

MONMOUTH COUNTY PLANNING BOARD

Hall of Records Annex
One East Main Street
Freehold, New Jersey 07728-1255
732-431-7460

No. 7152

Municipality: Sea Bright Borough
To: Richard M. Kachmar
Address: 1167 Ocean Avenue
Sea Bright, NJ 07760

Draft Date Received: 1/30/2013
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The following document(s) was received on this date at the offices of the Monmouth County Planning Board, in accordance with the provisions of R.S. 40:55D-15 and 40:55D-16 – Municipal Land Use Law (Chapter 291 Laws of 1975) and other applicable statutes.

Amending Development Regulations
Flood Damage Prevention; Bulk and Use Requirements; Lot and Building Requirements; Design Standards;
Definitions (Sandy Related Amendments)

If we have any comments or recommendations concerning the above document(s), they will be forwarded to you prior to the Public Hearing scheduled to be held on 2/19/2013

Date Adopted: 2/19/2013

PLEASE RETAIN ALL CORRESPONDENCE AND RECEIPTS FROM THE MONMOUTH COUNTY PLANNING BOARD FOR YOUR OFFICIAL RECORDS.

Date Transmitted: 3/5/2013

Transmitted By: MRL

Title: SrPln



BOROUGH OF SEA BRIGHT

MONMOUTH COUNTY, NEW JERSEY

www.seabrightnj.org

6:13 PM 1:42

February 25, 2013

BOROUGH OFFICES:
1167 OCEAN AVENUE
SEA BRIGHT, N.J. 07760
TEL: (732) 842-0099
FAX: (732) 741-3116

Borough of Highlands
171 Bay Avenue
Highlands, NJ 07732

Township of Middletown
1 Kings Highway
Middletown, NJ 07748

Borough of Monmouth Beach
22 Beach Road
Monmouth Beach, NJ 07750

Township of Ocean
399 Monmouth Road
Oakhurst, NJ 07755

Borough of Rumson
80 E. River Road
Rumson, NJ 07760

Monmouth County Planning Board
Hall of Records
One East Main Street
Freehold, NJ 07728

RE: Adoption – February 19, 2013:
Ordinance #1-2013
Revising Chapter 130, Land Use, Article II, Definitions and Word Usages,
Section 130-5 Definitions (introduced January 5, 2013)

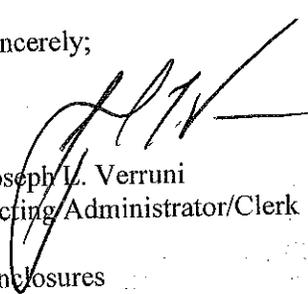
Ordinance #3-2013
Revising Chapter 115, Flood Damage Preventions; Chapter 130 Land Use, Article II, Definitions
and Word Usage, Section 130-5 Definitions; Article VII Area Bulk and Use Requirements;
Section 130-47 Flood Damage Prevention; Article VII Area, Bulk and Use Requirements; Section
130-50 Lot and Building Requirements; Article IX, Design Standards, Section 130-59 Design
Standards for Specific Uses and Section 130, Attachment 1. Schedule of Lot and Building
Requirements (introduced January 22, 2013)

Dear Sir/Madam:

Enclosed you will find certified copies of the above-referenced Ordinance(s) adopted by the Mayor
Borough Council of the Borough of Sea Bright at their Regular Meeting, February 19, 2013.

If you should have any questions, please feel free to contact our office at any time.

Sincerely;


Joseph L. Verruni
Acting Administrator/Clerk

Enclosures

cc: Zoning Officer

7152

ORDINANCE NO. 3-2013
AN ORDINANCE REVISING CHAPTER 115, FLOOD DAMAGE PREVENTION; and
REVISING CHAPTER 130, LAND USE,
ARTICLE II, DEFINITIONS AND WORD USAGE, SECTION 130-5 DEFINITIONS; and
ARTICLE VII, AREA, BULK AND USE REQUIREMENTS,
SECTION 130-47 FLOOD DAMAGE PREVENTION; and
ARTICLE VII, AREA, BULK AND USE REQUIREMENTS
SECTION 130-50 LOT AND BUILDING REQUIREMENTS;
ARTICLE IX, DESIGN STANDARDS, SECTION 130-59 DESIGN STANDARDS FOR SPECIFIC USES;
and SECTION 130, ATTACHMENT 1, SCHEDULE OF LOT AND BUILDING REQUIREMENTS

WHEREAS on October 29, 2012 the Borough of Sea Bright suffered extreme devastation as a consequence of Superstorm Sandy; and

WHEREAS as a consequence of the devastation caused by Superstorm Sandy, structures throughout the Borough were either destroyed or severely damaged; and

WHEREAS as part of the process of recovery from Superstorm Sandy the Mayor and Council of the Borough of Sea Bright has begun an effort to ensure its Borough Zoning Ordinances are clear and concise so as to aid residents and businesses in restoring their properties; and

WHEREAS in furtherance of the aforesaid effort the Mayor and Council of the Borough of Sea Bright have determined it will be necessary to revisit certain definitions and requirements within its zoning ordinance;

BE IT NOW ORDAINED, by the Mayor and Council of the Borough of Sea Bright that the following revisions to Chapter 115, Flood Damage Prevention and Chapter 130, Land Use be made:

(1) The definition of "Building Height" found in Chapter 130, Sections 130-5 and 130-50(A)(4) shall be revised as follows:

(A) The existing definition of "Building Height" shall be deleted in its entirety.

(B) The following definition of "Building Height" shall be added:

The vertical distance measured from the average elevation of the finished grade at all corners of the building to the highest point of the roof for flat roofs; the average distance between the eaves and ridge level for gable, hip, and gambrel roofs; and to the deck level for mansard roofs. Notwithstanding the above, where any finished grade at a building corner shall be three feet or more above the original grade, the original grade at such building corner shall be utilized in the calculation of the average elevation of the finished grade.

(2) The above definition of "Building Height" shall be added to the definitional section of the Borough's Flood Damage Prevention Ordinance found at Chapter 115, Section 115-5.

- (3) **The following definition of "Floodplain Manager" shall be added to Chapter 115, Section 115-5, and Chapter 130, Section 130-5:**

FLOODPLAIN MANAGER - The official appointed by the Borough of Sea Bright and charged with the responsibility of assisting in the daily implementation of the Borough's flood loss reduction activities including enforcing the Flood Damage Prevention Ordinance, updating flood maps, plans, and policies of the community, any of the activities related to administration of the National Flood Insurance Program (NFIP) and assisting the Construction Code Official in enforcing and implementing Uniform Construction Code issues arising under the Flood Damage Prevention Ordinance.

- (4) **The following definition of "Construction Code Official" shall be added to Chapter 115, Section 115-5:**

CONSTRUCTION CODE OFFICIAL - The official appointed by the Borough of Sea Bright pursuant to the State Uniform Construction Code as adopted by the Borough in Chapter 70, Building Construction, Article 1, Uniform Construction Code, of the Code of the Borough of Sea Bright and charged with the responsibility of issuing building permits and certificates of occupancy. The Construction Official shall be the chief administrator of the enforcing agency.

- (6) **The following definitions shall be added to Chapter 115, Section 115-5 and to Chapter 130, Section 130-47(B):**

- (A) ADVISORY BASE FLOOD ELEVATION (ABFE) - Advisory elevations issued by the Federal Emergency Management Agency (FEMA) as a precursor to revisions being made to the official Base Flood Elevations (BFE) and intended to more accurately reflect the true 1% annual chance flood hazard elevations in a given area. ABFE's are delineated on maps promulgated by FEMA and as amended by FEMA from time to time.
- (B) BASE FLOOD ELEVATION (BFE) - The elevation of surface water resulting from a flood that has a 1% chance of equally or exceeding that level in any given year. The BFE is promulgated by the Federal Emergency Management Agency (FEMA) and delineated on the Digital Flood Insurance Rate Map (DFIRM). However, if FEMA has released Advisory Base Flood Elevations (ABFEs) post release of the official DFIRM, all elevations included on the ABFE map shall be recognized by the Borough as the official BFEs.
- (C) FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) - The federal agency under which the National Flood Insurance Program is implemented.
- (D) NATIONAL FLOOD INSURANCE PROGRAM (NFIP) - The program of flood insurance and floodplain management administered by the Federal Emergency Management Agency (FEMA).

(E) PREVAILING NFIP FLOOD MAP – The Digital Flood Insurance Rate Map (DFIRM) as defined by this Ordinance with Advisory Base Flood Elevations (ABFEs) prevailing if any have been released by the Federal Emergency Management Agency.

(7) **The definitions of “Digital Flood Insurance Rate Map (DFIRM)” and “Flood Insurance Study (FIS)” as contained within Chapter 115, Section 115-5 and Chapter 130, Section 130-47 are hereby deleted and replaced with the following definitions:**

(A) DIGITAL FLOOD INSURANCE RATE MAP (DFIRM) - The official map on which the Federal Emergency Management Agency (FEMA) has delineated the areas of special flood hazards and the risk premium zones applicable to the community. However, if FEMA has released Advisory Base Flood Elevations (ABFEs) post release of the official DFIRM, all elevations and zones included on the ABFE map shall be recognized by the Borough instead of those contained on the official DFIRM.

(B) FLOOD INSURANCE STUDY (FIS) – Also referred to as a “Flood Insurance Survey”, is the official report in which the Federal Emergency Management Agency (FEMA) has provided flood profiles. When a flood study is completed for the National Flood Insurance Program (NFIP), the information and maps are assembled into an FIS. The FIS report contains detailed flood elevation data in flood profiles and data tables, as well as the Flood Insurance Rate Map(s).

(8) **The following language shall be added to Chapter 115, Section 115-7(A) and to Chapter 130, Section 130-47(C)(2)(a):**

[3] Advisory Base Flood Elevation maps as released and amended by FEMA from time to time.

(9) **The language found at Chapter 115, Section 115-13 and at Chapter 130, Section 130-47(D)(2) shall be deleted and replaced with the following:**

Creation of Floodplain Manager. There shall be created the position of Floodplain Manager who shall hereby be appointed by the Borough to assist the Borough Construction Code Official in administering and implementing this section by granting or denying development permit applications in accordance with its provisions.

(10) The following language included at Chapter 115, Section 115-17(A)(1)(b)[1], Chapter 115, Section 115-17(B)(1)(b)[1], Chapter 130, Section 130-47(E)(2)(a)[2][a] and Chapter 130, Section 130-47(E)(2)(b)[2][a] shall be deleted: “in height as measured from the crown of the road fronting the structure,” and said language shall be replaced with “in building height. The height limitation of 38 feet may be increased to a height not to exceed 42 feet only upon demonstration by the applicant that the additional height is necessary in order to allow an existing building to reach two (2) feet above BFE; upon such demonstration the Borough will grant this as a design waiver and will not require the applicant to seek any type of site plan and/or variance relief. Otherwise, the building height of any structure shall not exceed 38 feet. Any application wherein the proposed building height of the structure would exceed 38 feet shall require the applicant to seek the appropriate variance relief.”

(11) The following language included at Chapter 130, Section 130-50(A)(6)(c), Chapter 130, Attachment 1 “Schedule of Lot and Building Requirements”, footnote 2 and Chapter 130, Section 130-59(A)(6)(a) shall be deleted: “from the crown of the road.” and said language shall be replaced with “in building height. The height limitation of 38 feet may be increased to a height not to exceed 42 feet only upon demonstration by the applicant that the additional height is necessary in order to allow an existing building to reach two (2) feet above BFE; upon such demonstration the Borough will grant this as a design waiver and will not require the applicant to seek any type of site plan and/or variance relief. Otherwise, the building height of any structure shall not exceed 38 feet. Any application wherein the proposed building height of the structure would exceed 38 feet shall require the applicant to seek the appropriate variance relief.”

(12) The language included at Chapter 115, Section 115-17(A)(1)(b)[2], Chapter 115, Section 115-17(B)(1)(b)[2], Chapter 130, Section 130-47(E)(2)(a)[2][b] and Chapter 130, Section 130-47(E)(2)(b)[2][b] shall be deleted and replaced with the following language: “The BFE shall be as identified in the prevailing NFIP Flood Map for the Borough.”

(13) A new Chapter 115, Section 115-19 and a new Chapter 130, Section 130-47(F) shall be added which shall be titled “CONSTRUCTION CODE OFFICIAL”, and shall consist of the following language:

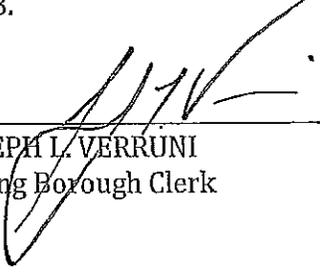
Nothing within this Ordinance shall be read as abrogating the authority of the Borough’s Construction Code Official over all construction within the Borough of Sea Bright.

BE IT FURTHER ORDAINED all other sections of Chapter 115 and Chapter 130 shall remain in full force and effect. In the event there is any conflict or inconsistency between this particular ordinance and the rest of Chapter 115 and Chapter 130, the terms in this ordinance shall prevail.

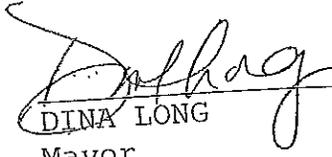
This ordinance shall take effect upon passage and publication as required by law.

INTRODUCED: January 22, 2013
PASSED : February 19, 2013
ADOPTED : February 19, 2013

I hereby approve the adoption of this Ordinance this 19th day of February,
2013.



JOSEPH L. VERRUNI
Acting Borough Clerk



DINA LONG
Mayor

COUNTY OF MONMOUTH

Joseph L. Verruni, Acting Administrator/Clerk being duly sworn, did depose and say that the notice hereto attached was published in THE ASBURY PARK PRESS newspaper printed and circulated in

said County on Thursday, February 7, 2013.

Joseph L. Verruni, Acting Administrator/Clerk

Sworn and subscribed before me this 22nd day of

February, 2013.

NOTARY PUBLIC OF NEW JERSEY

My commission expires May 23 2014

*Ordinance 03-2013
Introduced*

BOROUGH OF SEA BRIGHT

NOTICE OF PENDING ORDINANCE
The following ordinance was introduced and approved upon first reading at the January 22, 2013 meeting of the Mayor and Council of the Borough of Sea Bright. Second Reading and Public Hearing will be held February 5, 2013 at the Regular Meeting of the Mayor and Council at 7:30pm. Cecilia F. Norton Community Center, Council Chambers, 1167 Ocean Avenue, Sea Bright, NJ. Copies of this Ordinance are available to the public at no cost in the Office of the Municipal Clerk during the hours of 9 am - 4pm.

ORDINANCE #3-2013
Revising Chapter 115, Flood Damage Preventions; Chapter 130 Land Use, Article II, Definitions and Word Usage, Section 130-5 Definitions; Article VII Area Bulk and Use Requirements; Section 130-47 Flood Damage Prevention; Article VII Area, Bulk and Use Requirements; Section 130-50 Lot and Building Requirements; Article IX, Design Standards, Section 130-59 Design Standards for Specific Uses and Section 130, Attachment 1. Schedule of Lot and Building Requirements
The purpose of this Ordinance is to establish the ABFE Flood Elevation to the Sea Bright Building Code Requirements
By Order of the Mayor and Council of the Borough of Sea Bright
Joseph L. Verruni
Acting Administrator/Clerk
(\$37.00) 689730

PHILIP A. Del TURCO
NOTARY PUBLIC OF NEW JERSEY
My commission expires _____

*Ordinance #03-2013
Final*

AFFIDAVIT OF PUBLICATION

STATE OF NEW JERSEY:

SS

COUNTY OF MONMOUTH

Joseph L. Verruni, Acting Administrator/Clerk being duly sworn, did depose and say that the notice hereto attached was published in THE ASBURY PARK PRESS newspaper printed and circulated in said County of Monmouth on February 22, 2013.

Joseph L. Verruni, Acting Administrator/Clerk

Sworn and subscribed before me this 22nd day of

February, 2013.

NOTARY PUBLIC OF NEW JERSEY

My commission expires May 23 2014

PHILIP A. Del TURCO
NOTARY PUBLIC OF NEW JERSEY
My commission expires _____

BOROUGH OF SEA BRIGHT

County of Monmouth
The following ordinance was introduced and approved upon First Reading at the February 19, 2013 meeting of the Mayor and Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey and was adopted after a public hearing on February 19, 2013.

ORDINANCE NO. 01-2013
AN ORDINANCE REVISING CHAPTER 130, LAND USE, ARTICLE II, DEFINITIONS AND WORD USAGES, SECTION 130-5 DEFINITIONS OF THE CODE OF THE BOROUGH OF SEA BRIGHT.

ORDINANCE NO. 02-2013
AN ORDINANCE AMENDING SALARY ORDINANCE OF CERTAIN OFFICERS, POSITIONS AND EMPLOYEES OF THE BOROUGH OF SEA BRIGHT, MONMOUTH COUNTY, STATE OF NEW JERSEY, AND REPEALING ANY AND ALL OTHER ORDINANCES HERETOFORE ADOPTED WHICH ARE INCONSISTENT HERewith.

ORDINANCE NO. 03-2013
AN ORDINANCE REVISING CHAPTER 115, FLOOD DAMAGE PREVENTION; and REVISING CHAPTER 130, LAND USE, ARTICLE II, DEFINITIONS AND WORD USAGE, SECTION 130-5 DEFINITIONS; and ARTICLE VII, AREA, BULK AND USE REQUIREMENTS; SECTION 130-47 FLOOD DAMAGE PREVENTION; and ARTICLE VII, AREA, BULK AND USE REQUIREMENTS; SECTION 130-50 LOT AND BUILDING REQUIREMENTS OF THE CODE OF THE BOROUGH OF SEA BRIGHT.

ORDINANCE NO. 04-2013
AN ORDINANCE TO AMEND CHAPTER 201 ARTICLE VII, RESIDENTIAL PERMIT PARKING OF THE CODE OF THE BOROUGH OF SEA BRIGHT.

By Order of the Mayor and Council of the Borough of Sea Bright
Joseph L. Verruni,
Acting Administrator/Clerk
(\$49.00) 697836