



NOTICE OF ADOPTION OF ORDINANCE

PLEASE TAKE NOTICE that the Governing Body of the Borough of Atlantic Highlands introduced the following Ordinance at their meeting on April 10, 2013. Following a Public Hearing held on April 24, 2013 this Ordinance was finally adopted. . This Ordinance is available for public inspection, and copies will be available at Borough Hall in the Municipal Clerk's office during regular business hours, 8:30 AM to 4:30 PM, Monday through Friday.

Dwayne M. Harris
Municipal Clerk

ORDINANCE 07-2013

ORDINANCE AMENDING THE CODE OF THE BOROUGH OF ATLANTIC HIGHLANDS CHAPTER 150 (DEVELOPMENT REGULATIONS)

WHEREAS, the Borough of Atlantic Highlands has adopted Development Regulations, including Zoning and Design Standards, that control the location, scale and type of land uses within the Borough; and

WHEREAS, the Borough of Atlantic Highlands Master Plan was adopted on August 2, 1990, revised October 4, 1990, revised January 3, 1991, re-examined July 11, 1996, re-examined October 2, 2002, revised July 10, 2003, revised December 1, 2005, revised December 11, 2006, revised August 8, 2007, re-examined, updated and revised December 11, 2008, and further revised February 22, 2010; and

WHEREAS, the Mayor and Council of the Borough of Atlantic Highlands routinely review various zoning standards and regulations in order to properly address emerging land use issues and to further the purpose and intent of the Borough's Development Regulations; and

WHEREAS, in accordance with Section 40:55D-62 of the Municipal Land Use Law, the Mayor and Council of the Borough of Atlantic Highlands are charged with adopting zoning ordinances and design standards relating to the nature and extent of the uses of the land and the buildings and structures thereon in order to protect the general health, safety and welfare of the public; and

WHEREAS, as a result of "Superstorm Sandy", which occurred on October 29, 2012 and October 30, 2012, a substantial number of properties within the Borough were

adversely impacted, experiencing damage and/or destruction requiring the restoration or reconstruction of buildings and structures on such properties; and

WHEREAS, in response to “Superstorm Sandy” the Federal Emergency Management Agency (FEMA) has developed new advisory Base Flood Elevation Maps (ABFE) to reflect new flood levels sustained during the storm surge of “Superstorm Sandy”, which maps have now been adopted as emergency regulations and as the rebuilding standard for the entire State in order to provide families, businesses and communities with the best assessment of risk in order to better mitigate damage from future storm and flooding events, avoid higher flood insurance costs and begin the rebuilding process; and

WHEREAS, the Borough of Atlantic Highlands has determined that it is appropriate to give recognition to these regulations which may require structures to be raised above their present elevations in order to comply with new regulatory requirements, and further finding that these regulations will impact upon the height of structures being reconstructed or newly constructed in the affected flood areas, and it being appropriate to respond by amending the Development Regulations to reflect new flood levels sustained during the storm surge of “Superstorm Sandy”, and the implementation of the new ABFE maps and/or their permanent successor;

NOW, THEREFORE, BE IT ORDAINED that Chapter 150 of the Development Regulations of the Borough of Atlantic Highlands be and are hereby amended as follows:

Section 150-6. Add or revise the following definitions:

“ADVISORY BASE FLOOD ELEVATION” means the base flood elevations for the one (1) percent storm as shown on the FEMA advisory base flood elevation (ABFE) map, dated December 12, 2012.

BUILDING HEIGHT – the vertical dimension measured from the average elevation of the finished grade at the front of the building to the highest point of the roof. In special flood hazard areas, “building height” means the vertical distance measured from one (1) foot above base flood elevation at the four (4) corners of the smallest possible square or rectangle encompassing the proposed building to the highest point of the roof. Where property is filled prior to development building heights shall still be measured from the existing pre-development grade and/or highest adjacent grade as defined herein. Pre-development grade and/or highest adjacent grade shall be determined using Borough topographic data available at the time of the adoption of this Ordinance or as it may be updated from time to time. Where deemed appropriate by the Building Subcode Official appropriate façade treatments shall be extended to within 24 inches of finished grade.

SPECIAL FLOOD HAZARD AREA – means the land area covered by the flood waters of the base flood.

CHAPTER 150, ATTACHMENT 1, EXHIBIT 5-2 – shall be revised to add the following:

Maximum Building Height in Heading add footnote 14

Footnotes add the following:

14. For all properties located within the special flood hazard area the height of buildings for new construction and/or re-construction shall have the lowest floor including basement together with the attendant utilities and sanitary facilities, elevated at no lower than one (1) foot above the base flood elevation as shown on the Advisory Base Flood Elevation Map. For such properties building height shall be measured from one (1) foot above the base flood elevation.

For all properties located within the special flood hazard area, a lawfully existing building may be elevated to comply with Chapter 183 and shall be permitted a maximum 10% increase over the maximum building height. Expansions, additions, or any other alterations completed as part of elevating the structure shall comply with the building height requirements.

Section 150–84.a.3. shall be revised to read:

(3) lands in the flood way or identified as “V” and “A” Zones on the advisory Base Flood Elevation Map.

BE IT FURTHER ORDAINED, that all other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed.

BE IT FURTHER ORDAINED that this Ordinance shall take effect immediately upon passage and publication as provided by law.