

**MEETING AT MUNICIPAL BUILDING, 9508 SECOND AVENUE**  
**PRELIMINARY AGENDA FOR COUNCILMEMBERS**

**WORK SESSION**

**TUESDAY**

**March 20, 2018**

**3:00 p.m.**

**PUBLIC SAFETY**

**Court**  
**Fire Department report**  
**Police report**  
**Lifeguard Captain**  
**OEM**

**RECREATION & TOURISM**

**NATURAL RESOURCES**

**Discussion - Ordinance from Planning Board – amend Zoning Ordinance & Flood Damage Prevention Ordinance**

**Presentation –Bulkhead update – Lenore Tedesco**

**BOROUGH OF STONE HARBOR  
CAPE MAY COUNTY, NEW JERSEY**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING CHAPTER 300 AND CHAPTER 560 OF  
THE REVISED GENERAL ORDINANCES OF  
THE BOROUGH OF STONE HARBOR  
REGULATING BUILDING ELEVATION AND BUILDING HEIGHT**

WHEREAS, Chapter 300 of the Revised General Ordinances (the “Flood Damage Prevention Ordinance”) of the Borough of Stone Harbor (the “Borough”) currently establishes building elevation requirements in the Borough; and

WHEREAS, Chapter 560 of the Borough Code (the “Zoning Ordinance”) of the currently establishes the various definitions affecting building heights in the Borough; and

WHEREAS, the Stone Harbor Planning Board (the “Board”) has determined that the Zoning Ordinance and the Flood Damage Prevention Ordinance should be amended to better regulate building heights and to improve the protection of persons and property from loss due to flood waters; and

WHEREAS, the Board has recommended revisions to the Zoning Ordinance as set forth below and has determined that the implementation of those revisions is consistent with the Master Plan and will promote the general welfare of the Borough and its residents; and

WHEREAS, the Borough Council desires to adopt and implement the recommendations of the Board, as set forth below.

NOW, THEREFORE, BE IT ORDAINED, by the Borough Council of the Borough of Stone Harbor, Cape May County, New Jersey, as follows (inserted text is underlined, deleted text is ~~stricken~~):

**Section 1.** Chapter 300 of the Borough Code is amended as follows:

A. Chapter 300, Section 2.0 is amended to create a definition of “Design Flood Elevation” as follows:

Design Flood Elevation – The highest of the following elevations: (i) Base Flood Elevation plus two (2’) feet; (ii) elevation required by ASCE/SEI 24-14, Table 2-1; (iii)

the best available flood hazard data elevation; or (iv) eleven feet (11') elevation as established by North American Vertical Datum (1988).

B. Section 300-3.2 is amended to insert the following subsection:

(d) All height measurements shall utilize NAVD 1988 as the standard for measurements for compliance with all flood prevention requirements in this Chapter or any section of the code wherein height is an issue for flood compliance.

C. Section 300-4.3-4 is amended to delete "...Dam Safety and Flood Control Section..." and insert " Bureau of Flood Control...".

D. Section 300-5.2-1(b) is deleted in its entirety and replaced with the following:

New construction and substantial improvement of any residential structure shall have the lowest floor, including basement together with the attendant utilities (including all electrical, heating, ventilation, air-conditioning and other service equipment) and sanitary facilities, elevated at or above Design Flood Elevation, and shall have adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.

E. Section 300-5.2-1(c) is deleted in its entirety.

F. Section 300-5.2-2 is deleted in its entirety and replaced with the following:

#### 5.2-2 NONRESIDENTIAL CONSTRUCTION

In an Area of Special Flood Hazard, all new construction and substantial improvement of any commercial, industrial or other nonresidential structure:

- a) Shall have the lowest floor, including basement together with the attendant utilities (including all electrical, heating, ventilation, air-conditioning and other service equipment) and sanitary facilities, elevated at or above Design Flood Elevation; or
- b) Shall:
  - (i) be floodproofed so that below the Design Flood Elevation the structure is watertight with walls substantially impermeable to the passage of water;
  - (ii) have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
  - (iii) 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 section 4-3.3 b) ii.

Furthermore, all new construction and substantial improvement of any commercial, industrial or other nonresidential structure shall have adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures

G. Section 300-5.3-2(a)(i) is deleted and replaced with the following:

The bottom of the lowest horizontal structural member of the lowest floor (excluding the piling or columns) is elevated to or above Design Flood Elevation.

H. Section 300-5.3-2(a)(ii) is deleted and replaced with the following:

All electrical, heating, ventilating, air-conditioning, mechanical equipment and other equipment servicing the building is elevated to or above Design Flood Elevation

**Section 2.** The definition of Building Height set forth in Section 560-10 is amended as follows:

#### BUILDING HEIGHT

A. In all residential zones (Residential A, B, B-P and C), "building height" shall be defined as the vertical measurement from ~~base flood elevation as established by § 300-2 of the Borough Code~~ Design Flood Elevation as defined in Chapter 300 of the Borough Code to the uppermost point of a building, except as otherwise provided.

B. In all other zones, "building height" shall be defined as the vertical measurement from the curb level to the uppermost point of a building, except as otherwise provided.

**Section 3.** If any portion of this ordinance is determined to be invalid by a Court of competent jurisdiction, that determination shall have no effect upon the remainder of this Ordinance, which shall remain valid and operable.

**Section 4.** All Ordinances or parts of Ordinances inconsistent with this Ordinance, to the extent of such inconsistencies only, be and the same are hereby repealed.

**Section 5.** This Ordinance shall take effect twenty (20) days after final passage and publication as provided by law.

APPROVED:

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Judith Davies-Dunhour, Mayor

ATTEST:

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Suzanne C. Stanford, Borough Clerk