

1 **BOROUGH OF AVALON**

2 Cape May County, New Jersey

3
4 **ORDINANCE No. 848-2022**

5
6 **AN ORDINANCE AMENDING CHAPTER 27 (ZONING) SECTION 27-7.4 (ENCLOSED**
7 **GARAGES AND OTHER STRUCTURES PERTAINING TO FLOOR AREA RATION [FAR] AND**
8 **AMENDING ORDINANCE 834-2022**
9

10
11
12 **WHEREAS**, Ordinance 829, 2021 was adopted on November 15, 2021 following
13 referral to and recommendation of the Avalon Planning and Zoning Board and
14 thereafter substantially revised and readopted as Ordinance No 834-2022 which
15 was adopted on March 9, 2022; and

16
17 **WHEREAS**, Ordinance 834-2022 was not reviewed by the Avalon Planning and
18 Zoning Board since, in the opinion of the Board Solicitor, it did not substantively
19 change the provisions of Ordinance No. 829-2021 but merely clarified provisions
20 contained in the prior ordinance (829-2021) and established administrative and
21 procedural steps; and

22
23 **WHEREAS**, Ordinance No. 834-2022 requires further amendment to conform
24 with the provisions of Chapter 19 (Flood Damage Prevention) which chapter is
25 being substantially revised to conform with Federal Emergency Management
26 Agency (FEMA) guidance and to adopt a model ordinance mandated by the New
27 Jersey Department of Environmental Protection;

28
29 **NOW, THEREFORE, BE IT ORDAINED BY THE BOROUGH COUNCIL, the Governing**
30 **Body of the Borough of Avalon, in the County of Cape May and State of New**
31 **Jersey as follows:**

32
33
34 **SECTION 1.** Chapter 27 of the Code of the Borough of Avalon, Section 27-
35 **7, is amended, in part, and as amended shall hereafter read as follows:**

36
37 **27-7.4 Requirements for Enclosed Garages and Other Structures Pertaining**
38 **To Floor Area Ration (FAR) Calculation.**
39

40 a. [no change or modification]

41
42 b. [no change or modification]

43
44 c. [no change or modification]

45
46 1. [no change to first paragraph]

47
48 **ADD NEW PARAGRAPH TO SUBSECTION 1 AS FOLLOWS:**

49
50 In addition to the NCA and Deed Restriction, owner(s) shall also be
51 required to complete and file with the Borough Construction Office,
52 all other documents that are required by Chapter 19 (Flood Damage
53 Prevention) of the Borough Code.

54
55 2. [no change or modification]

56
57 3. [no change or modification]

58
59 4. [no change or modification]

60
61 **ADD NEW SECTION AS FOLLOWS:**

62
63 5. Whenever there is a conflict or inconsistency between this Chapter
64 (27 Zoning) and Chapter 19 (Flood Damage Prevention) pertaining
65 to any flood related issue or issues, the provisions of Chapter 19
66 shall govern and control

67
68
69 **SECTION 2. REFERRAL; NOTICE TO ADJOINING MUNICIPALITIES**
70 **AND COUNTY PLANNING BOARD; REQUIREMENT FOR FILING**
71 **ADOPTED ORDINANCE.**

72
73 A. This Ordinance shall be subject to review and recommendation by
74 the Avalon Planning and Zoning Board in accordance with N.J.S.A.
75 40:55D-26. The Cape May County Planning Board and adjoining
76 municipalities shall be provided notice of this proposed ordinance in
77 accordance with N.J.S.A. 40: 27-6.10 and N.J.S.A. 40:55D-15a.

78
79 B. Upon adoption, this Ordinance shall not become effective until a
80 certified copy of same is filed with the Cape May County Planning
81 Board in accordance with N.J.S.A. 40:55D-16
82
83

84 **SECTION 3. REPEALER.** All Ordinances or parts of Ordinances which
85 are in conflict or inconsistent herewith are hereby repealed to the extent of
86 such inconsistency or conflict only.
87
88

89 **SECTION 4 SEVERABILITY.** If any section, paragraph,
90 subdivision, subsection, clause or provision of this Ordinance shall be
91 adjudged invalid, such adjudication shall apply only to the section,
92 paragraph, subdivision, subsection, clause, or provision declared invalid
93 and the remainder of this Ordinance shall remain in full force and effect and
94 shall be enforceable.
95

96 **SECTION 5: EFFECTIVE DATE:** This Ordinance shall take effect
97 immediately upon final adoption and publication as required by law and, in
98 accordance with Section 2 hereof.
99
100
101

102 [Date and Signatures]
103

104 Legislative History:

105 Discussion: Work session July 13, 2022

106 Introduction / First Reading: July 13, 2022

107 Referral to APZB: Tentative Review August 9, 2022

108 Second Reading / Public Hearing August 10, 2022

109 Tentative adoption: August 10, 2022.
110