CITY OF MARGATE CITY
ORDINANCE # 20-2018

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 145 "FLOOD DAMAGE PREVENTION" OF THE CODE OF THE CITY OF MARGATE CITY, COUNTY OF ATLANTIC, STATE OF NEW JERSEY

BE IT ORDAINED by the Board of Commissioners of the City of Margate City as follows:

WHEREAS, The Mayor and Board of Commissioners of the City of Margate City, New Jersey find that the prevention of flooding is an urgent matter; and

WHEREAS, the State of New Jersey, Department of Environmental Protection, Office of Engineering and Construction, Bureau of Dam Safety and Flood Control, by letter of February 4, 2013 has instructed the Mayor and local Floodplain Administrator that in order for the residents of the City of Margate City to be eligible for Increased Cost of Compliance (ICC) and other federal hazard mitigation grant funds, it is recommended that your community readopt its current Local flood Damage Prevention Ordinance to meet or exceed the requirements of the amended Flood Hazard Area Control Act Rules; and

WHEREAS, The Legislature of the State of New Jersey has in N.J.S.A. 40:48-1, et seq., delegated the responsibility to local governmental units to adopt regulations designed to promote public health, safety, and general welfare of its citizenry.

THEREFORE, the Mayor and Board of Commissioners of the City of Margate City, New Jersey does ordain as follows.

SECTION 1
STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES

145-1: STATUTORY AUTHORIZATION

The Legislature of the State of New Jersey has in N.J.S.A. 40:48-1 et seq., delegated the responsibility to local governmental units to adopt regulations designed to promote public health, safety, and general welfare of its citizenry. Therefore, the Board of Commissioners of the City of Margate City, Atlantic County, New Jersey does ordain as follows:

145-2: FINDINGS OF FACT

(A) The flood hazard areas of the City of Margate City 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 floodplains 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.

145-3: 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 provisions designed:

A. To protect human life and health;

B. To minimize expenditure of public money for costly flood control projects;

C. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

D To minimize prolonged business interruptions;

E. To 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. To 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;

G. To ensure that potential buyers are notified that property is in an area of special flood hazard; and

H. To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

145-4: METHODS OF REDUCING FLOOD LOSSES

In order to accomplish its purposes, this ordinance includes methods and provisions for:

A. Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;

B. Requiring that uses vulnerable to floods including facilities which serve such uses, be protected against flood damage throughout their intended life span;

C. Controlling the alteration of natural flood plains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;

D. Controlling filling, grading, dredging, and other development which may increase flood damage; and,

E. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

SECTION II
DEFINITIONS

145-5. DEFINITIONS

A. Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its' most reasonable application.

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

"Advisory Flood Hazard Area (AFH)" The land in the floodplain within a community subject to flooding from the one-percent (l %) annual chance event depicted on the Advisory Flood Hazard Area Map.

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

"Agency" The Federal Emergency Management Agency, Washington, DC.

AH ZONE
Areas subject to inundation by l -percent-annual-chance shallow flooding (usually areas of ponding) where average depths are between one and three feet. Base Flood Elevations (BFEs) derived from detailed hydraulic analyses are shown in this zone.

AO ZONE
Areas subject to inundation by l-percent-annual-chance shallow flooding (usually sheet flow on sloping terrain) where average depths are between one and three feet.

"Appeal" A request for a review of the Construction Official/Floodplain Manager's interpretation of any provision of this ordinance or a request for a variance.

"Appurtenant Structure" "Accessory Structure" A structure that is located on the same parcel of property as the principle structure and the use of which is incidental to the use of the principle structure.

"Area of shallow flooding" A designated AO, AH, or VO zone on a community's Digital Flood Insurance Rate Map (DFIRM) with a one percent annual or greater chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

"Area of special flood hazard" means the land in the flood plain 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, VI-30, A, AO, Al-A30, AE, A99 or AH.

BASE FLOOD A flood having a one percent chance of being equaled or exceeded in any given year.

"Base Flood Elevation (BFE)" The flood elevation shown on a published Flood Insurance Study (FIS) including the Flood Insurance Rate Map (FIRM). For zones AE, AH, AO, and Al-30 the elevation represents the water surface elevation resulting from a flood that has a l-percent or greater chance of being equaled or exceeded in any given year. For zones VE and Vl -30 the elevation represents the Stillwater elevation (SWEL) plus wave effect (BFE=SWEL+wave effect) resulting from a flood that has a one-percent-or-greater chance of being equaled or exceeded in any given year.

"Basement" Any area of the building having its floor sub-grade (below ground level) on all sides.

"Best Available Flood Hazard Data" The effective Flood Insurance Risk Maps or most recent Advisory Flood Hazard Area Maps FEMA has provided.

"BEST AVAILABLE FLOOD HAZARD DATA ELEVATION" Is depicted on the effective FIRM or FIS, or an Advisory Flood Hazard Area Map or Advisory FIS.

"Breakaway wall" A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or supporting foundation system.

"Building" see structure.

"Building Height" (Margate Requirement) the vertical height of a structure or building measured from the minimum first floor elevation of the structure or building to the highest point of the coping of a flat roof, or the highest gable of a pitched roof. The first floor elevation for all new construction, substantial improvements and substantial additions shall be based on ***three feet of*** one feet freeboard **to the bottom of the flooring system** in any A Zone and two feet in any V Zone **(to the lowest horizontal structural member)** above the **effective Base Flood Elevation. In all "X" zones, the building floor elevation shall be based on the most conservative (or highest) adjacent AE Zone Base Flood Elevation plus the required freeboard as defined above.**

Coastal A Zone – 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.

"Certification" means a certification by a registered professional engineer or other party, does not constitute a warranty or guarantee of performance, expressed or implied. Certification of data is a statement that the data is accurate to the best of the certifier's knowledge. Certification of analysis is a statement that the analysis has been performed correctly and in accordance with sound engineering practices. Certification of structural works is a statement that the works are designed in accordance with sound engineering practices to provide protection from the base flood.

Certification of "as built" conditions is a statement that the structure(s) has been built according to the plans being certified, is in place, and is fully functioning.

"Coastal High-Hazard Area" means an area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. The area designated on a Flood Insurance Rate Map (FIRM) as Zone VI-V30.

"Community Rating System" means the National Flood Insurance Program's (NFIP) Community Rating System (CRS) which is a voluntary incentive program that recognizes and encourages community floodplain management activities that exceed the minimum NFIP requirements.

"Critical Facility" means a facility for which a moderate chance of flooding might be too great. Critical facilities include, but are not limited to schools, nursing homes, hospitals, police, fire and emergency response installations, installations which produce, use or store hazardous materials or hazardous waste.

"Cumulative Substantial Damage" Any reconstruction, rehabilitation, addition or other improvement of a structure that equals or exceeds 50% of the market value of the structure at the time of the improvement or repair when counted accumulatively for seven years.

"Cumulative Substantial Improvement" Any reconstruction, rehabilitation, addition, or other improvement of a structure that equals or exceeds 50 percent

of the market value of the structure at the time of the improvement or repair when counted cumulatively for seven (7) years.

"Design Flood Elevation" (DFE) shall be the base flood elevation plus three feet and in the V-zone shall be base flood elevation plus two feet. All materials below DFE shall be water resistant as defined in ASCE -24.

"Development" means any man made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials located within the area of special flood hazard.

"Digital Flood Insurance Rate Map (DFIRM)" means 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" A non-basement building (i) 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 base flood elevation plus freeboard by means of piling, columns (posts and piers), or shear walls parallel to the flow of the water, and (ii) 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 breakaway walls.

"Enclosure" A non-habitable, unfinished or flood-resistant space below the base flood elevation (BFE) usable solely for parking of vehicles, storage and building access to the first floor. Such space shall not be partitioned into multiple rooms, temperature-controlled, or used for human habitation. The storage permitted in an enclosure shall be limited to that which is incidental and accessory to the principal use of the structure. Storage should be limited to items such as lawn and garden equipment, beach chairs, and bicycles which either have a low damage potential or that can be easily moved to the elevated portion of the building if there is a flood.

"Erosion" The process of gradual wearing away of land masses.

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION 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.

"Flood or flooding" A general and temporary condition of partial or complete inundation of normally dry land areas from:

(1) The overflow of inland or tidal waters and/or
(2) The unusual and rapid accumulation or runoff of surface waters from any source.

"Flood Insurance Rate Map" (FIRM) 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.

"Flood Insurance Study" (FIS) 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" Any land area susceptible to being inundated by water from any source.

"Floodplain Management" The operation of an overall program of corrective and preventative measures for reducing flood damage, including but not limited to emergency preparedness plans, requirements for zoning, subdivision or building, and special purpose floodplain management regulations.

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

"Flood-proofing" Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

"Freeboard" A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.

"Higher Regulatory Standard" Any floodplain management regulations adopted by the State or Local Community which are more restrictive than the criteria set forth in the NFIP regulations.

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

"Historic Structure" 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 in communities with historic preservation programs that have been certified either:
(l) By an approved State program as determined by the Secretary of the Interior; or
(2) Directly by the Secretary of the Interior in States without approved programs.

"Increase Cost of Compliance (ICC)" The coverage by a standard flood insurance policy under the NFIP that provides for the payment of a claim for the cost to comply with the State of New Jersey and the City of Margate Floodplain management laws or ordinances after a direct physical loss by flood, the City of Margate City declares the structure to be "substantially" or "repetitively" flood damaged. ICC coverage is provided for in every standard NFIP flood policy, and will help pay for the cost to flood proof, relocate, elevate, or demolish the structure.

"Lateral Addition" Improvements that increase the square footage and footprint of a structure. Commonly, this includes the structural attachment of a bedroom, den, recreational room, enclosed porch, or other type of addition to an existing structure. If the addition is a substantial improvement, then the existing

home and addition needs to be elevated to the higher regulatory standard plus freeboard pursuant to the l) base flood elevation (BFE), 2) advisory base flood elevation (ABFEs), 3) best available data, whichever is greater, or any subsequently released flood hazard maps as established by FEMA.

Limit of Moderate Wave Action (LiMWA) – 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" 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 to render the structure in violation of other applicable non-elevation design requirements of 44 CFR Section 60.3.

"Manufactured Home" A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

"Manufactured Home Park or Manufactured Home Subdivision" A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

"Map" The Flood Insurance Rate Map (FIRM) for a community issued by the Agency.

"Market Value" Pertains to the structure in question, not the land, landscaping or detached accessory structures on the property. The market value of a structure reflects its original quality, subsequent improvements, physical age of the building components and current condition.

"New Construction" 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" 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 flood plain management regulations adopted by the municipality.

"Participating Community" also known as an eligible community, means a community in which FEMA has authorized the sale of flood insurance.

"Primary Frontal Dune" A continuous or nearly continuous mound or ridge of sand with relatively steep seaward and landward slopes immediately landward and adjacent to the beach and subject to erosion and overtopping from high tides and waves from coastal storms. The inland limit of the primary frontal dune occurs at the point where there is a distinct change from the relatively steep slope to a relatively mild slope.

"Recreational vehicle" means a vehicle which is i) built on a single chassis; ii) 400 square feet or less when measured at the longest horizontal projections; iii) designed to be self-propelled or permanently towable by a light duty truck; and iv) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

"Repetitive Loss"

a. Four or more paid flood losses of more than $1,000 each or,

b. Two paid flood looses within a 10-year period that, in the aggregate, equal or exceed the current value of the insured property; or
c. Three or more paid looses that, in the aggregate, equal or exceed the current value of the insured property.

"Sand Dunes" Naturally occurring or man-made accumulations of sand in ridges or mounds landward of the beach.

"Severe Repetitive Loss"
(1) Any residential property that is covered under an NFIP flood insurance policy and:

(a) That has at least four NFIP claim payments (building payments and contents) over $5,000 each, and the cumulative amount of such claims payments exceeds $20,000; or
(b) For which at least two separate payments (building payments only) have been made with the cumulative amount of the building portion of such claims exceeding the market value of the building.
(2) For both (a) and (b) above, at least two of the referenced claims have occurred within any ten-year period, and must be greater than 10 days apart.

"Start of Construction" (For other than new construction or substantial improvements under the Coastal Barrier Resources Act (P.L. No. 97-348)) includes substantial improvements and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 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.

"Structure" means a walled and roofed building, a manufactured home, or a gas or liquid storage tank that is principally above ground.

"Substantial Damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to it's before damaged condition would equal or exceed **50 percent** of the market value of the structure before the damage occurred. Substantial Damage also means flood related damages sustained by a structure on two or more separate occasions during a seven year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damages occurred.

"Substantial Improvement" Any reconstruction, rehabilitation, addition, or other improvement of a structure during a **seven year period** the cost of which equals or exceeds **50%** 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 The term does not, however, include either:

(l) 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

(2) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

"Variance" A grant of relief from the requirements of this ordinance that permits construction in a manner that would otherwise be prohibited by this ordinance.

"Violation" The failure of a structure or other development to be fully compliant with this chapter. A new or substantially improved structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this chapter or 44 CFR S60.3(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 111
GENERAL PROVISIONS

145-6 LANDS TO WHICH THIS ORDINANCE APPLIES - APPLICABILITY

This ordinance shall apply to all areas of special flood hazards within the jurisdiction of the City of Margate City, Atlantic County, New Jersey.

145-7. BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD

l. The areas of special flood hazard for the City of Margate City Community No. 345304, are identified and defined on the following documents prepared by the Federal Emergency Management Agency:

(a) A scientific and engineering report entitled "Flood Insurance Study, **Atlantic County, New Jersey (All Jurisdictions)**" dated **August 28, 2018**.

(b) Flood Insurance Rate Map for, Atlantic County, New Jersey **(All Jurisdictions)"** as shown on **Index and** Panels **34001C0432F, 34001C0434F, 34001C0453F** whose effective date is **August 28, 2018.**

(c) Best Available Flood Hazard Data. These documents shall take precedence over effective panels and FIS in construction and development regulations only. **Where the effective mapping or Advisory Base Flood Elevation conflict or overlap**, whichever imposes the more stringent requirement shall prevail.

2. The above documents are hereby adopted and declared to be a part of this ordinance. The Flood Insurance Study and maps are on file at the Municipal Building, 9001 Winchester Avenue, Margate City, New Jersey 08402.

145-8. PENALTIES FOR NONCOMPLIANCE

No structure or land shall hereafter be constructed, **re-located to**, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violation of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than ($500) or imprisoned for not more than (30) days, or both, for each violation, and in addition shall pay all costs and expenses involved in the case. Each and every day any violation continues shall be considered a separate offense, punishable by a like fine and/or jail sentence. Nothing herein contained shall prevent the City of Margate City from taking such other lawful action as is necessary to prevent or remedy any violation.

145-9. ABROGATION AND GREATER RESTRICTIONS

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and other ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

145-10 INTERPRETATION

In the interpretation and application of this ordinance, all provisions shall be:
(l) Considered as minimum requirements;
(2) Liberally construed in favor of the governing body; and,
(3) Deemed neither to limit nor repeal any other powers granted under State statutes.

"145-11 WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the area of special flood hazards or uses permitted within such areas will be free from flooding or flood damages.

This ordinance shall not create liability on the part of the City of Margate City, or by any officer or employee thereof or the Federal Insurance Administration, for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made there under.

SECTION IV
ADMINISTRATION

§ 145-12. Measurement of elevations; development permit.

A. All elevations shall be measured in feet relative to the North American Vertical Datum of 1988 (NAVD88). The use of National Geodetic Vertical Datum of 1929 shall not be acceptable.
A development permit shall be submitted, prior to undertaking any development activities, to the Floodplain Management Administrator on forms furnished by him or her, and must include, but not be limited to, the following plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area under consideration for development; existing structure(s) and other features; proposed structure(s), earthen fill, storage of materials or equipment, drainage facilities, perimeter setbacks, environmental features such as base floodplain areas, wetlands, and other protected areas; the location of the foregoing. Specifically, the following information, certified by a professional who is authorized to certify such information in the State of New Jersey, is required:

(l) Application stage:

(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 flood proofed.

(c) Certification by a registered professional engineer or architect that the floodproofing

methods for any nonresidential structure meet the flood proofing criteria in section ;

(d) Existing and proposed infrastructure;

(e) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development; and

(f) Building plans for any walls to be used to enclose space below the base flood elevation.

(2) Construction stage. Upon the placement of the top of block, the lowest floor or flood proofing by whatever construction means, it shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the elevation of the lowest floor or flood proofed elevation, as built, in relation to mean sea level. Said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer who is authorized to certify such information in the State of New Jersey, and certified by same. Any work undertaken prior to submission of the certification shall be at the permit holder's risk.

(3) The Floodplain Administrator shall review the lowest floor elevation and flood-proofing certificate. Should these documents be found not in conformance with the requirements of this chapter, the permit holder shall immediately cease further work, and shall correct any deficiencies. Failure of the permit holder to submit the surveyed lowest floor elevation and flood proofing certificate, and failure to correct said deficiencies required hereby, shall be the cause to issue a stop-work order for the project.

145-13. DESIGNATION OF THE FLOODPLAINMANAGEMENT ADMINISTRATOR

The Governing Body of the City of Margate City hereby appoints the Construction Official/Floodplain Administrator to administer and implement the provisions of this ordinance, by granting or denying development permit applications in accordance with its provisions and is hereby referred to as the Floodplain Management Administrator, or the Floodplain Administrator.

145-14. DUTIES AND RESPONSIBILITIES OF THE ADMINISTRATOR

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

A. PERMIT REVIEW. The Construction Official Shall:

(1) Review all development permits to determine that the permit requirements of this ordinance 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 certified plans and specifications for compliance with the requirements of this ordinance.

(4) Review all development permits in the areas of special flood hazard except in the coastal high-hazard area to determine if the proposed development adversely affects the floodcarrying capacity of the areas of special flood hazard. For the purpose of this chapter, "adversely affects" means that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will increase the water surface of the base flood more than 0.2 foot at any point.

(5) Review all development permits in the coastal high-hazard area and coastal A zone of the area of special flood hazard to determine if the proposed development alters sand dunes or other natural costal protections so as to increase potential flood damage.

(6) Review plans for walls to be used to enclose space below the base flood elevation.

(7) Coordinate with Planning, Zoning, and Public Works and other Departments in the community to assure that the requirements of this ordinance are fully met.

(8) Participate actively in evaluating the variance requests and provide input and recommendations in variance hearings/proceedings.

B. Use of other base flood and floodway data. When base flood elevation ~~and floodway~~ data has not been provided in accordance with 145.7, Basis for establishing the areas of special flood hazard, the Construction Official/Floodplain Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, in order to administer 145-18A, Specific Provisions for Flood Hazard Reduction, Residential Construction, and 145-18B, Specific Provisions for Flood Hazard Reduction, Nonresidential Construction.

C. Information to be obtained and maintained:

(l) 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 or substantially improved flood-proofed structures:

[a] verify and record the actual elevation (in relation to mean sea level); and

[b] maintain the flood-proofing certifications required in Section 145-13 B(c).

(3) Maintain for public inspection all records pertaining to the provisions of this ordinance.

(4) In coastal high hazard areas and coastal A zones, obtain certification from a registered professional engineer or architect that the elevation requirements of Section 145-19 B(l) and anchoring requirements of Sections 145-19 B(2).

D. Alteration of watercourses:

(l) 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 said watercourse so the flood carrying capacity is not diminished.

E. Interpretation of FIRM boundaries: 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 this chapter.

F. Critical facilities: Construction of new Critical Facilities shall have the lowest floor elevated at 2 feet above the base flood elevation. Flood-proofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the base flood elevations shall be provided to all critical facilities to the maximum extent possible.

G. Substantial damage review.

(l) After an event resulting in building damages, assess the damage to structures due to flood and non-flood causes.

(2) 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.

(3) Ensure substantial improvements meet the requirements of sections 145-17 and 145-18.

145-15. VARIANCE PROCEDURE

A. APPEAL BOARD

(1) The Planning Board, as established by the City of Margate City shall hear and decide appeals and requests for variances from the requirements of this ordinance.

(2) The Planning Board of the City of Margate City shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Construction Official/Floodplain Manager in the enforcement or administration of this ordinance.

(3) Those aggrieved by the decision of the Planning Board, or any taxpayer, may appeal such decision to the Superior Court of New Jersey, as provided in NJSA 40:55D-17h & 18.

(4) In passing upon such applications, the Planning Board shall consider all technical evaluations, all relevant factors, standards specified in other sections of this ordinance, and:

(a) the danger that materials may be swept onto other lands to the injury of others;

(b) the danger to life and property due to flooding or erosion damage;

(c) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

(d) the importance of the services provided by the proposed facility to the community;

(e) the necessity to the facility of a waterfront location, where applicable;

(f) the availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;

(g) the compatibility of the proposed use with existing and anticipated development;

(h) the relationship of the proposed use to the comprehensive plan and flood plain management program of that area;

(i) the safety of access to the property in times of flood for ordinary and emergency vehicles;

(j) the expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;

(k) the costs. of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges; and

(l) The request for a variance is not an after-the-fact request.

(5) Upon consideration of the factors of this chapter and the purposes of this ordinance the Planning Board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.

(6) The Construction Code Official/Floodplain Administrator shall maintain the records of all appeal actions, including technical information, and report any variances to the Federal Insurance Administration upon request.

B. CONDITIONS FOR VARIANCES

(l) Generally variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures below the base flood level, providing items (a-l) in Section 145-16A have been fully considered. As the lot size increases beyond the one-half acre, the technical justification for issuing the variance increases.

(2) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

(3) Variances shall only be issued upon a determination that the variance is the minimum necessary deviation from the requirements of this ordinance.

(4) Variances may be issued when there is:

(a) A showing of good and sufficient cause.

(b) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and.

(c) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create a nuisance, cause fraud on or victimization of the public **as identified in section 145-15**, or conflict with existing local laws or ordinance.

(5) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

SECTION V
PROVISIONS FOR FLOOD HAZARD REDUCTION

145-16. GENERAL PROVISIONS FOR FLOOD HAZARD REDUCTION
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:

A. ANCHORING

(1) All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.

(2) All manufactured homes to be placed or substantially improved shall be anchored to resist flotation, collapse or lateral movement. Methods of anchoring

may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.

B. CONSTRUCTION MATERIALS AND METHODS

(1) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

(2) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

C. UTILITIES

(1) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

(2) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters;

(3) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding; and

(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

(l) 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 50 lots or 5 acres (whichever is less).

E. ENCLOSURE OPENINGS. All new construction and substantial improvements having fully enclosed areas below the lowest floor that are non-habitable, unfinished or floodresistant space below the base flood elevation (BFE) 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:

(l) A minimum of two (2) openings **in at least two (2) exterior walls of each enclosed area** having 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.

(2) The bottom of all openings shall be no higher than one (1) foot above grade.

(3) Openings may be equipped with screens, louvers, or other covering or devices provided that they permit the automatic entry and exit of floodwaters.

§ 145-17. Specific Provisions for Flood Hazard Reduction.

In all areas of special flood hazards where base flood elevation data have been provided as set forth in Section 145-7, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD or in SECTION 145-15B , Use of Other Base Flood Data, the following standards are required:

A. RESIDENTIAL CONSTRUCTION

1. **For coastal A zone construction see section 145-18 Coastal high-hazard areas and coastal A zones.**

2. New construction and substantial improvement of any residential structure located in an A or AE zone, 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 at or above the base flood elevation, or as required by ASCE/SEI 24-14, Table 2-1, or the best available flood hazard data elevation, **plus** three feet to the underside of floor joist, whichever is more restrictive .

3. Require within any AO, AH or VO Zone on the municipality's **D**FIRM that all new construction and substantial improvement of any residential structure shall have the lowest floor, including basement, **together with the attendant utilities and sanitary facilities**, elevated above the highest adjacent grade at least one foot above the depth number specified in feet (at least three feet if no depth number is specified) or at above the best available flood hazard data elevation, **plus** three feet to the underside floor joist, whichever is more restrictive. And, require adequate drainage paths around structures on slopes to guide floodwater around and away from proposed structures.

4. New construction and substantial improvement of any residential structure located in an X zone, 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 at or above the highest adjacent AE Zone base flood elevation or as required by ASCE/SEI 24-14, Table 2-1, or the best available flood hazard data elevation, three feet to the underside of floor joist, whichever is more restrictive in any adjacent A or AE Zone .

b. Non-residential construction. In an Area of Special Flood Hazard Area (SFHA), all new construction and substantial improvement of any commercial, industrial or other nonresidential structure located in an A or AE zone (for coastal A zone construction see section 145-18), shall either have the lowest floor, including basement, together with the attendant utilities and sanitary facilities:

(l) Elevated to or above the base flood elevation, or as required by ASCE/SEI 24-14, Table 2-1, or the best available flood hazard data elevation, whichever is more restrictive, plus one foot of freeboard-; and require within any AO, AH or VO zone on the municipality's **D**FIRM to elevate, above the highest adjacent grade one foot above the depth number specified in feet (at least three feet if no depth number specified and require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures; or

(2) Be flood proofed so that below the base flood level plus one foot, as required by ASCE/SEI 24-14, Table 6-1, **or the best available flood hazard data elevation**; the structure is watertight with walls substantially impermeable to the passage of water; have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and, 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 shall be required. Such certification shall be provided to the official as set forth in S 145-14C(2).

c. Manufactured homes

(1) Manufactured homes shall be anchored in accordance with 145-16.

(2) All manufactured homes to be placed or substantially improved within an area of special flood hazard shall

(a) Be consistent with the need to minimize flood damage,

(b) Be constructed to minimize flood damage,

(c) Have adequate drainage provided to reduce exposure to flood damage;

(d) Be elevated on a permanent foundation such that the top of the lowest floor is at or above the base flood elevation **plus three (3) feet**, or as required by ASCE/SEI 24-14, Table 2-1, or the best available flood hazard data elevation, whichever is more restrictive and,

(e) The manufactured home chassis is 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 one foot in any A Zone and two feet in any V Zone.

§ 145-18 Coastal high-hazard areas and coastal A zones

Coastal high-hazard areas (V or VE Zones) **and coastal A Zones** are located within **the areas** of special flood hazard established in Section 145-7. 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, with the exception of those buildings or structures currently in existences, 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 subdivision.**

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 floor (excluding the piling or columns), is elevated to or above the base flood elevation, or as required by ASCE/SEI 24-14, Table 4-1 **or the best available flood hazard data elevation**, whichever is more restrictive plus two (2) feet of freeboard, and

(b) All electrical, heating, ventilating, air-conditioning, mechanical equipment and other equipment servicing the building is elevated to or above the base flood elevation ASCE/SEI 24-14, Table 4-1, **or the best available flood hazard data elevation,** whichever is more restrictive plus two feet of freeboard, **and**

(c) **With all space below the lowest floor's supporting member open so as not to impede the flow of water, except for breakaway walls as provided or in section 145-18B(4).**

(2) Structural Support

(a) All new construction and substantial improvements shall be securely anchored on piling or columns.

(b) The pile or column foundation and structure attached thereto shall be anchored to resist flotation, collapse or lateral movement due to the effects of wind and water loading values, each of which shall have a one-percent chance of being equaled or exceeded in any given year (one-hundred-year mean recurrence interval).

(c) There shall be no fill used for structural support **of buildings within Zones V1-30, VE, V, and Coastal A on the community's DFIRM.**

(3) Certification — a registered professional engineer or architect shall develop or review the structural design specifications and plans for the construction and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for compliance with the provisions of Subsection B(l) and (2)(a) and (b).

(4) Space below the lowest floor (enclosure below BFE)

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

(b) Breakaway walls, open wood latticework 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 10 and no more than 20 pounds per square foot. Use of breakaway walls which exceed a design safe loading of 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:

(l) Breakaway wall collapse shall result from a water load less than that which would occur during the base flood.

(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 nonstructural. Water loading values used shall be those associated

with the base flood. Wind loading values used shall be those required by applicable State and local building standards.

(3) If breakaway walls are utilized, such enclosed space shall be use solely parking of vehicles, building access or storage and not for human habitation.

(4) Prior to construction, plans for any breakaway wall must be submitted to the Construction Official for approval.

C. Sand dunes. There shall be no alteration of sand dunes within coastal A zones, VE and V zones on the communities DFIRM which would increase potential flood damage.

Section 6

All Ordinances or parts of Ordinances inconsistent herewith are herby repealed to the extent of such inconsistency. It is the intention of this

Ordinance to replace Chapter 145 Flood Damage Prevention in total and pursuant to the instruction by the State of New Jersey, Department of Environmental Protection, Office of Engineering and Construction, Bureau of Damn Safety and Flood Control,

Section 7

Should any section, subsection, paragraph, clause, sentence or other portion of this Ordinance be adjudged by a Court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this Ordinance.

Section 8

This Ordinance shall take effect on final passage, approval, and publication.

Michael Becker, Mayor

John Amodeo, Commissioner

Maury Blumberg, Commissioner

Board of Commissioners of the City of

Margate City, New Jersey

Introduction: July 19, 2018

Adoption: August 2, 2018