

**CITY OF BRIGANTINE  
ORDINANCE NO. 8 of 2026**

**AN ORDINANCE TO AMEND SECTIONS 198-34, “DEFINITIONS” AND SECTION 198-63 “GENERAL REGULATIONS” OF THE CITY CODE TO ENSURE COMPLIANCE WITH THE REVISED NEW JERSEY PACT/REAL REGULATIONS**

**WHEREAS**, on January 27, 2020 Governor Phil Murphy signed Executive Order No. 100, establishing the New Jersey Protecting Against Climate Threats (NJ PACT) initiative, which directed the Department of Environmental Protection (NJDEP) to reform its environmental regulations to better respond to the impacts of climate change; and

**WHEREAS**, the NJDEP through NJ PACT has adopted the Resilient Environments and Landscapes (REAL) reforms to the Flood Hazard Area Control Act rules (N.J.A.C. 7:13), Stormwater Management rules (N.J.A.C. 7:8), and Coastal Zone Management rules (N.J.A.C. 7:7); and

**WHEREAS**, these NJ PACT/REAL regulations are intended to address the impacts of climate change, including rising sea levels and increased precipitation intensity, especially on coastal communities such as Brigantine City, by updating flood elevation standards and environmental protection criteria; and

**WHEREAS**, the City finds it necessary to update its definitions of “Building Height” and “Story” and to establish a “Local Design Flood Elevation (LDFE)” definition to ensure that local building standards remain practical and resilient in light of the increased elevation requirements mandated by the NJDEP; and

**WHEREAS**, the State of New Jersey thus requires all municipalities to update their local land use and development codes to ensure consistency with the higher standards as set forth in the REAL regulations; and

**WHEREAS**, N.J.S.A. 40:55D-1 et. seq., the Municipal Land Use Law (MLUL) grants the City the power to regulate the use of land for the protection of the public health, safety, and general welfare of its residents; and

**WHEREAS**, in conjunction with the Planning Board and the City’s Planner, the City of Brigantine now wishes to modify its City Code to ensure compliance with NJ PACT/REAL;

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Brigantine in the County of Atlantic, State of New Jersey, that the City Code is amended and supplemented as follows:

**ARTICLE I.** Amendments to §198-34 (Definitions) of the City Code

Section 198-34 (Definitions) of the Code of the City of Brigantine is amended as follows:

The existing Definition of “Building Height” is amended to now read:

**BUILDING HEIGHT** - The vertical distance from the local design flood elevation as adopted by the City of Brigantine for various flood zones as measured from the local design flood elevation to the top of the highest part of the roof, regardless of the roof structural configuration. Exception: The vertical distance for projects determined to be Non-Substantial Improvements shall be measured from the elevation of the existing first habitable floor level to the highest part of the roof structure. All roof structures on the third story of any building shall have a minimum 6/12 roof slope. This means that for every six inches of vertical rise a minimum of 12 inches of horizontal run shall be provided.

The existing Definition of “Story” is amended to now read:

**STORY** – That portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above excluding any unfinished flood-resistant enclosure that is useable solely for the vehicle parking, building access, or limited storage.

A new definition for “Local Design Flood Elevation (LDFE)” is also added and shall read:

**LOCAL DESIGN FLOOD ELEVATION (LDFE)** – The elevation reflective of the most recent available flood elevation guidance FEMA has provided as depicted on but not limited to advisory flood hazard area maps, work maps, or preliminary FIS and FIRM which is also inclusive of freeboard specified by the New Jersey Flood Hazard Area Control Act and Uniform Construction Code and any additional freeboard specified in a community’s ordinance. In no circumstances shall a project’s LDFE be lower than a permit-specified flood hazard area design flood elevation or a valid NJDEP Flood Hazard Area Verification Letter plus the freeboard as required in ASCE 24 and the effective FEMA base flood elevation. At a minimum, the local design flood elevation for the top of foundation shall be as follows:

Delineated Flood Zones	Local Design Flood Elevation NAVD 1988 Datum
X	15.0 feet
AE9	15.0 feet
AE10	15.0 feet
AE11	16.0 feet

Coastal A flood zones shall be calculated as the AE zone plus two feet. (Coastal AE11 = 16’ + 2’ = LDFE elevation 18.0’) and measured to the bottom of the lowest horizontal structural member.

**ARTICLE II** Amendments to §198-63 (General Regulations) of the City Code

Section 198-63 (General Regulations) of the Code of the City of Brigantine is amended as follows:

The existing section “O” is hereby deleted in its entirety and shall now stated “removed.”

A new section “P” is hereby created, which shall read: The minimum grade of an enclosed area below local design flood elevation is 7.0 NAVD 1988. This includes but is not limited to crawl spaces, storage areas, and garages. Exception to this: garages may be lowered so the driveway does not exceed a 10% slope.

A new section “Q” is hereby created, which shall read: The total habitable area of a third floor shall not exceed 80% of the habitable area of the story immediately below. The reduced-area portion of the third floor shall be recessed a minimum of 18 inches from the exterior wall face of the story below to count as a percentage of floor reduction.

A new section “R” is hereby created, which shall read: Horizontal wall planes shall not exceed 30 feet in length without a visual offset on the second and third story. Each offset must be a minimum of 18 inches deep and 8 feet in length for the entire height of the story.

### **ARTICLE III. Repealer, Severability, and Effective Date.**

- A. Repealer. Any and all Ordinances inconsistent with the terms of this Ordinance are hereby repealed to the extent of any such inconsistencies.
- B. Severability. In the event that any clause, section, paragraph or sentence of this Ordinance is deemed to be invalid or unenforceable for any reason, then the City Council hereby declares its intent that the balance of the Ordinance not affected by said invalidity shall remain in full force and effect to the extent that it allows the City to meet the goals of the Ordinance.
- C. Effective Date. This Ordinance shall take effect upon final passage and publication as required by law; provided, however, that the standards herein shall not apply to any application for development that is submitted and determined to be technically complete by the NJDEP on or before July 20, 2026, in accordance with the six month legacy provisions dating back to passage of the administrative rule adoptions of January 20, 2026.

### **INTRODUCTION: May 6, 2026**

#### **ACTION ON INTRODUCTION:**

Motion made by: Councilman Virgilio

Motion seconded by: Deputy Mayor Bew

#### **VOTE ON INTRODUCTION:**

Deputy Mayor Bew:  Yes  No  Abstain  Not Present

Councilman Lettieri:  Yes  No  Abstain  Not Present

Councilman Haney:  Yes  No  Abstain  Not Present  
 Councilman Virgilio:  Yes  No  Abstain  Not Present  
 Councilman Kane:  Yes  No  Abstain  Not Present  
 Councilman Riordan:  Yes  No  Abstain  Not Present  
 Mayor Sera:  Yes  No  Abstain  Not Present

**ACTION ON ADOPTION** (after public hearing)

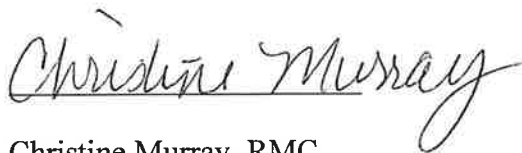
Motion made by: Councilman Kane

Motion seconded by: Deputy Mayor Bew

**VOTE ON ADOPTION:**

Deputy Mayor Bew:  Yes  No  Abstain  Not Present  
 Councilman Lettieri:  Yes  No  Abstain  Not Present  
 Councilman Haney:  Yes  No  Abstain  Not Present  
 Councilman Virgilio:  Yes  No  Abstain  Not Present  
 Councilman Kane:  Yes  No  Abstain  Not Present  
 Councilman Riordan:  Yes  No  Abstain  Not Present  
 Mayor Sera:  Yes  No  Abstain  Not Present

I certify that this ordinance was introduced at a properly advertised public meeting on May 6 of 2026, published pursuant to law and the subject of a second reading and public hearing on May 20, 2026 prior to final adoption.



Christine Murray, RMC  
City Clerk



Vincent Sera, Mayor