

## Chapter 700



### Critical Areas

## **701 BEACH AND DUNE PROTECTION**

### **A. Purpose**

As a seaside resort, Wildwood's economic health is inextricably tied to the Beach and Ocean. Recognizing the special nature and economic opportunities presented by these elements, the Beach (B) Zone was created to allow for unique and imaginative development and uses while protecting and preserving these precious environmental resources. Any development or activity is subject to the regulations found in section 414(B) as well as regulations of this chapter.

### **B. Use Restrictions**

1. The development within this Zone is subject to the requirements of the New Jersey Division of Coastal Resources: Coastal Permit Program Rules<sup>1</sup>; otherwise approved by the New Jersey Department of Environmental Protection through the Coastal Areas Facilities Review Act (CAFRA) program through the issuance of a CAFRA permit, and to the conditions set forth herein.
2. It shall be unlawful for any person or persons to remove, cart away or redistribute, by any mechanical means, any sand from the beach dune area without obtaining the requisite NJDEP permit for said activities. The alteration of dunes would increase the risk of coastal flood hazards and potential harm to people and property. Any alteration of dunes is prohibited.
3. It shall be unlawful for any person or persons to remove any snow fence or beach vegetation, which exists in the beach dune area.
4. It shall be unlawful to trespass on any dunes, natural or man-made, except as paths are designated and marked for public use and enjoyment.
5. The beach dune area and any other natural protective barriers now existing or heretofore created are necessary and proper for the good government, order, and protection of persons and property and for the preservation of the public health, safety and welfare of Wildwood and its inhabitants. All existing natural and

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<sup>1</sup> N.J.A.C. 7:7-1 et. seq.

man-made dunes shall be preserved, and, where suitable, enhanced, restored, and created. This is an appropriate and necessary exercise of the police power that the beach dune area and other protective barriers remain intact in order to provide protection deemed essential. The areas for which protection is deemed essential include, but are not limited to, the embankment and emplacement of sand in and along the sand dune line.

C. Sand Dune Protection

It shall be unlawful for any person, either on foot or on some form of conveyance, to:

1. Disturb or destroy dunes, dune grasses, or other forms of vegetation planted for the enhancement of dunes.
2. Come within any area enclosed by sand fencing.
3. Remove any sand, sand fencing, dune grasses or other dune vegetation from the beaches or dunes.
4. Traverse the area of the dunes unless on duly designated paths or when officially engaged in dune maintenance.
5. Each and every violation hereof shall be deemed a new and separate offense.

D. Sand Dune Maintenance and Creation

1. Dunes may be created where they do not exist or restored where damaged through the use of sand/snow fencing, which shall be planted with American Beachgrass, *Ammonophila breviliqulata* (Cape variety) to increase plant cover and stabilize the dunes. Newly planted dunes shall be fertilized. Protective sand/snow fencing shall be placed around newly created or restored dunes.
2. Limited pathways, trails, and walkovers through and over dunes may be provided where necessary to provide access for the public to the beach and ocean waters. Protective sand/snow fencing shall be placed along such pathways to protect the dunes from pedestrian traffic.

3. The removal, cutting, burning, or destruction of natural vegetation, sand fences, or other types of dune protection measures is prohibited, except for the maintenance and construction of dunes as authorized by this Ordinance.
4. No person shall be in or on a dune unless on an approved pathway or in the performance of such activities as may reasonably be necessary and required to construct, maintain, or monitor the dune.

E. Variances and Appeals

This section is not applicable to buildings and structures constructed prior to adoption of this Ordinance, but such structures may not be expanded unless a variance permitting such expansion is secured from the Zoning Board of Adjustment and the granting of such variance is reviewed and approved by the City Commission. In reviewing the determination of the Board of Adjustment, the City Commission shall follow the procedures set forth in N.J.S.A. 40:55D-17 for appeals to the City Commission by interested parties. If no interested party appeals the determination of the Board of Adjustment to the City Commission within the statutory time period, the applicant for the variance shall file a notice seeking review of the Board of Adjustment determination within 20 days of the date of publication of the Board of Adjustment decision, and the proceedings established by N.J.S.A. 40:55D-17 for appeals to the City Commission shall thereafter be followed.

F. Revocation of Beach Privileges for Violations

The City reserves the right to revoke any beach privileges granted under this article for any violations of its provisions, or other rules and regulations. The City may retake or impound any beach structures, or revoke any other permit, which has been improperly used or obtained. Such revocation shall not preclude the imposition of any other penalties provided for such a violation.

G. Violations and Penalties

Any person violating any of the provisions of this section or any of the rules & regulations adopted hereunder shall, upon conviction, be liable for the penalty as enumerated in the City of Wildwood Ordinances, together with repair or restoration of any damaged property. Each day that a violation continues shall be deemed a separate violation.

## **702    BIRD STRIKE PREVENTION**

- A. All high-rise vertical development shall institute a “Lights Out” program for energy efficiency and to reduce the incidence of migratory bird strikes at these buildings. Such a program, which has been endorsed by the Audubon Society, includes reducing decorative building lighting on upper stories between 11:00 p.m. and daylight.
- B. Upon adoption of this Ordinance, all vertical development greater than 60’ from TOC, shall institute this “Light’s Out” policy. The policy shall be implemented by automatic timers on all outside decorative building lighting.
  - 1. Furthermore, individual unit owners shall be precluded from placing decorative lighting, bird attractors, flashing lights visible from outside units or balconies, and single beam light sources emanating from balconies. This prohibition shall be placed in the condominium documents/deeds and room instructions for each hotel unit. Building management shall further be instructed in this policy and be supportive of the policy.
  - 2. Building management shall investigate the use of bird deterrent and bird harassment electronic & passive devices in furtherance of effectively reducing the probability of bird strikes. Upon the discovery of significant numbers of bird strikes and deaths, mitigating measures shall be fully and immediately implemented.
- C. All collision avoidance lighting, such as those required by FAA or any other governmental agencies, is exempt from this requirement.

## **703    CRITICAL AREAS**

### **A. Basis for Establishing Critical Flood Hazard Areas**

The mapping of the critical areas within the City of Wildwood is indicated on the maps as follows:

As a coastal community, the City of Wildwood has been mapped by FEMA under its “Flood Insurance Rate Map program.” Information pertaining to Flood Elevation zones and base flood elevations can be found on Community Panel No. 0302F, Map Number 34009C0302F, and Community Panel No. 0306F, Map Number 34009C0306F; both maps having an effective date of October 5<sup>th</sup>, 2017.

Additionally, while information depicted on the Flood Insurance Rate Maps have been prepared as accurately as possible, nevertheless, it must be understood that detailed information mapped at such a large scale may not represent the actual conditions on any particular parcel of land. Therefore, the information is not intended to take the place of specific on-site engineering data presented to the Planning Board at the time applications are submitted for approval of a subdivision, site plan, construction permit, and/or any other application which considers the "critical areas" categories of information depicted on the map.

## **704    REGULATIONS FOR COASTAL FLOOD HAZARD PROTECTION**

### **A. Findings**

1. The City of Wildwood occupies part of a low-lying barrier island which is exposed constantly to the threat of coastal flooding due to hurricanes, northeasters, and storms;
2. The entire City of Wildwood has been designated by the Federal Emergency Management Agency as being exposed to a one percent (1%) or greater chance of being flooded in any given year. The oceanfront has been designated as being exposed to high velocity waves;
3. The beaches and dunes of Wildwood are located entirely within these coastal flood hazard areas and, if properly maintained and protected, in accordance with this Section, provide some natural protection from the flooding that result from storm waves; and
4. The predictable hazards of coastal flooding subject the residents, owners of businesses, and visitors of the City of Wildwood to potential loss of life, personal injury, and property damage, as well as disruption of commerce, resort activities, and governmental services, all of which adversely affect the public health, safety and welfare.

### **B. Purpose**

1. To promote and protect the public health, safety, and welfare;

2. To minimize the potential for loss of life, personal injury, and public and private property damage from coastal flooding;
3. To protect the beaches and dunes of Wildwood from inappropriate construction and indiscriminate trespass this reduces their effectiveness in limiting the risks of coastal flooding;
4. To protect the public from the economic and social disruption caused by coastal flood damage; and
5. To minimize the need for rescue relief efforts associated with coastal flooding and generally undertaken at the expense of the general public.

### C. Definitions

1. As used in this section, the following terms shall have the meanings indicated:

**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 and three feet.

**AH Zone:** Areas subject to inundation by 1-percent-annual-chance shallow flooding (usually areas of ponding) where average depths are between one and three feet. Base Flood Elevations (BFEs) derived from detailed hydraulic analyses are shown in this zone

**Appeal:** A request for a review of the Floodplain Administrator's interpretation of any provision of this ordinance 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 one percent annual or greater chance of flooding to an average depth of one to three 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 one percent or greater chance of flooding in any given year. It is shown on the FIRM as Zone V, VE, V1-30, A, AO, A1-A30, AE, A99, or AH.

**Base Flood:** A flood having a one 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. For zones VE and V1-30 the elevation represents the stillwater elevation (SWEL) plus wave effect ( $BFE = SWEL + \text{wave effect}$ ) 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.

**Coastal A Zone:** The portion of the Special Flood Hazard Area (SFHA) starting from a Velocity (V) Zone and extending up to the landward Limit of the Moderate Wave Action delineation. Where no V Zone is mapped the Coastal A Zone is the portion between the open coast and the landward Limit of the Moderate Wave Action delineation. Coastal A Zones may be subject to wave effects, velocity flows, erosion, scour, or a combination of these forces. Construction and development in Coastal A Zones is to be regulated the same as V Zones/Coastal High Hazard Areas.

**Coastal High Hazard Area:** An area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources.



**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 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 hazards and the risk premium zones applicable to the community.

**Elevated Building:** A non-basement building

- a) Built, in the case of a building in an Area of Special Flood Hazard, to have the top of the elevated floor elevated two feet above the base flood elevation; or, in the case of a building in a Coastal High-Hazard Area or Coastal A Zone, to have the bottom of the lowest horizontal structural member of the elevated floor, elevated two feet above the base flood elevation by means of piling, columns (posts and piers), or shear walls parallel to the flow of the water, and;
- b) 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 solid foundation perimeter walls with openings of a minimum of one square inch for every one square foot of enclosed space in order to facilitate the unimpeded movement of flood waters. Fill shall not be used for an elevated building. In Areas of Coastal High Hazard and Coastal A Zones "elevated buildings" also includes a building otherwise meeting the definition of "elevated building" even though the lower area is enclosed by means of open wood lattice work insect screening.

**Erosion:** The process of the gradual wearing away of land masses.

**Existing Manufactured Home Park or Subdivision:** A manufactured home park or subdivision for which the construction of facilities for servicing the lots 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 hazards 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 elevation 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 and 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.

**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 selected size flood 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 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:
  - (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.

**Limit of Moderate Wave Action (LiMWA):** Inland limit of the area affected by waves greater than 1.5 feet during the Base Flood. Base Flood conditions between the V Zone and the

LiMWA will be similar to, but less severe than those in the V Zone.

**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 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 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 or Manufactured Home Subdivision:** A parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

**New Construction:** Structures for which the start of construction commenced on or after the effective date of a floodplain regulation adopted by a community and includes any subsequent improvements to such structures.

**New Manufactured Home Park or Subdivision:** A manufactured home park or subdivision for which the construction of facilities for servicing the lots 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 municipality.

**Preliminary Flood Insurance Rate Map (FIRM):** The draft version of the FIRM released for public comment before finalization and adoption.

**Primary Frontal Dune:** A continuous or nearly continuous mound or ridge of sand with relatively steep seaward and landward slopes immediately landward and adjacent to the beach and subject to erosion and overtopping from high tides

and waves from coastal storms. The inland limit of the primary frontal dune occurs at the point where there is a distinct change from the relatively steep slope to a relatively mild slope.

**Recreational Vehicle:** A vehicle which is [i] built on a single chassis; [ii] 400 square feet or less when measured at the longest horizontal projections; [iii] designed to be self-propelled or permanently towable by a light duty truck; and [iv] designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

**Sand Dunes:** Naturally occurring or man-made accumulations of sand in ridges or mounds landward of the beach.

**Start of Construction:** (For other than new construction or substantial improvements under the Coastal Barrier Resources Act (P.L. No. 97-348)) 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 or more separate occasions during a 10-year period for which the cost of repairs at 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 ordinance that permits construction in a manner that would otherwise be prohibited by this ordinance.

**Violation:** The failure of a structure or other development to be fully compliant with this ordinance. 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.

D. General Provisions

1. No structure shall be located, extended, converted, or structurally altered in a special flood hazard area, and no land shall be developed, graded, filled, or built upon in a special flood hazard area without full compliance with the provisions of this section.
2. The areas of special flood hazard for the City of Wildwood, Community No. 345329, are identified and defined on the following documents prepared by the Federal Emergency Management Agency:
  - a) A scientific and engineering report "Flood Insurance Study, Cape May County, New Jersey (All Jurisdictions)" dated October 5, 2017.
  - b) "Flood Insurance Rate Map for Cape May County, New Jersey (All Jurisdictions)" as shown on Index and panel(s) 34009C0302F, 34009C0306F, whose effective date is October 5, 2017.
3. This section is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this section and another ordinance, easement, covenant or deed restriction conflict or overlap, whichever imposes the most stringent restrictions shall prevail.
4. In the interpretation and application of this Section, all provisions shall be:
  - a) Considered as a minimum requirement;
  - b) Liberally construed in favor of the governing body of the City of Wildwood; and
  - c) Deemed neither to limit nor repeal any other powers granted under State statutes.

5. The degree of coastal flood hazard protection required by this section 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 shall not create liability on the part of the City of Wildwood or by any officer or employee thereof for any flood damages that result from reliance on this section or any administrative decision lawfully made hereunder.

E. Development Permit

1. A Development Permit shall be obtained before construction or development begins, including placement of manufactured homes, within any area of special flood hazard. Application for a Development Permit shall be made on forms furnished by the Construction Official or Floodplain Administrator 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 found in section 5.2-2 of the City of Wildwood Flood Damage and Prevention Ordinance; and,
  - d) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.
2. Any development that requires site plan approval from the Planning Board shall also meet the requirements of this section.
3. The Wildwoods are situated on a Barrier Island in the state's Coastal Zone. Development in the Coastal Zone is governed by the New Jersey Department of Environmental Protection



("NJDEP") through its Coastal Zone Management ("CZM") Rules and by regulations pursuant to the Coastal Area Facilities Review Act ("CAFRA"). Where applicable, all development shall obtain a Coastal Zone permit as required under NJAC 7:7 and 7:7E-1 et. seq.

The Department has adopted the new Flood Hazard Area Control Act rules, consistent with the statutory requirements of the Flood Hazard Area Control Act to control development within floodplains in order to avoid or mitigate the detrimental effects of development upon the environment and the public safety, health and general welfare of the people of the State.

As provided at N.J.A.C. 7:13-2.1(b)5, obtaining a CAFRA or Waterfront Development Permit will satisfy the permitting requirements of the adopted new rules, without the need for a separate flood hazard area permit. This is appropriate because all of the substantive standards for development in flood hazard areas and riparian zones have been incorporated into the Coastal Zone Management rules at N.J.A.C. 7:7E. The Department believes that the adopted new rules strike an appropriate balance between the need for ongoing uses and development in flood hazard areas and the protection of the public from the increased hazards of flooding that can accompany these uses.

#### F. Designation of Officials

1. The Construction Official and Floodplain Administrator are hereby appointed to administer and implement these regulations by granting or denying permit applications in accordance with these provisions.
2. The duties of the Construction Official and Floodplain Administrator shall include, but not be limited to:
  - a) Review applications for construction permits and decide whether the requirements of this section have been met;
  - b) Review proposed development to assure that all necessary permits have been obtained from those governmental agencies from which approval is required by Federal or State law or county or municipal ordinance;

- c) Review all proposed development in the Coastal High Hazard Area or Coastal A Zone to determine if the proposed development complies with this section or would alter the beach or dunes so as to increase the potential risks of coastal flood damage;
- d) Make interpretations, where needed, as to the exact location of the boundaries of the areas of special flood hazards, 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 boundary interpretation, as provided in the Flood Damage Prevention Ordinance of the City of Wildwood.

G. Information to be Obtained and Maintained

1. 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 the structure contains a basement.
2. For all new or substantially improved floodproofed structures:
  - a) Verify and record the actual elevation, in relation to mean sea level, to which the structure was floodproofed, and;
  - b) Maintain the floodproofing certifications required by this section.
3. For all new or substantially improved structures in Coastal High Hazard Areas and Coastal A Zone Areas, obtain and record the elevation, in relation to mean sea level, of the lowest structural member of the lowest floor, excluding pilings and columns whether or not such structures contain a basement.
4. Maintain for public inspection all records pertaining to the provisions of this ordinance.

## H. Flood Resistant Materials and Construction Methods

### 1. Anchoring

All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.

### 2. Flood Resistant Materials and Methods

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

### 3. Utilities

- a) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- b) 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;
- c) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding; and
- d) 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.

### 4. Lowest Floor Elevation for Residential Construction

New construction and substantial improvements of any residential structure shall have the lowest floor, including basement, elevated to or above the base flood elevation, plus two feet.

5. Lowest Floor Elevation or Floodproofing for Nonresidential Construction

New construction and substantial improvement of any commercial, industrial, or other nonresidential structure shall either:

1. Have the lowest floor, including basement, elevated to the level of the base flood elevation, plus two feet; or
2. Together with attendant utility and sanitary facilities shall:
  - a) Be floodproofed so that below the base flood level, plus two feet, the structure is watertight with walls substantially impermeable to the passage of water;
  - b) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
  - c) Be certified by a registered professional engineer or architect that the standards of this subsection are satisfied. Such certifications shall be provided to the Construction Official and Floodplain Administrator.

6. Supplemental Construction Standards for Coastal High Hazard Areas (V-Zones) and Coastal A Zones

- a) All buildings or structures shall be located landward of the reach of the mean high tide.
- b) The placement of mobile homes is prohibited, except in an existing mobile home park or mobile home subdivision.

- c) All new construction and substantial improvements shall be elevated on pilings and columns, so that:
1. The bottom of the lowest horizontal member of the lowest floor (excluding the pilings and columns) is elevated to or above the base flood elevation, plus two feet, and
  2. The pile or column foundation and structure attached thereto is anchored to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Wind and water loading values shall each have a one percent (1%) chance of being equaled or exceeded in any given year.
  3. A registered professional engineer or architect shall develop or review the structural design, specifications and plans for the construction, and shall certify that the design and methods of construction to be used for elevating the structure are in accordance with accepted standards of practice for meeting the provisions of this subsection.
- d) All new construction and substantial improvements, as well as any alteration, repair, reconstruction, or improvement to a structure started after the enactment of this section, shall have the space below the lowest floor either free of obstruction or constructed with non-supporting breakaway walls, open wood lattice work or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation.

For the purposes of this subsection, a breakaway wall shall have a design safe loading resistance of not less than ten (10) and no more than twenty (20) pounds per square foot. Use of breakaway walls which exceed a design safe loading resistance of twenty (20) pounds per square feet may be permitted only if a registered

professional engineer certifies that the design is proposed to meet the following conditions:

1. Breakaway wall collapse shall result from a water load less than that which would occur during the base flood; and
  2. The elevated portion of the building and supporting foundation shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components, both structural and nonstructural. Maximum wind and water loading values to be used in this determination shall each have one percent (1%) chance of being equaled or exceeded in any given year.
  3. If breakaway walls are used, such enclosed space shall not be used for human habitation and may be used solely for parking of vehicles, building access or storage.
- e) The use of fill for structural support of buildings in Coastal High Hazard Areas or Coastal A Zones is prohibited.
- f) All new construction or substantial improvements adjacent to seawalls, revetments, bulkheads or other shore protection structures fronting on the Atlantic Ocean shall be set back a minimum of fifty feet (50') from the centerline of the shore protection structure, to reduce the risks of damage from wave run-up and overtopping and maintain the accessibility of the shore protection structure for future repairs and reconstruction.

I. Compatibility with Other Ordinances

The provisions of this section are based on the City of Wildwood's Flood Damage and Prevention Ordinance (Ordinance #1087-17). Where questions or conflicts arise regarding flood damage prevention regulations in the City of Wildwood, the provisions of that Ordinance shall govern. Further requirements for construction within the Special Flood Hazard Area can be found in that Ordinance.

**705    WAIVERS**

Where due to special conditions, a literal enforcement of the provisions of this Chapter will result in unnecessary hardship or be detrimental to the stated goals and objectives of the City's development policy as expressed in the Master Plan or the Land Use Board may by resolution grant such waiver from or adjustment in accordance with Section 1002.

**706    SEVERABILITY**

If the provisions of any section, subsection, paragraph, subdivision, or clause of this Ordinance shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision, or clause of this Ordinance.