

ORDINANCE 2013 -04

**ORDINANCE OF THE TOWNSHIP OF STAFFORD,
COUNTY OF OCEAN AND STATE OF NEW JERSEY,
AMENDING AND SUPPLEMENTING CHAPTER 114
OF THE TOWNSHIP CODE OF THE TOWNSHIP OF
STAFFORD, ENTITLED "FLOOD HAZARD AREAS"**

WHEREAS, the Township of Stafford participates in the National Flood Insurance Program and has adopted certain floodplain management regulations into its code book under Chapter 114 entitled Flood Hazard Areas; and

WHEREAS, the Federal Government, from time to time, updates the Flood Insurance Rate Maps that regulate development in the Township's Special Flood Hazard Area (SFHA); and

WHEREAS, the Federal Government has released Advisory Base Flood Elevation maps dated December 12, 2012; and

WHEREAS, the Township of Stafford intends to regulate the Special Flood Hazard Area utilizing the December 12, 2012 Advisory Base Flood Elevation maps.

NOW, THEREFORE, BE IT ORDAINED, by the governing body of the Township of Stafford, County of Ocean and State of New Jersey, as follows:

SECTION 1. The Township Code of the Township of Stafford is hereby amended and supplemented so as to amend § 114-5, entitled, "Terms defined," so as to add or replace the following definitions:

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

Advisory Flood Hazard Area (AFHA) - The land in the floodplain within a community subject to flooding from the 1% annual chance event depicted on the Advisory Flood Hazard Map.

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

Elevated Building - A nonbasement building 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 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, or any acceptable design solution compliant with UCC or FEMA guidelines or regulations. 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 floodwaters. 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 breakaway walls.

Substantial Improvement — Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 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. 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".

SECTION 2. The Township Code of the Township of Stafford is hereby amended and supplemented so as to amend § 114-7, entitled, "Basis for establishing areas of special flood hazard," so as to add the following to paragraph A:

- a) "(3) Advisory Base Flood Elevations and Advisory Flood Hazard Maps titled Ship Bottom NE; Ship Bottom NW; Ship Bottom SE and Ship Bottom SW dated 12/12/12; West Creek SE and West Creek NE, both not published. These documents shall take precedence over previous panels and FIS in construction and development regulations only. Where the Special Flood Hazard Area (SFHA) and the Advisory Flood Hazard Area (AFHA) maps conflict or overlap, whichever imposes the more stringent requirement shall prevail."

SECTION 3. The Township Code of the Township of Stafford is hereby amended and supplemented so as to amend § 114-16, entitled, "General Standards," so as to replace the introductory paragraph with the following:

"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:"

SECTION 4. The Township Code of the Township of Stafford is hereby amended and supplemented so as to amend § 114-16, entitled, "General Standards," so as to replace paragraph D with the following:

"D. Subdivision or Other Development.

- (1) All subdivision proposals and other proposed new development shall be consistent with the need to minimize flood damage;
- (2) All subdivision proposals and other proposed new development shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
- (3) All subdivision proposals and other proposed new development shall have adequate drainage provided to reduce exposure to flood damage; and,
- (4) Base flood elevation data shall be provided for subdivision proposals and other proposed new development which contain at least fifty (50) lots or five (5) acres (whichever is less)."

SECTION 5. The Township Code of the Township of Stafford is hereby amended and supplemented so as to amend § 114-17, entitled, "Specific Standards," so as to replace paragraph A. with the following:

"A. Residential construction.

- (1) New construction and substantial improvement of any residential structure in an A or AE Zone shall have the lowest floor, including basement, together with all electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities (including ductwork), elevated to one foot or more above the base flood elevation or advisory base flood elevation, whichever is more restrictive. All portions of the building below the freeboard level must be constructed using flood-damage-resistant materials.

(2) Require within any AO zone on the municipality's FIRM that all new construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated above the highest adjacent grade one foot above the depth number specified in feet (at least three feet if no depth number is specified) or at or above the advisory base flood elevation plus one foot, whichever is more restrictive. And, require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.

SECTION 6. The Township Code of the Township of Stafford is hereby amended and supplemented so as to amend § 114-17, entitled, "Specific Standards," so as to replace paragraph B (1) and (2) with the following:

"B. Nonresidential construction.

(1) New construction and substantial improvement of any nonresidential structure in an A or AE Zone shall have the lowest floor, including basement, together with all electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities (including ductwork), elevated to one foot or more above the base flood elevation or advisory base flood elevation, whichever is more restrictive.

(2) Require within any AO zone on the municipality's DFIRM that all new construction and substantial improvement of any commercial, industrial or other nonresidential structure shall have the lowest floor, including basement, together with all electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities (including ductwork), elevated above the highest adjacent grade one foot above the depth number specified in feet (at least three feet if no depth number is specified) or at or above the advisory base flood elevation plus one foot, whichever is more restrictive. And, require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures. OR

(3) Be floodproofed so that below one foot or more above the base flood level or advisory base flood elevation, whichever is more restrictive, the structure is watertight with walls substantially impermeable to the passage of water."

SECTION 7. The Township Code of the Township of Stafford is hereby amended and supplemented so as to amend § 114-17, entitled, "Specific Standards," so as to replace paragraph C (2). with the following:

"C. Manufactured homes.

(2) All manufactured homes to be placed or substantially improved within an area of special flood hazard shall be elevated on a permanent foundation such that the top of the lowest floor is one foot or more above the base flood elevation or advisory base flood elevation, whichever is more restrictive.”

SECTION 8. The Township Code of the Township of Stafford is hereby amended and supplemented so as to amend § 114-18, entitled, “Coastal High Hazard Area,” so as to replace paragraph B (1)(a) and (b) with the following:

“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 one foot or more above the base flood elevation, advisory base flood elevation or as required by the Uniform Construction Code (NJAC 5:23), whichever is more restrictive, and,
- (b) 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 114-18 B (4).”

SECTION 9. The Township Code of the Township of Stafford is hereby amended and supplemented so as to amend § 114-18 B(4)(d), so as to replace the paragraph in its entirety with the following:

“(d) Prior to construction, plans for any breakaway wall must be submitted to the Building Sub-Code Official for approval.”

SECTION 10. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 11. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent

jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

SECTION 12. This ordinance shall become effective after second reading and publication as required by Law.


NOTICE

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed by the Township Council on first reading at a meeting of the Township Council of the Township of Stafford held on the **19th** day of **February 2013**, and will be considered for second reading and final passage at a regular meeting of the Township Council to be held on the **5th** day of **March 2013** at 7:00PM, at the Municipal Building located at 260 East Bay Avenue, Manahawkin, New Jersey, at which time and place any persons desiring to be heard upon the same will be given the opportunity to be so heard.


BERNADETTE M. PARK, RMC, CMC
Township Clerk, Township of Stafford

CERTIFICATION

I, **BERNADETTE M. PARK**, Municipal Clerk of the Township of Stafford, do hereby certify that the foregoing ordinance was duly adopted on second reading by the Stafford Township Council at a meeting held on the **5th** day of **March 2013**.


BERNADETTE M. PARK, RMC, CMC
Township Clerk, Township of Stafford