

**ORDINANCE NO. 2016-06**

**AN ORDINANCE AMENDING CHAPTER 12 ENTITLED “BUILDING AND HOUSING” AND CHAPTER 13 ENTITLED “ZONING” OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF HARVEY CEDARS, 1975, AS IT PERTAINS TO LAND ELEVATION, BUILDING HEIGHTS AND THE MINIMUM HEIGHT OF BULKHEADS**

**BE IT ORDAINED BY THE BOARD OF THE COMMISSIONERS OF THE BOROUGH OF HARVEY CEDARS** as follows:

Section 1. The fifth paragraph of Section 12-8.11 entitled “Lot Elevation Below Borough Street Profile – Building Permits” located in Chapter 12 of the Revised General Ordinances, is hereby amended and supplemented as follows:

No building permit shall be issued for new construction on any land west of Long Beach Boulevard when the elevation of such land is below the elevation of the street or streets which border said land. Before any permit for construction shall be issued, all land below the improved municipal street or streets which border said land must be filled with clean fill to an elevation of twenty inches (20”) above the street or streets affected. If any land referred to herein does not front on an improved municipal street, then the reference point for lot elevation purposes shall be taken from the nearest municipal improved street to said land as determined by the municipal engineer. All applications for a building permit shall include a plot plan showing the existing and proposed grades in conformance with this paragraph. The use of retaining walls and drainage swales will be permitted in order to contain the fill and provide proper drainage.

Section 2. New Section 12-8.12 entitled “Bulkheads” is hereby supplemented to Chapter 12 of the Revised General Ordinances as follows:

**12-8.12 Bulkheads.**

- a. Permit required. Before any work of the type described in this section may begin, a bulkhead permit must be obtained. Plans and specifications showing compliance with the bulkhead design standards shall be provided. Work in progress shall be subject to inspection by the Code Enforcement Officer to assure compliance.
- b. All new bulkheads shall be constructed in accordance with all applicable Borough and State statutes and amendments. The top of all bayside and lagoon bulkheads shall have a minimum elevation of five feet (5’) Mean Sea Level NAVD 1988.

Section 3. Section 13-3 entitled “Definitions” located in Chapter 13 of the Revised General Ordinances is hereby amended and supplemented for the paragraph entitled “Building Height” as follows:

*Building Height* shall mean the difference in elevation from the crown of the established road, street, or easement grade at the center of the front yard to the highest point of the building or structure. Eastward of Long Beach Blvd., the established grade shall be the higher elevation of either the existing street or easement, or the established street profile. The height of properties fronting the eastward side of Long Beach Blvd. shall be based on the closest east/west easement or street on the eastward side of Long Beach Blvd. See Section 12-8.11. Westward of Long Beach Blvd., for lots that have been filled 20 inches (20”) above the centerline street grade, the building height shall be increased by one foot (1’). See Section 13-7.2 for Height Limits.

Section 4. If any provision, section, subsection, or paragraph of this Ordinance shall be declared unconstitutional, invalid, or inoperative, in whole or in part, by a Court of competent jurisdiction, such provision, section, subsection, or paragraph shall, to the extent that it is not unconstitutional, invalid or inoperative, remain in full force and effect, and no such determination shall be deemed to invalidate the remaining provisions, subsections, or paragraphs of this Ordinance.

Section 5. This Ordinance shall take effect after final adoption and publication in accordance with law.

MOTION TO ADOPT: Commissioner Garofalo

SECOND: Commissioner Gerkens

ROLL CALL:

AYES: Gerkens, Garofalo


NAYS: Absent - Oldham  
none

ADOPTED ON: June 3, 2016

EFFECTIVE DATE: June 23, 2016

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Jonathan Oldham, Mayor

  
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Judith Gerkens, Commissioner

  
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Michael Garofalo, Commissioner