

ORDINANCE NO. 9, 2025

AN ORDINANCE AMENDING ORDINANCE 8-2021, CODIFIED AS CHAPTER 155 FLOOD DAMAGE PREVENTION, TO AMEND THE FLOODPLAIN ADMINISTRATOR DESIGNATION, TO REQUIRE AN APPROVED FLOODPLAIN PERMIT PRIOR TO ISSUANCE OF A ZONING PERMIT, TO AMEND THE DEFINITION OF MARKET VALUE AND WETFLOOD PROOFING, AND TO SET FEES FOR FLOODPLAIN APPLICATIONS

WHEREAS, this ordinance amends in part Ordinance 8-2021 adopted on April 28, 2021, and

WHEREAS, after review and consideration, the intent of this ordinance is to update Ordinance 8-2021 to better reflect the community needs of the City of Linwood, and

WHEREAS, the City Administrator, Construction Official, and Floodplain Administrator recommend these amendments, and

WHEREAS, the adoption of these amendments is made under the police powers of the City of Linwood.

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Linwood, situate in the County of Atlantic, State of New Jersey, that Ordinance 8-2021 is hereby amended as follows:

Section I. Chapter 155, Article III, Section 155-13 of the Revised Code of the City of Linwood entitled "Floodplain Administrator Designation" is hereby deleted in its entirety and replaced as follows:

§ 155-13 Floodplain Administrator designation.
The city council shall designate a Floodplain Administrator by resolution. The Floodplain Administrator shall have the authority to delegate performance of certain duties to other employees.

Section II. Chapter 155, Article III, Section 155-18 of the Revised Code of the City of Linwood entitled "Other permits" is hereby deleted in its entirety and amended as follows:

§ 155-18 Other permits.
It shall be the responsibility of the Floodplain Administrator to assure that approval of a proposed development shall not be given until there is proof that necessary permits have been granted by federal or state agencies having jurisdiction over such development, including Section 404 of the Clean Water Act. In the event of conflicting permit requirements,

the Floodplain Administrator must ensure that the most restrictive floodplain management standards are reflected in permit approvals.

No zoning permit for properties in the floodplain shall be issued unless a floodplain permit is issued by the Floodplain Administrator or their designee.

Section III. Chapter 155, Article IV, Section 155-30 of the Revised Code of the City of Linwood entitled "Application for permit" is hereby deleted in its entirety and amended as follows:

§ 155-30 Application for permit.

The applicant shall file an application in writing on a form furnished by the Floodplain Administrator. Such application shall:

A. Identify and describe the development to be covered by the permit.

B. Describe the land on which the proposed development is to be conducted by legal description, street address or similar description that will readily identify and definitively locate the site.

C. Indicate the use and occupancy for which the proposed development is intended.

D. Be accompanied by a site plan and construction documents as specified in Article V of these regulations, grading and filling plans and other information deemed appropriate by the Floodplain Administrator.

E. State the valuation of the proposed work, including the valuation of ordinary maintenance and minor work.

F. Be signed by the applicant or the applicant's authorized agent.

G. A fee for the review of application and associated inspections shall be paid by the property owner or his or her agent and collected by the city in the amounts listed below:

1. Floodplain permit application for residential dwelling, residential addition, residential substantial improvement, or residential renovation: \$200.

2. Floodplain permit application for commercial dwelling, commercial addition, commercial detached garage, commercial substantial improvement, or commercial renovation: \$400.

3. Floodplain permit application for residential accessory structure or agricultural structure: \$75.

4. Floodplain permit application for commercial accessory structure: \$150.

5. Revised application review for all proposed items in #1: \$100.

6. Revised application review for all proposed items in #2: \$200.
7. Revised application review for all proposed items in #3: \$25.
8. Revised application review for all proposed items in #4: \$50.
9. Final review prior to certificate of occupancy, certificate of approval, temporary certificate of occupancy, certificate of continued occupancy, or certificate of compliance issued by Construction Official for all proposed items in #1: \$100.
10. Final review prior to certificate of occupancy, certificate of approval, temporary certificate of occupancy, certificate of continued occupancy, or certificate of compliance issued by Construction Official for all proposed items in #2: \$200.
11. Final review prior to certificate of occupancy, certificate of approval, temporary certificate of occupancy, certificate of continued occupancy, or certificate of compliance issued by Construction Official for all proposed items in #3: \$25
12. Final review prior to certificate of occupancy, certificate of approval, temporary certificate of occupancy, certificate of continued occupancy, or certificate of compliance issued by Construction Official for all proposed items in #4: \$50
7. Elevation certificate review for resale: \$50.
8. Inspection for substantial damage or substantial improvement: \$200.
9. Special Flood Hazard Area determination letter, or any letter requested to be issued by the Floodplain Administrator: \$50.

Section IV. Chapter 155, Section 155-53 of the Revised Code of the City of Linwood entitled "Definitions" is hereby deleted as to only the definitions of "MARKET VALUE" and "WET FLOODPROOFING" are replaced as follows:

MARKET VALUE

The price at which a property will change hands between a willing buyer and a willing seller, neither party being under compulsion to buy or sell and both having reasonable knowledge of relevant facts. As used in these regulations, the term refers to the market value of buildings and structures, excluding the land and other improvements on the parcel. Market value shall be determined by one of the following methods:

1) actual cash value (replacement cost depreciated for age and quality of construction), 2) tax assessment value adjusted to approximate market value by a factor provided by the tax assessor, or 3) established by a qualified independent appraiser.

WET FLOODPROOFING

Floodproofing method that relies on the use of flood-damage-resistant materials and construction techniques in areas of a structure that are below the local design flood elevation by intentionally allowing them to flood. The application of wet floodproofing as a flood protection technique under the National Flood Insurance Program (NFIP) is limited to enclosures below elevated residential and nonresidential structures, and to accessory and agricultural structures.

Section V. Chapter 155, Section 155-76 of the Revised Code of the City of Linwood entitled "Requirements for habitable buildings and structures", B. "Construction and Elevation in V Zones and Coastal A Zones" is hereby amended to delete item (6)"for new construction or substantial improvements, enclosures shall be less than 295 square feet in size.

SECTION VI: All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

SECTION VII: Should any sentence, clause, sentence, phrase or provision of this ordinance be declared unconstitutional or invalid by a Court of competent jurisdiction, such decision shall not affect the remaining portions of this ordinance.

SECTION VIII: This ordinance shall take effect upon its final passage, publication and adoption in the manner prescribed by law.

<i>FIRST READING:</i>	<i>September 10, 2025</i>
<i>PUBLICATION:</i>	<i>September 16, 2025</i>
<i>PASSAGE:</i>	<i>September 24, 2025</i>

The within Ordinance was introduced at a meeting of the Common Council of the City of Linwood, County of Atlantic and State of New Jersey held on September 10, 2025 and will be further considered for final passage after a public hearing thereon at a meeting of said Common Council on September 24, 2025.

LEIGH ANN NAPOLI, RMC, MUNICIPAL CLERK

DARREN MATIK, MAYOR