

**TOWNSHIP OF CRANFORD
CRANFORD, NEW JERSEY**

ORDINANCE NO. 2021-17

**AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF CRANFORD,
CHAPTER 255 LAND DEVELOPMENT, PERTAINING TO ELEVATION OF
BUILDINGS IN THE FLOODPLAIN OVERLAY DISTRICT**

WHEREAS, the 2009 Master Plan made an ordinance recommendation for all single-family districts to “revise ordinances to permit homes to be raised outside of the floodplain in a manner that does not require variance relief”; and

WHEREAS, the 2019 Master Plan Reexamination Report goal #18 is to “maintain participation in the National Flood Insurance Program’s Community Rating System, and identify opportunities to improve the Township’s rating class”; and

WHEREAS, the National Flood Insurance Community Rating System Coordinators Manual by FEMA (Section 531.B(5)(d)(i)) states “although elevating a building solely to meet the NFIP rules is not credited, credit is provided for bringing a noncompliant building into compliance of the project was implemented voluntarily or pursuant to a community action, such as providing financial assistance or declaring a dilapidated structure to be unsafe and uninhabitable”; and

WHEREAS, the U.S. Geological Survey maintains observational monitoring river gauge #01394500 at the Rahway River at Springfield with a flood stage of 7 feet and the observed flood level during Tropical Cyclone Irene on August 28, 2011 was 10.88 feet and the observed flood level during Hurricane Ida on September 2, 2021 was 10.81 feet; and

WHEREAS, the Township’s professional staff continually reviews existing regulations for inconsistencies and conflicts so as to improve the Township’s practice of effective land use regulation;

WHEREAS, it is in the best interest of the municipality and its residents to ease the elevation of dwellings in the floodplain to improve resilience from inundation;

NOW, THEREFORE, be it ordained by the Township Committee of the Township of Cranford, Union County, State of New Jersey, as follows:

SECTION 1.

Chapter 255, Article I. Land Development. Section 1 B is hereby amended as follows:

§ 255-1 Purposes; definitions

B. Definitions

GRADE PLANE

- (a) Areas located outside the flood hazard area: a reference plane representing the average of the finished ground level adjoining the building at all exterior walls. Finished grade shall be pre-construction grade on level sites and not in excess of two feet above the pre-construction grade on the upland side(s) of a structure on sloping sites.

- (b) Areas or portions of the building area of a lot located within the flood hazard area: The reference plane shall be the more restrictive of the base flood elevation or advisory base flood elevation of the flood hazard area plus four feet.

SECTION 2.

Chapter 255, Article IV. Development Requirements and Standards, Section 26 H. is hereby amended as follows:

Building facades facing the street.

1. Applicability.
 - a. All nonresidential buildings in the D-C, D-B, D-T, VC and NC Districts, whether newly constructed or substantially improved, shall comply with the regulations in this subsection.
 - b. The project architect will be responsible for providing sufficient drawings, calculations and general notes to specifically identify how the proposed building complies with the regulations set forth below.
 - c. The word "facade" as used in this Subsection H refers to the building wall facing the street. In most instances, this will only be the front wall. In the case of a corner building, the regulations apply to both building walls facing the street.
 - d. Dwellings in Floodplain Overlay District are only subject to provisions of Section 255-26.H.3 below.
2. Regulations.
 - a. Materials.
 - 1) To be used over at least 75% of the nonglazed portion of the building facade:
 - [a] Standard brick masonry.
 - [b] Stone (e.g., brownstone, limestone, sandstone).
 - [c] Metal.
 - 2) To be limited to less than 25% of the nonglazed portion of the building facade:
 - [a] Wood or materials designed to simulate the appearance of wood.
 - [b] Synthetic stucco systems or exterior insulation and finish systems.
 - [c] Cement stucco.
 - b. Articulation. Variation in the surface is to be achieved with a combination of some or all of the following features: bay windows, balconies, stoops and vertical and/or horizontal demarcations as stipulated below:
 - 1) Vertical demarcations.

[a] A vertical demarcation shall be required at every 25 linear feet or less of building facade.

[b] A vertical demarcation having a depth of at least four feet shall be required for every 100 linear feet of building facade.

- 2) Horizontal demarcations shall be required for any building taller than three stories. A horizontal demarcation may be achieved by such elements as a cornice line, a course of brick or stone which projects or is differently colored or differently laid, or a floor (such as the ground floor) which has a different material from the main facade.

c. Fenestration.

- 1) All windows shall be inset in the masonry opening a minimum of three inches and shall be operable (i.e., ribbon windows and extensive glazing such as curtain wall construction shall not be permitted).
- 2) The pattern or rhythm of fenestration shall be similar to that of the buildings on the balance of the same or opposite block face to the greatest extent possible.
- 3) Glazing shall represent at least 40% of the total facade area.

3. Dwellings in the Floodplain Overlay District shall comply with the regulations below:

- a. Below the first-floor level which contains a habitable room, a wall or breakaway wall shall be provided and the exterior shall be finished with one of the following materials:

[a] Standard brick masonry

[b] Stone (e.g., brownstone, limestone, sandstone)

[c] Metal

[d] Wood or materials designed to simulate the appearance of wood.

[e] Synthetic stucco systems or exterior insulation and finish systems.

[f] Cement stucco.

SECTION 3.

Chapter 255, Article V, Zoning, Section 35 D. is hereby amended as follows:

Yard regulations.

1. Required yards shall be open to the sky and unobstructed, except that parapets, windowsills, door posts, rainwater leaders and similar ornamental or structural fixtures may project up to one foot into such yards.
2. Cornices, eaves, bay windows and chimneys may project up to two feet into any minimum required front, side or rear yard as set forth in the Schedule of Zone District Area, Yard and Building Requirements, as annotated, or, in the case of an accessory structure, as provided at § 255-38.

3. Uncovered steps only may project up to five feet into a required front or rear yard. If the existing front yard setback is nonconforming, uncovered steps may be reconstructed in their existing locations and footprints, but not increased further in size or encroach further into the required front yard area.
 - a. For properties located within the Floodplain Overlay District, uncovered steps only may project up to seven feet into a required front or rear yard and may be located no closer to the front or rear property line than 15 feet.
4. Room air-conditioning equipment, ground-mounted generators, barbecues or patios may be located only within any side or rear yard, so long as the furthest extending side is not less than five feet from any property line. Outside central air-conditioning equipment may be located only in any side or rear yard, provided that the closest face of the unit is not less than five feet from the property line.
 - a. For properties located within the Floodplain Overlay District, building-mounted platforms to accommodate air conditioning equipment or generators may be placed within a side or rear yard setback, so long as the further extending side is not less than five feet from any property line and subject to the following:
 - i. Platforms shall not be placed within any area of the side yard designated as a required parking area.
 - ii. The height of the platform shall not be greater than four feet higher than the height required for the base flood elevation or advisory base flood elevation of the flood hazard area.
5. Where any lot abuts a street right-of-way which is proposed to be widened as indicated on the Master Plan or Official Map of the Township of Cranford or Master Plan of Union County or by the State of New Jersey, setbacks shall be measured from such proposed right-of-way.
6. In the R-1, R-2, R-3, R-4 and R-5 Zones, a roof with unenclosed sides over an entrance platform of a dwelling may project into the required or existing nonconforming front yard setback, provided that the roof over an entrance platform shall not extend into the required or existing nonconforming front yard setback more than five feet, nor beyond the platform and steps, nor shall the total area of the extensions in the required or existing nonconforming front yard setback exceed 25 square feet.
 - a. For properties located within the Floodplain Overlay District, a roof with unenclosed sides over an entrance platform shall not extend into the required or existing nonconforming front yard setback more than seven feet, nor beyond the platform. Nor shall the width of the extension in the required or existing nonconforming front yard setback exceed one-third of the width of the front façade wall of the dwelling. Steps accessing the entrance platform may be covered by a roof and project no further than four feet from the entrance platform in to the required or existing nonconforming front yard setback.

SECTION 4.

Chapter 255, Article V. Zoning, Section 36 G. is hereby amended as follows:

Floodplain Overlay District.

6. Floodplain District Provisions

a. General Provisions.

1. All uses, activities and developments occurring within the Floodplain District shall be undertaken only in strict compliance with the provisions of this subsection as well as Chapter 225, Flood Damage Prevention, of this Code and with all other applicable codes and ordinances, such as the Building Code and the subdivision and site plan provisions of this chapter. In addition, all such uses, activities and developments shall be undertaken only in compliance with federal or state law.
2. Under no circumstances shall any use, activity and/or development lower the capacity of the channels or floodways of any watercourse, drainage ditch or any other drainage facility or system.
3. Prior to any proposed alteration or relocation of any stream, watercourse, etc., within the municipality, a permit shall be obtained from the New Jersey Department of Environmental Protection.
4. Further, notification of the proposal by the municipality shall be given to all affected adjacent municipalities. Copies of such notification shall be forwarded to the Federal Emergency Management Agency.
5. In the Floodplain District, no development shall be permitted except where any rise in flood height caused by the proposed development will be fully offset by accompanying improvements which have been approved by all appropriate local, state and federal authorities as required above.
6. The following obstructions and activities present special hazards in floodplains: hospitals, public or private, and nursing homes, public or private. No construction, enlargement or expansion of any of the obstructions or commencement of any of the activities listed above shall be undertaken in any one-hundred-year floodplain.[3]

[3] Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

7. All new or replacement public sanitary sewer facilities shall be designed to minimize or eliminate infiltration of floodwaters into systems and discharges from the systems into the floodwaters. In addition, they should be located and constructed to minimize or eliminate flood damage and impact. All new or replacement water facilities shall be located and constructed to minimize the chance of impairment during a flood. All utilities, such as gas lines and electrical and telephone systems, being placed in the floodplain should be located, elevated (where possible) and constructed to minimize the chance of impairment during a flood. Adequate drainage shall be provided to reduce exposure to flood hazards.
8. Any structure placed in the floodplain shall be anchored firmly to prevent flotation, collapse or lateral movement. The Zoning Officer shall require the

applicant to submit the written opinion of a licensed engineer that the proposed structural design meets this criterion.

9. No part of any private sewage treatment and/or disposal system related to the treatment and renovation of sewage effluent shall be constructed within the floodplain.
10. No materials that can float, that are explosive or that are toxic to humans, animals or vegetation shall be stored in the floodplain. Any new or substantially improved structure which will be used for the production or storage of any of the following dangerous materials or any dangerous materials or substances, including but not limited to the following, on the premises shall not be permitted in the floodplain:
 - i. Acetone.
 - ii. Ammonia.
 - iii. Benzene.
 - iv. Calcium carbide.
 - v. Carbon disulfide.
 - vi. Celluloid.
 - vii. Chlorine.
 - viii. Hydrochloric acid.
 - ix. Hydrocyanic acid.
 - x. Magnesium.
 - xi. Nitric acid and oxides of nitrogen.
 - xii. Pesticides, including insecticides, fungicides and rodenticides.
 - xiii. Petroleum products (gasoline, fuel oil, etc.).
 - xiv. Phosphorus.
 - xv. Potassium.
 - xvi. Radioactive substances.
 - xvii. Sodium.
 - xviii. Sulphur and sulphur products.
- b. Permitted uses. In the Floodplain District, all uses and activities within the underlying district are permitted unless specifically prohibited by this Subsection G.
- c. Alteration of existing buildings or structures. Any building or structure within the floodplain at the time of enactment of this chapter may be altered or extended, provided that:
 1. The alteration or extension conforms to all applicable regulations of this chapter.

2. The alteration does not constitute a substantial improvement (50% or more of the structure's market value).
3. Any increase in volume or area shall not exceed an aggregate of more than 25% of such volume or area during the life of the structure.
4. For all nonresidential development applications, whenever a variance for maximum impervious coverage is granted, the property owner must mitigate the impact of the additional impervious surfaces unless the stormwater management plan for the development provides for these increases in impervious surfaces.
5. Alterations of existing buildings or structures that meet all requirements listed below shall be exempt from Section 255-36G(6)(c)(2) and Section 255-36G(6)(c)(3):
 - (a) The lowest floor of the building is reconstructed or elevated to at least one foot above the Base Flood Elevation.
 - (b) The building footprint is not increased by more than 300 sq. ft.
 - (c) Any space within the building below the Base Flood Elevation shall not be used as a habitable room, kitchen, bathroom, laundry nor mechanical room.

SECTION 5.

Chapter 255, Article V. Zoning, Section 38 F. is hereby amended as follows:

F. Decks in residential zones. In all residence zones, decks shall be permitted to encroach into the minimum rear and side yard setback only in accordance with the following requirements:

1. Decks no greater than four feet in height shall be permitted to encroach into the minimum required rear yard a maximum of 25%, but not closer than Subsection F(2) below. Height shall be measured from the average grade to the floor of the deck.
 - a. Decks located in the Floodplain Overlay District, no higher than the level of the first floor above the Base Flood Elevation, shall be permitted to encroach into the minimum required rear yard a maximum of 25% but not closer than Subsection F(2) below.
2. The minimum rear yard setback for any deck shall be 20 feet.
3. The minimum side yard setback for any deck shall be seven feet or the side yard setback otherwise allowed by this chapter, whichever is less.
4. In any flood-fringe area, the construction of a deck which otherwise conforms to all zoning requirements shall be subject to administrative approval by the Township Engineer in lieu of application to the Planning Board.

If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect.

SECTION 6. If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect.

SECTION 7. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Township of Cranford, the provisions hereof shall be determined to govern. All other parts, portions and provisions of the Revised General Ordinances of the Township of Cranford are hereby ratified and confirmed, except where inconsistent with the terms hereof.

SECTION 8. The Township Clerk is directed to give notice at least ten (10) days prior to a hearing on the adoption of this ordinance to the Union County Planning Board and to all other persons entitled thereto pursuant to N.J.S.A. 40:55D-15, and N.J.S.A. 40:55D-63 (if required).

SECTION 9. After introduction, the Township Clerk is hereby directed to submit a copy of the within Ordinance to the Planning Board of the Township of Cranford for its review in accordance with N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64.

SECTION 10. This Ordinance shall take effect immediately upon (1) adoption and publication in accordance with the laws of the State of New Jersey; (2) filing of the final form of adopted ordinance by the Clerk with (a) the Union County Planning Board pursuant to N.J.S.A. 40:55D-16, and (b) the Township Tax Assessor as required by N.J.S.A. 40:49-2.1.

Introduced: October 26, 2021

Amended: November 9, 2021

Adopted: November, 23, 2021

APPROVED:

Kathleen Miller Prunty
Mayor

ATTEST:

Patricia Donahue, RMC
Municipal Clerk

Recorded Vote	Introduced	Amended	Adopted
Kathleen Miller Prunty	Aye	Aye	Aye
Brian Andrews	Aye	Aye	Absent
Jason Gareis	Aye	Aye	Aye
Thomas H. Hannen, Jr.	Aye	Aye	Aye
Mary O'Connor	Aye	Aye	Aye