

ORDINANCE #09- 2016

AN ORDINANCE AMENDING CHAPTER 175, LAND USE, OF THE CODE OF THE CITY OF MARGATE CITY, COUNTY OF ATLANTIC AND STATE OF NEW JERSEY

NOW THEREFORE BE IT ORDAINED by the Commissioners of the City of Margate, County of Atlantic and State of New Jersey as follows:

SECTION 1. Margate City Code Chapter 175, Land Use, shall be amended as follows:

A. Section 175-26, Specific Design Standards shall be amended as follows:

1. Section 175-26: D Landscaping (3) shall be amended as follows:

(3) For all original construction or enlargement of detached housing, two trees shall be planted per frontage. For multifamily dwellings one tree per unit shall be planted. For duplex units, four trees shall be planted. A suggested list of tree species is detailed at the end of this chapter. Required trees shall be located only in the front of the house and shall be no closer than 25 feet to the street corners. The planting of trees in the beach block shall be prohibited within the front yard setback area.

2. Section 175-26 Specific Design Standards: E Fences or Walls (6) shall be amended as follows:

(6) A fence or wall may be constructed to a height of four feet from the grade of the curb in front of the property along all waterways for safety purposes, provided that the fence or wall is visibly transparent so as not to obstruct the view for the entire height of the fence. Visually transparent means at least 75% measurably open in elevation view, including all fences and post elements.

3. Section 175-26 Specific Design Standards: E Fences or Walls (10) shall be amended as follows:

(10) Decorative trellises may be erected to a height of eight feet, provided that the trellis width does not exceed eight feet and there are no more than two trellises per property and the trellis is no less than 80% open. The maximum total length of all decorative trellises is to be 16 lineal feet per property.

SECTION 2. Section 175-30, Supplemental Regulations shall be amended as follows:

1. Section 175-30, Supplemental Regulations: B. Yard regulations (3), shall be amended as follows:

(3) For all beachfront lots containing a bulkhead, the southerly side of the property, running generally parallel to Atlantic Avenue shall be considered a side yard, and the side yard setback shall be measured from the outside face of the bulkhead sheeting.

2. Section 175-30 Supplemental Regulations: B. Yard regulations (7), shall be amended as follows:

(7) There shall be no outdoor stairs providing access to second stories in single-family zones, except that for all bay front, canal front, lagoon front, and beach front lots, projections by stairs are permitted only on the waterside to extend to the second floor level, but not above.

SECTION 3. Section 175-33:B Accessory structures and uses shall be amended as follows:

1. Section 175-33:B (7) (f) shall be amended as follows:

The following requirements shall be complied with in all residential zones:

- (f) Garages shall be located no further forward than 26 feet from the rear lot line. The 26 foot dimension shall be measured from the rear lot line to the front wall of the garage.

2. Section 175-33:D Requirements for specific accessory structures and uses shall be amended as follows:

1. Section 175-33:D (3), Decks and Patios, shall be abandoned and the following shall replace same:

(3) Decks and patios

(a) All lots:

- i. Decks and patios 10 inches or less above existing, pre-construction grade may be located anywhere in the rear yard and side yards.
- ii. Decks and patios and stairs above 10 inches and up to 18 inches above existing, pre-construction grade shall be set back a minimum of three feet from the property line in the rear yard and side yard.

(b) All non-waterfront and non-beachfront lots:

- i. Decks and patios over 18 inches above existing, pre-construction grade must meet the required yard setbacks for principal buildings.

(c) All lots on Beach Thoroughfare, Orient Canal, Sunset Canal and Bayshore Lagoon:

- i. Decks and patios located in the rear yard are permitted at one foot and eight inches (1'-8") above base flood elevation, per FEMA FIRM map dated, May 30, 2014 or any more current update of this mapping.
- ii. Decks may extend waterward of the bulkhead with N.J.D.E.P. approval.

(d) All beach front Lots:

- i. Decks and patios located in the beach front side yard are permitted at one foot and eight inches (1'-8") above Base Flood Elevation, as shown on FEMA Preliminary Firm Maps dated May 30, 2014, or any more current update of this mapping.
- ii. Decks, patios and stairs over 18 inches above existing, pre-construction grade must meet the required rear yard setbacks for principal buildings.

(e) General Design Standards

- i. Fill is permitted, provided that storm water runoff will not be directed to adjacent properties or that the flow of storm water runoff from adjacent properties will not be impeded.
- ii. Fill will be permitted to a maximum height of the bulkhead and may be loped from the building to the bulkhead at a 1/4 inch/foot (2.08%), unless otherwise required by the New Jersey Uniform Construction Code.
- iii. All decks and patios at or below finished floor elevations shall allow penetration of water.

- iv. The following shall be permitted: decks with spacing between boards and no impervious surface below; brick pavers laid in sand or stone dust with no impervious layer below.
- v. Bituminous concrete and monolithically poured concrete patios are prohibited.

(f) Approval of new homes, major home renovations, decks in the side or rear yard and bulkheads on the Inside Thoroughfare, Orient Canal, Sunset Canal and Bayshore Lagoon. No new homes, major home renovations, decks in the side yard or rear yard or bulkheads shall be permitted without first receiving written approval from each of the following City officials: the City Engineer, Construction Code Official and Zoning Officer. If any of the officials deny the application, no permit shall be issued. Appeals from a decision may be taken in accordance with N.J.S.A. 40:55D-70a. **[Amended 12-3-2009 by Ord. No. 32-2009]**

(g) The application for the permit for new homes, major home renovations, decks and grade changes in the rear or side yard and bulkheads on the Inside Thoroughfare, Orient Canal, Sunset Canal and Bayshore Lagoon shall be accompanied by a plot plan, containing at a minimum the following information:

- [1] The lot dimensions based upon survey information.
 - [2] The location of all existing and proposed structures on the property in question.
 - [3] Existing and proposed elevations, including finished floor elevation of the building, deck elevations and bulkhead elevations.
 - [4] Locations of structures on adjacent properties within 20 feet of the common property line.
 - [5] The finished floor elevation of the existing adjacent buildings.
 - [6] Existing elevations on the adjacent bulkheads and decks and existing grades where no decks exist and existing grades beneath existing decks.
 - [7] All elevations are to be referenced to N.A.V.D. 1988.
- (h) As-built plans shall be required to be submitted to the City Engineer for review for new homes, major home renovations, decks and grade changes in the rear or side yard and bulkheads on the Inside Thoroughfare, Orient Canal, Sunset Canal and Bayshore Lagoon at the completion of construction in order to determine compliance with this section.
- (i) Fees for the permit application plot plan review and as-built review are contained in § **175-42**.
2. Section 175-33:D (5), Swimming pools/hot tubs/spas, shall be amended as follows:
- (p) For beachfront and bay front properties, no setback is required to the bulkhead.

SECTION 4: All ordinances or parts of ordinances inconsistent with any terms of this ordinance are hereby repealed to the extent of such inconsistency only.

SECTION 5: This ordinance shall take effect upon its final passage and publication as required by law.

Michael Becker, Mayor

John Amodeo, Commissioner

Maury Blumberg, Commissioner

Board of Commissioners of the City of
Margate City, New Jersey

Introduction:

Enactment: