

**AN ORDINANCE AMENDING AND SUPPLEMENTING VARIOUS SECTIONS OF CHAPTER 225, LAND DEVELOPMENT OF THE BOROUGH CODE**

**WHEREAS**, Chapter 225, Land Development, of the Borough Code governs zoning and land use issues in the Borough of Spring Lake; and

**WHEREAS**, the Borough Zoning Review Officer, Engineer and the Administration have recommended that properties affected by the flooding of Wreck Pond and otherwise in the designated flood zones be permitted to elevate their houses above normal limits; and

**WHEREAS**, the Mayor and Council, have determined that it is in the best interests of the health, safety and welfare of the residents of the Borough to provide those residents with such relief; and

**WHEREAS**, the following sections of Chapter 225 are amended and supplemented with deletions reflected in ~~striketrough~~ and additions reflected in **bold underline**;

**NOW, THEREFORE, BE IT ORDAINED**, by the Borough Council of the Borough of Spring Lake in the County of Monmouth and State of New Jersey as follows:

**Section 1.**

1. Article II, Definitions and Descriptions, Section 225-7, "Definitions," of the Land Development Code, is hereby amended to provide as follows:

BUILDING HEIGHT – The vertical distance to the highest point of the roof. The vertical distance shall be measured from the ~~mean elevation of the top of curb (or proposed top of curb where none exists)~~ **existing curb height** along the street line **at the midpoint of the lot frontage (proposed curb height shall be used for new construction)** for principal buildings and from the average existing grade at the perimeter of a building for accessory buildings. In the case of a corner lot, building height shall be measured from the ~~mean elevation of the top of curb~~ **height** along the street line upon which the building fronts.

**Notwithstanding the above, the height requirements below shall apply to structures located within the AE Flood Zone as shown on the most current FEMA – Flood Insurance Rate Map (FIRM). The properties with a valid Letter of Map Revision (LOMR) or Letter of Map Amendment (LOMA) will be treated as though they are not within the AE Flood Zone:**

- 1. Existing principal dwellings in the AE Zone can be raised so that the finished floor elevation (FFE) is a maximum of four (4) feet above the base flood elevation as determined by the FIRM provided that the resulting building height, as defined above, does not exceed 40 feet.**

2. New dwellings constructed in the AE Zone shall be permitted to have the finished floor a maximum of four (4) feet above the base flood elevation as determined by the FIRM provided that the highest point of the roof is no more than 32 feet above the finished floor elevation (FFE).
3. Stairs and landings required to be extended as a result of an existing dwelling being raised shall be permitted to extend into any required setback a distance minimally necessary to adhere to the access requirements of the Uniform Construction Code.

2. Article IV, District Regulations, Section 225-12 "Area and Yard Requirements: of the Land Development code is hereby amended to provide as follows:

**§ 225-12D. Area and yard requirements.**

Notes:

**(6) For properties located in the AE Flood Zone as shown on the most current FEMA – Flood Insurance Rate Map (FIRM), the Maximum "Building Height" shall be as defined in Section 225-7. Definitions.**

INTRODUCED: November 3, 2011

ADOPTED: November 21, 2011

APPROVED:   
JENNIFER NAUGHTON, Mayor

Attest:

  
JANE L. GILLESPIE, Borough Clerk