

## 15-006 G

### AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF RUMSON BY AMENDING CHAPTER XVII, FLOOD DAMAGE PREVENTION ORDINANCE

BE IT ORDAINED by the Mayor and Council of the Borough of Rumson, in the County of Monmouth and State of New Jersey that Chapter XVII (Flood Damage Prevention) of the General Ordinances of the Borough of Rumson is hereby amended or supplemented as follows:

#### PURPOSE

The purpose of this Ordinance is to Amend Chapter XVII (Flood Damage Prevention), Section 17-2, Definitions, to amend the definitions of *Advisory base flood elevation (ABFE)* and *Base flood*; Section 17-3, General Provisions, to amend the Basis for Establishing the Areas of Special Flood Hazard defining flood hazard boundaries; Section 17-4, Administration, to amend base flood elevation; Section 17-5, Variance Procedure, to change Appeal Board to Zoning Board of Adjustment; and Section 17-6, Provisions for Flood Hazard Reduction, to amend Subdivision Proposals regarding Specific Standards.

*Chapter XVII (Flood Damage Prevention Ordinance), of the General Ordinances of the Borough of Rumson are hereby amended or supplemented as follows (new text is double underlined, text to be deleted is struck through and notations to the reader and changes in subparagraph designations either with or without changes to content are italicized):*

#### SECTION 1.

That Chapter XVII, Flood Damage Prevention, shall be amended to as follows:

#### CHAPTER XVII FLOOD DAMAGE PREVENTION ORDINANCE\*

**\*Editor's Note:** Prior ordinance history includes portions of Ordinances 4/13/78, 10/14/82 and 3/26/87.

#### 17-1 STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES.

No Change.

#### 17-2 DEFINITIONS.

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

*Advisory base flood elevation (ABFE)* shall mean those elevations promulgated by the Federal Office of Emergency Management on December 12, 2012 ~~which more accurately reflect the true one (1%) percent annual change of flood hazard elevations as a result of a large storm event.~~

*Appeal through Areas of special flood related erosion hazard* No Change.

*Base flood* shall mean the flood having a one (1%) percent chance of being equaled or exceeded in any given year as identified within the documents referenced in subsection 17-3.2. The Base Flood Elevation ~~used to determine lowest floor elevations~~ shall be the greater of the base flood elevation indicated in the Flood Insurance Study prepared by FEMA; DFIRM prepared by FEMA; or the Advisory Base Flood Elevation Map prepared by FEMA, dated December 12, 2012; or the Preliminary DFIRM prepared by FEMA, dated January 31, 2014.

*Basement through Variance* No Change..

#### 17-3 GENERAL PROVISIONS.

### **17-3.1 Lands to Which This Chapter Applies.**

This chapter shall apply to all areas of special flood hazards within the jurisdiction of the Borough of Rumson, Monmouth County, New Jersey.

### **17-3.2 Basis for Establishing the Areas of Special Flood Hazard.**

The areas of special flood hazard for the Borough of Rumson, Community No. 345316, are identified and defined on the following documents prepared by the Federal Emergency Management Agency:

a. A scientific and engineering report "Flood Insurance Study, Monmouth County, New Jersey (All Jurisdictions)" dated September 25, 2009.

~~1. A scientific and engineering report "Flood Insurance Study, Monmouth County, New Jersey (All Jurisdictions)" dated September 25, 2009.~~

~~b.~~ 2. Digital Flood Insurance Rate Map for Monmouth County, New Jersey (All Jurisdictions) as shown on Index and panel numbers 34025C0068F, 34025C0069F, 34025C0088F, 34025C0181F, 34025C0182F, 34025C0184F, 34025C0201F, 34025C0203F; whose effective date is September 25, 2009.

~~c.~~ b. Advisory Base Flood Elevation Map, prepared by FEMA, dated December 12, 2012.

~~d. A scientific and engineering report Preliminary "Flood Insurance Study, Monmouth County, New Jersey (All Jurisdictions)" dated January 14, 2014.~~

~~e. Preliminary Digital Flood Insurance Rate Map for Monmouth County, New Jersey (All Jurisdictions) as shown on Index and panel numbers 34025C0068G, 34025C0069G, 34025C0088G, 34025C0181G, 34025C0182G, 34025C0184G, 34025C0201G, 34025C0203G; whose date is January 31, 2014.~~

For purposes of this Chapter, flood hazard boundaries, including coastal high hazard areas, shall be as identified and defined on the Preliminary Digital Flood Insurance Rate Maps dated January 31, 2014.

The above documents and designations are hereby adopted and declared to be a part of this chapter. The Flood Insurance ~~Study~~ Studies and maps are on file at Borough Hall, 80 East River Road, Rumson, New Jersey, 07760-1526.

### **17-3.3 Penalties for Noncompliance. through 17-3.6 Warning and Disclaimer of Liability.**

No Change.

## **17-4 ADMINISTRATION.**

### **17-4.1 Establishment of Development Permit. through 17-4.2 Designation of the Local Administrator.**

No Change.

### **17-4.3 Duties and Responsibilities of the Local Administrator.**

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

a. *Permit Review.*

1. through 4. No Change.

5. Review plans for walls to be used to enclose space below the ~~greater of the advisory base flood elevation or the base flood level~~ in accordance with subsection 17-6.3b.4.

b. *Use of Other Base Flood and Floodway Data.* When base flood elevation, ~~advisory base flood elevation and/or~~ and floodway data has not been provided in accordance with subsection 17-3.2, Basis for Establishing the Areas of Special Flood Hazard, the Construction Official shall obtain, review, and reasonably utilize any ~~advisory base flood elevation~~, base flood elevation and floodway data available from a Federal, State or other source, in order to administer subsection 17-6.2. Specific Standards, paragraph a., Residential Construction, and paragraph b., Nonresidential Construction.

c. *Information to Be Obtained and Maintained.*

1. Obtain and record an Elevation Certificate indicating 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 floodproofed structures:
  - (a) Verify and record an Elevation Certificate indicating the actual elevation (in relation to mean sea level); and
  - (b) Maintain the floodproofing certifications required in subsection 17-4.1d.
3. In coastal high hazard areas, certification shall be obtained from a registered professional engineer or architect that the provisions of subsection 17-6.3 paragraph b.1. and b.2. are met.
4. Maintain for public inspection all records pertaining to the provisions of this chapter.

d. *Alteration of Watercourses.* through e. *Interpretation of FIRM Boundaries.*

No Change.

## **17-5 VARIANCE PROCEDURE.**

### **17-5.1 Appeal Board.**

a. The ~~Construction Board of Appeals~~ Zoning Board of Adjustments as established by the Borough of Rumson shall hear and decide appeals and requests for variances from the requirements of this chapter.

b. The ~~Construction Board of Appeals~~ Zoning Board of Adjustments shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Construction Official in the enforcement or administration of this chapter.

c. Those aggrieved by the decision of the ~~Construction Board of Appeals~~ Zoning Board of Adjustments, or any taxpayer, may appeal such decision to the Superior Court of New Jersey, as provided in N.J. Court Rules, 1982, R4:69.

d. In passing upon such applications, the ~~Construction Board of Appeals~~ Zoning Board of Adjustments, shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter, and:

1. through 11. No Change.

e. Upon consideration of the factors of subsection 17-5.1d. and the purposes of this chapter, the ~~Construction Board of Appeals~~ Zoning Board of Adjustments may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.

f. No Change.

### **17-5.2 Conditions for Variances.**

a. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half (1/2) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood elevation level, ~~or advisory base flood level~~, providing items (1.-11.) in subsection 17-5.1d. have been fully considered. As the lot size increases beyond the one-half (1/2) acre, the technical justification required for issuing the variance increases.

b. through e. No Change.

f. 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 ~~or advisory base flood elevation~~ and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

## **17-6 PROVISIONS FOR FLOOD HAZARD REDUCTION.**

### **17-6.1 General Standards.**

In all areas of special flood hazards the following standards are required:

a. *Anchoring.* through c. *Utilities.* No Change.

d. *Subdivision Proposals.*

1. through 3. No Change.

4. ~~Advisory base flood elevation and base~~ Base flood elevation data shall be provided for all subdivision proposals and other proposed development located in a special flood hazard area, which contain at least fifty (50) lots or five (5) acres (whichever is less).

e. *Enclosure Openings.* No Change.

### 17-6.2 Specific Standards.

In all areas of special flood hazards where base flood elevation data ~~or advisory base flood elevation data~~ has been provided as set forth in subsection 17-3.2, Basis for Establishing the Areas of Special Flood Hazard, or in subsection 17-4.3b., Use of Other Base Flood and Floodway Data, the following standards are required:

a. The Base Flood Elevation used to determine the lowest floor elevation of a structure shall be the greater of the base flood elevation indicated in:

1. through 3. No change.

4. A scientific and engineering report Preliminary "Flood Insurance Study, Monmouth County, New Jersey (All Jurisdictions)" dated January 14, 2014.

5. Preliminary Digital Flood Insurance Rate Map for Monmouth County, New Jersey (All Jurisdictions) as shown on Index and panel numbers 34025C0068G, 34025C0069G, 34025C0088G, 34025C0181G, 34025C0182G, 34025C0184G, 34025C0201G, 34025C0203G; whose date is January 31, 2014.

b. *Residential Construction.* 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 to or above the ~~greater of the base flood elevation or the advisory base flood elevation;~~ In those areas where the base flood elevation of the Advisory Base Flood Elevation Map dated December 12, 2012 is equal to the Preliminary DFIRM Map dated January 31, 2014, the lowest floor, including basement together with the attendant utilities and sanitary facilities, shall be elevated at least one foot above the base flood elevation; and

Within any AO zone on the Borough of Rumson's FIRM or ~~Preliminary DFIRM the Advisory Base Flood Elevation~~ Map that all new construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified in feet (at least two (2) feet if no depth number is specified). And, require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.

c. *Nonresidential Construction.* In an area of special flood hazard, all new construction and substantial improvement of any commercial, industrial or other nonresidential structure shall:

1. ~~Either have~~ Have the lowest floor, including basement, together with the attendant utilities and sanitary facilities, elevated to or above the level of the greater of the base flood elevation or the advisory base flood elevation; and. ~~In those areas where the base flood elevation of the Advisory Base Flood Elevation Map dated December 12, 2012 is equal to the Preliminary DFIRM Map dated January 31, 2014, the lowest floor, including basement together with the attendant utilities and sanitary facilities, shall be elevated at least one foot above the base flood elevation; and~~

2. Within any AO zone on the municipality's FIRM or ~~Preliminary DFIRM Map the Advisory Base Flood Elevation Data~~ that all new construction and substantial improvement of any commercial, industrial or other nonresidential structure shall ~~either~~ have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified in feet ( [at least two (2) feet if no depth number is specified] ). And, require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures;

or

1. Be floodproofed so that below ~~the greater of the base flood elevation level or the ABFE level,~~ the structure is watertight with walls substantially impermeable to the passage of water;

2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and,

3. 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. Such certification shall be provided to the official as set forth in subsection 17-4.3c.2.

d. *Manufactured Homes.*

1. Manufactured homes shall be anchored in accordance with subsection 17-4.3.a.2.

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 at or above ~~the greater of the base flood elevation or the advisory base flood elevation.~~

**17-6.3 Coastal High Hazard Area.**

Coastal high hazard areas (V or VE and Coastal A Zones) are located within the areas of special flood hazard established in subsection 17-3.2. 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.* No Change.

b. *Construction Methods.*

1. Elevation. All new construction and substantial improvements shall be elevated on piling or columns so that the bottom of the lowest horizontal structural member of the lowest floor (excluding the piling or columns) is elevated to or above ~~the greater of the base flood elevation or the ABFE base flood level,~~ 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 for in paragraph b.4 of this subsection. In those areas where the base flood elevation of the Advisory Base Flood Elevation Map dated December 12, 2012 is equal to the Preliminary DFIRM Map dated January 31, 2014, the bottom of the lowest horizontal structural member of the lowest floor shall be elevated at least one foot above the base flood elevation.

2. Structural Support. through 4. Space Below the Lowest Floor. No Change.

c. *Sand Dunes.* No Change.

**17-7 PENALTY CLAUSE. through 17-8 EFFECT.** No Change.

**SECTION 2.**

If any section, subsection, clause, or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the remaining portions of this ordinance. All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

**SECTION 3.**

This ordinance shall take effect upon final passage and publication according to law.

Introduced: March 24, 2015.

Passed and Approved:

I hereby approve of the  
Passing of this ordinance.

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John E. Ekdahl  
Mayor

Attest:

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Thomas S. Rogers  
Municipal Clerk/Administrator