

**ORDINANCE NO. 2019-05**

**AN ORDINANCE AMENDING CHAPTER 12 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF HARVEY CEDARS, 1975, ENTITLED “BUILDING AND HOUSING” AS IT PERTAINS TO LOT FILL**

**WHEREAS** the Board of Commissioners of the Borough of Harvey Cedars is obligated from time to time to review and update existing ordinances that are inconsistent, ambiguous and/or outdated; and

**WHEREAS** it is the intent of the Board of Commissioners to minimize public and private losses due to flood conditions by regulating elevation of lots.

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

Section 1. Section 12-8.11 entitled “Lot Elevation”, Paragraph A entitled “Land East of Long Beach Boulevard”, first paragraph, is amended and supplemented to read as follows:

Lot Elevation. No building permit shall be issued for new construction and for additions or substantial alterations to existing structures unless the land complies with the lot elevations as set forth herein.

Section 2. Section 12-8.11 entitled “Lot Elevation”, Paragraph A entitled “Land East of Long Beach Boulevard”, first sentence only, is amended and supplemented as follows:

Any land eastward of Long Beach Boulevard must be filled with clean fill to a minimum elevation of eight (8) inches for fill, or twelve (12) inches to the top of the slab above the higher of the following:

1. the established Borough Street Profile as defined herein.
2. the crown of the road or easement bordering said land.

Section 3. Section 12-8.11 entitled “Lot Elevation”, Paragraph B entitled “Land West of Long Beach Boulevard” is amended and supplemented as follows:

Any land westward of Long Beach Boulevard must be filled with clean fill to a minimum elevation of twenty (20) inches for fill, or twenty-four (24) inches to the top of the slab above the crown of the road fronting said land.

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 higher of the following:

1. The crown of the road of the nearest municipal improved street to said land as determined by the municipal engineer.
2. The highest point of the easement fronting 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 4. Section 12-8.11 entitled “Lot Elevation”, new Paragraph F entitled “Exceptions” is hereby supplemented as follows:

- F. Exceptions. The following exceptions shall apply for lot fill when:
1. Dwellings are being raised in place for the purpose of repairing structural supports for the dwelling and being returned to the original elevation.
  2. Dwellings below base flood being raised to an elevation no higher than the required FEMA flood elevations plus one (1) foot, dwelling remaining unchanged, no additional alterations permitted. See section 13-8.4 “Exceptions to Houses Being Raised”.

Section 5. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

Section 6. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions.

Section 7. This Ordinance shall take effect upon final adoption after publication in accordance with law.

### NOTICE

NOTICE is hereby given that the foregoing Ordinance was duly introduced and passed on the first reading at a regular meeting of the Board of Commissioners of the Borough of Harvey Cedars held on **March 22, 2019**. Further notice is given that said Ordinance shall be considered for final passage and adoption at a regular meeting of said Board of Commissioners to be held on **April 16, 2019** at 4:30pm at the Borough Hall, 7606 Long Beach Blvd., Harvey Cedars, NJ, at which time and place any person desiring to be heard will be given an opportunity to be so heard.

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Daina Dale, Municipal Clerk