each access structure shall not exceed 50 square feet in area. The intent of this exception is to accommodate a front and rear entranceway in to the principle structure, and not to extend or continue around to other decks, elevated patios, unroofed porches or terraces.

SECTION 2. Section 25-706E of the Code of the Borough of Seaside Park "Area, Yard and Bulk Requirements" is hereby amended and supplemented to add under Subsection entitled "Lots" the following:

Note: Nothing may project into the required setbacks except as follows:

A single utility systems room attached to the rear of an existing principle structure for the housing of utility systems servicing said structure such as a furnace, boiler, air conditioner system, water heater or other similar systems and mechanicals that must be relocated from their existing location to comply with existing effective FIRM or FEMA advisory base flood elevation requirements. The utility systems shed room shall not exceed twenty five (25 s.f.) square feet in area, shall not protrude more than five (5') feet past the rear façade of the principle structure, and shall be setback from the rear property line by at least 8 feet. The access structure permitted by this provision shall be excluded from lot coverage, building coverage and floor area ratio calculations. The attached utility systems room shall be constructed in similar fashion to the existing façade specific to siding and roofing materials. The transition from foundation to siding shall occur at the same elevation as existing structure.

SECTION 3. Section 25-706E of the Code of the Borough of Seaside Park "Area, Yard and Bulk Requirements" is hereby amended and supplemented to delete the Subsection entitled "Maximum Building Height (feet)" and replace it with the following:

Maximum Building Height

- a. Height is the vertical distance to the highest point of the building measured from the average elevation of the top of curb line along the front of the lot.
- b. The maximum height of a building shall be calculated using the following formula:
 $\text{Lot area (sq. ft.)} \div 250 + 15 = \text{maximum building height.}$
- c. Properties greater than or equal to 5,000 sq. ft. – building height restricted to 35 feet.

OR

If the effective Flood Insurance Rate Map (FIRM) elevation or the Advisory Base Flood Elevation (ABFE) plus two feet of additional freeboard is greater than three feet above the top of curb line along the front of the lot, the following height requirements will govern:

Maximum Building Height (feet)

- a. Height is the vertical distance to the highest point of the building measured from the effective FIRM flood elevation or FEMA Advisory Base Flood Elevation (ABFE) plus two feet of freeboard. The flood elevation utilized shall be the greater of the effective FIRM flood elevation or the FEMA ABFE dated December 12, 2012, or latest revision.
- b. The maximum height of a building shall be calculated using the following Formula:
 $\text{Lot area (sq. ft.)} \times 0.0032 + 16 = \text{maximum building height.}$
- c. Properties greater than or equal to 5,000 sq. ft. – building height restricted to 32 feet.

SECTION 4. Section 25-612E of the Code of the Borough of Seaside Park entitled "Definitions" is hereby amended and supplemented to modify the definition of "Flood Plain Manager" as follows:

FLOOD PLAIN MANAGER – means the ~~Construction Official~~ Borough Engineer or other official as designated by the Governing Body of the Borough of Seaside Park.

SECTION 5. All other ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

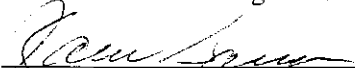
SECTION 6. In the event that any portion of this ordinance is found to be invalid for any reason by any court of competent jurisdiction, such judgment shall be limited in its effect only to that portion of the ordinance actually adjudged to be invalid, and the remaining portions of this ordinance shall be deemed severable therefrom and shall not be affected.

SECTION 7. This ordinance shall take effect upon final passage and publication in accordance with law.

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed on the first reading at the regular meeting of the Borough Council of the Borough of Seaside Park, in the County of Ocean, held on the 24th day of January, 2013 and will be considered for second reading and final passage at the regular meeting of said governing body to be held on the 14th day of February, 2013 at 7:00 p.m. at the Council Chambers, Municipal Building, 6th & Central Avenues, Seaside Park, New Jersey at which time and place any person desiring to be heard upon same will be given an opportunity to be so heard.

A copy of this ordinance has been posted on the bulletin board upon which public notices are customarily posted in the Municipal Complex of the Borough during the week prior to and up to and including the date of such meeting; copies of the ordinance are available to the general public of the Borough who shall request such copies, at the office of the Municipal Clerk in said Borough of Seaside Park, in the County of Ocean, New Jersey.


KAREN BARNA, Borough Clerk