BOROUGH OF SEASIDE PARK
ORDINANCE 2026-23

AN ORDINANCE OF THE BOROUGH OF SEASIDE PARK, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING CHAPTER 200 OF THE BOROUGH CODE OF THE BOROUGH OF SEASIDE PARK ENTITLED, "DEVELOPMENT REGULATIONS" TO REDUCE THE FREEBOARD ALLOWED ABOVE BASE FLOOD ELEVATION

BE IT ORDAINED by the governing body of the Borough of Seaside Park, in the County of Ocean, State of New Jersey, as follows:

SECTION 1. §200-67 of Chapter 200 of the Borough Code of the Borough of Seaside Park, entitled "Residential Zone" shall hereby be amended and supplemented so as to reduce the permitted amount of additional freeboard in the Residential Zone from two feet to one foot in §200-67E(7)(d), and which subsection shall read as follows:

§200-67E(7)(d)

(d) If the effective Flood Insurance Rate Map (FIRM) elevation or Preliminary Flood Insurance Rate Map (FIRM) elevation, plus one foot of additional free board, is greater than three feet above the top of the curbline along the front of the lot, the following height requirements will govern:

Maximum building height (feet)

[1] Height is the vertical distance to the highest point of the building measured from the effective FIRM flood elevation or Preliminary Flood Insurance Rate Map (FIRM) elevation, plus one foot of free board. The flood elevation utilized shall be the greater of the effective FIRM flood elevation or the preliminary FIRM elevation.

[2] The maximum height of a building shall be calculated using the following formula: Lot area (square feet) multiplied by 0.0032 plus 16= maximum building height.

[3] Properties greater than or equal to 5,000 square feet: building height restricted to 32 feet.

[4] For development applications qualifying for "Legacy status" pursuant to NJDEP Resilient Environments and Landscapes (REAL) Rule, height is the vertical distance to the highest point of the building measured from the effective FIRM flood elevation or Preliminary Flood Insurance Rate Map (FIRM) elevation, plus two feet of freeboard. The flood elevation utilized shall be the greater of the effective FIRM flood elevation or the preliminary FIRM elevation.

SECTION 2. §200-46 Chapter 200 of the Borough Code of the Borough of Seaside Park, entitled "Nonconforming uses, structures or lots." shall hereby be amended and supplemented so as to reduce the permitted amount of additional freeboard for the elevation of nonconforming structures from two feet to one foot in §200-46G(3)(a), and which subsection shall read as follows:

§200-46G(3)(a)

(3) Elevation of nonconforming structure.

(a) Any principal structure legally existing at the time of the enactment of this subsection but which structure violates any setback requirement, or if the lot on which a structure is situated is undersized or has one or more dimensions that do not comply with this chapter, the owner may apply for and be issued a building permit to elevate the structure to comply with either the effective Flood Insurance Rate Map (FIRM) base flood elevations (BFEs), dated September 29, 2006, set forth in §200-42F or the base flood elevations set forth on the Preliminary Flood Insurance Rate Map for the Borough of Seaside Park, prepared by the Federal Emergency Management Agency, dated January 30, 2015, set forth in §200-42F, plus one foot of freeboard, provided the following provisions are met:

[1] All requirements for a proper building permit, other than those exempted in this section, are met;

[2] The structure shall not be elevated any more than the minimum required to meet Subsection G(3) above;

[3] The total square footage of habitable space provided by the elevated structure is not increased;

[4] The elevated structure shall conform to the minimum construction standards for the lot's FIRM zone as set forth in §200-42, Flood damage prevention. Alternatively, the structure may conform to the minimum construction standards recommended for the lot's preliminary FIRM zone as set forth in §200-42.

SECTION 3. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be 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 hereof.

SECTION 4. This ordinance shall take effect upon its passage and publication and filing with the Ocean County Planning Board, and as otherwise provided for by law. However, subsequent to first reading, this ordinance must be referred to the Borough Planning Board for review, which shall be based on whether the proposal is substantially consistent with the Master Plan. The Planning Board has a period of thirty-five (35) days after referral to report on the proposed ordinance.

Mayor John A. Peterson, Jr.
Approved this 1st day of June 2026

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed by the Borough Council on first reading at a meeting of the Borough Council of the Borough of Seaside Park held on the 21st day of May 2026, and will be considered for second reading and final passage at a regular meeting of the Borough Council to be held on the 18th day of June, 2026 at 7:00 p.m., in Council Chambers located at Sixth & Central Avenues, Seaside Park, New Jersey, at which time and place any persons desiring to be heard upon the same will be given the opportunity to be so heard.

JENNA JANKOWSKI, RMC, CMR, QPA
Borough Clerk, Borough of Seaside Park