

**ORDINANCE: #01 of 2013
CITY OF MARGATE**

**AN ORDINANCE SUPPLEMENTING AND AMENDING
CHAPTER 175 (LAND USE) OF THE MARGATE CITY CODE TO
ADDRESS BUILDING HEIGHT IN CONFORMANCE WITH
F.E.M.A.'S ADVISORY BASE FLOOD ELEVATION MAPPING**

WHEREAS, the State of New Jersey, by enacting the *Municipal Land Use Law* (N.J.S.A. 40:55d-1 et seq. ~ “*MLUL*”), permits municipalities to adopt and subsequently amend a zoning ordinance governing the nature and extent of the uses of land, buildings and structures within a municipality (N.J.S.A. 40:55d-62 ~ “Zoning Ordinance”); and

WHEREAS, N.J.S.A. 40:55D-2 provides among the purposes and intents of the *MLUL*,

- a. To encourage municipal action to guide the appropriate use or development of all lands in this State, in a manner which will promote the public health, safety, morals, and general welfare;
- b. To secure safety from fire, flood, panic and other natural and man-made disasters;
- c. To provide adequate light, air and open space;
- g. To provide sufficient space in appropriate locations for a variety of agricultural, residential, recreational, commercial and industrial uses and open space, both public and private, according to their respective environmental requirements in order to meet the needs of all New Jersey citizens;
- i. To promote a desirable visual environment through creative development techniques and good civic design and arrangement;
- j. To promote the conservation of historic sites and districts, open space, energy resources and valuable natural resources in the State and to prevent urban sprawl and degradation of the environment through improper use of land;
- m. To encourage coordination of the various public and private procedures and activities shaping land development with a view of lessening the cost of such development and to the more efficient use of land;

and

WHEREAS, the City of Margate, Atlantic County, New Jersey (“City”), first adopted a Zoning Ordinance in 1929. Such Zoning Ordinance has been amended from time to time, with the current Zoning ordinance being Chapter 175 (Land Use) of the City Code (“Chapter 175”); and

WHEREAS, in 1983, the Federal Emergency Management Agency (“F.E.M.A.”) adopted Flood Insurance Rate Maps (“F.I.R.M.”), which calculate specific flood hazards for various locations (Zones) under F.E.M.A.’s jurisdiction based on the likelihood of significant storm events. Such maps are used to determine where flood insurance is mandated under F.E.M.A.’s National Flood Insurance Program (“N.F.I.P.”), and what specific flood-protection development regulations are required by the N.F.I.P. for each such Zone; and

WHEREAS, F.I.R.M. mapping classifies Margate as a Special Flood Hazard Area (“S.F.H.A.”), and classifies various sections of the City under specific S.F.H.A. Zones. Based on these classifications, Chapter 175 establishes specific regulations regarding minimum first floor elevation above Mean Sea Level for residential living space. Related regulations specify maximum building height of structures; and

WHEREAS, prior to the October 2012 storm event (“Sandy”), F.E.M.A. was in the process of compiling the necessary data to update the F.I.R.M. maps, which were [then] scheduled to be finalized in or about mid-2013. With the occurrence of Sandy, F.E.M.A. has accelerated its updating process. The effect of such acceleration, however, is that certain information necessary to complete new F.I.R.M. mapping and generate new minimum first floor elevation requirements have not been finalized; and

WHEREAS, based on information generated by F.E.M.A. to date, including specific data collected after Sandy, F.E.M.A. has issued what it describes as “near-term Advisory Base Flood Elevation” (“A.B.F.E.”) Maps. A.B.F.E.s are intended to provide guidance to communities during the rebuilding process as well as to designers and contractors undertaking new construction until such time as the updated F.I.R.M. maps and related regulations are formally adopted. A.B.F.E.s reflect higher minimum first floor elevation requirements than established by the 1983 F.I.R.M. maps, and expand Flood Hazard Zones beyond those shown on the 1983 F.I.R.M.s. While advisory in nature, A.B.F.E. mapping and related advisory regulations are to be used by F.E.M.A. to determine flood insurance rates under the N.I.F.P.; and

WHEREAS,

1. after review of the A.B.F.E. maps for Margate and the relationship of the advisory regulations to existing Chapter 175 requirements, including the impact that A.B.F.E. will have on the ability to rebuild (and build new) after Sandy;
2. being mindful of the impacts that existing Chapter 175 regulations will have on the ability of residents and property owners to obtain flood insurance at reasonable rates; and
3. recognizing that the A.B.F.E. maps have not been finalized and that constructing / reconstructing to A.B.F.E. standards may substantially increase the costs of construction / reconstruction;

it is determined to be in the best interest of the health, safety and welfare of the community to amend Chapter 175 to retain existing B.F.E. regulations but to provide property owners with an option to construct / reconstruct to A.B.F.E. standards.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF MARGATE, that Chapter 175 of the City Code is hereby amended as follows:

1. §175-2 (Definitions) is hereby amended as follows:

ALTERATION

Any change or rearrangement in the supporting members of an existing building such as bearing walls, columns, beams, girders or interior partitions, as well as any change in doors or windows or any enlargement or diminution of a building or structure, or the raising of a structure to conform with Construction Code or Ordinance requirements. "Alteration" shall also mean and include any conversion of

a building or a part thereof from one use to another or the moving of a building or structure from one location to another. "Alteration" shall not be construed to mean any necessary repairs and renovation of an existing structure solely for the purpose of maintenance and/or improvements of the appearance.

ADVISORY BASE FLOOD ELEVATION (“A.B.F.E.”)

Base Flood Elevations prepared by the Federal Emergency Management Agency indicating the elevation of surface water resulting from a flood that has a 1 percent chance of equaling or exceeding that level in any given year, based on updated information derived in or about 2011 through 2013.

ADVISORY BASE FLOOD ELEVATION DESIGN COMMITTEE (“A.B.F.E. DESIGN COMMITTEE”)

A Committee consisting of the City’s Zoning Officer, Construction Code Official and member of the Planning Board to be chosen by the Board Chairman, with assistance from the City Engineer as required, empowered to review and approve certain design elements related to F.E.M.A. A.B.F.E. requirements.

BASE FLOOD ELEVATION (“B.F.E.”)

The elevation of surface water resulting from a flood that has a 1 percent chance of equaling or exceeding that level in any given year, published in 1983.

BASEMENT

A space partially below grade level having ½ or more of its floor-to-ceiling height above the average level of the adjoining ground and with a floor-to-ceiling height of not less than 6½ feet. A basement shall be counted as a story if used for business or residential purposes or if the ceiling of the basement is more than three feet higher than the average level of the adjoining ground.

For Base Flood / Advisory Base Flood Elevation purposes, F.E.M.A. defines “Basement” to include any part of a building where all sides of the floor are located below ground level. Even though a room may have a window and constitute living quarters, it is considered a basement if the floor is below ground level on all sides.

ENLARGEMENT

An increase in the size of an existing structure or use, including physical size of the property, building, parking and other improvements, but not including the raising of a structure to conform with Construction Code or Ordinance requirements.

ELEVATION CERTIFICATION

A certification in lieu of oath or affidavit, prepared by a New Jersey Licensed Land Surveyor, certifying that the Finish Floor Elevation meets or exceeds Ordinance requirements. In order to conform with F.E.M.A. protocols, Elevation Certifications submitted after March 1, 2013 shall be in N.A.V.D. 1988. Elevation Certifications dated prior to March 1, 2013 in N.G.V.D. 1929 shall be accompanied by a letter, survey or other appropriate certification, signed and sealed by a New Jersey Licensed Land Surveyor, containing a calculated conversion to N.A.V.D. 1988.

F.E.M.A.

The Federal Emergency Management Agency under which the National Flood Insurance Program (N.F.I.P.) is administered.

FINISH FLOOR ELEVATION

The minimum elevation at which a structure's lowest floor must be elevated or floodproofed to be in accordance with State or community Floodplain Management Regulations. For the City of Margate, Finish Floor Elevation is:

- one (1) foot above B.F.E. (N.A.V.D.1929) under Base Zoning;
- one (1) foot above A.B.F.E. (N.A.V.D.1988) under the F.E.M.A. A.B.F.E. Overlay for F.E.M.A. 'A' Zones; and
- two (2) feet above A.B.F.E. (N.A.V.D.1988) under the F.E.M.A. A.B.F.E. Overlay for F.E.M.A. 'V' Zones.

F.I.R.M.

Flood Insurance Rate Map promulgated by the Federal Emergency Management Agency.

FREEBOARD

An additional amount of height above the Base Flood / Advisory Base Flood Elevation used as a factor of safety in determining the level at which a structure's Finish Floor must be elevated or floodproofed to be in accordance with State or community floodplain management regulations.

HEIGHT OF BUILDING

The vertical distance above the Finish Floor Elevation to the level of the highest point of the roof surface.

LANDSCAPING

For the purpose of determining compliance with the minimum landscape requirements in the City's residential zone, landscaping shall be limited to vegetative cover, including grass, shrubs and trees. Areas devoted to parking and walkways, driveways and patios shall not count toward this requirement whether impervious or not. Areas under projections and cantilevers, except roof overhangs and projections permitted by §175-30C(4) and C(6), shall not count.

LOWEST FLOOR

The lowest floor of the lowest enclosed area (including a basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area, is not considered a building's lowest floor provided that such enclosure is not built so as to render the structure in violation of requirements.

LOWEST HORIZONTAL (STRUCTURAL) MEMBER

The lowest beam, joist, or other horizontal member that supports the building. Grade beams installed to support vertical foundation members where they enter the ground are not considered Lowest Horizontal Members.

NATIONAL GEODETIC VERTICAL DATUM OF 1929 (N.G.V.D. 1929)

National standard reference datum for elevations, formerly referred to as Mean Sea Level (M.S.L.). Superseded by North American Vertical Datum (N.A.V.D. 1988).

A general formula for converting N.G.V.D. 1929 to N.A.V.D. 1988 in the City of Margate is: $N.G.V.D. 1929 - 1.296' = N.A.V.D. 1988$. However, each specific section of the City has its own conversion factor based on curvature of the earth and other variables. An Elevation Certification, prepared by a New Jersey Licensed Land Surveyor, is required at time of Foundation Inspection and prior to Final Inspection in order to certify that Finish Floor Elevation meets or exceeds Ordinance requirements.

In order to conform with F.E.M.A. protocols, Surveys, Elevation Certifications and other related documentation submitted after March 1, 2013 shall be in N.A.V.D. 1988. Documentation dated prior to March 1, 2013 in N.G.V.D. 1929 shall be accompanied by a letter, survey or other appropriate certification, signed and sealed by a New Jersey Licensed Land Surveyor, containing a calculated conversion to N.A.V.D. 1988.

NORTH AMERICAN VERTICAL DATUM OF 1988 (“N.A.V.D. 1988”)

The vertical control datum established for vertical control surveying in the United States of America based upon the General Adjustment of the North American Datum of 1988. Supersedes the National Geodetic Vertical Datum (N.G.V.D. 1929).

A general formula for converting N.G.V.D. 1929 to N.A.V.D. 1988 in the City of Margate is: $N.G.V.D. 1929 - 1.296' = N.A.V.D. 1988$. However, each specific section of the City has its own conversion factor based on curvature of the earth and other variables. An Elevation Certification, prepared by a New Jersey Licensed Land Surveyor, is required at time of Foundation Inspection and prior to Final Inspection in order to certify that Finish Floor Elevation meets or exceeds Ordinance requirements.

In order to conform with F.E.M.A. protocols, Surveys, Elevation Certifications and other related documentation submitted after March 1, 2013 shall be in N.A.V.D. 1988. Documentation dated prior to March 1, 2013 in N.G.V.D. 1929 shall be accompanied by a letter, survey or other appropriate certification, signed and sealed by a New Jersey Licensed Land Surveyor, containing a calculated conversion to N.A.V.D. 1988.

ORDINANCE

Chapter 175 (Land Use) of the Margate City Code, as same may be amended from time to time.

PARTIAL DESTRUCTION

A building or structure that because of fire, flood, explosion or other calamity requires rebuilding, the value of which is less than half of the building's assessed valuation.

SURVEY

A map showing the boundary lines of the property and location of existing improvements thereon, prepared by a New Jersey Licensed Land Surveyor. In order to conform with F.E.M.A. protocols, all Surveys submitted after March 1, 2013 shall be in N.A.V.D. 1988. Surveys dated prior to March 1, 2013 in N.G.V.D. 1929 shall be accompanied by a letter or other appropriate certification, signed and sealed by a New Jersey Licensed Land Surveyor, containing a calculated conversion to N.A.V.D. 1988.

USE OF ELEVATION CERTIFICATION

See Elevation Certification.

2. New §175-10 shall be amended to establish an Advisory Base Flood Elevation Design Committee (“A.B.F.E. Design Committee”) as follows:

A. Prior to the October 2012 storm event (“Sandy”), F.E.M.A. was in the process of compiling the necessary data to update its Flood Insurance Rate Maps (“F.I.R.M.”), which were [then] scheduled to be finalized in mid-2013. With the occurrence of Sandy, F.E.M.A. has accelerated this updating process.

Based on information generated by F.E.M.A. as part of the F.I.R.M. update process, as well as specific data collected after Sandy, F.E.M.A. has issued what it terms “Advisory Base Flood Elevation Maps” (“A.B.F.E.”), which are intended to provide guidance to communities during the Sandy rebuilding process, and for non-Sandy-related new construction, until such time as the updated F.I.R.Ms. and related regulations are formally adopted.

It is anticipated that F.E.M.A. minimum construction requirements will evolve between the time the A.B.F.E.s are released and formal adoption of the updated F.I.R.Ms. and related regulations; and that any amendments to Chapter 175 designed to address Sandy-related reconstruction will require modifications as the F.E.M.A. process evolves.

B. In order to provide the construction community the necessary flexibility to react to such changes as they occur without requiring frequent Ordinance amendments and/or lengthy and costly variance relief, an Advisory Base Flood Elevation Design Committee, consisting of the City’s Zoning Officer, Construction Code Official and member of the Planning Board to be chosen by the Board Chairman, with assistance from the City Engineer as required, is herewith established.

C. For activities under the F.E.M.A. A.B.F.E. Overlay that do not otherwise require approval by the Planning Board, the A.B.F.E. Design Committee is hereby empowered, until such time as this Ordinance is amended to conform with final F.I.R.M. mapping and related regulations, to review and approve, without the need for variance relief, projections and encroachments for stairs, steps, ADA-compliant ramps and related elements providing access to the first floor pursuant to §175-30C(4) and C(6), minimum landscaping requirements pursuant to §175-26 D(1) and D(4) and minimum F.F.E.- crawl space exceptions pursuant to §175-32 E.

D. Where Planning Board approvals are otherwise required, the Board shall, as part of its process, undertake the review and approval described in subsection C. in lieu of the A.B.F.E. Design Committee.

E. Upon adoption of final F.I.R.M. mapping and related regulations, the City shall review the effectiveness of the A.B.F.E. Design Committee and shall decide at that time whether or not to continue the process detailed herein, or to eliminate the A.B.F.E. Design Committee and address the relevant issues via the standard municipal review process.

3. §175-14 is hereby amended as follows:

C. Exemption of Floodproofing Renovations. For purposes of floodproofing renovations, the Finish Floor Elevation of any existing residential structure may

be increased to current Ordinance requirements without Board action, provided that, in accordance with the Floodplain Management Requirements under F.E.M.A.'s National Flood Insurance Program, the area below the Finish Floor is not outfitted in any way for human habitation, and further provided that the use of any unfinished or flood-resistant enclosure below the Finish Floor is limited to the parking of vehicles, building access, or storage.

4. §175-25 General Design Standards is hereby amended as follows:

B. Design and Building Layout

(1) The design and layout of buildings and parking areas shall be aesthetically pleasing and provide for efficient arrangement. Particular attention shall be given to energy conservation, safety and fire protection and impact on surrounding development. Architectural design shall be compatible with the environmental and natural characteristics of the tract and, unless required by minimum Finish Floor regulations, the surrounding neighborhood.

(5) If several storefronts are to be located in one building or are to be developed on lots where zero lot lines are permitted or required, such storefronts shall be unified in overall design treatment, particularly as to the design of windows and door openings and the use of materials and colors. Unless otherwise required by the Construction Code, all storefronts shall include display windows with a sill height of not more than two feet from grade.

5. §175-26. Specific Design Standards is hereby amended as follows:

D. Landscaping

(1) A. Base Zoning: All residential lots shall have a minimum of 35% of the lot landscaped. All areas not occupied by buildings, parking areas, patios, walkways and/or any other impervious surface shall be suitably landscaped. No landscaping shall interfere with required sight triangles.

B. F.E.M.A. A.B.F.E. Overlay: Such 35% landscaping minimum may be reduced to the minimum extent required to accommodate stairs, steps, ADA-compliant ramps and related elements providing access to the first floor necessary to conform with Finish Floor requirements. In no case however, shall such percentage be lower than 30% of the lot. Until such time as this Ordinance is amended to conform with final F.I.R.M. mapping and related regulations, determination of "the extent required" shall be made by the A.B.F.E. Design Committee or the Planning Board, as the case may be, in accordance with section §175-10 herein.

(4) In all original construction or enlargement of detached housing, the following shall apply:

(a) Base Zoning:

(1) Lots with 40 feet or less frontage: A minimum of 24 shrubs, no less than 18 inches high, shall be planted on the grounds, and a minimum

of 50% of the shrubs shall be planted between the principal structure and the front property line.

(2) For each additional two feet of frontage over 40 feet, an additional shrub shall be required, of which a minimum of 50% of the total shrubs shall be planted between the principal structure and the front property line.

(3) For duplex units, 30 shrubs shall be planted, and for multifamily units a total of 40 shrubs shall be planted.

(b) F.E.M.A. A.B.F.E. Overlay: The plantings between the principal structure and the front property line detailed in subsections (a) & (b) herein may be reduced to the minimum extent required to accommodate stairs, steps, ADA-compliant ramps and related elements providing access to the first floor necessary to conform with Finish Floor requirements. Until such time as this Ordinance is amended to conform with final F.I.R.M. mapping and related regulations, determination of "the extent required" shall be made by the A.B.F.E. Design Committee or the Planning Board, as the case may be, in accordance with section §175-10 herein.

6. §175-29 B. is hereby amended to establish a "F.E.M.A. A.B.F.E. Overlay" to encompass the entirety of the City. The Margate Zoning Map is hereby amended to include such Overlay.

7. §175-29 is hereby amended to add a subsections I. and J. as follows:

I. Where specifically indicated in this Ordinance, development in the City of Margate may be undertaken either under what is termed Base Zoning or, at the discretion of the Applicant, under the F.E.M.A. A.B.F.E. Overlay. Development under Base Zoning represents minimum requirements while development under the F.E.M.A. A.B.F.E. Overlay represents a range of development options above Base Zoning, to maximums as indicated herein.

Where not expressly specified herein, development shall be assumed to be under Base Zoning.

The Base Zoning and F.E.M.A. A.B.F.E. Overlay regulations shall be revisited once F.E.M.A. has finalized and adopted new F.I.R.M. maps and regulations (anticipated in 2014).

J. Whether development is undertaken under Base Zoning or under the F.E.M.A. A.B.F.E. Overlay, all Applicants for Land Use Approvals and/or Building Permits shall be required to sign and submit a disclaimer, waiver certification, hold harmless or other similar document as may be developed by the City Solicitor, in favor of the City, acknowledging:

- At the time of the 2/2013 amendments to Chapter 175, new F.E.M.A. minimum standards for the elevation of construction had yet to be finalized;
- Base Zoning reflects F.E.M.A. regulations in effect as of 2/2013;

- the standards contained in the F.E.M.A. A.B.F.E. Overlay are based on F.E.M.A. Advisory mapping, which, at the time of the 2/2013 amendments to Chapter 175, had not been finalized and therefore are subject to change; and
- the City has used the best information available to it to provide owners / builders with guidance as to current F.E.M.A. requirements and advisory standards, but that development decisions are to be made by individual Applicants based on their own due diligence. As such, regardless of which standards are selected, Applicants are proceeding at their own risk.

8. §175-30 Supplementary Regulations is hereby amended as follows:

A. General

(6) This Chapter 175 shall be read in conjunction with City Code Chapter 145 (Flood Damage Prevention). Conflicting provisions between these two chapters related solely to Flood Prevention and related design and construction shall be resolved in favor of Chapter 145, as same may be amended from time to time.

C. Projections and Encroachments. Yards and courts required by this article shall be free of buildings, structures or parts thereof, except permitted accessory structures, and no building or structure shall project into any front, side or rear yard required by this article, nor shall use be made of such yard, except as follows:

(4) A. Base Zoning, projections by stairs to the first floor only, canopies, and fixed or operational awnings shall be limited to five feet, but in the front yard they may not extend closer than two feet behind the front property line.

B. F.E.M.A. A.B.F.E. Overlay, stairs, steps, ADA-compliant ramps and related elements providing access to the first floor only may project into any setback, up to but in no case beyond the property line.

(5) A. Base Zoning, balconies, single-story porches, second-story porches and decks of any kind must meet the principal building setback standards.

B. F.E.M.A. A.B.F.E. Overlay, stairs, steps, ADA-compliant ramps and related elements providing access to the first floor only may project into a yard in accordance with subsection (4) herein.

7. §175-32 Height Exceptions is hereby amended to add a new section E. as follows:

E. Height Exceptions for Residential Buildings. Schedule B-1 (175 Attachment 4) provides, in pertinent part, for specific building heights and roof pitch for residential buildings. Such regulations are designed to provide for appropriate building height and architecture based on required Finish Floor elevations.

F.E.M.A. Advisory Base Flood Elevations for the 1% flood event increase the minimum Finish Floor Elevation in certain parts of the City to a point where it may no longer be possible to create proper crawl spaces and still achieve the required height and/or roof pitch.

In order to alleviate the need for variance relief in such instances, F.F.E. for residential buildings developed under the F.E.M.A. A.B.F.E. Overlay, may be increased beyond A.B.F.E. minimums to the minimum extent necessary to achieve proper crawl space clearance. In such instances, Maximum Building Heights specified in the *Residential Height Regulating Map* may begin at the new, adjusted F.F.E.

Until such time as this Ordinance is amended to conform with final F.I.R.M. mapping and related regulations, determination of “minimum extent necessary to achieve proper crawl space clearance” shall be made by the A.B.F.E. Design Committee or the Planning Board, as the case may be, in accordance with section §175-10 herein.

8. §175-37 Nonconforming Uses, Structures and Lots is hereby amended as follows:

C. Alteration, Extension or Enlargement of Nonconforming Use or Structure.

- (1) A nonconforming use of any building, structure or land shall not be increased, enlarged, extended or changed in any manner whatsoever.
- (2) No building in which a nonconforming use exists shall be enlarged, extended or structurally altered in any manner; provided, however, that:
 - (a) Nothing herein shall prevent the repair and maintenance of any building wherein there exists a nonconforming use, provided that, such maintenance and repair does not in any way constitute or result in a further extension of a nonconforming use.
 - (b) Minor alterations and improvements which do not constitute or require structural changes may be made in or to a building wherein a nonconforming use exists, provided that such nonconforming use will not be increased, extended or enlarged thereby.
 - (c) Nothing herein shall prevent the strengthening or restoration to a safe and lawful condition of any part of any building which is nonconforming.
 - (d) The provisions of this subsection (2) notwithstanding, structural alterations intended solely to conform with A.B.F.E.-related changes in minimum Finish Floor Elevation shall not be considered an expansion of a nonconforming use or structure, and shall therefore be permitted without variance relief.
- (3) Base Zoning: Structural alterations, internal rearrangements and renovations may be made in a building or structure which is nonconforming because it fails to comply with height, area, yard, off-street parking or other like requirements of this article, other than use, so long as the structural alteration or increase, internal rearrangement or renovation does not extend or enlarge the nonconformance of said building or structure.

F.E.M.A. A.B.F.E. Overlay: Structural alterations intended solely to conform with A.B.F.E.-related changes in minimum Finish Floor Elevation, stairs,

steps, ADA-compliant ramps and related elements providing access to the first floor pursuant to §175-30C(4) and C(6), minimum landscaping requirements pursuant to §175-26 D(1) and D(4) and building height and roof pitch exceptions pursuant to §175-32 E and Schedule B-1 (175 Attachment 4) shall not be considered an expansion of a nonconforming use or structure, and shall therefore be permitted without variance relief under N.J.S.A. 55d-70(d-2).

F. Nonconforming improved lot. When an improved lot in a residential zone exists as a separate isolated lot under separate ownership and does not adjoin any vacant land or vacant lot of the same owner, and which said improved lot is nonconforming due to size, shape, area or setback, any existing residential building or structure on the lot may be further improved, provided that:

- (1) The number of dwelling units shall not be increased even if such increased number of dwelling units are allowed in the zone, unless approved by the Planning Board.
- (2) Any existing nonconforming setbacks from streets, side lot lines or rear lot lines shall not be made more nonconforming, including any vertical additions of any type, except that for construction under the F.E.M.A. A.B.F.E. Overlay, stairs, steps, ADA-compliant ramps and related elements providing access to the first floor may project into setbacks in accordance with §175-30 C(4) and C(6) herein, and further except that the building height / roof pitch exceptions of §175-32 E and Schedule B-1 (175 Attachment 4) shall be permitted without variance relief.

BE IT FURTHER ORDAINED:

1. Schedule B-1 (175 Attachment 4) is hereby amended as follows:

Schedule B-1 City of Margate Schedule of Standards Residential Standards								
	All One-and Two-Family Structures							MF*
	S-60	S-50	S-40	S-30	S-25	S-25 (H)	TF	
Minimum Lot Area (square feet)	6,000	5,000	4,000	3,000	2,500	2,500	3,200	4,400
Minimum Lot Width (feet)	50	50	50	40	40	40	40	40
Maximum Principal Building Coverage **	Lots of 5,000 + square feet: 30%							45%
	Lots between 3,000 square feet and 4,999 square feet: The principal building coverage may be increased on a sliding scale, enlarging the 30% by multiplying the number of square feet less than 5,000 by .00005 and converting the result into a percentage figure.							
	Lots less than 3,000 square feet: 40%							
Yards								
Minimum Front Yard	Prevailing setback within 200 feet in the same block. Eliminate the high and low values before the average is calculated.							
	Regardless of the average, minimum setback of at least 5 feet shall be provided.							

Schedule B-1 City of Margate Schedule of Standards Residential Standards								
	All One-and Two-Family Structures							MF*
	S-60	S-50	S-40	S-30	S-25	S-25 (H)	TF	
Minimum Rear Yard	20% of lot depth or 10 feet, whichever is greater.							Minimum rear yard landscape buffer: 10 feet
								Minimum rear yard: 20 feet
Minimum Side Yard	Lots with 60 feet or more of frontage: total side yards: 37% of total lot width; minimum 10 feet each							8 feet or 10 feet with driveway
	Lots with 50 feet to 59.99 feet of frontage: total side yards: 37% of total lot width; minimum: 8 feet							
	Lots with less than 50 feet of frontage: total side yards: 37% of total lot width; 5 feet minimum							
	Regardless of lot width, the maximum combined yard requirements shall not exceed 22 feet							
Maximum Height	See Residential Height Regulating Map. ¹ Any third-floor living space where the ceiling height is in excess of five feet shall be less than 50% of the floor area of the floor immediately below							2 habitable floors over parking or 2½ habitable floors without parking and 30 feet above Finish Floor.
Minimum Roof Pitch	5 on 12 required for roofs above the first floor level.							
Maximum Density	NA							1 unit / 2,200 square feet of lot area
Maximum FAR	NA							1.0
Landscaping								
Front Yard Landscape Requirements	<p>Base Zoning: No less than 60% of the front yard extending to the side property lines shall be landscaped with grass or other vegetative cover, shrubs and trees. This landscaped area shall not include parking, driveways, walkways, stones, wood, and any other non-vegetative cover or material.</p> <p>F.E.M.A. A.B.F.E. Overlay: Such 60% landscaping minimum may be reduced to the extent required to accommodate front access stairs necessary to conform with Finish Floor Elevation requirements. In no case however, shall such percentage be lower than 50% of the Front Yard. Until such time as this Ordinance is amended to conform with final F.I.R.M. mapping and related regulations, determination of "the extent required" shall be made by the A.B.F.E. Design Committee in accordance with section §175-10 herein.</p>							

Schedule B-1 City of Margate Schedule of Standards Residential Standards								
	All One-and Two-Family Structures							MF*
	S-60	S-50	S-40	S-30	S-25	S-25 (H)	TF	
Minimum Total Landscaping Coverage	<p>Base Zoning: No less than 35% of any residential lot shall be covered by grass or other vegetative ground cover. Areas under building projections, and cantilevers, except roof overhangs, shall not be counted toward meeting the landscape requirements.</p> <p>F.E.M.A. A.B.F.E. Overlay: Such 35% landscaping minimum may be reduced to the extent required to accommodate front access stairs necessary to conform with Finish Floor Elevation requirements. In no case however, shall such percentage be lower than 30% of the lot. Until such time as this Ordinance is amended to conform with final F.I.R.M. mapping and related regulations, determination of "the extent required" shall be made by the A.B.F.E. Design Committee in accordance with section §175-10 herein. Areas under projections permitted by §175-30C(4) and C(6) shall not be counted toward meeting the landscape requirements.</p>							
Minimum Distance between External Walls of Principal Buildings	Side yards shall be provided so as to maximize the distance between buildings on adjacent lots; however, in no case shall the distance between the external walls of principal buildings be less than 10 feet.							NA

NOTES:

* Regardless of zone, the table to the left shall apply to the development of any single-family or two-family home in the City of Margate.

**No floor area of any building shall exceed the maximum area allowed by the principal building coverage limitation; in the case of nonconforming second floors, the half-story calculation shall be based on the maximum second floor which would be permitted by principal building coverage.

¹ Editor's Note: The Margate Single-Family and Two-Family Residential Height Regulating Map is on file in the City offices.

2. Schedule B-2 (175 Attachment 4) is hereby amended as follows:

Schedule B-2 City of Margate Schedule of Standards Nonresidential Standards**						
	CBD	C-1*	C-2*	WSD*	GO	R
Minimum Lot Area (square feet)	4,000	4,000	4,000	4,400	4 acres	5,000
Minimum lot width (feet)	50	50	50	50	-	50
Maximum Principal Building Coverage (%)	60	60	50	50	-	-
Yards						
Minimum Front (feet)	0	Prevailing setback within 200 feet in same block or 10 feet minimum	10	Prevailing setback within 200 feet in same block or 10 feet minimum	-	-
Minimum Rear (feet)	5	5	7	10	-	-

Schedule B-2 City of Margate Schedule of Standards Nonresidential Standards**						
	CBD	C-1*	C-2*	WSD*	GO	R
Minimum Side (feet)						
Each	0	3	5	8	-	-
Combined		10	12½	20		
Maximum Height***	34 feet above curb or 30 feet above Finish Floor, whichever is greater					

NOTES:

* Residential projects in the C and WSD Zones shall comply with the MF standards. Mixed-use projects shall comply with the MF density standards and all other applicable standards in the C Zone.

** Regardless of zone, any single-family or two-family home in the City shall comply with Schedule B1A.

*** Except where otherwise required by the Construction Code, in zones requiring ground floor commercial uses, the finished first floor of any such building shall be located within one foot of grade inside the sidewalk line.

- The Legend for the *Single Family and Two Family Residential Height Regulating Map*, last revised May 2008, is hereby revised as follows:

LEGEND

Finish Floor Elevation = A.B.F.E. + 1' (N.A.V.D. 1988) for FEMA 'A' Zones
A.B.F.E. + 2' (N.A.V.D. 1988) for FEMA 'V' Zones

No
Change

Height Zone A:

Base Zoning: Maximum Height: 28' above 11' over Mean Sea Level; however, when average curb elevation is 8' or greater over Mean Sea Level, the maximum height shall be 28' above average curb elevation plus 3'. Dormers are permitted; however, they shall be limited to 15% of the 3rd floor habitable floor area.

F.E.M.A. Height Zone A: Maximum Height: 28' above Finish Floor Elevation as defined herein. Dormers are permitted; however, they shall be limited to 15% of the 3rd floor habitable floor area.
A.B.F.E.
Overlay:

No
Change

Height Zone B:

Base Zoning: Maximum – 2.5 habitable floors, 2.5 stories total. Maximum Height: 28' above 11' over Mean Sea Level or 32' above curb, whichever is greater.

F.E.M.A. Maximum – 2.5 habitable floors, 2.5 stories total. Maximum
A.B.F.E. Height: 28' above Finish Floor Elevation as defined herein.
Overlay:

No
Change

Height Zone C:

Base Zoning: Maximum – 2.5 habitable floors, 2.5 stories total. Maximum Height: 30' above 11' over Mean Sea Level or 34' above curb, whichever is greater.

F.E.M.A. Maximum – 2.5 habitable floors, 2.5 stories total. Maximum
A.B.F.E. Height: 30' above Finish Floor Elevation as defined herein.
Overlay:

No
Change

Height Zone D:

Base Zoning: Maximum Height: 25' above 11' over Mean Sea Level. Maximum – 2 habitable floors, 2 stories total. Minimum roof pitch requirements shall not apply. Habitable attics, as per NJUCC 206, International Residential Code, NJ Edition, shall not be permitted.

F.E.M.A. Maximum Height: 25' above Finish Floor Elevation as defined A.B.F.E. herein. Maximum – 2 habitable floors, 2 stories total. Minimum Overlay: roof pitch requirements shall not apply. Habitable attics, as per NJUCC 206, International Residential Code, NJ Edition, shall not be permitted.

4. An Elevation Certification, prepared by a New Jersey Licensed Land Surveyor, is required at time of Foundation Inspection and prior to Final Inspection in order to certify that Finish Floor Elevation meets or exceeds Ordinance requirements. In order to conform with F.E.M.A. protocols, Elevation Certifications submitted after March 1, 2013 shall be in N.A.V.D. 1988. Elevation Certifications dated prior to March 1, 2013 in N.G.V.D. 1929 shall be accompanied by a letter, survey or other appropriate certification, signed and sealed by a New Jersey Licensed Land Surveyor, containing a calculated conversion to N.A.V.D. 1988.
5. In order to conform with F.E.M.A. protocols, all checklist and related submission requirements for applications under this Chapter 175 are herewith amended to required Surveys, Elevation Certifications and other related documentation submitted after March 1, 2013 shall be in N.A.V.D. 1988. Elevation Certifications dated prior to March 1, 2013 in N.G.V.D. 1929 shall be accompanied by a letter, survey or other appropriate certification, signed and sealed by a New Jersey Licensed Land Surveyor, containing a calculated conversion to N.A.V.D. 1988.

BE IT FURTHER ORDAINED:

1. All ordinances or parts of ordinances inconsistent with any terms of this ordinance are hereby repealed to the extent of such inconsistency only.
2. This ordinance shall take effect upon its final passage and publication as required by law.

Board of Commissioners of the City of Margate City, NJ

Introduction: _____

Enactment: _____