

BOROUGH OF AVALON
CAPE MAY COUNTY
NEW JERSEY

ORDINANCE No. 807-2020

SUBJECT: AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTERS 19 (FLOOD DAMAGE PREVENTION) AND 20 (BUILDING AND CONSTRUCTION) OF THE CODE OF THE BOROUGH OF AVALON

WHEREAS, various amendments to Chapters 2, 19, and 20 of the Avalon Borough Code have been recommended by the Division of Construction Code Enforcement, Bureau of Flood Damage Prevention within the Department of Administration and those recommendations have been duly considered by Borough Council in one or more work sessions; and

WHEREAS, the recommended amendments to Chapter 2, section 2-6.6 have been enacted as part of a separate ordinance, to wit Ordinance 801-2020; and

WHEREAS, Borough Council has determined that the amendments that have been proposed are in the best interest of the Borough and its residents and therefore Borough Council intends to amend the Avalon Borough Code as hereinafter provided.

NOW, THEREFORE, BE IT ORDAINED BY THE BOROUGH COUNCIL, the Governing Body of the Borough of Avalon, in the County of Cape May and State of New Jersey as follows:

CHAPTER 19 AMENDMENTS

SECTION 1: Chapter 19 (Flood Damage Prevention) of the Avalon Borough Code is hereby amended and supplemented and shall hereafter provide as follows:

§ 19-1 STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES.

§ 19-1.1 Statutory Authorization Creation of Bureau of Flood Damage Prevention; Administrator; Other Personnel.

[Ord. No. 682-2013; Ord. No. 688-2013; Ord. No. 731-2015; Ord. No. 757-2017]

a. [No change or modification]

Amend to read as follows:

b. The provisions of this chapter shall be enforced by the Bureau of Flood Damage Prevention within the Division of Construction Code Enforcement which shall be directed by the Flood Plain Administrator who shall be assisted by such additional personnel as may be authorized, including a Deputy Flood Plain Administrator, if any, and a Flood Plain Coordinator and a Community Rating System Coordinator. (CRS). These individuals shall be appointed in accordance with the procedures established in Chapter 2 Section 2-6.6 of this Code and each shall perform those duties, obligations and responsibilities set forth in that section and as otherwise imposed by law, including the rules and regulations of the Federal Emergency Management Agency (FEMA) and the National Flood Insurance Program (NFIP). (ORD 807-2020)

NEW SECTION TO BE ADDED TO SECTION 19-1.1:

c. An applicant for a building or construction permit shall first make application for a Zoning Permit and, if required, for a Floodplain Development Permit by filing the required applications with the Flood Plain Coordinator and the Zoning Officer, respectively, in the Borough Construction Office in accordance with the procedures specified in Chapter 20 of this Code.

CHAPTER 20 AMENDMENTS

SECTION 2: Chapter 20 (Building and Construction) of the Avalon Borough Code is hereby amended and supplemented and shall hereafter provide as follows:

NEW SECTION TO BE ADDED TO CHAPTER 20 AS FOLLOWS:

20-1.7 This section previously identified as “RESERVED” shall hereafter provide as follows:

20-1.7 PRIOR APPROVALS REQUIRED FOR ISSUANCE OF CONSTRUCTION PERMIT.

Before a Construction Permit is issued certain prior approvals are required as indicated herein.

Zoning Permit.

a. A zoning permit shall be required by the Construction Official before any building permit is issued for the erection, construction or alteration of any building, structure or portion thereof. Application for zoning permits shall be made to the Zoning Officer by the owner of the premises or such owner’s authorized agent.

Such application shall

- be in writing and on forms specified by the Borough
- The application shall be filed in duplicate and shall include a complete duplicate set of plans drawn to scale, showing the proposed structure or alteration and all existing structures on the lot, their relation to each other and to bounding streets and the use or intended use of all buildings and land.

All lots shall be surveyed and marked out on the ground prior to the erection or construction of any building. *(Source and cross reference: § 27-8.2)*

- 1.** Whenever it shall appear that a Site Plan is required in accordance with the New Jersey Municipal Law Use Law (MLUL), N.J.S.A. 40:55D-1 *et seq.* or if it should appear that the application violates the Borough’s Land Use Laws, the application for a zoning permit shall be denied and if the applicant is unable or unwilling to submit revised plans that conform to the Borough’s Land Use Laws, the applicant shall be referred to the Avalon Planning / Zoning Board (APZB) for such action as the APZB may determine to be appropriate in accordance with the procedures of such APZB.
- 2.** The roof pitch plan must be to scale and submitted with the appropriate calculations at the time a zoning permit application is made.
- 3.** At specific intervals during the construction of all new single-family and duplex dwellings and the renovation/alteration of said dwellings when the building height or building footprint will be increased, a site survey shall be provided to the Zoning Official for review and approval as follows:
 - (a)** Upon completion of the foundation, a survey indicating the elevation to the top of the block, top of the freeboard and finished grade in relation to mean sea level. In addition, all setbacks from property lines shall be indicated.

- (b) Upon completion of the roof framing and shingling, a survey of the elevation to the highest peak of the roof from the top of the block, top of the freeboard and finished grade in relation to mean sea level. In addition, all setbacks from property line shall be indicated. This shall include the height and location of any accessory structures on the lot.
 - (c) Upon application for the final certificate of occupancy, a survey showing the elevation to the highest roof peak from the top of the block, top of the freeboard and finished grade in relation to mean sea level. In addition, the height and location of all structures on the lot, both in size and setbacks from the property lines shall be indicated.
 - (d) If a Flood Plain Development Permit was issued in connection with the project, a certification will be issued by the Flood Plain Administrator after submission of the final Elevation Certificate, and such site inspection as may be required. Such Certification based on the Elevation Certificate must be issued before a final Certificate of Occupancy is issued by the Construction Official.
4. The Zoning Official shall not accept any plans that are not accompanied by a complete zoning permit application nor shall any zoning permit application be accepted unless accompanied by a complete set of plans as required by this section.
 5. A zoning permit shall be granted or denied within ten (10) working days of the date when such application is deemed complete. A zoning permit shall be forwarded to the Construction Official and to the owner of the property or his authorized agent.
 6. Once a zoning permit shall have been issued, should the Construction Official determine that the construction plans require revision, the revised construction plans, when resubmitted to the Construction Official shall again be submitted to the Zoning Officer and if the revised plans conform to the Borough's Land Use Ordinances, the Zoning Permit shall be revised to reference that the zoning permit is based on the revised plans. If the Zoning Officer is required to review revised construction plans three (3) or more times after having issued a Zoning Permit or if an applicant is required to submit revised zoning permit application on three (3) or more occasions, a new zoning permit application fee shall be required commencing with the third review and this shall be deemed a new zoning permit application.

Flood Plain Development Permit

b. Every application for a Zoning Permit that involves new construction, the raising or elevation of a house or other principal structure and any additions or alterations that change the footprint of the principal structure shall also be accompanied by a separate application for a Flood Plain Development Permit. Such an application shall be filed on forms provided by the Borough simultaneously with the Zoning Officer / Flood Plain Coordinator. The application shall follow the same process as that involved in the processing and issuing of a Zoning Permit to the extent applicable.

1. The review process shall be as follows:

 - i. The zoning permit application shall be reviewed first and issued or denied within 10 working days of when the zoning permit application is deemed complete.
 - ii. The Flood Plain Development Application shall be reviewed upon the issuance of a Zoning Permit and the Flood Plain Development Permit shall then be issued or denied within 21 business days of the issuance of the zoning permit. If the zoning permit is denied, for whatever reason, such denial will work as an automatic denial of the Flood Plain Development Permit.
2. There shall be no fee for the Flood Plain Development Permit. The Zoning application fee shall encompass the Flood Plain Development Permit subject to the provisions of Section 20-1.7 a 6 hereof.
3. When a Flood Plain Development Permit has been issued, the certification procedure set forth in Section 3 (d) hereof shall be applicable.

SECTION 3. REPEALER. All Ordinances or parts of Ordinances which are in conflict or inconsistent herewith are hereby repealed to the extent of such inconsistency or conflict only.

SECTION 4. SEVERABILITY. If any section, paragraph, subdivision, subsection, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, subsection, clause or provision declared invalid and the remainder of this Ordinance shall remain in full force and effect and shall be enforceable.

SECTION 5: EFFECTIVE DATE: This Ordinance shall take effect immediately upon final adoption and publication as required by law.

NOTICE OF PENDING ORDINANCE

The Ordinance published herewith was introduced and passed on first reading of the Municipal Council of the Borough of Avalon on June 24, 2020. It will be further considered for second reading, public hearing and final adoption at a meeting of said Council to be held on the 8th day of July, 2020 at 4:15 p.m. and during the week prior to and up to and including the date of such meeting, copies of said Ordinance will be made available at the Clerk's Office to the members of the general public who shall request the same.

C. DANIELLE NOLLETT
Borough Clerk