

CITY OF VINELAND

ORDINANCE NO. 2016-_____

ORDINANCE AMENDING CHAPTER 425
ARTICLE VII SECTION 425-71 OF THE CODE OF THE
CITY OF VINELAND ENTITLED FLOOD DAMAGE
PREVENTION

WHEREAS, THE Legislature of the State of New Jersey has adopted, N.J.S.A. 40:48 – 1 et seq., which delegates the responsibility to local government officials to adopt regulations designed to promote the public health, safety, and general welfare of its citizens.; and

WHEREAS, the flood hazard areas of the City of Vineland are subject to periodic inundation which could result in the loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare; and

WHEREAS, the New Jersey Department of Environmental Protection And Federal Emergency Management Agency have determined there is a need to reconsider standards for the construction and development as it reflects the base flood elevation requirements, including the Flood Insurance Rate Map; and

WHEREAS, the City Council of the City of Vineland determines it to be in the best interest of the health, safety and welfare of its citizens to amend Chapter 425 Article VII Section 425-71 to reflect the appropriate floodplain Management Regulations and Construction Requirements for Development within areas that are determined to be flood prone and flood hazardous.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Vineland that. Chapter 425 Article VII Section 425-71 be deleted in its entirety and replaced as follows:

Chapter 425. Land Use

Article VII. Design Standards

§425-71. Flood damage prevention.

- A. Statutory authorization, findings of fact, purpose and objectives.
- (1) Statutory authorization. The Legislature of the State of New Jersey has in N.J.S.A. 40:48-1, et seq., delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the City Council of the City of Vineland, Cumberland County, New Jersey does ordain as follows:
 - (2) Findings of fact.
 - (a) The flood hazard areas of the City of Vineland are subject to periodic inundation, which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
 - (b) These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazard, which increase flood heights and velocities, and when inadequately anchored, cause damage in other areas. Uses that are inadequately floodproofed, elevated, or otherwise protected from flood damage also contribute to the flood loss.

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- (3) Statement of purpose. It is the purpose of this section (§425-71) to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:
 - (a) Protect human life and health;
 - (b) Minimize the expenditure of public money for costly flood control projects;
 - (c) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
 - (d) Minimize prolonged business interruptions;
 - (e) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, and bridges located in areas of special flood hazard;
 - (f) Help maintain a stable tax base by providing for the second use and development of areas of special flood hazard so as to minimize future flood blight areas;
 - (g) Ensure that potential buyers are notified that property is in an area of special flood hazard; and
 - (h) Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.
- (4) Methods of reducing flood losses. In order to accomplish its purposes, this ordinance includes methods and provisions for:
 - (a) Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
 - (b) Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
 - (c) Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
 - (d) Controlling filling, grading, dredging, and other development, which may increase flood damage; and,
 - (e) Preventing or regulating the construction of flood barriers, which will unnaturally divert flood waters or which may increase flood hazards in other areas.

B. Definitions.

Unless specifically defined below, words or phrases used in this section (§425-71) shall be interpreted so as to give them the meaning they have in common usage and to give this section its most reasonable application.

AO ZONE — Areas subject to inundation by 1-percent annual chance shallow flooding (usually sheet flow on sloping terrain), where average depths are between one (1) and three (3) feet.

AH ZONE — Areas subject to inundation by 1-percent annual chance shallow flooding (usually areas of ponding), where average depths are between one (1) and three (3) feet. Base Flood Elevations (BFE's) derived from detailed hydraulic analyses are shown in this zone

APPEAL — A request for a review of the **City Engineer's** interpretation of any provision of this section (§425-71) or a request for a variance.

AREA OF SHALLOW FLOODING — A designated AO or AH Zone on a community's Digital Flood Insurance Rate Map (DFIRM) with a 1-percent annual or greater chance of flooding to an average depth of one (1) to three (3) feet, where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

AREA OF SPECIAL FLOOD HAZARD — Land in the floodplain within a community subject to a 1-percent or greater chance of flooding in any given year. It is shown on the Flood Insurance Rate Maps (FIRM) as Zone A, AO, A1-A30, AE, A99, or AH.

BASE FLOOD — A flood having a 1-percent chance of being equaled or exceeded in any given year.

BASE FLOOD ELEVATION (BFE) — The flood elevation shown on a published Flood Insurance Study (FIS), including the Flood Insurance Rate Map (FIRM). For Zones AE, AH, AO, and A1-30, the elevation represents the water surface elevation resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year.

BASEMENT — Any area of the building having its floor subgrade (below ground level) on all sides.

BREAKAWAY WALL — A wall that is not part of the structural support of the building and is intended, through its design and construction, to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or supporting foundation system.

CUMULATIVE SUBSTANTIAL IMPROVEMENT — Any reconstruction, rehabilitation, addition, or other improvement of a structure that equals or exceeds 50-percent of the market value of the structure at the time of the improvement or repair when counted cumulatively for ten (10) years.

DEVELOPMENT — Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials located within the area of special flood hazard.

DIGITAL FLOOD INSURANCE RATE MAP (DFIRM) — The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

ELEVATED BUILDING — A non-basement building (1) built, in the case of a building in an area of special flood hazard, to have the top of the elevated floor elevated above the base flood elevation plus freeboard by means of pilings, columns (posts and piers), or shear walls parallel to the flow of the water, and (2) adequately anchored so as not to impair the structural integrity of the building during a flood up to the magnitude of the base flood. In an area of special flood hazard, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters.

EROSION — The process of the gradual wearing away of land masses.

EXISTING MANUFACTURED HOME PARK — A manufactured home park, as defined in §425-100, for which the construction of facilities for servicing the spaces on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

FLOOD OR FLOODING — A general and temporary condition of partial or complete inundation of normally dry land areas from:

- a) The overflow of inland or tidal waters and/or
- b) The unusual and rapid accumulation or runoff of surface waters from any source.

FLOOD INSURANCE RATE MAP (FIRM) — The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY (FIS) — The official report in which the Federal Insurance Administration has provided flood profiles, as well as the Flood Insurance Rate Map(s) and the water surface elevations of the base flood.

FLOODPLAIN MANAGEMENT REGULATIONS — Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance or erosion control ordinance) and other applications of police power. The term describes such State or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

FLOODPROOFING — Any combination of structural and nonstructural additions, changes, or adjustments to structures, which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

FLOODWAY — The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without accumulatively increasing the water surface elevation more than 0.2 foot.

FREEBOARD — A factor of safety usually expressed in feet above a flood level for purposes of flood plain management. “Freeboard” tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.

HIGHEST ADJACENT GRADE — The highest natural elevation of the ground surface prior to construction next to the proposed or existing walls of a structure.

HISTORIC STRUCTURE — Any structure that is:

- a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- c) Individually listed on a State inventory of historic places in States with historic preservation programs, which have been approved by the Secretary of the Interior; or
- d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

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- (1) By an approved State program, as determined by the Secretary of the Interior; or
- (2) Directly by the Secretary of the Interior in States without approved programs.

LOWEST FLOOR — The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, useable solely for the parking of vehicles, building access or storage, in an area other than a basement, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of other applicable non-elevation design requirements of 44 CFR Section 60.3.

MANUFACTURED HOME — A structure, transportable in one (1) or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

MANUFACTURED HOME PARK — A parcel (or contiguous parcels) of land divided into two (2) or more manufactured home spaces for rent.

NEW CONSTRUCTION — Structures for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community, and includes any subsequent improvements to such structures.

NEW MANUFACTURED HOME PARK — A manufactured home park, as defined in §425-100, for which the construction of facilities for servicing the spaces on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the floodplain management regulations adopted by the community.

RECREATIONAL VEHICLE — A vehicle that is (1) built on a single chassis; (2) 400 square feet or less when measured at the longest horizontal projections; (3) designed to be self-propelled or permanently towable by a light duty truck; and (4) designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use.

START OF CONSTRUCTION — Includes substantial improvements and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of a slab or footings, the installation of pilings, the construction of columns, or any work beyond the stage of excavation, or the placement of a manufactured home on a foundation.

Permanent construction does not include land preparation, such as clearing, grading and filling, nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings or piers, or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

STRUCTURE — A walled and roofed building, a manufactured home, or a gas or liquid storage tank that is principally above ground.

SUBSTANTIAL DAMAGE — Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50-percent of the market value of the structure before the damage occurred. Substantial damage also means flood-related damages sustained by a structure on two (2) or more separate occasions during a 10-year period, for which the cost of repairs at

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the time of each such flood event, on the average, equals or exceeds 25-percent of the market value of the structure before the damages occurred.

SUBSTANTIAL IMPROVEMENT — Any reconstruction, rehabilitation, addition, or other improvement of a structure during a 10-year period, the cost of which equals or exceeds 50-percent of the market value of the structure before the "start of construction" of the improvement. Substantial improvement also means "cumulative substantial improvement." This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed, or "repetitive loss". The term does not, however, include either:

- a) Any project for improvement of a structure to correct existing violations of State or local health, sanitary or safety code specifications, which have been identified by the local code enforcement officer and which are the minimum necessary to assure safe living conditions; or
- b) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

VARIANCE — A grant of relief from the requirements of this section (§425-71) that permits construction in a manner that would otherwise be prohibited by this section.

VIOLATION — The failure of a structure or other development to be fully compliant with this section (§425-71). A new or substantially improved structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR §60.3(b)(5), (c)(4), (c)(10), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

C. General provisions.

- (1) Lands to which this section (§425-71) applies. This section shall apply to all areas of special flood hazard within the jurisdiction of the City of Vineland, Cumberland County, New Jersey.
- (2) Basis for establishing the areas of special flood hazard. The areas of special flood hazard for the City of Vineland, Community No. 340176, are identified and defined on the following documents prepared by the Federal Emergency Management Agency:
 - (a) A scientific and engineering report entitled, "Flood Insurance Study, Cumberland County, New Jersey (All Jurisdictions)", dated June 16, 2016.
 - (b) "Flood Insurance Rate Map for Cumberland County, New Jersey (All Jurisdictions)" as shown on Map Index and Panels 34011C0054E, 34011C0058E, 34011C0062E, 34011C0064E, 34011C0066E, 34011C0067E, 34011C0068E, 34011C0069E, 34011C0088E, 34011C0089E, 34011C0177E, 34011C0179E, 34011C0183E, 34011C0185E, 34011C0191E, 34011C0192E, 34011C0194E, 34011C0201E, 34011C0202E, 34011C0203E, 34011C0204E, 34011C0206E, 34011C0208E, 34011C0209E, 34011C0211E, 34011C0212E, 34011C0213E, 34011C0214E, 34011C0216E and 34011C0218E, whose effective date is June 16, 2016.

The above documents are hereby adopted and declared to be a part of this section (§425-71). The Flood Insurance Study, maps and advisory documents are on file at 640 East Wood Street, Vineland, New Jersey.

- (3) Penalties for noncompliance. No structure or land shall hereafter be constructed, re-located to, extended, converted, or altered without full compliance with the terms of this section (§425-71) and other applicable regulations. Violation of the provisions of this section by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this section or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$500.00, or

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be imprisoned for not more than 6 months, or both, for each violation, and in addition shall pay all costs and expenses involved in the case. Any day that a violation is permitted to exist shall constitute a separate offense. Nothing herein contained shall prevent the City of Vineland from taking such other lawful action as is necessary to prevent or remedy any violation.

- (4) Abrogation and greater restrictions. This section (§425-71) is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this section and other ordinances, easements, covenants, or deed restrictions conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
- (5) Interpretation. In the interpretation and application of this section (§425-71), all provisions shall be:
 - (a) Considered as minimum requirements;
 - (b) Liberally construed in favor of the governing body; and,
 - (c) Deemed neither to limit nor repeal any other powers granted under State statutes.
- (6) Warning and disclaimer of liability. The degree of flood protection required by this section (§425-71) is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This section does not imply that land outside the area of special flood hazard or uses permitted within such areas will be free from flooding or flood damages.

This section shall not create liability on the part of the City of Vineland, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this section or any administrative decision lawfully made thereunder.

D. Administration.

- (1) Establishment of development permit. A development permit shall be obtained before construction or development begins, including placement of manufactured homes, within any area of special flood hazard established in sub-section C(2) above. **An approved development permit shall be a pre-requisite to the issuance of any construction permits by the Construction Official within any area of special flood hazard.** Application for a development permit shall be made on forms furnished by the **City Engineer** and may include, but not be limited to; plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area-in-question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:
 - (a) Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures;
 - (b) Elevation in relation to mean sea level to which any structure has been floodproofed;
 - (c) Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in sub-section E(2)(b) below; and,
 - (d) Description of the extent to which any watercourse will be altered or relocated as a result of the proposed development.

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- (2) Designation of the local administrator. The **City Engineer** is hereby appointed to administer and implement this section (§425-71) by granting or denying development permit applications in accordance with its provisions.
- (3) Duties and responsibilities of the administrator. Duties of the **City Engineer** shall include, but not be limited to:
 - (a) Permit review.
 - i. Review all development permits to determine that the permit requirements of this section (§425-71) have been satisfied.
 - ii. Review all development permits to determine that all necessary permits have been obtained from those Federal, State or local governmental agencies from which prior approval is required.
 - iii. Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of sub-section E(3)(a) below are met.
 - iv. Review plans for walls to be used to enclose space below the base flood level. **For this, the City Engineer shall consult with and accept the professional opinion of the Construction Official on matters that are normally regulated by the Construction Official.**
 - (b) Use of other base flood and floodway data. When base flood elevation and floodway data has not been provided in accordance with sub-section C(2) above, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD, the **City Engineer** shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, in order to administer sub-sections E(2)(a) below, SPECIFIC STANDARDS, RESIDENTIAL CONSTRUCTION, and E(2)(b) below, SPECIFIC STANDARDS, NONRESIDENTIAL CONSTRUCTION.
 - (c) Information to be obtained and maintained.
 - i. Obtain and record 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.
 - ii. For all new or substantially improved floodproofed structures:
 - verify and record the actual elevation (in relation to mean sea level) and
 - maintain the floodproofing certifications required in sub-section D(1)(c) above.
 - iii. Maintain for public inspection all records pertaining to the provisions of this section (§425-71).
 - (d) Alteration of watercourses.
 - i. Notify adjacent communities and the New Jersey Department of Environmental Protection, Dam Safety and Flood Control Section and the Land Use Regulation Program prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.

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- ii. Require that maintenance is provided within the altered or relocated portion of said watercourse so the flood carrying capacity is not diminished.

(e) Substantial damage review

- i. After an event resulting in building damages, assess the damage to structures due to flood and non-flood causes, **with the assistance of the construction Official.**
 - ii. Record and maintain the flood and non-flood damage of substantial damage structures and provide a letter of Substantial Damage Determination to the owner and the New Jersey Department of Environmental Protection, Dam Safety and Flood Control Section.
 - iii. Ensure substantial improvements meet the requirements of sub-sections E(2)(a) below, SPECIFIC STANDARDS, RESIDENTIAL CONSTRUCTION, and E(2)(b) below, SPECIFIC STANDARDS, NONRESIDENTIAL CONSTRUCTION.
- (f) Interpretation of firm boundaries. Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in sub-section D(4) below.

(4) Variance procedure.

(a) Appeal board.

- i. The Planning Board or Zoning Board of Adjustment, as established by City Council, shall hear and decide appeals and requests for variances from the requirements of this section (§425-71). Jurisdiction shall be determined as with other land use appeals and variances.
- ii. The Planning Board or Zoning Board of Adjustment shall hear and decide appeals when it is alleged that there is an error in any requirement, decision, or determination made by the **City Engineer** in the enforcement or administration of this section (§425-71).
- iii. Those aggrieved by the decision of the Zoning Board of Appeals, or any taxpayer, may appeal such decision to the Superior Court of New Jersey, as provided in R.4:69-1 et seq.
- iv. In passing upon such applications, the Planning Board or Zoning Board of Adjustment shall consider all technical evaluations, all relevant factors, and standards specified in other sections of this ordinance, and:
 - the danger that materials may be swept onto other lands to the injury of others;
 - the danger to life and property due to flooding or erosion damage;

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- the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - the importance of the services provided by the proposed facility to the community;
 - the necessity to the facility of a waterfront location, where applicable;
 - the availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 - the compatibility of the proposed use with existing and anticipated development;
 - the relationship of the proposed use to the comprehensive plan and floodplain management program of that area;
 - the safety of access to the property in times of flood for ordinary and emergency vehicles;
 - the expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,
 - the costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities, such as sewer, gas, electrical, and water systems, and streets and bridges.
- v. Upon consideration of the factors of sub-section D(4)(a)(iv) above and the purposes of this section (§425-71), the Planning Board or Zoning Board of Adjustment may attach such conditions to the granting of variances as it deems necessary to further the purposes of this section.
- vi. The **City Engineer** shall maintain the records of all appeal actions, including technical information, and report any variances to the Federal Insurance Administration upon request.

(b) Conditions for variances.

- i. Generally, variances may be issued for new construction and substantial improvements, to be erected on a lot of one-half acre or less in size, contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing all the items in sub-section D(4)(a)(iv) above have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
- ii. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and that the variance is the minimum necessary to preserve the historic character and design of the structure.
- iii. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

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- iv. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- v. Variances shall only be issued upon:
 - A showing of good and sufficient cause;
 - A determination that failure to grant the variance would result in exceptional hardship to the applicant; and,
 - A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense; create nuisances; cause fraud on or victimization of the public, as identified in subsection D(4)(a)(iv) above; or conflict with existing local laws or ordinances.
- vi. 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 and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

E. Provisions for flood hazard reduction.

(1) General standards. In all areas of special flood hazard, compliance with the applicable requirements of the Uniform Construction Code (N.J.A.C. 5:23) and the following standards, whichever is more restrictive, is required:

(a) Anchoring.

- i. All new construction to be placed or substantially improved and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
- ii. All manufactured homes to be placed or substantially improved shall be anchored to resist flotation, collapse or lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.

(b) Construction materials and methods.

- i. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- ii. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

(c) Utilities.

- i. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- ii. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters;

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- iii. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding; and
- iv. For all new construction and substantial improvements, the electrical, heating, ventilation, plumbing and air-conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(d) Subdivision and new development proposals.

- i. All subdivision and other new development proposals shall be consistent with the need to minimize flood damage;
- ii. All subdivision and other new development proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
- iii. All subdivision and other new development proposals shall have adequate drainage provided to reduce exposure to flood damage; and,
- iv. Base flood elevation data shall be provided for all major subdivisions, as defined in §425-64, and other new development proposals, which contain one (1) acre or more.

(e) Enclosure openings. All new construction and substantial improvements having fully enclosed areas below the lowest floor, which are usable solely for parking of vehicles, building access or storage, in an area other than a basement, and which are subject to flooding, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria: A minimum of two (2) openings in at least two (2) exterior walls of each enclosed area, having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding, shall be provided. The bottom of all openings shall be no higher than one (1) foot above grade. Openings may be equipped with screens, louvers, or other covering or devices, provided that they permit the automatic entry and exit of floodwaters.

(2) Specific standards. In all areas of special flood hazard where base flood elevation data have been provided as set forth in sub-section C(2) above, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD, or in sub-section D(3)(b) above, USE OF OTHER BASE FLOOD DATA, the following standards are required:

(a) Residential construction.

- i. New construction and substantial improvements of any residential structure located in an A or AE Zone shall have the lowest floor, including basement together with the attendant utilities and sanitary facilities, elevated at or above the base flood elevation plus two (2) feet, or as required by ASCE/SEI 24-14, Table 2-1, whichever is more restrictive;

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- ii. New construction and substantial improvements of any residential structure located in an AO or AH Zone shall have the lowest floor, including basement together with the attendant utilities and sanitary facilities, elevated above the depth number specified in feet plus two (2) feet, above the highest adjacent grade, or at least three (3) feet above the highest adjacent grade if no depth number is specified, and adequate drainage paths around structures on slopes shall be required to guide floodwaters around and away from proposed structures.

(b) Nonresidential construction.

- i. In an area of special flood hazard, all new construction and substantial improvements of any commercial, industrial or other nonresidential structure located in an A or AE Zone shall **either** have the lowest floor, including basement together with the attendant utilities and sanitary facilities, elevated to or above the base flood elevation plus two (2) feet, or as required by ASCE/SEI 24-14, Table 2-1, whichever is more restrictive; **or** be floodproofed so that below the base flood elevation plus two (2) feet, or as required by ASCE/SEI 24-14, Table 6-1, whichever is more restrictive, the structure is watertight with walls substantially impermeable to the passage of water; has structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and, 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 **City Engineer** as set forth in section D(3)(c)(ii) above.
- ii. In an area of special flood hazard, all new construction and substantial improvements of any commercial, industrial or other nonresidential structure located in an AO or AH zone shall **either** have the lowest floor, including basement together with the attendant utilities and sanitary facilities, elevated above the depth number specified in feet plus two (2) feet, above the highest adjacent grade or at least three (3) feet above the highest adjacent grade if no depth number is specified, and adequate drainage paths around structures on slopes shall also be required to guide floodwaters around and away from proposed structures; **or** be floodproofed so that below the highest adjacent grade plus two (2) feet, the structure is watertight with walls substantially impermeable to the passage of water; has structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and, 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 **City Engineer** as set forth in section D(3)(c)(ii) above.

(c) Manufactured homes.

- i. Manufactured homes shall be anchored in accordance with subsection E(1)(a)(ii) above).
- ii. All manufactured homes to be placed or substantially improved within an area of special flood hazard shall:

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- Be consistent with the need to minimize flood damage,
- Be constructed to minimize flood damage,
- Have adequate drainage provided to reduce exposure to flood damage; and,
- Be elevated on a permanent foundation such that the top of the lowest floor is at or above the base flood elevation plus two (2) feet, or as required by ASCE/SEI 24-14, Table 2-1, whichever is more restrictive.

(3) Floodways. Located within areas of special flood hazard established in sub-section C(2) above, are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

- (a) Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless a technical evaluation demonstrates that encroachment shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- (b) If sub-section E(3)(a) above is satisfied, all new construction and substantial improvements must comply with sub-section E, PROVISIONS FOR FLOOD HAZARD REDUCTION.
- (c) In all areas of special flood hazard in which base flood elevation data has been provided and no floodway has been designated, the accumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than two-tenths (0.2) of a foot at any point.

F. Severability. If any section, sub-section, paragraph, sentence, clause, or phrase of this Ordinance shall be declared invalid for any reason whatsoever, such a decision shall not affect the remaining portions of the section (§425-71), which shall remain in full force and effect, and for this purpose the provisions of this section are hereby declared to be severable.

G. Enactment

- (1) Adoption. This Ordinance shall be effective on June 16, 2016 and shall remain in force until modified, amended or rescinded by the City Council of the City of Vineland, Cumberland County, New Jersey.

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BE IT FURTHER ORDAINED that should any portion of this Ordinance be deemed unenforceable by a court of competent jurisdiction, that portion so determined to be unenforceable, shall be void and the balance hereof shall remain in full force and effect.

This Ordinance shall take effect upon adoption and publication according to law.

Passed first reading:

Passed final reading:

President of Council

Approved by the Mayor:

Mayor

ATTEST:

City Clerk

RESOLUTION NO. 6163
RESOLUTION OF FINDINGS AND CONCLUSIONS AND
DECISION OF THE VINELAND PLANNING BOARD

WHEREAS, the Federal Emergency Management Agency (FEMA) has developed new Flood Insurance Rate Maps (FIRM); and

WHEREAS, the new Flood Insurance Rate Maps (FIRM) will become effective June 16, 2016; and

WHEREAS, the Federal Emergency Management Agency (FEMA) and the New Jersey Department of Environmental Protection (NJDEP) have directed the City to adopt a new Flood Hazard Ordinance prior to said date; and

WHEREAS, the Planning Board has considered the report submitted by the Zoning Committee and the sworn testimony provided by Kathleen Hicks, Supervising Planner, and Brian Myers, City Engineer.


NOW, THEREFORE, BE IT RESOLVED, by the Planning Board of the City of Vineland, that it is recommended that City Council repeal and replace existing §425-71 with the proposed amendment, which is attached and incorporated herein by reference.

The foregoing is a true copy of the Resolution of decision adopted by the Planning Board of the City of Vineland at a meeting held on May 11, 2016 as reflected in the recorded minutes of said meeting.

ADOPTED DATE: 5-11-16


YASMIN RICKETTS, Secretary

PLANNING BOARD OF THE
CITY OF VINELAND


DAVID MANDERS, Chairperson

ROLL CALL VOTE

VOTING IN FAVOR

DAVID MANDERS
MICHAEL PANTALIONE
MARIA PEREZ
GARY STANKER
STEPHEN PLEVINS
JOHN CASADIA
RYAN HEADLEY
Sandy Velez

ABSTAINING

ABSENT

CHRISTINE SCARPA

Angela Calakos

OPPOSED

NONE